

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

EXECUTION APPLICATION No. 10 / 2023

In

ORIGINAL APPLICATION No. 214 / 2021

In the matter of:

Shailesh Singh

...Applicant

Versus

Central Pollution Control Board & Ors.

.... Respondent(s)

NDOH:- 30.07.2024

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Filed by:

Dated : 26.07.2024

Delhi

Delhi Pollution Control Committee

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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In the matter of:

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.....Applicant

Versus

Central Pollution Control Board & Ors.

.....Respondent(s)

ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE (DPCC) WITH RESPECT TO ORDER DATED 16.04.2024.

1. That this Hon'ble Tribunal has taken up the above referred matter on 16.04.2024 and ordered as follows :

" 3. In this execution application, as many as four reports by Joint Committee have been filed and the latest report of the Joint Committee filed by DPCC dated 11.01.2024 relating to non-compliance as under:-

7. (viii) As reported by MCD, the engineering department of MCD is in the process of establishment of Ingesta / dung drying plant. It is also informed that tenders have been floated for the fifth times and two bids have been received, which have been examined. The MCD should expedite installation of Bio-methanation/ Ingesta/ dung drying plant at the earliest.

(ix) MCD has not deposited Environmental Compensation (EC) Rs. 50 Lakhs for non-installation of bio-methanation plant till date."

4. Learned Counsel for DPCC submits that so far as Environmental Compensation (EC) amount of Rs.50 lakh is concerned, same will be recovered within a period of six weeks.

5.Learned Counsel for MCD submits that tender was floated for setting up of Bio-Methanation/ Ingesta/ Dung Drying Plant and L1 M/s. Food Processing Equipments Co. Pvt. Ltd. has been finalized. He submits that plant will be made functional expeditiously. He is directed to file report disclosing the status, thereof, at least one week before the next date of hearing.

6. DPCC is also directed to file report of action taken for recovery of EC atleast one week before the next date of hearing.

7. List on 30.07.2024. "

2. That pursuant to the above mentioned order dated 16.04.2024 of Hon'ble Green Tribunal, a letter dated 30.04.2024 followed by Reminder dated 03.06.2024, were issued by DPCC to Municipal Corporation of Delhi (MCD) enclosing above mentioned Order seeking Compliance / Action Taken Report on following:

- (i) Compliance w.r.t. directions of Hon'ble NGT in order dated 13.05.2022 and subsequent Orders passed in the said matter (O.A. No. 214/2021 as modified by Order dated 04.07.2022).
- (ii) Status of establishment / setting up of Bio-Methanation/ Ingesta/ Dung Drying Plant and compliance w.r.t terms and conditions of Consent to Operate under the Air and Water Acts issued to M/s Delhi Food Processing Complex (Meat) MCD, on 28.03.2024.
- (iii) Deposit Environmental Compensation of Rs. 50,00,000/- (Rs Fifty Lakh) imposed by DPCC vide letter dated 16.04.2019 for non-Installation of Bio-Methanation Plant.

Copy of the above mentioned letters dated 30.04.2024 & 03.06.2024 were also sent to Urban Development Department, GNCTD, for taking necessary action.

Copy of the letters dated 30.04.2024 and 03.06.2024 issued by DPCC to MCD are collectively enclosed as **Annexure- 1. (Colly.)**.

3. That in response to the letter dated 30.04.2024 of DPCC, MCD, vide letter dated 07.06.2024, has submitted its reply including following :

- (i) Efforts were made for compliance of Directions of Hon'ble NGT. However, the same could not be materialized due to non-finalization of tender owing to less/ no participation for installation of Bio-Methanation Plant.
- (ii) MCD is now in process of the establishment of Ingesta/dung drying plant at Ghazipur Slaughter House for disposal of paunch waste generated at Ghazipur Slaughter House. The proposal for establishment of above plant at Ghazipur Slaughter House has been concurred by the Finance Department of

MCD. After approval of the competent authority, the proposal has been submitted in the shape of preamble for placing it before the Corporation routed through the Standing Committee for finalization of work order.

- (iii) The process of tendering for the establishment of Ingesta/ Dung Drying Plant at Slaughter House at Ghazipur is in advance stages.
- (iv) MCD requested that the Environmental Compensation of Rs. 50 Lakhs imposed by DPCC be waived off.

Copy of the letter dated 07.06.2024 of MCD is at **Annexure- 2.**

4. That MCD, vide another letter dated 26.06.2024 enclosing copy of above mentioned letter dated 07.06.2024 has informed that *RO/Nano filtration plant has already been established at Ghazipur Slaughter House and is presently operational.*

Copy of the letter dated 26.06.2024 of MCD is at **Annexure-3.**

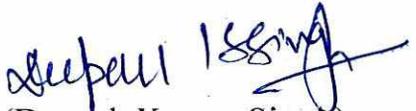
5. That DPCC vide letter dated 23.07.2024 (Reminder-II), has again requested MCD to comply and submit the Compliance Report with respect to following by 25.07.2024:

- (i) Submit Compliance w.r.t. directions of Hon'ble NGT in order dated 13.05.2022 and subsequent Orders passed in the said matter (O.A. No. 214/2021 as modified by Order dated 04.07.2022).
- (ii) Submit Status of establishment / setting up of Bio-Methanation/ Ingesta/ Dung Drying Plant.
- (iii) Deposit Environmental Compensation of Rs 50,00,000/- (Rs Fifty Lakh) imposed by DPCC vide letter dated 16.04.2019 for non-Installation of Bio-Methanation Plant.

Copy of the above mentioned letter (Reminder-II) was also sent to Urban Development Department, GNCTD, for taking necessary action for Compliance.

Copy of the letter (Reminder-II) dated 23.07.2024 issued by DPCC to MCD is at **Annexure-4.**

6. That MCD is yet to deposit Environmental Compensation of Rs 50,00,000/- (Rs Fifty Lakh) imposed by DPCC vide letter dated 16.04.2019 for non-Installation of Bio-Methanation Plant. Response of MCD with respect to above mentioned letter dated 23.07.2024 of DPCC is awaited.
7. That DPCC has extended the validity period of Consent to Operate to M/s Delhi Food Processing Complex (Meat) MCD, Ghazipur, for the Ghazipur Slaughter House vide Consent Order issued on 28.03.2024 (validity upto 13.09.2024) along with terms and conditions including condition that MCD shall install Bio-methanation / Ingesta/ Dung Drying Plant within six months from date of issue of the consent.
8. That the above action taken report of DPCC may please be taken on record.


(Deepak Kumar Singh)

Additional Director
Delhi Pollution Control Committee

Dated: 26.07.2024

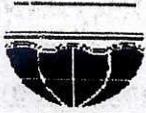
Delhi

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Annexure - 1 (copy)

By Speed Post/ Email



DELHI POLLUTION CONTROL COMMITTEE.
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006

visit us at : <http://dpcc.delhigovt.nic.in>

2473

F. No.: DPCC/ WMC-II/ 52/ 2020/ 610 - 611

Dated: 30/04/2024

To,

Commissioner,
Municipal Corporation of Delhi,
9th Floor, Dr. S.P.M. Civic Center, Minto Road, Delhi 110002.

Subject: Compliance of the Orders of Hon'ble National Green Tribunal in E.A. No. 10/2023 in O.A. No. 214/2021 in the matter of Shailesh Singh V/s CPCB & Ors.

Sir,

Please find enclosed herewith Order dated 16.04.2024 of Hon'ble National Green Tribunal in Execution Application (EA). No. 10/2023 in O.A. No. 214/2021.

