

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

Original Application No. 281/2022

**In the matter of:**

Dayaram

.....Applicant

Versus

Govt. of NCT of Delhi

.....Respondents

NDOH:- 09.02.2023

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Filed by

(Delhi pollution Control Committee)

Date: 03.02.2023

Place: Delhi

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

Original Application No. 281/2022

In the matter of:

Dayaram

.....Applicant

Versus

Govt. of NCT of Delhi

.....Respondents

**RESPONSE ON BEHALF OF DELHI POLLUTION CONTROL  
COMMITTEE (RESPONDENT NO. 3) IN TERMS TO THE ORDER  
DATED 13.10.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

Affidavit of Sh. Satender Kumar, presently working as Senior Environmental Engineer, Delhi Pollution Control Committee, 5<sup>th</sup> floor, ISBT Building, Kashmere Gate, New Delhi 110006 in compliance to the order dated 22.09.2022.

1. I the above-named deponent do hereby solemnly affirm and declare that I am an authorized officer of the Delhi Pollution Control Committee and competent to swear the present affidavit on the basis of records.
2. That, this matter was taken up by this Hon'ble Tribunal on 28.04.2022 and pleased to constitute a joint Committee of DPCC and Deputy Commissioner (North East). It was directed to the Joint Committee to undertake site visits and look into the grievance of the applicant and take requisite action by following due process of law.
3. That in compliance with the order dated 28.04.2022, DPCC filed the joint Committee report through email dated 11.10.2022, which is available on the records of this Hon'ble Tribunal.



4. That, Hon'ble Tribunal taken up the matter on 13.10.2022 and considered the report of the joint committee. Vide order dated 13.10.2022, this Hon'ble Tribunal was pleased to direct the Government of NCT of Delhi, MCD and DPCC to file reply/ response .
5. That, subsequent to joint committee report, DPCC issued closure direction under Section 33(A) of Water (Prevention and Control of Pollution) Act, 1974 and under Section 31(A) of Air (Prevention and Control of Pollution) Act, 1981 on 27.01.2023 to "Satish Yadav", as the reply submitted by Sh. Satish Yadav was found unsatisfactory. On 27.01.2023 DPCC also imposed Environmental Damages Compensation of Rs. 2,00,000/-for operating the dairy in violation of the provision of the Master Plan-2021 as well as environmental Legislations. Rs. 1,00,000/- as Environmental Damages Compensation was also imposed for extraction of ground water which was used for commercial purposes without permission from the Competent Authority. Copies of the closure direction and order for imposing Environmental Damages Compensation dated 27.01.2023 are enclosed herewith as **ANNEXURE-1 (Colly)**.
6. That In view of the above it is most respectfully submitted that suitable direction be issued to SDM (Civil Lines) to take necessary action to recover the Environmental Damages Charges on the project proponent and also to take strict vigil so that illegal activity will not resurface.

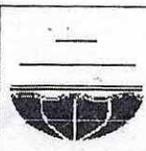
Prayed accordingly,

  
Deponent

Verification

Verified at New Delhi on this 03 day of February, 2023 that the contents of the above affidavit are true and correct to my knowledge and noting false has been stated therein and no material has been concealed there from.

  
Deponent



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

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F. No. DPCC/CMC-VII/NGT/Dairy/E-128293/2022/1234-42

Dated: 27-01-23

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

Whereas, Central Pollution Control Board is the State Board for all the union Territories to exercise powers and performs functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under Air (Prevention & Control of Pollution) Act, 1981, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide notification dated 15.03.1991.

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, as per section 21(1) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date, no person shall, without the previous consent of the State Pollution Control Board (DPCC in case of Delhi), establish or operate any industrial plant in an Air Pollution Control Area.

And whereas, as per section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended to date, it is mandatory to obtain Consent from Delhi Pollution Control Committee in respect of any industry or operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent in to a stream or on land.

And whereas, you **Satish Yadav, H.No.- 5778, Gali No.-5, New Chandrawal, Jawahar Nagar, Delhi-110007** (herein after referred as addressee) found operating and engaged in the activity of **Cattle Dairy**.

And whereas, Hon'ble NGT in O.A. No. 281/2022 in matter of "Dayaram Vs Govt. of NCT Delhi has ordered for requisite action in the matter.

And whereas, an inspection of your dairy farm was conducted by the officials of DPCC and Dy. Commissioner, Revenue (Central) on 25.05.2022 and the observations/deficiencies found during inspection are as follows:

1. Illegal dairy farm (approx 55 cattles) found operational in residential area without any consent or permission from DPCC/ Government department.
2. No treatment facility provided for wastewater generated from floor washing, cattle bath, urine, etc.
3. No Biogas plant/ composting facility provided.
4. No proper disposal facility of cow dung/ solid waste is provided.
5. Cow dung slurry/ wastewater is being discharge directly into open drains.
6. One borewell exists without permissions of competent authority.

And whereas, Show Cause Notice for closure was issued to you on 31.05.2022.

And whereas you have submitted reply which have been considered and found unsatisfactory.

P.T.O.

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

- That you (the addressee) shall close all operation of the said dairy with immediate effect.
- That the concerned authority in Tata Power Delhi Distribution Limited (TPDDL) shall disconnect the electricity/power supply of the said dairy and cancel the permission of DG set (if any) of the dairy with immediate effect.
- That the concerned authority in DJB shall disconnect the water supply connection of the said dairy with immediate effect.
- That the concerned SDM shall ensure the effective closure of the dairy with immediate effect.
- That the concerned authority in MCD shall cancel the permission/license for the operation of the said dairy (if any) with immediate effect.

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

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

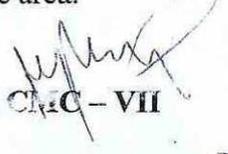
  
(Satender Kumar)  
SEE, CMC - VII

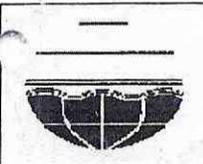
To,

M/s Satish Yadav,  
H.No.- 5778, Gali No.- 5,  
New Chandrawal, Jawahar Nagar,  
Delhi- 110007

Copy for necessary compliance to:

1. The Divisional Magistrate (Central), 14, Darya Garj, New Delhi- 110002 with request to issue direction to concerned SDM for the effective closure of the Addressee Dairy and its borewell.
2. The Sub Divisional Magistrate Central (Civil Lines), Office of SDM Civil Lines, NDPL Office Building near Panchayat Bhawan, Burari, Delhi-110084 with request to ensure the effective closure of the Addressee dairy alongwith illegal borewell with immediate effect and send the compliance report within 15 days.
3. The Additional Commissioner (FL), MCD, 14<sup>th</sup> Floor, Civic Centre, Minto Road, Delhi-110002 with request to cancel the permission/license for the operation of said dairy (if any) with immediate effect & send the compliance report to this office within 15 days.
4. The General Manager (Commercial), Tata Power Delhi Distribution Limited, NDPL House, Hudson Lines Kingsway Camp Delhi-110009 with request to disconnect the electricity/power supply of the said dairy with immediate effect & send the compliance report to this office within 15 days.
5. The Member (Water), Delhi Jal Board, Varunalaya Phase-II, Jhandewalan, New Delhi-110055 - with directions to disconnect water supply connection to said residence/dairy (if any) with immediate effect & send the compliance report to this office within 15 days of issuance of these directions. *17<sup>th</sup> floor, Civic Centre, Delhi-110002*
6. The Director (Veterinary), MCD, with request to ensure necessary action against said illegal dairy & keep a vigil that no such illegal units should operate in the area.
7. The SHO, Delhi Police, P.S. Sadar Bazar, with request to ensure necessary action against said illegal dairy & keep a vigil that no such illegal units should operate in the area.
8. Master File (CMC-VII).

  
EE, CMC - VII



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

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F. No. DPCC/CMC-VII/NGT/Dairy/E-128293/2022/ 1232-33 Dated: 27-01-23

To,

M/s Satish Yadav,  
 H.No.- 5778, Gali No.- 5,  
 New Chandrawal, Jawahar Nagar,  
 Delhi- 110007

**Subject: Confirmation of Environmental Damages Compensation-reg.**

And whereas, you **Satish Yadav, H.No.- 5778, Gali No.-5, New Chandrawal, Jawahar Nagar, Delhi-110007** (hereinafter referred as the addressee) are engaged in the activity of Cattle Dairy.

And whereas, Hon'ble NGT in O.A. No. 281/2022 in matter of "Dayaram Vs Govt. of NCT Delhi has ordered for requisite action in the matter.

And whereas, an inspection of your dairy farm was conducted by the officials of DPCC and Dy. Commissioner, Revenue (Central) on 25.05.2022 and the observations/deficiencies found during inspection are as follows:

1. Illegal dairy farm (approx 55 cattles) found operational in residential area without any consent or permission from DPCC/ Government department.
2. No treatment facility provided for wastewater generated from floor washing, cattle bath, urine, etc.
3. No Biogas plant/ composting facility provided.
4. No proper disposal facility of cow dung/ solid waste is provided.
5. Cow dung slurry/ wastewater is being discharge directly into open drains.
6. One borewell exists without permissions of competent authority.

And whereas, you (the addressee unit) are operating the your dairy farm without having a valid Consent to Establish / Operate from DPCC, operating in violations of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, as amended to date.

And whereas, as per the DPCC criteria for dairies, you shall be liable to pay Environmental Compensation (EC) of Rs. **Rs. 2,00,000/- (Rs. Two Lakh Only)** and also **Rs. 1,00,000/- (Rs. One Lakh Only)** for extracting groundwater for commercial usage illegally without permission from Competent Authority. Therefore, it is evident that you are causing water pollution and also damaging to the Environment. Thus, you are liable to pay **Total Environmental Compensation of Rs. 3,00,000/- (Rs. Three Lakh Only)**.

And whereas, as decided by the Competent Authority in Delhi Pollution Control Committee the **Environmental Damages Compensation of Rs. 3,00,000/- (Rs. Three Lakh Only)** has been levied upon you (the addressee unit) and Show Cause Notice for imposition of EDC was issued to you on 31.05.2022. Your reply have been considered and found unsatisfactory. Also, you have not deposited EDC till date.

P.T.O

Now therefore, the Competent Authority in Delhi Pollution Control Committee has decided and keeping in view the 'Polluter Pays' Principle to issue the following directions:-

1. That you shall deposit the Environmental Compensation of Rs. 3,00,000/- (Rs. Three Lakh Only) in the form of DD in favour of "Delhi Pollution Control Committee" within 07 days of issuance of these directions.

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

  
(Satender Kumar)  
SEE, CMC-VII

**Copy to:**

1. The Sub Divisional Magistrate (Civil Lines), Central District, Office of SDM Civil Lines, NDPL Office Building Near Panchayat Bhawan, Burari, Delhi-110084, with request to ensure the recovery of EDC of amount Rs. 3,00,000/- (Rs. One Lakh Only) as arrears of land revenue and to be remitted to DPCC, if unit failed to deposit the same within the stipulated time.

etc