

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)IN RE: SEALING ISSUE****(i) REPORT NO. 134 SUBMITTED BY MONITORING COMMITTEE****(ii) REPORT NO. 144 SUBMITTED BY MONITORING COMMITTEE IN W.P. (C)  
NO. 4677/1985****(2) IN RE: KANT ENCLAVE MATTERS (DISPOSED OF)****i) I.A. NOS. 2310/2008 (FOR INTERVENTION AND  
DIRECTIONS/CLARIFICATION OF CT'S ORDER DT. 14.5.2008)****ii) IA NOS. 2378-2379/2009 (FOR STAY AND PERMISSION TO FILE  
OBJECTIONS TO THE CEC REPORT)****iii) IA NO. 2269 (FOR DIRECTIONS)****iv) IA NO. 2270 (FOR CLARIFICATION OF CT'S ORDER)****v) IA NO. 2393 (FOR DIRECTIONS)****vi) IA NOS. 2381-2384 (APPLNS FOR IMPLEADMENT, DIRECTION,  
PERMISSION TO FILE OBJECTIONS AND EXEMPTION FROM FILING C/C OF CEC  
REPORT DT. 15.1.2009 ON B/O ASHA UPADHYAY AND ORS.)(IN W.P. (C) NO.  
4677/1985)****(vii) IA NOS. 2310-2311 IN W.P.(C) NO. 202/1995(ALL THE ABOVE  
DISPOSED OF IAS ARE LISTED ONLY FOR COMPLIANCE OF THE DIRECTIONS  
PASSED BY THIS HON'BLE COURT VIDE JUDGMENT DATED 11.9.2018)****(3) IN RE: KANT ENCLAVE****(i) IA NO. 139059/2018 (APPLN. FOR DIRECTIONS ON B/O BRIG. M.B.  
ANAND AND ORS.)****(ii) IA NO. 158293/2018 (APPLN. FOR DIRECTIONS ON B/O SWARN SINGH  
AND ORS.)****(iii) IA NOS. 162460 AND 162462/2018 (APPLNS. FOR  
CLARIFICATION/DIRECTIONS, EXTENSION OF TIME AND STAY ON B/O KANT  
ENCLAVE RESIDENTS WELFARE SOCIETY)****(iv) IA NO. 169374/2018(APPLN. FOR DIRECTIONS/APPROPRIATE ORDERS ON  
B/O SH. VISHWA NATH AGRAWAL AND ANR.)****(v) IA NO. 177620/2018(APPLN. FOR PERMISSION TO FILE ADDITIONAL  
DOCUMENTS ON B/O RESIDENTS OF KANT ENCLAVE)****(vi) IA NO. 185766/2018 (APPLN. FOR EXTENSION OF TIME ON B/O SH.  
VISHWA NATH AGRAWAL AND ANR.)****(vii) IA NOS. 182261 AND 182268/2018 (APPLNS. FOR IMPLEADMENT AND  
DIRECTIONS ON B/O VEENA AGARWAL)IN W.P. (C) NO. 4677/1985**

Date : 14-01-2019 This matter was called on for hearing today.

CORAM :

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

For the parties

Mr. Ranjit Kumar, Sr. Advocate (A.C.)  
Mr. A.D.N. Rao, Advocate (A.C.)  
Ms. Anitha Shenoy, Advocate (A.C.)  
Mr. Sudipto Sircar, Adv.  
Mr. Rishi Raj Sharma, Adv.  
Ms. Srishti Agnihotri, Adv.  
Ms. Soumya Singh, Adv.

Mr. A.N.S. Nadkarni, ASG  
Mr. A.K. Kaul, Adv.  
Mr. Raj Bahadur, Adv.  
Ms. Anil Katiyar, Adv.  
Mr. Gurmeet Singh Makker, Adv.  
Mr. S.W.A. Qadri, Adv.  
Mr. D.L. Chidananda, Adv.  
Mr. Ritesh Kumar, Adv.  
Ms. S. Sen, Adv.  
Mr. R. Balasubramanian, Adv.  
Mr. Sachin Sharma, Adv.

Mr. Sanjiv Sen, Sr. Adv.  
Mr. S. Wasim A. Qadri, Adv.  
Mr. Zail Ali Subzposh, Adv.  
Mr. Praveen Swarup, Adv.  
Mr. Sayan Ray, Adv.  
Mr. Soumo Palit, Adv.  
Mr. Ajay Bansal, Adv.  
Mr. Gaurav Yadava, Adv.

Mr. S.B. Upadhyay, Sr. Adv.  
Mr. Pawan Upadhyay, Adv.  
Ms. Anisha Upadhyay, Adv.  
Mr. Sarvjeet P. Singh, Adv.  
Mr. Nishant Kumar, Adv.

Mr. Anil Grover, AAG  
Mr. Satish Kumar, Adv.  
Mr. Navin Gupta, Adv.  
Ms. Sasmita Tripathy, Adv.  
Ms. Ritu Rastogi, Adv.

Mr. Aman Lekhi, ASG  
Ms. Garima Prashad, Adv.

Mr. G.S. Oberoi, Adv.  
Mr. Ritwiz Rishabh, Adv.  
Mr. Tomy Chacko, Adv.  
Mr. Mohit Kumar Bansal, Adv.

**Petitioner-In-Person**

Mr. B.V. Balram Das, Adv.

Mr. D.N. Goburdhan, Adv.  
Ms. Gouri Goburdhan, Adv.  
Ms. Pallavi Chopra, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. Chirag M. Shroff, Adv.

Mr. Alok Gupta, Adv.

Mr. Sanjay Kumar Visen, Adv.

Mr. Anand Mishra, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. T.V. George, Adv.

Ms. Sharmila Upadhyay, Adv.

Mr. Santosh Mishra, Adv.  
Mr. Nishant Kr., Adv.

Mr. Tejaswi Kumar Pradhan, Adv.

Mr. Rajeev Krishan Sharma, Adv.  
Ms. Garima Kaushik, Adv.  
Ms. Sikha Sandhu, Adv.  
Ms. Sadhana Sandhu, Adv.

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

**Ref : Report No. 144 submitted by the Monitoring Committee**

**(i) Ref : - 22-A, Janpath (WPC No. 6943 of 2015 - M/s Idea Estate Pvt. Ltd. Vs. NDMC)**

Issue notice, returnable in three weeks, to Mrs. Santosh Passi, owner of M/s Idea Estate Pvt. Ltd. as well as to the NDMC

and L&DO, to show cause as to why the report filed by the Monitoring Committee be not accepted. Let reply be filed on the findings recorded by the Committee within three weeks from today.

Let detailed address of M/s Idea Estate Pvt. Ltd. be furnished by the learned amicus curiae within three days from today.

(ii) Ref : - H-1A, Hauz Khas, New Delhi (WPC No. 7491 of 2018 and CCP No. 612/2018 - Usha Mehra & Anr. Vs. SDMC)

Let notice be issued to Mr. Kuljeet Singh Kochar, Mr. Kanwar Jeet Singh Kochar and Ms. Abha Bansal, owners of the property and the affected parties as well as to the SDMC.

Let reply be filed within three weeks from today. The details of the above persons shall be furnished by the learned amicus curiae within three days from today.

(iii) Ref : - WPC No. 11804/2018 (M/s Mass Hospitality and Anr. Vs. Monitoring Committee & Anr.)

Let notice be issued to M/s Mass Hospitality, returnable in three weeks, to show cause as to why the report of the Committee be not accepted.

Mr. S. Wasim A Qadri, learned counsel, accepts notice on behalf of PWD. Let reply be also filed by the PWD.

(iv) Ref : 20 Point Programme (TPP)

It has been pointed out by the Committee that 12,500 plots were allotted from the years 1981 to 1985 and 9,576 plots from the years 1985 to 1989 solely for the residential purpose.

Unauthorised constructions have taken place up to 5 or 6 floors amalgamating adjoining plots for total commercial use of the same.

The Monitoring Committee, along with the Deputy Commissioner, Nazafgarh Zone, SDMC, inspected the area behind Sector 7 Dwarka Sub-city on 30.10.2018 and noticed major unauthorised constructions in the amalgamated plots wherein huge showrooms, restaurants, Gyms etc. were found to be in operation. The Deputy Commissioner, Nazafgarh Zone, SDMC, were immediately directed to issue show cause notice to all the violators in respect of unauthorised constructions and misuse.

Let the SDMC explain as to why they have not taken any action under the provisions of DMC Act for unauthorised constructions and as to why the responsibility of taking action has to be fastened only to Revenue Department, District Magistrate and SDM. The needful be done within three weeks from today.

Let the Revenue Department also explain its stand on the action taken on the unauthorised constructions pursuant to the observations made by the Committee and the directions issued in respect of the plots vested in Sector 7 at Dwarka Sub-city.

Mr. D. N. Goburdhan, learned counsel, appears on behalf of NCT of Delhi. Let reply be also filed by him within three weeks.

(v) Ref : - Babu Ram Singla (Singla Sweets)

The Committee has pointed out in reference to Babu Ram Singla, Singla Sweets, that the property was sealed on account of misuse and unauthorised construction done by the owner of the premises of Singla Sweets at A-139/140 Madhu Vihar, Delhi - 92. Certain

unauthorised construction has been made by him and he has clubbed two properties (A-32 & A-32A, Madhu Vihar) and was using the entire premises for commercial activities.

Since the Tribunal has passed the order, we issue notice to Babu Ram Singla, the owner of Singla Sweets. It is pointed out by the Committee that there is a violation of the order passed by this Court earlier and the action amounts to perjury and contempt of the order passed by this Court. The reply be filed by Babu Ram Singla within three weeks from today. He shall be personally present before the Court on the next date of hearing.

Mr. Praveen Swarup, learned senior counsel, appears for EDMC. The reply be also filed by the concerned AOR on his behalf.

(vi) Ref : - Vanasthali Public School

The Committee is permitted to take action as proposed in the report.

Ref : Report No. 134 submitted by the Monitoring Committee

It is submitted by the learned counsel for the SDMC that the NCT and the Chief Secretary are undertaking exercise for framing of the policy as per the directions issued by this Court.

Accordingly, four weeks' time is granted to place the policy on record.

List on 08.02.2019.

I.A. NOS.162460 & 162462/2018

These applications, filed by Mr. Anand Mishra, learned

counsel, on behalf of Kant Enclave Residents Welfare Society, are rejected.

**I.A. Nos.182261 & 182268/2018**

These applications, filed by Ms. Sadhana Sandhu, learned counsel, on behalf of Veena Agarwal, are rejected.

**I.A. NO.139059/2018**

Considered the application. Valuation report has been submitted by the Committee appointed by this Court on 11.12.2018. In that report, the valuation has been worked out in Table 3. The same is extracted hereunder.

**Table 3**

**The category wise complied valuation**

<b>Sr. No.</b>	<b>Storied</b>	<b>Total no. of 42 constructions existing on 44 residential plots</b>	<b>Total valuation as per valuation report submitted by house owners except plot no.B9II)-96 and plot no.C(III) 504-505 (Rs. In Lac)</b>	<b>Total valuation as per report submitted by the appointed Valuer (Rs. In Lac)</b>
<b>1.</b>	<b>Ground + 2</b>	<b>19</b>	<b>3091.13</b>	<b>1295.72</b>
<b>2.</b>	<b>Ground + 1</b>	<b>8</b>	<b>638.49</b>	<b>277.96</b>
<b>3.</b>	<b>Ground</b>	<b>15</b>	<b>518.06</b>	<b>67.28</b>
<b>Grand Total</b>		<b>42</b>	<b>4247.68</b>	<b>1640.96</b>

As per the valuation made a sum of Rs.16.50 Crores has been deposited by the Government of Haryana in this Court on 10.12.2018. Individual valuation has been given plot-wise along with the construction in tabular format commencing from page 15. Let the money be distributed as per the report of the Chief Secretary, Town

and Country Planning Department of the State of Haryana to the owners mentioned in the Report as per the valuation mentioned in column 15, submitted by the Committee, out of the aforesaid amount that has been deposited by the Government of Haryana. The Registry is directed to take necessary steps in that regard forthwith.

To the aforesaid extent, the earlier order 11.09.2018 passed by this Court of uniformly paying Rs.50 Lacs is modified as in some cases construction has been found to be of less valuation and for plots there is already a direction issued in the aforesaid order of making the payment of the value along with interest @ 18% per annum, that has to be paid in addition. M/s. R. Kant and Company is directed to deposit the amount payable towards plot, within one month, firstly to the persons who have raised the construction and have to vacate the premises. The learned counsel appearing for M/s. R. Kant and Company has prayed for some time to submit the details of the sale deeds in order to make payment to other persons. Let the required details be furnished within four weeks from today. As already observed in the order, in case any person/persons is/are aggrieved by the valuation made by the Committee appointed by this Court they have remedy of approaching the Civil Court even after accepting the compensation as per the valuation made by the Committee.

I.A. No.139059/2018 is entertained only to the extent of grant of time to vacate the premises. In case, the applicant(s) or other incumbents want to avail the benefit of extension of further time, they need to furnish the undertaking that they will vacate the premises on or before the extended date. We extend the time till

31.07.2019 to vacate the premises, subject to furnishing of the undertaking within four weeks from today. In case the undertaking, as above, is not furnished by any incumbent to avail the extended time limit fixed, the earlier order to vacate by 31.03.2019 shall hold good as against them and the order will become executable on failure to furnish the undertaking after the aforesaid period. In case the undertaking is furnished within the time granted, the extension of time shall hold good for them. I.A. No. 139059/2018 and other applications for directions i.e. I.A. Nos.177620/2018, 158293 & 169374/2018 are, accordingly, disposed of.

I.A.185766/2018

Considered the application.

Let a sum of Rs.45 Lacs be deposited by tomorrow, for depositing the rest of the amount a period of one month from today is granted. The I.A. is, accordingly, disposed of.

Mr. Dinesh Kumar Aggarwal, Mr. Vishwanath Aggarwal, Captain Gobind Kant Sharma and Mr. Arun Gupta of M/s. R. Kant and Company are present in Court today.

Out of an amount of Rs.5 Crores, which was ordered to be deposited in this Court, Rs.3.35 Crores has already been deposited and the balance is yet to be deposited. This amount which is lying in non-interest bearing account be kept in a fixed deposit account, initially for a period of three months and shall be renewed periodically.

The amount of Rs.16.50 Crores has to be disbursed by the

office of the Chief Secretary, Town and Country Planning Department of the State of Haryana to the owners, as per the valuation report.

As the State of Haryana has deposited the amount for disbursement, the share to be borne, in proportion, by M/s. R. Kant and Company be deposited in this Court within two months from today.

In case the order is not complied with, Mr. Dinesh Kumar Aggarwal, Mr. Vishwanath Aggarwal, Captain Gobind Kant Sharma and Mr. Arun Gupta shall remain present in Court on the next date of hearing also.

(NARENDRA PRASAD)  
COURT MASTER

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
COURT MASTER