

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

Original Application No. 381/2023

**In the matter of:**

Yogesh Yadav

...Applicant

Versus

Delhi Pollution Control Committee

...Respondents

**NDOH:- 25.07.2023**

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Filed by:

New Delhi:

Dated: 24.07.2023

Delhi Pollution Control Committee

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

Original Application No. 381/2023

**In the matter of:**

Yogesh Yadav

...Applicant

Versus

Delhi Pollution Control Committee & Anr.

...Respondents

**STATUS REPORT ON BEHALF OF DELHI POLLUTON  
CONTROL COMMITTEE IN COMPLAINE TO THE ORDER  
DATED 29.05.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal has taken up the present matter on 29.05.2023 on the basis of a public complaint filed by Mr. Yogesh Yadav. Applicant has filed the present application for directing respondent no. 1 to take appropriate action against respondent no. 2 and to immediately stop illegal activities at premises-WE-120/121 Mohan Garden, Rama Park Road Uttam Nagar. This Hon`ble Tribunal was pleased to issue notice on the application.
2. That, DPCC has neither received any notice issued by this Hon`ble Tribunal nor copy of the application filed before this Hon`ble Tribunal, so far.
3. That, applicant herein had sent a complaint against Shree Balaji Service Station, WE-120/121 Mohan Garden, Rama Park Road, Uttam Nagar Delhi to answering respondent in the month of March, 2023. The complaint has been forwarded to the Commissioner, MCD on 30.05.2023 for taking necessary action on the contents of the complaint. Copy of the letter dated 30.05.2023 issued to MCD is enclosed herewith as **ANNEXURE-1**. ATR has not been received from MCD so far.

4. That to verify the contents of the complaint, in compliance of the order dated 29.05.2023 passed by this Hon`ble Tribunal, an inspection of the site was carried out on 19.07.2023, by the DPCC officials. Sh. Hitesh Saxena and Sh. Naresh Saxena (Owner`s of the unit) were present during the inspection, during the inspection it was observed:

- a) Unit Shree Balaji Service Station found operational and engaged in Automobile Servicing and Repair Station with Washing Activity.
- b) Unit is not having Consent from Delhi Pollution Control Committee.
- c) Washing of Cars is being carried out in the workshop. The Effluent generated from the washing is being directly discharged into the sewerage system.
- d) No Effluent Treatment Plant is found installed in the workshop for the treatment of waste water generated from washing.
- e) Hazardous waste such as used engine oil found spilled on the floor in uncovered area and the same is not being stored in leak proof container in an isolated area. Also no record of Hazardous waste is maintained by the unit.
- f) No burning of old and used tyres observed during the inspection.
- g) One borewell is also observed in the workshop and the permission of borewell is not shown.

Copy of the inspection report alongwith photographs taken during inspection are enclosed herewith as ANNEXURE-2 (Colly).

5. That, with regard to closure of the illegal units from the residential / non-conforming areas, Hon`ble Supreme Court has passed an order on 07.05.2004 in I.A. No 22 in WP(C) No. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others". As per the order, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1<sup>st</sup> August, 1990 shall close down.

Hon`ble Supreme Court has also constituted a Monitoring Committee comprising of :

- (i) Chief Secretary of Delhi
- (ii) Commissioner of Police, Delhi
- (iii) Commissioner, Municipal Corporation of Delhi and

(iv) Vice-Chairman of Delhi Development Authority.

This Committee would be responsible for stoppage of illegal industrial activity. It would, however, be open to the aforesaid members of the Monitoring Committee to appoint responsible officers subordinate to them to oversee and ensure compliance of the directions contained in the judgment.

The Hon`ble Supreme Court vide its order dated 13.12.1995 in the case imposed restriction on the authorities to not to grant any license/ permission in non-conforming/ residential areas. Further, Hon`ble Apex Court vide order dated 19.04.1996 has directed to constitute a High Power Committee for permitting industrial activity in residential areas. The High Power Committee has been constituted by Hon`ble Apex Court for grant of NOC to household industries and it is working under the Chairmanship of Commissioner of Industries, Department of Industries, GNCTD. This Committee is still working and NOC are being issued to household Industries as per master Plan of Delhi.

That, DPCC has maintained its consistent practice by not granting any consent to any industrial unit which is to be setup or is operating from non conforming areas of Delhi without the permission of High Power Committee. Since there is a legal prohibition under MDP-2021/ MPD-2001 in addition to Hon`ble Apex Court directives, as per which industrial activity cannot be carried on or started in a non conforming area, granting any consent by DPCC to any such industrial unit would amount to granting permission to such unit to run or operate which is illegal and prohibited under Master Plan of Delhi. Such consent would be inherently erroneous and at the same time would not enable or give any legal right to such consent holder to claim or assert any right to carry on industrial activity in a non conforming area on the basis of such Consent, since no consent is being granted by DPCC in non conforming areas where the industrial activity is prohibited.

It is most respectfully submitted that in non conforming areas, stoppage and further illegal industrial operations can be ensured by refusing industrial

electricity connection or industrial water connection by the electricity companies or DJB because such industrial activity is prohibited in the said non conforming area in terms of MDP-2021 and Zonal Development Plan.

That the Chief Secretary, Delhi has taken a meeting on 08.12.2010, wherein it was decided that action on industries operating in non-conforming areas and violating Master Plan will be taken under the Delhi Development Act by DDA in development area and MCD in other areas.

As per the meetings held before Chief Secretary, Govt. of NCT of Delhi lastly on 05.06.2015, it has already been decided that action on industries operating in non -conforming areas and violating the Master Plan of Delhi will be taken under the Delhi Development Act by the Delhi Development Authority in development areas and Municipal Corporation of Delhi in all other areas. Commissioner of Industries is working as a Nodal Officer on behalf of the Hon'ble Supreme Court Monitoring Committee as constituted by the Hon'ble Supreme Court of India in the order dated 07.05.2004.

6. In pursuance of above said Hon'ble Supreme Court orders, DPCC has issued a letter to MCD on 30.05.2023
  
7. In view of the above, the present status report may kindly be taken on record.

  
(Ajeeta Dayal Agrawal)  
Sr. Environmental Engineer

	<p><b>DELHI POLLUTION CONTROL COMMITTEE</b> <b>DEPARTMENT OF ENVIRONMENT</b> <b>(GOVT. OF NCT OF DELHI)</b> <b>2<sup>nd</sup> FLOOR, C-BLOCK, VIKAS BHAWAN-II, UPPER</b> <b>BELA ROAD, CIVIL LINES DELHI-54</b> ( visit us at website : <a href="http://dpcc.delhigovt.nic.in/">http://dpcc.delhigovt.nic.in/</a> )</p>	
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F.No. DPCC/CMC-II/Complaints/2023/ 4710

Dated: 30/05/23

To,

The Commissioner,  
Municipal Corporation of Delhi,  
4th Floor, Dr. S.P.M. Civic Centre,  
Minto Road, Delhi – 110002

**Sub:- Complaint received from Sh. Yogesh Yadav (9818747383) against Shree Balaji Service Station WE-120/121 Mohan Garden, Rama Park Road, Uttam Nagar, Delhi-110059.**

Sir,

Please find enclosed herewith complaint (in original) received on 21.03.2023 from Sh. Yogesh Yadav against Shree Balaji Service Station WE-120/121 Mohan Garden, Rama Park Road, Uttam Nagar, Delhi-110059.

The contents of the complaint are self explanatory.

Since, the area is under your jurisdiction, you are requested to please take immediate necessary action under intimation to this office and complainant.

Yours faithfully,

Encl: As above

  
(Ajeeta Dayal Agrawal)  
Incharge, (CMC-II)

6

Date 9<sup>th</sup> March 2022MS/2453  
22/03/2023Delhi Pollution Control Board *Comm. Hce*

Mahatma Gandhi Rd.

R&amp;T Colony, Civil Lines, ISBT Building (4th Floor &amp; 6th Floor)

Delhi, 110054

Delhi Pollution Control Committee	
Dairy No.	129 534
21 MAR 2023	
MS	

**SUB : COMPLAINT AGAINST SHREE BALAH SERVICE STATION WE-120/121****MOHAN GARDEN, RAMA PARK ROAD UTTAM NAGAR DELHI 110059**

Dear Sir / Ma'am

MS/2453  
22/3/23

It is humbly stated that I Yogesh Yadav r/o Wz-1247B Nangal Raya, Delhi owner of said premises has entered into lease agreement of commercial property bearing address WE-120/121 MOHAN GARDEN, RAMA PARK ROAD UTTAM NAGAR DELHI 110059. with Hitesh Saxena r/o L-289 and 290 Ext Mohan Garden, Uttam Nagar Delhi - 110059 on dated 2<sup>nd</sup> August 2022.

It was agreed and stated in lease agreement dated 2<sup>nd</sup> August 2022 that :-

1. Lessee is in the business of operating a Car Service station where the Lessee is going to repair the cars.
2. According to clause 4.2.9 and 4.2.10, it was mentioned that Lessee will use the demised premises for legal purpose only and no illegal activities will be performed. Lessee will follow all rules and regulations imposed by State authorities. (content of 4.2.9 & 10 is comprehensively used)
3. It was observed since last few months that Lessee Mr. Hitesh Saxena is violating rules and regulations prescribed by Delhi Pollution Control Board and Central Pollution Control board.

(MS/2453)

Yogesh

A 23/03  
MS/2453  
MS/2453

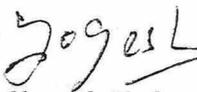
-2-

4. Mr. Hitesh Saxena has been using water for washing cars which is clearly violation of directives of NGT, DPCB and CPCB as it is causing damage to environment and rapid decrease of ground water level.
5. Mr. Hitesh Saxena has been warned verbally twice and also served notice of termination of lease deed and vacate the premises by 11<sup>th</sup> March 2023. But even after repetitive warnings and notice of termination of lease he has been continuously damaging the environment and wasting water by washing cars ( A video is attached for ready reference)
6. The said service station is also generating hazardous waste that falls under Orange Category (same may be verified at the time of inspection)

You are requested to take appropriate action for causing Environmental Damages against " Mr. Hitesh Saxena , Proprietor Shree Balaji Service station" for operating without consent/ registration under Section 33(A) in Water (Prevention and Control of Pollution) Act, 1974 and under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981 or under any other applicable rules and regulation / law

Waiting for appropriate action to be taken against Mr. Hitesh Saxena

Sincerely

  
Yogesh Yadav

19/3/23

9818747383

Insurance  
Claim Work

- All Insurance Company Claims & Vehicles Works
- All Car Body Works



Add :- WE-120/121, Rama Park Road, Mohan Garden, Uttam Nagar, New Delhi-59

Inspection Report

Annexure-2 (Copy)

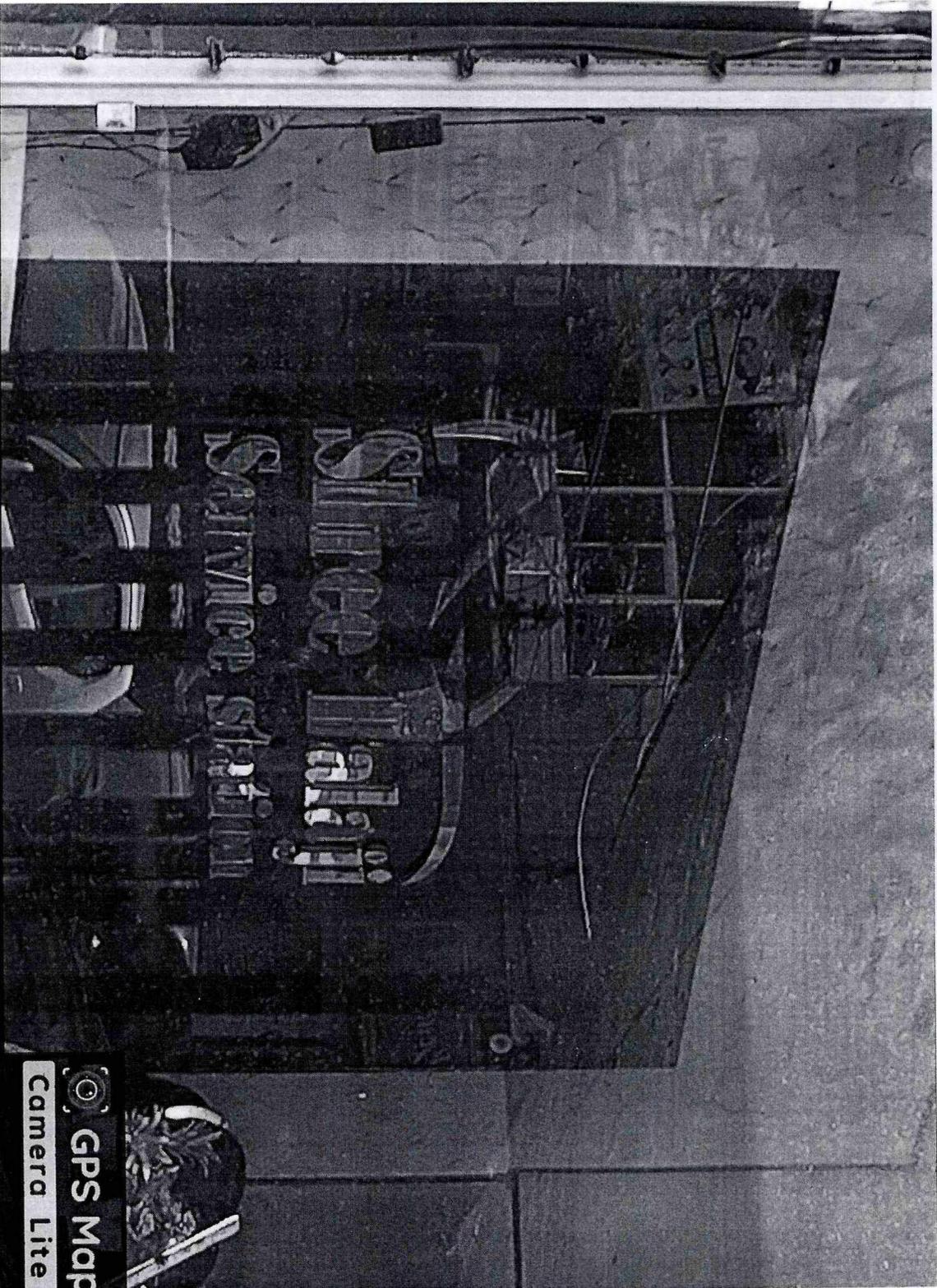
- Unit : M/s SHREE BALAJI  
SERVICE STATION, WE-120/121  
Rama Park Road, Mohan Garden  
Uttam Nagar, New Delhi-110059  
Hitesh Saxena (9717399716)
2. Owner/ Partner's Name & Contact Details (Phone & E-mail) : Hitesh Saxena (9717399716)
3. Date of Inspection : 19.07.2023
4. Name & Designation of the Persons contacted at the industry : Hitesh Saxena, Navish Saxena (Brother of owner)  
Automobile servicing with washing
5. Kind of Industry : Automobile servicing with washing
6. Product & Capacity : approx. 150 Cars washing/month, 25-30 Cars service/month
7. Main Raw Materials : Engine oil, car parts and accessories, grease etc
8. Water Polluting :  Yes/No ETP Installed :  Yes/No
9. Air Pollution :  Yes/No ECS Installed :  Yes/No
10. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.)..... (Above R.L.).....
11. Type of Fuel Used : Electricity
12. A. Source of Water Supply : DJB/NDMC/DSIIC/Borewell/Tankers/Others
- B. Effluent Discharge : (a)  Domestic/ Trade Effluent  
(b) Unit connected to Conveyance System:  Yes/No  
(c) Discharging into Sewerage System without consent the permit
13. Status of Consent {If Any} : without consent
14. D.G. Set(s) {if Any} : No...Capacity.....KVA. Acoustic:  Yes/No  
Stack Height.....(Above G.L.).....(Above RL)
15. Plot Area : ~ 500 square yard
16. Labour : 10
17. Machinery : Tools and equipment, vacuum cleaner, washing station with pressure pipe. etc.

18. Detail of Power Connection : CA No - 153247213
19. Whether Unit found in Operation :  Yes/No
20. Status of Registration under Plastic Waste Management Rules, 2016 : NA
21. Whether Generating Hazardous Waste :  Yes/No
22. Details about Hazardous Waste :
- (a) Status of Authorization {if any} : No
- (b) Display Board Provided : Yes/No
- (c) Whether Hazardous Waste is stored in Leak proof container : Yes/No
- (d) Whether container marked with specified label : Yes/No
- (e) Whether container stored kept in an isolated area : Yes/No
- (f) Whether Hazardous Waste is being stored on pucca floor & in covered area : Yes/No
- (g) Whether date on which storage began indicated on each container : Yes/No
- (h) Whether daily record of Hazardous Waste maintained in Form-3 : Yes/No
- (i) Category of Hazardous Waste as per the Schedules I, II and III of these rules : —
- (j) Authorized mode of disposal or recycling or utilization or co-processing etc. : —
- (k) Quantity (Ton/Annum) : —

Remarks (if Any) <sup>①</sup> Unit Shree Balaji Service Station found operational and engaged in the automobile servicing and repair station with washing activity without having consent from DPCC.

- <sup>②</sup> Washing of cars is being carried out in the workshop. The effluent from washing is being directly discharge into the sewerage system. No Effluent Treatment plant is found installed in the workshop for the treatment of waste water generated from washing.
- <sup>③</sup> Hazardous waste such as used engine oil found spilled on the floor in uncovered area and the same is not being stored in leak proof container in an isolated area. Also no record of Hazardous Waste is maintained in the workshop.

10



GPS Map  
Camera Lite

12, Rama Park Road, Rama Park, Block A, Bhagwati Garden, Nawada,  
Delhi, 110059, India

Latitude

28.627841666666667°

Longitude

77.03692°

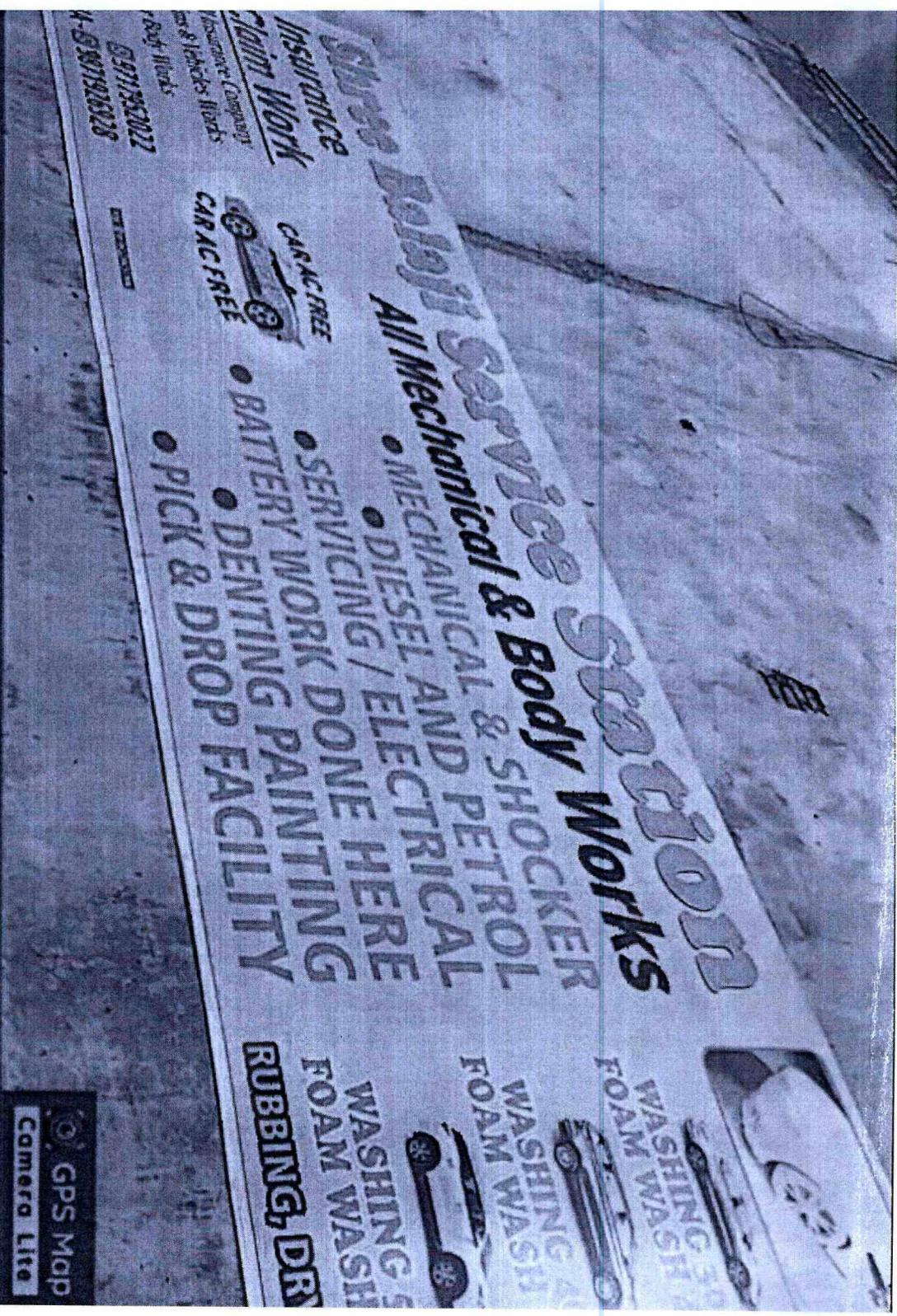
Local 04:13:51 PM

GMT 10:43:51 AM

Altitude 217 meters

Wednesday, 19-07-2023

2



109, Block WE, Laxmi Vihar, Razapur Khurd, New Delhi, Delhi,  
110059, India

Latitude

28.627765°

Longitude

77.03693333333334°

Local 04:15:46 PM

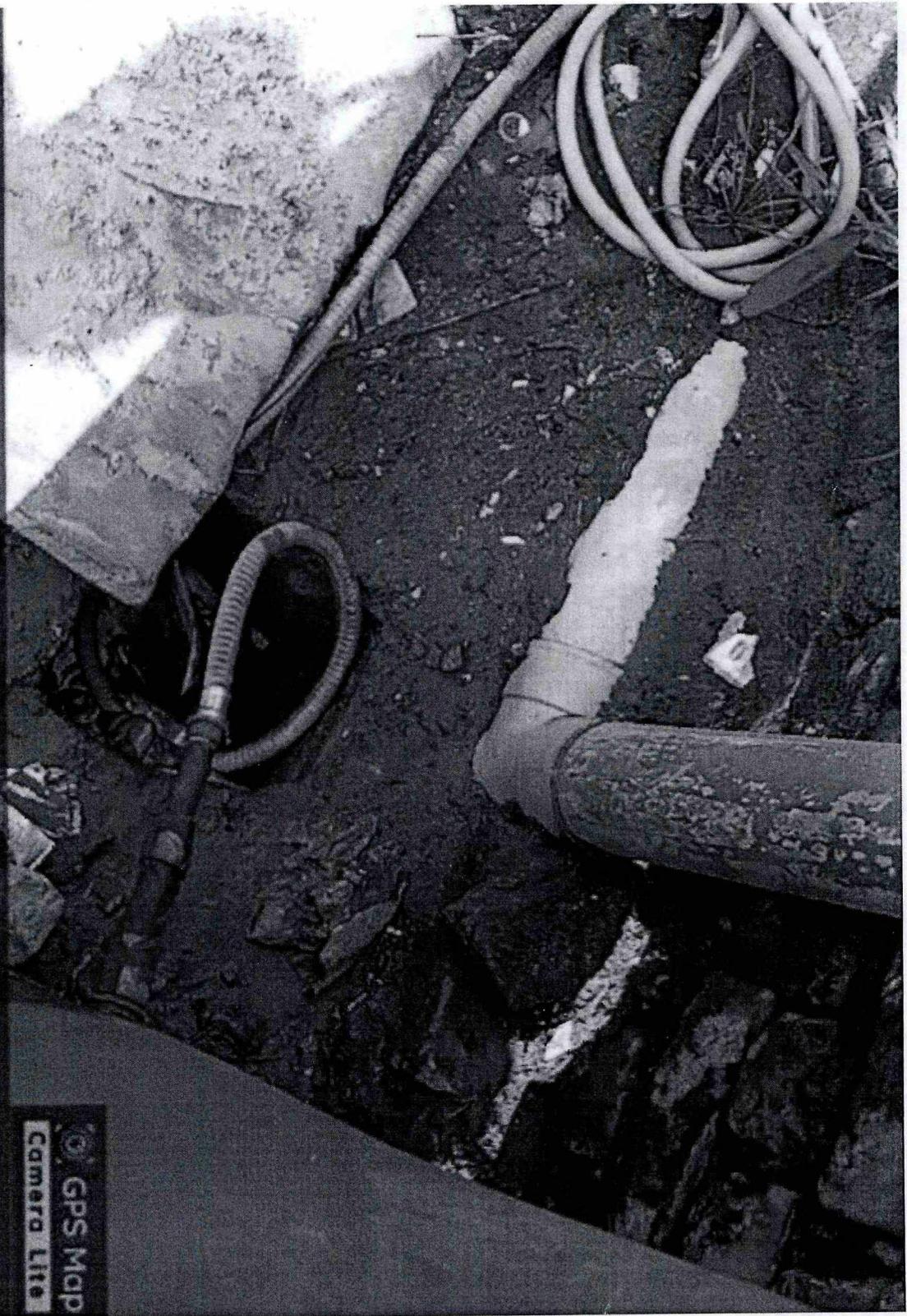
Altitude 217 meters

GMT 10:45:46 AM

Wednesday, 19.07.2023

GPS Map  
Camera Lite

12



109, Block WE, Laxmi Vihar, Razapur Khurd, New Delhi, Delhi,

110059, India

Latitude

28.627774999999996°

Longitude

77.036941666666668°

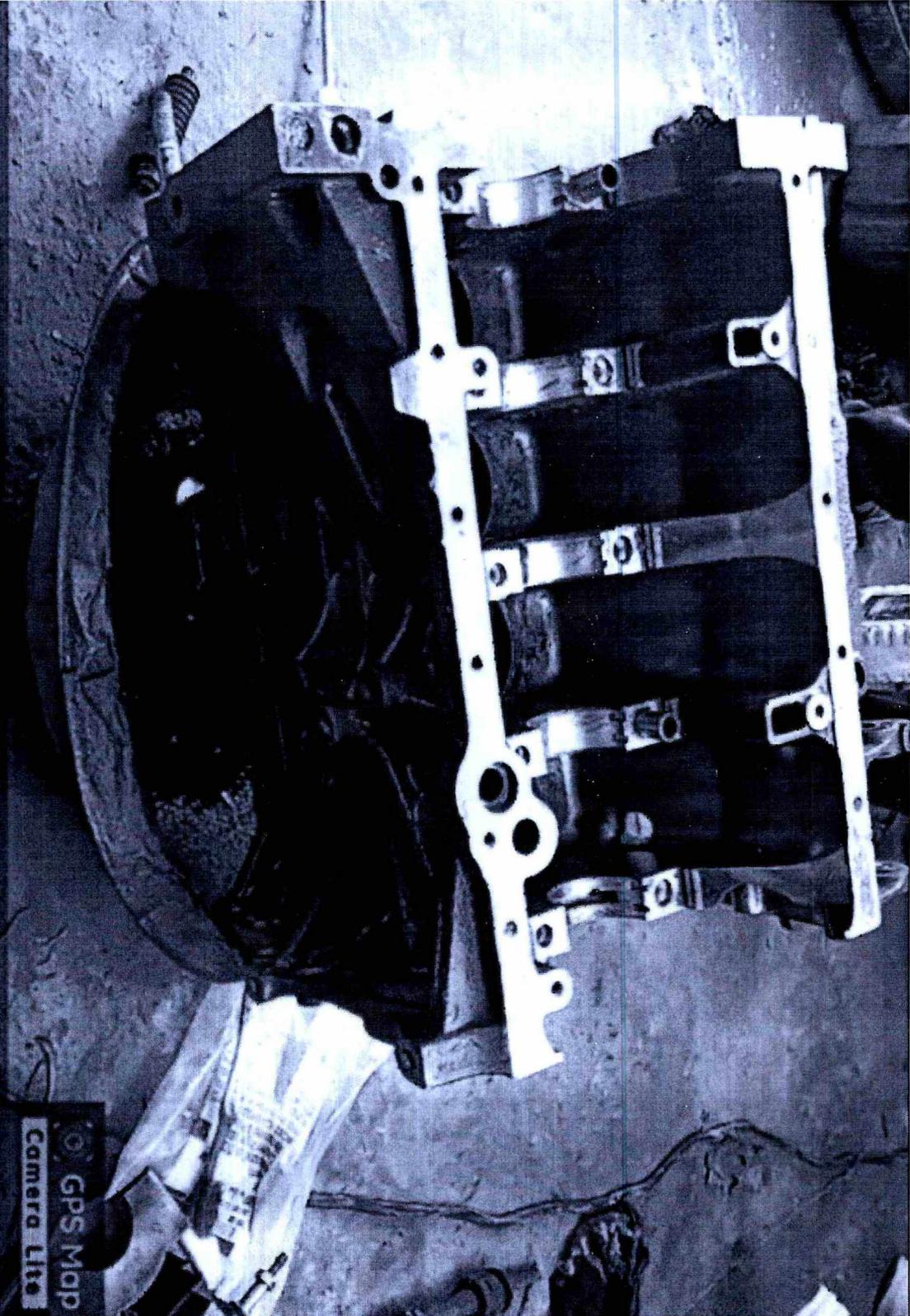
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Altitude 217 meters

GMT 10:45:41 AM

Wednesday, 19.07.2023

GPS Map  
Camera Lite



12, Rama Park Road, Rama Park, Block A, Bhagwati Garden, Nawada,  
Delhi, 110059, India

Latitude

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Longitude

77.03692°

Local 04:12:38 PM

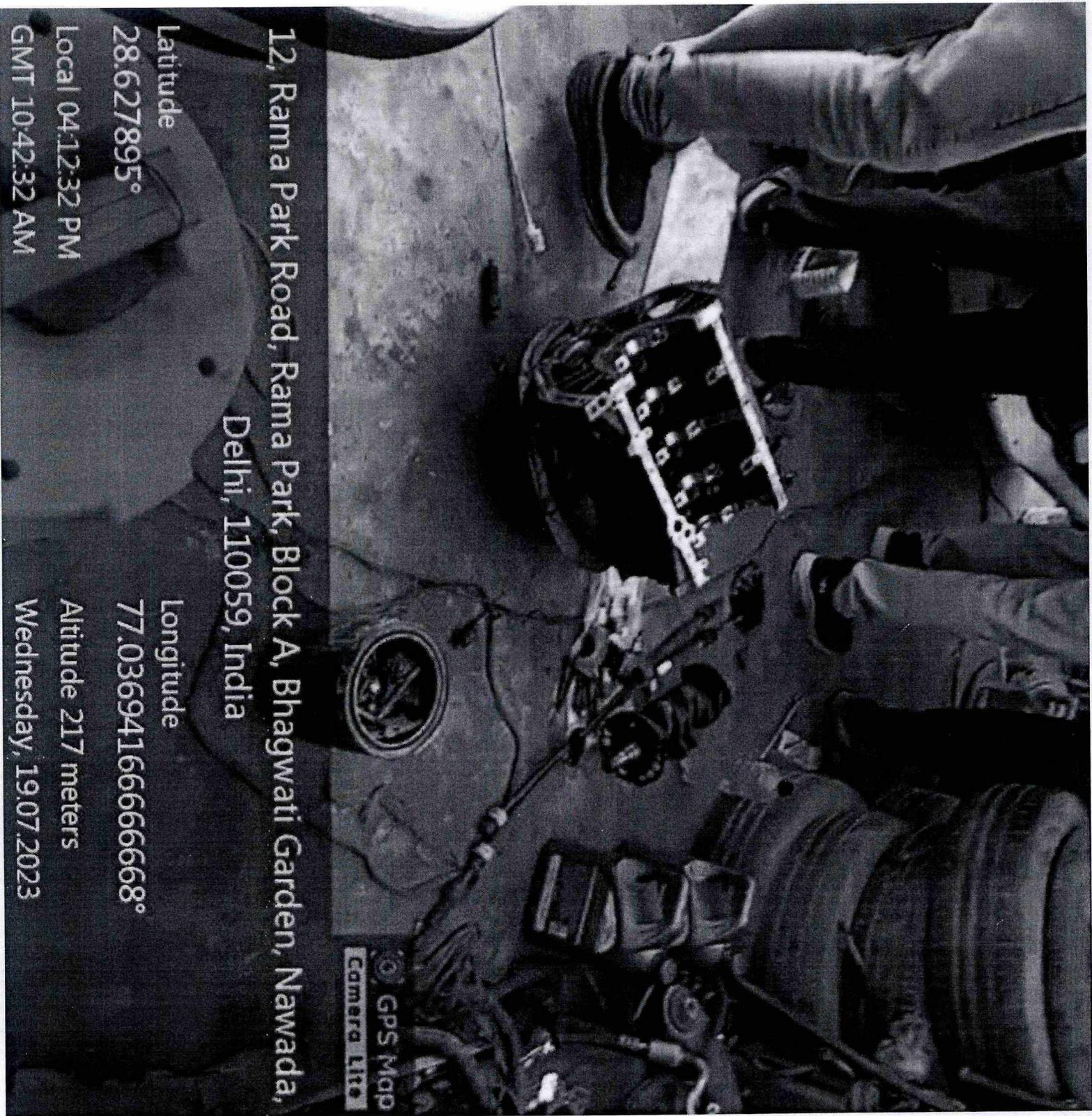
Altitude 217 meters

GMT 10:42:38 AM

Wednesday, 19.07.2023

GPS Map  
Camera Lite

19



12, Rama Park Road, Rama Park, Block A, Bhagwati Garden, Nawada,  
Delhi, 110059, India

Latitude

28.627895°

Local 04:12:32 PM

GMT 10:42:32 AM

Longitude

77.03694166666668°

Altitude 217 meters

Wednesday, 19.07.2023

GPS Map  
Camera Lite

17

(17)



12, Rama Park Road, Rama Park, Block A, Bhagwati Garden, Nawada,  
 Delhi, 110059, India

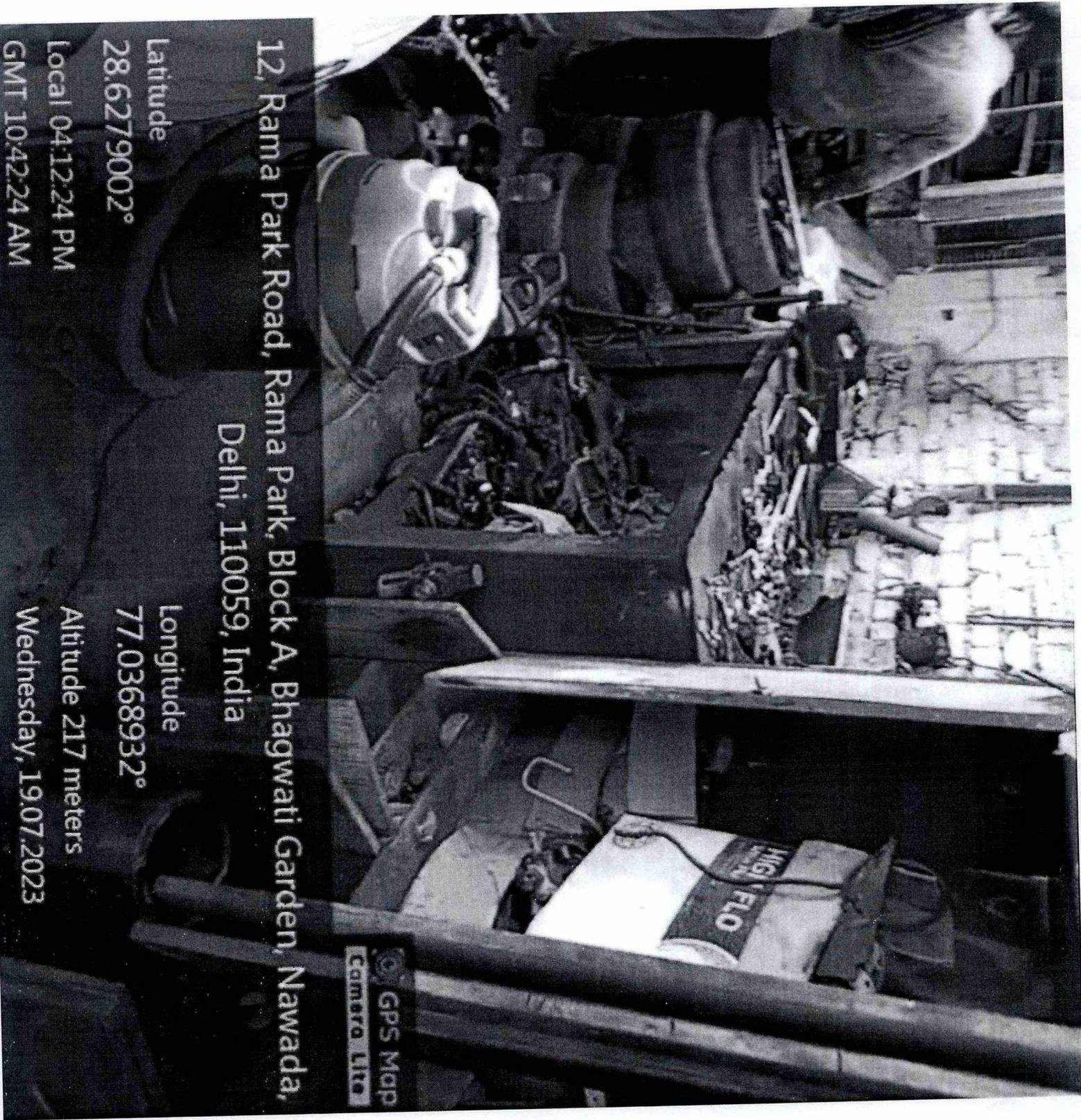
Latitude  
 28.627881666666667°

Longitude  
 77.03696333333333°

Altitude 217 meters  
 Wednesday, 19.07.2023

GPS Map  
 Camera Lite

16



12, Rama Park Road, Rama Park, Block A, Bhagwati Garden, Nawada,  
Delhi, 110059, India

Latitude

28.6279002°

Local 04:12:24 PM

GMT 10:42:24 AM

Longitude

77.0368932°

Altitude 217 meters

Wednesday, 19.07.2023

GPS Map  
Camera LITE