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

+ **W.P.(C) 2050/2020**

KIRTI PLASTICS

..... Petitioner

Through: Mr.Amit Chadha, Mr.Atin Chadha,
Ms.Munisha Chadha, Mr.Aditya
Upadhyay and Mr.Rituparan, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ANR Respondents

Through: Mr.Mohit Agarwal, Adv. for R-1.
Mr.Birja Mahapatra and Mr.Sumit
Mishra, Advs.for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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24.02.2020

CM No.7204/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 2050/2020 & CM No.7203/2020 (Stay)

1. The petition challenges the order dated 13.09.2019 passed by the respondent no.2, *inter-alia* directing the closure of the unit of the petitioner as also levying Environmental Compensation Damages of Rs.18,59,375/- 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.18,59,375/- 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 present petition is disposed of with the above direction. There shall be no order as to cost.

Dasti.

NAVIN CHAWLA, J

FEBRUARY 24, 2020/Arya