

**BEFORE THE PRINCIPAL BENCH,
NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION No. 533/2019**

IN THE MATTER OF:

Anubhav Kumar

... Applicant

VERSUS

Union of India & Ors.

... Respondents

NDOH:- 23.06.2020

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Filed by

(Delhi Pollution Control Committee)

New Delhi:
Dated: 10.06.2020

①

BEFORE THE PRINCIPAL BENCH,
NATIONAL GREEN TRIBUNAL NEW DELHI

Original Application No. 533/2019

Anubhav Kumar

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS OF THE ORDER DATED
10.01.2020**

IT IS MOST RESPECTFULLY SHOWETH:

1. That Hon'ble Tribunal has taken this matter on 10.01.2020 and was pleased to issue following directions:-.

"We are satisfied that the report needs to be acted upon and necessary steps in terms of the recommendations taken by the Northern Railways as well as by CRWC and the five cement companies, after preparing an appropriate action plan . The compliance may be monitored by Central Pollution Control Board(CPCB) and Delhi Pollution Control Committee (DPCC). The action plan may be prepared within one month and got approved by the committee constituted by this Tribunal. The Committee will be free to make suitable alterations in the action plan. The CPCB may also access and recover compensation for the damage to the environment and public health for the period prior to the remedial action. Such interim measures as may be found necessary may also be taken by the Railway Administration as well as by the CRWC and the cement companies consistent with the ground situation and the observation in the report mentioned above. Compliance status as on 15.04.2020 may be furnished to this Tribunal after getting information from all concerned by the CPCB before the next date by email at judicial-ngt@gov.in"

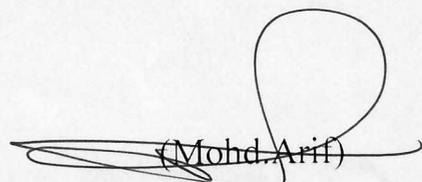


2. That earlier inspection was conducted by DPCC officials on 08.08.2019 and following observations were made:
- 02 warehouses towards the new Rohtak Road on line no. 01 and GPF (General Platform) line are maintained by Northern Railways.
 - 01 warehouse is covered from the top but open from both the sides. The other one warehouse is partly covered from top and open from both the sides. Both the warehouses have the capacity of handling of 01 full rake. In the warehouse covered from the top, cement bags covered with plastic sheets and reloading to the trucks was seen during the inspection.
 - The deposition of cement was seen on the floor of warehouses.
 - Sweeping of the roads was very poor resulting re-suspended dust due to movement of trucks and other vehicles.
 - No measures taken for suppression of dust and the road condition is also very poor.
 - To prevent the dust emission from the road during vehicle movement can be controlled by the strict compliance for their minimum speed limit as well as by installing suitable speed breaking system improving road condition and also give suitable awareness lessons to the persons who are directly involved in the handling of the cement stocks.
 - The peripheral roads of cement siding site are not for public use. These roads are meant for uses for the customers arrive with their trucks and other vehicles and by the official staff of Northern Railway.
3. That, Show Cause Notice for Closure u/s 5 of EPA, 1986 and were issued to M/s Northern Railway and M/s Central Railside Warehouse Company Ltd on 30.12.2019 for the deficiencies observed during the inspection.
4. That, Show Cause Notice u/s 5 of EPA, 1986 were issued to M/s Northern Railway and M/s Central Railside Corporation Ltd. (CRWC) on 30.12.2019 for levying the EDC of Rs.1,00,00,000/- (Rupees one crore only) and the EDC of Rs. 20,000,00/- (Rs. Twenty Lakhs Only) respectively for the deficiencies observed during inspection. Copy of Show Cause Notice are enclosed here with and annexed as **Annexure-1** (Colly).
5. That, the expert committee has submitted its report on 20.12.2019 before the Hon'ble Tribunal giving various conclusions and recommendations, to abate the pollution and comply with the Environmental norms.
6. That, in pursuance of the Hon'ble Tribunal order dated 10.01.2020, M/s Northern Railway and M/s Central Railside Corporation Ltd. (CRWC) has submitted action plan on 11.02.2020 in terms of recommendations given in the report of the expert committee.
7. That a meeting of expert committee was held on 04.03.2020 to discuss the action plans submitted by M/s Northern Railways and M/s CRWC and

cement companies. Minutes of the meeting dated 04.03.2020 are enclosed here with and annexed as **Annexure-2**.

- 8. That the expert committee has expressed dissatisfaction at the response of M/s Northern Railways which did not submit any plan for construction of warehouse at its platforms and no proper plan was submitted by it in compliance of order dated 10.01.2020 of Hon'ble NGT. On action plan of M/s CRWC, expert committee expressed that the compliance report to be verified on ground by CPCB.
- 9. That M/s Northern Railways has failed to comply with the directions of Hon'ble Tribunal and directions issued by DPCC vide Show Cause Notice dated 30.12.202019 therefore, Directions for closure (no cements handling permitted) and imposing EDC of Rs. 1,00,00,000/- (Rupees one crore only) were issued to M/s Northern Railway on 04.06.2020. Copy of the Directions are enclosed here with and annexed as **Annexure-3**
- 10. That, M/s CRWC has also partially complied with the directions of Hon'ble Tribunal and directions issued by DPCC vide Show Cause Notice dated 30.12.202019 therefore, Directions imposing EDC of Rs. 20,00,000/- (Rupees Twenty lakhs only) and Modified Direction were issued to M/s CRWC on 04.06.2020 to comply with the Environmental norms within 45 days. Copy of the directions are enclosed here with and annexed as **Annexure-4(Colly)**

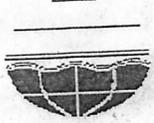
The above action taken report may please be taken on record.


(Mohd. Arif)

Sr. Environmental Engineer

Date: 10.6.20

Place: Delhi



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>

F.No. DPCC/CMC-III/2019/7236-37

Dated: 30/12/19

(4) 327 ~~289~~
Annexer-I
(copy)

To,

Sr. Divisional Commercial Manager
State Entry Road,
Northern Railway,
Delhi-110002

Subject: Show Cause Notice u/s 5 of Environment Protection Act, 1986, as amended to date

Whereas, as per Hon'ble NGT order dated 04.06.2019 in Original Application No. 533/2019 Anubhav Versus Union of India & Ors. a team of DPCC visited Shakur Basti Cement Siding of Railway Station on 08.08.2019.

And whereas, during the inspection following observations have been made by the inspecting team:

- 02 warehouses towards the new Rohtak Road on line no. 01 and GPF (General Platform) line are maintained by Northern Railways.
- 01 warehouse is covered from the top but open from both the sides. The other one warehouse is partly covered from top and open from both the sides. Both the warehouses have the capacity of handling of 01 full rake. In the warehouse covered from the top, cement bags covered with plastic sheets and reloading to the trucks was seen during the inspection.
- The deposition of cement was seen on the floor of warehouses.
- Sweeping of the roads was very poor resulting re-suspended dust due to movement of trucks and other vehicles.
- No measures taken for suppression of dust and the road condition is also very poor.
- To prevent the dust emission from the road during vehicle movement can be controlled by the strict compliance for their minimum speed limit as well as by installing suitable speed breaking system improving road condition and also give suitable awareness lessons to the persons who are directly involved in the handling of the cement stocks.
- The peripheral roads of cement siding site are not for public use. These roads are meant for uses for the customers arrive with their trucks and other vehicles and by the official staff of Northern Railway.

And whereas, as decided by Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it, u/s 5 of Environment Protection Act, 1986, as amended to date, you, (the addressee), following directions were issued on 10.08.2019

1. That the Northern Railway shall fully cover both the warehouses within 06 months from the date of issue of directions.
2. That the Northern Railway shall stop the operation of warehouses if the warehouses are not covered within 06 months.
3. That the Northern Railway shall explore the possibility of handling of cement bags by mechanical means while loading and reloading to do away with the manual handling of cement bags and submit action plan for implementation with time line within 01 month.
4. That the Northern Railway shall repair or relayed the peripheral roads within 06 months.
5. That the Northern Railway shall put in place the effective sweeping of the roads and floor of the warehouse with immediate effect.
6. That the Northern Railway shall provide protected measures i.e. mask as well as gloves to the labour involved in the handling of cement bags.
7. That the Northern Railway shall stack cement bags covered with sheets under the sheds.
8. That the Northern Railway shall not allow the reloading of trucks those are not covered.

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And whereas, it was observed during inspection on 23.10.2019 that the CRWC was storing the cement bags in open and no measures taken for compliance of direction issued on 10.08.2019. And whereas, your case was taken up by the Competent Authority and it was been decided to issue the closure directions for non-compliance of the directions dated 10.08.2019 and to impose Environmental Compensation of Rs.1,00,00000/- (Rupees One Crore only) for the deficiencies observed during inspection.

Now therefore, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it u/s 5 of Environment Protection Act, 1986 as amended to date, has decided to issue the following proposed directions:-

1. That you (the addressee) shall be close your unit with immediate effect.
2. That you (the addressee) shall be directed to deposit the Environmental Compensation of Rs.1,00,00000/- (Rupees One Crore only) for the deficiencies observed during inspection.
3. That the concerned authority in Tata Power Delhi Distribution Limited (TPDDL) shall be disconnect the electricity/power supply of the unit with immediate effect.
4. That the concerned authority in DJB shall be disconnect the water supply connection of the said unit with immediate effect.
5. That the concerned Sub-Divisional Magistrate SDM (Saraswati Vihar), shall be take necessary action to ensure the effective closure of the Addressee unit with immediate effect.

By way of this notice, you (the Addressee) are hereby called upon to show cause, as to why the above said proposed directions should not be confirmed. Your reply, if any, should reach to this office within 15 days from the date of service of this notice. In case of failure, it will be presumed that you have nothing to say in this regard and the aforementioned proposed directions shall be confirmed without any further reference to you.

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


(Mohd. Arif)
Sr. Env. Engineer

Copy to:-

1. Master File.


(Amit Chaudhary)
Env, Engineer

e/c



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>

F.No. DPCC/CMC-III/2019/7238-39

Dated: 30/12/19

To,

Terminal Manager,
 Shakur Basti Cement Siding Line,
 Central Railside Corporation Ltd.(CRWC),
 Delhi-110034

Subject: Show Cause Notice u/s 5 of Environment Protection Act, 1986, as amended to date

Whereas, as per Hon'ble NGT order dated 04.06.2019 in Original Application No. 533/2019 Anubhav Versus Union of India & Ors, a team of DPCC visited Shakur Basti Cement Siding of Railway Station on 08.08.2019.

And whereas, during the inspection following observations has been made by the inspecting team:

- 02 warehouses of Central Railside Warehouse Company Ltd. (CRWC) are located along the line no. RDSO2 and RDSO3. Both the warehouses are covered from top and both the sides (fully covered). Capacity of the warehouses is 19330 MT.
- Unloading from the rakes and reloading in the trucks is done manually and causes emissions of cement by the result of impact between the bags when the cement bags are stacked over each other.
- The warehouses are situated away from the general public inhabitants, however, the labour and handlers as well as re-loaders may expose to the dust arises from cement bags handling.
- The Terminal Manager of the warehouse has informed during the inspection that they have protected measures i.e. mask as well as gloves to the labour involved in the handling of cement bags.
- Dust from the movement of the heavy trucks during reloading of the cement by the result of impact between the bags when the stacked over each other.

And whereas, as decided by Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it, u/s 5 of **Environment Protection Act, 1986, as amended to date**, you. (the addressee), following directions were issued to Central Railside Corporation Ltd. (CRWC), Shakur Basti, Delhi-110034 on 10.08.2019.

1. That the Central Railside Warehouse Company Ltd. (CRWC) shall explore the possibility of handling of cement bags by mechanical means while loading and reloading to do away with the manual handling of cement bags and submit action plan for implementation with time line within 01 month.
2. That the Central Railside Warehouse Company Ltd. (CRWC) shall put in place the effective sweeping of the roads and floor of the warehouse with immediate effect.
3. That the Central Railside Warehouse Company Ltd. (CRWC) shall not allow the reloading of trucks those are not covered.

And whereas, it was observed during inspection on 23.10.2019 that the CRWC was storing the cement bags in open and no measures taken for compliance of direction issued on 10.08.2019.

And whereas, a representation has been submitted by you (the addressee) on 11.11.2019 & 13.11.2019 mentioning the measures taken to control pollution along with photographs and same has been considered by Competent Authority.

2

Now therefore, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it u/s 5 of Environment Protection Act, 1986 as amended to date, has decided to issue the following proposed directions:-

1. That you (the addressee) shall be directed to close your unit with immediate effect.
2. That you (the addressee) shall be directed to deposit the Environmental Compensation of Rs.20, 00,000/- (Rupees Twenty Lakhs only) for the deficiencies observed during inspection.
3. That the concerned authority in Tata Power Delhi Distribution Limited (TPDDL) shall be directed to disconnect the electricity/power supply of the unit with immediate effect.
4. That the concerned authority in DJB shall be directed to disconnect the water supply connection of the said unit with immediate effect.
5. That the concerned Sub-Divisional Magistrate SDM (Saraswati Vihar), shall be directed to take necessary action to ensure the effective closure of the Addressee unit with immediate effect.

By way of this notice, you (the Addressee) are hereby called upon to show cause, as to why the above said proposed directions should not be confirmed. Your reply, if any, should reach to this office within 15 days from the date of service of this notice. In case of failure, it will be presumed that you have nothing to say in this regard and the aforementioned proposed directions shall be confirmed without any further reference to you.

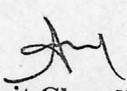
This is being issued as per the approval of Competent Authority, DPCC.


(Mohd. Arif)

~~Sr. Env. Engineer~~

Copy to:-

1. Master File.


(Amit Chaudhary)

Env. Engineer

b/c

(8)

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Annex- II



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

20.03.2020

Email

F.No: AQM/NGT-533/Shakurbasti/2019-20

To

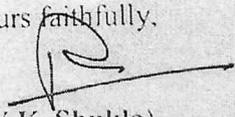
(List of expert members enclosed),

**Sub: Minutes of the meeting held on 04.03.2020 in Hon'ble NGT in matter of O.A.
533/2019 reg.**

Sir,

This is in reference to the expert committee meeting held on 04.03.2020 at CPCB. The action plan/responses received from cement warehouses and cement companies were examined and discussed and the minutes of the meeting are attached for your perusal.

