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

+ **W.P.(C) 6858/2019**

M/S INDITEX INDIA PVT LTD

..... Petitioner

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

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr Harpreet S. Popli and Mr Anuj
Yadav, Advocate for R-1.
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

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10.07.2019

CM No.28586/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 6858/2019 & CM No. 28585/2019

2. At the outset, it is conceded by the learned counsel appearing for the parties that the issue involved in the present petition is covered by the decision rendered by 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.***

3. Admittedly, the petitioner does not have the Consent to Operate as required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

4. Mr Bakshi, learned counsel appearing for the petitioner earnestly contends that the petitioner has complied with all pollution laws and had obtained the necessary Consent to Operate, which was valid till 10.03.2019. He states that the said consent has not been renewed and therefore, the same has elapsed. He states that the petitioner has already taken steps for obtaining the Consent to Operate and therefore, the petitioner may be permitted to operate its unit.

5. The aforesaid contention is unpersuasive. The petitioner is not permitted to operate the unit without obtaining the necessary consent. Since it is the petitioner's admitted case that the said Consent to Operate has elapsed, no relief can be granted by this Court. The grant of such relief would be contrary to the provisions of the relevant statutes.

6. The respondents will process the petitioner's request for Consent to Operate as expeditiously as possible and in any event, within the time as directed by this Court in the order dated 21.06.2019.

7. It is also directed that if the Delhi Pollution Control Committee finds the petitioner's request in order and issues the Consent to Operate as requested, other concerned authorities shall ensure that the utilities disconnected to the petitioner's unit are restored forthwith. The petition is dismissed with the aforesaid observations.

VIBHU BAKHRU, J

JULY 10, 2019
MK