

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)

(I.A. NO. 235067/2023 (CEC REPORT NO. 34/2023) AND CEC REPORT NO. 06/2024

IN W.P. (C) NO. 4677/1985 ARE LISTED  
NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN  
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Date : 17-05-2024 This petition was called on for hearing today.

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HON'BLE MR. JUSTICE UJJAL BHUYAN

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

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1. This application is filed by Inter-University Accelerator Centre. While dealing with the said application and Report No.34 of 2023 submitted by the Central Empowered Committee (CEC), this Court had expressed dissatisfaction about the manner in which the issue was dealt with by the CEC. Thereafter, there is reconsideration by the CEC and a fresh Report No.6 of 2024 has been filed.

2. Permission sought by the applicant was for felling 39 trees which was recommended by the CEC by its earlier report. Now after re-examining the application, the CEC has recommended grant of permission for felling/translocation of only 10 trees and pruning of 7 trees out of 39. This kind of exercise that we expect the CEC to do as the first and foremost duty of the CEC is to make an attempt to save every single tree.

3. The CEC has given recommendations in terms of paragraph 25 of Report No.6 of 2024. An undertaking has been filed by the applicant by filing an affidavit dated 15<sup>th</sup> May, 2024 of Professor Avinash Chandra Pandey, Director, Inter University Accelerator Centre. The applicant has given an undertaking to comply with the requirements of clauses (a) to (g) of paragraph 25 of Report No.6 of 2024. As far as clause (g) of paragraph 25 is concerned, the CEC has not clarified about the category of trees which should be planted in Mayur Nature Park. Therefore, a supplementary report dated 15<sup>th</sup> May, 2024 has been filed in which detailed recommendations have been made regarding plantations to be made in the Mayur Nature Park. We find no difficulty in accepting the same and directing the applicant to file an undertaking to comply with the same as well.

4. A prayer has been made in the affidavit filed by the Director that the job of planting trees in terms of clauses (e) and (f) of paragraph 25 of Report No.6 of 2024 may be entrusted to the Forest Department of the State. An assurance has been given to pay the requisite charges to the Forest Department. The said prayer is reasonable and is accepted.

5. Accordingly, we allow the application in terms of the recommendations of the CEC in clauses (a) to (g) of paragraph 25 of Report No.6 of 2024 as modified by supplementary report dated 15<sup>th</sup> May, 2024.

6. Permission is granted for felling/trans-location of 10 trees and pruning of 7 trees subject to condition of the applicant filing a further undertaking accepting the suggestions made in the addendum dated 15<sup>th</sup> May, 2024 and also giving an undertaking to pay the amount as demanded by the Forest Department of the Government of National Capital Territory of Delhi (GNCTD). Such undertaking shall be filed within a period of two weeks from today.

7. We clarify that this order shall be acted upon only after an undertaking as aforesaid is filed by the applicant. We also take on record the undertaking filed on 15<sup>th</sup> May, 2024.

8. As far as the work of plantations etc. as suggested in clauses (e) and (f) of paragraph 25 of Report No.6 of 2024 as modified by Addendum dated 15<sup>th</sup> May, 2024 is concerned, we direct the Forest Department of GNCTD to undertake the job. It will be open for the Forest Department of the GNCTD to raise invoice of the amounts payable by the applicant. The applicant shall make immediate arrangements to pay the requisite amount.

9. We make it clear that the work of pruning as provided in clause (d) of paragraph 25 of Report No.6 of 2024 shall be done only after giving advance notice to and under the supervision of officials of the Forest Department of the GNCTD. The applicant shall keep on submitting compliance reports to the CEC so that complete compliance with this order can be ensured.

10. While we allow the application, we are happy to record that Report No.6 of 2024 marks a change of approach by the CEC for the good. We hope and trust that whenever such cases are referred to the CEC, first endeavour of the CEC will be to save as many trees as possible.

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11. The learned Amicus Curiae has tendered across the Bar a small compilation giving details of the pending Interlocutory Applications concerning the issue of sealing and the orders passed by the Judicial Committee. He has also given Executive Summary of all the orders passed in the Writ Petition from time to time and a Comprehensive Index of the orders, reports etc. which are on record. These documents will be extremely useful for us to apply our mind and pass further orders.

12. There are a large number of applications dealing with the issue of sealing/de-sealing. These applications will require certain amount of time and therefore, the same cannot be considered on either Miscellaneous or non-miscellaneous days. Therefore, we feel it appropriate that the same should be heard in the afternoon on regular days. We propose to consider these applications in the afternoon of 1<sup>st</sup> August, 2024 and 7<sup>th</sup> August, 2024. Considering the magnitude of the work required to be done, this extra ordinary step is required to be taken.

13. We direct the Registrar (Judicial Listing) to seek appropriate directions from the Hon'ble Chief Justice of India in this behalf.

14. For the time being, list for directions on 22<sup>nd</sup> July, 2024.

15. If the Hon'ble the Chief Justice of India does not permit taking up the applications on regular days, we will fix appropriate dates for hearing.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER