

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

Original Application NO. 1026/2019

**In the matter of:**

Bhaskar Keta Varapu

...Applicant

Versus

Central Pollution Control Committee Board & Ors.

...Respondents

**NDOH:- 16.06.2020**

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Filed by:

(Delhi Pollution Control Committee)

New Delhi:  
Dated: 12.06.2020

(1)

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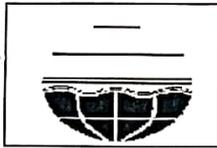
**ADDITIONAL ACTION TAKEN REPORT ON BEHALF OF DELHI  
POLLUTION CONTROL COMMITTEE IN COMPLIANCE OF THE  
ORDER DATED 04.02.2020**

1. That this Hon'ble Tribunal took up the above referred matter on 04.02.2020. After considering the action taken report of DPCC dated 31.01.2020, pleased to direct to file further action taken report by DPCC.
2. That, in response to the show cause notice issued to society, President of the society informed that they will rectify the defects regarding acoustic enclosure and stack height. If they will not able to rectify the defects, they will remove the DG Set. In the reply it was further informed that by the society that during the last one year there had been regular supply of mains to the society and the usage of generator had been only 0.45% for 365 days.
3. That, after considering the reply of the residential society, DPCC has issued Modified direction under Section 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 to the M/s Vivekanand Cooperative Group Society to remove the defects and also to deposit EDC.

4. That, DPCC carried out the inspection of the society on 29.05.2020 and observed that no effective steps for removal of defects as communicated to them was initiated. However, it was observed that the DG set was lying unused since long.
  
5. That, DPCC received a letter dated 05.06.2020 from the Vivekanand Cooperative Group Society interalia requesting for some more time to complete the entire process for removal of defects. They were not able to complete the work due to outbreak of Covid-19 and national wide lockdown since March, 2020.
  
6. That, DPCC has granted 30 days additional time to the society for increasing of stack height and improvement of acoustic enclosure before starting operation afresh. In the direction the society has also been directed to submit fresh noise monitoring report. EC of Rs.1 Lakh has been imposed upon the society for not maintaining DG set as per the norms. Copy of the modified direction dated 09.06.2020 is enclosed herewith as Annexure-1.

The action taken report may kindly be taken on record.

  
(Dr. Chandra Prakash)  
Sr. Env. Engineer  
12/06/2020



DELHI POLLUTION CONTROL COMMITTEE  
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI  
5<sup>th</sup> FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006  
visit us at: <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-II/NGT/OA1026/2019/1184-1185

Dated: 09/06/2020

To,  
M/s Vivekanand Cooperative Group Society Ltd.,  
Plot. No.-2, Sec-5,  
Dwarka, New Delhi 110075

Annexure-1

**Subject: -Modified Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 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 (1) 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 Hon'ble NGT order dated 29.11.2019 in OA No. 1026/2019 in the matter of "Bhaskar Keta Varapu Vs. Central Pollution Control Committee Board & Others" an inspection of M/s Vivekanand Cooperative Group Society Ltd., plot no. 2, Sector-5, Dwarka, New Delhi- 110075 (hereinafter referred as "the Addressee") was carried out by the officials of DPCC on 16.01.2020 and following was observed:-

- Society has installed D.G. Set of 125 KVA.
- D.G. Set has been provided acoustic enclosure with it.
- Stack height of the D.G. Set was found inadequate as it has not been raised 2.4 m above the roof level of the building.

And whereas, Noise Monitoring was also carried out by the officials of DPCC, Air Lab on dated 23.01.2020 and the results of the Noise Monitoring report indicated that insertion loss of the acoustic enclosure is 19.7 db(A) against the stipulated standards of 25 db(A).

And whereas, Show Cause Notices were issued to you "the Addressee" for correcting the deficiencies observed during inspection on 29.01.2020 and 30.01.2020 and an Environmental Damage Compensation of Rs 1,00,000/- (One Lakh) was also imposed.

Contd.....

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And whereas, you **"the Addressee"** submitted your response against the above said Directions on **02.06.2020** and sought time of at least 01 month for taking corrective measures as your process was abruptly scuttled due to the nationwide lockdown on **24.03.2020**.

And whereas, the reply submitted by you **"the Addressee"** has been considered by DPCC.

Now, therefore in view of the above and decision take by the Competent Authority in DPCC, you **"the Addressee"** are hereby directed u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

1. That you **"the Addressee"** shall take remedial actions regarding proper acoustic enclosure with efficiency of at least 25 db(A) insertion loss in your D.G. Set and submit a test report from DPCC Lab.
2. That you **"the Addressee"** shall ensure proper stack height with the D.G. Set having its height 2.4 m above the roof level so as the emissions of D.G. Set are properly discharged.
3. That you **"the Addressee"** shall deposit Environment Compensation of Rs. 1,00,000/- (One lakh only ) within 15 days from the date of issue of this letter by the way of demand draft in favour of Delhi Pollution Control Committee for causing Air Pollution & Noise pollution.
4. Submit compliance report w.r.t to the observation as mentioned above within **30 days** time from the issue of this letter.

**Non Compliance w.r.t. aforementioned Modified Directions shall attract penal action under the provisions of said Acts and Rules.**

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

  
**(Dr. Chandra Prakash)**  
**In-charge(CMC-II)**

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