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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Reserved on : 26.04.2016

Judgment Pronounced on : 17.05.2016

+ W.P.(C) 11120/2015 and CM No. 28801/2015 (stay)

SANJEEV K. GULATI

..... Petitioner

Through

Ms.Rachitta Priyanka, Adv.

versus

UNION OF INDIA & ORS

..... Respondent

Through

Mr.Amit Mahajan, CGSC with

Ms.Nitya Sharma, UOI.

Mr.Peeyoosh Kalra, ASC(Civil) GNCTD

Mr.R.V.Sinha, Adv. with Mr.R.N.Singh, Adv. for

R-8/DMRC

Mr.Pawan Mathur, Adv. for DDA/R-9

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J.

1. The present Public Interest Litigation is filed seeking a direction to the respondents to constitute an appropriate committee for studying the feasibility of the suggested interchange station on the intersection of Line 8 and the Airport Line near Shankar Vihar and to direct construction of the said interchange station.
2. It is stated that the respondent No. 8-Delhi Metro Rail Corporation Ltd. was registered in 1995 as a joint venture between the Ministry of Urban

Development and Government of NCT of Delhi. The construction of Delhi Metro has been carried out in various phases.

3. Under the second phase of expansion, the Airport Line also known as “Orange Line” was constructed using a Public Private Partnership model through a Special Purpose Vehicle known as the Delhi Airport Metro Express Pvt. Limited. Reliance Infrastructure Limited was one of the major shareholders of the joint venture and was to operate this line for a period of 30 years under a revenue sharing model. The Airport Line was intended to provide a convenient entry to Indira Gandhi International Airport especially for the passengers from New Delhi Railway Station.

4. It is contended that respondent No. 8 took over the operation of the Line in 2013. Since then, it has been struggling to improve ridership of the Line. Hence, it is urged that there is an imminent need to increase the ridership on the Airport Line and to utilize it to its maximum capacity. Reliance is placed on a report titled as “Evaluation of Public Transports System: Case Study of Delhi Metro” prepared by students of IIT, Delhi which states that Delhi Metro has limited coverage and consumers spend significant time to access and egress the station. Hence, the biggest challenge for Delhi Metro is to reduce travel time and this can be done by ensuring last mile connectivity and providing smooth interchangeability between different lines.

5. In the light of the above, it is urged that there is a need for providing an interchange station on the intersection of line 8 and the Airport Line. Line 8 is a part of Phase III construction of the Metro which started in August 2011. This line 8 will start from Botanical Garden, Noida and end up at Janak Puri, West cutting the Airport Line at Shankar Vihar Area. It is urged

that despite the same, no interchange station has been planned between these two lines. In contrast, intersections are proposed in all other areas where the Line 8 intersects with other metro lines i.e. Kalkaji Mandir, Hauz Khas, Botanical Garden and Janak Puri, West.

6. The petitioner has made several representations but to no effect. Hence, the present writ petition.

7. Respondent No.8 have filed a counter affidavit. They have in the counter affidavit stated that the interchange station at Shankar Vihar as sought, is not technically feasible as the same was not contemplated while constructing the Airport Express Line. It is further urged that the Airport Express Line is a high speed express line meant for the specific purpose for carrying passengers to the Airport. Stations on this line have been selected based on need arrived at by doing traffic studies and stations are generally spaced at 4 to 5 KMs. It is further urged that even if a station is sought to be built at the interchange, the Airport Express Line would have to be stopped which will have an adverse effect on the running of the line. Hence, on these grounds it is urged that the interchange station is not possible.

8. We have heard the learned counsel for the parties and gone through the record.

9. Delhi Metro had written a communication which is placed on record by the petitioner dated 28.05.2015 to the concerned member of Parliament where the reason for not having a change over station has been stated as follows:-

“The proposal made by Shri Sanjeev K. Gulati for construction of a change over station at junction of under construction Line-8 and Airport Express Line near Shankar Vihar has been

examined. Provision of such station is not technically feasible as it was not contemplated while constructing Airport line.”

10. This court has in the case of W.P. (C) 7982/2015 titled as ***Ved Pal vs. Govt. of NCT of Delhi & Anr.*** which was a writ petition pertaining to re-naming of a Metro Station held as follows:

“10. In our opinion, there is no public interest involved in the present writ petition. Admittedly, naming or re-naming of a station is an administrative act. It is not for this court to substitute the decision of the administrative authority with its decision; merely because it appears to be a better decision.”

11. Hence, the issues pertaining to the route which Metro Line may follow, the area which it may cover and the selection of stations are factors in which court would normally not interfere. Technical, commercial and various other reasons would have to be taken into account while finalizing these facets by the respondent. It would not be for this court to substitute its judgment over the judgment of the respondent unless the same is shown to be grossly arbitrary.

12. Even otherwise, the respondent No.8 has stated that as the metro station was not contemplated when the Airport Line was constructed at the interchange, it is not technically feasible at this stage. Normally, the court would respect the opinion of experts. The Supreme Court in the case of ***Union of India and Anr. vs. Talwinder Singh, (2012) 5 SCC 480*** held as follows:-

“10. In *Victoria Memorial Hall v. Howrah Ganatantrik Nagrik Samity* this Court while placing reliance upon a large number of earlier judgments including the Constitution Bench judgment in *University of Mysore v. C.D. Govinda Rao* held that ordinarily, the court should not interfere with the order based on opinion of

experts on the subject. It would be safe for the courts to leave the decision to experts who are more familiar with the problems they face than the courts generally can be.”

13. It is true that some section of the population may have been benefitted in case an interchange station was constructed as sought for by the petitioner. However, it is a decision taken by the respondent keeping in view the technical parameters. The material placed on record do not show any gross arbitrariness or irrationality in the decision taken. Accordingly, we see no ground to pass any directions in the present public interest litigation.

14. The writ petition is dismissed

(JAYANT NATH)
JUDGE

CHIEF JUSTICE

MAY 17, 2016

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