



DELHI POLLUTION CONTROL COMMITTEE
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI -110006
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F. No DPCC/2421-2445

Dated: 12/11/18.

To,

1. The Divisional Commissioner, 5 Shamnath Marg, Delhi-110054.
2. The Vice Chairman (DDA), Delhi, Development Authority, Vikas Sadan, I.N.A., New Delhi-110023.
3. The Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. SPM, Civic Centre, Minto Road, Delhi - 110002.
4. The Commissioner, South Delhi Municipal Corporation 9th Floor, Dr. SPM, Civic Centre, Minto Road, Delhi - 110002.
5. The Commissioner, East Delhi Municipal Corporation, Plot No.419, Udyog Sadan, FIE, Patparganj, Delhi-110092.
6. The Chief Executive Officer, Delhi Contomment Board, Sadar Bazar, Delhi Cantt. , Delhi-110010.
7. The Secretary, New Delhi Municipal Council, 3rd floor, Palika Kendra, Parliament Street, New Delhi-110001.
8. The Chief Executive Officer, Delhi Jal Board, Varunalaya, Phase-II, Jhandewalan, Delhi-110055.
9. The General Manager, BSES Yamuna Power Ltd., 3rd Floor Shakti Kiran Building, Karkardooma, Near Karkardooma Court, Delhi-110032.
10. The General Manager, BSES Rajdhani Power Ltd., BSES Bhawan, Nehru Place, Near Nehru Place Bus Terminal, New Delhi-110019
11. The General Manager, NDPL, NDPL House, Hudson Lane, Kingsway Camp, Delhi

Subject: Direction u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981.

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 Air (Prevention & Control of pollution) Act, 1981, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee vide notification No.S.O.198 (E) dated 15.03.1991.

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 u/s 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish/operate an industrial plant in any 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.

And whereas, Hon'ble Supreme Court has passed a judgment on 07.05.2004 in I.A. No 22 in WP(C) No. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others" for closure of the illegal units from the residential / non-conforming areas in NCT of Delhi. As per the said judgment, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down.

And whereas, as per the meetings held before the Chief Secretary, Govt. of NCT of Delhi lastly on 05.06.2015, it has been decided that action on industries operating in non -conforming areas and violating the Master Plan of Delhi will be taken under the Delhi Development Act by the Delhi Development Authority in development areas and Municipal Corporation of Delhi in all other areas. Commissioner of Industries is working as a Nodal Officer on behalf of the Hon'ble Supreme Court Monitoring Committee as constituted by the Hon'ble Supreme Court of India in the judgment dated 07.05.2004.

And whereas, as per the Master Plan of Delhi prepared by DDA, any industry is permitted only in designated areas i.e. Industrial Areas / Estates & Redevelopment Areas. An industry operating beyond these areas are patently illegal irrespective of the fact 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 provisions of Master Plan of Delhi. Decisions of the Monitoring Committees taken from time to time has given the responsibility for shutting down the illegal/ impermissible industries to Local Development Authority/ Local Municipal Authorities. Thus, it is clear that the remit of DPCC is only in Approved Industrial Areas / Estates & Redevelopment areas.

And whereas, 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, industries / units are operating both in Approved Industrial Areas / Estates / Redevelopment Areas and also in Residential / Non-Conforming areas without obtaining prior mandatory Consent to Establish / Consent to Operate under the Air & Water Acts from DPCC and root cause of the said problem is that the Industries / Units are getting Permission/License from the concerned Municipal Corporations / Local Bodies and Electricity and Water Supply/Sewer connections from the concerned Agencies (i.e DISCOMS & Delhi Jal Board) without seeking Consent to Establish / Consent to Operate under the Air & Water Acts from DPCC.

And whereas, the DPCC Board in its meeting held on 27.11.2017, it has been decided that

"Industries / Units in Approved Industrial Areas / Estates / Redevelopment Areas and Conforming 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. Accordingly, 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 to the Industries / Units without having Consent to Establish under the Air & Water Acts from DPCC.

Necessary Directions under the provisions of the Air and Water Acts shall be issued by DPCC to the concerned Agencies."

And whereas, in compliance of DPCC Board decision dated 27.11.2017, as mentioned above, Delhi Pollution Control Committee on 22.12.2017 using the power vested to it under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, and under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 issued following directions:-

- (i) *Industries / Units in Approved Industrial Areas / Estates / Redevelopment Areas and Conforming 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 to the Industries / Units without having Consent to Establish under the Air & Water Acts from DPCC.*

And whereas, the Division Bench of the Hon'ble High Court of Delhi vide dated 15.03.2018 passed in WP© 4349/2017 titled as "Court on its Own Motion Vs Govt. of NCT of Delhi & Ors passed following order:

"In view of the decision of the DPCC, all Municipal Corporation, Delhi Jal Board and concerned authorities shall ensure that no license/permission/electricity connection/water supply connection/sewer connection is granted to industries/units without having consent to establish under the Air and Water Acts from the Delhi Pollution Control Committee."

Now therefore, as decided in the DPCC Board meeting held on 27.11.2017 as endorsed by the Hon'ble High Court of Delhi and in exercise of powers conferred to it under section 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, and under section 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 issued following direction:

- (i) The direction issued by DPCC on 22.12.2017 as mentioned above were again reiterated.
- (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 to the Industries / Units in Residential / Non-Conforming areas
- (iii) 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-Conforming areas.
- (iv) All the Government Agencies such as DISCOMS, Delhi Jal Board etc. shall provide the list of illegal units operating in violation of the Master Plan of Delhi to Municipal Corporations / Local Bodies for effective closure of such illegal units operating in Residential / Non-Conforming areas
- (v) 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.

Please note that any failure w.r.t. above directions will liable for penal action under the provisions of Water Act 1974 & Air Act 1981.

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

Yours faithfully,

(S. M. Ali)

Member Secretary

Copy to: -

1. Secretary to Minister Environment, Govt. of Delhi.
2. OSD to Chief Secretary, Govt. Of Delhi.
3. Pr. Secretary, Urban Development, 9th Floor, Delhi Secretariat, New Delhi
4. Commissioner of Industries, Department of Industries, Govt. of NCT of Delhi, 419, Udyog Sadan, Patparganj, Delhi-110092
5. Secretary (Power), Department of Power, Govt. of NCT of Delhi, 8th Floor, 'B' Wing, Delhi Secretariat, New Delhi-110002
6. Managing Director, DSIIDC, N-36, Bombay Life Building, Connaught Circus, New Delhi-110001
7. PS to Chairman, DPCC.
8. Director (Environment.), Govt. of NCT of Delhi.
9. All Sr. Environmental Engineers, DPCC.
10. All Environmental Engineers, DPCC.
11. Law Officers, DPCC.
12. Administrative Officer, DPCC.
13. Accounts Officer, DPCC.
14. Master File.