

DELHI POLLUTION CONTROL COMMITTEE
4th & 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06
 (visit us at : <http://dpcc.delhigovt.nic.in>)

F. No. DPCC/ Committee (2c) /13th Meeting / 2016/ 4139-47

Dated: 22/4/16

Subject: Minutes of the 13th Meeting of the Committee constituted vide office order dated 22.09.2014 and headed by Chairman, DPCC, for deciding applications of Consent under the Air & Water Acts and Authorization under the Hazardous Wastes Rules, for the cases of Orange Category Industries/ Units [Category 2(c)], held on 26.02.2016, in the conference room of Chairman, DPCC, at Delhi Secretariat.

Please find enclosed herewith the Minutes of the 13th Meeting of the aforementioned Committee, held in the conference room of Chairman, DPCC, at Delhi Secretariat on 26.02.2016. All concerned are required to take necessary action as per the decisions taken by the Committee in the said meeting.

Dupall K Singh
 (D.K.Singh)

Sr. Env. Engineer(CDC)
 Consent Management Cell- II

1. Member Secretary, DPCC.
2. Prof. S.K.Gupta, Chemical Engg. Deptt, IIT, Hauz Khas, Delhi -16.
3. Dr. A.K.Nema, Professor, Civil Engg. Deptt., IIT, Hauz Khas, Delhi -16.
4. Dr. Anil Kumar, Director, Environment Deptt. ,Govt. of NCT of Delhi.
5. SEE/ SEE(CDC) of CMCs.
6. Environmental Engineers (CDC) of CMCs.

Copy for information to:

- 1.PS to Chairman, DPCC ,for the kind information of Chairman, DPCC please.
- 2.In-charge, Enquiry Counter & IT Cell, for placing the aforementioned minutes of the meeting of the Committee on the website of DPCC , immediately by today itself.
- 3.Accounts officer, DPCC.

Dupall K Singh
 (D.K.Singh)

Sr. Env. Engineer(CDC)
 Consent Management Cell- II

Minutes of the 13th Meeting of the Committee constituted vide office order dated 22.09.2014 and headed by Chairman, DPCC, for deciding applications of Consent under the Air & Water Acts and Authorization under the Hazardous Waste Rules, for cases of Orange Category Industries/Units [Category 2(c)], held on 26.02.2016, in the conferenceroom of Chairman, DPCC, at Delhi Secretariat.

Attendance Sheet is enclosed as Annexure - "A".

Prof. A.K.Nema, IIT Delhi and Prof. S.K.Gupta, IIT Delhi did not attend the meeting as the former was reported to be out of Delhi and the latter preoccupied in some urgent work.

The statement of the pending applications for consent etc., in prescribed format and duly authenticated by SEE/In-charge of the cell concerned, was placed before the committee as Annexure - "B".

The Committee deliberated the cases placed before it and also general principles involved and decided as under:-

1. It was noted that the closure directions are issued in cases where a unit is running without having valid consent /authorization/registration or is violating emission / effluent norms due to non-functioning of pollution control device(s). In such cases, it is not a good policy to allow temporary revocation where under the unit continues to operate and violate the law surreptitiously. If a unit is not having valid consent, etc, it cannot legally operate. Such unit must first obtain the consent, etc. and then only closure directions should be revoked. Whenever DPCC grants consent, etc., the closure directions issued earlier on account of non-possession of the consent etc. shall be revoked simultaneously. Similarly, if a unit, though in possession of valid consent etc., was not meeting the prescribed emission/effluent standards and was closed down, it must first make its systems / pollution control device(s) properly functional and meet the prescribed standards by getting tests done before the closure directions are revoked.
2. Mere mention of "effective closure" in the direction creates ambiguity and scope for malpractices at the field level. The result is the field enforcement officers verbally instruct the unit not to operate and the unit continues to operate. In order to ensure a effective closure, the closure directions must clearly mandate that unit should be sealed and water and electricity supply disconnected.
3. It was informed that DJB has advised revenue authorities not to take coercive action against those who have voluntarily disclosed their extraction. In view of this, if unit extracting ground water but not having permission for extraction of ground water has voluntarily disclosed its borewell and applied for permission for extraction of ground water to the authority concerned, its application for Consent to Establish / Operate / Renewal be also brought before the Committee for decision.
4. The decision of Committee in respect of the consent, etc. cases is recorded in the last column of Annexure - I.

Handwritten notes and signatures at the bottom of the page. The notes include "3/3" and "Annexure - I". There are several signatures, including one that appears to be "Anurag" and another that appears to be "S.K. Gupta".

5. The Decision in the case of M/s Krishna Foundry & Workshop, A-39, Phase-I, Mayapuri Industrial Area, Delhi – 64 which has applied for Consent to Operate Application [ID No. 6802 Dated 02.03.2014] and engaged in the activity of C.I. Casting by Cupola Furnace, is elaborated as follows. Arc / Induction Furnace (Sl. No 1), Foundries (except Pit Furnace) [Sl. No 38] and Stainless Steel Pickling (Sl. No 88) are mentioned in the Prohibited / Negative List of Industries (Annexure III) of MPD – 2021 which was notified by Ministry of Urban Development, Govt. of India vide Gazette Notification Dated 07.02.2007.

As per clause 7.2 of MPD-2021 “Industries listed under prohibited category shall not be permitted to be set up in Delhi (Annexure-III). The existing industrial units under prohibited category need to relocate themselves outside Delhi, within a period of three years.”

The Stainless Steel Pickling Unit Owners/Association challenged the said notification dated 07.02.2007 before Hon'ble High Court of Delhi on the ground of not following the procedure before placing the Stainless Steel Pickling activity in the Prohibited / Negative List of Industries.

After following due procedure, the Ministry of Urban Development, Govt. of India issued notification on 23.09.2013, re-notifying the negative/prohibited list of industries.

The Stainless Steel Pickling Unit Owners/Association again challenged the said notification dated 23.09.2013 before the Hon'ble High Court. Hon'ble High Court upheld the aforementioned notification but gave lease of life to the Stainless Steel Pickling Units till 22.09.2016. Clearly the order of Hon'ble High Court is applicable to the petitioners / Stainless Steel Pickling Units only.

Arc / Induction Furnace & Foundries (Cupola Furnace) are in the Prohibited / Negative List of Industries (Annexure III) of MPD – 2021. The Committee cannot go against the notification and it also cannot permit any industry prohibited under law, unless there is specific ordered otherwise by a competent court of law.

Further, air pollution in Delhi is a serious issue and has to be dealt on all fronts.

In view of the above, Consent to Operate cannot be granted and hence refused and the unit be directed to close down immediately. Similar action be also taken against other such units.

6. As Table Agenda, Case of M/s T.R.Sawhney Motors Pvt. Ltd., East Gokulpur, Main Wazirabad Road, Delhi (ID No. 8621, Application for Consent to Establish Dated 30.07.2014) engaged in the activity of Service Station (Washing, Repairing, Denting & Painting of Cars) was placed before the Committee by Dr. Chandra Prakash, SEE, Incharge of CMC-I. The SEE stated that there is lack of clarity over the conformity of land use, which needs to be sorted out. It was decided to issue another reminder to EDMC, seeking clarification regarding conformity of the unit w.r.t. MPD-2021.

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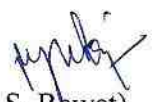
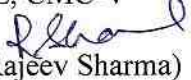
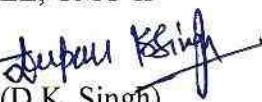
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on duty

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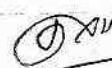
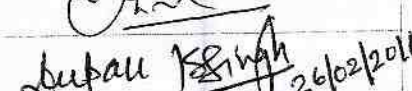
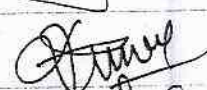
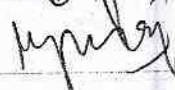
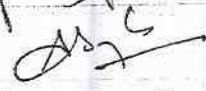
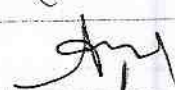
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VP

7. It was noted that some cases could not be brought before the committee. Hence, every SEE/in-charge of cell shall process the remaining pending cases and bring before the committee for decision at the earliest. The Committees chaired by MS and Chairman should meet twice a month. Depending on the cases with them, the in-charge of Cells shall be responsible for obtaining the dates for the meeting.

The meeting ended with a vote of thanks to the Chair.

 (K. Kumar) EE, CMC-IV	 (M.S. Rawat) EE, CMC-V	 (Amit Chaudhary) EE, CMC-V		
 (Shyam Sunder) EE, CMC-I	 (Ramesh Chandra) EE, CMC-II	 (Rajeev Sharma) EE, CMC-III	 (S.K. Goyal) EE, CMC-III	 (Sunil Kumar) EE, CMC-IV
 (Dr. Chandra Prakash) SEE, CMC-I	 (D.K. Singh) SEE, CMC-II	 (Pankaj Kapil) SEE, CMC-III	 (Satender Kumar) SEE, CMC-IV	 (Mohd. Arif) SEE, CMC-V
 (Dr. Anil Kumar) Director(Env.),GNCTI		 (Kulanand Joshi) Member Secy, DPCC		 (Ashwani Kumar) Chairman, DPCC

Attendance Sheet for 13th Meeting of the Committee for 2(c) Category Cases and 34th Meeting of the Committee for 2(d) category cases Constituted vide Office Order Dated 22.09.2014 and headed by Chairman, DPCC, for deciding the Cases / Applications under Orange Category [Category 2(c) & 2(d)] of Consent under the Air & Water Acts and Authorization under Hazardous Waste Rules, held in the Conference Room of Chairman, DPCC at Delhi Secretariat on 26.02. 2016 of the pending complete cases of 2(c) & 2(d) category.

S.No.	Name	Designation	Signature
1.	Sh. Ashwani Kumar	Chairman, DPCC	In Chair
2.	Sh. Kulanand Joshi	Member Secretary, DPCC	 26/2/16
3.	Dr. Anil Kumar	Director (Env) GNCT Delhi	
4.	Dr. Chandra Prakash	SEE(CMC I), DPCC	
5.	Sh. D.K. Singh	SEE(CDC)(CMC II), DPCC	 26/02/2016
6.	Sh. Pankaj Kapil	EE(CDC) (CMC III), DPCC	
7.	Sh. M. Arif	SEE(CDC) (CMC V), DPCC	
8.	Sh. Satender Kumar	SEE(CDC) (CMC IV), DPCC	
9.	Sh. M. S. Rawat	EE(CDC) (CMC V), DPCC	
10.	Sh. Surender Singh	EE(CDC) (EIA Cell), DPCC	
11.	Sh. Shyam Sunder	EE(CDC) (CMC I), DPCC	
12.	Sh. Ramesh Chandra	EE(CDC) (CMC II), DPCC	
13.	Sh. S.K. Goyal	EE(CDC) (CMC III), DPCC	
14.	Sh. Rajeev Sharma	EE(CDC) (CMC III), DPCC	
15.	Sh. Amit Chaudhary	EE(CDC) (CMC V), DPCC	
16.	Sh. Sunil Kumar	EE(CDC) (CMC IV), DPCC	
17.	Sh. K. Kumar	EE(CDC) (CMC IV), DPCC	