

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

EA No. 15/2024

In

Original Application No. 642/2023

In the matter of:

Residents Welfare Association,
F-Block (West), Vikas Puri

.....Applicant

Versus

Horticulture Department of
Municipal Corporation, Delhi & Anr.

...Respondent(s)

NDOH:- 28.05.2024

INDEX

S. No.	Contents	Page No.
1	Status report on behalf of Delhi Pollution Control Committee (DPCC).	1-4
2	<u>Annexure-1 (Colly)</u> Minutes of the meeting dated 11.12.2019.	5-9
	<u>Annexure-2(Colly).</u> Copy of the Directions dated 13.12.2019 Issued to land owning agencies	10-22
	<u>Annexure-3</u> Copy of the Directions dated 13.12.2019 Issued to Delhi Police	23-24
	<u>Annexure-4</u> Copy of the order dated 02.08.2021 passed by the Hon'ble Supreme Court of India	25-26

Filed by:

New Delhi:

Dated: 31st.05.2023

Delhi Pollution Control Committee

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

EA No. 15/2024

In

Original Application No. 642/2023

In the matter of:

Residents Welfare Association,
F-Block (West), Vikas Puri

.....Applicant

Versus

Horticulture Department of
Municipal Corporation, Delhi & Anr.

....Respondent(s)

**STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE WITH RESPECT TO ORDER DATED 05.04.2024.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal has taken up the above captioned matter on 02.04.2024 on the basis of Execution Application filed by applicant for non-compliance of order dated 18.10.2023 passed in Original Application no. 642/2023 by this Hon'ble Tribunal. The notice was issued to Horticulture Department of MCD (West Zone) and DPCC.
2. That the main grievance in the application is regarding the marriage functions and other functions being organized at the Dussehra ground, taking over the entire park, restricting the right of the residents to use the park and also creating pollution at the vicinity of F-Block, Vikas Puri, New Delhi.
3. That at the outset it is most respectfully submitted that, this Hon'ble Tribunal has not issued any direction to be complied with by DPCC in the order dated 18.10.2023. In fact in the order dated 18.10.2023, direction was issued to Horticulture Department of MCD (West Zone) to carry out the site inspection of the park.

4. That, however, on the issue of organising functions on the parks it is most respectfully submitted that Pr. Secretary (Environment) GNCTD -cum-Chairman, DPCC had taken a meeting on 11.12.2019 regarding the order dated 03.12.2019 passed in OA No. 515/2019 titled as "President, Budhela Welfare Association Vs. Govt. of NCT of Delhi" by this Hon'ble National Green Tribunal. That meeting was taken to frame the policy/ guideline in respect of holding social, religious and other function in the open parks/ grounds/ land of local bodies and DDA.
5. During the meeting, the officials from DDA & MCDs informed that parks are not being used for holding social, cultural and marriage functions. However, only open land under the jurisdiction of DDA are being used for holding such functions. MCD officials also informed that they have allotted certain identified parks for organizing smaller functions. Further, they informed that both DDA & MCD have formulated a policy according to which user of open land is responsible for the removal of solid waste generated during the function. Minutes of the meeting dated 11.12.2019 is enclosed herewith as Annexure-1.
6. That, accordingly DPCC had issued directions to land owning agencies u/s 31(A) of Air Act, 1981, 33(A) of Water Act, 1974 and u/s 5 of Environment (Protection) Act, 1986 on 13.12.2019. The main directions issued were as follows :-
- (i) That, no park of DDA/MCD shall be used for holding any social, cultural, commercial and marriage or other functions.
 - (ii) That DDA and MCD shall amend their existing policies and designate the concerned Executive Engineer (Horticulture) for ensuring the proper management of solid waste. The concerned Executive Engineer will also be responsible to ensure that solid waste is disposed off as per the provisions of Solid Waste Management Rules, 2016 after a function is over.
 - (iii) That in order to ensure the proper management of solid waste, MCD shall provide a complete area-wise list of service providers registered with MCD for collection of municipal solid waste alongwith their charges to DDA so that DDA may start levying extra charges upon the user in this regard. The charges shall be collected by DDA and

paid to the service provider for collection of solid waste and its disposal.

- (iv) That in case of any violation, penalty shall be imposed by the concerned Executive Engineer of DDA/MCD upon the violators and a report shall be submitted to DPCC alongwith photograph and details of penalty imposed etc within 24 hrs of holding of functions.
- (v) That ETP shall be installed at an open land which is being used for holding functions for treating the waste water generated due to cooking of food and dish washing etc. The concerned Executive Engineer of MCD and DDA shall ensure that no function takes place at these places unless the ETP has been installed.
- (vi) That the concerned Executive Engineer of MCD and DDA will also be responsible for ensuring the proper treatment of waste water generated.
- (vii) That, necessary arrangement shall be made by DDA & MCD to ensure that the treated waste water go to nearest sewage conveyance system.

Copies of the directions dated 13.12.2019 are enclosed herewith as **Annexure-2(Colly)**.

7. That, Delhi Police had also been issued directions u/s 31(A) of Air Act, 1981, 33(A) of Water Act, 1974 and u/s 5 of Environment (Protection) Act, 1986 on 13.12.2019 to Delhi Police. The main directions were as follows:-
- (i) That, the concerned SHO of the Delhi Police shall be responsible to ensure that Noise Levels during the function do not exceed to the prescribed limits of 65dBA. In case of any violation, the necessary action including noise monitoring shall be undertaken by SHO as per the protocol of DPCC.
 - (ii) That, concerned SHO shall ensure that only permissible crackers are used and a report be sent to DPCC in case of any violation.
 - (iii) That, the concerned SHO shall be responsible for ensuring that parking of vehicles do not create any traffic problem or restrict the traffic in the surrounding area.
 - (iv) That, in case of any violation, Delhi Police will take action and report to DPCC and land-owning agencies for imposing penalty.

Copy of the Directions dated 13.12.2019 is enclosed herewith as Annexure-3.

8. That this Hon`ble Tribunal had disposed of the OA 515/2019 vide order dated 04.02.2021. The order dated 04.02.2021 was challenged by North Delhi Municipal Corporation before the Hon`ble Supreme Court in Civil Appeal Diary No(s). 15182/2021 The Hon`ble Supreme Court of India had taken up the matter on 02.08.2021 and was pleased to pass following order:

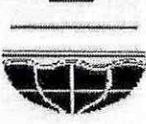
Mr. Tushar Mehta, learned Solicitor General of India appearing on behalf of the appellants submits that the judgment and order under appeal has been passed without notice to the appellants North Delhi Municipal Corporation (CA D. No. 15182 of 2021) and the South Delhi Municipal Corporation (CA D. No. 15754 of 2021). Accordingly, there will be stay of operation of the judgment and order under appeal. It is made clear that the directions of the Court in M.C. Mehta vs. Union of India reported in (2009) 17 SCC 683 with regard to the use of parks shall strictly be adhered to, and in no circumstances, shall use of parks for the purposes as mentioned in the said judgment be permitted for more than 10 days in a month.

The South Delhi Municipal Corporation had also filed the similar appeal which was numbered as diary number CA D. No. 15754 of 2021). Both appeals were taken together and common order was passed. Copy of the order dated 02.08.2021 passed by the Hon`ble Supreme Court of India is enclosed herewith as Annexure-4.

9. In view of the above, the present status report may kindly be taken on record.

Ajeeta
Dayal
Agrawal
(Ajceta Agarwal)
Additional Director

Digitally signed
by Ajeeta Dayal
Agrawal
Date: 2024.05.31
14:42:11 +05'30'

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5th TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in
---	---

F.NO. DPCC/NGT (CMC-II)2019/9821-29

Dated: 13/12/20

Annexure-1

Sub:- Minutes of meeting held under chairmanship of Pr. Secretary (Environment)-cum-Chairman (DPCC) on 11.12.2019 regarding Hon'ble NGT order dated 03.12.2019 in OA No. 515/2019 titled "President, Budhela Welfare Association Vs Govt. of NCT of Delhi"

Please find enclosed herewith minutes of meeting held under chairmanship of Pr. Secretary (Environment)-cum-Chairman (DPCC) on 11.12.2019 at 04.30 PM regarding Hon'ble NGT order dated 03.12.2019 in OA No. 515/2019 titled "President, Budhela Welfare Association Vs Govt. of NCT of Delhi" to frame the policy/guidelines in respect of holding social, religious and other functions in the open parks/grounds/land of local bodies and DDA.


