

REVISED

ITEM NO.59

COURT NO.5

SECTION PIL-W

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)

(IN RE: REPORT NO. 18/2024 OF CENTRAL EMPOWERED COMMITTEE AND 1) I.A. NO. 135709/2024 (APPLN. FOR DIRECTION ON BEHALF OF BHAVREEN KANDHARI) 2) IA NOS. 267661 AND 267966/2024 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O INDERPURI RESIDENTS ASSN.) NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. PRAVEEN SWARUP, MS. MANIKA TRIPATHY, MR. CHIRAG M. SHROFF, MS. MALVIKA KAPILA, MR. ANAND VERMA MR. MAYANK AGGARWAL MR. KARUNAKAR MAHALIK, MR. ZEESHAN DIWAN, MR. MANAN VERMA, ADVOCATES)

Date : 29-11-2024 This petition was called on for hearing today.

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HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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

IN RE : DEPUTY COMMISSIONER OF POLICE, DELHI POLICE

1. We have perused the affidavit of Shri B.L.Suresh, Deputy Commissioner of Police, Land and Building Cell, Police Headquarters, Delhi Police, Delhi, pursuant to Report No.18 of 2024 of the Central Empowered Committee (CEC). It is fairly accepted by him that 140 trees planted were not looked after and therefore they have not survived.

2. We, therefore, direct the Delhi Police to plant 280 plants of various species, as may be suggested by the CEC. The Delhi Police will identify a suitable land for plantation of 280 trees and will submit a proposal to the CEC. The CEC will verify the suggested land and if the CEC is satisfied with the location, decide which categories of 280 trees should be planted and communicate to the Delhi Police accordingly. This exercise shall be completed by the CEC and the Delhi Police by 24<sup>th</sup> January, 2025.

3. On 31<sup>st</sup> January, 2025 the Court will consider the issue of compliance by the Delhi Police.

IN RE: PWD, DELHI

4. The affidavit of compliance dated 25<sup>th</sup> November, 2024 has been filed by Shri Manoj Kumar s/o Shri R.C.Agarwal, Chief Engineer, South Zone Maintenance, PWD, GNCTD, New Delhi.

5. We direct the CEC to verify the correctness of the statements made in the affidavit and submit a report to this Court on or before 24<sup>th</sup> January, 2025.

6. Needless to add that the CEC will go into all questions including the rate of survival. The report will be considered on 31<sup>st</sup> January, 2025 at the end of the cause list.

IN RE: NBCC (CONSTRUCTION OF CRAFT COMPLEX, VASANT KUNJ)

7. We have perused the affidavit of Mr. Mudit Bhatnagar s/o Shri Prakash Mohan Bhatnagar, General Manager (Engineering) at NBCC (India) Ltd., New Delhi dealing with compliance with the conditions imposed while tree felling was permitted for construction of International Craft Complex at Vasant Kunj, New Delhi. The compliance affidavit is not clear about how many trees were felled. The compliance affidavit is also not clear whether the trees required to be planted by way of

compensatory afforestation have been planted and whether they have survived. All these aspects have to be looked into by the CEC. The report to be submitted by the CEC on or before 24<sup>th</sup> January, 2025 which will be considered on 31<sup>st</sup> January, 2025 at the end of the cause list.

IN RE: NBCC (CONSTRUCTION OF CBI HOUSING COMPLEX, MAIDANGARHI, NEW DELHI

8. We have perused the affidavit of Shri Narendra Kumar, s/o late Shri Daroga Singh, Chief General Manager, Engineering of NBCC Limited. The affidavit concerns compliance with the conditions imposed for grant of permission for felling of trees for the project of CBI Housing Complex at Maidangarhi, New Delhi. The report shows non-compliance.

9. We direct the Deputy Conservator of Forest, South Forest Division, New Delhi to respond to the letter dated 17<sup>th</sup> October, 2024 addressed by the NBCC Limited and communicate the amount payable pursuant to the said letter. We direct the NBCC Limited to deposit the money within one week from the date on which the amount is communicated.

10. As regards erection of a chain link fence and 6 meter tall concrete wall which is condition (v) in the order dated 9<sup>th</sup> August, 2018, the contention raised in the affidavit is that a common boundary wall between Asola Bhati Wildlife Sanctuary and the residential plot is in

existence.

11. We direct the CEC to examine whether the requirement of having a chain link fence can be dispensed with. The CEC will verify the compliance regarding creation of percolation pond in terms of the order dated 9<sup>th</sup> August, 2018. Admittedly, a green belt of trees along with the boundary of the proposed site adjacent to the Sanctuary in terms of clause (iii) of the order dated 9<sup>th</sup> August, 2018 has not been made. The report of the CEC shall be filed by 24<sup>th</sup> January, 2025 which will be considered on 31<sup>st</sup> January, 2025. To be listed at the end of the cause list.

12. We direct the NBCC Limited to first comply with clause (iii) of the order dated 9<sup>th</sup> August, 2018 and only thereafter continue construction work. Compliance affidavit shall be filed by the NBCC by 24<sup>th</sup> January, 2025 which will be considered on 31<sup>st</sup> January, 2025. To be listed at the end of the cause list.

**In RE: DIRECTORATE OF REVENUE INTELLIGENCE**

13. We have perused the compliance affidavit filed by Mr. K.Tushar Parasshar, Additional Director, Directorate of Revenue Intelligence, New Delhi. This is regarding reporting compliance with this Court's order dated 8<sup>th</sup> February, 2023.

14. The CEC shall look into all aspects of compliance with various terms and conditions of the order dated 8<sup>th</sup> February, 2023 and submit a report by 24<sup>th</sup> January, 2025 which will be considered on 31<sup>st</sup> January, 2025. To be listed at the end of the cause list.

IN RE: MINISTRY OF DEFENCE (NAVY)

15. We have perused the affidavit of Commodore A.S.Sangha for reporting compliance with the conditions imposed for permitting Right of Way to lay 2500 meters long Optical Fibre Cable.

16. The CEC will examine the affidavit and submit a report before 31<sup>st</sup> January, 2025. To be listed at the end of the cause list.

GENERALLY

17. While considering the compliance with the conditions imposed by this Court in the orders passed permitting felling of trees for various projects, we have been passing orders directing the CEC to consider the affidavits of compliance filed by the project proponents. When such directions are issued, the CEC will look into the following aspects amongst others:

- (1) Whether compliance with each and every condition imposed by this Court has been made;

(2) Whether the trees planted by way of compensation have been planted as required by the condition and whether the trees have survived; and

(3) Whenever the CEC finds that there is a non-compliance and a damage has been caused to the environment, the CEC will suggest all the remedial measures, including recovery of compensation from the defaulting party.

18. While permissions are granted by this Court for felling of trees, the conditions are imposed with the object of ensuring that there is a minimum damage to the environment. Therefore, all the conditions regarding compensatory afforestation etc. are imposed. It is always necessary for this Court to ensure that the conditions imposed while permitting felling of trees are scrupulously complied with by the concerned project proponents.

19. There is one more aspect of the matter. Only after compliance by various entities is considered, this Court can take a call whether different set of conditions or additional set of conditions should be imposed while granting permission for felling of trees.

IN RE: JAWAHARLAL NEHRU UNIVERSITY AND  
MUNICIPAL CORPORATION OF DELHI

20. Our attention is invited to this Court's order dated 6<sup>th</sup> September, 2024. The Jawaharlal Nehru University and the Municipal Corporation of Delhi have not complied with the directions contained in the orders dated 6<sup>th</sup> September, 2024 and 25<sup>th</sup> October, 2024.

21. We finally grant time to them of six weeks to report compliance failing which coercive action will be taken against the responsible officers. Even compliance by these two entities will be considered on 31<sup>st</sup> January, 2025.

IN RE: REPORT NO.192

22. Both the Delhi Development Authority and the Municipal Corporation of Delhi have not complied with the directions contained in paragraph 25 of this Court's order dated 25<sup>th</sup> October, 2024. Only by way of indulgence, we grant time of six weeks to file the affidavits in terms of the order dated 25<sup>th</sup> October, 2024.

23. List on 31<sup>st</sup> January, 2025 at the end of the cause list.

TREES ACT

24. Now, the issue which requires immediate attention is about strict implementation of the provisions of the Delhi Preservation of Trees Act, 1994. To enable the learned counsel appearing for the parties to address us on the issue, we direct that the petition shall be listed on 18<sup>th</sup> December, 2024 at 3.00 p.m.

I.A. NO. 135709/2024 (APPLN. FOR DIRECTION ON BEHALF OF BHAVREEN KANDHARI)

25. List on 18<sup>th</sup> December, 2024.

IA NOS. 267661/2024 AND 267966/2024 (APPLN. FOR INTERVENTION/IMPLEADMENT AND APPROPRIATE ORDERS/DIRECTIONS ON BEHALF OF MANAN VERMA)

26. List on 18<sup>th</sup> December, 2024.

IA No.273146/2024 - INTERVENTION/IMPLEADMENT

27. The application is allowed.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER

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)

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Date : 29-11-2024 This petition was called on for hearing today.

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

IN RE : DEPUTY COMMISSIONER OF POLICE, DELHI POLICE

1. We have perused the affidavit of Shri B.L.Suresh, Deputy Commissioner of Police, Land and Building Cell, Police Headquarters, Delhi Police, Delhi, pursuant to Report No.18 of 2024 of the Central Empowered Committee (CEC). It is fairly accepted by him that 140 trees planted were not looked after and therefore they have not survived.

2. We, therefore, direct the Delhi Police to plant 280 plants of various species, as may be suggested by the CEC. The Delhi Police will identify a suitable land for plantation of 280 trees and will submit a proposal to the CEC. The CEC will verify the suggested land and if the CEC is satisfied with the location, decide which categories of 280 trees should be planted and communicate to the Delhi Police accordingly. This exercise shall be completed by the CEC and the Delhi Police by 24<sup>th</sup> January, 2025.

3. On 31<sup>st</sup> January, 2025 the Court will consider the issue of compliance by the Delhi Police.

IN RE: PWD, DELHI

4. The affidavit of compliance dated 25<sup>th</sup> November, 2024 has been filed by Shri Manoj Kumar s/o Shri R.C.Agarwal, Chief Engineer, South Zone Maintenance, PWD, GNCTD, New Delhi.

5. We direct the CEC to verify the correctness of the statements made in the affidavit and submit a report to this Court on or before 24<sup>th</sup> January, 2025.

6. Needless to add that the CEC will go into all questions including the rate of survival. The report will be considered on 31<sup>st</sup> January, 2025 at the end of the cause list.

IN RE: NBCC (CONSTRUCTION OF CRAFT COMPLEX, VASANT KUNJ)

7. We have perused the affidavit of Mr. Mudit Bhatnagar s/o Shri Prakash Mohan Bhatnagar, General Manager (Engineering) at NBCC (India) Ltd., New Delhi dealing with compliance with the conditions imposed while tree felling was permitted for construction of International Craft Complex at Vasant Kunj, New Delhi. The compliance affidavit is not clear about how many trees were felled. The compliance affidavit is also not clear whether the trees required to be planted by way of

compensatory afforestation have been planted and whether they have survived. All these aspects have to be looked into by the CEC. The report to be submitted by the CEC on or before 24<sup>th</sup> January, 2025 which will be considered on 31<sup>st</sup> January, 2025 at the end of the cause list.

IN RE: NBCC (CONSTRUCTION OF CBI HOUSING COMPLEX, MAIDANGARHI, NEW DELHI

8. We have perused the affidavit of Shri Narendra Kumar, s/o late Shri Daroga Singh, Chief General Manager, Engineering of NBCC Limited. The affidavit concerns compliance with the conditions imposed for grant of permission for felling of trees for the project of CBI Housing Complex at Maidangarhi, New Delhi. The report shows non-compliance.

9. We direct the Deputy Conservator of Forest, South Forest Division, New Delhi to respond to the letter dated 17<sup>th</sup> October, 2024 addressed by the NBCC Limited and communicate the amount payable pursuant to the said letter. We direct the NBCC Limited to deposit the money within one week from the date on which the amount is communicated.

10. As regards erection of a chain link fence and 6 meter tall concrete wall which is condition (v) in the order dated 9<sup>th</sup> August, 2018, the contention raised in the affidavit is that a common boundary wall between Asola Bhati Wildlife Sanctuary and the residential plot is in

existence.

11. We direct the CEC to examine whether the requirement of having a chain link fence can be dispensed with. The CEC will verify the compliance regarding creation of percolation pond in terms of the order dated 9<sup>th</sup> August, 2018. Admittedly, a green belt of trees along with the boundary of the proposed site adjacent to the Sanctuary in terms of clause (iii) of the order dated 9<sup>th</sup> August, 2018 has not been made. The report of the CEC shall be filed by 24<sup>th</sup> January, 2025 which will be considered on 31<sup>st</sup> January, 2025. To be listed at the end of the cause list.

12. We direct the NBCC Limited to first comply with clause (iii) of the order dated 9<sup>th</sup> August, 2018 and only thereafter continue construction work. Compliance affidavit shall be filed by the NBCC by 24<sup>th</sup> January, 2025 which will be considered on 31<sup>st</sup> January, 2025. To be listed at the end of the cause list.

**In RE: DIRECTORATE OF REVENUE INTELLIGENCE**

13. We have perused the compliance affidavit filed by Mr. K.Tushar Parasshar, Additional Director, Directorate of Revenue Intelligence, New Delhi. This is regarding reporting compliance with this Court's order dated 8<sup>th</sup> February, 2023.

14. The CEC shall look into all aspects of compliance with various terms and conditions of the order dated 8<sup>th</sup> February, 2023 and submit a report by 24<sup>th</sup> January, 2025 which will be considered on 31<sup>st</sup> January, 2025. To be listed at the end of the cause list.

IN RE: MINISTRY OF DEFENCE (NAVY)

15. We have perused the affidavit of Commodore A.S.Sangha for reporting compliance with the conditions imposed for permitting Right of Way to lay 2500 meters long Optical Fibre Cable.

16. The CEC will examine the affidavit and submit a report before 31<sup>st</sup> January, 2025. To be listed at the end of the cause list.

GENERALLY

17. While considering the compliance with the conditions imposed by this Court in the orders passed permitting felling of trees for various projects, we have been passing orders directing the CEC to consider the affidavits of compliance filed by the project proponents. When such directions are issued, the CEC will look into the following aspects amongst others:

- (1) Whether compliance with each and every condition imposed by this Court has been made;

(2) Whether the trees planted by way of compensation have been planted as required by the condition and whether the trees have survived; and

(3) Whenever the CEC finds that there is a non-compliance and a damage has been caused to the environment, the CEC will suggest all the remedial measures, including recovery of compensation from the defaulting party.

18. While permissions are granted by this Court for felling of trees, the conditions are imposed with the object of ensuring that there is a minimum damage to the environment. Therefore, all the conditions regarding compensatory afforestation etc. are imposed. It is always necessary for this Court to ensure that the conditions imposed while permitting felling of trees are scrupulously complied with by the concerned project proponents.

19. There is one more aspect of the matter. Only after compliance by various entities is considered, this Court can take a call whether different set of conditions or additional set of conditions should be imposed while granting permission for felling of trees.

IN RE: JAWAHARLAL NEHRU UNIVERSITY AND  
MUNICIPAL CORPORATION OF DELHI

20. Our attention is invited to this Court's order dated 6<sup>th</sup> September, 2024. The Jawaharlal Nehru University and the Municipal Corporation of Delhi have not complied with the directions contained in the orders dated 6<sup>th</sup> September, 2024 and 25<sup>th</sup> October, 2024.

21. We finally grant time to them of six weeks to report compliance failing which coercive action will be taken against the responsible officers. Even compliance by these two entities will be considered on 31<sup>st</sup> January, 2025.

IN RE: REPORT NO.192

22. Both the Delhi Development Authority and the Municipal Corporation of Delhi have not complied with the directions contained in paragraph 25 of this Court's order dated 25<sup>th</sup> October, 2024. Only by way of indulgence, we grant time of six weeks to file the affidavits in terms of the order dated 25<sup>th</sup> October, 2024.

23. List on 31<sup>st</sup> October, 2024 at the end of the cause list.

TREES ACT

24. Now, the issue which requires immediate attention is about strict implementation of the provisions of the Delhi Preservation of Trees Act, 1994. To enable the learned counsel appearing for the parties to address us on the issue, we direct that the petition shall be listed on 18<sup>th</sup> December, 2024 at 3.00 p.m.

I.A. NO. 135709/2024 (APPLN. FOR DIRECTION ON BEHALF OF BHAVREEN KANDHARI)

25. List on 18<sup>th</sup> December, 2024.

IA NOS. 267661/2024 AND 267966/2024 (APPLN. FOR INTERVENTION/IMPLEADMENT AND APPROPRIATE ORDERS/DIRECTIONS ON BEHALF OF MANAN VERMA)

26. List on 18<sup>th</sup> December, 2024.

IA No.273146/2024 - INTERVENTION/IMPLEADMENT

27. The application is allowed.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER