

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

Original Application No. 268/2024

In the matter of:

Sh. Ashok Kumar Jain

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

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Filed by:

New Delhi:

Dated: 22.10.2024

Delhi Pollution Control Committee

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Original Application No. 268/2024

**In the matter of:**

Sh. Ashok Kumar Jain

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**STATUS REPORT BY WAY OF AFFIDAVIT ON BEHALF OF DELHI  
POLLUTION CONTROL COMMITTEE IN COMPLIANCE TO THE  
ORDER DATED 02.08.2024.**

I, Sanjay Vatts, Environmental Engineer, Delhi Pollution Control Committee, C-Wing, 2<sup>nd</sup> Floor, Vikas Bhawan-II, Upper Bela Road, Civil Lines, Delhi-110054, do hereby solemnly affirm and state as under:

1. That, I am working as Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. That this Hon'ble Tribunal taken up the above captioned matter on 02.08.2024 on the basis of letter petition filed by Sh. Ashok Kumar Jain against an illegal spray-painting work, which is running on the footpath of Kali Mandir, Z-block, Near Rattan Chand Arya Public School, Sarojini Nagar, New Delhi. This Hon'ble Tribunal has pleased to direct to examine the grievance and if the same is found to be correct, take appropriate remedial action expeditiously.

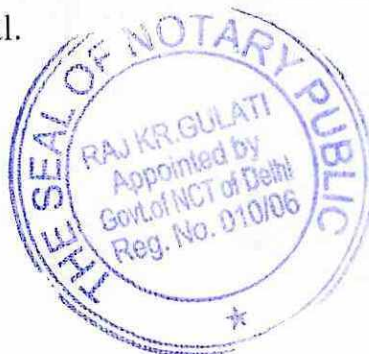


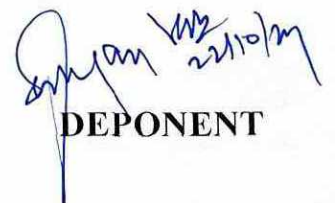
3. That, in compliance of the orders passed by this Hon`ble Tribunal an inspection of the site was carried out on 08.08.2024, by the officials of DPCC. During the inspection it was observed that;

- Sh. Subir, is engaged in seasonal job-work of idol making under tarpaulin shed/tent in front of Kali Bari Temple, near Rattan Chand Arya School, Z-Block (Sarojini Nagar).
- Sh. Subir told that no spray painting is done on idol(s) and only regular painting/coating is done using brush.
- He also informed that this job work is seasonal and is usually done few months prior to Durga Pooja.
- No evidence of spray painting was observed.

Copy of the Inspection Report dated 08.08.2024 alongwith Geo-tagged photographs are enclosed herewith as **Annexure-1(Colly)**.

4. That Hon'ble Supreme Court of India, in MC Mehta vs Union of India {WP(C) 4677/1985} vide its judgment dated 07.05.2004, had directed that all industrial units operating in non-confirming/residential areas of the Delhi in violation of Master Plan of Delhi have to be closed down in phased manner. To comply with the judgment of the Hon`ble Supreme Court, the Chief Secretary, Delhi has taken various meetings and in the meeting dated 08.12.2010, 14.07.2011, 09.12.2011 and 05.06.2015 it has been decided that action on industries operating in non-confirming areas and violating Master Plan of Delhi will be taken by and owning agencies in their respective areas.
5. That, in view of the finding of the inspection, a letter has been issued to NDMC on 23.08.2024 interalia requesting to take action for stoppage of the same as the area of activity is residential area. Copy of the letter dated 23.08.2024 of DPCC to NDMC is enclosed herewith as **Annexure-2**. In the letter NDMC was asked to submit Action Taken Report to DPCC within 15 days. ATR is awaited.
6. That this affidavit is being filed in compliance to the order dated 02.08.2024 passed by this Hon`ble Tribunal.



  
DEPONENT

VERIFICATION:

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom. Verified at New Delhi on this 22<sup>nd</sup> day of October, 2024.

*[Handwritten Signature]*  
**DEPONENT**



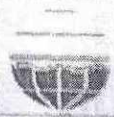
ENTRY No. 3445/24  
DATED.....

12 2 OCT '2024

**ATTESTED**  
*[Handwritten Signature]*  
NOTARY PUBLIC  
GOVT OF NCT OF DELHI

12 2 OCT 2024

Annexure-1 (Copy)


**DELHI POLLUTION CONTROL COMMITTEE**  
 DEPARTMENT OF ENVIRONMENT (GOVT. OF NCT OF DELHI)  
 4<sup>th</sup> & 5<sup>th</sup> FLOOR ISBT BUILDING KASHIMERE GATE DELHI-6  
 visit us at : <http://dpec.delhigovt.nic.in>

**Inspection Report**

		Unique Computer Generated Id.....
1.	Name & Address of the Unit	: M/s ... Near ... <u>Kul. Barn Samity (Rajd)</u> <u>Sarjwa Nagar ... 2. Block,</u> <u>New Delhi</u>
2.	Owner/ Partner's Name & Contact Details (Phone & E-mail)	: <u>Mr. Subir ... (915 404 303 12)</u>
3.	Date of Inspection	: <u>08/04/2024</u>
4.	Time of inspection	
	Start of Inspection	: <u>05.11 PM</u>
	End of Inspection	: <u>05.30 PM</u>
5.	Name & Designation of the Persons contacted at the industry	: <u>Mr. Subir</u>
6.	Kind of Industry	: <u>---</u>
7.	Product & Capacity	: <u>---</u>
8.	Main Raw Materials	: <u>---</u>
9.	Water Polluting	: Yes/No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No      ETP Installed : Yes/No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10.	Air Pollution	: Yes/No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No      ECS Installed : Yes/No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
11.	Details of Stack Height (Furnace/Boilers/Others)	: <u>NA</u> (Above G.L.)..... (Above R.L.).....
12.	Type of Fuel Used	: .....
13.	A. Source of Water Supply	: <u>DJB/NDMC/DSIIDC/Borewell/Tankers/Others</u>
	B. Effluent Discharge	: (a) Domestic/ Trade Effluent (b) Unit connected to Conveyance System: Yes/No (c) Discharging into.....
14.	Status of Consent (if Any)	: .....
15.	D.G. Set(s) (if Any)	: <u>NA</u> No....Capacity.....KVA. Acoustic: Yes/No
16.	Plot Area	: Stack Height.....(Above G.L.).....(Above RL)
17.	Labour	: .....
18.	Machinery	: .....