In view of the said Order the Compliance/ Action Taken Report may be submitted to this office by 10.05.2024:

1. Compliance w.r.t. directions of Hon'ble NGT in order dated 13.05.2022 and subsequent Orders passed in the said matter (O.A. No. 214/2021 as modified by Order dated 04.07.2022).
2. Status of establishment / setting up of Bio-Methanation/ Ingesta/ Dung Drying Plant and compliance w.r.t terms and conditions of Consent to Operate under the Air and Water Acts issued to M/s Delhi Food Processing Complex (Meat) MCD, on 28.03.2024.
3. Deposit Environmental Compensation of Rs 50,00,000/- (Rs Fifty Lakh) imposed by DPCC vide letter dated 16.04.2019 (copy enclosed) for non-Installation of Bio-Methanation Plant.

Yours Sincerely,

(Dr. K.S. Jayachandran)
Member Secretary, DPCC

Enclosure: As Above.

Copy to:

1. Additional Chief Secretary(UD), Govt of NCT of Delhi, 9th Level, Delhi Secretariat, I.P. Estate, Delhi -02-with request to kindly take necessary action.

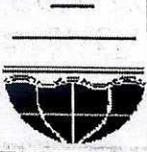
(Dr. K.S. Jayachandran)
Member Secretary, DPCC

O/c

376 (6)

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Annexure-1 (Copy)
By Speed Post/ Email

	<p style="text-align: center;">DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at : http://dpcc.delhigovt.nic.in</p>
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F. No.: DPCC/ WMC-II/ 52/ 2020/815-817

Dated: 03/06/2024

To,

The Commissioner,

Municipal Corporation of Delhi,

9th Floor, Dr. S.P.M. Civic Center, Minto Road, Delhi 110002.

REMINDER

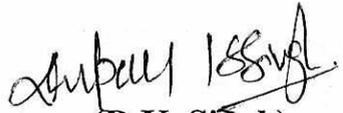
Subject: Compliance of the Orders of Hon'ble National Green Tribunal in E.A. No. 10/2023 in O.A. No. 214/2021 in the matter of Shailesh Singh V/s CPCB & Ors.

Sir,

Please refer letter dated 30.04.2024 (copy enclosed) regarding the above mentioned subject. Compliance / Action Taken Report w.r.t. said letter has not been received so far.

Therefore, you are once again requested to kindly sent the Compliance / Action Taken Report to this Office urgently by 07.06.2024.

Yours Sincerely,

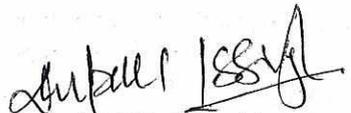

(D.K. Singh)

Addl. Director & I/C, WMC-II

Enclosure: As Above.

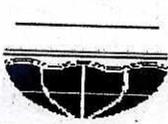
Copy to:

1. Additional Chief Secretary(UD), Govt of NCT of Delhi, 9th Level, Delhi Secretariat, I.P. Estate, Delhi -02-with request to kindly take necessary action for compliance.
2. Member Secretary, DPCC.


(D.K. Singh)

Addl. Director & I/C, WMC-II

By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
 4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
 visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/BMW/2019/ 12790 J 92

Dated: 16/4/19

Sub: Directions under section 5 of Environment (Protection) Act, 1986, as amended to date read alongwith section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 and section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981.

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

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) Vide Notification dated 15.03.1991.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control Area, under sub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981, vide Notification No. GSR 106 (E) Dated 20.02.1987.

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

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

And whereas, you In-Charge, Gazipur Slaughter House, Delhi Food Processing Complex, Pocket-B, Gazipur, Delhi-110096 (hereinafter referred as the 'Addressee') are engaged in the activity of slaughtering of Sheep, Goats and buffalo.

And whereas, consent to Establish was granted to you (the addressee) on 14.09.2009 for .

And whereas as per condition no 20 of Consent to Establish granted on 14.09.2009, you had to install a suitable Bio-Methanation plant at the time of commissioning of the plant, to produce bio-gas from the huge quantity of dung.

