

Item No.15

(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: 15.12.2023

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

Applicant: None for the applicant

Respondent: Mr. Kush Sharma, Advocate for respondent no. 2-
DPCC (Through VC)

Application is registered based on a letter petition received by Post

ORDER

1. The grievance in the present application is regarding air pollution, caused by running of Hot Mix Plant at Shyam Vihar, Phase 1, Najafgarh, New Delhi by M/s. Gawar Construction Ltd.

2. Vide order dated 30.08.2022, this Tribunal constituted a Joint Committee which submitted its report vide e-mail dated 14.12.2022 to the effect that direction for closure had been issued and environmental compensation of Rs. 2,25,000/- had been imposed on Project Proponent.

3. Reply was filed by Delhi Pollution Control Committee (hereinafter referred to as '**DPCC**') vide e-mail dated 03.02.2023 in which, it was mentioned that on the representation made by Project Proponent, DPCC inspected the site on 16.01.2023 and found Project Proponent to be compliant.

4. Reply has been filed by Sub-Divisional Magistrate vide e-mail dated 31.10.2023. In the reply, it has been mentioned that Project Proponent i.e., M/s. Gawar Construction Ltd. had deposited environmental compensation of Rs. 2,25,000/- with DPCC vide demand draft no. 013572 dated 11.10.2023.

5. However, Tribunal in its order dated 31.10.2023 observed that DPCC has not placed any report/document on record to show present compliance status of Project Proponent.

6. DPCC was directed to visit the project site and submit Status Report regarding compliance by Project Proponent alongwith all requisite documents in support of such compliance. DPCC was also directed to file separate report/response mentioning details of the amount of environmental compensation imposed, the amount of environmental compensation realized and lying deposited with it, SoP prepared/mechanism evolved for utilization of amount of environmental compensation and the Action Taken Report for utilization of such amount of environmental compensation with all requisite details regarding activity undertaken, particulars of the place where such activity is undertaken, budgetary provision made and agency involved for the same. In the report/response, DPCC was also directed to give details of action plan for utilization of amount of environmental compensation of

Rs. 2,25,000/- deposited with it in the present case for restoration of environment in the affected area.

7. Mr. Prateek Raj Yadav, SDM, Najafgarh Delhi has submitted that there is no machinery on the site at present.

8. Pursuant to order dated 31.10.2023, Action Taken Report dated 14.12.2023 has been filed, stating that inspection of project site was undertaken on 01.12.2023 and it was found that neither any construction activity was going on at the site nor any RMC Plant/Hot Mix Plant was found installed at the site. It is also said that for the past violation, environmental compensation of Rs. 2,25,000/- was imposed which was deposited by Project Proponent with DPCC and DPCC is in the process of transferring the said amount to Municipal Corporation Delhi (Horticulture Wing) to grow tall seedlings in the nearest park of the site.

9. From the order dated 31.10.2023, we find that not only with respect of environmental compensation in the present case, it was also directed that amount of entire environmental compensation imposed, realized and lying deposited with DPCC shall be disclosed. Besides, it was also directed that SoP prepared/mechanism evolved for utilization of such amount of environmental compensation and action taken for such utilization of amount of environmental compensation with all requisite details regarding activity undertaken, particulars of the place where such activity is undertaken, budgetary provision made and agency involved for the same shall be disclosed.

10. However, DPCC has understood the said direction only with respect to the present application, though Tribunal intended that DPCC must disclose about the entire quantum of environmental compensation

which has been deposited, collected/recovered, by it and is lying with it un-utilized up-till now i.e., 30.11.2023.

11. We, therefore, direct that in this regard, a separate Report shall be filed by DPCC within two months 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 before Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who shall register the same as a separate case and place before the Bench for further orders/proceedings.

12. In the meantime, in view of Action Taken Report dated 14.12.2023, we are of the view that no further action is required to be passed in the present case and the same is disposed of accordingly.

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

December 15, 2023
AG