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

+ W.P.(C) 17264/2025 and CM APPL.71057/2025

SURAT SINGH

.....Petitioner

Through: Mr. Ashutosh Rana, Advocate.
versus

GNCTD & ORS.

.....Respondents

Through: Mr. Manashwy Jha, PC for GNCTD.
Mr. Pramod Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **17.11.2025**

1. The present petition has been filed by the petitioner assailing a demand notice dated 29.10.2025 issued by the respondent no.2/Delhi Pollution Control Committee (DPCC), Department of Environment, GNCTD, whereby, an Environmental Damage Compensation (EDC) to the tune of Rs.4,00,000/- has been imposed upon the petitioner. The said order reads as under:-

“Subject: Directions for Confirmation of Environmental Damages Compensation.

Whereas, Central Pollution Control Board has delegated all its powers and functions under the Water(Prevention& Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act,1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, the whole Union Territory of Delhi has been declared as anAir Pollution Control area, undersub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981 vide notification no.GSR 106 (E) dated 20.02.1987.

And whereas, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution)Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrialplant in air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution)Act, 1974, that no person without the



previous consent of the DPCC shall establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, you **M/s Tammanna Garden, Main Bawana Road, Kanjhawala, Near SDM Office, Delhi-110081** (herein after referred as addressee) found operating and engaged in the activity of Banquet/Party Hall.

And whereas, Show Cause Notices was issued to you on 18.02.2022 and reminder for Show Cause Notice was issued on 12.08.2025 for imposing Environmental Damage Compensation of **Rs.4,00,000/- (Rs. Four Lakh Only)**.

And whereas, you (the addressee) have not submitted reply in response to the aforementioned Show Cause Notice.

Now therefore the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon, has decided and keeping in view the 'Polluter Pays' Principle to issue the following directions:-

That you shall be directed to deposit the Environmental Compensation of **Rs.4,00,000/- (Rs. Four Lakh Only)** by way of D.D in favour of Delhi Pollution Control Committee within 15 days of issuance of these directions, failing which penal action shall be initiated against you as per law.

This is being issued as per the approval of Competent Authority, DPCC.”

2. The petitioner is the owner and in absolute possession of a farmhouse under the name and style of M/s Tammanna Garden bearing Khasra No. 28/10, near SDM Office, Kanjhawala, Delhi – 110081, admeasuring 5000 sq. yds.out of which a portion ad-measuring approximately 200 sq. yds is built up and occasionally used for holding functions. It is stated that for the aforementioned purpose, the petitioner has necessary permission from the Municipal Corporation of Delhi.
3. It is the case of the petitioner that the impugned demand notice was issued without affording any opportunity of personal hearing to the petitioner and also without appreciating the relevant factual conspectus.
4. It is also pointed out that aggrieved by the impugned order, the



petitioner also made a representation dated 11.11.2025 to the respondent no.2 seeking for recall of the order as well as for an opportunity of personal hearing. However, to no avail.

5. Mr. Pramod Gupta, learned counsel for respondent no.2/DPCC strenuously controverts the contentions raised by the petitioner. He submits that a proper show cause notice was issued prior to issuance of the demand notice.

6. Be that as it may, considering that the petitioner was not afforded an opportunity of hearing before issuance of the impugned demand notice, it is directed that, subject to the petitioner depositing a sum of Rs.1,50,000/- with the respondent no.2/DPCC within a period of 2 weeks from today (without prejudice to its rights and contentions), the respondent no.2/DPCC shall grant a hearing to the petitioner and pass a fresh order taking into account the contentions of the petitioner including those canvassed by way of the present petition.

7. Till conclusion of the aforesaid exercise, no coercive measures shall be taken against the petitioner.

8. The present petition stands disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

NOVEMBER 17, 2025/at