And whereas, you (the addressee) were directed to install Bio-Methanation plant vide notices/ letters/ reminders dated 11.02.2015, 05.05.2015, 13.04.2016, 24.01.2017, 01.10.2018, 05.12.2018 and 18.03.2019.

And whereas, you (the addressee) have submitted various assurances for installation of Bio-Methanation plant, vide letters 17.05.2016, 07.03.2018, 19.12.2018 and 25.03.2019.

And whereas, you (the addressee) have failed to install the Bio-Methanation plant even after a passage of nine years.

And whereas, you (the addressee) also have failed to submit any time bound action plan for the installation of Bio-Methanation plant to the satisfaction of the Competent Authority in DPCC.

And whereas, you (the addressee) had informed vide letter dated 19.12.2018 that a letter of intent has already been issued to M/s IL &FS Environmental infrastructure and services Ltd for establishment of Bio-methanation plant and EDMC would enter into an agreement shortly.

Contd..

And whereas, as per the decision on the Committee headed by Chairman DPCC in its meeting held on 22.01.2019, the unit was inspected by DPCC officials 18.03.2019 and it was observed that neither the Bio-methanation plant has been installed nor any concrete steps have been taken in this regard.

And whereas, you (the addressee) have informed vide letter dated 25.03.2019 that you have closed the NIT no. EDMC/Addl. Director (VS)/GSH/2013/2014/001 dated 09.01.2014 for establishment of Bio-methanation plant on PPP mode by M/s IL & FS Environmental infrastructure and services Ltd and the Commissioner vide order dated 09.01.2019 has allowed to proceed for fresh tendering meaning thereby that the work of installation of bio-methanation plant has again been delayed indefinitely.

And whereas, non-installation of bio-methanation plant is resulting in pollution due to unmanaged huge quantities of dung.

And whereas, Hon'ble National Green Tribunal vide its order dated 4.12.2014 & 10.04.2015 in O.A. No.21 of 2014 and O.A. No. 95 of 2014 in the matter of Vardhaman Kaushik Vs. Union of India & others and Sanjay Kulshreshtha Vs Union of India & ors. and its subsequent order dated 18.01.2019 in O.A. No. 630/2018 dealing with the pollution in NCR Delhi inter-alia directed that, if any person is found to be causing such pollution, he shall be liable to pay compensation in terms of section 15 of NGT 2010 under the principle of Polluter Pay Principle and also issued certain directions in its subsequent order dated 18.01.2019 in O.A. No. 630/2018.

Now therefore in view of the above, the Competent Authority in Delhi Pollution Control Committee, in exercise of powers conferred upon it, u/s 5 of EPA as amended to date, hereby has decided to issue the following directions:

1. That you (the addressee) shall deposit the environmental compensation of Rs. 50,00,000/- (Rs Fifty lacs only) by way of Demand Draft in favour of "Delhi Pollution Control Committee" payable at Delhi within 15 days of service of these directions.
2. That you the addressee shall submit the time bound action plan for installation of Bio-methanation plant within 15 days of service of these directions.

Please note that any failure w.r.t. above directions will be viewed seriously and action as per law will be taken without any further reference.

This issue with the approval of the Competent Authority in DPCC.

Ajeeta
(Ajeeta Dayal Agrawal)
SEE (WMC-I)

To,
**In-Charge, Gazipur Slaughter House
Delhi Food Processing Complex (Meat) of MCD,
Pocket-B, Food Processing Complex,
Gazipur, Delhi-110096.**

Copy to:

1. The Commissioner, East Delhi Municipal Corporation, Veterinary Service Department, 419, Udyog Sadan, Patparganj Industrial Area, Delhi-110092
2. Director (VS), East Delhi Municipal Corporation, Veterinary Service Department, 419, Udyog Sadan, Patparganj Industrial Area, Delhi-110092

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Annexure - 2

2701



Municipal Corporation of Delhi
Veterinary Services Department
Ghazipur Slaughter House
 Near Poultry Market, Ghazipur, Delhi – 110096
 E-mail:-slaughterhousegzp@gmail.com

641/WMC-II
13/06/2024



No. GSH/MCD/2024-25/181

Dated: 07/06/2024

Sub: - Requisition for waiver of Rs. 50.00 lakh imposed as environmental compensation on MCD/EDMC due the non establishment of Bio-Methanation plant at Ghazipur Slaughter House regarding.

Sir,

This is with reference to your letter vide DPCC/WMC-II/52/2020/610 dated 30.04.2024 for payment of environmental compensation of Rs. 50.00 lakh imposed on Ghazipur Slaughter House for non-installation of Bio-Methanation Plant.

In this context, efforts were made for compliance of directions of Hon'ble NGT. However, the same couldn't be materialized due to non-finalization of tender owing to less/no participation.

It is informed that as per the direction of DPCC vide letter dated 06.07.2022, MCD is now in process of the establishment of Ingesta/dung drying plant at Ghazipur Slaughter House for disposal of paunch waste generated at Ghazipur Slaughter House. The proposal for establishment of above plant at Ghazipur Slaughter House has been concurred in by the Finance Department of MCD. After approval of the competent authority, the proposal has been submitted in the shape of preamble for placing it before the Corporation routed through the Standing Committee for finalization of work order.

Since the process of tendering of this work is in the advance stages, it is again requested that the environmental compensation of Rs. 50.00 lakhs that had been imposed on erstwhile EDMC/MCD may kindly be waived off.

ha
11.6.

Delhi Pollution Control Committee
 Dairy No. 196857
 10 JUN 2024
 MS
 Sign. of Receiving Officer

MS/378
11/6/24

Vikas Tewari
7.6.24
Addl. Commissioner (Vet.)

Dr. K.S. Jayachandran,
Member Secretary,
Delhi Pollution Control Committee
Govt. of NCT of Delhi

ghazipur 18/13/06/2024 WMC-II
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Annexure - 3
380 *683/Comet*
01/07/2024 *2706* *(40)*

Municipal Corporation of Delhi
Veterinary Services Department
Ghazipur Slaughter House
Near Poultry Market, Ghazipur, Delhi – 110096
E-mail:-slaughterhousegzp@gmail.com

75
आजादी का
अमृत महोत्सव

No. GSH/MCD/2024-25/204

Dated: 26/06/2024

To

The Addl. Director/Incharge, WMC-II
Delhi Pollution Control Committee
5th Floor, ISBT Building,
Kashmiri Gate, Delhi – 110006.



Sir,

This is with reference to your letter vide No. DPCC/WMC-II/52/2020/815-817 dated 03.06.2024 thereby enclosing the letter of Member Secretary, DPCC regarding compliance of orders of Hon'ble NGT dated 16.04.2024 in EA No. 10/2023 in OA No. 214/2021 in the matter of Shailesh Singh V/s CPCB & Ors.

In this regard, following is the accordingly submitted:-

1. In compliance of the orders of Hon'ble NGT dated 04.07.2022 in the above matter, the DPCC vide letter dated 06.07.2022 had allowed to operate Ghazipur Slaughter House with following conditions:-
 - a) Establish system of 100% recycling of the treated water using RO/Nano Filtration as per the guidelines of CPCB within a period of six months.
 - b) Establish "Biomethanation Plant" Ingesta/Dung Drying Plant" at the earliest in terms of the advice of the technical experts in this regard.

In this regard, RO/Nano filtration Plant has already been established at Ghazipur Slaughter House and is presently operational.

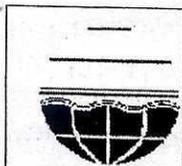
Regarding point No. 2 & 3 of the letter of DPCC, the Additional Commissioner (Vet) has already sent a letter to Member Secretary, DPCC the copy of which is enclosed herewith for your kind reference.

Deple
26/6/24
Dy. Director (VS)/Incharge
Ghazipur Slaughter House

Copy for kind information to:-

Director (VS)

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DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
 visit us at : <http://dpcc.delhigovt.nic.in>



F. No.: DPCC/ WMC-II/ 52/ 2020/1102-1103

Dated: 23/07/2024

To,

The Commissioner,
 Municipal Corporation of Delhi,
 9th Floor, Dr. S.P.M. Civic Center, Minto Road, Delhi 110002.

REMINDER-II

Subject: Compliance of the Orders of Hon'ble National Green Tribunal in E.A. No. 10/2023 in O.A. No. 214/2021 in the matter of Shailesh Singh V/s CPCB & Ors.

Sir,

This has reference to letter dated 30.04.2024 followed by Reminder letter dated 03.06.2024 of DPCC (copy enclosed) regarding Compliance of Orders of Hon'ble National Green Tribunal in E.A. No. 10/2023 OA No. 214/2021 in the matter of Shailesh Singh V/s CPCB & Ors, and deposition of Environmental Compensation of Rs.50,00,000/- (Fifty Lakh) to DPCC for not establishing/ setting up Bio-Methanation/ Ingesta/ Dung Drying Plant.

MCD, vide letter dated 27.05.2024, submitted the Compliance status w.r.t Terms & Conditions of Consent to Operate issued by DPCC. In the said Compliance status submitted by MCD, it is mentioned at point no. 03 that MCD, is in process to install Ingesta Plant.

MCD, vide letter dated 07.06.2024, submitted that efforts were made for compliance of Directions of Hon'ble NGT. However, the same could not be materialized due to non-finalization of tender owing to less/ no participation. MCD, also submitted that the process of tendering for the establishment of Ingesta/ Dung Drying Plant at Slaughter House at Ghazipur is in advanced stages and requested that the EC Rs. 50,00,000/- imposed by DPCC be waived off.

Though MCD has submitted above-mentioned letters, however, Compliance Report w.r.t said Hon'ble National Green Tribunal Orders is yet to be submitted by MCD to DPCC and as stated in the abovementioned letters of MCD to DPCC, Ingesta/ Dung Drying Plant at Slaughter House at Ghazipur has still not been established.

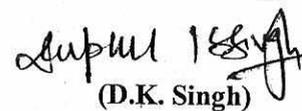
In view of the above, Environmental Compensation of 50,00,000/- (Rs. Fifty Lakh) imposed by DPCC vide letter dated 16.04.2019 for non- establishment of Bio-Methanation Plant shall not be waived-off.

Hon'ble NGT vide Order dated 10.04.2004 has directed DPCC to file report of action taken the recovery of Environmental Compensation at least one week before the next date of hearing in. 30.07.2004.

In view of the above, it is once again requested to Comply and submit Compliance Report w.r.t following urgently by 25.07.2024

1. Submit Compliance w.r.t directions of Hon'ble NGT in Order dated 13.05.2022 and subsequent Orders passed in the said matter (OA. No. 214/2021 as modified by Order by dated 04.07.2022).
2. Submit Status of establishment/setting up of Bio-Methanation/ Ingesta Dung Drying Plant.
3. Deposit Environmental Compensation of Rs 50,00,000/- (Rs Fifty Lakh) imposed by DPCC vide letter dated 16.04.2019 for non-Installation of Bio-Methanation Plant.

Yours Sincerely,


 (D.K. Singh)

Addl. Director & I/C, WMC-II

Enclosure: As Above.

Copy to:

1. Additional Chief Secretary (UD), Govt of NCT of Delhi, 9th Level, Delhi Secretariat, I.P. Estate, Delhi -02- with request to kindly take necessary action for compliance.


 (D.K. Singh)

Addl. Director & I/C, WMC-II