

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 281/2022

In the matter of:

Dayaram

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

NDOH:13.10.2022

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Filed by


(Dr. BMS Reddy)

Sr. Environmental Engineer

Dated: 11th October, 2022

Place: Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 281/2022

In the matter of:

Dayaram

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
28.04.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon`ble Tribunal on 28.04.2022 and pleased to constitute a joint Committee of DPCC and Deputy Commissioner, North East Delhi. It was directed to the Joint Committee to undertake site visits and look into the grievance of the applicant and take requisite action by following due process of law.
2. That the applicant file a complaint before this Hon`ble Tribunal about the Illegal dairy farm at House No. 5778, Gali No.5, New Chandrawal Jawahar Nagar, Delhi, operated by Sh. Satish Yadav.
3. That, in compliance to above mentioned order, a Joint inspection was conducted by officials of DPCC and Deputy Commissioner, Revenue (Central District) on 25.05.2022 and following are the observations of the team:
 - The dairy farm (approx. 55 cattles) found operational in residential area without any consent or permission from DPCC/ Government department.

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- No treatment facility provided for wastewater generated from floor washing, cattle bath, urine, etc.
- No Biogas plant/ composting facility provided.
- No proper disposal facility of cow dung/ solid waste is provided.
- Cow dung slurry/ wastewater is being discharge directly into open drains.
- One borewell exists without permissions of Competent Authority.

Copy of the inspection report alongwith photographs dated 25.05.2022 is enclosed herewith as ANNEXURE-1 (Colly).

4. That, DPCC issued show cause notice dated 31.05.2022 under Section 33(A) of Water (Prevention and Control of Pollution) Act, 1974 on 31.05.2022 to "Satish Yadav" in view of a Joint inspection was carried out by officials on 25.05.2022. Another show cause notice was issued imposing Environmental Damages Compensation of Rs. 2,00,000/- for not following the "Guidelines for Environmental Management of Dairy Farms and Gaushalas" and Rs. 1,00,000/- for illegal extraction of ground water and imposing Environmental Damages Compensation. Copies of the show cause notice dated 31.05.2022 are enclosed herewith as ANNEXURE-2 (Colly).
5. That the Dairy has not responded to the Show Cause Notices issued by Delhi Pollution Control Committee. As a last opportunity, DPCC has issued reminders to submit the reply of the show cause notices to fulfill the requirement of principal of natural justice.

The present interim status report may kindly be taken on record.


(Dr. BMS Reddy)

Sr. Environmental Engineer

Delhi

Dated:- 11th October, 2022

Delhi Pollution Control Committee

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Subject: Joint inspection report.

Reference: Order passed by Hon'ble NGT in O.A. No. 281/2022 in the matter of "Dayaram Vs Govt. of NCT Delhi regarding action taken report with respect to illegal dairy in house of Sh. Satish Yadav H.No.- 5778, Gali No.-05, New Chandrawal, Jawahar Nagar, Delhi-110007.

Joint inspection was conducted by officials of DPCC and Naib Tehesildar from the office of Dy. Commissioner, Revenue (Central Distt.) on 25.05.2022. During inspection, following deficiencies were observed:

1. Illegal dairy farm (approx 55 cattles) found operational in residential area without any consent or permission from DPCC/ Government department.
2. No treatment facility provided for wastewater generated from floor washing, cattle bath, urine, etc.
3. No Biogas plant/ composting facility provided.
4. No proper disposal facility of cow dung/ solid waste is provided.
5. Cow dung slurry/ wastewater is being discharge directly into open drains.
6. One borewell exists without permissions of Competent Authority.



Ashish

JEE, CMC-VII,
DPCC



Lalit Kumar

Naib Tehsildar (Civil Lines),
Revenue Department



Inspection Report

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1. Name & Address of the Unit : M/s Sateesh Yadav.....
 5778, Gali No-05,
 Alau Chandrawal,
 Jawahar Nagar, Delhi.....
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) : Sh. Sateesh Yadav.....
3. Date of Inspection : 25/05/2022.....
4. Time of inspection : 11:30.....
 Start of Inspection :
 End of Inspection : Onwards.....
5. Name & Designation of the Persons contacted at the industry : Sh. Sateesh Yadav.....
6. Kind of Industry : Cattle Dairy.....
7. Product & Capacity : 55 Cattle Approx.....
8. Main Raw Materials :
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) : - N/A - (Above G.L.)..... (Above R.L.).....
12. Type of Fuel Used : - N/A -
13. A. Source of Water Supply : DJB/NDMC/DSIIDC/Borewell/Tankers/Others
 B. Effluent Discharge : (a) Domestic/ Trade Effluent (floor washing, cat bathing, urine, etc)
 (b) Unit connected to Conveyance System: Yes/ No
 (c) Discharging into.. Public drain.....
14. Status of Consent {If Any} : Not Applied.....
15. D.G. Set(s) {if Any} : - N/A - No....Capacity.....KVA. Acoustic: Yes/No
 Stack Height.....(Above G.L.).....(Above RL)
16. Plot Area : 50 Gaj Approx.....
17. Labour : 03.....
18. Machinery : Cattle dung handling equipments.....

Photo I- 25th May, 2022- Satish Yadav, H.No.- 5778, Gali No.-05, New Chandrawal, Jawahar Nagar, Delhi-110007

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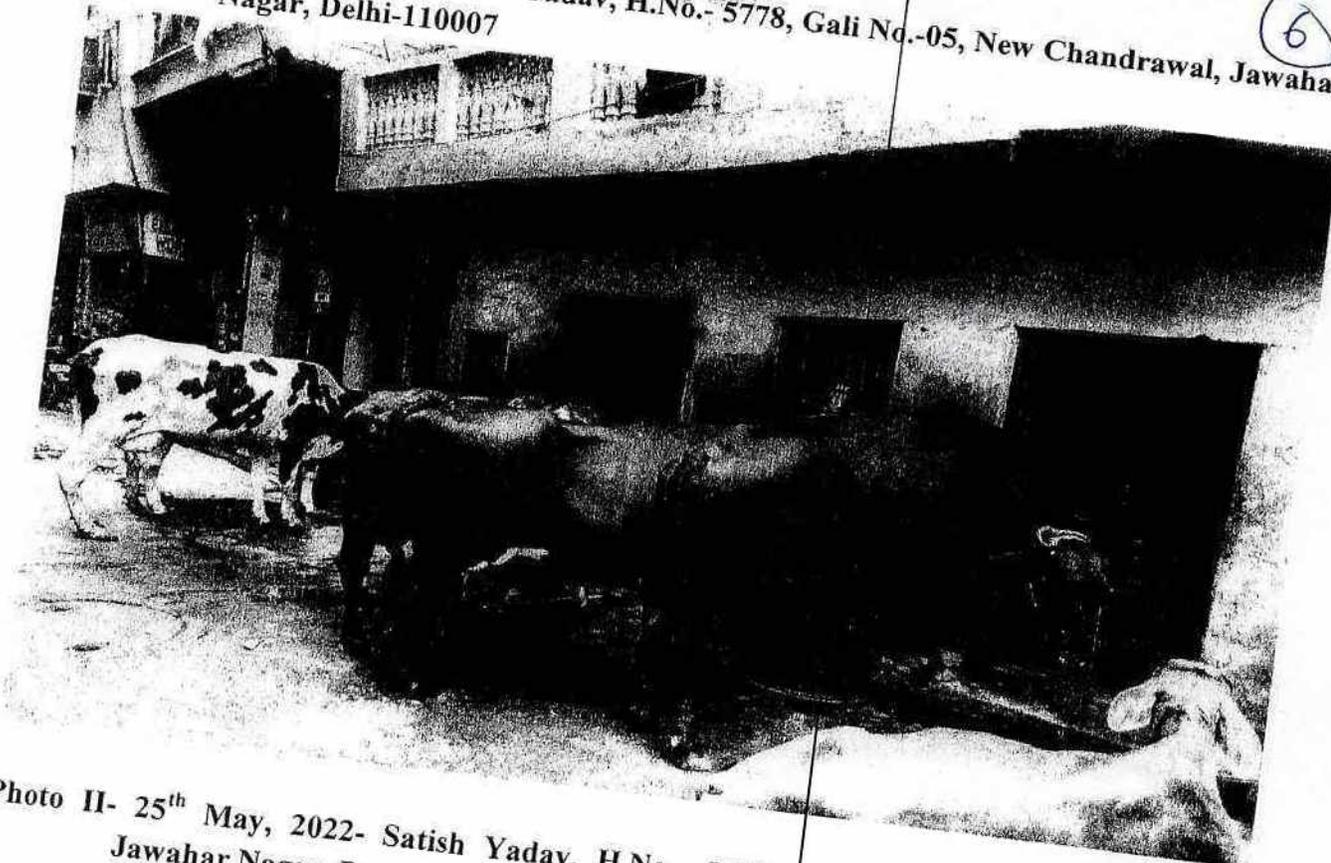


Photo II- 25th May, 2022- Satish Yadav, H.No.- 5778, Gali No.-05, New Chandrawal, Jawahar Nagar, Delhi-110007



Photo III- 25th May, 2022- Satish Yadav, H.No.- 5778, Gali No.-05, New Chandrawal,
Jawahar Nagar, Delhi-110007

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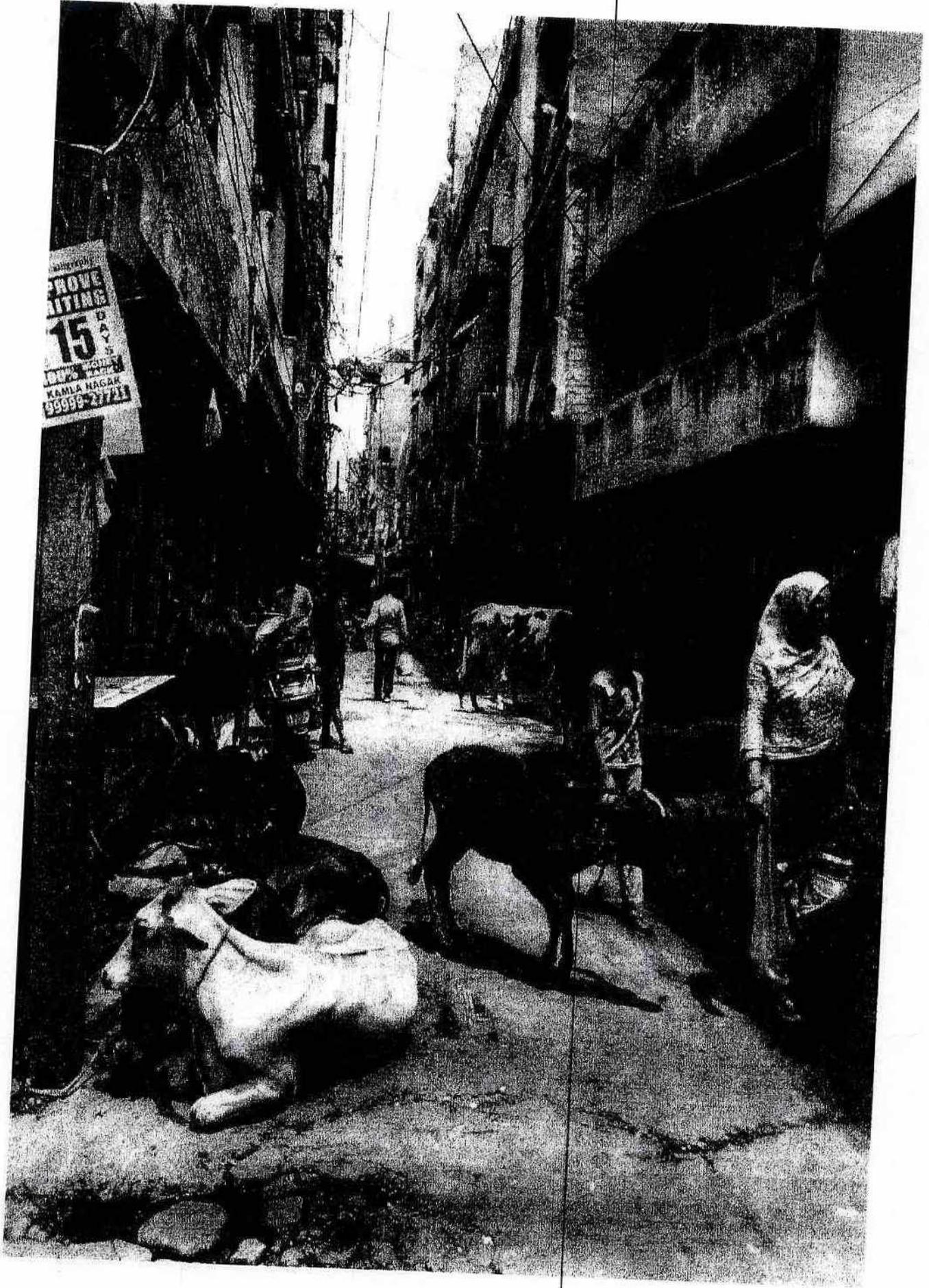
Photo IV- 25th May, 2022- Satish Yadav, H.No.- 5778, Gali No.-05, New Chandrawal,
Jawahar Nagar, Delhi-110007



Photo V- 25th May, 2022- Satish Yadav, H.No.- 5778, Gali No.-05, New Chandrawal, Jawahar Nagar, Delhi-110007

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By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-VII/NGT/Dairy/2022/ 371

Dated: 31-5-2022

To,

M/s Satish Yadav,
H.No.- 5778, Gali No.-05,
New Chandrawal, Jawahar Nagar,
Delhi- 110007.

Annexure-2 (colly)

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

And whereas, you **Satish Yadav, H.No.- 5778, Gali No.-05, New Chandrawal, Jawahar Nagar, Delhi-110007** (hereinafter referred as the addressee) are engaged in the activity of Cattle Dairy.

And whereas, Hon'ble NGT in O.A. No. 281/2022 in matter of "Dayaram Vs Govt. of NCT Delhi has ordered for requisite action in the matter.

And whereas, an inspection of your dairy farm was conducted by the officials of DPCC and Dy. Commissioner, Revenue (Central) on 25.05.2022 and the observations/deficiencies found during inspection are as follows:

1. Illegal dairy farm (approx 55 cattles) found operational in residential area without any consent or permission from DPCC/ Government department.
2. No treatment facility provided for wastewater generated from floor washing, cattle bath, urine, etc.
3. No Biogas plant/ composting facility provided.
4. No proper disposal facility of cow dung/ solid waste is provided.
5. Cow dung slurry/ wastewater is being discharge directly into open drains.
6. One borewell exists without permissions of competent authority.

And whereas, you (the addressee unit) are operating the your dairy farm without having a valid Consent to Establish / Operate from DPCC, operating in violations of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, as amended to date.

And whereas, as per the DPCC criteria for dairies, you shall be liable to pay Environmental Compensation (EC) of **Rs. Rs. 2,00,000/- (Rs. Two Lakh Only) and also Rs. 1,00,000/- (Rs. One Lakh Only) for extracting groundwater for commercial usage illegally without permission from Competent Authority. Therefore,** it is evident that you are causing water pollution and also damaging to the Environment. Thus, you are liable to pay Total Environmental Compensation of Rs. 3,00,000/- (Rs. Three Lakh Only).

Now, therefore, the Competent Authority in Delhi Pollution Control Committee has decided why not the **Environmental Damages Compensation of Rs. 3,00,000/- (Rs. Three Lakh Only)** should be levied upon you (the addressee unit).

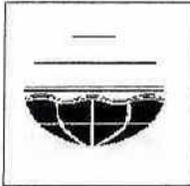
In this regard, your reply, (if any) along with supporting documents, should reach to this office **within 15 days from the date of issue of this notice.** In case of failure, it will be presumed that you have nothing to say in this regard and the aforementioned proposed EDC shall be confirmed without any further reference and further action shall be taken as per Law.

This may be treated as opportunity of hearing in person.


SEE, CMC-VII

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By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-VII/NGT/Dairy/2022/372-73

Dated: 31-5-2022

To,

M/s Satish Yadav,
H.No.- 5778, Gali No.-05,
New Chandrawal, Jawahar Nagar,
Delhi- 110007

Subject: Show Cause Notice for Closure u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control of pollution) Act, 1981 as amended to date.

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, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under 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, as amended to date, 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, as amended to date, 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, Hon'ble NGT in O.A. No. 281/2022 in matter of "Dayaram Vs Govt. of NCT Delhi has ordered for requisite action in the matter.

And whereas, you, **Satish Yadav, H.No.- 5778, Gali No.-05, New Chandrawal, Jawahar Nagar, Delhi-110007** (hereinafter referred as the addressee) is engaged in the activity of Cattle Dairy.

And whereas, joint inspection by the officials of DPCC and Dy. Commissioner, Revenue (Central) on 25.05.2022 was conducted and following deficiencies were observed:-

1. Illegal dairy farm (approx 55 cattles) found operational in residential area without any consent or permission from DPCC/ Government department.
2. No treatment facility provided for wastewater generated from floor washing, cattle bath, urine, etc.
3. No Biogas plant/ composting facility provided.
4. No proper disposal facility of cow dung/ solid waste is provided.
5. Cow dung slurry/ wastewater is being discharge directly into open drains.
6. One borewell exists without permissions of competent authority.

Now therefore the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 and

(H)

33 (A) of Water (Prevention and Control of Pollution) Act , 1974 as amended to date, has decided to issue the following proposed directions:-

- That you (the addressee) shall close all operation of your illegal dairy with immediate effect.
- That the concerned authority in TPDDL/BSES shall disconnect the electricity/power supply of the said dairy with immediate effect.
- That the concerned authority in DJB shall disconnect the water supply connection of the said dairy with immediate effect.
- That the concerned SDM shall ensure the effective closure of the said dairy alongwith borewell immediate effect.
- That the concerned authority in MCD shall cancel the permission/license for the operation of the said residence/dairy (if any) with immediate effect.

Hence by way of this notice, you are hereby given an opportunity to submit your reply as to why the aforesaid proposed directions should not be confirmed. Your reply should reach to this office **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 the competent authority of DPCC shall be free to take action as proposed above. This may also be treated as an opportunity of being heard.

This is being issued as per the approval of Competent Authority, DPCC.


Sr. Env. Engineer,
CMC-VII

To,

**M/s Satish Yadav,
H.No.- 5778, Gali No.-05,
New Chandrawal, Jawahar Nagar,
Delhi- 110007**

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