BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Appeal No. 77/2026

IN THE MATTER OF:

M/s A One Offset Printers ... Appellant

VERSUS

Delhi Pollution Control Committee .... Respondents

NDOH: -14.12.2026

INDEX

S. No.	Contents	Page No.
1	REPLY/ RESPONSE ON BEHALF OF DPCC IN COMPLIANCE WITH THE ORDER DATED 06.07.2026 PASSED BY THIS HON`BLE TRIBUNAL.	
2	**ANNEXURE -1 (Colly):** COPY OF THE INSPECTION REPORT DATED 15.04.2026 ALONG WITH PHOTOGRAPHS	
3	**ANNEXURE -2:** COPY OF OFFICE ORDER DATED 30.03.2022 ISSUED BY DPCC	

Filed by:

Place: New Delhi

Dated: __.10.2026

Delhi Pollution Control Committee

44

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Appeal No. 77/2026

IN THE MATTER OF:

M/s A One Offset Printers ... Appellant

VERSUS

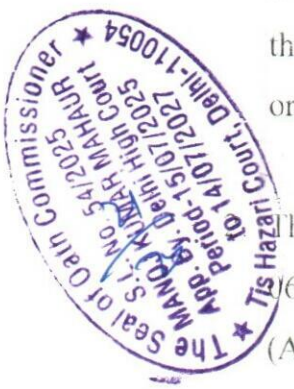
Delhi Pollution Control Committee .... Respondents

REPONSE/ REPLY ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE IN COMPLIANCE WITH THIS HON'BLE TRIBUNAL ORDER DATED 06.07.2026 (RESPONDENT NUMBER 1 & 2).

MOST RESPECTFULLY SHOWETH:

I, Siddhartha Gautam, Senior Environmental Engineer, Delhi Pollution Control Committee, 3rd Floor, Block-B, IT Park, Shastri Park, Delhi-110053, do hereby solemnly affirm and state as under:

1. That, I am working as Senior Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.



That this Hon'ble Tribunal took up the above-mentioned matter on 06.07.2026, on the basis of an appeal filed by M/s A One Offset Printers (Appellant herein) challenging the order dated 16.06.2026 passed by the

answering respondent for imposing the Environmental Damages Charges (EDC) of Rs. 4,75,000/-.

3. That it is most respectfully submitted that impugned order dated 16.06.2026 was passed by answering respondent under the provisions of the Section 33(A) of the Water Act-1974, and under Section 5 of Environment (Protection) Act-1986 read with Hazardous & other Waste Management Rules, 2016.

4. That, following is the factual matrix of the case:

(I) The unit namely M/s A One Offset Printers (appellant herein) has obtained Consent to Operate for the activity of "Printing with Trade Effluent Discharge", which was valid up to 30.07.2033.

(II) The officials of answering respondent on 15.04.2026 carried out inspection of the premises of the appellant herein. During the inspection it was observed: -

a). The unit namely M/s A One Offset Printers was found operational and engaged in activity of printing with trade effluent discharge.

b). ETP was found installed but in defunct condition.

c). Washing & cleaning of printing plate observed at roof.

d). HMW rules are not complied with.

Copy of the inspection report dated 15.04.2026 along with photographs taken during the inspection are enclosed herewith and marked as **ANNEXURE-1 (Colly).**

The Seal of Oath Commissioner S.L. No. 54/2025 MANOJ KUMAR MAHAUR App. By: Delhi High Court Period-15/07/2025 to 14/07/2027 Tis Hazari Court, Delhi-110054

(III) That, answering respondent on 06.05.2026 issued Show Cause Notice for refusal/withdrawal of consent & imposition of Environmental Damage Compensation (EDC) of Rs. 4,75,000/- (Rupees Four lakh and Seventy Fifty Thousand Only) after considering the findings of the inspection dated 15.04.2026, while granting an opportunity to the unit to submit its reply/ representation within 15 days.

(IV) That, the appellant herein submitted its reply before the answering respondent on 19.05.2026. The reply/ representation from the appellant was examined and the answering respondent on 16.06.2026 issued directions for imposition of Rs. 4,75,000/- (Rupees Four lakh and Seventy Fifty Thousand Only). The EDC is for the past violations observed during the inspection of the unit. Unit was being operated even when the ETP was lying in defunct condition and trade effluent was being discharged directly into drains without any treatment of any kind.

5. That the EDC imposed on the unit was as per Standard Schedule for Environmental Compensation (EC) Charges issued by DPCC vide office order dated 30.03.2022. The Copy of office order dated 30.03.2022 issued by DPCC is enclosed herewith as **ANNEXURE-2**.

6. The Environmental Compensation Charges/ Damages Charges is a tool aimed at protecting the environment and mitigating the damage caused by pollution. It operates on the principle of "polluter pays," which means that those who are responsible for polluting the environment should bear the cost of its restoration or compensation for the damage caused. In simple terms, environmental compensation involves imposing monetary penalties on individuals, companies, or entities that pollute the environment or

The Seal of Oath Commissioner
S.L. No. 54/2025
MANOJ KUMAR MAHAUR
App. By. Delhi High Court
Period-15/07/2025
to 14/07/2027
Tis Hazari Court, Delhi-110054

adversely affect human health. These penalties are intended to recover the costs associated with the environmental damage and to deter future violations.

7. In view of the above, the present reply/ response may kindly be taken on record.

DEPONENT

VERIFICATION

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

Verified at New Delhi on this 14 OCT 2026 day of October 2026.

Identify the Deponent who Has signed in my Presence

DEPONENT

Sidhartha Gaur

14 OCT 2026

Oath Commissioner Delhi

The Seal of Oath Commissioner S.L. No. 54/2025 MANOJ KUMAR MAHAUR App. By. Delhi High Court Period-15/07/2025 to 14/07/2027 Tis Hazari Court, Delhi-110054

14 OCT 2026

DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT
(GOVT. OF NCT OF DELHI)
3rd FLOOR, BLOCK-I, DMRC IT PARK BUILDING, SHASTRI PARK, DELHI-53
(visit us at website : http://dpcc.delhigovt.nic.in/)

Inspection Report

1. Name & Address of Unit : M/s. A-ONE OFFSET PRINTERS 5134 Kabi Nagar Industrial Area Delhi-110015
2. Owner/Partner's Name & Contact Details (Phone & E-mail) : Sh. ~~Ashu~~ Amit Batra (9811403005)
3. Date of Inspection : 15/04/2026
4. Name & Designation of the Persons Contacted at the industry : Sh. Sanu Mishra (9560216711)
5. Kind of Industry : Printing with Trade Effluent discharge
6. Product & Capacity :
7. Main Raw Materials : Paper Rolls, Inks, plates
8. Water Polluting : ✓Yes/No ETP Installed : ✓Yes/No
9. Air Pollution : Yes/No ~~ETP~~ Installed : Yes/No
10. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.).....(Above R.L.).....
11. Type of Fuel Used : Electricity
12. A. Source of Water : ✓DJB/NDMC/DSIIDC/Borewell/Tankers/Others
    B. Effluent Discharge : (a) ✓Domestic /✓Trade Effluent
    (b) Unit connected to Conveyance System : ✓Yes/No
    (c) Discharging into...Sewer
13. Status of Consent (If any) : CTO Expired
14. D.G. Set(s) (if any) : No....Capacity.....KVA. Acoustic : Yes/No
15. Plot Area : ~ 4000 sq.m
16. Labour : 30
17. Machinery : Offset Printer - 05
    Cutting Machine - 03
    Binding Machine - 04

File No. DPCC/(10)/(10)/(46)/LEG-26 (Computer No. 363926)
Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

18. Detail of Power Connection		CA No. 600043873308
19. Whether Unit found in Operation	:	Yes/No.
20. Status of Registration under Plastic Waste Management Rules, 2016	:	N.A.
21. Whether Generating Hazardous Waste	:	Yes/No
22. Details about Hazardous Waste	:	
(a) Status of Authorization (if any)	:	As per Record
(b) Display Board Provided	:	Yes/No
(c) Whether Hazardous Waste is stored in Leak proof container	:	Yes/No
(d) Whether container stored kept Specified label	:	Yes/No
(e) Whether container stored kept in an isolated area	:	Yes/No
(f) Whether Hazardous Waste is being stored on pucca floor & in covered area	:	Yes/No
(g) Whether date on which storage began indicated on each container	:	Yes/No
(h) Whether daily record of Hazardous Waste maintained in Form-3	:	Yes/No
(i) Category of Hazardous Waste as: per the Schedules I,II and III of these rules		Rags & ETP Sludge
(j) Authorized mode of disposal or : recycling or utilization of co-processing etc.		No paper storage
(k) Quantity (Ton/Annum)	:	
Remarks (if Any)		

- Unit found in operation & engaged in the activity of Printing with trade effluent discharge.
- ETP found installed but in defunct condition
- Washing & cleaning of printing plate observed at site.
- HWM rules are not complied with.

15/04/2026 JE

15/04/26 AEE

Signatures, Name & Designation of Inspecting officials

Unit refuse seen

File No. DPCC/HW/(10)/(46)/LEG-26 (Computer No. 363926)
Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

Captured with Conota Camera for work



DISPLAY BOARD NO.1

1. ate of information update :
2. AME OF THE COMPANY : DEE KAY PRINTERS
3. ddress : 5/34, Kirti Nagar Industrial Area, Delhi- 110015
4. ontact Person: M.K. Batra — Contact Number: 9312270714
   esignation: Partner
5. tal Capacity/Production : Offset printed material : 1,00,000 sheet/day

Weeks	Date	Raw Materials	Products	Wastes
Previ s Week	From : To			
Curre Week	From : To			

6. duction Flow Chart indicating points of waste (solid liquid & gaseous) generation:

Paper/Sheet

ng Matter Preparation → Offset Printing Machine → Printed Materials → Packing → Dispatch
pply by the party

7. sent under Air and Water Act issued on ..... valid upto..... (Applied for)
) Conditions for Effluent Discharge:
   (i). Quantity of Effluent per day :

Trade Effluent	Non – Trade Effluent
Nil	300 ltrs/day

. Quality of Treated Effluent (specify the relevant pollutant): N.A.
   pH (b) TSS (c) Oil &Grease
) Mode of disposal of Treated Effluent: N.A.
7(b) onditions for Air Emissions: N.A.
   Stack Height (s): N.A. (ii) Capacity of DG . No. D.G. Set

Fuel	DG set	Furnace	Boiler
Type of	el		
Quantity	f fuel	No	
Pollutan			

(i Quality of Air Emission (specify the relevant pollutants for the industry). : Under limit

8. Au rization under Hazardous Waste (Management & Handling) Rules issued on ..... valid upto ..... (applied for)
   8 (a Authorisation granted for HW generation under the conditions:
   (I) Category of waste generated: Ink residue with waste cloth
   (ii Quantity of waste at storage facility: To be stored max. for 90 days or 10 MT
   (iii Waste disposal facility:Storage only (as per direction of DPCC)

DISPLAY BOARD NO.2

1. Effluent Discharge and Treatment.

1(a). DAILY monitoring of ETP : N.A.

Date	Quantity (KL)	Mode of disposal (drain /sewer/land)	Type & Capacity of ETP	Type of treatment in ETP

1(b). Results of latest analysis of Effluent Quality. Values except pH are in mg/ltrs

Prescribed Parameters							
Prescribed Limits							
Input to the ETP with Date							
Output from the ETP with date							

No

Note:Values except for pH are in mg/ltrs.

2. Air Emissions and control.

Date	Capacity of Boiler /Furnace (ltrs or kg per day)	Fuel Consumption (ltrs or kg per day) for D.G. sets	Air Pollution Control System	D.G. sets (KVA)	Stack Height (s) (Mtrs above ground)

Prescribed Parameters							
Prescribed limits							
Latest Monitoring Result of Air Emission with Date							

No

3. Hazardous Waste Generation :

Date	Category of Waste	Quantity of Waste	Mode of Storage	Capacity of Remaining Storage.	Final Disposal	
					Quantity	Destination
	Ink residue with waste cloth	0.25 kg/day	Leak proof container			

Dee Kay Printers
15.04.2026 14:38
28.65251, 77.14825
Block 5, Kirti Nagar Industrial Area, Kirti Nagar, Delhi, 110015

File No. DPCC/(10)/(10)/(46)/LEG-26 (Computer No. 363926)
Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

51


Captured with Conota Camera for work
Dee Kay Printers
15.04.2026 14:41
28.65227, 77.14879
Block 5, Kirti Nagar Industrial Area, Kirti Nagar, New, 110008

52

Captured with Conota Camera for work



Captured with Conota Camera for work



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

54

Captured with Conota Camera for work



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM


55
Captured with Conota Camera for work
Dee Kay Printers
15.04.2026 14:41
28.65228, 77.14876
Block 5, Kirti Nagar Industrial Area, Kirti Nagar, New, 110008

Captured with Conota Camera for work




Captured with Conota Camera for work
Dee Kay Printers
15.04.2026 14:41
28.65228, 77.14876
Block 5, Kirti Nagar Industrial Area, Kirti Nagar, New, 110008

58

Captured with Conota Camera for work



Captured with Conota Camera for work



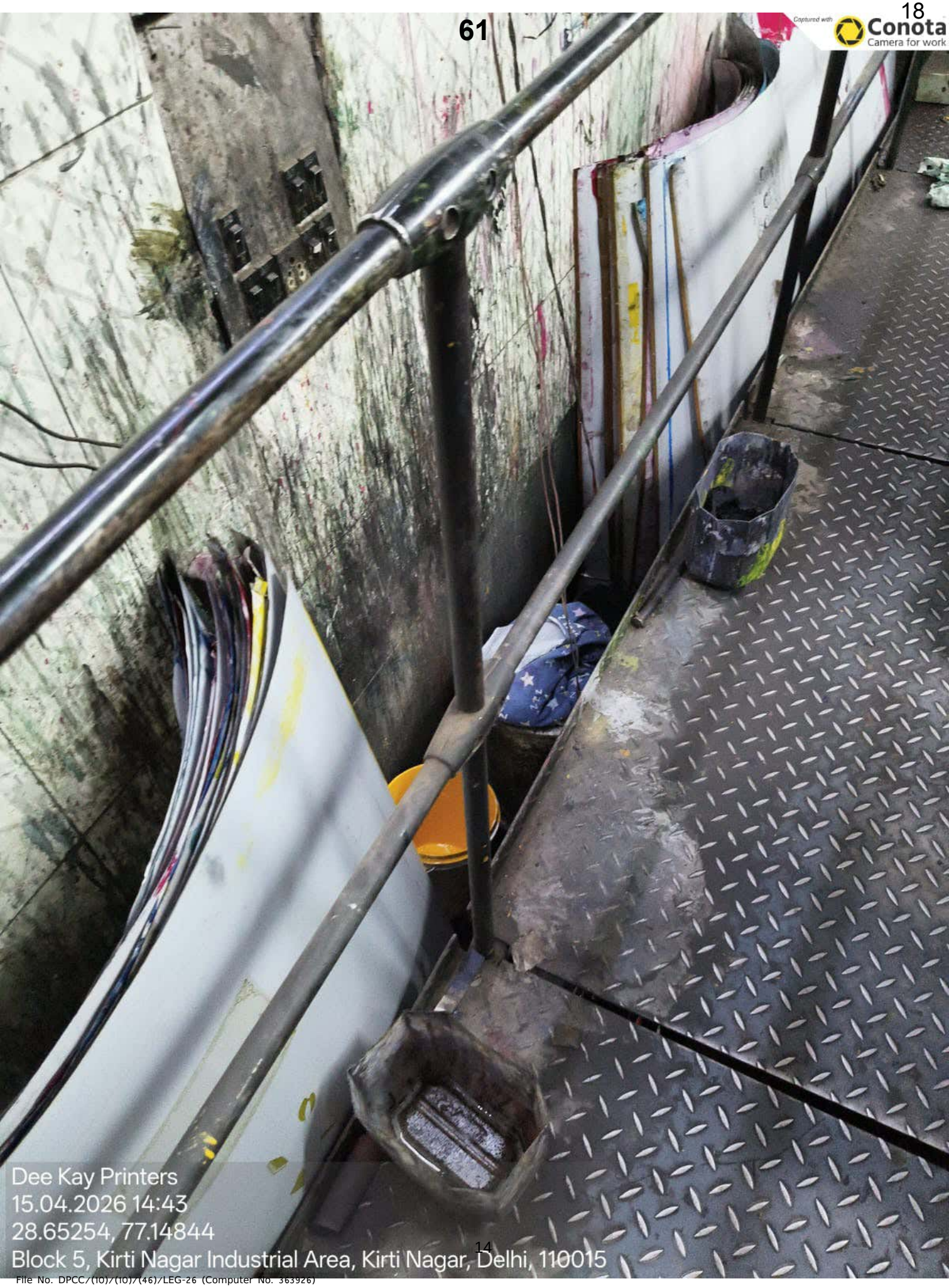
60

Captured with Conota Camera for work



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

61


Captured with Conota Camera for work
Dee Kay Printers
15.04.2026 14:43
28.65254, 77.14844
Block 5, Kirti Nagar Industrial Area, Kirti Nagar, Delhi, 110015

62



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

Captured with Conota Camera for work



64



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM


Captured with Conota Camera for work
Dee Kay Printers
15.04.2026 14:44
28.65234, 77.14844
Block 5, Kirti Nagar Industrial Area, Kirti Nagar, New, 110015

66


Captured with Conota Camera for work
Dee Kay Printers
15.04.2026 14:48
28.65242, 77.14844
928, PRASAD ELECTRONICS & COMMNICATION & LiC, 5/35, Block 5, Kirti Nagar
Industrial Area, Kirti Nagar, New, 110015

67

Captured with Conota Camera for work



Captured with Conota Camera for work



Captured with Conota Camera for work



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

70

Captured with Conota Camera for work



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

Captured with Conota Camera for work



72


Captured with Conota Camera for work
Dee Kay Printers
15.04.2026 14:49
28.65218, 77.14870
Kirti Nagar Slum, Block 5, Kirti Nagar Industrial Area, Kirti Nagar, New, 110008

73



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

74



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

Captured with Conota Camera for work

75



Generated from eOffice by DINESH JINDAL, LO(Legal Cell), LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 14/10/2026 01:49 PM

Captured with Conota Camera for work



77


Captured with Conota Camera for work
Dee Kay Printers
15.04.2026 14:41
28.65227, 77.14878
Block 5, Kirti Nagar Industrial Area, Kirti Nagar, New, 110008

78

DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006
visit us at : http://dpcc.delhigovt.nic.in

F. No. DPCC/RDPC/EC/2022/3522-3530 Dated: 30/3/22

OFFICE ORDER

Sub: Report of the Committee constituted for deciding methodology for assessing Environmental Compensation to be levied on defaulter units.

A Committee was constituted for deciding methodology for assessment and quantum of Environmental Compensation to be levied on defaulter units based on the degree of violation(s).

Approval has been accorded by the Chairman, DPCC, to the report of the said Committee which is enclosed herewith for compliance by all the concerned. The EC policy/ methodology shall be come into force with effect from 1st April 2022.

This is being issued as approved by the Competent Authority, DPCC.

(B. L. Chawla)
SEE, RDPC

Encl: As above

Copy to:

1. The Pr. Secretary (Env)-cum- Chairman, DPCC
2. The Member Secretary, DPCC
3. The Director (Env). Govt. of NCT of Delhi
4. All Engineers of DPCC
5. Incharge, Air and Water Laboratory, DPCC
6. Law Officer, DPCC
7. Administrative Officers, DPCC
8. Incharge, IT Cell- for uploading on website of DPCC
9. Master File, RDPC

DELHI POLLUTION CONTROL COMMITTEE

Report of the Committee constituted for deciding the methodology for assessing Environmental Compensation (EC) to be levied for various violations.

CPCB had forwarded a Record Note of Discussion on 'Environment Compensation to be levied on Industrial Units' in 63rd Conference of Chairmen and Member Secretaries of Pollution Control Boards and Committees held on 18.03.2019. In the said conference, it was decided that "SPCBs/PCCs may frame their own Guidelines on Environment Compensation based on CPCB's Report". Accordingly, the methodology regarding 'Environment Compensation to be levied on Industrial Units' as recommended by CPCB was taken as the basis for framing the guidelines of DPCC and policy was framed on 21.05.2019.

Delhi Pollution Control Committee has been imposing Environmental Compensation (EC) towards damages caused by the industrial units as a deterrent, in compliance of orders issued by the Hon'ble National Green Tribunal as well as other Hon`ble Courts.

A Committee under the Chairmanship of Member Secretary with following members was constituted vide office order dated 13.10.2020 to finalize formula/devise mechanism for levying EC in other sectors and reviewing of existing policy

- Sh. Pankaj Kapil, SEE,
- Dr. BMS Reddy, SEE,
- Sh. B L Chawla, SEE,
- Dr. Anwar Ali Khan, SEE,
- Sh. Dinesh Jindal, LO

The Guidelines of CPCB for calculating Environmental Compensation, has been taken as the basis for deciding the Environmental Compensation to be levied for different activities in Delhi. Directions of Hon'ble NGT in different matters have also been taken into consideration while framing/arriving at the methodology and quantum of EC for various types of violations.

The Committee was of the view that while devising the methodology/criteria to arrive at appropriate EC that many ancillary activities may be the subset of any other major activity having multiple cause of the action for imposition of EC. In such cases the EC will be guided by the activity which is an umbrella activity for the related ancillary activity.

To be more precise, in case EC is being imposed on major activity then the cognizance of ancillary activities which are the subset of the major activity shall not be taken and there shall not be any provision to sum up the cumulative EC and it will be imposed on major activity as a single incident of violation under Air & Water Act.

This policy will supersede the policy on the subject dated 19.05.2019 and the subsequent decisions taken on the concerned subject files. Nothing herein contained shall be deemed to effect any right and liability or legal relation constituted before this office order comes into force.

Standard Operating Procedure for imposing Environmental Compensation is enclosed as **Annexure-1**.

Keeping in view of the above deliberations, the Committee recommended the Environmental Compensation for the following sectors as under:

Sector	Activity/ violation
Sector-1	Industry
Sector-2	Plastic Waste Management Rules, 2016
Sector-3	Restaurants, Eating Houses Sweet Shops, Dhabas and Hotels/Guest Houses [RESDH Sector], Banquet Halls / Resorts/ Party Lawns 5 Star Hotels/ Other Complexes covered/ not covered under the ambit of EIA Notification
Sector-4	Activities causing dust pollution
Sector-5	Healthcare Facilities and CBWTF
Sector-6	Noise Pollution
Sector-7	Illegal Godowns/ Industries in Non conforming areas

SECTOR-1

Industry

After deliberation, the Committee decided that the formula devised for the imposition of Environmental Compensation on all type of industrial activities/units (except activities specific mentioned in this policy) in Delhi is applicable as under:

EC=PI x R x S x LF x N

Where,

EC is Environmental Compensation in Rs.

PI= Pollution Index of Industrial Sector

R= A factor in Rupees for EC

S=Factor for scale of operation

LF=Location Factor

N=Number of days of violation took place

After deliberation, the members of the Committee unanimously recommends the following criteria in the context of Delhi:

a) The average Pollution Index (PI) is a factor based on pollution potential of a unit. As suggested by CPCB, Pollution Index for Green, Orange, Red and Negative/ prohibited category activity may be adopted as 30, 50, 80 and 100 respectively.

b) "R" is a factor in Rupees, 250 as recommended by CPCB.

c) The "S" Factor which is a measure of scale of operation of a unit/ activity/facility may be based on small/medium/large size of operation.

S. No.	Activity	S Factor
1.	Micro/Small Scale	0.5
2.	Medium Scale	1.0
3.	Large Scale	1.5

d) The Location Factor (LF) in NCT of Delhi may be adopted based on combination of 2 distinct factors such as (i) Population of the city (LF_1) and (ii) Location of the activity (LF_2).

$$LF= LF_1 x LF_2$$

Since Delhi Metropolitan area has a population exceeding 10 Million, location factor (LF_1) may be adopted as 2 uniformly for every part of the city.

Another location factor (LF_2) may be adopted based on location as under:

S.No.	Location of the activity	Location Factor (LF_2)
1.	Activity located in notified industrial areas	1.0
2.	Activity located in redevelopment industrial areas/ conforming to the land use	1.25
3.	Activities non conforming to the land use	1.5

e). "N" is number of days for which the violation took place i.e. the period between the day of violation started and the date of compliance of directions. In any case, N shall not be less than 15 days. The cases in which N i.e number of days for which the violation took place is not actually measurable or doubtful, N shall be considered for 30 days.

The above said formula for calculating EC is applicable for the violations related to Air Act & Water Acts, like:

- ETP/ ECS not installed / non operational
- Treated effluent quality/ emission level(s) not meeting the norms.
- Channelization system not installed/ non functional
- Use of fuel other than PNG/LPG/Electricity.
- Not connected with CETP conveyance system / discharging effluent in open drain.
- Operation of DG Set during the period of ban imposed under GRAP/ CAQM.
- Use of banned fuel during GRAP/ CAQM

For the violations mentioned above wrt units located in notified Industrial Areas on the basis of above formula, EC on Micro/ Small Scale industrial units in Delhi for different categories is calculated as below:

- Green Category unit EC= 30 x 250 x 0.5 x 2 x N = Rs. 7500 x N
- Orange Category unit EC= 50 x 250 x 0.5 x 2 x N = Rs. 12500 x N
- Red Category unit EC= 80 x 250 x 0.5 x 2 x N = Rs. 20000 x N
- Negative/Prohibited Category unit EC= 100 x 250 x 0.5 x 2 x N = Rs. 25000 x N

The cases where 'N' is not actually measurable or doubtful, N shall be considered as 30 days, amount of EC for

- Green category - Rs. 2.25 Lakhs
- Orange category - Rs. 3.75 Lakhs
- Red category - Rs. 6 Lakhs
- Prohibited/ Negative Category - Rs.7.50 Lakhs

The units which are engaged in White Category activities and operating without Consent/ Acknowledgement under Air/ Water Act, EC of Rs. 20,000/- will be imposed.

The units which are engaged in Green/ Orange/Red Category activities and operating without Consent under Air/ Water Act, EC amount will be doubled.

Apart from EC amount calculated under violations of Air & Water Acts by the industrial units of any category, EC for the below mentioned violations will also be added :

1. Violations wrt HWM Rules- Rs. One Lakh (LS)
2. Violations wrt PWM Rules- As per EC amount calculated by PWM EC formula
3. Extracting ground water without permission/ Illegal Borewell – Rs. 2 Lakhs

Standard Operating Procedure for imposing Environmental Compensation is enclosed as **Annexure-1**.

SECTOR-2

PLASTIC WASTE MANAGEMENT RULES, 2016

Pursuant to the directions of Hon'ble NGT in the matter of CPCB Vs. State of Andaman & Nicobar & Ors. (EA No. 13/2019 in OA No. 247/2017), CPCB has filed a report along with the EC methodology on 05.01.2021.

As per CPCB, cost incurred on management of one ton of plastic waste is approximately Rs.4000/- per ton. PWM Rules entrusts the responsibility of development and setting up of infrastructure for segregation, collection, storage, transportation, processing and disposal of the plastic waste on the Local bodies as well as the Producers/Brand Owners. The cost is to be incurred on plastic waste management shall be distributed equally (i.e. Rs.2000/- per ton of plastic waste on Local bodies & Rs.2000/- per ton of plastic waste on Producers) for the purpose of assessment of Environmental Compensation.

To act as deterrent, EC of 2.5 times of Cost incurred on management (C) i.e Rs.5000/- per ton of plastic waste shall be levied on PIBOs and Recyclers.

The possible violations as per PWM Notifications & listed out by the CPCB have been considered by the Committee for arriving at a suitable policy looking at the scale of operations in NCT of Delhi.

After discussions with different manufacturers of machines and products and to maintain the uniformity, Committee proposes to consider production from each machine (tubing/extruder) as 0.3 MT/day and the formula as given under will be used for calculating the quantum of EC:

EC wrt PWM Rules = C x P x M x N

Where C = Rs.5000/-

M= Number of Machines (Extruder/ Tubing) installed in the premises of the unit

P= Production per machine/ day.

N = Number of days of violation (will be same as recommended for "Industries" sector).

By using the data as above, one can arrive at EC as below:

EC= 5000 x 0.3 x M x N

= 1500 x M x N

Rule No	Violation	Environmental Compensation
4 (1)	Carry bag made of virgin or recycled plastic not meeting the specified thickness. Plastic sheet or like, which is not an integral part of multilayered packaging and cover made of plastic sheet used for packaging, wrapping the commodity not meeting the specified thickness. Using plastic material for packaging/ sachets for storing, packing or selling gutkha, tobacco and pan masala.	1. Seizure of products produced in violation of the provisions. 2. 1500 x M x N
4(1)	Manufacturer selling raw material to producers not having Registration.	EC=Rs. 1500 x M x N
4(1)	The manufacturers or seller of compostable plastic carry bags operating without certificate from the Central Pollution Control Board / not complying with conditions specified in Certificate issued by CPCB	Intimation of violations to CPCB for taking necessary action.
4(2)	Single Use Plastic prohibited w.e.f. 01.07.2022.	1. Seizure of products manufactured. 2. Closure of operations. 3. EC=1500 x M x N x 2
9(1&2)	PIBOs failure to submit Action Plan for EPR	1. Closure of operations. 2. EC=5000 x N
9.3	Manufacture of multi-layered plastic which is non - recyclable or non - energy recoverable or with no alternate use of plastic.	1. Closure of operation of the unit. 2. Rs. 5000 x N
9.6	Non-maintenance of Record & details of the person engaged in supply of plastic used as raw material to manufacture carry bags or plastic sheet or like or cover made of plastic sheet or multi-layered packaging by Producer.	EC=Rs. 1 lakh (LS)

11	Non-marking/labeling of Plastic carry bags and multi-layered as per PWM Rules.	1. Seizure of products manufactured. 2. EC=1500 x M x N
13	Non-compliance of conditions stipulated in the Registration by PIBOs	Cancellation of Registration. Rs. 1 Lakh (Lump sum)
13	Manufacturer operating without Registration under PWM Rules.	1. Closure of operations. 2. EC=1500 x M x N x 2
13 & point 6.3 of Annexure-II	Importer/ Brand Owner carrying business without Registration through online centralised portal of CPCB.	Closure of operations. EC=Rs. 1 Lakh (Lump sum)
13 & point 6.3 of Annexure-II	Producer/ Plastic Waste processor(s) carrying business without Registration through online centralised portal of CPCB	1. Closure of operations. 2. EC=1500 x M x N x 2
Point 6.4 of Annexure-II	PIBOs, Plastic Waste processor deal with any entity not Registered through online centralised portal of CPCB	1. Producer / Reprocessor - EC=1500 x M x N 2. I & BOs - EC=1 lakh (LS)
13 & Point 7 of Annexure-II	Producer / Brand Owner not meeting set PWM target(s) as per Registration Certificate.	EC= Rs 5000/per ton of PW introduced by the producer or brand owner for which EPR liability has not been fulfilled for the period under consideration.
Point 10 of Annexure-II	Failure by PIBOs to maintain /provide details of packaging material	Rs. 1 Lakh (Lump sum)
Point 10.6 of Annexure-II	Failure by PIBOs to submit Annual Return by 30th June	EC=Rs. 5000/- per day x N
Point 11.2 of Annexure-II	Failure by Plastic waste processor to submit Annual Return by 30th April.	EC=Rs. 5000/- per day x N
Point 11.4 of Annexure-II	Submission of false information by Plastic waste processor.	1. Cancellation of Registration. 2. EC=Rs. 1 Lakh (LS)

SECTOR-3

Restaurants, Eating Houses Sweet Shops, Dhabas and Hotels/ Guest Houses [RESDH Sector] , Banquet Halls / Resorts/ Motels/ Party Lawns, Five Star Hotels & other Complexes.

The Committee recommended that the formula derived for the imposition of Environmental Compensation on Industrial sector will also be applicable on following units as per their category (White/ Green/ Orange/ Red) under Air & Water Act:

1. Restaurants, Eating Houses Sweet Shops, Dhabas and Hotels/ Guest Houses [RESDH Sector]
2. Banquet Halls / Resorts/ Motels/ Party Lawns etc.
3. Five Star Hotels, Commercial /Office Complex which are covered or not covered under EIA notification.

SECTOR-4

ACTIVITIES CAUSING DUST EMISSIONS

a) Building and Construction Projects

b) Ready Mix Concrete Plants

c) C&D Waste Processing Plant

d) Dust Pollution from other sources

a) Building and Construction Projects

Dust emissions are an environmental nuisance both on-site and off-site. Dust during handling of construction fine aggregate/ material like cement, sand and soil, excavation work, unpaved area filled with loose soil release a wide range of particle sizes and material types that can cause serious health problems ranging from eye irritation, nose and mouth to affecting the respiratory system. The larger heavier particles settle out of the air quickly and are hazard to the construction workers (on-site) and to those in the immediate vicinity (off-site). The finer particles (usually invisible) are transported further can cause health hazards (off-site).

SOP/ Guidelines for checking the compliances w.r.t. dust control measures at Building and construction sites as per **Annexure-2** shall be followed.

Hon'ble National Green Tribunal vide its order dated 10.04.2015 in OA No. 21 of 2014 and OA No. 95 of 2014 inter-alia directed that, "*if any person, owner and or builder is found to be violating any of the conditions stated in this order and or for their non-compliance such person, owner, builder shall be liable to pay compensation of* ***Rs. 50,000/- per default*** *in relation to construction activity at its site .....*".

Subsequently in an application filed by Delhi Govt., the NGT vide its order dated 20.07.2016 in M.A. No. 360 of 2016 in OA No. 21 of 2014in the aforesaid matters inter-alia directed that, *"if the offending construction in **plot up to 100sq.mt**. the environmental compensation would be Rs. **10,000/-**, if the offending construction in **more than100 sq. mtr. But up to 200sq.mt**., the environmental compensation would be **Rs. 20,000/-**, if the offending construction is in a plot of **more than 200 sq. mt. but less than 500sq**. mt. the environmental compensation would be **Rs. 30,000/-**, while the offending construction is in a plot area of **more than 500 sq.mt**. the environmental compensation would be **Rs. 50,000/-** as already directed by the orders of the Tribunal. Wherever the constructed area is **more than 20,000 sq. mtr.**the environmental compensation would be **Rs. 5 Lakhs**. This rate will operate prospectively."*

In view of the above, the Committee recommended the EC of Building & Construction activities for each default is as follows. However, the amount will be doubled during 15 October – 31 January looking at deteriorating ambient air quality during this period.

S.No.	Area	Environmental Compensation.
1.	BUA (constructed area)>20,000 Sqm	Rs 5,00,000/-
2.	Plot Area above 500 sqm up-to 20,000 sqm BUA (constructed area)	Rs 50,000/-
3.	Plot Area > 200 sqmup-to 500 sqm	Rs 30,000/-
4.	Plot Area>100 sqm and up-to 200 sqm	Rs20,000/-
5.	Plot Area up-to 100sqm	Rs 10,000/-

b) Ready Mix Concrete Plants

DPCC has issued an office order dated 27.12.2017 outlining the dust control measures to be implemented in RMC plants. EC amount will be arrived as per its category as the RMC plant is placed in Green category. However, the amount will be doubled during 15 October – 31 January looking at deteriorating ambient air quality during this period.

c) C&D Waste Processing Plant

Committee recommends the quantum of EC on C&D Waste Processing Plant(s) similar to the red category units. However, the amount will be doubled during 15 October – 31 January looking at deteriorating ambient air quality.

d) Dust Pollution from other sources

Hon'ble NGT vide its order dated 28.04.2015in OA No. 21 of 2014 and OA No. 95 of 2014 directed that there shall be complete prohibition of burning of any kind of garbage leaves, waste plastic, rubber, self-molding compound and such other materials in the open. It was further directed that for every incident of burning of any such above stated material, the person who is found actually burning such material and/or responsible for or abating such burning would be liable to pay compensation of Rs. 5000/-.

Hon'ble National Green Tribunal vide its above mentioned order dated 10.04.2015 in aforesaid matterinter-alia directed that all the construction material and debris shall be carried in the trucks or other vehicles which are fully covered and protected so as to ensure that the

construction debris or the construction material does not get dispersed into the air or atmosphere, in any form whatsoever and *if any person, owner and or builder is found to be liable to pay environmental Compensation of Rs. 5,000/- for each violation during carriage and transportation of construction material, debris through trucks or other vehicles.*

Keeping in view above, the Committee recommended the following Environmental Compensation:

Type of violation	**Environmental Compensation**
Burning of garbage/ plastic waste/ Burning of biomass/ garden waste	Rs 5,000
Illegal dumping of C & D waste on road sides/ public land/ vacant land/ flood plain of Yamuna covering the area of 100 Sqm or more	Rs 25,000/-
Illegal dumping of C & D waste on road sides/public land/vacant land/ flood plain of Yamuna covering the area of less then100 Sqm.	Rs 5,000/-
Transportation of construction material, debris through trucks or other vehicles without proper covering	Rs 5,000/-
Road dust due to pot holes (EC on land owning agency)	Rs 50,000/-
Illegal dumping of Garbage on road sides/vacant land causing dust pollution	Rs 5,000/-
Shops engaged in storage and sale of building material without adequate cover	Rs 5,000/-

Considering the air quality of Delhi during winter seasons, Committee recommended that the EC amount will be doubled for the violations between 15th October and 31st January.

SECTOR-5
Healthcare Facilities & CBWTF

The CPCB has issued Guidelines for imposition of EC against Health Care Facilities & CBWTF (as per Hon'ble NGT order dated 12.03.2019 in the matter of OA 710 of 2017) for various violations. After considering the ground realties, accordingly, the Committee recommended as under:

Healthcare Facilities

Environmental Compensation for Healthcare Facilities (HCFs):

EC for HCFs = HR x T x S x R x N

Where;

HR – Health Risk factor

T - Type of Healthcare Facility

S – Size of Health Care Facility

R – Environmental Compensation factor

N – Number of days of Violation

HR Health Risk (HR) is a number from 0 to 100 and increasing HR value denotes the increasing degree of health risk due to improper handling of BMW in healthcare facility.

Further, in any case minimum Environmental Compensation in respect to Healthcare Facility shall not be less than Rs.1200/- per day.

The HCF operating without Consent under Air/ Water Act (as applicable), Authorisation under BMW Rules and agreement with CBWTF, EC amount will be doubled.

Common Biomedical Waste Treatment Facility

Environmental Compensation for Common Biomedical Waste Treatment Facility (CBWTF):

Environmental Compensation for CBWTFs = PI x S x R x N

Where;

PI– Pollution Index

S – Size of Operation

R – Environmental Compensation factor

N – Number of days of Violation

Further, in any case, minimum Environmental Compensation in respect to Common Biomedical Waste Treatment Facility shall not be less than Rs. 3,000/- per day.

The CBWTF operating without Consent under Air/ Water Act and Authorisation under BMW Rules, EC amount will be doubled.

SECTOR-6
Noise Pollution

The CPCB has issued Guidelines for imposition of EC for violation of Noise rules (the report of the CPCB dated 12.06.2020 was accepted by the Hon'ble Tribunal in the order dated 11.08.2020 in the matter of OA No. 519 of 2016) for various violations. The report of the CPCB is as follows:

Enlistment of violation of Noise Rules and their respective scale of Environmental Compensation.

Sr. No.	Violation of Noise Rules	Compensation (in Rupees) to be paid by defaulter	
1.	Use of loud speakers/ public address system	Rs. 10,000	
2.	Violation wrt Generator Sets norms		
a)	DG sets more than 1000 KVA	Rs. 1,00,000/-	
b)	DG sets 62.5 to 1000 KVA	Rs. 25,000/-	
c)	DG sets upto 62.5 KVA	Rs. 10,000/-	
3.	Violation of use of sound emitting construction equipment	Rs. 50,000/-	
4.	Bursting of Firecrackers beyond the prescribed time limit prescribed		
4(1)	Violation by Individual/Household	Residential /Commercial /Mixed Zone	Silence Zone
		1,000	3,000
4(2)	Violation during Procession a. Public Rallies b. Barat during marriage c. Religious event	10,000 Fine to be paid by Organizer	20,000 Fine to be paid by Organizer
4(3)	Violation within a fixed Premises: a. Function organized by RWA, b. Marriage Function c. Public Function d. Institution function e. Banquet Hall f. Open ground functions	First violation: Rs. 20,000 Second violation: Rs. 40,000 (Fine to be paid by Organizer and Owner of the place.) More than Two Violation: Rs. 1,00,000 and action under E(P) Act,1986.	

The Committee recommends to adopt the same in toto. However, EC of Rs.50,000/- will be imposed on the premises owner/ occupier of weddings for bursting the fire crackers when there is a ban especially during winter months (15 Oct-31 Jan).

91

SECTOR-7

Non conforming areas

In the areas outside notified industrial/ Redevelopment Areas, Committee recommended that Environmental Compensation amount may be imposed on Lump sum basis is as under:

- Godown/ storage of plastic scrap – Rs. 1 Lakh

- Unit found operating/ sealed by other agency:

White category	-	Rs. 40,000
Green category	-	Rs. 2 Lakhs
Orange category	-	Rs. 5 Lakhs
Red/ Prohibited category	-	Rs. 10 Lakhs

Dr. K.S. Jayachandran
MS, DPCC

Sh. Pankaj Kapil
Sr. Env. Engineer

Dr. BMS Reddy,
Sr. Env. Engineer

Sh. B L Chawla,
Sr. Env. Engineer

Dr. Anwar Ali Khan,
Sr. Env. Engineer

Sh. Dinesh Jindal,
Law Officer

ANNEXURE-1

SOP/GUIDELINES FOR IMPOSING ENVIRONMENTAL COMPENSATION ON VIOLATION FOUND IN VARIOUS SECTORS

1. Show Cause Notice for imposing EC for the 30/60 days (as applicable} shall be issued within 5 working days from the day of inspection/ at the time of inspection by cell incharge.
2. The cases in which N i.e number of days for which the violation took place is not actually measurable or doubtful, N shall be considered for 30 days for the unit applied/obtained for Consent under Air & Water Act.
3. The unit operating without Consent under Air & Water Act or Registration under PWM Rules, EC amount will be doubled i.e. N shall be considered for 60 days.
4. Apart from imposition of Environmental Compensation, SCN/ directions for closure of the unit /activity under the provisions of relevant Acts may also be issued simultaneously.
5. If unit submits compliance report along with supporting documents w.r.t. date of violation started and verified by the concerned Cell Incharge, EC be imposed for the period of N as verified by Cell Incharge. However, N shall not be less than 15 days.

   (Explanation: For calculating total days of violation $N = N_1 + N_2$.

   Where:

   N_1- No of days between date of start of violation and date of inspection of unit.

   N_2- No of days between date of inspection to date of receiving of compliance report in DPCC along with supporting documents.

   Concerned cell incharge shall certify N_1 on the basis of documentary evidences collected during inspections or submitted by the unit along with compliance report in response to SCN for EC issued by DPCC).
6. If unit submits compliance report but fails to establish date of start of violation by the supporting documents submitted by the unit, N i.e. number of days of violations shall be considered as 30/60 days and EC be imposed accordingly.
7. If unit is re-inspected within 3 months after receiving the compliance report and found non-compliant during verification, closure directions shall be issued to the unit and orders for imposing EC shall be issued for the period from date of first inspection to date of issuance of closure directions.
8. If the unit fails to submit compliance report within 21 days of issuance of SCNs, order for closure and order for imposing EC shall be issued for the period from date of first inspection to date of issuance of closure directions.

9. On the request, unit may be allowed to deposit EC amount in installments. Unit shall deposit Pay Order/ Demand Draft of minimum 40% of total EC amount along with 3 equal installments in subsequent months with respect to the remaining amount through Post dated Cheques (PDCs).

10. The closure directions will be kept in abeyance for a period of 30 days to allow the unit to apply/install requisite pollution control system(s)/rectification of deficiencies/testing purposes. No commercial operations shall be permitted during the said 30 day period.

11. Directions for closure shall be revoked after rectification of deficiencies and submission of compliance report with all supporting documents along with deposition of total amount of EC or 40% + PDCs.

12. Consent to Operate to a unit in the same premises will be granted only after deposition of total amount of EC or 40% + PDCs as the case may be.

ANNEXURE-2

SOP/GUIDELINES FOR CARRYING OUT INSPECTIONS REGARDING DUST CONTROL MEASURES AT BUILDING AND CONSTRUCTION SITES

Following Standard operating procedure needs to be followed for inspections of construction sites keeping in view that installation of Anti Smog Guns is mandatory at large construction sites:

i. *Dust/wind breaking walls of appropriate height around the periphery of the construction site.* ***[High Significance]***

(Explanation: In projects requiring Environmental Clearance, Wind-breaker of appropriate height i.e. 1/3rd of the building height and maximum up to 10 meters shall be provided. This is meant for preventing blowing out dust side the boundaries of project which is emanated from construction activities like excavation and construction material handling and other dust causing activities. At any stage of construction the height of wind breaking wall should not be less than 1/3rd of the height of the structure of the building erected and ideally if height of the proposed building is 30 m or more, wind breaking wall of 10 m should be provided at the commissioning of construction activity)

ii. *Whether Anti Smog Gun(s) installed (for >20,000 sqmtbuit up area).* ***[High Significance]***

(**Explanation**: Environmental Clearance is required for Building and Construction Projects having built up area more than 20,000 sqm. Environmental Clearance is applicable in modernisation of existing operational building even if the additional construction is for built up area less than 20000 sqm. if total area after expansion crosses threshold limit of 20000 sqmt. Therefore Anti Smog Gun will be applicable even for such modernisation projects envisaging construction of less than 20,000 sqm, if it involves excavation work for foundation otherwise it will be exempted)

iii. *Tarpaulin or green-net on scaffolding around the area under-construction and the building. [**High Significance** for BUA <20,000 sqm, **Medium Significance** for BUA > 20,000 sqm in view of mandatory provision of ASG]*

(**Explanation**: only those scaffolding needs to be covered which are enveloping the area under finishing /construction)

iv. *All vehicles including carrying construction material and construction debris of any kind should be cleaned and wheels washed before leaving the construction site. [**High Significance**]*

(**Explanation**: Vehicles leaving the sites carries the mud and dust with them if not cleaned before leaving the site. Provision for washing and cleaning of vehicles should be made at exit gates of construction site)

v. *All vehicles carrying construction material and construction debris should be fully covered and protected so as to ensure dust from construction material or debris does not become air-borne in transportation. [**High Significance**]*

vi. *All construction debris and construction material of any kind should be stored on the site and not dumped on public roads or pavements. [**High Significance**]*

vii. *No loose soil or sand or Construction & Demolition Waste or any other construction material that causes dust shall be left uncovered. [**High Significance** for BUA < 20,000 sqm, **Medium Significance** for BUA > 20,000 sqm in view of mandatory provision of ASG]*

(**Explanation**: Cement, sand and other fine aggregates/construction material needs to be covered properly, excavated earth need sprinkling if coverage is not possible due to large surface area, cement should be stored in a ware house ideally)

viii. *No grinding and cutting of building materials in open area. Wet-jet should be used in grinding and stone cutting. [**High Significance** for BUA < 20,000 sqm , **Medium Significance** for BUA > 20,000 sqm in view of mandatory provision of ASG]*

ix. *Unpaved surfaces and areas with loose soil should be adequately sprinkled with water to suppress dust. [**High Significance**]*

x. *Roads leading to or at construction sites must be paved and blacktopped (i.e. metallic roads (for >20,000 sqmt built up area). [**Medium Significance**]*

(**Explanation**: In case the roads are under maintenance or paving is under process, sprinkling and enhanced operation of Anti-Smog Gun should be implemented)

xi. *Construction and demolition waste should be recycled on-site or transported to authorized recycling facility and due record of the same should be maintained. [**Medium Significance**]*

xii. *Every worker working on construction site and involved in loading, unloading and carriage of construction material and construction debris should be provided with dust-mask to prevent inhalation of dust particle. [**Medium Significance**]*

xiii. *Arrangement should be provided for medical help, investigation and treatment to workers involved in the construction of building and carry of construction material and debris relatable to dust emission. [**Medium Significance**]*

xiv. *Dust mitigation measures shall be displayed prominently at the construction site for easy public viewing. [**Low Significance**]*

[High Significance for BUA>20000 sqm: (i),(ii),(iv),(v),(vi)(ix) and if **ASG notinstalled**(iii),(vii),(viii)shall also be of high significance.

High Significance for BUA≤ 20000 Sqm: (i),(ii),(iii),(iv),(v),(vi),(vii),(viii) & (ix)**]**

Imposing Compensation on defaulting Construction Sites:

In case of violation of **High Significance** following action may be taken:

(i) In case project is having built up area more than 20000 sqm and the violation includes non-installation of ASG, directions for stoppage of construction activity without installation of ASG along with notice proposing appropriate Environmental Compensation and to submit point wise compliance of the rectification of deficiencies observed during inspection.

(ii) If violations observed are other than ASG installation, SCN proposing Environmental Compensation and to submit point wise compliance of the rectification of deficiencies observed during inspection.

In case of violation of **Medium/Low Significance**, notice for rectification of violations will be issued giving 10 days time.