

\$~47

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

+ **W.P.(C) 982/2020**

M/S S. D. TRADING CO.

..... Petitioner

Through: Mr.Randeep Singh, Ms.Ujala Vishnoi,
Adv.

versus

DELHI POLLUTION CONTROL COMMITTEE AND ANR.

..... Respondents

Through: Mr.Kush Sharma, Mr.Nishchaya, Adv.
for R-1.

Mr.Madhusudan Bhayana, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **27.01.2020**

CM 3177/2020

Exemption allowed, subject to all just exceptions.

WP(C) 982/2020& CM 3176/2020

1. The petition challenges the order dated 15.10.2019, passed by the respondent no.1 levying Environmental Compensation of Rs.41,06,250/- on the petitioner as also the consequential Warrant of Arrest dated 21.12.2019 issued by the respondent no.2.
2. Learned counsel for the petitioner submits that the Impugned Order dated 15.10.2019 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. 1.
3. In view of the submissions, the Impugned Order, insofar as it levies Environmental Compensation of Rs.41,06,250/- on the petitioner, and the

consequential order dated 21.12.2019 issued by the respondent no.2 issuing Warrant of Arrest against the petitioner are set aside. The respondent no.1 shall consider the contents of the present petition as a representation to the respondent no.1 against levy of Environmental Compensation and decide the same after granting an opportunity of hearing to the petitioner and pass a speaking order thereon.

4. 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.

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

Dasti.

JANUARY 27, 2020
RN

NAVIN CHAWLA, J