

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

Original Application No. 1008/2018

In the matter of :

Deepak Dutta

... Applicant(s)

Vs.

Govt. of NCT of Delhi

... Respondent(s)

NDOH:-23.07.2020

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Filed by

(Dr Anwar Ali Khan)
Sr. Env. Engineer
(Delhi Pollution Control Committee)

New Delhi:

Dated: 21.07.2020.

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

Original Application No. 1008/2018

In the matter of :

Deepak Dutta

... Applicant(s)

Vs.

Govt. of NCT of Delhi

... Respondent(s)

COMPLIANCE REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE, WITH RESPECT TO ORDER DATED 17.12.2019 PASSED BY THIS HON'BLE TRIBUNAL IN THE PRESENT CASE

1. That, in compliance to the orders of Hon'be NGT dated 17.12.2019, the Delhi Pollution Control Committee has issued directions / instructions to various authorities as DDA, Delhi Police, Traffic Police, District Magistrate (West), South Delhi Municipal Corporation vide letters dated 22.5.2020 and 17.07.2020 to act upon with the suggestions/recommendations given by DPCC on the issue of unregulated parking and traffic congestion in industrial areas where banquet halls are allowed to operate.
2. DPCC has taken up the matter with DDA that existing guidelines under "The (Permission of Banquet Halls) Regulations, 2010" issued by DDA vide notification dated 21.09.2012 are not adequate to deal with the issue of regulation of parking and traffic congestion around the areas where banquet halls are allowed to operate and accordingly urged upon it to make the following changes in the aforesaid regulations for addressing the issues:
 - i) *Since in the industrial areas, public parking is not commonly provided as in the case of commercial centers, banqueting may be allowed only up to 30% of the plots on a particular stretch of a road in future if common parking is not provided by the concerned local body in nearby areas.*

- ii) For industrial plots to be used as Banquet halls, the minimum road width should be 18 meters ROW instead of 12 meters as prescribed under the Regulations at present.*
- iii) In case of industrial plots, banquet halls should be permitted only after sub-division of plots (if any) approved by the Competent Authority and building plan is sanctioned as per the Development Control norms and Building Bye-Laws. The other conditions provided in "The (Permission of Banquet Halls) Regulations, 2010" should also be strictly examined before any new banquet hall is allowed to come up.*
- iv) The existing parking norms of 3 ECS per 100 sqm of floor area may be increased to 6 ECS per 100 sqm of floor area to accommodate 100% additional parking inside the plot. The provision of mechanized double decker parking may also be adopted by the Banquet hall owners subject to approval by the concerned local body.*
- v) In the banquet halls to come up in future should have front set back and should not have boundary to facilitate it to be used for parking purpose."*

A reminder has also been sent to DDA on 17.07.2020 to comply with the directions of this Hon'ble Tribunal and carry out the aforesaid amendments in the regulations. Copy of correspondence with DDA is annexed as Annexure-1.

3. That, with regard to regulation of Parking and preventing traffic congestion DPCC has issued the following directions to District Magistrate (West District) and Dy Commissioner of Police (DCP), Dy Commissioner of Police (Traffic) West District in to take appropriate action to ensure that all banquet halls take all preventive measures with respect to environmental safeguard, parking and avoid traffic congestion on roads and to ensure smooth traffic movement during the functions hosted in the banquet halls:

- i) Since it has been observed that due to the use of horse drawn carriages during Barat Processions the traffic crawls due to narrowing of the ROW, it would be appropriate to ban the use of*

- such carriages particularly in the area under consideration and in other industrial areas as well where Banquet halls have come up.*
- ii) The use of DG sets kept on trucks/trolleys during the Barat Processions also causes air and noise pollution apart from creating traffic congestion; hence, the use of DG sets during such processions needs to be prohibited in industrial areas.*
- iii) Construction of new banquet hall should be allowed only after the plot owner obtains Consent to Establish under the Air (Prevention and Control of Pollution) Act, 1981 & Water (Prevention and Control of Pollution) Act, 1974 from DPCC.*
- iv) The banquet hall owner will obtain clearance from traffic police as required under the Regulations. The traffic police shall keep regular vigil over the traffic. movement during peak days and take appropriate action under the Delhi Police Act for violations. DPCC to be informed if heavy traffic congestion is noticed on a particular date due to the activities of a particular banquet hall(s) so that necessary action can be taken including levy of Environment Compensation.*
- v) The area SDM and SHO of concerned police station will be required to furnish periodic reports of noise monitoring and action taken thereon to the Divisional Commissioner and to the MS, DPCC.*
- vi) If any complaint related to noise is received by the Police Station through the dedicated helpline or through the portal, the concerned SHO shall get it inspected within one hour and intimate the DPCC.*

Copies of directions are annexed as Annexure-2 (Colly).

4. That, with regard to responsibilities of the local body to regulate the banquet halls on account of adequate parking space inside the plots, road congestion and other environmental compliances, following directions have been issued by DPCC to Commissioner, South MCD vide on 22.5.2020 followed by reminder directions on 17.07.2020:

- (i) Since it has been observed that due to the use of horse drawn carriages during Barat Processions the traffic crawls due to narrowing of the ROW, it would be appropriate to ban the use of*

such carriages particularly in the area under consideration and in other industrial areas as well where Banquet halls have come up.

- (ii) The use of DG sets kept on trucks/trolleys during the Barat Processions also causes air and noise pollution apart from creating traffic congestion; hence, the use of DG sets during such processions needs to be prohibited in industrial areas.*
- (iii) The concerned local bodies will have to make prior arrangement of additional parking space before accepting any new application along with deficient parking charges for new banquet hall.*
- (vi) Construction of new banquet hall should be allowed only after the plot owner obtains Consent to Establish under the Air (Prevention and Control of Pollution) Act, 1981 & Water (Prevention and Control of Pollution) Act, 1974 from DPCC.*
- (v) Concerned Executive Engineer of building department of each urban local body will give a monthly report to the reporting authority/Commissioner of the Corporation regarding start of construction of banquet hall only after 'Sanction of Building Plan' and grant of 'Consent to Establish'.*
- (vi) Before grant of Consent to Establish by DPCC, the banquet hall owner will be required to produce the certificate from the MCD regarding availability of adequate parking facility either in-house or in a common parking facility with details of equivalent car spaces (ECS).*

Copy of the directions issued to SDMC are annexed as Annexure-3.

5. That, with regard to monitoring mechanisms to be adopted by DPCC for ensuring the compliance of environmental regulations by banquet halls, necessary office order has been issued on 22.5.2020, whereby the Consent Management Cells of various geographical divisions have been directed to abide by the following mechanism/SOP on carrying out random inspection and take appropriate action:

SOP -

The concerned Consent Management Cell of DPCC will carry out random inspection during the peak season (from 1st October to 31st March) of the banquet halls having consent to operate to report on violations (if any) of the conditions imposed while giving Consent to Operate. A weekly report to be

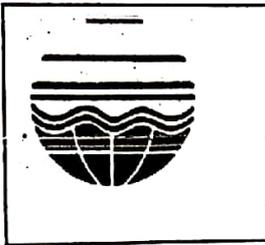
sent to MS, DPCC regarding violations and action taken thereof. The Consent Management Cell will furnish monthly report during off peak season from 01.04.2019 upto 30.09.2019.

- 1) The Consent Management Cell of DPCC will give a monthly monitoring report to MS/Chairman, DPCC regarding start of construction of banquet hall in its areas. The construction can be started only after grant of Consent to Establish. In case of any violation is detected, immediate action as per law will be taken.
- 2) Before grant of Consent to Establish by DPCC, the CMC will ensure that the banquet hall owner has produced the certificate from the MCD regarding availability of adequate parking facility either in-house or in a common parking facility with details of equivalent car spaces (ECS).

Copy of office order deciding the mechanism is annexed at **Annexure-4**.

6. That, the Consent Management Cells of DPCC have carried out an inspection to verify the status of operation of Banquet halls on Shiviji Marg, Near Zakhira, New Delhi on 30.6.2020 and it was found that none of the Banquet hall has started its operation in wake of prevailing COVID -19 pandemic lockdown situation. All 23 Banquet halls were found closed during the inspection.
7. As soon as Delhi recovers from the ongoing pandemic and banquet halls resume functioning, DPCC will intensify random inspections to ensure that the environmental norms are complied with.


(Dr Anwar Ali Khan)
Sr. Env. Engineer



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
visit us at :<http://dpcc.delhigovt.nic.in>

F.No. DPCC/CMC-VI/2020 / 7744-47

Dated: 17/07/2020

To,
The Vice Chairman
Delhi Development Authority,
VikasSadan, INA
Delhi-

Annexure-1

Sub: Compliance of order dated 17.12.2019 of Hon'bles National Green Tribunal in O.A. No. 1008/2018 in the matter of Deepak Dutta vs Govt. Of NCT of Delhi regarding remedial action against illegal running of Banquet halls in the area of Shivaji Marg, Near Zakhira, Delhi.

Sir,

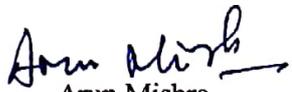
This is in connection with the action to be taken in compliance of the orders of Hon'ble NGT dated 17.12.2019 in the aforesaid matter. In this regard, a reference has already been sent to you vide our letter dated 22.05.2020 requesting you to consider the suggestions made by Hon'ble NGT in its order dated 17.12.2019 regarding amendment in "The (Permission of Banquet Halls) Regulations, 2010" applicable for regulation of banquet halls in Delhi. Copy of the earlier letter dated 22.05.2020 and order of Hon'ble NGT dated 17.12.2019 are enclosed for your ready reference.

However, no progress regarding carrying out amendments in the regulations has been intimated to us. Therefore, it is once again requested to get the matter processed at the earliest. A status in this regard may kindly be provided to this office so that a consolidated Action Taken Report can be filed before the Hon'ble NGT.

The next date of hearing in this matter is scheduled on 23.07.2020.

Yours sincerely,

Encls.: as above


Arun Mishra
(Member Secretary)

Copy to:-

1. OSD to chief secretary for bringing the matter to the knowledge of chief secretary.
2. Chairman, DPCC
3. Commissioner (Planning), DDA, Vikas Minar, ITO, New Delhi - 110002

Reminder



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
visit us at : <http://dpcc.delhigovt.nic.in>

F.No. DPCC/CMC-VI/2020

Dated: 17/7/2020

To,

The District Magistrate (West District)
Plot No. 3, Shivaji Place,
Raja Garden, New Delhi - 110027

Annexure - 2

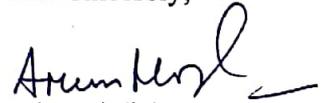
Sub: Compliance of order dated 17.12.2019 of Hon'bles National Green Tribunal in O.A. No. 1008/2018 in the matter of Deepak Dutta vs Govt. Of NCT of Delhi regarding remedial action against illegal running of Banquet halls in the area of Shivaji Marg, Near Zakhira , Delhi.

Sir,

Pursuant to the orders of Hon'ble NGT dated 17.12.2019 in O.A No. 1008/2018 in the matter of Deepak Dutta Vs. Govt. of NCT of Delhi, a letter was sent to you on 22.05.2020 alongwith NGT order dated 17.12.2019 for taking necessary action to implement measures mentioned in the NGT order regarding issue of unregulated parking and traffic congestion due to operation of banquet halls in the area of Shivaji Marg, Near Zakhira, New Delhi (Copy enclosed).

The next date of hearing in this matter is scheduled on 23.07.2020. Therefore, you are requested to take necessary action for complying with the directions of Hon'ble NGT as mentioned in aforesaid order and action taken report may kindly be submitted to DPCC so that a consolidated action taken report may be filed before Hon'ble National Green Tribunal.

Yours sincerely,


Arun Mishra

(Member Secretary)

Encs.: as above

Copy to:-

1. OSD to Chief Secretary for bringing the matter to the knowledge of chief secretary.
2. Chairman, DPCC
3. SDM (Punjabi Bagh)

Reminder



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
visit us at : <http://dpcc.delhigovt.nic.in>

F.No. DPCC/CMC-VI/2020

Dated: 17/7/2020

To,

1. The Commissioner of Police, Delhi
Police Headquarter,
Jai Singh Road,
New Delhi - 110001
2. The Jt. Commissioner Traffic Police,
Police Headquarter,
Jai Singh Road,
New Delhi - 110001

Sub: Compliance of order dated 17.12.2019 of Hon'bles National Green Tribunal in O.A. No. 1008/2018 in the matter of Deepak Dutta vs Govt. Of NCT of Delhi regarding remedial action against illegal running of Banquet halls in the area of Shivaji Marg, Near Zakhira , Delhi.

Sir,

Pursuant to the orders of Hon'ble NGT dated 17.12.2019 in O.A No. 1008/2018 in the matter of Deepak Dutta Vs. Govt. of NCT of Delhi, a letter was sent to you on 22.05.2020 alongwith NGT order dated 17.12.2019 for taking necessary action to implement measures mentioned in the NGT order regarding issue of unregulated parking and traffic congestion due to operation of banquet halls in the area of Shivaji Marg, Near Zakhira, New Delhi (Copy enclosed).

The next date of hearing in this matter is scheduled on 23.07.2020. Therefore, you are requested to take necessary action for complying with the directions of Hon'ble NGT as mentioned in aforesaid order and action taken report may kindly be submitted to DPCC so that a consolidated action taken report may be filed before Hon'ble National Green Tribunal.

Yours sincerely,

Arun Mishra

(Member Secretary)

Encls.: as above

Copy to:-

1. OSD to Chief Secretary for bringing the matter to the knowledge of chief secretary.
2. Chairman, DPCC
3. Dy. Commissioner of Police (West District)
4. Dy. Commissioner of Traffic Police (West District)

Reminder



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
visit us at : <http://dpcc.delhigovt.nic.in>

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F.No. DPCC/CMC-VI/2020

Dated: 17/7/2020

To,

The Commissioner,
South Delhi Municipal Corporation (SDMC),
9th Floor, Dr. S.P.M Civic Centre, JLN Marg,
New Delhi - 110002

Annexure-3

Sub: Compliance of order dated 17.12.2019 of Hon'bles National Green Tribunal in O.A. No. 1008/2018 in the matter of Deepak Dutta vs Govt. Of NCT of Delhi regarding remedial action against illegal running of Banquet halls in the area of Shivaji Marg, Near Zakhira , Delhi.

Sir,

Pursuant to the orders of Hon'ble NGT dated 17.12.2019 in O.A No. 1008/2018 in the matter of Deepak Dutta Vs. Govt. of NCT of Delhi, a letter was sent to you on 22.05.2020 alongwith NGT order dated 17.12.2019 for taking necessary action to implement measures mentioned in the NGT order regarding issue of environmental safeguard, unregulated parking and traffic congestion due to operation of banquet halls in the area of Shivaji Marg, Near Zakhira, New Delhi (Copy enclosed).

The next date of hearing in this matter is scheduled on 23.07.2020. Therefore, you are requested to take necessary action for complying with the directions of Hon'ble NGT as mentioned in aforesaid order and action taken report may kindly be submitted to DPCC so that a consolidated action taken report may be filed before Hon'ble National Green Tribunal.

Yours sincerely,

Arun Mishra
(Member Secretary)

Encls.: as above

Copy to:-

1. OSD to Chief Secretary for bringing the matter to the knowledge of chief secretary.
2. Chairman, DPCC
3. SDM (~~Patel Nagar~~)

Punjabi begh.

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
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F.No. DPCC/CMC-VI /Office Order /4422

Dated: 29.05.2020

ORDER

Hon'ble National Green Tribunal vide its order dated 19.09.2019 and 17.12.2019 in Original Application No. 1008/2018 in the matter of Deepak Datta Vs. Govt. of NCT of Delhi has passed slew of directions regarding regulation of Banquet Halls in Delhi with regard to compliance of environmental norms. It has been observed by the Court that most of the Banquet Halls have come up in a cluster leading to severe stress on basic infrastructure. Court has also directed to impose sufficient environmental compensation that meets the norms of 'polluters pays' principle in terms of extent of pollution, period of violation, cost of damage to environment and public health and the turnover of the polluters.

Hon'ble NGT vide order dated 17.12.2019 has also directed DPCC to take certain regulatory steps to give effect to the "Precautionary" and "Sustainable Development" Principles of Environmental law in sitting and operation of Banquet Halls in Delhi.

All Consent Management Cells are hereby instructed to ensure the compliance of following instructions with regard to Monitoring of Banquet Halls in Delhi.

- 1) *The concerned Consent Management Cell of DPCC will carry out random inspection during the peak season (from 1st October to 31st March) of the banquet halls having consent to operate to report on violations (if any) of the conditions imposed while giving Consent to Operate. A weekly report to be sent to MS, DPCC regarding violations and action taken thereof. The Consent Management Cell will furnish monthly report during off peak season from April to September each year.*
- 2) *The Consent Management Cell of DPCC will give a monthly monitoring report to MS/Chairman, DPCC regarding start of construction of banquet hall in the areas of its jurisdiction. The construction can be started only after grant of Consent to Establish. In case of any violation is detected, immediate action as per law may be taken.*
- 3) *Before grant of Consent to Establish by DPCC, the CMC will ensure that the banquet hall owner has produced the certificate from the MCD regarding availability of adequate parking facility either in-house or in a common parking facility with details of equivalent car spaces (ECS).*



Arun Mishra
Member Secretary

To,

1. All In charges of Consent Management Cells of DPCC

CMC-VI