

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

Original Application No. 193/2014

Residents Welfare Association Vs. U.O.I & Ors.

CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE PROF.A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present:

Applicant /Appellant	: Mr. Manish Kumar Vikkey, Adv.
Respondent No.1	:Ms. P.B. Singh, Adv.
Respondent No.2	:Mr. Balendu Sekhar, Adv., Mr. Dinesh Jindal, Adv.
Respondent No.3	:Mr. Rajkumar, Adv.
Respondent No.5	:Mr. Balendu Shekhar, Adv., Mr. Sanjay Sharma, Adv.(EDMC)
Respondent No.7	Mr. Amit Verma, Adv.
DDA	:Mr. Rajiv Bansal, Adv. with Mr. Kush Sharma, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 1 February 24 , 2015	<p>As per the earlier order, the learned Advocate Commissioners of this Court having visited the area have filed a detailed report along with various annexures. In the report they have also stated that Mr. Shahbuddin, General Secretary of Old Mini Motor Market Association which is stated to be a registered association has assisted the learned Advocate Commissioners namely Mr. Karan Dev Chopra, Adv. and Mr. Rohit Sharma, during the time of their visit.</p> <p>In the report filed by the Advocate Commissioners, they have stated that at the time of their visit at around 4:45 p.m. they found that there were many places where the residue of the waste tyres having been burnt were seen. The learned Commissioners also stated that such things were also found available in front of Shop No. 28 which was closed at that time. On reading of the entire report, it is clear that the burning of the tyres and plastics and their</p>

waste are found in various places in Gokalpuri. The Commissioners have also stated about various activities conducted by the shops. It is stated that there are 32 large scale shops and another 192 small scale shops in the said area. The General Secretary of the Association, Mr. Shahbuddin is also present in the Tribunal. He also states that he will file a detailed affidavit about all the members of the Association along with their shop numbers in the areas and their activities and give an undertaking that no one of the Members will be involved directly or indirectly in throwing the tyre waste, plastic etc., in front of the shop and shall hand over the same to the Municipal Corporation for proper disposal. He shall also produce necessary documents to show that the association is a registered body.

In these Circumstances, we are of the view that the said association should be impleaded as a party. The Old Mini Motor Market Association represented by its General Secretary Mr. Shahbuddin, Gokalpuri , Delhi is impleaded as the respondent no.7 in this case. The applicant shall file an amended copy of the Memo of Parties. Registry shall take necessary steps in this regard. As stated above the General Secretary who is the 7th respondent shall file the affidavit along with all the particulars required therein, by the next date of hearing.

We direct the Delhi Pollution Control Committee (DPCC) to find out the possibility of recycling or using the waste tyre materials which are being discarded by

the shop owners, either for similar material or for energy production, on the next date of hearing.

We make it clear that we are not preventing anyone from selling and purchasing any of the materials as part of a trading activity subject however to the condition that if the tyre are being sold as waste material, the same has to be sold to the authorised persons who are either using it for recycling or disposing it in the environment friendly manner.

We make it clear that there shall be no denting and painting activity in the said market area carried out by anyone. On the happening of such event, the concerned police shall take immediate action to prevent such happening and take action in the manner known to law for their prosecution. The trading activity which is stated to be carried on in the said area is stated to be related to automobiles, kabadi shops and repair shops. As stated by the learned counsel appearing for the DDA who has allotted the shops we make it clear that except for those activities the shops shall not be used for any other purposes. The DDA as well as police authority and local SDM shall see that the same should be scrupulously followed. The learned Advocate Commissioners have stated that there has been waste materials thrown and dumped on the road and in the space/area between two shops, in area not belonging to any person.

We direct Municipal Corporations to remove all such waste material thrown/dumped forthwith and file a status report on the next date of hearing.

The Municipal Corporation shall keep all the streets in the area clean by removing all the waste materials and shopkeepers are hereby directed not to throw any waste materials including tyre wastes, plastics etc., outside the shops and they shall properly dispose it off through the Municipal Corporations.

The Authority shall also see that the noise pollution is not caused in order to protect the children who are studying in the school situated nearby.

We direct DPCC to note down the noise level and file its status report on the next date of hearing. In respect of the four shop keepers namely (i)M/s Mohd. Sohaib, Shop No. 2 & 3 , DDA Automobile/Junk market, Gokalpur, Delhi, (ii) M/s Mohd. Kallu, Shop No.1, DDA Automobile/Junk market, Gokalpur, Delhi, (iii)M/s Ajay s/o Bhola, adjacent to shop no.1 , DDA Automobile/Junk market, Gokalpur, Delhi, & (iv) M/s Sauauddin, Shop No. 4, DDA Automobile/Junk market, Gokalpur, Delhi, against whom the bailable warrant has been issued the SHO Gokalpur has filed the report regarding the execution of the bailable warrant and also the persons against whom the bailable warrants have been executed are present before the Tribunal. The said four shop owners who are present in the Tribunal stated that they have closed their shops for the past 4 months.

We make it clear that our intention is not against any allottees including the said four shopkeepers and we do not desire to close the shops and prevent them from carrying out the permissible activities of the trading as stipulated by the DDA. We again reiterate

they shall not throw any waste materials outside the shops and the same has to be disposed off only to the Municipal Corporation. The General Secretary, Mr. Shahbuddin of the trade association has accepted to pay the remuneration which would be fixed to the learned Advocate Commissioners, Mr. Karan Dev Chopra, Adv. and Mr. Rohit Sharma, Adv. by this Tribunal. Accordingly, we direct payment of Rs. 10,000/- to each of the Advocate Commissioners which shall be paid by the General Secretary of the Trade Association within 1 week from today.

The learned counsel appearing for the applicant undertakes to submit all the copies of the pleadings to the learned counsel appearing on the other side.

Issue order by dasti.

Stand over to 24th March, 2015.

.....,JM
(Dr.P. Jyothimani)

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

.....,EM
(A.R. Yousuf)

.....,EM
(B.S. Sajwan)