

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

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)

WITH

SUO MOTO CONTEMPT PETITION (CIVIL) NO. 176 OF 2006 IN I.A.NO. 22 IN
WP(C) No. 4677 of 1995

I.A. No.1958 in I.A. No.22 in WP(C) No.4677/1985

WITH

I.A. NOs. 2001-2001A AND 2043 In I.A. No. 22 In W.P.(C) NO. 4677 OF 1985
(For impleadment and directions and condonation of delay in filing reply on behalf
of CTC Plaza)

I.A. Nos.2031-2032 & 2065 in W.P.(C) No.4677/1985
(For intervention and direction and early hearing on behalf of
Mishra Charitable Trust)

I.A. NO. 2035, 2036 and 2037 In I.A. No. 22 In W.P.(C) NO. 4677 of 1985
(For direction, impleadment and exemption from filing O.T. on behalf of Chandani
Chowk Sarv Vyapar Mandal)

WITH

I.A. Nos.2051, 2052 & 2060 in W.P.(C) No.4677/1985
(For directions/intervention, directions and permission to file additional documents
on behalf of Delhi Society for the Welfare of Special Children)(Mentally retarded)

WITH

I.A. Nos.2057 & 2058 in WP(C) No.4677/1985
(For directions/ impleadment on behalf of Mr. V.N. Raghupathy,Adv.)

WITH

I.A. NO. 2059 In WP(C) NO. 4677 OF 1985
(For direction on behalf of MCD)

I.A. NO. 2061 & 2062 IN WP(C) NO. 4677 OF 1985
(For directions and impleadment)

I.A. NO. 2064 IN WP(C) NO. 4677 OF 1985
(For intervention on behalf of All India Human Rights Society)

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I.A. Nos.2069 & 2069-A in W.P.(C) No.4677/1985
(Appln. for stay and direction arising out of W.P.(C) D. No.4196/2007 in
pursuance of Court Order dated 12.02.2007)

WITH

I.A. NOs. 2072 & 2073 In W.P(C) NO. 4677 OF 1985
(For intervention/directions & stay on behalf of D.D.A. Market Joint Action
Committee, Vikas Puri, Delhi)

I.A. NO. 2082 In WP(C) NO. 4677 OF 1985
(For directions on behalf of Society for innovative Education Development (EMP)
Business School)

IA 2083 in IA 22 in WP © No.4677/1985
(For Impleadment and directions on behalf of
South Extn-I Market Association)

IA 2084 in IA No.22 in WP © 4677 of 1985
(for modification of order dt. 23.11.2006 on behalf of
Commissioner of Police, Delhi)

IA 2085-2086 in WP © 4677 of 1985
(For direction and intervention on behalf of M/s. Steelco (India)
Pvt. Ltd.)

IA 2088-2089 in WP © 4677 of 1985
(For directions and intervention on behalf of M/s. Home Decovel)

IA 2091 in WP © 4677 of 1985
(For intervention and direction on behalf of M/s. Rahul Gas Agency)

IA 2092-2093 in WP © 4677 of 1985
(For direction and intervention on behalf of EMPI Students Forum)

IA 2094-2095 in WP © 4677 of 1985
(For directions and intervention on behalf of Faculty and Staff Forum
(EMPI Business School)

IA 2096-2097 in WP (C) 4677 of 1985
(For intervention/direction and exemption from filing OT on behalf
of All India personality enhancement and cultural Centre for scholars
society)

I.A. NO. 2098 IN WP(C) NO. 4677 OF 1985
(For directions and intervention on behalf of Kshipra Overseas Pvt. Ltd.)

IA 2099 & 2100 in WP © 4677 of 1985
(For directions and permission to file application on behalf of
Dolphin International Ltd.)

I.A. No. 2111 In I.A. No. 22 In W.P.(C) NO. 4677 OF 1985
(For directions on behalf of Mr. Alok Shukla and Ors.)

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I.A. NO. 2112 In W.P.(C) NO. 4677 OF 1985
(Appln. for directions/stay on behalf of Mr. Ajay Kr. Vali, arising out of W.P.(C)
NO. 325/2007 vide Court's order dated 18.6.2007)

I.A. NO. 2113 In W.P.(C) NO. 4677 OF 1985
(Appln. for directions/stay on behalf of Kamendra Mishra & Anr. arising out of
WP(C) No. 326/2007 vide Court's order dated 18.6.2007)

I.A. No. 2114 In W.P.(C) NO. 4677 OF 1985
(appln. for directions/stay on behalf of Supreme Court Bar Association arising out
of W.P.(C) NO. 327/2007 vide Court's order dated 18.6.2007)

I.A. No. 2115 In W.P.(C) 4677 OF 1985
(appln. for impleadment/directions on behalf of Dinesh Kr. Mittal)

I.A. NO. 2130-2031 IN I.A. NO. 2114 IN WP(C) 4677 OF 1985
(For permission to file additional affidavit & for seeking permission to file addl.
documents on behalf of Supreme Court Bar Association)

I.A. No. 2125 In WP(C) NO. 4677 OF 1985
(For directions on behalf of Vikash Marg Vyapar Mandal)

I.A. No. 2126 In WP(C) NO. 4677 OF 1985
(For impleadment on behalf of Defence Colony Welfare Asson.)

I.A. NO. 2127 In WP(C) No. 4677 OF 1985
(For directions/stay on behalf of Delhi Union of Journalists & Ors. arising out of

WP:(C) NO. 355 of 2007 vide Court's order dated 17.7.2007)

I.A. NO. 2138 In WP(C) NO. 4677 OF 1985
(For impleadment/directions on behalf of small traders Association)

I.A. NO. 2140-2141 & 2210 In WP(C) NO. 4677 OF 1985
(For directions and impleadment and intervention)

RITNAND BALVED EDUCATION FOUNDATION....APPLICANT
(Umbrella Organization of Amity Physiotherapy College)

I.A. NO. 2142 In I.A. NO. 22 In WP(C) NO. 4677 OF 1985
(For directions on behalf of M/s Pal Associates)

I.A. NO. 2153 & 2154 In WP(C) NO. 4677 OF 1985
(For impleadment & directions on behalf of IIPM & ANR.)
I.A. NO. 2155 IN WPO(C) 4677 OF 1985
(For impleadment and directions on behalf of Shiv Niketan Society)

I.A. NO. 2156 & 2157 IN WP(C) NO. 4677 OF 1985
(For impleadment and directions on behalf of chochl wheels)

I.A. NO. 2158 In WP(C) NO. 4677 OF 1985
(For directions on behalf of MCD)

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I.A. NOS. 2159-2160 In WP(C) NO. 4677 OF 1985
(For impleadment and directions on behalf of Mr. Mahabir Singh)

I.A. No. 2161 In W.P.(C) NO. 4677 OF 1985
(For impleadment/directions on behalf of Delhi Tourism and directions on behalf of ICICI Bank Ltd.)

I.A. No. 2162 & 2163 In I.a. NO. 22 In WP(C) NO. 4677 OF 1985
(For impleadment and directions on Behalf of ICICI Bank Ltd.)

I.A. NO. 2170-2171 & 2172 In WP(C) 4677 OF 1985
(for intervention & direction on behalf of Indian GYM Federation REGD)

I.A. No. 2173 In WP(C) NO. 4677 OF 1985
(For direction on behalf of Association of Residents of Refular Plotted Dev. Area of Delhi)

I.A. NO. 2178 @ WP(C) 482/2007 Vide Ct's order Dt. 27.8.2007 In WP(C) NO. 4677 OF 1985
(For directions on behalf of Banarsi Das Chandiwala Trust Society & Anr.)

I.A. NO. 2179 In I.A. NO. 2178 In WP(C) NO. 4677 OF 1985
(For directions/clarification of ct's order dt. 27.8.2007)

I.A. NO. 2180 In WP(C) NO. 4677 OF 1985
(For directions on behalf of Delhi Prade3sh Citizen council)

I.A. NO. 2181-2182 In WP(C) NO. 4677 OF 1985
(For directions and impleadment on behalf of Federation of Naraina Vihar TWA) & to file addl. documents & facts)

I.A. NO. 2185 In WP(C) 4677 OF 1985
(For direction regarding Raj Vidya Kendra Pvt. Ltd.)

I.A. NO. 2187 & 2204 In WP(C) NO. 4677 OF 1985
(For directions and placing on record all. facts on behalf of Vansh Properties Pvt. Ltd.)

I.A. NOS. 2189-2190 IN WP(C) NO. 4677 OF 1985
(appln. for intervention on behalf of Lemen International Pvt. Ltd.)

I.A. NO. 2191 In WP(C) NO. 4677 OF 1985
(For impleadment of behalf of Utpala Mukherjee)

I.A. NOs. 2192-2193 In WP(C) NO. 4677 OF 1985
(For impleadment/directions on behalf of Lala Lajpat Rai Market Wel. Associates)

I.A. NO. 2194 In WP(C) NO. 4677 OF 1985
(For impleadment/direction on behalf of Vidhata Estate)

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I.A. NO. 2197 In WP(C) NO. 4677 OF 1985
(For impleadment and directions on behalf of Lala Lajpat Rai Marg. Enter.)

I.A. NO. 2199 In WP(C) NO. 4677 OF 1985
(For impleadment and direction on behalf of Indian Carpet)

I.A. NO. 2200 In WP(C) NO. 4677 OF 1985
(For impleadment)

I.A. NOs. 2201-2202 In WP(C) NO. 4677 OF 1985
(For impleadment and direction on behalf of Federation of Delhi Trade Association)
I.A. NOs. 2206-2207 In WP(C) NO. 4677 OF 1985
(For impleadment & setting aside orders dt. 31.8.2007 on behalf of RWA Friends Colony)

I.A. NOs. 2208-2209 In WP(C) NO. 4677 OF 1985
(For impleadment on behalf of M/s Sunrydge India Heritage Pvt. Ltd.)

I.A. NOs. 2212-2213 In WP(C) NO. 4677 OF 1985
(For impleadment/directions on behalf of Ms. Shano Devi Bhatia)

I.A. NOs. 2214-2215 In WP(C) NO. 4677 OF 1985
(For directions on behalf of Ms. Seema Sethi)

I.A. NOs. 2216-2217 In WP(C) NO. 4677 OF 1985
(For impleadment/direction on behalf of A.K. Raina)

I.A. NOs. 2221-2221A In WP(C) NO. 4677 OF 1985
(For impleadment/direction on behalf of Trans Yamuna Traders Association)

I.A. NO. 2226 In WP(C) NO. 4677 OF 1985
(For intervention/directions on behalf of Trans Asian Industries Exposition (P) Ltd. & Anr.)

I.A. NOs. 2227-2228 & 2229 In WP(C) NO. 4677 OF 1985
(for impleadment/direction & modification of Court's order dated 11.12.2007 on behalf of Kanchi & Mal Sons)

I.A. No. 2230 In WP(C) NO. 4677 OF 1985
(For impleadment/directions on behalf of Friends of Rajouri Garden Environment (Regd.))

I.A. NO. 2231 In WP(C) NO. 4677 OF 1985
(For impleadment/direction on behalf of Ahuja colour Photo Shop)

I.A. NOs. 2233-2234 In WP(C) NO. 4677 OF 1985
(For intervention and directions on behalf of Mr. S.L. Gupta, Adv.)

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I.A. NOs. 2235-2236 In WP(C) NO. 4677 OF 1985

(For intervention and directions on behalf of Mohammed Sultan Salahuddin Qureishi)

I.A.D.No.39014/07 in W.P.(C)No.4677 OF 1985
(For impleadment and directions on behalf of Sai Enterprises Shastri Nagar)

I.A. D.No.39018/07 in W.P.(C)No.4677 OF 1985
(For impleadment and directions on behalf of venus auto industries)

I.A.D.No.39801/07 in W.P.(C)No.4677 OF 1985
(For impleadment and directions on behalf of M/s. Peckay Electro-Meca)

I.A.D.No.39804 of 2007 in W.P.(C) No.4677 OF 1985
(For impleadment and directions on behalf of M/s. Rathore Auto industries)

I.A.D.No.39809/07 in W.P.(C)No.4677 OF 1985
(For impleadment and directions on behalf of M/s. Gupta Industries)

I.A.D.No.28926/07 in W.P(C)No.4677 OF 1985
(For directions on behalf of Ramgarh Shopkeepers Welfare Assoc.(Regd.)

I.A.D.No.72329/07 in W.P.(C)No.4677 OF 1985
(For direction on behalf of Arjun Kr. Nangia Works)

I.A.D.No.81951/07 in W.P(C)No.4677 OF 1985
(For impleadment/directions on behalf of Gauri Kumar)

I.A.D.No.38956/07 in W.P(C)No.4677 OF 1985
(For impleadment/directions on behalf of M/s. AP.P. Industries)

I.A.D.No.38936/07 in W.P.(C)No.4677 OF 1985
(For impleadment/directions on behalf of M/s. B.S. Stamping Works Prem Nagar)

I.A.D.No.34785/07 in W.P.(C)No.4677 OF 1985
(For clarification of Court's Order on behalf of Khadi & Village industries Commission)

I.A.D.No.88222/08 in W.P(C)No.4677 OF 1985
(For impleadment/directions on behalf of Kamlesh Garg & Ors.)

