

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI****O.A. APPLICATION NO. 326 OF 2025**

(Under Section 14 read with Section 15 and 18 (1) of National Green Tribunal Act, 2010)

IN THE MATTER OF:

SANJEEV KUMAR

...APPLICANT

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENT

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APPLICANT**THROUGH COUNSEL****NEW DELHI****DATED:10.07.2025****SGA LEGAL & CONSULTANTS****(Sanket Gupta, Moksh Kataria & Muskan Rawley)****ADVOCATES****Off at: 118, UGF, World Trade Center,
The Lalit, Babar Road, New Delhi-110001.****Mob No: +91 9899556253, 8950923456****Email Id: advsgalegal@gmail.com**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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ORIGINAL APPLICATION NO. 326 OF 2025

[Under Section 14 read with Sections 15 and 18 (1) of the National Green Tribunal Act, 2010]

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**ADDITIONAL AFFIDAVIT IN OA. NO. 326 OF 2025 ON BEHALF OF
THE APPLICANT NAMED SANJEEV KUMAR.**

MOST RESPECTFULLY SHOWETH:

I, Sanjeev Kumar, aged about 43 years, S/o. Sh. Ashok Kumar, R/o. H.No-12, Ganga Vihar Colony, Opp Police Station Murad Nagar, Ghaziabad, Uttar Pradesh-201206, presently residing at 142, Gupta Sadan, Main Market, Badarpur, New Delhi-110044, do hereby solemnly affirm and declare as under:

The present Additional Affidavit is being filed for the purpose of bringing on record a subsequent development which has a direct bearing on the subject matter of the Original Application ("OA").

In the said Press Release, the CAQM, in a meeting held recently, has decided to extend the timeline for implementation of the fuel ban on end-of-life vehicles in the Delhi-NCR region. This decision has been taken in response to the operational and infrastructural challenges highlighted by the Government of NCT of Delhi (GNCTD). Further, it records that the ban on the use of fuel in diesel vehicles older than 10 years and petrol vehicles older than 15 years shall now be enforced



from 01.11.2025 in Delhi, and from 01.04.2026 in the remaining areas of the NCR. A copy of the order dated 08.07.2025 passed by the Commission for Air Quality Management (CAQM) titled as “**Amendment to Direction No. 89**” is annexed herewith and marked as **Annexure A-1** for the kind perusal of this Hon’ble Court.

The said development is of material relevance to the adjudication of the present OA as it evidences a formal policy shift subsequent to the filing of the Petition, and has a direct bearing on the reliefs sought in the OA.

Accordingly, the Petitioner seeks the indulgence of this Hon’ble Tribunal to take on record the Press Release dated 08.07.2025 as *Annexure A-1* along with this Additional Affidavit.

ADDITIONAL GROUNDS

AA. BECAUSE the impugned Direction No. 89 dated 23.04.2025 creates unconstitutional discrimination under Article 14 by applying vehicle age restrictions only to Delhi NCR and not to the entire nation.

The Direction arbitrarily restricts diesel vehicles older than 10 years and petrol vehicles older than 15 years only in the National Capital Region while identical vehicles continue to operate freely in other parts of India. This geographical discrimination lacks rational basis and violates the equality clause of the Constitution. If vehicular emissions are indeed a national environmental concern, the policy should apply uniformly across all states. The selective application to Delhi NCR alone creates two classes of citizens - those residing in NCR who are deprived of their vehicle usage rights, and those in other parts of the country who continue to enjoy the same rights with identical vehicles. This discriminatory treatment is arbitrary and violates the principle of equal protection under law as enshrined in Article 14 of the Constitution.

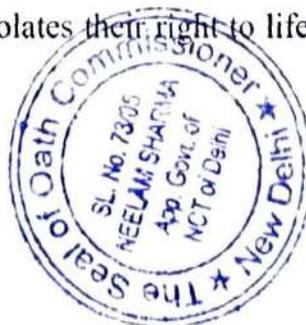


BB. BECAUSE the impugned Direction violates the legitimate contractual rights of vehicle owners who have paid registration fees for 15 years at the time of purchase.

When citizens purchase vehicles, they pay registration fees to the government for a period of 15 years under the Motor Vehicles Act, 1988. This payment creates a legitimate expectation and contractual right to use the vehicle for the entire registration period, subject to compliance with statutory requirements like fitness, insurance, and PUC. The impugned Direction effectively extinguishes this right after 10 years for diesel vehicles and 15 years for petrol vehicles, thereby depriving citizens of their paid-for entitlements without any compensation or refund of the unutilized registration fees. This amounts to breach of contract by the State and violates the principle of legitimate expectations established in cases like *Navjyoti Co-op. Group Housing Society v. Union of India*, AIR 1993 SC 155.

CC. BECAUSE the Direction imposes an unreasonable economic burden on citizens, violating their fundamental right to life and personal liberty under Article 21.

The forced premature replacement of vehicles creates severe financial hardship, particularly in the current economic climate where vehicle prices have increased substantially. Citizens are compelled to purchase new vehicles at costs ranging from ₹6-12 lakhs, even when their existing vehicles are mechanically sound and pollution-compliant. This economic coercion is particularly harsh on middle-class families, senior citizens, and small business owners who cannot afford frequent vehicle replacements. The Direction forces an average citizen to purchase approximately four cars in their lifetime if they own diesel vehicles, and three cars if they own petrol vehicles, creating an unbearable financial burden that affects their standard of living and violates their right to life with dignity under Article 21 of the Constitution.



DD. BECAUSE the Direction disproportionately impacts senior citizens with fixed incomes, causing undue hardship and limiting mobility

The impugned Direction imposes enormous hardship on senior citizens, particularly those living on pensions or limited retirement savings, by compelling them to discard mechanically sound and pollution-compliant vehicles in their golden years. At a time when personal mobility becomes crucial for accessing healthcare, maintaining independence, and ensuring social inclusion, this measure has a **chilling effect** on their freedom of movement. The failure to account for the specific vulnerabilities of senior citizens results in an arbitrary and oppressive burden, infringing upon their right to life with dignity under Article 21 of the Constitution.

EE. BECAUSE the Direction severely impairs the right to freedom of movement and mobility, which is an integral part of personal liberty under Article 21.

The blanket ban on fuel supply and threat of vehicle impoundment effectively immobilizes citizens, restricting their fundamental right to move freely within the country. For many citizens, especially in suburban and rural areas of NCR, personal vehicles are the primary mode of transportation. The Direction's implementation creates a class of citizens who become transportation-disadvantaged overnight, unable to commute to work, access healthcare, or fulfill family obligations. This restriction on mobility disproportionately affects vulnerable groups including senior citizens, disabled persons, and those living in areas with poor public transport connectivity.



FF. BECAUSE the Direction violates the fundamental right to carry on trade and business under Article 19(1)(g) of the Constitution.

For numerous professionals including doctors, lawyers, consultants, small business owners, and self-employed individuals, their vehicles are essential tools

for conducting business and earning livelihood. The Direction's implementation effectively deprives them of their means of business operation, forcing them to either cease operations or incur substantial replacement costs. This is particularly detrimental to small businesses and individual professionals who cannot afford fleet replacement and rely on their existing vehicles for service delivery. The restriction amounts to an unreasonable restraint on trade and commerce, violating the constitutional guarantee of freedom to practice profession and carry on business.

GG. BECAUSE the Direction fails to account for the extraordinary circumstances of the COVID-19 pandemic (March 2020 - March 2022) during which private vehicles remained largely unused due to lockdowns and movement restrictions.

During this unprecedented period, private vehicles were parked for extended periods due to government-imposed lockdowns, contributing zero emissions to air pollution. The Hon'ble Supreme Court and various High Courts recognized the extraordinary nature of this period and granted extensions in multiple matters. However, the impugned Direction mechanically includes these non-usage years in age computation, thereby unfairly reducing the effective operational life of vehicles. This period of force majeure should be excluded from age calculation as vehicles during this time were not contributors to pollution and their owners were legally restrained from using them.

HH. BECAUSE the Direction creates a contradiction in the regulatory framework by maintaining extensive PUC (Pollution Under Control) infrastructure while simultaneously ignoring PUC compliance.

The government has established PUC centers at nearly every second or third petrol pump across the NCR, creating a comprehensive network for emissions



testing and certification. These centers, controlled and regulated by the authorities, are mandated to issue clearance certificates only to vehicles that meet prescribed emission standards. If a vehicle passes PUC testing and receives a valid certificate, it is legally certified as meeting pollution norms. The impugned Direction renders this entire regulatory framework meaningless by imposing blanket bans regardless of PUC compliance, thereby questioning the very utility and credibility of the government's own pollution monitoring system.

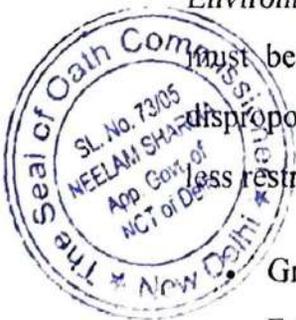
II. BECAUSE the Direction creates regulatory inconsistency by maintaining PUC infrastructure while simultaneously negating its relevance.

The contradiction between having an extensive PUC certification system and then ignoring PUC compliance for vehicle regulation exposes the arbitrary nature of the Direction. If the government truly believes that vehicles meeting PUC standards are environmentally safe, then PUC-compliant vehicles should be exempted from age-based restrictions. Conversely, if PUC compliance is insufficient for environmental protection, then the entire PUC system should be overhauled rather than maintaining a parallel and contradictory regulatory regime. This regulatory confusion violates the principle of consistent and rational governance.

JJ. BECAUSE the Direction fails to consider the principle of proportionality in environmental regulation.

Environmental protection, while being a fundamental duty under Article 51A(g), must be balanced against other fundamental rights. The Direction adopts a disproportionate approach by imposing blanket restrictions without considering less restrictive alternatives such as:

- Graduated restrictions based on usage patterns
- Exemptions for low-mileage vehicles



- Enhanced PUC standards instead of blanket bans
- Congestion pricing for overaged vehicles
- Restricted hour operations for older vehicles

The failure to explore these less restrictive alternatives while achieving the same environmental objectives violates the principle of proportionality established in environmental jurisprudence.

KK. BECAUSE the Direction creates an artificial scarcity economy in the automobile sector, indirectly benefiting manufacturers at the cost of consumers.

The forced premature replacement of vehicles creates an artificial demand for new vehicles, benefiting automobile manufacturers while imposing financial hardship on consumers. This policy-driven market manipulation is not justified by proportionate environmental benefits and raises concerns about whether the Direction serves public interest or private commercial interests.

Jayesh

DEPONENT

10 JUL 2025

VERIFICATION

Verified at Delhi on this _____ day of _____ 2025 that the contents of the affidavit are true and correct to the knowledge of the Deponent and nothing material has been concealed therefrom.



Jayesh

DEPONENT

Solemnly sworn before me read over & explained to the deponent Admitted to be correct

[Signature]
Oath Commissioner, New Delhi

I identified the deponent who has signed in my presence

10 JUL 2025

COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREA
17th Floor, Jawahar Vyapar Bhawan, (STC Building),
Tolstoy Marg, New Delhi-110001

F.No. A-11011/07/2021/CAQM-VP.Vol.IV/1382(DT) Dated: 08/07/2025

Subject: Amendment in Direction No. 89 dated 23.04.2025 issued under Section 12 of Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 for liquidation of large fleet of End-of-Life vehicles from Delhi-NCR- reg.

WHEREAS, the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as the "Commission") towards ensuring effective implementation of the orders of Hon'ble National Green Tribunal and the Hon'ble Supreme Court and with a view to abate air pollution caused by End of Life vehicles (hereinafter referred to as the "EoL" vehicles) plying in Delhi-NCR, issued statutory Direction No. 89 dated 23.04.2025;

WHEREAS, a series of meetings were also convened to assess the state of preparedness of the concerned authorities in the Government of NCT of Delhi and the NCR States, with the objective of ensuring a coordinated and smooth implementation of the measures outlined under Direction No. 89;

WHEREAS, the Government of NCT of Delhi (GNCTD) vide letter dated 03.07.2025 has brought to the attention of the Commission some operational and infrastructural challenges in implementation of Direction No. 89 dated 23.04.2025, inter alia, stating that while it is fully aligned with the Commission's objective to phase out older, polluting vehicles and has been complying with the directions of the Hon'ble NGT and the Hon'ble Supreme Court regarding the ban on EoL vehicles, the Automated Number Plate Recognition (ANPR) system lacks the requisite robustness, with issues related to technological glitches, camera placement, working of sensors and speakers, and that the system is not yet fully integrated with the database of neighboring NCR States; furthermore, the system is unable to identify EoL vehicles in cases where there are issues related to High Security Registration Plates (HSRP), and these challenges require proper trial and error corrections prior to its implementation;

WHEREAS, the Government of NCT of Delhi has further stated that stage-wise implementation would not serve its intended purpose, as it is likely to result in vehicle owners procuring fuel from adjacent districts, thereby circumventing the ban and potentially fostering an illegal cross-border fuel market;



Amendment to Direction No. 89

WHEREAS, the Government of NCT of Delhi has strongly urged the Commission to put the implementation of Direction No. 89 on hold with immediate effect until the ANPR system is seamlessly integrated across the entire NCR;

WHEREAS, the Chief Secretary, GNCTD vide letter dated 07.07.2025 stated that the primary concern lies in the uniform applicability of the Motor Vehicles Act, 1988, where Section 59 confers exclusive mandate on the Central Government to prescribe lifespan for vehicles. The enforcement of geographically restricted EoL thresholds in Delhi, while identical vehicles continue to operate legally in other cities across the nation, raises legitimate questions concerning legal certainty and equitable treatment under the same national statute;

WHEREAS, the Chief Secretary, GNCTD further stated that defining EoL status solely based on the passage of time, without factoring in crucial aspects such as vehicle fitness, actual emission performance, or usage, may not fully align with the broader legislative spirit of Section 59 of the Motor Vehicles Act, 1988 and highlighted the hardship to middle-class citizens and vehicle owners;

WHEREAS, the Chief Secretary, GNCTD requested the Commission to consider relaxing the directions pertaining to the denial of fuel to EoL vehicles in Delhi;

WHEREAS, the matter was placed before the Commission for deliberation and appropriate decision. Accordingly, the Commission in its meeting held on 08.07.2025 deliberated on the issue, in consultation with the Associate Members of the Commission from Ministry of Road Transport and Highways (MoRTH), Ministry of Petroleum and Natural Gas (MoPNG) and Ministry of Heavy Industries (MHI) besides Transport Departments of GNCTD and NCR States as Special Invitees.

WHEREAS, the Commission, inter alia, deliberated as under:

- (i) The Hon'ble NGT(PB), New Delhi *vide* its Order dated 26.11.2014 in OA No. 21 of 2014 titled as Vardhaman Kaushik Vs. Union of India & Ors., *inter alia*, directed as under:

"...1. All vehicles, diesel or petrol, which are more than 15 years old shall not be permitted to ply on the roads and wherever such vehicles of this age are noticed, the concerned authorities shall take appropriate steps in accordance with law including seizure of the vehicles in accordance with the provisions of the Motor Vehicle Act, 1988.

2. The vehicles which are more than 15 years old, will not be permitted to be parked in any public area and they shall be towed away and challaned by the police in accordance with law.

This direction would be applicable to all vehicles without exception i.e. two wheelers, three wheelers, four wheelers, light vehicles and heavy vehicles irrespective of whether commercial or otherwise.

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12. RTO shall not issue/ renew registration of the vehicles or fitness certificate to any vehicle which is more than 15 years old..."

- (ii) The Hon'ble Supreme Court, *vide* Order dated 20.04.2015 passed in Civil Appeal of 2015 arising out of C.A.D. No. 7864 of 2015 titled as Vishaal Shripati Jogdand Vs. Union of India & Ors., while hearing appeals against the judgment(s) and order(s) passed by the Hon'ble NGT, New Delhi in Original Application No.21 of 2014, dated 26.11.2014 and 04.03.2015, *inter alia*, noted that *"In our considered opinion, we do not see any good ground to interfere with the judgment(s) and order(s) passed by the Tribunal. Accordingly, the Civil Appeals are dismissed."*;
- (iii) The Hon'ble NGT (PB), New Delhi *vide* its Order dated 07.04.2015 in OA No. 21 of 2014 titled as Vardhaman Kaushik Vs. Union of India & Ors., *inter alia*, observed and directed as under:
- "...We have already noticed that certain stringent measures need to be taken to improve the ambient air quality in NCR, Delhi and to ensure that the residents of this area do not travel closer to ill-health by each breath that they take. Thus we hereby direct that all diesel vehicles (heavy or light) which are more than 10 years old, will not be permitted on the roads of NCR, Delhi..... Petrol vehicles which are more than 15 years old and diesel vehicles that are more than 10 years old shall not be registered in the NCR, Delhi..."*
- (iv) The Hon'ble NGT *vide* its Order dated 18.07.2016, while considering the application with a prayer to set aside the order of Hon'ble NGT dated 07.04.2015 by which it was directed that the diesel vehicles which are more than 10 years old should not be permitted to ply on road, *inter alia*, noted that *"...we are of the considered view that there is no occasion for the Tribunal to set aside the order date 07th April, 2015..."* and further directed the concerned RTOs of NCR to deregister all the diesel vehicles which are more than 10 years of age; similar direction was reiterated by the Hon'ble NGT on 20.07.2016;
- (v) During further deliberation on the issue on 28.11.2016, the Hon'ble NGT at the cost of repetition, *inter alia*, directed as under:

Amendment to Direction No. 89

“10. All Concerned Authorities shall ensure that deregistration of the vehicles which are plying on the road of Delhi in violation to the order of the Tribunal should be given effect to immediately and report be submitted to the Tribunal.”

- (vi) The Hon’ble Supreme Court, while considering the issue related to air pollution in Delhi-NCR, *vide* its Order dated 29.10.2018 in WP(C) No. 13029 of 1985 titled as M C Mehta Vs. Union of India & Ors., *inter alia*, directed as under:

“...The Transport Departments of NCR will immediately announce that all the diesel vehicles more than 10 years’ old and petrol vehicles more than 15 years’ old shall not ply in NCR in terms of the order of the National Green Tribunal dated 07.04.2015. The order of the National Green Tribunal was challenged in this Court and the Civil Appeal was dismissed. Vehicles violating the order will be impounded...”

- (vii) Under the Graded Response Action Plan (GRAP) for the NCR, the Commission has been directing the concerned implementing agencies for the strict enforcement of the order(s) of the Hon’ble NGT and the Hon’ble Supreme Court regarding overaged diesel and petrol vehicles;
- (viii) Despite the Order(s) of the Hon’ble NGT and the Hon’ble Supreme Court being in force, along with the directives of the Commission, the continued presence and operation of a large number of EoL vehicles in the NCR remains a serious concern and this issue has been consistently reviewed by the Commission with the concerned Departments of the NCR States and GNCTD. The Commission also issued an Advisory No. 16 dated 11.11.2024 regarding the liquidation of large fleet of EoL vehicles from NCR.
- (ix) Subsequently, the Commission, after detailed deliberations and consultations with the concerned Departments of the NCR States and GNCTD and agencies responsible for implementation issued Direction No. 89 dated 23.04.2025;
- (x) The Hon’ble Supreme Court *vide* its Order dated 06.05.2025 in WP(C) No. 13029 of 1985 titled as M C Mehta Vs. Union of India & Ors., *inter alia*, noted as under:

“...Direction Nos. 88 and 89 issued by the CAQM on 23rd April, 2025 constitute a very welcome step in a right and positive direction. We need to issue directions for implementation of direction Nos. 88 and 89...”



- (xi) The installation, operationalization, and upkeep of ANPR systems lie within the purview of the respective Governments, and such systems duly integrated with VAHAN database are critical for the effective identification and enforcement against EoL vehicles plying in the NCR. Various progress review meetings regarding installation and operation of ANPR systems were held with the concerned Departments of GNCTD and the NCR States.
- (xii) It is pertinent to mention that while EoL vehicles are deregistered by the concerned authorities in compliance with the orders of the Hon'ble NGT, these vehicles cease to have any legal sanctity for plying on public roads in Delhi-NCR. Strict enforcement action is required to be taken against such vehicles in accordance with the orders of the Hon'ble NGT and the Hon'ble Supreme Court, irrespective of the mode of detection, whether such vehicles are identified through ANPR camera systems, manual checks or any other mechanism. It is imperative that all such vehicles, once identified, are subjected to appropriate legal action including impounding;

WHEREAS, it emerges from the foregoing that EoL vehicles have remained a persistent source of concern in the NCR for over a decade owing to their significant contribution to air pollution and various orders and directions have been issued from time to time by the Hon'ble NGT and the Hon'ble Supreme Court, mandating the concerned authorities to take appropriate action against EoL vehicles;

NOW THEREFORE, in view of the concerns raised by the Government of NCT of Delhi, the Commission, after detailed deliberations in its 24th meeting held on 08.07.2025, has decided to partially amend clause (ii) of the Direction No. 89 dated 23.04.2025 as under:

“(ii) All EoL vehicles identified through the ANPR cameras system or other such systems installed at the fuel pump stations shall be denied fueling **w.e.f. 01.11.2025 in the NCT of Delhi and 5 high vehicle density districts of Gurugram, Faridabad, Ghaziabad, Gautam Budh Nagar and Sonipat and w.e.f. 01.04.2026 in the rest of NCR.** Immediate legal action should be taken in respect of such EoL vehicles, including impounding and further disposal in accordance with RVSF Rules, 2021 and other extant policies of the respective State Governments and the GNCTD.”

The Transport Department of GNCTD and the NCR States shall ensure proper installation and operation of the ANPR system. It shall be their responsibility to conduct trial of the ANPR system and training of manpower in

Amendment to Direction No. 89

a timely manner. They shall also widely disseminate this direction amongst all stakeholders including fuel stations and ensure its strict compliance through effective enforcement measures.

Concerted actions initiated by all the concerned agencies towards liquidation of the large fleet of End-of-Life vehicles shall be reported to the Commission on a monthly basis.



(Dr. Sujit Kumar Bajpayee)
Member-Secretary

To:

1. The Chief Secretary, Government of Haryana/Uttar Pradesh/ Rajasthan/ NCT of Delhi
2. The Commissioner of Police, Delhi
3. The Director General of Police, Government of Haryana/ Rajasthan/ Uttar Pradesh
4. ACS / Pr. Secretary, Transport Department, Delhi, UP, Haryana, Rajasthan

Copy to:

1. The Secretary, Ministry of Road Transport & Highways
2. The Secretary, Ministry of Petroleum and Natural Gas
3. The Secretary, Ministry of Heavy Industries
4. Concerned Commissioner / Jt. Commissioner of Traffic Police, Delhi, UP, Haryana, Rajasthan
5. CMDs/MDs of Oil companies owning/operating fuel pump stations in the NCT of Delhi and NCR States
6. CMDs/ MDs of Gas Companies owning/operating CNG fuelling stations in NCT of Delhi and NCR States

Copy also to:

1. The Chairperson and Members of the Commission.



(Dr. Sujit Kumar Bajpayee)
Member-Secretary