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

+ **W.P.(C) 5313/2020**

SMT. RAJKUMARI Petitioner
Through Mr.Amit Gupta, Adv.

versus

DELHI POLLUTION CONTROL COMMITTEE & ORS.

..... Respondents
Through Mr.Narender Pal Singh, Adv. for R-1
Ms.Puja Kalra, Adv for R-2/North
DMC.
Mr.Abhay Kumar, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **17.08.2020**

This hearing has been held by video conferencing.

CM No.19182/2020 (Exemption from filing notarized affidavit and affixing of court fee)

1. This application has been filed seeking exemption from filing fair typed copies of annexures, duly notarised affidavits and affixing requisite court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.
2. Court fee shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court.

3. Application is disposed of.

W.P.(C) 5313/2020

1. This petition has been filed by the petitioner challenging the Impugned Order dated 07.07.2020 passed by the respondent no.1 *inter-alia* demanding Environmental Compensation of Rs.1 lakh from the petitioner.

2. The learned counsel for the petitioner submits that no Show Cause Notice or opportunity of hearing was granted to the petitioner before passing of the Impugned Order.

3. As the above submission is not denied by the learned counsel for the respondent no.1, the respondent no.1 is directed to issue a notice to the petitioner and upon granting an opportunity of hearing to the petitioner, pass a fresh order thereon. Till such time, the Environmental Compensation demanded by the respondent no.1 shall not be recovered.

4. Needless to say that if the petitioner is aggrieved of the order passed by the respondent no. 1 on such fresh notice, it shall be open to the petitioner to challenge the same in accordance with the law. It is made clear that this Court has not expressed any opinion on the merits of the claim raised by the petitioner.

5. The learned counsel for the petitioner further submits that pursuant to the Impugned Order, the electricity connection to the premises of the petitioner has also been disconnected. He submits that the alleged non-conforming activities have been stopped by the petitioner, however, due to the disconnection of the electricity, the petitioner and his family members are suffering.

6. Keeping in view the submissions made, it is directed that the petitioner shall file an appropriate representation/application to the

respondent no.2 for restoration of the electricity connection. On such representation/application, the respondent no.2 shall verify the submissions made by the petitioner and pass an appropriate order within a period of one week from the date of receipt of such representation/application.

7. I may note that the learned counsel for the respondent no.1 has submitted that the decision taken by the respondent no.2 regarding the restoration of the electricity connection shall be binding on respondent no.1 as well.

8. The petition is disposed of with the above directions. There shall be no order as to cost.

NAVIN CHAWLA, J

AUGUST 17, 2020/Arya