

ITEM NO.16 + 39

COURT NO.1

SECTION XVII

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

Civil Appeal Diary No(s). 37397/2015

SATILILA SEHKARI AWAS SAMITI LTD.

Appellant(s)

VERSUS

UNION OF INDIA &amp; ORS ETC. ETC.

Respondent(s)

(with appln. (s) for permission to file appeal and office report)

With Civil Appeal Nos.7193-7194 of 2015

(With appln.(s) for stay and office report)

Civil Appeal Nos.9124-9125 of 2015

(With appln.(s) for Directions and office report)

Civil Appeal Nos.13844-13845 of 2015

(With office report)

Civil Appeal Nos.7191-7192 of 2015

(With appln.(s) for clarification of court's order and stay and office report)

Civil Appeal No.9108 of 2015

(With appln.(s) for stay and office report)

(Civil Appeal No.5618 of 2015

(With appln.(s) for permission to file additional documents and office report)

Civil Appeal Nos.13842-13843 of 2015

(With and office report)

Date: 22/01/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

(CAD.37397/2015)

Mr. Rajiv Dutta,Sr.Adv.

Mr. Satish Mishra,Adv.

Mr. Sidharth Dutta,Adv.

Mr. Daniel George,Adv.

Mr. Shravan Kumar Yammanur,Adv.

Mr. Kumar Dushyant Singh,Adv.

(CA 7193-7194/15)

Mr. Kapil Sibal,Sr.Adv.

Ms. Rohini Musa, Adv.  
 Mr. Abhishek Gupta, Adv.  
 Mr. Zaffar Inayat, Adv.

(CA 9124-25/15) Mr. Guru Krishna Kumar, Sr. Adv.  
 Mr. R. Chandrachud, Adv.

(CA 13844-13845/15) Mr. Kailashvasdev, Sr. Adv.  
 Mr. R. Mohan, Adv.  
 Mr. V. Balaji, Adv.  
 Mr. C. Kannan, Adv.  
 Mr. Anbarasan Nathar Paul, Adv.  
 Ms. Sripradha K., Adv.  
 Mr. Rakesh K. Sharma, Adv.

(CA 7191-7192/15) Mr. C.A. Sundram, Sr. Adv.  
 Ms. Rohini Musa, Adv.  
 Mr. Abhishek Gupta, Adv.  
 Mr. Zaffar Inayat, Adv.

(CA 9108/15) Mr. Jaideep Gupta, Sr. Adv.  
 Mr. K.S. Mahadevan, Adv.  
 Mr. Krishna Kumar R.S., Adv.  
 Mr. R. Vijay Anand, Adv.  
 Mr. Rajesh Kumar, Adv.

(CA 5618/15) Mr. Mohan Parasaran, Sr. Adv.  
 Mr. Ashwin Kumar, Adv.  
 Mr. Rohan Cherian, Adv.  
 Mr. D.L. Chidananda, Adv.

(CA 13842-13843/15) Mr. Kailashvasdev, Sr. Adv.  
 Mr. R. Mohan, Adv.  
 Mr. V. Balaji, Adv.  
 Mr. C. Kannan, Adv.  
 Mr. Anbarasan Thevar Paul, Adv.  
 Ms. Sripradha K., Adv.  
 Mr. Rakesh K. Sharma, Adv.

For Respondent(s) Mr. Neeraj Kishan Kaul, ASG  
 Mr. Rahul Pratap, Adv.  
 Mr. R.M. Bajaj, Adv.  
 Mr. S.N. Terdal, Adv.

Mr. T. Mohan, Adv.  
 Mr. T.V.S. Raghavendra Sreyas, Adv.  
 Ms. Gayatri Gulati Sreyas, Adv.  
 Mr. Sangram Singh Bhosle, Adv.

Mr. Rajesh Kumar, Adv.

Mr. Rakesh K. Sharma, Adv.

Ms. Rohini Musa, Adv.

Mr. Rahul Pratap, Adv.

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

Heard.

Civil Appeal Diary No. 37397 of 2015

Permission to file the appeal is granted.

Issue notice.

Mr. S.N. Terdal, Advocate, accepts notice on behalf of respondent no.1-Union of India and Mr. T.V.S. Raghavendra Sreyas on behalf of respondent No.2-S.P. Muthuraman.

Notice shall issue to respondent no.3-State of Tamil Nadu only. Liberty to serve the standing counsel, if any.

List along with Civil Appeals No.7193-7194 of 2015 and connected matters.

Post on Friday, the 4<sup>th</sup> March, 2016.

Counter affidavit, if any, be filed in the meantime.

Civil Appeals No. 7193-7194/2015, 9124-9125/2015, 13844-13845/2015, 7191-7192/2015, 9108/2015, 5618/2015 and 13842-13843/2015:

We had by separate interim orders in these appeals unconditionally stayed orders dated 7<sup>th</sup> July, 2015 and 1<sup>st</sup> September, 2015, passed by the National Green Tribunal. By the said two orders, the Tribunal had directed the appellants in Civil Appeals No. 7193-7194/2015, 9124-9125/2015, 13844-13845/2015, 7191-7192/2015, 9108/2015, 5618/2015 and 13842-13843/2015 to deposit 5% of the project value towards environmental compensation on a provisional basis. Learned

senior counsel appearing for Y. Pondurai-appellant in Civil Appeals No.13842-13843 of 2015, M/s.Ruby Manoharan Property Developers Pvt. Ltd.-appellant in Civil Appeals No.13844-13845 of 2015 and M/s. SSM Builders-appellant in Civil Appeals No.9124-9125 of 2015 submit that the appellants in the said appeals have already deposited the amounts directed by the Tribunal. Mr. Jaideep Gupta, learned senior counsel appearing for M/s. Jones Foundations Pvt. Ltd.-appellant in Civil Appeal No.9108 of 2015, submits that the appellant in that appeal has also deposited a part amount of Rs.2,00,00,000/- out of a total of Rs.7,00,00,000/-.

Having heard learned counsel for the parties at some length, we are of the view that the orders passed by this Court staying the operation of the impugned judgments and orders of the Tribunal, need to be modified so as to direct the appellants in the remaining appeals also to make the deposit in terms of the orders passed by the Tribunal. We accordingly modify our interim order passed in the appeals to the extent that the appellants in these appeals shall within four weeks from today deposit the amount in terms of the orders of the Tribunal, if not already deposited. We are, further, of the view that the Committee appointed by the Tribunal in terms of direction contained in sub-paras '4' and '6' of para '163' ought to be allowed to undertake the exercise which the Tribunal has directed. The Committee shall, therefore, be free to take up the assignment and complete the same as early as possible. A copy of the report which the Committee may submit

to the Tribunal shall also be submitted to this Court.

Mr. Neeraj Kishan Kaul, learned Additional Solicitor General, appearing for the respondent-Union of India, submits that while the Government is in the process of reviewing the entire issue and issuing fresh notifications on the subject, it will have no difficulty in presenting to this Court a full picture about the status of environmental clearances issued to the appellants herein. He seeks four weeks time to do the needful. The compilation which the respondent-U.O.I. may file shall among others indicate the following :

(1) Whether any environmental clearances have been issued to the appellants herein. If so when and under whose orders.

(2) If clearances have been refused or the same are under process, the particulars of such cases shall also be indicated.

(3) The compilation shall also set out the stage at which the construction undertaken by the appellants have reached at present.

(4) Copies of the verification/inspection reports, if any, on the basis of which the environmental clearances have been granted to any one of the appellants, shall also be filed.

Learned counsel appearing for some of the flat owners submits that while some of the appellants are claiming to have handed over possession of the flats, the fact of the matter is that not every one who has booked a flat with the appellants has been put in possession. He submits that the appellants could be directed to file a separate affidavit indicating the particulars of those who have been put in possession of the

flats by the appellants-builders concerned. We direct accordingly.

The needful shall be done on or before the next date of hearing.

Additional documents, if any, be also filed by the parties within three weeks from today.

Post on Friday, the 4<sup>th</sup> March, 2016.

(MAHABIR SINGH)  
COURT MASTER

(SAROJ SAINI)  
COURT MASTER