

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

**OA. NO. 754 OF 2019**

**IN THE MATTER OF:-**

Sapna Mamtani & Ors.

...Applicants

-Versus-

Govt. of NCT of Delhi

...Respondent

**N.D.O.H.12.03.2020**

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Respondent

Through

Balendu Shekhar  
Advocate on behalf of Respondent (DPCC)  
A-126, Niti Bagh, New Delhi-110049  
MOB. NO. 9999666769  
Email I.D. :- [officeofbalendu@gmail.com](mailto:officeofbalendu@gmail.com)

Dated: 07.03.2020

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

**OA. NO. 754 OF 2019**

**IN THE MATTER OF:-**

Sapna Mamtani & Ors.

...Applicants

-Versus-

Govt. of NCT of Delhi

...Respondent

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION  
CONTROL COMMITTEE IN TERM OF ORDER DATED 16.10.2019**

**MOST RESPECTFULLY SHOWETH:**

1. That in the aforesaid matter, the issue is regarding huge noise pollution being caused in the residential area in and around Sector-3, Dwarka, New Delhi due to marriage function which takes place at Dwarka Garden, Shanti Garden and Delhi Public School, Sector-3, Dwarka, New Delhi. Seeing the gravity and based upon the averments mentioned in the aforesaid OA, this Hon'ble Tribunal vide order dated 22.10.2019 had directed stating:

*"...Grievance in this application is that huge noise pollution is being caused in the residential area in and around Sector-3, Dwarka, New Delhi by Dwarka Gardens (hired chiefly for marriage functions), Matiala Village, situated on the back side of Delhi Public School, Sector-3, Shanti Gardens (hired chiefly for marriage functions), Matiala Village, situated on the back of Dwarka Gardens, Near Sector-3, and Delhi Public School, Sector-3, Dwarka.*

2. That the Inspection of M/s Shanti Garden, A-45, Matiala Village, Near Sahyog Vihar, New Delhi-59 was carried out on 04.12.2019 by the officials of DPCC and following were the observations:

- i. During inspection unit found operational and engaged in the activity of Banquet Hall/Party lawn.
- ii. No consent obtained from DPCC.
- iii. No ETP installed for the treatment of waste water generated from the unit.

Copy of the Inspection report of M/s Shanti Garden dated 04.12.2019 is being attached herewith as **Annexure R-1**.

3. That the Inspection of M/s Dwarka Garden, 31/24, Matiala, Sector-3, Behind DPS School, Dwarka, New Delhi-59 was also carried out on 04.12.2019 by the DPCC officials and following were the observations:

- i. During inspection unit found operational and engaged in the activity of Banquet Hall/Party lawn.
- ii. No consent obtained from DPCC.
- iii. No ETP installed for the treatment of waste water generated from the unit.

Copy of the inspection report of M/s Dwarka Garden dated 04.12.2019 is attached herewith as **Annexure R-2**.

4. That the Closure directions U/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 dated 07.01.2020 were issued to

both M/s Shanti Garden and M/s Dwarka Garden by DPCC. Copies of the Closure direction dated 07.01.2019 issued to M/s Shanti Garden and M/s Dwarka Garden are attached herewith as **Annexure R-3 (Colly)**

5. That the DPCC issued Directions U/s. 31(A) of the Air (Prevention & Control of Pollution) Act,1981 dated 07.01.2020 to Deputy Commissioner of Police (Dwarka) to control the noise pollution created by the Delhi Public School, Sector-3, Dwarka, Delhi-78 during sports week. Copy of the Direction dated 07.01.2019 issued to DCP (Dwarka) is attached herewith as **Annexure R-4.**

6. That as per the Compliance report received from BSES, M/s. Dwarka Garden electricity supply has been disconnected on 17.01.2020. The electricity supply of M/s Shanti Garden was disconnected on 06.03.2020 and accordingly operations have been closed. Further on 06.03.2010, a joint team consisting of officials from SDM Office, BSES and DPCC closed down effectively kitchens of both party lawns. Also, Environmental Damage Compensation amounting to Rs. 4,37,500/- each has been imposed on the units for causing damages to the environment.

8. The above report may kindly be taken on record.



DR. CHANDRA PRAKASH  
INCHARGE, CMC-II

Date:  
Place:

	<p align="center"><b>DELHI POLLUTION CONTROL COMMITTEE</b>          DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)          4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6          visit us at : <a href="http://dpcc.delhigovt.nic.in">http://dpcc.delhigovt.nic.in</a></p>
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**INSPECTION REPORT**

1. Name & Address of the Unit : M/s Shanki Garden  
A-45, Mathala Village, Near  
Delhi Sahyog Vihar, New Delhi
2. Owner/Partner's Name : Sh. Jasbir Salanbi
3. Contact Details (Phone & Email) : 9312669037
4. Date of inspection : 4th December, 2019
5. Time of inspection: a) Start of Inspection: 5:00 P.M  
 b) End of Inspection: 5:30 P.M
6. Name & Designation of the Persons contacted at the industry: Sh. Amit Salanbi  
7011636870
7. Kind of Industry : Benent
8. Product & Capacity : 200-300 Persons approx.
9. Main Raw Materials : Food Products
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 : Electricity
14. Effluent Discharged (a) Domestic/Trade Effluent  
 (b) Unit Connected to Conveyance System: Yes/No  
 (c) Discharging in to Sewer
15. Status of Consent (If Any) : Not applied
16. D.G. Set (s) (If Any) : No.....Capacity.....KVA.....Acoustic: Yes/No  
Used during function  
 : Stack Height.....(Above G.L).....(Above R.L).....
17. Plot Area : .....
18. Labor : .....
19. Machinery : .....
20. Power Connection : C.A:- 100.167.161 KW:- 37 KW
21. Source of water : Tankar
22. Whether Unit Found in Operation :  Yes/No

GST 07AAUC 55039C125

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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**

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)

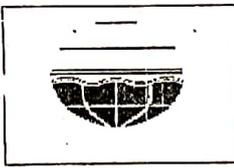
**Remarks, If Any:**

1. During inspection unit found operational and engaged in the activity of Benquet Hall / Party Lawn.
2. No consent obtained from DPCC.
3. No OGIT installed for the treatment of wastewater generated from the unit.
4. No Permanent structure, only party lawn.

Three large diagonal lines drawn across the page, likely indicating that the remaining space is blank or unused.

Name & Sign of the Persons

Signature, Name & Designation of Inspecting Officials



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

13  
6

**INSPECTION REPORT**

1. Name & Address of the Unit : M/s Dwarka Gardens  
31/24, Matiala C Sector  
= 3, Behind D.P.S. School,  
Dwarka, New Delhi - 59.
2. Owner/Partner's Name : Sh. Amit
3. Contact Details (Phone & Email) : 9212329457
4. Date of inspection : 04.12.2019
5. Time of inspection: a) Start of Inspection: 4.00 P.M  
 b) End of Inspection: 4.45 P.M
6. Name & Designation of the Persons contacted at the industry: Sh. Amit,  
9212329457
7. Kind of Industry : Party lawn
8. Product & Capacity : 300-400 Persons approx.
9. Main Raw Materials : Ready made food products
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 : Electricity
14. Effluent Discharged (a) Domestic/Trade Effluent  
 (b) Unit Connected to Conveyance System: Yes/No  
 (c) Discharging in to Sewer
15. Status of Consent (If Any) : Not Applied
16. D.G. Set (s) (If Any) : No.....Capacity.....KVA.....Acoustic: Yes/No  
are used during function  
 : Stack Height.....(Above G.L).....(Above R.L).....
17. Plot Area : 1700 Sq. m
18. Labor : .....
19. Machinery : .....
20. Power Connection : C.A.: 10.34396.22 KW:-
21. Source of water : Borewell not in operation
22. Whether Unit Found in Operation :  Yes/No as reported

4. No permanent structure was found only party lawn.

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- 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**

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. During inspection unit found operational and engaged in the activity of Party lawn.
2. No consent obtained from DPCC.
3. No OGT installed ~~from~~ for the treatment of wastewater generated from the unit.

*(Large diagonal scribbles covering the lower half of the page)*

*(Handwritten signature)*

Name & Sign of the Persons

*(Handwritten signature and date 21/12/19)*

Signature, Name & Designation of Inspecting Officials

	<b>DELHI POLLUTION CONTROL COMMITTEE</b> DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : <a href="http://dpcc.delhigovt.nic.in">http://dpcc.delhigovt.nic.in</a>
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F.No.DPCC/CMC II/

52-56

Dated: 7/1/2020

**Subject: - Closure directions u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date.**

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

Whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention & Control of pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, it is mandatory under section 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 in to a stream or trade effluent in to a stream or on land.

And whereas, an appeal has been filed by Sapna Mamtani and Ors before Honble NGT in OA No. 754/2019 alleging that they have been suffering due to noise pollution for a long time generated from Dwarka Gardens, Shanti Gardens and Delhi Public School Sector-3, Dwarka.

And whereas, Hon'ble NGT in OA No. 754/2019 vide order dated 16.10.2019 directed DPCC 'look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)."

And whereas, an inspection of M/s Shanti Garden, A-45, Matiyala Village, Near Sahyog Vihar, New Delhi-59 (hereinafter referred as the Addressee) was carried out by the officials of DPCC on 04.12.2019 and following were observed:

- Unit found in operation and engaged in the activity of Banquet hall/ Party Lawn.
- No Consent obtained from DPCC under Air and Water act.
- No measures taken for the treatment of waste water generated from the unit.

Contd...2

Now therefore in view of the above, and decided by the Competent Authority in Delhi Pollution Control Committee & in exercise of the powers conferred upon DPCC, following directions u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974, as amended to date, are hereby issued with immediate effect:-

1. That you (the Addressee) shall close your unit, with immediate effect.
2. That the concerned authority in BSES, Rajdhani Power Ltd shall disconnect electricity supply to the Addressee with immediate effect.
3. That the concerned authority in Delhi Jal Board shall disconnect the water supply connection to the Addressee with immediate effect.
4. That Sub Divisional Magistrate shall take necessary action to ensure effective closure of the Addressee with immediate effect.

In case on non compliance of said directions, you, the Addressee shall also be liable for penal action under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

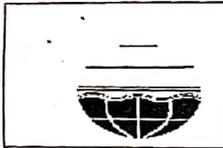
This is being issued as per the decision taken by the Chairman, Delhi Pollution Control Committee.

  
Dr. Chandra Prakash  
Incharge(CMC-II)

M/s Shanti Garden  
A-45, Matiyala Village  
Near Sahyog Vihar, New Delhi-59

**Copy To:**

1. The Member (Water), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055: to disconnect the water supply to the Addressee with immediate effect and send the compliance report within 15 days.
2. The Chief Operating Officer, Rajdhani Power Ltd., BSES Bhawan, Nehru Place, New Delhi-110019-to disconnect electricity supply to the Addressee with immediate effect and send the compliance report within 15 days.
3. The Sub-Divisional Magistrate (Dwarka), Sector-10, Dwarka, New Delhi-110075 to take necessary action to ensure effective closure of the Addressee with immediate effect and send the compliance report within 15 days.
4. Master File.
5. Office copy.



**DELHI POLLUTION CONTROL COMMITTEE**  
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
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visit us at : <http://dpcc.delhigovt.nic.in>

F.No.DPCC/CMC II/ 57-61

Dated: 7-1-2020

Subject: - Closure directions u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

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

Whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention & Control of pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, it is mandatory under section 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 in to a stream or trade effluent in to a stream or on land.

And whereas, an appeal has been filed by Sapna Mamtani and Ors before Honble NGT in OA No. 754/2019 alleged that they have been suffering due to noise pollution for a long time generated from Dwarka Gardens, Shanti Gardens and Delhi Public School, Sector-3, Dwarka.

And whereas, Hon'ble NGT in OA No. 754/2019 vide order dated 16.10.2019 directed DPCC look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)."

And whereas, an inspection of M/s Dwarka Garden, 31/24, Matiala Sector-3, Behind DPS School, Dwarka, New Delhi-59 (hereinafter referred as the Addressee) was carried out by the officials of DPCC on 04.12.2019 and following were observed:

- Unit found in operation and engaged in the activity of Party Lawn.
- No Consent obtained from DPCC under Air and Water act.
- No measures taken for the treatment of waste water generated from the unit.

Contd...2

Now therefore in view of the above, and decided by the Competent Authority in Delhi Pollution Control Committee & in exercise of the powers conferred upon DPCC. following directions u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974, as amended to date, are hereby issued with immediate effect:-

1. That you (the Addressee) shall close your unit with immediate effect.
2. That the concerned authority in BSES, Rajdhani Power Ltd shall disconnect electricity supply to the Addressee with immediate effect.
3. That the concerned authority in Delhi Jal Board shall disconnect the water supply connection to the Addressee with immediate effect.
4. That concerned Sub Divisional Magistrate shall take necessary action to ensure effective closure of the Addressee with immediate effect

In case on non compliance of said directions, you, the Addressee shall also be liable for penal action under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

This is being issued as per the decision taken by the Chairman, Delhi Pollution Control Committee.

  
Dr. Chandra Prakash  
Incharge(CMC-II)

M/s Dwarka Garden  
31/24, Matiala Sector-3  
Behind DPS School  
Dwarka, New Delhi-59

Copy To:

1. The Member (Water), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055: to disconnect the water supply to the Addressee with immediate effect and send the compliance report within 15 days.
2. The Chief Operating Officer, Rajdhani Power Ltd., BSES Bhawan, Nehru Place, New Delhi-110019-to disconnect electricity supply to the Addressee with immediate effect and send the compliance report within 15 days.
3. The Sub-Divisional Magistrate (Dwarka), Sector-10, Dwarka, New Delhi-110075 to take necessary action to ensure effective closure of the Addressee with immediate effect and send the compliance report within 15 days.
4. Master File.



F.No.DPCC/CMC II/ 57

Dated: 7-1-2020

**Subject: - Directions 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 perform functions under the Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974.

Whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention & Control of pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

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.

And whereas, it is mandatory under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall Establish or operate any industrial plant in an Air Pollution Control Area.

And whereas, an appeal has been filed by Sapna Mamtani and Ors before Honble NGT in OA No. 754/2019 alleging that they have been suffering due to noise pollution for a long time generated from Dwarka Gardens, Shanti Gardens and Delhi Public School Sector-3, Dwarka during sports week lasting about 15 days.

And whereas, Hon'ble NGT in OA No. 754/2019 vide order dated 16.10.2019 directed *DPCC look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).*

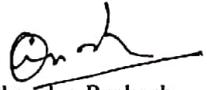
Contd...2

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

1. That the Delhi Police shall control the Noise pollution created by the Delhi Public School, Sector-3, Dwarka, New Delhi-78 during sports week, lasting about 15 days and send the compliance report.

In case on non compliance of said directions, you, the Addressee shall also be liable for penal action under the provisions of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

This is being issued as per the decision taken by the Chairman, Delhi Pollution Control Committee.

  
Dr. Chandra Prakash  
Incharge(CMC-II)  
Delhi Pollution Control Committee

To,

The Deputy Commissioner of Police(Dwarka)  
Delhi Police  
Dwarka, Sector-19  
New Delhi-110075

Copy To:

1. Office Copy.