

**BEFORE THE PRINCIPAL BENCH,
NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION No. 813/2019**

IN THE MATTER OF:

Balbir & Ors

... Applicant

VERSUS

State of Uttar Pradesh.

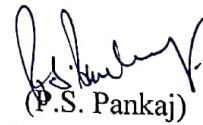
... Respondents

NDOH:- 13.01.2020

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Filed by



(P.S. Pankaj)

Sr. Env. Engineer

(Delhi Pollution Control Committee)

New Delhi:

Dated: 13.01.2020

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**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS OF THE ORDER DATED
20.09.2019**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 20.09.2019 and pleased to issue following directions:

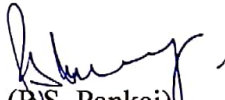
".....Grievance in this application is against illegal operation of dyeing units emitting chemicals in residential area at Adarsh Colony, Maujpur, Delhi – 53.

....."

2. That, in compliance of the orders passed by this Hon'ble Tribunal, the area was inspected by DPCC Officials alongwith officials of East DMC and BSES on 04.11.2019 and 11.11.2019. During field visit, only one unit belonging to M/s Dinesh Saad, opposite to 698/4, Gali No. 16, Adarsh Colony Maujpur, Delhi-53 was found engaged in the activity of Denim Jeans Dying. As unit was found operational and engaged in the activity of jeans dyeing in Non-confirming area, hence unit was effectively closed on the spot by the team.

3. That, DPCC has issued direction dated 20.11.20219 regarding imposing Environmental Damages Compensation (EDC) to the tune of Rs. 4,50,000/- (Rupees Four Lakhs Fifty Thousand) to unit for causing damages to the Environment. Copy of the direction dated 20.11.2019 is enclosed herewith as Annexure-1.
4. That, as the unit is yet to pay the EDC to DPCC, letter for recovery of the EDC as arrears of land revenue has been issued to concerned SDM.

The present action taken report may kindly be taken on record.



(P.S. Pankaj)


Sr. Environmental Engineer

Date:

Place:

3

By Speed Post

	<p>DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006 visit us at : http://dpcc.delhigovt.nic.in</p>
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F.No. DPCC/CMC-I/NGT/2019/5119 - 5121

Dated: 20/11/19

To,

M/s Dinesh Saad
Opp. 698/4, Gali No. 16
Adarsh Colony Maujpur, Delhi-110053

Annexure-1

Sub: Hon'ble National Green Tribunal (NGT) Matter in O.A No. 813/2019 tilted as "Balbir & Ors. Vs. State of Uttar Pradesh".

Whereas, Central Pollution Control Board has delegated all its powers and functions under Air (Prevention & Control of Pollution) Act, 1981 and under Water (Prevention & Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee(DPCC) vide Notification dated 15.03.1991.

And 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, as per section 21(1) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date no person shall, without the previous consent of the State Pollution Control Board (DPCC in case of Delhi), establish or operate any industrial plant in an Air Pollution Control Area.

And whereas, you are operating your unit in residential/non-conforming area in violation of Hon'ble Supreme Court order dated 07.05.2004 in I.A No. 22 in WP(C) No. 4677 of 1985 titled as M.C Mehta Vs Union of India & Others, with regard to closure of illegal units from residential/Non-conforming areas.

And whereas, Hon'ble NGT vide order dated 17.09.2019 in in O.A No. 813/2019 tilted as "Balbir & Ors. Vs. State of Uttar Pradesh" directed as under:-

Grievance in this application is against illegal operation of dyeing units emitting chemicals in residential area at Adarsh Colony, Maujpur, Delhi - 53.

Let the DPCC look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report to this Tribunal within one month from the date of receipt of copy of this order by e-mail at judicial-ngt@gov.in.

And whereas, in compliance of order date 20.09.2019 of Hon'ble NGT, DPCC team has inspected M/s Dinesh Saad, Opp. 698/4, Gali No. 16, Adarsh Colony Maujpur, Delhi-110053.

And whereas, during the inspection on 04.11.2019, it was observed that unit namely M/s Dinesh Saad, Opp. 698/4, Gali No. 16, Adarsh Colony Maujpur, Delhi-110053, is engaged in the activity of Jeans Dying.

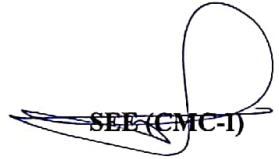
And whereas, the unit is operating without obtaining Consent to Establish/Operate in non-conforming/residential area and causing air pollution.

And whereas, in view of Hon'ble NGT directions/orders towards levying Environmental damages in the matter of O.A. No. 807/2018 and 996/2018, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation (EDC) of Rs. 4,50,000/- (Rupees Four Lakh Fifty thousand only) upon you. (4)

In view of above, you are hereby directed to deposit Environmental Damages Compensation (EDC) of Rs. 4,50,000/- (Rupees Four Lakh Fifty thousand only) which is to be deposited in the office of Delhi Pollution Control Committee in the form of Demand Draft (DD) in favour of Delhi Pollution Control Committee, within 15 days of issuance of this order, failing which the said amount will be recovered as arrears of land revenue without any further reference to you.

Non-compliance of the above shall be treated as contempt of Hon'ble NGT order(s) and necessary action will be initiated as per the provisions of law.

This issues with the approval of the Competent Authority, Delhi Pollution Control Committee.


SEE (CMC-I)

Copy to:

1. The SDM (Karawal Nagar), D.C. Office Complex, Nand Nagri, Opposite Gagan Cinema Pocket-I, Delhi-110093. -- **for taking necessary action please.**
2. Master File
3. Office Copy


EE (CMC-I)

b/c