

"Order dated 3rd May, 2012, passed by the Bench comprising of Hon'ble Mr. Justice G.S. Singhvi and Hon'ble Mr. Justice Sudhansu Jyoti Mukhopadhaya in the case of Union of India vs. Vimal Bhai & Ors. [S.L.P. (C) No.12065/2009 and connected matters] in relation to the appointment on the post of Chairperson of the National Green Tribunal.

Statement made by Solicitor General before the Court on 3rd May, 2012:

'A request has been sent to Hon'ble the Chief Justice of India for making fresh recommendation for appointment on the post of Chairperson of the National Green Tribunal.'

Direction of the Hon'ble Court in this regard on 3rd May, 2012:

'The process for appointment of the Chairperson of the Tribunal must be completed in all respects by 15.09.2012 and appointment be made on or before that date.'"

ITEM NO.6

COURT NO.5

SECTION XIV

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

Petition(s) for Special Leave to Appeal (Civil) No(s).12065/2009

(From the judgement and order dated 11/02/2009 in CM No.15895/2005 in WP No.17682/2005 of The HIGH COURT OF DELHI AT N. DELHI)

UNION OF INDIA

Petitioner(s)

VERSUS

VIMAL BHAI & ORS.

Respondent(s)

(With appln(s) for modification of Court's Order and office report)
WITH

T.C.(C) NO. 132 of 2011

T.C.(C) NO. 133 of 2011

T.C.(C) NO. 35 of 2012

SLP(C) NO. 36343 of 2011

(With prayer for interim relief and office report)

Date: 03/05/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. R.F. Nariman, SG

Mr. Harish Chander, Sr. Adv.

Mr. Farrukh Rasheed, Adv.

Ms. Sadhana Sandhu, Adv.

Ms. Sunita Rani Singh, Adv.

Mr. Shreekant N. Terdal, Adv.(Not present)

Mr. B. Krishna Prasad, Adv.(Not present)

Mr. Kush Chaturvedi, Adv.

Mr. Vikas Mehta, Adv.(Not present)

For Respondent(s)

Mr. Sanjay Parikh, Adv.

Mr. Ritweek Datta, Adv.

Ms. Anitha Shenoy, Adv.

Ms. Asha Gopalan Nair ,Adv(Not present)

Mr. Pravin H Parekh, Sr. Adv.

Ms. S. Chatterjee, Adv.

Ms. Pallavi Sharma, Adv.

Mr. B.Balaji ,Adv(Not present)

Mr. B. Krishna Prasad, Adv. (Not present)

Mr. Kush Chaturvedi, Adv.
Mr. Vikas Mehta, Adv. (Not present)

Mr. Raj Panjwani, Sr. Adv.

Mr. Vikas Upadhyay, Adv.
Mr. B.S. Banthia, Adv. (Not present)

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

On the basis of information made available to him by the Secretary (Environment), Government of India, who is present in the Court, the learned Solicitor General made the following statements:

1. As on date, three Expert Members and four Judicial Members of the National Green Tribunal are holding the posts and six Expert Members and four Judicial Members will be appointed by 31.10.2012.
2. A request has been sent to Hon'ble the Chief Justice of India for making fresh recommendation for appointment on the post of Chairperson of the National Green Tribunal.
3. A request has been sent to the Delhi High Court for deputing an officer of the Superior Judicial Service for appointment as a Registrar of the National Green Tribunal on deputation.
4. Approximately 19000 sq.ft. area in the Faridkot House will be made available to the National Green Tribunal once the same is vacated by the National Human Rights Commission.
5. The members of the National Green Tribunal may be

provided house rent allowance at par with the other similar Tribunals or regulatory bodies.

6. The Court may issue directions for initiation of the process for recruitment of staff against the available 95 posts in the National Green Tribunal.

Shri Sanjay Parikh, learned counsel appearing for respondent No.1 in SLP(C) No.12065 of 2009 submitted that the members of the National Green Tribunal may be given suitable accommodation and the concerned Ministry be directed to issue necessary allotment letters and if the suitable accommodation is not available, then the members may be given the house rent allowance at par with the members of the Petroleum and Natural Gas Appellate Tribunal.

Shri P.H. Parekh, learned senior counsel appeared on behalf of the Press Council of India and placed before us a letter dated 25.11.2011 issued by the Deputy Director of Estates, Government of India, Directorate of Estates, perusal of which shows that there is a proposal to allot 11,500 sq.ft. (ground floor) at Faridkot House to the Press Council of India.

We have considered the submissions of the learned Solicitor General as also the submissions of Shri Sanjay Parikh and Shri P.H.Parekh and gone through the record of this case and the orders passed in earlier proceedings.

With a view to ensure that the National Green Tribunal, which is an important statutory Tribunal, the functions of which are going to impact the country from

North to South and East to West, we issue the following directions:

1. The process for appointment of the Chairperson of the Tribunal must be completed in all respects by 15.09.2012 and appointment be made on or before that date.
2. Six Expert Members and four Judicial Members shall also be appointed on or before 15.09.2012.
3. Within seven days from receipt of a copy of this order, the Registrar General of the Delhi High Court shall put up the request sent by the National Green Tribunal for deputing an officer of the Superior Judicial Service to function as Registrar of the Tribunal before the Chief Justice. The High Court is requested to spare the services of a suitable officer, keeping in view the provisions of the National Green Tribunal Rules, for working as Registrar on deputation for a minimum period of one year. It is expected that necessary action in this regard will be taken within 15 days of the receipt of copy of this order.
4. The Acting Chairperson of the National Green Tribunal shall issue directions for initiation of the process for recruitment of staff for filling up the 95 vacant posts. However, the appointment orders be issued only after the Chairperson takes over.
5. The Ministry of Urban Development and Housing, Government of India, shall, within a period of eight weeks from today, furnish a complete list of the

houses/flats and other accommodations being kept by political parties, public representatives, Government officers and others after expiry of the tenure of lease or retirement from service, as the case may be.

6. After the Faridkot House is vacated by the National Human Rights Commission, the same shall be allotted and possession thereof be handed over to the National Green Tribunal. The Ministry of Urban Development and Housing shall issue an order to this effect within a period of 15 days from the date of receipt of a copy of this order. The Secretary, Ministry of Environment shall forward a copy of this order to the Ministry of Urban Development and Housing for the purpose of taking necessary action.
7. If any portion of Faridkot House is proposed to be or has been allotted to any other organization, the Ministry of Urban Development and Housing shall withdraw the communication and allot alternative space to the concerned organization, as soon as possible.
8. If suitable accommodation is available for allotment to the members of the National Green Tribunal, then the Ministry of Urban Development and Housing, Government of India shall issue necessary order for allotment of said accommodation .

It is expected that various Ministries of the Government of India will coordinate with each other and ensure that the directions contained in this order are implemented without delay.

For consideration of the issue of residential accommodation for the members of the National Green Tribunal, the case be listed on 11.07.2012.

The Registry is directed to send copies of this order to the Secretaries, Ministry of Urban Development and Housing and Ministry of Environment, Government of India as also the Registrar General of the Delhi High Court by Fax.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master