

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 &amp; ORS.

Respondent(s)

((1) REPORT NO. 149 AND 161 SUBMITTED BY MONITORING COMMITTEE  
(2) IA NOS. 51374, 54195 AND 54198/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND STAY ON BEHALF OF RAVINDER PARKASH PUNJ)  
(3) IN RE: RELOCATION OF INDUSTRIES IN DELHIPROGRESS REPORT BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT  
(4) I.A. NOS. 60398 AND 60399/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MOHAN LAL)  
(5) IA NOS. 125628 AND 125635/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AJAY GUPTA)  
(6) IA NOS. 125699 AND 125701/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O HARKRISHAN AND ORS.)  
(7) IA NOS. 158567 AND 158572/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O PARMANAND KUMAR AND ORS.)

Date : 04-11-2019 This matter was called on for hearing today.

CORAM :

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

Counsel for parties

Mr. Ranjit Kumar, Sr. Advocate (A.C.)  
Ms. Anitha Shenoy, Sr. Advocate (A.C.)  
Mr. A.D.N. Rao, Advocate (A.C.)  
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Ms. Suhashini Sen, Adv.  
Mr. S.S. Rebello, Adv.  
Ms. Archana Pathak Dave, Adv.  
Mr. Rajat Nair, Adv.  
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Mr. Pranshu kaushal, Adv.  
Mr. S.K. Chaturvedi, Adv.  
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Mr. Sanjiv Sen, Sr. Adv.  
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Mr. harsha Peechara, Adv.  
Mr. Sayan Ray, Adv.  
Mr. Soumo Palit, Adv.  
Mr. Suvesh Kumar, Adv.

Mr. D.N. Goburdhun, Advocate  
Mr. Alok Gupta, Adv.  
Mr. Nipun Sharma, Adv.

#### Petitioner-In-Person

Mr. B.V. Balram Das, Advocate

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

Mr. Sanjay Jain, Advocate

Ms. Deeplaxmi S. Matwankar, Advocate

Mr. Shishir Pinaki, Advocate

Ms. Roohina Dua, Adv.  
Mr. Chaitanya Madan, Adv.  
Mr. Naveen Kumar, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Sumant De, Adv.  
Ms. Prerna Mehta, Adv.

Mr. Nishant Kumar, Adv.  
Ms. Maya Mukherjee, Adv.

Mr. Chirag M. Shroff, Adv.  
Ms. Mahima C. Shroff, Adv.  
Ms. Yashika Verma, Adv.  
Ms. Riya Thomas, Adv.

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For Ms. Smita Maan, Adv. (Appearance slip not given)

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

**(1) REPORT NO. 149 AND 161 SUBMITTED BY MONITORING COMMITTEE**

As prayed for, three weeks' time is granted to the Monitoring Committee to file response.

Report No.161 is, accordingly, disposed of.

**(2) IA NOS. 51374, 54195 AND 54198/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND STAY ON BEHALF OF RAVINDER PARKASH PUNJ)**

We have considered the objections and the report. We find the report to be absolutely correct and it must be scrupulously followed by the owner.

In case of any violation, let it be reported to this Court to take stringent actions against the owner, whether he can use the building in violation of order. In case of any violation of the order of Monitoring Committee is committed the same to be viewed seriously.

Application for directions is dismissed and the other applications are disposed of.

**(3) IN RE: RELOCATION OF INDUSTRIES IN DELHI PROGRESS REPORT BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT**

The compliance report filed on behalf of the Government of NCT of Delhi is considered. It has been pointed out that out of 92 industrial units of step 2 which were found to be running illegally, 30 units have been sealed and 11 units are operating in the industrial clusters. SDMC has also informed that remaining 49 premises are vacant/shops/under construction. And there is some contradiction with respect to the previous status report furnished by the SDMC on the status of 49 units. The Government of NCT of Delhi has directed the SDMC to recheck and verify and provide the actual state of affairs regarding these 49 units/premises. After closing down the units, the use of the premises is being ensured in

accordance with the provisions of the MPD-2021 by the respective municipal bodies. Direction has been issued to the Zonal Deputy Commissioners to keep strict vigil on such premises so that they should not be re-used for any illegal purpose.

The state of affairs projected in paragraph 5 and 6 cannot be said to be proper. Let a clear affidavit be filed with respect to the closing of the industrial units which are objectionable and we saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioners of the Municipal Corporations. They shall be personally liable, in case any any industrial unit is found to be running, not only in the law of torts but also for violating the order passed by this Court and they shall be liable to be proceeded with under the Contempt of Court Act. In case any unit is found to be running in violation of the Court's order in future.

Let respective Zonal Deputy Commissioners of the Municipal Corporations file the affidavits as to the state of affairs within the area which falls in their respective zones of the Municipal Corporation concerned. Let a better affidavit be filed by SDMC also. Let the Zonal Deputy Commissioners and SDMC also take the steps and furnish a report directly to this Court in addition to the Government of NCT of Delhi of doing the needful within fifteen days from today.

List for further hearing on 25.11.2019.

(4) I.A. NOS. 60398 AND 60399/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MOHAN LAL)

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Issue notice.

Let reply be filed by the concerned departments within a period of three weeks from today.

List thereafter.

Let a copy of these applications be furnished to the Standing Counsel appearing for the respective departments.

IN RE: Kant Enclave (Disposed of)

It is pointed out by Mr. Ranjit Kumar, learned Amicus Curiae that there are certain complaints/letters have been received by him that the amount has not been paid in terms of the order passed by this Court.

Let the State of Haryana look into the matter and submit before this Court how many persons are left to be paid and the reasons for not making the payment.

Let an appropriate affidavit be filed within four weeks.

List thereafter.

The FDRs be renewed for a period of one year.

I.A. NOS.130216 & 130219 of 2019

These applications were mentioned for listing.

List after two weeks.

(NARENDRA PRASAD)  
COURT MASTER

(PRADEEP KUMAR)  
COURT MASTER