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

+ **W.P.(C) 10617/2017 and CM APPL. 43497/2017**

MAYAPURI CETP SOCIETY

..... Petitioner

Through: Counsel (appearance not given).

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr Manish Mohan, CGSC and Ms Manisha Saroha, Advocate for R-1/UOI.

Mr Gautam Narayan, ASC for GNCTD with Ms Shivani Vij, Advocate.

Ms Anusuya Salwan, Standing Counsel, DSIIDC with Ms Nikita Salwan and Ms Shreya Sharma, Advocates for R-5/DSIIDC.

AND

+ **W.P.(C) 11068/2017 and CM APPL. 45292/2017**

NARAINA INDUSTRIAL AREA CETP SOCIETY

..... Petitioner

Through: Counsel (appearance not given).

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr Gautam Narayan, ASC for GNCTD with Ms Shivani Vij, Advocate.

Ms Anusuya Salwan, Standing Counsel, DSIIDC with Ms Nikita Salwan and Ms Shreya Sharma, Advocates for R-5/DSIIDC.

AND

+ **W.P.(C) 11549/2017 and CM APPL. 47045/2017**

DSIIDC AND UDYOG NAGAR CETP SOCIETY

..... Petitioner

Through: Counsel (appearance not given).

versus
UNION OF INDIA AND ORS.

..... Respondents

Through: Mr Gautam Narayan, ASC for
GNCTD with Ms Shivani Vij,
Advocate.

Ms Anusuya Salwan, Standing
Counsel, DSIIDC with Ms Nikita
Salwan and Ms Shreya Sharma,
Advocates for R-5/DSIIDC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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21.02.2019

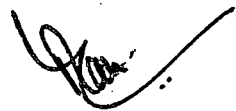
1. The petitioners have filed the present petitions impugning the orders passed by the Appropriate Authority under the provisions of the Delhi Common Effluent Treatment Plants Act, 2000.
2. Mr Gautam Narayan, learned counsel appearing for respondent no.2 (Government of NCT of Delhi – GNCTD) points out that the petitioners have equally efficacious remedy by way of an appeal under Section 13 of the said Act.
3. The learned counsel appearing for the petitioners contests the aforesaid submission by referring to the order dated 04.02.2014 passed by the Supreme Court in various applications filed in Writ Petition (Civil) 4677/1985 captioned *M.C. Mehta v. Union of India & Ors.* A perusal of the order indicates that the Supreme Court had directed the applicants therein to file an appropriate writ petition before the High Court and had further observed that if the said writ petitions were filed within a period of one month from today, the High Court would consider the same without reference to the period of limitation.

4. According to the petitioners, respondent no.2 (GNCTD) ought to have filed a writ petition since it was one of the applicants before the Supreme Court and had sought certain directions. It is submitted that since respondent no.2 had not done so, it is now precluded from issuing orders for recovery of the amount from the petitioners. The said contention is unpersuasive. The orders impugned herein are passed by the Appropriate Authority in exercise of functions under the Delhi Common Effluent Treatment Plants Act, 2000. It was not necessary for respondent no.2 to have preferred any writ petition for seeking recovery of any amount from the writ petitioners in this regard.

5. In view of the above, the petitions are disposed of leaving it open for the petitioners to avail of the alternate remedy under the Delhi Common Effluent Treatment Plants Act, 2000.

6. It is clarified that if such appeal(s) are filed within a period of one week from today, the same would be considered by the appellate authority uninfluenced by the question of delay.

7. The pending applications are also disposed of.



VIBHU BAKHRU, J

FEBRUARY 21, 2019
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