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

+ **W.P.(C) 5974/2020**

SMT KALAWATI

..... Petitioner

Through: Mr.Amit Chadha, Adv.

versus

GNCTD AND ORS

..... Respondents

Through: Mr.Mohit Aggarwal, Adv. for 1 and 3
Ms.Asiya Khan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **04.09.2020**

This hearing has been held by video conferencing.

CM No.21618/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 5974/2020& CM No.21617/2020 (Stay)

1. The present petition challenges the order dated 03.08.2019 passed by the respondent no.2, inter-alia levying Environmental Compensation of Rs.84,37,500/- on the petitioner.
2. The petition further challenges the order dated 11.12.2019 passed by the respondent no.3 seeking recovery of the above amount.
3. 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 respondents.

4. In view of the submissions, the Impugned Order, insofar as it levies Environmental Compensation of Rs.84,37,500/- on the petitioner, is set aside. The respondent no.2 shall consider the contents of the present petition as a representation to the respondent no.2 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 to allow the petitioner to avail legal remedy against the same.
5. The Recovery Notice dated 11.12.2019 and the Warrant of Arrest issued by respondent no.3, being orders passed to enforce the Impugned Order dated 03.08.2019 passed by respondent no.2, are also set aside.
6. The petition further seeks relief of de-sealing of the premises. The petitioner may approach the respondent no.2/DPCC for making similar request. The respondent no.2/DPCC would also take a decision on such request of de-sealing of the premises of the petitioner.
7. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

SEPTEMBER 4, 2020/Arya