

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)

((1) IA NOS. 161828 AND 161831/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF DEFENCE COLONY MARKET WELFARE ASSN.)

(2) IA NOS. 29601 AND 29602/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF LEARNING TREE PLAY SCHOOL)

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

(4) IN RE: RELOCATION OF INDUSTRIES IN DELHI

(i) PROGRESS REPORTS BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT

(ii) IA NOS. 165401 AND 165404/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF ARUN GUPTA)

(iii) IA NO. 169985/2019 (APPLICATION FOR DESEALING ON BEHALF OF SHARDA RANI AND ANR.)

(iv) IA NOS. 177489 AND 177490/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF SANDEEP GARG AND ANR.)

(v) IA NOS. 198281 AND 198286/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF GEETA SHARMA)

(vi) IA NOS. 190482 AND 190485/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF VIJAY DUTT SHARMA)

(vii) IA NOS. 18016 AND 18018/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF TRILOK CHAND)

(viii) IA NOS. 18671/2020 (APPLN. FOR DIRECTIONS ON BEHALF OF SURESH PAPER PVT. LTD.)

WITH

WRIT PETITION(S)(CIVIL) NO(S). 224/2020 (X)

(FOR ADMISSION AND I.R. AND IA NO.15889/2020-APPROPRIATE ORDERS/DIRECTIONS]

Date : 28-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for parties

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Mr. Nikhil Parikshit, Adv.
Mr. Sidhant Kapoor, Adv.

Dr. Manish Singhvi, Sr. Adv.
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Mr. Arpit Parkash, Adv.
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Mr. Akshay Gupta, Adv.
Mr. Karan Kanwal, Adv.
Ms. Udit Singh, Advocate

Petitioner-in-Person

Mr. B.V. Balram Das, Advocate

Ms. Garima Prashad, Advocate
Mr. G.S. Oberoi, Adv.
Mr. Mohit Kumar Bansal, Adv.

Mr. Pradeep Agarwal, Adv.
Mr. Puneet Jain, Adv.
Mr. Abhinav Deshwal, Adv.
Ms. Pratibha Jain, Advocate

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Mr. Alok Gupta, Adv.
Mr. D.K. Singh, Adv.

Mr. Dharmendra Sharma, Adv.
Mr. Milind Kumar, Advocate

Mr. Sumit Kumar, Advocate

Mr. S.K. Verma, Advocate

Mr. Neeraj Kr. Gupta, Advocate

Mr. Deepak Anand, Advocate

Mr. Vijay Panjwani, Advocate

Mr. Kamendra Mishra, Advocate

Mr. Sanjay Kr. Visen, Advocate

Mr. Pradeep Gupta, Adv.
Mr. Parinav Gupta, Adv.
Mrs. Mansi Gupta, Adv.
Ms. Mamta Sharma, Adv.
Dr. (MRS.) Vipin Gupta, Advocate

Mr. B. Shravanth Shanker, AOR

Mr. Sumeet Lall, AOR

Mr. Mohit Paul, Adv.
Mr. Amarjit Singh Bedi, Adv.

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

((1) IA NOS. 161828 AND 161831/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF DEFENCE COLONY MARKET WELFARE ASSN.)

Issue notice.

Reply, if any, be filed within three weeks.

(2) IA NOS. 29601 AND 29602/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF LEARNING TREE PLAY SCHOOL)

WITH

WRIT PETITION(S)(CIVIL) NO(S). 224/2020

We find no merit in these applications and the writ petition, the same are, accordingly, dismissed.

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

It is submitted by the learned counsel appearing for the applicant(s) that they have filed a representation before the Monitoring Committee.

Let the representation be considered by the Monitoring Committee, within six weeks.

(4) IN RE: RELOCATION OF INDUSTRIES IN DELHI

(i) PROGRESS REPORTS BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT _____

We have considered the affidavit filed by the CPCB. Let the affidavit in detail explaining the standards as well as quantity of PM₁₀, SO₂, and NC_x etc. be stated clearly along with other documents which have been placed on record. It should also be clearly opined whether these industries should be permitted to operate in Delhi or not considering the overall impact created by operation of these industries. Let a better affidavit be filed within fifteen days from today.

With respect to NCR Region, let CPCB and State Pollution

Control Board of the concerned States coordinate with each other and requisite information in accordance with the order passed by this court on 25.11.2019 be placed on record within fifteen days.

Response to the compliance affidavit filed on behalf of the NCT of Delhi be filed by the Monitoring Committee, within two weeks.

List immediately after fifteen days.

(ii) IA NOS. 165401 AND 165404/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF ARUN GUPTA)

(iii) IA NO. 169985/2019 (APPLICATION FOR DESEALING ON BEHALF OF SHARDA RANI AND ANR.)

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(viii) IA NOS. 18671/2020 (APPLN. FOR DIRECTIONS ON BEHALF OF SURESH PAPER PVT. LTD.)

These matters are stated to be pending before the Monitoring Committee. Let the Monitoring Committee consider the same and pass appropriate orders within six weeks. Let the Committee take into consideration judgment dated 15.12.2017 passed by this Court in I.A. Nos. 93010 and 93007/2017 in W.P.(C) No.4677/1985.

In case it is submitted before the Monitoring Committee that in future the applicant(s) will abide by the provisions of the law and not to carry out any illegal activity in violation of the norms, let these cases be considered.

We modify the order dated 26.11.2018 passed by this Court and direct the Monitoring Committee to look into the applications filed

by the applicant(s), we, however, make it clear that the industries will not be allowed to function in the areas which do not conform to the industrial use but if the applicants give an affidavit that they will use it for the purpose for which the land use is earmarked for that area then the Monitoring Committee will consider desealing.

These applications are, accordingly, disposed of.

I.A. NOS...4920/2019, 110869/2019 & DIARY NO.34803, 34805/2020

These applications were mentioned today.

List after fifteen days.

(NARENDRA PRASAD)
A.R-CUM-P.S.

(PARVEEN KUMARI PASRICHA)
COURT MASTER