

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 N. 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 addl. documents on record and intervention and impleadment and office report)

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

(With prayer for interim relief and office report)

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

(With prayer for interim relief and office report)

SLP(C) NO. 36343 of 2011

(With prayer for interim relief and office report)

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

(With Appln. for permission to file additional documents)

Date: 16/07/2013 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. P.P. Malhotra, ASG
Mr. Ranjesh Kumar Sinha, Adv.
Mr. Amit Kumar, Adv.
Mr. Rajiv Kumar Sinha, Adv.
Mr. Gaurav Sharma, Adv.
Mr. S.K. Bajwa, Adv.
Mr. D.L. Chidanand, Adv.
Mr. M.P. Gupta, Adv.
Mr. Shreekant N. Terdal, Adv.

..2/-

: 2 :

Mr. P.S. Parmar, Adv.
Ms. Shaheen Parveen, Adv.

Mr. B. Krishna Prasad
Mr. Annam D.N. Rao
Mr. Vikas Mehta

For Respondent(s)

Mr. Rakesh Khanna, ASG
Mr. Surya Kant, Adv.
Mr. P.C. Agarwal, Adv.
Mr. V. Mohna, Adv.
Mr. Pranav Vyas, Adv.
Ms. Seema Rao, Adv.
Mr. Harsh Parbhakar, Adv.
Mr. B.K. Jauhari, Adv.
Ms. Sushma Suri, Adv.

For NGT Mr. Raj Panjwani, Adv.
Ms. Binu Tamta, Adv.
Mr. Dhruv Tamta, Adv

For State of U.P. Mr. S.K. Dubey, Sr. Adv.
Mr. Mishra Saurabh ,Adv

For State of W.B. Mr. Mukul Rohtagi, Sr. Adv.
Mr. Joyeep Bhattacharjee,
Mr. Bikas Kargupta, Adv.
Ms. Sarbani Kar, Adv.
Ms. Debjani Das Purakayastha, Adv.

Mr. Sanjay Parikh, Adv.
Mr. Bushra Parveen, Adv.
Ms. Mamta Saxena, Adv.
Ms. Anitha Shenoy,Adv.

Mr. Avijit Bhattacharjee ,Adv
Mr. Arun K. Sinha ,Adv
Mr. Arvind Kumar Tewari ,Adv

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

For State of Meghalaya Mr. Ranjan Mukherjee, Adv
Mr. Subhro Sanyal, Adv.
Mr. T.M. Singh, Adv.

..3/-

: 3 :

For State of U.P. Mr. Irshad Ahmed, AAG
Mr. Atif Suharawardy, Adv.
Mr. Abhishth Kumar, Adv.

For State of Haryana Mr. Manjit Singh, AAG
Mrs. Vivekta Singh, Adv.
Mr. Tarjit Singh, Adv.
Mr. Anil Antil, Adv.

For State of M.P. Mr. Mishra Saurabh, Adv.

Mr. Rahul Khurana, Adv.
Mr. Anil Grover, Adv.
Ms. Shubhangi Tulil, Adv.

Mr. R.K. Handoo, Adv.
Mr. Yoginder Handoo ,Adv

Dr. Sumant Bharadwaj, Adv.
Mr. Ajit Kumar Gupta, Adv.
Ms. Mridula Ray Bharadwaj ,Adv

Mr. Sanjay Kharde, Adv.

Mr.T.V.George ,Adv
Mr. Dushyant Kumar, Adv.
Mr. Rakesh Taneja, Adv.
Mr. Maurya Sarkar, Adv.

In-person Lt. Gen. S.S. Dahiya

For Respondent 4 Mr. Viresh B. Saharya, Adv
Ms. Neelam Sharma, Adv.

Mr. Adil Muneer, Adv.
Mr. Dushyant Parashar ,Adv

Noticee No.3 Ms. Sushma Singh, Adv.

Noticee No.4 Mr. Rabin Majumdar, Adv.
Ms. Suchitra Goswami, Adv.

Noticee No.6 Mr. Nikhil Nayyar, Adv.
Mr. Vikash Verma, Adv.

..4/-

Noticee No.7 : 4 :
Mr. Saket Singh, Adv.
Mr. N. Ranjana Singh, Adv.
Ms. Sangeeta Singh, Adv.
Ms. Prerna Singh, Adv.
Mr. Kumar Rajan Mishra, Adv.

Noticee NO.8 Mr. Arun K. Sinha, Adv.

Dr. V.P. Appan ,Adv
Mr. R.C. Pandit, Adv.

Mr. Ankur S. Kulkarni, Adv.
Mr. Nirnimesh Dube ,Adv

Mr. K.B. Rohtagi ,Adv

Ms. Meenakshi Arora ,Adv
Mr. Ram Swarup Sharma ,Adv

Mr. Sudhir Kulshreshtha ,Adv
Respondent-In-Person ,Adv
Mr. Satish Aggarwal ,Adv
Mr. M.T. George ,Adv
Mr. Rajeev Sharma ,Adv
Mrs Shiel Sethi ,Adv
Mr. Ranbir Singh Yadav ,Adv
Ms. Niranjana Singh ,Adv

Mr. Annam D.N. Rao ,Adv
Mr. Chander Shekhar Ashri ,Adv
Mr. K.S. Rana ,Adv
Mr. B.S. Banthia ,Adv
Mr. K.L. Janjani ,Adv
Gp.Capt.Karan Singh Bhati ,Adv
Ms. Asha Gopalan Nair ,Adv
Mr. Ashiesh Kumar ,Adv
Mr. Praveen Swarup ,Adv
Ms. Meera Mathur ,Adv
Mr. Kamal Mohan Gupta ,Adv
Ms. Praveena Gautam ,Adv
Mr. Mushtaq Ahmad ,Adv
Mr. Nikhil Nayyar ,Adv
Mr. C.S.N. Mohan Rao ,Adv
M/S. Parekh & Co. ,Adv
Ms. Nidhi ,Adv

Mr. Vipin Kumar Jai ,Adv
Mr. Samir Ali Khan ,Adv

..5/-

: 5 :
Mr. Sudarshan Singh Rawat ,Adv
Mr. Harish Pandey ,Adv
Md. Shahid Anwar ,Adv

Mr. Deepak Goel ,Adv

Mr. Anil Kumar Gautam ,Adv

Mr. Alex Joseph ,Adv
Mr. Sanjay Kumar Singh ,Adv
Mr. Mohit Abraham ,Adv

Mr. B. Krishna Prasad
Mr. Shreekant N. Terdal
Mr. B.V. Balaram Das
Mr. Vikas Mehta

UPON hearing counsel the Court made the following
O R D E R

Shri P.P. Malhotra, learned Additional Solicitor General placed before the Court letter dated 16.7.2013 sent by the Secretariat of Appointment Committee of the Cabinet to the Ministry of Environment and Forests conveying approval of the Appointment Committee of the Cabinet to the appointment of two Judicial Members. The letter also indicate the willingness of the Government of India to operate the reserved panel. The letter is taken on record and the Ministry of Environment and Forests is directed to take action within 7 days in accordance with Para 3 of letter dated 16.7.2013.

Shri Malhotra also gave out that infrastructure is ready for making Pune Bench of National Green Tribunal (NGT) operational. He submitted that residential accommodation for Judicial and Expert Members of the Pune Bench has also been made available.

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: 6 :

In view of the statement made by the learned Additional Solicitor General, we direct that Pune Bench of the National Green Tribunal shall become functional w.e.f. 1.8.2013.

Shri Rohtagi, learned senior counsel appearing for the State of West Bengal gave out that serious efforts are being made to make available the accommodation for Kolkata Bench of the Tribunal as also residential accommodation for Judicial and Expert Members. He submitted that two weeks' time may be allowed to the State Government to take necessary steps and the Court may not direct shifting of the Bench from Kolkata to Gauhati or Ranchi.

The request made by Shri Rohtagi is accepted and two weeks' time is granted to the Government of West Bengal to provide adequate space for making the Kolkata Bench of the Tribunal functional. In addition, suitable residential accommodation for Judicial and Expert Members must also be made available within this period.

In view of the Judgment of this Hon'ble Court in S.D. Bandi Versus Divisional Traffic Officer, KSRTC & Ors. (2013 (8) SCALE P.88), notice ordered by this Court for vacating the Government accommodation from those who are unauthorisedly occupying the same is discharged with the direction that the Government and the concerned agencies must take action strictly in accordance with Para 28 of the judgment in S.D. Bandi's case.

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: 7 :

Lt. Gen. S.S. Dahiya, complained that on the strength of the notice issued by this Court he was forcibly evicted from the accommodation and was made to pay penal damages.

Shri Rakesh Khanna, learned Additional Solicitor General gave out that he will instruct the concerned department to look into the grievance of Lt. Gen. Dahiya.

With a view to enable the department to redress the grievance of the Lt. Gen. Dahiya, we direct him to hand over a letter to the learned Additional Solicitor General who will ensure that necessary action is taken in the matter at the earliest.

Put up on 2nd August, 2013.

(GEETA AHUJA)
SR. P.A.

(USHA SHARMA)
COURT MASTER