

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

Original Application No. 816/2022

**In the matter of:**

Kartik Mittal

...Applicant

Versus

Anjani Sharma

...Respondents

**NDOH:- 21.12.2022**

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Filed by:

New Delhi:

Dated: 16.12.2022

  
Delhi Pollution Control Committee

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

Original Application No. 816/2022

**In the matter of:**

Kartik Mittal

...Applicant

Versus

Anjani Sharma

...Respondents

**STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL  
COMMITTEE IN COMPLAINT TO THE ORDER DATED  
18.11.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 18.11.2022 and was pleased to direct the DPCC, Commissioner Municipal Corporation (MCD) and District Magistrate (Shahadara) to take action against unauthorised and unapproved construction of 4<sup>th</sup> and 5<sup>th</sup> floor in property No. 1575A, Gali Hira Singh, RR Block Naveen Shahdara, near Durga Bhawan Mandir Delhi by Anjani Sharma.
2. That a joint inspection of the site was carried out on 14.12.2022 by the representative of DPCC, MCD and SDM(Shahadara). During the inspection it was observed that:
  - No construction activity found at said premises & plot area of premises is approx. 110 sq. yards.
  - Construction & Demolition waste/ Debris found stored at roof of the premises alongwith construction material i.e cements, reinforcements & sand lying uncovered.
  - Raised wall & columns of unauthorized construction was found at the premises.

- Show Cause Notice dated 10.11.2022 after the site was booked vide file No. 74/UC/B-II/SNZ/2022 was issued by the MCD officials of Shahadara North Zone for unauthorized construction also two challans of Rs. 10,000/- each was issued on 21.10.2022 & 09.12.2022 for the violation.
- Premises owner has submitted an undertaking that they have stopped construction will remove all construction materials from the premises and will remove the raised, wall & columns within 7 days from joint inspection.

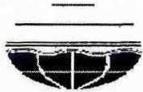
Copy of the inspection report dated 14.12.2022 as well as undertaking is enclosed herewith as **ANNEXURE-1 (Colly)**. Copy of the SCN & two challans provided by MCD officials during inspection are enclosed herewith as **ANNEXURE-2 (colly)**.

3. That, DPCC issued show cause notice for imposing Environmental Damages Compensation dated 15.12.2022 to "M/s Anjani Sharma" to the tune of Rs. 20,000/- in terms of the order passed by This Hon`ble Tribunal in "Vardhman Kaushik" dated 20.07.2016 for violating dust norms and causing environmental damages. Copy of the show cause notice dated 15.12.2022 is annexed as **ANNEXURE-3**.
4. That, DPCC issued letter dated 15.12.2022 to The Commissioner (MCD) in view of joint inspection carried out on 14.12.2022. Also, it was requested to follow up whether the premises owner removed all construction structure i.e. and submit action taken report timely. Copy of the letter dated 15.12.2022 is annexed as **ANNEXURE-4**.

The present status report may kindly be taken on record.

  
(P.S. Pankaj)

Sr. Environmental Engineer



Annexure-1 (Colly)

Joint Inspection Report

In compliance of Hon'ble NGT order dated 18.11.2022 in OA no. 816/2022 in the matter of "kartik Mittal Vs Anjani Sharma", a Joint Committee comprising of officials of DPCC, Commissioner, MCD and District Magistrate (Shahdara) Delhi visited the site as mentioned in the said order and following observation were made:

- ① Joint Committee comprising of officials of DPCC, SDM (Shahdara) & MCD inspected the said premises at IS 75A, Ground Floor, Gali Hara Singh, RR Block, Naveen Shahdara, Delhi-110032 on 14.12.2022.
- ② During inspection no construction activity found at said premises & plot area of said premises is approx. 110 sq. yards as per MCD officials.
- ③ Construction & Demolition waste/debris found stored at roof of the said premises along with construction material i.e. cement, steel reinforcement & sand lying uncovered.
- ④ Raised wall & columns of unauthorized construction was found at the said premises.
- ⑤ An SCN dated 10.11.2022 after the site was booked vide file NO. 74/UC/B-II/SNZ/2022 was issued by the MCD officials of Shahdara North Zone for unauthorized construction also two challans of Rs 10,000 each was issued on 21.10.2022 & 09.12.2022 for the said violation. Copy of SCN & two challans provided by MCD official enclosed.
- ⑥ Unit/premises owner has submitted an undertaking that they have stopped construction & will remove all construction materials from the premises and will remove the raised walls & columns within 7 days from joint inspection. Undertaking for the same provided by the Owner enclosed.

*Sumit Kumar*  
14/12/2022  
JEE, DPCC

Signature of Officials of DPCC

*Abhinav*  
14/12/22

Signature of Officials of MCD

Ashish Kumar  
HC Ashish Kumar  
PS- Shahdara

Signature of officials of DC/DM (Shahdara)

*14/12/2022*  
*Tej (Shah)*

In lieu of Sh. Shail Tyagi JEE B-II /SNZ

## UNDER TAKING

(4)

My Building has been booked under section 344 (1) and 343 of DMC Act 1957 for unauthorised construction. For the front portion of Fourth Floor H.no 1575-A. whereas I got Challan from MCD on 21/12/2022 and second challan on 9/12/2022 with the amount of 1,000 each. Now we have been informed that we need to remove the brick work, column and shuttering of the front portion within 7 Days.  
(Construction material)



(Anjan Kumar Sharma)

9350067101

1575 - A Naveen Shd.

Delhi - 110032

14-12-2022



MUNICIPAL CORPORATION OF DELHI  
BUILDING DEPARTMENT

Annexure-2 (Colly)

1751

(S)

**Order of Demolition of Building under Section 343 of DMC Act, 1957 (66 of 1957)**

Unauthorized Construction File No. 74/00/B-II/SM2/2022 Date 23/11/2022

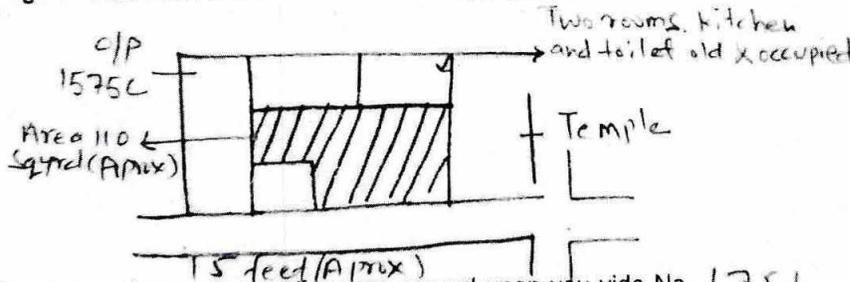
Whereas you Shri Anjani Sharma & Sh. Ashok S/o Sharma  
R/o 1575-A, SF & FF, Gali Hira Singh have started/completed/carried out the  
unauthorized construction work, as given hereinunder, in Property No. Front Portion (Part) of  
fourth floor, 11-110-1575-A, Gali Hira Singh, RR Block, Hauz Khas, New Delhi  
without obtaining necessary permission as required under Section 332 of the Delhi Municipal Corporation  
Act (DMC), 1957, or in contravention of sanction as granted under Section 336 of the Act.

Details of unauthorized construction: U/c in shape of brick work, 2cc column with shuttering  
and reinforcement of the roof of third floor (fourth floor) front

Sanctioned Building Plan/Online ID No., if any \_\_\_\_\_

S. No.	Floors	Details of Unauthorized Construction/Deviation from Sanctioned Building Plans
1.	Ground floor	old & occupied
2.	First floor	— DO —
3.	Second floor	— DO —
4.	Third floor	— DO —
5.	Back side of IV floor	— DO —
6.	Front side of IV floor	U/c in shape of brick work, 2cc column with shuttering and reinforcement of the roof of third floor (fourth floor) front portion

**Rough Sketch Plan of Site and Unauthorized Construction :**



Whereas, a show cause notice was served upon you vide No. 1751 dated 10/11/2022  
to stop the work and to submit your reply within Three (03) days, as to why orders of demolition as  
required under Section 343 of the Act should not be passed in respect of the unauthorized construction  
already carried out and the unauthorized construction, if any, carried out after the issue of this show cause  
notice. You were also given an opportunity to submit a formal application within Six (06) days for regularization  
of permissible/compoundable construction after demolition of non-compoundable deviation.

And, Whereas, you have neither submitted your reply nor the unauthorized construction has been demolished.  
Moreover, any proposal for regularization has not been submitted within the stipulated period.

