

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 6722/2022

**DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION . . APPELLANT(S)**

VERSUS

MUNICIPAL CORPORATION OF DELHI & ANR. . . RESPONDENT(S)

O R D E R

Admit.

The appeal has been filed against the interim orders qua an application filed by the appellant seeking vacation of the stay granted by the NGT by order dated 14.12.2017 whereby NGT had directed that the appellant would not place or award work for building a commercial building in the impugned land measuring 147 acres at Ranikhera-Mundka, Delhi. This endeavour of the appellant did not succeed in terms of the impugned order dated 04.02.2022.

Apparently, there were a batch of petitions pertaining to the problem of solid waste management in Delhi and one of the questions which arose was whether the impugned land belonged to the appellant and could be used for the said purpose. The appellant has placed on record a note of the meeting dated 21.12.2021 annexed in

the counter affidavit also by which the Chief Secretary and the Lieutenant Governor had decided that the land in question was not required for waste management and thus it could be used for commercial purposes.

It is the say of the appellant that the land is not fit for waste management purposes as it is surrounded by a population of six to seven lakhs within 200 meters. The Solid Waste Management Rules, 2016 mandate that a buffer zone has to be maintained around a landfill site which would not be possible in this case. It is also the say of the appellant that they are not responsible for the solid waste management and the Municipal Corporations of Delhi have stated the progress made in this regard before the NGT. The appellant is stated to have invested Rupees 91.55 Crores in the light manufacturing hub at the site which will offer employment to 15 lakh persons.

We put a query as to what land has now been earmarked to handle the solid waste management problem. It is stated that this will have to be answered by the Municipal Corporation of Delhi (MCD).

We may note that both DDA and MCD have given their no objection to the release of the land. However, before we pass the orders for

release of land, we would like to examine the availability of the land for solid waste management and in this behalf our attention has been invited to the counter affidavit of the MCD. They set forth their stand as under :

“11. Commissioner, South DMC apprised that Solid Waste Management plants are coming up at allotted land at Okhla and Tehkhand, therefore the DSIIDC land at Ranikhera-Mundka is not required for Solid Waste Management.

12. Commissioner, North DMC informed that 55.5 acres of the land is already available with North DMC at Ranikhera-Mundka and setting up of Solid Waste Management Plants on these locations are in process, therefore DSIIDC land at Ranikhera -Mundka is not required for Solid Waste Management.

13. Commissioner, East DMC. informed that the DSIIDC land at Ranikhera-Mundka is not required

by East DMC for Solid. The issue of change of land use of the land allotted to EDMC by DDA at Ghonda Gujran is still pending with DDA, which needs to be expedited on priority basis, Commissioner, East DMC further requested that requirements of other land parcels for Solid Waste Management already submitted to DDA are also requested to be approved and allotted to EDMC at the earliest.

14. The Hon'ble Lieutenant Governor of Delhi directed to the Commissioner, EDMC to submit clarifications to the technical committee of DDA regarding land at Gonda Gujran and assured that the issue shall also be discussed with VC, DDA and Commissioner, East DMC, separately.

15. As none of the Corporations showed their intent for 147 acres of DSIIDC land at Rani Khera-Mundka, but for others sites for Solid Waste Management, hence

Hon'ble Lieutenant Governor, Delhi
directed that DSIIDC may now
approach the Hon'ble NGT for
vacation of the stay."

The aforesaid shows that some alternative
land has been located at Ranikhera-Mundka as it is
not required by the East DMC for solid waste
management. However, the change of land use of
land allotted to EDMC by DDA at Gonda Gujran is
still pending with the DDA which requires some
priority and the necessary action be taken by the
DDA within a period of three months from today.

It is in view of the aforesaid
circumstances that the land of the appellant is
not required, hence the concerned application was
filed.

In view of the aforesaid facts and
circumstances, we allow the appeal to the
aforesaid extent and release the land in question
of the appellant which has been kept reserved for
the solid waste management.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[SUDHANSHU DHULIA]

NEW DELHI,
JULY 31, 2023.

ITEM NO.30

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 6722/2022

DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION

Appellant(s)

VERSUS

MUNICIPAL CORPORATION OF DELHI & ANR.

Respondent(s)

IA No. 184979/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 31-07-2023 The matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIAFor Appellant(s) Mrs. Aishwarya Bhati, A.S.G.
Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv.
Ms. Akriti Arya, Adv.
Mr. Harshit Goel, Adv.For Respondent(s) Mr. Praveen Swarup, AOR
Ms. Payal Swarup, Adv.
Mr. K.p. Singh, Adv.
Ms. Pratishtha Majumdar, Adv.
Mr. Devesh Maurya, Adv.
Mr. Vinod Kumar Mantoo, Adv.
Mr. Shashank Singh, Adv.Mr. Nitin Mishra, AOR
Mr. Ishaan Sharma, Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeal is allowed to the extent
mentioned in the signed order.

Pending application stands disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS[POONAM VAID]
COURT MASTER (NSH)

[Signed order is placed on the file]