

Item No.1

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 270/2023

Shrankhla Mittal

...Applicant

Versus

Government of NCT of Delhi & Ors.

...Respondents

Date of hearing: 20.04.2023.

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

Applicant: Ms. Sushmita Chaudhary, Advocate.

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

ORDER

1. The applicant has filed the present application under Section 18 read with Section 14 of the National Green Tribunal Act, 2010 seeking *inter-alia* the relief of directing the respondents no. 1 to 4 to take appropriate action against respondents no. 5 to 7 and other erring establishments for ensuring compliance with the statutory provisions and directions given by Hon'ble Supreme Court and this Tribunal for abatement of noise pollution and protection of public health and the environment.

2. The Applicant has submitted that the applicant is residing in Hauz Khas Village, with her husband, in-laws (senior citizens) and five month old infant child. Hauz Khas Village is a residential-cum-commercial area in South Delhi, which comprises of many restaurants, bars, pubs, and cafes.

Some of the said restaurants, bars, pubs, and cafes have also been running Live Music Events on open Rooftops, using loudspeakers and other sound equipments, without seeking any permission from the concerned authorities. The Applicant is aggrieved with the intolerable noise pollution caused in the area, *inter-alia*, by the Respondents No. 5 to 7, who have not taken any measures to sound-proof their premises and have been playing loud music even during late hours of the night. The above establishments have been operating in gross-violation of the statutory provisions of The Environment (Protection) Act, 1986, Noise Pollution (Regulation and Control) Rules, 2000, Air (Prevention and Control of Pollution) Act, 1981, besides operating in contumacious disobedience/disregard for the directions issued by the Hon'ble Supreme Court of India in its order dated 18.07.2005 passed in Writ Petition (C) 72 of 1992 titled as In Re: Noise Pollution as well as various Orders passed by this Hon'ble Tribunal. The entire Hauz Khas Village Area has emerged as one of the biggest noise pollution hotspots in the city of Delhi. The residents of the area, who include infants and senior citizens, have been suffering risk of various health hazards caused by noise pollution and have been unfairly deprived of their fundamental right to pollution-free environment, to live peacefully, to sleep well at night, to live in comfort and quietness within their house and to be protected from excessive sound or noise pollution.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. Let notices alongwith copies of the application and documents attached therewith be issued to the respondents requiring them to file their response/reply to the averments made in the application within one

months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

5. List for further consideration on 29.05.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 20 2023
AG