

Tribhuvan Singh vs Govt. Of Nct Of Delhi& Ors on 31 October, 2023

Item No. 2

(Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 506/2022

Tribhuvan Singh

...Applicant

Versus

Govt. of NCT of Delhi& Ors.

...Respondents

Date of hearing: 31.10.2023

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

Applicant: None for the applicant.

Respondent: Mr. Kush Sharma, Advocate for respondent no. 2-
DPCC (Through VC).
Mr. Balram Meena ADM South West Delhi (Through
VC).
Mr. Prateek Raj Yadav SDM Najafgarh Delhi.

Application is registered based on a letter petition received by Post.

ORDER

1. The grievance in the present application is regarding air pollution caused by running of Hot Mix Plant at Shyam Vihar, Phase 1, Najafgarh, New Delhi by M/s. Gawar Construction Ltd.

2. Vide order dated 30.08.2022 this Tribunal constituted a Joint Committee which submitted report vide email dated 14.12.2022 to the effect that direction for closure had been issued and environmental compensation of Rs. 2,25,000/- had been imposed on the Project Proponent.

3. Reply was filed by the DPCC vide email dated 03.02.2023 in which it was mentioned that on representation made by the Project Proponent the O. A. No. 506/2022 Tribhuvan Singh Vs. Govt. of NCT of Delhi& Ors.

DPCC inspected the site on 16.01.2023 and found the Project Proponent to be compliant.

4. Reply has been filed by SDM vide email dated 31.10.2023. In the reply it has been mentioned that the Project Proponent-M/s Gawar Construction Ltd. had deposited the environmental damage compensation amount of Rs. 2,25,000/- with DPCC vide demand draft no. 013572 dated 11.10.2023.

5. Mr. Balram Meena, ADM South West Delhi has appeared before this Tribunal through VC and Mr. Prateek Raj Yadav, SDM Najafgarh Delhi has appeared before this Tribunal physically and we have interacted with them.

6. The DPCC has not placed any report/document on record to show the present compliance status of the Project Proponent. Mr. Prateek Raj Yadav, SDM Najafgarh Delhi has submitted that there is no machinery on the site at present. The DPCC is directed to visit the project site and submit status report regarding compliance by the Project Proponent alongwith all requisite documents in support of such compliance. The DPCC is also directed to file separate report/response mentioning details regarding the amount of environmental compensation imposed, the amount of environmental compensation realized and lying deposited with it, SoP prepared/mechanism evolved for utilization of amount of environmental compensation and the action taken for such utilization of amount of environmental compensation with all requisite details regarding activity undertaken, particulars of the place where such activity is undertaken, budgetary provision made and agency involved for the same. In the report/response the DPCC shall also give details of the action plan for utilization of amount of environmental compensation of Rs. 2,25,000/- deposited with it in the present case for restoration of environment in the affected area.

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7. Status report regarding present status and compliance by the Project Proponent and separate report/response regarding imposition, recovery and utilization of environmental be filed by the DPCC within one month 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.

8. List for further consideration on 15.12.2023.

Arun Kumar Tyagi, JM Dr.Afroz Ahmad, EM October 31st, 2023 AG