

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

Original Application No. 104/2022

IN THE MATTER OF:

Vishnu Kumar Aggarwal

.....Applicant

Versus

Govt. of NCT of Delhi

.....Respondent

NDOH:-02.08.2023

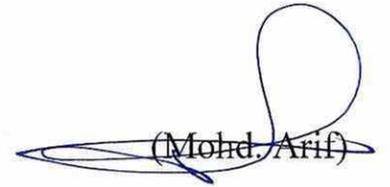
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Filed by:

New Delhi:

Dated: 24.07.2023


(Mohd. Arif)

Sr. Environmental Engineer
Delhi Pollution Control Committee

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

Original Application No. 104/2022

IN THE MATTER OF:

Vishnu Kumar Aggarwal

.....Applicant

Versus

Govt. of NCT of Delhi

.....Respondent

**ADDITIONAL REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN COMPLIANCE TO THE ORDER
DATED 28.11.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 04.02.2022 and directed to constitute a Joint Committee of the DPCC, Commissioner, North Delhi Municipal Corporation and District Magistrate (North-West), Delhi. The DPCC will be the Nodal agency for coordination and compliance. The joint Committee will undertake site visit and look into the grievance and take remedial action in accordance with law.
2. That the complainant vide the present complaint has raised the issue of operation of some illegal cold storage unit in the Azadpur, New Subzi Mandi, Delhi-110033 in violation of the environmental Acts.
3. That in compliance with the order's passed by this Hon'ble Tribunal, DPCC filed the action taken report and response through email on 10.05.2022, 18.08.2022 and 20.09.2022, which is available on the records of this Hon'ble Tribunal.

4. That, in addition to previous reports, it is most respectfully submitted that DPCC issued a letter on 21.11.2022 to the Deputy Secretary (License), APMC and the Chief Engineer (DEMS) HQ-1, (MCD). In view of the inspection conducted by a joint team of officials of DPCC, MCD & Revenue Department on 10.08.2022 and during the inspection, it was observed that all the shops at addresses mentioned by the petitioner in his complaint do not have valid APMC license. MCD and APMC were directed to provide the copies of License details of these shops and if are being operated without licence and then to take action. Copy of the letter's dated 21.11.2022 are enclosed herewith as **ANNEXURE-1 (Colly)**.
5. That, Agricultural Produce Marketing Committee (APMC) has submitted its reply dated 16.12.2022, in reference of the letter dated 19.09.2022. In the reply it was mentioned that, following details of given as under: -

S. NO.	Name of Firm	Shop No.	License No.	Name of Partner/Proprietor	Status
1.	M.N. International	C-35	B-4972 A-4565	Sajan Ashra S/o Ejot Kumar	
2.	Luxmi Fruit Company	C-42	B-1303 A-821	Pawan Bajaj S/o Pindi das Bajaj Pindi Bajaj S/o Late Gyan Chand Bajaj Smt. Shital Bajaj W/o Pawan Bajaj	
3.	Royal Asia Marketing Agency	C-34	-	-	License not issued to this Firm at this Shop address
4.	S.G. Trading Company	C-105	B-4029 A-3704	Madam Gopal Vinayak S/o Ishwar Dass Ganesh dass S/o Gopal Dass Amit Rajpal S/o Ganesh Dass	
5.	Kapsons International	C-107	B-6406 A-4984	Viresh Kapoor S/o Sh. Late Sh. Ramesh Kapoor	
6.	Mahamani & Company	C-85	-	-	License not issued to this Firm at this Shop

					address
7.	Ayan Traders	C-1	B-6465 A-5042	Ankit Deshwal S/o Sh. Rambir Singh	
8.	Suri Agro Fresh	C-77, 78	-	-	License not issued to this Firm at this Shop address
9.	Ganga International	C-44	B-6123 A-4707	Pankaj Chawla S/o Desh Raj Chawla S/o Desh Raj Chawla Smt. Manish Chawla S/o Oankaj Chawla	
10.	Bua Ditta Surinder Kumar	C-200	-	-	C-200 shop no. is not available in mandi
11.	I.G. International	C-59, 60	B-4903 A-4500 (Shop No. C- 59)	Gyan Chand Arora S/o Ram Chand Arora Sanjay arora S/o Gyan Chand Arora Tarun arora S/o Gyan Chand Arora	
12.	V.A. Fruit	C-64	-	-	License not issued
13.	Suri Agro Fresh	C-129	B-4554 A-4162	Sudhir Suri S/o Girdhari Lal Suri Hitesh Suri S/o Girdhari Lal Suri	
14.	G.M. International	C-87	-	-	License not issued
15.	M.K.C Agro fresh Pvt Ltd.	C-80	-	-	License not issued to this Firm at this Shop address
16.	Agro World	C-79	B-6453 A-5030	Lalt Sethi S/o Hira Nand	
17.	M.G.R Fruit Pvt. Ltd	C-563	B-3493 A-3123	Gulshan Chadha S/o M.L. Chadha S/o M.L. Chadha Girish Chadha S/o Rajesh Chadha S/o M.L. Chadha	
18.	R.B. Impex	C-110	B-6118 A-4702	Hemant Gidwani S/o Tikam Das Gidwani Vhawesh Hemant Gidwani Ritesh Gidwani S/o Hemant Gidwani	

19.	Harbans Lal Ans Sons	C-28	B-4831 A-4429	Atul Kumar S/o Harbans Lal Smt Anu Kalra W/o Devanshu Kalra	
20.	New Jco International	C-29	-	-	License not issued to this Firm at this Shop address
21.	Sai Nath Impex	C-21	-	-	License not issued to this Firm at this Shop address
22.	The Fruit World	C-13	B-2613	Rajesh Harjani S/o S.C. Harjani Sri Chand Harjani S/o Udhav Dass Harjani Manoj Harjani S/o Sri Chand Harjani	

Copy of the reply submitted by Agricultural Produce Marketing Committee (APMC) dated 16.12.2022 is enclosed herewith as ANNEXURE-2

6. That, MCD has not submitted any compliance report of the directions issued vide dated 21.11.2022. DPCC again issued letter dated 13.02.2023 to the Chief Engineer (DEMS) HQ-1, (MCD) to provide the asked details. Copy of the letter dated 13.02.2023 is enclosed herewith as ANNEXURE-3.

7. That in the nutshell it is most respectfully submitted that:

(a) As no consent record found in DPCC w.r.t. above mentioned 22 units, notice u/s 21/22 of Air Act, 1981 and 25/26 of Water Act, 1974 issued on 23.03.2021 considered as the activity of units are "Cold Storage" as mentioned in the complaint.

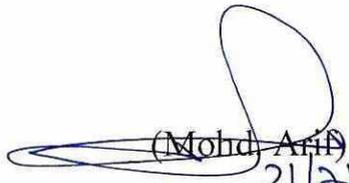
(b) Out of 22, Five units/Shops have been inspected by officials of DPCC on 03.12.2021 and it was found that these units are trading shops with refrigeration facility for maintaining the freshness of fruits, no Industrial/ manufacturing activity carried out also no any trade effluent or emission observed. No action is warranted from the DPCC. Accordingly, a reply was forwarded to complainant on 16.12.2021.

(c) In compliance of order of This Hon'ble Tribunal, inspection of these 22 units were conducted by the joint team of DPCC, North DMC &

Revenue Department on 14.02.2022 & 15.03.2022 and 10.08.2022.

Findings are as follows: _

- No trade effluent/air emission observed.
 - No Industrial/Manufacturing activity is being carried out
 - One unit could not be located and thus does not exist.
 - Shops/units are within trading area of New Subzi Mandi Azadpur, developed by APMC.
 - During inspection, the team observed no such irritation in eyes, skin rashes, breathlessness at the spot.
 - SCN for u/s 31 (A) of Air Act and SCN for imposing EC of Rs. 20,000/- (as the units are only shops/walk-ins (involving storage/trading of fruits) for white category units also issued on 19.09.2022 as per EDC policy dated 30.03.2022.
8. As per DPCC categorisation of the industrial activities, Chilling Plant and Cold Storage (Integrated) (Excluding 164 meat/food processing) without trade effluent falls under Green Category. Activity of Cold Storage falls under Green Category and there was no mention about cold room in the categorization.
9. Considering the replies received from units and findings of joint inspection team, it is considered that these units be considered as small cold rooms which are used to keep agricultural produce for a very short period of time and are not at par with Chilling Plant and Cold Storage (Integrated).
10. It is therefore requested to this Hon'ble Tribunal that the present additional compliance report may kindly be taken on record.

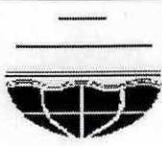

(Mohd. Arif)
21/7/23
Sr. Environmental Engineer

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Annexure-1 (Colly)

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**Most Urgent
NGT Matter
Reminder-II
By Speed Post**



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
1st Floor, E Block, Vikas Bhawan-II, Upper Bela Road, Civil Line, Delhi-54
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-V/NGT-OA-104/2022/ 7645

Dated: 21/11/2022

To,

The Dy. Secretary (License),
Agriculture Produce Marketing Committee,
APMC Office Complex,
NFM Ph.-II, Sarai Pipal Thala,
Delhi – 110033.

Sub.: Regarding Order passed by Hon'ble NGT in Original Application No. 104/2022 on 04.02.2022 in the matter "Vishnu Kumar Aggarwal Vs. Govt. of NCT of Delhi".

Sir,

This has reference to the order dated 04.02.2022 passed by Hon'ble National Green Tribunal in Original Application No. 104/2022 in the matter "Vishnu Kumar Aggarwal Vs. Govt. of NCT of Delhi" (copy enclosed) regarding running of some illegal cold storage unit in the Azadpur, New Subzi Mandi, Delhi-110033. The Hon'ble NGT has issued following directions as reproduced below:-

"...4. Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the DPCC, Commissioner, Municipal Corporation of North, Delhi and District Magistrate, North-West, Delhi. The DPCC will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List the matter for consideration on 28.11.2022."

In this regard, I am directed to inform you that the inspection in this matter was conducted by a joint team of officials of DPCC, MCD & Revenue Department on 10.08.2022 and during the inspection, it was found that all the shops at the addresses mentioned by the petitioner in his complaint do not have valid APMC license. In this regard, an email was sent to you on 10.08.2022 with the request to provide the copy of License details of these shops and reply in this regard is still awaited.

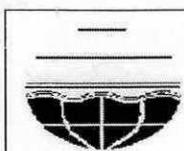
In view of above, I am directed to request you again to provide the copy of valid License, if any, or take suitable action against these shops, if operating without valid License and provide Action Taken Report to apprise the same to the Hon'ble NGT.

This issues with the approval of the Competent Authority.

Yours sincerely,

Encl.: As above.

(Mohd. Arif)
Sr. Env. Engineer



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
1st Floor, E Block, Vikas Bhawan-II, Upper Bela Road, Civil Line, Delhi-54
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-V/NGT-OA-104/2022/ 7646

Dated: 21/11/2022

To,

The Chief Engineer (DEMS) HQ-1,
Municipal Corporation of Delhi,
10th Floor, E-1 Block, Civic Centre, Minto Road,
New Delhi-110 002.

Sub.: Regarding compliance of order passed by Hon'ble NGT in Original Application No. 104/2022 on 04.02.2022 in the matter "Vishnu Kumar Aggarwal Vs. Govt. of NCT of Delhi".

Sir,

This has reference to the order dated 04.02.2022 passed by Hon'ble National Green Tribunal in Original Application No. 104/2022 in the matter "Vishnu Kumar Aggarwal Vs. Govt. of NCT of Delhi" (copy enclosed) regarding running of some illegal cold storage unit in the Azadpur, New Subzi Mandi, Delhi-110033. The Hon'ble NGT has issued following directions as reproduced below:-

"...4. Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the DPCC, Commissioner, Municipal Corporation of North, Delhi and District Magistrate, North-West, Delhi. The DPCC will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List the matter for consideration on 28.11.2022."

In this regard, I am directed to inform you that the inspection in this matter was conducted by a joint team of officials of DPCC, MCD & Revenue Department on 10.08.2022 and during the inspection. it was found that all the shops at the addresses mentioned by the petitioner in his complaint do not have valid APMC and Factory Licenses.

