

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

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 N. DELHI)

UNION OF INDIA

Petitioner(s)

VERSUS

VIMAL BHAI & ORS.

Respondent(s)

(With appln(s) for modification of Court's Order and office report)

WITH

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

(With appln.(s) for permission to file additional documents)

Date: 19/09/2012 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.R.F.Nariman, SG  
Mr.Nakul Dewan, Adv.  
Mr.Farrukh Rasheed, Adv.  
Ms.Sadhna Sandhu, Adv.  
Mr. B. Krishna Prasad, Adv.

Mr.A.S.Chandhok, ASG  
Mrs.V.Mohana, Adv.  
Mr.Rajeev Sharma, Adv.  
Mr.P.S.Parmar, Adv.  
Mr.Alok Kumar, Adv.

Mr.Harish Chandra, Sr.Adv.  
Ms.Sunita Rani Singh, Adv.

Ms.Chinmayee Chandra, Adv.  
Mr.Vikas Mehta, Adv.

For Respondent(s) Mr.Shreekant N.Terdal, Adv.  
Mr.Sanjay Parikh, Adv.  
Ms.Mamta Saxena, Adv.  
Ms.Bushra Parveen, Adv.

For Intervenor Mr.Raj Panjwani, Sr.Adv.

Mr.S.K.Dubey, Sr.Adv.  
Mr.Vikrant Singh Bais, Adv.  
Mr. B.S. Banthia, Adv.

Mr.R.Rakesh Sharma, Adv.  
Mr. B.Balaji, Adv.

UPON hearing counsel the Court made the following

O R D E R

At the commencement of further arguments, Shri Sanjay Parikh, learned counsel appearing for the respondent read out affidavit of his client which was filed on 21.08.2012 to show that neither the required space has been allotted to the Principal Seat of the National Green Tribunal nor any residential accommodation has been made available to the Judicial and Expert Members.

Learned Solicitor General handed over an additional affidavit of Shri S.S.Badhawan, Director, Policy and Law Division, Ministry of Environment and Forests, New Delhi.

After going through the affidavits, we made certain queries on the issue of appointment of the Chairperson of the National Green Tribunal, allotment of Faridkot House to the National Green Tribunal and ensuring effective functioning of the Tribunal by providing all the facilities and amenities to the Judicial Members, who are former Judges of the High Court at par with the sitting Judges except the element of pension and also to the Expert Members.

Learned Solicitor General and the learned Additional Solicitor General gave out that they would respond to all the queries of the Court within seven days.

Learned Additional Solicitor General also gave out that he had personally visited Faridkot House along with one of the staff member of the National Green Tribunal to Faridkot House to explore the possibility of getting a portion of the accommodation which is presently with the National Human Rights Commission. Learned Additional Solicitor General also assured that he will ask the concerned Department to issue an order for allotment of Faridkot House to the National Green Tribunal in terms of this Court's order dated 03.05.2012.

In view of the submissions made before the Court, the case is adjourned to 26.09.2012.

While adjourning the case, we deem it proper to take cognizance of the statement made by Shri Raj Panjwani, learned senior counsel appearing on behalf of the intervenor (Bar Association of the National Green Tribunal) that functional accommodation made available for Bhopal Bench of the National Green Tribunal is not at all conducive to the functioning of an important judicial body. Shri Panjwani gave out that the accommodation made available by the Government of Madhya Pradesh is in the basement of a building and it is impossible for the Tribunal to function from the basement.

Let notice issue to the Chief Secretary, State of Madhya Pradesh to file his own affidavit as to why sufficient accommodation has not been made available for functioning of Bhopal Bench of the Tribunal.

Shri B.S.Banthia, the standing counsel for the State of Madhya Pradesh is requested to take notice and communicate this order to the Chief Secretary, State of Madhya Pradesh today itself.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master