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W.P(C)No. 4677 OF 1985

ITEM NO.1 & 2

COURT NO. 6

SECTION PIL

A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PART-HEARD

I.A.No.22 in Writ Petition(Civil) No.4677/1985 WITH

I.A.No.1206 IN Writ Petition(Civil) No. 4677/1985

M.C.MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(RE: Shifting of Industries from Residential Area of Delhi,N.Delhi)  
(With Office Report)  
(FOR DIRECTIONS)

WITH

I.A.Nos.1204, 1205, 1224 IN W.P.(Civil) No.4677/1985

I.A.No.1322 IN I.A.No.22 IN W.P.(Civil) No.4677/1985  
(For Directions)

W.P.(C)No. 98/2000  
(With appln. for directions)

WITH

I.A.No.1367 IN I.A.No.22 IN W.P.(Civil)No.4677/1985

WITH (ITEM NO. 2)

I.A.No. 1531 IN I.A.No.22 IN W.P.(Civil)No.4677/1985  
(For directions on behalf of Narain Industries & Ors. Through its  
President with Office Report)(CETP Matters)

WITH

I.A.No.1791 IN I.A.No.1531 IN I.A.No.22 IN W.P.(Civil)No.4677/1985  
(For directions on behalf of Naraina Industrial Area CETP Society with  
Office Report)

WITH

I.A.No.1833 IN I.A.No.1531 IN I.A.No.22 IN W.P.(Civil)No.4677/1985  
( RE: Naraina Industrial Area C.E.T.P. Society )

WITH

I.A.No.1846 (Appln. For directions filed by Ms. Bina Gupta, Adv. On  
behalf of Okhla Industrial Estate C.E.T.P.)

WITH

I.A.No.s.1828, 1829 IN I.A.No.1531 IN I.A.No.22 In WP(C)No.4677/1985  
(For Directions and impleadment to stop looting and cheating of the  
money in the name of C.E.T.P.)

WITH

I.A.No.1830 IN I.A.No.1531 IN I.A.No.22 IN W.P.(Civil)No.4677/1985  
(For exemption from depositing cost of CETP on behalf of Pure Drinks)

WITH

I.A.No.1834 IN I.A.No.1531 IN I.A.No.22 IN W.P.(Civil)No.4677/1985  
(For impleading the name of M/s Anand Parbat Industrial Area, CETP  
Society)

WITH

I.A.No.1816 IN W.P.(Civil)No.4677/1985(For directions & Office Report)

WITH

I.A.No.1527 IN I.A.No.22 IN W.P.(Civil)No. 4677/1985  
(For Directions)  
RE: National Cable Industries  
(With Office Report)

WITH

I.A.No.1841 IN I.A.No.22 IN W.P.(Civil)No.4677/1985  
(For Intervention and Directions)

WITH

Con.Pet.No.134/2003 IN I.A.No.1531 IN I.A.No.22 In WP(C)No.4677/1985  
RE: Najafgarh Road and Moti Nagar Industrial Area CETP Society  
Registered 6-A, Industrial Area, Najafgarh Road, New Delhi-15

WITH

I.A.No.1848 IN I.A.No.1531 IN I.A.No.22 IN W.P.(Civil)No.4677/1985  
(For leave to withdrawal of Vakalatnama)  
(For Directions)

Date : 19/11/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner(s)/  
Applicant (s):Mr. Ranjit Kumar, Sr.Adv. (A.C.)

Mr. M.C. Mehta, Adv.

in IA 1816:Mr. Ranjit Kumar, Sr.Adv.  
Mr. K.L. Mehta, Adv.

in IAs.1367,1531,1791 &  
1833::Mr. Rakesh K. Khanna, Adv.  
Mrs. Rashmi Khanna, Adv.  
Mr. Reetesh Singh, Adv.  
Mr. Shashank Shekhar, Adv.  
Mr. Surya Kant, Adv.

in WP 98/00:Mr. Mohd. Arif, Adv.  
Mr. M.A. Chinnasamy, Adv.

In IA 1527:Mr. K.K. Rohtagi, Adv.  
Mr. Praveen Jain, Adv.

in IA 1846:Mr. Gopal Jain, Adv.  
Ms. Bina Gupta, Adv.

Ms. Nina Gupta, Adv.

in IAs.1828 & 1829:Mr. Kirpal Singh, Adv.  
Mr. Debasis Mishra, Adv.

In IA.1830 & Con.Pet.:Mr. S. Sukumaran, Adv.  
Ms. Divya Nair, Adv.  
Mr. K. Rajeev, Adv.

In IA 1834:M/s Manoj Swarup,Anubhav Kumar, Advs. for  
M/s. Manoj Swarup & Co., Advs.

in IA 1841:M/s. IM. Nanavati Associates, Advs.(N/P)

in IA 1224Mrs. Manik Karanjawala, Adv. (N/P)

in IA 1204 & 1205:Mr. Sushil Kumar Jain, Adv.

In IA 1531:Mr. P.C. Jain, Sr.Adv.(NP)  
Mr. Naresh Khanna, Adv.  
Mr. P.N. Puri, Adv.

In IA 1531, 22Mr. Harpreet Singh, Adv.  
Mr. P. Venugopal, Adv.  
Mr. P.S. Sudheer, Adv.  
For M/s.K.J. John & Co., Advs.

In IA 1846:Mr. Vijay Kumar, Adv.  
Mr. Atul Sharma, Adv.  
Mr. B.K. Sharma, Adv.  
Mr. Vishwajit Singh, Adv.

For Respondent (s)  
For CPCB:Mr. Vijay Panjwani, Adv.

For MCD:Mr. Mukul Rohatgi, A.S.G.  
Mrs. Indra Sawhney, Adv.

For D.D.A.:Mr. Mukul Rohatgi, A.S.G.  
Mr. V.B. Saharya, Adv.  
For M/s. Saharya & Co., Advs.

For D.P.C.C.:Mr. D.N. Goburdhan, Adv.  
Mr. R.C. Verma, Adv.  
Mr. Mukesh Verma, Adv.  
Mr. Manish Shanker, Adv.  
Mrs. Pinky Anand, Adv.  
Ms. Geeta Luthra, Adv.

For NCT of Delhi:  
& DSIDC:Mr. D.N. Goburdhan, Adv.  
Mrs. Pinky Anand, Adv.  
Ms. Geeta Luthra, Adv.

For Min.of U.Dev./UOI:Mr. Raju Ramachandran, A.S.G.  
Mr. Kailash Vasdev, Sr.Adv.  
Mr. K.C. Kaushik, Adv.  
Mr. T.A. Khan, Adv.  
for Mr.D.S. Mahra, Adv.

Mrs. Varuna Bhandari Gugnani, Adv.  
Mr. S.W.A. Qadri, Adv.  
Mrs. Anil Katiyar, Adv.(N/P)  
Mr. B.V.B. Das, Adv.(N/P)  
Mr. P. Parmeswaran, Adv.(N/P)  
Mr. S.N. Terdol, Adv.(N/P)

For St.of Haryana:Mrs. Varuna Bhandari Gugnani, Adv.  
for Mrs. Kavita Wadia, Adv.

For St.of U.P.:Mr. Kamalender Mishra, Adv.  
In IA 1842:Mr. Mukesh Verma, Adv.  
Mr. Manoj K. Mishra, Adv.  
Mr. Sanjay Visen, Adv.  
Mr. Rajeev Kumar Dubey, Adv.

For NCR Plng.Board:Mrs. Sheil Sethi, Adv.

Mr.Suresh C. Tripathi, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. R.S. Suri, Adv. (N/P)

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

Mr. Raju Ramachandran, the learned Additional Solicitor General, representing the Union of India, made his submissions from 10.35 a.m. to 11.10 a.m. Thereafter, Mr.Kailash Vasdev, learned counsel, resumed his arguments and concluded at 11.15 a.m. Thereafter, Mr.Sushil Kumar Jain, learned counsel appearing I.A.nos.1204 and 1205, argued for five minutes. Mr.V.B.Saharya, learned counsel representing D.D.A., thereafter, made his submissions till 11.35. Then, Mrs. Indra Sawhney, learned counsel for M.C.D., argued for five minutes.

The Court then made the following order:

During the course of hearing, Ms.Indra Sawhney, learned counsel representing the M.C.D., with reference to the affidavit of the Commissioner of M.C.D. dated 7th September, 2000 and the Memorandum dated 14th April, 1994 received by M.C.D. from Government of N.C.T., Delhi, submitted that on the basis of the Memorandum of 1994, ad hoc registration of industrial units in non-conforming areas till 1995-1996 was permitted by M.C.D. by grant of ad hoc licences. We direct M.C.D. to file an affidavit stating as to what was the position before receipt of Memorandum dated 14th April, 1994 and whether after enforcement of the Master Plan on 1st August, 1990 ad hoc licences were granted by M.C.D. prior to April, 1994 and, if so, how.

We have also directed the Delhi Government to place on record the criteria/guidelines for considering an applicant eligible for allotment of industrial plot under relocation scheme. We have further directed the State Government to provide to this Court details about the communications along with the list which was sent to the Central Government for expanding the list of household industries in Category-A. Likewise, we direct the Union of India to place full facts regarding the receipt of communications about the expansion of the list 'A' industries and also explain that when decision had already been taken and notification issued on 10th April, 2001 to add only six industries to the said list, what is the position of remaining to be placed in category of household industries.

The affidavits shall be filed by M.C.D., State Government of Delhi and the Union of India within a period of three days.

Mr. Mukul Rohtagi, the learned Additional Solicitor General appearing for M.C.D./DDA, commenced his arguments at 11.50 a.m. and concluded at 2.35 p.m. Thereafter, Mr. K.K.Rohtagi, counsel appearing in I.A.No.1527, made his submissions upto 3.30 p.m. followed by Mr.Rakesh Khanna, who argued in I.A.1367 for about five minutes.

Mr.Goburdhan, thereafter, made his counter submissions in I.A.1527 upto 4.00 p.m.

The matters remained part-heard.

(N. Annapurna)  
Court Master

(S. Thapar)  
PS to Registrar

(V.P.Tyagi)  
Court Master