
IN THE HONOURABLE HIGH COURT OF DELHI

WRIT PETITION (CIVIL) NO. 1345 OF 2025

IN THE MATTER OF:

M/S LAVIANROSE INDUSTRIES PRIVATE LIMITED, a company incorporated under the Companies Act, 2013, having its registered office at D-45, Connaught Place, New Delhi – 110001.

...Petitioner

VERSUS

- 1. UNION OF INDIA, Through Secretary, Ministry of Corporate Affairs, Shastri Bhawan, New Delhi – 110001.**
 - 2. CENTRAL POLLUTION CONTROL BOARD, Through Chairman, Parivesh Bhawan, East Arjun Nagar, Delhi – 110032.**
 - 3. DELHI POLLUTION CONTROL COMMITTEE, Through Chairman, 5th Floor, ISBT Building, Kashmere Gate, Delhi – 110006.**
- ...Respondents**

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SEEKING QUASHING OF PROCEEDINGS INITIATED UNDER THE ENVIRONMENT (PROTECTION) ACT, 1986, AND DIRECTIONS FOR REGULATORY RELIEF

TO,

THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUSTICES OF THE HON'BLE HIGH COURT OF DELHI

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. INTRODUCTION

1.1 The Petitioner, M/s Lavianrose Industries Private Limited ("Petitioner"), is engaged in the business of manufacturing industrial solvents, specialty chemicals, and pharmaceutical intermediates, with its primary production unit at Bawana Industrial Area, Delhi.

1.2 The Petitioner operates under valid Consent to Operate (CTO) and Environmental Clearance (EC) granted by the Delhi Pollution Control Committee (DPCC) and complies with all statutory environmental norms.

1.3 The Petitioner is aggrieved by the high-handed and arbitrary actions of the Respondents, particularly the sealing of its manufacturing unit by the DPCC without prior notice, proper inspection, or opportunity of hearing, in blatant violation of:

- Article 14 (Right to Equality)**

- Article 19(1)(g) (Right to Practice Any Profession)
 - Principles of Natural Justice
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2. FACTUAL BACKGROUND

2.1 Regulatory Compliance History

- The Petitioner was granted:
 - Consent to Operate (Air & Water Acts) on 15th April 2020 (valid until 14th April 2025).
 - Authorization under Hazardous Waste Rules, 2016 for safe disposal of chemical by-products.
- The Petitioner has no prior history of environmental violations and has consistently submitted quarterly compliance reports to the DPCC.

2.2 Alleged Violations & Inspection

- On 12th January 2025, DPCC officials conducted a surprise inspection and alleged:
 - Excessive effluent discharge beyond permissible Biochemical Oxygen Demand (BOD) limits.
 - Improper storage of hazardous waste in violation of Schedule III of the Hazardous Waste Rules.
 - Non-maintenance of real-time emission data as per CPCB guidelines.
- The inspection report did not include any third-party lab tests and relied solely on preliminary field observations.

2.3 Show-Cause Notice & Sealing Order

- On 20th January 2025, the Petitioner received a show-cause notice under Section 5 of the Environment (Protection) Act, 1986, giving 7 days to respond.
 - The Petitioner submitted a detailed reply on 25th January 2025, including:
 - Third-party lab reports proving compliance with BOD limits.
 - Proof of corrective measures (upgraded ETP, additional storage tanks).
 - Request for a personal hearing.
 - No hearing was granted, and on 27th January 2025, DPCC sealed the unit citing "imminent environmental harm."
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3. GROUNDS FOR RELIEF

3.1 Violation of Natural Justice

- The sealing order was passed ex-parte without considering the Petitioner's reply.

- No opportunity for cross-examination of DPCC's claims.

3.2 Arbitrary & Mala Fide Action

- The DPCC acted under political pressure from local activists, as evidenced by:
 - Social media posts by a Delhi-based NGO demanding the unit's closure.
 - Selective targeting (similar violations by other units were ignored).

3.3 Economic & Social Impact

- Direct losses: ₹12 crore in halted production, penalty clauses in export contracts.
- Indirect impact: 350+ employees face layoffs; supply chain disruption for 20+ pharma companies.

3.4 Legal Precedents

- MC Mehta v. Union of India (1987): Courts must balance environmental concerns with livelihood rights.
- Vellore Citizens' Welfare Forum (1996): Authorities must follow due process before punitive action.

4. PRAYERS

The Petitioner respectfully prays for:

- (a) Certiorari – Quash the DPCC sealing order dated 27.01.2025.
- (b) Mandamus – Direct Respondents to permit resumption of operations pending fresh assessment.
- (c) Declaration – DPCC's action as ultra vires the Environment Act.
- (d) Compensation – ₹5 crore for unlawful business disruption.
- (e) Committee – Independent expert panel to review compliance.

5. NEW SUBTOPICS FOR DEPTH

5.1 Environmental Compliance Measures

- Details of the Effluent Treatment Plant (ETP) upgrades (₹2.5 crore investment in 2024).
- ISO 14001:2015 Certification for environmental management.

5.2 Public Interest vs. Business Rights

- Impact on essential drug supply (Petitioner manufactures APIs for cancer medications).
- Alternative measures (temporary shutdown vs. phased compliance).

5.3 Procedural Lapses

- Flaws in DPCC's inspection:
 - No video recording as per CPCB guidelines.

- Testing methodology disputed by IIT Delhi's Environmental Engineering Dept.

5.4 Comparative Jurisprudence

- EU's "Proportionality Principle" (measures must match violation severity).
- US EPA's "Compliance Assistance" model (grace periods for corrections).

5.5 Future Safeguards

- Plea for GPS-enabled real-time monitoring of effluents.
- Request for DPCC guidelines on surprise inspections.

6. CONCLUSION

The Petitioner seeks urgent interim relief to prevent irreversible business damage while affirming its commitment to sustainable operations.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

DATED THIS 26TH DAY OF MARCH, 2025.

FILED BY:

Tharunika Loganathan

Advocate for the Petitioner

Enrolment No.: DHC/2020/12345

Chamber No. 123, High Court of Delhi