

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

O.A. No. 297/2023

IN THE MATTER OF:-

NAKUL KAPOOR

VS

DELHI POLLUTION CONTROL COMMITTEE & Ors.

MOST RESPECTFULLY SHOWETH,

1. That the Hon'ble Court of National Green Tribunal, Principal Bench, New Delhi in OA No. 297/2023 Nakul Kapoor vs Delhi Pollution Control Committee and ors. has directed SDM, Civil Lines vide orders dated 06.10.2023 and in subsequent orders to look into the matter and file action taken report.

2. In this connection as directed report is hereby submitted:-

i) That a letter dated 08.02.2023, from Delhi Jal Borad was received in this office on 13.02.2023 stating that 03 illegal borewells are running at 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi.

ii) That, the Hon'ble Court has directed vide order dated 06.10.2023 to SDM (Civil Lines) to look into the matter, verify the factual position, take remedial action in accordance with the law by following due process and submit Action Taken Report on or before 30.10.2023. The Hon'ble Court vide orders dated 01.11.2023 directed to issue notice to SDM Civil Lines, Delhi requiring him to submit his factual and Action Taken Report in terms of order dated 06.10.2023 within one month. That copy of sealing memo dated 02.11.2023 of 2 Nos. of illegal borewells which was found running on property No. 2B, Goela Lane, Under Hill Road, Civil Lines was filed in the Hon'ble Court on 22.12.2023 and Hon'ble Court vide orders dated 22.12.2023 has directed that Action Taken Report be filed by SDM (Civil Lines).

ACTION TAKEN REPORT IS SUBMITTED AS FOLLOWS:-

A) Action taken report against the illegal borewell.

i). The then SDM, Ms. Meena Tyagi has inspected the property No. 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi and found 2 illegal Borewells running there which were sealed vide sealing Memo dated 02.11.2023(Annexure-1).

Meena



ii).Delhi Jal Board vide their letter dated 08.02.2023 had informed that 3 illegal borewells are running at the property while the then SDM Ms. Meena Tyagi has found and sealed 02 illegal Borewells vide sealing memo dated 02.11.2023.

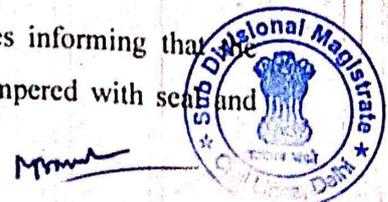
iii).That a joint inspection by Sh. Sunny Dalal ASO, office of SDM (Civil Lines) & Sh. Pankaj Pandey, JE, Delhi Jal Board was conducted on 12.04.2024 in order to reconcile the difference in number of Borewells reported by Delhi Jal Board vide their letter dated 08.02.2023 and as found in the inspection of property by the then SDM Ms. Meena Tyagi.(Annexure-II)

iv).A meeting of District Level Advisory Committee was convened on 03.04.2024, under the chairmanship of DM(Central) in which it was discussed, in the matter of Nakul Kapoor Vs DPCC & Ors., OA No 297/2023 that a show cause notice dated 11.12.2023 for imposition of EDC in respect of 03 illegal borewells at 2B, Goela Lane, Underhill Road, Civil Lines, Delhi-110054 has been issued by the DPCC for Rs. 90000/-. Penalty has been imposed as a lump sum amount as is done in the case of borewell being illegally use for domestic purposes, Sh. Harshit JE DPCC was instructed to confirm the status of payment of the EDC amount by the violator by 08.04.2024.(Annexure-III).

V).Sh. Sunny Dalal, ASO, from office of SDM (Civil Lines) and Sh. Pankaj Pandey, JE Delhi Jal Board vide joint inspection report dated 12.04.2024 and clarification vide letter dated 19.04.2024 has informed that one borewell was found dismantle by the owner/occupier and two borewells found in working condition were sealed on 12.04.2024 and no other borewell was found there at the site. It was also informed in the joint inspection that 2 borewells were found in the working condition and construction work is going on there in the area of approximately 500 Sq. Yards(Annexure- IV).

v).A show cause notice dated 20.04.2024 to Sh. Nagender S/o Late Sh. Musafir Mahto(owner/occupier 2B, Goela Lane, Under Hill Road Civil Lines) Resident of H.NO. 6B/1, Under Hill Road, Civil Lines Delhi was issued with the direction to show cause why the borewells already sealed on 02.11.2023 has been tempered with seal and again put to the working condition. However, reply from Sh. Jitender Sharma R/o 34/24, Gali No-14, Bhajanpura has been received(copy enclosed) which is not found satisfactory.(Annexure-V).

vi).A letter dated 03.05.2024 has been sent to SHO, PS Civil Lines informing that borewells already sealed on 02.11.2023 on the premises has been tempered with seal and



again put to the working condition and SHO, PS Civil Lines has been directed that a legal action may be taken against the owner/occupier in the matter.(Annexure-VI).

vii).That an intimation regarding receipt of Environmental Compensation has been received from SEE, CMC-VII vide letter No. DPCCCMC-VI/O.A. No. 297/20236/NGT/2024/66-67 dated 23.04.2024 stating that owner/occupier of 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi -54 has deposited the imposed Environmental Damage Compensation of Rs. 90,000/-(Rs. Ninety Thousand Only) through DD vide DD No. 503669 in favour of DPCC on 15.04.2024 and same has been realized(Annexure-VII).

viii).That a letter bearing No. F.No.SDM/CL/NGT/15/2024/1024 dated 20.04.2024 was issued to SEE, CMC-VII, Delhi Pollution Control Committee with the request to kindly issue revised EDC in the matter of borewells installed illegally at 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi as the earlier EDC was issued for illegal water extraction for use of domestic purpose @ Rs. 30,000/- per borewell instead of Construction purpose.(Annexure-VIII).

(B) ACTION TAKEN REPORT IN RESPECT OF UNDUE/UNREASONABLE DELAY IN TAKING OF REQUISITE REMEDIAL ACTION AS PER THE DIRECTION OF HON'BL COURT VIDE ORDERS DATED 22.12.2023.

i).That a memo for explanation for delayed action in the OA No. 297/2023 was issued to Sh. Sunny Dalal, ASO/Reader/Dealing Assistant (Civil Lines) vide this office Memo No. F.No./SDM/CL/NGT/15/2024/990 dated 18.04.2024 for submitting explanation regarding undue/unreasonable delay in taking of requisite remedial action. (Annexure-IX).

ii).That in response to the above memo Reader (Civil Lines) submitted his reply wherein it has been submitted as follows:-

"I was posted in Civil Lines office in July 2023 as ASO and letter from Delhi Jal Board was issued in February 2023.It is also submitted that as per available record the complaint made by DJB was received by the then Naib Tehsildar, Civil Lines in 2023.

It is also humbly submitted that when EDC letter of DPCC dated 11.12.2023 received in this office, and the same was marked and received by the then Reader on 21.12.2023.

M.B.



39

That it is pertinent to mentioned here that I was on 15 days Paternity leave, due to some medical issue as my wife and child was admitted to hospital for almost 29 days and due to this, it was not noticed and also same was not intimated by predecessor about this matter. It is also submitted that record marked to predecessor and due to work load and public related work, it is very difficult to scrutinize the earlier files. However, any matter related to NGT and DPCC and Hon'ble Court of NGT are taken up with serious mode and with priority basis.

It is also humbly submitted that a joint inspection was also conducted on priority basis as soon as Hon'ble court directions received, in this regard.

In view of above submission, any delay in the matter is highly regretted and kindly consider my grievances." (Annexure-x).

iii).That further a report from Dak section was sought regarding the receipt of references/letters dated 08.02.2023 of Delhi Jal Board and DPCC letter dated 11.12.2023 and orders dated 06.10.2023, 01.11.2023 and 12.12.2023 of Hon'ble NGT of Delhi. Sh. Pankaj Kumar DEO (Civil Lines) looking after the Dak Seat has informed vide report dated 02.05.2024 as follows:-

S.No.	Letter No./Date	Diary No./Date	Received By
1.	F.No.DPCC/CMC-VII/O.A. No. 297/2023/NGT/2023/2484-88 dated 11.12.2023	No. 7584 dated 16.12.2023	Reader to SDM on 21.12.2023
2.	No. DJB/AEE(M)-20/2022-23/71 dated 08.02.2023	No. 759 dated 13.02.2023	NT (CL) on 22.02.2023

It has also been reported by the Dak Section vide report dated 03.05.2024 that Hon'ble NGT Orders dated 06.10.2023, 01.11.2023 and 22.12.2023 has not been received in Dak Section or mail.(Annexure-XI).

iv).As per the information Sh. Lalit Kumar was Naib Tehsildar Civil Lines on 22.02.2023 and Sh. Sunil Giri, Senior Assistant was Reader to SDM on 21.12.2023.

v).Both the officials have been transferred from this Sub Division. As such SDM (Civil Lines) is not in a position to ask any further clarification in this regard from both the officials.

vi).A shadow file has been prepared and forwarded to SDM (HQ)/Vigilance, District Central for taking further necessary action in respect of disciplinary proceedings.(Annexure-XII).



M. Bhand

The delay caused in the submission of report is regretted and Hon'ble Court is assured that further directions issued by the Hon'ble Court will be complied in letter and spirit in future.

Encl: As Above



MANI BHUSHAN MALHOTRA
SDM (CIVIL LINES)

OFFICE OF SUB DIVISIONAL MAGISTRATE (CIVIL LINES)
KHASRA No 549, NEAR BARAT GHAR,
VILLAGE BURARI, DELHI-110084.
(e-mail: sdmcivilline@mail.com)

No. F. SDM/CL/Misc./ 2023/5103

Dated: 2/11/2023

SEALING MEMO

In pursuance of Hon'ble National Green Tribunal, New Delhi order dated 06.10.2023 and 01.11.2023 in the matter of Nakul Kapoor Vs DPCC & Ors in OA No. 297/2023, the property No. 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi-110054 was inspected and two illegal borewells were found running. The same have been sealed.

dyag
MEENA TYAGI
SDM, CIVIL LINES



Copy to:

1. The District Magistrate (Central), 14, Daryaganj, New Delhi-110002

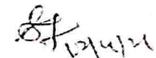
59/c

Sub:-JOINT INSPECTION REPORT WITH DJB STAFF REGARDING SEALING OF BOREWELLS.

As directed , A joint inspection was carried out at 2-B, Goela Lane, Under Hill Lane, Civil Lines, Delhi-110054 alongwith Sh. Pankaj Pandey, Junior Engineer, Delhi Jal Board. During the inspection it was found that the One Borewell was dismantled by the owner/occupier and rest of Two Nos. of borewell got sealed on dated 12.04.2024. the photographs of the same is enclosed herewith.


Pankaj Pandey

JE(DJB)


Sunny Dalal

ASO

SDM(Civil Lines)

Annexure - III

44/c



Government of National Capital Territory of Delhi
Office of the Sub Divisional Magistrate (Civil Lines),
Khasra No. 549, Near Barat Ghar, Old NDPL Office, Burari, Delhi-
110084.

No. F/SDM/CL/2024/864-76

Dated:- 3/4/24

Minutes of Meeting

A meeting of District Level Advisory Committee for extraction of ground water was convened on 03.04.2024 at 05:00 PM under the chairmanship of DM central to discuss the following matters regarding:-

1. Extraction of ground water by Hotels in Paharganj, Karol Bagh-NGT matter.
2. Nakul Kapoor Vs DPCC & Ors, OA NO. 297/2023, NGT Matter.

The meeting was attended by the following officers:-

1. Dr. Atul Pandey ADM central.
2. Sh. Shakti Bangar, SDM, Karol Bagh.
3. Sh. M.B. Malhotra, SDM Civil Lines.
4. Sh. Priti Pant, SE (DJB).
5. Sh. S. Ashok Kumar, STA (CGWB).
6. Sh. Mohd. Idris Ali, EE (DJB).
7. Sh. M.A. Kaleem, AE DJB
8. Sh. Harshit, JEE (DPCC).
9. Sh. S.K. Singh DJB.

The following was discussed and deliberated in the meeting.

1. Regarding the Extraction of ground water by Hotels in Paharganj, Karol Bagh -NGT matter, It was informed by Sh. Harshit JE, DPCC that:
 - I. Showcause notices were issued to 536 hotels in Paharganj for status of their ground water extraction and consent.
 - II. Direction for closure under sec33(A) of the water (prevention and control of Pollution) Act, 1974 and u/s 31(A) of the Air (Prevention & control of pollution) Act, 1981 as amended to date were issued on 29.03.2022 to 330 Hotels.
 - III. Direction for closure were not issued to remaining 206 Hotels as they had submitted the reply.
 - IV. He is not sure about the present status of the Hotels extracting ground water illegally. It was decided that as such, a joint team of DPCC and DJB will carry out a survey of these 330 hotels and submit the report supported by Geo tag photographs of each hotel, by 08.04.2024 in the O/o DM (Central).

M. S. Singh

Q. Scan and Upload

2. Regarding the Nakul Kapoor Vs DPCC & Ors, OA NO. 297/2023, NGT Matter. It was discussed that a showcause notice dated 11.12.2023 for imposition of EDC in respect of 03 illegal borewells at 2B Goela Lane, Underhill road, Civil Lines, Delhi-110054 has been issued by the DPCC. Rs. 90000/- Penalty has been imposed as a lumpsum amount as is done in the case of borewell being illegally use for domestic purposes. Sh. Harshit JE DPCC was instructed to confirm the status of payment of the EDC amount by the violator by 08.04.2024.

The meeting ended with the vote of thanks to the chair.

M. B. Malhotra
MANI BHUSHAN MALHOTRA
SDM (CIVIL LINES)/
CENTRAL DISTRICT

To

1. Chief Engineer nominated by CEO Delhi Jal Board.
2. Supdt. Engineer (Central), Delhi Jal Board, Varunalaya, Phase-II, Karol Bagh, Delhi.
3. Executive Engineer M-22AEE (M)-3/AEE(M)-19 AEE(M)-2 (Central-1), Delhi Jal Board, JLN Marg, New Delhi.
4. Dy. Commissioner North DMC, Karol Bagh Zone, Delhi.
5. Dy. Commissioner North DMC Civil Lines Zone.
6. Ex. Engineer DPCC, 5th Floor ISBT, Kashmere Gate, Delhi. It may be ensured that no officer junior than the Executive Engineer attends the meeting.
7. SDM (Kotwali),
8. SDM (Karol Bagh).
9. Sh. Moinuddin, Sr. Hydrogeological Scientist D, CGWB, 18/11 Jam Nagar House, New Delhi.
10. BDO Central.

Copy to:-

1. SDM-V (HQ), 5, Sham Nath Marg, Delhi.
2. PA to DM (Central).
3. PA to ADM (Central).

M. B. Malhotra
MANI BHUSHAN MALHOTRA
SDM (CIVIL LINES)/
CENTRAL DISTRICT

GOVT. OF NCT DELHI,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (CIVIL LINES)
KHASRA NO-549, OLD NDPL BUILDING
BURARI, DELHI-110084

F.NO./SDM/CL/NGT/15/2024/988-89

DATE 18.04.2024

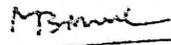
Ref: OA. NO. -297/2023

Sub: Joint inspection report regarding sealing of borewells at 2B Goela Lane under Hill Lane, Civil Lines, Delhi.

With reference to your joint inspection report dated 12.04.2024, the following points need further clarification so that proper reply as per the clarification sought by the Govt. Counsel in Hon'ble NGT may be submitted:-

1. Total Nos. of Borewells existing at the site at the time of your visit and their status whether these were in running conditions or not.
2. Copy of sealing memo dated 02.11.2023 for two illegal borewells at the site by the then SDM (Civil Lines) Ms. Meena Tyagi is enclosed. Whether the two borewells as mentioned in the joint inspection report which have been sealed by the team comprising of Sh. Sunny Dalal, ASO (Civil Lines) and Sh. Pankaj Pandey JE (Delhi Jal Board) on 12.04.2024 are different than the that sealed by Ms. Meena Tyagi the then SDM (Civil Lines) on 02.11.2023.
3. For what purpose the borewells at the site were being used for.

The above reply may be submitted by tomorrow i.e. 19.04.2024.

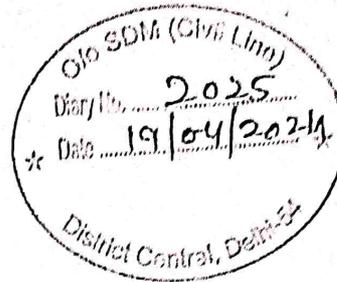

MANI BHUSHAN MALHOTRA
SDM (CIVIL LINES)

To

1. Sh. Pankaj Pandey, Junior Engineer, Delhi Jal Board, Delhi
2. Sh. Sunny Dalal, ASO, O/o SDM (Civil Lines).


18/4/24

To,
SDM, Civil Lines,
Khasra No. 549, Old NDPL Office Building
Near Panchayat Bhawan, Burari
New Delhi-110084.



Subject:- Joint indpection report regarding 2B Goela Lane, Under Hill Road, Civil Lines, Delhi.

With reference to your bearing letter No. F.No./SDM/CL/NGT/15/2024/988-89 dated 18.04.2024 for proper reply as per the clarification sought by the Govt. Counsel in the Hon'ble NGT. The point wise reply is as under:-

Point No. 1. Total No. of two (02) working and one (01) dismantled borewells were found during the inspection on 12.04.2024.

Point No. 2. In this regard it is submitted that during the earlier inspection at the site carried out by the than SDM Ms. Meena Tyagi, the undersigned was not the part of that team. Hence, it is not possible to tell these are the same or different borewells than earlier. However, no borewell other than three borewells were found there at the site out of which one was dismantle and two were in working condition.

Point No. 3. Two borewells were found in working condition and construction work is going there in area measuring approximately 500 Sq. Yards.

Submitted please.


(Pankaj Pandey)
JE (Civil)

To

The SDM (Civil Lines),
GOVT. OF NCT OF DELHI,
Burari.

Sub: Joint inspection report regarding 2B Goela Lane, Under Hill
Road, Civil Lines, Delhi.

Sir,

With reference to your letter bearing No. F.No./SDM/CL/NGT/15/2024/988-89 dated 18.04.2024 for proper reply as per the clarification sought by the Govt. Counsel in the Hon'ble NGT. The point wise reply is as under:-

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Point No. 3. Two borewells were found in working condition and construction work is going there in area measuring approximately 500 Sq. Yards.

Submitted please.

Sunny
SUNNY

ASO/READER TO SDM (CIVIL LINES)

GOVT. OF NCT DELHI,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (CIVIL LINES)
KHASRA NO-549, OLD NDPL BUILDING
BURARI, DELHI-110084

F.NO/SDM/CL/NGT/15/2024/1011

DATE: 20.04.2024

Sub: Joint inspection report regarding sealing of borewells at 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi-110054.

Whereas in pursuance of Hon'ble National Green Tribunal, New Delhi order dated 06.10.2023 and 01.11.2023 in the matter of Nakul Kapoor Vs DPCC & Ors. in OA No. 297/2023 the property No. 2B, Goela Lane, Under Hill Road, Civil Lines, was inspected by the then SDM Ms. Meena Tyagi and 02 illegal borewells were found running which were sealed on 02.11.2023. (Copy of sealing memo is attached)

Whereas Delhi Pollution Control Committee has issued show cause notice date 11.12.2023 for imposing Environmental Compensation of Rs.90,000/- i.e. Rs. 30,000/- for each borewell for extracting ground water illegally.

Whereas you have submitted Rs. 90,000/- in favour of DPCC vide ICICI Bank DD dated 15.04.2024 as per the copy of letter dated 15.04.2024 addressed to DPCC provided by you to this office.

Whereas a joint inspection was again carried out by this office staff with Delhi Jal Board staff at 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi-110054 on 12.04.2024 and it was found that 01 borewell was dismantled by the owner/occupier and rest of 02 Nos of borewell were in working condition which were sealed on 12.04.2024.

Therefore you are directed to submit the explanation as to why the borewells already sealed on 02.11.2023 has been tempered with seal and again put to the working condition. Your explanation must reach this office by 22.04.2024 at 5 PM failing which it will be presumed that you have nothing to say in the matter and an appropriate action which may include criminal proceedings will be initiated against you.



MB
MANI BHUSHN MALHOTRA
SDM (CIVIL LINES)

Copy To:-

Sh. Nagender S/o Lt. Sh. Musafir Mahto, (owner/occupier, 2B, Goela Lane, Under Hill Road, Civil Lines) R/o H.No. 6B/1, Under Hill Road, Civil Lines, Delhi-110053.

*Reking on
Behalf of
Suraj*

Nagender Sir

*Suraj Kumar
7618363046*

GOVT. OF NCT DELHI,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (CIVIL LINES)
KHASRA NO-549, OLD NDPL BUILDING
BURARI, DELHI-110084

FN/SDM/CL/NGT/15/2024/1104

DATE: 03/05/2024

Sub: Regarding sealing of borewells at 2B, Goela Lane, Under Hill Road,
Civil Lines, Delhi-110054.

Whereas in pursuance of Hon'ble National Green Tribunal, New Delhi order dated 06.10.2023, 01.11.2023 and 22.12.2023 in the matter of Nakul Kapoor Vs DPCC & Ors. in OA No. 297/2023 the property No, 2B, Goela Lane, Under Hill Road, Civil Lines, was inspected by the then SDM Ms. Meena Tyagi and 02 illegal borewells were found running which were sealed on 02.11.2023.

Whereas a joint inspection was again carried out by Sh. Sunny Dalal, ASO, O/o SDM Civil Lines and Sh. Pankaj Panday, JE, Delhi Jal Board at 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi-110054 on 12.04.2024 and it was found that 01 borewell was dismantled by the owner/occupier and rest of 02 Nos of borewell were in working condition which were sealed on 12.04.2024.

A show cause notice dated 20.04.2024 to Sh. Nagender S/o Late Sh. Musafir Mahto (owner/occupier 2B, Goela Lane, Under Hill Road Civil Lines) Resident of H.NO. 6B/1, Under Hill Road, Civil Lines Delhi was issued with the direction to show cause why the borewells already sealed on 02.11.2023 has been tempered with seal and again put to the working condition. However, reply from Sh. Jitender Sharma R/o 34/24, Gali No-14, Bhajanpura has been received (copy enclosed) which is not found satisfactory.

Therefore, the borewells already sealed on 02.11.2023 has been tempered with seal and again put to the working condition. A legal action may be taken against the owner/occupier in the matter.



Mani
MANI BHUSHN MALHOTRA
SDM (CIVIL LINES)

Enclosed:

1. Copy of sealing memo dated 02/11/2023.
2. Copy of joint inspection report dated 12.04.2024.
3. Copy of Clarification dated 19.04.2024 by Sh. Pankaj Panday, JE, DJB and Sh. Sunny, ASO, O/o SDM Civil Lines regarding joint inspection report dated 12.04.2024
4. Copy of show cause notice issued to Sh. Nagender S/o Late Sh. Musafir Mahto.
5. Copy of reply received in this office on 22.04.2024 from Sh. Jitender Sharma, R/o 32/24, gali no-14, Bhajanpura.

To

SHO, Civil Lines



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06
visit us at: <http://dpcc.delhigovt.nic.in>



F. No. DPCCMC-VI/O.A. No. 297/2023/NGT/2024/66-67

Dated: 23/04/24

To,

The Sub Divisional Magistrate (Civil Lines),
NDPL Office Building Near Panchayat Bhawan,
Burari, Delhi-110084.

Sub.: Intimation regarding receipt of Environmental Compensation.

Sir,

This is in reference to your letter dated 20.04.2024. In this regard it is informed that the unit namely, owner/occupier, 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi-110054 has deposited the imposed Environmental Damages Compensation of Rs. 90,000/- (Rs. Ninety Thousand Only) through DD vide DD No. "503669" in favour of DPCC on 15.04.2024 (copy enclosed) and same has been realized.

Your Sincerely,

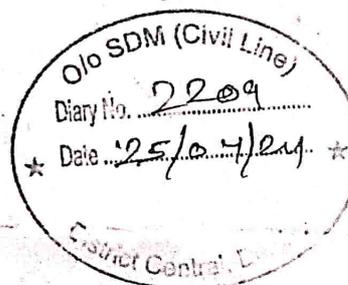
Encl: As above

[Signature]
SEE, CMC-VII

Copy to:-

1. Master File, CMC-VII

Ans
27/4/24
Reader



A/C PAYEE ONLY

ICICI Bank

Drawee Branch
(6625) DELHI SPBR MISSION

VALID FOR THREE MONTHS ONLY

DATE: 15 04 2024

DD No. 503669

D D / M M / Y Y . Y Y

ON DEMAND PAY

**** DELHI POLLUTION CONTROL COMMITTEE*****

OR ORDER

RUPEES

NINETY THOUSAND Only

₹

*****90,000.00

FOR VALUE RECEIVED

Purchaser Name: SHRI VINAYAK INFRA LAND PVT LTD
OL/9/5 Not Above 90,000.00

6625DDCENPAY

DELHI SPBR MISSION HOSPITAL

Issuing Branch

Authorised Signatory

Authorised Signatory

Please sign above

⑈503669⑈ 000229000⑈ 006625⑈ 66

URGENT COURT MATTER

GOVT. OF NCT DELHI,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (CIVIL LINES)
KHASRA NO-549, OLD NDPL BUILDING
BURARI, DELHI-110084

F.NO/SDM/CL/NGT/15/2024/1024

DATE: 20/4/24

To,

The SEE, CMC-VII
Delhi Pollution Control Committee,
5th Floor, ISBT Building,
Kashmere Gate, Delhi

(ENQUIRY COUNTER) 20/4/2024
DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT
GOVT. OF NCT OF DELHI
5TH FLOOR, ISBT BUILDING,
KASHMERE GATE, DELHI-110059

Sub: Imposition of environmental compensation - OA No. 297/2023 titled as Nakul Kapoor Vs DPCC & Ors.

Sir,

Kindly refer to your show cause notice F.NO/DPCC/CMC-VII/O.A.NO-297/2023/NGT/2023/2484-88 dated 11.12.2023 vide which environmental compensation of Rs. 90,000/- have been imposed on the owner/occupier, 2B Goela Lane, Under Hill Road, Civil Lines, Delhi. The matter was discussed in the meeting of District Level Advisory Committee held on 03.04.2024 under the chairmanship of District Magistrate (Central) alongwith the designated members in which it was directed that the DPCC will confirm the status of payment of the EDC amount by the violator by 08.04.2024. However, no information in this regard has been provided by DPCC in the reviewing held on 09.04.2024 nor any communication from DPCC has been received in this regard.

Further, it is also informed that the than SDM (Civil Lines) Ms. Meena Tyagi in pursuance of Hon'ble National Green Tribunal orders dated 06.10.2023 and 01.11.2023 in the subject case has visited the site on 02.11.2023 and found two illegal borewells running there which were sealed by her vide sealing memo dated 02.11.2023. The above site was again visited by the team comprising of staff of SDM (Civil Lines) office & Delhi Jal Board on 12.04.2024, who has reported that two borewells were still functioning at the site and used for construction purposes.

In view of above, you are requested to kindly issue revised EDC as the earlier EDC was issued for illegal water extraction for use of domestic purposes @ Rs. 30,000 per borewell instead of Construction purposes. The next date in this case is fixed for 02.05.2024 before the Hon'ble Court of NGT and action taken report was directed to be filed by 15.04.2024.

This may be treated as MOST URGENT.

MB
MANI BHUSHAN MALHOTRA
SDM (CIVIL LINES)



GOVT. OF NCT DELHI,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (CIVIL LINES)
KHASRA NO-549, OLD NDPL BUILDING
BURARI, DELHI-110084

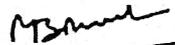
F.NO/SDM/CL/NGT/15/2024/990
OA. NO. -297/2023

DATE 18.04.2024

Sub: Explanation for delayed action in the OA No-297/2023.

An order dated 22-12-2023 issued by Hon'ble National Green Tribunal in above case is enclosed herewith. The Hon'ble Court has observed that there is undue/unreasonable delay in taking of requisite remedial action, SDM, Civil Lines is directed to look into the reasons for the same, take appropriate disciplinary action against the erring official in accordance with law and enclose copies of Memo issued, explanation of the erring official and disciplinary action taken alongwith her action.

