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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2567/2020 & CM Nos. 8931/2020 & 8930/2020**
NARESH KUMAR DHAKA

..... Petitioner

Through: Mr.Anuj Chauhan, Mr.Karan Sharma
& Ms.Ananya DP, Advs.

versus

DELHI POLLUTION CONTROL COMMITTEE AND ANR.

..... Respondents

Through: Mr.Kush Sharma & Ms.Asiya Khan,
Advs. for DPCC.
Mr.T.S. Nanda, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
05.03.2020

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1. The petition challenges the order dated 25.10.2019, passed by the respondent no.1, *inter-alia* levying Environmental Compensation of Rs.73,00,000/- 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.73,00,000/- on the petitioner, is 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. 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 recovery notice dated 11.12.2019 and the warrant of arrest dated 27.12.2019 issued by respondent no. 2, being orders passed to enforce impugned order dated 25.10.2019 passed by respondent no. 1, are also set aside.

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

Dasti.

NAVIN CHAWLA, J

MARCH 05, 2020/rv