

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Appeal No. 38/2020

Rishabh Kumar Jain

Appellant(s)

Versus

Delhi Pollution Control Committee & Anr.

Respondent(s)

Date of hearing: 28.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Appellant(s): Mr. Mahipal Singh Rajput, Advocate

**ORDER**

1. This Appeal has been filed against the order of the Delhi Pollution Control Committee (DPCC) requiring the appellant to pay compensation of Rs. 5 Lakhs on 'Polluter Pays' principle. According to the impugned order, the appellant was carrying on industrial activity in non-conforming area without requisite consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, as per record of the East Delhi Municipal Corporation (EDMC). The addressee failed to reply or gave an unsatisfactory reply.

2. Learned Counsel for the Appellant submitted that the impugned order does not consider the reply dated 20.12.2019, whereby the appellant specifically took a stand that no industrial activity was being

carried out and only trading activity was being carried out, under a valid trade license.

3. In view of above, we consider it appropriate to require the DPCC to give a response signed by two officers of the DPCC, after due consideration of the contention noted above, before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

The appellant may furnish a set of papers to the DPCC and file an affidavit of service within one week.

A copy of this order be forwarded to the DPCC by e-mail for compliance.

Till the next date, the amount assessed as compensation may not be recovered.

List for further consideration on 19.01.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 28, 2020  
Appeal No. 38/2020  
SN