

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

Appeal No. 38/2020

IN THE MATTER OF

Rishabh Kumar Jain

.....Applicant

VS.

Delhi Pollution Control Committee

.....Respondents

NDOH:- 19.03.2021

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Filed by

(P.S. Pankaj)
Sr. Env. Engineer

New Delhi:
Dated:- 05.03.2021

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

Appeal No. 38/2020

IN THE MATTER OF

Rishabh Kumar Jain

.....Applicant

VS.

Delhi Pollution Control Committee

.....Respondents

**RESPONSE ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE IN TERMS OF THE ORDER DATED 28.09.2020.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 28.09.2020 and was pleased to pass following order:

"1. This Appeal has been filed against the order of the Delhi Pollution Control Committee (DPCC) requiring the appellant to pay compensation of Rs. 5 Lakhs on 'Polluter Pays' principle. According to the impugned order, the appellant was carrying on industrial activity in nonconforming area without requisite consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, as per record of the East Delhi Municipal Corporation (EDMC). The addressee failed to reply or gave an unsatisfactory reply.

2. Learned Counsel for the Appellant submitted that the impugned order does not consider the reply dated 20.12.2019, whereby the appellant specifically took a stand that no industrial activity was being carried out and only trading activity was being carried out, under a valid trade license.

3. In view of above, we consider it appropriate to require the DPCC to give a response signed by two officers of the DPCC, after due consideration of the contention noted above,...."

2. That appellant herein has impugned the order passed by the DPCC dated 27.08.2020, whereby (Annexure-A internal page 48 of the appeal). DPCC asked the unit to deposit Environment Damages Compensation (EDC) for operating the impermissible industrial unit in residential/non-conforming areas of Delhi that too without mandatory consent to establish/operate under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for the damage caused by illegal operation keeping in view the "Polluters Pay Principle".
3. That, Section 25 of the Water Act, *inter alia*, provides that no person shall without the previous consent of DPCC establish or take any steps to establish any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewerage or trade effluent into a stream or well or sewer or on land. Therefore, it is mandatory for every industrial unit to first obtain a consent for establishing and / or operating any industrial unit.
4. That, Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter called and referred to for short as 'The Air Act'), *inter alia*, provides that no person shall without the previous consent of DPCC establish or operate any industrial plant in an air pollution control area. There is no dispute that the plant installed in the premises in reference of the petitioner is an industrial plant within the meaning of Section 2(k) of The Air Act.
5. That 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.
6. That the Hon'ble Supreme Court vide its order dated 13.12.1995 on the issue of shifting of industries illegally operating in residential areas in violation of Master Plan of Delhi entitled as "M.C. Mehta Vs Union of India and Others" wherein restriction was imposed 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 (CPCB), Delhi Pollution Control Committee(DPCC), Municipal Corporation of Delhi (MCD) 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. This Committee is still working and NOC are being issued to household Industries as per master Plan of Delhi. Copies of the orders are collectively enclosed herewith as **Annexure R-1 (Colly)**.

7. That, thereafter, 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 Master Plan of Delhi (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.
8. In view of Hon`ble Supreme Court order as quoted above, No CTE/CTO or any other license/ permission by any of the statutory authority without the NOC of High Power Committee, constituted by GNCTD in pursuance to Hon`ble Supreme Court Orders dated 19.04.1996.
9. That further, Hon`ble Supreme Court of India, vide its order dated 07.05.2004 {(2004) 6 SCC 588} directed to close down all such non-conforming industries illegally operating in residential areas. The Hon`ble Supreme Court passed the following directions in the judgment dated 07.05.2004:

(4)

“...68. All Industrial Units that have come up in Residential/non-conforming areas in Delhi on or after 1st August, 1990 shall close down and stop operating as per the following schedule:

- (a) Industrial Units pertaining to extensive industries ('F' category) within a period of four months.
- (b) Industrial Units pertaining to light and service industries (category 'B' to 'F') within five months.
- (c) Impermissible household industries (category 'A') within six months.
- (d) 6, 000 industrial units on waiting list for allotment of industrial plots within 18 months....”

A Monitoring Committee comprising (i) Chief Secretary of Delhi (ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and, (iv) Vice-Chairman of Delhi Development Authority was appointed to be responsible for stoppage of illegal industrial activity and to oversee and ensure compliance of the directions contained in the judgment.

10. That, it is most respectfully submitted that office of Commissioner of Industries, is coordinating the issue of closure of Industries in residential/non-conforming areas in terms of the directions of the Hon'ble Supreme Court of India. Office of the Commissioner of Industries is filing the complied Action Taken Report of all the Local Bodies/Municipal Authorities for kind consideration of the Hon'ble Supreme Court as well as for Hon'ble National Green Tribunal (NGT).
11. That, in spite of the above-mentioned order passed by the Hon'ble Supreme Court, polluting industrial units continued to function which was reported in newspapers which led to initiation of proceedings by this Hon'ble Tribunal, which numbered as “Original Application No. 601/2018 entitled as Mayank Manohar & Paras Singh, Reporter Times of India Versus Govt. of NCT of Delhi & Ors.”. the Hon'ble Tribunal has directed closure of impermissible industrial units in residential/ non-conforming areas of NCT of Delhi and to levy Environmental Compensation (EC) for the damage caused by illegal operation keeping in view the 'Polluters Pays' Principle. Various directions in the said case were passed time to time. Some of the

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significant orders passed in Original Application No. 601/2018 are annexed herewith i.e., copy of the Order dated 23.08.2018, order dated 05.08.2019 and order dated 19.11.2019 are annexed herewith as **Annexure- 2, Annexure-3 and Annexure-4 respectively.**

This Hon'ble Tribunal in OA No. 601/2018 while dealing the matter regarding polluting industries operating in Delhi, passed various direction to authorities time to time.

The Chief Secretary, Delhi who is present in person has conceded that show cause procedure is unnecessary in view of the orders of the Hon'ble Supreme Court in W.P. (C) No. 4677/1985, M.C. Mehta v. Union of India & Ors. Dated 11.10.2018 and 01.11.2018. **Thus, show cause notice to 4774 was wrongly issued instead of straightway such units being closed. Let all such units which have been illegally restarted be closed forthwith in terms of order of the Hon'ble Supreme Court without any further procedure of show cause notice and coercive measures in terms of recovery of compensation for illegal operation of such units be adopted in accordance with law,** apart from initiation of prosecution. Failure to do so shall be viewed seriously and coercive action against the responsible Municipal Commissioner of the said Corporation would be taken including entry in their ACR column and stoppage of salary.

Similarly, on 16.03.2020, a detailed direction was passed wherein it was desired that Chief Secretary, Delhi being the head of Monitoring Committee constituted by the Hon'ble Supreme Court may look into the matter and take appropriate steps. Copy of the order dated 16.03.2020 passed in above mentioned OA is annexed herewith as **Annexure-5.**

To comply with the order of this Hon'ble Tribunal order dated 16.03.2020, several meetings through video conferencing were held under the Chairmanship of Chief Secretary, Delhi on 02.06.2020, 17.08.2020, 26.08.2020, 01.10.2020 and 12.10.2020. In these meetings, various decisions were taken which are to be implemented by different Agencies/Departments of Govt. of NCT of Delhi. Copies of the minutes dated 02.06.2020, 17.08.2020, 26.08.2020, 01.10.2020 and 12.10.2020

taken by the Chief Secretary which are to be implemented by different agencies are annexed herewith as Annexure-6 (Colly).

12. That, in compliance to the orders of the Hon'ble Supreme Court and Hon'ble NGT, all municipal authorities including East Delhi Municipal Corporation (EDMC) submitted list of units which were sealed in compliance to the order of Hon'ble NGT for imposition of EDC.
13. That, in compliance of the order of Hon'ble NGT, DPCC imposed EDC as per the activity carried out by the industry in violation of the Master Plan-2021, Order passed by the Hon'ble Supreme Court as well as provisions of the Water Act, 1974 and Air Act, 1981 in following manner:
 - White Category – Rs. 2 Lakhs
 - Green Category – Rs. 5 Lakhs
 - Orange Category –Rs. 20 Lakhs
 - Red Category – Rs. 50 Lakhs
14. That the Industry Department/Concerned Municipal Corporation has provided list of 1072 units sealed during Step- I, 711 units sealed during Step-II and 1415 units sealed into during Step-III. Thus, 3198 units were sealed during all three phases by the concerned Municipal Corporation of Delhi.
15. That many units had mentioned their inability or delay in depositing the EDC due to Covid- 19 Pandemic and low economic activity during last few months since March 2020. They have also mentioned that unprecedented health crisis and emergency coupled with steep downfall in the revenue earning due to lockdown which has brought down the economic activities to the lowest level. Till November, 2020, only 17 units, out of 3198 units had deposited Environmental Damages Compensation (EDC). In case of remaining units, recovery certificates was issued to the concerned District Magistrates/SDMs, in the month of November, 2020 to recover the amount as arrears of land revenue from the remaining units which have not deposited Environmental Damages Compensation (EDC).

16. That, EDMC has surveyed the premises as per the list which was received from DSIIDC wherein list of factory/industrial units was provided, which were allotted plots under relocation scheme in Bawana/Narela and other industrial areas. The property of the appellant T-184-A, Gali No. 3, Gautampuri, Delhi-110053 is mentioned in the said list. On the site inspection, EDMC found and communicated to DPCC that on site M/s Rishabh Kumar Jain S/o Sh. Mukesh Chand, T-184-A, Gali No. 3, Gautampuri, Delhi-110053 was found engaged in the activity of Plastic Moulding work and unit has been sealed by EDMC vide order dated 23.12.2019.

17. That, aggrieved by the order of DPCC, whereby DPCC only imposed environmental damages charges approached this Hon'ble Tribunal by the way of appeal in hand interalia claiming that premises has not operating any unit and furnished some documents in support of his claim. In support of his claim, following documents were submitted alongwith appeal filed before this Hon'ble Tribunal and they are:

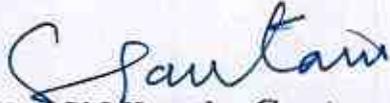
- Copy of the trade licence granted by the EDMC dated 19.10.2019. (Annexure-B)
- Copies of various electricity bills issued by the BSES related to CA No. 101217672 containing bill date from May, 2019 to December, 2019. (Annexure-C)
- Copy of sealing Show cause notice issued by the EDMC dated 30.11.2019. (Annexure-D)
- Reply filed by appellant dated 20.12.2019 with respect to SCN dated 30.11.2019. (Annexure-E)
- Appeal filed by Sh. Rishabh Kumar Jain before the Appellate Tribunal MCD against sealing of the property (Annexure-F)
- Status report filed by the EDMC before the Hon'ble Appellant Tribunal, MCD in January, 2020 (Annexure-G).
- Objections filed by the Appellant to the said status report filed by the EDMC in February, 2020 (Annexure-H).
- Copy of the RTI application of the appellant filed in EDMC (Annexure-I).
- Copy of the Appeal under the RTI Act, 2005 against the reply of EDMC (Annexure-J)
- Copy of the sealing order dated 23.12.2019 passed by EDMC (Annexure-K).
- True Copy of SCN issued by the DPCC dated 16.07.2020 (Annexure-L).
- Reply to the SCN dated 16.07.2020, filed in the office of DPCC on 04/08/2020 (Annexure-M).

18. That, the documents submitted alongwith appeal has been examined and it was revealed that the premises were inspected in Sep-Oct 2019 by EDMC prior to issuance of Show Cause Notice dated 30.11.2019 and EDMC sealed premises on 23.12.2019 after following their procedure. EDMC has issued trade licence on 09.10.2019 (**Annexure-B**), the documents annexed with the appeal does not reveal about the activity to be carried out in the premises. While examining the Trade License submitted by you, it is clear that the same was applied on 09th Oct, 2019 and issued on the very same date for the purpose of Trade/ Storage. The receipt of property tax also does not reveals the activity to be carried out in the premises. Electivity bills attached with the appeal are belongs to May to December, 2019. The EDMC before the MCD Tribunal taken clear stand that survey was carried out by EDMC and they found "Plastic Moulding Work" was carried out in the premises and premises was fall in residential area and the activity was carried out without any licence. That, It is evident through the report that the EDMC has conducted survey/ inspection in the month of Sept-Oct 2019 and this same has been admitted by the appellant in the appeal filed before this Hon'ble Tribunal. Therefore it is very clear that the License was applied after the inspection/ survey of EDMC and cannot be treated as valid license at the relevant time of Inspection/ Survey.

19. That, in response to the show cause notice issued by the EDMC, appellant herein filed the reply on 20.12.2019 in the office of EDMC. In the reply appellant stated that ground floor is being used for trading/ storing the bicycle parts and accessories with valid trade licence and commercial electricity connection. Other floors are being used for residence purpose only. With respect to these submissions, as DPCC never inspected the premises, its size and use hence unable to comment on it. However, a report was also sought from EDMC as per the report furnished by Asstt. Commissioner (Shahdara- North Zone) EDMC, it is clear that a sealing order was passed on 23.12.2019 which reveals that a Show Cause Notice dated 30.11.2019 was issued for closing the Factory/Trade Unit/ Industrial Unit/ Godowns/ Commercial Unit but appellant herein or on his behalf has neither furnished any satisfactory reply nor closed the Factory/Trade Unit/

Industrial Unit/ Godowns/ Commercial Unit, hence the premises was sealed by EDMC.

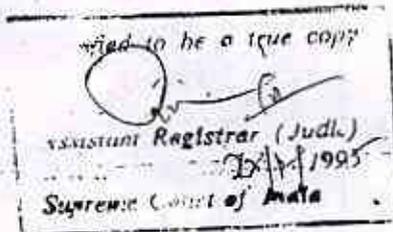
- 20. That final outcome of the Appeal No. 13/2020 filed before the Hon'ble MCD Tribunal i.e. in the court of Ms. Poonam Chaudhary, PO/ATMCD Tis Hazari Court, Delhi has not been annexed, reason best known to the appellant.
- 21. That, after going through the facts and the documents on record, it is concluded that the EDMC after conducting the survey/ Inspection, issued the Show Cause Notice dated 30.11.2019 and thereafter passed the sealing order dated 23.12.2019 which reflects that the same was passed after considering the reply of the appellant dated 20.12.2019 to be unsatisfactory. As per the list provided by EDMC and report furnished thereafter by Asstt. Commissioner, Sahdara North Zone, EDMC, no sustainable ground found in favor of the claim of the appellant, therefore appeal is not maintainable.
- 22. That it is most respectfully submitted that the list provided by EDMC shows that petitioner was found operation in violation of the provisions of Delhi Master Plan (MPD-2021) and without consent to operate under Water Act, 1974 & Air Act, 1981. By the order dated 13.07.2020, petitioner was held responsible for damaging the Environment due to above stated reasons and thus EDC was imposed.
- 23. In view of the above stated facts and circumstances, the petitioner is not entitled to any equitable relief as it has not come to this Hon'ble Court with clean hands. Therefore, he is not entitled to seek any relief from this Hon'ble Tribunal.


Dr. Siddhartha Gautam
Environmental Engineer


P.S. Pankaj
Sr. Environmental Engineer

Item No.
1Court No.
2Section
PIL
After Notice

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SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

45563

I.A. NO. 22 IN W.P.(C) NO. 1677/1995

M C Mehta
vs.Union of India & Ors.
(for directions)

...Petitioner

...Respondents

Date: 13.12.95

This matter was called on for hearing
today.

CORAM:

HON'BLE MR. JUSTICE KULDIP SINGH
HON'BLE MR. JUSTICE S SAGHIR AHMADFor the Petitioner: Mr. MC Mehta,
Petitioner in person.
Ms. Seema Midha, adv.

: Mr. Ranjit Kumar, adv.

For Respondents:
For CPCB

: Mr. Vijay Panjwani, adv.

For DPCC

: Mr. Swaraj Kaushal, Sr. Adv.
Mr. Sanjeev K Pabbi, adv.
Ms. H Wahli, adv.: Mr. Altaf Ahmad, ASG
Ms. Sushma Suri, adv.
Mr. Y P Mahajan, adv.For
M/s. Birla Textiles:: Mr. F S Nariman, Sr. Adv.
Mr. H N Salve, Sr. Adv.
Mr. J B Dadachanji, adv.
Mr. R N Karanjawala, adv.
Mr. S Sukumaran, adv.
Mr. P K Mullick, adv.
Mrs. Manik Karanjawala, adv.

For M/s. SIEL

: Mr. Anil B Diwan, Sr. Adv.
Mr. Ravinder Nara in, adv.
Mr. Sumest Kachawaha, adv.
Mr. S Sukumaran, adv.
Ms. Punita Singh, adv.Jnder
21-12-95

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- For M/s. SBM & DCM Salk Mills : Mr. Gopal Subramaniam, Sr. Adv.
Mr. Ramji Srinivasan, adv.
Mr. Jayant Bhushan, adv.
Mr. JB Dadachanji, adv.
Mr. S Sukumaran, adv. Mr. B.R. Jad, adv.
for M/s. JBD
- For Delhi Factory Owners Fedn. : Dr. A M Singhvi, Sr. Adv.
Mr. S Sukumaran, adv.
Mr. Ramesh Babu, adv.
- For Workmen : Mr. Rajinder Sachar, Sr. Adv.
Mr. Sanjay Parikh, adv.
- For M/s. British Motor Co. : Mr. AB Rohtagi, Sr. Adv.
Mr. Ranbir Yadav, adv.
- For Detergent Manu. Assn. : Mr. V Krishnamurthy, adv.
: Mr. DD Thakur, Sr. Adv.
: Mr. KV Venkatarangam, adv.
: Mr. D Goburdhan, adv.
: Mr. Sidharth Luthra, adv.
: Mr. CS Ashri, adv.
: Ms. Minakshi Vij, adv.
: Ms. Meenakshi Arora, adv.
: Mr. IS Goyal, adv.
: Ms. Indu Malhotra, adv.
: Ms. Rachna Gupta, adv.
: Mr. Ashok K Srivastava, adv.
: Mr. K S Bindra, Sr. Adv.
: Mr. R S Sodhi, adv.
: Mr. R Saridharan, adv.
: Mr. Shanti Bhushan, Sr. Adv.
: Mr. Prashant Bhushan, adv.
: Mr. V B Saharya, adv.
: Mr. D N Goburdhan, adv.
: Mr. R B Misra, adv.
: Mr. R K Maheshwari, adv.
: Mr. Vineet Maheshwari, adv.
: Mr. R S Suri, adv.
: Mr. Kailash Vasdev, adv.
: Mrs. Shiel Sethi, adv.

UPON hearing counsel the Court made
the following O R D E R

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OFFICE REPORT DT. 12-12-95

Item 'A'

Pursuant to this Court's order dated September 14, 1995 and November 21, 1995, we have heard Mr. Panjwani, learned counsel for the Central Pollution Control Board and other learned counsel representing the industries.

The learned counsel have raised various objections ~~like~~ such as the industries have been wrongly shown in the non-conforming areas, the categories of the industries is not correct and they are not even located in the urban areas. All the objections may be filed before the Central Pollution Control Board within one week from today. The Board shall decide these objections and file a report to this Court before January 10, 1996. List the matter on 10.1.96.

Item 'B'

Pursuant to this Court's order dated September 8, 1995, September 29, 1995 and November 21, 1995, Mr. Virender Singh, Secretary, Department of Industries is present in Court. We are satisfied with the explanation offered by him. Mr. Virender Singh further states that under the instructions issued by the Central Government the Industries Department of NCT, Delhi registers the industries without insisting on the no-objection certificate from the

Pollution Control Committee. We direct the Industries Department, NCT, Delhi Administration not to register any industry unless the consent (no-objection certificate) under law has been furnished by the Delhi Pollution Control Committee even in respect of the industries in the conforming areas. Mr. Virender Singh further states that no further registration is being granted to any industry in non-conforming areas in Delhi/ New Delhi in terms of the orders of this Court dated November 30, 1995.

Item 'C'

Pursuant to this Court's order dated November 13, 1995, Mr. K J Alphons has placed on record the proposed scheme regarding utilisation of land which would be available in the event of re-location of the hazardous/noxious/large scale industries from Delhi. The scheme has been discussed with learned counsel appearing for various industries. We are of the view that it would be useful for the representatives of the industries to have discussion with the Committee which is to finally examine the proposed scheme. Mr. P C Jain, Additional Commissioner DDA who is present in the Court has explained to us various aspects of the scheme. He is agreeable to the proposal that 5/10 representatives of the industries may place the suggestions/objections of the industries to the proposed scheme before the Committee. The representatives of the industries

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may file their written suggestions before Mr. Jain within one week from today. Thereafter, Mr. Jain will inform them about the date when the Committee is likely to meet. It would be desirable that the Committee meets before the end of this year. In any case, the meeting must take place before 10th January, 1996 because all these matters have been listed for final hearing on that date. In any case, Mr. Jain will inform the representatives about the date of the meeting before 25th December, 1995.

We request Mr. P.C. Jain, who is present in Court to assist the Central Pollution Control Board in deciding the objections.

Kanchan
(Kanchan Jain) 21/12
Court Master

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SUPREME COURT OF INDIA
RECORD OF PROCEEDINGSIA No 22 In Writ Petition(Civil) No.4677/85
M.C.MEHTA

80185

Petitioner (s)

VERSUS

Respondent (s)

UNION OF INDIA & ORS.

(For directions & O/R)

Date: 19/04/96 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KULDIP SINGH
HON'BLE MR. JUSTICE FAIZAN UDDIN

Certified to be true copy
[Signature]
 Assistant Registrar (Judl)
 25/4/96199
 Supreme Court of India.

For Petitioner (s) Ms. Seema Midha, Adv.
Mr. Ranjit Kumar, adv.

For Respondent (s)

For Subhash Nagar Small Scale Industries assn. Mr. H.N.Salve, Sr. Adv.
Mr. S.Sukumaran, Adv.

For RR:

Mr. Arvind Kr. Shukla, adv.
Mr. A.K.Srivastava, Adv.

Mr. I.S.Goyal, Adv.

Mr. Manoj Swarup, Adv.

Mr. P.P.Malhotra, Sr. Adv.
Ms. Anjini, Adv.Ms. H.Wahi, Adv.
Mr. Sanjeev Rabbi, Adv.
Ms. S.Hazarika, Adv.
Mr. Avikar Raj, Adv.Mr. D.N.Goburdhan, adv.
Ms. Geeta Luthra, Adv.
Ms. Pinky Anand, Adv.Mr. R.K.P.Shankardar, Sr. Adv.
Ms. Meenakshi Arora, Adv.Mr. Jitendra sharma, Sr. Adv.
Ms. Gunwant Dara, Adv.
Ms. Meenakshi Vij, Adv.
Mr. H.K.Puri, Adv.

UPON hearing counsel the Court made the following
O R D E R

Pursuant to this court's order dated February 9, 1996 and March 15, 1996 we have heard learned counsel for the parties. Mr. Harish N. Salve, Adv. has assisted us on behalf of Subhash Nagar Small Scale Industries Association. Mr. Salve has invited our attention to various provisions of the master plan for Delhi 2001. According to him under the master plan non residential activity on residential premises is permitted on certain conditions as indicated in the master plan. The contention of Mr. Salve in nutshell is that certain household industries can be permitted to operate not only in the residential areas but also in the residential premises itself provided the industries are located at the ground floor and fulfill all the conditions laid down under the master plan. It is not necessary for us to go into this question. Needless to say that the provisions of the master plan have to be complied with and in case any non-residential activity is permitted to operate in residential premises under the master plan that cannot be stopped. Learned counsel agree that a high power committee be constituted which can examine as to which type of industries can be permitted in a residential area. We, therefore, direct the Chief Secretary, NCT, Delhi to constitute a committee consisting of one member each from NCT, Delhi Central Pollution Control Board, Delhi Pollution Control Committee, Municipal Corporation, Delhi and Delhi Electric Supply Undertaking (DESU). The chairman of the committee shall be the representative of NCT, Delhi Administration. The

committee shall be constituted by the chief Secretary, NCT, Delhi Admn. within two weeks of the receipt of this order by the Chief Secretary.

We direct all the industries operating in the residential area of Subhash Nagar to approach the Committee within four weeks of its constitution to obtain clearance from the said committee. Once the committee permits an industry to operate in a residential area then the MCD and the DPCC shall issue necessary licence and consent in issue a public notice in two English dailies and two vernacular dailies for three consecutive days asking all the industries which are operating in different residential areas of Delhi to approach the committee for necessary permission. We make it clear and direct that no industry in any residential area of Delhi/New Delhi shall be permitted unless it has obtained the clearance of the committee and has obtained the necessary licence and the consent from the statutory authorities. All those industries which have not obtained necessary permission from the committee shall stop operating in the residential area w.e.f. January 1, 1997 (except industries falling under 'A' category, which will also function with the consent of constituted committee). We direct the NCT, Delhi to give wide publicity to this order so that the industries are in a position to note that they have to obtain the necessary clearance from the committee. Needless to say that while

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granting permission to an industry to run in a residential area, the committee shall keep in view all the conditions laid down under the master plan including evaluation of impact on municipal services and environment needs of the area. The Chairman of the committee shall file an affidavit including the progress made in this respect. To come up on 31st July, 1996.

Shashi
(Shashi Sareen)
Stenographer

ce
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BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 601 of 2018

IN THE MATTER OF:

Mayank Manohar & Paras Singh, Reporter Times of India
Vs.
Govt. of NCT of Delhi & Ors.

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present: Applicant:

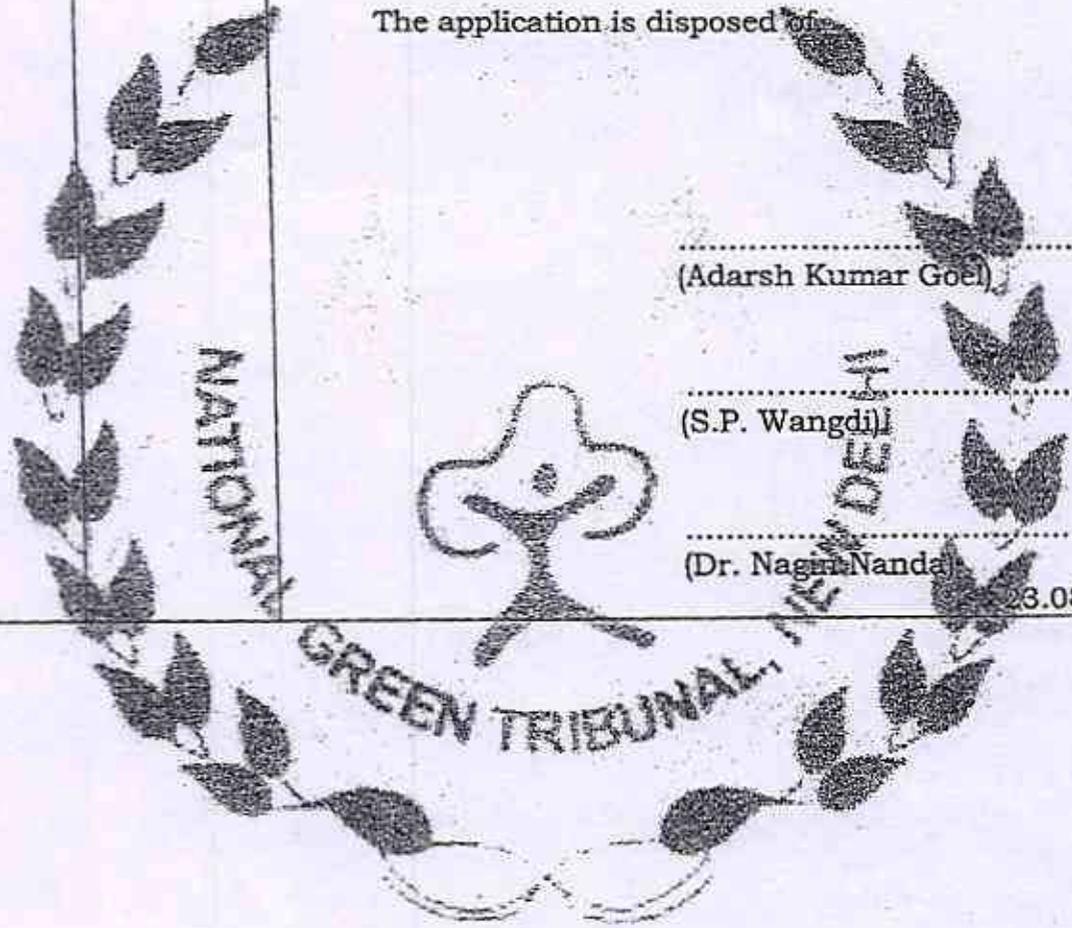
Date and Remarks	Orders of the Tribunal
<p>Item No. 03 August 23, 2018 R</p>	<ol style="list-style-type: none"> The party name may be corrected showing the author of the news item as the applicants. We have perused the news item dated 20.08.2018 in the Times of India under the heading "These 51,837 factories shouldn't even be there". According to the news item, the industries mentioned therein are creating water and air pollution in the areas mentioned in the article. They do not have license to operate. We direct the Central Pollution Control Board to forthwith constitute a two member Committee to look into the entire matter and take appropriate action in accordance with law. The North Delhi Municipal Corporation, East Delhi Municipal Corporation, South Delhi Municipal Corporation, Delhi State Industrial and Infrastructure Development Corporation and Delhi Development Authority will co-operate and provide all assistance to the Committee constituted by the CPCB. The matter may thereafter be looked into by two Members Committee already constituted by this Tribunal in the

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<p>Item No. 03</p> <p>August 23, 2018</p> <p>R</p>	<p><i>Original Application No. 06 of 2012, titled 'Manoj Mishra Vs. Union of India & Ors.' vide order dated 26.07.2018.</i></p> <p>5. The report may be furnished to the said Committee within two months from today. The Committee constituted by the Tribunal may take further appropriate action as may be found necessary, subject to any further order of this Tribunal</p> <p>A copy of this order be sent to the concerned authorities by E-mail. Compliance report be sent by CPCB to this Tribunal by e-mail.</p> <p>The application is disposed of</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (S.P. Wangdi)</p> <p>....., EM (Dr. Nagin Nanda)</p> <p>23.08.2018</p>
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Annexure - 3

Item Nos. 08

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 601/2018

Mayank Manohar & Paras Singh,
Reporter Times of India

Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

(Report filed in O.A. No. 601/2018)

Date of hearing: 05.08.2019

CORAM:

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

None

For Respondent (s):

Ms. Jyoti Mendivalle, Advocate for GNCID
Mr. Sarvjit Pratap Singh, Advocate for CPCB
Ms. Paja Kalra, Advocate for NDMC
Mr. Balendu Shekhar and Mr. Rajkumar Maurya,
Advocates with Mr. Dinesh Jindal, AO for EDMC
and DPCC
Mr. P.S. Rand, Advocate

ORDER

1. The present matter is an offshoot of directions of the Hon'ble Supreme Court in *M.C Mehta Vs. Union of India & Ors* (2004) 6 SCC 588, to close down industries illegally operating in residential areas in violation of Master Plan of Delhi, 2021.
2. The Hon'ble Supreme Court observed that non taking of action by the Government amounts to indirectly permitting the unauthorized use which amounts to the amendment of the

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Master Plan without following due procedure.¹ The plea of permitting regularization of certain industries in residential areas was disallowed on the ground that the same will be against the Master Plan and will render the concept of planning as well as the concept of NCR non-functional and in-operative. The Hon'ble Supreme Court passed the following directions in the judgment dated 07.05.2004:

"68. All Industrial Units that have come up in Residential/non-conforming areas in Delhi on or after 1st August, 1990 shall close down and stop operating as per the following schedule:

(a) Industrial Units pertaining to extensive industries (F category) within a period of four months;

(b) Industrial Units pertaining to light and service industries (category B to E) within five months;

(c) Impermissible household industries (category 'A') within six months. (d) 6, 000 industrial units on waiting list for allotment of industrial plots within 18 months

3. A Monitoring Committee comprising (i) Chief Secretary of Delhi (ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and (iv) Vice-Chairman of Delhi Development Authority, was appointed to be responsible for stoppage of illegal industrial activity and to oversee and ensure compliance of the directions contained in the judgment.

