

**23.12.2025**

Present : Shri Naveen Kumar Jain, Appellant in person.  
: None for Respondent.

1. Appellant appeared in person and requested for adjournment as the Counsel is not available due to bereavement of his relative. Request is allowed.
2. Final opportunity is given to the Appellant to come prepared and lead the case on the next date of hearing.
3. None appeared for the Respondent. Issue notice as a final opportunity to the Respondent to appear and ready to defend the case on the next date of hearing.
4. Adj. to 12.01.2026.

**Financial Commissioner  
Delhi**

23.12.2025

Present : Shri Pawan Karan Dev, Proxy Counsel alongwith Dr. Dhruv Kapoor, Representative for Appellant hospital.  
: Dr. Kusum Arora, MS (Nursing Home), Dr. Neeraj Kumar Garg, ACDMO and Dr. Abhishek Singh, Member of Inspecting Team for Respondent, DGHS.

1. Departmental representative (Inspecting Team) of respondent, DGHS submitted that (i) there is no fire NOC, (ii) parking space is inadequate and (iii) IPDs facilities at 3<sup>rd</sup> floor of the hospital (which are 6 beds) are found insufficient as the area is measuring 357 sq. feet. approx., which is inadequate. There is insufficient ventilation and narrow lane to the hospital. He further contended that the surrounding area of hospital is very congested. It was further contended that according to Rule 14 of the Delhi Nursing Rules, 2011, "***The nursing home shall be situated in a place having clean surroundings and shall have sufficient facilities for parking area for the visitors, as per norms of Master Plan for Delhi, 2021 (MPD 2021)***". He also stated that the petitioner is not in the list of 300 Nursing Homes submitted by the DMA before the Hon'ble High Court, to whom Stay was granted regarding fire NOC.
2. Representative of the appellant hospital contended that the multi level parking area is only 300 meter away from the hospital. He also contended that in case of fire emergency, there are two exits one at ground floor and second at 5<sup>th</sup> floor (where water tanks are situated). Regarding IPDs, he stated that they have reduced from 6 beds to 3 beds. He further stated that the matter is subjudice before the Hon'ble High Court regarding fire safety and as he is life member of Indian Medical Association, he has applied for exemption of fire NOC.
3. Departmental representatives of Respondent, DGHS sought time to engage Govt. counsel. Respondent, DGHS is directed to file detailed reply with proper justification to

the appeal by the end of December, 2025. He shall supply a copy to the Appellant.

4. The appellant is also directed to clarify as to why the name of hospital does not figure in the list of 300 nursing homes submitted before the Hon'ble High Court.
5. Adj. to 05.01.2026 for arguments.

**Financial Commissioner  
Delhi**

23.12.2025

Present : Shri Deepak Khosla, Counsel for Petitioner.  
: Shri V.P. Rana, Counsel for Respondent.

1. Counsel for Respondent has brought to the notice of the Court that he has been engaged yesterday and today itself he came to know that he had represented in this matter earlier as the Counsel for Petitioner in the year 2012-13. Therefore, he would like to recuse as Counsel for Petitioner and further sought time for appointment of another Counsel for the Respondent. Allowed.
2. Counsel for Petitioner prays for waiving of the cost of Rs.2,000/- imposed on 10.12.2025 citing that Petitioner did not receive the copy of reply of Respondent C.O. well in time and he had no time to go through the same and argue in the Court. Keeping in view the submission of the Counsel, the cost of Rs.2,000/- imposed earlier is waived of.
3. Upon query on the issue of jurisdiction by this Court, the Counsel for Petitioner contended that this Court has the jurisdiction and it is the jurisdiction of the SDM which is questionable as review is not maintainable before Settlement Officer as per provision of the Consolidation Act.
4. Respondent is directed to engage another counsel and come prepared to present the case on the next date of hearing. The Respondent shall also come prepared to reply on the contention raised by the Petitioner regarding jurisdiction.
5. Adj. to 05.01.2026 for arguments.

**Case No. 146 of 2025**

23.12.2025

Present : Shri Kameshwar Mishra, Counsel for Petitioner.  
: Shri Rahul Jariyal alongwith Shri Irshad Khan,  
Counsels for impleadment applicant i.e. Shri Madan  
Pal Gupta.

1. Counsel for Petitioner requested for adjournment as he is to file the amended appeal before this Court alongwith the amended memo of parties for impleading DM, SDM & subsequent purchaser Shri Madan Pal Gupta.
2. Counsel for Respondent also agrees to the request made by the Counsel for Petitioner.
3. None appeared for the SDM concerned despite notice. Issue notice again to the SDM through DM to appear and file reply.
4. Adj. to 12.01.2026.

**Financial Commissioner  
Delhi**

23.12.2025

Present : Shri Balvinder Sachdeva, Representative for Appellant.  
: Ms.Ruchika Rathi, Counsel for Respondent.

1. The Counsel for Appellant contended that the Appellant went to Hon'ble Supreme Court against dismissal of the Writ Petition and the Hon'ble Apex Court granted permission to file review and also again the Appellant was granted liberty to approach the appropriate forum, whereafter they approached the Hon'ble Lt.Governor and subsequent to the Notification, to this Hon'ble Court for restoration of lease deed. The Appellant went to Hon'ble High Court under Public Premises Act (PPA) and conversion of lease deed. In rebuttal, the Counsel for Respondent submitted that the Appellant had approached the Hon'ble High Court against cancellation of lease deed.
2. The Counsel for Respondent further submitted that initially a Banquet Hall was running on an industrial plot, a 'misuse' of terms & conditions of allotment. Accordingly, it was cancelled on 27.05.1998 and against that cancellation the Appellant had approached the Hon'ble High Court. The writ petition was dismissed, thereafter the Appellant went to Division Bench in LPA and the said LPA was also dismissed. Against dismissal they went to Hon'ble Supreme Court which was subsequently withdrawn but no liberty was granted to file review petition. Thereafter, the Hon'ble High Court dismissed the said review petition and directed to approach before the Appropriate Authority as per law. It was specifically

argued that the Appellant cannot seek remedy before any authority other than the Hon'ble Supreme Court of India.

3. On query by this court to the Respondent as to the status of hearing in the Hon'ble High Court, the Counsel for Respondent submitted that a writ of prohibition is pending before the Hon'ble High Court and the next date of hearing in the matter is fixed for 24.03.2026.
4. Since the Hon'ble High Court is already seized of the matter, accordingly, both the cases are adjourned to 30.03.2026.

**Financial Commissioner  
Delhi**

*Diesel Loco Shed  
Through Divisional Mechanical Engineer  
Vs.  
Delhi Pollution Control Committee*

23.12.2025

Present : Shri Shailesh Saini, Counsel for Appellant.  
: None for Respondent, DPCC.

1. The Counsel for Appellant contended that the impugned order dated 21.08.2025 is a non-speaking order and there is computational error in the said order.
2. The Respondent is yet again absent today, despite service of notice. It is also seen that none has represented DPCC in any of the hearings earlier as well.
3. The Case of the Petitioner is that :
  - i) 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, where a liability in form of Environmental Compensation (EC) of Rs.2.06 crores for 515 days of non-compliance, has been imposed.
  - ii) 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. 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.

iii) 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.

iv) Further, 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.

4. In view of the facts and circumstances of the case, the matter is remanded back to the Secretary DPCC, Delhi Secretariat, New Delhi with a direction to hear the Appellant and pass a speaking and reasoned order preferably within next three months. No coercive action shall be taken against Appellant, till the disposal of the case before DPCC.

5. File be consigned to record room after completion.

(PRASHANT GOYAL)  
Financial Commissioner  
Delhi