

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

**Original Application No. 345 of 2013**

**Resident Welfare Association Vs. DMRC & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

**Present:**      **Applicant:**                      **Mr. Ayush Agrawal, Advocate, Ms. Megha Mehta Agrawal, Advocate.**  
**Respondent No. 1:**                      **Mr. Shiv Kumar, Advocate**  
**Respondent No. 2:**                      **Mr. Balendu Shekhar, Advocate, Mr. Dinesh Jindal, LO.**  
**Respondent No. 3:**                      **Ms. Alpana Poddar.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 4 February 3, 2014</b>	<p>We have heard the Learned Counsel appearing for the parties.</p> <p>They commonly concede that this Application could be disposed of on the following terms and conditions:-</p> <ol style="list-style-type: none"><li>1) The Unit ready mixed concrete plant at CC-34 near S.L. Suri DAV Secondary Public School near Dholi Piao, Janakpuri, Delhi-58 shall be shifted from the site in question within a period of eight weeks from today positively.</li><li>2) During the intergnum period, the Unit run by the Respondents shall not run or carry on any activity during the night i.e. from 8:00 PM to 7:00 AM every day.</li><li>3) The inspecting team appointed by the Tribunal including the representatives of DPCC had inspected the site in question and pointed out certain deficiencies in the plant as well as the anti pollution devices which have been installed in the premises.</li></ol> <p style="text-align: center;">All these deficiencies shall be cured within a period of one week from today and without default.</p> <ol style="list-style-type: none"><li>4) During the period from 7:00 AM to 8:00 PM the Unit can carry on its activity in strict compliance to the observations made by the DPCC in its Report dated 31st January, 2014 and it will be ensured</li></ol>

that no pollution results from such activity.

We make it clear that the Learned Counsel appearing for the DMRC has fairly conceded that its contractor/Agent M/s HCC Samsung-JV shall be bound by the directions contained in this Order.

The trucks would be permitted to enter the site in question and unload the material at the site till 12:00 mid night but all precautions shall be taken while unloading the trucks so as to ensure that it does not result into any emissions causing pollution in the area.

The DMRC, its Agent/Contractor shall take all measures and steps to ensure restoration and reforestation of the area in question.

We not only express our hope but do hereby direct that if appropriate steps are not taken, the Applicant would be at liberty to approach the Tribunal for fixing responsibility and passing appropriate Orders including awarding exemplary compensation.

The above Order is a consented Order and is agreed to by all the Counsel appearing in the case.

Accordingly, the Original Application No. 345/2013 is disposed of in the above terms by leaving the parties to bear their own costs.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(B.S. Sajwan)

.....,EM  
(Dr. R.C. Trivedi)