

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

WRIT PETITION (CIVIL) NO. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
[FOR DIRECTIONS AND OFFICE REPORT]

Respondent(s)

WITH

I.A. NO.428 IN W.P.(C) NO. 13381/1984
(FOR DIRECTION)

I.A. NOS.496-498 IN W.P.(C) NO.13381/1984
(FOR IMPLEADMENT AND DIRECTIONS AND EXEMPTION FROM FILING O/T ON BEHALF OF
DEDICATED FRIGHT CORRIDOR CORPORATION OF INDIA LTD.)

I.A. NO. 376 IN W.P.(C) NO. 13381/1984
(FOR DIRECTION)

I.A. NO. 460, 481-482 IN W.P.(C) NO. 13381/1984
(FOR DIRECTIONS AND PERMISSION TO FILE REJOINDER AFFIDAVIT)

I.A. NO.487 IN W.P.(C) NO.13381/1984
(FOR DIRECTION ON BEHALF OF TAJ WESTERN GATE MARKET ASSOCIATION)

I.A. NO. 388, 488 & 489 IN W.P.(C) NO. 13381/1984
(FOR DIRECTIONS)

I.A. NOS. 3271-3272 & 3526 IN WP(C) NO. 202 of 1995
(For impleadment and permission for cutting trees in Taj Trapezium Corridor
and permission to file additional documents)

Date: 19/11/2012 This Petition along with I.As. was called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE MADAN B. LOKUR

Mr. P.S. Narasimha, Sr. Adv. (A.C.)

...2/-

:2:

For Petitioner(s) Mr. M.C. Mehta, Petitioner-In-Person(N/P)

For Applicant(s) Mr. M.C. Dhingra, Adv.
Mr. Piyush Kant Roy, Adv.

Mr. Ajay Aggarwal, applicant-in-person

IA 3271-72 in
WP 202/95

Mr. Gourab Banerji, ASG
Mr. Praveen Jain, Adv.
Mr. T.S. Sidhu, Adv.
Ms. Pallavi Mohan, Adv.
M/s M.V. Kivi & Associates, Advs.

IA 496-498/12 in Mr. H.P.
WP 13381/84

Raval, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. Tamim Qadri, Adv.
Mr. L.R. Singh, Adv.

For Respondent(s)
A.S.I.

Mr. Annam D.N. Rao, Adv.-on-record

Agra D.A.

Mr. Rajeev K. Dubey, Adv.
Mr. Kamendra Misra, Adv.-on-record

UPPCB

Mr. Suraj Singh, Adv.
Mr. Pradeep Misra, Adv.

For CPCB

Mr. Vijay Panjwani, Adv.-on-record

UOI

Mr. Rakesh Kr. Khanna, ASG
Mr. J.S. Attri, Sr. Adv.
Ms. Asha G. Nair, Adv.
Ms. Gargi Khanna, Adv.
Mr. Vibhu Shankar Misra, Adv.
Mr. M.I. Khairati, Adv.
Mr. Neeraj Kumar Sharma, Adv.
Ms. Samta P. Mishra, Adv.
Mr. B.K. Prasad, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. S.N. Terdal, Adv.
Mr. D.S. Mahra, Adv.

...3/-

:3:

For ITDC

Mr. Nikhil Nayyar, Adv.

State of U.P. Ms. Alka Agrawal, Adv.

Ms. Pragati Neekhara, Adv.
Mr. Upendra Mishra, Adv.
Mr. Shiv Prakash Pandey, Adv.-on-record

State of Haryana

Mr. Manjit Singh, AAG
Mrs. Vivekta Singh, Adv.
Mr. Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

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

I.A. NO.498 in W.P.(C) NO.13381/1984 (Application for Exemption from Official Translation)

Exemption allowed.

I.A. NO.497 in W.P.(C) NO.13381/1984 (Application for impleadment)

Application for impleadment is allowed, subject to just exceptions.

I.A. NO.496 in W.P.(C) NO.13381/1984 (Application for Directions)

By this application, the applicant, namely, Dedicated Freight Corridor Corporation of India Limited, seeks permission of this Court to cut 4314 number of trees, stated to be falling in the "Taj Trapezium zone".

...4/-

:4:

Vide order dated 7th September, 2012, comments of the Central Empowered Committee on the present application were sought for.

In its report, dated 10th October, 2012, the Committee has made the following observations and recommendations:

"9. Considering that the project is in public interest and is of national importance, that the alignment of the EDFC along the existing railway track is the best option available, that the felling of trees required is the bare minimum that this is an environment friendly project, and that the DFCCI has offered to undertake plantation of 25,000 trees, the CEC recommends the project subject to the following conditions:

i) statutory clearance for diversion of forest land would be obtained under Section 2 of the Forest (Conservation) Act, 1980;

ii) the Net Present Value (NPV) and compensatory charges payable for the forest land diverted would be deposited with Ad-Hoc CAMPA; and

iii) the plantation of 25,000 trees, in lieu of 4,313

trees felled, would be undertaken."

...5/-

:5:

It is clear that while observing that the project is environment friendly, and that the applicant has offered to undertake plantation of 25,000 trees, the Committee has recommended grant of permission, subject to the extracted conditions.

In the light of the said recommendation, we allow the application and permit the applicant to cut 4314 trees, subject to their complying with the aforesaid conditions. The new trees, to be planted in terms of this permission, shall be indigenous.

The applications stand disposed of accordingly.

I.A. NO.3271 IN WP(C) NO.202/1995

Application for impleadment is allowed, subject to just exceptions.

...6/-

:6:

I.A. NO.3272 IN WP(C) NO.202/1995

Before passing any order on the application, seeking permission for cutting of 56,922 number of trees, stated to be falling in 'Taj Trapezium zone', we feel that it would be appropriate to seek the opinion of the Central Empowered Committee on the prayer made in the application.

Let copies of the application be forwarded to the said Committee, for comments. We request the Committee to submit its comments, as expeditiously as possible, and, in any case, not later than three weeks from the date of receipt of a copy of this order.

List thereafter.

| (VINOD LAKHINA)
| Court Master

| | (KUSUM GULATI)
| | Court Master

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