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

+ W.P.(C) 4011/2019 and CM No. 18165/2019

SH. ASHWANI GARG AND ORS. Petitioners

Through: Mr Sachin Chopra, Mr Kamal Bansal,
Mr Astha Gupta and Mr Daksh Arora,
Advocates.

versus

GOVERNMENT OF NCT OF DELHI
AND ANR.

..... Respondents

Through: Mr Harpreet Singh Popli, Mr Mukul
Girdhar and Mr Anuj Yadav,
Advocates for R-1.
Mr Rahul Mehra, Senior Standing
Counsel for GNCTD with Mr Gautam
Narayan, ASC for GNCTD with Ms
Mahamaya Chatterjee and Ms Shivani
Vij, Advocates.
Mr Sanjeev Ralli, Mr Sumeet
Pushkarna and Mr Devanshu Lahiry,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.04.2019

1. The petitioners have filed the present petition, *inter alia*, impugning an order dated 13.04.2019 and passed under Section 133 of the Code of Criminal Procedure, 1973 read with Section 142 of the aforesaid Code. The petitioners also impugn an order dated 02.04.2019, imposing Environmental Damages Compensation (EDC) on the petitioner. Both the orders impugned in the present petition have been passed on the premise that the petitioners are carrying on polluting activities from the units located at Industrial Plots

bearing No. D2/47, D2/60 and D2/61 located at Maya Puri Industrial Area, Phase-II, New Delhi.

2. The petitioners claim that they are jointly and severally conducting business of old iron scrap under the name and style of 'Ishwar Dass Babinder Kumar Garg' from Industrial Plot bearing No. D2/47; under the name of 'M/s Mahadeva Co.' from Industrial Plot bearing No. D2/60; and 'ID Steels Pvt. Ltd.' from Industrial Plot bearing No. D2/61. It is further stated that the said activity has been carried out in accordance with all laws including the pollution control laws. It is also stated that the petitioners have all the necessary consents under the relevant pollution control laws from DPCC to carry on their activity.

3. Mr Ralli, learned counsel appearing for DPCC, submits that there is large scale of pollution in the area in question and units operated by the petitioner directly or indirectly contribute to such pollution. It is in this context, that the blanket order for imposing EDCs and further directing removal of the industries has been passed.

4. This Court is of the view that such blanket orders are not permissible. If the averments made by the petitioners are correct that they are not carrying on any polluting activity, then plainly the substratal basis on which the impugned order has been passed, would also not hold good.

5. In view of the above, the impugned order is set aside and DPCC is directed to conduct an inspection of the units in question on 14.05.2019.

6. The petitioners shall ensure their full cooperation to the team deputed

by DPCC. Further, the concerned SHO is also directed to render all assistance for conducting of the said inspection if called upon to do so.

7. It is clarified that if on inspection, any evidence of polluting activity is found, DPCC is not precluded from passing any order as it deems fit in accordance with law. Further, DPCC shall take also take immediate steps for sealing the premises.

8. The petition is disposed of in the above terms. The pending application also stands disposed of.

9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

APRIL 26, 2019
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