

Runwell (India) Pvt, Ltd vs Delhi Pollution Control & Ors on 24 December, 2021

Author: Rekha Palli

Bench: Rekha Palli

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 15103/2021 & CM APPL. 47607/2021 -Int. relief.
RUNWELL (INDIA) PVT, LTD Petit
Through Mr.Hrishikesh Baruah
Mr.Pranav Jain, Ms.Akangsha Malik, Adv.

versus

DELHI POLLUTION CONTROL & ORS. Respo
Through Mr.Narender Pal Singh, Adv fo
Ms.Puja Kalra, ASC with Ms.Nirvikar Verm
Adv for R-2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
ORDER

% 24.12.2021

1. Exemption allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 15103/2021 & CM APPL. 47607/2021 -Int. relief.

3. The present petition has been filed assailing the order dated 17.09.2021 passed by the respondent no.1. Under the impugned order, based on an inspection of the petitioner's premises conducted on 02.12.2021, the respondent no.1, in exercise of its emergency power, available under the statute, has inter alia revoked the 'Consent to operate under Water Act and Air Act' granted in favour of the petitioner on 15.10.2020. The petitioner has also been directed to deposit environmental compensation to the tune of Rs.4 lakh.

4. After some arguments, learned counsel for the petitioner submits that since it is the petitioner's case that on the date of inspection, the Effluent Treatment Plant (ETP) was being shifted from the ground floor of the building to the top floor of the building, the basis of the impugned order which holds that the petitioner was functioning without an ETP is factually incorrect. He, however, submits that the petitioner is willing to deposit the environmental compensation charge imposed under the impugned order but contends that since the petitioner is, as on date, having a functional ETP besides all other valid licenses, the respondent no.1 may be directed to carry out a fresh

inspection of the site and recall its impugned order.

5. Issue notice. Learned counsel for the respondents accept notice.

6. Learned counsel for the respondent no.1 while defending the impugned order, fairly submits that keeping in view the repercussions of the impugned order and the petitioner's categorical assertion that the petitioner has a functional ETP as on date, the respondent no.1 is willing to carry out a fresh inspection of the site and pass a fresh order within three days from today.

7. The aforesaid statement of the respondent no.1 is taken on record and the writ petition is disposed of by directing the petitioner to forthwith deposit the environmental compensation of Rs.4 lakhs with the respondent no.1, whereafter the said respondent will immediately carry out a fresh inspection of the site and, in case, the ETP is found to be functional, the impugned order will be recalled. This will, however, not preclude the respondent no.1 from carrying out further enquiry into the aspect of the petitioner running a restaurant from the same premises, for which action, if warranted, will be taken, only after issuance of a show cause notice.

8. Keeping in view the aforesaid, the respondent nos.2 & 3 are restrained from taking any coercive steps in pursuance of the impugned order till a fresh order is passed by the respondent no.1, whereafter, action will be taken, only as per the fresh order to be passed by respondent no.1, in terms of the directions issued hereinabove.

9. Needless to state that if the petitioner is aggrieved by any order passed by the respondent no.1, it will be open for the petitioner to seek legal recourse as permissible in law.

REKHA PALLI, J DECEMBER 24, 2021 sr