

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 954/2019

**In the matter of:**

Ajit Narayan

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

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Filed by:

(Delhi Pollution Control Committee)

Respondent

New Delhi:

Dated: 27.01.2023

1

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Ajit Narayan

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Govt. of NCT of Delhi

...Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION  
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED  
08.12.2021.**

1. That this Hon'ble Tribunal took up the above referred matter on 01.11.2019 and was pleased to direct the Deputy Commissioner (North) and DPCC to take action against illegal running of welding by Shyam Welding Works engaged in sheet cutting for making house windows and shutting of steel material and grinding in residential area at DDA Market, Sector 1, Rohini, Delhi-110085.
2. That an inspection of the site was carried out on 24.12.2021 of the site. During the inspection no welding work was observed in the premises. However, "Munna The Vaishno Dhaba" was being operating on the same premises. Copy of the inspection report is enclosed herewith as ANNEURE-1 and 2. Following deficiencies were found during the inspection:
  - a. Unit found operating in the activity of Restaurant (with 8 persons seating capacity)/ Take away without having valid consent from DPCC.
  - b. Oil and Grease Trap was not installed.
  - c. Hood and Suction arrangement is not provided.



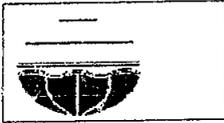
3. That, DPCC issued show cause notice on 18.02.2022 for Environmental Damages Compensation to "Munna The Vaishno Dhaba" for imposing of EDC of Rs. 25,000/- and closure of the unit due to the deficiencies found during the inspection.
4. That the dhaba owner not submitted any response to the show cause notices, so both the show cause notices were confirmed vide direction dated 25.04.2022. Copies of the direction dated 25.04.2022 are enclosed herewith as ANNEXUE-3 (Colly).
5. That, Delhi Jal Board vide its letter dated 21.05.2022 provided compliance report to DPCC w.r.t direction of DPCC dated 25.04.2022. Copy of the compliance report of Delhi Jal Board is enclosed herewith as ANNEXUE-4.
6. That, Dhaba owner submitted the EDC to DPCC and asked time of 60 days for compliance of provisions of the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and submission of Consent application to DPCC. As and when compliance received from the Dhaba owner, further action will be initiated.

The present action taken report may kindly be taken on record.



(Satender Kumar)  
Sr. Environmental Engineer

Dated:- 27/1/23  
Place:- Delhi



Inspection Report

Annexure-1

1.	Name & Address of the Unit	:	M/s <u>Shyam Welding Works</u> <u>DDA Market, near Natlip</u> <u>Ice Cream Factory Sector-1</u> <u>Rohini, Delhi - 85</u>
2.	Owner/ Partner's Name & Contact Details(Phone & E-mail)	:	.....
3.	Date of Inspection	:	<u>24/12/21</u>
4.	Time of inspection Start of Inspection	:	<u>1:00 PM</u>
	End of Inspection	:	.....
5.	Name & Designation of the Persons contacted at the industry	:	.....
6.	Kind of Industry	:	.....
7.	Product & Capacity	:	.....
8.	Main Raw Materials	:	.....
9.	Water Polluting	:	Yes/No          ETP Installed : Yes/No
10.	Air Pollution	:	Yes/No          ECS Installed : Yes/No
11.	Details of Stack Height (Furnace/Boilers/Others)	:	(Above G.L.)..... (Above R.L.).....
12.	Type of Fuel Used	:	.....
13.	A. Source of Water Supply	:	DJB/NDMC/DSHDC/Borewell/Tankers/Others
	B. Effluent Discharge	:	(a) Domestic/ Trade Effluent
		:	(b) Unit connected to Conveyance System: Yes/No
		:	(c) Discharging into.....
14.	Status of Consent {If Any}	:	.....
15.	D.G. Set(s) {if Any}	:	No....Capacity..... KVA. Acoustic: Yes/No
		:	Stack Height..... (Above G.L.)..... (Above R.L.)
16.	Plot Area	:	.....
17.	Labour	:	.....
18.	Machinery	:	.....

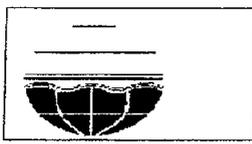
- 19. Detail of Power Connection : \_\_\_\_\_
- 20. Whether Unit found in Operation : Yes/No
- 21. Status of Registration under Plastic Waste Management Rules, 2016 : \_\_\_\_\_
- 22. Whether Generating Hazardous Waste : Yes/No
- 23. Details about Hazardous Waste :
  - (a) Status of Authorization {if any} : \_\_\_\_\_
  - (b) Display Board Provided : Yes/No
  - (c) Whether Hazardous Waste is stored in Leak proof container : Yes/No
  - (d) Whether container marked with specified label : Yes/No
  - (e) Whether container stored kept in an isolated area : Yes/No
  - (f) Whether Hazardous Waste is being stored on pucca floor & in covered area : Yes/No
  - (g) Whether date on which storage began indicated on each container : Yes/No
  - (h) Whether daily record of Hazardous Waste maintained in Form-3 : Yes/No
  - (i) Category of Hazardous Waste as per the Schedules I,II and III of these rules : \_\_\_\_\_
  - (j) Authorized mode of disposal or recycling or utilization or co-processing etc. : \_\_\_\_\_
  - (k) Quantity (Ton/Annum) : \_\_\_\_\_

Remarks (if Any)

\* During inspection no welding work was observed in the premises. Mumma The Vaishno dhaba was operating the same premises instead.

