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

+ **W.P.(C) 6923/2019 & CM No. 28790/2019**

BPR ELECTRICAL & ORS

..... Petitioners

Through: Mr Gagan Gandhi and Mr Ajay
Chawla, Advocates.

versus

THE GOVERNMENT OF NCT & ORS

..... Respondents

Through: Mr Harpreet S. Popli and Mr Anuj
Yadav, Advocates for R-1.
Mr G. S. Oberoi and Ms Disha
Sachdeva, Advocates for DDA.
Mr Sunil Fernandes, Standing
Counsel for BSES RPL with Ms Anju
Thomas, Advocate for BSES RPL.
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

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

- “i) Issue an Order or Direction in the nature of Writ of Mandamus to the Respondent(s) from taking any coercive action in the nature of sealing by the Sub-Divisional Magistrate (SDM), Delhi Cantt, New Delhi District/disconnection of electricity supply/disconnection of water supply by the Delhi Jal Board against the Petitioner(s);
- ii) Issue further order or direction in nature of Writ of

Mandamus to the Respondent No.4 to re-store the electricity supply to the Petitioner(s) which has been disconnected:

- iii) Issue further order or directions in the nature of Writ of Mandamus to the Respondent No.1 to address the pending application(s) of the Petitioner(s) within time period of eight (8) weeks in order to comply with the Air (Prevention & Control of Pollution) Act, 1981 and the Water (Prevention & Control of Pollution) Act, 1974.”

2. Insofar as the direction to restore electricity is concerned, it is an admitted case that the petitioners’ units do not have the Consent to Operate and yet, the petitioners were operating their units. In this view, the action of the respondents in disconnecting electricity to the said unit cannot be faulted. The said action is in conformity with the provisions of the 33A of the Water (Prevention & Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention & Control of Pollution) Act, 1981.

3. Insofar as the petitioners’ prayer for directions to respondent no. 2 (Delhi Pollution Control Committee - DPCC) to address the pending application of the petitioners and process the same in a time bound manner is concerned, the same is merited. Although the petitioners have sought for directions that the application be processed within a period of eight weeks, the learned counsel for the petitioners states that the same be directed to processed within a period of four weeks in conformity with the orders passed in similar petitions.

4. It is seen that the issue involved in the present petition is also 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.***

5. In view of the above, DPCC is directed to process the petitioners' application for Consent to Operate as expeditiously as possible and preferably, within a period of four weeks from today.
6. The petition is disposed of in the aforesaid terms. The pending application also stands disposed of.

VIBHU BAKHRU, J

JULY 10, 2019
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