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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4189/2020

SUPERB IMAGING

..... Petitioner

Through: Mr.Vineet Mehta & Mr.Prateek
Kumar, Advs.

versus

DELHI POLLUTION CONTROL COMMITTEE & ANR.

..... Respondents

Through: Mr.Narender Pal Singh, Adv. for R-1.
Mr.Sunil Fernandes, SC for R-2 with
Mr.Shubham Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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15.07.2020

This hearing has been held through video conferencing.

1. This petition has been filed by the petitioner feeling aggrieved of the order dated 09.06.2020 passed by the respondent no. 1 *inter alia* directing as under:-

“1. That the addressee shall close down HCF with immediate effect and shall not operate D.G Sets.

2. That the concerned Sub-Divisional Magistrate shall ensure effective closure of the said HCF with immediate effect.

3. That the concerned authority in BSES Rajdhani Power Ltd shall disconnect the electricity/power supply of the said HCF with immediate effect.

4. That the concerned authority in Delhi Jal Board shall disconnect the Water Connection of the said HCF with immediate effect.

5. That you, the addressee, shall pay the amount of Environmental Compensation (EC) calculated as per

guidelines of CPCB in this regard.”

2. The learned counsel for the petitioner submits that in compliance with the said order, the respondent no. 2 has already disconnected the supply of the electricity to the premises of the petitioner.
3. Drawing attention of this Court to the Authorisation under Bio Medical Waste Management Rules, 2016 dated 09.07.2019; Service Agreement dated 24.06.2019 executed between the petitioner and Biotic Waste Solutions Pvt. Ltd.; and certain photographs annexed with the petition, the learned counsel for the petitioner submits that the petitioner was in due compliance with the Bio-Medical Waste (Management and Handling) Rules, 1998.
4. On the other, the learned counsel for the respondent no. 1 submits that an information has been received by the respondent no. 1 from the M/s Biotic Waste Solutions Pvt. Ltd. stating that the signed copies of the Agreements for the period 2019-20 were supplied by it to the petitioner for counter-signing and for return of one copy after duly signing the same; the petitioner failed to return the copy of the Agreement nor made any payment for such services during the period 2019-2020. The information further states that due to non-payment, M/s Biotic Waste Solutions Pvt. Ltd. did not provide any services of bio waste disposal to the petitioner during the relevant time. He further submits that the registration is in the name of “Superb Imaging”, the petitioner herein, however, the Impugned Direction records that the premises are being used under the name and style of “Apple Imaging”.
5. In view of the submissions made, it is directed that the petitioner shall

make a detailed representation to the respondents on the Impugned Notice, annexing therewith all the relevant documents. On receipt of such representation, the respondent no. 1 shall decide on the same within a period of ten days by passing a speaking order thereon and supplying a copy thereof to the petitioner. In case the petitioner is aggrieved of the decision taken by the respondent no. 1 on such representation, it shall be open to the petitioner to challenge the same in accordance with law.

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

NAVIN CHAWLA, J

JULY 15, 2020/rv