

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

Original Application No. 313/2022

In the matter of:

Ajay Jain

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

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Filed by:

New Delhi:

Dated: 13.08.2022

Delhi Pollution Control Committee

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

Original Application No. 313/2022

In the matter of:

Ajay Jain

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Govt. of NCT of Delhi

...Respondents

ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE IN COMPLAINT TO THE ORDER DATED 09.05.2022.

IT IS MOST RESPECTFULLY SHOWNETH:

1. That this Hon'ble Tribunal took up the above referred matter on 09.05.2022 and was pleased to direct the DPCC, Municipal Commissioner (EDMC) and District Magistrate (Shahadara) to take action against illegal diary at Ramchandrar Gali, Street no. 1, Muajpur, Delhi.
2. That a joint inspection of the site was carried out on 25.05.2022 by the representative of DPCC, Municipal Corporation of Delhi and District Magistrate (Shahadara). During the inspection it was observed that:
 - The premises was being used for the activity of dairy but now it is non-operational.
 - The KHOR (eating facility for animal) found dismantled.
 - Dr. S.K. Ranga (Veterinary Department of MCD), has reported that a warning was given to this diary in month of March, 2022 and related prosecution was launched as per DMC Act, 1957 in March, 2022.
 - Power supply has been disconnected by BSES in presence of all official & have removed the energy meter.

- An illegal borewell was found in the premises. SDM Office has been directed to seal the said borewell and compliance report to be submitted to DPCC within 3 days.
 - Delhi Police officials was requested to keep regular watch regarding reappearing of dairy/ other activities in the said premises.
3. That, DPCC issued show cause notice for imposing Environmental Damages Compensation to “M/s Sushil Kumar Jindal” to the tune of Rs. 30,000/- for illegal extraction of ground water. Another show cause notice for imposing Environmental Damages Compensation of Rs. 1,00,000/- for not following the “Guidelines for Environmental Management of Dairy Farms and Gaushalas”.
4. That the illegal borewell was sealed by the SDM (Shahdara) vide sealing order dated 25.05.2022. Copy of the sealing order passed by SDM is annexed as **ANNEXURE-1**.
5. That, no reply submitted by M/s Sushil Kumar Jindal with respect to show cause notices dated 06.06.2022, hence order`s for imposing Environmental Damages Compensation (EDC) of Rs.1,00,000/- and 30,000/- were issued on 12.07.2022. Copies of the orders dated 12.07.2022 are enclosed herewith as **ANNEURE-2 (Colly)**. In the order dated 12.07.2022, 15 days` time were granted to “M/s Sushil Kumar Jindal” to deposit EDC of Rs. 1,30,000/-. In case of non- deposition of EDC, order for recovery the EDC as arrears of land revenue will be issued.

The present status report may kindly be taken on record.


(P.S. Pankaj)

Sr. Environmental Engineer



Annexure-1

**OFFICE OF THE SUB-DIVISIONAL MAGISTRATE: SHAHDARA,
GOVERNMENT OF N.C.T. OF DELHI, A-BLOCK, 1ST FLOOR,
D.C. OFFICE COMPLEX, NAND NAGRI, DELHI-110093.
PHONE NO. 011-22132201.**

No.F.SDM(Shah)/Borewell/Submersible/2022/2396-2399

Dated 25.05.2022

SEALING ORDER

Whereas illegal extraction of water is a violation of section 5 of the Environment (Protection) Act, 1986 (29 of 1986) read with the Ministry of Home Affairs, Govt. of India Notification S.O. 667 (E) bearing no. F.No.U-1130/1/91-UTL dated 10.09.1992 as per guidelines issued vide environment Department letter No. F.8(348)EA/09/14433-14451 dated: 30.03.2009.

The owner/occupant/caretaker of premises could not produce any permission of borewell issued from competent authority/Delhi Jal Board, the borewell/submersible was sealed with the help of staff of DPCC, Delhi Police, BSES & Civil Defence Volunteers in the presence of owner/occupant/caretaker Sh. Suchil Kumar Jindal it is directed that seal shall not be removed/tempered with without due authorization.

And therefore, I Debasis Biswal, Sub-Divisional Magistrate (Shahdara), District Shahdara in exercise of powers conferred upon me by section 19(a) of the Environment (Protection) Act, 1986 (29 of 1986), vide govt. of India Notification S.O. 2763(E) dated 10.11.2010 and Department of Environment & forest, GNCTD Notification No. F8 (348)/EA/Env/09/2246 dated: 10.07.2010 hereby order the sealing of the illegal borewell at 201/30B, Ramchandra Gali, Maujpur Delhi-53 on 25.05.2022

To,

Sh. Suchil Kumar Jindal

201/30B, Ramchandra Gali, Maujpur Delhi-53

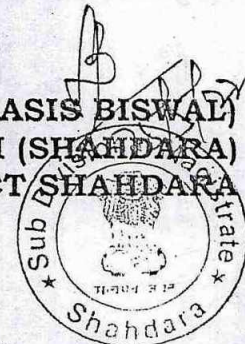
Copy to:-

1. The Executive Engineer (NE)-III, Office of The Ex. Engineer (NE)-III Delhi Jal Board, GNCTD, Overhead Tank, G.T. Road, Shahdara, Delhi-110032.
2. The SHO, Police Station Jafraabad, Delhi with the direction to ensure that no one can remove/temper the seal.
3. Env. Engineer, DPCC, 4th floor, ISBT Building, Kashmir Gate-Delhi.

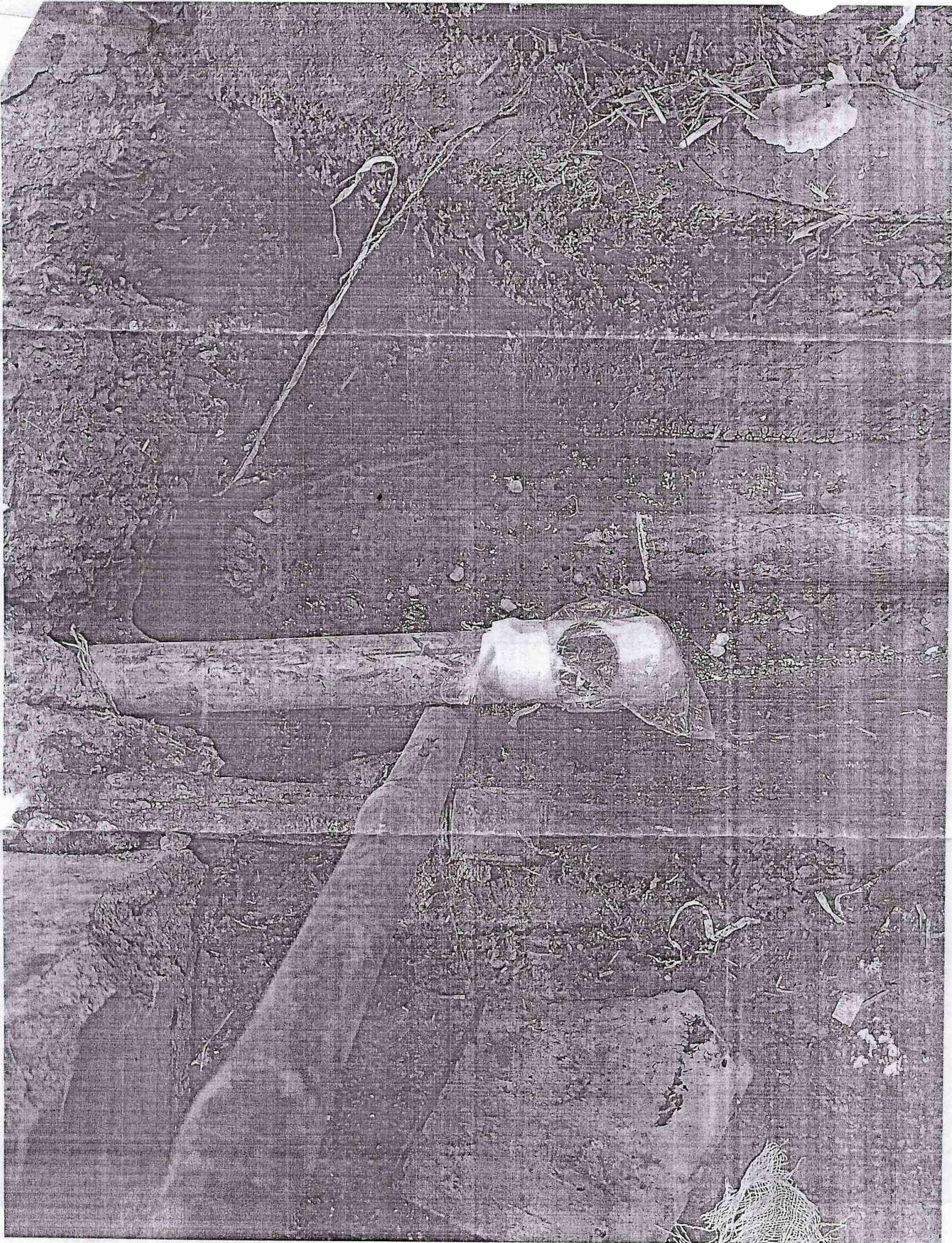
(ENQUIRY COUNTER)
DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT
GOVT. OF NCT OF DELHI
4TH FLOOR, ISBT BUILDING,
KASHMERE GATE, DELHI-110006

Received.....
Date.....28/5/22.....
P.S. Jafraabad, Delhi

(DEBASIS BISWAL)
SDM (SHAHDARA)
DISTRICT SHAHDARA



E.E.(M)-67
Dairy No.....
Date.....26/05/22.....
G.T. Road, Shahdara
Delhi-32



	DELHI POLLUTION CONTROL COMMITTEE GOVERNMENT OF NCT OF DELHI 4th AND 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at : http://dpcc.delhigovt.nic.in
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F. No. DPCC/CMC-I/OA-313/2022/

934-35

Dated: 12.07.2022

Order

Annexure-2 (copy)

Subject: Imposition of Environmental Damage Compensation (EDC) for violation u/s 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

Whereas, Hon'ble National Green Tribunal vide its order dated 01.04.2019 and 08.07.2019 in OA No.46/2018 in the matter of "Nuggehalli Jayasimha V/s GNCT of Delhi" has taken a serious view of non-implementation of Water (Prevention & Control of Pollution) Act, 1974, as amended to date by Dairy Farms in Delhi.

And whereas, in compliance of the Hon'ble NGT order dated 09.05.2022, a joint inspection was conducted by officials of Veterinary Department EDMC, Shahdara (NE) SDM Shahdara, BSES, DPCC & Delhi Police.

And whereas, you **M/s Sushil Kumar Jindal H.No 201/30 B, Ramchandra Gali, Maujpur, Delhi-110053** (here in after referred as "Addressee") was used to operate dairy at the said address and was engaged in the activity of Cattle dairy Farm.

And whereas, during inspection said dairy was used to operate at the said premises without obtaining Consent to Establish & Consent to Operate under Water Act from DPCC and were found not following the "Guidelines for Environmental Management of Dairy Farms and Gaushalas" issued by CPCB and discharging the waste water and cow dung into drain.

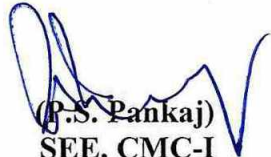
And whereas, you the addresses was issued SCN vide letter no . DPCC/CMC-I/OA-313/2022/301-302 on 06.06.2022 for imposition of EDC Rs 1,00,000/- for violation u/s 33(A) of Water Act but you have failed to submit the reply for the same with in stipulated time.

Now, therefore, the Competent Authority in Dehi Pollution Control Committee in exercise of powers conferred upon it under the water (Prevention & control of Pollution) Act,1974 as amended to date has decided:-

That you, the addressee shall deposit Environment Damages Compensation (EDC) of **Rs 1,00,000/- (Rupees One lakh)** for causing environmental damages for past violations.

By way of this order, the addressee is hereby directed to deposite EDC of Rs 1,00,000/- within 15 days from the date of issue of this order, failing which necessary action will be initiated against the addressee unit as per law including recovery of said EC by the cocerned SDM as an arreas of land revenue without any further reference.

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


(P.S. Pankaj)
SEE, CMC-I

To,

M/s Sushil Kumar Jindal
H.No 201/30 B, Ramchandra Gali, Maujpur,
Delhi-110053

Copy to:- Master File

o/c

NGT Matter
By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE GOVERNMENT OF NCT OF DELHI 4th and 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006 visit us at : http://dpcc.delhigovt.nic.in
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F. No. DPCC/CMC-I/OA 313/2022/

936-37

Dated: 12.07.2022

Order

Subject: Imposing Environmental Compensation (EDC) in compliance of orders of Hon'ble National Green Tribunal (NGT) in OA No. 313/2022-reg.

Whereas, Hon'ble National Green Tribunal vide its orders dated 15.01.2019, 30.05.2019, 30.10.2019 and 19.11.2019 in OA No. 25/2019 titled as, "Abdul Farukh Vs Govt. of NCT of Delhi" regarding remedial action against illegal extraction of ground water by installing unauthorized tube-wells has issued number of directions to Delhi Pollution Control Committee (DPCC), Delhi Jal Board and Revenue Department for compliance.

And whereas, in compliance of Hon'ble NGT order dated 09.05.2022 a joint inspection was carried out by the officials of Veterinary Department EDMC, Shahdara (NE) SDM Shahdara, BSES, DPCC & Delhi Police on 25.05.2022 and found engaged in illegal extraction of groundwater without permission from the Competent Authority.

And whereas, in view of Hon'ble NGT directions/orders and in view of the non-compliance of the statutory requirements, DPCC keeping in view the 'Polluter Pays' Principle has decided to levy Environmental Compensation (EC) on the addressee for causing damage to the environment by illegal extraction of ground water.

And whereas, you **M/s Sushil Kumar Jindal H.No 201/30 B, Ramchandra Gali, Maujpur, Delhi-110053** (here in after referred as "Addressee") was used to operate dairy at the said address and was engaged in the activity of Cattle dairy Farm and also observed an illegal borewell.

And whereas, in compliance of stipulated guidelines of CPCB and in view of aforesaid orders of Hon'ble National Green Tribunal, it has now been decided to levy an interim Environmental Compensation (EC) of Rs. 30,000/- (Rupees Thirty Thousands only) on the addressee on account of extraction of ground water illegally with out permission from the Competent Authority.

And whereas, you the addresses was issued SCN vide letter no . DPCC/CMC-I/OA-313/2022/303-304 for imposition of Environmental Compensation(EC) Rs 30,000/- on 06.06.2022 on account of extraction of ground water illegally without permission from the Competent Authority but you have failed to submit the reply with in stipulated time.

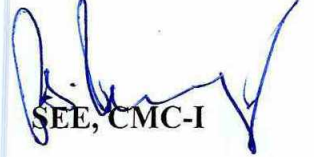
Now, therefore, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it under the water (Prevention & control of Pollution) Act, 1974 as amended to date has decided:-

That you, the addresses shall deposit Environment Compensation(EC) of Rs 30,000/- for extraction of ground water illegally without permission from the Competent Authority.

9/11

By way of this order, the addressee is hereby directed to deposit EDC of Rs 30,000/- within 15 days from the date of issue of this order, failing which necessary action will be initiated against the addressee as per law including recovery of said EC by the concerned SDM as an arrear of land revenue without any further reference.

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


SEE, CMC-I

**M/s Sushil Kumar Jindal,
H.No 201/30 B, Ramchandra Gali, Maujpur,
Delhi-110053**

Copy to: Master File