

I.A.No.1833 IN I.A.No.1531 IN I.A.No.22 IN W.P.(C)4677/85
(For directions) RE: Naraina Industrial Area CETP Society.

WITH
I.A.No.1834 IN I.A.No.1531 IN I.A.No.22 IN W.P.(C)4677/85
(For impleading the name of M/s Anand Parbat Industrial Area,
CETP Society)

WITH

I.A.No.1816 IN W.P.(C)4677/85
(For directions & office report)

[I.A.No.1527 IN I.A.No.22 IN W.P.(C)4677/85
(For directions with office report) RE: National Cable Industries

I.A.No.1841 in I.A.No.22 IN W.P.(C) 4677/1985
(For intervention and directions)

Cont.P.134/2003 IN I.A.No.1531 In IA 22 IN W.P.(C)4677/85
(Reg.Najafgarh Road & Moti Nagar Industrial Area CETP Society Regd.
6-A. Industrial Area, Najafgarh Road, New Delhi-15.

Date:24/04/2003 This petition was called on for hearing today.

CORAM:

HON'BLE MR.JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE H.K. SEMA

For the parties:

Mr.MC Mehta- in person
Mr. Ranjit Kumar, Sr.Adv.(AC)
Mrs.Manik Karanjawala,Adv.
M/s RN Poddar,Satpal Singh,
BV Balram Das,Adv.

For N.C.R.P.Board Ms.Sheil Sethi,Adv.

For CPCB Mr.Vijay Panjwani,Adv.

Mr.Mukul Rohatgi,ASG
Mr.Vishnu B.Saharya,Adv.for
M/s Saharya & Co.

for DPCC & in IA 1527, 1841,
WP(C) 98/2000,
IA 1367, 1206,
1322,1323,1204,1205
1531, 1833-1834, 1791
M/s DN Goburdhan,Pinky Anand,
Geeta Luthra, R.C. Verma,
Mukesh Verma,Manish Shankar, Avs.
M/s RC Verma,Mukesh Verma,
Manish Shanker,Advs.

in WP 98/2000 Mr.Mohd.Arif, Adv.
Mr. M.A. Chinnasamy, Adv.

3

in IA 1204-1205 M/s Sushil K.Jain,HD Tharvi,
Anil Vyas,AP Dhamija,
Pradeep Agarwal,A.Mishra,LP Singh,Advs.

Ms.Anil Katiyar,Adv.

Mr.Mukul Rohatgi,ASG
Ms.Indra Sawhney,Adv.

Mr.KL Mehta,Adv.

Mr.KN Rawal,SG
Mr.KC Kaushik,Adv.
Mr.SN Terdol,Adv.

M/s Ishwar Jain,Ajay Jain,
Jinendra Jain,Abha R.Sharma,Adv.

in IA 1323

M/s ML Lahoty,PK Sharma,
Himanshu Shekhar,Advs.

Mr.MA Chinnasamy,Adv.

Mr.Suresh C.Tripathi,Adv.

Mr.Salman Khursheed,Sr.Adv.
M/s Rakesh K.Khanna,Rashmi Khanna,
Surya Kant,Advs.

For NCT of Delhi

M/s SWA Qadri, D.S.Mahra,Advs.

in IA 1531

Dr.Rajeev Dhawan,Sr.Adv.
M/s. Vijay Kumar,Atul Sharma,
B.K. Sharma, Vishwajit Singh, Advs.

in IA 1531 in IA 22
in WP(C) 4677/85

M/s Harpreet Singh,P.Venugopal,
PS Sudheer,Advs.for
for M/s KJ John & Co.

in IA 1830

M/s S.Sukumaran,Divya Nair,
K.Rajeev,Suresh Unnikrishnan,Advs.

in IA 1531

M/s Krishan Mahajan,
S.Sukumaran,Divya Nair,
K.Rajeev,Suresh Unnikrishnan,Advs

Mr.Balraj Dewan,Adv.

M/s Manoj Swarup,Lalita Kohli,Advs.for
M/s Manoj Swarup & Co.

in IA 1531 for RR

Mr. P.C.Jain, Sr.Adv.
M/s Naresh Khanna,PN Puri,Advs.

Mr.Kamlendra Mishra,Adv.

in IA 1846

M/s.Gopal Jain,Bina Gupta,
Vanita Bhargava,RK Sharma,Advs.

4

Mr.Gulshan Bajwa,Adv.

in IA 1531

Mr. RS Suri, Adv.

IA 1828 & 1829

M/s Kirpal Singh,Debasis Misra,Advs.

in IA 1527

Mr.K.K. Rohtagi, Adv.
Mr.Praveen Jain,Adv.

Mr.Kailash Vasdev,Sr.Adv.
Ms. Sunita Sharma,Adv.

Mr. D.S. Mahra, Adv.

For U.O.I./Ministry
of Environment

Mr. Raju Ramachandran,ASG
Mr.C.V.Subba Rao, Adv.

Mr. TA Khan, Adv.
Mr. P. Parmeshwaran, Adv.
Mr. AK Khan, Adv.

Mr. Mahesh Srivastava, Adv.
Mr. Pankaj Srivastava, Adv.
Mrs. V.D. Khanna, Adv.
Mrs. Nirmala Gupta, Adv.
for M/s. I.M. Nanavati Associates, Adv.

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

.....L....I.....T.....T.....T.....T.....T.....J....J
.SP2

Mr. DN Goburdhun commenced his arguments in the morning and concluded at 11.30 A.M. Thereafter Mr. Mukul Rohatgi, learned ASG argued for DDA upto 12.30 P.M.

On behalf of Government of Delhi, Mr. DN Goburdhun has filed affidavit of Mr. Ashok Kumar, Principal Secretary and Commissioner of Industries, Government of NCT, Delhi, in Court today. According to that affidavit, the entire infrastructure at Bawana is complete and 14,924 plots were developed and allotted to the Entrepreneurs. In addition, 1486 flatted factories-cum-plots were also allotted as stated in para 5 of the said affidavit. Thus, the total allotment that has been made to the Entrepreneurs is of 16,410 plots and flatted factories during the period July to October,

5

2002. In addition, as per the said affidavit, 1203 more plots have been developed at Bawana and 500 at Narela Industries Complex making a total of 1703 plots. Let these plots be also allotted within a period of six weeks.

Mr. Goburdhan also brought to our notice an Order dated 4th February, 2003 issued by Government of India, Ministry of Urban Development and Poverty Alleviation constituting a Committee to examine the proposal sent by Delhi Development Authority vide its resolution No. 113/2002 dated 20th December, 2002 recommending INSITU regularisation of industries in 24 areas wherein the concentration of industries is more than 70%. The Committee was required to submit report within a period of one month. While considering the proposal of D.D.A. the Committee was required to suggest measures in respect of residential premises in those areas. Further the Committee was required to suggest measures to be taken to prevent further industries in such areas, levy of development/conversion charges etc.

It is evident that the industries have come up in residential and other non-conforming areas unabated. We are hearing arguments and also examining as to what the concerned authorities were doing when these industries came up against the provisions of the Master Plan. Without expressing any opinion at this stage, without commenting upon the legality of regularisation in case such a decision is taken, manner, we direct Union of India to convey to this Court its decision on the

6

proposal of the D.D.A. within a period of 10 days by filing an affidavit of a responsible officer. Put up on 6th May, 2003 for directions.

I.A.No.1323/2000.@@
CCCCCCCCCCCCCCCC

Heard learned counsel for the applicant for about 10

minutes.

In para 9 reference is made to a letter from DSIDC rejecting applicant's representation for grant of alternate plot. In para 10 it is averred that on 28th April, 2000 DSIDC reversed its earlier decision and informed the applicant that it is eligible for allotment of industrial plot under the relocation scheme. None of these two documents have been placed on record. In view of this, we decline to hear counsel in support of the application. This order will, however, not prejudice the applicant if he is otherwise found eligible for alternate plot.

I.A.No.1323 stands disposed of accordingly.

Mr.Sushil Kumar Jain, learned counsel for Delhi Manufacturers' Association in IAs 1204-1205 commenced his arguments at 12.40 P.M. and concluded at 3.00 P.M. Thereafter Mr.Rakesh Khanna, learned counsel in IA 1367 argued upto 3.05 P.M. followed by Mr.MC Mehta upto 3.30 P.M. Mr.Ranjit Kumar was on his legs when the Court rose for the day leaving the matter part-heard.

.SP1

[Naresh Kumar]
Court Master

[PD Balodi]
Court Master

[VP Tyagi]
Court Master