

Item No. 03

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SPECIAL BENCH**

(By Video Conferencing)

Original Application No. 207/2021

(With reports dated 15.12.2021 & 20.01.2022)

Rajeev Aggarwal

Applicant

Versus

North Delhi Municipal Corporation & Ors.

Respondent(s)

Date of hearing: 25.01.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Balendu Shekhar, Advocate for DPCC

**ORDER**

1. The complaint of applicant is that factories and commercial activities impermissible in residential areas are going on in violation of environmental norms. Reference of such activities (10 in number) has been given in the application by applicant. Taking cognizance of the said complaint, Tribunal passed order on 23.08.2021 and operative part of the order reads as under:

*“8. Accordingly, we direct the Monitoring Committee appointed by the Hon'ble Supreme Court comprising: (i) Chief Secretary of Delhi, (ii) Commissioner of Police, Delhi, (iii) Commissioner, Municipal Corporation of Delhi, and (iv) Vice-Chairman of the Delhi Development Authority, through responsible officers subordinate to them, preferably a joint Committee comprising of Commissioner, North Delhi Municipal Corporation, Special Commissioner of Police, North, Member Secretary, DPCC and District Magistrate, North to undertake study of the situation and remedial measures required. DPCC will be the nodal agency for coordination and compliance. The Committee may hold its first meeting within 15 days from today and take cognizance of the*

*problem. The Committee will be at liberty to co-opt any other officers of any other area in Delhi or any other Expert/Institution. The Committee may interact with the stakeholders, including the Resident Welfare Associations/NGOs in the area and Religious/Charitable/Educational Institutions/Public Representatives. The Committee may make recommendations for safety, sanitation, hygiene and the pollution free environment. The Committee may make a brief survey of the carrying capacity of the recipient environment to sustain nature and extent of activities. The Committee may not limit its deliberation only to the area specified by the applicant but also cover other such places in the city. It may verify status of industrial operations in question as well as other industries in existence and current status of compliance of Hon'ble Supreme Court order. Besides verifying operation of industries in non-conforming areas, sources of water and power supply, drainage status and air quality status be ascertained. A factual and action taken report in the matter be furnished within two months by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”*

2. Pursuant thereto, reports have been filed by DPCC and Deputy Commissioner of Police, North District, Delhi.

3. Report of DPCC states that the ten premises mentioned by applicant in the original application were inspected by joint Committee and they found that in three places, impermissible activities were going on and those premises have been sealed. In respect of remaining premises, it is said that either they are vacant or small shops with permissible activities are running. Relevant paragraphs 4 and 5 of DPCC report read as under:

*“4. That to comply with the above orders, the Principal Secretary (Env. & Forests)-cum-Chairman, DPCC has taken a meeting on 27.09.2021 with all stake holders. In the meeting various executing agencies like DM (Central), Dy. Commissioner North DMC and Joint Commissioner (Central District)- Delhi Police were present. Following decisions were taken.*

*a. A team consisting of the officials of DPCC, North DMC, District Magistrate (Central) and Delhi Police shall carry out joint inspection of the said area on 01.10.2021. DPCC lab shall also conduct Noise monitoring during the inspection, if required.*

*b. The team besides verifying operation of industries in non-conforming areas, shall also ascertain the sources of water and power supply, drainage status and status of air quality.*

- c. *The team shall undertake the study of situation and remedial measures required and take cognizance of the problem.*
- d. *The team will interact with the stake holders, including the Resident Welfare Associations/NGOs in the area and Religious/ Charitable/Educational Institutions/Public Representatives.*
- e. *The team shall recommend regarding the safety, sanitation, hygiene and the pollution free environment and make a brief survey of the carrying capacity of the recipient environment to sustain nature and extent of activities.*
- f. *The North Delhi Municipal Corporation shall provide the details of the action taken so far against the illegal units found operating in the entire jurisdiction and expressly Nai Sadak areas.*

*Copy of the minutes of the meeting dated 27.09.2021 is enclosed herewith as ANNEXURE-1.*

