

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

Appeal No. 54/2025

**IN THE MATTER OF:**

Aziz Khan

... Applicant

VERSUS

Delhi Pollution Control Committee & Ors.

.... Respondents

**NDOH:-14.11.2025**

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Proof of Service

12

New Delhi:

Dated: 29<sup>th</sup> 10.2025

**Pramod Gupta**

**Counsel for Delhi Pollution Control Committee**

417, Lawyers Chambers-I

Delhi High Court

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induslaw77@gmail.com

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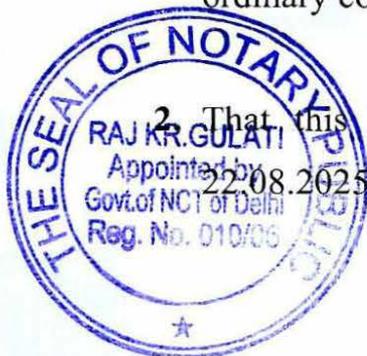
.... Respondents

**REPOSE/ REPLY ON BEHALF OF DELHI POLLUTON  
CONTROL COMMITTEE (RESPONDENT-1) IN COMPLAINE  
WITH THE ORDER DATED 22.08.2025.**

**IT IS MOST RESPECTFULLY SHOWETH:**

I, Sunil Kumar Goyal, Sr. Environmental Engineer, Delhi Pollution Control Committee, 3th Floor, Block-B, IT Park, Shastri Park, Delhi-110053, do hereby solemnly affirm and state as under:

1. That, I am working as Sr. Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.



2. That this Hon'ble Tribunal took up the above-mentioned matter on 22.08.2025, on the basis of an appeal filed by Mr. Aziz Khan (Appellant

herein) under Section- 16 of National Green Tribunal Act, 2015 challenging the order dated 17.07.2025 passed by the Delhi Pollution Control Committee thereby imposing the Environmental Damage Compensation of Rs. 10,00,000/- (Rs. Ten lakh only).

3. That, This Hon'ble Tribunal vide order dated 22.08.2025 pleased to issue notice to Delhi Pollution Control Committee (DPCC) , GNCTD and MCD on the I.A. No. 557/2025 in the above mentioned appeal to file reply. The IA 557/2025 as served to answering respondent only for condonation of delay w.r.t order dated 21.05.2025 passed by answering respondent.

At the out set it is most respectfully submitted that on 21.05.2025, no order has been passed by answering respondent. In fact this is only show cause notice asking the appellant to file its reply/ response within 15 days. Appellant chosen not to file reply/ response inspite of service (as reflected from annexure P-1 of the appeal).As no reply received from the appellant herein, therefore answering respondent has passed final order thereby imposing Environmental Damages charges to the tune of Rs. 10,00,000/- (ten lakhs only), as per extent policy of DPCC dated 30.03.2022.

It is settled law that any show cause notice can not be challenged before the Statutory Appellate Authority and that too when final order has been passed.

4. That, following is the factual matrix of the case:

(I) Under the Chairmanship of Hon'ble Lieutenant Governor, a meeting of the Solid Waste Management Monitoring Committee (SWMC) { constituted by this Hon'ble Tribunal in OA 606/2018} held at Raj Niwas on 25.04.2023. The Hon'ble Lieutenant Governor had shown



his displeasure over the illegal operations of Jeans Dyeing Industries in Khyala & its adjoining non-conforming areas, thereby directed to constitute joint inspection teams and to take immediate action against Jeans Dyeing units operating in Non-conforming areas.

- (II) A team comprising the officials from MCD, DPCC, BSES, DJB and Delhi Police was constituted by Municipal Corporation of Delhi (MCD) { respondent number-3 herein} for conducting joint inspection and sealing of illegal jeans dyeing units on spot, operating in non-conforming areas and polluting the river Yamuna.
- (III) On 03.05.2023 the above mentioned team conducted inspection of the unit namely- Sh. Aziz at RZ-114C, Ravi Nagar Extension, New Delhi-110018. Following were the observations/ findings of the Joint Inspection team:-

- a) The said unit was found operational and engaged in the activity of Denim cloth processing with washing and dyeing.
- b) The entire trade effluent generated during washing activity is being discharged directly into sewer without any treatment.
- c) At first floor in front room processed dried (sun dried) clothes were found placed in heap despite a sealed on the ground floor as well as on the stairs case door at the first floor was found by making a bypass door with central lock to sealed door in stair case was provided. By several efforts, team was able to access the washing dyeing unit through rooftop door.
- d) The team of MCD has sealed the front door of first floor, second floor and third floor.
- e) DJB and BSES have dis-connected water and electricity connection of the entire floor.
- f) HWM Rules were not complied with.



- g) Unit was being operated without Consent.
- h) ECS/ETP has not been installed.
- i) 3 number of hydra and 1 washing machine were sealed by Joint Team.

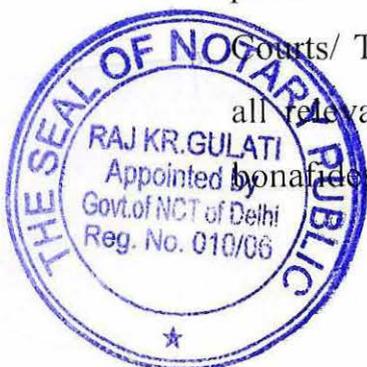
Copy of the inspection report dated 03.05.2023 is enclosed herewith and marked as **ANNEXURE-1.**

**(IV)** That, DPCC issued show cause notice dated 21.05.2025 for imposition Environmental Damage Compensation (EDC) of Rs. 10 lakhs (rupees Ten lakhs only), granting an opportunity to the unit to submit its reply/ representation within 15 days. Copy of the show cause notice dated 21.05.2025 is enclosed herewith as **ANNEXURE-2.**

**(V)** That, DPCC on non-receipt of reply/ representation from the appellant herein issued order for confirmation of Environmental Damage Compensation of Rs. 10 lakhs on 17.07.2025. Copy of the order dated 17.07.2025 is enclosed herewith and marked as **ANNEXURE-3.**

5. That it is most respectfully submitted that the Impugned Order issued on 21.05.2025 is just a Show Cause Notice (SCN) issued under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and applicant was required to file reply, which was not filed.

6. That it is most respectfully submitted that a party is not entitled to the condonation of delay in question as a matter of right. The grounds cited are vague, unsupported by any documentary evidence, and do not establish any reasonable cause that prevented the Applicant from complying with the statutory timelines. The proof of sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the Courts/ Tribunals and this aspect naturally introduces the consideration of all relevant facts and it is at this stage, the diligence of the party or its bonafides may fall for consideration.



7. It is vehemently denied that no prejudice is caused to the Respondents if the delay is condoned and the appeal is taken up for adjudication on merits and the balance of convenience if in favour of the applicant. The Applicant has not stated a single valid reason in his application for filing the appeal belatedly.
8. That it is most respectfully submitted that Section 16 of the NGT Act-2010 provides for appeals against directions, orders or decisions, issued by the Competent Authority under the provisions of the specific Act. A Show Cause Notice does not constitute a direction, order or decision and is merely a preliminary step affording an opportunity of being heard before any action is contemplated. In view of the foregoing, it is most respectfully prayed that this Hon'ble Authority may please, dismiss the Application under reply.
9. In view of the above, the present reply/ response may kindly be taken on record.

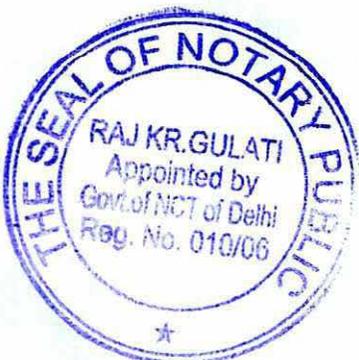
  
DEPONENT

VERIFICATION

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

29 OCT 2025

Verified at New Delhi on this \_\_\_\_\_ day of October, 2025.



ATTESTED  
  
NOTARY PUBLIC  
GOVT OF NCT OF DELHI

  
DEPONENT

29 OCT 2025

Annexure-1



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

6

### Inspection Report

1. Name & Address of the Unit : M/s. Sh. Aziz  
II, III floor of Rust. Wp., R2-114c  
Ravi Nagar, Ext. New Delhi-110
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) :
3. Date of Inspection : 03/05/2023
4. Name & Designation of the Persons contacted at the industry :
5. Kind of Industry : Denim cloth processing with washing & dyeing
6. Product & Capacity : Denim cloth
7. Main Raw Materials : Detergent, Dyes, White Ref.
8. Water Polluting :  Yes/No ETP Installed : Yes/No
9. Air Pollution :  Yes/No ECS Installed : Yes/No
10. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.)..... (Above R.L.).....
11. Type of Fuel Used : LPG, Electricity
12. A. Source of Water Supply : DJB/NDMC/DSIIDC/Borewell/Tankers/Others  
B. Effluent Discharge : (a) Domestic/ Trade Effluent   
(b) Unit connected to Conveyance System: Yes/No  
(c) Discharging into..... Sewer
13. Status of Consent {If Any} : Without Consent
14. D.G. Set(s) {if Any} : No. Capacity.....KVA. Acoustic: Yes/No  
Stack Height.....(Above G.L.).....(Above RL)
15. Plot Area :
16. Labour :
17. Machinery : Tumblers - 2 No., Pot/H.S. steel tub - 3 No.,  
Aydra - 3 No., Washing m/c - 1 No.

\* Machine sealed as follows

- 3 NOS of Hydra,
- 1 NO. of washing m/c.

7

CA 151856573 (Sh. Aziz Khan)

CA 103143195 (Sh. Gupinder Kaur)

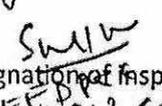
- 18. Detail of Power Connection : .....
- 19. Whether Unit found in Operation :  Yes/No
- 20. Status of Registration under Plastic Waste Management Rules, 2016 : .....
- 21. Whether Generating Hazardous Waste :  Yes/No
- 22. Details about Hazardous Waste :
  - (a) Status of Authorization {if any} : .....
  - (b) Display Board Provided : Yes/No
  - (c) Whether Hazardous Waste 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 Hazardous Waste 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 Hazardous Waste maintained in Form-3 : Yes/No
  - (i) Category of Hazardous Waste as per the Schedules I, II and III of these rules : .....
  - (j) Authorized mode of disposal or recycling or utilization or co-processing etc. : .....
  - (k) Quantity (Ton/Annum) : .....

Not complied with  
H.W. Rules

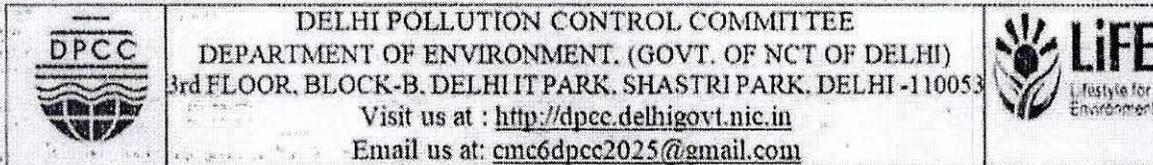
Remarks (if Any): During inspection the unit was found engaged in the activity of Denim cloth processing with washing & dyeing.

- The entire trade effluent generated during washing activity is being discharged directly into sewer without giving any treatment.
- At the first floor in front room processed dried (sun dried) cloths were found placed in a heap despite of a sealed on the ground floor as well as on the stairs case door at the first floor <sup>was found</sup> by making a bytan door with central lock to sealed doors in the stairs <sup>was provided</sup>. By several efforts of the team was able to access the washing dyeing unit through rooftop doors.
- The team of MCD has sealed the front room of first floor, 2nd floor & 3rd floor.
- DJB and BSES has dis connected the water & electricity connection of all the floors.




  
 Signatures, Name & Designation of inspecting officials.
   
 MCD
   
 B.S. S. ELKHAN II
   
 D.J.B.
   
 FIELD OFFICER
   
 S.D.M. / P.S.

By Speed Post



E. File No. DPCC-O/4/2024-CMC6/248-49

Date: 21/05/2025

To,

Sh. Aziz,

I, II, III Floor and rooftop, RZ-114C,

Ravi Nagar Extension, New Delhi-110018

**Subject: Show Cause Notice for Imposition of Environmental Compensation u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974, as amended to date.**

Whereas, Central Pollution Control Board has delegated all its powers and functions under Water (Prevention and Control of Pollution) Act, 1974 in respect of NCT of Delhi to Delhi Pollution Control Committee vide Notification No. S.O. 198(E) dated 15.03.1991.

And whereas, as per section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended to date, it is mandatory to obtain Consent from Delhi Pollution Control Committee in respect of any industry or operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or on land.

And whereas, in its order dated 07.05.2004 in Writ Petition WP(C) No. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others", the Hon'ble Supreme Court directed that all industrial units operating in non-conforming/ residential areas of Delhi in violation of the Master Plan of Delhi have to be closed down/ shifted by the concerned land-owning agencies.

And whereas, Hon'ble Supreme Court of India, while hearing Writ Petition(s) No. 4677/1985 in the matter of "M.C. Mehta Vs. Union of India & Others", has passed order on 04.11.2019 and directed to close down the industrial units which are objectionable and saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioner of the Municipal Corporations.

And whereas, a meeting of the Solid Waste Management Monitoring Committee (SWMC) was held on 25.04.2023 at Raj Niwas under the Chairmanship of Hon'ble Lieutenant Governor. The Hon'ble LG had shown his displeasure over the illegal operations of Jeans Dyeing Industries in Khyala and its adjoining non-conforming areas. He had directed to constitute joint inspection teams and to take immediate action against Jeans Dyeing units operating in Non-conforming areas.

And whereas, Municipal Corporation of Delhi (MCD) constituted a team comprising of officials from MCD, DPCC, BSES, DJB and Delhi Police for conducting joint inspections and sealing of illegal jeans dyeing units on spot, operating in non-confirming areas and polluting the river Yamuna.

And whereas, during the inspection on 03.05.2023 you, **Sh.Aziz, I, II, III Floor and rooftop, RZ-114C, Ravi Nagar Extension, New Delhi-110018** (hereinafter referred as the addressee unit) was found engaged in the activity of **Dyeing & Washing of Jeans** and operating in a non-conforming area and the said addressee unit was effectively sealed by the MCD and electricity and water supply, if any, was disconnected by BSES & DJB respectively, on the spot in presence of the joint team.

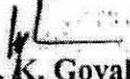
And whereas, Hon'ble National Green Tribunal vide orders dated 05.08.2019 & 19.11.2019 in OA No. 601/2018 in the matter of "Mayank Manohar & Paras Singh, Reporter, the Times of India Vs. Govt. of Delhi & Ors." has also directed the closure of impermissible industrial units in residential/ non-confirming areas of NCT of Delhi and levying Environmental Compensation (EC) for the damage caused by illegal operation keeping in view of the 'Polluters Pay Principle'.

And whereas, the activity carried out by the addressee unit falls under the **Red** category as per DPCC categorization, and has high water pollution potential & as per the extant EC policy of DPCC dated 30.03.2022, for non-confirming areas, it is proposed to levy Environmental Compensation (EC) @ **Rs.10,00,000/- (Rupees Ten Lakhs Only)**.

Now, therefore, you are hereby directed to show cause as to why the Environmental Compensation (EC) of **Rs.10,00,000/- (Rupees Ten Lakh Lakhs Only)** should not be levied upon the addressee unit.

Your reply, if any, should reach this office within 15 days from the date of issuance of this notice. In case of failure, it will be presumed that you have nothing to say in this regard and the aforementioned proposed EC of **Rs.10,00,000/- (Rupees Ten Lakh Lakhs Only)** shall be confirmed without any further reference in this regard.

This is being issued with the approval of Competent Authority in DPCC.

  
S. K. Goyal

(Senior Environmental Engineer, CMC-VI)

Copy to:

1. Master file, CMC-VI

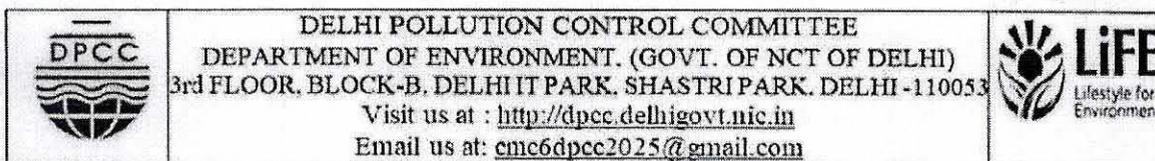
  
Vivek Kumar Pandey

(Assistant Environmental Engineer, CMC-VI)

Annexure-3

10

By Speed Post



E. File No. DPCC-O/4/2024-CMC6/721-24

Date: 17/07/2025

To,

Sh.Aziz,  
I, II, III Floor and rooftop, RZ-114C,  
Ravi Nagar Extension, New Delhi-110018

**Subject: Order for Imposition of Environmental Compensation-reg.**

Whereas, Central Pollution Control Board has delegated all its powers and functions under Water (Prevention and Control of Pollution) Act, 1974 in respect of NCT of Delhi to Delhi Pollution Control Committee vide Notification No. S.O. 198(E) dated 15.03.1991.

And whereas, in its order dated 07.05.2004 in Writ Petition WP(C) No. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others", the Hon'ble Supreme Court directed that all industrial units operating in non-conforming/ residential areas of Delhi in violation of the Master Plan of Delhi have to be closed down/ shifted by the concerned land-owning agencies.

And whereas, Hon'ble Supreme Court of India, while hearing Writ Petition(s) No. 4677/1985 in the matter of "M.C. Mehta Vs. Union of India & Others", has passed order on 04.11.2019 and directed to close down the industrial units which are objectionable and has saddled the responsibility of compliance of the order upon the respective Zonal Deputy Commissioner of the Municipal Corporations.

And whereas, the Hon'ble LG had directed to constitute joint inspection teams for taking immediate action against Jeans Dyeing/ washing units operating in Non-conforming areas.

And whereas, Municipal Corporation of Delhi (MCD) constituted joint teams comprising of officials from MCD, DPCC, BSES, DJB and Delhi Police for conducting joint inspections and on the spot sealing of illegal jeans dyeing units, operating in non-conforming/ residential areas of Delhi and consequently polluting River Yamuna.

And whereas, during the inspection on 03.05.2023 you, **Sh.Aziz , I, II, III Floor and rooftop, RZ-114C, Ravi Nagar Extension, New Delhi-110018**, (hereinafter referred as the addressee unit) was found engaged in the activity of **Dyeing & Washing of Jeans** and operating in a non-conforming area and the said addressee unit was effectively sealed by the MCD and electricity and water supply, if any, was disconnected by BSES & DJB respectively on the spot in presence of the joint team.

And whereas, Hon'ble National Green Tribunal vide orders dated 05.08.2019 & 19.11.2019 in OA No. 601/2018 in the matter of "Mayank Manohar & Paras Singh, Reporter, the Times of India Vs. Govt. of Delhi & Ors." has also directed the closure of impermissible industrial units in residential/ non-confirming areas of NCT of Delhi and levying Environmental Compensation (EC) for the damage caused by illegal operation keeping in view of the 'Polluters Pay Principle'.

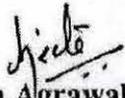
And whereas, the activity carried out by the addressee unit falls under the **Red** category as per DPCC categorization, and has high water pollution potential & as per the extant EC policy of DPCC dated 30.03.2022, for non-confirming areas, the addressee unit is liable to pay Environmental Compensation (EC) @ Rs.10,00,000/- (Rupees Ten Lakhs Only).

And whereas a Show Cause Notice (SCN) dated 21.05.2025 for imposition of EC of Rs.10,00,000/- (Rupees Ten Lakhs Only) was issued to the addressee unit and no reply/response has been received from the addressee unit with respect to the issued SCN, till the date of issuance of this letter.

In view of the above, the Competent Authority in DPCC keeping in view of the 'Polluters Pay Principle' has decided to confirm the imposition of Environmental Compensation (EC) of Rs.10,00,000/- (Rupees Ten Lakhs Only) on the addressee unit.

Therefore you, the addressee, is hereby directed to deposit the Environmental Compensation of Rs.10,00,000/- (Rupees Ten Lakhs Only) in the form of Demand Draft in favour of "Delhi Pollution Control Committee" payable at Delhi within 15 days, failing which necessary action shall be initiated.

This is being issued with the approval of the Competent Authority in DPCC.

  
Ajeeta Agrawal  
(Additional Director, CMC-VI)

Copy to:

1. The District Magistrate (West), Plot No. 3, Shivaji Place, Raja Garden, Delhi 110027.
2. Incharge, IT, DPCC – For uploading on the website of DPCC, under the head-non conforming areas.
3. Master file, CMC-VI

  
S. K. Goyal  
(Senior Environmental Engineer, CMC-VI)



PRAMOD GUPTA &lt;induslaw77@gmail.com&gt;

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**Service of Reply on behalf of Respondent No,1 Appeal No. 54/2025 "Aziz Khan Vs. DPCC & Ors**

1 message

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**PRAMOD GUPTA** <induslaw77@gmail.com>  
To: "advdburman@gmail.com" <advdburman@gmail.com>

Tue, Nov 4, 2025 at 6:50 PM

Mr. Dipankarburman (for Appellant)

Dear Sir,

Please find enclosed herewith Reply on behalf of Respondent No,1 DPCC in Appeal No. 54/2025 titled "Aziz Khan Vs. DPCC & Ors The next date of hearing in the matter is **14.11.2025**.

With Regards,

**Pramod Gupta, Adv.  
Chamber:**417, Lawyers Chambers-I  
Delhi High Court  
New Delhi- 110503**Office:**E 77, LGF  
Anand Niketan  
New Delhi -110021+919810083370  
+11-41253942 (off.)[induslaw77@gmail.com](mailto:induslaw77@gmail.com)

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 **DPCC REPLY Appeal No. 54 of 2025.pdf**  
3662K