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

+ **W.P.(C) 6784/2023 & CM APPL. 26520/2023**

NARAINA INDUSTRIAL AREA CETP SOCIETY Petitioner

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

versus

DELHI POLLUTION CONTROL COMMITTEE & ORS.

..... Respondents

Through: Ms. Saloni and Mr. Narender Pal, Advocates for R-1.

Mr. Divyam Nandrajog, Panel Counsel for GNCTD with Mr. Jatin Dua, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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14.03.2024

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

“(i) Issue a writ of Mandamus, order and / or direction thereby setting aside the Show Cause Notice no . DPCC / WMC-II / 2014-15 / C - 13 / 529 - 532 dated 29.09.2022, and consequent letter / order / direction no . DPCC / WMC -II / 2014-15 / C-13 / 1233-1236 dated 27.01 .2023 and letter / order / direction no. DPCC / WMC- II / 2014-15 / c-13 / 1713-1717 dated 13.03.2023 issued by respondent no. 1;

(ii) Issue a writ of Mandamus, order and / or direction thereby directing Respondents including Respondent no.4 not to take any coercive action against the Petitioner;



(iii) Costs be awarded in favour of Petitioner and against the Respondents;

(iv) Pass such other and further order (s) or direction(s) as may be deemed fit in the facts and circumstances of the case and in the interest of justice.”

2. The challenge essentially is to the Order dated 27.01.2023 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. 15 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 and the entire reasoning by the Respondent reads as under:-

“And whereas, reply submitted by M/s Naraina Industrial Area CETP Society briefed above has been duly considered and found not satisfactory. It is also evident as per the as per the Effluent Analysis Reports of DPCC Laboratory in respect of Naraina CETP for the period of March, 2021 to August, 2022 CETP was found meeting the Prescribed Standards on 11 occasions as mentioned in the following table:



S. No.	Month	Date of Sampling
1.	August, 2021	04.08.2021
2.	September, 2021	06.09.2021
3.	October, 2021	07.10.2021
4.	November, 2021	09.11.2021
5.	February, 2022	15.02.2022
6.	March, 2022	07.03.2022
7.	April, 2022	06.04.2022
8.	May, 2022	11.05.2022
9.	June, 2022	06.06.2022
10.	July, 2022	12.07.2022
11.	August, 2022	02.08.2022

And whereas, from the above Table it is evident that if the Naraina CETP is properly operated and maintained it can meet the Prescribed Standards.”

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 27.01.2023 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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