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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6309/2020**
HDFC BANK LTD

..... Petitioner

Through: Mr.Sudhir Nandrajog, Sr. Adv. with
Mr.Sanjay Gupta, Mr.Ateev Mathur,
Mr.Amol Sharma & Ms.Jagriti Ahuja,
Advs.

versus

DELHI POLLUTION CONTROL COMMITTEE

..... Respondent

Through: Mr.Balendu Shekhar, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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16.09.2020

This petition has been heard through video conferencing.

CM APPL. 22409/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6309/2020 & CM APPL. 22408/2020

1. With the consent of the learned counsels for the parties the petition is taken up for hearing at this stage itself.
2. The short submission of the learned senior counsel for the petitioner is that while the Show Cause Notice dated 13.08.2020 gave seven days' time to the petitioner to reply to the same, the same was posted only on 25.08.2020 and delivered to the petitioner on 29.08.2020. Even before the delivery of the said Show Cause Notice, the Impugned Order dated 26.08.2020 was passed by the respondent, thereby clearly violating the

Principles of Natural Justice.

3. The learned counsel for the respondent who appears on advance notice, does not dispute the above factual background. He, however, submits that the remedy of the petitioner would be in form of an Appeal before the National Green Tribunal under Section 31B of The Air (Prevention and Control of Pollution) Act, 1981 and Section 16 of the National Green Tribunal Act, 2010.

4. As the factual submissions of the petitioner have not been denied, it is apparent on the face of the record that the Impugned Order has been passed in violation of the Principles of Natural Justice. The Supreme Court in *Whirlpool Corporation vs. Registrar of Trade Marks, Mumbai & Ors., (1998) 8 SCC 1*, has held that where an order is passed in violation of Principles of Natural Justice, the existence of alternate remedy shall normally not act as a bar to the maintainability of a petition under Article 226 of the Constitution of India.

5. In view of the above, I reject the submission of the learned counsel for the respondent challenging the maintainability of the present petition.

6. The petition is disposed of, directing the respondent to consider the contents of the present petition as a representation of the petitioner against the Show Cause Notice dated 13.08.2020. The petitioner shall be entitled to file a further representation with the respondent, if so advised, within a period of one week from today. The respondent shall pass a fresh order considering such representation(s), after giving an opportunity of hearing to the petitioner. Such order, if adverse to the petitioner, may be challenged by the petitioner in accordance with law. The order dated 26.08.2020 passed by the respondent is quashed.

7. There shall be no order as to cost.

NAVIN CHAWLA, J

SEPTEMBER 16, 2020/*rv*