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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3932/2020 & CM APPL. 14079/2020

M/S. OCEAN ENTERPRISES

..... 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.
Mr.Sanjeev Dewan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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06.07.2020

1. This hearing has been held through video conferencing.
2. This petition has been filed by the petitioner challenging the order dated 23.08.2019 passed by the respondent no. 2 and the order dated 17.09.2019 passed by the respondent no. 1 *inter alia* directing the closure of the unit of the petitioner and directing the petitioner to deposit a sum of Rs. 2 lacs and Rs. 47 lacs respectively as Environmental Compensation with the respondent no. 1.
3. The petitioner claims to have deposited a sum of Rs. 2 lacs in terms of the order dated 23.08.2019.
4. The learned counsel for the petitioner submits that before issuance of the said orders, the respondents did not issue any Show Cause Notice or grant any opportunity of hearing to the petitioner.

5. This is not disputed by the learned counsel for the respondent no. 1. She, however, submits that a Show Cause Notice dated 11.06.2020 has now been issued to the petitioner.

6. The learned counsel for the petitioner submits that no such notice has been received by the petitioner till date.

7. In view of the above, the present petition is disposed of directing the respondent no. 1 to supply a copy of the Show Cause Notice to the petitioner as also to the learned counsel for the petitioner. The petitioner shall submit a reply to the Show Cause Notice within a period of two weeks from the receipt of the copy of the Show Cause Notice. The respondents shall decide on the Show Cause within a period of four weeks from the receipt of the reply from the petitioner, after giving an opportunity of hearing to the petitioner. The respondent no. 1 shall pass a speaking order on such show cause and communicate the same to the petitioner. Needless to say, if the petitioner is aggrieved of such order, it shall always be open to the petitioner to challenge the same in accordance with law. For the period of two weeks from the communication of such order on the show cause notice, the respondent no. 1 shall not take steps for making recovery of Environmental Compensation of Rs. 47 lacs from the petitioner.

8. It shall also be open to the petitioner to file an application for seeking interim relief of de-sealing of petitioner's unit by making a representation to the respondent no. 1, which shall be considered by the respondent no. 1 expeditiously.

9. It is made clear that this Court has not expressed any opinion on the merits of the claim raised by the petitioner.

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

NAVIN CHAWLA, J

JULY 06, 2020/rv