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Filed by

(Delhi Pollution Control Committee)

New Delhi:

Dated: 29.10.2020

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 56 (T_{HC}) OF 2013**

IN THE MATTER OF

Satish KumarApplicant

Versus

Union of India & Ors.Respondent

AND

ORIGINAL APPLICATION NO. 57 (T_{HC}) OF 2013

Mahavir SinghApplicant

Versus

Union of India & Ors.Respondent

AND

ORIGINAL APPLICATION NO. 435 OF 2016

N. S. Yadav & Ors. Applicant

Versus

Commissioner, North MCD & Ors.Respondent

AND

ORIGINAL APPLICATION NO. 726 OF 2017

Chattar Singh RachhoyaApplicant

Versus

North Delhi Municipal Corporation & Ors.Respondent

AND

ORIGINAL APPLICATION NO. 13 OF 2017

Chanakya Place Residents Welfare AssociationApplicant

Versus

Govt. of NCT of Delhi & Ors.Respondent

NEXT DATE OF HEARING: 02.11.2020

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Govt. of NCT of Delhi & Ors.Respondent

Action Taken Report in terms of order dated 16.3.2020 for and on behalf of Delhi Pollution Control Committee is submitted as following:-

1. That, this Hon`ble Tribunal taken up the above mentioned matters on 16.03.2020 (order was uploaded on the website of This Hon`ble Tribunal on 20.03.2020). In the order, directions were issued to file further action taken reports by Delhi Pollution Control Committee as well as Haryana Pollution Control Board.
2. That, immediately after NGT order was uploaded at NGT website on 20.03.2020 lockdown was imposed in entire country in wake of Covid-19 pandemic, due to which all the Govt. offices and industrial operations were closed. It is further submitted that till 22.10.2020 no particulars have been provided by applicant to DPCC regarding alleged activities, as was directed by NGT to the applicant through para 9 of the order dated 16.03.2020.

On 22.10.2020, applicant forwarded one complaint via email, which is generic in nature and mentioning almost all source of pollution like dust, smell, smoke, domestic sewage, vehicular pollution, road re-suspension dust and burning of rubber/ plastic, without mentioning any specific violation. In order to check the

complaint dated 22.10.2020, a team has been constituted by the SDM (Punjabi Bagh) consisting of members from Revenue Department Delhi Pollution Control Committee, North Delhi Municipal Corporation, BSES (power distribution Company), Delhi Jal Board and Delhi Police vide order dated 28.10.2020. Copy of the order dated 28.10.2020 is enclosed herewith as **Annexure-1**.

3. That however, DPCC carried out general vigil of the area in the wake of rising air pollution index from 12.10.2020 to 27.10.2020, which will be continue till air pollution index down to satisfactory level in Delhi. In the above mentioned period DPCC carried out 74 inspections in the area in question, out of which 16 found compliant with the norms. And remaining 58 were found defaulters in one or other context, DPCC issued show cause notice for imposing environmental damages charges to the tune of Rs 2,35,80,000/- on polluters.
4. That, DPCC, carried out an inspection on 17.07.2020 in areas mainly Nilothi, Ranhola, Nangloi, Nizampur, Nilampur, Tikkri Kala, Mundka, Kamruddin Nagar to investigate the illegal operation of industrial units in non-conforming areas in West district. The team has observed that those units which were effectively closed earlier by the joint team consisting of officials of DPCC, SDMC, Revenue, DISCOM, and Delhi Police were lying closed and no industrial operation was observed in above areas. Inspection report is placed as **Annexure-2**.

5. That with regard to use of Environmental compensation received and utilized, is concerned the details are submitted as under:

EC (Environmental Compensation)

- a) EC received till 01.09.2020 Rs. 52 crores
- b) EC spent till 01.09.2020 Rs. 12.4 crores
- c) Balance EC available as on 01.09.2020 Rs. 39.6 crores

EC spent on following heads:

- Installation & Running (Operation and Maintenance) of CAAQMS
- Research & Study projects
- Procurement of Instrument for Air Lab
- Installation of paper Recycle units in Govt. Schools
- Monitoring of Air pollution at various locations of Delhi

DPCC has made a policy for utilization of EC funds under the following activities:

- i. Development of infrastructure for Air and Water quality surveillance and monitoring for different areas/ locations in Delhi NCR and other needed places.
- ii. Remediation of contaminated sites-and for that to develop infrastructure, procurement of equipments, etc. including hiring of experts/ consultants for specific requirement for remediation of sites, etc.
- iii. Specific investigations and studies with regard to environment and ecology.
- iv. Carrying capacity assessment for ecologically and environmentally sensitive & critical areas, including hiring of experts/ consultants for specific purpose and period.

- v. R & D activities with regard to new technologies, clean technologies etc.
- vi. Capacity building of specific and engineering personnel of Delhi Pollution Control Committee to rejuvenate and protect the environment.
- vii. Augmenting and strengthening of laboratory network in-terms of manpower and logistics.
- viii. Specialized studies on accidental spill areas, health impact assessment, recalcitrant pollutants, etc.
- ix. Information, Education and Communication (IEC) activities.

Further, to get the approval of the above policy made by DPCC, the Central Pollution Control Board has been requested vide letters dated 17.07.2020 followed with reminder dated 21.10.2020 to convey the decision so that further necessary action can be initiated by DPCC. Copies of the letters dated 17.07.2020 and 21.10.2020 are collectively enclosed herewith as **Annexure 3** (Colly). CPCB informed that further action for approval of the policy is under consideration.

6. That, DPCC had issued directions to Dy. Commissioner, West zone, South Delhi Municipal Corporation, District Magistrate (West District), District Magistrate (North West District) to ensure that no illegal unit in non-conforming area/agricultural land should be permitted to operate and a factual report may be furnished to DPCC in this regard. They were also suggested that if required, a fresh joint survey may be conducted with the teams comprising of Revenue Department, SDMC, NDMC and DPCC to find out if any

new unit has come up in the meanwhile. It was further requested that DPCC may be informed about the steps been taken to recover the EDC amount from the units already closed down by the joint teams. Communications are placed as **Annexure-4 & 5**.

7. That, as informed earlier in the status report dated 12.03.2020, DPCC has imposed EDC against 142 units amounting to Rs 13,71,30,000/-. Out of which 10,92,250/- has been recovered in past. After filling of the status report dated 12.03.2020, an amount of Rs 74,72,500/- has also been received in DPCC as EDC.
8. That, SDM (Punjabi Bagh) with respect to recovery of Environment Damage Compensation Charges has informed:
 - (a) On receipt of Recovery Notices from DPCC recovery notices were issued to all defaulters on 11.12.2019 with the direction to deposit EDC amount immediately or appear before the court of SDM.
 - (b) When, no response received from the debtors, warrants of arrest were issued through SHO concern on 23.12.2019, 26.12.2019 and 27.12.2019.
 - (c) In most of the cases, the reports obtained from the concerned SHO with the remarks that no body was found and premises found locked/ sealed.
 - (d) 02 case settled after depositing the EDC amount and 08 cases, have got stay from the Hon'ble High Court of Delhi.

9. OA No. 435 of 2016 "N. S. Yadav & Ors. Versus Commissioner, North MCD & Ors.",

50 numbers of units were inspected and 18 units were closed in Naharpur Village Area, 32 units had vacated the premises after issuance of notice by North Delhi Municipal Corporation. Regular vigil and surveillance has been carried out along with North Delhi Municipal Corporation.

10. OA No. 726 of 2017, "Chattar Singh Rachhoya Versus North Delhi Municipal Corporation & Ors."

That in compliance of the orders passed earlier, 192 sheds operating in Community Work Centers (CWCs), Nangloi were closed down, so as to stop polluting activities in the area.

11. OA No. 13 of 2017, "Chanakya Place Residents Welfare Association Versus Govt. of NCT of Delhi & Ors."

That, earlier a joint inspection was carried out by officials of South Delhi Municipal Corporation (SDMC) and Delhi Pollution Control Committee (DPCC) with respect to Original Application Number 13 of 2017. 03 units, out of 623 units which were polluting in nature were effectively closed. EDC was imposed on these 03 units and the imposed EDC has been deposited by these 3 units. 620 units are small and tiny tailoring/ embroidery and similar units.

12. That, DPCC has recently issued directions to 356 units for submitting Environmental Damage Compensation amounting to total of Rs 20,47,00,000/- (Twenty Crores, forty seven lakhs only) which were closed down by SDMC in West District under step 1, 2 and 3 in compliance of the orders passed by the Hon`ble Supreme Court in WP (C) 4677/1985 dated 07.05.2004, and the compliance of the same is also being considered by This Hon`ble Tribunal in OA 601/2018. That, municipal authorities were directed to furnish the bank details of the concerned property owners, so that their bank account can be attached. Revenue certificate are being issued to concerned Revenue officials to recover the amount as arrears of the land revenue.

The above action taken report may kindly be taken on records.



(Dr. KS Jayachandran)
Member Secretary DPCC-cum-
Special Secretary (Environment), GNCTD

OFFICE OF THE SUB DIVISIONAL MAGISTRATE PUNJABI BAGH
GOVERNMENT OF N.C.T. OF DELHI
MAIN ROHTAK ROAD, NANGLOI, DELHI-110041

No. F. 1/SDM(PB)/2020/17120

Dated: 28/10/2020

OFFICE ORDER

In compliance of instructions issued by DPCC vide letter No. F. No. DPCC/CMC-VI/5290-94 & 5295-98 dated 23.10.2020, following two (02) teams are constituted for effective closure & disconnection of power and water supply in violation to MPD-2021 in the illegal units operating in non-conforming area and causing air pollution in the area of Sub-Division (Punjabi Bagh) :-

Team No. 1

Ser No.	Name of Officer/Official	Department	Contact No	Name of village
1.	Sh. Rajat	DPCC	9958089684	Tikri Kalan
2.	Sh. Himanshu	DPCC	9910604142	
3.	Sh. Om Prakash	Revenue/ O/o SDM (PB)	9999006243	
4.	A representative from MCD Narela Zone	NDMC (Narela Zone)		
5.	A representative of BSES	BSES		
6.	A representative of DJB	DJB		
7.	SHO Mundka	Delhi Police	7065036126	

Team No. 2

Ser No.	Name of Officer/Official	Department	Contact No	Name of village
1.	Sh. Sumeet Kabi	DPCC	8383034212	Mundka
2.	Sh. Akash Mishra	DPCC	9873161112	
3.	Sh. Rewati Prasad Sharma	Revenue/ O/o SDM/PB	9999006243	
4.	A representative from MCD Narela Zone	NDMC (Narela Zone)		
5.	A representative of BSES	BSES		
6.	A representative of DJB	DJB		
7.	SHO Mundka	Delhi Police	7065036126	

K. Anand

(10)

Following SOP shall be followed by the teams :-

1. The drive commence from **29.10.2020**.
2. The SDM office will co-ordinate with the police to provide necessary security for smooth seal drive.
3. All concerned team members shall assemble daily at 10.00 a.m. in the office of Punjabi Bagh SDM.
4. DPCC officer of the team shall issue the effective closure order which will be duly signed by the other team members.
5. Concerned team members shall send daily status report along with inspection report/closure order to MS, DPCC at e-mail ID : msdpcc2019@gmail.com.
6. Team will ensure that unit is effectively closed and disconnection of power supply and water dupply are done during the inspection.

Copy to :-

All Concerned

Nishant Bodh
28/10/2020
(NISHANT BODH), DANICS
SDM : PUNJABI BAGH

Inspection report in NGT matter of OA No. 56 and 57 titled as Mahavir Singh V/S Union of India and Ors.

To investigate the illegal operation of industrial units operation in non conforming areas/Villages following teams of DPCC officials were constituted for inspecting the units in non conforming areas of west District.

Team 1 SH.Aakash Mishra , SH.Rahul Sharma

Team 2 SH.Piyush , SH.Himanshu

Team 1 and Team 2 undertook an inspection on 17.07.2020 . Team 1 conducted inspection in areas Nilothi, Ranhola, Nangloi and Team 2 conducted inspection in areas Nizampur, Nilampur, Tikkri kala, Munka, Kamruddin nagar.

Observations of Team 1 are as follows:

1. Main focus of the team was to verify the operating status of those units which were effectively closed by the joint team consisting of officials of DPCC, SDMC, Revenue, Discom and Delhi police.
2. During the visit the team observed that those units which were effectively closed by the aforesaid teams were lying closed. And no industrial activity was carried out at their premises team inspected areas namely Nilothi, Ranhola, Nangloi.
3. Photographic evidence was also collected
4. Local enquiry that the units are lying closed since their effective closure.

Observations of Team 2 are as follows:

1. Main focus of the team was to verify the operating status of those units which were effectively closed by the joint team consisting of officials of DPCC, SDMC, Revenue, Discom and Delhi police.
2. During the visit the team observed that those units which were effectively closed by the aforesaid teams were lying closed. And no industrial activity was carried out at their premises; the team inspected areas namely Nizampur, Nilampur, Tikkri Kala, Mundka, Kamrudding Nagar.
3. Photographic evidence was also collected.
4. Local enquiry that the units are lying closed since their effective closure.

Sh.Aakash Mishra

Sh. Piyush

Sh.Rahul Sharma

Sh.Himanshu Kumar

Secretary,
B. DPCC



(12) Annexure-3
Copy.
CPCB
17/07/20

DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
4th and 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-VI/ 7743

Dated: 17/07/2020

To,

The Member Secretary
Central Pollution Control Board
Parivesh Bhawan
East Arjun Nagar
New Delhi.

Subject: Compliance of orders of Hon'ble National Green Tribunal (NGT) in OA Number 56(THC)/2013 titled as Satish Kumar Vs Union of India & others and OA no 57(THC) titled as Mahavir Singh vs Union of India.

Sir,

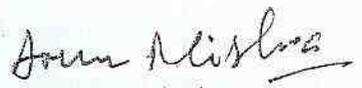
Hon'ble National Green Tribunal vide order dated 16.3.2020 in O.A No. 56 (T_{HC})/2013 titled as Satish Kumar Vs Union of India & others and OA no 57(T_{HC}) titled as Mahavir Singh vs Union of India has passed directions to Delhi Pollution Control Committee that the amount recovered as Environmental Damage Compensation needs to be utilized for restoration in term of an action plan with the approval of CPCB. Copy of NGT order dated 16.03.2020 is enclosed. Pursuance to aforesaid directions of Hon'ble NGT, an internal committee of DPCC examined the matter and prepared an Action Plan for utilization of the EDC collected.

The internal Committee of DPCC has recommended that EDC collected may be utilized for the following activities:-

- i. Development of infrastructure for Air and Water quality surveillance and monitoring for different areas/locations in Delhi NCR and other needed places.
- ii. Remediation of contaminated sites, including hiring of Experts/Consultants for specific requirement for remediation of sites, etc.
- iii. Specific investigations and studies with regard to environment and ecology.
- iv. Carrying capacity assessment for ecologically and environmentally sensitive & critical areas, including hiring of Experts/Consultants for specific purpose and period.
- v. R & D activities with regard to new technologies, clean technologies, etc.

- vi. Capacity building of scientific and engineering personnel engaged in pollution control activities.
- vii. Specialized studies on accidental spill areas, health impact assessment, recalcitrant pollutants, etc.
- viii. Information, Education and Communication (IEC) activities.
- ix. Pilot projects.
- x. Survey of Industrial areas.
- xi. Any other scientific and technical matter concerning environment protection.

The aforesaid action plan has already been submitted before Hon'ble NGT in the captioned matter. It is therefore requested that Central Pollution Control Board may consider and approve the Action Plan for Utilization of EDC recovered from the defaulting units CPCB may take up the matter at earliest and conveyed decision so that further necessary action can be taken by DPCC and compliance report can be filed. The next date of hearing is 24.08.2020.


(Arun Mishra)
Member Secretary

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By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
1st and 2nd FLOOR, VIKAS BHAWAN – II, CIVIL LINES, DELHI-110054
visit us at : <http://dpcc.delhigovt.nic.in> Ph Nos. 23815352, 23815436

F.No. DPCC/CMC-VI/2020/5231

Dated: 21.10.2020

To,
The Member Secretary
Central Pollution Control Board
Parivesh Bhawan
East Arjun Nagar
New Delhi

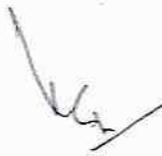
Subject: Compliance of orders of Hon'ble National Green Tribunal in OA No- 56/2013 and titled as Satish Kumar vs Union of India & others and OA No- 57/2013 titled as Mahavir Singh vs Union of India.

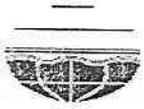
Sir,

This is in reference to this office letter No. DPCC/CMC-VI/7743 dated 17.07.2020 (copy enclosed) wherein, request has been made to CPCB (as per Hon'ble National Green Tribunal order), to consider and approve the action plan prepared by the internal committee of DPCC for utilization of Environment Damage Compensation (EDC) recovered from the defaulting units. The reply in this regard is still awaited.

It is therefore, it is requested that Central Pollution Control Board may take up the matter at the earliest and convey the approval, so that further necessary action can be taken by DPCC and compliance report may be filed before the NGT.

The next date of hearing in this matter is scheduled on 02.11.2020.


(Dr. K.S. Jayachandran)
Member Secretary



DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
4th and 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-VI/ 7739 - 7742

Dated: 17/07/2020

To,

1. The District Magistrate
West District, Plot Number 3
Shivaji Place
Raja Garden,
New Delhi- 110027
2. The District Magistrate
North-West District
Kanjhawla, Delhi

Subject: Compliance of orders of National Green Tribunal (NGT) in OA Number 56(THC)/2013 titled as Satish Kumar Vs Union of India & others and OA no 57(THC) titled as Mahavir Singh vs Union of India.

Sir/Madam,

Hon'ble National Green Tribunal vide order dated 16.3.2020 in O.A No. 56 (T_{HC})/2013 titled as Satish Kumar Vs Union of India & others and OA no 57(T_{HC}) titled as Mahavir Singh vs Union of India has passed directions with regard to action being taken against the illegal plastic units and other grossly polluting units operating in non-conforming areas including villages in Delhi.

Hon'ble NGT has passed the following directions:

"Learned counsel for the applicant and some of the applicants in person state that polluting activities are still continuing and damaging the agricultural lands in the area. Whenever action is taken, the polluting activities are shifted from one place to other. We permit the applicants to furnish particulars of such alleged activities to the Haryana State PCB as well as to DPCC".

"We also find that while action taken has been indicated, the gap in terms of illegal units still existing in the area has not been given. Further, while compensation assessed has been mentioned, steps for recovery of entire amount have not been mentioned. The amount recovered needs to be utilized for restoration in terms of an action plan with the approval of CPCB".

In view of above aforesaid order of Hon'ble NGT, it needs to be ensured that no illegal unit in non-conforming area/agriculture land should be permitted to operate and a factual report may be furnished to DPCC in this regard. If required, a fresh survey may be conducted with the teams comprising of Revenue Department, SDMC and DPCC to find out if any new unit has come up in the meanwhile. It is also requested that DPCC may be informed about the steps being taken to recover the EDC amount from the units already closed down by the joint teams. Action Taken Report on compliance of the above directions may please be send to this office at the earliest to enable DPCC to file the ATR before Hon'ble NGT. The next date of hearing is scheduled on 24.7.2020.

Arun Mishra
(Arun Mishra)
Member Secretary

Copy to:

1. SDM Punjabi Bagh, Department of Revenue, GNCTD
2. SDM Kanjhawala, Department of Revenue, GNCTD

Annexure-5
(Copy)

17

	<p>DELHI POLLUTION CONTROL COMMITTEE GOVERNMENT OF NCT OF DELHI 4th and 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006 visit us at : http://dpcc.delhigovt.nic.in</p>
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F. No. DPCC/CMC-VI/5295-98

Dated: 23/10/2020

To,

1. The District Magistrate
West District, Plot Number-3
Shivaji Place, Raja Garden
New Delhi-110027
2. The District Magistrate
North-West District
Kanjhawla, Delhi

Subject: Compliance of orders of National Green Tribunal (NGT) in OA number 56(THC)/2013 titled as Satish Kumar Vs Union of India & Others and OA Number 57 (THC) titled as Mahavir Singh vs Union of India.

Sir,

This is in reference to this office letter no.- DPCC/CMC-VI/7736-38 dated 17/07/2020 through which it was requested to take action against illegal units falling in non-conforming area/villages in West District. It was further requested to inform about what action has been taken to recover EDC amount ^{from units} which have been closed down by MCD or joint teams comprising of Revenue Department, MCD and DPCC.

In this regard, it is to bring to your kind notice that no Action Taken Report has been received in this office till date. The case of OA No- 56(THC)/2013 titled as Satish Kumar Vs Union of India & Others and OA Number 57 (THC) titled as Mahavir Singh vs Union of India is listed before National Green Tribunal on 2nd November 2020.

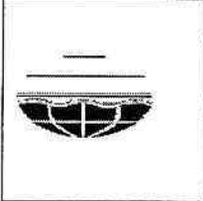
As DPCC has to file a consolidated Action Taken Report before National Green Tribunal, therefore, you are requested to kindly **send Action Taken Report** with regard to action taken by Revenue Department against the illegal units operating in non-conforming area and action for recovery of EDC imposed by DPCC. Further, it is to inform you that DPCC is regularly receiving complaints in abundance about illegal units operating in non-conforming area and causing air pollution in the area. It is therefore requested to expedite closure of illegal industries/activities in violation to MPD-2021 operating in non-conforming area immediately. You are also requested to ensure that industries closed down earlier do not resurface in West District.


(Dr. K.S. Jayachandran)
Member Secretary

Copy to:

1. SDM Punjabi Bagh, Department of Revenue, GNCTD.
2. SDM Kanjhawla, Department of Revenue, GNCTD.

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DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
 4th and 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006
 visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-VI/ 5290-94

Dated: 23/10/2020

To,

1. Deputy Commissioner, West Zone, South DMC,
Saheb Singh Verma Bhawan, Vishal Enclave
Rajouri Garden, Delhi-110027
2. Deputy Commissioner, Narela Zone, NDMC
Arya Samaj Road, Opposite Police Station, Narela,
New Delhi- 110040
3. Deputy Commissioner, Rohini Zone, NDMC
Rohini Institutional Area, Sector 5,
Rohini, Delhi, 110085

Subject: Compliance of orders of National Green Tribunal (NGT) in OA number 56(T_{HC})/2013 titled as Satish Kumar Vs Union of India & Others and OA Number 57 (T_{HC}) titled as Mahavir Singh vs Union of India.

Sir,

This is in reference to this office letter no.- DPCC/CMC-VI/7736-38 dated 17/07/2020 through which it was requested to take action against illegal units falling in non-conforming area/villages in West District.

In this regard, it is to bring to your kind notice that no Action Taken Report has been received in this office till date. The case of OA No- 56(T_{HC})/2013 titled as Satish Kumar Vs Union of India & Others and OA Number 57 (T_{HC}) titled as Mahavir Singh vs Union of India is listed before National Green Tribunal on 2nd November 2020.

As DPCC has to file a consolidated Action Taken Report before National Green Tribunal, therefore, you are requested to kindly **send Action Taken Report** with regard to action taken by SDMC/NDMC against the illegal units operating in non-conforming area. Further, it is to inform you that DPCC is regularly receiving complaints in abundance about illegal units operating in non-conforming area and causing air pollution in the area. It is therefore requested to expedite closure of illegal industries/activities in violation to MPD-2021 operating in non-conforming area immediately. You are also requested to ensure that industries closed down earlier do not resurface in West District.

(Dr. K.S. Jayachandran)
Member Secretary

Copy to:

1. The Commissioner, NDMC
2. The Commissioner, SDMC

ole