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

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Judgment delivered on: 22.11.2018

+ CRL.L.P. 170/2018 & CRL. M.A. 47823/2018

DELHI POLLUTION CONTROL COMMITTEE petitioner

versus

VIKASH BANSAL Respondent

+ CRL.REV.P. 883/2017 & CRL. M.A. 47822/2018

VIKASH BANSAL Petitioner

versus

DELHI POLLUTION CONTROL COMMITTEE

.... Respondent

Advocates who appeared in this case:

For the Petitioners :

Mr. Sanjeev Ralli with Mr.Dinesh Jindal, Advs for petitioner in Crl.L.P.170/2018.

Mr.Shri Singh, Mr.Vikas Mishra, Mr.Shashwat Tripathi and Ms.Maneka, Advs for petitioner in Crl.Rev.P.883/2017.

For the Respondent:

Mr. Sanjeev Ralli with Mr.Dinesh Jindal, Advs for respondent in Crl.Rev.P.883/2017.

Mr.Shri Singh, Mr.Vikas Mishra, Mr.Shashwat Tripathi and Ms.Maneka, Advs for respondent in Crl.L.P.170/2018.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

22.11.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Both the petitions impugn order dated 21.11.2017.
2. The Delhi Pollution Control Board has filed the appeal against the impugned order dated 21.11.2017 whereby the Appellate Court has set aside the conviction of the respondent for the offences under Section 24(1)(a), 25 and 26 of the Water Pollution and Control Act, 1974.
3. Petitioner – Vikash Bansal has filed Crl.Rev Petition impugning the order dated 21.11.2017 whereby the Appellate Court has upheld the order of the Trial Court dated 20.04.2017 upholding the conviction for violating Section 24(1)(b) of the Water Act.
4. Petitioner was sentenced to undergo three years Simple Imprisonment by the Trial Court which was further modified by the Appellate Court and reduced to two years SI besides payment of fine of Rs.2 lakhs and to pay Rs.2.5 lakhs to the Prime Minister Relief Fund.
5. Petitioner has undergone incarceration for a period of 9 days. Parties were referred to mediation. Parties have settle their disputes before the Delhi High Court Mediation and Conciliation Centre and Settlement Agreement dated 30.10.2018 has been executed. It is recorded in the settlement agreement that petitioner Vikash Bansal has already deposited Rs.2.5 lakhs with the Prime Minister Relief Fund

and has also deposited a sum of Rs.2 lakhs with the Trial Court. Further he has installed an Effluent Treatment Plant in his premises.

6. The Settlement Agreement *inter alia* records as under:

- a. *The First Party will pay a sum of Rs. 7,50,000/- (Rupees Seven Lacs Fifty Thousand) to DPCC by way of a demand draft/banker's cheque in favor of DPCC.*
- b. *The First Party will not seek withdrawal of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only) deposited by him with the Prime Minister's Relief Fund vide transaction ID No.201711211000020 dated 21.11.2017, and shall be treated as contribution on behalf of the First Party towards the Prime Minister's Relief Fund.*
- c. *The First Party shall furnish an irrevocable bank guarantee for a sum of Rs. 5,00,000/- [Rupees Five Lacs] in the format appended to this Agreement and annexed as Annexure-A which will kept valid/alive for a period of three years from the date issuance of the said bank guarantee. DPCC shall be at liberty to encash the said bank guarantee in terms of the conditions mentioned in the said bank guarantee. Further, upon expiry of three years from the date of issuance, the said bank guarantee shall expire and will not be enforced/encashed by DPCC in any manner whatsoever.*
- d. *The First Party shall also furnish an undertaking by way of affidavit in the format appended to this Agreement as Annexure-B.*

- e. Party shall plant 100 trees as a step for making Delhi City more green and environmentally healthy. These trees shall be planted at the cost of the First Party on such locations as identified by the concerned department of Horticulture or Forests. Govt. of NCT Delhi, as the case may be.”*

7. In terms of the Settlement Agreement, Sh.Vikash Bansal has paid a sum of Rs.7.5 lakhs today in Court vide Demand Draft No.444425 dated 31.10.2018 in favour of Delhi Pollution Control Committee which has been duly accepted by learned counsel appearing for DPCC along with the original bank guarantee and an undertaking by way of affidavit in favour of DPCC.

8. Learned counsel for Mr.Vikash Bansal submits that he has been directed to plant 100 trees on the locations to be provided by the Deputy Conservator of Forests, National Capital Territory of Delhi and he has already moved an application on 15.11.2018 requesting the DFC to specify the locations where the trees have to be planted.

9. It is directed that DFC shall also indicate the nature of trees and the size of the trees to be planted.

10. Mr. Vikash Bansal who is present in Court undertakes that he shall abide by the terms and conditions of the settlement.

11. The undertaking is accepted.

12. In terms of the Settlement Agreement, Sh.Vikash Bansal is to

withdraw a sum of Rs.2 lakhs deposited with the Trial Court.

13. The Trial Court is directed to refund the amount of Rs.2 lakhs along with the interest accrued, if any thereon, to Mr.Vikash Bansal.

14. In view of the above submission, learned counsel for the parties pray that the subject prosecution of the petitioner be quashed.

15. In view of the submission, the subject complaint filed by DPCC and the proceedings emanating therefrom including the impugned order dated 21.11.2017 of the appellate Court as also the order on conviction dated 20.04.2017 of the Trial Court are set aside. Mr.Vikash Bansal is acquitted of all the offences.

16. Petitions are disposed of in the above terms.

17. Order *Dasti* under the signatures of the Court Master.

NOVEMBER 22, 2018
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SANJEEV SACHDEVA, J