

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

Original Application No. 739/2022

IN THE MATTER OF:

Nyay Prayaas Foundation

... Applicant

VERSUS

State of Uttar Pradesh

.... Respondents

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Filed by


(P.S. Pankaj)

Sr. Environmental Engineer

Date: 27.01.2023

Place: Delhi

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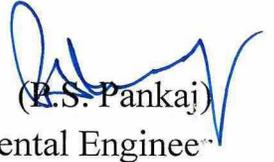
.... Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS OF THE ORDER DATED
02.01.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 02.01.2023 and was pleased to constitute a joint committee comprising of representatives of DPCC and District Magistrate (East Delhi) to 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 this Hon'ble Tribunal took up the complaint regarding same premises, which was filed by Sh. Rahul Rajput and considered by this Hon'ble Tribunal on 19.09.2022 in OA No. 597/2022 titled as "Rahul Rajput Vs. Govt. of NCT of Delhi". This matter is now listed for 10.02.2023 before this Hon'ble Tribunal. In this matter, this Hon'ble Tribunal constituted a Committee of DM (North East), CPCB and DPCC.
3. That in compliance with the order dated 19.09.2022 in OA No. 597/2022, DPCC has filed an action taken report on 06.12.2022, which is available on the records of this Hon'ble Tribunal.

4. That, in the report dated 06.12.2022, findings of the joint inspection dated 21.9.2022 and further action i.e. direction for closure issued on 09.11.2022 under section 31 (A) of the Air Act 1981 to the premises was also annexed.
5. That, subsequent to the report dated 06.12.2022, DPCC received a letter from BSES interalia mentioning that the electricity connection of M/s Owner/ Occupier of D-59, Road No. 5, Ghazipur Dairy Farm has been disconnected. Copy of the letter submitted by BSES is enclosed herewith as ANNEXURE-1.
6. The unit was being operated without mandatory Consent under the provisions of the Water Act-1974 and Air Act-1981 for any of the activity from this premises. The area of Ghazipur Dairy Farm is a commercial/ residential area / Non- Confirming area, in which no industrial activity was allowed.
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.


(R.S. Pankaj)

Sr. Environmental Engineer

Date: 27/01/23

Place: Delhi

1981/CMC-2
28/11/2022**BSES**
BSES Yamuna Power LimitedOffice of FD Head (Krishna Nagar - Division)
F 15/2 Krishna Nagar, Delhi - 110051

FD Head (KRN & KKD)/2022-23/ 90

Annexure-1

(3)

22/11/2022

Sh. P.S. Pankaj
In-charge CMC-I
Delhi Pollution Control Committee
Department of Environment
Government of NCT of Delhi
4th and 5th Floor, ISBT Building, Kashmere Gate
Delhi- 110006

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

This is in reference to your letter no. DPCC/CMC-1/NGT/OA No. 597/2022/1522-1526 dated 09/11/2022 received in BYPL office vide diary no. 1881 dated 17/11/2022 regarding disconnection of electricity connection of M/s Owner /Occupier of D-59, Road No.5, Ghazipur Dairy Farm, Delhi -110096.

In view of the above, it is to inform that BSES has disconnected the electricity connection of M/s Owner /Occupier of D-59, Road No.5, Ghazipur Dairy Farm.

It is for your information please.

FD (Head)
Krishna Nagar & Karkardooma

Signature
28/11

29/11/2022
M/s Sumat (I.B.P.)

By Speed Post

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

Dated: 9/11/22

To,

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

Receipt No. 1881
 Date 17/11/22
 CEO office
 BSES Yamuna Power Ltd.

Head - Operations

Receipt No. 2381

17/11/22

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 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.

HOD/B/
 HOD (OPR)
 HOD (GIRN)

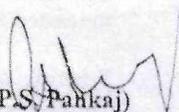
Sh. Shobha Rani

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:

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. Panikaj)
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