*Deepankar Singh*  
24/12/21

Signatures, Name & Designation of inspecting officials



**Inspection Report**

*Annexure-2*

Unique Computer Generated Id.....

1. Name & Address of the Unit : M/s *Munna ~~DBA~~ <sup>The</sup> Vaishno Dhaba*  
*Avantika Sec - 1 Rohini*  
*Delhi*
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) : *Sh Munna (9911364742)*
3. Date of Inspection : *24/12/21*
4. Time of inspection  
 Start of Inspection : *12:50 PM*  
 End of Inspection : *1:00 PM*
5. Name & Designation of the Persons contacted at the industry : *Munna (9911364742)*
6. Kind of Industry : *Restaurant / Take away*
7. Product & Capacity : *08 seating*
8. Main Raw Materials : *All eatables*
9. Water Polluting :  Yes/No *OUT -> Not Installed*  
 ETP Installed : Yes/No
10. Air Pollution :  Yes/No *✓*  
 ECS Installed : Yes/No
11. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.)..... (Above R.L.).....
12. Type of Fuel Used : *LPG*
13. A. Source of Water Supply : DJB/NDMC/DSIIDC/Borewell/Tankers/Others  
 B. Effluent Discharge : (a) Domestic/ Trade Effluent *✓*  
 (b) Unit connected to Conveyance System: Yes/No *✓*  
 (c) Discharging into..... *sewer*
14. Status of Consent {If Any} : *No consent*
15. D.G. Set(s) {if Any} : No.....Capacity.....KVA. Acoustic: Yes/No  
 Stack Height.....(Above G.L.).....(Above RL)
16. Plot Area : *100 m<sup>2</sup>*
17. Labour : *05*
18. Machinery : *Tandem - 01*  
*Burner - 05*

19.	Detail of Power Connection	:	.....
20.	Whether Unit found in Operation	:	Yes/No
21.	Status of Registration under Plastic Waste Management Rules, 2016	:	.....
22.	Whether Generating Hazardous Waste	:	Yes/No
23.	<u>Details about Hazardous Waste</u>	:	
(a)	Status of Authorization {if any}	:	.....
(b)	Display Board Provided	:	Yes/No
(c)	Whether Hazardous Waste is stored in Leak proof container	:	Yes/No
(d)	Whether container marked with specified label	:	Yes/No
(e)	Whether container stored kept in an isolated area	:	Yes/No
(f)	Whether Hazardous Waste is being stored on pucca floor & in covered area	:	Yes/No
(g)	Whether date on which storage began indicated on each container	:	Yes/No
(h)	Whether daily record of Hazardous Waste maintained in Form-3	:	Yes/No
(i)	Category of Hazardous Waste as per the Schedules I,II and III of these rules	:	
(j)	Authorized mode of disposal or recycling or utilization or co-processing etc.	:	
(k)	Quantity (Ton/Annum)	:	
	Remarks (if Any)		

} NA

\* During inspection unit found operational and engaged in the activity of restaurant ~~and~~ Take away .

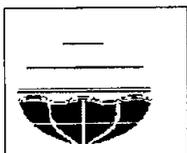
\* No valid DPCC consent .

\* OAT not installed .

\* Hood and channelisation not installed .

*[Handwritten signature]*

Deepanshu Puri  
24/12/21



**DELHI POLLUTION CONTROL COMMITTEE**  
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6  
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-III/2022

80-85

Dated: 25/04/2022

**Subject: Directions for closure u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974, as amended to date.**

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981 vide notification no. GSR 106 (E) dated 20.02.1987.

And whereas, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrial plant in air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the DPCC shall establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, you **Shri Munna, Munna The Vaishno Dhaba Avantika Sector-1, Rohini, Delhi-110085** (herein after referred as addressee) found operating and engaged in the activity of Restaurant/Take away.

And whereas, an inspection of your unit was conducted by the officials of DPCC on 24.12.2021 and the observations/deficiencies found during inspection are as follows:

1. Unit found operating in the activity of Restaurant/Take Away without having valid consent from DPCC.
2. Oil and Grease Trap was not installed.
3. Hood and Suction arrangement is not provided.

And whereas, Show Cause Notices were issued to you on 18.02.2022 for imposing Environmental Damage Compensation of **Rs. 25,000/- (Rs. Twenty Five Thousands only)** and for closure u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

And whereas, you (the addressee) have not submitted any reply to the said Show Cause Notices till date.

And whereas, your case was taken up by the Competent Authority in Delhi Pollution Control Committee and decided to issue Directions for closure u/s 33(A) of Water (Prevention and Control of Pollution) Act, 1974 and u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 as amended to date.

