

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

RECORD OF PROCEEDINGS

*Item No.301 :

I.A.No.182 in W.P.(C)No.13029/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For impleadment on behalf of State of Haryana)

(For further directions)

I.A.Nos.183 & 238 in I.A.No.151 in W.P.(C)No.13029/1985 -

(For direction on behalf of State of Haryana)

I.A.Nos.188-189 in W.P.(C)No.13029/1985 -

(For directions/impleadment on behalf of Delhi Traffic Police)

I.A.No.197 in W.P.(C) No.13029/1985 -

(For impleadment on behalf of M.S.Yamaha Motors (India))

I.A.No.213 in W.P.(C) No.13029/1985 -

(For directions and revocation of order dated 15.7.2002 filed
by Govt. of N.C.T. of Delhi)

IN THE MATTER OF : P.W.D., GOVT. OF N.C.T. OF DELHI REGARDING

PERIPHERAL EXPRESS WAY FOR DELHI.

I.A.No.243 in W.P.(C) No.13029/1985 - (For directions)

WITH REPORT NOS.11 AND 15 OF EPCA IN I.A.NOS.182-183 IN

W.P.(C) NO.13029/1985

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

(EPCA Report No.10, 12 & 14)

WITH I.A.No.53 in W.P.(C) No.13029/1985 -

(For impleadment & direction on behalf of M/s. Indiana Travel (P) Ltd.)

WITH I.A.No.244 in W.P.(C) No.13029/1985 -

(For intervention & direction on behalf of Centre for PIL)

WITH I.A.No.79 in W.P.(C) No.13029/1985 -

(For impleadment & directions on behalf of M/s. Rare Fuel &
Automobiles Technology (P) Ltd.)

WITH Writ Petition (C) No.939/1996

IN RE: Delhi Transport Department

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WITH SLP(C) No.13208/1998 -

(With appln. for filing c/delay in filing SLP)

WITH SLP(C)Nos.....CC 6990-6991/2000 -

(With appln. for c/delay in filing SLP)

Writ Petition (C) No.543/2003 -

(With appln.(s) for exemption from filing O.T. and impleadment
as party respondent)

Writ Petition (C) No.108 of 2005

**Item No.303 :

I.A.Nos.247 & 248 in WP(C)No.13029/1985 -

(In the matter of I.G.L.)

(For directions and exemption from filing O.T.)

WITH I.A.No.249 in W.P.(C)No.13029/1985 -

(For directions on behalf of I.G.L.)

Date: 12/08/2005 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Savle, Sr.Adv. (A.C.)

Ms. Aparajita Singh, Adv.

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

Mr. Ranjit Kumar, Sr.Adv.(A.C.)

For Petitioner(s) Mr. M.C. Mehta, Adv.

WP 543/03: Mr. Sibor Sankar Mishra, Adv.

WP 108/05: Mr. P.S. Narasimha, Adv.

Mr. Sudhir Nandrajog, Adv.

for M/s. P.S.N. & Co., Adv.

For Respondent(s)/appearing parties :

For Min. of Surface Mr. P.P. Malhotra, ASG

Tans. Mr. S.W.A. Qadri, Adv.

Mr. B.K. Prasad, Adv.

For Delhi Police, Mr. S.W.A. Qadri, Adv.

PWD, Ms. Anil Katiyar, Adv.

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For D/o Transport Mr. S.W.A. Qadri, Adv.

Ms. Anil Katiyar, Adv.

Mr. Mohd. Saud, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. Manpreet Singh Doabia, Adv.

Ms. Anil Katiyar, Adv.

For Govt. of NCT of Delhi Ms. Suvira Lal, Adv.

For CPCB: Mr. Vijay Panjwani, Adv.

For D.T.C. Ms. A.Subhashini, Adv.

I.G.L.: Mr. Sidharth Yadav, Adv.

Mr. Vikrant Yadav, Adv.

Mr. Praveen Swarup, Adv.

For M.C.D. Mr. Sajiv Sen, Adv.

Mr. Rajan Narain, Adv.

Mr. Praveen Swarup, Adv.

For MOEF: Mr. Vikas Sharma, Adv.

Mr. Amitava Poddar, Adv.

Ms. Anil Katiyar, Av.

For NCRPB: Mrs. Sheil Sethi, Adv.

For NHAI Mr. V.B. Joshi, Adv.

Mr. Ravi Kini, Adv.

Mr. Krishan Kumar, Adv.

Mr. Pradeep Dhingra, Adv.

Mr. Sumit Gupta, Adv.

For SIAM Mr. Altaf Ahmed, Sr.Adv.

Mr. Sri Narain, Adv.

Mr. Sandeep Narain, Adv.

Ms. Anjali Jha, Adv.

For Telco Mr. Mukul Rohtagi, Sr.Adv.

Mr. Percy Ghandy, Adv.

Mr. R.N. Karanjawala, Adv.

Ms. Nandini Gore, Adv.

Ms. Pragya Baghel, Adv.

Ms. Manik Karanjawala, Adv.

For Haryana City Mr. Parag P. Tripathi, Sr.Adv.

Gas Dis. Ltd.

Mr. K.V. Mohan, Adv.

Mr. R. Ramesh Kumar, Adv.

Mr. Deepesh, Adv.

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For State of AP Mr. Manoj Saxena, Adv.

Mr. Amit Meharia, Adv.

Mr. Debojit Borkakati, Adv.

Mr. M.P. Meharia, Adv.

For State of Bihar Mr. B.B. Singh, Adv.

For State of

Ms. Hemantika Wahi, Adv.

Gujarat

Ms. Sadhna Sandhu, Adv.

For State of

Mr. Ajay Siwach, Adv.

Haryana

Mr. Pradeep Dahiya, Adv.

Mr. T.V. George, Adv.

For State of

Mr. Altaf H. Naiyak, AG, J&K

J&K

Mr. Anis Suhrawardy, Adv.

For State of

Mr. K.R. Sasiprabhu, Adv.

Kerala

Ms. G. Indira, Adv.

For State of

Mr. S.S. Shinde, Adv.

Maharashtra

for Mr. V.N. Raghupathy, Adv.

For State of

Mr. KH. Nobin Singh, Adv.

Manipur

Govt. of

Mr. V.G. Pragasam, Adv.

Pondicherry

For State of

Mr. Aruneshwar Gupta, AAG

Rajasthan

Mr. Naveen Kumar Singh, Adv.

State of UP

Dr. R.G. Padia, Sr.Adv.

Ms. Savitri Pandey, Adv.

Mr. Kamlendra Mishra, Adv.

Mr. Wasim Qadri, Adv.

Mr. Pradeep Misra, Adv.

Mr. Rajeev Kumar Dubey, Adv.

For applicant in

Mr. Parijat Sinha, Adv.

WP(C)543

Mr. S. Ghosh, Adv.

Mr. Snehasish Mukherjee, Adv.

In IA 244

Mr. Vishal Gupta, Adv.

Mr. Sumeet Sharma, Adv.

Ms. Parul Kaur, Adv.

Mr. Prashant Bhushan, Adv.

Mr. D.S. Mahra, Adv.

Mr. P. Narasimhan, Adv.

Mr. B.V. Balramdas, Adv.

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Ms. Indra Sawhney, Adv.

Ms. Kavita Wadia, Adv.

Mr. E.C. Vidya Sagar, Adv.

Mr. Anis Ahmed Khan, Adv.

Mr. L.K. Pandey, Adv.

Mr. S.B. Upadhyay, Adv.

Mr. S.R. Setia, Adv.
Mr. Sanjay Parikh, Adv.
Mr. Arvind Kumar Sharma, Adv.
Mr. S.K. Agnihotri, Adv.
Mr. K.K. Rai, Adv.
Mr. T.C. Sharma, Adv.
Mr. G. Prakash, Adv.
Mr. D.M. Nargolkar, Adv.
Mr. S.R. Hegde, Adv.
Mr. H.K. Puri, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A.No.182-183 & 238, 188-189, 197, 213 and 243 :

In this matter, which is in respect of construction of the Eastern Per
iph-
eral Expressway and Western Peripheral Expressway, neither any officer from the
State of U.P. nor any officer from the National Highway Authority of India (NHAI)
are present. Learned counsel appearing for the State of U.P. and NHAI, in the ab-
sence of the concerned officers and the record are unable to pro
perly assist the
Court, particularly, on the question whether the alignment has been fixed or not. In
fact, no affidavit or report has been filed in this regard. The c
oncerned officers,
along with requisite record, should have been present. The estimated period
for
fixing the alignment as per our order dated 11th March, 2005 was four months. The
said order mentions that after identification of alignment, this Court

would consider issue of further directions to ensure uninterrupted land acquisition process.

List this matter on 18th August, 2005. On that date, the concerned senior officers from the State of U.P. and from the NHAI shall remain present in the Court along with relevant record. The concerned officer from the State of Haryana will also remain present in the Court on that day.

Report No.11 of EPCA in IA Nos.182-183 and IA Nos. 247-248 & 249 :

Issue notice.

Mr. Kamendra Mishra, learned counsel for the State of U.P. and

Mr. Ajay Siwach, learned counsel for the State of Haryana accept notice.

Response to these applications shall be filed in two weeks. Further, we direct that the concerned officers of the State of Haryana, as also for the State of U.P. shall have meetings with the concerned officers of I.G.L. and any other supplier, if any, which the State Government thinks necessary. The result of such discussions shall also be put on record while filing the response. The applications shall be listed after two weeks.

Copy of I.A.No.247 may also be given to Mr. T.V. George, learned counsel for the State of Haryana and Mr. K.V. Mohan, learned counsel representing the Haryana City Gas Distribution Ltd.

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EPCA Report No.15 : (Recommendations regarding proper enforcement of safety tests and to prevent leakage of gas, etc. from CNG Buses) :

The aforesaid Report No.15 (July, 2005) has made various recommendations to check the CNG leakages. For the present, notice of the report shall issue to Delhi Transport Corporation (DTC) and Transport Department of Delhi government who are directed to file their response to the recommendations so made by EPCA.

Mr. S.W.A. Qadri, learned counsel accepts notice for the Department of Transport, Government of Delhi and Ms. A. Subhashini, learned counsel accepts notice for the DTC. Response shall be filed within three weeks.

List thereafter.

I.A.No.179 (Report Nos.10,12 & 14 of EPCA) :

The State has filed response to the report referred to No.14 of EPCA.

Mr. U.U. Lalit, learned Amicus Curiae prays for short adjournment to look into it. It is pointed out by the State that the EPCA, in his meeting dated 30th July, 2005, has fixed some norms. The EPCA may file the supplementary report.

List after two weeks.

Regarding Schedule of Implementation of Public Transport Project in I.A.No.179 :

We have heard learned counsel for the parties, perused the affidavit of Mr. S.N. Sahai, Secretary-cum- Commissioner, Government of NCT of Delhi, Transport

Department. According to Mr. Sahai, on the basis of detailed project report prepared by M/s. RITES, five corridors for High Capacity Bus System (HCSB) and two corridors for Electric Transit Bus (ETB) System have been identified and after approval of Expenditure Finance Committee (EFC) purchase orders for supply of six High Capacity Bus System buses have already been issued to M/s. Tata Motors. According to the affidavit, the buses were to be supplied by due date, i.e., 31st March, 2005. Regarding construction and re-engineering of dedicated corridors for the HCSB from Ambedkar Nagar to Mool Chand in Phase-I, the cost running into various crores has been indicated in the affidavit. The affidavit further states that M/s. RITES has been appointed as Project Management consultants who have already initiated process of inviting tenders, tenders have been opened but the rates quoted by those tenderers were found considerably high and efforts were made to negotiate and bring them down to the permissible limits. He further states that lowest tenderers have refused to lower down their rates and tenders have been recommended to be discharged and exercise of re-tender has been initiated.

Mr. Percy Ghandy, learned counsel for the Tata Motors is present in the Court and states that five of the said buses are likely to be delivered by mid-September, 2005 and 6th bus by the end of October, 2005.

He explains that the said buses are already in Delhi and are being inspected by the concerned Inspection Committee. We do hope that by the time buses are ready to be used, the corridors are ready from every angle avoiding the possibility of parking the buses in garages without use. These aspects are not very clear from the affidavit of Mr. Sahai. Let all these aspects be examined and further affidavit be filed within a period of two weeks.

List after two weeks.

Matter regarding parking in I.A.No.179 :

Draft Report on Parking Policy in Delhi has been filed along with affidavit of Mr. S. Raghunathan, Chief Secretary to the Government of National Capital Territory of Delhi. The EPCA shall look into it and assist the Court by filing its comments on the Draft Policy within a period of four weeks.

Adjourned.

Matter regarding construction of Nine/Ten Plaza on the entry points in I.A.No.179 :

The Status Report regarding Toll Plaza has been filed by the Additional Commissioner (Revenue) of Delhi. Many of the Toll Plazas are ready. One of them is on the Kapashera Border which is expected to be completed by 31st August, 2005 and the other one on the Kalindi Kunj Border regarding which it has been stated in the affidavit that

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letters and also a reminder (dated 27.7.2005) have been written to the Chief Secretary to the Government of U.P. and to the Principal Secretary (Irrigation),

Government of U.P. for handing over the land for construction of Toll Plaza.

The Government of U.P. shall cooperate in the matter so that the construction of the Toll Plaza at Kalindi Kunj is not further delayed. Let the Amicus Curiae look into the Status Report. Further direction, if any, shall be made on the next date of hearing. List after four weeks.

SLP(C).....CC 6990-6991/2000 :

Issue notice.

Remaining applications/matters to be listed on the next date of hearing.

Sarita

(Phoolan Wati Arora)

Court Master