2025 INSC 1306

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

IN RE : DELHI RIDGE

I.A. NO. 117204 OF 2024
(CEC REPORT No. 5 of 2024)
in
WRIT PETITION (C) NO. 202 OF 1995

and

Issue regarding order dated 16th April 2025
passed in Writ Petition (c) No. 4677 of 1985

T. N. Godavarman Thirumulpad ... Petitioner

versus

Union of India & Others ... Respondents

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J U D G M E N T

B.R. GAVAI, CJI

INTRODUCTION

1. In the present matter, we are called upon to adjudicate on the issue concerning the various bodies/authorities monitoring, regulating and permitting construction activities in the Delhi Ridge which is an area of vital ecological and geographical significance in the National Capital Territory[1]. The Delhi Ridge which is at the tail end of the Aravali Ranges, contains a variety of flora and fauna and is widely known as the "Green Lungs" of the city.

[1] For short, "the NCT".

History of the Delhi Ridge

2. The Aravali Range in the NCT of Delhi comprises of the rocky outcrop stretching from the Delhi University in the North to the NCT Border in the South and beyond, with sizable areas of the same having been designated as the Ridge. However, the Ridge, as it stands today, is not a continuum as various intervening stretches have been urbanized with the passage of time. For example, the Central Ridge area was planned as an integral part of capital city of New Delhi in the early part of the twentieth century.

3. The *Master Plan for Delhi, 2001* notified on 1st August 1990 identifies the Delhi Ridge as an area admeasuring 7,777 hectares of land, which is divided in four zones, *i.e.*, Northern, Central, South Central (Mehrauli) and Southern. Over the time, due to deterioration in the Ridge area, the Lieutenant Governor of Delhi constituted a 10-member committee known as the "Lovraj Committee" for preparing a management plan of the Ridge. The said committee *inter alia* suggested the creation of a Ridge Management Supervisory Committee chaired by the Chief Secretary of Delhi to address land-related legal matters. It was

suggested that the entire Ridge area be notified as "Reserved Forest" under the *Indian Forest Act, 1927*[2]

4. Pursuant to the Lovraj Committee's Report, a preliminary notification under Section 4 of the Forest Act was issued on 24th May 1994 thereby declaring 7,777 hectares of land as Reserved Forests. The Additional District Magistrate (Revenue)[3] was appointed to be the Forest Settlement Officer under the said notification. Though a period of more than three decades has passed, no further proclamation under Section 6 of the Forest Act has been issued thus far. Since then, only an area to the extent of 103.48 hectares has been notified as Reserved Forests under Section 20 of the Forest Act.

5. One more notification under Section 4 of the Forest Act was also issued on 19th March 1996 for an extent of 7 hectares in Nanakpura Ridge. A notification dated 2nd April 1996, under Section 154 of the *Delhi Land Reforms Act, 1954*[4] was issued in compliance with the orders dated 25th January 1996 and 13th March, 1996 passed by this court in IA No. 18 and 22 in the case

[2] Hereinafter referred to as, "the Forest Act".
[3] For short, "ADM (Revenue)".
[4] Hereinafter referred to as, "the Land Reforms Act".

of ***MC Mehta v. Union of India***[5]. The *proviso* to Section 154 of the Land Reforms Act concerns uncultivable areas in the Gaon Sabha which may be excluded from vesting in the Gaon Sabha. In compliance with the orders of this court, the excess land measuring 4206.68 hectares from 14 different villages was placed at the disposal of the Forest Department. This area had already been identified in the Master Plan which was notified on 1st August 1990.

6. The entire identified portions of the Delhi Ridge are as under:

Southern Ridge	6,200 hectares
Northern Ridge	87 hectares
South Central Ridge (Mehrauli)	626 hectares
Central Ridge	864 hectares
Nanakpura Ridge	7 hectares
Total	**7,784 hectares**

7. As already stated hereinabove, though the total identified area was 7,784 hectares, the final notification under Section 20 of the Forest Act has been issued only in respect of 103.48 hectares of land.

[5] Writ Petition (C) No. 4677 of 1985.

8. The Central Empowered Committee[6] submitted a Report on 8th May 2024 stating therein that 5% of the Ridge area is under encroachment, 4% has been diverted and only 1.33% has been notified under Section 20. The CEC thus recommended that *"it is crucial to comprehensively address all relevant issues by thoroughly considering every aspect that directly or indirectly impacts the Ridge."*

Importance of the Ridge

9. This court has continuously been reiterating the importance of Delhi Ridge. The Master Plan notified on 1st August 1990 also stressed on the protection of the Ridge, while this court by order dated 9th May 1996 in ***M.C.Mehta***[5] noted that the Ridge is required to be protected in all its pristine glory.

10. It will be relevant to refer to the following observations made by this court *vide* aforesaid order dated 9th May 1996:

> "The provisions of the Master Plan makes it mandatory that the Ridge is to be kept free from encroachers and its pristine glory must be maintained for all times. It is a pity that neither the Central Government nor the NCT Delhi Administration has ever applied its mind towards maintain the Ridge and River Yamuna which is necessary to maintain the ecological balance of the city."

[6] For short 'the CEC'

Morphological Ridge

11. Through the years, it has also been noticed that though some parts of the NCT of Delhi have all the features of the Ridge, they were not identified as the *"Ridge"*. In this respect, it will be relevant to note that when the geological and geomorphological mapping of 1,482 sq. km area of the NCT of Delhi was carried out by the Geological Survey of India[7], it was found that a large area ought to be included as "residual hills/ridges". These landforms were found to have rocky surface and characteristics similar to the Ridge. It will also be relevant to note that even though these areas are now identified to be ridge-like, they do not form part of the Ridge areas under the Master Plan, 2001 or Master Plan, 2021. This area is now known as the *"Morphological Ridge"*.

12. It is relevant to note that the High Court of Delhi *vide* an order dated 30th November 2011 passed in ***Ashok Kumar Tanwar v. Union of India and others***[8], for the first time held that areas having characteristics of a "Geological Ridge" though falling outside the Notified Forest Ridge Land also require protection. The Delhi High Court in the said case was dealing with

[7] For short, "the GSI".
[8] 2011 SCC OnLine Del 5733

a writ petition against the construction by the Border Roads Organization in the Morphological Ridge. The High Court noted that permission of the Delhi Ridge Management Board[9] or this court, through the CEC, was required for such a construction. It will be relevant to refer to the following observations made by the Delhi High Court in ***Ashok Kumar*** (supra)[8]:

> "**4.** It is clear from the aforesaid that the area in question is given the character of a "Geological Ridge" though falling outside the Notified Forest Ridge Land. Even in respect of such a land, clearance from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committed is to be obtained before carrying out any construction. Such permission is a pre-requisite prerequisite in view of the directions of the Supreme Court. It is also mentioned that for laying of Metro Lines and NHAI for upgradation of NH-236 in the said area, DMRC and NHAI had taken permission of the Ridge Management Board in the non-forest land having morphological features of the Ridge. Admittedly, no such permission is sought by the BRO.
>
> xxxx xxxx xxxx
>
> **7.** In these circumstances, we restrain the BRO from carrying out any further construction works on the land aforesaid till it obtains necessary clearance from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committee."

[9] Hereinafter referred to as "the DRMB" or alternatively as "the Board".

13. This court also had an occasion to consider the validity of the above order passed by the Delhi High Court in the case of ***Delhi Development Authority v. Kenneth Builders & Developers (P) Ltd***[10]. This court in the said case directed the CEC to investigate the matter of allotment of lands by the Delhi Development Authority[11] in the Morphological Ridge areas. The CEC submitted its Report dated 18th November 2015 to this court thereby recommending that construction on the Morphological Ridge area must be undertaken only after obtaining the clearance from the DRMB and after obtaining the permission of this court. It will be relevant to refer to the following observations of this court:

> **"22.** .....However, a decision was rendered by the Delhi High Court in a case filed by Ashok Kumar Tanwar [WP (C) No. 3339 of 2011 decided on 30-11-2011 [*Ashok Kumar Tanwar* v. *Union of India*, WP (C) No. 3339 of 2011, decided on 30-11-2011 (Del)]] to the effect that a development project on land outside the notified Ridge area but having morphological features conforming to the Ridge would also require clearance from the Ridge Management Board and this Court. Therefore, as far as the present case is concerned though the project land falls outside the Ridge but has morphological features conforming to the Ridge bringing it within the extended

[10] (2016) 13 SCC 561
[11] For short, "DDA".

> Ridge, the project of DDA involving non-forestry use of the land could be permitted only after obtaining clearance from the Ridge Management Board and after obtaining the permission of this Court….."

14. Thereafter, this court has on various occasions considered the issue with regard to definition and legal sanctity of the "Morphological Ridge". When the Directorate of Revenue Intelligence[12] was allotted land in the Morphological Ridge, this court directed the CEC to examine the issue. The CEC submitted its Report dated 1st December 2022 thereby recommending that the project be undertaken only after 5% of the project cost is deposited in the DRMB Fund. The DDA submitted its reply dated 6th February 2023 stating that the "Morphological Ridge" is without sanction of law and that the DDA cannot be made liable to pay. It was further the contention of the DDA that since the Forest Department has *never* defined the "Morphological Ridge" nor has quantified it, there cannot be any legal impediment against the DDA allotting lands in these areas. This court by an order dated 8th February 2023 passed in ***T.N.Godavarman Thirumulpad v. Union of India and others***[13] allowed the

[12] For short, "DRI".
[13] 2023 SCC OnLine SC 1951

construction by the DRI subject to the terms and conditions as set out by the CEC in its report. Pertinently, this court found that the "Morphological Ridge" needs to be identified and, in that respect appointed a committee for the said purpose. It will be relevant to note the following observations of this court in the order dated 8th February 2023:

> "**13.** The High Court of Delhi vide order dated 30.11.2011 in Writ Petition No. 3339/2011 (*Ashok Kumar Tanwar* v. *Union of India*[1],) and this Court in *DDA* v. *Kenneth Builders & Developers (P) Ltd.*[2] [(2016) 13 SCC 561] has held that land falling outside the demarcation of notified ridge but having similar 'morphological features' of ridge should be given same protection as is given to the notified areas and no construction should be permitted thereon. It cannot be doubted that the ridge in Delhi acts as a lung, which supplies oxygen to the citizens of Delhi. The necessity to protect the ridge, therefore, cannot be undermined.
> **14.** It appears that there has been some difficulty in identifying the areas of ridge, which are not notified but also have the same features.
> **15.** We, therefore, find it appropriate that the Ministry of Environment, Forest and Climate Change (MoEFCC), appoints a Committee consisting of the following officials/officers, to work out the modalities for identifying the said area which has similar 'morphological features' as that of a notified ridge and which needs to be protected as a notified ridge…"

History of DRMB

15. The DRMB was constituted pursuant to an order dated 29th September 1995 passed by this court in the case of ***M.C. Mehta v. Union of India and Others***[14] making it the primary authority for the conservation, protection and preservation of the Ridge.

16. It will be relevant to refer to the following observations made by this court in the order dated 29th September 1995:

> "Pursuant to this Court's order dated September 1, 1995, affidavits have been filed by Mr. DS Negi, Secretary Environment, Government of Delhi; Mr. DN Sapolia, Deputy Commisioner, Govt of Delhi, Mr. BM Nimesh, L&DO, Ministry of Urban Development and Mr. DP Singh, Director (Horticulture), MCD. The contents of these affidavits have been discussed with the learned counsel for the parties. Mr. Altaf Ahmad, learned Addl. Solicitor General stated before us on September 1, 1995 that the Lt. Governor had already taken a decision to constitute a Ridge Management Board. Mr Altaf Ahmad states that the orders in this respect are likely to be issued by the Lt. Governor shortly. Mr. Altaf Ahmad may place a copy of the order constituting the Board before this Court on the next date of hearing. The name of the conservators as members of the said Board may also be indicated."

[14] Writ Petition (C) No. 4677 of 1985

17. By a Government Order dated 6th October 1995, the Lieutenant Governor of Delhi constituted the DRMB, with the following members:

i. Chief Secretary, Delhi
ii. Vice Chairman, DDA
iii. Secretary, Env. & Forests, Delhi
iv. Finance Secretary, Delhi
v. Representative of Indian Society of Environmental Management (NGO)
vi. Representative of Prakarti – Centre for Environmental Protection & Development (NGO)
vii. Conservator of Forests, Delhi (Member and Chief Executive)
viii. Dy Conservator of Forests, Delhi

18. The membership and functions of the DRMB were amended from time to time. *Vide* Notifications dated 06th October 1995, 30th April 2013, 3rd July 2017 and 1st March 2021 the Board was reconstituted time and again.

19. The functions of the DRMB, at present, are as under:

i. Execution of the management scheme for the Ridge Forests as the green lungs of Delhi;
ii. Protection of the boundary and boundary fences of the Ridge;
iii. Preparation and execution of detailed plans for upgradation of the Ridge in accordance with sound silvicultural practices applicable to city forests and natural resources;
iv. Control of usage by the public of such areas of the Ridge Forests as may be declared as "open" by the Board;

v. Ensuring that there are no encroachments in excess of the areas allotted to the lawful allottees till they are shifted from the Ridge Forests under appropriate orders;
vi. Any other functions ancillary to the above purposes.
vii. The Board may coopt for any of its meetings not more than two persons having special knowledge of forestry, regional ecology, nature conservation and related subjects.

20. It is pertinent to note that though there have been a number of notifications for the constitution of the DRMB, none of them trace their authority to the *Environment (Protection) Act, 1986*[15] or any other statute. As such, the constitution of the DRMB is only pursuant to the orders passed by this court and without any statutory backing.

Working of the DRMB

21. In view of the order dated 7th September 2007 passed by this court in ***T.N.Godavarman v. Union of India and others***[16], all diversion of forest land is to be preceded by the permission of the DRMB and also of this court. Such permissions have been granted subject to deposit of 5% of the estimated project cost with the DRMB.

[15] Hereinafter referred to as, "the EP Act".
[16] (2013) 8 SCC 200

22. This court has passed orders from time to time thereby permitting certain activities in the Ridge Areas/Extended Ridge Areas. A gist of the orders is as follows:

a) 7th September 2007- For construction of bridge over the Neela Hauz water body;

b) 7th December 2007- For construction of Express Metro Link to the Airport;

c) 17th October 2008-For renovation, upgradation and new construction of Dr.Karni Singh Shooting Range, Tughlakabad, Delhi;

d) 18th November 2011- Permission to DMRC;

e) 2nd November 2012- For the construction of transit, training and other infrastructure facilities for the personnel of Border Road Organization;

f) 21st October 2013- For underground tunnelling activity for construction of line 7 corridor in Phase-III of Mass Rapid Transport System project;

g) 10th May 2016- For construction of staff quarters near Naraina Village;

h) 10th November 2016- For construction of a project to Jawaharlal Nehru University;

i) 05th February 2018- For engineered landfill at Tehkhand Okhla on 47.346 acres of land. However, the Court made it clear that for future landfill sites the concerned agencies shall not be allowed to be located in Delhi Ridge area/Ridge Forest/Morphological Ridge area;

j) 22nd March 2018- Permission to NHAI for widening of National Highway and improvement of T-Junction near Dhaula Kuan Metro Station;

k) 10th April 2018- Permission to Delhi Jal Board for laying of water pipeline;

l) 29th August 2018- For construction of CBI Housing Complex;

m) 26th September 2018- Permission for construction of Flyover and Underpass between Mahipalpur Bypass Road and Airport Road;

n) 8th April 2019- For Referral and Research Army Hospital, Ministry of Defence;

o) 4th November 2019- Permission to BSES Rajdhani Power Ltd. for laying the underground cables; and

p) 29th November 2021- Phase IV of Mass Rapid Transportation Systems Project.

Multiple Authorities Supervising the Ridge

23. Apart from the DRMB, several other authorities have also been examining the issues pertaining to the Ridge. For instance, one *Sonya Ghosh* approached the National Green Tribunal[17] by way of an OA bearing No. 58/2013 (***Sonya Ghosh v. Government of NCT of Delhi and others***[18]) seeking notification of the Ridge under Section 20 of the Forest Act. The learned NGT by order dated 15th January 2021 directed the Chief Secretary to notify the undisputed area within a period of three months and stated that there should be an action plan for removal of encroachments. The

[17] Hereinafter referred to as, "the NGT".
[18] 2021 SCC OnLine NGT 608

learned NGT also appointed an Oversight Committee to be headed by the Director General, Forests, Ministry of Environment, Forest and Climate Change[19] with other members, to oversee progress with regard to removal of encroachments from the Ridge.

24. It will be relevant to refer to the following observations of the learned NGT in ***Sonya Ghosh*** *(supra)*[18]:

> "**17.** We direct constitution of an Oversight Committee (OC) to be headed by DG Forest, MoEF&CC, Government of India with the Secretaries Revenue and Forest, Delhi Govt., the PCCF, Delhi, the concerned Deputy Commissioners, Delhi and the nominees of Police Commissioner, Delhi and the Forest Survey of India, Dehradun as members. Main function of the OC will be to oversee progress with regard to the removal of encroachments from the Ridge, its protection by way of fencing/boundary wall and preparation of management plan for its restitution. The Committee will be free to co-opt any other authorities/Experts. The Nodal agency will be the PCCF, Delhi for coordination and compliance. First meeting of the Committee may be held within one month and thereafter review may be undertaken periodically preferably at least once in a month till the action plan is executed."

25. It was noticed by this Court *vide* an order dated 6th August 2025 passed in the present proceedings that apart from the

[19] Hereinafter referred to, as "MoEF&CC".

DRMB, numerous other bodies were also constituted by the orders passed by this court, the High Court of Delhi and the learned NGT which were also entrusted with the task of monitoring the issue with regard to Ridge areas.

26. This Court by the said order was referring to the following different bodies/committees/authorities:

i. Oversight Committee constituted *vide* order dated 15th January 2021 passed by the learned NGT in ***Sonya Ghosh*** *(supra)*[18];

ii. Centrally Empowered Committee constituted *vide* Judgment dated 30th November 2021 passed by the High Court of Delhi in ***Ashok Kumar*** (supra)[8];

iii. High-Powered Committee under order dated 8th February 2023 passed by this court in ***T.N.Godavarman*** (supra)[13].

iv. Committee under order dated 8th February 2023 passed by this court in ***T.N.Godavarman*** (supra)[13] to identify the Morphological Ridge.

27. Noticing that a number of committees were monitoring the issue with regard to the Delhi Ridge area resulting in duplication of work, overlap of jurisdiction and even conflicting outcomes, this

court passed the aforesaid order on 6th August 2025. It will be appropriate to refer to the following paragraphs of the said order:

> "**1.** We find that insofar as the issues concerning the Delhi Ridge are concerned, several committees are currently monitoring the issues. The authorities are required to seek permission from several committees/Bodies for land diversion, which, at times, results in conflicting orders.
> **2.** We, therefore, direct the Ministry of Environment, Forest and Climate Change (MoEF&CC) to take all the stake holders on board, including the Government of NCT of Delhi, the CEC and the various Committees/Bodies appointed by this Court or the High Court of Delhi and to come out with a proposal wherein one uniform body can be entrusted with monitoring the issues relating to the Delhi Ridge."

28. It is further relevant to note that the High Court of Delhi in the case of ***Devinder v. Lt. Governor and Others***[20] was considering the same issue. The High Court by judgment dated 8th November 2023 found the Chief Secretary to be *prima facie* in contempt of the order dated 15th January 2021 passed by the learned NGT. In its order dated 15th December 2023, the High Court observed thus:

[20] Writ Petition (C) No. 9965 of 2016

> "3. The affidavit only seems to suggest that action will be taken in the near future but is totally silent as to what action has been taken till day from 08.11.2023, what is the time frame within which the notification will be issued and the time frame within which the encroachment will be removed from the Ridge land."

29. It appears from the proceedings before the High Court that when the matter was heard on 8th January 2024, the Government of NCT of Delhi[21] undertook to issue the Notification under Section 20 within four weeks. It will be relevant to refer to the undertaking recorded by the High Court in its order dated 8th January 2024:

> "3. On the other hand, Mr. Satyakam, learned ASC, GNCT of Delhi submits that the steps for such process of issuance of notification has already been initiated, however it is taking some time to complete the same.
> 4. He seeks and is granted four weeks' time to ensure that the notification under Section 20 of IFA, 1927 is issued within the same frame of time."

30. It will also be relevant to note that this court itself was parallelly hearing the same issue in two separate proceedings *i.e.*, the present proceedings and ***MC Mehta v. Union of India*** (supra). Noticing all this, this court passed an order dated 24th July 2024

[21] Hereinafter referred to as, "GNCTD".

directing the Registrar (Judl.) to place the matter before Hon'ble the Chief Justice of India for constitution of a Special Bench. Paragraphs 10 and 11 of the said order reads thus:

> "**10.** We are of the considered view that, in order to avoid the possibility of conflicting order(s) being passed by two different Benches, it will be appropriate that all the matters pertaining to the Delhi Ridge Area are heard by one Bench.
>
> **11.** The Registrar(Judl.) is, therefore, directed to place the matter before Hon'ble the Chief Justice of India seeking appropriate order."

31. That is how the issue with regard to Delhi Ridge is before us in the present proceedings.

DISCUSSION AND ANALYSIS

32. We have heard Shri K. Parameshwar, learned Senior Counsel who is assisting this court as an Amicus Curiae and Ms. Aishwarya Bhati, learned Additional Solicitor General of India at length.

33. Three issues that fall for consideration before this court in the present proceedings are as under:

i. Issuance of final notification of the Delhi Ridge under Section 20 of the Forest Act;

ii. Removal of encroachments from the Delhi Ridge and the Morphological Ridge from at least 9th May 1996; and

iii. The identification of Morphological Ridge.

Status of Final Notification under Section 20

34. The learned NGT *vide* an order dated 15th January 2021 in ***Sonya Ghosh*** (supra) and the High Court of Delhi by an order dated 8th January 2024 in ***Devinder*** (supra)[20] have directed the GNCTD to issue final notification under Section 20 of the Forest Act. However, the final notification has not been published yet. In the Status Report dated 8th August 2024, the GNCTD has stated that they are still in the process of settlement of rights and that the joint demarcation of the ridge areas is still underway.

35. It cannot be gainsaid that the effect of non-notification of Ridge as Reserve Forest deprives the said area of any protection. We are, therefore, of the view that without proper statutory protection, it would not be possible to properly preserve the integrity of the Ridge. We find that the GNCTD has not acted with swiftness in protecting the Ridge. Though this court observed as early as in May, 1996 that the Government has not taken proper

steps for conservation of the Ridge, not much has been done even after a lapse of almost three decades therefrom.

Removal of Encroachments

36. The CEC and various other authorities have found that the Ridge Areas are now being rampantly encroached. The entire purpose of the ecological conservation of the Ridge is futile if illegal constructions are coming up throughout the area and the very purpose of the order dated 29th September 1995 passed by this court in ***M.C.Mehta*** (supra)[14] regarding creation of the DRMB would be frustrated if no steps are taken to contain such rampant encroachments. However, there does not appear to be any active steps taken by GNCTD towards securing the Ridge to preserve its sanctity.

Identification of the Morphological Ridge

37. As observed hereinabove, the Morphological Ridge is an equally important portion which requires preservation. The stand taken by the DDA in the DRI matter that the Morphological Ridge has no legal backing, requires to be seriously addressed by the Committee appointed by this court by order dated 8th February

2023 in ***T.N.Godavarman*** (supra)[13]. Though a preliminary report was submitted, the Committee is yet to submit its final report.

38. We are, however, of the view that without proper identification or preservation of the Ridge, the integrity of the entire ecology would be compromised. The Ridge acts as the green lungs of the city, especially in the present conditions of increased pollution. We, therefore, find that the DRMB needs to actively work towards protecting and preserving the Delhi Ridge after its due identification.

Reconstitution of the DRMB

39. It will be relevant to note that CEC in its Report dated 8th May 2024 (5th Report of 2024) also found that *"the management of Ridge Land does not seem to be up to the mark."* The said Report was placed before this court and this court *vide* order dated 6th August, 2025 directed the MoEF&CC to take all stakeholders on board including the GNCTD, the CEC and the various committees/bodies appointed by this court or the High Court of Delhi or the learned NGT and to come out with a proposal wherein one uniform body can be entrusted with monitoring the issues relating to the Delhi Ridge.

40. The MoEF&CC has filed its compliance affidavit dated 7th October 2025 stating that a Ridge Management Board will be constituted under the Chairmanship of Chief Secretary, GNCTD with a total of 12 members. However, it is to be noted that the proposal does not mention the statutory basis for the DRMB, *i.e.*, under what provisions, the DRMB has been constituted.

Statutory Backing of the DRMB

41. As has been observed by us hereinabove, the DRMB has been acting without any statutory authority. The Original Notification dated 6th October 1995 was issued only pursuant to this court's order dated 29th September 1995 in ***M.C.Mehta*** (supra)[14] and that too without any statutory backing for the Board. We are, however, of the considered view that without a statutory backing, it will not be possible for the Board to function effectively.

42. A statutory backing will firstly ensure that the fundamental principles of administration would directly apply to the Board. Secondly, a statutory authority working under Section 3(3) of the EP Act would be subject to the jurisdiction of the NGT under Section 14 of the *NGT Act, 2010*. Thirdly, the accountability and

transparency required of a statutory body, such as publication of reports on websites, being subject to the *RTI Act*[22] *etc.*, would be ensured by the Board being an Authority under Section 3(3) of the EP Act.

43. We may also note that the CEC was also working as an *ad-hoc* body without having any statutory backing until the MoEF&CC *vide* Notification dated 5th September 2023 granted statutory recognition to it upon a judgment passed by this court thereby deprecating the practice of *ad-hoc* institutions and requesting the learned Solicitor General of India to institutionalize it as an authority under the EP Act. This court *vide* judgment and order dated 31st January 2024 passed in ***T.N. Godavarman Thirumulpad v. Union of India and Others***[23] observed thus:

> "**20.** We find that by virtue of the Notification dated 05.09.2023, our concerns regarding the functioning of the CEC as an *ad hoc* body and that hereinafter it should be institutionalised as a permanent body have been taken care of. The said Notification provides for the constitution of the CEC, its powers, functions, mandate, members, method of

[22] short for '*Right to Information Act, 2005*'
[23] (2024) SCC OnLine SC 86

appointment, terms of service, and monitoring of its functioning."

44. It will be relevant to note that this court in the case of ***Madhya Pradesh High Court Advocates Bar Association and Another v. Union of India and Another***[24] has held that the learned NGT under Sections 14 and 22 of the NGT Act does not oust the High Court's jurisdiction under Articles 226 and 227 as the same is part of basic structure of the Constitution. It is further held that the appeal to this court under Section 22 of the NGT Act is *intra vires* the Constitution of India. In the said case, the court held thus:

> "**45.** In consequence of the above analysis, our conclusions are:
> **A.** The National Green Tribunal under Section 14 & 22 of the NGT Act does not oust the High Court's jurisdiction under Article 226 & 227 as the same is a part of the basic structure of the Constitution.
> **B.** The remedy of direct appeal to the Supreme Court under Section 22 of the NGT Act is *intra vires* the Constitution of India."

45. It can thus be seen that if the DRMB is given statutory status, its orders can be judicially scrutinized either by the learned NGT under Section 14 of the NGT Act and by this court

[24] (2022) SCC OnLine SC 639

by way of appeal under Section 22 of the said act or by the High Court under Articles 226 and 227 of the Constitution of India.

46. In the judgment of this court dated 31st January 2024 in ***T.N.Godavarman*** (supra)[23], this court held that *environmental rule of law* fosters open, accountable, and transparent decision-making and participatory governance. It has been held that the renewed role of constitutional courts will be to undertake judicial review to ensure that institutions and regulatory bodies comply with the principles of environmental rule of law. It will be relevant to note the following observations made by this court in the said case:

> **"32.** In furtherance of the principles of environmental rule of law, the bodies, authorities, regulators, and executive offices entrusted with environmental duties must function with the following institutional features:
>
> i. The composition, qualifications, tenure, method of appointment and removal of the members of these authorities must be clearly laid down. Further, the appointments must be regularly made to ensure continuity and these bodies must be staffed with persons who have the requisite knowledge, technical expertise, and specialisation to ensure their efficient functioning.

ii. The authorities and bodies must receive adequate funding and their finances must be certain and clear.

iii. The mandate and role of each authority and body must be clearly demarcated so as to avoid overlap and duplication of work and the method for constructive coordination between institutions must be prescribed.

iv. The authorities and bodies must notify and make available the rules, regulations, and other guidelines and make them accessible by providing them on the website, including in regional languages, to the extent possible. If the authority or body does not have the power to frame rules or regulations, it may issue comprehensive guidelines in a standardised form and notify them rather than office memoranda.

v. These bodies must clearly lay down the applicable rules and regulations in detail and the procedure for application, consideration, and grant of permissions, consent, and approvals.

vi. The authorities and bodies must notify norms for public hearing, the process of decision-making, prescription of right to appeal, and timelines.

vii. These bodies must prescribe the method of accountability by clearly indicating the allocation of duties and responsibilities of their officers.

viii. There must be regular and systematic audit of the functioning of these authorities."

47. The MoEF&CC has opposed giving statutory status to the DRMB. It has expressed apprehension that if the Central Government issues a notification, there will be an overlap of other authorities. However, we do not find any substance in the said submission of MoEF&CC. The very purpose of the earlier orders passed by this court and the present judgment is to avoid having multiple authorities considering the issue with regard to the Delhi Ridge. We, therefore, propose to direct the DRMB to be a single-window authority insofar as issues concerning Delhi Ridge are concerned. Like the CEC, if the DRMB is also given a statutory status, it will be in a position to function effectively and also be accountable and answerable.

Representative of the CEC in the DRMB

48. We further find that rather than the DRMB reporting to the CEC every now and then and having two levels of scrutiny, it will be appropriate that a representative of CEC is made a member of the DRMB. It is only pursuant to the Report of the CEC that the present litigation has commenced. The CEC has also been integral to the protection of the Ridge insofar as it has submitted

numerous reports to this court regarding encroachments and permissions for construction in the Ridge areas.

49. The MoEF&CC has submitted that a member of the CEC may be co-opted as and when the DRMB requires. However, it is to be noted that the CEC is a nodal body appointed by this court to look after the environmental issues in the country. The CEC has done yeomen service for the last 3 decades in preserving the environment by bringing to the notice of this court the environmental issues which are plaguing the nation. Since the CEC is continuously assisting this court as far as environmental matters are concerned, the presence of its representative would only add to the strength of the DRMB.

Standing Committee for DRMB

50. We are also of the considered view that taking into consideration the constitution of the DRMB, it would not be possible for it to regularly function on a day-to-day basis. It will, therefore, be appropriate that the DRMB constitutes a Standing Committee which can look after the day-to-day affairs of the Board. We may also take note that for the National Board for Wildlife, constituted under Section 5A of the *Wildlife Protection Act,*

1972[25], the Hon'ble Prime Minister is the Chairperson. However, the day-to-day functioning of the National Board for Wildlife is executed through its Standing Committee which is constituted under Section 5B of the WP Act.

51. We, however, find that the Standing Committee must consist of experts and technicians who have worked in the field of conservation. We further find that for the purpose of preservation and protection of Delhi Ridge, it is necessary that the Standing Committee should meet regularly.

52. The MoEF&CC has opposed the proposal for constitution of a Standing Committee on the ground that under the Chairmanship of the Chief Secretary, DRMB would be able to ensure the active engagement of all the members. However, it is to be taken note of that the proposed DRMB consists of senior officers from various departments and as such, it would not be practical for the DRMB to meet on a day-to-day basis thereby necessitating the constitution of a Standing Committee.

[25]Hereinafter known as, "the WP Act".

Functions of the DRMB

53. Having considered the issues with regard to constitution of the DRMB and the Standing Committee, it is now necessary to consider as to what will be the functions of the DRMB.

54. The core functions of the DRMB must be directed towards conservation of the existing Ridge Forests and removal of existing encroachments from the Ridge. The very purpose of the DRMB is to preserve the integrity of the Ridge, as a morphological and ecological feature. Therefore, the DRMB should focus on preservation of existing Ridge forests and further improving the areas through scientific conservation measures. The DRMB should also ensure that fragmentation of Ridge Forests is prevented.

55. This court recently in judgment dated 6th March 2024 pronounced in ***T.N. Godavarman Thirumulpad v. Union of India (In Re: Gaurav Kumar Bansal)***[26] has observed thus:

> "**173. It could thus be seen that, worldwide as well as in our jurisprudence, the law has developed and evolved emphasizing on the restoration of the damaged ecological system. A reversal of environmental damage in**

[26] (2025) 2 SCC 641

> **conformity with the principle under Article 8(f) of the CBD is what is required.** At times, the compensatory afforestation permits forestation at some other site. However, the principle of restoration of damaged ecosystem would require the States to promote the recovery of threatened species. We are of the considered view that the States would be required to take steps for the identification and effective implementation of active restoration measures that are localized to the particular ecosystem that was damaged. The focus has to be on restoration of the ecosystem as close and similar as possible to the specific one that was damaged.
>
> xxxx xxxx xxxx
>
> **175**. We find that, bringing the culprits to face the proceedings is a different matter and restoration of the damage already done is a different matter. We are of the considered view that the State cannot run away from its responsibilities to restore the damage done to the forest. The State, apart from preventing such acts in the future, should take immediate steps for restoration of the damage already done; undertake an exercise for determining the valuation of the damage done and recover it from the persons found responsible for causing such a damage."
>
> **(emphasis supplied)**

56. We are of the considered view that in tune with aforesaid, the DRMB must work with the sole purpose of preservation and restoration of the Delhi Ridge area.

CONCLUSION AND DIRECTIONS

57. We, therefore, pass the following order:

i. We direct the MoEF&CC to constitute the DRMB by issuing notification under Section 3(3) of the EP Act with the membership as under:

1. Chief Secretary, GNCT of Delhi, Chairman
2. Vice-Chairman, Delhi Development Authority, Member
3. Representative of the Director General of Forests & Special Secretary, MoEF&CC, Government of India, not below the rank of Inspector General of Forests, Member
4. Representative of the Ministry of Housing and Urban Affairs, GoI (not below the rank of JS), Member
5. Commissioner, Municipal Corporation of Delhi, Member
6. Chairman, New Delhi Municipal Council, Member
7. Director General, Central Public Works Department, Government of India, Member
8. Representative of the Commissioner of Police, Delhi (not below the rank of Joint Commissioner), Member

9. Principal Secretary/Secretary (Environment & Forests), GNCTD, Member

10. Principal Secretary/Secretary (Land Revenue), GNCTD, Member

11. Two representatives from NGOs and Civil Societies (to be nominated by GNCT of Delhi), Member

12. Principal Chief Conservator of Forests, GNCTD, Member-Secretary

13. Representative of Central Empowered Committee (CEC), Member

ii. The DRMB on its constitution would constitute a Standing Committee as under:

1. Member of the CEC, Chairperson;
2. Principal Chief Conservator of Forests, GNCTD;
3. Two Representatives from NGOs and Civil Societies who are already part of the DRMB;
4. Nominee of the Chief Secretary, GNCTD; and
5. Nominee of the Delhi Development Authority.

The nominees to be appointed by the Chief Secretary, GNCTD and DDA must be experts in the field of conservation.

iii. The functioning of the DRMB would be as under:

a) The Board shall act as a single-window authority insofar as the Delhi Ridge and the Morphological Ridge is concerned;

b) The Board must ensure the preservation of the Delhi Ridge and Morphological Ridge in its pristine glory by removing all encroachments and taking all necessary steps to improve the Ridge;

c) The Board must remove all encroachments in the Delhi Ridge as well as the Morphological Ridge;

d) The Board must duly ensure that the identification process of the Morphological Ridge is complete as per order dated 8th February, 2023 in ***T.N. Godavarman*** (supra)[13] and report its compliance, along with comments, if any, to this court;

e) The Board must ensure the protection, scientific management, ecological restoration of the Ridge and the Morphological Ridge including afforestation and habitat conservation;

f) The Board must submit periodic Reports every six months to this court regarding the status of the Ridge and the Morphological Ridge and the compliance of the directions of this court;

g) The Board must act fairly and transparently in discharge of its functions – this would include having a website, provide public notices for hearings in advance, public consultation, and uploading of reports on the website as soon as they are placed before this court or any other Authority; and

h) All authorities in the territory of the NCT of Delhi must act in aid of the discharge of duties of the Board.

iv. The Member of the CEC who will officially act as the representative to the DRMB is directed to report to this court every three months on proper functioning of the DRMB and the Standing Committee.

58. Before we part with this judgment, we place on record our appreciation for the valuable assistance provided by Ms. Aishwarya Bhati, learned ASG and Mr. K. Parameshwar,

learned Amicus Curiae ably assisted by Mr. Mukunda, Ms. Kanti, Mr. Shreenivas Patil and Ms. Raji Gururaj.

.....CJI
(B.R. GAVAI)

.....J
(K. VINOD CHANDRAN)

NEW DELHI;
NOVEMBER 11, 2025.