

ITEM NO.3

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 No(s). 1119-1120/2016

SATILILA SEHKARI AWAS SAMITI LTD.

Appellant(s)

VERSUS

UNION OF INDIA & ORS ETC. ETC.

Respondent(s)

(with appln. (s) for ad-interim ex-parte stay and exemption from filing lengthy list of dates and office report)

WITH C.A. No. 7193-7194/2015

(With appln.(s) for stay and appln.(s) for extension of time for depositing the money and appln.(s) for modification of court's order and Office Report)

C.A. No. 13844-13845/2015

(With Office Report)

C.A. No. 7191-7192/2015

(With appln.(s) for extension of time for depositing the money and appln.(s) for clarification of court's order and appln.(s) for permission to file additional documents and appln.(s) for stay and appln.(s) for modification of court's order and Office Report)

C.A. No. 9108/2015

(With appln.(s) for stay and and Office Report)

C.A. No. 5618/2015

(With Office Report)

C.A. No. 13842-13843/2015

(With Office Report)

Date : 04/07/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s)

C.A. NO.1119-1120/2016

Mr. Rajiv Dutta,Sr.Adv.

Mr. Satish Mishra,Adv.

Mr. Kumar Dushyant Singh,Adv.

Mr. Daniel George,Adv.

Mr. Shravan K. Yammanur,Adv.

C.A. NO.7193-94/2015

Dr. A.M. Singhvi,Sr.Adv.

Ms. Rohini Musa,Adv.

C.A. No.13842-843/2015 Mr. Kailash Vasdev, Sr. Adv.
Mr. R. Mohan, Adv.
Mr. V. Balaji, Adv.
Mr. C. Kannan, Adv.
Ms. Sripradha Krishnan, Adv.

C.A. No.9108/2015 Mr. Amit Singh Chadha, Sr. Adv.
Mr. K.S. Mahadevan, Adv.
Mr. Krishna Kumar R.S., Adv.
Mr. Rajesh Kumar, Adv.
Mr. Deva Vrat Anand, Adv.

C.A.No.5618/2015 Mr. Mohan Parasaran, Sr. Adv.
Mr. Ashvin Kumar D.S., Adv.
Mr. Rohan Cherian, Adv.
Mr. D. L. Chidananda, Adv.

C.A. No.13844-845/2015 Mr. R. Mohan, Adv.
Mr. V. Balaji, Adv.
Mr. C. Kannan, Adv.
Ms. Sripradha Krishnan, Adv.
Mr. Rakesh K. Sharma, Adv.

C.A. No.7191-92/2015 Mr. Rajesh Kumar, Adv.

For Respondent(s) Ms. Pinky Anand, ASG
Mr. R. Balasubramanian, Adv.
Ms. Ritu Bhardwaj, Adv.
Mr. Somya Rathore, Adv.
Mr. Rishabh Jain, Adv.
Mr. Rahul Pratap, Adv.
Mr. G.S. Makkar, Adv.
Mr. Shreekanth N. Terdal, Adv.

For CPCB Mr. Vijay Panjwani, Adv.

Mr. T. V. S. Raghavendra Sreyas, Adv.

Mr. Rajesh Kumar, Adv.

Mr. Rahul Pratap, Adv.

Mr. Rakesh K. Sharma, Adv.

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

Heard.

By our Order dated 22nd January, 2016, we had directed

Government of India to file a compilation containing certain information referred to in the said order. This included information as to whether any environmental clearance have been issued to the appellants, particulars of clearances refused or under process, were also demanded. The compilation was also required to set out the stage at which the construction undertaken by the appellant has reached. Copies of verification/inspection reports, if any, on the basis of which environment clearances had been granted to anyone of the appellants, were also directed to be filed.

The matter was then taken up on 4th March, 2016 when another opportunity was granted to the Union of India to comply with the direction, mentioned above. Unfortunately, however, the Union of India has not yet done the needful in terms of the said orders. Ms. Pinky Anand, learned Additional Solicitor General, today prays for and is granted three weeks' further time to comply with the directions contained in the said two orders, subject to payment of Rs.50,000/- (Rupees Fifty Thousand) as costs to be deposited in the Supreme Court Advocates-on-Record Welfare Fund/Trust.

We are informed by learned counsel for the parties that the Committee appointed by the National Green Tribunal in terms of its order dated 7th July, 2015 has submitted its Report to the Tribunal. A copy of the said Report has been filed in this Court also in terms of our direction. A reading of the Tribunal's Order dated 7th July, 2015 would show that the Tribunal proposes to pass further directions after the Report

by the Expert Committee is received by it. Now, that the Committee has submitted its report, we see no reason why the Tribunal should be prevented from examining the same and passing appropriate orders considered just and proper.

In the circumstances, we allow the Tribunal to proceed with the passing of the directions, referred to in para 163(13) of its Order dated 7th July, 2015. We make it clear that learned counsel for the parties shall be free to urge all such submissions as may be open to them on facts and in law before the Tribunal. We also make it clear that we have expressed no opinion on the contentions that may be available to the parties.

At this stage, Ms. Pinky Anand submits that Government of India have issued a draft notification dated 10th May, 2016 whereunder the Government are proposing to promulgate new rules for grant of environmental clearance to any construction-related projects. A copy of the draft notification shall be placed on record by Ms. Anand and should the notification be finalised by the Government before the next date of hearing, a copy of the final notification shall also be filed. The respondents who have not filed counter affidavit may also file their counter affidavits within six weeks.

I.As. No.11-12 in Civil Appeals No.7191-7192 of 2016

Mr. Gopal Subramaniam, learned senior counsel appearing for the applicant, seeks leave to withdraw these applications reserving liberty to the applicant to seek such redress before the Tribunal as may be open to the applicant in law.

I.As. NO.11-12 are accordingly dismissed as withdrawn with the liberty prayed for.

We make it clear that we have expressed no opinion on the merits of the submissions made in the interlocutory applications.

I.As. No.7-8

Ms. Rohini Moosa, learned counsel for the applicant, seeks leave to withdraw these applications reserving liberty to the applicant to seek such other redress before the Tribunal as may be open to the applicant in law.

I.As. NO.7-8 are accordingly dismissed as withdrawn with the liberty prayed for.

We make it clear that we have expressed no opinion on the merits of the submissions made in the interlocutory applications.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER