

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**
Original Application No. 862/2019

IN THE MATTER OF:

Pramod Kumar Jha

... Applicant

VERSUS

Govt. of NCT of Delhi & Ors.

... Respondents

NDOH:- 07.08.2020

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Filed by

(Mohd. Arif)
Sr. Env. Engineer
(Delhi Pollution Control Committee)

New Delhi:
Dated: 30.07.2020

**BEFORE THE PRINCIPAL BENCH,
NATIONAL GREEN TRIBUNAL, NEW DELHI**

Original Application No. 862/2019

IN THE MATTER OF:

Pramod Kumar Jha

... Applicant

VERSUS

Govt. Of NCT of Delhi.

... Respondents

**ADDITIONAL ACTION TAKEN REPORT ON BEHALF OF DELHI
POLLUTION CONTROL COMMITTEE IN TERMS OF THE ORDER
DATED 30.10.2018**

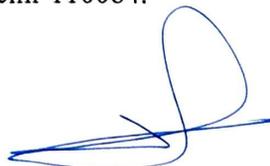
IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 30.10.2018 and pleased to issue following directions:

".....Grievance in this application is against illegal extraction of ground water

Let the Delhi Pollution Control Committee (DPCC) and the North Delhi Municipal Corporation (North DMC) jointly look into the matter, take appropriate action in accordance with law and furnish a factual action taken report in the matter..... "

2. That the additional report is being filed in continuation of Action Taken Report already filed on 14.01.2020 before the Hon'ble Tribunal in this matter.
3. That the Show Cause Notice for Environmental Damage Compensation of Rs. 2, 50,560/- (Rs. Two lakhs fifty thousand and five hundred sixty only) was issued on 14.01.2020 to M/s Vinesh Kumar, Street No.9C, Jagatpur Village, Near Bio Diversity Park, Phase-II Delhi-110084.

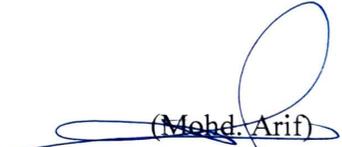


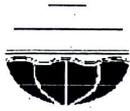
4. That after considering and examining the reply submitted by M/s Vinesh Kumar, Street No.9C, Jagatpur Village, Near Bio Diversity Park, Phase-II Delhi-110084 on 18.02.2020, Environment Damage Compensation (EDC) of an amount of Rs. 2,50,560/- (Rs. Two lakhs fifty thousand and five hundred sixty only) was imposed on the unit vide order dated. 12.03.2020. (Copy of the order dated 12.03.2020 is enclosed herewith and annexed as **Annexure-1.**)

5. That the Recovery Certificate of DPCC and its Reminder was issued on 28.05.2020 & 29.07.2020 respectively to the Land Revenue Official for recovery of Rs. 2, 50,560/- (Rs. Two lakhs fifty thousand and five hundred sixty only) as arrears of land revenue as unit has not deposited the Environmental Damage Compensation till date.(Copy of the letter dated 28.05.2020 & 29.07.2020 is enclosed herewith and annexed as **Annexure -2)**

Date: 30/7/2020

Place: Delhi


(Mohd. Arif)
Sr. Environmental Engineer



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>

DPCC/CMC-VII/ 2020/886 -887

Dated: 12/03/2020

To,

M/s Vinesh Kumar,
 Street No.9C, Jagatpur Village,
 Near Biodiversity Park, Phase-II
 Delhi-110084

Annexure - 1

Subject: Environmental Compensation for Damages in compliance of order of Hon'ble National Green Tribunal dated 30.10.2019 in the matter of Pramod Kumar Jha Vs. Govt. of NCT of Delhi & others.

Whereas, the Hon'ble National Green Tribunal, vide its order dated **30.10.2019 in the matter of Pramod Kumar Jha Vs. Govt. of NCT of Delhi & others.** against illegal extraction of ground water in village Jagatpur, Civil Lines Delhi near Yamuna Biodiversity park for sale through tankers.

And whereas, you M/s Vinesh Kumar, Street No.9C, Jagatpur Village, Near Bio Diversity Park, Phase-II Delhi-110084(herein after referred as addressee) is engaged in the activity of illegal extraction and supply of packaged Ground Water.

And whereas, joint inspection of your unit was conducted by the officials of DPCC and DJB on 08.01.2020 and following were observed:

- Unit was engaged earlier in the activity of illegal extraction and supply of packaged Ground Water.
- During inspection borewell and the unit both were found sealed.
- Size of the borewell was 2" and 1 HP motor was used on it as informed by Sh. Vinesh Kumar.

And whereas, you, the addressee, are extracting ground water for the commercial purpose.

And whereas in view of Hon'ble NGT orders levying Environmental Damages, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation for an amount of Rs.2,50,560/- (Rs. Two lakhs fifty thousand five hundred sixty only).

And whereas, the Environmental Damage Compensation comes out to be Rs.2,50,560/- (Rs. Two lakhs fifty thousand five hundred sixty only), for the violations observed for the period 30.10.2019 to 28.11.2019 as per as per CPCB report on "Assessment of Environmental Compensation in Case of Illegal Extraction of Ground Water".

And whereas, Show Cause Notice for EDC for an amount of Rs. 2,50,560 /- was issued to you on 14.01.2019.

And whereas, your reply dated.18.02.2020 was considered and examined, it was observed that you are extracting Ground water for Dairy work also.

Now therefore, the Competent Authority in Delhi Pollution Control Committee has confirmed EDC of an amount of Rs. 2,50,560/- (Rs. Two lakhs fifty thousand five hundred sixty only) imposed on you.

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Now therefore, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it u/s 5 of Environment Protection Act, 1986 as amended to date, has decided to issue the following proposed directions:-

1. That you (the addressee) are directed to deposit the Environmental Compensation of Rs.2,50,560/- (Rs. Two lakhs fifty thousand five hundred sixty only) by way of demand draft in favour of DPCC within 7 days of issue of this letter for illegal extraction and supply of packaged Ground Water in violation of Hon'ble NGT order.

You shall also be liable for penal action under the provisions of Water Act, 1974 in case of non-compliance of the above said directions.

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

(Mohd. Arif)

~~Sr. Env. Engineer~~

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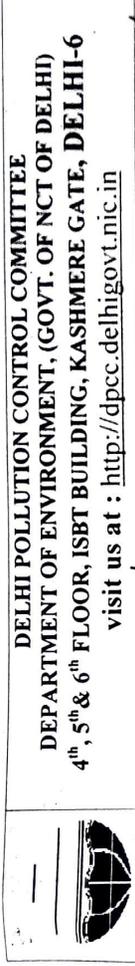
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(K.Kumar)

Env. Engineer

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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-VII//2020 / 1384- 85

Dated: 28/05/2020

To,

Annexure-2

Sub-Divisional Magistrate (Civil Lines),
Khasra Number - 549 near Barat Ghar, Village Burari,
Delhi-110084

Subject - Recovery Certificate of DPCC towards, recovery of Environmental Compensation, as arrears of land revenue in r/o of M/s Vinesh Kumar, Street Number 9C Jagatpur Village Near Biodiversity Park, Phase - II, Delhi - 110084.

Whereas, M/s Vinesh Kumar, Street Number 9C Jagatpur Village near Biodiversity Park, Phase - II, Delhi - 110084. (here in after referred as addressee) was engaged in the activity of illegal extraction and supply of packaged Ground water.

And whereas, an inspection of the addressee unit was conducted by DPCC officials and DJB on 08.01.2020 and following were observed:

1. Unit was engaged earlier in the activity of illegal extraction and supply of packaged ground water
2. During inspection bore well and the unit both were found sealed
3. Size of the bore well was 2" and 1 HP motor was used on it as informed by Sh. Vinesh Kumar.

And whereas, in view of Hon'ble NGT orders towards levying Environmental damages, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Compensation for Damages (EDC) of Rs.2,50,560/- (Rs. Two lakhs fifty thousand five hundred sixty only) on M/s Vinesh Kumar, Street Number 9 - C Jagatpur Village Near Biodiversity Park, Phase - II, Delhi - 110084.

And whereas, directions for seeking Environmental Compensation for Damages (EDC) of Rs.2,50,560/- (Rs. Two lakhs fifty thousand five hundred sixty only) was issued M/s Vinesh Kumar, Street Number 9 - C Jagatpur Village near Biodiversity Park, Phase - II, Delhi - 110084 on 12.03.2020 (Copy enclosed). However, M/s Vinesh Kumar, Street Number 9C Jagatpur Village Near Biodiversity Park, Phase - II, Delhi - 110084 has not deposited the Environmental Compensation for Damage of Rs.2,50,560/- (Rs. Two lakhs fifty thousand five hundred sixty only) till date.

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Now therefore, in view of above, you are requested to take appropriate action for Recovery of Rs.2,50,560/- (Rs. Two lakhs fifty thousand five hundred sixty only) from M/s Vinesh Kumar, Street Number 9C Jagatpur Village Near Biodiversity Park, Phase - II, Delhi - 110084 as arrears of land revenue and the same may be remitted to DPCC.

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


~~(Mohd. Arif)~~
~~Sr. Env. Engineer~~

Copy To:

1. Master File


(K. Kumar)
Env. Engineer

o/c

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	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006 visit us at : http://dpcc.delhigovt.nic.in
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F.No. DPCC/CMC-II/NGT/2020/3788-89

Dated: 29/07/2020

To,

The Sub-Divisional Magistrate (Civil Lines),
Khasra No.-549 Near Barat Ghar,,'
Village Burari'
Delhi-110035

REMINDER-I

Sub: Reminder for Recovery of Environmental Compensation, as arrears of land revenue issued on 28.05.2020.

This has reference to Recovery letter issued on dated 28.05.2020 regarding Environmental Compensation, as arrears of land revenue of against M/s Vinesh Kumar, Street No. 9 C, near Biodiversity Park, phase IInd, Jagatpur Village, Delhi - 110084 (Copy enclosed). However, the unit has not deposited Environment Damage Compensation (EDC) so far. No compliance report is received in this regard.

Now therefore, in view of above, you are once again requested to take appropriate action for Recovery of Environmental Damages Compensation of Rs. 2,50,560/- (Rs. Two Lakh fifty thousand five hundred sixty only) immediately against M/s Vinesh Kumar, Street No. 9 C, near Biodiversity Park, phase IInd, Jagatpur Village, Delhi - 110084 (Copy enclosed) as arrears of land revenue and the same may be remitted to DPCC so as to comply with the orders of Hon'ble NGT.

This issue with the approval of the Competent Authority, Delhi Pollution Control Committee.

Copy to:-

1. Master file.

(Mohd Arif)
Sr. Env. Engineer

(K. Kumar)

o/c