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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 129/2020**
M/S YOLO PRODUCT PVT. LTD.

..... Petitioner

Through: Mr.Sanjay Kumar Chhikara, Mr.Ravi
Mahajan & Mr.Pulkit Chaudhary,
Advs.

versus

GOVERNMENT OF N.C.T. OF DELHI AND ORS.

..... Respondents

Through: Mr.Sanjay Dewan, Ms.Nishima Arora
& Ms.Shivani Pruthi, Advs. for R-1 &
R-3.
Mr.Biraja Mahapatra & Mr.Sumit
Mishra, Advs. for DPCC.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **08.01.2020**

CM No.364/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 129/2020 & CM No.363/2020 (Stay)

1. The petition challenges the order dated 26.06.2019, passed by the respondent no.2, *inter-alia* directing the closure of the unit of the petitioner as also levying Environmental Compensation of Rs. 1,23,75,000/- on the petitioner.
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 nos.1 and 2.

3. In view of the submissions, the Impugned Order, insofar as it levies Environmental Compensation of Rs. 1,23,75,000/- on the petitioner, is 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 its legal remedy against the same.

4. The learned counsel for the petitioner further submits that the petitioner was occupying the premises only as a tenant and would like to hand over the same to the lessor.

5. The petitioner would make such a request to the respondent no.2, which shall also be considered expeditiously.

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

Dasti.

NAVIN CHAWLA, J

JANUARY 08, 2020/rv