

\$~48

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

+ W.P.(C) 936/2020

M/S MAMTA PLASTIC

Through

..... Petitioner
Mr.Amit Chadha, Mr.Atin Chadha,
Mrs.Munisha Chadha, Mr.Aditya
Upadhyay, Mr.Rituparan Uniyal,
Mr.Aman Dhaiya and Mr.Abhishek,
Advts.

versus

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

Through

Mr.Kush Sharma and Mr.Nishchaya,
Advts. for R-2

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

24.01.2020

CM No.2978/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 936/2020 & CM No.2977/2020 (Stay)

1. The petition challenges the order dated 01.07.2019 passed by the respondent no.2, *inter-alia* directing the closure of the unit of the petitioner as also levying Environmental Compensation of Rs.10,00,000/- 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 no. 2.

3. In view of the submissions, the Impugned Order, insofar as it levies Environmental Compensation of Rs.10,00,000/- 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 his legal remedy against the same.
4. The petition further seeks relief of de-sealing of the premises that was sealed pursuant to the order passed by the respondent no.2.
5. The petitioner may approach the respondent no.2 for making similar request. The respondent no.2 would also take a decision on such request.
6. The petition is disposed of with the above directions.

Dasti.

NAVIN CHAWLA, J

JANUARY 24, 2020/Arya