

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

M.A No. 66/2023

In

Original Application No. 168/2022

In the matter of:

Mudit Kumar

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

NDOH:- 02.11.2023

INDEX

S. No.	Contents	Page No.
1	Action Taken Report in compliance to order dated 28.08.2023 on behalf of the R-4 (DPCC).	1-3
2	<u>Annexure-R-4/1 (Colly)</u> Copy of the inspection report dated 05.09.2023 along with photographs.	4-10
3	<u>Annexure-R-4/2</u> Copy of the letter dated 22.09.2023	11-12

Filed by:

New Delhi:

Dated: 02.10.2023

Delhi Pollution Control Committee

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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M.A No. 66/2023

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In the matter of:

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**STATUS REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN COMPLIANCE TO THE ORDER
DATED 28.08.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 05.05.2022 and was pleased to constitute a joint Committee of DPCC, Delhi Agricultural Marketing Board, and Deputy Commissioner (Shahdara) to verify the factual position and take action against illegal fish market which was being operating on DDA land at Pahla Pushta, New Usmanpur, Front Road in Yamun Khadar. In the complaint it was alleged that decay foul odour emitted from the waste which is causing serious health hazards to local residents.
2. That in compliance with the order dated 05.05.2022, DPCC filed action taken report through email dated 29.12.2022, which is available on the records of this Hon'ble Tribunal.

2

3. That this Hon'ble Tribunal considered the report of DPCC vide its order dated 28.08.2023 and issued notice to MCD, PWD, I&FC – GNCTD and DPCC requiring them to file Action Taken/Status Reports within two months.

4. That, in compliance to the order dated 28.08.2023 passed by this Hon'ble Tribunal, an inspection of the Fish Market at 1" Pusta, New Usmanpur, Front Road in Yamuna Khadar was carried out on 05.09.2023 by the officials of DPCC between 7:00 PM to 7:30 PM. During the inspection it was observed that:

1. Fish Market was found functioning at 1" Pusta, New Usmanpur, Front Road in Yamuna Khadar.
2. During inspection total 25 nos. of stalls were found functioning. Although as per local enquiry, approx. 50 nos. of stalls generally operates at the said site for selling fishes.
3. As informed by a local vendor, they procure fishes for selling purpose from Ghazipur Fish Market.
4. It was observed that all the vendors were using battery operated lights.
5. The said site is not maintained properly and there was no arrangement for hygienic disposal of solid municipal waste generated at site which is creating unhygienic and filthy atmosphere.
6. A board was found installed at the said site claiming it to be a DDA land. Hence, on the basis of this board it can be inferred that this Fish Market is operating on the DDA land.
7. Market association head (Sh. Aslam Qureshi, Phone No. 9871384314) was present at the said fish market during the inspection and he informed that they are operating the fish market at the said site

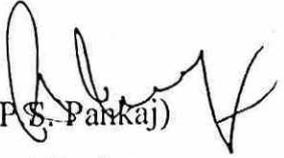
from last 35 years. He also informed that they used to give weekly/monthly rent (Tehbazari) to MCD.

8. Market association head produced some documents regarding Tehbazari with MCD, which was stopped in 2008. But Market Association head did not produce any documents from land owning agency i.e. DDA regarding the same.

Copy of the inspection report dated 05.09.2023 along with photographs are enclosed herewith as **ANNEXURE-R-4/1 (Colly)**.

5. That, DPCC issued letter on 22.09.2022 to DDA, The Commissioner (MCD), PWD, I&FC, Dy. Commissioner of Police (North-East) and SDM (Seelampur). In the direction, DDA was directed to clean the land to be occupied by the illegal fish market. MCD, SDM (Seelampur) and Delhi Police were directed to ensure that no illegal market operates at DDA Land. And further, DDA along with all the relevant agencies were directed to ensure that no encroachment in 'O' Zone of Yamuna River Bed, for carrying out illegal activities. Copy of the letter dated 22.09.2023 is annexed herewith as **ANNEXURE-R-4/2**.

6. Action taken report is awaited from all the field functionary. The present action taken report may kindly be taken on record.


(P.S. Pankaj)

Sr. Environmental Engineer

INSPECTION REPORT IN COMPLIANCE OF ORDER OF NGT IN THE MATTER OF M.A. No. 66/2023 in O.A. No. 168/2022 MUDIT KUMAR Vs GNCTD

Annexure 4/1

In compliance of Hon'ble NGT in the matter of M.A. No. 66/2023 in O.A. No. 168/2022 of "Mudit Kumar vs GNCTD" dated 28.08.2023, an inspection was conducted at Fish Market, 1st Pusta, New Usmanpur, Front Road in Yamuna Khadar on 05.09.2023 between 7pm to 7:30 pm to verify the factual position and following observations were made:

- ① Fish market was found functioning at 1st Pusta, New Usmanpur, front road in Yamuna Khadar.
- ② As per local enquiry, approx. 50 stalls operate generally at the said site for selling fishes. During inspection, total 25 stalls were found functioning.
- ③ As informed by a local vendor, they procure fishes from Ghazipur fish market for selling purpose.
- ④ It was observed that all the vendors were using battery operated light.
- ⑤ Market association head (Sh. Aslam Gureshi, Ph-9871384314) was present at the said fish market during inspection and informed that they are running/operating this market from the last 35 years at the same place. He also informed that weekly/monthly rent (Tehbazari) was given to land owning agency of MCD.
- ⑥ The said site is not maintained properly and there was no arrangement for hygienic disposal of solid municipal waste generated at site.
- ⑦ A board was found installed at the site claiming it to be DDA's land. Hence, it can be inferred that this fish market is being operated on DDA land at Yamuna bank.
- ⑧ Upon asking, market vendors and association head could not produce any legal documents/licence regarding the operation of fish market at the said site.
- ⑨ Market association head produced some documents regarding tehbazari with MCD. But they did not have any documents from the land owning agency i.e. DDA regarding the same.
- ⑩ As per Sh. Aslam Gureshi, Association head, tehbazari with MCD was stopped in 2008.

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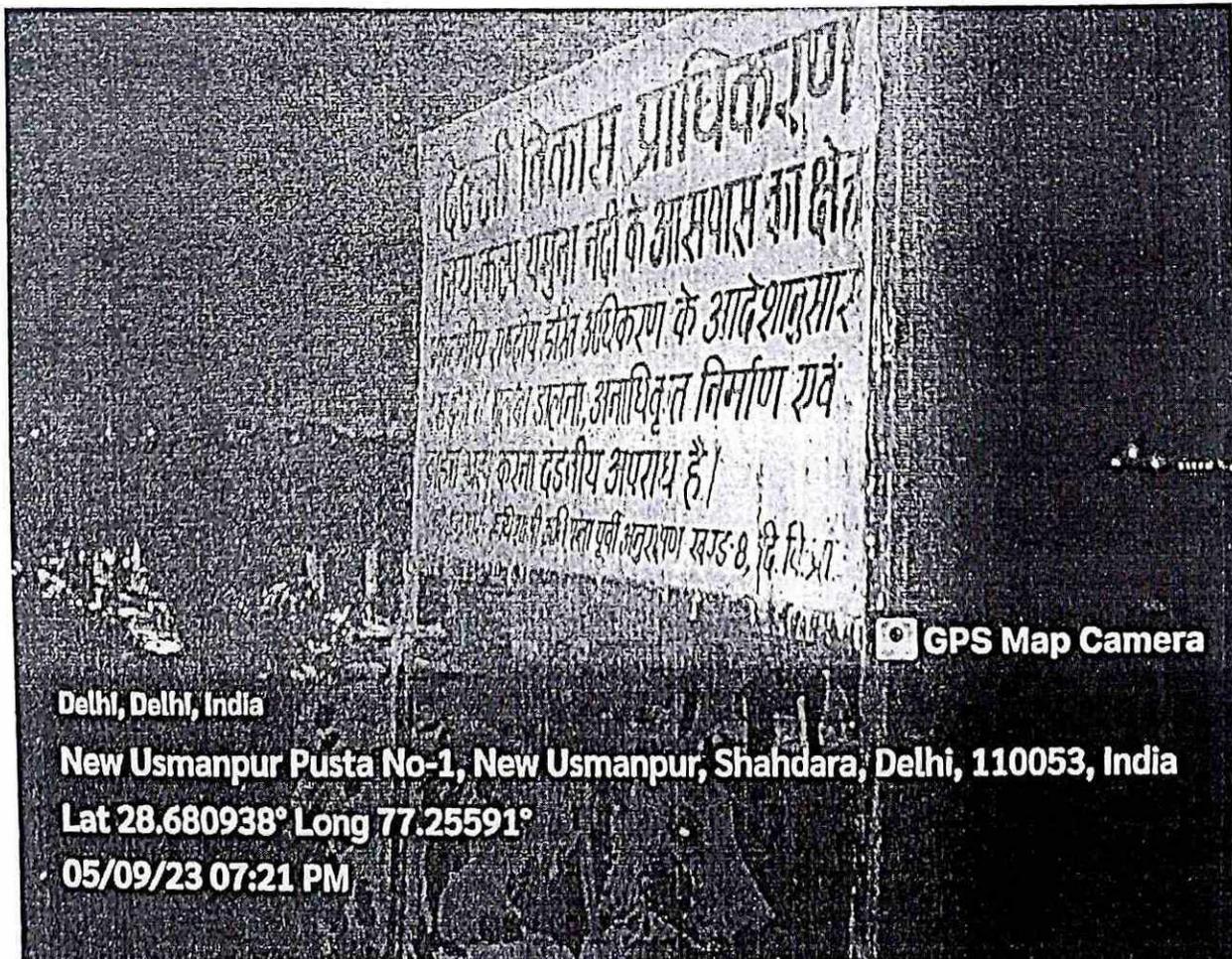
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Lat 28.680365° Long 77.255626°

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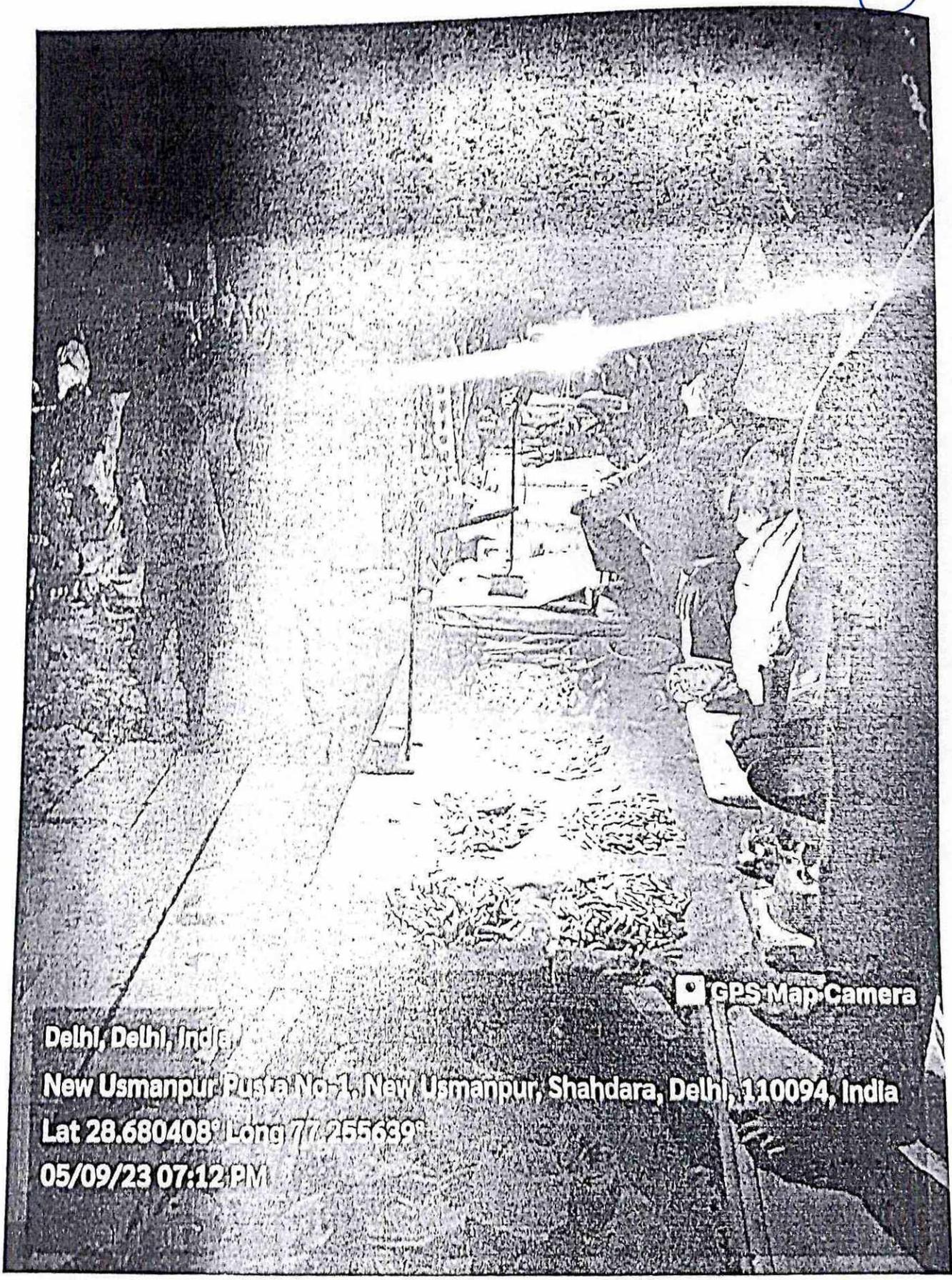
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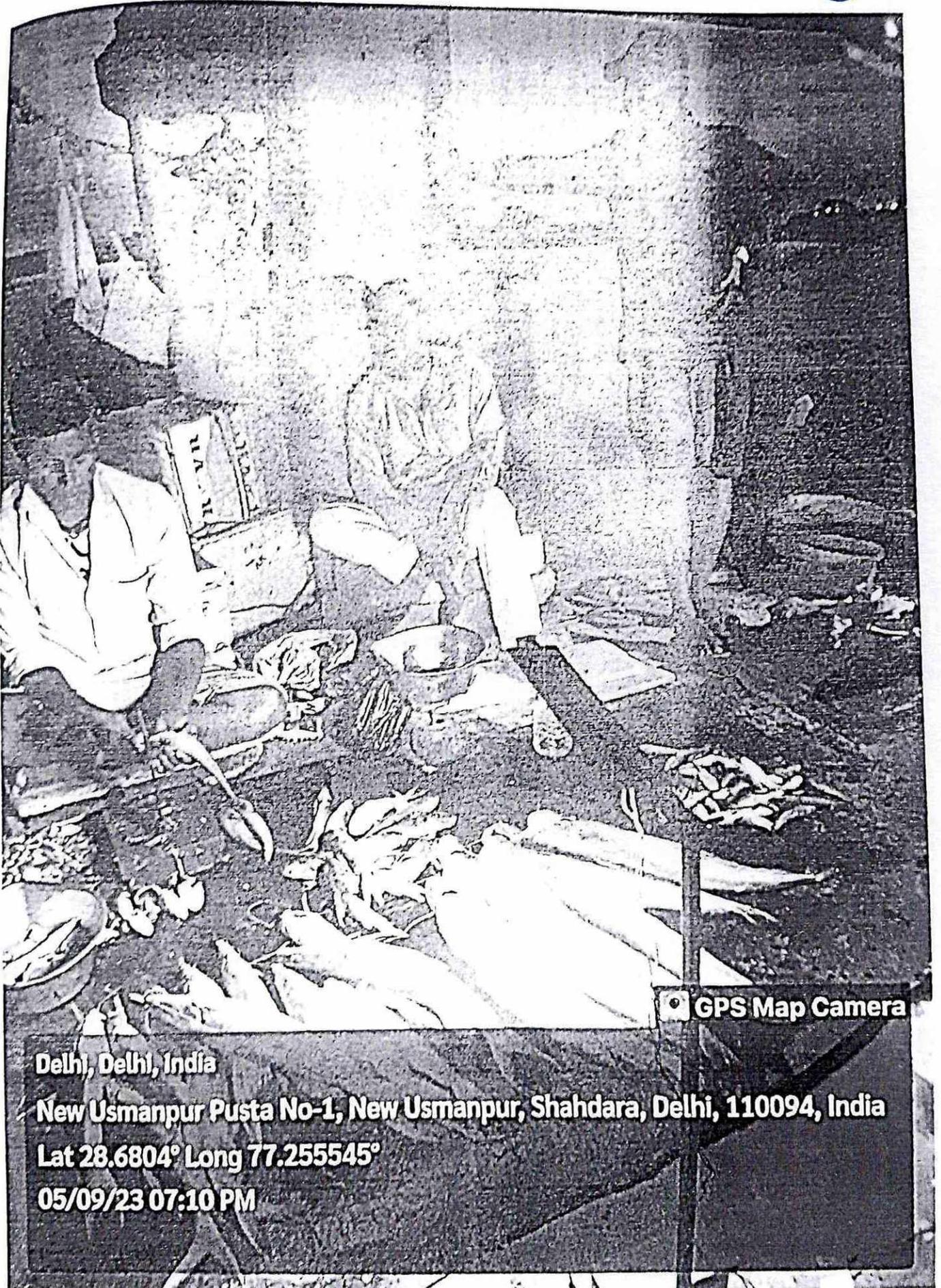
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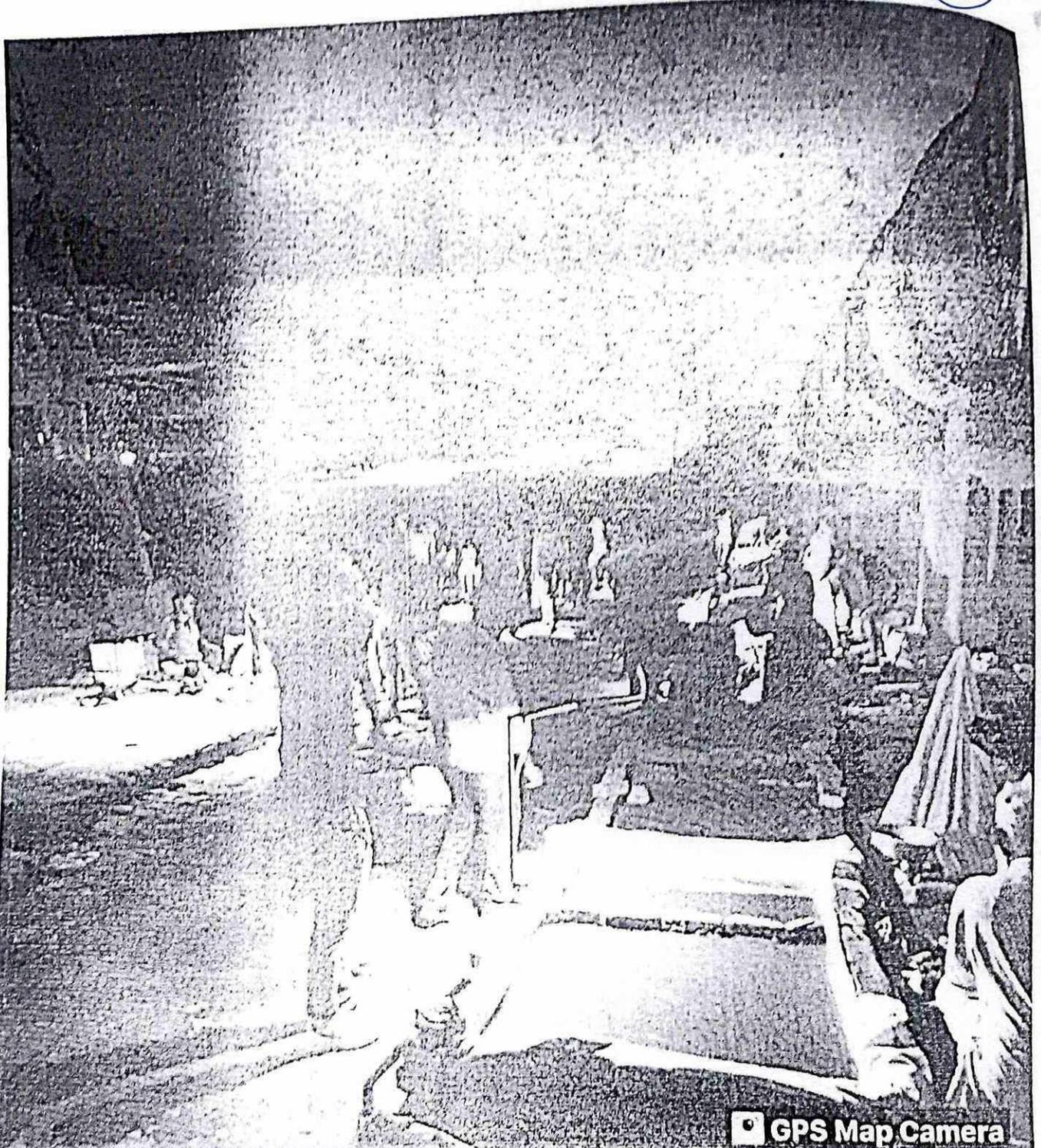
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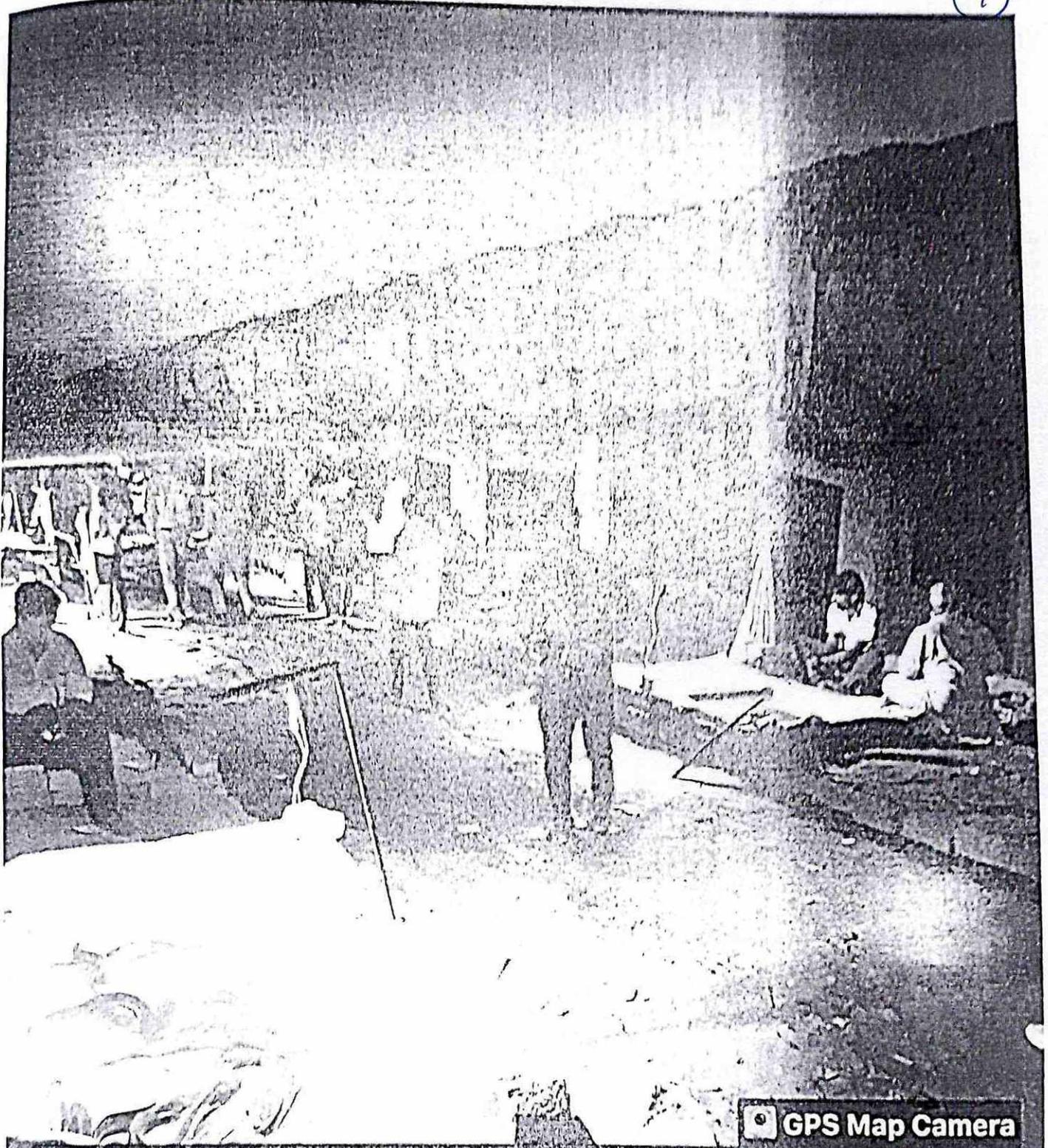
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New Usmanpur Pusta No-1, New Usmanpur, Shahdara, Delhi, 110053, India

