

BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO. 34 OF 2025

IN

ORIGINAL APPLICATION NO: 1175 OF 2024
(Under Section 25 of the National Green Tribunal Act, 2010)

IN THE MATTER OF:

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.....Applicant

VERSUS

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NDOH - 21.11.2025

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 Filed by
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SONIA VIHAR POLICE STATION ROAD
SABHAPUR EXTENSION, SONIA VIHAR POLICE
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Mob.9899011555

Dated: 13th November 2025
Place: Delhi

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**Dated: 13th November 2025
Place: Delhi**

SYNOPSIS

The present **Objection** is being filed in response to the **Action Taken Report** submitted by the Delhi Pollution Control Committee (DPCC) in compliance with the Hon'ble Tribunal's order dated **27.05.2025** in **Execution Application No. 34/2025** in **OA No. 1175/2024**.

The Applicant respectfully submits that the said report is **incomplete, mechanical, misleading, and non-compliant** with the express directions of this Hon'ble Tribunal. It fails to ascertain the factual situation on the ground, disregards the grave and continuous environmental violations by various RMC plants operating in the Sabhapur Extension area, and deliberately omits several crucial aspects such as unauthorized movement of heavy vehicles on restricted roads, noise and air pollution during active operations. DPCC conducted its inspections during the **GRAP-IV period**, when all RMC plants were non-operational, thereby defeating the very purpose of factual verification directed by this Hon'ble Tribunal. The report's findings are based on dormant sites and hence do not reflect the **actual operational pollution scenario**. Furthermore, DPCC limited its enforcement to the imposition of nominal "environmental compensation" penalties ranging from ₹4.5 lakh to ₹9 lakh—without ensuring compliance or follow-up inspections—thus **regularizing violations instead of abating them**.

The report also fails to engage with the affected local population, including the Applicant, whose repeated complaints form the basis of this litigation. No public consultation, community feedback, or field verification of living conditions was undertaken, rendering the exercise devoid of procedural fairness and contrary to the principles of **natural justice and participatory environmental governance** under Section 19 of the NGT Act. The Applicant, therefore, most respectfully seeks that the Hon'ble Tribunal **reject the present Action Taken Report**, direct a **fresh, comprehensive joint inspection** by a multi-agency committee including DPCC, CPCB, Flood & Irrigation Department, and local administration, pass appropriate **interim protective orders** to safeguard public health and environmental integrity in the Sabhapur area.



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**Dated: 13th November 2025
Place: Delhi**

OBJECTION APPLICATION AGAINST DPCC ORDER DATED 21ST AUGUST 2025**MOST RESPECTFULLY SHOWETH:**

- 1.** That the **Applicant** had filed Original Application No. 1175 of 2024 before this Hon'ble Tribunal seeking redressal against severe air and noise pollution caused by multiple Ready Mix Concrete (RMC) Plants operating illegally in the Sabhapur Extension area of Delhi, in violation of the **Air (Prevention and Control of Pollution) Act, 1981**, the **Noise Pollution (Regulation and Control) Rules, 2000**, and the **Environment (Protection) Act, 1986**.
- 2.** That this **Hon'ble Tribunal**, vide order dated 23.09.2024, directed the Member Secretary, DPCC, to investigate the matter, ascertain the factual position on the ground, and take appropriate remedial and punitive action within three months from the date of receipt of the complaint.
- 3.** That **despite multiple complaints and reminders**, the DPCC failed to take any effective or remedial action, compelling the Applicant to file Execution Application No. 34 of 2025, in which the Hon'ble Tribunal directed DPCC to file an Action Taken Report.
- 4.** That **DPCC has now filed a purported Action Taken Report**, which on close scrutiny reveals that the same is **mechanical, incomplete, and evasive**, and does not comply either in letter or spirit with the directions of this Hon'ble Tribunal. The report reflects mere paper action, without any genuine attempt to mitigate or abate pollution in the affected area.

Grounds of Objection

A. Non-Compliance with the Tribunal's Directions

- 5.** That the Hon'ble Tribunal had explicitly directed the Delhi Pollution Control Committee (DPCC) to "**ascertain the correct factual position at the ground level.**" However, the DPCC conducted its inspections on **4th December 2024**,



during the period when **GRAP-IV restrictions were in force**, and all the RMC plants were non-operational.

6. That this timing completely **defeated the very purpose of the inquiry**, as no emissions, noise levels, or vehicular movement could be assessed. Consequently, the report fails to establish the actual ground reality and is in clear violation of the Tribunal's order.

B. Mechanical and Superficial Enforcement

7. That all five RMC plants—**M/s Kamdhenu Cement (G), M/s ENPEECON, M/s Shree Ram Ready Mix Concrete Pvt. Ltd., M/s NDCON Construction, and M/s Vinod Kumar RMC Plant**—were found to be in identical violation of fundamental environmental norms, including but not limited to:
- i. Absence of continuous dust/wind-breaking walls of adequate height;
 - ii. Uncovered raw materials and aggregates stored in the open;
 - iii. Lack of a properly channelized cement handling system and dust collection arrangement;
 - iv. Absence of functional wheel-washing facilities to prevent road dust and slurry deposition; and
 - v. Inadequate stack height and absence of monitoring provisions on dust collectors.

Despite such **serious and repeated violations**, the DPCC, instead of taking coercive or preventive measures such as **immediate closure or suspension of Consent to Operate (CTO)**, allowed these plants to continue operations by merely imposing **nominal environmental compensation** ranging between ₹4.5 to ₹9 lakh — a sum grossly disproportionate to the extent of damage and duration of violations.

That no **post-inspection verification or compliance check** was conducted by the DPCC to ascertain whether the recorded breaches were rectified or whether pollution-control measures had been implemented. Such **mechanical**

imposition of penalties without subsequent monitoring constitutes nothing more than **paper compliance**, contrary to the binding directions of this Hon'ble Tribunal in *Forward Foundation v. State of Karnataka* (OA No. 222/2014, NGT PB), wherein it was held that:

"Mere imposition of environmental compensation without ensuring rectification or cessation of environmental harm does not amount to compliance; it constitutes administrative abdication."

That the continued tolerance of these violations and the absence of any follow-up inspection reveal a **pattern of regulatory indifference and administrative leniency** on the part of the DPCC, thereby undermining the effectiveness of this Hon'ble Tribunal's directions and perpetuating environmental degradation in the Sabhapur area.

C. Suppression and Incomplete Disclosure by DPCC

- 8.** That the DPCC has **deliberately omitted** to mention the precise **geographical locations and surrounding habitations** of the inspected RMC Plants in its Action Taken Report. Most of these units, including **M/s M/s ENPEECON, M/s NDCON & Shree Ram Ready Mix Concrete**, are situated **immediately adjacent to densely populated residential colonies** of Sabhapur Extension.

That the omission of this crucial contextual information is neither accidental nor inconsequential; it constitutes **suppression of material facts** directly relevant to the environmental and health impact on local residents. The DPCC's report is **completely silent** on whether adjoining residential areas are being affected by **cement dust dispersion, vehicular emissions, and persistent industrial noise**, rendering the report incomplete, misleading, and contrary to the object of the Tribunal's order.



That this Hon'ble Tribunal in *Residents Welfare Association, Janakpuri v. Union of India* (OA No. 21/2014, NGT PB) has held that:

“Any environmental inspection or compliance verification must necessarily disclose the site’s surroundings, proximity to human habitation, and likely impact on public health; failure to do so constitutes non-compliance with statutory duty and renders the report defective.”

That DPCC’s silence on the severe impact on residential and suburban clusters adjoining the RMC Plants reflects **non-application of mind and dereliction of its statutory responsibility** under Section 17(1)(a) and (b) of the **Air (Prevention and Control of Pollution) Act, 1981**, which mandates the authority to assess and mitigate air pollution in areas where human population is directly exposed.

D. Inspection Conducted Without Public Consultation

9. That the Applicant, being the **original complainant and a local resident**, was neither informed nor involved in the inspection process. The DPCC did not interact with the affected local population, thereby excluding the very victims of pollution whose health and safety are at risk.

That such omission constitutes a violation of the **Principle of Natural Justice** and the **participatory environmental governance** guaranteed under Section 19(1) of the **National Green Tribunal Act, 2010**, which mandates the Tribunal to ensure fair, transparent, and inclusive procedures in environmental adjudication.

E. Severe Environmental and Health Impact on Sabhapur Road

10. That the main **Sabhapur Road**, on both sides of which several RMC plants are situated, has become heavily contaminated with accumulated layers of **cement dust and fine particulate matter**. The entire stretch remains covered with a persistent haze, rendering it **unsafe and unfit for public use**.

Chitwan Singh

That pedestrians and residents who traverse this road daily are compelled to use face coverings, as the **airborne cement dust causes severe eye irritation, respiratory discomfort, and skin itching**. The thick layer of cement residue deposited on the road surface has made routine commuting hazardous and unhygienic.

That although the RMC Plant(s) claim the use of **water sprinklers**, the same is largely **ineffective and rarely operated**, given the magnitude of dust accumulation. The prevailing condition of this public road is a **direct consequence of unregulated RMC operations**, and yet, DPCC's report is **completely silent** on this alarming environmental and public health issue.

That this Hon'ble **Tribunal**, in *Vardhaman Kaushik v. Union of India* (OA No. 21/2014, NGT PB), categorically held that:

"The failure of pollution control authorities to prevent and abate dust emissions from industrial operations adjoining public roads constitutes gross dereliction of duty and violates the citizens' right to clean air under Article 21 of the Constitution."

F. Ignorance of Key Issues Raised in the Original Petition

- 11.** That the DPCC has completely ignored a fundamental and undisputed fact — **the only approach road** to all the RMC Plants situated in Sabhapur Extension is the **Sonia Vihar–Pushta Road**, on which **movement of heavy vehicles is expressly prohibited** by the Flood & Irrigation Department. There exists **no alternate access route** through which trucks carrying raw materials (cement, aggregates, sand) or RMC transit mixers can legally reach these plants.
- 12.** That despite this statutory and physical impossibility, DPCC has granted Consent to Operate (CTO) to multiple RMC units **without examining how these plants would be accessed** without violating the heavy-vehicle restrictions. In practice, all raw-material trucks and loaded RMC mixers routinely use the banned Pushta Road, causing daily illegal heavy-vehicle

movement, severe dust dispersion, noise pollution, and continuous public hazard — a fact entirely unaddressed in DPCC's report.

13. That the DPCC further failed to ascertain or even record the **precise locations** of these plants, all of which **share boundaries with densely populated residential clusters** in Sabhapur Extension. Before granting consent, DPCC was under a statutory obligation to evaluate site-suitability, access feasibility, and the likely impact on human habitation. Its failure to conduct even basic due diligence reflects **serious non-application of mind** and contravenes Section 17 of the Air (Prevention and Control of Pollution) Act, 1981.
14. That this omission is not merely technical but strikes at the root of environmental governance. Granting consent to units that cannot legally receive or dispatch material without violating a heavy-vehicle ban is **per se unsustainable**, arbitrary, and contrary to the precautionary principle recognised under Articles 14 and 21 of the Constitution.

G. Arbitrary and Unequal Application of Law

15. The Consent to Operate (CTO) for M/s Kamdhenu Cement was revoked due to admitted violations. However, the implications of this revocation order have not been followed up or enforced. Simultaneously, other Ready-Mix Concrete (RMC) plants in the area were allowed to continue their business with only nominal charges, which constitutes a clear and ongoing violation of environmental law. This is because these plants were permitted to operate without mandating any necessary environmental improvements, thereby allowing them to continue causing environmental damage.

H. Continued Non-Compliance and Public Harm



16. That the DPCC's so-called **Action Taken Report** is a mere **eyewash**, intended to project a façade of compliance while **shielding the violators** from effective enforcement.
17. That the **timing, scope, and methodology** of inspection, coupled with the **absence of follow-up verification**, establish a **pattern of administrative compromise** and **regulatory failure**. The report, therefore, cannot be accepted as a bona fide compliance document and deserves to be rejected in entirety.

RMC Plant wise reply / objection

A – M/s Balaji RMC Plant (C/o Sh. Neeraj Jain) / M/s Kamdhenu Cement (G) — Contradictory Findings, Continued Violations, and Collusive Reporting

18. That as per DPCC's own report, the inspection at *M/s Balaji RMC Plant C/o Sh. Neeraj Jain*, situated at Khasra No. 616/2, Village Sabhapur, Delhi, was first conducted on **04.12.2024**, during which multiple *serious violations* were observed, including:
- Absence of valid consent from DPCC;
 - Non-provision of continuous dust/wind-breaking walls;
 - Uncovered raw material storage;
 - Unchannelized cement handling area without baghouse; and
 - No wheel-washing arrangement to prevent spillage and road dust.
19. That despite such glaring violations, the DPCC curiously recorded the plant as "non-operational due to GRAP-IV restrictions," thereby avoiding actual ambient and operational pollution measurement. This procedural lapse defeats the very purpose of this Hon'ble Tribunal's direction to "*ascertain the factual position at the ground level.*"
20. That subsequently, the DPCC issued a show-cause notice for closure and imposed environmental compensation (EC) of ₹9,00,000/- on **14.01.2025**

against *M/s Balaji RMC Plant C/o Neeraj Jain*. However, in a subsequent development, the same entity **altered its name to “M/s Kamdhenu Cement (G)”**, allegedly to camouflage its identity and evade responsibility for non-compliance.

- 21.** That DPCC, instead of investigating this deliberate misrepresentation and possible attempt at evasion, accepted the change of name and drastically reduced the environmental compensation from ₹9,00,000/- to ₹6,75,000/- without any legal justification or fresh assessment of pollution damage. Such dilution of penalty is arbitrary, non-transparent, and contrary to the “polluter pays” principle laid down in *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212.
- 22.** That the inspection dated 09.05.2025 was purportedly conducted jointly by DPCC, MCD, BSES, SDM (Karawal Nagar), and DJB. However, even this report acknowledges continuing non-compliance, including:
- Inadequate stack height of dust collector;
 - Absence of wheel-washing arrangement; and
 - Uncovered raw material — clear evidence of persistent air pollution sources.

Yet, despite these repeated findings, no effective closure or compliance verification was ensured.

- 23.** That the DPCC’s treatment of this particular RMC unit reveals a pattern of procedural compromise and administrative leniency, indicating possible collusion. The DPCC’s actions in this case violate the spirit of judicial directions laid down by this Hon’ble Tribunal in *Forward Foundation v. State of Karnataka* (OA No. 222/2014, NGT, Principal Bench), wherein it was held that:

“Administrative authorities cannot mechanically impose environmental compensation and claim compliance — they must ensure cessation of environmental harm through continuous monitoring, verification and deterrent action.”




24. Hence, it is evident that the DPCC's report with respect to M/s Balaji RMC / Kamdhenu Cement (G) is not only inconsistent but also misleading, as it masks

B —M/s ENPEECON RMC Plant - Superficial and Inconclusive Findings

25. That the Applicant most respectfully submits that the findings of the Delhi Pollution Control Committee (DPCC) in relation to M/s ENPEECON RMC Plant are superficial, inconsistent, and fail to comply with the mandate of this Hon'ble Tribunal's order dated 23.09.2024, which had categorically directed the Respondent to *ascertain the correct factual position at the ground level* and take appropriate remedial and punitive measures.

