

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)

I.A. NOS. 2310/2008

(FOR INTERVENTION AND DIRECTIONS/CLARIFICATION OF CT'S ORDER DT. 14.5.2008)

IA NOS. 2378-2379/2009 (FOR STAY AND PERMISSION TO FILE OBJECTIONS TO THE CEC REPORT)

IA NO. 2269 (FOR DIRECTIONS)

IA NO. 2270 (FOR CLARIFICATION OF CT'S ORDER)

IA NO. 2393 (FOR DIRECTIONS)

Date : 10-10-2017 These applications were called on for hearing today.

CORAM :

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

Mr. Ranjit Kumar, SG (*Amicus*)
Mr. A.D.N. Rao, Adv.

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. Kapil Sibal, Sr. Adv.
Mr. D.C. Pandey, Adv.
Mr. Rajiv Gurum, Adv.
Mr. Aditya M. Prasad, Adv.

CEC

Mr. A.N.S. Nadkarni, ASG
Mr. A.K. Panda, Sr. Adv.
Mr. R.K. Rathore, Adv.
Mr. B.V. Balaram Das, Adv.
Mr. Ajay Sharma, Adv.
Mr. Ajay Kumar Singh, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Amit Sharma, Adv.
Mr. Gurmeet Singh Makker, Advocate

CPCB

Mr. Vijay Panjwani, Adv.

Mr. D.C. Pandey, Advocate

Haryana

Mr. Anil Grover, AAG
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, Advocate
Mr. Sandeep Yadav, Adv.

Mr. Anil Kumar Mishra, Advocate

Mr. Shivaji M. Jadhav, Advocate

Mr. T.V. George, Advocate

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

Ms. Uttara Babbar, Adv.
Ms. Akanksha Choudhary, Adv.

UPON perusing papers the Court made the following

O R D E R

The learned *Amicus* has raised a preliminary objection to the effect that these interim applications ought to be heard by a Bench of 3 Judges. We have shown him as well as to Mr. Kapil Sibal, learned senior counsel appearing for the applicants a Note which has been approved by Justice S.H. Kapadia, Hon'ble the Chief Justice on 26.07.2010.

The note that was put up before Hon'ble the Chief Justice and which was approved reads as follows:

(A) I.A.s/Crl.M.Ps. filed in a matter referred to a 3 JJ Bench, be listed before the 2 JJ Bench which referred the matter and if the 2 JJ Bench is not available for listing, due to retirement of the Hon'ble Judge or otherwise, then the I.A./Crl.M.P. be listed before the 2 JJ Bench as per subject category allocation.

AND

(B) I.As / Crl.M.Ps filed in a matter referred to a Constitution Bench, be listed before the 3 JJ Bench which referred the matter and if such 3 JJ Bench is not available for sitting due to retirement of the Hon'ble Judges or otherwise, then the

I.A./Crl.M.P. be listed before the 3 JJ Bench as per subject category allocation.

The learned *Amicus* and Mr. Kapil Sibal submit where a recall or a modification of order passed by 3 Judges Bench is required to be considered then that application should be listed before a Bench of 3 Judges otherwise all applications particularly matters relating to T.N. Godavarman and M.C. Mehta can be heard by a Bench of 2 Judges. We accept this submission. The Registry will make a note of this for future reference.

In view of this, the question whether present applications can be heard by a Bench of 2 Judges or 3 Judges will depend upon the submissions made by the learned *Amicus* who has raised the preliminary objection.

List the matter on 14th November, 2017 on top of the Board.

The Registry will show the cause title instead of 'M.C. Mehta v. Union of India & Ors.' as 'M.C. Mehta In re: Kant Enclave matters' in the Cause List and other references.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER