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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2693/2020

PUBLIC WORKS DEPARTMENT, GNCTD Petitioner

Through: Mr.Ramesh Singh, SC, GNCTD with
Mr.Chirayu Jain, Mr.Ishan Agrawal, Ms.Bhawana
Kataria, Advs.

versus

CENTRAL POLLUTION CONTROL BOARD Respondent

Through: Mr.Baklendu Shekhar, Mr.Vipul Singh,
Mr.Rajkumar Maurya, Advs. (M-9999666769).

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **11.03.2020**

CM 9356/2020

Exemption allowed, subject to all just exceptions.

WP(C) 2693/2020 & CM 9355/2020

The present petition has been filed by the petitioner challenging the Demand Letters dated 08.04.2019, 15.05.2019 and 17.09.2019 issued by the respondent demanding Environmental Compensation of Rs.1 crore from the petitioner under Section 5 of The Environment (Protection) Act, 1986.

The learned counsel for the petitioner placing reliance on Rule 4(3)(a) of The Environment (Protection) Rules, 1986 submits that prior to the passing of the Impugned Directions, the respondent had not issued any notice to the petitioner seeking a response of the petitioner to the proposed levying of Environmental Compensation.

On the other hand, the learned counsel for the respondent

submits that prior to the issuance of the Impugned Directions, the respondent had carried out repeated inspections and even meetings with the petitioner calling upon the petitioner to adhere to the “Guidelines of dust mitigation measures in handling construction material and C&D Wastes”. He further submits that it is only on the petitioner’s non-compliance of the guidelines that the Impugned Direction was first passed.

However, on a specific query with respect to any notice having been issued to the petitioner specifically with respect to levy of Environmental Compensation, the learned counsel for the respondent fairly admits that no such notice was issued.

The learned counsel for the petitioner further submits that immediately on receipt of the Impugned Direction, the petitioner made repeated representations to the respondent seeking recall of levy of the Environmental Compensation, however, the respondent merely reiterated its demand without considering such representations.

Clearly, the petitioner has not been granted a pre-decisional or a post-decisional hearing on the levy of the Environmental Compensation by the respondent.

In view of the above, the present petition is disposed of, directing the respondent to consider the contents of the present petition as a representation of the petitioner against the levy of the Environmental Compensation. The respondent shall pass a speaking order after granting an opportunity of hearing to the petitioner. If such order is adverse to the petitioner, the petitioner shall be at liberty to challenge the same in accordance with law.

There shall be no order as to costs.

NAVIN CHAWLA, J

MARCH 11, 2020
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