

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

M.A. No. 95/2022 & M.A. No. 96/2022

IN

Original Application

No. 620/2019

**In the matter of:**

Varun

.....Petitioner

Vs

Delhi Pollution Control Committee &Ors

.....Respondent

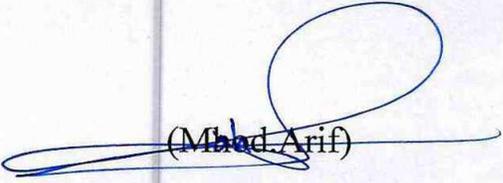
**NDOH:-20.01.2023**

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Filed by

  
(Mubad Arif)

Senior Environmental Engineer, DPCC

Delhi

Dated:- 16.01.2023

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

M.A. No. 95/2022 & M.A. No. 96/2022

IN

Original Application No. 620/2019

**In the matter of:**

Varun

.....Petitioner

Vs

Delhi Pollution Control Committee &Ors

.....Respondent

**COMPLIANCE REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE WITH RESPECT TO ORDER DATED 14.12.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 14.12.2022 and was pleased to direct the District Magistrate and DPCC to file the report with regard to:
  - (a) De-sealing of the industrial plot bearing number 290, Pocket-D, Sector-5, Bawana Industrial Area.
  - (b) DPCC may furnish status on other textile units as per report dated 12.10.2019.
  
2. That, the DPCC on 12.10.2019 filed an action taken report before this Hon'ble Tribunal (joint inspection carried out by DPCC, CPCB and SDM) interalia mentioning following status of the units:
  - (a) That the 20 units as alleged in the petition were inspected by the joint team on 23.08.2019, 27.08.2019 and 29.08.2019.
  - (b) During inspection 7 dyeing units were found violating the pollution control norms.

- Directions u/s 33(A) of the Water Act, 1974 and u/s 31 (A) of the Air Act, 1981 were issued to these 7 units.
- Total Environmental Damages of Rs. six crores has also been imposed on these 7 units.
- These seven units were effectively closed by disconnecting electricity and water connections.

(c) Nine (09) units were found complying with the pollution control norms.

(d) Activity of dyeing of jeans/garments were not found being carried out in 04 units during the inspection.

3. That, this Hon`ble Tribunal vide its order dated 21.10.2019 approved the report dated 12.10.2019 filed by the DPCC and directed to recover the assessed compensation.

4. That the applicant herein filed Execution Application No. 25/2020 seeking the compliance of the order dated 21.10.2019. DPCC filed its report in this execution proceedings on 19.02.2021 before this Hon`ble Tribunal, inter alia mentioning following status of the units :

Particulars	Unit Name and Respondent Number as per Execution Application No. 25/2020	Number of units/premises
Address not found	<ul style="list-style-type: none"> <li>• Shiv Laxmi Wash, Uttam Nagar (R/20)</li> <li>• Ankit Dying, Uttam Nagar (R/21)</li> </ul>	2
EDC imposed	<ul style="list-style-type: none"> <li>• Pankaj Bhushan, Khyala (R/4)</li> <li>• Uday Kumar/Sanjay Kumar Jha (R/5)</li> <li>• Parveen Bansal, DSIIDC, Bawana (R/9)</li> <li>• Denim World (Manpreet Singh), DSIIDC, Bawana (R/10)</li> <li>• Vaibhav Gulati, DSIIDC, Bawana (R/12)</li> <li>• Arun, DSIIDC, Bawana (R/13)</li> <li>• Arun Jain, DSIIDC, Bawana</li> </ul>	8

	(R/14) • Shailesh, DSIIDC, Bawana (R/15)	
No action warranted	<ul style="list-style-type: none"> <li>• Color Solutions, DSIIDC, Bawana (R/6)</li> <li>• Mr. Ramu Rahul, Mayapuri Industrial Area (R/7)</li> <li>• Mr. Sandeep, Mayapuri Industrial Area (R/8)</li> <li>• DayanandDubey Singh Fab, Mayapuri Industrial Area (R/16)</li> <li>• Hari Om Tharejja&amp;HemaTharejja, Mayapuri Industrial Area (R/17)</li> <li>• Abhinav, Mayapuri Industrial Area (R/18)</li> <li>• Shadex, Lawrence Road (R/19)</li> <li>• Mystic, Mayapuri Industrial Area (R/22)</li> </ul>	8
Duplicate Address	• RakeshSrivastava, DSIIDC, Bawana (R/11)	1

5. That after considering the above report, this Hon'ble Tribunal on 09.04.2021 and following directions were issued:

- Applicant filed objections to the effect that compensation is not adequate.
- The objection of the applicant disposed of with direction to file an appeal or making representation to DPCC about the quantum.
- The EA was disposed of with the direction that the process of assessing and recovering compensation be completed.
- DPCC may also maintain vigil to ensure that the illegally operating units do not restart without compliance.

6. That the MA no. 95 and 96 has been filed by Sh. Rajender Prasad Bansal, for de-sealing of the industrial plot number 290, Pocket-D, Sector-5, Bawana Industrial Area.

7. That as per records of the DPCC, the status of 19 dying factories located in Bawana Industrial Area, Mayapuri Industrial Area, Uttam Nagar and Khyala etc. are as under:

Particulars	Unit Name and Respondent Number as per Execution Application No. 25/2020	Number of units/premises
Does not exist	<ul style="list-style-type: none"> <li>• M/s Mann Wash (M/s Ramu Rahul) - Mayapuri (R-7)</li> <li>• Shiv Laxmi Wash, Uttam Nagar (R/20)</li> <li>• Ankit Dying, Uttam Nagar (R/21)</li> </ul>	3
EDC imposes	<ul style="list-style-type: none"> <li>• Pankaj Bhushan, Khyala (R/4)</li> <li>• Uday Kumar/Sanjay Kumar Jha (R/5)</li> <li>• Parveen Bansal, M/s Ocean Enterprises, DSIIDC, DSIIDC, Bawana (R/9)</li> <li>• Vaibhav Gulati, DSIIDC, Bawana (R/12)</li> <li>• Arun, I-34, Sector-4, DSIIDC, Bawana (R/13)</li> <li>• Arun Jain, G-80, Sector-4, DSIIDC, Bawana (R/14)</li> <li>• Shailesh, M/s Shri Balaji Wash, D-290, Sector-5, DSIIDC, Bawana (R/15)</li> </ul>	7
No action warranted	<ul style="list-style-type: none"> <li>• M/s Color Solutions, DSIIDC, Bawana Industrial Area (R-6)</li> <li>• Mr. Sandeep, Mayapuri (R-8)</li> <li>• M/s Denim World (Manpreet Singh), Bawana Industrial Area (R-10)</li> <li>• M/s Rakesh Srivastava, DSIIDC, Bawana Industrial Area (R-11)</li> <li>• M/s Singh Fabric Dyeing, Mayapuri (R-16)</li> <li>• M/s Modern Garments Dyeing (Mr. Hari Om Thareja &amp; Hema Thareja), Mayapuri (R-17)</li> <li>• M/s Malika Enterprises,</li> </ul>	9

	Mayapuri(R-18) • M/s Shadex, M/s S.K. Enterprises, Mayapuri (R-19) • Mystic, Mayapuri Industrial Area (R/22)	
Total		19

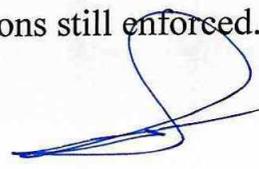
8. That status of 07 units against whom Directions for closure and well as imposition of Environmental Damages has been imposed is as under:

(a) M/s PankajBhushan, RZ-101, First Floor, Jai DurgaDharamKanta, NarshingGarde, Khyala (**Respondent Number-4** in Execution Application No. 25/2020):

- Directions u/s 31(A) & 33(A) for closure and imposition of EDC of Rs.91.25 Lakhs was imposed in the year of 2019.
- Unit has submitted EDC as well as submitted undertaking for closure of the activity. Accordingly, direction was revoked on 10.07.2020.
- At present "Light Engineering Activity" work is going on in this premises with "Consent to Operate".

(b) M/s Uday Kumar/ Sanjay Kumar Jha, RZ-101, C-127, First Floor, Gali No.1, Vishnu Garden, Khyala, Near Jai DurgaDharamKanta(**Respondent Number-5** in Execution Application No. 25/2020):

- Directions u/s 31(A) & 33(A) for closure and imposition of EDC of Rs.2,73,75,000/- was imposed in the year of 2019.
- Unit has not submitted EDC till date.
- Vide letter dated 16.02.2021, SDM (Punjabi Bagh) was asked for taking action for recovery of EDC amount from the unit.
- Closure directions still enforced.



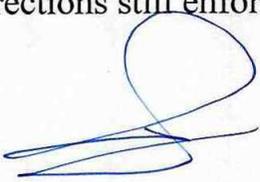
(c) Parveen Bansal, M/s Ocean Enterprises, I-93, Sector-5, DSIIDC, Bawana Industrial Area (**Respondent Number-9** in Execution Application No. 25/2020):

- Directions u/s 31(A) & 33(A) for closure and imposition of EDC of Rs. 47.00 Lakhs/- was imposed in the year of 2019.
- Unit submitted representation & undertaking on 02.09.2019 that they have decided not to operate the unit and requested to revoke the directions.
- Vide letter dated 26.02.2020, SDM (Narela) was requested to recover the EDC amount from the unit.
- A letter was also issued to unit on 27.02.2020 to deposit EDC amount.
- Unit has filed a writ petition {WP(C)3932/2020} titled as M/s Ocean Enterprises vs DPCC and Others before the Hon'ble High Court of Delhi challenging the order dated 23.08.2019 passed by the SDM and the order dated 17.09.2019 passed by the DPCC inter alia directing the closure of the unit of the petitioner and directing the petitioner to deposit a sum of Rs. 2 lacs and Rs. 47 lacs respectively as Environmental Compensation. The Hon'ble High Court disposed off the writ vide order dated 06.07.2020 (**Annexure-1**) converting direction of DPCC into Show cause notice
- In pursuance of Hon'ble High Court order, DPCC issued an order for imposing EC of Rs. 47 Lakhs on 11.02.2020 (**Annexure-2**).
- SDM (Narela) vide letter dated 19.08.2021 was requested to recover the EDC amount from the unit.
- Unit has not submitted EDC till date. Reminder letter issued on 09.01.2023 to SDM (Narela) again (**Annexure-3**) for recovery of Environmental Compensation.
- Closure directions still enforced.

(d) M/s Vaibhav Gulati, J-277 (Actual I-277), Sector-2, DSIIDC, Bawana Industrial Area (**Respondent Number-12** in Execution Application No. 25/2020):

- Directions u/s 31(A) & 33(A) for closure and imposition of EDC of Rs. 47.00 Lakhs/- was imposed in the year of 2019.
- SDM (Narela) was asked for taking action for recovery of EDC amount.
- Letter issued to the unit on 03.02.2021 to deposit amount of EDC.
- Unit has not submitted EDC till date. Reminder letter issued on 09.01.2023 to SDM (Narela) again (**Annexure-4**) for recovery of Environmental Compensation.
- Closure directions still enforced.

(e) M/s Arun, I-34, Sector-4, DSIIDC, Bawana Industrial Area, (**Respondent Number-13** in Execution Application No. 25/2020):

- Directions u/s 31(A) & 33(A) for closure and imposition of EDC of Rs. 47.00 Lakhs/- was imposed in the year of 2019.
  - SDM (Narela) was asked for taking action for recovery of EDC amount from the unit.
  - Letter issued to the unit on 03.02.2021 to deposit amount of EDC.
  - Unit has not submitted EDC till date. Reminder letter issued on 09.01.2023 to SDM (Narela) again (**Annexure-5**) for recovery of Environmental Compensation.
  - Closure directions still enforced.
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(f) M/s Arun Jain, G-80, Sector-4, DSIIDC, Bawana Industrial Area, New Delhi-39. (Respondent Number-14 in Execution Application No. 25/2020):

- Directions u/s 31(A) & 33(A) for closure and imposition of EDC of Rs. 47.00 Lakhs/- was imposed in the year of 2019.
- Unit submitted representation & undertaking on 02.09.2019 that they have decided not to operate the unit and requested to revoke the directions. As unit not deposited EDC, hence request was not considered.
- SDM (Narela) was asked for taking action for recovery of EDC amount from the unit on 26.02.2020.
- Letter issued to the unit on 27.02.2020 to deposit amount of EDC already imposed.
- Closure directions still enforced.

(g) M/s ShriBalaji Wash (Mr. Shailesh), D-290, Sector-5, DSIIDC, Bawana Industrial Area, New Delhi-39 (Respondent Number-15 in Execution Application No. 25/2020):

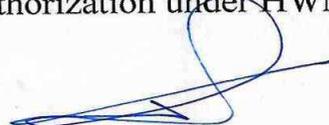
- Directions u/s 31(A) & 33(A) for closure and imposition of EDC of Rs. 47.00 Lakhs/- was imposed in the year of 2019.
- Unit submitted representation & undertaking on 02.09.2019 that they have decided not to operate the unit and requested to revoke the directions. As unit not deposited EDC, hence request was not considered.
- SDM (Narela) was asked for taking action for recovery of EDC amount from the unit on 26.02.2020.
- Letter issued to the unit on 27.02.2020 to deposit amount of EDC already imposed.
- Unit has filed a writ petition {WP(C) 3919/2020} before the Hon'ble High Court of Delhi titled "ShriBalaji Wash Vs. DPCC and another" challenging the order dated 17.09.2019 passed by the DPCC and

the order dated 23.08.2019 passed by the SDM inter alia directing the closure of the unit of the petitioner and directing the petitioner to deposit a sum of Rs. 47 lacs and Rs. 50,000/- respectively as Environmental Compensation. The Hon'ble High Court disposed off the writ vide order dated 03.07.2020 (Annexure-7) converting direction of DPCC into Show cause notice

- In pursuance of Hon'ble High Court order, DPCC issued an order for imposing EC of Rs. 47 Lakhs on 11.02.2020 (Annexure-8).
- SDM (Narela) vide letter dated 19.08.2021 was asked for taking action for recovery of EDC amount from the unit.
- Unit has not submitted EDC in DPCC till date as claimed before the Hon'ble Court. Reminder letter issued on 09.01.2023 to SDM (Narela) for recovery of Environmental Compensation (Annexure-9).
- Closure directions still enforced.

9. That with regard to de-sealing of the applicant premises i.e.290, Pocket-D, Sector-5, Bawana Industrial Area, it is most respectfully submitted that DPCC issued closure direction u/s 31(A) of the Air Act-1981 & 33(A) of the Water Act-1974 for closure and imposition of EDC of Rs. 47.00 Lakhs/- was imposed on 17.09.2019 qua M/s ShriBalaji Wash at this address. The action of DPCC was based on the inspection dated 23.08.2019, in which it was observed that:

- Unit found operational and engaged in the activity of Jeans Dying, washing along with spray painting and wood fired boiler use at roof.
- No ETP found installed, waste water is discharged directly without treatment.
- No channelization provided over spray painting section
- Not applied for authorization under HWM Rules.



- Unit sealed on the spot, electricity supply also disconnected.

DPCC is revoking the direction when unit file compliance of the deficiencies as communicated vide direction of closure and deposit the environmental compensation imposed by DPCC.

Applicant herein admitted that the activity was being carried out by the tenant (Sh. Balaji Wash), who was on rent since 31.01.2019.

In the case in hand, DPCC neither received compliance of the deficiencies/ the formal request for vacating the premises permanently nor received EDC imposed by DPCC on 17.09.2019. In absence of these two pre-requisite, direction can not be revoked.

10. The present status report may kindly be taken on record.

(Mohd. Arif)  
SR. ENV. ENGINEER

Place; Delhi  
Date:- 16 .01.2023

Annexure-1

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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

W.P.(C) 3932/2020 & CM APPL. 14079/2020

M/S. OCEAN ENTERPRISES

..... Petitioner

Through: Ms.Anjali J. Manish &  
Mr.Priyadarshi Manish, Adv.

versus

DELHI POLLUTION CONTROL COMMITTEE & ANR.

..... Respondents

Through: Ms.Asiya Khan, Adv.for R-1.  
Mr.Sanjeev Dewan, Adv. for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**ORDER**

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**06.07.2020**

1. This hearing has been held through video conferencing.
2. This petition has been filed by the petitioner challenging the order dated 23.08.2019 passed by the respondent no. 2 and the order dated 17.09.2019 passed by the respondent no. 1 *inter alia* directing the closure of the unit of the petitioner and directing the petitioner to deposit a sum of Rs. 2 lacs and Rs. 47 lacs respectively as Environmental Compensation with the respondent no. 1.
3. The petitioner claims to have deposited a sum of Rs. 2 lacs in terms of the order dated 23.08.2019.
4. The learned counsel for the petitioner submits that before issuance of the said orders, the respondents did not issue any Show Cause Notice or grant any opportunity of hearing to the petitioner.

5. This is not disputed by the learned counsel for the respondent no. 1. She, however, submits that a Show Cause Notice dated 11.06.2020 has now been issued to the petitioner.

6. The learned counsel for the petitioner submits that no such notice has been received by the petitioner till date.

7. In view of the above, the present petition is disposed of directing the respondent no. 1 to supply a copy of the Show Cause Notice to the petitioner as also to the learned counsel for the petitioner. The petitioner shall submit a reply to the Show Cause Notice within a period of two weeks from the receipt of the copy of the Show Cause Notice. The respondents shall decide on the Show Cause within a period of four weeks from the receipt of the reply from the petitioner, after giving an opportunity of hearing to the petitioner. The respondent no. 1 shall pass a speaking order on such show cause and communicate the same to the petitioner. Needless to say, if the petitioner is aggrieved of such order, it shall always be open to the petitioner to challenge the same in accordance with law. For the period of two weeks from the communication of such order on the show cause notice, the respondent no. 1 shall not take steps for making recovery of Environmental Compensation of Rs. 47 lacs from the petitioner.

8. It shall also be open to the petitioner to file an application for seeking interim relief of de-sealing of petitioner's unit by making a representation to the respondent no. 1, which shall be considered by the respondent no. 1 expeditiously.

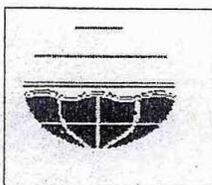
9. It is made clear that this Court has not expressed any opinion on the merits of the claim raised by the petitioner.

10. The petition is disposed of with the above directions.

**JULY 06, 2020/rv**

**NAVIN CHAWLA, J**

By Speed Post



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

F. No. DPCC/CMC-V/WP(C) No. 3932/2020/ 22070

Dated: 11/02/2021

Speaking Order

**Whereas**, aggrieved by the order dated 17.09.2019 issued by DPCC to M/s **Jeans Dyeing & Washing Unit/ Ocean Enterprises** (hereinafter referred as the addressee) operated at I-93, Sector-5, Bawana Industrial Area, Delhi-39, the addressee unit had filed a Writ Petition (Civil) before the Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi in its order dated 06.07.2020 in W.P. (C) No. 3932/2020 has directed as under:-

*"...the respondent no. 1 to supply a copy of the Show Cause Notice to the petitioner as also to the learned counsel for the petitioner. The petitioner shall submit a reply to the Show Cause Notice within a period of two weeks from the receipt of the copy of the Show Cause Notice. The respondents shall decide on the Show Cause within a period of four weeks from the receipt of the reply from the petitioner, after giving an opportunity of hearing to the petitioner..."*

**And whereas**, the Brief facts in the above referred matter are reproduced below:-

- (i) That, an inspection of the addressee unit was conducted on 23.08.2019 and during the inspection, the unit was found engaged in the activity of Jeans Dyeing at I-93, Sector-5, Bawana Industrial Area, Delhi-39 without obtaining valid consent from DPCC and causing pollution. The observation of inspecting team is reproduced below:-
1. Unit found locked from outside. However, it was seen from the gate that plant & machinery exist inside for the activity of Jeans Dyeing.
  2. Blue coloured effluent and fabric threads observed in the waste water line connected with the said unit.
  3. As per local inquiry, unit is engaged in the activity of jeans dyeing since, January, 2019.
  4. Not applied for authorization under HWM Rules.
  5. Unit sealed on the spot, electricity supply also disconnected.
  6. Unit found operating without valid Consent to Establish/ Operate from DPCC.
- (ii) That in view of the deficiencies observed during the inspection, directions for closure was issued to the addressee unit on 17.09.2019 and simultaneously, Environmental Damages Compensation of Rs. 47,00,000/- (Rs. Forty Seven lacs only) was also imposed on 17.09.2019.
- (iii) That, aggrieved by the above said order dated 17.09.2019 issued by DPCC, the addressee unit had filed a Writ Petition (Civil) before the Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi in its order dated 06.07.2020 in W.P. (C) No. 3932/2020 has directed the Respondent No. 1 (i.e. DPCC) to supply a copy of the Show Cause Notice to the petitioner and also to the learned counsel for the petitioner. The petitioner shall submit a reply to the Show Cause Notice and shall also provide an opportunity of personal hearing to the petitioner before taking a decision on this Show Cause Notice.
- (iv) That in pursuance of orders of Hon'ble High Court dated 14.11.2019 in WP(C) 10231/2019, a copy of Show Cause Notice issued on 11.06.2020 was supplied to the addressee unit through email on 08.07.2020, granting opportunity as to why EDC of Rs. 47,00,000/- may not be imposed.

- (v) That subsequently, the addressee unit filed another petition W.P. (C) No. 4690/2020 before the Hon'ble High Court for quashing the Show Cause Notice dated 11.06.2020. Hon'ble Court vide its order dated 29.07.2020 dismissed the petition as withdrawn with the following directions as reproduced below:-

*"The learned counsel for the petitioner prays for leave to withdraw the present petition with liberty to reply to the Show Cause Notice dated 11.06.2020 issued by the respondent.*

*The petition is dismissed as withdrawn with liberty as prayed for.*

*The petitioner shall file its reply to the Show Cause Notice within two days from today. The same shall be considered by the respondent in accordance with the order dated 03.07.2020 passed by this Court in WP (C) 3919/2020 titled M/s Shri Balaji Wash vs. Delhi Pollution Control Committee & Anr."*

- (vi) That in pursuance of dismissal orders of Hon'ble High Court dated 29.07.2020, the appellant addressee unit vide its letter dated 30.07.2020 submitted its reply to Show Cause Notice dated 11.06.2020 through its advocate.

And whereas, in pursuance of the order of Hon'ble High Court dated 06.07.2020, a personal hearing was granted before the Member Secretary, DPCC on 11.12.2020 to the appellant addressee unit and advocate Sh. Ritaz Kacker has attended the hearing on behalf of the appellant addressee unit.

