

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
Original Application No.663 of 2023**

IN RE: News Item published in Indian Express dated 07.10.2023 titled *GRAP stage 1 kicks in as air quality dips to poor, condition likely to prevail till Sunday*

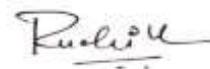
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NEW DELHI
DATED: 29.04.2024

FILED BY:



RUCHI KOHLI
ADVOCATE FOR COMMISSION FOR AIR QUALITY
MANAGEMENT IN NATIONAL CAPITAL REGION AND
ADJOINING AREAS

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
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MOST RESPECTFULLY SHOWETH:

1. The present affidavit is being filed by the CAQM in compliance of order dated 23.02.2024 of this Hon'ble Tribunal wherein the Commission was directed to file all the relevant orders and pleadings to show that the same issue is under consideration before the Hon'ble Supreme Court as well.
2. It is submitted that the Hon'ble Supreme Court has been dealing with the issue of air pollution and air quality in the matters of **W.P.(C) NO.13029 of 1985, M C MEHTA vs. UNION OF INDIA & ORS.** and in **W.P.(C) NO.1135/2020, ADITYA DUBEY (MINOR) & ANR. vs. UNION OF INDIA & ORS.** It is most respectfully submitted that both these matters are pending before the Hon'ble Supreme Court of India and

through both these matters the Hon'ble Supreme Court is monitoring the issue of air pollution.

3. It is also important to submit that the Ministry of Environment, Forest and Climate Change, Government of India and the answering Commission are apprising the Hon'ble Supreme Court in the above-mentioned matters and following each and every direction as and when falling from the Hon'ble Supreme Court.
4. It is also important to note that in the **W.P.(C) NO.13029 of 1985, M C MEHTA vs. UNION OF INDIA & ORS.,** the Ld. Amicus Curiae has filed a detailed note giving background of the matter along with a category-wise chart of pending matters before the Hon'ble Supreme Court of India.

The note of the Ld. Amicus Curiae before the Hon'ble Supreme Court of India is annexed herewith and marked as

ANNEXURE A-1.

List of pending matters dealing with the issue of air pollution filed by the Ld. Amicus Curiae before the Hon'ble Supreme

Court of India is annexed herewith and marked as **ANNEXURE A-2.**

5. It is respectfully submitted that the Hon'ble Supreme Court has been passing effective orders in both the matters; **W.P.(C) NO.13029 of 1985, M C MEHTA vs. UNION OF INDIA & ORS.** and in **W.P.(C) NO.1135/2020, ADITYA DUBEY (MINOR) & ANR. vs. UNION OF INDIA & ORS.** giving various directions to curb air pollution. Various bodies including the answering Commission have been working towards the same goal. A few of such orders are annexed hereinunder.

The order dated 13.12.2023 passed by the Hon'ble Supreme Court of India in the matter **W.P.(C) NO.13029 of 1985, M C MEHTA vs. UNION OF INDIA & ORS.** is annexed herewith and marked as **ANNEXURE A-3.**

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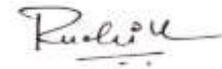
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6. Thus, it is submitted that the Hon'ble Supreme Court is already seized of the present issue of Pollution pending before the Hon'ble National Green Tribunal.

NEW DELHI

FILED BY:

DATED: 29.04.2024



RUCHI KOHLI
ADVOCATE FOR
COMMISSION FOR AIR QUALITY MANAGEMENT IN
NATIONAL CAPITAL REGION AND ADJOINING AREAS

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
 PIRINCIPAL BENCH NEW DELHI
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IN RE: News Item published in Indian Express dated 07.10.2023 titled *GRAP stage 1 kicks in as air quality dips to poor, condition likely to prevail till Sunday*

AFFIDAVIT

I, Ram Kumar Agrawal, aged about 55 Years, s/o Late Shri Prabhat Kishore Agrawal, working at the post of Director in the Commission for Air Quality Management In National Capital Region And Adjoining Areas, do hereby solemnly affirm and declare as under:-

1. That I am the Director of the Commission and am well conversant with the facts and circumstances of the case, hence competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying affidavit on behalf of Commission for Air Quality Management In National Capital Region And Adjoining Areas in compliance of order dated 23.02.2024 and state that the averments made therein are true and correct to the best of my knowledge and belief as derived from the official record.




 राम कुमार अग्रवाल / Ram Kumar Agrawal
 निदेशक / Director
 राष्ट्रीय वायुमयनी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
 Commission for Air Quality Management in NCR & Adjoining Areas
 भारत सरकार / Government of India
 17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलरडॉय मार्ग,
 17th Floor, Jawahar Vyapar Bhawan (STC Building) Tolstoy Marg,
 नई दिल्ली-110001 / New Delhi 110001

3. That no material fact has been concealed therefrom.

[Handwritten Signature]

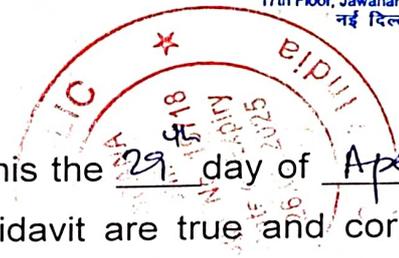
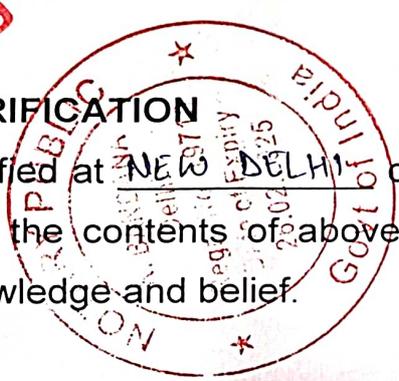
DEPONENT

राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
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17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

*Swish
traces D/3829/2018*
IDENTIFIED

VERIFICATION

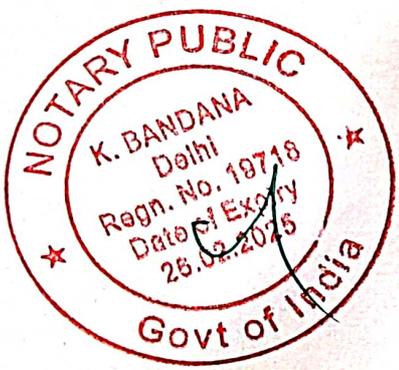
Verified at NEW DELHI on this the 29 day of April 2024,
that the contents of above affidavit are true and correct to my
knowledge and belief.



[Handwritten Signature]

DEPONENT

राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
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17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001



29/4/2024

ATTESTED
NOTARY PUBLIC DELHI
Govt. of India
Mob.: 9654768498

EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTAR
SUPREME COURT RULES, 2013
ORDER-X-7



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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
IN
WRIT PETITION NO. 13029 of 1985

M.C.MehtaPetitioner
Versus
Union Of IndiaRespondent

BACKGROUND NOTE BY APARAJITA SINGH, AMICUS CURIAE

The drive against toxic air in the National Capital Region has been led by this Hon'ble Court. Although the present writ petition was filed in 1985 the momentum picked up in mid 90s when a slew of orders were passed. The concentration was on vehicular pollution such as Introduction of Bharat Emission Standards, Conversion of public transport to clean fuel, Augmentation of public transport, Capping the age of vehicles etc.

The Union was directed to constitute the Environment Protection Control Authority (EPCA) under the Environment Protection Control Act, 1986 which assisted the Court till 2021. Thereafter, EPCA was replaced by the Commission for Air Quality Management Authority (CAQM) constituted under the Commission for Air Quality Management Authority in NCR and adjoining Areas Act, 2021.

ACTIONS TAKEN UNDER ORDERS OF THIS HON'BLE COURT

The various actions taken pursuant to the orders of this Hon'ble Court can be divided into the following broad categories:

A) Creation of Regulatory Framework for tackling Air Pollution in NCR

- i) Comprehensive Action Plan for NCR, now replaced by Policy to Curb Air Pollution in NCR, 2022.
- i) Graded Response Action Plan (GRAP), which details the requisite measures to be taken in tandem with rising pollution level. GRAP was a seminal policy intervention to take emergency steps to control pollution on high smog days.
- ii) The Outdoor Advertising Policy to control haphazard placement of hoardings obstructing traffic flow.

- iii) Under the directions of this Hon'ble Court, today NCR has a dense network of air pollution monitoring stations which provides real-time data for timely intervention under GRAP.

B) Vehicular Pollution

- iv) Advancement of nationwide BS IV emission standards to 1.4.2017, and BS VI to 1.4.2020.
- v) Expediting the execution of Rapid Rail Transport System (RRTS).
- vi) Expediting the execution of Phase IV of the Delhi Metro Rail.
- vii) Directing and monitoring the construction of Eastern and Western Peripheral Expressway.
- viii) Imposition of Environment Compensation Charge (ECC) on all commercial vehicles entering Delhi.
- ix) Installation of RFID on all the entry points of Delhi for cashless collection of ECC.
- x) Ban on entry of 10 year old vehicles in Delhi.
- xi) Imposition of Environment Protection Charge (EPC) of 1% on diesel cars and SUVs above 2000 cc registered in Delhi.
- xii) Use of colour coded stickers on vehicles to weed out older polluting vehicles during smog episodes.
- xiii) Making PUC certificate mandatory for vehicle insurance.

C) INDUSTRIAL POLLUTION

- xiv) Laying down of emission standards for Industries.
- xv) Closure of coal based power plants and switch over to natural gas power plants in Delhi.
- xvi) Ban on use and import of extremely polluting fuel like pet coke and furnace oil except as raw material for captive consumption.
- xvii) Implementa of Emission Standards for Thermal Power Plants.

D) CROP BURNING

- xviii) Pursuant to the orders of this Hon'ble Court, the Union of India implemented a scheme for providing subsidised farm equipment to farmers and cooperative society. Various directions have been passed thereafter and the matter is being monitored continuously.

- E) It is submitted that despite these measures implementation remains a huge challenge and the already toxic air in Delhi rises to hazardous level with stubble burning during winters. The Real-Time Source

Apportionment Study, September 2023 conducted by IIT Kanpur, Delhi and TERI for Delhi Pollution Control Committee (DPCC) shows the break-up of pollutant as follows:

- i) In January 2023, contribution of secondary inorganic aerosols (SIA), which mostly travel from far distances was the highest (32%); followed by biomass burning (24%); vehicles (17%); and coal and fly ash (7%); the rest of all sources contributed less than 5% individually.
- ii) Potential Sources of Secondary Inorganic Aerosols Particles (SIA) include powerplants, refineries, brick kilns, vehicles, agriculture, organic waste decomposition, and open drains.

PROPOSED ACTION FOR CONSIDERATION OF THIS HON'BLE COURT

- a) NCR has common airshed as a result of which Delhi specific actions have failed to deliver the desired results. It is for this reason that the Commission for Air Quality Management in NCR and adjoining Areas Act was enacted with ex officio members from NCR states. CAQM has published an action plan titled "Policy to Curb Air Pollution in the National Capital Region" in July, 2022 with specific timelines. It is submitted that the CAQM may be directed to submit a progress report in this regard.
- b) A substantial percentage of vehicular traffic in Delhi comes from adjoining states. Therefore, it is crucial to have a common public transport plan for NCR Region to curb vehicular pollution. Rapid Rail Transport System (RRTS) and Metro are part of this initiative. This Hon'ble Court had also directed EPCA, the predecessor of CAQM to formulate a common Parking Policy for NCR by order dated 10.8.2020. It is submitted that the CAQM may be directed to formulate a common public transport plan for the entire NCR region so as to reduce the inflow of traffic to Delhi.
- c) It is important to mention here that 11 coal-based thermal power plants fall within 300-km radius of Delhi. Currently, FGD technology for controlling Sulphur Oxides or Sox is installed only at the Mahatma Gandhi TPS and the Dadri TPS. It is submitted that the CAQM may be directed to submit a report on Pollution Control System implemented by the Thermal Power Plants as per the earlier orders of this Hon'ble Court in EPCA Report No. 81 and 84.

LISTING SUGGESTION FOR CONSIDERATION OF THIS HON'BLE COURT

Experience of the past few years has shown that individual listing of matters consumes considerable time of the court on the same issue repeatedly. Secondly, private disputes get prioritized and broader policy issues and their implementation suffer. It is submitted that category-wise listing of matters might save precious time of this Hon'ble Court. A category-wise chart of pending matters along with order folders is attached herewith as **Annexure A**. In addition, a master order folder of all the orders passed in the matter since 1990 has been compiled separately.



TRUE COPY

W.P. (C) NO. 13029/1985

M.C. MEHTA V. UNION OF INDIA (AIR POLLUTION MATTER)

LIST OF PENDING INTERLOCUTORY APPLICATIONS

S. NO.	I.A.NOS.	PARTICULARS	FILED BY MR./MS.	RELIEF SOUGHT	LAST ORDER
A. CROP BURNING AND SMOG EPISODE To be listed for progress report					
1.	CROP BURNING	Suo Moto Directions issued to NCR States for prevention of recurrent smog episodes in future.		Although Comprehensive Action Plan, Graded Response Action Plan and directions of this Hon'ble Court to redress crop burning and related issues already exist. Implementation remains a huge challenge.	On 13.12.2023 it was directed that "The aforesaid authorities will also duly implement what they are required to do and submit a report within two months".
2.	IN RE: BURNING OF E-WASTE IN DELHI/NCR	Suo Moto order on stoppage of open burning of E-waste		The News Article regarding burning of E-Waste was brought to the notice of this Hon'ble Court by the Amicus.	On 13.12. 2023 CAQM was directed to "consider the issue of e-waste burning and as to how to implement it so that it does not aggravate the situation at the time of the Winters."
3.	235142, 235148, 235725/2023	For intervention, appear & argue in person and permission (AQI, Stubble Burning)	Vikram Gulati, Adv., Petitioner-in-person	Permit the applicant to intervene	Lastly listed on 13.12.2023 but no order was passed
4.	261636/2023	For Intervention (AQI)	Pulkit Agarwal	Allow the applicant to intervene	Fresh
5.	92273,	Application for	Ms.Diksha	Direct that the issue of "stubble burning" be heard on an urgent	Last listed on 06.10.2020.

	92275 AND 92276/2020	Intervention Directions on behalf of Manali Singhal	Rai	basis	Notice issued.
6.	95808, 98749, 95810/2020 117353, 117355/2020	Appls. For Impleadment, Direction b/o Vikrant Tongad	Mayuri Raghuvanshi	Direct the authorities to formulate a plan to curb stubble burning air pollution with fixed timelines and other reliefs	Last listed on 06.10.2020. Notice issued.
7.	174527/2019	For Intervention on b/o Bharti Kisan Union, Punjab	Ms. Manju Sharma Jaitley	Allow the Applicant to intervene in the Writ Petition (Civil) No. 13029 of 1985.	Last listed on 06.10.2020. No order has been passed
8.	130426 & 142879/ 2022	For Directions & Permission	Ajay Pal	Grant the additional benefit by way of fixation of Rs. 100/- per quintal as cost so as to incentivize the farmers for not burning paddy straw / agriculture residue in terms of order dt. 06.11.2019, by directing the Central Govt. To include the cost of Rs. 100/- per quintal while fixing the MSP of paddy every year	Fresh
B. INSTALLATION OF RFID AT ALL ENTRY POINTS OF DELHI FOR CASHLESS COLLECTION OF ENVIRONMENT COMPENSATION CHARGE (ECC) IMPOSED BY ORDERS Dt. 9.10.2015 AND 16.12.2015					
9.	53926/2022	For Direction on b/o SDMC	Praveen Swarup	Allow an additional budget out of Environment Compensation Charges (ECC) collection to the tune of Rs. 9,83,77,064.80 may be allowed/allotted to SDMC for installation of automated RFID infrastructure at 10 identified toll plazas within the jurisdiction of Delhi.	On 10.8.2020 it was directed that RFID be installed at all 113 entry points of Delhi to ensure unchecked entry of commercial vehicles in Delhi.
C. USE OF REMOTE SENSING TECHNOLOGY FOR TESTING VEHICULAR EMISSION					

To be listed for progress report					
10.	EPCA REPORT NO. 99			Remote Sensing Technology was suggested by EPCA Report 99 to test the emission level of moving vehicles through scanners on the road.	By order dated 19.8.2019 MORTH was directed to take a decision and submit a report on use of Remote Sensing Technology.
D. HYDROGEN CNG (HCNG) BUSES To be listed for progress report					
11.	Report Nos. 86 And 88 Submitted By EPCA Regarding Status Of Funds And Hydrogen Fuel-Cell Buses			The Indian Oil Corporation Limited was of the view that it may be possible to introduce HCNG Buses in Delhi. Therefore this Hon'ble Court sanctioned an amount of 15 crore for the pilot project	By order dated 28.11.2018 it was noted that "Indian Oil Corporation Limited is of the view that it may be possible to introduce HCNG buses by some time in February, 2020."
E. USE OF COLOUR CODED STICKERS TO IDENTIFY POLLUTING VEHICLES To be listed for update on compliance					
12.	61328 and 61330 of 2020 I.A.	Applications for Directions on behalf of Siddharth Nayak (Color coded stickers & Report No. 103)	Mr. Anil Kumar,	Direct the Govts. Of all the States of India to implement the affixation of color coded stickers on all old / existing vehicles, in accordance with Notification No. S.O. 6052(E) dt. 6.12.2018 issued by the Ministry of Road Transport & Highways Govt. Of India etc. <u>I.A. 237378/2023</u> a) pass afresh appropriate orders/directions directing the Governments of all the States which have not taken any steps for implementation of HSRP scheme for old/existing vehicles, to implement it in a time bound	Order dated 13.12.2023 "The Committee of Secretaries may call for a report from all State Governments about the progress made in implementation of this aspect of law to ensure that if there are any

	237378/ 2023			manner, by first taking a decision whether to implement it through vehicle manufactures, or select HSRP vendor for supply and affixation of vehicles through tender, and thereafter executing such decision, with the entire exercise being completed in a time bound manner, within a period of three months; etc.	delinquent States, they comply with the same and that aspect may be brought to the notice of this Court.”
F. DIRECTION FOR FRAMING PARKING POLICY FOR NCR STATES To be listed for update on compliance					
13.	Report No. 104 submitted by EPCA	For framing of parking policy for NCR		By judgment dated 2.9.2019 reported as M.C. Mehta vs. Union of India (2019) 10 SCC 614 and further orders dated 10.8.2020 and 4.10.2019 the Municipal Corporations of Delhi and the authorities in NCR and Delhi Metro Rail Corporation were directed to submit a parking plan for NCR	Order dt.10.8.2020 “Let the five Corporations of Delhi work in collaboration with EPCA and concerned authorities of NCR to form a detailed plan and a concrete decision be taken in this regard in formulation of the policy. Let the policy be finalised as far as possible before the next date of hearing.”
14.	143238 & 143261/2019	For Impleadment, Directions on behalf of National Hawker Federation	Mr. Satya Mitra	Pass an order clarifying that para 32 (1) of the order of this Hon’ble Court dated 2.9.19 in Writ Petition (Civil) 13029 of 1985 does not cover hawkers in Delhi who are covered by the provisions of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 and the Act and Rules and in respect of whom proceedings have commenced for the recognition and regularization of hawkers in vending zones through the Town	Fresh

				Vending Committees etc.	
15.	148327/2019, 148330 & 148332/2019	For Impleadment, Directions and exemption from filing O.T. on b/o Rehri Patri Ekta Manch, Delhi Pradesh	Ms. Rani Chhabra	Direct that the order dated 02.9.2019 will be applicable to the Street Vendors vending in commercial areas and are protected un the provisions of Street Vending Act, 2014.	Fresh
16.	155127/2019, 155130/2019	For Intervetion , Directions on b/o Salomi Sudan	Mr. Kaushal Yadav	Direct the respondents i.e. South Delhi Municipal Corporation and Zone not to dispossess the applicants from their authorized sites of tehbazari granted under the relevant law and rules.	Fresh
17.	150012/2019, 150014/2019	For Intervetion, Directions on b/o Bimla Devi & Ors.	Mr. Kaushal Yadav	Direct the respondents i.e. South Delhi Municipal Corporation and Zone not to dispossess the applicants from their authorized sites of tehbazari granted under the relevant law and rules.	Fresh
G. EPCA REPORT NO. 81 AND 84 FOR IMPLEMENTATION OF EMISSION STANDARDS BY POWER PLANTS To be listed for update on compliance					
18.	52536/2020 52538 & 53358/2020 69368/2021	Appls. For Impleadment, Directions on b/o Arawali Power Co.	Gaurav Srivastava	1) Allow the applicant to be impleaded as respondent Direction 1) Allow the present application and quash/set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board imposing penalty on the Applicant 2) Extent the time limit for compliance of New Environment Norms by December, 2021 for the Thermal Power Plant of Applicant	Order on 31.08.2020 “An undertaking be furnished to this Court that they will abide by the ultimate decision to be taken in the matter at the appropriate level. Let the undertaking be furnished to this Court within four weeks from today. List after four weeks. Interim order to continue till next date.”

19.	53959/2020, 53962/2020, 123388 & 63477/2021	Applns. For Impleadment Directions on b/o NTPC	Gaurav Shrivastava	1) Allow the present application and quash/set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board imposing penalty on the Applicant 2) Extend the time limit for compliance of New Environment Norms by December, 2021 for the Thermal Power Plant of Applicant	Same as above
20.	81055 AND 81057/2020 IA. No. 11350/2021 in I.A No. 81055	Appln. for Directions on b/o Nabha Power Limited	E.C. Agrawala	1) Allow the present application and quash/set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board in case of NPL/the applicant 2) Grant a stay on the operation of the Impugned Order dt. 8.5.2020 passed by the CPCB during the pendency of the present application, etc. 3) Hold and declare that CPCB' unilateral advancement of timeline for installation of FGD at the Applicant's Plant vide its Supplementary Affidavit and its letter dt. 16.10.2020 is arbitrary and illegal and accordingly, stay the operation of the letter dt. 16.10.2020 issued by CPCB to the Applicant.	Order 31.08.2020 "Issue notice. There shall be interim stay on recovery till the next date of hearing."
21.	80271, 80272 and 80274 of 2020	Applns. For Impleadment, Directions on b/o Punjab State Power Corporation Ltd.	Gaurav Shrivastava	1) Allow the present application and quash/set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board imposing penalty on the Applicant 2) Extend the time limit for compliance of New Environment Norms by December, 2022 for the Guru Gobind Sing Super Thermal Plant Ropar Plant and Guru Hargobind Thermal Power Plant Lehra Mohabbat Plant of the Applicant.	Same as above
22.	71485 of 2020	Application for Directions on behalf of Gujarat Mineral	Ms. Misha Rohatgi Mohta	Extend the timeline for installation/modification of Electrostatic Precipitator (ESP) in Units 1 and 2 of Akrimota Thermal Power Station by a period of one year or such other time as this Hon'ble Court may deem fit and proper in the facts and circumstances of	Same as above

		Development Ltd.		the present case.	
23.	72778/2020 , 72779/2020	Application for Impleadment, Directions on behalf of Deen Bandhu Chhotu Ram Thermal Power Project.	Mr. Sanjay Kr. Visen	1) Allow the present application and quash/set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board imposing penalty on the applicant 2) Pending the adjudication of the present application, stay the operation of the Impugned Order dt. 8.5.2020 passed by the CPCB	Same as above
24.	72801 & 72802/2020	Applications for Impleadment and Directions on behalf of Rajiv Gandhi Thermal Power Project	Mr. Sanjay Kr. Visen	1) Allow the applicant to be impleaded as respondent Direction 1) Allow the present application and quash/set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board imposing penalty on the applicant 2) Pending the adjudication of the present application, stay the operation of the Impugned Order dt. 8.5.2020 passed by the CPCB	Same as above
25.	72795 & 72796/2020	Applications for Impleadment and Directions on behalf of Panipat Thermal Power Stations	Mr. Sanjay Kr. Visen	1) Allow the applicant to be impleaded as respondent Direction 1) Allow the present application and quash/set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board imposing penalty on the applicant 2) Pending the adjudication of the present application, stay the operation of the Impugned Order dt. 8.5.2020 passed by the CPCB	Same as above
26.	64205, 64206 AND 64207/2020	Applications for Directions, Permission and Exemption from filing court fee and attested affidavit on b/o	Mr. P. Parmeswar an	1) Allow the present application and set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board 2) Permit the Applicant to comply with the emission limits under the Environment (Protection) Amendment Rules, 2015 by December 2022, as per the consensus recorded in the order dt. 10.12.2018 passed by this Court.	Order on 31.08.2020 “An undertaking be furnished to this Court that they will abide by the ultimate decision to be taken in the matter at the appropriate level. Let the

		Singareni Collieries Co. Ltd.			undertaking be furnished to this Court within four weeks from today. List after four weeks. Interim order to continue till next date.
27.	59929 and 59930 of 2020	Applications Directions on behalf of Uttar Pradesh Rajya Vidyut Utpadan Nigam Ltd. (Harduaganj Thermal Power Station)	Mr. Gaurav Shrivastava	1) Allow the present application and quash/set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board imposing penalty on the applicant 2) Extend the time limit for compliance of New Environment Norms by December, 2023	Same as above
28.	D. NOS. 58771 AND 58772//2020 80	Appls. for Impleadment and Directions on b/o Telangana Stsate Power Generation Corporation Ltd.	Mr. D. Abhinav Rao	1) Allow the present application and set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board 2) Permit the Applicant to comply with the emission limits under the Environment (Protection) Amendment Rules, 2015 by December 2022, as per the consensus recorded in the order dt. 10.12.2018 passed by this Court.	Same as above
29.	70498, 70502 and 70500/2020	Applications for Impleadment, Directions and stay on b/o Tamil Nadu Generation and Distribution Corporation Ltd.	Mr. Vinodh Kanna B.	1) Allow the present application and quash/set aside the impugned order vide No. B-33014 / 2020/IPC-II/TPP dt. 8.5.2020 passed by the Central Pollution Control Board imposing penalty on the applicant Stay 1) Pass an Ex-parte Ad-interim order staying the operation of the impugned order vide No. B-33014 / 2020 / IPC-II/ TPP dt. 8.5.2020 passed by the CPCB imposing penalty on the applicant	Order on 31.08.2020 “Issue notice. There shall be interim stay on recovery till the next date of hearing.”

30.	92761, 92766/2020	Applications for Impleadment and Directions on b/o Andhra Pradesh Power Devlp. Co. Ltd.	Mahfooz Ahsan Nazki	1) Allow the present application and set aside the impugned order dt. 8.5.2020 passed by the Central Pollution Control Board 2) Permit the Applicant to comply with the emission limits under the Environment (Protection) Amendment Rules, 2015 by December 2022, as per the consensus recorded in the order dt. 10.12.2018 passed by this Court.	Fresh
31.	114044/2020	Appl. For extension of time on b/o Jindal India Thermal Power Ltd.	Suruchi Aggarwal	Grant extension of time to the present applicant for implementation of installation of FGD equipment in the Units of Applicant company till 31.03.2024	Order on 02.02.2021. Issue notice
32.	130407, 130405/2020	Application for Impleadment & direction on b/o Hinduja National Power Corp. Ltd.	Nitin Saluja	Stay the demand Notice dt. 08.05.2020 issued by CPCB to the Applicant Company. Direct CPCB to not take any coercive steps against applicant company pending the final disposal of the instant application filed by the applicant	Order on 02.02.2021. Issue notice
H. APPLICATIONS CHALLENGING CAQM ORDER RELATING TO RESTRICTION ON USE AND IMPORT OF PET COKE					
33.	211622, 211624/2023	For Direction and Permission	Malvika Kapila	Issue direction to Respondent No. 2 to set aside the Rejection Letters both dated 13.09.2023 issued by the Directorate General of Foreign Trade/Respondent No. 2, etc.	Fresh
34.	263092, 263093/2023	For Direction and Permission on b/o Carbon Resources	Malvika Kapila	a) Modify the Order dated 24.11.2023 issued by the CAQM bearing no. F.No. 160014/16/2021-MERD/Petcoke by setting aside the directions contained in para 8 (iii) of the said order	Fresh

		Pvt. Ltd.			
I. APPLICATION FOR CLARIFICATION OF ORDER GRANTING GAS SUPPLY TO BAWANA POWER PLANT IN DELHI					
35.	5749, 4637/2024	For Permission and Clarification/Modification of Order dt. 05.02.2018 and 16.07.2018 on b/o Tata Power Delhi Distribution Ltd.	Ishita Jain	Clarify that the directions in the Orders dt. 05.02.2018 and 16.07.2018 pertain to Unit-I i.e., 1 GT of Bawana Power Plant only and not one module comprising around 685.6 MW Or in alternative Modify the orders dated 05.02.2018 and 16.07.2018 passed in Re: Report No. 80 in the captioned matter to the extent that the directions therein pertain to Unit-I i.e. 1 GT of Bawana Power Plant	Fresh
J. APPLICATIONS RELATING TO ENVIRONMENT COMPENSATION CHARGE (ECC) IMPOSED ON ALL COMMERCIAL VEHICLES ENTERING DELHI BY ORDER DATED 9.10.2015 AND 16.12.2015					
36.	73871/2019, 73873 & 73876/2019	For Intervention, Stay and Directions on b/o Salinder Singh	Mr. Shankar Divate	Direct the respondent to exempt the vehicles carry fish or pisciculture product from Environment Compensation charges.	Last listed on 19.08.2019. Adjourned
37.	104971/2021	Appl. For permission to utilize 100 crores of ECC fund for adoption of electric vehicles in delhi on b/o Govt. Of NCT of Delhi	Ms. Jyoti Mendiratta	Grant permission for transfer of Rs. 100 Crores from the Environment Compensation Charge (ECC) fund to the State EV fund for its utilization towards adoption of electric vehicles in Delhi	Fresh

38.	81877, 81878/2020	Applications for Impleadment and Directions on behalf of Gurugram Metropolitan Devlp. Authority	Mr. Sanjay Kr. Visen	<p>a) direct that 50 % of Environment Compensation Charges collected till date and to be collected in future at the Rajokari Toll Plaza, NH- 48 within the revenue estate of village Sirhaul, District Gurugram be shared with the applicant authority</p> <p>b) direct the EPCA and NCT of Delhi to place on record the details of ECC collected till date</p>	Fresh
39.	203112/2022	For Directions	Praveen Swarup	a) Remove exemption granted to commercial vehicles carrying Essential Commodities viz. Vegetables, Fruits, Milk, Grains, Egg, Ice (to be used as food item), Poultry Items, Salt & Empty/Partial laden vehicles from Environmental Compensation Charges as per order dated 09.10.2015 passed by this Court. Etc.	Fresh
40.	17752, 17754/2023	For impleadment and Directions on b/o Municipal Corporation of Delhi)	Nishit Agrawal	<p>a) Issue a Writ, Order or Diretion in the nature of certiorari quashing/setting aside the Impugned Communication dated 07.06.2022 and Impugned Communication-II dated 27.07.2022</p> <p>b) Direct NOIDA to deseal the DND Toll Bridge and to allow the applicant to collect ECC and MCD toll therein, etc.</p>	Fresh
41.	130037/2023	For permission	Jyoti Mendiratta	Grant permission for transfer of Rs. 257.05 Crores from the Environment compensation Charge (ECC) Fund to PWD for the financial year 2023-2024 and funds as defined for the concession period of the proposal, for its utilization towards the project as mentioned. The total Budget required will be 2388 Crore over a period of 10 years for Water Sprinkler Machine integrated with Ani-Smog Gun and 7 years for Mechanical Road Sweeping Machine inegrated with water sprinkler Machine and Anti- Smog Gun, dump vehicle and water tanker	Fresh

**K. APPLICATIONS SEEKING INCREASE IN THE CAP ON THREE WHEELERS
IMPOSED BY ORDER DATED 16.12.1997**

42.	176097/2018 39622/2019	For Clarification on b/o Bajaj Auto Ltd. (Three wheeler) (increasing the number of autos) For Intervention in IA No. 176097/2018 on b/o Piaggio Vehicles Pvt. Ltd.	Pritha Srikumar Iyer Mr. Alok Shukla	Clarify that this Hon'ble Court's Order dt. 16.12.1997 in the present writ petition, and all orders subsequent thereto capping/stipulating the number of "TSR permits" to be issued by the Transport Department of the Govt. Of Delhi from time to time, apply only to the "two-seater rickshaws using two-stroke engines" and operating on motor spirit / petrol and diesel, as were being sold in the market in 1997; and that there is thus no impediment for the Govt. of Delhi to issue fresh licenses/permits in relation to other autorickshaws complying with BS-IV norms (and especially, CNG fuelled autorickshaws)	Last order 26.8.2019 directing EPCA to file a report. EPCA filed report No. 105. Last listed on 24.08.2020 but no order passed.
43.	72210/18, 72236/18	For intervention, direction on b/o Nyaya Bhoomi (for removal of cap on the number of autorickshaws (TSRs) plying in Delhi	Pranav Sachdeva	Restrictions be lifted on the number of TSRs in Delhi on zero emission fuels including electricity and existing TSRs be replaced only with TSRs on such zero emission fuels.	Last listed on 24.08.2020, but no Orders were passed
44.	119813/2019, 119815/2019	For Intervention, Directions on b/o Bhartiya Tipahiya Chalak Sangh	Mr. Mohit D. Ram (now represented through Mr. Shiv Sagar Tiwari)	Pass appropriate directions inter alia directing the Transport Authority of GNCTD to speed up the process of conversion of already existing, BS-I, II, III Engine Vehicles to B-VI Engine Vehicles or to electric/solar energy operated vehicles in a time bound phase etc.	Last listed on 24.08.2020. No order has been passed.
45.	110238/2019	For modification	Mr. Tarun	To modify its order dated 11.11.2011 in the aforesaid Petition and	Last listed on 24.08.2020.

		of Order dt. 11.11.2011 on b/o Delhi Metro Rail Corporation Ltd. (for registration/issue of fresh permits to 15000 Electric Three Seater Rickshaws	Johri	thereby permit the registration/issue of fresh permits to 15,000 Electric-Three-Seater Rickshaws (T-TSRs) of DMRC authorized operator by the Transport Department, Government of NCT of Delhi, which would be used as a last mile connectivity to Delhi Metro Mass Rapid Transport System etc.	No order has been passed.
46.	165917 & 165922/2021	For Intervention & Directions on b/o Jan Shakti Tipahiya Taxi Chalak Sangh	Mukesh Kr. Singh & Co.	Pass appropriate directions that the cap on new registration of Auto TSR permit may be removed only after the 52280 unauthorised E-Rickshaw without Fitness may be removed from Delhi Roads, which are adding more traffic to delhi Roads and which is giving more than Rs. 182 Crore revenue loss to Delhi Govt.	Fresh
47.	189624/2019	For Intervention on b/o Kranti Automobiles Ltd.	Mr. C.S. Ashri	Allow this application and permit the applicant to intervene in the W.P. © No. 13029/1985	Fresh
<p>L. APPLICATIONS SEEKING REGISTRATION OF BS IV VEHICLES Vide judgement dated 24.10.2018 reported as MC Mehta v. UOI (2019) 7 SCC 490, it was held that no BS IV vehicle would be sold or registered in the country from 1.4.2020.</p>					
48.	34355, 34358/2021	Appls. For Intervention & Direction on b/o Sweta Sharma	Rashmi Malhotra	Direct the respondent i.e. Govt. Of NCT of Delhi to Register the BS IV Vehicle of the applicant in the city of Delhi	Last listed on 12.04.2022 Adjourned
49.	1287 & 1288/2022	For Impleadment & Directions on b/o FADA	Chandra Prakash	Allow the instant application and may further be pleased to issue appropriate direction for evolving an appropriate mechanism for ascertaining the actual date of sale of the BS-IV vehicles pending	Last listed on 12.04.2022 Adjourned

				registration and further be pleased to permit the registration of such BS-IV vehicles whose date of sale can be validated to be on or before the cut-off date of 31.03.2020	
50.	57236 & 57241/2022	For impleadment & Direction on b/o Vijay Aggarwal	K.V. Bharathi Upadhyaya	Direct to the respondent No. 1 to 4 for registration of new motor vehicle/car, bearing temporary registration certificate No. CH-116-(I)-1616 chassis no. MA3FXGM1S00406956, engine No. E15AN103449, purchased on 31.12.2019 by the applicant from respondent no. 5 i.e. M/s Auto Vogue Pvt. Ltd plot No. 191, Phase- 11, Industrial Area, Chandigarh	Fresh
51.	86168 & 86220/2022	For Intervention & Direction	Kailash Bajirao Autade	Pass order directing the concerned authority to register the said vehicle, Tata Tigor, which was purchased dated 18.02.2019	Fresh
52.	72314 & 72320/2022	For Intervention & Directions	Puneet Taneja	Direct RTO, New Tehri Town, Tehri Garhwal to register applicant's TATA-407 BS-IV having Temporary Registration No. MH112TRDJL855 purchased against Invoice No. 744825537 dated 21.11.2019	Fresh
M. APPLICATIONS RELATING TO EPCA REPORT NO. 111 ON PILING UP OF THE WASTE/GARBAGE BY THE SIDESOF RAILWAY TRACKS IN DELHI					
53.	90286 and 90287/2020	Applications for Impleadment and Modification of Court's Order dt. 31.8.2020 on b/o Mahabal Mishra	Mr. Durga Dutt	Modifying the order dt. 31.8.2020 passed by this Court as may be deemed fit and appropriate	Last listed on 24.11.2020 No order has been passed
54.	90196 , 90202	Application for	Mr. Nitin	Direct respondent authorities (including Ministry of Railways,	Last listed on 24.11.2020.

	& 90198, 90203/2020	Intervention, Directions behalf of Ajay Maken & Anr.	Saluja	Govt. Of NCT of Delhi, DUSIB) to rehabilitate the slum Dwellers prior to eviction/demolition of their jhuggis, etc.	List after four weeks
55.	87637 & 87638/2020	Applications for Impleadment and Directions on b/o Mazdoor Awas & Kalyan Samiti & Ors.	Mr. Satya Mitra	Modifying the order dt. 31.8.2020 of this Court in W.P. (C) No. 13029/85 to the limited extend that an additional direction be given that DUSIB rehabilitate all the jhuggi dwellers living near the railway tracks who are scheduled to be evicted to be rehabilitate in accordance with the two decisions of the Delhi High Court , within 3 months from today	Last listed on 24.11.2020. List after four weeks
56.	102194 & 102196/2020	Appls. For impleadment & appear & argue in person on b/o Rashtriya Social Progressive Movement	Mr. Sukhbir Singh Kemwal (in person)	Permission for impleadment	Fresh
57.	90451, 90456 AND 92827/2020	Applications for Impleadment, and Directions on b/o BAIJNATH SINGH & ORS	Ms. Lubna Naaz, Advocate has on 1	a) direct the Nodal agencies to rehabilitate the people who are being affected b) Direct the Nodal agencies to classify the JJ clusters so that each affected cluster could get the benefit of the same c) defer the order dt. 31.8.2020 passed in W.P.	Last listed on 24.11.2020 Issue notice
58.	91529, 91547/2020, 8607 &	Appls. For Intervention, Direction	Prasanna S.	Direct the Indian Railways to ensure that forceful evictions take place only in the rarest of rare cases, and that in-situ rehabilitation before eviction is the standard to be followed in these cases, etc.	Fresh

	8609/2021				
59.	130628/2023	Direction on b/o Ministry of Railways	Amrish Kr.	<p>a) To take on record the comprehensive plan of Delhi division, Northern Railway, and pass suitable direction for execution of this plan in the interest of safe and secure operation and Maintenance of Railway</p> <p>b) Direct to remove the unauthorized encroachments from the railway land as per comprehensive plan in phased manner enabling Railway to:- etc.</p>	Fresh
N. DISPOSAL OF BIO MEDICAL WASTE To be listed for update on compliance					
60.	181745/2019, 46339/2020	For intervention, Direction on b/o Harshita Singhal	Mr. Sameer Shrivastava	<p>a) direct the Central Bureau of Investigation to investigate the waste dumping scam</p> <p>b) direct the Central Bureau of Investigation to monitor the same</p>	Last listed on 10.08.2020 with the following direction: “Let the Municipal Corporations verify and file an affidavit in this regard.”
O. APPLICATIONS BY GOVT. BODIES UNDER OUTDOOR ADVERTISEMENT POLICY FINALISED BY THIS HON’BLE COURT ON 3.8.2017					
61.	24223/2021	Appl. For direction on b/o Railway Board	Raj Bahadur Yadav	<p>Direct the Municipal Corporations of Delhi i.e. NDMC, SDMC, EDMC and NDMC to comply with the directions passed by this Court vide Order dt. 3.8.2017</p> <p>(ii) direct the Municipal Corporations of Delhi i.e. NDMC, SDMC, EDMC and NDMC to give ‘No-Objecton Certificate’/ permission for putting up the bill board / hoardings over railway bridges</p>	Fresh
62.	52979, 46925/2021	For permission to file direction and directions on b/o Indian Oil Corporation Ltd. & Ors.	Mr. Parijat Sinha	Direct that the protection that was available under the deleted section 142(f) of the Delhi Municipal Corporation Act, 1957(i.e. no tax shall be levied on any advertisement which relates to any activity of the Govt. Or the corporation) be extended in the Outdoor Advertising Policy – 2017 and as such, no fee ought to be charged for display of hoarding and self signages which relates to	Order dt 3.7.2023 “Issue notice to the respondent Corporation returnable on 24.07.2023. No coercive steps in the meantime.”

	46903/2023 in I.A. No. 52979, 46925/2021	For Stay		any activity of the Govt., etc. <u>I.A. No. 46903/2023</u> Stay three Notices dt. 10.02.2023 issued by the Non-Applicants to the Applicant Nos. 1, 2 and 3.	
P. EASTERN AND WESTERN PERIPHERAL EXPRESSWAY CONSTRUCTED UNDER THE DIRECTIONS OF THIS HON'BLE COURT					
Inter-state dispute between the NCR States on cost sharing					
63.	68247/2019 in I.A. No. 344	For Directions on b/o State of Haryana	Mr. Sanjay Kr. Visen	Issue appropriate directions to Ministry of Road, Transport & Highways, Government of India to release Rs. 485.985 from the Central Pool to State of Haryana	On 18.10.2019 NCR states were directed work out a solution with the cabinet secretary. Last listed on 16.12.2019.
64.	186632/2019	For Directions on b/o GNCT of Delhi	Mr. Chirag M. Shroff	Direct the States of Haryana and Uttar Pradesh to bear the remaining cost towards the construction of the Eastern and Western Peripheral expressways in equal share and cap the share of the Government of NCT of Delhi to Rs. 653.5 Crores i.e. the amount already deposited by the Government of NCT of Delhi etc.	Last listed on 16.12.2019.
65.	162369/2019	For Directions on b/o GNCT of Delhi &	Mr. Chirag M. Shroff	Pass appropriate directions in the matter directing that Government of NCT of Delhi is not liable or obliged to pay any further amounts towards the Eastern Peripheral Expressway and Western Peripheral Expressway are located in the States of Haryana and U.P. etc.	Last listed on 16.12.2019 Let reply to I.A.No. 186632 of 2019 be filed within two weeks.
66.	178139/2019	For Modification	Mr. Chirag	To modify the order dt. 18.10.2019 waiving of the amount directed	Last listed on 16.12.2019.

		of order dt. 18.10.2019 of this Court on b/o GNCT of Delhi	M. Shroff	by the Hon'ble Court to be deposited i.e. Rs. 1000 Crores pending hearing of the present matter	No order has been passed
Q. APPLICATION ON FILLING OF VACANCY BY PETROLEUM AND NATURAL GAS REGULATORY BOARD To be listed for update on compliance					
67.	141743/2022	Modification of Order dt. 6.9.2022	Munawwar Naseem	For modification of the order dated 6.9.2022 directing filling of vacancy in Petroleum and Natural Gas Regulatory Board within 3 months	On 1.8.2023 the Board was directed to fill the 1 remaining vacancy
R. MISCELLANEOUS APPLICATIONS					
68.	134634/18 & 134636/18	For appeal against Registrar's Order & Condonation of delay on b/o General Insurance Council	Rajeev M. Roy	Allow the present appeal under Order XV, Rule 5 of the Supreme Court Rules, 2013 and set aside the impugned order dt. 15.02.2018 passed by the Ld. Registrar (J-1)	Fresh
69.	109640, 109643 & 118243/2020	Appls. For Intervention, appear & argue in person and directions	Mr. Suresh Chawla (in person)	Direct Ministry of Railways to start creating a sample coach to show case boarding / de boarding of vehicle in 15 seconds under the directions of petitioner at the earliest to start a new era for pollution free transport system to show case the arrival of mass transit system for vehicle. Etc.	Fresh
70.	D.No. 88585/2020 & I.A. Nos. 16223,16230, 16235, 16236/2020	Appeal against order dt. 13.8.2020 passed by Ld. Registrar & I.As.	Mr. Deepak Khosla (Petitioner-in-person)	For seeking condonation of delay in filing appeal, condonation of delay in re-filing the appeal, for Direction & Appl. To argue in person) filed on 8.9.2020	Fresh

71.	322 & 765/2022	For Intervention & Directions on b/o Nipun Kr. Malhotra	Rohit Anil Rathi	Direct the Transport Department of the Govt. Of NCT of Delhi to extend/exempt the applicant and such other disabled person from complying with the Guidelines for Scrapping Motor Vehicles in Delhi, 2018 (hereinafter referred to as "Guidelines") dated 24.08.2018 for a period of 5 years subject to compliance with the pollution control levels set by the Delhi Pollution Control Board.	Fresh
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TRUE COPY

ITEM NO.14

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: CROP BURNING
BURNING OF E-WASTE IN DELHI/NCR

- 1) IA NO. 232078/2023 (APPLN. FOR INTERVENTION ON B/O MINU SINGH)
- 2) IA NO. 231822/2023 (APPLN. FOR DIRECTIONS ON B/O HARISH ARORA AND ORS.)
- 3) IA NOS. 235142, 235148 AND 235725/2023 (APPLNS. FOR INTERVENTION, PERMISSION TO APPEAR AND ARGUE IN PERSON AND TO FILE WRITTEN SUBMISSION)
- 4) IA NOS. 228781 AND 228785/2023 (APPLNS. FOR INTERVENTION AND PERMISSION TO APPEAR AND ARGUE IN PERSON)

AND

IN RE: COLOUR-CODED STICKERS

(5) IA NOS. 61328/2020, 237378/2023 AND 61330/2020 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF SIDDHARTH NAYAK)

AND

IN RE: REGIONAL RAPID TRANSPORT SYSTEM

DELHI - ALWAR AND DELHI - PANIPAT CORRIDOR

(6) IA NO. 238763/2023 (APPLN. FOR DIRECTIONS ON B/O NATIONAL CAPITAL REGION TRANSPORT CORP. LTD.)

ONLY" IN W.P.(C) NO. 13029/1985 IS LISTED.

"ONLY" NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST:

MR. HARISH N. SALVE, SR. ADVOCATE (A.C.)
MS. APARAJITA SINGH, SR. ADVOCATE (A.C.)
MR. A.D.N. RAO, SR. ADVOCATE (A.C.)
MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)
PETITIONER-IN-PERSON
MR. G.S. MAKKER,
MR. AMRISH KUMAR,
MR. SANJAY KR. VISEN,
MR. SUDEEP KUMAR,
MS. ROOHE HINA DUA,
MR. SANDEEP KR. JHA

MR. JYOTI MENDIRATTA,
MS. VRINDA BHANDARI,
MR. MUDIT GUPTA,
MR. VIKRAM GULATI, APPLICANT-IN-PERSON (ADVOCATE)
MR. MANISH BHATNAGAR, APPLICANT-IN-PERSON (ADVOCATE),
MR. ANIL KUMAR,
MR. KARUNAKAR MAHALIK, ADVOCATES)

Date : 13-12-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

Ms. Aparajita Singh, Sr. Adv. (A.C.)
Mr. A.D.N. Rao, Sr. Adv. (A.C.)
Mr. Siddhartha Chowdhury, Adv. (A.C.)
Mr. Harish N. Salve, Sr. Adv. (A.C.) (NP)

Mr. R. Venkataramani, Ld. Attorney General
Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. S.S. Rebello, Adv.
Mr. Subhranshu Padhi, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Wasim Qadri, Adv.
Ms. Ruchi Kolhi, Adv.

Mrs. Aishwarya Bhati, A.S.G.
Mr. Amrish Kumar, AOR
Mrs. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Shubhranshu Padhi, Adv.
Mrs. Archana Pathak Dave, Adv.
Mr. Gaurang Bhushan, Adv.

Mrs. Aishwarya Bhati, ASG
Ms. Alka Agrawal, Adv.
Ms. Baby Devi Bonia, Adv.
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UPON hearing the counsel the Court made the following
O R D E R

IA NO. 238763/2023

Mr. S. Murlidhar, learned senior counsel sought to raise an issue that while the State Government has made the budgetary provision for Delhi-Alwar And Delhi- Panipat Corridor, they were awaiting approval of the Central Government. We may note that the other States have already transferred the money in 2019 and 2020 and learned Attorney General present on behalf of the Union Government submits that there is no problem insofar as the formal approval is concerned. We thus grant 7 days' time to Delhi Government to transfer the amount.

Needless to say that the Delhi Government would continue to abide by the schedule and not give opportunity to this Court to revive the order dated 21.11.2023.

IN RE: CROP BURNING

Affidavit dated 06.12.2023 filed by the State of Punjab shows that the environmental compensation recorded as on that date is 53.10%. The recoveries must be speeded up. An endeavour has been made in

para 3 to submit that farm fires between 15.09.2023 to 30.11.2023 have been less in 2023. Point is still farm fires are significant and all this must stop.

Learned Attorney General has submitted a note on behalf of the Union of India qua the steps to be taken and places the minutes of the meeting of the Committee of Secretaries chaired by the Cabinet Secretary for reviewing the air quality management in Delhi.

Five meetings have been held to crystallize the issue. Learned Attorney General in para 3 of the report has set out the steps to be taken by the Government of Haryana and Punjab. The same are as under:

"a. Actions to be taken by State Governments of Haryana and Punjab: It is respectfully submitted that the State Governments may take the following steps and report compliance to this Hon'ble Court of the same:

i. To effectively implement the existing centrally sponsored Schemes for in-situ/ex-situ management of crop residue on a mission mode. They may provide additional incentives as required.

ii. Government of Punjab may devise and implement various incentives schemes on the lines already implemented by the State of Haryana for reducing stubble burning.

iii. The Departments of Agriculture & Farmers Welfare of the State Governments may consider inclusion of ex-situ management components in CRM scheme.

iv. The States may ensure that Environment Compensation is levied and realized in all stubble burning cases as identified through ISRO protocol.

v. The States may take immediate steps to put in

place mechanisms for making RED entry in farm records for all cases of stubble burning identified through ISRO protocol. Department of Food and Public Distribution may consider the suggestion to exclude the farmers who resort to stubble burning from MSP operations.

vi. Additionally, with respect to the MSP it is respectfully submitted that the Government of India fixes MSP for 22 mandated agricultural crops on the expert and technical recommendations of the Commission on Agricultural Costs and Prices (The "CACP"), after considering the views of the concerned State Governments and Central Ministries/Departments. The CACP considers various factors viz. cost of production, overall demand-supply situations of various crops in domestic and world markets, domestic and international prices, inter-crop price parity, terms of trade between agriculture and non agriculture sector, likely effect of price policy on rest of economy and a minimum of 50 percent as the margin over cost of production Cost of production includes all paid out costs - such as hired human labour, bullock labour/machine labour, rent for leased in land, expenses incurred in cash/kind on the use of material inputs like seeds, fertilizers, manures, irrigation charges, depreciation on implements and farm buildings, interest on working capital, diesel/electricity for operation of pump sets etc., miscellaneous expenses and imputed value of family labour. The MSP fixed provides at least 50% return over all India weighted average cost of production. These benefits of the MSP are available to the farmers all across the country. It respectfully submitted that is not appropriate to raise the price of crops simply to make them competitive with rice. This will result in a complete distortion of market prices and cannot be resorted to for any one State.

b. Action to be taken by the Government of Punjab:

• To devise and implement incentive schemes for diversification from paddy and work with grain-based distilleries to facilitate Procurement of maize from farmers. It is respectfully submitted that the State Government of Punjab may report compliance to this Hon'ble Court on these aspects in addition to those set out above."

We direct the State Governments to take steps in

respect of the aforesaid and submit a report to this Court within two months from today. There are other aspects also in the report whereby steps are to be taken by different authorities which are reproduced hereunder:

"c. Inter-Ministerial Committee with special Secretary, Ministry of Agriculture and Farmers Welfare, Ministry of Power, Ministry of New & Renewable Energy (MNRE), Ministry of Petroleum & Natural Gas, Ministry of Environment Forests & Climate Change, Commission for Air Quality Management and the Central Pollution Control Board:

i. To regularly monitor the effective time bound implementation of the various schemes for management of paddy straw in a convergent and synergistic manner.

ii. State Governments should take all necessary actions to ensure that these schemes are fully implemented on ground.

iii. The Inter-Ministerial Committee may hold regular review meetings with State Governments in Delhi and may also visit States for effective monitoring and timely resolution of any issues.

d. Ministry of Power:

- To ensure that all Thermal Power Plants (TPPs) within range of 300 km of Delhi and all captive TPPs implement the CAQM direction for co-firing minimum 5% of biomass along with coal.

e. Ministry Of Petroleum and Natural Gas (MoPNG):

- To encourage private entrepreneurs to set up more CBG plants in Punjab and Haryana under its scheme for setting up CBG plants.

f. CAQM:

- Apart from the regular coordination meetings and actions being taken by CAQM, follow up action on decisions taken in CoS meetings pertaining to CAQM may also be actively pursued by CAQM.

g. Urban Local Bodies in NCR like MCD,NDMC,NOIDA etc.:

i. To ensure strict enforcement of guidelines related to construction activities round the year and submit periodic compliance report in this regard to CAQM.

ii. CAQM to monitor action taken regularly.

h. Action to be taken by the GNCTD and NCR States for better implementation of the Graded Response Action Plan ("GRAP"): It is submitted that the GNCTD may take urgent and effective steps to address the following lacunae noted in the implementation of the various stages of GRAP as and when the said stages are in force:

i. Overaged / EOL vehicles (10 year old diesel/ 15 year old petrol) still plying in NCR, and therefore steps must be taken to address this issue

ii. More intensified drives on vehicles with invalid PUC are required

iii. Enforcement of diversion of non-destined truck for Delhi.

iv. Further intensified action on visibly polluting vehicles, overloaded vehicles, uncovered vehicles carrying C&D materials including debris.

v. Addressing the inadequacy of infrastructure and resources for complete mechanised sweeping and water sprinkling in all identified roads.

vi. Addressing the inadequacy of anti-smog guns at vulnerable locations in major infrastructure projects, road projects.

vii. Addressing the issue of ineffective dust control measures in C&D project sites.

viii. Concerted actions found wanting as per "air pollution hotspots" mitigation plans.

ix. Open MSW burning being resorted to for warming / heating purposes and therefore steps must be taken to address this issue

x. Addressing the issue of ineffective ban on coal fired tandoors in dhabas.

xi. Addressing the issue of ineffective implementation of regulations related to DG sets."

The aforesaid authorities will also duly

implement what they are required to do and submit a report within two months.

IN RE: COLOUR-CODED STICKERS

Mr. Vipin Sanghi, learned senior counsel flags the issue of colour coding of the scheme. The same forms part of the minutes of the meeting at para 14 which reads as under :

14. There was a suggestion for strict enforcement of the Scheme for hologram-based color-coded stickers for vehicles. The Committee was apprised that this scheme is being implemented by all the States. Committee was informed that out of the nearly 27 lakh vehicles in Delhi, 17-18 lakh already have colour coded stickers. The remaining vehicles are primarily old vehicles bought before the implementation of the scheme in 2019. The Committee urged GNCTD of Delhi to ensure compliance with it. At the same time CAQM, in consultation with MoRTH, may examine the practical utility of this measure for improving air quality."

The submission is that once the law exists, it must be implemented. To that extent there can be no cavil and it is the duty of all State Governments to ensure that the law is implemented without any caveat to it. The Committee of Secretaries may call for a report from all State Governments about the progress made in implementation of this aspect of law to ensure that if there are any delinquent States, they comply with the same and that aspect may be brought to the notice of this Court.

IA NO. 232078/2023

Mr. Vikas Singh, learned senior counsel submits that Committee has taken care of the concerns expressed in this application and the application is disposed of accordingly.

IN RE: BURNING OF E-WASTE IN DELHI/NCR

At the suggestion of the learned Amicus we direct the Commission for Air Quality Management(CAQM) to also consider the issue of e-waste burning and as to how to implement it so that it does not aggravate the situation at the time of the Winters.

We do believe that there has to be some judicial monitoring to ensure that we are not again faced with the same scenario next winters. Thus it may be appropriate to continue to list this matter periodically for a judicial monitoring even though there is CAQM and seek reports.

List on 27.02.2024.

We must appreciate the role being placed by Ms. Aparajita Singh, Mr. A.D.N. Rao, and Mr. Siddhartha Chowdhury, learned Amici in these matters jointly.

IA NOS. 228781, 228785/2023

These applications are disposed of requiring them to be placed before CAQM.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)


TRUE COPY

ITEM NO.65

COURT NO.8

SECTION PIL-W

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

RECORD OF PROCEEDINGS

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

Petitioner(s)

M.C. MEHTA

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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Date : 01-04-2024 This petition was called on for hearing today.

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UPON hearing the counsel the Court made the following
O R D E R

1. Ms. Aparajita Singh, learned senior counsel who has been appointed as amicus curiae has submitted a note and a list of Interlocutory Applications as well as copies of

the relevant orders divided into files titled as 'A' to 'Q'. This exercise done by the learned amicus curiae gives us a clarity to a great extent about the issues involved in this matter.

2. The Commission for Air Quality Management in National Capital Region had published an action plan in July, 2022 titled as 'Policy to Curb Air Pollution in the National Capital Region, 2022'. The learned Additional Solicitor General representing the Commission states that a comprehensive report setting out the progress made in the implementation of the action plan will be filed in this Court by 19th April, 2024.

3. For considering the said report, list on 22nd April, 2024.

4. Apart from consideration of the report, we direct that the following Interlocutory Applications shall also be listed on the same day:

- (1) IA No.134634/2018,
- (2) IA No.134636/2018
- (3) IA No.109640/2020,
- (4) IA No.109643/2020,
- (5) IA No.118243/2020,
- (6) IA D.No.88585/2020,
- (7) IA No.16223/2020,
- (8) IA No.16230/2020,
- (9) IA No.16236/2020,
- (10) IA No.322/2022,

(11) IA No.765/2022,

(12) IA No.5749/2024 and

(13) IA No.4637/2024

5. The parties are free to complete the pleadings in the above applications, in the meantime.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER



TRUE COPY

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)

(1) IA NOS. 134634 AND 134636/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) AND CONDONATION OF DELAY ON B/O GENERAL INSURANCE COUNCIL)

2) IA NOS. 109640, 109643 AND 118243/2020 (APPLNS. FOR INTERVENTION, APPEAR AND ARGUE IN PERSON AND DIRECTION)

3) IA D. NO. 88585/2020 AND 16223, 16230, 16235, 16236/2021 (APPEAL AGAINST REGISTRARS ORDER, CONDONATION OF DELAY IN FILING, CONDONATION OF DELAY IN REFILEING, DIRECTIONS, PERMISSION TO APPEAR AND ARGUE IN PERSON)

4) IA NOS. 322 AND 765/2022 (APPLNS. FOR INTERVENTION AND DIRECTIONS)

5) IA NOS. 4637 AND 5749/2024 (APPLNS. FOR MODIFICATION AND PERMISSION)

NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST:

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MR. RAJIV M. ROY

MR. ROHIT ANIL RATHI

MS. ISHITA JAIN

MR. K. V. MOHAN, ADVOCATES

APPLICANT-IN-PERSON

ADVOCATE IN PERSON)

Date : 22-04-2024 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE UJJAL BHUYAN

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UPON hearing the counsel the Court made the following
 O R D E R

1. With the assistance of the learned Additional Solicitor General, we have perused the report submitted by the Commission for Air Quality Management (CAQM) in National Capital region and adjoining areas.
2. Before we deal with the report, the learned Amicus Curiae has handed over a chart across the Bar showing number of vacant posts in Statutory Pollution Control Boards of various States. The figures in the chart are reproduced below:

Data from Report submitted by the CPCB to
 the NGT in OA 693/2022 on 22.11.2023

Status of manpower of SPCBs/PCC

SPCBs/PCC in the NCR	Sanctioned	In place	Vacant
Delhi PCC	344	111	233
Haryana SPCB	450	165	285
Rajasthan SPCB	808	332	476
Uttar Pradesh SPCB	732	407	325
All India (all PCCs/SPCBs)	11,969	5877	6092

3. We direct the aforesaid four States to respond immediately by filing an affidavit setting out the number of vacant posts, as of today, and the steps taken for filling in the vacant posts.

4. We also direct the State of Punjab represented by its Advocate General to do the same thing.

5. Needful shall be done by the States within two months from today. Only for considering this aspect, the petition shall be listed on 10th July, 2024.

Report of CAQM on Municipal Solid Waste in Delhi

6. One of the shocking features of the report submitted by CAQM is the finding that though the average daily generation of Municipal Solid Waste (MSW) in Delhi is around 11,000 tonnes, the capacity of the present waste processing plants is only to the extent of about 8,000 tonnes per day. Therefore, in the capital city, every day, 3,000 tonnes of MSW is generated which cannot be processed. Obviously, that is adding to the pollution. The Solid Waste Management Rules, 2016 (the 2016 Rules) are in place for the last eight years. Even in the capital city, sadly, there is non-compliance with the 2016 Rules. For dealing with this important issue, notices will have to be issued to the concerned parties.

7. Municipal Corporation of Delhi is represented today by the learned senior counsel Mr.S.Wasim A.Qadri who will take instructions on this aspect.

8. We issue notice to the New Delhi Municipal Corporation and Cantonment Board, Delhi. The notices are made returnable on 13th May, 2024. A copy of this order shall be forwarded along with the notice.

9. The Registry to serve the notices to the standing counsel, if any, representing the said authorities.

10. Before the next date, the concerned authorities of the Government of India and the State Government shall call a meeting of officials of the three authorities and all other concerned authorities which are responsible for implementation of the 2016 Rules.

11. In the report, it is stated that the Urban Development Department is responsible for implementation of the 2016 Rules. Therefore, we direct the Urban Development Department of the Government of India as well as Delhi Government to convene a meeting as stated above. A concrete action plan shall be devised and placed before this Court on 13th May, 2024.

12. We direct the Commission to submit a comprehensive report on this aspect regarding non-compliance of 2016 Rules in Delhi.

Other issues

13. Apart from various other issues which can be considered on the basis of report, we are highlighting the following issues:

(a) Some authority must verify whether all construction sites involved in construction and demolition (C&D) activities have been registered on respective web portals;

(b) There are number of non-compliant C&D activities site. However, action of closure appears to have been initiated only against selected few. Dust pollution is created by C&D activities and therefore, stricter action is required against the non-compliant C&D sites;

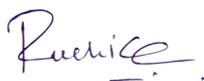
(c) We need to examine in detail the issue regarding prevention and control of stubble burning/farm fires. Before we deal with that issue, we direct the Commission to place on record a copy of statutory directions dated 12th April, 2024 referred in paragraph 36 of the report; and

(d) The Commission shall also place on record the manner in which Enforcement Task Force is functioning and the details of the powers and duties of the Task Force.

14. For considering the aforesaid aspects, the petition shall be listed on 13th May, 2024.

15. Interlocutory Applications which are listed today shall also be listed on 13th May, 2024.

(ANITA MALHOTRA)
AR-CUM-PS



(AVGV RAMU)
COURT MASTER

TRUE COPY

ITEM NO.301

COURT NO.1

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).1135/2020

ADITYA DUBEY (MINOR) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 150881/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 152069/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 149458/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 149457/2021 - INTERVENTION APPLICATION
IA No. 148255/2021 - INTERVENTION APPLICATION
IA No. 152068/2021 - INTERVENTION APPLICATION
IA No. 151957/2021 - INTERVENTION APPLICATION
IA No. 150880/2021 - INTERVENTION APPLICATION
IA No. 150968/2021 - INTERVENTION/IMPLEADMENT

Date : 24-11-2021 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Vikas Singh, Sr.Adv.
Mr. Nikhil Jain, AOR
Mr. Meenesh Dubey, Adv.
Ms. Deepika Kalia, Adv.
Mr. Satya Prakash, Adv.
Mr. Vinod Kr. Jain, Adv.
Mr. Satwik Mishra, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Mr. Rajat Nair, Adv.
Ms. Suhasini Sen, Adv.
Mr. Navanjay Mahapatra, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Gurmeet Singh Makker, AOR

For State of Punjab Mr. D.S. Patwalia, Sr.Adv.
Mr. Anirudh Bakhru, Adv.
Ms. Ranjeeta Rohatgi, AOR
Mr. Gauravjit Patwalia, Adv.

Dr. A.M. Singhvi, Sr.Adv.
Mr. Rahul Mehra, Sr.Adv.

Ms. Jyoti Mendiratta, AOR
Mr. Amit Bhandari, Adv.

Ms. Uttara Babbar, AOR

Mr. Rajiv Raizada, Sr.Adv./AAG
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashwin Mishra, Adv.
Mr. Anurag Tiwari, Adv.
Mr. Kamlendra Mishra, AOR

Mr. Anil Grover, Sr.AAG
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Ms. Babita Mishra, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Rakesh Dahiya, AOR
Mr. Aditya Dahiya, Adv.
Mr. Ravi Swami, Adv.
Mr. Bhudev Prasad Vaishnav, Adv.

Mr. Anilendra Pandey, AOR
Mr. Charanpal Singh Bagri, Adv.
Dr. Gurjit Kaur Jassar Bagri, Adv.
Mr. Ashwani Kumar, Adv.
Mr. Manoj Kumar, Adv.
Mr. Sandeep, Adv.

Mr. Rahul Shukla, Adv.
Mr. Kumar Dushyant Singh, AOR

Ms. Shyel Trehan, Adv.
Mr. Chirayu Jain, Adv.
Mr. Shivendra Singh, AOR

Ms. Sanchita Ain, AOR
Ms. Tanvi Tuhina, Adv.

Mr. Kaushal Yadav, AOR
Mr. Kamlesh Kumar Maurya, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Mr. Vivekanand Rana, Adv.
Mr. Shafik Ahmed, Adv.
Mr. Vishal Tiwari, Adv.
Mr. Dhruv Singh, Adv.

Mr. Manish Kumar, Adv.
Mr. Nakul Jain, Adv.
Mr. Piyush Kaushik, Adv.
Mr. Amit Kumar, Adv.
Mr. Hayat Ahluwalia, Adv.

Ms. Divya Roy, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Vikas Singh, senior counsel for the petitioners, Mr. Tushar Mehta, Solicitor General on behalf of the Union of India, Dr. A.M. Singhvi, senior counsel on behalf of the Government of National Capital Territory of Delhi, Mr. Rakesh Dahiya, Mr. Manish Kumar and Ms. Shyel Trehan, appearing on behalf of the applicant/intervenors.

The Solicitor General submitted that (i) the Air Quality Index of Delhi this morning was 290 as compared to 403 last week; (ii) In view of the improvement in Delhi's air quality the ban on construction activities has been lifted with effect from 22.11.2021; (iv) decisions have been taken by the Commission for Air Quality Management in National Capital Region and Adjoining Areas at a meeting on 21.11.2021; (v) the Note tendered indicates that the Commission by Direction No.44 dated 16.11.2021 directed the NCR States and Government of NCT of Delhi to take concerted action and preventive measures in various sectors to mitigate the adverse air quality; (vi) to minimise industrial pollution, industries which are already connected to PNG supply but are still using other fuels have been closed down; (vii) industries which were using unapproved fuels have also been closed down; and (viii) intensive and continuous drives to monitor compliance of air pollution control norms by industrial units and for suitable penal action and/or closure have been adopted.

The Solicitor General also referred to the Affidavit dated 16.11.2021 filed on behalf of the Ministry of Environment, Forests and Climate Change (respondent No.1 herein) in compliance with the order dated 15.11.2021 and read out various steps taken by the Government for effective control of air pollution in Delhi-NCR.

The Solicitor General submitted that a plan for graded response has been prepared in pursuance of which measures are identified to be taken progressively on the basis of worsening levels of ambient air pollution. The graded response plan which has

been formulated envisages that action is to be taken after a deterioration in the air quality is actually recorded. In other words, action is proposed after air quality has deteriorated. We direct that instead of waiting for the air quality to deteriorate before initiating action under the graded response plan, necessary measures must be put into place in anticipation of a deterioration of air quality. For this purpose, it is necessary for the Commission to engage expert agencies with domain knowledge in meteorological data and statistical modelling. The Commission must commission a scientific study of air quality based on available data of previous years bearing upon recorded levels of air pollution. The study must factor in seasonal variations and other relevant parameters. Once a scientific model is available, which factors in wind velocity as well as natural and man-made phenomena, the graded response plan can be modulated to provide for measures being taken in advance, based on anticipated changes in air quality without waiting for the air quality to deteriorate. On this basis steps can be planned at least a week in advance and even earlier, based on anticipated levels of air pollution in the foreseeable future. The Commission shall carry out the above exercise within a month and report the steps taken for compliance with this direction.

In the meantime, as an interim measure and until further orders, we re-impose the ban on the construction activities in the NCR subject to the following two conditions:-

- (i) Non-polluting activities relating to construction such as the plumbing work, interior decoration, electrical work and carpentry are allowed to be continued;
- (ii) The States shall use the funds which have been collected as labour cess for the welfare of construction workers to provide them subsistence for the period during which construction activities are prohibited and pay wages notified under the Minimum Wages Act for the respective

categories of workers.

For further consideration, list the matter on 29.11.2021.

In the meantime, the Central Government, Delhi-NCR States and the Commission are directed to take appropriate steps to deal with the situation as directed by this Court from time to time.

**(SATISH KUMAR YADAV)
DEPUTY REGISTRAR**

**(R.S. NARAYANAN)
COURT MASTER (NSH)**



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ITEM NO.301

Court 1 (Video Conferencing)

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).1135/2020

ADITYA DUBEY (MINOR) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 159244/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 150881/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 159208/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 149458/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 152069/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 152068/2021 - INTERVENTION APPLICATION
IA No. 151957/2021 - INTERVENTION APPLICATION
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IA No. 149457/2021 - INTERVENTION APPLICATION
IA No. 153451/2021 - INTERVENTION APPLICATION
IA No. 148255/2021 - INTERVENTION APPLICATION
IA No. 150968/2021 - INTERVENTION/IMPLEADMENT
IA No. 159241/2021 - INTERVENTION/IMPLEADMENT
IA No. 159206/2021 - INTERVENTION/IMPLEADMENT)

Date : 10-12-2021 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Vikas Singh, Sr.Adv.
Mr. Nikhil Jain, AOR
Mr. Meenesh Dubey, Adv.
Ms. Deepeika Kalia, Adv.
Mr. Satya Prakash, Adv.
Mr. Vinod Kr. Jain, Adv.
Mr. Satwik Mishra, Adv.
Mr. Pramod Kumar, Adv.
Mr. Bhupendra Kumar Bhardwaj, Adv.
Mr. Shobhit Jain, Adv.

For Respondent(s)/ Applicant(s) Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Mr. Gurmeet Singh Makker, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Rajat Nair, Adv.
Ms. Swarupma Chaturvedi, Adv.

Mr. Amit Sharma, Adv.
 Mr. Kanu Agarwal, Adv.
 Ms. Srishti Mishra, Adv.
 Ms. Suhashini Sen, Adv.
 Mr. Navanjay Mahapatra, Adv.
 Ms. Archana Pathak Dave, Adv.

Mr. Sajjan Poovayya, Sr.Adv.
 Mr. Prag Tripathi, Sr.Adv.
 Mr. C.S. Vaidyanathan, Sr.Adv.
 Mr. Nitin Saluja, Adv.

Mr. Sandeep Sethi, Sr.Adv.
 Mr. Atul Batra, Adv.
 Mr. Kundan Mishra, Adv.
 Mr. Sohit Chaudhry, AOR

For GNCTD

Dr. A.M. Singhvi, Sr. Adv.
 Mr. Rahul Mehra, Sr. Adv.
 Ms. Jyoti Mendiratta, AOR

Ms. Uttara Babbar, AOR

For State of Punjab

Mr. D.S. Patwalia, AG, Punjab
 Ms. Ranjeeta Rohatgi, AOR
 Mr. Anirudh Bakhru, Adv.
 Mr. Gauravjit Patwalia, Adv.

For State of U.P.

Mr. Ranjit Kumar, Sr.Adv.
 Mr. Ravindra Raizada, Sr.Adv./AAG
 Ms. Garima Prasad, Sr.Adv./AAG
 Mr. Rajeev Kumar Dubey, Adv.
 Mr. Ashiwan Mishra, Adv.
 Mr. Anurag Tiwari, Adv.
 Mr. Kamlendra Mishra, AOR

For State of
 Haryana

Mr. Maninder Singh, Sr.Adv.
 Mr. Anil Grover, AAG, Haryana
 Ms. Noopur Singhal, Adv.
 Mr. Rahul Khurana, Adv.
 Mr. Satish Kumar, Adv.
 Mr. Bhanwar Jadon, Adv.
 Mr. Sanjay Kumar Visen, AOR

For State of Raj.

Dr. Manish Singhvi, Sr.Adv.
 Mr. Arpit Parkash, Adv.
 Mr. Sandeep Kumar Jha, Adv.

Mr. Pinaki Misra, Sr.Adv.
 Mr. Utkarsh Sharma, Adv.
 Ms. Kaveri Vats, Adv.

Mr. Kapil Sibal, Sr.Adv.

Mr. Sumeer Sodhi, Adv.
Mr. Abhishek Lalwani, Adv.

Mr. C.A. Sundaram, Sr.Adv.

Mr. Sandeep Kumar Jha, Adv.
Mr. Dhiraj Kumar, Adv.
Mr. Sanveer Mehlwal, Adv.
Mr. Abdul Gaffar, Adv.
Ms. Geetanjali Mehlwal, Adv.

Mr. Kaushal Yadav, AOR
Mr. Kamlesh Kumar Maurya, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Mr. Shafik Ahmed, Adv.
Mr. Vivekanand Rana, Adv.
Ms. Yashoda Katiyar, Adv.
Dr. Ajay Kumar, Adv.
Mr. H.S. Sachdeva, Adv.

Mr. Haresh Raichura, AOR
Ms. Saroj Raichura, Adv.
Mr. Ram Bhadauria, Adv.
Mr. Kalp Raichura, Adv.

Mr. Rakesh Dahiya, AOR
Mr. Aditya Dahiya, Adv.
Mr. Ravi Swami, Adv.
Mr. Bhudev Prasad Vaishnav, Adv.

Mr. Anilendra Pandey, AOR
Mr. Charanpal Singh Bagri, Adv.
Dr. Gurjit Kaur Jassar Bagri, Adv.
Mr. Sandeep, Adv.
Mr. Rajeev Yadav, Adv.
Mr. Navin Kumar Rana, Adv.
Mr. Raju sonkar, Adv.

Mr. Rahul Shukla, Adv.
Mr. Kumar Dushyant Singh, AOR

Mr. Chirayu Jain, Adv.
Mr. Shivendra Singh, AOR

Ms. Sanchita Ain, AOR

Mr. Manish Kumar, Adv.
Mr. Nakul Jain, Adv.
Mr. Piyush Kaushik, Adv.
Mr. Amit Kumar, Adv.
Mr. Utkarsh Sharma, Adv.
Mr. Hayat Ahluwalia, Adv.

Ms. Divya Roy, AOR

Ms. Shyel Trehan, Adv.
Mr. Chirayu Jain, Adv.
Mr. Raghav Anand, Adv.
Mr. Shivendra Singh, Adv.

Mr. Ajay Bansal, Adv.
Mr. S.K. Vesenn, AOR
Mr. Gaurav Yadava, Adv.
Ms. Veena Bansal, Adv.

Mr. Amrish Kumar, Adv.

Mr. Sanchit Ain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Vikas Singh, learned senior counsel appearing on behalf of the petitioners, Mr. Tushar Mehta, learned Solicitor General appearing on behalf of the Union of India, Dr. A.M. Singhvi, learned Senior counsel appearing on behalf of the Government of National Capital Territory of Delhi, Mr. Ranjit Kumar, learned Senior counsel appearing on behalf of the State of Uttar Pradesh, Mr. Kapil Sibal, Mr. C.A. Sundaram, Mr. Sandeep Sethi, Mr. Pinaki Mishra, Mr. Prag P. Tripathi, Mr. C.S. Vaidyanathan, learned senior counsel and Ms. Shyel Trehan and Mr. Manish Kumar, learned counsel appearing on behalf of various intervenors.

The application for impleadment filed on behalf of the Commission for Air Quality Management in National Capital Region and Adjoining Areas is allowed in terms of the prayer made and the applicant is impleaded as a party-respondent.

We have perused the Affidavit dated 09.12.2021 filed on behalf of the Commission for Air Quality Management in National Capital Region and Adjoining Areas. The same is taken on record.

We direct the Commission to examine requests of various industries and organisations about relaxation of conditions imposed by virtue of our previous orders or otherwise as per the Commission's circulars. We direct the concerned intervenors to furnish a copy of their applications to the office of the learned

Solicitor General, who is requested to forward the same to the Commission. We expect that the Commission will look into this and take appropriate action in a week's time.

We grant liberty to the Commission to call for the representatives of the industries and organisations, if it finds it necessary, and take their inputs before passing any order.

I.A.No.148255/2021 has been filed on behalf of the applicant praying therein to permit the applicant to intervene in the matter and raise the concerns which are subject matter of the instant writ petition. The same is also allowed in terms of the prayer made. The suggestions contained therein shall be considered on the next date(s) of hearing.

I.A.No.150880/2021 filed on behalf of the applicant/intervenor is allowed in terms of the prayer made.

During the course of hearing, Ms. Shyel Trehan, learned counsel appearing on behalf of the intervenor raised the issue of non-payment of minimum wages to the workers during the period of construction ban by the States of Uttar Pradesh and Rajasthan.

We direct the States of Uttar Pradesh and Rajasthan to comply with the orders passed by this Court and file an affidavit of compliance before the next date of hearing.

List on 16.12.2021.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(R.S. NARAYANAN)
COURT MASTER (NSH)



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ITEM NO.301

COURT NO.1

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 SWrit Petition(Civil) No.1135/2020

ADITYA DUBEY (MINOR) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 159244/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 150881/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 159208/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 149458/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 152069/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 149457/2021 - INTERVENTION APPLICATION, IA No. 153451/2021 - INTERVENTION APPLICATION, IA No. 148255/2021 - INTERVENTION APPLICATION, IA No. 152068/2021 - INTERVENTION APPLICATION, IA No. 151957/2021 - INTERVENTION APPLICATION, IA No. 150880/2021 - INTERVENTION APPLICATION, IA No. 159206/2021 - INTERVENTION/IMPLEADMENT, IA No. 150968/2021 - INTERVENTION/IMPLEADMENT AND IA No. 159241/2021 - INTERVENTION/IMPLEADMENT)

Date : 16-12-2021 This Writ Petition along with applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Vikas Singh, Sr. Adv
Mr. Nikhil Jain, AOR
Mr. Meenesh Dubey, Adv
Ms. Deepeika Kalia, Adv
Mr. Satya Prakash, Adv
Mr. Vinod Kumar Jain, Adv
Mr. Satwik Mishra, Adv
Mr. Pramod Kumar, Adv
Mr. Bhupendra Kumar Bhardwaj, Adv
Mr. Shobhit Jain, Adv
Mr. Nikhil Jain, AOR

For Respondent(s)

Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Ms. Ruchi Kohli, AOR
Mr. Rajat Nair, Adv.

Mr. Amit Sharma, Adv.
Ms. Swarupma Chaturvedi, Adv.
Mr. Kanu Agarwal, Adv.
Ms. Srishti Mishra, Adv.
Ms. Suhasini Sen, Adv.
Mr. Rajat Nair, Adv.
Mr. Navanjay Mahapatra, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Zoheb Hossain, Adv
Mr. Ankur Talwar, Adv
Ms. Priyanka Das, Adv
Ms. Shraddha Deshmukh, Adv
Ms. Vanshaja Shukla, Adv
Mr. Kanu Agrawal, Adv
Mr. Chinmaee Chandra, Adv
Mr. Saurabh Mishra, Adv
Mr. Siddhant Kohli, Adv
Mr. Raj Bahadur Yadav, AOR

Dr. Manish Singhvi, Sr. Adv
Mr. Arpit Parkash, Adv.
Mr. Sandeep Kumar Jha, AOR

Mr. Pawan Upadhyay, Adv
Ms. Sharmila Upadhyay, Adv
Mr. Sarvjit Pratap Singh Dave, Adv.
For M/s.Unuc Legal LLP, AOR

Mr. Sanjiv Kakra, Sr. Adv
Mr. Atul Batra, Adv
Mr. Kundan Mishra, Adv
Mr. Shohit Chaudhry, AOR

Ms. Uttara Babbar, AOR

Mr. D.S. Patwalia, AG, Punjab
Ms. Ranjeeta Rohatgi, AOR
Mr. Anirudh Bakhru, Adv
Mr. Gauravjit Patwalia, Adv

Ms. Jyoti Mendiratta, AOR

Mr. Kaushal Yadav, AOR

Mr. Rakesh Dahiya, AOR

Mr. Yashraj Singh Deora, AOR
Ms. Prakriti Roy, Adv

Ms. Sanchita Ain, AOR

Mr. Anilendra Pandey, AOR

Mr. Charanpal Singh Bagri, Adv.

Dr. Gurjit Kaur Jassar Bagri, Adv.

Mr. Sandeep, Adv.

Mr. Rajeev Yadav, Adv.

Mr. Navin Kumar, Adv.

Mr. Raju Sonkar, Adv.

Mr. Mehmood Pracha, Adv

Ms. K.V. Bharathi Upadhyaya, AOR

Ms. Tasneem Ahmedi, Adv

Mr. Sanawar, Adv

Ms. Mahima Rathi, Adv

Mr. Jatin Bhatt, Adv

Mr. Kumar Dushyant Singh, AOR

Mr. Shivendra Singh, AOR

Mr. Chirayu Jain, Adv

Ms. Sanchita Ain, AOR

Mr. Sumeer Sodhi, AOR

Mr. Utkarsh Sharma, AOR

Ms. Kaveri Vats, Adv.

Mr. Nitin Saluja, AOR

Mr. Amrish Kumar, AOR

Mr. Sridhar Potaraju, Adv

Mr. Gaichang Pou Gangmei, AOR

Ms. Petal Chandok, Adv

Ms. Shiwani Tushir, Adv.

Mr. Manish Kumar, Adv

Mr. Nakul Jain, Adv

Mr. Piyush Kaushik, Adv

Mr. Amit Kumar, Adv

Mr. Hayat Ahluwalia, Adv

Ms. Divya Roy, AOR

Mr. Ranjit Kumar, Sr. Adv

Mr. Ravindra Raizada, AAG

Ms. Garima Prasad, AAG

Mr. Rajeev Kumar Dubey, Adv

Mr. Ashiwan Mishra, Adv

Mr. Anurag Tiwari, Adv
Mr. Kamendra Mishra, AOR

Mr. Maninder Singh, Sr. Adv
Mr. Anil Grover, Sr. AAG
Ms. Noopur Singhal, Adv
Mr. Rahul Khurana, Adv
Mr. Satish Kumar, Adv
Mr. Bhanwar Jadon, Adv
Mr. Sanjay Kumar Visen, AOR

Mr. Haresh Raichura, AOR
Ms. Saroj Raichura, Adv
Mr. Kalp Raichura, Adv
Mr. Ram Bhadauria, Adv
Mr. Rajat Vats, Adv

UPON hearing the counsel the Court made the following
O R D E R

This Court passed the following Order on 10-12-2021

"xx xx xx

The application for impleadment filed on behalf of the Commission for Air Quality Management in National Capital Region and Adjoining Areas is allowed in terms of the prayer made and the applicant is impleaded as a party-respondent.

We have perused the Affidavit dated 09.12.2021 filed on behalf of the Commission for Air Quality Management in National Capital Region and Adjoining Areas. The same is taken on record.

We direct the Commission to examine requests of various industries and organizations about relaxation of conditions imposed by virtue of our previous orders or otherwise as per the Commission's circulars. We direct the concerned intervenors to furnish a copy of their applications to the office of the learned Solicitor General, who is requested to forward the same to the Commission. We expect that the Commission will look into this and take appropriate action in a week's time.

We grant liberty to the Commission to call for the representatives of the industries and organizations, if it finds it necessary, and take their inputs before passing any order.

I.A. No.148255/2021 has been filed on behalf of the applicant praying therein to permit the applicant to intervene in the matter and raise the concerns which are subject matter of the instant writ petition. The same is also allowed in terms of the prayer made. The suggestions contained therein shall be considered on the next date(s) of hearing. I.A. No. 150880/2021 filed on behalf of the applicant/intervenor is allowed in terms of the prayer made. During the course of hearing, Ms. Shyel Trehan, learned counsel appearing on behalf of the intervenor raised the issue of non-payment of minimum wages to the workers during the period of construction ban by the States of Uttar Pradesh and Rajasthan. We direct the States of Uttar Pradesh and Rajasthan to comply with the orders passed by this Court and file an affidavit of compliance before the next date of hearing.

List on 16.12.2021."

Heard Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India, Mr. Vikas Singh, learned Senior counsel appearing for the petitioners and learned counsel appearing for various Intervenors.

Affidavit dated 15-12-2021 filed by the Commission for Air Quality Management has also been perused.

We find that the said Commission has taken certain decisions to curb the air pollution after taking into consideration the suggestions/inputs given by the representatives of different organizations.

Let the Commission continue with this ongoing process.

So far as the ban on construction activities is concerned, we are informed by the learned Solicitor General that the Commission will take a decision by tomorrow.

With a view to find out a permanent solution for the air pollution menace occurring every year in Delhi and the National Capital Region, we direct the said Commission to invite suggestions from the general public as well as the experts in the field. Some experts have already approached this Court as Intervenors. The

suggestions received shall have to be considered by an expert group, to be constituted by the Commission for the said purpose, before finalization of the policy to curb air pollution.

List the matter on 3-2-2022.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)



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