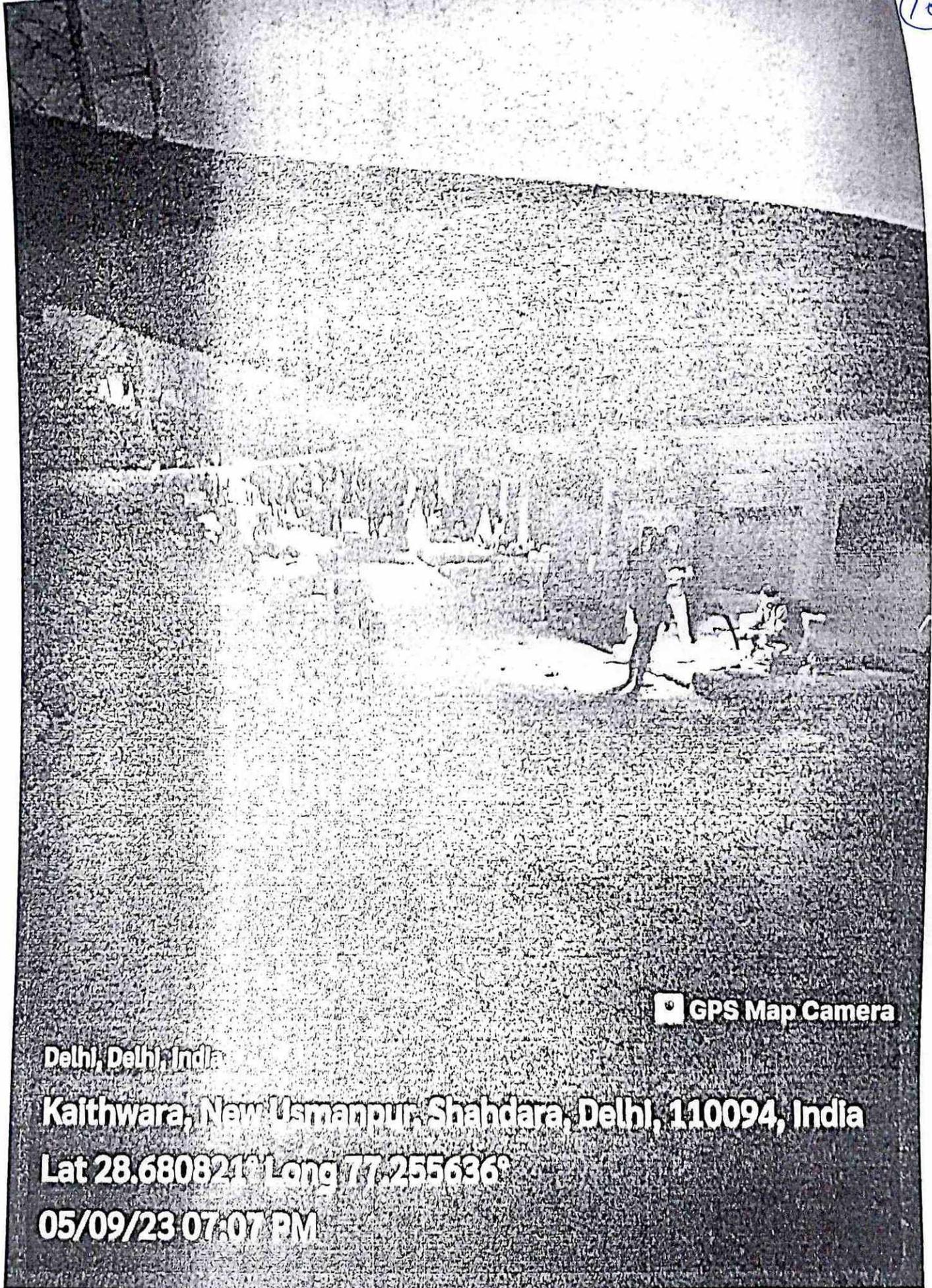
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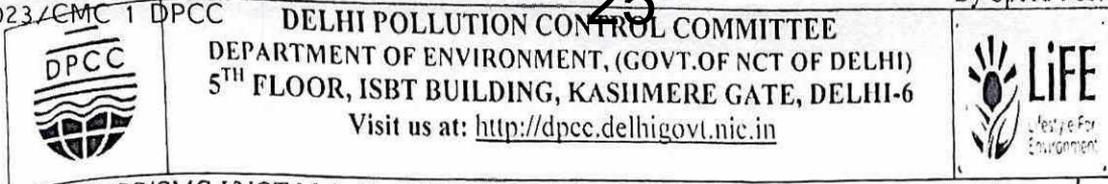
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Delhi, Delhi, India

Kaithwara, New Usmanpur, Shahdara, Delhi, 110094, India

Lat 28.680821° Long 77.255636°

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Annexure-R4/2

F. No. DPCC/CMC-I/NGT M.A. No.66/2023(O.A.No.168/2022)/2023/1387-93 Dated: 22/09/2023

Subject: Reg. NGT matter M.A. No. 66/2023 in O.A. No. 168/2022 "Mudit Kumar Vs. GNCTD" dated 28.08.2023

Ref.: NGT order O.A. No. 168/2022 "Mudit Kumar Vs. GNCTD" dated 05.05.2022

Sir,

Delhi Pollution Control Committee has been vested with the powers under section 5 of Environment Protection) Act, 1985 which empowers the Delhi Pollution Control Committee (DPCC) same directions in writing to any person, officer or any authority shall be bound to comply with such directions.

Hon'ble NGT in the matter of Original Application No. 168/2922 titled as Mudit Kumar Vs. GNCID" vide order dated 05.05.2002 has directed that the "factual position needs to be verified and remedial action is required to be taken on the basis thereof. We accordingly constitute a Joint Committee of DPCC, Delhi Agricultural Marketing Board, Government of NCT of Delhi, and Deputy Commissioner, Shahdara and direct the same so verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law".

In compliance of said NGT order, an inspection by Joint Committee of the officials from, DPCC, Delhi Agricultural Marketing Board (DAMB), Delhi police and Deputy Commissioner. Shahdara was done on 25.05.2022 and a letter vide F.No. DPCC/CMC-I/2022/332-35 dated 07.06.2022 was sent to MCD, Delhi Police, PWD and I&FC for submitting the ATR to Hon'ble NGT within 15 days.

And whereas, Hon'ble NGT in the matter of M.A. No. 66/2023 in O.A. No. 168/2022 "Mudit Kumar Vs. GNCTD" dated 28.08.2023 has stated in the said order that since no ATR in compliance with the directions issued by the DPCC has been submitted by the above said authorities, Notices be issued to them for filing ATR/status report with two months.

In compliance of the above mentioned NGT order, an inspection was conducted by DPCC officials at **Fish Market, 1st Pusta, New Usmanpur, Front Road in Yamuna Khadar** on 05.09.2023 between 7:00pm to 7:30pm to verify the factual position and following observations were made:

- 1) Fish Market was found functioning at 1st Pusta, New Usmanpur, Front Road in Yamuna Khadar.
- 2) During inspection total 25 nos. of stalls were found functioning. Although as per local enquiry, approx. 50 nos. of stalls generally operates at the said site for selling fishes.
- 3) As informed by a local vendor, they procure fishes for selling purpose from Ghazipur

- 5) The said site is not maintained properly and there was no arrangement for hygienic disposal of solid municipal waste generated at site which is creating unhygienic and filthy atmosphere.
- 6) A board was found installed at the site claiming it to be a DDA land. Hence, on the basis of this board it can be inferred that this Fish Market is operating on the DDA land.
- 7) Market association head (Sh. Aslam Qureshi, Phone No. 9871384314) was present at the said fish market during the inspection and he informed that they are operating the fish market at the said site from last 35 years. He also informed that they used to give weekly/monthly rent (Tehbazari) to MCD.
- 8) Market association head produced some documents regarding 'Tehbazari' with MCD, which was stopped in 2008, as per him. But he did not produce any documents from land owning agency i.e. DDA regarding the same.
- 9) Upon asking, market vendors and association head could not produce any legal documents or permission/licence regarding the operation of Fish market at the said site.

In view of above the Competent Authority in Delhi Pollution Control Committee and as decided, in exercise of powers conferred upon its u/s 5 of The Environment Protection Act, 1986 as amended to date, hereby issue the following directions for the area under your jurisdiction:

1. DDA shall take necessary action at their end, for clearing the land, as per law in compliances of MPD-2021 w.r.t. operation of illegal fish market at their land.
2. MCD, SDM (Seelampur) and Delhi Police shall ensure that no illegal market operates at DDA land at 1st Pusta, New Usmanpur, Front Road in Yamuna Khadar.
3. DDA, along with all the relevant agencies shall ensure that no encroachment could take place in 'O' Zone of Yamuna River Bed, for carrying out illegal activities.

You are requested to submit the Action Taken Report within 15 days from issuance of these directions to Hon'ble NGT for further directions and the same may be intimated to DPCC.

This is being issued as per the approval of the Competent Authority, Delhi Pollution Control Committee.

Yours sincerely,



Incharge, CMC-I

Encl.: NGT order as mentioned above.

To,

1. The Director,
Land Management-I,
Delhi Development Authority,
B-Block, Ground Floor, Vikas Sadan,