

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 284 of 2015

In

Original Application No. 21/2014

And

Original Application No. 21/2014

**(M.A. NO. 414/2015, M.A. NO. 778/2015, M.A. NO. 1086/2015, M.A. NO. 1313/2015,
M.A. NO. 156/2016, M.A. NO. 172/2016, M.A. NO. 211/2016, M.A. NO. 253/2016, M.A.
NO. 268/2016, M.A. NO. 358/2016, M.A. NO. 360/2016, M.A. NO. 406/2016, M.A. NO.
475/2016, M.A. NO. 476/2016, M.A. NO. 521/2016, M.A. NO. 523/2016, M.A. NO.
545/2016, M.A. NO. 564/2016, M.A. NO. 567/2016, M.A. NO. 578/2016, M.A. NO.
690/2016 & M.A. NO. 708/2016)**

And

Original Application No. 95/2014

And

Original Application No. 303/2015

IN THE MATTER OF :

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha Vs. Union of India & Ors.

And

Supreme Court Women Lawyers Association Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present: Applicant: Mr. Raj Panjwani, Sr. Adv., Salik Shafique and Ms. Divya Sharma, , Adv.
Dr. Sanjay Kulshrestha, Applicant in person
Respondent No. 1: Ms. Panchjanya Batra Singh, Adv. For MoEF & CC
Mr. Rajiv Bansal, Mr. Kush Sharma and Mr. Keshav Datta, Adv.
Mr. D. Rajeshwar Rao, Mr. Charajeet Singh, Adv. for PWD, Delhi Police and Transport Deptt.
Mr. Naginder Benipal, Adv. for Mr. Anil Soni, AAG
Mr. Joydeep Mazumdar, Mr. Rohit Dutta and Mr. Parijat Sinha, Adv.
Mr. Rajul Shrivastava, Adv. MPPCB
Ms. Sakshi Popli, Adv. NDMC
Mr. Soumayajit Pani, Adv. for State of Odisha
Mr, Guntur Prabhakar, Mr. Prashant Mathur and Mr. Guntur Pramod Kumar, Adv.
Mr. Raman Yadav, Adv.
Mr. Atul Jha Adv. for State of Chattisgarh
Mr. Devraj Ashok, Adv. for State of Karnataka
Mr. Ardhendumauli Kumar Prasad and Mr. Panshul Chandrachud, Adv.
Mr. Balendu Shekhar and Mr. Akshay Abrol, Mr. Eishan Bahuguna, Adv. for EDMC
Mr. Pinky Anand, ASG, Mr. Rajesh Ranjan, Ms. Somya Rathore and Mr. Balendu Shekhar, Adv. for Ministry of RTH and Ministry of Heavy Industries, MoEF
Mr. Sarthak Chaturvedi and Mr. Rohit Pandey, Mr. Devendernath Tirpathi, Adv. for Andaman & Nicobar Administration
MR. Edward Balho, Ms. Elix Gangmel and Mr. K. Luikang Michael, Adv.
Mr. Rudreshwar Singh and Mr. Gautam Singh, Adv.
Ms. Puja Kalra, Adv. for NDMC, SDMC**

GNCTD

Mr. Pragyan Sharma and Mr. Ravi Kantt, Advs. for State of Mizoram
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Sapam Biswajit Meitei and Mr. S. Vijayanand, Advs. for State of Manipur
Ms. Aruna Mathur, Ms. Anuradha Arputham and Mr. Avneesh Arputham, Advs.
Mr. Abhishek Yadav, Adv. for State of U.P.
Mr. Suryanarayan Singh, AAG
Mr. Narnedner Pal Singh, Adv. Ms. Guneet Khehar, Adv. for Mr. Tarunvir Singh Khehar, Adv. for GNCTD
Mr. Jogy Scaria, Adv. for State of Kerala and SPCB
Mr. Raj Kumar, Adv. Ms. Alpana Poddar, Adv. and Mr. Bhupinder Kr. LA., CPCB
Mr. Mukesh Verma, Adv. for MPCB
Ms. Priyanka Swami, Adv. for Nagar Nigam Ghaziabad Mr. Arun K. Gupta, LO
Mr. P. Venkat Reddy and Mr. Prashant Kr. Tyani, Advs. for State of Telengana
Mr. Dileep Poolakkot, Adv. for State of Goa
Mr. Vibhav Misra and Mr. Saumya Misra, Advs. for DTC
Mr. Ravindra Kr. And Mr. Gudipati G. Kashyap, Advs. for NOIDA and Greater NOIDA
Mr. Jayesh Gaurav, Adv. for JSPCB
Ms. Priyanka Sinha and Mr. Shridhar Sawrup, Advs. for State of Jharkhand
Ms. Varsha Poddar advs. for State of Tripura
Ms Nandini Gore and Ms. Khushboo Bari and Mr. Bipin Das, Advs. for Tata Motors Ltd.M. A. No. 172 of 2016
Mr. Anil Grover AAG and Mr. Rahul Khurana, Adv. for State of Haryana
Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindel, LO, DPCC
Mr. Sandeep Narain and Ms. Khushboo, Advs.
Ms. Diksha Sharma, Adv. for Mr. Muzzaffr Khand s/o Ayyab Khan
Mr. Shiv MangaL Sharma, AAG, Mr. Adhiraj Singh and Mr. Sarurabh Rajpal, Advs. for Rajasthan PCB
Mr. R. Rakesh Sharma and Mr. M. Samy Adv. for State of Tamil Nadu and TNPCB
Mr. Gaurav Kr. Bansal and Ms. Antima Bazaz, Advs. In MA 264/2016
Mr. Dinesh Garg and Mr. Dhananjay Garg, Advs. For State of Uttarakhand
Mr. K.T.S. Tulsi, Mr. Raj Kamal and Ms. Pallavi Malhotra, Advs.
Mr. V.K. Shukla, Adv.
Mr. Ashish Negi and Ms. Richa Kapoor, Advs.
Mr. Karan Grover, Adv. for NHAI
Ms. Taruna A. Prasad, Adv. for MoEF
Mrs. Rani chhbhra and Ms. Priyanka Samy, Advs. In MA 358/2016 and 545/2016

| | Date and Remarks | Orders of the Tribunal |
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| | Item Nos. 06 to 09 July 20, 2016 HA + A | <u>MAIN MATTERS</u> In continuation of our order dated 18 th July, 2016 we pass the following further directions for appropriate and effective implementation of the directions issued. 1. We make it clear that deregistration of the diesel vehicles, more than 10 years old shall be complied |

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with effectively and without default. However, the deregistration authorities are directed to start deregistration with reference to the oldest of the vehicles, in other words at the first step the vehicles which are more than 15 years old would be deregistered and then gradually other vehicles would be deregistered from 15 years to 10 years respectively.

2. All the vehicles which are deregistered in Delhi/NCR would not be permitted to ply in Delhi/NCR. However, the authorities will issue NOC for such vehicles to be registered outside the Delhi/NCR. We further clarify that in terms of the orders of the Tribunal every State has to identify areas where the dispersion of the air is higher and vehicular density is least, if the States have not done it so far we grant last opportunity to the States and the Union Territories to identify such areas and put them on the respective websites. The RTO, Delhi will issue NOC for transfer of these vehicles only for such areas which are identified by the States.

3. The diesel vehicles which are more than 15 years old and are BS I or BS II compliant shall be scraped and no NOC will be issued for transfer of the vehicles.

4. The vehicles which possess national permit, but are covered under the directions of the Tribunal will also not be permitted to ply in Delhi/NCR. However, they would be permitted to by-pass Delhi and follow the routes directly connecting Haryana and Rajasthan or vice-versa. For instance the heavy

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vehicles are being permitted under the orders of the Tribunal from Panipat and Rewari without entering Delhi.

5. We hereby direct NCT/Delhi to take immediate steps for improving and expanding the mass transportation system. It should introduce proper buses which should preferably be run from destination to destination thus making the travel much easier for the commuters. The buses should be of different kinds, including providing buses to the metro stations. All these buses should be CNG buses or hybrid or electric buses.

6. The DDA is hereby directed to provide space to the DTC and the Police for the purpose of parking of Vehicles, including impounded vehicles. We direct the Chief Secretary, Delhi to take up a meeting with the Commissioner of the Delhi, Vice-Chairmen of the DDA and all the Commissioners of the respective Municipal Corporations, NDMC and Delhi Cantonment Board. Meeting will be held within 1 week from today and the report be submitted to the Tribunal. This would identify the land already given by DDA to the authorities for the purpose of parking to DTC or other authorities for parking of running buses as well as impounded vehicles, it would further identify the sites which are required to be provided for that purpose.

The scrapping benefit including benefit in purchase of new cars, is under the consideration of the Ministry of Heavy Industries. Let the final view in that behalf be taken

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| | <p>Item Nos. 06 to 09</p> <p>July 20, 2016</p> | <p>and the same should be widely published to provide new incentives to the public to scrap their old vehicles. It has been termed by the Ministry as “Scraping Policy”.</p> <p>Learned counsel appearing for the NCT/Delhi has brought to our notice that to orders is needed effectively implement the directions of the Tribunal in relation to the use of pressure horns and motor bikes being driven with intolerable sound which are violative of the prescribed norms. Besides challaning the vehicles under the Motor Vehicles Act, action is also to be taken for violation of the conditions of the registration that is violating the original conditions of the vehicle in which it was registered and the fine provided there is more than Rs. 2000, besides challaning the vehicles for traffic offence. We find that the traffic police should implement the directions and take the above action which is in accordance with law, with a greater vigour and sincerity. We further direct that for generating the undue intolerable sound, in violation of the law, also results in noise pollution and is covered under the prescribed norms in the Noise Pollution Rules which have been enacted under the Environment (Protection) Act, 1986, one of the Scheduled Act of the National Green Tribunal Act, 2010. Therefore we direct that in addition to other actions in accordance with law, such offenders would also be liable to pay Environmental Compensation of Rs. 5,000 per violation on the basis of “Polluter Pays Principle”. Let this fine be also collected by the Traffic police and be deposited in a separate account that would be maintained by the Delhi Police or the NCT Delhi as the Chief Secretary of Delhi may decide. In the event of default of the payment of the Environmental</p> |
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Compensation, the traffic authority is at liberty to approach the Tribunal by issuing notice to such violator to be present before the Tribunal for the offence.

List these matters for hearing on 28th July, 2016.

In the meanwhile, liberty is granted to the States to file their response.

M.A. No. 414 of 2015

In view of the order passed by us above this Application does not survive for consideration.

Accordingly, M.A. No. 414 of 2015 stands disposed of without any order as to costs.

M.A. No. 778 of 2015

Nobody is present on behalf of the Applicant non was present on the previous date.

This Application is dismissed for default of appearance.

Accordingly, M.A. No. 778 of 2015 stands disposed of without any order as to costs.

M.A. No. 1086 of 2015

Nobody is present on behalf of the Applicant non was present on the previous date.

This Application is dismissed for default of appearance.

Accordingly, M.A. No. 1086 of 2015 stands disposed of without any order as to costs.

M.A. No. 1313 of 2016

In view of the order passed by us above this

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Application does not survive for consideration.

Accordingly, M.A. No. 1313 of 2016 stands disposed of without any order as to costs.

M.A. No. 156 of 2016

This is an application with reference to the exemption to be granted to vintage and antique vehicles from the orders of the Tribunal dated 26th November, 2014. Learned counsel appearing for the main Applicant and NCT of Delhi submit that they have some objections in regard thereto.

List this matter for hearing on 28th July, 2016.

M.A. No. 172 of 2016

At the request of the Learned counsel appearing for the parties the matter is adjourned to 28th July, 2016.

M.A. No. 211 of 2016

Nobody is present on behalf of the Applicant; none was present on the previous date.

This Application is dismissed for default of appearance.

Accordingly, M.A. No. 211 of 2016 stands disposed of without any order as to costs.

M.A. No. 253 of 2016

We have heard the Learned counsel appearing for the parties.

The Application is allowed limited to the extent that vehicles would be permitted to be registered with the RTO office of Delhi but these buses would not run in NCT of

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Delhi but would ply between its destination point to Kathmandu. To that extent this Application is allowed subject to just exception.

Accordingly, M.A. No. 253 of 2016 stands disposed of without any order as to costs.

M.A. No. 268 of 2016

This Application is filed for postponement of the date of hearing of the matter. The matter is already heard. Therefore this Application does not survive for consideration as having become infructuous.

Accordingly, M.A. No. 268 of 2016 stands disposed of without any order as to costs.

M.A. Nos. 358 of 2016 and 545 of 2016

Prayers in these Applications to run Buses from Meerut to Bulandsahar via Hapur. We allow the prayers of the applicants. But we make it clear that these buses will not enter into Delhi, that is Ghaziabad, Faridabad, Gurgaon, Greater NOIDA and Sonipat.

Accordingly, M.A. Nos. 358/2016 and 545/2016 stand disposed of without any order as to costs.

M.A. No. 360 of 2016

We have heard the Learned counsel appearing for the parties.

We clarify that the environmental compensation would be imposed on slab basis. We find that the prayer made in this Application is just and fair and if the offending construction in plot upto 100sq.mt. the

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environmental compensation would be Rs. 10,000/-, if the offending construction is more than 100 sq. mtr. But upto 200sq.mt., the environmental compensation would be Rs. 20,000/-, if the offending construction is in a plot of more than 200 sq. mt. but less than 500sq. mt. the environmental compensation would be Rs. 30,000/-, while the offending construction is in a plot area of more than 500 sq.mt. the environmental compensation would be Rs. 50,000/- as already directed by the orders of the Tribunal. Wherever the constructed area is more than 20,000 sq. mtr. The environmental compensation would be Rs. 5 Lakhs. This rate will operate prospectively.

Accordingly, M.A. No. 360 of 2016 stands disposed of without any order as to costs.

M.A. No. 406 of 2016

We have heard the Learned counsel appearing for the parties.

We direct that all the Authorities in NCT of Delhi including DDA, NDMC, All Municipal Corporation of Delhi and Delhi Cantonment Board that they would ensure that there is no burning of any kind of waste in open or otherwise and for every default occurrence the person would be liable to pay Rs. 5000 /- as environmental compensation to the Officer of the respective Agencies. Even the matter could be reported to Delhi Police also.

Accordingly, M.A. No. 406 of 2016 stands disposed of without any order as to costs.

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M.A. No. 567 of 2016

List this matter for arguments on 28th July, 2016.

M.A. No. 708 of 2016

This application is for placing additional documents on record and has been filed on behalf of the Department of Heavy Industries, Government of India. There is no objection to these applications, the Application is allowed subject to just exception. Let the documents be furnished to all the parties appearing in the case during the course of the day.

Accordingly, M.A. No. 708 of 2016 stands disposed of without any order as to costs.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,JM
(Raghuvendra S. Rathore)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(Bikram Singh Sajwan)