

ITEM NO. 301+302+303+304

Court No. 7

SECTION PIL

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. 2470 in  
IN  
IA NO. 2187,2204  
IN  
I.A. 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 Vansh properties)

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)

AND

IA Nos. 2482 in IA Nos. 2051-2052 in WP (C) No. 4677 of 1985

[for impleadment and directions on behalf of Delhi Society for welfare of Special Child Mentally Retarded)

IA Nos. 2489-2490 in W.P. (C) No. 4677 of 1985

[for impleadment and direction on behalf of Vandana Kumar)

And

IA Nos. 2366 in IA 22 IN W.P. (C) No. 4677 of 1985

[for stay on behalf of Jaimuddin & another)

AND

IA Nos. 2178-2179 in W.P. (C) No. 4677 of 1985

[for stay and directions on behalf of Banarsi Das Chandiwala Smarak Trust)

AND

IA Nos. 2159-2160 in IA 22 IN W.P. (C) No. 4677 of 1985

[for impleadment and direction on behalf of Mahabir Singh)

IA NO. 2493 IN IA 2484-2485 IN WP(C) NO. 4677/1985

CON.PETN. (C) NO. D1059/2011 IN IA NOS. 2484-2485 IN WP(C) NO. 4677/1985

IA NOS. 2372-2373 IN WP(C) NO. 4677/1985

[for permission to file desealing on behalf of Benu Dua)

IA NOS. 2480-2481 IN WP(C) NO. 4677/1985

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

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

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

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

(for direction on behalf of J.L.Garg & Ors.)

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 clarification of court'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

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[for directions on behalf of Naraina Industrial area CETP Society )

WITH  
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 )

WITH  
I.A. No. 1879 in I.A. No. 1531 in I.A. No. 22 in WP(C) No. 4677/1985

IA No.1905 in WP (C) No. 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 WP (C) No. 4677 of 1985  
[fro directions on behalf of G.T. Karnal Road CETP Society)

WITH  
IA no. 1910 in WP (C) No. 4677 of 1985  
[on behalf of M/s. Wazirpur Industries Pollution Control Co.)  
Contempt Petition (C) No. 64/2007 in WP (C) No. 4677 of 1985  
IA Nos. 1899-1900 in WP (C) No. 4677 of 1985

[for directions and permission to file application on behalf of Ajit Singh Tomer)

AND

Contempt Petition (C) No. 130/2005 in WP (C) No. 4677 OF 1985

and

Contempt Petition (C) No. 117 of 2006 in WP (C) No. 4677 of 1985

and

Contempt Petition (C) No. 9 of 2006 in WP(C) No. 4677 of 1985

and

Contempt Petition (C) No. 98 of 2008 in WP(C) No. 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: 26/4/2011 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.)

M.C. Mehta (in-person) (not present)

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For respondents/ : Mr. Mukul Rohtagi, Sr. Adv.

applicants Mr. R.K. Sanghi, Adv.

Mr. T.Anil Kumar, Adv.

IA No. 2470 in  
IA 2187, 2204 in  
IA 22

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Ujjal Banerjee, Adv.

IA 1879 Mr. D.N. Goburdhan, Adv.

Mr. Prabal Bagchi, Adv.

for DDA Ms. Shiel Sethi, Adv.  
Mr. Vishnu B. Saharya, Adv. for  
M/s Saharya & Co.

Mr. Vikas Mehta, Adv.

IA 2456-2457 Mr. P. Parmeswaran, Adv.

IA 2482 Mr. Manik Karanjawala, Adv.  
Ms. Farida, Adv.  
Ms. Lakshmi Ramachandran, Adv.  
Mr. Jatin Monga, Adv.  
Mr. Senthil Jagadeesan, Adv.

IA 2489-2490 Mr. Ravi P. Mehrottra, Adv.  
Ms. Deepti R. Mehrottra, Adv.  
Mr. Vibhu Tiwari, Adv.

Mr. D.S. Mahra, Adv.

IA 2366 Mr. V.A. Mohta, Sr. Adv.  
Mr. Mohit D. Ram, Adv.  
Ms. Poli Katakhi, Adv.  
Ms. Meenakshi Arora, Adv.

IA 2178-2179 Mr. R.P. Bhatt, Sr. Adv.  
Ms. Anita Pandey, Adv. for  
Mr. Vishnu Sharma, Adv.

IA 2159-2160 Mr. R.N. Keshwani, Adv.  
Mr. Ram Lal Roy, Adv.

IA 2493 Mr. V. Mohta, Sr. Adv.  
Mr. Arvind Kr. Sharma, Adv.  
Mr. Saurabh Mishra, Adv.

IA 2493 Mr. Shibasis Misra, Adv.  
&

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CP(C) D1059

IA 2372-2373 Mr. Arun Kumar Beriwal, Adv.

IA 2480-2481 Mr. Rakesh Tikku, Sr. Adv.  
Mr. Joginder, Adv.  
Mr. Ajay Jain, Adv.  
Mr. C.S. Ashri, Adv.

IA 2494-2495 Mr. Praveen Chaturvedi, Adv.

IA 2494-2495 Mr. K.V.Vishwanathan, Sr. Adv.  
Mr. Sarwa Mitter, Adv.  
Mrs. Santosh Gupta, Adv.  
Mr. Amit Gupta, Adv. for  
Mitter & Mitter Co.

IA 1531 Mr. S.Sukumaran, Adv.  
Mr. Anand Sukumar, Adv.  
Mr. Bhupesh Kumar Rathore, Adv.

IA 2348 Mr. Sushil Kumar Jain, Adv.

IA 1531 Mr. Viswajit Singh, Adv.

Mr. S.W.A Qadri, Adv.  
Mr. M.P.S. Tomar, Adv.  
Ms. Gunwant Dara, Adv. for  
Mrs. Anil Katiyar, Adv.

Mr. K. Rajeev K John & co.

IA 1531 & 1861 Mr. Ashok Kumar Sharma, Adv.

& 1862, 1863, 1183,  
1833, 1910

Ms. Bina Gupta, Adv.

Mr. P.N. Puri, Adv.  
Mr. Naresh Khanna, Adv.  
Mr. Dhiraj, Adv.  
Mrs. Reeta Dewan Puri, Adv.

Mr. Rakesh Kumar Khanna, Sr. Adv.  
Dr. Rashmi Khanna, Adv.  
Mr. Surya Kant, Adv.  
Mr. Pranav Vyas, Adv.  
Mr. Dushyant Prashar, Adv.  
Ms. Purnima Jauhari, Adv  
Ms. Seema Rao, Adv.

IA 1791 Mr. Vijay Panjwani, Adv.

IA 1791 Mr. R.S. Puri, Adv.

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IA 1846	Ms. Bina Gupta, Adv.
IA 1828-1829	Mr. Debasis Misra, Adv.
IA 1830	Mr. K. Rajeev, Adv.
IA 1834	Mr. S.C. Paul, Adv. Mr. S.S. Munday, Adv. Mr. Ashok Kumar, Adv. Mr. Satyendra Kumar, Adv.
IA 1868-1869	Mrs. Kamakshi S. Mehlwal, Adv.
IA 1183	Mr. M.K.D. Namoodiri, Adv.
IA 1216	Mr. Sudarsh Menon, Adv.
IA 1842	Mr. S.K. Dwivedi, Adv. Mr. Ashutosh Sharma, Adv. Mr. Manoj Dwivedi, Adv. Mr. G.V. Rao, Adv. Ms. Vandana Mishra, Adv. Mr. Kamlendra Mishra, Adv.
CP(C) 134	Mr. K. Rajeev, Adv.
IA 1905 &CP(C) 82	Mr. G.K. Bansal, Adv.
IA 1899-1900	Mr. Subhash Sharma, Adv.
CP(C) 130	Mr. P.N. Puri, Adv.
CP (C) 117/06	Petitioner-in-person
CP(C) 9/2006	Mr. Avijit Bhattacharjee, Adv. Mrs. Sarbani Kar, Adv. Ms. Debjani Das Purkayastha, Adv. Mr. Bidyabrata Acharya, Adv.
CP(C) 98/2008	Ms. Sumita Hazarika, Adv.
SLP (C)7239	Mr. Amir Singh Pasrich, Adv. Mr. Aditya Jain, Adv. Ms. Meera Mathur, Adv. Mr. Suresh Chandra Tripathy, Adv.

UPON hearing counsel the Court made the following

O R D E R

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I.A. No. 2470 in I.A. No. 2187,2204:

1. Learned counsel appearing for the applicant makes a statement that presently the ground floor and above which were being used for running a fitness center shall not be used for the said purpose as it is not legally permissible.

2. A usual undertaking to that effect shall be filed by the applicant with the Monitoring Committee within a week.

Needless to say, after filing of the usual undertaking, the premises shall be de-sealed.

3. IA No. 2470 stands disposed of accordingly.

I.A. Nos. 2456-2457 in IA No. 22:

None is present.

List these IAs on the next date of hearing.

I.A.No. 2482 in I.A. Nos. 2051-2052

The Monitoring Committee is granted two weeks' time for filing its reply. In the meantime, the DDA shall also give its own stand to the Monitoring Committee so as to enable it to decide about de-sealing the premises in question.

List this IA after two weeks.

I.A. Nos. 2489-2490:

1. Theses are the applications filed by Dr. (Mrs.) Vandana Kumar, Dentist for de-sealing her dental clinic. It is reported that four shops of the permitted categories are permissible and the dental clinic comes within that permissible category.

2. Mr. Ranjit Kumar, learned senior counsel states that if the permission is given to one, the other five persons are likely to follow the suit claiming the de-sealing of their shops also. If that happens, it would be for this Court to judge as to whether the concerned applicant is at the proper place in queue meaning thereby whether premises are among the first four lessees and whether the lease is under the permitted categories. Be that as it may, that is not the question to be decided now. However, we permit the de-sealing of the dental clinic of Dr. (Mrs.) Vandana Kumar on filing of a usual undertaking to be given to the Monitoring Committee within two weeks' from today.

IA Nos. 2489-2490 stand disposed of accordingly.

I.A. No. 2366:

1. Mr. V.A.Mohta, learned senior counsel appearing for the applicants seeks time to file further affidavit explaining the whole history regarding the ownership and transfer of the concerned land to the applicants. He shall also file on record the copy of the permission and sanctioned plan etc., if any.

2. Mr. V.B.Saharya, learned counsel appearing for the DDA shall file an affidavit indicating the names of the responsible officers in whose tenure the so-called illegal construction was carried out. He shall also give the correct

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Khasra number of the land over which the present construction is carried out.

3. Mr. D.N.Goburdhan, learned counsel appearing for the National Capital Territory of Delhi shall also file an affidavit indicating the action to be taken for removal of the encroachment having been made on the land of the Government by the construction of this building as also the names of the officials who have failed to take such action at the appropriate time.

4. List after three weeks.

I.A. NOS. 2178-2179 IN WP (C) NO. 4677 OF 1985:

Applicant is directed to produce the documents with fresh representation to the Monitoring Committee within one week from today suggesting that the entire building which has come up and which was sealed is constructed with due permission and with sanctioned plan.

List these I.As. after four weeks.

I.A. NOS. 2159-2160 IN IA 22 IN WP (C) NO. 4677 OF 1985:

We have heard learned counsel appearing for the parties.

We find no merit in these I.As. which are, accordingly, dismissed.

1. We have considered the order dated 10.12.2010 passed by the Monitoring Committee which was passed pursuant to our order dated 18.11.2010.

2. It is an admitted position that in compliance of our aforesaid order, necessary steps have been taken and an undertaking has been filed by the the applicant by curing the defects regarding archiving, indexing and cataloguing of photo negatives for digital visual library, digitizing/scanning of annual reports etc. Now the only activity which is being carried out is the documentary film making which is permissible.

3. We have also considered the fact that the objection now taken regarding the FAR was not taken earlier by the Monitoring Committee in its report. Besides, as per the provisions of para 15.8(iv) of the Master Plan of Delhi 2021, even if the FAR is added, such FAR in excess can be permitted to be used subject to payment of appropriate charges prescribed with the approval of the Government.

4. We, therefore, see no difficulty in de-sealing the premises in question which were sealed on 1.6.2010. The premises shall be de-sealed after an affidavit/undertaking is given by the applicant that on the determination of the appropriate charges of the additional FAR by the New Delhi Municipal Council, the applicant shall pay his share within one month from the date of such demand.

IA No. 2493 stands disposed of accordingly.

Mr. V.A. Mohta, learned senior counsel appearing for the applicant seeks leave of the Court to withdraw this Contempt Petition. Permission granted. This Contempt Petition is, accordingly, dismissed as withdrawn.

List the remaining I.As. on 4.5.2011 at 2 P.M.

[Shashi Sareen]  
Court Master

[Pardeep Kumar]  
Court Master  
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[Shashi Bala Vij]  
Court Master

ITEM NO. MM-1

Court No.8

SECTION PIL

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. 2501 & 2502 in  
IN  
I.A. No.22  
IN

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

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date: 26/4/2011 This I.A. was mentioned today.

CORAM :

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

For Petitioner(s) Mr.Shakeel Ahmad Syed, Adv. (Mentioned by)

For applicants : Ms. Anil Katiyar, Adv.

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

List on 04.05.2011.

[Shashi Sareen]  
Court Master

[Shashi Bala Vij]  
Court Master