

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

ORIGINAL APPLICATION NO.318 OF 2019

IN THE MATTER OF:

Randhir Singh Dabas & Ors ...APPLICANT

VERSUS

Govt. of NCT of Delhi. ...RESPONDENTS

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New Delhi
Dated: 16/10/2019

(Dr. Chandra Prakash)
Incharge, CMC-II
Delhi Pollution Control Committee

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

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IN THE MATTER OF:

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ACTION TAKEN REPORT ON BEHALF OF DPCC

1. That in the above captioned matter, the Hon'ble Tribunal vide order dated 06.05.2019 directed the answering respondent/DPCC as follows:

"Grievance in this ,which has been treated as an application , is against illegal operation of a party hall , using liquor without permission , operating DJ system causing noise pollution, dumping waste adversely affecting public health and illegal parking at Kansal Angna Party Lounge, Gehlaan Apartment , Opposite NSIT, Mohit Nagar Delhi-110078

Let the Delhi Pollution Control Committee (DPCC) look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report to this Tribunal within two months from the date of receipt of copy of this order by e-mail at ngt.filing@gmail.com".

2. That as per the directions of Hon'ble NGT vide its order dated 06.05.2019, an inspection of the above said unit was carried out by the officials of Delhi Pollution Control Committee(DPCC) on 29.05.2019 and DPCC observed following while inspection::

(a) During inspection unit was found operational and engaged in the activity of Party Hall & Lawn.

(b) It was also observed that no STP plant has been installed in the premises for treatment of waste water generated from the unit and the unit was discharging the untreated waste water in the drain.

(c) No consent has been obtained by the Unit from DPCC(CTO&CTE)

(d) Unit is not complying with SWM rules 2016.

(e) Another unit in the name of M/s Kansan Lawn is also being run from the same premises. Same is also being operated without consent from DPCC (CTE & CTO).

(f) Open kitchen is being run by the Unit without installation of channelization.

3. That after inspecting the Unit DPCC has issued a direction for closure of the Unit has been issued vide notice dated

24-06-2019 and furthermore, DPCC has directed the Unit to deposit Rs. 200,000/- as Environmental Compensation as interim measure. Further assessment of damage to the environment is being carried out and accordingly EDC will be levied well. A true copy of the Inspection Report dated 29-05-2019 and Closure Notice dated 24-06-2019 is being annexed herewith and marked as **Annexure 1 and 2 respectively.**

4. That DPCC has also issued a Notice on 30.09.2019 to DJB for disconnecting the water connection of the Unit with immediate effect. A true copy of the aforesaid notices issued to DJB & BSES Rajdhani is being annexed herewith and marked as **Annexure 3 respectively.**
 5. That in compliance of direction of closure issued by DPCC, BSES informed DPCC vide letter dated 22.08.2019 that the electricity supply of the unit has been disconnected. A true copy of the letter of BSES is annexed as **Annexure 4.**
- Thus effective closure of the unit has been ensured.

New Delhi
Dated: 29 /07/2019


(Dr. Chandra Prakash)
Incharge, CMC-II
Delhi Pollution Control Committee

Annex - 182

| | | |
|---|---|---------|
|  | DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpec.delhigovt.nic.in | 16 4 |
|---|---|---------|

INSPECTION REPORT

1. Name & Address of the Unit : M/s Kansal Angana
Plot No. - 31, Sec - 15, Dwar Ka, Opp.
N.S.I.T., Main Gate, New
Delhi
2. Owner/Partner's Name : Sh. Aman Gupta
3. Contact Details (Phone & Email) : 9999060607, 9911580099
4. Date of inspection : 29.5.2019
5. Time of inspection: a) Start of Inspection: 12:20 PM.
 b) End of Inspection: 12:50 PM.
6. Name & Designation of the Persons contacted at the industry: Mohd. Rijaz / Mr. Sheetal
- 9811358911
9999444608
7. Kind of Industry : A.C. Party Hall & Lawn
8. Product & Capacity : 200 person
9. Main Raw Materials : Maida, Ghee, Sugar, Rice etc.
10. Water Polluting : Yes/No ETP Installed : Yes/No
11. Air Pollution : Yes/No ECS Installed : Yes/No
12. Details of Stack Height : (Above G.L.).....(Above R.L.).....
- (Furnace/ Boilers/Others)
13. Type of Fuel Used : H.S.D. for DG
14. Effluent Discharged (a) Domestic/Trade Effluent
 (b) Unit Connected to Conveyance System: Yes/No
 (c) Discharging in to Drain
15. Status of Consent (If Any) : Not Applicable
16. D.G. Set (s) (If Any) : No. 1.....Capacity. 5 KVA.....Acoustic: Yes/No
 : Stack Height. 6ft (Above G.L.).....(Above R.L.).....
17. Plot Area : 1000 Sq. ft. + 1800 Sq. ft.
18. Labor : 06
19. Machinery : Kitchen equipment
20. Power Connection : C.A.:- Not provided KW:- Not provided
21. Source of water : Bottles
22. Whether Unit Found in Operation : Yes/No

23. Whether Generating HW : Yes/No ✓

24. (a) Status of Authorization (IF Any):

(b) Display Board Provided: Yes/No

(c) Whether HW 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 HW 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 HW Maintained in HW-3: Yes/No

n/A.

Details about Hazardous Waste

| S.No. | Category of Hazardous Waste as per the Schedules I, II and III of these rules | Authorized mode of disposal or recycling or utilization or co-processing etc. | Quantity (Ton/annum) |
|-------|---|---|----------------------|
| | | | |
| | | | |
| | | | |

Remarks, If Any:

- During inspection unit found operational and engaged in the activity of Party Hall & Lawn.
- No STP plant installed in the premises for treatment of waste water generated from the unit, discharging in Drain.
- No Consent obtained from DPCC. (CTE/170).
- Unit is not complying with SWM rules 2016.
- Another unit in the name of M/S Kansan Lawn at the backside of the above mentioned premises. Same is operating without Consent from DPCC. (CTE/170).
- Washing facility of Utensils exist in this (M/S Kansan Lawn) unit. for both unit.
- Open kitchen installed in the premises without chanelisation.

Name & Sign of the Permittee

Signature, Name & Designation of Inspecting Officials

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DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4th, 5th & 6th FLOOR, IS IT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-II/NGT/2019/6162-6166

Dated: 29/06/19

M/s Kansal Angana
Plot No. 31, Sec- 15, Dwarka,
Opposite NSIT Main Gate,
New Delhi

Subject:- Directions u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date and u/s 5 of EPA read with Solid Waste Management Rules 2016 as amended to date.

Whereas, Central Pollution Control Board is the State Board for all the union Territories to exercise powers and performs functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, 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 Air (Prevention & Control of Pollution) Act, 1981, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide notification Dated 15.03.1991.

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, as per section 21(1) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date no person shall, without the previous consent of the State Pollution Control Board (DPCC in case of Delhi), establish or operate any industrial plant in an Air Pollution Control Area.

And whereas, as per section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended to date, it is mandatory to obtain Consent from Delhi Pollution Control Committee in respect of any industry or operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent in to a stream or on land.

And whereas, as per NGT order in OA no. 318/2019 vide order dated 06.05.2019 an inspection was carried out by the officials of DPCC on 29.05.2019 and following observation were made:

- During inspection, unit found operational and engaged in the activity of Party Hall & Lawn.
- No STP plant installed in the premises for the treatment of waste water generated from the unit & discharging the waste water to drain.
- No Consent obtained from DPCC (Consent to Establish & Consent to Operate).
- Unit is not complying with Solid Waste Management rules 2016.
- Another unit is in the name of M/s Kansal lawn at the backside of the above mentioned premises. Same is operating without Consent from DPCC (Consent to Establish & Consent to Operate).
- Washing facility of utensils exists in the unit M/s Kansal Lawn for both units.
- Open Kitchen installed in the premises without channelization for both units separately.

And whereas, you the (Addressee) are operating your unit without obtaining mandatory Consent under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control) Act, 1981 as amended to date, from Delhi Pollution Control Committee and thus violating the provisions of said Act.

And whereas, competent authority has decided to impose Environmental Compensation of Rs. 1,00,000/- (Rupees One Lakh only) per lawn/hall on the operator of the premises.

Contd...

Therefore, M/s Kansal Angana, Plot No- 31, Sector- 15, Dwarka Opposite NSIT, Main Gate, New Delhi is hereby directed to deposit the Environmental Compensation of Rs. 2,00,000- (Rs. Two Lakhs only), one Lakh for each, by way of demand draft in favour of Delhi Pollution Control Committee for deficiencies observed during inspection on 29.05.2019 within 15 days of issue of this direction.

Now, therefore, in view of the above and as decided by the Competent Authority in DPCC, the following directions are issued u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date:

- i. That you (the Addressee) shall deposit the Environment Compensation of Rs. 2,00,000/- (Rupees Two Lakh) by way of demand draft in favour of Delhi Pollution Control Committee for violating the MPD-2021 within 15 days from the date of issue of this direction.
- ii. That you (the Addressee) shall close your unit with immediate effect.
- iii. That the concerned authority in BSES Rajdhani Pvt. Ltd. shall disconnect the electricity supply to the Addressee unit with immediate effect.
- iv. That the concerned authority in Delhi Jal Board shall disconnect the water supply to the Addressee unit with immediate effect.
- v. That the concerned Sub Divisional Magistrate shall take necessary action to ensure the effective closure/sealing of the Addressee unit with immediate effect.

Non Compliance with the aforementioned Directions shall attract penal action under the provisions of the said Acts and Rules.

This is being issued as per the decision taken by the Competent Authority in Delhi Pollution Control Committee.

SL Nalwa Sharma (8320758870)
Manager
(Dr. Chandra Prakash)
In charge
Complaint Management Cell-II
Received
16/05/19

M/s Kansal Angana,
Plot No- 31, Sector- 15, Dwarka,
Opposite NSIT Main Gate,
New Delhi.

Copy for Information and Necessary Action to:

1. The Member (Water), Delhi Jal Board, Varunalaya, Phase-II, Jhandewalan, Delhi -110055 - To disconnect water supply to the Addressee unit with immediate effect and send the compliance report to this office, within 03 days.
2. The Chief Executive Officer, BSES, Rajdhani Power Ltd., BSES Bhawan, Nehru Place, New Delhi-110019 - To disconnect electricity supply to the Addressee unit with immediate effect and send the compliance report to this office, within 03 days.
3. The Sub-Divisional Magistrate (South West), SDM DWARKA Office, Sector-10, Dwarka, New Delhi - To take necessary action for effective closure/ of the Addressee unit with immediate effect and send the compliance report to this office, within 03 days.
4. Master File, CMC-II.
5. Office Copy, CMC-II

9999060607
Aman Gupta
(owner)

(Sh. K. Kumar)
AEE (CMC-II)

F. No DPCC/CMC-II/2019/8946-8947

Dated: 30/09/19

To,
The Member (Water),
Delhi Jal Board,
Varunalaya, Phase- II, Jhandewalan,
Delhi-110055

Amrta - 3

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Subject: Notice for prosecution under section 37 of the Air (Prevention and Control of Pollution) Act, 1981 and under section 41 of the Water (Prevention and Control of Pollution) Act, 1974 upon failure to comply with direction issued by DPCC on 24.06.2019.

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and perform functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of pollution) Act, 1981, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee vide notification No.S.O.198 (E) dated 15.03.1991.

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, Hon'ble Supreme Court has passed a judgment on 07.05.2004 in I.A. No 22 in WP(C) No. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others" for closure of the illegal units from the residential / non-conforming areas in NCT of Delhi. As per the said judgment, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down.

