

ITEM NO.2

COURT NO.4

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). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP AT 2.00 P.M.]

(1) IA NO. 2768/2016 (APPLN. FOR DIRECTIONS FILED BY A.C.)

(2) IA NOS. 98587 AND 98588/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF RESIDENT WELFARE ASSOCIATION, RANGPURI EXTENSION)

(3) IA NO. 97703 OF 2022 (APPLN. FOR DIRECTIONS ON B/O PREM LATA BHATIA)

(4) I.A. NOS. 57693, 57699 AND 57701/2021 (APPLNS. FOR IMPLEADMENT, SEEKING TO SET ASIDE ORDER DT. 17.03.2021 AND INTERIM RELIEF ON B/O JHANKAR BANQUETS)

APPLICATIONS TO BE HEARD BY THE MONITORING COMMITTEE CONSTITUTED VIDE ORDER DT. 07.05.2004 -

(1) IA NO. 115278/2020 (APPLN. FOR DIRECTIONS ON BEHALF OF SURESH PAPER PVT. LTD.)

(2) IA NOS. 60398 AND 60399/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MOHAN LAL)

(3) IA NOS. 125628 AND 125635/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AJAY GUPTA)

(4) IA NOS. 125699 AND 125701/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O HARKRISHAN AND ORS.)

(5) IA NOS. 158567 AND 158572/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O PARMANAND KUMAR AND ORS.)

(6) IA NOS. 132390 AND 132395/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF MOHD. SAYEED QURESHI)

(7) IA NOS. 35420 AND 35421/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O JAWAHAR NANDRAJOG)

(8) IA NO. 158466/2021 (APPLN. FOR DIRECTIONS ON B/O PRAVEEN KR. GUPTA)

I.AS. SEEKING DE-SEALING ON GROUNDS OF COMPLIANCE BEING DONE (PAYMENT FOR REGULARIZATION/STOPPAGE OF VIOLATING ACTIVITY)

(1) IA NOS. 188523 AND 188525/2019 (APPLNS. FOR DIRECTIONS AND PERMISSION TO FILE APPLN. FOR DIRECTIONS ON BEHALF OF VARUN KANT)

AGGARWAL)

(2) IA NO. 158060/2018 (APPLNS. FOR DIRECTIONS ON B/O BIRD TRAVELS (P) LTD. AND ANR.)

(3) IA NO. 144910 OF 2019 (APPLN. FOR DIRECTIONS ON B/O GNCT OF DELHI IN IA NO. 158060/2018)

(4) I.A. NOS. 130216 AND 130219/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O RUBY BEDI)

(5) I.A. NOS. 15920, 15934, 15921 AND 15926/2022 (APPLNS. FOR IMPLEADMENT, DIRECTIONS, EXEMPTION FROM FILING CERTIFIED COPIES AND STAY ON BEHALF OF SURENDER SINGH) IN W.P. (C) NO. 4677/1985 "ONLY" ARE LISTED

NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST :MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.)MS. ANITHA SHENOY, SR. ADVOCATE (A.C.)MR. A.D.N. RAO, SR. ADVOCATE (A.C.)PETITIONER-IN-PERSONMR. G.S. MAKKER,MR. AMRISH KUMAR,MR. PRAVEEN SWARUP, MR. NISHIT AGRAWAL,MR. CHIRAG M. SHROFF,MR. SURYA KANT, MR. DEVANSHU KUMAR DEVESH, MS. ROOH-E-HINA DUA, MS. PRERNA MEHTA,MS. UDITA SINGH,MR. SHISHIR PINAKI,MR. FIRDOUSE QUTB WANIMS. DEEPLAXMI S. MATWANKARMR. RAJIV MANGLA,MS. RAJNI OHRI LAL,MR. RAJESH KUMAR CHAURASIA, ADVOCATESMR. ABINASH KR. MISHRA,MR. BIMLESH KR. SINGH, MS. SMITA MAAN MR. SHARDUL S. SHROFFM/S M.V. KINI AND ASST.MS. PRATIBHA JAIN, ADVOCATESMR. VIVEK NARAYAN SHARMA, ADVOCATESMR. HARDEEP SINGH ANANDMS. VANITA BHARGAVA,ADVOCATES)

Date : 24.08.2022 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE M.M. SUNDRESH

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

We have heard learned counsel for parties at some length.

We are penning down what emerges from the submissions:

1) In terms of the assistance provided by Amicus Curiae through the summary of IAs., IA No.57699/2021, I.A. No. 97703/2022, I.A. No. 158060/2018 and I.A. No. 15934/2022 relate to the Monitoring Committee and are predicated on compliance having taken place. If the Committee confirms the same, these applications can be allowed for de-sealing and the Amicus curiae will obtain necessary instructions qua this aspect by the next date.

2) Annexure B to Summary made for today's hearing contains list of 10 applications (IA NO. 115278/2020 (Appln. For Directions On Behalf Of Suresh Paper Pvt. Ltd. IA Nos. 60398 And 60399/2019 (Applns.for Impleadment and Directions On B/O Mohan

Lal, IA Nos. 125628 And 125635/2019 (Applns. for Intervention And Directions On B/O Ajay Gupta, IA Nos. 125699 and 125701/2019 (Applns. for Intervention And Stay On B/O Harkrishan And Ors., IA Nos. 158567 And 158572/2019 (Applns. for Intervention And Stay On B/O Parmanand Kumar And Ors., IA Nos. 132390 And 132395/2020 (Applns. for Impleadment And Directions on Behalf Of Mohd. Sayeed Qureshi, IA Nos. 35420 And 35421/2019 (Applns. for Impleadment And Directions On B/O Jawahar Nandrajog, IA No. 158466/2021 (Appln. for Directions on B/O Praveen Kr. Gupta, IA No. 188525/2019-Appln. for Directions and I.A. No. 130219/2019-Appln. for Directions) once again predicated on compliance. However, they relate to the Monitoring Committee of officers (constituted vide order dated 07.05.2004 in respect of industries). This Committee was not represented on the last date but today Mr. Chirag M. Shroff, learned counsel appears for this Committee and states that he will obtain necessary instructions whether in these cases compliance have taken place in which eventuality necessary orders for de-sealing can be passed.

Learned counsel for the parties have drawn our attention to the order passed in the present proceedings on 15.12.2017 in IA No. 93010 and 93007/2017 in WP(Civil) No. 4677/1985 reported as

(2018) 2 SCC 144 to sketch out the history of this litigation. The fact remains that endeavour to sent it to the Tribunal or to the Delhi High Court, in the perspective of this Court, did not produce the desired result and thus, the matter is back in the lap of this Court. What troubles us is that we are required to go into the decisions of the Monitoring Committees (whether administrative Committees or appointed by this Court which are akin to administrative Committees) analyzing facts of each case.

We do believe that this is not a task of this Court, more so, when the number of applications have become so large that it is difficult to find time to deal with each of these applications. It was thus, thought aloud that if a committee of two retired Judges is constituted with adequate power to deal with the decision of the Monitoring Committees, that should be able to take care of the cases where such a judicial Committee directs de-sealing. Not only that if either of the parties come to this Court, the exercise of power required would be over a judicial order and would be akin to the SLP approach. This will facilitate in a quick disposal of almost 150 applications pending as on date and which continue to arise so that the compliant people are able to get remedy at an early date. We would

like to empower the judicial Committee with necessary powers to analyze all aspects of the matter i.e., what was the nature of allotment, whether there has been a change of the policy of that allotment, what according to the norms prevalent is permissible and what are the nature of violations and in view thereof pass necessary orders.

This would include any direction even for compounding on payment of charges if compliance is possible under the existing norms.

Learned Amicus state that after discussion with the counsels for the applicants, they will place structure of such a judicial Committee to be appointed and the needful will be done within 10 days and be placed on the website of the Monitoring Committee so that any party which is desirous of making suggestions may do so within two days thereafter. The final suggestion of the Amicus Curiae will be placed before us by the next date for our necessary orders.

We are also conscious of the fact that certain amendments made in the Master Plan, including initially by ordinances, are required to be considered by this Court. However, the Master Plan 2041 is stated to be at an advance stage and it may possibly be a futile exercise to devote judicial

time to this aspect when the new Master Plan is on the way.

We call upon the learned counsel for the DDA and the learned ASG to obtain necessary instructions from the Department concerned as within how much time the Master Plan will be notified. We are not willing to accept a simple statement that it is at an advance stage. If the counsels by the next date are of the view that better assistance can only be given by the Secretary, Urban Development and the Vice Chairman, DDA, we may have pleasure of their presence to assist us.

Consideration of further matter, including any pending applications, will be considered on the next date and the 14 applications mentioned above will be listed for necessary orders.

In order to fund the judicial Committee, the learned Amicus Curiae will suggest the method, specially keeping in mind that the fund of more than Rs. 10 crores already stands generated out of the fee paid by the applicants before the Committee. The Central Government and the State Government will cooperate at least for this to ensure that where the sittings of the judicial Committee can be held and to provide the necessary Secretariat.

We make it clear that in the meantime

compliances qua other aspects will continue to be carried out by the respective Committees.

List on 13.09.2022 at 2.00 p.m.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)