

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

Original Application No. 950/2018

RWA Jain Colony

Applicant(s)

Versus

Govt. of NCT of Delhi

Respondent(s)

Date of hearing: 05.04.2019

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

For Applicant(s):

For Respondent (s):

Mr. Narender Pal Singh, Advocate along with
Mr. Dinesh Jindal, Law Officer, DPCC
Mr. Ajay Jain and Mr. Pranay Jain, Advocates
for GNCT Delhi

ORDER

1. The issue arises out of the allegation of causing pollution by illegal industrial activities in North West Delhi and also violation of Biomedical Waste Management Rules, 2016. A report was sought from the Delhi Pollution Control Board (DPCC) vide order dated 02.01.2019.
2. In affidavit filed on 13.03.2019, while confirming that action is called for, only stand taken by DPCC is that there is a Monitoring Committee headed by the Chief Secretary, Delhi to stop illegal industrial activities. The DPCC has given general directions and issued show cause notice for recovering compensation of Rs. 5 Lakhs each from landlord and four polluting industries and Rs. 50

Lakhs from TPPDL (Power Distribution Company in North Delhi). However, nothing has been recovered. There is nothing to show that the DPCC has closed the industries. The directions are said to have been issued more than a year back on 20.12.2017 but still it is not shown that the polluting industries were stopped. The basis of the calculation of environment compensation is not clear. This requires consideration of the period of violation, extent of damage to the environment and deterrent effect so as not to allow such activity to be profitable. Adhocism can only be interim arrangement and actual damage is to be as per norms.

3. Once serious violations are noticed, the action has to be commensurate to the violation. It is also noticed that the affidavit of the DPCC acknowledges violation of Bio-Medical Waste Rules for which no prosecution has been initiated. It is not clear as to what penal action has been taken. If action is not taken for serious violations of this nature, it is clear failure on the part of the DPCC either on account of collusion or incompetence. This matter may also be enquired into by the Chief Secretary, Delhi, along with Original Application No. 936 of 2018, Rajesh Kumar vs. Govt. of NCT of Delhi in which separate order has been passed today.

4. The DPCC may now take remedial actions before the next date.

5. A copy of this order be sent to the Chief Secretary, Delhi by e-mail.

List for further consideration on 19.07.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 05, 2019
Original Application No. 950/2018
DV

