

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

MISCELLANEOUS APPLICATION NO.112 /2023

IN

ORIGINAL APPLICATION No. 21/2014

VARDHAMAN KAUSHIK

---- APPLICANT

VERSUS

UNION OF INDIA AND ORS.

---- RESPONDENTS

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NDOH.07.11.2023

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FILED BY



GIGI.C.GEORGE

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NEW DELHI

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SUPREME COURT CASES

(2003) 10 SCC

Inraprastha Gas Limited, Union of India and the Government of NCT of Delhi that they will each file a comprehensive affidavit signed by a competent officer dealing with different aspects relating to availability, demand, supply and allocation of CNG to Delhi as contained in our earlier orders. a

3. Learned amicus has filed IA No. 143 of 2001. He submitted that though some steps have been taken in furtherance of the desire of this Court to control vehicular pollution, much still remains to be done. Learned amicus has referred to certain drawbacks pointed out by the Bhure Lal Committee on the standards relating to CNG etc. He has also pointed out various recommendations made by the Bhure Lal Committee dealing with conversions of new buses or for retrofitment i.e. the change of diesel engine with a CNG engine. It is submitted by learned counsel appearing for different parties that some responses have been filed before the Bhure Lal Committee to its report and that others would file responses to the report of that Committee in this Court as well as make representations to the Bhure Lal Committee for its reconsideration of the drawbacks pointed out by it. b
c

4. The learned amicus in this application (IA No. 143 of 2001) has made the following prayers:

(a) Direct the Delhi Government to indicate a time schedule on the aforementioned basis during which the entire city bus fleet (stage carriage and contract carriage) would be converted into the single-fuel mode using CNG. d

(b) Direct imposition of appropriate financial penalty on all those who would be permitted to use diesel buses in the interregnum and this penalty be deposited in an appropriate fund to be used for measures to clean up the polluted environment of the city.

(c) Extend the time granted by this Hon'ble Court vide its order dated 26-3-2001^{††} on appropriate terms as to replacement of buses and imposition of penalty, as above. e

5. As at present advised, we are not inclined to make any order with regard to prayer (b) of this application. We, however, make an order in terms of prayer (a) and direct the Government of NCT of Delhi to indicate the time schedule during which the entire city bus fleet (stage carriage and contract carriage buses other than those permitted to operate on inter-State routes) would be converted to single-fuel mode of CNG. The necessary inputs for submitting the said affidavit will be obtained by the Delhi Administration from manufacturers and others concerned. f

6. Unfortunately, attempts have been made to confuse the entire issue of controlling vehicular pollution and helping the environment to a debate on — “CNG Good or CNG Bad”. It is not disputed by anyone before us that CNG at present is the available clean fuel. Therefore, the debate — “CNG Good or CNG Bad” is only an attempt to shift the focus from a clean environment to CNG or confuse the entire issue. Those attempting to do so perhaps do not realise their responsibility towards the citizens, who suffer because of vehicular pollution. We are not inclined to take notice of various confusing statements being made by different persons from time to time in this behalf g
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M.C. MEHTA v. UNION OF INDIA

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- CNG in Delhi for vehicular population, but in the meanwhile in the interest of commuters in general and such special permit-holders who are waiting to collect their CNG vehicles (new or converted) we may extend the time fixed by us on 26-3-2001[†] (as extended by our order dated 28-9-2001^{††}) to comply with Directions (F) and (G) of our order dated 28-7-1998. We appreciate the concern of learned amicus and in the interest of the commuting public and all others concerned in this behalf extend the time to carry out the directions issued by this Court from time to time till 31-1-2002. In all other respects our orders are reiterated. This order is in continuation of our order dated 28-9-2001^{††}. We expect all concerned to take proper and effective steps in the meanwhile to see that there is no deterioration of the air quality in Delhi.

6. A status report regarding phasing out of vehicles should be filed in this Court every four weeks by NCT of Delhi.

7. The case shall come up for further orders on 8-2-2002 before a Bench presided over by the Hon'ble Kirpal, J. and comprising Hon'ble Khare and Ashok Bhan, JJ.

[CITED CASE]

(2003) 10 Supreme Court Cases 567

(BEFORE DR A.S. ANAND, C.J. AND B.N. KIRPAL, V.N. KHARE, JJ.)

M.C. MEHTA

.. Petitioner;

d

Versus

UNION OF INDIA AND OTHERS

.. Respondents.

IA No. 143 in WP (C) No. 13029 of 1985, decided on September 28, 2001

ORDER

1. Directions (F) and (G) of our order dated 28-7-1998[†] read as follows:

- (F) No eight-year-old buses to ply except on CNG or other clean fuels. (Time-frame 1-4-2000)

(G) Entire city bus fleet (DTC and private) to be steadily converted to single-fuel mode on CNG. (Time-frame 31-3-2001)

2. After noticing lapses and inaction on the part of the administration as well as private transport operators and with a view to mitigate the sufferings of the commuter public in general and the school-going children in particular, by our order dated 26-3-2001^{††} we relaxed the time-frame fixed in Directions (F) and (G) by extending the date to 30-9-2001. We also directed the Transport Department of the Government of NCT of Delhi to take steps to ensure that there was no misuse or abuse of the relaxation given by us on 26-3-2001 and reiterated that except for the relaxation given in that order no other commercial vehicle could ply in NCT of Delhi unless converted to single-fuel mode of CNG w.e.f. 1-4-2001. During this period we have taken up the case on various dates for directions and for assessment of extent of compliance with our orders. Contradictory affidavits giving contradictory figures and statistics have been filed from time to time by Indraprastha Gas Limited particularly. But, at this point of time we are not taking any note of those contradictions because we are assured by learned counsel appearing for

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[†] *M.C. Mehta v. Union of India*, (1998) 6 SCC 63

^{††} *M.C. Mehta v. Union of India*, (2001) 3 SCC 756

and would contend by saying that “forgive them for they know not what they say”.

- a 7. Today the problem before us, as submitted by learned counsel for the Union of India as well as the Government of NCT of Delhi and the learned amicus is that if our order dated 26-3-2001[†] which had modified to an extent our order dated 28-7-1998[†] is not given some further relaxation, the commuters as well as those of the transporters who have either placed orders and are waiting to collect their vehicles or they have already started the conversion process but have not been able to get the conversion done so far would suffer. We, therefore, in the interest of the public in general and the commuters in particular extend the time fixed by us vide our order dated 26-3-2001^{††} to 18-10-2001 when the matter will be taken up at 2.00 p.m. for further consideration. This interim relaxation is, however, subject to the following conditions:
- b
- c (i) The Union of India as well as the Government of NCT of Delhi will take all appropriate steps to ensure that diesel is not adulterated by checking the quality of diesel not only at the petrol pumps but also in the vehicles which are using that diesel to ensure that it is with 0.05% sulphur content.
- d (ii) Strict action shall be taken against the defaulters including cancellation of their licence/permits.
- e (iii) The checking of petrol pumps and vehicles shall be done by such methods as the Union of India and the Government of NCT of Delhi mutually decide.
- f 8. Learned amicus has drawn our attention to the difficulties being faced by ambulances and diagnostic buses managed and operated by nursing homes and hospitals. Mr Mukul Rohatgi, learned Additional Solicitor General has pointed out some difficulties with regard to SPG vehicles. Learned counsel for the Government of NCT of Delhi submits that buses being used by the prison authorities for carriage of prisoners from jails to courts are also facing similar difficulties in view of our orders dated 28-7-1998[†] and 26-3-2001^{††}. We wish to clarify that these three categories of vehicles shall not be treated to fall under the “city bus fleet” and therefore those orders shall not come in their way.
9. List the matter for further directions on 18-10-2001 at 2.00 p.m.

[CONNECTED MATTER 3]

(2003) 10 Supreme Court Cases 569

(BEFORE DR A.S. ANAND, C.J. AND B.N. KIRPAL AND V.N. KHARE, JJ.)

(Record of Proceedings)

M.C. MEHTA .. Petitioner;
Versus
UNION OF INDIA AND OTHERS .. Respondents.

[†] M.C. Mehta v. Union of India, (1998) 6 SCC 63

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 21/2014
(M.A. Nos. 155, 248, 394, 412 to 414, 420, 502, 618, 631, 683, 778, 778, 812,
1014, 1015, 1029 of 2015 & 1086 of 2015)
And
Original Application No. 95/2014
And
Original Application No. 303/2015

IN THE MATTER OF :

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 PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

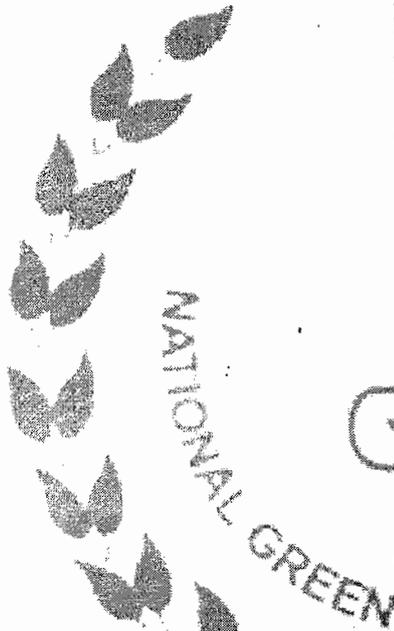
Original Application No.21 of 2014 and 95 of 2014

Present: Applicant: Mr. Sanjay Upadhyay along with Ms. Divya Sharma, Adv. Mr. Syed Meesam and Mr. Vardhman Kaushik.

Respondent No. 1: Ms. Panchajanya Batra Singh, Adv. For MoEF & CC

Respondent No. 6 & 7 : Mr. Ardhendumali Kumar Prasad, Mr. Jigdal G. Chankapa and Mr. Pryanka Swami, Adv. for MoUD & MoPNG
Mr. Narender Pal Singh, Adv, Dr. M.P. George, Sr. Scientist Kulanad Joshi, Member Secretary,, and Mr. Dinesh Jindal, LO For DPCC and for GNCT Environment
Mr. Om Prakash, Adv. MoR Northern Railway
Mr. D. Rajeshwar Rao and Mr. Charanjeet Sing, Adv. for Transport Deptt. and Delhi Police, GNCT, Delhi
Ms. Pinky Anand, ASG, Mr. Balendu Shekhar, Mr. Irene Cheiran Director for MoRTH(NHA)
Ms. Pinky Anand, ASG and Mr. Akshay Abrol, Adv. for CONCOR
Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Adv. For State of Meghalaya
Ms. Savitri Pandey and Ms. Azma Parveen, Adv. for State of U.P.
Ms. K. Enatoli Sema and Mr. Amit Kumar Singh, Adv. State of Nagaland
Mr. Atul Jha, Adv. for State of Chhattisgarh
Mr. Apoorv Kurup and Mr. A.C. Boxipatro, Adv. for State of Chhattisgarh.
Mr. Rajiv Bansal and Mr. Kush Sharma, Adv. (DDA)
Ms. Aruna Mathur, Standing Counsel, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Adv. For State of Sikkim
Mr. Sapam Biswajit Meitei, Ms. Kalyani and Mr. Z.H. Issac Haiding, Adv. for State of Manipur & PCB
Ms. Vinakshi Kadar and Ms. Hemantika Wahi, Adv. For State of Gujarat

Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Adv. for NOIDA and Gr. NOIDA
 Ms. Abhisar Bairagi, Adv.
 Mr. Gopal Singh, Mr. Rituraj Biswas, and Ms. Versha Poddar, Adv. for the State of Tripura
 Mr. Jayesh Gaurav, Adv. for JSPCB
 Mr. Rudreshwar Singh, Mr. Gautam Singh and Mr. Divya Singh, Adv. for State of Bihar and BSPCB
 Ms. Nandini Gore, Ms. Natasha Sehrawat, Ms. Khushboo Bari, Mr. Bipin, Mr. Shermendra Choudhary, Adv. for Tata Motors
 Mr. A.N.S. Nandkarni, Ag, Mr. Dattaprasad Lawande, Mr. S. S. Rebello, Ms. Purna Bhandari, Mr. Anshuman Shrivastava and Mr. Debarshi Bhuyan, Adv.
 Mr. Kabir Shankar Bose and Mr. Saakar Sardana and Ms. Holika Sukhavi, Adv. For State of W.B. & WBPCB.
 Mr. Gaurav Agarwal and Mr. Akshat Srivastava, Adv. for IGL
 Mrs. G. Indira, Mr. Sumit Kumar and Mr. K.V. Jagdishvaran, Adv. For UT of Andaman & Nicobar Islands Administration
 Mr. G. Indira, Mr. Sumit Kumar and Mr. K.V. Jagdivaram, Adv.
 Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.
 Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv. For State of Haryana
 Mr. Balendu Shekhar & Mr. Akshay Abrol, Adv. for MCD and EDMC
 Mr. Naushad Ahmed Khan, Standing Counsel for Delhi Transport Corporation
 Mr. Jogy Scaria and Ms. Beena Vicky, Adv.
 Mr. Saurav Agarwal and Ms. Akshat Srivastava, Adv.
 Ms. Sakshi Popli, Adv. for NDMC
 Ms. Puja Kalra, Adv. for South Delhi Municipal Corporation and North Delhi Municipal Corporation
 Mr. Ravikant Pal, Mr. Pulkit Prakash and Mr. Pragyan Sharma, Adv. for State of Mizoram
 Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Sharma and Mr. Adhiraj Rajawat, Adv. For State of Rajasthan
 Mr. Sunil Satayarth, Adv. and Mr. Ashok Kumar, Adv. s. For Delhi Cantonment Board
 Mr. P. Venkat Reddy, Adv. for State of Telangana
 Ms. Natasha Sahrawat, Ms. Nandini Gore and Mr. Aditi Bhatt, Adv. With Mr. Sharmendra Choudhary, Legal Manager, Mr. Bipin Das, Legal Manager
 Mr. Avijit Roy, Ms. Kankara Arandhara and Ms. Deepika Ghatowar, Adv. For State of Assam.
 Ms. Pinky Anand, Sr. Adv., ASG with Mr. Tavinder Sidhu and Ms. Gunjan Sinha Jain, Adv. for NHAI
 Mr. Diljeet Titus and Mr. Utkarsh Goel, Adv., Adv. For HMCI
 Mr. Om Prakash, Adv. for MoR Northern Railway
 Mr. Devraj Ashok, Adv. for State of Karnataka
 Ms. Soumya Jit Pani and Mr. P. Venkatesan, Adv. for State of Odhisa
 Mr. Dinesh Kumar Garg and Mr. Parv Kumar Garg, Adv. AOR for State of Uttarakhand
 Mr. Anil Shrivastav, Standing Counsel and Mr. Sanyam Saxena and Mr. Pranav Rishi, Adv. For State of Arunachal Pradesh & PCB



Mrs. Avnish Ahlawat and Mr. N.K. Singh, Advs for
DSIU and PWD
Mr. Guntur Prabakar and Mr. Prashant Mathur,
Advs. For State of Andhra Pradesh
Mr. Yogesh Kanna and Mr. Jayant Patel, Advs. for
Tamil Nadu State
Mr. Atmaram. N. S. Nadkarni, Adv. General, Mr.
Purna Bhandari, Ms. S.S. Rebello, Mr. Anshuman
Srivastava and Mr. Debarshi Bhuyan, Advs. for
State of Goa and Goa SPCB.
Ms. Alpana Poddar, Adv. along with Mr. S.L.
Gundli, Sr. LO, Central Pollution Control Board
Mr. Anuj Sharma and Mr. Santosh S. Rebello, Adv.
Ms. Puja Singh, Adv.
Mr. Soumyajit Pani and Mr. P. Venkatesan, Advs.
Mr. Jeevan B. Panda and Ms. Abhisar Bairagi,
Advs.

Present: Applicant:

Respondent No.1:

Respondent Nos. 2 to 6:

Mr. Vikas Malhotra, with M. P. Sahay, Advs.
Mr. Ardhendumali Kumar Prasad, Mr. Pryanka
Swami and Mr. Jigdal G. Chankapa, Advs.
Mr. Rahul Choudhary, Adv. for Invenor
Ms. Perna Singh and Mr. Prashant Mathur, Advs.
For State of Andhra Pradesh
Mr. Atul Jha, Adv. for State of Chhattisgarh
Mr. M. Yogesh Kanna and Mr. Jayant Patel, Advs.
For State of Tamil Nadu & TNPCB
Mr. Kabir Shankar Bose and Mr. Saakar Sardana
and Holika Sukhalu, Advs. For State of W.B. &
WBPCB.
Mr. Suryanarayan Singh, Sr. Addl. Advocate
General for State of H.P.
Ms. K. Enatoli Sema and Mr. Amit Kumar Singh,
Adv. State of Nagaland
Mrs. G. Indira and Mr. K.V. Jagdishvaran, Advs.
For UT of Andaman & Nicobar Islands
Administration and Mr. Sumit Kumar, Adv.
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Devraj Ashok, Adv. for State of Karnataka
Ms. Aruna Mathur, Standing Counsel, Mr. Shobhit
Nanda, Advs. For State of Sikkim
Mr. Sapam Biswajit Meitei, Mr. S. Vijayanand
Sharma and Mr. Kalyani Goswami, Mr. Vijayanand
Advs. for State of Manipur & PCB
Mr. Anil Shrivastav, Standing Counsel and Mr.
Sanyam Saxena and Mr. Pranav Rishi, Advs. For
State of Arunachal Pradesh & PCB
Mr. Anil Grover, AAG with Mr. Rahul Khurana,
Advs. For State of Haryana, Managing Director,
HSIIDC, Haryana, DSP, Panipat & DSP, Rewari,
Chief Engineer, HUDA adn Regional Officer,
HSPCB, Gurgaon, North
Mr. Ravikant Pal, Mr. Pulkit Prakash and Mr.
Pragyan Sharma, Advs. for State of Mizoram
Mr. Jayesh, Adv. for JSPCB
Ms. Puja Kalra, Adv. NDMC
Mr. Tariq Adeeb, Adv. in M.A. No. 1029 of 2015
Mr. Deepak Jain, Mr. Alok Misra, Mr. D.K. Thakur,
Ms. Shantala Sankriti and Ms. Aditi Toma, Advs.
Mr. Shubham Jaiswal and Mr. Sarthak Chaturvedy,
Advs.

Original Application No. 303 of 2015

Applicant :

Respondent No. 1 :

Ms. Bhakti Pasrija Sethi, Ms. Perna Kumari, Ms.
Mamta Rani and Ms. Sudha Pal, Advs.
Mr. Vishwendra Verma, Mr. Pranav Verma and Mr.
Karan Sinha, Advs. For MoEF

Respondent No. 3 :

Mr. D. Rajeshwar Rao, Adv. Counsel for Transport Deptt. and Delhi Police, GNCT, Delhi

Respondent No. 4 :

Ms. Savitri Pandey along with Ms. Azma Parveen, Advs. for State of UP.

Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advs. For State of Haryana

Ms. Alpanna Poddar, Adv. with Mr. SL Gundli, SLO for CPCB

Date and Remarks	Orders of the Tribunal
<p>Item No. 28 to 30</p> <p>December 11, 2015</p> <p>ss</p>	<p>It is not only undisputable, but in fact the conceded position, that there are 3 prime sources of air pollution in NCT, Delhi as well as NCR, the burning of Municipal Solid Waste and other waste in open, dust generated by construction and allied activities including sweeping of roads and finally vehicular pollution. In regard to all these three aspects, Tribunal had already passed comprehensive directions vide its order dated 26th November, 2014, 04th December, 2014, 07th April, 2015, 28th April, 2015, 07th July, 2015, 17th April, 2015, 14th July, 2015, , 27th July, 2015, 30th July, 2015, and 02nd December, 2015.</p> <p>The Learned Additional Solicitor General appearing for Union of India has stated the aspect on capping of vehicles, it is primarily for the NCT, Delhi to take a stand before Tribunal and as far as end of life of vehicle is concerned, Ministry has already taken the stand that commercial diesel vehicles attaining age of 10 years should be directed to take PUC certificate every 6 months and after 15 yrs they should be condemned. However, in relation to petrol vehicles, the Union of India does not favour scrapping of vehicle on ageing or otherwise. The Learned Counsel appearing for NCT, Delhi submits in relation to various queries raised by the Tribunal for implementation of the directions already issued that he</p>

needs further time. He further states that the clear stand of the Government is to impose even and odd car system on the alternative days and for considering all other aspects which would be simultaneously operative to achieve the objective and reduction in air pollution in Delhi, he prays for some time.

We think that the authorities concerned must sit together and clearly answer the queries raised by the Tribunal as well as relation to the compliance of the directions already issued which in their considered opinion if implemented simultaneously with the odd and even car system proposed to be introduced would make it for more effective and result oriented. We direct that by way of last opportunity, we grant time to all the Learned Counsel appearing in the case to seek instructions and report to the Tribunal on those aspects. The Learned Additional Solicitor General submits that the Central Government's view of providing certain special benefits for condemnation/scraping of vehicles have been favorable as has been stated in the note put up before the Tribunal today. Let the Government of NCT, Delhi, consider this view and clearly take stand as to the system to be adopted for scrapping of vehicles particularly diesel vehicles which are more than 10 years of age and the consequential benefits in registration, scrapping, incentive and other incidental benefits that would be granted to the owner of the vehicle in respect of new vehicle like Registration fee/excise duty. Let these instructions be taken by the next date of hearing.

The Learned Counsel appearing for NCT, Delhi submits that in all the RTOs in Delhi around 1300 to

1400 vehicles are being registered everyday which include all types of vehicles heavy and light including two wheelers. Obviously, reasonably good number of vehicle are also being registered at Gurgaon, Bahadurgarh, Ghaziabad and NOIDA. These are over and above the vehicles registered in Delhi.

In view of the serious contribution of vehicular pollution to the air quality of NCT, Delhi it is important that the Government should take a serious view and a decision, whether any vehicle particularly Diesel Vehicle (old or new) should be registered in the NCT, Delhi. As an interim measure till next date of posting subject to hearing of all the concerned parties, we direct that Diesel Vehicles of more than 10 years of age as already directed, as well as new diesel vehicle would not be registered in NCT, Delhi.

We also direct the Government to take a conscientious decision in regard to not buying any diesel vehicle, whether by the Central or the State Government. The Learned Counsel should take clear instructions in that regard.

We direct all the Public Authorities, Corporation, DDA, Police and other Public Department to prepare an Action Plan for phasing out of diesel vehicles particularly the trucks being used by all these bodies. Let this Action Plan be placed before the Tribunal on the next date of hearing.

Another very serious aspect is that incidents of waste burning in the open have been brought to the Notice of the Tribunal and they are even widely reported. In furtherance to the Directions, we hereby direct all the

Corporations, DDA, Cantonments and SHOs of the concerned Police Stations that they would ensure that no waste is burnt in the open and none is disobeying the directions, besides rendering himself liable for punitive action under law and to pay Environmental Compensation as per Section 15 and 16 of NGT, Act, 2010 at the rate of Rs. 5,000/- per event. Similarly, it would also apply to dumping of construction and other waste material in public places and on the river bed.

We hereby also direct that builders who keep their dust, sand, cement, brick and other construction materials on the public place and road, as per the directions of the Tribunal already issued, would not be permitted to do so. Besides, seizing such materials under the provision of the Municipal Corporation Act of the Delhi, they would be liable to pay environmental compensation at the rate of Rs. 50,000/- per incident as already directed. Even the construction material which is stored within the building should be covered, and it should be ensured that there is no emission and it does not disperse into the atmosphere. This will also apply to transportation of construction materials. These directions will be applicable to NCR Delhi as afore indicated. All the Authorities may file list of offenders before the next date of hearing. Let all concerned authorities issue public Notice and these directions should be brought into the public domain by the concerned authorities before they take punitive action. In relation to taking of adequate measures for preventing air pollution in schools particularly Government, Corporation Schools, NCT Delhi is directed to submit a proposal for creating green belt,

(11)

converting the ground by grass and installation of air filters in the schools.

The DDA, all Bodies including NDMC, Delhi Cantonment Board and Government should also examine the possibilities of sprinkling water.

List this matter on 06th January, 2016.

.....,CP
(Swatanter Kumar)

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

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

.....,EM
(B.S. Sajwan)



Answer-A10

(12)

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ITEM NO.10

COURT NO.5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: BS IV/BS VI VEHICLES

(1) IA NO. 121722/2020 (APPLN. SEEKING CLARIFICATION IN IMPLEMENTATION OF ORDER DT. 13.08.2020 ON B/O HABIB ENTERPRISES)

(2) IA NOS. 127047 AND 127048/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O M/S SCORPIO PETRO)

(3) IA NOS. 32789 AND 32783/2021 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O BATRA AUTOMOBILES (I))

(4) IA NOS. 34355 AND 34358/2021 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O SWETA SHARMA)

(5) IA NO. 127713/2021 (APPLN. FOR DIRECTION ON B/O NORTH DELHI MUNICIPAL CORPN.)

(6) IA NOS. 136354 AND 136893/2021 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O S. RAMALINGAM AND ORS.)

(7) IA NOS. 167395 AND 167387/2021 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA)

(8) IA NOS. 170575/2021 AND 22406/2022 (APPLNS. FOR DIRECTION AND PERMISSION TO BRING ON RECORD ADDL. DOCUMENT ON B/O GUPTA OXYGEN PVT. LTD.)

(9) IA NOS. 1287 AND 1288/2022 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O FEDERATION OF AUTOMOBILE DEALERS ASSN.)

(10) IA NO. 3427/2022 (APPLN. FOR DIRECTION ON B/O DELHI AVIATION FUEL FACILITY PVT. LTD.)

(11) I.A. NOS. 5961 AND 5967/2022 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAHUL SERVICES)

(12) IA NO. 11041/2022 (APPLN. FOR DIRECTION ON B/O NDMC)

(13) IA NO. 23108/2022 (APPLN. FOR DIRECTION ON B/O NDMC)

(14) IA NOS. 11094 AND 11100/2022 (APPLNS. FOR IMPLEADMENT AND DIRECTION ON B/O DELHI TRANSPORT CORP.) ONLY" IN W.P.(C) NO. 13029/1985 ARE LISTED.

Date : 22-03-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE B.R. GAVAI

Signature Not Verified
Digitally signed by
Charanjeet Singh
Date: 2022.03.23
16:43:04 IST
Reason:

For the parties :

Mr. Harish N. Salve, Sr. Adv(A.C.)

Ms. Aparajita Singh, Sr. Adv (A.C.)
 Mr. A.D.N. Rao, Sr. Adv (A.C.)
 Mr. Siddhartha Chowdhury, Adv (A.C.)
 Mr. Tushar Mehta, Ld. SG
 Ms. Aishwarya Bhati, LD ASG
 Mr. Wasim A. Qadri, Sr. Adv.
 Ms. Suhasini Sen, Adv.
 Mr. D L Chidananda, Adv.
 Mr. Rajesh Kumar Singh, Adv.
 Ms. Suhasini Sen, Adv.
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UPON hearing the counsel the Court made the following
O R D E R

I.A.No.127713 of 2021:

Learned counsel for the applicant submits that this I.A has become infructuous. I.A. is accordingly, dismissed as having become infructuous.

IA NOS. 127047 AND 127048/2020
IA NOS. 170575/2021 AND 22406/2022
IA NO. 3427/2022
IA NO. 11041/2022
IA NO. 23108/2022 and
IA NOS. 11094 AND 11100/2022

These are applications are filed for registration of vehicles used for public utility and essential services. The request made by the applicant is accepted as registration can be granted to the vehicles in these I.As. in terms of the order dated 02.11.2020.

In our order dated 02.11.2020, the reports

submitted by EPCA and the recommendations have been accepted. The recommendations are:

"Based on these facts, EPCA would recommend the following directions, which the Hon'ble Supreme Court may consider:

1. BS-IV CNG vehicles may be registered, but only if they have been uploaded in the VAHAN database prior to 31.03.2020 and have got temporary registration.
2. BS-IV diesel light and heavy duty vehicles used for public utility and essential services, where CNG Petrol variants are not available and which had pending applications before the Hon'ble Supreme Court may be registered as detailed in the list A above and summary below:

BS-IV diesel light-heavy duty vehicles to be allowed registration

	Public agency	Vehicles required for	No.
1	New Delhi Municipal Council	Water tankers	20
2	North Delhi Municipal Corporation	Water tankers/jetting machines	30
3	Delhi Police	Travel of police outstation	1
4	Delhi Cantonment Board	Water tankers	2
5	I&FC Department/Delhi Govt	Ambulance	1

3. BS-III non-road category of vehicles (as per the

current applicable emission norm as notified by MoRTH), registered under the category of CEV-TREM may be permitted to be registered.

4. BS-VI diesel light and heavy-duty vehicles used for public utility and essential services may be permitted to be registered."

The learned Amicus Curiae Mr.A.D.N.Rao submitted that BS-VI diesel light and heavy-duty vehicles used for public utility and essential services may be permitted to be registered or in the alternative applicants can approach Air Commission with a request for a registration.

The registering authorities are directed to consider the applications for registration of BS VI diesel light and heavy-duty vehicles for public utility and essential services in accordance with law without insisting on the applicants approaching this Court for suitable orders.

I.As are, accordingly, allowed.

IA NO. 121722/2020:

The applicant is a dealer of two wheelers and has filed this application for registration of BS IV vehicles. For some of the vehicles, the details have been uploaded on E-vahan but requisite fees has not been paid. For the others, the details were not uploaded on E-vahan

due to lock-down and Internet shutdown in Kashmir.

The applicant seeks permission to withdraw this application with liberty to approach the High Court and seek appropriate relief.

Liberty is granted. The High Court may consider the petition to be filed by the applicant in accordance with law.

The application is dismissed as withdrawn.

IA NOS.167395 AND 167387/2021 :

This application has been filed by the FSSAI seeking registration of 2 BS IV goods vehicles which were temporarily registered on 18.03.2020. The registration was cancelled with a direction to re-register it at Mohali which could not be done by 31.03.2020. As the temporary registration was done much before the cut-off date, these applications are allowed.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master