

ITEM NO.3

COURT NO.2

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).4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) IN RE: KANT ENCLAVE MATTERS (DISPOSED OF)

i) I.A. NOS. 2310/2008 (FOR INTERVENTION AND DIRECTIONS/ CLARIFICATION OF CT'S ORDER DT. 14.5.2008)ii) IA NOS. 2378-2379/2009 (FOR STAY AND PERMISSION TO FILE OBJECTIONS TO THE CEC REPORT)iii) IA NO. 2269 (FOR DIRECTIONS)iv) IA NO. 2270 (FOR CLARIFICATION OF CT'S ORDER)v) IA NO. 2393 (FOR DIRECTIONS) vi) IA NOS. 2381-2384 (APPLNS FOR IMPLEADMENT, DIRECTION, PERMISSION TO FILE OBJECTIONS AND EXEMPTION FROM FILING C/C OF CEC REPORT DT. 15.1.2009 ON B/O ASHA UPADHYAY AND ORS.)(vii) IA NOS. 2310-2311 IN W.P.(C) NO. 202/1995(ALL THE ABOVE DISPOSED OF IAS ARE LISTED ONLY FOR COMPLIANCE OF THE DIRECTIONS PASSED BY THIS HON'BLE COURT VIDE JUDGMENT DATED 11.9.2018)

(2) IN RE: KANT ENCLAVE

(i) IA NO. 139059/2018 (APPLN. FOR DIRECTIONS ON B/O BRIG. M.B. ANAND AND ORS.)

(ii) IA NO. 158293/2018 (APPLN. FOR DIRECTIONS ON B/O SWARN SINGH AND ORS.)

(iii) IA NOS. 162460 AND 162462/2018 (APPLNS. FOR CLARIFICATION/DIRECTIONS, EXTENSION OF TIME AND STAY ON B/O KANT ENCLAVE RESIDENTS WELFARE SOCIETY)

(iv) IA NO. 169374/2018(APPLN. FOR DIRECTIONS/APPROPRIATE ORDERS ON B/O SH. VISHWA NATH AGRAWAL AND ANR.)

(v) IA NO. 177620/2018(APPLN. FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 11-12-2018 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE HEMANT GUPTA

Mr. Ranjit Kumar, Sr. Adv. (A.C.)
Mr. A.D.N. Rao, Advocate (A.C.)
Ms. Anitha Shenoy, Advocate (A.C.)
Mr. Rishi Raj Sharma, Adv.
Mr. Sudipto Sircar, Adv.

For Petitioner(s) Petitioner-In-Person

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. R. Bala, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Sachin Sharma, Adv.
Mr. Pranay Ranjan, Adv.
Mr. A.K. Kaul, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. D.L. Chidananda, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasini Sen, Adv.
Mr. G.S. Makker, AOR
Mr. B.V. Balram Das, Adv.
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.

Mr. Kapil Sibal, Sr. Adv.
Mr. D.C. Pandey, Advocate
Mr. Rajeev Gurung, Adv.

Mr. Anil Grover, AAG
Mr. Depinder Singh Dhesi, Chief Secretary
Ms. Noopur Singhal, Adv.
Mr. Sanjay Kumar Visen, Advocate
Mr. Satish Kumar, Adv.

Mr. Dushyant Dave, Sr. Adv.
Mr. Jayant Bhushan, Sr. Adv.
Mr. Sachin Midha, Adv.
Mr. Anand Mishra, Advocate
Mr. Amrendra Kumar Singh, Adv.

Mr. Shivaji M. Jadhav, Advocate

Mr. T.V. George, Advocate
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.

Mr. Raju Ramachandran, Sr. Adv.
Mr. Pawan Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Ms. Sharmila Upadhyay, Advocate

Mr. S.B. Upadhyay, Sr. Adv.
Ms. Anisha Upadhyay, Adv.
Mr. Nishant Kr., Adv.

Mr. Binod Kr. Behera, Adv.
Ms. Swati Smita Pati, Adv.

Mr. Paras Nath Singh, Adv.
Mr. Tejaswi Kumar Pradhan, Advocate

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

We have heard learned counsel for the State of Haryana as well as learned counsel for the appearing parties.

We are of opinion that to safeguard the interests of the house owners, who are said to be 33 in number, it would be appropriate if a Committee is formed of the Chief Secretary and the Principal Secretary, Town and Country Planning Department of the State of Haryana to look into the papers and other documents regarding ownership, valuation, etc. of the construction on the plots in Kant Enclave. On the basis of the materials on record and after hearing each of these 33 persons, the Report should be completed on or before 10th January, 2019 and immediately thereafter placed on record giving the correct factual situation.

We may note that it is stated by learned counsel for the State of Haryana that there are 19 plots where the construction is ground floor + two storeys; there are 8 plots where the construction is ground floor + one storey and there are 15 plots where there is either only a boundary wall with perhaps one or two rooms and some of them belong to the brokers.

The question of disbursement of the amount that is deposited in the Registry of this Court will be taken up soon after the Report is submitted, as above.

With regard to the vacation of the plots, we grant time to the house owners to vacate the premises by 31st March, 2019 positively. This extension of time is being granted subject to filing usual undertaking in the Registry of this Court.

50% of the amount deposited in the Registry of this Court may be recovered by the State of Haryana from the petitioners.

List the matters on 14th January, 2019.

Mr. Dinesh Kumar Aggarwal, Mr. Vishwanath Aggarwal, Captain Gobind Kant Sharma and Mr. Arun Gupta should remain present on the next date of hearing.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

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Writ Petition(s)(Civil) No(s).4677/1985

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Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

In RE.: SEALING ISSUE

(1) IA NO. 145264/2018 (APPLNS. FOR DIRECTIONS ON B/O AMIT JIDANI AND ANR.)

(2) IA NOS 169756/2018 (APPLN. FOR DIRECTIONS B/O BALAJI MOTELS PVT. LTD.)

(3) IA NOS 169784/2018 (APPLN. FOR DIRECTIONS ON B/O AAA HOSPITALITY)

(4) IA NOS 169804/2018 (APPLN. FOR DIRECTIONS ON B/O S.R. MOTEL AND RESORT)

(5) IA NOS 169794/2018 (APPLN. FOR DIRECTIONS ON B/O LAVANYA CEREMONIAL PVT. LTD. AND ORS.)

(6) IA NOS 169815/2018 (APPLN. FOR DIRECTIONS ON B/O FIVE SPICE MERRIMENT PVT. LTD. AND ANR.)

Date : 11-12-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE HEMANT GUPTA

Mr. Ranjit Kumar, Sr. Adv. (A.C.)
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Mr. Rishi Raj Sharma, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Srishti Agnihotri, Adv.
Ms. Soumya Singh, Adv.

For Petitioner(s) Petitioner-In-Person

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. R. Bala, Adv.
Mr. S. Wasim A. Qadri, Adv.

	Mr. Sachin Sharma, Adv. Mr. Pranay Ranjan, Adv. Mr. A.K. Kaul, Adv. Mr. Raj Bahadur Yadav, Adv. Mr. D.L. Chidananda, Adv. Mr. Ritesh Kumar, Adv. Ms. Suhasini Sen, Adv. Mr. G.S. Makker, AOR Mr. B.V. Balram Das, Adv. Ms. Rachna Gupta, Adv. Mr. Vikas Chaudhary, Adv.
DDA	Ms. Garima Prasad, Adv. Mr. G.S. Oberoi, Adv. Mr. Mohit Kumar Bansal, Adv.
NCT of Delhi	Mr. D.N. Goburdhun, Advocate Mr. C.M. Krishna, Adv. Ms. Gauri Goburdhun, Adv. Ms. Pallavi Chopra, Adv.
MCD	Mr. Sanjiv Sen, Sr. Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Praveen Swarup, Advocate Mr. Ajay Bansal, Adv. Mr. Gaurav Yadsva, Adv. Mr. Sayan Ray, Adv. Mr. Soumo Palit, Adv. Mr. Syed Zafar Husain, Adv. Mr. B.C. Santosh Kumar, Adv. Mr. Zaid Ali Subzposh, Adv.
NDMC	Mr. Yoginder Handoo, Adv. Mr. Prashant Bhatnagar, Adv.
CPCB	Mr. Vijay Panjwani, Adv. Mr. Alok Gupta, Adv.
145264	Mr. Mukul Rohatgi, Sr. Adv. Mr. Dhruv Mehta, Sr. Adv. Ms. Misha Rohatgi Mohta, Advocate Mr. Gaurav Jain, Adv. Mr. Johnson Subba, Adv. Mr. Nikhil Rohatgi, Adv.
169804&169815	Ms. Misha Rohatgi Mohta, Adv. Mr. Johnson Subba, Adv.
169756, 169784 169794	Mr. Abhinav Agrawal, Advocate

Ms. Rakhi Ray, Advocate.

Ms. Meera Mathur, Advocate

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

In RE.: SEALING ISSUE

Mr. Vijay Dev, Chief Secretary of Delhi is present in Court today pursuant to our order dated 6th December, 2018.

He has informed us that the views expressed in our order dated 6th December, 2018 have been discussed with the Lt. Governor of Delhi and there seems to be a consensus between the view of the Govt. of NCT of Delhi and the Lt. Governor of Delhi in this regard.

It is stated that some alternatives are being discussed and there appears to be at least two options that are available and two-pronged strategy is also being actively considered so that availability of food in functions and the number of guests is limited and the quality of food is also maintained.

It is stated that there have been some reports that sometimes stale food is being served which can obviously cause health issues to those who consume the food.

It is also stated that the wastage of food and utilization/mis-utilization of scarce water resources is also an area that is being considered by the Lt. Governor of Delhi as well as by the Govt. of NCT of Delhi.

The Chief Secretary says that a policy can be formulated within about six weeks from today.

It is stated that the Policy shall take into consideration the management of Motels and Farm Houses in and around Delhi. The earlier Policy was framed in terms of the notification dated 30th October, 2007 has been working well. It has been modified to some extent from time to time. Whether those modifications are at all necessary will also be taken into consideration. The Policy shall also explore the possibility of issuing a guest control order.

In other words, a complete and comprehensive policy will be prepared by the Govt. of NCT of Delhi and the Lt. Governor so that there is no mis-use of properties, food and water, etc. and shall also be formulated in a manner to avoid congestion including traffic problems caused due to these functions being held at these Motels/Farm Houses.

In the event, the Lt. Governor feels that it is necessary to consult the Monitoring Committee appointed by this Court and the Special Task Force appointed at the instance of learned Attorney General. He is, of course, at liberty to do so.

We grant time till 31st January, 2019 to enable the Lt. Governor of Delhi and the Chief Secretary to formulate a policy and to ensure its strict implementation in the larger public interest including

the interest of the people of Delhi.

List the matter on 5th February, 2019.

Presence of the Chief Secretary is dispensed with.

IA NO. 145264/2018 (APPLNS. FOR DIRECTIONS ON B/O AMIT JIDANI AND ANR.)

We have heard learned counsel for Govt. of NCT of Delhi as well as learned counsel for M/s. Blue Sapphire Motel under the tenancy of Mr. Amit Jidani.

We have been informed by learned counsel for Govt. of NCT of Delhi that pursuant to the order passed on 6th December, 2018, an inspection was carried out on the premises of M/s. Blue Sapphire Motel by the Delhi Fire Service on 8th and 10th December, 2018.

Out of the various objections that have been raised by the Delhi Fire Service as well as by the Deputy Commissioner, Narela, it is stated that all the objections have not yet been removed.

It is submitted by learned counsel appearing on behalf of M/s. Blue Sapphire Motel that efforts have been made and most of the objections have been removed except two of them.

At this stage, we may note that according learned counsel for Govt. of NCT of Delhi, there are three objections that have not yet been removed.

Be that as it may, in spite of the objections having been raised on 29th November, 2018 and about ten days'

having gone by, the objections have not yet been removed.

Under the circumstances, we vacate the interim order and direct the re-sealing of the premises in terms of the order passed by the Deputy Commissioner, Narela issued on 8th November, 2018. The seal be put on the premises in the morning of 15th December, 2018. The seal will be lifted only after all the objections are dealt with to the satisfaction of the Delhi Fire Service.

Since the Fire Service is an essential service, the inspection of the premises will be carried out as per the convenience of the Chief Fire Officer.

Application stands disposed of.

IA NOS 169756/2018, 169784/2018, 169804/2018, 169794/2018 and 169815/2018

Applications are adjourned.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR