

ITEM NO.1501

Court 4 (Video Conferencing)

SECTION XIV

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 8430/2020

(Arising out of impugned final judgment and order dated 28-02-2020
in LPA No. 119/2020 passed by the High Court Of Delhi At New Delhi)

RAJEEV SURI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

T.C. (C) No. 229/2020 (XVI-A)

T.C. (C) No. 230/2020 (XVI-A)

W.P. (C) No. 510/2020 (X)

W.P. (C) No. 638/2020 (PIL-W)

W.P. (C) No. 681/2020 (X)

W.P. (C) No. 845/2020 (X)

W.P. (C) No. 853/2020 (PIL-W)

W.P. (C) No. 1041/2020 (X)

W.P. (C) No. 922/2020 (X)

Date : 05-01-2021 These matters were called on for pronouncement of
judgment today

For parties:

Mr. Sanjay R. Hegde, Sr. Adv.
Mr. Ankit Yadav, AORMr. Shyam Divan, Sr. Adv.
Mr. Ashwath Sitaraman, Adv.
Ms. Vrinda Bhandari, Adv.
Ms. Sanam Tripathi, Adv.
Ms. Ria Singh Sawhney, Adv.
Ms. Sugandha Yadav, Adv.
Mr. Bhav Ratan, Adv.
Mr. Shadan Farasat, AORMr. Shikhil Suri, Adv.
Mr. Shiv Kumar Suri, AOR
Ms. Madhu Suri, Adv.
Ms. Shilpa Saini, Adv.
Ms. Shweta Saini, Adv.
Ms. Nikita Thapar, Adv.
Ms. Vinishma Kaul, Adv.

Mr. Tushar Mehta, SG
Mr. Ashok Panigrahi, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Nabab Singh, Adv.
Ms. Garima Prasad, Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. G.S. Makkar, AOR

Mr. Tushar Mehta, SG
Mr. Rajiv Bansal, Sr. Adv.
Ms. Garima Prashad, AOR
Mr. G.S. Oberoi, Adv.

Mr. Yoginder Handoo, AOR

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Mr. Chirag M. Shroff, adv.
Ms. Sanjana Nangia, Adv.
Ms. Abhilasha Bharti, Adv.

Ms. Ruby Singh Ahuja, Adv.
Ms. Deepti Sarin, Adv.
Ms. Tahira Karanjawala, Adv.
Mr. Anupm Prakash, Adv.

O R D E R

Hon'ble Mr. Justice A.M. Khanwilkar (on behalf of himself and Hon'ble Mr. Justice Dinesh Maheshwari) pronounced judgment of the Bench comprising Hon'ble Mr. Justice A.M. Khanwilkar, Hon'ble Mr. Justice Dinesh Maheshwari and Hon'ble Mr. Justice Sanjiv Khanna.

Permission to file Special Leave Petition is granted in diary

No(s). 8430 of 2020. Leave granted.

The petitions/appeal(s)/cases are disposed of in terms of the signed reportable judgments.

Hon'ble Mr. Justice Sanjiv Khanna pronounced a separate judgment while setting aside and quashing the final notification of modification/change of land use dated 28th March 2020 in respect of the 6 plots in the Central Vista, directed as under:

"A) The Central Government/Authority would put on public domain on the web, intelligible and adequate information along with drawings, layout plans, with explanatory memorandum etc. within a period of 7 days.

B) Public Advertisement on the website of the Authority and the Central Government along with appropriate publication in the print media would be made within 7 days.

C) Anyone desirous of filing suggestions/objections may do so within 4 weeks from the date of publication. Objections/suggestions can be sent by email or to the postal address which would be indicated/mentioned in the public notice.

D) The public notice would also notify the date, time and place when public hearing, which would be given by the Heritage Conservation Committee to the persons desirous of appearing before the said Committee. No adjournment or request for postponement would be entertained. However, the Heritage Conservation Committee may if required fix additional date for hearing.

E) Objections/suggestions received by the Authority along with the records of BoEH and other records would be sent to the Heritage Conservation Committee. These objections etc. would also be taken into consideration while deciding the question of approval/permission.

F) Heritage Conservation Committee would decide all contentions in accordance with the Unified Building Bye Laws and the Master Plan of Delhi.

G) Heritage Conservation Committee would be at

liberty to also undertaken the public participation exercise if it feels appropriate and necessary in terms of paragraph 1.3 or other paragraphs of the Unified Building Bye Laws for consultation, hearing etc. It would also examine the dispute regarding the boundaries of the Central Vista Precincts at Rajpath.

H) The report of the Heritage Conservation Committee would be then along with the records sent to the Central Government, which would then pass an order in accordance with law and in terms of Section 11A of the Development Act and applicable Development Rules, read with the Unified Building Bye-laws.

I) Heritage Conservation Committee would also simultaneously examine the issue of grant of prior permission/approval in respect of building/permit of new parliament on Plot No. 118. However, its final decision or outcome will be communicated to the local body viz., NDMC, after and only if, the modifications in the master plan were notified.

J) Heritage Conservation Committee would pass a speaking order setting out reasons for the conclusions.

98. We set aside the order of the EAC dated 22nd April, 2020 and the environment clearance by the Ministry of Environment and Forest dated 17th June, 2020, and would pass an order of remit to the EAC with a request that they may decide the question on environment clearance within a period of 30 days from the date copy of this order received, without awaiting the decision on the question of change/modification of land use. Speaking and reasoned order would be passed.

99. Parties, if aggrieved by any order/approval/non-approval would be entitled to challenge the same in accordance with law."

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed reportable judgments are placed on the file]

