

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

ITEM NO.21

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
RECORD OF PROCEEDINGS

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE(1) IA NOS. 201443 AND 201447/2022 (APPLN. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF UPSIDA)

(2) IA NO. 29989/2023 (APPLN. FOR PERMISSION ON BEHALF OF NORTH CENTRAL RAILWAY)

(3) IA NOS. 46216 AND 47145/2023 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF OKAY GLASS INDUSTRIES)

(4) IA NOS. 205132 AND 205134/2022 (APPLN. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF GAIL GAS LIMITED)

(5) IA NOS. 44186 AND 44192/2020 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF INDIAN OIL CORPORATION LTD.

(6) IA D. NO. 26007/2021 IN IA NO. 44186/2020 (APPLN. FOR EARLY HEARING)

(7) IA NOS. 155500 AND 155504/2021 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF U.P. STATE BRIDGE COOPR. LTD.)

(8) REPORT NOS. 29 /2022 AND 9/2023 SUBMITTED BY CENTRAL EMPOWERED COMMITTEE"ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED.

"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. KAMLENDRA MISHRA, MR. GROUP CAPTAIN KARAN SINGH BHATI, MR. SYED ABDUL HASEEB,MS. ARUNA GUPTA, MR. ANURAG KISHORE MR. L.R. SINGH, 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]

Date : 01-08-2023 These applications were called on for hearing today.

CORAM :

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

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Ms. Suhashini Sen, Adv.

Mr. Rohan Gupta, Adv.

Mr. Nischal Kumar Neeraj, AOR

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

IA NO.201443 AND 201447/2022

(APPLN. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON
BEHALF OF UPSIDA)

Application for exemption from filing official translation is allowed.

Heard.

The application has been filed seeking permission to cut 4087 trees in order to set up a manufacturing unit in Agra, as part of Industrial Corridor Programme seeking to take advantage of highway. It is stated in the application that the UPSIDA proposes to compensate by planting saplings in 1:10 ratio in non-forest land.

This Court has been passing order to protect the environment around Taj. Cutting so many trees in and around Taj Trapezium is not something we can appreciate and that too for a non-specified activity. We are thus, not inclined to accede to the request made in the application.

The application is dismissed.

IA NO.29989/2023

(APPLN. FOR PERMISSION ON BEHALF OF NORTH CENTRAL RAILWAY)

The North Central Railway seeks permission to

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cut 441 trees for the purposes of executing a Gauge Conversion project between Mathura Junction to Vrindavan on railway land with a proposal to compensate by planting trees in 1:10 ratio on railway land.

Learned Amicus suggests that this may be referred to the CEC which will give a report within four weeks.

List after the report is received.

IA NO. 205132 AND 205134/2022
(APPLN. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF GAIL GAS LIMITED)

Application for exemption from filing official translation is allowed.

This application has been filed seeking permission to cut 416 trees at Kursunda Aligarh-Agra Road for constructing an approach road to a proposed retail CNG station. Applicants claim to have NOC from NHAI. The applicant undertakes to pay compensatory afforestation rates as demanded by the Forest Department.

Learned Amicus suggests that this may be referred to the CEC which will give a report within four weeks.

List after the report is received.

IA NO.46216 AND 47145/2023 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF OKAY GLASS

This application has been filed by Okay Glass

industries which operates a glass industry and claims to have prior contract with GAIL for supply of natural gas. The grievance is that the request for capacity enhancement has been denied by GAIL Gas (successor).

Learned Amicus submits that if the GAIL is willing to supply, there is no impediment in the same.

Learned counsel for GAIL Gas who is present in another matter accepts notice.

We consider appropriate to dispose of the application with a direction that insofar as this Court is concerned, there is no impediment in supply of the natural gas by the GAIL Gas.

The application for directions and the application for impleadment are disposed of.

IA D. NO. 26007/2021 (APPLN. FOR EARLY HEARING IN IA NO. 44186/2020
IA NO.44186 AND 44192/2020
(APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF INDIAN OIL CORPORATION LTD.)

Application for exemption from filing official translation is allowed.

The applicant Indian Oil Corporation Ltd. seeks permission to construct two tanks of 5000 KL capacity each for petrol and two tanks of 600 KL capacity each for bio diesel at the applicant's Mathura Marketing Terminal. It is claimed that the environment impact assessment has been conducted. A report has been

received from the Central Empowered Committee which has recommended that considering that the project is being implemented in national interest and there is a shortage of storage facility in three locations in various products proposed to be restored, and for other reasons specified in the report, the permission may be granted to construct the tank subject to the to applicant obtaining necessary environment clearance and to abide by the condition imposed by UPPCB, SEIAA and any other authority. Learned Amicus states that this report may be accepted and conditions to be complied with by the applicant.

Ordered accordingly.

The application stands disposed of.

The application for early hearing also stands disposed of.

IA NO.155500 AND 155504/2021 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF U.P. STATE BRIDGE COOPR. LTD.)

Application for exemption from filing official translation is allowed.

The UP State Bridge Corporation Ltd. Seeks permission to cut 12 trees for alignment of rail overhead bridge near elevated Rail Section (New Delhi-Agra Cantt.) towards Arjun Nagar from Sadar Tahsil as it is a busy route and there is heavy traffic.

The report from CEC has been received which has made a favourable recommendation subject to fulfillment of the conditions specified in the report.

Learned Amicus also also submits that as long as the conditions are fulfilled there is no impediment.

We thus, grant the permission on terms and conditions as specified in the report of the CEC.

The application stands disposed of.

**REPORT NOS.29/2022 IN APPLICATION NO.1450 OF 2021
AND 9/2023 IN APPLICATION NO.1560/2022**

These reports from Central Empowered Committee have been received which have made a favourable recommendations subject to fulfillment of the conditions specified in the report.

Learned Amicus also submits that as long as the conditions are fulfilled there is no impediment.

We thus, grant the permission on terms and conditions as specified in the report of the CEC.

The application(s) stand(s) disposed of.

**21.1
C.A. No. 782/2020**

On hearing learned counsel for parties, we are of the view that it would be appropriate to have the opinion of the Ministry of Environment & Forest also before us.

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Let a complete paper book be supplied to learned counsel by tomorrow and the Ministry of Environment and Forest will place its view before us by the next date.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)