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

+ **W.P.(C) 17869/2024**

SHRI JAMIL AHMED

.....Petitioner

Through: Mr. Absar Ahmad, Advocate

versus

**DELHI POLLUTION CONTROL COMMITTEE
& ANR.**

.....Respondents

Through: Mr. Narender Pal Singh, Ms. Anjali,
Advocates for R-1/DPCC

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **23.12.2024**

CM APPL. 76046/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(C) 17869/2024 & CM APPL. 76045/2024 (for stay)

4. The Petitioner asserts that he received a Show Cause Notice dated 13th March, 2020 issued by Respondent No. 1 – Delhi Pollution Control Committee¹, raising the demand for payment of Environmental Damage Compensation² to the tune of INR 2 Lakhs. Thereafter, the Petitioner

¹ “DPCC”

² “EDC”



furnished his response dated 16th June, 2020, however, on 17th July, 2020, DPCC passed an order imposing EDC of INR 2 Lakhs, noting that the reply of the Petitioner did not substantiate the reasons for operation of the unit in violation of the Master Plan of Delhi. Subsequently, another show cause notice dated 3rd September, 2020 and direction for imposition of EDC dated 15th September, 2020 was issued to the Petitioner for the same unit again, whereby the earlier notice and order was recalled and the amount of EDC was increased to INR 5 Lakhs.

5. The Petitioner points out that in the aforesaid show cause notice dated 13th March, 2020 and order dated 17th July, 2020, it was acknowledged by DPCC that the Petitioner's premises was sealed and the electricity had been disconnected by Delhi State Industrial and Infrastructure Development Corporation, along with the concerned Sub-Divisional Magistrate, pursuant to the directions of the National Green Tribunal *vide* order dated 28th September, 2018 passed in OA. No. 601/2018. In light of the above, the Petitioner asserts that since his unit was already sealed, it was not operational and could not have been found to be causing pollution in any manner. Furthermore, it is also pointed out neither the aforesaid Show Cause Notice dated 13th March, 2020 nor the order dated 17th July, 2020 passed by DPCC, seem to indicate the period for which the EDC has been computed.

6. Additionally, the Petitioner submits that when he visited the premises of Respondent No. 1 in order to follow up with them in terms of imposition of the EDC, he was orally informed that the proceedings against him have been closed and he is not liable to pay any amount towards EDC.

7. In fact, the Petitioner states that his property was de-sealed in 2023, subsequent to the deposit of INR 1,37,710/- made by him to the Municipal



Corporation of Delhi, by virtue of order dated 06th November, 2023 passed by Judicial Committee appointed by the Supreme Court in Appeal No. 293/2023.

8. However, despite no action being taken against the Petitioner for non-payment of EDC since 2020, now all of a sudden after 4 years, on 04th November, 2024, Respondent No. 2 - Assistant Collector (Karol Bagh) has issued a final notice under Section 136 of the Delhi Land Reforms Act, 1954, claiming payment of dues to the tune of INR 5 Lakhs. Pertinently, the said final notice issued by Respondent No. 2, premises the demand of payment of dues, on the basis of a recovery notice issued by DPCC dated 01st January, 2023 under Section 33C(1) of the Industrial Disputes Act, 1947. Furthermore, pursuant to the final notice dated 4th November, 2024, the Assistant Collector has also proceeded to issue a warrant of attachment dated 4th December, 2024, for the Petitioner's property under Section 136 of the Delhi Land Reforms Act, 1954.

9. The Petitioner contends that he has never received the recovery certificate of 01st January, 2024, which has been cited by Respondent No. 2 as the basis of the proceedings initiated against him under the Delhi Land Reforms Act, 1954. Moreover, the Petitioner submits that payments which were due under the directions for payment of EDC in 2020, have been duly paid by the Petitioner and in fact, his premises have also been de-sealed pursuant to the order dated 06th November, 2023 passed by Judicial Committee appointed by the Supreme Court in Appeal No. 293/2023. Thus, it is urged that DPCC cannot make any further demands for the payment of EDC.

10. The Court has heard the counsel for the parties.



11. In light of the foregoing, the Petitioner has made out a *prima facie* case for grant of interim relief. Therefore, in view of the foregoing, till the next date of hearing, no coercive action shall be taken against the Petitioner under the warrant of attachment dated 04th December 2024.

12. Re-notify on 26th March, 2025.

SANJEEV NARULA, J

DECEMBER 23, 2024/ab