

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 10463-10464/2016

MUMBAI METROPOLITAN REGION DEVELOPMENT AUTHORITY Appellant(s)

VERSUS

JALBIRADARI & ORS. Respondent(s)
(FOR CONDONATION OF DELAY IN FILING AND EX-PARTE STAY)

WITH

C.A. No. 6064-6065/2017 (XVII)

(FOR CONDONATION OF DELAY IN FILING APPEAL)

Date : 16-08-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Parties

Mr. Colin Gonsalves, Sr. Adv.
Mr. Choudhary Ali Zia Kabir, Adv.
Mr. Zaman Ali, Adv.
Mr. Satya Mitra, AOR
Mr. Shreeji Bhavsar, Adv.Mr. R.P. Bhatt, Sr. Adv.
Mr. S. Sukumaran, Adv.
Mr. Anand Sukumar, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Ms. Meera Mathur, AORMr. K.V. Viswanathan, Sr. Adv.
Mr. Prateek Kumar, Adv.
Ms. Anushka Sharda, Adv.
Mr. Suksham Chauhan, Adv.
Mr. Sanjeev K. Kapoor, Adv.
Ms. Jaishree Viswanathan, Adv.
For M/s. Khaitan & Co.Mr. S. Wasim A. Qadri, Adv.
Mr. R. Bala, Adv.
Mr. Zaid Ali, Adv.
Ms. Aarti Sharma, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Mukesh Kumar Maroria, AOR

Mr. Sunil Gupta, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Kunal A. Cheema, Adv.
Mr. Yogesh K. Ahirrao, Adv.
Mr. Nishant Katneshwarkar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

These appeals arise out of the floods in Mumbai on 26th July, 2005. We have been informed that as a result of the floods more than 1000 people had died and perhaps several thousands had fallen ill with various diseases due to the polluted water in Mumbai.

Notwithstanding this tragedy of enormous proportions, no effective steps appear to have been taken by anybody in the State of Maharashtra including some of the statutory authorities to remedy the situation in spite of the fact that a little more than 12 years have gone by.

Under the circumstances, we are constrained to re-examine the issue and after hearing learned counsel for the parties, we are of the view that it will be appropriate if a joint team is set up by the Director of IIT, Powai as well as the Director of National Environmental Engineering Research Institute (NEERI), Nagpur to look into the matter with regard to pollution in Mithi river, the steps taken by the State of Maharashtra and the authorities under the State Government to eliminate the pollution and ensure that such an unfortunate tragedy does not recur. The joint team will

give us a factual report on what has transpired so far, what is the extent of the damage caused to Mithi river, what steps can be taken to remedy the damage and the short term and long term future course of action.

We request the concerned Directors to nominate experts to the team who are in a position to co-ordinate with each other and give us a report within three months.

For the expenses that will be incurred by the committee which will be a joint committee and not separate committees of IIT, Powai and NEERI, we require the State of Maharashtra or the State Environment Impact Assessment Authority (SEIAA) to initially deposit an amount of Rs. 50 Lakhs in the Registry of this Court.

The amount be deposited within two weeks.

Mr. Satish Gavai, Additional Chief Secretary in the Department of Environment of the Government of Maharashtra and the Secretary of the SEIAA will be the Convenor of the Committee.

List the matters for follow up on 10.10.2017.

(MEENAKSHI KOHLI)
COURT MASTER

(MADHU NARULA)
COURT MASTER