

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

Original Application No.1010/2019

IN THE MATTER OF:

Subrata Gosh

...APPLICANT

VERSUS

South Delhi Municipal Corporation & Anr.

...RESPONDENTS

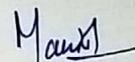
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New Delhi:

Dated: .02.2020

Filed by:



(MANISH)

Assistant Commissioner  
Najafgarh Zone(SDMC)

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

Original Application No.1010/2019

In the matter of:

Subrata Gosh .....Petitioner

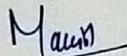
Versus

South Delhi Municipal Corporation & Anr. ...Respondent

**FACTUAL AND ACTION TAKEN REPORT ON BEHALF OF  
SOUTH DELHI MUNICIPAL CORPORATION**

1. That This Hon'ble Tribunal vide its order dated 08.11.2019 Directed the DPCC and SDMC to file a factual and action taken report with respect to Grievance in the application related to waste lying at Sulakhul Vihar, Old Palam Road, Kakrola, New Delhi.
2. That in pursuance and compliance of the order passed by this Hon'ble Tribunal dated 08.11.2019, a joint Inspection was conducted on 04.12.2019 by the officers of SDMC and DPCC, and it was observed that municipal solid waste was being lifted by SDMC at site and no Bio-medical waste was lying at the site.

3. That during the inspections it was found that the vacant plot belong to Sh. Sushil Kumar, Resident of Plot no. 20, Sulakhul Vihar Colony, Old Palam Road, Kakrola, New Delhi, and there were Jugghis belonging to Rag-Pickers who used to collect garbage from Road side and bring to the said plot for segregation of paper and plastic from the garbage.
4. That the Jugghis belonging to rag-pickers have now been removed and the dump of garbage has been lifted by SDMC from the said plot, and now no such activity of segregation of garbage etc. is being done at the said land. The photographs of the site, recently taken are being annexed herewith as **Annexure R-1.(Colly)**
5. That a Notice (challan) levying environmental compensation of Rs.50,000/- has been issued against the owner of the plot for causing environment degradation, the copy of the said notice is annexed herewith as **Annexure-R2.**