You are hereby directed to submit explanation in this regard within two days failing which suitable action will be taken against you.


Mani Bhushn Malhotra
SDM, Civil Lines

To
Sh. Sunny Dalal
ASO

Annex-X 691C

To

The SDM (Civil Lines),
GOVT. OF NCT OF DELHI,
Burari.

Sub: Explanation for delayed action in the OA NO-297/2023

Respected Sir,

It is humbly submitted that I was posted in Civil Lines office in July 2023 and letter from Delhi Jal Board was issued in February 2023. It is also submitted that as per available record the complaint made by DJB was received by Naib Tehsildar, Civil Lines in 2023.

It is also submitted that record marked to predecessor and due to work load and public related work, it is very difficult to scrutinize the earlier files. However, any matter related to NGT and DPCC and Hon'ble Court of NGT are taken up with serious mode and with priority basis.

It is also humbly submitted that when EDC letter of DPCC dated 11.12.2023 was received in this office, and the same was forwarded to the then reader on 21.12.2023.

That it is pertinent to mentioned here that I was on 15 days Paternity leave, due to some medical issue as my wife and child was admitted to hospital for almost 29 days and I was not aware/intimated about this matter.

It is also humbly submitted that a joint inspection was also conducted on priority basis as soon as Hon'ble court directions received, in this regard.

In view of above submission, any delay in the matter is highly regretted and kindly consider my grievances.

Submitted for kind consideration please.


SUNNY
20/04/24

ASO/READER TO SDM (CIVIL LINES)

As per direction, to trace out the movement of some important letter/dak which was received by this office. It is to inform you that I tried my best with sincere efforts by sitting late hours in the office then I found the movement of letter/dak vide No. F. No. DPCC/CMC-VII/O.A. No. 297/2023/NGT/2023/2484-88 dated 11.12.2023 and No. DJB/AEE (M)-20/2022-23/71 dated 08.02.2023. The following details of movement of letter/dak are as under:

S. No.	Letter No./Date	Diary No./Date	Received by
1.	F. No. DPCC/CMC-VII/O.A. No. 297/2023/NGT/2023/2484-88 dated 11.12.2023	No. 7584, Dated 16.12.2023	Reader to SDM on 21.12.2023
2.	No. DJB/AEE (M)-20/2022-23/71 dated 08.02.2023	No. 759, Dated 13.02.2023	NT (CL) on 22.02.2023

Encl. as above.

02/05/2024
PANKAJ KUMAR

SDM(CL)

Pl. confirm whether any orders of NGT dt. 6/1/23, 11/1/23 and 24/1/23 were received on dak or mail and when they were marked?

Ans

3/5/24

Pankaj

As per your direction I tried sincerely but could not find except those two letters movement, and I am still trying to trace out the above said orders, as soon as I find them I will show you the movement of the said orders.

03/05/2024

SDM(CL)

3



शुद्ध डेपूच रजिस्टर
DESPATCH REGISTER FOR POSTAL DAK

क्र. सं. / No	सं. सं. सं. / No of Communication	नाम / नाम / Designation of the Addressee	संलग्न मुद्रा / मुद्रा / Value of stamp affixed
		दिनांक / Date	
		<p>Reader Sir</p> <p>7593, 7584, 7582, 7581 7600, 7599, 7598, 7564, 7561, 7558, 7557, 7556, 7523, 7520, 7516 7515, 7513, 7512, 7507, 7569, 7506, 7505, 7504, 7503, 7502, 7501, 7563, 7559, 7562, 7555, 7536, 7538, 7542, 7546, 7471,</p>	
		<p>Surgeon / Karpilav</p> <p>7591, 7537, 7539, 7540, 7571, 7572, 7552, 7557, 7548, 7529</p>	

21/1/2013



डाक पत्रिका रजिस्टर
DESPATCH REGISTER FOR POSTAL DAY

क्रम सं. Sl. No. 1	पत्र की सं. No. of Communication 2	पाने वाले का नाम/पदनाम Name/Designation of the Addressee 3	संगणक मूल्य का मूल्य Value of stamp affixed 4
Date: 21/02/2022			
Reader Sr	786, 772, 781, 753, 713, 708, 702, 701, 709, 698, 792, 796		21/02/22
NT Sr	814, 799, 800, 933, 759, 762, 706, 707, 749, 756, 759, 764, 780		24/02/22
Panraj Sr	754, 755, 712, 753, 757, 752, 755, 756, 754, 699, 700, 811, 808, 807, 806, 809, 810, 801, 802, 804, 803, 798, 812, 805, 797		21/02/2022
Pakwan Sr	796, 791, 710, 711, 762, 783		
Kanod Singh	824		

