

ITEM NO.1

COURT NO.1

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). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: TAJ TRAPEZIUM ZONE

(1) IA NOS. 172361, 172378 AND 172379/2018 (APPLNS. FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O AGRA NAGAR NIGAM)

(2) IA NOS. 160182, 160194 AND 160197/2018 (APPLNS. FOR IMPLEADMENT, DIRECTION AND EXEMPTION FROM FILING O.T. ON B/O AIRPORT AUTHORITY OF INDIA)

(3) IA NOS. 87790, 87792, 105655 AND 105652/2019 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON B/O SHRI GOVIND GLASS

(4) IA NO. 103908/2019 (APPLICATIONS FOR CLARIFICATION OF ORDER DATED 22.03.2018 ON BEHALF OF STATE OF U.P.) FILED BY MR. KAMLENDRA MISHRA, ADVOCATE

(5) IA NOS. 3973, 3975, 3976/2018 (APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING TYPED COPY OF THE PROJECT PROFILE ON BEHALF OF U.P. STATE INDUSTRIAL DEVELOPMENT CORPORATION)

(6) IA NO. 578/2017 (APPLICATION FOR PERMISSION TO CUT TREES ON BEHALF OF YAMUNA POLLUTION CONTROL UNIT)

(7) IA NO. 11157/2019 APPLICATION FOR PERMISSION TO CUT TREES ON BEHALF OF YAMUNA POLLUTION CONTROL UNIT)

(8) IA NO. 577/2017 FOR PERMISSION REGARDING CUTTING OF TREES ON BEHALF OF PUBLIC WORKS DEPTT, STATE OF U.P.)

(9) IA No. 46595/2017 (APPLN. FOR DIRECTIONS TO CUT/FELL TREES ON B/O POWER GRID CORPN. INDIA LTD.)

(10) 51269/2017 FOR PERMISSION REGARDING FELLING OF TREES ON B/O PUBLIC WORKS DEPTT., STATE OF U.P.)

(11) IA NO. 19749/2018 (APPLNS. FOR PERMISSION REGARDING FELLING OF TREES ON B/O PUBLIC WORKS DEPTT., STATE OF U.P.)

(12) IA NO. 97081 AND 97085/2018 (APPLNS. FOR PERMISSION FOR FELLING TREES AND EXEMPTION FROM FILING O.T. ON BEHALF OF STATE OF U.P. PUBLIC WORKS DEPTT.)

(13) IA No. 136682 AND 136683/2018 (APPLNS. FOR PERMISSION FOR FELLING TREES AND EXEMPTION FROM FILING O.T. ON BEHALF OF RAIL VIKAS NIGAM LTD.)

(14) IA D. NO. 153409 AND 153411/2018 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF U.P. STATE BRIDGE CORPN. LTD.)

(15) IA NO. 170514 AND 174515/2018 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF U.P. STATE BRIDGE CORPN. LTD.)

(16) IA NO. 181267, 181268/2018 AND 181601 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. AND PERMISSION TO WITHDRAW I.A. NO. 181267 ON BEHALF OF U.P. STATE BRIDGE CORPN. LTD.)

(17) IA NO. 102976 AND 102977/2019 (APPLNS FOR PERMISSION REGARDING FELLING OF TREES ON B/O SANWARIYA GAS LTD.)

(18) IA NOS. 163898 AND 163904/2019 (APPLNS FOR IMPLEADMENT AND PERMISSION ON BEHALF OF LUCKNOW METRO RAIL CORPORATION)

(19) IA NOS. 118708, 118709 AND 118710/2019 (APPLNS FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF SUPREME GLASS WORKS AND ORS.)

(20) IA NOS. 104091, 104097/2018 AND 112177/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND PERMISSION TO FILE ADDL. DOCUMENTS ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

(21) IA NOS. 94794 AND 94795/2019 (APPLNS. FOR INTERVENTION AND MODIFICATION OF ORDER DATED 25.11.2004 ON B/O AGRA DEVELOPMENT FOUNDATION)

(22) IA NOS. 112182 AND 112185/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

(23) IA NO. 134453 AND 134454/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

(24) IA NOS. 171139 AND 171142/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

(25) IA NO.576/2017 AND 18439/20189APPLN.S FOR PERMISISON AND DIRECTIONS)

Date : 04-12-2019 These applications were called on
for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT

Counsel for the parties :

Mr. M.C. Mehta, In Person
Ms. Katyayni, Adv.

Mr. A.D.N. Rao, Adv.

Ms. Anil Katiyar, Adv.

Mr. M.K. Maroria, Adv.

