

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

O.A. No. 40/2022

In the matter of:

Gauri Maulekhi

..... Petitioner

Versus

Union of India and Ors.

..... Respondents

NDOH:- 22.04.2022

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Filed by:

(Delhi Pollution Control Committee)

Respondent No. 4

New Delhi:

Dated: 21.04.2022

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH) AT NEW DELHI**

O.A. No. 40/2022

In the matter of:

Gauri Maulekhi

..... Petitioner

Versus

Union of India and Ors.

.....Respondents

**STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE (DPCC) - RESPONDENT NUMBER -4.**

1. That this Hon'ble Tribunal has issued certain directions vide its order dated 16.02.2022 in the present matter which are as under:

".....Accordingly, while directing notice to the PP - Respondent No. 3, Delhi Agricultural Marketing Board and statutory regulator, Respondent No. 4, DPCC, we restrain the Respondent No. 3 from going ahead with construction without any requisite operational EC/Consent and direct Respondent No. 4 to enforce this direction."

2. That, Appeal No. 11 of 2021 was filed by Smt. Gauri Maulekhi against grant of Environmental Clearance (EC) by the Ministry of Environment, Forest and Climate Change (MoEF&CC) on 05.01.2021 for development of Modern Poultry & Egg Market at Ghazipur, New Delhi by M/s Delhi Agricultural Marketing Board (DAMB). This Hon'ble Tribunal on 19.05.2021 ordered:

".....

7. From the impugned order and the proceedings before the EAC, the above issues do not appear to have been addressed. EAC is under obligation to do so in view of judgement of the Hon'ble Supreme Court in Hanuman Luxman v. UOI, (2019) 15 SCC 401. Thus, without further adjudication, the grant of EC needs to be revisited. We order accordingly. Till fresh consideration in the light of the above, the impugned EC may not be given effect.

....."

3. That before mentioning the status of the case, it is relevant to mention the status of the cases pending/ disposed against the Poultry and Egg Market Complex, Ghazipur, Delhi-96, which are as:

(A) OA 176/2021 entitled as “Shreya Paropkari & Anr. Vs. Delhi Agricultural Marketing Board & Ors.” This matter was taken up by the Hon`ble Green Tribunal on 28.07.2021 and adjourned for 30.11.2021. Following directions were issued on 28.07.2021:

- i. DPCC, in coordination with other concerned authorities:
 - To identify the violators, initiate prosecution, stop polluting activities and recover compensation for the past violations,
 - To prevent slaughtering of chickens in haphazard manner, management of waste generated in the process slaughtering of chickens and dressing/cutting and selling of fish.
 - The effluent generated in the process needs to be treated and treated waste needs proper utilisation/disposal
 - Siting norms need to be evolved and followed in the complex.
- ii. A joint Committee comprising of CPCB, DPCC and District Magistrate (East) may verify the ground situation and furnish an ATR within three months. The DPCC will be the nodal agency for coordination and compliance.
 - Committee undertake visit to the site.
 - The Committee may take stock of the situation with reference to earlier reports also and ascertain updated remedial action in the matter.
 - The report may inter-alia mention the level of water and air pollution, status of waste management, action plan of the individual units and the authority of the complex to set up requisite solid and liquid waste management facilities and status of waste management in the upcoming Complex dealt with by the Tribunal vide order dated 19.5.2021 in Appeal 11/21.
 - The Committee may also report whether the existing operators will shift to new complex and impact thereof.

This matter was taken up this Hon`ble Tribunal on 30.11.2021. The Tribunal considered the report of the joint Committee and ordered as:

9. The Delhi Agricultural Marketing Board has also filed its response on 27.11.2021 which merely objects to the locus of the applicant and desirability of these proceedings when matter is being also considered by the Delhi High Court in WPC No. 1214/2018 and has been considered in another matter by this Tribunal in OA No. 11/2021, Gauri Mulekhi vs. Delhi Agricultural Marketing Board.

10. On due consideration of the matter and after hearing learned Counsel for the parties, we are of the view that the DAMB cannot avoid its obligations under the Environmental norms – having valid consents, compliance with the requisite norms. The statutory

authorities – DPCC, EDMC and District Magistrate have to enforce the rule of law and take necessary steps for protection of environment in the light of above report. Violations found by the joint Committee have to be remedied. Pendency of the matter before the High Court is by itself no bar to consideration of matter by this Tribunal.

11. Accordingly, CPCB, DPCC, District Magistrate and EDMC may proceed with the remedial action to ensure that environment norms are duly complied and compensation for the past violations recovered in accordance with law.

- iii. Appeal No. 1/2019 entitled as “Gauri Maulekhi Vs. Delhi Pollution Control Committee”. This appeal was filed against the consent order dated 11.01.2019 issued by DPCC. This appeal was listed on 20.07.2020 before the Appellate Authority i.e Joint Secretary (MoEF & CC), being the Appellate Authority under Air Act, 1981. The appeal was dismissed as in fructuous.

- iv. Appeal No. 77/2019 entitled as “Gauri Maulekhi Vs. Delhi Pollution Control Committee”. This appeal was filed against the consent order dated 11.01.2019 issued by DPCC. This Appeal was listed on 26.08.2021 before the Court of Financial Commissioner, Delhi, being the Appellate Authority under Water Act, 1974. The appeal was dismissed as withdrawn.

- v. Appeal No. 11/2021 entitled as “Gauri Maulekhi Versus Ministry of Environment Forest and Climate Change & Anr.” This appeal has been preferred against grant of Environmental Clearance (EC) by the MoEF&CC on 05.01.2021 for development of Modern Poultry & Egg Market at Ghazipur. This matter was taken up by the Hon`ble Green Tribunal lastly on 19.05.2021 and following order was passed:

“....6. Last submission is that there is no environment impact assessment of the slaughtering activity, as the evaluation is only of construction activity. The suitability of the site in question, adjacent to Gazipur dump site and impact on hygiene and public health has also not been assessed. The project was required to be appraised as an integral one and not confined to construction alone. Moreover, above Court orders were required to be duly considered.

7. From the impugned order and the proceedings before the EAC, the above issues do not appear to have been addressed. EAC is under obligation to do so in view of judgment of the Hon'ble Supreme Court in Hanuman Luxman v. UOI, (2019) 15 SCC 401. Thus, without further adjudication, the grant of EC needs to be revisited. We order accordingly. Till fresh consideration in the light of the above, the impugned EC may not be given effect.

8. We have not considered necessary to issue notice as we are not adjudicating upon the issue and requiring the EAC to comply with the binding law on the point. However, the respondents are given liberty to move this Tribunal, if they are aggrieved by this order..."

That the MoEF&CC had constituted a Sub-Committee of Expert Appraisal Committee vide order dated 22.11.2021 to visit of the project site 'Development of Modern Poultry & Egg Market' at Ghazipur, Delhi. The said Sub-Committee inspected the site on 25 November, 2021.

In this report, sub-committee of Expert Appraisal Committee (Infra-2) recommended as below:

".....
Based on the observations made during the site visit and clarifications provided by the project proponent and consultant, the committee was of the opinion that the project is in compliance to the major issues raised in the Hon'ble NGT order dated 19.05.2021 in appeal no. 11/2021. The committee was also of the opinion that the proposed modern poultry and egg market is an integrated facility which would greatly improve the existing market in terms of environment management as well as hygiene and aesthetic condition of the area. As such, the committee recommended that the EC granted to the project vide letter no. 21-91/2020-IA-III dated 05.01.2021 has taken into consideration the environmental aspects of animal waste management.
....."

In compliance of the above order, the MOEF&CC filed its status report on 15.02.2022 before this Hon`ble Tribunal. The operative part of the report is as under:

6. It is pertinent to mention that in compliance of order passed by the Hon'ble Tribunal and observations made by the sub committee, it is humbly submitted that the project in question was appraised for EC under item 8(a) of the EIA notification, 2006 and its subsequent amendments which pertains to building and construction projects with build-up area > 20,000 sqm and <1,50,000 sqm., as there is no separate provision under EIA notification, 2006 and its amendments for slaughtering activity. Hence, as per the provisions of said notification, the project does not require an EIA report and accordingly the project was appraised on the basis of submitted Form-1, Form-IA and Conceptual Plan.

Further, as per the sub committee report, it is also submitted that the proposed modern poultry and egg market is an integrated facility, which would greatly improve the existing market in terms of environmental management as well as hygiene and aesthetic condition of the proposed location.

In addition, it is submitted that the environmental aspects of animal waste management was also considered by the committee while granting EC to the PP on 05.01.2021.

Thereafter no order was passed by this Hon`ble Tribunal in this matter.

vi. W.P. (C) NO. 309/2003 before the Hon`ble Supreme Court entitled as "Laxmi Narain Modi vs. Union of India".

"By an order dated 23.08.2012, this Court had directed setting up of State Committees for overseeing the functioning of the slaughter houses. The Chairman of each State Committee is the Secretary in the Department of Urban Development in the State Government. For monitoring the meetings of the activities of the

State Committees, we nominate, as the nodal officer, the Secretary in the Ministry of Urban Development, Government of India, who will coordinate with the State Committees and obtain information from them as required from time to time. In the first instance, the Secretary in the Ministry of Urban Development, Government of India (the Nodal Officer) will ascertain and state on affidavit whether all the States have set up the Committee in terms of the order passed by this Court on 23.08.2012 and whether they are functioning in terms of paragraph of the order dated 27.08.2013. The Nodal Officer will also inform us whether the Prevention of Cruelty to Animals (Slaughter House) Rules, 2000 are being implemented and enforced and whether the broad framework prepared by the Ministry of Environment and Forests, Government of India for the State Committees for slaughter houses is being followed. The needful be done within four weeks....”

(F) W.P. (C) No. 1214/2018 titled as, “Gauri Maulekhi Versus Delhi Agricultural Marketing Board and Ors”. Pending before the Hon`ble High Court of Delhi. Hon`ble High Court on 24.09.2018 passed following order:

“No Slaughtering of bird would be permitted hence forth in Ghazipur Murga Mandi. The respondents are granted liberty to work out a system to bring into place or establishment a proper market in the area after complying with all the statutory requirements, particularly the environment and pollution level and on consideration of the same, we would consider the question of permitting operation at slaughter house for poultry in the area in question.”

The above order shows that following directions were issued by this Hon`ble Court:

- a. No Slaughtering of Bird shall be permitted.
- b. Respondents shall work out a system to establish a proper market in the area after complying with all statutory requirements.

- c. The requirements of Environmental and Pollution level shall in particular be complied for allowing the operation again.

This matter is now listed for 26.04.2022.

(G) CCP No. 98/2021 titled as, "Gauri Maulekhi Versus Delhi Agricultural Marketing Board and Ors" pending before the Hon`ble High Court of Delhi. Hon`ble High Court of Delhi issued notice on petition and now, this matter is listed for 26.04.2022.

4. That following actions were taken by DPCC, since the order dated 24.09.2018 passed by the Hon`ble High Court of Delhi in WP (C) 1214/2018:

- a. That on 16.11.2018, DAMB filed an application for Consent to Operate under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.
- b. That on 09.01.2019, a meeting was taken by the Hon`ble Minister of (Environment and Forest) GNCTD with the representative of Poultry Market and DPCC officials wherein it was decided to grant Consent to Operate incorporating all conditions required for pollution control and documentation and subject to the orders of the Hon`ble High Court of Delhi.
- c. That Consent to Operate was issued to Poultry Market till 15.11.2023. Although the Consent to Operate was issued, however it was subject to complying with the conditions of Pollution Control and also to the orders of Hon`ble High Court of Delhi passed on 24.09.2018.
- d. That on 06.11.2019, another inspection of the site was carried out by DPCC officials. Following were the observations of the inspection regarding poultry market:
 - (i) The common slaughtering area earlier existing in the market has been dismantled. Now slaughter of bird is being done in individual shops which are having license from EDMC. It was reported that approximately 50 numbers of licenses have been issued by EDMC to these shops.
 - (ii) An ETP of 650 KLD has been installed to treat the waste water generated from these shops.

- (iii) The ETP was found in operation. Flow meters have been found installed at inlet and outlet of ETP. It was reported that flow meter installed at inlet of ETP has been changed about one month back. The current reading of flow meter at inlet and outlet of ETP are 7281.567 and 38937.499 respectively.
 - (iv) Online monitoring system has also been installed with ETP which was found functional and showing parameters ph, TSS, BOD and COD which are within the prescribed standards.
 - (v) It was observed that waste generated from these shops during slaughtering/ dressing/ cleaning have been kept in bags in open space between enhance gate and shops and lot of vulture were observed there. It was reported that at the end of the day the waste was send to SLF.
 - (vi) Lot of feather of birds were observed on the road in the market.
 - (vii) It was reported that a common Waste to Energy plant of 15 TPD capacity is being installed adjacent to ETP to handle the waste generated from fish market, Poultry Market, Flower Market and Fruit Market & Vegetable Market of Gazipur.
 - (viii) It was observed that one Pre-digested, two main digester and sludge drying beds have been constructed for Waste to Energy Plant.
 - (ix) It was observed that same column/ beams and escalation work have been done wrt modernization of Poultry and Egg Market. During the inspection no construction activity was going on.
 - (x) Treated waste water of ETP is being discharged into a open drain.
 - (xi) It was observed that app. 26 no of Temporary shops have been allotted by the EDMC in the Vacant plot adjacent to Poultry Market and backside of these shops selling of Mutton/ chicken/ Fish is being carried out by same people.
 - (xii) It was reported that there are two no. of borewells but these are not working properly and Water is taken from fish market.
 - (xiii) It was observed that various shops have installed individual borewells for extraction of ground Water.
 - (xiv) Adequate stock height has not been provided with the DG set of 82.5 KVA.
 - (xv) The unit has still not applied for EC in MoEF.
- a. That due to the above mentioned findings, the Consent to Operate was revoked on 09.11.2019 and directions for closure under section 33(A) of Water Act, 1974 and section 31(A) of Air Act, 1981 was issued.
- b. That as no compliance was received from any of the corner, hence a reminder letter was issued on 10.01.2020 to various agencies seeking compliance of the closure directions.

- c. That, DAMB on 20.02.2020, submitted the point wise compliance of the direction passed by DPCC on 09.11.2019.
- d. That thereafter another inspection was carried out by DPCC officials on 24.09.2020. Following were the observations of the inspection regarding poultry market:
- At the entrance of the Poultry Complex, there are number of shops engaged in illegal slaughtering and roasting of animal parts.
 - The Poultry & Egg market is spread over an area of approx. 15 acers.
 - The DAMB has awarded work of modernization and construction of slaughter house to M/s Ahluwalia Contracts (India) Ltd.
 - The agency has constructed ground floor of processing/ slaughtering unit (123) and work of second floor & Block A of the main building is under construction.
 - The RMC plant was also observed during the inspection conducted on 06.11.2019 for which unit has applied for CTE on 14.03.2020.
 - Construction was being carried out without obtaining revised Environmental Clearance, Consent to Establish from DPCC and in violation of norms for control of dust pollution like
 - No continuous dust/ wind breaking walls of appropriate height
 - Without tarpaulin or green net,
 - Construction material / debris found uncovered,
 - No sprinkling system provided to suppress dust /loose soil/ unpaved surfaces and no green belt.
 - Provision of wheel washing is existing near main gate facility found but not in used.
 - No steps have been taken to cover the conveyer belt and trolleys used for feeding the raw material in RMC.
 - No emission control system has been provided to control the emission generated from the process of cement bag cutting / loading/ unloading.
 - There DG sets with acoustic enclosure are existing at the site, out of which two DG sets are of 62.5 KVA and one of 123 KVA.

- In order to produce electricity 1500 KW / day, DAMB has awarded work of installation of Bio-methanation plant of capacity 15 TPD for production of gases by using poultry/ fish waste to M/s green Bricks Eco Solutions Pvt Ltd. The work of installation of bio-methanation plant is yet to be completed and it would be made operational within 2-3 months. The agency has obtained CTE under white category on 19.03.2020.
 - In poultry market, there are 88 temporary shops out of which 1 shop is allotted for farmers and 87 shops have been allotted to traders, out of which 60-65 owners have obtained licenses for slaughtering from EDMC. Slaughtering of birds was observed in the slaughtering area located in the shops.
 - Most of the shops are having individual borewells for extraction of ground water as there is no water supply facility by DAMB.
 - Solid waste generated from these shops during slaughtering/ dressing/cleaning are kept in plastic drums/ bags in open space between entrance gate and shops attracting lots of vultures and eagles. Also, the dead birds and other waste is being disposed off through MCD without any treatment.
 - The whole complex was found filled with birds' feathers and litterings. The litters were even observed outside the compound, which is attracting lot of eagles, vultures and stray animals.
 - Pool of blood was observed in front of number of shops and unpleasant odour prevails in compound and adjoining area.
 - The STP of Poultry and Egg Market was found operational and all its units were found functional.
 - No improvement was noticed in respect to construction of covered and gated storage site and waste management in Poultry market.
- e. That on 05.11.2020, a reminder was sent to various agencies (EDMC, Water Supply and BSES), asking them to submit the compliance with respect to closure directions issued on 09.11.2019.
- f. That on 05.11.2020, a reminder letter was issued to DAMB, directing them to stop all processes in Poultry and Egg Market, Ghazipur including

processing/ slaughtering of birds in view of the order of Hon'ble High Court dated 24.09.2018.