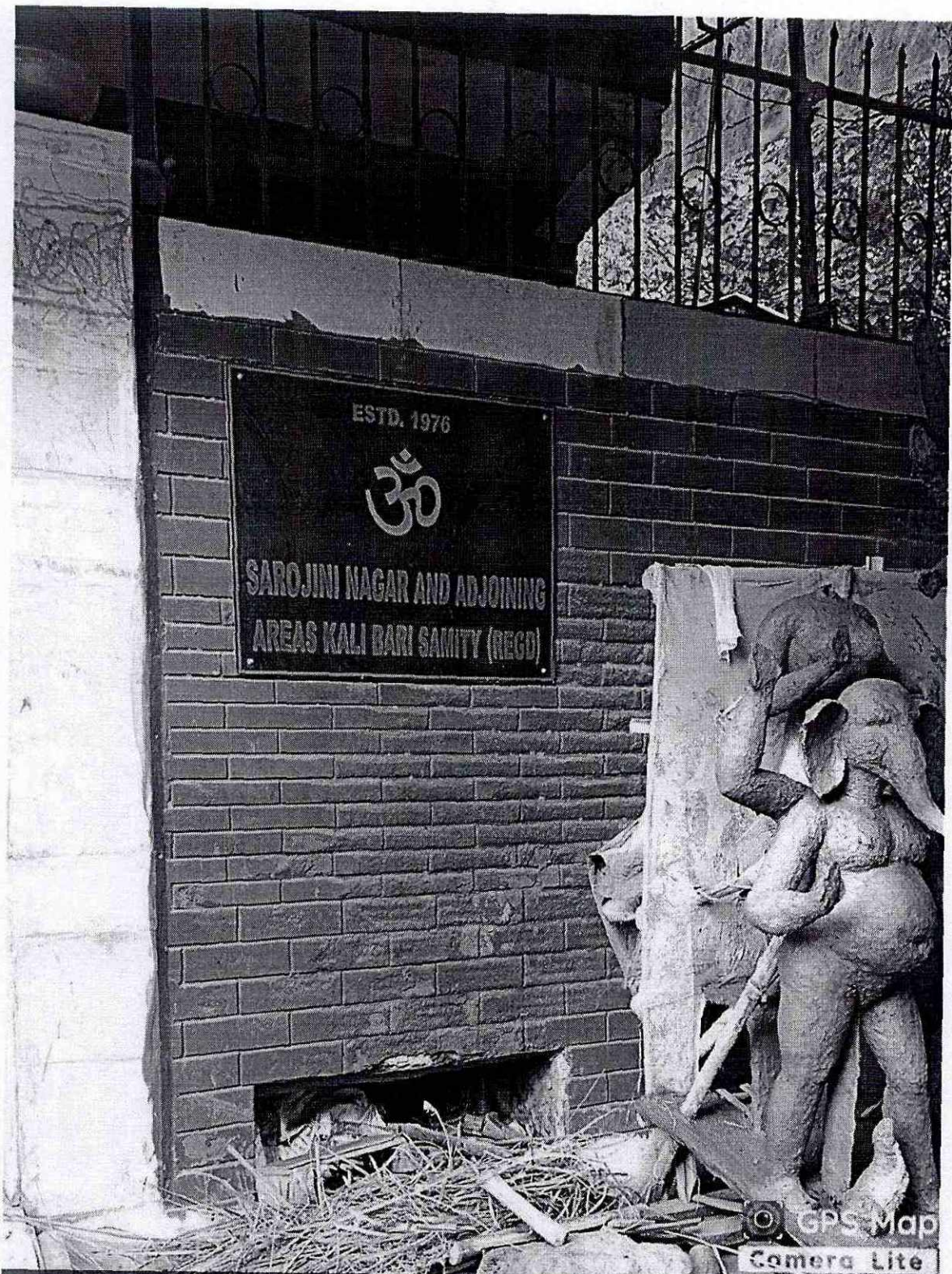
19. Detail of Power Connection : .....
20. Whether Unit found in Operation : Yes/No
21. Status of Registration under Plastic Waste Management Rules, 2016 : .....
22. Whether Generating Hazardous Waste : Yes/No
23. Details about Hazardous Waste :
- (a) Status of Authorization (if any) : .....
- (b) Display Board Provided : Yes/No
- (c) Whether Hazardous Waste is stored in Leak proof container : Yes/No
- (d) Whether container marked with specified label : Yes/No
- (e) Whether container stored kept in an isolated area : Yes/No
- (f) Whether Hazardous Waste is being stored on pucca floor & in covered area : Yes/No
- (g) Whether date on which storage began indicated on each container : Yes/No
- (h) Whether daily record of Hazardous Waste maintained in Form-7 : Yes/No
- (i) Category of Hazardous Waste as per the Schedules I, II and III of these rules :
- (j) Authorized mode of disposal or recycling or utilization or co-processing etc. :
- (k) Quantity (Ton/Annum) :

Remarks (if Any)

- Inspection was carried out by undersigned on 08/08/2024.
- It was found that an Airpeline shed was situated outside Kali Temple near Patar Chand Ang School (2-Block Sarojini Nagar), having few relids lying inside shed.
- Painter (Mr. Subir) told that he carries out seasonal work of label making (especially before Durga Puja season) & no spray painting is done. However he told that he apply regular paint using cloth.
- During inspection no painting label making was observed & no traces of paint job using spray was observed.

Signatures, Name & Designation of inspecting officials

*[Signature]*  
08/08/24  
Sparsh Chaudhary  
JEE, DPIC



Lane Number Z, Sarojini Nagar, New Delhi,  
110023, DL, India

Latitude  
28.576765°

Longitude  
77.202084°

Local 17:15:16  
GMT 11:45:16

Altitude 221.1 meters  
Thursday, 08/08/2024

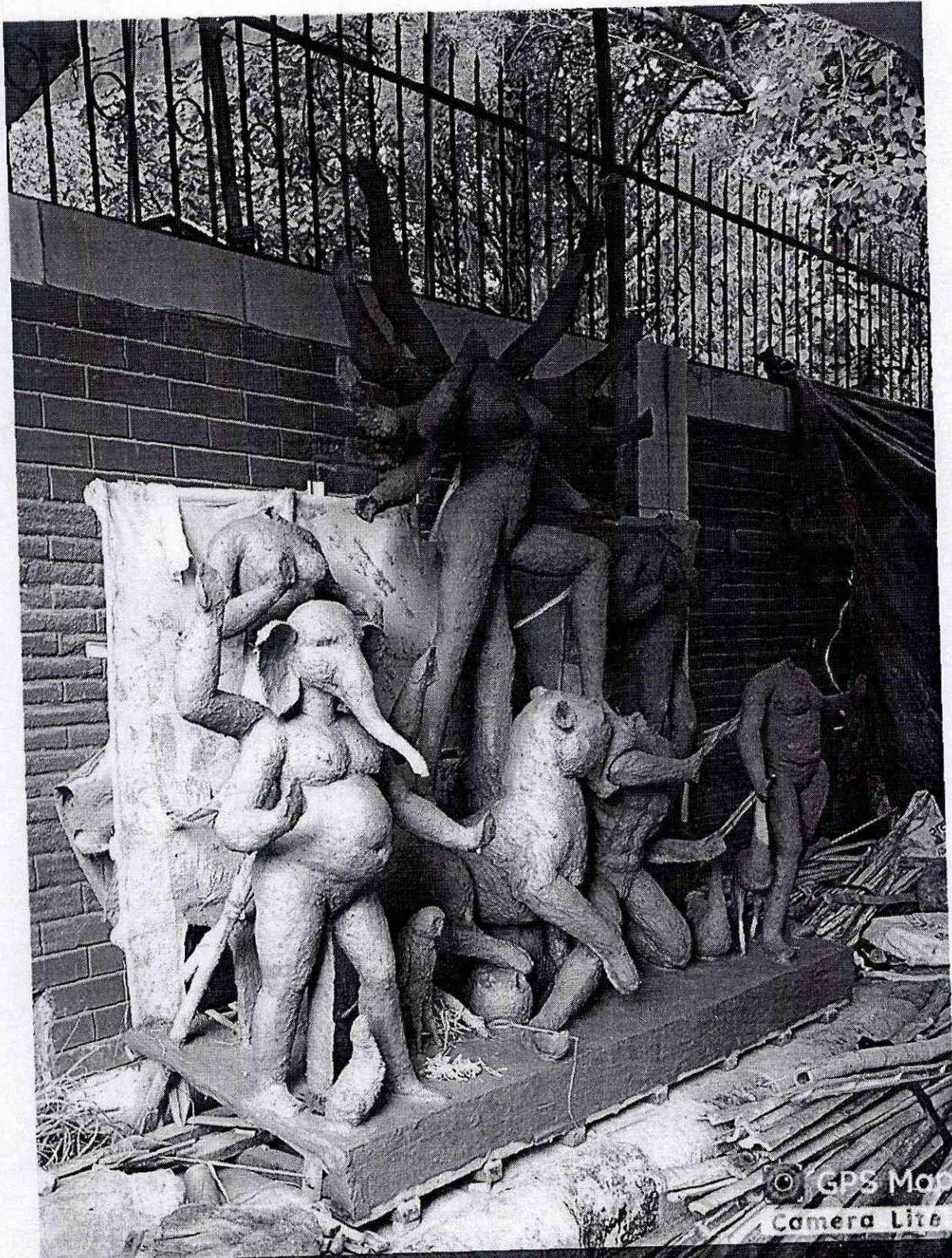


GPS Map  
Camera Lite

Lane Number Z, Sarojini Nagar, New Delhi,  
110023, DL, India

Latitude  
28.576697°  
Local 17:15:15  
GMT 11:45:15

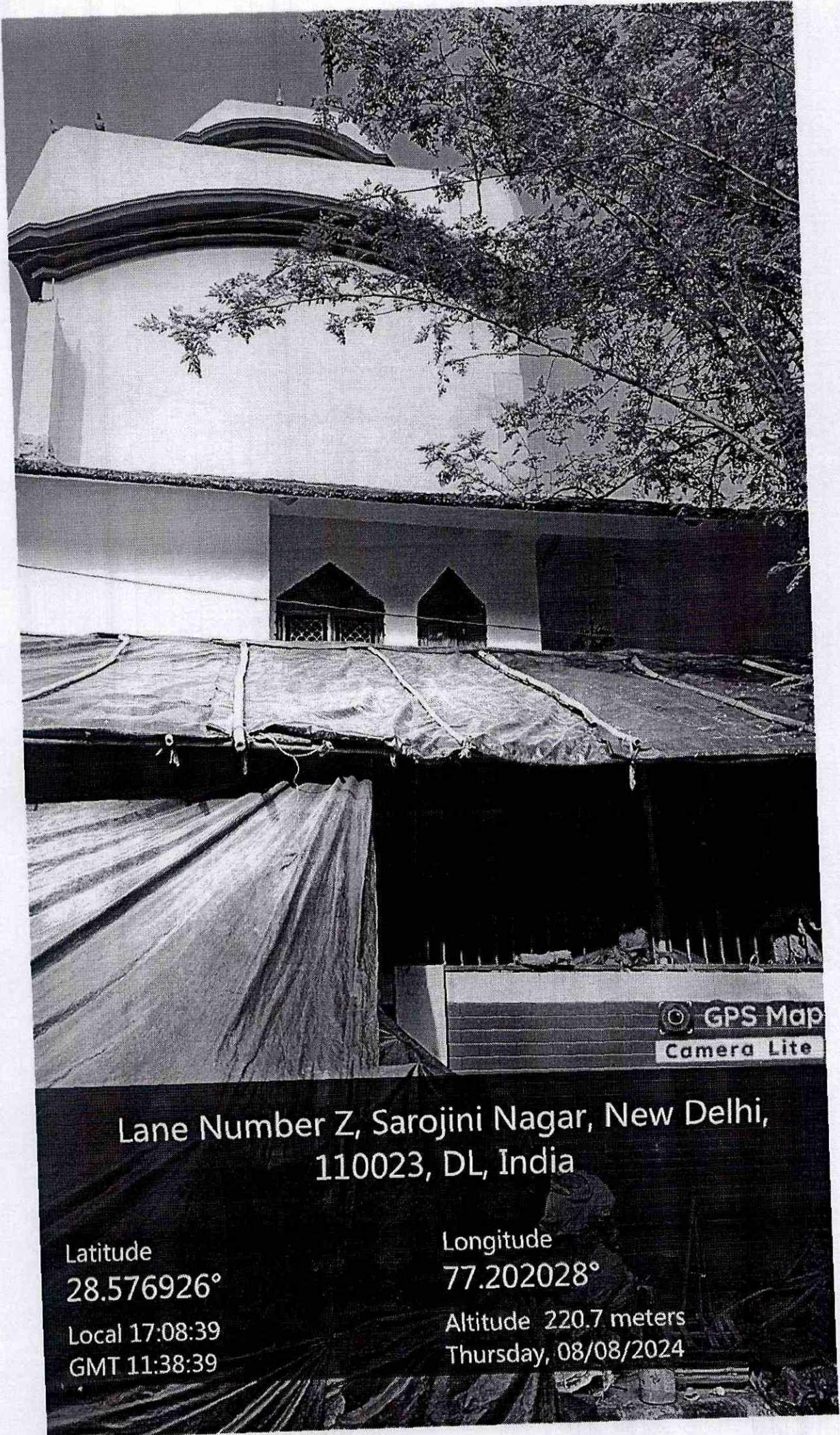
Longitude  
77.202051°  
Altitude 221.0 meters  
Thursday, 08/08/2024



Lane Number Z, Sarojini Nagar, New Delhi,  
110023, DL, India

Latitude  
28.576523°  
Local 17:15:13  
GMT 11:45:13

Longitude  
77.202114°  
Altitude 221.1 meters  
Thursday, 08/08/2024



Lane Number Z, Sarojini Nagar, New Delhi,  
110023, DL, India

Latitude  
28.576926°

Local 17:08:39  
GMT 11:38:39

Longitude  
77.202028°

Altitude 220.7 meters  
Thursday, 08/08/2024



Lane Number Z, Sarojini Nagar, New Delhi,  
110023, DL, India

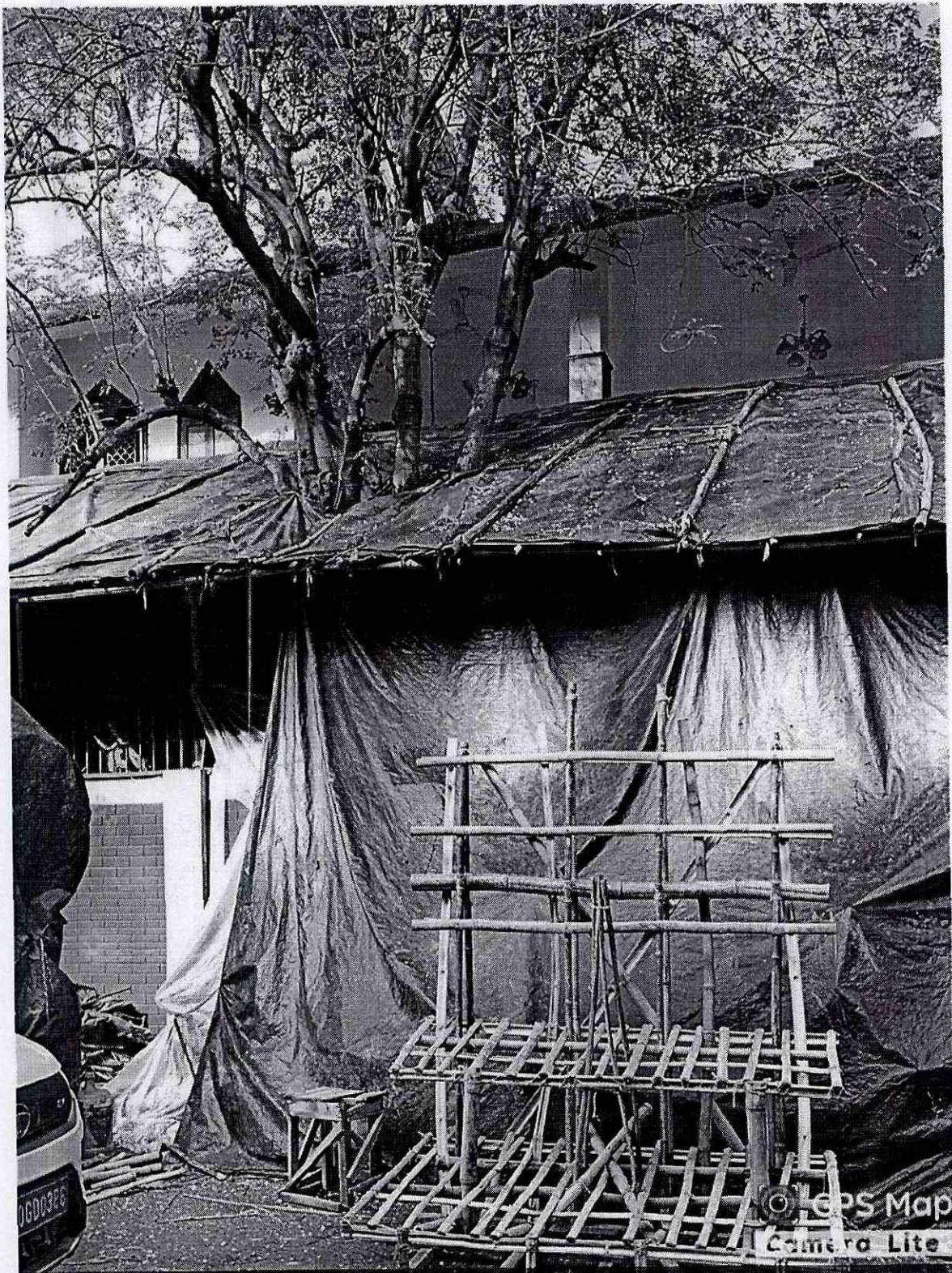
Latitude  
28.576824°

Longitude  
77.202087°

Local 17:08:04  
GMT 11:38:04

Altitude 221.2 meters  
Thursday, 08/08/2024

11



Lane Number Z, Sarojini Nagar, New Delhi,  
110023, DL, India

Latitude  
28.576845°

Local 17:08:00  
GMT 11:38:00

Longitude  
77.202094°

Altitude 220.1 meters  
Thursday, 08/08/2024

By Speed Post



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



F.No: DPCC(10)(10)/(59)/Leg-24 / 2034-35

Dt: 23/08/2024

To,

Secretary, NDMC  
Palika Kendra, Sansad Marg  
New Delhi-110001

Subject: OA No. 268/2024 "Ashok Kumar Jain Vs. Govt. of NCT of Delhi"-ref

Sir/Madam

Kindly find enclosed herewith orders of Hon'ble National Green Tribunal in reference to the above-mentioned subject matter. The matter pertains to a complaint regarding spray painting work carried out by Sh. Subir at the open road on the footpath of Kali Mandir, Z-block, Near Rattan Chand Arya Public School, Sarojini Nagar, New Delhi.

As directed by Hon'ble National Green Tribunal officials of DPCC carried out an inspection of site on 08.08.2024 to ascertain the factual position and following were observed:

- During inspection it was found that Sh. Subir is engaged in seasonal job-work of idol making under tarpaulin shed/tent in front of Kali Bari Temple, near Rattan Chand Arya School, Z-Block (Sarojini Nagar)*
- No work was being carried out at the site except storage of idols at the time of inspection.*
- Sh. Subir (against whom complainant has lodged plea) told that no spray painting is done on idol(s) and only regular painting/coating is done using brush.*
- He also informed that this job work is seasonal and is usually done few months prior to Durga Pooja.*

This issue is related to carrying out activity in a residential/non-conforming area and Hon'ble Supreme Court had passed judgment on 07.05.2004 in I.A. No 22 in WP(C) No. 4677 of 1985 titled as M.C. Mehta Vs. Union of India & Others and ordered closure of all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1<sup>st</sup> August, 1990.

The Chief Secretary, Delhi had taken a meeting on 08.12.2010, wherein it was decided that action on units operating in non-conforming areas and violating Master Plan will be taken by DDA under Delhi Development Act, 1957 and MCD in other areas. DPCC using its power under the Environmental Legislation had also issued direction(s) on 22.12.2017 and 12.11.2018 to all the Municipal Corporations and DDA regarding closure of non-conforming industries in entire Delhi.

The present activity is being carried out in a residential area, hence, action for stoppage of the same needs to be taken by concerned municipal body i.e. NDMC (in the said matter).

In view of the above and in pursuance of Hon'ble Supreme Court Order and policy of NCT of Delhi, you are requested to direct the concerned in NDMC for redressal of this issue and send ATR to this office within 15 days of receipt of this letter for the needful.

This is issued after the approval of Competent Authority.

Encl: As above

Copy to : Master File, CMC-IV

*Sanjay Vatts*  
23/08/24

In-Charge, CMC-IV

Sanjay Vatts  
Environmental Engineer  
Delhi Pollution Control Committee  
IInd Floor, Vikas Bhawan-II,  
Upper Bela Road, Civil Line,  
Delhi-110054

OL