

**BEFORE THE PRINCIPAL BENCH,
NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION No. 381/2021**

IN THE MATTER OF:

Krishna Devi & Ors.

... Applicant

VERSUS

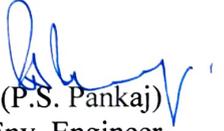
Govt. of NCT of Delhi

... Respondents

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Filed by


(P.S. Pankaj)
Sr. Env. Engineer
(Delhi Pollution Control Committee)

New Delhi:
Dated: 02.03.2022

**BEFORE THE PRINCIPAL BENCH,
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IN THE MATTER OF:

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Govt. of NCT of Delhi

... Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS OF THE ORDER DATED
11.01.2022**

IT IS MOST RESPECTFULLY SHOWETH:

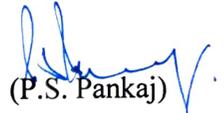
1. That this Hon'ble Tribunal took up the above referred matter on 11.01.2022 and pleased to issue following directions:

“.....In view of above, let DPCC undertake visit to the site and after verification of facts take remedial action, following due process of law.....”

2. That, in compliance of the orders passed by this Hon'ble Tribunal, the unit was inspected by DPCC officials on 25.01.2022 and during field visit, it was gathered that M/s Kapil Sanitary Goods was in operation at B-40B, engaged in the activity of Buffing.
3. It is submitted that at present, the premises of Ground floor and First floor is lying vacant and no plant and machinery found in the premises. The Second and Third floor is being used as residence purpose. The power supply of Ground floor found disconnected.

4. That, DPCC has issued SCN dated 21.02.2022 for imposition of Environmental Damages Compensation (EDC) of Rs. 4, 00,000/- (Rupees Four Lakhs only) to unit for causing damages to the Environment. Copy of the SCN dated 21.02.2022 is enclosed herewith as **Annexure-1**.

The present action taken report may kindly be taken on record.

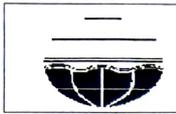


(P.S. Pankaj)

Sr. Environmental Engineer

Date: 02.03.2022

Place: Delhi



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/2021/ 6944-45

Dated: 21/02/22

Subject: Show Cause Notice u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 as amended to date and imposing Environmental Damage Compensation (EDC).

Whereas, it is mandatory provision under u/s 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish/ operate an industrial plant in any air pollution control area.

And whereas, Delhi is facing severe ambient air pollution levels since the last few days and level of pollutants like Particulate Matter (PM2.5 & PM10) has gone up manifold.

And whereas, Hon'ble Supreme Court of India has ordered closure of impermissible industrial units in residential/ non-conforming areas of NCT of Delhi vide order dated 07.5.2004 in Writ Petition (Civil) No. 4677/1985 apart from monitoring the matter on regular basis.

Hon'ble Supreme Court of India, while hearing Writ Petition(s) No. 4677/1985 in the matter of M.C. Mehta Vs Union of India & Others, has passed order on 04.11.2019 and directed to close down the industrial units which are objectionable and saddle the responsibility of compliance of the order upon the respective zonal Deputy Commissioner of the Municipal Corporations.

Hon'ble National Green Tribunal vide orders dated 05.08.2019 & 19.11.2019 in OA No. 601/2018 in the matter of "Mayank Manohar & Paras Singh, Reporter, the Times of India Vs. Govt. of Delhi & Ors." has also directed closure of impermissible industrial units in residential/ non-conforming areas of NCT of Delhi and levying Environmental Compensation (EC) for the damage caused by illegal operation keeping in view the 'Polluters Pay Principle'.

And whereas in the matter of "Krishna Devi & Ors Vs. GNCTD" Hon'ble NGT has passed an order on 11.01.2022 wherein it has been directed to undertake the visit to the site by DPCC and after verification of facts take remedial action, following due process of law.

And whereas, you, **M/s Banwari Lal Sharma, B-40B, Street no.12, Jagatpuri Extension, Delhi-110093** were operating your unit at the above said address & engaged in the activity of **Buffing on sanitarywares**.

And whereas, your unit was inspected by DPCC officials on **25/01/2022** and observed that you (the addressee) had operated the unit engaged in the activity of buffing on sanitarywares without permission in a residential area at **B-40B, Street no.12, Jagatpuri Extension, Delhi-110093** which is a clear violation of the provisions of the above said acts. During inspection unit found closed and procured electricity bill inferred that industrial unit was operating at the above mentioned premise.

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 as amended to date, has decided to issue the following proposed directions: -

- That on account of damaging the environment from illegal unit, an Environment Damage Compensation (EDC) of **Rs. 4,00,000/- (Rupees Four lac only)** is levied.

By way of this notice, you (the Addressee) are hereby called upon to show cause, as to why the above said Environment Damages Compensation (EDC) should not be levied upon you. Your reply, if any, should reach 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 directions shall be confirmed without any further reference to you. This shall also be treated as an opportunity of being heard as per the provisions of the above said acts.

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

(P.S Pankaj)
 Incharge, CMC-I

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To,

**M/s Banwari Lal Sharma,
B-40B, Street no.12,
Jagatpuri Extension, Delhi-110093**

Copy to:-

1. Master File of CMC-I, DPCC.
2. Office copy