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

+ **W.P.(C) 4711/2024**

SHANTI DEVI SETIA

..... Petitioner

Through: Mr. Himanshu Bhushan and Ms.
Shagun Srivastava, Advocates.

versus

DELHI POLLUTION CONTROL COMMITTEE & ORS.

..... Respondents

Through: Mr. Kush Sharma, Advocate for R-1.
Ms. Hetu Arora Sethi, ASC-GNCTD.
Mr. Abhay Kumar, Mr. Shagun Ruhil
and Ms. Kusum Pandey, Advocates
for R-3.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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02.04.2024

CM APPL. 19288/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 4711/2024

1. The Petitioner has approached this Court challenging an Order dated 28.10.2019 passed by the Respondent/DPCC wherein the Petitioner has been directed to deposit a sum of Rs. 1,87,20,000/- as environmental damage compensation.
2. The said order indicates that a readymade jeans washing and dying unit was being operated from the premises bearing No. N-151, Sector 5, Bawana Industrial Area, Delhi-110039.
3. It is the case of the Petitioner that the premises were under occupation



of a tenant and the Petitioner was not occupying the premises, and therefore, the Petitioner is not responsible for the said violation.

4. Material on record indicates that the Petitioner has given a representation on 26.02.2024 and the representation has yet not been considered and decided. Further, Section 31 of the Air (Prevention and Control of Pollution) Act, 1981, provides for an appeal against any order passed under the Air (Prevention and Control of Pollution) Act, 1981.

5. In view of the above, this Court is of the opinion that instead of entering into the merits, it would be expedient in interest of justice if the Respondents are directed to consider the representation dated 26.02.2024 and take a decision within six weeks from today.

6. It is always open for the Petitioner to take such remedies as available under the Statute.

7. With these observations, the petition is disposed of along with pending application(s), if any.

8. It is made clear that this Court has not made any observation on the merits of the case and all the rights and contentions of the parties are kept open.

SUBRAMONIUM PRASAD, J

APRIL 2, 2024

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