



## DELHI POLLUTION CONTROL COMMITTEE

DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6  
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-V/18(1)(B)/2018/ 11234-39

Dated: 28/8/18

To,

- 1 **The Commissioner, North Delhi Municipal Corporation,**  
4th Floor, Dr. SPM, Civic Centre, Minto Road, Delhi -110002.
- 2 **The Commissioner, South Delhi Municipal Corporation,**  
9th Floor, Dr. SPM, Civic Centre, Minto Road, Delhi -110002.

**Subject: Directions u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date.**

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and perform functions under the Water (Prevention & Control of Pollution) Act, 1974 and under Air (Prevention & Control of Pollution) Act, 1981.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981 vide notification no. GSR 106 (E) dated 20.02.1987.

And whereas, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrial plant in air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the DPCC shall establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, the Chairman, CPCB has issued Directions u/s 18 (1) (B) of the Air Act on 12.07.2018 to DPCC regarding operation of unauthorised and polluting factories at Darya Ganj, Jama Masjid, Sita Ram Bazar, Turkman Gat etc. (Copy enclosed) as follows:

1. DPCC shall ensure inspection of site mentioned in the complaint immediately.
2. DPCC shall ensure that all the industrial units which do not have valid consent to operate are closed down and.
3. that such units are allowed to resume operations only after they have valid consent to operate and have provided adequate treatment facilities.
4. DPCC shall ensure that no recurrence of such incidences of air pollution occur in identified locations in future.

And whereas, the above said issue was raised in context of complaint received in CPCB from an NGO M/s Sofia Education & Welfare Society regarding operation of unauthorised and polluting factories at Darya Ganj, Jama Masjid, Sita Ram Bazar, Turkman Gat etc. along with a list of 199 units for reference.

And whereas, Hon'ble Supreme Court in the matter regarding "Shifting of Industries from non-conforming/residential areas" has passed the order dated 07.05.2004 and directed that all industrial units operating in non-conforming/residential areas of the Delhi in violation of Master Plan of Delhi have to be closed down/ shifted.

And whereas, in pursuence of above said order dated 07.05.2004, meetings were held on 08.12.2010, 14.07.2011, 09.12.2011 and 05.06.2015 in the office of Chief Secretary Delhi for implementation of said order, it has been decided that action on industries operating in non-conforming areas and violating Master Plan of Delhi will be taken under the Delhi Development Act by DDA in development areas and MCD in other areas. DPCC acts under the provisions of Environmental Laws only on legal units, duly explained and agreed in the said meetings.

And whereas, DPCC has already issued Direction u/s 33(A) of water (Prevention & Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control), Act, 1981 on 22.12.2017 to all the Government agencies such as Municipal Corporations/Local Bodies, DISCOMS, Delhi Jal Board etc., not to grant/issue any license/permission/electricity Connection/ Water Supply Connection/Sewer Connection to the industries/units without having Consent of Establish under the Air & Water Acts from DPCC. Copy of said direction dated 22.12.2017 is enclosed herewith for ready reference.

And whereas, The above said directions clearly states that "whereas as per the Master Plan of Delhi prepared by DDA, any industry is permitted only in designated areas-mainly Industrial Areas/ Estates & Redevelopment Areas. An industry operating beyond these areas are patently illegal irrespective of the facts whether these are polluting industries or not. Therefore, an examination by DPCC to ascertain whether these industries are polluting or not is not only a redundant exercise but also violative of the Master Plan of Delhi. It is clear that the remit of DPCC is in Approved Industrial Areas/ Estates & Redevelopment areas. ....

"Municipal Corporation of Delhi, which have been entrusted with the powers to enforce the Master Plan has original jurisdiction to ensure that no industry runs in the area other than Approved Industrial Areas/ Estates & Redevelopment areas. The additional filter to find out the polluting nature of an industry in any area other than in Industrial Estate and Redevelopment area is a futile exercise. Accordingly, necessary action is to be taken by the Municipal Corporations/ Local Bodies of Delhi in Residential/ Non-Conforming areas of Delhi and DDA in the areas developed by it or under its jurisdiction in Delhi."

And whereas, DPCC has not issued Consent to Operate to any manufacturing unit in the areas mentioned in the complaint.

Now, therefore, the Competent Authority in Delhi Pollution Control Committee, in exercise of powers conferred upon it, u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date, hereby issue the following directions:

1. That the concerned Municipal Corporations (i.e. North Delhi Municipal Corporations & South Delhi Municipal Corporations) shall take necessary action for closure of these 199 Units and all other such Units operating in Residential/ Non-confirming areas which do not have valid consent to operate from Delhi Pollution Control Committee with immediate effect.
2. That the concerned Municipal Corporations (i.e. North Delhi Municipal Corporations & South Delhi Municipal Corporations) shall take necessary action for cancellation of License, if any issued to these 199 Units and all other such Units operating in Residential/ Non-confirming areas which do not have valid consent to operate from Delhi Pollution Control Committee with immediate effect.

This is being issued as per the approval of the Competent Authority of Delhi Pollution Control Committee.

  
(S. M. Ali)

Member Secretary, DPCC

**Encl. : as above**

**Copy to:-**

- 1 PA to Chairman, CPCB- for kind information to the Chairman, CPCB please.
- 2 PA to Chairman, DPCC- for kind information to the Chairman, DPCC please.
- 3 The President, SOFIA Educational and Welfare Society, 73, Street No. 9, Main Brijpuri Road, Old Musstafabad, Delhi-110094.
- 4 I.T. Cell, DPCC- for uploading on website please.
- 5 Master File, CMC-V, DPCC.

  
(S. M. Ali)

Member Secretary, DPCC