

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 708/2024

In the matter of:

Ch. Kishan Pal Singh

.... Appellant

Versus

Govt. of NCT of Delhi

.....Respondent

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Filed by


DPCC

Dated: 09th 12.2024

Place:

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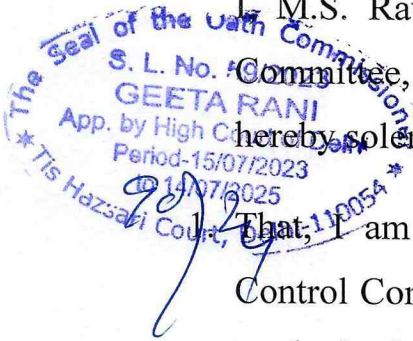
.....Respondent

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO THE ORDER
DATED 12.08.2024.**

I, M.S. Rawat, Sr. Environmental Engineer, Delhi Pollution Control Committee, 3th Floor, Block-B, IT Park, Shastri Park, Delhi- 110053, do hereby solemnly affirm and state as under:

That, I am working as Sr. 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 matter on 12.08.2024 on the basis of the public complaint and pleased to direct to DPCC to take appropriate remedial action in accordance with law. The grievance of the applicant herein is about some illegal Corrugation factory at CN No. 546, Maujpur area.



3. That, in addition to the order passed by this Hon`ble Tribunal a complain was received in DPCC regarding Illegal re-opening of factories after sealing in residential area and their bad effect on health in Arjun Mohalla, Abhimanyu Gali no. 1, Maujpur Delhi. Copy of the complaint is annexed herewith as Annexure-1. DPCC vide latter dated 09.01.2024 forwarded this complaint to MCD in pursuance of Hon`ble Supreme Court order on the subject and policy of NCT of Delhi to take necessary action for effective closure of defaulting unit on 09.1.2024. Copy of the letter dated 09.01.2024 is enclosed herewith as ANNEXURE-2.

4. That, in compliance with order dated 12.08.2024, join inspection of the site was carried out on 04.10.2024 by officials of DPCC, MCD, SDM (Shahdara), BSES and Delhi Police. During the inspection it was observed that:

- i. Sh. Sanjay Sharma (nephew of Sh. Vicky Sharma) informed that they don't have any license for the activity from any concerned department.
- ii. Unit was found locked during the joint inspection. Later on, Sh. Sanjay Sharma came and opened the lock of the main gate.
- iii. Large Stock of cardboard boxes found inside the premise, which are stored at different storey of the premises.
- iv. Sh. Sanjay Sharma informed that the actual owner of the premise is Manish Sharma, who died 7-8 months ago.
- v. He also informed that at present they are not operating the machine & they are in process of selling out the cardbox stock stored in the premises alongwith the corrugation machine.

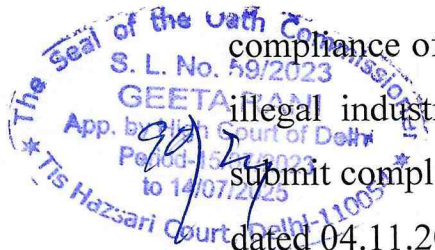


- vi. Sh. Sanjay Sharma was also advised to submit an affidavit in support of his claim that they will sell out all the stock stored at the premise alongwith corrugation machine.
- vii. As per BSES official, alleged unit has Single Phase electricity connection (CA No. 154369817).

Copy of joint inspection report dated 04.10.2024 & geo-tagged photos are enclosed herewith as ANNEXURE-3 (Colly).

5. That in view of the inspection findings, DPCC issued letter on 04.11.2024 to MCD for for taking necessary action against the unit in compliance of MPD-2021 and maintain strict vigil in the area so that no illegal industries resurface in non-conforming/ residential area. Also, submit compliance report to the DPCC within 15 days. Copy of the letter dated 04.11.2024 is enclosed herewith as ANNEXURE-4.

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



Self.

Identify the deponent who has signed by thumb impression in my presence

VERIFICATION

- 9 DEC 2024

[Signature]
DEPONENT

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 _____ day of December, 2024.

Identified by Shri/Smt. *[Signature]* as solemnly affirmed before me at Delhi on _____ at S. L. No. _____ at the Contains of the _____ when read and explained to him are true and correct to his knowledge *[Signature]*

[Signature]
DEPONENT

Annexure-1

(9)

To,
THE CHAIRPERSON
NATIONAL GREEN TRIBUNAL
FARIDKOT HOUSE, COPERNICUS MARG,
NEW DELHI - 110 001

2308/UP/2023

2308/UP/2023
20/10/23

SUBJECT: ILLEGAL RE-OPENING OF ILLEGAL FACTORIES AFTER SEALING
IN RESIDENTIAL AREA AND THEIR BAD EFFECT ON HEALTH IN
ARJUN MOHALLA, ABHIMANYU GALI NO.1, MAUJPUR, DELHI-110053

Respected Sir,

It is a matter of deep concern / importance that many illegal/unauthorized factories had been running in residential areas of Maujpur, Delhi-53 for the last many years which were producing heavy smoke and other harmful products which are injurious to health and became unfavourable for human being to live in an environment of peace.

*"Article 21 of the Constitution of India" guarantees the life and personal liberty to all persons. It guarantees the right of persons to live life with human dignity. Thus, article 21 secures two rights of human being i.e., **Right to life, and Right to personal liberty**. According to the law, no one has the right to violate the law by re-opening illegal factories in the residential areas and make the life of residents like hell. Rule of Law should be implemented on ground.*

Here are some points which are to be highlighted by the residents of ARJUN MOHALLA, ABHIMANYU GALI NO.1, MAUJPUR, DELHI-110053:-

1. In the past, a joint complain was lodged from the residents of our street in Maujpur to different govt. agencies and as a result, a factory sealing survey/campaign was launched in our colony and such factories were sealed with a warning to the factory owners that they would not run a pollution causing factory in the particular premises in future.

The dream of residents of Maujpur came true with a pollution free environment after sealing of such factories. But this peace of mind ended soon as some culprits break the law & order and ignore social ethics.

2. It is to inform that almost all the sealed factories have been moved by their owners from this residential area to industrial areas however, the Corrugation factory at CN no. 546 has been re-opened at the same premises after breaking all rules & regulations in March, 2023 (almost within 4 months). A 3-phase electricity meter has been installed on this building and Corrugation factory is running at its full swing again and producing more pollution than ever before. The people of the street are forced to live in an unpleasant environment.
3. This factory has been causing health issues to local residence for the last 5-6 years. This Corrugation factory was sealed by DPCC (Delhi Pollution Control Committee) team in Nov, 2022. The personnel from Delhi Police, DPCC were available during sealing. **Executive Magistrate/SDM himself was on the spot personally during sealing.**
4. This is a multistory building without plaster in our street. In this factory, different kinds of chemical oils are also used and this is emitting poisonous smoke all the time. Full

17A/HCP
20/10/23

Street seems like a smoke chamber. This factory is also being run in basements, which is again illegal. **This factory uses LPG gas illegally. Due to usage of LPG gas, there is always a risk of blast in nearby houses.** These factories also have been on fire before and created huge losses to nearby residents.

5. It is kindly asked why such factories are given permission to run in residential area even after sealing them by higher authorities. Why no inspection is done on sealed factories to verify the action taken by the owner of these factories.
6. How can it be possible to issue a 3-phase electricity meter to a Corrugation factory in residential area which is in List of units covered under RED Category of DPCC (Delhi Pollution Control Committee)? How Industrial activities are allowed in residential areas.
7. **Further, it is to inform that some new RED category factories are also being opened illegally in the same street. Please plan Door-To-Door checking to find the culprits. Three Phase Electricity Meter (Industrial Power Connection) are the main identification sign on the building where any industrial activity is being done.**
8. You are requested to take a strict action again as soon as possible to close these corrugations factories and other factory which are poison for environment and the residential area so that we can get rid of such hell and live a healthy life in pollution-free environment.

Once again, it is kindly requested to take Prompt and strict action in this regard.

This is a collective complaint from us, the victims of these factories.

Thanks and Regards

(Ch. Kishan pal singh & All Resident of Arjun Mohalla, Abhimanyu Gali No.1, Maujpur, Delhi-110053)

Copy to:-

1. The SEE/CMC-1, Delhi Pollution Control Committee
2. Prime Minister Office, New Delhi
3. The Lieutenant Governor, NCT OF DELHI
4. The Chief Minister, NCT OF DELHI
5. The Mayor, M.C.D.
6. The Commissioner, M.C.D.
7. The Deputy Commissioner of Police, North-East Delhi
8. The Chairperson, D.P.C.C.
9. The Commissioner of Delhi Police, Delhi Police Head Quarter
10. The DC,DC Office Complex, NandNagri

Shri Sharma
रमेश
Chhaya
Anurag

Shri Sharma
रमेश
Chhaya
Anurag

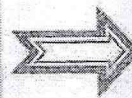
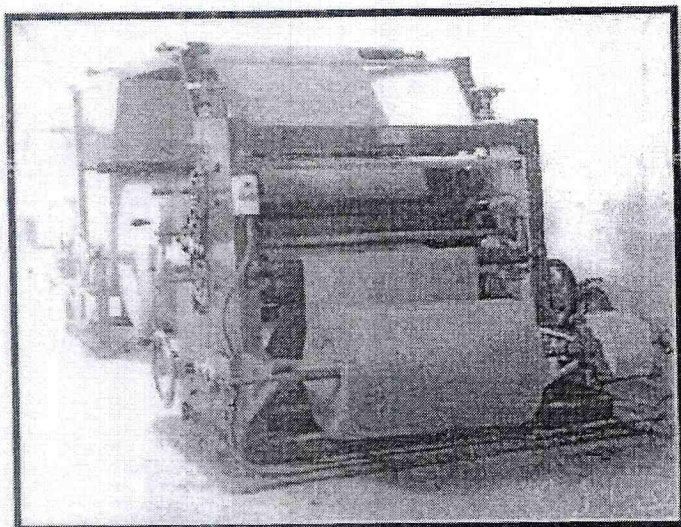
Corrugation Machine: Create Pollution (Paper and cardboard manufacturing)

The paper and cardboard industry can cause significant pollution. The industry includes paper and paperboard manufacturers, and businesses that produce paper and paperboard products. It also includes businesses that carry out finishing activities, such as coating, covering, laminating and embossing paper or cardboard.

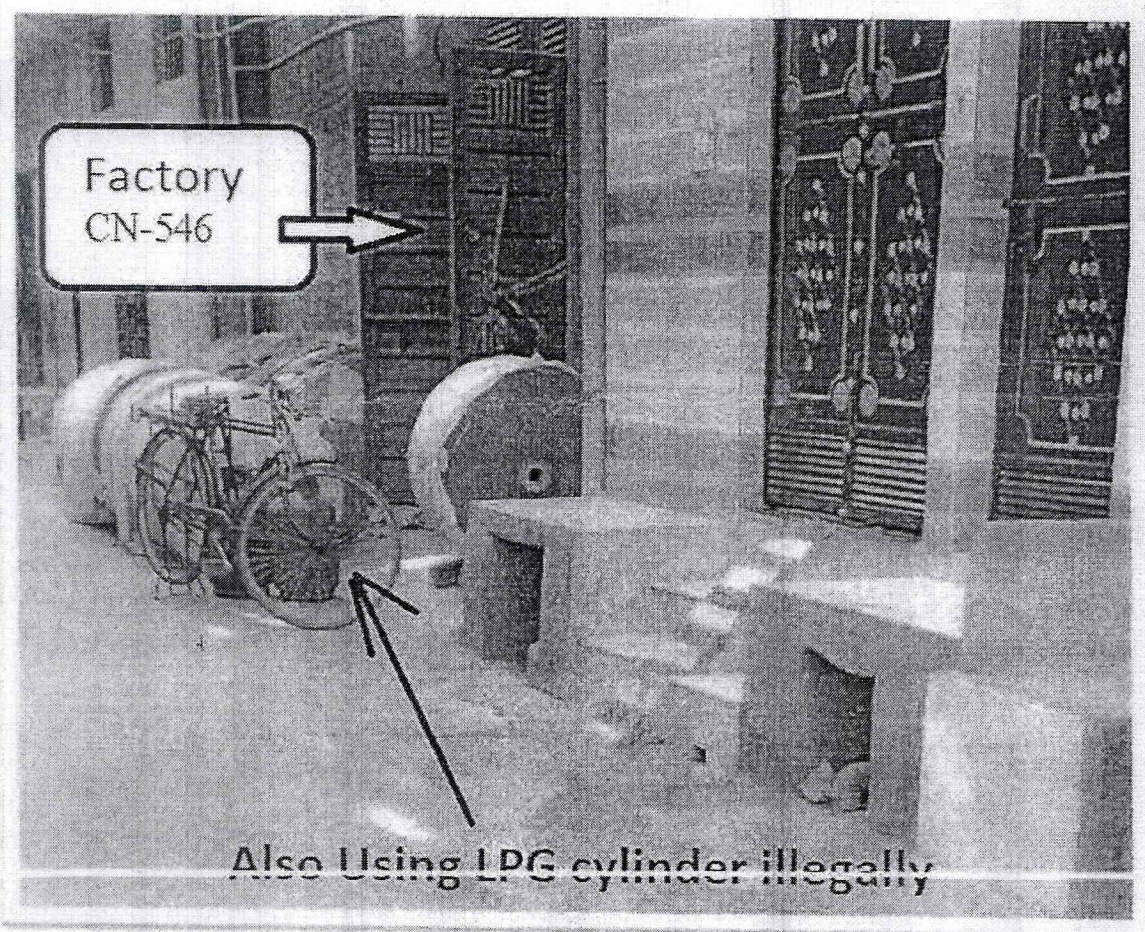
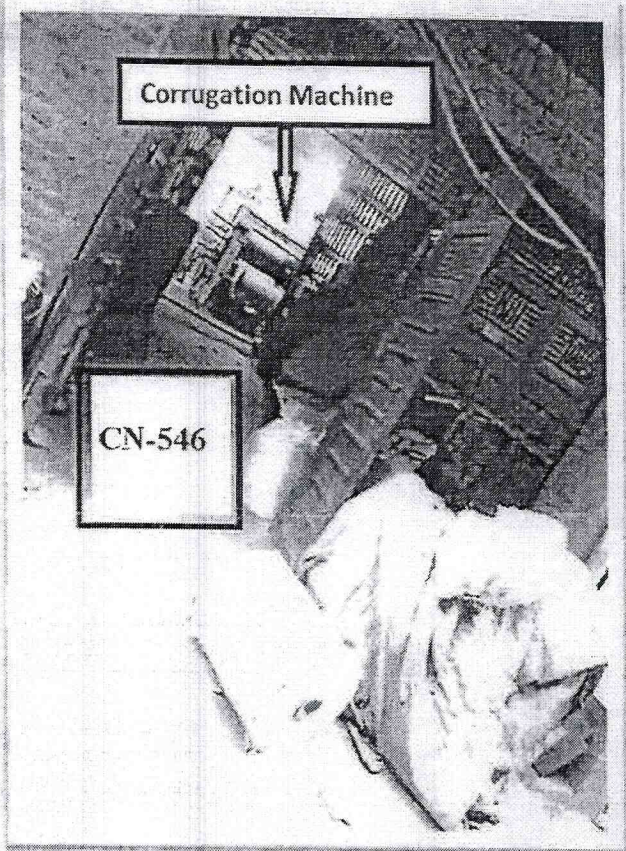
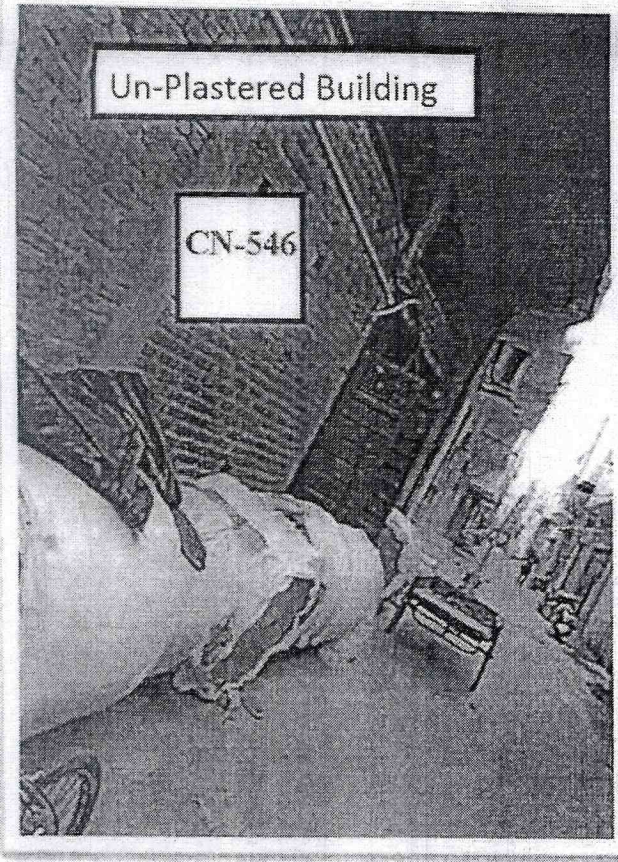
Paper and cardboard businesses can emit dust, smoke, fumes and gases which affect air quality. Business activities may cause **Air Pollution** from dust and fumes, **Water Pollution** from contaminated discharges or run-off, **Noise Pollution** from materials handling and deliveries to your site, and **Land Contamination** from accidental spills of solvents.

Poisonous Emissions to air include:-

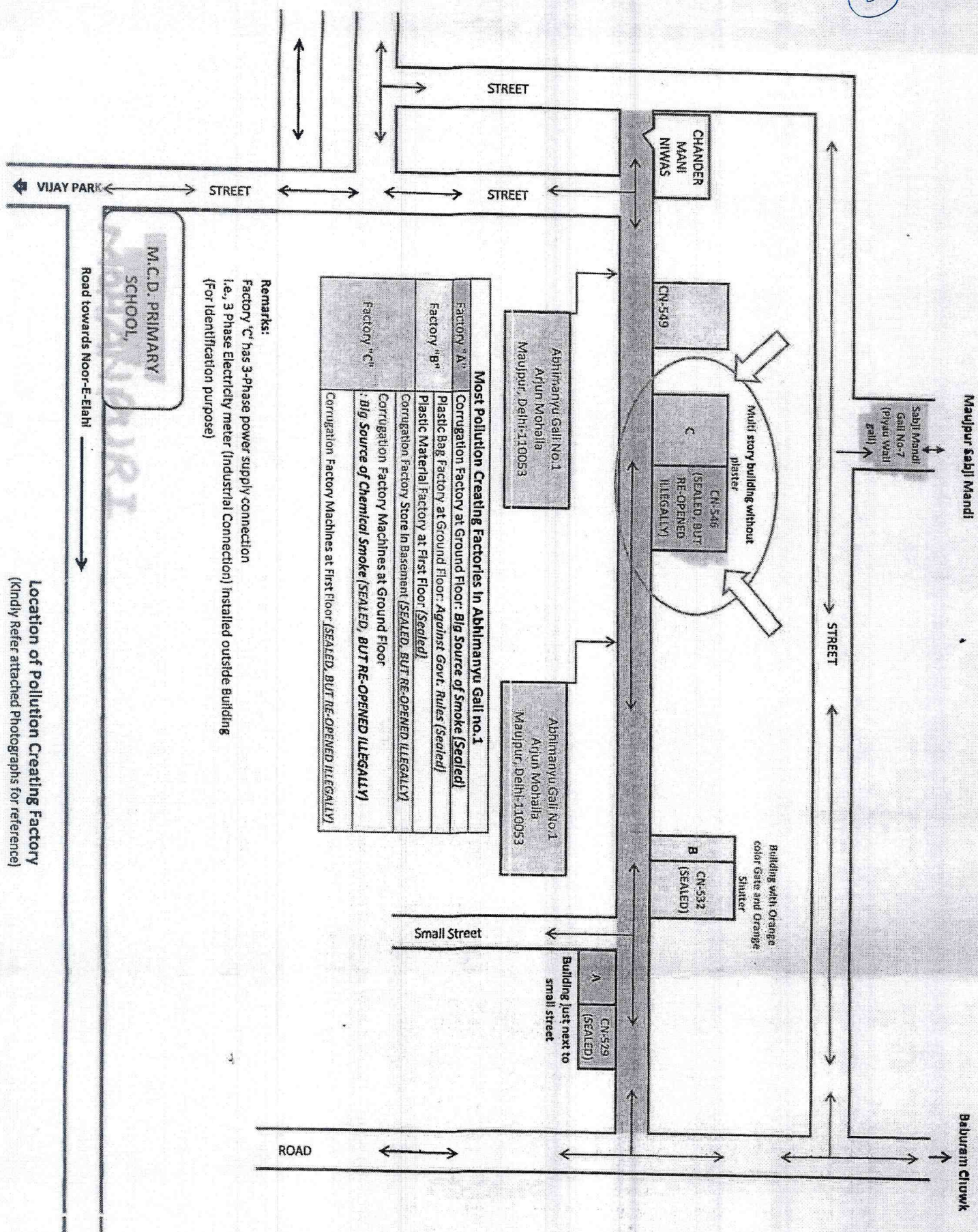
- Oxides of Nitrogen (NOx), Sulphur (SOx) and Carbon (COx) from combustion plant or liquor burning
- Particulates and dust from combustion or paper handling
- Formaldehydes and Ammonia from wet strength resins
- Solvents from cleaning or coating processes
- Chloroform from the use of Chlorine compounds in bleaching
- Odorous substances from wet pulping or effluent treatment plants



Pic : Corrugation Machine: Deadly Harmful in Residential Area



8



Location of Pollution Creating Factory
 (Kindly Refer attached Photographs for reference)



DELHI POLLUTION CONTROL COMMITTEE

DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4TH& 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

F.No. DPCC/CMC-I/Complaint/2023/1971-73

Dated: 09/01/2024

To,

The Addl. Deputy Commissioner,
(Nodal Officer, PGC, MCD)
Municipal Corporation of Delhi,
Dr. S.P.M. Civic Centre,
Minto Road, SKD Basti,
Press Enclave, Ajmeri Gate,
New Delhi-110002.

The Deputy Commissioner,
(Factory Licensensing Deaprtment),
Municipal Corporation of Delhi
Plot No.419, FIE,UdyogSadon,
Patparganj Industrial Area,
Delhi-110092.

Annexure-2

**Sub: - Redressal of public complaint C-1971 of Mr. Sh. Chaudhary
Kishan Pal Singh.**

Sir,

Please find enclosed herewith a copy of Complaint Regarding- **C/A Illegal Re-opening of illegal factories after sealing in residential area and their bad effect on health in Arjun mohalla, Abhimanyu gali no.1 Maujpur Delhi- 110053** received in this office. The complaint is being forwarded for necessary action at your end as matter pertains to non-conforming/ residential areas of the Delhi.

With regard to closure of the illegal units from the residential/ non-conforming areas, 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. As per the said judgment, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down. In this order a Monitoring Committee was constituted comprising of a) Chief Secretary of Delhi ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and (iv) Vice Chairman of DDA to oversee and ensure compliance of the directions contained in the judgment dated 7th May, 2004. This Committee was constituted on 25/05/2004.

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.

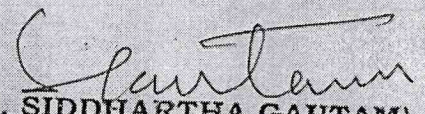
In compliance to the above mentioned judgment, progress reports have been regularly filed from time to time by the Department of Industries on behalf of the Monitoring Committee.

DPCC using its power under the Environmental Legislation has 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.

In view of above and in pursuance of Hon'ble Supreme Court Order and policy of NCT of Delhi, you are requested to take necessary action for effective closure of defaulting unit and **please submit compliance report and action taken report (ATR) within 15 days of date of issuing letter to this office.**

This issue with the approval of Competent Authority, DPCC.

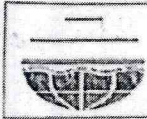
Yours faithfully,


(DR. SIDDHARTHA GAUTAM)
EE, (CMC-I)

Encl: As above

Copy for information to:

Sh. Chaudhary Kishan Pal Singh & All Resident of Arjun Mohalla,
Abhimanyu Gali no.1 Maujpur,
Delhi- 110053



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

Inspection Report

11

1. Name & Address of the Unit : M/s Vicky Sharma.
C-132, Gali No-1, Abhimanyu Gal
Arjun Mohalla, Maujpur,
Delhi - 53.
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) : Vickey Sharma.
3. Date of Inspection : 04/10/2024.
4. Time of inspection
Start of Inspection : 03:30 PM
End of Inspection : 04:10 PM.
5. Name & Designation of the Persons contacted at the industry : Sanjay Sharma.
6. Kind of Industry : Corrugated box Mfg.
7. Product & Capacity : -
8. Main Raw Materials : -
9. Water Polluting : Yes/No ETP Installed : Yes/No
10. Air Pollution : Yes/No ECS Installed : Yes/No
11. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.) - (Above R.L.) -
12. Type of Fuel Used : Electricity.
13. A. Source of Water Supply : DJB/NDMC/DSIIDC/Borewell/Tankers/Others
- B. Effluent Discharge : (a) Domestic/ Trade Effluent
(b) Unit connected to Conveyance System: Yes/No
(c) Discharging into.....
14. Status of Consent {If Any} : No license shown by the person contacte
15. D.G. Set(s) {if Any} : No. - Capacity - KVA. Acoustic Yes/No
Stack Height - (Above G.L.) - (Above RL)
16. Plot Area : 100 Sq. yd.
17. Labour : No labour were seen working durin
insp.
18. Machinery : 2 Nos. Corrugation M/c.

- ① ~~Sanjay Sharma~~ Sanjay Sharma, submit an affidavit with regard to the claim in support of his claim that they will sell out all the stock stored at the premise along with the corrugation M/C.
- ② As per BSES official, alleged unit has single phase electricity connection

12

19.	Detail of Power Connection	:	CA No. 154369817
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.	<u>Details about Hazardous Waste</u>	:	
(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-3	:	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)

- ① During the joint inspection, unit owner Vicky Sharma was not present. Person contacted at alleged unit was related as "Uncle" of Vicky Sharma.
- ② A Person contacted at site informed that they don't have any licence for the activity from any concerned deptt.
- ③ Unit was found locked during the joint inspection. Later on, Sanjay Sharma (the person contacted at site) came & opened the lock of the main gate.
- ④ Large stock of Cardboard boxes found inside the premise, which are stored at different storey of the premises.
- ⑤ Sanjay Sharma, informed that the actual owner of the premise is Manish Sharma, who died 7-8 month ago.
- ⑥ He also informed that, at present they are not operating the machine & they are in process of selling out the cardboard stock stored in the premise along with the corrugation

Signatures, Name & Designation of inspecting officials

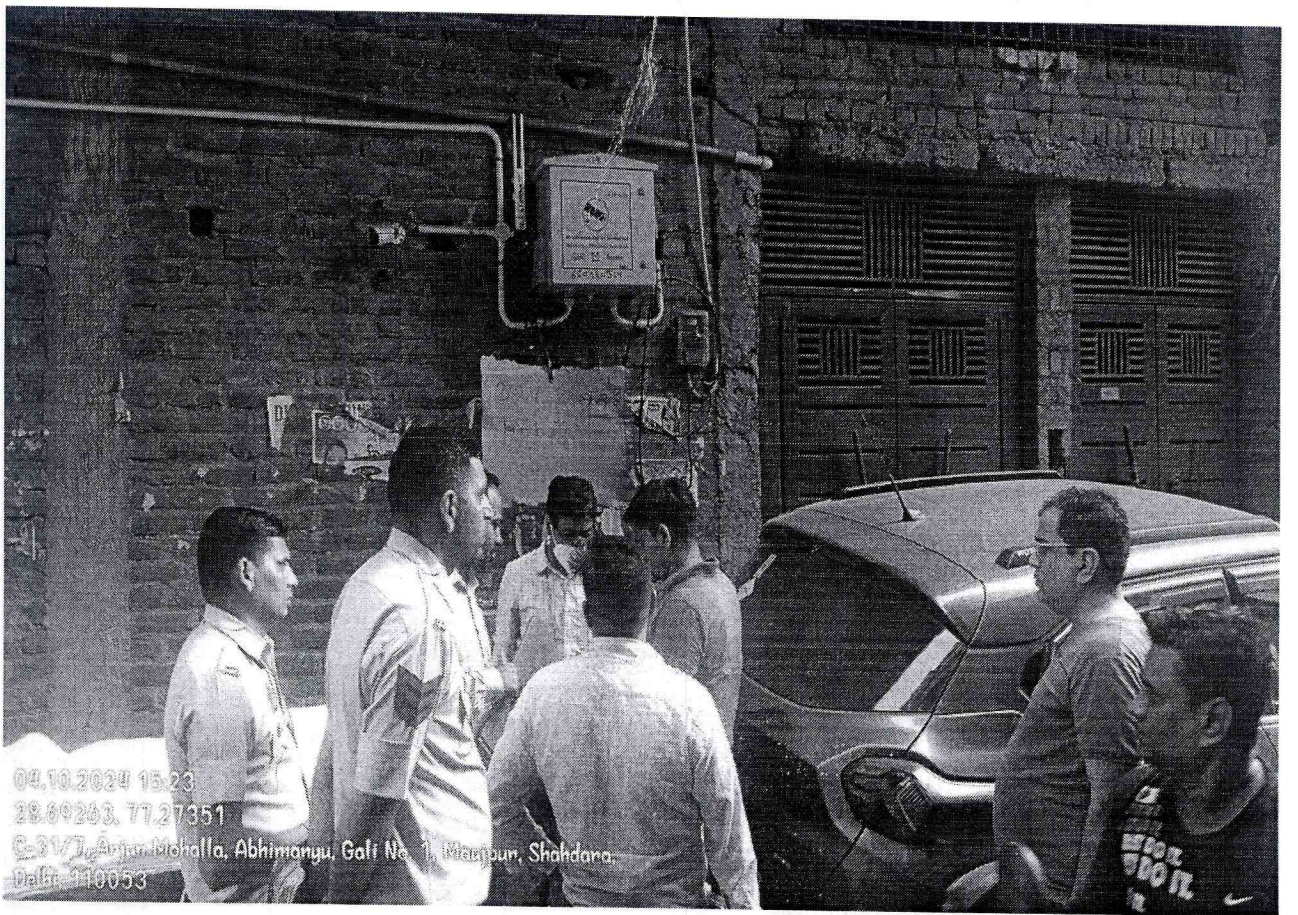
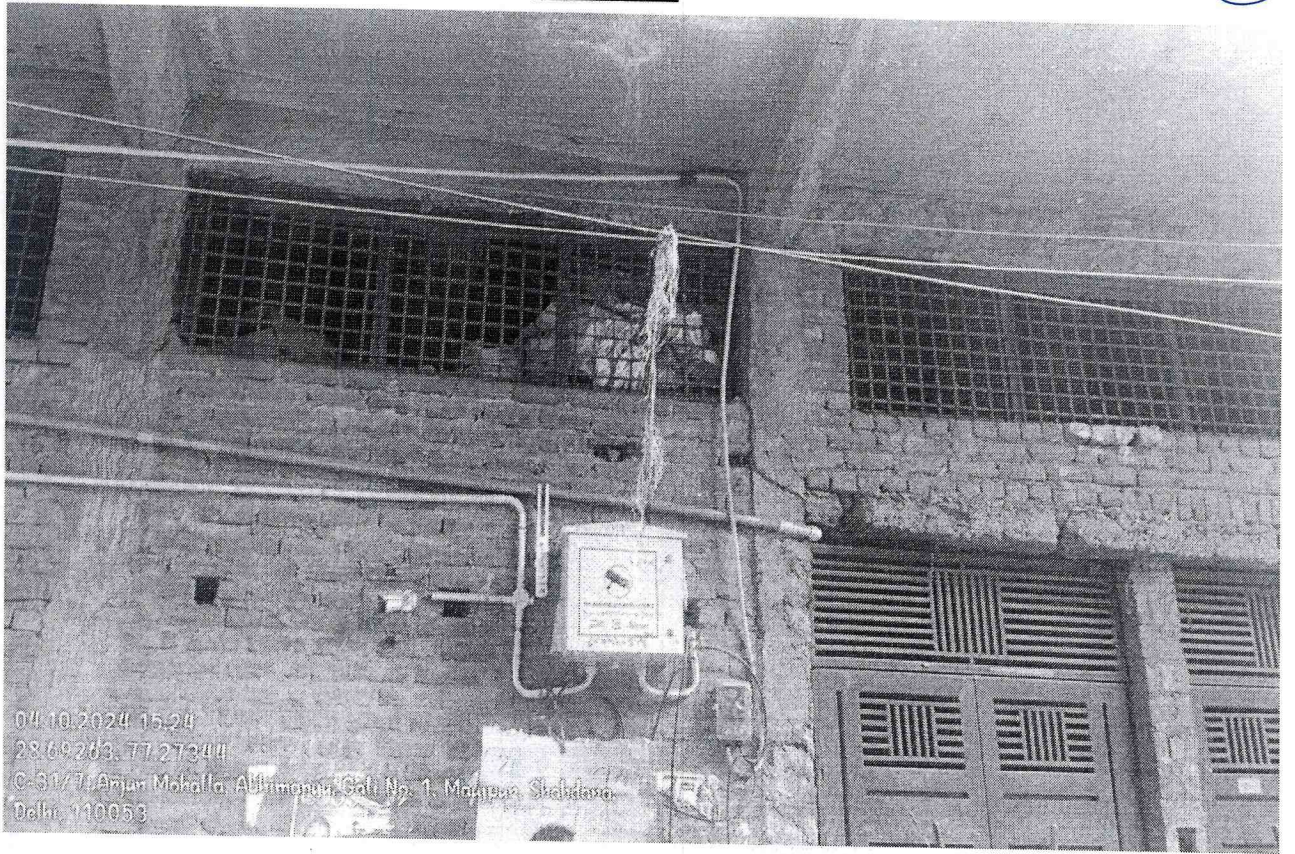
[Signature]
[Signature]
 AM (BSES)

[Signature]
 11/10/2024
 JEE, DPCC

[Signature]
 04/10/24
 Dabur

[Signature]
 04/10
 LI/Sd(N)
 MCD







04.10.2024 15:31
28.69262, 77.27341
C-31/7, Arjun Mohalla, Abhimanyu, Gali No. 1, Maujpur, Shahdara, Delhi,
110053



04.10.2024 15:32

28.6926, 77.27335

Sharma Sadan, Maujpur, Shahdara, New, 110053

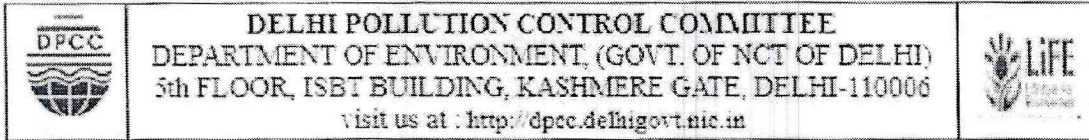
23

Photographs taken at CN No. 546, Arjun Mohalla, Abhimanyu Gali No. 1,
Maujpur

17

04.10.2024 15:33
28.69258, 77.27334
Sharma Sadan, Maujpur, Shahdara, New, 110053

By Speed Post



F.No. DPCC/(10)(10)(66) Leg-24 / 3868-72

Dated: 4/11/24

To,

**The Deputy Commissioner,
MCD (Shahdara North), Keshav Chowk,
near Shyam Lal College,
Shahdara, Delhi – 110032**

Subject: Regarding Hon'ble NGT matter of OA No. 708/2024 "Ch. Kishanpal Singh Vs. GNCTD"

Sir/Madam,

This is in reference to the NGT order (disposed of) dated 12.08.2024 in the matter OA No. 708/2024 "Ch. Kishanpal Singh & Ors Vs. GNCTD" regarding illegal factory at CN No. 546 in non-conforming area of Arjun Mohalla, Abhimanyu Galli No. 1, Maujpur Delhi- 110053 (copy enclosed).

In pursuance of Hon'ble NGT order dated 12.08.2024 a joint inspection was carried out on 04.10.2024 by the team comprising of the officials from DPCC, MCD, SDM (Shahdara), BSES and Delhi Police (P.S. Jafrabad) at the alleged premise located at CN No. 546, Arjun Mohalla, Abhimanyu Gali No. 1, Maujpur, Delhi-110053.

Following are the observations of the joint inspection:

1. During the joint inspection, unit owner Sh. Vicky Sharma was not present. Person contacted (Sh. Sanjay Shrama) at alleged unit was related as "Uncle" of Vicky Sharma.
2. Sanjay Sharma informed that they don't have any license for the activity from any concerned department.
3. Unit was found locked during the joint inspection. Later on, Snajay Sharma came and opened the lock of the main gate.
4. Large Stock of cardboard boxes found inside the premise, which

o/c

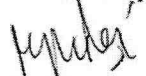
- are stored at different storey of the premises.
5. Sanjay Sharma informed that the actual owner of the premise is Manish Sharma, who died 7-8 months ago.
 6. He also informed that at present they are not operating the machine & they are in process of selling out the carbox stock stored in the premises along with the corrugation machine.
 7. Sanjay Sharma was also advised to submit an affidavit in support of his claim that they will sell out all the stock stored at the premise alongwith corrugation machine.
 8. As per BSES official, the alleged unit has Single Phase electricity connection (CA No. 154369817).

In the view of above it is requested to take necessary action against the unit mentioned above and ensure compliance of MPD-2021 and maintain strict vigil in the area so that no illegal industries resurface in non-conforming/ residential areas.

Further, you are requested to submit a Compliance Report in the said matter within 15 days.

This issues with the approval of Competent Authority, DPCC.

Yours Sincerely,


(M. S. Rawat)
SEE, CFC-I.

Enclosure: As above.

Copy to:

1. The Sub-Divisional Magistrate (Shahdara), A-Block, 1st Floor, DC Office Complex, Nand Nagri, Delhi-110093.
2. Deputy Commissioner of Police (North East), New Seelampur, Shahdara, Delhi, 110032.
3. BSES Yamuna Power Ltd, ShaktiKiran Building, Karkardooma, New Delhi-110092.
4. Master File, CMC-I.