

Item No.09

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.270/2023
(I.A. No. 145/2024)

Shrankhla Mittal

Applicant

Versus

Govt. of NCT of Delhi

Respondent

Date of hearing: 01.08.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant(s): Ms. Sushmita Chaudhary, Advocate

Respondent(s): Ms. Puja Kalra and Mr. Virendra Singh Counsel for
Respondent No. 2
Mr. Narender Pal Singh and Ms. Anjali, Advocates for
Respondent No. 3 DPCC
Mr. Lalit Mohan, Mr. Abhay Gupta, Mr. Videh Vaish and
Mr. A.F. Fairi, Advocates for respondent No. 8
Dr. Mukesh Kumar, SDM, Hauz Khas (through VC)

ORDER

1. Issue of noise pollution in Haus Khas Village and nearby area has been raised in this Original Application by applicant Ms. Shrankhla Mittal by filing this Original Application (hereinafter referred to as '**OA**') under Sections 14 read with 18 of National Green Tribunal Act, 2010. (hereinafter referred to as '**NGT Act, 2010**') Complainant has said that Haus Khas village is a residential-cum-commercial area in South Delhi comprising many restaurants, bars, pubs and cafes. Some of these restaurants etc., are running live music events on open rooftops using

loudspeakers and other sound equipments without seeking any permission from the concerned authorities and applicant is aggrieved due to intolerable noise pollution caused in the area. It is said that there is gross violation of Provisions of Noise Pollution (Regulation and Control) Rules, 2000 (hereinafter referred to as '**Noise Pollution Rules 2000**') and also Environment (Protection) Act, 1986 (hereinafter referred to as '**EP Act, 1986**') and Air (Prevention and Control of Pollution) Act, 1981 (hereinafter to as '**Air Act, 1981**').

2. Tribunal taking cognizance of complaint on 20.04.2023, issued notices to respondents which included respondents 5, 6 and 7 i.e., Bootlegger Restro Bar, Strings Musical Bar and Mansion Bar and Global Kitchen.

3. Pursuant to order dated 20.04.2023 a compliance/action taken Report on behalf of Sub Divisional Magistrate, Haus Khas was filed vide email dated 27.05.2023 stating that on 15.05.2023, a meeting was held which was attended by Tehsildar Haus Khas, Inspector, Safdarjung Enclave Police Station. It was decided that a joint inspection of bars and restaurants of Haus Khas villages will be carried out.

4. Authorities visited bars and restaurants of Haus Khas villages on 19.05.2023 and 26.05.2023 and found respondents 5 and 7 closed while violation of noise pollution was found at the premises of respondent 6 and some other bars. Accordingly, environmental compensation was imposed. Copies of orders dated 27.05.2023 imposing environmental compensation have been placed on record at page 49 to 53 showing that Rs. Ten Thousand each was imposed on M/s Musical Strings, M/s Haven Box, M/s Summer House, M/s The Record Room and M/s Monkey Boy.

5. Another Status Report dated 25.08.2023 was filed by Delhi Pollution Control Committee (hereinafter referred to as '**DPCC**'), wherein it was stated inspection was carried out by officials of DPCC on 07.08.2023 and 21.08.2023 at the premises of respondents 5, 6 and 7 and observations made as per the inspection Report are as:

s. no.	Name & Address of the unit	Observations and status of Noise monitoring
1	String Musical Bar, a unit of Ragee Entertainment, Prop No. 1A Second Floor Hauz Khas, Village, Delhi-110016 (Respondent 6)	a. Unit found engaged in the activity of Restaurant/Eating house having seating capacity more than 36 connected with sewerage system. b. The unit having valid CTO (validity up to 28.11.2027), c. The unit has installed OGT to treat the Effluent generated from kitchen. d. The unit has also provided channelization in the kitchen to eliminate fugitive emissions generated from the cooking. e. Noise monitoring was carried out. f. Ambient Noise level at the front side of the unit when DJ system is non-operational is found to be 62.8 which is within the permissible limit. g. Ambient Noise level at the front side of the unit when DJ system is operational is found to be 65.4 which is beyond the permissible limit.
2.	The Mansion Bar & Kitchen, T-6B, 2 nd FXloor, Hauz Khas Village, Delhi-110016 (respondent 7)	a. Unit found engaged in the activity of Restaurant/Eating house having seating capacity more than 36 connected with sewerage system. b. The unitis found operational without having valid consent from DPCC. c. The unit has installed OGT to treat the Effluent generated from the kitchen, d. The unit has also provided channelization in the kitchen to eliminate the fugitive

