

OFFICE OF THE COMMISSIONER OF INDUSTRIES
GOVERNMENT OF NCT OF DELHI
UDYOG SADAN, 419, FIE, PARTPARGANJ INDUSTRIAL AREA, DELHI

Sub.: “Revised Guidelines” for effective implementation of Order dated 7th May, 2004 of Hon’ble Supreme Court delivered in the matter of closure / shifting of unauthorized industrial activities in Delhi in residential / non-conforming areas

Secretary (Revenue) / Divisional Commissioner held a meeting with Commissioner (Industries), District Deputy Commissioners and officers of Industries Department on 22.11.2010 to discuss streamlining the procedure of sealing/desealing of industries in accordance with the orders of Hon’ble Supreme Court and instructions / guidelines issued from time to time on the subject. However, pending review of guidelines on sealing/desealing of industries, the following decisions were taken:-

(a) To seal industrial units upon receiving orders from the Nodal Cell (Complaints) (set up in the Office of Divisional Commissioner manned by the officers deployed by the Industries Department) and

(b) To carry out temporary desealing to allow owners of sealed units to remove their machinery and raw material on furnishing an affidavit and reseal the unit again.

2. The matter regarding closure / shifting of impermissible industries from residential / non-conforming areas of Delhi, in terms of order dated 7th May, 2004 of Hon’ble Supreme Court, has been reviewed by the Chief Secretary on 8th December, 2010 to streamline the measures which could be taken to effectively close down the polluting and other impermissible industries which have either not closed down or restarted manufacturing activities in the residential / non-conforming areas of Delhi. This meeting was attended by the officers of Municipal Corporation of Delhi, Delhi Development Authority, Departments of Divisional Commissioner (Revenue), Industries and Environment of the Government of NCT of Delhi .

3. The following decisions were taken in the aforementioned meeting:-

- (a) Action on industries operating in non-conforming areas and violating Master Plan will be taken under the Delhi Development Act, 1957 by Delhi Development Authority in development areas and Municipal Corporation of Delhi in other areas.
- (b) Municipal Corporation of Delhi will also take action as per the provisions of the Delhi Municipal Corporation Act, 1957.
- (c) The Delhi Pollution Control Committee will take action against the polluting industries as per the provisions of environmental laws.
- (d) To identify the non-conforming industries / areas the provisions of Master Plan for Delhi – 2021 will be followed.
- (e) Commissioner of Industries will submit a report to the Hon’ble Supreme Court detailing the decisions taken in this meeting and seeking directions, if any, from the Hon’ble Apex Court on future course of action after consulting the Law Department.

4. In view of the aforementioned decisions, following guidelines should be followed for effective implementation of order dated 7th May, 2004 of Hon'ble Supreme Court delivered in the matter of closure / shifting of unauthorized industrial activities in Delhi in residential / non-conforming areas and the polluting industries in Delhi:

(1) Closure / Sealing of industrial units:-

- (a) Closure / Sealing of impermissible industries will henceforth be carried out by the Municipal Corporation of Delhi and the Delhi Development Authority in respect of their areas of jurisdiction under the relevant provisions of the Delhi Development Act, 1957 and the Delhi Municipal Corporation Act, 1957.
- (b) Closure / Sealing of polluting industries will henceforth be carried out by the Delhi Pollution Control Committee under the Environment Laws.
- (c) All cases already recommended for closure / sealing by the Nodal Cell where no action has been initiated shall be transferred to the concerned agency i.e. Municipal Corporation of Delhi or Delhi Development Authority or Delhi Pollution Control Committee, as the case may be, by the office of the Divisional Commissioner (Revenue).
- (d) All the complaints lying pending with the Nodal Cell shall be forwarded to the concerned agency i.e. Municipal Corporation of Delhi or Delhi Development Authority or Delhi Pollution Control Committee, as the case may be, for necessary action in terms of the order dated 7th May, 2004 of Hon'ble Supreme Court.
- (e) All the agencies shall send weekly report in prescribed proforma to the office of the Commissioner of Industries.
- (f) Based on the inputs from the aforementioned agencies, the Industries Department shall file periodic reports before the Hon'ble Supreme Court.

(2) Desealing of sealed industrial units:

Vide Order dated 7th May, 2004, Hon'ble Supreme Court observed that the seal shall be removed and water and electricity connection restored only after filing of an undertaking by the industrial unit not to recommence any sort of industrial activity before an officer nominated for the purpose by the Delhi State.

The following guidelines may be followed for desealing of sealed industrial units:-

- (a) Desealing of already sealed industrial units shall continue to be carried out by the respective Deputy Commissioner (Revenue) on filing of the prescribed undertaking before him by the industrial unit not to recommence any sort of industrial activity in the sealed premises.
- (b) Desealing of industrial units sealed by the Municipal Corporation of Delhi or Delhi Development Authority or Delhi Pollution Control Committee shall be carried out by the respective agency which has sealed the unit / premises.

(3) Handling of Court Cases:

It has been observed that some of the industrial units, aggrieved by the decision of sealing of the unit/premises, have filed petitions before various Hon'ble Courts. Following guidelines may be followed to deal with such cases:-

- (a) All existing cases shall continue to be defended by the office of the Divisional Commissioner (Revenue) or Industries Department or the Delhi Pollution Control Committee where these departments / agency is / are respondent(s).
- (b) All Court cases in respect of industrial units sealed by the Municipal Corporation of Delhi or Delhi Development Authority or Delhi Pollution Control Committee shall be defended by the respective department/ agency where the department /agency is a respondent.

(4) Handling of RTI cases:-

- (a) RTI applications in respect of cases where action has been initiated by Industries Department or the Office of the Divisional Commissioner or the Delhi Pollution Control Committee shall be dealt with by the respective department / agency.
- (b) RTI applications in respect of fresh cases / industrial units which have been sealed by Municipal Corporation of Delhi or Delhi Development Authority or Delhi Pollution Control Committee shall be dealt with by the respective department / agency.

Sd/-

(Chetan B. Sanghi)

Secretary-cum-Commissioner (Industries)

DSIIDC/CMD/PS/2011/1848-1858

Dated: 10th January, 2011

Copy forwarded for information and necessary action to:

- (1) Principal Secretary to Chief Minister, Government of NCT of Delhi, Delhi Secretariat, I.P. Estate, New Delhi.
- (2) Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, New Delhi
- (3) Commissioner, Municipal Corporation of Delhi, Town Hall, Delhi
- (4) Divisional Commissioner, Government of NCT of Delhi, 5 Sham Nath Marg, Delhi.
- (5) Secretary (Environment)-cum-Chairman, Delhi Pollution Control Committee, Government of NCT of Delhi, Delhi Secretariat, 6th Level, C-Wing, I.P. Estate, New Delhi.
- (6) Secretary to Minister (Industries), Government of NCT of Delhi, Delhi Secretariat, 8th Level, A-Wing, I.P. Estate, New Delhi.
- (7) All Deputy Commissioners (Revenue), Delhi.
- (8) Additional Commissioner of Industries (Policy), O/O the Commissioner of Industries, Government of NCT of Delhi, Udyog Sadan, 419, FIE, Patparganj Industrial Area, Delhi
- (9) Staff Officer to Chief Secretary, Government of NCT of Delhi, Delhi Secretariat, 5th Level, I.P. Estate, New Delhi.
- (10) Staff Officer to Commissioner of Police, Police Headquarters, I.P. Estate, New Delhi.
- (11) All Additional Commissioners / Joint Commissioners / Dy. Commissioners, Industries Department.

C. Arvind

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Joint Commissioner (Industries)