



2026:DHC:1882



\$~26

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

+ W.P.(C) 9965/2023 and CM APPL. 38423/2023

Date of Decision: **26.02.2026**

**IN THE MATTER OF:**

SADAR CO-OP. GROUP HOUSING SOCIETY .....Petitioner

Through: Mr. D.K.Devesh and Mr. Jitesh  
Saluja, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ANR.

.....Respondents

Through: Ms Avni Singh (Panel Counsel-  
GNCTD) with Mr Vaibhav Sharma,  
Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**J U D G E M E N T**

**PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. A bare perusal of the Impugned Order dated 15.11.2022 passed by respondent no. 2 would reveal that upon finding the petitioner guilty of causing environmental pollution, a liability has been imposed, to pay compensation of Rs. 1,00,000/-.
2. The solitary grievance of the petitioner is that it has not been heard prior to the passing of the Impugned Order which, on the face of it, affects the rights of the petitioner. It contends, that if at all, a liability was to be imposed on it, a hearing should have been offered, wherein, it could have explained and/or justified the actions impugned.



3. The controversy involved herein stands covered by the decision passed by the Court in the case of '**Public Works Department, GNCTD vs. Central Pollution Control Board**',<sup>1</sup> which reads as under:

*"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 Environment 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*

---

<sup>1</sup> W.P.(C) 2693/2020 dated 11.03.2020.



2026:DHC:1882



*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.”*

4. In the facts and circumstances of the case, and the law discussed above, the Impugned Order dated 15.11.2022 and Recovery Notice dated 23.06.2023 issued in furtherance of it, are found to be violative of the principles of natural justice. Accordingly, the same are set aside.
5. However, respondent no. 2 is granted the liberty to pass a fresh order after affording an opportunity of hearing to the petitioner.
6. With the aforesaid observations, the instant petition stands disposed of.
7. All rights and contentions of the parties are left open.

**PURUSHAINDRA KUMAR KAURAV, J**

**FEBRUARY 26, 2026**

*Nc/ksr*