

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH , NEW DELHI

Execution Application No.: 19/2024

IN

Original Application No. 706/2023

IN THE MATTER OF:

Chetna Residents Welfare Association Mangol Puri ... Applicant

VERSUS

Govt. of NCT of Delhi & Ors. ... Respondents

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For Chetna Resident Welfare Association


Authorised Signatory

APPLICANT

THROUGH


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Dated: 27.07.2024

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**OBJECTIONS ON BEHALF OF THE APPLICANT TO THE
REPORT FILED BY THE RESPONDENT NO. 7 i.e. DPCC**

MOST RESPECTFULLY SHOWETH:

1. That the Original Application No. 706/2023 was filed by the Applicant before the Hon'ble National Green Tribunal, Principal Bench to take action against illegal extraction of ground water and water pollution being caused by the Respondent No. 10 i.e. Rajesh @ Kanaster who is running illegal Car/Bike Washing centre in residential/ non conforming area i.e. at Shop no. T-1/3, T-Block, DDA Market, Mangol Puri, Delhi – 110083 in violation of environmental norms and Hon'ble Tribunal directed the Respondent No. 7 i.e. Delhi Pollution Control Committee (

DPCC) to take necessary remedial action in accordance with law and to submit action taken report within three months.

2. That, as no report was filed by the Respondent No. 7 i.e. DPCC, the Applicant filed the present Execution Application whereby the Hon'ble Tribunal vide order dated 19.04.2024 directed the DPCC to file its report at least one week before the next date of hearing i.e. on or before 22.07.2024.
3. That the Respondent No. 7 filed its Action Taken Report dated 25.07.2024 having various enclosures including judgments of Apex Court and SOP applicable in case of illegal extraction of ground water as well as various letters and reminders sent to the Municipal Corporation of Delhi and District Magistrate, North West, Delhi. **However, the report is silent about the delay in filing of report as per the order dated 28.11.2023.**
4. That page No. 43 of the report i.e. minutes of the meeting dated 19.07.2024 reveals that :

“Matter was discussed in details and it was informed by the MCD Official that MCD has already issued a Show Cause Notice to the unit on 11/06/2024 as well as inspected the unit. During inspection, the unit obstructed the MCD Official to discharge their official duties and misbehaved with them.

Sh. Jagat Pal (Tehsildar, Rohini), on behalf of DM (North West) suggested that a joint inspection may be conducted as the previous Tehsildar was manhandled by the owner of Unit.”

It is submitted that the inspection report of the MCD dated 11.06.2024 has not been filed along with the Report filed by the Respondent No. 7 i.e. DPCC.

5. That as per report, joint inspection was carried out on 22.07.2024 by the MCD, DPCC and Revenue Department where they found premises of the respondent No. 10 as locked. **It is pertinent to mention here that the said illegal Unit/ washing centre was even open on 19.07.2024, 20.07.2024 and 21.07.2024 and just to avoid sealing and other remedial actions, washing centre was deliberately kept locked on the date of inspection i.e. 22.07.2024**, which also suggests that prior intimation of joint inspection was already available to the persons running the unit and even the official bikes of Delhi Police (Respondent No. 4) was washed on 18.07.2024 and 20.07.2024. Photographs of the washing of bike and cars dated 18.07.2024, 19.07.2024, 20.07.2024 and 21.07.2024 are annexed herewith as **Annexure A-1** (Pages 7-14).
6. That page No. 26 of the report i.e. Last Para of reply by the Municipal Corporation of Delhi dated 25.01.2024 reveals that :

“Since Hon’ble NGT has issued directions to DPCC to take action and submit ATR, you are requested to take appropriate action in the matter, at your own end.”

It is submitted that this suggests that the Officials of Municipal Corporation of Delhi had no intention to comply the order of the Hon’ble NGT in true and letter spirit as well as the directions laid down by the Hon’ble Supreme Court of India

despite of various letters and reminders sent by the DPCC to the MCD and even till date, no reply has been furnished by the MCD to the DPCC as mentioned in para 12 (Page 4) of the Report.

7. That the Respondent No. 2 has also not furnished its report/ reply to the DPCC despite of various letters sent by the DPCC to the Respondent No. 2 as mentioned in para 12 (Page 4) of the Report.
8. That upon finding premises locked, no notice has been affixed upon premises or served to the Respondent No. 10 either by the DPCC or any other agency to open the unit for conducting further inspection. It is pertinent to mention here that the washing centre has been in operation since November, 2020 and if any polluter locks its premises just to avoid inspection and legal action, Govt. Respondents cannot keep sit quite otherwise it will set a precedent and a wrong message to the society.
9. That Borewell/ submer sebel is installed just in front of the shutter/ outside the main Gate of the washing centre which could have been seized even the premises was locked but no efforts have been done to find and seize it by the Respondent No. 2 and 7. Photographs of the exact location of the Borewell/ submer sebel marked as Point- A are enclosed herewith as Annexure A-2 (Pages 15-16).

10. That report filed by the DPCC reveals that electricity connection should be discontinued as per the directives of the Hon'ble Supreme Court of India but no letter has been written to DISCOM for disconnection as an effort to take effective remedial action.
11. That the unit/ washing centre of Respondent No. 10 falls into Red Zone category of water pollution and Environmental Damages Compensation (EDC) has not been imposed yet on the Respondent No. 10 and even no show cause notice has been issued.

Recommedations:-

12. That it is submitted that considering the SOP as stated in the report filed by the DPCC, it is requested that the Hon'ble Tribunal may kindly constitute the joint committee comprising of DPCC, MCD, Revenue Department, Delhi Jal Board and Delhi Police including one Representative of Applicant RWA or its counsel to assist the Joint Committee/ Govt. Agencies to implement the order of the Hon'ble Tribunal dated 28.11.2023 in true letter and spirit.
13. That it is submitted that considering the fact that the Respondent No. 10 i.e. Polluter/ owner of the washing centre is a BC of the area and have been declared as Externeer/ Tadipar also on 03.01.2022 and have been involved in more than 70 to 80 criminal cases and have no fear of law and

scenarios of the past incidents such as MCD team has been misbehaved and obstructed from discharge of their official functions on 11.06.2024 while making inspection as well as previous Tehsildar, Rohini, Delhi was also manhandled and FIR u/s 186/353/332 IPC dated 20.03.2022 was also registered, it is suggested that the Hon'ble Tribunal may kindly direct the DCP, Outer District, Delhi to provide adequate police force and to assist the Joint Committee/ Govt. Agencies to maintain proper law and order while implementing the order of the Hon'ble Tribunal dated 28.11.2023.

PRAYER:

In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may kindly consider above mentioned facts to execute the order dated 28.11.2023 passed by the Hon'ble Tribunal.

For Chetna Resident Welfare Association



Authorised Signatory

APPLICANT

THROUGH



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(ADVOCATE)**

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Annexure A-1



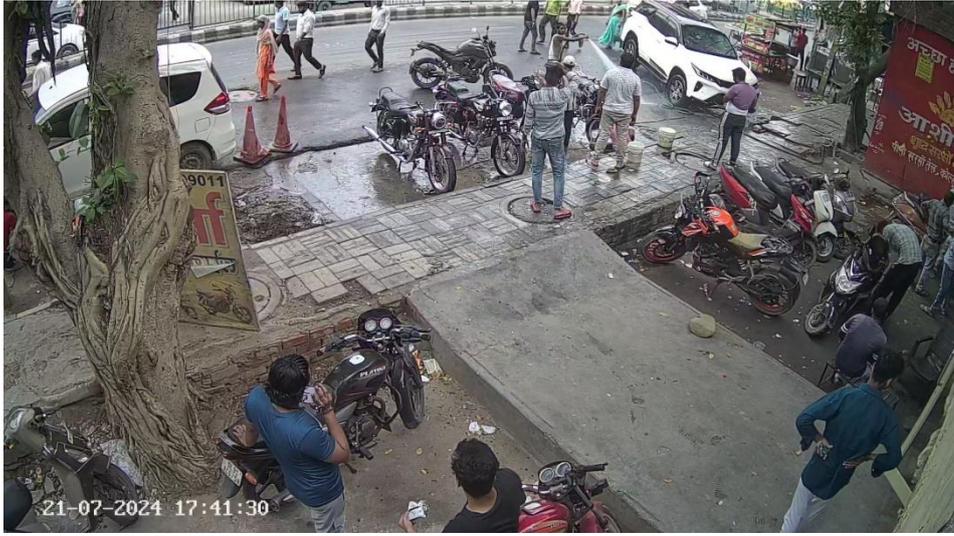














Annexure A-2

Location of Borewell/ Submer sebel



