



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

E-mail / Speed Post

Date: Nov. 12, 2018

No. B-31013/71/2018-19/UPCD-I / 12567

To,

The Chairman
Delhi Pollution Control Committee
4th & 5th Floor, ISBT Building,
Kashmere Gate, New Delhi -110006

Sub: Direction under section 18 (1) (b) of the "Water (Prevention and Control of Pollution) Act, 1974" and "Air (Prevention and Control of Pollution) Act, 1981" to ensure stoppage of construction projects running without valid Consent of Delhi Pollution Control Committee.

Whereas, as per the provisions of the Section 17 (1) (a) of the provisions of the "Water (Prevention and Control of Pollution) Act, 1974", one of the functions of Delhi Pollution Control Committee (DPCC) is to plan comprehensive programs for prevention, control and abatement of pollution of streams and wells in the State and to secure the execution thereof; and

Whereas, as per the provisions of the section 17 (1) (a) of the "Air (Prevention and Control of Pollution) Act, 1981", one of the functions of Delhi Pollution Control Committee is to plan comprehensive programs for prevention, control and abatement of air pollution and to secure the execution thereof; and

WHEREAS, whole of Union Territory of Delhi has been declared as an Air Pollution Control area under sub-section (I) of section 19 of the "Air (Prevention and Control of Pollution) Act, 1981" vide notification no. GSR 106(E) dated 20.02.1987; and

Whereas, it is mandatory provisions under section 25/26 of the "Water (Prevention and Control of Pollution) Act, 1974" that no person without the previous consent of DPCC shall establish or take any step to establish any industry, operation or process or any treatment and disposal system, an extension or addition thereto, which is likely to research sewage or trade effluent into a stream or well or sewer or on land; and

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Whereas, it is mandatory provisions under section 21/22 of the "Air (Prevention and Control of Pollution) Act, 1981" that no person without the previous consent of DPCC shall establish or operate an industrial plant in an Air Pollution Control area of Union Territory of Delhi; and

Whereas, "Municipal Solid Wastes (Management and Handling) Rules, 2000" were notified by erstwhile Ministry of Environment and Forests and to make these rules more effective and to improve the collection, segregation, recycling treatment and disposal of solid waste in an environmentally sound manner, the Central Government has further revised the rules (March 2016) with an emphasis on roles and accountability of waste generators and various stake holders, and to give thrust to segregation, recovery, reuse, recycle at source, address in detail management of construction and demolition waste; and

Whereas Ministry of Environment Forests and Climate Change (MoEF&CC) has notified "Construction and Demolition Waste Management Rules, 2016" vide GSR 317(E); dated 29th March, 2016 hence forth known as the said rules; and

Whereas, in compliance of Rule 10 sub rule 1(a) of the said rules CPCB has developed and published "Guidelines on Environmental Management of Construction & Demolition (C&D) Wastes" to promote an integrated approach towards reduction of environmental impacts; and

Whereas, in continuation of the said rules CPCB has developed and published "Guidelines of dust mitigation measures in handling construction material and C&D wastes" to address dust arising during handling of construction material and C&D wastes on site and off site; and

Whereas, in exercise of powers vested under section 18 (1) (b) of the "Air (Prevention and Control of Pollution) Act, 1981", CPCB has already directed DPCC on 13.12.2017 to take immediate action on the following

- i) Guidelines and Dust mitigation measures for implementation of the said rules shall be part of consent management; and

- ii) The enclosed template of notice displaying the waste management by contractor/ builder/developer and operators shall be a part of communication issuing consent.
- iii) DPCC shall also direct local authorities granting permission for C&D activities to ensure compliance of the said rules and its guidelines and to ensure that the enclosed template of notice is displayed at construction sites in their jurisdiction.

Whereas, it is recently observed that M/s India Trade Promotion Organization (ITPO), Pragati Maidan, New Delhi is the Project Proponent (PP) for the project namely " Re-development of ITPO Complex at Pragati Maidan , New Delhi" and this project is being accomplished through construction agencies namely M/s NBCC and M/s SPJV (Shapoorji Palloji Qatar WLLJV) . M/s ITPO has violated the following provisions of the Environmental Regulations :

1. Environmental Clearance (EC) is granted to PP by MoEFCC on 28.07.2017. The PP is operating the project at full swing without any Consent (CTE and CTO) from DPCC . Thus, the mandatory conditions of not only EC but also the provisions of the Water (P&C of Pollution) Act, 1974 and Air (P&C of Pollution) Act, 1981 are grossly violated.
2. PP has started construction work much before applying for CTE i.e.wef 18.09.2017. The same is applied on 17.09.2018 i.e. exactly after a year that too without requisite information on commencement of the work.
3. A high level team from Government of Delhi has inspected the site on 26.10.2018 with senior officers of DPCC and Delhi Administration. During inspection, serious violations wrt control of pollution were observed. This has resulted in initiation of strict legal action and penal action by DPCC against the PP including issue of Directions on 29.10.2018 for stoppage of construction under the Water Act, 1974 and Air Act , 1981.
4. Earlier, CPCB has also issued directions to M/s NBCC Ltd. on 08.05.2018 in context to aforesaid project on account of violations of the provisions of C&D Waste Management Rules, 2016. These directions are still in-force .

Whereas , it is likely that there are more such construction projects that are underway without prior / valid Consent of DPCC in the State of Delhi .

Now , therefore, in view of the above and prevailing air quality in Delhi and in exercise of powers conferred to CPCB under section 18 (1) (b) of the "Water (Prevention and Control of Pollution) Act, 1974" and "Air (Prevention and Control of Pollution) Act, 1981", following directions are hereby issued to DPCC for regulation and control of the pollution from the construction projects :

1. DPCC shall ensure that the existing construction projects under their jurisdiction which are underway without prior & valid consent from DPCC under the Water (P&C of Pollution) Act, 1974 and Air (P&C of Pollution), Act, 1981, shall be stopped immediately.
2. DPCC shall ensure that construction projects requiring consent are undertaken only with prior & valid consent from DPCC under the Water (P&C of Pollution) Act, 1974 and Air (P&C of Pollution), Act, 1981.
3. DPCC shall ensure compliance of provisions of the "Construction & Demolition Waste Management Rules, 2016 "and its subsequent amendments, for projects under their jurisdiction.

DPCC shall acknowledge receipt of these directions immediately and shall communicate the action taken report within 30 days of issue of this direction.


(S. P. Singh Parihar) 12/11/18
Chairman



Copy to:

1 The Joint Secretary, CP Division
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan, Jorbagh Road
New Delhi - 110003

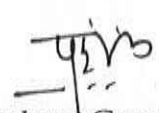
For information please.

2 The Regional Director,
Regional Directorate- North,
Central Pollution Control Board,
PICUP Bhawan, Ground Floor, Vibhuti Khand,
Gomti Nagar, Lucknow - 226010.

With a request to
ensure compliance
please.

✓ 3 The Divisional Head, IT Division , CPCB, Delhi.

For information please.


[Prashant Gargava]
Member Secretary

