

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)

(IN RE : SEALING/DESEALING ISSUE 1) I.A. NO. 235067/2023 (CEC REPORT NO. 34/2023) 2)I.A.NOS. 77503 AND 82069/2024 (APPLNS. FOR DIRECTION AND PERMISSION ON BEHALF OF INDIAN OIL CORP. LTD.) 3) I.A. NO. 32418/2024 (APPLN. FOR DIRECTION ON BEHALF OF MCD) 4) I.A. NO. 240453/2023 (APPLN. FOR DIRECTION ON BEHALF OF GYANENDRA) IN W.P. (C) NO. 4677/1985 ARE LISTED 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. PRAVEEN SWARUP, MS. MANIKA TRIPATHY, MR. CHIRAG M. SHROFF, MS. POOJA DHAR, MS. PRIYA PURI, ADVOCATES )

Date : 15-04-2024 This petition was called on for hearing today.

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UPON hearing the counsel the Court made the following

O R D E R

We have perused Report No.34 of 2023 in Application No.1567 of 2023. The application has been filed by the Director, Inter University Accelerator Centre, New Delhi for seeking permission of this Court for felling of trees to enable construction of a new Laboratory Complex.

2. We have perused the report of the Central Empowered Committee (CEC). The report shows that the CEC has not made a site visit to ascertain whether there is absolute necessity of felling 39 trees. Secondly, the CEC has not considered whether some of the trees can be translocated. Thirdly, the CEC has not set out the species of the trees which should be planted by way of compensatory afforestation. The report is silent about the place where compensatory afforestation will be made.

3. We are informed across the Bar by Mr. S.W.A.Qadri, the learned senior counsel for the applicant that the site for compensatory afforestation is approximately at a distance of 10 kilometers from the site of the project. The question is whether there can be, in true sense, compensatory afforestation by providing a site approximately at a distance of 10 kilometers away from the site of the project.

4. We may also note that the CEC is not an authority to decide whether a particular project is in public interest. It is the domain of this Court.

5. While it is necessary to ensure that the project is implemented, it is also mandatory to make an effort to save as many trees as possible and there has to be a proper compensatory afforestation.

6. Mr. A.D.N.Rao, the learned senior counsel appointed as an Amicus Curiae states that the CEC is reconsidering the application.

7. If that be so, the CEC will take into consideration the aspects which we have highlighted in this order. The CEC to submit a fresh report by 13<sup>th</sup> May, 2024.

8. List on 14<sup>th</sup> May, 2024 for considering the report.

9. *Prima facie*, it appears to us that, so far, this Court has not directed re-location of the Gas Godown of the applicant-Indian Oil Corporation Limited.

10. The learned counsel appearing for the applicant will take instructions whether it is agreeable for re-location of the Gas Godown.

11. List on 14<sup>th</sup> May, 2024.

12. In the meanwhile, action on the basis of the Notice dated 22<sup>nd</sup> March, 2024 issued by the Deputy Conservator of Forests, West Forest Division, Office of the Deputy Conservator of Forests, Department of Forest and Wildlife, Government of NCT of Delhi shall not be taken.

13. The learned senior counsel appointed as amicus curiae point out that apart from the compilations they have already filed in the last week, they propose to file supplementary compilations within a period of two weeks from today.

14. We request the learned amicus curiae to supply the soft copies thereof to the learned counsel representing the parties.

15. We will look into the material filed by Amicus Curiae on the date already fixed i.e. 14<sup>th</sup> May, 2024.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER