

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

Original Application No. 207/2021

IN THE MATTER OF:

Rajeev Aggarwal

...Applicant

Versus

North Delhi Municipal Corporation & Ors.

...Respondents

NDOH:- 25.01.2022

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(Delhi Pollution Control Committee)

New Delhi:

Dated: 15.12.2021

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**ACTION TAKEN REPORT ON BEHALF OF THE DELHI
POLLUTION CONTROL COMMITTEE IN TERMS OF THE
ORDER DATED 23.08.2021.**

IT IS MOST RESPECTFULLY SHOWETH:

1. This Hon'ble Tribunal has taken up the matter on 23.08.2021 and directed:
 - A. The Joint Committee consisting of Commissioner, North Delhi Municipal Corporation, Special Commissioner of Police (North), Member Secretary, DPCC and District Magistrate (North) to undertake study of the situation and remedial measures required.
 - B. The committee will be at liberty to co-opt any other officers of any other area in Delhi or any other expert/ institution.
 - C. The committee shall make recommendations for safety, sanitation, hygiene and the pollution free environment and also make a brief survey of the carrying capacity.
 - D. The committee may not limit its deliberation only to the area specified by the applicant but also cover other such places in the city.



- E. The committee shall verify status of industrial operations in question as well as other industries in existence and current status of compliance of Hon'ble Supreme Court order.
- F. Besides verifying operation of industries in non-conforming areas, sources of water and power supply, drainage status and air quality status be ascertained.
2. That, above mentioned order was passed by This Hon'ble Tribunal on the basis of the complaint filed by Sh. Rajeev Aggarwal, against operation of nine illegal factories and running of commercial activities in violation of environmental norms in Gali Bhairo Wali, Jogi Wala, Nai Sarak, Delhi -6.
3. That the area of the complaint falls under the jurisdiction of DM (Central), hence DM (Central) was called in the meeting in place of DM (North).
4. That to comply with the above orders, the Principal Secretary (Env. & Forests) -cum-Chairman, DPCC has taken a meeting on 27.09.2021 with all stake holders. In the meeting various executing agencies like DM (Central), Dy. Commissioner North DMC and Joint Commissioner (Central District)- Delhi Police were present. Following decisions were taken.
- a. A team consisting of the officials of DPCC, North DMC, District Magistrate (Central) and Delhi Police shall carry out joint inspection of the said area on 01.10.2021. DPCC lab shall also conduct Noise monitoring during the inspection, if required.
 - b. The team besides verifying operation of industries in non-conforming areas, shall also ascertain the sources of water and power supply, drainage status and status of air quality.



- c. The team shall undertake the study of situation and remedial measures required and take cognizance of the problem.
- d. The team will interact with the stake holders, including the Resident Welfare Associations/ NGOs in the area and Religious/ Charitable/ Educational Institutions/ Public Representatives.
- e. The team shall recommend regarding the safety, sanitation, hygiene and the pollution free environment and make a brief survey of the carrying capacity of the recipient environment to sustain nature and extent of activities.
- f. The North Delhi Municipal Corporation shall provide the details of the action taken so far against the illegal units found operating in the entire jurisdiction and expressly Nai Sadak areas.

Copy of the minutes of the meeting dated 27.09.2021 is enclosed herewith as **ANNEXURE-1.**

5. That, the Joint Committee inspected the sites as mentioned in the order passed by this Hon`ble Tribunal on 01.10.2021 and 08.10.2021. Copy of the report of committee is enclosed herewith as **ANNEXURE-2.** The status of the inspection in brief is as under:

Premises mentioned in the order dated 23.08.2021:	10
Stitching activity observed:	03
Premises sealed:	03
Show cause notice was issued for imposition of EDC;	03
Premises being used for commercial activity:	02
Premises found Vacant:	05

The joint committee recommended the following:

- I. That the buildings used for manufacturing/ godown should be allowed only in the specified area with necessary approvals from the concerned departments such as MCD, Fire Department, Labour Department, industry department (Delhi Govt.), DPCC etc.
 - II. No industrial setup should be allowed in residential area or non-confirming area as per the Master Plan of Delhi (DMP).
 - III. No electricity connection should be given by the NDPL/BSES to such industrial activity or godowns or other activities which are violating DMP.
 - IV. The shops existing in the said area should obtain relevant permission from the concerned department and MCD may proceed accordingly.
6. That the pursuant to the direction as given in para 8 of the order dated 23.08.2021 regarding other places in the city, the committee has already directed other concern agencies to take action in terms of the orders passed by This Hon`ble Tribunal in OA 601/2018. Furthermore, DPCC being the nodal agency, would keep close watch over such violations and would ensure the prompt and effective redressal at the earliest, as and when any such violation is intimated and/or come across on its own, through the concern ^{ed} executing agency.

The present status report may kindly be taken on record.


(Satender Kumar)
Sr. Env. Engineer (DPCC)

Date: 15.12.2021

Place: Delhi

Minutes of the meeting held under the Chairmanship of Principal Secretary (Env. & Forest)-cum- Chairman, DPCC, GNCT of Delhi, on 27.09.2021 at 3:00 p.m. in compliance of Hon'ble NGT order dated 23.08.2021 in O.A. No. 207/2021 titled as "Rajeev Aggarwal V/s North MCD".

In compliance of Hon'ble National Green Tribunal (NGT) order of O.A. No. 207/2021 in the matter "Rajeev Kumar Vs. North Delhi Municipal Corporation (NDMC) & Ors.", a virtual meeting under the Chairmanship of Principal Secretary (Env. & Forests) -cum- Chairman, DPCC was held on 27.9.2021 at 03.00 p.m. The said meeting was attended by the District Magistrate (Central), Dy. Commissioner North DMC and Joint Commissioner (Central District), Delhi Police.

Principal Secretary (Env. & Forests) - cum - Chairman, DPCC welcomed all the participants. The grievances and issues mentioned in the order of Hon'ble National Green Tribunal dated 23.8.2021 in the OA number 207/2021, were discussed with participants. Following decisions were taken:

- a. A team consisting of the officials of DPCC, North DMC, District Magistrate (Central) and Delhi Police shall carry out joint inspection of the said area on 01.10.2021. DPCC lab shall also conduct Noise monitoring during the inspection.
- b. The team besides verifying operation of industries in non-conforming areas, shall also ascertain the sources of water and power supply, drainage status and status of air quality.
- c. The team shall undertake the study of situation and remedial measures required and take cognizance of the problem.
- d. The team will interact with the stake holders, including the Resident Welfare Associations/ NGOs in the area and Religious/ Charitable/ Educational Institutions/ Public Representatives.
- e. The team shall recommend regarding the safety, sanitation, hygiene and the pollution free environment and make a brief survey of the carrying capacity of the recipient environment to sustain nature and extent of activities.
- f. The North Delhi Municipal Corporation shall provide the details of the action taken so far against the illegal units found operating in the entire jurisdiction and expressly Nai Sadak areas.
- g. DPCC will supply a format for capturing the information and relevant data.

The team shall submit a comprehensive report by 15.10.2021 encapsulating the issues raised in the order of Hon'ble National Green Tribunal.

The meeting ended with vote of thanks.



Report of Committee in compliance of Hon'ble National Green Tribunal order dated 23.08.2021 in OA Number 207/2021.

Background :

The Hon'ble Tribunal passed an order on 23.08.2021 in the matter of OA No. 207/2021 regarding operation of factories and running of commercial activities in violation of Environmental Norms in the area of Gali Bhairon Wali, Jogiwara, Nai Sadak, Delhi – 110 006. The relevant part of the order is given as below:

“ The Monitoring Committee appointed by Hon'ble Supreme Court comprising: (i) Chief Secretary of Delhi (ii) Commissioner of Police, Delhi (iii) Vice Chairman of Delhi Development Authority, through responsible officers subordinate to them, preferably a joint committee comprising of Commissioner, North Delhi Municipal Commissioner, Special Commissioner of Police, North, Member Secretary, DPCC and District Magistrate, North to undertake the study of situation and remedial measures required. Delhi Pollution Control Committee will be the nodal agency. The committee may hold its first meeting within 15 days from today and take cognizance of the problem. The committee will be at liberty to co-opt any other officers of any other area in Delhi or any other expert/institution. The committee may interact with the stake holders, including the Resident Welfare Associations/NGOs in the area and Religious /Charitable/ Educational Institutions/Public Representatives. The committee may make recommendations for safety, sanitation, hygiene and the pollution free environment. The committee may make a brief survey of the carrying capacity of the recipient environment to sustain

nature and extent of activities. The committee may not limit its deliberation only to the area specified by the applicant but also cover other such places in the city. It may verify status of industrial operations in question as well as other industries in existence and current status of compliance of hon'ble Supreme Court order. Besides verifying operation of industries in non-conforming areas, sources of water and power supply, drainage status and air quality status be ascertained.

2. In compliance of the aforesaid order a committee was constituted consisting of following members:

1. Shri Krishan Kumar, Env. Engineer, Delhi Pollution Control Committee
2. Shri Brahamanand , Assistant Commissioner, SP City Zone, North Delhi Municipal Corporation
3. Shri Sandeep Srivastava, Sub-Inspector, Delhi Police
4. Shri Vijay Kumar, Tehsildar, Kotwali, Revenue Department

3. The Committee inspected the sites as mentioned in the order passed by this Hon'ble Tribunal on 01.10.2021 and 08.10.2021. The details of the sites are elaborated as follows:

Sl No.	Name and Address of the unit	Activity of the unit	Consent status	Action taken
1.	M/s. Gauri Saree Center, 4315, Sri Sai Complex, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006	Stitching of ladies dress	No consent	a. Premises of the unit sealed during inspection on 01.10.2021. b. Show cause notice for imposition of Environmental Compensation of Rs. 200000/- (Rs. Two Lakhs only) issued by DPCC.

2.	M/s Anwar Alam, 4328 Ground floor Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006	Stitching of ladies dress	No consent	a. Premises of the unit sealed during inspection on 08.10.2021. b. Show cause notice for imposition of Environmental Compensation of Rs. 200000/- (Rs. Two Lakhs only) issued by DPCC.
3.	M/s. Kullu (Malik), Fashion, 4328, second Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	Stitching of ladies dress	No consent	a. Premises of the unit sealed during inspection on 08.10.2021. b. Show cause notice for imposition of Environmental Compensation of Rs. 200000/- (Rs. Two Lakhs only) issued by DPCC.
4.	Property no. 4318, First Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	---	Not Applicable	The premises found vacant.
5.	Property no. 4330, First Floor and Third Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	---	Not Applicable	The premises found vacant.
6.	Property no. 4331, Second, Third and Fourth Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	---	Not Applicable	The premises found vacant.






7.	Property no. 4332, Ground and First Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	---	Not Applicable	The premises found vacant.
8.	Property no. 4256, 4257 and 4258, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	Saree and suit shop	Not Applicable	The premises found being used as shop and no stitching activity observed.
9.	Property no. 4267, First, Second, Third and Fourth Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006	---	Not Applicable	The premises found vacant.
10.	Property no. 4278, 4280 and 4281, Shiv Shakti Maket near, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	Saree and suit shop	Not Applicable	The premises found being used as shop and no stitching activity observed.

In addition to above mentioned premises, inspecting team found one more unit and the status of the same is as mentioned below:

Sl No.	Name and Address of the unit	Activity of the unit	Consent status	Action taken
1.	M/s Swami saree, 4279, 4 th floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	Stitching of ladies dress	No consent	a. The unit sealed on the spot on 01.10.2021. b. Show cause notice for imposition of Environmental Compensation of Rs. 200000/- (Rs. Two Lakhs only) issued by DPCC.

5. Chandni Chowk is one of the oldest and busiest markets in Old Delhi. Chandni Chowk is known for its variety and authenticity in food, sarees with chikan and zari. Narrow lanes host shops that sell books, clothing, electronics, consumer goods, shoes and leather goods. Chandni Chowk was redeveloped by Shahjahanabad Redevelopment Corporation. The redevelopment plan includes footpaths to make the area more pedestrian-friendly for a large number of shoppers and visitors. No motorized traffic will be allowed on Chandni Chowk from Red Fort to Fatehpuri Masjid in day time. Chandni Chowk area is a commercial area as per MPD-2021 and during inspection it was observed that the said area is consisting of thousands of shops which are engaged in sale of sarees, lehngas, suit lengths and other allied consumer items.

6. As per the Master Plan of Delhi, any industry is permitted only in designated areas i.e. Industrial Areas / Estates & Redevelopment Areas. The house hold industries as per MPD-21 shall be permitted, who have obtained NOC from High Power Committee [constituted by the Hon`ble Supreme Court of India

vide order dated 19.04.1996 in WP(C) 4677/1985] under the chairmanship of Commissioner of Industries, GNCTD.

7. The activity of stitching of garments falls at Sl. No. 86 in the Classification Of Industries in GROUP-A i.e HOUSEHOLD INDUSTRIES "Readymade garments (without washing)". THE Master Plan-2021 provides regarding household/ Service Industries:

- (i) Household industrial units with maximum 5 workers and kilowatt power may be allowed to continue in residential area and new industrial units of this type could be permitted in residential areas subject to the condition that no polluting industrial unit shall be permitted as household industry.
- (ii) The industrial units could be permitted only after provisional registration by the Govt. of NCTD.
- (iii) Household industrial units shall be allowed on any floor to the extent of 50% of permissible floor area of the dwelling unit.
- (iv) Further additions/ alterations to the list of Household Industries could be made, if considered appropriate and in public interest by the Central Government to do so.
- (v) No inflammable or hazardous substance is permitted to be stored.
- (vi) Separate industrial electric connection (single phase) and Municipal License, would be necessary to set up a household industry.

8. The premises inspected by the team as mentioned in the complaint the shops were only engaged in the activity of garments. No liquid waste and hazardous waste generation was observed during inspection of the area and the solid waste i.e. residue of clothes, were observed and this solid waste is handed over to private waste collector.

9. In compliance of the above said order of Hon'ble Tribunal, the committee recommends the following:

- I. That the buildings used for manufacturing/ godown should be allowed only in the specified area with necessary approvals from the concerned departments such as MCD, Fire Department, Labour Department, industry department (Delhi Govt.), DPCC etc.
- II. No industrial setup should be allowed in residential area or non-confirming area as per the Master Plan of Delhi (DMP).
- III. No electricity connection should be given by the NDPL/BSES to such industrial activity or godowns or other activities which are violating DMP.
- IV. The shops existing in the said area should obtained relevant permission from the concerned department and MCD may proceed accordingly.

(K.Kumar)
Env. Engineer
DPCC

(Brahamananda Perai)
Asst. Commissioner
North DMC

(Jagdeep Singh)
Inspector
Delhi Police

(Vijay Kumar)
Tehsildar
Revenue Dept.