

**BEFORE THE PRINCIPAL BENCH,
NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION No-82/2022**

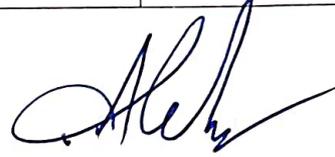
IN THE MATTER OF: -

OA No-82/2022 titled as "Samit Dayal & Ors V.s. Govt of NCT of Delhi"

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Filed by



(Delhi Pollution Control Committee)

New Delhi:

Dated: 24.06.2022

1

Before the National Green Tribunal Principal Bench, New Delhi

Original Application No. 82/2022

**SUB: REPORT OF THE COMMITTEE IN COMPLIANCE OF HON'BLE NGT
ORDER DATED 03.02.2022 IN O.A. NO. 82/2022**

BACKGROUND

An application was filed by residents of G-Block, Hari Nagar, Janakpuri, New Delhi-58 against one unauthorized scrap shop being run by Mr. Feroz Khan at property no WZ-277, G-Block, Hari Nagar, Janakpuri, New Delhi-58 in violation of environmental norms. It was submitted that the said scrap shop is causing noise and air pollution and is a health hazard to all the residents of the locality.

Hon'ble NGT vide order dated 03.02.2022 formed a joint committee of DPCC, DCP and District Magistrate West, New Delhi to look into the grievance. Further, as per the orders, the State PCB will be the Nodal agency for coordination and compliance. It was directed that the joint committee may meet within three weeks and undertake site visit and look into the grievance of the applicant. It was also directed that factual and action taken report may be furnished within two months.

In this regard it is submitted that the order dated 03.02.2022 of Hon'ble NGT in OA No-82/2022 titled as "Samit Dayal & Ors V.s. Govt of NCT of Delhi" was received in this office on 15.02.2022. The MCD team visited the premises on 07.03.2022 i.e. within three weeks after the receipt of the order as directed by Hon'ble NGT. Thereafter, a joint meeting cum inspection was also carried on 11.03.2022 by a team consisting of officials of DPCC and Revenue department for taking action against the unauthorized scrap shop at property no. WZ-277, G Block, Hari Nagar, Janakpuri, New Delhi-110064. During the inspection, Shop No. WZ-277, G-Block, Hari Nagar, Janakpuri, New Delhi-110064 as mentioned by the complainant was inspected. It was observed that a small hand held operated hammer about 1.2 Kg of weight was being used to dismantling the scrap articles with or without composite metal, metal and plastic parts besides waste paper/ book etc. Sh. Dharm Prakash (LI), West Zone, SDMC was also called to join the team. At the time of visit, Sh. Dharam Prakash informed that MCD issues licenses to those kabadi shops which are engaged in waste paper selling and the said kabadi shop did not have MCD trade licence. It has further been informed by him that MCD had seized the weighing scale of the kabadi shop on 07.03.2022 itself & that effective closure of the shop will be taken up only by Building department of SDMC West Zone. However, the official refused to sign the inspection report. A copy of the Inspection report dated 11.03.2022 of DPCC is enclosed as **Annexure - I**.

In view of the facts that came out of the joint visit of DPCC and Revenue Department, District West wherein the MCD officials were also

present, DPCC vide their letter dated 23.03.2022 requested SDMC to take necessary action as per law as the unit was in non conforming area. A copy of the letter dated 23.03.2022 of DPCC addressed to SDMC is enclosed as **Annexure - II.**

Another meeting in this regard was convened by District West, Revenue Department on 12.04.2022 to seek action taken report from the concerned departments. During the meeting, Section Officer, SDMC informed that now the scrap shop at property no WZ-277, G-Block, Hari Nagar, Janakpuri, New Delhi-58 was vacant and that he shall submit the report on next day. A copy of the minutes of the meeting dated 13.04.2022 is enclosed as **Annexure - III.**

Action taken by SDMC West Zone.

In pursuance of the letter dated 23.03.2022 of DPCC and the meeting held on 12.04.2022, SDMC West Zone vide their letter dated 12.04.2022 has forwarded the inspection report of the field staff for the said premises. As per the report, visit was made on 08.04.2022 & 11.04.2022, during the visit the premises was found vacant. A copy of the report received from SDMC West Zone is enclosed as **Annexure -IV.**

The team from District West also visited the premises and found that the premises is now vacant. A copy of the Photograph showing vacant premises is enclosed as **Annexure -V.** Accordingly, now there was no cause of noise pollution.

In view of the above facts, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to take this report on record and pass such further order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.


Sh. Anwar Ali Khan, SEE
DPCC


Sh. Prashant Gautam, IPS
Addl. Deputy Commissioner of Police-I
(PRASHANT GAUTAM), IPS
Addl. Dy. Commissioner of Police-I
West Distt., Delhi


Ms. Kriti Garg, District Magistrate
(West District)



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

Inspection Report

1. Name & Address of the Unit : M/s Feroz Khan
NZ-277, G1-Block, Hari Nagan
Delhi-110064
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) :
3. Date of Inspection :
4. Name & Designation of the Persons contacted at the industry :
5. Kind of Industry :
6. Product & Capacity :
7. Main Raw Materials :
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 :
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.....
13. Status of Consent {If Any} :
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 :

No Industrial activity. (Kabaali Shop)

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) :

No industrial activity
(Kabadi shop)

- Remarks (if Any) 1. A team comprising of SDM officials and DPCC officials visited the 2 shops which was found being used as "Kabadi shop" by Shri Feroz Khan in a shop of about 20 ft by 12 ft in dimension.
2. The source of noise pollution observed is a hammer of 1.2 kg weight used for dismantling of small scrap particles with composite metal and plastic parts. besides waste paper etc.
3. The shop (Kabadi shop) is situated in residential area on mobile Shri Dharam Prakash, Area Inspector General Branch has also been called on spot and asked the procedure for operating the shop in residential area. It has been informed by the said SDMC official that MCD issued licenses to those Kabadi shops which are engaged in waste paper selling. It is further informed that by the said officer that the said Kabadi shop did not have MCD trade license. It has been further informed that the said MCD officials took away the said MCD official further

(5)

OFFICE OF THE DISTRICT MAGISTRATE (WEST)
GOVT. OF NCT OF DELHI: PLOT NO.3, SHIVAJI PLACE,
RAJA GARDEN : NEW DELHI-110027.

File No. 145/NGT MATTERS/2022/318

Date : 13/04/2022

MINUTES OF MEETING REGARDING ACTION TAKEN IN O.A. NOS. 435/2021 & 82/2022 HELD
ON 12.04.2022 AT 03:30 PM

The following Officers were present in the meeting:

- | | | |
|----------------------------|---|--|
| 1. Sh. Dharmendra Kumar | - | ADM(West) |
| 2. Sh. Pravir Jain | - | SDM(HQ) |
| 3. Sh. Asheesh Kumar | - | SDM (Rajouri Garden) |
| 4. Sh. Ashish Kumar | - | ACP, Paschim Vihar |
| 5. Sh. K.L. Khatri | - | Tehsildar (Rajouri Garden) |
| 6. Sh. Arvind Kumar Sharma | - | Tehsildar (Punjabi Bagh) |
| 7. Sh. Ajay Kumar | - | Inspector, SHO Nihal Vihar |
| 8. Sh. Shyam Sunder | - | EE, DPCC |
| 9. Sh. Gaurav Chaturvedi | - | Section Officer, SDMC |
| 10. Sh. D.P. Saneja | - | Naib Tehsildar (Rajouri Garden) |
| 11. Sh. Sandeep Kaushik | - | License Inspector, DC Office, Narela, NDMC |

SDM (HQ) briefed the agenda points to the participants and the following issues were discussed:

- SDMC official informed that the scrap shop at property no. WZ-277, G-Block, Hari Nagar, New Delhi was vacant and he assured the report will send by tomorrow morning to this office. (OA No. 82/2022).

[Action: SDM(RG), DPCC, SDMC]

- DPCC official informed that joint inspections were conducted in village Nilothi. Four defaulting Units were found operating and crushing of demolished building material. All four units were effectively closed by the joint team members by sealing the crushers. ADM(West) directed to Sh. Shyam Sunder, EE (DPCC) to send report latest by tomorrow morning in this office. (OA No. 435/2022).

[Action: DPCC]

Meeting ended with Vote of Thanks to be Chair.


 13/04/2022
 (PRAVIR JAIN)
 SUB-DIVISIONAL MAGISTRATE (HQ)
 DISTRICT WEST

ALL CONCERNED OFFICERS

Copy to:

- PA to DM (West).
- PA to ADM (West).

DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
1st and 2nd FLOOR, VIKAS BHAWAN - II, CIVIL LINES, DELHI-110054
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-VI/2022/5669-74

Dated: 23/3/2022

To,

The Commissioner MCD (South)
9th Floor, Dr. S P M, Civic Centre,
Minto Road, Delhi - 110002

Subject: Implementation of NGT order dated 03.02.2022 in OA No. 82/2022 regarding unauthorized scrap shop at Property No- WZ-277, G-Block, Hari Nagar, Janakpuri, New Delhi-64.

Sir,

The Hon'ble NGT vide its order dated 03.02.2022 in matter of OA No. 82/2022, Samit Dayal & Ors. V.s. Govt. of NCT of Delhi. directed as follows:

"..in view of above , we direct form a joint committee of DPCC, DCP and District Magistrate-West, to look into the grievance. The state PCB will be the Nodal Agency for coordination and compliance. The joint committee will meet within three weeks and undertake site visit and look into the grievance factual and action taken report may be furnished within 2 months before LD. Registered General, National Green Tribunal, Principal bench at New Delhi via e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ORC support PDF..."

The joint inspection was conducted by DPCC and Revenue Department on 11.03.2022. During the inspection, the unit was found being used as a "Kabadi Shop" of about 20 ft by 12ft in dimension. It was found that the unit was operating without MCD license in non-conforming area. As the unit lie in non-confirming area and MCD has to take action for closure of illegal unit.

Therefore, you are requested to take further necessary action against the said premises as per law and provide Action Taken Report.


(Dr. Anwar Ali Khan)
Incharge, CMC-VI

Enclosed-NGT order dated 03.02.2022

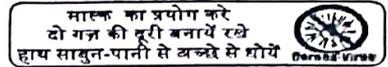
Copy to:

1. The Deputy Commissioner of Police(West District) .
2. The Chief Operating Officer, BSES Rajdhani Power Ltd., BSES Bhawan, Near Nehru Place Bus Terminus, Nehru Place, Delhi-110019
3. The Member (Water), Delhi Jal Board, Varunalaya Phase-II, Jhandewalan, New Delhi-110055
4. MS DPCC, for information.
5. Master File, CMC-VI

M/C

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ANNEXURE - IV
C/62



SOUTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE DY. COMMISSIONER/WEST ZONE
Dr. Sahib Singh Verma Nigam Bhawan, Shivaji Enclave,
Raja Garden, New Delhi – 110027



No. : DC/WZ/SDMC/2022-23/D- 17

Dated : 12 /April/2022.

Refer. :(i) File No. 145/NGT MATTER/2022/376 dtd. 11/04/2022 of SDM (HQ)
District West.

(ii) File No. DPCC/CMC-VI/2022/5669-74 dtd. 23.03.2022 of Incharge,
CMC-VI, DPCC.

Madam,

With reference to above, the inspection report of Concerned Field Staff is enclosed for your kind information and further n.a., at your end, pl.

Encl. : As mentioned above.

(Awanish Kumar)
I.A.S.
Dy. Commissioner
West Zone

District Magistrate,
West Zone, GNCTD

Copy to :

1. Sh. Anwar Ali Khan, Incharge, CMC-VI, DPCC, GNCTD, 1st & 2nd Floor, Vikas Bhawan-II, Civil Lines, Delhi-110054.

DM (West)
F. No. Shivaji Place,
Raja Garden, New Delhi-110027

Diary No. 2547
13/4/22
Date.

2028
18/04/2022

Pls see
for concerned
matter

SDM(HQ)

ICDDMA

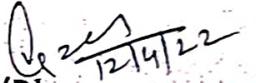
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/N
दक्षिणी दिल्ली नगर निगम

Subject: Inspection Report in R/o Premises No. WZ-277, G- Block, Hari Nagar, Janak Puri, New Delhi.

Inspected the premises at WZ-277, G- Block, Hari Nagar, Janak Puri, New Delhi on dated 08.04.2022 & 11.04.2022 and found the premises vacant. Photographs captured at the site are enclosed herewith for your kind perusal please.

Submitted Please.


 (Dharam Prakash)
 LI/WZ
 (Ward No. 15-S)

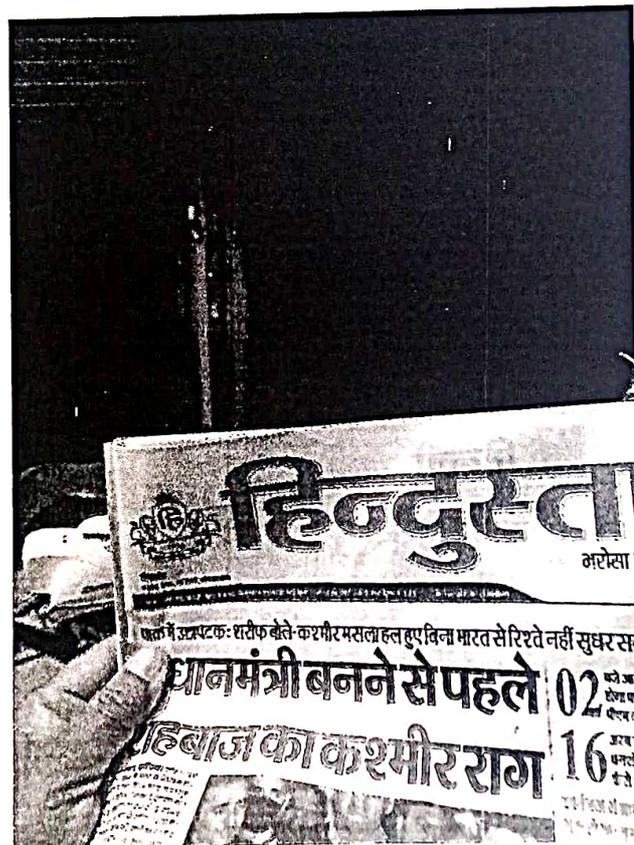
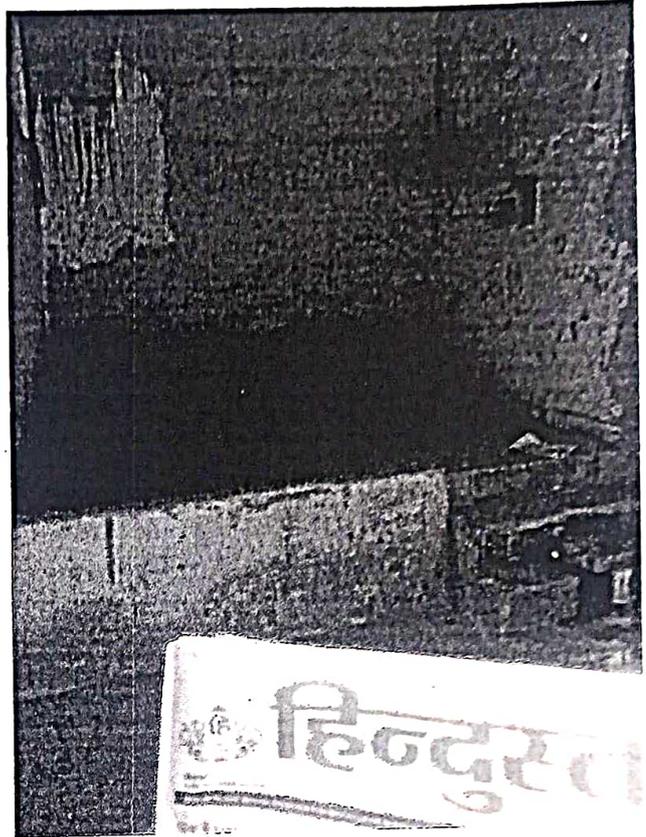
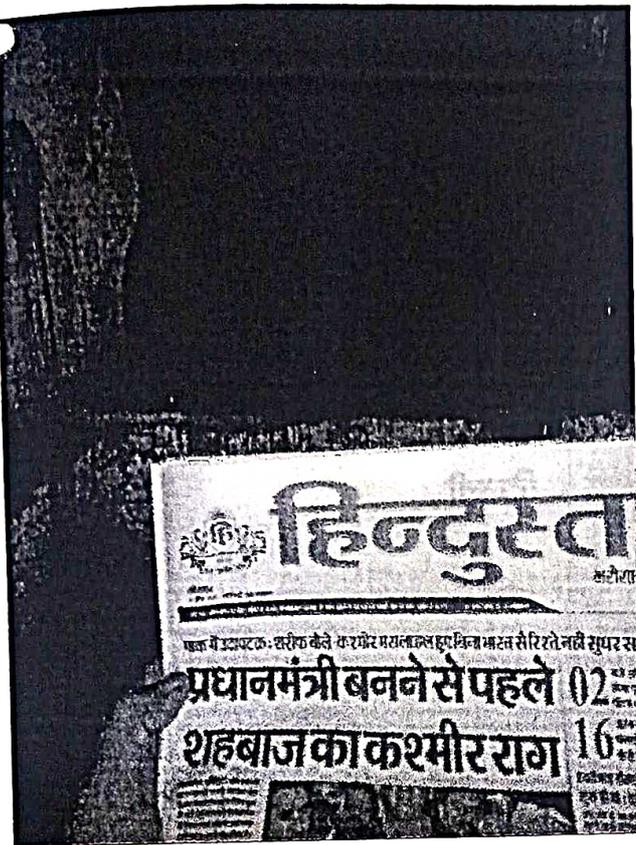


SO/WZ

AO/WZ

AC/WZ

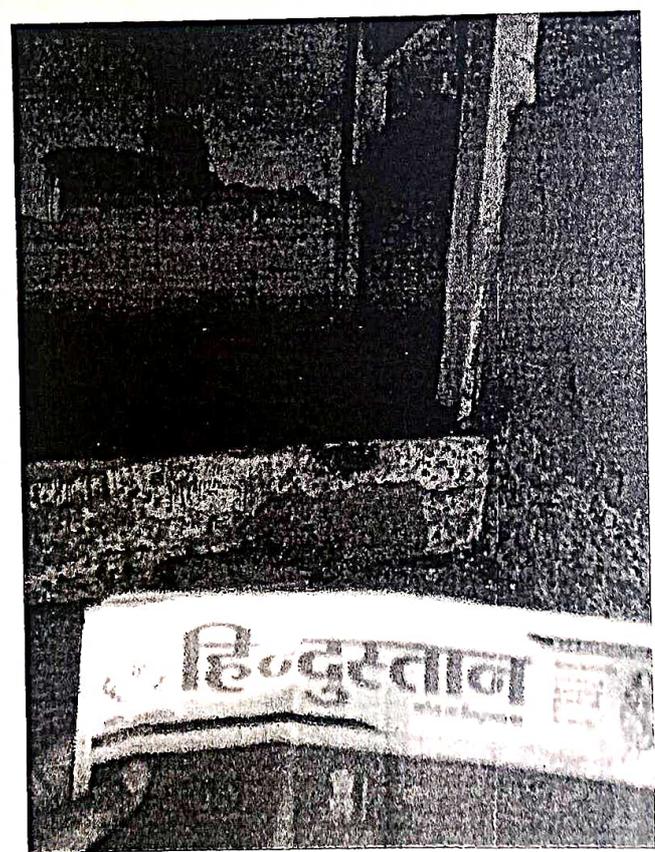
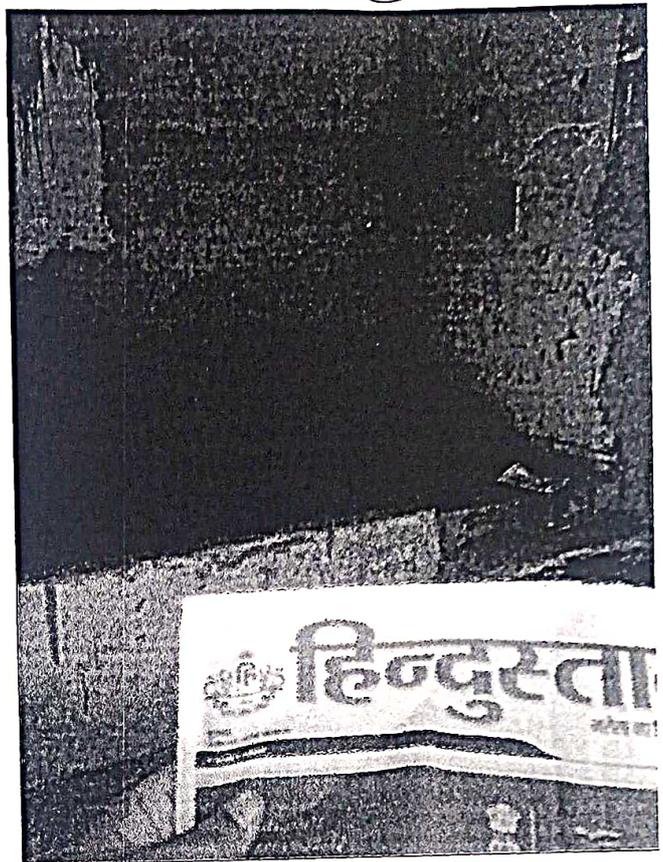
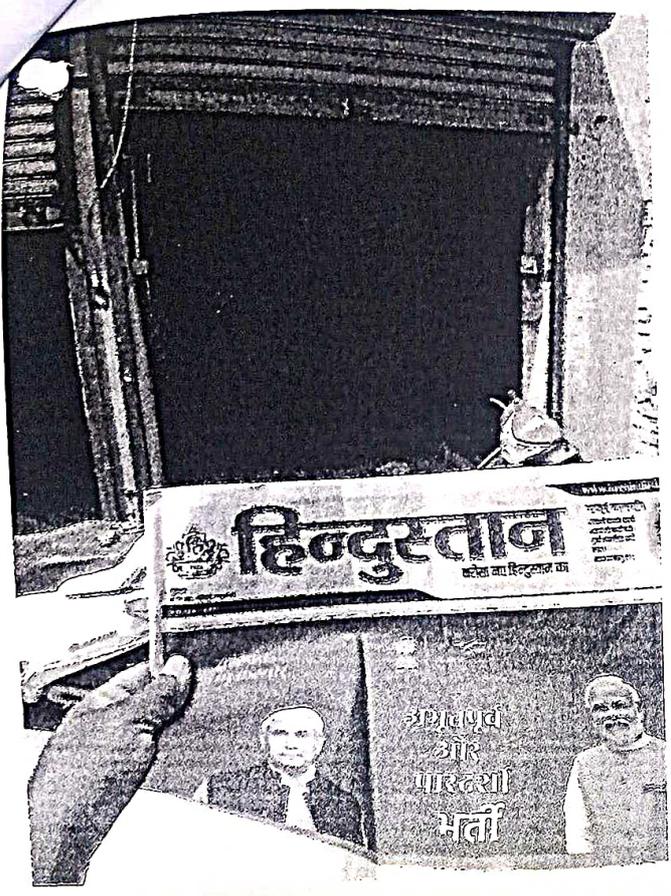
S.D.M.C.



WZ-277, G- Block, Hari Nagar, Janak Puri,
 Ward No. 15-S
 Date: 11-04-2022

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c/64



**WZ-277, G- Block, Hari Nagar, Janak Puri,
Ward No. 15-S
Date: 08-04-2022**

WZ-277, G-Block, Hari Nagar, Janak Puri

