

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

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

INTERLOCUTORY APPLICATION NO. 133603/2018

[CEC REPORT NO. 37 OF 2018 - REPORT OF CEC IN APPLN. NO. 1426/2018 FILED BEFORE IT BY CENTRAL PUBLIC WORKS DEPARTMENT (CPWD)]

IN RE : CENTRAL PUBLIC WORKS DEPARTMENT (CPWD)

Date : 26-09-2018 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv. (A.C.)[NP]

Mr. A.D.N. Rao, Advocate (A.C.)
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Ms. Aparajita Singh, Advocate (A.C.)

For Respondent(s) Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Devasis Bharuka, Adv.

Ms. Suhasini Sen, Adv.

Mr. G.S. Makker, Adv.

Ms. Rachna Gupta, Adv.

Mr. Vikas Chaudhary, Adv.

Ms. Saudamini Sharma, Adv.

Ms. Kirti Dua, Adv.

Mr. B.V. Balaram Das, Adv.

UPON hearing the counsel the Court made the following

O R D E R

This is an application filed by Central Public Works Department (CPWD) seeking permission for construction of Flyover and Underpass between Mahipalpur Bypass Road and Airport Road near Hanuman Mandir adjoining NH-8, New Delhi falling in Southern Ridge and Morphological Ridge area.

We had required the CEC to submit a report in this regard. The CEC has submitted its Report No.37 of 2018 on 14.09.2018.

The CEC does not have any objection to the proposal but recommends certain conditions to be imposed. These conditions are as follows:

- i) the User Agency CPWD shall deposit 5% of the project cost proportionate to the area falling within the Southern Ridge and Morphological Ridge to Ridge Management Board Fund and which under the close supervision of the Ridge Management Board will be used by the Forest Department of Delhi Government for conservation and protection of the Delhi Ridge;
- ii) the User Agency CPWD shall obtain statutory forest clearance under Section 2 of Forest (Conservation) Act, 1980 for the diversion of area falling under Southern Ridge and shall comply with all conditions that are laid down in the order to be passed for forest diversion;
- iii) the User Agency CPWD shall pay Net Present Value (NPV) as assessed by the Forest Department of Delhi Government; and
- iv) compensatory afforestation of 1000 trees shall be undertaken by

the Forest Department on the land identified for the purpose.

Learned counsel appearing on behalf of the CPWD assisted by Mr. Rajeev Sharma, Executive Engineer, CPWD says that there is no objection to the conditions and they accept the aforesaid conditions.

Under the circumstances, the application is allowed.

It is stated by Mr. Sharma that the DDA also has no objection to the conditions since both the DDA and the CPWD are working together on the same project.

The land in question will be handed over by the DDA to the Forest Department of the Government of Delhi for a period of five years and thereafter the land will revert back to the DDA. It is further made clear that even after a period of five years, the DDA will not make allotment to any other body and this land will continue to remain forest land.

The application (Report No.37 of CEC) stands disposed of on the above terms.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR

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

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

INTERLOCUTORY APPLICATION NOS. 127530/2018 AND 127531/2018
[APPLICATIONS FOR IMPLEADMENT AND CLARIFICATION OF COURT'S ORDER
DATED 16.07.2018 PASSED IN I.A.NO. 138805/2017]

IN RE : DR. KAUSHAL KANT MISHRA

Date : 26-09-2018 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv. (A.C.)[NP]

Mr. A.D.N. Rao, Advocate (A.C.)
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Ms. Aparajita Singh, Advocate (A.C.)

For Respondent(s) Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Devasis Bharuka, Adv.

Ms. Suhasini Sen, Adv.

Mr. G.S. Makker, Adv.

Ms. Rachna Gupta, Adv.

Mr. Vikas Chaudhary, Adv..

Mr. Gopal Sankaranarayan, Adv.

Ms. Pooja Dhar, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. Zaid Ali, Adv.

Mr. Praveen Swarup, Adv.

UPON hearing the counsel the Court made the following

O R D E R

I.A. No. 127530 (Application for impleadment) is allowed for the purposes of I.A. No. 127531/2018 (Application for clarification).

This application has been filed by the applicant - Dr. Kaushal Kant Mishra for clarification of order dated 16.07.2018 to the effect that there shall be no cutting of trees in order to create the Waste to Energy plant at Tehkhand, Okhla.

The SDMC has filed a counter affidavit in which it has annexed the correspondence with the Tehkhand Waste to Electricity Project Limited. It has been stated that for felling of 203 trees, the Project Proponent will plant 2030 trees. In any event, out of 203 trees which are to be felled, as many trees shall be transplanted as can be in consultation with the Tree Officer.

In a communication dated 20.09.2018, it is stated that the Project Proponent will plant / transplant the trees at the proposed site before felling of any tree. In fact, we have been told that the plantation has already begun.

The plantation / transplantation of trees will be maintained by the Project Proponent during the tenure of the Project with assurance of adequate water supply in consultation with the SDMC.

The SDMC has approached the Delhi Jal Board (DJB) to get permission for requisite quantity of water.

The Project Proponent and the Tree Officer will discuss the modalities and arrive at an agreed solution so that the

transplantation / plantation of trees is done in accordance with the assurance given by the Project Proponent.

The application stands disposed of.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR

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

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

INTERLOCUTORY APPLICATION NO. 41532/2018

[APPLICATION FOR DIRECTIONS]

IN RE :DELHI DEVELOPMENT AUTHORITY, SIRI FORT SPORTS COMPLEX

Date : 26-09-2018 This application was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. Harish N. Salve, Sr. Adv. (A.C.)[NP]

Mr. A.D.N. Rao, Advocate (A.C.)
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Ms. Aparajita Singh, Advocate (A.C.)

For Respondent(s)

Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Devasis Bharuka, Adv.

Ms. Suhasini Sen, Adv.

Mr. G.S. Makker, Adv.

Ms. Rachna Gupta, Adv.

Mr. Vikas Chaudhary, Adv.

Mr. Vishnu B. Saharya, Adv.

Mr. Viresh B. Saharya, Adv.

For M/S Saharya And Co.

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

List the application on 01.10.2018.

(MEENAKSHI KOHLI)
COURT MASTER(KAILASH CHANDER)
ASSISTANT REGISTRAR

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

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[i] INTERLOCUTORY APPLICATION NO. 129587/2018
[APPLICATION FOR RESTORATION OF I.A.NO. 3804]WITH [ii] INTERLOCUTORY APPLICATION NO. 129590/2018
[APPLICATION FOR CONDONATION OF DELAY IN FILING APPLICATION FOR
RESTORATION OF I.A.NO. 3804]

IN RE : STATE OF WEST BENGAL

Date : 26-09-2018 These applications were called on for hearing
today.CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv. (A.C.) [NP]

Mr. A.D.N. Rao, Advocate (A.C.)
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Ms. Aparajita Singh, Advocate (A.C.)

For Respondent(s) Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Devasis Bharuka, Adv.
Ms. Suhasini Sen, Adv.
Mr. G.S. Makker, Adv.
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.Mr. Suhaan Mukerji, Adv.
Ms. Astha Sharma, Adv.
Mr. Abhishek Manchanda, Adv.
Ms. Kajal Dalal, Adv.
Ms. Dimple Nagpal, Adv.
Mr. Amit Verma, Adv.

M/S PLR Chambers And Co.

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Application for restoration is allowed.

**(MEENAKSHI KOHLI)
COURT MASTER**

**(KAILASH CHANDER)
ASSISTANT REGISTRAR**

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

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

INTERLOCUTORY APPLICATION NO. 139423/2018

[CEC REPORT NO. 38 OF 2018 - REPORT OF CEC IN APPLN. NO. 1428/2018
FILED BEFORE IT BY WEAPONS AND ELECTRONIC SYSTEMS ENGINEERING
ESTABLISHMENT (WESEE), MINISTRY OF DEFENCE, GOVT. OF INDIA]IN RE : WEAPONS AND ELECTRONIC SYSTEMS ENGINEERING ESTABLISHMENT
(WESEE), MINISTRY OF DEFENCE, GOVT. OF INDIADate : 26-09-2018 This application was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. Harish N. Salve, Sr. Adv. (A.C.)[NP]

Mr. A.D.N. Rao, Advocate (A.C.)
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Ms. Aparajita Singh, Advocate (A.C.)

For Respondent(s)

Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Devasis Bharuka, Adv.
Ms. Suhasini Sen, Adv.
Mr. G.S. Makker, Adv.
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.Mr. R. Bala, Adv.
Mr. Sachin Sharma, Adv.
Mr. Arvind Kumar Sharma, Adv.
Ms. Aarti Sharma, Adv.
Mr. M.K. Maroria, Adv.

UPON hearing the counsel the Court made the following

O R D E R

This application has been filed by the Weapons and Electronic Systems Engineering Establishment (WESEE), Ministry of Defence, Government of India seeking permission for construction of the Office Building at Survey No. 183, Brar Square, New Delhi falling in Morphological Ridge Area.

The CEC was required to file a report and the CEC has submitted the report (being CEC Report No. 38/2018) on 20.09.2018.

The CEC does not have any objection to the proposal put forward since it is a matter of strategic defence establishment of national importance. However, the CEC has made recommendation subject to following conditions:

- i) the user agency WESEE shall deposit 5% of the project cost to Ridge Management Board Fund which under the close supervision of the Ridge Management Board will be used by the Forest Department of Delhi Government for conservation and protection of the Delhi Ridge;
- ii) no trees standing on 50% of the green cover area of the allotted plot will be felled;
- iii) compensatory plantation of 2100 trees will be undertaken at the location to be identified jointly by the Forest Department of Delhi Government and the funds for which will be provided by the Applicant WESEE; and
- iv) the cost of raising 2100 plants shall be deposited in advance by the Applicant, WESEE with the Forest Department of Delhi Government.

Learned counsel appearing on behalf of the Ministry of Defence says that the conditions are acceptable and will be adhered to. It is submitted by learned counsel for the Ministry of Defence that the land will be identified in consultation with the DDA and the Forest Department, Delhi Government for the purpose of compensatory plantation of 2100 trees.

The land in question will be handed over by the DDA to the Forest Department of the Government of Delhi for a period of five years and thereafter the land will revert back to the DDA. It is further made clear that even after a period of five years, the DDA will not make allotment to any other body and this land will continue to remain forest land.

The application and the CEC Report stand disposed of. Liberty is granted to the Ministry of Defence to seek modification.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR