

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION(C) NO.1689/2013

Anand Arya and another ..Petitioner(s)

versus

Government of NCT of Delhi and others ..Respondent(s)

O R D E R

Learned counsel representing the Delhi Transport Corporation, has handed over to us a communication dated 14.10.2016. The same is taken on record and marked as 'Annexure A'. A perusal of Annexure A reveals, that the possession of Millennium Depots I and II has already been handed over to the Transport Department, Government of NCT of Delhi. It further reveals, that arrangements were being made to handover charge of the remaining two Millennium Depots III and IV to the Transport Department, Government of NCT of Delhi. A similar other communication dated 09.12.2016, has also been provided to us, which is taken on record and marked as 'Annexure B'.

2. Mr. Santosh Kumar Tripathi, Advocate, representing the Delhi Transport Corporation, having obtained instructions from Mr. V.K. Gupta, Chief General Manager, DTC (who is present in Court, in person) states, that all the four Millennium Depots, have since been handed over to the Transport Department, Government of NCT of Delhi, and the Delhi Transport Corporation is no longer in

possession of the said Depots.

3. Mr. S.Wasim A Qadri, Advocate, representing the Transport Department, Government of NCT of Delhi, acknowledges, the factual position, noticed in the foregoing paragraph. Learned counsel affirms, that other than for the purpose of parking cluster buses, the depot is totally in disuse. He assures this Court, that the Transport Department, Government of NCT of Delhi shall remove the cluster buses also, on or before 4.2.2017. Learned counsel affirms, that the instant undertaking has been given to this Court, at the instance of Mr. Subodh Kumar, Pollution Control Officer, Transport Department, Government of NCT of Delhi. The statement made by the learned counsel is taken on record. The Transport Department, Government of NCT of Delhi, shall be bound by the undertaking given to this Court, on its behalf.

4. In view of the factual position noticed in the foregoing two paragraphs, nothing seriously survives, insofar as, the present petition is concerned. It is however necessary for us to notice that in Government of NCT of Delhi vs. Anand Arya (2016) 4 SCC 105, this Court observed as under:

"28. We have considered the respected submissions of the learned counsel for the parties on either side. As is clear from the tenure and spirit behind the orders dated 13.09.2012 passed by the High Court, the chance was given to the appellants to have the MPD 2021 amended if it was permissible in law and the period of six months was given for this purpose. This was done by the High Court keeping in view the submission of the appellants herein that the bus depot in question was constructed to serve greater public purpose; the area in question was, as a matter of fact, was not falling on the riverbed; and there was no threat to environment or ecology in having the bus depot at the given site. Exercise to consider the aforesaid

aspect has not taken place, or for some reason or the other, whether it was because of dispute between L&DO and DDA on the issue of land ownership or otherwise. However, the development which have taken place in recent times, particularly the orders of the National Green Tribunal, point out to the fact that things have started moving and it would be known in near future as a result of study conducted by the Expert Committee, whether area in question where the bus depot stands, is viable for this purpose or not, directing DTC to demolish the bus depot at this juncture may not be appropriate and the decision in this regard can be deferred for some time to await the outcome of the report of the identification of flood plain."

(emphasis is ours)

5. A perusal of the aforesaid factual position reveals, that the issue whether the DTC Millennium Depot was located in the riverbed of river Yamuna, or in the flood plains thereof, is still pending consideration before the National Green Tribunal, and as and when the matter is adjudicated, it will be possible to determine, whether the existing Master Plan, can be amended/altered.

6. While closing the present controversy, we consider it just and appropriate to grant liberty to the concerned authorities, including the Delhi Development Authority, to examine the viability of altering the existing Master Plan, in case it is permissible to do so (i.e., according to the final directions, passed by the National Green Tribunal). In the meantime, the area on which the DTC Millennium Depot was located, will not be put to any use. It may be put to a permissible user, if the Master Plan is eventually amended. The liberty granted hereinabove, should not be considered as an expression of an opinion, one way or the other. Needless to mention, that the instant petition was entertained, on the

touchstone of environmental protection, which shall be kept in mind, if and when the proposal to amend the Master Plan is considered.

7. Disposed of in the aforesaid terms.

.....CJI
[JAGDISH SINGH KHEHAR]

NEW DELHI;
JANUARY 13, 2017.

.....J.
[D.Y. CHANDRACHUD]

ITEM NO.21

COURT NO.1

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 1689/2013

(Arising out of impugned final judgment and order dated 13/09/2012 in WP(C) No. 5481/2011 passed by the High Court Of Delhi At New Delhi)

ANAND ARYA & ANR.

Petitioner(s)

VERSUS

GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

(with interim relief and office report)

Date : 13/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Jayant Bhushan, Sr. Adv.
Mr. Manish K. Bishnoi, AOR

For Respondent(s) Mr. Santosh Kr. Tripathi, Adv.
(DTC)

For Transport Deptt. Mr. S. Wasim A. Qadri, Adv.
NCT of Delhi Mr. L.R. Singh, AOR

For PWD Mr. P.K. Dey, Adv.
Ms. Sunita Sharma, Adv.
Mr. S.S. Rawat, Adv.
for Mr. B.K. Prasad, AOR

For DDA Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.
for M/s Saharya & Co.

Mr. Munawwar Naseem, Adv.
Mr. Chitranshul Sinha, Adv.
for M/s. Dua Associates

Mr. Alok Gupta, AOR

UPON hearing the counsel the Court made the following

O R D E R

The special leave petition stands disposed of in

terms of the signed order.

(Renuka Sadana)
Assistant Registrar

(Parveen Kumar)
AR-cum-PS

[Signed order is placed on the file]

[Annexures A & B are enclosed with Record of Proceedings]