

Item No.6

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 270/2023

Shrankhla Mittal

...Applicant

Versus

Government of NCT of Delhi & Ors.

...Respondents

Date of hearing: 29.08.2023.

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Ms. Sushmita Chaudhary, Advocate.

Respondents: Ms. Puja Kalra, Advocate for respondent no. 2 with Dr. Deepak Mittal, DHO, South Zone.
Mr. Narender Pal Singh, Advocate for respondent no. 3.
Mr. Ayush Dassi, Advocate for respondents no. 6 and 7. (through VC).
None for respondents no. 1, 4 and 5.

Application Section 18 read with Sections 14 of the National Green Tribunal Act, 2010.

ORDER

1. The applicant has filed the present application under Section 18 read with Section 14 of the National Green Tribunal Act, 2010 seeking *inter-alia* the relief of directing the respondents no. 1 to 4 to take appropriate action against respondents no. 5 to 7 and other erring establishments for ensuring compliance with the statutory provisions and directions given by Hon'ble Supreme Court and this Tribunal for abatement of noise pollution and protection of public health and the environment.

2. Vide order dated 20.04.2023 notices were ordered to be issued to the respondents. As per office report notices have been duly served on the respondents by email.

3. None has appeared for respondents no. 1, 4 and 5 today despite due service of notice.

4. Action Taken Report has been filed by SDM (Hauz Khas) vide email dated 27.05.2023 and by DPCC vide email dated 25.08.2023.

5. Learned Counsel for respondent no. 2 has submitted that Action Taken Report has been filed by respondent no. 2 vide email dated 26.05.2023 but the same is not attached with the record and the Registry is directed to verify the status thereof.

6. We have gone through the Action Taken Reports filed by SDM (Hauz Khas) and DPCC. It is evident from Action Taken Report filed by the SDM (Hauz Khas) that there are restaurants besides respondents no. 5 to 7 which are operating in the area. A perusal of Annexure III attached to the Action Taken Report filed by the SDM (Hauz Khas) shows that the environmental compensation of Rs. 10,000/- each has been imposed on the restaurants violating environmental norms particularly the Noise Pollution (Regulation and Control) Rules 2000. However, the environmental compensation imposed and the remedial measures taken appear to be inadequate to the magnitude of the alleged environmental pollution and injury to the local residents caused.

7. In the facts and circumstance of the case, we consider it appropriate that a Joint Committee be constituted to verify the factual position and take appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of SDM (Hauz Khas) and representatives of DPCC

and MCD and direct the same to meet within two weeks, undertake visits to the area, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, verify the factual position regarding restaurants operating in the area and compliance with environmental norms including the Noise Pollution (Regulation and Control) Rules 2000 and the directions issued by the Hon'ble Supreme Court of India and this Tribunal by the same and take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponents. The DPCC will be the nodal agency for coordination and compliance.

8. Action taken Report may be submitted within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. The DPCC is also directed to file report regarding realisation of environmental compensation imposed by SDM (Hauz Khas) on the violators as per Annexure III and plan for utilization of the same.

10. List for further consideration on 06.11.2023.

11. A copy of this order along with a copy of the application and Action Taken Reports filed be forwarded to the SDM (Hauz Khas), Member Secretary, DPCC and Commissioner, MCD by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 29th 2023
AG