

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 381/2023

IN THE MATTER OF:-

Yogesh Yadav

.....Petitioner

Versus

DPCC &Anr.

.....Respondents

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THROUGH



PUJA KALRA
Standing Counsel MCD
Chamber No. 430, Block-I,
Delhi High Court, New Delhi.
Mob. 9312839323

NEW DELHI

DATED: 18/4/2024

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STATUS REPORT ON BEHALF OF THE RESPONDENT / MUNICIPAL CORPORATION OF DELHI.

1. That the present original application is filed by the applicant and grievance raised regarding to violation of Water (Prevention and Control of Pollution) Act, 1974 by using water for washing cars and water mixed with oil and grease and draining into sewage without treatment. It is further alleged that activities in the workshop such as changing engine oil, spilling waste are causing huge pollution adversely affecting the environment. Activities of burning old and used tyres which emit hazardous fumes by Respondent No. 2 are also violation of environmental rules.
2. That the present matter was listed before this Hon'ble Tribunal on 12.03.2024 wherein this Hon'ble Tribunal directed answering respondent/ MCD to file reply/response.
3. That applicant Sh. Yogesh Kumar filed objections on the report filed by Respondent No.1-DPCC that the Owner has been portrayed as the

misuse/polluter while the misuse/polluter was the Tenant of the said property i.e. WE-120/121 Mohan Garden, Rama Park Road, Uttam Nagar, Delhi in the name of M/s Shree Balaji Service Station.

4. That the said matter was referred to MCD by DPCC vide their letter dated 25/08/2023 wherein it was requested that the closure of the said unit may be ensured by a Joint Team of MCD & DPCC, so that the status may be filed before this Hon'ble Tribunal. Further Sh. Amzad Khan, Jr. Env. Engineer was deputed for the team.
5. That the MCD, scheduled a closure action against the impermissible service station as per orders passed by Hon'ble NGT on 25/07/2023 and issued request letter dated 11/09/2023 to DCP (Dwarka) to provide protection to the Joint Team of officials constituted for closure of illegal industry on 14/09/2023. Copy of the said letter to DCP is annexed herewith as **ANNEXURE-A**.
6. That the said Joint Team, after serving/pasting the Sealing Order issued by DC, West Zone, sealed the said service station on 14/09/2023. A detailed sealing site report was prepared by the Joint Team members of MCD, DPCC, Factory Licensing Department, DJB and Delhi Police on 14/09/2023 itself. The said sealing report was also filed by the DPCC in their reply dated 04/12/2023 before this Hon'ble Tribunal. Copy of the said report is annexed herewith as **ANNEXURE-B**.
7. That the DPCC in its report dated 04/12/2023, clearly mentioned regarding Joint Team consisting of MCD, DPCC, DJB and Delhi Police. However, the BSES officials did not join the said closure action. It is specifically submitted that the MCD issued instruction to BSES authority to disconnect the electricity of the sealed unit vide letter dated 20/12/2023 and BSES, vide their letter dated 04/01/2024 informed that the electricity is already

disconnected. Copy of the said letters is annexed herewith as ANNEXURE-C.

8. That, the applicant Sh. Yogesh was fully aware of the consequences of the illegal polluting activities in accordance with the prevalent directions of Hon'ble NGT as well as Supreme Court of India in the matter of MC Mehta Vs UOI & Ors and also that the applicant cannot say that the action was carried out in hurried manner by DPCC and MCD. The directions of Hon'ble NGT for closure were issued in the instant matter filed by Applicant Yogesh. Further also, the Applicant Yogesh himself filed complaint with DPCC for closure of the polluting unit on 21/03/2023.
9. That the authorities are not bound to prefer advance notice to any polluting unit after the landmark judgments of the Hon'ble Supreme Court and Hon'ble NGT in various matters which were given wide publicity through social media, news papers from time to time. Apart from the above, a mass sealing drive was also carried out by the MCD and DPCC recently on above directions and more than 500 units were sealed being illegal and impermissible units in West Zone as well as other Zones of MCD. Hence, it cannot be prayed by the applicant Sh. Yogesh that ample time was supposed to be given before closure action.
10. Most importantly, the MCD always and in every correspondence relevant to the closure of unit mentioned the name of M/s Balaji Service Station and never mentioned the name of Owner whatsoever. Hence, the pleas of Applicant are baseless as MCD never targeted the applicant Sh. Yogesh.


MADHU KANT
Assistant Commissioner, West Zone, MCD



113
MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DY. COMMISSIONER/WEST ZONE
Dr. Sahib Singh Verma Nigam Bhawan, Shivaji Enclave,
Raja Garden, New Delhi – 110027



No.: AO/WZ/MCD/2023/D-539

Dated: 11-09-2023

To,

The Deputy Commissioner of Police,
Delhi Police (Dwarka),
Sect. 19 Dwarka (Near Sect-10 Metro Station),
Dwarka,
New Delhi.

Sub: Regarding closure action against impermissible service station as per orders passed by Hon'ble NGT on 25/07/2023 in OA No. 381/2023.

Reference the Hon'ble NGT directions in the matter of "Yogesh Yadav Vs DPCC & Ors" vide its order dated 25/07/2023. Also refer to directions of Hon'ble Supreme Court of India in WP No. 4799/1985 for closure of such industries operating from non-conforming areas of Delhi. A letter of DPCC dated 25/08/2023 has also been received in this regard for closure action on the same.

Accordingly, a sealing/closure action of illegal service station unit is hereby scheduled for 14/09/2023 in the area of Mohan Garden, Rama Park Road, Uttam Nagar. The meeting point for Joint Action Team of various department, shall be Police Station Uttam Nagar at 10.00 AM.

Concerned Station House Officers are requested to provide adequate police force including outer force & ladies police force for protection of officials of Joint Teams, as per schedule.

Administrative Officer
West Zone

Copy to:

1. SDM West, Rajouri Garden
2. Sh. Amzad Khan, Jr. Env. Engineer (8860364102) DPCC.
3. The SHO of Uttam Nagar Police Station.
4. The SHO of Mohan Garden Police Station.
5. Manager, BSES Power Ltd. area concerned
6. ZRO, Delhi Jal Board area concerned
7. Sh. Upkar Singh L.I. Ward No. 113.
8. Sh. Subahsh Singh L.I. Ward No. 114.
9. Sh. G.P.Singh L.I. Ward No. 115.
10. Sh. Jitender Kumar F.I./F.L.D./HQ

Copy for kind information to:

1. Deputy Commissioner, West Zone.
2. District Magistrate, West Zone, Rajouri Garden.
3. Deputy Commissioner F.L.D./ HQ, MCD.
4. Assistant Commissioner, West Zone

OFFICIALS PRESENT DURING THE JOINT VISIT (closure) of the service station as mentioned specified at WE-120/101, Mohan Garden, Rama Park Road, Uttam Nagar Delhi in compliance of Hon'ble NGT order dated 25.07.2023

Name	Designation	Department	Mobile No.	Signature
1) ANZAD KHAN	JSE	DACC	8860324100	 11/11/23
2) Jitendra Rao	FIL (NS)	MCD (NS)	9911386620	 11/11/23
3) Subhadra Singh	SI	MCD (NS)	9638649505	
4- VIKASH PATIL	FIELD EX.	DELHI TALDORAD	8130484810	
5- HC SURESH	JIC	DLI Mohan Garden	9996956160	

- ① During the joint visit on 11/11/23 at WE-120/101, Mohan Garden, Rama Park Road, Uttam Nagar, Delhi-110059, the above officials of MCD, DACC, DTS and Delhi Police were present.
- ② The Service station/workshop SUREE BALAJI SERVICE STATION is found operational and found engaged in the activity of Automobile servicing and repair station with working.
- ③ In compliance of the Hon'ble NGT order dated 25.07.2023 the unit is sealed by MCD officials on the spot in presence of representatives of DACC, DTS, and Delhi Police. No officials of BSFS and revenue departments were present during the closure of the unit.

A Joint Venture of R
Office of Circle Coord

ture Ltd. with Govt. of NCT of Delhi.
3, Paschim Vihar, New Delhi – 110063.

No. : D / Circle Coord. – West / 2023-24 / 333

Date : 04.01.2024

The Admin. Officer,
Municipal Corporation of Delhi,
Office of Asstt. Commissioner, West Zone,
Shivaji Enclave, Rajouri Garden,
New Delhi – 110027.

14058/1
12/1/24

50/102
for record 14.

Sub : Disconnection of Electricity Supply.

Dear Sir,

This is with reference to your office letter as per details mentioned below regarding above subject.

In this regard it is to mention that as per the report received from our field staff, the status of one no. connection is given below for your reference.

S.NO.	BRPL Div.	LETTER NO.	DATE	NAME OF PERSON & UNIT	ADDRESS OF UNIT	STATUS
1	MGN	AC/WZ/MCD/20 23-24/D-905	20.12.2023	Shree Balaji Service Station	WE-120/121, Mohan Garden, Rama Park Road, Uttam Nagar, Delhi-59	It has been reported by our field staff that the supply has already been disconnected.

Further necessary action may please be taken at your end.

Thanking you.

Yours faithfully,

Authorized Signatory