

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH,
NEW DELHI**

ORIGINAL APPLICATION NO. 49/2021

In the matter of:

BANDHUA MUKTI MORCHA, NGOAPPLICANT(S)

VERSUS

RAJEEV KUMAR & ORS.RESPONDENT(S)

NDOH:-08.10.2021

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Filed By

(Delhi Pollution Control Committee)

New Delhi:

Dated: 06. 10.2021

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH,
NEW DELHI**

ORIGINAL APPLICATION NO. 49/2021

In the matter of:

BANDHUA MUKTI MORCHA, NGOAPPLICANT(S)

VERSUS

RAJEEV KUMAR & ORS.RESPONDENT(S)

**STATUS REPORT IN COMPLIANCE OF THE ORDER DATED
03.03.2021**

1. That the above captioned matter was taken up by this Hon`ble Tribunal on 03.03.2021. The Hon`ble Tribunal was pleased to constitute a Joint committee comprising CPCB, DPCC and District Magistrate to look into the matter and take further necessary action. The main grievance in the OA is to take remedial action against pollution arising out of illegal business of building material and use of heavy machinery for the activity at plot no. 1 in Village & P.S. Pul Pehlad Pur and Badarpur Market, Badarpur, New Delhi.
2. That in compliance to the above mentioned orders, a joint team was constituted comprising of officials from CPCB, DPCC, District Magistrate and South Delhi Municipal Corporation (as the activity mentioned in the OA is trading of building material).
3. That the joint team carried out inspection of the Site-1 near Tughlakabad Metro Station and Site-2 near P.S. Pul Pehlad Pur) on 07.04.2021. Finding of the inspection are as follow:-

A. Site-1 near Tughlakabad Metro Station:-

- a. Plot where trading of construction material was going on is approximately 4 acres.

- b. There are approximately 10 vendors involved in the plot and 50 vehicles were seen including trucks, tractors, JCB, dumper etc.
- c. Construction material was lying uncovered.
- d. After the reaching of team sprinkling of water started by the workers.
- e. Plot is divided into 2 parts. One part has boundary wall of approximately 4 mtr. (Fibre sheet) and second part has approximately a boundary wall of 2 mtr. No wind breaking wall has been provided at the front side (only green net is provided).
- f. One of the vendors Sh. Vikrant was contacted for the information on legal papers i.e. Proof of land possession/ NOC from SDMC or other department/ water bills/ electricity bills etc.). No papers were provided to the joint team.

B. Site-2 near P.S. Pul Pehlad Pur:-

- a. Plot where trading of construction material was going on is approximately 2.5 acres.
- b. Construction material was lying uncovered and no dust control measures had been taken.
- c. No boundary wall or green net has been provided.
- d. No responsible person was present on the site and no documents regarding proof of land possession/ NOC from SDMC or other department/ water bills/ electricity bills etc.) Were shown.
- e. As per revenue department records, the land bearing Kh. No. 321 to 323 has been acquired by Government of NCT of Delhi for DDA through award No. 63/82-83.

Inspection reports of both the sites are enclosed herewith as **Annexure 1** and **Annexure 2** respectively.

- 4. That as per section 416 of the DMC Act, 1957, No person shall, without the previous permission of the MCD, establish any trading activity in the premises. As the activity on the sites was storing and trading of building material, a letter was issued to SDMC on 01/07/2021 for taking necessary action including levy of fine/ Environmental Damage Compensation in terms of the orders passed by this Hon`ble Tribunal from time to time. Copy

of the letter issued to SDMC dated 01.07.2021 is enclosed herewith as **Annexure 3.**

5. That land owing agency is responsible for removing any unauthorized activity on its land as decided by the Chief Secretary. As the land in this matter belongs to DDA, therefore, a letter was also issued to DDA on 01/07/2021 for taking necessary steps for stopping illegal activity on its land, including levy of fine/ Environmental Damage Compensation in terms of the orders passed by this Hon`ble Tribunal from time to time. This letter was also sent to District Magistrate (South East) for taking urgent necessary action. Copy of the letter issued to DDA/ DM (SE) is enclosed herewith as **Annexure- 4.**

6. That the Site -1 near Tughlakabad Metro Station falls under the jurisdiction of SDM (Sarita Vihar) and site -2 i.e. site near PS Pul Pehladpur falls under the jurisdiction of SDM (Kalkaji).

7. That communication was also sent to Deputy Commissioner (South East) on 16/08/2021 for taking necessary action in the matter and submission of ATR. Subsequently, status/ATR has been received from SDM (Sarita Vihar) and SDM (Kalkaji). Copies of both the ATR are enclosed herewith as **Annexure-5 (Colly).**

a) SDM (Sarita Vihar) vide its ATR dated 02.07.2021 & 13.09.2021 has forwarded the following action/ Status :-

- i. DDA has allotted the land to Badarpur Traders Union, Plot No. 7, Mathura road, Badarpur.
- ii. All the stock at the venue belongs to 02 vendors i.e. Sh. Raj Kumar Verma and Sh. Vikrant.
- iii. Challan of Rs. 1.0 Lakh [@Rs. 50,000/- each] has been levied on the vendors. Shri Vikrant has deposited the amount whereas in the matter of other challan some dispute remains.
- iv. During the inspection conducted on 25.08.21 by Tehsildar /Executive Magistrate (Sarita Vihar), all stock of construction material was found covered and there was no movement of any vehicle. However, some vehicle (trucks etc.) were found standing on the venue.

b) SDM (Kalka Ji) vide its ATR dated 14.09.2021 has forwarded the following action/ Status :-

- i. Land owning agency is DDA and the village Pul Pehlad is an urbanized village and therefore the land use falls under the purview of south MCD.
 - ii. A team of sub-division Kalka ji headed by Tehsildar (kalkaji) visited the site and imposed Environmental Compensation. Copies attached show that EDC of Rs. 1.0 Lakh [@ Rs. 50,000/- each] has been levied on the two vendors.
8. That the ATR of SDMC has also been received on 14.09.2021. The status as mentioned in the report is as follows:-
- A. No teh bazari were allocated by SDMC w.r.t. either of the above mentioned sites.
 - B. As the lands belong to DDA, therefore any encroachment/removal drive needs to be conducted by DDA itself.

Copy of the ATR is enclosed herewith as **Annexure-6**

9. That no action taken report from DDA has been received till date.
10. That, as no concrete report was received from any corner, DPCC carried out the inspection of both the sites on 01.10.2021. Following were the observations on both the sites:

A. Site-1 near Tughlakabad Metro Station:-

- i. Wind breaking wall of sufficient height (i.e 10 meter) have not been erected all around the boundry.
- ii. No water sprinkling system has been installed to control the dust pollution whenever the fine aggregate is loaded or unloaded and the sprinkling with pipe was not found sufficient.
- iii. Entire fine aggregate was not fully covered with green net/ tarpaulin.
- iv. The internal pathway where vehicles movement is carried out were not concretized resulting in dust pollution.
- v. Workers involved in handling in material have not been provided with face mask.

B. Site-2 near P.S. Pul Pehlad Pur:-

- i. Wind breaking walls of sufficient height (i.e 10 meter) have not been erected all around the boundry. However it was observed that wind breaking barrier of height 10 feet was maintained.
- ii. No proper water sprinkling system has been installed to control the dust pollution whenever the fine aggregate is loaded or unloaded and the sprinkling with pipe was being done.
- iii. Entire fine aggregate was not fully covered with green net/ tarpaulin.
- iv. The internal pathway where vehicle movement is carried out were not concretized resulting in dust pollution.
- v. Workers involved in handling in material have been provided with face mask.

Copy of the Inspection report of DPCC are enclosed herewith as **Annexure-7(Colly)**.

11. That on the basis of the inspection dated 01.10.2021, EDC of Rs 50,000/- each has been imposed against 16 vendors/traders working on both the sites in terms of the order dated 04.12.2014 passed by this Hon`ble Tribunal in OA 21/2014. In the direction it was also directed that no trading activity shall be carried out at the site till dust pollution control measures are in place at site.
12. That orders were also issued to both the SDMs concerned to ensure the compliance of dust pollution control measures at site and to ensure that no trading activity take place till these measures take place. Copy of the direction issued to SDMs is enclosed herewith as **Annexure-8** (Colly).

The present Action Taken Report may kindly be taken on record.


 (Ajeeta Dayal Agrawal)
 Sr. Env. Engineer
 (Delhi Pollution Control Committee)

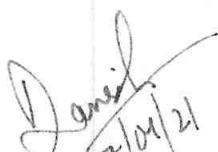
Annexure-1

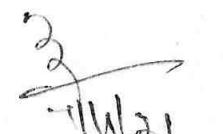
Inspection Report (Site of near Jyglakabad metro station)

In Compliance of Hon'ble NAT order dated 03.03.2021 in the matter of Bandhua Mukti vs Rajeev Kumar in OA No. 49/2021, A joint inspection was carried out by officials of DPCC along with MCD, SDM and CPCB on 07.04.2021. Following were observed during inspection:-

- a) The plot area is approx 4 ac. re.
- b) The business of construction material (rodi, Badampur, Bajri etc) was going on.
- c) Approx 50 vehicles were seen including trucks, tractor, JCB dumper etc.
- d) There are approx 10 vendors in this plot.
- e) construction material found uncovered.
- f) sprinkling of water started when team reached for inspection.
- g) No ASCs seen in the plot.
- h) Plot was divided in 2 parts, one part has boundary wall of approx 4m (Fibre sheet) and another plot has approx 2m. No wind breaking wall at the front side (only green net provided)
- i) Approx No papers (proof of land possession, NOC from any department, water bill, Electricity bill) were provided. same has been asked to Mr. Vikrant, 9899710010. He informed that he will provide the papers through email on DPCC and CPCB.


 7/4/2021
 DPCC
 Shivam
 07/04/2021


 07/04/21
 CPCB


 7/4/21
 AE (SOMC)


 7/4/21
 S. DMIC

INSPECTION REPORT (Site -1 near Tuglakabad Metro station)

In compliance of Hon'ble NGT order dated 03.03.2021 in the matter of Bandhua Mukti Vs Rajeev Kumar & Ors in OA No. 49/2021. A joint inspection was carried out by officials of DPCC alongwith MCD,SDM and CPCB on 07.04.2021. Following were observed during inspection :-

- a) The plot area is approx. 4 acre.
- b) The business of construction material (rodi, Badarpur, Bajri etc.) was going on.
- c) Approx. 50 vehicles were seen including trucks, tractor, JCB dumper etc.
- d) There are approx. 10 vendors in this plot.
- e) Construction material found uncovered.
- f) Sprinkling of water started when team reached for inspection.
- g) No ASG seen in the plot.
- h) Plot was divided in 2 parts, one part has boundary wall of approx. 4m (Fibre sheet) and another plot has approx. 2m. No wind breaking wall at the front side (only green net provided)
- i) No papers (proof of land possession, NOC from any department, water bill, Electricity bill) were provided Same has been asked to Mr. Vikrant, 9899710010. He informed that he will provide the papers through email on DPCC and CPCB.

Sd/-

Danish Meena,
Scientist 'B' CPCB

Sd/-

Bijender Singh, AE (M-III),(SDMC)

Sd/-

Nathhi Singh, JE (M-III) CNZ, SDMC

Sd/-

Shivansh Verma, TE, DPCC

Sd/-

Shivani Sharma, TE,
DPCC

Annexure-2

Inspection Report (Site 02, near P.S Pul Pellad Pur)

In compliance of Hon'ble NGT order dated 03.03.2021 in the matter of Bandhua Mukti Morcha Vs Rajeev Kumar and Ors. in OA No. 49/2021. A joint inspection was carried out by officials of DPCC along with MCD, SDM and CPCB on 07.04.2021. Following were observed during inspection:-

- a) The Plot area is approx 2.5 acre.
- b) No measures were taken for dust Mitigation
- c) No water sprinkling seen in the plot.
- d) No boundary wall or green net provided
- e) No documents were shown for possession of land and business at the time of Inspection.
- f) No NOC was seen from any department.
- g) The land acquired by DDA by Ref. No. award No. 63/8283. Kh. No. 321 to 323 as per Record of Revenue Department.

[Signature]
7/4/2021
DPCC

[Signature]
07/04/2021
CPCB

[Signature]
7/4/21
MCD

[Signature]
07/04/2021

[Signature]
07/04/2021

[Signature]
7/4/21
A.E. (SDMC)

[Signature]
7/4/21
JE (MTH) DP2
SDMC

INSPECTION REPORT (Site -2 near P.S. Pehlad Pur)

In compliance of Hon'ble NGT order dated 03.03.2021 in the matter of Bandhua Mukti Vs Rajeev Kumar & Ors in OA No. 49/2021. A joint inspection was carried out by officials of DPCC alongwith MCD, SDM and CPCB on 07.04.2021. Following were observed during inspection :-

- a) The plot area is approx. 25 acre.
- b) No measures were taken for dust mitigation.
- c) No water sprinkling seen in the plot.
- d) No boundary wall on green net provided.
- e) No documents were shown for possession of land and business at the time of inspection.
- f) No NOC was seen from any department.
- g) The land acquired by DDA by ref. No. award No 63/8283, Kh. No. 321 to 323 as per Record of Revenue Department

Sd/-

Danish Meena,
Scientist 'B' CPCB

Sd/-

Bijender Singh, AE
(M-III),(SDMC)

Sd/-

Nathhi Singh, JE (M-
III) CNZ, SDMC

Sd/-

Shivansh Verma, TE,
DPCC

Sd/-

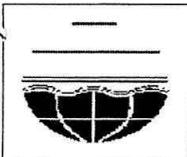
Shivani Sharma, TE,
DPCC

Sd/-

Tehsildar (Kalkaji),
Revenue Deptt.

Sd/-

Chander Shekhar
(Patwari), Revenue
Deptt.



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-II/NGT(O.A. No. 49/2021)/2021/ 57460

Dated: 01/07/2021

To,

Dy. Commissioner(Central Zone)
South Delhi Municipal Corporation,
Jal Vihar Road, Lajpat Nagar-2
New Delhi-110024

Annexure - 3

Sub:- Compliance of Hon'ble NGT order dated 03.03.2021 in the matter of O.A. No. 49/2021 titled "Bandhua Mukti Morcha NGO Vs Rajeev Kumar & Ors".

Sir,

This is with reference of Hon'ble NGT order dated 03.03.2021 in the matter of O.A. No. 49/2021 titled "Bandhua Mukti Morcha NGO Vs Rajeev Kumar & Ors" regarding pollution arising out of illegal business of building material and use of heavy machinery like cranes, earth movers, trucks, dumpers, trailers and tractors etc. at plot no. 1 in Village & P.S. Pul Pehlad Pur, South-East District, New Delhi and Badarpur Market, Main Mathura Road, Near Tughlakabad Metro Station, Badarpur, New Delhi wherein Hon'ble NGT pass the following orders

"....Accordingly, we direct a joint Committee comprising CPCB, DPCC and District Magistrate, SouthEast district (or the jurisdictional District Magistrate concerned, if the area is not under the South-East district) to look into the matter and take further action as may be found necessary, following due process. DPCC will be the nodal agency for coordination and compliance....."

In compliance of the above matter, a joint inspection was carried out by officials of DPCC along with concerned MCD, SDM and CPCB on 07.04.2021 at two sites (Inspection report enclosed). Brief of the inspection is as follows:

Site 01- Badarpur Market, Main Mathura road, Near Tughlakabad Metro Station, Badarpur, New Delhi.

1. The plot area is approximately 04 acre.
2. The business of construction material (rodi, badarpur, bajri etc) was going on.
3. Approximately 50 vehicles were seen including trucks, tractor, JCB, dumper etc.
4. There were approximately 10 vendors in the plot.
5. Construction material found uncovered.
6. Sprinkling of water started when team reached for inspection.
7. No Anti Smog Gun(ASG) seen in the plot.
8. Plot was divided in 02 parts, one part has boundary wall of approximately 4m (fibre sheet) and another part has approximately 2m. no wind breaking wall at front side (only green net provided).
9. No papers (proof of land possession, NOC from any department, water bill, electricity bill) were provided. Same has been asked to Mr Vikrant, 9899710010. He promised the team to provide the paper later through e-mail to DPCC and CPCB.

Site 02- Plot no 1 in village & P.S. Pul Pehladpur, South-East District, New Delhi.

1. The plot area is approximately 2.5 acre.
2. No measures were taken for dust mitigation.
3. No water sprinkling seen in the plot.
4. No boundary wall or green net provided.
5. No documents were shown for possession of land and business at the time of inspection.
6. No NOC was seen from any department.
7. The land acquired by DDA by ref. no. Award no. 63/8283, khasra no 321 to 323 as per record of Revenue Department.

Contd....

The matter is about illegal business of building material and use of heavy machinery like cranes, earth movers, trucks, dumpers, trailers and tractors etc and uncovered building material. Hence this matter/case pertains to your department, as directed by Hon'ble NGT in the matter of VARDHAMAN KAUSHIK VS UNION OF INDIA , O.A No. 21/2014 (copy enclosed). Department of Environment, GNCTD has also issued order dated 03.03.2021 relating to such and other matters (copy enclosed).

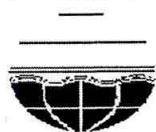
In view of above you are requested to take the necessary action against the above mention unit/sites including imposition of Environmental Damage Compensation and submit the ATR within 07 days positively so that the ATR may be filed well in time before Hon'ble NGT.

Next date of hearing is 06.07.2021

Enclosure: As above

Yours Sincerely,


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



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-II/NGT(O.A. No. 49/2021)/2021/ 7461-62

Dated: 01/07/2021

To,

Shri Amrish Kumar,
Director(LM)-II, DDA
Vikas Sadan, Barapullah Rd, beside SBI Bank
Aviation Colony, INA Colony, New Delhi, Delhi 110023

Annexure-4

Sub:- Compliance of Hon'ble NGT order dated 03.03.2021 in the matter of O.A. No. 49/2021 titled "Bandhua Mukti Morcha NGO Vs Rajeev Kumar & Ors".

Sir,

This is with reference of Hon'ble NGT order dated 03.03.2021 in the matter of O.A. No. 49/2021 titled "Bandhua Mukti Morcha NGO Vs Rajeev Kumar & Ors" regarding pollution arising out of illegal business of building material and use of heavy machinery like cranes, earth movers, trucks, dumpers, trailers and tractors etc. at plot no. 1 in Village & P.S. Pul Pehlad Pur, South-East District, New Delhi and Badarpur Market, Main Mathura Road, Near Tughlakabad Metro Station, Badarpur, New Delhi wherein Hon'ble NGT pass the following orders

"....Accordingly, we direct a joint Committee comprising CPCB, DPCC and District Magistrate, SouthEast district (or the jurisdictional District Magistrate concerned, if the area is not under the South-East district) to look into the matter and take further action as may be found necessary, following due process. DPCC will be the nodal agency for coordination and compliance....."

In compliance of the above matter, a joint inspection was carried out by officials of DPCC along with concerned MCD, SDM and CPCB on 07.04.2021 at two sites (Inspection report enclosed). Brief of the inspection is as follows:

Site 01- Badarpur Market, Main Mathura road, Near Tughlakabad Metro Station, Badarpur, New Delhi.

1. The plot area is approximately 04 acre.
2. The business of construction material (rodi, badarpur, bajri etc) was going on.
3. Approximately 50 vehicles were seen including trucks, tractor, JCB, dumper etc.
4. There were approximately 10 vendors in the plot.
5. Construction material found uncovered.
6. Sprinkling of water started when team reached for inspection.
7. No Anti Smog Gun(ASG) seen in the plot.
8. Plot was divided in 02 parts, one part has boundary wall of approximately 4m (fibre sheet) and another part has approximately 2m. no wind breaking wall at front side (only green net provided).
9. No papers (proof of land possession, NOC from any department, water bill, electricity bill) were provided. Same has been asked to Mr Vikrant, 9899710010. He promised the team to provide the paper later through e-mail to DPCC and CPCB.

Site 02- Plot no 1 in village & P.S. Pul Pehladpur, South-East District, New Delhi.

1. The plot area is approximately 2.5 acre.
2. No measures were taken for dust mitigation.
3. No water sprinkling seen in the plot.
4. No boundary wall or green net provided.
5. No documents were shown for possession of land and business at the time of inspection.
6. No NOC was seen from any department.
7. The land acquired by DDA by ref. no. Award no. 63/8283, khasra no 321 to 323 as per record of Revenue Department.

Contd....

The matter is about illegal business of building material and use of heavy machinery like cranes, earth movers, trucks, dumpers, trailers and tractors etc and uncovered building material. As the land belongs to DDA, it is responsible for stopping of any illegal activity being carried out on its land. Hence this matter/case pertains to your department, as directed by Hon'ble NGT in the matter of VARDHAMAN KAUSHIK VS UNION OF INDIA , O.A No. 21/2014 (copy enclosed). Department of Environment, GNCTD has also issued order dated 03.03.2021 relating to such and other matters (copy enclosed).

In view of above, I am directed to request you to take the necessary action against the above mentioned unit/sites including imposition of Environmental Damage Compensation and submit the ATR within 02 days positively so that the ATR may be filed well in time before Hon'ble NGT.

Next date of hearing is 06.07.2021

Yours Sincerely,

Enclosure: As above


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

Copy to:-

- DM, South East, Old Gargi College Building, Lajpat Nagar-4, New Delhi-17: for urgent action on the unit and forwarding of ATR to this office within 02 days.

Annexure-5 (copy)

**OFFICE OF THE DISTRICT MAGISTRATE SOUTH EAST,
OLD GARGI COLLEGE BUILDING, BEHIND LSR COLLEGE,
LAJPAT NAGAR-IV, NEW DELHI-110024**

F.No./SDM/SV/2021/EC/6892

Dated:-13.09.2021

STATUS REPORT

1. This is with reference to the letter received from Department of Environment, Govt. of NCT of Delhi vide F. No. DPCC/CMC-II/NGT (O.A.No. 49/2021)/ 2021/7461-62 dated 01/07/2021 regarding compliance of Hon'ble NGT order dated 03/03/2021 in the matter of O.A. No. 49/2021 titled "Bandhua Mukti Morcha NGO Vs Rajeev Kumar & Ors".
2. In continuation to the previous report filed [vide letter no F.No./SDM/SV/2021/EC/3632 dated 02/07/2021], please find enclosed updated status report as below:-
 - a) Challan of Rs. 50,000/- (Rupees Fifty Thousand Only) has been deposited by Sh. Vikrant [vide diary number 1858 dated 19/08/2021] by Demand Draft having number 014886 and the same has been forwarded to DPCC vide letter number F.6/SDM/SV/SE/2021/6891 dated 10/09/2021.
 - b) Regarding Challan of Fifty Thousand Rupees Only (Rs. 50,000/-) to be deposited by Sh. Dharamveer, he has submitted that he does not operate any construction material shop in the area. The Badarpur Traders Union has also mentioned in their letter that all material placed at the site belongs to Sh. Rajkumar Verma and Sh. Vikrant. However, from the list prepared during the site visit on 01/07/2021 [inspection conducted by the revenue team lead by Tehsildar/Executive Magistrate (Sarita Vihar), Revenue Inspector and Patwari deployed in Sarita Vihar Sub- Division and Delhi Police Beat Constable], a shop in the name of Sh. Dharamveer was being operated and as such it was fined. This amount continues to be unrealized.
 - c) Further, an inspection was again conducted on 25/08/2021 by Tehsildar/Executive Magistrate (Sarita Vihar), (copy of inspection report and site photographs is enclosed) salient points of which are as below:-

- All stock of construction material was covered and there was no movement of any vehicle. However some vehicles (Trucks etc.) were found standing on the venue.
- On venue, General Secretary of Badarpur Traders Union Sh. Pawan Kumar alongwith Sh. Vikrant and Sh. Rajkumar Verma were available, who told that all stock at the venue belongs to Sh. Rajkumar Verma and Sh. Vikrant. Other people do not keep their stock at the venue and operates telephonically only.

d) The status of land (whether allocated/ licensed/ unauthorized encroachment requires to be verified from DDA).

3. Further, necessary action as per extant provision of law shall be taken if violation and repeated.
4. Submitted for further directions please.



PK
13/9/2011

(Praveer Kumar Singh)
SDM (Sarita Vihar)

To ✓

Ajeeta Dayal Agrawal
Incharge, (CMC-II)
Department of Environment, GNCTD
5th Gloor, ISBT Building, Kashmere Gate
Delhi - 110006

श्रीमान्नी

आदेशानुसार राख.जी.रम. सारिता विद्यार के बधरपुर

मैन मधुरा रोड पर जो बधरपुर का स्टॉक है, उसका मौका
मुकायमा करें। तदनुसार मैं साथ तदमीनदार सारिता विद्यार
के मौका पर पहुँचा। वहाँ पहुँचकर पाया कि जो स्टॉक
या वह ठका हुआ वह तब बालन का अनाजना नहीं था।
और वहाँ पर कुछ एक आदि खड़े हुए थे। मौके पर बधरपुर
ट्रिब्यूनल के जनरल सेक्रेटरी श्री पवन कुमार और अधिकारियों
के राजकुमार वसा मिले। जिन्होंने बताया कि यहाँ पर दो
लोग राजकुमार वसा व विक्रात का ही स्टॉक है बाकि लोग
जोन पर ही कार्य करते हैं। उनका यहाँ कोई स्टॉक नहीं
है। ट्रिब्यूनल के जनरल सेक्रेटरी ने जोरदार से देखा है कि
बाकि लोगों का यहाँ स्टॉक नहीं है जो लोग सिर्फ जोन पर
आकर वीकर सौची ^{खान} सफल करते हैं। या तो कापी संलग्न है।
मौके ही जोले ग्राफी करायी गयी जिसकी कापी साथ संलग्न
कर दी गयी है।

Tej/SV

R. 25-8-21

Shur Pat
25/8/2021

SDM (SV)

c/116

Plot No.7, Mathura Road, Badarpur, Opp. State Bank of India, New Delhi-44
Ph. : 011-26944599, M. : 9810128832

Ref. No.

Dated 24/8/2021

To

THE S. D. M.
SARITA VIHAR
LAJPAT NAGAR N. DELHI

SUBJECT: - COMPLIANCE OF N.G.T. DIRECTIONS

Sir, The land has been allotted by DDA to Badarpur Trades Union by DDA. On this land the members of Badarpur Trades Union are doing the booking of order of material and following the compliance of N.G.T. DIRECTIONS. Only two ~~are~~ ~~three~~ members of Badarpur Trades Union are stocking the material and keeping material wet and covered. Member 1. Raj Kumar s/o SHIFAN stocking the material and other members have their office and only doing the booking from phone. The list of members who are having my office and not stocking the material are 1. Manoj Kumar Yadav - Mahipal Singh 3 Sh. Jitendra Yadav 4 Sh. Vikas Singh 5 Sh. Rajendra Singh 6 Sh. Chirag 7 Sh. Dharmvir 8 Sh. Pawan Datta 9 Sh. Hans Raj Singh 9 Sh. Virendra Singh 10 Sh. Varun 11 Sh. Mandeep Singh 12 Sh. Zaid Singh Awana 13 Sh. Rajashree Sh. Jagdeep Singh

Please give Report to N.G.T. That the
Direction of N.G.T. is Conflicted and
in future All members will follow the Rules
and Regulation as per N.G.T.

Detailed Report will be
Submitted within Tuesday

Paulu Kumar

Trusts.
Yours sincerely

For BADARPUR TRADERS UNION

Paulu Kumar
General Secretary

24/8/2021

RASKUMAR VERMA
9312213326
VIKRANT KUMAR
9312213097

Vikrant
Vikrant

C/114

DELHI DEVELOPMENT AUTHORITY
COMMERCIAL LAND BRANCH
Room No.116, A-Block, Vikas Sadan, INA, New Delhi

No.F.16(106)76/MP/Pt.1/Vol.IV/ 2353

Dated: 14.6.17

To

The General Secretary,
Badarpur Traders Union,
Plot No.7, Mathura Road, Badarpur,
NEW DELHI - 110 044.

Sub.: Regularization of 3.69 Acres of land allotted to your Union at Service Market, Badarpur ; issue of Demand Letter reg.

Sir,

The Authority vide its Resolution No.114 dated 29.04.1977 and Resolution No.224 dated 11.10.1977 had regularized 3.69 Acres of land under the possession of Badarpur Traders Union since allotment thereof by the Delhi Administration on 28.06.1967. The matter has been re-examined in consultation with LM, Planning and Finance Department of DDA and the competent authority has approved the regularization of allotment of 3.69 Acres of land at Service Market, Badarpur to the Badarpur Traders Union subject to payment of amounts as mentioned hereunder :-

i	Premium of 3.69 Acres of land as on date of decision/approval of the Authority	Rs.35,71,920/-
ii	Interest on premium	Rs.1,00,53,467/-
iii	Ground Rent Rs.1/- for first five years and thereafter @ 2.5% of premium + Enhanced ground rent upto 14.07.17	Rs.73,54,975/-
iv	Interest on Ground Rent @ 10% per annum as on 14.07.17	Rs.73,03,963/-
	Total outstanding	Rs.2,82,89,325/-

2. The Badarpur Traders Union is requested to deposit the said amount of Rs.2,82,89,325/- within 60 days from the date of issue of this letter.

3. In case of nonpayment of the said amount within stipulated period mentioned above, the allottee will be liable to pay interest charges as applicable for the belated period.

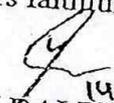
4. The Badarpur Traders Union shall pay to DDA such additional sum or sums towards premium in respect of the land allotted and regularized to it, increase of cost of development and similar/other charges as determined by the Lessor in this regard.

-- 2 --

5. The following information/documents may be submitted by the Union/ Association for further action in the matter :-

- i. A registration Certificate from the Registrar and current list of office bearers of the Management Committee including the bye-laws of the Union regarding functioning of Badarpur Traders Union;
- ii. The letter from the Registrar with the approved list of the members of the Badarpur Traders Union;
- iii. The layout plan of the said land in their possession with the detailed information of the plots of all members and a site plan duly certified by the Regd. Architect showing the dimensions of the land;
- iv. Resolution from the Badarpur Traders Union regarding authorization by the Members to the General Secretary to make correspondence with the DDA;
- v. An Undertaking to the effect that the land will be used by its members as per MPD norms & in compliance with Building Bye-laws and terms & conditions of the allotment/lease.

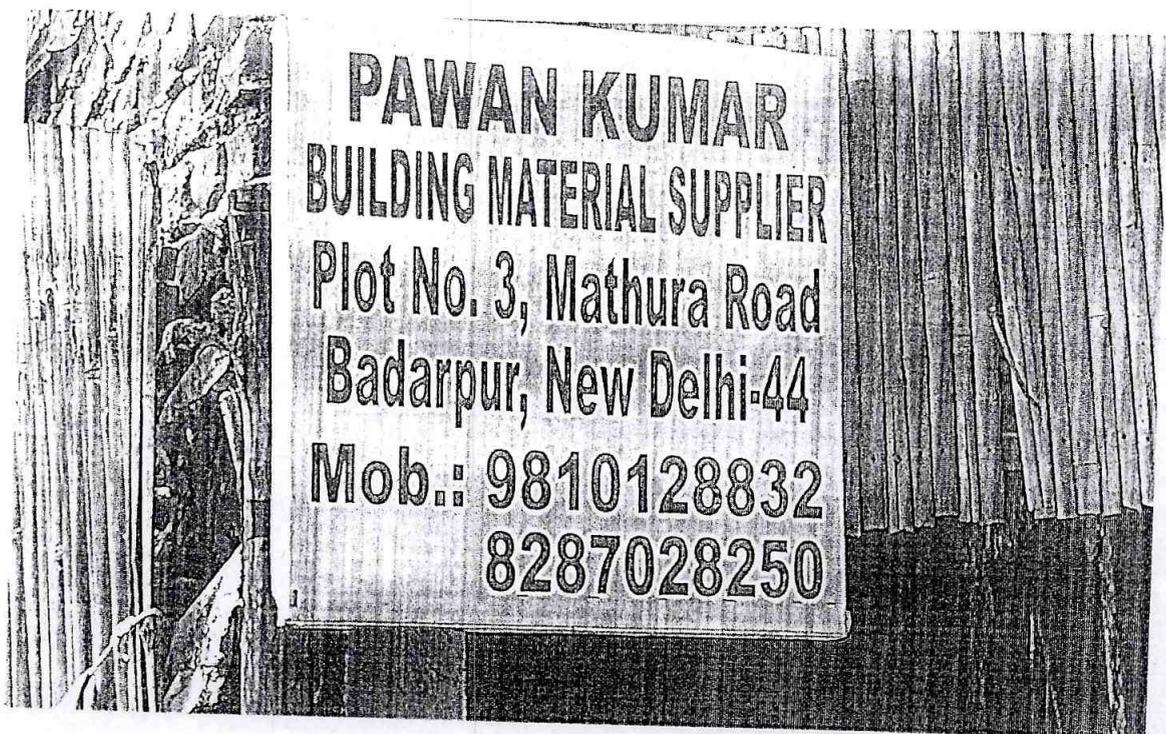
Yours faithfully,

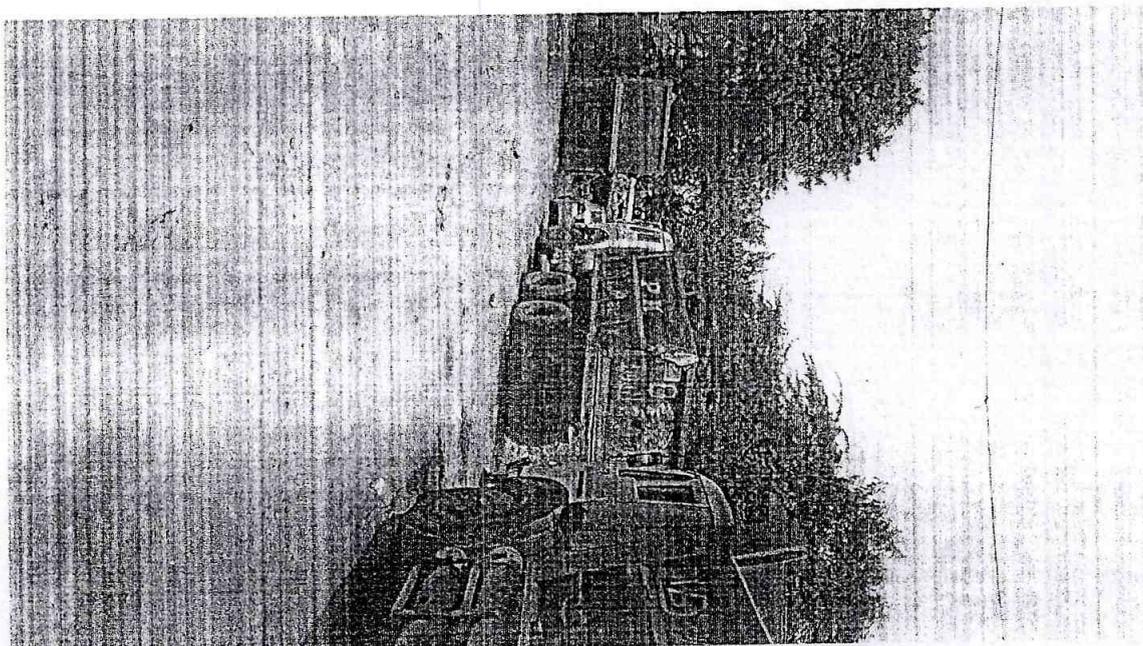
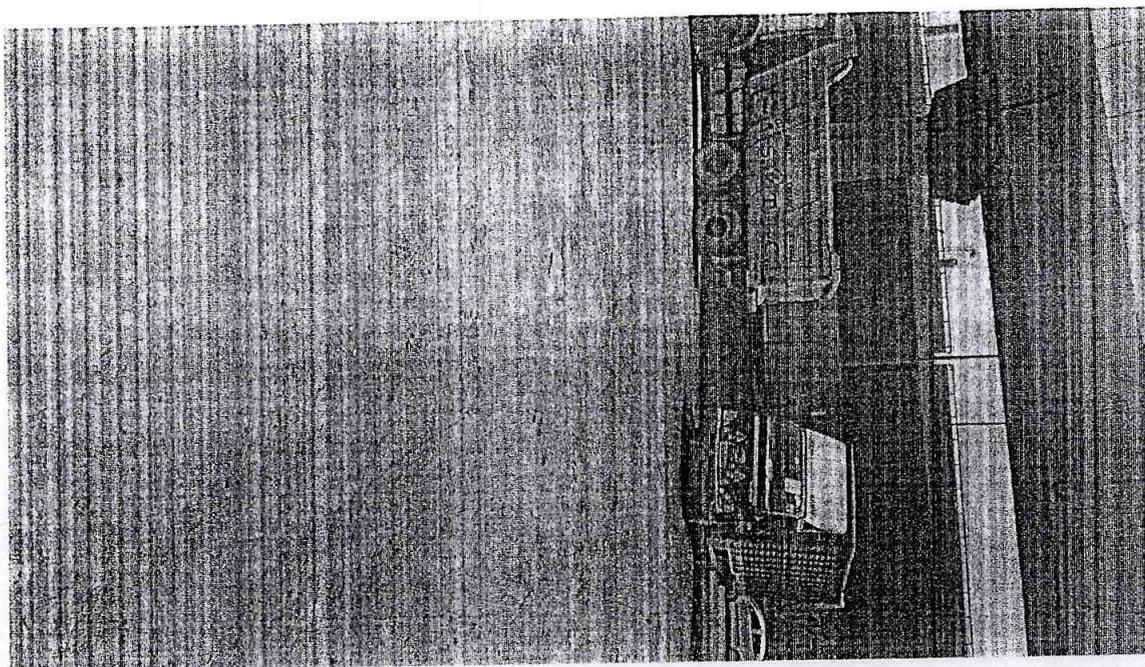

 (KHUSH DALBIR)
 Dy. Director (CL)

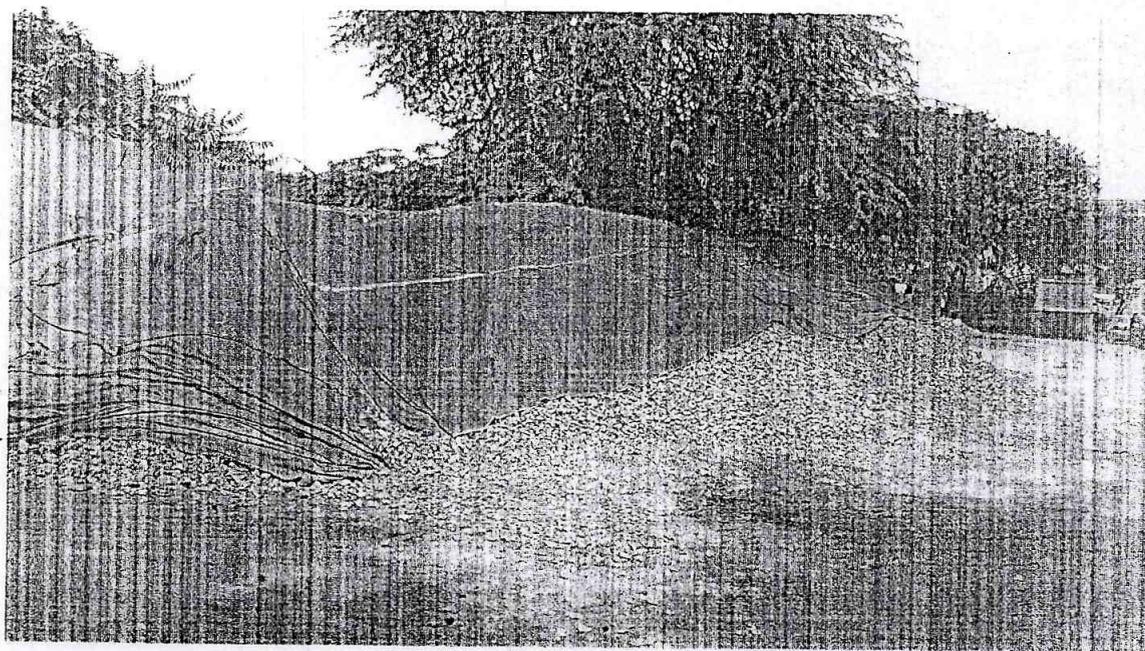
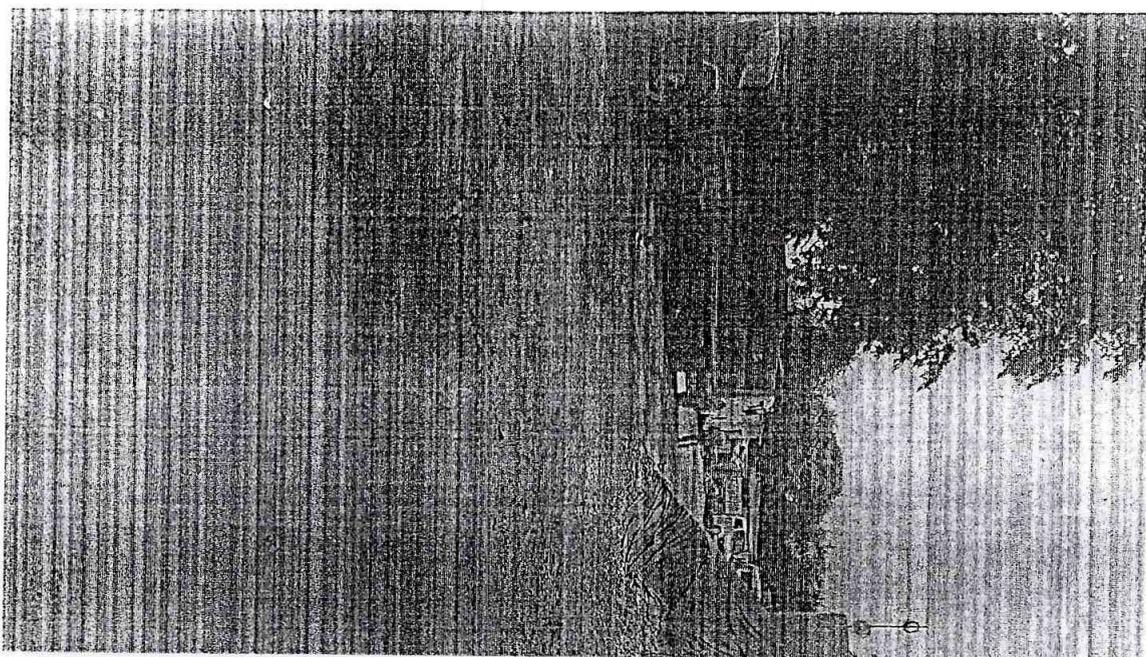
Copy for information and necessary action to :

1. Registrar of Trade Unions, Room No.118-119, Pushpa Bhawan, Pushp Vihar, New Delhi.
2. PC(LM), DDA
3. Commr.(Plg.), DDA
4. Chief Engineer(South Zone), DDA
5. Chief Legal Advisor, DDA
6. Director (LC), DDA
7. SLO(LM), DDA
8. Accounts Officer (CL), DDA.

Dy. Director (CL)











GOVT. OF NCT OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE KALKAJI
37 TUGHLAKABAD INSTITUTIONAL AREA NEW DELHI-110062

F.No.7/SDM/KJ/COVID-19/2021/ (606)

Dated: 14/09/2021

To

Ajeeta Dayal Agrawal,
 Incharge-(CMC-II),
 DPCC, Department of Environment,
 GNCT of Delhi, 5th Floor, ISBT Building,
 Kashmere Gate, New Delhi

Subject:- Compliance of Hon'ble NGT order dated 03-03-2021 in the matter of O.A. no. 49/2021 titled "Bandhua Mukti Morcha" NGO Vs Rajeev Kumar & ors.

Madam,

With reference to a letter No. F. No. DPCC/CMC-II/NGT (O.A No. 49/2021/7461-62 dated 01-07-2021 on the subject cited above, a report was sought from the revenue field staff Sub-division Kalkaji. Copy of which is attached for ready reference,

As per the report of revenue field staff, the land owning agency is DDA and the village Pul Pehladpur is an urbanized village and therefore the land use falls under the perview of South MCD.

Further, a team of Sub-division Kalkaji headed by the then Tehsildar (Kalkaji) visited the site and imposed an environmental compensation/challan (Copy of the which is attached for ready reference).

It is further submitted that any direction of Hon'ble NGT will be followed in letter and spirit.

This is for your kind information and further direction please.

Encl: As Above.

Au
 14/09/2021
 (Dr. Atish Kumar)
 SDM(Kalkaji)

Copy to:

1. PA to DM (South East), Lajpat Nagar-IV, New Delhi.

आमदा पत्र संख्या D.PCC/CMC-II/NAT/COA No 49/2021/2021/7461-62 दिनांक 1-7-2021 के हंडल में केर वन्दुआ मुक्ति मोर्चा V/S राजीव कुमार आदि नं० खसरे 32 (2-14), गलकियात इन्द्रदेव पुत्र गोविन्द राम नांगिया सांख्यशेखर का 322 कि० (2-0) मलकियात पूरनचंद पुत्र गोविन्द, मदनलाल पुत्र गोविन्द राम समाभवा ईस्ट आफ कैलाश N-D. 322 कि० (0-17) मलकियात भारत भूषण पुत्र पूरनचंद नांगिया C-6 ईस्ट आफ कैलाश N-D 323 कि० (1-0) गलकियात इन्द्रदेव पुत्र गोविन्द नांगिया C-6 ईस्ट आफ कैलाश N-D. 323 कि० (1-0) मलकियात नारायण दास पुत्र गोविन्द राम नांगिया C-6 ईस्ट आफ कैलाश N-D. 323 कि० (0-1) पराकुमार पुत्र पूरनचंद ग्राप पुल पदवायपुर माला रिकार्ड में मलकियात दर्ज है कारवाय में प्रकबुजा मालिक दर्ज है अर्वाड नं० 63/82-83 से अधिकतम होकर नं० खसरे 321 (2-14), 322 (2-17) का कब्जा दिनांक 7-4-2004 को हो चुका है और 323 कि० (2-16) का कब्जा 1983 से Duet to से दिखाया गया है D.D.A. ने ये जमीन किसी व्यक्ति या संस्था को Lease पर या अन्य किसी माध्यम से अलाट की है म नहीं इस बारे में लक्ष्मी कालका जी के रेवेन्यू रिकार्ड में कोई जानकारी दर्ज नहीं है यह जानकारी D.D.A से ही उपलब्ध हो सकती है अक्षय गिरदावरी की कारवाय कापी संलग्न है रिपोर्ट उत्तुल है

[Signature]
14/9/2021

Bgo (KS)
Tep (KS)
Dil
14/9/21

Som (KS)

Handwritten signature

ग्राम नरम पुराणा
Kharis Chakrasani

ग्राम
Village

Handwritten signature

मण्डल
Taluk

मण्डल
District

मण्डल
District

मण्डल
South East

फॉर्म नं 11
Form No. 11



खसरा नं. Khasra No.	राजिवा व मजिदा का सब और खसरा का नंबर	राजिवा व मजिदा का सब और खसरी का नंबर व नगर	क्षेत्रफल Areas	पिछली जमानबंदी के अनुसार जमीन किरा Class of land accounting to Last Jamanbandi	सावनी Kharif crop.		20 - Kharif and 20 - Rabi	मालकीय कारण व संगण का इत्काफ Changes of rights Possession and Rent	सावनी फसल Kharif crop.		20 - Kharif and 20 - Rabi	मालकीय कारण व संगण का इत्काफ Changes of rights Possession and Rent	सावनी फसल Kharif crop. हाड़ी फसल Ravi crop.		20 - Kharif and 20 - Rabi	मालकीय कारण व संगण का इत्काफ Changes of rights Possession and Rent	सावनी फसल Kharif crop. हाड़ी फसल Ravi crop.		20 - Kharif and 20 - Rabi	मालकीय कारण व संगण का इत्काफ Changes of rights Possession and Rent
					13	14			15	16			17	18						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17				
323 दिग	मजिदा का नंबर 323-16 मजिदा का नंबर 323-16	मजिदा का नंबर 323-16 मजिदा का नंबर 323-16	0-16	11	0-16	0-16	X	0-16	0-16	X	0-16	X	X			34 दिग				
323 दिग	मजिदा का नंबर 323-16 मजिदा का नंबर 323-16	मजिदा का नंबर 323-16 मजिदा का नंबर 323-16	0-3	11	0-3	0-3	X	0-3	0-3	X	0-3	X	X							

Handwritten signature



GOVT. OF NCT OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE KALKAJI
37 TUGHLAKABAD INSTITUTIONAL AREA NEW DELHI-110062

F.No.SDM/KJ/NGT/2017/

Dated: 03/7/21

Whereas the National Tribunal has fixed compensation to be paid for violation in terms of section to the National Green Tribunal Act 2010 for polluting the environment.

And whereas National Green Tribunal vide its order dated 28/04/2015 has imposed compensation on construction related work as under:

"If any person, owner and or builder is found to be violating any of the conditions stated in this order and or for their non-compliance such person, owner, builder shall be liable to pay compensation of Rs.50,000/- per default in relation to construction activity at its site and Rs.5,000/- for each violation during carriage and transportation of construction materials, debris through trucks or other vehicle, in terms of section 15 of the NGT Act on the principle of polluter pay."

And whereas it is observed that Sh. SA. ASHOK, 965074338 R/s Nara Hari, Pur, Sector 10, New Delhi it found undertaking the activities of Construction Material on 03/7/2021 at pollution which us in violation of the orders of NGT in bringing harm to public at large.

Now therefore, in pursuance of NGT order, I Dr. Atish Kumar, Sub-Divisional Magistrate (Kalkaji). Order that SA. ASHOK is liable to pay compensation of Rs. 50,000/- for polluting environment, to be paid by banker Cheque/Draft in favour of Delhi Pollution Control Committee and submit it to the undersigned by 05/7/2021

Handwritten initials/signature

Sub-Divisional Magistrate (Kalkaji)
District South-East
03/7/2021



Copy to:-

SA. ASHOK
Through Pardeep Kumar Yadav
- 9999167829
JCB operators



e/b²

GOVT. OF NCT OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE KALKAJI
37 TUGHLAKABAD INSTITUTIONAL AREA NEW DELHI-110062

F.No.SDM/KJ/NGT/20177

Dated:

Whereas the National Tribunal has fixed compensation to be paid for violation in term of section to the National Green Tribunal Act 2010 for polluting the environment.

And whereas National Green Tribunal vide its order dated 28/04/2015 has imposed compensation on construction related work as under:

"If any person, owner and or builder is found to be violating any of the conditions stated in this order and or for their non-compliance such person, owner, builder shall be liable to pay compensation of Rs.50,000/- per default in relation to construction activity at its site and Rs.5,000/- for each violation during carriage and transportation of construction materials, debris through trucks or other vehicle, in terms of section 15 of the NGT Act on the principle of polluter pay."

And whereas it is observed that Sh. Neejay, 9503000066 R/s Nugia Plan, Pundeladpur, N. Delhi it found undertaking the activities of Construction Material on 03/7/2021 at pollution which is in violation of the orders of NGT in bringing harm to public at large.

Now therefore, in pursuance of NGT order, I Dr. Atish Kumar, Sub-Divisional Magistrate (Kalkaji). Order that Sh. Neejay is liable to pay compensation of Rs. 50,000/- for polluting environment, to be paid by banker Cheque/Draft in favour of Delhi Pollution Control Committee and submit it to the undersigned by 05/7/2021.

Atish Kumar



Atish Kumar
 03/7/21
 Sub-Divisional Magistrate (Kalkaji)
 District South-East

Copy to:-

Sh. Neejay
 R/o Village Bokapuri
 H.N.O. 226
 New Purnea, Jharkhand
 Faridabad, HR



SOUTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE ASSTT. COMMISSIONER/CENTRAL ZONE
Lajpat Nagar-II, Jai Vihar, New Delhi - 110024



No: AC/CNZ/2021/D-580

Dated: 14/9/21

Ms. Ajeeta Dayal Agrawal
 Incharge (CMC-II)
 Delhi Pollution Control Committee
 Department of Environment, Govt. of NCT of Delhi
 5th Floor, ISBT Building, Kashmere Gate, Delhi-06

Annexure-6

Sub:-Compliance of Hon'ble NGT order dated 03.03.2021 in the matter of O.A. No;. 49/2021 titled "Bandhua Mukti Morcha Vs Rajeev Kumar & Ors."

With reference to your letter no. F. NO.DPCC/CMC-II/NGT(O.A. No.49/2021/7460 dated 01.07.2021, the following are submitted :-

1. The said patch of land (Site No. 1:- Badarpur Market, Main Mathura Road, Near Tughlakabad Metro Station, Badarpur, New Delhi & Site No. 02:- Plot No. 01 in Village & P.S. Pehladpur, South East District New Delhi) belongs to DDA. Therefore, any encroachment removal drive needs to be conducted by DDA itself.
2. As regards to vendors vending in the said area, it is informed that as per our record, no tehbazari are allocated by SDMC w.r.t. Site No.1:- Badarpur Market, Main Mathura Road, Near Tughlakabad Metro Station, Badarpur, New Delhi & Site No. 02:- Plot No. 01 in Village & P.S. Pehladpur, South East District New Delhi.


 14/09/21
Administrative Officer
Central Zone, SDMC

**INSPECTION REPORT(SITE-1) NEAR TUGHLAKABAD METRO
STATION**

Annexure R-7 (Calls)

In compliance of Hon'ble NGT order dated 03.03.2021 in the matter of Bandhuwa Mukti Morcha Vs Rajeev Kumar & Ors in O.A No. 49/2021. An inspection was carried out by the officials of DPCC on 01.10.2021. Following were observed during inspection:

1. Wind breaking walls of sufficient height (i.e 10 meter) have not been erected all around the boundry. However it was observed that wind breaking barrier of height 10 feet was maintained.
2. No proper water sprinkling system has been installed to control the dust pollution whenever the fine aggregate is loaded or unloaded and the sprinkling with pipe was being done.
3. Entire fine aggregate was not fully covered with green net/ tarpaulin.
4. The internal pathway where vehicle s movement is carried out were not concretized resulting in dust pollution.
5. Workers involved in handling in material have not been provided with face mask.

Following are the name of vendor involved in trading of building material at above mentioned site:

1. Sh. Pawan Kumar
2. Sh. Raj Kumar
3. Sh. Rajesh Kumar
4. Sh. Vikrant Kumar
5. Sh. Manoj
6. Sh. Jitender
7. Sh. Mahipal
8. Sh. Pradeep Kumar
9. Sh. Satender
10. Sh. Rajender
11. Sh. Chiraj



N.K Joshi
EE, CMC-II



Shivansh Verma
Trainee, CMC-II

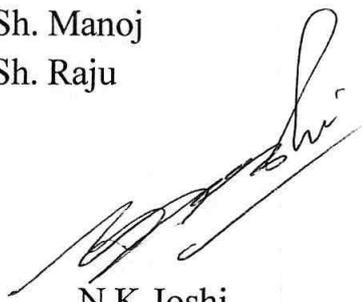
INSPECTION REPORT(SITE-2) NEAR P.S PEHLADPUR

In compliance of Hon'ble NGT order dated 03.03.2021 in the matter of Bandhuwa Mukti Morcha Vs Rajeev Kumar & Ors in O.A No. 49/2021. An inspection was carried out by the officials of DPCC on 01.10.2021. Following were observed during inspection

1. Wind breaking walls of sufficient height (i.e 10 meter) have not been erected all around the boundry.
2. No water sprinkling system has been installed to control the dust pollution whenever the fine aggregate is loaded or unloaded and the sprinkling with pipe was not found sufficient.
3. Entire fine aggregate was not fully covered with green net/ tarpaulin.
4. The internal pathway where vehicles movement is carried out were not concretized resulting in dust pollution.
5. Workers involved in handling in material have not been provided with face mask.

Following are the name of vendor involved in trading of building material at above mentioned site:

1. Sh. Rajeev/ Sh. Sunder
2. Sh. Azad
3. Sh. Ashoka
4. Sh. Manoj
5. Sh. Raju



N.K Joshi
EE,CMC-II



Shivansh Verma
Trainee, CMC-II



DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
 4th & 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
 visit us at : <http://dpcc.delhigovt.nic.in>

F.NO.DPCC/CMC-II/NGT(O.A NO. 49/2021)/2021 / 10033

Dated: 01/10/2021

To,

The SDM (Sarita Vihar)
 Old Gargi College Building
 Lajpat Nagar-IV, New Delhi-24

Annexure R-B (Colly)

ORDER

SUBJECT:- COMPLIANCE OF ORDERS PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL IN O.A. NO. 49/2020 ENTITLED "BANDHUA MUKTI MORCHA Vs RAJEEV KUMAR AND OTHERS" READ ALONGWITH THE ORDERS PASSED BY HON'BLE TRIBUNAL REGARDING DUST CONTROL FROM HANDLING OF CONSTRUCTION MATERIAL IN ITS VARIOUS ORDERS.

Whereas, Hon'ble National Green Tribunal (NGT) passed orders dated 04.12.2014, 10.04.2015 and 20.07.2016 in O.A. No.21 of 2014, O.A. No. 95 of 2014 and in MA No. 360 of 2016 in the matter of Vardhaman Kaushik Vs. Union of India & others observing that it primarily results from demolition & construction activity/ handling of construction material going on in NCR Delhi.

And whereas, Hon'ble Tribunal vide above said orders dated 04.12.2014, 10.04.2015 and 20.07.2016 issued certain directions in respect of air pollution from dust resulting from demolition and construction activity/ handling construction material.

And whereas, public notice dated 08.05.2015 was issued notifying mandatory strict adherence to and compliance of the directions contained in the order of Hon'ble Tribunal as well as MoEF Guidelines, 2010 in relation to precautions required to be taken while carrying on construction/ handling construction material.

And whereas aforementioned orders, copy of MoEF guidelines 2010 and copy of notice issued are available at the DPCC website i.e. "http://dpcc.delhigovt.nic.in" for general awareness of the stake holders.

And whereas, Hon'ble Tribunal vide its order dated 04.12.2014 in the aforesaid matters inter-alia directed that "*... the area where such construction material or debris can be stored shall be physically demarcated by the Officers of all the concerned Authorities/Corporation. It shall be ensured that such storage does not cause any obstruction to the free flow of traffic and/or inconvenience to the pedestrians. It should be ensured that no accidents occur on account of such permissible storage. Every builder, contractor or person shall ensure that the construction material is completely covered by tarpaulin. All other precautions should be taken to ensure that no dust particles are permitted to pollute the air quality as a result of such storage. It shall also be ensured that appropriate protection measures are taken by raising of wind breakers of the appropriate height on all the sides of plot/area using plastic and/or other similar material, to ensure that no construction material dust fly outside the plot area and it will be the builder/contractor responsibility to ensure that their activity does not cause any air pollution during the course of the construction and/ or storage of material or construction activity. This condition shall be strictly 19 adhered to by every builder, contractor, person or authority whether it relates to construction on small plot or a multi storeyed building. In the event of default they shall be liable to be prosecuted under the law in force, as well as for causing environmental pollution and shall also be liable to pay compensation which would be determined by the Tribunal in accordance with law.*

And whereas, Hon'ble National Green Tribunal vide its order dated 10.04.15 in the aforesaid matters inter-alia directed that, "*if any person, owner and or builder is found to be violating any of the conditions stated in this order and or for their non-compliance such person, owner, builder shall be liable to pay compensation of Rs. 50,000/- per default in relation to construction*

activity at its site and Rs. 5,000/- for each violation during carriage and transportation of construction material, debris through trucks or other vehicles, in terms of Section 15 of the NGT Act on the principle of Polluter Pay. Such action would be in addition not in derogation to the other action that the Authority made take against such builder, owner, person and transporter under the laws in force”.

And whereas, as per the guidelines published by central Pollution Control Board (CPCB) on dust mitigation measures in the year 2017 and as per various orders of Hon'ble Tribunal following measures are to be taken while handling/ storing of construction material:

1. Area where construction material has been stored is to be earmarked by the appropriate authority.
2. All construction material of any kind should be stored on the site and not dumped on roads or pavements and should be fully covered in all respect.
3. Continuous dust/wind breaking walls of appropriate height around the periphery of the site.
4. All vehicles including carrying construction material of any kind should be cleaned and wheels washed before leaving the site.
5. All vehicles carrying construction material should be fully covered and protected so as to ensure dust from construction material does not become air-borne in transportation.
6. Unpaved surfaces and areas with loose soil should be adequately sprinkled with water to suppress dust. Ideally site to be fitted with fine water spraying nozzle system.
7. Every worker involved in loading, unloading and carriage of construction material should be provided with dust-mask to prevent inhalation of dust particle.
8. Arrangement should be provided for medical help, investigation and treatment to workers involved in the handling of construction material relatable to dust emission.

And whereas, Hon'ble Tribunal in its order dated 03.03.2021 in the matter of “Bhandhua Mukti Morcha, Vs Rajeey Kumar & Ors.” (O.A. No. 49/2020) ordered action by a joint Committee comprising CPCB, DPCC and District Magistrate (SE) following due process. The Hon'ble Tribunal in the OA dealt the issue of pollution arising out of illegal business of building material and use of heavy machinery at plot no. 1 in village & P.S. Pul pehlad Pur, South East District, New Delhi and Badarpur Market, Main Mathura Road, Near Tughlakabad Metro Station, Badarpur, New Delhi.

And whereas, in compliance to the above mentioned orders, a joint team was constituted comprising of officials from CPCB, DPCC, District Magistrate (SE) and South Delhi Municipal Corporation (as the units are engaged in trading of building material) which inspected the site near Tughlakabad Metro Station on 07.04.2021, which falls under your jurisdiction.

And whereas, during the above said inspection following observations were recorded which were duly signed by all departments:

- a) Plot where trading of construction material was going on is approx.. 4 acres.
- b) There are approx. 10 vendors involved in the plot and 50 vehicles were seen including trucks, tractors, JCB, dumper etc.
- c) Construction material was lying uncovered.
- d) After the team reached sprinkling of water started by the workers.
- e) Plot is divided into 2 parts: One part has boundary wall of approx.. 4m (Fibre sheet) and second part has approx.. a boundary wall of 2 m. No wind breaking wall has been provided at the front side (only green net is provided).
- f) One of the vendors Sh. Vikrant was contacted for the information on legal papers i.e. Proof of land possession/ NOC from SDMC or other department/ water bills/ electricity bills etc.). No papers were provided.

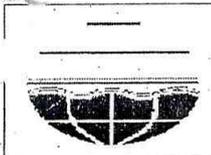
And whereas, in the action taken report received subsequently from your department it was informed that a team of sub-division Kalka ji headed by Tehsildar (kalkaji) visited the site and imposed Environmental Compensation of Rs. 1.0 Lakh (@ Rs. 50,000/- each) on two vendors. The ATR does not speak about the compliance status of remaining vendors whose material was found uncovered.

Now therefore in compliance of the abovementioned Hon'ble NGT orders, you are hereby directed as follows:

1. **That you shall ensure the compliance of the above mentioned dust control measures by the vendors at the above mentioned site involved in the handling of construction material and shall submit the point wise compliance of dust pollution control measures taken by them.**
2. **That unless the dust control measures are implemented by the vendors no trading activity shall be allowed at the site.**
3. **That un-owned material stored at the site if any shall be confiscated and removed immediately.**
4. **That complete action shall be taken as per law on all the vendors and a complete and detailed Action Taken Report shall be submitted to DPCC immediately.**

This may please be treated as most urgent and immediate so that Hon'ble National Green Tribunal may be apprised accordingly.


(K.S. Jayachandran)
Member Secretary



DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
 4th & 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
 visit us at : <http://dpcc.delhigovt.nic.in>

F.NO./DPCC/CMC-II/NGT(O.A NO. 49/2021)/2021 /16034

Dated: 01/10/2021

To,

The Sub Divisional Magistrate, Kalkaji
37 Tughlakabad Institutional Area
New Delhi-110062

ORDER

SUBJECT:- COMPLIANCE OF ORDERS PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL IN O.A. NO. 49/2020 ENTITLED "BANDHUA MUKTI MORCHA Vs RAJEEV KUMAR AND OTHERS" READ ALONGWITH THE ORDERS PASSED BY HON'BLE TRIBUNAL REGARDING DUST CONTROL FROM HANDLING OF CONSTRUCTION MATERIAL IN ITS VARIOUS ORDERS.

Whereas, Hon'ble National Green Tribunal (NGT) passed orders dated 04.12.2014, 10.04.2015 and 20.07.2016 in O.A. No.21 of 2014, O.A. No. 95 of 2014 and in MA No. 360 of 2016 in the matter of Vardhaman Kaushik Vs. Union of India & others observing that it primarily results from demolition & construction activity/ handling of construction material going on in NCR Delhi.

And whereas, Hon'ble Tribunal vide above said orders dated 04.12.2014, 10.04.2015 and 20.07.2016 issued certain directions in respect of air pollution from dust resulting from demolition and construction activity/ handling construction material.

And whereas, public notice dated 08.05.2015 was issued notifying mandatory strict adherence to and compliance of the directions contained in the order of Hon'ble Tribunal as well as MoEF Guidelines, 2010 in relation to precautions required to be taken while carrying on construction/ handling construction material.

And whereas aforementioned orders, copy of MoEF guidelines 2010 and copy of notice issued are available at the DPCC website i.e. "<http://dpcc.delhigovt.nic.in>" for general awareness of the stake holders.

And whereas, Hon'ble Tribunal vide its order dated 04.12.2014 in the aforesaid matters inter-alia directed that "*... the area where such construction material or debris can be stored shall be physically demarcated by the Officers of all the concerned Authorities/Corporation. It shall be ensured that such storage does not cause any obstruction to the free flow of traffic and/or inconvenience to the pedestrians. It should be ensured that no accidents occur on account of such permissible storage. Every builder, contractor or person shall ensure that the construction material is completely covered by tarpaulin. All other precautions should be taken to ensure that no dust particles are permitted to pollute the air quality as a result of such storage. It shall also be ensured that appropriate protection measures are taken by raising of wind breakers of the appropriate height on all the sides of plot/area using plastic and/or other similar material, to ensure that no construction material dust fly outside the plot area and it will be the builder/contractor responsibility to ensure that their activity does not cause any air pollution during the course of the construction and/ or storage of material or construction activity. This condition shall be strictly 19 adhered to by every builder, contractor, person or authority whether it relates to construction on small plot or a multi storeyed building. In the event of default they shall be liable to be prosecuted under the law in force, as well as for causing environmental pollution and shall also be liable to pay compensation which would be determined by the Tribunal in accordance with law.*

And whereas, Hon'ble National Green Tribunal vide its order dated 10.04.15 in the aforesaid matters inter-alia directed that, "*if any person, owner and or builder is found to be violating any of the conditions stated in this order and or for their non-compliance such person, owner,*

builder shall be liable to pay compensation of Rs. 50,000/- per default in relation to construction activity at its site and Rs. 5,000/- for each violation during carriage and transportation of construction material, debris through trucks or other vehicles, in terms of Section 15 of the NGT Act on the principle of Polluter Pay. Such action would be in addition not in derogation to the other action that the Authority made take against such builder, owner, person and transporter under the laws in force".

And whereas, as per the guidelines published by central Pollution Control Board (CPCB) on dust mitigation measures in the year 2017 and as per various orders of Hon'ble Tribunal following measures are to be taken while handling/ storing of construction material:

1. Area where construction material has been stored is to be earmarked by the appropriate authority.
2. All construction material of any kind should be stored on the site and not dumped on roads or pavements and should be fully covered in all respect.
3. Continuous dust/wind breaking walls of appropriate height around the periphery of the site.
4. All vehicles including carrying construction material of any kind should be cleaned and wheels washed before leaving the site.
5. All vehicles carrying construction material should be fully covered and protected so as to ensure dust from construction material does not become air-borne in transportation.
6. Unpaved surfaces and areas with loose soil should be adequately sprinkled with water to suppress dust. Ideally site to be fitted with fine water spraying nozzle system.
7. Every worker involved in loading, unloading and carriage of construction material should be provided with dust-mask to prevent inhalation of dust particle.
8. Arrangement should be provided for medical help, investigation and treatment to workers involved in the handling of construction material relating to dust emission.

And whereas, Hon'ble Tribunal in its order dated 03.03.2021 in the matter of "Bhandhua Mukti Morcha, Vs Rajeev Kumar & Ors." (O.A. No. 49/2020) ordered action by a joint Committee comprising CPCB, DPCC and District Magistrate (SE) following due process. The Hon'ble Tribunal in the OA dealt the issue of pollution arising out of illegal business of building material and use of heavy machinery at plot no. 1 in village & P.S. Pul pehlad Pur, South East District, New Delhi and Badarpur Market, Main Mathura Road, Near Tughlakabad Metro Station, Badarpur, New Delhi.

And whereas, in compliance to the above mentioned orders, a joint team was constituted comprising of officials from CPCB, DPCC, District Magistrate (SE) and South Delhi Municipal Corporation (as the units are engaged in trading of building material) which inspected the site near P.S. Pul Pehladpur on 07.04.2021, which falls under your jurisdiction.

And whereas, during the above said inspection, following observations were recorded which were duly signed by all departments:

- a) Plot where trading of construction material was going on is approx.. 2.5 acres.
- b) Construction material was lying uncovered and no dust control measures had been taken.
- c) No boundary wall or green net has been provided.
- d) No responsible person was present on the site and no documents regarding proof of land possession/ NOC from SDMC or other department/ water bills/ electricity bills etc.) were shown.
- e) As per revenue department records, the land has been acquired by DDA by award No. 63/8283, Kh. No. 321 to 323.

And whereas, in the action taken report received subsequently from your department it was informed that DDA has allotted the land to Badarpur Traders Union, Plot No. 7, Mathura road,

Badarpur and all the stock at the venue belongs to 02 vendors i.e. Shri Rajkumar Verma and Shri Vikrant and Challan of Rs. 1.0 Lakh (@ Rs. 50,000/- each) has been levied on the vendors. It was also informed that on a subsequent inspection on 25.08.21 by Tehsildar/Executive Magistrate (Sarita vihar), all stock of construction material was found covered and there was no movement of any vehicle.

Now therefore in compliance of the abovementioned Hon'ble NGT orders, you are hereby directed as follows:

1. **That you shall ensure the compliance of the above mentioned dust control measures by the vendors at the above mentioned site involved in the handling of construction material and shall submit the point wise compliance of dust pollution control measures taken by them.**
2. **That unless the dust control measures are implemented by the vendors no trading activity shall be allowed at the site.**
3. **That un-owned material stored at the site if any shall be confiscated and removed immediately.**
4. **That complete action shall be taken as per law on all the vendors and a complete and detailed Action Taken Report shall be submitted to DPCC immediately.**

This may please be treated as most urgent and immediate so that Hon'ble National Green Tribunal may be apprised accordingly.


(K.S. Jayachandran)
Member Secretary