I.A.D.No.88213/08 in W.P(C)No.4677 OF 1985
(For impleadment/directions on behalf of Ashok Agarwal & Ors.)

I.A.D.No.88184/08 & 88218/08 in W.P(C)No.4677 OF 1985
(For impleadment/directions on behalf of J.L. Garg & Ors.)

I.A.D.No.21744/06 in W.P(C)No.4677 OF 1985
(For directions on behalf of Harish Chander & Ors.)

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R.P(C)No.952/2007 in I.A.Nos.1981-1982
(With appln. for c/delay in filing review petition and exemption from filing O.T.)

W.P(C)No.263/2006
(With Appln. for stay and directions and impleadment and intervention and permission to file addl. documents)

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

W.P(C)No.563/2006
(With Office report)

W.P.(C)No.569/2006

(With appln.(s) for directions and office report)

W.P.(C)No.610/2006

(With appln. for interim directions and office report)

W.P.(C)No.464/2006

(With appln.(s) for ex-parte stay and modification of court's order and stay and office report)

W.P.(C)No.266 OF 2006

W.P(C)No.450 OF 2006

(With appln. for stay, permission to file addl. grounds and permission to amend the prayer in W.P.)

W.P(C)No.470 OF 2006

(For further directions/amendment of W.P)

W.P.(C)No.447 OF 2007

(With appln(s) for directions and office report)

Date: 13/02/2008 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

Mr. Ranjit Kumar, Sr. Adv. (A.C.)

Mr. Kamal Mohan Gupta, Adv. (A.C.)

For Petitioner(s)/ In Person

Applicant

In WP 464 In Person

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In WP 569

Mr. Arun Kaushal, Adv.

Mr. U.K. Shandilya, Adv.

Mr. Vijay Kumar Pandita, Adv.

Ms. Asha Upadhyay, Adv.

WP 263, 450,

Mr. Jasbir Singh Malik, Adv.

Ms. Shilpi, Adv.

Mr. R.K. Tripathi, Adv.

Mr. S.K. Sabharwal, Adv.

Mr. Jasbir Singh Malik, Adv.

Ms. Shilpi, Adv.

Mr. Rahul Tyagi, Adv.

Mr. S.K. Sabharwal, adv.

Mr. Jabir Singh Malik, Adv.

Ms. Shilpi, Adv.

Mr. Amit Singh, Adv.

Mr. S.K. Sabharwal, Adv.

Mr. Ekram Ali Ansari, Adv.

Mr. Sounak S Das, Adv.

Mr. Narendra Bisht, Adv.

Mr. Subodh Markandeya, Sr. Adv.

Ms. Chitra Markandeya, Adv.

Mr. Ritam Agrawal, Adv.

Ms. Sharmila Upadhyay, Adv.

Ms. Binu Tamta, Adv.
Ms. Sharbhana Takiar, Adv.
Ms. Shweta Chadha, Adv.

Ms. Smeeta Luthra, Adv.
Mr. Sanjeev Sahay, Adv.
Mr. Anupam Lal Das, Adv.

Mr. P.S. Mishra, Sr. Adv.
Mr. Tathagat Vardhan, Adv.
Mr. Ravi Chandra Prakash, Adv.
Mr. Upendra Mishra, Adv.
Mr. D.K. Jha, Adv.
Mr. Manu Shankar Mishra, Adv.

Mr. R.P. Bhat, Sr. Adv.
Ms. Anita Pandey, adv.
Mr. Dinesh Kumar Tiwari, Adv.

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

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Mr. Pawan Upadhyay, Adv.
Ms. Shubhra Goyal, Adv.
Ms. Sharmila Upadhyay, Adv.

Ms. Shobhana Takar, Adv.
Ms. Shweta Chadha, Adv.
Ms. Binu Tamta, Adv.

Mr. D.K. Singh, Adv.
Ms. Anita Pandey, Adv.
Mr. Pradeep Shukla, adv.
Mr. Sanjay Kumar, Adv.
Mr. Vishnu Sharma, Adv.

Mr. T.L.Vishwanatha Iyer, Sr. Adv.
Mr. Abhay Kumar, Adv.

Mr. Ashok Bhan, Adv.
Mrs. Kiran Bhardwaj, adv.
Mr. M.P.S. Tomar, Adv.
Mr. D.S. Mehra, Adv.

Mr. Anil Kaushik, adv.
Mr. Deepak Jain, adv.
Mr. Shiv Prakash Pandey, Adv.
Mr. Sanjay Rastogi, Adv.
Ms. Suruchii Aggarwal, Adv.

Mr. B.S. Jain, Adv.
Mr. Ajay Veer Singh, Adv.
Ms. Mamta Jain, Adv.
Mr. Manish Raghav, Adv.
Mr. Anand Mishra, Adv.

Mr. V Shekhar, Sr. Adv.
Mr. Abhigya, Adv.
Mr. Ajay Jain, Adv.
Mr. Sanjay Kapur, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Z.A. Shah, Sr. Adv.

Ms. Punima Bhat Kak, Adv.

Mr. Ravi Shankar Parsad, Sr. Adv.

Mr. Sanjit Sen, Adv.

Mr. Praven Swarup, Adv.

Mr. Arjun Bhandari, Adv.

Mr. Arun K Sinha, Adv.

Mr. B.K. Singh, Adv.

Mr. Rakesh Singh, Adv.

Mr. Mukesh Kumar Sinha, Adv.

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Mr. R.M. Sinha, Adv.

Mr. Arun K Sinha, Adv.

Mr. Rakesh Singh, Adv.

Mr. Mukesh Kumar Sinha, Adv.

Ms. Namita Sinha, Adv.

Mr. Rakesh Kuamr Khanna, Sr. Adv.

Dr. Rashmi Khanna, Adv.

Mr. Surya Kant, Adv.

Mr. Pranav Vyas, adv.

Mr. Faizy Ahmed, Adv.

Mr. Mukul Rohtagi, Sr. Adv.

Mr. Vinay Garg, Adv.

Ms. Deepam Garg, Adv.

Mr. Abhinav Ramkrishna, Adv.

Mr. Mukul Rohatagi, Sr. Adv.

Mr. Manish Kumar, Adv.

Mr. Amit Kumar, Adv.

Mr. Rakesh K Sharma, adv.

Mr. Sanjeev Sen, Adv.

Mr. Praveen Swarup, Adv.

Mr. Harendra Singh, Adv.

Mr. Naveen R Nath, Adv.

Ms. Lalit Mohini Bhat, adv.

Ms. Hetu Arora, Adv.

Mr. Mukul Rohtagi, Sr. Adv.

Mr. S Chandra Shekhar, Adv.

Mr. Mukul Rohtagi, Sr. Adv.

Mr. P.I. Jose, Adv.

Mr. Anupam Mishra, Adv.

Mr. Rajeev Dhavan, Sr. Adv.

Mr. Sunil Mathews, Adv.

Mr. S Swaminadhan, Adv.

Mr. T Anil Kumar, Adv.

Mr. Mukul Rohtagi, Sr. adv.

Mr. Sorab Kripal, adv.

Mr. Sunil Mathews, adv.

Mr. S Swaminadhan, Adv.

Mr. T Anil Kumar, Adv.

Mr. Mukul Rohatgi, Sr. Adv.

Mr. Sorab Kripal, Adv.

Mr. Sunil Mathews, adv.

Mr. S Swaminadhan, Adv.

Mr. Raina Mukherjee, Adv.

Ms. Abha R Sharma, Adv.

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Mr. Dhruv Mehta, Adv.
Mr. Sunil Mathews, Adv.
Mr. S Swaminadhan, Adv.

Mr. Rakesh K Khanna, Sr. Adv.
Mr. V Shekhar, Sr. Adv.
Mr. Adish C Aggarwala, Sr. Adv.
Ms. Pareena Swarup, Adv.
Mr. Ajay Jain, adv.
Ms. Meera Bhatia, Adv.

In R.P. Ms. Roma Bhagat, Adv.
Dr. Kailash Chand, Adv.

For Respondent(s)

UOI Mr. G.E. Vahanvati, S.G.
Mr. A Sharan, ASG
Mr. Devdatt Kamat, Adv.
Mr. Tufail A Khan, Adv.
Mr. B.K. Prasad, Adv.

Mr. Dhruv Mehta, Adv.
Mr. Harshvardhan Jha, Adv.
Mr. Yashraj Singh, Adv.
Mr. Gulshan Sharma, Adv.

Mr. Vijay Panjawani, Adv.

Govt of NCT Mr. Najmi Waziri, Adv.

Ms. Shiel Sheti, Adv.

UPON hearing counsel the Court made the following
ORDER

I.A. No...../2008: (Delhi Pradesh Citizens Council)

Taken on Board.

This application has been filed by Delhi Pradesh
Citizens Council challenging the legality of the Delhi Laws
Special Provisions Act, 2007 which is operative from 15th
September, 2007.

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An application has also been filed for staying the
operation of the Notification dated 30th January, 2008
which permits inter alia de-sealing of the premises which

were earlier sealed, pursuant to the orders passed by this Court. It appears from the 49th report of the Monitoring Committee that NCT has started de-sealing the premises in compliance with the Notification, while the DDA and NDMC have not yet de-sealed any premises. It is the stand of the applicant that in similar situations this Court had not permitted de-sealing though further sealing activities were kept in abeyance.

Taking into account various factors which have relevance, we permit de-sealing of the premises subject to filing of undertaking by persons whose premises are de-sealed that they shall abide by the final result of the I.A. in which challenge is made to the legality of the Delhi Laws Special Provisions Act, 2007. Such undertakings by way of affidavits shall be filed in cases where premises which have been de-sealed within a period of ten days. Further, if any de-sealing is to be done hereinafter the same can be done only after the undertaking is filed in the lines indicated above.

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Our order shall be applicable only to the properties which are eligible in terms of the Statutes referred to above and no other property. A fresh Public Notice be issued by the MCD. The format of the undertaking shall be worked out by the concerned authorities in consultation with Learned Amicus Curiae.

The response of Union of India, MCD, DDA and NDMC shall be filed by the end of April, 2008. If any further affidavits are to be filed by the applicant in relation to the responses to be filed by the aforesaid authorities and the Union of India, the same shall be done latest by 14th May, 2008. It is stated that though responses have been filed in respect of earlier directions, updating would be necessary because of the changed circumstances.

It is permitted to be done and it shall be included in the response to be filed by 30th April, 2008.

The main matters shall be listed for hearing on 07 th July, 2008 onwards after the miscellaneous matters are over.

The copies of the 48th and 49th report be supplied to learned Solicitor General, learned counsel for the MCD, DDA, NDMC and Government of Delhi.

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By day after tomorrow i.e on 15.02.2008, various authorities shall prepare lists which according to them will cover the IAs. to be covered by this order. Learned Amicus Curiae shall examine as to whether the lists are correct.

Copies of the lists shall also be supplied to the Registry for facilitating listing of the matters.

I.A.Nos. 2233-2234:

These applications are by an Advocate who states that the premises which are being used for his official purposes have been sealed. Learned counsel for the MCD states that if an affidavit is filed with the MCD and before this Court stating that the premises are only used for official purposes, then after verification the premises shall be de-sealed if the statement in the affidavit is found to be correct.

List rest of the I.As. on Monday i.e. 18.02.2008.

[Shashi Sareen](Charanjeet Kaur)(Vinod Kulvi)[Vijay Aggarwal]
Court Master Court Master Court Master Court Master

ITEM NO. 2 COURT NO.4 SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA NO. 1531 In I.A. No. 22 In W.P.(C) NO. 4677 of 1985

M.C. MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA

Respondent(s)

(For directions on behalf of Naraina Industrial Area, CETP Society through its President with office report)

WITH

I.A. No. 1791 In W.P.(C) NO. 4677 Of 1985

(For directions on behalf of Naraina Industrial Area CETP Society)

I.A. No. 1846 In W.P.(C) NO. 4677 Of 1985

(For directions on behalf of Okhla Industrial Estate CETP)

I.A. Nos. 1828 & 1829 In I.A. No. 1531 In I.A. 22 In W.P.(C) NO. 4677 Of 1985

(For directions and impleadment on behalf of President Kalyan Brastachar Virodhi Sangarsh Samiti)

I.A. No. 1830 In I.A. No. 1531 In I.A. No. 22 In

W.P.(C) NO. 4677 Of 1985

(For exemption from depositing cost of CETP on Behalf of M/s Pure Drinks Ltd.)

I.A. No. 1834 In I.A. No. 1531 In I.A. No. 22 In

W.P.(C) NO. 4677 Of 1985

(For impleading the name of M/s Anand Parbat Industrial Area, CETP Society)

I.A. No. 1868-1869 In I.A. No. 1531 In W.P.(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

W.P.(C) NO. 4677 Of 1985

(For directions on behalf of Anand Parbad Effluent Treatment Ltd.)

I.A. No. 1862 In I.A. No. 1531 In I.A. No. 22 In

W.P.(C) NO. 4677 Of 1985

(For directions on behalf of Anand Parbad Effluent Treatment Ltd.)

I.A. No. 1863 In I.A. No. 1531 In I.A. No. 22 In

W.P.(C) NO. 4677 Of 1985

(For directions on behalf of Maya Puri Industrial CETP Society)

:2:

I.A. No. 1183 In I.A. No. 22 In

W.P.(C) NO. 4677 Of 1985

(For directions on behalf of confederation of Delhi Industrial CETP Society)

I.A. No. 1216 In I.A. No. 22 In

W.P.(C) NO. 4677 Of 1985

(For clarification of Court's order dated 16.3.1998 on behalf of Bank of India)

I.A. No. 1833 In I.A. No. 1531 In W.P.(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 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)

CONTEMPT PETITION (c) no. 134 of 2003 in W.P.(C) NO. 4677 of 1985

I.A. No. 1879 In I.A. No. 1531 In I.A. No. 22 In

W.P.(C) NO. 4677 Of 1985

(For directions on behalf of Govt. of NCT of Delhi)

I.A. No. 1905 In W.P.(C) NO. 4677 Of 1985
(For directions on behalf of Okhla Industries Estaste CETP)

IA.No.1909 in WP(C)No.4677/1985
(For directions on behalf of GT Karnal Road CETP)

I.A. No. 1910 In W.P.(C) NO. 4677 Of 1985
(For directions)
(On behalf of M/s Wazirpur Industries Pollution Control C.)

CONTEMPT PETITION (C) No. 64 OF 2007 IN W.P.(C) NO. 4677 OF 1985

Date: 13/02/2008 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

Mr. Ranjit Kumer, Sr. Adv. (AC)

Mr. Kamal Gupta, Av. (AC)

For Applicant(s) Mr. Rakesh Kumar Khanna, Sr.Adv.
Dr. Rashmi Khanna, Adv.
Mr. Pranav Vyas, Adv.
Mr. Faizy Ahmed, Adv.
Mr. Surya Kant, Adv.

Mr. Vijay Panjwani, Adv.

:3:

Mr. Ankur Saigal, Adv.
Mr.Gaurav Singh, Adv.
Ms. Rashmi Rekha Palli, Adv.

Ms. Bina Gupta, Adv.

Mr. Debasis Misra, adv.

Mr. S. Sukumaran, Adv.
Mr. Alok Rai, Adv.
Mr. Rajesh, Adv.
Mr. K. Rajeev, Adv.
Mr. K Rajeev, Adv.
Mr. S.C. Paul, Adv.
Ms.Roop Paul, Adv.
Mr. S.S. Munde, Adv.
Mr. Satyendra Kumar, Adv.

Mrs. Kamakshi S Mehlwal, adv.

Mr. Ashok Kr. Sharma, Adv.

Mr. M.K.D. Namboodiri, Adv.

Mr. Sudarsh Menon, Adv.

Ms. Savitri Pandey, Adv.
Mr. Fuzail Khan, Adv.
Mr. Anil Kumar Jha, Adv.
Mr. Kamalendra Mishra, Adv.

Mr. Shiv Kr. Pandey, Adv.

Mr. Ravi Sankar Prasad, Sr.Adv.

Mr. Sanjit Sev, Adv.

Mr. Pramod Swarup, Adv.

Mr. Gulshan Bajwa, In Person

Mr. D.N. Goburdhan, Adv.

For Petitioner(s) In Person

For Respondent(s) Mr. D.N. Goburdhan, Adv.

Mr. D.S. Mahra, Adv.

Mrs. Anil Katiyar, Adv.

Mr. K Rajeev K John & Co., adv.

Mr. Ashok Kr. Sharma, Adv.

:4:

Mr. P.N. Puri, Adv.

Delhi Jal Board Mr. R.S. Suri, Adv.

DDA: Mr. VB Saharya, Adv. for.
M/s Saharya & Co., Adv.

Ms. Sheil Sethi, Adv.

UPON hearing counsel the Court made the following
ORDER

Let the Government of Delhi file an affidavit giving the
following particulars;

(1) Number of persons who are liable to pay for getting the benefit of
Common Effluent Treatment Plant,

(2)How many of such persons have failed to pay the amount required
to be paid,

(3) Action taken against those who are defaulters in making
payment in spite of the time schedule fixed by this Court,

(4) The liability of the societies who have taken over the plants and
the cases of defaulting persons who were liable to pay to the society
for meeting the cost of the Effluent Treatment Plant.

(5) A grievance is made that some people are collecting money which

is to be collected by the society. The Government shall examine these issues and shall also

:5:

indicate in an affidavit whether the allegations are correct or not.

Mr. D. Goburdhan learned counsel states that a list of

defaulting members of that societies is to be given. It is stated by the learned counsel for the societies that such lists have already been furnished. In any event, another list will be handed over within two weeks. Affidavit has to be filed within five weeks.

After January, 2007, no report of the EPCA has been filed.

Let fresh report upto date be filed within four weeks giving the status of work done till now, deficiencies in functioning and remedies or measures to remove deficiencies.

Let EPCA respond to the suggestions of the Delhi Government that the Plant at the Anand Parbat may be continued while the other two will be discontinued.

The EPCA shall also respond to the view indicated by the Government of Delhi in its affidavit dated 8/10/2007. Copy of that affidavit be forwarded to the EPCA by the Registry.

Post after six weeks.

[Usha Bhardwaj] [Vijay Aggarwal] [Vinod Kulvi]
Court Master Court Master Court Master

ITEM NO. 3 COURT NO.4 SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA NO. 1901 In I.A. No. 1888 In W.P.(C) NO. 4677 of 1985

M.C. MEHTA Petitioner (s)

VERSUS

UNION OF INDIA Respondent(s)

(For directions on behalf of R. Kant & Co.)

WITH

I.A. No. 1902 In I.A. No. 1888 IN W.P.(C) NO. 4677 Of 1985
(For exemption from filing O.T.)

I.A. No. 1903 In I.A. No. 1888 IN W.P.(C) NO. 4677 Of 1985
(For permission to file lengthy list of dates and events)

I.A. No. 1904 In I.A. No. 1888 IN W.P.(C) NO. 4677 Of 1985
(For permission to file appln. for directions)

I.A. No. 1999 In I.A. Nos.1901-1904 In I.A. No. 1888 IN W.P.(C) NO. 4677
Of 1985
(For intervention on behalf of Kant Enclave Residents Welfare Associations)

I.A. No. 1955 In I.A. No. 1888 IN W.P.(C) NO. 4677 Of 1985
(For directions on behalf of Karamyogi Shelters Pvt. Ltd.)

I.A. Nos. 1965-1966 In I.A. No. 1888 IN W.P.(C) NO. 4677 Of 1985
(For impleadment and directions)

I.A. No. 2024 In I.A. Nos.1901-1904 In I.A. 1888 IN W.P.(C) NO. 4677 Of
1985
(For impleadment and directions on behalf of PCL Industries)

Date: 13/02/2008 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

Mr. Ranjit Kumer, Sr. Adv. (AC)

Mr. Kamal Gupta, Av. (AC)

For Petitioner(s)/ In Person (NP)
Applicant(s)

..2/-

I.A. No. 1901 Etc. contd...(It. 3,ct.4, 13/02/2008

:2:

Mr. Arun Jaitley, Sr. Adv.

Mr. P.S. Patwalia, Sr. Adv.

Mr. Pijush Sharma, Adv.

Mr. Dinesh C Pandey, Adv.

Mr. K.K. Venugopal, Sr. Adv.

Ms. Vijay Lakshmi Menon, Sr. Adv.

Mr. Gopal S. Narayan, Adv.

Ms. Sharmila Upadhyay, Adv.

Mr. Dinesh C Pandey, Adv.

Mr. Sanjay Hegde, Adv.

Mr. C.A. Sundaram, Sr. Adv.

Mr. Dhruv Mehta, Adv.

Mr. Harshvardhan Jha, Adv.

Mr. Yashraj Singh Deora, Adv.

for M/s K.L. Mehta & co., Advs.

For Respondent(s) Mr. Manjit Singh, Add. Adv. Gen.
Mr. T.V. George, adv.

Mr. Vijay Panjawani, Adv.

Mr. V.K. Verma, Adv.

Ms. Sheil Sethi, Adv.

Mrs. Anil Katiyar, adv.

Ms. Sharmila Upadhyay, Adv.

Mr. C.S. Ashri, Adv.

Mr. Ajay Siwach, Adv.

UPON hearing counsel the court passed the following
ORDER

I.A. Nos. 1902, 1903 & 1904 :

Applications for exemption from filing O.T., permission to file
lengthy List of dates and events and permission to file
application for directions are allowed.

..3/-

I.A. No. 1901 Etc. contd...(It. 3,ct.4, 13/02/2008

:3:

I.A. Nos. 1901 and 1955 :

Heard learned counsel for the parties.

Hearing concluded. Judgment reserved.

Written submissions of arguments, if any, be filed within a week.

List rest of the I.As. after the pronouncement of judgment in
I.A. Nos. 1901 and 1955.

(Charanjeet Kaur) (Vinod Kulvi) (Vijay Aggarwal)
Court Master Court Master Court Master