Therefore, you are, hereby, directed to demolish the above-mentioned unauthorized construction and  
unauthorized construction, if any, carried out after the issue of the show cause notice within Six (06) days  
from the date of receipt of this order. You are also informed that in case you do not comply with the orders,  
Municipal Corporation of Delhi may by itself initiate action for demolition of above construction and expenditure  
so incurred for carrying out the demolition would be recovered from you as per provisions of DMC Act, 1957.

To  
Shri Anjani Sharma & Sh. Ashok Sharma  
1575-A, SF & FF, Gali Hira  
Singh, RR Block, Hauz Khas  
Delhi - 32

Name Anil Kumar  
Assistant Engineer (Bldg.)  
Shabkara (North) Zone  
22 New Delhi

MUNICIPAL CORPORATION OF DELHI  
OFFICE OF THE EXECUTIVE ENGINEER (BLDG.)-II  
SHAHDARA (NORTH) ZONE,  
KESHAV CHOWK, G.T. ROAD, SHAHDARA, DELHI - 32.

No EE(B)-II/SH-(N)/2022/D- 361

Dated: 09/12/22

Sh. Anjani Sharma  
H.No. 1575-A, Gali Hira Singh RR Block,  
Opp. Arora Opticals, Naveen Shahdara, Delhi-32

ORDERS UNDER SECTION 337 OF DMC ACT, 1957 READ WITH SECTION 15 OF NATIONAL GREEN TRIBUNAL ACT, 2010.

Whereas, Hon'ble National Green Tribunal Vide order dated 10/04/2015 passed in OA No. 95/2014 in the matter of Vardhman Kaushik Vs Union of India & Sanjay Kulshrestha Vs. Union of India & Ors., has directed that every owner/builder raising any kind of construction should strictly adhere to and comply with the directions contained in the order of the Tribunal as well as MoEF guidelines, 2010 in relation to precautions required to be taken while carrying on construction. If any person, owner and or builder is found to be violating any of the conditions stated in the order and or for their non compliance such person, owner, builder shall be liable to pay compensation of Rs. 10,000/- per default in relation to construction activity at its site in terms of section 15 of NGT Act on the principal of Polluter pay.

And Whereas the Hon'ble Tribunal has further directed that in the event such offender refuses to comply with the directions of the authorized officers, the authorized officers would be at liberty to serve a notice upon him for appearing before the Tribunal to Show Cause Why the person violating afore mentioned orders be not directed to pay compensation as may be determined by the Tribunal in accordance with law.

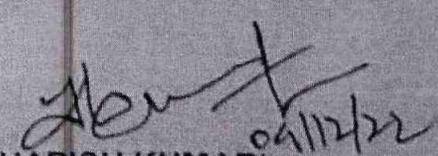
And whereas you have been found committing the following violation of the above orders of the Hon'ble National Green Tribunal on 09<sup>th</sup> December, , 2022.

Brief description of violation

- Tarpaulin has not been put on scaffolding around the area of construction and the building.
- Construction material stored at site was not fully covered resulting in air pollution.
- Dust emission at construction site was noticed.
- Workers working on construction site involving in carrying in construction material/debris were not provided masks.
- Wind breaking walls around construction site were not provided at site.

Now, therefore I, Harish Kumar, Junior Engineer Shahdara (North) Zone of MUNICIPAL CORPORATION OF DELHI in exercise of the powers vested in me as delegated by Commissioner under section 491 of DMC Act and rules made their under hereby direct you to deposit compensation amounting to Rs. 10,000/- (Draft in favor of Commissioner, MCD) on account of above violations within 3 days in the office of Executive Engineer (Bldg.)-II Shahdara North Zone.

Issued under my hand seal on this 09<sup>th</sup> December, 2022.

  
(HARISH KUMAR)  
JUNIOR ENGINEER (BLDG.)-II  
SHAHDARA (NORTH) ZONE

Copy to:-

O.T. (B) Shahdara North Zone

MUNICIPAL CORPORATION OF DELHI  
OFFICE OF THE EXECUTIVE ENGINEER (BLDG.)-II  
SHAHDARA (NORTH) ZONE,  
KESHAV CHOWK, G.T. ROAD, SHAHDARA, DELHI - 32.

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No. EE(B)-II/SH-(N)/2022/D - 3/3

Dated 21/10/22

Owner / Occupier / Builder  
H.No. 1575-A, Gali Hira Singh RR Block,  
Opp. Arora Optical, Naveen Shahdara, Delhi-32

**ORDERS UNDER SECTION 337 OF DMC ACT, 1957 READ WITH SECTION 15 OF NATIONAL GREEN TRIBUNAL ACT, 2010.**

Whereas, Hon'ble National Green Tribunal Vide order dated 10.04.2015 passed in OA No. 95/2014 in the matter of Vardhman Kaushik Vs Union of India & Sanjay Kulshrestha Vs. Union of India & Ors., has directed that every owner/builder raising any kind of construction should strictly adhere to and comply with the directions contained in the order of the Tribunal as well as MoEF guidelines, 2010 in relation to precautions required to be taken while carrying on construction. If any person, owner and or builder is found to be violating any of the conditions stated in the order and or for their non compliance such person, owner, builder shall be liable to pay compensation of Rs. 10,000/- per default in relation to construction activity at its site in terms of section 15 of NGT Act on the principal of Polluter pay.

And Whereas the Hon'ble Tribunal has further directed that in the event such offender refuses to comply with the directions of the authorized officers, the authorized officers would be at liberty to serve a notice upon him for appearing before the Tribunal to Show Cause Why the person violating afore mentioned orders be not directed to pay compensation as may be determined by the Tribunal in accordance with law.

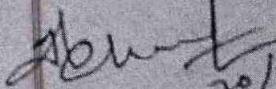
And whereas you have been found committing the following violation of the above orders of the Hon'ble National Green Tribunal on 20<sup>th</sup> October, 2022.

**Brief description of violation**

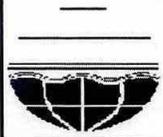
- Tarpaulin has not been put on scaffolding around the area of construction and the building.
- Construction material stored at site was not fully covered resulting in air pollution.
- Dust emission at construction site was noticed.
- Workers working on construction site involving in carrying in construction material/debris were not provided masks.
- Wind breaking walls around construction site were not provided at site.

Now, therefore I, **Harish Kumar**, Junior Engineer Shahdara (North) Zone of MUNICIPAL CORPORATION OF DELHI in exercise of the powers vested in me as delegated by Commissioner under section 491 of DMC Act and rules made their under hereby direct you to deposit compensation amounting to Rs. 10,000/- (Draft in favor of Commissioner, MCD) on account of above violations within 3 days in the office of Executive Engineer (Bldg.)-II Shahdara North Zone.

Issued under my hand seal on this 20<sup>th</sup> October, 2022.

  
(HARISH KUMAR) 20/10/22  
JUNIOR ENGINEER (BLDG.)-II  
SHAHDARA (NORTH) ZONE

Copy to:-  
O.I. (B) Shahdara North Zone



DELHI POLLUTION CONTROL COMMITTEE  
 DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006  
 visit us at : <http://dpcc.delhigovt.nic.in>

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File No. DPCC/CMC-I/NGT/OA NO-816/2022/1827-28

Dated: 15/12/22

To,

Annexure-3

M/s Anjani Sharma,  
 1575 A, Ground Floor,  
 Gali Hira Singh,  
 RR Block, Naveen Shahdara,  
 Delhi-110032

**Subject:- Show Cause Notice under section 31(A) of Air (Prevention and Control of Pollution) Act, 1981 for imposing Environmental Compensation (EC) – reg.**

Whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981 vide Notification No. GSR 106 (E) dated 20.02.1987.

And whereas, Delhi is facing air pollution above the prescribed levels and the air quality w.r.t. levels of pollutants like Particulate Matter (PM<sub>2.5</sub> & PM<sub>10</sub>) is deteriorating thereby affecting public health. Activities related to construction and demolition, dust pollution due to construction and demolition activities have been identified as some of the major sources of air pollution and continuation of such activities without proper dust pollution control measures aggravate the situation.

And whereas, Hon'ble Supreme Court of India and Hon'ble National Green Tribunal in various orders have directed Government of NCT of Delhi to initiate steps to curb the dust pollution.

And whereas, Hon'ble National Green Tribunal (NGT) vide above said orders dated 04.12.2014, 10.04.2015 and 20.07.2016 issued certain directions in respect of air pollution from dust resulting from demolition and construction activity.

And whereas, copy of NGT orders dated 04.12.2014, 10.04.2015, copy of MoEF guidelines 2010 and copy of public notice issued were made available at the DPCC website as well i.e. "<http://dpcc.delhigovt.nic.in>" for general awareness of the stake holders.

And whereas, Hon'ble National Green Tribunal vide its order dated 20.07.2016 in M.A. No, 360 of 2016 in the aforesaid matters inter-alia directed that, "*if the offending construction in plot upto 100 sq.mt. the environmental compensation would be Rs. 10,000/-, if the offending construction in more than 100 sq. mtr. But upto 200 sq.mt., the environmental compensation would be Rs. 20,000/-, if the offending construction is in a plot of more than 200 sq. mt. but less than 500 sq. mt. the environmental compensation would be Rs. 30,000/-, while the offending construction is in a plot area of more than 500 sq.mt. the environmental compensation would be Rs. 50,000/- as already directed by the orders of the Tribunal. Wherever the constructed area is more than 20,000 sq. mtr. The environmental compensation would be Rs. 5 Lakhs. This rate will operate prospectively.*"

And whereas, Hon'ble National Green Tribunal (NGT) has passed an order in M.A. No, 360 of 2016 in the matter of Vardhman KaushikVs. Union of India & Ors. On 20.07.2016 for imposing Environmental Compensation on the violators.

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And whereas, you **M/s Anjani Sharma, 1575 A, Ground Floor, Gali Hira Singh, RR Block, Naveen Shahdara, Delhi-110032** (here in after referred as "Addressee") having plot area of size approx. 110 sq. yards i.e 92 sq. metre approx.

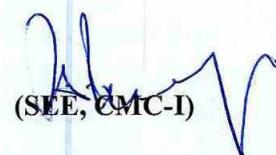
And whereas, in compliance to the order of Hon'ble NGT dated 18.11.2022, a joint inspection was conducted by Joint Committee consisting of officials of District Magistrate Shahdara (SDM Shahdara), MCD & DPCC of the said premises and following observations were made during inspection:

- During inspection no construction activity is being carried out.
- Plot area of the said residential building is approx. 110 sq. yards.
- Construction materials i.e. Cement, sand, reinforcement etc along with construction debris/ Demolition waste lying at site uncovered.
- Raised wall & columns of unauthorized construction was found at the said premises.

Now therefore, you, the addressee shall deposit Environment Damages Compensation (EDC) of **Rs 20,000 /- Rupees Twenty Thousands** (as per DPCC office order dated 30.03.2022) for violating directions of **Hon'ble NGT** and causing environmental damages.

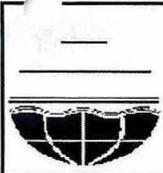
By way of this notice, you (the Addressee) is hereby called upon to Show Cause notice as to why the above said Environmental Compensation (EC) should not be imposed. The reply, if any, should reach this office within 15 days from the date of issue of this notice. In case of failure, it will be presumed that the addressee has nothing to say in this regard and aforesaid proposed Environmental Compensation shall be imposed without any further reference to you.

This is being issued as per the decision and approval of the Competent Authority, DPCC.

  
(SEE, CMC-I)

**Copy for information and necessary action to:**

1. Office Copy.
2. Master File.



DELHI POLLUTION CONTROL COMMITTEE  
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006  
visit us at : <http://dpcc.delhigovt.nic.in>

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File No. DPCC/CMC-I/NGT/OA NO-816/2022/1829

Dated: 15/12/22

To,

Annexure - 4

The Commissioner,  
Municipal Corporation of Delhi,  
Dr. S.P.M. Civic Centre, Minto Rd,  
SKD Basti, Press Enclave, Ajmeri Gate,  
New Delhi-110002

**Subject:- Submission of Action Taken Report w.r.t to NGT Matter OA No. 816/2022 "Kartik Mittal Vs. Anjani Sharma"**

Sir,

In compliance of NGT order dated 18.11.2022, a Joint inspection by the Joint Committee comprising of officials of DPCC, SDM (Shahdara) & MCD was carried out on 14.12.2022 (copy enclosed).

Owner of the premises M/s Anjani Sharma had provided an undertaking stating that he had stopped construction activity & will remove all construction materials from the premises and will remove raised wall & columns within 7 days from date of joint inspection.

In this regard, you are requested to follow up whether the premises owner has removed all construction structure i.e raised wall & columns & construction materials and in case failure, please take appropriate action accordingly and also ensure that the construction materials and raised wall & columns have been removed and submit an Action Taken Report in this regard within 15 days of issuance of this letter so that the report can be filed timely before NGT.

Regards.

Yours faithfully

  
P. S. Pankaj  
In-charge, CMC-I

Encl: Joint Inspection report dated 14.12.2022.