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

+ **W.P.(C) 1216/2022 and CM APPL. 3576/2022**

**BAWANA PLAST PRIVATE LIMITED**

.....Petitioner

Through: Mr. Abhishek Dev, Mr. Piyush Pal,  
Mr. Rishabh Sharma, Ms. Niranjana  
Kaur, Advocates.

versus

**DELHI POLLUTION CONTROL COMMITTEE & ORS.**

.....Respondents

Through: Ms. Sakshi Popli, Adv. for R-1.  
Ms. Rachita Garg, Adv. for GNCTD.  
Ms. Zehra Khan and Mr. Harshpreet  
Singh, Advocates for R-4.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

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**11.03.2026**

1. The petition is for setting aside the order dated 14.12.2021, passed by respondent no. 1- Delhi Pollution Control Committee (DPCC) and notice dated 10.12.2021 issued by respondent no. 2-company.
2. At the outset, it is seen that the order dated 14.12.2021, which has been passed by the DPCC, arises out of directions dated 06.11.2019 issuing Environmental Damages Compensation compositely, under the provisions of the Air Act, 1981 and the Water Act, 1974.
3. This Court, *vide* order dated 10.02.2020 in W.P. (C) 1509/2020 had set aside the order dated 06.11.2019 and directed the DPCC to consider the petition as a representation and pass a speaking order after affording an



opportunity of hearing to the petitioner. Pursuant to the same, the impugned order dated 14.12. 2021 has been passed. The order dated 10.02.2020 is extracted below, for reference:

*“1. The petition challenges the order dated 06.11.2019 passed by the respondent, inter-alia directing the closure of the unit of the petitioner as also levying Environmental Compensation of Rs.8,47,500/- on the petitioner.*

*2. Learned counsel for the petitioner submits that the Impugned Order has been passed without issuing any Show Cause Notice to the petitioner or granting an opportunity of hearing to the petitioner.*

*3. In view of the submissions, the Impugned Order, insofar as it levies Environmental Compensation of Rs.8,47,500/- on the petitioner, is set aside. The respondent shall consider the contents of the present petition as a representation to the respondent against levy of Environmental Compensation and decide the same after granting an opportunity of hearing to the petitioner and pass a speaking order thereon. Such order, if adverse to the petitioner, shall not be implemented for a period of two weeks for the petitioner to avail his legal remedy against the same.*

*4. The present petition is disposed of with the above direction. There shall be no order as to cost.”*

4. It is submitted by learned counsel for the petitioner that since the impugned order has been passed compositely under the provisions of both the aforesaid statutes, the petitioner may not be able to avail the remedy to prefer an appeal before the National Green Tribunal under Section 16 of the National Green Tribunal Act, 2010.

5. The said position is justified in view of the decision passed by the decisions of the Supreme Court in the case of **D.P.C.C. v. Lodhi Property Co. Ltd. ETC.**<sup>1</sup> and **Tamil Nadu Pollution Control Board v. Sterlite Industries (India) Limited.**<sup>2</sup> A perusal of the order would indicate that, essentially, the same would fall within the provisions of the Water Act, 1974.

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<sup>1</sup> Civil Appeal No(s). 757-760/2023

<sup>2</sup> (2019) 19 SCC 479



6. The petitioner is also justified to contend that the order dated 06.11.2019 since was set aside by this Court and, therefore, ought not to have been restored by the impugned order. It is seen that liberty was granted by this Court *vide* on 10.02.2020 to DPCC to pass a fresh order and not to restore the earlier order. If, after affording the opportunity of hearing to the petitioner, the DPCC was of the view that the environmental compensation is required to be levied on the petitioner, it ought to have done so by way of a fresh order.

7. For the aforesaid reasons, the impugned order stands set aside the matter is remitted back to the respondents for passing a fresh order after affording an opportunity of hearing to the petitioner. Let the order be passed under the relevant provisions of the Water Act, 1974.

8. Petition stands disposed of.

9. All rights and contentions are left open.

**PURUSHAINDR KUMAR KAURAV, J**

**MARCH 11, 2026/P**