

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

Original Application No. 527/2022

In the matter of:

Nand Lal

...Applicant

Versus

Dharmendra Tomar & Others

...Respondents

NDOH:- 20.08.2022

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Filed by:

New Delhi:

Dated: __.08.2022

Delhi Pollution Control Committee

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1

Original Application No. 527/2022

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**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTON
CONTROL COMMITTEE IN COMPLAINE TO THE ORDER
DATED 22.07.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 22.07.2022 and was pleased to direct the DPCC, Municipal Commissioner of Delhi and Deputy Commissioner (North East) to take action against illegal disposal of waste in Street No. 3 and other streets of Anuvrat Vihar, Sabhapur Vistar, Delhi.
2. That a joint inspection of the site was carried out on 04.08.2022 by the representative of DPCC, Municipal Corporation of Delhi and Delhi Police. During the inspection it was observed that:
 - Garbage is being collected without authorization on a large size plot approx. 2000 sqmt near Rampal Chowk, Sabhapur Village.
 - The collected garbage is then dumped on street no. 1, 3, 4 and main road Anuvrat Vihar, Sabhapur Vistar.
 - Nand Lal (applicant) and other local residents were contacted during the inspection and they had informed that work was being carried out by the local MLA.

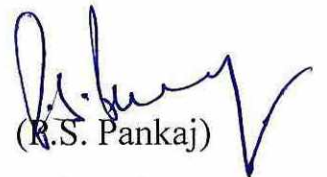
2

- MCD representative had clarified that this area is an unauthorized colony and is not under the jurisdiction of MCD and this work is being carried out by Irrigation and Flood Control Department (I & FCD).

Copy of the joint inspection dated 04.08.2022 along with photographs are enclosed herewith as ANNEXURE-1.

3. That, DPCC issued show cause notice for imposing Environmental Damages Compensation to "Irrigation & Flood Control Department" and "Plot Owner, Near Rampal Chowk, Sabhapur Extension" to the tune of Rs. 10,00,000/- (Rupees Ten Lakhs only) was issued on 23.08.2022. Copy of the show cause notice dated 23.08.2022 is annexed herewith as ANNEXURE-2.
4. That, DPCC vide letter dated 23.08.2022 asked the Commissioner (MCD) to take necessary action to ensure that the said unwanted activity should not take place, need to clean the site to prevent further pollution and take necessary action against the offenders/ violators responsible for the pollution. Copy of the letter dated 23.08.2022 issued to MCD is annexed herewith as ANNEXURE-3.

The present status report may kindly be taken on record.


(R.S. Pankaj)

Sr. Environmental Engineer

In reference to NBT matter in O.A. No. 527/2022 "Nand Lal vs Dharmendra Tomar & Others" a joint inspection of Delhi Pollution Control Committee, MCD and Delhi Police was organised on 04/08/2022 to look into the grievance of applicant. The applicant has alleged that drain silt and solid waste are being deliberately dumped on streets of Anuvrat Vihar, Sabhapur Vistar, Delhi.

During inspection following observations were found-

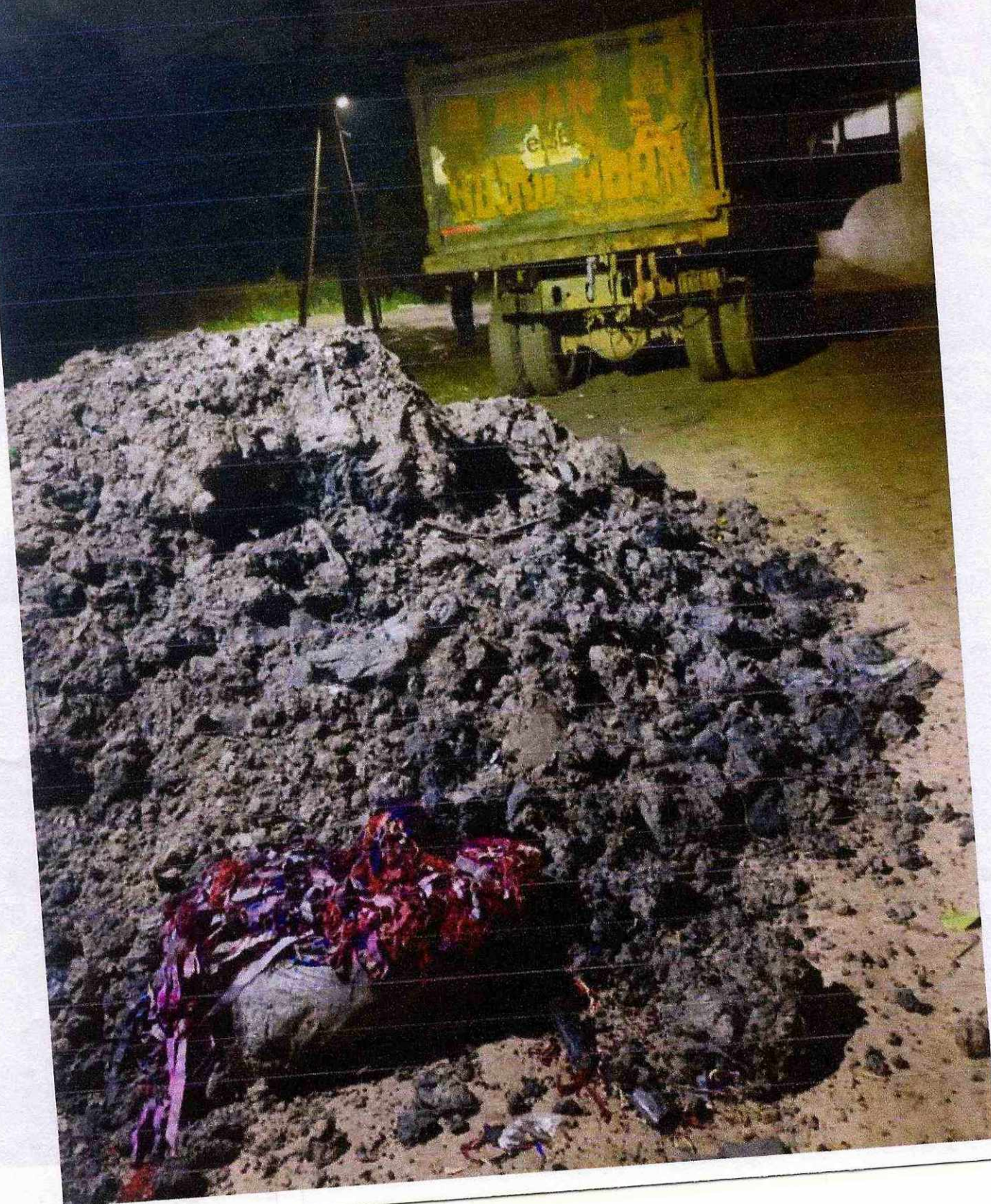
- i) Garbage is dumped on a large size plot approx 2000 sqm near Rampal Chowk, Sabhapur Village.
- ii) The collected Garbage & silt is then dumped on street no- 1, 3, 4 and main road of Anuvrat Vihar, Sabhapur Vistar.
- iii) Nand Lal and other local residents were contacted during the said inspection and they informed that work is being carried out by Local MLA.
- iv) As per MCD it is an unauthorised colony, MCD does not pertain with this area and this work is being carried out by Irrigation and Flood control Department.
- v) Representative from Deputy Commissioner (North East) is not given despite requesting and mail was given beforehand.
- vi) Accordingly concerned department is requested to lift the dumped garbage and silt from the mentioned sites.

Amrit Kaur
04/08/2022
DPC/JEE

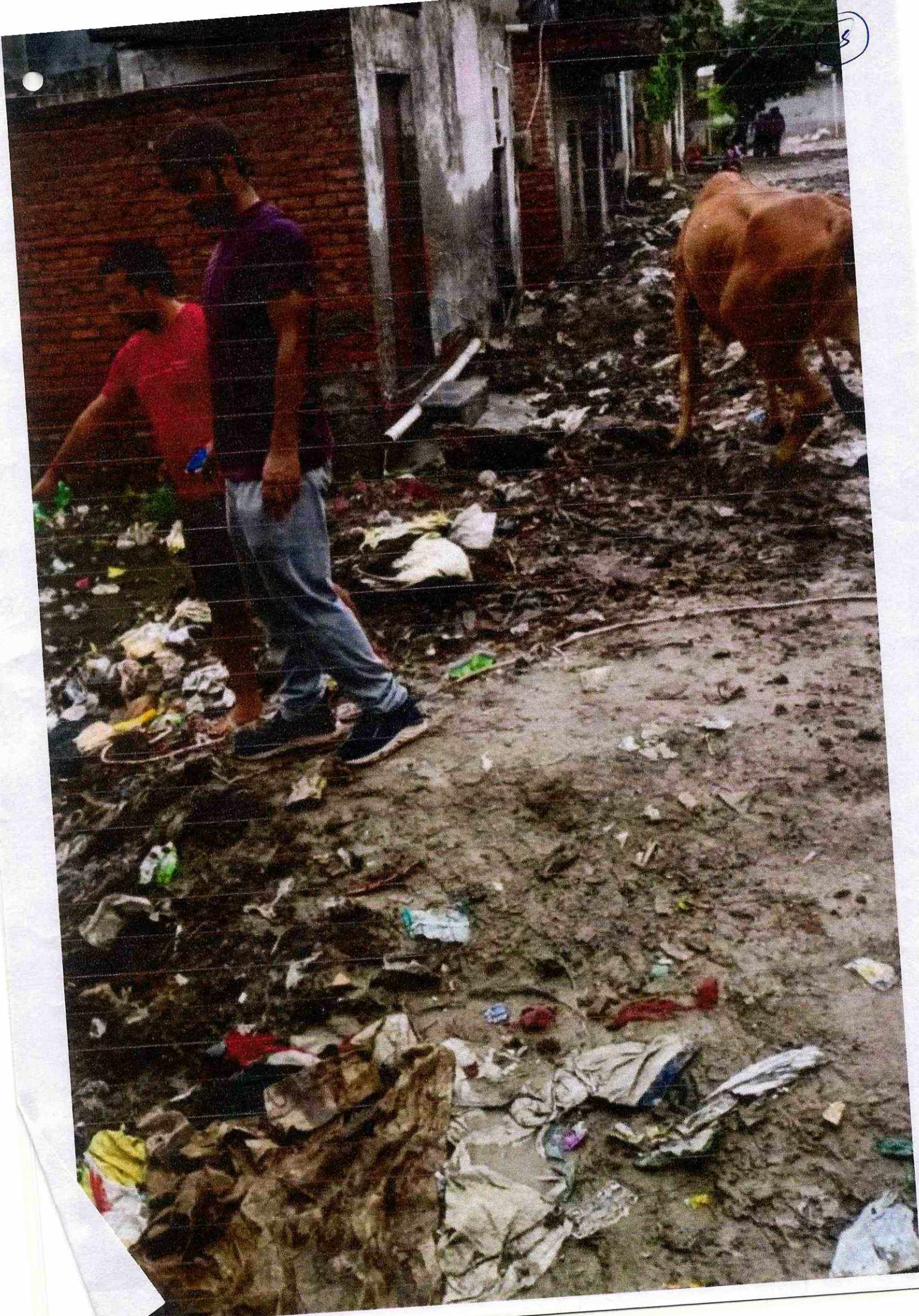
04/08/2022
JE/60E (MCD)

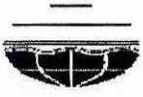
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	DELHI POLLUTION CONTROL COMMITTEE GOVERNMENT OF NCT OF DELHI 4th AND 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at : http://dpcc.delhigovt.nic.in Ph Nos. 23815352, 23815436	6
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F. No. DPCC/CMC-I/Sabhapur NGT/2022/ 1054-60

Dated: 23.08.2022

To,

Plot Owner,
Near Rampal Chowk,
Sabhapur Extension
Delhi- 110094

Annexure - 2

Subject: Show Cause Notice for Environmental Damages Compensation u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control of pollution) Act, 1981.

Ref: Regarding NGT matter in OA No. 527/2022 "Nand Lal vs Dharmendra Tomar & Others"

And whereas, CPCB issued directions under section 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 on 02.07.2019 to DPCC in the matter of conversion of units in Delhi into PNG as Fuel. CPCB has directed to issue closure directions to all such industrial units in Delhi where PNG supply is available and industry has not shifted to PNG.

And also, in pursuant to the order dated 02.12.2016 of Hon'ble Supreme Court of India in the matter of M.C.Mehta Vs Union of India & others regarding air quality. Graded Response Action Plan (GRAP) has been notified by the Ministry of Environment, Forests & Climate Change. Govt. of India on 12.01.2017 for implementation through Environment Pollution (Prevention and Control) Authority (EPCA). EPCA has issued various directions to the Govt of NCT of Delhi to control air pollution vide letter dated 25.10.2019, keeping in view of the deteriorating ambient air quality .

And whereas, Hon'ble Supreme Court of India, while hearing Writ Petition(s) No. 4677/1985 in the matter of M.C. Mehta Vs Union of India & Others, has passed order on 04.11.2019 and directed to close down the industrial units which are objectionable and saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioner of the Municipal Corporations.

And whereas, Hon'ble National Green Tribunal vide orders dated 05.08.2019 & 19.11.2019 in OA No. 601/2018 in the matter of "Mayank Manohar & Paras Singh, Reporter, the Times of India Vs. Govt. of Delhi & Ors." has also directed closure of impermissible industrial units in residential/ non-confirming areas of NCT of Delhi and levying Environmental Compensation (EC) for the damage caused by illegal operation keeping in view the 'Polluters Pay Principle'

And whereas, in compliance of Twitter complaint regarding use of garbage in the construction colonies street at Kaushalpuri, Chauhan Patti, Ambe Colony and Anuvrat Vihar, an inspection was carried out on 30.06.2022 by DPCC officials and it was observed that garbage and solid waste is being collected without authorization on a large size plot approx 2000 sqmt near Rampal Chowk, Sabhapur Village and dumped on streets of above mentioned colonies for road construction.

And whereas, in compliance of NGT order OA No. 527/2022 "Nand Lal vs Dharmendra Tomar & Others" a joint inspection by DPCC, MCD and Delhi Police had been conducted on 04.08.2022 to look into issues raised in the said application. The applicant has alleged that drain silt and other solid waste are being deliberately dumped on streets of Anuvrat Vihar, Sabhapur Vistar , Delhi.

Following were the observations of inspection-

- i. Garbage is being collected without authorization on a large size plot approx 2000 sqmt near Rampal Chowk, Sabhapur Village.
- ii. The collected garbage and silt is then dumped on street no. 1,3,4 and main road Anuvrat Vihar, Sabhapur Vistar.
- iii. Nand Lal (applicant) and other local residents were contacted during the said inspection and

- iv. MCD representative had clarified that this area is an unauthorized colony and is not under the jurisdiction of MCD and this work is being carried out by Irrigation and Flood Control Department (I & FCD).

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And whereas, in accordance to Environmental Damage Compensation explained by Hon'ble NGT explained in the matter of Vardhaman Kaushik vs Union Of India & Others in MA No. 360 of 2016, EDC is based on the size of plot area. The plot size in present case is ranging approximately 2000 sqm , where garbage is being dumped and there after being utilized for the construction of the streets at Anuvart Vihar Colony, Sabhapur Vistar. The said situation of dumping the garbage and usage of it for the construction is causing pollution in both ways i.e. air and water as dumping of garbage on unpaved soil may lead to leachate responsible for ground water pollution.

And whereas, in absence of definite plot size of the streets where garbage is being used, is not measureable, therefore DPCC is left with an option to levy maximum EDC @ **Rs. 5,00,000/- (Rupees Five Lakhs only)** in case of air pollution and at the same time polluter is also liable to pay the environmental compensation for water pollution also . Considering the uniformity of EDC, an equal amount of EDC, levied in case of air pollution shall be extended to water pollution.

And whereas, Delhi Pollution Control Committee has decided why the **Environmental Damages Compensation (EDC) of Rs. 10,00,000/- (Rupees Ten Lakhs only)** should not be levied upon the Irrigation and Flood Control Department, Govt of Delhi and plot owner

And whereas, District Magistrate (North East) shall initiate an enquiry for the said violation causing the environmental pollution and proceedings shall be undertaken to recover the said EDC.

And whereas, Deputy Commissioner (Shahdara North), MCD shall start its due process to clean the site to prevent further pollution and take necessary action against the offenders/violators responsible for the pollution. The cost involved in cleaning and maintaining the site can be recovered from offender/violator.

Your reply, (if any) along with supporting documents, should reach this office **within 15 days from the date of issue of this letter**. In case of failure, it will be presumed that you have nothing to say in this regard and the aforementioned proposed EDC (**Rs. 10,00,000/- (Rupees Ten Lakhs only)**) shall be levied upon you/ confirmed without any further reference in this regard.

Yours sincerely



BS Pankaj

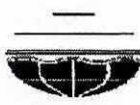
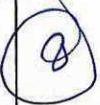
Incharge, CMC-1

Copy to:

1. The Commissioner, Municipal Corporation of Delhi, DR. S.P.M. Civic Centre Minto Road, New Delhi-100002
2. Pr. Secretary (I&FC), L.M. Bund Office Complex, Shastri Nagar, Delhi-110031
3. District Magistrate (North East) K-Block DC Office Complex, Nand Nagri Delhi-93
4. Deputy Commissioner Shahdara North, MCD GT Road near Shaymlal College.
5. SDM , Karawal Nagar J-Block, Ground Floor, DC Office Complex, Nand Nagri Delhi-93

6. Master File

7. Office Copy

	DELHI POLLUTION CONTROL COMMITTEE GOVERNMENT OF NCT OF DELHI 4th AND 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at : http://dpcc.delhigovt.nic.in Ph Nos. 23815352, 23815436	
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F. No. DPCC/CMC-I/Sabhapur NGT/2022/ 1061-63

Dated: 23-08-2022

To,

**The Commissioner,
Municipal Corporation of Delhi,
DR. S.P.M. Civic Centre Minto Road,
New Delhi-110002**

Annexure-3

Sub: Regarding NGT matter in OA No. 527/2022 "Nand Lal vs Dharmendra Tomar & Others"

Sir,

CPCB issued directions under section 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 on 02.07.2019 to DPCC in the matter of conversion of units in Delhi into PNG as Fuel. CPCB has directed to issue closure directions to all such industrial units in Delhi where PNG supply is available and industry has not shifted to PNG.

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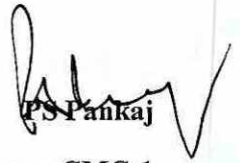
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- iv. MCD representative had clarified that this area is an unauthorized colony and is not under the jurisdiction of MCD and this work is being carried out by Irrigation and Flood Control Department (I & FCD).

(Contd.)

In view of above, you are requested to take necessary measures alongwith copy to DM (North East) to ensure that the said unwanted activity should not take place, need to clean the site to prevent further pollution and take necessary action against the offenders/violators responsible for the pollution.

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Yours sincerely



Incharge, CMC-1

Copy to:

1. SDM , Karawal Nagar J-Block, Ground Floor, DC Office Complex, Nand Nagri Delhi-93
2. Master File
3. Office Copy