

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.182 IN WRIT PETITION (C) NO.13029 OF 1985

M.C.MEHTA

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(For impleadment on behalf of State of Haryana)

With I.A. Nos.183 and 238 in I.A. No.151 in W.P. (C) No.13029 of 1985

(For directions on behalf of State of Haryana)

I.A. Nos.188-189 in Writ Petition (C) No.13029 of 1985

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

I.A. No.197 in Writ Petition (C) No.13029 of 1985

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

I.A. No.213 in Writ Petition (C) No.13029 of 1985

(For directions and revocation of order dated 15/07/2002 filed by
Government of N.C.T. of Delhi)

(In the matter of : P.W.D., Government of N.C.T. of Delhi regarding
peripheral express way for Delhi)

I.A. No.243 in Writ Petition (C) No.13029 of 1985

(For directions)

Report Nos.11 and 12 of E.P.C.A. in I.A. No.179

S.L.P. (C) No.13208 of 1998

(With appln.(s) for c/delay in filing SLP and vacation of the order)

Date: 11/03/2005 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. Salve, Sr. Adv. (A.C.)

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

For Applicant(s)/

Mr. Neeraj Kumar Jain, Adv.

Petitioner(s)

Mr. Sanjay Singh, Adv.

Ms. Kavita Wadia, Adv.

Mr. J.P. Dhanda, Adv.

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Mr. Rajeev Dutta, Sr. Adv.

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

Mr. D.S. Mahra, Adv.

Mr. P. Narasimhan, Adv.

Mr. R.G. Padia, Sr. Adv.

Ms. Savitri Pandey, Adv.

Mr. Kamendra Mishra, Adv.

Mr. Rajeev Kumar Dubey, Adv.

Ms. Rashmi Singh, Adv.

Mr. Arvind Kumar Sharma, Adv.

For Respondent(s)

Mr. M.C. Mehta, Adv.

Mr. G.E. Vahanvati, SG.

Mr. V.B. Joshi, Adv.

Mr. Ravi Kini, Adv.

Mr. Sanjiv Sen,Adv.

Mr. Rajan Narain,Adv.

Mr. B.V. Balaram Das,Adv.

Ms. Sheil Sethi,Adv.

Mr. Vijay Panjwani,Adv.

For MoE&F:

Mr. Rajeev Dutta,Sr.Adv.

Mr. Amitava Poddar,Adv.

Mr. Wasim A. Qadri,Adv.

Ms. Anil Katiyar,Adv.

For M/o Surface

Mr. G.E. Vahanvati,SG.

Transport:

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

Mr. B.K. Prasad,Adv.

For Delhi Police:

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

Ms. Anil Katiyar,Adv.

For Deptt. of

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

Transport:

Ms. Anil Katiyar,Adv.

For P.W.D.:

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

Ms. Anil Katiyar,Adv.

Mr. Neeraj Kumar Jain,Adv.

Mr. Sanjay Singh,Adv.

Ms. Kavita Wadia,Adv.

Mr. Kh. Nobin Singh,Adv.

Mr. Percy Ghandy,Adv.

Ms. Nandini Gore,Adv.

Ms. Manik Karanjawala,Adv.

...3/-

Mr. Shri Narain,Adv.

Mr. Sandeep Narain,Adv.

Ms. Anjali Jha,Adv.

Mr. Mukesh K. Giri,Adv.

Ms. Hemantika Wahi,Adv.

Ms. Monika,Adv.

Mr. Aruneshwar Gupta,AAG,Rajasthan.

Mr. Naveen Kumar Singh,Adv.

Ms. Shivangi,Adv.

Mr. V.G. Pragasam,Adv.

Mr. Sakesh Kumar,Adv.

Mr. Satish K. Agnihotri,Adv.

Mr. K.K. Rai,Adv.

Mr. B.B. Singh,Adv.

Ms. A. Subhashini,Adv.

Mr. Tara Chandra Sharma,Adv.

Mr. G. Prakash,Adv.

Mr. D.M. Nargolkar,Adv.

Mr. Sanjay R. Hegde,Adv.

Mr. H.K. Puri,Adv.

Mr. Ujjwal Banerjee,Adv.

Mr. S.K. Puri,Adv.

Ms. Priya Puri,Adv.

Mr. Shiv Gupta,Adv.

Mr. V.M. Chauhan,Adv.

Mr. Sidharth Yadav,Adv.

Mr. Vikrant Yadav,Adv.

Mr. Praveen Swarup,Adv.

UPON hearing counsel, the court made the following

O R D E R

Pursuant to the order dated 11th February, 2005, a Report has been filed by the National Highway Authority of India [N.H.A.I.]. It states that the process for inviting bids for appointment of consultants for preparation of Detailed Project

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Report has already been started. Further, N.H.A.I. has asked one of its expert consultants, M/s. Rail Indian Technical and Economic Services Limited [RITES], who undertake such jobs, to indicate time schedule for the preparation of Detailed Project Report for Eastern Peripheral Expressway. The time schedule indicated is as under:

Sl.No.	Task	Estimated Schedule (Months)*
1.	Identification of available alignment options, selection and fixing of alignment	4
2.	Preparation of bidding documents on the basis of draft Engineering report	12
3.	Final DPR	15
4.	Detailed Engineering Drawing and LA Report	18

*The above time is reckoned from the effective date of contract with the DPR Consultant and the figures given above are cumulative period.

We hope that the identification of available alignments, selection and fixing of alignments would be completed within a period of four months.

No Report has been filed by the State of Haryana which has to

take up the project in relation to the Western Peripheral Expressway. We hope that for the said Expressway, the period taken, if not less, would be same as indicated above. In case, no Report is filed within two weeks, we would assume that the State of Haryana principally agrees with the time schedule indicated in the Report of the N.H.A.I. After identification of alignments, it may be necessary to issue further directions to ensure uninterrupted land acquisition process.

List the matter for further directions in the first week of August, 2005. Up-to-date Report shall be filed by then.

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Report No.11 of E.P.C.A.

The learned counsel for the State of Haryana prays for short adjournment to take instructions on account of the change of Government.

Having considered the affidavits on behalf of the States of Haryana and Uttar Pradesh and the additional affidavit filed by Indraprastha Gas Limited [I.G.L.] as also having regard to the fact that presently the firm allocation of C.N.G. is with I.G.L., we direct the States of Haryana and Uttar Pradesh to render full cooperation and assistance to I.G.L. to set up requisite number of outlets in Faridabad and Gurgaon in the State of Haryana; and in NOIDA and Greater NOIDA in the State of Uttar Pradesh.

In regard to the loss of revenue on account of waiver of sales tax, the matter shall be discussed, in the first instance, between the Union of India and the respective State Governments. The learned Solicitor General assures that the matter would be looked into. We hope that amicable solution in this respect would be found. Four parties, namely I.G.L., State of Haryana, State of Uttar Pradesh and the Union of India, are directed to file the progress Report within a period of five weeks.

List in the last week of April, 2005.

E.P.C.A. is directed to look into the concerns which have

recently been expressed in the media regarding the aspect of leakage of gas and other related safety issues and suggest safeguards, if necessary, after examining the matter. The Report of the E.P.C.A. be submitted within five weeks.

Report No.12 of E.P.C.A.:

Insofar as the States of Haryana and Uttar Pradesh are concerned, as prayed in their letters, two/three weeks' time is granted to file the responses.

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Having perused the affidavit of Ms. Meera Akolia, on behalf of the Municipal Corporation of Delhi [M.C.D.], and having regard to the recommendations of E.P.C.A., we direct the M.C.D. and Delhi Traffic Police to increase vigilance on all entry points; to make inspections more vigorously so that the orders passed by this court are implemented in letter and spirit and are not violated under the garb of grant of any private contract to collect the toll. Insofar as this Court is concerned, the responsibility jointly lies with the M.C.D. and Delhi Traffic Police.

Regarding the construction of nine/ten plazas on the entry points, the affidavit states that, as per tender document, the construction was to be completed within a period of 180 days with effect from 1st May, 2004. The affidavit further states that, on request of the contractor, M.C.D. has granted extension of time till 31st March, 2005. It also states that efforts are being made to see that plazas are constructed before that date. We hope that it would be so and, if not, appropriate action will be taken by the M.C.D. for non-completion of the Plazas within the extended time.

Adjourned for four weeks.

[T.I. Rajput]

[V.P. Tyagi]

Court Master

Court Master

