

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Appeal No. 112/2018
(I.A. No. 488/2019, I.A. No. 628/2019, I.A. No. 67/2020 &
I.A. No. 75/2020) I.A. No. 229/2020 I.A. No. 13/2021 &
I.A. No. 14/2021)

(With report dated 10.12.2020)

University of Delhi

Appellant

Versus

Ministry of Environment Forest and Climate
Change & Ors.

Respondent(s)

Date of hearing: 20.01.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Appellant: Mr. Sanjay Upadhyay, Advocate

Respondents: Mr. Dhruv Mehta, Senior Advocate with Mr. Mahesh Agarwal,
Advocate for Young Builders Pvt. Ltd.
Mr. Rahul Pratap, Advocate for MoEF&CC
Mr. A.K. Prasad, Advocate for Ministry of Defence
Ms. Jyoti Mendiratta, Advocate for GNCTD
Mr. Balendu Shekhar, Advocate for CPCB
Mr. A.D.N. Rao, Advocate for DMRC
Mr. Kush Sharma, Advocate for DDA
Ms. Puja Kalra, Advocate for North MCD
Ms. Sakshi Popli, Advocate for DJB

ORDER

1. This appeal has been preferred against the order of the State Environment Impact Assessment Authority (SEIAA), Delhi dated 23.03.2018, granting Environmental Clearance (EC) for "Group Housing Complex located at 1 and 3 Cavalry Lane and 4 Chhatra Marg at Civil Lines Delhi" by Young Builders (P) Ltd. The project is proposed on an area of 20,000 sq. m. with built up area of 1,17,733.81 sq. m. with four towers of 139.6m. height having 410 dwelling units. The total floors

proposed are S+G+37 with 31,740.26 sq. m. of basement area. The EC was earlier granted in 13.08.2012. An application was submitted for amendment of the EC on 12.02.2018. According to the appellant, as per requirement of notification dated 14.09.2006, prior to its amendment on 22.12.2014, the project was to be treated as Category A to be dealt with by MoEF&CC. To avoid such procedure, the project proponent prayed for treating the application as a new project after 20.12.2014. The SEIAA declared the earlier EC to be null and void and treated the application for amendment as a fresh application.

2. The matter was earlier dealt with by this Tribunal inter-alia vide orders dated 08.01.2020 and 27.2.2020.

3. Vide interim order dated 8.01.2020, the Tribunal directed maintenance of status quo, pending further consideration and appointed a joint Committee to undertake carrying capacity study of the environment to determine viability of the project, having regard to the relevant data. In Civil Appeal No. 341/2020, filed against the said order, the Hon'ble Supreme Court, vide order dated 28.01.2020, set aside the order dated 08.01.2020 and remanded the matter to this Tribunal to first consider the merits of the case in the light of the material already on record and pass a fresh order. All contentions of the parties were left open.

4. Accordingly, after consideration of the material on record and the rival contentions, vide order dated 27.02.2020, the Tribunal held that *prima facie* the project did not appear to be viable. The Tribunal noted that the project was the tallest high rise building in the city with more than 37 floors, having 410 dwelling units, in the vicinity of educational institutions, hospital, Metro Station, the Northern Ridge and other

heritage buildings. There was no due disclosure by the project proponent in Form-1 and Form-1A. There was also no application of mind by the State Expert Appraisal Committee (SEAC) and State Environment Impact Assessment Authority (SEIAA) while granting EC. The project was earlier wrongly treated as category B ignoring the 'general condition' appended to the EIA notification dated 14.9.2006. Evaluation of the category B-1 project, on fresh application, was without appraisal of the requisite carrying capacity in terms of air quality, noise level, traffic congestion and other environmental considerations. The building was located close to the Northern Ridge and the data of the air quality was not duly examined to assess the assimilative capacity with reference to Particulate Matter (PM) load and other data. The site in question was earlier a parking site for the Metro Station and once the group housing complex is set up, the parking will be on the public roads, adversely affecting the environment. There are other detailed reasons to which reference is not considered necessary for purposes of this order. Based on its conclusion, the Tribunal directed that the EC be suspended pending further consideration. A Committee was constituted to make an assessment as to the viability of the project.

5. In appeal against the above order, the Hon'ble Supreme Court dealt with the matter vide order dated 10.06.2020, in Civil Appeal No. 2485/2020, *M/s Young Builders Private Ltd. v. University of Delhi & Ors.*

It was observed:

“(6) We direct the Committee to examine various aspects including the viability of the Project without being influenced by any of the opinions expressed by the National Green Tribunal in the impugned order. The appellant, University of Delhi and Delhi Metro Rail Corporation are at liberty to file their respective representation along with requisite documents before the Committee within the period of two weeks. The Committee before it starts its first deliberation shall

afford an opportunity of preliminary hearing to the appellant, University of Delhi and Delhi Metro Rail Corporation. Likewise, the Committee shall also afford a further opportunity of hearing to the appellant, University of Delhi and Delhi Metro Rail Corporation before it submits its final report before the Tribunal.

(7) The Committee shall complete the deliberation and submit its final report within two months from the date of the representation being filed by the appellant and University of Delhi and Delhi Metro Rail Corporation. The Member Secretary, Central Pollution Control Board, shall coordinate and take necessary steps for convening the meeting of the Committee. The meeting of the Committee shall be conducted by virtual hearing, or video conferencing, and afford an opportunity of hearing to the representatives of the parties, mentioned above.

(8) After submission of the final report by the said Committee, the appellant, University of Delhi and Delhi Metro Rail Corporation are at liberty to raise all the contentions/points before the National Green Tribunal.

(9) Since we have directed the Committee to examine the issue without being influenced by any of the opinions expressed by the National Green Tribunal, it is not necessary to pass any further direction. The civil appeal is accordingly disposed of with the above direction and observation.”

6. The Committee, appointed in terms of order of this Tribunal dated 27.2.2020 and above order of the Hon'ble Supreme Court, has given its report dated 10.12.2020. Concluding part in the report is as follows:

“SUMMARY OBSERVATIONS ON VIABILITY OF THE PROJECT

The Hon'ble Supreme Court of India, vide its order dated June 10, 2020 directed the Committee to examine various aspects, including viability of the project. Accordingly, the proposed project was examined for compliance/approval status for statutory requirements and an independent assessment of environmental and other impacts during the construction and occupancy phase was undertaken. Specifically, all environmental and other components, water, air, solid waste, traffic congestion, population density (representing impact on services), load on urban infrastructure, structural design adequacy have been examined.

It is observed that project proponents have obtained necessary approvals/clearances such as electric sub-station, water supply, sewerage scheme, storm water drainage scheme, Delhi fire services, Delhi urban arts commission, layout plan, tree removal/transport permission, etc. (Annexure IV).

To assess the impact on the environment, the incremental impact of the project was examined. It was then inferred if the impact was insignificant or otherwise in comparison to baseline status. The impact was examined in a grid of 2 km x 2 km (project site at the grid centre) as the maximum impact will be caused in the close vicinity of the project.

Air Pollution: An increase in emission was estimated as: 0.25% in CO, 0.09% in HC, and 0.1% in NOx and insignificant in PM (particulate matter) during the construction and occupancy phase. The estimated incremental increase is insignificant to the baseline emissions.

Water Demand and Solid waste: An increase of 0.003% (of water demand in the grid) in the freshwater requirement, 0.002% in discharge of treated sewage into the municipal sewer, an increase of 1.27% in solid waste generation from the current generation in the grid was considered nominal.

Noise Pollution: No significant impact of noise on the environment is foreseen except during intermittent operation of the DG sets; however, the DG set will be compliant to CPCB noise norms for DG sets.

Traffic Congestion: An on-field traffic count, vehicle speed, volume and capacity of main roads was undertaken. Traffic volume to capacity ratio (V/C) and vehicle speed are two main parameters to assess the Level of Service (LoS) provided by the road. There was a marginal increase in volume to capacity ratio (ranging from 0.04 to 0.16), suggesting that the LoS was acceptable to even during peak traffic hours.

Population density: Timarpur ward is the largest ward in the grid and an incremental increase in the population was estimated in this ward. The estimated increase in the population density in the Timarpur ward will be 6777 persons per sq. km. The percentage increment in the ward will be 14%. This increase is significant; however, tall residential buildings do give higher population density. This increase in density is not likely to impact the urban infrastructure/ services, as noted above.

