

\$~26

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

+ **W.P.(C) 6859/2019 & CM No. 28587/2019**

SANDEEP SINGH

..... Petitioner

Through: Mr Pradeep K. Bakshi and Mr
Kushagra Pandit, Advocates.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Sumit Pushkarna with Mr Kush
Sharma, Advocates for R-2/DPCC
with Mr Dinesh Jindal, Law Officer.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

10.07.2019

1. The petitioner has filed the present petition, *inter alia*, impugning the orders dated 12.06.2019 and 18.06.2019 passed by respondent no.3. By the said impugned orders, the petitioner has been directed to close its unit. By the impugned order dated 12.06.2019, the petitioner has been called upon to deposit Environmental Compensation of ₹4 lakhs with the Delhi Pollution Control Committee (DPCC).
2. Admittedly, the petitioner does not have the necessary consents as required under Section 21(1) of the Air (Prevention & Control of Pollution) Act, 1981 and under Section 25 & 26 of the Water (Prevention & Control of Pollution) Act, 1974 and, therefore, is proscribed from operating its unit.
3. Concededly, the controversy involved in the present petition is covered by the decision of this Court in ***Modella Hospitality Private Limited***

v. The Government of NCT of Delhi & Anr.: W.P.(C) 6940/2019 and other connected matters decided on 01.07.2019.

4. Insofar as the environmental compensation is concerned, the petitioner has already complied with the said order. The petitioner now seeks that the impugned orders to the extent that the petitioner is directed to close its unit, be set aside. Plainly, the said relief cannot be granted. It is an admitted case that the petitioner does not have Consent to Operate as required under the relevant enactments and, therefore, no relief can be granted contrary to the express provisions of the said enactments.

5. Mr Bakshi, learned counsel appearing for the petitioner states that the petitioner has already applied to the DPCC for the necessary consent. In this view, DPCC is directed to process the petitioner's application as expeditiously as possible and preferably within a period of four weeks from today.

6. Needless to state that if the petitioner is granted the Consent to Operate, the authorities shall also ensure that the utilities which have been disconnected shall be restored forthwith.

7. The petition is dismissed, albeit with the aforesaid directions. The pending application is disposed of.

VIBHU BAKHRU, J

JULY 10, 2019
MK