

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH : NEW DELHI
(Under Section 18 read with Section 14 of
the National Green Tribunal Act, 2010)**

Original Application No. 270 / 2023

IN THE MATTER OF :

Ms. Shrankhla Mittal

. . . Applicant

Versus

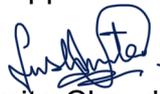
Government of NCT of Delhi & Others

. . . Respondents

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Through Applicant


 (Sushmita Chaudhary)
 Advocate

Mob. 9716988718

Email: advocatesushmita@gmail.com

New Delhi
15.03.2024

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Government of NCT of Delhi & Others . . . Respondents

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE APPLICANT,
SHOWING THE PRESENT STATUS OF THE AMBIENT NOISE
LEVELS IN HAUZ KHAS VILLAGE

I, Shrankhla Mittal wife of Sh. Krishna aged about 30 years, Resident of 3rd Floor, House No. 6A, Hauz Khas Village, New Delhi - 110 016, do hereby solemnly affirm and declare as under :

1. That I am the Applicant in the above noted case and I am fully conversant with the facts of the case and competent to swear the present Affidavit.
2. That the present Supplementary Affidavit is being filed in order to apprise this Hon'ble Tribunal, of the present status of the ambient noise levels in Hauz Khas Village, along with the subsequent events.
3. That briefly stating, the 3 primary sources of noise pollution in Hauz Khas Village (at present), are i) Respondent No. 5 - Bootlegger Restro Bar; ii) Respondent No. 7 - The Mansion Bar and Global Kitchen; and iii) Epic Restro Bar - 8-A, Hauz Khas Village, New Delhi - 110 016.

REG. ENT. NO. ~~15~~ 15 MAR 2024



4. That the **Respondent No. 3** - MCD, had filed its Status Report dated 11.12.2023, in which the **Respondent No. 5** - Bootlegger Restro Bar, was shown as "sealed", while **Respondent No. 7** - The Mansion Bar and Global Kitchen, was shown as "presently closed". However, as on date, both the said establishments are fully operational and have been running in violation of the Noise Pollution (Regulation and Control) Rules, 2000. Besides this, the Respondents No. 5 & 7 are operating *inter alia*, without MCD Health Trade Licence, Delhi Police Eating House Licence, and Fire Safety Licence. The Respondent No. 5 also does not possess a valid DPCC 'Consent to Operate'. The Applicant seeks appropriate Orders from this Hon'ble Tribunal to direct the **Respondents No. 5 & 7** to conduct soundproofing in their respective premises and to commence their operations, only after sufficient soundproofing measures have been taken by them.
5. That the establishment, namely **Epic Restro Bar** at 8-A, Hauz Khas Village, New Delhi - 110 016, has installed Speakers (about 3-4 Feet tall) on their open roof-top / terrace, which produce noise levels as high as **80 dB**. The said establishment, which is about 50 feet away from the residence of the Applicant, organizes Live Music Events on its open roof-top / terrace (where there is no scope of sound proofing). The Noise Level Readings recorded by the Applicant from her roof-top, are annexed herewith as **Annexure - A**.
6. That it is pertinent to mention here that **Respondent No. 3** - MCD (erstwhile South DMC), vide its Circular dated 16.10.2020, titled as "**Policy for use of Open Space / Terrace abutting the licensed Eating House for service purpose**" had laid down *inter alia*, the following condition(s) :



*"The lighting / illumination and ambient noise quality on terrace shall be conforming to the relevant provisions of Environmental Protection Act, 1986 and other relevant Acts. **No music beyond permissible limit and no live performance will be allowed**".*

The above Circular dated 16.10.2020 is annexed herewith as **Annexure - B**.

7. That therefore, **Respondent No. 7 - The Mansion Bar and Global Kitchen, Epic Restro Bar** as well as various other restaurants / establishments in Hauz Khas Village, have been operating in gross violation of the above Circular dated 16.10.2020, and have been organizing Live Music events on their open roof-tops. Such Live Music events have been taking place regularly since December, 2023. Hence, the Applicant seeks appropriate Orders from this Hon'ble Tribunal to restrain Respondent No. 7, Epic Restro Bar, and other erring establishments, from playing loud music / using speakers on their terrace / rooftop, since no soundproofing can be carried out thereon.

8. That the **Respondent No. 7 - The Mansion Bar and Global Kitchen**, has not taken sufficient steps to carry out soundproofing in their premises. The Building No. T-6B from which Respondent No. 7 operates, is structurally unsound for the purpose of noise insulation, as the South Wall has multiple holes, gaps and windows from where noise escapes onto the Petitioner's residence (**Photographs** annexed herewith as **Annexure - C**). The said Building No. T-6B, which was constructed as a residential structure, needs considerable repair work for sound insulation to be effective. Besides this, the Respondent No. 7 has been **illegally** operating on the Second, Third and Fourth Floor **without**



having the requisite permissions / licenses including MCD Health Trade Licence, Delhi Police Eating House Licence, and Fire Safety Licence. As per rules, an establishment can only run in a maximum area of 90 sq. Mtrs. without having NOC from the Fire Department.

9. That in the month of January, 2024, the Applicant had arranged for a Site-Visit by an Acoustics and Soundproofing Expert namely "Acoustics Invictus" (Payment Receipt annexed as **Annexure - D**). The said expert had opined that the noise emanating from the premises of **Respondent No. 7** - The Mansion Bar and Global Kitchen, has been escaping into the residence of the Applicant from **2 Sources** : i) the Kitchen situated at 4th Floor, Building No. T-6B, Hauz Khas Village; and ii) South Wall of the said Building. Since the residence of the Applicant is behind the Kitchen Wall, 2 Soundproofing Doors are required to be installed by the establishment - one at the Kitchen Entrance, and second, at the Foyer leading to the Kitchen Entrance. Presently, thin Plywood Doors are installed at these two points, which are not adequate for soundproofing.
10. That the **Hauz Khas Village Resident Welfare Association (Regd.)** had recently issued a NOTICE dated 23.02.2024 to all concerned parties, and the relevant portion of the same is reproduced hereinbelow :

"Hauz Khas Village RWA has been receiving multiple complaints from residents and tenants alike, regarding the extreme noise pollution being caused by the loud music and rooftop live music events at various eateries and restaurant-bar establishments.

...



In the light of these circumstance all eateries and restaurant-bar establishments operating in the area of Hauz Khas Village

are required to :

- 1. Carry out effective sound proofing of their respective premises.*
- 2. Desist from playing live music on roof tops and remove any and all speakers and noise producing / amplifying instruments from rooftops and open areas.*
- 3. Stop playing any music or live music on rooftops and open areas after 10pm.*
- 4. Comply with all the rules and norms related to noise pollution as stated in the above mentioned enactments and judgements."*

Copy of the NOTICE dated 23.02.2024 issued by Hauz Khas Village RWA (Regd.) is annexed herewith as **Annexure - E**.

11. That a Table showing the recent Noise Levels recorded by the Applicant, using a Sound Level Meter / Decibel Meter, from her residence in Hauz Khas Village, is annexed herewith as **Annexure - F**. The Applicant also seeks liberty to file the Audio-Video recordings at the appropriate stage, showing the Noise Levels emerging from the establishments / point-source(s) in Hauz Khas Village. A bare perusal of the same would establish that the problem of noise pollution in Hauz Khas Village is still subsisting and needs immediate measures to be taken by the erring establishments operating in the area. The Applicant humbly prays for appropriate Orders to be passed by this Hon'ble Tribunal to i) direct the **Respondents No. 5 & 7** to conduct soundproofing in their respective premises and to commence their operations, only after sufficient soundproofing measures have been taken by them; and ii) to restrain **Respondent No. 7, Epic Restro Bar** and



other erring establishments, from playing loud music on their terrace / rooftop, where no soundproofing can be carried out.

[Signature]
Deponent

Verification:

I, the above named deponent do hereby verify on solemn affirmation that the contents of the above Affidavit are true and correct to my knowledge. Nothing contained therein is false and nothing material has been concealed therefrom.

Verified at New Delhi on this **15 MAR 2024** day of March, 2024.

[Signature]
Deponent



ATTESTED

[Signature]
Oath Commissioner Delhi Admin

VEENA BAKSHI
(Advocate)
DELHI HIGH COURT
Regn No 31173

15 MAR 2024

REG. ENT. NO. 01

15 MAR 2024

185

7

ANNEXURE - A



08-Jan-2024 22:31:4
Hauz Kha
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Delhi Divisio



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SOUTH DELHI MUNICIPAL CORPORATION
PUBLIC HEALTH DEPARTMENT

9

No. PA/MHO/SDMC/2020/ 87

Date: 16/10/2020

Circular**ANNEXURE - B****Sub: Policy for use of Open Space / Terrace abutting the licensed Eating House for service purpose .**

Corporation vide resolution number 102 dated 24/09/2020 has approved policy for use of Open Space / Terrace abutting the licensed Eating Houses for servicing purpose. Henceforth servicing of food is allowed in open space / terrace to Eating Houses with following terms and conditions:-

1. Open space/ terrace open to air abutting, the licensed eating Houses only will be allowed to be used as service area.
2. The applicant will have to submit NOC from the concerned owner of the land for using the open space / terrace as service area. Open spaces / terrace in front of other shops in the building shall not be allowed to be used as "Service Area" even if, land lord has given NOC.
3. Open space/ terrace open to air should be clearly mentioned in ownership documents/ Allotment/ lease/rent agreement.
4. The open space / terrace should not be such as is open to passerby which means that it should be surrounded by a footwall with a provision for regulated entry/exit. The open space should not have a direct access / opening to the main road.
5. Open space / terrace to be used, as service area shall not be covered on top with permanent arrangement as well as enclosed on sides. No inflammable materials will be used for side enclosure / umbrellas.
6. The act of drinking in the open space / terrace by the persons sitting therein should not be visible to the passerby as to create a bad feeling in addition, if the open space is visible from other nearby high places whether within the same building or in the surroundings, the additional measures will be taken to obstruct the visibility from such high places. The licensee shall ensure that the persons using the open space / terrace do not indulge in any activity such as throwing articles outside which may be a cause of disturbance to the outsiders / passerby.
7. There should not be W.C. drain line or inspection chambers in front open space.
8. Open space/ terrace open to air should be clearly marked in Sanction plan/ site plan (Pre 1962 buildings are exempted). duly verified by the registered Architect.
9. The permission will be given for serving food in Open to Air Terrace / part terrace (except Refuge floor) on submission of buildings Structural Safety Certificate by Registered Structural Engineer with clear mention of using terrace for serving food (Dining).
10. The terrace to be used as a service area shall not be covered with any temporary / permanent structure / materials. No Monsoon shed / umbrella / Tarpaulin cover shall be permitted. No erection of any fixtures / frames will be allowed for covering and terraces shall be kept open to sky all the time. However, in open space (other than terrace) to avoid contamination / dust / flies / dropping of birds and falling leaves non-inflammable temporary umbrellas with proper height can be used.
11. Due care should be taken to avoid any complaints from the neighborhood of the building regarding any nuisance. Service area should not be visible to adjoining residential areas, the permission shall be liable for suspension or revocation in case of nuisance being created.
12. The lighting/ illumination and ambient noise quality on terrace shall be conforming to the relevant provisions of Environmental Protection Act, 1986 and other relevant Acts. No music beyond permissible limit and no live performance will be allowed.

Upload this circular
policy on
the website.

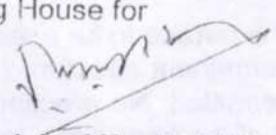
Bn
18/10/20

Antony
Mishra
Pms (In-charge)
15/10/20

AC/IT.

13. The applicant shall submit Indemnity Bond thereby indemnifying SDMC and their officers from any risk, damages, safety, loss of life and property, Litigations etc. Proper safety and security measures shall be ensured by the licensee to avoid any mishap / accident of whatsoever nature and the licensee shall be solely responsible.
14. Access to Overhead Tank for tank inspection shall not be obstructed at any time.
15. If the existing height of parapet wall is less than 1.5 mtr., same may be allowed to be increased by way of grills / openable glass cladding up to total height of 1.5 mtr.
16. Open space / terrace of the same Plot for which eating house license has been granted will only be allowed. Amalgamation of another plot for this purpose will not be allowed.
17. N.O.C. from Delhi Fire Service shall be mandatory for using terrace / part terrace for serving food (Dining area).
18. This is permissible in Metropolitan City Centers, District Centers, Community Centers, Local Shopping Centers and Convenience Shopping Centers and the Definition and Activity permitted in the use premises for restaurant as per table 5.5 of MPD-2021.
19. The restaurant activity is allowed in the allotted / permitted area for restaurants and in pre-1962 buildings.
20. Open space / terrace service will be allowed to only licensed eating Houses with fire NOC from Delhi Fire Service.
21. No cooking / preparation of eatables shall be allowed in the open space / terrace / part terrace. Similarly, fast food stalls / ice cream parlor / paan bidi stall etc., shall not be permitted.
22. Fee for service area will be charged along with the license fee at the time of the grant/ of license fee, Rs. 100/- per square feet will be charged for open space / terrace area. For restaurants operating in star hotels (4 star & above) rate will be Rs. 200/- per square feet. Validity of license will be for one year & will be renewed every year with license of eating house.
23. This license does not regularize the user and the Corporation will be at liberty to take the action for violation of special conditions.
24. The provision for open space / terrace shall not violate and be subject to the other laws / Rules applicable in the State. The licensee of the eating-house shall also give undertaking to stop the use of open space / terrace without any claims whatsoever as and when directed by SDMC without any claims / compensation of whatsoever nature in case of any violation of the license conditions. On violation of terms and conditions permission for service area will be withdrawn and further action will be taken as per DMC Act. SDMC reserves the right to revoke the permission at any point of time without prior notice if there is breach of any of the above conditions.

This policy for use of Open Space / Terrace abutting the licensed Eating House for service purpose will be implemented with immediate effect.


Municipal Health Officer,
South Delhi Municipal Corporation

Distribution:-

1. All Zonal Dy. Commissioners.
2. Addl. MHO (PH) & Addl. MHO (VBD).
3. All DHOs.
4. Director (IT) for updating software.
5. Office Copy.

Copy for information:-

1. PS to Commissioner, SDMC.
2. PS to Addl. Commissioner (PH), SDMC.
3. PS to Dy. Commissioner (PH).



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12



28-Feb-2024 14:59:
Hauz Kh
New De
Delhi Divisi

Acoustics Invictus

H.NO.397,THIRD FLOOR,GALI NO.D-24,CHATTARPUR,NEW DELHI

Phone no.: 9801008100

Email: acousticsinvictus@gmail.com

GSTIN: 07AECPT3966N1ZS

State: 07-Delhi

ANNEXURE - D

13

Payment Receipt**Received From:****Shrankhla Mittal, R/O 6A Hauz Khas village.****Receipt No.: 3****Date: 19-01-2024****DESCRIPTION**

Visiting charge for sound proofing.

Received

₹ 2,000.00

AMOUNT IN WORDS

Two Thousand Rupees only

For, Acoustics Invictus

Authorized Signatory

*Hauz Khas Village
Resident Welfare Association (Regd.)*

Regd. office: 23, Hauz Khas Village, New Delhi-110016

NOTICE

Hauz Khas Village RWA has been receiving multiple complaints from residents and tenants alike, regarding the extreme noise pollution being caused by the loud music and rooftop live music events at various eateries and restaurant-bar establishments.

Playing of live music on open rooftops is prohibited under the rules of the Municipal Corporation of Delhi. Moreover use of loudspeakers, speakers and sound producing/sound amplifying instruments on rooftops and in open areas without permission invites action under **The Delhi Police Act, 1978** as well as **The Delhi Municipal Corporation Act, 1957**.

Additionally, playing of loud music by anyone without soundproofing of their respective premises as well as playing music between the hours of 10 pm To 6 am is prohibited under **Noise Pollution Rules, 2000** as well as various judgements regarding noise pollution laid down by the **HON' Supreme Court of India** as well as the **HON' National Green Tribunal**.

Furthermore these acts also amount to public nuisance under various enactments and attract monetary as well as penal action.

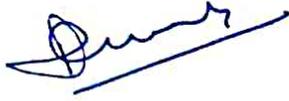
In the light of these circumstance all eateries and restaurant-bar establishments operating in the area of Hauz Khas Village are required to:

1. Carry out effective sound proofing of their respective premises.
2. Desist from playing live music on roof tops and remove any and all speakers and noise producing/amplifying instruments from rooftops and open areas.
3. Stop playing any music or live music on rooftops and open areas after 10pm.
4. Comply with all the rules and norms related to noise pollution as stated in the above mentioned enactments and judgements.

All eateries and restaurant-bar establishments operating in the area of Hauz Khas Village are hereby required to comply with the aforementioned directions within 7 days of receipt of this notice, failing which the Hauz Khas Village RWA as well as the aggrieved residents and tenants shall be approaching all executive bodies and judicial forums concerned to curb this menace of noise pollution.

We hope to receive your cooperation in keeping the village noise free and maintaining ambient sound levels.

Thanking You



President
Hauz Khas Village, RWA

We hope to receive your cooperation in keeping the village noise free and maintaining ambient sound levels.

Thanking You



President
Hauz Khas Village, RWA

Received
Vijay Kumar (Social)
8337584559
22/2/24

The Living Room
Hauz Khas Village

Indryceet

Restaurant manager

mobile no - 8375845599

Date - 23-2-24 Time - 6:40 p.m.

SANIDO BY
MADUINIA ~~BY~~

NARENDER BHAT
9811591113

DATE: 23/02/24 6:01 PM

Alud

Match Box

Manolar (Manager)

Date - 23/2/24 6:08 PM

Alud

Epic Refue bar H.K.V

Nikhil Singh

As. or floor captain

Mob. 9560486149.

Time: 6:20 PM 23/02/24

Imperfecto

Kunal Bhat (Barman)

977238249

Date - 23-02-24 6:26

DOLON FOLON

Akash Sharma (Employee)

9873005687

DATE - 23/02/24 6:33 PM

Decibel readings from the applicant's residence

Date	Time	Decibel Readings	
24/12/23	22:57:00	68.3 db	
27/12/23	00:53:00	71.2 db	
27/12/23	23:52:00	78.4 db	

19

29/12/23	00:48:00	71.7 db	 <p>A photograph of a white Sigma Sound Level Meter SL-011. The digital display shows '71.7' with 'dB' below it. The meter is held in a hand, and the background is dark. A small red timestamp '31/12/2023 12:20 am' is visible at the bottom left of the photo.</p>
31/12/23	23:44:00	84.8 db	 <p>A photograph of a white Sigma Sound Level Meter SL-011. The digital display shows '84.8' with 'dB' below it. The meter is held in a hand, and the background is dark. A small red timestamp '31/12/2023 11:44 pm' is visible at the bottom left of the photo.</p>
05/01/24	23:21:00	74.2 db	 <p>A photograph of a white Sigma Sound Level Meter SL-011. The digital display shows '74.2' with 'dB' below it. The meter is held in a hand, and the background is dark. A small red timestamp '05/01/2024 23:21:00' is visible at the bottom left of the photo.</p>
05/01/24	23:21:00	66.6 db	 <p>A photograph of a white Sigma Sound Level Meter SL-011. The digital display shows '66.6' with 'dB' below it. The meter is held in a hand, and the background is a light-colored wall with a chair. A small red timestamp '05/01/2024 23:21:00' is visible at the bottom left of the photo.</p>

07/01/24	00:01:00	78.7db	
08/01/24	22:36:00	80.6 db	
12/01/24	00:37:00	69.8 db	
12/01/24	23:56:00	81.5 db	

14/01/24	00:46:00	69.9 db	 <p>14-Jan-2024 00:46:12 Hauz Khas New Delhi Delhi Division Delhi</p>
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