

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**
Original Application No. 202/2022

IN THE MATTER OF:

I.M. Goswami & Anr

... Applicant

VERSUS

Govt. of NCT of Delhi

.... Respondents

NDOH: 25.04.2023**INDEX**

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Filed by


 (Delhi Pollution Control Committee)

Date: 13/4/23

Place: Delhi

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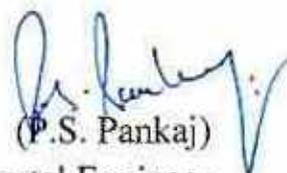
**STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE IN TERMS OF THE ORDER DATED 13.03.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That in compliance with the order dated 21.04.2022 and 11.10.2022, and 10.01.2023 DPCC filed its status reports/ response on 19.09.2022, 01.12.2022 and 01.03.2023, which is available on the records of this Hon'ble Tribunal.
2. That this Hon'ble Tribunal took up the above referred matter on 13.03.2023 and was pleased to direct project proponent to file reply/response.
3. That, DPCC issued a letter dated 27.03.2023 to the Director/Medical Superintendent/ In-charge kids Clinic India Pvt. Ltd. (Cloud 9 Hospital), Plot No. 1, North-West Avenue, Club Road Punjabi Bagh interalia directing to ensure that all bins/ bags used for collection of bio-medical waste should have bio-hazard symbol as per BMW Rules, 2016. Copy of the letter dated 27.03.2023 is enclosed herewith as **ANNEXURE-1.**
4. That, further a direction dated 27.03.2023 under section 31 (A) of the Air Act 1981 was issued for levying of environmental compensation charges of Rs 50,000/- (Rupees Fifty Thousand only) {Rs. 25,000/- for each D.G. Set for not

meeting the prescribed standard)}. In the direction, 15 days' time was granted to project proponent to deposit the same into DPCC. Project proponent was also directed to submit fresh noise monitoring report of DG Sets within 30 days from NABL Accredited Lab. Copy of the direction dated 27.03.2023 is enclosed herewith as ANNEXURE-2.

5. In compliance to the directions of another bench of this Hon'ble Tribunal in OA no. 519/2016 dated 01.08.2019. Copy of the direction dated 25.06.2021 is enclosed herewith as ANNEXURE-3, the formula for calculating EDC was recommended by the Central Pollution Control Board and accepted by the bench of this Hon'ble Tribunal. This Project proponent is using two DG set in the premises of 180 and 380 KVA since both the DG sets are not meeting the prescribed standards, hence EDC was calculated as Rs 50,000/- (25,000 each) on the basis of accepted formula.
6. In view of the above facts, it is humbly prayed that this Hon'ble National Green Tribunal may be pleased to take the present report on record and pass such further order as this Hon'ble Tribunal may deem fit based on the facts and circumstances of the case.


(P.S. Pankaj)

Sr. Environmental Engineer

Date: 13/4/23

Place: Delhi

Speed Post

	<p align="center">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 Ph Nos. 23815352</p>
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F. No. DPCC/WMC-1/O.A. No. 202/2022 / 27074

Dated: 27/03/2023

To,

The Director/ Medical Superintendent/ In-charge
M/s Kids Clinic India Pvt. Ltd. (Cloud 9 Hospital),
Plot No. 1, North-West Avenue, Club Road Punjabi Bagh,
Delhi-110026

Annexure-1**Sub: Displaying of Bio-hazard symbol on bins used for collection of Bio-medical waste.**

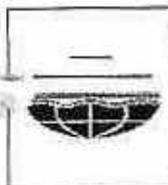
Sir,

This has reference to inspection of your HCF conducted on 02.06.2022 by joint committee comprising of DPCC and Dy. Commissioner (West) officials in compliance of Hon'ble NGT order dated 21.04.2022 in O.A. no. 202/2022 in the matter of I.M. Goswami & Anr. Vs. GNCTD. During the inspection of the joint committee, it was observed that one of the bin being used for collection of bio-medical waste was not having bio-hazard symbol as per BMWM Rules, 2016.

In view of the above, you are directed to ensure that all the bins/ bags used for collection of bio-medical waste should have bio-hazard symbol as per BMWM Rules, 2016 immediately and send the action taken report within 07 days of receipt of this letter, failing which, necessary action shall be initiated against you as per law without any further reference.


P. S. Pankaj
Incharge, WMC-1

D/C



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> Ph Nos. 23815352

F. No. DPCC/WMC-1/O.A. No. 202/2022/27075-27077 Dated: 27/03/2023

Subject: Directions u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 read along-with Noise Pollution (Regulation and Control) Rules, 2000 as amended to date regarding depositing of Environmental Compensation (EC) charges.

Whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control Area, under sub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981, vide Notification No. GSR 106 (E) Dated 20.02.1987.

And whereas, you, **The Director/ Medical Superintendent/ In-charge, M/s Kids Clinic India Pvt. Ltd. (Cloud 9 Hospital), Plot No. 1, North-West Avenue, Club Road Punjabi Bagh, Delhi-110026** (herein after referred as addressee) are operating your unit at the aforesaid address and having 2 D.G. Sets of 380 KVA & 180 KVA capacity.

Whereas, Hon'ble NGT in OA No. 202/2022 in the matter of I.M. Goswami and Anr. V/s Govt. of NCT of Delhi vide its order dated 21.04.2022 directed that a joint committee comprising of DPCC and Deputy Commissioner (West) to visit the site, verify the factual position, look into the grievances of the applicant and take requisite remedial action within 01 month and furnish factual action taken report within 02 months. Accordingly, a letter was issued to DM (West) on 06.05.2022 to nominate officials by 10.05.2022 for joint inspection.

Whereas, the HCF was inspected by WMC-I officials along with Air lab officials of DPCC on 17.05.2022 and noise monitoring of both the D.G. Sets of 380 KVA and 180 KVA capacity installed at the premises were also conducted by officials of DPCC Air Laboratory. However, representative of the DM (west) office could not come for joint inspection.

The following were observed from the Noise Monitoring report of both the DG sets:

1. Ambient Noise Level i.e. 65.2 dB(A) and insertion loss i.e., 24.1 dB(A) w.r.t. D.G. Set of 180 KVA bearing engine number 25270383 were exceeding the prescribed limit of ≤ 65 dB(A) and ≥ 25 dB(A) respectively.
2. Noise Level at 1.0 m away from the enclosure surface i.e. 76.1 dB(A) w.r.t 380 KVA D.G. Set bearing engine number DV8.8206/2120040 was exceeding the prescribed limit of ≤ 75 dB(A).

Whereas, as per the minutes of the meeting held on 01.06.2022 in the office of DM (West), inspection of the HCF was also conducted by joint committee comprising of DPCC and Dy. Commissioner (West) on 02.06.2022.

Whereas, Hon'ble NGT vide its order dated 01.08.2019 in O.A. No. 519/2016 in the matter of "Hardeep Singh & Ors Vs. SDMC & Ors" asked CPCB to frame the guidelines for scale of compensation to be recovered for violation of Noise Pollution (Regulation & Control) Rules, 2000.

Whereas, Central Pollution Control Board (CPCB) has framed guidelines for levying of Environmental Compensation Charges for violation of Noise Pollution (Regulation & Control) Rules, 2000 including D.G. Sets' as per the directions of Hon'ble National Green

-2-

Tribunal which was adopted by the committee constituted by DPCC for deciding methodology for accessing Environmental Compensation charges to be levied on defaulter unit w.r.t. Noise Pollution.

Whereas, Show cause notice u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 read along-with Noise Pollution (Regulation and Control) Rules, 2000 as amended to date including levying of Environmental Compensation (EC) charges was issued to you vide this office letter dated 06.06.2022. However, no response has been received from you so far.

Now therefore in view of the above, the Competent Authority, in Delhi Pollution Control Committee, in exercise of powers conferred upon it u/s 31 (A) of Environment Protection Act 1986 as amended to date directs **The Director/ Medical Superintendent/ In-charge, M/s Kids Clinic India Pvt. Ltd. (Cloud 9 Hospital), Plot No. 1, North-West Avenue, Club Road Punjabi Bagh, Delhi-110026** as follows:

1. To stop the operation of both the D.G. Sets of 380 KVA and 180 KVA capacities with immediate effect and shall not restart its operation without rectifying/ modifying the acoustic enclosure provided with the D.G. Sets to reduce the noise levels within the prescribed norms.
2. To deposit Environmental Compensation Charges (EC) of Rs. 50,000/- (Rupees Fifty Thousand Only) {(Rs. 25,000/- (Rupees Twenty Five Thousand only) for each D.G. Set} within 15 days of receipt of the directions failing which, the aforesaid amount shall be recovered through concerned SDM as a land arrear.
3. To submit fresh Noise Monitoring Report of these D.G. sets within 30 days of receipt of this letter from DPCC Lab/ NABL Accredited Lab.

This issues as per the approval of the competent authority in DPCC.


R S Pandaj
In-charge, WMC-I

To,

**The Director/ Medical Superintendent/ In-charge
M/s Kids Clinic India Pvt. Ltd. (Cloud 9 Hospital),
Plot No. 1, North-West Avenue, Club Road Punjabi Bagh,
Delhi-110026**

Copy to: -

1. The District Magistrate (West), Office/ DM (West), Plot no. 3, Shivaji Place, raja Garden, New Delhi-110027
2. Master File of WMC-I


D K Srivastava
AEE, WMC-I



(8)

Annexure-3

F. No DPCC/ (12)(1)(316)/Air Lab/ 2021/184

Dated:- 25/06/2021

Subject:- Direction to designated authorities in compliance of the directions issued by Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986- Regarding Implementation of Compensation Regime for violation of Noise Rules, 2000.

WHEREAS, under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive program for the prevention, control or abatement of air pollution in the State and to secure the execution thereof; and

WHEREAS, under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981 noise is defined as air pollutant; and

WHEREAS, as per the Noise Pollution (Regulation and Control) Rules, 2000 notified under Environment (Protection) Act, 1986, the following responsibilities are vested with SPCB and PCCs (DPCC in case of Delhi):

1. *The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control, and abatement.*

Whereas, all Deputy Commissioners (Revenue), all Sub Divisional Magistrates, Asstt. Commissioners of Police control room, All Sub Divisional Police Officers including Railways & Airport, Chairman and Member Secretary, DPCC and Assistant Commissioners of Police (Traffic) are notified as "authority" under Rule (2) of the Noise Rules, by the Govt. of NCT of Delhi vide notification no. F:23(107I)/Env./2001/676 dated 10.12.2001 and F:12 (1)/N.P./ Env./2005/33 dated 05.04.2008.

WHEREAS, as per rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000, the designated authorities are responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise; and

WHEREAS, section 15(1) of The Environment (Protection) Act, 1986 states that "Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention."

WHEREAS, in the matter of O.A NO 519/2016, 496/2018, 196/2018, and 197/2018 dated 01/08/2019, Hon'ble National Green Tribunal directed to CPCB:

"The CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 by the concerned authority on the basis of "Polluter Pays' principle. Though violation of the rules like the Noise Rules here is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986 with imprisonment upto five years and fine up to Rs. 1 lakh, since the prosecution of a non-cognizable offence may have its own limitations, civil liability on Polluter Pays' principle can be invoked by the enforcement regulatory authority as per the guidelines which may be laid down by the CPCB. The scale of compensation may have reference to the extent and severity of default and whether the default is a repeated offence."

WHEREAS, in compliance to the directions of Hon'ble NGT, CPCB prepared scale of compensation for "Violation of the Noise Pollution (Regulation and Control) Rules, 2000" and submitted a report to Hon'ble NGT on 14/11/2019; and

WHEREAS, Hon'ble NGT vide order dated 15.11.2019 directed to CPCB as:

- a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and the needs to be different for different class of defaulters and frequencies of default.
- b. CPCB may lay down stringent compensation for tampering with sound limiters to ensures that same is not restored.

WHEREAS, in compliance to directions of Hon'ble NGT, CPCB prepared a revised report on the scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted a report to Hon'ble NGT on 12/06/2020 (Enlistment of violation of noise rules and their respective scale of compensation is enclosed); and

WHEREAS, in the aforesaid matters Hon'ble NGT vide its order dated 11/08/2020, further directed to CPCB:

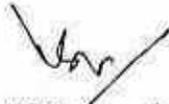
"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC, and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose of being complied with in all the States/UTs."

WHEREAS, CPCB vide directions dated 27.04.2021 directed to DPCC for issuance of direction and implementation of the compensation scale for violation of the Noise Rules to be implemented by designated authorities as notified by Government of NCT of Delhi from time to time.

NOW, THEREFORE, in view of the above-stated facts and to ensure compliance of the existing rules and prevent further violation of noise levels with respect to prescribed standards/ limit and in pursuance of the directions issued by Central Pollution Control Board under Section 5 of the Environment (Protection) Act, 1986, DPCC hereby direct the designated Authorities in NCT of Delhi to implement Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 as accepted by Hon'ble national Green Tribunal (copy enclosed as Annexure-1).

The compensation amount so collected shall be deposited in Delhi Pollution Control Committee having account no. 10166747672, IFSC Code SBIN0005715 in State Bank of India, ISBT, Kashmere Gate, Delhi.

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Monthly action taken reports of inspections conducted, compensation imposed and compensation collected shall be submitted by the authorized officers to Delhi Pollution Control Committee, without fail (format of reporting is enclosed as Annexure-2). (8)

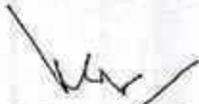

(Dr. K.S. Jayachandran)
Member Secretary

To.

1. All Deputy Commissioners, office of Divisional Commissioner, Govt. of N.C.T of Delhi.
2. Asstt. Commissioners of Police control room.
3. Assistant Commissioners of Police (Traffic)
4. All Sub Divisional Magistrates, office of Divisional Commissioner, Govt. of N.C.T of Delhi.
5. All Sub Divisional Police Officers including Railways & Airport.
6. All Branch in-charges of CMCs, EIA DPCC.

Copy for information and necessary action:

1. The Divisional Commissioner, 5 Sham Nath Marg, Delhi-1 10054.
2. Commissioner of Delhi Police. Jai Singh Road, near Bangla Sahib Gurdwara, New Delhi-1.
3. Nodal Officer, Noise Pollution, cum DCP/PCR, Delhi Police
4. Director (Env), GNCTD of Delhi
5. In-charge IT Section, DPCC for uploading on the website of DPCC.
6. Accounts Officer, DPCC to maintain separate heads on the issue.


(Dr. K.S. Jayachandran)
Member Secretary

Sr. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	Action to be taken by designated authority
1.	USE OF LOUD SPEAKERS/PUBLIC ADDRESS SYSTEM ¹ (Clause 5(1)-5(2), 6(i,ii,iii and v) ¹⁻⁵	₹ 10,000	Seizure
2.	VIOLATION WRT GENERATOR SETS NORMS (standards attached as Annexure - IV to VI)		
d)	DG sets more than 1000 KVA	₹ 1,00,000/-	Sealing of DG sets
e)	DG sets 62.5 to 1000 KVA	₹ 25,000/-	
f)	DG sets upto 62.5 KVA	₹ 10,000/-	
3.	VIOLATION OF USE OF SOUND EMITTING CONSTRUCTION EQUIPMENT	₹ 50,000/-	Seizure/Sealing of equipment
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed (Hon'ble Supreme Court and Clause 5A (2) and 6 (iv) ⁷⁻⁸		
4(1)	Violation by Individual/Household	Residential / Commercial/Mixed Zone Silence Zone 1,000	Silence Zone 3,000
4(2)	Violation during Possession a. Public Rallies b. Barat during marriage Religious event	10,000	20,000 Fine to be paid by Organizer

Format for compensation of Noise Pollution (Regulation and Control) Rules, 2000

S.No.	Violation of Noise Rules	Compensation in Rs. paid by defaulter		Action taken by designated authority
		Nos. of violation	Amount in Rs.	
1.	Use of loud speakers / public address system			
2.	Violation WRT Generator Sets Norms			
a	D.G.Sets more than 1000 KVA			
b	D.G.Sets 62.5 to 1000 KVA			
c	D.G.Sets up to 62.5 KVA			
3.	Violation of use of sound emitting construction equipment			
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed.			
4(1)	Violation by Individual/ household	Residential/commercial/ mixed zone Silence zone		
4(2)	Violation during possession a. Public Rallies b. Barat during marriage c. Religious event			
4(3)	First Violation within a fixed permission: a. Function organized by RWA. b. Marriage Function c. Public Function. d. Institution Function. e. Banquet hall f. Open Ground Functions			
4(4)	Second Violation within a fixed permission a. Function organized by RWA. b. Marriage Function c. Public Function. d. Institution Function. e. Banquet hall f. Open Ground Functions			
4(5)	More than two Violation within a fixed permission a. Function organized by RWA. b. Marriage Function c. Public Function. d. Institution Function. e. Banquet hall f. Open Ground Functions			

4(3)	<i>First Violation within a fixed Premises:</i> <i>a. Function organized by RWA,</i> <i>b. Marriage Function</i> <i>c. Public Function</i> <i>d. Institution function</i> <i>e. Banquet Hall</i> <i>f. Open ground functions</i>	20,000	Fine to be paid by Organizer and Owner of the place.
4(4)	<i>Second Violation within a fixed Premises:</i> <i>a. Function organized by RWA,</i> <i>b. Marriage Function</i> <i>c. Public Function</i> <i>d. Institution function</i> <i>e. Banquet Hall</i> <i>Open ground function</i>	40,000	
4(5)	<i>More than Two Violation within a fixed Premises:</i> <i>a. Function organized by RWA,</i> <i>b. Marriage Function</i> <i>c. Public Function</i> <i>d. Institution function</i> <i>e. Banquet Hall</i> <i>Open ground function</i>	1,00,000 and action under EP Act.	Sealing of Premises