

\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2453/2020 & CMs 8573-74/2020**
SH. KHELANAND MANDAL AND ANR.

..... Petitioners

Through: Mr.Amit Chadha, Mr.Atin Chadha,
Ms.Munisha Chadha, Ms.Rituparn
Uniyal & Ms.Ekta Chandel, Advs.

versus

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

..... Respondents

Through: Mr.Biraja Mahapatra & Mr.Sumit
Mishra, Advs. for DPCC.
Mr.Rizwan & Mr.Sameydeen, Advs.
for R-1 & R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

06.03.2020

1. The present petition challenges the order dated 03.08.2019, passed by the respondent no.2, *inter-alia* levying Environmental Compensation of Rs.39,37,500/- on the petitioner.
2. Learned counsel for the petitioners submits that the Impugned Order has been passed without issuing any Show Cause Notice to the petitioners or granting an opportunity of hearing to the petitioners. 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.39,37,500/- 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 petitioners and pass a speaking order thereon. Such order, if adverse to the petitioners, shall not be implemented for a period of two weeks to allow the petitioners to avail their legal remedy against the same.

4. The recovery notice dated 11.12.2019 and the Warrant of Arrest issued by respondent no.3, being order passed to enforce impugned order dated 03.08.2019 passed by respondent no.2, are also set aside.

5. The petition further seeks relief of de-sealing of the premises that was sealed pursuant to the Memo issued by respondent no. 3. The petitioners may approach the respondent no.2/DPCC for making similar request. The respondent no.2/DPCC would also take a decision on such request of de-sealing of the premises made by the petitioners.

6. The petition is disposed of with the above directions.

Dasti.

NAVIN CHAWLA, J

MARCH 06, 2020/rv