

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

Original Application No. 597/2022

IN THE MATTER OF:

Rahul Rajput

... Applicant

VERSUS

Govt. of NCT of Delhi

.... Respondents

NDOH: 13.01.2023

INDEX

S. NO.	PARTICULARS	Page No.
1.	Action Taken Report of DPCC in view of the order dated 19.09.2022.	1-4
2.	<u>Annexure-1.</u> Copy of the inspection report dated 21.09.2022	5
3.	<u>Annexure-2.</u> Copy of the direction dated 09.11.2022 issued by DPCC	6-7
4.	<u>Annexure-3.</u> Copy of the letter dated 2/12/22 issued by DPCC	8

Filed by


(P.B. Pankaj)

Sr. Environmental Engineer

Date: 06 .12.2022

Place: Delhi

①

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

Original Application No. 597/2022

IN THE MATTER OF:

Rahul Rajput

... Applicant

VERSUS

Govt. of NCT of Delhi

.... Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS OF THE ORDER DATED
19.09.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 19.09.2022 and was pleased to constitute a joint committee comprising of representatives of CPCB, DPCC and Deputy Commissioner (North East) to check the contents of the complaint and take action against the washing and dyeing factory, being run illegally at D-59 Ghazipur Dairy Farm road no.5, near Vivek Dharm Kanta, Delhi.
2. That, in compliance of the order passed by Hon'ble Tribunal dated 19.09.2022, a joint inspection was carried out on 21.9.2022 by officials of DM (Mayur Vihar), CPCB, BSES and DPCC. During the inspection, following were observed:
 - The premise was found locked.
 - Team has observed that colored waste water found discharged from the premise in this condition it was decided to unlock/ break the lock for checking the facts w.r.t. polluting dying activity.
 - Further, after unlocking/ breaking of lock central locking was found.

- In view of continuous colored waste water discharge and locked condition it was decided to disconnect the power supply. Accordingly, BSES has disconnected the electricity supply.
- Apart from said action police personnel (Beat constable) has been directed to keep on track to know facts and catch the culprit, related report shall be submitted to SDM, DPCC CPCB at the earliest.

Copy of the inspection report dated 21.09.2022 as well as photographs are enclosed herewith as ANNEXURE-1.

3. That, DPCC issued a direction for closure on 09.11.2022 under section 31 (A) of the Air Act 1981 to M/s Owner/ Occupier of the premises. Copy of the direction dated 09.11.2022 is enclosed herewith as ANNEXURE-2.
4. The unit has never approached the DPCC for getting Consent under the provisions of the Water Act-1974 and Air Act-1981 for any of the activity from this premises.
5. That the Ghazipur Dairy Farm is a commercial/ residential area / Non-Confirming area. With regard to closure of the illegal units from the residential / non-conforming areas, Hon'ble Supreme Court has passed a judgment on 07.05.2004 in WP(C) No. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others". As per the order, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down.

The Hon'ble Supreme Court vide its order dated 13.12.1995 in the this case imposed restriction on the authorities to not to grant any license/ permission in non-conforming/ residential areas. Further, Hon'ble Apex Court vide order dated 19.04.1996 has directed to constitute a High Power Committee for permitting industrial activity in residential areas. The committee consisting of Central Pollution Control Board, Delhi Pollution Control Committee, Municipal Corporation of Delhi and Delhi Electricity Supply Undertaking (DESU). The High Power Committee was constituted by Hon'ble Apex Court for grant of NOC to household industries is working

under the Chairmanship of Commissioner of Industries, Department of Industries, GNCTD.

That, DPCC has maintained its consistent practice by not granting any consent to any industrial unit which is to be setup or is operating from non-conforming areas without the permission of High Power Committee. Since there is a legal prohibition under MDP-2021/ MPD-2001 in addition to Hon'ble Apex Court directives, as per which industrial activity cannot be carried on or started in a non-conforming area, granting any consent by DPCC to any such industrial unit to be started or operated in non-conforming areas would amount to granting permission to such unit to run or operate which is illegal and prohibited under Master Plan of Delhi. Such consent would be inherently erroneous and at the same time would not enable or give any legal right to such consent holder to claim or assert any right to carry on industrial activity in a non-conforming area on the basis of such Consent. Since no consent is being granted by DPCC in non-conforming areas where the industrial activity is prohibited.

It is most respectfully submitted that in non-conforming areas, stoppage and further illegal industrial operations can be ensured by refusing industrial electricity connection or industrial water connection by the electricity companies or DJB without consent from DPCC because such industrial activity is prohibited in the said non-conforming area in terms of MDP-2021 and Zonal Development Plan.

That the Chief Secretary, Delhi has taken a meeting on 08.12.2010, wherein it was decided that action on industries operating in non-conforming areas and violating Master Plan will be taken under the Delhi Development Act by DDA in development area and MCD in other areas.

An office order in this regard was also issued by DPCC on 27.01.2012. As per the meetings held before Chief Secretary, Govt. of NCT of Delhi lastly on 05.06.2015, it was again reiterated that action for closure/shifting of industries operating in non -conforming areas and violating the Master Plan of Delhi will be taken under the Delhi Development Act by the Delhi Development Authority in development areas and Municipal Corporation of Delhi in all other areas. Commissioner of Industries is working as a Nodal Officer on behalf of the Hon'ble Supreme Court Monitoring Committee as constituted by the Hon'ble Supreme Court of India in the order dated 07.05.2004.

4

6. That copy of the order passed by this Hon`ble Tribunal, Copy of the inspection report alongwith photographs, closure direction issued by DPCC has been forwarded to the unit owner/ occupier in terms of the order dated 19.09.2022 for appearing before his Hon`ble Tribunal. Copy of the letter dated 02.12.2022 is enclosed herewith as ANNEXURE -3.
7. It view of the above facts, it is humbly prayed that this Hon'ble National Green Tribunal may please to take the present report on record and pass such further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.



Sr. Environmental Engineer

Date: 06/12/22

Place: Delhi

In compliance to feasible NCT matter no 597/2022
 Joint team comprising the officials of CPCB, DPC, and BSES, had visited the premises which one is found locked. Team has observed that coloured wastewater found discharged from the premises. In this condition it is decided to unlock/break the lock for checking the facts w.r.t polluting dyeing activity.

Ajay
 (ALKA Srivastava)
 CPCB

Spartham Annexure-1
 (DR. Siddhartha Gautam)
 DPC

ok. Break the lock as recommended by above committee.

V.K. Kulkarni
 19/10/2022

Nitin

Further after unlocking/breaking of lock, central locking found. In view of continuous coloured wastewater discharge and locked condition it is decided to disconnect the power supply accordingly BSES has disconnected the supply. Apart from the said action police personnel (beat constable) has been directed to keep on track to know facts and catch the culprit, related report shall be submitted to SDM, DPC, CPCB as earliest possible.

वृजेश 4/17 V.K.K. 19/10/2022
Teh (nr)

Ajay
 (ALKA Srivastava)
 CPCB

Spartham
 (DR. Siddhartha Gautam)
 DPC
 A.P.K.
 HCA NILKUMAR



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>

F. No. DPCC/CMC-I/NGT/OA No. 597/2022/1522-1526

Dated: 9/11/22

To,

Annexure-2

M/s Owner/ Occupier,
D-59, Road No.5,
Ghazipur Dairy Farm,
Delhi-110096

Subject: Directions for Closure 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 to date.

Whereas, Central Pollution Control Board is the state board is the state board for all the Union Territories to exercise powers and perform functions under the water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981, as amended to date.

Whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981 vide notification no. GSR 106 (E) dated 20.02.1987.

And whereas, you, **M/s Owner/ Occupier, D-59, Road No.5, Ghazipur Dairy Farm, Delhi-110096** (here in after referred as "Addressee") is operating your unit at the above said address.

And whereas, a complaint has been filed against you (the addressee unit) in Hon'ble NGT vide O.A No 597/2022 in matter of "Rahul Rajput Vs Govt. of NCT of Delhi" and Hon'ble NGT has passed the Order dated 19.09.2022

And whereas, in compliance of the above order of Hon'ble NGT dated 19.09.2022, a joint inspection was conducted by Joint Committee consisting of officials of District Magistrate (SDM Mayur Vihar), CPCB, BSES & DPCC visited the site as mentioned in the said order on 21.09.2022 and following observations were made during inspection:

- The premise at D/59, Gali No.5, Gazipur Dairy farm road, Delhi mentioned in the order found locked. Team has observed that colored waste water found discharged from the premises. In this condition it was decided to unlock/ break the lock for checking the facts wrt polluting dying activity.
- Further, after unlocking/ breaking of lock central locking was found. In view of continuous colored waste water discharge and locked condition it was decided to disconnect the power supply. Accordingly, BSES has disconnected the electricity supply. Apart from said action police personnel (Beat constable) has been directed to keep on track to know facts and catch the culprit, related report shall be submitted to SDM, DPCC, CPCB as earliest possible.

Photographs have been taken at site during the inspection.

Now therefore, the Competent Authority in Delhi Pollution Control Committee, in exercise of powers conferred upon it, under the provisions of the u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 amended to date, hereby issue the following directions:

7.

1. That you (the addressee unit) shall close your unit with immediate effect.
2. The Concerned SDM shall take necessary action to ensure effective closure of the unit namely with immediate effect.
3. That the concerned authority in DJB shall disconnect the water supply connection to the unit namely with immediate effect.

You shall be liable for penal action under the provision of u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 in case of violation of above said directions.

This is being issued as per the approval of the Competent Authority, Delhi Pollution Control Committee.


(P.S. Rankaj)
SEE, CMC-I

Copy to:

1. The Member Engineer, Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055: To disconnect the water supply to the unit with immediate effect and submit the compliance report within 07 days of receipt of the direction.
2. The General Manager, BSES Yamuna Power Ltd., 3rd Floor Shakti Kiran Building, Karkardooma, Delhi-110092: To submit the compliance report wrt disconnection of power supply of the unit within 07 days of receipt of the direction.
3. The SDM (Mayur Vihar), O/o SDM Mayur Vihar, L.M. Bandh, Shastri Nagar, Geeta Colony, Delhi-110031:- To ensure the effective closure of the unit with immediate effect and submit the compliance report within 07 days of receipt of the direction.
4. Master file
5. Office Copy

By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
5th FLOOR, ISBT BUILDING, KASHMERE GATE,
DELHI -110006
Visit us at <http://dpcc.delhigovt.nic.in>

8

F. No. DPCC/CMC-I/NGT/OA No.597/2022/1762

Dated: 02/12/2022

To,

Annexure-3

M/s Owner/Occupier,
D-59, Road No.05
Gazipur Dairy Farm
Delhi-110096

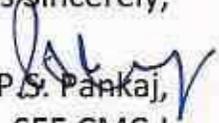
Subject: Compliance of the order of Hon'ble NGT dated 19.09.2022 in the matter "Rahul Rajput Vs Govt. of NCT od Delhi" in O.A no. 597/2022.

Sir,

Please find enclosed herewith order of Hon'ble NGT dated 19.09.2022 along with a copy of joint inspection report of team comprising of officials of CPCC, DPCC, BSES and Revenue Department for necessary action at your end please.

Encl: As above:

Yours Sincerely,


P.S. Pankaj,
SEE,CMC-I

o/c