

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

Original Application No. 232/2022

In the matter of:

Gautam Nagar Residents Association Regd. ...Applicant

Versus

Commissioner SDMC & Ors. ...Respondents

NDOH: 20.05.2022

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Filed by:


(Ajeeta Dayal Agrawal)
Sr. Environmental Engineer

New Delhi:

Dated: 18.05.2022

(1)

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PRINCIPAL BENCH, NEW DELHI
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**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
08.04.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 08.04.2022 and was pleased to constitute a joint Committee comprising Delhi Pollution Control Committee (DPCC) and District Magistrate, (South Delhi). The DPCC was made the nodal agency for coordination and compliance.
2. That the grievance in this OA is related to permission by South Delhi Municipal Corporation for installation of mobile tower in Sadbhawna Park, Opposite Gulmohar Enclave, Gautam Nagar.
3. That in compliance to the above mentioned orders, a Joint Committee comprising officials of DPCC & District Magistrate (South) office, inspected the site regarding construction/ installation of Mobile Tower in the park on 13.05.2022. The team observed that a Mobile Tower by

M/s Indus Company is installed in the park of SDMC. As no one from the M/s Indus Company was present on the site, the official of the company was contacted over phone and was directed to provide copy of the necessary permission of SDMC for installation of Mobile Tower.

A copy of Joint Inspection report alongwith photographs is enclosed herewith as Annexure-I.

4. That DPCC, on 15/05/2022 has asked SDMC to specify its policy for installation of mobile towers in parks and the status of the parks/ site in question regarding permissibility of mobile tower here. Copy of the email dated 15.05.2022 is annexed herewith as Annexure-II. The, reply from SDMC is still awaited.
5. That this Hon'ble Tribunal in OA Number 61 of 2012 titled as, "Dr. Arvind Gupta & others Versus Union of India and others" vide judgment dated 10.12.2015 categorically hold that:

33. In view of the above discussion, we are of the considered view that radiation i.e. emission of electromagnetic waves from the towers constructed by the respective respondents does not fall within the ambit, scope and jurisdiction vested in this Tribunal under the provisions of the NGT Act with reference Environment (Protection) Act, 1986.

6. That, the answering respondent vide its letter dated 17.05.2022 forwarded the present Original Application to the South Delhi Municipal Corporation and Department of Telecommunications, Ministry of Communications, Government of India for taking further

necessary action under intimation to this Office. Copy of the letter dated 17.05.2022 is enclosed herewith as **Annexure-III**.

7. In view of the above it is most respectfully submitted that suitable direction be issued to South Delhi Municipal Corporation and Department of Telecommunications, to take necessary action on the complaint of the applicant.

The present status report may kindly be taken on record.


(Ajeeta Dayal Agrawal)
Sr. Environmental Engineer

JONIT INSPECTION REPORT

Annexure-I (4)

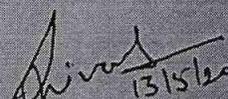
The Incharge, (CMC-II), Delhi Pollution Control Committee vide letter No. DPCC/CMC-II/NGT/OA-232/2022/1119 dated 11/05/2022 has informed that in compliance to the order of Hon'ble NGT passed in OA No. 232/2022 (IA No. 73/2022) titled "Gautam Nagar Resident Welfare Association Regd. Vs Commissioner, SDMC & Ors" a joint inspection is proposed on 13/05/2022 at 11:30 AM (meeting point at SDM Hauz Khas Office) by the representatives of DPCC & District Magistrate (South) and has requested to depute suitable officers to participate in the joint inspection, for details may contact Mrs. Ajeeta Dayal Aggarwal, Sr. Env. Engineer (9717593511) or Mr. K. Kumar, Env. Engineer (9717593539).

In pursuance to above, for joint inspection following officers/officials have attended the proceedings on 13/05/2022 at 12:00 Noon at the site i.e. Sadhbhawana Park, Opposite Gulmohar Enclave, Gate No. 4, Gautam Nagar, Ward No. 62/S, New Delhi :-

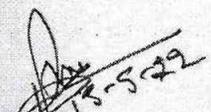
1. Sh. K. Kumar, Env. Engineer, DPCC.
2. Sh. Shivansh Verma, Trainee Engineer, DPCC.
3. Sh. Sanjeev Kumar, Field Kanungo, O/o SDM (Hauz Khas).
4. Sh. Parvinder Tomar, Halqa Patwari, O/o SDM (Hauz Khas).

At the outset in the presence of above mentioned officers/officials joint inspection is carried out and it has observed that a Mobile Tower of Indus Company is installed in the park of SDMC (Horticulture) measuring about 3500 Sq. Yards. Sh. Naresh Sharma (contact person of the company) is contacted over phone and he is directed to provide necessary permission of SDMC for installation of Mobile Tower. Local residents of the area namely Sh. Satpal, Sh. Bhanu Prashad and Sh. Preetam Singh and others are present at the site and they have expressed their problem/concern to the joint inspection team regarding evening/morning walk and other public related activities. Details of permission with respect to installation of Mobile Tower in the park may be asked from SDMC. Photographs relating to Joint Inspection are enclosed.

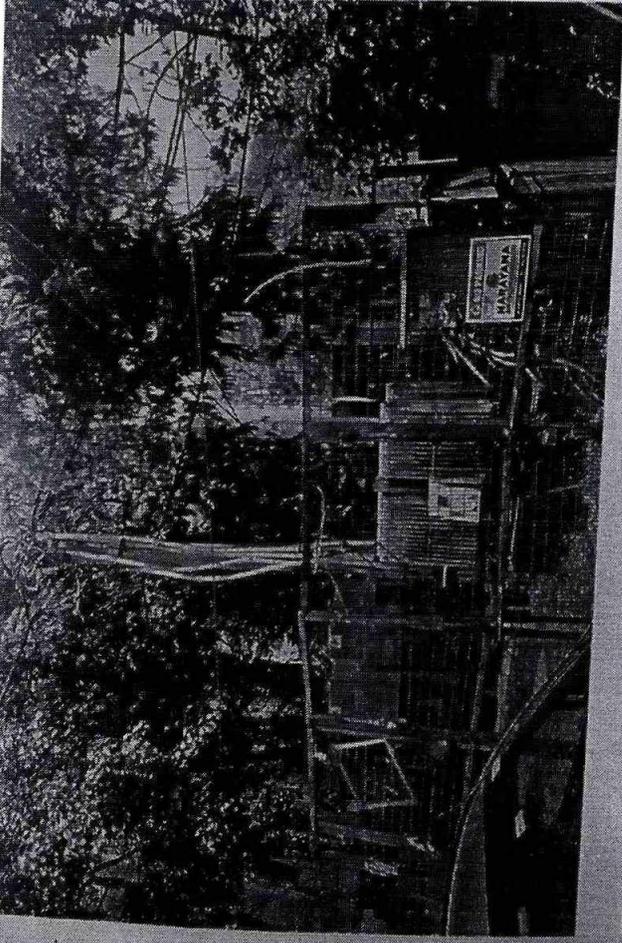
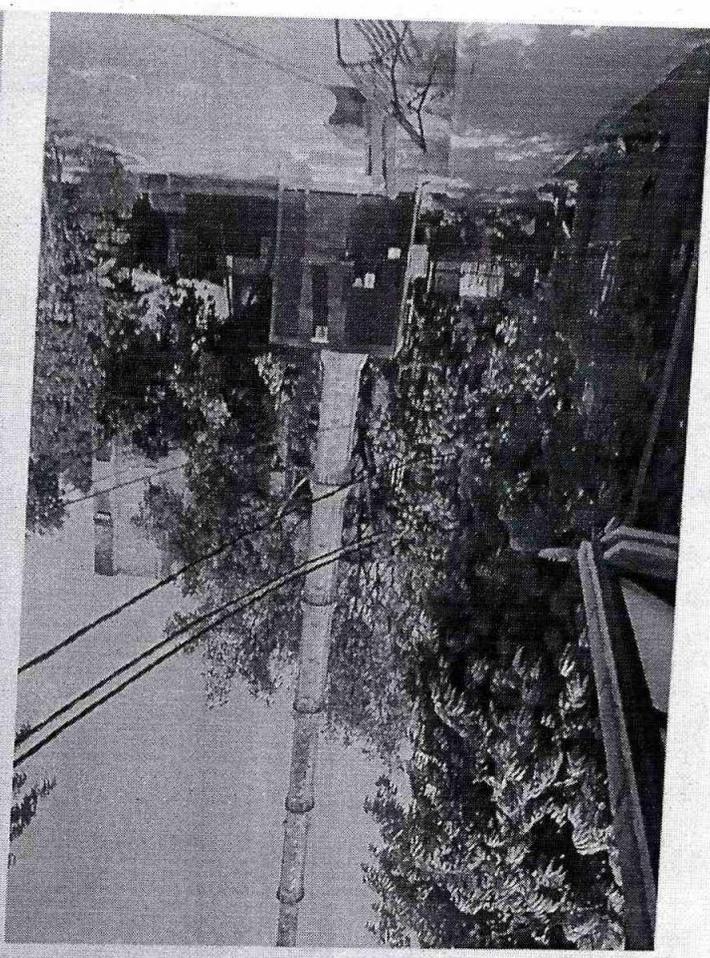
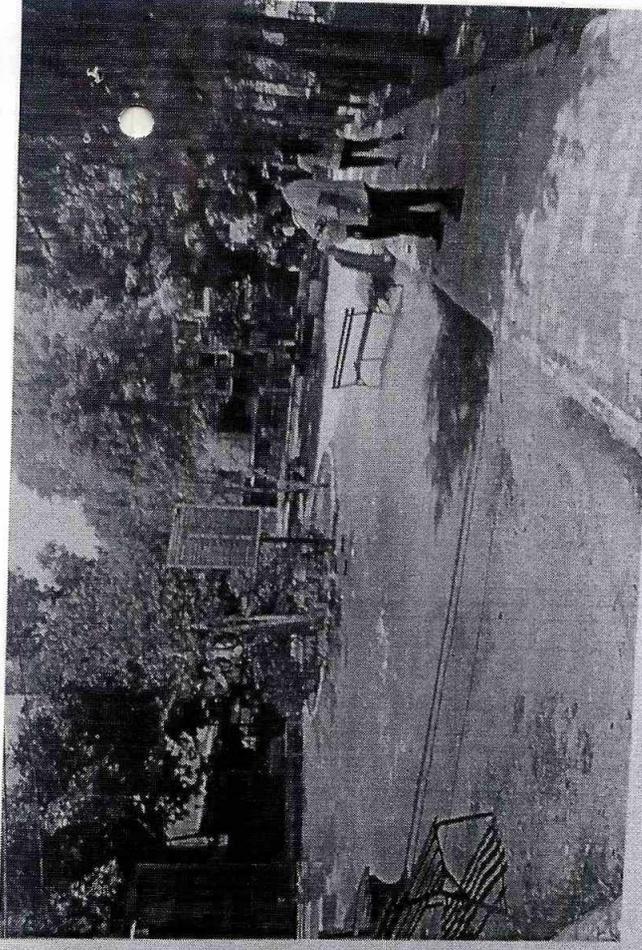

13/5/22
(K. Kumar)
Env. Engineer
DPCC


13/5/2022
(Shivansh Verma)
Trainee Engineer
DPCC


13/5/2022
(Sanjeev Kumar)
Field Kanungo
O/o SDM (HK)


13-5-22
(Parvinder Tomar)
Halqa Patwari
O/o SDM (HK)

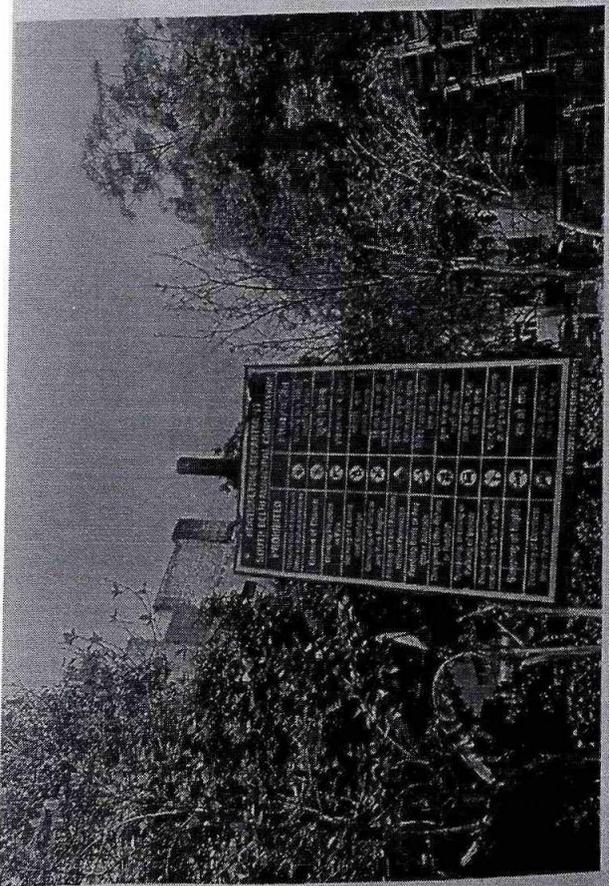
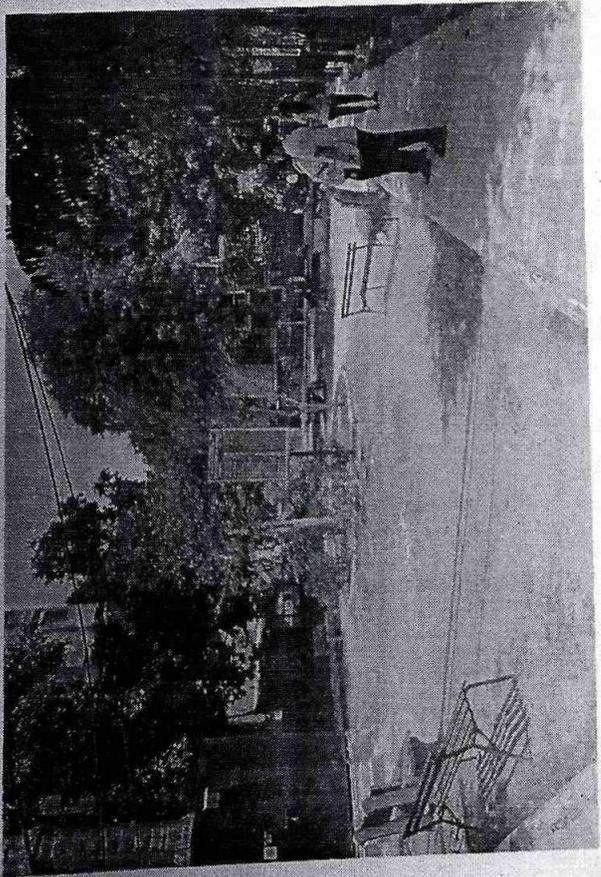
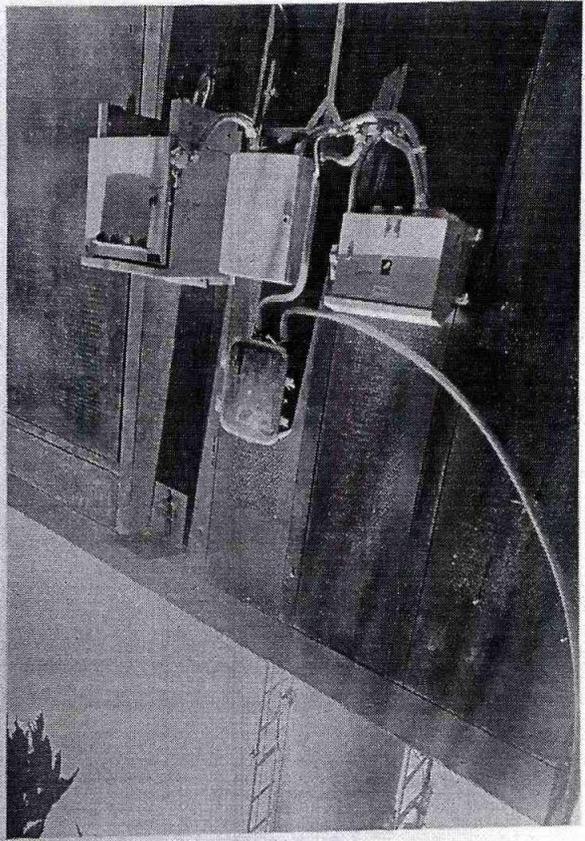
5



SOUTH DELHI MUNICIPAL CORPORATION
 (OFFICE OF DEPUTY COMMISSIONER R.P. CELL)
 (AUTHORIZED COW/GBM SITE)

NAME OF SERVICE PROVIDER	INDUS TOWERS LIMITED
NAME OF SITE	GRUTAM NAGAR
LATITUDE	
LONGITUDE	565
PERMISSION NUMBER AND DATE	91769033
CONTACT NO. OF SERVICE PROVIDER	

6



Fw: Most urgent :- Orders of Hon'ble NGT dated 08.04.2022 in OA No. 232/2022 (IA No. 73/2022) titled "Gautam Nagar Residents Association Regd. Vs Commissioner, SDMC & Ors."

2 messages

ajeeta aggrawal <ajeeta1@yahoo.com>
To: Dinesh Jindal <jindaldineshdpc@gmail.com>

18 May 2022 at 02:18

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Sunday, May 15, 2022, 17:58, DPCC (CMC-2) <dpcc.cmc2@gmail.com> wrote:

This is with reference to orders of Hon'ble NGT dated 08.04.2022 in OA No. 232/2022 (IA No. 73/2022) titled "Gautam Nagar Residents Association Regd. Vs Commissioner, SDMC & Ors." regarding construction of a mobile tower in Sadhbhawana Park, Opposite Gulmohar Enclave Gate No. 4, Gautam Nagar, Ward No. 62/S, New Delhi. Copy of the said orders is attached.

As per the directions of Hon'ble NGT, a joint inspection was conducted on 13.05.2022 by a Committee comprising representatives of DPCC & District Magistrate (South) office. The Committee visited the site i.e. Sadhbhawana Park, Opposite Gulmohar Enclave, Gate No. 4, Gautam Nagar, Ward No. 62/S, New Delhi and it was observed that a Mobile Tower of Indus Company is installed in the park of SDMC (Horticulture) measuring about 3500 Sq. Yards. Sh. Naresh Sharma (contact person of the company) is contacted over phone and he is directed to provide necessary permission of SDMC for installation of Mobile Tower. Local residents were also contacted and they have expressed their problem/concern to the joint inspection team regarding evening/morning walk and other public related activities.

Now, in view of above said NGT orders, following informations in r/o Sadhbhawana Park, Opposite Gulmohar Enclave, Gate No. 4, Gautam Nagar, Ward No. 62/S, New Delhi are required:-

1. The status of aforementioned park.
2. Whether aforementioned park can be used for installation of Mobile Tower.
3. Policy for installation of Mobile Tower in the park.

Kindly provide the above informations urgently by 18.05.2022 for submission of ATR before Hon'ble NGT.

NDOH: 20.05.2022.

Regards,

(Ajeeta Dayal Agrawal)
Incharge (CMC-2)
Delhi Pollution Control Committee,
GNCTD,
Mob.9717593511

 **OA no 232.pdf**
834K

ajeeta aggrawal <ajeeta1@yahoo.com>
To: Dinesh Jindal <jindaldineshdpc@gmail.com>

18 May 2022 at 02:19

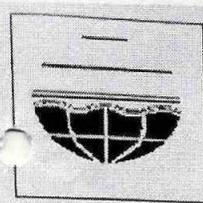
Sent from Yahoo Mail for iPhone

Begin forwarded message:

[Quoted text hidden]

[Quoted text hidden]

 **OA no 232.pdf**
834K



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06

visit us at : <http://dpcc.delhigovt.nic.in>

F.No.DPCC/CMC-II/NGT/OA-232/2022/ 17 20

Dated: 17/05/22

To,

The Dy. Commissioner (South Zone),
South Delhi Municipal Corporation,
Sri Aurobindo Marg, Block A, Green Park Extension,
Green Park, New Delhi, Delhi 110016

Annexure - III

Sub:- OA No. 232/2022 (IA No. 73/2022) titled "Gautam Nagar Residents Association Regd. Vs Commissioner, SDMC & Ors."

Sir,

Please find attached herewith the petition filed by Gautam Nagar Residents Association Regd before Hon'ble NGT in OA No. 232/2022 (IA No. 73/2022) titled "Gautam Nagar Residents Association Regd. Vs Commissioner, SDMC & Ors." regarding construction of a mobile tower in Sadhbhawna Park, Opposite Gulmohar Enclave Gate No. 4, Gautam Nagar, Ward No. 62/S, New Delhi.

Since the matters pertains to you, you are requested to kindly treat this petition as a grievance and take necessary action at your end under intimation to this department.

Yours sincerely,

Encl; As above

Ajeeta
(Ajeeta Dayal Agrawal)
Incharge, (CMC-II)