

ITEM NO.18

COURT NO.2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE

(1) REPORT NO. 25/2023 SUBMITTED BY CENTRAL EMPOWERED COMMITTEE  
 (2) IA NOS. 159077 AND 159081/2023 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O LATA GUPTA)  
 (3) IA NOS. 143549 AND 143550/2023 (APPLNS. FOR PERMISSION AND DIRECTIONS ON B/O SAJAL BANSAL)  
 (4) IA NOS. 108684 AND 108685/2023 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF GOVT. OF U.P.)  
 (5) IA NOS. 72857, 43637 AND 43647/2023 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND CONDONATION OF DELAY ON BEHALF OF BACHCHOO SINGH)  
 (6) IA NO. 107841/2023 (APPLN. FOR PERMISSION ON BEHALF OF GOVT. OF U.P.) "ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED.

IA NO.256851/2023-TO BRING ON RECORD RESPONSE/OBJECTIONS TO THE CEC REPORT NO.35/2023

IA No.54891/2022-I.A. FOR PERMISSION ON BEHALF OF THE APPLICANT IOCL WITH AFFIDAVIT

IA No.160205/2023-I.A. FOR DIRECTION

"ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST.PETITIONER-IN-PERSON MR. A.D.N. RAO, SR. ADVOCATE (A.C.)MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. SUDEEP KUMAR, MR. ABHIJIT BANERJEE, MR. GUNTUR PRAMOD KUMAR MR. SAKSHAM MAHESHWARI MS. SAROJ TRIPATHI, ADVOCATES)

WITH

C.A. No. 782/2020 (XVII)

(IA No.16940/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.16941/2020-STAY APPLICATION and IA No.16939/2020-EXEMPTION FROM FILING O.T.[ TO BE TAKEN UP ALONGWITH W.P.(C)NO. 13381/1984 ]

IA No. 16940/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 16939/2020 - EXEMPTION FROM FILING O.T.

IA No. 16941/2020 - STAY APPLICATION

Date : 12-12-2023 These applications/matter were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

Mr. A.D.N. Rao, Sr. Advocate (A.C.)

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Ms. Akanksha Rathore, Adv.

Mr. Shekhar Chandra, Adv.

Mr. Syed Abdul Haseeb, AOR

Mr. Rakesh Mudgal, AAG

Mr. Dinesh Mudgal, Adv.

Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following

**O R D E R**

**IA NOS.108684/2023, 108685/2023, 72857, 43637/2023  
AND 43647/2023**

Applications for exemption from filing official translation is allowed.

Delay condoned.

Application for impleadment is allowed only for the purpose of this application.

Learned Amicus points out that in terms of the Notification dated 8<sup>th</sup> December, 2023, the CEC has been re-constituted and the report of the CEC would be required.

Let the matter(s) be referred to the CEC.

Report be submitted within four weeks.

List on 30.01.2024.

**Report No.25**

Report No.25 of 2023 has been received from the CEC giving its no objection, subject to the terms and conditions specified in para 9.

Learned counsel for the applicant states that the terms and conditions are acceptable.

In view thereof, the application/CEC report is allowed on the terms and conditions as set out by the CEC.

Report No.31 IN IA No.107841/2023

A recommendation has been made by the CEC favourably for granting permission to the applicant to undertake eco-restoration in the proposed 37 selected areas and for removal of *vilayati kikar* and its replacement with native species over an area of 490 hectares falling in District Mathura, Uttar Pradesh subject to the conditions provided therein. The conditions are acceptable to the State Government.

We may note that the species of which the eco-restoration work will proceed have been specified in para 16 of the report.

In view thereof, the application is allowed on terms and conditions as specified by the CEC.

Report No.35 IN IA Nos.159077, 159081, 159082/2023 and 143549, 143550

The applicant Ms. Lata Gupta has filed the applications for permission for felling/cutting of 12 trees for the new Hindustan Petroleum Corporation

Ltd. (HPCL) retail outlet.

We may note that there were applications/objections on behalf of Mr. Sajal Bansal seeking action for illegal removal of trees.

The report by the CEC has permitted felling subject to certain terms and conditions which are acceptable to the applicant who seeks felling of the trees.

Learned Amicus has also scrutinized the report and submits that the objections are really part of a mutual dispute which has been going on between some private members and does not sub-serve the very objective of being a whistle blower.

On hearing learned counsel, it does appear that the so-called whistle blower really is whistling in the dark!

The application of Ms. Lata Gupta/HPCL is allowed subject to the terms and conditions of the CEC and objections are dismissed.

IA NO.256851/2023-TO BRING ON RECORD  
RESPONSE/OBJECTIONS TO THE CEC REPORT NO.35/2023

The application is dismissed.

IA No.54891/2022-I.A. FOR PERMISSION ON BEHALF OF THE  
APPLICANT IOCL WITH AFFIDAVIT

Taken on Board.

List on 30.01.2024.

Prayer clause may be corrected as prayed for.

**IA No.160205/2023-I.A. FOR DIRECTION**

Taken on Board.

List on 30.01.2024.

**18.1****C.A. No. 782/2020**

On 01.08.2023 an order was passed wherein we had required the opinion of the Ministry of Environment, Forest and Climate Change (MoEF) also before us.

Learned ASG has entered appearance and it is her say that it is not the Central authority but the SEIAA which would have to take a decision.

We would like to have an affidavit explaining the position, in view of the submissions made by learned counsel for the applicant.

On the request of the applicant the Ministry of Environment and Forest is impleaded as a party.

List on 06.02.2024.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
COURT MASTER (NSH)