

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.

IN RE:- O.A. No. 763/2024

IN THE MATTER OF:-

SIDHARTHA EXTENSION POCKET C
RESIDENTS WELFARE ASSOCIATION
(REGD.)

.....APPLICANT

VERSUS

NATIONAL CAPITAL REGION TRANSPORT
CORPORATION & ORS.

.....RESPONDENTS

I N D E X

Next Date : 02.12.2024

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Copy of the letter dated 16.12.2021 received from the office of the Deputy Conservator of Forests, Government of NCT of Delhi

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Copy of the community Interaction Program
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Proof of service

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(RAJESH KATYAL)

Advocate

Counsel for Respondent No: 1

Chamber No.170, Block-II,

Delhi High Court, New Delhi

Mobile-9810643553

E Mail: rajeshlawyer@yahoo.co.in

D-661/1991

PLACE :- DELHI

DATE :- 29.11.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI.

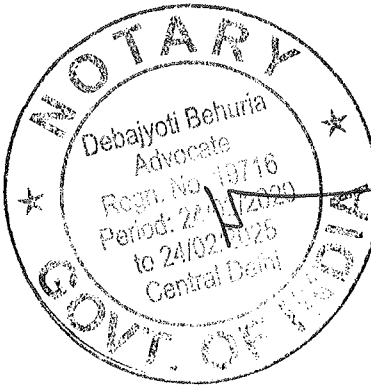
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**COUNTER REPLY ON BEHALF OF THE
RESPONDENT NO:1 I.E. NATIONAL
CAPITAL REGION TRANSPORT
CORPORATION LTD. (NCRTC) TO THE
ORIGINAL APPLICATION FILED BY THE
APPLICANT.**

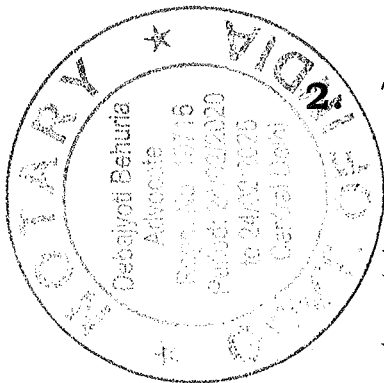
MOST RESPECTFULLY SHOWETH:

I, Subodh Kumar, aged 56 Years working
as Chief Project Manager (Delhi), National Capital

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Region Transport Corporation (NCRTC), Gati Shakti Bhawan, INA, New Delhi-110023 do hereby solemnly affirm and declare as under:-

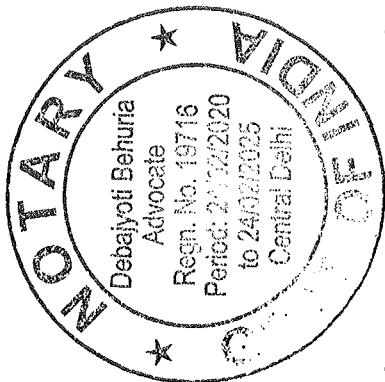
1. I am the deponent herein and in my official capacity, as stated above, I am well conversant with the facts and circumstances of the case, as such, I am competent and authorized to swear the present counter reply/affidavit for and on behalf of the National Capital Region Transport Corporation (NCRTC).



That I have read and understood the contents of the Original Application filed by the applicant and do hereby state that except to the extent the contents which are a matter of record, all other contentions allegations and statements of the OA that have not been specifically admitted hereunder, may be deemed to have been traversed and denied and nothing be deemed to be admitted for reason of non-traverse.

3. That the information provided in this affidavit are true to the best of my knowledge, belief and information obtained from official records, nothing stated is false and nothing is concealed there from.

4. That the liberty is further craved in making such other and further submissions/filing additional affidavit as may be required in the facts of the case subsequently or as may be directed by this Hon'ble Tribunal. The Answering respondent No: 1, in reply to the OA, at the outset, submits the Brief Background of the NCRTC and the preliminary objections and submissions, stated herein below.



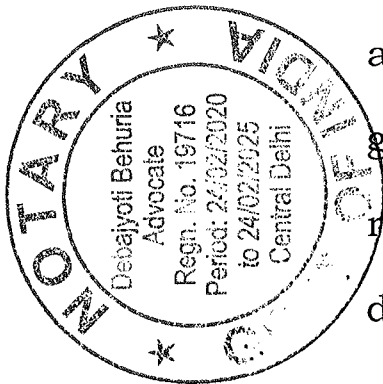
BRIEF BACKGROUND OF NCRTC

1. That the National Capital Region (NCR) in India is in the Northern part of India with New Delhi- the

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Capital of India, as it's nerve centre. It covers an area of approx. 58,000 Sq.Km with a population of around 46 Million, which is likely to touch 60 Million by 2025 and is one of the fastest growing regions in the world. It covers the entire National Capital Territory of Delhi, some districts of the States of Haryana, Rajasthan and Uttar Pradesh, having many important towns like Ghaziabad, Modinagar, Meerut in Uttar Pradesh, Sonipat, Panipat, Gurugram and Rewari in Haryana and Alwar in Rajasthan.

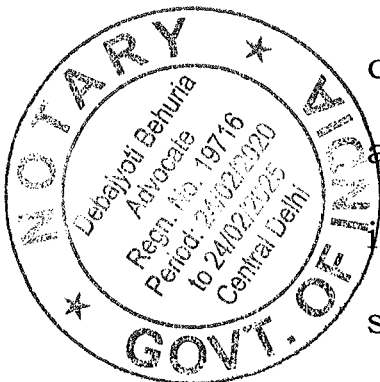
- 2.** That the public infrastructure in NCR has not been able to keep pace with the requirements of rapid growth in population and economic activity and has resulted in large numbers of private vehicles, distressing congestion, increased alarming level of pollution etc. Even though NCR has many important towns having population of more than 2 Million,



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majority of the activities are centered in and around Delhi, which has put tremendous stress on the infrastructure in Delhi especially on transport sector. Majority of the industries/offices are located in Delhi and daily millions of people come to Delhi from various adjoining towns in NCR for their livelihood.

3. That the NCR in India, being the largest in country and one of the largest urban agglomerations in the world, is currently facing serious issues of severe congestion and unprecedented pollution levels, which is caused by uncontrolled urban sprawl and consequently high transport demand. In order to address these issues and empower citizens through improved, efficient mobility and promote sustainable socio-economic growth of National Capital Region; Functional Plan on Transport for NCR-2032 has recommended development of rail based high-speed,



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high-frequency Regional Rapid Transit System (RRTS) across the NCR.

4. That the 'Functional Plan on Transport for NCR-2032', prepared by National Capital Region Planning Board (constituted under the National Capital Region Planning Board Act, 1985) in 2005, recommended eight Regional Rapid Transit System (RRTS) Corridors to connect various important towns of NCR with high-speed rail-based commuter transit system. Out of the above eight corridors, the Task Force appointed by the Planning Commission (now called NITI AAYOG) prioritized three corridors, namely, Delhi-Ghaziabad-Meerut, Delhi-Sonipat-Panipat and Delhi- Gurugram- Rewari- Alwar for implementation in the first phase.



5. That in order to achieve the above Targets, a Memorandum of Understanding (MoU) was signed in

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2011 between the Government of India and the State Governments of National Capital Territory of Delhi, Haryana, Rajasthan and Uttar Pradesh for implementation of RRTS in NCR, and to set up National Capital Region Transport Corporation Ltd. (NCRTC), a Special Purpose Vehicle (SPV), for implementing the RRTS projects. The Regional Rapid Transit System (RRTS) is a high-speed (Maximum operational speed- 160 kmph), high-capacity rail-based commuter transit system serving traffic nodes at 5 – 10 km. It will significantly reduce the travel time between various towns of NCR served by it. Such transport solution will support the goal of sustainable economic and social development of the region, with protection of environment.

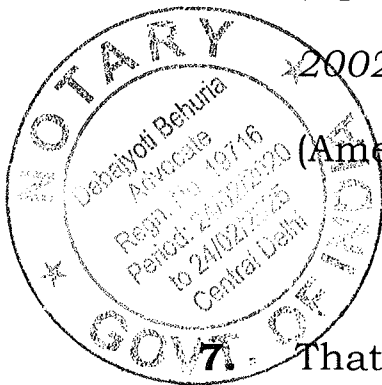


6. That in accordance with the Presidential sanction order dated 30th July 2013, the National Capital Region Transport Corporation (NCRTC) has been incorporated in August 2013, as per the Companies

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Act, 2013 (*Act No.18 of 2013*), as a Joint Venture Company of the Government of India (Share-50%) and participating States Governments of National Capital Territory of Delhi, Haryana, Rajasthan and Uttar Pradesh (Share-12.5% each), for designing, developing, implementing, financing, operating and maintaining Regional Rapid Transit System (RRTS) projects in the NCR. The legal cover provided for the RRTS projects taken up by the NCRTC is under the Metro Railways (Construction of Works) Act, 1978 (*Act No.33 of 1978*), the Railways Act, 1989 (*Act No.24 of 1989*) and the Delhi Metro Railway (Operation and Maintenance) Act, 2002 (*Act No.60 of 2002*), as amended through the Metro Railways (Amendment) Act, 2009 (*Act No. 34 of 2009*).

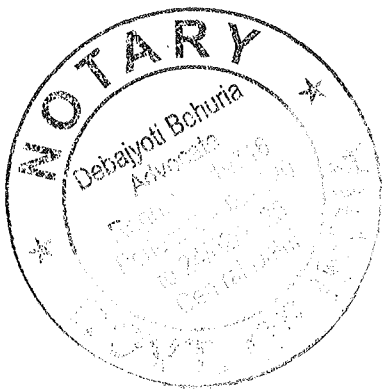


That the NCRTC is mandated for designing, developing, implementing, financing, operating and maintaining the RRTS projects in the NCR in consultation and co-ordination with the

Governments of the NCT of Delhi, Haryana, Rajasthan and Uttar Pradesh. RRTS will not only bring in significant direct economic benefits, such as savings due to reduction in congestion, travel time, vehicle-operating costs, vehicular pollution and road accidents, but also result in wider economic benefits. Considering its strategic importance, the RRTS project has been included in the National Infrastructure Pipeline (NIP).

8. That the aim and objective of the RRTS project is to develop a transformational rail based public transport system by conceptualizing an integrated mobility solution for National Capital Region supported by Multi-Modal integration. By providing fast, reliable and efficient transportation system, the project will:

- i. Significantly reduce pollution in NCT of Delhi and the NCR;



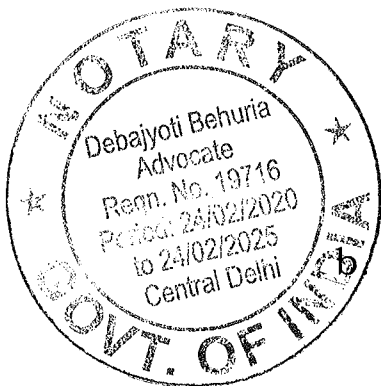
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- ii. Significantly reduce traffic congestion on the roads by increasing modal share of public transport;
- iii. Result in significant reduction in travel time;
- iv. Improve quality of life for the inhabitants of Delhi and NCR;
- v. Improve productivity of labour and industry in Delhi and NCR;
- vi. Result in balanced and sustainable regional development of Delhi and NCR.

9. That the RRTS is a much-awaited solution to multi-faceted problems being faced by NCR as under:

- a. With the rapid growth of economy, NCR is witnessing unprecedented population growth coupled with higher degree of urbanization.

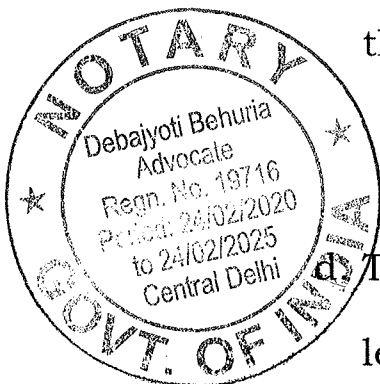


Large influx of migrants from various States, leading to rapid growth of population to the tune of 4.6 Crores (2011 census) has led to high growth in transport demand in NCR.

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c. Delhi is having road density of 21% which is much more than the road density in other mega metropolitan cities. Despite high road density and robust Metro network in Delhi, the traffic congestion has continued to increase unabated. The EPCA's special report published (Report # 92) in October 2018 has also highlighted that there has been a 40% increase in vehicular pollution between 2010 and 2018 in the region. According to the report, vehicles are the key contributor to air pollution – in terms of all pollutants, contributing as much as 41% of the pollution in the city of Delhi.

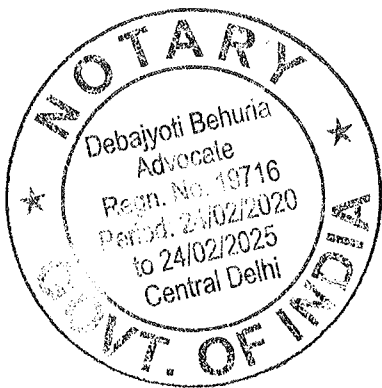


The high growth in transport demand in NCR has led to increased congestion on roads due to rise in private transport. Increased congestion on road has further led to high cost and long hours of

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journey, high consumption of fossil fuel and increase in environmental pollution. A study by Centre for Science and Environment (CSE) dated 10 July 2017 highlights that congestion on Delhi roads is growing at 7% annually. About 537 cars and 1,158 two-wheelers are added every day on the roads. However, as per the Economic Survey conducted by Planning Department of NCT of Delhi for 2023-2024 about 5674 car/jeeps and 14506 two wheelers on an average are added everyday on the roads.



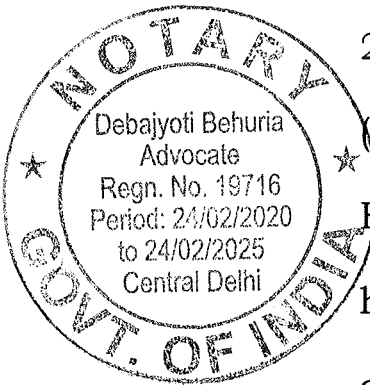
e. Air quality in Delhi/NCR particularly in winter months ranges from serious to alarming, primarily due to vehicular and crop burning pollution. As per EPCA study, the levels of particulate matter (PM10 & PM2.5) in NCR are around 4-7 times higher than the national air quality standards with vehicular pollution as the

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second largest and most consistently contributing source.

f. Unsafe roads due to heavy traffic results in increase in deaths in road accidents. As per report on road accidents in India published by Ministry of Road Transport and Highways, in 2022, Delhi has recorded high number of deaths, i.e., 1461 in India.

g. Rail Based transit system has a capacity of 20000-80000 Peak Hour Peak Direction Traffic (PHPDT) which is multiple times the capacity of Highway/expressways. The existing 4 lane highway connecting Delhi & Meerut and recently completed Delhi-Meerut expressway have combined capacity of 1,00,000 PHPDT (approx.) which is inadequate to meet even the present-day demand.

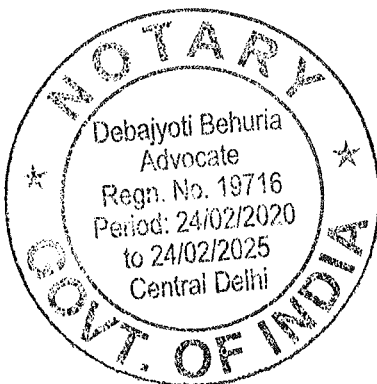


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10. That due to dedicated right of way, rail-based transport system can provide high capacity, high speed, high frequency services which can be an alternative to comfort and convenience of private transport. Delhi Metro is handling almost 7 million passengers everyday with nil accidents; thereby reducing the number of deaths in road accidents which clearly indicates that rail-based system is much safer mode as compared to road network.

11. That each RRTS train can carry up to 2000 passengers. Not only rail-based services are efficient due to high capacity and saves fuel cost due to reduced number of vehicles and pollution but also due to the fact that friction between steel to steel in rail system is 1/6th of friction between road and tyre, tractive effort and consequent power/fuel consumption per vehicle km is significantly lesser in

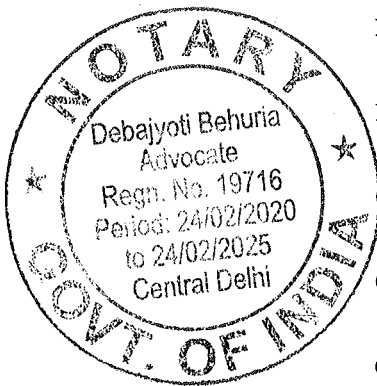


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railway. High capacity and high-speed operation of RRTS is expected to take a very large number of vehicles off the roads in Delhi coming from various nodal towns in NCR. This will reduce fuel consumption and congestion due to reduced number of vehicles plying on road.

- 12.** That the RRTS will significantly contribute for reducing pollution by increasing modal share of public transport and reducing vehicles on road. The reduction of pollutants will multiply manifold, when other RRTS corridors are taken into consideration. Besides reduction in air pollution due to reduction in number of vehicles on road, RRTS will contribute in reduction in air and noise pollution due to efficient electric operation. Due to pollution free and energy efficient operations, RRTS for the movement of same number of passengers will generate significantly lesser air pollution and carbon footprint.

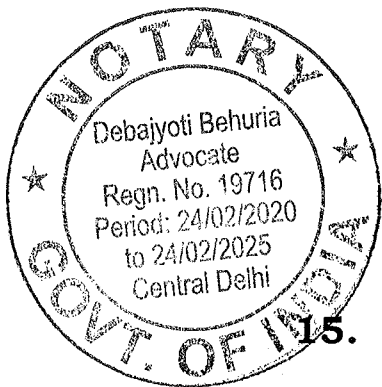


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13. That in the first phase of RRTS project, three RRTS corridors, namely (i) Delhi-Ghaziabad-Meerut, (ii) Delhi-Sonipat- Panipat and (iii) Delhi-Gurugram-Rewari- Alwar are planned to be implemented. These three RRTS corridors will converge at an elevated common terminus station at Sarai Kale Khan in Delhi and will be interoperable.

14. That out of the three prioritized RRTS corridors, Delhi-Ghaziabad-Meerut RRTS corridor project has been approved by the Government of India vide sanction order dated 07.03.2019 at a total cost of Rs 30,274 Crores.

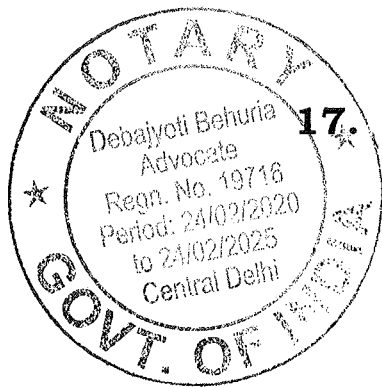


15. That the two priority sections of above Delhi-Ghaziabad-Meerut RRTS project corridor have already been commissioned/inaugurated. The first

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phase which is 17 km long from Sahibabad to Duhai Depot was inaugurated by Hon'ble Prime Minister on 20.10.2023. The above corridor was extended till Modinagar North from Duhai Depot and the same was inaugurated by Hon'ble Prime Minister on 06.03.2024 thereby increasing the overall operational length to about 34 km. The remaining entire corridor is planned to be commissioned by 2025.

- 16.** That all the three prioritized RRTS corridors are planned to originate from a common elevated terminus station at Sarai Kale Khan in Delhi.



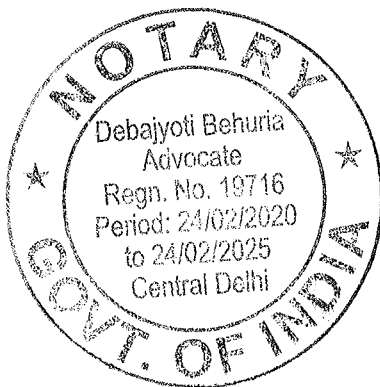
- 17.** That part of the Delhi-Ghaziabad-Meerut RRTS corridor project is funded by the Asian Development Bank (ADB). It is pertinent to mention here that the subject matter of the present O.A. is a part of Delhi-Ghaziabad-Meerut RRTS corridor project.

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18. That the Hon'ble Supreme Court has been continuously monitoring/observing RRTS project through its various orders and the issue of implementation of RRTS project is under the consideration of and follow up by the Hon'ble Supreme Court. The relevant orders as passed in this regard by Hon'ble Supreme Court are as under:

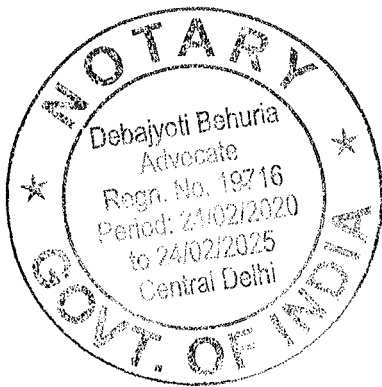
- i. In the matter of M.C. Mehta Vs. Union of India and Others, Writ Petition (C) No. 13029 of 1985, the Hon'ble Supreme Court on 03-12-2018 after taking note of the updated status report filed by Ministry of Environment Forest and Climate Change on implementation of Comprehensive Action Plan (CAP) for the air pollution control, asked the Government of NCT of Delhi to file affidavit on behalf of the Transport



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Department in compliance of its order. The Government of NCT of Delhi in its affidavit filed a brief response on RRTS system implemented by the NCRTC in Action Point No. 2.3.18.

- ii. The subject matter was again listed before the Hon'ble Supreme Court on 18.01.2019 wherein the Hon'ble Court while considering the Action Point 2.3.18 noted the details of actions taken by NCRTC with regard to RRTS. On January 18, 2019, the Hon'ble Supreme Court also observed that this project is "*absolutely necessary and there should be no delay on the part of concerned authorities*". It directed EPCA to convene a general meeting with the concerned stakeholders and its outcome be reported to the Court on the next date of

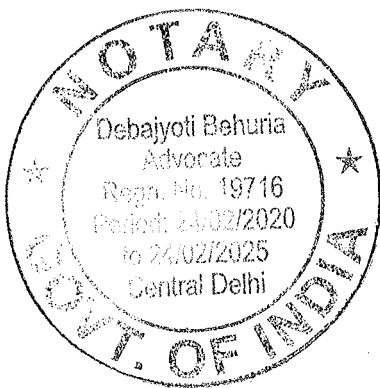


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hearing. EPCA convened the meeting on January 25, 2019 with all the concerned participants. The report No. 93 by EPCA was filed in compliance with the direction of the Hon'ble Supreme Court which seeks to find resolution to the objections raised by Delhi Government so that the project can be expedited.

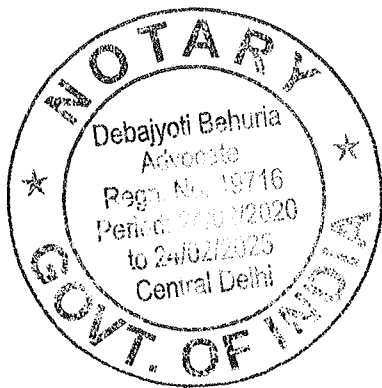
- iii. On 06.03.2019, the Hon'ble Supreme Court while considering the subject matter and Report No.93 of EPCA, passed the order laying down the importance of the RRTS Project and observed that *"In the facts of the case as there is no technical objection raised with respect to the feasibility of the aforesaid corridor (Delhi-Meerut), the Corridor is absolutely necessary for Rapid Transport to ease out growing congestion and for*



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reducing the pollution.” The Hon’ble Supreme Court vide order dated 06.03.2019 also directed the NCRTC and Ministry of Housing & Urban Affairs to file the Plan regarding implementation of Delhi-Alwar and Delhi-Panipat RRTS corridors before 31.03.2019.

- iv. The Hon’ble Supreme Court in its hearing held on 04.11.2019 in W.P. (C) No. 13029 of 1985 banned the construction activities in Delhi-NCR till further orders. However, subsequently, vide its orders dated 09.12.2019, while considering the difficulties faced by various agencies engaged in construction work, partially relaxed the ban in terms of recommendations made by the Central Pollution Control Board (CPCB) and permitted resumption of



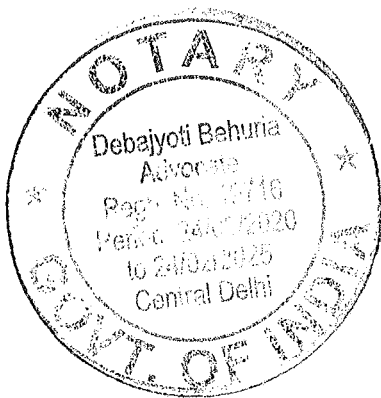
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construction work only during the day time (6 a.m. to 6 p.m.) in Delhi-NCR area.

- v. The Hon'ble Supreme Court on 16.12.2019 while considering I.A. Nos. 192258 of 2019 and 192263 of 2019 filed by NCRTC with respect to the difficulties faced by it in continuance of construction work of the Delhi-Meerut RRTS project permitted aforesaid construction activity after following general pollution mitigation measures. NCRTC assured the Court that no pollution shall be permitted to be caused by the aforesaid activity by taking the steps as mentioned in the application. Hon'ble Court in its order said:

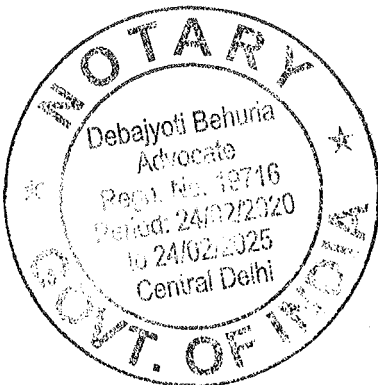
"Upon mentioning, the applications are taken on board.



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Considering the importance of the project in question for reducing the pollution in Delhi, we permit the construction activity relating to project even during night time, as prayed for in the applications, with all necessary safeguards. In case any violation of norms of construction is found, all the concerned officers shall be held responsible for violation of the order.”

- vi. The Hon'ble Supreme Court on 21.04.2023 while considering I.A. Nos. 3516 of 2023 filed by Government of NCT of Delhi on the issue of funds for the Delhi-Meerut RRTS project, directed it to make the requisite budgetary provision and thereafter to pay the amount promptly so that the project is not delayed.



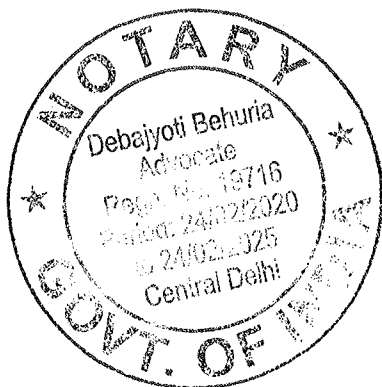
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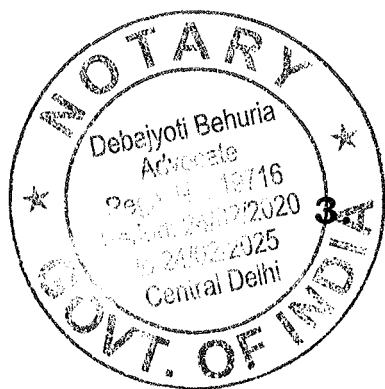
The copies of the above orders as passed in in W.P. (C) No. 13029 of 1985 M.C.Mehta Versus UOI is annexed herewith as **Annexure R-1 (Colly)**.

BRIEF BACK GROUND RELEVANT FOR THE PRESENT PETITION AND PRELIMINARY OBJECTIONS:

1. That for smooth operation and maintenance of RRTS trains, the stabling yard with one Station is planned at Jungpura, Delhi for stabling of trains. Stabling of trains consists of parking, cleaning and performing maintenance tasks of trains and also their scheduled service. Five main tasks are performed at stabling yards: exterior cleaning, interior cleaning, technical checks, repairs, and shunting and composing of trains. Each task has to be performed with a certain frequency.



2. That the Stabling yard alignment for those prioritized corridors originates at Sarai Kale Khan and terminates at the Stabling Yard in Jangpura. The 1.35 km long viaduct (bridge) from Sarai Kale Khan crosses (i) Barapullah Nalla, (ii) Barapullah Flyover (iii) Pocket-C Siddhartha Extension Colony (a residential colony), Delhi-Mumbai Northern Railway tracks and Mathura Road before entering the land parcel allotted by Ministry of Housing and Urban Affairs for construction of Stabling Yard, OCC and other facilities at Jungpura. In this alignment small numbers of trees are coming on the way of RRTS rail-line, which are the subject matter of the present application, which is hindering the construction works, which require to be cleared.

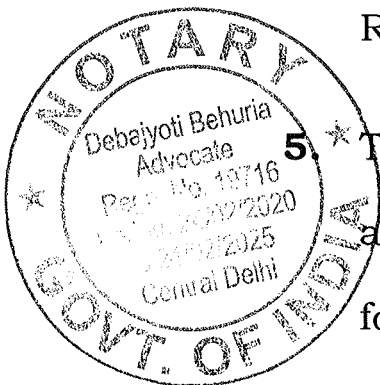


3. That the construction work is in full swing on the entire stretch of around 1.35 Kms from Sarai Kale Khan to Stabling Yard at Jangpura of which pilling work/foundation work is complete on the entire stretch except a small spur (portion) of viaduct

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passing through Pocket-C Siddharth Extension consisting of only 6 pier foundations.

4. That the pilling works on these 6 pier foundations are pending owing to trees infringement due to which a major construction activity of the viaduct (i.e. pilling/foundation work) has come to grinding halt. The viaduct connecting Sarai Kale Khan RRTS Station and Stabling Yard at Jungpura was passing through the Siddhartha Extension and some trees were in the alignment which requires removal. Any delay in making functional the Stabling Yard would seriously affect the operation and maintenance of RRTS trains.



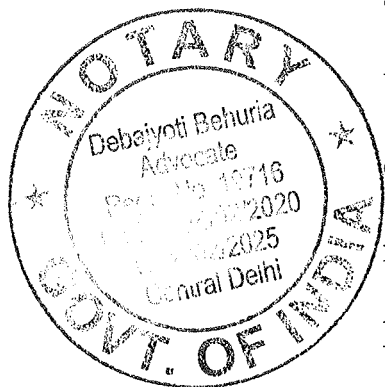
5. That a total of 144 nos. of trees were found in the alignment and out of these 144 trees, 36 trees were found inside the premises of Siddhartha Extension. For the removal of 144 trees, an application under The Delhi Preservation of Trees Act (DPTA), 1994 was

filed by the applicant/NCRTC on 19.10.2020.

(Annexure R- 2)

6. That the permission for transplantation of 120 numbers of trees and cutting/removal of 24 numbers of trees which sums up to 144 trees was received from Office of the Deputy Conservator of Forests, Government of NCT of Delhi through letter dated 16.12.2021. **(Annexure R-3).**

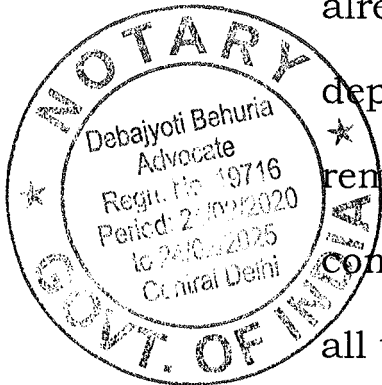
7. That out of 144 trees as detailed above, 36 numbers of trees infringing in the 6 pier foundations stated above couldn't be transplanted/cut/removed within the timeline of the permission received through letter dated 16.12.21 due to legal challenges posed by the residents of the area as they filed a PIL which however was subsequently dismissed by the Hon'ble High Court of Delhi vide Judgment dated 15.09.2023 as passed in WP(C) No: 11740/2023. **(Annexure R-4)**



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8. That the Deputy Conservator of Forests, Government of NCT of Delhi was apprised of the same through NCRTC's letter dated 16.01.2024. (**Annexure R-5**) and request was made for renewal of permission for 36 number of trees infringing in the 6 pier foundations (Transplantation – 29 Trees, Cutting of 7 Trees). It is submitted that out of the 108 trees, NCRTC has been able to save 36 No. of trees subsequent to obtainment of aforesaid permission whereas 04 No. of trees naturally fell due to heavy storm. The rest of the 68 out of 108 trees have already been removed/transplanted. The Table below depicts the permission granted for transplantation/removal of 144 trees (including 36 trees) and compensatory plantation accomplished in respect of all the trees.

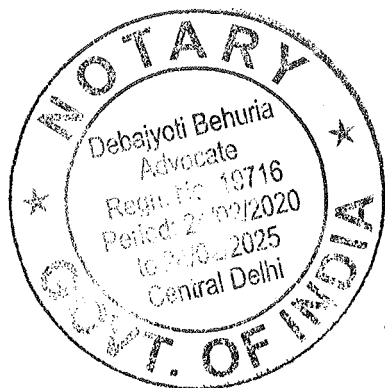


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TABLE

S. No	Permission granted for total no. of trees.	Transplanted + removed till date	Save d+fall en till date	Trees requiring trans-plantation	Trees requiring removal	Compensatory plantation to be done for total number of trees. (i.e 144 x 10=1440)	Compensatory plantation already completed for all the trees removed/proposed to be removed (i.e 108+36=144)
1.	120 nos. Transplantation and 24 nos. for removal	53 + 15	36 + 04	29	7	1440	1440
Total	144	68	40	36		1440	1440

9. That the Deputy Conservator of Forests through its order/letter dated 20.02.2024 (**Annexure R-6**) renewed the permission till 19.04.2024 subject to condition that the work of Transplantation/Removal can be done only after disposal of CM in Contempt Case (C) No. CONT(C)-1149/2022 by Hon'ble High Court of Delhi.

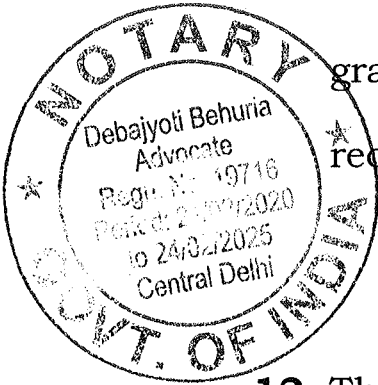


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10. That Regional Rapid Transit System is the first semi-high speed train network being constructed in National Capital Region of India. NCRTC is executing the first RRTS corridor between Delhi to Meerut. Delhi-Meerut Corridor is having a total length of 82.17 Kms. Out of this 82.17 Kms, 42 Kms has already been made operational.

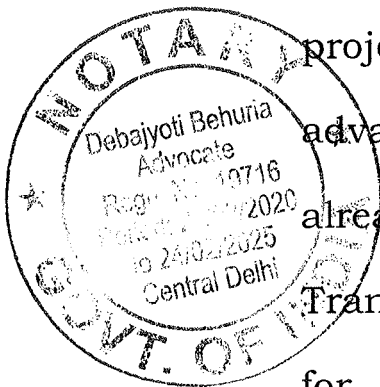
11. That NCRTC made a request vide letter dated 18.04.2024 (**Annexure R-7**) to the Deputy Conservator of Forest for extension of the permission granted on 20.02.2024. However, no response was received thereafter.



12. That it is pertinent to mention here that the User agency has been granted permission for transplantation of trees at Land adjoining DND Flyway Western Bank of river Yamuna land 1.76 Ha (approx.) for NCRTC. The Compensatory plantation in

lieu of felling of this 144 number of trees has already been done by DDA on behalf of NCRTC. The completion report of compensatory plantation work done and as conveyed/intimated by DDA through its letter dated 13.12.2023 is annexed herewith as **Annexure R-8.**

13. That the Construction work has commenced, wherever tree cutting permissions have been granted. However, it is most pertinent to mention here that this is a rail based linear project and even if small length of line is not constructed, it affects the whole project. The construction has started and is at advance stage at the place where the permission has already been granted and the trees have been Transplanted/Removed. However, if the permission for cutting of trees as mentioned above is not granted, the entire project cannot be completed/commissioned as it is a linear project and falls in one line.

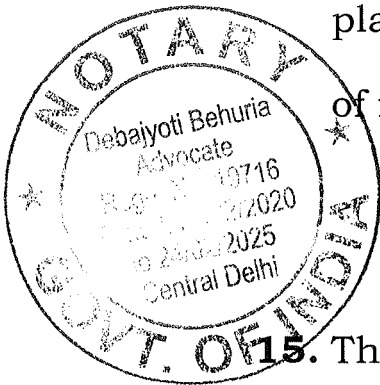


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14. That NCRTC being a law-abiding organization is always committed to inclusive growth and protection of environment and has always ensured that whenever the trees are required to be removed, the efforts have always been to ensure that maximum trees are transplanted.

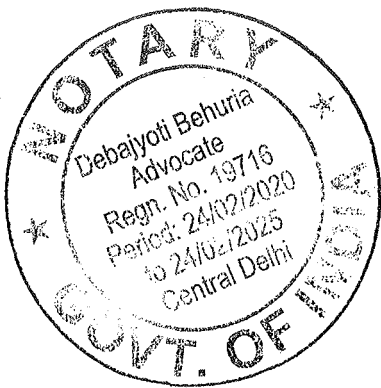
As the policy and motto of NCRTC is to implement environment friendly Rapid Rail Transit system, NCRTC in furtherance of growth/protection of environment will be planting required number of trees for cutting every tree under the compensatory plantation policy. The NCRTC assures the fulfilment of its commitment, in letter and spirit.



15. That NCRTC has submitted all required clarification and documents to Forest Department, Delhi. NCRTC has been following with the concerned authorities to expedite the permission for cutting/felling of trees in certain areas, falling in between the chunk/strip, a

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larger part of which has already been approved for Felling/Transplantation where the RRTS project work is going on in full swing; so that the work in this chunk is not stalled and priority section of the corridor becomes functional as per the tight time schedule. The delay in tree removal/cutting permission in this small chunk/strip in Delhi area, will result in restraining work of an infrastructure project of public importance, and handing over of site to the contractors is getting delayed. The Contracts in this highly capital intensive project which is being funded by Asian Development Bank, are governed by FIDIC conditions wherein, the Contractors are to be compensated monetarily for any delay in handover of encumbrance free work site.



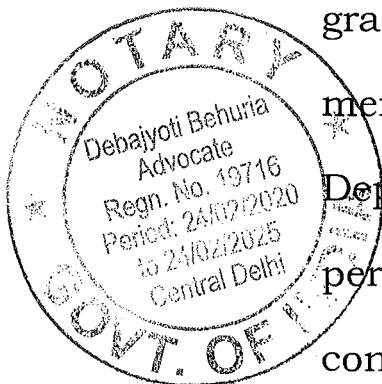
16. That Delhi-Meerut RRTS corridor project is being substantially funded (approximately 60%) by Asian Development Bank (ADB), as a loan for which

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interest charges are to the tune of Rs One Crore per day (approximately). The Delhi-Ghaziabad-Meerut RRTS corridor project is a highly capital-intensive project with completion cost of more than Rs 30,000 Crores and in which each day's delay cost is as much as Rs 4 Crores per day (approximately) to the exchequer.

- 17.** That RRTS Delhi- Ghaziabad-Meerut corridor project has been given a tight implementation schedule by the Government with commissioning targeted by March'2025. There is an urgent need to expedite grant of permission to cut trees at locations mentioned in NCRTC application pending with Forest Department, Govt. of NCT of Delhi where the permission has been granted but the same is conditional subject to the orders of the Hon'ble High Court of Delhi for which the NCRTC has already filed



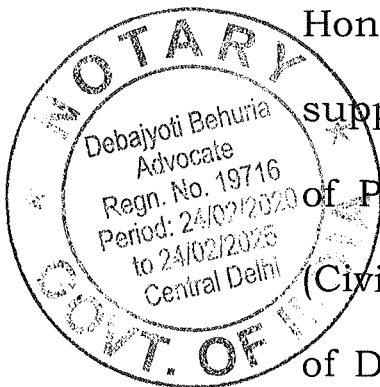
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the required application which is pending adjudication before the Hon'ble High Court of Delhi.

18. That the delay in according permission by Forest Department, Government of NCT of Delhi for cutting/relocation/transplantation of trees for clearing sites for RRTS corridor is delaying the progress of construction work resulting in time and cost overrun and due to this delay the public at large may also be deprived of the RRTS facilities.

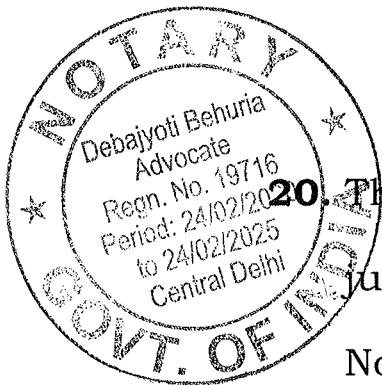
19. That the applicant has failed to approach this Hon'ble Tribunal with clean hands and have suppressed the filing of the Writ Petition in the form of Public Interest Litigation (PIL) i.e. Writ Petition (Civil) No: 11740/2023 before the Hon'ble High Court of Delhi which was dismissed by the Hon'ble High Court of Delhi vide judgement dated 15.09.2023 and the copy of the Judgement dated 15.09.2023 is



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annexed herewith as Annexure R-4. The O.A as filed by the applicant is silent regarding the filing of the above mentioned writ Petition. It was only at the time of preliminary hearing dated 11.07.2024 a mention was made regarding the above Writ Petition. The applicant have further suppressed and failed to disclose the filing and the subsequent dismissal of the Review Petition i.e. Review Petition 335/2023 which was dismissed vide order dated 05.01.2024 and the copy of the order dated 05.01.2024 s annexed herewith as **Annexure R-9**. Hence, the present O.A is liable to be dismissed with costs.



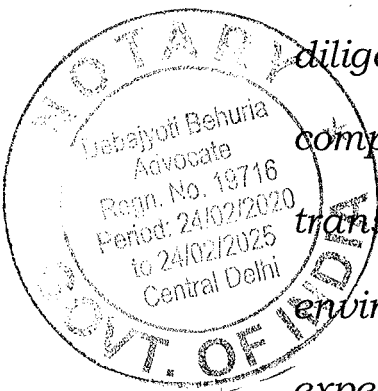
20. That the Hon'ble High Court of Delhi in its detailed judgement dated 15.09.2023 in Writ Petition (Civil) No: 11740/2023 dealt with all the issues concerning the project as being executed by the answering respondent No: 1/NCRTC. The Hon'ble High Court as held as under:

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“Analysis and findings

The RRTS project

4. The Delhi-Ghaziabad-Meerut RRTS corridor has received government approval through a sanction order dated 07th March, 2019, with a total project cost of approximately Rs. 30,270 crores. Construction work commenced in June 2019 and has been progressing on schedule. The priority section of this corridor is set to be operational by early 2023, while full commissioning is targeted for 2025. Importantly, the project is substantially funded to approximately 60% of the total cost. Currently, the NCRTC has mobilized a workforce of over 14,000 professionals, who are diligently working around the clock to ensure timely completion. The RRTS corridor is not merely a transport project, but also a significant initiative in environmental sustainability. Moreover, the RRTS is expected to contribute significantly to reducing pollution levels by augmenting the modal public transportation share, thereby decreasing the number



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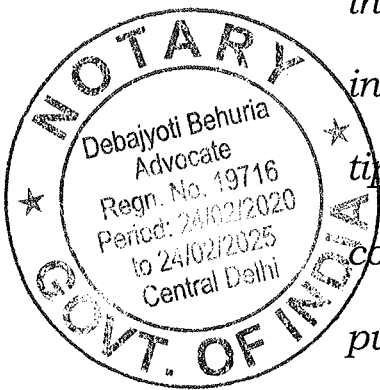
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of vehicles on the roads. Additionally, the efficient electric operation of the RRTS will further reduce both air and noise pollution.”

.....

“PUBLIC INTEREST

7. Public interest stands at the forefront of this project, given its significant benefits such as reducing air pollution, alleviating traffic congestion, and offering a more efficient transportation system. Additionally, the project promises substantial environmental benefits, as indicated by the Detailed Project Report, including significant reductions in annual emission rates of particulate matter, nitrogen oxide, hydrocarbons, and carbon monoxide. Thus, in the act of balancing individual property rights and overarching public interest, the latter must take precedence. The scale tips in favour of a solution that serves the larger community, and ensures the most efficient use of public resources.”

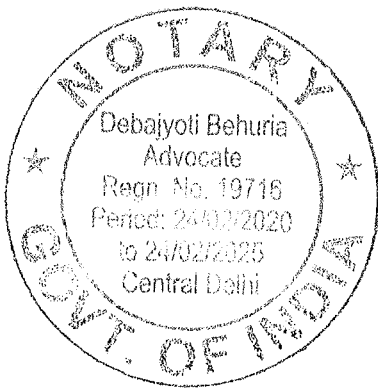


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“9. Therefore, NCRTC has strategically planned allocation of resources to expedite the completion of the project as swiftly as possible. These are not merely preventive measures, but a proactive strategy aimed at safeguarding the general public from construction-related hazards. In sum, these measures demonstrate NCRTC’s conscientious approach to balancing the imperatives of public infrastructure development with the everyday lives and concerns of affected residents.”

21. Thus, the High Court of Delhi has specifically observed that the RRTS corridor is not merely a transport project, but also a significant initiative in environmental sustainability. It held that the RRTS is expected to contribute significantly to reducing pollution levels by augmenting the modal public transportation share, thereby decreasing the number of vehicles on the roads and also additionally, the efficient electric operation of the RRTS will further



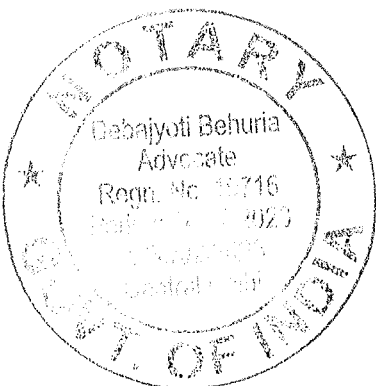
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reduce both air and noise pollution. It also held that Public interest stands at the forefront of this project, given its significant benefits such as reducing air pollution, alleviating traffic congestion, and offering a more efficient transportation system. Thus, the High Court while dismissing the Writ Petition dealt with environmental issues as well. Therefore, the present O.A being devoid of any merit is liable to be dismissed.

22. That the applicant not satisfied with the Judgement of the High Court preferred Review petition. In the said review Petition, the applicant pleaded in Para 17 as follows:

“17. That even Option -III plans to cut about 100 trees in and around Siddharth Extension on the planned route to Stabling Yard which are minimum 25 years Old and have damaging and irreversible damage to

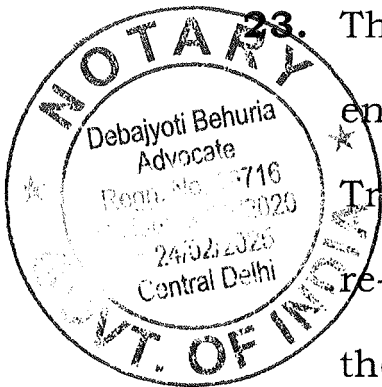


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the environment, which can be completely avoided in Option-I.”

The Hon’ble High Court after considering the contentions of the applicant in the Review Petition concluded as under in Para 8:

“8. There is no error apparent on the face of the record. Further, no ground is made out to review the judgment dated 15.09.2023. The Review petition is accordingly dismissed.”



23. Thus, the applicant having already raised the environmental issues as well as the issues of the trees before the Hon’ble High Court of Delhi cannot re-agitate the issues again in the present O.A. and therefore the present O.A. is liable to be dismissed.

24. That the applicant under the garb of the present O.A. are not interested in any environmental matters but

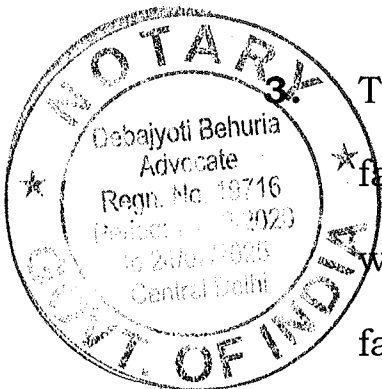
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are only interested to press the NCRTC to drop the present route and take some other route alignment as has been stated by the applicant in Para 12 of the present O.A. The same grounds were taken by the applicant previously in a PIL and its review in the Hon'ble Delhi High Court both of which were dismissed by the Hon'ble Delhi High Court.

PARAWISE REPLY

1. That Para No: 1 of the O.A need no further reply as the same is a matter of record.

2. That Para No: 2 of the O.A need no further reply as the same is a matter of record.



3. That Para No: 3 of the O.A need no further reply so far it relates to the matter of record and the rest are wrong, false and hence denied. The applicant has failed to point out which environmental laws and

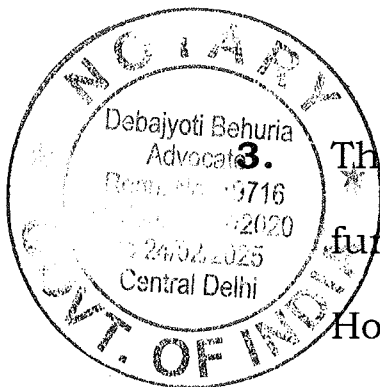
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which provisions have not been implemented and therefore the plea being vague and unspecific is liable to be rejected forthwith.

REPLY TO THE BRIEF FACTS

1. That Para No: 1 of the brief facts in O.A need no further reply as the same is a matter of record.
2. That Para No: 2 of the brief facts in O.A need no further reply as the same is a matter of record. However, the applicant be put to the strict proof of the averments made therein.



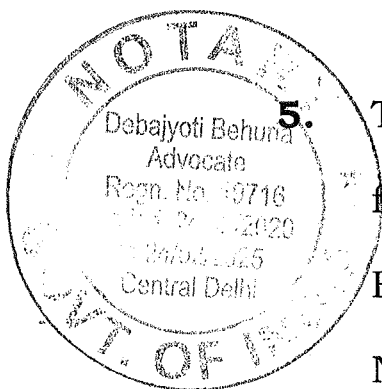
3. That Para No: 3 of the brief facts in O.A need no further reply as the same is a matter of record. However, the applicant be put to the strict proof of the averments made therein. It is submitted that through DDA/Respondent No: 2 letter no. F.32(78)19/IL/170 dated 06.02.2020, NCRTC was

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informed that 'DDA has clarified that the layout plan of Siddhartha Extension was approved in the year 1982 and the area concerned stands transferred to MCD and therefore NOC may also be procured from SDMC, which was accordingly done by NCRTC.

4. That Para No: 4 of the brief facts in O.A pertain to the MCD/Respondent No: 3 and therefore need no reply from the answering respondent No: 1. However, it is submitted that the contention of the applicant is not as per letter no. F.32(78)19/IL/170 dated 06.02.2020 as issued by DDA.



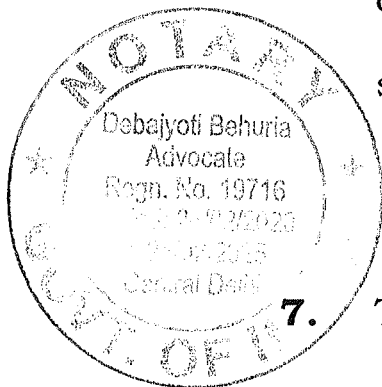
5. That Para No: 5 of the brief facts in O.A need no further reply as the same is a matter of record. However, the contents of the brief background of the NCRTC as submitted herein above may kindly be read part and parcel of the present Para as the contents of the same are not repeated herein for the

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sake of brevity. It is pertinent to state here that the Plan to build RRTS has been approved by Hon'ble President of India, GOI through letter no K-14011/17/2017-MRTS-I(Vol-II) dated 07.03.2019 and the copy of the same is Annexed herewith as **Annexure R-10.**

6. That Para No: 6 of the brief facts in O.A need no further reply as the same is a matter of record. However, the contents of the brief background of the NCRTC as submitted herein above may kindly be read part and parcel of the present Para as the contents of the same are not repeated herein for the sake of brevity.

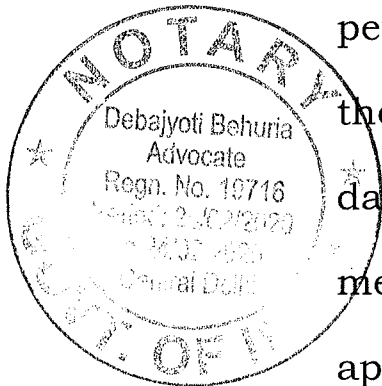


7. That Para No: 7 of the brief facts in O.A so far it relates to the matter of record, the same need no reply and the rest are wrong, false and hence denied. It is denied that this will cause very

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significant disturbance, damage to the environment and inconveniences to the residents, as alleged. It is denied that this will affect safety, security and very loud and intolerable noise pollution and dust pollution during construction and operations will seriously effect and the health of ailing persons specially senior citizens, as alleged. It is submitted that the apprehensions of the applicants are unfounded and without any basis. It is stated that the in the Writ Petition No: 11740/2023 as field by the applicant before the Hon'ble High Court of Delhi, the Siddhartha Extension Senior Citizens' Welfare Forum (Regd.) was also one of the Petitioners as petitioner No:2 and similar averments were made in the said writ petition. In Para 2.6 of the Judgement dated 15.09.2023, the Hon'ble High Court made a mention of the following contention of the applicants:



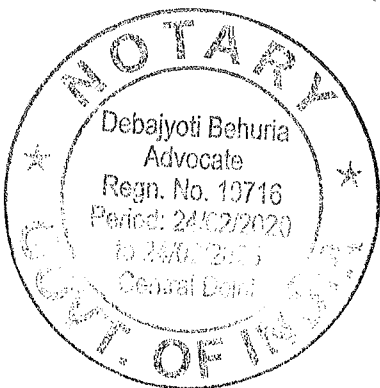
“2.6. Beyond the potential infringement of property rights, if Option 3 is proceeded with, the resultant

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risks to residents' quality of life and safety, would be manifold. Construction under this plan would inevitably result in noise and air pollution, making daily life intolerable for residents. Additionally, the placement of hazardous infrastructure and heavy machinery in a residential zone would not only pose a safety threat, but would also disrupt essential amenities, such as access roads and parking facilities. Given that a less disruptive and more resident-friendly option exists, the Respondents must be directed to consider designs that minimize these negative impacts."

However, after considering all the aspects as involved in the NCRTC project, the writ petition was dismissed. In fact, the Hon'ble High court held as under:



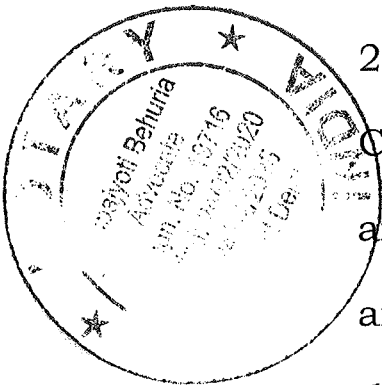
"7. Public interest stands at the forefront of this project, given its significant benefits such as reducing air pollution, alleviating traffic congestion, and offering a more efficient transportation system.

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Additionally, the project promises substantial environmental benefits, as indicated by the Detailed Project Report, including significant reductions in annual emission rates of particulate matter, nitrogen oxide, hydrocarbons, and carbon monoxide. Thus, in the act of balancing individual property rights and overarching public interest, the latter must take precedence. The scale tips in favour of a solution that serves the larger community, and ensures the most efficient use of public resources.”

Thus, the applicants are raising the issues which have already been dealt with and answered in the above mentioned writ petition. It is submitted that the RRTS Stabling yard viaduct, Rail level is around 24 m from ground level and the same enters Pocket-C near Gate No: 3 and exits from Gate no.6. There are only 3 piers inside pocket-C, one near Gate no.3 and two at the periphery of the park. It is submitted that the said project is ADB funded and as a mandatory requirement of loan disbursal, an



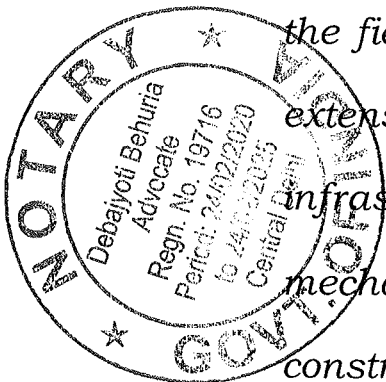
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Environmental Impact Assessment was done by the competent third party and the report is then reviewed and approved by ADB, which finally is published on ADB's website. It can be established from the report that the environmental parameters will be maintained/remain within range during construction and after commissioning.

In its judgement, the Hon'ble High court while dealing with the above issues observed/held as under:

"Safety measures

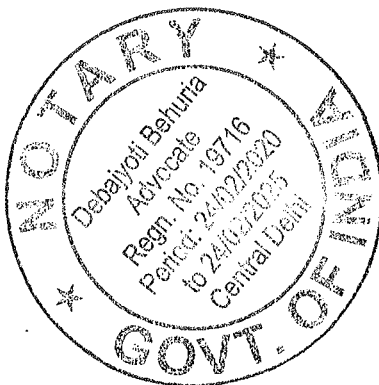
8. *It is also worth noting that NCRTC is not a novice in the field, but is a specialized government entity with extensive experience in executing complex and heavy infrastructure projects. They have a robust safety mechanism in place to monitor, supervise, and direct construction activities. This adds an additional layer of assurance that construction will be conducted in a manner that prioritizes both, safety and environmental concerns. NCRTC has demonstrated a*



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commitment to mitigating the impact of construction on the well-being of Siddhartha Extension residents; they have devised a comprehensive approach to construction that would ensure speed and safety. The construction within the society's boundaries is scheduled with additional resources to ensure its expeditious completion. Before the initiation of construction activities, proper road diversions will be established and managed by trained and experienced traffic marshals. This will separate construction-related vehicular activity from general traffic, thereby reducing the likelihood of congestion and accidents. During the construction phase, stringent safety measures will be in place: the worksite will be fully enclosed by high barricades and will be monitored by security personnel to restrict unauthorized entry. Upon completion of the construction, NCRTC has committed to restoring the site to its original state, supplemented by modern amenities for the residents. This restoration will take



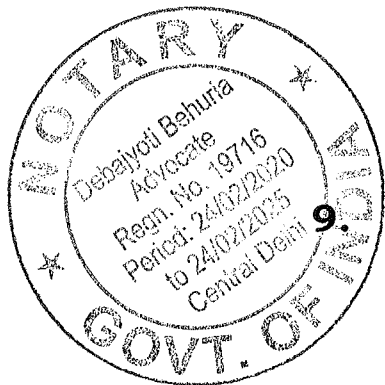
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place before the site is handed back to the respective governing agency.”

Hence, the contentions of the applicant are not sustainable in law and facts and merits rejection.

8. That Para 8 of the O.A so far it relates to the matter of record, the same need no reply and the rest are wrong, false and hence denied. It is submitted that under the DPT Act, NCRTC received permission of 144 no of trees for RRTS Stabling Yard Alignment and Sarai Kale Khan Station Yard. Of these 144 trees, only 36 trees are located inside and near to Pocket-C. Out of these 36 trees, 29 Trees are to be transplanted and 7 to be cut.



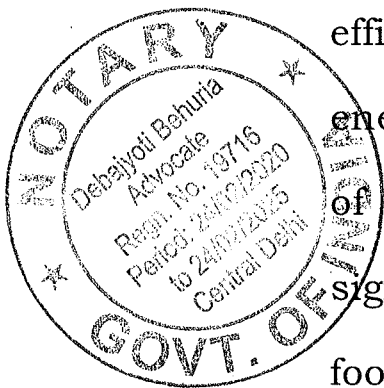
9. In reply to Para No: 9 of the O.A. it is submitted that the applicants are merely repeating the contentions which have already been answered in the preceding paras and the reply herein above may kindly be read

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as reply to the present Para as the contents are not being repeated herein for the sake of brevity.

10. In reply to Para No: 10 of the O.A it is submitted that RRTS will significantly contribute for reducing pollution by increasing modal share of public transport and reducing vehicles on road. The reduction of pollutants will multiply manifold, when other RRTS corridors are taken into consideration. Besides reduction in air pollution due to reduction in number of vehicles on road, RRTS will contribute in reduction in air and noise pollution due to efficient electric operation. Due to pollution free and energy efficient operations, RRTS for the movement of same number of passengers will generate significantly lesser air pollution and carbon footprint. It is very pertinent to mention here that on 06.03.2019, the Hon'ble Supreme Court while considering the subject matter and Report No.93 of EPCA, passed the order laying down the importance



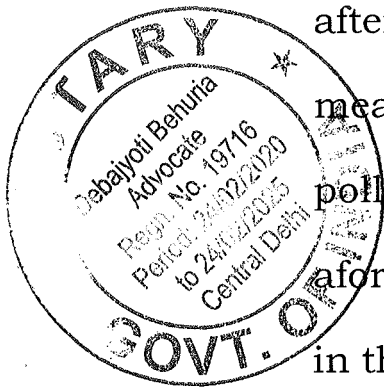
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of the RRTS Project and observed that *“In the facts of the case as there is no technical objection raised with respect to the feasibility of the aforesaid corridor (Delhi-Meerut), the Corridor is absolutely necessary for Rapid Transport to ease out growing congestion and for reducing the pollution.”*

Further, the Hon’ble Supreme Court on 16.12.2019 while considering I.A. Nos. 192258 of 2019 and 192263 of 2019 filed by NCRTC with respect to the difficulties faced by it in continuance of construction work of the Delhi-Meerut RRTS project permitted aforesaid construction activity after following general pollution mitigation measures. NCRTC assured the Court that no pollution shall be permitted to be caused by the aforesaid activity by taking the steps as mentioned in the application. The Hon’ble Supreme Court in its order said:

“Upon mentioning, the applications are taken on board.

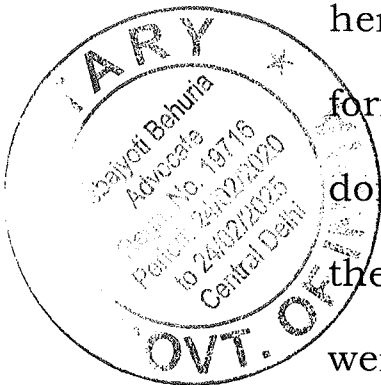



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Considering the importance of the project in question for reducing the pollution in Delhi, we permit the construction activity relating to project even during night time, as prayed for in the applications, with all necessary safeguards. In case any violation of norms of construction is found, all the concerned officers shall be held responsible for violation of the order.”

Hence, the contentions of the applicant are baseless.

- 11.** That Para 11 of the O.A as stated is wrong and hence denied, as alleged. It is submitted that several formal and informal meetings/correspondence was done with RWA and Sr. Citizen Forum wherein all the queries regarding the environmental aspects were answered. Moreover, a Community Interaction Program (CIP) was organized inside Pocket-C Siddhartha Extension on 05.07.2022 to address the resident's concerns on EIA and RP reports. For a

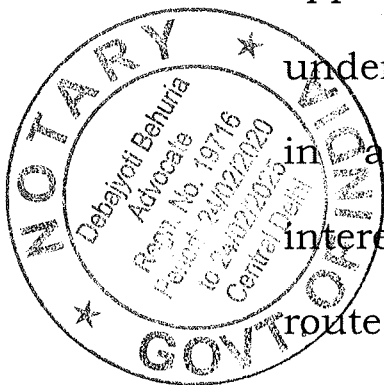


[Signature]

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better understanding of the residents, senior environmentalists, Noise and Vibration experts from CRRI etc were called upon to address the queries of RWA/Residents. The documents to this effect are annexed herewith as **Annexure R-11**.

12. That Para 12 of the O.A as stated is wrong and hence denied, as alleged. It is submitted that the issue of alternative route options has already been dealt with by the Hon'ble High Court in the above mentioned Writ Petition and the contention of the applicant has been rejected. In fact, the applicant under the garb of the present O.A are not interested in any environmental matters but are only interested to press the NCRTC to drop the present route and take some other route alignment. It is submitted that there is no other feasible alignment option available. The same grounds were taken by the applicant previously in a PIL and its review



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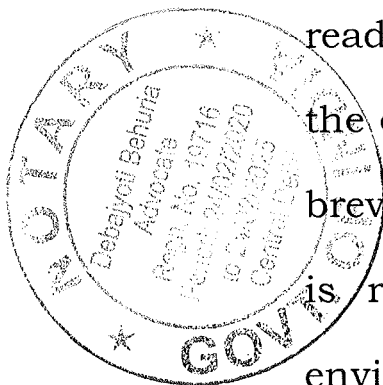
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before the Hon'ble Delhi High Court both of which were dismissed by the Hon'ble High Court.

13. That the present O.A. is the misuse of the process of court and hence the same deserves to be dismissed with costs.

REPLY TO THE GROUNDS

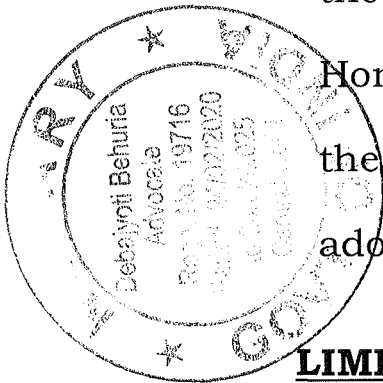
It is submitted that the grounds in the O.A are mere repetition of the averments made in the O.A which have already been replied in detail and the contents of the reply submitted here in above may kindly be read as part and parcel of the reply to Grounds as the contents are not repeated herein for the sake of brevity. However, it is denied the instant Application is raising substantial questions relating to the environment where the community at large is affected by the adverse environmental consequences, as alleged. It is denied that various shrubs/trees are to be damaged resulting in



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environmental degradation, as alleged. It is vehemently denied that the action of respondent no. 1 despite having approval of another alternate plan i.e., original plan (Option I) which would be bypassing Siddhartha Extension Pocket C and thereby reduce or reduce the cutting of trees etc. is being rejected by the respondent no. 1 on the ground that other alternative is 'Techno-Economical' is absolutely ill-logical, as alleged. It is submitted that the action of the answering respondent is in accordance with law and the applicant is misusing the process of the court after having lost in the Hon'ble High Court on similar issues and now under the garb of the present O.A is pressing the NCRTC to adopt another route.



LIMITATION

It is denied that the present Application has been filed within the period of limitation as given under Section 14 of the National Green Tribunal

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Act, 2010, as alleged. It is submitted that the present O.A. is time barred.

PRAYER

Prayer of the O.A as stated is wrong, false and hence denied. It is submitted that in view of the detailed submissions made herein above, the O.A as filed by the applicant has no merit and the same may kindly be dismissed with costs.

VERIFIED THAT THE DEPOSED
Shri / Smt. / Km ...
No. / Wife No. ...
I identified by Shri / Smt. ...
Has solemnly sworn to the truth at
Delhi on ...

[Signature]
सुबोध कुमार
आई.आर.एस.ई.
मुख्य परियोजना प्रबन्धक/दिल्ली
राष्ट्रीय राजधानी क्षेत्र, एन.डी.ए. कॉम्प्लेक्स लिमिटेड
(भारत सरकार एवं प्रतिभागी राज्य सरकारों का एक संयुक्त उपक्रम)
DEPONENT

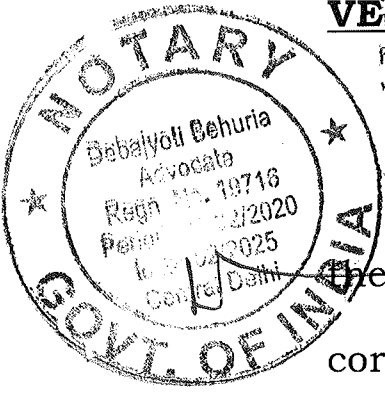
VERIFICATION

The affidavit which have been read & explained to me and I have verified the contents of the same and found them to be true & correct to the best of my knowledge.

28 NOV 2024

28 NOV 2024

Verified on this 28 day of November 2024 that



the contents of the above Counter Reply are true and correct to the best of my knowledge obtained from official records, no part of it is false and nothing material has been concealed there from.

[Signature]
I identified the deponent who has signed in my presence.

[Signature]
सुबोध कुमार
आई.आर.एस.ई.
मुख्य परियोजना प्रबन्धक/दिल्ली
राष्ट्रीय राजधानी क्षेत्र, एन.डी.ए. कॉम्प्लेक्स लिमिटेड
(भारत सरकार एवं प्रतिभागी राज्य सरकारों का एक संयुक्त उपक्रम)
DEPONENT

ITEM NO.56

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) IN RE: STICKERS FOR VEHICLES

2) IN RE: ISSUE OF ON BOARD DIAGNOSTIC

3) IA NO. 134634/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) ON B/O GENERAL INSURANCE COUNCIL)

Date : 03-12-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

Ms. Aparajita Singh, Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Petitioner-In-Person

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG

Ms. Suhasini Sen, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. Amit Sharma, Adv.

Mr. Raj Bahadur, Adv.

Mr. G.S. Makker, Advocate

Ms. Snidha Mehra, Adv.

Mr. Chakitan Vikram Shekher Papte, Adv.

Mr. B.K. Prasad, Advocate

Mr. Anil Grover, AAG

Dr. Monika Gusain, Adv.

Mr. Sanjay Kr. Visen, Advocate

Ms. Rachana Gupta, Adv.

Mr. J.K. Tripathi, Adv.
Ms. Ruchi Kohli, Advocate
Mr. B.V. Balramdas, Advocate.
Ms. Anil Katiyar, Advocate
M/S S Narain And Co.
Mr. Tushar Mehta, S.G.
Mr. Rajeev M. Roy, Advocate
Mr. P. Srinivasan, Adv.

UPON hearing the counsel the Court made the following

O R D E R

STICKERS FOR VEHICLES

List the matter on 10.12.2018

ISSUE OF ON BOARD DIAGNOSTIC

The International Centre for Automotive Technology (ICAT) has submitted a preliminary report dated 02.11.2018. The report is not intelligible.

A better report should be filed by the ICAT in consultation with the EPCA within four weeks.

List thereafter.

IA NO. 134634/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) ON B/O GENERAL INSURANCE COUNCIL)

On joint request, list the matter after six weeks.

NOTE FROM CHAIRMAN, EPCA ON WASTE BURNING

List this issue along with SMW (C) 1 of 2015 (Delhi & NCR).

COMPREHENSIVE ACTION PLAN

Learned counsel appearing for the State of Delhi says that he would like to file an affidavit within three weeks.

The States of Haryana, U.P. and Rajasthan should file an affidavit regarding notifying approved fuel within two weeks.

List the matter after four weeks.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR

ITEM NO.56

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

FOLLOWING IAS ARE LISTED ONLY FOR FORMAL DISPOSAL

IA NOS. 14468/2006, 15594/2006, 31761/2006, 4877/2007, 49042/2007,
58435/2007, 69922/2007, 82303/2007, 3668/2008, 3599/2008,
3600/2008, 20895/2008, 22735/2008, 23581/2008, 24020/2008, 24280/2008,
26776/2008, 27329/2008, 27332/2008, 28699/2008, 36318/2008,
37444/2008, 47421/2008, 47971/2008, 48148/2008, 57257/2008,
57572/2008, 57617/2008, 63749/2008, 67723/2008, 68103/2008,
70226/2008, 75569/2008, 75572/2008, 90371/2008, 90519/2008,
6042/2009, 27567/2009, 28581/2009, 30609/2009,
77318/2009, 15135/2010, 16668/2010, 17461/2010, 17464/2010,
23801/2010, 37368/2010, 39743/2010, 46108/2010, 51834/2010,
70413/2010, 71721/2010, 89377/2010, 92852/2010, 97616/2010,
3743/2011, 28543/2011, 35650/2011, 42552/2011, 106633/2011,
45401/2012, 45406/2012, 48076/2012, 48757/2012, 65321/2012,
71371/2012, 73878/2012, 80730/2012, 1914/2013, 8334/2013,
23565/2013, 23566/2013, 28082/2013, 47069/2013, 47745/2013,
92418/2013, 350/2013, 17222/2014, 23577/2014, 354/2014, 50835/2014,
51911/2014, 53174/2014

Date : 03-12-2018 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

Ms. Aparajita Singh, Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Petitioner-In-Person

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Ms. Suhasini Sen, Adv.
Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Amit Sharma, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, Advocate
Ms. Snidha Mehra, Adv.
Mr. Chakitan Vikram Shekher Papte, Adv.

Mr. B.K. Prasad, Advocate

Mr. Anil Grover, AAG
Dr. Monika Gusain, Adv.
Mr. Sanjay Kr. Visen, Advocate

Ms. Rachana Gupta, Adv.
Mr. J.K. Tripathi, Adv.

Ms. Ruchi Kohli, Advocate

Mr. B.V. Balramdas, Advocate.

Ms. Anil Katiyar, Advocate

M/S S Narain And Co.

Mr. Tushar Mehta, S.G.
Mr. Rajeev M. Roy, Advocate
Mr. P. Srinivasan, Adv.

UPON hearing the counsel the Court made the following

O R D E R

These applications are infructuous.

Accordingly, the applications are disposed of.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR

ITEM NO.302

COURT NO.4

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) IA NO. 34/1999 (APPLN. FOR DIRECTIONS ON B/O GAUTAM NAGAR WELFARE ASSOCIATION FILED BY A.C.)

(2) IN RE: ISSUE OF COMPREHENSIVE PLAN FOR AIR POLLUTION CONTROL OF REPORT NO. 87 SUBMITTED BY EPCA

Date : 18-01-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

For the parties

Mr. Harish N. Salve, Sr. Advocate (A.C.) (N.P.)

Ms. Aparajita Singh, Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Ms. Pinky Anand, ASG

Mr. S.W.A. Qadri, Adv.

Ms. Snidha Mehra, Adv.

Mr. Chakitan Vikram Shekhar Papta, Adv.

Mr. B.V. Balramdas, Advocate

Mr. A.N.S. Nadkarni, ASG

Mr. S.W.A. Qadri, Adv.

Mr. Ritesh Kumar, Adv.

Mr. A.K. Kaul, Adv.

Mr. Raj Bahadur, Adv.

Mr. G.S. Makker, Advocate

Mr. Amit Sharma, Adv.

Ms. S. Sen, Adv.

Mr. D.L. Chidananda, Adv.

Ms. Anil Katiyar, Advocate

Mr. B.K. Prasad, Advocate

Dr. Arun Yadav, Adv.

Signature Not Verified
Digitally signed by
NARENDRA PRASAD
Date: 2019.01.21
15:59:03IST
Reason:

Ms. Ruchi Kohli, Adv.
Mr. Amit Sharma, Adv.
Ms. Srishti Mishra, Adv.

Ms. Uttara Babbar, Adv.
Ms. Bhawana Duhoon, Adv.

Ms. Aishwarya Bhati, AAG
Vaidruti Mishra, Adv.
Mr. Ashutosh Sharma, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kamendra K. Mishra, Adv.
Ms. Rachna Gupta, Adv.

Mr. Anil Grover, AAG
Dr. Monika Gusain, Adv.
Mr. Satish Kumar, Adv.
Ms. Noopur Singhal, Adv.
Ms. Sasmita Tripathy, Adv.
Ms. Ritu Rastogi, Adv.
Mr. Navin Gupta, Adv.
Mr. Sanjay Kr. Visen, Advocate

Petitioner-In-Person

Mr. Abhishek, Advocate

M/s. S. Narain and Co., AOR
(Appearance slip not given)

Ms. Kiran Bhardwaj, Advocate

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

In Re: Regional Rapid Transit System (RRTS)

Considered the action taken report with respect to Regional Rapid Transit System (RRTS) mentioned at clause 2.3.18, which is as under:-

Sr. No.	Action Point	Action Taken Report
2.3.18	Regional Rapid	The Delhi-Meerut RRTS corridor is 82.15 kms., long corridor with 24 stations, which will cover

<p>Transit System (RRTS)</p>	<p>the distance from Sarai Kale Khan in Delhi to Modipuram in Meerut in 60 minutes.</p> <p>The total project cost of Delhi-Ghaziabad-Meerut RRTS corridor is estimated to be Rs.31,632 Cr., which is having 60:40 debt to equity ratio. The debt portion is being tied up with Asian Development Bank (ADB) for which due diligence process is in advance stage.</p> <p>Contribution towards project cost by Government of India is estimated to be Rs.5,686 Cr., by Govt. of National Capital Territory of Delhi is estimated to be Rs. 1,138 Cr. and contribution by State Govt. of Uttar Pradesh is estimated to be Rs.5,828 Cr. The estimated contributions by the governments will be required over four financial years. For implementation of the project, Rs.659 Cr. and Rs.250 Cr., have already been allocated in the Union Budget of Government of India 2018-19 and State Budget 2018-19 of Govt. of U.P. respectively.</p> <p>Pre-construction activities for the Delhi-Ghaziabad-Meerut corridor such as road widening, utility diversions, tree-cutting, geo-tech</p>
------------------------------	--

		<p>investigation etc., are progressing well in the field. Rs.100 Crores have been given by GOI for such activities.</p> <p>The project was placed before the PIB in its meeting on 11th September, 2018. Approval of the PIB is held up as GNCTD has not committed to its share in the project.</p> <p>Government of Delhi is requested to expedite approval of this project since the matter is delayed and convey the same in six weeks.</p>
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In the affidavit filed on behalf of GNCT of Delhi (Transport Department), in compliance of the order dated 03.12.2018, certain objection have been raised.

In our opinion, approach road is absolutely necessary and there should be no delay on the part of the concerned authorities.

In the circumstances, we request EPCA to convene a general meeting with the concerned stake holders including NCR Transport Corporation, Ministry of Road Transport and Highways, Government of Delhi, Ministry of Environment and Forest. Let a meeting be convened within a week from today and its outcome be reported to this Court on the next date of hearing.

In Re: Parking Policy

Regarding Parking Policy Implementation, let a final decision

be taken by the concerned Ministry, within ten days, from today and its outcome be submitted before this Court on or before 31.01.2019.

In Re: Approved Fuel Implementation

With respect to approved fuels: implementation in Delhi, U.P. and Haryana have issued requisite notification. Let the State of Rajasthan to implement and issue the requisite notification within ten days from today, as it is reported that the remaining States have already issued the notification.

For consideration/compliance of the above issues, list on 01.02.2019.

Disposal of case properties

With respect to the disposal of the case properties which can be disposed of, which are lying in various Police Stations in Delhi as well as in Malkhana of the Courts. With respect to the properties which are disposable and are not required any more, let a comprehensive proposal be submitted by the High Court on the next date of hearing i.e. on 01.02.2019.

The action taken in this regard shall also be indicated. The responsible officer of the Delhi Development Authority shall also inform this Court with respect to the allotment of land and the authorities concerned of the NCT of Delhi shall inform about the steps taken for establishment of Malkhanas.

List on 01.02.2019.

Completion of Tasks in 'A', 'B' and 'C' Categories Corridors

Learned Additional Solicitor General invited the attention of the Court regarding the tasks which have been accomplished and the tasks which remained to be performed. Total number of tasks, which have to be undertaken were 165 in 'B' category and 105 tasks in 'C' category. Similarly, remaining tasks in 'A' Category were to be undertaken. With respect to the remaining tasks, let a proposal be submitted in this Court. How much time would be required and other modalities. Let status report of tasks which had been undertaken be also submitted.

Let the proposal be submitted by 30.01.2019 and list the matter for consideration on 01.02.2019 along with the comprehensive action plan.

In Reference Action plan Point 2.3.1.- Improvement in bus numbers and services in Delhi.

Following is the scheme to augment the City bus fleet, submitted on behalf of the Transport Department of The NCT of Delhi, in compliance of the order dated 03.12.2018 passed by this Court:-

Sl. No.	Cabinet Decision	Type & No. of buses	Expected Roll Out	Current Status
1.	2503 dated 01.09.17	1000 no. of standard floor height Non-AC CNG	May, 2019	The Letter of Acceptance has been issued to the selected bidders of the 4 distinct clusters in November, 2018.

		buses			
2.	2659 dated 22.11.18	1000 Floor height AC buses	Low CNG	July, 2019	Tender for inviting bids has been floated on 19.12.18 and technical bids are scheduled to be opened on 25.01.2019
3.	2597 dated 11.07.18	1000 Floor height Pure Electric buses	Low AC	July, 2019	Electrical buses being a new technology, Transport Department has appointed a Consultant to suggest the appropriate technology. The draft report received from the Consultant on 17.12.18 is being examined. Thereafter, decision will be taken by the Government to issue tenders accordingly.

We order, let the above Scheme be implemented and let an undertaking be filed by the Secretary of the Transport Department of the NCT of Delhi to comply with the aforesaid scheme in a time bound manner, as suggested. Let the undertaking, as above, be filed within ten days from today and action be taken accordingly.

List on 01.02.2019.

Reference Action Point 2.3.3- Reform of DTC and Cluster Bus Operation

A Status Report be submitted by the Secretary, Transport

Department of the NCT of Delhi on or before 22.02.2019.

List on 25.02.2019 for consideration of the report.

As prayed, an affidavit on behalf of the CPCB be filed during the course of the day.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER

ITEM NO.1

COURT NO.4

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).13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: REPORT NOS. 87,93 and 94 SUBMITTED BY EPCA
IA NO.183738/2018- APPLN. FOR RELEASE OF FUNDS ON BEHALF OF GOVT.
OF NCT OF DELHI

IN RE: ALLOCATION OF NATURAL GAS TO M/S INDRAPRASTHA GAS LTD.

IA NO.250-251/2005-APPLN. FOR STAY ON B/O INDRAPRASTHA GAS LTD.

IA NO.266/2005- APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS
DISTRIBUTION LTD.

IA NO.346/2013-APPLN. FOR DIRECTIONS ON B/O INDRAPRASTHA GAS LTD.

IA NO.73432/2017-APPLN. FOR INTERIM STAY AND DIRECTIONS ON B/O
HARYANA CITY GAS DISTRIBUTION LTD.

IA NO.104664/2017-APPLN. FOR DIRECTIONS ON B/O INDRAPRASTHA LTD.

IA NO.131093/2017- APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS
DISTRIBUTION LTD.IA NO.23814/2018-APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS
DISTRIBUTION LTD.IA NO.72559/2018- APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS
DISTRIBUTION LTD.IA NO.131352/2018- APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS
DISTRIBUTION LTD.IA NO.26454/2019-APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS
DISTRIBUTION LTD.

Date : 06-03-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv (A.C.)

Ms. Aparajita singh, Adv (A.C.)

Mr. A.D.N. Rao, Adv (A.C.)

Mr. Siddhartha Chowdhury, Adv (A.C.)

Signature Not Verified

Digitally signed by R
NATARAJA
Date: 2019.03.11
17:09:11
Reason:

COUNSEL FOR THE PARTIES:-

Mr. A.N.S. Nadkarni, ASG

Mr. Rajesh K. Singh, Adv.

Mr. D.L. Chidananda, Adv.

Ms. Suhasini Sen, Adv.
Mr. Raj Bahadur, Adv.
Mrs. Anil Katiyar, Adv.

Ms. Pinky Anand, ASG
Ms. Snidha Mehra, Adv.
Ms. Suhasini Sen, Adv.
Mr. Hemant Arya, Adv.

Mr. Amarendra Sharan, Sr. Adv.
Mr. Sanjeet Singh, Adv.
Ms. Divya Roy, Adv.
Mr. Surjeet Singh, Adv.
Ms. Divya Roy, Adv.

Mr. Dhruv Mehta, Sr. Adv.
Mr. Chirag M. Shroff, Adv.
Ms. Neha Sangwan, Adv.

Mr. Gopal Jain, Sr. Adv.
Mr. Saurav Agarwal, Adv.
Mr. Bimal Roy Jad, Adv.

Mr. Gopal Jain, Sr. Adv.
Mr. Saurav Agrawal, Adv.
Mr. Anshuman Choudhary, Adv.
Ms. Prashanti P., Adv.
Mr. Bimal Kumar Jad, Adv.
Mr. Rajat Kapoor, Adv.

Petitioner-in-person

Mr. Anil Grover, Adv.
Dr. Monika Gusain, Adv.

Ms. Veenta Singh, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Mritunjay Kumar Singh, Adv.
Mr. A.K. Singh, Adv.

Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.
Mr. Deniel Stone Lyngdoh, Adv.

Ms. Aishwarya Bhati, AAG
Mr. Kamalendra Mishra, Adv.
Mr. Rajeev Dubey, Adv.

Ms. Garima Prashad, Adv.
Mr. G.S. Oberoi, Adv.
Mr. Mohit Kumar Bansal, Adv.

Dr. Manish Singhvi, AAG
 Mr. Satyendra Kumar, Adv.
 Mr. Shailendra Mishra, Adv.
 Ms. Ruchi Kohli, Adv.

Mr. Prashant Bezbaruah, Adv.
 Mr. Munawwar Naseem, Adv.

Mr. G. Prakash, Adv.
 Mr. Jishnu M.L., Adv.
 Ms. Priyanka Prakash, Adv.
 Ms. Beena Prakash, Adv.

Mr. Girdhar Upadhyay, Adv.
 Ms. Asha Upadhyay, Adv.
 Mr. Ashwini Kumar Upadhyay, Adv.
 Mr. J.P. Tripathi, Adv.
 Mr. Krishna Kant Shukla, Adv.

Mr. Ajay Bansal, AAG
 Mr. Satish Kumar, Adv.
 Mr. Gaurav Yadav, Adv.
 Mr. Sanjay Kr. Visen, Adv.

Ms. Uttara Babbar, Adv.
 Ms. Bhavana Duhoon, Adv.

Mr. S. Wasim A. Qadri, Adv.
 Mr. Pravin Swaroop, Adv.
 Mr. Zaid Ali Subzposh, Adv.
 Mr. Saeed Qadri, Adv.

Mr. G.S. Makker, Adv
 Mr. Sanjay Kr. Visen, Adv
 Mr. Abhishek, Adv
 Ms. Ruchi Kohli, Adv
 Mr. B.V. Balramdas, Adv
 Mr. Ritwik Dutta, Adv
 Mr. Arvind Kumar Sharma, Adv
 Mr. E.C. Agrawala, Adv
 Mr. Talha Abdul Rahman, Adv
 Ms. Nishtha Kumar, Adv
 Ms. Sakya Singh chaudhuri, Adv
 Ms. Suruchi Aggarwal, Adv
 Mr. Preshit Surshe, Adv
 Mr. Rajiv Yadav, Adv
 Mr. B. Vinodh Khanna, Adv
 Mr. Guntur Prabhakar, Adv
 Mr. Pradeep Misra, Adv
 Mr. Manish K. Bishnoi, AOR
 Mrs. Anil Katiyar, AOR
 Applicant-in-person, AOR

25

M/S. Khaitan & Co., AOR
Mr. Sanjay Kumar Visen, AOR
Mr. B. Krishna Prasad, AOR
Mr. Anil Kumar Jha, AOR
Mr. Ajit Pudussery, AOR
Mr. Radha Shyam Jena, AOR
Mr. E. C. Agrawala, AOR
Mr. Ejaz Maqbool, AOR
Mr. Pavan Kumar, AOR
Mr. Rakesh Kumar-i, AOR
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Ms. Nandini Gidwaney, AOR
Mr. Sushil Kumar Singh, AOR
Mr. Annam D. N. Rao, AOR
Mrs. Anil Katiyar, AOR
Mr. Mukesh K. Giri, AOR
Mrs. Bina Gupta, AOR
Mr. Pradeep Kumar Bakshi, AOR
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Mr. Satya Mitra, AOR
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Mr. S. S. Shroff, AOR
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Mrs. B. Sunita Rao, AOR
Mr. Sushil Kumar Jain, AOR
Mr. Balaji Srinivasan, AOR

Mr. S. K. Bhattacharya, AOR
Mr. Umesh Kumar Khaitan, AOR
Mr. G. Prakash, AOR
Mr. Sandeep Narain, AOR
Mr. Sudhir Mendiratta, AOR
Mr. K. V. Mohan, AOR
Ms. Sujeeta Srivastava, AOR
Mr. V. K. Verma, AOR
Mr. Mukesh Kumar Maroria, AOR
Mr. Gurmeet Singh Makker, AOR
Mr. Munawwar Naseem, AOR
Mr. Rajesh Kumar Chaurasia, AOR
Mr. Ramesh Babu M. R., AOR
Mr. P. K. Jain, AOR
Mr. Mohit D. Ram, AOR
Mr. Abhishek, AOR
Mr. Aniruddha Deshmukh, AOR
Ms. Ruchi Kohli, AOR
Mr. Rajiv Ranjan Dwivedi, AOR
Mrs. Priya Puri, AOR
Ms. Shalini Kaul, AOR
Ms. Pritha Srikumar, AOR

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

IN RE: REGIONAL RAPID TRANSPORT SYSTEM

The Delhi-Meerut Corridor which is 82.15 kms. long corridor with 24 stations will cover the distance from Sarai Kale Khan, Delhi to Modipuram, Meerut in 60 minutes. The total cost of the project is estimated to be Rs.31,632 crores which debt is in 60:40 equity ratio. The Central Government and the Uttar Pradesh Government have credited their share and the Asian Development Bank has agreed to provide debt part.

The contribution of the Government of India for the project is Rs.5,687 crores, State of Uttar Pradesh is Rs.5,828 crores and by the National Capital Region of Delhi is Rs.1,138 crores.

The Government of Delhi has not made budgetary provision for this year i.e., 2018-19. It was submitted on its behalf that entire

expenditure should be borne by the Central Government. Learned Amicus suggested that for this year utilisation of the money may be ordered from Environment Compensation Charge (ECC), in which a sum of Rs.1,106 crores is stated to be lying. It is permissible to utilise the amount for aforesaid purpose. However, the Delhi Government is not agreeable for utilising the amount of Rs.265 crores from ECC Fund which is to be contributed for this year on the ground that ECC Fund is to be utilised for the procurement of electric buses. It was submitted that they have to abide by the direction of this Court and utilize the said amount for purchase of buses.

In the facts of the case, as there is no technical objection raised with respect to the feasibility of the aforesaid corridor, the corridor is absolutely necessary for rapid transport to ease out growing congestion and for reducing pollution. Government of NCT of Delhi is duty bound to contribute its share in the aforesaid corridor. In our opinion, the Government of NCT of Delhi is legally and constitutionally bound to make available the money and to make budgetary allocation for the aforesaid corridor as observed by this Court in *Municipal Council, Ratlam v. Vardhichand* - AIR 1980 SC 1622:

"12. The statutory setting being thus plain, the municipality cannot extricate itself from its responsibility. Its plea is not that the facts are wrong but that the law is not right because the municipal funds being insufficient it cannot carry out the duties under Section 123 of the Act. This 'alibi' made us issue notice to the State which is now represented by counsel, Shri Gambhir, before us. The plea of the municipality that notwithstanding the public nuisance financial inability validly exonerates it from statutory liability has no

juridical basis. The Criminal Procedure Code operates against statutory bodies and others regardless of the cash in their coffers, even as human rights under Part III of the Constitution have to be respected by the State regardless of budgetary provision. Likewise, Section 123 of the Act has no saving clause when the municipal council is penniless. Otherwise, a profligate statutory body or pachydermic governmental agency may legally defy duties under the law by urging in self-defence a self-created bankruptcy or perverted expenditure budget. That cannot be.

15. Public nuisance, because of pollutants being discharged by big factories to the detriment of the poorer sections, is a challenge to the social justice component of the rule of law. Likewise, the grievous failure of local authorities to provide the basic amenity of public conveniences drives the miserable slum-dwellers to ease in the streets, on the sly for a time, and openly thereafter, because under Nature's pressure, bashfulness becomes a luxury and dignity a difficult art. A responsible municipal council constituted for the precise purpose of preserving public health and providing better finances cannot run away from its principal duty by pleading financial inability. Decency and dignity are non-negotiable facets of human rights and are a first charge on local self-governing bodies. Similarly, providing drainage systems-not pompous and attractive, but in working condition and sufficient to meet the needs of the people-cannot be evaded if the municipality is to justify its existence. A bare study of the statutory provisions makes this position clear."

For the current year, budgetary provision has not been made by the Government of NCT of Delhi. Thus, out of the sum available in Environment Compensation Charge (ECC) is Rs.1,106 crores. The required sum of Rs.265 crores can be paid, which includes income tax liability and out of the same, a sum of Rs. 90 crores has to be refunded by the Income Tax Department. The Government of NCT of Delhi cannot utilize the ECC Fund at one go as buses are to be purchased in the year 2019-20. The amount which is to be collected in future can be utilized by the Government of NCT of Delhi out of

the aforesaid ECC Fund for purchase of buses. Thus, we find that objection with respect to the payment of first installment out of the ECC Fund is not justifiable.

The corridor has recently been finalized, in the circumstances we direct the Delhi Government to contribute Rs. 265 crores, which includes tax liability, from the ECC Fund within 10 days. The tax component is refundable and shall on refund be credited to the ECC Fund. We direct that in the present year the sum of Rs. 265 crores out of amount which is lying in ECC Fund is to be utilised for the purpose of construction of the corridor.

We direct the Government of NCT of Delhi to make appropriate budgetary allocation from next year w.e.f. 1.4.2019 onwards each year for the aforesaid RRTS and to go on contributing the amount till the project is completed as per the liability fastened upon it i.e. 3.6 per cent of the total cost.

Let the Delhi Government release the amount of Rs.265 crores within 10 days from today for the aforesaid corridor.

IN RE: DELHI-ALWAR AND DELHI-PANIPAT CORRIDOR

Let a plan be submitted by the National Capital Regional Transport Corporation, (NCRTC) and Ministry of Housing and Urban Development for the implementation of the proposal with respect to the aforesaid corridor before 31.3.2019.

IN RE: PARKING POLICY

Let a joint meeting of EPCA, Municipal bodies, Secretaries of the Transport Department and Delhi Police and other incumbents/functionaries be convened to prepare a parking plan for

providing both residential and commercial parking and to find out as to what kind of parking - spiral type or other, can ease out various problems caused by haphazard parking while planning the need of today as well as future requirements of Delhi be taken into consideration. Let the meeting be convened within 15 days from today and report and plan be submitted in this Court before the next date of hearing.

List the matter for the purpose of consideration of the report/parking policy on 29.03.2019.

IN REFERENCE ACTION POINT 2.3.3 - REFORM OF DTC AND CLUSTER BUS OPERATION.

We have perused the affidavit of Mr. Anil Banka, Special Commissioner (Transport) of NCT of Delhi, in which it is stated that the tender has been issued for appointment of Vendor for fitment and operation of CCTV and GPS devices for monitoring bus movement of DTC and Cluster buses.

Let the progress report in this regard be submitted before the next date of hearing.

With regard to Common Mobility Card and Route Rationalisation of City Bus Operation, a decision be taken within a period of four weeks from today and compliance report be submitted to this Court.

List for consideration of the compliance report on 08.04.2019.

IN REFERENCE TO CONVERSION OF DIESEL BUSES/TAXIS TO CNG

For compliance of the order dated 05.04.2002 [reported in *M.C. Mehta v. U.O.I. & Ors*-(2002) 4 SCC 356], a sum of Rs. 1,52,80,375/-

(Rupees One Crore Fifty-Two Lakhs Eighty Thousand Three Hundred and Seventy-Five) is required. We direct the Registry to release the abovementioned amount to the Secretary-cum-Commissioner (Transport) GNCT of Delhi towards additional subsidy amount payable to the SC/ST bus operators in the light of the direction of this Court dated 05.04.2002.

Let the amount be strictly utilised for the said purpose and detailed certificate of utilization/statement of expenditure be placed before us, supported by an affidavit of the concerned Secretary.

Accordingly, the application is disposed of.

IN RE : ALLOCATION OF GAS TO M/S INDRAPRASTHA GAS LIMITED

It appears that Haryana City Gas Distribution Ltd. has not furnished the information as it was under the impression as stated by the learned counsel that valuation has to be made in the capacity of the ongoing concern.

The order of this Court is clear that apart from ongoing concern, valuation of the assets has to be made separately also. For that purpose, certain information has been sought from the Haryana City Gas Distribution Ltd. by Deloitte.

Let the said information be furnished within seven days from today by the Haryana City Gas Distribution Ltd. to Deloitte.

Let Deloitte submit a report, within 15 days thereafter, as ordered by this Court on both aforesaid basis. This valuation is without prejudice to the rights available to the Haryana City Gas Distribution Ltd. to claim the compensation on ongoing basis.

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List for consideration on 02.04.2019.

(ASHA SUNDRIYAL)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

ITEM NOS.302 & 304

COURT NO.3

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)

IN RE: STUBBLE BURNING

(2) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)

(3) IA NOS. 158128 AND 158129/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA) IN RE: DIESEL VEHICLES

(4) IA NO. 79444/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF EAST DELHI MUNICIPAL CORPOATION)

(5) IA NO. 177432/2018 (APPLN. FOR DIRECTIONS ON B/O NORTH DELHI MUNICIPAL CORPORATION)

(6) IA NO. 142872/2019 (APPLN. FOR MODIFICATION OF ORDERS DT. 16.12.2015 AND 31.03.2016 ON B/O DY. COMMISSIONER OF POLICE) IN RE: PARKING POLICY

(7) REPORT NO. 104 SUBMITTED BY EPCA (REGARDING PARKING PLANS FOR KRISHNA NAGAR, KAMLA NAGAR, TECHNOLOGY FOR PARKING MANAGEMENT AND PLANS FOR LAST MILE CONNECTIVITY) IN RE: THREE WHEELERS

(8) IA NO. 176097/2018 (APPLN. FOR CLARIFICATION ON B/O BAJAJ AUTO LTD. ALONGWITH REPORT NOS. 95 AND 105 SUBMITTED BY EPCA)

(9) IA NO. 39622/2019 (APPLN. FOR INTERVENTION IN IA NO. 176097/2018 ON B/O PIAGGIO VEHICLES PVT. LTD.)

(10) IA NOS. 72210 AND 72236/2018 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O NYAY BHOOMI)

(11) IA NOS. 119813 AND 119815/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O BHARTIYA TIPAHYA CHALAK SANGH)

(12) IA NO. 110238/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF DELHI METRO RAIL CORPORATION LTD.)

WITH

SLP(C) No. 13208/1998 (XVI)

WITH

No. 9780-9782/2018 (XVII)

Signature Not Verified
Digitally signed by
NARENDRA K. AD
Date: 2019.11.05
14:35:58 IST
Reason:

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA

127600/2018

FOR EX-PARTE AD-INTERIM RELIEF ON IA 127603/2018

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 24860/2019

IA No. 127603/2018 - EX-PARTE AD-INTERIM RELIEF
 IA No. 127600/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

C.A. No. 9783/2018 (XVII)

(IA No. 118214/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 88157/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 163563/2018 - CLARIFICATION/DIRECTION
 IA No. 127540/2018 - EX-PARTE AD-INTERIM RELIEF
 IA No. 127539/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 118211/2019 - INTERVENTION APPLICATION
 IA No. 69892/2019 - INTERVENTION/IMPLEADMENT
 IA No. 97168/2019 - INTERVENTION/IMPLEADMENT
 IA No. 97157/2019 - INTERVENTION/IMPLEADMENT
 IA No. 163563/2018 - INTERVENTION/IMPLEADMENT
 IA No. 97150/2019 - INTERVENTION/IMPLEADMENT
 IA No. 121389/2019 - INTERVENTION/IMPLEADMENT
 IA No. 97140/2019 - INTERVENTION/IMPLEADMENT
 IA No. 119161/2019 - INTERVENTION/IMPLEADMENT
 IA No. 97130/2019 - INTERVENTION/IMPLEADMENT
 IA No. 97119/2019 - INTERVENTION/IMPLEADMENT
 IA No. 89253/2019 - INTERVENTION/IMPLEADMENT
 IA No. 99434/2019 - INTERVENTION/IMPLEADMENT
 IA No. 99431/2019 - INTERVENTION/IMPLEADMENT)

C.A. No. 9785/2018 (XVII)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 133034/2018, FOR EX-PARTE AD-INTERIM RELIEF ON IA 133038/2018 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 157075/2018
 IA No. 157075/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 133038/2018 - EX-PARTE AD-INTERIM RELIEF
 IA No. 133034/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 48292/2018 (XVII)

(IA FOR PERMISSION TO FILE APPEAL ON IA 15065/2019
 FOR CONDONATION OF DELAY IN FILING APPEAL ON IA 15067/2019
 FOR EX-PARTE STAY ON IA 15068/2019
 FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 15070/2019
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 15071/2019
 IA No. 15067/2019 - CONDONATION OF DELAY IN FILING APPEAL
 IA No. 15068/2019 - EX-PARTE STAY
 IA No. 15070/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 15071/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 15065/2019 - PERMISSION TO FILE APPEAL)

C.A. No. 4906-4907/2019 (XVII)

(IA No. 58284/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED

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JUDGMENT)

C.A. No. 3610-3611/2019 (XVII)

Diary No(s). 12263/2019 (XVII)

(FOR ADMISSION and IA No.67873/2019-PERMISSION TO FILE APPEAL and IA No.67874/2019-CONDONATION OF DELAY IN FILING APPEAL and IA No.67876/2019-APPROPRIATE ORDERS/DIRECTIONS and IA No.67875/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-11-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

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Mr. Nitesh mankar, Adv.
Mr. Shree Pal Singh, AOR



Mr. Ashish Rana, AOR

Mr. Satya Mitra, AOR

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

I.A. NO.130216 & 130219

These applications were mentioned for listing.

List after two weeks.

**REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)
IN RE: STUBBLE BURNING (IA NOS. 127792/2017, 158128 & 158129/2019**

We have heard Mr. Bhurelal, who has pointed out about irrigation.

We have also heard some experts from the Ministry and the IIT and learned senior counsel for the parties and Amicus Curiae.

Today everyone is concerned about level of pollution in Delhi and NCR region. This is not something new, every year this kind of piquant situation arises for a substantial period. It is compounded by the fact that year to year in spite of various directions issued by High Court, other authorities including this Court the State Governments, Government of NCT of Delhi and the corporations of Delhi and nearby States are not performing their duties as enjoined upon them. This is a shocking state of affairs in which we are put as on today. This is blatant and grave violation of right to life of the sizeable population by all these actions and the scientific data which has been pointed out indicates that life span of the people is being reduced by this kind of pollution which is being

created and that people are being advised not to come back to Delhi or to leave the Delhi due to severe pollution condition which has been created. There cannot be large scale exodus. People have to perform their duty in Delhi also and people cannot be evacuated from Delhi being a capital city. We are at a loss to understand why we are not able to create a situation in which this kind of pollution does not take place, that too in a routine manner every year. Obviously, it is writ large that the State Governments, Government of NCT of Delhi and civic bodies have miserably failed to discharge their liability as per the directive principles of State Policy which have found statutory expression, they are being made statutory mockery and also the directions of this Court and High Courts in this regard are being violated with impunity.

Time has come when we have to fix the accountability for this kind of situation which has arisen and is destroying right to life itself in gross violation of Article 21 of the Constitution of India. No farmer can be said to be having a right under the guise that he is not having sufficient time to use the stubble for the purpose of manure, since they have less time between two crops, cutting and sowing of next crop. As such, they cannot by burning it in their fields, put life of sizeable population in jeopardy.

It is apparent from the satellite images which has been produced before us for the period 30.10.2019 to 04.11.2019. The satellite image clearly indicates that in Punjab there is widespread stubble burning which has taken place as compared to Haryana, in which only in four districts it has taken place. There is some burning in Western U.P. also. It could not have taken place

even in a singular district or gram panchayat area as we live in a civilized country in which such kind of activities which create such menacing pollution not only in the area concerned but to the neighbouring States also, by ill-effects of that people cannot be left to die or to suffer various ailments.

Everybody has to be answerable including the top state machinery percolating down to the level of gram panchayat. The very purpose of giving administration power up to the panchayat level is that there has to be proper administration and there is no room for such activities. The action is clearly tortuous one and is clearly punishable under statutory provisions, besides the violation of the Court's order. In the circumstances, as widespread stubble burning has taken place, we direct the States of Punjab and Haryana and adjoining State of Uttar Pradesh where there is blatant violation which has taken place, to halt it. We direct the Chief Secretaries of the States of Punjab, Haryana and Uttar Pradesh to be present in this Court on 06.11.2019 including Chief Secretary of Government of NCT of Delhi.

We direct the Chief Secretaries of the State Governments, District Collectors, Tehsildars, Director General, IG/SP and other police officers of the area of concerned police station and the entire police machinery to ensure that not even a single incident takes place of stubble burning henceforth. If it is found that any stubble burning has been made not only that person doing it will be hauled up for the violation of the order passed by this Court but the entire administration, right from the Chief Secretary, Commissioner, Collector and all other concerned

functionaries and Panchayats. Gram Pradhan/Sarpanch Panchayat are also directed to ensure that no such stubble burning takes place.

Let the State Governments of Punjab, Haryana and Uttar Pradesh and officials also explain that why they should not be asked to pay the compensation for tortious liability as they have acquiesced and due to their failure in preventing stubble burning which is in utter violation of the Public Trust doctrine, why they should not be held liable to compensate, and also the incumbents who are burning the stubble in spite of clear restrictions imposed by this Court and statutory prohibition.

We also direct the Sarpanch of each and every Panchayat and SHO of the concerned area to prepare inventory of the incumbents who have burnt the stubbles in their fields. We also direct the Sarpanch, Gram Panchayat as well as the concerned police of the area and local administration including the Collector and all subordinate authorities to ensure that no further stubble burning takes place. In case, any stubble burning takes place responsible machinery from top to bottom and Sarpanch, Gram Panchayat shall be liable for tortuous act and for not complying with the order passed by this Court and let the Gram Panchayat also advise forthwith the villagers not to involve in stubble burning any more and take appropriate action.

We also direct the State Governments, Central Government as well as the Government of NCT of Delhi to take immediate steps to take care of the emergent situation due to air pollution which has taken place. No doubt about it that everybody knows the situation,

let the steps be taken forthwith with the help of the experts. We direct the Government of NCT of Delhi as well as various corporations to work in tandem and to see that waste and garbage which is contributing to air pollution is tackled at war level. The efforts should be made right from today without any loss of time.

Let the EPCA consider as it was suggested by Ms. Aprajita Singh, learned senior counsel and the learned Amicus Curiae that diesel vehicle should not enter the Delhi. Let the EPCA immediately take the steps in this regard as may be considered appropriate as it has the power to do the needful taking care of the emergent situation.

With respect to demolition and construction activities we direct that no demolition and construction activities take place in Delhi and NCR region. In case it is found that such activity is done, the local administration as well as the municipal authorities including the Zonal Commissioners, Deputy Zonal Commissioners shall be personally held responsible for all such activities. They have to act in furtherance of the Court's order and to ensure that no such activity takes place.

We are informed that use of coal based industries have been stopped. In case any violation of this is found the concerned person including Zonal Deputy Commissioner would be liable for violation of the order of this Court and liable to be punished for contempt of Court.

It was also pointed out by Mr. Sanjiv Sen, learned senior counsel, that during odd/even scheme in Delhi more use of two

wheelers and three wheelers has taken place and they are being plied more causing equal pollution, as such no useful purpose is being served by stopping the use of certain vehicles only on the basis of odd and even numbers. He has also pointed out that it would be appropriate to stop the use of diesel vehicle, in case it is necessitated as the diesel vehicles cause more pollution as compared to petrol and CNG vehicles. Let the Government of NCT of Delhi explain this aspect and file the data in this regard in the Court on the basis of the previous experience and whether if three wheelers and taxies are plying more on road during such restriction and relevant data be placed.

During Odd/Even Scheme what is the difference being caused by stopping use of four wheelers when various other contributory factors are not taken care of by Government of NCT of Delhi. An affidavit has been filed by the Ministry of Environment and Forest, in which in paragraph 10 following facts have been mentioned. Air quality, winter inspections 2019-20 status till 31.10.2019 is extracted hereunder:-

"AIR QUALITY WINTER INSPECTIONS' (2019-2020) STATUS – till 31.10.19

Total complaints lodged : 1646

Total inspections – 249

Major Sources reported

C&D	Open dumping of waste/garbage	Unpaved Road/Pit	Road Dust	Garbage Burning	Traffic Congestion
496	407	217	154	126	81

Prominent districts reporting above mentioned major violations :

Source	Delhi	NCR
C&D	<ul style="list-style-type: none"> • New Delhi District (10.3%) • East district (9.8%) • West district (8.2%) 	<ul style="list-style-type: none"> • Noida (12%) • Faridabad (11.7%) • Gurugram (South) (10.9%) • Ghaziabad (8.5%)
Open dumping of waste/garbage	<ul style="list-style-type: none"> • North East district (17.44%) • East district (14.98%) • South district (7.8%) 	<ul style="list-style-type: none"> • Noida (9.58%) • Faridabad (8.84%) • Gurugram (South) (6.14%) • Ghaziabad (5.4%)
Unpaved Road/Pit	<ul style="list-style-type: none"> • South West (10.59%) • East and south district (9.67%) • North West district (7.37%) 	<ul style="list-style-type: none"> • Ghaziabad (12.44%) • Faridabad (9.21%) • Noida (8.75%)
Road Dust	<ul style="list-style-type: none"> • East district (22.72%) • North West district (7.14%) • North district (5.8%) 	<ul style="list-style-type: none"> • Ghaziabad (16.23%) • Meerut (11.6%) • Noida (8.44%) • Sonipat (5.84%)
Garbage Burning	<ul style="list-style-type: none"> • North West district (13.5%) • North district (10.3%) • North east district (9.5%) 	<ul style="list-style-type: none"> • Gurugram (South) (15.1%) • Noida (12.7%) • Faridabad (9.5%)
Traffic Congestion	<ul style="list-style-type: none"> • North district (23.5%) • East district (13.6%) • Central district (11.1%) 	<ul style="list-style-type: none"> • Ghaziabad (4.9%) • Noida (3.7%)

Major polluting activities defined in identified hotspot regions**1. Jahangirpuri**

- Open dumping of garbage & C&D
- Traffic congestion

2. Rohini

- Road dust
 - Open dumping of garbage
3. **Bawana**
- C&D & Unpaved roads
 - Open dumping of garbage & road dust
4. **Ashok Vihar**
- Open dumping of garbage & C&D
 - Road dust
5. **Wazirpur**
- Open dumping of garbage
 - C&D
6. **Vivek Vihar**
- Traffic congestion
 - C&D
 - Open dumping of garbage & road dust
7. **Anand Vihar**
- C&D
8. **Punjabi Bagh**
- C&D
9. **Mundka**
- Unpaved roads
 - C&D and industrial waste dumping
10. **Narela**
- Industrial waste – dumping & burning
 - Garbage – dumping & burning
11. **Okhla**
- Open dumping of garbage
 - Open dumping of industrial waste and C&D
12. **Dwarka**
- C&D
 - Unpaved road
13. **Mayapuri**

- Unpaved road
 - Road dust
14. **Sahibabad**
- Unpaved road
 - Road dust
 - Open waste dumping
 - C&D
15. **Udyog Vihar**
- Open dumping of garbage
 - Unpaved roads"
16. **Faridabad**
- C&D
 - Open dumping of garbage
 - Unpaved roads
 - Open burning
 - Industrial waster dumping

As per the Air Quality Inspection Construction and demolition activities in Delhi/NCR region causing damage in NOIDA, Faridabad, Gurugram, Ghaziabad as well as instances of Delhi have also been mentioned.

1. Construction and demolition
2. There is open dumping of waste/garbage.
3. Unpaved road/pit.
4. Road dust.
5. Garbage burning.
6. Traffic congestion.

We direct that construction, demolition and activities be stopped forthwith as well as garbage burning. In case, any person

is found in construction and demolition activity and garbage burning in Delhi and NCR region, he/she shall be penalized. Any person is doing construction and demolition activity in violation of this order, shall be penalized with Rs.1 Lac for such activity. For garbage burning he/she shall be penalized with Rs.5,000/- and besides liable for violation of the order passed by this Court to be dealt with in accordance with law.

With respect to open dumping of waste and garbage, we direct the Government of NCT of Delhi as well as the concerned Municipal Corporation to chalk out immediate plan and to ensure that waste and garbage to be removed to safe places forthwith and also to ensure that no open dumping takes place. We direct Zonal Deputy Commissioner to be responsible with other officers in this regard. Let road-maps be prepared so as to provide proper amenities in order to prevent open dumping of waste and garbage, and be placed before this Court within four weeks.

For taking care of the road dust let water sprinklers/dust suppressors be used on the roads. An IIT expert suggested about the appropriate water pressure for the sprinklers. At what pressure water should be sprinkled so as to reduce the pollution and dust so that it does not add to the pollution. Let the Corporations act on advice of the expert of the IIT. Such roads where traffic congestion is more, let traffic plan be also prepared in such a manner so that there is no extra burden on a particular road so that traffic congestion is taken care of. It is for the concerned traffic authorities to take immediate steps in this regard.

Since we are fixing the liability on the person responsible

for inaction at the village level as well as three States in the NCR regions as well as Delhi, let the widest publicity by all means of publication i.e. Television, Media, newspapers, Radio be made. In Gram Panchayats by beat of drums also and other modes to ensure that villagers are made aware of their responsibility and liability towards the other humans so that they do not involve in such acts. Let the Gram Panchayat, police station, district and taluk levels by the concerned administration take steps in this regard. Let the State Governments also take the requisite steps to extinguish the stubbles which are burning and for that let State Level High Level Committee meet forthwith and take appropriate decision and implement it. Steps taken be informed to this Court on 06.11.2019 by the concerned Chief Secretaries of the three States and Government of NCT of Delhi.

Let the concerned authorities of EPCA meet forthwith and take a call in this regard with respect to industrial activities which are causing pollution how to control it. We also direct all pollution control Boards of three States and Government of NCT of Delhi that polluting industries/activities against norms are put to halt forthwith.

It was also submitted by M/s. Sanjiv Sen and Gopal Sankaranarayanan, learned senior counsel that in certain States generators are also being used which increase pollution mainly due to cut off of the electricity supply. Generators in Delhi also add to pollution in Delhi as well as in NCR region. Let the State Governments and Government of NCT of Delhi ensure that electricity is not cut so that generators are not used and let no generators be

used till next date of hearing except in emergency/healthcare services.

Let the State Governments, NCT of Delhi and also the Government of India prepare a road map for preventing this kind of situation in future and be placed before this Court, within three weeks. Let the Action Taken Report be submitted within four weeks.

Directions/order to be effective unless otherwise ordered.

List on 06.11.2019 at 3.30 P.M.

REST OF THE MATTERS

List on 08.11.2019.

(NARENDRA PRASAD)
COURT MASTER

(PRADEEP KUMAR)
COURT MASTER

ITEM NO.302

COURT NO.3

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)IN RE: STUBBLE BURNING AND SMOG IN DELHI(2) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)(3) IA NOS. 158128 AND 158129/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA) (4) IA NOS. 177602 AND 177610/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF INDIA TRADE PROMOTION ORGANISATION)(5) IA NOS. 179126 AND 179130/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. ARVIND KUMAR)IN RE: PARKING POLICY(1) REPORT NO. 104 SUBMITTED BY EPCA (REGARDING PARKING PLANS FOR KRISHNA NAGAR, KAMLA NAGAR, TECHNOLOGY FOR PARKING MANAGEMENT AND PLANS FOR LAST MILE CONNECTIVITY)IN RE: THREE WHEELERS(2) IA NO. 176097/2018 (APPLN. FOR CLARIFICATION ON B/O BAJAJ AUTO LTD. ALONGWITH REPORT NOS. 95 AND 105 SUBMITTED BY EPCA)(3) IA NO. 39622/2019 (APPLN. FOR INTERVENTION IN IA NO. 176097/2018 ON B/O PIAGGIO VEHICLES PVT. LTD.)(4) IA NOS. 72210 AND 72236/2018 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O NYAY BHOOMI)(5) IA NOS. 119813 AND 119815/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O BHARTIYA TIPACHIYA CHALAK SANGH)(6) IA NO. 110238/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF DELHI METRO RAIL CORPORATION LTD.)

Date : 09-12-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for the
parties

MR. HARISH N. SALVE, SR. ADVOCATE (A.C.)
(Not Present)

MS. APARAJITA SINGH, SR. ADVOCATE (A.C.)

MR. A.D.N. RAO, ADVOCATE (A.C.) (Not Present)

MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)

PETITIONER-IN-PERSON

10/

Mr. A. N. S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Sr. Adv.
Mr. Rajesh K. Singh, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Mrs. Snidha Mehra, Adv.
Mr. Vijay Prakash, Adv.
Mr. Rajat Nair, Adv.
Mr. D. L. Chidananda, Adv.
Mr. S. S. Rebello, Adv.
Mr. Raj Bahadur, Adv.
Ms. Suhasini Sen, Adv.
Mr. Gautam Sharma, Adv.
Mr. Abhishek Kumar, Adv.
Mr. G.S. MAKKER, ADVOCATE
Mr. Tushar Sharma, Adv.
MR. B.V. BALRAMDAS, ADVOCATE

Mr. A. N. S. Nadkarni, ASG
Mr. Saket Sikri, Adv.
Ms. Ranjeeta Rohatgi, Adv.
Mr. Vikalp Mudgal, Adv.
Mr. Abhishek Thakral, Adv.

Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Dr. Monika Gusain, Adv.
Mr. Rahul Khurana, Adv.
Mr. Sanjay KR. VISEN, ADVOCATE
Mr. Amit Sahni, Adv.
Ms. Kanchan Mala, Adv.

Mr. Raghavendra Singh, Adv. General, U.P.
Ms. Aishwarya Bhati, AAG
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashish Rai, Adv.
MR. KAMLENDRA MISHRA, ADVOCATE

MS. RUCHI KOHLI, ADVOCATE

Mr. Vijay Panjwani, Adv.

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. Rahul Mehra, Adv.
Ms. Jyoti Mehndiratta, Adv.
MR. CHIRAG M. SHROFF, ADVOCATE
Ms. Yashika Verma, Adv.
Ms. Riya Thomas, Adv.

Mr. Sanjiv Sen, Sr. Adv.
MR. PRAVEEN SWARUP, ADVOCATE

Mr. Ajay Bansal, Adv.
Mr. Gaurva Yadva, Adv.
Mr. B. S. Santosh Kumar, Adv.
Mr. Sayan Ray, Adv.
Mr. Soumo Palit, Adv.

M/S S. NARAIN AND CO., ADVOCATES

Mr. K. V. Vishwanathan, SR. Adv.
Ms. PRITHA SRIKUMAR IYER, ADVOCATE
Mr. Arun Srikumar, Adv.
Ms. Mansi Binjrajka, Adv.

MR. ALOK SHUKLA, ADVOCATE

MR. PRANAV SACHDEVA, ADVOCATE

Ms. Monika Arora, Adv.
Mr. Akash Deep Gupta, Adv.
Ms. Nancy Mittal, Adv.
Ms. Pratima Singh, Adv.
Dr. B. K. Pandey, Adv.
MR. SHIV SAGAR TIWARI, ADVOCATE

MR. TARUN JOHRI, ADVOCATE
Mr. Ankur Gupta, Adv.

Mr. P. S. Narasimha, Sr. Adv.
Ms. UTTARA BABBAR, ADVOCATE
Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.
Ms. Sindoorra, Adv.
Mr. G. Tanwani, Adv.
Ms. Aditi Tripathi, Adv.
Ms. Kanti, Adv.

Mr. SENTHIL JAGADEESAN, ADVOCATE
Ms. Sonakshi Malhan, Adv.
Ms. Suriti Chowdhary, Adv.
Ms. Mrinal Kanwar, Adv.

MS. RANJEETA ROHATGI, ADVOCATE

Mr. Imtiaz Ahmed, Adv.
Mrs. Naghma Imtiaz, Adv.
Mr. Ahmed Zargham, Adv.
for M/s Equity Lex Associates

MS. SRISHTI AGNIHOTRI, ADVOCATE

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

REPORT NO. 106 SUBMITTED BY EPCA

(Special Report On Pollution Hot Spots In NCR With Request For Urgent Directions To Improve Enforcement And Pollution Control)

IN RE: STUBBLE BURNING AND SMOG IN DELHI

IA NO. 127792/2017 (DISPOSED OF)

(APPLN. FOR DIRECTIONS FILED BY A.C.)

IA NOS. 158128 AND 158129/2019

(Applns. for intervention and directions on behalf of Dr. Kaushal Kant Mishra)

It is submitted by Mr. A.N.S. Nadkarni, learned ASG, that the Central Government has referred the matter to the Committee formed by the Central Government regarding Smog Guns and Smoke Towers and other technologies, as mentioned in Serial Nos. 6, 7 & 8 of the order dated 25.11.2019.

Let the Chief Secretaries, Department of Environment, Government of NCT of Delhi and the States of Punjab, Haryana and Uttar Pradesh be also made the Members of the Committee formed by the Central Government.

Let the report of the Committee be filed with respect to the aspects mentioned in Paragraphs 6, 7 & 8 of order dated 25.11.2019, by 11.12.2019.

Let the States of Punjab, Haryana and Uttar Pradesh also respond about the stubble burning matter on or before 11.12.2019.

List the matter for consideration on 16.12.2019.

As mentioned by Mr. Ranjit Kumar, learned senior counsel, Report Nos. 1 and 2 be also placed for consideration on 16.12.2019.

IA NOS. 177602 AND 177610/2019

In the affidavit dated 05.12.2019, the Central Pollution Control Board (CPCB) has stated as under :-

"12. That it is respectfully submitted that it is normally experienced that in month of December depending upon climatic condition the AQI category varies. As a matter of fact, last year (2018) 8 days in the month of December were in severe AQI category. Presently the situation not being severe, CPCB is of considered opinion that partial ban could be in place for construction activities in as much as no construction should be permitted during night time (6.00 pm to 6.00 am). The ban imposed could be partially lifted by permitting activities during day time (6.00 am to 6.00 pm), subject to the criteria stipulated in GRAP, wherein strict enforcement of rules for dust control in construction activities and closure of non-compliant sites is mandated in moderate to poor AQI category and further a bank on construction activities may be imposed by EPCA if Ambient AIR quality levels persist in severe+/emergency category for 48 hours or more."

Hence, the ban is relaxed in terms of the recommendations made by the Central Pollution Control Board (CPCB), as quoted above. However, conditions for raising construction be scrupulously

followed.

The applications are disposed of.

I.A.Nos. 186502, 186509 and 186511 of 2019

Issue notice in the applications.

Let response to the applications be filed by the Delhi Pollution Control Board within 15 days.

List in the second week of January, 2020.

REPORT NO. 104 SUBMITTED BY EPCA

(Regarding Parking Plans For Krishna Nagar, Kamla Nagar, Technology For Parking Management And Plans For Last Mile Connectivity)

Let compliance report be furnished by the DMRC which they have prepared to remove the congestion, within two weeks from today.

List in the third week of January, 2020.

IA NO. 176097/2018, IA NO. 39622/2019, 72210/18 & 72236/18 and 119813 & 119815/2019 and 110238/2019

List in the second week of January, 2020.

I.A.No. 181745 of 2019

(Application for intervention)

Mr. V. N. Shukla, learned senior counsel, has mentioned and prayed for listing of this application.

List on 15.01.2020.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

ITEM NO.304

COURT NO.3

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL) IN RE: STUBBLE BURNING AND SMOG IN DELHI(2) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)(3) IA NOS. 158128 AND 158129/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA) (4) IA NOS. 179126 AND 179130/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. ARVIND KUMAR) IN RE: EASTERN AND WESTERN PERIPHERAL EXPRESSWAY(6) I.A. NO. 344 (APPLICATION FOR DIRECTIONS)(7) IA NO. 68247/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION)(8) INTERLOCUTORY APPLICATION NO. 162369/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF NCT OF DELHI)(9) INTERLOCUTORY APPLICATION NO. 186632/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF NCT OF DELHI) IN RE: ALLOCATION OF NATURAL GAS TO M/S INDRAPRASTHA GAS LIMITED(i) I.A. NOS. 250-251/2005 (FOR STAY ON BEHALF OF INDRAPRASTHA GAS LIMITED)(ii) I.A. NO. 266/2005 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(iii) I.A. NO. 346/2013 (FOR DIRECTIONS ON B/O INDRAPRASTHA GAS LTD.)(iv) I.A. NO. 73432/2017 (FOR INTERIM STAY AND DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(v) I.A. NO. 104664/2017 (APPLICATION FOR DIRECTIONS ON B/O INDRAPRASTHA GAS LTD.)(vi) I.A. NO. 131093/2017 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(vii) I.A. NO. 23814/2018 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(viii) I.A. NO. 72559/2018 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(ix) I.A. NO. 131352/2018 (APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.) (x) IA NO. 26454/2019 (APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(xi) IA NO. 137920/2019 (APPLN. FOR INTERVENTION IN IA NO. 26454/2019 ON B/O TORRENT GAS PVT. LTD.) (xii) IA NO. 139254/2019 (APPLN. FOR INTERVENTION IN IA NO. 26454/2019 ON B/O GUJARAT GAS LTD.)

Signature Filed
Digitally signed by
JAYANT KUMAR ARORA
Date: 2019.12.20
15:11:11 IST
Reason:

W.P.(C) No. 1426/2019 (PIL-W)
(FOR ADMISSION)

Date : 16-12-2019 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for the
parties

MR. HARISH N. SALVE, SR. ADVOCATE (A.C.)
(NOT PRESENT)

MS. APARAJITA SINGH, SR. ADVOCATE (A.C.)

MR. A.D.N. RAO, ADVOCATE (A.C.)

MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)

PETITIONER-IN-PERSON

Mr. A.N.S. Nadkarni, ASG
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Mr. Siddharth Dave, Sr. Adv.
Mr. Devendra Kumar Singh, Adv.
Mr. Rajesh Katyal, Adv.
Mr. Baldev Attrey, Adv.
Mr. Karunakar Mahalik, Adv.

Mr. Ajay Bansal, Adv.
Mr. PRAVEEN SWARUP, ADVOCATE

Mr. Lokendra Kumar, Adv.
Mr. Gaurava Yadava, Adv.
Ms. Archana Sharma, Adv.

M/S S. NARAIN AND CO., ADVOCATES

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Mr. Manan Bansal, Adv.
Ms. Sindoor VNL, Adv.
Mr. Rahul, Adv.
Mr. G. Tanwani, Adv.
Ms. Aditi Tripathi, Adv.
Ms. Kanti, Adv.

Ms. Anitha Shenoy, Sr. Adv.
Ms. SRISHTI AGNIHOTRI, ADVOCATE
Ms. Sharon Mathew, Adv.

Mr. Sumit Gupta, Adv.
Ms. Madhu Smita, Adv.
MS. ASTHA TYAGI, ADVOCATE

MR. ROHIT K. SINGH, ADVOCATE

MR. S.K. BHATTCHARYA, ADVOCATE

Mr. P. S. Narasimha, Sr. Adv.
Mr. Gopal Jain, Sr. Adv.
Mr. BIMAL ROY JAD, ADVOCATE
Mr. Saurav Agrawal, Adv.
Mr. Anshuman Chowdhary, Adv.
Mr. Vibhu Anshuman, Adv.

Mr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Gopal Shankarnarayan, Sr. Adv.
Mr. Sanjeet Singh, Adv.
Ms. Gayatri Varma, Adv.
Mr. Anish Sethi, Adv.
Mr. Surjeet Singh, Adv.
Ms. Sneha Z. Masan, Adv.
Mr. Senthil Jagadeesan, Adv.
Mr. Shrutanjaya Bhadwaj, Adv.

MR. DIVYA ROY, ADVOCATE

MR. R.D. UPADHYAY, ADVOCATE

MR. AJIT PUDUSSERY, ADVOCATE

Ms. Palak Mishra, Adv.
Mr. Prashant Bez Boruah, Adv.

MR. MUNAWAR NASEEM, ADVOCATE

MS. BINA GUPTA, ADVOCATE

Mr. P. S. Narasimha, Sr. Adv.

Mr. Gaurav Juneja, Adv.

Mr. Dibranshu, Adv.

Mr. Aayush Jain, Adv.

Mr. Sanjeev K. Kapoor, Adv.

M/S KHAITAN AND CO., ADVOCATES

MR. SENTHIL JAGDEESAN, ADVOCATE

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

I.A.No. 181745 of 2019

As mentioned by the leaned counsel, the application is taken on board.

List on 17.01.2020.

REPORT NO. 106 SUBMITTED BY EPCA

(special Report On Pollution Hot Spots In Ncr With Request For Urgent Directions To Improve Enforcement And Pollution Control)

IN RE: STUBBLE BURNING AND SMOG IN DELHI

IA NO. 127792/2017 (DISPOSED OF)

(Appln. For Directions Filed By A.C.)

IA NOS. 158128 AND 158129/2019

(Applns. For Intervention And Directions On Behalf Of Dr. Kaushal Kant Mishra

Heard the learned counsel for the parties.

Order is reserved with respect to pollution and technologies to be used.

IN RE: EASTERN AND WESTERN PERIPHERAL EXPRESSWAY

I.A. NO. 344, 68247/2019, 162369/2019 and 186632/2019

Let reply to I.A.No. 186632 of 2019 be filed within two weeks.

List in the third week of January, 2020.

IN RE: ALLOCATION OF NATURAL GAS TO M/S INDRAPRASTHA GAS LIMITED

List on 13.01.2020.

I.A.Nos. 192258 of 2019 and 192263 of 2019

Upon mentioning, the applications are taken on board.

Considering the importance of the project in question for reducing the pollution in Delhi, we permit the construction activity relating to project even during night time, as prayed for in the applications, with all necessary safeguards.

In case any violation of norms of construction is found, all the concerned officers shall be held responsible for violation of the order.

The applications are disposed of accordingly.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

ITEM NO.36

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: REGIONAL RAPID TRANSPORT SYSTEM)

I.A. NO. 3516/2023 (APPLICATION FOR DIRECTIONS ON B/O GOVT. OF NCT DELHI)

I.A. NOS. 14553 AND 14554/2023 (APPLICATIONS FOR INTERVENTION AND DIRECTIONS ON B/O PRADEEP SINGH)

I.A. D. NO. 62714/2023 (APPLICATION FOR PERMISSION SEEKING IMPLEADMENT ON B/O NCRTC)

AND LETTER DT. 30.01.2023 RECEIVED FROM GOVT. OF NCT OF DELHI, TRANSPORT DEPARTMENT, PLANNING BRANCH ONLY"

IN W.P.(C) NO. 13029/1985 ARE LISTED."ONLY" NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST:

MR. HARISH N. SALVE, SR. ADVOCATE (A.C.)

MS. APARAJITA SINGH, SR. ADVOCATE (A.C.)

MR. A.D.N. RAO, SR. ADVOCATE (A.C.)

MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)

PETITIONER-IN-PERSON,

MR. G.S. MAKKER, ADV.

MR. AMRISH KUMAR, ADV.

MR. SANJAY KR. VISEN, ADV.

MR. KAMLENDRA MISHRA, ADV.

MR. AJAY PAL, ADV.

MR. SANDEEP KR. JHA, ADV.

MR. JYOTI MENDIRATTA, ADV.

MS. ROOHE HINA DUA, ADV.

MR. KARUNAKAR MAHALIK, ADV.)

Date : 21-04-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) (N.P.)

MS. APARAJITA SINGH, SR. ADVOCATE (A.C.)

MR. A.D.N. RAO, SR. ADVOCATE (A.C.)

MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)

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For Parties

Applicant-in-person

Petitioner-in-person

Mr. P. K. Jain, AOR
Mr. Ramesh Babu M. R., AOR
Mr. Rajesh Kumar Chaurasia, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. S. S. Rebello, Adv.
Mr. Subhranshu Padhi, Adv.
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Mr. Wasim Qadri, Adv.
Ms. Ruchi Kolhi, Adv.
Dr. Arun Kumar Yadav, Adv.

Mr. Mukesh Kumar Maroria, AOR
Mr. Ejaz Maqbool, AOR
Ms. Hemantika Wahi, AOR
Ms. Binu Tamta, AOR
Mr. V. K. Verma, AOR
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Mr. Pradeep Kumar Bakshi, AOR
Mr. Ashok Mathur, AOR
Ms. Sujeeta Srivastava, AOR

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Mr. Alim Anvar, Adv.

Mr. Radha Shyam Jena, AOR

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Mr. Rakesh K. Sharma, AOR

Mr. Sudhir Mendiratta, AOR

Mr. Ajit Pudussery, AOR

Mr. Mukesh K. Giri, AOR

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Mr. Sandeep Narain, AOR
Ms. Shalini Kaul, AOR
Mr. Anil Kumar Jha, AOR
Mrs. Anil Katiyar, AOR
Mr. Hardeep Singh Anand, AOR
Mr. G. Prakash, AOR
Mrs. Priya Puri, AOR
Mr. Sushil Kumar Singh, AOR
Mrs. Rani Chhabra, AOR
Mr. Umesh Kumar Khaitan, AOR
Mr. Rajiv Ranjan Dwivedi, AOR
Ms. Nandini Gidwaney, AOR
Mr. Shri Narain, AOR

Mr. Alok Sangwan, Sr. AAG
Mr. Lokesh Singhal, Sr. AAG
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Mr. Sumit Kumar Sharma, Adv.
Mr. Rajat Sangwan, Adv.
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Mr. Balaji Srinivasan, AOR

Mr. Abhishek, AOR

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Mr. Mohit D. Ram, AOR
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Mr. Surya Kant, AOR
Mrs. B. Sunita Rao, AOR
Mr. Ravindra Bana, AOR
Mr. R. P. Gupta, AOR

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Mr. P. Parmeswaran, AOR
 Mr. Sarvam Ritam Khare, AOR
 Mr. Satya Mitra, AOR
 M/S. M. V. Kini & Associates, AOR
 Mr. Pramod Dayal, AOR
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 Mr. Devesh Maurya, Adv.
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 Ms. Pritha Srikumar, AOR

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 Mr. Krishna Pandey, Adv.

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 Ms. Sugandh Rathor, Adv.
 Ms. Bhupinder, Adv.
 Mr. Sudhir, Adv.

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Mr. Kamendra Mishra, AOR

Mr. Rajan Narain, AOR
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Ms. Diksha Rai, AOR
Mr. Soumya Dutta, AOR
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Mr. Rajesh Katyal, Adv.

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Mr. S.s. Rebello, Adv.
Mr. Subhranshu Padhi, Adv.
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Mr. Prashant Singh, Adv.
Mr. Anirudh Bhat, Adv.
Ms. Baby Devi Bonia, Adv.
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Mr. Nihar Dharmadhikari, Adv.

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Ms. Sakshi Garg, Adv.

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Mr. Krishna Pandey, Adv.

Mr. Subhro Sanyal, AOR

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Ms. Nidhi Jaswal, AOR

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Mr. Chandrakant Sukumar Sarkar, Adv.

Mr. C M Divedi, Adv.

Mr. Narendra Kumar Goyal, Adv.

Mr. Kunwar Siddharth Singh, Adv.

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Ms. G. Indira, AOR

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Mr. Anil Kumar, AOR

Ms. Lubna Naaz, AOR

Ms. Shashi Kiran, AOR

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Mr. P.s. Girwar Rau, Adv.

Mr. Prabhoo Dayal Tiwari, Adv.

Ms. Sangeeta Bhalla, Adv.

Ms. Deepanwita Priyanka, AOR

Mr. Shovan Mishra, AOR

Mr. Anuj Bhandari, AOR

Mr. Neeraj Shekhar, AOR

Mr. Mohit Paul, AOR

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Mr. Rajesh Kr.singh, Adv.

Mr. S. S.rebello, Adv.

Mr. Subhranshu Padhi, Adv.

Ms. Archana Pathak Dave, Adv.

Ms. Ruchi Kohli, Adv.

Mr. Kanu Agrawal, Adv.

Mr. Bhuvan Kapoor, Adv.

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Mr. Amit Yadav, Adv.

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Mr. M. Shoeb Alam, AOR
Ms. Divya Jyoti Singh, AOR
Ms. Aswathi M.k., AOR

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Mr. Gopal Jha, AOR
 Mr. Shishir Deshpande, AOR
 Mr. D. Kumanan, AOR

Mr. Vikas Mehta, AOR
 Ms. Surabhi Sanchita, AOR
 Mr. Narendra Kumar, AOR
 Mr. Akshay Girish Ringe, AOR

Ms. Puja Sharma, AOR

Mr. Gautam Narayan, AOR
 Ms. Asmita Singh, Adv.
 Mr. Harshit Goel, Adv.
 Ms. Akriti Arya, Adv.

Mr. Neeraj Kumar Gupta, AOR

Mr. Danish Zubair Khan, AOR

Mr. Ajay Vikram Singh, AOR
 Mr. Vivek Gupta, AOR
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 Ms. Shagun Matta, AOR

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 Mr. Arpit Prakash, Adv.

Mr. Anurag Kishore, AOR
 Ms. Mayuri Raghuvanshi, AOR
 Ms. Purnima Jauhari, AOR
 Mr. Hiren Dasan, AOR
 Ms. Malvika Kapila, AOR
 Ms. Surbhi Mehta, AOR

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

I.A. No.3516/2023- APPLICATION FOR DIRECTIONS B/O GOVT. OF NCT
 DELHI

An application has been filed by the Government of NCT of Delhi for permission to utilize Rs.500 crores of Environment Compensation Charge (ECC) Fund towards the payment of Delhi -Meerut RRTS project.

The original order is dated 06.3.2019 where while dealing with the Regional Rapid Transport System the contribution of the Government of India for the project in question as also State of Uttar Pradesh and NCT region of Delhi was specified. There was apparently a reluctance on the part of the NCT of Delhi to contribute to the amount and then the via media found was that from the ECC fund collected, the amount should be allocated for deposit. Learned amicus has referred us to the order and has no objection to release of Rs.500 crores on same terms and conditions as set out in the aforesaid order. We accordingly direct the Delhi Government to contribute Rs.500 Crores which includes tax liabilities from ECC fund within ten days. The tax component is refundable and refund shall be credited to ECC fund (*pari materia* with the earlier directions).

Learned counsel for the National Capital Regional Transport Corporation (NCRTC) points out that the aforesaid will not complete the exercise as there is still a balance amount of Rs.415 crores left. It is his submission that the Delhi Government is required to make budgetary provisions for the aforesaid. We call upon the State Government to make the requisite budgetary provision, if not already made and thereafter to pay the amount promptly so that the project is not delayed.

The application stands disposed of.

IN RE: DELHI-ALWAR AND DELHI-PANIPAT CORRIDOR

The relief sought in the application has been addressed. However, learned Amicus points out that there are two other corridors i.e. Delhi-Alwar and Delhi-Panipat which have been referred to in the order dated 06.3.2019. In this behalf it is submitted by her that the NCRTC was required to submit a plan to the Central Government (Ministry of Housing and Urban Development) which according to the learned counsel for the NCRTC has already been done. The approval of the Central Government is awaited.

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Learned counsel for the Central Government to obtain instructions in this behalf qua the Delhi-Alwar plan. However, qua the Delhi-Panipat corridor, the sanction of the Delhi Government is awaited. Learned counsel for the Delhi Government to obtain instructions.

We may notice that budgetary provisions will have to be made both by the Central Government and the concerned States.

Affidavits in compliance be filed within four weeks.

List in the miscellaneous week after the ensuing summer recess.

I.A. D. NO. 62714/2023 (APPLICATION FOR PERMISSION SEEKING IMPLEADMENT ON B/O NCRTC)

Application seeking impleadment on behalf of National Capital Region Transport Corporation Limited (NCRTC) is allowed.

LETTER DT. 30.01.2023 RECEIVED FROM GOVT. OF NCT OF DELHI, TRANSPORT DEPARTMENT, PLANNING BRANCH ONLY"

The office report shows that a letter has been received from Government of NCT of Delhi dated 30.1.2023. In view of certain scheme of the GNCT of Delhi for which amounts were withdrawn and that scheme not having been found feasible, the GNCTD volunteers to refund the disbursed amount of Rs.1,52,65,375/- (Rupees One Crore Fifty Two Lakh Sixty Five Thousand Three Hundred Seventy Five only) with the other amounts lying before this Court to be kept as fixed deposit with the UCO Bank.

In this behalf, the State Government has sought certain details:

- i. Beneficiary name
- ii. PAN/ TAN (if any)
- iii. Bank Account number
- iv. IFSC
- v. MICR

The aforesaid details be supplied by the Registry to facilitate the amount to be received and to be kept in FDR for a period of three years to be kept renewed as suggested by the learned Amicus Curiae.

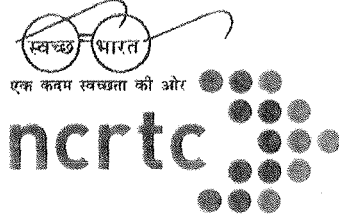
I.A. NOS. 14553 AND 14554/2023 (APPLICATIONS FOR INTERVENTION AND DIRECTIONS ON B/O PRADEEP SINGH)

In view of the orders being passed at the behest of the concerned authorities/corporation there is no need to implead a private applicant in the present proceedings.

Applications stand dismissed.

(RASHMI DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER



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Annexure R-2

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राष्ट्रीय राजधानी क्षेत्र परिवहन निगम
(भारत सरकार एवं प्रतिभागी राज्य सरकारों का एक संयुक्त उपक्रम)
National Capital Region Transport Corporation
(A Joint venture of Government of India and participating State Governments)

No. NCRTC/CPM/D/Forest Deptt. /2018/08 / 1243

Date: -19/10/2020

To,

The Dy. Conservator of Forest,
South Forest Division
Near Dr. Karni Singh Shooting Range,
Tughlakabad, Mehrauli Badarpur Road,
New Delhi-110044

Sub: Implementation of Delhi-Ghaziabad-Meerut Regional Rapid Transit System (RRTS) Corridor- Regarding Permission for Tree cutting/felling in Delhi-Meerut RRTS Stabling Yard alignment from Sarai Kale Khan at chainage 950 to chainage 1650 near Siddharth extension and Sarai Kale Khan Station Yard at chainage 0 to 200.

Ref: - Your letter no. F.R-414/TO(S)/TC-Felling/2020-21/5148-49 dated 19.10.2020

Respected Sir,

Vide above referred letter, observation has been raised to ensure that the number of native trees proposed to be transplanted (i.e. 80% of total trees affected by project) are as per the draft transplantation policy of Govt. of NCT of Delhi and if not possible proper justification of the same may be provided. It is confirmed that NCRTC will ensure transplantation of 80% of total trees (affected by the project).

Accordingly, NCRTC has prepared a revised tree list proposed for transplantation (120 trees). Annex -A for (84 nos. trees), annex B for (60 nos. trees), Form B and revised area 1.76 ha. as annex C for compensatory plantation & transplantation with geo-coordinates are enclosed herewith for taking further necessary action.

Therefore, it is requested to consider the proposal and accord tree cutting permission. An early response shall be highly appreciated.

Thanking you,

ISSUE COPY

Yours faithfully,

(Subodh Kumar)

Chief Project Manager/Delhi
Email: subodh.kumar@ncrtc.in

Encls: - As Above.

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OFFICE OF THE DCF/TREE OFFICER

FORM 'B'
SUB RULE (1) OF RULE (4)

To,

Dy. Conservator of Forest (South),
South Forest Division.
Near Dr. Karni Singh Shooting Range,
Tughlakabad, Mehrauli Badarpur Road,
New Delhi-110044.

Sir,

I apply for grant of permission for felling trees located on the properties through which Stabling yard alignment and Station Yard is passing between Sarai Kale Khan and Siddharth Extension, District South

1. Applicant's name & address : Chief Project Manager/ Delhi, National
(In block letters) Capital Region Transport corporation, 7/6
Siri Fort Institutional Area, August Kranti
Marg, New Delhi-110049
2. Name & address of the owner of
the property : Government land
(If different from applicant)
3. Title of the applicant i.e. whether : Occupant, felling of trees required for
owner/occupant of the property Delhi - Ghaziabad- Meerut RRTS Stabling
etc. Yard alignment and Station Yard.

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4. Name of the vill. & H.No. of the property : Village Sarai Kale Khan for (0 to 200 Chainage) and Siddharth Extension Pocket C for (950 to 1650 Chainage)
5. Total area of the property with (Description of the boundaries) : 18475 sqm (For Stabling yard alignment – 7975 sqm , Station Yard – 10500 sqm)
6. Total no. of trees (species-wise) whose trunk or body is not less than 5 cm in diameter at a ht. of 30cm from the ground & whose ht.is not less than 01 mts. From the ground : Details enclosed
7. The exact area(in sq. mts.) from which felling of trees for which permit is sought (description of the boundaries) : 18475 sqm (For Stabling yard alignment – 7975 sqm , Station Yard – 10500 sqm)
8. Total no. of trees to be felled : 144 numbers
9. Trees to be felled are numerically numbered in paints, their girth measured at a ht. of 1.35 mtrs. From ground level & their details species are:

S.No.	Tree No.	Species	Girth : (Details Enclosed)
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10. Purpose for which the felling of the trees are intended : Implementation of Delhi- Ghaziabad- Meerut RRTS corridor Stabling Yard alignment (Chainage 950 to 1650) and Station Yard (Chainage 0 to 200).
11. Intended use of felled trees (e.g.) for sale for domestic use etc. : As per direction of Forest Department

12. Intended use of land after felling of trees : Construction of Stabling Yard alignment and Station Yard.
13. No. of species of trees intended to be planted after felling (give details of arrangements for raising, planting & protecting trees) : DDA letter and MAP (Copy Enclosed) for compensatory plantation area. The area measuring 16.5 Ha. adjoining DND flyway (Western Bank) is offer to tree felled.

Detailed area calculation for 1.76 Ha.

Nos. of tree to be cut: 24 Nos

Nos. of trees to transplant: 120 Nos.

Nos. of tree already standing: 8 Nos.

Area required for CP: $(144 \times 10 \times 10) = 14400 \text{ sqm}$

Area for transplantation: $(120 \times 25) = 3000 \text{ sqm}$

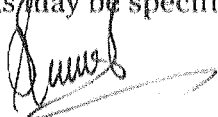
Area for already standing trees: $25 \times 8 = 200 \text{ sqm}$.

Total Area: $(14400 + 3000 + 200) = 17600 \text{ sqm (1.76 Ha)}$

14. Name/s & address/es of the owners/occupants adjoining properties : Occupants Government Land.

DECLARATION

I hereby declare that I shall fully satisfy & abide by such terms & conditions of the permit as may be specified therein.



Applicant's Signature

Place: *Nas Delli*

Date: *19/10/20*

Tree List from chaniage 0 to 200

S.NO.	Tree No.	Tree Name	Girth (in CM)	Girth (in Meter)	Remarks	EASTING	NORTHING
1	641	Gulmohar	40	0.4	To be Transplant	720676.9	3165010.337
2	645	Simul	110	1.1	To be Transplant	720663.991	3165009.606
3	637	Jackranda	17	0.17	To be Transplant	720668.926	3165008.023
4	640	Jackranda	41	0.41	To be Transplant	720682.672	3165006.647
5	636	Papri	84	0.84	To be Transplant	720662.638	3165003.91
6	639	Simul	64	0.64	To be Transplant	720672.591	3165007.283
7	634	Papri	74	0.74	To be Transplant	720669.071	3165001.947
8	635	Papri	85	0.85	To be Transplant	720668.344	3165005.651
9	609	Sahtoot	152	1.52	To be Transplant	720687.215	3164982.601
10	610	Amaltash	59	0.59	To be Transplant	720683.363	3164976.793
11	611	Papri	80	0.8	To be Transplant	720678.052	3164974.499
12	613	Siras	22	0.22	To be Transplant	720687.483	3164961.241
13	613A	Kajurima	110	1.1	to be cut	720687.558	3164961.78
14	614	Bogenbelia	17	0.17	To be Transplant	3164960.492	3164960.492
15	614A	Bogenbelia	16	0.16	To be Transplant	3164960.492	3164960.492
16	614B	Bogenbelia	16	0.16	To be Transplant	3164960.492	3164960.492
17	615	Pipal	210	2.1	To be Transplant	720684.281	3164959.503
18	616	Alstonia	127	1.27	To be Transplant	720674.785	3164981.002
19	617	Papri	110	1.1	To be Transplant	720680.805	3164982.73
20	618	Jamun	80	0.8	To be Transplant	720685.792	3164989.873
21	619	Jamun	160	1.6	To be Transplant	720683.169	3164988.255
22	620	Jamun	76	0.76	To be Transplant	720682.5536	3164992.413
23	622	Alstonia	23	0.23	To be Transplant	720678.471	3164992.964
24	622A	Pipal	220	2.2	To be Transplant	720678.668	3164993.013
25	623	Sahtoot	97	0.97	To be Transplant	3164986.596	3164986.596
26	624	Alstonia	116	1.16	To be Transplant	720673.649	3164985.093
27	625	Simul	170	1.7	To be Transplant	720671.096	3164984.935
28	626	Machkan	71	0.71	To be Transplant	720662.585	3164989.066
29	627	Machkan	54	0.54	To be Transplant	720664.278	3164984.296
30	628	Machkan	80	0.8	To be Transplant	720667.014	3164991.308
31	629	Simul	76	0.76	To be Transplant	720672.785	3164990.44
32	630	Machkan	53	0.53	To be Transplant	720660.552	3164994.827

Billal
AEN/Civil

33	631	Papri	77	0.77	To be Transplant	720663.671	3164997.08
34	632	Bottle brush	60	0.6	To be Transplant	720666.544	3164997.766
35	633	Arjun	110	1.1	To be Transplant	720671.125	3164994.985
36	483	Papri	106	1.06	To be Transplant	720690.691	3164995.277
37	484	Jamun	78	0.78	To be Transplant	720691.573	3164999.121
38	486	Papri	100	1	To be Transplant	720691.776	3165002.024
39	480	Sahtoot	150	1.5	To be Transplant	720747.057	3164858.953
40	482	Sahtoot	80	0.8	To be Transplant	720746.933	3164857.975
41	481	Kikar	50	0.5	to be cut	720748.953	3164857.906
42	552	Eucalyptus	190	1.9	to be cut	720765.574	3164746.253
43	553	Dry Tree	60	0.6	to be cut	720752.843	3164853.903
44	554	Machkan	80	0.8	To be Transplant	720754.146	3164850.537
45	555	Pipal	75	0.75	To be Transplant	720753.782	3164850.433
46	556	Alstonia	80	0.8	To be Transplant	720761.792	3164853.049
47	557	Pipal	38	0.38	To be Transplant	720761.647	3164852.862
48	558	Pipal	30	0.3	To be Transplant	720761.823	3164853.492
49	559	Machkan	120	1.2	To be Transplant	720763.881	3164845.694
50	560	Machkan	100	1	To be Transplant	720756.442	3164843.557
51	561	Pipal	160	1.6	To be Transplant	720771.482	3164828.279
52	562	Amaltash	58	0.58	To be Transplant	720761.765	3164824.378
53	563	Pilkhan	180	1.8	To be Transplant	720766.85	3164840.214
54	WW1	Palm	117	1.17	To be Transplant	720724.845	3164944.865
55	WW2	Palm	110	1.1	To be Transplant	720723.881	3164942.503
56	WW3	Palm	118	1.18	To be Transplant	720725.937	3164941.284
57	WW4	Palm	120	1.2	To be Transplant	720727.892	3164925.063
58	WW5	Palm	119	1.19	To be Transplant	720728.192	3164922.687
59	WW6	Palm	117	1.17	To be Transplant	720729.084	3164919.657
60	WW7	Palm	112	1.12	To be Transplant	720729.839	3164917.403
61	WW8	Palm	119	1.19	To be Transplant	720730.421	3164915.568
62	WW9	Palm	121	1.21	To be Transplant	720731.356	3164913.051
63	WW10	Palm	122	1.22	To be Transplant	720733.286	3164908.144
64	WW11	Palm	118	1.18	To be Transplant	720734.029	3164905.648
65	WW12	Palm	112	1.12	To be Transplant	720734.376	3164903.26
66	WW13	Palm	117	1.17	To be Transplant	720735.226	3164900.987
67	WW14	Palm	112	1.12	To be Transplant	720736.351	3164898.229
68	WW15	Palm	119	1.19	To be Transplant	720737.225	3164895.593
69	WW16	Palm	117	1.17	To be Transplant	720737.553	3164893.504
70	WW17	Palm	112	1.12	To be Transplant	720737.881	3164891.415
71	WW18	Palm	118	1.18	To be Transplant	720751.984	3164838.589
72	WW19	Palm	122	1.22	To be Transplant	720753.935	3164836.677

*Alstonia
pentagon*

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A 277

73	WW20	Palm	121	1.21	To be Transplant	720754.248	3164834.195
74	WW20A	Palm	112	1.12	To be Transplant	720754.867	3164831.771
75	WW21	Palm	131	1.31	To be Transplant	720751.875	3164831.541
76	WW22	Palm	123	1.23	To be Transplant	720748.607	3164831.434
77	WW23	Palm	122	1.22	To be Transplant	720746.198	3164830.329
78	WW24	Palm	113	1.13	To be Transplant	720743.065	3164830.57
79	WW25	Palm	130	1.3	To be Transplant	720740.235	3164829.891
80	WW26	Palm	110	1.1	To be Transplant	720737.235	3164829.549
81	WW27	Palm	122	1.22	To be Transplant	720734.461	3164829.191
82	WW28	Palm	120	1.2	To be Transplant	720731.399	3164828.781
83	WW29	Palm	103	1.03	To be Transplant	720728.654	3164828.498
84	WW30	Sheeshum	25	0.25	To be Transplant	720703.454	3164912.621
Total no. of tree to be cut							4
Total no. of tree to be Transplant							80
Total no. of tree							84

Deborah
AENT/avil

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HPL LINE TREE LIST (Chainage 950 to 1650)						
SL.NO.	TREE NO	GIRTH	TREE NAME	EASTING	NORTHING	REMARK
1	h1	0.2	SIRAS	720953.064	3163939.188	To be Cut
2	H8	1.3	Eucalyptus	720863.885	3163874.333	To be Cut
3	H10	0.5	BER	720841.2327	3163841.17	To be Cut
4	H10A	0.37	BER	720841.2327	3163841.17	To be Cut
5	H11	0.27	BER	720840.0605	3163841.02	To be Cut
6	H12	0.52	Chudail papdi	720817.6182	3163829.353	To be transplant
7	H12A	0.28	Chudail papdi	720817.6182	3163829.353	To be transplant
8	H15	0.66	SIRAS	720706.0542	3163753.62	To be Cut
9	H16	0.6	PEEPAL	720709.5008	3163743.425	To be transplant
10	H16A	0.62	PEEPAL	720709.5008	3163743.425	To be transplant
11	H17	0.42	SIRAS	720716.9118	3163742.685	To be Cut
12	h18	0.41	Ber	720839.692	3163840.195	To be Cut
13	H18	0.4	SIRAS	720719.6267	3163746.237	To be Cut
14	h23	0.23	Papri	720818.144	3163829.632	To be transplant
15	H23	0.96	Chudail papdi	720694.5596	3163741.204	To be transplant
16	h24	0.38	Papri	720817.466	3163829.614	To be transplant
17	H24	1	SHEESHAM	720695.7841	3163741.273	To be transplant
18	h25	0.2	Papri	720816.899	3163829.655	To be transplant
19	H25	0.43	Chudail papdi	720701.9592	3163740.274	To be transplant
20	h26	0.32	Papri	720816.705	3163829.182	To be transplant
21	H26	0.9	Chudail papdi	720710.0674	3163739.591	To be transplant
22	H31	0.87	NEEM	720693.5578	3163728.37	To be Cut
23	H33	0.37	KANER	720694.6768	3163728.334	To be transplant
24	H34	1.7	PEEPAL	720690.6244	3163725.588	To be transplant
25	H37	0.8	SIRAS	720678.5145	3163721.777	To be Cut
26	H38	0.6	TULIP	720679.1678	3163725.535	To be Cut
27	H39	0.27	SIRAS	720679.0578	3163727.673	To be Cut
28	H40	2.2	PEEPAL	720668.488	3163714.353	To be transplant
29	H41	1.18	BAKAYAN	720665.6074	3163709.576	To be Cut
30	H42	0.28	ASHOK	720664.422	3163711.248	To be transplant
31	H43	0.2	SHAHTOOT	720661.8296	3163711.341	To be transplant
32	H44	0.96	PEEPAL	720659.5011	3163712.09	To be transplant
33	H44A	0.86	PEEPAL	720659.5011	3163712.09	To be transplant
34	H45	2.63	PEEPAL	720655.9411	3163712.735	To be transplant
35	H47	2.6	ASHOK	720652.021	3163711.092	To be transplant
36	H48	0.24	ASHOK	720653.0565	3163710.804	To be transplant
37	H49	0.3	KANER	720658.9118	3163704.677	To be transplant
38	H50	1	NEEM	720650.5755	3163709.046	To be Cut
39	H51	1.2	NEEM	720653.8052	3163708.333	To be Cut
40	H52	0.55	AMALTASH	720654.7071	3163703.401	To be transplant
41	H53	0.73	SAGWAN	720658.5031	3163700.983	To be transplant
42	H54	0.46	CHAMPA	720607.4201	3163675.067	To be transplant
43	H55	0.9	AMALTASH	720613.9401	3163671.651	To be transplant
44	H56	0.27	SIRAS	720607.4499	3163673.945	To be Cut

AGN/CWL
NCATE

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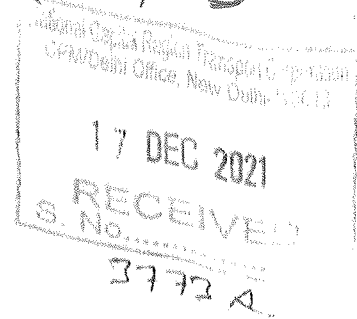
45	H57	1	SATADU	720577.2179	3163651.694	To be transplant
46	H58	0.8	Chudail papdi	720577.7525	3163647.992	To be transplant
47	H59	1	PAKAD	720577.629	3163646.477	To be transplant
48	H60	1.2	SHEESHAM	720574.7521	3163644.89	To be transplant
49	H61	0.27	SHAHTOOT	720567.3032	3163649.258	To be transplant
50	H63	1.3	Eucalyptus	720549.3636	3163643.505	To be Cut
51	H64	1.5	Eucalyptus	720549.1219	3163639.069	To be Cut
52	H65	1	SEMAL	720546.8021	3163632.966	To be transplant
53	H66	2.1	SEMAL	720540.6045	3163631.73	To be transplant
54	H67	0.5	KANER	720540.1135	3163623.865	To be transplant
55	H68	0.8	KANER	720537.2991	3163624.357	To be transplant
56	H69	0.9	KANER	720535.673	3163625.056	To be transplant
57	H70	0.7	SHAHTOOT	720535.3675	3163629.615	To be transplant
58	H71	0.6	SHAHTOOT	720531.8024	3163627.513	To be transplant
59	H72	0.8	SHAHTOOT	720531.3834	3163627.518	To be transplant
60	H73	1	BABOOL	720534.0346	3163628.369	To be Cut
Trees to be Cut					20	
Trees to be transplant					40	
Total number of trees					60	

AS/EN/CIVIL
NCRTC

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GOVT. OF NCT OF DELHI
OFFICE OF THE DY. CONSERVATOR OF FORESTS (SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD NEW DELHI-110044



ID No-414/TO(S)/TC-Felling-Transplant/2020-21/ 17133
 Sub: - Permission to felling/transplantation trees.

Dated:- 16/12/21

With reference to application dated 17.8.2020 for grant of permission to fell/transplantation trees, Sh. Subodh Kumar, Chief Project Manager/Delhi, National Capital Region Transport Corporation, 7/6, Siri Fort Institutional Area August Kranti Marg, New Delhi is hereby informed that he is granted permission to fell/transplant the tree/s (as per details indicate below) for the C/o RRTS stabling Yard Alignment from Sarai Kale Khan at Chainage 950 to Chainage 1650 near Siddharth Extension and Sarai Kale Khan Station Yard at Chainage 0 to 200, New Delhi subject to the satisfaction of the terms and conditions hereinto specified:-

Details of trees

S. No.	Species /Girth mtr	Nos. of tree	Location/Serial No.	Remarks
1.	As per authenticated list of trees attached at Page No. P-111-114/C.	120	120 Trees (Permitted to be transplanted)	Permission is granted for transplantation of the trees mentioned herein (120 Nos to be transplanted by User Agency at Land adjoining DND Flyway Western Bank of River Yamuna land 1.76 Ha (approx) for NCRTC)
		24	24 Trees (permitted to be removed)	Permission is granted for removal of the trees mentioned herein.

Tree Officer & Dy. Conservator of Forest
South Forest Division

Terms & Conditions

- One Thousand Four Hundred Forty only (1440) tree sapling of indigenous species of 6-8 feet height shall be planted as compensatory plantation in ratio 1:10 on non-forest land in lieu of removal of 24 Nos. and transplantation of 120 nos trees. The plantation will be done following site specific plantation techniques with additional measures on identified land within three months of issue of tree removal/transplantation permission and maintenance for next Seven (7) years would be carried out thereafter by applicant with their own funds.
- A sum of Rs 82,08,000/- (Rupees Eighty Two Lakhs Eight Thousand Only i.e. Rs 57000/- per tree) has been received towards security deposit for creation and maintenance of compensatory plantation for a period of Seven (7) years and the fund shall be utilized for compensatory plantation by the Forest Department if user agency fails to comply with Terms & Condition of this permission. The User Agency shall also deposit extra site improvement expenses which may be required to make the site suitable for plantation as calculated by Tree Officer concerned (as deposits).
- The compensatory plantation of tree(s) with tree safeguard height 6-8ft as mentioned below shall be done by user agency at the area mentioned below, and it shall be maintained for seven (7) years.

S. No.	Species	No
1	Native tree species such as Neem, Amaltash, Peepal, Pilkhan, Gular, Burgad, Sehtoot, Jamun, Mango Desi Kikar etc	100% compensatory plantation of 1440 Nos trees to be planted at Land adjoining DND Flyway Western Bank of River Yamuna land 1.76 Ha (approx) for NCRTC)
4	Transplantation of 120 Nos trees which are standing on site shall be done by User Agency in the location as mentioned above	
5	Detailed plantation schedule shall have to be submitted by User Agency in compliance with Section 12 of DPA, 1994 before initiating felling/transplantation	
6	The User Agency shall implement the improved soil moisture conservation activities on compensatory plantation/transplantation	


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7. Transplantation of trees shall be initiated immediately after permission is issued and should be completed not later than 03 months, after which a completion report has to be submitted to the Tree Officer. The spacing of the transplantation of trees shall not be less than 4 meter (point to point) at transplantation site.
8. A policy on transplantation of trees is under active consideration with State Government of Delhi therefore, any change brought in to effect due to implementation of the policy in future, permission would be modified to that extent with the approval of Competent Authority with prospective effect.
9. The land over which compensatory Plantation raised shall not be utilized for other purpose without the approval of State Government.
10. Permission to fell/transplantation of 144 trees is granted at the risk of the applicant and without prejudice to the claim(s) of any other person/s who may be having any right(s) over the land or the trees.
11. The applicant shall ensure that there is no pending litigation or stay order passed by any court of law/other authority before undertaking felling of trees.
12. Land Owning agency shall ensure that there is no encroachment in area proposed for compensatory plantation
13. Before the felling/transplantation of trees from the site is commenced all requisite statutory clearances shall necessarily be obtained by the user agency
14. The User Agency shall submit fresh drawing indicating the GPS Co-ordinates of site where trees shall be transplanted is proposed to be carried out.
15. The User Agency shall ensure that the plan of this proposal is not changed.
16. Site Shall have to be secured from encroachment and undesired biotic interference.
17. Extensive interventions if any required to be undertaken for soil preparation, shall be carried out and additional budget if needed, shall be provided by User Agency.
18. Progress report of transplantation shall be submitted through inspection officer concerned along with complete details of trees.
19. The timber obtained from removal of trees shall be auctioned by the user agency. The proceeds will be deposited as revenue to the Govt. account. The lops and tops of trees will be sent/supplied to nearest crematorium free of cost and the same should be reported to DCF(South)/Tree Officer.
20. Before shifting of timber if any, from site removal of trees, permission for transportation of the said wood shall be obtained from Tree Officer (South).
21. All the conditions mentioned in environmental clearance by competent authority must be complied with
22. Felling/transplantation of trees and transportation of forest produce arising therefrom to the public crematorium shall be completed within 03 Months.
23. The transplantation must be carried out prior to felling of 24 trees permitted herein. The 24 trees may be removed/felled after successful transplantation of 120 trees and submission of compliance certificate to this office.
24. Felling/transplantation of any tree apart from 144 trees by User Agency shall constitute an offence under DPTA-1994.
25. The User Agency shall maintain plantation journal as prescribed by the Department of Forest and Wildlife, GNCTD and a copy of the same may be submitted at the end of each financial year.
26. All the conditions mentioned in Tree Transplantation Policy 2020 shall be followed scrupulously by User Agency.
27. If any tree is found to have nest of birds it should not be felled till the same is abandoned by the birds.


To,

Sh. Subodh Kumar,
Chief Project Manager/Delhi,
NCRTC, 7/6, Siri Fort Institutional Area,
August Kranti Marg, New Delhi-110049


Tree Officer and Deputy Conservator of Forest
South Forest Division

Copy submitted for information to:-

- The Principal Chief Conservator of Forests, Government of National Capital Territory of Delhi.


Tree Officer and Deputy Conservator of Forest
South Forest Division


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135 Annexure R-4

2023:DHC:6697-DE



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Reserved on: 05th September, 2023
Pronounced on: 15th September, 2023

+ **W.P.(C) 11740/2023 & CM APPL. 45840/2023, CM APPL. 45841/2023**

SIDHARTHA EXTENSION POCKET C RESIDENTS WELFARE ASSOCIATION & ANR. Petitioners

Through: Mr. Kirti Uppal, Sr. Advocate with Mr. Nalin Tripathi and Mr. Nischal Tripathi, Advocates.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Piyush Beriwal, Ms. Anandita Aggarwal and Ms. Disha Chaudhary, Advocates.

Mr. Siddharth R. Gupta, Advocates.

Mr. Sanjay Katyal, SC, DDA with Mr. Nihal Singh, Advocates.

Ms. Beenshaw N. Soni, SC, MCD with Ms. Mansi Jain and Ms. Ann Joseph, Advocates.

Mr. Rajesh Katyal, Standing Counsel with Ms. Parina Katyal, Advocate for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

Signature Not Verified
 Digitally Signed
 SANJEEV NARULA, J.
 15/09/2023

1. Voicing the collective concerns of the residents of Pocket C, Siddhartha Extension, New Delhi, their Resident Welfare Association, and Senior Citizens Welfare Forum have brought forth the instant Public Interest

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2023:DHC:6697-DB



Litigation. At the core of their grievance, lies the decision-making process surrounding the route alignment of the Delhi-Meerut Regional Rapid Transport System [“RRTS”]. Designed as a semi high-speed rail corridor, the RRTS aims to establish connectivity between Delhi, Ghaziabad, and Meerut. The Petitioners argue that authorities’ decision to abandon the initial route plan, referred to as Option 1, in favour of an alternate route – Option 3, is arbitrary, lacks proper justification, and poses adverse consequences for the well-being and quality of life of the residents of Siddhartha Extension.

The Petitioners’ grievance

2. Mr. Kirti Uppal, Senior Counsel, presented the following arguments on Petitioners’ behalf:

2.1. The Petitioners’ opposition is not against the public project itself, which is ostensibly designed to serve the greater good. Rather, they are aggrieved with the deviation from originally planned route, which had also been endorsed by Respondent No. 1 [Ministry of Railways, Union of India], and did not include Siddhartha Extension in the Delhi-Ghaziabad-Meerut RRTS alignment. Respondent No. 3 – the National Capital Region Transport Corporation [“NCRTC”], has unilaterally altered this plan to include a viaduct that would pass directly through Siddhartha Extension, connecting the stabling yard at Jangpura, New Delhi. This new route has been adopted without the requisite approval from Respondent No. 1.

NCRTC, as the agency responsible for executing the project, owes a duty of transparency to the Project Affected Families. Despite this obligation, they have failed to disseminate any information pertaining to the revised plan to the affected residents. Compelled by this lack of

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communication, the Petitioners resorted to filing a request under the Right to Information Act, 2005 ["RTI"]. The response to the RTI request revealed that there is no recorded evidence indicating the rationale for NCRTC to opt for Option 3, in place of Option 1, or whether Respondent No. 1 ever granted an approval for this substantive change in the project's alignment.

2.3. The RTI response merely cites techno-commercial infeasibility for preferring Option 3. However, Option 1, which avoids traversing Pocket C of Siddhartha Extension, is more economical. According to the cost comparison of the alternates, Option 1, with a span of 675 meters, comes with an estimated cost of Rs. 7872 lakhs. In contrast, Option 3, covering a shorter distance of 565 meters, is estimated to cost Rs. 4365 lakhs. Thus, Option 1 is not only less intrusive to the residential area, but also more financially prudent, offering substantial savings without compromising the project's objectives.

2.4. The rights of the colony's residents to safety, convenience, and property must not be disregarded. Invoking Article 300A of the Constitution of India, 1950, Mr. Uppal asserted that residents have a protected legal right to their properties. As such, NCRTC should be precluded from encroaching upon these rights, without adhering to the due process of law. This stance is in keeping with the broader principle that even public projects must respect individual rights and liberties.

2.5. Financial considerations aside, Option 1 is still the most viable route for the RRTS. While this option may be nearly Rs. 35 crores more expensive than the alternatives, it offers the distinct advantage of not displacing residents or disrupting the planned development of Delhi. The extra cost should be weighed against the potential social and human impact, making

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Option 1 as the most socially responsible choice.

2.6. Beyond the potential infringement of property rights, if Option 3 is proceeded with, the resultant risks to residents' quality of life and safety, would be manifold. Construction under this plan would inevitably result in noise and air pollution, making daily life intolerable for residents. Additionally, the placement of hazardous infrastructure and heavy machinery in a residential zone would not only pose a safety threat, but would also disrupt essential amenities, such as access roads and parking facilities. Given that a less disruptive and more resident-friendly option exists, the Respondents must be directed to consider designs that minimize these negative impacts.

Submissions on behalf of NCRTC

3. Mr. Rajesh Katyal, counsel for NCRTC, strongly opposed the maintainability of the present petition by raising following counter-arguments:

3.1. The RRTS project is periodically undergoing scrutiny of the Supreme Court in W.P. (C) 13029/1985 titled *M.C. Mehta v. Union of India*. Citing multiple orders passed in the afore-noted case, Mr. Katyal underscored the Supreme Court's recognition of the project's significance and its explicit directives to expedite construction. Any judicial intervention at this juncture could disrupt the project's timeline and set a precedent for future delays.

3.2. On merits, he contended that the impugned decision to forego Option 1 is underpinned by sound and rational reasoning. In the absence of any demonstrable arbitrariness or unreasonableness in the decision-making process, this Court should abstain from entertaining the petition at hand.

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Reliance was placed upon *Jayabheri Properties Private Limited Ors. v. State of Andhra Pradesh and Ors.*¹

3.3. Respondent No. 1 has no authority in finalization of the RRTS alignment and thus, no approval was required for modification of proposed routes.

Analysis and findings

The RRTS project

4. The Delhi-Ghaziabad-Meerut RRTS corridor has received government approval through a sanction order dated 07th March, 2019, with a total project cost of approximately Rs. 30,270 crores. Construction work commenced in June 2019 and has been progressing on schedule. The priority section of this corridor is set to be operational by early 2023, while full commissioning is targeted for 2025. Importantly, the project is substantially funded to approximately 60% of the total cost. Currently, the NCRTC has mobilized a workforce of over 14,000 professionals, who are diligently working around the clock to ensure timely completion. The RRTS corridor is not merely a transport project, but also a significant initiative in environmental sustainability. According to the Detailed Project Report for the RRTS corridor, it is estimated that the system will reduce 60,000 tonnes of particulate matter, 4,75,000 tonnes of nitrogen oxides, 8,00,000 tonnes of hydrocarbons and carbon monoxide, annually. Moreover, the RRTS is expected to contribute significantly to reducing pollution levels by augmenting the modal public transportation share, thereby decreasing the number of vehicles on the roads. Additionally, the efficient electric

¹ (2010) 5 SCC 590.



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operation of the RRTS will further reduce both air and noise pollution.

Thorough evaluation by a team of experts

5. NCRTC's deliberations on feasibility of the proposed alignment options are as follows:

“ **Table 3: Comparison of Alignment options for connecting line (viaduct) from Sarai Kale Khan Station to Jangpura Stabling Yard** ”

Main Feature	Merits	Demerits	Final Decision	Reason for acceptance/ Rejection
Alignment Option-1				
By passing Siddhartha Extension Colony	Siddharth extension colony is not getting affected	<p>This Alignment will have following disadvantages/ technical issues:</p> <p><u>50 m span over Barapulla flyover is having sharp horizontal curve of 145 m. As per SoD the minimum radius of horizontal curve for the depot/stabling yard should not be less than 300m. Therefore, the alignment is technically not feasible.</u></p> <p><u>Further, the alignment will have a 122 m span viaduct with 65-degree skew angle at railway crossing. Out of 122 m span, 50 m length is on curve of 150m radius and 72 m length is straight. Due to space constraint, launching and movement of construction machinery and materials, 122 m single span viaduct is not possible.</u></p> <p>The feasibility of construction of an intermediate pier in the space available between the running tracks is also explored and found not feasible due to (i) OHE</p>	Not recommended	The alignment is costlier, difficult to construct and technically not feasible. Therefore, cannot be selected.

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		<p>traction lines of 25 KV for Delhi Agra main line is a hinderance in mobilization of construction machinery in the intermediate space</p> <p>(ii) Construction will require block periods and shutdowns which will not permitted by railway.</p> <p><u>This alignment will be costlier due to additional requirement of 101 m span of viaduct on this alignment which can be avoided by choosing option II alignment.</u></p> <p>Parapet of RRTS viaduct is at a close proximity of 3m from G+4 building (near Barapulla Flyover).</p>		
Alignment Option-2				
<p>Inside Siddharth Extension colony affecting 24 no Flats</p>	<p>Geometry of alignment is made smooth</p>	<p>24 no Flats inside Siddharth extension colony is getting affected.</p> <p>Alignment inside Siddharth extension colony is having horizontal curve of radius 702.25 m. The chances of wear and tear increase with reduction of radius.</p>	<p>Earlier recommended.</p> <p>It has been further improvised for option- III.</p>	<p>The radius of curve is 702.5 m which is more than compared to minimum technical requirement of 300m. 24 Numbers of flats would be affected inside Siddharth Extension which will have higher cost of compensation as well as higher number of displacements. Hence not selected.</p>
Alignment Option-3				
<p>Inside Siddharth Extension colony affecting 8 numbers of Flats</p>	<p>Number of affected flats are reduced to 8 number from 24 numbers. Thus, 16 number affected flats</p>	<p>8 numbers of Flats inside Siddharth extension colony is getting affected</p>	<p>Recommended</p>	<p><u>The radius of curve is 1500m which will ease out the vibration and noise. At the same time, it will affect only 8 no. of flats inside Siddharth</u></p>

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	<p><i>are being saved inside Siddharth Extension.</i></p> <p><i>Geometry of alignment is improvised to make it further smooth.</i></p>		<p><u><i>Extension which will have lower cost of compensation, lesser pollution and lower number of displacements. Hence found most suitable and selected for construction.</i></u></p>
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[Emphasis Supplied]

6. The potential alignment options for the concerned viaduct propose the following: (a) bypassing Pocket C of Siddhartha Extension (Option 1), or (b) running through Pocket C of Siddhartha Extension, impacting 24 flats (Option 2), or (c) cutting through Siddharth Extension colony and affecting 8 flats. As can be seen from the above excerpt, these alignment options for the RRTS have undergone rigorous evaluation process by a team of domain experts. As per their evaluation, Option 3 not only minimizes the number of flats affected, but also presents a cost-effective approach when compared to Options 1 and 2. Importantly, the positioning of pillars in Option 3 has been carefully planned to ensure non-interference with roadways or other easement rights like parking and free spaces. It also minimizes the impact on local residents by affecting the least number of flats, and offers the most technically feasible and economically prudent route. Given the considerations outlined above, it is clear that NCRTC's decision to forego **Option 1** is anchored in valid technical and social considerations. The chosen alignment is not an arbitrary decision, but one steeped in technical viability, cost-efficiency, and broader societal gains.

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Public interest

7. Public interest stands at the forefront of this project, given its significant benefits such as reducing air pollution, alleviating traffic congestion, and offering a more efficient transportation system. Additionally, the project promises substantial environmental benefits, as indicated by the Detailed Project Report, including significant reductions in annual emission rates of particulate matter, nitrogen oxide, hydrocarbons, and carbon monoxide. Thus, in the act of balancing individual property rights and overarching public interest, the latter must take precedence. The scale tips in favour of a solution that serves the larger community, and ensures the most efficient use of public resources.

Safety measures

8. It is also worth noting that NCRTC is not a novice in the field, but is a specialized government entity with extensive experience in executing complex and heavy infrastructure projects. They have a robust safety mechanism in place to monitor, supervise, and direct construction activities. This adds an additional layer of assurance that construction will be conducted in a manner that prioritizes both, safety and environmental concerns. NCRTC has demonstrated a commitment to mitigating the impact of construction on the well-being of Siddhartha Extension residents; they have devised a comprehensive approach to construction that would ensure speed and safety. The construction within the society's boundaries is scheduled with additional resources to ensure its expeditious completion. Before the initiation of construction activities, proper road diversions will be

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established and managed by trained and experienced traffic marshals. This will separate construction-related vehicular activity from general traffic, thereby reducing the likelihood of congestion and accidents. During the construction phase, stringent safety measures will be in place: the worksite will be fully enclosed by high barricades and will be monitored by security personnel to restrict unauthorized entry. Upon completion of the construction, NCRTC has committed to restoring the site to its original state, supplemented by modern amenities for the residents. This restoration will take place before the site is handed back to the respective governing agency.

9. Therefore, NCRTC has strategically planned allocation of resources to expedite the completion of the project as swiftly as possible. These are not merely preventive measures, but a proactive strategy aimed at safeguarding the general public from construction-related hazards. In sum, these measures demonstrate NCRTC's conscientious approach to balancing the imperatives of public infrastructure development with the everyday lives and concerns of affected residents.

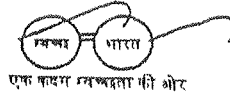
10. Dismissed, along with pending applications.

SANJEEV NARULA, J

SATISH CHANDRA SHARMA, CJ

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145 Annexure R-5

ncrtc
गति से प्रगति

राष्ट्रीय राजधानी क्षेत्र परिवहन निगम लिमिटेड
(भारत सरकार एवं प्रतिभागी राज्य सरकारों का एक संयुक्त उपक्रम)

National Capital Region Transport Corporation Limited
(A Joint venture of Government of India and participating State Governments)

Office of the Chief Project Manager/Delhi
Below CWG Flyover, NH-24, Delhi-110092

EPABX : 011-61361010

E-mail : cpm.delhi@ncrtc.in

No. NCRTC/CPM/D/FOREST DEPTT. /2018/08/018

Dated: 16.01.2024

To,
The Dy. Conservator of Forest,
South Forest Division
Near Dr. Karni Singh Shooting Range,
Tughlakabad, Mehrauli Badarpur Road,
New Delhi-110044

Sub: -Implementation of Delhi-Ghaziabad-Meerut Regional Rapid Transit system in Delhi NCR –
Regarding extension of time in already allocated approval for 144nos. tree for Stabling yard
alignment from Sarai kale khan at chainage 950 to chainage 1650 near Siddhartha Extension and
Sarai Kale khan Station Yard at chainage 0 to 200.

Ref: -i) NCRTC letter no. NCRTC/CPM/D/FOREST DEPTT. /2018/08/1243 dated 19.10.2020.
ii) Forest Permission letter no. 414/TO(S)/TC-Transplantation/2020-21/17133 dated 16.12.21.
iii) High Court of Delhi Judgment no. W.P.(C) 11740/2023 & CM Appl.45840/2023 dated 15.09.23.
iv) NCRTC/CPM/D/FOREST DEPTT. /2018/08/3621 dated 25.09.2023.
v) Forest Permission letter no. 414//TO(S)/TC-Pruning/2020-21/9638 dated 11/10/2023.
vi) High Court of Delhi Judgment no. REV. P. 335/2023 & CM APPL. 63274-77/2023 dated 05.01.24

Dear Sir

In reference to the ongoing Delhi-Ghaziabad-Meerut Regional Rapid Transit system project in Delhi NCR. Vide letter at ref. ii) above, NCRTC has previously been granted permission to cut and transplant a total 144 trees for the project. While we have made significant progress, there are still 36 trees in Siddhartha Extension Pocket-C that are pending due to legal challenges posed by the residents of the area.

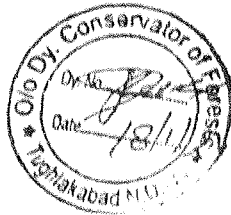
Vide letter at ref. (v), the validity of the permission was extended up to 10 January 2024. However, due to the review petition filed by Siddhartha Extension Pocket-C residents, further delays have occurred.

With the recent dismissal of the case by the High Court of Delhi, as referenced above, we are now in the position to proceed with our project. Therefore, we kindly request the revalidation of the permission to address the remaining trees, specifically the transplantation of 29 trees and the cutting of 7 trees in Siddhartha Extension Colony.

We sincerely appreciate your cooperation in this matter.

Encl: As above

CC: CPM/Delhi



TRUE COPY

Yours faithfully

Satish Kumar Yadav
16.01.24
(SATISH KUMAR YADAV)
Dy. CPM/Civil
Email-satishkumar.yadav@ncrtc.in

146 Annexure R-6

GOVT. OF NCT OF DELHI
OFFICE OF THE DY. CONSERVATOR OF FORESTS (SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD NEW DELHI -110044

F. No. R-414/TO(S)/TC-Felling/2020-21/ 14886-87
ORDER

Dated:- 20/2/2024

Sub:- Extension of permission is granted for removal/transplantation 36 Nos of trees for the construction of RRTS stabling Yard Alignment from Sarai Kale Khan at Chainage 950 to chainage 1650 near Siddharth Extension and Sarai Kale Khan Station Yard at Chainage 0 to 200, New Delhi

Ref:- File No. NCRTC/CPM/D/Forest Deptt/2018/08/018, dated 16.01.2024.

Whereas permission was granted vide the letter No. R- No.414/TO(S)/TC-Transplantation/2020-21/17133 Dated 16.12.2021 granting permission for the construction of RRTS Stabling yard alignment from Sarai Kale Khan at Chainage 950 to Chainage 1650 near Siddharth Extension and Sarai Kale Khan Station Yard at Chainage 0 to 200, New Delhi subject to the satisfaction of the terms and conditions specified in the permission letter.

And whereas, the applicant has intimated that the work regarding transplantation/removal of tree could not be done within specified period of 09 month due to court case at Hon'ble High Court of Delhi.

Therefore, as requested by the applicant, validity of the permission dated 16.12.2021 is extended up to 19.04.2024 on the same terms & conditions as per permission letter No. R- No.414/TO(S)/TC-Transplantation/2020-21/17133, dated 16.12.2021 and as per "Tree Transplantation Policy 2020". All native varieties of trees need to be transplanted.

The work of transplantation / removal of trees can be taken up only after disposal by the Hon'ble High Court of Delhi in CM appeal Contempt Case (C) No. CONT(C)-1149/2022 is lifted.


Tree Officer & Dy. Conservator of Forest
South Forest Division

To,

The/Sh./Smt./Ms.
 Subodh Kumar,
 Chief Project Manager/ Delhi,
 NCRTC, Gati Shakti Bhawan INA,
 New Delhi.


 ISSUE COPY

C.C.:- The C.F. Govt. of NCT of Delhi for kind information.



राष्ट्रीय राजधानी क्षेत्र परिवहन निगम लिमिटेड
(मान्य भारत एवं प्रजापति राज्य सरकारों का एक संयुक्त उद्यम)

National Capital Region Transport Corporation Limited
(A Joint venture of Government of India and participating State Governments)

Office of the Chief Project Manager/Delhi
Below CWRI Flyover, NH-24, Delhi-110002

EPABX : 011-61361010

E-mail : cpm.delhi@ncrtc.in

No. NCRTC/CPM/D/Forest Deptt. /2018/08/135
Date: 38/04/2024

To,
Dy. Conservator of Forest (South),
Department of Forests & Wildlife,
Near Dr. Karni Singh Shooting Range,
Tughlakabad,
Mehrauli-Badarpur Road (M.B. Road),
New Delhi -110044

Sub:-Implementation of Delhi- Ghaziabad- Merrut Regional Rapid Transit system (RRTS) Corridor - Regarding extension of time in already allocated approval for 144 nos. trees for Stabling Yard alignment from Sarai Kale Khan at Chainage 950 to chainage 1650 near Siddharth Extension and Sarai Kale Khan Station Yard at Chainage 00 – 200.

**Ref: - 1) 414/TO(S)/TC-Transplantation/2020-21/17133 dated 16.12.2021.
2) NCRTC/CPM/D/Forest Deptt. /2018/08/018 dated 16.01.2024.
3) F.No. R-414/TO(S)/TC-Felling/2020-21/14886-87 dated 20.02.2024.**

Sir,

Through order at reference (1), permission was granted by forest department for cutting and transplantation of 144 nos. of trees for the project. While we have made significant progress, but still there are 36 no. of trees left to be cut/transplanted.

Vide letter at reference (3) above, permission to remove remaining 36 no. of trees was extended till 19.04.2024 with a condition that removal can only be taken up after disposal by the Hon'ble High Court of Delhi in CM appeal Contempt Case (C) No. CONT(C)-1149/2022.

The extension of permission could not be materialised due to ongoing Court case.

In view of above, it is requested to extend the permission again for cutting/transplantation of remaining 36 no of trees.

Thanking you,


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Yours faithfully,


Sunny Lather)

Superintending Engineer/Civil

Email- sunny.lather@ncrtc.in

M- 9971913352

Copy to: 1) CPM/Delhi for kind information please

148 Annexure R-8



दिल्ली विकास प्राधिकरण
भूदृश्य एवं पर्यावरण योजना विभाग
11वॉ तल, विकास मीनार, आई.टी.ओ.-110002
कार्यालय: 011-23370985, ई-मेल: neelima.soni2033@dda.gov.in



LS/MISC/0042/2021/F1/-O/o DIRECTOR(LANDSCAPE)/187

Dated: 13.12.2023

To,
Sh. Subodh Kumar
Project Manager / Delhi, NCRTC
Below CWG Flyover, NH-24
Delhi - 110092
Email: cpm.delhi@ncrtc.in

Subject: Regarding status report for Compensatory Plantation of 14125 saplings
Reference: No. NCRTC/CPM/D/DDA/2018/01/3696 dated 16.11.2023

Sir,

This is with regards to the above stated reference wherein you had requested to provide the status of Compensatory Plantation of 14125 saplings which was allocated in lieu of affected trees for Regional Rapid Transit System (RRTS) project.

It is to inform you that Compensatory Plantation of 14125 saplings has been completed and the current status of the same is listed below:

S. No	Site	Area (in Ha.)	No. of CP approved	No. of CP completed	Geo-coordinates	Remarks
1.	Kalindi Aviral Extn.	27.00	14125	14125	Latitude: 28.592093 Longitude: 77.262507	
	Total		14125	14125		

The polygon of geo-coordinates within which Compensatory Plantation has been carried out is also enclosed in the letter for information.

This is issued with the approval of Pr. Commissioner/ Horticulture & Landscape.

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नीलीमा सोनी
निदेशक (भूदृश्य)
दिल्ली विकास प्राधिकरण

Copy to:

1. Addl. Commissioner (LS) for information please
2. Director (Hort.) - SE for information please
3. DD/Hort./HQ for information please
4. Dy. Director (HD-VII) for information please.
5. PS to Pr. Commissioner (Hort./LS) for information please



Annexure R-9

\$~1 (Special Bench)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11740/2023

**SIDHARTHA EXTENSION POCKET C RESIDENTS
WELFARE ASSOCIATION & ANR.**

..... Petitioners

Through: Ms. Suruchi Mittal, Mr. Abhishek
Gautam and Mr. Deepak Kumar,
Advocates.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Piyush Beriwal and Mr. Nikhil
Kumar Chaubey, Advocates.
Mr. Rajesh Katyal, Advocate for
NCRTC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

05.01.2024

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REV. P. 335/2023 & CM APPL. 63274-77/2023

1. Petitioners had filed the subject Writ Petition seeking a direction to the Responder to implement the original plan i.e. option 1 to construct the viaduct for the Delhi – Meerut Regional Rapid Transit System by-passing the Pocket – C, Siddhartha Extension, New Delhi.
2. This court by Judgment dated 15.09.2023, had noticed that the National Capital Region Transport Corporation (NCRTC for short) is a specialized government entity with extensive experience in executing complex and heavy infrastructure projects and they have a



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robust safety mechanism in place to monitor, supervise and direct construction activities. This court also noticed that there was a thorough evaluation by a team of experts and NCRTC had deliberated on the feasibility of the proposed alignment options. This court noticed that the potential alignment options for the concerned viaduct had undergone rigorous evaluation by a team of domain experts. This court held that NCRTC's decision was anchored in valid technical and social consideration. The Petition was thereafter dismissed.

3. Subject Review Petition was filed by the Petitioners seeking review of the order contending that the Respondents had concealed a vital document i.e. the Report about the Technical feasibility of Option – 1 prepared by Committee of Experts for Asian Development Bank (ADB for short).

4. The contention of the Review Petitioner that the Technical Feasibility Study Report was not taken into account at the time of taking a final decision, was noticed in order dated 08.12.2023. This contention was refuted by learned counsel for the Respondent who submitted that the said report was duly taken into account by the said experts and a conscious decision was taken not to accept the same. He prayed for time to produce the relevant record.

5. Pursuant to order dated 08.12.2023, the original records have been produced by the respondents, which show that in the meeting held on 21.03.2023 between the representatives of the NCRTC and the ADB, the subject Technical Feasibility Study Report conducted by



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the Committee of experts of Asian Development Bank was duly taken into account.

6. Learned counsel for the petitioner thereafter made submission on the merits of the feasibility of options. Learned counsel further submitted that there was further material which was not taken into account.

7. It may be noticed that the review is premised on the alleged non consideration of the Technical Feasibility Study Report conducted by the Committee of experts of Asian Development Bank, which as noticed above is incorrect. Said report was duly taken into account by the domain experts. Further material allegedly not taken into account is alleged to be material which has surfaced or come into existence after the passing of the order. There is no reference to such material in the Review Petition.

8. There is no error apparent on the face of the record. Further, no ground is made out to review the judgment dated 15.09.2023. The Review petition is accordingly dismissed.

SANJEEV SACHDEVA, J

SANJEEV NARULA, J

JANUARY 5, 2024
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Annexure R-10

No. K-14011/17/2017-MRTS-I (Vol.II)
Government of India
Ministry of Housing and Urban Affairs
(MRTS-I)

322-C, NirmanBhawan, New Delhi.
Dated, the 7th March, 2019.

ORDER

Sanction of the President is accorded for implementation of Delhi-Ghaziabad-Meerut Regional Rapid Transit System (RRTS) corridor covering a total length of 82.15 k.m. (68.03 k.m. elevated and 14.12 k.m. underground) at a total completion cost of ₹ 30,274 crores (Rupees Thirty Thousand Two Hundred Seventy Four crores only) (including escalation and Central taxes & duties, Land cost and State taxes), as per the costing details given in the Annexure, with contribution of Government of India (GoI) in the form of Grant and interest free Subordinate Debt as per the details given in Para 3 below and subject to the conditions as detailed in Para 5 below.

2. The Project is scheduled to be completed in six years from the date of start of work.
3. **Project Financing:** The cost of the Project will be financed as per the funding pattern given below:

	Description		₹ in crores	Percentage
Government of India	Grant	In lieu of equity	1,643	5.83%
	Sub-ordinate Debt		3,286	11.67%
	Sub-ordinate Debt - Central Taxes (Customs Duty and CGST)		705	2.50%
	Sub-Total		5,634	20.00%
Government of National Capital Territory of Delhi	Grant	In lieu of equity	265	0.94%
	Sub-ordinate Debt		530	1.88%
	Sub-ordinate Debt - Central Taxes (Customs Duty and CGST)		113	0.40%
	Sub-Total		908	3.22%

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	Description	₹ in crores	Percentage
State Government of Uttar Pradesh	Grant	1,378	4.89%
	Sub-ordinate Debt	2,756	9.79%
	Sub-ordinate Debt - Central Taxes (Customs Duty and CGST)	592	2.10%
	Sub-Total	4,726	16.78%
Financial Assistance	From Multi-lateral/bi-lateral agencies	16,904	60.00%
Total Cost Excluding Govt. Land, State Taxes and Private Sector Participation		28,172	100.00%
Private Sector Participation	In AFC (Automated Fare Collection) and other similar components	270	
Total		28,442	

Contribution towards State Taxes		
Description		₹ in crores
Government of National Capital Territory of Delhi	Sub-ordinate Debt - State Taxes (SGST)	177
State Government of Uttar Pradesh	Sub-ordinate Debt - State Taxes (SGST)	923
Total		1,100
Contribution towards Government Land		
Description		₹ in crores
Government of India	Sub-ordinate Debt - Govt. Land cost	238
Government of National Capital Territory of Delhi	Sub-ordinate Debt - Govt. Land cost	95
State Government of Uttar Pradesh	Sub-ordinate Debt - Govt. Land cost	399
Total		732

Description	₹ in crores
Total Completion Cost (including state taxes and indicative provision for government land)	30,274



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4. **Institutional Arrangement:** Delhi-Ghaziabad-Meerut RRTS corridor will be implemented by the existing Special Purpose Vehicle (SPV), namely the National Capital Region Transport Corporation Limited (NCRTC). The Equity holders of NCRTC are Ministry of Housing and Urban Affairs [MoHUA] (22.5%), Ministry of Railways [MoR] (22.5%), National Capital Region Planning Board [NCRPB] (5.0%), Government of National Capital Territory of Delhi [GNCTD] (12.5%), Government of Uttar Pradesh [GoUP] (12.5%), Government of Rajasthan [GoR] (12.5%) and Government of Haryana [GoH] (12.5%). NCRTC is mandated for designing, developing, implementing, financing, operating and maintaining of RRTS projects in the NCR to provide comfortable and fast transit to NCR towns and meet the high growth in transport demand.

4.1 The RRTS infrastructure is also proposed to be used for operation of metro rail services in Meerut to meet the local mobility needs.

4.2 The monitoring of the project for timely completion shall be done by the Board of NCRTC.

5. **Conditions:** The Terms and Conditions of Sanction for Delhi-Ghaziabad-Meerut RRTS Corridor are as under:

- (A) **Central Laws**, i.e., the Metro Railways (Construction of Works) Act, 1978, the Metro Railways (Operation & Maintenance) Act, 2002 as amended through Metro Railways (Amendment) Act, 2009 and the Railways Act, 1989 would be applicable.
- (B) The NCRTC, a joint venture of Government of India and four participating states, which shall implement the Delhi-Ghaziabad-Meerut RRTS Corridor project, shall generally adopt the guidelines of Department of Public Enterprises, the Department of Economic Affairs and the Central Vigilance Commission as necessary to strengthen the Corporate Governance and shall be subject to the Parliamentary scrutiny.
- (C) The Joint Venture, shall be bound by such directions on question of policy, as the Central Government may give in writing from time to time after giving due opportunity to the Joint Venture to express its views before giving any direction.
- (D) The cost of Government Land is to be borne by the concerned Governments in terms of provisions contained in para 3.3 and 3.4 of the MoU signed between Government of India and participating states on 29.06.2011. Para 3.3 of this MoU states, "*The Government of India, State Government and other Government Agencies will charge concessional lease rates for its land required for the projects and all government lands*

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including those belonging to the State Government and its agencies will be made available to the NCRTC on lease or as interest free subordinate debt."Accordingly, the land belonging to various Ministries/ Departments as well as autonomous/statutory bodies/agencies of the GoI/GNCTD, which is required specifically for the project, shall be taken over by the GoI/GNCTD at inter-departmental transfer rates as notified by MoHUA. The land so taken over/ acquired for the project by respective Governments shall be allotted to the NCRTC on 99 years' lease at a nominal rent of Re. 1/- per annum in line with the approach adopted during implementation of Delhi Metro project.

- (E) Para 3.4 of the MoU states, "The Central Government and State Governments will facilitate the commercial utilisation of the land falling in the project area on mutually agreed terms."
- (F) The respective Governments shall provide all necessary support for providing commercial development rights to NCRTC for augmentation of non-fare box revenue of the project.
- (G) **Procurement of Additional Rolling Stock:** The cost of procurement of additional rolling stock in the subsequent years of operation, shall be borne by the Joint Venture.
- (H) The revised and reduced contribution of GoI should be completely ring-fenced and would be limited to GoI contribution amounting to ₹ 5,634 crore, which includes grant, subordinate debt and subordinate debt-Central Taxes (Customs Duty and CGST) in terms of Para (E) (iii) (c) of Metro Rail Policy, 2017. Cost escalation due to price escalation or exchange rate variation leading to increase in the cost of the project within or beyond the approved project time limit, inclusion of any item not referred to in DPR and also any other cost escalation due to change in scope or delay beyond the approved time cycle shall be borne/met/arranged by the SPV and/or the State Government in proportion of their route kilometers.
- (I) Expenditure on O&M and debt servicing should be the responsibility of the SPV. In case the SPV fails to bear the liabilities, these will be borne by the respective State Governments in the ratio of route kilometer of the project falling in their respective State in terms of Para (D) (iv) (d) of Metro Rail Policy, 2017.
- (J) The project timeline should be reduced to the maximum limit and preferably section should be completed in four years.



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- (K) Keeping in view overarching fiscal consolidation path, the respective State Governments should ensure flow of realisable VCF in the SPV account in terms of Para (D) (vii) (b) of Metro Rail Policy, 2017 for meeting O&M, escalation, debt servicing etc. of the project in a manner that will reduce burden on the State exchequer.
- (L) The external funding will be on back to back basis as per the Standard arrangement of Department of Economic Affairs.
- (M) The SPV should explore unbundling of the project activities to achieve satisfactory level of private participation in the RRTS project in terms of Para (E) (iii) (b) of Metro Rail Policy, 2017.
- (N) Taxes/GST:
- i. The Central taxes (Customs duty and Central Goods & Services Tax -CGST) will be shared between the Central Government and the concerned State Governments in the ratio of 1:1.
 - ii. The State Goods & Services Tax (SGST) will be borne by the State Governments in the same ratio as their investment in a corridor.
 - iii. The total taxes/GST are part of the project completion cost and necessary budgetary provisions will be made by concerned Governments for their respective share of taxes.
- (O) Government of India and the concerned State Governments will exempt the Joint Venture from payment of property tax and electricity tax, subject to levy of service charges in lieu of property tax in accordance with norms applicable to Central Government Departments.
- (P) **Dedicated Urban Transport Fund:** The concerned State Governments shall set up a dedicated urban transport fund at the State level as well as at the city / metropolitan area level to create pool of resources for replacement of assets and providing operational subsidies, if any, not only for this project but other Urban Transport projects as well.
- (Q) **Multimodal Integration**
- i. Integration of various modes of transport which would act as feeder/ evacuation system to the proposed Regional Rapid Transit System (RRTS) for improved ridership including adequate parking space for bicycles & cars and bus/ taxi/ auto stands at the RRTS stations, improvement in bus service to introduce modern ITS-enabled buses, should be given high priority by the concerned State Governments.

- ii. The concerned State Governments should provide Multimodal integration, including sub-urban railways (by involving Ministry of Railways) to provide a well-connected network in the region.
 - iii. The concerned State Governments in consultation with the Joint Venture, shall work together to provide common mobility card to provide integrated ticketing and seamless travel across all modes and all operators in the National Capital Region (NCR).
- (R) **Comprehensive Mobility Plan:** The National Capital Region Planning Board (NCRPB) has prepared the Functional Plan on Transport for National Capital Region – 2032 for NCR region. The concerned State Governments should implement the plan accordingly.
- (S) **Price-Based Measures to promote and facilitate RRTS ridership:** The concerned State Governments shall ensure price-based measures to promote and facilitate RRTS ridership, as part of integrated traffic rationalization plan and the Functional Plan on Transport for National Capital Region – 2032 for NCR region / CMP for the concerned cities with a view to ensure that the projected ridership is realized.
- (T) **Land Use Densification:** Land Use densification around the stations also needs to be done to increase the ridership and decrease the overall travel demand.
- (U) **Periodic Fare Revision:** A suitable arrangement, independent of the Joint Venture formed to implement this RRTS project, shall be provided for periodic fare revision for the RRTS as well as other competing modes.
- (V) **Unified Metropolitan Transport Authority:** The concerned State Governments shall set up a Unified Metropolitan Transport Authority (UMTA) within a year in the concerned cities / regions, duly backed by legislation, to facilitate coordinated planning and implementation of projects including the RRTS project, related to urban transport and their integrated management.
- (W) **Traffic Information Management Control Centre:** The concerned State Governments should set up a traffic information management control centre for effective traffic monitoring and enforcement as well as for data generation and data collection for future planning.
- (X) **Security:** Necessary security arrangements shall be the responsibility of the concerned law enforcement agencies of the respective Governments, who shall meet the cost of security.



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- (Y) **National Public Transport Helpline:** The concerned State Governments should implement National Public Transport Helpline to provide information regarding various aspects of public transport such as routes, arrival/departure times, route planning, ticketing, etc., in the city.
- (Z) **Parking Policy:** The concerned State Governments should come up with a parking policy wherein parking fee represents the true value of the land occupied, which is used to make public transport more attractive; banning on arterial/ ring roads; provision of multi-level parking centers in city centers with park and ride facility, etc.
- (AA) The concerned State Governments should come up with an enabling policy framework, to allow the Joint Venture to enhance the non - fare box revenues.
- (BB) The concerned State Governments should adhere to the following:
- (i) Set up enabling policy and regulatory framework and provisions of requisite permissions, clearances & licenses etc. for all avenues of exploiting non-fare box revenue such as advertisements, leasing of space, fire clearances etc. under the state statute and rules through a single window facility.
 - (ii) Commit towards its roles and responsibilities in the RRTS projects, both during construction and the operational phase.
 - (iii) Provide required support to ensure financial sustainability during operation.
 - (iv) Enable implementing agencies to raise cheaper long term debt by allowing issue of corporate debt bonds or earmarking revenue from VCF modes like betterment levies.
 - (v) Follow the guidelines framed for standardization and indigenization for RRTS as and when framed by the Central Government.
 - (vi) Provide financial support for ensuring good financial health of NCRTC/ agency implementing the RRTS during the operational phase within a well-defined framework.
- (CC) All relevant initiatives under 'Make in India' are to be followed by NCRTC.
- (DD) **Memorandum of Understanding:** The concerned State Governments, the Joint Venture and the Government of India shall enter into a Memorandum of Understanding regarding detailed terms and conditions for implementation of the project in accordance with sanction of the Union Cabinet.



6. This issues with the concurrence of Integrated Finance Division vide Computer No. E 9058934 dated 05.03.2019.


7/3/19

(DeenDayal)

Under Secretary to the Govt. of India
Tele. 23062594

To
Pay & Accounts Officer (Sectt.)
Ministry of Housing & Urban Affairs
Nirman Bhawan,
New Delhi.

Copy to:

1. Chief Secretary, Government of National Capital Territory of Delhi, Delhi Sachivalya, I.T.O., New Delhi.
2. Chief Secretary, Government of Uttar Pradesh, Lal Bahadur Shastri Bhawan, UP Secretariat, Lucknow - 226001.
3. Chief Secretary, Government of Haryana, 4th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh.
4. Chief Secretary, Government of Rajasthan, Govt. Secretariat, Jaipur.

Copy forwarded to:

1. Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
2. Principal Secretary to the Prime Minister, South Block, New Delhi.
3. PS to Minister of Finance, North Block, New Delhi.
4. CEO, NITI Aayog, Yojana Bhawan, New Delhi.
5. Chairman, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
6. Secretary, Ministry of Home Affairs, North Block, New Delhi.
7. Secretary, Department of Economic Affairs, North Block, New Delhi.
8. Secretary, Department of Expenditure North Block, New Delhi.
9. Secretary, Department of Revenue, North Block, New Delhi.
10. Secretary, Ministry of Road Transport & Highways, Parivahan Bhawan, New Delhi.
11. Secretary, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Prithvi Block, Jor Bagh, CGO Complex, New Delhi.
12. Secretary, Ministry of Statistics and Programme Implementation, Sardar Patel Bhawan, Sansad Marg, New Delhi.
13. Director (Cabinet), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi w.r.t. reference No. 9/CM/2019(i) dated 21.02.2019.
14. Managing Director, National Capital Region Transport Corporation Ltd., 7/6, AMDA Building, Siri Fort Institutional Area, August Kranti Marg, New Delhi-110 049.

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Copy also to:

1. PS to MoS (IC), HUA
2. Secretary (HUA), MoHUA, Nirman Bhawan, New Delhi.
3. AS (D&W), MoHUA
4. JS&FA, MoHUA, New Delhi
5. OSD(UT) & E.O. JS, MoHUA
6. Director (MRTS-I) / Director (MRTS-II) / US(MRTS-Coord) / US(UT-V), MoHUA
7. Chief Controller of Accounts, MoHUA, Nirman Bhawan, New Delhi.
8. Finance Division, MoHUA, Nirman Bhawan, New Delhi.
9. Budget Section, MoHUA, Nirman Bhawan, New Delhi.
10. Guard file of RRTS Project.


7/3/19

(DeenDayal)

Under Secretary to the Govt. of India

Component wise cost of Delhi-Ghaziabad-Meerut RRTS corridor

Description	(₹ in Crore)
Land	2,073
Civil works, Alignment and formation (excl. Stations & Depot)	5,624
Station Building	3,059
E&M Works	504
Depot-cum-Workshop	320
Permanent Way	966
Traction & Power Supply incl. OHE, ASS etc.	1,179
Signalling and Telecom. (incl. Depot lines)	1,342
Automatic Fare Collection	10
Miscellaneous Works (Utilities relocation, road widening, staff quarters, etc.)	1,256
Rolling Stock	2,629
Miscellaneous Items	300
Total Base Cost excluding land, taxes, GC and Contingency	17,189
Total Taxes and Duties (GST and Customs Duty)	2,510
Total Base Cost including taxes (excluding land)	19,699
General Charges incl. Design & supervision, General consultancy charge and administrative charge @5%(except land)	985
Contingencies @3%	591
Total Base Cost (excluding land)	21,275
Escalation	5,998
Interest During Construction	658
Total Project Cost (excluding land)	27,931
Total Project Cost (including land)	30,004
Private Sector Participation - In AFC (Automated Fare Collection) and other similar components	270
Grand Total	30,274




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No. NCRTC/CPM/D/SIDHARTH EXTN/2019/97

Date: 14.07.2022

Minutes of the meeting of Community Interaction held on 05.07.2022 at Siddhartha Extension on EIA and RP Reports of NCRTC

A Committee Interaction meeting was held between officials of Asian Development Bank (ADB), NCRTC and residents of Pocket C, Siddhartha Extension, Siddhartha Extension Residents' Welfare Association (SERWA) and Siddhartha Extension Senior Citizens' Welfare Forum (SESCWF) on 05.07.2022. An invitation letter was sent to the residents of Pocket C, Siddhartha Extension for interaction in the aforesaid meeting. (**Annexure-1**).

2. On the request of SERWA and SESCWF the community interaction meeting held on 05.07.2022, and request of resident of Flat No. 220 B, Mrs. Anu Bajpai, the meeting was held at Siddhartha Extension premises. The list of participants from ADB, NCRTC and Siddhartha Extension Colony is attached herewith as **Annexure-2**.

3. Experts from respective domains were invited to the meeting to clarify environmental and social issues. The list of all experts who participated is as under:

- (i) Mr. Ajay Sharma, General Consultant, Social Safeguard Expert
- (ii) Mr. A.Lakshmi Narayanan, General Consultant, Sr. Environmental Health Expert
- (iii) Dr. Surjit Singh Deepak, External Monitor Consultant, Environmental Expert
- (iv) Mr. Sandeep Bhardwaj, External Monitor Consultant, Environmental Expert
- (v) Mr. Pranay Kumar, External Monitor Consultant, Social Expert
- (vi) Mr. M.K Mohanty, SIA Consultant, Social Expert
- (vii) Dr. Naseem Akhtar, CRRI Expert, Noise and Vibration Expert
- (viii) Mr. Surender, Shadow Analysis Consultant

4. In the meeting, it was brought out by the resident members of SERWA, SESCWF that the information being provided by NCRTC was not being disseminated to all resident members. NCRTC stated that all issues raised in the past related to Siddhartha Extension either through letters, CPGRAM, RTI and communications through various means were suitably replied in writing by NCRTC and provided to representative groups. Copies of all such correspondences are enclosed as **Annexure-3**. All the concerns of the residents were covered in the EIA/RP as well. During the meeting held on 23.05.2022, it had emerged that the replies of all previous queries/ observations have not been transmitted to the SERWA, SESCWF and the pocket C residents.


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5. NCRTC presented a PowerPoint Presentation covering all the past apprehensions about environment issues, social issues, project information and various impact studies carried out by NCRTC through various experts/consultants as well as all concerns raised regarding implementation of the project. Animated walk-through Videos was also shown to the residents to explain the projects and plans of NCRTC. Various options for construction of project Siddhartha Extension and their feasibility were also presented.

6. The first option of bypassing Siddhartha Extension Colony was explained as technically not feasible and had the highest social and environmental impact among all options. It was expected to displace 99 residential houses, 26 Jhuggies, 1 temple and 8 shops. The decision of final alignment for a project is based on technical feasibility, financial viability and minimum disturbance, among other factors. It was again clarified that the rail level is 24 meters high from the existing ground level with a vertical clearance of 8 to 9 meters from the top of DDA approved building (i.e., from the 3rd floor). It was also explained that view from balconies of DDA approved buildings will not be blocked due to the construction of viaduct.

1. During the meeting following issues were raised by residents: -

- (i) The safety aspects of the residences during the construction of RRTS. Specific concern was about construction methodologies, community health and safety, referring to involved high risk during restricted traffic flow, crane operation and girder launching.
- (ii) Environmental effects of the project on society.
- (iii) Poor and restrictive road connectivity of Siddhartha extension worsened due to blockage and diversion of Sankat Mochan Marg by NCRTC for utility shifting.
- (iv) MoM of previous meetings and concerns not shared with them.
- (v) A concern was raised that the construction of the RRTS corridor will occupy very big area of residents' parking.
- (vi) Presently, society is affected by the backflow of Barapulla Nala and the construction by NCRTC may increase the frequency further.
- (vii) Due to the construction of the RRTS corridor there will be a restriction on the movement of vehicles.



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- (viii) A case study for a similar type of project passing through the residential society was requested.
- (ix) Presently, the emergency services (Ambulance, Firefighting etc.) are not accessible to the residents during disaster, the situation may get worse. NCRTC's plans to resolve the existing situation
- (x) NCRTC has purchased 4 nos. of flats without the permission of RWA.
- (xi) A simple workflow chart of the project was requested by the residents.
- (xii) Reasons for selection of option-3 by NCRTC over option-1 and option-2.
- (xiii) Pilling is technically not possible in this area as the water level is 1.5 m below the ground level and piling will fail due to liquefaction of soil. Even during piling, the surrounding structures will get damaged being 40 years old.

7. In addition to the above, the following residents also showed their concerns.

(i) Ms. Anu Bajpai

- a) MOM with NCRTC and ADB dated 23.05.2022 not circulated.
- b) RRTS viaduct has a great impact on the park.
- c) It has not been mentioned anywhere in the report that this is a DDA built society.
- d) As per NCRTC's plan, 8 RRTS corridors will cross the Sarai Kale Khan. Therefore, there will be a lot of traffic on the stabling line. Additional traffic is also expected due to Jungpura being a terminal station.
- e) There have been many meetings but my name is not being mentioned in the minutes/ reports.
- f) Please provide a demonstration of noise & vibration mitigation measures.
- g) What will happen if negotiation fails under direct purchase policy of NCRTC.

(ii) Mr. Kamlesh Raghuvanshi, President, RWA

- a) At P58 the work has not been completed by NCRTC within committed period of 6 months. Even the extended period of road blockage was not informed to the RWA by NCRTC.



- b) Residents of Siddhartha extension have not been provided with the minutes of meetings since 2019.
- c) Project impact assessment report not shared in hardcopy to the residents of Siddhartha Extension and it is difficult for them to download 800 pages.
- d) The compensation amount provisioned by NCRTC to the residents for mental agony likely to be caused due to passing of trains.
- e) Under what authority NCRTC has purchased four flats without permission of RWA.
- f) He informed that 700 persons living in Pocket C are directly affected which includes (i) 8 units of block 219 & 220 and (ii) 104 units of the 2 blocks on each side of the viaduct. He demanded compensation for all or align the viaduct beyond the periphery of Pocket C Sidhartha Extension.

(iii) Mr. Ashwinder Singh Lamba

- a) NCRTC has constructed the diversion at Gurudwara which has resulted into stressed connectivity to Siddhartha extension colony. Similar situation can be envisaged during implementation of the said project.
- b) Devaluation of property due to overhead high-tension line, Barapullah flyover and RRTS corridor.
- c) Difficulty in movement of emergency services (Ambulance, Firefighting, etc.) during a disaster.
- d) The effects of noise and vibrations on the residents of Siddhartha extensions what will be the measures.

(iv) Mr. VK Aggarwal

- a) We have lost faith in NCRTC as all the residents of pocket C are affected by the project and NCRTC has not disclosed the compensation amount payable to all the residents for expected distress.
- b) As per NCRTC plan, two piers are falling inside park of pocket C. NCRTC has not applied/ taken NOC from SERWA.
- c) The cost of flats is inclusive of all the area inside the Sidhartha Extension colony including the park area. The land occupied in the construction will result in reduction of cost of their flats.
- d) NCRTC is using a divide and rule policy to purchase the flats.
- e) Work chart of the project for completion of work to be provided by NCRTC in a simple way.

(v) Arvind Tripathi

- a) Block 195-196 located in the close vicinity of the stabling yard alignment. Therefore, it is under potential danger due to any natural and man-made disaster.



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- b) Complete land of Siddhartha Ext. belongs to SERWA and not to any Govt. agency like DDA, SDMC etc.
- c) A letter dated 27.06.2022 was written to NCRTC regarding representation of block 195-196, but no reply has been received till now.
- d) What is the difference between 5 m COI and 12.5 m COI as mentioned in the draft EIA.
- e) The buildings of Siddhartha Extension is load bearing old structure. How will NCRTC ensure the structural safety due to vibration during construction period.
- f) As per EIA report operation speed is 85 KMPH with frequency of 7 trains, whereas it has been said during meeting that train will run at very low speed. What is the factual data?
8. Mr. M.M Gupta, President SESCWF objected the organized consultation meeting in the Siddhartha Extension campus due to poor condition of its community center. He proposed to hold the meeting outside the colony. Accordingly, he was requested to suggest the place, date and time and expected number of participants for making arrangements by NCRTC.
9. In continuation to point at (8) above Mr. Raghuvanshi, President (SERWA) informed that he is Government Officer and most of the residents are service class. Therefore, he suggested to hold meeting on weekends, to which NCRTC consented. Further, he was requested to propose the venue in consultation with Mr. M.M Gupta.
10. Mr. Mohan Ahuja complained that his RTI (Copy Enclosed at **Annexure-4**) on the project was not replied by NCRTC. NCRTC assured to reply within the prescribed time limits.
11. Mr. Arvind Tripathi complained that the letter dated 27.06.2022 (Copy Enclosed at **Annexure-5**) has not been replied. It was informed that the contents are under examination and the reply will be sent shortly.
12. Mr. Naseem Akhtar, Sr. Scientist, CRRI who is a renowned scientist having vast experience in measuring the existing noise & vibration level, predictions of their levels during construction & operation and recommending mitigation measures. He has carried out the noise and vibration studies for all the metro in India. In addition, he has also dealt other infrastructure projects facing noise and vibration issues. He had revalidated the findings/ data and its documentations in the CRRI report on noise and vibration. He had assured that there will not be any increase



in noise and vibration due to the operation of RRTS. He informed about the world's best noise barrier provisions recommended in the report. Further, during operation any grievances of exceeding noise level above monitored base level shall be expeditiously mitigated by CRRI through NCRTC. As per CRRI report, the noise and vibration levels are expected to cross the recorded base line data which will be mitigated to extent possible by CRRI recommended appropriate design. Design of noise barrier is underway by Dr. Naseem Akhtar.

13. It was informed to the residents that tree felling/transplantation permission from the forest department had already been obtained. It is already being offered to RWA to transplant the trees at the site selected by residents despite of tree felling permission. NCRTC has given assurance to make efforts to save all affected trees in the alignment.
14. In the meeting, ADB officials explained the residents that the consultation/workshop is intended with a purpose and objective to discuss the environmental and social assessment of the viaduct subcomponent and listen to the community's feedback and recommendations on draft EIA and RP. They explained that the ADB's policy follows the mitigation hierarchy of avoidance, mitigation and compensation. This includes processes for consultation, information disclosure, monitoring and grievance redress, which NCRTC, ADB and the community must constructively engage in. During the meeting held on 23.05.2022, ADB officials had categorically denied any compensation provisions to the indirectly affected residents as per ADB's policy. The compensation is only admissible to the displaced persons. Accordingly, the provisions are kept in the draft RP. ADB assured to the residents to ensure the proposed mitigation measures during implementation of the project through independent social and environmental monitors.
15. A response matrix covering all the queries/concerns raised in the consultation meeting has also been prepared by NCRTC and enclosed as **Annexure-6**. As a way forward it was suggested to the residents to form a coordination committee for better information sharing system and resolution. Presently, there are four groups which may increase in future and information sharing among the groups is missing. During the meeting held on 23.05.2022, this was complained by the residents too. All the residents do not trust any group individually. Therefore, the invitation for the said meeting was circulated to all the individuals personally and above groups were also requested to circulate among the residents. NCRTC is unable to coordinate on common platform with all the groups having individual agenda and interest. A new group of residents of block no. 195 & 196, Pocket-C has emerged on 27.06.2022. It has established that this group and other residents are not being



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informed by the RWA and SESCWF about the past correspondences/ replies instead, they are being mis-informed about the commitment of compensation amount to all the residents despite of many clarifications in the meeting as well as through correspondences. In the way forward proposed in the PPT, NCRTC had requested the residents to nominate one committee having 5 to 6 members for coordination and discussion on behalf of residents.

16. To mitigate the complaint of various residents regarding non-availability of information, all documents related to Siddharth Extension are being provided as under:

Annexure-1	An invitation letter to the residents of Siddhartha Extension Colony.
Annexure-2	The list of participants
Annexure-3	Correspondence through letters, CPGRAM, RTI, and interactions through meetings
Annexure-4	Copy of RTI
Annexure-5	Letter dated 27.06.2022
Annexure-6	A response matrix
Annexure-7	PPT
Annexure-8	EIA and RP reports shared by NCRTC.



(Subodh Kumar)
Chief Project Manager/Delhi



TRUE COPY

ADVANCE SERVICE OF COPY OF COUNTER REPLY IN O.A No: 763/2024

Yahoo/Sent

169

rajesh katyal

From:rajeshlawyer@yahoo.co.in

To:nischal_ntlaw@yahoo.com

Thu, 28 Nov at 1:26 pm

ADVANCE SERVICE OF COPY OF COUNTER REPLY IN O.A No:
763/2024 TITLED SIDHARTHA EXTENSION POCKET C RESIDENTS
WELFARE ASSOCIATION VERSUS NCRTC AND OTHERS BEFORE NGT, PB,
NEW DELHI.

1. Mr. Nischal Tripathi
Advocate-Counsel for the Applicant
nischal_ntlaw@yahoo.com
8527757231

Sir,

Kindly acknowledge the receipt of the advance copy of the Counter Reply in O.A No: 763/2024 titled Sidhartha Extension Pocket C Residents Welfare Association Versus NCRTC and others. The copy of the Counter Reply is attached herewith.

Yours faithfully

PLACE-DELHI

DATED 28-11-2024

(RAJESH KATYAL)

ADVOCATE

Counsel for the Respondent No.1

Chamber No.170, Block-II,

Delhi High Court, New Delhi

Mobile-9810643553

E Mail: rajeshlawyer@yahoo.co.in

Encl.: - Copy of the Counter Reply

Counter Reply on Behalf of Respondent No 1 NCRTC.pdf

7.4MB