Structural and Earthquake Resistance Design: (i) FORM 07 (Structural Stability Certificate) dated 04.07.2017 was submitted to North DMC along with building plan approval application by the proponent, (ii) STR certificate dated 10.01.2018 having the detailed structural stability certificate issued by the structural engineer, and (iii) A detailed foundation recommendation report of Prof. VS Raju, Ex. Director, IIT, Delhi dated 17.04.2018, were considered as views of experts for structural safety concerning earthquake.

The Committee members have suggested the following measures for implementation:

- ***The project proponent must ensure that all necessary approvals have been obtained and are valid.***
- ***It is noted that the project proponent has calculated the proposed STP capacity as 200 KLD based on the assumption of @ 4 persons per household. However, based on Census data, 2011, Delhi's average population density is @ 4.75 persons per household (range 4.6 – 4.9). Thus, the corresponding sewage generation of 225 KLD during the occupancy phase will exceed the proposed STP capacity. Therefore, the project proponent is advised to upgrade STP capacity to 225 KLD or restrict water supply so that peak sewage generation must not exceed 200 KLD.***
- ***Considering that the project area is part of groundwater discharge zone, it is advised to restrict construction to only one underground basement and one stilt parking, instead of the proposed two. The parking plan may accordingly be revised and necessary approvals obtained.***
- ***An undertaking may be submitted that no groundwater will be extracted during the construction phase.***
- ***NOC may be obtained from the District Advisory Committee on Ground Water of Govt. of NCT Delhi before dewatering during construction.***
- ***An inlet digital flow meter shall be installed at DJB freshwater supply line***
- ***All environmental norms should be strictly adhered to during construction and occupancy phase of the project.***

In view of the impact analysis, the project seems viable as environmental impacts, including impact on traffic congestion and urban infrastructure/services, are minimal/nominal.

The viability of the project is contingent upon adequacy of the environment management plan submitted and adherence to the commitments made by project proponent and follow best practices. All EC conditions must be complied with at all times.”

7. The appellant has assailed the report by filing written submissions/objections to the report on 15.01.2021. Headings of the objections are:

- “1. ***Composition of Committee- Presence of Member who was party to granting of Impugned Prior Environmental Clearance is improper and is violative of the principle “nemo judex in causa sua”:***
2. ***Meeting not conducted in a transparent manner:***

3. ***Appellant was not informed of the field visit of the site made by the Committee:***
4. ***Credentials of the Site Visit team of the Committee is questionable:***
5. ***Non-compliance of the order dated 10.06.2020 of Hon'ble Supreme Court:***
6. ***Assessment done contrary to decision taken in the meeting held on 05.08.2020:***
7. ***Impact on population density is more significant than what is reported:***
8. ***Assumptions made for calculating vehicular pollution has no basis:***
9. ***Vehicles plying are considered to be petrol or CNG and not diesel for evaluating vehicular pollution without any basis.***
10. ***Inference with regards to Air Pollution is fictitious.***
11. ***Ambient PM Level of the area is already alarming.***
12. ***Traffic analysis based on wrong data***
13. ***Width of the roads not considered.***
14. ***No suggestions on Solid Waste Management including C&D waste as well as Hazardous Waste Management.***
15. ***Incomplete noise impact analysis.***
16. ***Location of the project viz-a-viz its surroundings have not been considered properly.***
17. ***No findings provided on the adverse effects of DG sets being Used.***
18. ***Change in layout and modification on basement and parking suggested due to impact on groundwater discharge zone - Consequential impact of suggestions not studied and moreover fresh EC would be required.***
19. ***Analysis of seismic stability has various shortcomings and Irregularities.***
20. ***No clarity towards Ground Water Usage.***
21. ***Colourable violation of Precautionary Principle.***
22. ***No analysis of impact on the Ridge.***
23. ***No analysis on critically polluted areas.***
24. ***Contrary information submitted with regards to Najafgarh Drain.***
25. ***Incorrectly notes distance with interstate border.***
26. ***Factual Inaccuracies.***
27. ***No consideration of the detailed written representation of Appellant sent to the Committee.***

8. Further, the appellant has submitted that following points raised by the Appellant before the Committee have not been considered:

“a. Objection towards the composition of the Committee comprising of Ms. Meenakshi Dhote on the grounds that she was already a member of the decision-making process of the impugned EC (See Annexure A herein).

b. Affidavit of Ministry of Defence dated 01.02.2019 filed before this Hon'ble Tribunal(Relevant Page 1084 of the Affidavit dated 01.02.2019 of Ministry of Defence as

well as Page 86 of Annexure 8 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein) shows that the land where the project is proposed was illegally transferred by NCT Delhi to M/s Young Builders after changing the land use arbitrarily from 'Public and Semi- Public' purpose to 'Residential' purpose.

- c. Letter dated 25.10.1943 of Joint Secretary states that no unseemly buildings shall be erected in the neighbourhood of Delhi University and that regulatory bodies should consult University of Delhi before building plans are approved **(See Page 152 of IA 67/2020 of the Appellant as well as Annexure 9 Page 149-150 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein).**
- d. Master Plan of Delhi 2021 under Clause 11.3 imposes restriction on tall buildings in North Delhi Campus area and Zonal Development Plan for Zone C under Clause 1.4.4 mandating preservation and the character and heritage of the campus. **(See Page 36 of Appeal as well as Annexure 10 Page 151-155F of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein)**
- e. Report dated 27.04.2010 of a Committee constituted by Lt. Governor of Delhi states that any intervention at the doorstep of Delhi University constructing high rise building of 8 stories or so will amount to grave intervention on ambience of the University and will add to traffic load of two lanes which will further affect the ambience of the campus **(Annexure 11 Page 156-157 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein).**
- f. Sub-Committee was constituted by SEAC vide letter dated 13.12.2011. One of the members expressed the view that project being adjacent to the University Campus will adversely affect the environment
- g. No study of AAQ status of the project and carrying capacity of the area in term of air quality has been considered. Form IA of Respondent No. 4 is ambiguous on these aspects **(Annexure 12 Page 158-249 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein)**
- h. Sample test report of M/s Young Builders shows AAQ to be beyond permissible limits.**(See Page 651-653 of IA 75/2020 of Respondent No.4 as well as Annexure 13 Page 250 r/w Annexure 14 Page 253-256 of the**

Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein).

- i. Increase in dust pollution during construction will be detrimental to hospitals such as VP Chest Institute.
- j. Traffic in the two adjacent lanes is already high due to large movement of public including students from metro to respective institutions and residential and commercial areas.
- k. As per DMRC website, ridership/footfall at the Vishwavidyalaya Metro is around 25,000 person and this increases during the time of admission.
- l. The traffic Analysis report of 2011 cannot be relied upon for granting EC as it does not reflect the updated status **(Page 1040 of the Relevant Documents submitted by DPCC dated 26.11.2018 as well as Annexure 15 Page 257-281 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein).**
- m. Traffic load increase will create an unbearable burden on the Cavalry Lane and Chhatra Marg which are narrow lanes of 8.5 m and 10.8m respectively. Chhatra Marg is accident prone area and will increase hardship of differently able community as provided under the Report titled "The accessibility issues concerning persons with disabilities near the Vishwa Vidyalyaya Metro Area" **(Annexure 16 Page 282-284 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein).**
- n. Traffic analysis Report of 2018 cannot be relied upon due to few anomalies submitted such as it wrong estimates of road width of Cavalry lane and Chhatra Marg considered, Average Daily Traffic (ADT) is shown to be higher than shown in 2011 report however number of cars mentioned in 2011 report is more than 2018 which is not possible, among others. **(Page 663 of IA 75 2020 of Respondent No.4 as well as Annexure 17 Page 285-313 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein).**
- o. Proposed project falls under silence zone and due to the sensitive location of the proposed project, which is of 140 meters height, adverse impact on noise will be very high. Faculty of Education, University of Delhi which is adjacent to the proposed site offers various courses and there are also student hostels and schools and a throwaway distance. Even according to the test report of Respondent No. 4 ambient noise levels are high. **(Annexure 19 Page 318 of the Representation**

dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein)

- p. *DJB's appraisal of waste requirement for the project is undervalued. Water requirement of University of Delhi is itself not fulfilled. This will exacerbate pressure on Groundwater.*
- q. *Clearance by DJB given for 2,57,029 litres per day for 1,785 person which is 144 litres per person per day (Page 432 of I.A. 75 OF 2020 as well as Annexure 20 Page 319 r/w Annexure 21 Page 320 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein). This is far less than estimates contained in Delhi's Water Policy 2016 which estimates that the same to be 160-225 litres. This is corroborated by Respondent No. 4 – M/s Young Builders in its own water balance study stating requirement to be 332 KLD (Page 734 of IA 75 OF 2020 as well as Annexure 22 Page 323-325 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein). Further the water balance sheet represents demand of more quantity of water than what has been granted under the clearance by DJB. Therefore, the water pressure will shift to groundwater.*
- r. *Groundwater of the project area is overexploited and is in semi-critical state, where no Groundwater can be drawn unless permission of CGWA is acquired.*
- s. *Non-compliance of OM dated 10.11.2015 (Page 160-163 of IA 67/2020 of Appellant as well as Annexure 23 Page 326-329 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein) and 25.10.2017 (Page 170-171 of IA 67/2020 of Appellant as well as Annexure 27 Page 336-337 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein) in letter and spirit relating to various aspects such as socioeconomic impacts, energy requirement to minimize power and promote renewable energy, groundwater potential, alteration in natural slope, water balance chart, recommendation of CAG among others. For instance, only 1% of electrical load is submitted to be fulfilled from solar energy. (Annexure 26 Page 334-335 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein).*
- t. *The dissent of two members for SEAC against the project has not been recorded (Page 191 to 196 of IA 67/2020 of the Appellant as well as Annexure 28 Page 338-341 and Annexure 29 Page 342-343 of*

the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein)

- u. Various shortcomings towards waste management such as on permission from SPCB under Solid Waste Management Rules 2016, no plan or details of STP, location of plant area required among others.
- v. Non consideration of lack of fire equipment with Delhi Fire Services for fighting high-rise buildings to deal with fire incidents and carrying out firefighting in congested, narrow arteries as noted by Hon'ble High Court in *Vikas Singh v. Lt. Governor and Others* (**Annexure 31 Page 350-375 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein**). Compliance with Guidelines for High-Rise Buildings dated 6 June 2013 is highly questionable. Clearance dated 08.09.2017 of Delhi Fires service not reliable as width of the road considered wrongly. (**Page 731 read with 733 of the Affidavit of the Delhi Fire Service as well as Annexure 32 Page 376-380 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein**).
- w. The Hon'ble High Court of Delhi has observed in *Arpit Bhargava & Anr. v. North Delhi Municipal Corporation & Ors.* that Delhi is not in state of readiness in terms of seismic structural stability of buildings (**Annexure 34 Page 382-384 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein**).
- x. Geo-Technical Investigation Report of 2011 soil investigation report of 2011 cannot be relied upon for processing of EC. (**Page 972 – 1031 of Relevant Documents submitted by DPCC dated 26.11.2018 as well as Annexure 35 Page 385- 447 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein**).
- y. There is no proof that the Soil investigation report of 2018 was presented to SEIAA (**Page 496 of Counter Affidavit of R4 as well as Annexure 36 Page 448-470 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein**). Further, the Foundation Report states that final excavation depth would be around 12m below existing ground level shows and would necessitate lowering of the ground water table. This shows that project is subject to liquefaction (**Annexure 37 Page 471-531 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein**).

- z. Letter dated 11.01.2020 of Civitech approving the Soil Investigation done on the site on 27.05.2009 issued to Respondent No. 4 which was filed before the Hon'ble Supreme Court has been suppressed before Hon'ble NGT (**Annexure 38 Page 532 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein**).
- aa. A total of 156 trees removed against the salient feature of Request of Proposal of DMRC. Out of agreed sampling plantation of 1560 plants only 780 have been reported to be planted and no information for the rest of them has been provided. Respondent No. 4 sought compensatory afforestation in his own private land which is not in norm under compensatory afforestation (**Affidavit dated 10.10.2018 of Dept. of Forest and Wildlife, Govt of NCT Delhi page relevant pages 687-688 as well as Annexure 39 Page 533- 577 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein**).
- bb. Proposed Construction will open a gateway or many more project in the vicinity.
- cc. Project will hamper the privacy of women employees and women residing in women hostels adjacent to the proposed site.
- dd. Concealment of facts by the project proponent under its Form I- Delhi University and Viceroy Buildings being adjacent to the proposed project, Najafgarh Drain being close distance to the proposed project (**Page 227-229 of IA 75/2020 Respondent No. 4 as well as Annexure 40 Page 578-596 of the Representation dated 07.07.2020 of Appellant sent to the Committee – Annexure B herein**).
- ee. No analysis of carrying capacity of the area.”

9. The appellant has also filed objections to the affidavit filed by the project proponent on 08.01.2021 as follows:

“1. False statement regarding no impact on groundwater: In Para 'b' on Page 1599 of the affidavit, Respondent No. 4 has stated that the depth of the foundation would be 10.05m and there would be no adverse impact on the groundwater. This is contrary to the own report of Respondent No. 4 which states that the foundation level will actually be 13.05m and the Groundwater level will have to be lowered for any construction (**Page 128 of the Report**).

2. Application to District Advisory Committee on Ground Water not mutually exclusive to single basement: In its

affidavit (Para iv at Page 1601), Respondent No. 4 contends that since it has filed an application for extraction of groundwater with the District Advisory Committee, the suggestion of the Committee on single basement should be ignored. If the District Advisory Committee gives its clearance, then there would not be any obstruction of the groundwater and hence two basements can be constructed. This is contrary to the suggestions of the Committee. The Committee has suggested that there should be a single basement and there should be an application to the District Advisory Committee. The said two tasks are not mutually exclusive. In any event, the application is contrary to the recommendation given by Prof Raju Consultants. The application is for lowering the water table level to 12.45m, whereas the report of Prof Raju Consultants recommends lowering it to 13.05m. Prof Raju Consultants Report notes the significant issues in dewatering and hence the Committee recommended a single basement. (Page 1920 of Short Affidavit of M/s Young Builders r/w 128 of Report of the Committee).”

10. We further note that I.A. No. 14/2021 has been filed by the appellant to bring on record certain additional documents as follows:

“3. *xxx*

xxx

xxx

*a. Notification dated 03.04.2008 of Government of NCT Delhi establishing that area falling within 100 meters of an educational institute among others will considered as a silence zone annexed as **Annexure C (referred in the Written Submissions/ Objection filed by the Appellant dated 15.01.2021 in Point No. 15 page 1946).***

*b. Relevant pages of Zonal Development Plan for Zone – “C” - Civil Lines Zone approved by the Ministry of Urban Development (Delhi Division) vide letter dated 08.03.2010 annexed as **Annexure D (referred in the Written Submission/ Objection filed by the Appellant dated 15.01.2021 at Point No. 27 (d) pg 1956)***

*c. Office Memorandum dated 06.06.2013 of MoEF&CC issuing Guidelines for High Rise Building annexed as **Annexure E (referred in the Written Submission / Objections filed by the Appellant dated 15.01.2021 at Point No. 27 (v) Pg. 1959).**”*

11. As against the above, the project proponent has also filed written submissions on 18.01.2021 responding to the written submissions of the appellant and supporting the report. We do not consider it necessary to

reproduce the same in view of stand of the project proponent during the hearing noted in next para.

12. When we took up the matter for final consideration, learned Senior Counsel for the project proponent made a statement that as per his instructions, the project proponent has to apply for fresh EC to the MoEF&CC and the impugned EC will not be acted upon. Learned Counsel for the appellant states that if the impugned EC is not to be acted upon and the matter is to be considered afresh by the MoEF&CC on merits the appeal may be disposed of as infructuous, without prejudice to the rights to challenge the fresh EC which may be granted.

13. In view of above stand of the parties, it is no longer necessary for this Tribunal to go into the merits and express any final view about viability of the project or otherwise.

14. Accordingly, the appeal is disposed of as infructuous, without prejudice to the rights and remedies of the parties in accordance with law.

In view of order in the main appeal, all pending I.A.s will stand disposed of.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

January 20, 2021
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I.A. No. 488/2019, I.A. No. 628/2019,
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