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

+ W.P.(CRL) 655/2024 and CRL.M.A. 6067/2024

MD SAGIR NADAF & ORS.

..... Petitioners

Through: Mr. Ram Vijay Kumar, Advocate.

versus

NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Nandita Rao, ASC with
Mr.Sanjay Jha, SDM (Sarita Vihar) and SI Sumit,
PS: Kalindi Kunj, for State.

Mr. Kush Sharma, Mr. Nishchaya Nigam &
Ms.Vagmi Singh, Advocates for Respondent No.2/
DPCC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

26.04.2024

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1. This petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. assailing order dated 30.10.2023 passed by learned SDM, Sarita Vihar, whereby fine of Rs.1 lac has been imposed on the Petitioners for alleged violation of provisions of Section 15 of the National Green Tribunal Act, 2010 in a *Kalandra* issued under Sections 5/15 of Delhi Environment Protection Act (wrongly typed and invoked) in DD No. 61A dated 18.10.2023, PS: Kalindi Kunj.

2. During the course of hearing, it is transpired that there are several errors in the impugned order *inter alia* in facts, procedure followed and the statutory provisions invoked. Ms. Nandita Rao, learned ASC, on instructions from Mr. Sanjay Jha, learned SDM, states that Respondents be permitted to withdraw the impugned order with liberty to issue a fresh one, after calling



the Petitioners for a hearing. Learned counsel for the Petitioners, on instructions, has no objection to this course of action.

3. In view of the errors in the impugned order, the same is set aside without advertng to the merits of the case. Liberty is granted to the Respondents to initiate fresh proceedings in accordance with law and the procedure prescribed in the relevant statutory provisions. As agreed, before passing an order, hearing shall be granted to the Petitioners for which advance intimation shall be sent. The decision shall be taken within three months from today and a reasoned and speaking order shall be passed, which shall be communicated to the Petitioners within two weeks from the date of the order.

4. Needless to state that if the Petitioners are aggrieved, they will be at liberty to take recourse to appropriate legal remedies.

5. Petition stands disposed of along with pending application.

JYOTI SINGH, J

APRIL 26, 2024

B.S. Rohella/shivam