(Dr. Chandra Prakash)
Incharge (CMC-II)

Encl: As above

To,

1. Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, New Delhi.
2. Commissioner, South Delhi Municipal Corporation, 14th Floor, Dr. S.P.M. Civic Centre, Minto Road, Delhi – 110002
3. Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Industrial Area, Delhi – 110092
4. Commissioner, North Delhi Municipal Corporation, 17th Floor, Dr. S.P.M. Civic Centre, Minto Road, Delhi – 110002
5. Chief Executive Officer, Delhi Jal Board, Varunalaya, Ph-II Jhandewalan, Karol Bagh, Delhi.
6. Commissioner, Delhi Police, Police HQ, MSO Building, I.P. Estate, New Delhi-110002
7. Sr. Scientist (Air Lab), DPCC
8. Incharges of all CMCs, DPCC

Copy to:-

1. PA to Chairman, DPCC- For information of Chairman, pl.
2. PA to MS, DPCC – for information of MS, pl.

Minutes of meeting held under chairmanship of Pr. Secretary (Environment)-cum-Chairman (DPCC) on 11.12.2019 regarding Hon'ble NGT order dated 03.12.2019 in OA No. 515/2019 titled "President, Budhela Welfare Association Vs Govt. of NCT of Delhi" to frame the policy/guidelines in respect of holding social, religious and other functions in the open parks/grounds/land of local bodies and DDA.

The list of participants is annexed herewith.

At the outset, Pr. Secretary (Environment)-cum-Chairman, DPCC drew the attention of the members to the orders dated 03.12.2019 passed by Hon'ble NGT directing Pr. Secretary (Environment) to hold a joint meeting with concerned land owning agencies and Delhi Police regarding holding of social, cultural and marriage functions etc on parks and open land of DDA/MCD and furnish an appropriate report for effective enforcement mechanism for monitoring compliance. Pr. Secretary (Environment) also informed that as per orders of Hon'ble High Court of Delhi in the matter WP (C) 7266/2017 in "Risha Kant Sharma Vs UoI dated 03.08.2018 parks under jurisdiction of DDA in Delhi cannot be used for holding social, cultural, commercial and marriage or other functions.

The officials from DDA & MCDs informed that parks are not being used for holding social, cultural and marriage functions. However, only open land under the jurisdiction of DDA are being used for holding such functions. MCD officials informed that they have allotted certain identified parks for organizing smaller functions. Further, they also informed both DDA & MCD have formulated a policy according to which user of open land is responsible for the removal of solid waste generated during the function. Member Secretary observed that the existing policy of DDA and MCD needs amendment as it does not address the environmental issues properly.

The issues related to water pollution, noise pollution and parking/traffic congestion were also discussed in details. After detailed discussions, it was decided that the following mechanism for monitoring purpose shall be adopted by DDA, MCD and DPCC, in order to comply with the orders of Hon'ble NGT :-

A. Solid Waste Management

- (i) No park of DDA/MCD shall be used for holding any social, cultural, commercial and marriage or other functions.

- (ii) DDA and MCD shall amend their existing policies and designate the concerned Executive Engineer (Horticulture) for ensuring the proper management of solid waste. The concerned Executive Engineer will also be responsible to ensure that solid waste is disposed off as per the provisions of Solid Waste Management Rules, 2016 after a function is over.
- (iii) In order to ensure the proper management of solid waste, MCD shall provide a complete area-wise list of service providers registered with MCD for collection of municipal solid waste alongwith their charges to DDA so that DDA may start levying extra charges upon the user in this regard. The charges shall be collected by DDA and paid to the service provider for collection of solid waste and its disposal.
- (iv) In case of any violation, penalty shall be imposed by the concerned Executive Engineer of DDA/MCD upon the violators and a report shall be submitted to DPCC alongwith photograph and details of penalty imposed etc within 24 hrs of holding of functions.
- (v) DPCC shall carry out the random inspection to check the compliance.

B. Waste Water Treatment

- (i) ETP shall be installed at an open land which is being used for holding functions for treating the waste water generated due to cooking of food and dish washing etc. The concerned Executive Engineer of MCD and DDA shall ensure that no function takes place at these places unless the ETP has been installed.
- (ii) The concerned Executive Engineer of MCD and DDA will also be responsible for ensuring the proper treatment of waste water generated

- (iii) Also, necessary arrangement shall be made by DDA & MCD to ensure that the treated waste water go to nearest conveyance system.
- (iv) In case of violation, the Executive Engineer of MCD and DDA shall impose a penalty upon the violator and submit a report to DPCC along with the details of penalty imposed.
- (v) DPCC shall ensure that a suitable arrangement has been put on place so as to comply with the provision of Water Act, 1974 and also conduct random inspection to check the compliance.

C. Noise Pollution Control

- (i) The Concerned SHO of the Delhi Police shall be responsible to ensure that Noise Levels during the function do not exceed to the prescribed limits of 65dBA.
- (ii) In case of any violation, the necessary action including noise monitoring shall be undertaken by SHO as per the protocol of DPCC and report the violation to DPCC.
- (iii) SHO shall ensure that only permissible crackers are used and a report be sent to DPCC in case of any violation.
- (iv) DPCC shall also conduct noise monitoring on random basis and take action against the violators by imposing suitable amount of Environmental Damage Compensation.

D. Parking

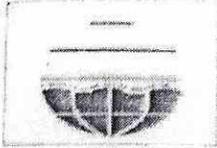
- (i) The concerned SHO shall be responsible for ensuring that parking of vehicles do not create any traffic problem or restrict the traffic in the surrounding area.
- (ii) In case of any violation, Delhi Police will take action and report to DPCC and land owning agencies for imposing penalty.

- (iii) DPCC shall carry out random inspection to know the status of traffic congestion etc on random basis.

The meeting ended with vote of thanks to the Chair.

Annexure-2 (Colly)

(9) (10)



DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
 4th, 5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6

By Speed Post

visit us at :

E. No. DPCC/CMC-II/NGI/OA No. 515/2019

9812-1st

Dated: 13.12.19

Annexure-2 (Colly)

Subject: - Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, in the matter of OA No. 515 /2019 titled "President, Budhela Welfare Association Vs.GNCTD".

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

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, 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, 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, amongst others, u/s 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the Pollution Control Boards/Committees, constituted under Water (Prevention and Control of Pollution) Act, 1974, is to plan a

7/150 (11) (10)

comprehensive programme for the prevention, control or abatement of water pollution in the concerned State/Union Territory and to secure the execution thereof.

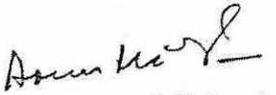
And whereas, the Hon'ble NGT vide orders dated 03.12.2019 in OA No. 515/2019 titled "President, Budhela Welfare Association Vs GNCTD" directed Pr. Secretary (Environment)-cum-Chairman, DPCC to hold a joint meeting with concerned land owning agencies for the parks/land in Delhi and furnish an appropriate report for effective enforcement mechanism for monitoring compliance.

And whereas, in compliance of the orders of Hon'ble NGT, a meeting held on 11.12.2019 under chairmanship of Pr. Secretary (Environment)-cum-Chairman, DPCC with the officials of MCD, DDA and Delhi Police.

Now therefore, in view of the above, in exercise of powers conferred u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, as amended to date, the following directions are issued for immediate compliance:

- (i) That you shall ensure that no park of DDA/MCD shall be used for holding any social, cultural, commercial and marriage or other functions.
- (ii) That DDA and MCD shall amend their existing policies and designate the concerned Executive Engineer (Horticulture) for ensuring the proper management of solid waste. The concerned Executive Engineer will also be responsible to ensure that solid waste is disposed off as per the provisions of Solid Waste Management Rules, 2016 after a function is over.
- (iii) That in order to ensure the proper management of solid waste, MCD shall provide a complete area-wise list of service providers registered with MCD for collection of municipal solid waste alongwith their charges to DDA so that DDA may start levying extra charges upon the user in this regard. The charges shall be collected by DDA and paid to the service provider for collection of solid waste and its disposal.
- (iv) That in case of any violation, penalty shall be imposed by the concerned Executive Engineer of DDA/MCD upon the violators and a report shall be submitted to DPCC alongwith photograph and details of penalty imposed etc within 24 hrs of holding of functions.

- (v) That ETP shall be installed at an open land which is being used for holding functions for treating the waste water generated due to cooking of food and dish washing etc. The concerned Executive Engineer of MCD and DDA shall ensure that no function takes place at these places unless the ETP has been installed.
- (vi) That the concerned Executive Engineer of MCD and DDA will also be responsible for ensuring the proper treatment of waste water generated
- (vii) That, necessary arrangement shall be made by DDA & MCD to ensure that the treated waste water go to nearest conveyance system.


(Arun Mishra)
Member Secretary

To

**The Pr. Commissioner (Horticulture)
Delhi Development Authority,
VikasSadan, INA,
New Delhi**

Copy to:

1. Office Copy
2. Master File

4/149

11

- (v) That ETP shall be installed at an open land which is being used for holding functions for treating the waste water generated due to cooking of food and dish washing etc. The concerned Executive Engineer of MCD and DDA shall ensure that no function takes place at these places unless the ETP has been installed.
- (vi) That the concerned Executive Engineer of MCD and DDA will also be responsible for ensuring the proper treatment of waste water generated
- (vii) That, necessary arrangement shall be made by DDA & MCD to ensure that the treated waste water go to nearest conveyance system.

Arun Mishra
(Arun Mishra)
Member Secretary

To

**The Pr. Commissioner (Horticulture)
Delhi Development Authority,
VikasSadan, INA,
New Delhi**

Copy to:

1. Office Copy
2. Master File

By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 4th, 5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in
---	--

F. No. DPCC/CMC-II/NGT/OA No. 515/2019

/ 9839-61

Dated: 13/12/19

Subject: - Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, in the matter of OA No. 515 /2019 titled "President, Budhela Welfare Association Vs.GNCTD".

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

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, 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, 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, amongst others, u/s 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the Pollution Control Boards/Committees, constituted under Water (Prevention and Control of Pollution) Act, 1974, is to plan a

comprehensive programme for the prevention, control or abatement of water pollution in the concerned State/Union Territory and to secure the execution thereof.

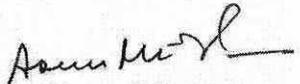
And whereas, the Hon'ble NGT vide orders dated 03.12.2019 in OA No. 515/2019 titled "President, Budhela Welfare Association Vs GNCTD" directed Pr. Secretary (Environment)-cum-Chairman, DPCC to hold a joint meeting with concerned land owning agencies for the parks/land in Delhi and furnish an appropriate report for effective enforcement mechanism for monitoring compliance.

And whereas, in compliance of the orders of Hon'ble NGT, a meeting held on 11.12.2019 under chairmanship of Pr. Secretary (Environment)-cum-Chairman, DPCC with the officials of MCD, DDA and Delhi Police.

Now therefore, in view of the above, in exercise of powers conferred u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, as amended to date, the following directions are issued for immediate compliance:

- (i) That you shall ensure that no park of DDA/MCD shall be used for holding any social, cultural, commercial and marriage or other functions.
- (ii) That DDA and MCD shall amend their existing policies and designate the concerned Executive Engineer (Horticulture) for ensuring the proper management of solid waste. The concerned Executive Engineer will also be responsible to ensure that solid waste is disposed off as per the provisions of Solid Waste Management Rules, 2016 after a function is over.
- (iii) That in order to ensure the proper management of solid waste, MCD shall provide a complete area-wise list of service providers registered with MCD for collection of municipal solid waste alongwith their charges to DDA so that DDA may start levying extra charges upon the user in this regard. The charges shall be collected by DDA and paid to the service provider for collection of solid waste and its disposal.
- (iv) That in case of any violation, penalty shall be imposed by the concerned Executive Engineer of DDA/MCD upon the violators and a report shall be submitted to DPCC alongwith photograph and details of penalty imposed etc within 24 hrs of holding of functions.

- (v) That ETP shall be installed at an open land which is being used for holding functions for treating the waste water generated due to cooking of food and dish washing etc. The concerned Executive Engineer of MCD and DDA shall ensure that no function takes place at these places unless the ETP has been installed.
- (vi) That the concerned Executive Engineer of MCD and DDA will also be responsible for ensuring the proper treatment of waste water generated
- (vii) That, necessary arrangement shall be made by DDA & MCD to ensure that the treated waste water go to nearest conveyance system.


(Arun Mishra)
Member Secretary

To

**The Commissioner,
East Delhi Municipal Corporation,
419, UdyogSadan,
Patparganj Industrial Area, Delhi - 110092**

Copy to:

1. Office Copy
2. Master File

By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 4th, 5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in
---	--

F. No. DPCC/CMC-II/NGT/OA No. 515/2019

/ 9833-35

Dated: 13/2-19

Subject: - Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, in the matter of OA No. 515 /2019 titled "President, Budhela Welfare Association Vs.GNCTD".

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

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, 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, 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, amongst others, u/s 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the Pollution Control Boards/Committees, constituted under Water (Prevention and Control of Pollution) Act, 1974, is to plan a

comprehensive programme for the prevention, control or abatement of water pollution in the concerned State/Union Territory and to secure the execution thereof.

And whereas, the Hon'ble NGT vide orders dated 03.12.2019 in OA No. 515/2019 titled "President, Budhela Welfare Association Vs GNCTD" directed Pr. Secretary (Environment)-cum-Chairman, DPCC to hold a joint meeting with concerned land owning agencies for the parks/land in Delhi and furnish an appropriate report for effective enforcement mechanism for monitoring compliance.

And whereas, in compliance of the orders of Hon'ble NGT, a meeting held on 11.12.2019 under chairmanship of Pr. Secretary (Environment)-cum-Chairman, DPCC with the officials of MCD, DDA and Delhi Police.

Now therefore, in view of the above, in exercise of powers conferred u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, as amended to date, the following directions are issued for immediate compliance:

- (i) That you shall ensure that no park of DDA/MCD shall be used for holding any social, cultural, commercial and marriage or other functions.
- (ii) That DDA and MCD shall amend their existing policies and designate the concerned Executive Engineer (Horticulture) for ensuring the proper management of solid waste. The concerned Executive Engineer will also be responsible to ensure that solid waste is disposed off as per the provisions of Solid Waste Management Rules, 2016 after a function is over.
- (iii) That in order to ensure the proper management of solid waste, MCD shall provide a complete area-wise list of service providers registered with MCD for collection of municipal solid waste alongwith their charges to DDA so that DDA may start levying extra charges upon the user in this regard. The charges shall be collected by DDA and paid to the service provider for collection of solid waste and its disposal.
- (iv) That in case of any violation, penalty shall be imposed by the concerned Executive Engineer of DDA/MCD upon the violators and a report shall be submitted to DPCC alongwith photograph and details of penalty imposed etc within 24 hrs of holding of functions.

- (v) That ETP shall be installed at an open land which is being used for holding functions for treating the waste water generated due to cooking of food and dish washing etc. The concerned Executive Engineer of MCD and DDA shall ensure that no function takes place at these places unless the ETP has been installed.
- (vi) That the concerned Executive Engineer of MCD and DDA will also be responsible for ensuring the proper treatment of waste water generated
- (vii) That, necessary arrangement shall be made by DDA & MCD to ensure that the treated waste water go to nearest conveyance system.



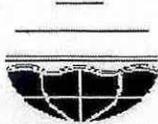
(Arun Mishra)
Member Secretary

To

**The Commissioner,
South Delhi Municipal Corporation,
14th Floor, Dr. SPM Civic Centre,
J.L.N. Marg, New Delhi-110002**

Copy to:

1. Office Copy
2. Master File

	<p style="text-align: center;">DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 4th, 5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in</p>
---	--

F. No. DPCC/CMC-II/NGT/OA No. 515/2019

9836-38

Dated: 13/12/19

Subject: - Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, in the matter of OA No. 515 /2019 titled "President, Budhela Welfare Association Vs.GNCTD".

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

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, 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, 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, amongst others, u/s 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the Pollution Control Boards/Committees, constituted under Water (Prevention and Control of Pollution) Act, 1974, is to plan a

comprehensive programme for the prevention, control or abatement of water pollution in the concerned State/Union Territory and to secure the execution thereof.

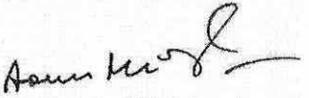
And whereas, the Hon'ble NGT vide orders dated 03.12.2019 in OA No. 515/2019 titled "President, Budhela Welfare Association Vs GNCTD" directed Pr. Secretary (Environment)-cum-Chairman, DPCC to hold a joint meeting with concerned land owning agencies for the parks/land in Delhi and furnish an appropriate report for effective enforcement mechanism for monitoring compliance.

And whereas, in compliance of the orders of Hon'ble NGT, a meeting held on 11.12.2019 under chairmanship of Pr. Secretary (Environment)-cum-Chairman, DPCC with the officials of MCD, DDA and Delhi Police.

Now therefore, in view of the above, in exercise of powers conferred u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, as amended to date, the following directions are issued for immediate compliance:

- (i) That you shall ensure that no park of DDA/MCD shall be used for holding any social, cultural, commercial and marriage or other functions.
- (ii) That DDA and MCD shall amend their existing policies and designate the concerned Executive Engineer (Horticulture) for ensuring the proper management of solid waste. The concerned Executive Engineer will also be responsible to ensure that solid waste is disposed off as per the provisions of Solid Waste Management Rules, 2016 after a function is over.
- (iii) That in order to ensure the proper management of solid waste, MCD shall provide a complete area-wise list of service providers registered with MCD for collection of municipal solid waste alongwith their charges to DDA so that DDA may start levying extra charges upon the user in this regard. The charges shall be collected by DDA and paid to the service provider for collection of solid waste and its disposal.
- (iv) That in case of any violation, penalty shall be imposed by the concerned Executive Engineer of DDA/MCD upon the violators and a report shall be submitted to DPCC alongwith photograph and details of penalty imposed etc within 24 hrs of holding of functions.

- (v) That ETP shall be installed at an open land which is being used for holding functions for treating the waste water generated due to cooking of food and dish washing etc. The concerned Executive Engineer of MCD and DDA shall ensure that no function takes place at these places unless the ETP has been installed.
- (vi) That the concerned Executive Engineer of MCD and DDA will also be responsible for ensuring the proper treatment of waste water generated
- (vii) That, necessary arrangement shall be made by DDA & MCD to ensure that the treated waste water go to nearest conveyance system.

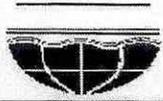

(Arun Mishra)
Member Secretary

To

**The Commissioner,
North Delhi Municipal Corporation,
17th Floor, Dr. SPM Civic Centre,
J.L.N. Marg, New Delhi-110002**

Copy to:

1. Office Copy
2. Master File



273
DELHI POLLUTION CONTROL COMMITTEE

DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4th, 5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6

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

F. No. DPCC/CMC-II/NGT/OA No. 515/2019

9830-32

23 By Speed Post
Dated: 13-12-19

Annexure - 3

Subject: - Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, in the matter of OA No. 515 /2019 titled "President, Budhela Welfare Association Vs.GNCTD".

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

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, 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, 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.

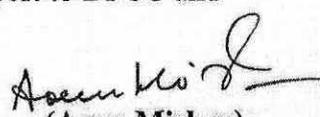
And whereas, amongst others, u/s 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the Pollution Control Boards/Committees, constituted under Water (Prevention and Control of Pollution) Act, 1974, is to plan a comprehensive programme for the prevention, control or abatement of water pollution in the concerned State/Union Territory and to secure the execution thereof.

And whereas, the Hon'ble NGT vide orders dated 03.12.2019 in OA No. 515/2019 titled "President, Budhela Welfare Association Vs GNCTD" directed Pr. Secretary (Environment)-cum-Chairman, DPCC to hold a joint meeting with concerned land owning agencies for the parks/land in Delhi and furnish an appropriate report for effective enforcement mechanism for monitoring compliance.

And whereas, in compliance of the orders of Hon'ble NGT, a meeting held on 11.12.2019 under chairmanship of Pr. Secretary (Environment)-cum-Chairman, DPCC with the officials of MCD, DDA and Delhi Police.

Now therefore, in view of the above, in exercise of powers conferred u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 5 of Environment (Protection) Act, 1986, as amended to date, the following directions are issued for immediate compliance:

- (i) That, the Concerned SHO of the Delhi Police shall be responsible to ensure that Noise Levels during the function do not exceed to the prescribed limits of 65dBA. In case of any violation, the necessary action including noise monitoring shall be undertaken by SHO as per the protocol of DPCC (**copy enclosed**) and report the violation to DPCC.
- (ii) That, SHO shall ensure that only permissible crackers are used and a report be sent to DPCC in case of any violation.
- (iii) That, the concerned SHO shall be responsible for ensuring that parking of vehicles do not create any traffic problem or restrict the traffic in the surrounding area.
- (iv) That, in case of any violation, Delhi Police will take action and report to DPCC and land owning agencies for imposing penalty.


(Arun Mishra)
Member Secretary

Encl: As above

To,

**The Commissioner,
Delhi Police
Police Headquarter, MSO Building,
IP Estate, New Delhi-110002**

Copy to:

1. Office Copy
2. Master File

ITEM NO.18 Court 10 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 15182/2021

(Arising out of impugned final judgment and order dated 04-02-2021
in OA No. 515/2019 passed by the National Green Tribunal)

NORTH DELHI MUNICIPAL CORPORATION Petitioner(s)

VERSUS

PRESIDENT BUDHELA WELFARE ASSOCIATION & ANR. Respondent(s)

(IA No.84281/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.84279/2021-EXEMPTION FROM FILING O.T. and IA
No.84278/2021-PERMISSION TO FILE APPEAL)

WITH

Diary No(s). 15754/2021 (XVII)

(IA No.84364/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.84361/2021-PERMISSION TO FILE APPEAL)

Date : 02-08-2021 This petition was called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. RAMASUBRAMANIANFor Petitioner(s) Mr. Tushar Mehta, SGI
Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, AOR
Ms. Payal Swarup, Adv.
Mr. Ameet Singh, Adv.
Ms. Pareena Swarup, Adv.
Mr. Raghvendra Shukla, Adv.
Mr. K.P. Singh, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E RSignature Not Verified
Digitally signed by
SUNIL KUMAR
Date: 2024.08.03
10:10:48 IST
Reason: []

Permission to file the appeals is granted.

Appeals are admitted.

Issue notice to the respondents.

Mr. Tushar Mehta, learned Solicitor General of India appearing on behalf of the appellants submits that the judgment and order under appeal has been passed without notice to the appellants- North Delhi Municipal Corporation (CA D. No. 15182 of 2021) and the South Delhi Municipal Corporation (CA D. No. 15754 of 2021). Accordingly, there will be stay of operation of the judgment and order under appeal. It is made clear that the directions of the Court in M.C. Mehta vs. Union of India reported in (2009) 17 SCC 683 with regard to the use of parks shall strictly be adhered to, and in no circumstances, shall use of parks for the purposes as mentioned in the said judgment be permitted for more than 10 days in a month.

(MANISH ISSRANI)
COURT MASTER(SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)