

**BEFORE THE PRINCIPAL BENCH, NATIONAL
GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION No. 998/2019**

IN THE MATTER OF:

Raj Kumar

... Applicant

VERSUS

Union of India & Ors.

... Respondents

NDOH:- 01.07.2020

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Filed by

(Mohd. Arif)
Sr. Env. Engineer
(Delhi Pollution Control Committee)

New Delhi:
Dated: 19.06.2020

(1)

**BEFORE THE PRINCIPAL BENCH,
NATIONAL GREEN TRIBUNAL NEW DELHI
Original Application No. 998/2019**

Raj Kumar

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS OF THE ORDER DATED
24.02.2020**

IT IS MOST RESPECTFULLY SHOWETH:

1. That Hon'ble Tribunal has taken this matter on 10.01.2020 and was pleased to issue following directions:-

"A report was sought from the SDM (Saraswati Vihar), Old Middle School Building, Lawrence Road, Rampura, Delhi with reference to the allegations of failure to take action against the unauthorized jhuggi , dwellers, various anti-social elements, unauthorized/ illegal encroachers who are running various kinds of shops like Dhaba, Tea, Confectionary stalls, Mobile accessories, Dairy farms etc. throwing their garbage and polluting the area of the park with wine/ bottles, use and throw tea cups, etc. in the dirty water drain and other waste, use and throw cups, buffalo dung, coal (which is used in various tea stalls, dhaba, etc.)electronic wastage and articles, etc. due to which the entire boundary of the said park are full of various kinds of garbage , in front of the office of the SDM, Rampura, Delhi.

No report has been received. We give last opportunity to furnish such a report before the next date. The report may now be filed by a joint Committee comprising of the DPCC and the jurisdictional SDM. The DPCC will be the nodal agency for coordination and compliance."

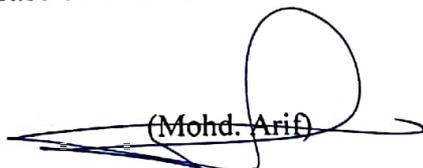
2. That, an inspection was conducted by a team of official from DPCC and SDM (Saraswati Vihar) on 04.06.2020 and it was observed that the area was captured / encroached by encroachers around the park near



SDM office Saraswati Vihar, Rampura Delhi. It was also observed by the team that the unauthorized jhuggi ,dwellers, unauthorized/ illegal encroachers who are running various kinds of shops like Dhaba, Tea, Confectionary stalls, etc. and throwing their garbage and polluting the area of the park with wine/ bottles, use and throw tea cups, etc. thereby choking the water drain. Copy of inspection report dated 04.06.2020 is enclosed herewith and annexed as **Annexure I**.

- 3. That, Directions were issued to North Delhi Municipal Corporation (NDMC) vide letter dated 09.06.2020 to remove the entire encroachment / garbage located near SDM (Saraswati Vihar) office around the park. Action taken report along with photographs is received from NDMC on 16.06.2020 stated that they have removed and demolished the encroachment like Dhaba, Tea, Confectionary stalls, mobile accessories, dairy farm etc. which is situated around the fencing of entire central park, Rampura, North Delhi Municipal Corporation (NDMC) vide letter dated 16.06.2020 requested the Station House Officer, Police Station Keshav Puram Zone, to keep strict vigil of the area cleared from encroachment during the encroachment. Action taken report received from NDMC is enclosed herewith and annexed as **Annexure-2 (Colly)**.
- 4. That, six electricity connections were disconnected on the spot during inspection on 04.06.2020. Directions were also issued to Tata Power Delhi Distribution Limited (TPDDL) for disconnection of remaining connections (encroachment area) around the park. Remaining connections were also disconnected by TPDDL on 17.06.2020. The Action taken Report received from TPDDL is enclosed herewith and annexed at **Annexure -3**
- 5. That, Direction for closure and Environment Damages Compensation (EDC) of an amount of Rs. 100,000/- (Rupees one lakh only) u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 and u/s 33(A) of Water (Prevention and Control of Pollution) Act, 1974 were issued to two Dhabas namely M/s Amar Chand and M/s Raju Roy on 10.06.2020 for the deficiencies observed during the inspection as they are operating without consent of DPCC. Copy of Direction for closure and Environment Damages Compensation (EDC) are enclosed here with and annexed as **Annexure-4 (Colly)**.

The above action taken report may please be taken on record.


 (Mohd. Arif)
 Sr. Environmental Engineer

Date: 19/6/2020
 Place: Delhi

Inspection Report which was conducted on 04.06.2020 in Ref. OA No. 998/2019 “
Raj Kumar Vs. UOI & Ors.

This has reference to orders of Hon'ble NGT order dated 24.02.2020 in OA No. 998/2019, Raj Kumar vs UOI & Ors.

As directed by Hon'ble NGT, a joint inspection was conducted on 04.06.2020 by a team of DPCC and SDM Official.

In front of (Near by SDM Office Old Middle School Building Lawrence Road, Rampura, Delhi) unauthorized jhuggi dwellers, various encroachers who are running various kinds of shops like dhaba, tea stalls, Confectionary stalls, farms etc were found present during inspection details are as follows:-

S. No.	Name of Unit	Address of the unit	Activity
1	Raju Roy	C-45/4, Lawrence Road	Dhaba
2	Sanjay	Opp. NDPL Office, Lawrence Road	Tea Stall
3	Surya Narayan	Opp. C-46 Lawrence Road Industrial Area	Tea Stall
4	Seh Dev	Adjoining Opp. C-46 Lawrence Road Industrial Area	Tea Stall
5	Ser Singh	Jhuggi No. 6, C-48/5 Lawrence Road	Tea Stall
6	Dasrath	Jhuggi No , C-48/3A Lawrence Road Industrial area	Tea Stall/Shop
7	Bhola Prasad	Adjoining to Jhuggi No, C-48/3A Lawrence Road Industrial area	Tea Stall
8	Amar Chand	C/o Block-C Landmark opp. SarvodyadharamKanta Lawrence Road Industrial area	Dhaba
9	Amresh	Lawrence Road Industrial area	Tea Stall
10	Raju	Lawrence Road Industrial area	Tea Stall
11	Bhai Rajendra Khari	Lawrence Road Industrial area	Property Dealer
12	Husna Bano	Lawrence Road Industrial area	Vegetable stall

In compliance of Hon'ble NGT order electricity connection of following units has been disconnected on the spot details are as follows:-

S. No.	Name of Unit	Address of the Unit	Activity	Action taken
1.	Amar Chand	C/o Block-C Landmark opp. SarvodyadharamKanta Lawrence Road Industrial area	Dhaba	Electricity disconnected

(4)

2.	Sandeep Kumar Garg	Jhuggi No. 11 Ground floor Block- C Lawrence road	Dhaba	Electricity disconnected
3.	Sunder Lal/BhaiRajender Khari	Jhuggi No. 1, c-48, Lawrence Road Industrial Area.	Tea Stall/ Property Dealer	Electricity disconnected
4.	Husna	Jhuggi No. 35/5 Lawrence Road	Tea Stall	Electricity disconnected
5.	Sadanand	Opp. C-46 Lawrence Road Industrial Area	Shop/Tea Stall	Electricity disconnected
6.	Rameshwar	Jhuggi No. 6, C- 48/5 Lawrence Road	Tea Stall	Electricity disconnected

M/s Raju Roy and M/s Amar Chand were found engaged in the activity of Dhaba and found using coal. During inspection some shops were found closed which are engaged in illegal dairies, music shops, mobile shops electricity .

It was observed encroachers thrown the pouch of water and tea, plastic bags, cups, cow dung etc, in park which creates foul smell and waste spread here and there in the park. During inspection drain (surrounding the park) was found choked. (Photos taken during inspection enclosed.)



Ganender Rana
Patwari
(SDM Office Saraswati Vihar)



(K.KUMAR)
Envt. Engg. (DPCC)



Figure-1 Discription- Unauthorized Jhuggi dwellers, various anti-social elements, and other illegal activities, in old middle school building, Lawrence road, Rampura Delhi.

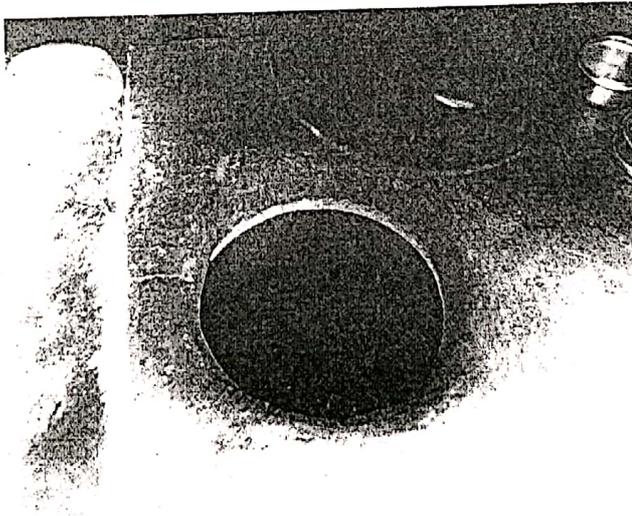




Figure-2 Discription- Unauthorized Jhuggi dwellers, various anti-social elements, and other illegal activities, in old middle school building, Lawrence



road, Rampura Delhi.

7 7



Figure-3

Discription-- Unauthorized Jhuggi dwellers, various anti-social elements, and other illegal activities, in old middle school building, Lawrence road, Rampura Delhi.



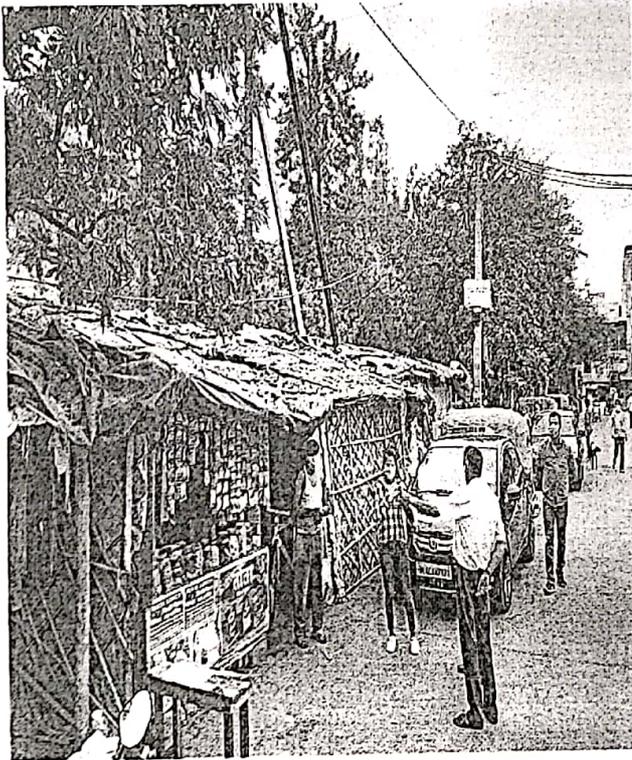


Figure-4 Discription- Unauthorized Jhuggi dwellers, various anti-social elements, and other illegal activities, in old middle school building, Lawrence road, Rampura Delhi.



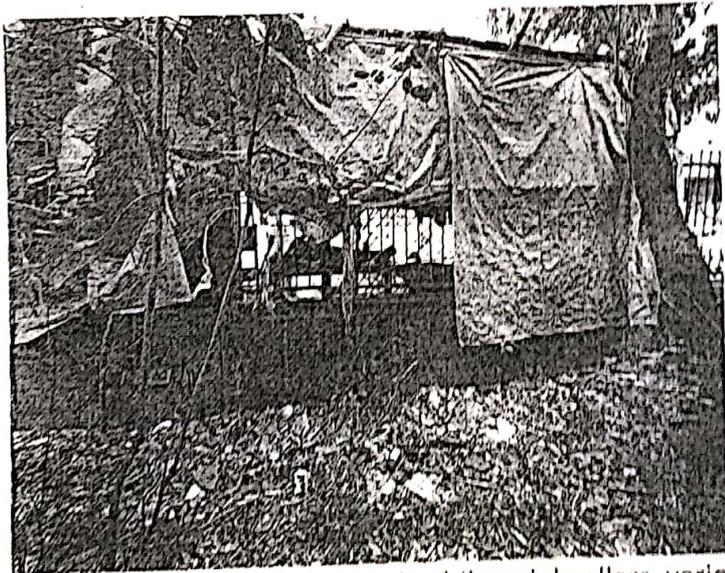


Figure-5 Discription- Unauthorized Jhuggi dwellers, various anti-social elements, and other illegal activities, in old middle school building, Lawrence road, Rampura Delhi.

