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ITEM NO.48

COURT NO.4

SECTION XIV

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 (C) No(s).

32452-32453/2013

(Arising out of impugned final judgment and order dated 09/10/2013 in WPC No. 4924/2013 09/10/2013 in CMA No. 14098/2013 passed by the High Court of Delhi at New Delhi)

KALKAJI MANDIR VIKRETA SANGATHAN-II & ORS

Petitioner(s)

VERSUS

PIYUSH JOSHI & ORS.

Respondent(s)

(with appln. (s) for discharge of advocate on record and impleadment and intervention and interim relief and office report)

WITH

SLP(C) No. 32845/2013

(With appln.(s) for permission to file additional documents and Interim Relief and Office Report)

S.L.P.(C)...CC No. 20364/2014

(With appln.(s) for permission to file SLP and Office Report)

Date : 18/07/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Sonal Jain, AOR

Mr. M. Garg, Adv.

Mr. Ramesh K Mishra, AOR

Mr. Krishna Kumar Singh, Adv.

For Respondent(s) Applicant-in-person

Mr. P.S. Narsimha, ASG

Ms. Vibha Dutta Makhija, Sr. Adv.

Mr. Sridhar Potaraju, Adv.

Ms. Sadhna Sandhu, Adv.

Ms. Anil Katiyar, Adv.

Ms. Disha Vaish, Adv.

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Mr. Abhijeet Sinha, AOR

Ms. Sonali Chopra, Adv.

Mr. Abhijit Sengupta, AOR

Mr. Arun K. Sinha, AOR

Mr. Basant Kumar Gupta, Adv.

Mr. Sumit Sinha, Adv.

Mr. Sinha Shrey Nikhilesh, Adv.

Mr. Sarthak Sachdeva, Adv.

Mr. Jai Sahai Endlaw, Ad.

Mr. Balraj Dewan, AOR

Mr. Bimal Roy Jad, AOR

Mr. B. Ramana Murthy, AOR

Mr. Chirag M. Shroff, AOR

Ms. Pinky Anand, ASG

Mr. P.K. Dey, Adv.

Ms. Sunita Sharma, Adv.

Mr. D. S. Mahra, AOR

Mr. K.B. Rohtagi, AOR

Mr. Mahesh Kasana, Adv.

Ms. Aparna Rohatgi Jain, Adv.

Mr. G.R. Naik, Adv.

Mr. K. S. Rana, AOR

Mr. Narender Kumar Verma, AOR

Mr. P. Narasimhan, AOR

Mr. P. Parmeswaran, AOR

Mr. Rajinder Mathur, AOR

Mr. Rakesh Kumar, AOR

Mr. Rupesh Kumar Sinha, Adv.

Mr. Mahaveer Singh, Sr. Adv.

Mr. Sanjeev K. Saroha, Adv.

Mr. Gaurav Sharma, Adv.

Mr. Rameshwar Prasad Goyal, AOR

Mr. Ranjan Kumar, AOR
Ms. Shailja Balasaria, Adv.

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Mr. Rohit Kumar Singh, AOR
Mr. Neeraj Bhardwaj, Adv.
Mr. Dheerj Bhardwaj, Adv.
Mr. Lakshay Bhardwaj, Adv.
Ms. Sunita hardwaj, Adv.
Mr. Satyendra Kumar, AOR
Ms. Binu Tamta, AOR
Mr. Dhruv Tamta, Adv.
M/s Mitter & Mitter Co.

Ms. Sumita Hazarika, AOR
Mr. Prabhas Chandra, Adv.
Ms. Sushma Suri, AOR
Mr. Kush Bhardwaj, Adv.
Mr. Harsaroop Sharma, Adv.
Respondent-in-person
Mr. Harish Bhardwaj, Adv.

UPON hearing the counsel the Court made the following

O R D E R

In pursuance of our order dated 26.4.2016, the Committee has prepared and filed a memorandum today. Relevant part of the memorandum reads as follows :

4. Thereafter, this Committee was pleased to intimate the various parties about a meeting scheduled for the above purpose on Tuesday 12th

July, 2016. The representatives of the Jal Board were present, but at the request for certain other private parties, the meeting was rescheduled for Saturday, 16th July, 2016.

5. Accordingly, a meeting was conducted on 16.07.2016 at the offices of the Chairperson of this Committee from 11:00 am to 1:15 pm. Apart from the Members of this Committee, the following individuals were present :
a. Mr. Priti Pant [DJB]

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b. Mr. Sumit Purohit [Counsel for DJB]
c. Mr. Sunil Kumar Garg [Suptdg. Engg, DDA]
d. Mr. Sonal Jain [Counsel for Petitioner Shopkeepers]
e. Mahant Surendra Nath
f. Mr. Neeraj Bharadwaj
g. Mr. Shyam Bharadwaj
h. Mr. Harish Bharadwaj
i. Mr. Ajay Bharadwaj

6. The sole point for discussion was the proposal of the Delhi Jal Board dated 11.03.2016 to provide a comprehensive sewage solution for the Kalkaji Mandir. As per this proposal (Copy Annexed), there are 3 aspects with distinct heads of expenditure to be considered.

a. Extension of DJB's Peripheral sewer line: This would be an extension of 0.75 km upto the Mandir premises. Cost to be borne

by the Delhi Jal Board.
b. Laying of Internal Sewer Pipeline with Pavement restoration: This would cost Rs. 1.37 crore to be deposited by the Mandir management.

c. Infrastructure charges for conveyance and treatment of sewage: This would cost approximately, Rs. 3.285 crore, also to be deposited by the Mandir management.

As the first head was to be taken care of by the DJB, the Committee indicated that those parties who would bear the expenditure under the second and third heads may kindly indicate the method and manner of doing so.

7. After certain detailed discussions

5 where the Mahant, the counsel for the shopkeepers and the trustees all offered to make contributions, it transpired that there is a monthly rotation of temple responsibilities undertaken by the Mahant and the four trustee families (collectively known as baridars). It was eventually suggested that the fairest manner of undertaking the above expenditures would be for these baridars to divide the amounts due among them on a monthly basis over a period of approximately 3 years, i.e. 36 months.

8. The representatives of the Delhi Jal Board submitted their calculation sheets for the amounts suggested, showing projected numbers of residential families as well as those who are average diurnal visitors.

9. The Mahant pointed out that the DJB's internal sewerage plan does not consider the fact that internal sewage pipes have been laid and are functioning properly. The representative for the DJB submitted that when undertaking the work, if it was found that such suitable internal expenditure already existed, the same would be deducted from the tentative amount of Rs. 1.37 crore which had been fixed.

10. Therefore, this Committee recommends the following course of action to resolve the internal and external sewage issues at the Kalkaji Mandir:

a. The baridars who are an identified class of trustees of the Temple would make a monthly payment of Rs. 13,00,000 [Rupees Thirteen Lakh Only] to the Delhi Jal Board as per their turn in charge of temple affairs.

b. These payments would be by rotation among the baridars over a 36 month period, commencing from mid-July 2016 as per the Hindu Calendar. As a result, the first

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payment would be by the Mahant, as his turn has just commenced at the time of finalizing this Report. c. The Delhi Jal Board be directed to accept these payments on a monthly installment basis so that the dire sewerage situation be suitably addressed. d. The Delhi Jal Board be directed to commence work on all three fronts as proposed in their letter dated 11.3.2016 [peripheral sewer line, internal sewerage and sanction and usage of the sewerage system] not later than 1.8.2016. e. The work be directed to be commenced and completed on an urgent basis, not later than 18 months from commencement, which would include the hiring of contractors and award of contracts. f. All individuals and entities are to cooperate with the work to be directed to be carried out, and any interference with the same will be deemed to be contempt of this Honâble Courtâs directions. â \235 As per the report of the Committee, the persons who have agreed to deposit the amount to the Jal Board do the same from 1st August, 2016. It is hereby made clear that no depositor can claim any equity with regard to the right, title and interest before any of the Court. It has been done by way of service to the people and service would mean a charitable purpose and nothing else. The Jal Board shall accept the amount keeping in view the directions of this Court. The term 'Mahant' or 'trustee' used by the Committee does not necessarily mean that their status is determined. It is hereby made clear that no status is conferred. The Committee shall coordinate with the Jal Board and get the

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things done. The Committee shall furnish a report about the barricading of the temple area within four weeks hence so that this Court can consider the same. Let the matter be listed on 6.10.2016. (Gulshan Kumar Arora) (H.S. Parasher)
Court Master Court Master