

SUPR EME COUR T OF I ND I A
RECORD OF PROCEEDINGS

Suo Motu Cont.P.(C)No.204/2008 in I.A.No.2178-2179 in I.A. No.22
in WRIT PETITION (CIVIL) NO(s). 4677 OF 1985

In RE: Banarasidas Chandiwala Estate

With
Suo Motu Cont.(C)No.230 @ D.No.65563 in I.A. Nos. 2178-2179 in
WP(C)NO.4677/1985

M.C. Mehta Vs. Union of India & Ors.

(For directions on behalf of Banarasi Das Chandiwala with Office report)

and
I.A.No.22 in WP(C)No.4677/1985 (For directions)

with
I.A. No.2331 in WP(C)No.4677/1985 (For challenging the notification dated
16.6.2008 and 12.8.2008 on behalf of Delhi Pradesh Citizen council)

and
I.A. No.2364-2365 in I.A. No.22 in WP(C)No.4677 of 1985
(For intervention and direction on behalf of Col.(Retd.) R.K. Nayar-in-Person)

and
I.A. No. 2332-2333 in I.A. No.22 in WP(C)No.4677 of 1985

and
I.A. No.2301-2302 in WP(C)No.4677 of 1985
(For impleadment and direction on behalf of Mukesh Goel)

and
I.A. No.2366 in I.A. No.2191 in WP(C)No.4677 of 1985
(For direction on behalf of Utpala Mukherjee & Ors.)

With
I.A. No.2360-2361 in I.A. No.22 in WP(C)No. 70 of 2008
Vide Court's order dated 21.10.2008
(For stay and exemption from filing O/T on behalf of Jainuddin & Anr.)

With
I.A. No.2362-2363 in I.A. No.22 in WP(C)No.258 of 2008
Vide Court's order dated 21.10.2008
(For directions exemption from filing OT on behalf of Jai Pal Singh & Ors.)

and
I.A. No.2263-2264A in WP(C)No.4677 of 1985
(For directions and impleadment on behalf of AP Real Estate)

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With
I.A. No.2250-2351 in WP(C)No.4677 of 1985
(For impleadment and direction on behalf of Wild Life Protection Socieity)

With
I.A. No.2358-2359 in WP(C)No.4677 of 1985
(For intervention and direction on behalf of Anshumala Sood)

and
I.A. No.2313-2314 in WP(C)No.4677 of 1985
(For intervention and Direction on behalf of D.D. Properties P.Ltd.)

with
I.A. No.2353-2354 in WP(C)No.4677 of 1985
(For impleadment and direction on behalf of Abhijeet Chatterjee & Ors.)

and

I.A. No.2352 in I.A. No.2272-2273 in WP(C)No.4677 of 1985
(For permission to file Addl. Documents on behalf of Nirula Handicraft)

and
I.A. No.2344-2347 in I.A. No.1821 in WP(C)No.4677 of 1985
(For impleadmen, modification, stay and exemption from filing OT on behalf
of Delhi Pradesh Samaj Mahasabha & Ors.)

And
I.A. No.2208-2209 in WP(C)No.4677 of 1985
(For directions and impleadment)

And
I.A. No.2372-2372 in WP(C)No.4677 of 1985
(For permission to file appln. for de-sealing and directions on behalf of Smt.
Binu Dua)

with
W.P(C)No.263 of 2006
(With appln. for stay and directions and impleadment and intervention and
exemption to file addl. documents and exemption from filing O.T. and office
report)

With
W>P(C)No.264 of 2006
(With appln. for stay and amendment of prayer portion and office report)

With
W.P.(C)No.563 of 2006 (With office report)

With
W.P.(C)No.569 of 2006 (With appln. for directions and office report)

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With
W.P(C)No.610 of 2006 (With appln. for interim directions and office report)

With
W.P(C)No.464 of 2006 (With appln. for ex-parte stay and mofification of
court's order and stay and office report)

With
W.P.(C)No.266 of 2006
(With appln. for intervention and office report)

With
W.P.(C)No.450 of 2006(With appln. for ex-parte stay and permission and
amendment of prayer portion for intervention and urgent
clarification/direction and office report)

With
W.P.(C)No.470 of 2006
(With appln. for ex-parte stay and impleadment and office report)

With
W.P.(C)No.212 of 2008
(With appln. for ad-interim stay and office reportA0)

With
W.P.(C)No.299 of 2008

With
I.A. No.1531 in I.A. No.22 in WP(C)No.4677/1985
(For directions on behalf of Naraina Industrial Area, CETP Socociety through
its President with office report)(Re. CETP Matters)

With
I.A. No.1791 in WP(C)No.4677 of 1985
(For directions on behalf of Naraina Industrial Area CETP Society)

With
I.A. No.1846 in WP(C)No.4677 of 1985
(For directions on behalf of Okhla Industrial Estate C.E.T.P)

With
I.A. No.1828 & 1829 in I.A. No. 1531 in I.A. No.22 in WP(C)No.4677 of 1985
(For directions and impleadment on behalf of President Kalyan Brastachar Virodhi Sangarsh Samiti)

With
I.A.No.1830 in I.A. No.1531 in I.A. No.22 in WP(C)No.4677/1985
(For exemption from depositing the cost of C.E.T.P on behalf of M/s. Pure Drinks Ltd.)

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With
I.A. No.1834 in I.A.No.1531 in I.A. No.22 in WP(C)No.4677 of 1985
(For impleading M/s. Anand Parbat Industrial Area, C.E.T.P. Society)

With
I.A. No.1868-1869 in I.A. No.1531 in WP(C)No.4677 of 1985
(For directions and impleadment on behalf of Britannia Industries Ltd.)

I.A. No.1861 in I.A. No.1531 in I.A. No.22 in WP(C)No.4677 of 1985
(For directions on behalf of Anand Parbat Effluent Treatment Ltd.)

I.A. No.1862 in I.A. No.1531 in I.A. No.22 in WP(C)No.4677 of 1985
(For directions on behalf of Anand Parbat Effluent Treatment Ltd.)

I.A. No.1863 in I.A. No.1531 in I.A. No.22 in WP(C)No.4677 of 1985
(For directions on behalf of Mayapuri Industrial C.E.T.P.Society)

I.A. No.1183 in I.A. No.22 in WP(C)No.4677 of 1985
(For directions on behalf of Confederation of Delhi Industrial C.E.T.P. Society)

I.A. No.1216 in I.A. No.22 in WP(C)No.4677 of 1985
(For clarification of court's order dated 16.03.1998 on behalf of Bank of India)

With
I.A. No.1833 in I.A. No.1531 in WP(C)No.4677 of 1985
(For directions on behalf of Naraina Industrial Area CETP Society)

I.A. No.1842 in I.A. No.1531 in WP(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.P(C)No.134/2003 in WP(C)No.4677 of 1985
(For directions on behalf of Govt. of N.C.T. of Delhi)

I.A. No. 1879 in I.A. No. 1531 in I.A. No.22 in W.P.(C) No. 4677/85
(For direction on behalf of Govt. of NCT of Delhi)

With
I.A. No.1905 in W.P.(C)NO.4677 of 1985
(For directions) (On behalf of Okhla Industrial Estate C.E.T.P)

with
Cont.P(C)No.82 of 2008 in I.A. No.1905 in WP(C)NO.4677 of 1985

With
I.A. No.1909 in WP(C)No.4677 of 1985
(For directions on behalf of G.T. Karnal Road CETP Soceity)

With
I.A.No.1910 in WP(C)NO.4677 of 1985
(For directions)(On behalf of M/s. Wazipur Industries Pollution Contol Co.)

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Cont.P(C)No.64 of 2007 in WP(C)No.4677 of 1985

Date: 18/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA
HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s)

Mr. Atul Nanda, Adv.
Mr. Rameeza Hakeem. Adv.
M/s. Law Associates & Co.

Mr. S.C. Paul, Adv.
Mr. Roopa Paul, Adv.
Ms. Reema Chopra, Adv.
Mr. Resham Singh, Adv.

Mr. Rohan Thawani, Adv.
Ms. Vandana Sehgal, Adv.
Mr. Hardeep Singh Anand, Adv.

Mr. R.P. Bhatt, Sr. Adv.
Ms. Anita Pandey, Adv.
Mr. Dinesh Kr. Tiwary, Adv.
Mr. Vishnu Sharma, Adv.

Mr. A.K. Ganguli, Sr. Adv.
Mr. Harshvardhan Jha, Adv.
Mr. M.P. Jha, Adv.
Mr. Ram Ekbal Roy, Adv.

Mr. G. Umapathy, Adv.
Mr. Vibu Tiwari, Adv.
Mr. Rakesh Tiwari, Adv.

Mr. Soumyajit Pani, Adv.
Mr. Ansar Ahmad Choudhary, Adv.

Mr. Joydeep Mazumdar, Adv.
Mr. Pinaki Addy, Adv.
Mr. Abhishek Sarkar, Adv.

Md. Mobin Akhtar, Adv.
Mr. Arun K. Beriwal, Adv.

Mr. Jasbir Singh Malik, Adv.
Mr. S.C. Varma, Adv.

Mr. S.K. Sabharwal, Adv.

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Mr. Gouri Karuna Das, Adv.

Mr. Bhakti Parrija, Adv.;
Mr. Sanjay M. Tirpathi, Adv.

Mr. S. Sukumaran, Adv.
Mr. Anand Sukumai, Adv.
Mr. K. Rajeev, Adv.
Mrs. Meena Mathur, Adv.

Mr. V.C. Mahajan, Sr. Adv.
Mr. P.N. Puri, Adv.
Mr. Naresh Khanna, Adv.
Mr. Dhiraj, Adv.
Mrs. Reeta Dewan Puri, Adv.

Mr. R.S. Suri, Adv.
Mr. K.S. Prasad, Adv.

For Respondent(s) Mr. G.E. Vahanvati, SG,
Mr. Parag P. Tripathi, ASG,
Mr. Tufail A. Khan, Adv.
Mr. Devadatt Kamat, Adv.
Mrs. Sushma Suri, Adv.

Mr. Sheel Sethi, Adv.

Mr. S. Wasim A. Qadri, Adv.
Mr. M.P.S. Tomar, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. Anil Katiyar, Adv.

Mr. Rakesh Kumar Khanna, Sr. Adv.
Dr. Rashmi Khanna, Adv.
Mr. Surya Kant, Adv.
Mr. Pranav Vyas, Adv.
Ms. Shailja Sinha, Adv.

Mr. Rakesh Kumar Khanna, Sr. Adv.
Dr. Rashmi Khanna, Adv.
Mr. Surya Kant, Adv.
Mr. Pranav Vyas, Adv.
Mrs. Shailja Sinha, Adv.

Mr. Ravi Shanker Prasad, Sr. Adv.
Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.

Mr. Vijay Panjwani, Adv.

Mr. S. Wasim A. Qadri, Adv.
Mr. Kiran Bhardwaj, Adv.
Mr. M.P.S. Tomar, Adv.

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Mr. D.N. Goburdhan, Adv.
Ms. Geeta Luthra, Adv.

Mr. Vishnu B. Saharya, Adv.

Mr. Ankur Saigal, Adv.
Ms. Bina Gupta, Adv.
Ms. Anisha Ranjan, Adv.
Mr. Gaurav Singh, Adv.

UPON hearing counsel the Court made the following
ORDER

Suo Motu Contempt Petition (C) No. 204/2008 in I.A. No. 2178-2179 in W.P.(C) No. 4677/1985:

Let a copy of the report of the Monitoring Committee
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(Report No. 65) dated 16 February, 2009 be supplied to learned counsel appearing for Banarasi Chandiwala Estate. Reply, if any, shall be filed within two weeks and a copy be supplied to learned Amicus Curiae, so that the views of the Monitoring Committee, if any, can be ascertained.

Learned counsel appearing for Banarasidas Chandiwala Estate states that fresh affidavit in relation to the suo motu contempt action shall be filed during the course of the day.

List the matter tomorrow.

I.A. Nos. 2263-2264A

Learned counsel for the applicant wants to withdraw these I.As stating that if the occasion so arises fresh application shall be filed.

I.As are disposed of accordingly.

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I.A. Nos. 2313-2314/2008:

Learned counsel for the petitioner prays to withdraw these applications.

I.As are disposed of accordingly.

I.A. Nos. 2350/2008:

Learned counsel for the petitioner wants to obtain further instructions in these I.As.

Call after two weeks.

I.A. Nos. 2360-2361:

None appears to press these I.As.

I.As. are dismissed accordingly.

I.As. Nos. 2362-2363/2008:

Let a copy of the report, so far as it relates to IAs., of the Monitoring Committee be supplied to learned counsel appearing for DDA so that the response, if any, be filed within two weeks.

Call after two weeks.

I.A. Nos. 2364-2365:

Let a copy of the application be supplied to Union of India, Ministry of Urban Development. Learned Amicus Curiae shall file his response.

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I.A. Nos. 2332-2333:

Issue notice.

Learned Amicus Curiae shall file his response along with the response of MCD within three weeks.

Call thereafter .

I.A. Nos. 2301-2302:

The premises which have been undisputedly sealed be de-sealed for a period of three weeks so that articles can be removed.

I.As are disposed of.

I.A. No. 2366/2008:

Let response be filed by the Monitoring Committee within three weeks.

Put up thereafter.

I.A Nos. 2358-2359/2008:

Let an affidavit be filed before the Monitoring Committee that no commercial activity shall be carried out in the premises. The Monitoring Committee shall examine the same and pass necessary orders.

I.As are disposed of.

I.A. Nos. 2353-2354:

Issue notice.

Let NDMC file its response to the application within three

weeks.

Call thereafter.

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I.A. No. 2352:

The prayer for bringing on record addl. documents is accepted.

Let NDMC file response within two weeks.

I.A. Nos. 2208-2209/2008:

Call after two weeks.

I.A. Nos. 2372-2373/2008:

Let reply be filed by the Monitoring Committee within two weeks.

Put up thereafter.

I.A. Nos. 2344-2347/2008

None appears to press these applications.

I.As. are dismissed for non-prosecution.

Report No. 63 and 66:

Copies of the report No. 66 so far as the progress of sealing is concerned be handed over to learned counsel appearing for MCD.

Reply to report No. 63 and 66 be filed within two weeks. A copy of the report so far as it relates to encroachment of land at Minto Road and Mata Sundri road is concerned, copy be supplied to learned counsel appearing for MCD, Delhi Government and Union of India, NDMC and DDA so that immediate action can be taken for removing unauthorised occupants so that the parties to whom the land was allotted can be effectively carried out.

Call after four weeks.

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Item No. 2:

I.A. No. 1531, 1791, 1846, 1828 & 1829, 1830, 1834, 1868-1869, 1861, 1862, 1863, 1183, 1216, 1833, 1842, Cont. Pet. 134/03 in WP(C) No. 4677/85, I.A. No. 1905, Cont. Pet. 82/08, I.A. Nos. 1909, 1910 and

Cont. Pet. 64/2007:

The response of the Delhi Government to the report of EPCA
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dated 19 April, 2008 be filed within one week. Further affidavit by
other parties, if any, in relation to the affidavit be filed within a
week thereafter.

Call after two weeks.

(Shashi Sareen)
Court Master

(Shashi Bala Vij)
Court Master