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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1183/2020**
DELHI DEVELOPMENT AUTHORITY Petitioner
Through: Mr.Rajiv Bansal, Sr. Adv. with
Mr.G.S.Oberoi, Ms.Parul Panthi, Mr.Anant
Nigam, Mr.Rajat Saluja, Adv.

versus

DELHI POLLUTION CONTROL COMMITTEE Respondent
Through: Mr.Atul Verma, Adv. for Mr.Sanjeev
Ralli, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **03.02.2020**

1. The petition challenges the order dated 10.10.2019, passed by the respondent levying Environmental Compensation of Rs.25 lacs on the petitioner.
2. The learned senior 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. The learned senior counsel for the petitioner further submits that even otherwise the petitioner is not liable to pay compensation as the dumping at the site has been illegally done by the MCD.
3. In view of the submissions, the Impugned Order, insofar as it levies Environmental Compensation of Rs.25 lacs on the petitioner, is set aside. The respondent shall consider the contents of the present petition as a representation to the respondent 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 present petition is disposed of with the above direction. There shall be no order as to cost.

Dasti.

NAVIN CHAWLA, J

FEBRUARY 03, 2020
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