

ITEM NO.11

COURT NO.5

SECTION XVII

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

Civil Appeal No(s). 13120/2017

RAVINDER CHANANA &amp; ORS.

Appellant(s)

VERSUS

THE STATE OF DELHI DELHI  
SECRETARIAT CHIEF SECRETARY & ORS.

Respondent(s)

([ONLY IA NO. 189959/2024 IN CA 13120/2017 IS LISTED UNDER THIS  
ITEM])

(IA No. 189959/2024 - CLARIFICATION/DIRECTION)

Date : 18-09-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s) Mr. Shadan Farasat, Sr. Adv.  
Ms. Sanchita Ain, AOR  
Mr. Prannv Dhawan, Adv.

Mr. Sanjay Parikh, Sr. Adv.  
Mr. Devvrat, Appellant In Person, Adv.  
Ms. Harshita Sharma, Adv.  
Mr. Devesh Kumar Agnihotri, Adv.  
Ms. Charu Sangwan, AOR  
Mr. Nitin Jain, Adv.

For Respondent(s) Mrs. Aishwarya Bhati, A.S.G.  
Mrs. Swarupama Chaturvedi, Sr. Adv.  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Ayush Puri, Adv.  
Mrs. Sunita Sharma, Adv.  
Mrs. Nidhi Khanna, Adv.  
Mr. Shlok Chandra, Adv.

Ms. Aishwarya Bhati, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Ms. Sunita Sharma, Adv.  
Mr. Ayush Puri, Adv.  
Ms. Nidhi Khanna, Adv.  
Mr. Shlok Chandra, Adv.  
Ms. Ruchi Kohli, Adv.

Mr. Pradeep Misra, AOR

Mr. Daleep Dhyani, Adv.  
Mr. Suraj Singh, Adv.

Mr. Avijit Roy, AOR

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Nilava Bandyopadhyay, Adv.  
Ms. Vijaya Singh, Adv.  
Ms. Ankita Sinha, Adv.  
Mr. Sahil Kumar Purvey, Adv.  
Mr. Prem Prakash, AOR

Ms. Garima Prashad, Adv.  
Mr. Sudeep Kumar, AOR  
Ms. Manisha, Adv.

Mr. S Wasim A Qadri, Sr. Adv.  
Dr. Menaka Guruswamy, Sr. Adv.  
Mr. Utkarsh Pratap, Adv.  
Ms. Arunima Das, Adv.  
Mr. Devadita Das, Adv.  
Mr. Ravi Kumar, Adv.  
Mr. Achintya Kumar Niyogi, Adv.  
Mr. Praveen Swarup, AOR

Mr. Yoginder Handoo, AOR  
Mr. Sanjay Kumar Visen, AOR

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

I.A. No. 189959/2024

Heard Mr. Sanjay Parikh and Mr. Shadan Farasat, the learned senior counsel appearing for the petitioners/applicants. Also heard Dr. Menaka Guruswamy, learned senior counsel appearing for the Municipal Corporation of Delhi (Respondent No.2) and Mr. Ranjit Kumar, learned senior counsel appearing for the Project Proponent (Respondent No.9). The Central Pollution Control Board is represented by Mr. Avijit Roy, learned counsel.

2. This pertains to the interim application in respect of the project of respondent no.9. When similar such interim application was filed earlier, on the expansion undertaken by the Waste to

Energy Plant by the respondent no.9, this Court on 05.04.2023 had passed the following order:-

1. The Interlocutory Application for impleadment (IA No 40462/2023 is allowed.
2. The Interlocutory Applications are to seek a stay on the expansion of the capacity of the Waste to Energy Plant at Okhla from 23 MW to 40 MW.
3. Mr Ranjit Kumar, senior counsel appearing on behalf of the Ninth Respondent states that in pursuance of the permission which has been received, the process of expansion and operationalising the plant to the enhanced capacity would take about 18 months.
4. In view of the above statement of Mr Ranjit Kumar, it is not necessary to entertain the Interlocutory Applications at the present stage.
5. However we have acceded to the request of all the counsel that the Civil Appeal be listed for final disposal at an early date.
6. List the Civil Appeal along with IA No 49339 of 2023 on 19 July 2023.
7. Any steps which are taken by the concessioner towards implementing the 4 permission for enhancement of the capacity from 23 MW to 40 MW shall be subject to the final result of the appeal and shall not create any equities.
8. To facilitate the final disposal of the proceedings, counsel appearing on behalf of the contesting parties shall prepare a common compilation of documentary and other material that is sought to be relied upon.
9. Mr Devvrat, counsel for the appellant and Mr Nilava Bandyopadhyay, counsel assisting Mr Ranjit Kumar shall act as nodal counsel to ensure that soft copies of the compilations are prepared and circulated to the Bench and to the counsel appearing on behalf of the contesting parties. The soft copies of the compilations shall also be emailed to cmvc.dyc@gmail.com.
10. Parties shall also file brief sets of written submissions by 30 June 2023.
11. IA Nos 10266, 40464, and 40945 are accordingly disposed of."

3. As can be seen from above, the expansion was permitted to be made subject to the outcome of the pending Civil Appeal.

4. The National Green Tribunal in its impugned detailed order on 02.02.2017, had indicated how the project is being developed and the measures that are being taken by the Project Proponent to avoid

pollution, based upon improved technology and new mechanism for segregation of waste. Multiple inspections carried out by the National Green Tribunal indicated that the emission from the plant is below the prescribed value and there is no adverse impact on health and the environment.

5. Be that as it may, Mr. Parikh and Mr. Farasat, learned senior counsel would submit that if the expanded capacity is to commence operation, there might be a change of situation. This contention is stoutly resisted not only by the learned counsel for the Project Proponent but also by the counsel for the Municipal Corporation of Delhi.

6. The Central Pollution Control Board should accordingly carry out an inspection and furnish a report. Needful be done in six weeks.

(GEETA JOSHI)  
SENIOR PERSONAL ASSISTANT

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR