

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

Original Application No. 141/2023

In the matter of:

Sh. Anuj Kansal

...Applicant

Versus

Golden Movement Banquet Hall & Ors

...Respondents

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Filed by


(R.S. Yankaj)

Sr. Environmental Engineer

Dated: ___ May, 2023

Place:

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Original Application No. 141/2023

In the matter of:

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**ACTION TAKEN REPORT ON BEHALF OF DELHI
POLLUTION CONTROL COMMITTEE WITH RESPECT TO
ORDER DATED 10.03.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon'ble Tribunal on 10.03.2023 and direct to Delhi Pollution Control Committee (DPCC), SDM (Karol Bagh) and DCP (Central) to look into the grievances of the applicant against noise pollution on activities in Ajmal Khan park, Karol Bagh, New Delhi by Raj Tents and Decorators, Raj Vatika Banquet Hall and Golden Moments Banquet Halls.
2. That, in compliance of the order passed by this Hon'ble Tribunal, DPCC issued direction on 04.05.2023 under section 5 of the Environmental (Protection) Act, 1986, regarding Implementation of Noise Rules, 2000

to concerned District Magistrate, Deputy Commissioner of Police and ,
SDM(Karol Bagh) to take necessary action against the aforesaid
Banquet Halls/Tent House in compliance of Noise Rules, 2000 and to
submit the compliance report within 30 days. Copy of the direction dated
04.05.2023 is enclosed herewith as ANNEXURE-1.

3. That, Raj Vatika and Golden Moments are operating their activity of
banquet hall with Consent to Operate under the provisions of the Water
Act-1974 and Air Act-1981. Copies of the consent certificate issued to
these units are enclosed herewith as ANNEXURE-2 (Colly).
4. That, Delhi Government has issued an order on 29.11.2022 earmarking
the designated authorities under Noise Rules and distributed the action
to be taken by each authority. Copy of the order dated 29.11.2022 is
enclosed herewith as ANNEXURE-3. The probable source of noise
from the activity lies under the jurisdiction of Deputy Commissioner,
SDMs and Aast. Commissioner of Police.
5. It is therefore requested to this Hon'ble Tribunal that the present status
report may kindly be taken on record.


(P. Parkaj)
Sr. Environmental Engineer

Delhi

Dated ___ May, 2023



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>

By Speed Post



F.No. DPCC/CMC-VII/NGT OA-141/2023/ 1429-36

Dated: 4-5-23

Sub:- Directions u/s 5 of Environment (Protection) Act, 1986, as amended to date regarding Implementation of Noise Rules, 2000

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, under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981 noise is defined as air pollutant.

And whereas, as per Hon'ble NGT Order dated 14.03.2019 in the matter of Hardeep Singh & Ors. vs. SDMC & Ors in in OA No. 519/2016 (copy enclosed) which may be reproduced as below: -

"....."

12. Needless to say that violation of noise pollution norms is a criminal offence under Section 15 of the Environment (Protection) Act, 1986, apart from Sections 268/290/291 IPC and it is mandate of Delhi Police to enforce the law. Noise free environment is a part of fundamental right to life for the citizens.

"....."

And whereas, DPCC has issued Direction to designated authorities under section 5 of Environment (Protection) Act, 1986 vide F. No. DPCC/(12)(1)(316)/Air Lab/2021/184 dated 25.06.2021, regarding implementation of compensation regime for violation of Noise Rules, 2000).

And whereas, an OA filed before Hon'ble NGT titled " Anuj Kansal vs Golden Moments Banquets Hall & Ors." alleging severe Noise Pollution (Bursting of loud crackers, Loud wedding Band, Loud DJ Music band etc.) on East Park Road, Karol Bagh, Delhi - 110005 by

1. A wedding tent erected in Ajmal Khan Park operated by Raj Tents and Decorators.
2. Raj Vstika Banquet Hall
3. Golden Moments Banquet Hall

And whereas, Hon'ble NGT vide its order dated 10.03.2023 in matter of "Anuj Kansal Vs Golden Banquets Hall & Ors." Which may be reproduced as below: -

"....."

Thus, we are of view that the grievance can be looked into and based on verification of facts, remedial action taken in accordance with directions of this Tribunal in OA No. 519/2016, Hardeep Singh & Ors vs. SDMC & Ors, by DPCC, SDM Karol Bagh and DCP, Central, Karol Bagh, New Delhi, in coordination with other concerned authorities and after interaction with all concerned, including the alleged violators.

The application is disposed of.

"....."

And whereas, the case was put up before the Competent Authority and it has been decided to issue Direction under section 5 of Environment (Protection) Act, 1986.

Now therefore, in view of above stated facts and to ensure compliance of the existing rules and prevent further violation of noise levels with respect to prescribed standards/limit and in pursuance of directions issued by Central Pollution Control Board under section 5 of Environment (Protection) Act, 1986, DPCC hereby issue the following direction:

1. You shall take necessary/appropriate action against the aforesaid Banquet Halls/Tent House in compliance of Noise Rules, 2000 and submit the Compliance Report to this office within 30 days from date of issue of this Direction.

Encl: As above


Member Secretary, DPCC

To,



1. District Magistrate (Central), 14, Daryaganj, Delhi - 110002
2. Deputy Commissioner of Police, Daryaganj, Old Delhi, Delhi- 110006
3. SDM (Karol Bagh), Flatted Factory Complex, Jhandewalan, New Delhi, Delhi 110005
4. Wedding Tent Erected in Ajmal Khan Park operated by Raj Tents and Decorators, Ajmal Khan Park, Karol Bagh, Delhi - 110005- with the direction to take necessary steps to control Noise Pollution and comply with the Noise Rules, 2000 and submit compliance to this office report within 30 days of issue of this direction.
5. Raj Vatika Banquet Hall, East Park Road, Karol Bagh, Delhi - 110005- with the direction to take necessary steps to control Noise Pollution and comply with the Noise Rules, 2000 and submit compliance to this office report within 30 days of issue of this direction.
6. Golden Moments Banquet Hall, East Park Road, Karol Bagh, Delhi - 110005- with the direction to take necessary steps to control Noise Pollution and comply with the Noise Rules, 2000 and submit compliance to this office report within 30 days of issue of this direction.

Copy for information:

1. The Divisional Commissioner, 5 Sham Nath Marg, Delhi - 110054
2. Commissioner of Delhi Police, Police Headquarters, Jai Singh Road, New Delhi -110001.



DELHI POLLUTION CONTROL COMMITTEE

(Government of N.C.T. of Delhi)

4th & 5th Floor, ISBT Building Kashmere Gate, Delhi 110006

(9)

CONSENT ORDER

Certificate No. :G-22316

Name of the unit	:	RAJ VATIKA a unit of KHURANA HOSPITALITIES
Address	:	PLOT NO 876 EAST PARK ROAD KAROL BAGH, Banguet Halls, Delhi -
Consent Order No	:	DPCC/CMC/2021/1166509
Date of issue	:	07/03/2022
Product/Activity	:	Restaurants/Eating Houses / Dhabas and other such establishments (with minimum seating capacity of 101) / Banquet Halls/ Party Lawns (with minimum Floor area 100 m2) and /Sweet Shops/ Halwais and Other such Establishments (with Annual Average Production of one Tonne/Day or more) - connected to / Discharging Effluent into Public / Municipal / DJB Sewer and having Kitchen and / or Laundry without Boiler
Manufacturing Activities	:	
Category Name	:	[ORANGE]
Product Capacity	:	null null

This Consent to **Operate** is hereby granted under section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 under **ORANGE** Category. This consent is subjected to terms and conditions specified overleaf. **This is being issued with reference to your application id 1166509 valid from 22/12/2021 to 21/12/2026.**

SATENDER KUMAR

Senior Environmental Engineer

Digitally signed by SATENDER KUMAR
Date: 2022.03.07
10:59:51 +05'30



DELHI POLLUTION CONTROL COMMITTEE

(Government of N.C.T. of Delhi)

4th & 5th Floor, ISBT Building Kashmere Gate, Delhi 110006

5

CONSENT ORDER

Certificate No. :G-19764

Name of the unit	:	GOLDEN MOMENTS
Address	:	PLOT NO: 870, EAST PARK ROAD, KAROL BAGH, NEW DELHI-110005, Banquet Halls, Delhi - 110005
Consent Order No	:	DPCC/CMC/2021/907539
Date of issue	:	14/09/2021
Product/Activity	:	Restaurants/Eating Houses / Dhabas and other such establishments (with minimum seating capacity of 101) / Banquet Halls/ Party Lawns (with minimum Floor area 100 m2) and /Sweet Shops/ Halwais and Other such Establishments (with Annual Average Production of one Tonne/Day or more) - connected to / Discharging Effluent into Public / Municipal / DJB Sewer and having Kitchen and / or Laundry without Boiler
Manufacturing Activities	:	
Category Name	:	[ORANGE]
Prout Capacity	:	null null

This Consent to **Operate** is hereby granted under section 2I of the Air (Prevention & Control of Pollution) Act, 1981 and under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 under **ORANGE** Category. This consent is subjected to terms and conditions specified overleaf. **This is being issued with reference to your application id 907539 valid from 30/06/2021 to 29/06/2026.**

SATENDER KUMAR
Digitally signed by
SATENDER KUMAR
Date: 2021.09.14
16:14:45 +05'30'
Senior Environmental Engineer

**DEPARTMENT OF ENVIRONMENT
GOVT. OF NCT OF DELHI**
Level - 6, C- Wing, Delhi Secretariat, I.P. Estate, New Delhi - 110002
Ph: - 23392306

F No. 10(30)/Env/2016/ 7057-7066

Dated: 29-11-22

ORDER

Whereas, National Green Tribunal vide its orders dated 14.07.2022 passed in OA 519/2016 titled as, "Hardeep Singh & Ors. Versus SDMC & Ors.", regarding Noise Pollution in Delhi, has passed certain directions for controlling environment pollution. The Tribunal further directed that the government should take noise pollution at par with air pollution. Whenever there is any plan to curb air pollution, similar plans must be made to mitigate noise pollution. In addition, the Hon'ble Tribunal further directed to hold a meeting and issue appropriate statutory/ administrative order in the light of the Report, identifying accountable authority/ authorities for the steps to be taken for noise pollution control.

And whereas, Delhi Pollution Control Committee has also fixed compensation to be paid for violation in term of the Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 for exceeding the prescribed standards/ polluting the environment.

And whereas, the order of the National Green Tribunal is to be complied by designated officer as a decree/ order of Civil Court.

And whereas, the GNCTD has designated All Deputy Commissioner (Revenue), All SDMs, Asst Commissioner of Police Control Room, All Sub Divisional Police Officer including Railways & Airports, Chairman and Member Secretary of DPCC and ACP (Traffic) under the provisions of Noise Pollution (Regulation & Control) Rules, 2000. Further, GNCTD has also proposed Assistant Commissioners of Municipal/ Local bodies of Delhi as a designated authority.

Therefore, in pursuance to the Tribunal's orders and Noise Pollution (Regulation and Control) Rules, 2000 designated authorities and action to be initiated by Different agencies are as follows:

Designated Authority under Noise Rules	Action Points
All Deputy Commissioners, Govt. of N.C.T. of Delhi.	<ol style="list-style-type: none"> I. Maintaining Noise levels in any area/ zone as specified in the Schedule. II. Responsible for due compliance with the ambient air quality standards in respect of Noise. III. Compliance to the sound limiter Notification. No audio system/ public address system shall be let out/ installed without sound limiter.
All Sub Divisional Magistrates, Govt. of N.C.T. of Delhi.	<ol style="list-style-type: none"> I. Action regarding Noise of the D.G Sets/ cooling towers/ Air Conditioners/ compressors installed in Commercial areas. II. Restrictions on the sound emitting construction equipment (including marble & tile cutting machines) and bursting of firecrackers. III. Regular meetings with RWAs/ NGOs/ Schools/ Colleges etc. for awareness on Noise Pollution Control.

Handwritten signature

	<p>IV. Issue directions to prevent annoyance, disturbance, discomfort or injury to public or any person caused by the incidence or continuance of noise at any premises due to any vocal or instrumental music, sound caused by playing, beating, clashing, blowing, appliances or apparatus etc.</p>
<p>Asstt. Commissioners of the Police control room.</p> <p>All Sub Divisional Police Officers including Railways & Airports</p>	<p>I. Maintaining Noise levels in any area /zone as specified in the Schedule.</p> <p>II. Restrictions on the use of loud speakers/public address systems (and sound-producing instruments).</p> <p>III. Grant of permissions for the use of loud speakers/public address system with implementation of sound limiter Notification. In Delhi, the installation of Sound limiters in sound systems is mandatory. To act upon these directions and implemented in social functions. To take undertaking from the organizer as a pre-condition for permitting playing loudspeakers.</p> <p>IV. Restrictions on the sound emitting construction equipments (including marble & tile cutting machines) and bursting of sound emitting firecrackers.</p> <p>V. To conduct regular meetings with office bearers of religious institutions for self-regulation of Noise from sound emitting instruments. Sound from mics should be limited to its premises and be pursued to install sound limiters and abide by the noise rules.</p> <p>VI. To issue such directions necessary to any person for preventing, prohibiting, controlling or regulating noise at his premises.</p> <p>VII. Implementation of restrictions related to aircraft noise.</p>
<p>Chairman and Member Secretary of Delhi Pollution Control Committee, Delhi.</p>	<p>I. Maintaining Noise levels in any area/zone as specified in the Schedule.</p> <p>II. To ensure compliance to the ambient air quality standards in respect of Noise.</p> <p>III. Action regarding Noise of the D.G. Set/ cooling towers/ Air Conditioners/ compressors, if installed in Industrial areas.</p> <p>IV. DPCC to maintain and operate real-time noise monitoring stations and share monitoring data with land-owning agencies, which includes Hotspots also.</p> <p>V. To collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.</p> <p>VI. Completion of action taken by enforcement agencies for data analysis.</p>

	<p>VII. To coordinate the awareness campaigns through the Department of Education, Transport, and Environment.</p> <p>VIII. Feasibility to be explored regarding globally available noise tracking system.</p>
Assistant Commissioners of Police (Traffic)	<p>I. Restrictions on the use of horns by vehicles except for electric horns.</p> <p>II. Implementation of silence zone notification.</p> <p>III. Restrictions on the use of modified silencers.</p> <p>IV. Conduct noise pollution control awareness campaign.</p> <p>V. To ensure free traffic flow, reduce idling vehicular Noise, and strictly enforce 'no-honking' zones/silence zones.</p>
Assistant Commissioners of Municipal/ Local bodies of Delhi (PROPOSED)	<p>I. To take action against noise of the D.G set/ cooling towers/ air conditioners/ compressors, if installed in residential areas.</p> <p>II. Issue directions to prevent annoyance, disturbance, discomfort or injury to public or any person caused by the incidence or continuance noise at any premises due to any vocal or instrumental music, sound caused by playing, beating, clashing, blowing, appliances, or apparatus etc.</p> <p>III. To plant more trees around the roads, so they act as noise barriers.</p> <p>IV. To conduct regular meetings office bearers of religious institutions for self-regulation of noise instruments. Sound from mics should be limited to its premises and shall be pursued to install sound limiters and to abide by the noise rules.</p> <p>V. Conduct noise pollution control awareness campaign.</p> <p>VI. In Delhi, the installation of Sound limiters in sound systems is mandatory. To act upon these directions and implemented in social functions. To take undertaking from the organizer as a pre-condition for permitting playing loudspeakers.</p> <p>VII. To take into consideration all aspects of noise pollution as a parameter of quality of life to avoid noise menace and to achieve objective of maintaining air quality standards in respect of noise, while planning developmental activity or carrying out functions relating to city planning.</p>

Other Compliances:

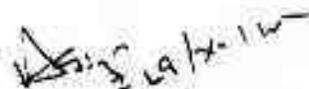
- i. Joint Committee of DCP-PCR to undertake implementation of approved Noise Pollution Control Action Plan.
- ii. DPCC directions issued on 25.06.2021 regarding adoption of the scale of compensation for violation of Noise Rules, 2000 be complied in its letter and spirit (Annexure I). Monthly ATR need to be submitted.

- iii. It shall be the responsibility of the above mentioned agencies/ officers to ensure that coordinated action is taken to ensure that local sources of noise pollution as outlined above are completely curbed.
- iv. Systematic efficiency to be improved so that the complaint noted by the inspecting teams and/ or filed by the public on Sameer App/ Green Delhi App/ dedicated webportal/ exclusive noise helpline and ERSS-112 are obviated. Complaints (if any) received to be liquidated within 2 hours by the concerned designated authority.
- v. Detailed reports are to be submitted to the nominated officer of GNCTD as a Nodal officer (Noise Pollution) to Joint Committee, constituted by Hon'ble NGT, on fortnightly basis with a copy to DPCC.
- vi. The above directions given in pursuance of the order dated 14.07.2022 of the Hon'ble Green Tribunal to be complied in its letter and spirit. In case of any non-compliance, the concerned HOD/nodal officer(s) will be held responsible personally and appropriate action will be taken for such negligence.

The compensation amount so collected shall be deposited in Delhi Pollution Control Committee, having account no. 10166747672, IFSC Code SBIN0005715 in State Bank of India, ISBT, Kashmere Gate, Delhi.

Also, Weekly action taken reports of inspections conducted, compensation imposed and compensation collected shall be submitted by the authorized officers to Delhi Pollution Control Committee, without fail.

This issues with the approval of the Competent Authority.

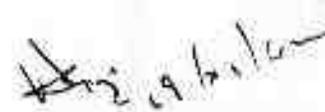

(Anil Kumar Singh)
Pr. Secretary (Environment)

To,

1. Commissioner of Police, Delhi Police
2. Divisional Commissioner, GNCTD
3. Commissioner, Municipal Corporation of Delhi
4. Chairman New Delhi Municipal Council
5. CEO, Delhi Cantonment Board
6. Member Secretary, DPCC

Copy for kind information to:

1. Principal Secretary to Hon'ble Lt. Governor, Delhi
2. Secretary to Hon'ble Chief Minister, GNCTD
3. Secretary to Hon'ble Minister (Environment & Forest), GNCTD
4. SO to Chief Secretary, GNCTD


(Anil Kumar Singh)
Pr. Secretary (Environment)