And whereas, after detailed deliberation during the hearing and after careful examination of the reply submitted by the appellant addressee unit vide its letter dated 30.07.2020, following facts are considered to arrive at an appropriate decision as detailed below:-

- That the addressee unit was inspected by the officials of DPCC on 23.08.2019 in view of order passed on 31.07.2019 by the Hon'ble NGT in O.A. No. 620/2019 in the matter of "Varun Vs. DPCC & Ors." and during the inspection, the addressee unit was found engaged in the activity of Jeans Dyeing at I-93, Sector-5, Bawana Industrial Area, Delhi-39 without obtaining valid Consent from DPCC and in violation of pollution control norms, causing manages to the environment.
- That consequent to the deficiencies observed during the inspection, the addressee unit was sealed on the spot and subsequently, directions for closure was issued to the addressee unit on 17.09.2019 and Environmental Damages Compensation of Rs. 47,00,000/- (Rs. Forty Seven lacs only) was also imposed.
- That in view of orders of Hon'ble High Court dated 14.11.2019 in WP(C) 10231/2019, a Show Cause Notice was also issued to the appellant addressee unit on 11.06.2020 granting opportunity as to why EDC of Rs. 47,00,000/- may not be imposed.
- That for arriving at the Environmental Compensation (EC), the following principle/formula which was devised by the Central Pollution Control Board (CPCB) and adopted by the Delhi Pollution Control Committee on 20.05.2019 (same is available on DPCC website [www.dpcc.delhigovt.nic.in](http://www.dpcc.delhigovt.nic.in) and a copy is enclosed for ready reference) has been applied as the addressee unit was found operational without consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 including other violations as observed during the inspection. The detail is as under:-

$$EC = PI \times N \times R \times S \times LF_1 \times LF_2$$

Where,

EC is Environmental Compensation in Rs.

PI = Pollution Index of Industrial Sector (80 for Red Category unit)

*[Handwritten signature]*

N = Number of days of violation – 235 [considered from date of start i.e. 01.01.2019 to 23.8.2019 (date of inspection wherein the unit found in operation)]

R = A factor in rupees for EC (Rs.250 as average Rupee factor as recommended by CPCB)

S = Factor for scale of operation (0.5)

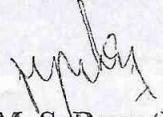
LF<sub>1</sub> = Population factor where the unit is located (2.0 for NCT of Delhi)

LF<sub>2</sub> = Type of industrial area as per MPD in which unit is located (1.0 – as the unit is operated in industrial area in NCT of Delhi)

By adopting the above, the EC is calculated as under:

EC = 80 x 235 x 250 x 1 x 2 x 0.5 = Rs. 47,00,000/- (Rupees Forty Seven Lacs only)

Now, therefore, after careful consideration of the representation/ reply to Show Cause Notice along with supportive documents, allegations and counter allegations by the Appellant addressee unit during the personal hearing, I am of the view that the appellant has raised false and fabricated grounds in order to escape himself from the entire responsibility of causing damage to environment, hence, the appeal is hereby rejected and the directions issued by this office letters dated 17.09.2019 and 11.06.2019 is re-stored and the appellant is hereby directed to comply with the aforesaid directions with immediate effect and deposit EDC Rs.47,00,000/- (Rs. Forty Seven Lacs only) within 15 days of issue of this order. In case of failure to deposit the said EC within 15 days of issue of this order, necessary action for recovery of the said amount as an arrears of land revenue will be initiated without any further reference to the addressee unit.

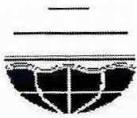
  
(M. S. Rawat)  
Sr. Env. Engineer

M/s Ocean Enterprises,  
I-93, Sector-5,  
DSIIDC, Bawana Industrial Area,  
Delhi – 110039

0/c

Annexure-3

**Reminder**  
**Speed Post**



**DELHI POLLUTION CONTROL COMMITTEE**

DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)

First Floor, E-Block, Vikas Bhawan-II, Upper Bela Road, Civil Lines, Delhi-110054

Visit us at : <http://dpcc.delhigovt.nic.in>

17

F.NO. DPCC/CMC/V/OA/620 of 2019/ 8502-03

Dated: 09/01/2023

To,

The Sub-Divisional Magistrate (Narela)  
Office of the Sub-Divisional Magistrate (Narela)  
Revenue Department, MPCC Building, Naya Bans,  
Delhi-110082

**Sub:-Regarding Recovery of Environmental Damages Compensation from M/s Ocean Enterprises Occupier of the Premises, I-93, Sector-5, DSIIDC, Bawana Industrial Area, Delhi-110039 – reg.**

Whereas, a speaking order was issued to **M/s Ocean Enterprises / Occupier of the Premises, I-93, Sector-5, DSIIDC, Bawana Industrial Area, Delhi-110039** (herein after referred as the addressee unit) on 11.02.2020 (copy enclosed) whereby, the directions earlier issued by this office letter dated 17.09.2019 was re-stored and accordingly, the unit was directed to deposit Environmental compensation of Rs.47,00,000/- (Rs. Forty Seven Lacs Only).

And whereas, vide letter dated 19.08.2021, you were requested for recovery of said Environmental Compensation amount (Copy enclosed).

And whereas, the addressee unit has failed to deposit Environmental Compensation of Rs. 47,00,000/- (Rs. Forty Seven Lacs Only) in DPCC till date.

Now, therefore, in view of above, you are again requested to take appropriate action for recovery of **Environmental Compensation of Rs.47,00,000/- (Rs. Forty Seven Lacs Only)** as arrears of land revenue and the same may be remitted to DPCC within 15 days of the issue of this letter.

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

Encl : As above.

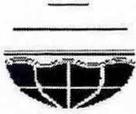
(Mohd Arif)  
Sr.Env.Engineer  
(CMC-V)

**M/s Ocean Enterprises / Occupier of the Premises, I-93, Sector-5, DSIIDC, Bawana Industrial Area, Delhi-110039** with the direction to deposit Environmental Compensation immediately.

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Annexure-4

Reminder (18)  
Speed Post



**DELHI POLLUTION CONTROL COMMITTEE**

DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
First Floor, E-Block, Vikas Bhawan-II, Upper Bela Road, Civil Lines, Delhi-110054  
Visit us at : <http://dpec.delhigovt.nic.in>

F.NO. DPCC/CMC/V/OA/620 OF 2019/8506-07

Dated: 09/01/2023

To.,

The Sub-Divisional Magistrate (Narela)  
Office of the Sub-Divisional Magistrate (Narela)  
Revenue Department, MPCC Building, Naya Bans,  
Delhi-110082

**Sub:-Regarding Recovery of Environmental Damages Compensation from M/s Vaibhav Gulati, I-277, Sector-2, DSIIDC Bawana Industrial Area , Delhi-110039 – reg.**

Whereas, Direction u/s 31 (A) of Air Act, 1981, u/s 33 (A) of Water Act, 1974 and u/s 5 of Environmental (Protection) Act, 1986 as amended to date was issued on 17.09.2019 to **M/s Vaibhav Gulati, I-277, Sector-2, DSIIDC, Bawana Industrial Area, Delhi-110039** (herein after referred as the addressee unit) (copy enclosed).

And whereas, the addressee unit was also directed to deposit Environmental Compensation of Rs.47,00,000/- (Rs. Forty Seven Lacs Only) vide order dated 03.02.2021 (copy enclosed).

And whereas, the addressee unit has failed to deposit Environmental Compensation of Rs. 47,00,000/- (Rs. Forty Seven Lacs Only) in DPCC till date.

Now, therefore, in view of above, you are again requested to take appropriate action for recovery of **Environmental Compensation of Rs.47,00,000/- (Rs. Forty Seven Lacs Only)** as arrears of land revenue and the same may be remitted to DPCC within 15 days of the issue of this letter.

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

Encl : As above.

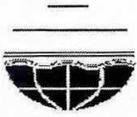
(Mohd Arif)  
Sr.Env.Engineer (CMC-V)

**M/s Vaibhav Gulati, I-277, Sector-2, DSIIDC Bawana Industrial Area ,Delhi-110039**-with the direction to deposit Environmental Compensation immediately.

o/c

Annexure 5

**Reminder** (19)  
**Speed Post**



**DELHI POLLUTION CONTROL COMMITTEE**

DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)

First Floor, E-Block, Vikas Bhawan-II, Upper Bela Road, Civil Lines, Delhi-110054

Visit us at : <http://dpcc.delhigovt.nic.in>

F.NO. DPCC/CMC/V/OA/620 OF 2019/ 8568-09

Dated: 09/01/2023

To.,

The Sub-Divisional Magistrate (Narela)  
Office of the Sub-Divisional Magistrate (Narela)  
Revenue Department, MPCC Building, Naya Bans,  
Delhi-110082

**Sub:-Regarding Recovery of Environmental Damages Compensation from  
M/s Arun, I-34, Sector-4, DSIIDC Bawana Industrial Area, Delhi-110039 – reg.**

Whereas, Direction u/s 31 (A) of Air Act, 1981, u/s 33 (A) of Water Act, 1974 and u/s 5 of Environmental (Protection) Act, 1986 as amended to date was issued on 17.09.2019 to **M/s Arun, I-34, Sector-4, DSIIDC, Bawana Industrial Area, Delhi-110039** (herein after referred as the addressee unit) (copy enclosed).

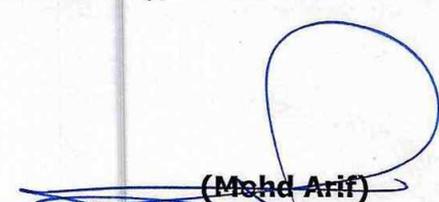
And whereas, the addressee unit was also directed to deposit Environmental Compensation of Rs.47,00,000/- (Rs. Forty Seven Lacs Only) vide order dated 03.02.2021 (copy enclosed).

And whereas, the addressee unit has failed to deposit Environmental Compensation of Rs. 47,00,000/- (Rs. Forty Seven Lacs Only) in DPCC till date.

Now, therefore, in view of above, you are again requested to take appropriate action for recovery of **Environmental Compensation of Rs.47,00,000/- (Rs. Forty Seven Lacs Only)** as arrears of land revenue and the same may be remitted to DPCC within 15 days of the issue of this letter.

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

Encl : As above.

  
(Mohd Arif)  
Sr.Env.Engineer (CMC-V)

**M/s Arun , I-34, Sector-4, DSIIDC Bawana Industrial Area ,Delhi-110039-**  
with the direction to deposit Environmental Compensation immediately.

etc

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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of Decision: 03.07.2020*

+ **W.P.(C) 3919/2020 & CM No.14014/2020**

M/S. SHRI BALAJI WASH

..... Petitioner

Through: Ms.Anjali J. Manish &  
Mr.Priyadarshi Manish, Advs.

versus

DELHI POLLUTION CONTROL COMMITTEE & ANR.

..... Respondents

Through: Ms.Asiya Khan, Adv. for R-1.  
Ms.Anya Singh, Adv. for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**NAVIN CHAWLA, J. (Oral)**

1. This hearing has been held through video conferencing.
2. This petition has been filed by the petitioner challenging two orders, both dated 23.08.2019, passed by the respondent no. 2 and the order dated 17.09.2019 passed by the respondent no. 1.
3. By the Impugned Orders dated 23.08.2019 passed by the respondent no. 2, three borewells found at the premises of the petitioner were sealed; the petitioner was directed to deposit Rs. 50,000/-; the electricity supply to the premises was directed to be disconnected; and the property was directed to be sealed.

4. By the Impugned Order dated 17.09.2019 passed by the respondent no. 1, the property was directed to be sealed, while imposing Environmental Compensation of Rs. 47 Lacs on the petitioner. A direction was also issued to the DSIIDC to disconnect the water supply connection; to the MCD to cancel the permission/license for the operation from the said premises; and to the TPDDL to disconnect the power supply of the petitioner.

5. It is the case of the petitioner that these Impugned Orders have been passed without issuing a Show Cause Notice to the petitioner or granting any opportunity of hearing to the petitioner.

6. The above submission is not disputed by the learned counsel for the respondent no. 1, however, she submits that post issuance of the order dated 17.09.2019, the respondent no. 1 has issued a Show Cause Notice dated 11.06.2020 to the petitioner, however, reply is awaited. The learned counsel for the petitioner, on the other hand, submits that the petitioner has not received any Show Cause Notice.

7. Be that as it may, as far as the respondent no. 1 is concerned, the respondent no. 1 is directed to supply a copy of the Show Cause Notice to the petitioner, through its counsel as well, by way of an e-mail within two days. The petitioner shall submit its reply to the show cause raising all contentions available to the petitioner. The respondent no. 1 shall decide on the show cause and supply a copy of its decision to the petitioner within a period of four weeks from the receipt of the reply. The respondent no. 1 shall also provide an opportunity of personal hearing to the petitioner before taking a

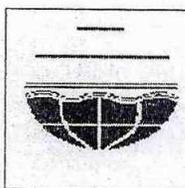
decision on this Show Cause Notice. Needless to state, if the petitioner is aggrieved of such order, it shall always be open to the petitioner to challenge the same in accordance with law. The Impugned Demand for Environmental Compensation shall not be enforced by the respondent no. 1 till such adjudication on the Show Cause Notice and for a period of two weeks thereafter. As far as the sealing of the property; disconnection of the electricity and water supply, etc. is concerned, the petitioner may make a representation to the respondent no. 1 for certain interim relief during the process of consideration of the Show Cause Notice, which shall also be considered by the respondent no. 1.

8. As far as the Impugned Orders issued by the respondent no. 2 are concerned, they again do not disclose any Show Cause Notice or opportunity of hearing being granted to the petitioner before passing of such orders. Keeping in view the said fact, the above directions insofar as issuance of Show Cause Notice and consideration of the reply from the petitioner, as also passing of the speaking order thereon, shall apply to the respondent no. 2 as well. Similarly, the petitioner shall be at liberty to apply to the respondent no. 2 for seeking interim relief during the pendency of the consideration of the Show Cause Notice.

9. The petition is disposed of with the above directions.

**NAVIN CHAWLA, J**

**JULY 03, 2020/rv**



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

F. No. DPCC/CMC-V/WP(C) No. 3919/2020/22069

Dated: 11/02/2020

### Speaking Order

Whereas, aggrieved by the order dated 17.09.2019 issued by DPCC to M/s Shri Balaji Wash, (hereinafter referred as the addressee) operated at D-290, Sector-5, DSIIDC, Bawana Industrial Area, Delhi-39, the addressee unit had filed a Writ Petition (Civil) before the Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi in its order dated 03.07.2020 in W.P. (C) No. 3919/2020 has directed as under:-

*"...the respondent no. 1 to supply a copy of the Show Cause Notice to the petitioner as also to the learned counsel for the petitioner. The petitioner shall submit a reply to the Show Cause Notice within a period of two weeks from the receipt of the reply. The respondent no. 1 shall also provide an opportunity of personal hearing to the petitioner before taking a decision on this Show Cause Notice..."*

And whereas, the Brief facts in the above referred matter are reproduced below:-

- (i) That, an inspection of the addressee unit was conducted on 23.08.2019 and during the inspection, the unit was found engaged in the activity of Jeans Dyeing, Washing & Spray Painting at D-290, Sector-5, Bawana Industrial Area, Delhi-39 without obtaining valid consent from DPCC and causing pollution. The observation of inspecting team is reproduced below:
  - a) Unit found operational and engaged in the activity of Jeans Dyeing, Washing along with Spray Painting and wood fired boiler use on roof.
  - b) No ETP found installed, waste water is discharged directly without treatment.
  - c) No Channelization provided over spray painting section.
  - d) Not applied for authorization under HWM Rules.
  - e) Unit sealed on the spot, electricity supply also disconnected.
  - f) Unit found operating without valid Consent to Establish/ Operate from DPCC.
- (ii) That in view of the deficiencies observed during the inspection, directions for closure was issued to the addressee unit on 17.09.2019 and simultaneously, Environmental Damages Compensation of Rs. 47,00,000/- (Rs. Forty Seven lacs only) was also imposed on 17.09.2019.
- (iii) That, aggrieved by the above said order dated 17.09.2019 issued by DPCC, the addressee unit had filed a Writ Petition (Civil) before the Hon'ble High Court of Delhi. The Hon'ble High Court of Delhi in its order dated 03.07.2020 in W.P. (C) No. 3919/2020 has directed the Respondent No. 1 (i.e. DPCC) to supply a copy of the Show Cause Notice to the petitioner and also to the learned counsel for the petitioner. The petitioner shall submit a reply to the Show Cause Notice and shall also provide an opportunity of personal hearing to the petitioner before taking a decision on this Show Cause Notice.
- (iv) That, in pursuance of orders of Hon'ble High Court dated 14.11.2019 in WP(C) 10231/2019, a copy of Show Cause Notice issued on 11.06.2020 was supplied to the addressee unit through email on 09.07.2020, granting opportunity as to why EDC of Rs. 47,00,000/- may not be imposed.

*Handwritten signature/initials*

- 24
- (v) That subsequently, the addressee unit filed another petition, W.P. (C) No. 4594/2020 before the Hon'ble High Court for quashing the Show Cause Notice dated 11.06.2020. Hon'ble Court vide its order dated 28.07.2020 dismissed the petition as withdrawn with the following directions as reproduced below:-

*"The learned counsel for the petitioner prays for leave to withdraw the present petition with liberty to reply to the Show Cause Notice dated 11.06.2020 issued by the respondent.*

*The petition is dismissed as withdrawn with liberty as prayed for.*

*The petitioner shall file its reply to the Show Cause Notice within two days from today. The same shall be considered by the respondent in accordance with the order dated 03.07.2020 passed by this Court in WP (C) 3919/2020 titled M/s Shri Balaji Wash vs. Delhi Pollution Control Committee & Anr."*

- (vi) That in pursuance of dismissal orders of Hon'ble High Court dated 28.07.2020, the appellant addressee unit vide its letter dated 30.07.2020 submitted its reply to Show Cause Notice dated 11.06.2020 through its advocate.

**And whereas**, in pursuance of the order of Hon'ble High Court of Delhi issued on 03.07.2020, a personal hearing was granted before Member Secretary, DPCC on 11.12.2020 to the appellant addressee unit and advocate Sh. Ritaz Kacker has attended the hearing on behalf of the appellant addressee unit.

**And whereas**, after detailed deliberation during the hearing and after careful examination of the reply submitted by the appellant addressee unit vide its letter dated 30.07.2020, the following facts were considered to arrive at an appropriate decision as detailed below:-

- That the addressee unit was inspected by the officials of DPCC on 23.08.2019 in view of order passed on 31.07.2019 by the Hon'ble NGT in O.A. No. 620/2019 in the matter of "Varun Vs. DPCC & Ors." and during the inspection the addressee unit was found engaged in the activity of Jeans Dyeing, Washing & Spray Painting at D-290, Sector-5, Bawana Industrial Area, Delhi-39 without obtaining valid Consent from DPCC and in violation of pollution norms causing damages to the environment.
- That consequent to the deficiencies observed during the inspection the addressee unit was sealed on the spot and subsequently, directions for closure was issued to the addressee unit on 17.09.2019 and Environmental Damages Compensation of Rs. 47,00,000/- (Rs. Forty Seven lacs only).
- That in view of orders of Hon'ble High Court dated 14.11.2019 in WP(C) 10231/2019, a Show Cause Notice was also issued to the appellant addressee unit on 11.06.2020 granting opportunity as to why EDC of Rs. 47,00,000/- may not be imposed.
- That for arriving at the Environmental Compensation (EC), the following principle/ formula which was devised by the Central Pollution Control Board (CPCB) and adopted by the Delhi Pollution Control Committee on 20.05.2019 (same is available on DPCC website [www.dpcc.delhigovt.nic.in](http://www.dpcc.delhigovt.nic.in) and a copy is enclosed for ready reference) has been applied as the addressee unit was found operational without consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 including other violations as observed during the inspection. The detail is as under:-

$$EC = PI \times N \times R \times S \times LF_1 \times LF_2$$

Where,

EC is Environmental Compensation in Rs.

PI = Pollution Index of Industrial Sector (80 for Red Category unit)

*[Handwritten signature]*

N = Number of days of violation – 235 [considered from date of start i.e. 01.01.2019 to 23.8.2019 (date of inspection wherein the unit found in operation)]

R = A factor in rupees for EC (Rs.250 as average Rupee factor as recommended by CPCB)

S = Factor for scale of operation (0.5)

LF<sub>1</sub> = Population factor where the unit is located (2.0 for NCT of Delhi)

LF<sub>2</sub> = Type of industrial area as per MPD in which unit is located (1.0 – as the unit is operated in industrial area in NCT of Delhi)

By adopting the above, the EC is calculated as under:

EC = 80 x 235 x 250 x 1 x 2 x 0.5 = Rs. 47,00,000/- (Rupees Forty Seven Lacs only)

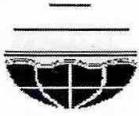
Now, therefore, after careful consideration of the representation/ reply to Show Cause Notice along with supportive documents, allegations and counter allegations by the Appellant addressee unit during the personal hearing, I am of the view that the appellant has raised false and fabricated grounds in order to escape himself from the entire responsibility of causing damage to environment, hence, the appeal is hereby rejected and the directions issued by this office letters dated 17.09.2019 and 11.06.2019 is re-stored and the appellant is hereby directed to comply with the aforesaid directions with immediate effect and deposit EDC Rs.47,00,000/- (Rs. Forty Seven Lacs only) within 15 days of issue of this order. In case of failure to deposit the said EC within 15 days of issue of this order, necessary action for recovery of the said amount as an arrears of land revenue will be initiated without any further reference to the addressee unit.

(M. S. Rawat)

Sr. Env. Engineer

M/s Shri Balaji Wash,  
D-290, Sector-5,  
DSIIDC, Bawana Industrial Area,  
Delhi – 110039

o/c



**DELHI POLLUTION CONTROL COMMITTEE**

DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
First Floor, E-Block, Vikas Bhawan-II, Upper Bela Road, Civil Lines, Delhi-110054  
Visit us at : <http://dpcc.delhigovt.nic.in>

**Reminder**  
**Speed Post**

Annexure-9

(26)

F.NO. DPCC/CMC/V/OA/620 OF 2019/ 8504-05

Dated: 09/01/2023

To.,

The Sub-Divisional Magistrate (Narela)  
Office of the Sub-Divisional Magistrate (Narela)  
Revenue Department, MPCC Building, Naya Bans,  
Delhi-110082

**Sub:-Regarding Recovery of Environmental Damages Compensation from M/s Shri Balaji Wash, D-290, Sector-5, DSIIDC, Bawana Industrial Area, Delhi-110039 – reg.**

Whereas, a speaking order was issued to **M/s Shri Balaji Wash, / Occupier of the Premises D-290, Sector-5, DSIIDC, Bawana Industrial Area, Delhi-110039** (herein after referred as the addressee unit) on 11.02.2020 (copy enclosed) whereby, the directions earlier issued by this office letter dated 17.09.2019 was re-stored and accordingly, the unit was directed to deposit Environmental compensation of Rs.47,00,000/- (Rs. Forty Seven Lacs Only).

And whereas, vide of letter dated 19.08.2021, you were requested for recovery of said Environmental Compensation amount (Copy enclosed).

And whereas, the addressee unit has failed to deposit Environmental Compensation of Rs. 47,00,000/- (Rs. Forty Seven Lacs Only) in DPCC till date.

Now, therefore, in view of above, you are again requested to take appropriate action for recovery of **Environmental Compensation of Rs.47,00,000/- (Rs. Forty Seven Lacs Only)** as arrears of land revenue and the same may be remitted to DPCC within 15 days of the issue of this letter.

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

Encl : As above.

(Mohd Arif)  
Sr.Env.Engineer (CMC-V)

**M/s Shri Balaji Wash / Occupier of the Premises, I-92, Sector-5, DSIIDC, Bawana Industrial Area, Delhi-110039**-with the direction to deposit Environmental Compensation immediately.

o/c