

01.12.2025

Present : Shri Raj Kamal, Counsel along with Shri Karan Khanduja, for Appellant.

: Shri Mukesh Kumar, Counsel along with Shri Praveen Kumar, S.O. and Ms. Pandeshwari, ASO for Respondent, Excise Department.

1. The case was reserved for orders, however, certain clarifications were required from the Appellant as well as from Excise Department. The main ground for objecting the L-1 license to the Appellant was the pendency of Enforcement Directorate (ED) case which was treated as criminal background, as also a case lack of moral character. Therefore, certain clarifications were sought from both the sides on 'criminal background', 'moral character' and 'presumption of innocence'. The Excise Department had no other argument than judgments passed by Hon'ble Supreme Court of India and Hon'ble High Court of Delhi in the relevant cases i.e. WP(C) 5547 of 2007 titled 'Shogi Communications Ltd. Vs. UOI & Anr.', WP(C) 7369 of 2011 titled 'M/s. Sabharwal Medicos Pvt. Ltd. Vs. UOI & Ors.' and WP(C) 14903 of 2024 titled as 'PNC Infratech Ltd. Vs. UOI through Ministry of Road Transport and Highways & Anr.'. The judgements relied upon by the Excise Department are related to blacklisting of the companies on the basis of pendency of pending criminal proceeding emanating from the FIR registered against them. The Excise Department could not clarify how the pendency of case (in which changes are yet to be framed) could lead to an adverse inference on duties required to be performed by an L-1 licensee, and more so when the Deptt. could not being out a single instance of violation by the company.

2. On the other hand, the Appellant supported its case on the ground that the initial FIR registered by CBI having named one of its employees has not progressed further and the employee so named has been exonerated while filing the charge-sheet. As regards, name of another employee of Appellant in ED case, it is submitted that Hon'ble Supreme Court of India granted bail to the employee named Binoy Babu u/s 45 of the Prevention of Money Laundering Act, 2002 (PMLA) a provision which implies a *prima facie* acceptance of innocence of the accused person by the Hon'ble Supreme Court and where burden of proof to prove innocence is strictly upon the accused. The Appellant also submitted that both the employee and the Appellant Company have already approached the Hon'ble High Court of Delhi for quashing their names in the ED's ECIR and the same is at final stage before the High Court.
3. Case is reserved for pronouncement of orders on 08.12.2025.



**Financial Commissioner
Delhi**

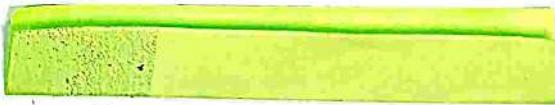
01.12.2025

Present : Shri Shallender Saini, Counsel alongwith Shri Pradeep Chaudhary, Chemical & Metallurgical Supdt. (NR) for Appellant.
: None for Respondent, DPCC.

1. The present appeal under Section 28 of the Water (Prevention and Control of Pollution), Act 1974 has been filed against the impugned order dated 21.08.2025 passed by the Incharge, CMC-II, DPCC.
2. The Counsel for Appellant contended that the Appellant is a Central Government organization under the Ministry of Railways operating 329 locomotives which share almost 40% load of trains of Delhi Division.
3. The Counsel for appellant contended that the impugned order dated 21.08.2025 passed by the DPCC is vitiated both in law and on facts as it seeks to fasten liability upon the Appellant for alleged operation without a valid Consent To Operate (CTO) and for discharge of untreated effluents, whereas the Appellant had already applied for renewal of CTO and deposited the statutory fee of Rs.23.10 lakh as early as 2015 and its application for renewal of CTO was pending with the Respondent.
4. The Counsel for Appellant further contended that the main grievance of the Appellant is that the parameters of waste water and sewage water as per BOD standard was found to be more than 40 mg/litre, higher than 30 mg/litre as mentioned by DPCC, whereas in actual the applicable BOD standard for a Railway Unit operating over 100 KLD is 150 mg/litre instead of 30 mg/litre.
5. The Counsel for Appellant also contended that an inspection was undertaken by DPCC itself and as per DPCC report dated 18.12.2023 it was recorded that no discharge of oil was observed as flowing directly into the adjoining drain. Further, against the Show Cause Notices issued by DPCC, the Appellant has already filed detailed

reply wherein it was categorically stated that all parameters of the treated effluent discharged from the Shed were well within the prescribed limits. Subsequently, the reply was considered and examined and found not satisfactory by DPCC. The DPCC vide order dated 21.08.2025 directed the Appellant to deposit an amount of Environmental Compensation (EC) of Rs.2.06 crores for 515 days of non-compliance w.e.f 18.12.2023 to 15.05.2025 and further the Unit was given final opportunity to apply for CTO with full applicable fee and requisite test reports on OCMMS within 15 days. Consequently, the Appellant herein has approached this court by filing an appeal to set aside the order dated 21.08.2025 and withdrawal of Environmental Compensation charges as imposed by the Respondent, DPCC. The Appellant also stated that the DPCC order is non-speaking and basis of working out the EC is not clear.

6. None is present on behalf of the Respondent, DPCC. Issue dasti notice as well as court Notice to present Secretary, DPCC to appear and defend the case on the next date of hearing.
7. As requested by the Counsel for Appellant, copy of this order be given dasti.
8. Adj. to 22.12.2025.



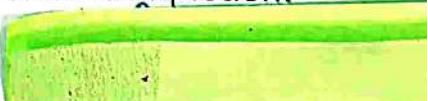
**Financial Commissioner,
Delhi**

Tathir Fatima & Anr (Through Attorney)
Vs.
Sardar Amrit Singh

01.12.2025

Present : Shri Agha Aqab Haider, Counsel for Appellant.
: Shri Mohan Rajput, Proxy Counsel for Respondent.

1. Counsel for Appellant filed the receipt of deposition of cost of Rs.5000/- imposed upon him on the last date of hearing i.e. 12.11.2025.
2. Proxy Counsel for Respondent submitted that the main Counsel is out of station and sought time to file reply.
3. On query by this Court regarding relationship between tenant and landlord, Counsel for Appellant failed to produce any evidence challenging the same.
4. The Counsel for the appellant submitted that the impugned order of trial court dated 22.08.2024 is ultra vires, as the suit property is not covered under the Slum Act, hence, the trial court had no jurisdiction to pass the said impugned order.
5. On specific query by the Court regarding jurisdiction of FC Court in case of a property not covered under Slum Act, the Counsel of the Appellant could not clarify. He neither sought time to be able to justify the same.
6. Since the jurisdiction of FC Court is non-existent in a non-slum property, the present appeal is dismissed for want of jurisdiction.
7. File be consigned to record room after completion.


(PRASHANT GOYAL)
Financial Commissioner
Delhi

Case No. 51 of 2023

01.12.2025

Present : Shri Rajesh Jain, Partner of Appellant firm.
: Shri Ashish Kumar Sabarwal, Counsel for LRs of
Respondent.

1. Representative for Appellant filed the receipt of deposition of cost of Rs.2000/- imposed upon him. Appellant further requested for adjournment as the Counsel is not available. Request is allowed. He is directed to appear and lead the case adequately on the next date of hearing.
2. Counsel for Respondent submitted that he has filed photos of the suit property and also that Appellant has filed the revenue map but not from the Competent Authority.
3. Petitioner undertook to file the revenue map from the Competent Authority before the next date of hearing failing which, the matter may be dismissed.
4. Adj. to 15.12.2025.

**Financial Commissioner
Delhi**