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

+ **W.P.(C) 6415/2024**

RAJ KUMAR SOLE PROPRIETOR SHRI SAI WASHING

..... Petitioner

Through: Mr. Shailesh Kumar Sinha, Mr. Suman Kumar, Mr. Manish Giri, Mr. Gyan Gautam, Ms. Juhi Sharma, Ms. Abha Singh and Ms. Sneha Sachdeva, Advocates.

versus

DELHI POLLUTION CONTROL COMMITTEE Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **06.05.2024**

CM APPL. 26638/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6415/2024 & CM APPL. 26637/2024

1. The Petitioner has approached this Court with the following prayers:-

“(a) Issue a writ of mandamus/Certiorari or any other appropriate writ order or direction quashing or setting aside the refusal to grant Consent to Operate by the Respondent passed in March 2024;

(b) Allow the present Writ Petition and set-aside the Refusal Order passed by the Respondent passed in March 2024;



(c) Issue an appropriate Writ Order or Direction to Respondent to allow the Application of the Petitioner for Consent to Operate pending since 13.01.2020 in terms of the then existing allotment policy;

(d) Declare that the Refusal Order is violative of the provisions of the Environment Act, Water Act and principles of natural justice

(e) Pass any other appropriate Writ, order or direction keeping in view the facts and circumstances of this case.”

2. The issue as to whether the Petitioner has satisfied the various conditions under the Air Act and Water Act and whether the authorities should have granted or should have refused the consent to operate falls squarely within the domain of the NGT.
3. The correct forum for the Petitioner to approach for the relief as claimed in the instant writ petition would be the National Green Tribunal (NGT) which has been constituted to look into such matters.
4. This Court is not inclined to entertain this writ petition in view of an alternate efficacious remedy available to the Petitioner. The writ petition is not being entertained on this ground.
5. The petition is disposed of along with pending application(s), if any.
6. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

MAY 6, 2024

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