

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
MISC APPLICATION IN DISPOSED OF CASES NO. 24/2023
IN
ORIGINAL APPLICATION NO. 33/2022**

IN THE MATTER OF:

Ganesh Prasad

...Applicant

Vs

Govt. of NCT of Delhi & Ors.

...Respondents

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FILED BY:

NEW DELHI

DATED:18.03.2025

(JYOTI MENDIRATTA)

Advocate for the GNCT of Delhi
H-34, Jangpura Extension
(Lower Ground Floor)
Near INOX EROS Cinema,
New Delhi-110014

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. MA- 24/2023 in O.A No. 33/2022

In the matter of:-

Ganesh Prasad

.....Applicant

Vs

Govt. of NCT of Delhi & Ors.

.....Respondents

D.O.H.:21.03.2025

REPLY ON BEHALF OF SUB-DIVISIONAL MAGISTRATE
(DWARKA)DISTRICT (SOUTH WEST) IN THE ABOVE MENTIONED CASE.

MOST RESPECTFULLY SHOWETH:-



1. I, Harshit Saini S/o Sh. Rajender kuamr Saini aged about 34 years, presently working as SDM (Dwarka) do hereby solemnly affirm and state as under:
2. That the aforesaid matter is pending before this Hon'ble Tribunal and fixed for hearing on 21.03.2025.
3. That Hon'ble Tribunal was pleased to pass detailed order on 28.08.2024. In the order, it was directed to all the concerned to file their respective action taken reports. Further, in para-124 of the judgement dated 28.08.2024, it was directed as follows:-

In M.A. No. 24/2023 in O.A. No. 33/2022 Ganesh Prasad Vs. Government of NCT of Delhi & Ors. SDM (Dwarka), Delhi is directed to file status report regarding recovery of environmental compensation from the violators.




4. In this connection, the status report is as follows:-

- I. That Delhi Pollution Control Committee (DPCC), through its letter dated 11.01.2024, issued a Recovery Certificate to the Sub-Divisional Magistrate (Dwarka) for the enforcement of environmental compensation amounting to ₹1,00,000 against Shri Ajit Kumar and Shri Ashish Kumar, who are the registered owners of Plot No. 7, Block K, Part-II, Chanakya Place, Uttam Nagar, New Delhi. The said amount was imposed as per applicable environmental laws and regulations governing pollution control measures. (Annex – I)
- II. That Pursuant to the issuance of the Recovery Certificate, the Tehsildar (Dwarka), acting under the directions of the Sub-Divisional Magistrate (Dwarka), issued an order vide Ref No. F/SDM/2024/5258, dated 16.01.2024, directing the aforementioned individuals to remit the environmental compensation of ₹1,00,000. The said amount was to be deposited within seven (07) days from the date of issuance of the order, through Banker's Cheque, Demand Draft, or online transfer, in favor of the Delhi Pollution Control Committee (DPCC). (Annex – II)
- III. That upon failure of the defaulters to comply with the demand for payment within the stipulated period, the Sub-Divisional Magistrate (Dwarka), in exercise of powers conferred under the applicable recovery provisions, issued an Attachment Order dated 16.04.2024, directing the Tehsildar (Dwarka) to initiate attachment proceedings against movable and/or immovable property of the defaulters to the extent of the outstanding amount of ₹1,00,000. (Annex – III).
- IV. That in compliance with the aforementioned Attachment Order, the Tehsildar (Dwarka) undertook enforcement action on 20.04.2024, whereby the premises of the defaulters were visited for execution of the attachment. During the said enforcement proceedings, the following movable assets were identified and duly sealed as per established legal protocols:
 1. RO Plant
 2. Grinder Machine
 3. Welding Machines
 4. Cutter Machines

- V. The sealing process was conducted in accordance with the due process of law, and a report thereof was prepared. (Annex - IV)
- VI. That Subsequent to the attachment and sealing of property, Shri Ajit Kumar and Shri Ashish Kumar **submitted the required amount of ₹100,000 towards environmental compensation. The payment was made via Demand Draft No. 003520, dated 02.05.2024**, which was duly deposited with the Delhi Pollution Control Committee (DPCC), thereby satisfying the outstanding liability. (Annex - V)
5. That in compliance with the order dated 28.08.2024, issued by the Hon'ble National Green Tribunal (NGT) in Original Applications No. 639/2022 ('Pritpal Sharma Vs Govt. of NCT of Delhi & Ors') and No. 33/202 ('Ganesh Prasad Vs Govt. of NCT of Delhi & Ors'), a re-inspection of the site and the RO Plant was carried out on 22.11.2024 by the concerned authorities. During the said inspection, it was observed that **the RO Plant remained sealed**. Photographic evidence documenting the status of the site was captured and is enclosed herewith. (Annex - VI).
6. **It is pertinent to mention that in pursuance to receipt of list of violators from DPCC, from whom it was directed to recover Environmental charges for illegal extraction of ground water, the undersigned, being the competent authority have issued recovery notices to 6006 such violators out of total 6595 (as received from DPCC), pertaining to jurisdiction of SDM(Dwarka) with the direction to submit EC directly to DPCC.**
7. This report is submitted for record and necessary action as deemed appropriate.
8. The applicant/undersigned is ready to abide by any condition laid down by this Hon'ble Tribunal.

DEPONENT

VERIFICATION:-

I, the above-named Deponent, do hereby on solemn affirmation verify that the contents of the present **Affidavit** have been read by me and I have understood the same and the contents **of the same** are true and correct to the best of my knowledge and information **and no part** of it is false and no material facts have been concealed therefore.




Verified at Delhi on this ____ day of March, 2025



DEPONENT



Annex-1

(Annex-I)

DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
 4th & 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
 visit us at : <http://dpcc.delhigovt.nic.in>
 F. No. DPCC-K015/3/2023-CMC2-DELHI POLLUTION CONTROL COMMITTEE 13672-8686
 DATED: 11/01/2024

To,

SDM (Dwarka)
 SDM DWARKA Office, Sector-10, Dwarka,
 New Delhi-75.

Subject- Recovery Certificate of DPCC towards Recovery of Environmental Compensation of Rupees One Lakh from Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No-7, Block-k, Part-II, Chanakya Place, Uttam Nagar, New Delhi-110059.

Whereas, Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No-7, Block-k, Part-II, Chanakya Place, Uttam Nagar, New Delhi-110059. (herein after referred as addressee) were operating illegal RO plant without obtaining NOC/permission from concerned departments and the RO plant was being used for selling the water in the nearby areas and the waste water generated from the plant was being discharged directly into the drain.

And whereas, an Environmental Damage Compensation of Rs.1,00,000/- (Rupees One Lakh only) was imposed and 07 days' time was given to "the Addressee" for the submission of same. However, the said amount of Rs.1,00,000/- (Rupees One Lakh only) has not been submitted so far.

Now therefore, in view of above, you are requested to take appropriate action for Recovery of Rs.1,00,000/- (Rupees One Lakh only) from Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No-7 Block-k, Part-II, Chanakya Place, Uttam Nagar, New Delhi-110059 and the same may be remitted to DPCC.

You are also requested to submit compliance report to DPCC within 07 days.



(Ajeeta Agrawal)
 SEE,CMC-II

Enclosure:- Copy of EC direction dated 08.12.2023

Copy to:-

1. Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No-7, Block-k, Part-II, Chanakya Place, Uttam Nagar, New Delhi-110059.
2. Master File.

lus
 16/1/24
 Saahin

Tehsildar (Madam)

Annex 2

(Annex-II)

gsk



GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (DWARKA) SW DISTRICT I
SECTOR-10, DWARKA, NEW DELHI-110075

No F. SDM/DW 2024 5258

Dated: 16/01/24

NOTICE

A copy of order vide No F No DPCC-K015/3/2023-CMC2-DELHI POLLUTION CONTROL COMMITTEE/8614-8619 dated 08.12.2023 regarding Direction for levying of Environmental Damage Compensation for illegal extraction of ground water in compliance of Hon'ble NGT case M.A No. 24/2023 in OA No. 33/2022 Ganesh Prasad Vs Govt of NCT of Delhi has been received in the name of Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No. 7, block-K, Part-II, Chanakya Place, Uttam Nagar, New Delhi- 110059.

You are therefore, directed to submitted your amount through Banker's Cheque/Demand Draft or through RTGS/online system in Account No. 40071442347 (IFSC code SBIN0005715) Bank & Branch: State Bank of India, Kashmere Gate, Delhi- 110006) in favour of Delhi Pollution Control Committee or DPCC within 07 days

— sd —

(HARMINDER KAUR)
TEHSILDAR (DWARKA)

To

Sh. Ajit Kumar & Sh. Ashish Kumar,
Plot No. 7, Block-K, Part-II, Chanakya Place,
Uttam Nagar, New Delhi- 110059.

Annex-3

(Annex-III)

g/c



OFFICE OF THE SUB DIVISIONAL MAGISTRATE (DWARKA)
SDM OFFICE COMPLEX, SECTOR-10, DWARKA NEW DELHI-110075

No. F/SDM/DW/2024/ 36673

Date: 16/07/24...

Sub:- Regarding Attachment Order.

Please refer the Delhi Pollution control committee, Department of Environment, GNCTD, 4th & 5th Floor, ISBT Building, Kashmere Gate, Delhi- 6, in the matter of DPCC Vs Sh. Ajit Kumar & Sh. Ashish Kumar vide which it has been directed to recover the amount of Rs. 1,00,000/- by attach the moveable and immovable property of the said accused i.e Sh. Ajit Kumar & Sh. Ashish Kumar, Plot No. 7, Block-K, Part-II, Chanakya Place, Uttam Nagar, New Delhi- 110059.

Therefore, you are hereby directed to attach the moveable and immovable property equal to amount to Rs. 1,00,000/- of the said JD within 07 days.

16/7/24
(SHAM)
(SHALES KUMAR)

SDM DWARKA

To

1. The Tehsildar (Dwarka).

Copy to:-

1. The SHO Bindapur, with the direction to provide the adequate police force for compliance of the DPCC (NGT) order as and when require.

7/8

Annex-4 (Annex IV)

89/C

In Compliance of attachment order issued by SOM (Dwarka), the following item has been sealed as under:-

- 1) RO Plant
- 2) Grinder Machine
- 3) 10 Rack
- 4) 5 Gate (iron)
- 5) Welding Machine - 02
- 6) Cutter Machine
- 7) Drill Machine
- 8) Iron Raw Materials - Uncountable

The above said item has been sealed in the presence of undersigned

[Signature]
20/4/20
T. S. S. S.
Dwarka

111425h
9953232547

[Signature]
MC Narendran
20/4/20



श्री मान महराज
D PCC
काश्मीरी गेट
दिल्ली



विषय :- सिलिंग रजुलवान हेतु

महाराज,

सर्वप्रथम मैं विवेकपूर्वक है कि मैं आसील कुमार 3/0 श्री सुरेश
पन्ड, K-7, Chanakya Place, New Delhi का निवासी हूँ
महाराज मैं सिलिंग रजुलवान हेतु जर्मनी रु

1,00,000/- (एक लाख) D.D. No :- [000750000] जमा कला
रहा हूँ।
Dated - 02/05/24

महाराज आपसे अनुरोध है कि आप मेरे मकान का
सेवक रजुलवान को आवाज दे जाए। अब मैं दुबारा पानी
का काम नहीं करूंगा।

सचयनावाद

03/05/24
(ENQUIRY COMMITTEE)
DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT
GOVT. OF NCT OF DELHI
4TH FLOOR, ISBT BUILDING,
KASHMERE GATE, DELHI-110006

Date
03/05/24

आपका प्राचीन

आसील कुमार
K-7,
चानक्या प्लेस
दिल्ली

Annex V-a

9016

Bandhan Bank

DD/PO/BANKER'S CHEQUE BDBL0001728
ISSUING BRANCH & CODE 728-Janakpuri

VALID FOR THREE MONTHS FROM THE DATE OF ISSUE
DATE: 20 5 20 24
D D M M Y Y Y Y

ON DEMAND PAY/ मांगे जाने पर **** DELHI POLLUTION CONTROL COMMITTEE ****

OR ORDER/ या उनके आदेश पर

RUPEES/ रुपये **** One Lakh Only ****

अदा करें। ₹ *100000.00

Purchaser Name SHREE TRADING

FOR VALUE RECEIVED FOR BANDHAN BANK LTD.

Not Over Rs. *100001/-

1728-Janakpuri

017283006972

DRAWEE BRANCH AND CODE

[Signature]
24/05/24
AUTHORISED SIGNATORY
प्राधिकृत हस्ताक्षर कर्ता
SS No.

[Signature]
AUTHORISED SIGNATORY
प्राधिकृत हस्ताक्षर कर्ता
SS No.

Please sign above

⑈003520⑈ 000750000⑈

16

[Stamp]
03/05/24
(ENQUIRY COMITEE)
DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT
GOVT. OF NCT OF DELHI
4TH FLOOR, ISBT BUILDING,
KASHMERE GATE, DELHI-110006

Annex VI

(Annex-VI)

99/c



OFFICE OF THE SUB DIVISIONAL MAGISTRATE (DWARKA)
SDM OFFICE COMPLEX, SECTOR-10, DWARKA NEW DELHI-110075

No. F/SDM/DW/2024/106366

Date: 27/11/2024

REPORT

In compliance of order No. F./SDM/DW/2024/103724 dated 18.11.2024 issued by SDM (Dwarka) regarding order dated 28.08.2024 of Hon'ble National Green Tribunal Principal Bench in the matter of O.A No. 639/2022 Pritpal Sharma Vs Govt. of NCT of Delhi & ors with M.A No. 24/2023 Ganesh Prasad Vs Govt. of NCT of Delhi & ors.

In this regard, the site i.e K-9, 25 ft Road, Chankaya Place, New Delhi was visited by undersigned where R.O Plant was found sealed, the photo of the site is enclosed. Staff which is present at the site also confirm the same that the R.O plant was sealed from the date of sealing to till date.

27/11/24
(EXECUTIVE MAGISTRATE)
SUB-DIVISION (DWARKA)

