All Communications Should be Addressed to Registrar by Designation and not by Name. Pin Code - 110201.

**Delivery Mode: Registered** 

D. No. **2997/1995** /SEC-**PIL-W** SUPREME COURT OF INDIA NEW DELHI 01st October, 2018

From:

The Assistant Registrar, Supreme Court of India, New Delhi.

To,

1 CENTRAL EMPOWERED
COMMITTEE, THROUGH
CHAIRMAN,,
2ND FLOOR, CHANAKYA BHAWAN,
CHANAKYAPURI, NEW DELHI110201.,
DISTRICT- NEW DELHI, DELHI

PID: 189904/2018 (SEC PIL-W)(W.P.(C) NO.202/1995)

2 VICE CHAIRMAN, DELHI DEVELOPMENT AUTHORITY, , B-BLOCK, 1ST FLOOR, VIKAS SADAN, NEW DELHI-110023., DISTRICT- NEW DELHI, DELHI

PID: 189905/2018 (SEC PIL-W)(W.P.(C) NO.202/1995)

3 ADDL. PRINCIPAL CHIEF
CONSERVATOR OF FORESTS &
MEMBER SECRETARY, RIDGE
MANAGEMENT BOARD,,
DEPARTMENT OF FORESTS &
WILDLIFE, I.P. ESTATE, NEW DELHI110002.,
DISTRICT- NEW DELHI, DELHI

PID: 189906/2018 (SEC PIL-W)(W.P.(C) NO.202/1995)

4 EXECUTIVE ENGINEER, PROJECT DIVISION-III, NEW DELHI PROJECT ZONE,, CENTRAL PUBLIC WORK DEPARTMENT, ROOM NO. 13, E-

PID: 189907/2018 (SEC PIL-W)(W.P.(C) NO.202/1995)

WING, NIRMAN BHAWAN, NEW DELHI-110011., DISTRICT- NEW DELHI, DELHI

## **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

WRIT PETITION (CIVIL) No. 202 OF 1995

Shivani

IN RE: T.N. GODAVARMAN THIRUMULPAD **VERSUS** 

Petitioner(s)/Appellant(s)

UNION OF INDIA AND ORS. AND OTHERS

... Respondent(s)

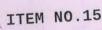
Sir,

I am directed to forward herewith for your information, compliance and necessary action a certified copy of Record of Proceedings dated **26th September**, **2018** of this Court in the Interlocutory Application in the Writ Petition above mentioned.

Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR



## SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

. 694122

Certified to be true coay

Assistant Registrar (Judi.)

Supreme Court of India

Respondent(s)

UNION OF INDIA & ORS.

INTERLOCUTORY APPLICATION NO. 133603/2018 [CEC REPORT NO. 37 OF 2018 - REPORT OF CEC IN APPLN. NO. 1426/2018FILED BEFORE IT BY CENTRAL PUBLIC WORKS DEPARTMENT (CPWD)]

IN RE : CENTRAL PUBLIC WORKS DEPARTMENT (CPWD)

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

today.

CORAM :

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

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

Mr. A.D.N. Rao, Advocate (A.C.)

Mr. Sudipto Sircar, Adv.

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

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

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

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 ORDER

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

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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.

Pleased 10

(MEENAKSHI KOHLI) COURT MASTER Kailash Chander)

ASSISTANT REGISTRAR

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