

**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

...Respondent

NDOH:-06.12.2023

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Filed by:

New Delhi:

Dated:04.12.2023

Delhi Pollution Control Committee

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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Original Application No. 381/2023

In the matter of:

Yogesh Yadav

...Applicant

Versus

Delhi Pollution Control Committee & Anr.

...Respondents

**COMPLIANCE REPORT ON BEHALF OF DELHI POLLUTON
CONTROL COMMITTEE WITH RESPECT TO THE ORDER
DATED 25.07.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal taken up the present matter on 29.05.2023 on the basis of public complaint filed by Mr. Yogesh Yadav. In the complaint, complainant requested for taking appropriate action against respondent no. 2 and to immediately stop illegal activities at premises-WE-120/121 Mohan Garden, Rama Park Road Uttam Nagar.
2. That in compliance with the order dated 29.05.2023, DPCC filed the report through email dated 24.07.2023, which is available on the records of this Hon'ble Tribunal.

3. That, this Hon'ble Tribunal considered the report of DPCC on 25.07.2023 and pleased to pass directions for compliance.
4. That, the Hon'ble Supreme Court in WP(C) 4677/1985 titled as "M.C. Mehta Vs Union of India and Others" vide its order dated 04.11.2019 (ANNEXURE-1) in the aforementioned matter specifically casted the responsibility on Zonal Deputy Commissioner , Municipal Corporations regarding operation of illegal industry in non-conforming area in following manner:

".... Let a clear affidavit be filed with respect to the closing of the industrial units which are objectionable and we saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioners of the Municipal Corporations. They shall be personally liable, in case any industrial unit is found to be running, not only in the law of torts but also for violating the order passed by this Court and they shall be liable to be proceeded with under the Contempt of Court Act. In case any unit is found to be running in violation of the Court's order in future."

5. That DPCC in view of the aforesaid order passed by the Hon'ble Supreme Court of India as well as order passed by this Hon'ble Tribunal dated 25.07.2023, issued a letter to Deputy Commissioner, Municipal Corporation of Delhi on 25.08.2023 for closure of this particular unit. Copy of the letter dated 25.08.2023 is annexed herewith as ANNEXURE- 2.
6. That, joint team consisting of MCD, DPCC, Delhi Jal Board and Delhi Police inspected the site on 14.09.2023. During the inspection "Shree Balaji Service Station" was found operational and found engaged in the activity of Automobile servicing and repair station with washing. The Service Station/

workshop was sealed by MCD official on the spot. No official of BSES and revenue departments were present during the closure of the unit. Copy of the inspection report alongwith photographs taken during inspection are enclosed herewith as ANNEXURE-3 (Colly).

7. That, DPCC is collecting the basic information for issuing show cause for imposition of Environmental Damages Compensation to the erstwhile Shree Balaji Service Station, WE-120/121 Mohan Garden, Rama Park Road, Uttam Nagar
8. In view of the above, the present compliance report may kindly be taken on record.


(Ajeeta Dayal Agrawal)
Sr. Environmental Engineer

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S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 4677/1985

Annexure-1

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

- ((1) REPORT NO. 149 AND 161 SUBMITTED BY MONITORING COMMITTEE
 (2) IA NOS. 51374, 54195 AND 54198/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND STAY ON BEHALF OF RAVINDER PARKASH PUNJ)
 (3) IN RE: RELOCATION OF INDUSTRIES IN DELHIPROGRESS REPORT BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT
 (4) I.A. NOS. 60398 AND 60399/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MOHAN LAL)
 (5) IA NOS. 125628 AND 125635/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AJAY GUPTA)
 (6) IA NOS. 125699 AND 125701/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O HARKRISHAN AND ORS.)
 (7) IA NOS. 158567 AND 158572/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O PARMANAND KUMAR AND ORS.)

Date : 04-11-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
 HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for parties

Mr. Ranjit Kumar, Sr. Advocate (A.C.)
 Ms. Anitha Shenoy, Sr. Advocate (A.C.)
 Mr. A.D.N. Rao, Advocate (A.C.)
 Mr. Rishi Raj Sharma, Adv.
 Ms. Srishti Agnihotri, Adv.
 Ms. Sanjana Thomas, Adv.
 Mr. Nitesh, Adv.

Mr. Tushar Mehta, SG
 Mr. A.N.S. Nadkarni, ASG
 Mr. D.L. Chidananda, Adv.
 Ms. Suhashini Sen, Adv.
 Mr. S.S. Rebello, Adv.
 Ms. Archana Pathak Dave, Adv.
 Mr. Rajat Nair, Adv.

Digitally signed by NARENDRA PRASAD Date: 2019.11.07 15:38:15 IST Reason: I

Mr. Raj Bahadur, Adv.
 Mr. G.S. Makker, Adv.

Mr. Rajesh k. Singh, Adv.
 Ms. Anil Katiyar, Advocate



Mr. Jitendra Mohan Sharma, Sr. Adv.
Dr. Sunil Kumar, Adv.
Mr. Pradeep Kumar Kaushik, Adv.
Mr. Pranshu kaushal, Adv.
Mr. S.K. Chaturvedi, Adv.
Mr. Rajiv Mangla, Advocate

Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, Adv.
Mr. harsha Peechara, Adv.
Mr. Sayan Ray, Adv.
Mr. Soumo Palit, Adv.
Mr. Suvesh Kumar, Adv.

Mr. D.N. Goburdhun, Advocate
Mr. Alok Gupta, Adv.
Mr. Nipun Sharma, Adv.

Petitioner-In-Person

Mr. B.V. Balram Das, Advocate

Ms. Garima Prashad, Advocate
Mr. G.S. Oberoi, Adv.
Mr. Mohit Kumar Bansal, Adv.

Mr. Sanjay Jain, Advocate

Ms. Deepplaxmi S. Matwankar, Advocate

Mr. Shishir Pinaki, Advocate

Ms. Roohina Dua, Adv.
Mr. Chaitanya Madan, Adv.
Mr. Naveen Kumar, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Sumant De, Adv.
Ms. Prerna Mehta, Adv.

Mr. Nishant Kumar, Adv.
Ms. Maya Mukherjee, Adv.

Mr. Chirag M. Shroff, Adv.
Ms. Mahima C. Shroff, Adv.
Ms. Yashika Verma, Adv.
Ms. Riya Thomas, Adv.

*

For Ms. Smita Maan, Adv. (Appearance slip not given)

UPON hearing the counsel the Court made the following
O R D E R

(1) REPORT NO. 149 AND 161 SUBMITTED BY MONITORING COMMITTEE

As prayed for, three weeks' time is granted to the Monitoring Committee to file response.

Report No.161 is, accordingly, disposed of.

(2) IA NOS. 51374, 54195 AND 54198/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND STAY ON BEHALF OF RAVINDER PARKASH PUNJ)

We have considered the objections and the report. We find the report to be absolutely correct and it must be scrupulously followed by the owner.

In case of any violation, let it be reported to this Court to take stringent actions against the owner, whether he can use the building in violation of order. In case of any violation of the order of Monitoring Committee is committed the same to be viewed seriously.

Application for directions is dismissed and the other applications are disposed of.

(3) IN RE: RELOCATION OF INDUSTRIES IN DELHI PROGRESS REPORT BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT

The compliance report filed on behalf of the Government of NCT of Delhi is considered. It has been pointed out that out of 92 industrial units of step 2 which were found to be running illegally, 30 units have been sealed and 11 units are operating in the industrial clusters. SDMC has also informed that remaining 49 premises are vacant/shops/under construction. And there is some contradiction with respect to the previous status report furnished by the SDMC on the status of 49 units. The Government of NCT of Delhi has directed the SDMC to recheck and verify and provide the actual state of affairs regarding these 49 units/premises. After closing down the units, the use of the premises is being ensured in

accordance with the provisions of the MPD-2021 by the respective municipal bodies. Direction has been issued to the Zonal Deputy Commissioners to keep strict vigil on such premises so that they should not be re-used for any illegal purpose.

The state of affairs projected in paragraph 5 and 6 cannot be said to be proper. Let a clear affidavit be filed with respect to the closing of the industrial units which are objectionable and we saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioners of the Municipal Corporations. They shall be personally liable, in case any industrial unit is found to be running, not only in the law of torts but also for violating the order passed by this Court and they shall be liable to be proceeded with under the Contempt of Court Act. In case any unit is found to be running in violation of the Court's order in future.

Let respective Zonal Deputy Commissioners of the Municipal Corporations file the affidavits as to the state of affairs within the area which falls in their respective zones of the Municipal Corporation concerned. Let a better affidavit be filed by SDMC also. Let the Zonal Deputy Commissioners and SDMC also take the steps and furnish a report directly to this Court in addition to the Government of NCT of Delhi of doing the needful within fifteen days from today.

List for further hearing on 25.11.2019.

- (4) I.A. NOS. 60398 AND 60399/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MOHAN LAL)
 (5) IA NOS. 125628 AND 125635/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AJAY GUPTA)
 (6) IA NOS. 125699 AND 125701/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O HARKRISHAN AND ORS.)
 (7) IA NOS. 158567 AND 158572/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O PARMANAND KUMAR AND ORS.)

Issue notice.

Let reply be filed by the concerned departments within a period of three weeks from today.

List thereafter.

Let a copy of these applications be furnished to the Standing Counsel appearing for the respective departments.

IN RE: Kant Enclave (Disposed of)

It is pointed out by Mr. Ranjit Kumar, learned Amicus Curiae that there are certain complaints/letters have been received by him that the amount has not been paid in terms of the order passed by this Court.

Let the State of Haryana look into the matter and submit before this Court how many persons are left to be paid and the reasons for not making the payment.

Let an appropriate affidavit be filed within four weeks.

List thereafter.

The FDRs be renewed for a period of one year.

I.A. NOS.130216 & 130219 of 2019

These applications were mentioned for listing.

List after two weeks.

(NARENDRA PRASAD)
COURT MASTER

(PRADEEP KUMAR)
COURT MASTER



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DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110027
(visit us at website : <http://dpcc.delhigovt.nic.in/>)

F. No. DPCC/CMC-II/NGT/O.A. 381/2023/6812-6813

Dated: 25.07.23

To,

The Deputy Commissioner,
Municipal Corporation of Delhi,
Near Shivaji College, Near West Gage Mall,
New Delhi 110027

Annexure-2

Sub.: Order passed by Hon'ble NGT on 25.07.2023 in O.A. No. 381/2023 in the matter of "Yogesh Yadav Vs. DPCC & Ors"

Sir,

Please find attached the order of Hon'ble NGT dated 25.07.2023 in O.A. No. 381/2023 in the matter of "Yogesh Yadav Vs. DPCC & Ors". The matter pertains to the illegal activities by owner of premises WE-120/121, Mohan Garden, Rama Park Road, Uttam Nagar, Delhi.

The complaint against this illegal unit was previously also received in DPCC on 21.03.2023 and the same was forwarded to MCD on 30.05.2023. No ATR has yet been provided by MCD.

As you are aware that Hon'ble Supreme Court of India vide its order dated 04.11.2019 in the W.P. No. 4677/1985 has put the responsibility for closing down the units in non-conforming areas of Delhi lies with zonal Deputy Commissioner of MCD. Copy of the order of Hon'ble Supreme Court of India is attached herewith.

In view of the above orders of Hon'ble Supreme Court of India and the orders passed by Hon'ble NGT on 25.07.2023, it is requested that the closure of this particular unit may be ensured by a joint team of MCD and DPCC, so that the status may be reported before NGT. From DPCC side Sh. Amzad Khan, Jr. Env. Engineer (886036410) is deputed for the team. For further clarification/ communication, you may contact Sh. Ajeeta Agrawal, Sr. Env. Engineer (9717593511).

Yours sincerely,

Encl.: As above.

(Dr. K.S. Jayachandran)
Member Secretary, DPCC

Copy to :-

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

Joint visit during the joint action (drive) of the service station or workshop operated at WE-120/121, Mohan Garden, Rama Park Road, Uttam Nagar Delhi in compliance of Hon'ble NGT order dated 25.07.2023

Annexure-3 (Copy)

Name	Designation	Department	Roll No.	Signature
AMIZAD KHAN	JEE	DPCC	8860369107	[Signature]
1) Jitendra Kumar	FI (NOC)	MCD (NO)	991186626	[Signature]
2) Subhash Kumar	FI	MCD (NOC)	7678669505	[Signature]
4. VIRASH PATIL	FIELD EX.	DELHI TAL BOARD	8130484810	[Signature]
5. HC Sanket	HC	PS mohana garden	999045663	[Signature]

1) During the joint visit on 11.09.2023 at WE/120/121, Mohan Garden, Rama Park Road, Uttam Nagar, Delhi-110059, the above officials of MCD, DPCC, DTB and Delhi Police were present.

2) The service station/workshop SHREE BALAJI SERVICE STATION is found operational and found engaged in the activity of Automobile servicing and repair station with washing.

3) In compliance of the Hon'ble NGT order dated 25.07.2023 the unit is sealed by MCD officials on the spot in presence of representatives of DPCC, DTB, and Delhi Police. No officials of BSFS and revenue departments were present during the closure of the unit.

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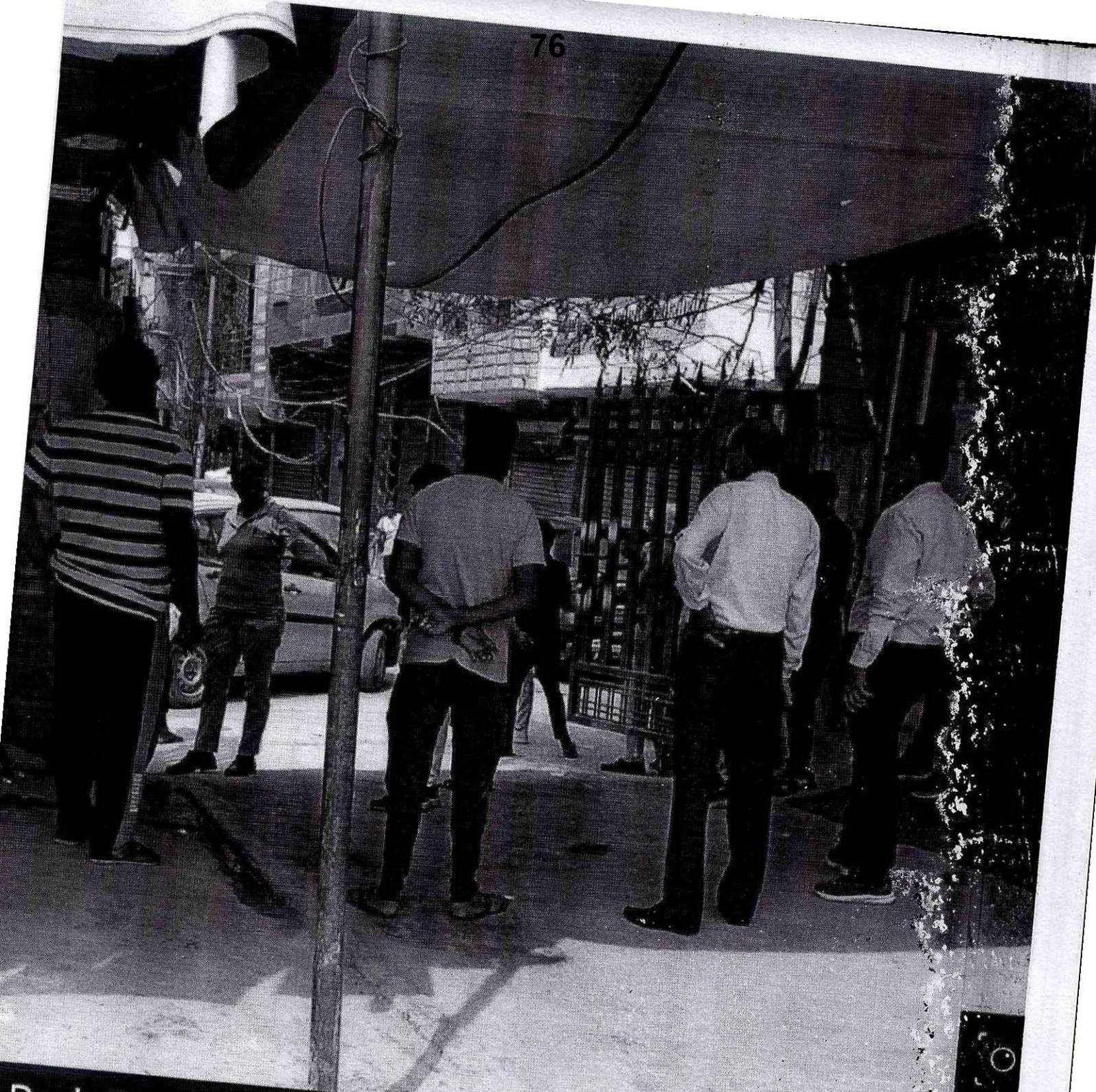
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Delhi, 110059, India

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Thursday, 14.09.2023



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Delhi, 110059, India

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Thursday, 14.09.2023



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Delhi, 110059, India

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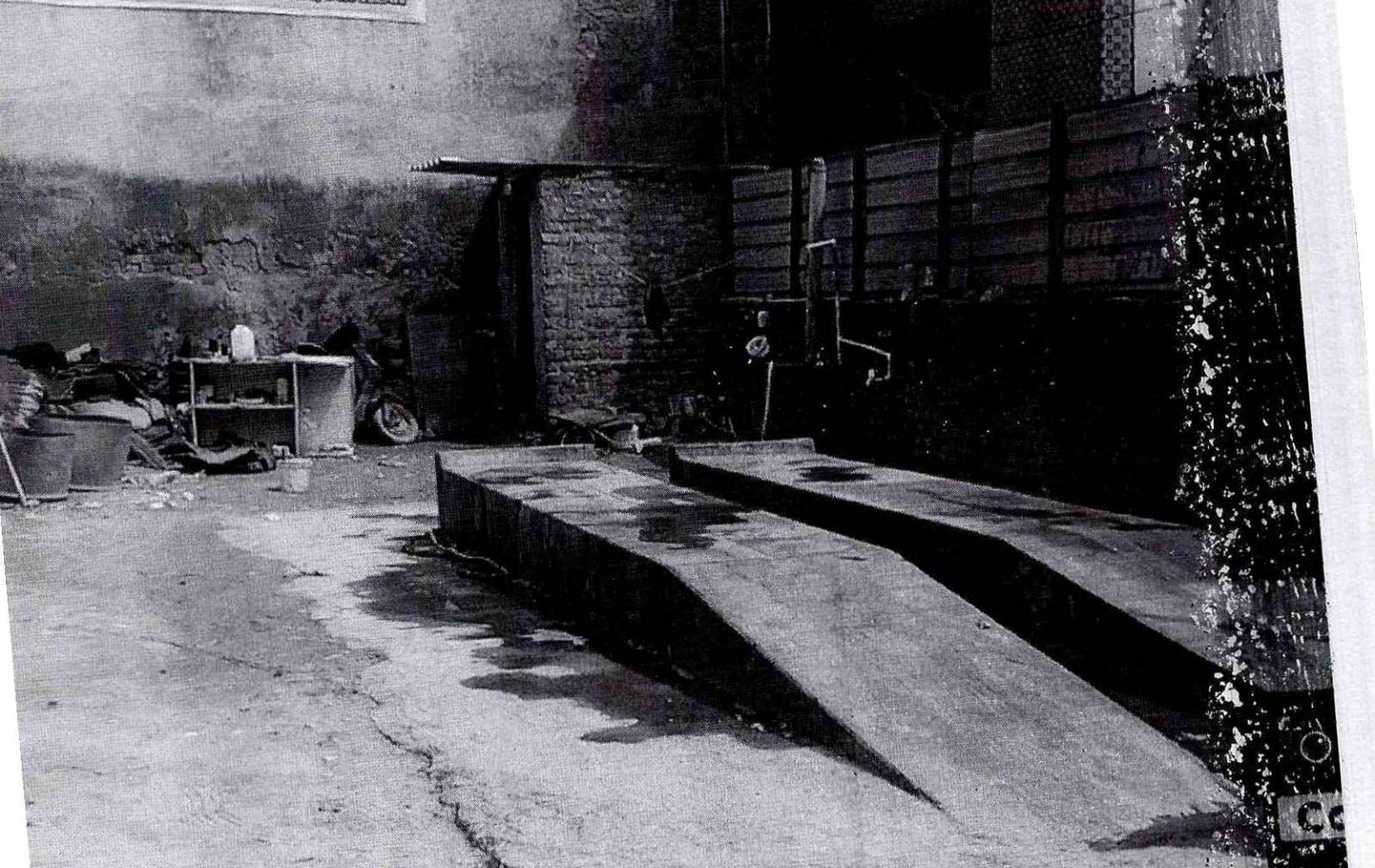
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