

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

M.A. No. 75/2022

In

Original Application No. 400/2022

In the matter of:

Sh. Hirdey Kumar Goel & Ors.

...Applicant

Versus

Govt. of NCT of Delhi

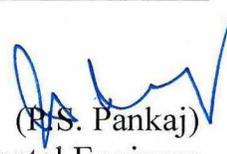
...Respondents

NDOH;- 18.08.2023

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Filed By


(R.S. Pankaj)

Sr. Environmental Engineer

Dated: 05.06., 2023

Place: Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

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**COMPLIANCE REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
28.04.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon`ble Tribunal on 08.07.2022 and pleased to constitute a joint Committee of DPCC, Deputy Conservator of Forests and Deputy Commissioner (Shahadara) Delhi against the Construction of convenient shopping center in Ashoka Niketan (Anand Vihar).
2. That in compliance with the order`s passed by this Hon`ble Tribunal, DPCC filed the action taken report and response through email on

14.09.2022 and 21.02.2023, which is available on the records of this Hon`ble Tribunal.

3. That, this Hon'ble Tribunal considered the reports during the hearing on 28.04.2023. This, in view of the order dated 28.04.2023, officials of DPCC inspected the site on 24.05.2023 and following are the observations of the inspecting team:

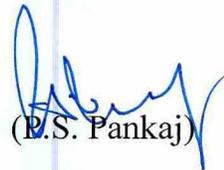
- Construction activity of the premise was found closed/ non-operational and no construction material found lying at site.
- M/s Suncity Project Pvt. Ltd has completed its structural work at site.
- Plot area where construction was being carried out is 1490.95 m².

Copy of the inspection report dated 24.05.2023 alongwith photographs taken during the inspection are enclosed herewith as ANNEXURE-1(Colly).

4. That, DPCC issued a letter on 25.05.2023 to Deputy Conservator of Forests (Central Division) interalia informing the order passed by this Hon`ble Tribunal for compliance as well as asking the action taken with respect to letter dated 26.08.2022 issued by DPCC. Copy of the letter dated 25.05.2023 is enclosed herewith as ANNEXURE-2.

5. That, during the inspection project was found closed/ non-operational and no construction material found lying at site, hence no action is warranted.

6. That, the answering respondent per se does not have jurisdiction under “THE DELHI PRESERVATION OF TREES ACT, 1994”. The Forest Department, Government of NCT Delhi is the appropriate authority under this Act therefor is the appropriate department to look and take action in the matter.
7. That, under the prevailing environmental legislations, DPCC has no power to take action under “THE DELHI PRESERVATION OF TREES ACT, 1994 or to recommend any action under the provision of the said Act.
8. That, as DPCC has no power / responsibility under the provisions of the “THE DELHI PRESERVATION OF TREES ACT, 1994”.
9. It is therefore requested to this Hon’ble Tribunal that the present compliance report may kindly be taken on record.



(P.S. Pankaj)

Sr. Environmental Engineer

Delhi

Dated: - 05 06, 2023

**DELHI POLLUTION CONTROL COMMITTEE**4th & 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006visit us at <http://dpcc.delhigovt.nic.in>**31****Annexure-1****(4)**
(copy)INSPECTION REPORT DATED **24/05/2023**

Sl.No.	Description	Status																
1.	Name of Agency	Suncity Projects Pvt Ltd																
2.	Office Address																	
3.	Name & Address of the Project	Opposite House No-B-28, 29, Ashoka Niketan, Anand Vihar, Delhi-110092																
(ii)	Phone no.	9852425242.																
(iii)	Email ID																	
4.	Kind of Building	Commercial																
5.	Total Plot area: Built-Up area:	1490.95m ²																
6.	Construction stage/status of the project:	<ol style="list-style-type: none"> 1. Work not started. 2. Excavation being done 3. Foundation/structure work going on 4. <input checked="" type="checkbox"/> Structure completed & finishing work going on. 5. Project completed & nil occupancy. 6. Occupancy started & operational. 																
7.	Details of DG sets	<table border="1"> <thead> <tr> <th>KVA</th> <th>Acoustic</th> <th>Stack ht above GL(Mts)</th> <th>Stack ht above RL(Mts)</th> </tr> </thead> <tbody> <tr> <td>NIL</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	KVA	Acoustic	Stack ht above GL(Mts)	Stack ht above RL(Mts)	NIL	-	-	-								
KVA	Acoustic	Stack ht above GL(Mts)	Stack ht above RL(Mts)															
NIL	-	-	-															
8.	Source of Water																	
9.	Number of bore wells & DJB permission/CGWA registration																	
10.	Number of Ready Mix Concrete (RMC) plant installed at site (If Yes, Observations are to be annexed).	NIL																
11.	Measures adopted to control dust emissions :																	
i	Dust/ wind breaking walls of appropriate height around the periphery of the construction site.	NA																
ii	Whether Anti-Smog Gun(s) installed (indicate numbers of Anti-Smog Guns).	NA																
iii	Tarpaulin or green-net on scaffolding around the area under-construction and the building.	NA																
iv	All vehicles including carrying construction																	

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	material and construction debris of any kind should be cleaned and wheels washed before leaving the construction site.	NA
v	All vehicles carrying construction material and construction debris should be fully covered and protected so as to ensure dust from construction material or debris does not become air-borne in transportation.	NA
vi	All construction debris and construction material of any kind should be stored on the site and not dumped on public roads or pavements.	NA
vii	No loose soil or sand or Construction & Demolition Waste or any other construction material that causes dust shall be left uncovered.	NA
viii	No grinding and cutting of building materials in open area. Wet-jet should be used in grinding and stone cutting.	NA
ix	Unpaved surfaces and areas with loose soil should be adequately sprinkled with water to suppress dust.	NA
x	Roads leading to or at construction sites must be paved and blacktopped (i.e. metallic roads (for > 20,000 sqmt built up area).	NA
xi	Construction and demolition waste should be recycled on-site or transported to authorized recycling facility and due record of the same should be maintained.	NA
xii	Every worker working on construction site and involved in loading, unloading and carriage of construction material and construction debris should be provided with dust-mask to prevent inhalation of dust particle.	NA
xiii	Arrangement should be provided for medical help, investigation and treatment to workers involved in the construction of building and carry of construction material and debris relatable to dust emission.	NA
xiv	Dust mitigation measures shall be displayed prominently at the construction site for easy public viewing.	NA

High Significance : (i),(ii),(iv),(v),(vi)(ix) and if ASG not installed (iii),(vii),(viii) shall also be of High Significance

In case plot area ≥ 500 sqm:

Site registered on Web Portal "Dust Pollution Control Self-Assessment": Yes () / No ()

PM 2.5 & PM 10 Sensors Installed at project site: Yes () / No ()

Video Fencing installed at project site: Yes () / No ()

① Construction activity of the said premises found closed/non-operational and no construction material found lying at site.

क २१/०५/२३

Amn from Bhr
24/05/23
JEE, DPCC

Sumit Kumar
24/05/2023
JEE, DPCC

Signature, Name & designation of inspection.

Name & designation of persons present during Inspecting Officials

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Delhi, Delhi, India

Arya's b20, Block B, Ashoka Niketan, Anand Vihar,

Delhi, 110092, India

Lat 28.658558°

Long 77.313698°

24/05/23 02:26 PM GMT +05:30

 GPS Map Camera



34

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GPS Map Camera

Delhi, Delhi, India

169, near Yamuna Sports Complex, opp. Ashoka Niketan,

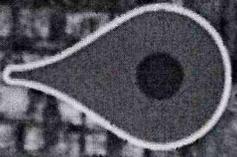
Block A, Vigyan Vihar, Surajmal Vihar, Delhi, 110092, India

Lat 28.658268°

Long 77.313445°

24/05/23 02:28 PM GMT +05:30

Google



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GPS Map Camera

Delhi, Delhi, India

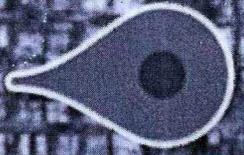
Arya's b20, Block B, Ashoka Niketan, Anand Vihar,

Delhi, 110092, India

Lat 28.658567°

Long 77.313741°

24/05/23 02:29 PM GMT +05:30



Google



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GPS Map Camera

Delhi, Delhi, India

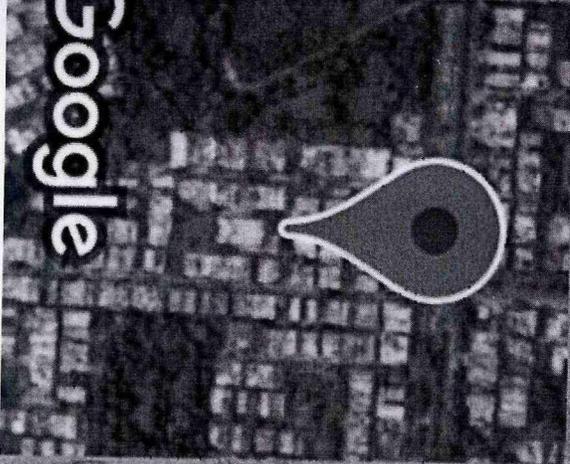
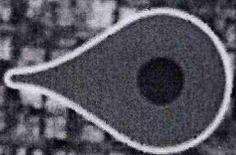
Arya's b20, Block B, Ashoka Niketan, Anand Vihar,
Delhi, 110092, India

Lat 28.6585555°

Long 77.313608°

24/05/23 02:27 PM GMT +05:30

Google





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



Annexure-2

F.No- DPCC/CMC-I/NGT/OA No. 400/2022/ 230

Date: 25/05/2023

Reminder

To,
M/s Deputy Conservator of Forests (Central Division),
Kamla Nehru Ridge,
Delhi-110007

Subject: Regarding submission of Action Taken Report in the matter of "Hirdey Kumar Goel Vs Govt. NCT of Delhi"

Sir,

In compliance of NGT order dated 08.07.2022 in OA No. 400/2022 in the matter of "Hirdey kumar Goel & Ors Vs. Govt of NCT of Delhi" a joint Committee comprising of officials of DPCC DC/DM Shahdara and DJB visited the premises as mentioned in the said order, on 04.08.2022 A request to nominate of your department official was also conveyed via mail dated 20.07.2022 & 29.07.2022, however no one from your department was present at the time of inspection. Following observation was made:

- Branches of one tree were chopped located in the building premises to accommodate the construction.

In this regard, a letter was issued to your department on 26.08.2022 for submission of ATR but till now no response has been received from your department so far. Therefore, you are again requested to submit an Action Taken Report to DPCC in the above said matter within 15 days of issuance of this letter. Further in the NGT order dated 28.04.2023, NGT has passed following direction:

"We consider personal appearance of the officer duly authorized by Member Secretary, DPCC, **Deputy Conservator of Forests (Central Division)**, Delhi and Deputy Commissioner, Shahdara before this Tribunal physically on the next date of hearing to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date."

Therefore, you are requested to appear before Hon'ble NGT on next date of hearing i.e 18.08.2023 along with Action Taken Report in the above said matter (Copy of NGT order dated 28.04.2023 enclosed).

Your sincerely,


SEE, CMC-I

Encl.- Copy of order dated 28.04.2023