

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). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

INTERLOCUTORY APPLICATION NO. 133603/2018

[CEC REPORT NO. 37 OF 2018 - REPORT OF CEC IN APPLN. NO. 1426/2018 FILED BEFORE IT BY CENTRAL PUBLIC WORKS DEPARTMENT (CPWD)]

IN RE : CENTRAL PUBLIC WORKS DEPARTMENT (CPWD)

Date : 26-09-2018 This application was called on for hearing today.

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

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

Mr. A.D.N. Rao, Advocate (A.C.)
Mr. Sudipto Sircar, Adv.

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

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

For Respondent(s) Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidanand, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Devasis Bharuka, Adv.

Ms. Suhasini Sen, Adv.

Mr. G.S. Makker, Adv.

Ms. Rachna Gupta, Adv.

Mr. Vikas Chaudhary, Adv.

Ms. Saudamini Sharma, Adv.

Ms. Kirti Dua, Adv.

Mr. B.V. Balaram Das, Adv.

UPON hearing the counsel the Court made the following

O R D E R

This is an application filed by Central Public Works Department (CPWD) seeking permission for construction of Flyover and Underpass between Mahipalpur Bypass Road and Airport Road near Hanuman Mandir adjoining NH-8, New Delhi falling in Southern Ridge and Morphological Ridge area.

We had required the CEC to submit a report in this regard. The CEC has submitted its Report No.37 of 2018 on 14.09.2018.

The CEC does not have any objection to the proposal but recommends certain conditions to be imposed. These conditions are as follows:

i) the User Agency CPWD shall deposit 5% of the project cost proportionate to the area falling within the Southern Ridge and Morphological Ridge to Ridge Management Board Fund and which under the close supervision of the Ridge Management Board will be used by the Forest Department of Delhi Government for conservation and protection of the Delhi Ridge;

ii) the User Agency CPWD shall obtain statutory forest clearance under Section 2 of Forest (Conservation) Act, 1980 for the diversion of area falling under Southern Ridge and shall comply with all conditions that are laid down in the order to be passed for forest diversion;

iii) the User Agency CPWD shall pay Net Present Value (NPV) as assessed by the Forest Department of Delhi Government; and

iv) compensatory afforestation of 1000 trees shall be undertaken by

the Forest Department on the land identified for the purpose.

Learned counsel appearing on behalf of the CPWD assisted by Mr. Rajeev Sharma, Executive Engineer, CPWD says that there is no objection to the conditions and they accept the aforesaid conditions.

Under the circumstances, the application is allowed.

It is stated by Mr. Sharma that the DDA also has no objection to the conditions since both the DDA and the CPWD are working together on the same project.

The land in question will be handed over by the DDA to the Forest Department of the Government of Delhi for a period of five years and thereafter the land will revert back to the DDA. It is further made clear that even after a period of five years, the DDA will not make allotment to any other body and this land will continue to remain forest land.

The application (Report No.37 of CEC) stands disposed of on the above terms.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR