

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

Original Application No. 517/2022

In the matter of:

D.S. Kataria & Ors

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

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Filed by:

New Delhi:

Dated: 9th.12.2024

Delhi Pollution Control Committee

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PRINCIPAL BENCH, NEW DELHI

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In the matter of:

D.S. Kataria & Ors

...Applicant

Versus

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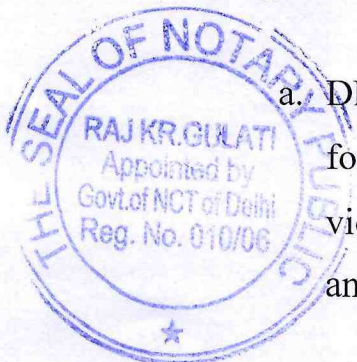
...Respondents

ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE WITH RESPECT TO THE JUDGMENT DATED 05.07.2024.

I, Sanjay Vatts, Environmental Engineer, Delhi Pollution Control Committee, 2nd Floor, C-Wing, Vikas Bhawan-II, Civil Lines, Delhi- 110054, do hereby solemnly affirm and state as under:

1. That, I am working as Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. That this Hon'ble Tribunal took up the above referred matter on 08.09.2022 and was pleased to constitute a Joint Committee of DDA, DPCC and Deputy Magistrate (South West), Delhi to verify the factual position about the issues like heavy vehicle movement and dumping of building/ construction material on the vacant land adjacent to Sector E-2, Vasant Kunj.
3. That, this Hon'ble Tribunal after hearing in detail pleased to pass a detailed judgment on 05.07.2024. In the judgment following directions were issued:

- a. DPCC is directed to pass appropriate orders on said show cause notices for imposition of Environmental Damage Compensation for past violations and damage to the environment thereby caused and recover and utilize the amount of compensation for restoration of environment.



(Handwritten signature)

- b. Action Taken Reports be filed by DDA and DPCC regarding action taken in compliance with the above-mentioned directions.
4. That, in compliance of the order dated 05.07.2024 passed by this Hon'ble Tribunal, joint inspection of the site was carried out on 12.09.2024, by the joint team consisting of officials from DDA, MCD and DPCC. The joint inspection team observed:
- i. MCD has informed that it had constructed around 450 m patch of road pertaining to them.
 - ii. DDA has also informed that it had constructed around 380 m patch of road between E-1 and E-2 apartments, Vasant Kunj pertaining to them however stagnation of water found at the entrance of E-2 Vasant Kunj due to low lying area.
 - iii. No C&D Waste was found along the E-1/E-2 roadside during the inspection.
 - iv. No barricading was found installed on the site.


Copy of the joint inspection report dated 12.09.2024 alongwith Geotagged photographs is annexed herewith as ANNEXURE-1.

5. That, DPCC has issued order for imposition of Environmental Damage Compensation on 28.10.2024 to the Dy. Commissioner (Najafgarh Zone) of Rs. 1,00,000/- (Rupees One Lakh only) in view of the "Polluter Pays" and in compliance of the order passed by this Hon'ble Tribunal dated 05.07.2024. Copy of the order dated 28.10.2024 for imposition of Environmental Damage Compensation is annexed herewith as ANNEXURE-2.
6. That, DPCC has issued order for imposition of Environmental Damage Compensation on 28.10.2024 to the Sup. Engineer, SPD-1, DDA of Rs. 1,00,000/- (Rupees One Lakh only) in view of the "Polluter Pays" and in compliance of the order passed by this Hon'ble Tribunal dated 05.07.2024. Copy of the order dated 28.10.2024 for imposition of Environmental Damage Compensation is annexed herewith as ANNEXURE-3.
7. That, a reply has been received from DDA with respect to order dated 28.10.2024, wherein DDA has requested to withdraw the EC claiming that they




followed all compliances for dust mitigation at the E-1/E-2 Apartment Vasant Kunj. Copy of the reply submitted by DDA dated 12.11.2024 is enclosed herewith as ANNEXURE-4.

8. That, no reply has been received from MCD as on date.
9. That, DPCC has again issued reminder orders for imposition of Environmental Damage Compensation on 22.11.2024 to MCD and DDA and directed to deposit EC amount of Rs. 1,00,000/- (Rupees One Lakh only) each. Copy of the reminder order dated 22.11.2024. are annexed herewith as ANNEXURE-5(Colly).
10. That, DPCC has not received Environmental Damage Compensation from MCD as well from DDA in this matter as on date. It is therefore requested to this Hon'ble Tribunal that the present action taken report may kindly be taken on record.


DERONENT

VERIFICATION

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom. Verified at New Delhi on this 07th day of December, 2024.


DEPONENT



ATTESTED

NOTARY PUBLIC
GOVT. OF NCT OF DELHI

6 DEC 2024

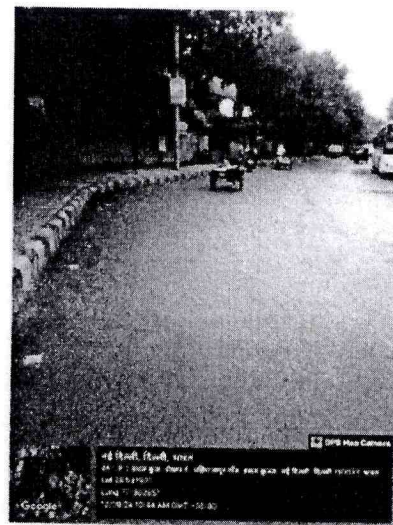
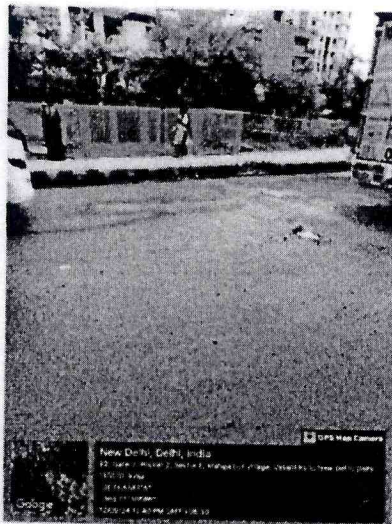
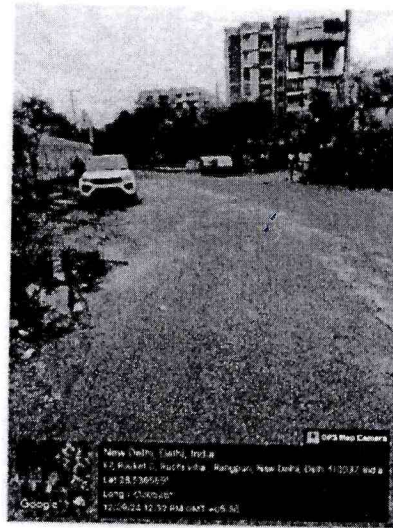
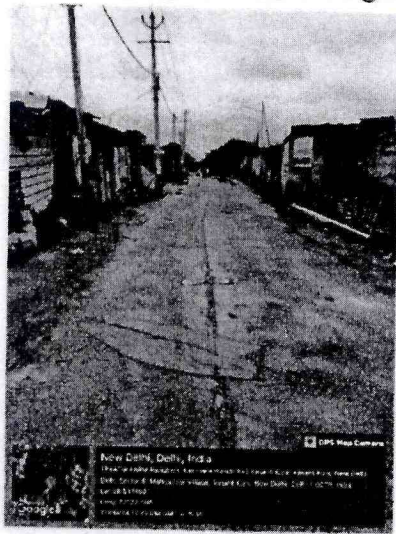
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INSPECTION REPORT

4

In pursuance of the decisions of order of Hon'ble National Green Tribunal (NGT) dated 05/07/24 in OA No 517/2022 in the matter of D.S Kataria and Anr. Vs Govt. of NCT of Delhi, regarding submission of Action Taken Reports in the present case. A Joint Inspection was conducted on 12/09/24 by a team consisting of the officials of DDA, MCD & DPCC. The observations of the team during inspection on 12/09/24 are as below: -

1. MCD has informed that it had constructed around 450 m patch of road pertaining to them.
2. DDA has also informed that it had constructed around 380 m patch of road between E-1 and E-2 apartments, Vasant Kunj pertaining to them however stagnation of water found at the entrance of E-2, Vasant Kunj due to low lying area.
3. No C&D waste was found along the E-1/E-2 roadside during the inspection.
4. No barricading was found installed on the site.
5. The photographs taken during inspection are as below:



Monu Kaushik
12/09/24
Monu Kaushik
JE, Najafgarh Zone, MCD

Sachin Kumar
12/09/2024
Sachin Kumar
AE, SPD-1, DDA

Sarim Zameer
12/09/2024
Sarim Zameer
JEE, CMC-IV



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



5

No. DPCC/CMC-IV/2024/ 3869, 3882

Dated: 28.6.2024

Subject: Order for imposition of Environmental Compensation (EC) reg.

And whereas, In the NGT matter of OA No. 517/2022 (DS Kataria and Ors Vs GNCTD), DPCC had issued certain directions to Dy Commissioner (Najafgarh Zone), MCD on 23/12/22 u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 and u/s 5 of Environment (Protection) Act, 1986 read with Construction and Demolition Waste Management Rules, 2016 as amended to date on the basis of observations made by the joint inspection team, of officials of DDA, Revenue Dept and DPCC, constituted by the order of Hon'ble National Green Tribunal. Copy of the directions issued is enclosed herewith for ready reference. Further letters were issued, on 09/05/23, 07/11/23 and 09/11/23 seeking compliance report w.r.t the said directions. No reply has been received till date from MCD with respect to directions issued till date.

And whereas, Show Cause Notice vide F No. DPCC/CMC-IV/2024/2533-35 dated 05/01/2024 (Copy attached) was issued to The Dy. Commissioner, Najafgarh Zone so as to why Environmental Damage Compensation of Rs 1,00,000/- (Rs One Lakh only) should not be imposed for past violations.

And whereas, reply of above said Show cause notice was received vide D-119/DC/NGZ/MCD dated 22.01.2024 in which MCD informed about various steps taken by them to combat air pollution in the area.

And whereas, Hon'ble NGT in its order dated 05/07/2024, directed DPCC to pass appropriate orders on said show cause notice for past violations and damage to the environment thereby caused and recover and utilize the amount for restoration of environment.

Now, Keeping in view of the "Polluter Pays" Principle and in compliance of the order of Hon'ble NGT dated 05/07/2024, the Addressee is hereby directed to deposit Environmental Compensation (EC) of Rs. 1,00,000/- (Rupees One Lakh Only) in the form of demand draft in favour of Delhi Pollution Control Committee payable at Delhi within 15 days from the date of issue of this order.

This is being issued as per approval of the Competent Authority in DPCC.

(Sanjay Vatts)

Environmental Engineer, CMC-IV
 Sanjay Vatts
 Environmental Engineer
 Delhi Pollution Control Committee
 11nd Floor, Vikas Bhawan-II,
 Upper Bela Road, Civil Line,
 Delhi-110054

To,

The Dy. Commissioner (Najafgarh Zone)
 First Floor, Office Building/
 Near Dhansa Bus Stand,
 Najafgarh, New Delhi-110043

Copy to:-

1. The Commissioner, Dr Shayama Prasad Mukherjee Marg, Minto Road, New Delhi-110002.
2. Master File, CMC-IV



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DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
Visit us at : <http://dpcc.delhi.govt.nic.in>



No. DPCC/CMC-IV/2024/ 3869, 3887

Dated: 29.10.2024

Subject: Order for imposition of Environmental Damage Compensation -reg.

And whereas, In the NGT matter of OA No. 517/2022 (DS Kataria and Ors Vs GNCTD), observations made by the joint inspection team of officials of DDA, Revenue Dept and DPCC, constituted by the order of Hon'ble National Green Tribunal. Copy of the directions issued is enclosed herewith for ready reference. Further letters were issued, on 09/05/23, 07/11/23 and 09/11/23 seeking compliance report w.r.t the said directions.

And whereas, DDA vide its letter vide File No F15(14)AE(P)/SPD-I/DDA/264 dated 21/03/23 has filed its reply informing that it has repaired the road patch and removed all C&D Waste and has also made arrangement for sweeping and sprinkling of water in the concerned area. However, complete compliance report with respect to directions has not been submitted by DDA till date.

And whereas, Show Cause Notice vide F No. DPCC/CMC-IV/2024/2536-38 dated 05/01/2024 (Copy attached) was issued to The Superintendent Engineer, DDA so as to why Environmental Damage Compensation of Rs 1,00,000/- (Rs One Lakh only) should not be imposed for past violations.

And whereas, reply of above said Show cause notice was received vide F1(II)AE-II/SPD-I/DDA/2023-24/109 dated 02.02.2024 in which DDA informed about various steps taken by them to combat air pollution in the area.

And whereas, Hon'ble NGT in its order dated 05/07/2024, directed DPCC to pass appropriate orders on said show cause notice for past violations and damage to the environment thereby caused and recover and utilize the amount for restoration of environment.

Keeping in view of the "Polluter Pays" Principle and in compliance of the order of Hon'ble NGT dated 05/07/2024, the Addressee is hereby directed to deposit Environmental Compensation (EC) of Rs. 1,00,000/- (Rupees One Lakh Only), in the form of demand draft in favour of Delhi Pollution Control Committee payable at Delhi within 15 days from the date of issue of this order.

This is being issued as per approval of the Competent Authority in DPCC.

Sanjay Watts
(Sanjay Watts)

Environmental Engineer, CMC-IV

Sanjay Watts
Environmental Engineer
Delhi Pollution Control Committee
11th Floor, Vikas Bhawan-II,
Upper Bela Road, Civil Line,
Delhi-110054

To,
The Superintendent Engineer,
DDA Office Complex SPD-1,
Nelson Mandela Marg
Pocket 11, Sector B, Vasant Kunj
New Delhi-110070

Copy to-

1. The Vice Chairman, Delhi Development Authority, Vikas Sadan, INA Colony, New Delhi-110023.
2. Master File, CMC-IV



क्रमांक: F1(II)AE-II/SPD-1/DDA/2024-25/962

दिनांक: 12-11-2024

सेवा में,

Delhi Pollution Control Committee
4th & 5th Floor, ISBT Building,
Kashmere Gate, Delhi-110006.

5321 CWY
22/11/24

Delhi Pollution Control Committee
Dairy No. 153929
19 NOV 2024
CMC-4
Sign. of Receiving Officer

विषय : Response to Order dated 28.10.2024 for imposition of
Environmental Damage Compensation.
Ref : DPCC vide letter no. DPCC/CMC-IV/2024/3869-3887
dated 28.10.2024.

24/11/24
Sir,

In context to abovementioned subject & reference, it is submitted that DDA has complied and implemented the order/directions/instructions as issued by the Hon'ble NGT dated 05.07.2024 and other directions issued from time to time by Hon'ble NGT.

In context of the above cited subject, a show cause notice issued by DPCC vide letter no. DPCC/CMC-IV/2024/2536-38 dated 05.01.2024 wherein DPCC in view of the 'polluters principle' show caused DDA that why Environmental Damage Compensation of Rs 1,00,000/- should not be imposed.

It is submitted that DDA has filed a compliance report dated 22.01.2024 in OA No 517 of 2022 titled DS Kataria 7 Ors. Vs GNCTD wherein DDA in Paragraph No 2 submitted as follows:-

"DDA has cleared all C&D waste lying in and around the area between E-1 & E-2 road, Vasant Kunj. Further, in order to combat the issue of illegal dumping of C&D waste in the vacant DDA land, the DDA has constructed and repaired the wall in and around the vacant DDA land so that no one gets access to vacant DDA land for the purpose of dumping C & D waste."

DDA have already taken necessary actions for mitigation of the dust pollution in the area and the report was also filed vide letter F-1(II)/AE-II/SPD-1/DDA/2023-24, dated 02.02.2024 to the DPCC including the request to withdraw the show cause notice.

On 14.03.2024 DPCC vide its letter no. DPCC/CMC-IV/2024/2589-2591, DPCC in its last paragraph directed DDA to remain compliant of pollution control norms and ensure that the duties with respect to control of dust pollution are carried out diligently so that people living in the vicinity are not affected. And non-performance of timely action in this regard will attract environmental Compensation. Therefore from bare reading of last paragraph of the Letter dated 14.03.2024 it is evident that in future if there is non-performance of timely action then it would attract Environmental Compensation.

In respect to the court order dated 05.07.2024, a joint inspection was also carried out by DPCC with MCD and DDA on dated 12.09.2024, wherein no C& D waste was found on E-1/E-2 road.

It is pertinent to mention here that appropriate actions have been taken by DDA to combat the pollution and accordingly the reports have been submitted and apprised by DPCC. The DDA complied all the directions issued by the Hon'ble Tribunal and DPCC.

It is further stated that Hon'ble tribunal order dated 05.07.2024 in OA No 517 of 2022 titled DS Kataria 7 Ors Vs GNCTD recorded in Paragraphs are as follows:-

44. In its report the Joint Committee has mentioned illegal dumping of C&D waste on the road side. In its replies filed vide email dated 21.11.2023 and 22.01.2024 DDA has mentioned that respondent no.2 DDA has cleaned the malba and garbage around the Sectors E-1 and E-2 road. In its replies DDA has not given any information regarding C&D waste collection centers/processing facilities established by it.

47. It may be observed here that in its compliance report filed vide email dated 22.01.2024 DDA has mentioned that in order to curb the air pollution in the area DDA has decided to develop green belt by doing dense plantation at feasible patches alongside housing pockets and around the road between E-1 & E-2, Vasant Kunj, New Delhi. It is also mentioned that such plants will be maintained by the Horticulture wing of DDA and in case any plant gets decay, the same will be replaced with fresh plant in order to maintain the greenery in the area.

48. Respondent no. 2-DDA is directed to develop green belt around the road between E-1 and E-2, Vasant Kunj and carry out requisite plantation and maintain the plants for preventing and controlling air/dust pollution in the area.

It is stated that in compliance of abovementioned direction by Hon'ble Tribunal order dated 05.07.2024 has filed a compliance report dated 12.11.2024 wherein it contains that DDA has already developed green belt by doing dense plantation at feasible patches along E-1/E-2 road. Copy of Compliance Report dated 12.11.2024 is annexed herewith and marked as Annexure A-1.

In view of the above, it is submitted that DDA has taken various steps with monetary implications to curb the air pollution in the area in accordance with the "Polluter pay principle". Therefore, it is kindly requested to withdraw the order for Environment Damage Compensation.

Encl. As above.

[Signature]
12/11/24
अधिकासी अभियंता,
दक्षिणी परियोजना खंड -1
दि० वि० प्रा०, वसंत कुंज

प्रतिलिपि :-

1. CE(SZ)DDA for kind information.
2. Director (Works), DDA for kind information.
3. SE/SCC-2, DDA, Pkt. D-3 & D-4, Vasant Kunj for kind information.
4. All AEs/SPD-1, DDA directed for strict compliance with DPCC direction in future.
5. Guard File.
6. Office Copy.

अधिकासी अभियंता,
दक्षिणी परियोजना खंड -1
दि० वि० प्रा०, वसंत कुंज



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



No. DPCC/CMC-IV/2024/ 4104-4106

Dated: 22/11/2024

Reminder: Order for imposition of Environmental Damage Compensation -reg.

And whereas, In the NGT matter of OA No. 517/2022 (DS Kataria and Ors Vs GNCTD), DPCC had issued certain directions to Dy Commissioner (Najafgarh Zone), MCD on 23/12/22 u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 and u/s 5 of Environment (Protection) Act, 1986 read with Construction and Demolition Waste Management Rules, 2016 as amended to date on the basis of observations made by the joint inspection team, of officials of DDA, Revenue Dept and DPCC, constituted by the order of Hon'ble National Green Tribunal. Further letters were issued, on 09/05/23, 07/11/23 and 09/11/23 seeking compliance report w.r.t the said directions. No reply has been received till date from MCD with respect to directions issued till date.

And whereas, Show Cause Notice vide F No. DPCC/CMC-IV/2024/2533-35 dated 05/01/2024 (Copy attached) was issued to The Dy. Commissioner, Najafgarh Zone so as to why Environmental Damage Compensation of Rs 1,00,000/- (Rs One Lakh only) should not be imposed for past violations.

And whereas, reply of above said Show cause notice was received vide D-119/DC/NGZ/MCD dated 22.01.2024 in which MCD informed about various steps taken by them to combat air pollution in the area.

And whereas, Hon'ble NGT in its order dated 05/07/2024, directed DPCC to pass appropriate orders on said show cause notice for past violations and damage to the environment thereby caused and recover and utilize the amount for restoration of environment.

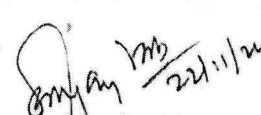
And whereas, in compliance of the order of Hon'ble NGT dated 05/07/2024, the Addressee was directed to deposit Environmental Compensation (EC) of Rs. 1,00,000/- (Rupees One Lakh Only) vide F No. DPCC/CMC-IV/2024/3869,3882 dated 28.10.2024. (Copy attached)

By way of this letter, you are hereby again directed to deposit the said EC amount so that Compliance report may be submitted to Hon'ble NGT at the earliest.

This is being issued as per approval of the Competent Authority in DPCC.

To,

The Dy. Commissioner (Najafgarh Zone)
First Floor, Office Building/
Near Dhansa Bus Stand,
Najafgarh, New Delhi-110043


(Sanjay Vatts)
Environmental Engineer, CMC-IV
Sanjay vatts
Environmental Engineer
Delhi Pollution Control Committee
IInd Floor, Vikas Bhawan-II,
Upper Bela Road, Civil Line,
Delhi-110054

Copy to:-

1. The Commissioner, Dr Shayama Prasad Mukherjee Marg, Minto Road, New Delhi-110002.
2. Master File, CMC-IV

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DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
web site : <http://dpcc.delhigovt.nic.in>



No. DPCC/CMC-IV/2024/ 4107 - 4109

Dated: 22/11/24

Reminder: Order for imposition of Environmental Damage Compensation -reg.

And whereas, In the NGT matter of OA No. 517/2022 (DS Kataria and Ors Vs GNCTD), directions were issued to DDA on 23.12.22 the basis of observations made by the joint inspection team of officials of DDA, Revenue Dept and DPCC, constituted by the order of Hon'ble National Green Tribunal. Further letters were issued, on 09/05/23, 07/11/23 and 09/11/23 seeking compliance report w.r.t the said directions.

And whereas, DDA vide its letter vide File No F15(14)AE(P)/SPD-I/DDA/264 dated 21/03/23 has filed its reply informing that it has repaired the road patch and removed all C&D Waste and has also made arrangement for sweeping and sprinkling of water in the concerned area. However, complete compliance report with respect to directions has not been submitted by DDA till date.

And whereas, Show Cause Notice vide F No. DPCC/CMC-IV/2024/2536-38 dated 05/01/2024 (Copy attached) was issued to The Superintendent Engineer, DDA so as to why Environmental Damage Compensation of Rs 1,00,000/- (Rs One Lakh only) should not be imposed for past violations.

And whereas, reply of above said Show cause notice was received vide F1(II)AE-II/SPD-I/DDA/2023-24/109 dated 02.02.2024 in which DDA informed about various steps taken by them to combat air pollution in the area.

And whereas, Hon'ble NGT in its order dated 05/07/2024, directed DPCC to pass appropriate orders on said show cause notice for past violations and damage to the environment thereby caused and recover and utilize the amount for restoration of environment.

And whereas, in compliance of the order of Hon'ble NGT dated 05/07/2024, the Addressee was directed to deposit Environmental Compensation (EC) of Rs. 1,00,000/- (Rupees One Lakh Only) vide F No. DPCC/CMC-IV/2024/3869,3887 dated 28.10.2024. (Copy attached)

By way of this letter, you are hereby again directed to deposit the said EC amount so that Compliance report may be submitted to Hon'ble NGT at the earliest.

This is being issued as per approval of the Competent Authority in DPCC.

Sanjay Vatts
(Sanjay Vatts)
Environmental Engineer, CMC-IV

Sanjay Vatts
Environmental Engineer
Delhi Pollution Control Committee
11th Floor, Vikas Bhawan-II,
Upper Bela Road, Civil Line,
Delhi-110054

To,
The Superintendent Engineer,
DDA Office Complex SPD-1,
Nelson Mandela Marg
Pocket 11, Sector B, Vasant Kunj
New Delhi-110070

Copy to-

1. The Vice Chairman, Delhi Development Authority, Vikas Sadan, INA Colony, New
Delhi-110023.

2. Member File CMC-IV