

Item No. 06

Court No. 2

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

Original Application No. 508/2023

Gauri Maulekhi

Applicant

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 19.12.2023

**CORAM: 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 & Ms. Shaalini Agrawal, Advs.

Respondent(s): Mr. Narender Pal Singh, Adv. for DPCC

ORDER

1. Pursuant to orders of Tribunal dated 24.08.2023 and 09.11.2023, a report dated 04.12.2023 has been filed by Delhi Pollution Control Committee wherein observations, recommendations and action taken are mentioned as under:

“3. *The observation of the joint Committee visit is 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 Chilia (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 Committed 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*

Hindon 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 18.10.2023.

- 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 DDA land. In the remaining 01 encroachment, a shelter (temporary) was observed (i.e. Lat: 28.588476 and Long: 77.290443; 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-à-vis as observed during Joint Committee visit is annexed as Annexure-III (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 ChakChilla (Mayur Nature Park).*
- ix. No odour nuisance was observed at Village ChakChilla (Mayur Nature Park).*

4. The Committee recommended as under:

- 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 ChakChilla (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 notice for Dairy farms to obtain CTE and CTO under Water Act, 1974 as well as Air Act, 1981 as per the categorization of industries in Orange Category. Also, DPCC shall upload CPCB revised "Guidelines for Environmental Management of Dairy Farms and Gaushalas" issued in July, 2021 on their website.*

5. The action taken report with respect to recommendation of the joint Committee is as under:

- (a) That during the inspection by DPCC official of the sites mentioned in the OA, No permanent structure of dairy farm was found.*
- (b) That till date, no dairy owner approached to DPCC for getting Consent to establish/operate.*
- (c) That DPCC placed the guidelines on the website of DPCC.*
- (d) That, DPCC is issuing public notice for implementation of the guidelines from time to time.*
- (e) That for the violation cases, DPCC is imposing environmental compensation.*

6. That it is most respectfully submitted that, the DPCC can give CTE/CTO only if a diary is approved by MCD and meets the requirements under pollution control laws. Further DPCC should take action against illegal diaries in coordination with MCD and in a non

discriminatory manner. That as per provisions of the Master Plan of Delhi, land owning agencies like DDA/ MCD has to notify the conformity at the site. DPCC is granting CTE/CTO to the conforming units only.”

2. Shri Panjwani, Learned Counsel appearing for Applicant has filed certain photographs along with its affidavit dated 18.12.2023 in order to show that illegal dairies are still operating in the area whereof complaint has been made. However, he further prays and is allowed one month's time to file objections to the report of Delhi Pollution Control Committee.

3. List the matter on 16.02.2024.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 19, 2023
Original Application No. 508/2023
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