

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. 139423/2018

[CEC REPORT NO. 38 OF 2018 - REPORT OF CEC IN APPLN. NO. 1428/2018
FILED BEFORE IT BY WEAPONS AND ELECTRONIC SYSTEMS ENGINEERING
ESTABLISHMENT (WESEE), MINISTRY OF DEFENCE, GOVT. OF INDIA]IN RE : WEAPONS AND ELECTRONIC SYSTEMS ENGINEERING ESTABLISHMENT
(WESEE), MINISTRY OF DEFENCE, GOVT. OF INDIADate : 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.Mr. R. Bala, Adv.
Mr. Sachin Sharma, Adv.
Mr. Arvind Kumar Sharma, Adv.
Ms. Aarti Sharma, Adv.
Mr. M.K. Maroria, Adv.

UPON hearing the counsel the Court made the following

O R D E R

This application has been filed by the Weapons and Electronic Systems Engineering Establishment (WESEE), Ministry of Defence, Government of India seeking permission for construction of the Office Building at Survey No. 183, Brar Square, New Delhi falling in Morphological Ridge Area.

The CEC was required to file a report and the CEC has submitted the report (being CEC Report No. 38/2018) on 20.09.2018.

The CEC does not have any objection to the proposal put forward since it is a matter of strategic defence establishment of national importance. However, the CEC has made recommendation subject to following conditions:

- i) the user agency WESEE shall deposit 5% of the project cost to Ridge Management Board Fund 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) no trees standing on 50% of the green cover area of the allotted plot will be felled;
- iii) compensatory plantation of 2100 trees will be undertaken at the location to be identified jointly by the Forest Department of Delhi Government and the funds for which will be provided by the Applicant WESEE; and
- iv) the cost of raising 2100 plants shall be deposited in advance by the Applicant, WESEE with the Forest Department of Delhi Government.

Learned counsel appearing on behalf of the Ministry of Defence says that the conditions are acceptable and will be adhered to. It is submitted by learned counsel for the Ministry of Defence that the land will be identified in consultation with the DDA and the Forest Department, Delhi Government for the purpose of compensatory plantation of 2100 trees.

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 and the CEC Report stand disposed of. Liberty is granted to the Ministry of Defence to seek modification.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR