

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 9295 OF 2014
(Arising out of SLP(C) No. 35237 of 2012)

Lake Palace Hotels & Motels Pvt. Ltd. Appellant

Versus

T.Srinivasan and Others Respondents

J U D G M E N T

ANIL R. DAVE, J.

Leave granted.

2. Heard the learned counsel at length.

3. During the pendency of the appeal we had directed the National River Conservation Directorate, Ministry of Environment and Forests, New Delhi, to examine the matter and to find out whether the construction which is proposed to be put up by the appellant is violative of any of the provisions of National

Lakes Conservation Plan. Similarly, the Commissioner, Municipal Corporation, Udaipur, was also asked whether the construction was to be put up in accordance with the rules and regulations framed by the Council.

4. At the time of hearing of the appeal, it has been submitted by the learned counsel appearing for the aforesaid authorities that the proposed construction is to be in accordance with the rules and regulations framed by the Council as well as the Lake Conservation plan.

5. Mr. Brijesh Sikka, an Advisor (Scientist G) to National River Conservation Directorate, Ministry of Environment and Forests and Climate Change, New Delhi, has filed an affidavit giving details with regard to the location of the property in question as well as other factors which would be relevant while giving necessary permission for further construction/alteration in the premises in question. It has been submitted by him that the said property is beyond Full Tank Level of Pichola Lake in Udaipur and as total built up area is less than twenty thousand square meters, no environmental clearance is required under EIA Notification, 2006. Moreover, it has also been submitted that Udaipur is not covered under Wetlands Rules, 2010. It has also been submitted that sufficient arrangements have been made with regard to disposal of sewage by establishment of a combined sewage treatment plant and

therefore, no affluent generated from the premises in question is to adversely affect the environment.

6. Moreover, we have been informed by the State Authorities that the construction to be put up is in sub-zone (B) of Zone (1) of the Controlled Construction Area Building Regulation 2000, and therefore, the proposed construction/alteration is eligible for approval.

7. From the facts stated on behalf of the aforesaid officers and in the affidavit filed on their behalf it is clear that the proposed construction/alteration is not in violation of any statutory provision. It appears that the High Court was not properly informed about certain facts and as it was believed that the property in question was in 'no construction zone' and therefore, by virtue of the impugned judgment, the permission granted in respect of the property in question for its alteration/construction had been set aside.

8. In the light of the aforestated facts placed before this Court, we are of the view that the appellant should be permitted to put up construction/make alterations, as approved by the Council, especially in view of the undertaking which has been filed by the appellant.

9. In pursuance of our direction, the Commissioner, Municipal Corporation Udaipur as well as Shri Brijesh Sikka, an Advisor (Scientist G) of National

River Conservation Directorate, Ministry of Environment and Forests and Climate Change, New Delhi, are personally present in this Court.

10. The appellant is permitted to make necessary constructions/alterations, as approved by the Authorities.

11. The appeal is disposed of and is allowed to the above extent, with no order as to costs.

.....J
(ANIL R. DAVE)

.....J
(VIKRAMAJIT SEN)

.....J
(PINA KI CHANDRA GHOSE)

NEW DELHI,
OCTOBER 08, 2014.

ITEM NO.1A

COURT NO.3

SECTION XV

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). 9295/2014

[@ Special Leave Petition (C) 35237 of 2012]

LAKE PALACE HOTELS & MOTELS PVT.LTD.

Appellant(s)

VERSUS

T. SRINIVASAN & ORS.

Respondent(s)

Date : 08/10/2014 This appeal was called on for Judgment today.

For Appellant(s) Mr. Puneet Jain, Adv.

Ms. Pratibha Jain, Adv.

For Respondent(s) Mr. S. S. Shamsbery, AAG, Rajasthan

Mr. Amit Sharma, Adv.

Mr. Pallav Shisodiya, Sr. Adv.

Ms. Amna Gupta, Adv.

Ms. Swati Singh, Adv.

Hon'ble Mr. Justice Anil R. Dave pronounced the non-reportable Judgment of the Bench comprising His Lordship, Hon'ble Mr. Justice Vikramajit Sen and Hon'ble Mr. Justice Pinaki Chandra Ghose, J.

Leave granted.

The Civil Appeal is disposed of and is allowed to the extent indicated in the Judgment.

(Jayant Kumar Arora)

(H. S. Parasher)

Sr. P.A.

Court Master

(Signed non-reportable Judgment is placed on the file)