

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

M.A. No. 24/2023

In

Original Application No. 33/2022

In the matter of:

Ganesh Prasad

...Applicant

Versus

Govt. of NCT of Delhi & Ors.

...Respondents

NDOH: 04.04.2024

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Filed by:

New Delhi:

Dated: 07.02.2024

Delhi Pollution Control Committee

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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In

Original Application No. 33/2022

In the matter of:

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**STATUS REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO THE ORDER
DATED 09.11.2023 , 04.12.2023 and 04.01.2024.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That Sh. Ganesh Prasad has filed a complaint before this Hon'ble Tribunal against running of Reverse Osmosis Water Purification Plant at K-9, 25 Feet Road, Part II, Chanakya Puri Palace, New Delhi.
2. The Hon'ble Tribunal taken up the matter on 02.11.2023 and directed to issue notice to DPCC, DJB, DM(South West) and SDM(Dwarka) to file reply/ response.

3. That in compliance with the order dated 02.11.2023, DPCC filed its reply through email on 08.11.2023 (5.55 PM), which was not on record, when this Hon'ble Tribunal taken up the matter on 09.11.2023. This Hon'ble Tribunal in the order passed on 09.11.2023 (para 11) recorded that no reply/ response was filed by DPCC. The reply dated 08.11.2023 is now on record.
4. The Hon'ble Tribunal taken up the matter on 04.12.2023 and heard the issue when CEO of Delhi Jal Board was present. In the order dated 04.12.2023, specific directions was issued to DPCC to file status report in tabular format, covering following aspects:-
- (i) District wise number of cases in which show cause notices for imposition of EDC have been issued;
 - (ii) District wise number of cases in which orders for imposition of EDC have been issued;
 - (iii) District wise number of cases in which orders for imposition of EDC are yet to be issued;
 - (iv) District wise number of cases in which EDC has been recovered;
 - (v) District wise number of cases in which EDC is yet to be recovered;
 - (vi) District wise number of cases in which reference has been made to Deputy Commissioner (Revenue) for recovery of the EDC;

- (vii) District wise number of cases in which reference is yet to be made to Deputy Commissioner (Revenue) for recovery of the EDC;
- (viii) How much of EDC amount recovered from the violators has been utilised by DPCC/DJB with requisite details; and
- (ix) How much of EDC amount recovered from the violators is yet to be utilised by DPCC/DJB with requisite details.

5. That, DPCC has no specific account for Environmental Damage Compensation received for illegal ground water extraction from borewells and DPCC is maintaining Environmental Compensation (EC) fund in a common dedicated account meant for use in the following 10 sub-heads, namely:

1. Installation and running of (O&M) CAAQM Monitoring Stations,
2. Research & study projects
3. Procurement of instruments & Rent for air Lab
4. Installation of paper recycling unit in govt. School
5. Monitoring of air pollution at various locations of Delhi
6. Honorariums for oversight committee/Technical consultants
7. Installation of Noise Monitoring station at Delhi
8. Seminars and Conferences
9. IT Expenses (Purchase and Salary IT Resources)
10. Advertising charges.

6. That, status report with respect to order dated 04.12.2023 in tabular format is enclosed herewith as Annexure-1. A statement showing the utilisation by DPCC from the amount received as Environmental Compensation (EC) in tabular format is attached herewith as ANNEXURE-2. DPCC spent Rs. 145.23 Lakhs out of the fund recovered as Environmental Compensation.
7. That with the prior approval of Chief Secretary, Delhi a letter was issued to Divisional Commissioner-Delhi on 08.12.2023 to obtain explanation of the concerned officers who were posted as District Magistrate (South West) / SDM Dwarka during the relevant period. Copy of the letter dated 08.12.2023 is enclosed herewith as Annexure-3.
8. That further, with the prior approval of Chief Secretary, Delhi a letter was issued to Director, Directorate of Training (UTCS) on 08.12.2023 with a request to develop a training module for 2/3 days period to the officers posted as District Magistrate/ SDM urgently. Copy of the letter dated 08.12.2023 is enclosed herewith as Annexure-4.
9. That, for calculating Environmental Compensation, DPCC asked the details of borwell from Delhi Jal Board with a copy to CGWA on 25.09.2023 to calculate the EC as per CPCB formula. In absence of requisite details, a show cause notice for imposing interim EC in terms of the office order dated 09.07.2020 was issued on 16.11.2023, whereby granting 07 days time to submit the reply. Show cause notice was also pasted on the gate of property in addition to sent via speed post. No reply was received with respect to show cause notice, therefore, direction for imposition of interim EC was issued on 08.12.2023. As interim EC was

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not deposited, so recovery certificate was issued to SDM (Dwarka) on 11.01.2024. SDM (Dwarka) issued a letter to Sh. Anil Kumar and Sh. Ashish Kumar for depositing EC on 30.01.2024. Copies of the letter dated 11.01.2024 issued by DPCC and 30.01.2024 issued by SDM are collectively enclosed herewith as Annexure-5(Colly).

10. In view of the above, the present status report may kindly be taken on record.

Ajeeta Dayal Agrawal
Digitally signed by
Ajeeta Dayal
Agrawal
Date: 2024.02.07
16:43:40 +05'30'
(Ajeeta Dayal Agrawal)
Additional Director

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Status Report w.r.t Illegal Borewells

Information

S.No.	District	District wise number of cases in which show cause notices for imposition of EDC have been issued;	District wise number of cases in which orders for imposition of EDC have been issued;	District wise number of cases in which orders for imposition of EDC are yet to be issued;	District wise number of cases in which EDC has been recovered;	District wise number of cases in which EDC is yet to be recovered;	District wise number of cases in which reference has been made to Deputy Commissioner (Revenue) for recovery of the EDC;	District wise number of cases in which reference is yet to be made to Deputy Commissioner (Revenue) for recovery of the EDC;	How much of EDC amount recovered from the violators has been utilised by DPCC with requisite details; and	How much of EDC amount recovered from the violators is yet to be utilised by DPCC with requisite details (*)	Remark
1	North	768	768	Nil	4	764	764	0	120000		
2	North-West	9015	9005	Nil	56	8959	8959	0	2170000		In response to SCNs issued EC amount has been deposited by 10 Violaters
3	Central	616	616	Nil	1	615	615	0	100000		
4	West	768	768	Nil	6	762	762	0	180000		
5	South-West	6595	6593	Nil	19	6576	6576	0	1270000		In response to SCNs issued EC amount has been deposited by 2 Violaters
6	South-East	0	0	Nil	0	0	0	0	0		
7	South	0	0	Nil	0	0	0	0	0		
8	New Delhi	179	179	Nil	34	145	145	0	1500000		
9	East	161	161	Nil	0	161	161	0	0		
10	North-East	0	0	Nil	0	0	0	0	0		
11	Shahdara	391	391	Nil	1	390	390	0	30000		
	Total	18493	18481	Nil	121	18372	18372	0	5370000		

(* Delhi Pollution Control Committee has no specific account for Environmental Damage Compensation received for illegal ground water extraction from Borewells and DPCC is maintaining Environmental Compensation (EC) fund in a common dedicated account meant for use in the following 10 sub-heads and an amount of Rs.145.23 Lakhs has been utilised during 2022-2023 :-

1. Installation and running of (O&M) CAAQM.
2. Research & study projects
3. Procurement of instruments & Rent for air Lab
4. Installation of recycling unit in govt. School
5. Monitoring of air pollution at various locations of Delhi
6. Honorariums for oversight committee/technical consultants
7. Installation of Noise Monitoring station at Delhi
8. Seminars and Conferences
9. IT Expenses (Purchase and Salary/IT Resources)
10. Advertising charges.

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Annex - 1

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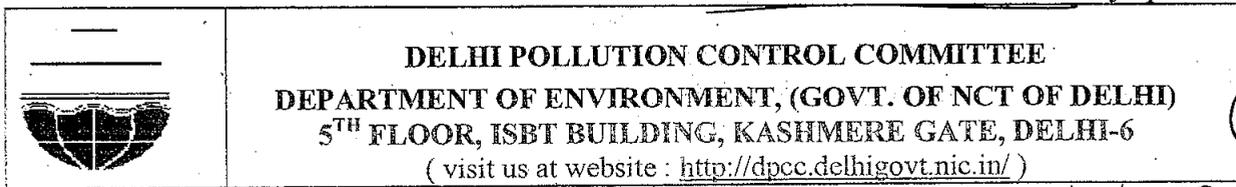
Expenditure Incurred from Environment Damage Charge w.e.f. 2015-16 to 2023-24 (Upto 29.11.2023)

S. No.	Year-->	2015-16 to 2023-24 (Upto 29.11.2023)										Total Expenditure upto 29.11.2023					
		2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24 (Upto 29.11.23)							
1	Installation & Running (Operational and Maintenance) CAAQMS	1969975	7634843	16409496	9031426	5895906											
2	Research & Study Project	1334134	2352440	8331831	1663800	2659598											
3	Procurement of Instrument & Rent for Air Lab	1712198	0	0	0	0	563391	3717000									
4	Installation of Recycle unit in Govt. School	1474200	0	0	0	0	710400	7958417	11349520	8095710	29826245	20622194	29826245				
5	Monitoring of Air Pollution at various locations of Delhi	633534	2988678	785649	2800848	0											
6	Honourarium for Oversight Committee/Technical Consultants	0	0	0	0	1798920	1558679	679680	978810	285029	1474200	1474200	1474200				
7	Installation of Noise Monitoring Station at Delhi	0	0	0	0	3634879	1077912										
8	Seminar and conference	0	0	0	0	0	25139536										
9	IT Expenses (Purchase and Salary/IT Resources)																
10	Advertising Charge																
	Total	71,24,041	1,29,75,961	2,55,26,976	1,34,96,074	1,39,89,303	2,90,49,918	1,23,55,097	1,45,23,494	5,89,62,183	34,86,4156	34,86,4156	18,80,03,047				

Annexure - 2

Annexure-3

By Speed Post



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F. No. DPCC/ (10)/(10)/(15)/lg-22/ 8611-8612

Dated 08/12/2023

To,

The Divisional Commissioner,
5, Sham Nath Marg,
New Delhi – 110054.

Sub: Compliance of the orders of Hon'ble NGT dated 09/11/2023 in O.A. No. 33/2022 titled as "Ganesh Prasad Versus GNCTD".

Sir,

This has reference to the order passed by the Hon'ble NGT on 09/11/2023 in the above mentioned application which is regarding running of R.O. Plant at K-9, 25 Feet Road, Part II, Chanakya Puri Palace, New Delhi. A joint team consisting of DJB, DPCC, DM and CGWA was constituted to look into the grievance of the applicant.

In its order dated 09/11/2023, Hon'ble NGT has directed the Chief Secretary, Delhi to obtain explanation of the concerned officers who were posted as District Magistrate, South-West/ SDM Dwarka during the relevant period for ascertaining reasons of non-compliance with the order passed by the Tribunal and to send the same to this Tribunal on or before 31/12/2023. Copy of the detailed orders of Hon'ble Tribunal dated 09/11/2023 is enclosed for ready reference.

A copy of the Action taken may be forwarded to this office, so that Hon'ble Tribunal may be apprised accordingly.

This issues with the approval of Chief Secretary, Delhi.


(K. S. Jayachandran)
Member Secretary

Encl: Copy of NGT order dated 09/11/2023

Copy to : District Magistrate (South-West)- for expediting the action


(K. S. Jayachandran)
Member Secretary

ok

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 (visit us at website : http://dpcc.delhigovt.nic.in/)
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F. No. DPCC/ (10)/(10)/(15)/lg-22/8613

Dated 08/12/2023

To,

(9)

The Director,
 Directorate of Training,
 (Union Territories Civil Services),
 Behind Karkardooma Court,
 Institutional Area,
 Vishwas Nagar, Shahdara,
 Delhi – 110032.

Sub: Compliance of the orders of Hon'ble NGT dated 09/11/2023 in O.A. No. 33/2022 titled as "Ganesh Prasad Versus GNCTD".

Sir,

This has reference to the order passed by the Hon'ble NGT on 09/11/2023 in the above mentioned application. In its order, Hon'ble NGT has directed Delhi Government, to sensitize the administrative officers posted as District Magistrates/ Sub-Divisional Magistrates and officers posted in concerned statutory authorities like DJB etc. about environmental issues and constitutional obligation to protect and improve the environment.

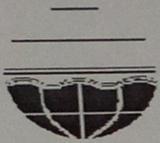
In compliance of the above orders, you are requested to develop a training module for 2/3 days period for the concerned officers urgently. Schedule of the training program may be forwarded to this office, so that Hon'ble Tribunal may be apprised accordingly.

This issues with the approval of Chief Secretary, Delhi.

o/c


 (K. S. Jayachandran)
 Member Secretary

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DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4th & 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC-K015/3/2023-CMC2-DELHI POLLUTION CONTROL COMMITTEE 18678-8680

DATED: 11/01/2024

To,

SDM (Dwarka)
SDM DWARKA Office, Sector-10, Dwarka,
New Delhi-75.

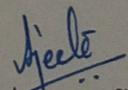
Subject- Recovery Certificate of DPCC towards Recovery of Environmental Compensation of Rupees One Lakh from Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No-7, Block-k, Part-II, Chanakya Place, Uttam Nagar, New Delhi-110059.

Whereas, Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No-7, Block-k, Part-II, Chanakya Place, Uttam Nagar, New Delhi-110059. (herein after referred as addressee) were operating illegal RO plant without obtaining NOC/permission from concerned departments and the RO plant was being used for selling the water in the nearby areas and the waste water generated from the plant was being discharged directly into the drain.

And whereas, an Environmental Damage Compensation of Rs.1,00,000/- (Rupees One Lakh only) was imposed and 07 days' time was given to "the Addressee" for the submission of same. However, the said amount of Rs.1,00,000/- (Rupees One Lakh only) has not been submitted so far.

Now therefore, in view of above, you are requested to take appropriate action for Recovery of Rs.1,00,000/- (Rupees One Lakh only) from Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No-7, Block-k, Part-II, Chanakya Place, Uttam Nagar, New Delhi-110059 and the same may be remitted to DPCC.

You are also requested to submit compliance report to DPCC within 07 days.


(Ajeeta Agrawal) o/c
SEE,CMC-II

Enclosure:- Copy of EC direction dated 08.12.2023

Copy to:-

1. Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No-7, Block-k, Part-II, Chanakya Place, Uttam Nagar, New Delhi-110059.
2. Master File.



Delhi Pollution Control Committee
Dairy No. 143189
25 JAN 2024
Cmc-2
Sign. of Receiving Officer

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (DWARKA) SW DISTRICT
SECTOR-10, DWARKA, NEW DELHI-110075**

No. F. /SDM/DW/2024/ 5258

Dated: 16/01/24

NOTICE

A copy of order vide No. F.No. DPCC-K015/3/2023-CMC2-DELHI POLLUTION CONTROL COMMITTEE/8614-8619 dated 08.12.2023 regarding Direction for levying of Environmental Damage Compensation for illegal extraction of ground water in compliance of Hon'ble NGT case M.A No. 24/2023 in OA No. 33/2022 "Ganesh Prasad Vs Govt of NCT of Delhi has been received in the name of Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No. 7, block-K, Part-II, Chanakya Place, Uttam Nagar, New Delhi- 110059.

You are therefore, directed to submitted your amount through Banker's Cheque/Demand Draft or through RTGS/online system in Account No. 40071442347 (IFSC code: SBIN0005715) Bank & Branch: State Bank of India, Kashmere Gate, Delhi- 110006) in favour of Delhi Pollution Control Committee or DPCC within 07 days.

To

Sh. Ajit Kumar & Sh. Ashish Kumar,
Plot No. 7, Block-K, Part-II, Chanakya Place,
Uttam Nagar, New Delhi- 110059.

(HARMINDER KAUR)
TEHSILDAR (DWARKA)



Copy to :-

1. Sh. Ajeeta Agarwal, Sr. Env. Engineer, DPCC, Department of Environment (Govt. of NCT of Delhi) 5th Floor, ISBT Building, Kashmere Gate, Delhi- 110006.

47/CMC
29/01/24

30/01

JEE