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

+ **W.P.(C) 3648/2022 & CM APPL. 10827/2022**

NARAINA INDUSTRIAL AREA CETP SOCIETY Petitioner

Through: Mr. Bharat Gupta and Mr. Varun
Tyagi, Advocates.

versus

DELHI POLLUTION CONTROL COMMITTEE & ORS.

..... Respondents

Through: Mr. Kush Sharma, Mr. Nishchaya
Nigam and Ms. Vagmi Singh,
Advocates for R-1.
Dr. Vikrant Narayan, Advocate for R-
3.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

14.03.2024

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1. The present writ petition has been filed with following prayers:-

“A. Declare that the direction dated 7.7.2021 issued by respondent no. 1 is violative of the provisions of the Environment Act, Water Act and principles of natural justice as enshrined in Article 14 of Constitution of India.

B. Declare that the notice dated 27.10.2021 consequential to notice dated 7.7.2021 is violative of the provisions of the Environment Act, Water Act and principles of natural justice.

C. Declare that the sealing order dated 11.02.2022



issued by SDM, Delhi Cantt, New Delhi consequential to order dated 27.10.2021 is violative of the provisions of the Environment Act, Water Act and principles of natural justice.

D. Issue a writ of mandamus/Certiorari or any other appropriate writ order or direction quashing the impugned order/notice dated 27.10.2021 issued by the Respondent No.1.

E. Issue Rule Nisi and after the notice of motion make it absolute.

F. Direct the respondent No.1 and respondent no.4 not to take any coercive measures during the pendency of the present writ petition.”

2. The challenge essentially is to the Order dated 07.07.2021 passed by the Delhi Pollution Control Committee taking adverse notice of the functioning of the CETP established and maintained by the Petitioner. In terms of the said order, the Petitioner has also been held liable to pay Environmental Compensation of Rs. 65 lakhs.

3. The short question which arises for consideration is whether the said order can be sustained in the absence of any reasons having been recorded by the Committee in support of the adverse conclusion ultimately arrived and whether it discloses adequate particulars with respect to the manner in which the Environmental Compensation has been computed.

4. Insofar as the first aspect is concerned, the Court notes all that stands recorded in the impugned order in respect of the response which was submitted by the Petitioner to the show cause notice is as follows:-

“... And whereas, Naraina Industrial Area CETP



Society, Opposite NIA House, A-5, Community Centre, Naraina Industrial Area, Phase-II, Delhi-110028 have submitted reply dated 07.06.2021 and the same has duly been considered and found not satisfactory.

Now therefore in view of the above Show Cause Notice issued by DPCC on 05.04.2021 and after considering the replies received with respect to said Show Cause Notice from the "Addressee" the competent authority in Delhi Pollution Control Committee has decided to issue following directions..... ”

5. From a perusal of the aforesaid extract of the impugned order, it is manifest that there has been an abject failure on the part of the DPCC to record any reasons in support of the ultimate conclusion which stands recorded. The Court notes that the reply which was submitted has neither been referred to nor considered. The Committee has abjectly failed to even record rudimentary reasons why the response as submitted did not merit consideration. Additionally, this Court notes that the DPCC had also failed to disclose the basis on which the Environmental Compensation has ultimately been computed. In view of the aforesaid facts, this Court finds itself unable to sustain the order impugned herein.

6. The impugned Order dated 07.07.2021 is hereby quashed and set aside. The matter shall stand remitted to the Delhi Pollution Control Committee. The DPCC shall be entitled to draw proceedings afresh pursuant to this order of remand from the stage of the reply to the show cause notice which was submitted by the Petitioner.

7. Liberty is granted to the Petitioner to place any additional material that it may choose to rely upon within a period of two weeks from today. All the contentions of parties on merits are kept open. The DPCC shall proceed



ahead in the matter with due expedition.

8. Accordingly, this writ petition shall stand allowed. Pending application(s), if any, stands disposed of.

SUBRAMONIUM PRASAD, J

MARCH 14, 2024

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