

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)

In RE.: SEALING ISSUEISSUE OF ADVANCE NOTICE BEFORE SEALING IN REPORT NO. 128 SUBMITTED
BY MONITORING COMMITTEE

Date : 11-10-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTAMr. Ranjit Kumar, Sr. Adv. (A.C.)
Ms. Anitha Shenoy, Advocate (A.C.)
Mr. Rishi Raj Sharma, Adv.
Ms. Srishti Agnihotri, Adv.
Ms. Soumya Jaykaran Singh, Adv.

For Petitioner(s) Petitioner-in-person

For Respondent(s)

UOI Mr. A.N.S. Nadkarni, ASG
Mr. R. Balasubramanian, Adv.
Mr. Sachin Sharma, Adv.
Mr. Pranay Ranjan, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Raj Bahadur, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasini Sen, Adv.
Mr. G.S. Makker, Adv.
Ms. Anil Katiyar, Advocate
Mr. B.V. Balram Das, Advocate
Mr. Arvind Kumar Sharma, Advocate
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.DDA Mr. G.S. Oberoi, Adv.
Ms. Garima Prasad, Adv.
Mr. Prabhas Bajaj, Adv.

NCT of Delhi Mr. D.N. Goburdhun, Advocate
 Ms. Pallavi Chopra, Adv.

 Mr. Chirag M. Shroff, Adv.
 Ms. Neha Sangwan, Adv.
 Ms. Joyshree Barman, Adv.

MCD Mr. Sanjiv Sen, Sr. Adv.
 Mr. Praveen Swarup, Advocate
 Mr. Sayan Ray, Adv.
 Mr. Soumo Palit, Adv.
 Mr. Gourang Kanth, Adv.
 Mr. B.C. Santosh Kumar, Adv.

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

REPORT NO. 128 SUBMITTED BY MONITORING COMMITTEE

The learned ASG would like to place an affidavit on record.
He says that discussions have already been held with the learned
Amicus.

An agreed procedure should be placed on record on or before
the next date of hearing.

List the matter on 23.10.2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR

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)

IN RE: RELOCATION OF INDUSTRIES IN DELHI

48th PROGRESS REPORT BY THE MONITORING COMMITTEE

Date : 11-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTAMr. Ranjit Kumar, Sr. Adv. (A.C.)
Ms. Anitha Shenoy, Advocate (A.C.)
Mr. Rishi Raj Sharma, Adv.
Ms. Srishti Agnihotri, Adv.
Ms. Soumya Jaykaran Singh, Adv.

For Petitioner(s) Petitioner-in-person

For Respondent(s)

UOI

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Mr. Raj Bahadur, Adv.
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Mr. G.S. Makker, Adv.
Ms. Anil Katiyar, Advocate
Mr. B.V. Balram Das, Advocate
Mr. Arvind Kumar Sharma, Advocate
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.

DDA

Mr. G.S. Oberoi, Adv.
Ms. Garima Prasad, Adv.
Mr. Prabhas Bajaj, Adv.

NCT of Delhi Mr. D.N. Goburdhun, Advocate
 Ms. Pallavi Chopra, Adv.

 Mr. Chirag M. Shroff, Adv.
 Ms. Neha Sangwan, Adv.
 Ms. Joyshree Barman, Adv.

MCD Mr. Sanjiv Sen, Sr. Adv.
 Mr. Praveen Swarup, Advocate
 Mr. Sayan Ray, Adv.
 Mr. Soumo Palit, Adv.
 Mr. Gourang Kanth, Adv.
 Mr. B.C. Santosh Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

48th PROGRESS REPORT BY THE MONITORING COMMITTEE APPOINTED BY ORDER
DATED 07.05.2004 CHAIRED BY CHIEF SECRETARY OF DELHI

We have gone through the 48th Progress Report of the Monitoring Committee appointed under order of this Court dated 07.05.2004. The Monitoring Committee is chaired by the Chief Secretary of Delhi. The other members of the Committee are the Commissioner of Police, Delhi; the Commissioners of the three Municipal Corporations (now) and the Vice Chairman of DDA. The Committee was notified on 25.05.2004.

In the 48th Progress Report, the Monitoring Committee has reiterated its earlier stand to close down illegal activities running in residential and non conforming areas of Delhi.

The following decisions were taken in the meeting held on 13.09.2018 in three steps:

(i) That, in Step-1, the Municipal Corporations will ensure that the industrial units under their respective jurisdiction out of the list of 21960 industrial units (list already sent to Municipal Corporations) who have been allotted alternate industrial plots

under the Relocation Scheme are closed, if they have not closed down operations. Sealing of premises, disconnection of electricity and water supply should also be ensured wherever required. The process should be completed within 15 days.

(ii) That, in Step-2, the Municipal Corporations are required to identify the premises of applicants numbering 51837 less 21960 successful allottees under their respective areas who had applied for allotment of alternate plots under the Relocation Scheme and will ensure that no impermissible industrial activity is carried out from such premises. The list of 51837 industries has already been provided to the Municipal Corporations.

(iii) That, in Step-3, the Municipal Corporations and the Delhi Development Authority will carry out a comprehensive mapping/survey to find out details of industries functioning without obtaining proper Municipal License in respect of their respective jurisdiction within a period of 2 months. Once the non permitted industries are identified during the mapping exercise/survey of residential areas/non conforming areas such impermissible identified industries shall be sealed forthwith.

For the present, we are concerned with step-1 wherein it has categorically been decided that out of 21960 industrial units who have been allotted alternate industrial plots under the relocation scheme, if they have not closed down operations, they will be sealed within 15 days. The electricity and water supply will also be disconnected.

Later, it is stated that on the basis of information / report received from the Municipal Corporation, 15888 illegal industrial

units in residential / non conforming areas have been sealed and closed till August, 2018. The admitted position, therefore, is about 5000 illegal industrial units are still running in residential / non conforming areas.

It is unfortunate that even though 14 years have gone by, the concerned authorities namely the Chief Secretary of Delhi; the Commissioner of Police, Delhi; the Vice Chairman of DDA and the three Municipal Commissioners have not been able to close down these illegal residential / non conforming areas.

List the matter on 26.11.2018.

We would like the 49th Progress Report to be furnished by the Monitoring Committee signed by all the members of the Monitoring Committee stating therein compliance of Step 1 of the decision taken.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR