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

+ **W.P.(C) 5964/2020**

(5) **W.P.(C) 5965/2020**

M/S RADHA PALACE (A UNIT OF RITZ BLUE HOSPITALITY)
..... Petitioner
M/S TIFFANY BANQUET (A UNIT OF PPR HOSPITALITY)
..... Petitioner

Through: Mr.Rahul Kumar, Adv.

versus

DELHI POLLUTION CONTROL COMMITTEE Respondent
Through: Mr.Biraja Mahapatra, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **04.09.2020**

This hearing has been held by video conferencing.

CM No.21568/2020 (Exemption) in WP(C) 5964/2020
CM No.21570/2020 (Exemption) in WP(C) 5965/2020

Allowed, subject to all just exceptions.

W.P.(C) 5964/2020& CM No.21567/2020 (Stay)

W.P.(C) 5965/2020& CM No.21569/2020 (Stay)

1. These petitions have been filed challenging the order(s) dated 12.12.2019 passed by the respondent levying Environmental Damage Compensation on the petitioner(s) on the basis of the 'Polluter Pays Principle'.
2. Admittedly, no Show Cause Notice(s) or any opportunity of hearing

was granted to the petitioner(s) before passing of the Impugned Order(s).

3. In view of the above, the Impugned Order(s), insofar as it levies Environmental Damage Compensation on the petitioner(s), is set aside. The respondent shall consider the contents of the present petition(s) as a representation of the petitioner(s) to the respondent against levy of Environmental Damage Compensation and decide the same after granting an opportunity of hearing to the petitioner(s) and pass a speaking order thereon. Such order, if adverse to the petitioner(s), shall not be implemented for a period of two weeks to allow the petitioner(s) to avail their legal remedy against the same.

4. The petitions are disposed of with the above directions.

NAVIN CHAWLA, J

SEPTEMBER 4, 2020/Arya