And whereas, as per the meetings held before the Chief Secretary, Govt. of NCT of Delhi lastly on 05.06.2015, it has been decided that action on industries operating in non -conforming areas and violating the Master Plan of Delhi will be taken under the Delhi Development Act by the Delhi Development Authority in development areas and Municipal Corporation of Delhi in all other areas. Commissioner of Industries is working as a Nodal Officer on behalf of the Hon'ble Supreme Court Monitoring Committee as constituted by the Hon'ble Supreme Court of India in the judgment dated 07.05.2004.

And whereas, as per the Master Plan of Delhi prepared by DDA, any industry is permitted only in designated areas i.e. Industrial Areas / Estates & Redevelopment Areas. An industry operating beyond these areas are patently illegal irrespective of the fact whether these are polluting industries or not.

And whereas, Municipal Corporation of Delhi, which have been entrusted with the powers to enforce the Master Plan has original jurisdiction to ensure that no industry runs in the area other than Approved Industrial Areas/ Estates & Redevelopment areas.

And whereas, the DPCC Board in its meeting held on 27.11.2017, it has been decided that

"Industries / Units in Approved Industrial Areas / Estates / Redevelopment Areas and Conforming Areas as notified under the Master Plan of Delhi, shall have to come up after obtaining Consent to Establish under the Air & Water Acts from DPCC. Accordingly, All the Government Agencies such as Municipal Corporations / Local Bodies , DISCOMS, Delhi Jal Board etc. shall not Grant/ Issue any License / Permission/ Electricity Connection / Water Supply Connection / Sewer Connection to the Industries / Units without having Consent to Establish under the Air & Water Acts from DPCC.

Necessary Directions under the provisions of the Air and Water Acts shall be issued by DPCC to the concerned Agencies."

And whereas, in compliance of DPCC Board decision dated 27.11.2017, as mentioned above, Delhi Pollution Control Committee on 22.12.2017 using the power vested to it under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, and under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 issued following directions:-

- (i) *Industries / Units in Approved Industrial Areas / Estates / Redevelopment Areas and Conforming Areas as notified under the Master Plan of Delhi, shall have to come up after obtaining Consent to Establish under the Air & Water Acts from DPCC.*
- (ii) *All the Government Agencies such as Municipal Corporations / Local Bodies, DISCOMS, Delhi Jal Board etc. shall not Grant/ Issue any License / Permission/ Electricity Connection / Water Supply Connection/ Sewer Connection to the Industries / Units without having Consent to Establish under the Air & Water Acts from DPCC.*

And whereas, the Division Bench of the Hon'ble High Court of Delhi vide dated 15.03.2018 passed in WP(C)4349/2017 titled as "Court on its Own Motion Vs Govt. of NCT of Delhi & Ors passed following order:

"In view of the decision of the DPCC, all Municipal Corporation, Delhi Jal Board and concerned authorities shall ensure that no license/permission/electricity connection/water supply connection/sewer connection is granted to industries/units without having consent to establish under the Air and Water Acts from the Delhi Pollution Control Committee."

And whereas, Delhi Pollution Control Committee on 12.11.2018 using the power vested to it under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, and under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 issued following directions:-

- (i) *The direction issued by DPCC on 22.12.2017 as mentioned above were again reiterated.*
- (ii) *All the Government Agencies such as Municipal Corporations / Local Bodies, DISCOMS, Delhi Jal Board etc. shall not Grant/ Issue any License / Permission/*

- Electricity Connection / Water Supply Connection / Sewer Connection to the Industries / Units in Residential / Non-Conforming areas*
- (iii) *All the Government Agencies such as Municipal Corporations / Local Bodies, DISCOMS, Delhi Jal Board etc. shall cancel/withdraw/ revoke License / Permission/ Electricity Connection / Water Supply Connection / Sewer Connection to the Industries / Units in Residential / Non-Conforming areas.*
- (iv) *All the Government Agencies such as DISCOMS, Delhi Jal Board etc. shall provide the list of illegal units operating in violation of the Master Plan of Delhi to Municipal Corporations / Local Bodies for effective closure of such illegal units operating in Residential / Non-Conforming areas*
- (v) *The house hold industries as per MPD-21 shall be permitted, who have obtained NOC from High Power Committee [constituted by the Hon'ble Supreme Court of India vide order dated 19.04.1996 in WP(C) 4677/1985] under the chairmanship of Commissioner of Industries, GNCTD. All the other agencies shall not grant permission / electricity / water supply without NOC of HPC as mentioned above to house hold industries.*

