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

+ **W.P.(C) 8930/2024 & CM APPLs. 36418-36419/2024**

BIJENDER SINGH

.....Petitioner

Through: Mr. Ajeet Shukla, Mr. Ankit Choudhary, Mr. Rajender Prasad, Ms. Neetu Singh, Advocates.

versus

THE GOVERNMENT OF NCT OF DELHI & ORS.Respondents

Through: Ms. Hetu Arora Sethi, ASC with Mr. Arjun Basra, Advocate for R-1 & R-3.
Ms. Sakshi Popli, Ms. Divya Prakash Pande, Advocates for DPCC/R-2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.07.2024

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1. The present petition impugns recovery order dated 13th December, 2023 issued by Respondent No. 2 as well as demand notice dated 6th February, 2024 issued by Respondent No. 3 in pursuance to the recovery notice, whereby Respondent No. 2 has ordered recover INR 10,00,000/- from the Petitioner on account of environmental compensation.
2. The Petitioner raises several contentions, one of them being violation of principles of natural justice. It is submitted that the Petitioner was not accorded any opportunity to be heard or put forth their case prior to the impugned orders being passed. Counsel for Respondent No. 2 states that although she is unable to provide the exact date thereof, a show cause notice



was issued to the Petitioner prior to passing the recovery order, however, he failed to respond to the same. Counsel for the Petitioner states that no show cause notice was ever served upon them.

3. Counsel for Petitioner further contends that the Petitioner, being the owner of the plot, would never cause damage to his own property. The desilting of the drain and disposal of the same is the responsibility of the Irrigation and Flood Control Department, Delhi Government. Consequently, the dumping of drain silt on the property and consequent environmental damage for which compensation is being claimed was done by the said department and not the Petitioner. Thus, the entire premise of the recovery order is misconceived.

4. In the opinion of the Court, at this stage, since the Petitioner has apparently not been served with a show cause notice as there is no intimation of such service, it would be appropriate to afford the Petitioner an opportunity to put forth his case before a final decision is taken.

5. In light of the above, the following directions are issued:

(a) Impugned recovery order dated 13rd December, 2023 and the consequent demand notice dated 6th February, 2024, are set aside.

(b) Respondent No. 2/ DPCC shall email the copy of the show cause notice to the counsel for Petitioner within a period of one week from today. Upon receipt, this show cause notice would be deemed to be served to the Petitioner.

(c) The Petitioner shall file their representation/ reply to the show cause notice within a period of three weeks from the date of receipt of the show cause notice.

(d) On consideration of the said reply/ representation and after affording



an opportunity of hearing to the Petitioner, Respondent No. 2 shall pass a fresh order.

(e) In case the order passed is against the Petitioner, they shall be at liberty to take appropriate remedies against the same, in accordance of law.

6. It is clarified that the Court has not examined the merits of the present case. The observations made in the instant order are only tentative in nature and Respondent No. 2 shall be free to pass the fresh order independently, uninfluenced by any observations made hereinabove, in accordance with law.

7. With the above directions, the present petition is disposed of, along with pending applications.

SANJEEV NARULA, J

JULY 3, 2024
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