

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)

1) IN RE: REPORT NO. 189 OF THE MONITORING COMMITTEE
AND2) IA NOS. 267661 AND 267966/2024 (APPLNS. FOR IMPLEADMENT AND
DIRECTIONS ON B/O INDERPURI RESIDENTS ASSN.)3) I.A.NOS. 77503 AND 82069/2024 (APPLNS. FOR DIRECTION AND
PERMISSION ON BEHALF OF INDIAN OIL CORP. LTD.)4) I.A. NOS. 230937 AND 230939/2024 (APPLNS. FOR SET ASIDE ORDER
AND INTERIM RELIEF)

5) IA NO. 203618/2024 (APPLN. FOR DIRECTION)

6) IA NO. 204094 AND 218090/2024 (APPLN. FOR DIRECTION AND
PERMISSION)7) IA NOS. 140093 AND 140094/2019 (APPLNS. FOR IMPLEADMENT AND
DIRECTIONS ON B/O MASOODPUR DAIRY RESIDENTS WELFARE ASSOCIATION)8) I.A. NOS. 181186 AND 181193/2022 (APPLNS. FOR INTERVENTION AND
DIRECTIONS ON B/O KAMAL TANWAR)IN W.P. (C) NO. 4677/1985 "ONLY" ARE LISTED
NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN
SHOWN IN THE LIST :

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MR. CHIRAG M. SHROFF

MS. GARGI KHANNA,

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MR. KAUSHAL YADAV, ADVOCATES

WITH Diary No(s). 57901/2024

Date : 17-01-2025 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

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

IA Nos.13123 and 13205 of 2025 ON BEHALF OF POWERGRID
NARELA TRANSMISSION LTD.

Taken on Board.

2. A copy of these applications be forwarded to the Central Empowered Committee (CEC). The CEC shall examine the applications in terms of this Court's earlier orders and file a report within a period of four weeks from today. The report will be considered as and when the petition is listed on the cause list for dealing with the other issues.

IN RE: INVESTMENT OF THE AMOUNT TRANSFERRED BY THE
MONITORING COMMITTEE

3. The Monitoring Committee on 10th December, 2024 has submitted an intimation regarding transfer of a sum of Rs.1,27,00,000/- (Rupees one crore and twenty seven lakhs) to the Registry of this Court.

4. We direct investment of the said amount in a fixed deposit with any nationalized bank for a minimum period of one year. The fixed deposit shall be thereafter renewed from time to time. We also direct that whenever any amount is transferred by the Monitoring Committee to this Court, the same shall be invested by the Registry in a fixed deposit for a minimum period of one year without any specific direction of this Court. The fixed deposit

shall be thereafter renewed from time to time.

IN RE: REPORT NO. 189 OF THE MONITORING COMMITTEE

5. Report No.196 dated 13th January, 2025 has been submitted by the Monitoring Committee.

6. We approve the appointment of Shri Nishant s/o Shri Dharam Veer in place of Shri Nand Kishore Gupta. We, however, direct that the services of Shri Nand Kishore Gupta shall be continued till 31st March, 2025. The Report is accordingly disposed of.

IA NOS. 267661 AND 267966/2024 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O INDERPURI RESIDENTS ASSN.)

7. Perused the status report submitted by the Deputy Conservator of Forests (West), Department of Forests and Wildlife, Government of NCT of Delhi. The report records that, on inspection, it was found that no tree has been cut or felled at Inderpuri halt.

8. The learned Additional Solicitor General appearing on behalf of the Northern Railway states all that the Railways have done is barricading and subsequent dismantling of the old bridge which is not in use. She states that no tree will be cut or felled for the said work.

9. In view of the report and in view of this assurance by the Railways, the applications are disposed of.

I.A.NOS. 77503 AND 82069/2024 (APPLNS. FOR DIRECTION AND PERMISSION ON BEHALF OF INDIAN OIL CORP. LTD.)

10. It is brought to our notice that today inspection of the sites offered by the Delhi Development Authority (DDA) to the applicant has been fixed. To enable the applicant to inspect the site and submit response, list these applications on 24th February, 2025 at the end of the cause list.

I.A. NOS. 230937 AND 230939/2024 (APPLNS. FOR SETTING ASIDE ORDER AND INTERIM RELIEF)

11. Perused the short affidavit filed on behalf of the Municipal Corporation of Delhi (MCD).

12. In view of the stand taken in paragraph 6 of the said affidavit, it is obvious that unless the applicant establishes that he was running a cafe in the said premises on or before 1st June, 2014, the applicant cannot be granted any relief.

13. We permit the applicant to produce necessary documents in support of its claim of user on or before 1st June, 2014 before the concerned officer of the MCD. The documents to be produced within a period of two weeks. The MCD shall hold an inquiry on the claim after giving an opportunity of being heard to the applicant and will pass a reasoned order within a period of two months from today.

14. A copy of the order shall be served upon the applicant. After a copy of the order is served, we permit the applicant to move these applications.

IA NO. 203618/2024 (APPLN. FOR DIRECTION)

15. The affidavit dated 29th October, 2024 filed by the MCD records that there is an excess construction to the extent of 131.05 square meters. The latest affidavit filed by the MCD records that by a communication dated 27th December, 2024, the application made by the applicants for compounding of this excess area has been rejected. Unless the excess area of 131.05 square meters is regularized, the applicants are not entitled to the relief of de-sealing of the property.

16. We, therefore, dispose of the application with liberty to the applicants to challenge the order dated 27th December, 2024 in accordance with law. As and when the order of compounding of the area of 131.05 square meters is passed or the said construction is removed, we permit the applicants to make a fresh application for the relief of de-sealing. While filing the fresh application, the applicants will have to satisfy this Court that they are entitled to the order of de-sealing without payment of penalty.

IA NO. 204094 AND 218090/2024 (APPLN. FOR DIRECTION AND PERMISSION)

17. The counter affidavit filed by the MCD records that there is an excess area of 188.58 square meters. The affidavit filed by the MCD in terms of this Court's order dated 9th December, 2024 discloses that by the order dated 27th December, 2024 the application for compounding of the existing construction/permissible excess coverage has been rejected.

18. We, therefore, dispose of these applications by granting liberty to the applicant to challenge the order dated 27th December, 2024. If the excess construction is either demolished or regularized, it will be open for the applicant to make an application for de-sealing. Whether the applicant is liable to pay penalty will be decided when such a fresh application is made.

IA NOS. 140093 AND 140094/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MASOODPUR DAIRY RESIDENTS WELFARE ASSOCIATION)

19. We grant time of three weeks to the Delhi Urban Shelter Improvement Board to file a counter affidavit.

20. List on 24th February, 2025 at the end of the cause list.

21. The documents filed by the applicant-Association be taken on record.

I.A. NOS. 181186 AND 181193 of 2022 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O KAMAL TANWAR)

22. We direct the Government of Delhi to file an affidavit regarding action, if any, initiated in respect of the non-forest lands mentioned in Annexure A-6 to the application. The response of the Government of Delhi shall be filed within a period of three weeks from today.

23. To be listed on 24th February, 2025 at the end of the cause list.

IN RE: REMUNERATION TO THE AMICUS CURIAE

24. We direct the Government of Delhi to offer remuneration payable to Panel 'A' counsel to the learned counsel appointed as amicus curiae.

IN RE: FIXING A SCHEDULE FOR HEARING TOPIC-WISE

25. List this petition for the limited purposes of fixing a schedule for hearing topic-wise, on 3rd February, 2025 at the end of the cause list.

26. On that day, we will also consider implementation of our earlier direction of appointment of an agency to suggest the measures for enhancing the green/forest cover of Delhi.

GENERALLY

27. Pleadings/affidavits filed by the parties must be served on the learned amicus curiae at least one week before the date fixed.

C.P.Diary No(s). 57901/2024 in W.P.(Civil)No.4677/1985

28. From the averments made in this Contempt Petition, it appears to us that the Contempt Petition relates to the forest in the Ridge area of Delhi.

29. We direct the Registrar (Judicial) to seek appropriate directions from Hon'ble the Chief Justice of India on the administrative side.

30. If the petition is assigned to this Bench, the same shall be listed on 24th February, 2025 at the end of the cause list.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER