

ITEM NO.1

COURT NO.5

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).4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) IA NOS. 98587 AND 98588/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF RESIDENT WELFARE ASSOCIATION, RANGPURI EXTENSION)

(2) IA NOS. 132390 AND 132395/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF MOHD. SAYEED QURESHI)

(3) IA NO. 115278/2020 (APPLN. FOR DIRECTIONS ON BEHALF OF SURESH PAPER PVT. LTD.)

(4) IA NO. 150265/2021 (APPLN. FOR VACATING INTERIM ORDER ON B/O RANJI THOMAS AND IA NOS. 182567 AND 182573/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O SAAKAAR SARDANA AND ORS.)

(5) I.A. NOS. 15920, 15934, 15921 AND 15926/2022 (APPLNS. FOR IMPLEADMENT, DIRECTIONS, EXEMPTION FROM FILING CERTIFIED COPIES AND STAY ON BEHALF OF SURENDER SINGH)

Date : 10-03-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

For the parties :

Mr. S Guru Krishna Kumar, Sr. Adv (A.C.)

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Mr. Rajat Nair-Adv.

Ms. Ruchi Kohli, Adv.

Mr. Aankhi Ghosh, Adv.

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 Mr. S.S.Rebello, Adv.
 Ms. Suhasini Sen-Adv.
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IA 985878, 98599/20 Mr. Abhimanyu Bhandari, Adv.
 Ms. Rooh-E-Hina Dua, AOR
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 Mr. Arav Pandit, Adv.

Impleader(s)

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Mr. N.K. Mody, Sr. Adv.
 Mr. Arjun Garg, AOR
 Mr. Prabuddha Singh, Adv.
 Mr. Aakash Mandolia, Adv.

IA 132395/20,
 132390/20

Mr. Rajesh Kumar Chaurasia, AOR
 Ms. Suman Kumari, Adv.
 Mr. Sujeet Kumar, Adv.
 Ms. Reena Patel, Adv.
 Mr. Dilip Kumar, Adv.
 Ms. Manjulika Pal, Adv.

IA 115278/20

Mr. S. Wasim A. Qadri, Sr. Adv.
 Ms. Udit Singh, AOR
 Mr. Tamim Qadri, Adv.
 Mr. Saeed Qadri, Adv.
 Mr. Milind P. Singh, Adv.

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Mr. Ranji Thomas -Petitioner in Person

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Dr. Manish Singhvi, Sr Adv
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IA 182567/20
182573/20

Mr. Sidharth Luthra, Sr. Adv.
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Ms. Bhumika Kapoor, Adv.
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Mr. Sunny Choudhary, AOR

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Mr. Mr. K.V.Girish Chowdary, Adv

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Mr. Saurabh Mishra, Adv.
Mr. Aditya Mishra, Adv.

Govt. NCT Delhi,
Industry Department

Mr. D.N. Goburdhun, Sr. Adv.
Mr. Aakarsh Kamra, Adv.
Ms. Gauri Goburdhun, Adv.

Mr. Anil Kumar, Adv.
 Mr. Umang Tripathi, Adv.
 Mr. Vijay Pal, Adv.
 Mr. Kamal Mohan Gupta, AOR

IA 15920-21/2022, 15926/2022
 & 15934/2022

Mr. Sumit Bansal, Adv
 Mr. Mohit Kumar Sharma, Adv
 Mr. Gaurav Kumar Pandey Adv
 Mr. Abinash K. Mishra, AOR

IA 60398

Ms. Firdouse Qutb Wani, Adv.
 Md. Zaryab Jamal Rizvi, Adv.

GNCTD (DJB)

Mr. Alok Gupta, AOR

IA 15920/22,
 98587 & 98588/20

Mr. Nitin Mishra, AOR

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

By report No.172 of the Monitoring Committee dated 22.03.2021 regarding cases pertaining to permanent de-sealing of sealed premises in pursuance of directions dated 15.12.2017, we have been informed that 376 cases have been disposed of and 256 cases are pending. An amount of Rupees Six crore and fifty-one lakhs only has been received by the Monitoring Committee towards processing fee for permanent de-sealing.

In its report No.173 dated 07.03.2022, the Monitoring Committee stated that an amount of Rs.8.85 crores (including interest amount) was realised towards processing fee @ one lac in each case. The Monitoring Committee has resumed the hearing of the cases which were temporarily suspended for a period from 12.01.2022 to 28.01.2022 due to Covid-19.

The amount so realised towards processing fee be deposited with the Registry of this Court.

The Registry is directed to invest the said amount in fixed deposit for a period of one year.

IA NOS. 132390 AND 132395/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF MOHD. SAYEED QURESHI):

The applicant submits that he had approached the Monitoring Committee appointed by this court for de-sealing of one godown situated at Ground Floor of the property bearing No. T-341, Ahata Kidara, Qasabpura, Sadar Bazar, Delhi. The said Monitoring Committee refused to de-seal the property on the ground that it has no jurisdiction to de-seal the property which has been categorized as an industrial unit covered by the order dated 26.11.2018. During the course of the hearing, we are informed that there is another Monitoring Committee comprising of (i) Chief Secretary of Delhi (ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and (iv) Vice-Chairman of Delhi Development Authority, which has been appointed and before which the claim of the applicant would lie. The applicant is therefore permitted to make a representation before the said Monitoring Committee. The said Committee shall consider and dispose of the representation so filed, within a period of four weeks from today.

IA NO. 115278/2020 (APPLN. FOR DIRECTIONS ON BEHALF OF SURESH PAPER PVT. LTD.):

This application has been filed for a direction to the respondents for de-sealing the property bearing No.F-24, Parwana Road, Jagatpuri, Delhi - 1100051.

Mr. S. Wasim A. Qadri, learned senior counsel for the applicant submits that the Monitoring Committee has already recommended de-sealing of this property but the East Delhi Municipal Corporation has not taken any action towards the same. The applicant has also sought for a refund of an amount of Rs.1,00,000/-which was deposited to the Commissioner of industries without knowing that the Order dated 15.12.2017 does not apply to the applicant.

For the present, we direct the Deputy Commissioner, East Delhi Municipal Corporation to de-seal the aforementioned property within a period of four weeks from today.

I.A. NO. 150265/2021, 182567 AND 182573/2019

The order dated 16.12.2019 is extended for a period of four weeks.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master