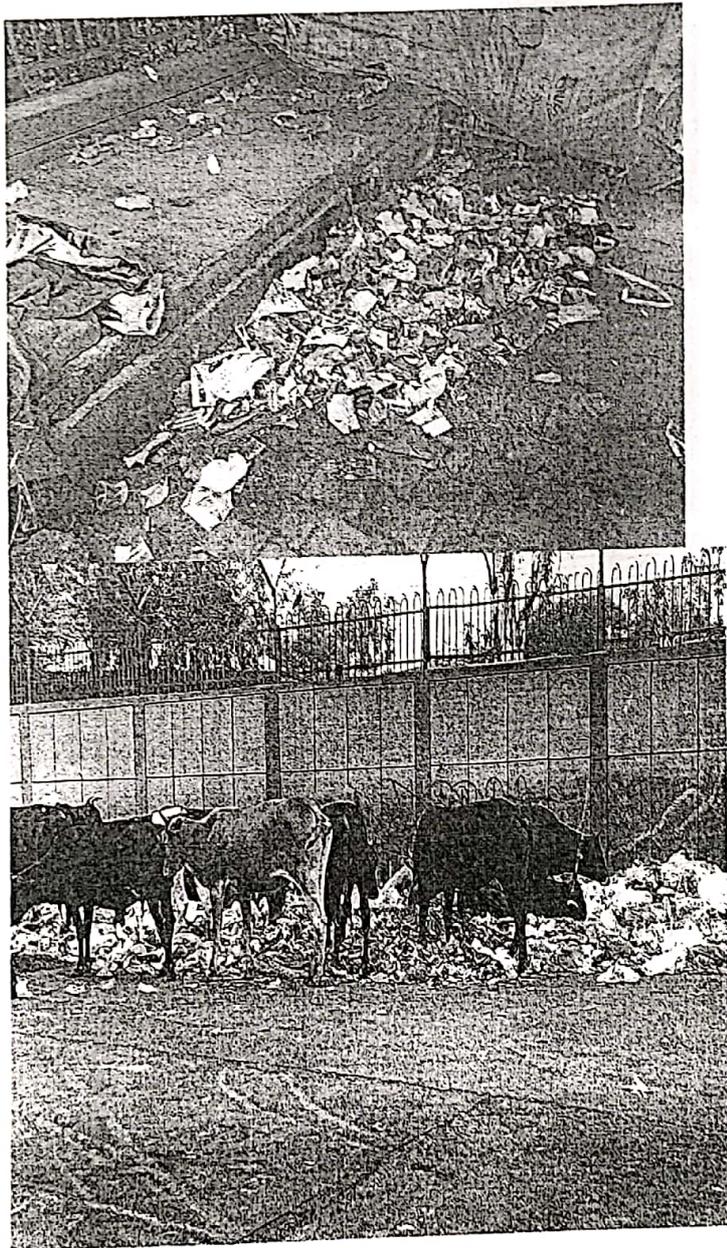


Figure-6 Discription- Unauthorized Jhuggi dwellers, various anti-social elements, and other illegal activities, in old middle school building, Lawrence road, Rampura Delhi.

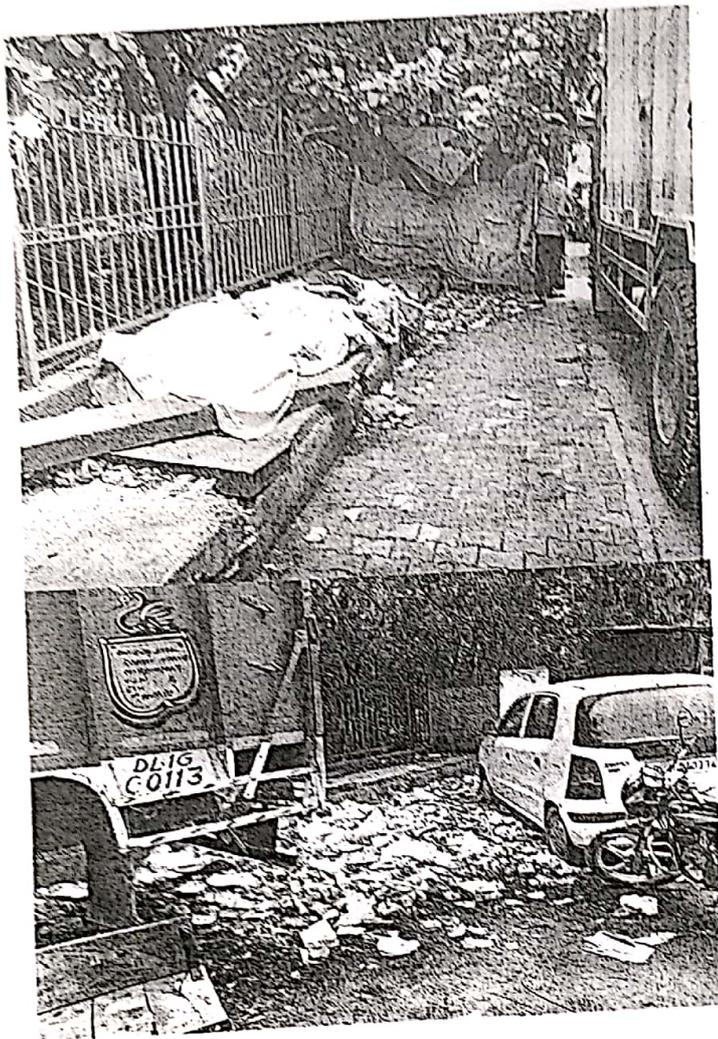


Figure-7 Discription- Unauthorized Jhuggi dwellers, various anti-social elements, and other illegal activities, in old middle school building, Lawrence road, Rampura Delhi.

NORTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE ADDL. DEPUTY COMMISSIONER
A-1 BLOCK, KESHAV PURAM, DELHI

No. 56 /ADC/KPZ/NDMC/2020

dated :- 16/06/2020

To,

The Station House Officer
Police Station Keshav Puram Zone
Delhi

Subject:- Request to keep strict vigil of the area cleared from encroachment during the encroachment removal action taken on dated 15.06.2020.

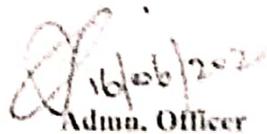
An encroachment removal action was carried out by Licensing Department against temporary encroachment on 15.06.2020 at the following stretch:-

1. Infront of Central Park, Near SDM Office Rāmpura
2. Lawrence Road Indl. Area and Surrounding Area

The encroachment removal action was taken against the encroachment on footpath/Govt. Land of the above mentioned stretch because of number of complaints received in this office from time to time causing frequent traffic jams and inconvenience to pedestrians.

As per Hon'ble Supreme Court's order in IA No. 356 in WP(C) No. 1699 of 1987, in the court case titled "Sudhir Madan vs. MCD & Ors. The Hon'ble Supreme Court has directed the Delhi Police to keep strict vigil of the area cleared from encroachment and ensure that the encroachers may not re-occupy the area cleared from encroachment.

You are requested to issue instruction to your beat officer accordingly, to keep a strict vigil over the area cleared from encroachment so that the encroachment may not re-occur.


16/06/2020
Admn. Officer
Keshav Puram Zone

Copy to:-

1. DC/KPZ for information please.
2. DCP (North-West-Dist.) P.S. Ashok Vihar, Delhi for information please.

ATR received from NDDP [TPDDP] for the disconnection of electricity connection of encroachment area around the park.

S.NO	METER NO	C.NO	ADD
1	10038097	60016812731	Juggi No 11 GROUND FLOOR BLK-C LAWRENCE ROAD KESHAVPURAM
2	41338806	600022227621	OPP C-46 LAWRENCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 Juggi No C-46/1 LAWRENCE ROAD KESHAVPURAM IND AREA CITY DELHI 110035
3	44226635	600022009656	Juggi No 3 LAWRENCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK OPPOSITE C-45 AND NEAR RAM PURA GRID
4	41354760	60002329757	BLK-C LAWRENCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK OPP. SARVODYA DHARAM KANTA
5	40017840	60004881896	Juggi No C-48/3A GROUND FLOOR LAWRENCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK NA
6	43036643	60016620340	Juggi No C-46 JHUGGI NO-1 LAWRENCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA

5

7	44330981	60002006405	Juggi No C-46 JHUGGI NO-1 LAWRANCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK NA
8	44157214	60018212559	Juggi No C-46/3 GROUND FLOOR BLOCK-C-4 RAILWAY LINE KESHAVPURAM CITY DELHI 110035 LANDMARK NEAR HANUMAN MANDIR
9	41362951	60002339533	Juggi No 8, C-48/3-A BLK-C LAWRANCE ROAD INDUSTRIAL AREA KESHAVPURAM IND
10	41354734	60002345431	Juggi No 6, C-48/3 LAWRANCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK NEAR RAM PURA GRID
11	41634355	600177246236	Juggi No 5 GROUND FLOOR LAWRANCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK NEAR C-48/3
12	44238063	60002012197	Juggi No C-48/2, JHUGGI NO-2 LAWRANCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK NA Juggi No 6 GROUND FLOOR LAWRANCE ROAD INDUSTRIAL AREA

10	41354734	60002345431	CITY DELHI 110035 LANDMARK NEAR RAM PURA GRID
11	41634355	60017246236	Juggi No 5 GROUND FLOOR LAWRENCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK NEAR C-48/3
12	44238063	60002012197	Juggi No C-48/2, JHUGGI NO-2 LAWRENCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK NA
13	62133845	60021034487	Juggi No 6 GROUND FLOOR LAWRENCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI
14	41364426	60004618603	Juggi No 1 C48 JUGGI NO. -1 C-48 LAWRENCE ROAD INDUSTRIAL AREA KESHAVPURAM IND AREA CITY DELHI 110035 LANDMARK NEAR WATER TANK



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

16

F.No. DPCC/CMC-III/NGT/OA NO.998/2019

1377-1401

Dated: 10/06/2020

To,

M/s Raju Roy
In front of C-45/4, Lawrence Road Industrial area,
Delhi-110035

Subject:- Direction for closure and Environmental Damages Compensation (EDC) u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 and /s 33(A) of Water (Prevention and Control of Pollution) Act, 1974.

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

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

And whereas, it is mandatory u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 that no person without the previous consent of 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 on land.

And whereas, it is a mandatory provision under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, that no person shall without the previous consent of DPCC establish or operate any industrial plant in an Air Pollution Control Area.

This has reference to order of Hon'ble NGT order dated 24.02.2020 in OA No. 998/2019 "Raj Kumar Vs UOI & Ors".

As directed by Hon'ble NGT, a joint inspection was conducted on 04.06.2020 by a team of SDM and DPCC and following were observed:-

- Unit is engaged in the activity of Restaurant/Dhaba and operating without having consent from DPCC.
- Bhati (Tandoor) was found operational and using coal.
- Illegally encroached the area near park over drain.

And whereas, your case has been taken up by Competent Authority in Delhi Pollution Control Committee and it was decided to issue Directions for closure and Environmental Compensation for Damages (EDC) u/s 33(A) of Water (Prevention and Control of Pollution) Act, 1974 and u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 as amended to date.

And whereas, in view of Hon'ble NGT orders towards levying Environmental damages, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation (EDC) of Rs.1,00,000/- (Rupees One lakh only) on M/s Raju Roy, in front of C-45/4, Lawrence Road Industrial area, Delhi-110035.

Now therefore, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it u/s 5 of Environment Protection Act, 1986 as amended to date, has decided to issue the following directions:-

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1. That you (the addressee) shall close your unit (no cement handling permitted) with immediate effect.
2. That you (the addressee) shall deposit an amount of Rs.1,00,000/- (Rupees One lakh only) as Environmental Compensation for Damages (EDC) by way of demand draft in favour of DPCC for the deficiencies observed during inspection within 15 days of issue of this Directions.
3. That the concerned authority in Tata Power Delhi Distribution Limited (TPDDL) shall disconnect the electricity/power supply of the unit with immediate effect.
4. That the concerned authority in DJB shall disconnect the water supply connection of the said unit with immediate effect.
5. That the Sub-Divisional Magistrate SDM (Saraswati Vihar), shall take necessary action to ensure the effective closure of the addressee unit with immediate effect.

You shall also be liable for penal action under the provisions of u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 and /s 33(A) of Water (Prevention and Control of Pollution) Act, 1974 in case of non-compliance of the above said directions.

This is being issued as per the decision taken by the Competent Authority.


(Mohd. Arif)
Sr. Env. Engineer

Copy to:-

1. The Sub-Divisional Magistrate (Saraswati Vihar), Old Middle School Building, Rampura, Lawrence Road, Delhi-110035 - with a request to take necessary action for effective closure and recovery of Environmental Compensation of the addressee unit with immediate effect & send the compliance to this office, within 07 days.
2. The Member (Water), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055 - with a request to disconnect water supply to the addressee unit with immediate effect & send the compliance to this office, within 07 days.
3. The General Manager (Commercial), Tata Power Delhi Distribution Limited (TPDDL), Cencare Building, Opposite C2 Block, Near Keshav Mahavidyalaya, Lawrence Road, Keshav Puram, Delhi - 110035, - with a request to disconnect electricity supply to the addressee with immediate effect & send the compliance to this office, within 07 days.
4. Master File.


(K. Kumar)
Env, Engineer

o/c



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

F.No. DPCC/CMC-III/NGT/OA NO.998/2019 | 1392-96

Dated: 10/06/2020

To,

M/s Amar Chand
C/o Block-C Landmark opp. SarvodyadharamKanta
Lawrence Road Industrial area
Delh-110035

Subject:- Direction for closure and Environmental Damages Compensation (EDC) u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 and /s 33(A) of Water (Prevention and Control of Pollution) Act, 1974.

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

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- Bhati (Tandoor) was found operational and using coal.
- Illegally encroached the area near park over drain.

And whereas, your case has been taken up by Competent Authority in Delhi Pollution Control Committee and it was decided to issue Directions for closure and Environmental Compensation for Damages (EDC) u/s 33(A) of Water (Prevention and Control of Pollution) Act, 1974 and u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 as amended to date.

And whereas, in view of Hon'ble NGT orders towards levying Environmental damages, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation (EDC) of Rs.1,00,000/- (Rupees One lakh only) on M/s Raju Roy, C-45/4, Lawrence Road Industrial area, Delhi-110035.

Now therefore, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it u/s 5 of Environment Protection Act, 1986 as amended to date, has decided to issue the following directions:-

1. That you (the addressee) shall close your unit with immediate effect.
2. That you (the addressee) shall deposit an amount of Rs.1,00,000/- (Rupees One lakh only) as Environmental Compensation for Damages (EDC) by way of demand draft in favour of DPCC for the deficiencies observed during inspection within 15 days of issue of this Directions.
3. That the concerned authority in Tata Power Delhi Distribution Limited (TPDDL) shall disconnect the electricity/power supply of the unit with immediate effect.
4. That the concerned authority in DJB shall disconnect the water supply connection of the said unit with immediate effect.
5. That the Sub-Divisional Magistrate SDM (Saraswati Vihar), shall take necessary action to ensure the effective closure of the addressee unit with immediate effect.

You shall also be liable for penal action under the provisions of u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 and /s 33(A) of Water (Prevention and Control of Pollution) Act, 1974 in case of non-compliance of the above said directions.

This is being issued as per the decision taken by the Competent Authority.

(Mohd. Arif)
Sr. Env. Engineer

Copy to:-

1. The Sub-Divisional Magistrate (Saraswati Vihar), Old Middle School Building, Rampura, Lawrence Road, Delhi-110035 – with a request to take necessary action for effective closure and recovery of Environmental Compensation of the addressee unit with immediate effect & send the compliance to this office, within 07 days.
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4. Master File.

(K. Kumar)
Env, Engineer

0/9