

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

**M. A. NO. 1312 OF 2015
IN
Original Application No. 443/2015**

Smt. Ganeshi Devi & Ors. Vs. Govt. of NCT of Delhi & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: Applicant (M.A. NO. 1312/2015) : Mr. vivek, Mr. asif Adv.
Applicant in OA. No. 443/2015 : Mr. sachin, adv.
Respondent Nos. 2 to 4 : Mr. D Rajeshwar rao, Mr. charanjeet
singh, Mr. S.I. Anuj Kr., Mr. P.S.
Anand, Adv.
Respondent No. 5 : Mr. vivek, Mr. asif, advs.
Respondent No. 1 : Mr. biraya. Mr. Dinesh, advs.

Date and Remarks	Orders of the Tribunal
Item No. 01 December 17 B	<p style="text-align: center;"><u>M. A. NO. 1312 OF 2015</u></p> <p>Heard. Perused.</p> <p>Issue notice by Registered Post/Acknowledgement due and dasti as well. Service of notice s waived on behalf of the applicant. Notice made returnable on 22.12.2015.</p> <p>Learned Counsel appearing on behalf of the applicant/ respondent No. 5 submits that the law regarding the noise pollution is spelt out in Noise Pollution (Regulation and Control) Rules, 2000 and Schedule to these rules gives the sound standards for residential area as 55 dB day time and 45 dB night time. he further invited our attention to Regulation 7 therein which permits an individual to lodge a complaint with the authority if the noise level exceeds the Ambient Noise Standards by 10 dB (A) or more given in the Schedule for the area in question and for night time violation if it exceeds the given dB limit.</p>

Learned Counsel appearing on behalf of the applicant/Respondent No. 5 submits that the DPCC issued a notice-dated 29.10.2015 vide copy of the notice annexed to the Annexure A2 of the application which reveals the Ambient Noise levels recorded in course of the monitoring at the gym as follows:

Ambiant Noise Level front side of the unit in Leq DB (A)	62.9	Non-operational
Ambiant Noise Level front side of the unit in Leq DB (A)	64.3	Operational along with D.G. Set.
Ambiant Noise Level rear side of the unit in Leq DB (A)	55.8	Non-operational
Ambiant Noise Level front side of the unit in Leq DB (A)	64.0	Operational with D.G. Set.
Noise level at 1.0 m away from the enclosure surface in DB (A)	76.1	D.G. Set Operational

He further explains that this notice has been duly replied and the remedial measures have been taken in order to avoid any breach of law.

Learned Counsel appearing on behalf of the applicant in OA No. 443/2015 submits that he has

often been complaining to various authorities about the loud noise emitting from the gym. According to him, the applicants had no means to measure the sound level in terms of dB and ,therefore, it was described as 'loud'. He submits that despite the injunction order dated 01.12.2015, the applicant Respondent No. 5 has been committing violation of the said order by using amplifier for music system in the gym.

At this stage, we do not wish to enter into an arena where the parties would be at loggerheads. We ,therefore, are inclined upon enforcing the legal mandate that is found in the said Rules. In the interest of environment we direct DPCC to inspect the premises of the gym, record the details about the music system employed there as well as the D.G. Set including the specifications and report to us on the next date about the measures taken to bring down the noise level within permissible limits along with its recommendations to control noise levels.

Specifications of the music system are necessary to understand its maximum output in terms of sound emission. We direct Respondent no. 5 to fully cooperate with the DPCC in revealing the facts concerning the systems used in the gym.

List this matter on 22nd December, 2015.

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

.....,EM
(Ranjan Chatterjee)