

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

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 WP(C) No.4924/2013 and 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)

(IA No./- and IA No./- and IA No./- and IA No./- and IA No./- and IA No./- and IA No.56546/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.111929/2017-INTERVENTION APPLICATION)

WITH

[ITEM NO.28.1 - SLP(C) No.32845/2013 (XIV)]; and
[ITEM NO.28.2 - S.L.P.(C)...CC No. 20364/2014 (XIV)].

Date : 02-04-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Committee

Mr. Gaurav Agrawal, Adv.
Mr. Gopal Sankaranayayanan, Adv.
Mr. Shruntajaya Bhardwaj, Adv.
Ms. Veera Mahuli, Adv.

For Petitioner(s)

Mr. Sonal Jain, Adv. [AOR]
Mr. Kuldeep Singh, Adv.
Mr. Iskaron Singh, Adv.

SLP(C)No.32845/13

Mr. Ramesh Kumar Mishra, Adv. [AOR]
Mr. Rajnish Kumar Singh, Adv.

For Respondent(s)
(SDMC)

Mr. Shisher Raj, Adv.
Mr. Rakesh Kumar-I, Adv. [AOR]

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(DJB) Mr. Chirag M. Shroff, Adv. [AOR]
Mrs. Mahima C. Shroff, Adv.
Ms. Neha Sangwan, Adv.
Mr. Nikunj Hurria, Adv.

Mr. P. Parmeswaran, Adv. [AOR]

Mr. Arun K. Sinha, Adv. [AOR]

Mr. Vibhu Shankar Mishra, Adv.
Mr. Raj Bahadur, Adv.
Mr. Rajesh Mishra, Adv.
Mr. Kuldeep Chauhan, Adv.
Ms. Sadhana Sandhu, Adv.

Mr. P.K. Dey, Adv.
Ms. Sunita Sharma, Adv.
Mr. B.V. Balaramdas, Adv.
Mr. B. Krishna Prasad, Adv. [AOR]

(DDA) Ms. Binu Tamta, Adv. [AOR]
Mr. Dhruv Tamta, Adv.

Ms. Sushma Suri, Adv. [AOR]

Mr. Harish Bhardwaj-in-person

Mr. Sarvesh Bhardwaj-in-person

Ms. Sumita Hazarika, Adv. [AOR]
Mr. Prabhas Chandra, Adv.

Mr. B. Ramana Murthy, Adv. [AOR]

Mr. R.K. Bhardwaj, Adv.
Mr. Neeraj Bhardwaj, Adv.
Mr. Dheraj Bhardwaj, Adv.
Ms. Sunita Bhardwaj, Adv.
Mr. Satyendra Kumar, Adv. [AOR]

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

It is submitted by Mr. Gaurav Agrawal and Mr. Gopal Sankaranarayanan, members of the Committee that Delhi Jal

Board had sought some time to comply with the order dated 27.11.2017. The members of the Committee would submit that some time should be granted.

Keeping in view the submission put forth by the members of the Committee, we extend the time limit till the end of June 2018. It is further submitted by the members of the Committee that clause (f) of paragraph 6 of the Report of the Committee and the implementation thereof contained in the said order has not yet been complied with / carried out by South Delhi Municipal Corporation (SDMC). Clause (f) reads as follows :

"... .."

f. As garbage continues to be strewn across the temple complex, it is necessary that the task of cleaning the temple complex be outsourced to a private company, and the *baridars* who are an indentified class of trustees of the Temple would undertake the expenses towards the same."

The direction pertaining to the same is as follows :

"As far as prayer (f) of paragraph 6 is concerned, Mr. Rakesh Kumar, learned counsel appearing for the South Delhi Municipal Corporation submits that the authority will engage people to clean the outside area of the temple and the expenditure has to be borne by the persons who are paying to the Jal Board or who are enjoying the benefit. Be it noted, this shall be done on month to month basis and this will not create any kind of equity in favour of any of the party as we are not concerned in this litigation with regard to determination of any right, title and interest of any person."

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It is submitted by Mr. Gaurav Agrawal and Mr. Sankaranarayanan that the SDMC should be asked to submit a Scheme so that they can work on it and then the contributors can be asked to pay.

Learned counsel for the SDMC shall submit a Scheme within three weeks to the members of the Committee who in their turn shall discuss with the persons who have been bearing the expenses for having the benefit from the Jal Board.

Another thing to which our attention has been drawn, is clause (d) of the Report. The said clause is as follows :

"d. The measures recommended by the Fire Department be accepted on a priority basis :

i. Overhead storage tank of at least 15,000 litres to be constructed as close to the sanctum as possible, which is the central part of the complex.

ii. A terrace pump with a capacity of 900 LPM as boosting arrangement.

iii. A downcomer system and hose reels as well as Manually Operated Electric Fire Alarms.

iv. Fire Extinguishers @ 300 metres square for shops and temples of water CO2 type 9 liters capacity and DCP type 5 kg capacity in combination.

v. The canopies of tarpaulin and canvas to be replaced by tin and asbestos, and all material should be non-combustible in nature.

vi. The wiring of the shops should be underground and be FRSL."

... /5

Mr. P.K. Dey, learned counsel, on the earlier occasion, was asked to communicate with Delhi Fire Service – respondent no.10 herein. The said respondent is directed to submit a Scheme, within three weeks, to the members of the Committee so that they can work on the same and the proposal/direction contained in the said clause can be complied with. The Chief Fire Officer shall also visit the place and if there is any hazard, he must take prompt steps so that the said hazard is avoided. He shall discuss with the members of the Committee keeping in view the recommendations contained in clauses (c) and (d) extracted in our previous order.

Let the matter be listed in the 2nd week of July 2018.

(Subhash Chander)
AR-cum-PS

(H.S. Parasher)
Assistant Registrar