

BEFORE THE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 181/2013

Omesh Saigal Vs. Govt. of NCT of Delhi & Ors.

CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER
HON'BLE MR JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR B.S. SAJWAN, EXPERT MEMBER

Present: Applicant /Appellant : Mr. Omesh Saigal Adv. , Mr. Y.N. Vidyarathi, Adv.
Respondent No.2 :Mr. Narender Pal Singh, Adv., Mr. Dinesh Jindal, Adv.
Respondent No.3 :Mr. Dilip Kumar Mishra, Adv along with Mr. Surender Saini, Adv.
Respondent No.4 :Mr. Rajiv Bansal ,Adv, with Mr. Kush Sharma, adv
Delhi Police :Mr.D. Rajeshwar Rao, Adv for traffic police Mr. Charanjeet Singh, Adv with Mr. Shailender S. Chauhan Traffic Inspector.
Respondent No.6 :Mr. Balendu Shekhar, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 1 March 11, 2015	<p>We have heard the applicant appearing party in person as well as the learned counsel for the other respondents at length.</p> <p>The issue relates to the reduction of noise level at the Panchsheel Park located at outer ring road Delhi. On the direction given by NGT the Department of Civil Engineering, IIT, Roorkee has filed a Report dated 30th November, 2014 giving certain recommendations. The recommendations are short term, medium term and long term solutions. This also annexes an earlier report of a Committee for noise pollution and that report also recommends certain measures to be taken.</p> <p>The grievance of the applicant is that in spite of all these recommendations nothing happens and the noise level has not been reduced. He would submit that while accepting the report as a whole he is not in acceptance of long term solutions because according to</p>

him unless and until some immediate measures are taken, it will be impossible to control the noise pollution in the area. On the other hand it is the submission made by the Learned Counsel for NCT, DDA, PWD and other Counsel that steps are being taken for the purpose of having bypass road in order to divert heavy vehicles moving out of Delhi to minimize the noise pollution. However, that would take some time and therefore in the mean time some immediate steps must be directed to be taken. We are of the view that some directions need to be given as under :

1. We leave it to the individual house owners to strengthen and equip the windows facing the road with noise cutting material so as to substantially reduce the noise level inside their house. It will be open to the individual occupiers to develop adequate vegetative barriers along their plot boundaries if the same is feasible.
2. The police as well as the other respondents shall ensure the speed limit of all the vehicles passing in the said residential areas not to exceed 30 kms/hour.
3. The police shall strictly prevent the overloaded vehicles entering the said area, by not permitting them to ply on the road and no person driving the vehicles shall use pressure horns under any circumstance in the said area.
4. The police shall take steps to install speed cameras to monitor speed of the vehicles and immediately challan the violators. Till such steps

for installation of camera are completed, the police shall act scrupulously to prevent over speeding of vehicles.

5. We direct the concerned authority, particularly the PWD to declare the area as a “No Horn” Zone with immediate effect and install necessary boards at conspicuous locations, and file status report in that regard on the next date of hearing. The traffic police shall be responsible for restricting the speed limit as well as the use of horns.

6. While imposing challan on the violators apart from imposing the fine of Rs. 500 permissible by law, the violator shall also be directed to pay additional amount of Rs.1000/- upon invoking ‘Polluters Pay Principle’. We make it clear that police shall follow this direction strictly and report on the number of challans issued and actions taken on the same on the next date of hearing.

7. The authority shall strictly implement the direction that no parking of any vehicle shall be made on the main road as well as service road adjacent to this Panchsheel park.

The above said directions are given as interim measure. The authority concerned shall file the status report on the next date of hearing. We make it clear that on the next date of hearing the Chief Secretary of Delhi Government as well as the officers of the respondents along with the representatives, particularly the elected managing committee

members of the panchsheel park occupiers association/society belonging to various blocks shall remain present in the Tribunal. We make it clear that such representatives of the residents appearing before the Tribunal shall be equipped with sufficient instructions/informations from all the occupiers in the main area. It will be open to the elected managing committee members of panchsheel enclave also to participate on the next date of hearing. We make it clear that on the next date of hearing discussion will be carried out to arrive at a consensus among the parties regarding appropriate solution.

Post this matter on 17.04.2015.

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

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

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