

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 400/2022

In the matter of:

Sh. Hirdey Kumar Goel & Ors.

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

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Filed By


(P.S. Pankaj)

Sr. Environmental Engineer

Dated: 14 Sept., 2022

Place: Delhi

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Original Application No. 400/2022

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**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
08.07.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon'ble Tribunal on 08.07.2022 and pleased to constitute a joint Committee of DPCC, Deputy Conservator of Forests (Central Division), Delhi and Deputy Commissioner (Shahdara) Delhi against the Construction of convenient shopping center in Ashoka Niketan (Anand Vihar). The Committee was directed to file factual and action taken report.
2. That, in compliance to above mentioned order, a Joint Team comprising of the officials of DPCC, Deputy Commissioner, Delhi Jal Board visited the premises on 04.08.2022 and following are the observations of the team:
 - M/s Suncity Project Pvt. Ltd has completed its structural work of Ashoka Niketan commercial complex at Ashoka Niketan, opposite to House no. B-28, 29 Ashoka Niketan, (Anand Vihar) Delhi-92.
 - Construction activity was non-operational.
 - Construction material i.e Fine dust, Sand, Loose Soil, Stone dust, bricks etc. stored at the site were not covered.
 - Construction debries/ demolition waste lying onsite found uncovered.

- Construction dust/ wind breaking wall not provided around the periphery of construction site.
- Two borewell was found in the premises which were working without permission from the concerned Authorities accordingly both borewell were sealed by official of SDMC, (Vivek Vihar), Delhi at the spot.
- Branches of one tree were chopped located in the building premises to accommodate the construction.
- No Diesel Generator or Mixture maker was found at the site.
- No authorized person from Owner side was present at site.
- No officials from Deputy Conservator of forest attended this joint inspection carried out to day on 04.08.2022.
- Officials of SDM Vivek Vihar has asked to provide sealing order of the borewell within 3 days.
- Plot area of the said commercial project is 1490.95 m² and registered office address of M/s Suncity Project Pvt. Ltd. is LGF-10, Vasant Square, Plot-A, Sector-B, Pocket-V, Community Centre, Vasant Kunj, New Delhi-110070.
- Finishing work & other construction of said commercial complex are yet to be completed.

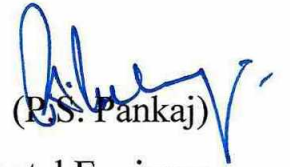
Copy of the inspection report dated 04.08.2022 is enclosed herewith as **ANNEXURE-1.**

3. That, Office of the SDM, (Vivek Vihar) has issued sealing order on 06.08.2022 with regard to borewell and also imposed penalty of Rs. 50,000/- each (Total Rs. 1 lakh only) under section 5/15 of the Environment (Protection) Act, 1986. In the order it was also directed to deposit penalty to Delhi Pollution Control Committee. Copy of the sealing order dated 06.08.2022 is enclosed herewith as **ANNEXURE-2.**
4. That M/s Suncity Project Pvt. Ltd. vide its letter, which was received on 12.08.2022 has deposited Rs 1,00,000/- in the account of DPCC.
5. That, Delhi Pollution Control Committee issued letter dated 26.08.2022 to

Deputy Conservator of Forest (Central Division), Kamla Nehru Ridge to take action for chopping of branches of the tree. Copy of the letter dated 26.08.2022 is enclosed herewith as ANNEXURE-3.

6. That further, DPCC issued a show cause notice to M/s Suncity Project Pvt. Ltd. on 26.08.2022 for violating this Hon`ble Tribunal order in OA 21/2014 entitled "Vardhman Kaushik vs. Union of India and Others". By way of this notice, show cause notice was issued for imposing EDC of Rs. 50,000/-. Copy of the SCN dated 26.08.2022 is enclosed herewith as ANNEXURE-4.

The present status report may kindly be taken on record.



(R.S. Pankaj)

Sr. Environmental Engineer

Delhi

Dated:- 14th September, 2022

Annexure-1

	<p align="center">DELHI POLLUTION CONTROL COMMITTEE GOVERNMENT OF NCT OF DELHI 4th AND 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at : http://dpcc.delhigovt.nic.in</p>
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Inspection Report

In compliance of Hon'ble NGT order dated 08.07.2022 in OA no. 400/2022 in the matter of "Hidey Kumar Goel & Ors Vs Govt. of NCT of Delhi", a Joint Committee comprising of officials of DPCC, Deputy Conservator of Forests Delhi and Deputy Commissioner Shahdara visited the site as mentioned in the said order and following observation were made:

① As directed by Hon'ble NGT in its Order dated 08.07.2022, a Joint Committee comprising of officials of DPCC, DC/DM Shahdara, DTB visited the premises as mentioned in the said Order on 04.08.2022 and following observations were made:-

- M/s Suncity Project Pvt. Ltd. has completed its structural work of Ashoka Niketan Commercial complex at Ashoka Niketan, Anand Vihar, Delhi opposite to House No. B-28, 29, Ashoka Niketan (Anand Vihar), Delhi.
- During inspection construction activity was non-operational.
- Construction material i.e. fine dust, sand, loose soil, stored dust, bricks etc. stored at site were not covered.
- Construction debris/demolition waste lying on site found uncovered.
- Construction dust/wind breaking wall not provided around the periphery of construction site.
- Tarpauline sheet/Green net not provided around the periphery of structure of construction site.
- 2 borewell found in the premises which were working without permission from the concerned Authorities accordingly both borewell were sealed by officials of SDM (Vivek Vihar) Delhi at the spot.
- Branches of 1 tree were chopped located in the building premises to accommodate the construction.
- No Diesel Generator or Mixture maker was found at the site.
- No authorized person from Owner side was present at site.
- No officials from Deputy Conservator of Forest attended this Joint Inspection carried out today on 04.08.2022.
- Officials of SDM Vivek Vihar has asked to provide sealing order of the borewell within 3 days.
- Plot area of the said commercial project is 1490.95 m² and registered office address of M/s Suncity Project Pvt. Ltd is LGF-10, Vasant Square, Plot A, Sector-B, Pocket-V, Community Centre Vasant Kunt, New Delhi - 110070.
- Finishing work & other construction of said commercial complex are yet to be completed.

04/08/2022
 Signature of Officials of DPCC
 JTE/DPCC

Signature of officials of DC/DM (Shahdara)
 (Sens. Idar IVV)

(No Official from Deputy Conservator of Forest present)
 Signature of Officials of Deputy Conservator of Forest

04/08/2022
 (Devender Kumar)
 Ex. Engineer (DTB)



Annexure-2

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OFFICE OF THE SUB-DIVISIONAL MAGISTRATE: VIVEK VIHAR
DISTRICT SHAHDARA, REVENUE DEPARTMENT, GNCTD,
G-BLOCK, D.C. OFFICE COMPLEX, NAND NAGRI, DELHI-110093

F.No.SDM/V.V/Submersible/Sealing/2022/469/98

Dated: 06/08/2022

SEALING ORDER

In pursuance of the notification/order No. F8(348)/EA/Env/09/1041-1061 dated: 18.05.2021 issued by Department of Environment, Govt. of GNCT of Delhi, to exercise powers under Section 5 of the Environment (Protection) Act, 1986 for the National Capital Territory of Delhi and to issue directions thereunder, to any operation or process or stoppage or regulation of the supply of electricity or water or any other services.

And whereas, in compliance to the direction passed in above said order no Person, Group, Authority, Association or Institution is allowed to extract the Ground Water through Borewell/Tubewell/Submersible for Domestic, Commercial or Industrial use without obtaining the prior permission from the Competent Authority.

And whereas a **joint inspection by the officers/officials of SDM (Vivek Vihar) DPCC & DJB** was constituted against original application No. 400/2022 *Hiday Kumar Goel & Ors Versus Govt. of NCT of Delhi in which **two Borewell were found** at the site namely **M/s Sun City Project Pvt. Ltd at Ashoka Niketan Complex, Opposite to H. No. B-28-29, Ashoka Niketan, Anand Vihar, Delhi-92** in compliance to the above said order.

And whereas, on enquiry by the team it was found that the above mentioned property where the said Borewell/Tubewell/Submersible installation was in progress/installed belongs to you.

And whereas, as per joint inspection committee report **two borewell** found in the premises which were working without permission from the concerned authorities accordingly both borewell were sealed by officials of SDM Vivek Vihar, Delhi at the spot.

And whereas, illegal extraction of ground water without any permission can result in drying up of Ground Water resources and may also affect water quality.

Now, therefore, in exercise of the powers conferred by section 5/15 of Environment Protection Act 1985 I hereby seal the Borewell/Tubewell/Submersible installed at the above mentioned address with immediate disconnection of Electric Supply to the said Borewell/Tubewell/Submersible and with the direction to deposit the penalty amount of **Rs. 50,000/- Each (Rs. Total 1,00,000/- (One Lakh Rupees) only** through **Demand Draft in favour of DPCC, Account No-10166741672, IFSC SBIN0005715, SBI, Kashmere Gate, Delhi** within 07 days under intimation to this office for violation of Environment Protection Act.

To,

M/s Sun City Project Pvt. Ltd at LGF-10, Vasant Square,
Plot-A, Sector-B, Pocket-V, Community Centre, Vasant Kunj, New Delhi-110070

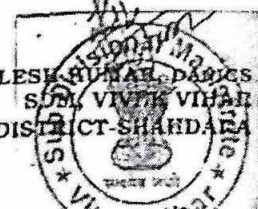
KAMLESH KUMAR, DANICS
SDM, VIVEK VIHAR
DISTRICT SHAHDARA



Copy for information & necessary action to:-

1. PA to District Magistrate (Shahdara)
2. Sr. Environmental Engineer, Consent Management Cell-I, Delhi Pollution Control Committee, 4th Floor, ISBT, Building, Kashmere Gate, Delhi-06.
3. Executive Engineer, Delhi Jal Board, office of the Executive Engineer (M)-59, E-Block Park, Preet Vihar, Delhi-110092.
4. Dy. Conservator of Forest (Central Division) Kamla Nehru Ridge, Delhi-110007.
5. The General Manager (BSES) Yamuna Power Ltd, 3rd Floor, Shakti Kiran Building, Karkardooma, Delh.
6. S.H.O. P.S-Anand Vihar, Delhi for information and necessary action.
7. Executive Magistrate (Vivek Vihar) District Shahdara.

KAMLESH KUMAR, DANICS
SDM, VIVEK VIHAR
DISTRICT SHAHDARA



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 : <http://dpcc.delhigovt.nic.in>

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F. No. DPCC/CMC-I/NGT/OA NO 400 /2022/ 1110

Dated: 26.08.22

To,

Annexure-3

**M/s Deputy Conservator of Forests (Central Division),
Kamla Nehru Ridge,
Delhi-110007**

Subject: Hirdey Kumar Goel Vs Govt. NCT of Delhi.

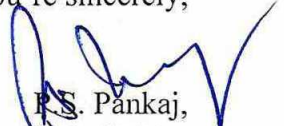
Sir,

In compliance of NGT order dated 08.07.2022 in OA No. 400/2022 in the matter of "Hirdey kumar Goel & Ors Vs. Govt. of NCT of Delhi ", a joint Committee comprising of officials of DPCC, DC/DM Shahdara and DJB visited the premises as mentioned in the said order, on 04-08-2022. A request to nominate of your department official was also conveyed via mail dated 20.07.2022 & 29.07.2022, however no one from your department was present at the time of inspection. Following observation was made:

- Branches of 1 tree were chopped located in the building premises to accommodate the construction.

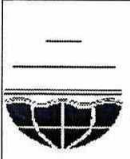
In view of above, you are requested to kindly send action taken report to this office for further necessary action.

You're sincerely,


R.S. Pankaj,
SEE, CMC-I

Encl.- Copy of order dated 08.07.2022





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

F. No. DPCC/CMC-I/NGT/OA NO 400 /2022/ 1107-09

Dated: 26.08.22

To,

M/s Suncity Projects pvt ltd,
(Registered office address) LGF-10, Vasant Square, Plot-A
Sector-B, Pocket-V, Community Centre
Vasant Kunj, New Delhi-110070

Annexure - 3

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

And whereas, Delhi is facing air pollution above the prescribed levels and the air quality w.r.t. levels of pollutants like Particulate Matter (PM_{2.5}& PM₁₀) is deteriorating thereby affecting public health. Activities related to construction and demolition, dust pollution due to construction and demolition activities have been identified as some of the major sources of air pollution and continuation of such activities without proper dust pollution control measures aggravate the situation.