That the DPCC, by its own admission, conducted inspection on 04.12.2024 during the GRAP-IV period, when all RMC plants were non-operational. Conducting an inspection during a period of enforced shutdown makes the entire exercise meaningless, as no actual emissions, noise levels, or operational irregularities could be assessed. This selective timing raises serious doubts about the intent and credibility of the inspection process and clearly demonstrates an attempt to avoid capturing the actual environmental impact caused by the unit.

26. That despite finding the plant in clear violation of multiple environmental safeguards — including uncovered raw material, absence of dust/wind-breaking walls, lack of proper cement handling and channelization, and inadequate stack height — the DPCC failed to take any immediate preventive action or direct closure of operations. Instead, it merely issued a *show cause notice* and later imposed a token environmental compensation of ₹4,50,000/-, allowing the unit to continue operations unhindered.

27. That the DPCC's report also records that the plant operates "at night only as they are suppliers to DMRC and NCRTC projects." This statement, while accepted by DPCC without verification, exposes a far graver issue — *the continuous night-time operation of heavy industrial machinery* in a densely populated residential area, which amounts to blatant violation of the *Noise Pollution (Regulation and Control) Rules, 2000*, particularly **Rule 5(2)** which prohibits high-noise industrial activity in silence/residential zones during night hours. The failure of DPCC to address or even comment upon this illegality is a matter of serious concern and amounts to dereliction of duty.

28. That the inspection further discloses that dust collectors were installed without adequate stack height, and that no wheel-washing arrangement was provided — both of which are mandatory requirements under DPCC's own office order dated 27.12.2017 governing the operation of **RMC Plants.**

Despite noting these violations, DPCC has neither recorded whether the plant later achieved compliance nor verified its operational condition after the imposition of penalty, thereby violating the principle laid down by this Hon'ble Tribunal in *Forward Foundation v. State of Karnataka*, OA No. 222/2014 (NGT Principal Bench), which held that:

"The imposition of environmental compensation without ensuring rectification of the environmental harm cannot be treated as compliance; it amounts to administrative abdication."

29. That such an error is not merely administrative but has the effect of allowing a major polluting unit to function undermining the public health and environmental safeguards mandated under the **Air (Prevention and Control of Pollution) Act, 1981.**

The Hon'ble Supreme Court in *Paryavaran Suraksha Samiti v. Union of India*, (2017) 5 SCC 326, emphasized that pollution control authorities have a "constitutional obligation to ensure strict and continuous compliance"

with statutory standards and that failure to do so results in violation of Article 21.

- 30.** That DPCC's act of merely imposing an environmental compensation of ₹4,50,000/- which was conveniently paid by the violator — without any site verification of corrective measures, renders the entire process a mere eyewash.

No subsequent inspection report has been placed on record by DPCC to demonstrate that the violations have been rectified or that the plant's operational impact has been mitigated.

C — Misleading and Incomplete Findings Regarding M/s Shree Ram Ready Mix Concrete Pvt. Ltd.).

- 31.** That the Applicant respectfully submits that the findings of the Delhi Pollution Control Committee (DPCC) in relation to M/s Kamdhenu Cement (also referred to as M/s Shree Ram Ready Mix Concrete Pvt. Ltd.) are gravely inadequate, misleading, and contrary to the mandate of this Hon'ble Tribunal's order dated 23.09.2024, which required the Respondent to "*ascertain the correct factual position at the ground level and take remedial and punitive action.*"
- 32.** That DPCC conducted its inspection of this RMC Plant on 04.12.2024 — notably during the period when *GRAP-IV restrictions were in force*, and the unit was declared "non-operational."

Such timing conveniently ensured that no operational emissions, noise levels, or particulate dispersion were assessed, thereby rendering the inspection meaningless.

The Hon'ble Tribunal in *Society for Protection of Environment and Biodiversity v. Union of India* (OA No. 593/2017, NGT PB, 2018) has specifically held that:

“Inspection during non-operational hours or during declared closures cannot be treated as compliance with judicial directions to ascertain factual environmental impact.”

- 33.** That even in a non-operational condition, the DPCC’s inspection report recorded multiple violations, including:
- i. Uncovered raw materials and aggregates kept in the open;
 - ii. Absence of continuous dust/wind-breaking walls of adequate height;
 - iii. Lack of a properly channeled cement handling area or baghouse; and
 - iv. Absence of a wheel-washing facility.

These findings themselves establish *systemic non-compliance* with DPCC’s Office Order dated 27.12.2017 prescribing specific pollution control measures for all RMC units.

- 34.** That despite these findings, DPCC’s subsequent action was **perfunctory and grossly inadequate**, as it merely imposed an Environmental Compensation (EC) of ₹4,50,000/- on 16.04.2025 — an arbitrary amount uncorrelated with the scale of pollution or duration of violation. The Hon’ble Supreme Court in *Goel Ganga Developers v. Union of India* (2018) 18 SCC 257 has categorically held that:

“Imposition of a nominal penalty without assessing the environmental damage is contrary to the principles of sustainable development and the polluter pays doctrine.”

- 35.** That this particular unit, M/s Shree Ram Ready Mix Concrete Limited, is the same plant against which the Applicant has repeatedly raised complaints, including through the Green Delhi App and direct representations to DPCC, citing unbearable noise and cement dust pollution.

Despite having this direct knowledge, DPCC neither referenced these prior

complaints in its report nor acknowledged the continuing grievances of local residents — a clear violation of the principles of participatory environmental governance recognized by this Hon'ble Tribunal in *Rajiv Narayan v. Union of India*, OA No. 300/2013 (NGT PB), where it was held that:

“Environmental decision-making must be transparent, participatory and inclusive of affected communities, failing which it lacks legitimacy.”

- 36.** That DPCC's assertion that “no DG Set was found installed” is **misleading**, as the residents have consistently reported continuous nighttime operation of concrete mixers and vibrators, which generate extremely high decibel noise levels exceeding permissible residential limits under *Schedule I of the Noise Pollution (Regulation and Control) Rules, 2000*. The absence of on-site noise monitoring during operational hours — especially in a residential zone — constitutes a serious lapse and a violation of the NGT's directions in *Hardeep Singh v. SDMC & Ors.*, OA No. 519/2016 (NGT PB), which mandated:

“Noise levels from construction and industrial equipment in residential areas must be monitored in real-time and action must be taken even on prima facie exceedance.”

Ground D — M/s NDCON Constructions

- 37.** That the Applicant respectfully submits that the findings and actions of the Delhi Pollution Control Committee (DPCC) in relation to M/s NDCON Constructions are incomplete, inconsistent, and fail to meet the evidentiary and procedural standards required under the directions of this Hon'ble Tribunal. The inspection was conducted in a perfunctory manner and without any meaningful attempt to ascertain the actual environmental impact of the unit's operations.



- 38.** That DPCC, in its Action Taken Report, merely records that the site was inspected on 04.12.2024 and that the unit was found non-operational due to GRAP-IV restrictions, having a "valid consent" under the *Green Category* till 27.01.2032. Such a superficial statement of facts does not satisfy the Tribunal's clear mandate in its order dated 27.05.2025 directing the Respondent to "*ascertain the correct factual position at the ground level and ensure compliance with all environmental norms.*"
- 39.** That this inspection during a declared closure period (GRAP-IV) renders the report fundamentally defective and incapable of reflecting the true pollution scenario on the ground.

As held by the Hon'ble Tribunal in *Society for Protection of Environment and Biodiversity v. Union of India* (OA No. 593/2017, NGT PB, 2018):

"An inspection conducted during a declared shutdown or non-operational period does not establish compliance; it amounts to avoidance of environmental accountability."

- 40.** That even during non-operational hours, the DPCC's own report notes serious violations, including:
- i. Absence of wind/dust-breaking walls of adequate height;
 - ii. Lack of platform or ladder for stack monitoring of the dust collector;
 - iii. Non-provision of wheel-washing arrangements; and
 - iv. Uncovered raw material.

These violations demonstrate ongoing disregard for environmental norms even when the unit was allegedly "non-operational," which raises doubts about the veracity of the claimed shutdown.



Ground E — M/s Vinod Kumar RMC Plant (VK RMC Plant)

- 41.** That the Applicant respectfully submits that the findings of the Delhi Pollution Control Committee (DPCC) concerning M/s Vinod Kumar RMC Plant are grossly deficient, legally untenable, and fail to address the substantive issues of air and noise pollution, illegal operations, and continued public health hazard caused by the said unit.
- 42.** That DPCC's own report dated 14.12.2024 acknowledges multiple critical violations, including uncovered raw material, absence of a properly channelized and covered cement-handling area, lack of wheel-washing arrangements, and failure to install any dust-collection system or DG Set within the premises. These findings by themselves establish non-compliance with the *Air (Prevention and Control of Pollution) Act, 1981* and the *Noise Pollution (Regulation and Control) Rules, 2000*.

Other Relevant Points of objection

- 43.** That the DPCC's report also fails to mention the long-standing issue of heavy vehicle movement on Sonia Vihar Pushta Road, which is the only access route to this plant and is officially restricted for commercial traffic by the Flood and Irrigation Department.

The report's silence on this critical aspect is a serious omission and directly undermines the Tribunal's order to ascertain the "*correct factual position on the* *ground.*"

The Hon'ble Supreme Court in *M.C. Mehta v. Union of India (Delhi Vehicular Pollution Case)* (1998) 6 SCC 63 held that:



“A regulatory authority’s failure to address a known source of environmental degradation constitutes actionable inaction and amounts to aiding the continuance of environmental harm.”

- 44.** That even after the imposition and payment of EC, the plant continues to operate without implementing the required mitigation measures, as the raw material remains uncovered, no dust suppression mechanisms are in place, and no noise control equipment has been installed. This demonstrates that the penalties levied have had no deterrent or corrective effect, rendering the DPCC’s so-called “compliance verification” illusory.
- 45.** That DPCC’s failure to verify post-compliance conditions and continued operation of this unit despite repeated violations clearly establishes a pattern of administrative indifference and non-enforcement. The Hon’ble Tribunal in *Forward Foundation v. State of Karnataka*, OA No. 222/2014 (NGT PB), observed:
- “Where enforcement agencies mechanically impose fines without ensuring restoration or compliance, the purpose of environmental regulation stands defeated.”
- 46.** That the classification of RMC plants under the Green Category does not imply an exemption from regulatory obligations, and operation without such safeguards continues to constitute a violation of the *Air (Prevention and Control of Pollution) Act, 1981*, and the *Environment (Protection) Act, 1986*. This Hon’ble Tribunal has consistently held that even Green Category industries must adhere to “zero discharge” and “no emission” principles. (*Ref: O.A. No. 134/2019 — Shailesh Singh v. Central Pollution Control Board & Ors.*)
- 47.** That the inspection was deliberately conducted during the GRAP-IV period when operations were suspended, thereby failing to capture the true extent of dust and noise emissions during active mixing and transportation



hours. The Hon'ble NGT in *Society for Protection of Environment & Biodiversity v. Union of India*, (OA No. 593/2017) has specifically directed that "surprise inspections must be conducted during operational periods to accurately ascertain compliance." DPCC's report violates this settled principle.

