

\$~14

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

+ W.P.(C) 6555/2019 & CM Nos. 27724/2019 & 27726/2019

DELHI SWARNAKAR SANGHA Petitioner

Through: Mr Rajsekhar Rao, Mr S. M. Jadhav,
Mr Anish R. Shah, Mr Anish R. Shah,
Mr Nicholas Choudhary and Mr Brij
Kishore Shah, Advocates.

versus

DELHI POLLUTION CONTROL COMMITTEE
& ORS

..... Respondents

Through: Mr B. Mahapatra, Advocate for R-1.
Ms Malavika Trivedi, ASC, Mr
Anurag Mishra, Advocates for R-3.
Mr Ajay Arora with Mr Kapil Dutta,
Advocates for NDMC.
Mr Pawan Mathur, Advocate for
DDA.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R
% **31.05.2019**

1. The petitioner has filed the present petition, *inter alia*, impugning a letter dated 09.05.2019 issued by the Delhi Pollution Control Committee (DPCC), *inter alia*, directing the North Delhi Municipal Corporation to close down units/shops engaged in the activities of cleaning and washing of gold and silver ornaments in an unscientific manner.
2. The petitioner claims to be an association of Gold Traders and Goldsmith communities operating at the Regharpura, BeadonPura areas of

New Delhi. It is contended on behalf of the petitioner that the impugned directions are arbitrary and unreasonable and the units, operated by the members of the petitioner, cannot be closed down on the basis of the said notification as the said units are classified as household industries.

3. It is contended that the said units operated by the members of the petitioner are non-polluting.

4. Be that as it may, it is necessary to ensure that the said units are (a) functioning in a conforming area; and (b) are not exceeding any pollution.

5. This Court does not consider it apposite to entertain the said petition on behalf of an association of gold smiths. The question whether a unit is polluting or not polluting has to be examined in the context of the facts pertaining to that unit. If the owner of a non-polluting unit functioning in conforming area has any grievance, the said person would be at liberty to avail appropriate remedy as available in law. However, it is apposite to consider the present petition without reference to facts of independent units.

6. The petition is disposed of. The pending applications are also disposed of.

7. It is also clarified that this Court would not preclude an individual unit from approaching DPCC to obtain the necessary permission to carry out their industry. Needless to state that if any such application is made, the same would be considered in accordance with law.

8. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MAY 31, 2019

MK