

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)

(I.A. NO. 235067/2023 (CEC REPORT NO. 34/2023) (DISPOSED OF)
AND

IN RE: REPORT NO. 18/2024 OF CENTRAL EMPOWERED COMMITTEE

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. UDITA SINGH,

MR. KARUNAKAR MAHALIK, ADVOCATES)

Date : 25-10-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Ms. Anitha Shenoy, Sr.Adv. (Amicus Curiae)

Mr. A.D.N.Rao, Sr.Adv. (Amicus Curiae)

Ms. Srishti Agnihotri, AOR

Ms. Ayushma Awasthi, Adv.

Ms. Sanjana Grace Thomas, Adv.

Mr. D.P.Singh, Adv.

Ms. Tara Elizabeth Kurien, Adv.

For the parties:

Mrs. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Rajesh Kumar Singh, Adv.
Mr. Rajat Nair, Adv.
Mrs. Suhashini Sen, Adv.
Mr. S S Rebello, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. T S Sabarish, Adv.
Mr. Mayank Pandey, Adv.
Mr. Madhav Sinhal, Adv.
Mr. A Sirajudeen, Adv.
Mr. P V Yogeswaran, Adv.
Mr. Sharath Nambiar, Adv.
Mr. B K Satija, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. Chitransh Sharma, Adv.
Mr. Sarthak Karol, Adv.
Mr. Kritagya Kumar Kait, Adv.
Mr. Manish, Adv.
Ms. Sunanda Shukla, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Shagun Thakur, Adv.
Ms. Chitrangda Rastravara, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Shashank Bajpai, Adv.
Ms. Stuti Karwal, Adv.
Mr. Zeeshan Diwan, Adv.
Dr. N. Visakamurthy, AOR

Ms. Garima Prasad, Sr. Adv.
Ms. Malvika Kapila, AOR
Ms. Tanwangi Shukla, Adv.
Ms. Harbani S., Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Mayank Aggarwal, AOR

Mr. S Wasim A Qadri, Sr. Adv.
Ms. Udit Singh, AOR
Mr. Tamim Qadri, Adv.
Mr. saeed Qadri, Adv.
Mr. Shraveen Kumar Verma, Adv.
Mr. Saahil Gupta, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Mr. S Wasim A Qadri, Sr. Adv.
Ms. Anjali Singh, Adv.
Mr. Devesh Maurya, Adv.
Mr. Ravi Kumar, Adv.
Mr. Pragyan Mishra, Adv.
Ms. Radha Gupta, Adv.
Mr. Praveen Swarup, AOR

Mr. Chirag M. Shroff, AOR
Mr. Dhananjay Kataria, Adv.
Mrs. Mahima C Shroff, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.K. Satija, A.A.G.
Mr. Rahul Khurana, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Nikunj Gupta, Adv.
Ms. Himanshi Sakhya, Adv.
Ms. Aakanksha, Adv.
Mr. Fateh Singh, Adv.

Petitioner-in-person

Dr. Surender Singh Hooda, AOR

M/S. Parekh & Co., AOR

Mr. T. L. Garg, AOR

Mr. Shiv Prakash Pandey, AOR

Mr. Pranaya Kumar Mohapatra, AOR

Mr. Ashwani Kumar, AOR

Mrs. Rachana Joshi Issar, AOR

Mr. Harish Pandey, AOR

Mr. V. K. Verma, AOR

Mr. Prashant Chaudhary, AOR
Mr. Kanishk Chaudhary, Adv.
Mrs. Chitra Chaudhary, Adv.

Mrs. Rekha Pandey, AOR

Mr. Pravir Choudhary, AOR
Mr. Reepak Kansal, Adv.
Mr. Ramit Sehrawat, Adv.
Mr. Manoj Dwevedi, Adv.
Ms. Shama Praween, Adv.
Mr. Ajay Kumar, Adv.
Ms. Anwesa Deb, Adv.
Mr. Ajay Kapoor, Adv.

Mr. Nikilesh Ramachandran, AOR

Mr. Gurmeet Singh Makker, AOR

Ms. Prerna Mehta, AOR
Mr. Sunil Kumar Jain, AOR
Mr. Ravi Kumar Tomar, AOR
Mr. Tejaswi Kumar Pradhan, AOR
Mr. P. Parmeswaran, AOR
Mr. Gunnam Venkateswara Rao, AOR
Mr. Abhay Kumar, AOR
Ms. Diva Singh, Adv.
Mr. Devendra Singh, AOR
Mr. Surinder Singh Lohchab, Adv.
Mr. Kashmira Singh Chahar, Adv.
Mr. Gaurav Pal, Adv.
Mr. A. Venayagam Balan, AOR
Ms. Binu Tamta, AOR
Mr. Shekhar Kumar, AOR
Mrs. Anil Katiyar, AOR
Ms. Anu Gupta, AOR
Ms. Manju Jetley, AOR
Ms. Sharmila Upadhyay, AOR
Mr. Pawan R Upadhyay, Adv.
Mr. Risabh Khare, Adv.
Mr. Satish Aggarwal, AOR
Mr. Satyendra Kumar, AOR
Mr. Ajit Sharma, AOR
Mr. Suresh Chandra Tripathy, AOR
Mr. Md. Farman, AOR
Ms. Ruby Singh Ahuja, AOR
Mr. Sudhir Naagar, AOR

Mr. Venkateswara Rao Anumolu, AOR
Mr. Abhijit Sengupta, AOR
Mr. Neeraj Kumar Gupta, AOR
Mr. Tarun Johri, AOR
Mr. Avinash Kr. Lakhnopal, AOR
Mr. Sanjay Kapur, AOR
Ms. Rukhsana Choudhury, AOR
Mr. Harsh V. Surana, AOR
Mr. Raj Kamal, AOR
Mr. Himinder Lal, AOR
Mr. Arvind Kumar Sharma, AOR
Mr. Rameshwar Prasad Goyal, AOR
Mr. Prithu Garg, AOR
Mr. Krishnanand Pandeya, AOR
Ms. Neha Sharma, AOR
Mr. Smarhar Singh, AOR
Ms. Shweta Kumari, Adv.
Mr. Md. Asim, Adv.
Mr. Pankaj Prakash, Adv.
Mr. Abhinav Agrawal, AOR
Mr. Avadh Bihari Kaushik, AOR
Ms. Saloni Mahajan, Adv.
Mr. Prateek Goyal, Adv.
Mr. Rishabh Kumar, Adv.
Mr. Shekhar Prit Jha, AOR
Ms. S. Janani, AOR
Mrs. Gargi Khanna, AOR
Mr. Somnath Mukherjee, AOR
Ms. Mayuri Raghuvanshi, AOR

Mr. Saurabh Mishra, AOR

Mr. Siddhartha Chowdhury, AOR

Mr. Sanjeev Malhotra, AOR

Mr. Amarjit Singh Bedi, AOR

Mr. Vishnu Sharma, AOR

Mrs. Anupama Sharma, Adv.

Mr. Amar Jyoti Sharma, Adv.

Mr. Surit Chaubey, Adv.

Ms. Ishtha Singh, Adv.

Mr. Vivek Narayan Sharma, AOR

Mr. Ravindra Kumar, Sr. Adv.

Mr. Binay Kumar Das, AOR

Ms. Priyanka Das, Adv.

Ms. Neha Das, Adv.

Mr. Shivam Saxena, Adv.

Mr. Vikas Bharti, Adv.

Mr. Guntur Pramod Kumar, AOR

Ms. Perna Singh, Adv.

Mr. Dhruv Yadav, Adv.

Mr. Abinash Kumar Mishra, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. Purna Chandra Patnaik, AOR

Mr. Hemant Mishra, Adv.

Mr. Ramesh Kumar Mishra, AOR

Mr. Arvind Gupta, AOR

Dr. Arvind S. Avhad, AOR

Ms. Madhu Sikri, AOR

Mr. K. V. Mohan, AOR

Mr. Arjun Garg, AOR

Mr. Shrey Kapoor, AOR

Mr. Yoginder Handoo, AOR

Mr. Rajesh Katyal, Adv.
Mr. Devendra Kumar Singh, Adv.
Mr. Karunakar Mahalik, AOR

Mr. Tejaswi Kumar Pradhan, AOR

Mr. Ambhoj Kumar Sinha, AOR

Ms. Binu Tamta, AOR

Mrs. Rani Chhabra, AOR

Mr. Vishnu Kant, AOR

Mr. V. N. Raghupathy, AOR

Mr. A. Raghunath, AOR

Mr. Prakash Ranjan Nayak, AOR

Ms. Sharmila Upadhyay, AOR
Mr. Pawan R Upadhyay, Adv.
Mr. Risabh Khare, Adv.

Mr. R. C. Kohli, AOR

Mr. T. V. George, AOR

Ms. Smita Maan, AOR

Mr. Tarun Gupta, AOR

Mr. Abhinav Shrivastava, AOR

Mr. Prashant Bhushan, AOR

Mr. Alok Gupta, AOR

Ms. Sharmila Upadhyay, Adv.
Mr. Pawan R Upadhyay, Adv.
Mr. Risabh Khare, Adv.
M/S. Unuc Legal Llp, AOR

Mr. D S Mehra, AOR

M/S. Mitter & Mitter Co., AOR

Mr. Bimlesh Kumar Singh, AOR

Ms. Srishti Agnihotri, AOR

Mr. Vivek Narayan Sharma, AOR
Mr. Ravinder Kumar Yadav, AOR
Mr. Dinesh Chandra Pandey, AOR
Mr. Raj Bahadur Yadav, AOR
Mr. Kiran Kumar Patra, AOR
Mr. Ak Singh, Adv.
Mr. Preetish Sahu, Adv.
Mr. Rajesh Kumar Chaurasia, AOR
Ms. Richa Kapoor, AOR
Mr. Akshay Verma, AOR
Ms. Sushma Verma, Adv.
Mr. Saurav Arora, Adv.
Mr. Manish Sharma, Adv.
Mr. Gagan Gupta, AOR
Mr. Anand Mishra, AOR
Mr. Ejaz Maqbool, AOR
Mr. Chanchal Kumar Ganguli, AOR
Dr. Surender Singh Hooda, AOR
Mr. Siddharth Sengar, Adv.
Mr. Shantanu Krishna, AOR
Mr. Alok Kumar, Adv.
Mr. Ekansh Mishra, AOR
M/S. Karanjawala & Co., AOR
Mr. Ashok Anand, AOR
Ms. K. V. Bharathi Upadhyaya, AOR
Mr. Sufiyan Hasan, Adv.
Ms. Hema Malik, Adv.
Ms. Rooh-e-hina Dua, AOR
Mr. Haresh Raichura, AOR
Ms. Shagun Matta, AOR

Mr. Samir Malik, AOR

Mr. Krishna Pal Singh, AOR

Mr. Ilin Saraswat, Adv.
Ms. Ilma Saifi, Adv.
Mrs. Poonam Seth, Adv.
Mr. M. M. Kashyap, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Mr. Milind Kumar, AOR

Ms. Anuradha Mutatkar, AOR

Mr. Shyam D. Nandan, AOR

Mrs. Priya Puri, AOR

Mr. Rakesh Mishra, AOR

M/S. M. V. Kini & Associates, AOR

Mr. Rajivkumar, AOR

Mr. Manoj K. Mishra, AOR
Mr. Umesh Dubey, Adv.
Ms. Vuzmal Nehru, Adv.

Mr. Amrish Kumar, AOR

Ms. Supriya Juneja, AOR

Mr. Anand Shankar, AOR

Mr. Abhas Kumar, AOR

Ms. Akriti Chaubey , AOR

Ms. Pratibha Jain, AOR

Mr. Ajay Pal, AOR

Mr. Shekhar G Devasa, Sr. Adv.
Mr. Manish Tiwari, Adv.
Ms. Thashmitha Muthanna, Adv.
Mr. Prashanth Dixit, Adv.
For M/S. Devasa & Co., AOR

Ms. Ripul Swati Kumari, Adv.

Ms. Astha Sharma, AOR
Mr. Ajay Kumar Singh, AOR
Mr. Rahul Narayan, AOR
Mr. Abhishek Garg, Adv.
Mr. Dhananjay Garg, AOR
Mr. P.K. Bajaj, Adv.
Ms. B. Vijayalakshmi Menon, AOR
Mr. Nishit Agrawal, AOR
Ms. Rakhi Ray, AOR
Ms. Manika Tripathy, AOR
Mr. Jasmeet Singh, AOR
Mr. Rajat Joseph, AOR
Mr. Gaurav Goel, AOR
Mr. Umesh Kumar Khaitan, AOR
Ms. Vanita Bhargava, AOR
Mr. Amit Kumar Singh, AOR
Mr. Anando Mukherjee, AOR
Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.k. Satija, A.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Rahul Khurana, Adv.
Mr. Samyak Jain, Adv.
Ms. Himanshi Shakya, Adv.
Mr. Nikunj Gupta, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Swati Mishra, Adv.
Ms. Aakanksha, Adv.
Mr. T. Mahipal, AOR
Mr. S. S. Shroff, AOR
Ms. Firdouse Qutb Wani, AOR

Mr. Kamal Mohan Gupta, AOR

Mr. Sunny Choudhary, AOR

Mr. D. K. Devesh, AOR

Mr. Kailas Bajirao Autade, AOR

Mr. Anand Varma, AOR

Mr. Ayush Gupta, Adv.

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

IA No.235067 of 2023

1. Order dated 6th September, 2024 makes it very clear that unless a complete compliance is reported to this Court with the terms and conditions incorporated in the order dated 17th May, 2024, the applicant shall not commence the work of actual felling of trees.

2. We permit the applicant to move this Court for seeking permission for actually commencing the work of felling of trees after filing a complete compliance affidavit.

In RE:National Capital Region Transport Corporation Limited

3. In view of the statement made in paragraph 9 of the affidavit filed by the National Capital Region Transport Corporation Limited, at this stage, no further directions are required to be issued against them.

In RE: Ministry of Defence

4. We have perused the affidavit of compliance filed by the Ministry of Defence.

5. Pursuant to the order passed in IA No. 139423 of 2018, the work of felling of trees has not been undertaken by the Ministry of Defence for the reasons stated in the affidavit.

6. We make it clear that before actually starting the work of felling of trees, the Ministry of Defence (Applicant in IA No.139423 of 2018) will have to file a compliance affidavit showing compliance with all the conditions including the condition of plantation of 2100 trees. After the compliance affidavit is filed, this Court will consider of permitting them to actually felling of trees.

IN RE: INS India, Ministry of Defence

7. We have perused the affidavit filed on behalf of INS India, Ministry of Defence (applicant in IA No.25141 of 2019).

8. We direct that unless an affidavit is filed reporting compliance with the condition of compensatory afforestation, etc., actual work of felling of trees shall not be started by the applicant. Only after the compliance is reported to this Court, the question of permitting felling of trees will be considered.

In RE: Delhi Development Authority

9. The applicant in IA No.41532 of 2018 has filed an affidavit dated 23rd October, 2024.

10. We direct the applicant to file a compliance affidavit as regards the statements made in clauses (viii) and (ix) of paragraph 7 of the affidavit within a period of two months from today.

IN RE: Delhi Development Authority in IA No.62555/2019

11. We have perused the affidavit filed on behalf of the Delhi Development Authority (DDA).

12. Our attention is invited to paragraph 9 of the affidavit.

13. We direct the DDA to file an affidavit justifying the statement that plantation work of more than 4300 plants has been done having survival rate of 75%. We also direct the DDA to file a compliance affidavit within a period of two months from today. Even the Forest Department of the Delhi Government will also file an affidavit throwing light on this issue.

IN RE: South Asian University

14. Our attention is invited to the affidavit filed on behalf of the South Asian University pursuant to this Court's order dated 6th September, 2024.

15. As rightly pointed out by the learned senior counsel appointed as amicus curiae that what is stated in paragraph Nos.19 and 20 is very disturbing. 193 transplanted trees have not survived and, moreover, 150-200 trees have also dried up.

16. We direct the Forest Department of the Delhi Government to look into these aspects and file a detailed affidavit indicating in what manner plantation of sufficient number of trees can be made which will survive. We also direct the Forest Department to file an affidavit within a period of six weeks from today.

In RE: Power Grid Corporation of India

17. We have perused the affidavit filed on behalf of the Power Grid Corporation of India (applicant in IA No.83775 of 2018).

18. A copy of this affidavit shall be forwarded by the applicant to the Forest Department of the Delhi Government.

19. The Forest Department shall ensure that visits are made by the appropriate officers at the sites mentioned in paragraph 5.1(c) and 5.3(c) of the affidavit. Thereafter, a detailed report shall be submitted to this Court regarding the present status of trees/shrubs/dwarf species planted by the applicant. The Forest Department shall file an affidavit within a period of two months from today.

20. Some of the applicants to which the notices have been issued under the order dated 6th September, 2024, have neither appeared nor produced the affidavits showing compliance.

21. We, finally, grant them time of one month to do so.

22. Against those parties who fail to report compliance, appropriate action will be initiated.

23. For considering compliance by rest of the parties, list on 29th November, 2024.

IN RE: Report No.192 dated 18th October. 2024

24. A copy of the Report dated 18th October, 2024 (Report No.192) shall be forwarded to the Delhi Development Authority and the Municipal Corporation of Delhi.

25. We direct both the authorities to file an affidavit dealing with what is stated in the report within a period of one month from today. This aspect shall also be considered on 29th November, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER