

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

Original Application No. 139/2021

IN THE MATTER OF:

A.K. Malik

... Applicant

VERSUS

Delhi Development Authority

... Respondents

NDOH:- 21.12.2021

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Filed By

(Delhi Pollution Control Committee)

Date: 02.12.2021

Place: Delhi

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

Original Application No. 139/2021

In the matter of :

A. K. MalikPetitioner

Vs

Delhi Development AuthorityRespondent

**FACTUAL AND ACTION TAKEN REPORT ON BEHALF OF
DELHI POLLUTION CONTROL COMMITTEE**

1. That This Hon'ble Tribunal vide its order dated 01.07.2021 was pleased to pass the following directions:

"1. Grievance in this application is against allotment of open park by DDA to Agrani Matri Mandir in District Park, Sector 14, Rohini. This has affected the right of the residents to open space and also created a source of noise pollution. Loudspeakers and DJs are played at full volume even after 10:00 p.m. Commercial activities are also carried out in the form of holding functions.

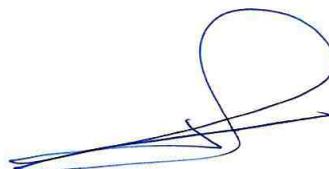
...3. Accordingly, we direct the Joint Committee of District Magistrate, North Delhi, DDA, DPCC and North Delhi Municipal Corporation to furnish a factual and action taken report in the matter by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The DPCC will be the nodal agency for coordination and compliance..."

2. That a joint inspection by a team of DPCC, DDA and Revenue Department officials was conducted on 22.11.2021 and subsequently on 23.11.2021. Copies of said Inspection Reports

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dated 22.11.2021 and 23.11.2021 are annexed as **Annexure-A (COLLY)**.

3. That during the inspection, it was observed that the said land is located in front of Adarsh Kunj Society adjoining Agrani Matri Mandir, Sector-13, Rohini, Delhi-85, which is a vacant land used as commercial function site of DDA, but not a park and the booking of such commercial function on said site is done online through DDA website by the applicants. The terms and conditions for booking this function site are also available on DDA website. No function is carried out during the inspection.
4. That Directions u/s 5 of EP Act, 1986, 31(A) of Air Act, 1981 and 33(A) of Water Act, 1974 were issued to the concerned authorities i.e. DDA, Revenue Department, North DMC and DCP, Delhi Police on 01.12.2021 to comply with the following directions:
 - a. To ensure the Pollution/ Environmental Law w.r.t. booking the site in question for functions including Fire Safety norms shall properly complied with.
 - b. To ensure that no Solid/ Liquid Waste shall unauthorizedly be dumped/ discharged during such functions.
 - c. To comply with Environmental Laws particularly Noise Pollution through Loudspeakers, D.J.s and D.G. sets etc.
 - d. To ensure the strict compliance of directions dated 13.12.2019 issued by DPCC.



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Copy of said Directions dated 01.12.2021 and Directions dated 13.12.2019 issued by DPCC are annexed as **Annexure-B (COLLY)**.

5. That the above status report/ action taken report may please be taken on record.


(MOHD, ARIF)
SR. ENV. ENGINEER

Annexure-A Colly

Inspection Report

Dated: 22/11/2021

As per the address provided by NAT order 139/2021 dated 01/7/2021 team consisting DPCC, DM(NW), North-MCD, DDA (Horticulture), searched at District Park Sec-14 Rohini Delhi but there was no Agrani Matri Mandir found, as inquired by locals. It was reported that this Mandir falls in Rohini Sector-13, Near Dhruv Apartment, which falls North District. It was decided by the team that the matter may be sent to North District & concerned authorities, as per preview.

K. Kumar
Envt Engg (DPCC)
(9717593539)

G.S. Meena
22.11.2021
Dy. Dir. (Hort.)
H.D. - 5/DDA
[9999673339]

PREM CHAND
22/11/21.
Executive Magistrate
Distt - North-West
Sub Div. - Sarawati Vihar
[8750585523]

Kamlawati
Asstt. Commissioner
(North D.M.C.)/R.2.
8588881481

Joint Report

Ref. No:- Original application No - 139/2021

A joint inspection was held today i.e.

23/11/2021 at C.S./Function site, Sector-13 in front of Adarsh Kunj Society adjoining Agrani Mataji Mandir with Sh. Harshit JEE/DPCC, Aron Kumar Mishra JEE(C)/RMD-6 and Sh. M.K. Garg AEE(C)/RMD-6/DDA.

1. The said land is vacant land used as function site of DDA, not a park.
2. The booking of this function site is done Online from DDA website by applicants.
3. The terms and conditions for booking this C.S./Function site are available on DDA website and applicants to have follow the terms and conditions regarding booking.
Submitted please.

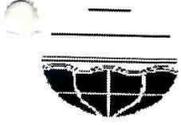
Harshit
23/11/21
(Sh. Harshit)
JEE/DPCC

Aron
23/11/2021
(Sh. Aron Kumar Mishra)
JEE(C)/RMD-6/DDA

M.K. Garg
23/11/21
Sh. M.K. Garg
AEE(C)/RMD-6/DDA

No function is carried out during the inspection.

Harshit
23/11/21



DELHI POLLUTION CONTROL COMMITTEE

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

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Annexure-B

(Copy)

F. No. DPCC/CMC-V/O.A. No. 139/2021/14482-483

Dated: 01/12/2021

Subject: Directions u/s 5 of the Environment (Protection) Act, 1986, u/s 31(A) of Air (Prevention & Control of Pollution) Act, 1981 and u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 as amended to date in connection with Original Application No. 139/2021 before Hon'ble NGT in the matter "A.K. Malik Vs. Delhi Development Authority.

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 an 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 or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land.

And whereas, the order dated 01.07.2021 passed by Hon'ble National Green Tribunal in Original Application No. 139/2021 on 01.07.2021 in the matter "A.K. Malik Vs. Delhi Development Authority", wherein the grievance in the application is against allotment of Open Park by DDA to Agrani Matri Mandir in District Park, Sector-14, Rohini, Delhi-110085 (copy enclosed).

And whereas, a joint inspection by a team of DPCC, DDA and Revenue Department officials was conducted on 22.11.2021 and subsequently on 23.11.2021 and during the inspection, it was observed that the said land is located in front of Adarsh Kunj Society adjoining Agrani Matri Mandir, Sector-13, Rohini, Delhi-85 is a vacant land used as commercial function site of DDA not a park and the booking of such commercial function on said site is done online through DDA website by the applicants. The terms and conditions for booking this function site are also available on DDA website.

Now therefore, in exercise of powers conferred u/s 5 of the Environment (Protection) Act, 1986, hereby issue the following directions:-

1. To ensure the Pollution/ Environmental Law w.r.t. booking the site in question for functions including Fire Safety norms shall properly complied with.
2. To ensure that no Solid/ Liquid Waste shall unauthorizedly be dumped/ discharged during such functions.
3. To comply with Environmental Laws particularly Noise Pollution through Loudspeakers, D.J.s and D.G. sets etc.
4. To ensure the strict compliance of directions dated 13.12.2019 issued by DPCC.

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

Encl: As above.

(Mohd. Arif)
Sr. Env. Engineer

To,

**The Chief Engineer, Delhi Development Authority,
DDA Office Complex, 1st Floor, Madhuban Chowk,
Sector-14, Rohini, Delhi-110085.**

Copy for information to:-

1. The Vice Chairman (DDA), Delhi Development Authority, Vikas Bhawan, INA, New Delhi-110023.



DELHI POLLUTION CONTROL COMMITTEE

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>

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F. No. DPCC/CMC-V/O.A. No. 139/2021/ 14480-481

Dated: 01/12/2021

Subject: Directions u/s 5 of the Environment (Protection) Act, 1986, u/s 31(A) of Air (Prevention & Control of Pollution) Act, 1981 and u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 as amended to date in connection with Original Application No. 139/2021 before Hon'ble NGT in the matter "A.K. Malik Vs. Delhi Development Authority.

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 or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land.

And whereas, the order dated 01.07.2021 passed by Hon'ble National Green Tribunal in Original Application No. 139/2021 on 01.07.2021 in the matter "A.K. Malik Vs. Delhi Development Authority", wherein the grievance in the application is against allotment of Open Park by DDA to Agrani Matri Mandir in District Park, Sector-14, Rohini, Delhi-110085 (copy enclosed).

And whereas, a joint inspection by a team of DPCC, DDA and Revenue Department officials was conducted on 22.11.2021 and subsequently on 23.11.2021 and during the inspection, it was observed that the said land is located in front of Adarsh Kunj Society adjoining Agrani Matri Mandir, Sector-13, Rohini, Delhi-85 is a vacant land used as commercial function site of DDA not a park and the booking of such commercial function on said site is done online through DDA website by the applicants. The terms and conditions for booking this function site are also available on DDA website.

Now therefore, in exercise of powers conferred u/s 5 of the Environment (Protection) Act, 1986, hereby issue the following directions:-

1. To ensure the Pollution/ Environmental Law w.r.t. booking the site in question for functions including Fire Safety norms shall properly complied with.
2. To ensure that no Solid/ Liquid Waste shall unauthorizedly be dumped/ discharged during such functions.
3. To comply with Environmental Laws particularly Noise Pollution through Loudspeakers, D.J.s and D.G. sets etc.
4. To ensure the strict compliance of directions dated 13.12.2019 issued by DPCC.

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

Encl: As above.

(Mohd. Arif)

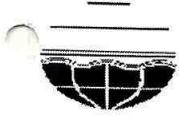
Sr. Env. Engineer

To,

**The Sub-Divisional Magistrate (Alipur),
D.M. Office Complex, Alipur,
Delhi-110036.**

Copy for information to:-

1. The District Magistrate (North District), 1, Alipur, GTK Road, Delhi-110036



DELHI POLLUTION CONTROL COMMITTEE

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>

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F. No. DPCC/CMC-V/O.A. No. 139/2021/14478-479

Dated: 01/12/2021

Subject: Directions u/s 5 of the Environment (Protection) Act, 1986, u/s 31(A) of Air (Prevention & Control of Pollution) Act, 1981 and u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 as amended to date in connection with Original Application No. 139/2021 before Hon'ble NGT in the matter "A.K. Malik Vs. Delhi Development Authority.

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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 or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land.

And whereas, the order dated 01.07.2021 passed by Hon'ble National Green Tribunal in Original Application No. 139/2021 on 01.07.2021 in the matter "A.K. Malik Vs. Delhi Development Authority", wherein the grievance in the application is against allotment of Open Park by DDA to Agrani Matri Mandir in District Park, Sector-14, Rohini, Delhi-110085 (copy enclosed).

And whereas, a joint inspection by a team of DPCC, DDA and Revenue Department officials was conducted on 22.11.2021 and subsequently on 23.11.2021 and during the inspection, it was observed that the said land is located in front of Adarsh Kunj Society adjoining Agrani Matri Mandir, Sector-13, Rohini, Delhi-85 is a vacant land used as commercial function site of DDA not a park and the booking of such commercial function on said site is done online through DDA website by the applicants. The terms and conditions for booking this function site are also available on DDA website.

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

Encl: As above.

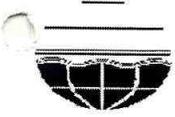
To,

**The Deputy Commissioner, North Delhi Municipal Corporation,
Sector-5, Rohini,
Delhi-110085.**

(Mohd. Arif)
Sr. Env. Engineer

Copy for information to:-

1. The Commissioner, North Delhi Municipal Corporation, 4th Floor, Civic Centre, Minto Road, Delhi-02.



DELHI POLLUTION CONTROL COMMITTEE

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>

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F. No. DPCC/CMC-V/O.A. No. 139/2021/ 14477

Dated: 01/12/2021

Subject: Directions u/s 5 of the Environment (Protection) Act, 1986, u/s 31(A) of Air (Prevention & Control of Pollution) Act, 1981 and u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 as amended to date in connection with Original Application No. 139/2021 before Hon'ble NGT in the matter "A.K. Malik Vs. Delhi Development Authority.

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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 or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land.

And whereas, the order dated 01.07.2021 passed by Hon'ble National Green Tribunal in Original Application No. 139/2021 on 01.07.2021 in the matter "A.K. Malik Vs. Delhi Development Authority", wherein the grievance in the application is against allotment of Open Park by DDA to Agrani Matri Mandir in District Park, Sector-14, Rohini, Delhi-110085 (copy enclosed).

And whereas, a joint inspection by a team of DPCC, DDA and Revenue Department officials was conducted on 22.11.2021 and subsequently on 23.11.2021 and during the inspection, it was observed that the said land is located in front of Adarsh Kunj Society adjoining Agrani Matri Mandir, Sector-13, Rohini, Delhi-85 is a vacant land used as commercial function site of DDA not a park and the booking of such commercial function on said site is done online through DDA website by the applicants. The terms and conditions for booking this function site are also available on DDA website.

Now therefore, in exercise of powers conferred u/s 5 of the Environment (Protection) Act, 1986, hereby issue the following directions:-

1. To ensure the Pollution/ Environmental Law w.r.t. booking the site in question for functions including Fire Safety norms shall properly complied with.
2. To ensure that no Solid/ Liquid Waste shall unauthorizedly be dumped/ discharged during such functions.
3. To comply with Environmental Laws particularly Noise Pollution through Loudspeakers, D.J.s and D.G. sets etc.
4. To ensure the strict compliance of directions dated 13.12.2019 issued by DPCC.

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

Encl: As above.

To,

**The Dy. Commissioner of Police,
Rohini District, Sector-23, Rohini,
PS Begumpur, Delhi – 110086.**

(Mohd. Arif)
Sr. Env. Engineer

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By Speed Post



F. No. DPCC/CMC-II/NGT/OA No. 515/2019

9839-91

Dated: 13/12/19

Subject: - Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, in the matter of OA No. 515 /2019 titled "President, Budhela Welfare Association Vs.GNCTD".

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and performs functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide notification Dated 15.03.1991.

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, as per section 21(1) of the Air (Prevention & Control of Pollution) Act, 1981, no person shall, without the previous consent of the State Pollution Control Board (DPCC in case of Delhi), establish or operate any industrial plant in an Air Pollution Control Area.

And whereas, as per section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, it is mandatory to obtain Consent from Delhi Pollution Control Committee in respect of any industry or operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent in to a stream or on land.

And whereas, amongst others, u/s 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the Pollution Control Boards/Committees, constituted under Water (Prevention and Control of Pollution) Act, 1974, is to plan a

(11)

comprehensive programme for the prevention, control or abatement of water pollution in the concerned State/Union Territory and to secure the execution thereof.

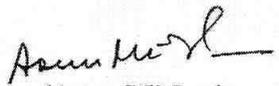
And whereas, the Hon'ble NGT vide orders dated 03.12.2019 in OA No. 515/2019 titled "President, Budhela Welfare Association Vs GNCTD" directed Pr. Secretary (Environment)-cum-Chairman, DPCC to hold a joint meeting with concerned land owning agencies for the parks/land in Delhi and furnish an appropriate report for effective enforcement mechanism for monitoring compliance.

And whereas, in compliance of the orders of Hon'ble NGT, a meeting held on 11.12.2019 under chairmanship of Pr. Secretary (Environment)-cum-Chairman, DPCC with the officials of MCD, DDA and Delhi Police.

Now therefore, in view of the above, in exercise of powers conferred u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, as amended to date, the following directions are issued for immediate compliance:

- (i) That you shall ensure that no park of DDA/MCD shall be used for holding any social, cultural, commercial and marriage or other functions.
- (ii) That DDA and MCD shall amend their existing policies and designate the concerned Executive Engineer (Horticulture) for ensuring the proper management of solid waste. The concerned Executive Engineer will also be responsible to ensure that solid waste is disposed off as per the provisions of Solid Waste Management Rules, 2016 after a function is over.
- (iii) That in order to ensure the proper management of solid waste, MCD shall provide a complete area-wise list of service providers registered with MCD for collection of municipal solid waste alongwith their charges to DDA so that DDA may start levying extra charges upon the user in this regard. The charges shall be collected by DDA and paid to the service provider for collection of solid waste and its disposal.
- (iv) That in case of any violation, penalty shall be imposed by the concerned Executive Engineer of DDA/MCD upon the violators and a report shall be submitted to DPCC alongwith photograph and details of penalty imposed etc within 24 hrs of holding of functions.

- (v) That ETP shall be installed at an open land which is being used for holding functions for treating the waste water generated due to cooking of food and dish washing etc. The concerned Executive Engineer of MCD and DDA shall ensure that no function takes place at these places unless the ETP has been installed.
- (vi) That the concerned Executive Engineer of MCD and DDA will also be responsible for ensuring the proper treatment of waste water generated
- (vii) That, necessary arrangement shall be made by DDA & MCD to ensure that the treated waste water go to nearest conveyance system.


(Arun Mishra)
Member Secretary

To

**The Commissioner,
East Delhi Municipal Corporation,
419, UdyogSadan,
Patparganj Industrial Area, Delhi – 110092**

Copy to:

- 1. Office Copy
- 2. Master File