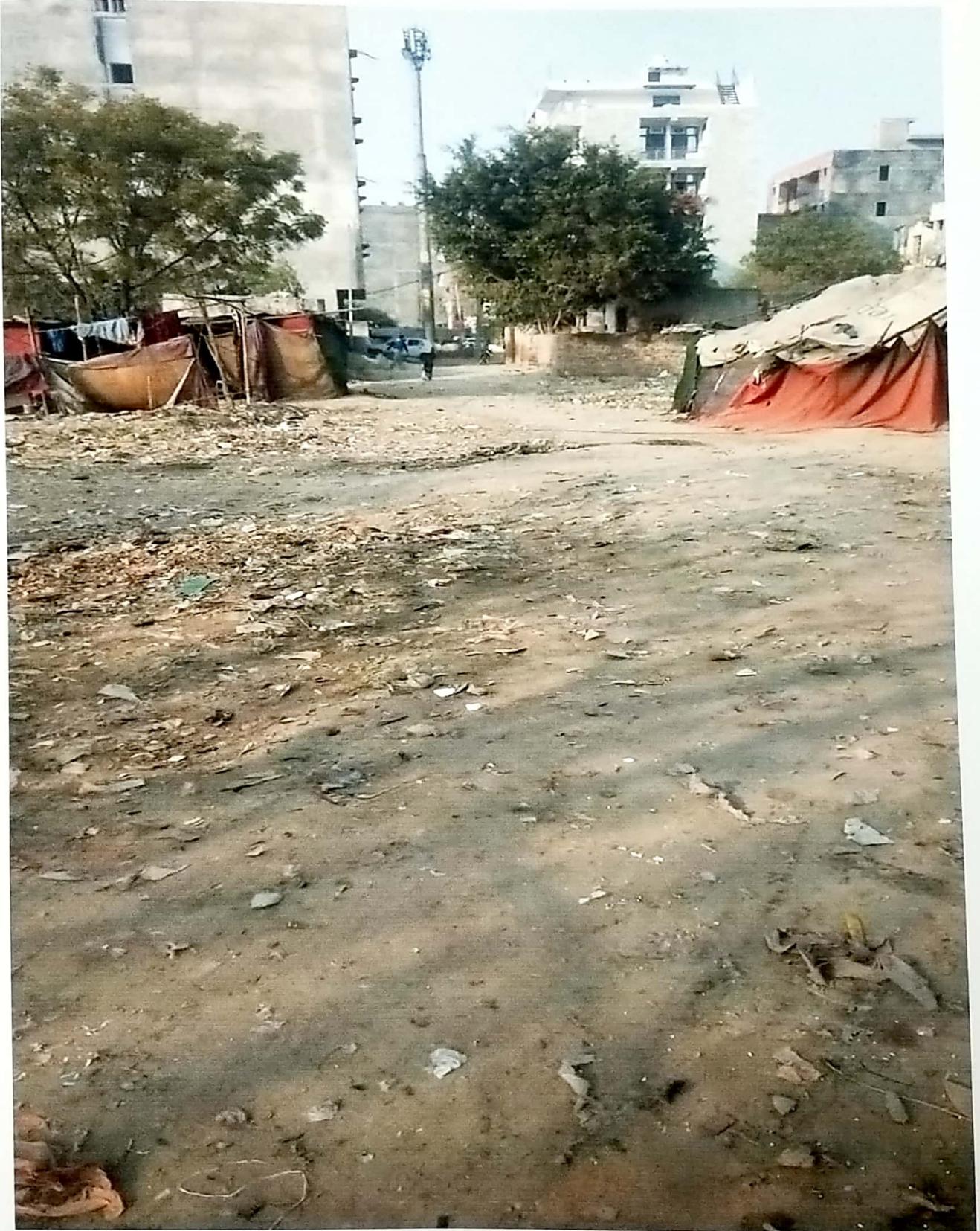
  
(MANISH)  
Assistant Commissioner  
Najafgarh Zone(SDMC)

