

Item No. 2

(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: 21.04.2023

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

Applicant : None.

Respondents: Ms. Namgyal Angmo, SDM for respondent No. 3-District
Magistrate (South West), Delhi.
None for respondents no. 1, 2 and 4.

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 representatives of 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 was submitted by DPCC vide email dated 14.12.2022 alongwith the inspection report of the joint

committee. Vide order dated 15.12.2022, notices were ordered to be issued to respondents no. 1 to 4.

4. Pursuant to notice reply has been filed by respondent no. 3-DPCC vide email dated 03.02.2023 and the relevant part of the reply is reproduced as under:

RESPONSE ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE (RESPONDENT NUMBER-2) AND RESPONDENT NUMBER-1 IN VIEW TO THE ORDER DATED 15.12.2022.

X

X

X

X

“4. That in compliance with the order dated 30.08.2022, DPCC filed the joint committee report through email dated 14.12.2022, which is available on the records of this Hon’ble Tribunal.

5. That, this Hon’ble Tribunal considered the report of DPCC on 15.12.2022 and pleased to direct the NCT of Delhi, Member Secretary, DPCC, Deputy Commissioner (South-West) and project proponent to file reply/ response.

6. That, M/s Gawar Construction Ltd., (project proponent) has submitted the reply to DPCC on 26/12/2022, in response to DPCC notices dated 24.11.2022 and direction dated 09.12.2022. In their reply, it has been requested to wave-off the imposed Environmental Charge of Rs. 2,25,000/- and further to withdraw the order of stoppage of work so that the work may be taken up on the site and may be complete within the timeline. Unit also filed the compliance with regard to deficiencies as communicated in show cause notice dated 24.11.2022. Copy of the reply submitted by M/s Gawar Construction Ltd is enclosed herewith as **ANNEXURE-R-2/1**.

7. That, DPCC has again inspected the site on 16.01.2023 to check the compliance of the dust pollution control norms as claimed in the above mentioned reply. The unit is a RMC plant having valid Consent to Operate in green category, which is valid upto 28.11.2031. Unit was found complying with the dust pollution measures during the inspection on 16/01/2023. Copy of the inspection report dated 16.01.2023 is enclosed herewith as **ANNEXURE-R-2/2**.

8. That the reply was considered by the DPCC but as no documentary proof has been shown with respect to compliance of the dust pollution control norms prior to the Show Cause Notice issued on 24/11/2022 and Directions issued on 09/12/2022, therefore, it was decided to issue a letter to SDM to of the letter dated 03.02.2023 issued to SDM (Najafgarh) is enclosed herewith as **ANNEXURE-R-2/3**.

9. That in view of the above it is most respectfully submitted that suitable direction be issued to SDM (Najafgarh), to take necessary action to recover the Environmental Damages Charges on the project proponent.”

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5. As per Office report notice could not be served on the respondent no. 4-project proponent. Notice be issued to the respondent no. 4-project proponent again and the same be sent to the Deputy Commissioner (South-West), Delhi for getting the service of the same effected on the respondent no. 4-project proponent and sending his report in this regard.
6. Replies by respondent no. 3-the District Magistrate (South West), Delhi and the respondent no. 4-project proponent be filed on or before 30.06.2023 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.
7. List for further consideration on 24.07.2023.
8. A copy of this order be sent to the Deputy Commissioner (South-West), Delhi by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 21, 2023
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