

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 164/2013
And
M.A. No. 863/2013, M.A. No. 927/2013, M.A. No. 928/2013

M.A. No. 934/2013 and M.A. No. 936/2013
In

Original Application No. 164/2013

Pankaj Sharma V/s MoEF & Anr.

CORAM: HON'BLE Mr. JUSTICE Dr. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE Mr. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE SHRI RANJAN CHATTERJEE, EXPERT MEMBER

Original Applicant : Ms. Sumedha Dua, Adv
Applicants in M.A :
No.927 & 928/2013) :Mr. Nirnimesh Dube, Mr. A. S. Kulkarni and
Mr. Anand Srivastava, Adv.
Applicants in M.A : Mr. Satvinder Singh, Adv.
No.934/2013 & 936/2013)

Respondent No. 1 :Mr. Vikas Malhotra, Adv. along with Mr.
M.P. Sahay, Adv.
Respondent No. 2 :Mr. Biraja Mahapatra, Adv. along with Mr.
Mohd. Arif, SEE and Mr. Dinesh Jindel. Law
officer
Respondent No. 3 :Mr. Balendu Shekhar, Adv. with Ms.
Haramrit Kaur Adv.
:Mr. Arun K. Sharma with Mr. Varun
Sharma, Mr Abhinav Garg and Ms. Kanika,
Adv. For DDA
:
Respondent No. 29&30 : Mr. Satvinder Singh, Adv.

Date and Remarks	Orders of the Tribunal
Item Nos. 2 to 6 January 08, 2014	<p>As per the earlier order of this Tribunal dated 25th September, 2013 constituting a Committee to suggest the ways and means for abating pollution in respect of restaurants/hotels, the Committee has after a thorough study submitted a report.</p> <p>Learned Counsel appearing for the DPCC has already given the copy of the report to the learned counsel appearing for the Applicant and he also undertakes as agreed by all the learned Counsel for Respondents that copy of the report will be uploaded on the website of the DPCC by tomorrow so as to enable the Respondents and all the hotel/restaurant owners to have knowledge.</p>

Since this report has been submitted pursuant to our direction for the purpose of regulating all hotels/restaurants in NCT of Delhi, we direct the DPCC to publish summary of the report in two leading newspapers one in English and one in Hindi so as to enable all the hotel/restaurant owners in NCT of Delhi to know about the same. The said publication shall also make it clear that all hotels/restaurants in the NCT of Delhi shall be bound by the report and the consequential orders which may be passed by the National Green Tribunal in course of time. Any person who have any objection to this report are entitled to file their objections before the Tribunal by the next date of hearing. In the publication the DPCC shall also indicate the next date of hearing of this case before the NGT.

Learned Counsel appearing for the DPCC would submit that out of 32 restaurants/hotels in Hauz Khas area, 20 have applied for consent to operate. Out of 20 restaurants/hotels, the DPCC was satisfied about the 8 restaurants/hotels and granted consent to operate and in respect of remaining 12 restaurants/hotels the matter is pending with the DPCC for passing appropriate orders. We make it clear that in respect of the said remaining 12 restaurants/hotels, the DPCC shall pass orders on merit in accordance with law within a period of 2 weeks from today. We also make it further clear that if the DPCC refuses to grant consent to operate in respect of any of these 12 restaurants/hotels, such restaurants/hotels shall not proceed to operate their business and DPCC shall ensure the same.

In respect of remaining 12 restaurants/hotels which are stated to have not applied to the DPCC for consent to operate, we make it very clear that the said restaurants/hotels shall not be permitted to operate from today onwards. However, it is open to the said restaurants/hotels to make necessary application for consent to operate to DPCC within a period of one (1) week from today.

In cases whether the restaurants/hotels have not applied, if they

apply the same to the DPCC with all necessary particulars, it is for the DPCC to take appropriate decision immediately whether to allow the restaurant/hotel to operate or not.

The DPCC shall also file a status report in respect of each of the restaurants/hotels in Hauz Khas area by the next date of hearing.

It is brought to the notice of the Tribunal that the Applicant has also filed certain writ petitions before the Hon'ble High Court of Delhi. Learned Counsel for the Applicant undertakes to produce certified copies of the writ petitions filed before the Hon'ble High Court of Delhi by the next date of hearing.

Stand over to 6th February, 2014.

....., JM
(Dr. P. Jyothimani)

....., JM
(M.S. Nambiar)

....., EM
(Dr. G.K. Pandey)

....., EM
(Prof. A.R. Yousuf)

....., EM
(Ranjan Chatterjee)

