

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

**Original Application No. 229 of 2015
(M. A. No. 598 of 2015)**

**Resident Welfare Association (Retd.)
Vs.
Deputy Commissioner, MCD (South-West)**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

**Present: Applicant: Mr. Ranbir Singh, Mr. Vivek Kumar, Advocates.
Respondent No.1: Ms. Pooja kalra, Dr. Kaushik, Advs.**

| | Date and Remarks | Orders of the Tribunal |
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| | Item No. 09 September 24, 2015 | <p>We have heard the Learned Counsel appearing for the parties at some length. The main grievance of the applicant is that huge quantity of cow dung is lying on the side of the road no. 5 Arjun Park, Nangli Dairy, Nazafgarh, Delhi. The cow dung remains for months together and is causing environmental and health hazards.</p> <p>The Learned Counsel appearing for the Corporation submits that she had already filed a reply wherein, it has been stated that the cow dung has been removed. The Corporation has taken penal action against the Dairy Owners and the Corporation would also endure its best that in future no cow dung is permitted to be stored on the road side of the site in question. Despite such a statement, Learned Counsel appearing for the applicant submits that the cow dung, after the issuance of the notice in the present application, has been cleaned only from a very small portion of the road and still cow dung is lying on the remaining part of the road.</p> <p>In view of the above, we dispose of this application</p> |

with the following directions:

1. Corporation shall ensure that it removes the entire cow dung from the road in question.
2. The entire cost for removal and transportation of the cow dung shall be recovered by the Corporation from the Dairy Owners on the Principal of Polluter Pays.
3. This however, would be in addition to the action already taken by the Corporation against the Dairy Owners.

In the event of default, the concerned officer-in-charge of the Corporation of the site in question will be personally responsible for proceeding against in accordance with law.

The NCT Delhi is also directed to consider the request of the Corporation for allotment of the site for establishments of a bio-gas plant in accordance with law expeditiously.

With the above directions Original Application No. 229 of 2015 stands disposed of with no order as to cost.

M.A. No. 598/2015 does not survive for consideration as the main Application itself stands disposed of.

.....,CP
(Swatanter Kumar)

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

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

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