

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 164/2013  
And  
M.A. No. 71/2014, M.A. No. 863/2013, M.A. No. 927/2013,  
M.A. No. 928/2013, M.A. No. 934/2013 and M.A. No. 936/2013  
In  
Original Application No. 164/2013  
Pankaj Sharma V/s MoEF & Anr.

CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Original Applicant : Ms. Sumedha Dua, Adv  
Applicants in M.A.  
(No. 71/2014 : Mr. Lalit Bhasin, Adv.  
(No.934/2013 & 936/2013): Mr. Satvinder Singh, Adv.  
(fresh M.A.) : Mr. Sanjeev Pabbi and Ms. Nishtha  
Chawla, Adv.  
Respondent No. 1 :Mr. Vikas Malhotra, Adv. along with Mr.  
M.P. Sahay, Adv.  
Respondent No. 2 :Mr. Biraja Mahapatra, Adv. along with Mr.  
Mohd. Arif, SEE and Mr. Dinesh Jindel. Law  
officer  
Respondent No. 3 :Mr. Balendu Shekhar, Adv.  
Respondent No. 3 A :Ms. Prabhsahay Kau, Adv.  
Respondent No. 23 :P.B. Kshetri, Adv.  
Respondent No. 28 :Mr. Anand Srivastava and Mr. Shubham  
Jaiswal, Adv.  
DDA : Mr. Arun Kr. Sharma with Mr. Varun  
Sharma, Adv.

| Date and Remarks                        | Orders of the Tribunal  |
|---|---|
| Item Nos. 1, 4 to 8<br>February 6, 2014 | <p><b><u>M.A. No. 71/2014 in Original Application No. 164/2013</u></b></p> <p>We have heard learned Counsel appearing for the Applicant in M.A. No. 71/2014 and also the original Applicant.</p> <p>This miscellaneous application is filed for impleadment of the Applicant as party Respondent in the original application. Having heard both the Counsel, we are of the view that the Applicant is a necessary party for the purpose of adjudicating the issue involved in this case. Accordingly, the M.A. No. 71/2014 stands allowed and disposed of.</p> <p>Learned Counsel representing Hotel Restaurant Association of North India and Lodging House Owners Association, Paharganj, Delhi</p> |

seeks permission to file applications to implead themselves as party Respondents in the original application. Liberty is granted to the learned Counsel appearing for the above said parties to file the same in the proper format in the Registry.

Registry to make necessary amendments in this regard. Learned Counsel for the original applicant shall file amended memo of parties by the next date of hearing.

**Original Application No. 164/2013 and M.A. Nos. 863/2013, 927/2013, 928/2013, 934/2013 & 936/2013**

Learned Counsel appearing for the DPCC has filed his report regarding the 33 Restaurants in Hauz Khas Village which are as follows:

1. M/s. Thirty Nine, T-6B, Main Market Road, Hauz Khas Village, New Delhi.
2. M/s Amour – The Patio Restaurant, Cafe & Bar, 30 Hauz Khas Village, New Delhi.
3. M/s Diva Piccolo, 1<sup>st</sup> Floor, 30, Hauz Khas Village, New Delhi.
4. M/s Garage Inc., 2<sup>nd</sup> Floor, 30 power house building, Hauz Khas Village, New Delhi.
5. M/s Out of the Box, 9A, Hauz Khas Village, New Delhi.
6. M/s Raas, 9A, 1<sup>st</sup> Floor, Hauz Khas Village, New Delhi.
7. M/s Raasta, 30A, 1<sup>st</sup> Floor, Hauz Khas Village, New Delhi.
8. M/s Food Mill, 30, 2<sup>nd</sup> floor, Power House Building, Hauz Khas Village, New Delhi.
9. M/s Asia Kitchen, 30A, Ground Floor, Hauz Khas Village, New Delhi.
10. M/s Kaffeine, 50A, 1<sup>st</sup> floor, Hauz Khas Village, New Delhi.
11. M/s Fork You, 30, 1<sup>st</sup> floor, Hauz Khas Village, New Delhi.
12. M/s Amici, 30, ground floor, Hauz Khas Village, New Delhi.
13. M/s Cire, 30, 1<sup>st</sup> floor, Hauz Khas Village, New Delhi.
14. M/s Farashi/M/s Faarsi, 26, ground floor, Hauz Khas Village, New Delhi.
15. M/s Masha, 9A, Hauz Khas Village, New Delhi.
16. M/s Fat Ninja, 27, Hauz Khas Village, New Delhi.
17. M/s He Said She Said, 31, first floor, Hauz Khas Village, New Delhi.
18. M/s Pizzeria Rosso, 26, Ground Floor, Hauz Khas Village, New Delhi.
19. M/s The Golconda Bowl, 22, Hauz Khas Village, New Delhi.

