



2026:DHC:3148



\$~96

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4534/2026, CM APPL. 22145/2026 & CM APPL. 22146/2026**

Date of Decision: **07.04.2026****IN THE MATTER OF:**

OKHLA INDUSTRIAL AREA CETP SOCIETY (REGD)

.....Petitioner

Through: Appearance not given.

versus

DELHI POLLUTION CONTROL COMMITTEE & ANR.

.....Respondent

Through: Mr. Kush Sharma, Mr. Nishchaya Nigam and Mr. Raghvendra Upadhyay (GNCTD)
Mr. Raghvendra Upadhyay, Panel Counsel (GNCTD), Ms. Shivpa Taneja, Ms. Purnima Jain, Mr. Madhur, Advocates for R-2.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition is for setting aside the order dated 17.03.2026 passed by respondent no. 1-Delhi Pollution Control Committee (DPCC), whereby, directions have been issued under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 to handover the Okhla Common Effluent Treatment Plant being operated by the petitioner.
2. The impugned order is assailed on the ground that no opportunity of

Signature Not Verified
Signed By:PRIYA
Signing Date:16.04.2026
12:35:24

Signature Not Verified
Signed
By:PURUSHAINDRA
KUMAR KAURAV



2026:DHC:3148



hearing was extended to the petitioner prior to its passing. It is pointed out that no prior show-cause notice has been issued to the petitioner.

3. Notice.

4. Learned counsel appearing for the respondents accept notice. They seek time to take instructions and file a reply.

5. The Court, however, finds that instead of granting liberty to the respondent to file a counter affidavit, the petition itself can be disposed of, keeping in mind the solitary grievance raised by the petitioner relating to the violation of principles of natural justice.

6. A perusal of the impugned order nowhere indicates that the petitioner had been granted any opportunity of hearing prior to the impugned action. Therefore, the impugned order suffers from material illegality going to the root of the matter. The Supreme Court, in *Nisha Devi v. State of H.P.*,¹ has held as under:

“5. Trite though it is, we may yet again reiterate that the principle of audi alteram partem admits of no exception, and demands to be adhered to in all circumstances. In other words, before arriving at any decision which has serious implications and consequences to any person, such person must be heard in his defence. We find that the High Court did not notice the violation and infraction of this salutary principle of law. Accordingly, on this short ground, the impugned judgments and orders require to be set aside, and are so done. The matter is remanded back to the Divisional Commissioner for taking a fresh decision after giving due notice to the appellant and affording her an opportunity of being heard. The Divisional Magistrate, Kullu, shall complete the proceedings expeditiously, and not later than six months from the date on which a copy of this order is served on him.”

(Emphasis supplied)

7. In view of the aforesaid, the instant petition is allowed. The impugned order is set aside. Let the respondent to take fresh action after affording an



2026:DHC:3148



opportunity of hearing to the petitioner.

8. In case, the petitioner is aggrieved by any subsequent action of the respondent, it shall be at liberty to take an appropriate recourse in accordance with law.

PURUSHAINdra KUMAR KAURAV, J

APRIL 7, 2026/p

¹ (2014) 16 SCC 392