

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

Original Application No. 530/2019

IN THE MATTER OF:

Satish Kumar

... Applicant

VERSUS

Govt. of NCT of Delhi

.... Respondents

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Filed by


(Ajeeta Dayal Agrawal)
Sr. Environmental Engineer

Date: 29.06.2022

Place: Delhi

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

①

Original Application No. 530/2019

IN THE MATTER OF:

Satish Kumar

... Applicant

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Govt. of NCT of Delhi

.... Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS OF THE ORDER DATED
05.08.2019.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 05.08.2019 and was pleased to direct to the DPCC to look into the grievance of the applicant while disposing of the application.
2. That in the complaint, complainant has mentioned that MCD has constructed Dhalao, which resulted in dumping of garbage and construction and demolition waste here and there (C&D waste). Most particularly on S.S. Moto Singh Marg, (Dharam Marg) B-Block to Jail Road, Janakpuri, New Delhi.
3. That, in compliance of the order passed by this Hon'ble Tribunal, Delhi Pollution Control Committee (DPCC) inspected the site on 14.10.2019 and during the inspection, it was found that on the mentioned location, Garbage and Construction & Demolition waste was dumped at following 02 location viz:-
 - i. B-Block Janakpuri near jail road Dhalao of 112 no. of West Zone, SDMC.

- 2
- Solid waste was dumped in Dhalao which was not in appropriate manner.
 - Some Ragpickers were found at the site and they were segregating the waste during visit.
 - It was informed by the regpickers that they have collected waste from door to door in the area and dumped at this Dhalao.

ii. S.S. Mota Singh Marg.

- Solid waste was found lying in open near Dhalao.
- Cuttings of trees branches mixed with waste was also observed in the park near Dhalao.
- Construction & Demolition waste was also observed near Dhalao.

Copies of the photographs taken during the site visit are enclosed herewith as **ANNEXURE-1.**

4. That, Delhi Pollution Control Committee issued direction dated 07.11.2019 to The Deputy Commissioner, SDMC (West Zone) thereby imposing Rs. 2,00,000/- (Rs. Two Lakhs) as Environmental Compensation Charges for each location/ site. Further it was also directed to remove the entire Garbage lying at above mentioned 2 locations, immediately and take concrete steps to stop recurrence of such dumping of Garbage, Construction and Demolition in future. Copy of the direction dated 07.11.2019 is enclosed herewith as **ANNEXURE-2.**
5. That the Assistant Commissioner (West Zone), vide its letter dated 16.11.2019 directed to its contractor (M/s EESL) to deposit the Environmental Compensation Charges within 7 days. Copy of the letter dated 16.11.2019 is enclosed herewith as **ANNEXURE-3.**
6. That, Delhi Pollution Control Committee issued a letter dated 15.03.2021 to SDM (Rajouri Garden) to take appropriate action for recovery of Rs. 2,00,000/- (Rs. Two lakhs only) for each location from SDMC (West Zone). Copy of the letter dated 15.03.2021 is enclosed herewith as **ANNEXURE-4.**

7. The EDC imposed vide letter dated 07.11.2019 has not been deposited by the SDM/ SDMC/ Contractor of SDMC to DPCC so far.

The present status report may kindly be taken on record.


(Ajeeta Dayal Agrawal)
Sr. Environmental Engineer

Date:

Place: Delhi

4

Annexure - 1

EC  GREEN

ENVIROTECH

SOLUTIONS LIMITED

ZONE

WEST

WARD

11-S

DHALAO

112

ZERO GARBAGE TIME- 2^{AM} TO 2:15^{PM}

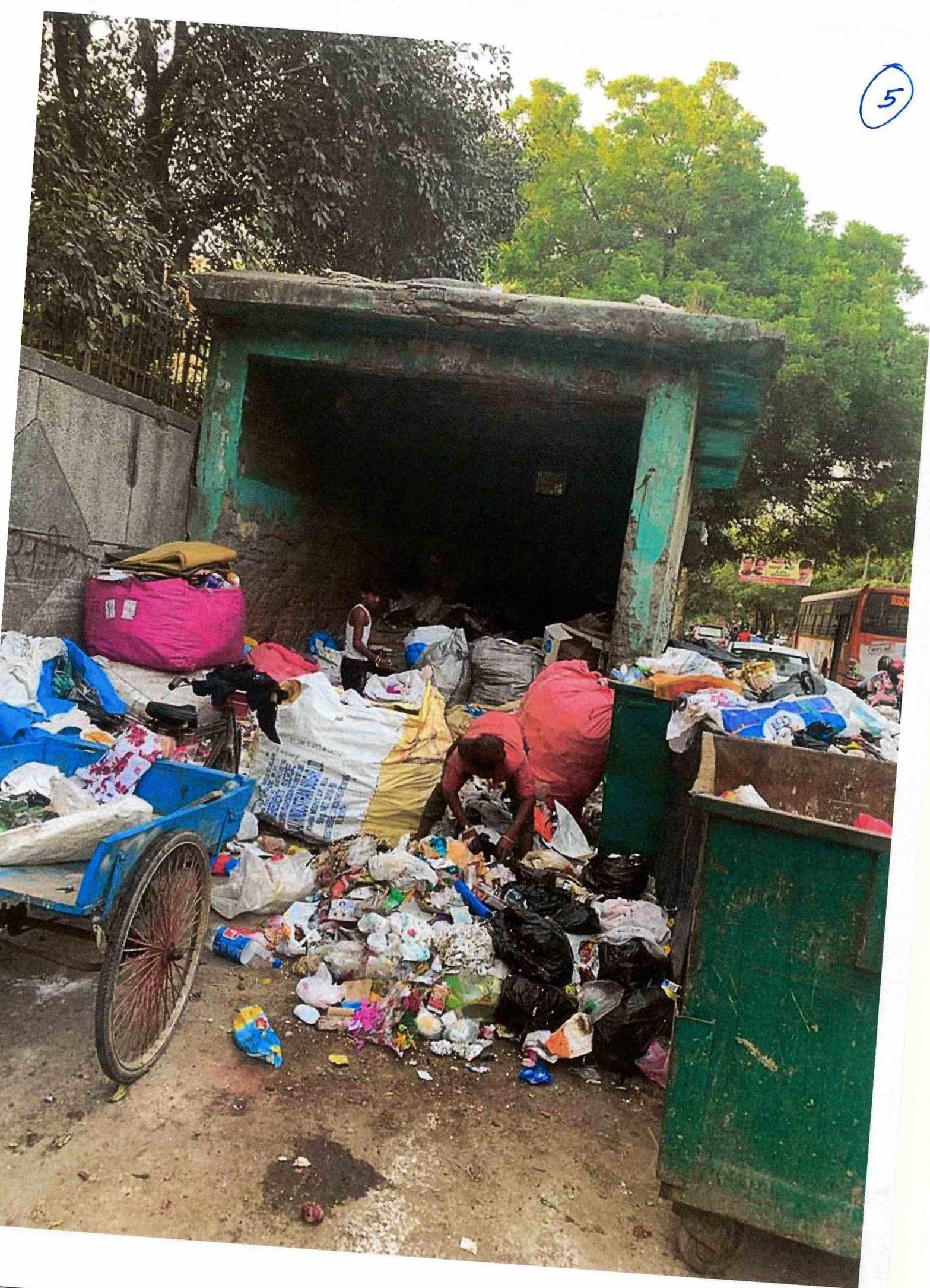
HELPLINE No 18001234299

SUP- PARVEEN KUMAR

Mob- 9643468641

Dharam Marg

5

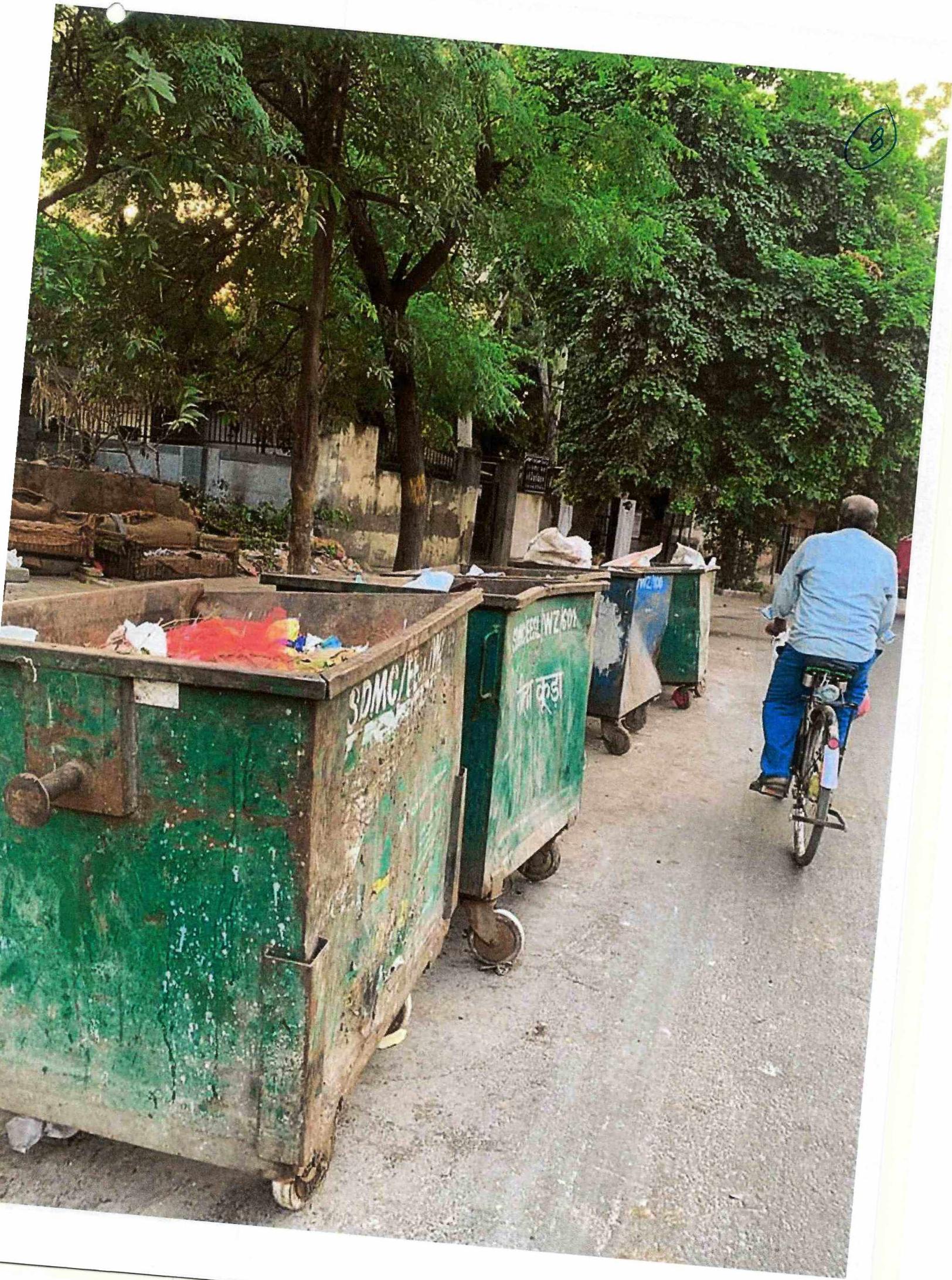


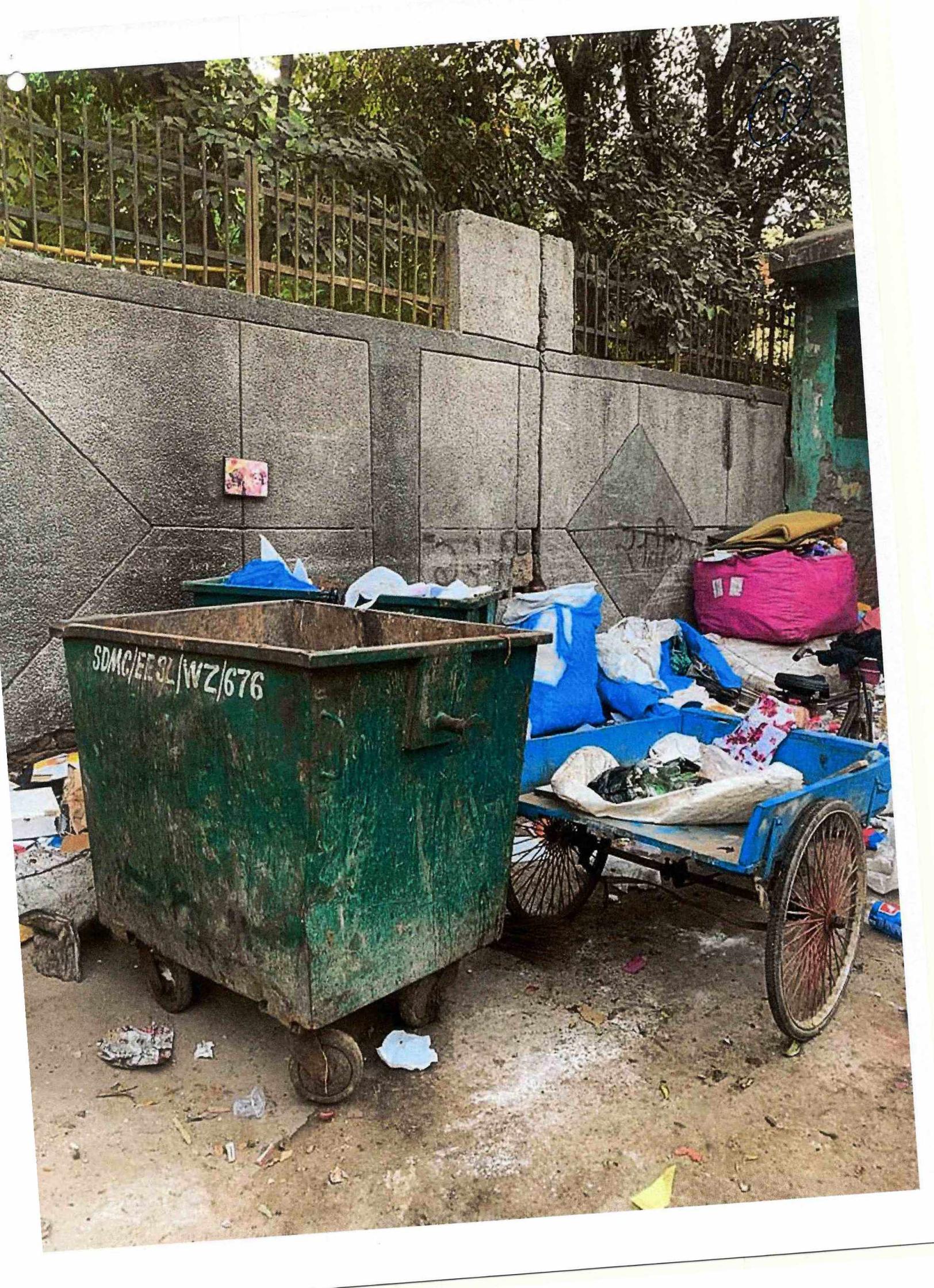
6



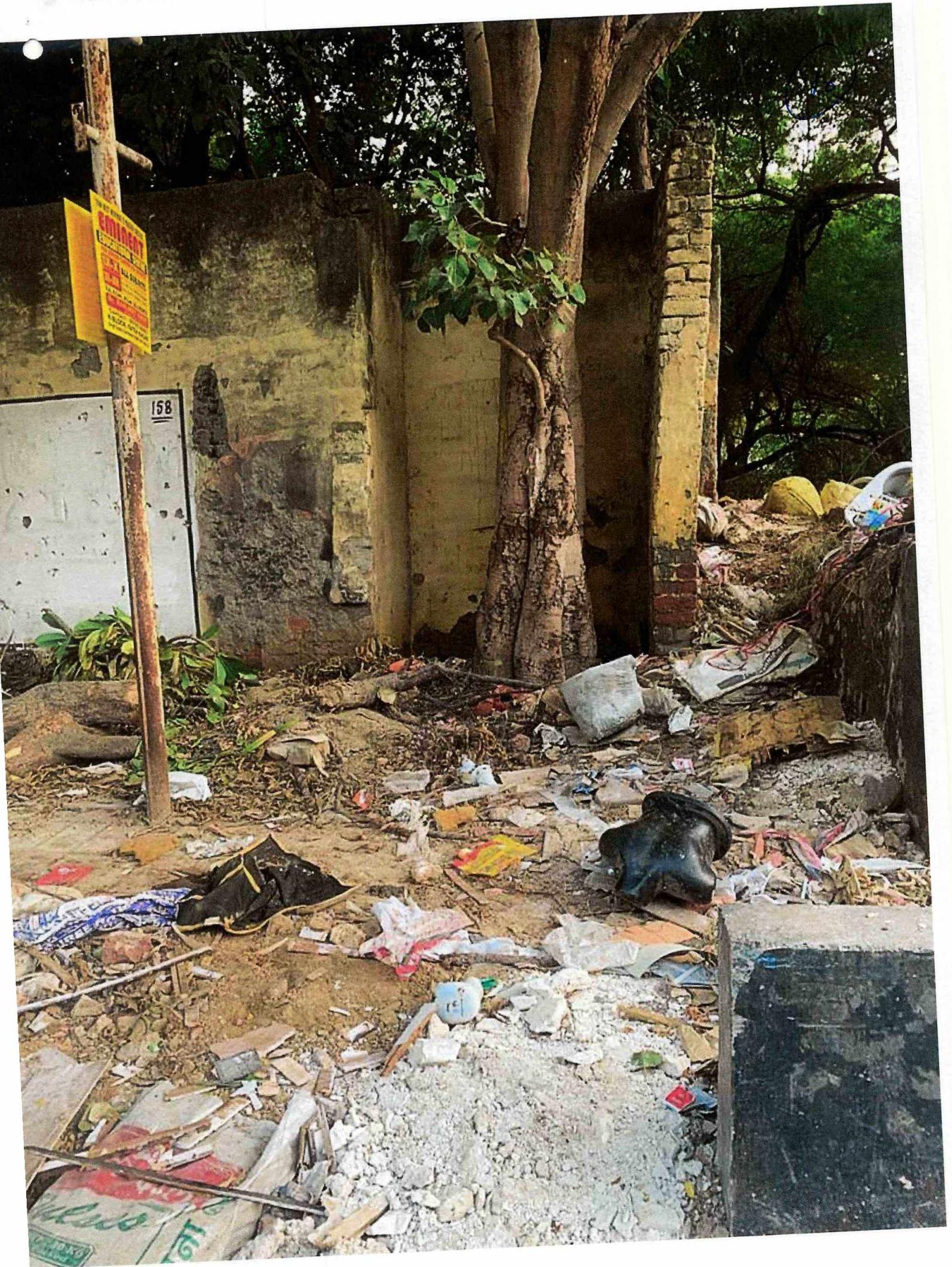
Mata Singh Marg







SDMC/EE 32/WZ/676

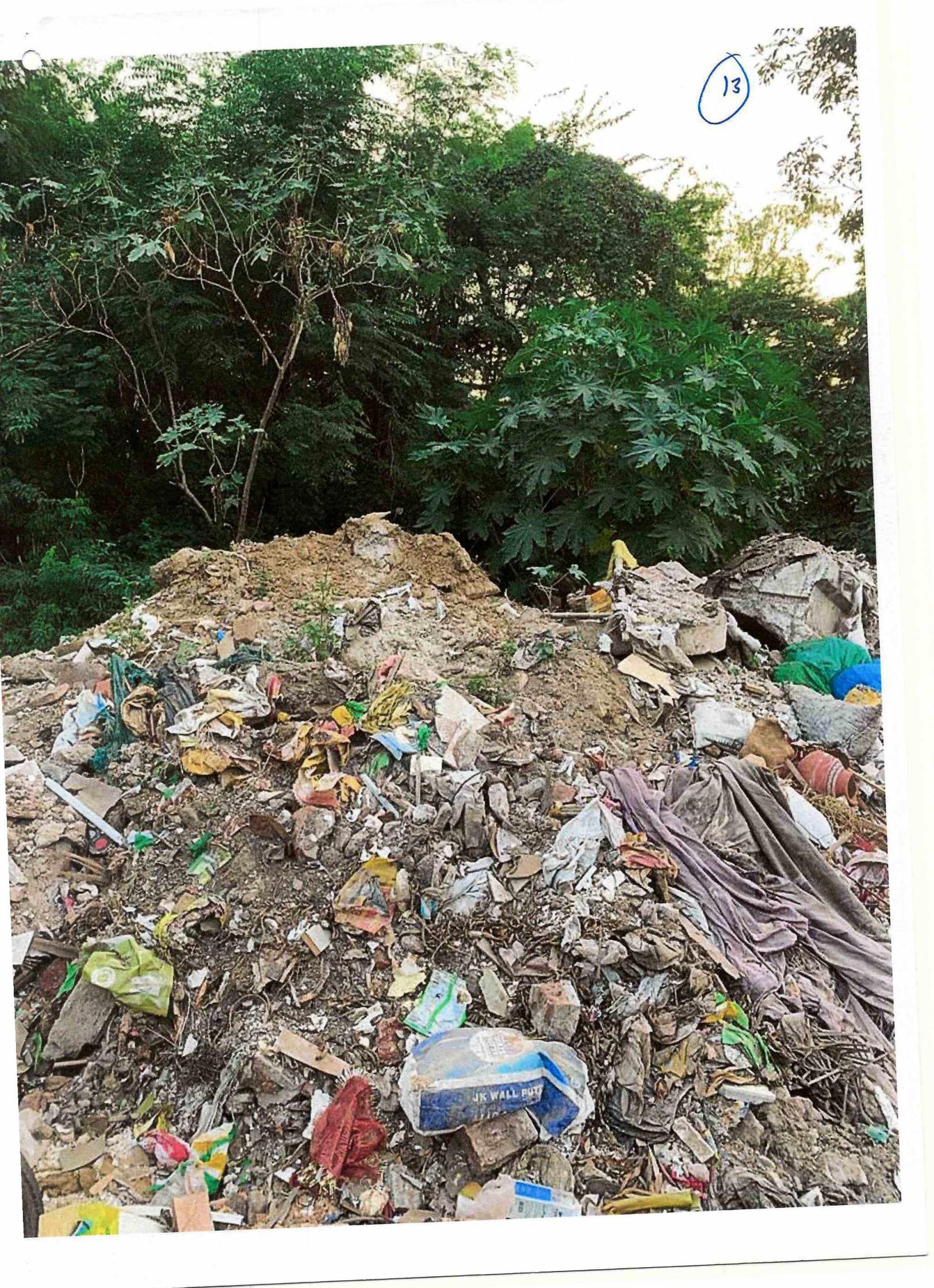




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13







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>

DPCC/NGT-AIR POLLUTION/CMCII/2019/ 9548-29

Dated: 7/11/19

To,

The Deputy Commissioner
 South Delhi Municipal Corporation (West Zone),
 Shivaji Palace, Rajouri Garden,
 Delhi-110027

Annexure -2

15

Subject: Directions under section 5 of Environment (Protection) Act, 1986 - Compliance of orders passed by Hon'ble National Green Tribunal in O.A. No. 21 of 2014 and O.A. No. 95 of 2014 in the matter of Vardhaman Kaushik vs. Union of India & Others and Sanjay Kulshreshtha vs Union of India & Others : Air pollution of dust from indiscriminate dumping of C & D Waste and 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 Central Government has notified the Solid Waste Management Rules 2016 (here after refereed as SWM Rules, 2016) notified under Environment (Protection) Act, 1986 for proper management and handling of Solid Wastes.

And whereas, as per the Rule (4) (I) Every waste generator shall (a) segregate and store the waste generated by them in three separate streams namely bio-degradable, non-biodegradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorized waste pickers or waste collectors as per the direction or notification by the local authorities from time to time;

(b) wrap securely the used sanitary waste like diapers, sanitary pads etc., in the pouches provided by the manufacturers or brand owners of these products or in a suitable wrapping material as instructed by the local authorities and shall place the same in the bin meant for dry waste or non-bio-degradable waste;

(c) Store separately construction and demolition waste, as and when generated, in his own premises and shall dispose of as per the Construction and Demolition Waste Management Rules, 2016;

(d) Store horticulture waste and garden waste generated from his premises separately in his own premises and dispose of as per the directions of the local body from time to time.

Contd..2...

16 (II) No waste generator shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.

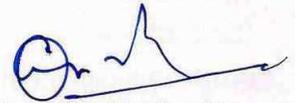
And whereas, an inspection was carried out by DPCC officials of S.S.Mota Singh Marg,(Dharam Marg) B-Block to jain Road, Janakpuri, New Delhi on 14/10/2019. Garbage , Construction and Demolition waste was found dumped at following 02 locations viz:-

- i. B-Block Janakpuri near jail road Dhalao of 112 No. Of West Zone, SDMC.
- ii. S.S.Mota Singh Marg.

Now therefore in compliance of the provisions of u/s 5 of EPA read with Solid Waste Management Rules 2016 as amended to date and abovementioned orders of Hon'ble NGT, you are hereby directed to comply with the following:

1. That you shall deposit the environmental compensation of Rs. 2, 00, 000/- (Rupees Two lakh only) for each location, by way of demand draft in favour of Delhi Pollution Control committee within 7 days of this order.
2. That you shall ensure removal of the entire Garbage lying at above mentioned 2 locations, immediately and submit compliance report to the effect that the waste has been removed along with photographs within 72 hours of this order.
3. That you are directed to take concrete steps to stop recurrence of such dumping of Garbage , Construction and Demolition in future.

Please note that the non-compliance of the above directions will attract penal action by way of launching of prosecution proceedings against you without further reference. You are also directed to show cause why prosecution proceedings should not be initiated for the violations of the Environmental Laws.



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

Copy to:

1. Master File
2. Office Copy

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SOUTH DELHI MUNICIPAL CORPORATION
 OFFICE OF THE DEPUTY COMMISSIONER/WEST ZONE
 NEAR SHIVAJI COLLEGE, SHIVAJI PLACE, RAJA
 GARDEN, NEW DELHI-110027



17

No: D-1727/AC/WZ/2019-20

Dated: 16/11/2019

To

Sh. Ajay Singh
 CEO, M/s EESL

Delhi Pollution Control Committee
 Dairy No. 69459
 18 NOV 2019
 MS
 Sign. of Receiving Officer

MS/9405
 19/11/19

Subject: DPCC Notice under section 5 of Environment (Protection) Act 1986

Sir,

Kindly find enclosed herewith a copy of DPCC Notice No. DPCC/NGT-AIR POLLUTION/CMCII/2019/9548-49 dated 07/11/2019 (copy enclosed), served to the Deputy Commissioner, West Zone SDMC under section 5 of EPA, 1986 read with Solid Waste management Rules, 2016 regarding deposition of Environmental Damage Charges in favour of Delhi Pollution Control Committee.

2. During the inspection carried out by DPCC official, garbage, C&D waste was founded dumped at B-Block Janakpuri near jail road dhalao of 112 no. of West Zone and S.S. Mota Singh Marg.
3. You are directed herewith to deposit the environmental compensation of Rs. 2,00,000/- for each location, by way of demand draft in favour of Delhi Pollution Control Committee under intimation to this office within 7 days.
4. This issues with the approval of competent authority.

Encl: as above

Patariyal

Assistant Commissioner
 West Zone/SDMC

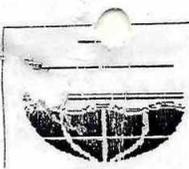
Copy to:

1. PS to Member Secretary, DPCC
2. Deputy Commissioner, West Zone, SDMC
3. DCA, West Zone- to recover the EDC from the Liiis, if failed to deposit within 7 days.

*CMC II/9688
 20/11/19*

*MS has seen
 Sec CMC II*

*EE-II
 TE-II
 File 41
 22/11/19*



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>

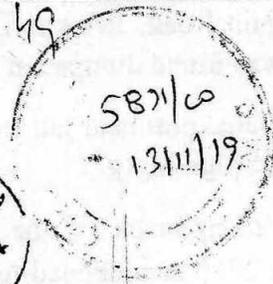
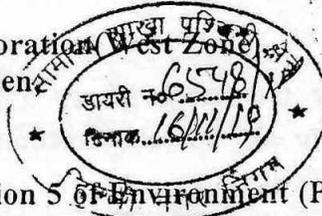
18

DPCC/NGT-AIR POLLUTION/CMCII/2019/ 9548-49

Dated: 7-11-19

To,

The Deputy Commissioner
 South Delhi Municipal Corporation
 Shivaji Palace, Rajouri Garden
 Delhi-110027



DC/W2
 EE/EMS
 SE-I/EE(B)

Subject: Directions under section 5 of Environment (Protection) Act, 1986 - Compliance of orders passed by Hon'ble National Green Tribunal in O.A. No. 21 of 2014 and O.A. No. 95 of 2014 in the matter of Vardhaman Kaushik vs. Union of India & Others and Sanjay Kulshreshtha vs Union of India & Others : Air pollution of dust from indiscriminate dumping of C & D Waste and Solid Waste Management Rules 2016 as amended to date.

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Contd..2...

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And whereas, an inspection was carried out by DPCC officials of S.S.Mota Singh Marg,(Dharam Marg) B-Block to jain Road, Janakpuri, New Delhi on 14/10/2019. Garbage , Construction and Demolition waste was found dumped at following 02 locations viz:-

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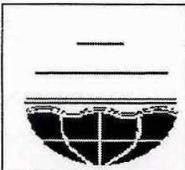

 (Dr.ChandraPrakash)
 Incharge, CMC-II,
 Delhi Pollution Control Committee

Copy to:

- 1. Master File
- 2. Office Copy

✓ E(DEMS) / DCA → DCA To levy penalty on A2Z for point (ii) EEM to ensure early removal.

(ii) EEM to ensure removal to



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

F. No. DPCC/CMC-II/2021/ 821-23

Dated: 15/03/21

To,

The Sub-Divisional Magistrate (Rajouri Garden)
 Nehru Nagar, Shivaji Place,
 Vishal Enclave, Tagore Garden Extension,
 New Delhi-110027

Annexure - 4

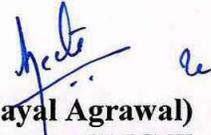
20

Subject- Recovery Certificate of DPCC towards, Recovery of Environmental Damage Compensation from South Delhi Municipal Corporation (West Zone) Shivaji Palace, Rajouri Garden, Delhi -110027.

And whereas, inspection of the 02 locations namely B- Block Janakpuri near jail road Dhalao of 112 No. of West Zone, SDMC & S.S. Mota Singh Marg was conducted by DPCC officials on 14.10.2019 and based on the findings of the inspection, an Environmental Damage Compensation of Rs 2,00,000/- (Rs Two lakhs only) for each location was imposed on "Polluter Pays" principle and 07 days time was given to South Delhi Municipal Corporation (West Zone) Shivaji Palace, Rajouri Garden, Delhi -110027 for the submission of same. However, the said amount of Rs 2,00,000/- (Rs Two lakhs only) for each location has not been submitted so far.

Now therefore, in view of above, you are requested to take appropriate action for Recovery of Rs 2,00,000/- (Rs Two lakhs only) for each location from South Delhi Municipal Corporation (West Zone) Shivaji Palace, Rajouri Garden, Delhi-110027 and the same may be remitted to DPCC.

You are also requested to submit compliance report to DPCC within 07 days.


 (Ajeeta Dayal Agrawal)
 Incharge, CMC-II

Copy to:-

1. Deputy Commissioner, South Delhi Municipal Corporation (West Zone), Shivaji Palace, Rajouri Garden, Delhi -110027.
2. Master File.