

ITEM NO.18

Court 4 (Video Conferencing)

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 (C) No.12539/2021

(Arising out of impugned final judgment and order dated 30-07-2021 in CM No.21130/2021 passed by the High Court of Delhi at New Delhi)

RAO CGHS LTD. (NEW MILLENNIUM CGHS) & ORS.

Petitioner(s)

VERSUS

NATIONAL HIGHWAYS AUTHORITY OF INDIA & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.98910/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.98913/2021-EXEMPTION FROM FILING O.T. and IA No.98912/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) **Mr. Prashant Bhushan, Adv.**
 Mr. Anand Varma, AOR
 Ms. Astha Ahuja, Adv.

For Respondent(s)

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

- 1 Mr Prashant Bhushan, learned counsel appearing on behalf of the petitioner submits that the High Court while declining to grant interim relief against further construction of the national highway through Dwarka has failed to

take cognizance of the following position:

- (i) On 23 June 2017 (Annexure P-3), the Union Ministry of Road Transport and Highways issued a notification of a new national highway;
- (ii) As a consequence, the EIA Notification dated 4 September 2006 stands attracted having regard to entry 7 (f) of the Schedule which, *inter alia*, applies to new national highways;
- (iii) The feasibility report (Annexure P-4 at page 112-113) also clearly indicates that the project in question is a green field project; and
- (iv) In the earlier order of the High Court dated 18 December 2020, there was a specific direction that no removal of trees shall take place without the approval of the competent authority under the Delhi Preservation of Trees Act 1994 and, though the permission has admittedly lapsed, the High Court has declined to grant interim relief.

- 2 Issue notice, returnable on 27 August 2021.
- 3 The application for interim relief will be considered after notice is served on the respondents.
- 4 Dasti, in addition, is permitted.
- 5 List the Special Leave Petition on 27 August 2021.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
COURT MASTER