And whereas, Hon'ble Supreme Court of India and Hon'ble National Green Tribunal in various orders have directed Government of NCT of Delhi to initiate steps to curb the dust pollution.

And whereas, Hon'ble National Green Tribunal (NGT) vide above said orders dated 04.12.2014, 10.04.2015 and 20.07.2016 issued certain directions in respect of air pollution from dust resulting from demolition and construction activity.

And whereas, copy of NGT orders dated 04.12.2014, 10.04.2015, copy of MoEF guidelines 2010 and copy of public notice issued were made available at the DPCC website as well i.e. "<http://dpcc.delhigovt.nic.in>" for general awareness of the stake holders.

And whereas, Hon'ble National Green Tribunal vide its order dated 20.07.2016 in M.A. No, 360 of 2016 in the aforesaid matters inter-alia directed that, "*if the offending construction in plot upto 100 sq.mt. the environmental compensation would be Rs. 10,000/-, if the offending construction in more than 100 sq. mtr. But upto 200 sq.mt., the environmental compensation would be Rs. 20,000/-, if the offending construction is in a plot of more than 200 sq. mt. but less than 500 sq. mt. the environmental compensation would be Rs. 30,000/-, while the offending construction is in a plot area of more than 500 sq.mt. the environmental compensation would be Rs. 50,000/- as already directed by the orders of the Tribunal. Wherever the constructed area is more than 20,000 sq. mtr. The environmental compensation would be Rs. 5 Lakhs. This rate will operate prospectively.*"

And whereas, Hon'ble National Green Tribunal (NGT) has passed an order in M.A. No, 360 of 2016 in the matter of Vardhman KaushikVs. Union of India & Ors. On 20.07.2016 for imposing Environmental Compensation on the violators.

And whereas, you (the addressee **M/s Suncity Projects pvt ltd, LGF-10, Vasant Square, Plot-A Sector-B, Pocket-V, Community Centre, Vasant Kunj, New Delhi-110070**) were found engaged in construction activity in the plot area of size 1490.95 sqm.

And whereas, in compliance of NGT order dated 08.07.2022 in OA No. 400/2022 in the matter of "Hirdey kumar Goel & Ors Vs. Govt. of NCT of Delhi ", a joint Committee comprising of officials of DPCC, DC/DM Shahdara and DJB visited the premises as mentioned in the said order, on 04-08-2022 & following observation were made:

[Handwritten signature]

- M/S Suncity Project Pvt Ltd has completed its structural work of Ashoka Niketan commercial complex at Ashoka Niketan (Anand Vihar), Delhi opposite to House No. B-28, 29, Ashoka niketan (Anand Vihar), Delhi-92, however finishing work & other construction of said commercial complex are yet to be completed.
- Plot area of the said commercial complex project is 1490.95 m² and registered office address of M/S Suncity Project Pvt Ltd is LGF-10, Vasant Square, Plot-A, Sector-B, Pocket-V, Community Centre, Vasant Kunj, New Delhi-110070.
- Construction materials i.e. fine dust, sand, loose soil, stone dust, bricks etc. stored at site were not covered.
- Construction debris/ Demolition waste lying on site found uncovered.
- Construction dust/wind breaking wall was not provided around the periphery of the construction site.
- Tarpaulin sheet/ green net not provided around the periphery/ structure of construction site.

Now therefore, you, the addressee shall deposit Environment Damages Compensation (EDC) of **Rs 50,000 /-** (**Rupees Fifty Thousands**) for violating directions of **Hon'ble NGT** and causing environmental damages.

By way of this notice, you (the Addressee) is hereby called upon to Show cause notice, as to why the above said Environmental Compensation should not be imposed. The reply, if any, should reach this office within 15 days from the date of issue of this notice. In case of failure, it will be presumed that that the addressee has nothing to say in this regard and aforesaid proposed Environmental Compensation shall be imposed you without any further reference to you.

This is being issued as per the decision and approval of the Competent Authority, DPCC.


P.S. Pankaj
(SEE, CMC-I)

Copy for information and necessary action to:

1. M/S Suncity Project Pvt Ltd, Ashoka Niketan (Anand Vihar), Delhi opposite to House No.B-28,29, Ashoka niketan (Anand Vihar), Delhi-92.
2. Office Copy.
3. Master File.