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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7167/2019 and CM Nos. 29841/2019, 29842/2019 & 29843/2019**

BAJAJ HINDUSTHAN SUGAR LIMITED Petitioner
Through: Mr Alok Aggarwal, Mr Mayank, Mr
Sanjeev Kumar Singh and Mr Shighra
Kumar, Advocates.
versus

CENTRAL POLLUTION CONTROL BOARD
THROUGH ITS CHAIRMAN Respondent
Through: Mr Tushar Mehta, Solicitor General
of India with Ms Vipra Bhardwaj,
Standing Counsel with Ms Swati
Ghildiyal and Ms Urmila Thakur,
Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
ORDER
% **05.07.2019**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 30.05.2019 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 ₹1,36,50,000/-. 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 for the petitioner submits that National Green Tribunal could not have invested CPCB with powers to levy compensation. The said powers are in the nature of legislative powers and should not have been exercised by the 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 to the petitioner to avail alternative remedies.

5. All pending applications are also disposed of.

VIBHU BAKHRU, J

JULY 05, 2019
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