

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

M.A. No. 91/2023
In
Original Application No. 85/2023

Mohd. Muslehuddin Applicant

Versus

Govt. of NCT of Delhi Respondent

Date of hearing: 09.05.2024

**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: Ms. Aakansha, Mr. Lalit Mohan, Mr. Videh Vaish & Mr. A.F. Faizi, Advs.
for Applicant in M.A 91/2023

Respondent: Mr. Narender Pal Singh, Adv. for DPCC
Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for DM (North)

ORDER

1. This Miscellaneous Application has been filed with a prayer seeking compliance of the order dated 13.03.2023 passed in OA No. 85/2023.
2. The OA No. 85/2023 was entertained on the basis of the letter petition wherein the grievance was raised that a scrap unit at House No. 330, Pocket-8, Sector A5, Narela, Delhi 110040 was illegally operating after encroaching upon the entire footpath and scrap was spread on the green belt, road, drain, etc. and the unit was causing noise and air pollution creating hazards to the local residents.
3. The Tribunal on 13.03.2023 had considered the said letter petition and had constituted a Joint Committee comprising of Delhi Pollution Control Committee (DPCC) and the District Magistrate, North Delhi with the direction to the Joint Committee to visit the site, collect relevant

information and take appropriate remedial action in accordance with law within two months if any violation of environmental laws and norms is found. There was a further direction to the Committee to submit the action taken report before the Registrar General of the Tribunal.

4. In this MA, the Applicant has come up with the grievance that the order of the Tribunal dated 13.03.2023 has not been complied with. Hence, the Tribunal on 09.10.2023 had issued notice to the Secretary, DPCC and the District Magistrate, North Delhi seeking compliance report.

5. The compliance report was filed by the DPCC on 21.12.2023 disclosing that the joint inspection was carried out on 03.11.2023 and following was found in the joint inspection:

“xxxxxx.....xxx

3). No plant machinery found installed in premises except one Atta Chakki (non-operational during the inspection) and about 07 halffilled bags of grains/atta and a chair, table found inside the shop and a weighing machine found in front of shop.

4). MCD has issued license (No. 2307182922403) at the said shop for Atta Chakki in the name of Gulab Atta Chakki.”

6. The report further states that the DPCC on 08.12.2023 had issued letter to the Deputy Commissioner, Narela Zone, MCD to take necessary action for removal of waste/garbage and encroachment on the roadside and calling for the action taken report. It was also stated that the DPCC had issued show cause notice for imposition of Environmental Compensation (EC) upon M/s. Gulab Atta Chakki operating on the premises in question.

7. After the said report when the matter was listed on 02.01.2024, learned Counsel for the Applicant in the MA was permitted to obtain a copy of the report and file objection but no such objections were filed.

Therefore, when the matter was again taken up on 28.02.2024, further opportunity of one week was granted as a last opportunity but even thereafter no objection in terms of the order dated 28.02.2024 has been filed.

8. The DPCC has filed the additional report dated 26.02.2024 mentioning the details of the action taken report submitted by the Municipal Corporation of Delhi to the Joint Committee disclosing as under:

“4. That, in reference to the letter dated 08.12.2023 issued by DPCC to DC (MCD), Narela Zone (Annexure-2 to the report dated 21.12.2023. Municipal Corporation of Delhi provided their action taken report via email in reference to letter dated 08.12.2023, which is as under:-

1. Public Health Department/Narela Zone

The trader Ms. Tara Devi has taken online Health Trade License of her trade of Atta Chakki vide license number 2307182922403 on dated 18.07.2023. She has obtained this license under the special permit area policy which is enclosed with this letter. This license is valid up to 31.12.2023. According to the report of area Public Health Inspector, said trade was found running under sanitary and hygienic conditions on dated 11.12.2023.

2. DEMS/Narela Zone

As reported by an area officer SI-03 (Holambi Kalan) sanitation condition has been improved near H. No. 330, PKT-8, Sector AS, Narela, Delhi and garbage has also been lifted.

3. General Branch/Narela Zone

The area officer inspected the site and found some general waste items like paper cardboard boxes (gatta), wire, empty bottles, plastic bags etc. on the road side/footpath (covered drain) in front of Atta Chakki Shop. The items were removed from the site on 21.12.2023.

Copy of the reply submitted by Asstt. Commissioner, Narela Zone, Municipal Corporation of Delhi is attached herewith as ANNEXURE-1 (Colly). “

9. The report further reveals that the joint team consisting of officials from Revenue Department, MCD and DPCC had done the inspection of the site on 15.02.2024 and had found as under:

“5. That, the joint team consisting of the officials from Revenue Department, MCD and DPCC inspected the site on 15.02.2024. Following are the observation of the inspecting team: -

- 1) The alleged premises i.e. House No. 330, Pocket-8, Sector AS, Narela, Delhi- 110040 is shop of 12.5 Sq. Mtrs. area and run by Sh. Gulab S/o Smt. Tara Devi.*
- 2) The plot is allotted by JJ Slum, Delhi and the owner of the plot as per the documents shown during inspection is Smt. Tara Devi w/o Kari Shaho R/o Plot no. 131, Pocket-8, Sector AS, Narela, Delhi 110040.*
- 3) No concrete Permission letter/valid proof provided/shown by the owner regarding the start the work of atta chakki/ storage of metal scrap and its loading & unloading activity at the alleged premises.*
- 4) The complainant Mohd. Muslehuddin has made the complaint against the alleged shop to MCD, NGT, DCP, SDM, DM in September 2022. So, date of starting of the shop may be considered around September 2022.*
- 5) The MCD "Health Trade License" (No. 2307182922403) dated 18.07.2023 has been taken for Atta Chakki at the said shop in the name of Gulab Atta Chakki but its validity has expired on 31.12.2023.*
- 6) For the RENEWUAL of Health Trade License for Atta Chakki payment of renewal fees to MCD has been made on 03.01.2024. However, as on date renewal of license has not been done.*
- 7) Except one Atta Chakki (non-operational during the inspection) no other plant machinery was found installed in the said premises. A weighing machine was also found stationed in front of the shop. Other items found inside the premises of the shop are listed below:*
 - (i) about 09 half-filled bags of grains/atta*
 - (ii) a chair and table found inside the shop*
- 8) General waste items like paper and cardboard boxes (gatta etc. were found lying on road side/footpath near the entry of Atta Chakki shop. Also some scrap material like iron waste material (rods, wire meshes etc.), empty tin cans, rikshaw tyres, plastic woven bags, plastic pipes/ small containers etc. were found stored at the roof top of the alleged shop.*

9) *No loading/unloading was being carried out at the time of inspection.*

10) *The MCD official from the inspection team was asked to take necessary action as per relevant rules.”*

10. It reiterates the fact of issuance of show cause notice to M/s. Gulab Atta Chakki for imposition of EC on 18.12.2023.

11. In view of the above, we are of the view that the complaint of the Applicant that a scrap unit was operating on the premises in question is incorrect in view of above reports showing that an Atta Chakki is operating on the premises in question.

12. So far as the issue of clearing the scrap/garbage from the spot in question is concerned, learned Counsel appearing for the DPCC has submitted that though as per report the same has been cleared but even if any such scrap/garbage is lying on the spot that will be cleared within a period of 24 hours.

13. Having regard to the above, nothing further is required to be done in this MA which is accordingly disposed of.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 09, 2024
M.A. No. 91/2023
In Original Application No. 85/2023
DV