

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

Original Application No. 508/2023
(I.A. No.127/2024)

Gauri Maulekhi & Anr.

Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 19.04.2024

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

Applicant: Mr. Raj Panjwani, Senior Advocate with Ms. Esha Dutta, Adv. for Applicant

Respondent: Mr. Narender Pal Singh & Ms. Anjali, Advs. for DPCC
Ms. Kritika Gupta, Adv. for DDA

ORDER

1. This Original Application involves the issue of illegal operation of dairy farms on Yamuna floodplains in National Capital Territory of Delhi (NCTD).
2. Counsel for the applicant in the earlier proceedings had flagged the issue that as many as 60 dairies are operating in the above floodplains, in violation of the norm and their full particulars were disclosed yet no action was taken.
3. Considering the grievance, Tribunal by order dated 24.08.2023 had constituted a Joint Committee and directed the Joint Committee to carry out the spot inspection, examine the truthfulness of the allegations made in the petition and submit status and action taken report in respect

of the alleged violation of provisions of the act, rules and guidelines by the dairies on the Yamuna floodplains in the NCT Delhi. Committee was also directed to suggest remedial measures based upon the extent of environmental damage observed and maintenance of dairy farms in compliance with siting criteria and taking integrated approach to comply with the environmental guidelines/norms particularly for maintaining good hygienic status of dairy farms, protection of floodplain zone and setting up of solid and liquid waste management facilities.

4. Earlier, status report by DPCC along with the so-called report of Joint Committee dated 07.11.2023 was filed and Tribunal in the proceedings dated 16.02.2024 had expressed surprise as to how a report from a Joint Committee different from the one constituted by the Tribunal was filed and accordingly had imposed the cost of Rs.10,000/- to be paid by Member Secretary, DPCC.

5. I.A. No.127/2024 has been filed by Member Secretary, DPCC seeking waiver of the cost on the ground that by mistake, report of a sub-committee constituted for the larger survey was enclosed with the status report filed earlier, whereas, Joint Committee constituted by the Tribunal had carried out the inspection in terms of the direction and had prepared the report. Said report of the Joint Committee dated 09.11.2023 has been enclosed along with I.A. No.127/2024. Hence, we find that there was a *bona-fide* mistake on the part of the Member Secretary, DPCC in placing on record the joint committee report. Hence, IA. No.127/2024 is allowed and cost of Rs. 10,000 imposed by order dated 16.02.2024 is waived.

6. Counsel for the parties have submitted that no objection to the report of the Joint Committee is required to be filed. Hence, matter has

been heard. Joint Committee had visited the site and has observed as under:-

- i. No permanent structure of dairy farm was found at the sites mentioned in the OA. However, about 15 encroachment shelters (temporary) were found at Village Chak Chilla (Mayur Nature Park) on DDA land. As informed by the local residents, these encroachment shelters (temporary) are being used for residential purposes. In 03 such shelters, 08 bovine animals were seen on 16.10.2023 by the sub-committee. The Joint Committee also observed 05 bovine animals in 02 of the said 03 such shelters during their visit on 18.10.2023.
- ii. Besides above, about 40 bovine animals were seen scattered in open area in the river Yamuna flood plain area at Village Chak Chilla, Village Chirag Janubi, Village Nangli Razapur (Mayur Nature Park) and 1-lindon Sarovar on 16.10.2023 by the sub-committee. The Joint Committee also observed about 20 bovine animals scattered in open area during their visit on 18.19.2023.
- iii. No sign/display board in the name of any dairy farm was noticed at such encroachment shelters (temporary).
- iv. Bovine dung/patches of bovine dung and wooden pegs (khoonta - to tie the animals) were seen at various places at Village Chak Chilla (Mayur Nature Park). During the visit by the Joint Committee, animals were found tied with wooden pegs at 2-3 locations.
- v. No carcass of any bovine animal was observed.
- vi. All the 18 alleged sites (for which geo-coordinates provided by the petitioner in its OA) were visited and observations are given below:-
 - a) 06 encroachments were mentioned In the petition, out of which, 05 were observed demolished on 1)DA land. In the reimagining 01 encroachment, 11shelter (temporary) was observed (i.e, Lat: 28.588476 and Long: 77,200443; which in one of the aforesaid 03 shelter as at (i) above) wherein 4 no, of bovine animals were found and the residents informed that milk is being used for their own consumption;
 - b) In 03 alleged sites mentioned in the OA, no carcass was found;
 - c) In the remaining 09 alleged sites, neither dairy activities nor bovine animals were found. However, patches of animal dung were seen at 05 alleged sites.
Comparative photographs with locations as mentioned in the Original Application No. 508 of 2023 under reference vis-a-vis as observed during Joint Committee visit is annexed as Annexure-HI (C).

vii. *During the visit on 16.10.2023 by sub-committee and 18.10.2023 by Joint Committee, no activity related to distribution or supplying of milk to milk processing plants was observed. Also, no commercial milk containers, vehicles, etc. were observed.*

viii. *No domestic hazardous waste such as used bottles/containers of drugs, used syringes/needles was seen during the visits at Village Chak Chilla (Mayur Nature Park).*

ix. *No odour nuisance was observed at Village Chak Chilla (Mayur Nature Park)."*

7. Joint Committee had taken note of the Revised Guideline for Environmental Management of Dairy Farms And Gaushala issued by the CPCB in July 2021 as under:-

"i. *CPCB has issued revised "Guidelines for Environmental Management of Dairy Farms and Gaushalas" in July, 2021 in compliance to the Hon'ble NOT order in O.A. No. 46/2018; Nuggehalli Jayasimha Vs. Govt. of NCT of Delhi.*

As per the said guidelines, dairy farm is the "establishment which in-house milching animals to produce milk for distribution or supplying milk to milk processing plants (other than own consumption)".

The said CPCB guidelines stipulate that dairy farms are required to obtain Consent to Establish (CTE) and Consent to Operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as per the categorization of industrial sector in "Orange" Category from concerned SPCBs/PCCs. In this regard, CPCB has issued direction under section 18(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 on 10.07.2020 to all SPCBs/PCCs wherein Stand-alone or isolated dairy farms, having 15 animals & above, and Dairy farm in colonies/clusters shall obtain CTE/CTO under "Orange category". Management of solid waste (dung), wastewater and air emissions have also been stipulated in the said Guidelines.

ii. *CPCB guidelines also stipulate that dairy farm shall be set-up as per the siting policy/guidelines of the local administration and may follow siting criteria as below:*

a) *It should be located in area wherever permissible and at least 100 meters away from residential dwellings, health centres/hospitals & schools in order to avoid odour problem;*

- b) *At least 200 meters away from water spread area of major watercourses like Lake, canal and major drinking water sources,*
- c) *Away from flood plain area of River and areas having shallow ground water,*
- d) *At least 5 meters of inter-se distance between two establishments (each establishment should provide 2.5 meters from each side) for ventilation should be provided and developed green belt.*

A copy of the aforesaid revised "Guidelines for Environmental Management of Dairy Farms and Gaushalas" issued by CPCB in July, 2021 is annexed as Annexure-1V."

8. Joint Committee has made following recommendations:-

- i. *Irrespective of whether, milk being produced by bovine animals (observed in shelters (temporary) or in open) for distribution or supplying to milk processing plants or for own consumption and falling with the definition of dairy farm as stipulated in above mentioned CPCB guidelines, it is observed that such shelter (temporary) or tying of bovine animals with wooden pegs in open areas are being carried out illegally by encroaching the floodplain area at Village Chak Chilla (Mayur Nature Park) on DDA \land.*
- ii. *DDA being the land owning agency shall immediately take necessary actions to remove encroachment in Mayur Nature Park of river Yamuna flood plain, wherever, order of the Hon'ble Delhi High Court is not under litigation. Further, DDA to also keep regular vigil on the encroachment and take encroachment removal drives immediately upon noticing encroachment and ensure that no illegal activities including operation of dairy farm takes place in the river Yamuna flood plain areas.*
- iii. *DPCC to ensure that dairy farms are operated by obtaining CTE/CTO at sites away from flood plain area of river Yamuna and meeting other siting policies/guidelines and management of solid waste, wastewater and air emissions as stipulated in CPCB revised "Guidelines for Environmental Management of Dairy Farms and Gaushalas" issued in July, 2021. In case of violation, DPCC shall impose environmental compensation.*
- iv. *DPCC shall publish a public note for Dairy farms to obtain CTE and CTYP under Water Act, 1974 as well as Air Act, 1981 as per categorization of industries in Orange Category. Also, DPCC shall revised "Guidelines for Environmental Management of Dairy Farms and Gaushalas" in July, 2021" on their website."*

9. Recommendation Nos.1 and 2 are required to be implemented by DDA. A separate reply on behalf of the DDA has been filed disclosing certain matters which are pending before the Delhi High Court against the action relating to the removal of slums and jhuggies in the area. Learned Counsel for the DDA does not dispute that these pending matters are not relating to the removal of dairies.

10. Learned Counsel appearing for DPCC also submits that recommendation nos. 3 and 4 are required to be implemented by DPCC.

11. It will be open to the DDA to obtain the help of MCD in order to fully and expeditiously implement the said recommendations

12. Hence, we dispose of the original application directing the DDA to duly implement the recommendation nos. 1 and 2 of the Joint Committee and DPCC to implement recommendation nos. 3 and 4 without any delay.

13. Let action taken report be filed by the DDA and DPCC before the Registrar General of the Tribunal within three months, if found necessary, matter will be listed before the Bench for consideration

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 19, 2024
Original Application No. 508/2023
(I.A. No.127/2024)
JG.