

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

## PRINCIPAL BENCH, NEW DELHI

Original Application No. 468/2023

In the matter of:

Gunjan Mittal

...Applicant

Versus

Govt. of NCT of Delhi &amp; Ors.

...Respondents

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Filed by

  
 (M. S. Rawat)

Sr. Environmental Engineer

Dated: 13<sup>th</sup> August, 2024

Place:

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,**

**PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 468/2023**

**In the matter of:**

Gunjan Mittal

...Applicant

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...Respondents

**STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE WITH RESPECT TO ORDER DATED 03.08.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon'ble Tribunal on 03.08.2023 and was pleased to direct DPCC to look into the averments made in the application and take appropriate remedial action in accordance with law against Harish Mittal and Saurav Mittal who were running Mittal Car Scanning workshop in ground floor of Premises No. 251A of building near Chetan Complex Dilshad Garden, Shahdara, Delhi.
2. That, with regard to closure of the illegal units from the residential/nonconforming areas, Hon'ble Supreme Court has passed an order on 07.05.2004 in WP(C) No. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others". As per the order, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down. Hon'ble Supreme Court has also constituted a Monitoring Committee comprising of :
  - Chief Secretary of Delhi
  - Commissioner of Police, Delhi
  - Commissioner, Municipal Corporation of Delhi and
  - Vice-Chairman of Delhi Development Authority.

It would, however, be open to the aforesaid members of the Monitoring Committee to appoint responsible officers subordinate to them to oversee and ensure compliance of the directions contained in the judgment. Commissioner of Industries-GNCTD is working as a Nodal Officer on behalf of the Hon'ble Supreme Court Monitoring Committee as constituted by the Hon'ble Supreme Court of India in the order dated 07.05.2004 {reported as AIR 2004 SUPREME COURT 4618}

Further, the Hon'ble Supreme Court vide its order dated 13.12.1995 in the above mentioned matter imposed restriction on the authorities to not to grant any license/ permission in non-conforming/ residential areas.

3. That, DPCC has maintained its consistent practice by not granting any consent to any industrial unit which is to be setup or is operating from non-conforming areas of Delhi without the permission of High Power Committee. Since there is a legal prohibition under MDP-2021/ MPD-2001 in addition to Hon'ble Apex Court directives, as per which industrial activity cannot be carried on or started in a non conforming area, granting any consent by DPCC to any such industrial unit would amount to granting permission to such unit to run or operate which is illegal and prohibited under Master Plan of Delhi. Such consent would be inherently erroneous and at the same time would not enable or give any legal right to such consent holder to claim or assert any right to carry on industrial activity in a non conforming area on the basis of such Consent, since no consent is being granted by DPCC in non conforming areas where the industrial activity is prohibited.

It is most respectfully submitted that in non conforming areas, stoppage and further illegal industrial operations can be ensured by refusing industrial electricity connection or industrial water connection by the electricity companies or DJB because such industrial activity is prohibited in the said non conforming area in terms of MDP-2021 and Zonal Development Plan.

4. That the Chief Secretary, Delhi has taken a meeting on 08.12.2010, wherein it was decided that action on industries operating in non-conforming areas and violating Master Plan will be taken under the Delhi Development Act by DDA in development area and MCD in other areas. This decision was

reiterated again in the meeting held on 04.08.2015. Minutes of the meeting dated 04.08.2015 is enclosed herewith as Annexure- 1.

5. That moreover, the Hon`ble High Court of Delhi in W.P.(C) 4349/2017 titled as "Court On Its Own Motion versus Government of NCT Of Delhi & Others" on 05.08.2019 while passing detailed order on the issue of continuation to use of premises for non-conforming activities specifically ordered:

*"... We also direct the Delhi Pollution Control Committee to bring to the notice of Delhi Development Authority, North Delhi Municipal Corporation, East Delhi Municipal Corporation and South Delhi Municipal Corporations, if any industrial units are running their industry in nonconforming area and causing pollution beyond permissible norms, so that proper actions can be initiated by these authorities against these industries to stop such activities in accordance with law."*

Copy of the order dated 05.08.2019 is enclosed herewith as Annexure-2.

6. That, the Hon`ble Supreme Court vide its order dated 04.11.2019 (Annexure-3) in MC Mehta matter (WPC 4677/1985) specifically casted the responsibility on Zonal Deputy Commissioner, MCD regarding operation of illegal industry in non-conforming area in following manner:

*"....Let a clear affidavit be filed with respect to the closing of the industrial units which are objectionable and we saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioners of the Municipal Corporations. They shall be personally liable, in case any industrial unit is found to be running, not only in the law of torts but also for violating the order passed by this Court and they shall be liable to be proceeded with under the Contempt of Court Act. In case any unit is found to be running in violation of the Court's order in future."*

7. That, in compliance of the order passed by this Hon`ble Tribunal, a letter was issued to Deputy Commissioner (Shahdara North) -Municipal Corporation of Delhi to take necessary action against M/s Mittal Car Scanning, Ground Floor Plot No. 251-A, Near Chetak Complex, Dilshad Garden, Shahdara, Delhi. A Reminder Letter was also issued on

26.07.2024. Copy of the letter dated 19.10.2023 and 26.07.2024 are enclosed herewith as **ANNEXURE-4 (Colly)**. No reply has been received from MCD till date.

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



(M.S. Rawat)

Sr. Environmental Engineer

Delhi

Dated: 13<sup>th</sup> August, 2024

Annexure-1

5

DELHI POLLUTION CONTROL COMMITTEE  
DEPARTMENT OF ENVIRONMENT, GOVT. OF N.C.T OF DELHI  
6<sup>TH</sup> LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI

No. DPCC/2015/5937-55

Dated: 4/8/2015

MINUTES OF THE MEETING CHAIRED BY CHIEF SECRETARY, DELHI REGARDING EFFECTIVE IMPLEMENTATION OF HON'BLE SUPREME COURT AND HON'BLE GREEN TRIBUNAL ORDERS WITH REGARD TO CLOSURE OF POLLUTING UNITS IN RESIDENTIAL /NON-CONFORMING AREAS OF DELHI HELD ON 05.06.2015 AT 11.00 A.M.

The meeting was held on 05.06.2015 under the chairmanship of Chief Secretary, Govt. of N.C.T of Delhi. List of participants is enclosed herewith as Annexure-I.

Following are the record of discussions:

1. Secretary (Environment) briefed the Chief Secretary on the following points:-

- PA
- a) DPCC is taking action against the units for violation of the provision of Water Act, Air Act and Environment (Protection) Act and Rules made there under in contaminating industrial areas as per Master Plan of Delhi.
  - b) In the meeting of Chief Secretary, Govt. of N.C.T of Delhi held on 08.12.2011 for implementation of orders of Hon'ble Supreme Court dated 07.05.2004, it has already been decided that action on industries operating in Non-Conforming areas and violating Master Plan of Delhi will be taken under the Delhi Development Act by Delhi Development Authority (DDA) in Development areas and Municipal Corporation of Delhi (MCD) in all other areas. Commissioner of Industries is working as a nodal officer on behalf of the Supreme Court Monitoring Committee, as constituted by the Hon'ble Supreme Court of India in the Order dated 07.05.2004.
  - c) Hon'ble NGT vide its order dated 27.3.2015 in the case of Manoj Mishra (C.A no. 300 of 2013) has directed that the concerned authority in whose jurisdiction such area falls shall forthwith issue notice for complete prohibition of carrying on of industrial activity which discharge effluent in the residential areas.
  - d) In pursuance of order of NGT dated 27.3.2015, the action for closure of unauthorized industries in non-conforming /residential areas shall be taken by concerned authorities in whose jurisdiction such area falls such as MCD and the DDA or these have responsibility to implement the building bye-laws as applicable.
  - e) The concerned authority in whose jurisdiction such areas falls must set up a special cell headed by senior officers within their department to deal with and respond to complaints forwarded by the DPCC about industries operating unauthorisedly in non-conforming and residential areas in Delhi. Action Taken Report by these agencies shall be sent to COI, which is a nodal agency to compile the data.

*(Signature)*

23.8.15

- f) While dealing with such complaints, land owning agencies may seek field reports whether similar units are operating unauthorizedly in adjoining areas or not. If so, a joint inspection may be carried, in which representatives of Industries Department, DPCC, MCD/ DDA be associated and joint inspection team shall recommend action to be taken. Such inspections shall be coordinated by land owning agencies i.e MCD/ DDA.
- 
- g) On 04.06.2015 a Public Notice has been issued by DPCC in leading news papers, referring the said orders of the Hon'ble Supreme Court dated 07.05.2004.
- h) Letters were issued to industrial Associations of 22 Redevelopment Areas asking them to provide list of water polluting industries in their respective redevelopment area, however, the Associations have not provided the list of water polluting units. Letter has also been issued to MCD, DJB, Electricity Distribution Companies to provide list of user for their services on industrial activity in all redevelopment areas.
2. The representatives of three Municipal Corporations of Delhi were asked as to action taken against the industrial units operating unauthorizedly in non-conforming and residential areas of Delhi. The position explained by Municipal Corporations is as under:
- a) South Delhi Municipal Corporation:
- |  |      |
|--|------|
| No. of industries found operating                                | 1134 |
| No. of industries sealed/ closed                                 | 28   |
| No. of industries against whom Show Cause                        | 412  |
| Notice issued for disconnection of electricity and water supply. |      |
- b) North Delhi Municipal Corporation:
- |  |      |
|--|------|
| No. of industries found operating                                | 3493 |
| No. of industries sealed/ closed                                 | 255  |
| No. of industries against whom Show Cause                        | 298  |
| Notice issued for disconnection of electricity and water supply. |      |
- c) East Delhi Municipal Corporation: (figure only Gandhi Nagar area):
- |  |     |
|--|-----|
| No. of industries found operating                                | 799 |
| No. of industries sealed/ closed                                 | 28  |
| No. of industries against whom Show Cause                        | 117 |
| Notice issued for disconnection of electricity and water supply. |     |
3. The Chief Secretary directed Industries Department to upload the list of 52,000 applicants for alternative plots under relocation scheme, out of which about 22,000 allottees have been given alternative plots, on its website/ public domain. It was decided that Industries Department and concerned authority in whose jurisdiction such



2.5.8.13

areas falls, shall initiate action against industrial units operating in non-conforming and residential areas who have already been allotted alternative plots by DSIEDC on first instance and thereafter remaining units will also be checked and action shall be taken by land owning agencies.

4. It was informed by DPCC that lists of Green and Orange category of the activities prepared by DPCC are available on the website of DPCC which may be referred to identify the polluting activities by MCD/DDA. Regarding conformity/ permissibility of the various activities Master Plan of Delhi is to be referred. Factory Licensing Department of 03 Municipal Corporations to prepare the list of industrial units permitted by them in non-conforming / residential areas on their website.
5. The decisions taken on 08.12.2010 by the then Chief Secretary regarding closure/ shifting of impermissible industries from residential / non-conforming areas of Delhi were again reiterated.
6. Secretary (Environment) briefed the Chief Secretary about constraints of staff in Environment Department and DPCC. The Chief Secretary decided to hold a separate meeting at his level to take up the issues of pending RRs, creation of posts and filling up vacant posts. The officers of Environment/DPCC, Services Department, Finance Department to be invited in the proposed meeting.

Meeting ended with a vote of thanks to the Chair.

  
 (Kulanand Joshi)  
 Spl. Secretary (Envy/  
 Member Secretary (DPCC)

To

1. Vice Chairman, DDA, Vikas Sadan, INA, New Delhi.
2. Divisional Commissioner, Revenue Department, Govt. of N.C.T of Delhi, 5-Sham Nath Marg, Delhi-110054.
3. The Secretary-cum-Commissioner, Industries Department, 419, FIE, Udyog Sadan, Patparganj, Delhi.
4. Secretary (Environment), Govt. of N.C.T of Delhi, 6<sup>th</sup> Level, Delhi Sectt., New Delhi.
5. Commissioner, South Delhi Municipal Corporation, Civic Centre, Minto Road New Delhi.
6. Commissioner, North Delhi Municipal Corporation, 11<sup>th</sup> Floor, Civic Centre, Minto Road, New Delhi.
7. Commissioner, East Delhi Municipal Corporation, 419, FIE, 419, Udyog Sadan, Patparganj, Delhi.
8. The Chief Executive Officer, Delhi Jal Board, Varunalaya, Phase-I, Karol Bagh, New Delhi

(8)

9. The Commissioner, Delhi Police, Police Headquarter, MSO Building, New Delhi.
10. The Managing Director, Delhi State Industrial & Infrastructure Corporation Ltd. (DSIIDC), H-Block, Bombay Life Building, Connaught Place, New Delhi.
11. The Member Secretary, Delhi Pollution Control Committee, ISBT, Delhi-110006
12. The CEO, BSES Yamuna Power Ltd., Shakti Kiran Building, Karkardooma, Delhi.
13. The CEO, Tata Power Delhi Distribution Ltd., Hudson Lane, Kingsway Camp, Delhi.
14. The CEO, BSES, Rajdhani Power Ltd., BSES Bhawan, Behind Nehru Place Bus Terminal, Nehru Place, New Delhi.
15. The Dy. Commissioner (Industries), Complaint Cell, Industries Department, Udyog Sadan, 419, FIE, Patparganj, Delhi.
16. The Dy. Commissioner, CETP Branch, Industries Department, Udyog Sadan, 419, FIE, Patparganj, Delhi.

Copy for information to:-

1. OSD to Chief Secretary, Delhi, Delhi Secretariat, New Delhi.
2. P.S to Pr. Secretary (Industries), New Delhi.
3. P.S to Secretary (Environment), Delhi Sectt. New Delhi.

(1) 211  
63-8-15  
(Kulnand Joshi)  
Spl. Secretary (Env)/  
Member Secretary (DPCC)

## Attendance Sheet

9

Sub: Effective implementation of Hon'ble Supreme Court and NGT orders with regard to closure of polluting units in Delhi.

A meeting has been convened under the Chairmanship of the Chief Secretary Delhi on ~~05<sup>th</sup> June, 2016~~ at 11:00 a.m. on the aforesaid subject at Office of the Chief Secretary Delhi, 5<sup>th</sup> Level, Delhi Secretariat, I.P. Estate, New Delhi.

Sl. No.	Name of the officer / Representative with Designation	Deptt./ Organization	Contact No.	e-mail ID	Signature
1.	J. K. Sarda HOD-Regulatory	Tata Power DDL	9818104517	jsarda@tatapower.com	
2.	O. P. LINGH A.O.M. Regulatory	TP DDL	9818104317	o.p.lingh@tatapower.com	
3.	C. A. DHANU Additional Commissioner	EDMC	977788070	Additional Commissioner	
4.	M. K. Aggarwal	BRPL	9350261573	m.k.aggarwal@brpl.com	
5.	T. R. BHATTIA	BRPL	9350261573	t.r.bhattia@brpl.com	
6.	Sanjiv Sirci	BRPL	810929878	sanjiv.sirci@brpl.com	
7.	Gurpreet Kaur Dy. Director (Hq)	DDA	2337 9854		

Sl. No.	Name of the officer / Representative with Designation	Deptt./ Organization	Contact No.	e-mail ID	Signature
8.	Shant Kumar SE, D-17A	DSI DC	481825072	Kumar.dsdc @gmail.com	
9	Ajay Mittal CA, DSIDC	DSIDC	9910100984	ajay1963mittal @ymail.com	
10.	Victor James ADC (FL)	EDME	815059220		
11.	B.L. CHAWLA SEE	DPCL	9717593511		
12.	Dinesh Jindal Law Officer	DPCL	9717593515		
13.	<del>Pat.</del> SANJIV KUMAR	ENV FOREST			
14.	Shakuntale D. Gandhi	P. Secy (D) & Coun. Secy	8130355556	gandhose @gmail.com	
15.	Dr Anil Kumar Director	Environment	9717593505		
16.	K. Joshi	Member Sy DPCL	97175935-1		
17	Ashwini Kumar	Div. Com			

(11)

Sl. No.	Name of the officer / Representative with Designation	Deptt./ Organization	Contact No.	e-mail ID	Signature
17	T. P. SINGH Dy CE	Industries Deptt. Govt of India	2215705	Contract Deptt. Govt. of India	
18.	PARMATHYA	DCP CENTRAL	9818099044 Delhi Police		
19.	TARUN YADAV	Asst. Officer SONG Factory Licen.	858888784		
20.	C S. Kulkar	Sp. In-charge SONG	9818614904		
21.	H.K. Bhargava	HC/FLD	75038 35460		
22.	R. C. Gauriyal AE (C) / Enf (L)	DDA	9810320684		
23.	MDhal. Ishaq, Sanyon / Enf (L)	DDA	991107456		
24.	A. V. MISHRA Dy. Commissioner	Insurance	9818 877700		
25.					

Annexure- 2

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Date of decision: 05<sup>th</sup> August, 2019*

+ W.P.(C) 4349/2017

COURT ON ITS OWN MOTION ..... Petitioner

Through Attendance slip not given

versus

GOVT OF NCT OF DELHI & ORS. .... Respondents

Through Ms. Nidhi Raman, Adv. for  
respondent no. 1 with Mr. T.P.  
Singh, Adv. DC of Industries,  
GNCTD

Mr. Nikhil Goel, SPP with Ms.  
Naveen Goel and Mr. Dushyant  
Sarna, Advs. for CBI

Mr. Prashant Bhardwaj, Proxy  
counsel for DERC

Mr. Sumer Sethi and Ms. Dolly  
Sharma, Advs. for DLSLA

Mr. Sanjeev Sabharwal,  
Standing Counsel with Mr.  
Hem Kumar and Mr. Bushra  
Waseem, Adv. for North and  
South DMC

Mr. Sanjeev Ralli, Mr. Atul  
Verma and Ms. Urvi Kohli,  
Advs. for respondent no. 5

Mr. Sumeet Pushkarna,  
Standing Counsel with Mr.  
Devanshu Lahiry, Adv. for  
Delhi Jal Board

(B)

Mrs. Biji Rajesh, Adv. for EDMC

Mr. Tarveen Singh Nanda, Standing Counsel and Mr. Ankur Mishra, Adv. for Delhi Cantonment Board

Mr. Sudhir Nandrajog, Sr. Advocate with Mr. Anupam Varma, Mr. Nikhil Sharma and Ms. Pallavi Mohan, Adv. for Tata Power Delhi Distribution Ltd.

Mr. Anupam Varma, Mr. Nikhil Sharma and Mr. Aditya Gupta, Adv. for BYPL

Mr. Dhanesh Relan, Standing Counsel with Ms. Gauri Chaturvedi and Ms. Komal Snout, Adv. for DDA

Mr. Jasmeet Singh, CGSC for respondent nos. 10 and 11

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**ORDER**

%

**05.08.2019**

**D.N. PATEL, CHIEF JUSTICE (ORAL)**

1. On the basis of a news articles dated 17<sup>th</sup> May, 2017, under the heading 'Is blue the colour of Death in Delhi's Cancer Colony' published in The Times of India, New Delhi, edition *suo moto* cognizance was taken by this Court, to the effect that whether blue dye, used for the manufacturing of jeans, is a cause of death.

(17)

2. Pursuant to the aforesaid news item an order was passed by this Court dated 18<sup>th</sup> May, 2017, notices were issued and direction was given to the CBI to conduct the investigation.

3. We have heard the counsel appearing for the CBI at length, who has submitted that a detailed investigation has been carried out. A report is also tendered to this Court by the counsel for CBI in June, 2019 and the same has also been submitted before the Rouse Avenue Court, New Delhi. The relevant extract of the said report is as under:

*"During investigation, no evidence could emerged to establish that Factory Inspector of EDMC who are primarily responsible for action against illegal industrial units in non-confirming area of water due to alleged jeans dyeing/washing units also could not be proved. Evidence could not emerge to prove that due to illegal jeans dyeing/washing units under ground water contaminated which causes cancer. Further, investigation has revealed that Cancer is an outcome of a long term exposure to multiple possible risk factors like tobacco consumption (in any form), diet, lifestyle factors, environmental exposure to carcinogens, some genetic risk factors, as well as some other factors which may not be known till date. It is a*

(15)

*complex interplay of several of these factors which might lead to cancer in some individuals, while some of those even when exposed to the same factors may not develop the disease. Hence, in a given patient of cancer it is difficult to precisely pin point any single factor for causation of cancer, one can only correlate with the possible risk factors which might have led to causation of cancer.*

*Investigation revealed that Factory Inspector is assigned duties of inspection of the entire non-conforming area of Shahdara (North) Zone, for detection of illegal trades and action thereon. Factory Inspector used to issue challan against any specific illegal unit noticed and direct the user of property to appear before Ld. Municipal Magistrate on specific date. Thereafter, FI reports the matter to Administrative Officer (Factory Licensing) and AO (FL) communicate the same to the Dy. Commissioner of the concerned Zone for sealing. Administrative Officer of the General Branch used to issue show cause notice*

*and thereafter they used to fix sealing program. These processes take even 3-4 months also due to which despite the issuance of challan, owner/operator continues to operate illegal unit.*

*Thus, even though the collusion between the Factory Inspectors and the private persons who were running illegal factories could not be established but the failure to stop these units by taking prompt legal action as per the DMC Act has shown the negligence on the part of the Factory Inspectors who have been identified namely; S/Shri Alok Kumar, Devinder Kumar, Brahm Prakash Madhur, Kamal Kishore Gaur, Lokesh Chaudhary, Man Mohan, Shri Umesh Kumar and Shri Sivakumar, Section Officer (Factory Licensing) for which departmental action has been recommended against them to the Competent Authority.*

*In view of the above facts and circumstances, it is most respectfully prayed that closure report may be accepted."*

(17)

4. In view of the aforesaid report filed by the CBI, we see no reason to continue with the investigation and we see no need to further monitor the investigation. We are satisfied with the detailed investigation carried out by the CBI. So far as other issues relating to non-conforming activities continuing in the area are concerned, which are referred to in this writ petition and looking into other activities, which are not in consonance with the permissible uses of the land in question, we hereby direct the respondents, Delhi Development Authority, North Delhi Municipal Corporation, East Delhi Municipal Corporation, South Delhi Municipal Corporation and Delhi Pollution Control Committee to the effect that if there is any activity going on in the area which is referred to in the memo of the writ petition, the same is a non-conforming activity, i.e., the activities, which are not in consonance with the permissible uses of the land. Such activities shall be brought to an end by the above named respondents in accordance with the law, rules, regulations and Government policy applicable to the facts of the present case, after giving an adequate opportunity of being heard to the concerned effected party. We also direct the Delhi Pollution Control Committee to bring to the notice of Delhi Development Authority, North Delhi Municipal Corporation, East Delhi Municipal Corporation and South Delhi Municipal Corporations, if any industrial units are running their industry in non-conforming area and causing pollution beyond permissible norms, so that proper actions can be initiated by these authorities against these industries to stop such activities in accordance with law.

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5. With these observations, this writ petition is hereby disposed of.

**CHIEF JUSTICE**

**C.HARI SHANKAR, J**

**AUGUST 05, 2019**

*r.bararia*

ITEM NO.301

COURT NO.3

SECTION PIL-W

19

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 4677/1985

Amexyre-5

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

- ((1) REPORT NO. 149 AND 161 SUBMITTED BY MONITORING COMMITTEE  
 (2) IA NOS. 51374, 54195 AND 54198/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND STAY ON BEHALF OF RAVINDER PARKASH PUNJ)  
 (3) IN RE: RELOCATION OF INDUSTRIES IN DELHIPROGRESS REPORT BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT  
 (4) I.A. NOS. 60398 AND 60399/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MOHAN LAL)  
 (5) IA NOS. 125628 AND 125635/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AJAY GUPTA)  
 (6) IA NOS. 125699 AND 125701/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O HARKRISHAN AND ORS.)  
 (7) IA NOS. 158567 AND 158572/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O PARMANAND KUMAR AND ORS.)

Date : 04-11-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
 HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for parties

Mr. Ranjit Kumar, Sr. Advocate (A.C.)  
 Ms. Anitha Shenoy, Sr. Advocate (A.C.)  
 Mr. A.D.N. Rao, Advocate (A.C.)  
 Mr. Rishi Raj Sharma, Adv.  
 Ms. Srishti Agnihotri, Adv.  
 Ms. Sanjana Thomas, Adv.  
 Mr. Nitesh, Adv.

Mr. Tushar Mehta, SG  
 Mr. A.N.S. Nadkarni, ASG  
 Mr. D.L. Chidananda, Adv.  
 Ms. Suhashini Sen, Adv.  
 Mr. S.S. Rebello, Adv.  
 Ms. Archana Pathak Dave, Adv.

Signature  
 Digitally signed by  
 NARENDRA KUMAR  
 Date: 2019.11.07  
 15:35:15 IST  
 Reason: I

Rajat Nair, Adv.  
 Raj Bahadur, Adv.  
 G.S. Makker, Adv.

Mr. Rajesh k. Singh, Adv.  
 Ms. Anil Katiyar, Advocate

(20)

Mr. Jitendra Mohan Sharma, Sr. Adv.  
 Dr. Sunil Kumar, Adv.  
 Mr. Pradeep Kumar Kaushik, Adv.  
 Mr. Pranshu kaushal, Adv.  
 Mr. S.K. Chaturvedi, Adv.  
 Mr. Rajiv Mangla, Advocate

Mr. Sanjiv Sen, Sr. Adv.  
 Mr. Praveen Swarup, Adv.  
 Mr. harsha Peechara, Adv.  
 Mr. Sayan Ray, Adv.  
 Mr. Soumo Palit, Adv.  
 Mr. Suvesh Kumar, Adv.

Mr. D.N. Goburdhun, Advocate  
 Mr. Alok Gupta, Adv.  
 Mr. Nipun Sharma, Adv.

Petitioner-In-Person

Mr. B.V. Balram Das, Advocate

Ms. Garima Prashad, Advocate  
 Mr. G.S. Oberoi, Adv.  
 Mr. Mohit Kumar Bansal, Adv.

Mr. Sanjay Jain, Advocate

Ms. Deeplaxmi S. Matwankar, Advocate

Mr. Shishir Pinaki, Advocate

Ms. Roohina Dua, Adv.  
 Mr. Chaitanya Madan, Adv.  
 Mr. Naveen Kumar, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Sumant De, Adv.  
 Ms. Prerna Mehta, Adv.

Mr. Nishant Kumar, Adv.  
 Ms. Maya Mukherjee, Adv.

Mr. Chirag M. Shroff, Adv.  
 Ms. Mahima C. Shroff, Adv.  
 Ms. Yashika Verma, Adv.  
 Ms. Riya Thomas, Adv.

\*

For Ms. Smita Maan, Adv. (Appearance slip not given)

UPON hearing the counsel the Court made the following  
O R D E R

24

(1) REPORT NO. 149 AND 161 SUBMITTED BY MONITORING COMMITTEE

As prayed for, three weeks' time is granted to the Monitoring Committee to file response.

Report No.161 is, accordingly, disposed of.

(2) IA NOS. 51374, 54195 AND 54198/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND STAY ON BEHALF OF RAVINDER PARKASH PUNJ)

We have considered the objections and the report. We find the report to be absolutely correct and it must be scrupulous followed by the owner.

In case of any violation, let it be reported to this Court to take stringent actions against the owner, whether he can use the building in violation of order. In case of any violation of the order of Monitoring Committee is committed the same to be viewed seriously.

Application for directions is dismissed and the other applications are disposed of.

(3) IN RE: RELOCATION OF INDUSTRIES IN DELHI PROGRESS REPORT BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT

The compliance report filed on behalf of the Government of NCT of Delhi is considered. It has been pointed out that out of 92 industrial units of step 2 which were found to be running illegally, 30 units have been sealed and 11 units are operating in the industrial clusters. SDMC has also informed that remaining 49 premises are vacant/shops/under construction. And there is some contradiction with respect to the previous status report furnished by the SDMC on the status of 49 units. The Government of NCT of Delhi has directed the SDMC to recheck and verify and provide the actual state of affairs regarding these 49 units/premises. After closing down the units, the use of the premises is being ensured in

(22)

accordance with the provisions of the MPD-2021 by the respective municipal bodies. Direction has been issued to the Zonal Deputy Commissioners to keep strict vigil on such premises so that they should not be re-used for any illegal purpose.

The state of affairs projected in paragraph 5 and 6 cannot be said to be proper. Let a clear affidavit be filed with respect to the closing of the industrial units which are objectionable and we saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioners of the Municipal Corporations. They shall be personally liable, in case any any industrial unit is found to be running, not only in the law of torts but also for violating the order passed by this Court and they shall be liable to be proceeded with under the Contempt of Court Act. In case any unit is found to be running in violation of the Court's order in future.

Let respective Zonal Deputy Commissioners of the Municipal Corporations file the affidavits as to the state of affairs within the area which falls in their respective zones of the Municipal Corporation concerned. Let a better affidavit be filed by SDMC also. Let the Zonal Deputy Commissioners and SDMC also take the steps and furnish a report directly to this Court in addition to the Government of NCT of Delhi of doing the needful within fifteen days from today.

List for further hearing on 25.11.2019.

- (4) I.A. NOS. 60398 AND 60399/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MOHAN LAL)  
 (5) IA NOS. 125628 AND 125635/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AJAY GUPTA)  
 (6) IA NOS. 125699 AND 125701/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O HARKRISHAN AND ORS.)  
 (7) IA NOS. 158567 AND 158572/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O PARMANAND KUMAR AND ORS.)

Issue notice.

Let reply be filed by the concerned departments within a period of three weeks from today.

List thereafter.

Let a copy of these applications be furnished to the Standing Counsel appearing for the respective departments.

IN RE: Kant Enclave (Disposed of)

It is pointed out by Mr. Ranjit Kumar, learned Amicus Curiae that there are certain complaints/letters have been received by him that the amount has not been paid in terms of the order passed by this Court.

Let the State of Haryana look into the matter and submit before this Court how many persons are left to be paid and the reasons for not making the payment.

Let an appropriate affidavit be filed within four weeks.

List thereafter.

The FDRs be renewed for a period of one year.

I.A. NOS.130216 & 130219 of 2019

These applications were mentioned for listing.

List after two weeks.

(NARENDRA PRASAD)  
COURT MASTER

(PRADEEP KUMAR)  
COURT MASTER

Annexure - 4 (Gally)

	<b>DELHI POLLUTION CONTROL COMMITTEE</b>	
	DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 1 <sup>st</sup> Floor, E Block, Vikas Bhawan-II, Upper Bela Road, Civil Line, Delhi-54 visit us at : <a href="http://dpcc.delhigovt.nic.in">http://dpcc.delhigovt.nic.in</a>	

By Speed Post

F. No. DPCC/CMC-I/OA No.468/2023 /1491-92

Dated: 19/10/2023

To,

The Deputy Commissioner,  
MCD (Shahdara-North),  
Keshav Chowk, GT Rd,  
Near Shyam Lal College, Shahdara,  
Delhi- 110032

**Sub: Regarding NGT matter in OA No. 468/2023 of "Gunjan Mittal Vs Govt. of NCT of Delhi".**

Sir,

And 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.

Whereas, it is mandatory provision under us 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall Establish an industrial unit in an Air Pollution Control Area of Union Territory of Delhi.

Whereas, it is mandatory provisions under us 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 that no person without the previous consent of the DPCC shall Establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land.

And whereas, Hon'ble Supreme Court of India, while hearing Writ Petition(s) No. 4677/1985 in the matter of M.C. Mehta Vs Union of India & Others, has passed order on 04.11.2019 and directed to close down the industrial units which are objectionable and saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioner of the Municipal Corporations.

And whereas, Hon'ble National Green Tribunal vide orders dated 05.08.2019 & 19.11.2019 in OA No. 601/2018 in the matter of "Mayank Manohar & Paras Singh, Reporter, the Times of India Vs. Govt. of Delhi & Ors." has also directed closure of impermissible industrial units in residential/ non-confirming areas of NCT of Delhi and levying Environmental Compensation (EC) for the damage caused by illegal operation keeping in view the 'Polluters Pay Principle'

And whereas, Hon'ble NGT vide its order dated 03.08.2023 in the matter of "Gunjan Mittal vs GNCTD" in O.A No 468/2023 (copy enclosed), directed DPCC to look into the averment made in the application and take appropriate remedial action in accordance with law. Concerns are raised against a unit namely M/s Mittal Car Scanning, 251-A, Ground Floor, near Chetak Complex, Dilshad Garden, Shahdara, Delhi-110095 which is situated in residential/non-conforming area. Earlier, same case was taken up by Hon'ble NGT vide O.A No. 416/2022 "Gunjan Mittal vs GNCTD" and action was taken against the unit by conducting a joint team inspection on 22.07.2022 by officials of DPCC, MCD, BSES and Delhi Police.

And whereas, a letter was issued to MCD on 26.07.2022 for submitting Action Taken Report (ATR) and take necessary action against such illegal units operating in Dilshad Garden residential area (Copy enclosed). Thereafter, a letter was again issued to MCD on 08.06.2023(Copy enclosed) and 11.07.2023(Copy enclosed) to keep strict vigil and surveillance in the area and ensure compliance of MPD 2021 and submit Action Taken Report (ATR). But till date no reply/response is received in the office of DPCC.

In view of the above, you are kindly requested to direct your officials to carry out a thorough inspection of the premise M/s Mittal Car Scanning, 251-A, Ground Floor, near Chetak Complex, Dilshad Garden, Shahdara, Delhi-110095 and ensure compliance w.r.t. MPD 2021, since the unit is situated in residential/non-conforming area. Also ensure that no such unit that violates environmental norms resurfaces.

Please submit Action Taken Report (ATR) within 15 days of the issuance of this letter to DPCC so that reply can be filed before Hon'ble NGT timely.

Yours sincerely



PS Pankaj

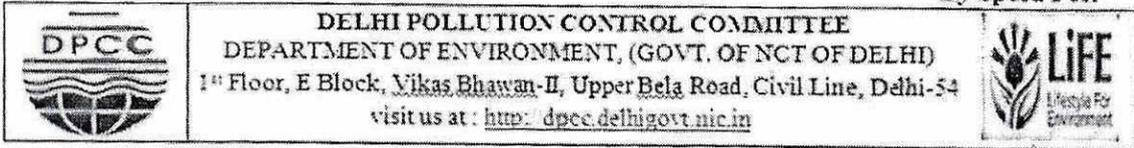
Incharge, CMC-1

Encl: As mentioned above

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2. Office Copy

By Speed Post



F. No. DPCC/CMC-IOA No.468/2023 / 205-206

Dated: 26/07/2023

**(REMINDER-I)**

To,  
The Deputy Commissioner,  
MCD (Shahdara-North),  
Keshav Chowk, GT Rd,  
Near Shyam Lal College, Shahdara,  
Delhi- 110032

**Sub: Regarding compliance of Hon'ble NGT court order in O.A.  
No. 468/2023 titled "Gunjan Mittal Vs. GNCTD"**

**Reference:**

1. OA No. 416/2022 "Gunjan Mittal Vs GNCTD"
2. OA No. 468/2023 "Gunjan Mittal Vs GNCTD"
3. Letter (DPCC/CMC-I/OA No.468/2023/1491-92) dated 19.10.2023.
4. Letter (DPCC/CMC-I/OA No.416/2022/359-60) dated 08.06.2023.
5. Letter (DPCC/CMC-I/OA No.416/2022/889-90) dated 11.07.2023.
6. Letter (DPCC/CMC-I/Dilshad Garden/2022/962-64) dated 26.07.2022.

Sir,

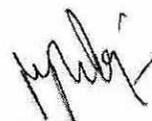
This is in reference to the Hon'ble NGT order in the matter of "Gunjan Mittal Vs. GNCTD" in OA No. 468/2023 dated 03.08.2023 (copy enclosed). Earlier, a similar case was taken up by Hon'ble NGT vide O.A No. 416/2022 "Gunjan Mittal Vs. GNCTD" and action was taken against the unit by conducting a joint team inspection on 22.07.2022 by officials of DPCC, MCD, BSES and Delhi Police.

Further, an order dated 05.08.2019 was passed by Hon'ble High Court of Delhi in W.P.(C) 4349/2017 "Court on its own motion Vs. GNCTD & Ors" stated that "We also direct the Delhi Pollution Control Committee to bring to the notice of Delhi Development Authority, North Delhi Municipal Corporation, East Delhi Municipal Corporation and South Delhi Municipal Corporations, if any industrial units are running their industry in non-conforming area and causing pollution beyond

*permissible norms, so that proper actions can be initiated by these authorities against these industries to stop such activities in accordance with law."*

Now therefore, in continuation of the earlier communications through DPCC letters dated 19.10.2023, 11.07.2023, 08.06.2023 and 26.07.2022 (**copy enclosed**), it is again requested to take necessary action for the closure of illegal car work shop **M/s Mittal Car Scanning, 251-A, Ground Floor, near Chetak Complex, Dilshad Garden, Shahdara, Delhi-110095** operating in residential/non-conforming area and in this regard you are again requested to submit ATR within 15 days of issuance of this letter to DPCC. (Till date no reply/response is received w.r.t. the attached DPCC letters which were issued earlier)

Yours sincerely



**M.S. Rawat**  
**SEE, CMC-I**

**Encl:** As mentioned above

**Copy to:**

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