

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

Misc Application in 49/2024

IN

Original Application No. 104/2022

IN THE MATTER OF:

Vishnu Kumar Aggarwal.....Applicant

Versus

Govt. of NCT of Delhi

.....Respondent

NDOH:-26.07.2024

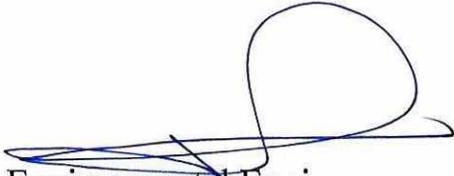
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Filed by:

New Delhi:(Mohd. Arif)

Dated: 27/07.2023


 Sr. Environmental Engineer
 Delhi Pollution Control Committee

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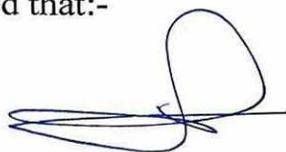
Govt. of NCT of Delhi

.....Respondent

**COMPLIANCE REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS TO THE ORDER DATED
02.05.2024 and 29.09.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

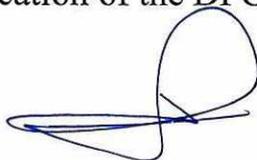
1. That this Hon'ble Tribunal took up the above referred matter on 02.05.2024 and pleased to direct to file status report in terms of order dated 29.09.2023.
2. This matter was disposed on 29.09.2023 with the direction to file the Action Taken Report on the following aspect:
 - a) To check the applicability of environmental norms to the respondent units.
 - b) If the units do not require any consent under Water and Air Act, in that case the withdrawal of show cause notice for closure and EDC.
3. That with respect to the first issue (as mentioned in point 2 a) it is most respectfully submitted that:-



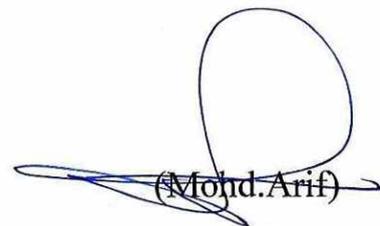
- a) During inspection, it was found that refrigeration facilities were being used by installation of AC's and creating an arrangement of a small walk-in Cold room. No manufacturing industrial /commercial activity relating to the processing of food is being carried out.
- b) As per cold storage order, 1980 section 2(a) "Cold storage means any chamber or chambers insulated and mechanically cooled by refrigeration machinery and used for storing food stuffs including meat, fruits, vegetables (fresh, dried, dehydrated or preserved).
- c) The joint Committee constituted by this Hon`ble Tribunal categorically reported that no trade effluent/ air emission observed. Further, No industrial manufacturing activity is being carried out in the respondents units.
- d) Hence, considering the replies received from the units and observations of joint inspection team, it can be inferred that these units were basically engaged in the business of buying- selling of fruits/ vegetables in which an arrangement of small walk in cool room was required to maintain the freshness of the commodity for a very short period of time and thus the activities carried out in these premises are not at par with activity of "cold storage facilities".

4. That with respect to the second issue (as mentioned in point 2 babove), it is most respectfully submitted:-

- a. As per DPCC categorisation of the industrial activities, chilling plants and cold storage without trade effluent falls under the Green category. The most commonly used gases for refrigeration is R-290 and R-32 and it is pertinent to note that both these gases do not mentioned explicitly in the category of air pollutants under the notification regarding revised classification of industrial sectors under red, orange, green and white categories dated 29 February, 2016.
- b. These walk-in cold rooms which are using AC's fall under maximum "white category" of industrial classification by virtue of involvement of AC's as a part of maintaining required low temperature for sustaining the freshness of fruits and vegetables.
- c. Activity of the warehouse/storage is categorised in "white category" as per classification of the DPCC.



5. In view of the above, it is most respectfully submitted that storing of the fruits is not a industrial activity but a commercial activity, therefore activity is categorised under "white category", which requires one time registration on the on line portal of DPCC.
6. That the report filed by Agriculture Produce Marketing Committee, Azadpur filed action taken report dated 29.01.2024, which shows that all the 8 firms have been made unoperational.
7. That DPCC after considering facts and circumstances of the case, as the activity carried out by the firms used a small cold rooms which are used to keep agricultural produce for a very short period of time, thus DPCC considered the activity under white category. Therefore, DPCC imposed EDC of Rs 20,000/- each against 22 number of firms on 23.07.2024 as these firms has not submitted self declaration/undertaking in terms of the registration under White Category in violation of the environmental Acts.
8. It is therefore requested to this Hon'ble Tribunal that the present additional compliance report may kindly be taken on record.



(Mohd. Arif)

Sr. Environmental Engineer