



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment reserved on: 27.07.2023

% **Judgment delivered on: 18.08.2023**

+ W.P.(C) 1280/2020

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

SOUTH MUNICIPAL CORPORATION OF DELHI

& ORS.

..... Respondent

Through: Ms. Beenashaw N. Soni, Standing
Counsel with Ms. Mansi Jain,
Advocates for Respondent/MCD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

SATISH CHANDRA SHARMA, C.J.

1. This Court has taken suo moto cognizance in the matter based upon the letter dated 17^h July 2019 received by the Registry in respect of pollution in Mundka village and other villages arising out of dumping of electronic, plastic and medical garbage as well as discharge from other polluting industrial units.

2. The Complainant through the aforesaid letter highlighted the deteriorating living conditions in Mundka Village due to extreme pollution level. The prevailing problem of pollution is due to issues related to garbage including articles of Electronics, Computer Parts, Pipe, Bathing Tub,



Rubber, Polythene, Medical Garbage etc. The complainant further contends that the business of plastic is rising approximately in all villages (Mundka, Nangloi, Ranhola, Bakkarwala, Neelwal, Tikri, Ghevra, Nijampur, Ranikheda, Madanpur Dabas, Puthkalan (near Sultanpuri) Kamruddin Nagar, Naresh Park, Nangloi etc).

3. This court issued notice in this matter on 07.02.2020 and in compliance of orders passed by this court, the Respondents have submitted Status Reports from time to time before this court.

4. The respondent/ South Delhi Municipal Corporation (SDMC) *vide* status report dated 07.12.2021 submitted before this court that Ranhola Redevelopment Industrial area is the only area under the Jurisdiction of SDMC out of all areas mentioned in the present petition. Rest of the area mentioned comes under the jurisdiction of the North Delhi Municipal Corporation (NDMC). On Inspection and field survey of Ranhola Development area, it transpired that there are a total 41 plastic/PVC units existing in the said area. Out of these 41 units, there are 13 units which have been issued valid Municipal Factory Licenses by the SDMC. Rest of the 28 units do not have pollution certificates from Delhi Pollution Control Committee due to which Municipal license has not been granted to them. It is stated in the status report that in these 41 units, no kind of burning of waste was found. The status report further states that efforts are being made by the respondent SDMC to identify more such units dealing in plastic trade. No plastic/PVC wholesale market is situated in Ranhola area. During inspections of the area on a number of occasions, no activity of mass burning of plastic/PVC was found, except for a few instances, which were stopped and warnings were issued in this regard by Respondent SDMC.



5. It is further submitted by the SDMC that industrial units are regulated and kept in check through Pollution Control norms implemented by Delhi Pollution Control Committee (hereinafter referred as “DPCC”). After obtaining the Pollution Control Certificate, the Unit Operators can apply for Municipal Factory Licenses, Challans are issued by SDMC under section 416 of the Delhi Municipal Corporation Act, 1957 (DMC Act) against the unlicensed units. Further, any pollution making units found in the industrial areas are sealed by DPCC and Environmental Damage Charges (EDC) are imposed on defaulter factories. The status report further reveals that SDMC has sealed 831 illegal industrial units in residential areas of South Delhi which also included pollution spreading units like Autoworks, Injections moulding, dyeing/coloring, Plastic industries etc. SDMC presently, is taking up closure of coloring/dyeing units in the area of Meethapur, Badarpur for which a survey by a Drone was carried out, thus increasing the efficiency of the inspection. Regarding the disposal of plastic garbage, it has been stated that the same is sold by the industry operators to Waste dealers/Kabariwala and the SDMC is keeping a check over it also. Further, Industrial waste disposal system through Effluent Treatment Plant (ETP) are permitted by DPCC to ensure that the waste of chemicals, fumes and water are not released in the atmosphere and the ETP ensures its safe disposal. SDMC issues only Factory Licenses to industrial units subject to fulfillment of pollution norms and further manages garbage collection and Management of Sanitary Landfills.

6. It is further submitted by the Respondent no. 1/SDMC in their status report that remaining areas in question are under the jurisdiction of North Delhi Municipal Corporation and, therefore, they are required to be



impleaded as a party respondent in the present petition. Therefore, this Court *vide* order 08.12.2021 impleaded the North Delhi Municipal Corporation.

7. The Court *vide* order dated 08.12.2021 also directed the North Delhi Municipal Corporation to file a status report regarding the steps taken by the NDMC in the area under their jurisdiction. The Respondent no. 4/North Delhi Municipal Corporation *vide* status report dated 28.03.2022 submitted before this court that areas of Mundka, Kanjhawala, Nangloi, Madanpur, Dabas, Bakarwala, Neelwal, Tikri, Ghevra, Nijampur, Ranikheda, Puthkalan (near Sultanpur), Kamruddin Nagar, Naresh Park are under the Jurisdiction of North Delhi Municipal Corporation. The status report reveals that on inspection and field survey it was found that there are total of 737 factories which are involved in various activities of manufacturing of plastic products, electrical goods, wooden furniture works, hardware, household/kitchen appliances, shoe making and repairing, surgical instruments and equipment, auto parts, printing press, industries relating to engineering works etc. and the factories in industrial areas were found to be running with valid licenses. However, 42 units were found to be operating without licenses and operating in residential areas/ agricultural land. The 42 units operating without grant of any municipal license in non-conforming areas, have been issued closure notice and challans by the NDMC. Out of 42 units, 9 units were found to be involved in trade works related to plastic, like plastic buckets, plastic bags, plastic scrap etc. Out of the said units, one unit was used for manufacturing of plastic bags by hand. Rest of the units were found to be used for storage purposes.

8. NDMC further submitted that further action was taken against the units dealing with plastic, which were found to be indulging in illegal



storage of plastic on agricultural land/residential areas. The stored plastic on the agricultural land was confiscated and removed by the officials of the North Delhi Municipal Corporation. Municipal Corporation regularly monitors and checks industrial/factory units operating in non-conforming areas i.e., Non-industrial areas and residential areas, for closure of illegal factories of all trades. Thus, North Delhi Municipal Corporation has initiated action in the form of challans and closure notices against all the units operating in non-conforming areas. After the issuance of closure notices, many of the units have already been closed down and they have vacated the premises. Further action against rest of the units still operating in non-conforming areas for sealing shall be taken by the Municipal Corporation at the earliest. There are 364 licensed units in Mundka Industrial area; 128 licensed units in Kanjhawala area and 203 licensed units in Nangloi, they are operating after issuance of valid Municipal Factory Licenses. In the industrial units with valid license, no illegal burning of plastic waste was found. The status report filed by the NDMC further states that plastic/PVC wholesale market is situated in village Tikri Kalan, which comes under the jurisdiction of DDA. Industrial units situated in the aforesaid areas, are regulated and kept in check through Pollution Control norms implemented by Delhi Pollution Control Committee. After obtaining the Pollution Control Certificate, the unit operators can apply for Municipal Factory Licenses. Challans are issued by North Delhi Municipal Corporation under section 416 of the Delhi Municipal Corporation Act, 1957 (hereinafter referred as “DMC Act, 1957”) in case of unlicensed units. North Delhi Municipal Corporation issues Factory Licenses to Industrial units only subject to



fulfillment of pollution norms and manages garbage collection and management of sanitary landfills.

9. After the merger of all three Municipal Corporations in Delhi and in compliance of the order of this court dated 13th October 2022, Municipal Corporation of Delhi (hereinafter referred as “MCD”) *vide* consolidated status report dated 11.07.2023 filed before this Court states that the areas of Mundka, Kanjhawala, Nangloi, Madanpur, Dabas, Bakarwala, Neelwal, Tikri, Ghevra, Nijampur, Ranikheda, Poothkalan (near Sultanpur), Kamruddin Nagar, Naresh Park were earlier under the jurisdiction of erstwhile North Delhi Municipal Corporation and now after unification they fall in the Narela Zone of the MCD. On inspection and field survey it was noticed that 737 factories were functional and all the factories in industrial areas were found to be running with valid license. However, 42 units were found to be operating without license. Out of these unlicensed 42 units, 9 units were found to be in trade works related to plastic and 1 unit is found to be used for manufacturing of plastic bags by hand. Rest of the units were found to be used for storage purposes. The status report further reflects that number of challans and closure notices have been issued to unlicensed units. Further action is also being taken against the units which are found to be indulged in illegal storage of plastic on agricultural land/residential areas. The stored plastic on the agricultural land was confiscated and removed by the officials of the MCD.

10. The status report also reflects that the MCD is monitoring and keeping a check on industrial/factory units operating in non-conforming areas i.e., non-industrial areas and residential areas, for closure of illegal factories of all trades. The MCD (then erstwhile North Delhi Municipal



Corporation) had initiated action by issuing challans and closure notices against all the units operating in non-conforming areas. After the issuance of closure notices, many of the units have already closed and have vacated the premises. Further action against rest of the units is in progress in non-conforming areas for sealing and the same shall be done at the earliest. Steps in this regard are being taken. There are 364 licenses units in Mundka Industrial area; 128 licensed units in Kanjhawala area and 203 licensed units in Nangloi. The units are operating after having submitted necessary clearance from DPCC for issuance of valid Municipal Factory license.

11. It has been further stated that Ranhola Re-development industrial area now falls in West Zone of the MCD. On inspection and field survey of Ranhola Development area, it is noticed that there are a total of 41 plastic PVC units existing in the said area. Out of total 41 units, there are total 13 units in respect of which valid Municipal Factory Licenses have been issued. The rest of 28 units do not have pollution certificate from DPCC. In the 41 units no kind of burning of waste was found. No plastic/PVC wholesale market was situated in Ranhola area. During inspection of the area on innumerable occasions, no activity of mass burning of plastic/PVC waste was found except for few instances which were stopped and warnings were issued. Industrial units are regulated and kept under check through pollution control norms implemented by DPCC. After obtaining the Pollution Control Certificate, the unit operators can apply for municipal factory licenses. It has been further stated that prosecution against defaulting units is being initiated by way of challan by official concerned of Municipal Corporation under Section 416 of the DMC Act, 1957. It has been further stated that polluting units found in the industrial areas are sealed by DPCC and EDC is also



imposed on defaulter factories. The corporation presently is taking up closure of coloring/dyeing units in the area of Meethapur, Badarpur for which a survey by a Drone was carried out recently and the closure of such polluting units will take place at an early date.

12. MCD in their status report with regards to the disposal of plastic garbage has submitted that the same is sold by the industry operators to waste dealers/ kabariwala. Further, industrial waste disposal system through ETP are permitted by DPCC to ensure that the chemical waste, fumes and polluted water is not release in the atmosphere and the treatment plant ensures its safe disposal. In the aforesaid industrial areas, where the industrial units are running without valid license, no illegal burning of plastic waste was found. No plastic/PVC wholesale market is situated in the areas under the jurisdiction of erstwhile North DMC, where usually mass burning of plastic/PVC waste is done.

13. These industrial units situated in the aforesaid areas are regulated and kept in check through pollution control norms implemented by DPCC. After obtaining the Pollution Control Certificate, the unit operators can apply for Municipal Factory License, Regular Challans are issued by DMC under Section 416 of the DMC Act, 1957 in case of unlicensed units. The DMC issues Factory Licenses to industrial units only subject to fulfillment of pollution norms and manages garbage collection and management of sanitary landfills.

14. In light of the above stated Status Reports no further orders or directions are required to be passed by this Court. However, it is directed that the MCD shall ensure strict compliance of the statutory provisions under the Environmental laws. The MCD is also directed to conclude the



action initiated by them against the violating units, against the units which are functional in non-industrial areas, against the units which are violating the norms laid down by Delhi Pollution Control Committee within a period of 4 months from today.

15. The MCD shall also ensure that there is no illegal dumping of electrical, plastic and medical garbage in Delhi, contrary to the statutory provisions. The MCD shall take appropriate action against all the defaulting units under Section 416 of the DMC Act and the other authorities shall also take appropriate action in accordance with law against all violating units in Delhi.

16. Accordingly, the petition stands disposed of.

(SATISH CHANDRA SHARMA)
CHIEF JUSTICE

(SANJEEV NARULA)
JUDGE

AUGUST 18, 2023