कम्प्यूटर सं० _____

फाइल सं० _____

Computer No. _____

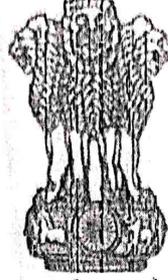
File No. SDM/CL/DP/20/24

File No. / NO. SDM/CL/2024/

Computer No. : 092770541

092770541

DC Central



सत्यमेव जयते

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार

कार्यालय जिला दण्डाधिकारी (मध्य)

14, दरियागंज, नई दिल्ली-110002



Govt. of National Capital Territory of Delhi

Office of the District Magistrate (Central)

14. Darva Ganj, New Delhi - 110002

**DISCIPLINARY ACTION AGAINST ERRING
OFFICIAL IN OA NO. 297/2023 NGT MATTER IN
THE MATTER OF NAKUL KAPOOR Vs DPCC**

Sub: Initiation of disciplinary action as per the direction of Hon'ble NGT in the matter of OA No. 297/2023 titled Nakul Kapoor Vs Delhi Pollution Control Committee and Ors.

The Hon'ble National Green Tribunal vide order dated 06.10.2023 has observed " 5. Accordingly, SDM (Civil Lines) Delhi, is directed to look into the matter verify the factual position, take remedial action in accordance with the law by following due process and submit factual and action taken report on or before 30.10.2023".

Further the Hon'ble National Green Tribunal vide orders dated 22.12.2023 has observed "1. Vide order dated 06.10.2023 SDM (Civil Lines) Delhi is directed to look into the matter, verify the factual position, take remedial action in accordance with the law by following due process and submit action taken report on or before 30.10.2023 which order was reiterated in terms of order dated 01.11.2023 requiring filing of report within one month.

2. No Action Taken Report has been filed by SDM (Civil Lines) Delhi . On the other hand copy of sealing memo has been filed on behalf of SDM (Civil Lines)....
5. Since there is undue/unreasonable delay in taking of requisite remedial action, SDM (Civil Lines) is directed to look into the reasons for the same, take appropriate disciplinary action against the erring official in accordance with law and enclose copies of Memo issued, explanation of the erring official and disciplinary action taken alongwith her Action Taken Report regarding action taken against the project proponent as directed above".

In this regard, the Show Cause Notice dated 18.04.2024 has been issued to Sh. Sunny Dalal, ASO/Dealing Assistant in the matters of Borewell.

The explanation of Sh. Sunny Dalal, ASO, has been submitted vide his letter dated 20.04.2024 that information of existing borewells at 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi was sent by Delhi Jal Board letter issued in Feb. 2023. That as per available record the complaint was marked to Naib Tehsildar (Civil Lines) in 2023. Further, the letter of DPCC for imposition of EDC were sent 11.12.2023 and same was marked to the then Reader on 21.12.2023.

Report from the Diary & Despatch seat official Sh. Pankaj Kumar, has been sought. Sh. Pankaj Kumar, DEO, Civil Lines has informed that Delhi Jal Board Letter dated 08.02.2023 was received by Naib Tehsildar (Civil Lines) on 22.02.2023 and DPCC letter dated 11.12.2023 was received by Reader to SDM (Civil Lines) on 21.12.2023.

As per the information Sh. Lalit Kumar was Naib Tehsildar Civil Lines on 22.02.2023 and Sh. Sunil Giri, Senior Assistant was Reader to SDM on 21.12.2023.

Both the officials have been transferred from this Sub Division. As such SDM (Civil Lines) is not in a position to ask any further clarification in this regard from both the officials.

As such the Shadow File may be forwarded to SDM (HQ)/Vigilance to take further necessary action. It is also informed that Hon'ble NGT vide orders dated 18.04.2024 has directed that Action Taken Report be filed by SDM(Civil Lines) atleast one week before the date hereby fixed failing which exemplary cost payable from salary will be imposed and matter has been listed on 08.08.2024. However, The Govt. Counsel Mrs. Jyoti Mendiratta has informed on 02.05.2024 that this matter was taken up on 02.05.2024 and its stands re-notified on 13.05.2024 in which SDM (Civil Lines) is required to appear physically.

In this regard, it is also worth mentioning that two Borewells existing at the site has been sealed and one borewell was found dismental on the revisit by the team comprising of Sh. Sunny Dalal, ASO and Sh. Pankaj Pandey, JE, Delhi Jal Board on 12.04.2024. DPCC has informed vide letter dated 23.04.2024 that EDC

of Rs. 90,000/- has been received from the violator. A letter dated 03.05.2024 has been sent to SHO, PS Civil Lines for taking further necessary action for tempering with the seal of borewells against the owner/occupier of the premises.

The file is submitted alongwith the complete Shadow File for initiating action as deemed fit against the erring officials i.e. Sh. Lalit Kumar, the then NT, and Sh. Sunil Giri Senior Assistant then looking after the work of Reader to SDM (Civil Lines) as per the directions of Hon'ble NGT at the level of SDM (HQ)/Vigilance.

Submitted please.

D.M.

03/05/24

(SDM (L))

D.M. (Central)