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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 13848/2019 & CM APPL. 55618/2019 & CM APPL.**
55619/2019
MANOJ KUMAR

..... Petitioner

Through: Mr.Chinmoy Pradip Sharma &
Mr.Shailesh Kumar Sinha, Advs.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Kush Sharma, Adv. for DPCC.
Ms.Nidhi Nagpal, Ms.Nupur &
Ms.Tara Narula, Advs. for R-1 & R-
2.

+ **W.P.(C) 13900/2019 & CM APPL. 55732/2019 & CM APPL.**
55733/2019
ASHOK KUMAR

..... Petitioner

Through: Mr.Chinmoy Pradip Sharma &
Mr.Shailesh Kumar Sinha, Advs.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr.Kush Sharma, Adv. for DPCC.
Ms.Nidhi Nagpal, Ms.Nupur &
Ms.Tara Narula, Advs. for R-1 & R-
2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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24.12.2019

1. The present Writ Petition(s) under Article 226 of the Constitution of India inter alia challenge the communication dated 29.07.2019, sealing the premises owned by the petitioner(s), in pursuance of the office order No. DPCC/CMC-VI/2019/OA Nos. 56 & 57 of 2013/140 dated 24/07/2019.

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Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

2. At the outset, the learned counsel for the petitioner(s) submits that copy of the communication levying the Environment Damage Compensation(EDC) has not been served on the petitioner(s). The learned counsel for the respondent refuting this allegation, submits that nonetheless, in case the EDC has been imposed, a copy of the communication shall be served on the petitioner(s) within a period of three days.

3. The learned counsel for the petitioner(s) has cited several other orders passed by this Court in similar petitions wherein, on the statement made by the learned counsel representing DPCC, the Court has allowed the petitions with a direction to the respondent, to grant an opportunity of hearing to the petitioner and pass fresh orders. The said petitions have been allowed on the premise that no Show Cause Notice was issued by the DPCC to the petitioner, prior to making a demand, if any, of the EDC by communication impugned in the said petition.

4. The learned counsel for the respondents does not dispute that in the present case as well, no Show Cause Notice has been issued by the DPCC. Therefore, I see no reason to, not follow the precedent of this Court and deny the same relief to the Petitioner.

5. Accordingly, the impugned communication(s) is set aside and it is directed that the present petition(s) shall be treated as a representation to the respondent/DPCC. In case the petitioner(s) so desires, he can file an additional representation within a period of ten days from today. The respondents shall without prejudice to the rights and contentions, pass a fresh order(s) on the said representation. The order(s) so passed, if adverse to the petitioner(s), shall not be implemented for a period for two weeks from the date of intimation of the said order(s) to the petitioner(s). The

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learned counsel for the petitioner(s) further submits that the direction of sealing is illegal. The learned counsel for the respondents while denying the said allegation submits that this aspect shall also be looked into while passing a fresh order(s), when deciding petitioner(s) representation.

6. In view of the above, the petition(s) is allowed in the above terms with no order as to cost.

Dasti, under the signatures of the court master.



NAVIN CHAWLA, J

DECEMBER 24, 2019/rv