

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL JURISDICTION
ORIGINAL APPLICATION NO. 508 OF 2023**

IN THE MATTER OF:

GAURI MAULEKHI & ANR.

.....APPLICANTS

VERSUS

GOVERNMENT OF NCT OF DELHI & ORS.RESPONDENTS

INDEX

S. No.	Particulars	Pg. No.
1.	Response on behalf of the Applicants to the Status Report dated 04.11.2023 filed by Delhi Pollution Control Committee/Respondent No. 2, along with supporting affidavit.	1-14
2.	<u>ANNEXURE A [Colly]-</u> Comparison chart collating photographs taken by the Applicants on 17.12.2023 and 06.01.2024 and the images arrayed in Annexure-III (at Pg.179-180) of the Sub-Committee report.	15-18
3.	<u>ANNEXURE B [Colly]-</u> Comparison chart collating photographs taken by the Applicants on 17.12.2023 and 06.01.2024 and the images arrayed in Annexure-IV (A) (at Pg.181-183) of the Sub-Committee report.	19-23
4.	<u>ANNEXURE C [Colly]-</u> Comparison chart collating photographs taken by the Applicants on 17.12.2023 and 06.01.2024 and the images arrayed	24-33

	in Annexure-IV (B) (at Pg.184-190) of the Sub-Committee report.	
5.	Proof of Service	34

FILED BY:

DELHI

DATED: 09.02.2024



[ESHA DUTTA & SHAALINI AGRAWAL]
ADVOCATES FOR THE APPLICANTS

Enroll. No. D/2467/2013; UP10022/21

Address: A-2, Kailash Colony

New Delhi- 110049

Ph: 9818448799; 9984940990

Email: eshadutta7@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL JURISDICTION
ORIGINAL APPLICATION NO. 508 OF 2023**

IN THE MATTER OF:

GAURI MAULEKHI & ANR.

.....APPLICANTS

VERSUS

GOVERNMENT OF NCT OF DELHI & ORS.

....RESPONDENTS

**RESPONSE ON BEHALF OF THE APPLICANTS TO THE
STATUS REPORT DATED 04.11.2023 FILED BY DELHI
POLLUTION CONTROL COMMITTEE/RESPONDENT NO. 2.**

MOST RESPECTFULLY SHOWETH:

1. That without prejudice to the pleas, rights and contentions made in the Original Application filed by the Applicants, the contents of the Status Report dated 04.11.2023 filed by Respondent No. 2, to the extent they are inconsistent with the submissions hereinafter made in this Response are incorrect and are denied. Unless any averment or contention made in the present Response is specifically admitted or traversed, the same may be treated as denied.

**PARA-WISE REPLY TO THE SUBMISSIONS OF THE
DPCC/RESPONDENT NO. 2 IN THEIR STATUS REPORT DATED
04.11.2023**

1. The contents of Paragraph 1 of the Status Report dated 04.11.2023 are a matter of record and require no reply.
2. The Sub-Committee report dated 07.11.2023 has been relied upon by the Respondent No. 2 in Paragraph 2. The contents of the Sub-Committee Report are denied and dealt with in subsequent paragraphs of this Response. Additionally, it is submitted that the repeat visits made by the Applicants on 17.12.2023 and 06.01.2024 revealed the presence of approximately 250-300 cattle at a single site alone. Hundreds more cattle were seen inside dairy units located across the floodplains. The Sub-Committee report also mentions that no pool of green-black water was found at the locations mentioned in the OA. It is submitted that no specific locations were provided for the pools of green-black water in the OA. However, several pools of green-black water were observed during the repeat visits by the Applicants dated 17.12.2023 and 06.01.2024. Further, heaps of bovine dung and wastewater were seen strewn in the river Yamuna upon repeat visits by the Applicants dated 17.12.2023 and 06.01.2024.

The Sub-Committee Report also relies on certain photographs in support of its averments. The Applicants have collated comparison charts based on the repeat visits to the same areas on 17.12.2023 and 06.01.2024, which are as follows:-

Comparison chart collating photographs taken by the Applicants on 17.12.2023 and 06.01.2024 and the images arrayed in Annexure-III (at Pg.179-180) of the Sub-Committee report is enclosed at **Annexure-A [Colly]**.

Comparison chart collating photographs taken by the Applicants on 17.12.2023 and 06.01.2024 and the images arrayed in Annexure-IV (A) (at

Pg.181-183) of the Sub-Committee report is enclosed at **Annexure B [Colly]**.

Comparison chart collating photographs taken by the Applicants on 17.12.2023 and 06.01.2024 and the images arrayed in Annexure-IV (B) (at Pg.184-190) of the Sub-Committee report is enclosed at **Annexure C [Colly]**.

3. The contents of Paragraph 3. i.- ix. are denied as they are vague, misleading and do not present the correct picture. Specifically, the following is submitted with respect to Paragraph 3. i.- ix.:
3. i. The contents of Paragraph 3. i. are vague and misleading. It is submitted that it is not the case of the Applicant that these are permanent structures. In fact, the Representation dated 12.01.2023 made by the Applicants clearly indicated the presence of “...*temporary shacks constructed on the floodplains*”. Moreover, the structure of these sheds being permanent or temporary in nature is irrelevant. The sheds house cattle used for commercial milk production and thereby are dairy units - falling under the ambit of the CPCB’s “*Guidelines for Environmental Management of Dairy Farms and Gaushalas*” (hereafter referred to as “CPCB Dairy Guidelines”). The permanency of the sheds is not a factor in the qualification of the premises as a dairy. Cattle housed without any shelter/in the open also fall under the ambit of dairies if they are used for commercial milk production. The same has been acknowledged in the recommendations of the Committee as well at *Point 4. I. of the Status Report dated 04.11.2023*. It is also submitted that close to 25-26 sheds continue to exist on the floodplains and were seen to be operational on the subsequent visit of the Applicants on 17.12.2023 and 06.01.2024, while hundreds of cattle used for milk production are also tethered/left loose on the floodplains. 5-6 such sheds were seen on the

Western Side [at and around coordinates 28.586382, 77.294200 (Latitude, Longitude)] as on 06.01.2024 with approximately 250-300 cattle tethered/left loose on the floodplains adjacent to these sheds. On the Eastern Side [at and around coordinates 28.588481, 77.29049 (Latitude, Longitude)] close to 20 more sheds were found to be existent as on 06.01.2024. While access into a large number of sheds was denied to the Applicants, each shed had approximately 15-20 cattle and a large number of cattle was also seen tethered/left loose on the floodplains adjacent to these sheds.

- 3. ii.** With regard to the contents of paragraph 3. ii. it is submitted that no coordinates or identifying details have been provided. As such the Applicants are unable to render any response to the contents of this Paragraph. However, it is submitted that the number of scattered [tethered/loose] cattle stated by the Respondent No. 2 is an underestimation. The Applicants on 17.12.2023 and 06.01.2024 made subsequent visits to the site and found that hundreds of cattle used for milk production are tethered/left loose on the floodplains. The contents of the previous paragraphs of the response are reiterated and reaffirmed.
- 3. iii.** With regard to the contents of paragraph 3. iii. it is submitted that whether or not dairy units have sign/display boards is irrelevant to the fact that the temporary shacks are operating as illegal dairies and the competent authorities have a statutory responsibility to take action against dairies operating on the floodplains in the absence of requisite Consent to Establish (CTE) and Consent to Operate (CTO), as well as in grave non-compliance with all requirements in terms of all applicable Environmental laws and CPCB Dairy Guidelines.
- 3. iv.** The contents of Paragraph 3. iv. in so far as it states that “animals were found tied with wooden pegs at 2-3 locations” is an underestimation as observed by the Applicants during their subsequent visits to the floodplains.

- 3. v.** It is submitted that the exact location where the carcasses are discarded may vary along the vast floodplains, from time to time and depending on which dairy shed the carcass is being discarded from. However, it does not change the fact that animal carcasses are discarded on the Yamuna floodplains on a regular basis as observed by the Applicants on their visit on 03.01.2023 and again on 06.01.2024.
- 3. vi.** It is submitted that the Applicants did not provide 18 specific coordinates, rather, it was stated in the Original Application that 50 dairy units span several kilometers on the East Side and 10 more such units on the West Side. The Applicants had provided starting point coordinates for the same. Mere reference by the Respondent No. 2 to 18 coordinates provided in the pictures annexed to the OA is grossly insufficient. The specific breakdown of the 18 sites provided at Paragraph 3.vi. (a) to 3. vi. (c) of the Status Report dated 04.11.2023 is vehemently denied. It appears that the Respondent No. 2 is attempting to evade its statutory responsibilities by limiting itself to the 18 coordinates indicated by the Applicants along the stretch of several kilometers on both the East Side and the West Side.
- 3. vi. a.** It is submitted that the Applicants in the OA did not specifically indicate 06 encroachments. As detailed at point 3. i. of this response, it is once again submitted that close to 25-26 sheds continue to exist on the floodplains and were seen to be operational as on 06.01.2024. It is denied that the milk is being drawn for personal consumption. That such information provided by the very residents, who are occupying the floodplains illegally and using the floodplains as their personal property for running commercial dairies and for housing their milching animals, cannot be relied upon unless it would have been personally verified by the members of the Committee.

- 3. vi. b.** The submissions made in Paragraph 3.v. of this response are reiterated; the exact location where the carcasses are discarded may vary along the vast floodplains.
- 3. vi. c.** It is submitted that the Applicants indicated 09 sites to merely illustrate where they observed illegal dairies, however such illegal activity is spread out over a major chunk of the Yamuna floodplains. Moreover, the admitted sighting of animal dung indicates the presence of cattle across the area.
- 3. vii.** The Applicants never claimed the presence of milk processing plants, “commercial milk containers” or vehicles. The presence of dairies on the floodplains was highlighted in brazen contravention with the existing legal framework, and the presence of illegally operating dairies warranted urgent action which has still not been carried out.
- 3. viii.** The contents of Paragraph 3. viii. is vehemently contested. Visits undertaken by the Applicants on 17.12.2023 and 06.01.2024 revealed large amounts of biomedical waste, including syringes, needles and bottles of drugs such as spurious Oxytocin, scattered across the floodplains and around the dairies.
- 3. ix.** It is submitted that a foul odor was present on both the Western and Eastern sides of the floodplains during the initial and subsequent visits of the Applicants. As stated at Paragraph 3. ii. of this response, no coordinates or identifying details have been provided for Village ChakChilla (Mayur Nature Park).
- 4. I.** The contents of Paragraph 4. I. of the Status Report require no reply.
- 4. II.** With regard to the contents of Paragraph 4. II. of the Status Report, while DDA must take necessary action to remove all said encroachments, the DPCC/Respondent No. 2 must also take action to close the operation of the illegal dairies and impose environmental compensation as per CPCB methodology for “*Environmental Compensation to be levied on Industrial*”

Units”, for damaging the environment and in order to stop polluting activity and initiate prosecution for repeatedly polluting units, as provided for in Guideline 7. ix. of the CPCB Dairy Guidelines which reads as follows:-.

“ix. In case of any violation of environmental norms under Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environmental (Protect) Act, 1986 by Dairy farms and Gaushalas, concerned SPCBs/PCCs should impose environmental compensation as per CPCB methodology for "Environmental Compensation to be levied on Industrial Units". for damaging the environment and in order to stop polluting activity and initiate prosecution for repeatedly polluting units.” [Emphasis Supplied]

It is submitted that the details provided pertaining to the - *Action Plan for “Restoration and Rejuvenation of River Yamuna Flood Plains”* and *Action initiated by DDA* [at Pg 173-175] in the sub-committee report are vague and do not pointedly address any action taken against dairies illegally operating on the floodplains. It is further submitted that Respondent No. 2 is attempting to scuttle the issue by relying on the status quo granted on removal of encroachments by the Hon’ble Delhi High Court. The relief sought by the Applicants clearly seek closure of operation of illegal dairies running mostly out of temporary shacks and imposition of environmental compensation on the owners of each of the dairies. It has no relation to the removal of encroachments/structures on which status quo has been granted by the Hon’ble Delhi High Court. Moreover, it is admitted by the Respondent No. 2 that most of the illegal dairies are running out of temporary shacks and not permanent encroachments. Regardless, it is reiterated that the Respondent No. 2 must issue closure notices to close the operation of the illegal dairies and impose environmental compensation as per CPCB methodology for *“Environmental Compensation to be levied on Industrial Units”* for damaging the environment. The Respondent No. 2 is not suffering any stay from issuing closure notices and imposing environmental compensation.

4. **III.** With regard to the contents of Paragraph 4. III. of the Status Report, it is submitted that the violations of the CPCB Dairy Guidelines have already been highlighted in the Representation made by the Applicants dated 12.01.2023 - more than a year back. The presence of dairies on the floodplains have been noted by the Joint Committee at Paragraphs 3. i. and 3. ii. of their Status Report as well - in brazen violation of the CPCB Dairy Guidelines. However, no details for imposition of environmental compensation for these violations have been provided for in the Status Report.
4. **IV.** With regard to the contents of Paragraph 4. IV. of the Status Report, it is submitted that the publication of the said public notice and uploading of the said Guidelines should already have been carried out in July 2021 in accordance with Guideline 7. ii. and 7. iii. of the CPCB Dairy Guidelines. Stating that the same be carried out at this juncture is a mere eyewash and yet another attempt to evade taking necessary effective action.
5. **(a).** As stated at Paragraph 3. i. of this Response, it is submitted that the Applicants made no submission that these are permanent structures. In fact, the Representation dated 12.01.2023 made by the applicants clearly indicated the presence of **“...temporary shacks on the floodplains”**. Moreover, the structure of these sheds being permanent or temporary in nature is irrelevant. The sheds house cattle used for milk production on a commercial scale and thereby are dairy units - falling under the ambit of the CPCB Dairy Guidelines.
5. **(b).** With regard to the contents of Paragraph 5. (b). of the Status Report, it is submitted that in terms of Section 31-A of Air (Prevention & Control of Pollution) Act, 1981 and Section 33-A of Water (Prevention & Control of Pollution) Act, 1974, the DPCC is required to issue Closure Notices for all

dairies operating without requisite consent. The fact that no dairy owner has applied for any CTE/ CTO is not a legitimate reason for allowing the unabated operation of the illegal dairies. In fact, it is all the more reason for DPCC/Respondent No. 2 to not only issue closure notices but also impose environmental compensation.

5. (c). - (d). As submitted in Paragraph 4. IV. of this Response, the publication of the said public notice and uploading of the said Guidelines should already have been carried out in July 2021. Further, merely issuing public notices and publishing the Guidelines on the website at this stage is grossly insufficient and futile in absence of their on-ground enforcement.
5. (e). With regard to the contents of Paragraph 5. (e). of the Status Report, no details have been provided whatsoever, indicating when such compensation has been imposed, against whom such compensation has been levied and/or realized.
6. With regard to the contents of Paragraph 6 of the Status Report, it is submitted that the Yamuna floodplains do not fall in the 10 designated dairy colonies of Delhi. Therefore, the dairies on the Yamuna floodplains cannot attain MCD's approval in the first place. There is no scope for DPCC granting CTE-CTO to these units. It is submitted that the condition of the Yamuna floodplains, which is already in a state of advanced deterioration, is worsening due to the influx and illegal expansion of multiple dairy units, and magnified due to the non-implementation of environmental laws/ Guidelines by the Respondents. Action against the owners of these dairies on the Yamuna floodplains should not be abdicated on this account.
7. The contents of Paragraph 7 of the Status Report require no reply.

In light of the aforesaid submissions, it is prayed that the prayers in the Original Application filed by the Applicants be allowed.

FILED BY:

DELHI

DATED: 09.02.2024



[ESHA DUTTA & SHAALINI AGRAWAL]
ADVOCATES FOR THE APPLICANTS

Enroll. No. D/2467/2013; UP10022/21

Address: A-2, Kailash Colony

New Delhi- 110049

Ph: 9818448799; 9984940990

Email: eshadutta7@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL JURISDICTION

ORIGINAL APPLICATION NO. 508 OF 2023

IN THE MATTER OF:

GAURI MAULEKHI & ANR.

.....APPLICANTS

VERSUS

GOVERNMENT OF NCT OF DELHI & ORS.

...RESPONDENTS

AFFIDAVIT

I, Gauri Maulekhi, W/o Shri Dushyant Maulekhi, aged about 45 years, R/o Plot No.26, D.D.A, Opp. Gate No.3, Gulmohar Enclave, New Delhi-110049, do hereby solemnly affirm and state as under:

1. I am the Applicant No.1 in the above captioned Application and I am conversant with the facts of the case and am competent to affirm the present affidavit in support of the accompanying Response.
2. That I have read and understood the contents of the Response which have been drafted upon my directions and the same are true and correct based on official records.
3. The Annexures annexed with the Response are true copies of their respective originals.



DEPONENT

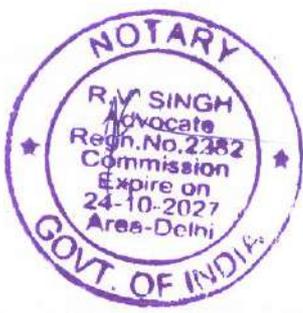
VERIFICATION:

Verified at Delhi on this _____ day of 8 FEB 2024 that the contents of this affidavit which are true and correct based on official records. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

Shashini

Identify the deponent/executor who has signed the affidavit in the presence of



solemnly affirmed before me, read over & explained to the deponent.

Notary Public. **OKKAT**

- 8 FEB 2024

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

ORIGINAL APPLICATION NO. 508 OF 2023

IN THE MATTER OF:

GAURI MAULEKHI & ANR.

.....APPLICANTS

VERSUS

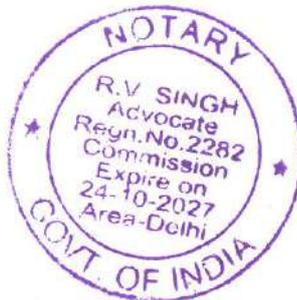
GOVERNMENT OF NCT OF DELHI & ORS.

...RESPONDENTS

AFFIDAVIT

I, Ms. Sunayana Sibal, D/o Shri Vivek Sibal, aged about 25 years, R/o A-17, West End Colony, Rao Tula Ram Marg, New Delhi – 110021, do hereby solemnly affirm and state as under:

1. I am the Applicant No.2 in the above captioned Application and I am conversant with the facts of the case and am competent to affirm the present affidavit in support of the accompanying Response.
2. That I have read and understood the contents of the accompanying Response which have been drafted upon my directions and the same are true and correct based on official records.
3. The Annexures annexed with the Response are true copies of their respective originals.



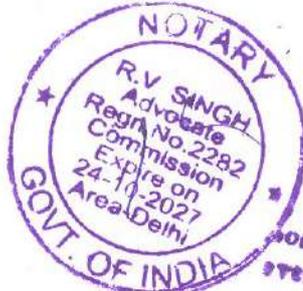
Sunayana
DEPONENT

VERIFICATION:

Verified at Delhi on this 8 FEB 2024 day of _____ that the contents of this affidavit which are true and correct based on official records. No part of it is false and nothing material has been concealed therefrom.

Suryana
DEPONENT

Shavini
I identify the deponent/executor who has signed the affidavit

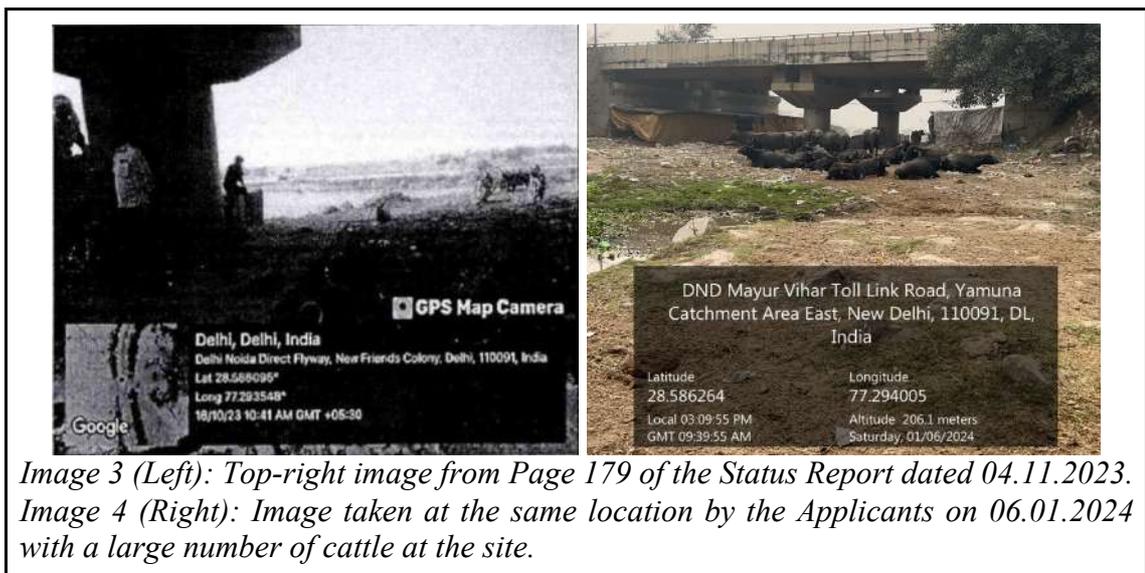
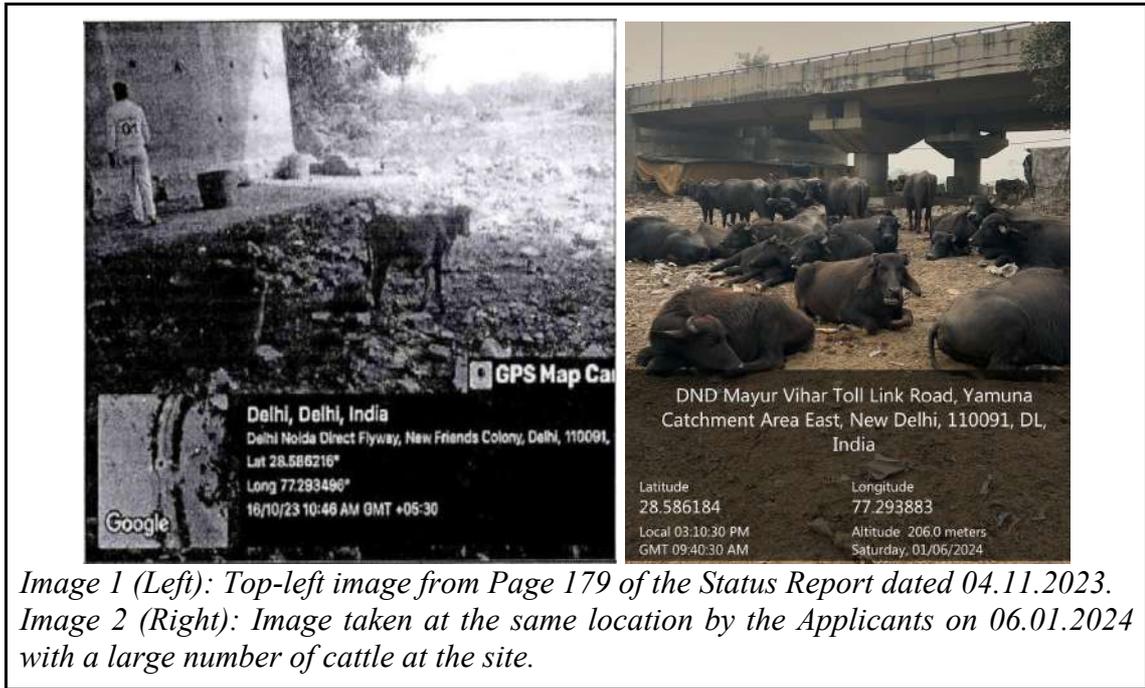


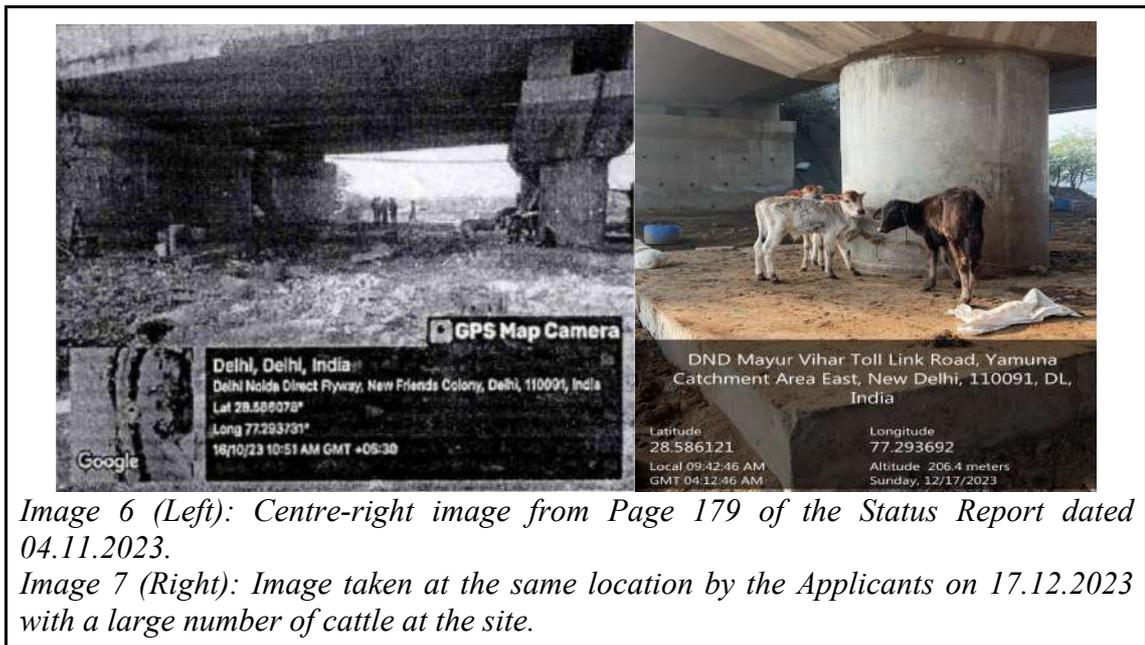
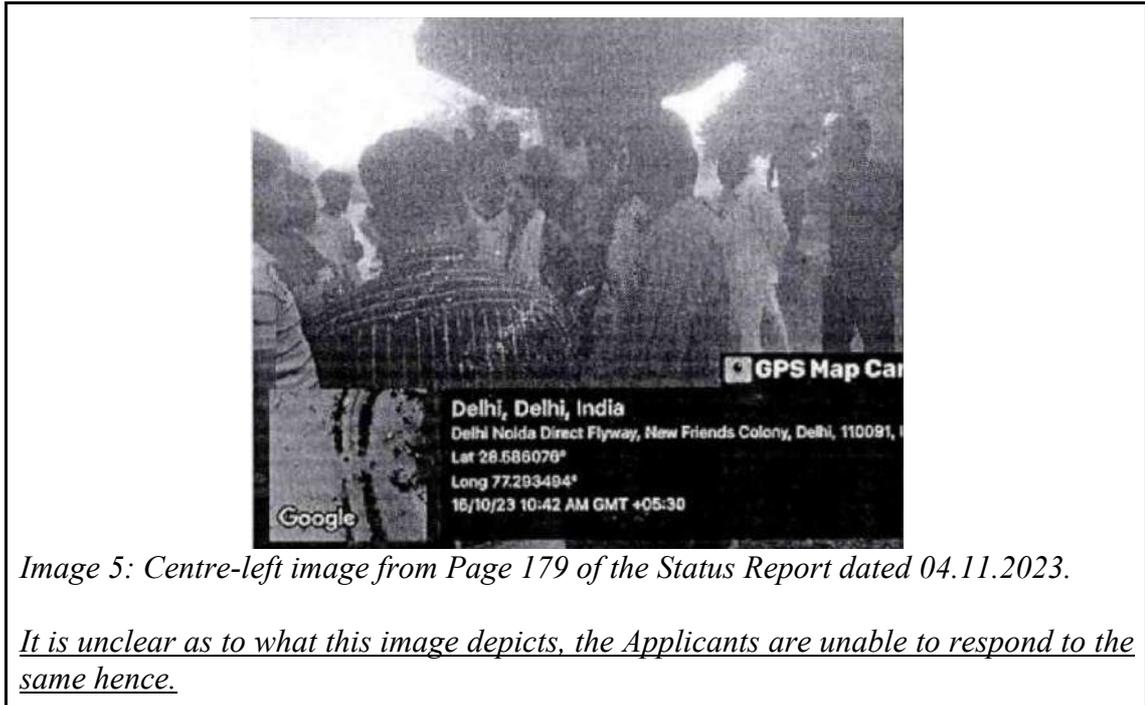
Solemnly affirmed before me, read over & explained to the deponent

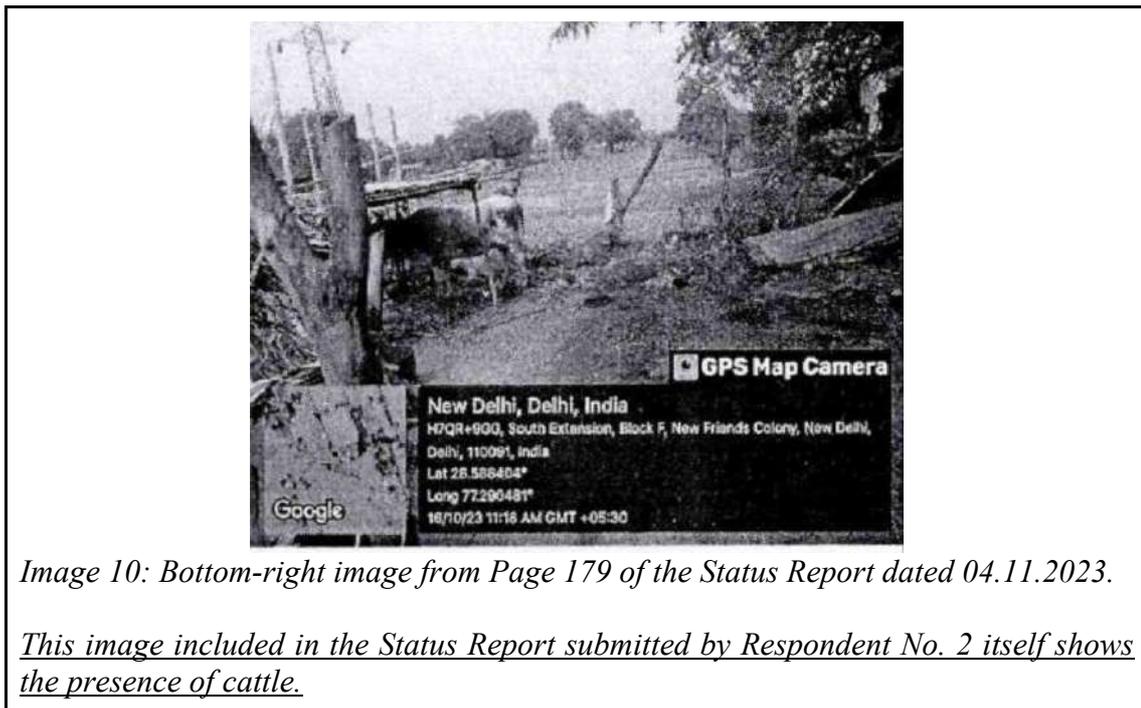
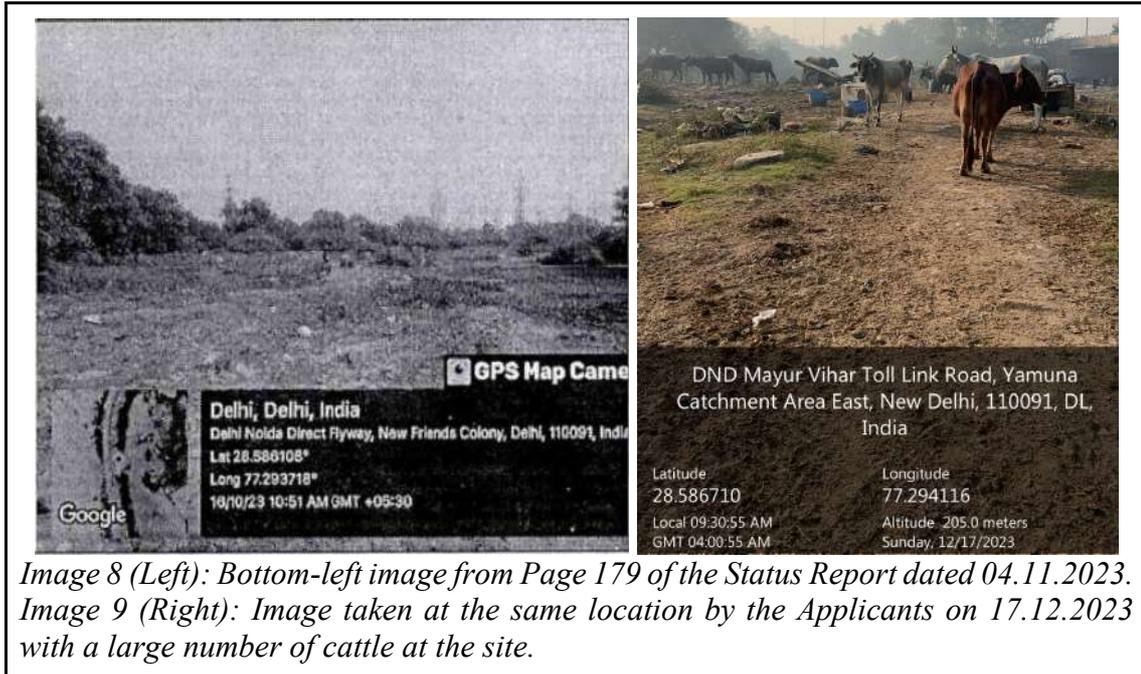
[Signature]
Notary Public DELHI

- 8 FEB 2024

ANNEXURE-A [Colly] - Comparison chart collating photographs taken by the Applicants on 17.12.2023 and 06.01.2024 and the images arrayed in Annexure-III (at Pg.179-180) of the Sub-Committee report.





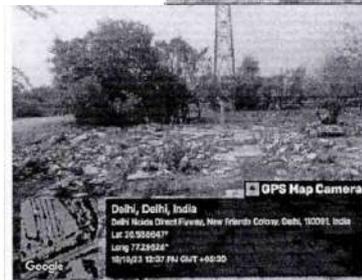


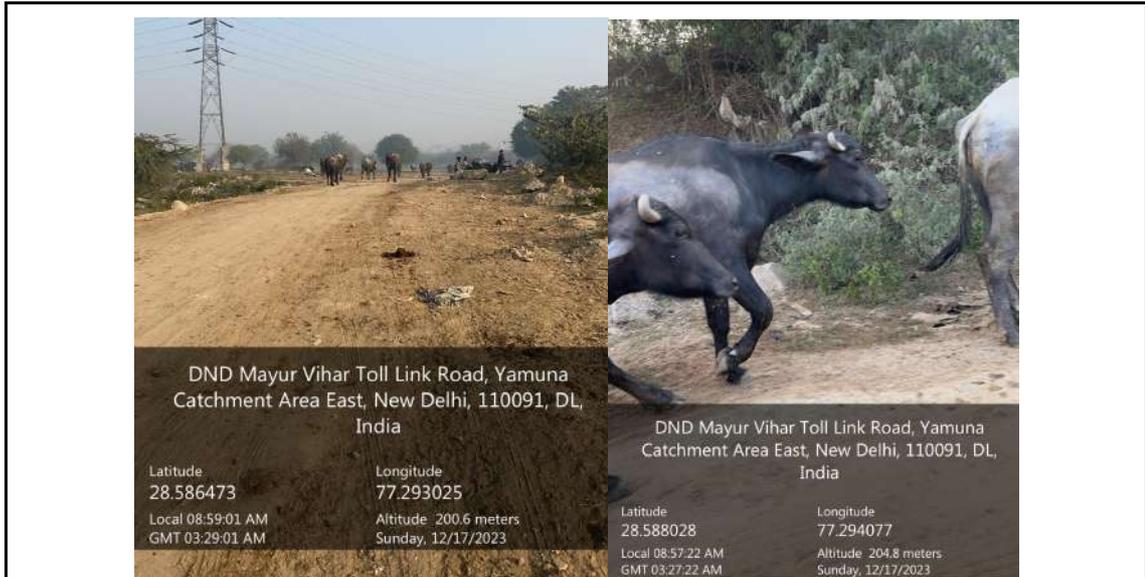
ANNEXURE-B [Colly]- Comparison chart collating photographs taken by the Applicants on 17.12.2023 and 06.01.2024 and the images arrayed in Annexure-IV (A) (at Pg.181-183) of the Sub-Committee report.



Image 1: Top-left image from Page 181 of the Status Report dated 04.11.2023.

It is unclear as to what this image depicts, the Applicants are unable to render a response to the same hence.

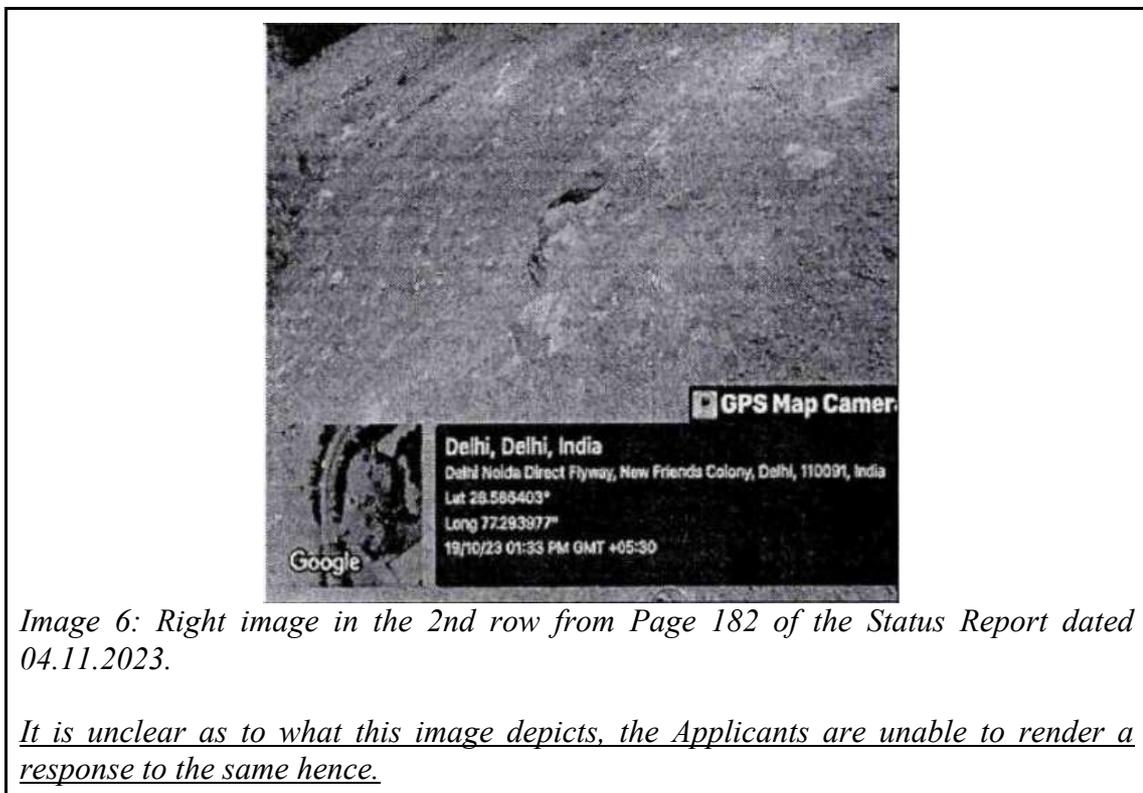
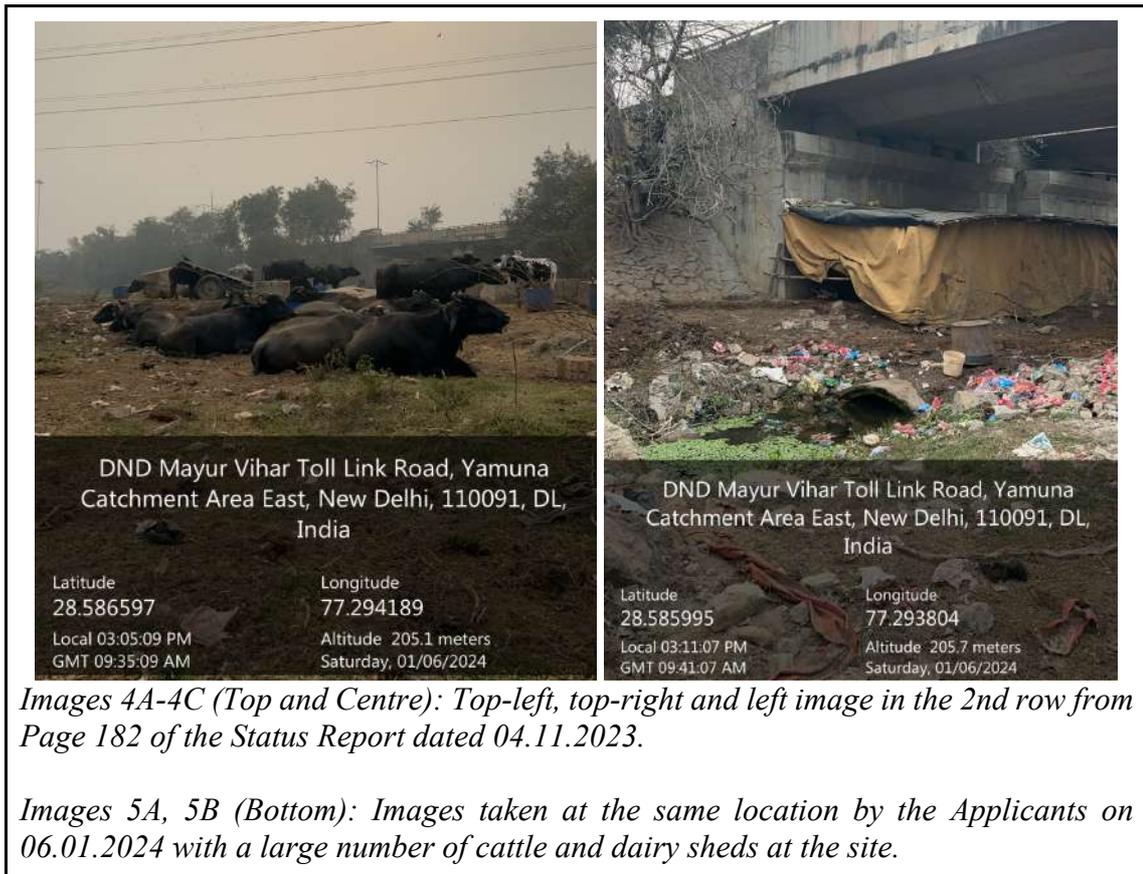


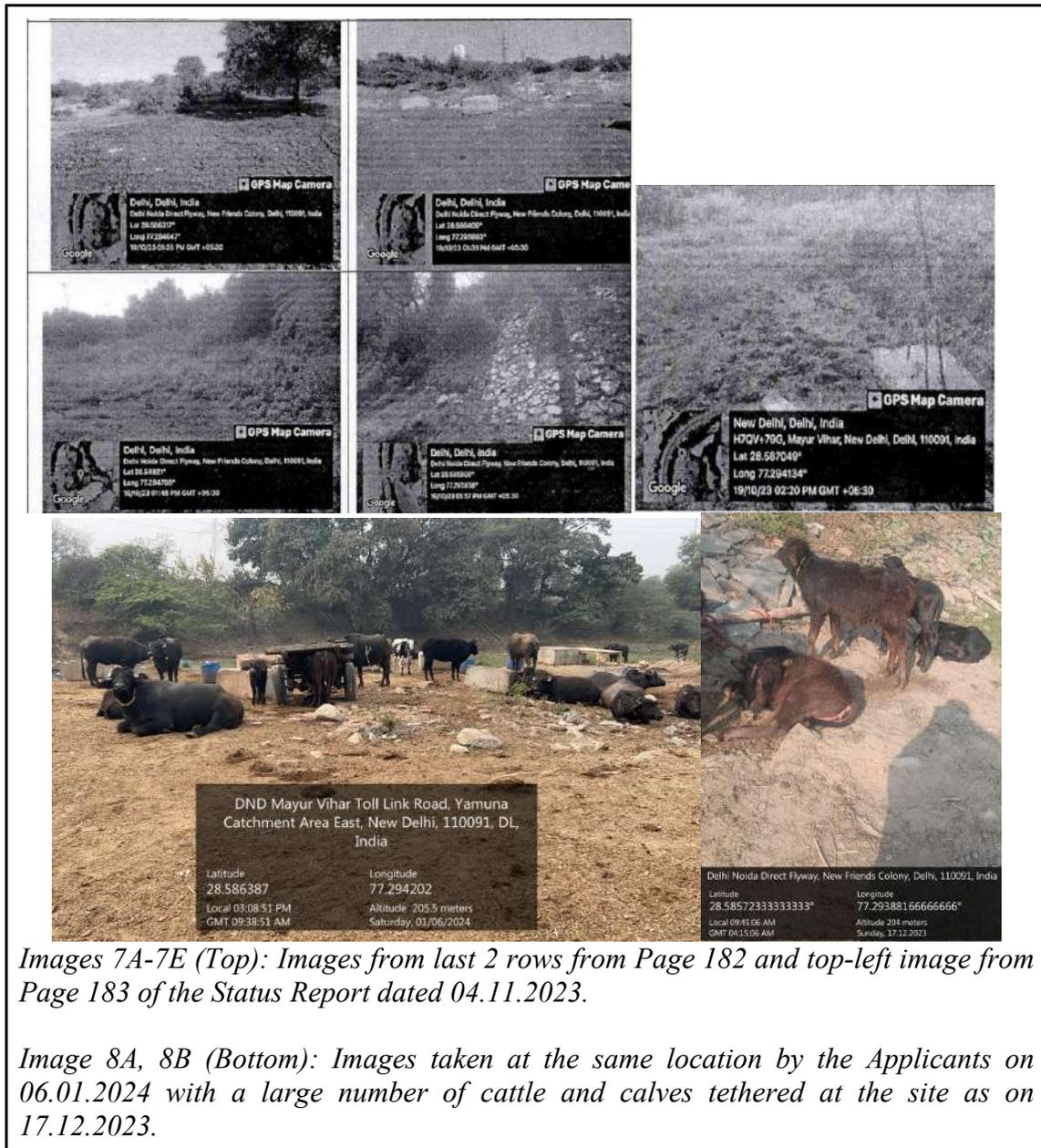


Images 2A-2E (Top and Centre): Images from Page 181 of the Status Report dated 04.11.2023.

Images 3A, 3B (Bottom): Images taken at the same location by the Applicants on 17.12.2023 with a large number of cattle at the site.

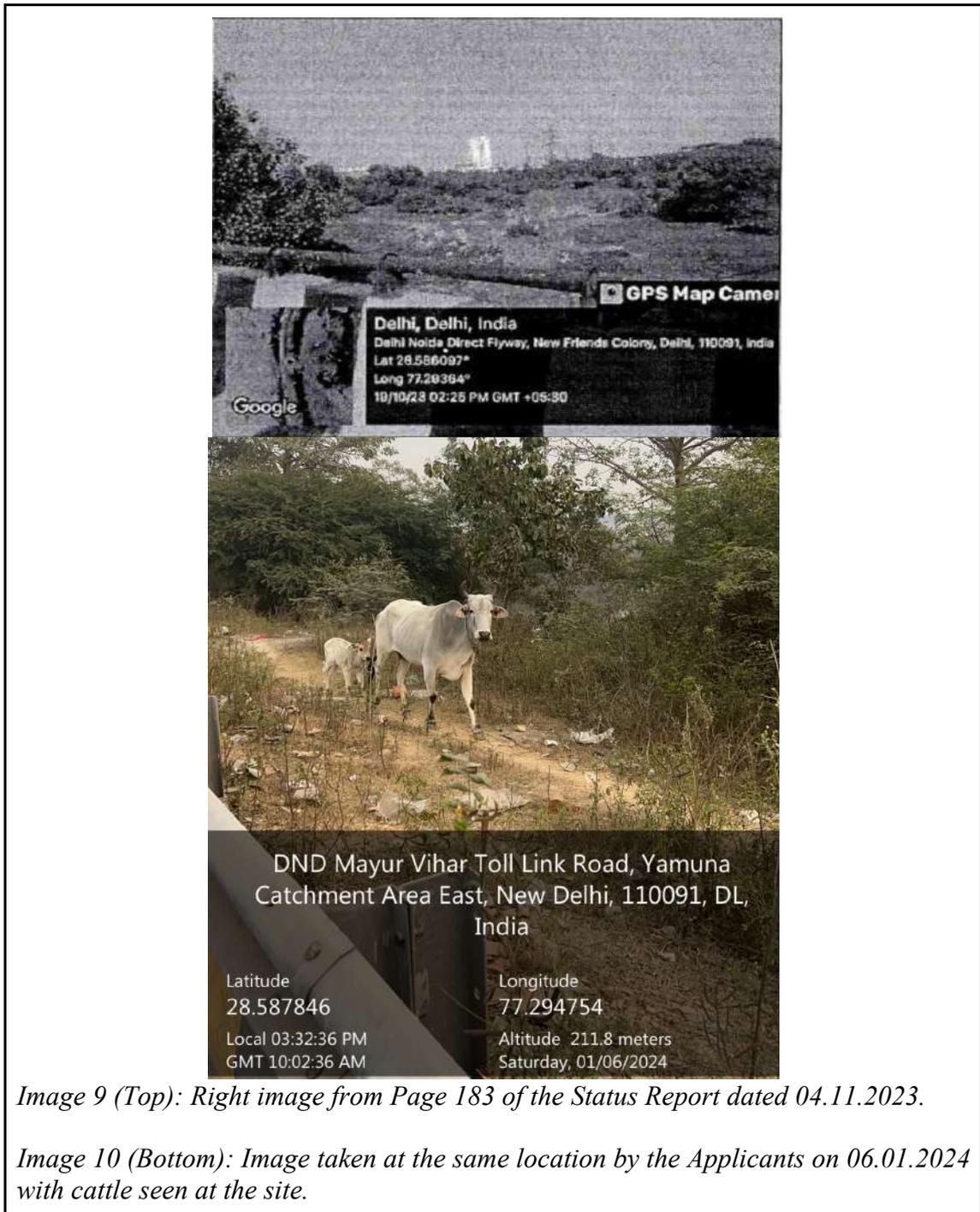




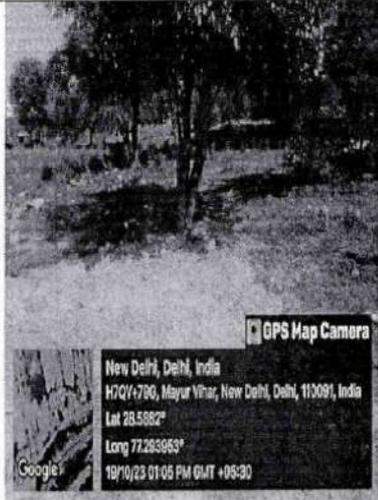
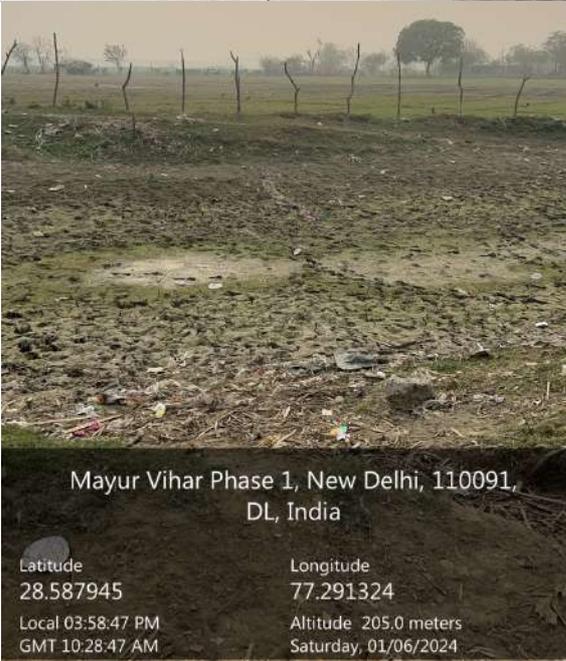


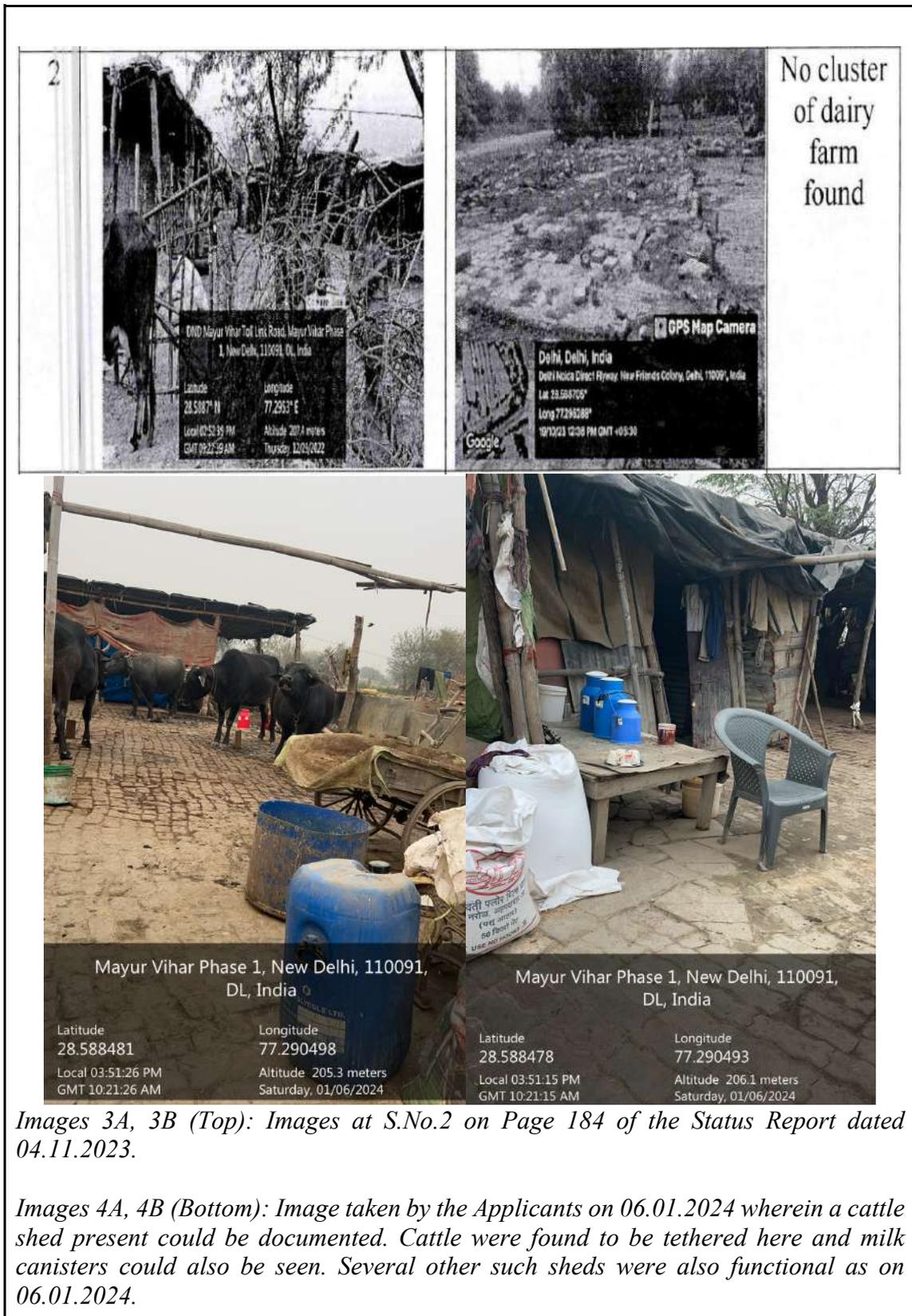
Images 7A-7E (Top): Images from last 2 rows from Page 182 and top-left image from Page 183 of the Status Report dated 04.11.2023.

Image 8A, 8B (Bottom): Images taken at the same location by the Applicants on 06.01.2024 with a large number of cattle and calves tethered at the site as on 17.12.2023.

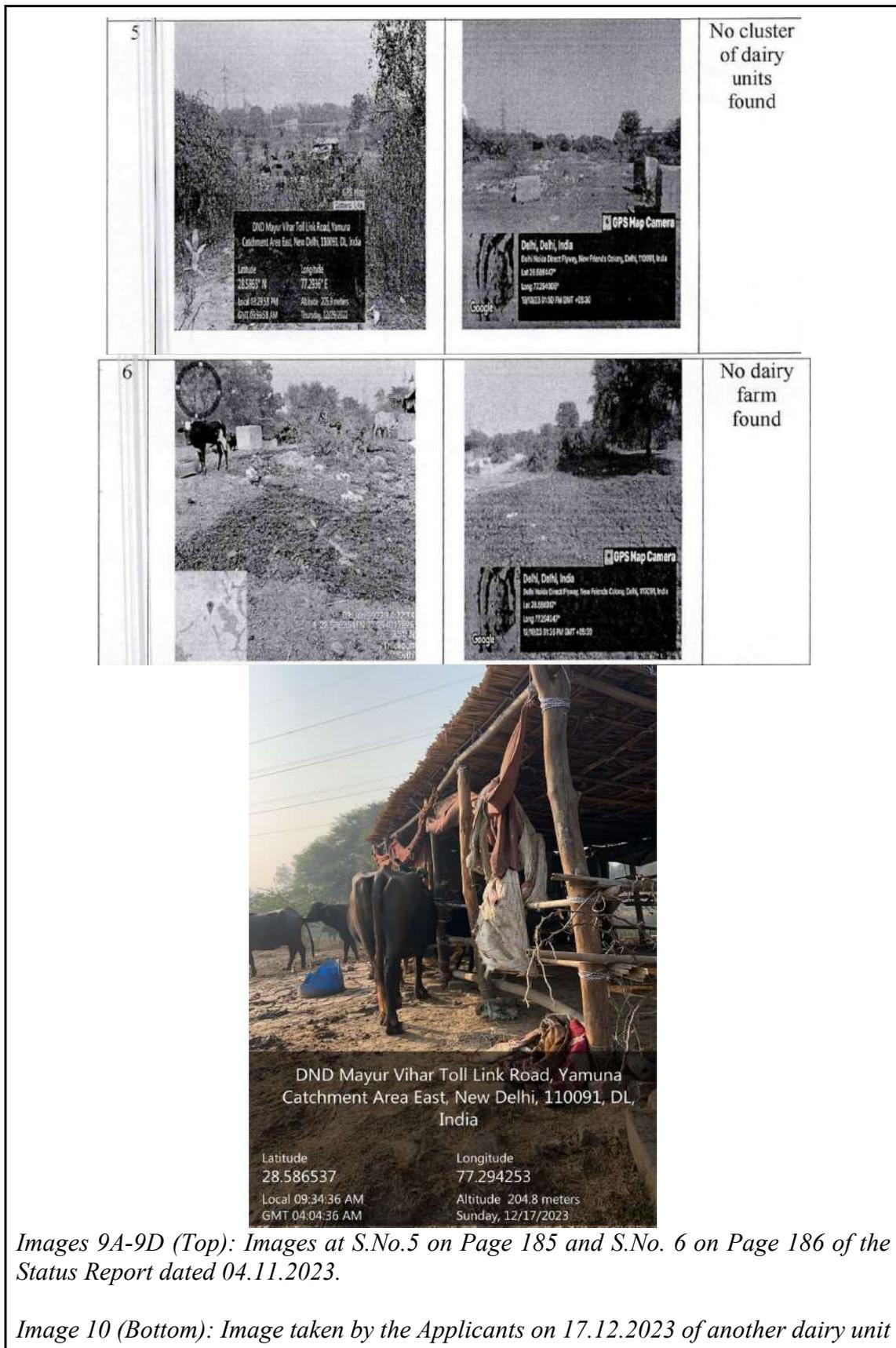


ANNEXURE-C [Colly]- Comparison chart collating photographs taken by the Applicants on 17.12.2023 and 06.01.2024 and the images arrayed in Annexure-IV (B) (at Pg.184-190) of the Sub-Committee report.

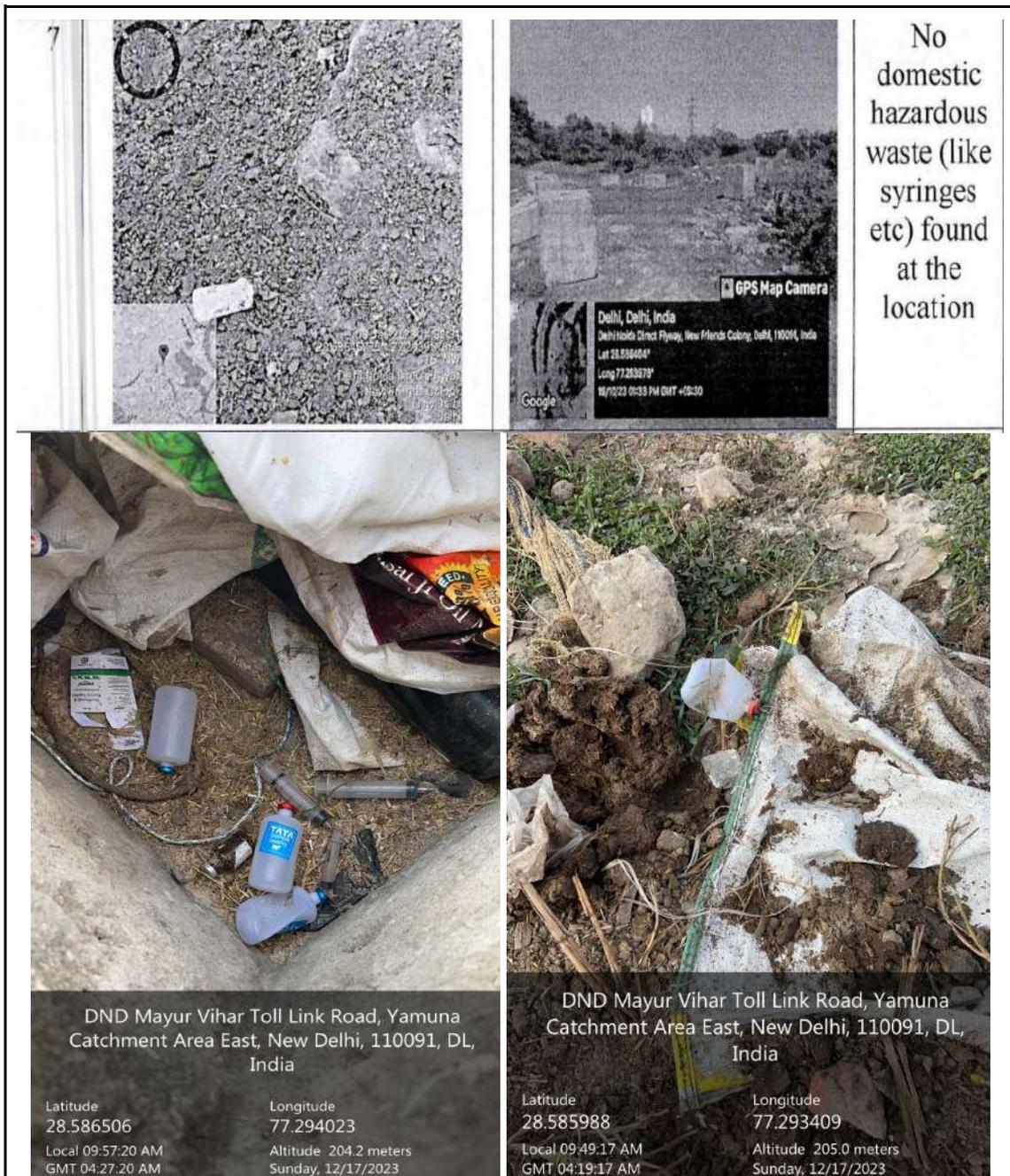
S. No.	Status as in OA	Present Status	Remarks
1			No pool of green-black water found
			
<p><i>Images 1A, 1B (Top): Images at S.No.1 on Page 184 of the Status Report dated 04.11.2023.</i></p> <p><i>Image 2 (Bottom): Image taken by the Applicants on 06.01.2024 where pools of green-black soil/wastewater could clearly be seen.</i></p>			





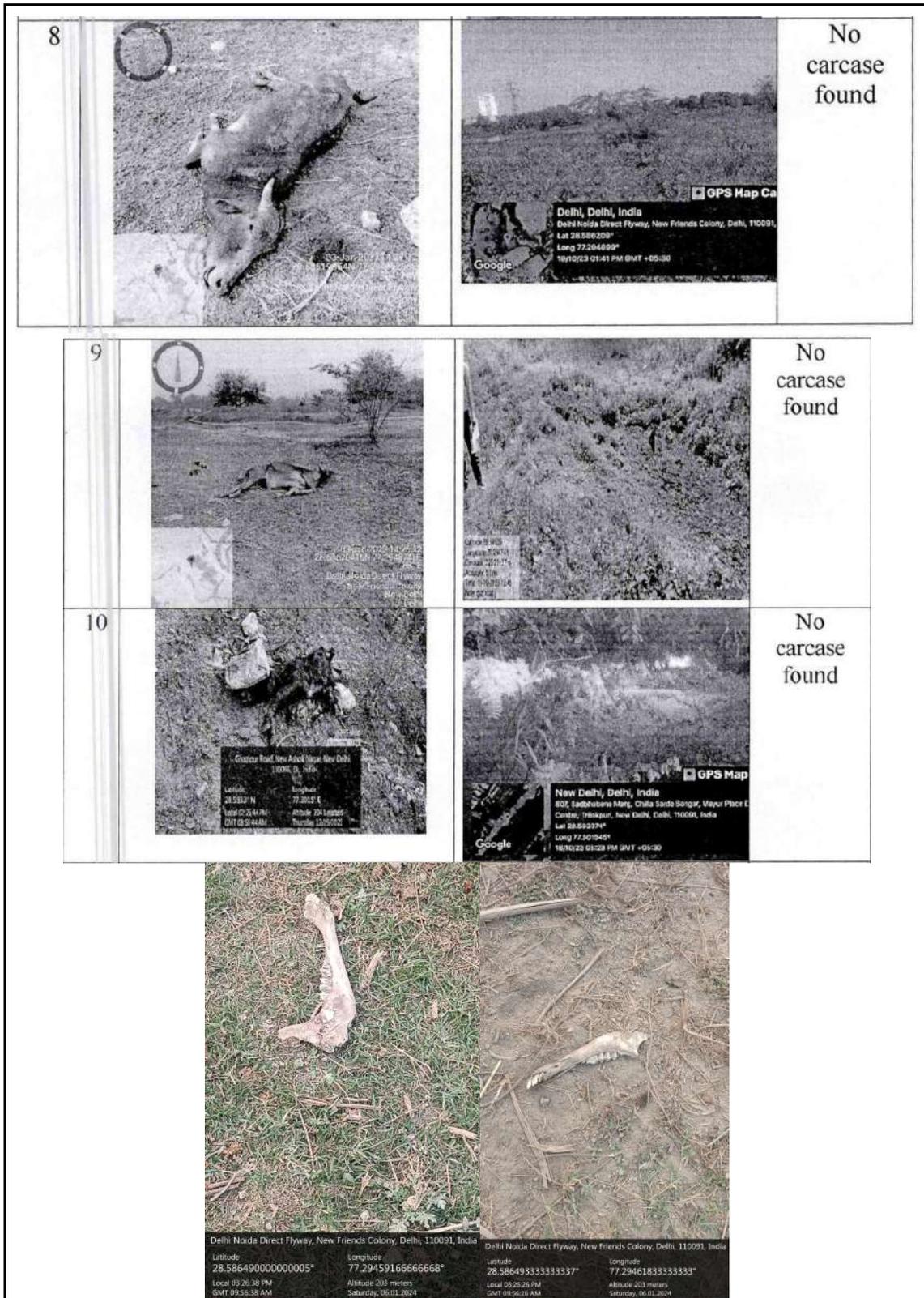


operating on the floodplains.

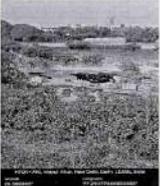


Images 11A-11D (Top): Images at S.No.7 on Page 186 of the Status Report dated 04.11.2023.

Images 12A, 12B (Bottom): Image taken by the Applicants on 17.12.2023 illustrating the copious amounts of biomedical waste discarded on the floodplains.



Images 13A-13F: Images at S.No.8 on Page 186 and S.No. 9-10 on Page 187 of the Status Report dated 04.11.2023.

<p>11</p> 		<p>No dairy farm found</p>	<p>14</p> 		<p>No dairy farm found</p>
<p>12</p> 		<p>No dairy farm found</p>			
<p>15</p> 				<p>No dairy farm found</p>	
<p>16</p> 				<p>No dairy farm found</p>	
<p>17</p> 				<p>No dairy farm found</p>	



H7QR+9GG, South Extension, Block F, New Friends Colony, New Delhi, Delhi, 110091, India

Latitude: 28.588351666666668° Longitude: 77.29049°
Local 09:05:40 AM GMT 03:35:40 AM Altitude: 203 meters Sunday, 17.12.2023

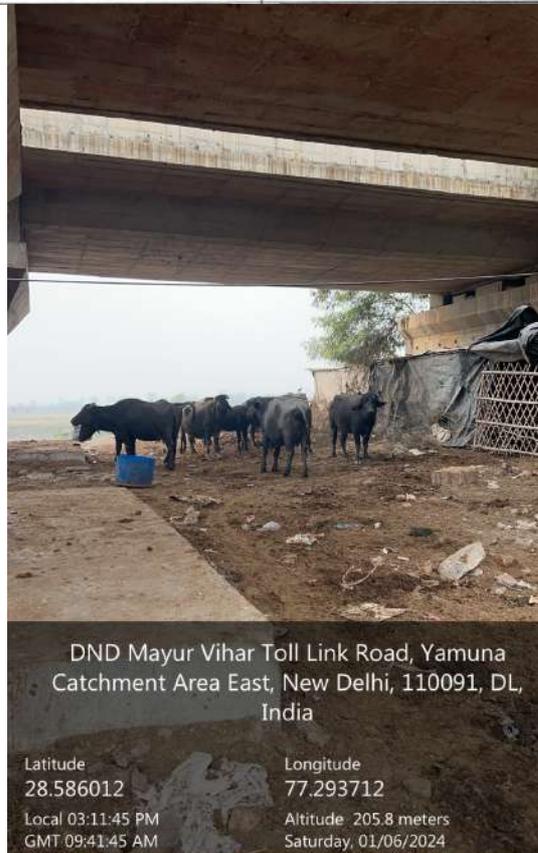
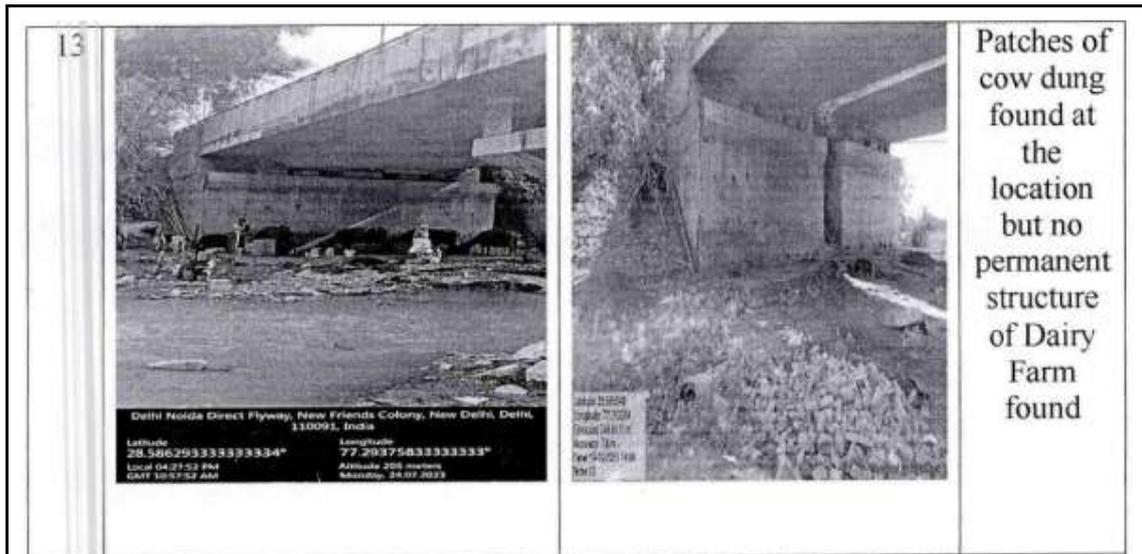


Mayur Vihar Phase 1, New Delhi, 110091, DL, India

Latitude: 28.588349 Longitude: 77.290497
Local 03:49:49 PM GMT 10:19:49 AM Altitude: 205.4 meters Saturday, 01/06/2024

Images 14A-14L: Images at S.No.11, 12 on Page 187, S No. 14 on Page 188 and S.No. 15-17 on Page 189 of the Status Report dated 04.11.2023.

Images 15A, 15B: Images taken by the Applicants of several more dairy units on the floodplains as on 17.12.2023 and 06.01.2024.



Images 16A, 16B: Images at S.No.13 on Page 188 of the Status Report dated 04.11.2023.

Image 17: Image taken by the Applicants of the dairy continuing to function at the same site as on 06.01.2024.





Shaalini Agrawal <shaaliniagrawal04@gmail.com>

Service of response being filed by the Applicant in terms of Order dated 19.12.2023 passed by the Hon'ble National Green Tribunal in Original Application No.508/2023 titled 'Gauri Maulekhi & Anr. V/s. Govt. of NCT of Delhi & Ors.'

Shaalini Agrawal <shaaliniagrawal04@gmail.com>

9 February 2024 at 15:27

To: msdpcc@nic.in, mscb.cpcb@nic.in, commissioner@mcd.nic.in, cdevelop@nic.in, csdelhi@nic.in, ddsystems7@dda.org.in

Cc: Esha Dutta <eshadutta7@gmail.com>, Gauri Maulekhi <gaurimaulekhi@gmail.com>, Sunayana Sibal <sunayanasibal1460@gmail.com>

Dear Sirs,

Please find attached the response being filed by the Applicant to the Status Report dated 04.11.2023 by Respondent No. 2, in terms of Order dated 19.12.2023 passed by the Hon'ble National Green Tribunal in Original Application No. 508/2023 titled '*Gauri Maulekhi & Anr. V/s. Govt. of NCT of Delhi & Ors.*'

This is for your kind information, notice, necessary action and constitutes service of the document.

Regards,
Shaalini Agrawal
Advocate

 **Final Response to the Status Report dated 04.11.2023.pdf**
3018K