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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6077/2020 & CM No.21860/2020 (Stay)

ANJU BINDAL

..... Petitioner

Through Mr. Avadh Kaushik, Adv.

versus

DELHI POLLUTION CONTROL COMMITTEE & ORS.

..... Respondents

Through Mr. Biraja Mahapatra, Adv. for R-1.
Mr. Devesh Singh, ASC, GNCTD
with Ms. Sukriti Ghai, Adv. for R- 2,3,
and 4.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

08.09.2020

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1. This hearing has been held through video conferencing.
2. The present petition challenges the order dated 03.08.2019, passed by the respondent no.1, inter-alia levying Environmental Compensation of Rs.1,46,25,000/- on the petitioner.
3. Admittedly, the said impugned order was not preceded by any Show Cause Notice or an opportunity of hearing to the petitioner.
4. On this limited ground itself, the Impugned Order, insofar as it levies Environmental Compensation of Rs.1,46,25,000/- on the petitioner, is set aside. The respondent no.1 shall consider the contents of the present petition as a representation of the petitioner to the respondent no.1 against the 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 enforced for a period of two weeks to allow the petitioner to avail his legal remedy against the same.

5. The petition further seeks relief of de-sealing of the premises. The petitioner may approach the respondent no.1/DPCC for making similar request. The respondent no.1/DPCC would take a decision also on such request of de-sealing of the premises made by the petitioner, on its own merit.

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

NAVIN CHAWLA, J

SEPTEMBER 8, 2020/Arya