

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.1026/2019

IN THE MATTER OF:

Bhaskar Keta Varapu

Applicant

Versus

Central Pollution Control Committee
Board & Others.

Respondent(s)

NDOH:- 4.02.2020

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(Dr. Chandra Prakash)
Sr. Environmental Engineer

Delhi
Dated 31st January, 2020

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Bhaskar Keta Varapu

Applicant

Versus

Central Pollution Control Committee
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**ACTION TAKEN REPORT OF DELHI POLLUTION CONTROL
COMMITTEE (DPCC) I.E., RESPONDENT- 2.**

To

Hon'ble Chairman and members
Of the National Green Tribunal,
Principal Bench, New Delhi.

MOST RESPECTFULLY SHOWETH:

1. That in compliance of the order dated 29.11.2019 of Hon'ble NGT in the above titled matter, the present status report is being filed for your kind perusal and consideration.

2. That order dated order 29.11.2019 reads:

".....Grievance in this application is against operation of illegal and unauthorized diesel generator set causing air pollution by Vivekanand Cooperative Group Society Ltd. at plot no. 2, Sector - 5, Dwarka, New Delhi - 110007. Let Delhi Pollution Control Committee (DPCC) look into the matter and furnish a factual and action taken report within one month by e-mail at judicial-ngt@gov.in."

3. That in pursuant to the aforesaid direction, it is to submit that:

(i) Inspection at the premises of *Vivekanand Cooperative Group Society Ltd.* was carried out by DPCC on 16/01/2020. Copy of the

inspection report dated 16.01.2020 is annexed herewith as **ANNEXURE A.**

(ii) Upon inspection of the premises, it was found that D.G. Set of 125 KVA had been provided with mandatory acoustic enclosure. However, the stack provided with the D.G. Set was inappropriately placed and the same was also of inadequate height as it should have been 2.4 m above the top roof level.

(iii) Inspecting team also tested the generator in running condition. Noise level test was done at DPCC Air Lab on 23.01.2020. Parameter of the report indicates that insertion loss of the acoustic enclosure is only 19.7 db(A) against the stipulated standards of 25 db(A), indicating that the acoustic treatment for D.G. Set is not adequate. Copy of the Noise Monitoring Report dated 25.01.2020 is annexed herewith as **ANNEXURE B.**

(iv) Accordingly, a show cause notice u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 dated 29.01.2020 was sent to Vivekanand Cooperative Group Society Ltd. 15 days time have been given to them for giving reply. In case they fail to rectify the defects, the society will be directed to remove the D. G. Set. Copy of the Show cause Notice dated 29.01.2020 is annexed herewith as **ANNEXURE C.**

(v) Also, a show cause notice u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 has been issued to the society on 30.01.2020, asking as to why Environment Damage Compensation amounting to Rs 1, 00,000/- (One Lakh) should not be imposed on the society for causing Air and Noise pollution from the DG Set. A copy of the Show cause Notice dated 30.01.2020 is annexed herewith as **ANNEXURE D.**

4. The above Action Taken Report may be taken on record.



(Dr. Chandra Prakash)
Sr. Environmental Engineer

Delhi

Dated 30 January, 2020

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 4TH FLOOR, 13ST BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcr.delhigovt.nic.in
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INSPECTION REPORT

1. Name & Address of the Unit : M/s. Nivekanand Cooperative Group Society Ltd. at Plot No. 2, Sector-5, Dwarka, New Delhi-110007.
2. Owner/Partner's Name : Dr. Anwar Alam (President)
3. Contact Details (Phone & Email) :
4. Date of inspection : 16.01.2020
5. Time of inspection: a) Start of Inspection: 05.00 P.M.
b) End of Inspection: 05.40 P.M.
6. Name & Designation of the Persons contacted at the industry: Anup, Electrician
7011113602
7. Kind of Industry : Group Housing Society
8. Product & Capacity :
9. Main Raw Materials :
10. Water Polluting : Yes/No ETP Installed : Yes/No
11. Air Pollution : Yes/No ECS Installed : Yes/No
12. Details of Stack Height : (Above G.L.).....(Above R.L.).....
(Furnace/Boilers/Others)
13. Type of Fuel Used :
14. Effluent Discharged : (a) Domestic/Trade Effluent
(b) Unit Connected to Conveyance System: Yes/No
(c) Discharging in to
15. Status of Consent (If Any) :
16. D.G. Set (s) (If Any) : No. 1.....Capacity 125 KVA.....Acoustic: Yes/No
: Stack Height 0.....(Above G.L.).....(Above R.L.).....
17. Plot Area :
18. Labor :
19. Machinery :
20. Power Connection : C.A:-.....KW:-.....
21. Source of water :
22. Whether Unit Found in Operation : Yes/No

23. Whether Generating HW : Yes/No

24. (a) Status of Authorization (If Any):

(b) Display Board Provided: Yes/No

(c) Whether HW 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 HW 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 HW Maintained in HW-3: Yes/No

Details about Hazardous Waste

④

N/A

S.No.	Category of Hazardous Waste as per the Schedules I, II and III of these rules	Authorized mode of disposal or recycling or utilization or co-processing etc.	Quantity (Ton/annum)

Remarks, If Any:

1. This is a residential / Group housing Society and have installed D.G set of 125 KVA.
2. The D.G Set has been provided acoustic enclosure with it.
3. Stack height of the D.G. set was found inadequate as it has not been raised above the roof level of the society.
4. Noise monitoring of the D.G. Set operation may be carried out by DPCC, Air Lab to assess the noise levels.
5. The matter of the complainant were present during inspection.
6. The matter is sub-judice before Hon'ble NGT & NDOH is 04.02.2020.

[Signature]

Name & Sign of the Persons

[Signature]
16.01.2020

Signature, Name & Designation of Inspecting Officials



DELHI POLLUTION CONTROL COMMITTEE

Air Laboratory

5th Floor I.S.B.T. Building Kashmiri Gate Delhi-6

visit us at : <http://dpcc.delhigovt.nic.in>

(5)

Noise Monitoring Report

Result No-N/19-20/03/2201

Date:- 24/01/2020

1. Name & Address of the Unit : M/s. Vivekanand Cooperative Group Society Ltd.,
Plot No-2, Sector-5, Dwarka ,
New Delhi-110007.
2. Date of Monitoring : 23/01/2020
3. Time of Monitoring : 14: 05 PM

RESULT

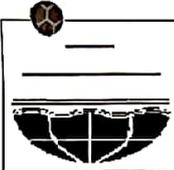
S.No	Location	Noise Level	Remarks
1	Ambient Noise Level at rear side of the unit in Leq dB (A)	55.2	Non-operational.
2	Ambient Noise Level at rear side of the unit in Leq dB (A)	71.0	D.G.Set operational.
3	Insertion loss of the acoustic enclosure in dB(A)	19.7	D.G.Set operational

Note:

- The premise is occupied by Vivekanand Cooperative Group Society Ltd.
- The unit has one D.G. Set of 125 KVA bearing engine no. without nameplate with stack height 1.0 m above from acoustic enclosure at rear side in the premises.
- Noise Monitoring was conducted in presence of electrician of the society as desired by concerned CMC regarding Hon'ble NGT.
- The Ambient Air Quality Standards in Respect of Noise as mentioned in The Environment (Protection) Rules, 1986 Schedule III is land use based, so assessment of ambient Noise Level shall be done, keeping in view the land use of the area where D.G. Set is installed.

Incharge Air Lab
Dr. M. P. GEORGE
Scientist

A.E.E
TRILOK CHAND
AEE



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-II/ NGT/OA 1026-2019/2019/ 285-86

Dated: 29/01/20

Subject: - Show Cause Notice u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and performs functions under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974, as amended to date, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide Notification Dated 15.03.1991.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (1) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981, as amended to date, vide Notification of Ministry of Environment & Forest, Govt. of India, No. GSR 106 (E) Dated 20.02.1987.

And whereas, as per the mandatory provisions u/s 21 of the Air (Prevention and Control of Pollution) Act, 1981, no person without the previous consent of the State Pollution Control Board (DPCC in case of Delhi) shall establish or operate any industrial plant in an Air Pollution Control Area.

And whereas, you, **M/s Vivekanand Cooperative Group Society Ltd., plot no. 2, Sector-5, Dwarka, New Delhi- 110007** (here in after referred as "Addressee") are operating D.G. set at the above said address.

And whereas, Hon'ble NGT vide it's order dated 29.11.2019 in OA No. 1026/2019 in the matter of "Bhaskar Keta Varapu Vs. Central Pollution Control Committee Board & Others" directed DPCC to look into the matter and furnish a factual and action taken report.

And whereas, in compliance of Hon'ble NGT order, inspection of the site was carried out by DPCC officials on 16.01.2020 and following were observed:-

- Society has installed D.G. Set of 125 KVA.
- D.G. Set has been provided acoustic enclosure with it.
- Stack height of the D.G. Set was found inadequate as it has not been raised 2.4 m above the top roof level of the building.

And whereas, Noise Monitoring was also carried out by the officials of DPCC, Air Lab on 23.01.2020 and the results of the Noise Monitoring report indicates that insertion loss of the acoustic enclosure is only 19.7 db(A) against the stipulated standards of 25 db(A).

Now, therefore, in view of the above and as decided by the Competent Authority in Delhi Pollution Control Committee, in exercise of the powers conferred upon it u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 following directions are proposed to be issued: -

- 1. That the concerned Sub Divisional Magistrate shall be directed to remove the D.G. Set as it is not meeting the mandatory legal requirements.

You the Addressee, are therefore, called upon to Show Cause as to why the above said proposed direction should not be confirmed. Your reply, if any, should reach this office within 15 days from date of service of this notice, failing which it shall be presumed that you have nothing to say in this regard and proposed directions shall be confirmed without any further reference.

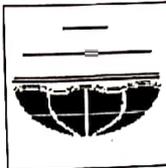
This issues as per the approval of the Competent Authority in Delhi Pollution Control Committee.


(Dr. Chandra Prakash)
 Incharge, CMC - II

To,
M/s Vivekanand Cooperative Group Society Ltd.,
Plot no. 2, Sector-5,
Dwarka, New Delhi- 110007

Copy to:

- Master File, CMC-II
- ✓ Office Copy



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-II/NGT/OA 1026-2019/2019/294-295 Dated: 30/01/2020

Subject: - Show Cause Notice u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and performs functions under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974, as amended to date, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide Notification Dated 15.03.1991.

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Now, therefore, in view of the above and as decided by the Competent Authority in Delhi Pollution Control Committee, in exercise of the powers conferred upon it u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 following directions are proposed to be issued: -

1. That you "the Addressee" shall deposit Environment Compensation of Rs. 1,00,000/- (One lakh only) within 15 days from the date of issue of this letter by the way of demand draft in favour of Delhi Pollution Control Committee for causing Air Pollution & Noise pollution.

You the Addressee, are therefore, called upon to Show Cause as to why the above said proposed direction should not be confirmed. Your reply, if any, should reach to this office within 15 days from date of service of this notice, failing which it shall be presumed that you have nothing to say in this regard and proposed direction shall be confirmed without any further reference.

This issues as per the approval of the Competent Authority in Delhi Pollution Control Committee.


(Dr. Chandra Prakash)
Incharge, CMC - II

To,
M/s Vivekanand Cooperative Group Society Ltd.,
Plot no. 2, Sector-5,
Dwarka, New Delhi- 110007

Copy to:

- Master File, CMC-II
- Office Copy.