

Item No. 4

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 506/2022

Tribhuvan Singh

...Applicant

Versus

Govt. of NCT of Delhi & Ors.

...Respondents

Date of hearing: 15.12.2022

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

Applicant: None.

Respondents: Ms. Asiya Khan, Advocate for DPCC (through VC).

Application is registered based on a letter petition received by Post

ORDER

1. The grievance in the present application is that M/s. Gawar Construction Limited, which is working on National Highway-344 (UER-II), has set up Hot Mix Plant at Shyam Vihar, Phase 1, Najafgarh, New Delhi and a large quantity of uncovered construction material, dust, sand etc. is being dumped there which is causing air pollution and posing serious health hazards to residents of the colony.

2. Vide order dated 30.08.2022, this Tribunal constituted a Joint Committee comprising of representative of Delhi Pollution Control Committee (DPCC) and Deputy Commissioner (South-West), Delhi and directed the same to submit its report within one month.

3. In compliance thereof, Action Taken Report along with copy of the Inspection Report of the Joint Committee has been submitted by Ms. Ajeeta

Dayal Agrawal, Sr. Environmental Engineer, vide email dated 14.12.2022.

Relevant part of the report is reproduced as under:-

“ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE WITH RESPECT TO ORDER DATED 30.08.2022.”

x x x x x x x

3. *That in compliance of the above mentioned order, the joint committee of DPCC and Deputy Commissioner (South West) carried out the inspection on 20.09.2022 and following “ the major observations during the inspection:*

- (i) Gawar Construction Limited is working on National Highway-344 (UER-II).*
- (ii) The project proponent has taken the Consent to alerts from DPCC for operation of ready-mix concrete (without trade Effluent discharge) at Khasra No-632, 635, Rectangle No-0, Village Roshanpura, Tehsil Najafgarh, Delhi-1 10043, which is valid upto 28.11.2031.*
- (iii) Joint Inspecting team not observed any hot mix plant/ Ready-Mix Concrete at Shyam Vihar, Phae-I, Najafgarh.*
- (iv) Ready-Mix Concrete Plant was found operational without taking requisite dust control measures.*

*Copy of the inspection report and Consent to Operate issued by DPCC is annexed herewith as **Annexure 1 (Colly)**.*

- 4. *That in view of the observations of the Joint Committee, Show Cause Notices for Closure, Revocation of Consent under Air & Water Act along with levying of Environmental Compensation @ 2,25000/- (Rupees two lakh twenty five thousand only) as the activity of Ready-Mix Concrete falls under Green Category were issued on 24.11.2022. The project proponent was given 7 days time to file the response. Copy of the Show Cause Notices are annexed herewith collectively as **Annexure 2 (Colly)**.*
- 5. *As no reply was received from the project proponent, directions for closure, revocation of Consent and for levying of EC @ 2,25000/- (Rupees two lakh twenty five thousand only) as per policy of DPCC have been confirmed on 09.12.2022. Copy of the Directions are annexed herewith collectively as **Annexure 3 (Colly).**”*

4. In view of the averments made in the application and observations made in the report, we consider it appropriate to have response from (1) the NCT of Delhi, through the Chief Secretary, Government of NCT of Delhi; (2) the Member Secretary, DPCC; (3) the Deputy Commissioner (South-West),

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Delhi, and (4) M/s. Gawar Construction Limited-project proponent, who stand impleaded as respondents No. 1 to 4. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 2 is already appearing before this Tribunal through counsel. Notices be issued to respondents no. 1, 3 and 4.

5. Reply/response by respondents no. 1 to 4 be filed **within one month** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

6. List for further consideration on 03.02.2023.

7. A copy of this order, along with a copy of the application and documents attached with the same be forwarded to the DPCC and Deputy Commissioner (South-West) by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 15, 2022
AVT