

**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: 11.10.2022

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Filed by

(Delhi Pollution Control Committee)

Date: 19.09.2022

Place: Delhi

**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

**STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE IN TERMS OF THE ORDER DATED 21.04.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 21.04.2022 and was pleased to constitute a joint committee of DPCC and Deputy Commissioner (West) to verify the factual position, against "Cloud 9 Group of Maternity Hospital, Punjabi Bagh" for installation and operation of industrial DG Sets and are being operated 24X7 adjacent on the boundary wall of Pal Mohan Apartment which causes Air and Noise pollution and also involves fire hazards.
2. That, a joint inspection was programmed for 17.05.2022 to the site. Office of the DM (West) nominated Shri Praveen Kadiyan for joint inspection. However, on the day of inspection, Sh. Parveen Kadiyan did not able to attend the joint inspection due to some fire accident at Mundka. As scheduled, inspection of the site was carried out by DPCC officials. During the inspection, following were observed:
 - a. The HCF is having authorization under BMWM Rules, 2016 for 49 beds which is valid upto 19.09.2026. However, at present only 17 beds are operational. Temporary storage of BMW provided.
 - b. It was reported that OPD facility in the HCF was started on 07.12.2021 and IPD facility was started on 27.12.2021.
 - c. Segregation of the BMW was found satisfactory at the source of generation.

- d. Color coded bins are being used for collection of BMW. However, it was observed that bio-hazard symbols have not been provided on some bins.
- e. Record of immunization, health checkup and BMW are being maintained. The HCF has implemented the bar code system.
- f. The HCF is having 2 DG sets of 380 KVA and 180 KVA capacity which have been placed in individual acoustic enclosure. Adequate stack height above roof level has been provided.
- g. The premises of the HCF is on Rent and DG set of 180 KVA was already existing while taking the premises on rent. A new DG set of 380 KVA was installed in the premises.
- h. It was reported that after installation of 380 KVA DG set, there is no need to operate 180 KVA DG set. However, Noise Monitoring of both the DG sets was conducted by DPCC lab during the inspection.
- i. It was observed that High Speed Diesel has been stored in 500 L tank.
- j. 12 filled oxygen cylinders have been stored in a separate cabinet of 15' x 2' x 7.5' size near DG set of 380 KVA.
- k. Earlier sanctioned load was 23 KVA. Now the HCF has obtained sanctioned load of 372 KVA in its own name in the month of March, 2022.
- l. Log book of DG sets are being maintained which shows that DG sets are not being operated regularly.

It reveals from the record of the HCF that now the DG Sets are not being operated regularly.

Noise monitoring report of both the DG sets dated 31.05.2022 which shows that DG set of 380 KVA is not meeting with the prescribed standards of Noise level i.e. ≤ 75 dB (A) at 1m away from the enclosure surface and DG set of 180 KVA is not meeting the prescribed standards w.r.t. Ambient noise level i.e., ≤ 65 dB (A) and insertion loss i.e. ≥ 25 dB (A).

Copy of the inspection report dated 17.05.2022 and noise monitoring reports are enclosed herewith as **ANNEXURE-1 and 2.** Copy of the authorisation letter issued under BMW rules, 2016 is enclosed herewith as **Annexure-3.**

- 3. That, DPCC issued a show cause notice to the HCF on 06.06.2022 under section 31 (A) of the Air Act 1981 for levying of environmental compensation charges of Rs 50,000/- (Rupees Fifty Thousand only) for both the D.G. sets and rectification of the deficiencies of the inspection was issued to the HCF on

06.06.2022. Copy of the show cause notice dated 06.06.2022 is enclosed herewith as ANNEXURE-4.

4. That, DM (West) called a meeting held on 01.06.2022. As decided a joint inspection of the HCF i.e Kids Clinic India Pvt. Ltd. (Cloud 9 Hospital) was again conducted on 02.06.2022. During the inspection, Bio Hazard symbol was missing at blue category bin, placed at Bio Medical waste storage site. Observation during the Joint inspection are as under:

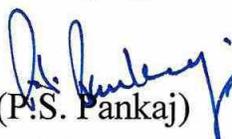
- a. The HCF is 49 bedded hospital and has valid authorization under BMWM Rules, 2016 which is valid upto 19.09.2026.
- b. HCF has installed 2 DG sets of 380 KVA and 18 KVA
- c. Representative of the hospital stated the OPD facility in the hospital started on 07.12.2021 and IPD facility was started on 27.12.2021. However on inspecting the log books of the Gensets it was found that DG Sets have been operational Since 09/10/2021.
- d. In addition, external diesel storing tank was found installed near electrical room. Oxygen cylinders were also found stored in close proximity.
- e. On inspection, it was found that HCF does not have NOC from Fire Department, however, representative of HCF stated that they have applied for the same but could not produce any document in this regard.
- f. On scrutiny of the logbooks of 380 KVA, it was observed that the average running hour of 380 KVA DG Set is 16 to 18 hours a day till 22 Feb 2022.
- g.. Use of D.G. Sets had considerably declined after the sanctioned load was increased to 372 (kVA) from 23 kVA for the said premises.

Copy of the joint inspection report dated 02.06.2022 is enclosed herewith as ANNEXURE-5.

5. That, above facts shows that D.G. Sets were being used well before the commencement of the OPD and IPD in the HCF. Previously, due to lack of appropriate Sanction Load, D.G. Sets were extensively used to cater to uninterrupted power supply. During discussion with Health authorities it was learnt that without the Fire NOC, Health Care Facility cannot operate beyond 1st Floor for providing medical facility like ICU, OT and NICU etc. Therefore another visit was under taken by Revenue Department on 04/06/2022 to the said HCF and it was found that IPD, OT, NICU etc. are operational beyond 1st floor.

6. That the Hospital has not responded to Show Cause Notice issued for levying of Environmental Compensation charges of Rs 50,000/- (Rupees Fifty Thousand only). However, SDM, Punjabi Bagh has issued order dated 17.06.2022 to the Kids India Pvt. Ltd., directing them to pay compensation of Rs 50,000/-(Rs 25,000+ Rs 25,000). Copy of the order dated 17.06.2022 for both the D.G. sets are enclosed herewith as ANNEXURE-6.(Colly)

It 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 and proper in the facts and circumstances of the case.


(P.S. Pankaj)

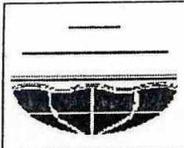
Sr. Environmental Engineer

Date: 19/9/22

Place: Delhi

Annexure-1

5



DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
 visit us at : <http://dpcc.delhigovt.nic.in>

Inspection Report

Date of Inspection :- 17/05/2022

1.	Name & Address of the HCF	M/s Kids Clinic India Pvt. Ltd. (Cloud 9 Hospital) Plot No.1 NW Avenue Club Road Punjabi Bagh West Delhi-110026
2.	Name of Owner and Contact Number	Mr. Prashant Sinha (Business Head) 9873324821
3.	Name of Contacted Person and Contact number	Mr. Prashant Sinha (Business Head) 9873324821
4.	Type of HCF	Bedded HCF
5.	Whether having valid agreement with CBWTF	<input checked="" type="checkbox"/> Yes/ No
6.	Whether having valid authorization under BMW Rules, 2016	<input checked="" type="checkbox"/> Yes/ No
7.	Whether color coded bins/ bags labeled with bio-hazard symbol provided in HCF	<input checked="" type="checkbox"/> Yes/ No

[Signature]
17/5/22

Page 1 of 2

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17/5/22

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17/05/2022
[Signature]
17/5/22

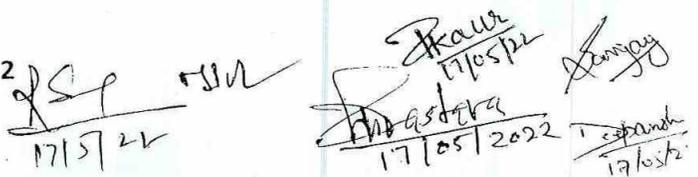
6

8.	Whether segregation of waste is practiced in accordance with BMW Rules?	Yes/ No
9.	Whether generated bio-medical waste is collected by concerned CBWTF regularly?	Yes/ No
10.	Name of Inspecting Officials	1. Sh. D K Srivastava (AEE, WMC-1) 2. Sh. R K Sharma (EE, WMC-1) 3. Sh. Tulok Chand (AEE, Air Lab, DPCC) 4. Ms. Paramjeet Kaur (TE, WMC-1)

Remarks :-

5. Sh. Sanjay Kumar (TE, Air Lab)
6. Sh. Deepanshu Abrol (TE, WMC-1)

- HCF has obtained Authorization under BMW Rules, 2016 from DPCC for 49 beds which is valid upto 19.06.2026. However, at present only 17 beds are operational.
- The HCF is having 2 DG sets of 350 kVA & 180 kVA capacity which have been placed in individual acoustic enclosure and adequate stack height above roof level has been provided.
- It was reported that OPD facility in the HCF was started on 07.12.2021 & IPD facility was started on 27.12.2021.
- The premises of the HCF is on rent and DG set of 180 kVA was already existing while taking premises on rent.
- Temporary storage for BMW provided.



 17/5/22
 17/05/2022
 17/5/22

A new DG set of 380 KVA was installed in the premises after taking the possession of the premises.

→ It was reported that after installation of 380 kv DG sets, there is no need to operate 180 KVA DG set, However, noise Monitoring of both the DG sets was conducted by DPCC Lab during the inspection.

→ It was observed that HSD has been stored in 500L tank.

→ 12 filled oxygen cylinders have been stored in a separate cabinet of ~~15' x 2' x 7.5'~~ 15' x 2' x 7.5' size near DG set of 380 KVA.

→ Segregation of the BMW was found satisfactory at the source of generation.

→ Color coded bins are being used for collection of BMW, However, it was observed that bio-hazard symbols have not been provided on some bins.

Record of immunisation, health checkup and BMW are being maintained.

→ The HCF has implemented the bar code system

→ Earlier sanctioned load was 23 KVA in the name of Ms. Nimitaya Hospitality UP. Now the HCF has obtained sanctioned load of 372 KVA in its own name in the month of March, 2022.

Log book of DG sets are being maintained which shows that DG sets are not being operated regularly.

11/5/22
Anjeet Kaur

10/5/22

17/5/2022
RASHANT SINHA
Business Head
9872324821

17/05/22
DEEPANSHU (TE, WMC-E)

17/05/2022
Asst Manager Shree
1-706257497
2-9664103229

17/5/22
Raj
(D. K. Sharma)

17/05/2022
(D. K. Sharma) (MEL, DPCC)



Annexure 2
DELHI POLLUTION CONTROL COMMITTEE

Air Laboratory
 5th Floor I.S.B.T. Building Kashmere Gate Delhi-6
 visit us at : <http://dpccomms.nic.in>

Result No. N/21-22/04/05/197-198

Date 31/05/2022

SUBJECT : Sampling / Monitoring / Results

Please find enclosed herewith the following Sampling / Monitoring / Results

S.No.	Name of the Unit	Air / Noise	Result No.
1	Kyda Climate India P. Ltd Plot No. 1, NWA Chak Road Punjabi Bgh, West- NEI	Noise	N/21-22/04
2	do	"	N/21-22/05

Sd/- P.S. Pantaj
 S.E.E, BMW

Incharge Air Lab

Sd/- S. D. S
 CP
 1/6

BMW

548/cm c7
 01/06/2022

Smul/5867
 14/6/22





9

DELHI POLLUTION CONTROL COMMITTEE
Air Laboratory
5th Floor I.S.B.T. Building Kashmiri Gate Delhi-6
visit us at : <http://dpcc.delhigovt.nic.in>

Noise Monitoring Report

Result No-N/21-22/04/197

Date:- 31/05/2022

1. Name & Address of the Unit : M/s. Kids Clinic India Private Ltd. (Cloud 9 Hospital), Plot No.1, NW Avenue Club Road, Punjabi Bagh, West, New Delhi-26.
2. Date of Monitoring : 17/05/2022
3. Year of Manufacture : After Jan. 2005
4. Time of Monitoring : 14:50 PM

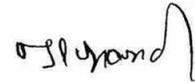
RESULT

S.No	Location	Noise Level	Remarks
1	Ambient Noise Level at left side (rear) of the unit in Leq dB (A)	61.8	Non-operational.
2	Ambient Noise Level at left side (rear) of the unit in Leq dB (A)	64.8	D.G.Set was operational.
3	Noise Level at 1.0 m away from the enclosure surface in dB (A)	76.1	D.G.Set was operational

Note:

- The premises is used as Kids Hospital.
- The unit has two D.G.Sets one of 180 KVA and one of 380 KVA bearing engine nos. 25270383 and DV8.8206/2120040 with stack height 4.5 m and 5.0 m, above from building height at left side in the premises. During monitoring one D.G.Set of 380 KVA bearing engine no. DV8.8206/2120040 was operational.
- Noise Monitoring was conducted as per the NGT order OA No. 202/2022 in presence of representative of unit and concerned officials of BMW Cell, DPCC.
- The D. G. Set monitored is not meeting the permissible limit, as per the G.S.R.371 (E) dated 17th May 2002 and amended till date.
- The Ambient Air Quality Standards in Respect of Noise as mentioned in The Environment (Protection) Rules, 1986 Schedule III is land use based, so assessment of ambient Noise Level shall be done, keeping in view the land use of the area where D.G. Set is installed.


Incharge Air Lab


A.E.E
TRILOK CHAND
AEE



DELHI POLLUTION CONTROL COMMITTEE

Air Laboratory

5th Floor I.S.B.T. Building Kashmiri Gate Delhi-6

visit us at : <http://dpcc.delhigovt.nic.in>

Noise Monitoring Report

Result No-N/21-22/05/ 198

Date:- 31/05/2022

1. Name & Address of the Unit : M/s. Kids Clinic India Private Ltd. (Cloud 9 Hospital), Plot No.1, NW Avenue Club Road, Punjabi Bagh, West, New Delhi-26.
2. Date of Monitoring : 17/05/2022
3. Year of Manufacture : Before Jan. 2005
4. Time of Monitoring : 15:10 PM

RESULT

S.No	Location	Noise Level	Remarks
1	Ambient Noise Level at left side (front) of the unit in Leq dB (A)	63.7	Non-operational.
2	Ambient Noise Level at left side (front) of the unit in Leq dB (A)	65.2	D.G.Set was operational.
3	Insertion loss of the acoustic enclosure in Leq dB(A)	24.1	D.G.Set was operational

Note:

- The premises is used as Kids Hospital.
- The unit has two D.G.Sets one of 180 KVA and one of 380 KVA bearing engine nos. 5270383 and DV8.8206/2120040 with stack height 4.5 m and 5.0 m, above from building height at left side in the premises. During monitoring one D.G.Set of 180 KVA bearing engine no. 25270383 kept at front side was operational.
- Noise Monitoring was conducted as per the NGT order OA No. 202/2022 in presence of representative of unit and concerned officials of BMW Cell, DPCC.
- The D. G. Set monitored is not meeting the permissible limit, as per the G.S.R.371 (E) dated 17th May 2002 and amended till date.
- The Ambient Air Quality Standards in Respect of Noise as mentioned in The Environment (Protection) Rules, 1986 Schedule III is land use based, so assessment of ambient Noise Level shall be done, keeping in view the land use of the area where D.G. Set is installed.

Incharge Air Lab

A.E.E
TRILOK CHAND
AEE

Annexure- 3

DELHI POLLUTION CONTROL COMMITTEE

(Government of N.C.T. of Delhi)

4th & 5th Floor, ISBT Building Kashmere Gate, Delhi 110006

visit us at: <https://dpccocmms.nic.in>



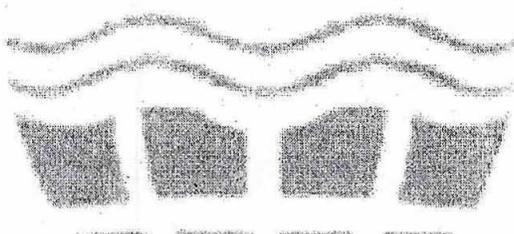
(AUTHORIZATION UNDER BIO MEDICAL WASTE MANAGEMENT RULES, 2016)

File number of authorization : DPCC/(11)(5)(01)/2021/BMW/NST/AUTH/5741950

Application No: 6539347

Date:04/10/2021

1. M/s KIDS CLINIC INDIA PRIVATE LIMITED an occupier of the facility located at PLOT NO 1 NW AVENUE CLUB ROAD PUNJABI BAGH WEST DELHI 110026 is hereby granted this authorization for Generation, Segregation, Collection, Reception, Storage, Transportation, of Biomedical Waste at the premises and for Transportation, Treatment and Disposal of Bio-Medical Waste through Common Bio-Medical Waste Treatment Facility (CBMWTF) authorized by Delhi Pollution Control Committee.
2. **Number of beds of HCF : 49**
3. **Quantity of Biomedical waste handled : 8.50 (Kg/day)**
4. This authorization shall be in force for a period of Five Years and valid up to 19/09/2026.
5. This authorisation is subject to the conditions stated below and to such other conditions as may be specified in the rules for the time being in force under the Environment (Protection) Act, 1986.



PANKAJ KAPIL Digitally signed by PANKAJ KAPIL
Date: 2021.10.04 12:12:58 +05'30'

Signature.....
Designation

-:-Terms and Conditions:-:-

1. The occupier shall comply with the provisions of Bio-Medical Waste Management Rules, 2016 as amended to date.
2. The authorization or its renewal shall be produced for inspection at the request of any officer authorized by DPCC.
3. The occupier shall ensure that bio-medical waste is not mixed with other wastes and is segregated into containers / bags at the point of generation in accordance with Schedule-I (part I).
4. The occupier shall have a valid agreement with the operator of a facility authorized by DPCC for collection, transportation, treatment & disposal of the bio-medical waste.
5. The Occupier shall hand over the bio-medical waste timely to the authorized operator of a facility duly segregated, labelled, tagged and kept in proper containers for the collection, transportation, treatment & disposal as per Rules.
6. The occupier shall inform the prescribed authority immediately in case the operator of facility does not collect the bio medical waste with in the intended time or as per the agreed time.
7. The occupier shall maintain records of the Bio-Medical Waste generated and disposed of/ handed over. The record shall be made available, for inspection & verification, to any officer authorized by DPCC.
8. In case of any major accident involving Bio-Medical Waste, the occupier shall report the accident in Form-I, prescribed under the Rules, to DPCC.
9. In case the Occupier is having a DG Set, he shall comply with the noise standards laid down vide Gazette Notification of Ministry of Environment, Forest & Climate Change (MoEF&CC), Government of India

Dated 17.05.2002 and 12.07.2004, as amended to date, for the Diesel Generator Set(s). Stack height with the DG Set shall be as per the following formula, H is equal to h plus $(0.2 \times \text{square root of KVA})$ where ' H ' is Total Height of stack in meter, ' h ' is Height of the building in meters where the Generator Set is installed and KVA is capacity of the D.G. set in KVA).

10. The Occupier shall also ensure proper collection and disposal of bio-medical waste containing mercury through the vendor authorize for the purpose. The occupier shall phase out mercury based equipment e.g. thermometers and B.P. Measuring Equipment.

11. The Occupier shall pre-treat the laboratory waste, microbiological waste, blood samples and blood bags through disinfection or sterilization on-site in the manner as prescribed by the World Health Organization (WHO) or National AIDS Control Organization (NACO) guidelines and then sent to the common bio-medical waste treatment facility for final disposal.

12. The Occupier is required to display the authorization at a prominent place in its premises for view of general public.

13. If the Occupier is having laundry facility and/or not connected to the public sewer, the Occupier is required to install requisite treatment system before its discharge to meet the standards as prescribed under BMW Rules, 2016.

14. The Occupier shall use only non-chlorinated plastic bags & gloves as per Notification dated 16 th March, 2018 published by MOEF&CC.

15. The Occupier shall establish a Bar-Code System for bags or containers containing bio-medical waste to be sent out of the premises for the further treatment & disposal in accordance with the guidelines issued by CPCB.

16. The Occupier shall ensure segregation of liquid chemical waste at source and ensure pre-treatment or neutralization prior to mixing with other generated effluent from HCF, if any.

17. The Occupier shall immunise all its health care workers and others, involved in handling of bio-medical waste for protection against diseases including Hepatitis-B & Tetanus that are likely to be transmitted by handling of bio-medical waste, in the manner as prescribed in the National Immunization Policy or the guidelines of the Ministry of Health & Family Welfare issued from time to time.

18. The Occupier shall ensure occupational safety of all its health care workers & others involved in handling of bio-medical waste by providing appropriate & adequate personal protective equipment.

19. The Occupier shall conduct health check-up at the time of induction & at least once in a year for all its health care workers others involved in handling of bio-medical waste & shall maintain records for the same.

20. The Occupier shall develop its own website by 15 th March, 2020 and shall make available the annual report on its website.

21. The Occupier shall provide training to all its health care workers and others, involved in handling of bio-medical waste at the time of induction & thereafter at regular intervals & the details of training programmes conducted, number of personnel trained & number of personnel not undergone any training shall be provided in the Annual Report.

22. The Occupier shall submit the Annual Report in Form-IV by 30th June every year, including information about the categories and quantities of bio-medical waste generated from 1st January to 31st December of the preceding year.

23. The Occupier shall submit the copy of fresh valid agreement with CBWTF to this office within 15 days of expiry of previous agreement or in case of any change.

24. Submission of false information shall make the authorization liable for cancellation without any notice.

25. The Occupier shall use only Piped Natural Gas (PNG) as fuel in boilers, if any.

26. The occupier shall apply for renewal of authorization under the aforementioned Rules before one month of the expiry of this authorization.

27. The Occupier shall apply for fresh Authorization in case of any change in the activity/number of beds etc.

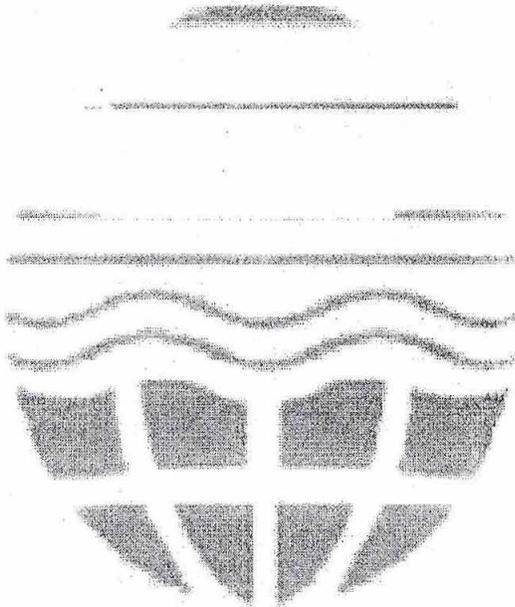
28. In case of violation of any of above said conditions, penal action will be initiated against the Occupier including withdrawal of authorization/consent etc.

29. In case of failure to comply with any of the above conditions and / or with any provision of the Act or of these Rules, authorization issued to the Occupier may be suspended or cancelled as per the provisions under sub-rule 10 (2) of Bio- Medical Waste Management Rules, 2016, as amended to date.

30. Environmental compensation imposed (if any) shall be dealt separately.

To,

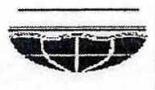
KIDS CLINIC INDIA PRIVATE LIMITED
PLOT NO 1 NW AVENUE CLUB ROAD PUNJABI BAGH WEST DELHI
110026



14

Annexure - 4

Speed Post

	<p>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/OA No. 202/2022/ 24884

Dated: 06/06/2022

Subject: 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.

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.

Whereas, you, **The Director/ Medical Superintendent/ Incharge, 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 and 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 report 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. 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, 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.

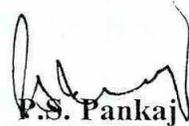
Whereas, Central Pollution Control Board (CPCB) has framed guidelines for levying of Environmental Compensation Charges for violation of Noise Pollution (Regulation & Control)

Rules, 2000 including D.G. Sets' as per the directions of Hon'ble National Green 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.

Now therefore, in view of the above, DPCC in exercise of powers conferred upon it, u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 read alongwith Noise Pollution (Regulation and Control) Rules, 2000, proposed to issue the following directions:-

1. That you (the addressee) shall stop the operation of both the D.G. Sets of 380 KVA and 180 KVA capacity 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. Environmental Compensation (EC) charges of Rs. 50,000/- (Rupees Fifty Thousand only) {(Rs. 25,000/- (Rupees Twenty Five Thousand only) for each D.G. Set} should not be levied on you (the addressee) for causing noise pollution by both the D.G. Sets of 380 KVA and 180 KVA Capacity.

By way of this notice, you (the addressee) is hereby called upon to show cause, as to why the above said proposed directions should not be confirmed and Environmental Compensation (EC) charges of Rs. 50,000/- (Rupees Fifty Thousand Only) should not be imposed. Your reply, if any, along with supporting documents should reach to this office within 07 days from the date of receipt of this notice. In case of failure, it will be presumed that you (the addressee) have nothing to say in this regard and the aforementioned proposed directions shall be confirmed and Environmental Compensation (EC) charges will be imposed without any further reference.



In-charge, WMC-I

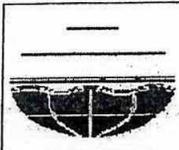
To,
The Director/ Medical Superintendent/ Incharge,
M/s Kids Clinic India Pvt. Ltd. (Cloud 9 Hospital),
Plot No. 1, North West Avenue,
Club Road, Punjabi Bagh,
New Delhi-110026

Copy to: Master File of WMC-I



16

Annexure-5



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
visit us at : <http://dpcc.delhigovt.nic.in>

JOINT Inspection Report

Date of Inspection :- 02/06/2022

1.	Name & Address of the HCF	KEDS INDIA CLINIC INDIA PVT. LTD. Plot No-1, NW Avenue, Club road, Punjabi Bagh, West Delhi-110026
2.	Name of Owner and Contact Number	Sh. Prashant Sinha (Business Head) 9873324821
3.	Name of Contacted Person and Contact number	Sh. Rajeev Kr. Sharma (Asst. Maintenance) 7065519099, 9660103329
4.	Type of HCF	49 Bedded Hospital
5.	Whether having valid agreement with CBWTF	Yes/ No
6.	Whether having valid authorization under BMW Rules, 2016	Yes/ No
7.	Whether color coded bins/ bags labeled with bio-hazard symbol provided in HCF	Yes/ No

8.	Whether segregation of waste is practiced in accordance with BMWM Rules?	Yes/No
9.	Whether generated bio-medical waste is collected by concerned CBWTF regularly?	Yes/No
10.	Name of Inspecting Officials	1. Sh. Praveen Kadiyan (Naib Tehsildar, SDM, Rungta Bagh) 2. Sh. Nareesh (JE, DPCC) 3. Sh. Deepanshu Abrol (TE, DPCC)

Remarks :-

- ↳ HCF is a 49 bedded hospital and has valid authorization under BMWM Rules, 2016 which is valid till 19.06.2016.
- ↳ Representative of the hospital reported that the OPD facility in the hospital was started on 07/12/2021 and IPD facility was started on 27/12/2021.
- ↳ On inspection of logbooks of D.G. gensets it came to notice, that D.G. sets have been operational since 09/10/2021, however, OPD and IPD started in December, 2021.
- ↳ Hospital has installed 2 D.G. sets of 380 KVA and 180 KVA, and have been provided with acoustic enclosure and adequate stack height is provided.

Praveen
02/06/22
(NT)PB

Nareesh
02/06/2022

Nareesh
02/06/2022

(18)

↳ External diesel storage tank was found installed near electrical room.

↳ On inspection, it was found that the hospital does not have Fire NOC, however, the representative stated that they have applied for the same, but could not produce any documents in this regard.

↳ Earlier sanctioned load of capacity 23 KVA is available with the name of M/s Nimitaya Hospitality LLP. Now at present the sanctioned load is increased to 372 KVA on 20/03/2021 in the name of Kids Clinic India Pvt. Ltd.

→ Segregation of the Bio-medical waste was found satisfactory.

↳ Color coded bins are being used for collection of BMW.

↳ Bio hazard symbol was missing at Blue category bin, placed at Bio-medical waste storage site.

↳ On scrutiny of the logbook of 380 KVA, it was observed that the avg. running hour of 380 KVA D.G. set is 16 hrs^{/day} to 18 hrs^{/day} till 22nd Feb. 2022, however, from 23rd Feb 2022 to 20th March 2022, running hours of 380 KVA D.G. set is 11 hours in total, whereas, the increased sanctioned load from BSES was approved / operational from 20/03/2022.

~~Vedica~~
02/06/22

(NT) PB
Revenue

~~T. Singh~~
02/06/2022

TE, WMC-I
(DPCC)

~~Nareesh~~
02/06/2022
JEE, WMC-I
(DPCC)

19

OFFICE OF THE SUB DIVISIONAL MAGISTRATE (PUNJABI BAGH)
GOVERNMENT OF N.C.T. OF DELHI
MAIN ROHTAK ROAD, NANGLOI, DELHI-110041

Annexure-6

No.F.25/SDM(PB)/POLLUTION/NGT/2021/184

Dated: 17/6/22

ORDER

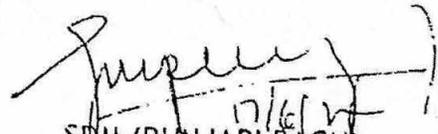
Whereas Delhi Pollution Control Committee (DPCC) vide Order No. F.No.DPCC/(121)(1)(316)Air Lab/2021/184 dated 25.06.2021 fixed compensation to be paid by the defaulter for violation of the Noise Pollution (Regulation and Control), Rules, 2000.

And whereas concerned Sub Divisional Magistrate shall be responsible for the enforcement of Noise Pollution (Regulation and Control) Rules, 2000 as accepted by Hon'ble National Green Tribunal.

And whereas concerned Sub Divisional Magistrate empowered to impose fine up to Rs. 1,00,000 /- on any person who commits breach of any of the directions/ guidelines given by the Hon'ble National Green Tribunal and sealed/seized the running Diesel Generator Set which is approved by CPCC/DPCC.

And whereas it is has been reported that a D.G Set (380 KVA) was found operational emitting noise beyond the permissible limite by M/s.Kids Clinic India Private Ltd. (Cloud 9 Hospital) 17.05.2022 at Plot No.1, NW Avenue Club Road, Punjabi Bagh, West New Delhi-26 which is causing environmental pollution and is in violation of the said orders of Hon'ble NGT.

Now, therefore, in pursuance of DPCC order dated 25.06.2021, I, SDM (Punjabi Bagh) order that M/s.Kids Clinic India Private Ltd. (Cloud 9 Hospital) is liable to pay compensation of Rs.25,000/- for polluting environment to be paid by Demant Draft in favour "Delhi Pollution Control Committee" SBI Account No. 40071442347,IFSC code SBIN0005715 to be deposited at Office of the SDM (Punjabi Bagh), Main Rohtak Road, Nangloi, Delhi-110041 within 3 days of receipt of this order.


SDM (PUNJABI BAGH)

To,
M/s.Kids Clinic India Private Ltd. (Cloud 9 Hospital)
at Plot No.1, NW Avenue Club Road,
Punjabi Bagh, West New Delhi-26

o/c

(Service through the post)

OFFICE OF THE SUB DIVISIONAL MAGISTRATE PUNJABI BAGH
GOVERNMENT OF N.C.T. OF DELHI
MAIN ROHTAK ROAD, NANGLOI, DELHI-110041

No. F 1/SDM (PB)/Misc./2022/3249-50

Dated 15.03.2022

To

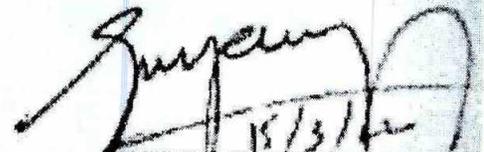
The Senior Environmental Engineer
Delhi Pollution Control Committee
4th & 5th Floor, I.S.B.T. Building
Kashmere Gate, Delhi - 110006

Subject: Reg. receiving of repeated complaints of running of DG Sets at M/s Kids Clinic, India Pvt. Ltd., 77/1, West Punjabi Bagh (Cloudnine Hospital) through Green Delhi App.

This is with reference to a repeated complaint received from Sh. Rajesh Kumar Garg through Green Delhi App against M/s Kids Clinic, India Pvt. Ltd., 77/1, West Punjabi Bagh for creating noise and air pollution whereas M/s Kids Clinic, India Pvt. Ltd., 77/1, West Punjabi Bagh (Cloudnine Hospital) has submitted a copy of the Noise Monitoring Report issued by your Department vide Result Nos. DPCC/Comm/N/7057/476-477 dated 27.09.2021 vide which two DG Sets were permitted to function 24x7 (copy enclosed for ready reference). However, it is pertinent to mention that the complainant insists that the gensets are being used 24X7 and creating a lot of noise and air pollution.

In view of the above, it is requested that the matter may be examined and necessary action may be taken in this regard at your end while also informing the complainant of the same.

Encl. As above.


15/3/22
GURPREET SINGH
SDM: PUNJABI BAGH

Copy to:-

1. Sh. Rajesh Kumar Garg (asiantrading007@hotmail.com)

OFFICE OF THE SUB DIVISIONAL MAGISTRATE (PUNJABI BAGH)
GOVERNMENT OF N.C.T. OF DELHI
MAIN ROHTAK ROAD, NANGLOI, DELHI-110041

21

No.F.25/SDM(PB)/POLLUTION/NGT/2021/53.PJ

Dated: 06/06/22

ORDER

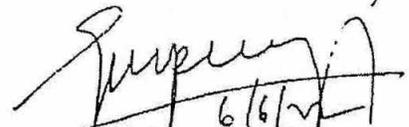
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And whereas concerned Sub Divisional Magistrate shall be responsible for the enforcement of Noise Pollution (Regulation and Control) Rules, 2000 as accepted by Hon'ble National Green Tribunal.

And whereas concerned Sub Divisional Magistrate empowered to impose fine up to Rs. 1,00,000 /- on any person who commits breach of any of the directions/ guidelines given by the Hon'ble National Green Tribunal and sealed/seized the running Diesel Generator Set which is approved by CPCC/DPCC.

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SDM (PUNJABI BAGH)

To,
M/s.Kids Clinic India Private Ltd. (Cloud 9 Hospital)
at Plot No.1, NW Avenue Club Road,
Punjabi Bagh, West New Delhi-26

c/c.

(Service through Harjee Patwari)