In view of above, I am directed to request you again to provide the copy of valid Factory License, if any, or take suitable action against these shops, if operating without valid Factory License and provide Action Taken Report to apprise the same to the Hon'ble NGT.

This issues with the approval of the Competent Authority.

Yours sincerely,

Encl.: As above.

(Mohd. Arif)
Sr. Env. Engineer



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Annexure-2 (B)
Agricultural Produce Marketing Committee
(Market of National Importance)
(Govt. of NCT of Delhi)

Office Complex, NFM Phase-II, Sarai Pipal Thala, Azadpur, Delhi-110033
Ph. 27691807, 27691804, Fax: 27691762, 27691668

Website: www.apmcazadpurdelhi.com E-mail: apmcazadpur@gmail.com

F. No. (1) APMC/Lic./Misc./9119

Dated: 16/12/22

To,

Mohd. Arif
The Sr. Environment Engineer,
Delhi Pollution Control Committee
Department of Environment, (Govt. of NCT of Delhi)
1st floor, E Block, Vikas Bhawan – II,
Bela Road, Civil Line, Delhi-110054.

CMGV/2146
19/12/2022

Sub:- Regarding order passed by Hon'ble NGT in original Application No. 104/2022 on 04.02.2022 in the matter "Vishnu Kumar Aggarwal Vs. Govt. of NCT of Delhi".

This is with reference to your letter No. DPCC/CMC-V/NGT-OA-104/2022/5482 dt. 19.09.2022, on subject cited above.

The subject matter is about the order dt. 04.02.2022 passed by the Hon'ble NGT in original Application no. 104/2022 dt. 04.02.2022 in the matter of "Vishnu Kumar Aggarwal Delhi-33". In this regard the necessary inspection was conducted by DPCC, MCD & Revenue Department on 10.08.2022, and during the inspection, it was found that all the shops at the addresses mentioned by the petitioner in his complaint do not have valid APMC licence.

An e-mail was also received from DPCC as on 10.08.2022 with request to provide the copy of Licence detail of these shops.

Accordingly, the reply of your e-mail has been already sent through apmcazadpur@gmail.com as on 17 Aug. 2022 at 2:56 PM. (Copy of mail attached).

However, the required information as desired is detailed here under:-

In view of above, the detail may please be refer as under:-

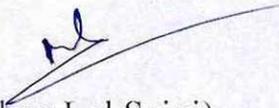
S.no.	Name Of Firm	Shop No.	Licence No.	Name of Partner/Proprietor	
1	M.N. International	C-35	B-4972 A-4565	Sajan Ashra S/o Ejot Kumar	
2	Luxmi Fruit Company	C-42	B-1303 A-821	Pawan bajaj S/o Pindi das Bajaj Pindi das Bajaj S/o Late Gyan Chand Bajaj Smt. Shital Bajaj W/o Pawan Bajaj	
3	Royal Asia Marketing Agency	C-34	-	-	Licence not issued to this Firm at This Shop

Sh. Vikas
19/12/22

4	S.G. Trading Company	C-105	B-4029 A-3704	44 Madan Gopal Vinayak S/o Ishwar Dass Ganesh dass S/o Gopal Dass Amit rajpal S/o Ganesh Dass	
5	Kapsons International	C-107	B-6406 A-4984	Viresh Kapoor S/o Sh. Late Sh. Ramesh Kapoor	
6	Mahamani & Co.	C-85	-	-	Licence Not Issued to this firm at this shop
7	Ayan Traders	C-1	B-6465 A-5042	Ankit Deshwal S/o Sh. Rambir Singh	
8	Suri Agro Fresh	C-77,78			Licence Not Issued to this firm at this shop
9	Ganga International	C-44	B-6123 A-4707	Pankaj Chawla S/o Desh Raj Chawla Pawan Chawal S/o Desh Raj Chawla Smt. Manisha Chawla S/o Oankaj Chawla	
10	Bua Ditta Surinder Kumar	C-200	-	-	C-200 shop no. Is not avilable in mandi.
11	I.G. International	C-59,60	B-4903 A-4500 (Shop No.C-59)	Gyan Chand Arora S/o Ram Chand Arora Sanjay arora S/o Gyan Chand Arora Tarun arora S/o Gyan Chand Arora	
12	V.A Fruits	C-64	-	-	Licence Not issued
13	Suri Agro Fresh	C-129	B-4554 A-4162	Sudhir Suri S/o Girdhari Lal Suri Hiten Suri S/o Girdhari Lal Suri	
14	G.M. International	C-87	-	-	Licence Not issued
15	M.K.C Agro Fresh Pvt. Ltd	C-80	-	-	Licence Not issued to this firm at this shop
16	Agro World	C-79	B-6453 A-5030	Lalit sethi S/o Ilira Nand	

