

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

(2) REPORT NO. 135 AND 136 SUBMITTED BY MONITORING COMMITTEE

Date : 26-11-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Ranjit Kumar, Sr. Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Mr. Rishi Raj Sharma, Adv.

Mr. Sudipto Sircar, Adv.

Ms. Anitha Shenoy, Advocate (A.C.)

Ms. Srishti Agnihotri, Adv.

Ms. Saumya Singh, Adv.

For Petitioner(s) Petitioner-in-person

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG

Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Ms. Suhasini Sen, Adv.

Mr. Pranay Ranjan, Adv.

Mr. R. Bala, Adv.

Mr. Raj Bahadur, Adv.

Mr. Sachin Sharma, Adv.

Mr. A.K. Kaul, Adv.

Mr. B.V. Balram Das, Advocate

Mr. G.S. Makker, AOR

Ms. Rachna Gupta, Adv.

Mr. Vikas Chaudhary, Adv.

MCD

Mr. Sanjiv Sen, Sr. Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. Zaid Ali Subzposh, Adv.

Mr. Praveen Swarup, Advocate

NDMC Mr. Soumo Palit, Adv.
Mr. Sayan Ray, Adv.
Mr. B.C. Santosh Kumar, Adv.
Mr. Yoginder Handoo, AOR
Mr. Prashant Bhatnagar, Adv.

CPCB Mr. Vijay Panjwani, Adv.

Mr. Chirag M. Shroff, Adv.

Ms. Garima Prashad, Advocate
Mr. G.S. Oberoi, Adv.

Ms. Anil Katiyar, Advocate

Mr. D.N. Goburdhun, Advocate
Ms. Gauri Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.

Report No.136 Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Pratik Malik, Adv.
Mr. Vaibhav Mishra, Adv.
Mr. Aman Gupta, Adv.

UPON hearing the counsel the Court made the following

O R D E R

An affidavit has been filed by Mr. Puneet Kumar Goel, Commissioner of SDMC who is also a member of the Monitoring Committee constituted by this Court on 07.05.2004 (subsequently modified).

It is stated in the affidavit that the Monitoring Committee held meetings on 25.10.2018, 12.11.2018 and 20.11.2018.

Annexed to the affidavit is the 49th Progress Report of the Monitoring Committee. This is signed by all the five members of the Monitoring Committee.

It is stated that in compliance with the orders of this Court passed on 31.10.2018, directions have been issued to close 21960 non permissible industries operating in residential and non conforming areas and water and electricity supply to be

disconnected within three days. The affidavit of Mr. Puneet Kumar Goel states in para 5 and 6 that all these 21960 industrial units have actually been closed down. We take it that water and electricity supply are also disconnected but we would like a clear affidavit in this regard.

We direct that none of these 21960 industrial units should be allowed to reopen without the permission of this Court.

It is stated that there are about 30,000 similar units which are operating illegally in residential and non conforming areas. They are also required to be closed down and their water and electricity supply is also required to be disconnected.

It is stated by learned counsel on behalf of the Monitoring Committee that these 30,000 non conforming units will also be closed down within 8 weeks from today.

We take the statement of learned counsel on record and make it clear that the Monitoring Committee will be bound by the statement made.

Eight weeks' time is granted for taking necessary steps as postulated and as stated on behalf of learned counsel for the Monitoring Committee.

List the matter on 04.02.2019.

The affidavit of the Chief Secretary, Delhi should be filed not only with regard to 21960 industries but also of subsequent action taken by the Monitoring Committee.

49th Progress Report stands disposed of.

Report No.135 dated 02.11.2018 of the Monitoring Committee

In view of the orders passed on 29.07.2013 and 07.03.2014, nothing further survives in the report.

Report No. 135 stands disposed of.

Report No. 136 dated 06.11.2018 of the Monitoring Committee

In Report No. 136, the Monitoring Committee has requested for stay of the decision of the Delhi High Court passed on 30.08.2018 in LPA No. 487/17 titled 'North Delhi Municipal Corporation v. DCM and Anr'.

We have been informed by learned counsel for the North Delhi Municipal Corporation that a special leave petition has been filed against the order passed by the Division Bench on 30.08.2018.

Under the circumstances, whether or not the impugned judgment and order deserves to be stayed will be considered in the special leave petition filed by the NDMC.

Learned counsel says that he will take necessary steps to remove the objections and get the special leave petition listed.

Report No. 136 stands disposed of.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR