

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

Petition(s) for Special Leave to Appeal (Civil) No(s).12065/2009

(From the judgement and order dated 11/02/2009 in CM No. 15895/2005,WP  
No.17682/2005 of The HIGH COURT OF DELHI AT NEW DELHI)

UNION OF INDIA

Petitioner(s)

VERSUS

VIMAL BHAI & ORS.

Respondent(s)

(With appln(s) for modification of Court's Order and directions and  
permission to place additional documents on record and office report )

T.C.(C) NO. 132 of 2011

T.C.(C) NO. 133 of 2011

SLP(C) NO. 36343 of 2011

(With prayer for interim relief and office report)

T.C.(C) NO. 35 of 2012

Date: 06/12/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. A.S. Chandhiok, ASG  
Mr. P.P. Malhotra, ASG  
Mr. Harish Chander, Sr.Adv.  
Mr. P.C. Agarwal, Sr.Adv.  
Mr. Nakul Divan, Adv.  
Mr. Farrukh Rasheed, Adv.  
Mr. S.N. Terdal, Adv.  
Ms. Shaheen Parveen, Adv.  
Ms. V. Mohana, Adv.  
Mr. Pratap Parmar, Adv.  
Ms. Sushma Suri, Adv.  
Mr. Rashid, Adv.  
Mr. Aljo K. Joseph, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. Vikas Mehta, Adv.

For Respondents(s) Ms. Anitha Shenoy, Adv.

For M/s Parekh & Co.

For State of M.P. Mr. S.K. Dubey, Sr.Adv.  
Mr. Anil K. Pandey, Adv.  
Mr. B.S. Banthia, Adv.

Mr. Mohit Abraham, Adv.

Mr. K.B. Rohtagi, Adv.  
Ms. Aparna Rohatgi Jain, Adv.  
Mr. Mahesh Kasana, Adv.

Mr. M.T. George, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. Sanjay Kumar Singh, Adv.

Ms. Meera Mathur, Adv.

Mr. Viresh B. Saharya, Adv.

For RR-8 Mr. S.K. Agarwal Sr.Adv.  
Mr. Arun K. Sinha, Adv.  
Mr. Rakesh Singh, Adv.

Ms. Niranjana Singh, Adv.

Ms. Meenakshi Arora, Adv.

Mr. Rajeev Sharma, Adv.

Md. Shahid Anwar, Adv.

Mr. Satish Aggarwal, Adv.

Mr. Harish Pandey, Adv.

Mr. V.D. Sharma, Adv.

Mr. Vikas Mehta, Adv.

Mr. Rabin Majumdar, Adv.

Mr. Sudhir Kulshreshtha, Adv.  
Ms. Sushma Singh, Adv.

Mr. Arvind Kumar Tewari, Adv.

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For State of T.N. Mr. B. Balaji, Adv.

Mr. R. Rakesh Sharma, Adv.  
Mr. P. Krishnamoorthy, Adv.

Mr. Manoj V. George, Adv.  
Mr. K. Gireesh Kumar, Adv.  
Mr. Alex Joseph, Adv.

Mr. Anil Grover, Adv.  
Ms. Shubhangi Tuli, Adv.

Mr. Sanjay Kharde, Adv.  
Ms. Asha Gopalan Nair, Adv.

Mr. Ameet Singh, Adv.  
Ms. Pareena Swarup, Adv.  
Mr. Praveen Swarup, Adv.

Mr. Ameet Singh, Adv.  
Mr. Rohit Sharma, Adv.  
Mr. Praveen Swarup, Adv.

Ms. Nidhi, Adv.

For RR-1 Mr. Sanjay Parikh, Adv.

Mr. Bushra Parveen, Adv.  
Mr. Ritwick Dutta, Adv.

Mr. Nikhil Nair, Adv.  
Mr. Vikash Verma, Adv.

Dr. Sumant Bhardwaj, Adv.  
Ms. Ankita Chaudhary, Adv.  
Ms. Anita Gupta, Adv.  
Mr. Vivekanand Mishra, Adv.  
Ms. Mridula Ray Bhardwaj, Adv.

Mr. Ranjan Mukherjee, Adv.  
Mr. S.C. Ghosh, Adv.  
Mr. S. Bhowmick, Adv.  
Mr. R.P. Yadav, Adv.

Mr. Yogender Handoo, Adv.  
Mr. R.K. Handoo, Adv.

Lt. General S.S. Dahiya (In person)

Mr. Rajender Singh (In person)

Mr. H.P. Srivastava (In person)

Mr. Ajay Ramesh Sule (In person)

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UPON hearing counsel the Court made the following  
ORDER

At the commencement of further hearing, learned Additional Solicitor General placed before the Court the file in which the issue of appointment of Chairperson of the National Green Tribunal has been dealt with.

After going through the file, we enquired from the learned Additional Solicitor General about the time within which the appointment of Chairperson of the National Green Tribunal will be notified. Thereupon, he made a request for three days' time to seek instructions and make a statement before the Court.

In response to another query of the Court, learned Additional Solicitor General informed the Court that three Judicial and six Expert Members of National Green Tribunal are already working and recommendations made by the Selection Committee for appointment of six Judicial and four Expert Members are being processed. He submitted that after seeking instructions he will make a statement on the next date about the time within which the appointment of six Judicial and four Expert Members will be notified.

In reply to the third query of the Court, learned Additional Solicitor General informed that Registrar of the National Green Tribunal, who is a Member of the Delhi Higher Judicial Services, is already in place. According to the learned Additional Solicitor General, the officer is on

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deputation for a period of one year commencing from 18.7.2012. He also gave out that one Deputy Registrar, three Section Officers, eleven Assistants, one Steno, one Accounts Officer and one Accountant has joined the Principal Bench of the Tribunal and five Stenographers are likely to join by 15th December, 2012.

Learned Additional Solicitor General also informed the Court that Chennai Bench of the National Green Tribunal has become functional with effect from 13.11.2012 and efforts are being made to make the remaining three Benches at Bhopal, Calcutta and Pune functional at the earliest.

In the context of last statement made by the learned Additional Solicitor General, we direct the Chief Secretaries of the States of Madhya Pradesh, West Bengal and Maharashtra to ensure that Benches of the National Green Tribunal at Bhopal, Calcutta and Pune become functional on or before 28.2.2013 and for this purpose necessary infrastructure including residential accommodation is made available for the Judicial (former Judges of the High Court) and the Expert Members.

Shri Sanjay Parikh, learned counsel for respondent No.1 made a grievance that the allotment of Faridkot House made to National Green Tribunal is subject to certain conditions. In our opinion, it is not necessary to make any comment on the conditions incorporated in the letter of appointment. However, it is made clear that if, for any reason, possession of Faridkot House is not handed over to National Green Tribunal

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after the same is vacated by N.H.R.C., then respondent No.1 shall be free to bring this fact to the notice of the Court.

Put up on 12th December, 2012.

On the next date of hearing, learned Additional Solicitor General should also, after seeking instructions, make a statement on the availability of residential accommodation to the Judicial and Expert Members of the Tribunal as per their pre-appointment status. This would necessarily mean that the Judicial Members, who are former Judges of the High Courts should be provided accommodation as per their status as retired Judges of the High Court and the expert Members should be provided accommodation commensurate to their status prior to their joining the National Green Tribunal.

The persons to whom notice has been issued in furtherance of this Court's order dated 10.10.2012 may file their affidavits, if they have not already done so, within a period of four weeks from today. Further affidavit on behalf of the Union of India be filed within next two weeks. For consideration of the issue relating to unauthorised occupation of Government accommodation in Delhi the case is adjourned to 30.1.2013.

While adjourning the case, we make it clear that if any accommodation is vacated during the intervening period, the same shall not be allotted to anyone without obtaining order from the Court.

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The Registry is directed to send copies of this order to the Chief Secretaries of the States of Madhya Pradesh, West Bengal and Maharashtra.

(Sukhbir Paul Kaur)

Court Master

(Phoolan Wati Arora)

Court Master

