

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

RECORD OF PROCEEDINGS

I.A.No.179 in W.P.(C)No.13029/1985.

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

[For directions by A.C.]

[Regarding Parking Policy]

Date: 22/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr. Adv. (A.C.)(N.P.)

For Applicant (s)

Mr. U.U. Lalit, Sr. Adv. (A.C.)

For Respondent(s) Mrs. Anil Katiyar, Adv.

Mr. M.C. Mehta, Adv.

NDMC

Mr. Rakesh K. Khanna, Sr. Adv.

Ms. Jahanvi Wohra, Adv.

Dr. Rashmi Khanna, Adv.

Ms. Shailja Sinha, Adv.

Mr. Niraj Kr. Sharma, Adv.

Mr. Surya Kant, Adv.

MCD Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.

DDA Mr. V.B. Saharya, Adv.

CPCB Mr. Vijay Panjwani, Adv.

Delhi Police,
Dept. of Transport & Mr. S. Wasim A. Qadri, Adv.
Mr. R.C. Kathia, Adv.

PWD Mr. D.S. Mahra, Adv.

DTC Ms. A. Subhashini, Adv.

SIAM Mr. Shri Narain, Adv.
Mr. Sandeep Narain, Adv.

Tata Steel Ms. Nandini Gore, Adv.
Mr. Debmalya Banerjee, Adv.
Mr. Jayant Mohan, Adv.
Ms. Manik Karanjawala, Adv.

- 2 -

UPON hearing counsel the Court made the following

O R D E R

We have considered Report No.25 in regard to Parking Policy submitted by

Environment Pollution (Prevention & Control) Authority [EPCA]. Following directions are

issued to New Delhi Municipal Council (NDMC); Municipal Corporation of Delhi (MCD)

and Delhi Development Authority (DDA) for compliance and submission of requisite

material and information to EPCA on or before 31st October 2006 :

"N.D.M.C. :

1. (i) The current parking rates for all types of authorised parking facilities - underground, multilevel, and surface;

(ii) the proposal for rationalised parking rates for all types of parking based on the user pay principle in which the user will pay the full cost of parking and the element of subsidy is eliminated.
2. List of all authorised parking sites along with the designated area and capacity within the NDMC jurisdiction.
3. Progress report on the execution of the multilevel parking projects planned at Baba Kharak Singh Marg, Kasturba Gandhi Marg and Sarojini Nagar.
4. Plan to indicate how the new parking facilities including the multilevel parking will be utilised to promote pedestrianisation and reduce car use in Connaught Place.

- 3 -

M.C.D.

1. (i) the current parking rates for all types of authorised parking facilities - underground, multilevel, and surface.

(ii) The proposal for rationalised parking rates for all types of parking based on the user pay principle in which the user will pay the full cost of parking and the element of subsidy is eliminated. This plan should be submitted.
2. Progress report on the execution of the multilevel parking projects planned at Kamla Nagar, Parade Ground and Ramlila Ground and in Shastri Park, Karol Bagh, M Block Market, Greater Kailash-I and NDSE-I and II, as per given schedule.

3. MCD has submitted three lists of parking sites in its various zones to EPCA. List I consists of 110 sites that have already been auctioned and awarded. List II includes the parking sites that have been auctioned on November 16, 2005 and are in the process of allotment. List III includes the parking sites that have been auctioned on February 27/28, 2006 and are in the process of allotment. MCD to provide area in square metre and GIS based maps with respect to all these 110 sites listed in List I.

4. MCD to upload the list of sites on the agency's website with clear demarcation and issue a public notice by October 15, 2006. Each site on the ground to be demarcated physically and a public board prominently displayed with details of the name of contractor, timings, rates, area and name of person to be contacted for any problem. MCD to submit a status compliance report on physical demarcation and uploading on the website as per the above directive for the 110 sites with regard to the above.

5. MCD has to provide EPCA a plan for parking of commercial vehicles. currently, the agency charges Rs.4000 as a "misuse' of parking charge from all owners of commercial vehicles on an annual basis. EPCA was informed that this charge was levied so as to be used in the multilevel parking sites. However, the fund is not utilised. The commercial vehicles are parked on the road and lead to traffic problems. EPCA is of the view this is a cess that is collected for parking of commercial vehicles. EPCA directed MCD to utilise the 'misuse charge-parking fees' for planning and upgrading facilities for parking of commercial vehicles. MCD shall submit a proposal to EPCA.

- 4 -

6. MCD has submitted a list of shopping malls in its area along with information on parking provisions. The agency has submitted that only three sites have been sanctioned last year for the construction of shopping malls and commercial complexes. These are the community centre cum commercial complex at sector V plot 1 and 2 Pushp Vihar, convenience shopping centre ONCS/OCF Pocket Block 1, Sector

16, Rohini and commercial building at LSC Gujranwala town. MCD is thus

responsible for ensuring that no spillover of vehicles takes place outside the mall area and the area along the entire radius of the malls is declared as no-parking zone. Status on this aspect to be filed before EPCA.

D.D.A.

1. (i) The current parking rates for all types of authorised parking facilities

- underground, multilevel, and surface.

(ii) The proposal for rationalised parking rates for all types of parking based on the user pay principle in which the user will pay the full cost of parking and the element of subsidy is eliminated.

2. With regard to the new shopping malls that have been planned, DDA is

responsible for ensuring that no spillover of vehicles takes place outside the mall area and the area along the entire radius of the mall is declared as no-parking zone. DDA will be responsible for its enforcement. Vice Chairman, DDA will be responsible for its implementation. Status on this aspect to be filed before EPCA.

3. EPCA has been informed that currently the parking norms, which are set by DDA, are being discussed as part of the Master Plan Delhi 2021 (MPD 2021). EPCA has also been informed that the MPD 2021 is being further revised, on the basis of the Tejinder Khanna Committee report and other developments. DDA to submit any revision that it proposes in the MPD 2021, which would have implications on the parking provisions."

The officers of NDMC, MCD and DDA and Delhi Government are directed to cooperate with the EPCA so that final parking policy can be placed by EPCA before this Court expeditiously.

Learned counsel for DDA states that the land for construction of a corridor at

Sarai Kale Khan has been handed over to the Delhi Government. It is accepted by learned counsel for

- 5 -

Delhi Government.

To consider the above and other Reports which have been received from EPCA, list the matter in October 2006.

(Subhash Chander)

Court Master

rar

(V.P. Tyagi)

Assistant Regist