

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

M.A. No. 77/2023

In

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. Pankaj)

Sr. Environmental Engineer

Delhi

Dated 20th 06.2024

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

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Sh. Anuj Kansal

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Golden Movement Banquet Hall & Ors

...Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
19.02.2024.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 10.03.2023. In this matter grievance of the applicant is about noise pollution (loud music, bursting of fire cracker, barat bands, drunk wedding guests, clogging of the roads) by the Raj Tents and Decorators, Raj Vatika Banquet Hall and Golden Moments Banquet Halls at Ajmal Khan Park, East Park Road, Karol Bagh, New Delhi.

2. That, in compliance to the orders dated 10.03.2023, 13.09.2023 and 06.12.2023, DPCC filed the reports through email, which are available on the records of this Hon`ble Tribunal.
3. That the matter was taken up by this Hon`ble Tribunal on 19.02.2023 and while disposing of the matter Delhi Pollution Control Committee (DPCC) was directed to complete the proceedings in pursuance to the show cause notice and also disclose the norms following which compensation is calculated and submit a fresh action taken report.
4. IMPOSTION AND CALCULATION OF ENVIRONMENTAL DAMAGE CHARGES

That, in view of the Show Cause Notices dated 15.02.2024 issued by DPCC to both the Banquet Halls i.e. M/s Raj Vatika Banquet Hall and M/s Golden Movement Banquet for imposition of Environmental Damage Charges. Both the unit have submitted its reply and deposited EDC of Rs. 60,000/- (Rupees Sixty Thousand) and 10,000/- (Rupees Ten Thousand only) respectively. Copies of reply submitted by M/s Raj Vatika Banquet Hall and M/s Golden Movement Banquet dated 15.03.2024 and 06.03.2024 are enclosed collectively herewith as Annexure-1 (Colly).

5. NORMS FOLLOWING WHICH COMPENSATION CALCULATED

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- A. That, DPCC vide direction dated 06.10.2023 has imposed complete ban on manufacturing, storage, selling and bursting of all kinds of firecrackers till 01.01.2024. Copy of the direction dated 06.10.2023 is enclosed herewith as Annexure-2.
- B. That this Hon`ble Tribunal vide its order dated 11.08.2020 in OA No. 519/2016 titled as "Hardeep Singh & Ors. Versus SDMC & Ors." Ordered:
"... While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to 25 ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs..."
- C. That the CPCB in compliance to the above directions of this Hon`ble Tribunal issued direction on 27.04.2021 for implementation of compensation scale of violation of the noise rules.
- D. That the Delhi Pollution Control Committee in view of the aforesaid issued a direction under section 5 of the Environment (Protection) Act, 1986 on 25.06.2021. Copy of the direction dated 25.06.2021 is enclosed herewith as Annexure-3.

E. In view of the aforesaid direction of DPCC, which was issued in compliance to this Hon`ble Tribunal order and CPCB directives, DPCC imposed Environmental Damage Charges:

(i) M/s Raj Vatika Banquet Hall: EDC of Rs. 60,000/- (Rupees Sixty Thousand) was imposed as during the inspection inspecting team observed bursting of fire crackers as well as exceedance of noise levels.

(ii) M/s Golden Movement Banquet: EDC of Rs 10,000/- (Rupees Ten Thousand only) was imposed as during the inspection inspecting team observed exceedance of noise levels.

5. It is therefore requested to this Hon`ble Tribunal that the present action taken report may kindly be taken on record.


(P.S. Pankaj)
Sr. Environmental Engineer

Delhi

Dated 20th 06.2024



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RAJ VATIKA

(A Unit of Khurana Hospitalitys)

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Annexure-1 (Colly)

Dated: 05/03/2024

The Senior Environmental Engineer, (CMC-VII)
Office of the Delhi Pollution Control Committee,
ISBT Building, Kashmiri Gate,
Delhi-110006

| |
|--|
| Delhi Pollution Control Committee Dairy No. <u>144050</u> |
| 05 MAR 2024 |
| Sign. of Receiving Officer |

Subject: Unit namely Raj Vatika Banquet-reg.

Reference: Letter No DPCC/CMC-VII/NGT MA-770A-141/2023/2024/2846-47 dated 15/02/2024.

Sir,

Your notice under reference, some facts would be explaining before you for consideration, please:

1239/CMC-VII
06-3-24

- That our said unit is engaged in the activity of **Banquet Hall Service Provider** and providing catering, decorations, flower decoration, valet parking, etc services for social gatherings, religious functions, conferences, festivals gatherings, etc.
- That being law abiding person we obtained necessary permissions refer to out trade from authorities concerned.
- We have prohibiting **bursting crackers** surrounding of our banquet. We stickily follow Government policy of bursting of crackers.
- That the Government of India banned bursting crackers in October. The Hon' ble Supreme Court mandated Environment Pollution (Prevention and Control) Authority (EPCA) had expanded on the Supreme Court ban on polluting crackers and abolished the use of all firecrackers in Delhi-NCR.
- That since the policy announced, we placed **instruction boards** (Bursting of Firecrackers not allowed). We have placed instruction boards inside and outside of the premises.
- This is not out of place to mention here that the crackers bursting near to our premises is too risky for decorating material which made by fabrics, FRP raisin, Wood, etc. We appointed guards for stopping bursting crackers, near to our premises.
- That our premises used mostly by Muslim community and they are not fond of, Band Baja & Dhol, etc, hence no reason for generating Noise Pollution.
- That our unit is very far from complainer house, besides this we made sound proofing in banquet **which has more improved** after guidance of your officials.
- It is for your kind information that there are other banquets and party lawns and the complainers house at main road and usually **most of the barat, s** crossed that road.

To (A/Cs)
2024 CMC-VII

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RAJ VATIKA

(A Unit of Khurana Hospitalities)

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So, we could not control **Baraties and their relatives** for **road side** who follows Loud music, dhol & bursting of crackers during (leading Barat to the venue) the customary horse-drawn carriage carrying the groom and the accompanying family members and relatives dancing to the tune of loud musical band, dhol, etc and **cracker bursting** in a procession leading up to the wedding venue done by the Grooms family.

- It is to be considered on social platform, that in India, **wedding functions** are incomplete without music and dance. The **Band Baja** is most essential part of any Indian wedding, specially a **Dhole wala**.
- That the wedding band, dhole is not have allowed in front gate of premises as well as inside the banquet, they played at the entrance gate of banquet and returned after groom's entry in banquet but under **permitted time i.e. upto 10.00 PM**. The instruction boards placed for permitted time, in front of the premises.
- That we are very stick to **play DJ under the permissible time**, it closed at **10.00 PM**, **instruction boards displayed**.
- As per your official's guidelines, we have **more improved sound proofing** for preventing Noise Pollution under specified limits of Noise Act.

It is humbly prayed please consider the facts explained above sympathetically, this is also to be considered that after the Corona pandemic, our unit, is under financial crunch and this banquet is the only source of my bread & butter.

We are enclosing a **Demand Draft of Rs 60,000/- in favour of DPCC** on account of EDC charges.

Request for withdrawn the direction notice issued against our unit as soon as possible.

Thanking You,
Sincerely Yours,

For Raj Vatika Banquets

Vicky

Authorized Signatory

Enclosed: As Above

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करने वाली शाखा भारतीय स्टेट बैंक
19 Branch: K... State Bank of India
फॉ / CODE No: 40216
फो. 011-28759353

बैंकर्स चेक
BANKERS CHEQUE

Key: VEDFIZ
Sr. No: 122211

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PAY DELHI POLLUTION CONTROL COMMITTEE*****

को या उनके आदेश पर
OR ORDER

Sixty Thousand Only

रुपये RUPEES

60000.00

000513422049
Name of Applicant

Key: VEDFIZ Sr. No: 122211
KHURANA HOSPITALITIES

AMOUNT BELOW 60001(0/5)

अदा करें

₹

शुद्ध भारतीय स्टेट बैंक
For STATE BANK OF INDIA

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अहस्तांतरणीय / NOT TRANSFERABLE

प्राधिकृत हस्ताक्षर
AUTHORISED SIGNATURE

शाखा प्रबंधक
BRANCH MANAGER

ARUN KUMAR

₹ 1,50,000/- एवं अधिक के लिखतये अंशिक शक्ति पर ही वैध है।
INSTRUMENTS FOR ₹ 1,50,000/- & ABOVE ARE NOT VALID UNLESS SIGNED BY TWO OFFICERS
PF No.: 7517270

कम्प्यूटर द्वारा मुद्रित होने पर ही वैध
VALID ONLY IF COMPUTER PRINTED

केवल 3 महीने के लिए वैध
VALID FOR 3 MONTHS ONLY

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DELHI POLLUTION CONTROL COMMITTEE

(Government of N.C.T. of Delhi) 4th & 5th Floor, ISBT Building
Kashmere Gate, Delhi 110006
(Visit us at <https://www.dpccomms.nic.in>)



LIFE
Lifestyle for Environment

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F.No. DPCC/CMC-VII/NGT MA 77/OA-141/2023/ 2024/ 2846-47

Dated: 15/2/2024

To,

M/s Raj Vatika Banquet Hall,
Plot No. 876, East Park Road,
Karol Bagh, Delhi - 110005

Subject: Show Cause Notice for imposition for EDC-reg

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, 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, DPCC imposed complete ban on all kinds of firecrackers on manufacturing, storage, selling and bursting till 01.01.2024 vide F.No. DPCC/(10)(10)(39)/leg-202/922 dated 06.10.2023.

And whereas, in compliance of Hon'ble NGT order dated 13.09.2022 in matter of "Anuj Kansal vs Golden Moments Banquets Hall & Ors", Noise Monitoring/inspection at M/s Raj Vatika Banquet Hall, Plot No. 876, East Park Road, Karol Bagh, Delhi - 110005 (hereinafter referred as the addressee), was conducted by officials of DPCC on 23.11.2023

And whereas, during inspection, Chadath Band Baja and bursting of Fire Crackers observed and noise levels in front of banquet hall found to be 90.1 Leq dB(A) at 20:10 Hrs which exceeds the prescribed norms as per Noise Rules, 2000.

And whereas, the Competent Authority in Delhi Pollution Control Committee has decided why not the Environmental Damages Compensation of Rs. 50,000/- (Rupees Fifty Thousand Only) for bursting of firecrackers during ban period and Rs. 10,000/- (Rupees Ten Thousand Only) for noise level exceeding the norms during Band Baja during Chadath [Total Rs. 60,000/- (Rupees Sixty Thousand Only)] should be levied upon you (the addressee unit), which is being levied in view of office order F.No. DPCC/RDPC/EC/2022/3522-3530 dated 30.03.2022.

Now, therefore, by way of this Notice, you are hereby called upon to Show Cause as to why necessary action for confirmation of EC and penal action shall not be initiated against your unit as per the law.

Your reply, if any, should be submitted to this office within 15 days from the service of this notice, failing which it shall be presumed that you have nothing to say in this regard and necessary action shall be initiated under the provisions of the above said Acts without any further reference to you.

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

Copy to:

SECRETARY CMC-VII

Golden Moments

(THE AIR CONDITIONED PARTY PLACE)

870, EAST PARK ROAD, KAROL BAGH, NEW DELHI-110005

Dated: 6th of March, 2024

The Senior Environmental Engineer, (CMC-VII)

Office of the Delhi Pollution Control Committee,

Ref. No. ISBT Building, Kashmiri Gate,
Delhi-110006

| | |
|-----------------------------------|-----------------|
| Delhi Pollution Control Committee | |
| Sl. No. 144092 | Date 06/03/2024 |
| 06 MAR 2024 | |
| Sign. of Receiving Officer | |

Sub: Submission of Environmental Damages Compensation regarding.

Ref: Letter No DPCC/CMC-VII/NGT MA-77/OA-141/2023/2024/2848-49 dated 15.02.2024.

Dear Sir,

Refer to your SCN (Show Cause Notice) of dated 15th February 2024, the undersigned explain some points for your kind information: -

1. The unit is running activity of *Banquet Hall Services* for social/ religious gatherings, etc. The unit provides *catering, decorations, parking, etc* to the guests.
2. The unit obtained permissions/licenses for operating a banquet, from concerned departments.
3. The Government of India banned bursting crackers in October 2022. The Hon' ble Supreme Court mandated Environment Pollution (Prevention and Control) Authority (EPCA) had expanded on the Supreme Court ban on polluting crackers and abolished the use of all firecrackers in Delhi-NCR. The unit followed Government policies of for *No bursting crackers*. The unit arranged special staff for preventing *bursting crackers* into surrounding of banquet and the respective display **boards** (No Bursting crackers) placed in the unit.
4. The decorating material viz fabric, FRP, Wood, etc are easily flammable, we feel relaxed after implementing of this policy, crackers bursting near premises is dangerous and may be a cause of mishappening. Besides this we managed staff for stopping this, near to our premises.
5. We have already made sound proofing in our banquet for maintaining primsable noise level. Your visiting officials guide for betterment of noise level, the same have been followed and necessary changes undertakes, in this regard.
6. This is for your information that on social platform of the Indians, wedding ceremonies are incomplete without music and dance, the musical band, dhole wala, etc is an important part of a wedding, so this is not possible to control *Baraties* on road side, it is possible only front and inside of the banquet. We intimate our guests at the time of booking about *permitted time for playing music/DJ i.e. upto 10.00 PM sharp*. The display boards placed for permitted time, in front of the premises.

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Dated: 6th of March, 2024

The Senior Environmental Engineer, (CMC-VII)

Office of the Delhi Pollution Control Committee,
ISBT Building, Kashmiri Gate,
Delhi-110006

Sub: Submission of Environmental Damages Compensation-regarding.

Ref: Letter No DPCC/CMC-VII/NGT MA-77/OA-141/2023/2024/2848-49 dated 15.02.2024.

Dear Sir,

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2. The unit obtained permissions/licenses for operating a banquet, from concerned departments.
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4. The decorating material viz fabric, FRP, Wood, etc are easily flammable, we feel relaxed after implementing of this policy, crackers bursting near premises is dangerous and may be a cause of mishappening. Besides this we managed staff for stopping this, near to our premises.
5. We have already made sound proofing in our banquet for maintaining primsable noise level. Your visiting officials guide for betterment of noise level, the same have been followed and necessary changes undertakes, in this regard.
6. This is for your information that on social platform of the Indians, wedding ceremonies are incomplete without music and dance, the musical band, dhole wala, etc is an important part of a wedding, so this is not possible to control *Baraties* on road side, it is possible only front and inside of the banquet. We intimate our guests at the time of booking about *permitted time for playing music/DJ i.e. upto 10.00 PM sharp*. The display boards placed for permitted time, in front of the premises.

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Mon. : 9810081451
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011-23556199

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Golden Moments

(THE AIR CONDITIONED PARTY PLACE)

870, EAST PARK ROAD, KAROL BAGH, NEW DELHI-110005

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Ref. No.

Date.....

We intimate our guests at the time of booking about *permitted time for playing music/DJ i.e. upto 10.00 PM sharp*. The display boards placed for permitted time, in front of the premises.

We are enclosing a Demand Draft of Rupees 10000/- as EDC charges decided by officials of your good office.

Please consider the facts explained, in this regard and arrange to withdraw NOTICES issued against our unit.

Thanking You,
Sincerely Yours,

For Golden Moment Banquets

Manager

Enclosed: DD of Rs 10000/-

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सिटी यूनियन बैंक लिमिटेड
CITY UNION BANK LTD.

NEW DELHI KAROL BAGH-102

आदाकर्ता कार्यालय का नाम NAME OF DRAWING OFFICE

Valid for Three months from the date of issue

DATE दिनांक 27 0 2 2 0 2 4

ON DEMAND PAY DELHI POLLUTION CONTROL COMMITTEE*****

मौजे चाने पर
TEN THOUSAND RUPEE ONLY#####
RUPEES
रुपये

OR ORDER
या उनके आदेश पर

अदा करें ₹ *****10000.00

00564667

Sr. No.

NOT OVER Rs.10000.00

APP NAME: GOLDEN MOMENT

अदा करें FOR VALUE RECEIVED

कृते सिटी यूनियन बैंक लिमिटेड
For CITY UNION BANK LTD.

Purchaser's Name:

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NEW DELHI KAROL BAGH-102

अदाकर्ता शाखा का नाम NAME OF DRAWEE BRANCH

Sourav Mandal

प्राधिकृत हस्ताक्षर कर्ता / AUTHORISED SIGNATORY
Please

Sourav Mandal
POA :- 608-4721

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Annexure-2

(14)

By Email



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



<http://dpcc.delhigovt.nic.in>

F. No. DPCC/(10)(10)(39)/leg-2020/22

Dated: 06/10/23

Subject:- Directions u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981, read with Rule 20 (A) (6) of the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983, to ban manufacturing, storage, sale (including delivery through online Marketing platforms) and bursting of all kinds of firecrackers in NCT of Delhi.


Whereas, the Government of NCT of Delhi, decided to impose *Complete Ban on manufacturing, storage, selling (including delivery through online marketing platforms) on all kind of firecrackers and bursting thereof upto 01.01.2024 in the territory of NCT of Delhi.*

And whereas, the said decision was challenged before the Hon'ble Supreme Court in WP (C) No 869/2022 and matter is till subjudice.

Now, therefore, in view of the above and in exercise of the powers conferred under Section 31(A) of Air (Prevention and Control of Pollution) Act, 1981, read with Rule 20 (A) (6) of the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983, and keeping in view the need in public interest to curb high air pollution in Delhi, Delhi Pollution Control Committee hereby directs as under:

"There will be a 'Complete Ban' on all kinds of firecrackers on manufacturing, storage, selling (including delivery through online marketing platforms) and bursting of all kinds of firecrackers upto 01.01.2024 in the territory of NCT of Delhi."

Delhi Police is directed to implement the aforesaid directions. Daily action taken reports are required to be submitted to Delhi Pollution Control Committee on email ID: msdpcc@nic.in.


(Dr. K.S. Jayachandran)
Member Secretary

To,

The Commissioner of Police, Jai Singh Road, near Bangla Sahib Gurdwara,
New Delhi-110001.


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Copy to :

1. Divisional Commissioner, Govt. of NCT of Delhi, 5 Shamnath Marg, Delhi-110054.
2. The Vice Chairman (DDA), Delhi, Development Authority, Vikas Sadan, I.N.A., New Delhi-110023.
3. The Commissioner, Municipal Corporation of Delhi, 4th floor, Dr. SPM, Civic Centre, Minto Road, Delhi-110002.
4. The Secretary, New Delhi Municipal Council, 3rd floor, Palika Kendra, Parliament Street, New Delhi-110001.
5. The Chief Executive Officer, Delhi Cantonment Board, Sadar Bazar, Delhi Cantt., Delhi-110010.
6. All District Magistrates, Govt. of NCT of Delhi.

Copy for kind information to:

1. Principal Secretary to Hon'ble Lieutenant Governor, GNCTD
2. Addl. Secretary to Hon'ble Chief Minister, GNCTD
3. Secretary to Hon'ble Minister (E&F), GNCTD
4. Staff Officer to Chief Secretary, GNCTD
5. PPS to Chairman, DPCC
6. PPS to Pr. Secretary (Environment and Forest), GNCTD


(Dr. K.S. Jayachandran)
Member Secretary



DELHI POLLUTION CONTROL COMMITTEE
 5th Floor I.S.B.T. Building Kashmiri Gate Delhi-6
 visit us at : <http://dpccocmms.nic.in>

F. No DPCC/ (12)(1)(316)/Air Lab/ 2021/184

Dated:- 25/06/2024

Subject:- Direction to designated authorities in compliance of the directions issued by Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986- Regarding Implementation of Compensation Regime for violation of Noise Rules,2000.

WHEREAS, under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive program for the prevention, control or abatement of air pollution in the State and to secure the execution thereof; 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 the Noise Pollution (Regulation and Control) Rules, 2000 notified under Environment (Protection) Act, 1986, the following responsibilities are vested with SPCB and PCCs (DPCC in case of Delhi):

1. *The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control, and abatement.*

Whereas, all Deputy Commissioners (Revenue), all Sub Divisional Magistrates, Asstt. Commissioners of Police control room, All Sub Divisional Police Officers including Railways & Airport, Chairman and Member Secretary, DPCC and Assistant Commissioners of Police (Traffic) are notified as "authority" under Rule (2) of the Noise Rules, by the Govt. of NCT of Delhi vide notification no. F:23(107I)/Env./2001/676 dated 10.12.2001 and F:12 (1)/N.P./ Env./2005/33 dated 05.04.2008.

WHEREAS, as per rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000, the designated authorities are responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise; and

WHEREAS, section 15(1) of The Environment (Protection) Act, 1986 states that "Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention."

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WHEREAS, in the matter of O.A NO 519/2016, 496/2018, 196/2018, and 197/2018 dated 01/08/2019, Hon'ble National Green Tribunal directed to CPCB:

"The CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 by the concerned authority on the basis of "Polluter Pays' principle. Though violation of the rules like the Noise Rules here is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986 with imprisonment upto five years and fine up to Rs. 1 lakh, since the prosecution of a non-cognizable offence may have its own limitations, civil liability on Polluter Pays' principle can be invoked by the enforcement regulatory authority as per the guidelines which may be laid down by the CPCB. The scale of compensation may have reference to the extent and severity of default and whether the default is a repeated offence."

WHEREAS, in compliance to the directions of Hon'ble NGT, CPCB prepared scale of compensation for "**Violation of the Noise Pollution (Regulation and Control) Rules, 2000**" and submitted a report to Hon'ble NGT on 14/11/2019; and

WHEREAS, Hon'ble NGT vide order dated 15.11.2019 directed to CPCB as:

- a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and the needs to be different for different class of defaulters and frequencies of default.
- b. CPCB may lay down stringent compensation for tampering with sound limiters to ensures that same is not restored.

WHEREAS, in compliance to directions of Hon'ble NGT, CPCB prepared a revised report on the scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted a report to Hon'ble NGT on 12/06/2020 (Enlistment of violation of noise rules and their respective scale of compensation is enclosed); and

WHEREAS, in the aforesaid matters Hon'ble NGT vide its order dated 11/08/2020, further directed to CPCB:

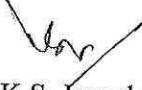
"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC, and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose of being complied with in all the States/UTs."

WHEREAS, CPCB vide directions dated 27.04.2021 directed to DPCC for issuance of direction and implementation of the compensation scale for violation of the Noise Rules to be implemented by designated authorities as notified by Government of NCT of Delhi from time to time.

NOW, THEREFORE, in view of the 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 the directions issued by Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986, DPCC hereby direct the designated Authorities in NCT of Delhi to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by Hon'ble national Green Tribunal (copy enclosed as Annexure-I).

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.

Monthly 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 (format of reporting is enclosed as Annexure-2).


(Dr. K.S. Jayachandran)
Member Secretary

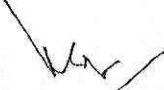
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To.

1. All Deputy Commissioners, office of Divisional Commissioner, Govt. of N.C.T of Delhi.
2. Asstt. Commissioners of Police control room.
3. Assistant Commissioners of Police (Traffic)
4. All Sub Divisional Magistrates, office of Divisional Commissioner, Govt. of N.C.T of Delhi.
5. All Sub Divisional Police Officers including Railways & Airport.
6. All Branch in-charges of CMCs, EIA DPCC.

Copy for information and necessary action:

1. The Divisional Commissioner, 5 Sham Nath Marg, Delhi-1 10054.
2. Commissioner of Delhi Police. Jai Singh Road, near Bangla Sahib Gurdwara, New Delhi-1.
3. Nodal Officer, Noise Pollution, cum DCP/PCR, Delhi Police
4. Director (Env), GNCTD of Delhi
5. In-charge IT Section, DPCC for uploading on the website of DPCC.
6. Accounts Officer, DPCC to maintain separate heads on the issue.


(Dr. K.S. Jayachandran)
Member Secretary

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| Sr. No. | Violation of Noise Rules | Compensation (in Rupees) to be paid by defaulter | Action to be taken by designated authority. |
|---------|---|--|---|
| 1. | USE OF LOUD SPEAKERS/PUBLIC ADDRESS SYSTEM ¹ (Clause 5(1)-5(2), 6(i,ii,iii and v) ¹⁻⁵ | ₹ 10,000 | Seizure |
| 2. | VIOLATION WRT GENERATOR SETS NORMS (standards attached as Annexure - IV to VI) | | |
| | d) DG sets more than 1000 KVA | ₹ 1,00,000/- | Sealing of DG sets |
| | e) DG sets 62.5 to 1000 KVA | ₹ 25,000/- | |
| | f) DG sets upto 62.5 KVA | ₹ 10,000/- | |
| 3. | VIOLATION OF USE OF SOUND EMITTING CONSTRUCTION EQUIPMENT | ₹ 50,000/- | Seizure/Sealing of equipment |
| 4. | Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6 (iv) ⁷⁻⁸ | | |
| 4(1) | Violation by Individual/Household | Residential / Commercial / Mixed Zone Silence Zone 1,000 | Silence Zone 3,000 |
| 4(2) | Violation during Possession a. Public Rallies b. Barat during marriage Religious event | 10,000 | 20,000 Fine to be paid by Organizer |



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| | | | |
|------|--|-----------------------------------|--|
| 4(3) | <p>First Violation within a fixed Premises:</p> <p>a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall f. Open ground functions</p> | 20,000 | Fine to be paid by Organizer and Owner of the place. |
| 4(4) | <p>Second Violation within a fixed Premises:</p> <p>a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function</p> | 40,000 | |
| 4(5) | <p>More than Two Violation within a fixed Premises:</p> <p>a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall Open ground function</p> | 1,00,000 and action under EP Act. | Sealing of Premises |

Format for compensation of Noise Pollution (Regulation and Control) Rules, 2000

| S.No. | Violation of Noise Rules | Compensation in Rs. paid by defaulter | | Action taken by designated authority |
|-------|--|---|---------------|--------------------------------------|
| | | Nos. of violation | Amount in Rs. | |
| 1. | Use of loud speakers / public address system | | | |
| 2. | Violation WRT Generator Sets Norms | | | |
| a | D.G.Sets more than 1000 KVA | | | |
| b | D.G.Sets 62.5 to 1000 KVA | | | |
| c | D.G.Sets up to 62.5 KVA | | | |
| 3. | Violation of use of sound emitting construction equipment | | | |
| 4. | Bursting of Firecrackers beyond the prescribed time limit prescribed. | | | |
| 4(1) | Violation by Individual/ household | Residential/commercial/ mixed zone Silence zone | | |
| 4(2) | Violation during possession a. Public Rallies b. Barat during marriage c. Religious event | | | |
| 4(3) | First Violation within a fixed permission: a. Function organized by RWA. b. Marriage Function c. Public Function. d. Institution Function. e. Banquet hall f. Open Ground Functions | | | |
| 4(4) | Second Violation within a fixed permission a. Function organized by RWA. b. Marriage Function c. Public Function. d. Institution Function. e. Banquet hall f. Open Ground Functions | | | |
| 4(5) | More than two Violation within a fixed permission a. Function organized by RWA. b. Marriage Function c. Public Function. d. Institution Function. e. Banquet hall f. Open Ground Functions | | | |