

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSItem No.31:

CONMT.PET.(C) No. 28/2024 in W.P.(C) No. 4677/1985

N BLOCK MARKET TRADERS ASSOCIATION GREATER KAILASH 1 Petitioner(s)

VERSUS

GYANESH BHARTI

Respondent(s)/
Alleged contemnor

(FOR ADMISSION 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.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. PRAVEEN SWARUP, MR. NISHIT AGRAWAL, MR. CHIRAG M. SHROFF, ADVOCATES [TO BE TAKEN UP ALONG-WITH W.P.(C) NO. 4677/1985])

WITH CONMT.PET.(C) No. 29/2024 in W.P.(C) No. 4677/1985
(FOR ADMISSION)

With

Item No.71:

Writ Petition(s)(Civil) No(s). 4677/1985

(IN RE : SEALING/DESEALING ISSUE ALONGWITH ALL PENDING I.AS. 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, MR. NISHIT AGRAWAL, MR. CHIRAG M. SHROFF, ADVOCATES)

Date : 04-03-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYANMr. S.Guru Krishna Kumar, Sr.Adv.(Amicus Curiae)
Ms. Anitha Shenoy, Sr.Adv.(Amicus Curiae)
Mr. A.D.N.Rao, Sr.Adv. (Amicus Curiae)
Mr. Siddhartha Chowdhury, Adv. (Amicus Curiae)

For the parties:

Mr. Rakesh Khanna, Sr. Adv.
Mr. Chirag Sharma, Adv.
Mr. Aditya Archiya, Adv.
Mr. Anand Shankar, AOR

Mr. Sanjiv Sen, Sr. Adv.
Ms. Manika Tripathy, AOR

Mr. Sanjay Jain, Sr. Adv.
Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, AOR
Mr. Ameet Siingh, Adv.
Mr. Ravi Kumar, Adv.
Ms. Anjali Singh, Adv.
Ms. Radha Gupta, Adv.
Mr. Pragyan Mishra, Adv.
Ms. Anjali Singh, Adv.
Ms. Harshita Sukhija, Adv.
Mr. Nishank Tripathi, Adv.
Ms. Palak Jain, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhashini Sen, Adv.
Mr. Rajat Nair, Adv.
Ms. Ruchi Kohli, Adv.
Mr. B K Satija, Adv.
Ms. Swarupama Chaturvedi, Adv.
Ms. Shagun Thakur, Adv.
Ms. Chitrangda Rastravara, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. S.S Rebello, Adv.
Mr. T S Sabarish, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Amrish Kumar, AOR
Mr. Arvind Kumar Sharma, AOR
Mr. Raj Bahadur Yadav, AOR
Mr. D S Mehra, AOR

Mr. Kailash Vasdev, Sr. Adv.
Ms. Shagun Sabharwal, Adv.
Mr. Shrey Kapoor, AOR

Mr. Vivek Narayan Sharma, AOR
Mrs. Mahima Bhardwaj Kalucha, Adv.
Mr. Dinesh Sharma, Adv.
Mr. Rajeev Kumar Jha, Adv.
Mr. Col. Amit Kumar, Adv.

Mr. Rohan Thawani, Adv.
Ms. Pooja Dhar, AOR
Ms. Aakriti Vikash, Adv.
Mr. Pratul Pratap Singh, Adv.
Ms. S. Ambica, Adv.

Dr. Surender Singh Hooda, AOR

M/S. Parekh & Co., AOR

Mr. Abhay Kumar, AOR

Ms. Binu Tamta, AOR

Mr. Shekhar Kumar, AOR

Petitioner-in-person

Mrs. Anil Katiyar, AOR

Ms. Anu Gupta, AOR

Ms. Manju Jetley, AOR

Ms. Sharmila Upadhyay, AOR

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. Lakhnawal, AOR

Mr. Sanjay Kapur, AOR

Mr. T. L. Garg, AOR

Mr. Shiv Prakash Pandey, AOR
Ms. Gauri Pandey, Adv.
Ms. Sharmistha Choudhary, Adv.
Mr. Raghav Pandey, Adv.

Mr. Pranaya Kumar Mohapatra, AOR

Mr. Ashwani Kumar, AOR

Mrs. Rachana Joshi Issar, AOR

Mr. Yashraj Singh Deora, AOR

Mr. V. K. Verma, AOR

Mr. Prashant Chaudhary, AOR

Mr. Harish Pandey, AOR

Mr. Pravir Choudhary, AOR
Mr. Reepak Kansal, Adv.
Mr. Surender Tyagi, Adv.
Mr. Prince Arora, Adv.
Mrs. Anweshak Deb, Adv.
Mrs. Sneha Rani, Adv.
Mr. Venketa Balaji Kodavali, Adv.

Mr. Nikilesh Ramachandran, AOR

Mrs. Rekha Pandey, AOR
Mr. Raghav Pandey, Adv.
Ms. Gauri Pandey, Adv.
Ms. Sharmistha Choudhary, Adv.

Mr. Sunil Kumar Jain, AOR

Mr. Ravi Kumar Tomar, AOR

Ms. Perna Mehta, AOR

Mr. P. Parmeswaran, AOR

Mr. Gunnam Venkateswara Rao, AOR

Mr. Tejaswi Kumar Pradhan, AOR

Mr. A. Venayagam Balan, AOR
Mr. Gaurav Pal, Adv.

Mr. Surinder Singh Lohchab, Adv.
Mr. Sahil Lohchab, Adv.
Mr. Kashmira Singh Chahar, Adv.
Mr. Vivek Mishra, Adv.
Mr. Sukesh Kumar Mishra, Adv.
Mr. Vijay Kumar Singh, Adv.
Mr. Karan Thakur, Adv.
Mr. Devendra Singh, AOR

Mr. Harsh V. Surana, AOR

Mr. Raj Kamal, AOR

Mr. Himinder Lal, AOR

Ms. Rukhsana Choudhury, AOR

Mr. Gagan Gupta, AOR

Mr. Anand Mishra, AOR

Ms. K. V. Bharathi Upadhyaya, AOR

Mr. Rajivkumar, AOR

Mr. Manoj K. Mishra, AOR
Mr. K. Jayakaran, Adv.
Mr. Vishal, Adv.
Ms. Uma Tripathi, Adv.

Mr. Shekhar G Devasa, Adv.
Mr. Manish Tiwari, Adv.
Ms. Thashmitha Muthanna, Adv.
Mr. Shashi Bhushan Nagar, Adv.
Mr. Vishwanath Chaturvedi, Adv.
For M/S. Devasa & Co., AOR

Ms. Astha Sharma, AOR
Ms. Anvita Dwivedi, Adv.

Mr. Gaurav Sharma, AOR
Mr. Paranjay Tripathi, Adv.
Mr. Dhawal Mohan, Adv.

Mr. Ashok Anand, AOR

Mr. Milind Kumar, AOR

Ms. Pratibha Jain, AOR

Mr. Ajay Pal, AOR

Mr. Nishit Agrawal, AOR

Ms. Rakhi Ray, AOR

Mr. Anando Mukherjee, AOR

Mr. Shwetank Singh, Adv.

Ms. Ekta Bharati, Adv.

M/S. Karanjawala & Co., AOR

Mr. M. M. Kashyap, AOR

Ms. Poonam Seth, Adv.

Mr. Sandeep Kumar Sharma, Adv.

Ms. Mona Bhardwaj, Adv.

Mr. Ilin Saraswat, Adv.

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

Mr. Dhananjay Garg, AOR

Ms. B. Vijayalakshmi Menon, AOR

Ms. Vanita Bhargava, AOR

Mr. Amit Kumar Singh, AOR

Dr. S.Murlidhar, Sr. Adv.

Mr. K. Parameshwar, Adv.

Mr. M.V. Mukunda, Adv.

Mr. Kailas Bajirao Autade, AOR

Mr. Rakesh Mishra, AOR

Ms. Akriti Chaubey, AOR

Mr. Gaurav Goel, AOR

Mr. Umesh Kumar Khaitan, AOR

Mr. Sunny Choudhary, AOR

Mr. Shiv Sagar Tiwari, Adv.

Mr. D. K. Devesh, AOR

Ms. Nidhi Das, Adv.

Mr. Anuj Gupta, Adv.

Mr. Shailesh Joshi, Adv.

Mr. Shashank Kumar Saurav, Adv.

Mr. Abhinav Agrawal, AOR
Mr. Abhas Kumar, AOR
Mr. Rahul Narayan, AOR
Ms. Firdouse Qutb Wani, AOR
Mr. Kamal Mohan Gupta, AOR
Ms. Neha Sharma, AOR

Mr. Smarhar Singh, AOR
Mr. Jai Krishna Singh, Adv.
Mr. Vikas Chopra, Adv.
Ms. Shweta Kumari, Adv.
Mr. Manoj Kumar, Adv.

Mr. Siddhartha Chowdhury, AOR

Mr. Ajay Kumar Singh, AOR

Mr. Rajat Joseph, AOR

Mr. Prithu Garg, AOR

Mr. Krishnanand Pandeya, AOR

Mr. Sanjay Upadhyay, Sr. Adv.
Ms. Mayuri Raghuvanshi, AOR
Mr. Vyom Raghuvanshi, Adv.
Ms. Akanksha Rathore, Adv.
Mr. Dhruv Sharma, Adv.

Mr. Saurabh Mishra, AOR
Mr. Shrimay Mishra, Adv.
Mr. Nirbhaya S Tiwari, Adv.
Mr. Abhishek Pandey, Adv.

Ms. Nidhi Mohan Parashar, AOR

Mr. Jasmeet Singh, AOR

Mr. S. S. Shroff, AOR

Mrs. Gargi Khanna, AOR

Mr. Somnath Mukherjee, AOR

Mr. Guntur Pramod Kumar, AOR

Mr. Abinash Kumar Mishra, AOR

Mr. T. Mahipal, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay Kumar Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.
Mr. Shivam Saxena, Adv.

Mr. K. V. Mohan, AOR

Mr. Arjun Garg, AOR

Mr. Vishnu Kant, AOR

Ms. S. Janani, AOR

Dr. Arvind S. Avhad, AOR

Ms. Madhu Sikri, AOR

Ms. Binu Tamta, AOR

Mrs. Rani Chhabra, AOR

Mr. Tarun Gupta, AOR

Mr. Shekhar Prit Jha, AOR

Mr. Vishnu Sharma, AOR
Mrs. Anupama Sharma, Adv.
Mrs. Anupama Singh, Adv.
Mr. Satya Dev Singh, Adv.

Mr. Tejaswi Kumar Pradhan, AOR

Ms. Martin Desuza, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. S.K.Rajora, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Amit Kumar Chawla, Adv.
Mr. Sandeep Singh Dingra, Adv.
Ms. Niharika Dewivedi, Adv.
Ms. Shweta Sharma, Adv.
Mr. V.S.Sebbi, Adv.
Mr. T.N.Antony, Adv.
Mr. T. V. George, AOR

Ms. Smita Maan, AOR

Mr. Ambhoj Kumar Sinha, AOR

Mr. Lokesh Sinhal, Adv.
Mr. B.K. Satija, A.A.G.
Mr. Rahul Khurana, Adv.
Mr. Samar Vijay Singh, AOR
Mr. Keshav Mittal, Adv.
Mr. Nikunj Gupta, Adv.
Ms. Himanshu Sakhya, Adv.
Ms. Sabarni Som, Adv.
Mr. Fateh Singh, Adv.
Mr. Mohan Dattaraya Armarkar, Adv.
Mr. Azizkamal U Shukla, Adv.

Mr. Amarjit Singh Bedi, AOR

Mr. Arvind Gupta, AOR

Ms. Sharmila Upadhyay, AOR

Mr. R. C. Kohli, AOR

Mr. M. C. Dhingra, AOR

Mr. Rajeev Kumar Gupta, Adv.
Mr. Santosh Kumar Yadav, Adv.
Mr. Joginder Mann, Adv.
Mr. Tavleen Singh, Adv.
Ms. Vallabhi Shukla, Adv.
Mr. Neeraj Kumar Aggarwal, Adv.
Mr. Bimlesh Kumar Singh, AOR

Mr. Rishi Malhotra, AOR

Mr. Ramesh Kumar Mishra, AOR

Ms. Kaveeta Wadia, AOR

M/S. Unuc Legal Llp, AOR

M/S. Mitter & Mitter Co., AOR

Mr. Rajesh Kumar Chaurasia, AOR

Ms. Richa Kapoor, AOR
Mr. Deepak Singh, Adv.

Mr. Karunakar Mahalik, AOR

Mr. Yoginder Handoo, AOR

Mr. Dinesh Chandra Pandey, AOR

Mr. Kiran Kumar Patra, AOR

Mr. Sunil Mund, Adv.

Mr. Sujit Kumar, Adv.

Mr. Sanjay Kumar, Adv.

Mr. Surya Kanta Padhi, Adv.

Mr. Biswajit Kumar Patra, Adv.

Mr. Siddharth Sengar, Adv.

Mr. Alok Kumar, Adv.

Mr. Shantanu Krishna, AOR

Mr. Ekansh Mishra, AOR

Mr. A. Raghunath, AOR

Mr. Prakash Ranjan Nayak, AOR

Mr. Mritunjay Kumar Sinha, AOR

Mrs. Vimal Sinha, Adv.

Mr. Chanchal Kumar Ganguli, AOR

Dr. Surender Singh Hooda, AOR

Ms. Shagun Matta, AOR

Mr. Samir Malik, AOR

Mr. Prashant Bhushan, AOR

Mr. Alok Gupta, AOR

Mr. Lokesh Sinhal, Sr. A.A.G.

Mr. B.K. Satija, A.A.G.

Mr. Rahul Khurana, Adv.

Dr. Monika Gusain, AOR

Ms. Rooh-e-hina Dua, AOR

Mr. Haresh Raichura, AOR

Mrs. Saroj Raichura, Adv.

Mr. Rajat Vats, Adv.

Mr. Chirag M. Shroff, AOR

Mr. Dhananjay Kataria, Adv.

Mr. Shyam D. Nandan, AOR

Mr. Ravinder Kumar Yadav, AOR
Ms. Arti Anupriya, Adv.
Mr. Vineet Yadav, Adv.
Mr. Kartikey, Adv.

Mr. Ejaz Maqbool, AOR

Mr. S. Wasim A. Qadri, Sr. Adv.
Ms. Udit Singh, AOR
Mr. Tamim Qadri, Adv.
Mr. Saeed Qadri, Adv.
Mr. Saahil Gupta, Adv.
Mrs. Bhavna Kapur, Adv.
Mr. Shivendra Singh, Adv.
Mr. Deepak Bhati, Adv.

Ms. Anuradha Mutatkar, AOR

Ms. Supriya Juneja, AOR

Dr. N. Visakamurthy, AOR

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

Writ Petition(s)(Civil) No(s).4677 of 1985

We find that the orders of this Court passed from time to time run into few thousand pages.

2. We direct the Registrar (Judicial) to appoint two members of the staff to compile the orders serially and file its compilations on record. Each volume in the compilation shall not exceed 200 pages. The Registry will ensure that each and every order is a part of the compilation. Soft copies of the compilations shall be provided to the counsel representing the parties as well as to the learned senior counsel who have been appointed as amicus curiae.

3. A copy of this order shall be immediately forwarded to the Registrar (Judicial).

4. We have perused the notes submitted by the learned amicus curiae on the constitution of Central Empowered Committee (CEC). Not only in this petition but in other petitions filed by M.C.Mehta, the applications seeking permission for felling of trees were filed before this Court. We find that those applications were earlier forwarded to the CEC and in most of the cases, without examining whether felling of the trees in terms of the prayer made by the third parties was really required, the CEC cleared the prayer for felling of trees in large number of applications.

5. We have perused the constitution of CEC. We are not sure whether the CEC consists of eminent environmentalists, botanists and horticulturists. The learned amicus curiae shall examine whether the CEC consists of such experts. The better approach will be to constitute either a Committee of Experts or to appoint an institution which is having expertise. When the applications are moved before this Court for felling of trees, the first issue which is required to be examined is whether number of trees sought to be felled are really required to be felled for implementing the particular project. The second issue will be that which trees can be transplanted and at which places. The third issue will

be in what matter the compensatory afforestation can take place. The experts should be such that they should be in a position to suggest the species of the trees which should be planted by way of compensatory afforestation and approximate expenditure for looking after the trees.

6. To enable the learned amicus curiae to respond, the Writ Petition shall be listed on 8th April, 2024.

7. List IA No.32418/2024 and IA No.240453 of 2023 along with the main Writ Petition.

8. Time of two weeks is granted to the Union of India to deal with the issue of constitution of CEC with reference to presence of eminent experts such as botanists, environmentalists and horticulturists etc.

9. There are applications/petitions filed for sealing or de-sealing of the premises. Only after proper compilation of orders is produced by the Registry and only after we are able to go through the relevant orders, with the assistance of the learned counsel appearing for the parties, we take up these matters.

IA No.40494/2024 in W.P.(C) No.4677/1985

10. Heard the learned senior counsel appearing for the applicant.

11. Apart from the fact that the application is very vague which seeks permission to fell/translocate 1051 trees, we must note that the Delhi Development Authority (DDA) is an agency and instrumentality of the State.

Therefore, it is the duty of the DDA to first make an attempt to protect the environment by praying for felling of only those trees which are absolutely mandatory. They must apply their mind whether alternatives can be examined to save the trees. Moreover, they want to construct the road through a forest. There is no permission obtained under the Forest Act.

12. We direct the DDA to re-examine the proposal by employing the experts in the field. The exercise to be undertaken by the DDA is necessary for ensuring that while public work is carried out, minimum number of trees are required to be felled. The said approach is not reflected from the application made by the DDA. After the DDA re-examines the proposal with the help of eminent experts in the field, we permit the DDA to file a fresh application for the same relief hopefully containing a prayer for felling of much less number of trees.

13. With liberty as above, the application is dismissed.

CONMT.PET.(C) No. 28/2024 in W.P.(C) No. 4677/1985

CONMT.PET.(C) No. 29/2024 in W.P.(C) No. 4677/1985

14. For the time being, the Contempt Petitions shall be listed on 8th April, 2024.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER