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

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W.P.(C) 7780/2010 & CM APPL 20160/2010

SUPER CASTING & ANR

..... Petitioners

Through Mr. T.S. Ahuja with Mr. Satish Kumar,
Advocate

versus

DELHI POLLUTION CONTROL COMMITTEE

& ANR

..... Respondents

Through Mr. Sanjeev Ralli with Mr. Sandeep Anand,
Advocate for R-1.

Mr. Anjum Javed with Mr. Ali Afsal, Advocate for R-2

With

71

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W.P.(C) 7781/2010 & CM APPL 20161/2010

SUPER ENTERPRISES

..... Petitioner

Through Mr. T.S. Ahuja with Mr. Satish Kumar,
Advocate

versus

DELHI POLLUTION CONTROL COMMITTEE

& ANR

..... Respondents

Through Mr. Sanjeev Ralli with Mr. Sandeep Anand,
Advocate for R-1.

Mr. Anjum Javed with Mr. Ali Afsal, Advocate for R-2

With

72

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W.P.(C) 7782/2010 & CM APPL 20162/2010

M/S. NAV BHARAT CASTING

..... Petitioner

Through Mr. T.S. Ahuja with Mr. Satish Kumar,
Advocate

versus

DELHI POLLUTION CONTROL COMMITTEE

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared
the digital data is as per the physical
file and no page is missing.

W.P.(C) 7780/2010 & batch

& ANR

..... Respondents

Through Mr. Sanjeev Ralli with Mr. Sandeep Anand,
Advocate for R-1.

Mr. Anjum Javed with Mr. Ali Afsal, Advocate for R-2

With

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W.P.(C) 7783/2010 & CM APPL 20163/2010

M/S. BHARAT CASTING

..... Petitioner

Through Mr. T.S. Ahuja with Mr. Satish Kumar,
Advocate

versus

DELHI POLLUTION CONTROL COMMITTEE

& ANR

..... Respondents

Through Mr. Sanjeev Ralli with Mr. Sandeep Anand,
Advocate for R-1.

Mr. Anjum Javed with Mr. Ali Afsal, Advocate for R-2

With

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W.P.(C) 7784/2010 & CM APPL 20164/2010

M/S. SANJAY FOUNDRY

..... Petitioner

Through Mr. T.S. Ahuja with Mr. Satish Kumar,
Advocate

versus

DELHI POLLUTION CONTROL COMMITTEE

& ANR

..... Respondents

Through Mr. Sanjeev Ralli with Mr. Sandeep Anand,
Advocate for R-1.

Mr. Anjum Javed with Mr. Ali Afsal, Advocate for R-2

With

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+

W.P.(C) 7785/2010 & CM APPL 20165/2010

M/S. ASHA FOUNDRY

..... Petitioner

Through Mr. T.S. Ahuja with Mr. Satish Kumar,
Advocate

versus

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DELHI POLLUTION CONTROL COMMITTEE

& ANR

..... Respondents

Through Mr. Sanjeev Ralli with Mr. Sandeep Anand,
Advocate for R-1.

Mr. Anjum Javed with Mr. Ali Afsal, Advocate for R-2

With

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W.P.(C) 7786/2010 & CM APPL 20166/2010

M/S. ADARSH ENTERPRISES

..... Petitioner

Through Mr. T.S. Ahuja with Mr. Satish Kumar,
Advocate

versus

DELHI POLLUTION CONTROL COMMITTEE

& ANR

..... Respondents

Through Mr. Sanjeev Ralli with Mr. Sandeep Anand,
Advocate for R-1.

Mr. Anjum Javed with Mr. Ali Afsal, Advocate for R-2

With

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W.P.(C) 7787/2010 & CM APPL 20167/2010

M/S. AMRIT FOUNDRY

..... Petitioner

Through Mr. T.S. Ahuja with Mr. Satish Kumar,
Advocate

versus

DELHI POLLUTION CONTROL COMMITTEE

& ANR

..... Respondents

Through Mr. Sanjeev Ralli with Mr. Sandeep Anand,
Advocate for R-1.

Mr. Anjum Javed with Mr. Ali Afsal, Advocate for R-2

And

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W.P.(C) 7788/2010 & CM APPL 20168/2010

M/S. ASHA FOUNDRY

..... Petitioner

Through Mr. T.S. Ahuja with Mr. Satish Kumar,
Advocate

versus

DELHI POLLUTION CONTROL COMMITTEE
& ANR

..... Respondents

Through Mr. Sanjeev Ralli with Mr. Sandeep Anand,
Advocate for R-1.

Mr. Anjum Javed with Mr. Ali Afsal, Advocate for R-2

CORAM: JUSTICE S. MURALIDHAR

ORDER

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22.11.2010

W.P.(C) 7780/2010 & CM APPL 20160/2010

W.P.(C) 7781/2010 & CM APPL 20161/2010

W.P.(C) 7782/2010 & CM APPL 20162/2010

W.P.(C) 7783/2010 & CM APPL 20163/2010

W.P.(C) 7784/2010 & CM APPL 20164/2010

W.P.(C) 7785/2010 & CM APPL 20165/2010

W.P.(C) 7786/2010 & CM APPL 20166/2010

W.P.(C) 7787/2010 & CM APPL 20167/2010

W.P.(C) 7788/2010 & CM APPL 20168/2010

1. These petitions challenge more or less similar closure orders of the Petitioners' units passed by Delhi Pollution Control Committee ('DPCC') under Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act').

2. According to the DPCC these Petitioners who have been carrying on the activity of foundry for a long time are not complying with the pollution control norms. Further these foundry units are under the prohibited category of activities as per the Master Plan for Delhi 2021. Inspections were carried out but, admittedly, none of the Petitioners was served with a copy of the

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respective inspection report on the basis of which the impugned closure order was passed.

3. In the considered view of this Court, on this short ground, that none of these Petitioners was given a copy of the inspection report, which formed the basis of the impugned direction for closure, the direction for closure cannot be sustained in law and deserves to be set aside. It is ordered accordingly.

4. The next question that arises is of the consequential order that has to be passed. Keeping in light similar orders passed by this Court on 19th October 2010 in Writ Petition (Civil) No. 6975 of 2010 (*White Machines v. DPCC*) and 25th October 2010 in Writ Petition (Civil) No. 7107/2010 (*Anupam Casting and Engineering Works v. DPCC*), this Court considers it appropriate to direct as under:

(i) the DPCC will treat the impugned orders in each of the cases be treated as a show cause notice issued to each of the Petitioners by the DPCC.

(ii) It will be open to the DPCC to undertake an inspection of the Petitioners' premises within ten days from today without any prior intimation to the Petitioners. Any further inspection report will be got signed by each of Petitioners and a copy furnished to each of them and an order will thereafter be passed after giving the Petitioners an opportunity of being heard.

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(iii) In the meanwhile, it will be open to each of Petitioners to file objections to the inspection report, handed over to learned counsel for Petitioners in Court today, within one week.

(iv) Any consequential order that may be passed by the DPCC pursuant to the above directions will be communicated to each of Petitioners within ten days after it is passed.

(v) If aggrieved by such order, it will be open to each of the Petitioners to seek such remedies as provided under the Air Act.

5. It may be recorded at this stage that learned counsel for the Petitioners on instructions stated that none of Petitioners will carry on any activity in their respective foundries till 31st December 2010 or till they receive the order of the DPCC passed in terms of this order, whichever is earlier.

6. The writ petitions are disposed of with the above directions. The pending applications are also disposed of.

7. Order be given dasti.



S.MURALIDHAR, J

NOVEMBER 22, 2010
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