

ITEM NO.2

COURT NO.3

SECTION III-A

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

Miscellaneous Application No.1918/2021 in C.A. No.5041/2021

(Arising out of impugned final judgment and order dated 31-08-2021 in C.A. No.5041/2021 passed by the Supreme Court of India)

SUPERTECH LTD

Petitioner(s)

VERSUS

EMERALD COURT OWNER RESIDENT WELFARE
ASSOCIATION & ORS.

Respondent(s)

(With IA No.155951/2021 - CLARIFICATION/DIRECTION, IA No.6308/2022 - EXEMPTION FROM FILING O.T., IA No.155952/2021 - EXEMPTION FROM FILING O.T., IA No.29521/2022 - EXEMPTION FROM FILING O.T., IA No.29354/2022 - EXEMPTION FROM FILING O.T., IA No.6305/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.29520/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH M.A. No.1968/2021 in C.A. No.5041/2021 (III-A)

(With IA No.160526/2021 - CLARIFICATION/DIRECTION)

Diary No.3033/2022 (III-A)

(With IA No.13003/2022 - APPLICATION FOR PERMISSION, IA No.13005/2022 - APPROPRIATE ORDERS/DIRECTIONS and IA No.12992/2022 - INTERVENTION/IMPLEADMENT)

Date : 12-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Devdutt Kamat, Sr. Adv.
Mr. Mahesh Agarwal, Adv.

Mr. Rishi Agrawala, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. Rishabh Parikh, Adv.
Mr. Archit Jain, Adv.
Mr. E.C. Agrawala, AOR

Mr. Dania Nayyak, Adv.
Mr. Krishnamohan K., AOR

Mr. Gaurav Agrawal, AOR

For Respondent(s)

Mr. Anish Agarwal, AOR

Mr. Bhakti Vardhan Singh, AOR

Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay Kumar Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.

Mr. Ravindra Raizada, Sr. Adv., AAG
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Ms. Vaidruti Mishra, Adv.
Mr. Kamlendra Mishra, AOR

Mr. Tarun Gupta, AOR

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

- 1 A status report has been filed by Noida in pursuance of the order dated 29 July 2022.
- 2 CSIR-CBRI, Roorkee has in its letter dated 10 August 2022 to Noida, *inter alia*, stated that:

“This has references to assurances received jointly from Supertech and Edifice Engineering earlier this evening via email regarding required safety measures and risk mitigation

steps related to the demolition plan and potential impact on neighbouring buildings of Emerald Court and ATS Village and a GAIL gas pipeline.

The assurances are in line with the requirements of and final recommendation in the report submitted by CSIR-CBRI to you on 09 August 2022. We therefore confirm that charging of the building with explosives by Jet Demolition can commence from tomorrow and further recommend that the date of demolition exercise be confirmed by 28 August 2022 to ensure that all the committed actions by Supertech and Edifice are completed at least 3 days before that date.”

- 3 The fees due to CSIR-CBRI from the IRP have been paid. Mr Devadatt Kamat, senior counsel appearing on behalf of the IRP states that the IRP has complied with the order of this Court by disbursing the amount to CSIR-CBRI and the additional amount which is to be paid to Edifice Engineering shall also be paid on time.
- 4 Paragraph 12 of the status report is extracted below:

“12 It is submitted that in consideration of the assurances given by M/s. Edifice Engineering and M/s. Supertech Limited jointly and severally as also receipt of all the information, which the CSIR-CBRI had sought, particularly what is mentioned in the order dated 29.07.2022 passed by this Hon’ble Court, the CSIR-CBRI vide its letter dated 10.08.2022 has confirmed that the charging of the building with explosive by M/s. JET Demolition can commence from 11.08.2022. Also in view of the fact that certain actions as per the assurances given by M/s. Edifice engineering and M/s. Supertech Ltd. are to be completed by 25.08.2022 and that all actions preceding the actual demolition ought to be completed at least three days in advance, the CSIR-CBRI has recommended that the demolition be confirmed for 28.8.2022. Copy of this letter dated 10.08.2022 is annexed hereto and marked as Annexure ‘A’ to this Status Report.”

- 5 Noida has stated that in view of the fact that certain work prior to demolition has to be completed by 25 August 2022 and as recommended by CSIR-CBRI,

the date of demolition may be confirmed as 28 August 2022 with a “bandwidth of seven days” between 29 August to 4 September 2022 in order to take into account any marginal delay on account of technical reasons or weather conditions. The request made by Noida is acceded to.

- 6 All parties including Noida, Supertech Ltd, CSIR-CBRI and Edifice Engineering shall strictly abide by the directions which have been issued earlier and those which have been issued above.
- 7 Noida shall continue to engage with CSIR-CBRI and Edifice Engineering at periodic intervals prior to the date of demolition so that any further requisitions that CSIR-CBRI may have towards the safe conduct of the demolition process are observed.
- 8 The Miscellaneous Applications are accordingly disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master