- g. That DAMB submitted its reply to DPCC vide letter dated 13.11.2020 requesting DPCC to revoke the Closure directions.
- h. That DPCC after considering the request of the DAMB issued letter on 25.11.2020, asked them to furnish a bank guarantee of Rs 50,00,000/- (fifty lakhs). The Bank Guarantee is to ensure compliance by the DAMB. In the letter other topic wise directions were also issued to DAMB. DAMB was also directed to file specific undertaking with regard to compliance of the pollution control norms.
- i. That DPCC also has imposed Environmental Compensation of Rs. 2,84,40,000 on DAMB vide letter dated 06.11.2020. As EDC was not deposited by DAMB, so recovery certificate was issued on 31.08.2021.
5. That, a letter was issued to Commissioner East DMC, DM (East) and BSES on 22.11.2021 seeking compliance to the earlier letters of DPCC. Copy of the letter dated 22.11.2021 is enclosed herewith as **Annexure-1**. Further, a letter dated 25.11.2021 was issued to Ahluwalia Construction (India) Ltd. to stop all construction activity in absence of valid Environmental Clearance. Copy of the letter dated 25.11.2021 is enclosed herewith as **Annexure-2**.
6. That, a letter was received from DAMB on 08.02.2022 regarding allowing construction activity including operation of RMC Plant and grant of Consent to Establish to Poultry Market, Ghazipur on the basis of re-visit conducted by sub-committee of Expert Appraisal (Infra-2) of MoEF&CC, GOI. In its letter, DAMB attached the copy of visit Report of EAC sub-committee for Re-Examination of Environmental Clearance issued vide letter number 21-91/2020-IA-III dated 05.01.2021 for 'Development of Modern Poultry & Egg Market', copy enclosed as **Annexure-3**.
7. That, subsequently after receiving of letter dated 08.02.2022 from DAMB, DPCC issued a letters on 17.02.2022 & 22.03.2022 to the MoEF&CC regarding

clearance of Revalidation of Environmental Clearance for construction of Modern Poultry Market, Ghazipur, Delhi, so that DPCC may initiate the process of granting CTE & CTO. However, reply from MoEF&CC in this regard is awaited. Copies of the letters dated 17.02.2022 & 22.03.2022 are enclosed herewith as Annexure -4 and 5 respectively.

8. That, DPCC officials have inspected the site on 16.03.2022. During the inspection, no construction activity was observed at the site.

9. That in compliance of the order of this Hon'ble Tribunal dated 16.02.2022, DPCC has sent email on 21.3.2022 to DM (East) and DAMB to comply with the directions in letter and spirit.

10. That further, DPCC has issued a letter to DM (East) on 23.03.2022 for taking appropriate action to ensure compliance of the directions of this Hon'ble Tribunal. Copy of the letter dated 23.03.2022 is enclosed herewith as Annexure-6. In response to the said letter dated 23.03.2022, the office of the DM (East) on 13.04.2022 has informed that the site was inspected by their office and found no construction at Modern Poultry & Egg Market was going on. Copy of the letter dated 13.04.2022 is enclosed herewith as Annexure-7.

The above said status report may kindly be taken on record.


Rajeev Kumar Sharma
(Environmental Engineer)

(Delhi Pollution Control Committee)



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

12

F. No. DPCC/WMC-III/2021

3532 + 3524

Dated: 22/11/2021

To,

Annexure-1

1. The Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Industrial Area, Delhi-110092.
2. The District Magistrate (East), L.M. Bund, Shastri Nagar, Delhi-110031.
3. The General Manager (Commercial), BSES Yamuna Power Ltd, Shakti Kiran Building, Ground Floor, Main Road, Karkardooma Court, Delhi-110032.

REMINDER

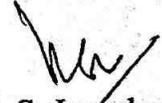
Sub: -Compliance of directions for closure issued to Poultry and Egg Market at Ghazipur, Delhi-Reg.

Sir/ Madam

This is in reference to our earlier letters dated 10.01.2020 and 05.11.2020 and closure directions issued to Poultry and Egg Market (managed by Delhi Agricultural Marketing Board) operational at Ghazipur, Delhi in view of the non compliance of the provisions of Water Act, 1974 and Air Act 1981 vide letter dated 09.11.2019 wherein you were asked to ensure effective closure, cancellation of license of shops, disconnection of water supply and electricity/ power supply of the unit with immediate effect and send the compliance report within 15 days. However, no action taken report has been received so far in this office. Copy of the same is attached herewith once again for your ready reference.

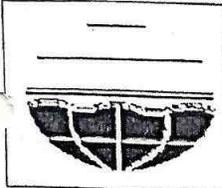
Your are once again requested to look into the matter and direct the concerned official(s) to take appropriate action in compliance of closure directions issued to Poultry and Egg Market, Ghazipur, Delhi, vide letter dated 09.11.2019 and send action taken report to Delhi Pollution Control Committee. The issue of pollution being caused by the Poultry Market is being monitored by Hon'ble Delhi High Court in a Writ Petition filed by Ms. Gauri Maulekhi. The next date of hearing in Hon'ble Court is on 20.1.2022.

Yours faithfully,


(Dr. K. S. Jayachandran)
Member Secretary

d/c

By Speed Post



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

F. No. DPCC/WMCIII/2021

3542 + 46

Dated: 25/11/2021

To,

Site Incharge

M/s Ahluwalia Contracts (India) Limited,

Modern Poultry & Egg Market,

Ghazipur, Delhi-110096

Annexure-2

Sub: Compliance of directions for closure issued to Poultry and Egg market at Ghazipur, Delhi and the order of Hon'ble NGT-reg.

Sir,

This refers to the earlier letter of this office dated 03.12.2020 vide which you were directed to deposit Environmental Compensation (EC) of Rs. 5,00,000/- (Rs. Five Lakh Only) & stop RMC plant with all the construction activities in the absence of valid Environmental Clearance from the Ministry of Environment and Forests, GoI. Further, Hon'ble NGT vide its order dated 19.5.2021 in the matter of Appeal No. 11/2021 had set aside the EC issued by MoEF& CC, GoI and directed to review the said EC dated 05.01.2021.

In view of the above, you are once again directed to stop all construction activity including Ready Mix Concrete (RMC) plant being run at your site in absence of the valid Environmental Clearance. You are therefore required to submit compliance report in this regard within 7 days of issue of this letter failing which appropriate action for prosecution proceedings will be initiated against Competent Authority without any further reference to you.

Copy to:

1. The Secretary, Delhi Agricultural Marketing Board, Plot No. 95, D.A.M.B. Office Building, Institutional Area, Pankha Road, Janakpuri, New Delhi-110058
2. M/s Ahluwalia Contracts (India) Limited, A-177, Okhla Ind Area, Phase-1, New Delhi-110020.
3. Mr. Vipin Kumar Tiwari, GM (Corporate) & Company Secretary/Compliance officer, Ahluwalia Contracts (India) Ltd. E-mail: cs.corpoffice@acilnet.com
4. Master File


Incharge, WMC-III
Dr. B.M.S. Reddy
Senior Environmental Engineer
Delhi Pollution Control Committee
No. 95, D.A.M.B. Office Building
Kashmere Gate, Delhi-110006

Annexure-3

1982



दिल्ली कृषि विपणन परिषद

(रा० रा० क्षे० दिल्ली सरकार)

9, संस्थानिक क्षेत्र, पंखा रोड, जनक पुरी नई दिल्ली-110058

Delhi Agricultural Marketing Board

(Govt. of NCT of Delhi)

9, Institutional Area, Pankha Road, Janak Puri, New Delhi - 110058

Ph. (O) : 28521032, 28524420, Fax : 28525771

Website : www.delagrmarket.nic.in

e-mail : ambdl@nic.in



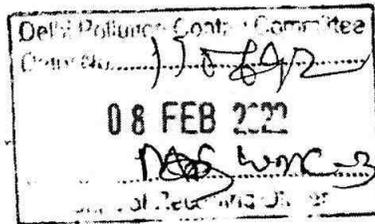
Ref. F.No.25(19)/444/2020/DAMB/Engg/ 635-41

Date. 1.8.22

To

The Member Secretary,
Delhi Pollution Control Committee,
Department of Environment (Govt. of NCT of Delhi)
4th & 5th Floor, ISBT Building,
Kashmere Gate, Delhi-110006

28521032 / WMC-3
10-02-20



Sub: Regarding allowing construction activity including operation of RMC Plant and grant of Consent to Establish to Poultry Market, Gazipur on the basis of re-visit conducted by sub-committee of Expert Appraisal Committee (Infra-II) of MoEF CC, GOI

Sir,

This is in reference to your letter No. DPCC/WMC-III/2021/3542-46 dt. 25.11.21 vide which you have directed to stop all the construction activities including operation of RMC Plant in absence of valid environment clearance from Ministry of Environment & Forest, Govt. of India.

In this regard, it is submitted that the environment clearance for the development of Modern Poultry & Egg Market with built up area of 96629.057 sqm. at B-1 Pocket, Gazipur was granted by MoEF CC vide letter No. 21-91/2020-IA-III dt. 5.01.21. Accordingly, as per the environment clearance obtained from the MoEF CC, DAMB carried out the construction activity in the Poultry Market, Gazipur and also applied for CTE of the project to DPCC vide application dt. 23.06.2021.

Hon'ble NGT in its order dated 19.05.2021 directed that the grant of aforesaid EC needs to be revisited and that the impugned EC may not be given effect till fresh consideration in light of issues raised in the Appeal No. 11/2021. DAMB vide its letter dated 24.09.21 submitted all the facts pertaining to this matter to MoEF CC and requested them for re-visit of environment clearance. MoEF CC vide its order dated 22.11.21 constituted a sub committee comprising of EAC Members along with one

WMC-3

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representative each from CPCB, DPCC and the Member Secretary, Representative from MoEF CC in order to re-examine the impugned EC.

Accordingly, the EAC Sub-committee visited the site of project on 25.11.21. The report of Sub-committee is attached herewith for the reference (Refer Annexure-I). The Sub-committee in its report recommended that:-

"Based on the observations made during the site visit and clarifications provided by the project proponent and consultant, the committee was of the opinion that the project is in compliance to the major issues raised in the Hon'ble NGT order dated 19.05.21 in appeal No. 11/2021. The committee was also of the opinion that the proposed modern poultry and egg market is an integrated facility which would greatly improve the existing markets in terms of environment management as well as hygiene and aesthetic condition of the area. As such, the committee recommended that the EC granted to the project vide letter No. 21-91/2020-IA-III dated 05.01.2021 has taken into consideration the environmental aspects of animal waste management."

In view of above recommendations of sub-committee, it is clear that the re-examination of environment clearance has been done by MoEF CC and hence DPCC is requested to allow the construction activity in the Poultry Market including operation of RMC Plant and grant the CTE / CTO for which necessary application has already been made to DPCC so that the Project may be completed at the earliest as it is a prestigious Project undertaken by Govt. of Delhi for providing clean environment to people in livestock trade in NCR Delhi.

Yours faithfully,

Project Engineer-II, DAMB

Encl: as above

Copy to:

1. In-charge, WMC-III, DPCC, 4th & 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006
- ✓ 2. Sh. R.K.Sharma, Environment Engineer, DPCC, 4th & 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006
3. PA to VC, DAMB for kind information.
4. PA to Secretary, DAMB for kind information.
5. Advisor, DAMB
6. SE, DAMB

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Site Visit Report of EAC Sub-Committee for Re-Examination of Environmental Clearance issued vide letter no. 21-91/2020-IA-III dated 05.01.2021) for 'Development of Modern Poultry & Egg Market with built up area of 96,629.057 sqm. at B-1 Pocket, adjacent to NH-24 Ghazipur, New Delhi by M/s. Delhi Agricultural Marketing Board (DAMB)'

Date: 25-26th November, 2021

IA/DL/MIS/183574/2020; F. No. 21-91/2020-IA-III

1. Background

The proposed project is for the development of a modern integrated facility for poultry & egg market with total built up area of 96,629.057 sq.m. in the existing market area at B-1 Pocket, adjacent to NH-24 Ghazipur, New Delhi by M/s. Delhi Agricultural Marketing Board (DAMB).

In the past, Ministry has granted Environmental Clearance (EC) vide letter No. 21-1229/2007-IA.III dated 28.07.2008 based on the appraisal done by the then EAC in its meeting held on 28th July, 2008. Since the EC dated 28.07.2008 had expired before completion of the construction, the project proponent applied for fresh EC for the project vide application no. IA/DL/MIS/183574/2020, which was appraised by the EAC (Infra 2) in its 57th meeting held on 25th November, 2020. The proposal was recommended by the EAC (Infra 2) and was granted Environmental Clearance vide letter no. 21-91/2020-IA-III dated 05.01.2021.

2. Issues for consideration

Hon'ble NGT in its order dated 19.05.2021, directed that the grant of aforesaid EC needs to be revisited and that the impugned EC may not be given effect till fresh consideration in the light of issues raised in the appeal no. 11/2021. The major issues raised in the aforesaid appeal are as follows:

- i. *Slaughtering of animals and processing of meat cannot be at the same place where marketing is done.*
- ii. *The project has not been appraised as an integral one considering the environment impact assessment of slaughtering activity.*

3. Findings of the Sub-Committee

The EAC (Infra 2) constituted a sub-committee comprising of EAC members (Dr. Dipankar Saha, Dr. H.C. Sharatchandra and Dr. V. S. Naidu) along with one representative each from Central Pollution Control Board (CPCB), Delhi Pollution Control Committee (DPCC) and the Member Secretary, representative from Ministry of Environment, Forest & Climate Change (MoEF&CC), in order to re-examine the impugned EC.

Accordingly, the EAC sub-committee visited the site of the project at B-1 Pocket, adjacent to NH-24 Ghazipur, New Delhi on 25.11.2021. The list of participants is enclosed as Annexure 1. The findings of the sub-committee are listed as under:

H. Sharatchandra

Onaid

(D. Saha)

[Signature]
Page 1 of 3

- i. The project site is located in the existing poultry and egg market. However, the construction site was barricaded and separated from the existing facility and maintained in good condition.
- ii. The project consists of the following main components:
 - a. Livestock Market Block - trading of live poultry (under construction)
 - b. Processing Unit - slaughtering (dressing) of poultry (under construction)
 - c. ETP unit - 650 KLD capacity (operational since 2013)
 - d. Waste to Energy plant - 15 TPD capacity (operational since 2020)
- iii. The committee observed that the slaughtering activity would be carried out only in the processing unit, which is housed in a separate block. Also, only traders licensed by FSSAI for the said activity would be permitted to carry out the slaughtering. As on date, 88 shops are involved in the trade of poultry and about 84 shops are licensed for slaughtering activity. The proposed project after completion will be able to accommodate about 100-120 vendors. Thus, the centralised facility will improve the environment conditions in the future. The layout plan of the proposed facility is enclosed as Annexure 2.
- iv. The proposed market would provide a modern state of the art facility with adequate provision for waste management in compliance to the directions of Hon'ble Delhi High Court Order dated 24.09.2018 in W.P. (C) No. 1214/2018, stated as follows:

"The respondents are granted liberty to work out a system to bring into place or establishment a proper market in the area after complying with all the statutory requirements, particularly the environment and pollution level, and on consideration of the same, we would consider the question of permitting operation at slaughter house for poultry in the area in question."

4. Discussion

The EAC sub-committee noted that the slaughtering/processing of poultry is proposed to be carried out in a separate building, which is well separated from the building proposed for marketing / trade of live poultry.

The ETP of 625 KLD capacity and WTE plant of 15 TPD capacity were found to be operational at site and were found to be satisfactory. The committee was also of the opinion that the environmental aspects of the project have been considered by the EAC in its 57th meeting held on 25th November, 2020, and specific conditions pertaining to environment management were recommended in the EC issued on 05.01.2021.

The Committee also noted that the said project was appraised for Environmental Clearance under item 8(a) of the EIA Notification, 2006 and its subsequent amendments which pertains to building and construction

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Page 2 of 3

2020/11/25

projects with built-up area $\geq 20,000$ sqm. and $< 1,50,000$ sqm. It was noted that, there is no separate provision under EIA Notification, 2006 and its subsequent amendments for slaughtering activity. As per the provisions of the said notification, the project does not require an EIA report and accordingly the project was appraised on the basis of submitted Form-I, Form IA and Conceptual Plan.

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5. Recommendation

Based on the observations made during the site visit and clarifications provided by the project proponent and consultant, the committee was of the opinion that the project is in compliance to the major issues raised in the Hon'ble NGT order dated 19.05.2021 in appeal no. 11/2021. The committee was also of the opinion that the proposed modern poultry and egg market is an integrated facility which would greatly improve the existing market in terms of environment management as well as hygiene and aesthetic condition of the area. As such, the committee recommended that the EC granted to the project vide letter no. 21-91/2020-IA-III dated 05.01.2021 has taken into consideration the environmental aspects of animal waste management.



Dr. Dipankar Saha
Member -EAC (Infra 2)



Dr. H. C. Sharatchandra
Member -EAC (Infra 2)



Dr. V.S. Naidu
Member -EAC (Infra 2)



Dr. Rajendra Kumar
Dy. Director (S) and
Representative of Member Secretary EAC (Infra-2)

LIST OF PARTICIPANTS

MEETING OF EAC (INFRA-2) Sub-Committee

on Ghazipur Meat & Poultry Wholesale Market

25/10/2021

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Name	Designation	Signature
1. Dr. H. C. Sharatchandra	EAC member	H. Sharatchandra
2. Dr. Debanakar Saha	- " -	
3. Dr. V. S. Nanda	- " -	
4. Dr. Rajendra Kumar	Deputy Director, MOEF	[Signature]
5. Varada Vijayaraghavan	Consultant - Infra. 2, MOEF	[Signature]
6. Vinay Prakash	Sc. 'B', CPCB	[Signature]
7. P. S. Meena	EE, DAMB	[Signature]
8. Dr. A. K. Gupta	Consultant } State Consultant	[Signature]
9. Varun Gupta	Consultant }	[Signature]
10. R. K. ASANAL	S.E., DAMB	[Signature]
11. R. K. Chauras	Gen. Secy, DPCC	[Signature]
12. PRASHANT TANWAR	Secretary, FPEML	[Signature]
13. Kamal Kumar	AE, DAMB	[Signature]
14. Ramesh Kumar	AE, DAMB	[Signature]
15. Dr.		

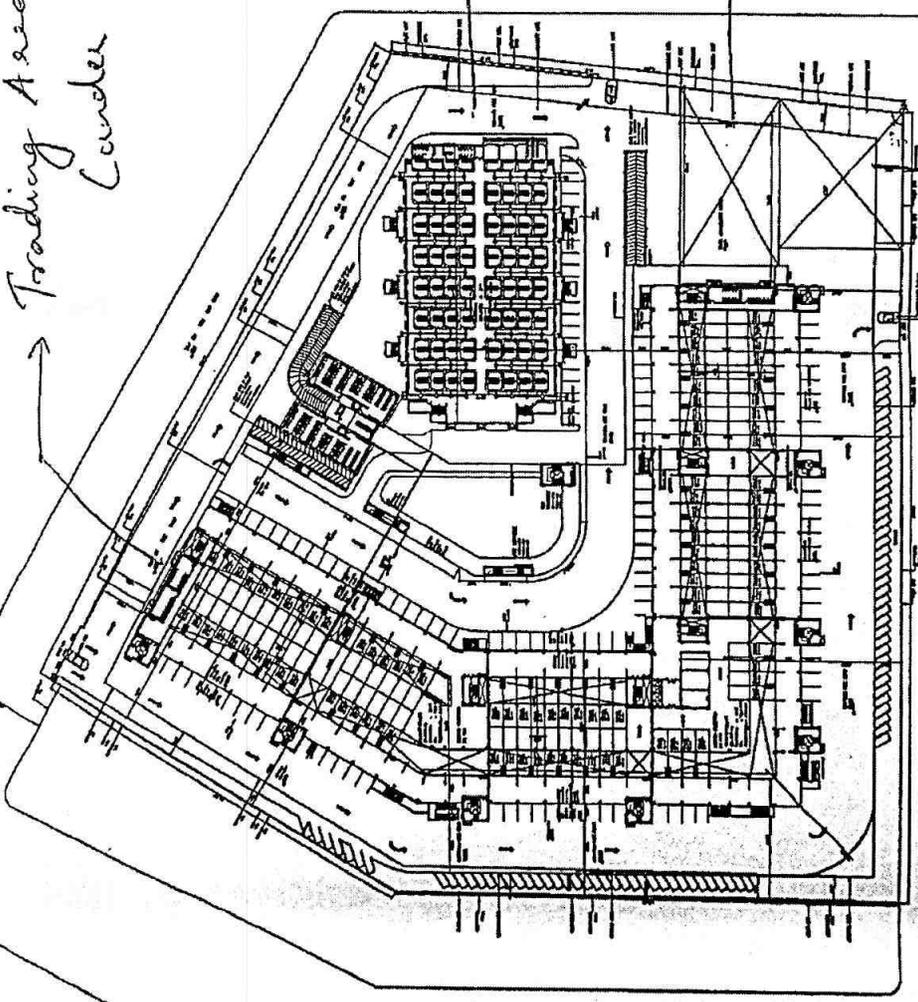
STATUS AS ON 25/11/2021

Trading Area / Livestock Market Block
(Under Construction)

Processing Unit
(Under construction)

Waste to Energy Plant (WTEP)
(Working - since 2020)

ETP (650 kld)
(Operational since 2013)



1. The drawing is a site plan for the proposed building for the construction of Poultry and Egg Market at B-1 Pocket Gurgaon, Delhi.

2000 FOR CONSTRUCTION

PROPOSED BUILDING PLAN FOR THE CONSTRUCTION OF POULTRY AND EGG MARKET AT B-1 POCKET GURGAON, DELHI

SITE PLAN

DATE: 25/11/2021

SCALE: 1:1000

PROJECT NO: 1976

ARCHITECT'S BUREAU

PROJECT NO: 1976

DATE: 25/11/2021

SCALE: 1:1000

PROJECT NO: 1976

ARCHITECT'S BUREAU

PROJECT NO: 1976

DATE: 25/11/2021

SCALE: 1:1000

PROJECT NO: 1976

PROJECT NO: 1976

DATE: 25/11/2021

SCALE: 1:1000

PROJECT NO: 1976

PROJECT NO: 1976

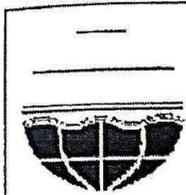
DATE: 25/11/2021

SCALE: 1:1000

PROJECT NO: 1976

1976

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

F. No. DPCC/WMC-III/ 3634-35

Dated: 17-02-22

To
The Additional Director,
 Ministry of Environment, Forest and Climate Change,
 Govt of India,
 Indira Paryavaran Bhawan,
 JorBagh Road,
 New Delhi-110003

Annexure-4

Sub: Revalidation of Environmental Clearance for construction of Modern Poultry Market, Ghazipur, Delhi - reg

Sir,

This refers to letter dated 18.01.2022 from Delhi Agricultural Marketing Board (DAMB) with a request to allow construction activity including operation of RMC Plant and grant of Consent to Establish to Modern Poultry Market, Ghazipur, Delhi on the basis of recommendation by sub-committee of Expert Appraisal Committee (Infra-II) of MOEF&CC, GOI. DAMB has enclosed a copy of the report of the Sub-Committee of EAC.

Vide the said report, the sub-committee has made recommendation as below:

"Based on the observations made during the site visit and clarifications provided by the project proponent and consultant, the committee was of the opinion that the project is in compliance to the major issues raised in the Hon'ble NGT order dated 19.05.21 in appeal No. 11/2021. The committee was also of the opinion that the proposed modern poultry and egg market is an integrated facility which would greatly improve the existing markets in terms of environment management as well as hygiene and aesthetic condition of the area. As such, the committee recommended that the EC granted to the project vide letter No. 21-91/2020-IA-III dated 05.01.2021 has taken into consideration the environmental aspects of animal waste management."

Based on the report/recommendation of the Sub-Committee, DAMB has requested DPCC to allow the construction activity in the Poultry Market including operation of RMC Plant and grant of the Consent to Establish (CTE) and Consent to Operate (CTO). You are requested to clarify whether the Environmental Clearance dated 05 Jan 2021 has been

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revalidated and is valid as of now so that DPCC can initiate process to grant CTE and CTO. A copy of the letter of DAMB and sub-committee's report are attached as Appendix-I and II respectively for kind reference.

Yours faithfully



(Dr. B.M.S. Reddy)
In-charge, WMC-III

Encl: As above

Copy to: The Secretary, Ministry of Environment, Forest and Climate Change, Govt of India,
Indira Paryavaran Bhawan, JorBagh Road, New Delhi-110003

Reminder-01
By Speed Post

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

F. No. DPCC/WMC-III/ 3717-19

Dated: 22/03/2022

Annexure-5

To
The Additional Director, (IA Division)
Ministry of Environment, Forest and Climate Change,
Govt of India,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003

Sub: Revalidation of Environmental Clearance for construction of Modern Poultry Market, Ghazipur, Delhi - reg

Sir,

This refers to our letter dated 17.02.2022 seeking clarification regarding re-validation of Environmental Clearance dated 05 Jan 2021 enclosing a copy of the letter the dated 18.01.2022 from Delhi Agricultural Marketing Board (DAMB). DAMB had submitted a letter to DPCC with a request to allow construction activity including operation of RMC Plant and grant of Consent to Establish to Modern Poultry Market, Ghazipur, Delhi on the basis of recommendation by sub-committee of Expert Appraisal Committee (Infra-II) of MOEF&CC, GOI. DAMB has enclosed a copy of the report of the Sub-Committee of EAC.

Vide the said report; the sub-committee has made recommendation as below:

"Based on the observations made during the site visit and clarifications provided by the project proponent and consultant, the committee was of the opinion that the project is in compliance to the major issues raised in the Hon'ble NGT order dated 19.05.21 in appeal No. 11/2021. The committee was also of the opinion that the proposed modern poultry and egg market is an integrated facility which would greatly improve the existing markets in terms of environment management as well as hygiene and aesthetic condition of the area. As such, the committee recommended that the EC granted to the project vide letter No. 21-91/2020-IA-III dated 05.01.2021 has taken into consideration the environmental aspects of animal waste management."

Based on the report/recommendation of the Sub-Committee, DAMB has requested DPCC to allow the construction activity in the Poultry Market including operation of RMC Plant and grant of the Consent to Establish (CTE) and Consent to Operate (CTO).

Besides, the Hon'ble NGT in its order dated 16.02.2022 in OA No. 40/2022
OA No. 40/2022: *Gauri Maulekhi V/s. Union of India & Ors.* has ordered as under:

“.....

3. *In view of above, we find prima facie case in favour of the applicant. Balance of convenience requires that in absence of EC no illegal construction takes place. If such construction is allowed, irreversible consequences may follow.*

4. *Accordingly, while directing notice to the PP - Respondent No. 3, Delhi Agricultural Marketing Board and statutory regulator, Respondent No. 4, DPCC, we restrain the Respondent No. 3 from going ahead with construction without any requisite operational EC/Consent and direct Respondent No. 4 to enforce this direction.*

.....”

In view of the above, you are once again requested to clarify whether the Environmental Clearance dated 05 Jan 2021 has been revalidated and is valid as of now so that DPCC can initiate process to grant CTE and CTO or not. A copy of the letter of DAMB and sub-committee's report are attached as Appendix-I and II respectively for kind reference.



(Dr. B.M.S. Reddy)
In-charge, WMC-III

Encl: As above

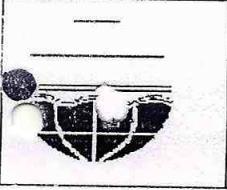
Copy to:

1. The Secretary, Ministry of Environment, Forest and Climate Change, Govt of India, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003.
2. Vice Chairman, DAMB 9, Institutional Area, Pankha Road, Janakpuri, New Delhi-110058

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Speed Post



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

F. No. DPCC/WMC-III/2022 | 3720-21

Dated: 23-05-22

To,
The District Magistrate (East)
L.M. Bund Shastri Nagar
Delhi-110031

Annexure-6

Sub:-Compliance of Hon'ble NGT's Order dated 16.02.2022 in O.A No. 40/2022, reg.

Madam,

This is to apprise you regarding matter OA No. 40/2022: Gauri Maulekhi V/s. Union of India & Ors., taken up by the Hon'ble National Green Tribunal on 16.02.2022. Please refer the following paragraph from Hon'ble NGT's order in O.A No. 40/2022 ordered on 16.02.2022 as below:

“

3. In view of above, we find prima facie case in favour of the applicant. Balance of convenience requires that in absence of EC no illegal construction takes place. If such construction is allowed, irreversible consequences may follow.

4. Accordingly, while directing notice to the PP - Respondent No. 3, Delhi Agricultural Marketing Board and statutory regulator, Respondent No. 4, DPCC, we restrain the Respondent No. 3 from going ahead with construction without any requisite operational EC/Consent and direct Respondent No. 4 to enforce this direction.

.....”

You are requested to look into the matter and take appropriate action as deemed fit to ensure that in absence of EC no illegal construction takes place as per the Order dated 16.02.2022. Copy of the aforesaid order is attached for your ready reference.

The next date of hearing is 22.04.2022.

Yours faithfully,

(Dr. BMS Reddy)
Incharge, WMC-III

Copy to: Secretary, Delhi Agricultural Marketing Board (DAMB), 9, Institutional Area, Pankha Road Janak Puri, New Delhi-110058

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Annexure-7



GOVT OF NCT OF DELHI
OFFICE OF THE EXECUTIVE MAGISTRATE (MAYUR VIHAR),
L. M. BUNDH, SHASTRI NAGAR, DELHI - 110031

No. F-SDM/MV/Misc./2022/ 1150

Dated: 13/04/2022

To

Dr. BMS Reddy
Incharge WMC-III
Delhi Pollution Control Board
Department of Environment
4th Floor, ISBT Building,
Kashmere Gate, Delhi-110006.

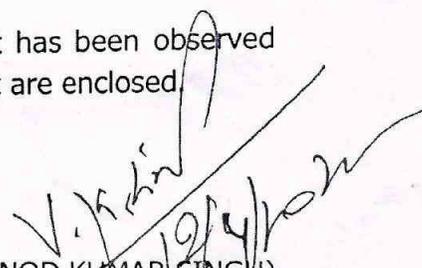
Sub :- Regarding Compliance of Hon'ble NGT's Order dated 16.02.2022 in O.A No. 40/2022.

Sir,

Please refer to your letter No. DPCC/WMC-III/2022/3720-21 dated 23.03.2022 on the subject cited above.

In this regard, the construction site has been checked and it has been observed that no construction is going on at present. Photographs of the visit are enclosed.




(VINOD KUMAR SINGH)
Executive Magistrate
Mayur Vihar, Delhi