**SULAHKUL VIHAR WARD NO 35/S KAKROLA**  
**01-02-2020**

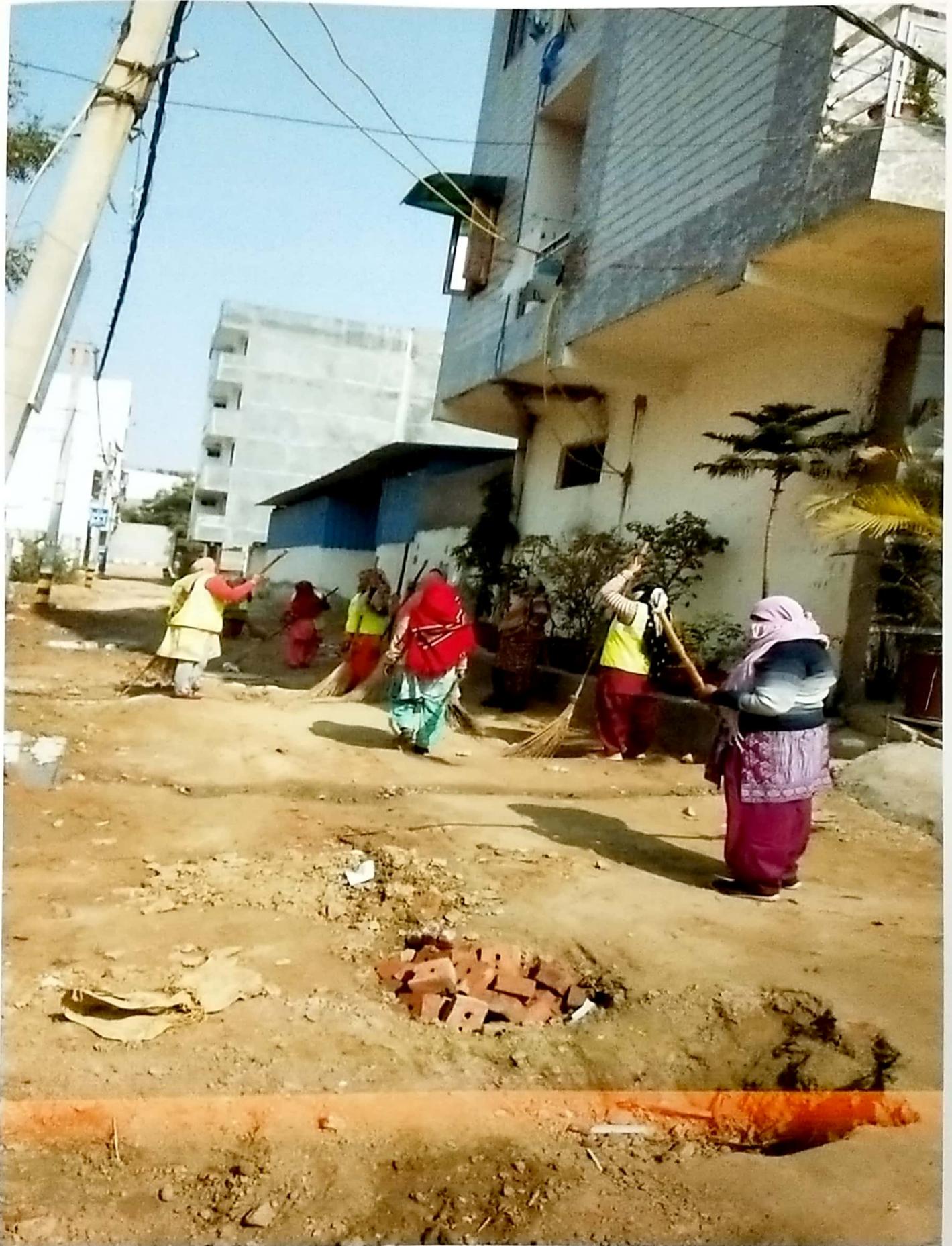


SULAKHUL VIHAR WARD NO 35/S KAKROLA

01-02-2020



**SULAHKUL VIHAR WARD NO 35/S KAKROLA**  
**01-02-2020**





SOUTH DELHI MUNICIPAL CORPORATION  
OFFICE OF THE SANITATION SUPERINTENDENT  
DEMS/ZONAL BUILDING  
NEAR DHANSA STAND, NAJAFGARH



एक कदम स्वच्छता की ओर

Dated 06/02/2020

No. SS/DEMS/NGZ/2019/02/35<sup>(S)</sup>

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**NOTICE U/S 15 OF NATIONAL GREEN TRIBUNAL ACT, 2010**

Whereas, the Principal Bench of National Green Tribunal vide its Order dated 04.12.2014 and Common order dated 10.04.2015 passed in OA No. 21/2014 titled "Vardhman Kaushik V/s UOI & others" and OA No. 95/2014 titled "Sanjay Kulshrestha V/s UOI & Others" inter-alia observed that dust could be generated from construction activity, transportation of construction material, construction debris waste and by carrying on construction activity. Dust emission from these activities attains dangerous dimensions when it is carried out rampantly and in an unregulated manner. Air pollution from dust primarily results from demolition and construction activities going on in the NCR Delhi. Furthermore the demolition material and construction material are transported without proper coverage and precautions, thus causing serious air pollution.

And Whereas, Hon'ble NGT inter-alia directed that No government, authority, contractor, builder or any other person would be permitted to store/dump construction material on the metalled road. Every builder, constructor or person shall ensure that the construction material is completely covered by tarpaulin. No construction material dust files outside the plot area and/or storage of material or construction activity.

And Whereas, the Hon'ble tribunal has also directed that if any person, owner and/or builder is found to be violating any of the condition stated in the order, for their Non-Compliance, such person, owner with builder shall be liable to pay Rs. 50,000/- per default/violation in term of Section 15 of the NGT Act on the principal of violator pay.

And Whereas, the Hon'ble tribunal further directed that in the event of such offender refuses to comply with the direction of the Authorized Officer's, the Authorized Officer's would be at liberty to serve a Notice upon, a him for appearing before the tribunal and to show cause why the person violated aforementioned order be not directed to pay compensation as may be determined by the Tribunal in accordance with law.

And whereas, you have been found committing the following violation(s) of the above order of the Hon'ble National Green Tribunal.

Date, time and place of Violation 06/02/2020 12:30 pm Sulhaku Vihar

**Brief description of Violation**

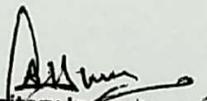
- 1) Construction material stored on public road/street.
- 2) Construction material stored in open without any cover thus causing pollution.
- 3) Construction material stored on right of way, causing obstruction in movement of public and vehicles thereby causing vehicular pollution also.
- 4) You caused to get this Garbage and Plastic waste dump on your land through ragpickers which resulted to environment degradation and liable to pay compensation on 'polluter' pay principle.

Now, therefore you are directed to deposit compensation for Rs. 50,000/- (Draft in favor of Commissioner, SDMC) on account of the above violation, within 3 days at the above mentioned address.

You are hereby further informed that in case the said amount is not paid within the prescribe the period this notice may be treated as a show cause notice to appeal before the Hon'ble NGT to pay compensation as may be determined by the Tribunal in accordance with the law. The date and time to appear before the Hon'ble NGT shall be mentioned separately.

Encl: Photograph of Violation.

To, Sh. Sunil Kumar  
Plot No - 20 Sulhaku Vihar  
Old Palam Road Karkhola Delhi -  
Place to Appear  
M.M. Court Room No - 312 Zonal  
Building Naya Gush SDMC  
Hice. New Delhi -

  
Sanitary Inspector 81/35  
NGZ/SDMC