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

+ W.P.(C) 13515/2025 and CM APPL.55464/2025

SHEKHAR NAGPAL

.....Petitioner

Through: Mr. Bhagat Singh, Ms. Gunjan
Jindal, Advs.

versus

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI**

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **04.09.2025**

1. The petitioner herein is a partner in a firm running a food outlet under the name and style of 'Wah Ji Wah' from Shop No. 6, B-11, Prashant Vihar, Sector-14, Rohini, New Delhi.
2. It is submitted that the petitioner had applied to the respondent authority for requisite permission/ sanction/ consent under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and under Section 25/ 26 of Water (Prevention & Control Pollution) Act, 1974. It is submitted that the respondent authority, after having its verification and due satisfaction, issued a certificate/ consent order dated 23.03.2023, permitting the petitioner to carry on the operations from the said premises.
3. It is pointed out that the said certificate/ consent order is valid from 26.02.2022 to 25.01.2027 and pursuant thereto, the petitioner has been undertaking its operations.
4. The respondent issued a show cause notice dated 22.11.2024, alleging that the petitioner is running his operations without Oil & Grease



Trap (OGT)/ proper ducting/ channelization system. It is submitted that the petitioner duly replied to the show cause notice refuting the same and also furnished the copy of the relevant certificate/ consent order and the photographs of OGT/ ETP plants.

5. Thereafter, there was no communication from the concerned respondent and after several months, an order (dated 14.07.2025) was received by the petitioner on 16.07.2025, conveying a levy of Rs. 3.75 lacs for allegedly operating the outlet without having requisite certificate/ consent from the respondent authority.

6. The primary submission of learned counsel for the petitioner is that the said order has been passed in utter denial of the principles of natural justice inasmuch as:-

- i. The same is unreasoned and does not take into account the reply furnished by the petitioner to the show cause notice.
- ii. The same was passed without affording an opportunity of hearing to the petitioner.

7. It also transpires that the petitioner has submitted a representation to the Delhi Pollution Control Committee (DPCC) dated 30.07.2025, again pointing out that the petitioner had a valid consent to operate and has also installed the relevant OGT/ proper ducting. It has been requested that the imposed penalty be waived. However, the said representation has not been decided yet.

8. There is merit in the contention of learned counsel for the petitioner that the impugned order is vitiated on account of non-compliance with the principles of natural justice. The same is, accordingly, set aside.

9. Respective counsel for the parties are in agreement that the



respondent/DPCC would be entitled to conduct an inspection at the premises of the petitioner to verify compliance/s by the petitioner of all regulatory measures/ requirements. In case any deficiency is found, appropriate measures as mandated under law shall be taken.

10. The petition is disposed of in the above terms.

SACHIN DATTA, J

SEPTEMBER 4, 2025/uk