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And whereas, The Division Bench of the Hon'ble High Court of Delhi has passed a judgment on 05.08.2019 in W.P.(C) 4349/2017 titled as, "COURT ON ITS OWN MOTION versus GOVT OF NCT OF DELHI & ORS. For closure of industries in non- conforming areas has directed as, "...We also direct the Delhi Pollution Control Committee to bring to the notice of Delhi Development Authority, North Delhi Municipal Corporation, East Delhi Municipal Corporation and South Delhi Municipal Corporations, if any industrial units are running their industry in nonconforming area and causing pollution beyond permissible norms, so that proper actions can be initiated by these authorities against these industries to stop such activities in accordance with law."

And whereas the Hon'ble National Green Tribunal in Number of cases has observed that industries are operating in residential/non-confirming areas of Delhi in clandestine manner in violation of the directions issued by Delhi Pollution Control Committee u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981:

And whereas in OA No. 318/2019 in the matter of Randhir Singh Dabas & Ors. Vs. Govt. of NCT of Delhi passed the following order:

"Allegation in this application is against illegal operation of a party hall, using liquor without permission, operating DJ system causing noise pollution, dumping waste adversely affecting public health and illegal parking at Kansal Angana Party Lounge, Gehlaan Apartment, Opposite NSIT, Mohit Nagar, New Delhi- 110078.

Let the Delhi Pollution Control Committee (DPCC) look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to this Tribunal within two months."

And whereas vide letter dt. 24.06.2019 DPCC directed Member, Delhi Jal Board to disconnect water supply of the Addressee unit with immediate effect and submit the Action Taken Report to DPCC within 03 days from issuance of the said direction.

And whereas no Action Taken Report has been received by DPCC, so far.

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Now therefore, you are provided final opportunity to comply with the directions issued on **24.06.2019** in the matter and submit action taken report within 07 days, failing which DPCC shall be constrained to initiate prosecution u/s 41 (1) of Water (Prevention & Control Pollution) Act, 1974; and u/s 37 (1) of the Air (Prevention & control of Pollution) Act, 1981 before the appropriate court of law without further notice.

This issues with prior approval of the Competent Authority in DPCC.


(Dr. Chandra Prakash)
Incharge, CMC-II

Encl: Copy of Directions dt. **24.06.2019** issued by DPCC

Copy to:

1. PA to MS, DPCC- For information please
2. Office Copy



DELHI POLLUTION CONTROL COMMITTEE
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI -110006
Visit us at <http://dpcc.delhigovt.nic.in>

F. No DPCC/CMC-II/2019/8944-8945

Dated: 20/09/19

To,

**Chief Executive Officer,
BSES, Rajdhani Power Ltd.,
BSES Bhawan, Nehru Place,
New Delhi-110019**

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Subject: Notice for prosecution under section 37 of the Air (Prevention and Control of Pollution) Act, 1981 and under section 41 of the Water (Prevention and Control of Pollution) Act, 1974 upon failure to comply with direction issued by DPCC on 24.06.2019.

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and perform functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of pollution) Act, 1981, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee vide notification No.S.O.198 (E) dated 15.03.1991.

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, Hon'ble Supreme Court has passed a judgment on 07.05.2004 in I.A. No 22 in WP(C) No. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others" for closure of the illegal units from the residential / non-conforming areas in NCT of Delhi. As per the said judgment, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down.

And whereas, as per the meetings held before the Chief Secretary, Govt. of NCT of Delhi lastly on 05.06.2015, it has been decided that action on industries operating in non -conforming areas and violating the Master Plan of Delhi will be taken under the Delhi Development Act by the Delhi Development Authority in development areas and Municipal Corporation of Delhi in all other areas. Commissioner of Industries is working as a Nodal Officer on behalf of the Hon'ble Supreme Court Monitoring Committee as constituted by the Hon'ble Supreme Court of India in the judgment dated 07.05.2004.

And whereas, as per the Master Plan of Delhi prepared by DDA, any industry is permitted only in designated areas i.e. Industrial Areas / Estates & Redevelopment Areas. An industry operating beyond these areas are patently illegal irrespective of the fact whether these are polluting industries or not.

And whereas, Municipal Corporation of Delhi, which have been entrusted with the powers to enforce the Master Plan has original jurisdiction to ensure that no industry runs in the area other than Approved Industrial Areas/ Estates & Redevelopment areas.

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And whereas, the DPCC Board in its meeting held on 27.11.2017, it has been decided that

"Industries / Units in Approved Industrial Areas / Estates / Redevelopment Areas and Conforming Areas as notified under the Master Plan of Delhi, shall have to come up after obtaining Consent to Establish under the Air & Water Acts from DPCC. Accordingly, All the Government Agencies such as Municipal Corporations / Local Bodies , DISCOMS, Delhi Jal Board etc. shall not Grant/ Issue any License / Permission/ Electricity Connection / Water Supply Connection / Sewer Connection to the Industries / Units without having Consent to Establish under the Air & Water Acts from DPCC.

Necessary Directions under the provisions of the Air and Water Acts shall be issued by DPCC to the concerned Agencies."

And whereas, in compliance of DPCC Board decision dated 27.11.2017, as mentioned above, Delhi Pollution Control Committee on 22.12.2017 using the power vested to it under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, and under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 issued following directions:-

- (i) *Industries / Units in Approved Industrial Areas / Estates / Redevelopment Areas and Conforming Areas as notified under the Master Plan of Delhi, shall have to come up after obtaining Consent to Establish under the Air & Water Acts from DPCC.*
- (ii) *All the Government Agencies such as Municipal Corporations / Local Bodies, DISCOMS, Delhi Jal Board etc. shall not Grant/ Issue any License / Permission/ Electricity Connection / Water Supply Connection / Sewer Connection to the Industries / Units without having Consent to Establish under the Air & Water Acts from DPCC.*

And whereas, the Division Bench of the Hon'ble High Court of Delhi vide dated 15.03.2018 passed in WP(C)4349/2017 titled as "Court on its Own Motion Vs Govt. of NCT of Delhi & Ors passed following order:

"In view of the decision of the DPCC, all Municipal Corporation, Delhi Jal Board and concerned authorities shall ensure that no license/permission/electricity connection/water supply connection/sewer connection is granted to industries/units without having consent to establish under the Air and Water Acts from the Delhi Pollution Control Committee."

And whereas, Delhi Pollution Control Committee on 12.11.2018 using the power vested to it under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, and under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 issued following directions:-

- (i) *The direction issued by DPCC on 22.12.2017 as mentioned above were again reiterated.*
- (ii) *All the Government Agencies such as Municipal Corporations / Local Bodies, DISCOMS, Delhi Jal Board etc. shall not Grant/ Issue any License / Permission/*

- Electricity Connection / Water Supply Connection / Sewer Connection to the Industries / Units in Residential / Non-Conforming areas*
- (iii) *All the Government Agencies such as Municipal Corporations / Local Bodies, DISCOMS, Delhi Jal Board etc. shall cancel/withdraw/ revoke License / Permission/ Electricity Connection / Water Supply Connection / Sewer Connection to the Industries / Units in Residential / Non-Conforming areas.*
- (iv) *All the Government Agencies such as DISCOMS, Delhi Jal Board etc. shall provide the list of illegal units operating in violation of the Master Plan of Delhi to Municipal Corporations / Local Bodies for effective closure of such illegal units operating in Residential / Non-Conforming areas*
- (v) *The house hold industries as per MPD-21 shall be permitted, who have obtained NOC from High Power Committee [constituted by the Hon`ble Supreme Court of India vide order dated 19.04.1996 in WP(C) 4677/1985] under the chairmanship of Commissioner of Industries, GNCTD. All the other agencies shall not grant permission / electricity / water supply without NOC of HPC as mentioned above to house hold industries.*

And whereas, The Division Bench of the Hon`ble High Court of Delhi has passed a judgment on 05.08.2019 in W.P.(C) 4349/2017 titled as, "COURT ON ITS OWN MOTION versus GOVT OF NCT OF DELHI & ORS. For closure of industries in non- conforming areas has directed as, "...We also direct the Delhi Pollution Control Committee to bring to the notice of Delhi Development Authority, North Delhi Municipal Corporation, East Delhi Municipal Corporation and South Delhi Municipal Corporations, if any industrial units are running their industry in nonconforming area and causing pollution beyond permissible norms, so that proper actions can be initiated by these authorities against these industries to stop such activities in accordance with law."

And whereas the Hon`ble National Green Tribunal in Number of cases has observed that industries are operating in residential/non-confirming areas of Delhi in clandestine manner in violation of the directions issued by Delhi Pollution Control Committee u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981:

And whereas in OA No. 318/2019 in the matter of Randhir Singh Dabas & Ors. Vs. Govt. of NCT of Delhi passed the following order:

"Allegation in this application is against illegal operation of a party hall, using liquor without permission, operating DJ system causing noise pollution, dumping waste adversely affecting public health and illegal parking at Kansal Angana Party Lounge, Gehlaan Apartment, Opposite NSIT, Mohit Nagar, New Delhi- 110078.

Let the Delhi Pollution Control Committee (DPCC) look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to this Tribunal within two months."

And whereas vide letter dt. 24.06.2019 DPCC directed Chief Executive Officer, BSES to disconnect electricity supply of the Addressee unit with immediate effect and submit the Action Taken Report to DPCC within 03 days from issuance of the said direction.

And whereas no Action Taken Report has been received by DPCC, so far.

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Now therefore, you are provided final opportunity to comply with the directions issued on **24.06.2019** in the matter and submit action taken report within 07 days, failing which DPCC shall be constrained to initiate prosecution u/s 41 (1) of Water (Prevention & Control Pollution) Act, 1974; and u/s 37 (1) of the Air (Prevention & control of Pollution) Act, 1981 before the appropriate court of law without further notice.

This issues with prior approval of the Competent Authority in DPCC.


(Dr. Chandra Prakash)
Incharge, CMC-II

Encl: Copy of Directions dt. **24.06.2019** issued by DPCC

Copy to:

1. PA to MS, DPCC- For information please
2. Office Copy

A Joint Venture of Reliance Infrastructure Ltd. with Govt. of NCT of Delhi.
Office of Circle Coordinator – West, B-3, Paschim Vihar, New Delhi – 110063.

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(16)

No. : D / Circle Coord. – West / 2019-20 / 94

Date : 30.07.2019

Incharge, CMC-II,
Delhi Pollution Control Committee,
Department of Environment,
Govt. of NCT of Delhi,
4th, 5th & 6th Floor, ISBT Building,
Kashmere Gate,
Delhi – 110006.

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|-----------------------------------|
| Delhi Pollution Control Committee |
| Diary No. 54578 |
| 22 AUG 2019 |
| CMC-2 |
| Sign. of Receiving Officer |

Sub : Direction u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date.

Dear Sir,

This is with reference to your office letter No. DPCC/CMC-II/NGT/2019/6162-66 dated 24/06/2019 regarding above subject.

In this regard it is to mention that as per the report received from our field staff, the supply of the consumer M/s Kansal Angna, Plot No. 31, Sec-15, Dwarka has already been disconnected.

Further necessary action may please be taken at your end.

Thanking you.

Yours faithfully,

[Signature]
Authorized Signatory

[Signature]
23/8/19

CMC-II/8152
23/8/19

ME/II
23/8

TE-II