

ITEM NO.47

COURT NO.5

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). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) I.A. NOS. 131740/2021 (CLARIFICATION/DIRECTION), IA No. 136528/2021 (INTERVENTION/IMPLEADMENT).....IA No.. 75854/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF DEWAN AND SONS INVESTMENT PVT. LTD.)

(2) IA NOS. 75603 AND 75604/2022 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF KOTAK MAHINDRA BANK LTD.)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,MS. NEHA SHARMA, MR. RAKHI RAY, ADVOCATES, MR. SHANTANU KRISHNA, AOR.

IA No. 131740/2021 - CLARIFICATION/DIRECTION

IA No. 136528/2021 - INTERVENTION/IMPLEADMENT)

Date : 20-05-2022 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE M.M. SUNDRESH

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Mr. Dinesh Chandra Pandey, AOR
Mr. T. V. George, AOR
Mr. Amarjit Singh Bedi, AOR

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

IA No. 75854/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF
DEWAN AND SONS INVESTMENT PVT. LTD.

Notice which is accepted by learned counsel on behalf
of the Monitoring Committee. On hearing learned
counsels, it transpires that on account of a *lis*

between the applicant and the L& DO on determination of charges payable, the matter is pending consideration before the Delhi High Court being W.P.[C] No.4353/2022. The re-entry by L&DO is what can be really called a paper entry. We thus, consider appropriate to await the decision of the Delhi High Court on the issue of the charges to be paid. Whatever is the final adjudication of the charges would have to be paid by the applicant failing which only the issue of re-entry order operating would arise.

The interim protection for the petitioner would continue to enure till there is final adjudication of the aforesaid issue.

The application stands disposed of.

IA NOS. 75603 AND 75604/2022 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF KOTAK MAHINDRA BANK LTD.)

We have already passed orders on IA No.75854/2022 on an application filed by the owners. The Bank is a lessee stating they want to shift out. That is their call. We have already protected the landlords by the orders today to await the orders to be passed by the High Court *inter se* that dispute.

The applications accordingly stand disposed of.

IA NO.131740/2021 AND IA NO.136528/2021- APPLICATION FOR DIRECTIONS AND IMPLEADMENT

Application for impleadment is rejected.

The present case is one of mis-use of the residential property for industrial purpose. The application is predicated on a plea that the applicants are willing to undertake to use the premises only for residential purposes.

Let the applicants file undertakings before the concerned Monitoring Committee as well as before this Court within two weeks and on such undertakings being filed the premises will be de-sealed within a period of two weeks thereafter.

We make it clear that on converting into residential use within two months, as prayed for, the South Delhi Municipal Corporation will carry out a re-inspection to ensure that the undertakings given to this Court are being complied with.

We put to learned counsel for the applicant clearly to notice of the consequences which will flow if there is any further mis-user.

The application accordingly stand disposed of.

...

Learned Amici point out that there are a large number of applications pending in these matters which can be dealt with category wise. Learned Amici state that they will give a final categorization under different

heads.

Let applications under any two of those heads be listed on 26.07.2022.

At request of learned counsel for the applicant, post IA No.128127/2020 and IA No.134352/2020 also on that date.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)