Yours faithfully,


(V.K. Shukla)

AD & DII,

AQM Division

List of the Expert Committee Member:

- Member Secretary, Delhi Pollution Control Committee (DPCC)
Email: msdpcc@nic.in, chamitchaudhary2009@gmail.com;
- Dr. Mukesh Khare, Professor, IIT Delhi
Email: mukeshk@civil.iitd.ac.in
- Dr. Mukesh Sharma, Professor, IIT Kanpur
Email: mukesh@iitk.ac.in

Copy to:

Member Secretary, CPCB
Email: mascb.cpcb@nic.in

16.03.2020

Minutes of Meeting

Court Matter: Hon'ble NGT order dated 10.01.2020 in O.A. 533/2019 Anubhav Kumar v/s Union of India & Ors reg.

Hon'ble NGT vide order dated 10.01.2020 directed NR, CRWC and all five cement companies to act upon the report of Expert Committee and take necessary steps in terms of the recommendations, after preparing an appropriate action plan. The action plan may be prepared within one month and got approved by the Committee constituted by this Tribunal. The Committee will be free to make suitable alterations in the action plan.

Further, Hon'ble NGT also directed CPCB to access and recover compensation for the environment and public health damage for the period prior to the remedial action.

In compliance of the order, plans were submitted to CPCB by the concerned and a meeting of the Expert Committee was convened on 4.3.2020 to examine these plans. (List of participants attached as Annexure- 1).

1. Action plan of Northern Railways

- Northern Railways did not submit any plan for **construction of warehouse at NR platforms** and informed that cement bags received through wagons are directly loaded to trucks without storing at the platforms and accordingly objected to the requirement of warehouse. However, tender has been invited for providing curtain walls at platform no. 01 only, as maximum amount of bags are handled at this platform.

Expert Committee discussed that storage of cement bags was observed during inspection conducted by DPCC and there is always possibility of storage of cement bags on the platforms based on the demand of cement in the city, availability of labour and others etc. Further the curtains are additional to the warehouse construction. **EC recommended that NR to be directed to submit time bound plan of construction of warehouse at both the platforms within one week.**

- Northern Railways did not submit any plan for **Deployment of mechanical cement bags handling system** and raised the issue that there is no full proof emission free mechanical system available in their knowledge however cement companies have been directed to find a solution as cement handling activities are carried out by these companies. Moreover, a tender has been invited for providing curtain walls around platform No.1 so that cement emissions do not spread outside the platform.

Expert Committee discussed that there is need of mechanical handling system and the response is not justified. **Hence, NR be directed to submit plan for providing mechanical handling system within one week.**

- Northern Railways informed of proposal of providing curtain walls at platforms but as a substitute for the warehouse and no timelines were submitted. Expert Committee expressed that curtains cannot substitute need of closed warehouse and provided in addition. **EC recommended NR be directed to submit time bound plan for providing flexible belt curtain within a week.**
- Regarding mechanical cleaning of warehouse and storage of the collected cement, NR informed that cement companies have been directed for proper cleaning of warehouse and that NR will monitor implementation. **Expert Committee observed that no progress has been reported in this regard and recommended NR be directed to ensure deployment of mechanical cleaning system and submit compliance.**
- NR informed that tender been awarded for construction of peripheral road but timelines have not been intimated. **Expert Committee recommended NR be directed to intimate timelines for construction of peripheral roads.**

Expert Committee expressed dissatisfaction at the response of Northern railways and that no proper plan was submitted in compliance of the order of Hon'ble NGT. NR be directed to submit proper time bound action plan within 1 week.

2. Action plan of CRWC

- CRWC have installed four conveyor belts for the loading/unloading activity and proposed to provide ten more conveyor belts within six months **and the proposed timelines were considered by the EC.**
- CRWC will provide flexible belt Curtain for enclosure at both loading/unloading sides of the by end of February month.
- CRWC has already provided the proper peripheral roads near the warehouses.
- CRWC have purchased four machines for mechanical cleaning and provide storage space for cement collected and records of cement collected are maintained.

Expert Committee expressed that the compliance reported be verified on ground by CPCB .

3. Action plan of M/s GS Company and Cement Companies

- **Systemic plan of action to educate, protect and periodic health assessment with record keeping of labour/workers**— The action plans were seen by the committee members and health expert Dr. T.K. Joshi. It was recommended that these be got examined by Health Expert and the specific observations/comments received from Dr. T.K. Joshi on these plans be communicated to GS Company and cement companies and fresh plans be sought within one week.
- **Test for remaining workers at the cost of M/s GS Company and cement companies** — None of the cement companies and M/s GS company have provided information in this

regard. It was agreed and decided that all of the remaining workers get examined done. CRWC and NR shall monitor compliance of this and submit report to DPCC and CPCB within 15 days.

4. **Environmental Compensation and Public Health Damage**

The environmental compensation formula as devised by CPCB for the environmental compensation shall be employed along with factor for potential of pollution caused during compensation period to be levied on NR and CRWC. The methodology/cost of health damage shall be reviewed by Dr. T.K. Joshi and levied on M/s GS company and respective cement companies.

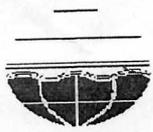
The meeting ended with vote of thanks to all the expert members.

— x —

Annexure-1

List of participants

1. Dr. Prashant Gargava, MS-CPCB
2. Sh. T.K. Joshi, Health expert, CPCB-Board member
3. Prof. Mukesh Sharma, IIT-Kanpur
4. Prof. Mukesh Khare, Professor, IIT-Delhi
5. Sh. V.K. Shukla, Head-AQM Division
6. Sh. Mohd. Arif, SEE-DPCC
7. Sh. Amit Chaudhary, EE-DPCC
8. Sh. Ankush Tewani, Sc. 'D', CPCB
9. Ms. Simpy Singh, CPCB



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>

F.No. DPCC/CMC-III//2019/

10144 - 10148

Dated: 04.06.2020

To,

Sr. Divisional Commercial Manager
State Entry Road,
Northern Railway,
Delhi-110002

Subject: Direction for Closure and Environment Damages Compensation u/s 5 of Environment Protection Act, 1986, as amended to date.

Whereas, as per Hon'ble NGT order dated 04.06.2019 in Original Application No. 533/2019 Anubhav Versus Union of India & Ors. a team of DPCC visited Shakur Basti Cement Siding of Railway Station on 08.08.2019.

And whereas, during the inspection following observations have been made by the inspecting team:

- 02 warehouses towards the new Rohtak Road on line no. 01 and GPF (General Platform) line are maintained by Northern Railways.
- 01 warehouse is covered from the top but open from both the sides. The other one warehouse is partly covered from top and open from both the sides. Both the warehouses have the capacity of handling of 01 full rake. In the warehouse covered from the top, cement bags covered with plastic sheets and reloading to the trucks was seen during the inspection.
- The deposition of cement was seen on the floor of warehouses.
- Sweeping of the roads was very poor resulting re-suspended dust due to movement of trucks and other vehicles.
- No measures taken for suppression of dust and the road condition is also very poor.
- To prevent the dust emission from the road during vehicle movement can be controlled by the strict compliance for their minimum speed limit as well as by installing suitable speed breaking system improving road condition and also give suitable awareness lessons to the persons who are directly involved in the handling of the cement stocks.
- The peripheral roads of cement siding site are not for public use. These roads are meant for uses for the customers arrive with their trucks and other vehicles and by the official staff of Northern Railway.

And whereas, as decided by Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it, u/s 5 of Environment Protection Act, 1986, as amended to date, you, (the addressee), following directions were issued on 10.08.2019

1. That the Northern Railway shall fully cover both the warehouses within 06 months from the date of issue of directions.
2. That the Northern Railway shall stop the operation of warehouses if the warehouses are not covered within 06 months.
3. That the Northern Railway shall explore the possibility of handling of cement bags by mechanical means while loading and reloading to do away with the manual handling of cement bags and submit action plan for implementation with time line within 01 month.
4. That the Northern Railway shall repair or relayed the peripheral roads within 06 months.
5. That the Northern Railway shall put in place the effective sweeping of the roads and floor of the warehouse with immediate effect.
6. That the Northern Railway shall provide protected measures i.e. mask as well as gloves to the labour involved in the handling of cement bags.

7. That the Northern Railway shall stack cement bags covered with sheets under the sheds.
8. That the Northern Railway shall not allow the reloading of trucks those are not covered.

And whereas, it was observed during inspection on 23.10.2019 that the CRWC was storing the cement bags in open and no measures taken for compliance of direction issued on 10.08.2019.

And whereas, your case was taken up by the Competent Authority and it was been decided to issue the closure directions for non-compliance of the directions dated 10.08.2019 and to impose Environmental Compensation of Rs.1,00,00,000/- (Rupees One Crore only) for the deficiencies observed during inspection.

And whereas, Show Cause Notice for Closure Directions and imposition of Environmental Damages Compensation for an amount of Rs.1,00,00,000/- (Rupees One Crore only) was issued on 30.12.2019.

And whereas, you the addressee has submitted representation on 11.02.2020 along with action plan.

And whereas, your aforesaid representation were examined by Expert Committee constituted by Hon'ble NGT in its meeting held on 04.03.2020 which expressed dissatisfaction at the response of Northern Railways as no proper plan was submitted in compliance of the order of Hon'ble NGT.

And whereas, you (the addressee) have not applied for Consent to Establish and Operate under Air and Water Act and operating without consent from DPCC.

And whereas, a complaint has been received from Anubhav Kumar (Applicant OA No. 533/2019) where in it was stated that despite clear direction (para No. 7 and 8 of the order dated 10.01.2020, no cements handling is permitted by Northern Railways until warehouses are constructed for handling of cements bags) of Hon'ble NGT, Cements bags are still being handled behalf of Northern Railways at open railways platform No. 1 and GPF (RDSO-1) without covered warehouses 14th, 19th, 22nd, 27th, 30th and 31st January, 2020 and 7th, 10th and 12th February, 2020.

And whereas, as per Hon'ble NGT ORDER DATED 10.01.2020:-

*".....Northern Railway shall immediately construct warehouse for handling of cement bags so as to n-inimire fugitive emission until then **no cement handling shall be permitted**....."*

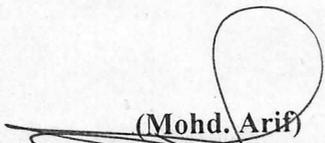
And whereas, in view of Hon'ble NGT orders towards levying Environmental damages. Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation (EDC) of Rs.1,00,00,000/- (Rupees One Crore only) on Sr. Divisional Commercial Manager, State Entry Road, Northern Railway, Delhi-110002.

Now therefore, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it u/s 5 of Environment Protection Act, 1986 as amended to date, has decided to issue the following directions:-

1. That you (the addressee) shall close your unit (no cement handling permitted) with immediate effect.
2. That you (the addressee) shall deposit an amount of Rs.1,00,00,000/- (Rupees One Crore only) as Environmental Compensation for Damages (EDC) by way of demand draft in favour of DPCC for the deficiencies observed during inspection within 15 days of issue of this Directions.
3. That the concerned authority in Tata Power Delhi Distribution Limited (TPDDL) shall disconnect the electricity/power supply of the unit with immediate effect.
4. That the concerned authority in DJB shall disconnect the water supply connection of the said unit with immediate effect.
5. That the Sub-Divisional Magistrate SDM (Saraswati Vihar), shall take necessary action to ensure the effective closure of the addressee unit with immediate effect.

You shall also be liable for penal action under the provisions of **u/s 5 of Environment Protection Act, 1986** in case of non-compliance of the above said directions.

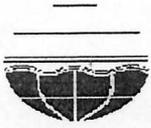
This is being issued as per the decision taken by the Competent Authority.


(Mohd. Arif)
Sr. Env. Engineer, CMC-III

Copy to:-

1. The Sub-Divisional Magistrate (Saraswati Vihar), Old Middle School Building, Rampura, Lawrence Road, Delhi-110035 – with a request to take necessary action for effective closure and recovery of Environmental Compensation of the addressee unit with immediate effect & send the compliance to this office, within 07 days.
2. The Member (Water), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055 - with a request to disconnect water supply to the addressee unit with immediate effect & send the compliance to this office, within 07 days.
3. The General Manager (Commercial), Tata Power Delhi Distribution Limited (TPDDL), Cencare Building, Opposite C2 Block, Near Keshav Mahavidyalaya, Lawrence Road, Keshav Puram, Delhi - 110035, - with a request to disconnect electricity supply to the addressee with immediate effect & send the compliance to this office, within 07 days.
4. Master File.


(Amit Chaudhary)
Env, Engineer, CMC-III



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>

F.No. DPCC/CMC-III//2019/

Dated: 04.06.2020

10142-10143

To,

Terminal Manager,
Shakur Basti Cement Siding Line,
Central Railside Corporation Ltd.(CRWC),
Delhi-110034

Subject: Modified Directions u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended date.

Whereas, as per Hon'ble NGT order dated 04.06.2019 in Original Application No. 533/2019 Anubhav Versus Union of India & Ors, a team of DPCC visited Shakur Basti Cement Siding of Railway Station on 08.08.2019.

And whereas, during the inspection following observations has been made by the inspecting team:

- 02 warehouses of Central Railside Warehouse Company Ltd. (CRWC) are located along the line no. RDSO2 and RDSO3. Both the warehouses are covered from top and both the sides (fully covered). Capacity of the warehouses is 19330 MT.
- Unloading from the rakes and reloading in the trucks is done manually and causes emissions of cement by the result of impact between the bags when the cement bags are stacked over each other.
- The warehouses are situated away from the general public inhabitants, however, the labour and handlers as well as re-loaders may expose to the dust arises from cement bags handling.
- The Terminal Manager of the warehouse has informed during the inspection that they have protected measures i.e. mask as well as gloves to the labour involved in the handling of cement bags.
- Dust from the movement of the heavy trucks during reloading of the cement by the result of impact between the bags when the stacked over each other.

And whereas, as decided by Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it, u/s **5 of Environment Protection Act, 1986, as amended to date**, you, (the addressee), following directions were issued to Central Railside Corporation Ltd. (CRWC), Shakur Basti, Delhi-110034 on 10.08.2019.

1. That the Central Railside Warehouse Company Ltd. (CRWC) shall explore the possibility of handling of cement bags by mechanical means while loading and reloading to do away with the manual handling of cement bags and submit action plan for implementation with time line within 01 month.
2. That the Central Railside Warehouse Company Ltd. (CRWC) shall put in place the effective sweeping of the roads and floor of the warehouse with immediate effect.
3. That the Central Railside Warehouse Company Ltd. (CRWC) shall not allow the reloading of trucks those are not covered.

And whereas, it was observed during inspection on 23.10.2019 that the CRWC was storing the cement bags in open and no measures taken for compliance of direction issued on 10.08.2019 and operating without consent from DPCC.

And whereas, a representation has been submitted by you (the addressee) on 11.11.2019 & 13.11.2019 mentioning the measures taken to control pollution along with photographs and same has been considered by Competent Authority.

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And whereas, Show Cause Notice for Closure Direction and imposition of Environmental Damages Compensation for an amount of Rs.20, 00,000/- (Rupees Twenty Lakhs only) was issued on 30.12.2019.

And whereas, you the addressee has submitted its reply with action plan on 11.02.2020 stating as under:-

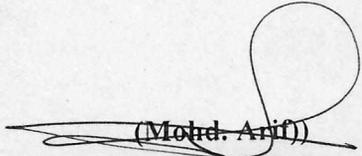
- For mechanical handling of cements bags, CRWC has made operational two tiermounted conveyor belt machine with arms for handling / unloading of cement cargo at the warehouse and plans to install 10 such conveyor belt machines in the warehouse in the next 6 months.
- CRWC has looked into the various options available for flexible belt curtains and has placed an order on 07.02.2020 for supply / purchase and fixing of 267 no. of flexible PVC belt curtain for not only the unloading side but also for the whole warehouse.
- For cleaning the warehouse, four number sweeping machines have been procured by service provider, M/s G.S. & Company and cement sweeping is being collected on regular basis and is being stored at designated place in respective compartments.
- M/s G.S. & Company has submitted their systematic plan of action and conducted their first labour education and protection programme on 31.01.2020 wherein labourers were educated to protect from cement dust. Protection equipments i.e. mask and gloves were also given to the labourers.
- CRWC has advised service provide M/s G.S. & Company and its users of the godown i.e. M/s ACC Cements, M/s Wonder Cements, M/s Mangalam Cements & M/s Ambuja Cements through letter dated: 16.01.2020 and 29.01.2020 for maintaining systematic record of worker engaged in the activities of cement handling by them and their periodic health assessment for which necessary records shall also be maintained.
- The peripheral road/circulating area is being cleaned with the help of mini truck loaded road sweeping machine and placed a order for purchase of similar machine.
- CRWC has advised service provide M/s G.S. & Company and its users of the godown i.e. M/s ACC Cements, M/s Wonder Cements, M/s Mangalam Cements & M/s Ambuja Cements through letter dated: 16.01.2020 and 29.01.2020 for maintaining systematic record of worker engaged in the activities of cement handling by them and their periodic health assessment for which necessary records shall also be maintained.

And whereas, Central Railside Warehouse Company Ltd (CRWC) has taken partial measures for controlling the fugitive emission generated due to cement handling and also operating without getting consent from DPCC.

Now therefore, you are directed to apply for Consent from DPCC and also to take adequate pollution control measures as per recommendation of expert committee to the Hon'ble NGT within 45 days issue of this modified direction.

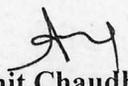
Please note that the unit shall not be operated without Consent from DPCC. If the unit is found operating without Consent from DPCC, you shall also be liable for penal action under the provisions of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 in case of non-compliance of the above said directions

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


(Mohd. Arif)
Sr. Env. Engineer, CMC-III

Copy to:-

1. Master File.


(Amit Chaudhary)
Env. Engineer, CMC-III

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|---|---|
|  | <p style="text-align: center;">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</p> |
|---|---|

F.No. DPCC/CMC-III//2019/

10140-10141

Dated: 04.06.2020

To,

**Terminal Manager,
 Shakur Basti Cement Siding Line,
 Central Railside Corporation Ltd.(CRWC),
 Delhi-110034**

Subject: Direction for Environment Damages Compensation u/s 5 of Environment Protection Act, 1986, as amended to date

Whereas, as per Hon'ble NGT order dated 04.06.2019 in Original Application No. 533/2019 Anubhav Versus Union of India & Ors, a team of DPCC visited Shakur Basti Cement Siding of Railway Station on 08.08.2019.

And whereas, during the inspection following observations has been made by the inspecting team:

- 02 warehouses of Central Railside Warehouse Company Ltd. (CRWC) are located along the line no. RDSO2 and RDSO3. Both the warehouses are covered from top and both the sides (fully covered). Capacity of the warehouses is 19330 MT.
- Unloading from the rakes and reloading in the trucks is done manually and causes emissions of cement by the result of impact between the bags when the cement bags are stacked over each other.
- The warehouses are situated away from the general public inhabitants, however, the labour and handlers as well as re-loaders may expose to the dust arises from cement bags handling.
- The Terminal Manager of the warehouse has informed during the inspection that they have protected measures i.e. mask as well as gloves to the labour involved in the handling of cement bags.
- Dust from the movement of the heavy trucks during reloading of the cement by the result of impact between the bags when the stacked over each other.

And whereas, as decided by Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it, u/s **5 of Environment Protection Act, 1986, as amended to date**, you, (the addressee), following directions were issued to Central Railside Corporation Ltd. (CRWC), Shakur Basti, Delhi-110034 on 10.08.2019.

1. That the Central Railside Warehouse Company Ltd. (CRWC) shall explore the possibility of handling of cement bags by mechanical means while loading and reloading to do away with the manual handling of cement bags and submit action plan for implementation with time line within 01 month.
2. That the Central Railside Warehouse Company Ltd. (CRWC) shall put in place the effective sweeping of the roads and floor of the warehouse with immediate effect.
3. That the Central Railside Warehouse Company Ltd. (CRWC) shall not allow the reloading of trucks those are not covered.

And whereas, it was observed during inspection on 23.10.2019 that the CRWC was storing the cement bags in open and no measures taken for compliance of direction issued on 10.08.2019.

And whereas, a representation has been submitted by you (the addressee) on 11.11.2019 & 13.11.2019 mentioning the measures taken to control pollution along with photographs and same has been considered by Competent Authority.

And whereas, Show Cause Notice for Closure Direction and imposition of Environmental Damages Compensation for an amount of Rs.20, 00,000/- (Rupees Twenty Lakhs only) was issued on 30.12.2019.

And whereas, you the addressee has submitted its reply with action plan on 11.02.2020 stating as under:-

- For mechanical handling of cements bags, CRWC has made operational two tier mounted conveyor belt machine with arms for handling / unloading of cement cargo at the warehouse and plans to install 10 such conveyor belt machines in the warehouse in the next 6 months.
- CRWC has looked into the various options available for flexible belt curtains and has placed an order on 07.02.2020 for supply / purchase and fixing of 267 no. of flexible PVC belt curtain for not only the unloading side but also for the whole warehouse.
- For cleaning the warehouse, four number sweeping machines have been procured by service provider, M/s G.S. & Company and cement sweeping is being collected on regular basis and is being stored at designated place in respective compartments.
- M/s G.S. & Company has submitted their systematic plan of action and conducted their first labour education and protection programme on 31.01.2020 wherein labourers were educated to protect from cement dust. Protection equipments i.e. mask and gloves were also given to the labourers.
- CRWC has advised service provide M/s G.S. & Company and its users of the godown i.e. M/s ACC Cements, M/s Wonder Cements, M/s Mangalam Cements & M/s Ambuja Cements through letter dated: 16.01.2020 and 29.01.2020 for maintaining systematic record of worker engaged in the activities of cement handling by them and their periodic health assessment for which necessary records shall also be maintained.
- The peripheral road/circulating area is being cleaned with the help of mini truck loaded road sweeping machine and placed a order for purchase of similar machine.

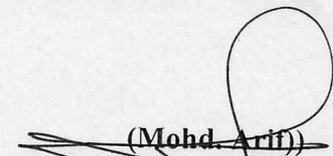
And whereas, Central Railside Warehouse Company Ltd (CRWC) has taken partial measures for controlling the fugitive emission generated due to cement handling and also operating without getting consent from DPCC.

And whereas, in view of Hon'ble NGT orders towards levying Environmental damages, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation (EDC) of Rs.20, 00,000/- (Rupees Twenty Lakhs only) on Terminal Manager, Shakur Basti Cement Siding Line, Central Railside Corporation Ltd.(CRWC), Delhi-110034.

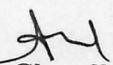
Therefore, you (the addressee) shall deposit an amount Rs.20, 00,000/- (Rupees Twenty Lakhs only) as Environmental Damage Compensation (EDC) by way of demand draft in favour of DPCC within 15 days of issue of this Directions.

You shall also be liable for penal action under the provisions of **u/s 5 of Environment Protection Act, 1986** in case of non-compliance of the above said directions.

This is being issued as per the decision taken by the Competent Authority.


 (Mohd. Arif)
 Sr. Env. Engineer, CMC-III

Copy to:-
 1. Master File.


 (Amit Chaudhary)
 Env. Engineer, CMC-III

o/c