Now therefore in exercise of powers conferred upon it, under the provisions of said acts as amended to date, hereby issue the following directions:

- That you (the addressee) shall close all operation of the said unit with immediate effect.
- That the concerned authority in Tata Power Delhi Distribution Limited (TPDDL) shall disconnect the electricity/power supply of the said unit and cancel the permission of DG set (if any) of the said unit with immediate effect.

- That the concerned authority in DJB shall disconnect the water supply connection of the said unit with immediate effect.
- That the concerned SDM shall close the said unit with immediate effect.
- That the concerned authority in MCD shall cancel the permission/license for the operation of the said unit (if any) with immediate effect.

You shall be liable for penal action under the provisions of the u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 and u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date in case of violation of above said directions.

This is being issued as per the approval of the Competent Authority of Delhi Pollution Control Committee.

  
SEE, CMC - III

To,  
Shri Munna,  
Munna The Vaishno Dhaba  
Avantika Sector-1, Rohini,  
Delhi-110085

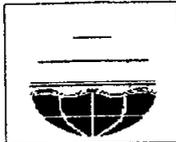
**Copy for necessary compliance to:**

1. The General Manager (Commercial), Tata Power Delhi distribution Limited, Cencare Building Opposite C-2 Block Near Keshav Mahavidyalaya, Lawrence Road Keshav Puram, Delhi, 110035 – with directions to disconnect the electricity/power supply of the said unit with immediate effect & send the compliance report to this office within 15 days.
2. The Member (Water), Delhi Jal Board, Varunalaya Phase-II, Jhandewalan, New Delhi-110055 with directions to disconnect water supply connection to said unit (if any) with immediate effect & send the compliance report to this office within 15 days of issuance of these directions.
3. The Deputy Commissioner, NDMC, Office of Deputy Commissioner, A-1, Block, Keshav Puram, Delhi-110035 –with directions to cancel the permission/license for the operation of said unit (if any) with immediate effect& send the compliance report to this office within 15 days.
4. The Sub Divisional Magistrate (Rohini) DC office complex Kanjhawala, Delhi-110081- to ensure the effective closure of the Addressee with immediate effect and send the compliance report within 15 days.
5. Master File (CMC-III).

  
EE, CMC - III

o/c

By Speed Post



**DELHI POLLUTION CONTROL COMMITTEE**  
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6  
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-III/2022

86-87

Dated: 25/04/2022

**Subject: Directions for Environmental Damages Compensation u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date.**

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And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the DPCC shall establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or operate any industrial plant in air pollution control area.

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And whereas, you (the addressee) have neither submitted any reply to the said Show Cause Notices nor deposited aforementioned EDC till date.

Cont..

Now therefore the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date, has decided and keeping in view the 'Polluter Pays' Principle to issue the following directions:-

1. That you ~~are~~ directed to deposit the Environmental Compensation of Rs. 25,000/- (Rs. Twenty Five Thousands only) within 15 days of issuance of these directions.

This is being issued as per the approval of Competent Authority, DPCC.

  
SEE, CMC-III

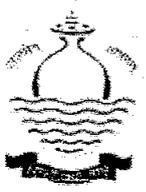
To,

**Shri Munna,  
Munna The Vaishno Dhaba  
Avantika Sector-1, Rohini,  
Delhi-110085**

Copy to: Master File (CMC-III).

o/c

Annexure-4



**DELHI JAL BOARD: GOVT. OF N.C.T. OF DELHI**  
**OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER (M)-6**  
**AVANTIKA OHT, SECTOR-01, ROHINI, DELHI-110085**  
**PH: 27514613: Email- shivchauhan1964@gmail.com**



**"STOP CORONA; Wear Mask, Follow Physical distancing, Maintain Hand Hygiene"**

No: - DJB/AEE (M)-6/2022/135-138

Dated- 21/05/2022

To,  
SEE (CMC)-III, DPCC,  
Deptt of Environment,  
4<sup>th</sup> Floor, ISBT Building,  
Kashmere Gate, Delhi-06.

*226 / 25/5/2022*

Delhi Pollution Control Committee
Dairy No..... <i>116632</i>
24 MAY 2022
..... <i>CMC-3</i> .....
Sign. of Receiving Officer

Sub: Direction for closure u/s 33 (A) of the water (Prevention & control of Pollution ) Act, 1974.

Ref: - F.No- DPCC/CMC-III/2022/80-85, Dated- 25/04/2022.

Sir,

In reference to your above-mentioned letter, it is informed that the water supply connection at Munna The Vaishno Dhaba, Avantika, Sector-1, Rohini, Delhi-110085 has been disconnected.

Submitted for kind information Please.

Sd/-  
Assistant Executive Engineer (M)-6

- Copy to: -
1. The Member (water): for kind information pl.
  2. ACE (M)-3
  3. Office Copy

Assistant Executive Engineer (M)-6  
  
**S. L. CHAUHAN**  
 AEE (M)-6

*25.5.22*  
*keep in file*  
 JEE-2  
*25.5*