**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**

**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."**

**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**