

REVISED

ITEM NO.15

COURT NO.6

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) REPORT NO. 17/2024 SUBMITTED BY CENTRAL EMPOWERED COMMITTEE (2) IA NOS. 20616, 20617/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF ARUN KR. GUPTA) (3) IA NOS. 130769 AND 130771/2024 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O GOVT. OF U.P) "ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED. "ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST. PETITIONER-IN-PERSON MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. ANKIT GOEL, MS. RAJKUMARI BANJU, MR. KAMLENDRA MISHRA, MR. ANSHUL GUPTA, MR. AMRISH KUMAR, ADVOCATES)

Date : 14-10-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Mr. A.D.N.Rao,Sr.Adv. (Amicus Curiae)

For the parties:

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Mr. Amit Kumar, Adv.
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Mr. Shashi Bhushan Nagar, Adv.
Mr. Manish Dhingra, Adv.
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Mr. Seshatalpa Sai Bandaru, AOR

Mr. Gaurav Dhingra, AOR

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

REPORT NO.17 OF 2024

IN RE: J.P.INFRATECH LIMITED

1. The learned senior counsel appearing for the applicant seeks time of four weeks to report compliance with the order dated 14th March, 2011 (in IA Nos.490-492 of 2011).

2. Accordingly, we grant time of one month to the applicant to file an affidavit reporting compliance, if any, along with the necessary documents. The compliance will be considered on 18th November, 2024 when the petition will be listed at the end of the Cause List.

IN RE: UTTAR PRADESH EXPRESSWAY INDUSTRIAL DEVELOPMENT AUTHORITY

3. The learned Additional Solicitor General appearing for the applicant states that an affidavit of compliance has been filed on 8th October, 2024 showing compliance with the order dated 14th December, 2015.

4. The applicant to provide a copy of the compliance affidavit to the Central Empowered Committee (CEC). After examining the compliance affidavit, the CEC will submit a report to this Court on or before 18th November, 2024. We will consider the report on 18th November, 2024.

IN RE: COD, AGRA

5. The learned Additional Solicitor General, on instructions, stated that the benefit of the orders dated 8th May, 2015 and 14th September, 2015 was not taken and the trees have not been felled.

6. We grant time of three weeks to file an affidavit to that effect which will be considered on 18th November, 2024.

IN RE: NATIONAL HIGHWAYS AUTHORITY OF INDIA (NHAI),
RAJASTHAN

7. The learned counsel appearing for the applicant-NHAI seeks time to file an affidavit reporting compliance with the order dated 14th December, 2015 in IA Nos.553-554 of 2015.

8. Compliance affidavit to be filed before 14th November, 2024 which will be considered on 18th November, 2024.

IN RE: NHAI, UTTAR PRADESH

9. We grant time of three weeks to report compliance with order dated 23rd September, 2022 passed in IA No.44266 of 2022.

IN RE: NORTH CENTRAL RAILWAYS

10. We grant time of three weeks to the applicant to report compliance with the orders of 11th December, 2019 (IA No.576 of 2017 and 184391 of 2018) and 23rd September, 2022 (IA No.132820 of 2022).

11. List on 18th November, 2024.

IN RE: UTTAR PRADESH JAL NIGAM

12. We grant time till 14th November, 2024 to the applicant-Uttar Pradesh Jal Nigam to report compliance with the order dated 13th May, 2022 (IA No.578/2017 and 11157 of 2019).

13. To be considered on 18th November, 2024.

IN RE: RAIL VIKAS NIGAM LIMITED

14. The applicant-Rail Vikas Nigam Limited was granted permission on 13th May, 2022 in IA No.91486 of 2021 for felling of trees subject to condition of planting 50,940 saplings. The learned counsel appearing for the applicant states that the Forest Department has not carried out the work of planting 50,940 trees/saplings.

15. We, therefore, stay the order dated 13th May, 2022. We direct that no other work of third rail line shall be carried out on the basis of this order. An affidavit to be filed by the applicant on or before 14th November, 2024.

16. To be listed on 18th November, 2024.

IN RE: PWD, MATHURA

17. The applicant-PWD, Mathura was granted permission for felling of trees by the order dated 8th December, 2021 (IA Nos.577 of 2017 and 8180 of 2022). The learned senior counsel appearing for the applicant states that out of 30,000 trees which were required to be planted, about 18,500 trees have been planted. Thus, 11,500 trees have not yet been planted.

18. Hence, we stay the permission granted under the order dated 8th December, 2021.

19. An affidavit to be filed before 14th November, 2024 regarding whatever is the compliance made which will be considered on 18th November, 2024.

IN RE: PWD, MATHURA

20. As regards the compliance with the orders dated 13th May, 2022 (IA No.70309 of 2021), dated 23rd September, 2022 (IA No.51269 of 2017 and dated 13th May, 2022 (IA No.1441 of 2020), we grant time to the applicant till 13th November, 2024 to report compliance which will be considered on 18th November, 2024.

IN RE: NHAI, AGRA

21. As regards the compliance by the applicant-NHAI, Agra with the order dated 9th February, 2023 (IA No.87395 of 2022) and the order dated 21st February, 2012 (IA Nos.3290-3291 of 2012), the learned Additional Solicitor General states that the compliance affidavit has been filed.

22. We direct the applicant to forward a copy of the compliance affidavit to the CEC which will report compliance to this Court by 18th November, 2024.

IN RE: UTTAR PRADESH METRO RAIL CORPORATION

23. The learned Additional Solicitor General appearing for the applicant stated that a substantial compliance has been made with the order dated 14th July, 2020 (IA Nos.163898 and 163904 of 2019) and an affidavit to that effect has been filed.

24. We direct the applicant to forward a copy of the affidavit to the CEC which will report to this Court on 18th November, 2024.

IA Nos.20616 and 20617 of 2020

25. List the applications for hearing on 9th December, 2024 at the end of the Cause List.

26. In the meanwhile, we direct the State Government to issue notices to all the industries mentioned in Annexure A-4 to the counter affidavit to remain represented before the Court on the next date. The State Government will forward copies of the Interlocutory Applications, counter affidavit(s) and rejoinder affidavit(s) to these entities.

27. We also make it clear that till further orders are passed by this Court, TTZ Authority shall not permit setting up of new industries or expansion of existing industries without leave of this Court.

IA No.130769 and 130771 of 2024

28. Now, the CEC has submitted Report No.23 of 2024 recommending grant of permission to the applicant for felling of 286 trees and translocation of 121 trees.

29. The learned Additional Solicitor General appearing for the applicant-State of Uttar Pradesh through Department of Civil Aviation, on instructions, states that the conditions in paragraph 17 of Report No.23 of 2024 are acceptable to the applicant.

30. Accordingly, we allow the applications in terms of the conditions incorporated in paragraph 17 of Report No.23 of 2024 subject to condition that actual felling of 286 trees shall be done only after the applicant files an affidavit before this Court reporting compliance with the requirement of planting 4130 plants and successful

completion of translocation of 121 trees. After the compliance is made, the applicant shall file an affidavit to that effect along with the necessary documents.

31. After such an affidavit is filed, we permit the applicant to move this Court for seeking permission to start the work of felling of 286 trees.

32. We make it clear that unless such express permission is granted, the work of felling of 286 trees shall not be commenced.

33. The applications are accordingly disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

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

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28. Now, the CEC has submitted Report No.23 of 2024 recommending grant of permission to the applicant for felling of 286 trees and translocation of 121 trees.

29. The learned Additional Solicitor General appearing for the applicant-State of Uttar Pradesh through Department of Civil Aviation, on instructions, states that the conditions in paragraph 17 of Report No.23 of 2024 are acceptable to the applicant.

30. Accordingly, we allow the applications in terms of the conditions incorporated in paragraph 17 of Report No.23 of 2024 subject to condition that actual felling of 286 trees shall be done only after the applicant files an affidavit before this Court reporting compliance with the requirement of planting 4130 plants and successful completion of translocation of 121 trees. After the compliance is made, the applicant shall file an affidavit to that effect along with the necessary documents.

31. After such an affidavit is filed, we permit the applicant to move this Court for seeking permission to start the work of felling of 286 trees.

32. We make it clear that unless such express permission is granted, the work of felling of 286 trees shall not be commenced.

33. The applications are accordingly disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER