



2026:DHC:3536



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1131/2021**

Date of Decision: 06.04.2026

YOGESH GUPTA

.....Petitioner

Through: Mr. Sudipto Sircar, Advocate.

versus

SUB-DIVISIONAL MAGISTRATE (PREET VIHAR SUB-DIVISION) & ANR.

.....Respondents

Through: Mr Balendu Shekhar, CGSC Mr. Rajkumar Maurya, Mr. Krishna Chaitanya & Mr. Divyansh Singh Dev, Advocates.

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+ **W.P.(C) 1289/2021**

NARENDER KAUR

.....Petitioner

Through: Mr. Sudipto Sircar, Advocate.

versus

SUB-DIVISIONAL MAGISTRATE (PREET VIHAR SUB-DIVISION) & ANR.

.....Respondents

Through: Mr Balendu Shekhar, CGSC Mr. Rajkumar Maurya, Mr. Krishna Chaitanya & Mr. Divyansh Singh Dev, Advocates.

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+ **W.P.(C) 1361/2021**

SHIV KUMAR VERMA & ANR.

.....Petitioners

Through: None.

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W.P.(C) 1131/2021 & connected matters

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KUMAR KAUR
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versus

GOVT. OF NCT OF DELHI & ORS.Respondents
Through: Ms. Urvi Mohan, Advocate for
GNCTD.
Mr Balendu Shekhar, CGSC Mr.
Rajkumar Maurya, Mr. Krishna
Chaitanya & Mr. Divyansh Singh
Dev, Advocates.

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+ **W.P.(C) 1817/2021**

BHARAT BHUSHAN MALHOTRAPetitioner
Through: Mr. Sudipto Sircar, Advocate.

versus

SUB-DIVISIONAL MAGISTRATE (PREET VIHAR SUB-
DIVISION) & ORS.Respondents
Through: Mr. Shashi Pratap Singh with Ms.
Shagun Sabharwal, Advocates for R1.
Mr Balendu Shekhar, CGSC Mr.
Rajkumar Maurya, Mr. Krishna
Chaitanya & Mr. Divyansh Singh
Dev, Advocates.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The present batch of petitions has been filed challenging the orders dated 05.01.2021, passed by the Sub Divisional Magistrate, Preet Vihar (hereinafter, “SDM”), whereby the petitioners have been directed to deposit

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Environmental Damage Compensation (hereinafter, “**compensation**”). The said impugned orders arise out of the orders issued by the Delhi Pollution Control Committee (hereinafter, “**DPCC**”), and the East Delhi Municipal Corporation (hereinafter, “**EDMC**”).

2. For the sake of clarity, the name of the petitioner(s), the compensation imposed and the contraventions alleged as per the impugned orders, is extracted as under:

S. No.	Petitioner name	Compensation imposed	Contravention alleged
1.	Yogesh Gupta	Rs. 20,00,000/-	Operation of the petitioner’s unit in violation of the provisions of the Air Act, 1981 and Water Act, 1974.
2.	Narender Kaur	Rs. 2,00,000/-	Operation of the petitioner’s unit in violation of the provisions of the Air Act, 1981 and Water Act, 1974.
3.	Shiv Kumar Verma & Sonu Verma	Rs. 20,00,000/-	Operation of the petitioner’s unit in violation of the

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			provisions of the Delhi Municipal Corporation Act, 1957.
4.	Bharat Bhushan Malhotra	Rs. 5,00,000/-	Operation of the petitioner's unit in violation of the provisions of the Air Act, 1981 and Water Act, 1974.

3. The case of the petitioners is that the impugned orders have been passed without assigning any reasons and without due consideration of the replies filed by them. Upon a *prima facie* consideration of the contentions of the petitioners, this Court earlier had stayed the operation of the impugned orders.

4. Without going into the submissions made on merits, the Court finds that the impugned orders are bereft of any reasoning. While it has been recorded in the impugned order that the reply filed by the petitioners was considered and found to be unsatisfactory, no reasons have been assigned in support of such conclusion. If, upon examination, the reply was found to be unsatisfactory, cogent reasons ought to have been recorded for such a finding. Had reasons been so recorded, this Court would have been in a position to appreciate the correctness and veracity of such reasoning. In the absence thereof, the Court is unable to discern the basis on which the concerned authority was persuaded to impose the environmental compensation.

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5. The Supreme Court, in para 44 of its judgement in ***Union of India v. Ibrahim Uddin***¹, made the following observations about the importance of passing a reasoned order:

*“44. It is a settled legal proposition that not only administrative order, but also judicial order must be supported by reasons, recorded in it. Thus, while deciding an issue, the court is bound to give reasons for its conclusion. It is the duty and obligation on the part of the court to record reasons while disposing of the case. The hallmark of order and exercise of judicial power by a judicial forum is for the forum to disclose its reasons by itself and giving of reasons has always been insisted upon as one of the fundamentals of sound administration of the justice delivery system, to make it known that there had been proper and due application of mind to the issue before the court and also as an essential requisite of the principles of natural justice. The reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same, the order becomes lifeless. Reasons substitute subjectivity with objectivity. The absence of reasons renders an order indefensible/unsustainable, particularly when the order is subject to further challenge before a higher forum. Recording of reasons is the principle of natural justice and every judicial order must be supported by reasons recorded in writing. It ensures transparency and fairness in decision-making. The person who is adversely affected must know why his application has been rejected. (Vide *State of Orissa v. Dhaniram Luhar* [(2004) 5 SCC 568 : (2008) 2 SCC (Cri) 49 : AIR 2004 SC 1794] , *State of Uttaranchal v. Sunil Kumar Singh Negi* [(2008) 11 SCC 205 : (2008) 2 SCC (L&S) 1093] , *Victoria Memorial Hall v. Howrah Ganatantrik Nagrik Samity* [(2010) 3 SCC 732 : AIR 2010 SC 1285] and *Sant Lal Gupta v. Modern Coop. Group Housing Society Ltd.* [(2010) 13 SCC 336 : (2010) 4 SCC (Civ) 904])”*

6. Further, in ***Ratan Lal Patel v. Dr Hari Singh Gour Vishwavidyalaya***², the Supreme Court set aside an order for being a non-speaking and cryptic one. Para 5 of the judgement has been reproduced below:

“5. Merely stating that there is an error apparent on the face of the record is not sufficient. It must be demonstrated that in fact there was an error apparent on the

¹(2012) 8 SCC 148

²(2022) 6 SCC 540



face of the record. There must be a speaking and reasoned order as to what was that error apparent on the face of the record, which called for interference and therefore a reasoned order is required to be passed. Unless such reasons are given and unless what was that error apparent on the face of the record is stated and mentioned in the order, the higher forum would not be in a position to know what has weighed with the Court while exercising the review jurisdiction and what was that error apparent on the face of the record.”

7. In **Siemens Engg. & Mfg. Co. of India Ltd. v. Union of India**³, while passing the order in question, the concerned authority had failed to deal with the justifications offered by the aggrieved party in its representation. Taking note of the same, the Apex Court made the following observations regarding the order:

“6. ...The Collector in revision did give some sort of reason but it was hardly satisfactory. He did not deal in his order with the arguments advanced by the appellants in their representation dated December 8, 1961 which were repeated in the subsequent representation dated June 4, 1965. It is not suggested that the Collector should have made an elaborate order discussing the arguments of the appellants in the manner of a Court of law. But the order of the Collector could have been a little more explicit and articulate so as to lend assurance that the case of the appellants had been properly considered by him...”

8. The Court, in **Siemens** (supra), also held that the rule requiring reasons to be given in support of an order is, like the principle of *audi alteram partem*, a basic principle of natural justice, and hence, must be observed in its proper spirit, a mere pretence of compliance with the rule would not suffice.

9. For the aforesaid short reasons, the impugned orders imposing compensation on the petitioners are set aside. Liberty is, however, granted to the DPCC to pass fresh orders after extending an opportunity of hearing

³(1976) 2 SCC 981



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to the petitioners.

10. The DPCC is also directed to pass separate orders, if necessary, for the alleged violations of the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (**hereinafter ‘Air Act’**) & Water (Prevention and Control of Pollution) Act, 1974 (**hereinafter ‘Water Act’**), as the case may be, attributed to the petitioners. The said direction is necessary, keeping in mind the fact that a composite order may impede the petitioners from availing the distinct remedies otherwise available under the Air Act & Water Act.

11. For the above-said reasons, the impugned orders passed by the DPCC and the consequential action taken, stand set aside.

12. With these directions, the petitions stand disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

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