

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

RECORD OF PROCEEDINGS

REPORT NO.11 IN I.A. NOS.182-183 IN WRIT PETITION (C) NO.13029 OF 1985

M.C.MEHTA

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

With I.A. No.53/1999 in W.P. (C) No.13029 of 1985

(For impleadment and directions on behalf of M/s. Indian Travel (P) Ltd.)

I.A. No.244 in W.P. (C) No.13029 of 1985

(For Intervention/directions on behalf of the Centre for PIL)

Writ Petition (C) No.939 of 1996

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

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

(S.L.P. (C) Nos...../2000 (CC 6990-6991/2000)

(with appln.(s) for c/delay in filing SLPs)

Writ Petition (C) No.543 of 2003

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

Writ Petition (C) No.108 of 2005

Date: 29/04/2005 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)/

Petitioner(s)

Mr. M.C. Mehta, Adv.

In I.A. No.53:

Mr. Rajiv K. Garg, Adv.

Mr. K.K. Gupta, Adv.

In I.A. No.244:

Mr. Anil B. Divan, Sr. Adv.

Mr. Prashant Bhushan, Adv.

Mr. Vishal Gupta, Adv.

Mr. Narinder Verma, Adv.

Mr. Rohit K. Singh, Adv.

Mr. Sumeet Sharma, Adv.

Ms. Parul Kaur, Adv.

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In W.P.939/1996: Mr. Anis Ahmed Khan, Adv.

In SLP 13208/1998: Mr. Arvind Kumar Sharma, Adv.

In SLP...CC 6990-
6991/2000: Ms. Anil Katiyar, Adv.

In W.P. 543/2003: Mr. Sibor Sankar Mishra, Adv.

In W.P. 108/2005: Mr. P.S. Narasimha, Adv.

Mr. Ananga Bhattacharya, Adv.

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

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

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Mr. Rajan Narain, Adv.

Ms. Indra Sawhney, Adv.

Mr. Percy Ghandy,Adv.

Ms. Nandini Gore,Adv.

Ms. Manik Karanjawala,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. Altaf Ahmad,Sr.Adv.

Mr. S.K. Kulkarni,Adv.

Mr. M. Gireesh Kumar,Adv.

Mr. Kh. Nobin Singh,Adv.

Mr. B.V. Balram Das,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. Aruneshwar Gupta,AAG.,Rajasthan.

Mr. Naveen Kumar Singh,Adv.

Ms. Shivangi,Adv.

Mr. V.G. Pragasam,Adv.

Mr. K.K. Rai,Adv.

Mr. B.B. Singh,Adv.

..3/-

Ms. A. Subhashini,Adv.

Mr. Tara Chandra Sharma,Adv.

Ms. Neelam Sharma,Adv.

Mr. Tarun Sharma,Adv.

Mr. G. Prakash,Adv.

Mr. D.M. Nargolkar,Adv.

Mr. Sanjay R. Hegde,Adv.

Mr. Sakesh Kumar,Adv.

Mr. Rohit K. Singh,Adv.

Mr. Amit Mishra,Adv.

Mr. S.K. Agnihotri,Adv.

Mr. Parijat Sinha,Adv.

Mr. S.C. Ghosh,Adv.

Mr. S. Mukherjee,Adv.

Mr. M.K. Mandal,Adv.

Mr. Vijay Panjwani,Adv.

Ms. Sheil Sethi,Adv.

For MoE&F:

Mr. Rajeev Dutta,Sr.Adv.

Mr. Amitava Poddar,Adv.

Mr. Wasim A. Qadri,Adv.

Mr. Vikas Sharma,Adv.

Ms. Anil Katiyar,Adv.

For M/o Surface

Mr. P.P. Malhotra,ASG.

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. Ajay Siwach,Adv.

Mr. T.V. George,Adv.

for Ms. Kavita Wadia,Adv.

Mr. Shri Narain,Adv.

Mr. Sandeep Narain,Adv.

Ms. Anjali Jha,Adv.

Mr. Mukesh K. Giri,Adv.

Ms. Hemantika Wahi,Adv.

Ms. Sadhna Sandhu,Adv.

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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. Amitava Poddar,Adv.

Mr. Sidharth Yadav,Adv.

Mr. Vikrant Yadav,Adv.

Mr. Praveen Swarup,Adv.

Mr. Manoj Saxena,Adv.

Mr. Amit Meharia,Adv.

Mr. S.K. Mitra,Adv.

Mr. Debojit Borkakati,Adv.

Mr. M.P. Meharia,Adv.

Mr. Parag P. Tripathi,Sr.Adv.

UPON hearing counsel, the court made the following

O R D E R

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

Pursuant to the order dated 11th March, 2005, Indraprastha Gas Limited has filed the status report. The States of Haryana and Uttar Pradesh, including the authorities operating in those States, whether it be NOIDA, Greater NOIDA or H.U.D.A, in implementation of the said order in letter and spirit, shall grant requisite permission and spaces for commencing the process for setting up of outlets in Faridabad and Gurgaon in the State of Haryana and NOIDA and Greater NOIDA in the State of Uttar Pradesh within six weeks. Our order shall not be understood to mean that there is any restraint in grant of permission to others for setting up such outlets, if they satisfy the conditions of eligibility and other requirements.

Regarding the aspect of loss of revenue on account of waiver of sales tax, as noticed in the order dated 11th March, 2005, the learned Solicitor General points out that he has already discussed the matter with the Revenue Secretary and prays for little more time to sort out the issue. Further time, as prayed, is allowed.

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E.P.C.A. has not submitted the report and it has been pointed out that certain information is being awaited by E.P.C.A. from Delhi Transport Corporation. Let the report be now submitted within six weeks.

List these matters after the ensuing summer vacation.

I.A. No.53:

Issue notice to the States of Haryana and Delhi.

Mr. Ajay Siwach and Mr. S.W.A. Qadri, learned counsel, accept notice on behalf of the States of Haryana and Delhi respectively.

Response may be filed within four weeks.

In the meanwhile, the learned Amicus Curaie shall also look into the matter for the purpose of assisting the Court.

I.A. No.244:

Issue notice.

Mr. S.W.A. Qadri and Mr. A.D.N. Rao, learned counsel, accept notice on behalf of the State of Delhi and the Union of India.

Copy of the application shall be given to the learned counsel for the State of Delhi and the Union of India.

Response to the application shall be filed within six weeks.

Prayer for referring the matter to E.P.C.A. would be considered after examining the replies filed by the Government.

[T.I. Rajput]

Court Master

[V.P. Tyagi]

Court Master