

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)
Original Application No.522/2022

Bhushan Kumar

...Applicant

Versus

Govt. of NCT of Delhi

...Respondent

Date of hearing: 02.09.2022

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

Applicant: None.

Application is registered based on a Letter Petition received by Post.

ORDER

1. Mr. Bhushan Kumar resident of 14-B/29, Dev Nagar Pyare Lal Road Karolbagh, New Delhi, has sent the present letter petition, which is treated and registered as original application, complaining that illegal scrap unit is being operated in residential area of Dev Nagar, Pyarelal road, Karol Bagh, New Delhi. The project proponent is also doing Iron welding business in the said unit. Grinder, cutter, fire producing instruments cause noise and air pollution in the area. The project proponent purchases old copper and silver wires and burns them under the trees for extraction of metals which causes dense smoke of poisonous gases in the area creating respiratory problems to the inhabitants of the locality and dries up the green trees. On 22.03.2022 the project proponent burnt lot of wires which caused dense smoke due to which fire brigade was summoned which doused the fire but did not take any action. The Police also reached but did not take any action.

2. This Tribunal is empowered to *suo moto* take cognizance of the cases involving questions relating to environment arising out of the implementation

of enactments specified in First Schedule of the National Green Tribunal Act, 2010 as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai V/s. Ankita Sinha and others 2021 SSC Online SC 897.**

This Tribunal can also take cognizance of such cases on the basis of letter petitions in accordance with settled principles of law governing Public Interest Litigation.

3. *Prima facie*, the allegations 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. In view of the allegations made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of the representative of the Delhi Pollution Control Committee (DPCC) and Deputy Commissioner (Central), Delhi and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The DPCC will be the nodal agency for coordination and compliance.

4. In case the Joint Committee observes any violation of consent conditions/environmental norms then it shall notify these proceedings and forward a copy of its report to:-

- (i) the Project Proponent to enable him to comply with the recommendations or file objections against the observations/recommendations in its report and file his response before this Tribunal as desired within one month from the date of receipt of a copy of its report; and

(ii) the DPCC and Deputy Commissioner (Central), Delhi to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee.

5. List for further consideration on 13.12.2022.

6. 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 (Central), Delhi by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 02, 2022
AG