

**DELHI POLLUTION CONTROL COMMITTEE**  
 DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
 1<sup>st</sup> Floor, E Block, Vikas Bhawan-II, Upper Bela Road, Civil Line, Delhi-54  
 visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-V/NGT/(O.A.No.1046/2018)/2019/ 2175-2189

Dated: 09.05.2019

**Direction under Section 31(A) of Air (Prevention & Control of Pollution) Act, 1981 and u/s 33(A) of 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**, the Central Government has notified the standards for discharge of environmental pollutants from various categories of industries under the Environment (Protection) Act, 1986 and the rules framed there under.

**And whereas**, Hon'ble NGT has passed an order dated 25.10.2018 in O.A. No. 706/2018 (copy enclosed) in the matter of M/s Sunil Kumar Soni, 1/5116, Krishna Nagar, Karol Bagh, Delhi-05 that the allegations made by the petitioner may be looked into by Delhi Pollution Control Committee in accordance with law.

**And whereas**, an inspection was conducted by the officials of DPCC on 01.03.2019 observation/deficiencies observed during inspection that these units are engaged in the activity of assembling of Gold, Silver ornaments at 4<sup>th</sup> floor of premises. They are taking small unfinished items of gold, silver from the outside parties and joining them by soldering and heating. The LPG cylinder found in the premises and unit is using LPG for heating/ soldering purposes. As informed, after assembling of ornaments, they return back the same to the respective parties. However, documents in support of their claim was available during inspection.

**And whereas**, Hon'ble NGT has passed an order dated 17.02.2018 (copy enclosed) in O.A. No. 1046/2018 the matter of Kunal Vs. Ministry of Environment and Forest & Ors.

**And whereas**, Hon'ble Supreme Court in the matter regarding "Shifting of Industries from non-confirming/ residential areas" has passed the order dated 07.05.2004 and directed that all industrial units operating in non-confirming/ residential areas of the Delhi in violation of Master Plan of Delhi have to be closed down/ shifted. In pursuance of the 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 (operating in confirming/ approved Industrial Area), duly explained and agreed in the said meetings. Hence, DPCC has no jurisdiction to take action against the units operating in residential/ non-confirming area except those units permitted as per MPD 2021.

**And whereas**, DPCC had issued Direction u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31(A) of Air (Prevention & Control of Pollution) Act, 1981 on 22.12.2017 (copy enclosed) to the Divisional Commissioner, MCD, DJB, BSES/ TPDDL etc., a copy of which is enclosed herewith with for ready reference. The relevant excerpts of aforesaid directions is reproduced below:-

*" (i) Industries/ Units in Approved Industrial Areas/ Estates/ Redevelopment Areas and Confirming Areas as notified under the Master Plan of Delhi, shall have to come up after obtaining Consent to Establish under the Air & Water Acts from DPCC.*

*(ii) All the Government Agencies such as Municipal Corporations/ Local Bodies, DISCOMS, Delhi Jal Board etc. shall not Grant/ Issue any License/ Permission/ Electricity Connection/ Water Supply Connection/ Sewer Connection/ Excise license to the Industries/ Units without having Consent to Establish under the Air & Water Acts from DPCC."*

**And whereas**, DPCC vide its letter No. DPCC/2421-2445 dated 12.11.2018 has again reiterated its direction issued on 22.12.2017 in view of orders passed by Division Bench of the Hon'ble High Court of Delhi on 15.03.2018 in WP(C) 4349/2017 in the matter "Court on its Own Motion Vs Govt. of NCT of Delhi & Ors".

And whereas, an Oversight Committee, constituted in pursuant to the order of Hon'ble National Green Tribunal (NGT) dated 24.01.2019 in OA No. 601/2018 titled Mayank Manohar & Paras Singh, Reporter Times of India Vs. Govt. of NCT of Delhi & Ors. Consequently a meeting was taken by the Justice (Retd.) Pratibha Rani, Chairperson of Oversight Committee on 24.04.2019 and Commissioners of South and East DMCs informed that first two steps have been completed i.e. action against the units which were allotted plots by the Industry Department but not vacated old premises and action against the units which have applied for plots but not allotted by the Industry Department/DSIIDC. Further, they informed to the Chairperson that action w.r.t. Step 3 i.e. survey of the respective areas by the Municipal authorities to find out the illegal units other than 52000 units, which have applied for alternate plots though started, is not in the progress at present due to ongoing election process and as most of the staff have been deputed on election duties. Commissioners assured the Chairperson that the task of Step-3 will be done expeditiously once the election process is over i.e. 23.05.2019.

Now therefore, as decided in the Competent Authority in DPCC in exercising of powers conferred to it under section 31(A) of Air (Prevention & Control of Pollution) Act, 1981 and under section 33(A) of Water (Prevention & Control of Pollution) Act, 1974 issued following directions:

1. The North DMC, is hereby directed to close down all the units/ shops engaged in the activity of cleaning and washing gold and silver in un-scientific manner, which are operating in Beadon Pura, Karol Bagh area.
2. All the Municipal Corporations/ Local Bodies and DDA shall carry out a comprehensive mapping/ survey to find out details of industries functioning without obtaining proper Municipal Licenses and take necessary action for effective closure and disconnection of electricity and water supply of these identified industries with immediate effect.
3. The direction issued by DPCC on 22.12.2017 and on 12.11.2018 were again reiterated.
4. All the Government Agencies such as Municipal Corporations/ Local Bodies, DISCOMS, Delhi Jal Board etc. shall cancel/ withdraw/ revoke License/ Permission/ Electricity Connection/ Water Supply Connection/ Sewer Connection to the Industries/ Units in Residential/ Non-Confirming areas.
5. The house hold industries as per MPD-21 shall be permitted, who have obtained NOC from High Power Committee [constituted by the Hon'ble Supreme Court of India vide order dated 19.04.1996 in WP(C) 4677/1985] under the chairmanship of Commissioner of Industries, GNCTD. All the other agencies shall not grant permission/ electricity/ water supply without NOC of HPC as mentioned above to house hold industries.

This is being issued as per the approval of Competent Authority.

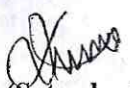
  
(Satender Kumar)  
Incharge (CMC-V)

To,

1. The Commissioner, North Delhi Municipal Corporation, 4<sup>th</sup> Floor, Civic Centre, Minto Road, New Delhi-02.
2. The Commissioner, East Delhi Municipal Corporation, Plot No. 419, MCD Udyog Sadan, Patparganj, Delhi-92.
3. The Commissioner, South Delhi Municipal Corporation, 9<sup>th</sup> Floor, Civic Centre, Minto Road, New Delhi-02.
4. The Chairman, New Delhi Municipal Council, Palika Kendra, Sansad Marg, New Delhi-01.
5. The Chief Executive Officer, Delhi Cantonment Board, Sadar Bazar, Delhi Cantt.-10.
6. The Vice Chairman (DDA), Delhi Development Authority, Vikas Bhawan, INA, New Delhi-23.
7. The General Manager (Commercial), Tata Power Delhi Distribution Limited (TPDDL), Grid Sub Station Building, Hudson Lane, Kingsway Camp, Delhi-110009.
8. The General Manager, BSES Yamuna Power Ltd., 3<sup>rd</sup> Floor, Shakti Kiran Building, Karkardooma, Near Karkardooma Court, Delhi-32.
9. The General Manager, BSES Rajdhani Power Ltd., BSES Bhawan, Nehru Place, Near Nehru Place Bus Terminal, New Delhi-19
10. The Member (Water), Delhi Jal Board, Varunalaya, Phase-II, Jhandewalan, New Delhi-110055.

Copy to:-

1. The Pr. Secretary (Industries), GNCTD, 419, Udyog Sadan, Patparganj Industrial Area, Delhi.
2. P.S. to Secretary (Env)-cum-Chairman, DPCC.
3. Law Officer, DPCC.
4. The Incharge, I.T. Cell (DPCC) to upload on website of DPCC.
5. Master File (CMC-V).

  
(Satender Kumar)  
Incharge (CMC-V)