

SUPREME COURT OF INDIA

M.C. Mehta

Vs.

Union of India (Uoi)

(M.B. Shah and Arun Kumar JJ.)

07.05.2003

ORDER

1. Heard the learned counsel for the parties on behalf of the State of U.P.; it is undertaken before this Court that area admeasuring 89.87 hectares in Shamshabad and Fatehabad would be kept as a "green zone" as previously notified and would not be converted into non-pollution light industrial zone.
2. It is also stated that the norms prescribed by Agra Development Authority for permitting temporary construction would be strictly adhered to.
3. The learned counsel, Mr. Agarwal further states that the competent authority would take immediate steps for removal of any unauthorised construction at any place within that area.
4. It is also agreed that no person occupying land less than 5 acres would be permitted to use the same for any other purpose except for green park having no construction thereon. It is also stated that persons using the land in that particular area would strictly maintain the national ambient air quality standards as prescribed by the notification dated 11-4-1994, as modified from time to time, for sensitive areas.
5. Further, in the affidavit dated 6-5-2003 filed by Dr Saroj, Additional Director, Ministry of Environment and Forests, New Delhi, it has been stated as under:
 - "(a) That the construction activity should not exceed 10% out of the total area of 89.87 hectares, the design of the structure should be compatible with the landscaping of the 'green belt' and the remaining be maintained as 'green belt'.
 - (b) The State Government and the Mission Management Board shall ensure that there is no traffic congestion in the area and the ambient air quality conforms to the standard prescribed for the sensitive zone. The complex shall neither have DG sets nor any provision for boilers etc. using coal coke or diesel. The complex shall have provision for eco-friendly utility back-up like gas-based electricity generator.
 - (c) The complex shall have provision for water/waste water-recycling facility. The existing natural drainage shall not be disturbed. The solid waste management systems shall be provided at the site.

(d) The water recharge areas shall be identified and protected.

(c) The suggestion of the U.P. State Pollution Control Board may be considered and a part of the earning/entrance fee, out of the total proceeds received from Kalakriti Complex, shall be utilized for the upkeep of the surrounding infrastructure around Taj Mahal like plantation, roads etc.

(f) The project proponent shall obtain necessary consent from the U.P. State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974, and they shall also abide by any conditions/stipulations as may be imposed by the appropriate authority under the Environment (Protection) Act, 1986, or any other relevant legislations applicable in the circumstance of the case."

6. We direct and order accordingly.

7. The aforesaid conditions would be applicable to all other persons who apply for such permission in future.

8. Undertaking dated 9-4-2003 filed by Oswal Traders and Travels Pvt. Ltd., Agra taken on record and it is directed that the applicant shall abide by the said undertakings.

9. Prayer A of IA No. 345 is ordered accordingly.