

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 164/2013

Pankaj Sharma Vs MoEF & Anr.

CORAM: HON'BLE SHRI JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE SHRI JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLESRI RANJAN CHATTERJEE, EXPERT MEMBER
HON'BLE MR. B. S. SAJWAN, EXPERT MEMBER

Applicant/Appellant : Ms. Sumedha Dua, Adv.
Respondent No. 1 : Mr. Pankaj Verma, Adv.
Respondent No. 2 : Mr. Biraja Mahapatra, Adv. Mr. Dinesh Jindal, Law Officer

Date and Remarks	Orders of the Tribunal
<p>Item No. 2 September 20, 2013</p>	<p>We have heard Learned Counsel appearing for the Applicant and the Learned Counsel appearing for the Respondent No. 2 (Delhi Pollution Control Committee(DPCC)). The issue involved in this case is about the large number of mushroom development of restaurants which have illegally come out in the Hauz Khas Village without obtaining the required consents under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and the necessary licenses. It is seen that these restaurants have not only been operated without proper clearance as per law but are discharging effluents, drawing potable water, apart from causing nuisance and environmental hazards in the said village which form part of the city of Delhi. The Learned Counsel appearing for Respondent No. 2 would submit that out of 33 restaurants which are mentioned in the Application, on inspection, it was found that 7 restaurants are closed and in respect of the remaining restaurants show cause notices were issued. It is further stated that out of the remaining restaurants, 19 restaurants have given their reply while the 15 restaurants have not responded. However, the Learned Counsel is not able to find out as to which are the 15 restaurants which have not responded to the notice issued by Respondent No. 2.</p> <p>Considering the seriousness of the issue, we have no doubt that this unauthorised mushroom development of restaurants would not have come without the knowledge of the authority especially Respondent No. 2.</p> <p>In such view of the matter, we hereby direct the Member Secretary of the Respondent No. 2 (Delhi Pollution Control Committee) to be present before this Tribunal in person to explain the following:-</p>

- (a) How long these restaurants have been allowed to continue to operate in the said area?
- (b) Whether they have got the proper approval for the purpose of discharging effluents and the proper methods have been formulated by them?
- (c) Whether these restaurants are drawing potable water from the ground and if so whether proper approval has been obtained from the competent authority?
- (d) What proposals the Respondent No. 2 is having for the purpose of Solid Waste Management in respect of these restaurants?
- (e) To state as to whether in addition to the 41 restaurants, 33 restaurants given in the Application plus 8 restaurants, there are any other new restaurants which have come up or in operation?

Considering the seriousness of the issue of health hazard which is being caused, we have no hesitation to hold that the balance of convenience in granting certain interim orders is in the interest of the public. Accordingly, we hereby direct the closure of all the restaurants situated in Hauz Khas area which are running without obtaining proper permission from the appropriate authorities till the next date of hearing. There shall also be an order of injunction against everyone from starting any new restaurant in the said area. The Respondent No. 2 shall scrupulously implement the above said order and report of same by the next date of hearing.

Stand over to 24th September, 2013. Dasti order allowed.

....., JM
(Dr. P. Jyothimani)

....., JM
(S.N. Hussain)

....., EM
(Dr. G.K. Pandey)

....., EM
(Ranjan Chatterjee)

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