

Item No. 01

Court No. 1

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

Execution Application No. 12/2023
IN
Original Application No. 228/2017

Mohd. Shariq

Applicant

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 19.04.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Jasmeet Singh, Advocate for Applicant in E.A 12/2023

ORDER

1. Grievance in this application is that Respondent Nos. 8 to 11, Israr Ahmad, Md. Shoaib, Md. Shareef and Md. Intezar Ahmed were illegally operating factories in Darya Ganj, New Delhi, in violation of master plan and earlier orders of this Tribunal. Details given are as follows:-

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<i>Sr. No.</i>	<i>Name</i>	<i>Type of factory/ Industry</i>
<i>1.</i>	<i>Mohd. Shoaib</i>	<i>Manufacturing of shoes, sandels etc.</i>
<i>2.</i>	<i>Mohd. Shareef</i>	<i>Book binding</i>
<i>3.</i>	<i>Intezar Ahmed</i>	<i>Book binding and Wedding Card Business</i>
<i>4.</i>	<i>Israt Ahmed</i>	<i>Silver Utensils</i>

”

2. This Tribunal vide order dated 04.01.2019 in O.A. No. 228/2017, *Mohd. Shariq vs. The Govt. of NCT of Delhi & Ors.* directed closure of the said units. The operative part of the order is reproduced below:-

“xxx.....xxx.....xxx

The case of the applicant is that respondent nos. 8, 9, 10 and 11 are the units/factories which are operating in residential areas/non-confirming areas. It is an admitted case that so far as these units/factories are concerned, whatsoever the nature may be, have not obtained any clearance from Delhi Pollution Control Committee under the Air (Perseveration and Control of Pollution) Act-1981 and Water(Perseveration and Control of Pollution) Act-1974. Needles to say that, this Tribunal as well Hon’ble Supreme Court has taken a strict view in respect of the units/factories which are running, particularly in Delhi, in the residential areas/nonconfirming areas. The reason is very obvious that operation of such factories/units do generate pollution and is extremely harmful to the people who are having their residences in the neighbourhood. This Tribunal had considered several matters in this issue and had directed to immediately close them and their water and electricity supply shall also be disconnected.

The Hon’ble Supreme Court of India in the case of M. C. Mehta Vs. UOI (WP(c) 4677/1985) has passed the last order on the issue, on 26.11.2018.

In view of the above, we deem it proper to dispose of this original application with the following directions:

- 1. The respondent-state of Delhi and North Delhi Municipal Corporation are directed to close down such units, as aforesaid.**
- 2. In case the units have applied for clearance from DPCC, the same may be reopened, as and when the requisites clearances given by the Committee.**
- 3. The North Delhi Municipal Corporation shall ensure that these factories/units do not operate till they obtained clearance from the DPCC**
- 4. The DPCC shall decide the application so received, for obtaining clearance, expeditiously and in no case later than four weeks from today of receipt of such application. In case any application is pending before it, the same shall be immediately looked into and decided within the stipulated time.”**

3. Accordingly, the said units were closed down but later Mohd. Sultan and Farid Ahmed, Respondent Nos. 14 and 15 restarted the same

at House nos 1503 & 1504 Gali Kotana, Suiwalan, Darya Ganj, Delhi and later rented out their respective units/factories to Mohd. Imran and Mohd. Shahnawaz, Respondent Nos. 12 and 13 for manufacturing Shock absorbers for the automobile industry. The said operations are being conducted without requisite consent from the DPCC as per provisions of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

4. We have heard learned Counsel for the applicant and considered the matter.

5. In view of the allegations made, we find it appropriate to direct DPCC to look into the matter and take remedial action, following due process of law.

The application is disposed of.

A copy of this order be forwarded to DPCC by e-mail for compliance.

The applicant may serve a set of papers on DPCC and affected parties.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 19, 2023
Execution Application No. 12/2023 In
Original Application No. 228/2017
SN