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

+ **W.P.(C) 6853/2019 and CM APPL. 28569/2019**

M/S DHANASHREE AGRO PRODUCTS PVT.
LTD.

..... Petitioner

Through: Mr Sanjeev Kumar Singh and Mr
Shighra Kumar, Advocates.

versus

CENTRAL POLLUTION CONTROL BOARD Respondent

Through: Mr Tushar Mehta, Solicitor General
of India with Ms Vipra Bhardwaj,
Standing Counsel with Ms Swati
Ghildiyal and Ms Urmila Thakur,
Advocates.

Mr Rajesh Gogna, CGSC with Mr
Kamaldeep, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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05.07.2019

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 17/22.05.2019 passed by the Chairman, Central Pollution Control Board (CPCB) under Section 5 of the Environment (Protection) Act, 1986. In terms of the said order, the petitioner has been directed to close its unit with immediate effect and also deposit a sum of ₹76,80,000/-. The petitioner contends that CPCB has no jurisdiction to levy any compensation under Section 5 of the Environment Protection Act, 1986 and, therefore, the said order is without jurisdiction.

2. Mr Tushar Mehta, learned Solicitor General points out that the said

order is appealable under Section 5A of the Environment (Protection) Act, 1986. In addition, he submits that the compensation has been demanded pursuant to the earlier orders passed by National Green Tribunal.

3. The learned counsel appearing for the petitioner submits that National Green Tribunal could not have invested CPCB with the powers to levy compensation. The said powers are in the nature of legislative powers and should not have been exercised by the National Green Tribunal.

4. Since the petitioner has an equally efficacious remedy, this Court does not consider it apposite to entertain the present petition and the same is disposed of leaving it open for the petitioner to avail of alternative remedies. The pending application is disposed of.

VIBHU BAKHRU, J

JULY 05, 2019
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