

ITEM NO.36

COURT NO.2

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: REGIONAL RAPID TRANSPORT SYSTEM)

I.A. NO. 3516/2023 (APPLICATION FOR DIRECTIONS ON B/O GOVT. OF NCT DELHI)

I.A. NOS. 14553 AND 14554/2023 (APPLICATIONS FOR INTERVENTION AND DIRECTIONS ON B/O PRADEEP SINGH)

I.A. D. NO. 62714/2023 (APPLICATION FOR PERMISSION SEEKING IMPLEADMENT ON B/O NCRTC)

AND LETTER DT. 30.01.2023 RECEIVED FROM GOVT. OF NCT OF DELHI, TRANSPORT DEPARTMENT, PLANNING BRANCH ONLY"

IN W.P.(C) NO. 13029/1985 ARE LISTED."ONLY" NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST:

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MS. APARAJITA SINGH, SR. ADVOCATE (A.C.)

MR. A.D.N. RAO, SR. ADVOCATE (A.C.)

MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)

PETITIONER-IN-PERSON,

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MR. AMRISH KUMAR, ADV.

MR. SANJAY KR. VISEN, ADV.

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MR. AJAY PAL, ADV.

MR. SANDEEP KR. JHA, ADV.

MR. JYOTI MENDIRATTA, ADV.

MS. ROOHE HINA DUA, ADV.

MR. KARUNAKAR MAHALIK, ADV.)

Date : 21-04-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

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Petitioner-in-person

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

I.A. No.3516/2023- APPLICATION FOR DIRECTIONS B/O GOVT. OF NCT

DELHI

An application has been filed by the Government of NCT of Delhi for permission to utilize Rs.500 crores of Environment Compensation Charge (ECC) Fund towards the payment of Delhi -Meerut RRTS project.

The original order is dated 06.3.2019 where while dealing with the Regional Rapid Transport System the contribution of the Government of India for the project in question as also State of Uttar Pradesh and NCT region of Delhi was specified. There was apparently a reluctance on the part of the NCT of Delhi to contribute to the amount and then the via media found was that from the ECC fund collected, the amount should be allocated for deposit. Learned amicus has referred us to the order and has no objection to release of Rs.500 crores on same terms and conditions as set out in the aforesaid order. We accordingly direct the Delhi Government to contribute Rs.500 Crores which includes tax liabilities from ECC fund within ten days. The tax component is refundable and refund shall be credited to ECC fund (*pari materia* with the earlier directions).

Learned counsel for the National Capital Regional Transport Corporation (NCRTC) points out that the aforesaid will not complete the exercise as there is still a balance amount of Rs.415 crores left. It is his submission that the Delhi Government is required to make budgetary provisions for the aforesaid. We call upon the State Government to make the requisite budgetary provision, if not already made and thereafter to pay the amount promptly so that the project is not delayed.

The application stands disposed of.

IN RE: DELHI-ALWAR AND DELHI-PANIPAT CORRIDOR

The relief sought in the application has been addressed. However, learned Amicus points out that there are two other corridors i.e. Delhi-Alwar and Delhi-Panipat which have been referred to in the order dated 06.3.2019. In this behalf it is submitted by her that the NCRTC was required to submit a plan to the Central Government (Ministry of Housing and Urban Development) which according to the learned counsel for the NCRTC has already been done. The approval of the Central Government is awaited.

Learned counsel for the Central Government to obtain instructions in this behalf qua the Delhi-Alwar plan. However, qua the Delhi-Panipat corridor, the sanction of the Delhi Government is awaited. Learned counsel for the Delhi Government to obtain instructions.

We may notice that budgetary provisions will have to be made both by the Central Government and the concerned States.

Affidavits in compliance be filed within four weeks.

List in the miscellaneous week after the ensuing summer recess.

I.A. D. NO. 62714/2023 (APPLICATION FOR PERMISSION SEEKING IMPLEADMENT ON B/O NCRTC)

Application seeking impleadment on behalf of National Capital Region Transport Corporation Limited (NCRTC) is allowed.

LETTER DT. 30.01.2023 RECEIVED FROM GOVT. OF NCT OF DELHI, TRANSPORT DEPARTMENT, PLANNING BRANCH ONLY"

The office report shows that a letter has been received from Government of NCT of Delhi dated 30.1.2023. In view of certain scheme of the GNCT of Delhi for which amounts were withdrawn and that scheme not having been found feasible, the GNCTD volunteers to refund the disbursed amount of Rs.1,52,65,375/- (Rupees One Crore Fifty Two Lakh Sixty Five Thousand Three Hundred Seventy Five only) with the other amounts lying before this Court to be kept as fixed deposit with the UCO Bank.

In this behalf, the State Government has sought certain details:

- i. Beneficiary name
- ii. PAN/ TAN (if any)
- iii. Bank Account number
- iv. IFSC
- v. MICR

The aforesaid details be supplied by the Registry to facilitate the amount to be received and to be kept in FDR for a period of three years to be kept renewed as suggested by the learned Amicus Curiae.

I.A. NOS. 14553 AND 14554/2023 (APPLICATIONS FOR INTERVENTION AND DIRECTIONS ON B/O PRADEEP SINGH)

In view of the orders being passed at the behest of the concerned authorities/corporation there is no need to implead a private applicant in the present proceedings.

Applications stand dismissed.

(RASHMI DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER