

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS APPLICATION NO. 1449 OF 2020

IN
CIVIL APPEAL NO. 10930 OF 2018

CITIZENS FOR GREEN DOON & ORS. **Appellant(s)**

VERSUS

UNION OF INDIA & ORS. **Respondent(s)**

O R D E R

Heard Mr. Tushar Mehta, learned Solicitor General of India, and Mr. Sanjay Parikh, learned senior counsel appearing for the appellant.

Pursuant to our order dated 08.08.2019, the High Powered Committee (hereinafter referred to as 'HPC' for brevity) constituted by this Court has delivered a report in July 2020. We thank the HPC for their efforts and take on record this report.

The only narrow dispute today insofar as this report is concerned, is contained in the "Conclusions and Recommendations" (II.5) and, in particular, the choice of road width. Whereas, a majority of 13 members of the HPC was in favour of applying the MORTH circular of 2012, which laid down a certain standard, the minority-five members,

including the Chairman were of the opinion that the latest MORTH circular dated 23.03.2018 should govern.

We have perused the conclusions and recommendations of the report, in particular, from pages 90-93 in Part I. We are of the view that it is correct that the 2018 MORTH circular should apply for the reasons given at page 93 of the report. Consequently, the 2018 circular alone will apply. The other directions that were issued by us on 08.08.2019 must be strictly complied with, including the holding of quarterly meetings to ensure timely and proper compliance of the recommendations.

Shri Tushar Mehta, learned Solicitor General, persisted with his arguments that the 2018 circular is only prospective in nature. We are well aware of the distinction between something which is retrospective in the sense that it applies for the first time to projects which are already completed as opposed to ongoing projects, where it is necessary to take stock of the current situation and then move forward. Having taken stock of the current situation and of the fragility generally of the eco system in mountain terrain, we are of the view that this argument has no legs to stand on.

Mr. Sanjay Parikh, learned senior counsel, has also argued that a great deal of devastation has occurred in certain areas and that plantation should be taken up in right earnest. We record this statement and we have no

M.A. No. 1449/2020 in C.A. No. 10930/ 2018

doubt that this will be carried out.

The miscellaneous application stands disposed of.

....., J.
[ROHINTON FALI NARIMAN]

....., J.
[NAVIN SINHA]

....., J.
[INDIRA BANERJEE]

New Delhi;
September 08, 2020.

ITEM NO.2 Court 3 (Video Conferencing)

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

Miscellaneous Application No. 1449/2020 in C.A. No. 10930/2018
(Arising out of impugned final judgment and order dated 08-08-2019
in C.A. No. 10930/2018 passed by the Supreme Court of India)

CITIZENS FOR GREEN DOON & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

(OFFICE REPORT FOR DIRECTION)

TO BE LISTED[LIST ON 08.09.2020 AS FIRST MATTER]

Date : 08-09-2020 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MS. JUSTICE INDIRA BANERJEE

By Courts Motion

For Petitioner(s) Mr. Sanjay Parikh, Sr. Adv.
Mr. Pukhrambam Ramesh Kumar, AOR

For Respondent(s) Mr. Tushar Mehta, SG.
Ms. Aishwarya Bhati, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Swati Ghildiyal, Adv.
Mr. Rajesh Ranjan, Adv.
Mr. Anmol Chandan, Adv.

Ms. Vanshaja Shukla, AOR
Ms. Anuja Pethia, Adv.

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

The miscellaneous application stands disposed of in
terms of the signed order.

(NIDHI AHUJA)
AR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

[Signed order is placed on the file.]