

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). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: IMPLEMENTATION OF THE CONDITIONS IMPOSED BY THIS COURT WHILE GRANTING PERMISSION FOR FELLING/TRANSLOCATION OF TREES IN W.P. (C) NO. 4677/1985 ARE LISTED NAMES OF FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST : MR. S GURU KRISHNA KUMAR, SR. ADVOCATE (A.C.) MS. ANITHA SHENOY, 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, MR. AMRISH KUMAR, MR. PRAVEEN SWARUP, MS. MANIKA TRIPATHY, MR. CHIRAG M. SHROFF, ADVOCATES)

Date : 06-09-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
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UPON hearing the counsel the Court made the following
O R D E R

IA No.235067 of 2022

1. Taken on Board.
2. There is a report dated 4th September, 2024 filed by the Central Empowered Committee (CEC) regarding status of compliance with the conditions imposed by this Court's order dated 17th May, 2024. There is also a status report filed by the Department of Forests and Wildlife of the Government of Delhi.
3. We make it clear that the applicant will not commence the work of actual felling of trees till a complete compliance is reported to this Court about the terms and conditions incorporated in the order dated 17th May, 2024.
4. We direct the CEC and the Department of Forests and Wildlife of Government of Delhi as well as the applicant to file further status reports before 25th October, 2024. This aspect will be considered on 25th October, 2024 at the end of the Cause List.

Writ Petition (Civil)No.4677 of 1985

IN RE: REPORT NO.18 OF 2024

5. We have perused Report No.18 of 2024. In this report, the CEC has pointed out 15 cases where permissions have been granted by this Court for felling of trees subject to compliance with the various

conditions, but compliance with the conditions has not been made. The details are as under:

S. No.	Project Proponent	I.A. No.	SC order dated	Project Name	Conditions Not Complied With so far
1.	Jawaharlal Nehru University	3940-3941 / 2016	10.11.2016	Construction of hostel buildings	The conditions of compensatory plantation has not been compiled with.
2.	PWD Delhi	3974 / 2017	12.4.2018	Foot Over Bridge	No Record of Compensatory Plantation and Plantation in other vacant spaces.
3.	South Asian University	58986 / 2018	11.7.2018	Construction for SAU.	No Record of Compensatory Plantation and Plantation in other vacant spaces.
4.	Power Grid Corporation of India	83775 / 2018	22.01.2018	Construction of Transmission Line	No Record of Compensatory Plantation and Plantation in other vacant spaces.
5.	SDMC	138805/ 2017	16.07.2018	Construction of waste processing	No Record of Compensatory Plantation and Plantation in other vacant spaces.
6.	NBCC Ltd	4982 / 2018	03.05.2016	Construction of Craft Complex	No Record of Compensatory Plantation and Plantation in other vacant spaces.
7.	DDA	41532 / 2018 in I.A. No. 2212 of 2008	01.10.2018	Utilization of basement for parking and opening of canteen	Compliance of 5470 sq. mt. of paved area into green belt is not reported
8.	NBCC Ltd	111487 / 2018	29.08.2018	Construction of CBI Housing Complex	No record of green belt around boundary and creation of percolation tank for water recharging
9.	Ministry of Defence (Navy)	111489 / 2018	14.11.2022	Lay 2500 mt. long fiber (OFC Cable)	Compliance of none of the conditions including approval under Forest (Conservation) Act, 1980
10.	Delhi Police	133601 / 2018	18.09.2018	Construction of SPUWAC & WPUNER	No Record of Compensatory Plantation
11.	Ministry of Defence	139423 / 2018	26.09.2018	Establishment of WESEE	Compliance of none of the conditions is reported
12.	INS India, MoD	25141 / 2019	01.04.2019	Construction of Naval Infrastructure	Compliance of none of the conditions is reported

S. No.	Project Proponent	I.A. No.	SC order dated	Project Name	Conditions Not Complied With so far
13.	DDA	62555 / 2019	06.09.2019	Construction of Toilet Block	Compliance of none of the conditions is reported
14.	National Capital Region Transportation Corporation	166382 / 2019	13.01.2021	Implementation of Delhi-Gurgaon – Rewari – Alwar Transit System	Compliance of none of the conditions is reported
15.	DRI, Ministry of Finance	169029 & 169030, IA No 91869 / 2020 and I.A. No. 105674 / 2020	29.11.2021	Construction of office building	Cost of Compensatory Plantation has not been deposited so far.

6. We direct the Registry to issue notice to the applicants in the aforesaid applications, returnable on 25th October, 2024.

7. We call upon the aforesaid applicants to file the affidavits reporting compliance with the conditions on which they were permitted to fell the trees. We are putting the applicants to notice that if on the next date, we find that full compliance is not reported, an action under the Contempt of Courts Act, 1971 will be initiated against the concerned parties. Even a copy of this order shall be forwarded along with the notice.

8. We have passed separate order today approving the recommendations of the CEC to create a customized Management Information System (MIS) as stated in Report No.18 of 2024 filed in Writ Petition (Civil)No.13381 of

1984. The order passed today in the said Writ Petition reads thus:

"In this report, the CEC has come out with the following recommendations:

"9. The CEC has discussed the issue of monitoring the compliance of conditions imposed by this Hon'ble Court with the Ld. Amicus Curiae and the officers of the Forest Department of GNCTD. Pursuant to these discussions, the following is recommended:

I. For ensuring proper and timely compliance of the orders passed from time to time by this Hon'ble Court on issues related to the Delhi Ridge, the Central Empowered Committee (CEC) shall create a customized Management Information System (MIS) module on which the following data shall be uploaded by the Project Proponent on regular basis:

(a) Details of the project

(b) Details of the number and species of trees to be felled or translocated

(c) Details of the relevant order of this Hon'ble Court along with conditions that need to be complied with.

(d) Copy of the relevant permission for felling of trees

(e) Details of the number of trees felled with details of transit permits.

(f) Details of the area, along with its km² file, identified for transplantation of the trees.

(g) Details of area, along with its km² file identified for compensatory plantation

(h) Details of compensatory plantation and subsequent maintenance activities

(i) Details of transplantation and subsequent maintenance activities

(j) Details of the area for which approval of diversion under the Forest Conservation Act 1980 is required.

(k) Copy of relevant order of approval under Forest Conservation Act 1980.

(l) Details of compensatory afforestation. under Forest Conservation Act 1980 and subsequent maintenance activities.

(m) Details of compliance of other specified conditions.

(n) Relevant photographs of activities performed.

(o) Details of inspection done with results of the inspection.

(p) Details of conditions imposed by any other Hon'ble Court/authority/ department.

(q) Status of compliance of conditions as on date.

II. Every project proponent shall be provided a login ID and password by the CEC for accessing the Management Information System (MIS) module and uploading the data on a regular basis, till the Compensatory Plantation is fully established and all the conditions imposed by this Hon'ble Court are complied with.

III. The MIS will also capture compliance of conditions imposed under the Forest Conservation Act 1980 or any other Hon'ble Court/authority/department as the case may be.

IV. The CEC shall, based on analysis of the data uploaded on the MIS module and physical inspections, submit consolidated status reports as on every 1st January and 1st July before this Hon'ble Court.

V. For the cases in which orders have been passed by this Hon'ble Court in the past, the CEC will collect the data of all the cases and get the information uploaded on the MIS module through the project proponent. The data shall be cross-checked on a sample basis by actual ground verification. As the number of such cases is going to be quite large, the CEC may take the assistance of independent experts and/or any reputed government Institute/agency to do the ground verification.

VI. The creation of a customized Management Information System (MIS) module shall take around six weeks from the date of its approval. While in case of proposals, in which this Hon'ble Court has passed appropriate orders from 01.01.2023 onwards, the uploading of the data can start as soon as the module is in place. However, for the older cases, a time of around twelve weeks may be required and the first status report shall be filed before this Hon'ble Court accordingly."

We accept the recommendations and direct the CEC to act upon the recommendations. We permit the CEC to send the notices to all applicants/project proponents who have been earlier granted permission for felling of trees calling upon them to upload the data of compliance made by them on the customized Management Information System (MIS) within a period of three months from the date on

which letters are served upon them.

We make it clear that if we are satisfied that notwithstanding the receipt of the letters from the CEC, the applicants/project proponents have failed to upload the data of compliance within a period of three months, action under the Contempt of Courts Act, 1971 shall be initiated against the concerned applicants/project proponents.

The CEC will forward a copy of this order along with the letters."

9. We make it clear that the aforesaid order will also apply to this Writ Petition and permission is granted in this petition also to issue notices.

10. List on 25th October, 2024 at the end of the Cause List.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER