

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

I.A. No. 2447-2448

IN

IA NO. 22

IN

WRIT PETITION (CIVIL) NO(s). 4677 OF 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[for impleadment and directions on behalf of Gyan Gupta]

AND

I.A. NOS. 2474-2475 IN IA NO. 22 IN WP(C) NO. 4677/1985

[for impleadment and directions on behalf of M/s. Jhankar Banquet]

I.A. No. 2476 in W.P.(C) No. 4677/1985

(for impleadment on behalf of Asiad Village)

AND

I.A. Nos. 2456-2457 in I.A. No. 22 in WP(C) No. 4677/1985

(for intervention and directions on behalf of Sudhir Bardyar)

I.A. Nos. 2372-2373 in WP(C) No. 4677/1985

(for permission to file application for desealing and directions on behalf of Benu Dua)

I.A. Nos. 2480-2481 in WP(C) No. 4677/1985

(for impleadment and directions on behalf of Parvinder Singh Anand)

I.A. Nos. 2494-2495 in WP(C) No. 4677/1985

(for impleadment and directions on behalf of M/s Themes Hearing Expression Pvt. Ltd.)

I.A. No. 2348 in IA 2252 in WP(C) No. 4677/1985

(for directions on behalf of J.L. Garg and others)

I.A. Nos. 2501 and 2502 in IA 22 in WP(C) No. 4677/1985

(for impleadment and directions on behalf of applicatn Dr. Ashish Makker and others)

I.A. Nos. 2206-2207 in WP(C) No. 4677/1985

2

(for impleadment on behalf of RWA Friends Colony for setting aside order dated 31.8.2007)

Cont P.(Crl.) D. No. 21073 of 2008 in IA 2162-2163 in
4677/1985

WP(C) No.

(for intervention and directions)

WITH

IA NO. 1531 IN IA 22 IN W.P. (C) 4677 OF 1985

[FOR DIRECTIONS ON BEHALF OF NARAINA INDUSTRIAL AREA, CETP SOCIETY THOROUGH ITS PRESENT WITH OFFICE REPORT)

WITH
IA NO. 1791 IN W.P. (C) 4677 OF 1985
[for directions on behalf of Naraina Industrial Area CETP Society)
IA 1846 in W.P. (C) NO. 4677 of 1985
[for directions on behalf of Okhla Industrial Estate C.E.T.P.)
WITH
IA 1828 & 1829 in IA 1531 in IA no. 22 in W.P. (C) NO. 4677 of 1985
[for directions and impleadment on behalf of Present Kalyan Brastachar
Virodhi Sangarsh Samiti)
WITH
IA 1830 in IA 1531 in IA 22 in W.P. (C) NO. 4677 of 1985
[for exemption from depositing the cost fo C.E.T.P. on behalf of M/s.
Pure Drinks Ltd.)
WITH
IA 1834 in IA 1531 in IA 22 in W.P. (C) NO. 4677 of 1985
[for impleading on behalf of M/s.Anand Prabat Industrial Area,
C.E.T.P. Society)
WITH
IA 1868-1869 in IA 1531 in W.P. (C) NO. 4677 of 1985
[for directions and impleadment on behalf of Britannia Industries Ltd.)
WITH
IA 1861 in IA 1531 in IA 22 in W.P. (C) NO. 4677 of 1985
[for directions on behalf of Anand Prabat Effluent Treatment Ltd.)
WITH
IA 1862 in IA 1531 in IA 22 in W.P. (C) NO. 4677 of 1985
[for directions on behalf of Anand Prabad Effluent Treatment Ltd.)
WITH
IA 1863 in IA 1531 in IA 22 in W.P. (C) NO. 4677 of 1985
[for directions on behalf of Maya Puri Industrial C.E.T.P. Society)
WITH
IA 1183 in IA 22 in in W.P. (C) NO. 4677 of 1985
[for directions on behalf of Confederation of Delhi Industrial
C.E.T.P.Society)
WITH
IA 1216 in IA 22 in in W.P. (C) NO. 4677 of 1985
[for clarificaiton of cout's order dated 16.3.1998 on behalf of Bank
of India)
WITH
IA 1833 in IA 22 in IA 1531 in W.P. (C) NO. 4677 of 1985
[for directions on behalf of Naraina Industrial area CETP Society)
WITH

3

IA 1842 in IA 1531 in in W.P. (C) NO. 4677 of 1985
[for permission to the respondent No. 8 G.T. Karnal Road Industrial
Society for bringing new material/addl. facts on record)
WITH
Cont. Petition (C) 134/2003 in W.P. (C) NO. 4677 of 1985
[for directions on behalf of Govt. of N.C.T. of Delhi)
IA NO. 1879 in IA No. 1531 in IA 22 in WP(C) No. 4677 of 1985
[for directions on behalf of Govt. of NCT of Delhi)
WITH
IA No.1905 in WPC 4677 of 1985
{on behalf of okhla industrial estate C.E.T.P.)
with
Cont. Petition (C) No. 82/2008 in IA 1905 in WPC 4677 of 1985
WITH
IA 1909 in WPC 4677 of 1985
[fro directions on behalf of G.T. Karnal Road CETP Society)
WITH
IA no. 1910 in WP C 4677 of 1985
[on behalf of M/s. Wazirpur Industries Pollution Control Co.)
Contempt Petition (C) No. 64/2007 in WPC 4677 of 1985
IA Nos. 1899-1900 in WP (C) 4677 of 1985
[for directions and permission to file application on behalf of Ajit
Singh Tomer)
AND

Contempt Petition (C) No. 130/2005 in WPC 4677 OF 1985
and
Contempt Petition (C) No. 117 of 2006 in WPC 4677 of 1985
and
Contempt Petition (C) No. 9 of 2006 in WPC 4677 of 1985
and
Contempt Petition (C) No. 98 of 2008 in WPC 4677 of 1985
WITH
SLP (C) No. 7239 OF 2006
[with appln. for permission to file additional affidavit and
directions and with prayer for interim relief)

Date: 04/05/2011 These I.As. were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv. (A.C.)

For Respondent/applicants:

IA 2447-48 Dr. A.M.Singhvi, Sr. Adv.
4

Mr. Sanat Kumar, Adv.
Mr. T.Anil Kumar, Adv.
Mr. R.K.Sanghi, Adv.
Mr. Aditya, Adv.

Mr. Ravi Shanker Prasad, Sr. Adv.
Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.
Mr. P.Parmeswaran, Adv.
Mr. Ujjal Banerjee, Adv.

Mr. Nikhil Goel, Adv.
Mr. Marsook Bafaki, Adv.
Mr. A.V.Balan, Adv.

IA 2474-75 Mr. Vishnu B.Saharya, Adv. for
M/s. Saharya & Co.

IA2474-75 Mr. Ashwani Kumar, Adv.
DDA

Mr. M.L.Lahoty, Adv.
Mr. Paban K.Sharma, Adv.
Mr. Sukumar Agarwal, Adv.
Mr. Himanshu Shekhar, Adv.

IA 2501-2502 Mr. V.A.Mohta, Sr. Adv.
Mr. shakil Ahmad Syed, Adv.
Mr. Shuaib-Uddin, Adv.
Mr. M.Parvez Dabas, adv.
Mr. Mohd. Moonis Abbasi, adv.
Mr. Neelkanta Nayak, Adv.

I.A. 2494-2495 Mr. K.V.Viswanatha, Sr. Adv.
Mr. Sarwa Mitter, Adv.
Ms. Santosh Gupta, Adv.
Mr. Amit Gupta, Adv. for
M/s. Mitter & Mitter Co., Advs.

WP 4677 Mr. S. Wasim Qadri, Adv.
Mr. Gunwant Dara, Adv.
Mr. M.P.S.Tomar, Adv.
Ms. Anil Katiyar, Adv.

NCT Mr. D.N.Goburdhan, Adv.
Mr. Prabal Bagchi, Adv.

IA 2456-57 Mr. R.K.Dhawan, Adv.
Mr. Rahul Gaur, Adv.
Mr. Pulkrit Sachdeva, Adv.
Mr. M.A.Chinasamy, Adv.

5

NDMC Mr. Vivek Tankha, ASG
Mr. Saniv Sen, Adv.
Mr. Surya Kant, Adv.

IA 2206-2207 Mr. A.N.Haksar, Sr. Adv.
Mr. Udayan Jain, Adv.
Mr. Sonal Jain, Adv.

IA 2348 Mr. Sushil Kumar Jain, Adv.
Mr. Puneet Jain, Adv.

IA 2480-81 Mr. Jogindr Sukhija, Adv.
Mr. Ajay Jain, Adv.

IA 1531 Mr. Vishnu B.Sahraya, Adv.

IA 1842 Mr. G.V.Rao, Adv.
Mr. Manoj Kumar Dwivedi, adv.
Ms. Vandana Mishra, Adv.
Mr. Kamlendra Mishra, Adv.

IA 1830 Mr. S.Sukumaran, Adv.
Mr. Anand Sukumar, Adv.
Mr. Bhupesh Kumar Pathak, Adv.

IA 1842 Mr. Sanjay Visen, Adv.
Mr. Kamlesndra Mishra, Adv.

IA 1834 Mr. S.C.Paul, Adv.
Mr. Satwinder, Adv.
Mr. Ashok Kumar, Adv.
Mr. Satyendra Kumar, Adv.

CP 9 Ms. Sarbani Kar, Adv.
Mr. Avijit Bhattacharya, Adv.

Mr. Manjit Singh, AAG,
Mr. Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

SLP 7239 Mr. Amir Singh Pasrich, Adv.
Mr. Aditya Jain, Adv.
Ms. Meera Mathur, Adv.

IA 2447-48 Ms. Sheil Sethi, Adv.

IA 2447-48 Mr. Goodwill Indeevar, Adv.

IA 2447-48 Mr. R.C.Kaushik, Adv.

IA 2480-2481 Mr. C.S.Ashri, Adv.

IA 2494-95 Mr. Praveen Chaturvedi, Adv.
IA 2206-07 Mr. Shakeel Ahmad, Adv.
IA 2162-63 Mr. V.K.verma, Adv.
IA 1830 Mr. K.Rajeev, Adv.
IA 1791,1216,1863 Mr. Vijay Panjwani, Adv.
IA 1846 Ms. Bina Gupta, Adv.
IA 1216 Mr. Sudarsh Menon, Adv.
IA 1183 Mr. M.K.D.Namoodiri, Adv.
IA 1899-1900 Mr. Subhash Sharma, Adv.
CP 98 Ms. Sumitra Hazarika, Adv.

SLP 7239 Mr. Subhash Chandra Pripathi, Adv.
IA 1899-1900 Mr. Ravi P. Mehrotra, Adv.

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

It is stated that the NDMC has already filed the reply to report No. 85. Delhi Development Authority and Delhi Government are directed to file reply to Report No. 85. List on 14th July, 2011.

I.A. No. 2447-2448:

Copy of the report No. 80 of the Monitoring Committee shall be given to the applicant. Reply, if any, be filed before the next date of hearing. List on 14th July, 2011.

I.A.No. 2474-75:

7

List on 14th July, 2011.

I.A.No. 2476:

List on 14th July, 2011.

I.A. Nos. 2456-57:

We do not find any reason to de-seal the premises in question in view of the situation that the occupation of the applicant itself is not valid in law. Hence, I.A. Nos. 2456-57 are, accordingly, dismissed.

I.A. Nos. 2372-2373:

None is present on behalf of the applicant.

These I.As. are, accordingly, dismissed for non-prosecution.

I.A. Nos. 2480-81:

The applicant is directed to give a usual undertaking of legal and permissible use of the property in question whereupon the Monitoring Committee shall take the necessary action of de-sealing of the property.

The application is disposed of accordingly.

IA Nos. 2494-2495:

We have heard learned counsel appearing for the parties.

We find no merit in these IAs which are, accordingly, dismissed. However, after the receipt of the order from the Monitoring Committee, the applicant shall be at liberty to approach either the Monitoring Committee or this Court.

8

IA No. 2348

Copy of the report No. 87 of the Monitoring Committee be given to the applicant as well as to the learned counsel appearing for the Municipal Corporation of Delhi.

Reply, if any, be filed before the next date of hearing.

IA Nos. 2501 and 2502:

Monitoring Committee to file its reply.

Liberty is also granted to the applicant to file additional documents.

IA Nos. 2206-2207 & Contempt Petition (Crl.) D.No. 21073 of 2008 in I.A. No. 2162-2163:

Issue notice.

Copy of report No. 46 of the Monitoring Committee be

given to the applicant and to the learned counsel for the Municipal Corporation of Delhi.

Reply, if any, be filed before the next date of hearing.

IA Nos. 1531, 1791, 1846, 1828, 1829, 1830, 1834, 1868-1869, 1861, 1862, 1863, 1183, 1216, 1833, 1842, CP 134, IA 1879, IA 1905 CP(C) 82, IA 1909, IA 1910, CP 64:

List these IAs on 14.7.2011.

In the meantime, reply, if any, be filed by the Delhi Government and Central Pollution Control Board.

IA Nos. 1899-1900, Contempt Petition (C) No. 130/2005, 117/2006, 98/2008:

None is present on behalf of the applicants.

These petitions are, accordingly, dismissed for non-prosecution.

Contempt Petition (C) No. 9 of 2006:

Issue notice.

Learned counsel for the applicant is directed to
serve a copy of the Contempt Petition to Mr. Ranjit Kumar,
learned Amicus Curiae.

Monitoring Committee is directed to file its reply
before the next date of hearing.

SLP(C) No. 7239 of 2006:

At the request of learned counsel for the parties,
list this Special Leave Petition and aforesaid IAs/Contempt
Petitions on 14.7.2011 at 2 P.M.

(Shashi Sareen) (Pardeep Kumar)
Court Master Court Master

(Shashi Bala Vij)
Court Master