

**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

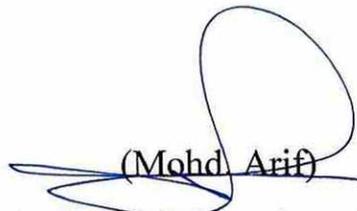
NDOH:-23.01.2024

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Filed by:

New Delhi:


(Mohd. Arif)

Sr. Environmental Engineer

Dated: 11.01.2024

Delhi Pollution Control Committee

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**
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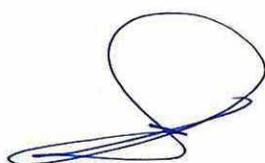
Govt. of NCT of Delhi

...Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN COMPLIANCE TO THE ORDER
DATED 22.11.2023.**

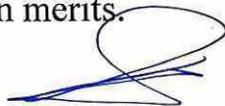
IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter for the first time on 08.09.2022 and was pleased to constitute a Joint Committee of DDA, DPCC and District 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.
2. That in compliance with the orders passed by this Hon'ble Tribunal, the joint committee consisting of officials of DPCC, DDA and Revenue Department carried out inspection on 14.12.22 & thereafter directions were issued u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 and u/s 5 of Environmental (Protection) Act, 1986 read with Construction and Demolition Waste Rules, 2016 issued on 23.12.22 to DDA & MCD.
3. That in compliance with the order's passed by this Hon'ble Tribunal, DPCC filed the action taken report and response through email on 26.12.2022, 10.03.2023, 29.05.2023 and 20.11.2023 which are available on the records of this Hon'ble Tribunal.



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4. That, this Hon'ble Tribunal had taken up the matter on 22.11.2023 and pleased to direct DPCC to take proceedings for imposition of environmental damage compensation on MCD and DDA for past violations and file Action Taken Report.
5. That, in compliance of the order dated 22.11.2023 passed by this Hon'ble Tribunal, DPCC has issued show cause notice on 05/01/24 for imposition of Environmental Damage Compensation of Rs. 1,00,000/- (Rupees One Lakh only) to the Superintendent Engineer, DDA for past violations and damage to the environment. As per Environmental Compensation (EC) policy of DPCC dt. 30.03.22, EC of Rs 50,000/- is to be levied on land owning agency however the amount is to be doubled if the violation is carried out in winter season between 15th October and 31st January. Since the directions were issued to DDA on 23.12.22, SCN for EC of Rs 1,00,000/- (Rs One Lakh Only) has been issued. Copy of the show cause notice for imposition of Environmental Damage Compensation dated 05.01.2024 is annexed herewith as ANNEXURE-1.
6. That, DPCC has also issued show cause notice on 05.01.24 for imposition of Environmental Damage Compensation of Rs 1,00,000/- (Rupees One Lakh only) to the Dy. Commissioner (Najafgarh Zone), MCD for past violations and damage to the environment damage. As per Environmental Compensation (EC) policy of DPCC dt. 30.03.22, EC of Rs 50,000/- is to be levied on land owning agency however the amount is to be doubled if the violation is carried out in winter season between 15th October and 31st January. Since the directions were issued to MCD on 23.12.22, SCN for EC of Rs 1,00,000/- (Rs One Lakh Only) has been issued. Copy of the show cause notice for imposition of Environmental Damage Compensation dated 05.01.2024 is annexed herewith as ANNEXURE-2.
7. That time of 15 days were given to DDA and MCD to file their reply aforesaid show cause notice.
8. That neither DDA nor MCD has filed their reply with respect to show cause notice dated 05.01.2024 till 11.01.24. As and when reply is received, same will be considered and decided on merits.



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9. It is therefore requested to this Hon'ble Tribunal that the present action taken report may kindly be taken on record.

Dated - 11/11/2024

(Mohd. Arif)
11/11/2024
Sr. Environmental Engineer

Annexure-1



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>



No. DPCC/CMC-IV/2024/2536-39

Dated: 05-01-2024

Subject: Show Cause Notice for imposition of Environmental Damage Compensation - reg.

In the NGT matter of OA No. 517/2022 (DS Kataria and Ors Vs GNCTD), DPCC had issued certain directions to DDA 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/emails were issued, on 09/05/23, 07/11/23 & 09/11/23 seeking compliance report wrt the said directions.

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.

Hon'ble NGT in its order dated 22/11/23, directed DPCC to take proceedings for imposition of Environmental Damage Compensation (EDC) for the past violations on DDA.

Keeping in view of the "Polluter Pays" Principle and in compliance of the order of Hon'ble NGT, you are hereby required to show cause why Environmental Damage Compensation of Rs. 1,00, 000/- (Rupees One Lakh only) should not be imposed on you for the past violations and causing damage to the environment. Your reply, if any may be submitted within 15 days of receiving this letter.

This is being issued as per approval of the Chairman, DPCC.

Encl- As above

Kouly
Incharge, CMC-IV

To,
The Superintendent Engineer,
DDA Office Complex SPD-1,
Nelson Mandela Marg
New Delhi-110070
Copy to-

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

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

Annexure-2



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/ 2533-35

Dated: 05-01-2024

Subject: Show Cause Notice for imposition of Environmental Compensation (EC) reg.

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/emails were issued on 09/05/23, 07/11/23 and 09/11/23 seeking compliance report wrt the said directions. No reply has been received till date from MCD with respect to directions issued till date.

Hon'ble NGT in its order dated 22/11/23, directed DPCC to take proceedings for imposition of Environmental Damage Compensation (EDC) for the past violations on MCD.

Keeping in view of the "Polluter Pays" Principle and in compliance of the order of Hon'ble NGT, you are hereby required to show cause why Environmental Damage Compensation of Rs. 1,00,000/- (Rupees One Lakh only) should not be imposed on you for the past violations and causing damage to the environment. Your reply, if any may be submitted within 15 days of receiving this letter.

This is being issued as per approval of the Chairman, DPCC.

To,

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

Encl- As above

Copy to-

1. The Commissioner, Municipal Corporation of Delhi, Dr S P Mukherjee Civic Center, JLN Marg, New Delhi-110002.
2. Master File, CMC-IV

Beary
Incharge, CMC-IV

Dr. B.M.S. Reddy
Senior Environmental Engineer
Delhi Pollution Control Committee
4th & 5th Floor, ISBT Building,
Kashmere Gate, Delhi, Delhi-110006