



SPEED POST/E-mail

April 08, 2019

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To

The Executive Director (Business Development)
NBCC India Limited
NBCC Bhawan, Lodhi Road
New Delhi - 110 003, India

Sub: Directions under section 5 of "The Environment (Protection) Act, 1986" to Stop Construction & Demolition Activities at Pragati Maidan , New Delhi so as to Ensure Strict Implementation of "The Construction and Demolition Waste Management Rules, 2016".

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

WHEREAS, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government has made Environment (Protection) Amendment Rules, 2018 vide G.S.R. 94(E); dated 25th January, 2018; 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, whereby environmental management of construction and demolition waste and approach towards reduction of environmental impacts were emphasized; 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, the said rules, guidelines and dust mitigation measures available at www.cpcb.nic.in; and

WHEREAS, air pollution in Delhi and NCR is a matter of serious concern especially with regards to high levels of particulate matter exceeding much beyond National Ambient Air Quality Standards, 2009; and

WHEREAS, the matter is also being heard by Hon'ble Supreme Court of India in the matter W. P. (Civil) no. 13029 of 1985 of M. C. Mehta Vs. Union of India, and the Hon'ble Court had issued directions from time to time; and

Page 1 of 5

WHEREAS, in pursuant to the Hon'ble Supreme Court's order dated December 02, 2016 in the matter of M. C. Mehta vs. Union of India regarding air quality in National Capital Region of Delhi, a Graded Response Action Plan was prepared for implementation under different Air Quality Index (AQI) categories namely, Moderate & Poor, Very Poor, Severe and Sever + as per National Air Quality Index, and, that Ministry of Environment, Forests & Climate Change vide its notification dated January 12, 2017 entrusted responsibility of implementation of Graded Response Action Plan to Environment Pollution (Prevention and Control) Authority [EPCA]; and

WHEREAS, Hon'ble National Green Tribunal vide order dated December 18, 2017 and July 27, 2018 in OA No. 44/2018 Vardhman Kaushik Vs Union of India &Ors. finalized four categories in relation to pollution levels in ambient air in Delhi - NCR and specified actions for implementation by enforcement agencies under each category and submission of reports to CPCB; and

WHEREAS, Ministry of Environment, Forests & Climate Change, Government of India, vide Notifications No. S. O. 157(E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Act, 1986 and amendment thereof; and

WHEREAS, construction and demolition activities and disposal of wastes along the roads contribute significantly to ambient particulate matter pollution and therefore, CPCB team was deployed to inspect the project site titled "**Integrated Exhibition cum Convention Center**" at Pragati Maidan, Delhi, on 10th April, 2018, for verification of implementation of "the C&D W M Rules, 2016" and its successive Amendments/Guidelines in Delhi; and

WHEREAS, the observations made by the CPCB teams were in violation of the Environment (Protection) Amendment Rules, 2018 notified vide G.S.R. 94(E); dated 25th January, 2018. Accordingly, CPCB had issued direction vide letter dated 8th May, 2018 under section 5 of "The Environment (Protection) Act, 1986" to the Executive Director (Business Development) , NBCC India Limited , NBCC Bhawan, Lodhi Road, New Delhi , to the following effects :

1. To stop all civil works involving construction and demolition activities at above sites.
2. To implement the rules and guidelines for management of construction and demolition activities and wastes including the following measures:
 - i. Construction material and waste shall be stored only within earmarked area. No waste should be dumped on road side, and wastes already dumped along the roadside and at construction sites shall be lifted and stored at a designated place.
 - ii. Water sprinkling system shall be adopted to suppress dust.
 - iii. Wind-breaker of appropriate height i.e. 1/3rd of the construction height and maximum up to 10 meters shall be provided at site.

- iv. Grinding and cutting of building materials shall be within closed area made by Curtains/Barrier etc.
- v. Dust mitigation measures shall be displayed prominently at the construction site for easy public viewing.

WHEREAS, during 16th – 17th May, 2018, CPCB re-visited the above site to verify the compliance of the directions issued and observations were as follows :

- i. The construction activities at the project site are going on in violation of the directions issued by CPCB on 08.05.2019.
- ii. Uncovered storage of construction materials and C&D waste.
- iii. Inadequate dust control measures resulting in air pollution.

Therefore, NBCC was found to be repeated offender and response in compliance of direction was not received in time.

WHEREAS, a meeting was held under Chairmanship of Chairman, CPCB on August 30, 2018 with executing agencies so as to discuss status of preparedness for controlling air polluting sources during winters in Delhi NCR; and

WHEREAS, Chairman CPCB, in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986 issued directions on September 15, 2018 to Construction Agencies to ensure strict actions for improvement in air quality during winter 2018-19; and

WHEREAS, Chairman, CPCB further reviewed the status of sources of pollution and performance of enforcement agencies on October 11, 2018 and as per reported data of field inspections, open dumping/ burning of garbage and open dumping of C&D waste were reported as prominent activities; and

WHEREAS, in view of the above, Chairman, CPCB issued following specific directions to Construction Agencies / Land Owning Agencies on October 15, 2018:

- a. Ensure no open dumping and burning of wastes on the lands owned or in possession.
- b. Deployment of special teams to ensure no open dumping and burning of wastes on land owned or in possession.
- c. Land owning agencies will be accountable for any open dumping/burning field and will be penalized as per NGT orders.
- d. All construction agencies to adhere to the instructions of NGT with respect to C&D waste.
- e. Any violation noticed may be strictly dealt as per law/NGT orders including closure Directions/ direct prosecution of defaulters; and

WHEREAS, it is also observed that for violations of the stipulated norms and the said construction activities, Delhi Pollution Control Committee (DPCC) had issued direction vide letter dated 29.10.2018 to India Trade Promotion Organization (ITPO), for its project at Pragati Maidan , Delhi as referred above, u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 to the following effects :

- i. That you the addressee shall stop the construction activities of the Integrated Exhibition cum Convention Centre (IECC) at Pragati Maidan , New Delhi with immediate effects till further orders.
- ii. That the Sub Divisional Magistrate shall take necessary action for effective stoppage of the construction work / activities of the above said projects with immediate effects and shall submit the compliance report to this office.
- iii. That the concerned Deputy Commissioner of Police shall take necessary action for effective stoppage of the construction work / activities of the above said projects with immediate effects and shall submit the compliance report to this office.

WHEREAS, on account of continuing violations of the stipulated norms , DPCC had again issued direction vide letter dated 09.11.2018 to ITPO for its project at Pragati Maidan for stoppage of construction works in pursuance of orders of Hon'ble National Green Tribunal orders in O.A. No. 21 of 2014 in the matter of Vardhaman Kaushik Vs Union of India & Others and Sanjay Kulshreshta Vs Union of India & Ors and levied environmental compensation of Rs. 5,00,000/- (Rupees five lacs) only; and

WHEREAS, it is observed that the project site under question is not following the Rules and Guidelines in letter and spirit and causing huge amount of dust emission into surrounding. Therefore, the sites were further visited on 26th February, 2019 by CPCB officers along with NBCC officers to verify the compliance of directions issued by CPCB on 08.05.2018 and implementation of "the C&D W M Rules, 2016" and its subsequent guidelines. Observations during the aforesaid visit are as follows:

1. Excavated soil was found lying uncovered at site thereby causing fugitive emissions.
2. Demolition waste was lying un-attended without any measures.
3. At batch plant, construction material (sand, soil etc.) was found uncovered.
4. Inside roads at site were unpaved and muddy. Large amount of dust was seen as deposited.
5. Wind barriers and curtains to suppress dust were not provided.
6. Overall measures taken by the project authorities were unsatisfactory and thereby leading to air pollution.

WHEREAS, the aforesaid observations clearly indicate violation of the Environment (Protection) Amendment Rules, 2018 notified vide G.S.R. 94(E); dated 25th January, 2018 and also indicate that the Project Proponent is a repeated offender with no regard for stipulated standards;

Now therefore, in view of the above and in exercise of powers vested under section 5 of "The Environment (Protection) Act, 1986", it is directed that :

1. **M/s NBCC shall stop all civil works involving construction and demolition activities at above site until implementation of the rules and guidelines for management of construction and demolition activities and wastes including the following measures:**

- (i) Construction material and waste shall be stored under covering only within earmarked area. No waste, soil should be dumped on road side, and wastes

already dumped along the roadside and at construction sites shall be lifted and stored at a designated place under covering.

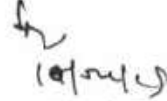
- (ii) Water sprinkling system shall be commissioned at site to suppress dust.
- (iii) Wind barriers / curtains be provided at appropriate places.
- (iv) Roads leading to or at construction site be paved.

2. M/s NBCC shall deposit an Environmental Compensation of Rs. 1,00,00,000/- only (Rupees one crore only) in CPCB Account no.: 532702010009078, IFSC Code: UBIN0553271, UBI, I.P. Extension Branch, Delhi as per Environmental Compensation Policy framed in compliance of NGT order dated 31.08.2018 in O.A. No. 593/2017 within 07 days from the dates of receipt of direction.

3. NBCC shall not restart work without written permission of CPCB.

It is further directed that receipt of these directions be acknowledged within 03 days from the date of issue and **action taken report** be submitted to this office within 07 days.

Any violation of this direction shall attract appropriate action including prosecution under the provisions of Environment (Protection) Act, 1986 / National Green Tribunal Act, 2010.


(S. P. Singh Parihar)
Chairman

Copy to:

1. The Secretary, Ministry of Housing & Urban Affairs, Nirman Bhawan, Maulana Azad Road, New Delhi-110001	:	For information please
2. The Chairman, Environmental Pollution Control Authority Core 6A, 12thFloor, India Habitat Centre, Lodhi Road, New Delhi - 110003	:	For Information please
3. The Joint Secretary CP Division, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi - 110003	:	For Information please
✓ 4. Head, IT Division CPCB, Delhi - 110032	:	For Information please

[Prashant Gargava]
Member Secretary

