

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 324/2022

In the matter of:

Dinesh Sharma

....Applicant

Versus

Govt. of NCT of Delhi & Ors.

...Respondents

NDOH: 21.11.2022

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Filed by


(Satender Kumar)

Sr. Environmental Engineer

Dated: 18th November, 2022

Place: Delhi

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RESPONSE ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE (RESPONDENT NUMBER-2) WITH RESPECT TO ORDER DATED 16.09.2022.

IT IS MOST RESPECTFULLY SHOWETH:

Affidavit of Sh. Satender Kumar, presently working as Senior Environmental Engineer, Delhi Pollution Control Committee, 5th floor, ISBT Building, Kashmere Gate, New Delhi 110006 in compliance to the order dated 22.09.2022.

1. I the above-named deponent do hereby solemnly affirm and declare that I am an authorized officer of the Delhi Pollution Control Committee and competent to swear in the present affidavit on the basis of records.
2. That this Hon'ble Tribunal took up the above referred matter on 11.05.2022 and was pleased to constitute a joint committee of the DPCC and Deputy Commissioner (North West) to take action against the Cement wagons at the



Kelagodan Shalimar Bagh. The Committee was also required to look in to the order passed by This Hon`ble Tribunal in OA 533/2019.

3. That, in compliance to the order dated 11.05.2022 on behalf of the Joint Committee, DPCC filed a report on 05.08.2022 interalia mentioning the findings of the site visit dated 23.06.2022. The site was being used as unloaded of cements and same was then distributed through trucks in various parts of Delhi. Delhi Pollution Control Committee issued Show Cause Notice on 29.07.2022, under-section 31(A) of Air Act, 1981 to Sr. Divisional Commercial Manager, Northern Railway and Chief Good Supervisor, Northern Railway to comply with recommendations of the joint Committee.
4. That, this Hon`ble Tribunal considered the report of joint Committee on 16.09.2022 and pleased to direct Divisional Railway Manager-Delhi Division, Northern Railway, Delhi Pollution Control Committee and Deputy Commissioner (North West), Delhi to file further response/reply.
5. That, the Northern Railway (Delhi Division) on 10.10.2022 submitted its reply to DPCC with respect to show cause notice issued on 29.07.2022. Northern Railway (Delhi Division) has informed that the activity was closed since 26.09.2022 and asked further time to comply with other directions. Copy of the letter dated 10.10.2022 is enclosed herewith as **ANNEXURE-R-2/1**
6. That, a Joint Team comprising of the officials of DPCC and SDM(Saraswati Vihar) inspected the site of loading/ unloading/ transporting of cement bags at Kelagodan Shalimar Bagh (Adarsh Nagar Railway Station) on 26.10.2022.



During the inspection the activity of loading unloading/ transporting of cement bags was found closed/ stopped by the Northern Railways. Copy of the inspection report dated 26.10.2022 alongwith photographs are enclosed herewith as ANNEXURE-R-2/2.

7. That with regard to imposition of environmental damages it is submitted that, this issue will be taken up once the Chairman in DPCC appointed by Government of NCT of Delhi.
8. In view of the above stated facts and circumstances, the applicant is not entitled to any equitable relief as the cause of pollution does not exist as on day.


Deponent

Verification

Verified at New Delhi on this 18th day of November 2022 that the contents of the above affidavit are true and correct to my knowledge and noting false has been stated therein and no material has been concealed there from.


Deponent

Annepure-R-2/1

Northern Railway,
Delhi Division.
(speed post)

Delhi Pollution Control Committee
Dairy No. 123088
10 OCT 2022
Cmc-3
Sign. of Receiving Officer

4

No. NR-DLI0COMM(FL)/22/2020-Freight Cell
Dated: 04/10/2022

DRM office,
New Delhi.

Sr. Environment Engineer/CMC-III,
Delhi Pollution Control Board, Department of Environment,
Govt. of NCT of Delhi, 5th Floor,
ISBT Building, Kashmere Gate, Delhi 110006.

Sub: Permission to re-open Adarsh Nagar Goods Siding (Kela Godam) for cement handling.
Ref.: DPCC letter no. F.No.DPCC/CMC-III/2022/605-06 dated 29.07.2022

In reference to above, it is submitted that in compliance to the directions issued by Delhi Pollution Control Board handling of cement rakes at Adarsh Nagar Goods Siding (Kela Godam) was stopped with immediate effect from 26.09.2022.

In this regard Delhi Division is taking concrete steps to comply with the recommendations/directions issued by DPCC through immediate measures such as Installation of Anti Smog Gun, Regular Cleaning of Goods Shed and approach road, use of water sprinkling to curb dust pollution, strict compliance of instruction regarding loading/unloading in covered trucks etc., further steps are being taken to ensure compliance of long terms measures as directed by DPCC such as construction of Temporary Goods Shed/Warehouse, pavement of road, provisions for mechanized handling of cement.

It is also pertinent to mention here, that the cement that was being handled at Adarsh Nagar Goods Siding (Kela Godam) was used in construction/development related activities in Delhi and nearby location and on account of restriction on cement handling, such development activities might get affected.

Further, the supply of cement in the nearby areas will be supplemented by mode of transportation through roadways which adds to further congestion on already congested Delhi area and adds vehicular pollution as well.

The overall environmental impact of transportation of such commodities by railways is much less as compared to other modes of transportation as the cement is transported in closed wagons and such restrictions also leads to loss of revenue for the government by means of freight and other charges.

Therefore, keeping in view the aforesaid submissions, it is requested to kindly grant permission to handle cement traffic at Adarsh Nagar Goods Siding (Kela Godam).

It is further added, that railways is committed towards carrying an environment friendly measures and to become green railway network.

902 / CMC-III
11/10/22

copy - 3

11/10/22
PI
11.10

JEE-2

for Rajiv Yadav
29/10/22
Senior Divisional Commercial Manager/F.S.,
New Delhi

Annexure-R-2/2

Inspection of Kelagodam Shalimar Bagh by Joint Committee

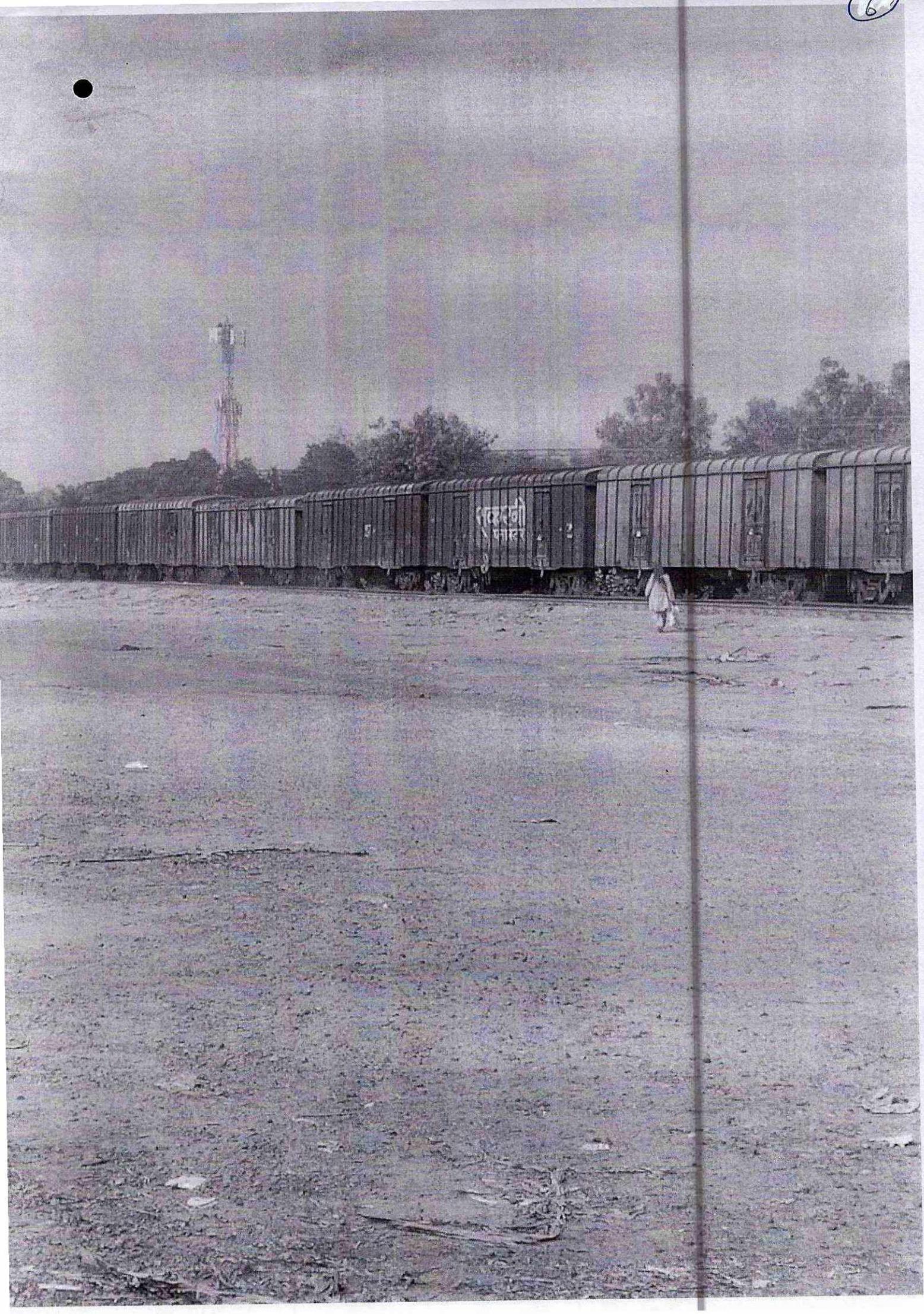
Joint Committee of officials of DPCC and SDM (Saraswati Vihar) inspected the site of loading/unloading/transporting of cement bags at Kelagodam Shalimar Bagh (Adarsh Nagar Railway Station) on 26.10.2022. During inspection the activity of loading/unloading/ transporting of cement bags was found closed/stopped by Northern Railways (Delhi Division). As informed by the staff of Northern Railways (Delhi Division) the said activity was closed since 26.09.2022.

(Cement Handling works)
(is closed vide R/O No 276 of 26/9/22)
(no unloading after this date)
26/10/22
Sign of representative of Railways
(KRISHAN DEV)

Deepanshu Puri
26/10/22
DEEPANSHU PURI
JEE, DPCC
Sign of the inspecting official

PREMCHAND
26/10/22
Ex. Magistrate
Saraswati Vihar





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