

Item No. 05

Court No. 1

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

Original Application No. 353/2023

Varun Gulati

Applicant

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 23.05.2023

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

Applicant: Ms. Mansi Chahal, Advocate for Applicant

ORDER

1. Grievance in this application is against operation of dyeing factories operating without the consent/NOC/permission in Bindapur, Matiala, Ranhola, Khyala, Meethapur, Badarpur, Mukundpur and Kirar, Delhi.

2. It is stated that more than 500 such factories are operating which discharge effluents in open areas, Nazafgarh drain or Swaroop Nagar Drain which goes and meet River Yamuna. They are also extracting ground water illegally. There is no CETP for treating the effluents. Testing of water quality in the area shows high pH, turbidity, bad odour, total dissolved solids (TDS), total suspended solids (TSS), biochemical oxygen demand (BOD), chemical oxygen demand (COD), chloride, nitrate, sulphuric acid, heavy metals and low dissolved oxygen (DO). Effluents are highly toxic, carcinogenic and hazardous to the health of the people residing nearby. Dangerous diseases like asthma, cerebro vascular

diseases, lung diseases are significantly higher- 40 times higher, skin irritation and respiratory diseases. Out of the same, the applicant has named 21 units.

3. The applicant has further stated that he has filed representations dated 09.05.2022 and 22.08.2022 with the DPCC, on the basis of media report in Nav Bharat Times highlighting the problem. The DPCC forwarded the complaint to Commissioner, MCD South but no action has been taken thereon. SDM, Patel Nagar also forwarded the complaint to MCD (West Zone) Shivaji Place, Raja Garden, New Delhi in continuation of earlier letters on the issue.

4. We have heard learned counsel for the applicant and perused the record.

5. Hon'ble Supreme Court in (2004) 6 SCC 588, *M.C Mehta v. UoI & Ors.* directing shifting/closing of industrial activities operating in violation of Master Plan of Delhi. Monitoring mechanism was laid down therein as follows:-

“69 (8) We appoint a Monitoring Committee comprising: (i) Chief Secretary of Delhi, (ii) Commissioner of Police, Delhi, (iii) Commissioner, Municipal Corporation of Delhi, and (iv) Vice-Chairman of the Delhi Development Authority. This Committee would be responsible for stoppage of illegal industrial activity. It would, however, be open to the aforesaid members of the Monitoring Committee. to appoint responsible officers subordinate to them to oversee and ensure compliance with the directions contained in the judgment.”

6. The matter was also dealt with by this Tribunal vide order dated 10.12.2020 in O.A No. 56(THC)/2013, *Satish Kumar v. UoI & Ors.* and a group of matters about unauthorized operation of industrial units in residential areas or in compliance of environmental norms. The Tribunal noted that the Chief Secretary, Delhi was to head the Committee for enforcement of judgement of Hon'ble supreme Court. Accordingly, the

Chief Secretary was required to be present before this Tribunal on 19.11.2019 and inadequacy of compliance was brought to his notice. Time bound action plan was directed to be prepared and executed. The Tribunal also considered report of the DPCC to the effect that investigations of illegal units in non-performing areas were carried out. The Municipal Corporation also took a similar stand. The Tribunal finally disposed of the matter with following observations:-

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13. The matter having been monitored before this Tribunal for more than seven years, we do not find it necessary to keep the matter pending for indefinite period. It is for the statutory authorities to continue further steps for enforcement of environmental norms as per law. In view of order dated 20.3.2020, disposing of the final report of the OC headed by Justice Pratibha Rani, former Judge, Delhi High Court, further monitoring will be in terms of order of the Hon'ble Supreme Court in M.C. Mehta (supra), by the Chief Secretary, Delhi.

14. Accordingly, we close the proceedings with hope and expectation that the concerned authorities will take necessary steps for maintaining environmental norms. There has to be continuous vigil against causing of pollution, particularly burning of plastic and other waste for protection of environment and public health. The amount of compensation recovered must be properly utilized for legitimate purpose with the approval of the CPCB, as already directed. If there is any violation of environmental norms, the aggrieved party will be free to take remedies as per law, as and when necessary.”

7. In view of above, the Monitoring Committee appointed by Hon'ble Supreme Court may look into the matter in coordination with other concerned authorities, including the CPCB and DPCC. A joint report of CPCB and DPCC may file an action taken report in the matter about compliance status in respect of units named in the application. The report may mention consent status, compliance status with reference to disposal of effluents into drain and its quality, location of these units in non-conforming area and proposed remedial actions within three months from

today 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.

List the matter for further consideration on 04.10.2023.

A copy of this order be forwarded to Chief Secretary of Delhi, Commissioner of Police, Delhi, Commissioner, Municipal Corporation of Delhi, Vice-Chairman of the Delhi Development Authority, CPCB and DPCC by email for compliance.

The applicant may serve a set of papers on the Chief Secretary of Delhi, Commissioner of Police, Delhi, Commissioner, Municipal Corporation of Delhi, , Vice-Chairman of the Delhi Development Authority, CPCB and DPCC as well as Respondent Nos. 08 to 28 and file affidavit of service within one week from today for their response, if any.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 23, 2023
Original Application No. 353/2023
AB