

Appendix-LIII
Resolution No. 16 (16-44)

Item No. 01

(Court No.1)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(By Video Conferencing)

Appeal No. 17/2021
(I.A. No. 156/2021)

University of Delhi

Versus

Appellant

Ministry of Environment Forest and
Climate Change & Ors.

Respondent(s)

Date of bearing: 27.08.2021

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Appellant: Mr. Sanjay Upadhyay, Advocate

Respondent: Shri Tushar Mehta, Solicitor General of India for Delhi Metro

Mr. Atmaram N.S. Nadkarni, Senior Advocate with Mr. Mahesh
Agarwal, Advocate for M/s Young Builders Pvt. Ltd. (R-11)

ORDER

1. This appeal has been preferred against grant of EC by the Ministry of Environment, Forest and Climate Change (MoEF&CC), Respondent No. 1 for construction of Group Housing with built up area of 137879.64 Sqm at 1, 3 Cavalry Lane & 4 Chhatra Marg Near Vishwavidyalaya Metro Station, New Delhi by M/s. Young Builders Pvt. Ltd. Respondent No. 11 (PP). The project involves construction of 38+ floors and 446 flats in the vicinity of Delhi University. According to the appellants, the project will seriously jeopardise the environment – the air quality, traffic management, water availability, waste disposal. There is no serious study of the carrying capacity of the recipient environment to sustain such a mega project in city already facing challenges for clean air and

waste management. Due procedure for EIA has not been followed. After detailed consideration, this Tribunal had earlier found the project to be prima facie unviable from environment point of view.

2. On oral statement of learned Counsel for the appellant, names of Respondent Nos. 2 to 10 be deleted from the array of parties as the said parties are neither necessary nor proper, reserving liberty to the appellant to implead any of them later, if necessary.

3. We have heard learned Counsel for the appellant and perused the record. Since this Tribunal has to conduct merit review of the decision granting EC, it is necessary to put the affected parties to notice and call for the record.

4. Issue Notice to Respondents – MoEF&CC and the PP. Shri Atmaram N.S. Nadkarni, Senior Advocate alongwith Mr. Mahesh Agarwal has entered appearance for Respondent No. 11. He seeks time and granted time to file response, if any, within one month. Notice may be served on MoEF&CC by e-mail by the registry as well as by the appellant. The appellant may file affidavit of service within one week. Response, if any, by MoEF&CC may be filed within one month. A photo copy of the record may be either filed with the registry or kept ready at the time of hearing.

Having regard to consequences of project coming up pending decision by this Tribunal, Shri Nadkarni, Senior Advocate states that no further steps for construction/development of the project will be taken except seeking clearances from the authorities, if any. IA No. 156/2021 for interim relief stands disposed of.

List for final hearing on 10.11.2021.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

August 27, 2021
Appeal No. 17/2021
(I.A. No. 156/2021)
DV