

Item No. 02

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 176/2021

(With report dated 24.11.2021)

Shreya Paropkari & Anr.

Applicant(s)

Versus

Delhi Agricultural Marketing Board & Ors.

Respondent(s)

Date of hearing: 30.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Arjun Dewan, Advocate

Respondent: Mrs. Avnish Ahlawat, Advocate for DAMB (R-1)
Mr. Narender Pal Singh, Advocate for DPCC

ORDER

1. Grievance in this application is against damage to the environment by the activities in Ghazipur Murga Mandi under the Control of Respondent No. 1 – Delhi Agricultural Marketing Board.

2. Case of the applicant is that the said market is one of the biggest livestock trading markets in Asia as well as the largest chicken slaughter hub situated in National Capital Territory Region of Delhi. It is carrying out illegal slaughters causing severe damage to the environment without any permission of the concerned authorities, in complete violation of the applicable laws. Reference has been made to reports of inspection carried out by the Delhi Pollution Control Committee (DPCC) leading to show cause notice dated 27.02.2018 under Section 33A of the Water (Prevention

and Control of Pollution) Act, 1974 (Water Act) and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 (Air Act) on account of following violations:

1. *The Fish market and poultry and egg market are situated in the separate complex.*
2. *The effluent generated from the fish market is directly being discharged into the sump well.*
3. *The waste management w.r.t Fish marketing was found unsatisfactory. Spillage and heaps of waste generated from dressing of fish noticed in the compound.*
4. *The complex was found with unhygienic condition even w.r.t municipal waste.*
5. *The poultry and egg market is located adjacent to the slaughter house and fish market.*
6. *Poultry litter or Broiler litter which is a mixture of poultry excreta, spilled feed, feathers and material used as bedding in poultry operations was found stored in open grounds at many places.*
7. *The unscientific disposal of the litter is main source of exasperation as these dumps are the main source of birds and stray dog attraction.*
8. *The litter from these dumps is taken by the eagles and stray animals and is spreaded in the area adjoining to the field of operation.*
9. *The STP (650 KLD) of poultry and egg market was found operational and all its units were found functional.*
10. *DAMB has applied for CTO on 16.12.2013 for poultry and egg market but no application has been submitted for Fish Market.*
11. *No composting plant, incineration plant and rendering plant has been installed by the DAMB for the utilization of litter.*
12. *Unpleasant odour pervades in the compound and adjoining area. The compound and adjoining area found filled up with eagles and stray animals.*
13. *There are number of shops engaged in illegal slaughtering of birds operating on the boundary of Poultry and Egg market.*
14. *As informed by the representative of the DAMB tender for waste management (waste to energy) has been invited and shall be opened on 06.03.2018.”*

3. Further reliance has been placed on report of the DPCC dated 14.09.2018 as follows:

S. No.	Environmental Parameters	Observations
1.	WATER POLLUTION	<ul style="list-style-type: none"> • <i>Having wastewater treatment plant ETP with a capacity of 650 KLD for the wastewater generated from poultry market.</i> • <i>The ETP was found functional at the time of inspection.</i>

		<ul style="list-style-type: none"> • <i>At present, no treatment mechanism is in place for the wastewater generated from the fish market. The effluent from the fish market is being discharged into the drain without any treatment.</i> • <i>The source of wastewater from fish market is cleaning of fish and melting of ice.</i> • <i>Washing of the floor in the slaughtering area was observed at the time of inspection.</i> • <i>Photographs of the same taken by DPCC officials.</i> <p>Suggestions:-</p> <ul style="list-style-type: none"> • <i>It is suggested that authority /agency is required to provide a separate treatment facility for the wastewater generated from fish market.</i> • <i>Immediate attention is required to reuse the treated wastewater in floor washing/sprinkling.</i> • <i>Feasibility to treat the wastewater generated from fish market in the ETP installed in the murga mandi be explored till the placing of a full fledged treatment facility in the fish market.</i> • <i>Authority/agency is required to channelize its rainwater collected in poultry market to its installed ETP.</i>
2	SOLID WASTE MANAGEMENT	<ul style="list-style-type: none"> • <i>Presently the solid waste generated is in the form of Poultry litter or Broiler litter and waste from the fish market.</i> • <i>The waste from the generation point is carried to the dhalos in the fish market and poultry market by tricycles which were found covered.</i> • <i>Closed bins have been provide at the generation point for the collection of litter at source.</i> • <i>About 70 bins of different sizes were noticed in the slaughtering area for the collection of waste from slaughtered birds.</i> • <i>Solid waste at one dhalao located in the premises of poultry market was found covered but the same was not adequate as it is accessible to stray animals, birds and rodents.</i> • <i>At two dhalao located in the fish market the waste was found uncovered and open to sky. It was informed that waste is being accumulated due to non-lifting of waste by the MCD.</i>

		<ul style="list-style-type: none"> The spillage of waste noticed at some points during the inspection. <p>Suggestions:-</p> <ul style="list-style-type: none"> Immediate attention is required to segregate the waste as per its use. Immediate need to place an isolated cold storage site with record of waste generation per day. Transportation from its generation point is required in covered/locked tri-cycles which is being used.
3	AIR POLLUTION	<ul style="list-style-type: none"> At some shops ice cutting machines were found operating with DG set without any emission Control system in the fish market. It was assured by the DAMB officials that the same will be removed on urgent basis. Smell of decayed litter surrounds in the fish and poultry market. <p>Suggestions:-</p> <ul style="list-style-type: none"> Need to remove DG set from the site. Need to use suitable mechanism to improve the odor at site. Need to have proper cleaning of site with proper sprinklers. Special drive be organized for collection of feathers.
4	DPCC COMPLIANCE STATUS	<ul style="list-style-type: none"> The Consent to Operate to the unit was refused on 24.04.2018 for non-compliances. DAMB has not applied for consent to operate for both the premises Closure directions issued vide letter dated 24.04.2018 is still in force. It was informed by the DAMB officials that they shall apply for the Consent to Operate shortly.
5	OTHER OBSERVATIONS	<ul style="list-style-type: none"> New CC road at murga mandi premises is completed and construction is in progress in the fish market. Levelling of land in the murga mandi premises is under progress to avoid water logging. Some Plantation has been done and as informed shall be done in future also There is improvement in the murga mandi with respect to waste management in comparison with previous inspection dated 23.04 2018.

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4. The applicant has also relied upon order of Delhi High Court dated 24.09.2018 in W.P. (C) No. 1214/2018, *Gauri Maulakhi v. Delhi Agricultural Marketing Board & Ors.* directing as follows:

“3. Taking note of the totality of the circumstances and the manner in which the statutory authorities, particularly the EDMC is acting, we have no option but to direct that in the area in question namely the Gazipur Murga Mandi, no slaughtering of birds would be permitted henceforth. The respondents are granted liberty to work out a system to bring into place or establishment a proper market in the area after complying with all the statutory requirements, particularly the environment and pollution level and on consideration of the same, we would consider the question of permitting operation at slaughter house for poultry in the area in question. Till then, we direct that only sale of live birds can be done in the area in question.

4. As far as the fish market is concerned, the respondents should indicate as to how and in what manner, the statutory requirements of preventing pollution is being carried out in the area in question with regard to sale of fish. Let an affidavit indicating as to how and in what manner, this order is complied with should be filed on or before the next date of hearing.”

5. There is further report of the Sub-Committee dated 05.08.2019 finding following non-compliances:

RESP NO.	ACT	PROVISION	COMPLIANCE REQUIRED
1-Delhi Agricultural Marketing Board	<i>The Prevention of Cruelty Animals (Regulation of Livestock Markets) Rules, 2017.</i> <i>The Prevention of Cruelty to Animals Act, 1960.</i>	<i>Rule 3,4, 5, 12</i> <i>Section 3 and 11</i>	<ul style="list-style-type: none"> • <i>Strict compliance of the Prevention of Cruelty to Animal (Regulation of Livestock Markets) Rules, 2017.</i> • <i>Registration with the District Animal Market Monitoring Committee; and to stop and initiate prosecution against illegal slaughter of poultry birds in the Gazipur livestock market as its not a license slaughter house.</i> • <i>Appointment of adequate number of and veterinary inspectors and para-veterinary staff authorized by the District Animal Market Monitoring Committee</i> • <i>Ensure that unnecessary pain and suffering is not</i>

			<i>instituted upon the poultry bird while trading.</i>
2-Department of Animal Husbandry, Development Department, Government of NCT of Delhi	<i>The Prevention and Control of Infectious and contagious Diseases Animals Act, 2009</i>	Section 3, 4,5,6 Order No. F.13(7)/AHD/V AS(HQ)SH Rules/2014 dated 07.4.2014	<ul style="list-style-type: none"> • <i>That each poultry bird is examined by authorized veterinarians and transported in strict compliance of Transport of Animals Rules, 2001.</i>
3-Delhi Society for Prevention of Cruelty to Animals	<p><i>The Prevention of Cruelty to Animals Act, 1960.</i></p> <p><i>The Transport of Animals Rules, 1978.</i></p> <p><i>The Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017.</i></p> <p><i>The Prevention of Cruelty Animals to (Slaughter House) Rules, 2001.</i></p> <p><i>The Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.</i></p>	<p>Sections 3 and 11.</p> <p>Chapter VII and Chapter IX (Rules 96, 97 and 98) Rules 13, 14, 15, 16 and 17.</p> <p>Rule 3</p> <p>Rules 3,5,7,8 and 9</p>	<ul style="list-style-type: none"> • <i>Strict compliance of the Prevention of Cruelty to Animals Act. 1960 and the Rules made therein.</i> • <i>In case of non-compliance of the Act and rules made there under to book cases and initiate prosecution in accordance to The Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.</i>
4-Department of Food Safety, New Delhi	<p><i>The Food Safety and Standards Act, 2006 and;</i></p> <p><i>The Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.</i></p>	<p>Section 31, 89 and 97.</p> <p>Regulation 2.1.2(1)(5) Part IV</p>	<ul style="list-style-type: none"> • <i>Illegal slaughter of poultry birds at Ghazipur Murga Mandi or at any other place in Delhi should be stopped immediately.</i> • <i>Slaughter of poultry birds to be done only after obtaining license under Section 31 of the Food Safety and Standards Act, 2006.</i> • <i>To ensure that License to a Slaughter House should only be given in compliance of the Food Safety and Standards</i>

			Act, 2006 and regulations there under and Hon'ble Supreme Court order dated 17.02.2017 of "Common cause, A Regd. Society Vs Union of India and Ors".
5-East Delhi Municipal Corporation	<p>The Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017.</p> <p>The Food Safety and Standards Act, 2006 and;</p> <p>The Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.</p> <p>The Delhi Municipal Corporation Act, 1957.</p>	<p>Rule 4</p> <p>Section 31, 89 and 97</p> <p>Part IV</p>	<ul style="list-style-type: none"> • Constitution of Animal Market in compliance to Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017. • Food Business Operator License can only be issued under Section 31 of the Food Safety and Standards Act, 2006. • The food licenses issued under DMC Act, 1957, have been repealed by Section 97, read with section 89 of the Food Safety and Standards Act 2006. • Therefore, issuing license to Food Business Operators by MCDs under its "Revised Shop Policy" vide order Meat Shop Policy" vide Office order No. 1562/DVS/2011 dated 02.09.2011 is bad in law and should be held illegal and void. • That the licensed Slaughter House Hall at the Ghazipur Slaughter House which is adjacent to Ghazipur Livestock Market be made immediately available by EDMC for poultry slaughter for Domestic Consumption. • Municipal Corporation should close the illegal sale and slaughter of poultry birds in and around Ghazipur livestock market and Delhi.
6-Delhi Pollution Control Committee	<p>Environment Protection Act 1986</p> <p>Water (Prevention</p>	Section 25.	<ul style="list-style-type: none"> • Environmental Clearance, Consent to establish and operate which is given under Section 25 of the Water (Prevention and Control of Pollution) Act,

	<p><i>and Control of Pollution) Act, 1974</i></p> <p><i>Air (Prevention and Control of Pollution) Act, 1981</i></p>	Section 21.	<p><i>1974, and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 read with Section 3 of the Environment Protection Act, 1986 should be given only after fulfillment of all conditions for operation of a Slaughter House</i></p> <ul style="list-style-type: none"> • <i>Consent to establish and operate shall not be given in expectation of compliance at a future date but shall only be given after compliance of the above mentioned requirements. Otherwise, notice for closure be given.</i> • <i>Forthwith, issue directions for closure in case of noncompliance of law, such as functioning without EC, consent to operate or establish.</i>
<p>7-Ghazipur Wholesaler Poultry market Commission Agent Association</p> <p>8-Mohd. Askeen</p> <p>9-Danish</p> <p>10- Mohd. Umar</p> <p>11-Sh Shoyab</p> <p>12-Dilshad</p> <p>13- Mirajissin Qureshi</p>	<p><i>The Prevention of Cruelty of Animals (Slaughter House) Rules, 2001</i></p> <p><i>Hon'ble Supreme Court in "Common cause, A Regd. Society Vs Union of India and ors."</i></p>	<p>Rule 3.</p> <p>Order dated 17.02.2017.</p>	<ul style="list-style-type: none"> • <i>Slaughter of poultry birds in Ghazipur livestock market is illegal and must be stopped.</i> • <i>As per Section 407(2) of the Delhi Municipal Corporation Act, 1957 such slaughter shall be done in the licensed slaughter house at Ghazipur.</i>

6. Last document referred is report dated 03.12.2020 by the Sub-Committee wherein, after observing various deficiencies, following recommendations were made:

“ Recommendations

1. *The Delhi Agricultural Marketing Board may ensure that the traders are only indulging in the trade for which they are being provided the premises i.e. sale of livestock (live poultry). Activities such as illegal slaughter must be prohibited at the*

premises of the market and must be carried out only in licensed slaughterhouse. Violators should be prosecuted in accordance with law.

2. *Illegal ongoing construction activities in violation of law and Hon'ble Supreme Court order may be stopped with immediate effect.*
3. *The CGWA may take action against the illegal usage of groundwater at several places in the livestock market.*
4. *The DPCC may impose Environmental Compensation on those polluting the water and air by discharging hazardous contamination into drains and odor under Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 respectively.*
5. *The Delhi Police may prosecute traders and individual found transporting the birds in violation of the Prevention and Cruelty to Animal Act, 1960 and Transport of Animals Rules, 1978.*
6. *The Food Safety and Standards Department may initiate prosecution against all food business operators who are slaughtering poultry birds or selling fish carcasses without a valid license/registration. Prosecution may be initiated as per law against those that are violating the conditions of the license and causing a serious health risk to consumers and public at large.”*

7. The matter was earlier dealt with by this Tribunal on 28.07.2021. After considering the material filed, including earlier inspections and orders of Hon'ble High Court, direction was issued to DPCC to identify violators and take remedial action. A joint Committee of CPCB, DPCC and District Magistrate (East) was required to verify the factual position and file a report. The Operative part of the order is reproduced below:

“6. The inspection reports referred to above as well as averments in the application prima facie show violation of environmental norms including the provisions of the Air Act, Water Act and the EP Act requiring the remedial action for restoration of the environment and in the interest of public health.

7. *We note that vide order dated 13.07.2021 in CONT.CAS(C) No. 98/2021, Gauri Maulakhi v. Delhi Agricultural Marketing Board & Ors., notice has been issued by the Delhi High Court to consider the allegation of violation of earlier order dated 24.09.2018, particularly in paragraph 3, quoted above. We also note that the Sub-Committee in question has been appointed by the Hon'ble Supreme Court.*

8. *However, the applicants have invoked the jurisdiction of this Tribunal under Section 15 of the NGT Act, 2010 for protection of the environment, in addition to the jurisdiction of the Hon'ble Supreme Court and Delhi High Court. The Tribunal has also dealt with the issue*

in the context of grant of environmental clearance for the upcoming new complex vide order dated 19.5.2021 in Appeal 11/21.

9. In view of above, it appears to be appropriate to require the DPCC, in coordination with other concerned authorities, to identify the violators, initiate prosecution, stop polluting activities and recover compensation for the past violations, following due process of law. DPCC may inter alia take steps to prevent slaughtering of chickens in haphazard manner, management of waste generated in the process slaughtering of chickens and dressing/cutting and selling of fish. The effluent generated in the process needs to be treated and treated waste needs proper utilisation/disposal through an appropriate conveyance system. Siting norms need to be evolved and followed in the complex, which is in the vicinity of Ghazipur landfill site and residential areas.

10. Further, a joint Committee comprising of CPCB, DPCC and District Magistrate (East) may verify the ground situation and furnish an action taken report in the matter within three months. The DPCC will be the nodal agency for coordination and compliance. The joint Committee may hold its first meeting within 15 days from today. It may undertake visit to the site. Other proceedings may be conducted online. The Committee may take stock of the situation with reference to earlier reports also and ascertain updated remedial action in the matter. The report may inter-alia mention the level of water and air pollution, status of waste management, action plan of the individual units and the authority of the complex to set up requisite solid and liquid waste management facilities and status of waste management in the upcoming Complex dealt with by the Tribunal vide order dated 19.5.2021 in Appeal 11/21. The Committee may also report whether the existing operators will shift to new complex and impact thereof.”

8. In pursuance of above, the joint Committee has filed its report on 24.11.2021. The report mentions the details of site visit by the Committee, observations, action taken and recommendations. Extracts from the report are as follows:

“2.3.2 Observations of the Joint Committee

- i. The Fish, Poultry and Egg Market have been found operational.*
- ii. The unit (here DAMB) has not submitted any evidence regarding Environmental Clearance (EC) from MoEF & CC for construction of proposed Modern Poultry & Egg Market during the visit.**
- iii. Construction of a modern poultry market is in progress without obtaining revalidated Environmental Clearance (EC)**

from MoEF & CC and Consent to Establish under Water & Air Act. At some places excavation work is going on and two storey structures have already been constructed.

iv. Common slaughtering area that earlier existed in the market has been dismantled there are approximately 86 individual shops are functional. EDMC has informed that they have given permission to 84 shops.

v. **At some points solid waste generated from these shops during slaughtering/dressing/cleaning were found kept in open bags without any demarcated storage site attracting vultures.**

vi. A common bio-methanation plant of 15 TPD capacity has been constructed adjacent to Wastewater Treatment Plant to handle the waste generated from the fish market, poultry market, flower market and fruit market & vegetable market of Ghazipur. However, no electricity generation was observed at the time of inspection.

vii. Various shops have installed individual bore-wells for extraction of groundwater without permission from DJB.

viii. No DG Set was found in the Poultry & Egg Market, Ghazipur except 1 non functional DG set observed in Fish Market, Ghazipur. Additionally, 03 DG Sets are being used for construction of Modern Poultry & Egg Market by M/s ACIL.

ix. Wastewater Treatment Plant of 650 KLD has been installed to treat the wastewater generated from these shops. Said plant was found in operation. On-line monitoring system and flow meters found installed at inlet and outlet of ETP showing parameters within prescribed limits. The Fish Market has not installed any Wastewater Treatment Plant for treatment of the generated waste water.

x. There is no significant source of Air Pollution from the Poultry & Egg Market except the odour issue.

2.4 Actions taken by DPCC to prevent the violation of environmental norms, measures taken to stop polluting activities & recovery of Environmental Compensation (EC):

- i. Show Cause Notice dated 27.02.2018 issued based on deficiencies found during inspection dated 12.02.2018 of Poultry Market.
- ii. SCN dated 15.04.2019 issued to Fish Market based on deficiencies found during inspection dated 26.11.2018 of Fish Market.
- iii. Directions for closure dated 24.04.2018 issued to DAMB after deficiencies were found in Poultry Market on inspection dated 23.04.2018.
- iv. Wastewater samples collected on 09.09.2019 from Fish Market by DPCC for analysis and the parameters (TSS, Oil & Grease, BOD, COD & Phosphate) were found to be exceeding the permissible limits. Thereafter, inspection dated 06.11.2019 of Fish Market was conducted.

- v. *Consent to Operate of Poultry Market revoked on 09.11.2019 in view of deficiencies during inspection dated 06.11.2019.*
- vi. *Directions for closure dated 09.11.2019 issued to DAMB after deficiencies were found in Poultry, Egg & Fish Market during inspection carried on 06.11.2019.*
- vii. *DPCC sought Bank guarantee on 15.01.2020 of Rs 50 Lakhs for Fish Market along with an undertaking with terms and conditions for revocation. BSES Yamuna Power disconnected their electricity supply to the Fish Market and DAMB requested for revocation of the closure directions.*
- viii. *Inspection dated 24.09.2020 of the Fish Market, Poultry and Egg Market carried out by DPCC officials.*
- ix. *A letter seeking compliance of closure directions from various agencies issued to BSES Yamuna Power, SDM & DJB on 10.01.2020.*
- x. *On 15.01.2020 electricity supply of the Fish Market disconnected by BSES Yamuna Power Ltd and DAMB requested for revocation of closure directions issued by DPCC on 10.01.2020.*
- xi. *On 16.01.2020 DAMB submitted a Bank Guarantee for Fish Market of Rs 50 Lakhs along with the undertaking. DPCC revoked the closure directions. Also, a SCN of Rs 1.39 Crores was issued to DAMB for deficiencies found in Fish Market on 16.01.2020.*
- xii. A letter dated 24/09/2021 regarding stoppage of illegal extraction of ground water on the basis of inspection carried out by the DPCC was sent to DM (East).**
- xiii. *A reminder letter seeking compliance of closure directions issued to DAMB on 05.11.2020.*
- xiv. Vide letter dated 06.11.2020, order imposing Environmental Compensation (EC) of Rs. 2,84,40,000/- for Fish Market (711 Days from 26.11.2018 to 05.11.2020) was issued to DAMB and on the same day closure directions were re-enforced based on the findings of inspection, as DAMB failed to comply with the terms & conditions of the undertaking submitted by them. The bank guarantee of Rs. 50 lakhs submitted by DAMB for Fish Market was forfeited.**
- xv. *Letter issued to DAMB on 25.11.2020 seeking a bank guarantee of Rs 50 Lakhs along with an undertaking to consider revocation of closure directions for Poultry & Egg Market by DPCC.*
- xvi. *On 16.08.2021, a SCN issued to DAMB for launching of prosecution.*
- xvii. On 31.08.2021, one SCN issued to DAMB for Environmental Compensation of Rs. 1.13 Crores (for period from 06.11.2020 to 16.08.2021) for Fish Market and another SCN issued for launching prosecution. Recovery certificate to SDM (Mayur Vihar) on dated 01/11/2021 has been issued to recover Environmental Compensation of Rs. 2.84 Crores as arrears of land revenue (711 Days from 26.11.2018 to 05.11.2020). The notice for recovery has been issued to DAMB by the District Magistrate (East) office on 17.11.2021.**
- xviii. *Inspection carried out on 22.09.2021 by the Joint Committee constituted by Hon'ble NGT on 28.07.2021.*

- xix. *Inspection of RMC plant carried out by DPCC on 03.11.2021 at the construction site of Modern Poultry & Egg Market. The contract has been awarded by DAMB to M/s Ahluwalia Contracts (India) Ltd.*
- xx. *As of now, closure directions are in force & the unit is operational in violation of closure directions issued to DAMB apart from operating both Poultry Market as well as Fish Market without CTO.*

2.5 Management of wastewater generated in slaughter/trading of chicken & fish

- i. *Wastewater generated from the poultry market is being treated by the plant installed in the premises which has been provided with Online Monitoring System (OLMS).*
- ii. *No wastewater treatment system has been provided for the Fish Market and is operational without Consent to operate at present. Appropriate EC has been imposed and will have to be imposed by DPCC till DAMB complies with the provisions of Water Act, 1974 and Air Act, 1981*

2.6 Solid Waste Management Bye-Laws for EDMC

- *Section 4 of the East Delhi Municipal Corporation Solid Waste Management Bye-Laws, 2017 emphasizes generator's responsibility (here DAMB) to segregate at source. Every waste generator has to segregate waste into three streams: biodegradable (wet waste), non-biodegradable (dry waste) and domestic hazardous waste. These streams of waste are to be stored in colour-coded bins: green, blue and black meant for wet, dry and domestic hazardous waste respectively.*
- *The SWM Rules, 2016 emphasizes source segregation of waste, a basic need for channelizing the waste to wealth by recovery, reuse and recycle.*
- *Inspection by DPCC on 23.04.2018 & 06.11.2019, reported unsatisfactory environmental management by DAMB as per SWM Rules, 2016 and East Delhi Municipal Corporation Solid Waste Management Bye-Laws, 2017.*
- *As per inspection dated 24.09.2020, no proper solid waste disposal system was found in Fish Market at some points. The waste was lying open in dhalaos or collection points attracting vultures and eagles.*
- *Both Poultry & Egg Market and Fish Market were found in violation to aforesaid provision.*

2.7 Regarding permission for bore-wells at individual shops

The representative of DAMB informed that Delhi Jal Board does not supply water in the concerned area, so a number of shops are using bore-wells to meet the water requirements. However, no permissions have been given to these shops for bore-wells by DJB/CGWA. DAMB has applied for a joint consent for bore-wells for their Fish Market.

2.8 Dust pollution due to construction of Modern Poultry & Egg Market

- **Inspection of Modern Poultry & Egg Market was carried out by DPCC on 03.11.2021. The construction was in progress by M/s Ahluwalia Contracts (India) Ltd. though no valid Environmental Clearance from MoEF&CC have been shown by the DAMB during the visit.**
- **A RMC plant was also found operational by M/s Ahluwalia Contracts (India) Ltd. though valid consent to operate the same has been shown by EDMC/DAMB. To levy the Environmental Compensation of Rs. 05 Lakhs, SCN has been issued to M/s Ahluwalia Contracts (India) Ltd. by DPCC on 16.11.2021.**

The reports of all the inspection conducted by DPCC along with other agencies can be found in Annexure-III.

2.9 Report of wastewater sample collected by the Joint Committee on inspection dated 22.09.2021

a) For effluent of ETP installed in Poultry & Egg Market

Quality of treated effluent samples found to be conforming to the norms laid down.

b) For untreated effluent (By pass) in Fish Market

The unit has not installed any wastewater treatment plant. Quality of treated effluent samples found to be flouting the norms, namely TSS (180 mg/I against 50 mg/I), Oil & Grease (36.4 mg/I against 10.0 mg/I), COD (336 mg/I against 250 mg/I), Total phosphates (36.22 mg/I against 5.0 mg/I) & BOD (95 mg/I against 30.0 mg/I). Only pH & TKN were found to be within the permissible limits.

c) For ground water sample collected from Poultry & Egg Market

The parameters tested from the sample are pH, TDS, Cl, Hardness as CaCO₃, Ca, Sulphates, Nitrates, Zn, Fe, Pb, Cu, Cr, Ni & Cd. The parameters that were exceeding the permissible limits are TDS (851 mg/I against 500 mg/I), Cl (710 mg/I against 250 mg/I), Hardness as CaCO₃ (700 mg/I against 300 mg/I), Ca (108 mg/I against 75 mg/I) & Fe (0.76 mg/I against 0.3 mg/I).

d) For ground water sample collected from Fish Market

The parameters tested from the sample are pH, TDS, Cl, Hardness as CaCO₃, Ca, Sulphates, Nitrates, Zn, Fe, Pb, Cu, Cr, Ni & Cd. The parameters that were exceeding the permissible limits are TDS (1120 mg/I against 500 mg/I), Cl

(575 mg/l against 250 mg/l), Hardness as CaCO₃ (370 mg/l against 300 mg/l), Fe (1.24 mg/l against 0.3 mg/l) & Cu (0.92 mg/l against 0.05 mg/l).

