

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

Original Application No. 509/2019

In the matter of:

HC DharmenderApplicant

Versus

Govt of NCT of Delhi.Respondents

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Filed by


(Ajeeta Dayal Agrawal)
Sr. Environmental Engineer

Dated: 07th November, 2022

Place: Delhi

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

Original Application No. 509/2019

In the matter of:

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.....Applicant

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Govt of NCT of Delhi.

.....Respondents

**STATUS REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
05.08.2019.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, the instant matter was taken up by this Hon'ble Tribunal on 05.08.2019 and was pleased to direct, Delhi Pollution Control Committee and SDM (Saket) to take necessary action to resolve the grievance of the applicant.
2. That, in compliance to the above direction an inspection was carried out by the joint team of DPCC and SDM(South) officials. Following are the observations of the inspection team:-
 - A huge Construction Material was observed during inspection, Consoiling Gravel, Badarpur and Sand, which was uncovered.
 - 28 Trucks of Cement, covered with tarpaulin was also observed including 04 JCBs at site. One tractor with tanker was also observed for sprinkling of water. No Green Air Barrier or Sheet (Iron) was observed. No Sprinkling was found. One glassware godown and fabrication unit was also observed.

Copy of Inspection Report (alongwith photographs) dated 04.09.2019 is enclosed herewith as ANNEXURE-1.

- 3. That, due to violations observed during inspection, an order for imposition of Environmental Compensation was issued by DPCC on 03.10.2019, vide which EC of Rs-50,000/- was imposed on the owner of the premises. Copy of order dated 03.10.2019 passed by DPCC is enclosed herewith as ANNEXURE-2.

- 4. That, no Environmental Compensation was deposited by the Unit/Owner of the premises, therefore, Recovery Certificate dated 16.03.2021 was issued to SDM(South) by DPCC for recovery of the Environmental Compensation. Copy of Recovery Certificate dated 16.03.2021 is enclosed herewith as ANNEXURE-3. DPCC ^{has} not received Environmental Compensation as levied vide order dated 03.10.2019, hence a reminder on 17.10.2022 has been issued to the SDM(South) to recover the Environmental Compensation. Copy of Reminder letter dated 17.10.2022 is enclosed herewith as ANNEXURE-4.

The present status report may kindly be taken on record.


(Ajeeta Dayal Agrawal)
Sr. Environmental Engineer

Dated: 07th November, 2022

Place: Delhi

Inspection Report

Annexure-1

(3)

(Behind Mabbar Farm House Near Nalla, Bhati Road, DeraMora)
dt. 04.06.2019 in OA No. 509/2019.

Inspection of the premises behind Mabbar Farm House was carried out by a team of DCC and SDM Sabut, official, a team constituted by Honible NAT. A Huge Construction Material was observed during inspection consisting gravel, badampur, and sand, which was uncovered.

28 Trucks of Cement, Covered with tripane were also observed including 4 JCB's at site. One tractor ~~for~~ with tankbar was also observed for sprinkling of water. No green Air Barrier or sheet (Iron) observed. No Sprinkling found. One glassware Rowden and one fabrication Unit was also absent.

Ramesh K
4.9.19

(RAMESH KUMAR)
Kanungo (Sabut)

Deepak
04.9/19
RAMESH KUMAR

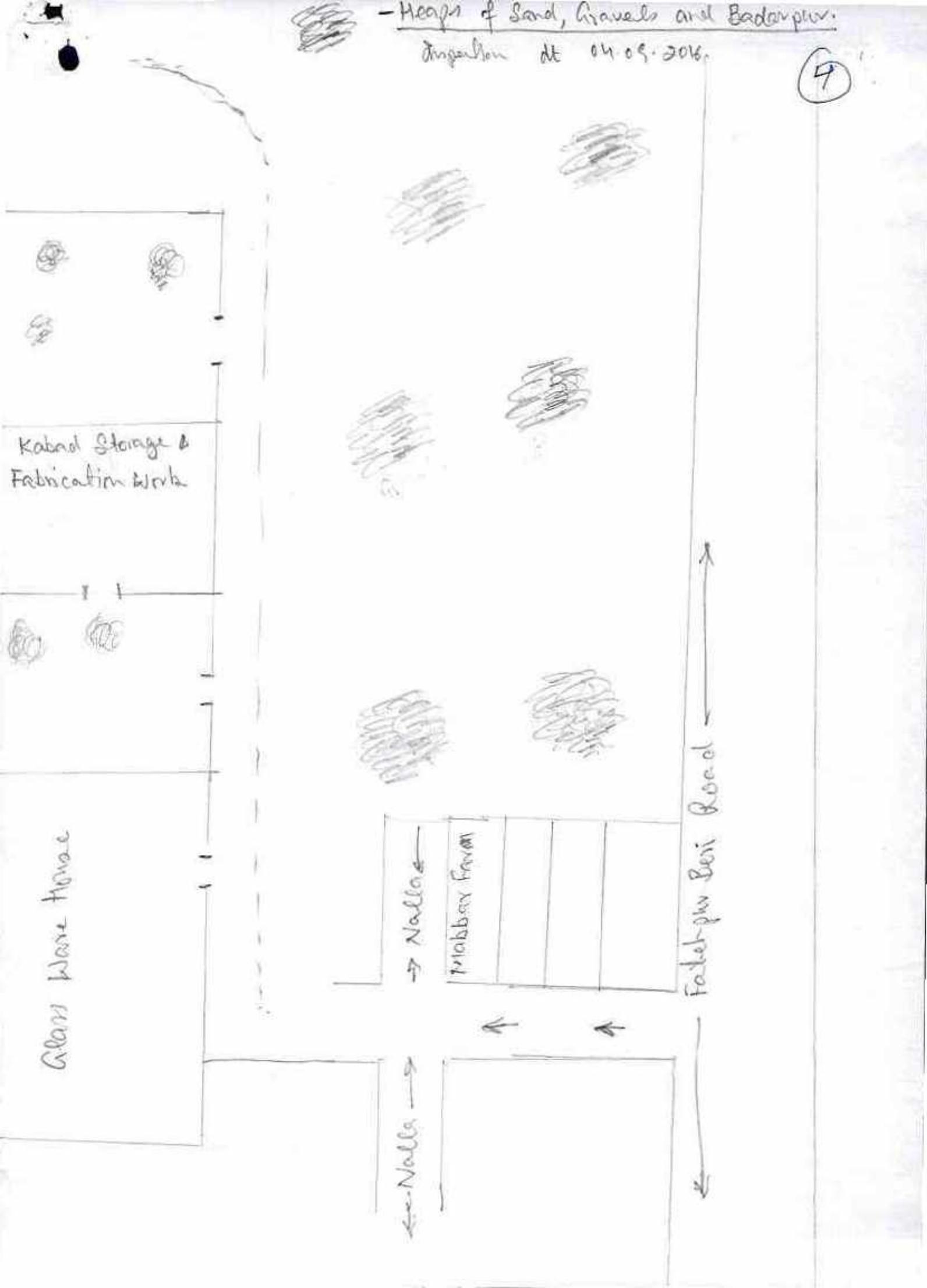
4/9/2019
(K. KUMAR)
DCC

Saijey
Saijey

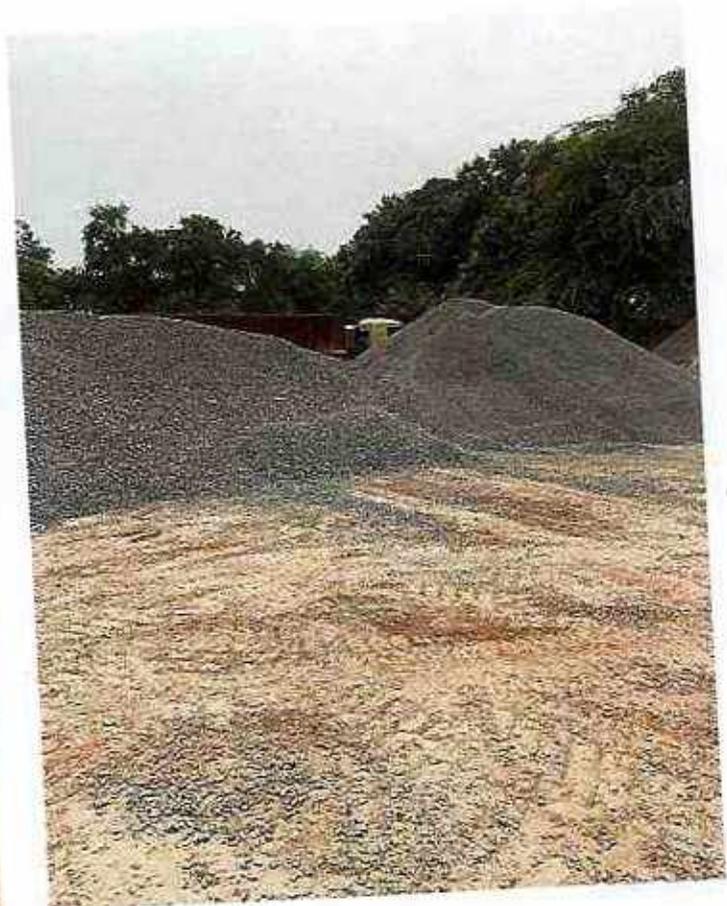
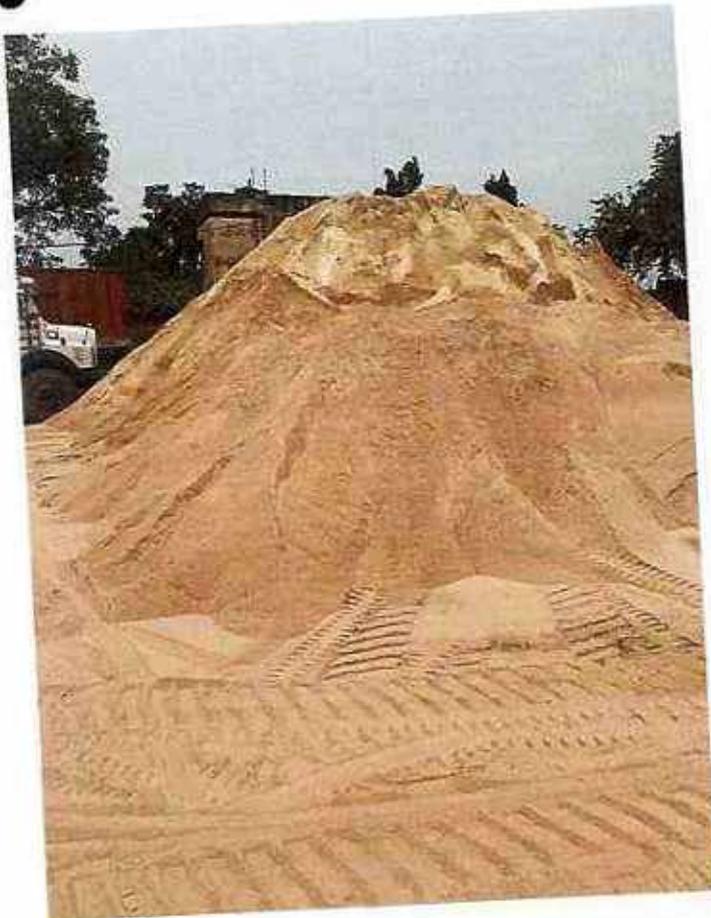
(Owner of Premises)

- Heaps of Sand, Gravels and Badam puv.
Inspection dt 04.05.2016.

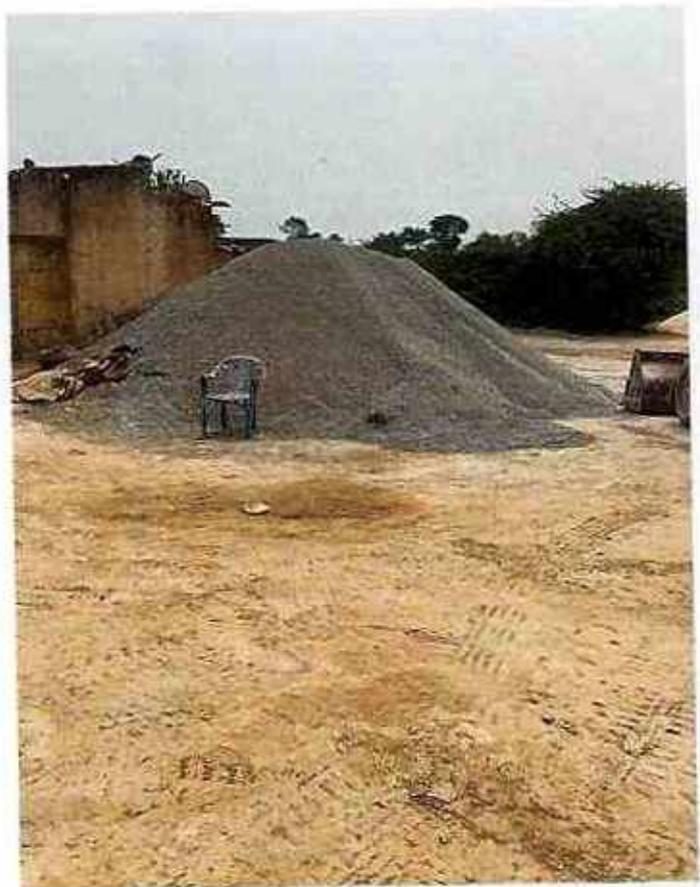
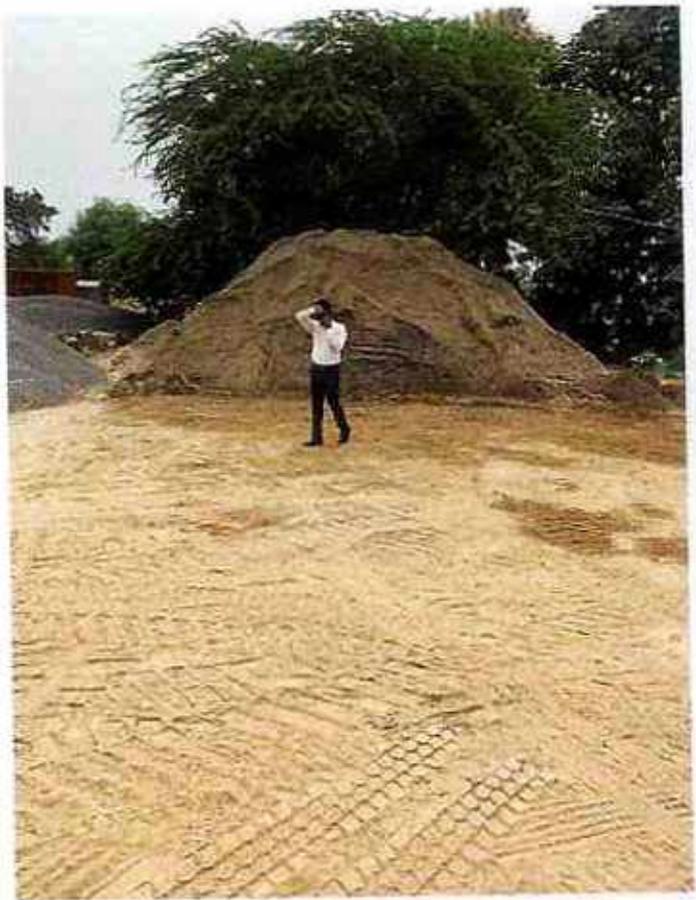
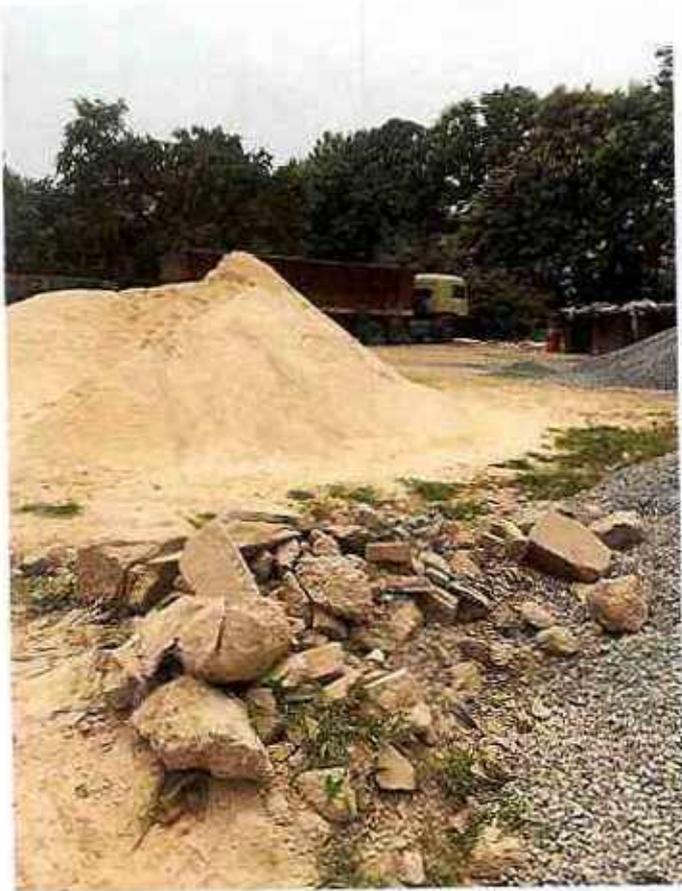
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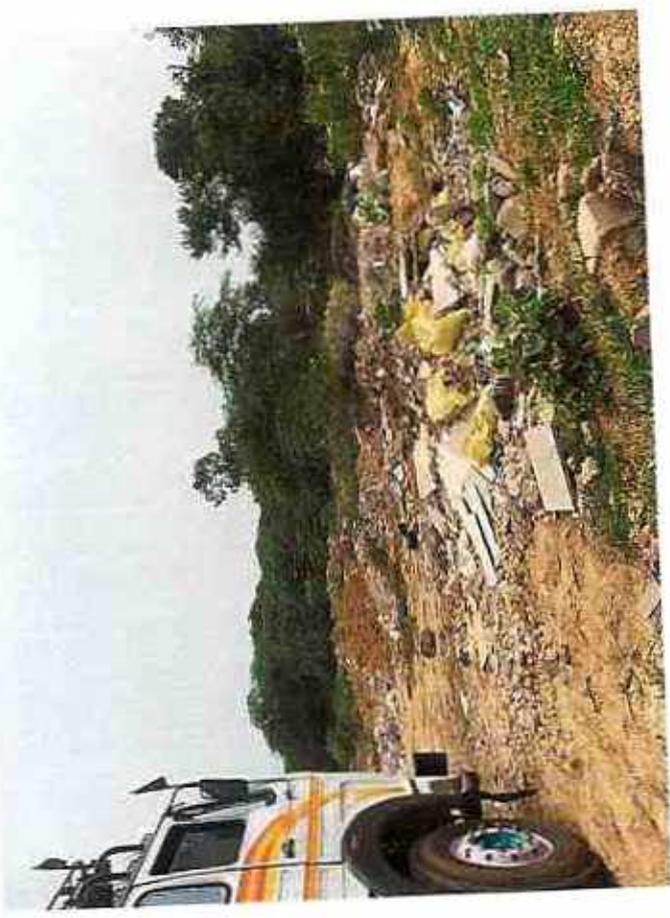
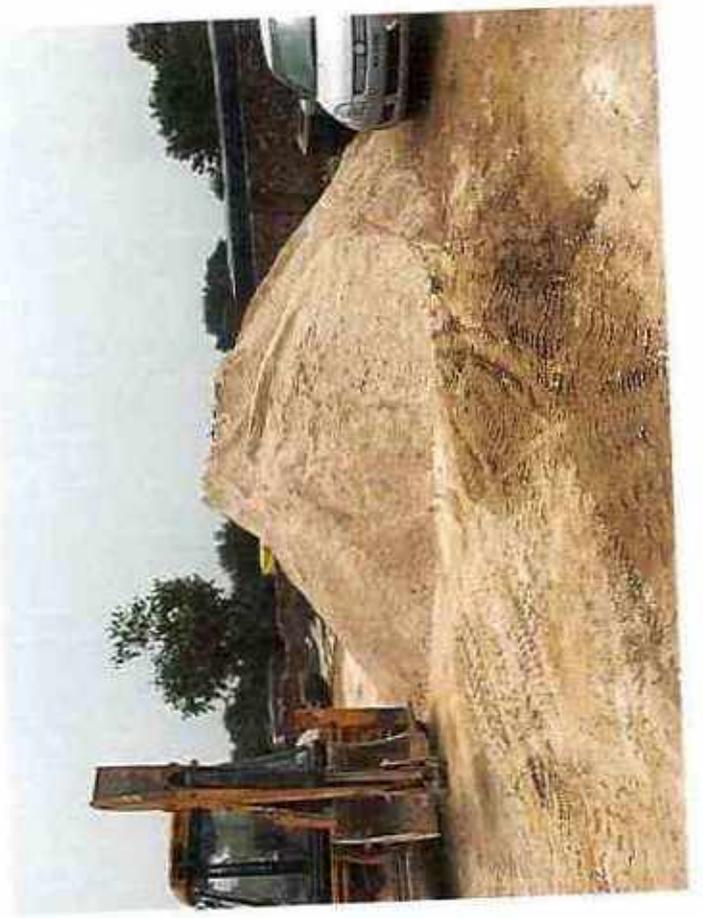
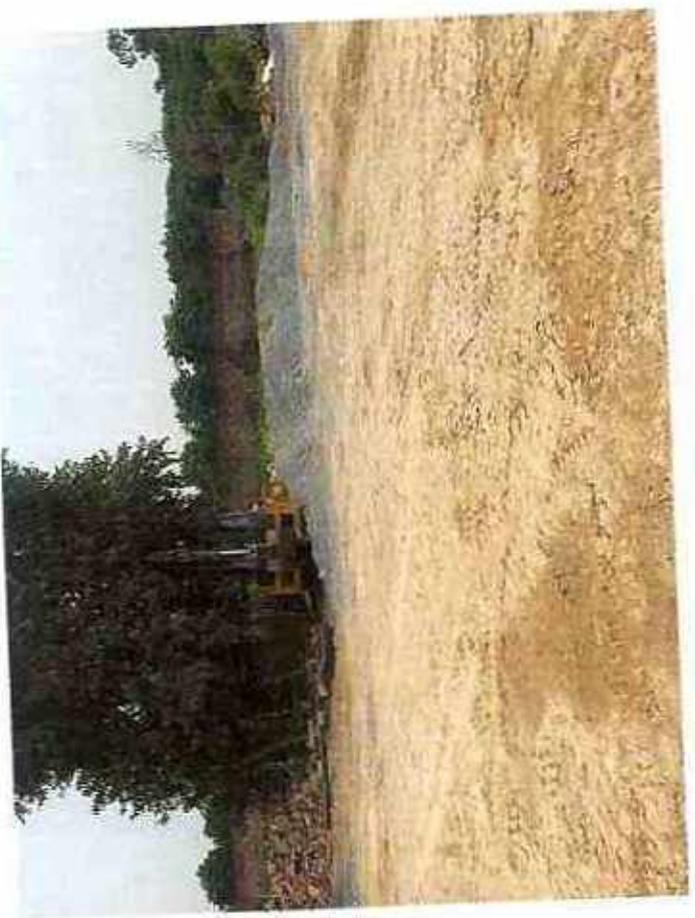


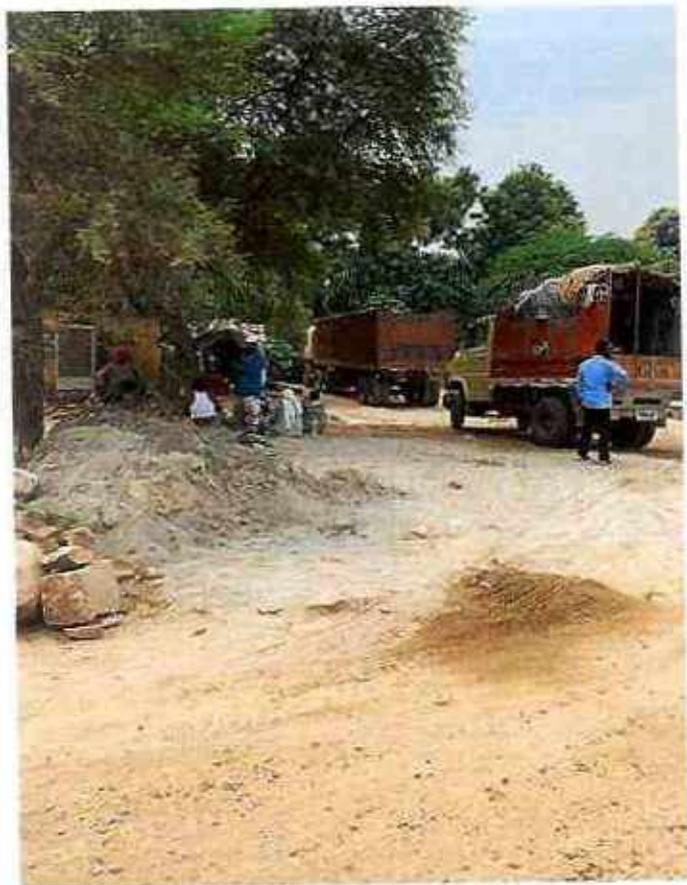
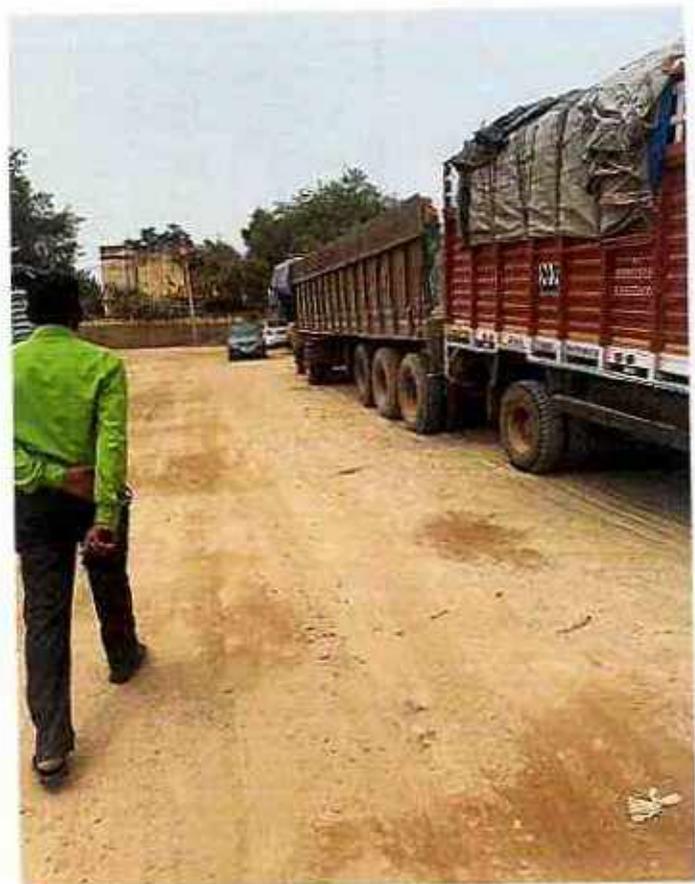
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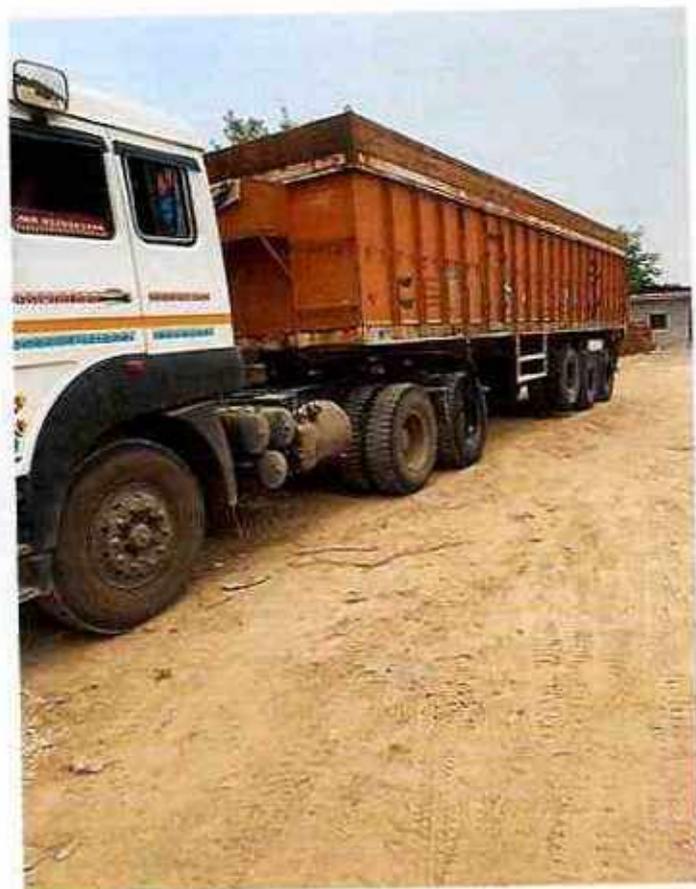
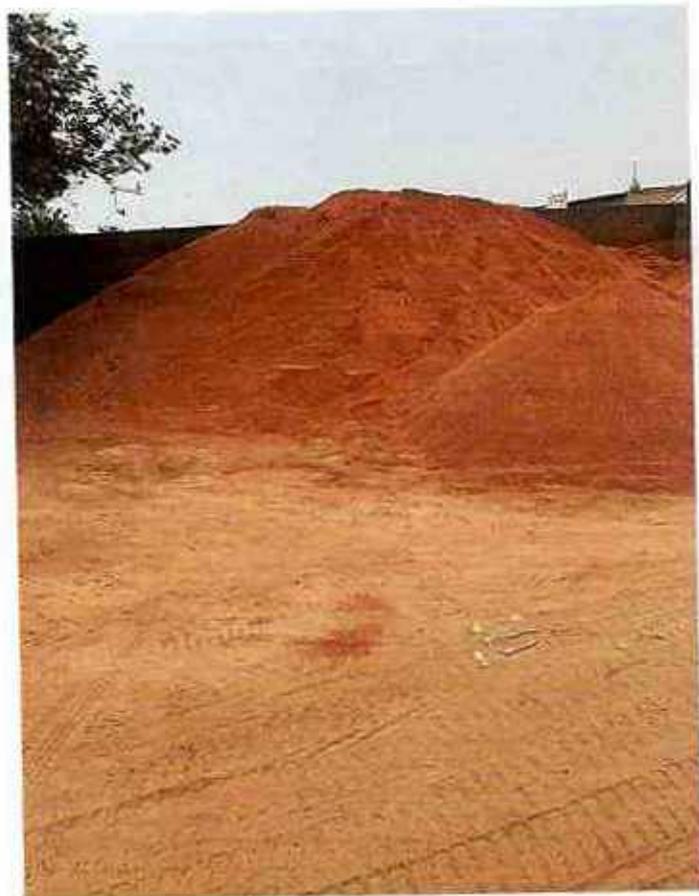


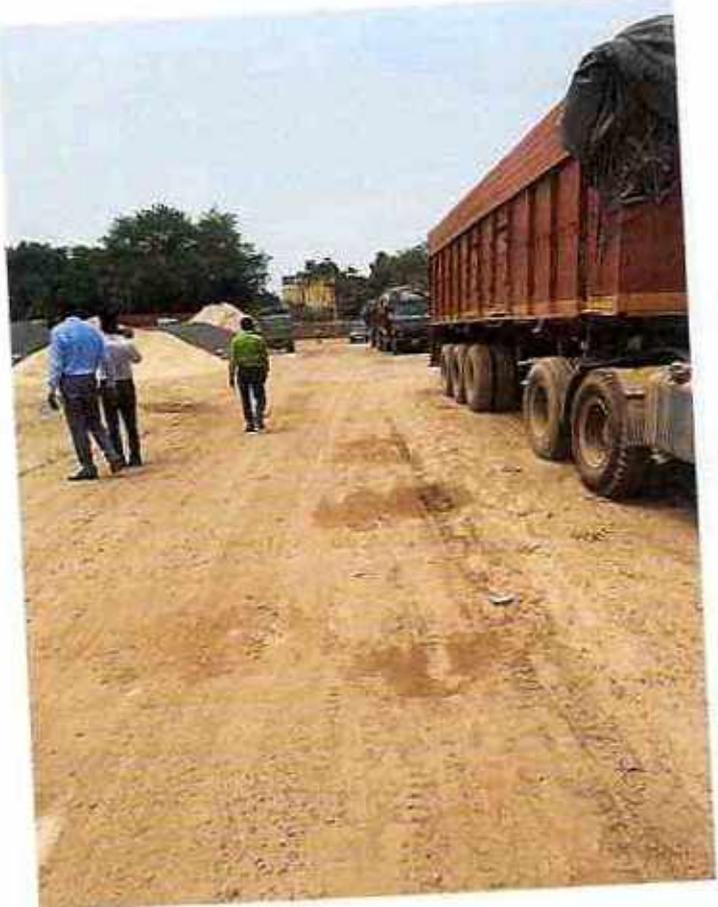


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Annexure-2 (13)



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>

PCC/NGT-AIR POLLUTION/CMC- /2019/ 8948

Dated: 03/10/19

To/
SH. SANJAY (OWNER)...
BEHIND MAKKAR FARM HOUSE
NEAR NALLA, BHATI ROAD
DERA MOR, DELHI.....

ORDER

SUBJECT:- COMPLIANCE OF ORDERS PASSED BY HON'BLE NATIONAL GREEN TRIBUNAL IN O.A. NO.21 OF 2014 AND O.A. NO. 95 OF 2014 IN THE MATTER OF VARDHAMAN KAUSHIK VS. UNION OF INDIA & OTHERS AND SANJAY KULSHRESHTHA VS UNION OF INDIA & ORS : AIR POLLUTION OF DUST FROM CONSTRUCTION AND DEMOLITION ACTIVITY REG

Whereas, Delhi is facing severe ambient air pollution levels and level of pollutants like Particulate matter (PM-2.5 & PM-10) has gone up multifold.

Whereas, Hon'ble National Green Tribunal 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 and Sanjay Kulshreshtha Vs Union of India & ors observing that it primarily results from demolition & construction activity going on in NCR Delhi.

Whereas, Hon'ble National Green Tribunal (NGT) 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.

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.

Whereas copy of NGT orders dated 04.12.2014, 10.04.2015, copy of MoEF guidelines 2010 and copy of notice issued were made available at the DPCC website as well i.e. "<http://dpcc.delhigovt.nic.in>" for general awareness of the stake holders.

Whereas, Hon'ble National Green Tribunal vide its order dated 10.04.2015 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*".

Whereas, Hon'ble National Green Tribunal vide its order dated 20.07.2016 in M.A. No, 360 of 2016 in the aforesaid matters inter-alia directed that, "*if the offending construction in plot upto 100sq.mt. the environmental compensation would be Rs. 10,000/-, if the offending construction in more than 100 sq. mtr. But upto 200sq.mt., the environmental compensation would be Rs. 20,000/-, if the offending construction is in a plot of more than 200 sq. mt. but less than 500sq. mt. the environmental compensation would be Rs. 30,000/-, while the offending construction is in a plot area of more than 500 sq.mt. the environmental compensation would be Rs. 50,000/- as already directed by the orders of the Tribunal. Wherever the constructed area is more than 20,000 sq. mtr. The environmental compensation would be Rs. 5 Lakhs. This rate will operate prospectively.*"

Whereas, in view of regular depletion of Air Quality Index (AQI) of Delhi, Environment Pollution Control Authority (EPCA) has called for Graded Response Action Plan (GRAP) wherein construction under controlled condition is part of Graded Response Action Plan.

During the visit of above said premises by the team of DPCC official on 04.06.19 in the presence of SANJAY (owner of premises) at the site and it was observed that:

- 1. Continuous dust/wind breaking walls of appropriate height around the periphery of the construction site has not been provided.
- 2. Tarpaulin or green-net on scaffolding around the area under-construction and the building have not been provided
- 3. Vehicles/ wheel washing facility has not been provided to clean vehicle and washing of wheels before leaving the construction site
- 4. Vehicles carrying construction material and construction debris are not found covered.
- 5. Construction debris and construction material stored on site found not fully covered
- 6. Wet-jet has not been used in grinding and stone cutting.
- 7. Unpaved surfaces and areas with loose soil have not been adequately sprinkled with water to suppress dust.
- 8. Construction and demolition waste was found stored / have not been recycled on-site or transported to authorized recycling facility and due record of the same has not been maintained.
- 9. Dust-masks have not been provided to every worker working on construction site and involved in loading unloading and carriage of construction material and construction debris to prevent inhalation of dust particle.
- 10.

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

- 1. That you the addressee shall deposit the environmental compensation of Rs. 50,000/- (Rs. Fifty thousand only) by way of demand draft in favour of Delhi Pollution Control committee for deficiencies observed during inspection within 7 days of this order.
- 2. That you the addressee shall take requisite complete dust pollution control measures immediately and shall submit the point wise compliance of dust pollution control measures as directed by Hon'ble NGT and stipulated in MoEF & CC, GOI notification no. G.S.R. 94(E) dated 25.01.2018 (Annexure I) including the rectification of deficiencies observed during inspection on 04.06.19 within 7 days of this order .

Please note that failure w.r.t. above directions/noncompliance of dust control measures will be construed as the non-compliance of Hon'ble NGT order warranting action as per law including stoppage of construction activity..



Sign. of DPCC officials

Name : CHANDRA PRAKASH
Designation Senior Environmental Engineer
Delhi Pollution Control Committee
4th & 5th Floor, ISBT Building,
Kirti Nagar, New Delhi - 110006



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

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F. No. DPCC/CMC-II/2021/ 829-31

Dated: 16/02/21

To,

The Sub-Divisional Magistrate (South)
 M.B road, Saket
 New Delhi-110068

Annexure-3

Subject- Recovery Certificate of DPCC towards, Recovery of Environmental Damage Compensation from Sh. Sanjay (Owner), behind Makkar Farm House, Near Nalla Bhati Road, Deramor Delhi-74.

Whereas, Sh. Sanjay (Owner), behind Makkar Farm House, Near Nalla Bhati Road, Deramor Delhi-74 (herein after referred as addressee) was engaged in the activity of dumping of construction material.

And whereas, an inspection of the unit was conducted by DPCC officials on 04.06.20219 and based on the findings of the inspection, an Environmental Damage Compensation of Rs 50,000/- (Rs Fifty Thousand only) was imposed on "Polluter Pays" principle and 07 days time was given to Sh. Sanjay (Owner), behind Makkar Farm House, Near Nalla Bhati Road, Deramor Delhi-74 for the submission of same. However, the said amount of Rs 50,000/- (Rs Fifty Thousand only) has not been submitted so far.

Now therefore, in view of above, you are requested to take appropriate action for Recovery of Rs 50,000/- (Rs Fifty Thousand only) from Sh. Sanjay (Owner), behind Makkar Farm House, Near Nalla Bhati Road, Deramor Delhi-74 and the same may be remitted to DPCC.

You are also requested to submit compliance report to DPCC within 07 days.


 (Ajeeta Dayal Agrawal)
 Incharge CMC-II

Copy to:-

1. Sh. Sanjay (Owner), behind Makkar Farm House, Near Nalla Bhati Road, Deramor Delhi-74.
2. Master File.

By Speed Post
REMINDER

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F.No.DPCC/CMC-II/2021/1721-23

Dated: 17/10/22

To,

The Sub-Divisional Magistrate (South),
Govt. of NCT of Delhi,
M.B. Road, Saket,
New Delhi – 110068.

Annexure-16

Sub:- Recovery Certificate w.r.t. Recovery of Environmental Compensation from Sh. Sanjay (Owner), behind Makkar Farm House, Near Nalla Bhati Road, Deramor, Delhi-110074.

Sir,

This has reference to this office letter of even number dated 16.03.2021 (copy enclosed) on the above mentioned subject, wherein it was requested to take appropriate action for Recovery of Environmental Compensation of Rs.50,000/- (Rs. Fifty Thousand only) from Sh. Sanjay (Owner), behind Makkar Farm House, Near Nalla Bhati Road, Deramor, Delhi-110074 and the same may be remitted to DPCC. The reply in this regard is still awaited.

It is, therefore, requested to take appropriate action necessary action for Recovery of Environmental Compensation of Rs.50,000/- (Rs. Fifty Thousand only) from Sh. Sanjay (Owner), behind Makkar Farm House, Near Nalla Bhati Road, Deramor, Delhi-110074 and the same may be remitted to DPCC at the earliest.

Yours sincerely,

Encl.: As above.


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

Copy to:-

1. Sh. Sanjay (Owner), behind Makkar Farm House, Near Nalla Bhati Road, Deramor, Delhi-110074.
2. Master File.