17	M.G.R Fruits Pvt. Ltd	C-563	B-3493 A-3123	45	Gulshan Chadha S/o M.L Chadha S/o M.L Chadha Girish Chadha S/o M.L Chadha Rajesh chadha S/o M.L Chadha	
18	R.B. Impex	C-110	B-6118 A-4702		Hemant Gidwani S/o Tikam Das Gidwani Bhawesh Hemant Gidwani Ritesh Gidwani S/o Hemant Gidwani	
19	Harbans Lal And Sons	C-28	B-4831 A-4429		Atul Kumar S/o Harbans Lal Smt. Anu kalra W/o Devanshu Kalra	
20	New Jco International	C-29	-	-	-	Licence not issued to this firm at this shop
21	Sai Nath Impex	C-21	-	-	-	Licence not issued to this firm at this shop
22	The Fruit World	C-13	B-2615		Rajesh Harjani S/o S.C Harjani Sri Chand Harjani S/o Udhav Dass Harjani Manoj Harjani S/o Sri chand harjani	

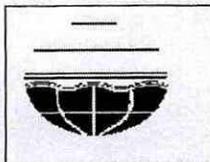
This issues with the approval of Secretary (MNI), Azadpur.


(Mohan Lal Saini)
Dy. Secretary(Lic.)

Encl:- as above

To

Dy. Secy. (IT) APMC, Azadpur.



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
1st Floor, E Block, Vikas Bhawan-II, Upper Bela Road, Civil Line, Delhi-54
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-V/NGT-OA-104/2022/

Dated: 13/02/2023

To,

The Dy. Secretary (License),
Agriculture Produce Marketing Committee,
APMC Office Complex,
NFM Ph.-II, Sarai Pipal Thala,
Delhi – 110033.

Annexure-3

Sub.: Regarding Order passed by Hon'ble NGT in Original Application No. 104/2022 on 04.02.2022 in the matter "Vishnu Kumar Aggarwal Vs. Govt. of NCT of Delhi"

Sir,

This has reference to the order dated 04.02.2022 passed by Hon'ble National Green Tribunal in Original Application No. 104/2022 in the matter "Vishnu Kumar Aggarwal Vs. Govt. of NCT of Delhi" (copy enclosed) regarding running of some illegal cold storage unit in the Azadpur, New Subzi Mandi, Delhi-110033. The Hon'ble NGT has issued following directions as reproduced below:-

"...4. Having regard to the seriousness of the allegations, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the DPCC, Commissioner, Municipal Corporation of North, Delhi and District Magistrate, North-West, Delhi. The DPCC will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List the matter for consideration on 28.11.2022."

In this regard, I am directed to inform you that the inspection in this matter was conducted by a joint team of officials of DPCC, MCD & Revenue Department on 10.08.2022 and during the inspection, it was found that all the shops at the addresses mentioned by the petitioner in his complaint do not have valid APMC license. However a reply in this regard from you is received in this office vide F.No. () APMC/Lic/Misc/9119 dated 16.12.2022 but ATR against the units/shops which do not have valid APMC License is still awaited.

In view of above, I am directed to request to take suitable action against these shops, operating without valid License and provide Action Taken Report to apprise the same to the Hon'ble NGT before next date of hearing i.e 14.02.2023.

This issues with the approval of the Competent Authority.

Yours sincerely,

Encl.: As above.

(Mohd. Arif)

Sr. Env. Engineer