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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 13746/2019 & CM Nos. 55367-55368/2019**

**ASHWANI 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, Ms.Shrutika Garg  
& Ms.Nishchaya, Advs. for DPCC.  
Ms.Nupur, Adv. for R-1 & R-2.  
Ms.Anju Thomas, Adv. for BSES.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

% **23.12.2019**

The present Writ Petition under Article 226 of the Constitution of India inter alia challenges the communication dated 29.07.2019, sealing the premises owned by the petitioner, in pursuance of the office order No. F. No. DPCC/CMC-VI/2019/OA Nos. 56 & 57 of 2013/140 dated 24/07/2010.

At the outset, the learned counsel for the petitioner submits that copy of the communication levying the Environmental Damage Compensation has not been served on the petitioner. 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 within a period of three days.

The learned counsel for the petitioner 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 respondent to the petitioner, prior to making a demand, if any, of Environmental Damage Compensation (EDC) by communications impugned in the said petition.

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

Accordingly, the impugned communication is set aside and it is directed that the present petition shall be treated as a representation to the respondent. In case the petitioner so desires, he can file an additional representation within a period of ten days from today. The respondent shall without prejudice to the rights and contentions, pass a fresh order on the said representation. The order so passed, if adverse to the petitioner, shall not be implemented for a period of two weeks from the date of intimation of the said order to the petitioner. The learned counsel for the petitioner further submits that the direction of sealing is illegal. The respondent's while denying the said allegation submits that this aspect shall also be looked into while passing a fresh order, deciding petitioner's representation.

In view of the above, the petition is allowed in the above terms with

no order as to cost.

*Dasti*, under the signatures of the court master.

**SANJEEV NARULA, J**

**DECEMBER 23, 2019/rv**