

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 50/2023

In

Original Application No. 60/2014

**In the matter of:**

Society for Protection of Culture Heritage Environment  
Tradition and Protection of National Awareness  
(also known as SPCHETNA)

.....Applicant

Versus

Union of India & Ors.

.....Respondent(s)

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Filed by:



New Delhi:

Dated: 10<sup>th</sup>.12.2024

Delhi Pollution Control Committee

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Execution Application No. 50/2023

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Society for Protection of Culture Heritage  
Environment Tradition and Protection of  
National Awareness (SPCHETNA)

.....Applicant

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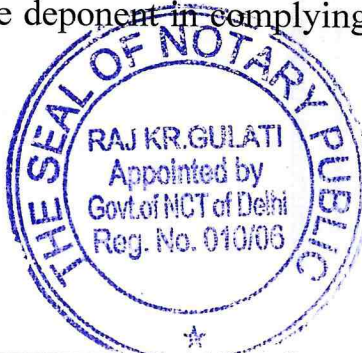
.....Respondent(s)

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION  
CONTROL COMMITTEE WITH RESPECT TO THE JUDGMENT  
DATED 24.05.2024.**

I, Dr. BMS Reddy, Sr. Environmental Engineer, Delhi Pollution Control Committee, 2<sup>nd</sup> Floor, C-Wing, Vikas Bhawan-II, Uppel Bela Road, Delhi-110054, do hereby solemnly affirm and state as under:

1. That, I am working as Sr. Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. At the outset it is respectfully submitted herein that it is the deponent herein who is having greatest respect to each and every direction/order of this Hon'ble Court. Further it is submitted herein that there is no malafide or ill intention on the part of the deponent in complying with any direction /order of this Hon'ble Court.

*BMS Reddy*



3. That, this Execution Application has been filed by the applicant seeking implementation/compliance of the order dated 12.04.2019 passed in execution application No. 23/2019 in Original Application No. 60/2014 and also seeking directions to the respondent Nos. 2 and 3 to immediately stop use of green area which is being used without running and operating the Tower Restaurant.

4. That this Hon'ble Tribunal taken up the above captioned matter on 24.05.2024 and pleased to direct:

*16. It is undisputed before the Tribunal that the respondent no. 3 is using the green area of 18500 sqm at the Siri Fort Sports Complex for marriage parties etc. without running the Tower Restaurant and he has acted in contravention of order of the Tribunal dated 10.07.2015 passed in original application no. 60/2014 as modified by the order dated 31.07.2017 in Review application no. 23/2015. Therefore, the respondents are required to take immediate action to ensure that the respondent no. 3 uses the green area of 18500 sqm strictly in terms of the order of the Tribunal. The respondent no. 3 has violated the order of the Tribunal and has use the green area of 18500 sqm unauthorizably, therefore, for past violation Environmental Compensation (EC) is also required to be imposed.*

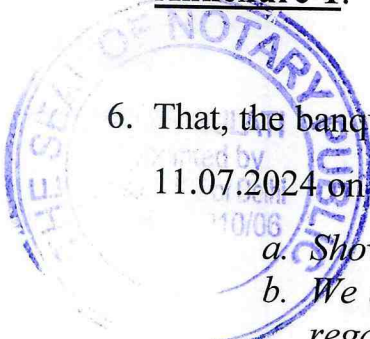
*17. We direct the Member Secretary, Delhi Pollution Control Committee (DPCC) to ensure that the EC is imposed upon the respondent no. 3 for the past violation by duly complying with the principles of natural justice within a period of three months and submit action taken report before this Tribunal.*

*18. EA is accordingly disposed of.*

5. That, DPCC in pursuance to This Hon'ble Tribunal judgment dated 24.05.2024 has issued Show Cause Notice to the banquet hall on 11.07.2024. Copy of the Show Cause Notice dated 11.07.2024 is enclosed herewith as **Annexure-1.**

6. That, the banquet hall filed the reply with respect to Show Cause Notice dated 11.07.2024 on 31.07.2024. In the reply majorly it was submitted that:

- a. Show cause notice under reply, is without any justification.
- b. We and the DDA entered into a License Deed dated 08.08.2018 in regard to the said Green Area admeasuring 18,500 sq mtrs.
- c. The Monitoring Committee appointed by the Hon'ble Supreme Court in WP(C) 4677/1985 sealed the Tower Restaurant and adjoining Green Area on 29.05.2019.
- d. The Judicial Committee appointed by the Hon'ble Supreme Court, {consisting of Hon'ble Justice Pardeep Nandrajog and Hon'ble



*Barry*

*Justice GS Sistani}, ordered for de-sealing of the premises vide judgment dt 23.02.2023. Accordingly the said premises i.e. Tower Restaurant and the Green Area were de-sealed.*

- e. *In the reply various judgments of the Supreme court were also cited.*
- f. *We are not causing any damage to environment which needed to be restored as per law. It is therefore, humbly requested that the show cause notice dated 11.07.2024 may kindly be withdrawn*

Copy of the reply submitted by the Banquet Hall dated 31.07.2024 is enclosed herewith as **Annexure-2**.

7. That, in addition to the reply submitted to DPCC, banquet hall also filed a Writ Petition bearing W.P.(C) No. 11160/2024 for setting aside the Order/Judgement dated 24.05.2024 passed by this Ld. Hon'ble National Green Tribunal in Execution Application No. 50/2023 in Original Application 60/2014, which is pending and now listed for 04.02.2025. DPCC has filed its detailed reply affidavit in the matter. Copy of the order dated 12.08.2024 is enclosed herewith as **Annexure-3**.

8. That, presently issue in hand is with respect to imposition Environmental Compensation on M/s Jhankar Banquets with respect to the Judgment dated 24.05.2024 passed by this Hon'ble Tribunal most particularly alleged misuse of the area allocated by DDA to M/s Jhankar Banquet.

9. That, the Environmental Compensation is for restoration of environment and prime facie cannot be imposed for alleged misuse of the area allocated by DDA to M/s Jhankar Banquet. Environmental Compensation operates on the Polluter Pays Principle wherein the polluter is held responsible for covering the costs associated with environmental degradation. Further, there are no specific allegations with regard to the operation of the firm without a pollution control device /mandatory consent. Since there are no damages to be ascertained, determined or evaluated, DPCC doesn't intend to levy Environmental Compensation in the present case.

10. That it is most respectfully submitted that issue of imposition of Environmental Compensation on M/s Jhankhar Banquets is kept in abeyance till the decision of the Hon'ble High Court of Delhi to avoid inconsistency.

*banquet*



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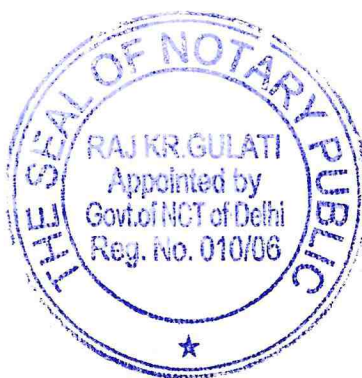
11. In view of the above, no action is warranted, the present status report may kindly be taken on record.

12. That the present affidavit in compliance is being filed on behalf of DPCC, in a bonafide manner and also in the interest of justice.

**DEPONENT**VERIFICATION

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

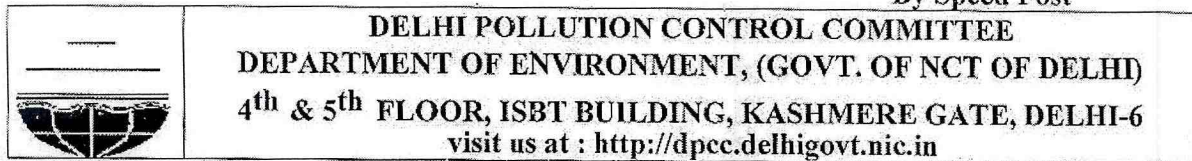
Verified at New Delhi on this 11-0 DEC 2024 day of December, 2024.

**DEPONENT****ATTESTED**  
NOTARY PUBLIC  
GOVT OF NCT OF DELHI**11-0 DEC 2024**

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Annexure-1

By Speed Post



DPCC/(10)(10)(40)/Leg-23/ 554-555

Dated: 11/07/2024

**Subject:- Show Cause Notice for imposition of Environmental Compensation.**

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and perform functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981.

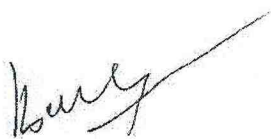
And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee vide Notification No. S.O. 198 (E) dated 15.03.1991.

And whereas, it is mandatory under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 that no person without the previous consent of the DPCC shall Establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land.

And whereas, you **M/s Jhankar Banquets & Restaurant Asiad Tower**, Asiad Tower Khel Gaon, New Delhi-110049 (hereinafter referred as the Addressee) have been organising parties/weddings on the premises which generates water and air pollution.

And whereas, the addressee unit is using the green area of 18500 sqm at the Siri Fort Sports Complex for marriage parties etc. without running the Tower Restaurant and he has acted in contravention of order of the Tribunal dated 10.07.2015 passed in OA No. 60/2014 as modified by the order dated 31.07.2017 in Review application No. 23/2015. Further, the addressee unit has violated the order of Hon'ble NGT and has used/using the green area of 18500 sqm unauthorizedly.

And whereas, Hon'ble National Green Tribunal vide its judgment dated 24 May 2024, in EA No. 50/2023 in OA No. 60/2014, has directed the DPCC to impose Environmental Compensation upon addressee unit for the past violation by duly complying with the principles of natural justice.

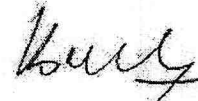


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Hence, by way of this notice, the addressee unit is hereby given an opportunity to submit reply as to why appropriate Environmental Compensation should not be imposed for using the green area of 18500 sqm at the Siri Fort Sports Complex for marriage parties etc. without running the Tower Restaurant and in contravention of order of the Tribunal dated 10.07.2015 passed in OA No. 60/2014 as modified by the order dated 31.07.2017 in Review application No. 23/2015. The addressee unit has violated the order of Hon'ble NGT and has used/using the green area of 18500 sqm unauthorizedly.

The addressee unit may submit its reply, if any, within 15 days from date of issue of this notice, failing which it shall be assumed that you have nothing to say in this regard and the DPCC shall be free to take further necessary action as deemed appropriate without further reference to the addressee unit. This shall also be treated as an opportunity of being heard.

This is being issued as per the approval of the Competent Authority in DPCC.



Incharge, CMC-II

To,

**M/s Jhankhar Banquets & Restaurant Asiad Tower,**  
Asiad Tower Khel Gaon,  
New Delhi-110049.

Dr. B.M.S. Sen  
Senior Environmental Engineer  
Delhi Pollution Control Committee  
4th & 5th Floor, ISBT Building  
Kashmere Gate, Delhi-110006

Copy to: Master file. CMC-II.

Annexure-2

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CMC-II/928  
02/08/2024

To,

Date: 31.07.2024

The Incharge,  
CMC-II  
Delhi Pollution Control Committee  
4<sup>th</sup> & 5<sup>th</sup> ISBT BUILDING,  
KASHMERE GATE, DELHI -110006

Delhi Pollution Control Committee
Daily No. 149461
01 AUG 2024
CMC-2
Sign. of Receiving Officer

Subject: Reply to the show cause notice dated 11.07.2024

Respected Sir,

I, Usha Kapoor, being the authorized representative of 'Jhankar Banquets' write to you in reply of your Show Cause Notice dated 11.07.2024, received on 16.07.2024, as under:

1. With due respect, at the outset, it is submitted, that the Show Cause Notice dated 11.07.2024 (hereinafter referred to as 'the Notice') is completely without any basis and has been issued without considering the facts and circumstances. The Delhi Pollution Control Committee (hereinafter referred to as 'DPCC') has no jurisdiction of any nature, whatsoever, in the present facts and circumstances.
2. In the Notice it has been alleged that the 'Jhankar Banquets' has been organizing parties/ weddings on the premises which generates water and air pollution. It has been further alleged that Jhankar Banquets has acted in contravention of the order of the Hon'ble National Green Tribunal dated 10.07.2015 passed in O.A No. 60/2014, as modified by the order dated 31.07.2017 in Review Application No. 23/2015. It has been also alleged that Jhankar Banquets has violated the order of the Hon'ble NGT and has used the green area of 18500 sqm. Unauthorizedly. All the aforesaid allegations are false and denied.

JEP, CMC-2

Koush 5/2

3. The Notice vaguely alleges the generation of water and air pollution by Jhankar Banquets. No details of any such alleged water and air pollution allegedly generated by Jhankar Banquets have been provided in the Notice under Reply. In absence of the details of the alleged water and air pollution, the allegations remain bald and hence, are futile. The DPCC is liable to recall the Notice on this ground alone. The Show Cause Notice dated 11.07.2024 is vague and fails to specify as to exactly how and which the conduct of Jhankar Banquets led to the conclusion that it is involved in polluting the environment. The Notice under Reply completely fails to even mention as to when and in what manner, Jhankar Banquets caused any air or water pollution.
4. It is submitted that the DPCC has no jurisdiction to issue the Show Cause Notice under reply to Jhankar Banquets under any of the statutory provisions. Infact, a bare perusal of the Show Cause Notice would reveal that nothing has been indicated therein as to under which statutory provision, DPCC has issued the Notice under Reply. The Notice under reply is beyond the powers of DPCC. The absence of mention of any statutory power clearly establishes that DPCC is itself aware that no such power is available with it.
5. We wish to further state that DPCC does not have powers to levy any environmental compensation. No statutory provision has even been mentioned under which DPCC is seeking to levy environmental compensation against Jhankar Banquets. Infact it has already been held by the Hon'ble High Court of Delhi that DPCC has no such power. Reliance in that regard is placed on the judgment in the case titled Splendor Landbase Ltd. v. Delhi Pollution Control Committee



[(2010) 173 DLT 52] upheld by the Division Bench of the Hon'ble High Court of Delhi in "Delhi Pollution Control Committee vs. Splendor Landbase Ltd." [2012 SCC Online Del 400] in LPA no. 895/2010. Copy of both the said judgments are enclosed herewith.

6. The Notice under reply is solely based on the Hon'ble Tribunal judgment dated 24.05.2024 passed by Hon'ble NGT. It is to submit that DPCC was required to consider as to whether it has any jurisdiction to issue any such Show Cause Notice. Only because an order has been passed by Hon'ble NGT, the same cannot not confer any jurisdiction to DPCC to issue a Show Cause Notice. Hon'ble NGT cannot confer any power upon DPCC to levy environmental compensation, when no such power is available with the DPCC under the Statutory provisions.
7. It is pertinent to state herein that all the necessary permissions under the relevant environmental Acts have already been taken by Jhankar Banquets. The Consent to Operate under the provisions of the Water (Prevention and Control of Pollution) Act-1974 and Air (Prevention and Control of Pollution) Act-1981, was valid upto 08.07.2019, and thereafter it was again renewed vide order dated 28.6.2023.
8. That the Notice has been sent without the affirmatively ascertaining as to whether there is, infact, any violation on the part of Jhankar Banquets. The Notice under reply proceeds on assumption that Jhankar Banquet may be causing water and air pollution. No basis has been shown in the Show Cause Notice for DPCC to allege that any such pollution was being caused by Jhankar Banquets.

9. That the show cause notice under reply has been issued solely on the basis of judgment pronounced on 24.05.2024 by the Hon'ble National Green Tribunal in EA No. 50/2023 in OA No. 60/2014. That the said order of the Hon'ble NGT is without any jurisdiction and hence, has been passed in nullity. It is a settled proposition of law that the Court cannot re-write the Contract for the Parties. In this regard reliance may be placed on the following judgements:

- i. General Assurance Society Ltd. vs. Chandumull Jain and Anr., AIR1966SC16.
- ii. Rajasthan State Industrial Development & Investment Corporation vs. Diamond & Gem Development Corporation Ltd., reported inter alia, as (2013)5SCC470.
- iii. Shree Ambica Medical Stores vs. Surat People's Coop. Bank Ltd., reported, inter alia, as (2020) 13SCC 564.
- iv. Venkataraman Krishnamurthy and another v. Lodha Crown Buildmart Pvt. .td. (Civil Appeal No. 971 of 2023)

10. Adding to the terms of the Contract by the Court, would be exceeding its jurisdiction. An Order passed in excess of jurisdiction suffers from the vice of jurisdictional error and would be a nullity, to that extent. In this regard reliance may be placed on the following judgements of the Hon'ble Supreme Court in S. Kuldeep Singh & Anr. vs. S. Prithpal Singh, in Civil Appeal No.81 of 2011.

11. The show cause notice under reply is solely based on the Hon'ble Tribunal judgment dated 24.05.2024. It is most respectfully submitted that there is no surviving cause of action behind issuing show cause notice upon us. The show cause notice under reply, is without any justification and the same is an unfettered discretion in the hands of the department which is against the settled principles of law. Hence the Impugned show cause notice is liable to be withdrawn.

**FACTUAL ASPECT WITH REGARD TO MY ESTABLISHMENT:**

- (a) The DDA developed and Constructed the Asian Games Village Complex in the year 1980 for Asian Games 1982. A Tower Restaurant was also constructed by the DDA as a landmark on self-sustainable basis.
- (b) The Tower Restaurant was leased to one M/s Chatwal Hotels in the year 1983 and was run by M/s Chatwal Hotels till the year 1989.
- (c) From the year 1989, DDA tried to lease out the said Tower Restaurant to third party entities, however, finally in the year 1993, the DDA, took a policy decision to lease out the adjoining green area of the said Tower Restaurant along with the said Tower Restaurant, for the purpose of holding social and religious functions.
- (d) In the year 1996, DDA invited tenders for the Tower restaurant and the Green Area surrounding it admeasuring around 18500 sq. mtrs. It is pertinent to mention that as per the said Tender the Tower restaurant was offered on lease basis for a period of 30 years, while the green area i.e. the surrounding area was offered on license basis for a period of 30 years. It is further pertinent to mention that the



terms and conditions as well as nature of grant of the Tower restaurant and the surrounding area i.e. the green area were separate and different. Further, as per the said tender, a bidding entity had to bid for both the Tower restaurant and as well as the Green Area.

- (e) We had participated in the aforesaid bid and our Bid was accepted by DDA on 20.11.1996.
- (f) A Lease Agreement in respect of the Tower Restaurant was entered between us and DDA for a period of 30 years and the physical possession of the Tower Restaurant and its surrounding area i.e. admeasuring around 18500 sq. mtrs was handed over to us by DDA on 19.07.1997.
- (g) There was extensive leakage from a water tank situated just below the Tower Restaurant, which supplies water to the surrounding area. The said leakage caused water logging in the lift which made the Tower Restaurant non-functionable and inaccessible.
- (h) Due to the said water leakage, the petitioner approached the Hon'ble Delhi High Court by filing W.P.(C) No. 4776 of 2000, which was finally allowed by the Hon'ble High Court vide order dated 08.05.2005 and thereafter the DDA took steps to rectify the problem of water leakage. Till 08.05.2005 on account of the aforesaid problem we were constrained from commercializing the Tower Restaurant.
- (i) It is pertinent to mention that despite carrying out of the said repairs, we were unable to start functioning of the Tower Restaurant due to non-grant of NOC/appropriate clearance from the Fire Department of GNCTD. The Fire Department did not grant the Fire NOC, due to some issues in stair case.

- (j) We again filed a Writ Petition before the Hon'ble Delhi High Court {W.P.(C) No. 11984 of 2009} in order to get the said issue settled. Vide order dated 09.02.2010, the Hon'ble High Court allowed the said Petition and quashed the requirements laid down by Fire Department for having 2 separate stair cases. However, despite best efforts, Fire Department, has not issued necessary clearance.
- (k) The Monitoring Committee constituted by the Hon'ble Supreme Court of India in WP (C) 4677/1985 sealed the premises (headed by Sh. Bhure Lal). We challenged the Monitoring Committee orders before the Hon'ble Supreme Court. Vide order dated 30.04.2013 Hon'ble Court pleased to transfer all the matter relating to de-sealing of premises, sealed by Monitoring Committee to the Ld. Appellate Tribunal for MCD. The ATMCD vide order dt. 22.02.2014 de-sealed our premises i.e the Tower Restaurant.
- (l) That Society for Protection of Culture Heritage, Environment Tradition and Protection of National Awareness ( SPCHETNA) in the year 2014 with malafide intent, approached the National Green Tribunal primarily on the issue alleging that the area allotted to us by the DDA was meant to be a District Park and meant to be used by the general public. Further SPCHETNA alleged that DDA had illegally handed over the said land to us as allegedly the said land was to be kept for Local Park and for the use of general public only.
- (m) The Hon'ble National Green Tribunal, vide detailed judgment dated 10.07.2015 upheld the grant of the license issued by the DDA in favour of us. Further, the Hon'ble Tribunal had imposed certain conditions/restrictions on us and upon the DDA, which are as follows:

- (i) We were allowed to use the Green Area to the extent of 18500 sq. Mtrs around the Tower Restaurant for marriages, parties etc for not more than 10 days in a month and subject to the condition that it shall also run the Tower Restaurant and pay all necessary lease and license charges in accordance with the terms and conditions of lease and license to be executed.
  - (ii) DDA shall permit public including members of the SPCHETNA for the remaining 20/21 days in the month to use the open space.
  - (iii) We shall not be permitted to put up any permanent structure in the green area and even the temporary structure erected for recreation shall be removed immediately.
- (o) The aforesaid stipulation imposed by the Hon'ble Tribunal adversely affected the commercial terms of a contract that too which had been upheld by the Hon'ble NGT itself. Further, the said conditions/restrictions amounted to rewriting a contract or creating a completely new contract between us and DDA. Moreover, the said conditions were even beyond the relief claimed in the OA filed by SPCHETNA. Therefore, we filed an review application seeking review of the judgment dated 10.07.2015. The Hon'ble NGT, vide order dated 31.07.2017, allowed the review application and accordingly modified its initial judgment dated 10.07.2015. Vide the said order dated 31.07.2017 the Hon'ble NGT specifically removed the condition of 10 days for use the land admeasuring 18750 sq. mtrs. (Green Area) and permitted us to use the said land in terms of license granted by the DDA that too uninterruptedly.

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- (q) That accordingly in view of the above order dated 31.07.2017 the Hon'ble NGT categorically modified its original order and granted the permission to the Petitioner to utilize the area of 18500 sq. mtrs (as alleged the green belt area) in terms of the license agreement and that too without any restrictions in any manner.
- (r) We and the DDA entered into a License Deed dated 08.08.2018 in regard to the said Green Area admeasuring 18,500 sq mtrs.
- (s) However, again on 29.05.2019 the Monitoring Committee appointed by the Hon'ble Supreme Court in WP (C) 4677/1985 sealed the Tower Restaurant and adjoining Green Area.
- (t) We approached the Monitoring Committee on 03.06.2019, the Monitoring Committee vide order dated 17.03.2021, dismissed the Application for De-Sealing filed by us, on the alleged ground that an objectionable structure that was constructed by the Delhi Jal Board. The order dated 17.03.2021 passed by the Monitoring Committee was challenged before the Judicial Committee appointed the Hon'ble Supreme Court, headed by Hon'ble Justice Pardeep Nandrajog and Hon'ble Justice GS Sistani, the Judicial Committee set-aside the order dated 17.03.2021 vide their judgment dt 23.02.2023. Accordingly, the said 2 premises i.e., Tower Restaurant and the Green Area were de-sealed.
- (u) That despite the order dated 31.07.2017 passed by the Hon'ble Tribunal, SPCHETNA filed an Execution Application No. 50/2023 in Original Application No. 60/2014 (after 5 years of passing of the order dated 31.07.2017), with the prayer to stop using the area of 18500 sq. mtrs. (green area) as the same was allegedly being run without operating of the Tower Restaurant. It is pertinent to mention here that the said application was filed by the SPCHETNA

only with its malafide intent to harass and restrain us from using the open green area of 18500 sq. mtrs. The said fact is evident as the relief sought in the execution application was completely separate from the original prayer sought in the Original Application No. 60 of 2014. Infact no such application was filed by SPCHETNA for a period of almost 5 years, till the time the Hon'ble Judicial Committee decided in favour of us.

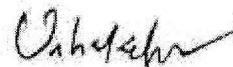
(v) That we had opposed the said execution application by filing a detailed reply to the said application as well as written submission. The Hon'ble NGT, vide judgment dated 24.05.2024, disposed of the execution application of the SPCHETNA with direction to DPCC to examine and impose Environmental Cost after following due process of law by giving opportunity of being heard.

12. Therefore, DPCC has grossly erred in issuing the Show Cause Notice upon Jhankar Banquets. The show cause notice dated 11.07.2024 should be kept in abeyance and withdrawn as it is full of conjectures and surmises. The Show Cause Notice dated 11.07.2024 have been issued without any authority of law and are *ultra vires* the concerned Environmental laws in this regard. The DPCC is not empowered to impose cost on us in view of the extent Laws applicable in India most particularly as interpreted by Hon'ble High Court of Delhi from time to time. That we also had a valid Consent to Operate, which is a requisite licence for operating the banquet hall.

13. In view of the above facts and circumstances, it is requested that the proposal of environment compensation to be imposed on us is needed

to be withdrawn or kept in abeyance in view of the fact that there was no policy.

14. We are not causing any damage to environment which needed to be restored as per law. It is therefore, humbly requested that the show cause notice dated 11.07.2024 may kindly be withdrawn and our case may kindly be treated on humanitarian ground as our business activity was closed for considerable time due to *malafide* complaints and we are already under huge loss and damage. We will be highly obliged.



(USHA KAPOOR)  
PARTNER,  
JHANKAR BANQUETS

Annexure-3



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 11160/2024, CM APPL. 46132-46133/2024

JHANKAR BANQUETS THROUGH ITS PARTNER USHA

KAPOOR

.....Petitioner

Through: Mr. Ravi Gupta, Senior Advocate  
with Mr. Ankit Jain, Ms. Apurva  
Tyagi, Ms. Neha Jain, Mr. Shrey  
Sharma, Mr. Chaitanya Malhotra, Mr.  
Muskan Mehra, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY THROUGH ITS VICE  
CHAIRMAN

.....Respondent

Through: Ms. Shobhana Takiar, SC for DDA  
with Mr. Kuljeet Singh, Advocate for  
R-1  
Mr. Anurag Ahluwalia, CGSC for R-  
2 & R-3 with Mr. Kaushal Jeet Kait,  
GP  
Mr. Kush Sharma, Advocate for  
DPCC/R-4

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

**ORDER****12.08.2024**

%

CM APPL. 46133/2024 (seeking exemption from filing original / certified  
copies of the annexures/ documents as also true typed copies of the  
documents)

1. Exemption is granted, subject to all just exceptions.
2. The Applicants shall file legible and clearer copies of exempted



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documents, compliant with practice rules, before the next date of hearing.

3. Accordingly, the application stands disposed of.

**W.P.(C) 11160/2024 & CM APPL. 46132/2024 (for stay)**

4. The Petitioner places reliance on the judgment of the Supreme Court in *Madhya Pradesh High Court Advocates Bar Association and Anr. v. Union of India and Anr.*<sup>1</sup> to challenge the order dated 24<sup>th</sup> May, 2024 passed by National Green Tribunal (NGT), directing Delhi Pollution Control Committee (DPCC) to ensure that the EC is imposed upon the Petitioner.

5. Issue notice.

6. Ms. Shobhana Takiar, SC for DDA/Respondent No. 1, Mr. Anurag Ahluwalia, CGSC for Respondents No. 2 & 3 and Mr. Kush Sharma, counsel for Respondent No. 4, accept notice.

7. Counter affidavit(s) be filed within a period of two weeks from today. Rejoinder, if any, be filed before the next date of hearing.

8. Re-notify on 9<sup>th</sup> September, 2024.

**SANJEEV NARULA, J**

**AUGUST 12, 2024/ab**

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<sup>1</sup> 2022 SCC OnLine SC 639