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

Date of Decision: 03.07.2020

+ **W.P.(C) 3919/2020 & CM No.14014/2020**

M/S. SHRI BALAJI WASH

..... Petitioner

Through: Ms.Anjali J. Manish &
Mr.Priyadarshi Manish, Advs.

versus

DELHI POLLUTION CONTROL COMMITTEE & ANR.

..... Respondents

Through: Ms.Asiya Khan, Adv. for R-1.
Ms.Anya Singh, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (Oral)

1. This hearing has been held through video conferencing.
2. This petition has been filed by the petitioner challenging two orders, both dated 23.08.2019, passed by the respondent no. 2 and the order dated 17.09.2019 passed by the respondent no. 1.
3. By the Impugned Orders dated 23.08.2019 passed by the respondent no. 2, three borewells found at the premises of the petitioner were sealed; the petitioner was directed to deposit Rs. 50,000/-; the electricity supply to the premises was directed to be disconnected; and the property was directed to be sealed.

4. By the Impugned Order dated 17.09.2019 passed by the respondent no. 1, the property was directed to be sealed, while imposing Environmental Compensation of Rs. 47 Lacs on the petitioner. A direction was also issued to the DSIIDC to disconnect the water supply connection; to the MCD to cancel the permission/license for the operation from the said premises; and to the TPDDL to disconnect the power supply of the petitioner.

5. It is the case of the petitioner that these Impugned Orders have been passed without issuing a Show Cause Notice to the petitioner or granting any opportunity of hearing to the petitioner.

6. The above submission is not disputed by the learned counsel for the respondent no. 1, however, she submits that post issuance of the order dated 17.09.2019, the respondent no. 1 has issued a Show Cause Notice dated 11.06.2020 to the petitioner, however, reply is awaited. The learned counsel for the petitioner, on the other hand, submits that the petitioner has not received any Show Cause Notice.

7. Be that as it may, as far as the respondent no. 1 is concerned, the respondent no. 1 is directed to supply a copy of the Show Cause Notice to the petitioner, through its counsel as well, by way of an e-mail within two days. The petitioner shall submit its reply to the show cause raising all contentions available to the petitioner. The respondent no. 1 shall decide on the show cause and supply a copy of its decision to the petitioner within a period of four weeks from the receipt of the reply. The respondent no. 1 shall also provide an opportunity of personal hearing to the petitioner before taking a

decision on this Show Cause Notice. Needless to state, if the petitioner is aggrieved of such order, it shall always be open to the petitioner to challenge the same in accordance with law. The Impugned Demand for Environmental Compensation shall not be enforced by the respondent no. 1 till such adjudication on the Show Cause Notice and for a period of two weeks thereafter. As far as the sealing of the property; disconnection of the electricity and water supply, etc. is concerned, the petitioner may make a representation to the respondent no. 1 for certain interim relief during the process of consideration of the Show Cause Notice, which shall also be considered by the respondent no. 1.

8. As far as the Impugned Orders issued by the respondent no. 2 are concerned, they again do not disclose any Show Cause Notice or opportunity of hearing being granted to the petitioner before passing of such orders. Keeping in view the said fact, the above directions insofar as issuance of Show Cause Notice and consideration of the reply from the petitioner, as also passing of the speaking order thereon, shall apply to the respondent no. 2 as well. Similarly, the petitioner shall be at liberty to apply to the respondent no. 2 for seeking interim relief during the pendency of the consideration of the Show Cause Notice.

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

NAVIN CHAWLA, J

JULY 03, 2020/rv