4. Vide order dated 24.01.2019, the Tribunal noted the newspaper reports on the subject of industrial pollution and the action taken report dated 15.12.2018 furnished by a joint Committee comprising CPCB and DDA to the effect that 29,877 industries

¹ M.C.Mehta v. UOI (2004) 6 SCC 588 Para 48

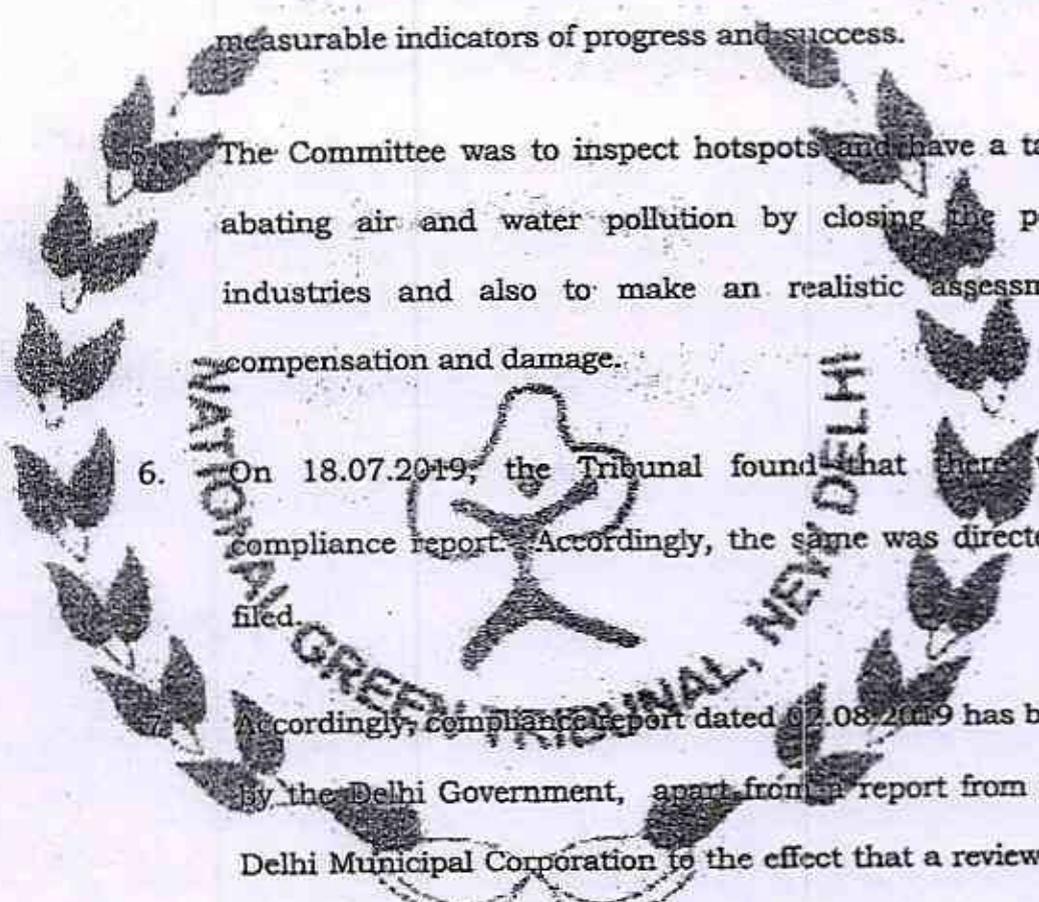
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were liable to be closed in terms of the order of the Hon'ble Supreme Court. The report was accepted and was directed to be acted upon by the Delhi Government, DPCC, DDA and all the Municipal Corporations. An oversight committee headed by former judge of Delhi High Court was also directed to be constituted to take stock of the extent of violation of the law and prepare a time bound action plan by adopting a comprehensive, integrated and inclusive strategy, with measurable indicators of progress and success.

The Committee was to inspect hotspots and have a target of abating air and water pollution by closing the polluting industries and also to make an realistic assessment of compensation and damage.

6. On 18.07.2019, the Tribunal found that there was no compliance report. Accordingly, the same was directed to be filed.

Accordingly, compliance report dated 02.08.2019 has been filed by the Delhi Government, apart from a report from the East Delhi Municipal Corporation to the effect that a review meeting was held on 11.07.2019 and thereafter survey was conducted on 26.07.2019. Notice was issued to 1345 Units. It is further stated that a report has been filed before the Hon'ble Supreme Court which was considered on 26.11.2018. Following further steps were taken:-



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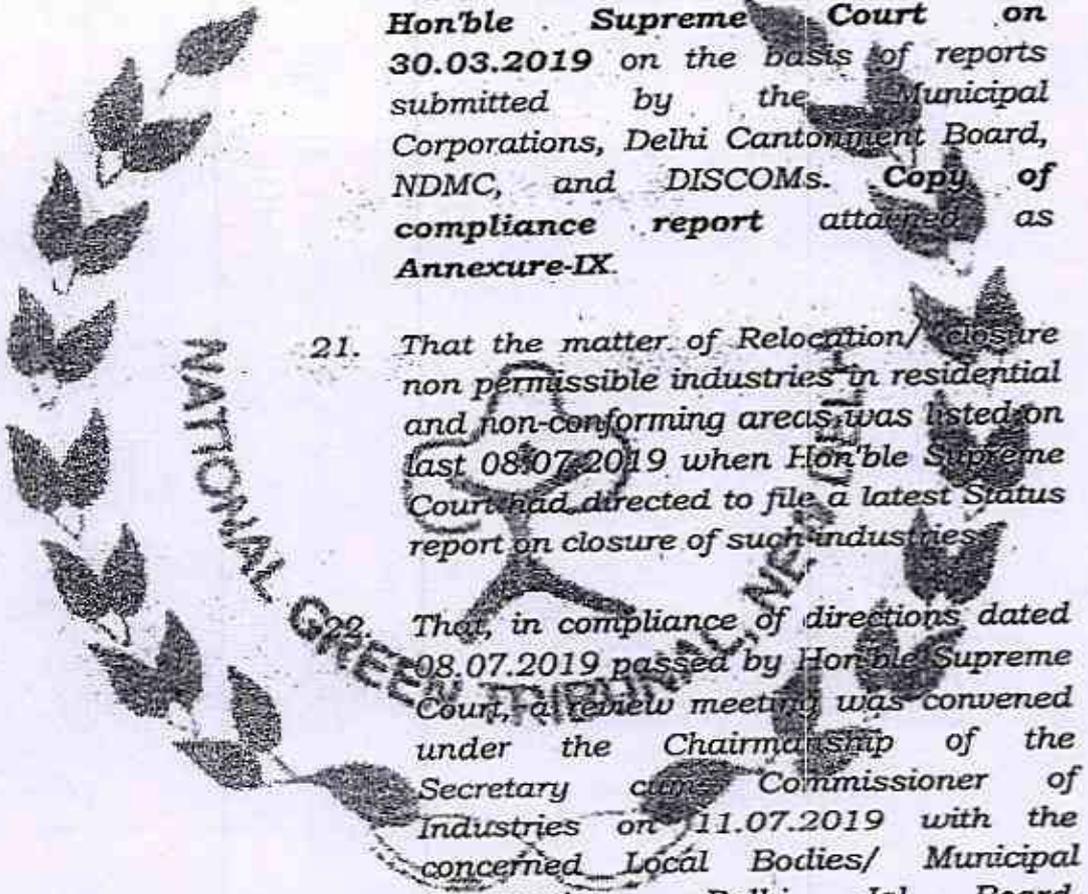
16. That in pursuant to the order dated 26.11.2018 of the Hon'ble Supreme Court, a meeting was held with all the concerned agencies on 12.12.2018 under the Chairmanship of the Chief Secretary of Delhi. In this meeting, the Chief Secretary directed that the remaining non permissible industries out of 29877 of Step-2, which are still operating illegally in the residential/non-conforming areas, should be closed/sealed and water and electricity supply disconnected by the concerned agencies by devising their respective action plans in advance in co-ordination with the DISCOMs, Delhi Jal Board, and Delhi Police.

17. That to review the progress, another meeting of Monitoring Committee was held on 04.01.2019 pm under the Chairmanship of the Chief Secretary, Delhi. In this meeting, status of progress of action taken was apprised to the Monitoring Committee. Subsequently Pr. Secretary cum-Commissioner (Industries) had held meetings with the concerned agencies and directed them to complete action of closure/ sealing and to disconnect water & electricity of units covered in Step-I & Step-II and to send final report accordingly.

18. That on the basis of action taken report submitted by the Municipal Corporations, Delhi Cantonment board, NDMC, DISCOMS, Delhi Jal Board, **50th Progress Report** of the Monitoring Committee was filed on **30.01.2019**. As per this report, all illegal units found operating in residential and non-conforming areas, as part of Step-2 had been closed down/ sealed. **Copy of 50th Progress Report** attached as **ANNEXURE-VII**.

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19. That on hearing on 04.02.2019, Hon'ble Supreme Court had directed the Govt. of NCT of Delhi to file a Compliance Report indicating that Water and Electricity disconnection of illegal industrial units in Step-2, has been completed. Copy of order dated 04.02.2019 of Hon'ble Supreme court attached as Annexure-VIII.
20. That in pursuance of the directions dated 04.02.2019, a compliance Report has been filed before the Hon'ble Supreme Court on 30.03.2019 on the basis of reports submitted by the Municipal Corporations, Delhi Cantonment Board, NDMC, and DISCOMs. Copy of compliance report attached as Annexure-IX.
21. That the matter of Relocation/ closure non permissible industries in residential and non-conforming areas was listed on last 08.07.2019 when Hon'ble Supreme Court had directed to file a latest Status report on closure of such industries.
22. That, in compliance of directions dated 08.07.2019 passed by Hon'ble Supreme Court, a review meeting was convened under the Chairmanship of the Secretary cum Commissioner of Industries on 11.07.2019 with the concerned Local Bodies/ Municipal Corporations, Delhi Jal Board, DISCOMS, Industries Department wherein all concerned were directed to expedite action of comprehensive survey of non-permissible industries in residential and non-conforming areas and to take action of their closure and submit compliance report at the earliest.
23. That as per the present status report



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received from the three Municipal Corporations of Delhi (namely East, North and South) with respect to Step-3, they are still continuing the survey work and a total of 41 73 units have been surveyed up to 26. 07.2019, 48 hours notices issued to 1345 units and 11 units sealed. The copy of the MCD wise survey data is compiled and annexed herewith as **ANNEXURE-X**. On the basis of reports submitted by the three Municipal Corporations, Delhi Cantonment board and NDMC, a **compliance Report has been filed before the Hon'ble Supreme Court on 30.07.2019. Copy of compliance report attached as ANNEXURE XI."**

8. In view of the above, let further steps be continued in accordance law and a further report be furnished on or before 31.10.2019 by e-mail at judicial-ngt@gov.in. The status report may also indicate status of assessment and recovery of compensation on 'polluter pays' principle for the industries which caused the pollution.

9. As already directed, vide order dated 18.07.2019 in O.A No. 159/2013, *Lokadhikar Sangathan vs. Govt. of NCT of Delhi & Ors.*, the Oversight Committee headed by Justice Pratibha Rani, former Judge of the Delhi High Court, may furnish its final report before 31.10.2019, setting out its recommendations cumulatively at one place in a tabular form in the present case also.

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List again on 19.11.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

August 05, 2019
Original Application No. 601/2018



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Annexure-4

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 601/2018

(With Report of Oversight Committee filed on 18.11.2019 and report filed by NCT of Delhi dated 14.11.2019)

Mayank Manohar & Paras Singh,
Reporter Times of India

Applicant(s)

Versus

Govt. of NCT of Delhi & Ors

Respondent(s)

Date of hearing: 19.11.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Respondent(s): Mr. Vijay Dev, Chief Secretary, Delhi
Ms. Puja Kalra, Advocate for SDMC and NDMC
Mr. Balendu Shekhar, Advocate and Mr. Dinesh Jindal,
LO for DECC & EDMC
Ms. Jyoti Mendiratta, Advocate for GNCTD

ORDER

1. This order may be read in continuation of order of this Tribunal dated 05.03.2019 and orders passed in connected matters being O.A. No. 159/2013, O.A. No. 77/2016, O.A. No. 56(Thc)/2013, O.A. No. 57(Thc)/2013, O.A. No. 1027/2018, O.A. No. 726/2017, O.A. No. 435/2016, O.A. No. 435/2016, O.A. No. 1029/2018 and O.A. No. 453/2018. Proceedings in the matter are offshoot of directions of the Hon'ble Supreme Court in *M.C Mehta Vs. Union of India & Ors* (2004) 6 SCC 588 to close down industries illegally operating in residential areas in violation of Master Plan of Delhi, 2021.

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2. The Hon'ble Supreme Court observed that non taking of action by the Government amounts to indirectly permitting the unauthorized use which amounts to the amendment of the Master Plan without following due procedure.¹ The plea of permitting regularization of certain industries in residential areas was disallowed on the ground that the same will be against the Master Plan and will render the concept of planning as well as the concept of NCR non-functional and in-operative. The Hon'ble Supreme Court passed the following directions in the judgment dated 07.05.2004:

"68. All Industrial Units that have come up in Residential/non-conforming areas in Delhi on or after 1st August, 1990 shall close down and stop operating as per the following schedule:

(a) Industrial Units pertaining to extensive industries ('F' category) within a period of four months.

(b) Industrial Units pertaining to light and service industries (category 'E' to 'F') within five months.

(c) Impermissible household industries (category 'A') within six months and (d) 6,000 industrial units on waiting list for allotment of industrial plots within 18 months."

3. A Monitoring Committee comprising (i) Chief Secretary of Delhi (ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and, (iv) Vice-Chairman of Delhi Development Authority, was appointed to be responsible for stoppage of illegal industrial activity and to oversee and ensure compliance of the directions contained in the judgment.

4. Vide order dated 24.01.2019, the Tribunal noted the newspaper reports on the subject of industrial pollution and the action

¹ M.C.Mehta v. UOI (2004) 6 SCC 588 Para 48

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taken report dated 15.12.2018 furnished by a joint Committee comprising CPCB and DDA to the effect that 29,877 industries were liable to be closed in terms of the order of the Hon'ble Supreme Court. The report was accepted and was directed to be acted upon by the Delhi Government, DPCC, DDA and all the Municipal Corporations. An Oversight Committee headed by former judge of Delhi High Court was also directed to be constituted to take stock of the extent of violation of the law and prepare a time bound action plan by adopting a comprehensive, integrated and inclusive strategy, with measurable indicators of progress and success. The Committee was to inspect hotspots and have a target of abating air and water pollution by closing the polluting industries and also to make an realistic assessment of compensation and damage.

5. This Tribunal reviewed progress vide order dated 05.08.2019 and found as follows:

7. Accordingly, compliance report dated 02.08.2019 has been filed by the Delhi Government, apart from a report from the East Delhi Municipal Corporation to the effect that a review meeting was held on 11.07.2019 and thereafter survey was conducted on 26.07.2019. Notice was issued to 1345 Units. It is further stated that a report has been filed before the Hon'ble Supreme Court which was considered on 26.11.2018. Following further steps were taken:-

"16. That in pursuant to the order dated 26.11.2018 of the Hon'ble Supreme Court, a meeting was held with all the concerned agencies on 12.12.2018 under the Chairmanship of the Chief Secretary of Delhi. In this

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meeting, the Chief Secretary directed that the remaining non permissible industries out of 29877 of Step-2, which are still operating illegally in the residential/non-conforming areas, should be closed/sealed and water and electricity supply disconnected by the concerned agencies by devising their respective action plans in advance in co-ordination with the DISCOMs, Delhi Jal Board and Delhi Police.

- 17. That to review the progress, another meeting of Monitoring Committee was held on 04.01.2019 pm under the Chairmanship of the Chief Secretary, Delhi. In this meeting, status of progress of action taken was appraised to the Monitoring Committee. Subsequently, Pr. Secretary cum-Commissioner (Industries) had held meetings with the concerned agencies and directed them to complete action of closure/sealing and to disconnect water & electricity of units covered in Step-I & Step-II and to send final report accordingly.

- 18. That on the basis of action taken report submitted by the Municipal Corporations, Delhi Cantonment board, NDMC, DISCOMS, Delhi Jal Board, **50th Progress Report** of the Monitoring Committee was filed on **30.01.2019**. As per this report, all illegal units found operating in residential and non-conforming areas,



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as part of Step-2 had been closed down/ sealed. **Copy of 50th Progress Report** attached as **ANNEXURE-VII**.

19. That on hearing on **04.02.2019**, Hon'ble Supreme Court had directed the Govt. of NCT of Delhi to file a Compliance Report indicating that Water and Electricity disconnection of illegal industrial units in Step-2, has been completed. Copy of order dated **04.02.2019** of Hon'ble Supreme court attached as **Annexure-VIII**.

20. That in pursuance of the directions dated 04.02.2019, a compliance Report has been filed before the Hon'ble Supreme Court on **30.03.2019** on the basis of reports submitted by the Municipal Corporations, Delhi Cantonment Board, NDMC, and DISCOMs. **Copy of compliance report** attached as **Annexure-IX**.

21. That the matter of Relocation/ closure non permissible industries in residential and non-conforming areas was listed on last 08.07.2019 when Hon'ble Supreme Court had directed to file a latest Status report on closure of such industries.

22. That, in compliance of directions dated 08.07.2019 passed by Hon'ble Supreme Court, a review meeting was convened under the Chairmanship of the

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Secretary cum Commissioner of Industries on 11.07.2019 with the concerned Local Bodies/ Municipal Corporations, Delhi Jal Board, DISCOMS, Industries Department wherein all concerned were directed to expedite action of comprehensive survey of non-permissible industries in residential and non-conforming areas and to take action of their closure and submit compliance report at the earliest.



- 23. That as per the present status report received from the three Municipal Corporations of Delhi (namely East, North and South) with respect to Step-3, they are still continuing the survey work and a total of 4170 units have been surveyed up to 26.07.2019, 48 hours notices issued to 1345 units and 11 units sealed. The copy of the MCD wise survey data is compiled and annexed herewith as ANNEXURE-X. On the basis of reports submitted by the three Municipal Corporations, Delhi Cantonment board and NDMC, a compliance Report has been filed before the Hon'ble Supreme Court on 30.07.2019. Copy of compliance report attached as ANNEXURE-XI."

8. In view of the above, let further steps be continued in accordance law and a further report be furnished on or before 31.10.2019 by e-mail at judicial-ngt@gov.in. The status report may also indicate status of assessment and recovery of compensation on 'polluter pays'

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principle for the industries which caused the pollution.

9. *As already directed, vide order dated 18.07.2019 in O.A No. 159/2013, Lokadhikar Sangathan vs. Govt. Of NCT of Delhi & Ors., the Oversight Committee headed by Justice Pratibha Rani, former Judge of the Delhi High Court, may furnish its final report before 31.10.2019, setting out its recommendations cumulatively at one place in a tabular form in the present case also."*

6. Accordingly, we have perused a report of the Oversight Committee filed on 18.11.2019 and report filed by NCT of Delhi dated 14.11.2019.

The summary of action taken has mentioned in Annexure - II of the said report as follows;

"Action taken report received from three Municipal Corporations as on 13.11.2019 in respect of closure of industries in residential and non-conforming areas of Delhi.

Name of the Corporation	Units Surveyed	Wards Completed	Remaining Wards	SCN Issued	Closed on 48 Hrs. Notice	Units sealed
EDMC	3321	53	11	657	147	101
SDMC	4204	98	06	586	192	47
NDMC	4447	92	12	253	438	326
Total	11972	243	29	4774	777	474"

8. The Chief Secretary, Delhi who is present in person has conceded that show cause procedure is unnecessary in view of the orders of the Hon'ble Supreme Court in W.P. (C) No. 4677/1985, *M.C. Mehta v. Union of India & Ors.* dated 11.10.2018 and 01.11.2018.

Thus, show cause notice to 4774 was wrongly issued instead of straightway such units being closed. Let all such units which

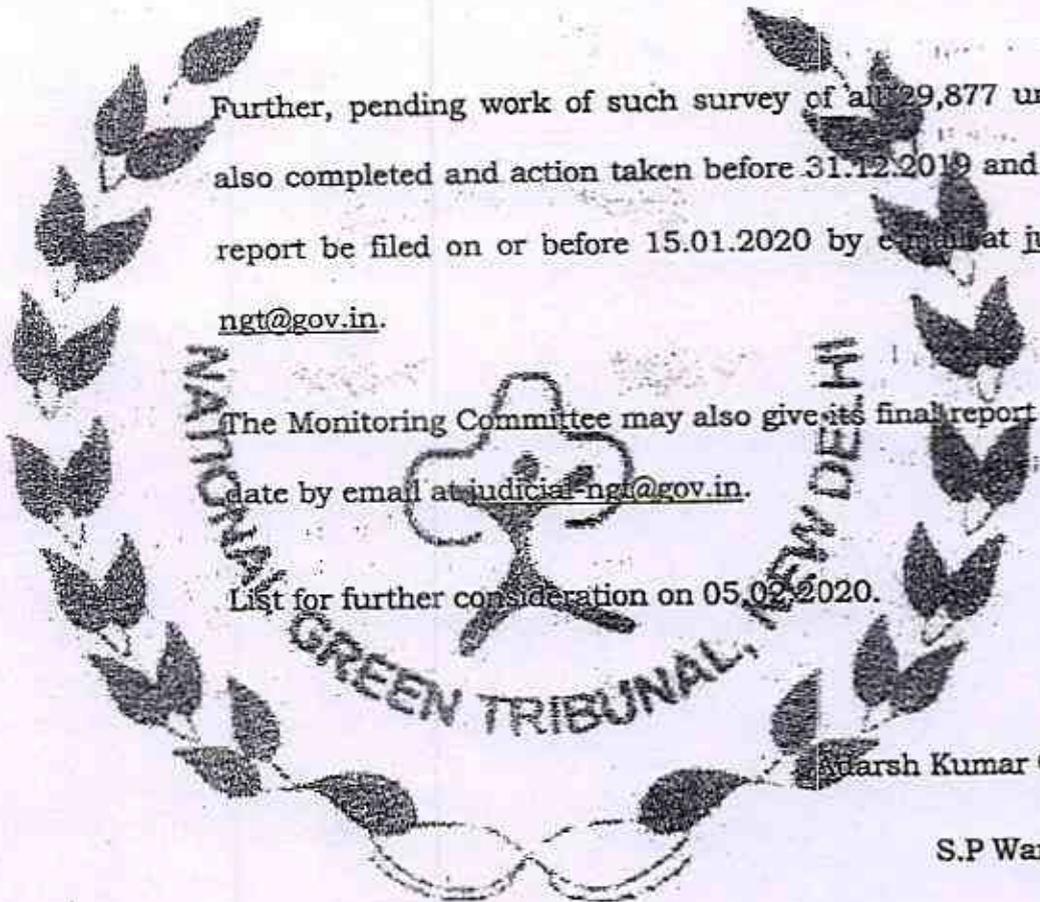
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have been illegally restarted be closed forthwith in terms of order of the Hon'ble Supreme Court without any further procedure of show cause notice and coercive measures in terms of recovery of compensation for illegal operation of such units be adopted in accordance with law, apart from initiation of prosecution. Failure to do so shall be viewed seriously and coercive action against the responsible Municipal Commissioner of the said Corporation would be taken including entry in their ACR column and stoppage of salary.

Further, pending work of such survey of all 29,877 units be also completed and action taken before 31.12.2019 and status report be filed on or before 15.01.2020 by email at judicial-ngt@gov.in.

The Monitoring Committee may also give its final report by that date by email at judicial-ngt@gov.in.

List for further consideration on 05.02.2020.



Arsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 19, 2019
Original Application No. 601/2018
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Annexure-5

Item No.04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 601/2018

Mayank Manohar & Paras Singh,
Reporter Times of India

Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 16.03.2020
Date of uploading: 20.03.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOUD, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Respondent(s): Mr. Rajkumar, Advocate for CPCB
Ms. Jyoti Mendiratta, Advocate for NCT of Delhi
Ms. Puja Kalra, Advocate for North MCD and SDMC
Mr. Balendu Shekhar, Advocate for EDMC

ORDER

1. This order is being passed in continuation of order dated 19.11.2019. Proceedings in the matter are offshoot or directions of the Hon'ble Supreme Court in *M.C.Mehta Vs. Union of India & Ors.* (2004) 6 SCC 588 to close down industries illegally operating in residential areas in violation of Master Plan of Delhi, 2021.
2. The Hon'ble Supreme Court observed that inaction by the Government amounts to indirectly permitting the unauthorized use which amounts to the amendment of the Master Plan without following due procedure.¹ The plea of permitting regularization of certain industries in residential areas was disallowed on the ground

¹M.C.Mehta v. UOI (2004) 6 SCC 588 Para 48

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that the same will be against the Master Plan and will render the concept of planning as well as the concept of NCR non-functional and in-operative. The Hon'ble Supreme Court passed the following directions in the judgment dated 07.05.2004:

"68. All Industrial Units that have come up in Residential/non-conforming areas in Delhi on or after 1st August, 1990 shall close down and stop operating as per the following schedule:

- (a) Industrial Units pertaining to extensive industries ('F' category) within a period of four months.
- (b) Industrial Units pertaining to light and service industries (category 'B' to 'F') within five months.
- (c) Impermissible household industries (category 'A') within six months.
- (d) 6, 000 industrial units on waiting list for allotment of industrial plots within 18 months.

A Monitoring Committee comprising (i) Chief Secretary of Delhi (ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and, (iv) Vice-Chairman of Delhi Development Authority, was appointed to be responsible for stoppage of illegal industrial activity and to oversee and ensure compliance of the directions contained in the judgment.

4. In spite of the above, polluting industrial units continued to function which was reported in newspapers which led to initiation of proceedings by this Tribunal. This Tribunal took cognizance of the newspaper report vide order dated 24.01.2019 and sought a report from CPCB. The report dated 15.12.2018 was considered on 24.01.2019 as follows:-

".....15. Accordingly, report dated 15.12.2018 of the two member Committee comprising of Dr. R. S. Mahawar, Ex-Additional Director, CPCB and Shr. B. K. Jain, Additional Commissioner (Planning), Delhi Development Authority (Retd.) has been filed in the course of hearing by learned counsel for CPCB.

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16. The Committee compiled the list of industries in nonconforming/residential areas against the provisions of the Master Plan of Delhi, 2021. The Committee identified 99 types of manufacturing/processing industries which are not permitted as per MPD 2021. The Committee also identified no industrial activity zone and the residential use zones. The Committee also referred to the meeting held in the office of Commissioner of Industries, NCT Delhi for effective implementation of order of the Hon'ble Supreme Court in M.C Mehta (supra) for closure of unauthorized industrial activates in Delhi in residential/non-conforming areas on 22.11.2010. Reference is also made to the 48th Report of the Monitoring Committee filed before the Hon'ble Supreme Court in W.P.C No. 4677 in M.C Mehta v. UOI. Reference has also been made to the meeting held in the office of Chief Secretary on 13.09.2018 for review of the progress in the matter. The meeting was attended by Vice Chairman, DDA, Commissioners East, North and South DMCs and Commissioner of Police.

17. The conclusions in the report are as follows:-

1. Out of the total 51,837 applicant industries, effective allotment have been made to 21,960 industrial units. The remaining 29,877 include the industries which were found not eligible (23,852) and the industries which have been declared as defaulters (6025) for various other reasons. The DSIIDC should prepare zone wise lists of the 29,877 industries and send the lists to the concerned Municipal Corporations for ensuring their closure.

2. The DSIIDC should also prepare zone wise lists of the 21,960 units (i.e. the allottees) and send the lists to the concerned Municipal Corporations. These industries should be visited by the Municipal Corporations and those found in operation at their previous should be closed.

3. The details of the 15,888 industries which have been closed by the Municipal Corporations of Delhi as of August 2018 need to be reviewed to confirm their being part of the above mentioned 29,877 industries that are to be closed.

4. The MPD-2012 has identified 22 industrial clusters for redevelopment for accommodating non-conforming units in these area. The Section 7.6.2.1 of the MPD-2021 has also laid norms for redevelopment of these clusters. The time targets for the redevelopment of these areas should be fixed.

5. The industries presently operating in the 22 industrial clusters identified for redevelopment and are otherwise conforming to the MPD-2021 may be permitted to continue subject to complying of these industries to the applicable environment and other requirements.

6. The boundary limits of the 22 industrial clusters need to be fixed(if not done yet) by the Delhi Development Authority/Local bodies to stop further indiscriminate expansion of these areas.

7. The Village Prahladpur, Bangar mentioned in the Hon'ble National Green Tribunal order dated 08.10.2018 is included in the list of 22 unplanned industrial areas identified for redevelopment (Section 7.6.2 of the MPD-2021. The Section 7.6.2.1(Vii) of the MPD-2021 provide as under:

"The redevelopment work may be undertaken by the societies voluntarily or by the concerned local body/ agencies. In case the agencies take up the redevelopment work for execution, they shall collect the charges from the individual industries themselves directly. Requisite charges for change in the land use, enhanced FAR and land (wherever applicable) would be required to be paid to the concerned Authority. The redevelopment shall be completed within the period specified by the Delhi Development Authority, Local Bodies in this regard. Clusters, which fail to complete the redevelopment proposals within the period specified as above, shall have to shift to other conforming industrial areas and the units functioning in non-conforming clusters shall have to close down. In such cases, the licensing authority will not renew/ issue the licenses to industrial units without obtaining land use clearance from the competent authority. Further, no new licenses will be issue in non conforming areas, without obtaining land use clearance." The action in regard to the industries in Prahladpur, Bangar may therefore be taken as per the recommendations made at (4) and (5)."



18. We have perused and considered the report. The Report shows that 29,877 industries were not eligible for allotment and were liable to be closed. 21,960 industrial units were given allotments but compliance of conditions of allotment was required to be verified. Industries could be allowed to be operate in 22 industrial clusters. Boundaries of such clusters are required to be fixed.

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22. The report shows failure of the statutory authorities - Delhi Pollution Control Committee (DPCC), Municipal Corporations, Delhi Development Authority and the Delhi Administration. The Committee has found not only violation of Master Plan of Delhi (MPD) 2021 but also violation of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution),

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Act, 1981, Hazardous Waste Rules, 2016, Solid Waste Management Rules, 2016, Plastic Waste Management Rules, 2016.

23. DPCC appears to have failed to exercise its powers under the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 of closing polluting activities, of prosecuting polluters and of recovering compensation from them for damage to the environment. DDA and Municipal Corporations have also not performed their duties respectively under the Delhi Development Act, 1957 and Municipal Corporation Act, 1957.²

24. Even after fifteen years of the judgment of the Hon'ble Supreme Court the observation in paragraph 21 of the judgment that industries are illegally operating in non-confirming areas remains true.

25. We have adverted to the inadequacy of environment regulatory mechanism in general and need for its revamp for meaningful environment protection and required the State machinery to be made accountable for its failure³

26. We have also noted unsatisfactory state of environment threatening lives and causing deaths and diseases⁴

² See paras 21, 37-40, supra note 1

³ (a) *Gayatri Foundation vs. M/s. Vapi Green Enviro. Ltd. & Ors.*, O.A. No. 95/2018, order dated 11.01.2019; wherein this Tribunal noted inadequate performance of PCBs and directed for their performance audit. (b) *Compliance of Municipal Solid Waste Rules, 2016*, O.A. No. 606/2018, order dated 31.08.2018 - wherein this Tribunal has constituted State-wise Committees to ensure effective implementation of SWM Rules, 2016 (c) *Threat to life arising out of coal mining in south Garo Hills district Vs. State of Meghalaya & Ors.*, O.A. No. 110 (THC)/2012, order dated 04.01.2019 wherein this Tribunal laid down that state authorities colluding with polluters are equally liable to pay environmental compensation (d) News item Published in 'The Hindu' authored by Shri. Jacob Koshy Titled "More river stretches are now critically polluted: CPCB", O.A. No. 673/2018, order dated 20.09.2018- wherein this Tribunal constituted River Rejuvenation Committees to prepare and execute Action Plan in time bound manner for rejuvenation of polluted river stretches; wherein this Tribunal dealt with the issue of compliance of judgement in *M.C Mehta v. UOI* (2004) 6 SCC 588 directing shifting of industries. The Tribunal again noting inaction of concerned authorities imposed environmental compensation and directed preparation of Action Plan for compliance of PWM Rules. (e) *Sobha Singh & Ors. Vs. State of Punjab & Ors.*, O.A. No. 10/2014, order dated 24.07.2018; wherein this Tribunal while noting contamination to water bodies at Bengaluru-Bellanduru lake and inaction of concerned authorities directed them to pay compensation for degradation to environment. (f) Court on its own Motion Vs. State of Karnataka & Ors., O.A. No. 125/2017, order dated 06.12.2018

⁴ *Ibid.* (a) and (b) wherein this Tribunal has placed reliance of the following studies to reflect the degradation of environment-
https://niti.gov.in/writereaddata/files/new_initiatives/presentation-onCWMI.pdf- India ranks 120th in 122 countries in Water Quality Index as per Niti Ayog Report,
<https://www.thehindu.com/sci-tech/energy-and-environment/india-ranked-no-1-in-pollution-related-deathsreport/article19887858.ece>- Most pollution-linked deaths occur in India,
<https://www.hindustantimes.com/indianews/delhi-world-s-most-polluted-city-mumbai-worse-than-beijing-who/story-m4JFT063r7x4Ti8ZbHF7mM.html> Delhi's most polluted city, Mumbai worsen than Beijing as per WHO;
http://www.un.org/waterforlifedecade/pdf/global_drinking_water_quality_index.pdf- WHO Water Quality Index.

27. Thus, it is necessary to take prompt measures to prevent further damage to the environment and to uphold the rule of law in the manner suggested by the two member Committee. This may require exercise of statutory power to prohibit polluting activity, initiate prosecution, and recover cost of damage to the environment. Let these steps be taken by the statutory authorities in accordance with law.

28. Our responsibility does not end with mere passing of this order. It is enforcement of the order which is of equal significance.

29. Leaving execution of the order to the authorities without constant supervision by an independent mechanism does not appear to be serving the purpose (in light of recent outcome in the aforementioned matters). Circumstances call for stern approach to save health of present and future generations, endangered by threat to environment, as observed by the Hon'ble Supreme Court in M.C. Mehta, supra.

30. Constitution of a credible mechanism for overseeing compliance of the order and the rule of law is necessary. Though we had initially directed the report to be looked into by the Committee constituted by this Tribunal in order with the pollution of river Yamuna, having regard to the magnitude of the work involved in the present case and the massive work already being undertaken by the Committee dealing with pollution of river Yamuna, an independent oversight committee is required for the present case.

31. We direct the constitution of an Oversight Committee to be headed by Justice Pratibha Rani, former Judge of Delhi High Court having representatives from CPCB, DSIIDC, DPCC, DDA and the concerned District Magistrates and the Municipal Corporations. We are also of the view that action taken on the subject matter of two earlier orders of this Tribunal intended to give effect to directions of the Hon'ble Supreme Court in M.C Mehta (supra) viz order dated 10.10.2018 in Execution Application No.11/2017 in O.A. No. 159/2013, All India Lokashikhar Sangathan v. Govt of NCT of Delhi & Ors. and order dated 3.12.2018 in Original Application No. 56(THC)/2013, Satish Kumar v. Union of India & Ors. should also be subjected to review by this Oversight Committee. The statutory authorities, particularly, DDA, DPCC, DSIIDC, and the Municipal Corporations must, for this purpose, nominate officers of high integrity, competence and seniority and who can devote time in the work by being spared of other responsibilities within ten days."

5. As already mentioned, the matter was last reviewed on 19.11.2019 as follows:

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6. Accordingly, we have perused a report of the Oversight Committee filed on 18.11.2019 and report filed by NCT of Delhi dated 14.11.2019.

7. The summary of action taken has mentioned in Annexure - II of the said report as follows;

"Action taken report received from three Municipal Corporations as on 13.11.2019 in respect of closure of industries in residential and non-conforming areas of Delhi.

Name of the Corporation	Units Surveyed	Wards Completed	Remaining Wards	SCN Issued	Closed on 48 Hrs. Notice	Units sealed
EDMC	3321	53	11	657	147	101
SDMC	4204	98	06	1586	192	47
NDMC	4447	92	12	2531	438	326
Total	11972	243	29	4774	777	474

8. The Chief Secretary, Delhi who is present in person has conceded that show cause procedure is unnecessary in view of the orders of the Hon'ble Supreme Court in W.P. (C) No. 4677/1985, M.C. Mehta v. Union of India, Ors. dated 11.10.2018 and 01.11.2018.

Thus, show cause notice to 4774 was wrongly issued instead of straightway such units being closed. Let all such units which have been illegally restarted be closed forthwith in terms of order of the Hon'ble Supreme Court without any further procedure of show cause notice and coercive measures in terms of recovery of compensation for illegal operation of such units be adopted in accordance with law, apart from initiation of prosecution. Failure to do so shall be viewed seriously and coercive action against the responsible Municipal Commissioner of the said Corporation would be taken including entry in their ACR column and stoppage of salary.

Further, pending work of such survey of all 29,877 units be also completed and action taken before 31.12.2019 and status report be filed on or before 15.01.2020 by e-mail at judicial-nqt@gov.in.

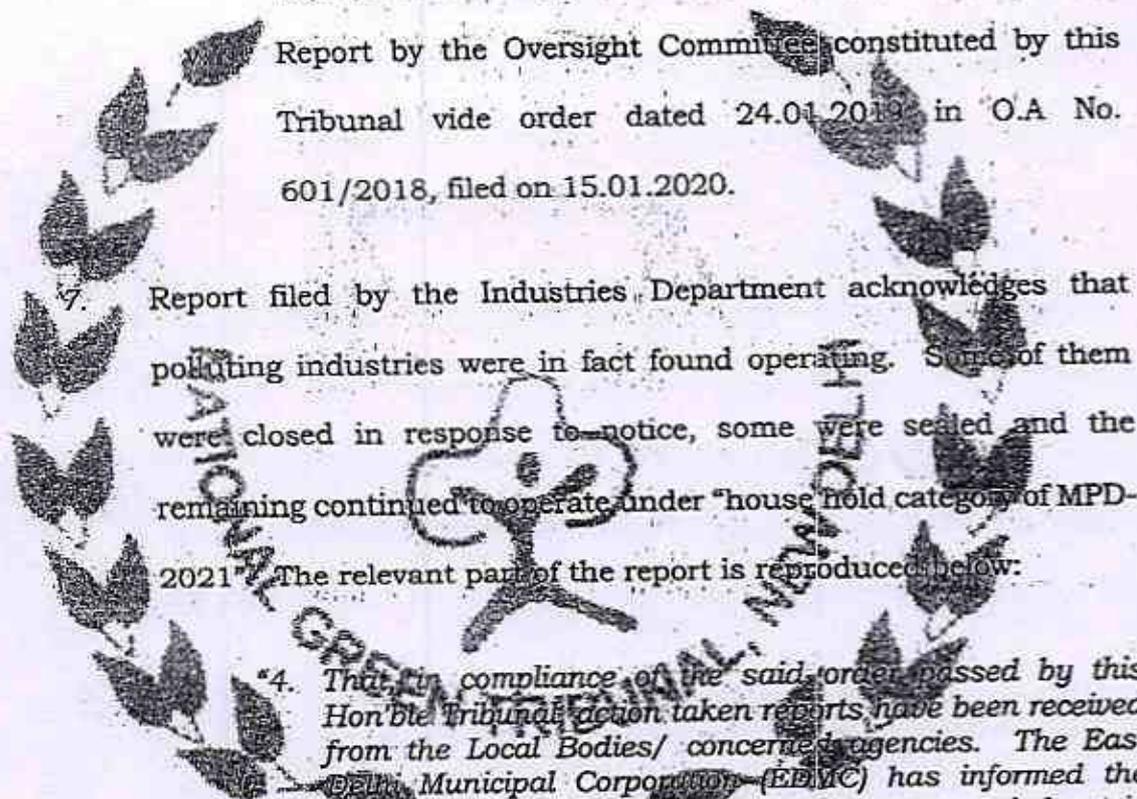
The Monitoring Committee may also give its final report by that date by email at judicial-nqt@gov.in."

6. Accordingly, following further reports have been filed:

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- i. Status Report on behalf of the Govt. of NCT of Delhi dated 15.01.2020
- ii. Status Report in form of affidavit by EDMC dated 15.01.2020
- iii. Status Report filed on behalf of DPCC dated 13.03.2020
- iv. Updated ATR/Status Report relating to survey and closure of impermissible industries in residential dated 13.03.2020 on behalf of the Industries Department, Delhi handed over during the hearing.

Report by the Oversight Committee constituted by this Tribunal vide order dated 24.01.2019 in O.A No. 601/2018, filed on 15.01.2020.



Report filed by the Industries Department acknowledges that polluting industries were in fact found operating. Some of them were closed in response to notice, some were sealed and the remaining continued to operate under "house hold category of MPD-2021". The relevant part of the report is reproduced below:

4. That, in compliance of the said order passed by this Hon'ble Tribunal, action taken reports have been received from the Local Bodies/ concerned agencies. The East Delhi Municipal Corporation (EDMC) has informed the Government in writing that as per survey carried out in residential conforming areas under their jurisdiction, in total 3832 units were found operating. That out of these 3832 units, 2607 units closed/shut down their operations on their own after issue of 48 hrs notice, and 494 units were sealed by the Corporation. That the remaining 731 units applied online for License "under house hold category of MPD-2021" on the portal of the Corporation which are pending for further action.

5. That the South Delhi Municipal Corporation (SDMC) has informed that as per survey carried out in residential and non conforming areas under their jurisdiction, in total 5445 units were found operating. That out of 5445 Units, 3289 units closed/shut down their operations on their own after

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issue of 48 hrs notice, 580 units are located in the redevelopment area under MPD-2021, one unit is on agriculture land, 41 units have permissible trade storage license, and 388 units are located in Basai Darapur where a stay against closure/sealing is granted upto 28.01.2020 by Hon'ble High Court of Delhi in a writ petition. That 304 impermissible units have sealed by the Corporation in Step-3. That the remaining 842 units have applied online for License under house hold category of MPD-2021 on the portal of the Corporation which are pending for further informed that local residents of village Matiyala and Kakrola of Najafgarh Zone created hindrance to Survey/closure team and not allowed them to take action against impermissible industrial activity. Therefore, the Hon'ble Tribunal is requested to give more time after Delhi Assembly Election.

6. That the North Delhi Municipal Corporation (NDMC) has informed that after the survey carried out in residential and non conforming areas under their jurisdiction, they found 5757 units operating, out of which 4640 units closed/shut down their operations on their own after issue of 48 hrs notice, and 617 units have been sealed by the Corporation. That the remaining 531 units have applied online for License under house hold category of MPD-2021 on the portal of the Corporation which are pending for further action.

7. That further New Delhi Municipal Corporation (NDMC) has informed that there is no impermissible activity/industry found in the survey conducted in residential and non conforming areas under their jurisdiction in Step-3."

8. The summary has been given as follows:

Name of Corporation	Total Nos. of Units surveyed	Nos. of Units applied for House Hold license	Nos. of Units Closed on their own after 48 Hrs Notice	Number of Units Sealed in Step-3
EDMC	3832	731	2607	494
SDMC	5445	842	3289	304
NDMC	5757	531	4640	617
Total	15034	2104	10536	1415

9. Report of the EDMC is identical and need not be repeated.

10. The report of the DPCC is *inter-alia* as follows:

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3. That in compliance to the order of This Hon'ble Tribunal with regard to imposition of Environmental Compensation charges, details of the units functioning in non-conforming areas in all Phases i.e. Step-1, Step-2 and Step-3 were obtained along with the date of closure and the nature of the activity as to whether white, green, orange or red category. Till date DPCC has received a lot of 2088 number of units against whom closure action has been taken. DPCC had already issued show cause notice to 1388 units to show cause why environmental damages compensation mentioned in the notice should not be imposed for running the industrial unit without consent/license and causing pollution. Notices on the rest number of units will be issued within 7 days. In the show cause notices 10 days time was given to the unit to file reply. Final order of imposition of EDC will be issued within 15 days or latest by 31.03.2020."

Report of the oversight Committee inter-alia is as follows

"RECOMMENDATIONS IN OA NO.601/2018"

During various inspections, the Oversight Committee tried to take stock of the violation of law by the industries operating illegally in residential/non-conforming areas or in violation of environmental norms. In the second meeting of the Committee attended by the Commissioner (Industries) and Chairman DPCC, the centre of the discussion was closing down of polluting industries to save the capital city from polluted air and water caused by such polluting industries. The Commissioner (Industries) handed over to the under-signed a 'Status Note' on closure of impermissible industries from residential/non-conforming areas, which also included the decision taken by Monitoring Committee held on 13.02.2018 to take stock of the status of closure of the industries running in nonconforming areas. The action plan was prepared to complete the closure of such industries in three steps which were as under:

- i. That, in Step-1 the Municipal Corporations will ensure that the industrial units under their respective jurisdiction out of the list of 21960 industrial units (list already sent to Municipal Corporations) who have been allotted alternate industrial plots under the Relocation Scheme of 1996 are closed, if they have not closed down operations. Sealing of premises, disconnection of electricity and water supply should also be ensured wherever required. The process should be completed within 15 days.

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- ii. That, in Step-2 the Municipal Corporations are required to identify the premises of applicants numbering 51837 less 21960 successful allottees under their respective areas who had applied for allotment of alternate plots under the Relocation Scheme and will ensure that no impermissible industrial activity is carried out from such premises. The list of 51837 industries has already been provided to the Municipal Corporations; and
- iii. That in Step-3 the Municipal Corporations and the Delhi Development Authority will carry out a comprehensive mapping/survey to find out details of industries functioning without obtaining proper Municipal license in respect of their respective jurisdiction within a period of 2 months. Once the non permitted industries are identified during the mapping exercise/survey of residential areas/non-conforming areas such impermissible identified industries shall be sealed and disconnection of electricity and water supply shall be carried out within 30 days of such detection.

It has been reported to Hon'ble Supreme Court, Hon'ble National Green Tribunal and to this Oversight Committee that Step 1 and 2 are complete. However the issue of Step 2 is still burning fire. In the order dated 19.11.2019 in Original Application No.601/2018 Hon'ble National Green Tribunal has recorded as under:-

"Further, pending work of such survey of all 29877 units be also completed and action taken before 31.12.2019 and status report be filed on or before 15.01.2020 by e-mail at judicial-ngt@gov.in."

These 29877 units are 51837 less 21960 referred to in Step-2.

Action under Step-3 was required to be completed within a period of two months from the date of completion of Step-2. The Oversight Committee was informed that Step-1 was completed on 26.11.2018 and Step-2 was completed on 30.01.2019. However, the task (Step-3) which was to be completed within a period of two months from 30.01.2019 has not been completed even though period of one year is going to end by 30.01.2020 i.e. after two months. Various meetings have been held on 19.03.2019, 11.04.2019, 24.04.2019, 30.10.2019, 12.12.2019 and 23.12.2019 by this Oversight Committee to seek compliance from the stake holders to ensure completion of Step-3.

A perusal of the reports submitted by the three DMCs (Annexure D to F) show that as on 06.01.2020 some

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progress is there in the direction but target has not been achieved. As the task to be completed within two months has not been completed in a year, it is necessary that while fixing the target, realistic approach should be adopted taking into account the volume of the work involved, the work force and the financial resources available with the stake holders, the road blocks anticipated in achieving the target and the time required for completion of the same.

The common grievance of all the three DMCs has been that for lack of police aid, the sealing could not be done. However, barring the incident at Mayapuri Industrial Area, not even a single incident has been brought to the notice of the Oversight Committee where the survey team or the sealing team had to face any violent mob. Despite that to resolve this issue, in the meeting convened on 12.12.2019 by the Oversight Committee, police authorities were also invited so that some solution can be worked out on providing of police assistance.

During the meeting Joint Commissioner of Police Ms Shalini Singh and the three Commissioners of DMCs interacted and arrived at a consensus about the strategy to be adopted for availing police assistance. Shortage of work force in the Civic Bodies has also been mentioned as one of the reason for not being able to achieve the desired results. The Committee recommended that to overcome this problem, the services of experienced staff retired from the concerned department and of proven integrity can be availed on contract basis. Financial crunch faced by the three DMCs has also been considered to be a factor coming in their way to implement the directions. It is recommended that the interest accrued on the Environmental Compensation (EC) realised from the polluting units can be utilized as per requirement from the DMCs which can be replenished by imposing EC on the polluting industries closed under Step 3. (On the presumption that the EC realised has been kept in the form of FDR in a Nationalized Bank and accruing interest).

During various meetings it was observed that there is lack of coordination between various departments. It is recommended that each stake holder may nominate a Nodal Officer to ensure coordination so that action against the polluting industries can be expedited.

e.g Dr. Chandra Prakash, Sr. EE, DPCC informed that action for imposing EC on the industries closed under Step-1 and Step-2 can only be levied on the basis of activity, category and duration of violation which was not provided by the DMCs. The Chairperson issued directions to provide the above details to DPCC so that EC can be levied and realized.

The resident of the residential/non-conforming area can be sensitized that carrying out of illegal industry in residential/non-conforming area is not only disastrous for

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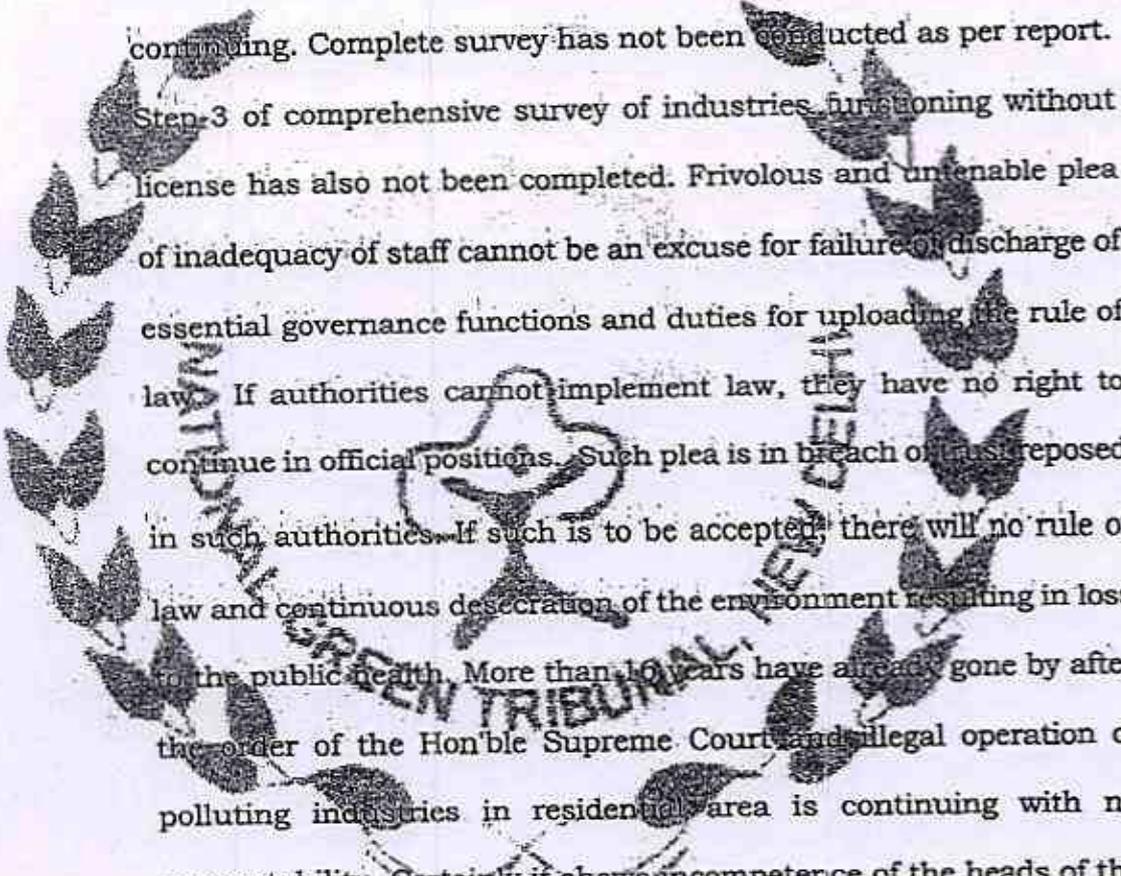
environment but may give rise to an incident as happened in Anaj Mandi and such industries have to be closed for their own welfare. Apart from closure the owner/occupier of the building where such illegal industries are running, can be proceeded against under civil and criminal law.

The residential properties being used for illegal industries can be rendered un-useable by disconnecting electricity and water supply till it is restored to the permissible use and undertaking is given that it will not be used for any other purpose other than permitted by law. In some residential/non-conforming areas industries are running under the garb of household industries permissible under MPD-2021.

The time has now come when all the concerned agencies of the Government must rise and work intendam, coordinate with each other to ensure strict statutory compliances by all industrial units and further to ensure no industrial activity in violation of the directions of Hon'ble Supreme Court in M.C. Mehta's case and various orders and directions by Hon'ble National Green Tribunal are carried by anyone under any circumstance. Periodical inspection of residential areas by the concerned agencies is necessary to maintain check and balances so that no commercial activity contrary to MPD-2021 is carried from non-conforming/residential areas. Some Officers from Discom and DJB must be made integral part of the team conducting survey/sealing. Since SCN procedure is not necessary as submitted before Hon'ble National Green Tribunal by the Chief Secretary, Delhi, disconnection of electricity and water will have the desired result by making it un-useable. The photographs of the activities being carried in the said premises can be a vital piece of evidence for levy of EC and justification for disconnection of electricity/water.

Discom can be shouldered with the responsibility to inform the Civic Bodies about the units functioning under the garb of household industries but consuming more than the permissible load i.e. 11 KW under the connection taken for non-domestic purpose. Labour Department has to be activated to conduct regular check in the industries employing child labour or violating other beneficial legislations enacted for the welfare of workers. The report received by this Committee from Labour Department was that they act only on complaint. This kind of approach has to be viewed seriously as the exploited labour may not be having enough means to approach the Labour Welfare Officer for his rights. But regular checking by the Labour Department to ensure compliance of all welfare measures needs to be call of the day especially when most of the buildings where illegal industries are running, lack basic amenities like ventilation, properly lit work place as well provision for exit in case of any disaster."

12. It is self-evident from the above that there is continued and consistent non-compliance of the orders of the Hon'ble Supreme Court and this Tribunal for which the authorities have failed to take adequate remedial action for preventing the polluting activities and recovering compensation for illegal operation of such industries. With regard to step-1 for closing 21,960 units already allotted alternative plots, the closure is not complete and effective as many units have been found to be operative either at the same place or elsewhere. With regard to step-2 impermissible activities are still continuing. Complete survey has not been conducted as per report. Step-3 of comprehensive survey of industries functioning without license has also not been completed. Frivolous and untenable plea of inadequacy of staff cannot be an excuse for failure or discharge of essential governance functions and duties for upholding the rule of law. If authorities cannot implement law, they have no right to continue in official positions. Such plea is in breach of trust reposed in such authorities. If such is to be accepted, there will be no rule of law and continuous desecration of the environment resulting in loss to the public health. More than 10 years have already gone by after the order of the Hon'ble Supreme Court and illegal operation of polluting industries in residential area is continuing with no accountability. Certainly it shows incompetence of the heads of the Departments of Delhi Government as well as Municipal Corporations concerned for which action needs to be taken and dead wood removed and replaced by suitable competent officers who can deliver. If this is not done, it will show Government in poor light. We expect a meaningful action in this regard and further report from Chief Secretary, Delhi exclusively showing action against



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incompetent officers dealing with the matter. The report should cover not only action against officers in Delhi Government but also in the Municipal Corporations of Delhi. We note that Chief Secretary, Delhi is heading the Monitoring Committee constituted by the Hon'ble Supreme Court and is certainly entitled to take appropriate action in that capacity.

We also find that Notification dated 11.12.2019 is being illegally used as a pretext for not complying with the orders of the Hon'ble Supreme Court. The said Notification merely permits non-polluting household industrial activities and it is expressly stated that the amendment is **'with the condition that no polluting industrial units shall be permitted as household industry.'** The notification cannot be read as setting aside the orders of the Hon'ble Supreme Court. Chief Secretary, Delhi may also take suitable action in this regard against concerned incompetent and inefficient officers and entrust responsibility to those who have competence. Continued failure is resulting in damage to environment and public health for which responsibility may need to be fixed in monetary terms.

13. In view of the above, let further remedial action be taken by the Chief Secretary, Delhi, Department of Industries, DPCC and the concerned Municipal Corporations. It is made clear that failure to take action may result in direction for civil imprisonment of the Chairman and Member Secretary, DPCC, Secretary, Department of Industries and the Commissioners of the Municipal Corporations. Compliance report may be filed before the next date by email at judicial-ngt@gov.in.

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A copy of this order be sent to the Chief Secretary, Secretary, Department of Industries, Delhi Government, DPCC and the Municipal Corporations of Delhi by email for compliance.

List again on 22.05.2020.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 20, 2020
Original Application No. 601/2018



TC

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5 TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-5 Visit us at: http://dpcc.delhigovt.nic.in
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F.NO. DPCC/NGT (CMC-II)/H 73-83

Dated: 03/04/2020

Annexure-6 (Copy)

Sub: Minutes of meeting held under chairmanship of Chief Secretary, Delhi on 02.06.2020 at 03.00 PM through video conferencing in connection with Hon'ble NGT matter OA No. 601/2018 titled "Mayank Manohar & Paras Singh Reporter Times of India Vs GNCTD & Ors."

Please find enclosed herewith minutes of meeting held under chairmanship of Chief Secretary, Delhi on 02.06.2020 at 03.00 PM through video conferencing in connection with Hon'ble NGT matter OA No. 601/2018 titled "Mayank Manohar & Paras Singh Reporter Times of India Vs GNCTD & Ors" regarding Hon'ble NGT orders dated 16.03.2020.


 (Dr. Chandra Prakash)
 Incharge of CMC-II

Encl: As above

To,

1. Commissioner of Industries, GNCTD, 419, FIE, Udyog Sadan, Patparganj Indl. Area, Patparganj, Delhi-110092.
2. Chief Executive Officer, Delhi Jal Board, Varunlaya, Phase-II, Karol Bagh, New Delhi-110005.
3. Commissioner, North Delhi Municipal Corporation, 17th Floor, Dr. S.P.M. Civic Centre, Minto Road, Delhi-110002.
4. Commissioner, South Delhi Municipal Corporation, 14th Floor, Dr. S.P.M. Civic Centre, Minto Road, Delhi-110002.
5. Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Industrial Area, Delhi-110092.
6. The Chief Executive Officer, BSES Rajdhani Power Ltd., BSES Bhawan, Nehru Place, New Delhi-110019.
7. The Chief Executive Officer, BYPL, Shakti Kiran Building, New Delhi.
8. The Chief Executive Officer, TPDDL, Hudson Lane, Kingsway Camp, Delhi.

Copy to:-

1. CSD to Chief Secretary : For information pl.
2. PA to Chairman, DPCC- For information of Chairman, pl.
3. PA to MS, DPCC- For information of MS, pl.

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Minutes of the meeting chaired by the Chief Secretary through video-conference held on 02.06.2020 at 03.00 pm to review issues related to the compliance of the directions of Hon'ble NGT in OA No. 601/2018 in the matter of Mayank Manohar Vs. GNCTD.

A meeting was convened under the chairmanship of Chief Secretary, GNCTD through video-conference on 02.06.2020 at 3:00 pm to review issues related to the compliance of the directions of Hon'ble NGT dated 16.03.2020 (uploaded on 17.04.2020) in OA No. 601/2018 in the matter of Mayank Manohar Vs. GNCTD regarding closure of impermissible industries in non-conforming areas.

2. Background

The issue is regarding carrying out closure of industries in non-conforming areas in pursuance to order of Hon'ble Supreme Court of India dated 07.05.2004 in M.C.Mehta Vs. UOI & Ors. Periodic reports have been filed by Industries Department in the Hon'ble Supreme Court of India as well as in Hon'ble NGT as per progress made in various stages i.e. in Step-1, Step-2 and Step-3. Hon'ble NGT took up this matter and passed an order on 16.03.2020 in which it has expressed displeasure regarding incomplete action.

All the Municipal Corporations reported that closure of impermissible industries in non-conforming areas under Step-3 was in progress during which 15034 number of units have been surveyed. Out of the same, 10536 number of units closed down their operations, 1415 number of units were got sealed by disconnecting water and electricity connections and 2104 number of units had applied for license under household category.

3. After detailed deliberation, the following decisions were taken:

- i) Since, all the industrial units in non-conforming areas were closed due to enforcement of lockdown, they should not be allowed to re-open and continue with their impermissible activities unless they have a valid

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municipal household factory license. This will be enforced by the respective local body.

- ii) Since the household category of industries are not authorized to operate above 11 KW load, the DISCOMs are required to disconnect power supply to such industrial units who are operating in a clandestine manner. Letter dated 21.05.2020 has been issued by Industries Department to all DISCOMs in this regard. Similar direction should also be issued to DJB to disconnect water supply to such units. The Chief Secretary directed that compliance report to this effect be obtained from the DISCOMs and DJB.
- iii) Since any household industries can operate only with municipal factory license, it was decided to direct the DISCOMs and DJB to disconnect electricity and water connection respectively to those units not having the municipal household industry license even though they are drawing less than 11 KW. Industries Department has asked the DISCOMs to provide the details of such units vide its letter dated 21.05.2020. Compliance report also be obtained from DISCOMs and DJB.
- iv) Since about 2104 units have applied for household license when the seeding drive was started in Step-3, these applications need to be disposed off at the earliest. In this regard, Department of Industries have already issued a letter dated 18.05.2020 to all MCDs. The Chief Secretary directed the Municipal Corporations to give a compliance report regarding disposal of the pending applications.

Video conference ended with vote of thanks to the chair.

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URGENT
SUPREME COURT MATTER

OFFICE OF THE COMMISSIONER OF INDUSTRIES
Govt. of National Capital Territory of Delhi
Udyog Sadan, Plot No. - 419, NID Patparganj Industrial Area, Delhi - 110092

No. 32/DCI/CC/Review Meeting/2019/214-225 Dated: 01 Sept. 2020

MINUTES OF MEETING

Sub: Minutes of the Meeting of the Monitoring Committee held on 17.08.2020 at 03.00 p.m. regarding closure of impermissible industrial activities in residential / non-conforming areas of Delhi.

Kindly find enclosed herewith the Minutes of the Meeting of the Monitoring Committee held on 17.08.2020 at 03.00 p.m. through video Conferencing under the Chairmanship of Chief Secretary, Delhi regarding closure of impermissible industrial activities in residential / non-conforming areas of Delhi in compliance of order dated 28.02.2020 passed by the Hon'ble Supreme Court in V.P. (C) No. 4677/1995 titled M.C. Mehta V/s. Union of India & Ors and Order dated 16.03.2020 passed by Hon'ble NGT in O.A. No. 601/2018 for your kind perusal and necessary action.

Yours sincerely,

(Vijay Kumar)
Dy. Commissioner of Industries (CC)

Encl. As above:

To:-

1. The Vice Chairman, DDA, Vikas Sadan, INA, Delhi.
2. The Commissioner of Delhi Police, Delhi.
3. The Commissioner, South Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minto Road, New Delhi - 110002.
4. The Commissioner, North Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minto Road, New Delhi - 110002.
5. The Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Industrial Area, New Delhi - 110092.
6. The Member Secretary, Delhi Pollution Control Committee, Building, 4th & 5th Floor ISBT, GT Karnal Rd, Kashmere Gate, New Delhi, Delhi 110095.
7. The Chief Executive Officer, BSES Rajdhani Power Ltd., BSES Bhawan, Nehru Place, New Delhi - 110019.
8. The Chief Executive Officer, BVPL, Shakti Kiran Building, New Delhi.
9. The Chief Executive Officer, TPDDL, Hudson Lane, Kingsway Camp, Delhi.
10. The Chief Executive Officer, Delhi Jal Board, Vanmalaya, Phase - B, Karol Bagh, New Delhi - 110005.

Copy to:

1. SO to Chief Secretary, Govt. of NCT of Delhi.
2. PS to Secretary cum-Commissioner of Industries, Govt. of NCT of Delhi.

Scanned with CamScanner

TC
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MINUTES OF THE MEETING OF THE MONITORING COMMITTEE HELD ON 17.08.2020 at 3:00 P.M. THROUGH VIDEO CONFERENCING IN PURSUANCE OF ORDER DATED 16/03/2020 PASSED BY HON'BLE NGT IN OA NO. 601/2018 AND ORDER DATED 28.02.2020 PASSED BY HON'BLE SC IN WP(C) 4577/1985.

1. A meeting of the Monitoring Committee was held on 17th August 2020 at 3:00 P.M. Chaired by the Commissioner of South Delhi Municipal Corporation, as the Chief Secretary, Delhi was busy with a COVID-19 related urgent matter. Agenda of this meeting was to discuss the progress of action taken in pursuance to order dated 16/03/2020 passed by Hon'ble NGT in OA No. 601/2018 and order dated 28/02/2020 of the Hon'ble Supreme Court in the matter of "M.C. Mehta V/s Union of India & Ors." in WP(C) 4577 of 1985.
2. At the outset, Secretary-cum-Commissioner (Industries) briefed the Members of the Monitoring Committee that on last hearing on 16/03/2020, Hon'ble NGT has directed all the Heads of MCD, Industries and DECC to implement the orders of the Hon'ble Supreme Court and to file an action taken report before the next date of hearing. Further, Commissioner of Industries also apprised that review meetings were taken on 25.02.2020, 19.03.2020, 02.08.2020 with the local bodies/concerned agencies where in they were requested to complete the action of closure, disconnection of water and electric supply through joint teams with DISCOMs & DJB.
3. Further, all the members were informed about the action taken report as received in respect of Step-3 from the local bodies as summarized here under:

Municipal Corporation	Total No. of Unit surveyed	No. of Units applied for HH license	No. of Units Close down on their own after 48 Hours notice	No. of Units closed in Step-III
EDMC	3932	731	2607	494
SDMC	5822	1837	3510	380
NDMC	5757	531	4540	617
TOTAL	15411	3099	10857	1471

4. The SDMC and North DMC informed that the Committees have been constituted for disposal of Household applications and process of deciding the applications is under progress. Constitution of a similar Committee is under consideration in EDMC.

5. Regarding disconnection of water and electricity supply in respect of units covered in step I, II and III and which were reported as closed down after issue of 48 hrs notice by MCDs, and to re-ascertain their closure status, SDMC has informed that they have decided to re-survey these properties on random basis. For that purpose, task force presided over by AQ (Factory Licensing) have been constituted jointly with representatives from BSES and DJB. However, no such step was reported by the North DMC and EDMC to re-ascertain closure status of such units randomly.

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6. After discussing the progress report as received from the Local Bodies, the following decisions were taken in the meeting :

- a. The local bodies to dispose of the 3099 applications received by them under the Household category within a period of one month. Simultaneously action shall be taken by the Local Bodies for closure of such units of applicants that do not qualify for grant of household license under the provisions of the MPD-2021.
- b. The joint team/task force as constituted by SDMC, should also be constituted by the NDMC and EDMC for re-survey on random basis in order to ensure their closure status in respect of units covered in step I, II and III.
- c. The SDMC shall further complete the survey and closure of impermissible units in the left-out areas in Step-III within two weeks. The closure will be done jointly with DISCOMs and DJB.
- d. The decision regarding T/As for de-sealing shall be taken up in the next meeting of the Monitoring Committee to be held shortly under the chairpersonship of the Chief Secretary, Delhi.

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URGENT
SUPREME COURT MATTER

OFFICE OF THE COMMISSIONER OF INDUSTRIES
Govt. of National Capital Territory of Delhi
Udyog Sadan, Plot No. - 419, FIE Patparganj Industrial Area, Delhi - 110092

No: 32/DCI/CC/Review Meeting/2019/225-233 Date: 01 Sept. 2020

MINUTES OF MEETING

Sub: Minutes of the Meeting of the Monitoring Committee held on 25.08.2020 at 03.00 p.m. regarding closure of impermissible industrial activities in residential / non-conforming areas of Delhi.

Kindly find enclosed herewith the Minutes of the Meeting of the Monitoring Committee held on 25.08.2020 at 03.00 p.m. through video Conferencing under the Chairmanship of Chief Secretary, Delhi regarding closure of impermissible industrial activities in residential / non-conforming areas of Delhi in compliance of order dated 28.02.2020 passed by the Honble Supreme Court in W.P. (C) No. 4677/1985 titled "M.C. Mehta V/s Union of India & Ors" and Order dated 16.03.2020 passed by Honble NGT in G.A. No. 601/2018 for your kind perusal and necessary action.

Yours sincerely,

(Vineet Kumar)
Dy. Commissioner of Industries (CC)

Encl. As above:

To:-

1. The Vice Chairman, DDA, Vikas Sadan, INA, Delhi.
2. The Principal Secretary, Environment, Govt. of NCT of Delhi, level-6, C-Wing, Delhi Secretariat, IP Estate New Delhi-02
3. The Commissioner of Delhi Police, Delhi.
4. The Commissioner, South Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minto Road, New Delhi - 110002.
5. The Commissioner, North Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minto Road, New Delhi - 110002.
6. The Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Industrial Area, New Delhi - 110092.

Copy to:

1. SO to Chief Secretary, Govt. of NCT of Delhi.
2. PS to Secretary-cum-Commissioner of Industries, Govt. of NCT of Delhi.

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MINUTES OF THE MEETING OF THE MONITORING COMMITTEE HELD ON 26.08.2020 at 3:00 P.M. UNDER THE CHAIRMANSHIP OF CHIEF SECRETARY, DELHI THROUGH VIDEO CONFERENCING TO DISCUSS THE COMPLIANCE REPORT IN PURSUANCE OF ORDER DATED 28.02.2020 PASSED BY HON'BLE SUPREME COURT IN WP(C) 4577/1985 AND ORDER DATED 16/03/2020 BY HON'BLE NGT IN O.A. NO.601 OF 2018.

1. A meeting of the Monitoring Committee was held on 26th August, 2020 at 3:00 P.M. under the Chairmanship of Chief Secretary, Delhi to discuss the compliance report in pursuance of order dated 28.02.2020 passed by Hon'ble Supreme Court in the matter of 'M.C. Mehta Vs Union of India & Ors.' in WP(C.) 4577 of 1985 and order dated 16/03/2020 by Hon'ble NGT in O.A. No.601 of 2018.

2. Commissioner of Industries briefed the Members of the Monitoring Committee that on last hearing on 26.02.2020, Hon'ble Court had directed the Monitoring Committee to consider the pending applications for de-sealing (7 in numbers) and pass appropriate orders within 6 weeks. The Monitoring Committee in its meeting held on 19.03.2020 had directed the Industries Department to collect these applications from MCPs, examine them and place their brief facts before the Monitoring Committee for arriving at appropriate decision. Accordingly, agenda-briefs in respect of these applications received by the Department of Industries was placed before the Committee for taking appropriate decision.

3. On the issue of recovery of Environmental compensation for the damage from the units sealed in Step-1, Step-2 and Step-3 in the matter of O.A. No.601/2018, the Member Secretary (DPCC) informed the Committee that they have imposed EDC and served notices upon these sealed units. However, recovery is yet to be done.

4. After deliberating upon the agenda, the following decisions were taken by the Monitoring Committee:

- a. Regarding 3099 applications received by the Municipal Corporation for grant of household License and still pending with them, the Monitoring Committee decided that these applications shall be processed and disposed of by 15th September, 2020. Further, action in rejected applications/cases shall also be taken

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simultaneously in order to ensure that impermissible industrial activity is not carried out in the garb of household category.

- b. Regarding recovery of environment compensation for the damage (EDC) from the units sealed, the DPCC shall share the unit wise information of EC imposed upon within a week with the Local Bodies/MCDs. The Monitoring Committee decided that if any of the unit which was sealed in Step-1, Step-2, & Step-3, does not pay the EDC, the DPCC shall take coercive action against such units including attachment of their bank accounts in compliance of the orders dated 19/11/2019 and 16/03/2020 passed by the Hon'ble NGT in O.A. No.601/2018.
- c. Regarding 7 IAs received for de-sealing, the Monitoring Committee decided that first they should be directed to clear the dues of EDC imposed by the DPCC in compliance of the order dated 19/11/2019 of Hon'ble NGT in O.A. No.601 of 2018 within a week. The Local Bodies shall also ensure that government dues are paid by the units which were sealed in all three steps.
- d. Regarding completion of action required in Step-3, SDMC shall complete the survey and close down impermissible units in the left-out cases of Nejar garh zone in Step-3 within a time period of two weeks. The closure will be done jointly with DISCOMs and DUB. If any resistance to the survey/closure drive is still faced by the officers from the Units in left out areas, the SDMC shall record the efforts made by them in this regard so far and shall furnish status report for apprising to the Hon'ble NGT as well as the Hon'ble Supreme Court.
- e. Further, Commissioner of each Municipal corporation shall furnish a certificate thereby certifying that there is no impermissible industrial activity is going on in the residential areas/non-conforming areas under their jurisdiction except the activities permissible in the MPD-2021 and action as required to be taken against all the defaulters have been duly taken.
- f. The action taken report on all the above directions to be submitted for the perusal of the Monitoring Committee before its next meeting to be held shortly.

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SPEED POST

DELHI STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORP. LTD.
Plot No. 419, 1st Floor, Udyog Sadan, Patparganj, Delhi-110092
(RELOCATION DIVISION)

No. DSIDC/RL/SO/Review Meeting/2020

Dated: 20.10.2020

To
Shri B. Ramesh
Section Officer (CO)
Office of the Commissioner of Industries
4th Floor, Udyog Sadan
Patparganj, Delhi-110092

Subj: Bank Account details of allottees whose units sealed in step 1, eg.

This has reference to your letter dated 19.10.2020 regarding supply of Bank A/C details of allottees under Relocation Scheme whose units were sealed in step 1. In this context, the undersigned is directed to inform that as discussed in the meeting of the Relocation Committee held on 15.10.2020, the Relocation Division has not any instruction regarding bank details of allottees in the computer database provided to DSIDC by Dept. of Industries, which is being maintained by DSIDC as implementing agency for the Relocation Scheme. This has also been informed in the meeting.

Hence, if it is possible on the part of the Relocation Division to provide the required information to DDC,


(Shri B. Ramesh)
Section Officer (CO)

Copy to DDC/DSIDC for information please.
Reply sent through e-mail to DDC@MC and via

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URGENT
SUPREME COURT MATTER

OFFICE OF THE COMMISSIONER OF INDUSTRIES
Govt. of National Capital Territory of Delhi
Udyog Sadan, Plot No. - 419, FIE Patparganj Industrial Area, Delhi - 110092

No. 32/DCT/CC/Review Meeting/2019/307 - 314

Dated: 12th Oct, 2020

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MINUTES OF MEETING

Sub: Minutes of the Meeting of the Monitoring Committee held on 01.10.2020 at 03.00 p.m regarding closure of impermissible industrial activities in residential / non-conforming areas of Delhi.

Kindly find enclosed herewith the Minutes of the Meeting of the Monitoring Committee held on 01.10.2020 at 03.00 p.m through video Conferencing under the Chairmanship of Chief Secretary, Delhi regarding closure of impermissible industrial activities in residential / non-conforming areas of Delhi in compliance of order dated 28.02.2020 passed by the Hon'ble Supreme Court in W.P. (C) No. 4577/1985 titled 'M.C. Mehta V/s Union of India & Ors' and Order dated 16.03.2020 passed by Hon'ble NGT in O.A. No. 601/2018 for your kind perusal and necessary action.

15/10/20
12/10/2020

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Yours sincerely,

(Vinod Kumar)

Dy. Commissioner of Industries (CC)

Encl. As above:

To:-

04/10/20
14/10/20

1. The Vice Chairman, DDA, Vikas Sadan, INA, Delhi.
2. The Principal Secretary, Environment, Govt. of NCT of Delhi, Level-6, C-Wing, Delhi Secretariat, IP Estate New Delhi-02
3. The Commissioner of Delhi Police, Delhi.
4. The Commissioner, South Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minro Road, New Delhi - 110002.
5. The Commissioner, North Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minro Road, New Delhi - 110002.
6. The Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Industrial Area, New Delhi - 110092.

Copy to:

1. SO to Chief Secretary, Govt. of NCT of Delhi.
2. PS to Secretary-cum-Commissioner of Industries, Govt. of NCT of Delhi.

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12/10/2020

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MINUTES OF THE MEETING OF THE MONITORING COMMITTEE HELD ON 01.10.2020 at 3:00 P.M. UNDER THE CHAIRMANSHIP OF CHIEF SECRETARY, DELHI THROUGH VIDEO CONFERENCING TO DISCUSS THE COMPLIANCE REPORT IN PURSUANCE OF ORDER DATED 28.02.2020 PASSED BY HON'BLE SUPREME COURT IN WP(C) 4677/1985 AND ORDER DATED 16/03/2020 BY HON'BLE NGT IN O.A. NO.601 OF 2018.

1. A meeting of the Monitoring Committee was held on 1st October, 2020 at 3:00 P.M. under the Chairmanship of Chief Secretary, Delhi to discuss the compliance report in pursuance of order dated 28.02.2020 passed by Hon'ble Supreme Court in the matter of "M.C. Mehta V/s Union of India & Ors." in WP(C) 4677 of 1985 and order dated 16/03/2020 by Hon'ble NGT in O.A. No.601 of 2018.
2. The Commissioner of Industries informed the members of the Monitoring Committee that as per judgment dated 15.12.2017 of Hon'ble Supreme Court (Referred to in the order dated 28/02/2020), the applicant is required to deposit a sum of Rs. 1.00 Lakh and an Undertaking to the Monitoring Committee to the effect that in future the premises will only be used for permitted use as per MPD-2021.
3. The Pr. Secretary (Environment) cum Chairman (DPCC) further informed that show cause notices/directions imposing EDC on the sealed units (including six IAs for de sealing) has already been issued and details have been shared with the Municipal corporations. However, these applicants have not paid the Environmental Damage Compensation.
4. After discussing the agenda points, the following decisions were taken by the Monitoring Committee:

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- (i) That pending applications for grant of household license shall be processed and disposed off by 9th October, 2020 by the respective Municipal Corporations.
- (ii) That appropriate action in rejected applications shall also be taken simultaneously.
- (iii) That for recovery of environment compensation imposed upon sealed units, the DPCC shall work out the recovery strategy jointly with Local Bodies/MCDs as well as to initiate coercive action against defaulting units by attaching their bank accounts.
- (iv) Regarding 7 IAs for de-sealing, the Monitoring Committee decided each case as under:-

- I. IA No. 165401-165404 of Arun Gupta (SDMC): As the property of Sh. Arun Gupta in respect of sealed premises at house No. T Block A-3, Chanakya Place, Uttam Nagar, New Delhi-110059 does not figure in the list of sealed units, this case does not come under the purview of Monitoring Committee and SDMC may decide this case on their own.
- II. IA No. 169985/2019 of Sharda Rani And Anr.) (NDMC):- Although the applicant has given undertaking and deposited an amount of Rs.1 Lakh, but he has not deposited the Environmental Compensation of Rs.3.0 Lac as imposed by the DPCC upon him. Hence, the Monitoring Committee rejected this application for de-sealing.
- III. IA Nos. 177489 and 177490 of Sandeep Garg and Anr:- Although the applicant has given undertaking and deposited an amount of Rs.1 Lakh, but he has not deposited the Environmental Compensation of Rs.2.0 Lac as imposed by the DPCC upon him. Hence, the Monitoring Committee rejected this application for de-sealing.

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IV. IA Nos. 198281 and 198286/2019 of Geeta Sharma):- Although the applicant M/s Trilok Chand Ram Avtar has given undertaking and deposited an amount of Rs.1.0 Lakh, but he has not deposited the Environmental Compensation of Rs.2.0 Lac as imposed by the DPCC upon him. Hence, the Monitoring Committee rejected this application for de-sealing.

V. IA Nos. 190482 and 190485/2019 of Vijay Dutt Sharma):- As the applicant failed to deposit the requisite sum of Rs.1.00 Lakh and undertaking/Affidavit, and not paid the Environmental Damage Compensation of Rs. 5.0 lakhs as imposed by DPCC upon him, the Monitoring Committee rejected this application for de-sealing.

VI. IA No. 18671/2020 of Suresh Paper Pvt. Ltd. (EDMC):- Although the applicant has given undertaking and deposited an amount of Rs.1 Lakh, but he has not deposited the Environmental Compensation of Rs.2.0 Lac as imposed by the DPCC upon him. Hence, the Monitoring Committee rejected this application for de-sealing.

VII. IA No. 18016 and 18018 of 2020, Sri. Trilok Chand:- As the petitioner did not submit any application for de-sealing before the Monitoring Committee and the applicant also failed to deposit the requisite sum of Rs. 1.00 Lacs and undertaking/ affidavit, and also did not pay the environmental damage compensation of Rs. 2.00 Lacs as imposed by DPCC upon him, the Monitoring Committee rejected this case for de-sealing.

The Monitoring Committee authorized the Commissioner of Industries to convey the above decision to the above applicants.

(v) The action taken report on all the above decisions to be placed before the Monitoring Committee in its next meeting to be held on 12.10.2020.

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URGENT
SUPREME COURT MATTER

OFFICE OF THE COMMISSIONER OF INDUSTRIES
Govt. of National Capital Territory of Delhi
Udyog Sadan, Plot No. - 419, FIE Patparganj Industrial Area, Delhi - 110092

No. 32/DCI/CC/Review Meeting/2019/254-361

Dated: 23/10/2020

MINUTES OF MEETING

Sub: Minutes of the Meeting of the Monitoring Committee held on 12.10.2020 at 03.00 p.m. regarding closure of impermissible industrial activities in residential / non-conforming areas of Delhi.

Kindly find enclosed herewith the Minutes of the Meeting of the Monitoring Committee held on 12.10.2020 at 03.00 p.m. through video Conferencing under the Chairmanship of Chief Secretary, Delhi regarding closure of impermissible industrial activities in residential / non-conforming areas of Delhi in compliance of order dated 28.02.2020 passed by the Hon'ble Supreme Court in W.P. (C) No. 4677/1985 titled "M.C. Mehta V/s Union of India & Ors" and Order dated 16.03.2020 passed by Hon'ble NGT in O.A. No. 601/2018 for your kind perusal and necessary action.

Yours sincerely,

Encl. As above:

(Vinod Kumar)
Dy. Commissioner of Industries (CC)
Mob: No. 9811871386

To,

1. The Vice Chairman, DDA, Vikas Sadan, INA, Delhi.
2. The Principal Secretary, Environment, Govt. of NCT of Delhi, level-6, C-Wing, Delhi Secretariat, IIF Estate New Delhi-02
3. The Commissioner of Delhi Police, Delhi.
4. The Commissioner, South Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minto Road, New Delhi - 110002.
5. The Commissioner, North Delhi Municipal Corporation, Dr. S.P.M. Civic Centre, Minto Road, New Delhi - 110002.
6. The Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Industrial Area, New Delhi - 110092.

Copy to:

1. SO to Chief Secretary, Govt. of NCT of Delhi.
2. PS to Secretary-cum-Commissioner of Industries, Govt. of NCT of Delhi.

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MINUTES OF THE MEETING OF THE MONITORING COMMITTEE HELD ON 12.10.2020 at 3:00 P.M. UNDER THE CHAIRMANSHIP OF CHIEF SECRETARY, DELHI THROUGH VIDEO CONFERENCING TO DISCUSS THE COMPLIANCE REPORT IN PURSUANCE OF ORDER DATED 28.02.2020 PASSED BY HON'BLE SUPREME COURT IN WP(C) 4677/1985 AND ORDER DATED 16/03/2020 BY HON'BLE NGT IN O.A. NO.601 OF 2018.

1. A meeting of the Monitoring Committee was held on 12th October, 2020 at 3:00 P.M. under the Chairmanship of Chief Secretary, Delhi through video conferencing to discuss the compliance report in pursuance of order dated 28.02.2020 passed by Hon'ble Supreme Court in the matter of "M.C. Mehta V/s Union of India & Ors." in WP(C) 4677 of 1985 and order dated 16/03/2020 by Hon'ble NGT in O.A. No.601 of 2018.

2. The members of the Monitoring Committee were informed that as per the action taken report received from three Municipal Corporations, in Step-3, total 3099 applications for grant of household license (EDMC-731, NDMC-531 and SDMC-1837) were pending for disposal as on 26/08/2020. As decided in the last meeting held on 01/10/2020, these applications were to be disposed of by 09th October 2020 and further action of closure/sealing in rejected cases was to be taken and completed simultaneously. ATR on the same is awaited from all Municipal Corporations.

3. Commissioner, North Delhi Municipal Corporation, informed that out of 531 applications received in Step-3, only few applications (28 in number) are left to be disposed of which shall be disposed of within a week. He further added that submission of applications online is a continuous process and North DMC has received 50 more applications for grant of license under household category during last week which shall also be processed and disposed of shortly.

4. Commissioner, SDMC informed that out of 1837 applications for Household License received so far, most of these have been disposed off, but re-verification in about 200 cases is being undertaken.

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5. Addl. Commissioner, EDMC informed that out of total 731 applications, 429 applications have been disposed off and 18 cases rejected. The remaining are in process and shall be disposed of during this week.

6. The representative of DPCC informed that as directed by the Monitoring Committee in the last meeting, a meeting with the officers of MCDs, DSHDC was held on 08/10/2020. In that meeting MCD and DSHDC officers were requested to share the bank details of 3209 sealed units so as to enable them to expedite the recovery of EDC from the owners of these units.

7. The MCD also acknowledged the receipt of information/details of connection holders from DISCOMS about the electric load over and above 11 kw. That these details shall be verified through the zonal offices in order to ensure that impermissible industrial activity is not carried out from these premises.

8. Regarding 7 IAs for de-sealing, Commissioner (Industries) apprised the members of the Monitoring Committee that orders have been conveyed in six cases, as decided in the last meeting. However, in one case of Mr. Sandeep Garg, the applicant has now informed that he has deposited the EDC of Rs. 2.0 lac to DPCC on 08/10/2020 before order could be issued. In view of the same, the Monitoring Committee may take a final decision on this I.A.

9. Considering all the foregoing inputs, the Monitoring Committee took following decisions:-

- a) The remaining applications for grant of household (out of total 3099 received in Step-3) shall be disposed of by 19th October 2020 and thereafter ATR be furnished to the office of the Commissioner (Industries) for filing a consolidated compliance report before the Hon'ble NGT.

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- b) Simultaneously, closure/sealing action in respect of rejected applications under household category shall also be taken and completed by each MCD and ATR shall be furnished to the office of the Commissioner of industries within a week time.
 - c) SDMC to also furnish ATR of remaining areas of Najafgarh zone where action of survey and closure in Step 3 was required to be completed.
 - d) The MCD and DSIDC shall share the details of Bank Accounts with the DPCC within three days for enabling it to effect recovery of EDC from units sealed in residential areas and non-conforming areas of Delhi.
 - e) Further, as being done by SDMC, North DMC and EDMC, through their Zonal offices, shall also physically verify the premises where DISCOMS energized electric connection over or above 11 kw and ascertain that impermissible industrial activities is not carried out from these premises.
 - f) Regarding one I.A. for de-sealing of Sh. Sandeep Garg, the Monitoring Committee considered this application and allowed for permanent de-sealing and authorized the Commissioner, North MCD to issue necessary orders after ascertaining the veracity of the documents furnished and adherence of the applicant to the averments made in his affidavit submitted before the Monitoring Committee.
 - g) Commissioner of each Municipal Corporation shall furnish a certificate thereby certifying that there is no impermissible industrial activity is going on in the residential areas/non-conforming areas under their jurisdiction except the activities permissible in the MPD-2021 and action as required to be taken against all the defaulters have been duly taken.

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

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