

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

RECORD OF PROCEEDINGS

I.A.No.4/2005 in Writ Petition (C) No. 58 of 2005

SOCIETY FOR SAFE STRCTURES

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(For directions)(With office report)

Date: 11/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner(s)

Petitioner-In-Person

For Respondent(s) Mr. Milon K. Banerjee, A.G.

Mr. Goolam E. Vahanvati, S.G.

Mr. R.M. Sharma, Adv.

Mr. Devdutt Kamat, Adv.

Mr. Manish Tiwari, Adv.

Mr. Gaurav Agrawal, Adv.

Mr. S.Wasim A. Qadri, Adv.

Mr. V.K. Verma, Adv.

For MCD:

Mr. Ashwani Kumar, Sr.Adv.

Mr. Sanjiv Sen, Adv.

Mr. A.K. Sharma, Adv.

Mr. Praveen Swarup, Adv.

Mr. V.B. Saharya, Adv.

for M/s Saharya & Co., Adv.

For DDCA:

Mr. Mukul Rohtagi, Sr. Adv.

Mr. Arun Jaitley, Sr. Adv.

Mr. Maninder Singh, Adv.

Mr. Angad Mirdha, Adv.

Mrs. Pratibha M. Singh, Adv.

Mr. Sanjeev Kumar, Adv.

Mr. T.V. George, Adv.

UPON hearing counsel the Court made the following

O R D E R

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The main petition in which notice has been issued and which is still to come up

for hearing after parties have filed replies, the prayer in substance is that directions

shall be issued to the respondents to take appropriate necessary action to stop ongoing

construction of structurally unsafe building and to ensure construction of economical

structurally safe and earthquake resistant buildings and other facilities and structures

in future and to implement the provisions of National Building Code of India and to

make appropriate revisions in the building bye-laws to ensure construction of safe

buildings in future so as to protect the people's fundamental right under Article 21 of

the Constitution.

This interlocutory application has been filed said to be in public interest

seeking orders for quashing the occupancy certificate and permission granted by the

Municipal Corporation of Delhi in respect of the stadium at Ferozshah Kotla, New Delhi

for the purpose of holding one day international cricket match between India and

Pakistan on 17th April, 2005. Apprehensions, based on newspaper reports, have been expressed about the structural safety of the constructions.

We have made it abundantly clear to the applicant that at this stage we are not examining the legal and other issues raised in the writ petition or in the application but we feel the safety of the structures is of paramount importance when such an event is going to take place shortly.

Apart from the fact that learned Attorney General and Solicitor General have strenuously submitted that every precaution from safety angle has been taken,

Mr. Ashwani Kumar, learned senior counsel appearing for the Municipal Corporation of Delhi, states that the Corporation has not gone merely by the documents filed with it by Delhi and District Cricket Association (DDCA), but the senior officers including engineers have not only examined the documents on record but have inspected the

structures from safety angle and are fully satisfied about the safety and the decision was taken at the highest level and only thereafter permission to hold the match on 17th

April, 2005 has been granted. Mr. Rohatgi, learned senior counsel appearing for

DDCA has filed in Court a detailed procedure that has been followed in designing and execution of the project which, besides being signed by the architects, Kothari Associates Pvt. Ltd., has also been signed on behalf of Engineering Projects (I) Ltd., giving various test reports conducted. The test certificates have also been filed along with this document.

Besides above, it has been stated that the unfinished portion, though safe, shall not be occupied, with the result, there will be no vertical load thereupon. It has been brought to our notice that instead of 60,000 seats, only 30,000 seats would be allowed to be occupied. We have further been informed that the unfinished portion would be blocked, barricaded and protected.

On the submissions made, we find no ground to allow the prayer made in the application so as to stall the event fixed for 17th April, 2005.

The application would be taken up along with the main writ petition.

(N. Annapurna)
Court Master

(Phoolan Wati Arora)
Court Master