- 48.** That DPCC's report conspicuously omits any reference to the source of water used for batching and cleaning operations, despite the Tribunal's directions in *Arti Sharma v. GNCT of Delhi* (OA No. 608/2019) requiring verification of groundwater extraction and waste-water management in all such industrial units. Such omission is a glaring procedural lapse.
- 49.** That the DPCC, by its Office Order dated 27.12.2017 (F No. DPCC/CMC-I/RMC/2017/2596-2614) provides that 'Ready Mix Concrete plants in NCT of Delhi shall be granted Consent to Establish / Consent to Operate as per the above policy' and thereby prescribes that such RMC plants must satisfy specified pollution-control conditions prior to or as part of consent issuance. In the present case, the RMC plants under scrutiny have operated (or continue to operate) without fulfilling those conditions (such as covered raw-material storage, dust collectors with adequate stack height, wheel-washing arrangements, continuous wind/fall-breaking walls), and DPCC in its Action Taken Report has failed to verify or enforce conformity with the said Office Order. This constitutes regulatory failure, non-compliance with DPCC's own policy framework, and undermines the authority's duty to regulate under the Air Act, the Environment (Protection) Act and the Noise Rules.
- 50.** That the Hon'ble Tribunal may kindly take note of the DPCC Office Order dated 27.12.2017 (F No. DPCC/CMC-I/RMC/2017/2596-2614)', which specifically incorporates the position under Clause XII of the Master Plan for Delhi-2021 that "Ready Mix Concrete (RMC) Plant is a temporary activity specific to the project/site, and due to the nature of the activity, it is not feasible to earmark specific sites for such use." The said clause unequivocally establishes that RMC plants cannot be treated as permanent industrial units and are to function only for limited project-based durations.



However, in the present case, several RMC plant such as *M/s Enpeecon RMC Plant (Kh. No. 434-436, Village Sabhapur)*, has been operating continuously in the same locality for more than a decade, in direct contravention of this statutory framework. Despite such prolonged and unauthorized operation, the DPCC's inspection report nowhere addresses this fundamental violation of the MPD-2021 and the DPCC's own policy, thereby rendering the inspection incomplete, non-comprehensive, and mechanical in nature.

The failure of DPCC to question or act against such long-term operation of so-called "temporary" RMC plants reflects a **gross dereliction of regulatory duty** and raises a legitimate concern of **regulatory capture and neglect of planning discipline**, as prohibited under Section 24 and 25 of the National Green Tribunal Act, 2010.

It is submitted that this omission has caused grave injury to the environment and health of residents of Sabhapur and Sonia Vihar areas, who continue to suffer sustained exposure to cement dust, noise, and vehicular pollution generated by these illegally continuing units.

51. That the so-called "enforcement" actions undertaken by the Delhi Pollution Control Committee (DPCC) amount not merely to administrative laxity but to a deliberate process of **regularization of environmental violations** under the pretext of imposing nominal penalties. The DPCC's approach demonstrates a pattern wherein non-compliant and RMC plants are allowed to continue their polluting activities after payment of token environmental compensation (EC), without any genuine verification of rectification or compliance.
52. The imposition of environmental compensation in the range of ₹4.5 lakh to ₹9 lakh, **without subsequent compliance verification or closure**, has in effect become a mechanism to legitimize illegal operations rather than penalize them. Such conduct is contrary to the "**polluter pays**" and "**precautionary principles**" recognized under **Articles 21, 48A, and 51A(g)** of the Constitution and reaffirmed in *Indian Council for Enviro-Legal Action v. Union*

of India [(1996) 3 SCC 212]*, wherein the Hon'ble Supreme Court held that penalties must be deterrent and directly correlated to the nature and magnitude of the environmental damage.

- 53.** The pattern emerging from the DPCC's Action Taken Report shows that once environmental compensation was paid by the violators, DPCC did not pursue closure, restoration, or further remedial measures, effectively converting statutory compliance into a **pay-and-pollute license**. This approach stands squarely condemned in *Goel Ganga Developers v. Union of India* [(2018) 18 SCC 257]*, where the Hon'ble Supreme Court held that:

"Imposition of a nominal penalty without assessment or rectification of the environmental harm is antithetical to the rule of law and defeats the purpose of environmental protection."

Such conduct constitutes not only a violation of the Hon'ble Tribunal's directions dated 27.05.2025 but also a breach of statutory obligations under **Section 31A of the Air (Prevention and Control of Pollution) Act, 1981** and **Rule 3 of the Noise Pollution (Regulation and Control) Rules, 2000**, which mandate proactive preventive measures and continuous monitoring.

- 54.** Therefore, it is submitted that the DPCC's so-called penal actions are not acts of enforcement but rather **acts of regulatory compromise**, which have resulted in the continued operation of illegal and hazardous RMC plants in the Sabhapur area. The report, therefore, deserves to be rejected in toto as it not only conceals non-compliance but also **institutionalizes pollution under official sanction**.
- 55.** That the Delhi Pollution Control Committee (DPCC), being the competent statutory authority under the **Air (Prevention and Control of Pollution) Act, 1981** and the **Environment (Protection) Act, 1986**, is legally obligated to ensure not only issuance of consent orders but also **post-compliance verification, continuous monitoring, and enforcement of remedial measures** in cases of violation.



However, the Action Taken Report filed by DPCC is entirely silent on whether any **follow-up inspection** or **compliance verification** was conducted after **the** imposition of environmental compensation (EC) or issuance of closure directions. This complete absence of subsequent verification clearly establishes that DPCC has **not discharged its statutory duty** and that the violations continue unchecked.

- 56.** It is respectfully submitted that **mere issuance of show-cause notices and levy of nominal penalties** cannot be treated as compliance with **environmental** law. The Hon'ble Supreme Court in *M.C. Mehta v. Union of India* [(2004) 12 SCC 118] held that:

“Regulatory authorities cannot remain passive or reactive; they must exercise continuous supervision and ensure strict adherence to environmental safeguards.”

- 57.** The DPCC's failure to verify whether its own closure orders or EC impositions resulted in any actual rectification of *pollution* sources is a matter of grave concern. It effectively permits the RMC plants to resume operations **without correction, mitigation, or oversight**, defeating the preventive purpose of the Hon'ble Tribunal's directions.

- 58.** It is further submitted that the DPCC's conduct shows a disturbing pattern — it acts only when compelled by judicial orders, rather than on its own motion as required by law. Such an approach undermines the *spirit* of the “**Precautionary Principle**” and the “**Public Trust Doctrine**”, as recognized in *Vellore Citizens' Welfare Forum v. Union of India* [(1996) 5 SCC 647] and *M.C. Mehta v. Kamal Nath* [(1997) 1 SCC 388]*, where the Hon'ble Supreme Court held that environmental authorities are trustees of public health and cannot abdicate their monitoring responsibilities.

PRAYER

In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

1. **Reject** the "Action Taken Report" dated 27.05.2025 submitted by DPCC as incomplete, inadequate, and non-compliant with the Hon'ble Tribunal's directions;
2. **Direct the constitution of a Joint Inspection Committee** comprising DPCC, CPCB, representatives of the District Magistrate (North-East Delhi), Delhi Police, and the Flood & Irrigation Department, along with one local resident representative, to conduct a comprehensive inspection of all operational RMC plants in Sabhapur Extension and adjacent areas;
3. **Grant immediate interim relief** by directing suspension of operations involving high-noise equipment (vibrators, cement breakers, and batching mixers) until compliance is verified;
4. **Direct the Delhi Police and Flood & Irrigation Department** to strictly enforce the ban on heavy vehicle movement on the Sonia Vihar Pushta Road and to submit a compliance report within a fixed timeline;
5. **Direct DPCC** to conduct community hearings and take statements of affected residents to incorporate ground-level data into its revised report;
6. **Direct fresh air and noise quality monitoring** during operational hours, with results filed on affidavit before this Hon'ble Tribunal;
7. **Pass such other or further orders** as may be deemed just, necessary, and proper in the interest of justice, environmental protection, and public health.



BEFORE THE NATIONAL GREEN TRIBUNAL AT PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO. 34 OF 2025

IN

ORIGINAL APPLICATION NO: 1175 OF 2024
(Under Section 25 of the National Green Tribunal Act, 2010)

IN THE MATTER OF:

VIKAS TIWARI ...



APPLICANT

VERSUS

DELHI POLLUTION CONTROL COMMITTEE & ORS. ...

RESPONDENT(S)

AFFIDAVIT

I, Vikas Tiwari, aged about 43 years, residing at B-241-I F/F KH. NO 616/2 Sonia Vihar Police Station Road Sabhapur Extension, Sonia Vihar Police Station Road Delhi 110094, do hereby affirm and state as follows:

1. I am the Applicant in the above-mentioned Execution Application No. 34/2025 and am well acquainted with the facts and circumstances of the case.
2. That in compliance with the Order dated 28 August 2025, passed by this Hon'ble Tribunal, I am filing my objection application against DPCC report dated 21 August 2025.
3. That the next date of hearing for this matter is 21 November 2025.
4. The statements and contents made herein in this application are true to the best of my knowledge and belief.


DEPONENT

VERIFICATION

I, the above-named deponent, do hereby verify on this ^{4 NOV 2025} November, 2025 that the contents of this affidavit are true and correct to my knowledge, and nothing material has been concealed therefrom.


DEPONENT



ATTESTED

RENU BALA REG. NO. 16727
NOTARY DELHI
GOVERNMENT OF INDIA

14 NOV 2025

Item No. 15

Court No. 1

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

Execution Application No. 34/2025
In
Original Application No. 1175/2024

Vikas Tiwari

Applicant

Versus

NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 28.08.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER**

Appellant: Mr. Vikas Tiwari, Applicant in Person (Through VC)

Respondents: Mr. Kush Sharma, Adv. for DPCC (Through VC)
Ms. Jyoti Mendiratta, Adv. for I&FCD, GNCTD (Through VC)

ORDER

1. DPCC has filed the report dated 21.08.2025 disclosing the compliance status as also action taken by the DPCC. It will be open to the applicant to download a copy of this report from the website and file objection, if required.

2. List on 21.11.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Ishwar Singh, EM

August 28, 2025
A



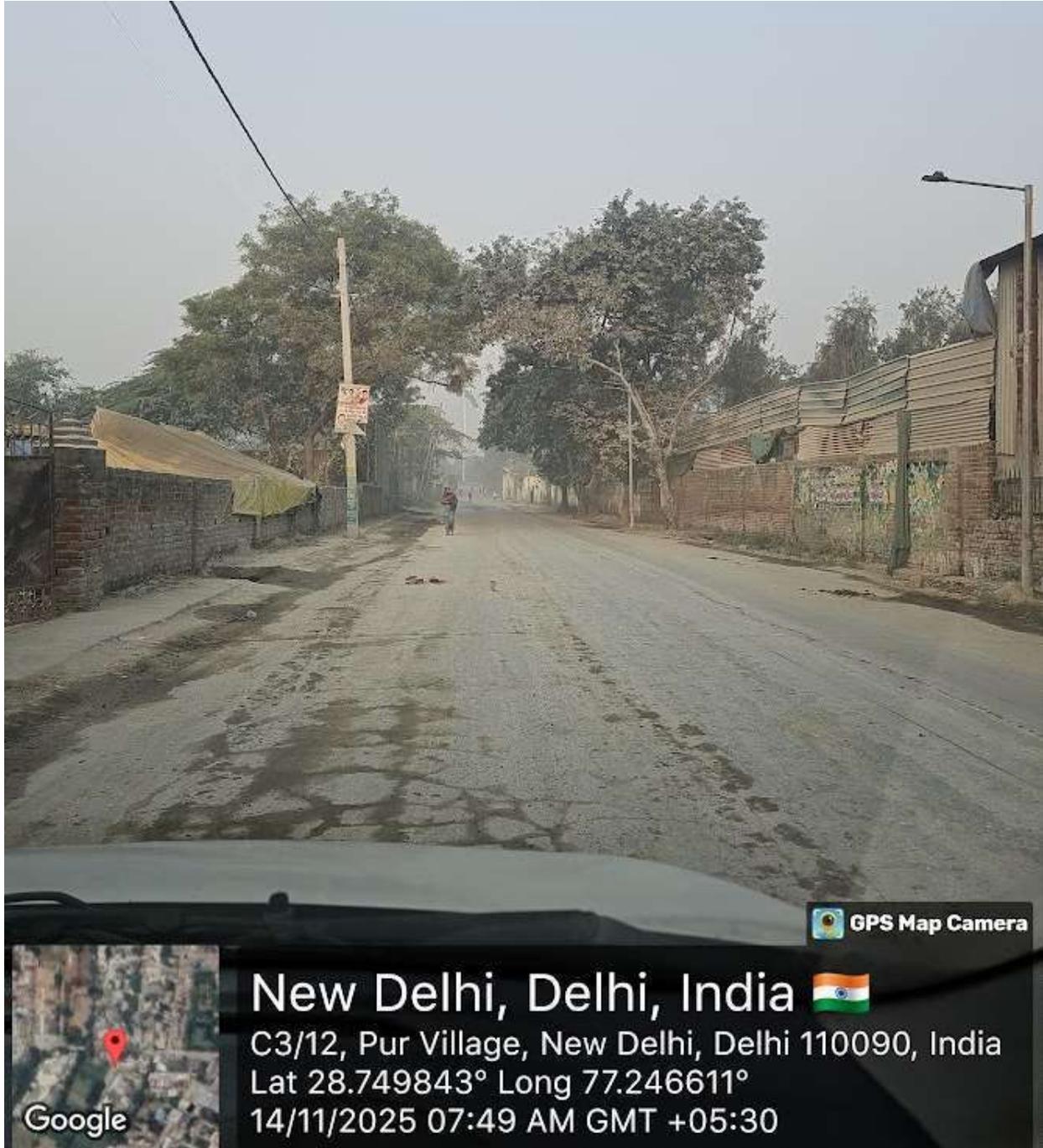
Kamdhenu rmc plant sharing its boundaries with agriculture field



Enpeecon plant from street side, material can be seen in open



Epneecon from Sabhapur road – front view



Sabhapur main road – both sides are occupied by rmc plants – heavy dust can be seen on wall and on the street



Vikas Tiwari <vtiwari.mail@gmail.com>

Execution Applicatoin No 34 of 2025 - Objection Application in respect of DPCC Report dated 21 Aug 2025

1 message

Vikas Tiwari <vtiwari.mail@gmail.com>

Fri, Nov 14, 2025 at 2:24 PM

To: msdpcc@nic.in, secservices@nic.in, dcp.ne@delhipolice.gov.in, fccdiv@gmail.com

Dear Sir,

Pursuant to the DPCC Report submitted on August 21, 2025, the Applicant hereby submits the attached **Objection Application**.

Kindly find the soft copy attached for your perusal.

The matter is next scheduled for hearing on **November 21, 2025**.

Warm regards,

Vikas Tiwari

Advocate and Applicant

**objection application_compressed (1).pdf**

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