

\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 14015/2019 & CM No.55972/2019**

SANJAY & ANR

..... Petitioners

Through Mr. Amit Chadha, Mr. Atin Chadha,
Ms. Munisha Chadha, Mr. Rituparn
Uniyal and Mr. Aditya Updhyay,
Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through Mr. Naushad Ahmed Khan, ASC
(Civil), GNCTD with Ms. Manisha
Chauhan, Adv. for Resp. Nos. 1 and 3
Mr. Biraja Mahapatra and Mr. Sumit
Mishra, Adv. for DPCC/R-2

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **23.01.2020**

1. The petition challenges the order dated 03.08.2019, passed by the respondent no.2 levying Environmental Compensation of Rs.11,25,000/- on the petitioner as also the Sealing Memo issued by respondent no.3 on 26.07.2019.
2. Learned counsel for the petitioner submits that the Impugned Order has been passed without issuing any Show Cause Notice to the petitioner or granting an opportunity of hearing to the petitioner. This is not disputed by the learned counsel for the respondent no. 2.
3. In view of the submissions, the Impugned Order, insofar as it levies Environmental Compensation of Rs.11,25,000/- on the petitioner, and the

consequential orders relating to recovery and arrest for non-payment are set aside. The respondent no.2 shall consider the contents of the present petition as a representation to the respondent no.2 against levy of Environmental Compensation and decide the same after granting an opportunity of hearing to the petitioner and pass a speaking order thereon. Such order, if adverse to the petitioner, shall not be implemented for a period of two weeks for the petitioner to avail his legal remedy against the same.

4. The petition further seeks relief of de-sealing of the premises that was sealed pursuant to the Memo issued by respondent no.3. The petitioner may approach the respondent no.2/DPCC for making similar request. The respondent no.2/DPCC would also take a decision on such request of de-sealing of the premises made by the petitioner.

5. The present petition is disposed of with the above direction. There shall be no order as to cost.

Dasti.

NAVIN CHAWLA, J

JANUARY 23, 2020/sd