

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 09/2022

In the matter of :

Sachin Sachdeva

.....Applicant

Vs.

Delhi Pollution Control Committee

.....Respondent

NDOH: - 11.04.2022

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Filed by

New Delhi
Dated:- 08.04.2022

(Delhi Pollution Control Committee)

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PRINCIPAL BENCH, NEW DELHI**

Appeal No. 09/2022

In the matter of :

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.....Applicant

Vs

Delhi Pollution Control Committee

.....Respondent

STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE IN COMPALINCE WITH THE ORDER DATED 07.03.2022

1. This Hon`ble Tribunal take up the above mentioned matter on 07.03.2022 and pleased to pass following order:-

“...5. We have given our thoughts to the matter, let notice be issued to Respondent Nos. 1- Delhi Pollution Control Committee. Let its reply/report in this regard be filed within four weeks...

List the matter for consideration on 11/04/2022.”

2. That, at the out set it is submitted that, applicant has filed one appeal challenging the same order before the Ld. Appellate Authority constituted under the provisions of the Air (Prevention and Control of Pollution) Act, 1981. The letter issued in this regard is annexed herewith as **Annexure-1**. The MOEF letter shows that, appeal was filed against the order of DPCC dated 29.11.2021.
3. That following are the chronological facts of the case:
 - (a) DSIIDC vide its letter dated 20.07.2019, informed that some of the premises as mentioned in the letter were discharging there waste water into drain. Premises number B-108, Sector-2, Bawana Industrial Area, Delhi-110039 is mentioned at Sl. No. 3 in the letter. DPCC inspected all

the addresses and taken action on the mentioned premises. Copy of the letter dated 20.07.2019 is enclosed herewith as **ANNEXURE-2.**

(b) Delhi Pollution Control Committee inspected the premises M/s SAS Colour Impact, B-108, Sector-2, Bawana Industrial Area, Delhi-110039 on 02.08.2019. During the inspection following deficiencies were observed by the team which are as follows:-

- Unit found operational and engaged in the activity of dyeing & washing of jeans (with spray painting).
- ETP lying defunct, waste water is being discharged directly into conveyance system without treatment.
- No channelization provided over spray painting section.

During the inspection, Sh. Chandra Bhushan (9873080229) was present and also signed the inspection report. Copy of the inspection report dated 02.08.2019 is enclosed herewith as **Annexure-3.**

(c) That directions for closure under Air Act, Water Act and EP Act was issued to the unit on 29.08.2019 including imposition of Environmental Damages Compensation (EDC) of Rs.4,44,40,000/- for 2222 days @20,000/- per day, from the date of start of unit since 01.07.2013 as per records of DPCC. The EDC was imposed on the basis of the formula prepared by the CPCB and approved by this Hon'ble Tribunal. Copy of the directions dated 29.08.2019 issued to M/s SAS Colour Impact/ Occupier of the premises is enclosed herewith as **ANNEXUE-4.**

(d) That aggrieved by the directions dated 29.08.2019 issued by DPCC, Sh. Sachin Sachdeva, (claiming sole proprietor of the M/s SAS Colour Impact) filed a writ petition before the Hon'ble High Court of Delhi. In the petition he admitted that he has taken the building on rent from his mother Smt. Santosh Sachdeva for the activity of readymade garments washing. He obtained consent to operate in the year of 2017, which is valid upto 20.09.2021 (Annexure P-2 of the petition). Petitioner rented out the unit alongwith its plant and machinery to some Sh. Ayush Jindal on 15.04.2019. This petition was registered as W.P. (Civil) No. 11890/2019 and disposed off by the Hon'ble High Court of Delhi on

13.11.2019. Copy of the order dated 13.11.2019 passed by the Hon'ble High Court is enclosed herewith as Annexure-5. The Hon'ble Court was pleased to pass following direction: -

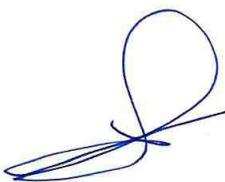
"...The learned counsel for the petitioner submits the Impugned Sealing Order dated 29.08.2019 has been passed by the respondent no. 1 without issuing a Show Cause Notice to the petitioner; the petitioner has already filed a representation against the said order with the respondent no. 1, however, the said representation has not been decided as yet. The learned counsel for the respondent no. 1 submits that if an order on the representation has not been passed and communicated by the respondent no. 1 to the petitioner, the same shall be positively done within a period of two weeks after granting an opportunity of hearing to the petitioner. Notice of such hearing shall be given to the petitioner at the address given in the Memo of Parties. In view of the statement made by the learned counsel for the respondent no. 1, the present petition is disposed of."

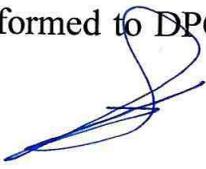
(e) That, in view of the orders of Hon'ble High Court dated 13.11.2019, a hearing was granted on 06.12.2019 before the Member Secretary, DPCC. Copy of the hearing notice dated 02.12.2019 is enclosed herewith as ANNEXURE-6. The appellant Sh. Sachin Sachdeva, was present during the hearing held on 06.12.2019. During the hearing, a photocopy of representation dated 30.09.2019 was submitted for kind consideration by DPCC.

(f) That, in addition to above hearing, answering respondent also issued a Show Cause Notice to the unit on 11.06.2020 granting opportunity as to why EDC of Rs.4,44,40,000/- may not be imposed. Copy of the Show Cause Notice dated 11.06.2020 is enclosed herewith as ANNEXURE-7. This show cause notice was not responded till date.

(g) That the Appellant Sh. Sachin Sachdeva vide its letter dated 26.08.2020 has requested to give hearing to decide his case and that the request of the appellant was not acceded to as the hearing in this case has already been granted on 06.12.2019.

4. That the appellant vide its representation dated 30.09.2019, raised following main objection:-



- (a) Sh. Sachin Sachdeva is in the business of fabrication, sale, purchase, trading of readymade jeans activity.
 - (b) The premises B-108, Sector-2, Bawana Industrial Area, Delhi-110039 was taken on rent from Smt. Santosh Sachdeva (mother) vide Lease deed dated 12th September, 2013.
 - (c) Application for for Consent under Water & Air Act in or around September, 2016 to carry out activities of readymade garment washing and subsequently, Consent Order was issued vide Certificate No. O027696 dated 14th March, 2017 with the date of expiry of 20th September, 2021 for the activity of Readymade Jeans Washing in category "Orange".
 - (d) Due to personal reasons, the Appellant shut down the industrial activity of readymade jeans washing and subsequently, started sale, purchasing and trading of readymade jeans.
 - (e) Appellant entered into rent agreement with Sh. Ayush Jindal on 26.04.2019 and handed over the premises along with machines and that the premises is in the possession of Sh. Ayush Jindal to carry out activities till 02.08.2019.
 - (f) The directions issued on 29.08.2019 are in violation of principles of natural justice and without any Show Cause Notice.
 - (g) That DPCC has no jurisdiction, power or authority to impose EDC amount of Rs.4,44,40,000/- (Rs. Four Crore Forty Four Lacs Forty Thousand Only) and the same was imposed without any basis, methodology, enquiry and without having any authority to levy any penalty, which is discriminatory, arbitrary and violative of the principles of right to business equality.
5. That with regard to issues raised by the appellant herein following are the submission :
- (a) That DPCC records shows that, appellant while applying for Consent in September, 2016 shown the month and year of commencement of Production from July, 2013.
 - (b) Regarding closure of the industrial activity it is matter of fact that, first of all DSIIDC informed to DPCC about the operation of the unit
- 

and thereafter, DPCC inspection, unit namely M/s S.A.S. Colour Impact was found operational and engaged in the activity of dyeing & washing of jeans (with spray painting) without having valid consent from DPCC for the dyeing activity. It is specifically submitted that Appellant not produced any documentary proof in this regard.

(c) With regard to rent agreement with Sh. Ayush Jindal on 26.04.2019, it is submitted that same was not supplied to DPCC. DSIIDc reported operation of the unit, which shows otherwise. During the inspection of DPCC, unit namely M/s S.A.S. Colour Impact was found operational. Moreover, the veracity of the purported Rent Agreement, which was executed and notarized in Uttar Pradesh (ES 941031) not ascertained as the same was executed on manual stamp paper.

(d) That with regard to closure direction without any show cause notice it is submitted the ETP was found defunct during the inspection, thus DPCC issued the same after using the power vested to it under Rule 20 A (6) of The Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983 and Rule 34 (6) of The Water (Prevention and Control of Pollution) Rules, 1975 straight away to further degrade the environment.

(e) With respect to imposition of EDC, it is submitted that DPCC imposed Environmental Damages Compensation (EDC) of Rs.4,44,40,000/- for 2222 days @20,000/- per day, from the date of start of unit since 01.07.2013 as per records of DPCC. The EDC was imposed on the basis of the formula prepared by the CPCB and approved by this Hon'ble Tribunal. Appellant herein, filed a writ petition before the Hon'ble High Court of Delhi bearing number as W.P. (Civil) No. 11890/2019 which and disposed off by the Hon'ble High Court of Delhi on 13.11.2019, with direction to heard the party. Accordingly hearing was granted on 06.12.2019. In addition to above hearing, answering respondent also issued a Show Cause Notice to the unit on 11.06.2020. This show cause notice was not responded till date. The allegations of the appellant that the EDC amount was imposed without any basis, methodology, enquiry and without having any authority to levy any penalty not correct as EDC was imposed on the basis of

Compensation Policy dated 20.05.2019 which was evolved only on the basis of Policy already framed by the Central Pollution Control Board.

6. Legal Submission:

That on the issue of powers of DPCC regarding imposition or levy of environmental damages, it is humbly submitted:

- a) That numerous factors have prompted DPCC to initiate action against petitioner, for damaging the environment (extracting ground water and discharging untreated effluent).
- b) The levy of environmental damages is in consonance with the principle of 'polluter pays' enunciated and accepted by the Hon'ble Supreme Court. The Hon'ble Supreme Court repeatedly in number of cases including Research Foundation for Science Technology National Resource Policy vs. Union of India (2005) 10 SCC 510; Vellore Citizens' Welfare Forum Vs. Union of India (1996) 5 SCC 647 applied the '*polluter pays*' principle.
- c) The Hon'ble Supreme Court in *M.C. Mehta v. Kamal Nath*, (2000) 6 SCC 213 held:

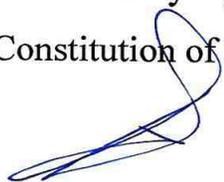
"22. Thus, in addition to the damages which have to be paid by M/s Span Motel, as directed in the main judgment, it cannot be punished with fine unless the entire procedure prescribed under the Act is followed and M/s Span Motel is tried for any of the offences contemplated by the Act and is found guilty.

23. The notice issued to M/s Span Motel why pollution fine be not imposed upon it is, therefore, withdrawn. But the matter does not end here.

24. Pollution is a civil wrong. By its very nature, it is a tort committed against the community as a whole. A person, therefore, who is guilty of causing pollution, has to pay damages (compensation) for restoration of the environment and ecology. He has also to pay damages to those who have suffered loss on account of

the act of the offender. The powers of this Court under Article 32 are not restricted and it can award damages in a PIL or a writ petition as has been held in a series of decisions. In addition to damages aforesaid, the person guilty of causing pollution can also be held liable to pay exemplary damages so that it may act as a deterrent for others not to cause pollution in any manner. Unfortunately, notice for exemplary damages was not issued to M/s Span Motel although it ought to have been issued. The considerations for which "fine" can be imposed upon a person guilty of committing an offence are different from those on the basis of which exemplary damages can be awarded. While withdrawing the notice for payment of pollution fine, we direct that a fresh notice be issued to M/s Span Motel to show cause why in addition to damages, exemplary damages be not awarded for having committed the acts set out and detailed in the main judgment. This notice shall be returnable within six weeks. This question shall be heard at the time of quantification of damages under the main judgment."

- d) The citizens have a fundamental right under Article 21 of Constitution of India to have clean environment (*M.C. Mehta vs Union of India* 1986 (2) SCC 176). The right of a person for a pollution free environment is a part of the basic jurisprudence of the land. The petitioner has violated the environmental laws and has not obtained relevant consent/clearances/permissions under the Air Act and Water Act and other environmental laws. It is a time honoured principle of invocation of writ jurisdiction that only a person with clean hands can approach the Temple of justice. The petitioner, by violating the fundamental rights of the fellow citizens guaranteed to them under Article 21 of the Constitution of India, has disintitiled himself for the grant of discretionary relief under Article 226 of the Constitution of India. It is respectfully submitted that it is not a case where the discretionary jurisdiction under Article 226 of the Constitution of India should be exercised.



e) That, the Hon`ble Supreme Court in Writ Petition (C) No. 3727 of 1985, decided on 19.12.1996 in the matter of " M.C. Mehta Vs. Union of India (UOI) and Ors. {(1997) 2 SCC 411} elaborated the principle as laid down in Vellore Citizens Welfare Forum v. Union of India and Ors. MANU/SC/0686/1996, i.e. the "Precautionary Principle" and "Polluters Pays Principle" as under:

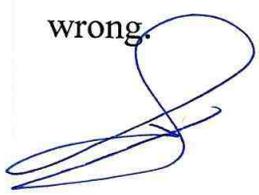
Some of the salient principles of "Sustainable Development", as culled out from Brundtland Report and other international documents, are Inter-Generational Equity, Use and Conservation of Natural Resources, Environmental Protection, the Precautionary Principle, Polluter Pays principle, Obligation to assist and cooperate, Eradication of Poverty and Financial Assistance to the developing countries. We are, however, of the view that "The Precautionary Principle" and "The Polluter Pays Principle" are essential features of "Sustainable Development". The "Precautionary Principle" - in the context of -the municipal law - means:

(i) Environment measures - by the State Government and the statutory authorities - must anticipate, prevent and attack the causes of environmental degradation.

(ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(iii) The "Onus of proof" is on the actor or the developer/industrialist to show that his action is environmentally benign.

f) It is thus clear that environmental damage Compensation (EDC) can be imposed following the principles of natural justice and no specific statutory sanction is required for the levy of environmental damages which is essentially a civil wrong.



7. It is most respect fully submitted, that the Air Act, 1981 and Water Act, 1974 provides Appellate Authority to deal with the order's passed by State Pollution Control Board/ Committee. In case of Delhi, the Appellate Authorities are effectively working and taking up the cases regularly.
8. That DPCC has followed the guidelines and the criteria developed by CPCB in calculating the Environmental Damage Compensation (EDC) in letter and spirit as approved by this Hon`ble Tribunal.
9. That the petitioner is not entitled to any equitable relief as it has not come to this Hon'ble Court with clean hands. The petitioner is guilty of 'Supresso Vari and Suggestio falsi'. Therefore they are not entitled to seek any relief from this Hon'ble Court.
10. In these background, it is manifest that the petitioner is guilty of its own actions, lapses, deeds and things. It cannot take benefit of its lapses and misdeeds. The petition deserves to be dismissed on this ground alone.
11. That after careful consideration of the representation/ submission through petition and supportive documents produced by the Appellant during the personal hearing, it appears that the appellant raised false and fabricated grounds, which not found sustainable.
12. That consequently, a Speaking Order was issued on 29.11.2021 wherein the appeal was rejected by the Competent Authority and the directions issued by this office letter dated 29.08.2019 was re-stored and Environmental Compensation (EC) of Rs.4,44,40,000/- (Rs. Four Crore Forty Four Lacs

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Forty Thousand Only) was levied and the appellant was directed to deposit Rs.4,44,40,000/- (Rs. Four Crore Forty Four Lacs Forty Thousand Only) within 15 days of issue of this order.

13. That the Appellant instead of depositing requisite (EC) of Rs.4,44,40,000/- preferred to file the present Appeal No. 09/2022 before this Hon'ble Tribunal as well as before the Ld. Appellate Authority under the provisions of the Air Act, 1981 aggrieved by the Speaking Order dated 29.11.2021.

In view of the aforesaid submission, the present Appeal should be dismissed, being not maintainable.


(Mond. Arif)
Sr. Environmental Engineer
DPCC

Place:- Delhi
Dated:- 7/4/2022

Annexure-1

11

No. Q-18011/45/2021-CPA
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
(CP Division)

2nd Floor, Prithvi Wing,
Indira Paryavaran Bhawan,
Jor Bagh, New Delhi-110003

Dated: 31st January, 2022

To

The Member Secretary
Delhi Pollution Control Committee
4th Floor, ISBT Building, Kashmere Gate
Delhi-110006

Subject: Appeal No.5 of 2021 titled as Sachin Sachdeva Vs. Delhi Pollution Control Committee Being an Appeal Under Section 31 of the Air (Prevention and Control of Pollution) Act, 1981 filed before the Appellate Authority, Joint Secretary, MoEF&CC- reg.

Sir,

Please find enclosed herewith a copy of the Appeal U/s 31 of the Air (Prevention and Control of Pollution) Act, 1981 received from the Appellant against the order dated 29.11.2021 passed by the Delhi Pollution Control Committee (DPCC).

2. In this regard, it is requested that comments/views in the matter may kindly be provided to this Ministry urgently for placing the matter before the Appellate Authority.

Encl: As above.

Yours faithfully,

Rupankaj
(R.N. Panka)
Scientist 'D'

Tel: 011-24695443

DSI IDCDelhi State Industrial and
Infrastructure Development
Corporation Ltd.**DELHI STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPN. LTD.
SITE OFFICE, AUCHANDI ROAD, BAWANA, DELHI-110039
OFFICE OF THE EXECUTIVE ENGINEER (CD)-12(IA)**

(Tel. No. 011-27752955)

No: DSIIDC/EE(CD)-12(IA)/Bawana/2019/ **D-858**

Dated:-20.07.2019

To,
SEE (CMC-V),
Delhi Pollution Control Committee,
Department of Environment (Govt. of NCT of Delhi),
First Floor, C-Wing, Vikas Bhawan-II,
Upper Bela Road, Civil Lines,
Delhi-110054*CMC-V/1618
22/07/19***Subject:- Discharge of waste water into storm water drain by the units at Bawana & Narela Industrial Area.**

Sir,

It has been reported by the concessionaire of Bawana Industrial Area (M/s Bawana Infra Development Pvt. Ltd.) and Narela Industrial Area (M/s PNC Delhi Industrialinfra Pvt. Ltd.) that the units are found discharging waste water/effluent into storm water drains during the course of inspection by them. The detail of the same is as under:-

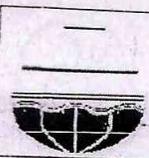
List of Bawana Industrial Area

S. No	Detail of Unit	Date of survey report by the concessionaire	Discharging waste water into drain at Bawana Industrial Area	Remarks
1	A-6, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
2	B-28, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
3	B-108, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
4	B-154, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
5	B-155, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
6	C-103, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
7	C-182, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
8	E-06, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
9	E-48, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
10	E-289, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
11	HL-9, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
12	I-215, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
13	J-57, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
14	J-218, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
15	K-5, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
16	M-54, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
17	O-11, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
18	O-17, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
19	O-31, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
20	O-98, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
21	M-208, Sec-2	15.07.2019	Discharging waste water into drain	Jeans Unit
22	NI-243, Sec-3	15.07.2019	Discharging waste water into drain	Jeans Unit

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23	N-25, Sec-3	15.07.2019	Discharging waste water into drain	Jeans Unit
24	D-29, Sec-4	15.07.2019	Discharging waste water into drain	Jeans Unit
25	C-249, Sec-4	15.07.2019	Discharging waste water into drain	Jeans Unit
26	L-3, Sec-4	15.07.2019	Discharging waste water into drain	Jeans Unit
27	I-203, Sec-4	15.07.2019	Discharging waste water into drain	Jeans Unit
28	I-202, Sec-4	15.07.2019	Discharging waste water into drain	Jeans Unit
29	H-3, Sec-4	15.07.2019	Discharging waste water into drain	Jeans Unit
30	J-132, Sec-4	15.07.2019	Discharging waste water into drain	Jeans Unit
31	NI-16, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
32	NI-17, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit (Sealed by SDM)
33	NI-126, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
34	NI-74, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
35	NI-73, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
36	NI-112, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
37	NI-98, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
38	NI-51, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
39	NI-109, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
40	N-231, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
41	N-151, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
42	N-101, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
43	N-70, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
44	A-103, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
45	B-76, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
46	D-346, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
47	D-227, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
48	E-426, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
49	N-51, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
50	N-65, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
51	N-16, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
52	L-224, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
53	P-113, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
54	M-41, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
55	M-39, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
56	G-200, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
57	J-93, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
58	H-200, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
59	II-21, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
60	NI-9, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
61	NI-13, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit
62	NI-14, Sec-5	15.07.2019	Discharging waste water into drain	Jeans Unit



Inspection Report

Annexure-3

Unique Computer Generated Id.....

1. Name & Address of the Unit : M/s SAS Colour Impact
B-108, Sector-2, Bawana Indl. Area
Delhi-110039
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) : Mr. Sonu Sachdeva (9811209985)
3. Date of Inspection : 02.08.2019
4. Time of inspection
 Start of Inspection :
 End of Inspection :
5. Name & Designation of the Persons contacted at the industry : Mr. Chandra Bhushan (9873080229)
6. Kind of Industry : Jeans Dyeing & washing (with spray painting)
7. Product & Capacity : 250 Jeans / Day
8. Main Raw Materials : Jeans, Dyes, water
9. Water Polluting : Yes/No ETP Installed : Yes/No
10. Air Pollution : Yes/No ECS Installed : Yes/ No
11. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.)..... (Above R.L.).....
12. Type of Fuel Used : Electricity
13. A. Source of Water Supply : DJB/NDMC/DSIIDC/Borewell/Tankers/Others
 B. Effluent Discharge : (a) Domestic/ Trade Effluent
 (b) Unit connected to Conveyance System: Yes/No
 (c) Discharging into Sewer
14. Status of Consent {If Any} : CTO Valid upto 20.09.2021
15. D.G. Set(s) {if Any} : No. Capacity.....KVA. Acoustic: Yes/No
 Stack Height.....(Above G.L.).....(Above RL)
16. Plot Area : 100 sq. yards
17. Labour : 3
18. Machinery : 1) Washing M/c - 04 Nos
2) Tumbler - 01 Nos
3) Dryer - 01 Nos
4) Air Compressor - 01 Nos
5) Spray Painting Section - 01 Nos

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- 19. Detail of Power Connection : CA No.: 60009249427.....
(Commissioning Date: 01.07.2013)
- 20. Whether Unit found in Operation : Yes/No ✓
- 21. Status of Registration under Plastic Waste Management Rules, 2016 : N.A.....
- 22. Whether Generating Hazardous Waste : Yes/No ✓
- 23. Details about Hazardous Waste :
 - (a) Status of Authorization {if any} :
 - (b) Display Board Provided : Yes/No ✓
 - (c) Whether Hazardous Waste is stored in Leak proof container : Yes/No ✓
 - (d) Whether container marked with specified label : Yes/No ✓
 - (e) Whether container stored kept in an isolated area : Yes/No ✓
 - (f) Whether Hazardous Waste is being stored on pucca floor & in covered area : Yes/No ✓
 - (g) Whether date on which storage began indicated on each container : Yes/No ✓
 - (h) Whether daily record of Hazardous Waste maintained in Form-3 : Yes/No ✓
 - (i) Category of Hazardous Waste as per the Schedules I, II and III of these rules :
 - (j) Authorized mode of disposal or recycling or utilization or co-processing etc. :
 - (k) Quantity (Ton/Annum) :

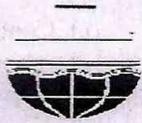
Remarks (if Any)

1. Unit found operational, engaged in the activity of dyeing & washing of jeans (with spray painting).
2. ETP lying defunct, wastewater discharged directly into conveyance system without any treatment.
3. No Channellisation provided over spray painting section.

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2/8/2019

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2/8/19

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02-08-2019
Himanshu Sharma
(TE, UIC-V, DPCC)



Annexure-4

By Speed Post

DELHI POLLUTION CONTROL COMMITTEE (16)

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

F. No. DPCC/CMC-V/DSI IDC(WP)/2019/7574

Dated: 29/08/2019

Subject: Directions for Closure u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981, u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of the Environment (Protection) Act, 1986 as amended to date.

Whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981 vide notification no. GSR 106 (E) dated 20.02.1987.

And whereas, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrial plant in air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the DPCC shall establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, an inspection of **M/s SAS Colour Impact/ Occupier of the Premises, B-108, Sector-2, Bawana Industrial Area, Delhi-110039** (hereinafter referred as the addressee unit) was carried out by a team of DPCC on 02.08.2019 and observed as under:

1. Unit found operational and engaged in the activity of dyeing&washing of jeans (with spray painting).
2. ETP lying defunct, waste water is being discharged directly into conveyance system without treatment.
3. No channelization provided over spray painting section.

And whereas, as per Rule 6 of Hazardous and Other Wastes (Management and Trans boundary Movement) Rules, 2016, as amended to date, you (the addressee) are required to obtain an authorization from DPCC, maintain a record of hazardous and other wastes managed in Form 3 and submit an annual return containing the details specified in Form 4 to DPCC on or before the 30th day of June following the financial year to which that return relates.

And whereas, you (the addressee) have neither applied for authorization under Hazardous Waste Management Rules, 2016 as amended to date, nor complied with the provisions of the Hazardous Waste Management Rules.

And whereas, you (the addressee) have applied for Consent to Operate dated 21.09.2016 for the activity of Readymade Garments (with washing) under orange category which is granted to your unit and valid upto 20.09.2021 is hereby revoked with immediate effect.

Now, therefore, the Competent Authority in Delhi Pollution Control Committee, hereby issues the following directions:

- (1) That you (the addressee unit) shall close your unit with immediate effect.
- (2) That you (the addressee unit) shall deposit **Environmental Compensation of Rs. 4, 44, 40,000/- (Rs. Four Crores Forty Four Lakhs and Forty Thousand only)** by way of **Demand Draft in Favour of Delhi Pollution Control Committee within 10 days of issuance of these directions.**
- (3) That the concerned Sub Divisional Magistrate shall ensure the effective closure of the addressee unit with immediate effect.
- (4) That the concerned authority in TPDDL shall disconnect the electricity/power supply connection of the addressee unit or used by the unit of the addressee unit with immediate effect.
- (5) That the concerned authority in MCD shall cancel the permission/license (if any) for the operation of the said unit with immediate effect.
- (6) That the concerned authority in DSI IDC shall disconnect the water supply connection of the said unit with immediate effect.

Contd...2...

You shall be liable for penal action under the provisions of the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention & Control of Pollution) Act, 1974 and Environment (Protection) Act, 1986 as amended to date in case of violation of above said directions and action as per law will be initiated without any further reference in this regard.

This is being issued as per the approval of the Competent Authority of Delhi Pollution Control Committee.


(Satender Kumar)
EE & Cell Incharge,
(CMC-V)

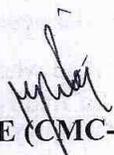
To,

**M/s SAS Colour Impact/ Occupier of the Premises,
B-108, Sector-2,
Bawana Industrial Area, Delhi-110039**

Copy for necessary compliance to:

1. The District Magistrate (North District), Alipur, Delhi 110036- with request to direct the concerned officer to ensure effective closure of unit.
2. The Sub-Divisional Magistrate (Narela), M.P.C.C. Building, Naya Bans, Delhi-110082- with request to ensure effective closure of the addressee unit with immediate effect & and also take necessary action for recovery of Rs. 4,44,40,000/- (as arrear of Land revenue) & remitted the same to DPCC, if not submitted by the addressee unit within stipulated time period & to submit the compliance the report with 15 days.
3. The General Manager (Commercial), Tata Power Delhi Distribution Limited (TPDDL), Grid Sub Station Building, Hudson Lane, Kingsway Camp, Delhi-110009- to disconnect the electricity/power supply of the addressee unit with immediate effect & send the compliance report to this office within 15 days of issuance of these directions.
4. The General Manager-I, DSIIDC, N-36, Bombay life Building, Connaught Circus, New Delhi-110001- to disconnect water supply connection to addressee unit with immediate effect & send the compliance report to this office within 15 days of issuance of these directions
5. The Deputy Commissioner (FL) (North), Factory Licensing Department, Municipal Corporation of Delhi, 14th Floor, Civic Centre, Minto Road, Delhi- 110002- with request to cancel the permission/ license for the operation of the addressee unit (if any) with immediate effect & send the compliance report to this office within 15 days of issuance of these directions.
6. Master File, CMC-V, DPCC.

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EE (CMC-V)

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(C) 11890/2019

SACHIN SACHDEVA

..... Petitioner

Through: Mr.Kuljeet Rawal & Mr.Vikram
Alung, Advs.

versus

DELHI POLLUTION CONTROL COMMITTEE & ORS

..... Respondents

Through: Mr.Biraja Mahapatra & Mr.Sumit
Mishra, Advs. for DPCC.
Mr.Amit Singh, AR for R-4.
Ms.Affifa Atiq, Adv. for R-5.
Ms.Anusuya Salwan & Ms.Nikita
Salwan, Advs. for R-6.
Ms.Kavya Pahwa & Ms.Sangeeta
Bhart, Advs. for R-7.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****ORDER**

%

13.11.2019

The learned counsel for the petitioner submits the Impugned Sealing Order dated 29.08.2019 has been passed by the respondent no. 1 without issuing a Show Cause Notice to the petitioner; the petitioner has already filed a representation against the said order with the respondent no. 1, however, the said representation has not been decided as yet.

The learned counsel for the respondent no. 1 submits that if an order on the representation has not been passed and communicated by the respondent no. 1 to the petitioner, the same shall be positively done within a period of two weeks after granting an opportunity of hearing to the

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petitioner.

Notice of such hearing shall be given to the petitioner at the address given in the Memo of Parties.

In view of the statement made by the learned counsel for the respondent no. 1, the present petition is disposed of.

Dasti, under signature of the court master.

NAVIN CHAWLA, J

NOVEMBER 13, 2019/rv

Annexure-6

20/13/19

**High Court Matter
By Speed Post**

	<p style="text-align: center;">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</p>
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F. No. DPCC/CMC-V/W.P.(C) No.11890/2019/ 12269-271

Dated: 02/12/2019

To,

**Sh. Sachin Sachdeva,
Proprietor of M/s SAS Colour Impact,
B-108, Sector-2,
Bawana Industrial Area,
Delhi-110039.**

Sub.: W.P. (Civil) No. 11890/2019 in the matter of "Sachin Sachdeva Vs. Delhi Pollution Control Committee & Ors." before the Hon'ble High Court of Delhi – reg.

Sir,

This has reference to this office letter dated 29.11.2019 which is in response to the Order dated 13.11.2019 passed by the Hon'ble High Court of Delhi in W.P. (Civil) No. 11890/2019 in the matter of "Sachin Sachdeva Vs. Delhi Pollution Control Committee & Ors.". Consequent upon the orders of Hon'ble High Court dated 13.11.2019, I am directed to inform you that a hearing has been rescheduled for 06.12.2019 at 3.30 p.m. before the Member Secretary, DPCC at 6th Level, C-Wing, Delhi Sachivalya, I.P. Estate, New Delhi – 110002.

You are requested to make it convenient to attend the hearing on the scheduled date, time and place and submit reply, if any.

This issues with the approval of Competent Authority of Delhi Pollution Control Committee.


(M. S. Rawat)
Env. Engineer

Copy to:-

1. Advocates Sh. Kuljeet Rawal, 249, Lawyers' Chambers, Block-1, Delhi High Court, New Delhi – 110003.
2. Sh. Sachin Sachdeva, 15-A/8 (Third Floor), East Patel Nagar, Delhi – 110008.

o/c



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

Annexure-7

F.No. DPCC/CMC-V/EDC-SCN/2020/15947

Dated : 11.06.2020

To,

M/s SAS Colour Impact/ Occupier of the Premises
B-108, Sector-2
Bawana Industrial Area, Delhi-110039

Subject: Show Cause Notice for Imposition of Environmental Damages Compensation-reg.

Whereas, you M/s SAS Colour Impact/ Occupier of the Premises, B-108, Sector-2 Bawana Industrial Area Delhi-110039 (hereinafter referred as the addressee) were operating your unit at the above said address and engaged in the activity of Jeans Dyeing & Washing .

And whereas, directions for closure under section 31 (A) of Air Act/ under section 33(A) of Water Act/ under section 5 of EP Act and for imposition of Environmental Damages Compensation (EDC) for an amount of Rs.44440000/- was issued to you (the addressee) on 29.08.2019.

And whereas, you (the addressee) have failed to deposit the said EDC amount to DPCC till date.

And whereas, matter of imposing of EDC were taken up before the Hon'ble Court and in one such case WP (C) 10231/2019 in the matter of DDA Vs DPCC, The Hon'ble High court vide its order dated 14.11.2019 has directed that the principles of natural justice cannot be violated while imposing such compensation and DPCC has been directed to accord hearing to the parties prior to imposing such compensation.

Now, therefore, as decided by the Competent Authority in DPCC, as per the principles of natural justice, you are hereby given an opportunity to Show Cause as to why EDC of Rs. 44440000/- imposed vide order dated 29.08.2019 and envisaged as per the guidelines should not be imposed.

Your reply along with full facts and supporting documentary evidence in this regard showing the date of commissioning of the unit and violations etc, should reach to this office through email at dpcc.cmc5@gmail.com within 15 days from date of service of this notice, failing which it shall be assumed that you have nothing to say in this regard and final EDC amount will be decided as ex-party by the Competent Authority, DPCC and further action will also be initiated as per law.

This shall also be treated as an opportunity of being heard.

This issues with the approval of Competent Authority in DPCC


Sr. Env. Engineer
(CMC-V)

Copy to:

1. Member Secretary, DPCC
2. Master File, CMC-V, DPCC