The results from the DPCC's lab are annexed as **Annexure-IV**.

2.10 Regarding existing operators will shift to a new complex and impact thereof

DPCC sought reply from all the agencies involved in this matter & e-mails were sent on 12.10.2021 & 05.11.2021. However, no reply has been received from any agency in this regard.

2.11 Action taken reports sought from concerned agencies

DPCC sought reply from EDMC, DAMB, DJB, FSSAI, CGWA, DSPCA, Department of Food Safety and Animal Husbandry Unit in this matter & e-mails were sent on 12.10.2021 & 05.11.2021. However, no reply has been received from any agency in this regard except an ATR received on 05.11.2021 from Delhi Society for Prevention of Cruelty to Animals (DSPCA) is attached in **Annexure-V**.

3. RECOMMENDATIONS OF THE JOINT COMMITTEE

- i. The DAMB should submit the valid clearance in respect of the construction activity and DPCC shall initiate the process for imposition of appropriate Environmental Compensation (EC) as the dust pollution control guidelines are being violated by the RMC plant being run by M/s Ahluwalia Contracts (India) Ltd. Operation of RMC and construction be start only after obtaining revalidated Environmental Clearance from MoEF & CC, GoI, if not obtained yet.**
- ii. Fish market is operational without valid consent from DPCC. The wastewater from fish market was found discharged into the sewers directly without any treatment. The wastewater sample analysis shows that its quality exceeds the prescribed standards. DPCC shall levy environmental compensation for such violations and launch prosecution against DAMB for causing damaged to the environment. The District Administration, alongwith EDMC Environment, DPCC etc shall stop the pollution activity with immediate effect.**
- iii. DM (East) was informed by DAMB that Delhi Jal Board water supply is not available in the Poultry, Fish & Egg Market. However individual shop owners are using bore wells. Hence direction for illegal extraction of ground water was given. DAMB has been asked to apply to Delhi Jal Board for water supply.**
- iv. Siting criteria shall be evolved by the local administration i.e. EDMC considering provisions of Master Plan Delhi-2021 and land availability.**

- v. Concerned SDM shall expedite the recovery proceeding for EC amount as arrears of land revenue.**
- vi. EDMC shall take action for closure of illegal chicken shops outside the Poultry & Egg Market.**
- vii. Bio-methanation plant installed by DAMB shall be run on full capacity by channelizing the entire solid waste from the Poultry Market and Fish Market. Monthly data of waste generated, utilized and electricity generated be submitted to DPCC.**
- viii. Concerned department shall submit the action plans to DPCC for management of solid and liquid wastes for existing and new establishment.”**

9. The Delhi Agricultural Marketing Board has also filed its response on 27.11.2021 which merely objects to the locus of the applicant and desirability of these proceedings when matter is being also considered by the Delhi High Court in WPC No. 1214/2018 and has been considered in another matter by this Tribunal in OA No. 11/2021, *Gauri Mulekhi vs. Delhi Agricultural Marketing Board*.

10. On due consideration of the matter and after hearing learned Counsel for the parties, we are of the view that the DAMB cannot avoid its obligations under the Environmental norms – having valid consents, compliance with the requisite norms. The statutory authorities – DPCC, EDMC and District Magistrate have to enforce the rule of law and take necessary steps for protection of environment in the light of above report. Violations found by the joint Committee have to be remedied. Pendency of the matter before the High Court is by itself no bar to consideration of matter by this Tribunal.

11. Accordingly, CPCB, DPCC, District Magistrate and EDMC may proceed with the remedial action to ensure that environment norms are duly complied and compensation for the past violations recovered in accordance with law.

The application is disposed of.

A copy of this order be forwarded to CPCB, DPCC, District Magistrate and EDMC by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

November 30, 2021
Original Application No. 176/2021
DV