

Item No. 10

Court No. 1

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

Original Application No. 508/2023

Gauri Maulekhi

Applicant

Versus

Govt. of N.C.T. of Delhi & Ors.

Respondent(s)

Date of hearing: 16.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. A. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Raj Panjwani, Senior Advocate with Ms. Esha Dutta & Ms. Shaalini Agrawal, Advs.

Respondent: Mr. Narender Pal Singh, Adv. for DPCC

ORDER

1. In this Original Application, grievance of the applicant is against the environmental pollution being caused by operation of dairy farms on Yamuna floodplains in NCT of Delhi. The allegation of the applicant is that about 60 dairy farm with approximate 1000 cattle are running illegally and violating the prescribed norms.

2. Considering the grievance raised in the application, Tribunal by order dated 24.08.2023 had constituted the joint Committee by directing as under:-

“3. Having regard to the allegations made in the petition, we deem it proper to constitute a joint Committee comprising of the Member Secretary, Central Pollution Control Board (CPCB), Member Secretary, Delhi Pollution Control Committee (DPCC), Secretary, Department of Animal Husbandry and Veterinary, Delhi and Municipal Commissioner, Municipal Corporation of Delhi. The Member Secretary, DPCC will act as a coordinator in the Committee. The Committee will carry-out the spot inspection and examine truthfulness of the allegations made in the petition and submit status and action taken report before this Tribunal within six weeks in respect of alleged violation of the provisions of the act, rules and guidelines by the dairies on the Yamuna floodplains in the NCT of

Delhi. The Committee will also suggest the remedial measures based on extent of environmental damages observed and maintenance of dairy farms in compliance with siting criteria and taking integrated approach to comply with environmental regulations/norms particularly for maintaining good hygienic status of dairy farms, protection of flood plain zone and setting up of solid and liquid waste management facilities.”

3. The report by the Joint Committee was not filed therefore, the Tribunal in the proceedings dated 09.11.2023 had noted as under:-

“2. The Tribunal after considering the grievance by order dated 24.08.2023 had formed a joint Committee comprising of Member Secretary, CPCB, Member Secretary, DPCC, Secretary, Department of Animal Husbandry and Veterinary, Delhi and Municipal Commissioner, Municipal Corporation, Delhi by making the Member Secretary, DPCC as coordinator of the Committee. The Committee was required to carry out the spot inspection and examine the truthfulness of the allegation made in the petition and submit status and action taken report before the Tribunal within six weeks. Though the six weeks period has expired but till now no action taken report has been submitted. The order dated 24.08.2023 reflects that the copy of the order was forwarded to all the Members of the Committee.”

4. The status report dated 04.11.2023 in compliance of the order dated 24.08.2023 has been filed on 04.12.2023 under the signature of Senior Environmental Engineer. Along with that report, a report titled “Report of Sub-Committee constituted in OA 508/2023: Gauri Maulekhi vs. Govt. of NCT of Delhi & Ors.” has been filed under the signature of the i) Deputy Director, Veterinary Services, Shahdara South Zone (MCD); ii) DAHO (East), Animal Husbandry Unit, Development Department, GNCTD; iii) AEE, DDA; iv) Scientist C, CPCB and v) JEE, DPCC.

5. Objection to this report has been filed by the applicant along with the photographs with geo-coordinates to show that the facts disclosed in the report are incorrect.

6. We are surprised that the Joint Committee which was constituted by the Tribunal on 24.08.2023 has not filed its report inspite of the two

opportunities and observations of the Tribunal in the proceedings dated 09.11.2023. No explanation by Member Secretary, DPCC has come on record who was appointed as Coordinator in the Committee. This Tribunal had not authorized any Authority to constitute any sub-Committee in terms of the direction of the Tribunal dated 24.08.2023.

7. In the circumstances of the case, we have no option but to impose a cost of Rs. 10,000/- payable by the Member Secretary, DPCC, which is to be deposited with the Registrar General of the NGT within a period of two weeks. Let the report in terms of the order dated 24.08.2023 be filed by the joint Committee constituted by the Tribunal within a further period of six weeks 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.

8. List on 19.04.2024

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 16, 2024
Original Application No. 508/2023
SN.