

Item No.10

(Court No. 2)

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

(Through Physical Hearing with Hybrid Option)
Original Application No.270/2023

Shrankhla Mittal

...Applicant

Versus

Government of NCT of Delhi & Ors.

...Respondents

Date of hearing: 14.12.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Ms. Sushmita Chaudhary Advocate for Applicant.

Respondent: Ms. Puja Kalra Advocate for Respondent No. 2- MCD
with Mr. Kuldeep Rana, PHI South Zone, MCD.
Mr. Narender Pal Singh Advocate for Respondent No. 3
- DPCC.
Mr. Ayush Dassi Advocate for Respondent no. 6 & 7
(Through VC).
Dr. Mukesh Kumar, SDM, Hauz Khas.

**Application Section 18 read with Sections 14 of the National Green
Tribunal Act,2010.**

ORDER

1. The applicant had filed this application to seek appropriate action against Respondent No. 5 to 7 for not conforming to noise standards and affecting public health and surrounding environment.
2. The SDM Hauz Khas has submitted the action taken report on 27.05.2023 stating that during inspection Respondent no. 5 (Bootlegger Restro Bar) and Respondent No. 7 (Mansion Bar and Global Kitchen) were found closed and Respondent No. 6 (Strings Musical Bar) along with other bars were found violating the noise pollution norms.

3. DPCC has filed its report on 17.12.2023 wherein it is stated that 23 units were inspected and 12 units were compliant and 11 were non compliant. Environmental compensation was imposed by SDM on 10 units at the rate of Rs. 10,000/- each. Further show cause notice to four units has been issued and an amount of Rs. 30 Lakh is proposed to be levied. From the annexures, which contain the show cause notices, enclosed with DPCC report, it is observed that on certain units it has been proposed to impose environmental compensation of Rs 7,50,000/- but the show cause notice does not detail out the reasons for imposing such high environmental compensation as proposed.

4. MCD has filed its report dated 11.12.2023 the relevant part of which reads as under:

“5. That as can be observed from the aforesaid chart that there are total 35 Nos. of Eating Houses/Establishments in the area in question. Out of said 35 Eating House/ Establishments, 30 Eating Houses/Establishments are running with valid Health Trade License and 03 Nos. of Eating Houses were found closed. As regards, remaining 02 Nos. of Eating Houses, where no Health Trade License was found obtained, the department has already undertaken the necessary sealing action by following due process and sealed them under the relevant provisions of DMC Act, 1957.”

5. During the hearing the counsel for DPCC also provided a copy of an Order dated 29.11.2022 issued by Department of Environment, Government of NCT of Delhi wherein the responsibilities for monitoring noise pollution from various sources and the designated authorities under Noise Rules have been listed.

6. The learned Counsel for the applicant has submitted that in spite of the action taken by the authorities the ambient noise levels are high. However, the learned Counsel for the applicant could not provide any noise level monitoring data and the source.

7. In view of the above actions taken by the concerned authorities, we are of the view that DPCC shall reexamine the issues with regard to

environmental compensation imposed and take action against the non compliant units in accordance with law. The designated authorities as provided in the Order issued by the Government of NCT of Delhi dated 29.11.2022 shall monitor and ensure compliance.

8. An action taken report by DPCC shall be submitted within one month to the Registrar General, National Green Tribunal by e- mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

9. The applicant may also furnish data/documents regarding the noise levels and source thereof within one month by email as mentioned above.

10. List for further consideration on 04.04.2024.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

December 14, 2023

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