

DELHI-GHAZIABAD-MEERUT RRTS CORRIDOR
JUSTIFICATION FOR LOCATING THE PROJECT IN FOREST LAND

1. Introduction

- 1.1. The National Capital Region (NCR) is one of the largest urban agglomerations in the world. It is a multi-state region with Delhi as its centre and covers an area of 58,332 square km. It is spreading over four states of Haryana, Rajasthan, Uttar Pradesh and the National Capital Territory (NCT) of Delhi.
- 1.2. NCR is a highly urbanized region (57%, 2001). It is also a high growth, large investment region, consisting of several large and small cities with high movement of people and goods within the region.
- 1.3. The region's population has grown at almost 1.5 times the average all India growth rate. With its population expected to increase to 6.4 Crore by 2021, the stress on space and infrastructure is only set to increase.
- 1.4. Further, Delhi is also one of the fastest growing states in terms of growth in Gross State Domestic Product (GSDP). With a significant share of growth driven by service sector, the city creates many economic opportunities for a diverse workforce. The opportunities on employment front and availability of social infrastructure attract people from various parts of country to Delhi. This is clearly visible by the fact that Delhi's average decadal growth since (since 1981 to 2001) was about 40% almost twice that of all-India average of 21%. A significant growth trend in migration of people to Delhi has been observed. In 2016, 33% of the population growth¹ in Delhi was due to influx of migrant population. NCR districts of Uttar Pradesh and Haryana are among the top contributors of migration to Delhi.
- 1.5. The development of new growth centers and clusters in NCR have also contributed to increased mobility needs for citizens in NCR in general and Delhi in particular. These growth centers include IT and BPO hubs in Gurugram and Noida, Industrial Hubs in Manesar, and Educational Hubs in Ghaziabad, Sonapat and Meerut, etc. A sizeable number of citizens move from Delhi to these centers and vice versa daily.
- 1.6. Besides the above, a huge number of population influx to Delhi is of transient in nature, i.e., with no permanent settlement in Delhi. The same is emphasized by the fact that the cars that entered Delhi daily from cities of NCR were more than the total cars registered in the city in 2014-15 (as per a study by Centre for Science and Environment)². Further, as per the Functional Plan on Transport for NCR, 2032, more than 1 million (about 1,107,043) vehicles cross Delhi borders in a day (based on 2007 data). About 1/4th of vehicular traffic is of transient nature, i.e., NCR to NCR crossing Delhi.
- 1.7. Such increase in migration, population density and transient population has led to an unprecedented load on civic amenities and mobility demand both within the city and in the region, further resulting in major issues as mentioned below that have been observed across various studies in NCR.
 - Severe Pollution levels
 - Congestion on roads

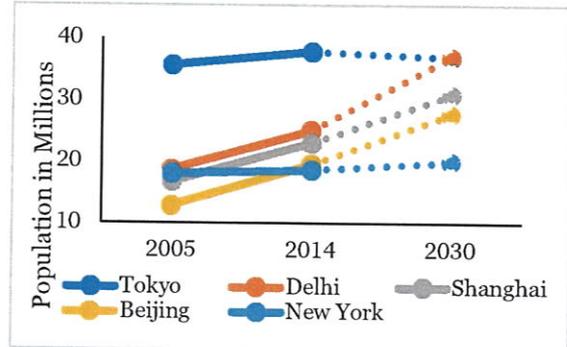
¹ Delhi Govt. Economic Survey

² <http://www.cseindia.org/congestion-on-delhi-roads-has-worsened--6994>


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- Inadequate public Transport
- Increase in accidents
- High capacity utilization of rail transport

1.8. It has also been highlighted in the report published by United Nations Department of Economic and Social Affairs/Population Division, titled "World Urbanization Prospects: The 2018 Revision" that by 2030 Delhi shall surpass Tokyo to be most populous city in the world.



1.9. Hence, as evident from above, a local urban transportation mode such as MRTS or BRTS is not suitable to shift those commuters whose origin lie outside of Delhi to the public transport in the city. This highlights that an alternative mode of regional transportation can relieve the roads of significant vehicular traffic travelling within NCR but do not have origin or destination within Delhi. Hence, there is an urgent need to enhance the regional public transport system.

2. Regional Rapid Transit System (RRTS)

- 2.1. To promote sustainable and balanced growth in National Capital Region (NCR), the NCR Planning Board (NCRPB) prepared a 'Functional Plan on Transport for National Capital Region-2032', which recommended development of multimodal transport system for NCR with special emphasis on dedicated rail based high-speed, high-frequency Regional Rapid Transit System (RRTS) for connecting regional centres in NCR.
- 2.2. **RRTS is a rail-based high speed, high frequency regional commuter transit system connecting metropolitan and big cities, towns and urban nodes across the National Capital Region (NCR) and is one of the key strategic interventions of Government to empower citizens through access to education, healthcare, employment and economic opportunities. It addresses the issues of hazardous air pollution, severe congestion and unmanageable urban sprawl on a sustainable basis as it offers a faster, safer, more reliable and energy efficient mobility solution.**
- 2.3. The erstwhile Planning Commission of India (now NITI Aayog) appointed a Task Force (in the year 2006) under the chairmanship of Secretary erstwhile Ministry of Urban Development (now Ministry of Housing & Urban Affairs), which identified eight corridors and prioritized three corridors - Delhi-Meerut, Delhi-Panipat and Delhi-Alwar for implementation in the phase I of RRTS.
- 2.4. **The three prioritized RRTS projects are part of 'Comprehensive Action Plan' (CAP) for Air Pollution Control in Delhi & NCR' and the recommendation of 'High Powered Committee on Decongesting Traffic in Delhi'.** Considering the substantial economic benefit of the project, all the three projects have been included in the **National Infrastructure Pipeline (NIP)**, recently finalised by Department of Economic Affairs and unveiled by Hon'ble Finance Minister.
- 2.5. Accordingly, Government of India joined hands with four State Governments; Delhi, Uttar Pradesh, Haryana and Rajasthan to create a joint sector company - **National Capital Region Transport Corporation (NCRTC)** (in the year 2013) - mandated for

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designing, developing, implementing, financing, operating and maintaining RRTS projects in the NCR of India.

- 2.6. Subsequently, Govt of India accorded sanction for implementation of Delhi-Ghaziabad-Meerut RRTS corridor on March 7, 2019.

3. Delhi-Ghaziabad-Meerut RRTS corridor and its Environmental benefits

- 3.1. The Delhi - Ghaziabad - Meerut RRTS corridor will start from a common integrated elevated RRTS station at Sarai Kale Khan in Delhi and will connect densely populated urban nodes in Delhi, Sahibabad, Ghaziabad, Murad Nagar, Modinagar and Meerut. In order to enable fast, comfortable and seamless mobility, not only the three prioritised RRTS corridors are interoperable but the RRTS network is being integrated with other modes seamlessly. The modes being integrated include IGI Airport, Railway Stations at Sarai Kale Khan and Anand Vihar, ISBTs at Sarai Kale Khan, Kashmiri Gate, Anand Vihar, Kaushabmbi, Delhi Metro at various points in Delhi and Ghaziabad, Meerut Metro, Rapid Metro Gurugram and Bus Stops all along the corridors.
- 3.2. The positive impact of RRTS on NCT-Delhi will be realized from the start of operations of RRTS. The short-term immediate impacts will include modal shift of passengers to public transport owing to increased safety, reliability and affordability, reduction in congestion of traffic on roads, reduction in vehicular pollution and reduction in road accidents.
 - 3.2.1. **Modal shift from private to public transportation:** Centre for Science and Environment (CSE) analysis in 2016 showed that cars that entered Delhi daily from cities of NCR were more than the total cars registered in the city in 2014-15. A high speed, high-capacity, reliable, comfortable and safe connectivity option like RRTS will naturally attract commuters to use RRTS. This will further be encouraged by the affordability of RRTS compared to other modes of transportation. The DPR of Delhi-Ghaziabad-Meerut corridor estimates **increase in regional public transport share to 63% in post RRTS scenario from current 36%**. Hence reduction in private vehicles moving in and out NCT of Delhi can be a major factor in alleviating congestion issues especially on key access points of the city
 - 3.2.2. **Reduce road congestion & provide option for land use:** In Delhi, road congestion is an issue not only in peak hours but also in non-peak hours. The non-peak hours have nearly disappeared³. For most part of the day, speed remains constant. There is negligible variation between peak and non-peak speeds. The average morning and evening peak speeds are 28 km/hr and 25 km/hr, respectively⁴. But the off-peak speed is 27 km/hr which is almost equal to peak speeds. Further, roads already occupy approximately 21 percent of the total area of the city, which clearly limits the potential for increase in road space⁵. Hence increase in use of public transport means is necessary for sustainable growth.
 - 3.2.3. **Reduction in pollution and environmental benefits:** Use of private vehicles and road congestion directly impacts cities pollution levels. In Delhi, the rise in pollution level is well documented and clearly an area of critical concern. The Central Pollution Control Board (CPCB) and the National Environmental Engineering

³ <http://www.cseindia.org/congestion-on-delhi-roads-has-worsened--6994>

⁴ 13 selected stretches in the study

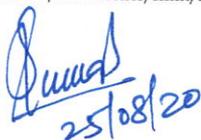
⁵ http://moud.gov.in/upload/uploadfiles/files/Decongesting_TrafficDelhi06.pdf

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Research Institute (NEERI) have declared vehicular emission as a major contributor to increasing air pollution in Delhi. It is to be mentioned that implementation of RRTS is an integral part of larger strategy to address issues of congestion and pollution and is part of '**Comprehensive Action Plan (CAP) for Air Pollution Control in Delhi & NCR**' and the recommendation of '**High Powered Committee on Decongesting Traffic in Delhi**'. RRTS is committed towards saving carbon emissions by taking proactive steps of utilising optimal energy mix, regenerative braking systems in rolling stocks and additional saving due to modal shift from existing modes of transport. **Total annual greenhouse gas emissions reduction is expected to be ~250,000 tCO₂e/year**. Pollution reduction will also accrue additional economic benefits such as savings due to improved health of citizens, reduced expenditure on treatment of diseases/medicines, etc.

- 3.2.4. **Reduction in road accidents:** Road safety has emerged as the most important issue in the recent times, next to health and pollution. As per report on road accidents in India published by Ministry of Road Transport and Highways, in 2015, Delhi has recorded the highest number of deaths, i.e., 1,622, among the 50 one-million plus cities in India.⁶ With increased share of public transport by implementation of RRTS, such increase in road accidents can be curtailed.
- 3.2.5. **Containing the urban sprawl of Delhi:** High-speed mode of transportation such RRTS can curtail urban sprawl of Delhi as it offers commuters to live far from the city limits. Such a convenience could decrease permanent migration from suburban regions to Delhi and offer balanced and sustainable development for the entire region.
- 3.2.6. **Other Benefits:** Apart from the above stated benefits, RRTS shall lead to significant reduction in the travel time, lead to fuel saving by opting for cleaner fuel options, lead to improved productivity output of labour and industries, indirect and induced employment and increase in GDP of entire NCR.
- 3.3. It is to be noted that in addition to savings due to reduction in treatment cost of pollutants, the reduction in pollution also results in other significant economic benefits, such as **savings due to improved health of citizens, reduced expenditure on treatment of diseases/medicines, etc.**, which are currently not captured in the economic analysis.
- 3.4. Considering importance of RRTS project for achieving socio-economic-environmental benefits brought out above, the RRTS projects have been viewed favourably by various constitutional and statutory authorities:
 - 3.4.1. In the matter of M.C. Mehta v/s Union of India and others (Writ Petition (C) No. 13029 of 1985, On January 18, 2019, **Hon'ble Supreme Court of India observed** that this project is "**absolutely necessary and there should be no delay on the part of concerned authorities**". In the same case, the Hon'ble Supreme Court on 06.03.2019 observed that "**the corridor (Delhi-Meerut) is absolutely necessary for Rapid Transport to ease the out growing congestion and for reducing the pollution.**"
 - 3.4.2. In November 2019, due to alarming increase in air pollution in NCR, Hon'ble Supreme Court had banned the construction activities in Delhi-NCR. **However, Hon'ble Supreme Court passed an order on 16.12.2019 stating**

⁶ Road Accidents in India, 2015 – MoRTH (<http://pibphoto.nic.in/documents/rlink/2016/jun/p20166905.pdf>)


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“Considering the importance of the project in question for reducing the pollution in Delhi, we permit the construction activity relating to project even during night time.”

- 3.4.3. NCRTC has also been permitted project alignment through Yamuna river flood plain by the National Green Tribunal (NGT) and Yamuna Standing Committee.
- 3.4.4. Hon'ble Supreme Court, in one of the cases, had banned all construction in sanitary land fill sites. However, in case of RRTS project, considering its importance, **Hon'ble Supreme Court vide order dated August 7, 2020 has allowed construction of elevated viaduct over an area of one acre in Millennium Park**, which is a sanitary land fill site.

4. The Proposal

- 4.1. The alignment of Delhi-Ghaziabad-Meerut RRTS corridor will pass through Sarai Kale Khan, Jungpura, New Ashok Nagar and Anand Vihar in Delhi. There is no other option available for the alignment of Regional Rapid Transit System (RRTS) passing through Yamuna Khadar area near Sarai Kale Khan, near New Ashok Nagar metro station and Khicharipur, Delhi. Hence, Regional Rapid Transit System alignment needs to pass through the said parcels of land.
- 4.2. Though the width of strip of land proposed has been kept at bare minimum, the alignment of the project will affect 1940 trees. To mitigate the impact, compensatory afforestation, as per rules, will be ensured.
- 4.3. Considering significant positive environmental benefits of the project, the proposal for the said forest land is quite small, absolutely necessary & environmentally justified.


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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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) IA NO. 34/1999 (APPLN. FOR DIRECTIONS ON B/O GAUTAM NAGAR WELFARE ASSOCIATION FILED BY A.C.)

(2) IN RE: ISSUE OF COMPREHENSIVE PLAN FOR AIR POLLUTION CONTROL OF REPORT NO. 87 SUBMITTED BY EPCA

Date : 18-01-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

For the parties

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Ms. Sasmita Tripathy, Adv.
Ms. Ritu Rastogi, Adv.
Mr. Navin Gupta, Adv.
Mr. Sanjay Kr. Visen, Advocate

Petitioner-In-Person

Mr. Abhishek, Advocate

M/s. S. Narain and Co., AOR
(Appearance slip not given)

Ms. Kiran Bhardwaj, Advocate

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

In Re: Regional Rapid Transit System (RRTS)

Considered the action taken report with respect to Regional Rapid Transit System (RRTS) mentioned at clause 2.3.18, which is as under:-

Sr. No.	Action Point	Action Taken Report
2.3.18	Regional Rapid	The Delhi-Meerut RRTS corridor is 82.15 kms., long corridor with 24 stations, which will cover

<p>Transit System (RRTS)</p>	<p>the distance from Sarai Kale Khan in Delhi to Modipuram in Meerut in 60 minutes.</p> <p>The total project cost of Delhi-Ghaziabad-Meerut RRTS corridor is estimated to be Rs.31,632 Cr., which is having 60:40 debt to equity ratio. The debt portion is being tied up with Asian Development Bank (ADB) for which due diligence process is in advance stage.</p> <p>Contribution towards project cost by Government of India is estimated to be Rs.5,686 Cr., by Govt. of National Capital Territory of Delhi is estimated to be Rs. 1,138 Cr. and contribution by State Govt. of Uttar Pradesh is estimated to be Rs.5,828 Cr. The estimated contributions by the governments will be required over four financial years. For implementation of the project, Rs.659 Cr. and Rs.250 Cr., have already been allocated in the Union Budget of Government of India 2018-19 and State Budget 2018-19 of Govt. of U.P. respectively.</p> <p>Pre-construction activities for the Delhi-Ghaziabad-Meerut corridor such as road widening, utility diversions, tree-cutting, geo-tech</p>
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	<p>investigation etc., are progressing well in the field. Rs.100 Crores have been given by GOI for such activities.</p> <p>The project was placed before the PIB in its meeting on 11th September, 2018. Approval of the PIB is held up as GNCTD has not committed to its share in the project.</p> <p>Government of Delhi is requested to expedite approval of this project since the matter is delayed and convey the same in six weeks.</p>
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In the affidavit filed on behalf of GNCT of Delhi (Transport Department), in compliance of the order dated 03.12.2018, certain objection have been raised.

In our opinion, approach road is absolutely necessary and there should be no delay on the part of the concerned authorities.

In the circumstances, we request EPCA to convene a general meeting with the concerned stake holders including NCR Transport Corporation, Ministry of Road Transport and Highways, Government of Delhi, Ministry of Environment and Forest. Let a meeting be convened within a week from today and its outcome be reported to this Court on the next date of hearing.

In Re: Parking Policy

Regarding Parking Policy Implementation, let a final decision

be taken by the concerned Ministry, within ten days, from today and its outcome be submitted before this Court on or before 31.01.2019.

In Re: Approved Fuel Implementation

With respect to approved fuels: implementation in Delhi, U.P. and Haryana have issued requisite notification. Let the State of Rajasthan to implement and issue the requisite notification within ten days from today, as it is reported that the remaining States have already issued the notification.

For consideration/compliance of the above issues, list on 01.02.2019.

Disposal of case properties

With respect to the disposal of the case properties which can be disposed of, which are lying in various Police Stations in Delhi as well as in Malkhana of the Courts. With respect to the properties which are disposable and are not required any more, let a comprehensive proposal be submitted by the High Court on the next date of hearing i.e. on 01.02.2019.

The action taken in this regard shall also be indicated. The responsible officer of the Delhi Development Authority shall also inform this Court with respect to the allotment of land and the authorities concerned of the NCT of Delhi shall inform about the steps taken for establishment of Malkhanas.

List on 01.02.2019.

Completion of Tasks in 'A', 'B' and 'C' Categories Corridors

Learned Additional Solicitor General invited the attention of the Court regarding the tasks which have been accomplished and the tasks which remained to be performed. Total number of tasks, which have to be undertaken were 165 in 'B' category and 105 tasks in 'C' category. Similarly, remaining tasks in 'A' Category were to be undertaken. With respect to the remaining tasks, let a proposal be submitted in this Court. How much time would be required and other modalities. Let status report of tasks which had been undertaken be also submitted.

Let the proposal be submitted by 30.01.2019 and list the matter for consideration on 01.02.2019 along with the comprehensive action plan.

In Reference Action plan Point 2.3.1.- Improvement in bus numbers and services in Delhi.

Following is the scheme to augment the City bus fleet, submitted on behalf of the Transport Department of The NCT of Delhi, in compliance of the order dated 03.12.2018 passed by this Court:-

Sl. No.	Cabinet Decision	Type & No. of buses	Expected Roll Out	Current Status
1.	2503 dated 01.09.17	1000 no. of standard floor height Non-AC CNG	May, 2019	The Letter of Acceptance has been issued to the selected bidders of the 4 distinct clusters in November, 2018.

		buses			
2.	2659 dated 22.11.18	1000 Floor height AC buses	Low CNG	July, 2019	Tender for inviting bids has been floated on 19.12.18 and technical bids are scheduled to be opened on 25.01.2019
3.	2597 dated 11.07.18	1000 Floor height Pure Electric buses	Low AC	July, 2019	Electrical buses being a new technology, Transport Department has appointed a Consultant to suggest the appropriate technology. The draft report received from the Consultant on 17.12.18 is being examined. Thereafter, decision will be taken by the Government to issue tenders accordingly.

We order, let the above Scheme be implemented and let an undertaking be filed by the Secretary of the Transport Department of the NCT of Delhi to comply with the aforesaid scheme in a time bound manner, as suggested. Let the undertaking, as above, be filed within ten days from today and action be taken accordingly.

List on 01.02.2019.

Reference Action Point 2.3.3- Reform of DTC and Cluster Bus Operation

A Status Report be submitted by the Secretary, Transport

Department of the NCT of Delhi on or before 22.02.2019.

List on 25.02.2019 for consideration of the report.

As prayed, an affidavit on behalf of the CPCB be filed during the course of the day.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER

ITEM NO.304

COURT NO.3

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). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL) IN RE: STUBBLE BURNING AND SMOG IN DELHI(2) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)(3) IA NOS. 158128 AND 158129/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA) (4) IA NOS. 179126 AND 179130/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. ARVIND KUMAR) IN RE: EASTERN AND WESTERN PERIPHERAL EXPRESSWAY(6) I.A. NO. 344 (APPLICATION FOR DIRECTIONS)(7) IA NO. 68247/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION)(8) INTERLOCUTORY APPLICATION NO. 162369/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF NCT OF DELHI)(9) INTERLOCUTORY APPLICATION NO. 186632/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF NCT OF DELHI) IN RE: ALLOCATION OF NATURAL GAS TO M/S INDRAPRASTHA GAS LIMITED(i) I.A. NOS. 250-251/2005 (FOR STAY ON BEHALF OF INDRAPRASTHA GAS LIMITED)(ii) I.A. NO. 266/2005 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(iii) I.A. NO. 346/2013 (FOR DIRECTIONS ON B/O INDRAPRASTHA GAS LTD.)(iv) I.A. NO. 73432/2017 (FOR INTERIM STAY AND DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(v) I.A. NO. 104664/2017 (APPLICATION FOR DIRECTIONS ON B/O INDRAPRASTHA GAS LTD.)(vi) I.A. NO. 131093/2017 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(vii) I.A. NO. 23814/2018 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(viii) I.A. NO. 72559/2018 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(ix) I.A. NO. 131352/2018 (APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.) (x) IA NO. 26454/2019 (APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(xi) IA NO. 137920/2019 (APPLN. FOR INTERVENTION IN IA NO. 26454/2019 ON B/O TORRENT GAS PVT. LTD.) (xii) IA NO. 139254/2019 (APPLN. FOR INTERVENTION IN IA NO. 26454/2019 ON B/O GUJARAT GAS LTD.)

WITH

W.P.(C) No. 1426/2019 (PIL-W)
(FOR ADMISSION)

Date : 16-12-2019 These petitions were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA**

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MR. MUNAWAR NASEEM, ADVOCATE

MS. BINA GUPTA, ADVOCATE

Mr. P. S. Narasimha, Sr. Adv.

Mr. Gaurav Juneja, Adv.

Mr. Dibranshu, Adv.

Mr. Aayush Jain, Adv.

Mr. Sanjeev K. Kapoor, Adv.

M/S KHAITAN AND CO., ADVOCATES

MR. SENTHIL JAGDEESAN, ADVOCATE

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

I.A.No. 181745 of 2019

As mentioned by the leaned counsel, the application is taken on board.

List on 17.01.2020.

REPORT NO. 106 SUBMITTED BY EPCA

(special Report On Pollution Hot Spots In Ncr With Request For Urgent Directions To Improve Enforcement And Pollution Control)

IN RE: STUBBLE BURNING AND SMOG IN DELHI

IA NO. 127792/2017 (DISPOSED OF)

(Appln. For Directions Filed By A.C.)

IA NOS. 158128 AND 158129/2019

(Applns. For Intervention And Directions On Behalf Of Dr. Kaushal Kant Mishra

Heard the learned counsel for the parties.

Order is reserved with respect to pollution and technologies to be used.

IN RE: EASTERN AND WESTERN PERIPHERAL EXPRESSWAY

I.A. NO. 344, 68247/2019, 162369/2019 and 186632/2019

Let reply to I.A.No. 186632 of 2019 be filed within two weeks.

List in the third week of January, 2020.

IN RE: ALLOCATION OF NATURAL GAS TO M/S INDRAPRASTHA GAS LIMITED

List on 13.01.2020.

I.A.Nos. 192258 of 2019 and 192263 of 2019

Upon mentioning, the applications are taken on board.

Considering the importance of the project in question for reducing the pollution in Delhi, we permit the construction activity relating to project even during night time, as prayed for in the applications, with all necessary safeguards.

In case any violation of norms of construction is found, all the concerned officers shall be held responsible for violation of the order.

The applications are disposed of accordingly.

**(JAYANT KUMAR ARORA)
COURT MASTER**

**(JAGDISH CHANDER)
BRANCH OFFICER**

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

M.A. NO.624 OF 2020
IN
WRIT PETITION(C) NO.286 OF 1994

B.L. WADEHRAPETITIONER(S)

VERSUS

UNION OF INDIA & ORS. . . .RESPONDENT(S)

AND IN THE MATTER OF :

NATIONAL CAPITAL REGION TRANSPORT
CORPORATION LIMITED (NCRTC)APPLICANT(S)

O R D E R

Interlocutory application being I.A. No.42512/2020 for impleadment is allowed and the applicant is impleaded as party respondent for the purpose of the instant interlocutory application being I.A. No.42514/2020 for modification of this Court's order dated 01.03.1996.

The newly added respondent viz., National Capital Region Transport Corporation Limited (for short, the 'NCRTC') has filed this application

being I.A. No.42514/2020 for permission to construct elevated viaduct of Delhi - Panipat RRTS corridor and underground/ramp work for Delhi - Alwar RRTS corridor through a small portion of the Millennium Park for execution of RRTS Project.

The occasion for seeking permission from this Court arises out of the judgment delivered by this Court in the case of *Dr. B.L. Wadehra vs. Union of India & Ors* [Writ Petition (C) No.286 of 1994] dated 01.03.1996. That case concerned with the generation and disposal of garbage in the city of Delhi. This Court considered the issue of Sanitary Land Fill Sites (for short, the 'SLFS') in Delhi and issued the following direction in paragraph 11 of the said judgment :

"11. The MCD shall not use the filled-up SLFs for any other purpose except forestry. There are twelve such sites including Rajiv Gandhi Smriti Van. We direct the MCD to develop forests and gardens on these 12 sites. The work of afforestation shall be undertaken by the MCD with effect from April 1, 1996. An affidavit shall be filed by the end of April indicating the progress made in this respect."

Thereafter, this Court, while dealing with RRTS projects in various corridors, in the case

of M.C. Mehta vs. Union of India & Ors - [Writ Petition (C) No.13029/1985) vide order dated 06.03.2019, approved the setting up of elevated RRTS station in the Delhi-Merrut RRTS Corridor project.

The newly added respondent viz., NCRTC has been entrusted with the task of setting up the rapid transport system. As part of the said task, NCRTC has stated on oath, that it is necessary to construct an elevated viaduct for locating what might be called a railway station. According to the NCRTC, it is necessary to construct this elevated viaduct on the land which is part of the Sanitary Land Fill and on which this Court has prohibited any activities other than for forests purposes.

We have heard Mr. A.N.S. Nadkarni, learned Senior Counsel appearing for the newly added respondent - NCRTC and perused the record. There are no contesting respondents to whom notice needs to be issued since the matter was disposed of way back in 1996.

Having regard to the aforesaid circumstances, we consider it appropriate to allow the instant application for modification. We accordingly direct that in modification of this Court's judgment/order dated 01.03.1996, the NCRTC is permitted to carry out the construction of an elevated viaduct of Delhi - Panipat Corridor etc., over an area of one acre in Millennium Park.

Ordered accordingly.

The instant miscellaneous application and pending interlocutory applications, if any, stand disposed of.

.....CJI
[S.A. BOBDE]

.....J
[A.S. BOPANNA]

.....J
[V. RAMASUBRAMANIAN]

NEW DELHI;
AUGUST 07, 2020.

ITEM NO.1 Court No.1 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No(s).624/2020 in W.P.(C) No.286/1994

B.L. WADEHRA Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For IA No. 67107/2020 - APPLICATION SEEKING LISTING DUE TO EXTREME URGENCY AND EXEMPTION FROM FILING AFFIDAVIT and IA No. 42512/2020 - FOR IMPLEADMENT and IA No. 42514/2020 - FOR MODIFICATION OF THIS COURT'S ORDER DATED 01.03.1996)

Date : 07-08-2020 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Siddarth Dave, Sr. Adv.
Mr. Devendra Kumar Singh, Adv.
Mr. Rajesh Katyal, Adv.
Mr. Baldev Attrey, Adv.
Mr. Karunakar Mahalik, AOR

For Respondent(s)

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

The interlocutory applications for impleadment and for modification are allowed in terms of the signed order.

The instant miscellaneous application and pending interlocutory applications, if any, stand disposed of,

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

(Signed Order is placed on the file)