Mr. ANS Nadkarni, ASG
Mr. R. Balasubramanian, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Raj Bhadur, Adv.
Mr. D.L. Chidanand, Adv.
Ms. Sushasini Sen, Adv.
Mr. S.S. Rebello, Adv.
Ms. Arzu Paul, Adv.
Mr. Neeleshwari Pavani, Adv.
Ms. Shivikka Agarwal, Adv.
Ms. Riya Soni, Adv.
Mr. Vijay Prakash, Adv.
Ms. Suhasini Sen, Adv.
Mr. G.S. Makker, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Tushar Mehta, S.G.
Mr. Ragendra Singh, Adv. Gen.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Kamendra Mishra, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Siddharth Krishna Dwivedi, Adv.

Mr. Ankur Prakash, Adv.
Mr. Alok Kumar Pandey, Adv.

Mr. Sanjay Upadhyay, Adv.
Mr. Salik Shafique, Adv.
Ms. Mayuri Raghuvanshi, Adv.

Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Ashwarya Sinha, Adv.
Mr. Alok K Singh, Adv.
Ms. Mohini Priya, Adv.

Mr. Vivek Pathak, Adv.
Mr. Tanuj Dogra, Adv.
Mr. Praveen Swarup, Adv.

Mr. Ravi Prakash Mehrotra, Adv.
Mr. Ankit Agarwal, Adv.
Ms. Deepti R Mehrotra, Adv.
Mr. Amartya Singh, Adv.

Dr. Sumant Bhardwaj, Adv.
Ms. Mridula Ray Bhardwaj, Adv.
Mr. Amol Chitravanshi, Adv.
Mr. Vedant Bhardwaj, Adv.

Mr. S. Wasim A Qadri, Sr. Adv.
Mr. Zaid Ali Subzposh, Adv.
Mr. Tamim Qadri, Adv.
Mr. Saeed Qadri, Adv.
Ms. Areena Rahat, Adv.
Mr./Ms. Navruti Ojha, Adv.
Mr. L.R. Singh, Adv.

Mr. Raghvendra Singh, Adv. Gen.
Ms. Aishwarya Bhati, Sr. Adv./AAG.
Mr. Kumar Ayush, Adv.
Mr. Shashank Shukla, Adv.
Mr. Shantanu Krishna, Adv.

Ms. Aparna Bhat, Adv.
Ms. Karishma Maria, Adv.

Mr. Abhimanyu Mahajan, Adv.
Mr. E.C. Agrawala, Adv.
Mr. Mayank Joshi, Adv.

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

IA NOS. 172361, 172378 AND 172379/2018 (APPLNS. FOR
INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING
O.T. ON B/O AGRA NAGAR NIGAM)

The Agra Municipal Corporation is directed to
submit the report (Environment Impact Assessment)

of the Waste to Energy Plant submitted by M/s Spaak Bresson Pvt. Ltd. to the NEERI. The NEERI shall submit its comments within a period of one week.

List on 17.12.2019.

IA NOS. 160182, 160194 AND 160197/2018 (APPLNS. FOR IMPLEADMENT, DIRECTION AND EXEMPTION FROM FILING O.T. ON B/O AIRPORT AUTHORITY OF INDIA)

Shri Ajit Kumar Sinha appearing on behalf of Airports Authority of India seeks permission to build an additional terminal at the existing Agra Airport. *Prima facie*, we see no reason why such permission should not be granted.

Shri M.C. Mehta, appearing in person, however, states that if the authorities propose to allow and increase in air traffic i.e. to say if they propose to increase the number of aircrafts that take off and land from this site, then it will be hazardous to the environment. *Prima facie*, we consider this objection to be a sound objection and we do not propose to allow an increase in air traffic on this air field.

Shri Nadkarni, learned Additional Solicitor General appearing on behalf of the Union of India states that the Government of India wishes to undertake a study to take into account the number of

tourists who utilize the airport and the anticipatory increase in the number of such tourists over the years and the Union of India seeks permission to allow such increase in air traffic at the said airport after conducting a study. It might be difficult to permit an increase in air traffic. We therefore consider it appropriate to direct the Union of India to consider an alternative site in such anticipatory increase in traffic where the aircrafts could operate from.

We are informed that the Railways can provide more excellent trains like the 'Palace on wheels' and such trains could have employed to transport passengers from the new air field to the TTZ, Agra. The Union of India will also consider involving the Railways to solve the problems of anticipation of tourists and bear in mind the fact that it will serve nobody's interest to have the area polluted with a resultant damage to the people and the heritage monuments. The Report shall be submitted within a period of three months.

In the meanwhile, the interim prayer for restraining the Union of India from allowing increase in air traffic will be considered after the Union of India files its response by January, 2020.

List thereafter.

IA NOS. 87790, 87792, 105655 AND 105652/2019
(APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION
FROM FILING O.T. ON B/O SHRI GOVIND GLASS

IA NO. 103908/2019 (APPLICATIONS FOR CLARIFICATION
OF ORDER DATED 22.03.2018 ON BEHALF OF STATE OF
U.P.) FILED BY MR. KAMLENDRA MISHRA, ADVOCATE

Heard.

Order reserved.

IA NOS. 163898 AND 163904/2019 (APPLNS FOR
IMPLEADMENT AND PERMISSION ON BEHALF OF LUCKNOW
METRO RAIL CORPORATION

Ms. Aishwarya Bhati appearing for Lucknow
Metro Rail Corporation Ltd. seeks permission to
permit a metro service within the city of Agra. We
accordingly, refer the matter to the CEC for
considering its impact on the environment. For such
a project the CEC shall submit a report within a
period of four weeks.

List thereafter.

IA NOS. 3973, 3975, 3976/2018 (APPLICATIONS FOR
IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING TYPED
COPY OF THE PROJECT PROFILE ON BEHALF OF U.P. STATE
INDUSTRIAL DEVELOPMENT CORPORATION)

List on 11.12.2019.

IA NO. 578/2017 (APPLICATION FOR PERMISSION TO CUT
TREES ON BEHALF OF YAMUNA POLLUTION CONTROL UNIT)

IA NO. 11157/2019APPLICATION FOR PERMISSION TO CUT
TREES ON BEHALF OF YAMUNA POLLUTION CONTROL UNIT)

IA NO. 577/2017 FOR PERMISSION REGARDING CUTTING OF TREES ON BEHALF OF PUBLIC WORKS DEPTT, STATE OF U.P.)
IA No. 46595/2017 (APPLN. FOR DIRECTIONS TO CUT/FELL TREES ON B/O POWER GRID CORPN. INDIA LTD.)

I.A. No 51269/2017 FOR PERMISSION REGARDING FELLING OF TREES ON B/O PUBLIC WORKS DEPTT., STATE OF U.P.)

IA NO. 19749/2018 (APPLNS. FOR PERMISSION REGARDING FELLING OF TREES ON B/O PUBLIC WORKS DEPTT., STATE OF U.P.)

IA NO. 97081 AND 97085/2018 (APPLNS. FOR PERMISSION FOR FELLING TREES AND EXEMPTION FROM FILING O.T. ON BEHALF OF STATE OF U.P. PUBLIC WORKS DEPTT.)

IA No. 136682 AND 136683/2018 (APPLNS. FOR PERMISSION FOR FELLING TREES AND EXEMPTION FROM FILING O.T. ON BEHALF OF RAIL VIKAS NIGAM LTD.)

IA D. NO. 153409 AND 153411/2018 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF U.P. STATE BRIDGE CORPN. LTD.)

IA NO. 170514 AND 174515/2018 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. ON BEHALF OF U.P. STATE BRIDGE CORPN. LTD.)

IA NO. 181267, 181268/2018 AND 181601 (APPLNS. FOR PERMISSION AND EXEMPTION FROM FILING O.T. AND PERMISSION TO WITHDRAW I.A. NO. 181267 ON BEHALF OF U.P. STATE BRIDGE CORPN. LTD.)

IA NO. 102976 AND 102977/2019 (APPLNS FOR PERMISSION REGARDING FELLING OF TREES ON B/O SANWARIYA GAS LTD.)

CEC to file reply affidavit in the aforementioned applications within four weeks.

List thereafter.

I.A. No. 576/2017 and 184391/2018

List on 11.12.2019.

I.A. No. 69657/2018

List on 11.12.2019.

IA NOS. 118708, 118709 AND 118710/2019 (APPLNS FOR INTERVENTION, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF SUPREME GLASS WORKS AND ORS.)

IA NOS. 104091, 104097/2018 AND 112177/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND PERMISSION TO FILE ADDL. DOCUMENTS ON BEHALF OF AGRA DEVELOPMENT FOUNDATION)

IA NOS. 94794 AND 94795/2019 (APPLNS. FOR INTERVENTION AND MODIFICATION OF ORDER DATED 25.11.2004 ON B/O AGRA DEVELOPMENT FOUNDATION)

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IA NO. 134453 AND 134454/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

IA NOS. 171139 AND 171142/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AGRA DEVELOPMENT FOUNDATION)

List the applications on 11.12.2019.

**[CHARANJEET KAUR]
A.R.-CUM-P.S.**

**[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR**