



**SPEED POST/E-mail**

June 19, 2019

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To

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

**Sub: Revocation of Directions earlier issued on 08.04.2019 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](http://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

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

WHEREAS, in view of the above and in exercise of powers vested under section 5 of "The Environment (Protection) Act, 1986", M/s NBCC was directed as follows :

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.

WHEREAS, in response to aforesaid directions , M/s NBCC has forwarded the ATR ( Action Taken Report) vide its letter dated 16.04.2019 . A request is also made for revocation of the directions dtd. 08.04.2019 and waiving-off of the Environmental Compensation imposed on them.; and

WHEREAS, an inspection of the site under question was made by CPCB officers in the presence of NBCC officers on 26.04.2019 and it is observed that although progress is made by NBCC in compliance of CPCB direction but still there is a good scope for improvement so as to achieve satisfactory compliance. NBCC had been advised accordingly; and

WHEREAS, subsequently M/S NBCC officers made a visit to CPCB office on 06.06.2019 and apprised about the steps taken so as to comply with the directions issued by CPCB. It is also informed vide their letter dated 04.06.2019 that the Environmental Compensation imposed by CPCB has been deposited and again requested for revocation of the directions dated 08.04.2019; and

WHEREAS, another inspection of the site under question was made by CPCB officers in the presence of NBCC officers on 07.06.2019 and it is observed that substantial progress is made by NBCC in compliance of CPCB direction although a few steps are yet to be taken so as to achieve full compliance. Brief status is as follows :

- i. Construction materials are stored under covering within earmarked area. No waste pertaining to NBCC is dumped on road side. Wastes previously dumped along the roadside and at construction sites have been lifted and stored at a designated place under covering.
- ii. Water sprinkling system have been deployed at site to suppress dust.
- iii. Wind barriers / curtains are now provided at most of the places.
- iv. Roads leading to or at construction site are now compacted; and

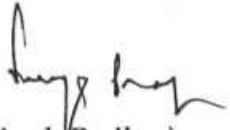
WHEREAS, the case has been examined carefully based on the material facts available and also from view point of the international importance of the aforesaid construction project and targets set by the government for development of infrastructure facilities.

Now, therefore, in exercise of the powers delegated to the Chairman , CPCB u/s 5 of the Environment ( Protection ) Act, 1986, the 'Directions' issued by CPCB on 08.04.2019 to M/s NBCC India Ltd. NBCC Bhawan, Lodhi Road, New Delhi are hereby revoked subject to following conditions :

1. These Revocation Directions are applicable to project of NBCC titled as "Integrated Exhibition cum Convention Centre ( IECC) at Pragati Maidan, New Delhi "
2. There are some stretches where excavated earth is stored for capping purposes. In order to control dust emission from these areas, dust mitigation measures like water sprinkling, wind barriers etc. shall be continuously taken.
3. There are some patches wherein barricading have been removed for facilitating PWD for tunnelling works, be re-erected immediately.
4. There is a lack of coordination between NBCC and PWD resulting in complication in owning the responsibility with regard to effective management of C&D Waste at a few places. All such issues be resolved amicably by way of regular interaction at higher level between NBCC and PWD.

5. During construction phase, strict compliance to provisions of 'C&D Waste Management Rules - 2016' and its subsequent amendments dtd. 25.01.2018 and CPCB Guidelines with regard to dust mitigation measures be ensured by NBCC in letter & spirit.
6. Wind barriers, curtains and water sprinkler system for dust mitigation be maintained as per norms through-out the construction phase.
7. The internal roads at Site shall be paved so as to control dust emissions during movement of trucks and other vehicles.
8. Display Boards regarding arrangements made by the company for management of C&D Waste be maintained throughout the construction activity.

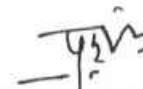
These Revocation Directions shall stand withdrawn automatically without any further notice in the matter in case any violation of the conditions as stipulated in 1 to 7 above, is committed and legal action as per provisions of the Environment (Protection) ACT, 1986 and other laws as applicable shall be initiated.

  
(S. P. Singh/Parihar)  
Chairman  
2/6/19



**Copy to:**

1. The Secretary, : For information please  
Ministry of Housing & Urban Affairs,  
Nirman Bhawan,  
Maulana Azad Road,  
New Delhi-110001
2. The Chairman, : For Information please  
Environmental Pollution Control Authority  
Core 6A, 12th Floor, India Habitat Centre,  
Lodhi Road,  
New Delhi - 110003
3. The Chairman : To ensure compliance  
Delhi Pollution Control Committee please.  
6<sup>th</sup> floor, C wing, Delhi Secretariat,  
I P Estate, Delhi-110002
4. The Joint Secretary : For Information please  
CP Division, Ministry of Environment, Forests &  
Climate Change, Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi - 110003
- ✓ 5. Head, IT Division : For Information please  
CPCB, Delhi - 110032

  
[Prashant Gargava]  
Member Secretary

