

Item No.1

Court No. 1

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

(By Video Conferencing)

Appeal No. 22/2020

Mohd. Yasin

Appellant(s)

Versus

Delhi Pollution Control Committee

Respondent(s)

Date of hearing: 25.08.2020

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

ORDER

1. This Appeal has been preferred against order of the Delhi Pollution Control Committee (DPCC) dated 17.07.2020 assessing Environmental Compensation of Rs. 20 Lakhs on 'Polluter Pays' principle against the appellant.

2. According to the impugned order, the appellant was engaged in activity of printing press machines and its spare parts which falls under 'Orange' category in non-conforming area. The DPCC laid down sum of Rs. 20 Lakhs for Environmental Compensation for every unit operating in 'Orange' category in non-conforming area.

3. According to the appellant, a uniform compensation for every 'Orange' category unit operating in non-conforming area may result in discrimination against smaller units without reference to their

contribution to pollution. The substance of the contention is that there should be slabs of compensation depending on size of unit, financial capacity or extent of pollution.

4. We are of the view that it will be just and fair if the appellant deposits 25% of the amount in the first instance and undertakes not to start prohibited activity in non conforming areas and not to repeat the polluting activity, the scale of compensation is revisited by a Joint Committee comprising Central Pollution Control Board (CPCB) and the DPCC within three months from today. If no deposit is made and undertaking as above is not filed within one month, no further order will be necessary. If scale of compensation is revised, the impugned compensation will stand revised accordingly.

The appeal is disposed of.

A copy of this order be sent to the DPCC and the CPCB by e-mail for compliance.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 25, 2020
Appeal No. 22/2020
SN