20. M/s The Pink Room, 29A, Hauz Khas Village, New Delhi.
21. M/s Verve, 28, 3<sup>rd</sup> floor, Hauz Khas Village, New Delhi.
22. M/s Yeti – Himalayan Kitchen, 50A, 2<sup>nd</sup> floor, Hauz Khas Village, New Delhi.
23. M/s Zo, 1, Hauz Khas Village, New Delhi.
24. M/s ELF Cafe Lounge, 26A, 2<sup>nd</sup> Floor, Hauz Khas Village, New Delhi.
25. M/s Naivedyam, 1, Hauz Khas Village, New Delhi.
26. M/s Miabella 50A, 3<sup>rd</sup> floor & 4<sup>th</sup> floor, Hauz Khas Village, New Delhi.
27. M/s Capri Villaggio, 1A, Hauz Khas Village, New Delhi.
28. M/s TLR Cafe, 31, Hauz Khas Village, New Delhi.
29. M/s. Bootlegger, A-1, 3<sup>rd</sup> Floor, Hauz Khas Village, New Delhi.
30. M/s. Mocha Restaurant, 9A & 12, Hauz Khas Village, New Delhi.
31. M/s. Imperfecto, 1 A/1, Hauz Khas Village, New Delhi.
32. M/s. Roost Bistro, Shop No. 89, Ground Floor, Building No. 30, Hauz Khas Village, New Delhi.
33. M/s. Park Balluchi, inside deer park, Hauz Khas Village, New Delhi.

In the affidavit filed along with the said list of Restaurants, it is stated that the above said 33 Restaurants situated in the Hauz Khas area have installed ETP which are actually in functioning capacity as on date apart from the DG sets which are functioning adequately. It is relevant for the purpose of appreciation of the same to extract the portion of the report which is as follows:

*Para 6. "That in compliance of the direction as mentioned (c) and (d) above, the detail status report is collectively enclosed herewith as Annexure-R-2/2. It is most respectfully submitted that all the 33 restaurants have applied for consent to establish and consent to operate to the answering respondent alongwith all requisite documents including adequacy report and monitoring reports of ETP and DG sets from empanelled consultants of DPCC. As decided in the Consent Management Committee, Consent to establish and consent to operate has been granted to these restaurants. DPCC has issued closure direction to 12 units on 09.01.2014 which have not applied for consent to operate till 07.01.2014.*

*Subsequently, in compliance of directions of this Hon'ble Tribunal, these units applied for consent to operate and therefore, direction of closure was revoked by DPCC."*

Inasmuch as, the DPCC having satisfied about the adequacy of the effluent treatment plant having installed the same apart from DG sets and it has also granted consent to operate in accordance with law and are operating as on date, we record the said statement and we hold that nothing survives in so far as the said 33 Restaurants are concerned.

However, we make it clear that the said 33 Restaurants shall continue to maintain ETP and DG sets with the required standards and the DPCC shall make periodical visits so as to ensure continuous compliance of the environmental standards.

We also make it clear that if any new application is received from the Restaurants for the purpose of consent to operate, the DPCC shall pass orders in accordance with law subject to the condition that the ETP as well as DG sets are installed and function in accordance with the required standards and the same is maintained by the concerned Restaurants and the DPCC shall make periodical visits so as to ensure compliance of the environmental standards.

In the meantime, DPCC is also directed to find out that in Hauz Khas area, if there are any Restaurants which are functioning without obtaining consent to operate from the DPCC, appropriate action shall be taken by it in accordance with law and report before this Tribunal on the next date of hearing.

Pursuant to our earlier direction, the Committee constituted by us by order dated 25.09.2013 has filed its report which contains various recommendations and measures to control air and water pollution in respect of Restaurants/Hotels and of Eating Houses situated in the whole of Delhi.

Pursuant to the said recommendations, it is seen that the DPCC has also given public notices in leading newspapers directing that if any person having any objection regarding the report is entitled to approach

this Tribunal. It is based on that the National Restaurant Association of India has approached this Tribunal by way of filing an impleadment application which we have allowed. It is also informed to us that the entire report is uploaded on the website of DPCC and any person can have access of the same. We direct all persons who are interested including the Applicant herein as well as all the Respondents to file their response relating to the recommendations made by the Committee constituted by this Tribunal so as to enable this Tribunal to pass a comprehensive order.

It is also informed to us that the National Restaurant Association of India has already given list of Hotels and its members who are owner of various Restaurants/Hotels in Delhi to the DPCC. The DPCC shall take necessary steps to inform about the recommendations of the Committee so as to enable everyone to participate in giving their suggestions for arriving at an appropriate conclusion in respect of all hotels/restaurants/eating houses, etc. situated in Delhi. The National Restaurant Association of India has also agreed to inform about the same to each of its members. Learned Counsel appearing for the newly added party, shall also file response relating to the recommendations made by the Committee constituted by this Tribunal by the next date of hearing.

Since in respect of all 33 restaurants, consent to operate has already been given by the DPCC, M. A. Nos. 863/2013, 927/2013, 928/2013, 934/2013 & 936/2013 are disposed of accordingly.

Stand over to 26<sup>th</sup> March, 2014.

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

....., JM  
(M.S. Nambiar)

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

....., EM  
(Prof. A.R. Yousuf)

....., EM  
(Ranjan Chatterjee)

