

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

Original Application No. 904/2022

In the matter of:

Mohd. Shahid

...Applicant

Versus

Govt. of NCT of Delhi.

...Respondents

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Filed by


(Satender Kumar)

Sr. Environmental Engineer

Dated: 25th September, 2023

Place: New Delhi

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

Original Application No. 904/2022

In the matter of:

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**STATUS REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
21.02.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon'ble Tribunal on 21.02.2023 and was pleased to constitute a joint Committee comprising of officials of DPCC, Deputy Commissioner of Police (North) and District Magistrate (North). The joint committee was directed to look into the complaint, visit the site, collect relevant information and if finds violation, take appropriate remedial action in accordance with law. District Magistrate (North) was appointed as nodal agency for coordination and compliance to the order passed by this Hon'ble Tribunal on 21.02.2023.
2. That a complaint was filed before this Hon'ble Tribunal complaining about unauthorized illegal industrial activities at Gali Kuan Wali, Lal Darwaza, Sirki Walan, Delhi-6.



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3. That, in compliance of the order passed by this Hon'ble Tribunal, a joint inspection of the site as mentioned in the complaint was carried out on 12.06.2023 by the representative of DPCC and DM (Central). During the inspection it was observed that:
1. The alleged site is situated in residential area.
 2. No industrial activity/ acid manufacturing/ acid storage was found on the alleged site.

Copy of the joint inspection report dated 12.06.2023 alongwith time stamped photographs are enclosed herewith as ANNEXURE-1(Colly).

4. That, with regard to closure of the illegal units from the residential / non-conforming areas, Hon'ble Supreme Court has passed an order 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 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

- (i) Chief Secretary of Delhi
- (ii) Commissioner of Police, Delhi
- (iii) Commissioner, Municipal Corporation of Delhi and
- (iv) Vice-Chairman of Delhi Development Authority.

This Committee would be responsible for stoppage of illegal industrial activity. 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.

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 without the permission of High Power Committee. Since

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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 to be started or operated in non conforming areas 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 de hors consent from DPCC because such industrial activity is prohibited in the said non conforming area in terms of MDP-2021 and Zonal Development Plan.

That the Chief Secretary, Delhi has taken a meeting on 08.12.2010, 14.07.2011, 09.12.2011 and 05.06.2015 wherein it was decided that action on industries operating in non -conforming areas and violating the Master Plan of Delhi will be taken under the Delhi Development Act by the Delhi Development Authority in development areas and Municipal Corporation of Delhi in all other areas. DPCC acts under the provisions of the Environmental Laws only on legal units. Commissioner of Industries 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.

5. As during the joint inspection, no industrial activity was observed hence no action was being taken. However, a letter has been issued to Commissioner MCD on 18.09.2023 to take necessary action for closure of

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the similarly placed units in non-conforming areas at the earliest. Copy of the letter dated 18.09.2023 is enclosed herewith as Annexure-2.

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



(Satender Kumar)
Sr. Environmental Engineer

Delhi

Dated 25th September, 2023

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Annexure - IC Colby

Subject: Joint inspection report dated 12.06.2023

Ref: Order passed by Hon'ble NGT in O.A. No. 904/2022 in the matter of "Mohd. Shahid vs GNCTD".

Joint inspection of the alleged site 1834, Gali Kuan Wali Gali, Lal Darwaza, Sirki Walan, Delhi-110006 was conducted by the officials of the office of the District Magistrate (Central) and DPCC on 12.06.2023.

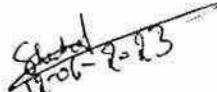
During joint inspection, following observations were made:

1. The alleged side is situated in residential area.
2. No any industries activity/acid manufacturing/acid storage was found carrying out.

Time stamped photographs are enclosed herewith this report.


12/6/2023

Vijay Kumar
Patwari (Karol Bagh)
Revenue Department


12/06/2023

Sheetal
Junior Assistant,
SDM (Karol Bagh)


12/06/2023

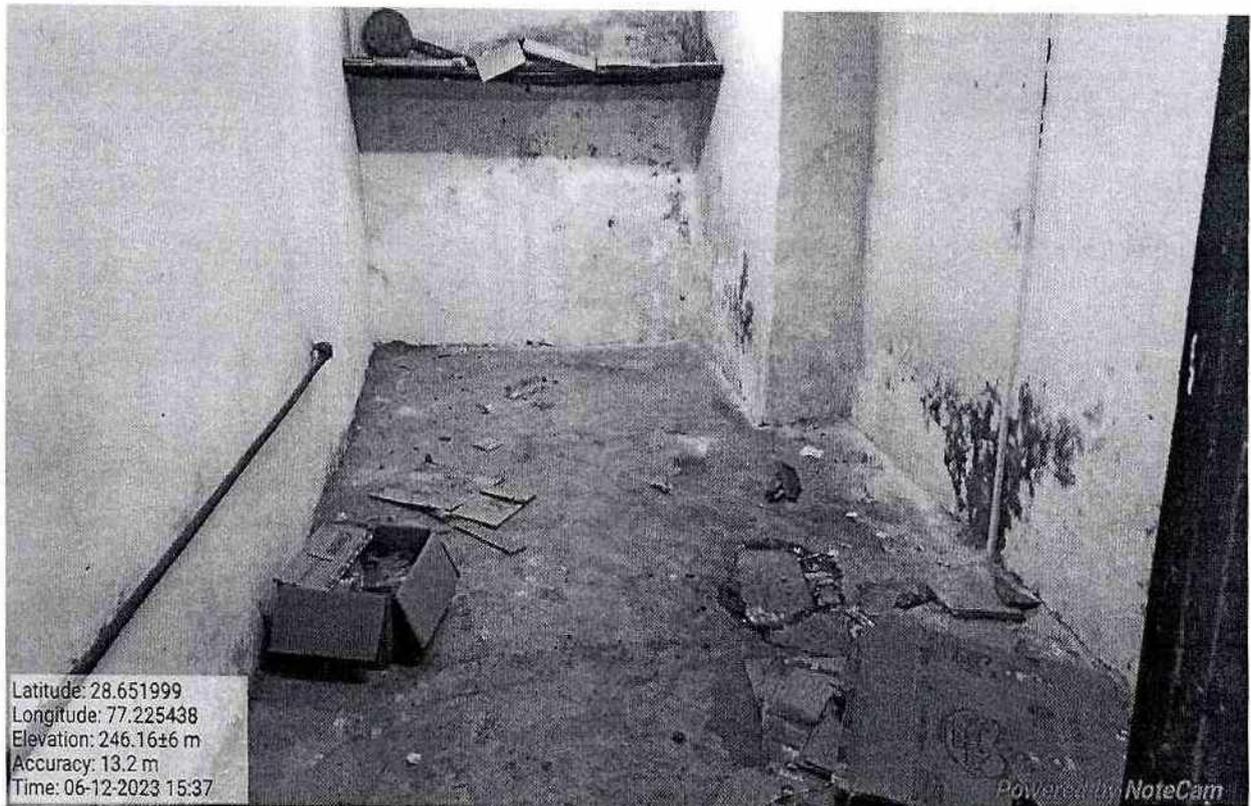
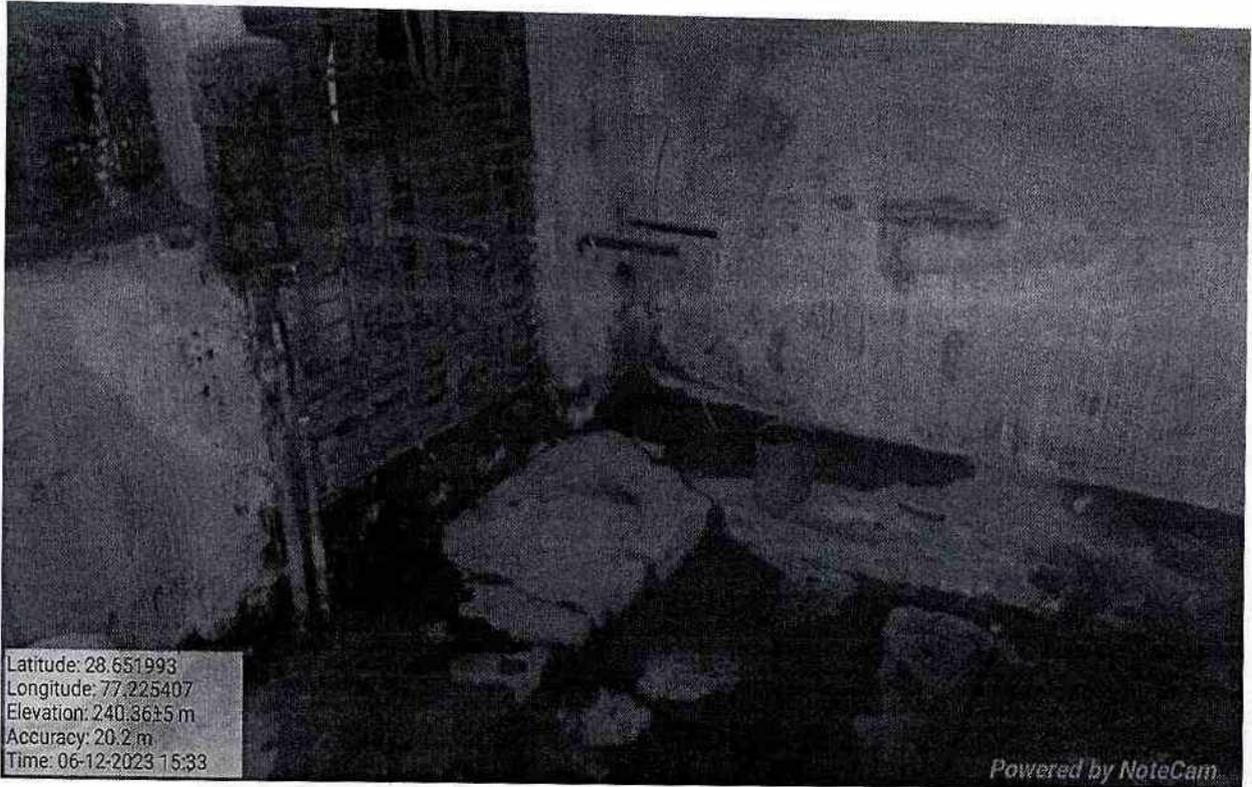
Ashish
JEE, CMC-VII
DPCC

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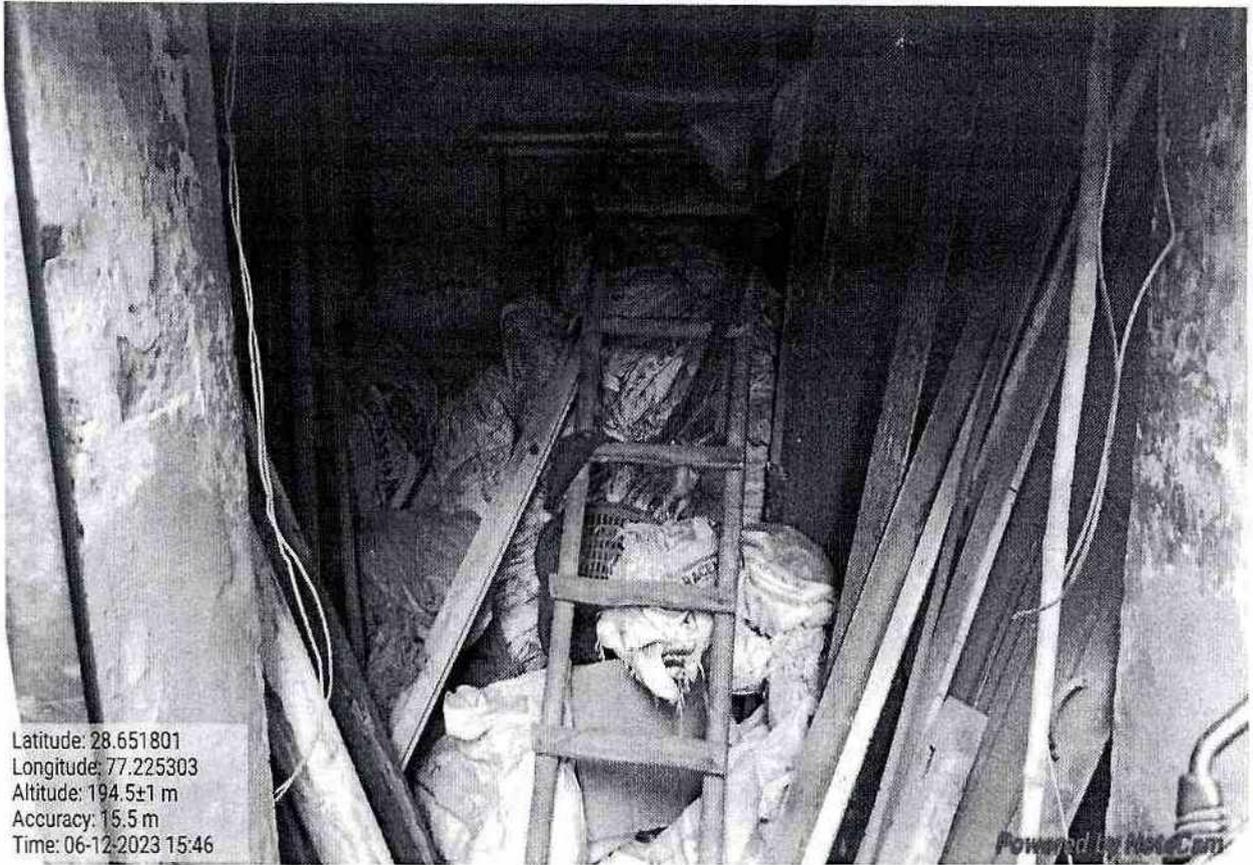
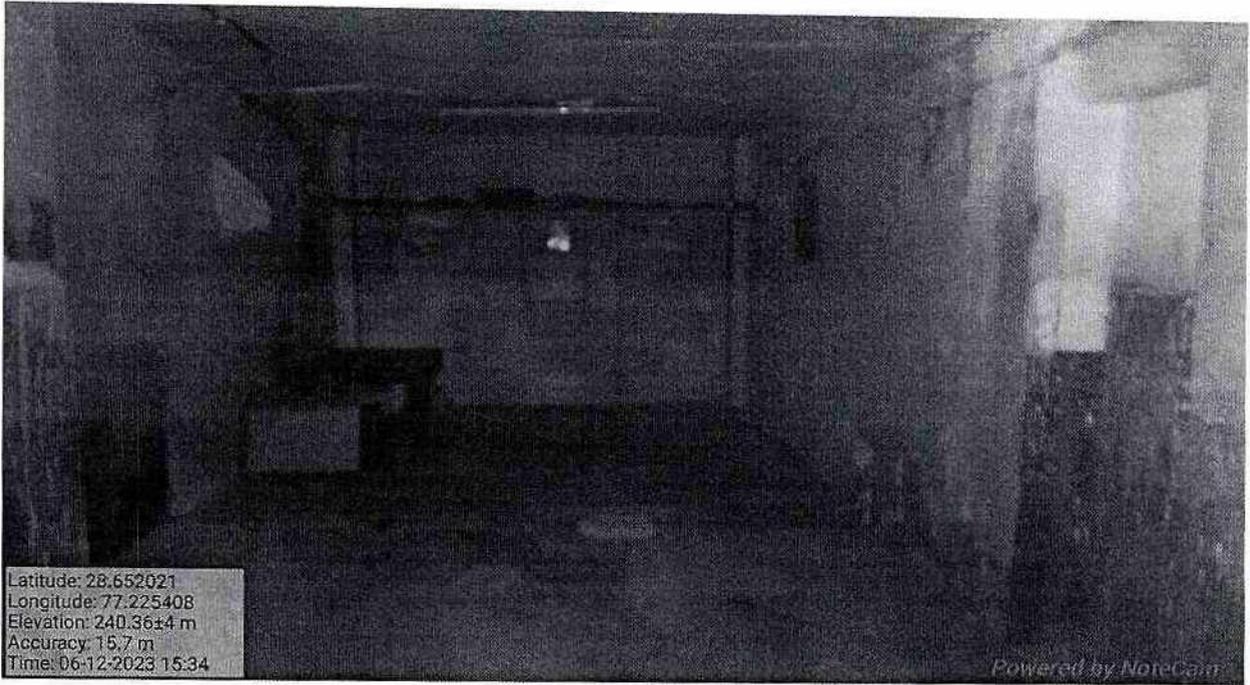
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Date of Inspection – 12.06.2023

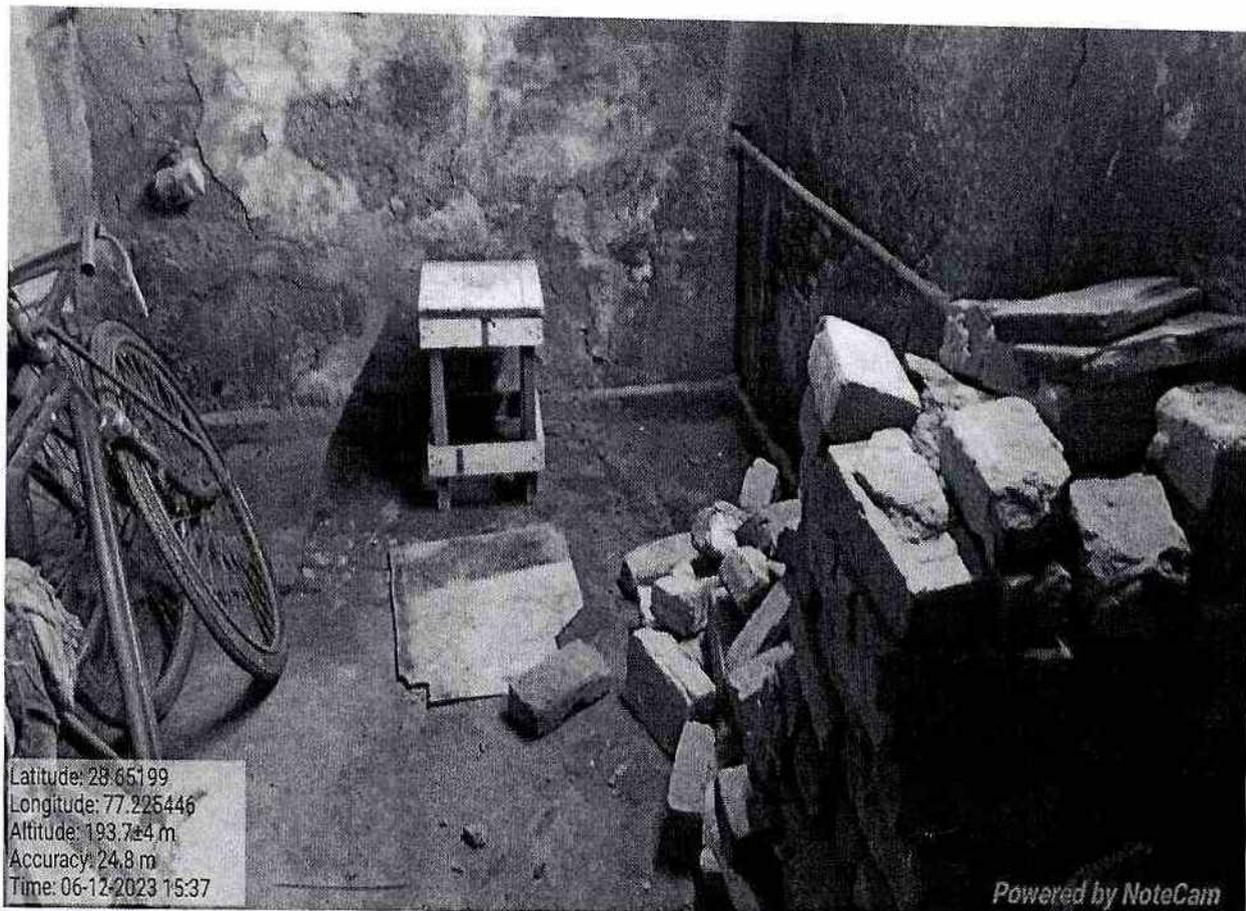


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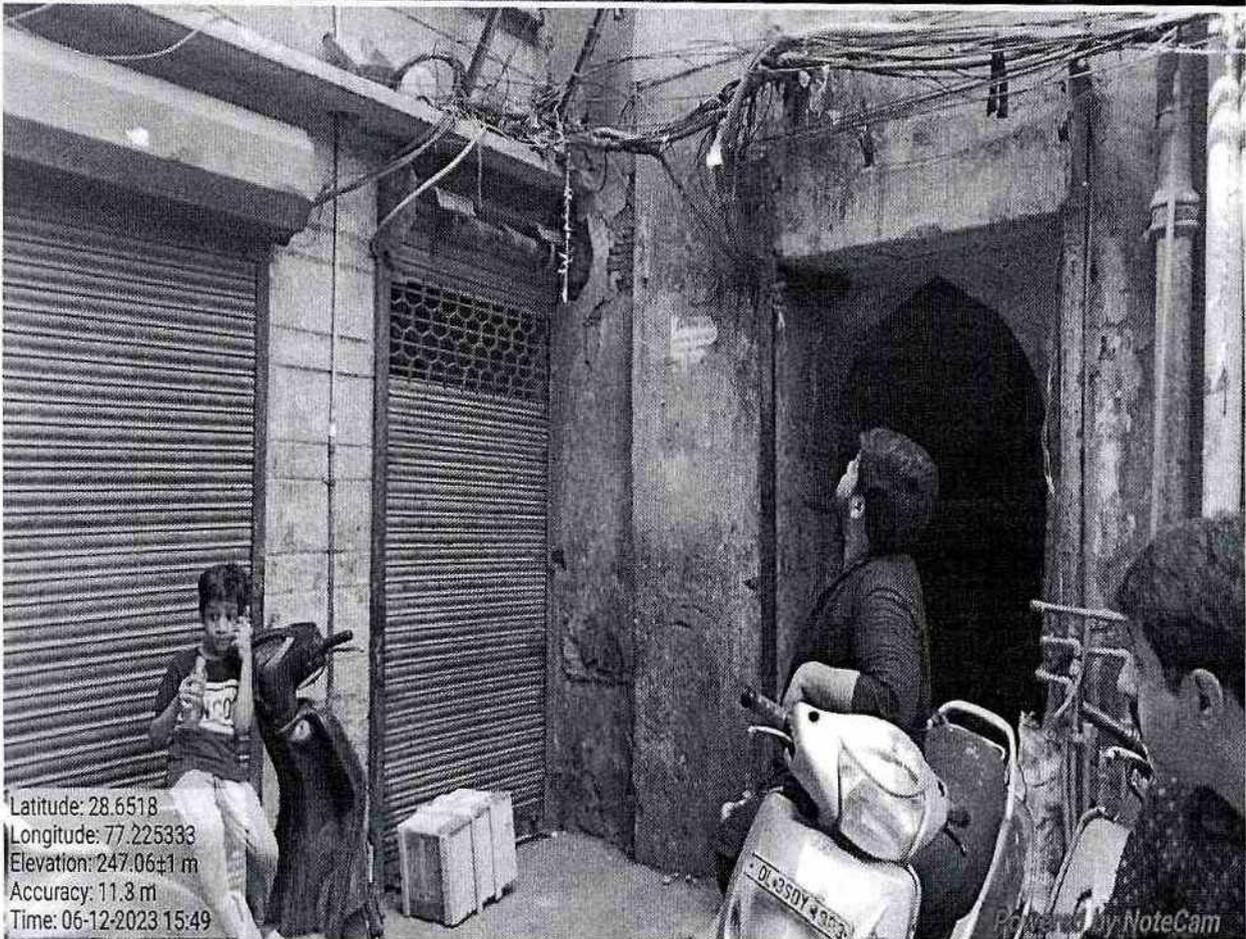


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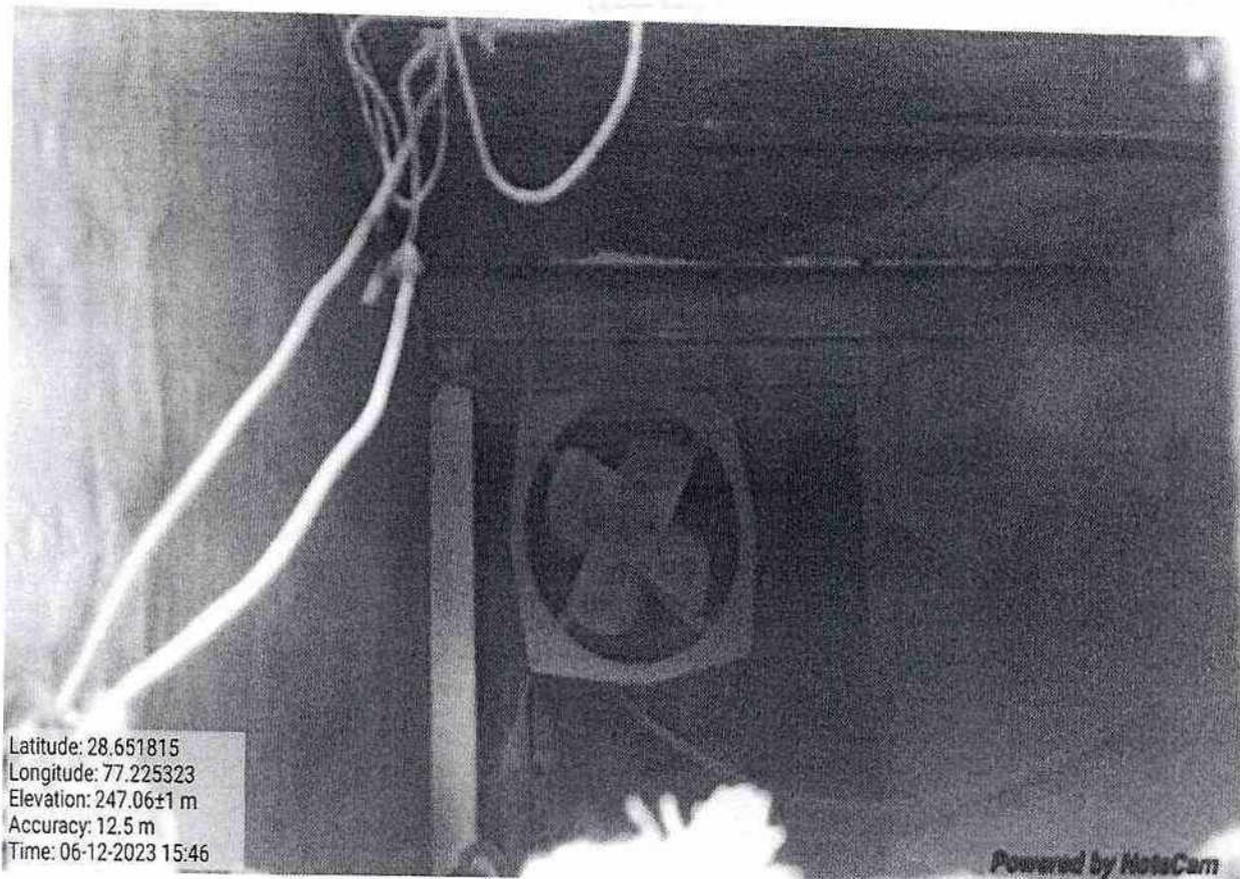


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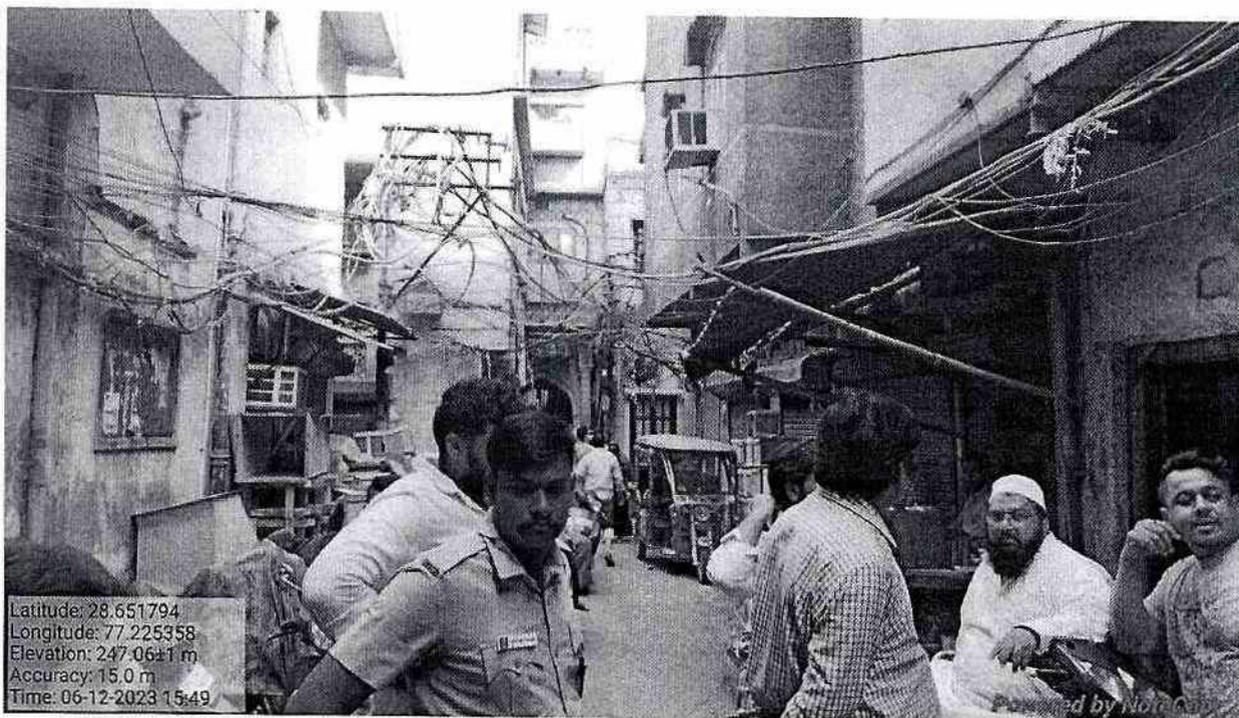
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Elevation: 247.06±1 m
Accuracy: 11.3 m
Time: 06-12-2023 15:49

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Accuracy: 12.5 m
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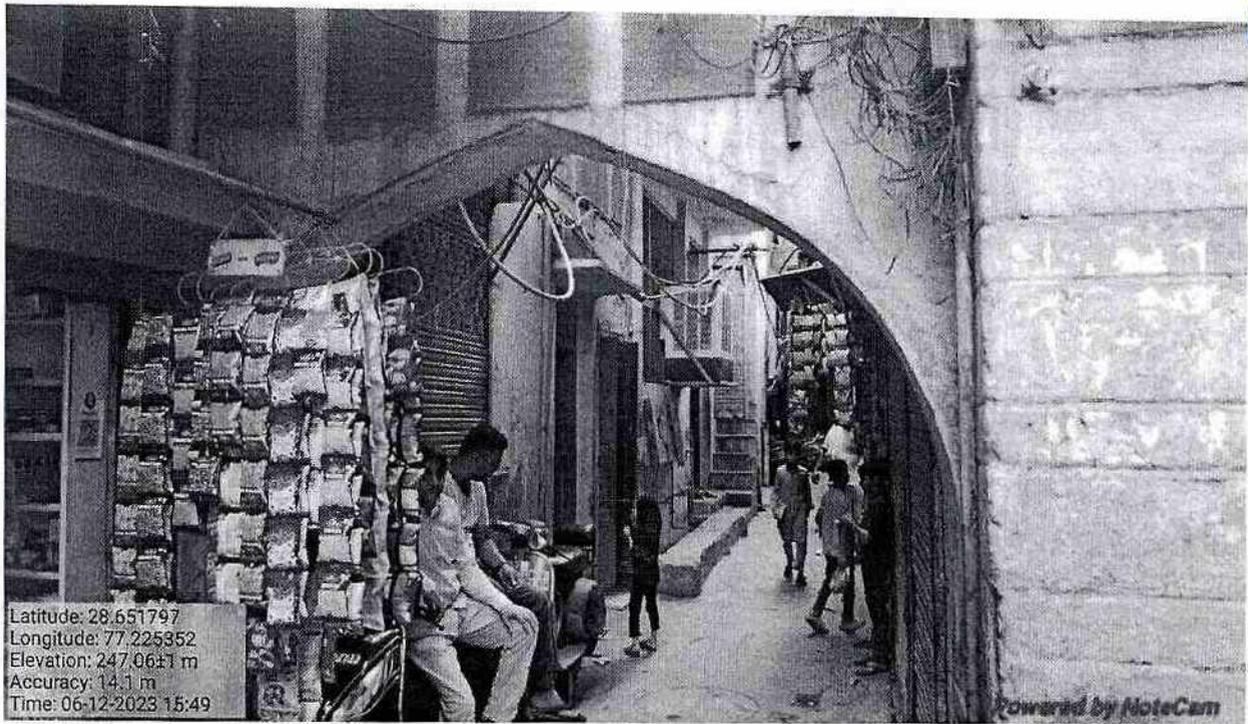
Powered by MotoCam



Latitude: 28.651794
Longitude: 77.225358
Elevation: 247.06±1 m
Accuracy: 15.0 m
Time: 06-12-2023 15:49

Powered by MotoCam

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Annexure-2

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MOST URGENT
NGT MATTER
By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at : http://dpcc.delhigovt.nic.in	
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F. No. DPCC/CMC-VII/NGT/(OA-904/2022)/2023/ 2100-08

Dated: 18-9-23

To

The Commissioner (MCD),
4th Floor, Dr. SPM, Civic Centre,
Minto Road, Delhi - 110002

Sub:- Order passed by Hon'ble NGT in O.A. No. 904/2022 in the matter "Mohd. Shahid Vs. Govt. of NCT of Delhi".

Sir,

This has reference to the order dated 21.02.2023 passed by Hon'ble National Green Tribunal in Original Application No. 904/2022 in the matter of "Mohd. Shahid Vs. Govt. of NCT of Delhi" (copy enclosed) regarding illegal industrial activities, manufacturing of acid are being carried out at 1834, Gali KuanWali, Lal Darwaza, Sirki Walan, Delhi. The acid releases dangerous fumes causing damage to environment and also affecting health of local residents at the said area.

Apart from the complaint filed before Hon'ble NGT, various complaints have also been received regarding unauthorized industrial activity (Pickling/Anodizing/Electroplating) at 4753, Gali Razia Begum, 1834, Lal Darwaza and 1595 Gali Mir Karora and same has been forwarded to your good self (copy enclosed).

All such polluting units in non-confirming/ residential area need to be closed down with immediate effect as they reportedly exist in the contempt of the orders of Hon'ble Supreme Court of India in WP(C) 4677/1985 titled MC Mehta vs UOI & Ors dated 07.05.2004.

Principal Secretary (Environment & Forest), Govt. of NCT of Delhi has issued D.O. Letter vide D.O. No. F.12(588)/ENV/YPMC/2019/18-31 dated 03.05.2023 regarding closing of all such industrial units operational in Non-Confirming Area/Residential Area (copy enclosed).

Hon'ble NGT vide its order dated 21.02.2023 in matter of "Mohd. Shahid Vs. GNCTD" in OA No.904/2022 ordered for inspection of alleged site at 1834, Gali KuanWali, Lal Darwaza, Sirki Walan, Delhi. Inspection at the alleged address i.e.1834, Gali Kuan Wali, Lal Darwaza, Sirki Walan, Delhi was conducted jointly by officials of Revenue Department and DPCC on 12.06.2023 and during inspection it was observed that the alleged site is situated in Residential area and no industrial activity/acid manufacturing/acid storage was found at the time of inspection.

In pursuance of orders dated 07.05.2004 passed by Hon'ble Supreme Court in the matter regarding "Shifting of Industries from non-confirming/ residential areas". 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/ shifted.

Contd....

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Also, in the meetings held on 08.12.2010, 14.07.2011, 09.12.2011 & 05.06.2015 in the office of Chief Secretary Delhi for implementation of above order, it has 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 DDA in development areas and MCD in other areas. DPCC acts under the provisions of Environmental Laws only on legal units, duly explained and agreed in the said meetings

You are therefore requested to **take necessary action for closure of the said unit as well as other similarly placed units operational in Non-conforming/Residential Area at the earliest.**

An early compliance report is kindly solicited so that an ATR could be filed before Hon'ble NGT.

This is being issued as per the approval of the Competent Authority of Delhi Pollution Control Committee.

Yours Sincerely


(Dr. K. S. Jayachandran)
Member Secretary

Encl: As above

Copy for necessary compliance/information to:

1. The Deputy Commissioner (MCD), Nigam Bhawan, Old Hindu College, Chabi Ganj, Mori Gate, Delhi - 110006
2. The District Magistrate (Central), Office of the District Magistrate, 14, Daryaganj, Delhi - 110002
3. The Deputy Commissioner of Police (Central), Police Station Daryaganj, Darya Ganj, Delhi - 110002-with request to provide sufficient police assistance to MCD/BSES/DJB/Revenue Department to maintain Law and Order.
4. The CEO (BSES Yamuna Power Ltd.), Shakti Kiran Building, Karkardooma, Delhi - 110092 with request to ensure disconnection of the electricity/power supply of the above said industrial units at 1834, Lal Darwaza, 4753, GaliRazia Begum and 1595 Gali Mir Karora, if any, with immediate effect & send the compliance report to this office within 15 days of issuance of these directions. Further, you are requested to inform this office regarding operation of such units in non-confirming area by whom electricity/power supply is used for Industrial Purpose.
5. The Member (Water), Delhi Jal Board, Varunalaya Phase-II, Jhandewalan, New Delhi-110055 with request to ensure disconnection of water supply connection of the above said industrial units at 1834, Lal Darwaza, 4753, GaliRazia Begum and 1595 Gali Mir Karora, if any, with immediate effect & send the compliance report to this office within 15 days of issuance of these directions.
6. The SDM (Karol Bagh), Flatted Factory Complex, Jhandewalan, New Delhi - 110005
7. The SHO, Delhi Police, Hauz Kazi Police station, LalKuan Bazar, Chandni Chowk, Delhi - 110006 with request to provide sufficient police assistance to MCD/BSES/DJB/Revenue Department to maintain Law and Order.
8. I/c Legal Cell, DPCC, 5th Floor, ISBT Kashmere Gate, Delhi - 110006


(Dr. K. S. Jayachandran)
Member Secretary

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