

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

**Appeal No.1 of 2015
(M.A. No. 12 of 2015, M.A. No. 13 of 2015, M.A. No. 74 of 2015,
M.A. No. 241 of 2015, M.A. No. 410 of 2015 & M.A. No. 602 of 2015)**

**And
Appeal No, 17 of 2015
And
Appeal No. 20 of 2015
And
Appeal No. 21 of 2015
And
Appeal No. 30 of 2015**

IN THE MATTER OF :-

Taurus International (Projects) Pvt. Ltd.

Vs.

Delhi Pollution Control Committee

And

Hotel Chanakya Inn Vs. DPCC

And

Hotel Ravin V/s. DPCC

And

Hotel Swapnil International Vs. DPCC

Vs.

Hotel Global Radiance Vs. DPCC

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. A.A. DESHPANDE, EXPERT MEMBER**

Present:

Appellant:	Mr. Sanat Kumar, Adv.
Respondent No. 1 :	Mr. Sanjeev Rally and Mr. Sahil Sangar, Advs. along with Mr. Dinesh Jindal, LO and, Adv.
Respondent No. 2 :	Mr. Balendu Shekhar, Adv. for SDMC
Respondent No. 3 :	Dr. V. Bhagat, Dy. H.O. (SDMC, Najafarh Zone)
Respondent No. 4 :	Mr. Vivek Kumar Tandon, Adv. for NCT/ Revenue/Police.
Respondent No. 5 :	Ms. Mansha, Adv. for Ms. Sakshi Popli, Adv.
Respondent No. 6 :	Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Advs. with ACP Rakesh For Police Licencing and Traffic Mr. B.V. Niren with Mr. Unit Gupta and Mr. V.V. Vardhan, Advs. for CGWA

Date and Remarks	Orders of the Tribunal
Item No. 02-06 June 09, 2015	<p>All the above Appeals and Misc. Applications were reserved for judgment after hearing the Learned Counsel appearing for the parties vide our order dated 25th May, 2015.</p> <p>Thereafter, M.A. No. 602 of 2015 on behalf of Hotels and Guest Houses Association Mahipalpur (Registered) was filed praying therein that all the Hotels located in</p>

Mahipal have resolved to assist the Tribunal and abide by the Order which may be passed in the Appeals or such other directions as the Tribunal may deem fit and proper in the facts and circumstances of the case. Vide our order dated 08th June, 2015, we issued Notice to the Respondents on this Misc. Application.

Today, we have heard the Learned counsel appearing for Delhi Pollution Control Committee (DPCC), NCT of Delhi, Police Department, South Delhi Municipal Corporation (SDMC), Delhi Jal Board (DJB) and Central Ground Water Authority (CGWA).

Learned Counsel appearing for Association has filed an Affidavit of Mr. Dinesh Khanna, the President of the said Association stating therein that they would be willing to file fresh Application before the DPCC as well as apply for permission to the different Departments and they would operate only after grant of permissions and would ensure that they do not cause any pollution. It is even stated that they would abide by all the directions that the Tribunal may pass in the interest of justice and environment. The Affidavit is taken on record.

Having heard the Learned counsel appearing for the parties and in the interest of natural justice and to settle this multiple dispute by keeping in mind the principle of sustainable development with due regard to precautionary principle, we pass the following directions:-

At the outset, we may notice that all the proposed directions in principle have been accepted by all the Learned Counsel appearing for the parties. This order in that sense would be treated as consent order.

Directions:

1. The closure or sealing order passed by the DPCC would continue to be in force subject to the directions contained hereinafter.
2. All the Hotels, Guest Houses, restaurants in that area agree that they would voluntarily close their activities and would not operationalise any Unit or part thereof till they satisfy the conditions and directions stated hereinafter.
3. We direct the SDM, Police Authorities, DPCC to ensure that none of these Units would operate commercially till the time they are granted consent to operate by the DPCC in accordance with law and more particularly subject to the compliance of the directions contained in this order.
4. All the Hotels without exception shall move a fresh application for consent to operate within two weeks from today or such other period as the Applicant may consider appropriate. Preferably the Applications should be accompanied by all the requisite documents and should be complete in all respects.
5. Within one week from the receipt of the Applications, the DPCC shall inform deficiencies or any other documents that the Applicants are required to file, which should be filed within two weeks thereafter.
6. The Applicants who have already filed Applications for consent to operate may be communicated by the Board within two weeks from today. Any deficiency

or further documents that the Applicants are required to file, if such communication is received which shall be the obligation of the Applicants to confirm from the office of the DPCC then they shall also comply with by submitting such documents within two weeks thereafter.

7. The applications would be considered and provisional consent to operate granted or refused by the DPCC in accordance with law within two weeks thereafter. In other words, the entire purpose should be completed within six weeks from today.

8. The applicants would be at liberty to move the SDMC, DJB, CGWA and the Police Authorities as the case may be for grant of NOC/Licence. If such applications are moved, we expect the concerned authorities to deal with them expeditiously.

9. We pass a specific direction that the Traffic Police while granting such permission shall ensure that there is no obstruction to free flow of traffic causing air pollution.

10. The consent shall be granted initially for a period of two months by the Board, once it is satisfied that all the anti pollution devices and other requirements have been satisfied, the Board thereafter would collect samples, analyse the same and then issue the final 'consent to operate' which may be operated for a reasonable duration obviously subject to the right of the DPCC to inspect such units at their discretion.

11. It is an admitted case, where all the

applicants had operated for all this time in violation of all environmental laws without licence from the Corporation and permission from the CGWA and DJB, for having caused pollution and having operated illegally in violation of the provisions of the Environment (Protection) Act of 1986 or the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974, we direct that all the applicants shall pay compensation in terms of Section 15 of the National Green Tribunal Act, 2010 as follows:

- (a) The hotels which have 50 or more rooms shall pay Rs. 5 Lakhs.
- (b) The hotels which have 25 or more rooms but less than 50 rooms shall pay Rs. 2 Lakhs.
- (c) The hotels which have 25 or more rooms shall pay Rs. 1 Lakh.

12. The compensation shall be paid to the DPCC for which a separate account will be maintained. This money will be used for restoration and restitution of the environment in Mahipalpur area in Co-operation with NCT, Delhi and SDMC.

13. The DJB shall consider the applications of the applicants for grant of commercial connection as running of a hotel cannot be called any other activity but a commercial activity. We hope that all the authorities would act expeditiously as the units of all the applicants are being directed to be shut down forthwith.

Learned Counsel appearing for the applicants

submit that appeals filed before the Financial Commissioner shall be withdrawn by them immediately. The applicants are at liberty to apply for grant of regular electricity connections. If the electricity connection is already granted and disconnected, the same may be connected for installation of the devices but if any hotel is found to be violating any of the conditions afore-indicated or operating commercially prior to the grant of consent, the DPCC, SDMC and the Corporation shall seal the hotel forthwith and electricity connection of the entire building shall be disconnected.

The hotels which have been sealed, their seal would be opened by the SDMC subject to the compliance of the above conditions.

We further make it clear that each of the applicants shall submit their security bond to the DPCC within one week from today for complying with all these conditions unequivocally and without demur and default. They shall furnish security bond of atleast Rs. 5 Lakh each for a period of one year from today.

With the above terms, Appeal Nos.1 of 2015, Appeal No, 17 of 2015, Appeal No. 20 of 2015, Appeal No. 21 of 2015 and Appeal No. 30 of 2015 stand disposed of without any order as to costs.

M.A. No. 12 of 2015, M.A. No. 13 of 2015, M.A. No. 74 of 2015, M.A. No. 241 of 2015, M.A. No. 410 of 2015 & M.A. No. 602 of 2015 in Appeal No. 01 of 2015

These Misc. Applications do not survive for consideration in view of the fact that the main Appeal itself stand disposed of.

Accordingly, all these Misc. Applications stand disposed of.

.....,CP
(Swatanter Kumar)

.....,JM
(Dalip Singh)

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

.....,EM
(Dr. A.A. Deshpande)