- 5. *That, the Joint Committee inspected the sites as mentioned in the order passed by this Hon'ble Tribunal on 01.10.2021 and 08.10.2021. Copy of the report of committee is enclosed herewith as ANNEXURE-2. The status of the inspection in brief is as under:*

<i>Premises mentioned in the order dated 23.08.2021:</i>	<i>10</i>
<i>Stitching activity observed:</i>	<i>03</i>
<i>Premises sealed:</i>	<i>03</i>
<i>Show cause notice was issued for imposition of EDC;</i>	<i>03</i>
<i>Premises being used for commercial activity:</i>	<i>02</i>
<i>Premises found Vacant:</i>	<i>05</i>

*The joint committee recommended the following:*

- I. *That the buildings used for manufacturing/godown should be allowed only in the specified area with necessary approvals from the concerned departments such as MCD, Fire Department, Labour Department, industry department (Delhi Govt.), DPCC etc.*
- II. *No industrial setup should be allowed in residential area or non-confirming area as per the Master Plan of Delhi (DMP).*
- III. *No electricity connection should be given by the NDPL/BSES to such industrial activity or godowns or other activities which are violating DMP.*
- IV. *The shops existing in the said area should obtain-relevant permission from the concerned department and MCD may proceed accordingly.”*

- 4. *Annexure-2 of Committee's report, in para 3 to 9, states as under:*

3. The Committee inspected the sites as mentioned in the order passed by this Hon'ble Tribunal on 01.10.2021 and 08.10.2021. The details of the sites are elaborated as follows:

Sl No.	Name and Address of the unit	Activity of the unit	Consent status	Action taken
1.	M/s. Gauri Saree Center, 4315, Sri Sai Complex, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006	Stitching of ladies dress	No consent	a. Premises of the unit sealed during inspection on 01.10.2021. b. Show cause notice for imposition of Environmental Compensation of Rs. 200000/- (Rs. Two Lakhs only) issued by DPCC.
2.	M/s Anwar Alam, 4328 Ground floor Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006	Stitching of ladies dress	No consent	a. Premises of the unit sealed during inspection on 08.10.2021. b. Show cause notice for imposition of Environmental Compensation of Rs. 200000/- (Rs. Two Lakhs only) issued by DPCC.
3.	M/s. Kullu (Malik), Fashion, 4328, second Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	Stitching of ladies dress	No consent	a. Premises of the unit sealed during inspection on 08.10.2021. b. Show cause notice for imposition of Environmental Compensation of Rs. 200000/- (Rs. Two Lakhs only) issued by DPCC.
4.	Property no. 4318, First Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	---	Not Applicable	The premises found vacant.

5.	Property no. 4330, First Floor and Third Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	---	Not Applicable	The premises found vacant.
6.	Property no. 4331, Second, Third and Fourth Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	---	Not Applicable	The premises found vacant.
7.	Property no. 4332, Ground and First Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	---	Not Applicable	The premises found vacant.
8.	Property no. 4256, 4257 and 4258, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	Saree and suit shop	Not Applicable	The premises found being used as shop and no stitching activity observed.
9.	Property no. 4267, First, Second, Third and Fourth Floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006	---	Not Applicable	The premises found vacant.
10.	Property no. 4278, 4280 and 4281, Shiv Shakti Maket near, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	Saree and suit shop	Not Applicable	The premises found being used as shop and no stitching activity observed.

In addition to above mentioned premises, inspecting team found one more unit and the status of the same is as mentioned below:

Sl No.	Name and Address of the unit	Activity of the unit	Consent status	Action taken
1.	M/s Swami saree, 4279, 4 <sup>th</sup> floor, Gali bhairo wali, Jogiwara, Nai Sadak, Delhi-110006,	Stitching of ladies dress	No consent	a. The unit sealed on the spot on 01.10.2021. b. Show cause notice for imposition of Environmental Compensation of Rs. 200000/- (Rs. Two Lakhs only) issued by DPCC.

5. Chandni Chowk is one of the oldest and busiest markets in Old Delhi. Chandni Chowk is known for its variety and authenticity in food, sarees with chikan and zari. Narrow lanes host shops that sell books, clothing, electronics, consumer goods, shoes and leather goods. Chandni Chowk was redeveloped by Shahjahanabad Redevelopment Corporation. The redevelopment plan includes footpaths to make the area more pedestrian-friendly for a large number of shoppers and visitors. No motorized traffic will be allowed on Chandni Chowk from Red Fort to Fatehpuri Masjid in day time. Chandni Chowk area is a commercial area as per MPD-2021 and during inspection it was observed that the said area is consisting of thousands of shops which are engaged in sale of sarees, lehngas, suit lengths and other allied consumer items.

6. As per the Master Plan of Delhi, any industry is permitted only in designated areas i.e. Industrial Areas / Estates & Redevelopment Areas. The house hold industries as per MPD-21 shall be permitted, who have obtained NOC from High Power Committee [constituted by the Hon'ble Supreme Court of India

vide order dated 19.04.1996 in WP(C ) 4677/1985] under the chairmanship of Commissioner of Industries, GNCTD.

7. The activity of stitching of garments falls at Sl. No. 86 in the Classification Of Industries in GROUP-A i.e HOUSEHOLD INDUSTRIES “Readymade garments (without washing)”. THE Master Plan-2021 provides regarding household/ Service Industries:

- (i) Household industrial units with maximum 5 workers and kilowatt power may be allowed to continue in residential area and new industrial units of this type could be permitted in residential areas subject to the condition that no polluting industrial unit shall be permitted as household industry.
- (ii) The industrial units could be permitted only after provisional registration by the Govt. of NCTD.
- (iii) Household industrial units shall be allowed on any floor to the extent of 50% of permissible floor area of the dwelling unit.
- (iv) Further additions/ alterations to the list of Household Industries could be made, if considered appropriate and in public interest by the Central Government to do so.
- (v) No inflammable or hazardous substance is permitted to be stored.
- (vi) Separate industrial electric connection (single phase) and Municipal License, would be necessary to set up a household industry.

8. The premises inspected by the team as mentioned in the complaint the shops were only engaged in the activity of garments. No liquid waste and hazardous waste generation was observed during inspection of the area and the solid waste i.e. residue of clothes, were observed and this solid waste is handed over to private waste collector.

9. In compliance of the above said order of Hon'ble Tribunal, the committee recommends the following:

- I. That the buildings used for manufacturing/ godown should be allowed only in the specified area with necessary approvals from the concerned departments such as MCD, Fire Department, Labour Department, industry department (Delhi Govt.), DPCC etc.
- II. No industrial setup should be allowed in residential area or non-confirming area as per the Master Plan of Delhi (DMP).
- III. No electricity connection should be given by the NDPL/BSES to such industrial activity or godowns or other activities which are violating DMP.
- IV. The shops existing in the said area should obtained relevant permission from the concerned department and MCD may proceed accordingly.

5. Similar report has been filed by Deputy Commissioner of Police and he has given a chart of 10 premises in which premises at item 1, 2 and 3, have been sealed as unauthorized and impermissible activities were going on thereat. Out of remaining 7 premises, 5 were vacant and two were found being used as shops with permissible activities. Besides, it is also stated that one more premises of M/s Swami Saree was found to carry on with impermissible activities and the same has also been sealed.

6. It has been stated in both the reports that show cause notices proposing Environmental Compensation of Rs. 2 lakhs on each violator have been issued by DPCC and further action is still in process. No objection has been filed by the applicant to the said reports pointing out any discrepancy in the said reports.

7. Therefore, we accept the said reports. No further order need be passed in this matter except that the concerned authorities shall ensure recovery of environmental compensation from the concerned violators

expeditiously and in any case, not later than three months i.e., by 30.04.2022 and recommendations of joint Committee shall be given effect by concerned authorities. This direction will not preclude concerned Statutory Regulator from taking such other and further action as permissible in law after giving due opportunity to all concerned parties.

The application is disposed of accordingly.

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

Dr. Afroz Ahmad, EM

January 25, 2022  
Original Application No. 207/2021  
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