



2026:DHC:8637-DB



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

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Date of Decision : 01.10.2026# **CNR No. DLHC010458692026**

+ LPA 778/2026 & CM APPL. 66099/2026

PRADEEP KUMAR GUPTA

.....Appellant

Through: Dr. Ashwani Bhardwaj, Mr. Vinay
Jaiswal and Ms. Namrata. Luthra,
Advocates.

versus

DELHI DEVELOPMENT AUTHORITY

.....Respondent

Through: Ms. Prabhsahay Kaur, SC for DDA
with Mr. Aditya Verma and Ms. Lata
Kumar, Advocates.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (ORAL)****CM APPL. 66100/2026 (Exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

CM APPL. 66098/2026 (Condonation of delay)

3. This is an Application filed on behalf of the Appellant seeking condonation of delay of 30 days in filing the present Appeal.



4. Having heard learned Counsel representing the Parties and perused the averments made in the Application, the same is allowed. The delay of 30 days in filing the Appeal is hereby condoned.

5. The Application stands disposed of.

LPA 778/2026

6. The present *intra court* Appeal has been preferred by the Appellant assailing the order dated 22.07.2026 (“**Impugned Order**”) passed in W.P.(C) No. 9909/2026 (“**Writ Petition**”) titled ‘*Pradeep Kumar Gupta vs Delhi Development Authority*’, as modified by the order dated 19.08.2026 (“**Review Order**”) passed in Review Petition No. 371/2026 (“**Review Petition**”) filed by the Appellant.

7. The Appellant is engaged in the business of transportation of school children and operates CNG-powered buses. It is claimed by the Appellant that during the period from July 2025 to November 2025, renovation work was being carried out at the school campus due to which the buses could not be parked within the school campus and, therefore, they were parked under the flyover opposite Mayur Vihar Phase-I Metro Station.

8. Between 07.07.2025 and 25.10.2025, the Respondent issued 22 challans (“**Challans**”) imposing a penalty of ₹50,000/- per bus, aggregating to ₹11,00,000/- relying upon the judgment dated 13.01.2015 passed by the National Green Tribunal (“**NGT**”) in *Manoj Mishra & Ors. v. Union of India & Ors.*, O.A. No.6/2012. The Appellant challenged the Challans by filing W.P.(C) No. 7093/2026.

9. W.P.(C) No. 7093/2026 was disposed of *vide* order dated 26.05.2026, permitting the Appellant to make a representation to the Respondent and the



Respondent was directed to decide the said representation after affording a personal hearing to the authorised representative of the Appellant.

10. Pursuant thereto, the Appellant submitted a representation dated 30.05.2026 (“**Representation**”) and was afforded a personal hearing on 03.06.2026. The Representation was rejected by the Respondent by order dated 25.06.2026 (“**Rejection Order**”) observing that the contention of the Appellant that the vehicles were not involved in dumping activity does not absolve the Appellant of his liability to pay the penalty imposed by the Challans as unauthorised parking of the buses itself constitutes misuse of the regulated flood plain areas and that non-availability of the parking space due to repair work at the school premises could not justify continued parking of vehicles in a prohibited and environmentally sensitive area.

11. Aggrieved by the Rejection Order and the Challans, the Appellant preferred the Writ Petition contending that compensation of ₹50,000/- contemplated under Paragraph No. 94(vi)(c) of **Manoj Mishra (supra)**, could be imposed only upon proof of dumping of debris / waste. It was contended that in the absence of any such dumping, the compensation could, at the highest, be ₹5,000/- in terms of Paragraph No. 94(vi)(d) of **Manoj Mishra (supra)**.

12. The learned Single Judge, finding no infirmity in the Rejection Order, dismissed the Writ Petition, *vide* the Impugned Order, observing that the judgment in **Manoj Mishra (supra)** was required to be read in its totality and in a comprehensive manner. The Impugned Order also observed that the parking of buses on the Yamuna flood plains was itself an illegality as no



commercial activity of any kind can be allowed to take place in an environmentally sensitive area, i.e., Yamuna flood plains.

13. The Appellant thereafter preferred the Review Petition on the ground that certain photographs handed over by the Respondent during the hearing of the Writ Petition had been relied upon without affording an opportunity to the Appellant before or during the hearing in the Writ Petition for verification, comment or objection, before the same were taken on record. The learned Single Judge, *vide* the Review Order, observed that the photographs were not the basis of the findings recorded in the Impugned Order, however, directed that the last sentence of Paragraph No. 15 of the Impugned Order which referred to the photographs as showing garbage and dumping of waste be deleted. The remaining portion of the Impugned Order was left unchanged.

14. Learned Counsel for the Appellant submitted that after the deletion effected by the Review Order, there is no finding either in the Rejection Order or in the Impugned Order that the buses of the Appellant were involved in dumping of debris, garbage or waste and therefore, the compensation of ₹50,000/- contemplated under Paragraph No. 94(vi)(c) of **Manoj Mishra** (*supra*) could not have been imposed upon the Appellant.

15. Learned Counsel for the Appellant further submitted that the finding which survives in the Impugned Order is confined to unauthorised parking of the buses on the Yamuna floodplains and that such parking could not attract compensation of ₹50,000/- and, at the highest, compensation of ₹5,000/- contemplated under Paragraph No. 94(vi)(d) of **Manoj Mishra** (*supra*) could be imposed.



16. It was further submitted on behalf of the Appellant that the Challans were issued without issuance of a Show Cause Notice or grant of an opportunity of hearing to the Appellant. Learned Counsel for the Appellant further submitted that the Respondent has no authority to impose a penalty for unauthorised parking and contended that the cumulative penalty of ₹11,00,000/- was disproportionate.

17. We have heard learned Counsel for the Appellant and perused the material placed on record.

18. The Review Order records that the photographs handed over by the Respondent were not the basis of the findings recorded in the Impugned Order. In view of the objection raised by the Appellant, the last sentence of Paragraph No. 15 of the Impugned Order which stated that the photographs showing garbage and dumping of waste was directed to be deleted. The Review Order, however, left the remaining portion of the Impugned Order unchanged.

19. The deletion of that sentence does not affect the other findings in the Impugned Order. The findings that the buses were parked on the Yamuna flood plains and that such parking in an environmentally sensitive area was impermissible remains unchanged. The Appellant also does not dispute that the buses were parked at the location in question.

20. The Appellant's explanation that the buses were parked on the Yamuna flood plains because renovation work prevented parking within the school campus was considered in the Rejection Order. The Rejection Order held that the lack of parking space due to such work did not justify continued parking in a prohibited and environmentally sensitive area. It



further held that the unauthorised parking itself amounted to misuse of the regulated floodplain area. Therefore, the Appellant cannot contend that the basis of the Impugned Order ceased to exist after the Review Order.

21. We are also unable to accept the Appellant's submission that, in the absence of a finding regarding the dumping of debris / waste, the compensation of ₹5,000/- under Paragraph No. 94(vi)(d) of **Manoj Mishra** (*supra*) would apply wherein the throwing of pooja material or other material, such as food grains and oil, into the River Yamuna except at designated sites has been prohibited and a compensation of ₹5,000/- has been prescribed for its violation. However, the same does not apply to unauthorised parking of vehicles on the Yamuna floodplains. Therefore, the amount prescribed under that provision cannot be treated as compensation for unauthorised parking. The learned Single Judge also observed in the Impugned Order that the purpose of the directions issued by the NGT in **Manoj Mishra** (*supra*) was to protect the Yamuna floodplains from encroachment and illegal parking, and that the dumping of waste in the river was one aspect of that broader concern. We find no reason to take a different view.

22. We also find no ground to interfere on the basis that the Appellant was not heard before the Challans were issued. The Respondent considered the Representation and granted the Appellant a personal hearing on 03.06.2026 before passing the Rejection Order. The Appellant's objections to the Challans were, therefore, duly considered.

23. In these circumstances, we find no ground to interfere with the Impugned Order, as modified by the Review Order.



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24. Accordingly, the Appeal is dismissed. Any pending Application also stands disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

OCTOBER 1, 2026

Hk/ap