		<i>emissions generated from cooking in the kitchen.</i> <i>e. Noise monitoring was carried out</i> <i>a. Ambient Noise level at the front side</i> <i>of the unit when DJ system is Nonoperational is found to be 60.6 which is within the permissible limit.</i> <i>b. Ambient Noise level at the front side of the unit when DG system is operational is found to be 70.9 which is beyond the permissible limit.</i> <i>c. Noise level of operational DG set of 125 KVA at 1 m away from the enclosure surface in dB(A) is found to be 82.4 which the permissible limit.</i>
3.	<i>Bootlegger Restro Bar, 3d Floor, 1-A, Hauz Khas village, Delhi-110016</i>	<i>a. The unit found locked at the time of inspection on 07.08.2023.</i> <i>b. The unit is again found closed on 21.08.2023 and after taking information from the people around there, they told that this restaurant is closed since last 2 months.</i>

6. Subsequently, M/s Epic Restro Bar was also impleaded as respondent 8.

7. Various orders and Reports have been filed thereafter.

8. Today Learned Counsel appearing for applicant Ms. Sushmita Chaudhary stated that situation caused due to noise pollution has substantially improved in the area. Learned Counsel appearing for DPCC also stated that compensation imposed on the violators has also been deposited.

9. Recent action taken Report dated 07.07.2024 has been filed by DPCC giving current status of restaurants and bars as under:

“(i) Closure directions were revoked wrt two units namely M/s Coast Cafe, A unit of M/s Ogaan Retail Pvt Ltd, H2 2nd Floor and M/s Coast Cafe, A unit of M/s Ogaan Retail Pvt Ltd, H2 3rd Floor vide letters dated 17.05.2024 after they deposited EC of Rs. 7.5 lakhs each. SDM de-sealed the unit and units have obtained consent from DPCC, also ETP system and Dual fuel mode systems for DG set have been installed by the unit. Unit has requested for permanent permission for commercial operation.

(ii) M/s Hustle Bar, 30-B, 2nd Floor, Hauz Khas Village has deposited Rs. 7.5 lakhs of EC imposed and submitted a representation interalia mentioning that they are going to close their restaurant and will hand over the property to owner. Request of the unit is under consideration.

(iii) M/s Fork You, Building No-30, 1st Floor, Hauz Khas Village has deposited EC of Rs. 7.5 lakhs.

(iv) SDM (Hauz Khas) had issued challans of Rs. 10,000/- each to 10 units for violation of the Noise Rules, 2000. The units were directed to submit the challan amount in DPCC by SDM and accordingly the challan amount was deposited by way of INB Transactions/ Bankers.”

10. Learned Counsel appearing for DPCC stated that under Noise Pollution Rules, 2000, a complete machinery has been provided to take care of violation of Noise Pollution Rules, 2000 and also to take appropriate action in accordance with law.

11. Since, presently no violations are continuing, and continuous monitoring for a long time by this Tribunal is not possible, since at the ground level, the monitoring has to be conducted by Concerned Authorities who are empowered and responsible for such monitoring and implementation of law under Noise Pollution Rules, 2000, therefore, we dispose of this Original Application by directing all the Concerned Authorities to constantly watch, monitor and regulate noise level in the area in question and also continue to have periodical surveillance and

inspections and if finds any violation, take immediate punitive, prohibitive and remedial action in accordance with law.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 01, 2024
Original Application No.270/2023
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