

ITEM NO.102

COURT NO.11

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(s). 3633-3634 OF 1999

U.P.POLLUTION CONTROL BOARD

Appellant (s)

VERSUS

ANIL K. KARNWAL & ORS

Respondent(s)

(With appln(s) for stay, exemption from filing O.T., permission to submit additional document(s) and office report)

WITH

W.P(C) NO. 66 of 2007

(With appln.(s) for directions and office report)

W.P(C) NO. 67 of 2007

(With appln.(s) for stay and office report)

Date: 28/09/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s)

Mr. Ratnakar Dash, Sr. Adv.

Mr. R.K. Gupta, Adv.

Mr. Rajiv Dubey, Adv.

Mr. Pradeep Misra, Adv.

Dr. Sushil Balwada

For Respondent(s)

Mr. Anil Karnwal, Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. Ashok Kumar Sharma, Adv.

Mr. Aftab Ali Khan, Adv.

Mr. Shariq-A-Zaidi, Adv.

Mr. Ankur Sood, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

2

Shri Ratnakar Dash, learned senior counsel appearing for the State of Uttar Pradesh handed over typed copy of the affidavit of Shri V.P. Singh, Secretary, Hapur Pilkhuwa Development Authority, District Ghaziabad. Mr. Ashok Kumar Sharma, learned counsel representing villagers, handed over affidavit of Shri Niranjan Singh Tyagi alias Viranjan Singh Tyagi, resident of Village Rampur, P.O. Khas, District Ghaziabad. These papers are taken on record.

A perusal of affidavit of Shri V.P. Singh shows that U.P. State Industrial Development Corporation is yet to pay a sum of Rs.38,01,44,000/- to Hapur Pilkhuwa Development Authority for transfer of the land acquired by the State Government vide

Notifications dated 18.9.2006 and 22.1.2008.
Therefore, we suo motu direct impleadment of Uttar Pradesh State Industrial Development Corporation through its Managing Director as party to the proceedings of these appeals.

Shri Dash, learned senior counsel representing the State of Uttar Pradesh says that he would seek necessary instruction in the matter and make a statement on the next date of hearing about the time within which the Corporation will deposit the balance amount with the Hapur Pilkhuwa Development Authority so as to enable it to transfer the land to the Corporation.

Shri Pradeep Misra, learned counsel appearing for the appellant - U.P. Pollution Control Board disclosed that as per the latest Master Plan, the proposed area for shifting of industrial units from their present site is very near to the site earmarked for Middle Income Group and Lower Income Group housing

3

projects. Shri Misra then gave out that he will discuss with the learned counsel representing the State and make statement on the next date whether it will be possible and feasible to shift the proposed site of the industries to some other place.

In order to enable learned senior counsel representing the State of Uttar Pradesh and learned counsel appearing for the appellant - U.P. State Pollution Control Board to seek instructions from their respective client and file affidavits, hearing of this case is adjourned for four weeks.

Shri Dash should also ensure that an affidavit of Sub-Divisional Magistrate, Hapur is filed in the context of the assertion contained in the affidavit of Shri Niranjana Singh Tyagi.

Learned counsel representing private respondents may also file affidavit of their respective client within three weeks.

List on 26.10.2010.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master