

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

MISCELLANEOUS APPLICATION NO. ____ /2023

IN

ORIGINAL APPLICATION No. 21/2014

VARDHAMAN KAUSHIK

---- APPLICANT

VERSUS

UNION OF INDIA AND ORS.

---- RESPONDENTS

NDOM. 8.02.2024

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FILED BY 

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DELHI HIGH COURT, NEW DEHI

Place - New Delhi
Date - 27.01.2024

residents of Delhi to go out for morning arising to heavy pollutants present in the air. It is primarily carbon and particulate matters which are injurious to human health, particularly to lungs and ENT diseases. The time is more than right at this stage, when mere consideration of these issues at different levels, could not resolve the issue and no one would help in controlling the increasing air pollution in Delhi. It is a constitutional and statutory duty of all the authorities and Ministries to provide clean air to the people to breathe. It is their fundamental right and it cannot be subjected to limitation of the state of any kind and be permitted to loose sight in the realm of planning and anticipated actions.

The Committee has suggested that it would need further time of few months to prepare an Action Plan. Let that Report be submitted to the Tribunal at the earliest.

In the meanwhile, we issue the following directions:

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.

3. It has been brought to our notice that a bypass has been provided to the traffic coming from Chandigarh side to Uttar Pradesh, but there is no bypass to Delhi as far as Rajasthan and all the States falling in this route to Bombay are concerned. Let all the Respondents including MoEF, Ministry of Transport, DPCC and the Central Pollution Control Board identify the route which should be provided to bypass Delhi main city for going to this road as felt.

4. No person shall be permitted to burn plastic or any other material in the open. If any person is found to be burning plastic or any other material including tree leaves in the open, he would be liable to be proceeded against in accordance with law and the Police, DPCC and NCT, Delhi shall take immediate steps to ensure that such activity is stopped forthwith.

Any person would have the right to approach this Tribunal, the Police station, the DPCC and/or any other competent authority to make a grievance in regard to such unauthorised and illegal burning resulting in air pollution.

5. We direct NCT, Delhi and DPCC to create a web portal where any person aggrieved can take the

photographs and upload the same with details of location etc. bringing it to the notice of these authorities.

6. All these authorities are hereby directed to create a special force to enforce this direction and ensure its compliance.
7. The Commissioner of Police of Delhi, NCT of Delhi, Municipal Authorities and DPCC shall ensure that tarred roads for regular traffic are not permitted to be used for parking thus causing avoidable congestion of traffic.

Once there is a congestion of traffic and vehicles are forced to keep their engines on for considerable long period, it results in extra emissions causing serious air pollution.

8. In all the markets in Delhi, it shall be ensured that there is only one side parking of vehicles and there is sufficient space left for atleast both way carriage and it will be ensured that there is a free flow of traffic and is not unnecessarily obstructed by excessive and unregulated parking on the road. To make it clear, there shall be no parking on the tarred roads of Delhi. All agencies shall ensure compliance.
9. Immediate steps will be taken by all the Respondents and concerned authorities to provide cycle tracks in Delhi and efforts should be made to encourage cycling in Delhi.
10. All the DTC buses, even if operating on CNG, would be checked by the team to be constituted by the CPCB and DPCC. Whichever

bus is found to be emitting in excess of prescribed standards, the same shall not be permitted to ply and the Managing Director, DTC shall be personally responsible for ensuring compliance to the prescribed emission standards by all the DTC vehicles.

11. The concerned authorities particularly the NCT, Delhi and RTO, Delhi shall ensure that the trucks which are otherwise permitted to cross Delhi in accordance with law are not overloaded. When they enter Delhi, there shall be a due check that the vehicles and the trucks in question are not carrying in excess of the prescribed weight and is not exceeding the age afore-directed. Inspection register for all the vehicles shall be maintained by the Police and the RTO jointly at all the entry and exit point of NCT, Delhi.
12. RTO shall not issue/ renew registration of the vehicles or fitness certificate to any vehicle which is more than 15 years old.
13. We direct the Ministries, NCT of Delhi and DPCC to examine the possibility of installation of air purifiers in all the markets and crowded places or where the traffic load is heavier. Air purifier be installed and Report to the Tribunal be placed on the next date of hearing.
14. Automatic or censor based weigh bridges shall be installed immediately on all the entries and exit point of Delhi. The authorities shall ensure that the vehicles of any kind are not forced to be parked at this point for an unduly long

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period.

We further direct that the vehicles standing at the border or near the entry point will not keep the ignition on except when they are permitted to enter and ply. All the concerned authorities and these team be posted at the respective places.

All the authorities concerned including the corresponding authorities of the areas falling in NCT of Delhi i.e. Haryana, Uttar Pradesh and Rajasthan will ensure compliance of these directions.

Let a copy of this Order be sent to the Chief Secretaries of all these State forthwith. We make it clear that in the event, any officer or person is found to be violating these directions or not complying with them as afore-directed, we will be compelled to take coercive steps and pass such Orders as may be required in accordance with law without any further notice.

The Committee should file its final Report positively before the next date of hearing.

List this matter on 9th January, 2015, for further directions, compliance Report shall be submitted by all the concerned authorities.

.....,CP
(Swatanter Kumar)

.....,EM
(Dr. D.K. Agrawal)

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

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

M.A. No. 155 of 2015
In
Original Application No. 21 of 2014

IN THE MATTER OF:-

Madan Mohan Vs. Vardhaman Kaushik & Ors.

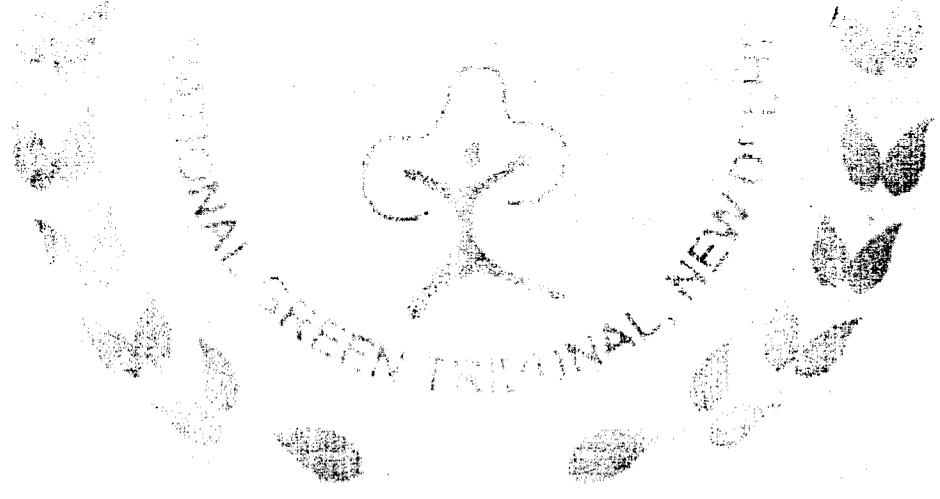
CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER

Present: Applicant : Mr. A.D.N. Rao, Adv. in M.A. 155 of 2014
Mr. Sanjay Upadhyay, Adv. in OA 21/2014

	Date and Remarks	Orders of the Tribunal
	<p>Upon Mentioning</p> <p>February 19, 2015</p>	<p><u>M. A. No 155 of 2015</u></p> <p>The matter taken up on mentioning.</p> <p>Notice.</p> <p>The Learned Counsel appearing for the non-applicants accepts notice. Let reply be filed before the next date of hearing. Rejoinder thereto, if any, be filed within one week thereafter.</p> <p>List the matter on 25th February, 2015.</p> <p>In the meanwhile by an interim direction, we permit onetime event of vintage car rally "21 Gun Salute International Vintage Car Drive for Spastic Children and Blind - A step further" to be held on 21st February, 2015. We make it clear that none of the vintage car would be otherwise permitted on the roads of NCR, Delhi nor any authority would issue fitness certificates to them without specific order of the Tribunal. This Permission be clarified for holding of</p>

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		<p>vintage car rally after this no vintage car would be permitted to ply on the roads.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,EM (U.D. Salvi)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (B.S. Sajwan)</p>
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**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No.21 of 2014
(M.A. NO. 87 OF 2015, M.A. NO. 90 OF 2015, M.A. NO. 155 OF 2015, M.A. NO.
200 OF 2015, M.A. NO. 203 OF 2015, M.A. NO. 219 OF 2015 &
M.A. NO. 234 OF 2015)**

AND

Original Application No. 95 of 2014

IN THE MATTER OF:

**Vardhaman Kaushik Vs. Union of India & Ors.
And
Sanjay Kulshrestha Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:	Applicant:	Mr. Sanjay Upadhyay, Mr. Adarsh Shrivastava, Adv.
	Respondent No. 1:	Ms. Panchajanjya Batra Singh, Advocate
	Respondent No. 2 & 4:	Mr. Narender Pal Singh, Adv. and Mr. Dinesh, Adv.
	Respondent No. 3,5,6:	Mr. Ardhendumauli Kumar Prasad, Adv. Mrs. Aynish Ahlawat, and Mr. Nitish Singh, Adv. Mr. M.K. Sharma and Mr. R.R. Rasana, Advs. Ms. Savitri Pandey, Adv. for the State of U. P. Mr. Sanjeev Ailawadai, Adv. and Ms. Priyadeep, Adv. in M.A. Nos. 122/2015 and 2019/2015 Mr. I.K. Kapila, Mr. S.K. Pobbi, Ms. Shiksha Rai and Mr. A.K. Singh, Advs. In M.A. No. 200 of 2015 Mr. Balendu Shekhar and Mr. Vivek Jaiswal, Advs. Ms. Puja Kalra and Mr. Dhamendra Kumar, Advs. for South and North MCD Mr. Anil Grover, AAG and Mr. Rahul Khurana, Advs. Mr. Rajiv Bansal, Mr. Kush Sharma and Ms. D. Ray, Advs. for DDA Mr. D. Rajeshwar, Adv. Mr. M. Yogesh Kaura with Mr. A. Santha Kumar, Advs. Mr. Arun Barroka, Mr. Jayesh Kumar, Mr. G.P. Bansee and Mr. Diwakar Aggarwal, Advs. Mr. Zubaida Begam, Adv. Mr. Raman Yadav, Adv. Mr. Rakesh K. Sharma, Inspector, Mr. Abhishek K. Sharma, ACP, Mr. Mahesh Kumar, SHO, Mr. S.K. Patil, ACP, Mr. Rishi, ACP, Mr. Sunder Kumar and Inspector Chauhan,

And Present:	Applicant:	Mr. Sanjay Kulshreshtha,
	Respondent No. 2 to 6:	Mr. Ardhendumauli Kumar Prasad, Adv.
	Respondent No. 7:	Mr. Rahul Choudhary, Adv.

(B)

Respondent No. 10:

Mr. M. Yogesh Kaura with Mr. Santha Kumar,
Advs.

	Date and Remarks	Orders of the Tribunal
	Item No. 08 & 09 March 16, 2015	<p>Under the orders of the Tribunal the CPCB had been directed to assess the NCRs ambient air quality status, and the Board has in furtherance thereto carried out the studies and submitted a report</p> <p>The National Capital Region (for short 'NCR') is a unique example of interstate regional development planning for a region with NCT of Delhi as its core. This region covers an area of near 34,144 km. Nothing contrary to the case pleaded by the Applicants and as widely reported by the print media has come to the notice of this specialized body. On the contrary it brings on record an alarming situation of polluted ambient air quality in the NCT of Delhi. Just to notice a few, nitrogen dioxide was found to be beyond the prescribed value of 80 $\mu\text{g}/\text{m}^3$ i.e. range of 4-367 $\mu\text{g}/\text{m}^3$ on 145 occasions in Delhi on 24 hour basis. Particulate Matters (PM_{10}) of the monitoring locations; the value ranged from 14-948 $\mu\text{g}/\text{m}^3$ against the prescribed limit of 100 $\mu\text{g}/\text{m}^3$ on 538 occasions out of 545. In case of particulate matter $\text{PM}_{2.5}$, the samplings show value ranges from 30.41 to 1284 $\mu\text{g}/\text{m}^3$ indicating that almost all of them exceed the NAAQS standard of 60 $\mu\text{g}/\text{m}^3$. Carbon monoxide sampling showed the value ranged from 0.2 to 21.19 mg/m^3 which exceeds the prescribed NAAQS standard of 2 mg/m^3. In this report, it has also been noticed that ambient air quality during peak hours shows PM_{10}, $\text{PM}_{2.5}$, CO and Benzene exceeds the prescribed standards.</p>

At this stage we may also make a reference to a connected Application i.e. original application no. 95 of 2014 wherein Cardio Pediatric Surgeon, who moved a petition before the Hon'ble Supreme Court of India which is transferred to this Tribunal, has contended that the ambient air quality in most of the Metropolitan cities and even including Agra is so injurious to human health that it would adversely affect human foetus and newly born children between 1 to 5 years would be exposed to very high risk of developing respiratory health problems. Presence of pollutants in the ambient air quality of Delhi is a matter of concern for all stake holders. Human health is an integral facet of Right to life and thus must take precedence over all commercial and infrastructure projects. The principal of inter generational equity demands that all institutions, be it legislature, judiciary, executive, must make all possible endeavor to ensure proper air quality as it must pass on to its next generation if not improved but atleast, the environment that it has inherited from its ancestors.

The scientific data undoubtedly indicates that the problem is very severe and if not checked the results would be drastic.

Nobody can claim a right which will infringe upon or destroy the right to life. The Hon'ble Supreme Court of India in many cases has held that healthy, clean and decent environment is a mandate of Article 21 of the Constitution of India. Thus, strict enforcement of environmental provisions of law is the duty of all concerned including this Tribunal. We are pained to note that despite our repeated persuasive and mandatory orders the Authorities concerned have not

risen to the occasion for taking proper and effective steps. The response lacks will and bonafides and exhibits callous attitude of shifting responsibility from one to other.

This compelled us to pass an order on 10th March, 2015 resulting in issuance of show cause notice to the concerned Authorities of the State as to why an order of attachment and civil imprisonment in the terms of Order XXI of the CPC besides other actions that the Tribunal could take within the scheme and provisions of the National Green Tribunal Act, 2010 be not taken for non-compliance of the orders of this Tribunal which in any case is to be executed as a decree of the Civil Court.

The Secretary, PWD appeared before us and assure to the Tribunal that within one week from today the steps would be taken. Though we hardly found any justification for non-compliance of the Orders and directions of the Tribunal, still on the assurance given by the Senior Officer of the NCT of Delhi, we would grant last opportunity to the NCT of Delhi and its Department and Police Authority to ensure the compliance of the directions contained in the various orders of the Tribunal. However, it would not exempt the Authorities from replying to the show cause notice issued by the Tribunal.

Let the compliance report be submitted before the next date of hearing particularly in relation to Lajpat Nagar.

We are also informed that temporary parking by Delhi Urban Shelter Board (DUSB) has not been operated as earlier agreed by the Board and directed by the Tribunal.

We issue clear and unambiguous directions that the parking in that area shall be permitted forthwith. In the

event of default the Director of the said Board shall be personally responsible rendering himself liable for an action in accordance with law under the orders of the Tribunal.

The CPCB has also brought to our notice that it had inspected 15 old and 12 new buses of DTC that are plying on the roads of Delhi. Out of these, 12 new buses were found to be compliant with the prescribed emissions norms- while out of 15 old vehicles 9 were found compliant and 6 were found to be non-confirming to the prescribed standards. All the 6 buses mentioned in the report of CPCB shall forthwith be taken off the roads of Delhi. If these buses are found to be plying on the roads of Delhi the CEO of DTC shall be personally responsible for consequences for violating the Orders of the Tribunal. These buses however, would be subjected to the inspection by an Expert Team that would be appointed by the Tribunal and their operation would be permitted only after the Orders of the Tribunal.

From the above scientific data it is clear that the presence of particulate matters and carbon in air needs to be checked. We have directed NCT Delhi to submit its view on various aspects to the Tribunal which has not been done so far. We direct the compliance to be made within one week from today without default. The Affidavit-cum-status Report shall be filed by the Secretary, NCT Delhi after holding a meeting chaired by the Chief Secretary of Delhi where all Departments, authorities, police should be directed to be present. This would deal with the compliance/non-compliance of each direction. We also direct the NCT Delhi to submit its view as to why all the Diesel (commercial or otherwise) vehicles plying in Delhi which are more than 10

years old should not be taken off the roads and be not permitted from plying in the city. These views with scientific data should be submitted to the Tribunal, along with the exact number of Diesel vehicles which are more than 10 years old and their impact on ambient air quality.

The direction in relation to Karol Bagh, Lajpat Nagar, South Ex. and Nehru Place shall be continued to be complied without default and delay, and a report shall be submitted by the Secretary even in that behalf. We make it clear that it should be brought before the Tribunal as to why the multi-level parking proposals which are pending for years before the Authority are not being implemented, reasons thereof and how they would be implemented in a time frame.

Since some steps have been taken in Lajpat Nagar, we direct CPCB to take the ambient air quality samples at the same place where the samples were collected earlier on next Tuesday and Wednesday and submit analysis Report to the Tribunal. Comparative pre-existing data for the year 2014 should also be mentioned in that Report.

The Applicant in Original Application No. 95 of 2014 is permitted to make a Power Point Presentation to the Secretary of MoEF, Chief Secretary Delhi, Chairman of CPCB and DPCC along with the other Sr. Most officers of the respective corporation, who shall remain present for the presentation. Let this be done on 7th April, 2015 on which date the case is also to be listed before the Tribunal.

The State of UP, State of Haryana and State of Rajasthan all are directed to provide and fully cooperate with NCT Delhi for installation and effective operation of the

weighing machines those already existing in their respective jurisdiction or are required to be installed under the Orders of the Tribunal. We reiterate our directions that overloaded vehicles would not be permitted to enter NCR Delhi. We also direct that in all the markets particularly Lajpat Nagar, Karol Bagh, South Ex., Chandani Chowk and other densely polluted markets the loading and unloading would not be allowed from 11:00 a.m. to 8:00 p.m. everyday.

All persons filing M.A.'s shall pay requisite fees under the rules.

.....,CP
(Swatanter Kumar)

.....JM
(U.D. Salvi)

.....EM
(Dr. D.K. Agrawal)

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

.....EM
(Ranjan Chatterjee)

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

Original Application No. 21 of 2014
(M.A. NO. 87 OF 2015, M.A. NO. 90 OF 2015, M.A. NO. 155 OF 2015, M.A. NO.
200 OF 2015, M.A. NO. 203 OF 2015, M.A. NO. 219 OF 2015,
M.A. NO. 234 OF 2015, M.A. NO. 247 OF 2015, M.A. NO. 248 OF 2015, M.A. NO.
274 OF 2015, M.A. NO. 283 OF 2015 & M.A. NO. 284 OF 2015)

AND

Original Application No. 95 of 2014

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

Original Application No.21 of 2014

Present:	Applicant:	Mr. Sanjay Upadhyay, Mr. Vardhaman Kaushik and Mr. Salik Shafique, Advs.
	Respondent No. 1:	Ms. Panchajanjya Batra Singh, Advocate for MoEF
	Respondent No. 2 & 4:	Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO, DPCC
	Respondent No. 3 :	Mr. Rajiv Bansal with Mr. Kush Sharma, Advs. for DDA.
	Respondent No. 5,6 & 7:	Mr. Ardhendumauli Kumar Prasad, Adv.
	Respondent No. 8 :	Mr. Arun Baroka, Secretary, PWD, GNCTD
	Respondent No. 9 :	Mr. Mukesh Kumar, Adv. Mr. Mukesh Kumar, Adv. and Mr. Yogesh Khanna for Sansha Kumar for NHAI For State of Tamil Nadu
	Intervener	Ms. Ruchia Batra, Adv. for Traders Association, Lajpat Nagar. Mr. I.K. Kapila, Mr S.K. Pabhi, Mr. A.K. Singh and Ms. Shrucha Rai, Advs. for Karol Bagh Traders Fed. Mr. Anil Gover, AAG with Mr. Rahul Khurana and Vijender Singh, SI, Traffic & Highway Police, Karnal for State of Haryana Ms. Savitri Pandey, Ms. Azma Parveen, Advs. for state of U.P. Mrs. Avnish Ahlawat, Adv. for DTC, DUSIB, GNCT (Transport Deptt.) and SHO Karol Bagh Ms. I. Begum standing counsel for GNCTD and Sec. PWD. Mr. Narender Pal Singh, Adv. for Urban Dev. Ministry for GNCT Ms. Sakshi Popli for NDMC Mr. Balendu Shekhar, Adv. for EDMC Mr. Sanjiv Ahlawadi and Ms. Priya Deep, Advs. Mr. Amit Verma, Adv. appointed as Local Commissioner Mr. Arun Barrka, Sec. PWD, Mr. Jayesh Kumar, CE, Mr. G.P. Bansal, SE, PWD and Mr. C.S. Azad, EE, PWD. Mr. D. Rajeshwar Rao, Adv. for Delhi Police (Traffic) Charanjeet Singh, Adv. Local Commissioner Mr. Abishek Dhanania - ACP, Karol Bagh Mr. Mahesh Kumar, SHO, Karol Bagh

Original Application No. 95 of 2014

Present: **Applicant:** Mr. Sanjay Kulshretha (Petitioner in Person),
with Mr. Ashish S. Kulshreshtha and Manish
Shrivastava, Advs.

Respondent No. 1: Mr. Vikas Malhotra and Mr. M.P. Sahay, MoEF &
CC

Respondent No. 2 to 6: Mr. Ardhendumauli Kumar Prasad, Adv.

Respondent No. 8 : Mr. Deepak Khadaria, Adv. for B. H., Ajmal
Khan Market Association
Ms. Savitri Pandey and Ms. Azma Parveen,
Advs. state of U.P.
Mr. N. Yogesh Kanna and Mr. Santha Kumar,
Adv. for state of Tamil Nadu.

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 01 & 02</p> <p>April 07, 2015</p> <p>ss</p>	<p>The Learned Counsel appearing for the Applicants in both the Applications and other Applicants having similar interest have vehemently contended that all the Authorities and the States in NCR, Delhi have utterly failed to comply with the directions issued by the Tribunal in its orders and particularly the orders dated 26th November, 2014, 28th November, 2014 and 04th December, 2014 respectively.</p> <p>The contention is that much less the compliance to the directions issued by NGT the Authorities, Departments and the State Governments have not even initiated the process for compliance of these directions. With the increasing pollutants in the air, life of residents in the NCR, Delhi is becoming more and more vulnerable to various diseases and the greatest sufferer of these pollutants are young children of today and India's tomorrow. The slackness and casual attitude of the Authorities of the state Government is exhibited from the very fact that the air pollution is increasing and has reached to an alarming level which would make it difficult for the people of Delhi even to breathe freely much less fresh air.</p> <p>We find substance in the submissions made before us.</p> <p>In the recent past the media particularly the print media</p>

has highlighted the adverse impact of deteriorating Ambient Air Quality in the NCR, Delhi and particularly Delhi city perse. The articles widely published are based on scientific studies and are well supported by data. The articles reveals that 7 years ago everyone saw Delhi air taking a dead U-Turn, but no action was taken. Statistics referred are that in the year 2000, the particulate matter in the Air of Delhi was $191 \mu\text{g}/\text{m}^3$ which reduced to $161 \mu\text{g}/\text{m}^3$ in 2007 right from the year 2003 to 2007 because of the orders of the Hon'ble Supreme Court of India introducing CNG transport system in Delhi. However, in the year 2014, particulate matter has again shot-up to $360 \mu\text{g}/\text{m}^3$. It is reported further that as many as 80,000 trucks enter Delhi every night and sleeping population is compelled to inhale high particulate matters resulting in serious health hazards as diesel fuel can damage the lungs, brain and even cause cancer. It has been pointed out that diesel is the prime source for bringing serious air pollution in Delhi particularly and children are even finding it difficult to breathe. The situation is so alarming that medically it is being advised that for recovery, people should leave Delhi. The question that arises at present, and what the resident of Delhi are most concerned is, what the principle of inter generational equity requires of the present/by Governing and the ones who are being Governed.

There are three serious pollutants of air which we have already noticed in our previous orders. Firstly, burning of plastic and other wastes including Agriculture or Horticulture waste in open. Secondly, pollution resulting from construction and other allied activities emitting heavy dust contained in the air. Thirdly, Pollution resulting from

vehicular traffic and industrial emission.

We had passed diverse directions for preventing and controlling pollution and for improvement of the air quality in Delhi with regard to all the three major sources of air pollution. Unfortunately, the implementation remains question of concern. The pollutant causing deteriorating air quality is not a normal situation, it can hardly be tackled unless stringent measures are taken and directions are implemented expeditiously and with all the sincerity by the Agencies, Authorities, Departments and Government.

We had directed NCT, Delhi and other Governments to submit their views on matters like controlling of vehicular pollution, total number of vehicles, age of vehicles. The above mentioned authorities were also required to submit their views on congestion, control and prevention of construction pollution, checking of vehicles for pollution at the state entry point, overloading of trucks and construction of parking areas in all congested places of Delhi to avoid congestion and to ensure free flow of traffic. Unfortunately, we find no response in that regard. We hereby issue directions to all the State Governments, Public Authorities, Corporations and Govt. of NCT, Delhi to produce all original records before the Tribunal to show what action have been taken by all or any of them for compliance of the directions issued by the Tribunal so far. Let this record be produced on 10th April, 2015.

Reverting back to one of the major sources of air pollution that is dust emission from construction activities. This pollution mainly occurs due to mishandling of debris and building waste material, carriage and storage of

construction material and as no steps are taken for environment protection by the builders during the course of the construction. On 06th April, 2015 various newspapers have reported about the huge dust emission resulting from the above mentioned activities in various parts of NCT, Delhi. The reports show huge construction activity emitting very high dust components and emitting the same in the air. The concrete dust in the air can be lethal when it combines with particulate matter arising from vehicular emission. In this report the construction activities has been referred to that of 2 km stretch from NH-24 to Charmorji Chowk in NOIDA Extension and Golf course road, Gurgaon. To the naked eye, uncontrolled and high dust emission are visible in the photographs and it is also clear that no protective measures have been taken in and around the buildings under construction. Vide our order dated 26th November, 2014 and 04th December, 2014, we have passed clear direction as to the steps which the person responsible for construction, carrying construction material and dealing with debris should take. Hence, it is clear that this reported construction as mentioned above is in blatant violation of those directions. Besides this, all the construction activities have to be carried on in following the Ministry of Environment guidelines/manual for Township and Area Development Project, 2010. It is reported that in NOIDA Extension, no protective measures have been taken and there was absolutely no check on the emission of dust resulting from construction and allied activities. Similar is the state even in Gurgaon where construction activities are being carried on without any preventive steps as detailed by the order of the Tribunal and MoEF guideline of 2010.

Furthermore, the transportation of construction debris is always in a manner which is totally prejudicial to the environment. In these circumstances we hereby direct state of U.P., NOIDA and Greater NOIDA Authority, HUDA, State of Haryana and NCT, Delhi to immediately direct stoppage of construction activities of all the buildings shown in the report as well as at other sites wherever, construction is being carried on in violation to the direction of NGT as well as the MoEF guideline of 2010. This action shall be taken and complied with by all the state Government, Authorities and Police of each district particularly falling in the NCR, Delhi. The compliance report shall be submitted by the next date that is 10th April, 2015 to the Tribunal. Wherever the construction activities are not stopped by service of this order by the authorities upon the builders, the authority shall seal such building and report the matter to the Tribunal. With regard to the compliance of the conditions for check booth at all the entry points for checking of emission standards of the heavy vehicles, weigh bridges, overloading of trucks and life of the vehicles, we appoint the following Learned Advocates as Local Commissioners :-

1. Mr. Amit Verma, Adv.
2. Mr. Aditya N. Prasad, Adv.
3. Mr. Neha Miriam Kurian, Adv.
4. Mr. Atif Suhrawaroy, Adv.
5. Mr. Sahil Sangar, Adv.
6. Ms. Pallavi Talware, Adv.

The Local Commissioner shall visit all the check points of Delhi on 09th April, 2015 and report to the Tribunal for compliance of the direction as recorded in the

orders afore stated. All authorities particularly the police are directed to provide police help to enable the Commissioners to execute the commission. The report shall be submitted to the Tribunal on 10th April, 2015 and shall also include the status of installation of weigh bridges and providing of U-Turn for the vehicles which are overloaded and polluting.

The studies have established that the diesel vehicles are major source of pollution and major cause for deteriorating ambient air quality. The studies as indicated in the news reports are not the only material before the Tribunal. We, however, had directed the Central Pollution Control Board to carry out the study on ambient air quality. The report submitted by CPCB to the Tribunal clearly show that the parameters are totally violated. Comparatively the air quality in Lajpat Nagar appears to improve, but still it is infringing the prescribed parameters quite seriously. The analysis has been carried on 24th and 25th March, 2015 when it was preceded by restricting of traffic in Lajpat Nagar in terms of order of NGT. At site I, PM₁₀ level against the prescribed value of 100 µg/m³, it is forced to be 162 and 211 µg/m³ respectively. In relation to PM_{2.5}, against the prescribed value of 60 µg/m³, it is found to be 89 and 120 µg/m³, respectively. At site II, PM₁₀, against the value of 100 µg/m³, has been found to be 180 and 201 µg/m³. This shows that the ambient air quality is still harmful for human health in one area. Other study report mentions much worse about other parts of Delhi. NOIDA is stated to be worse than Delhi even. We may also mention that many of countries of the world are in the process of doing away with diesel vehicles and are imposing very heavy taxes and

levies on such vehicles. Such countries include amongst other Brazil, China, Sri Lanka, Denmark and Paris.

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. All the registering authorities in the state of Haryana, U.P. and NCT, Delhi would not register any diesel vehicle which is more than 10 years old and shall file the list of vehicles before the Tribunal and provide the same to the Police and other concerned authorities. 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.

In relation to further improving Lajpat Nagar market congestion and to prevent undue emission from vehicular pollution, we hereby direct :-

1. That the area where cement Jersey barrier have not yet been installed, should be installed immediately and reported to the Tribunal. In the meanwhile, protective barrier consisting of three layered ropes should be provided all along the mid-section of the road to ensure free flow of traffic. No space for U-Turn should be left from one of the road to another.
2. No hawker or any other trolleys would be permitted to be parked or stationed on the metalled path of the carriage way. Parking of cars shall be permitted strictly in terms of the previous order of the Tribunal.

List the matter for further direction and for compliance of the above direction on 10th April, 2015 at 02:00 PM.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

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

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

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

Original Application No.21 of 2014

(M.A. NO. 87 OF 2015, M.A. NO. 90 OF 2015, M.A. NO. 155 OF 2015, M.A. NO.
200 OF 2015, M.A. NO. 203 OF 2015, M.A. NO. 219 OF 2015,
M.A. NO. 234 OF 2015, M.A. NO. 247 OF 2015, M.A. NO. 248 OF 2015, M.A. NO.
274 OF 2015, M.A. NO. 283 OF 2015, M.A. NO. 284 OF 2015 & M.A. NO. 317 OF
2015)

AND

Original Application No. 95 of 2014

IN THE MATTER OF:

**Vardhaman Kaushik Vs. Union of India & Ors.
And
Sanjay Kulshrestha Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

Original Application No.21 of 2014

Present:	Applicant:	Mr. Sanjay Upadhyay, Mr. Adarsh Srivastava and Mr. Salik Shafique, Advs.
	Respondent No. 1:	Ms. Panchajanjya Batra Singh, Advocate for MoEF
	Respondent No. 4 :	Mr. Rajiv Bansal with Mr. Kush Sharma and Ms. Arpita, Advs. for DDA.
	Respondent No. 5,6 & 7:	Mr. Ardhendumauli Kumar Prasad, Adv. Mr. Rahul Mehra, Adv. and Mr. Zubeda Begum, standing counsel for GNCTD, Civil Ms. Savitri Pandey and Ms. Azma Paven, Adv. Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv. Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO, DPCC

Date and Remarks	Orders of the Tribunal
<p align="center">Upon mentioning April 13, 2015</p>	<p>This matter taken upon mentioning</p> <p align="center">The Learned Counsel appearing for the NCT, Delhi, MoEF, other Ministries and even other Learned Counsel appearing for state stakeholders raised a contention is that the prohibitory orders of the NGT in relation to the 10 years old diesel vehicles are causing serious concern and practical difficulties to the Government and Authorities. It is specifically being stated that NCT, Delhi has regards for entire provisions of the order and the concerned</p>

Government has taken policy decision on order of the Tribunal. However, they seek some time to enable the authority to effectively comply with the directions therein.

We appreciate the initiative and responses of the Government of Delhi and other concerned state Governments to provide cleaner air and better environmental life. We find some substance in the submission made on behalf of various Government and authorities and the stakeholders. We may notice that by our orders dated 28th November, 2014, 01st December and even passed subsequently we had repeatedly asked the state Government, Central Government and other public authorities to submit their suggestions on data furnished for preventing and controlling air pollution and places for restoring of ambient air quality of Delhi. Unfortunately we received no suggestion.

In the larger public interest and to ensure public utility services and keeping in mind the submissions made by the Learned counsel particularly for NCT, Delhi who shall mainly get adversely affected due to impounding of diesel vehicle of more than 10 years old and to ensure that the common citizen of Delhi does not suffer in day to day life, we pass the following directions :-

1. These direction are to be read in conjunction with and not in the derogation of the earlier orders passed by the Tribunal except to the limitation and extent stated hereinafter.

- a. The Ministry of Surface Transport, MoEF, Urban Development, Ministry of Petroleum, Union of India, NCT, Delhi and other authority concerned should submit to the Tribunal

within two weeks from today, their complete reasoned and scientifically supported views Inter alia but mainly on the following views by way of affidavits to be filed by the person not less than Additional Secretary, in the case of Central Government, and Secretary of the concerned department in NCT, Delhi and public authorities.

- i. Age of all vehicles to be permitted to run in NCT, Delhi with reference to all sources of energy/fuel.
- ii. Cap on the No. of vehicles to be registered in the NCR, Delhi with reference to sources of energy/fuel.
- iii. Incentive to be provided to the members of public who adopt pool commutation/travel.
- iv. Benefits or concessions that can be provided to the transferor/transferee of the vehicle which are prohibited to run in NCR, Delhi, on the roads of NCT, Delhi.
- v. It should be kept in mind that vehicles are prohibited because of high density of traffic and greater pollution are likely to be shifted to the places of lesser density of vehicles and lesser pollution because of the expanse of air available and openness available there.
- vi. Concession/benefits which would be available to the person who scrap his vehicle as a result of any or all of the

restriction in terms or order of the Tribunal and law in force.

vii. Public transport vehicles to be provided on priority at all the places which have high commercial activities, markets or industrial areas.

viii. Wherever parking area or multi-storied parking have been provided rationalisation of parking charges to encourage people to park in such parking areas and not on the main road.

ix. Imposition of higher registration and other charges including congestion charges particularly in relation to the owner of the vehicle who possesses for himself and for family more than one vehicle.

b. Research to be conducted to find out suitable converters for emissions from vehicles and beneficial use of energy for running cars.

c. Steps are required to be taken for ensuring quality of emissions released directly by Government major projects like Indraprastha, Bhadra and Raj Ghat, Thermal Power Project and even other major plants run by the Government and instrumentalities of the Government within the standards prescribed by law.

2. Suggestions as to how the air pollution in Delhi can be checked immediately and the method by which ambient air quality of Delhi can be restored to clean

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air standards.

We may notice that during the hearings in the last 6 months we had asked for the suggestions and comments on all these issues without much result. We do hope that all the Government and concerned stakeholders will respond on these issues without default and delay within the prescribed time. During the period of two weeks that we have provided to all the concerned authorities there shall be impounding of vehicles on account of age.

In furtherance to our earlier orders we make it clear that we are varying our directions only to this limited extent. However, all vehicles shall be subject to prescribed pollution check and other environmental norms.

Suggestions shall also be given by the Central Pollution Control Board and Delhi Pollution Control Committee together.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

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

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

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

Original Application No. 21/2014
(M.A. Nos. 155, 248, 394, 412 to 414, 420, 482, 502, 618, 631, 683, 778, 778,
812, 1014, 1015, 1029 of 2015)
And
Original Application No. 95/2014
And
Original Application No. 303/2015

Vardhaman Kaushik Vs. Union of India & Ors.
And
Sanjay Kulshrestha Vs. Union of India & Ors.
And

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

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Original Application No.21 of 2014 and 95 of 2014

<p>Present: Applicant: Respondent No. 1: Respondent No. 6 & 7 :</p>	<p>Mr. Salik Shafique, Adv. for Mr. Sanjay Upadhyay. Ms. Panchajanya Batra Singh, Advs. For MoEF & CC Mr. Ardhendumuali Kumar Prasad, Mr. Jigdai G. Chankapa and Mr. Prynka Swami, Advs. For MoUD & MoPNG Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO For DPCC and for GNCT Environment Mr. D. Rajeshwar Ra, Adv. Mr. Charanjeet Singh, Mr. Ravinder Soni(ACP) and Mr. Harvinder Singh, DCP for Transport Deptt. and Delhi Police, GNCT, Delhi Ms. Pinky Anand, ASG, Mr. Balendu Shekhar, Mr. Akshay Abrol, Adv. Mr. Rajesh Ranjan Ms. Somya Rathore, Mr. Tavinder Sidhu, Mr. Mahesh Kr., Mr. P. K. Kaushik Advs. for MoRTH(NHAI), M. V. Kini & Co. Ms. Pinky Anand, ASG, Mr. Tavinder Sidhu, Mr. Mukesh Kr. Mr. P.K. Kaushi for Advs. for CONCOR Mr. Shubham Bhalla, Adv. for UT Chandigarh Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Advs. For State of Meghalaya Ms. Savitri Pandey and Ms. Azma Parveen, Adv. for State of U.P. Mr. Atul Jha, Adv. for State of Chhattisgarh Mr. Jigy Scarla, Adv. for State of Kerala Mr. Rajiv Bansal and Mr. Kush Sharma, and Mr. Siddhant Gupta, Advs. (DDA) Ms. Aruna Mathur and Mr. Avneesh Arputham, Ms. Anuradha Arputham, Advs. For State of Sikkim Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. For NOIDA & Greater NOIDA. Mr. Apoorv Kurup and Mr. A. C. Boxipatro, Advs. for State of Chhattisgarh. Mr. Sapam Biswajit Meitel, Mr. S. Vijayanand Sharma and Mr. Kalyani Goswami, Advs. for State of Manipur & PCB Mr. Jayesh Gaurav, Adv. for JSPCB Mr. Rudreshwar Singh, Mr. Gautam Singh and Mr. Divya Singh, Advs. for State of Bihar and BSPCB Mr. Kabir Shankar Bose and Mr. Saakar Sardana, Advs. For State of W.B. & WBPCB. Mr. Preeti Makkar and Mr. Abhimanu Garg, Advs. for UT of Pondichery Mr. D. K. Takkar, Mr. Sengul Khanna. Mr. Deepak Jain and Mr. Alok Kumar, Advs. For UT Daman & Diu, Dadar & Nagar Haveli.</p>
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Mrs. G. Indira, Mr. Sumit Kumar and Mr. K.V. Jagdishvaran, Advs. For UT of Andaman & Nicobar Islands Administration
 Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.
 Mr. Anil Grover, AAG and Mr. Rahul Khurana, Advs. For State of Haryana
 Ms. K. Enatoli Sema and Mr. Amit Kumar, Advs. State of Nagaland, Nagaland PCB
 Mr. Balendu Shekhar & Mr. Akshay Abrol, Advs. for EDMC
 Ms. Sakshi Popli, Ms Kanika Mittal, Advs. for NDMC
 Ms. Puja Kalra, Adv. for South Delhi Municipal Corporation and North Delhi Municipal Corporation
 Mr. Pulkit Prakash, Mr. Pragyan Sharma and Mr. Ravikant Pal, Advs. for State of Mizoram
 Mr. Shiv Mangal Sharma, AAG, Mr. Shrey Kapoor and Mr. Saurabh Rajpal, Advs. For State of Rajasthan.
 Mr. Sunil Satayarth, Adv. Mr. Mohd. Abitasham, Adv For Delhi Cantonment Board
 Ms. Pinky Anand, Sr. Adv., ASG with Mr. Tavinder Sidhu, Mr. A.K. Sharma, Mr. Anil Kumar Sharma and Mr. P. Kaushik for NHAI
 Mr. Mansi Chatpalliwar, Mr. Pratyush Prasanna, Advs. with Mr. Mahesh Gautam, DGM (Sales) for Ashok Leyland Ltd.
 Mr. KTS Tulsi, Sr. Adv, Mr. Diljeet T., Mr. Raj Kamal, Mr. Utkarsh Goel, Advs. Akshat Kulshreshta and Mr. Raj Kamal, Advs. For HMCII
 Mr. Sunil Kumar Sethi, Ms. Hemantika Wahi, Advs. For State of Gujarat
 Mr. Om Prakash, Adv. for MoR Northern Railway
 Mr. Devraj Ashok, Adv. for State of Karnataka
 Ms. Natasha Sahrawat, Adv. Ms. Meera Mathur, Ms. Nandini Gore, Mr. Aditi Bhatt, Advs. Mr. Sharmendra Choudhary, Legal Manager, Ms. Khushboo Bari, Adv. Mr. Sunil Pandey, Head, DTC and Mr. Bipin Das, Law Manager for Tata Motors Ltd.
 Mr. Aynish Ahlawat with Mr. Nitish Singh, Advs with Mr. M Nitesh Singh, (DTC)
 Mr. Anil Shrivastav and Mr. Sanyam Saxena, Advs. For State of Arunachal Pradesh & PCB
 Ms. Prerna Singh and Mr. Prashant Mathur, Advs. For State of Andhra Pradesh
 Mr. Sunil Satayarth, Mr. Ashok Kr. Advs. For Delhi Cantonment Board
 Mr. Yogesh Kanna and Mr. Jayant Patel, Advs. for Tamil Nadu State
Mr. Atmaram. N. S. Nadkarni, Adv. General, Mr. Dattaprasad Lawande, S.S. Rebello, Mr. and Ms. Anshuman Srivastava, Advs. for State of Goa and GSPCB
 Mr. V.K. Mishra, Adv. for Ghaziabad Mahanagar Goods Transport Association (M.A. No. 1014 & 1015 of 2015)
 Mr. Dinesh Kr. Garg, Mr. D. Garg and Mr. Deepak Mishra, Advs. for State of Uttarakhand
 Mr. P. Venkat Reddy, Adv. for State of Telangana
 Mr. Ravindra Kr. And Mr. Gudipati G. Kashyap, Advs for Noida and Greater Noida
 Mr. Tariq Adeeb, Adv. in M. A. No. 1029 of 2015

Present: Applicant:
 Respondent No.1:
 Respondent Nos. 2 to 6:

Respondent No. 7 :

Mr. Saurabh Agrawal and Mr. Akshat S. Advs.
 Mr. Vikas Malhotra, with M. P. Sahay, Advs.
 Mr. Ardhendumali Kumar Prasad, Mr. Jigdal G. Chankapa and Mr. Pryanka Swami, Advs.
 Mr. Rahul Choudhary, Adv.
 Ms. Prerna Singh and Mr. Prashant Mathur, Advs. For State of Andhra Pradesh
 Mr. Atul Jha, Adv. for State of Chhattisgarh
 Mr. Jogy Scaria, Adv. for State of Kerala
 Mr. Anil Shrivastav and Mr. Sanyam Saxena, Advs. For State of Arunachal Pradesh & PCB

Mr. M. Yogesh Kanna and Mr. Jayant Patel, Advs. For State of Tamil Nadu
 Mr. Kabir Shankar Bose and Mr. Saakar Sardana, Advs. For State of W.B. & WBPCB.
 Ms. Aruna Mathur, Ms. Anuradha Arputham and Mr. Avneesh Arputham, Advs. For State of Sikkim
 Ms. K. Enatoli Sema Adv. for State of Nagaland, Nagaland PCB
 Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.
 Mrs. G. Indira, Mr. Sumit Kumar and Mr. K.V. Jagdishvaran, Advs. For UT of Andaman & Nicobar Islands Administration
 Mr. Sapam Biswajit Meitei, Mr. S. Vijayanand Sharma and Mr. Kalyani Goswami, Mr. Vijayanand Advs. for State of Manipur & PCB
 Mrs. Pinky Anand, ASG, Mr. T.S. Sidhu and Mr. Kaushik, Advs.
 Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advs. For State of Haryana
 Mr. Sunil Satayarth, Mr. Mohd. Abitasham Advs. For Delhi Cantonment Board
 Mr. Ravikant Pal, Mr. Pragyam Sharma and Mr. Pulkit Prakash, Advs. for State of Mizoram
 Mr. Sengul Khanna, Mr. Deepak Jain and Mr. Alok Kumar, Advs. For UT Daman & Diu, Dadar & Nagar Haveli,
 Ms. Preeti Makker and Mr. Abhimanyu Garg, Advs for UT of Pondichery.
 MR. Devraj Ashok, Adv. for State of Karnataka
 Mr. Shubham Bhalla, Adv. for Chandigarh Admn.
 Mr. Apoorv Kurup and Mr. A. C. Bozipatro, Advs for State of Chattisgarh
 Mr. Jayesh, Adv. for JSPCB
 Ms. Puja Kalra, Adv. NDMC
 Mr. Dinesh Kr. Garg, Mr. D. Garg and Mr. Deepak Mishra, Advs. for State of Uttarakhand
 Mr. P. Venkat

Original Application No. 303 of 2015

Applicant :

Respondent No. 1 :

Respondent No. 3 :

Respondent No. 5 :

Ms. Bhakti Pasrija Sethi, Ms. Shubhra Sena Ms. Sudha Pati, Adv., Ms Mamta Rani and Ms. Prerna Kumari, Advs.
 Mr. Karan Singh, Adv. For MoEF
 Mr. D. Rajeshwar Rao, Adv. Counsel for Transport Deptt. and Delhi Police, GNCT, Delhi
 Ms. Savitri Pandey along with Ms. Azma Farveen, Advs. for State of UP.
 Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advs. For State of Haryana
 Mr. RajKumar Adv. with Mr. SL Gundli, SLO for CPCB

Date and Remarks	Orders of the Tribunal
Item No. 156 to 158 October 7, 2015	<p>We have heard the learned Counsel appearing for the parties including the learned Counsel appearing for the NCT of Delhi, State of Haryana, State of UP, NHAI and other authorities.</p> <p>It is a conceded position before us that vehicular pollution is one of the main sources of polluted air in Delhi. We have already passed detailed directions in</p>

relation to all known sources of air pollution which are adversely affecting the air quality in NCT of Delhi. They are dust, emissions from burning and pollution resulting from vehicular emissions. All the earlier orders passed by the Tribunal would continue to be in force without any change or alterations. We direct all the concerned authorities to carry out the directions and the preventive steps recorded in the orders of the Tribunal passed from time to time.

Keeping in view the heavy vehicular pollution in Delhi primarily resulting from heavy vehicles and even more specifically the diesel vehicles which are primarily used for transportation of goods and other materials, there has been some controversy even in regard to number of vehicles which enter Delhi everyday from its different entering points. However, a statement has been filed today on behalf of the NCT of Delhi (Traffic Police) that nearly 66069 commercial vehicles of different kinds enter Delhi out of which, 6 wheel trucks, 10 wheel trucks and 14 and above wheel trucks account for approximately 14000. These heavy vehicles are not destined to terminate at Delhi. They include more than 25% vehicles which are enroute and just pass through Delhi for convenience, better road and less toll tax. It is stated before us that the low toll tax is an incentive for heavy vehicles to pass through Delhi rather than take alternative routes which would reduce the pollution level on the one hand and on the other hand would even be more convenient for transportation purpose as they could turn to their direct destination like UP and Rajasthan without entering Delhi from side

of the Sonipat/Panipat. The charges payable at Delhi are Rs. 600/- while for the vehicles passing through Haryana they are Rs. 930/- to 1550/- depending upon the kind of trucks that are entering.

It is undisputed before us that not only from the side of the respondents, but even the applicant, that alternative routes for heavy vehicles should be adopted in order to de-congest Delhi traffic as well as to improve the air quality in Delhi. As regards the different alternative routes that have been suggested after deliberations, we are of the considered view that the heavy vehicles destined for places other than Delhi could be diverted at Panipat in Haryana through Rohtak and be directed to take the route Panipal - Bawal, NH-71A & 71 which will exit at NH-8 at Bawal. It is further pointed out that the alternative route is dual carriage four lane and can be conveniently used for heavy vehicular traffic.

The other aspect is with regard to the pollution being caused by the heavy vehicles particularly the transportation vehicles whether destined for Delhi or enroute Delhi. All these vehicles, must pay environmental compensation in terms of Sections-15 & 17 read with Section-14 of the National Green Tribunal Act, 2010 for the pollution being caused. The undue incentive derived by the heavy vehicles to enter Delhi, just to save Rs. 1000/- or so does not appear to be reasonable and environmentally tolerable. Therefore, considering the quantum of tax being collected by the NCT of Delhi as well as the fact that there is no material travel distance difference, in our considered view it will

be appropriate to direct the checking posts provided by the NCT of Delhi, under the orders of the Tribunal and even otherwise, to charge the heavy transport vehicles entering NCT of Delhi with their final destination Delhi or enroute to other places entering from Sonipat side to pay environmental compensation in addition to the toll tax payable by them @ Rs. 700/- for 2 axle, Rs. 500/- for 4 and above axle and Rs. 1000/- for 3 axle heavy vehicles.

In light of the above, we pass the following directions:

1. All the trucks, heavy vehicles irrespective of 2, 3 and 4 axle and above, destined for places other than Delhi shall be diverted at Panipat toll plaza to adopt the alternative route afforested that is Panipat, Bawal, NH-71, 71-A which would exit at NH-8 across Bawal. The trucks and heavy vehicles entering Delhi would pay environmental compensation as follows i.e. Rs. 700/- for 2 axle, Rs. 500/- for 4 axle and Rs. 1000/- for 3 axle.
2. The above amount would be in addition to the toll tax otherwise payable by them in accordance with law in force. The amounts collected on account of the environmental compensation would be paid to the DPCC, which shall utilize it for taking steps for improving the air quality in Delhi and a separate account in that behalf would be maintained. The amount will be collected by the NCT of Delhi toll posts and diverted to the DPCC. The amount so collected, for improving the air quality of Delhi, would be spent by the CPCB and

DPCC on joint projects.

3. The vehicles which are enroute Delhi and have not taken the alternative route as directed at Panipat, would not be permitted to enter Delhi and would be returned to Panipat to take the alternative route.
4. The check posts already created under the orders of the Tribunal would be entitled to direct these vehicles to return to Panipat or other alternative route.
5. The NHAI or any of its assignee or concessionaire and the State of Haryana would be responsible for diverting the trucks to the alternative routes. However, the principal liability to implement these directions will be that of the Government and the public authorities and NHAI.
6. These directions would equally apply on return traffic entering from Bawal which will be diverted to Panipat without entering NCT of Delhi and will pass through NCT of Delhi, Gurgaon, Faridabad, Ghaziabad and Bahadurgarh.
7. The Central Pollution Control Board (CPCB) and the DPCC are hereby directed to purchase and/or arrange proper mechanism and instruments for checking emissions of moving overloaded heavy vehicles, as measuring the emissions of standing vehicles, particularly transportation vehicles, would never depict correct data which are the basic cause for raising particulate matter and carbon content in the air.
8. In the meanwhile, we direct the Joint

Commissioner (Traffic Police) of Delhi, Joint Commissioner (Traffic Police) of Haryana and Joint Commissioner (Traffic Police) of Uttar Pradesh to examine if there is any possibility of adopting alternative routes from Ghaziabad and Gurgaon.

9. The learned Counsel appearing for the State of Haryana submits that the work on Western Expressway, which will completely by pass NCT of Delhi, is in progress. They will abide by the undertaking given to the Tribunal and ensure that first phase is completed by January, 2016 and made operational. We direct the State of Haryana to ensure that the Western Expressway is made operative strictly in terms of the undertaking furnished and the orders of the Tribunal.

10. The learned ASG appearing for the NHAI submits that the work of Eastern Expressway, which had not been awarded for the last more than five years, has already been awarded. The NHAI is in the process of taking possession of the land and would ensure expeditious completion of the project. We direct the NHAI accordingly. The local authorities are directed to facilitate the progress of the said project.

11. We allow the vintage sports activity to be conducted on 18th October, 2015, with the same restrictions as already directed by the Tribunal under its various orders. It will be a one day sports activity. The vintage cars would not be

driven on the roads for regular transportation.

12. In the meanwhile, we in furtherance to the directions contained in the previous orders of the Tribunal direct the CPCB, MoEF and the Ministry of Transportation, Government of India to identify the places which have least car population density and have more area for dispersion and dilution of the emissions.

All other matters and miscellaneous applications would be taken up for hearing on the next date of hearing which is 2nd November, 2015.

.....,CP
(Swatanter Kumar)

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

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

.....,EM
(Ranjan Chatterjee)

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

M.A NO. 82 OF 2016
IN
ORIGINAL APPLICATION NO. 21 OF 2014

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE SONAM PHINTSO WANGDI, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER

Present: Applicant in M.A.: Mr. A.D. N. Rao and Mr. Sudipto Sircar, Advs.
MR. Salik Shafique and Mr. Sanjay Upadhayay, Advs.

Respondents: Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO
Ms. Panchajanya Batra Singh, Adv.
Mr. Apoorv Kurup and Mr. Adhik Chimni, Advs. for State of Chhattisgarh
Ms. Puja Kalra, Adv. SLO Avni Mittal
Mr. Rajiv Bansal, Mr. Keshav Datta and Mr. Jasmeet Singh and Mr. Kush Sharma, Advs. (DDA)
Ms. Savitri Pandey and Ms. Azma Parveen, Adv. for State of U.P.
Ms. Priyanka Sinha and Ms. Anu Tyagi, Advs.
Mr. Ravindra Kumar and Mr. Kashyap, Adv.
Ms. Sakshi Popli, Adv. for NDMC
Mr. Ardhendumauli Kr. Prasad and Mr. Panshul Chandapaka, Advs.
Mr. Atul Jha, Adv.
Mr. Rudreshwar Singh, Ms. Divya Singh and Mr. Gautam Singh, Advs.
Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Advs.
Mr. Jayesh Gaurav, Adv.
Mr. Jogy Scaria, Mr. Robin Jacob and Ms. Beena Victor, Advs.
Ms. Gurinderjit, Adv. PPCE
Mr. Devraj Ashok, Adv. for State of Karnataka
Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Advs.
Mr. Preshit Surshe, Adv.
Mr. Devraj Ashok, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 04 February 05, 2016 A</p>	<p>Learned counsel appearing for the Applicant submits that the preparations for the event have been made and nearly 10 vehicles from abroad and other vehicles from various parts of the country have already arrived. He further states that the event is going to be held only for 3 hours when the vehicles will run from Red Fort to Greater NOIDA. The money earned from this event</p>

is to be used for social cause.

Learned counsel appearing for the Applicant further submits that in view of Rule 92 of the Motor Vehicle Rules it is a heritage activity under which it is permissible to use and maintain these cars. Prima facie vide our orders dated 13th April, 2016 running of any diesel car of more than 10 years old and in the case petrol vehicles 15 years are prohibited but there is hardly time left for hearing all these submissions. In view of this and in view of the submissions made by the learned counsel for the Applicant, while permitting the event as one time event for 06th and 07th February, 2016 to run the vehicles for three hours, we direct that the Applicant shall strictly abide by the statements made by him before the Tribunal.

We make it clear that this will not be treated as a precedent and will be hearing all the legal question arising therefrom including effect of the order of the Tribunal.

Everybody is put to notice on the entire matter on merits and we would not grant permission in future for such activity.

Accordingly, M.A. No. 82 of 2016 stands disposed of without any order as to costs.

.....,CP
(Swatanter Kumar)

.....,JM
(Sonam Phintso Wangdi)

.....,EM
(Dr. D.K. Agrawal)

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

**M.A. No. 606 of 2016 & M.A. No. 607 of 2016
In
Original Application No. 21/2014**

IN THE MATTER OF :

Vardhaman Kaushik Vs. Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE SONAM PHINTSO WANGDI, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

Present: Applicant: Mr. Sarad K. Sunny, Adv. for M/s. Manan Enterprises

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 01 June 17, 2016 ss</p>	<p><u>M.A. No. 607 of 2016</u></p> <p>By filing this application the Applicant M/s. Manan Enterprises is seeking registration of two number of BS-IV Diesel vehicles LPT 909EX2 and LPT 1613/42 make bearing chasis nos. MAT507208F8K25069 and MAT373332F1J21839 respectively to be deployed on behalf of Delhi Jal Board for maintenance of sewer system. It is submitted that in two matters filed earlier being M.A. No. 600 of 2016 and M.A. No. 593 of 2016 similar prayers had been granted and therefore Applicant submits that he is entitled to be treated at par having regard to the fact that the service being rendered by the Applicant is identical as the applicants in those MAs.</p> <p>We have heard the Learned Counsel appearing for the Applicant and also perused the application as well as the order passed in M.A. No. 600 of 2016 and M.A. No. 593 of 2016 dated 10th June, 2016 and we are satisfied that the Applicant is entitled to the prayer made in the Application.</p> <p>The Application is, therefore, allowed granting permission to get their two BS-IV compliant vehicles registered to be strictly</p>

used on behalf of Delhi Jal Board.

It is emphasised that the order passed in M.A. No. 600 of 2016 and M.A. No. 593 of 2016 dated 10th June, 2016 shall apply in this case in full force.

In view of this, M.A. No. 607 of 2016 stands allowed.

M.A. No. 607 of 2016 is disposed of accordingly.

M.A. No. 606 of 2016

In view of the above order passed today in M.A. No. 607 of 2016 no order need be passed in this application and is disposed of accordingly.

No order as to cost.

.....,JM
(Sonam Phintso Wangdi)

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

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO.21 OF 2014
AND

Original Application No. 21/2014

(M.A. NO. 156/2016 M.A. NO. 172/2016, M.A. NO. 475/2016, M.A. NO.
564/2016, M.A. NO. 567/2016, M.A. NO. 578/2016, M.A. NO. 690/2016, M.A.
NO. 740/2016, M.A. NO. 755/2016 & M.A. NO. 756/2016)

And

Original Application No. 95/2014

And

Original Application No. 303/2015

And

Original Application No. 181/2013

(M.A. No. 824/2015)

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha Vs. Union of India & Ors.

And

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

And

Omesh Saigal Vs. Govt. of NCT of Delhi & Ors.

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

Present: Applicant :

Respondent No. 2 & 4

Respondent No. 5 & 6

Mr. Salik Shafique, Advs.
Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, LO, DPCC
Mr. Balendu Shekhar & Mr. Akshay Abrol, Advs. For EDMC.
Ms. Panchajanya Batra Singh, Adv. for Ministry of Environment & Forest, & CC
Ms. Taruna A. Prasad, Adv. for MoEF
Mr. Rajiv Bansal, Advs. (DDA)
Ms. Nishe Rajen Shonker and Mrs. Anu K. Joy, Adv. for State of Kerala
Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. For NOIDA & Greater NOIDA.
Ms. Sakshi Popli, Adv. with Ms. Juhi, Adv. for NDMC
Mr. A.K. Prasad and Mr. Panshul Chandapaka, Advs. For MoUD/PNG & Respondent No. 2 to 6
Mr. Rudreshwar Singh and Mr. Gautam Singh, Advs. For State of Bihar and BSFCB
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Sarthak Chaturvedi, Mr. Rohit Pandey and Mr. Devender Nath Tirpathi, Adv. for Andman and Nicobar Admin
Ms Hemantika Wahi, Ms. Puja Singh and Ms. Aagam Kaur, Advs. for State of Gujarat.
Mr. Mukesh Verma and Mr. Devesh Kumar Agnihotri, Advs. for MPCB & State
Mr. Om Prakash for Railway
Shri Rajeev Bansal and Ms. Sukriti Kashyap, Advs,
Mr. Sakshi Popli, Adv. for NDMC

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Mr. Edward Belho, Mr. K. Luikang Michael and Ms. Elix Gangmei, Advs. For State of Nagaland and PCB

Mr. Balendu Shekhar and Mr. Akshay [unclear], Advs. For EDM

Mr. Rajul Shrivastav, Adv. for MPPCB

Mr. Anil [unclear], AAG, Haryana with Mr. [unclear] Khurana, [unclear] and Mr. Mishal Vij, Adv. for Haryana, [unclear], MCF, MCG & HUDA

Sapam Biswajit Meitei and Mr. Z.H. [unclear] Haiding, Advs. for State of Manipur.

Ms. Aruna [unclear] and Mr. Avneesh Arputha [unclear] and Ms. Anuradha [unclear] Matham, Advs. For State of Sikkim

Mr. Abhishek Yadav [unclear] for State of U.P.

Mr. Guntur Prabhakar [unclear] Guntur [unclear] and Mr. Prashant Mathur, Advs. for State of Andhra Pradesh

Ms. Priyanka Sinha and Mr. Shridhar [unclear], Adv. for State of Chharkhand

Mr. Vijay K. [unclear], Ms. Cauveri [unclear] and Aranyak Pathak [unclear] Avantika, Adv.

Ms. Priyanka Swami [unclear]

Mr. V.K. Shukla, Adv. for State of [unclear]

Mr. Joydeep Mazumdar, [unclear] Parijat [unclear] and Mr. Rohit Dutta, Advs.

Mr. Ashish Negi, Mr. Rishi [unclear], Advs. for Ms. Richa Kapoor, Advs. Punjab Pollution Control Board

Mr. Raman Yadav and Mr. [unclear] Chandra, Adv. for Ghaziabad Development Authority

Mr. Gopal Singh and Ms. Varsha Poddar, Advs. for State of Tripura

Mr. R. Rakesh Sharma, Adv. for State of Tamil Nadu & TNPCB and Mr. Marutha Samy, Adv.

Mr. Amit Agarwal and Ms. Asha Nayar Basu, Advs. for West Bengal Pollution Control Board

Mr. Bhupender Kumar, LA, CPCB

Mr. KTS Tulsii, Mr. Raj Kamal and Ms. Pallavi Malhotra, Advs.

Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Advs. with Mr. Harender Kumar Singh, DCP (Traffic) for FWD, Transport Deptt. and Delhi Police

Mr. P. Venkata Reddy, Standing counsel with Mr. Prashant Tyagi, Advs. For Govt. of Telangana

Mr. Sandeep Narain, Ms. Natasha Surawat, Ms. Khushboo Bari, Advs. with Mr. Bipin Das, Legal Manager for Tata Motors Ltd. Karanjawala & Co.

Ms. Puja Kalra, Adv. For SDMC and North MCD

Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.

Ms. Pinky Anand, Sr. Adv., ASG, with Mr. Balendu Shekhar and Mr. Vivek Jaiswal, Advs. For Ministry of Heavy Industries

Ms. Pinky Anand, ASG and Mr. K.K. Singh, Advs. for MoEF

Ms. Pinky Anand, Sr. Adv., ASG, with Mr. Balendu Shekhar and Mr. Rajesh Ranjan and Ms. Somya Rathore, Advs. For Ministry of Road and Transport Highway

Mr. Balendu Shekhar, Advs. For Ministry of Road & Transport

Mr. Jogy Scaria and Ms. Beena Victor, Advs. for State of Kerala & KSPCB

Mr. Pragyan Sharma, Mr. Ganesh Bapu Tr. and Mr. Ravi Kant Pal, Advs. For Mizoram State & Pollution Control Board

Mr. Karan Grover, Adv. for NHAI M/s. M.V.Kiwi

Mr. Anil Soni, ASG with Mr. Naginder Benipal, Adv. for State of Punjab

Mr. Atul Jha, Adv. for State of Chhattisgarh

Mr. Devraj Ashok, Adv. for State of Karnataka

& KSPCB

Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Advs. for Transport Deptt. & GNCTD
Mr. Shiv Mangal Sharma, AAG State of Rajasthan along with Mr. Adhiraj Singh and Mr. Saurabh Rajpal, Advs.

Ms. Priyanka, Adv. for Ghaziabad Nagar Nigam
Sh. Hemant Jain and Smt. Usha Jain for Noticee K. Sunil and Aviral Mittal, Advs.

Date and Remarks	Orders of the Tribunal
<p>Item No. 13 to 17</p> <p>August 02, 2016</p>	<p><u>M.A. NO. 740 OF 2016</u></p> <p>This application filed on behalf of the Fire Department, NCT of Delhi on the ground that Fire Department has already condemned 66 diesel vehicles which are more than 10 years old and for maintaining the effectiveness of fire fighting system in Delhi they have purchased 10 new vehicles of BS-IV compliance. It is further stated in the market no fire fighting equipments vehicles are available so far, which have any other source of energy except diesel.</p> <p>In the above circumstances we permit 10 new vehicles purchased by the Department to be registered by RTO. However the registration will only be upon production of certificate of condemnation and dismantling of 66 diesel vehicles which have been condemned.</p> <p>We make it further clear that registration of these vehicles would abide by the orders or the Tribunal already passed in relation to non-registration of the vehicles after 10 years.</p> <p>With above directions M.A. 740 of 2016 stands disposed of without any order as to cost.</p> <p><u>M.A. NO. 755 OF 2016 & M.A. NO. 756 OF 2016</u></p> <p>Notice.</p> <p>Reply to the application may be filed before the next</p>

	<p>Item No. 13 to 17</p> <p>August 02, 2016</p>	<p>date of hearing.</p> <p>List this matter 09th August, 2016.</p> <p><u>Main Matters</u></p> <p>There is a request on behalf of the Additional Solicitor General of India that she is busy in Hon'ble Supreme Court of India.</p> <p>Consequently we direct the matter be listed on 09th August, 2016.</p> <p>The Noticee No. D-292, Smt. Maya Devi & Mr. Narinder Kumar, 76, Bhesa Enclave, Paschim Vihar, New Delhi, Noticee No. D-230, Mr. Ajim Ahmed, House No. 71, Road No. 42, West Punjabi Bagh, New Delhi and Noticee No. D-175, Pushpak Ray, A-37, Chittaranjan Park, New Delhi submit that they would not repeat violation again and it was under some bonafide they have been challaned by the authority concerned. They further submit that they are very small plot owners and have financial limitations. Keeping in view the fact that they are first offenders, in the event they pay environmental compensation of Rs. 5,000/- each, the Notice issued to them be withdrawn. Of course if in future they are found to be defaulting, they will be liable to proceed strictly in accordance with law.</p> <p>They should pay environmental compensation of Rs. 5,000/- each to the Corporation concerned within one weeks from today.</p> <p>List these matters on 09th August, 2016.</p> <p>.....,CP (Swatanter Kumar)</p>
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	<p>Item No. 13 to 17</p> <p>August 02, 2016</p>	<p>.....,JM (M.S. Nambiar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

M.A. No. 923/2016

In

Original Application No. 21 of 2014

Vardhaman Kaushik Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant:

Respondent No. 1:

Mr. Sanjay Upadhyay, Mr. Divya Sharma, Mr. Salik Shafique, Advs.
Mr. Balendu Shekhar with Mr. Shashank Bhatnagar, Advs. in M.A. No. 923/2016
Mr. Mahavir Singh, Adv. for Ms. Panchajanya Batra Singh, Advs. For MoEF & CC
Mr. Guntur Prabhakar and Mr. Guntur Pramod Kumar, Advs. for State of H.P.
Mr. Atul Jha Adv. for State of Chattisgarh
Mr. Devraj Ashok, Adv. for State of Karnataka & PCB
Mr. Sarthak Chaturvedi, Mr. Rohit Pandey, Mr. Devendernath Tirpathi, Advs. for Andaman & Nicobar Administration
Mr. Rudreshwar Singh and Mr. Gautam Singh, Advs.
Mr. Sanjeev Kumar, AIG/SPG
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs.
Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Adv. for GNCTD
Mr. Tarunveer Singh Nanda and Mr. Archit Sharma, Advs. for DCB
Mr. Ravindra Kumar And Mr. Gudipati G. Kashyap, Advs. for NOIDA and Greater NOIDA
Mr. R. Rakesh Sharma and Mr. M. Marutha Samy Adv. for State of Tamil Nadu and TNPCB
Mr. V.K. Shukla, Adv. for State of M.P.
Mr. Dinesh Kumar Garg and Mr. Deepak Mishra, Advs.
Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO
Mr. Rajiv Bansal, Mr. Kush Sharma and Ms. Arpita, Advs. (DDA)
Ms. Nishe Rajen Shonker and Mr. Gajendra Khichi, Advs. for State of Kerala
Mr. Edward Belho, Mr. K. Luikang Michael and Ms. Elix Gangmei, Advs. For State of Nagaland and PCE
Mr. Balendu Shekhar, Advs. For EDMC
Mr. Anil Grover, AAG, Haryana with Mr. Rahul Khurana, Advs. for Haryana, HSPCB, MCF, MCG & HUDA
Sapam Biswajit Meitei, Adv. For State of Manipur.
Ms. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs. For State of Sikkim
Mr. Abhishek Yadav, Adv. for State of U.P.
Ms. Priyanka Sinha, Mr. Vijay K. Sondhi, Ms. Cauveri Birbal and Ms. Avantika, Advs. for State of Jharkhand
Mr. Raman Yadav, Adv. for Ghaziabad Development Authority
Mr. Gopal Singh and Ms. Varsha Poddar, Advs. for State of Tripura

Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Advs. PWD, Transport Deptt. and Delhi Police
 Mr. Anil Shrivastav, Mr. Sanyam Saxena and Mr. Pranav Rishi, Advs.
 Ms. Bhavana Duhoon, Adv. for NHAI M/s. M.V.Kiwi
 Mr. Shiv Mangal Sharma, AAG State of Rajasthan along with Mr. Adhiraj Singh and Mr. Saurabh Rajpal, Advs.
 Mr. Rahul, Adv. for Ms. Priyanka Gasuami, Adv. for Ghaziabad Nagar Nigam

Date and Remarks	Orders of the Tribunal
<p>Item No. 13</p> <p>September 16, 2016</p> <p>ss</p>	<p><u>M.A. No. 923 of 2016</u></p> <p>We have heard the Learned Counsel appearing for the parties. This is an application filed on behalf of Special Protection Group (in short 'SPG') praying that they have already purchased new vehicles which are 6 Mini Buses and 22 Vehicles of different kind are under the process of the purchase. These all are more than 2000 cubic centimeter vehicles. It is prayed that they be directed to be registered by the Registrar, Transport Department, NCT, Delhi. One of the ground statement for this prayer is that 18 old vehicles have been sold by the SPG through M/s. Metal Scrap Trading Corporation Ltd. by 'E' auction. There are 10 other vehicles which are 15 to 25 years old and they need to be scrapped. It is also stated that policy decision has been taken by the SPG to replace more than 10 years old diesel vehicles. We are of the considered view that the vehicles which are more than 10 to 25 years old cannot be permitted to ply on the road either directly by SPG or by selling them in open market at any process of auction. The diesel vehicles which have been used for more than 10 years cannot be permitted to ply in the entire NCR, Delhi and cannot be registered as well. The SPG has filed application before the Hon'ble Supreme Court of India for permission to register some of</p>

<p>Item No. 13 September 16, 2016 ss</p>	<p>its vehicle which it has purchased. This prayer was allowed by the Hon'ble Supreme Court of India vide its order dated 31st March, 2016 subject to 30% cost of the vehicles to be paid as Environment Compensatory Charges (ECC).</p> <p>The Learned Counsel submits that this order was operative for Car and SUVs. It is stated upon instruction that this is related to the purchase of SUV and not for other vehicles like Mini Buses, Buses and Trucks, vehicles which are sought to be purchased and registered now. In the light of the above we pass the following directions:-</p> <p>A. The 18 vehicles which had been condemned and disposed of by the SPG by 'E' auction through M/s. Metal Scrap Trading Corporation Ltd. will not be registered by the Registrars in NCR, Delhi. These vehicles would be dismantled and scrapped. The details are as follows.</p> <ol style="list-style-type: none">1. DLIV-4608 (Tata Mini Bus)2. DLIV-4612 (Tata Mini Bus)3. DLIV-3990 (Tata Mini Bus)4. DLIV-4611 (Tata Mini Bus)5. DLIV-0373 (Swaraj Mazda)6. DLIV-3310 (Tata Mini Bus)7. DLIV-3991 (Tata Mini Bus)8. DLIV-4609 (Tata Mini Bus)9. DLIV-4610 (Tata Mini Bus)10. DLIV-4613 (Tata Mini Bus)11. DLIV-0395 (S/Mazda Mini Bus)12. DLIV-0903 (S/Mazda Mini Bus)
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<p>Item No. 13</p> <p>September 16, 2016</p> <p>ss</p>	<p>13. DLIGB-1670 (Water Truck)</p> <p>14. DLIG 7654 (Tata Truck)</p> <p>15. DLIP 8353 (Tata Bus)</p> <p>16. DLIP 7986 (Tata Bus)</p> <p>17. DL1PA 2580 (Tata Bus)</p> <p>18. DL1A 1051</p> <p>B. The 10 vehicles which now are proposed to be condemned and the 10 vehicles which are as under process of auction; shall not be auctioned for the purpose as of being permitted to be driven in NCR, Delhi. They shall be sold only for the purpose of condemnation and for dismantling purpose.</p> <p>C. Upon furnishing the proof for condemning and dismantling of the 10 vehicles the details are as follows, SPG would be permitted to get the new vehicles registered by the Registrar in NCR, Delhi.</p> <ol style="list-style-type: none">1. DL1PA-2578 (Tata Bus)2. DL1PA-2579 (Tata Bus)3. DL1PA-2783 (Tata Bus)4. DL1PB-6679 (Tata Bus)5. DL1GB-3460 (Tata Truck)6. DL1VA-4207 (S/Mazda Mini Bus)7. DL1VA-5751 (S/Mazda Mini Bus)8. DL1V-3992 (Tata Mini Bus)9. DL1LC-8430 (Mini Truck)10. DL1A-1121 (Ambulance) <p>D. The remaining 22 vehicles as and when purchased, the SPG may approach the Tribunal for passing of appropriate directions.</p> <p>With the above directions M.A. No. 923 of 2016</p>
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	<p>Item No. 13</p> <p>September 16, 2016</p> <p>ss</p>	<p>stands disposed of. No order as to cost.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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BEFORE THE NATIONAL GREEN TRIBUNAL,
एन. ग्रीन टिबुनल ऑफ इंडिया

(M.A. NO. 284/2015, M.A. NO. 755/2016, M.A. NO. 756/2016, M.A. NO. 766/2016, M.A. NO. 847/2016, M.A. NO. 848/2016, M.A. NO. 924/2016, M.A. NO. 892/2016, M.A. M.A. NO. 974/2016, NO. 979 /2016, M.A. NO. 983/2016, M.A. NO. 984/2016, M.A. NO. 967/2016, M.A. NO. 986/2016 & M.A. NO. 1050 /2016)

In

Original Application No. 21/2014

AND

M.A. NO. 156/2016

IN

Original Application No.21 OF 2014

AND

Original Application No. 21/2014

(Only Notices)

AND

Original Application No. 21/2014

(M.A. NO. 172/2016, M.A. NO. 567/2016, M.A. NO. 690/2016, M.A. NO. 783/2016, M.A. NO. 949/2016, M.A. NO. 950/2016, M.A. NO. 1037/2016, M.A. NO. 1038/2016, M.A. NO. 1078/2016, M.A. NO. 1079/2016, M.A. NO. 1080/2016, M.A. NO. 1091/2016, M.A. NO. 1092/2016, M.A. NO. 1082/2016, M.A. NO. 1083/2016, M.A. NO. 1142/2016, M.A. NO. 1134/2016, M.A. NO. 1135/2016, M.A. NO. 1136/2016, M.A. NO. 1137/2016, M.A. NO. 1138/2016, M.A. NO. 1155/2016, M.A. NO. 1162/2016, M.A. NO. 1180/2016, M.A. NO. 1184/2016, M.A. NO. 1185/2016, M.A. NO. 1186/2016, M.A. NO. 1187/2016, M.A. NO. 1188/2016, M.A. NO. 1189/2016, M.A. NO. 1190/2016, M.A. NO. 1191/2016, M.A. NO. 1192/2016, M.A. NO. 1209/2016 & M.A. NO. 1210/2016)

And

Original Application No. 95/2014

And

Original Application No. 303/2015

And

Original Application No. 181/2013

(M.A. No. 824/2015)

And

Original Application No. 609 /2016

And

Original Application No. 179 of 2016

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha Vs. Union of India & Ors.

And

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

And

Omesh Saigal Vs. Govt. of NCT of Delhi & Ors.

And

Diya Kapur & Ors. Vs. Union of India & Ors.

And

Mahendra Pandey Vs. Govt. of NCT of Delhi & Ors.

Mr. Edward Belho, Mr. K. Luikang Michael and Ms. Elix Gangmei, Advs. For State of Nagaland and Pollution Control Board
Mr. Shiv Mangal Sharma, Adv. with Mr. Adhiraj Singh and Mr. Saurabh Rajpal, Advs.

Ms. M.S. Priyanka Sinha, Adv. for State of Jharkhand

Mr. Atul Jha, Adv. For State of Chhattisgarh

Mr. Anil Grover, AAG with Mr. Rahul Khurana, Mr. Sandep Yadav, Mr. Saurabh Sachdeva and Mr. Arun Tewatia, Advs., Advs. for Haryana, HSPCB, MCF, MCG & HUDA

Mr. Sanjeev Kr. Sharma, Mr. Jeetendar Kr. Jha and Ms. Roopani Rai, Advs.

Ms. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs. For State of Sikkim & Pollution Control Board

Mr. Pradeep Misra and Mr. Daleep Kumar Dhyani, Advs. for UPPCB

Mrs. Rani Chhabra and Ms. Priyanka Sony, Advs.

Mr. Darpan Wadhwa and Mr. Sarad K. Sunny, Adv.

Mr. Abhishek Yadav, Adv. for State of U.P.

Mr. Guntur Prabhakar and Mr. Guntur Pramod Kumar, Advs. For State of Andhra Pradesh

Mr. Raman Yadav, Adv. for Ghaziabad Development Authority

Ms. Alpana Poddar, Adv. with Mr. Bhupender Kumar, LA, CPCB

Mr. R. Rakesh Sharma, Adv. for State of Tamil Nadu & TNPCB and Mr. Marutha Samy, Adv.

Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Advs. for PWD, Transport Deptt. and Delhi Police with Mr. Dinesh Kr. Gupta DCP Traffic

Mr. Abhishek Atrey, Adv. For MoEF & CC

Mr. Joydeep Mazumdar, Mr. Rohit Dutta and Mr. Parijat Sinha, Adv. For State of West Bengal

Ms. Puja Kalra, Adv. For SDMC and NDMC

Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.

Mr. Balendu Shekhar, Advs. For MoRTH and Ministry of Heavy Industries and Highway

Mr. Balendu Shekhar, Advs. For Ministry of Road & Transport and EDMC

Mr. Aman Shukla and Mr. Santosh Rebello, Adv. for State of Goa & PCB

Mr. Devraj Ashok, Adv. for State of Karnataka & KSPCB

Mr. V.K. Shukla, Adv. for State of M.P.

Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Advs. for Transport Deptt. & GNCTD

Mr. Sumit Kishore, Adv. for PNGRB

Date and Remarks	Orders of the Tribunal
<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>We have heard the Learned Counsel appearing for the Ministries, NCT, Delhi, State of Haryana, State of Punjab, State of Rajasthan, State of Uttar Pradesh, DDA and Delhi Police and all other learned counsel. Vide order dated 07th April, 2015 and other orders where various directions have been passed with regards to prohibition for plying of vehicles diesel older than 10 years and petrol older than 15 years, Delhi Police had made some attempt to comply with the orders. However, due to non-availability of space and other difficulties faced, they were not able to keep the vehicles seized. Various other directions were passed by the Tribunal to ensure reduction of pollution of ambient air in Delhi resulting from vehicular pollution. At the cost of repetition and to put the matters beyond controversy we further issue the following directions:-</p> <ol style="list-style-type: none"> 1. The Ministry of Heavy Industries has assured the Tribunal that it was in the process of framing policy for scrapping of old vehicles in consonance with the directions of the Tribunal. This policy was to provide not only methodology for scrapping of vehicles but even incentives for that purpose to car owners. Unfortunately, nearly a year has gone now but the Ministry has not produced any policy to that effect before the Tribunal. According to the Learned Counsel, matter has been taken up with the Finance Ministry. We direct that the Learned Counsel appearing for the Ministry of Heavy Industry would take clear instructions in regard to the entire policy

<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>as well as implementation thereof before the next date of hearing.</p> <p>2. All the State Government i.e. State of Punjab, State of Haryana, State of Uttar Pradesh, State of Rajasthan and the concerned State Secretaries would discuss with the Chief Secretary of Delhi to identify the land for parking the seized vehicles older than prescribed age immediately on the border of NCR and NCT, Delhi.</p> <p>3. This meeting should take place immediately and the Learned Counsel appearing for the respective States and NCT, Delhi would place the result/minutes of the meeting before the Tribunal by the next date of hearing. The Learned Counsel appearing for the DDA has submitted that as of now and after deliberation with all concerned stakeholders, two sites have been identified at Narela and Rohini which can be temporarily provided to Delhi Police for parking of such vehicles that are seized or are otherwise required to be parked for offending the laws and particularly upon the orders of the Tribunal. We, however make it clear that giving of such site of Delhi Police would be purely on temporary basis. Delhi Police would not raise any permanent structure on the land in question and they would pay amount to DDA as per the policy of the DDA. As far as the first two conditions are concerned, these are ex-facie reasonable and even necessary. However, since no title in the property is being transferred to the Delhi Police, there is no question of paying any charges to DDA for transfer</p>
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	<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>of such land whether under the Land Revenue Act or otherwise. However, it would be appropriate that Delhi Police Pay charges to DDA for parking on per car basis.</p> <p>4. We clarify that vehicles plying on the roads or otherwise found to be polluting are not challaned merely under the Motor Vehicles Act but also under the provisions of the Environment (Protection) Act, 1986 and upon orders of National Green Tribunal Act, 2010. The vehicles seized by the Police for violation of the directions of the Tribunal are those not seized in terms of the Motor Vehicle Act but specific orders of the Tribunal. They cannot be released and ought not to be released unless they pay environmental compensation as well as carriage and parking charges demanded by Delhi Police.</p> <p>5. The Environmental Compensation has already been identified as Rs. 5,000/- for each violation. Besides this, the crane charges would be declared by the Delhi Police within a week from today and put up on Notice Board including the parking charges of the land in question. DDA would be entitled 50% of the parking share from Delhi Police.</p> <p>6. We reiterate that these are not only the offences under the Motor Vehicles Act and we do hope that all concerned would take note thereof that vehicles are being seized under the provisions of the above two said Acts and under the orders of the National Green Tribunal in relation to environmental offences/violation.</p> <p>7. We do not appreciate that neither the corporation</p>
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and nor Delhi Police so far has lifted a single vehicle from those which are not even pliable or are standing on rims instead of tyres, have no engine or otherwise in violation of the orders of the Tribunal and are left parked on the public roads or public places, thereby crating congetion.

8. Let the concerned Corporation and Delhi Police jointly carry out action plan and ensure that all such vehicles are lifted to avoid traffic congestion or otherwise for recovery of environmental compensation, as they gather nothing except dust which gets blown into the air thereby polluting the ambient air of NCT, Delhi.
9. The Delhi Police as well as all other Police of the concerned States and Corporations would ensure that all the vehicles non-destined for Delhi and are required to take diverted routes, do not enter Delhi and ply in strict compliance of the prescribed standards and do not violate the directions of the Tribunal. In the event of violation, appropriate action shall be taken and these vehicles would be parked at the border places before their entry into NCT, Delhi that would be identified in terms of the above order.
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.
11. The DDA, Police Authorities and the Corporations will hold a meeting within this week and identify

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other sites which can be temporarily provided as short term measure to Police or can be transferred by DDA to sort out problem of parking of vehicles as well as free flow of traffic.

M.A. No. 974 of 2016

Both these applications have been filed on behalf of M/s. Metro Waste Handling Private Limited praying that the eight vehicles bearing chassis numbers respectively as follows:

1. MB1CTCHD3GEWW0746
2. MB1CTCHD7GEWW1124
3. MB1CTCHD9GEWW1125
4. MB1CTCHDXGEBV1238
5. MAT716013G2H19105
6. MAT716013G2H18911
7. MB1A3CHD9GRBP1495
8. MB1CTCHD8GEBV1237

be permitted to be registered in Delhi. All the eight vehicles proposed to be registered now are BS-IV compliant. Six vehicles therefrom are to be operated in South Delhi Municipal Corporation as being replacement of old vehicles which the company has already obtained NOC from the Transport Department for their transfer to Gorakhpur area.

In view of the above we dispose of both these applications with the following directions:-

1. The six vehicles which have to operate in South Delhi Municipal Corporation area would be registered by the Transport Department only when the NOC for transfer of old vehicles as aforesaid and

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<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>secondly, its certification at Gorakhpur is also submitted before them.</p> <p>2. The Managing Director of the Company will file a personal affidavit that the said old six vehicles are transferred and being used at Gorakhpur and and will not be brought back to Delhi under any circumstances. In fact, steps would be taken for condemnation in accordance with law; and all these vehicles being registered in Delhi are BS-IV compliant. The affidavit of the Managing Director will also state that the company does not own any diesel vehicle other than the said old six vehicles which are more than 10 years old in Delhi being moved out of Delhi. The Affidavit would be filed before the Registrar Transport Department as well as before the NGT Tribunal. We also permit registration of two other vehicles to be plied in the area of NDMC and one Hue Loader as described above.</p> <p>With the above directions, M.A. No. 974 of 2016 and M.A. No. 1180 of 2016 stand disposed of. No order as to cost.</p> <p><u>M.A. No. 983 of 2016 and M.A. No. 984 of 2016</u></p> <p>This application is for permitting registration of commercial diesel operated vehicles which is Euro-IV with Chassis No. MSC2121CFFP019786. It is stated that so far as the Applicant is using private vehicle provided by M/s. Bharat Benz for transporting/supplying the petroleum product of Indian Oil Corporation.</p> <p>For the reason stated in the application we permit</p>
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<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>registration of the above vehicle of Chassis No. MSC2121CFFP019786 subject to the condition that it is Euro-IV and the sole proprietary of the company shall file personal affidavit that he does not own any diesel vehicle plying in NCT, Delhi which is more than 10 years old. Affidavit shall be filed before the Tribunal as well as Transport Authority.</p> <p>With the above directions, both these Miscellaneous Application Nos. 983 of 2016 and 984 of 2016 stand disposed of. No order as to cost.</p> <p><u>M.A. No. 979 of 2016</u></p> <p>The Applicant submits that the new vehicle bearing chassis no. MAT716013G2H18911 be ordered to be registered as it is only to be used for the purpose of carriage of petroleum products from the company depot to fuel station of the Applicant. Application is allowed subject to the following condition that vehicle is BS-IV Compliant. Affidavit of the Managing Director will be filed stating that the company does not own any diesel vehicle which is 10 years old. Affidavit would be filed before the Registrar Transport Department as well as before the Tribunal.</p> <p>However, registering Authority of the Transport Department would register the truck only when it is actually provided with dismantling and scrapping certificate of vehicle bearing registration DL1GB5951 along with the photograph of the dismantled vehicle.</p> <p>With the above directions M.A. No. 979 of 2016 stand disposed of.</p>
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<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p><u>M.A. No. 1180 of 2016</u></p> <p>The Learned Counsel appearing for the Applicant wishes to withdraw this application with liberty to file appropriate application, if necessary.</p> <p>Application is dismissed as withdrawn. Liberty as prayed is granted.</p> <p><u>M.A. No. 1037 of 2016 and M.A. No. 1038 of 2016</u></p> <p>Issue Notice to the Managing Director of Hindustan Petroleum.</p> <p>Notice returnable on 09th January, 2016.</p> <p><u>M.A. No. 755 of 2016, M.A. No. 756 of 2016, M.A. No. 847 of 2016, M.A. No. 848 of 2016, M.A. No. 924 of 2016, M.A. No. 986 of 2016, M.A. No. 1050 of 2016 & M.A. No. 1155 of 2016.</u></p> <p>These applications are allowed to the limited extent that the buses shall be permitted to ply beyond Meerut and Buland Shahar in the rural areas subject to the following conditions:-</p> <ol style="list-style-type: none"> 1. The affidavit would be filed by the Managing Director/Managing Partner/Sole Proprietor stating that they would convert these vehicles into CNG as and when the source of fuel is available. 2. They would maintain the vehicle properly and once they cross age more than 15 years old then those vehicles would be scrapped and certificate to that effect shall be given. <p>The Learned Counsel appearing for the Uttar Pradesh submits that the Board would be taking up the matter in as much as in principle the scheme for adopting CNG as fuel source in those areas has been approved by the Government.</p>
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<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>With the above terms, M.A. No. 755 of 2016, M.A. No. 756 of 2016, M.A. No. 847 of 2016, M.A. No. 848 of 2016, M.A. No. 924 of 2016, M.A. No. 986 of 2016, M.A. No. 1050 of 2016 & M.A. No. 1155 of 2016 stand disposed of. No order as to cost.</p> <p><u>Main matter</u></p> <p>Issue Notice to DSIDC to be present on the next date of hearing.</p> <p>List these matters tomorrow i.e. on 29th November, 2016.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 21/2014 (Only Notices)

And

Original Application No. 21/2014

(M.A. NO. 156/2016, M.A. NO. 172/2016, M.A. NO. 567/2016, M.A. NO. 949/2016, M.A. NO. 1220/2016, M.A. NO. 129/2017 IN M.A. NO. 1220/2016, M.A. NO. 119/2017, M.A. NO. 120/2017 AND M.A. NO. 124/2017)

And

Original Application No. 95/2014

And

Original Application No. 303/2015

And

Original Application No. 181 /2013

(M.A. No. 824/2015)

And

Original Application No. 609 /2016

And

Original Application No. 179 of 2016

IN THE MATTER OF :

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

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Sanjay Kulshrestha Vs. Union of India & Ors.

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

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Omesh Saigal Vs. Govt. Of NCT of Delhi & Ors.

And

Diya Kapur & Ors. Vs. Union of India & Ors.

And

Mahendra Pandey Vs. Govt. of NCT of Delhi & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant: Mr. Salik Shafiq with Mr. Keith Varghese, Advs. for Mr. Sanjay Upadhyay, Adv. - Original Applicant
Ms. Divya Kapur, Adv.
Mr. Harvinder Sekhon
Mr. Vijay K. Sondhi, Ms. Cauveri Birbal and Ms. Divya Sharma, Advs. for Intervenor, Toyota Kirloskar
Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Anirudh chadha and Ms. Arpita, Advs. for Delhi Development Authority
Mr. D. Rajeshwar Rao and Mr. Madhukar Sharma, Advs., Delhi Police, PWD and Transport Deptt.
Ms. Sakshi Popli, Adv. For NDMC
Mr. Atul Jha Adv. for State of Chattisgarh
Ms. Pinky Anand, ASG with Mr. Balendu Shekhar, Mr. Rajesh Ranjan, Ms. Soniya Rathore and M. Raj Kumar Maurya, Advs. for MoRTH and Ministry of Heavy Industries
Mr. Rajesh Ranjan, Adv. for MoEF
Mr. Edward Balho, Mr. K. Luikang Michael and Ms. Elix Gangmei, Advs. for State of Nagaland
Mr. Rudreswar Singh and Mr. Gautam Singh, Advs. for State of Bihar and Bihar PCB
Ms. Shashi Juneja, Adv. for State of Chhattisgarh
Mr. Nishe Rajen Shonker, Adv. for State of Kerala

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Mr. Vibhav Misra and Ms. Saumya Misra, Advs.
 Mr. Anup Verma, Adv.
 Mr. Sumit Kishore, Adv. for PNGRB
 Mr. Rajul Shrivastava, Adv. for MPPCB
 Ms. Puja Kalra, Adv. for North MCD, South MCD
 Mr. Ashish Negi, Adv. for Ms. Richa Kapoor, Advs. for Punjab PCB
 Mr. Soumyajit Pani, Adv. for State of Odisha.
 Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, and Mr. Charanjit Singh, Advs. for GNCTD
 Mr. Darpan Wadhwa and Mr. Arjun Sayal., Advs.
 Mr. Narender Pal Singh with Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee
 Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change
 Mr. Mukesh Verma and Mr. Bikash Kumar Sinha, Advs. for MPCB
 Mr. Dhruv Pal, Adv. for Gujarat PCB
 Mr. Jogy Scaria, Adv. for State of Kerala State Pollution Control Board
 Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. for NOIDA and Greater NOIDA
 Mr. Jayesh Gaurav, Adv. for JSPCB
 Ms. Priyanka Sinha Adv for State of Jharkhand
 Dr. Abhishek Atrey, Adv. for Ministry of Environment, Forest and Climate Change
 Mrs. Hemantika Wahi and Mr. Krishna Kumar, Advs. State of Gujarat
 Ms. Kanika Kalayarasan and Mr. S. S. Rebello, Advs. for Goa State Pollution Control Board
 Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. UPPCB
 Mr. Sapam Biswajit Meitei, Adv. for State of Manipur
 Mr. Anil Shrivastav, Mr. Rituraj Biswas and Ms. Sujaya Bardhan, Advs. for State of Arunachal Pradesh
 Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Adv. for State of AP
 Mr. Abhimanyu Garg and Ms. Preety Makkar, Adv. for UT of Puducherry
 Mr. Mahesh Dutt Tripathi, Adv. for Delhi Cantonment Board
 Mr. S.K.
 Mr. Rohit Dutta, Mr. Parijat Sinha, and Mr. Joydeep Mazumdar, Adv. for State of West Bengal.
 Mr. Amit Agarwal, Adv. for West Bengal Pollution Control Board
 Mr. Gopal Singh and Ms. Varsha Poddar, Advs. for State of Tripura
 Mr. Rahul Khurana, Mr. Sandeep Yadav and Mr. Saurabh Sachdeva, Advs. for State of Haryana, HSPCB, MCF, MCG, HUDA
 Mr. Rajkumar, Adv. with Mr. Bhupender Kr. LA Central Pollution Control Board
 Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO, DPCC
 Mr. R. Rakesh Sharma, Adv. for State of Tamil Nadu and TNPCB
 Mr. Sandeep Narain, Ms. Natasha Sahrawat and Ms. Khoshboo Bari, Advs.
 Ms. Aruna Mathur and Mr. Avneesh Arputham and Ms. Anuradha Arputham, Mr. Amit Arora, Advs. for State of Sikkim
 Mr. Sarthak Chaturvedi and Mr. Subham Jaiswal, Advs. for Andaman & Nicobar Administration
 Mr. Anil Soni, AAG and Mr. Naginder Benipal, Adv.
 Ms. Bhavana Duhoon, Adv. for NHAI
 Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal and Mr. Adhiraj Singh, Advs.
 Mr. Raman Yadav, Adv. for GDA
 Mr. A. K. Prasad and Mr. Jaydip Pati, Advs. for MoUD and PNG
 Mr. Om Prakash, Adv. for Ministry of Railway
 Mr. V.K. Shukla, Adv. with Ms. Vijay Laxmi and Mr. Mahendraa D. Gaikwad, Advs. for State of M.P.
 Mr. D. K. Thakur DAG and Mrs. Seema Sharma, DAG for State of Himachal Pradesh

Mr. Pragyan Pradip Sharma and Ms. Anandini Kumari, Advs. for State of Mizoram
 Mr. Raj Kamal, Ms. Pallavi Malhotra and Mr. Sachin Ghai, Advs. in MA 156/2016
 Ms. Yogmaya Agnihotri, Adv. for C.E.C.B.
 Mr. Dinesh Kumar Garg and Mr. Abhishek Garg, Advs. for State of Uttarakhand

Date and Remarks	Orders of the Tribunal
<p>Item No. 15 to 21</p> <p>February 01, 2017</p> <p>ss</p>	<p><u>M.A. No. 119 of 2017</u></p> <p>We have heard the Learned counsel appearing for the parties.</p> <p>This application is filed on behalf of South Delhi Municipal Corporation to purchase Road Sweeping Machines which may have an engine of capacity more than 2000cc and these are diesel operated. It is averred in this application that the CNG and Petrol operated sweeping machine is not available in the market. In view of this we direct as follows:-</p> <ol style="list-style-type: none"> 1. The Chief Secretary of Delhi would constitute a Committee consisting of all the Corporations presided over by the concerned Secretary of NCT, Delhi to examine the matter. 2. This Committee will conduct or get conducted market survey to find out if the road sweeping machines are not available in variant of fuel CNG and Petrol. 3. If the finding is in the negative and such machines are not available, the NCT Delhi would direct purchase of these machines for the purpose of road sweeping/cleaning and other allied purposes. If answer is affirmative and such machines are available then efforts would be made to purchase preferably CNG or petrol operated machine as opposed to diesel operated machine. This shall be

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done expeditiously.

4. Once the Committee recommends, the Registering Authority shall register the same in accordance with law.

With the above directions M.A. No. 119 of 2017 stands disposed of.

M.A. No. 120 of 2017

Issue Notice to the respondents.

Replies to the application be filed before the next date of hearing.

M.A. No. 124 of 2017

This application is allowed, subject to just exception and without prejudice to the final order that would be passed in the main application. The applicant is permitted to transfer diesel vehicle which is more than 10 years to Uttarakhand and for that purpose if the Authority considers it appropriate NOC be issued.

With the above directions M.A. No. 124 of 2017 stands disposed of.

M.A. No. 129 of 2017

This application is for filing of additional documents on record. Let the copy of the application along with additional documents be furnished to all the Learned counsel appearing in this case. Application is allowed, subject to just exception without prejudice to the rights and contentions the additional documents be taken on record.

With the above directions M.A. No. 129 of 2017

	<p>Item No. 15 to 21</p> <p>February 01, 2017</p> <p>ss</p>	<p>stands disposed of.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 21/2014
(Only Notices)**

AND

Original Application No. 21/2014

(M.A. NO. 156/2016, M.A. NO. 172/2016, , M.A. NO. 949/2016, M.A. NO. 1220/2016, M.A. NO. 13/2017, M.A. NO. 22/2017, M.A. NO. 47/2017, M.A. NO. 52/2017, M.A. NO. 53/2017, M.A. NO. 71/2017, M.A. NO. 84/2017, M.A. NO. 85/2017, M.A. NO. 86/2017, M.A. NO. 27/2017, M.A. NO. 63/2017, M.A. NO. 82/2017, M.A. NO. 104/2017, M.A. NO. 105/2017, M.A. NO. 106/2017, M.A. NO. 108/2017, M.A. NO. 109/2017, M.A. NO. 120/2017, M.A. NO. 136/2017, M.A. NO. 137/2017, M.A. NO. 145/2017, M.A. NO. 147/2017, M.A. NO. 159/2017, M.A. NO. 160/2017, M.A. NO. 176/2017, M.A. NO. 177/2017, M.A. NO. 185/2017, M.A. NO. 218/2017, M.A. NO. 219/2017, M.A. NO. 220/2017, M.A. NO. 221/2017, M.A. NO. 222/2017, M.A. NO. 223/2017, M.A. NO. 224/2017, M.A. NO. 225/2017 & M.A. NO. 226/2017,)

And

**Original Application No. 95/2014
(M.A. No. 1156 of 2016)**

And

Original Application No. 303/2015

And

Original Application No. 609 /2016

And

Original Application No. 179 of 2016

IN THE MATTER OF:

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And

Mahendra Pandey Vs. Govt. of NCT of Delhi & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

Present: **Applicant :** Mr. Sanjay Upadhyay and Mr. Salik Shafique, Advs.
Mr. Darpan Wadhwa, Mr. Arjun S., Adv.
Mr. Ajay Kohli, Adv.
Mr. Abhijeet Sinha with Mr. Prateek Kumar, Advs.
Mr. Sonal Kr. Singh, Mr. Ashok Kr., Ms. Shivangi Agarwal and Ms. Swati Sehgal, Advs.
Ms. Sumiti Yadava, Adv. in M.A.

Respondent No. 2 & 4 Mr. Narendra Pal Singh, Adv. and Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee
Mr. Aviral Mittal with Mr. K. Sunil, Adv. for Hemant Jain & Usha Jain
Mr. Ashish Rana, Adv.
Mr. Sunil K. Jain and Ms. Punya Garg, Advs.
Ms. Khushboo Bari, Adv. in M.A.
Mr. Vijay K. Sondhi and Ms. Cauveri Birbal, Advs. for Interveners
Mr. Rahul Khurana, Adv. in M.A.s
Mr. Tarveen Singh Nanda, Mr. Anchit Sharma and Mr. Satamita Ghose, Advs. for Delhi Cont. Board.
Mr. Soumyajit Pani, Adv. for State of Odisha
Mr. Rajiv Bansal, Mr. Kush Sharma, and Ms. Arpita, Advs. (DDA)

Ms. Parijat Sinha and Mr. Joydeep Mazumdar, Advs. for State of WB
 Mr. Anil Grover, AAG for State of Haryana
 Mr. A.K. Prasad and Mr. Jaydip Pati, Advs.
 Mr. KT\$ TulsI, Sr. Adv, Mr. Rayner Vishal and Mr. Raj Kamal, Adv.
 Mr. Pallav Sishodia, Sr. Adv. and Mr. Arjun S., Adv.
 Mr. Om Prakash, Adv. for Ministry of Railways
 Ms. Nishe Rajen Shonker, Adv. for State of Kerala
 and Mr. Jogy Scaria, Adv. for Pollution Control Board
 Mr. Edward Balho, Mr. K. Luikang Michael and Ms. Elix Gangmei, Advs. for State of Nagaland
 Mr. Ravindra Kumar, Adv. for NOIDA & Greater NOIDA.
 Ms. Puja Kaira, Adv. for NDMC and SDMC
 Mr. Sachin, Adv. for Ms. Sakshi Popli, Adv. for NDMC
 Mr. Gautam Singh, Adv. For State of Bihar and BSPCB
 Mr. Jayesh Gaurav, Adv. for JSPCB
 Mr. Sarthak Chaturved, Mr. Rohit Pandey, Advs. for Andaman Nicobar Administration
 Mr. Rajul Shrivastav, Advs. For MPPCB
 Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, Central Pollution Control Board
 Mr. Sanjeev Ralli, Adv.
 Mr. Mukesh Verma and Mr. Bikash Kumar Sinha, Advs. for MPCB & State
 Ms. Priyanka Swami, Adv. for Ghaziabad Nagar Nigam
 Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change
 Ms. Priyanka Sinha, Adv. for State of Jharkhand
 Mr. Atul Jha, Adv. For State of Chhattisgarh
 Mr. A.D.N. Rao, Mr. Samar Bansal, Mr. Vinayak Mehrotra and Mr. Sudipto Sarkar, Advs.
 Mr. Atul Arora, Adv. for M/s. Ecogreen G. Solutions Ltd.
 Mr. Haryinder Sekhon, Appearing in person
 Ms. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham and Mr. Amit Arora Advs. For State of Sikkim & Pollution Control Board
 Ms. Hemantika Wahi and Ms. Puja Singh, Advs. for State of Gujarat
 Mr. Abhishek Yadav, Adv. for State of U.P.
 Mr. Guntur Pramod Kumar, Mr. Guntur Prabhakar & Mr. Prashant Mathur, Advs. For State of Andhra Pradesh
 Dr. Abhishek Atrey, Adv. for MoEF
 Mr. Raman Yadav, Adv. for Ghaziabad Development Authority
 Mr. Pragyan Pradip Sharma, Mr. Ganesh Bapu and Ms. Anandivi Kumari Rathore, Advs.
 Ms. Alpna Poddar, Adv. with Mr. Bhupender Kumar, LA, CPCB
 Mr. S. Anand, Mr. R. Rakesh Sharma, Adv. for State of Tamil Nadu & TNPCB and Mr. Marutha Samy, Adv.
 Mr. D. Rajeshwar Rao and Mr. Madhukar Sharma, Advs. for PWD, Transport Deptt. and Delhi Police
 Mr. Amit Agarwal and Ms. Asha N. Basu, Adv. for West Bengal Pollution Control Board
 Mr. Balendu Shekhar, , Adv. for East Delhi Municipal Corporation
 Mr. Yogmaya Agnihotri, Adv. for CECB
 Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal and Mr. Adhiraj Singh, Advs.
 Mr. V.K. Shukla with Mr. Mahendra Gaikwad, Advs. for State of M.P.
 Mr. Charan Jeet Singh, Adv. for Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Advs. for Transport Deptt. & GNCTD

Date and Remarks	Orders of the Tribunal
Item Nos. 20 to 25 February 23, 2017 ss	<u>M.A. No. 176 of 2017</u> The vintage car sports activity to be held on 24 th to 26 th February, 2017 is permitted subject to the terms and

Item Nos.
20 to 25

February
23, 2017

ss

conditions that are contained in the order dated 27th January, 2017. All the directions should be strictly complied with and these cars will not be permitted to run on road as a part of the regular traffic.

With the above directions M.A. No. 176 of 2017 stands disposed of.

Copy of this order be furnished by Dasti.

M.A. No. 84 of 2017, 85 of 2017, 86 of 2017, 221 of 2017, 222 of 2017 and 225 of 2017

All these applications are allowed and the Applicant is permitted to get their vehicles registered which are heavy diesel vehicles and are BS-IV compliant to registered in Delhi. They shall be utilized only for the purpose of carriage of petroleum products within the NCR. These vehicles will not be used for any private purpose and carriage of any liquid petroleum products for the private party except the mentioned three Public Sector Companies. Besides the above directions other directions which are contained in our order dated 29th November, 2016 shall also apply mutatis mutandis. The Applicant would be under obligation to comply with the directions strictly in its entirety.

With the above directions M.A. No. 84 of 2017, 85 of 2017, 86 of 2017, 221 of 2017, 222 of 2017 and 225 of 2017 stand disposed of. No order as to cost.

M.A. No. 53 of 2017 and M.A. No. 105 of 2017

The Applicant is permitted to get his diesel vehicle BS-IV compliant registered in Delhi subject to the following:-

Item Nos.
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23, 2017
ss

1. That Applicant in both these applications does not have any diesel vehicle which is more than 10 years old. Proof thereof should be produced before the Registering Authority.
2. All vehicles should be registered only if the vehicles are BS-IV compliant and would have GPS system installed therein.
3. They will be used only for carriage of LPG Cylinders in NCR and will not be plied in NCR for any private parties.
4. Directions contained in our order dated 29th November, 2016 shall also apply mutatis mutandis to these applications as well.

Applicant shall be responsible for strict compliance of the order and directions of the Tribunal.

With the above directions M.A. No. 53 of 2017 and M.A. No. 105 of 2017 stand disposed of. No order as to cost.

Main Matter

We grant last and final opportunity to M/s. Indian Oil Corporation, M/s. Hindustan Petroleum and Bharat Petroleum Company Limited to file a complete status report in relation to the heavy vehicles being used for these companies directly or upon contract with private parties for carriage of petroleum and allied products in the country more particularly in NCR, Delhi. It should be stated in the affidavit-cum-report the number of BS-I, BS-II, BS-III and BS-IV compliant vehicles and how old the vehicles are. What is the scheme for phasing out of heavy vehicles which are diesel vehicles more than 10 years old

<p>Item Nos. 20 to 25</p> <p>February 23, 2017</p> <p>ss</p>	<p>and the scheme of each of the company.</p> <p>We make it clear that if this Status Report and affidavit not filed within the time granted, the Managing Director of all the above stated three companies would be present before the Tribunal on the next date of hearing. We make it clear that we will be compelled to impose heavy cost for non-compliance of the orders of the Tribunal. List these matters on 2nd March, 2017.</p> <p>Indian Oil Company within one week shall place minutes of the meeting on Thursday i.e. 02nd March, 2017.</p> <p>List all other Miscellaneous Applications on 28th February, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

(M.A. No. 1177/2017, M.A. No. 1314/2017, M.A. No. 1361/2017, M.A. No. 1366/2017, M.A. No. 1375/2017, M.A. No. 1424/2017, M.A. No. 1425/2017, M.A. No. 1526/2017, M.A. No. 1503/2017, M.A. No. 15/2018, M.A. No. 43/2018, M.A. No. 96/2018 M.A. No. 134/2018, M.A. No. 206/2018, M.A. No. 207/2018, M.A. No. 208/2018, M.A. No. 301/2018, M.A. No. 302/2018, M.A. No. 377/2018, M.A. No. 631/2018, M.A. No. 666/2018, M.A. No. 744/2018 M.A. No. 774/2018, M.A. No. 834/2018, M.A. No. 835/2018, M.A. No. 893/2018, M.A. No. 916/2018, M.A. No. 918/2018, M.A. No. 917/2018, M.A. No. 877/2018, M.A. No. 878/2018, M.A. No. 879/2018, M.A. No. 880/2018, M.A. No. 881/2018, M.A. No. 882/2018, M.A. No. 883/2018, M.A. No. 885/2018, M.A. No. 886/2018, M.A. No. 900/2018, M.A. No. 901/2018, M.A. No. 902/2018, M.A. No. 906/2018, M.A. No. 912/2018, M.A. No. 920/2018, M.A. No. 995/2018, M.A. No. 996/2018, M.A. No. 1023/2018, M.A. No. 1024/2018, M.A. No. 1025/2018, M.A. No. 1026/2018, M.A. No. 1027/2018, M.A. No. 1028/2018, M.A. No. 1032/2018, M.A. No. 1034/2018, M.A. No. 1035/2018, M.A. No. 1036/2018, M.A. No. 1037/2018, M.A. No. 1038/2018, M.A. No. 1044/2018, M.A. No. 1045/2018, M.A. No. 1046/2018, M.A. No. 1047/2018, M.A. No. 1048/2018, M.A. No. 1052/2018, M.A. No. 1053/2018, M.A. No. 1056/2018, M.A. No. 1072/2018, M.A. No. 1079/2018, M.A. No. 1080/2018, M.A. No. 1082/2018, M.A. No. 1128/2018, M.A. No. 1129/2018, M.A. No. 1141/2018, M.A. No. 1142/2018, M.A. No. 1143/2018, M.A. No. 1144/2018, M.A. No. 1145/2018 & M.A. No. 1146/2018)

In

Original Application No. 21/2014

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: Applicant:

**Mr. Sanjay Upadhyay, Mr. Sumitra Jaiswal, and Ms. Upama Bhattacharjee, Advs.
Mr. Amber Sachdeva, in person (M.A. No. 744/2018)
Mr. Milan Deep Singh, Mr. Arjun Sawhney, Advs.
For applicant in M.A. NO. 902 and 912/2018**

Respondents:

**Mrs. G. Indira, Adv. for UT of Andaman and Nicobar Administration
Mr. Edward Balho and Ms. Hoineithiam, Advs. for State of Nagaland
Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Sandeep Mishra, Advs. for GNCTD
Ms. Nidhi Mohan Parashar and Mr. Umang Kumar Singh, Advs.
Mr. M. Palanay, Adv.
Mr. Jayesh Gaurav, Adv.
Mr. Gaurav Dubey, Adv.
Mr. R. Rakesh Sharma, Adv. and Mr. V. Mowli, Adv. for State of Tamil Nadu and TNPCB
Mr. Pradeep Misra, Mr. Daleep Dhayani, Advs. For UPPCB
Ms. Priyanka Sinha and Ms. Shrishti Sinha, Advs.
MS. Hemantika Wahi and Ms. Puja Singh, Advs.
Mr. Purshottam Kr.Jha, Adv.
Mr. Tayenjam Momo Singh, Adv.
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Vibhav Misra, Ms. Saumya Misra and Mr. Yashveer Singh, Advs. For DTC**

Mr. Anchit Sharma, Ms. Satmita Ghosh and dMr. Dipankar WAdhwa, ADvs. For DCB
 Mr. Sandeep Singh and Mr. Vinay Pal, Adv. For State of UP
 Mr. Puja Kalra and Mr. Virendra Singh, Adv. for NDMC and SDMC
 Mr. Sumit Kishore, Adv. For PNGRB
 Ms. Sakshi Popli, Adv. for NDMC
 Mr. Rajkumar, Adv. CPCB
 Mr. Girdhari Singh and Mr. Robin Bhati, Adv.
 Mr. Rakesh Dewan, Adv.
 Mr. Naginder Benipal, Adv.
 Mr. K. Entaloi Sema and Ms. Nandini Singla, Adv.
 Ms. Yogmaya Agnihotri and Ms. Prity, Adv. for CECEB
 Mr. V.K. Shukla, Ms. Vijay Laxmi, Adv. for State of M.P.
 Mr. Purshuttam Kr. Jha, Adv.
 Mr. Atul Jha, Adv. for state of Chhattisgarh
 Mr. Shuvodeep Roy and Mr. Rituraj Biswas, Adv. For State of Tripura
 Mr. Shuvodeep Roy, Mr. Vinayak Gupta, Adv.
 Mr. Girdhari Singh, Mr. Robin Bhati, Adv.
 Mr. Nishe Rajen Shonker, Adv. for State of Kerala
 Mr. J. Rajesh for Mr. Ankur Chhibber, Adv.
 Mr. Leishangthem Roshmani Kh. Adv. for State of Manipur
 Mr. Sandeep Narain and Mr. Anjali Agarwal, Adv. for SIAH
 Mr. Anuj Sarma and Ms. Niharika, Adv. for State of Goa and Goa State PCB
 Mr. Mukul Singh, Adv. for MOEF & CC
 Mr. Manish Kumar, Adv. for State of HP
 Ms. Anu K. Joy and Ms. Nish Ranjan Shonker, Adv.
 Mr. Alim Anwar, Adv.
 Mr. Anil Grover, AAG Haryana with Mr. Saurabh Sachdeva and Mr. Mishal Viz., Adv.
 Mr. Rajneesh Bhardwaj, Mr. Raj Kishan Gaur and Mr. Rahul Sharma, Adv.
 Mr. Narender Pal Singh, Ms. Aditi Singh, Adv. And Mr. Dinesh Jindal, LO, DPCC
 Mr. Raja Chatterjee, Mr. Piyush Sachdev, Mr. Abhinandini, Ms. Asha Basu and Ms. Aradhita Ghosh Mondal, Adv. for state of West Bengal
 Ms. Asha Nayar Basu and Ms. Aradhita Ghosh Mondal, Adv.
 Mr. Devraj Ashok, Adv.
 Mrs. Anuradha, Mr. Avneesh, Ms. Anuradha and Ms. Simran Jeet, Adv. for State of Sikkim
 Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar, Mr. Prashant Mathur, Adv for State of A.P
 Mrs. Aruna Mathur, Mr. Avnessh Arputham, Ms. Simran Jeet and Ms. Anuradha Arputham, Adv. For state of Sikkim
 Mr. Balendu Shekhar, Mr. Sriansh Prakash and Mr. Rajkumar Maurya, Adv. For EDMC
 Mr. Anil Shrivastav, Mr. Rituraj Biswas an dMs. Sujaya Bardhan, Adv. For State of Arunachal Pradesh
 Mr. R. P. Pahwa, adv.
 Mr. Raman Yadav, adv and Ms. Varnita Rastogi, Adv
 For G.D.A
 Mr. Mukesh Verma, Adv.
 Mr. Kamaljeet Singh, AAG
 Mr. Rajiv Bansal, Sr. Adv., Mr. Kush Sharma, Mr. Prateek Gautam and Ms. Fiza Saluja, Adv.
 Mr. Jogy Scaria and Ms. Beena Victor, Adv.
 Mr. Gaurav Dubey, Adv.
 Mr. Gaurav Agarwal, Adv. for GDA
 Mr. Rajneesh Bhardwaj, Mr. Raj Kishan Gaur and Mr. Rahul Sharma, Adv. For Applicants in MAs.

Mr. Ravi Sikri Sr. Adv., Mr. Deepak, Mr. Shraym Das and Mr. Arjun Syel, Applicants in MAs.
 Ms. Bhoomika Nanda, Adv. for Applicant in MA
 Mr. S.P. Singh Mahiaj, Adv. for Applicant in MA
 Mr. Tarang Gupta, Adv. for Applicant in MA
 Ms. Sonia Dubey, Ms. Kanchan Yadav and Ms. Surbhi Anand, Adv.
 Mr. P. Venkat Reddy and Mr Prashant Tyagi, Adv.
 Ms. Kritika Shukia, Adv. for NHAI
 Mr. Ravindra Kumar, Adv. for Gr. Noida Authority
 Mr. J. Rajesh, Adv.
 Mr. Shoeb Alam, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 9</p> <p>July 27, 2018</p> <p>..</p>	<p>1. This order will dispose of the applications filed by purchasers/owners of BS-IV compliant new diesel vehicles to be used as Ambulance/Fire Services and vehicles used for carrying petroleum products/food products/transportation of municipal solid waste/sewer cleaning equipments/transporting LPG cylinders and other essential services for seeking approval of this Tribunal to register the said vehicles and consequent direction to the Transport Commissioner of the Transport Department, Government of NCT Delhi for registering the said vehicles.</p> <p>2. This Tribunal directed that new diesel vehicles will not be registered in NCT Delhi <i>vide</i> order dated 11.12.2015 in O.A. No. 21/2014. This order was passed having regard to the deteriorating air quality in Delhi and the established fact that diesel vehicles greatly</p>

<p>Item No. 9</p> <p>July 27, 2018</p> <p>..</p>	<p>contribute to the pollution of air. It is well acknowledged that heavy commercial diesel vehicles greatly contribute to pollution of air¹.</p> <p>The order dated 11.12.2015 is as follows:</p> <p>“As an interim measure till next date of posting subject to hearing of all the concerned parties, we direct that Diesel Vehicles of more than 10 years of age as already directed as well as new diesel vehicle would not be registered in NCT, Delhi”.</p> <p>The order dated 10.11.2016 is as follows:</p> <p><i>“All the judgments and orders passed by the Tribunal dated 26th November, 2014, 04th December, 2014, 07th April, 2015, 10th April, 2015, 18th May, 2015, 28th April, 2015 and 11th December, 2015 in case of Vardhaman Kaushik Vs. Union of India & Ors. in Original Application No. 21/2014 and 10th December, 2015 in the case of Vikrant Kumar Tongad Vs. Environment Pollution (Prevention Control) Authority & Ors. shall be applicable, mutatis mutandis, to the orders passed in the case of respective States and NCT, Delhi.”</i></p> <p>3. The above order was made absolute on 10.11.2016 in respect of some other States also.</p> <p>4. However, it has been brought to our notice that out of category of diesel vehicles, private cars and SUVs with the engine capacity of 2000 cc capacity and above which were earlier prohibited by the Hon'ble Supreme Court <i>vide</i> order dated</p>
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¹ M.C. Mehta Vs. Union of India (UOI) and Ors., 1999(6) SCC 9; [2002 (4) SCC 356] and [2016 (4) SCC 269]

<p>Item No. 9</p> <p>July 27, 2018</p> <p>..</p>	<p>16.12.2015 in Writ Petition (Civil) No. 13029/1985 in the case of M.C. Mehta Vs. U.O.I. and Ors., were permitted subsequently <i>vide</i> order dated 12.08.2016 subject to certain conditions i.e. upon deposit of 1% of ex-show room price of every diesel car that is sold by any manufacturer/dealer in Delhi & NCR region towards environment protection charge. The order of the Hon'ble Supreme Court dated 16.12.2015 is as follows:</p> <p><i>"Having given our anxious consideration to the submissions made at the Bar, we are of the view that the new commercial light duty diesel vehicles can for the present continue being registered in Delhi on account of the dependence of the public on such vehicles for supply of essentials. There is, however, no reason why registration of private cars and SUVs using diesel with an engine capacity of 2000 cc and above should not be banned upto 31st March, 2016."</i></p> <p>Order dated 12.08.2016:</p> <p><i>"We accordingly direct that the CPCB shall open a separate account in a Scheduled public sector bank to receive the amount representing 1% of the Ex-show room price of every diesel car that is sold by any manufacturer/dealer in Delhi and NCR region. The deposit of the amount alone shall entitle the manufacturer/dealer or the purchaser of the car to have the car registered within Delhi or NCR region. Our order dated 16.12.2015 shall to that extent stand modified. We, however, leave open the question whether cars less than the capacity of 2000 cc using diesel fuel should also be</i></p>
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Item No. 9

July 27,
2018

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subjected to a similar charge. So also the question whether the rate of the charge ought to be limited 1% or raised is left open to be determined at an appropriate stage. We all the same make it clear that any such enhancement in the charge if so directed by the court would not have any retrospective effect."

5. The Hon'ble Supreme Court, thereafter, on 13.04.2017 prohibited the registration of vehicles other than BS-IV compliant sold before 31.03.2017. Those sold after 01.04.2017 could be registered. However, there is no specific direction that heavy duty commercial diesel vehicles which are BS-IV compliant could be registered. The order is as follows:

"Accordingly, for detailed reasons that will follow, we direct that:

(a) On and from 1st April, 2017 such vehicles that are not BS-IV compliant shall not be sold in India by any manufacturer or dealer, that is to say that such vehicles whether two wheeler, three wheeler, four wheeler or commercial vehicles will not be sold in India by the manufacturer or dealer on and from 1st April, 2017.

(b) All the vehicles registering authorities under the Motor Vehicles Act, 1988 are prohibited for registering such vehicles on and from 1st April, 2017 that do not meet BS-IV standards, except on proof that such a vehicle has already been sold on or before 31st March, 2017."

6. The effect is that the heavy duty diesel vehicles even if they are BS- IV compliant are not

Item No. 9	being allowed to be registered which has led to filing of the present application
July 27, 2018	<p>7. On 30.01.2018, the Tribunal considered applications of BS-IV compliant diesel vehicles owners engaged for purpose of essential services and permitted their registration on subject to certain conditions. The said orders are as follows:</p>
..	<p><i>"We, therefore, allow these applications directing the Transport Commissioner, Transport Department, Government of NCT Delhi to register the BS-IV compliant vehicles referred to in the said applications on the following conditions:-</i></p> <ol style="list-style-type: none"> <i>1. That the new vehicles that are sought to be registered now should be BS-IV compliant.</i> <i>2. The Applicant shall file an Affidavit before the Tribunal as well as before RTO that they do not possess or engage any diesel vehicle/truck/tanker which is more than 10 years old for the purpose of transportation.</i> <i>3. It is also directed to furnish details of the other vehicles owned by this Applicant in the form of Affidavit.</i> <i>4. The said vehicle should be duly maintained and used only for exclusive purpose of carrying petroleum products and providing essential services or as indicated herein and no other use.</i> <i>5. It should not increase the width or height of the vehicles and it should be strictly within the specified limit.</i> <i>6. All these vehicles will be fitted with GPS.</i> <i>7. The log-book shall also be maintained."</i> <p>8. On the above pattern, certain other orders are also said to have been passed. Thus, the</p>

Item No. 9

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2018

..

parties understand that unless expressly permitted and subject to further conditions mentioned above, other BS-IV compliant diesel vehicles cannot be registered.

9. On the above basis, we are of the view that applications filed by the owners of BS-IV compliant new diesel vehicles engaged in Ambulance/Fire Services and vehicles engaged for carrying petroleum products/food products/transportation of municipal solid waste/sewer cleaning equipments/ transporting LPG cylinders and such other essential services etc. will stand allowed on the same conditions as are mentioned in the Tribunal order dated 30.01.2018 reproduced above.

10. We now come to the applications of owners of diesel vehicles in districts Moradabad, Meerut, Bulandshahar and Muzaffarnagar seeking parity with orders of the Tribunal dated 13.10.2017 passed in OA No. 21/2014 in the case of *Vardhaman Kaushik Vs. Union of India & Ors.* and connected matters, wherein, the Tribunal permitted the use of the vehicles for 3 years after 10 years on the ground that the time was required for setting up of CNG fuel stations.

<p>Item No. 9 July 27, 2018 ..</p>	<p>11. Accordingly, we pass same order and direct that the said vehicles will be permitted for the unexpired period of 3 years in the said area and on the same conditions that they will not enter NCT Delhi.</p> <p>12. The other applications have been filed seeking permission to continue the use of 10 years old diesel vehicles or registration of new diesel vehicles which are not BS-IV compliant or which are not needed for essential services. Such applications cannot be allowed, since the order of the Tribunal dated 11.12.2015 prohibits diesel vehicles and exception has been made only in the case of vehicles engaged for essential services, pending alternatives being explored.</p> <p>13. This order may not be treated as a precedent for permitting diesel vehicles even for essential services for all times to come unless orders of the Tribunal dated 11.12.2015 and 07.10.2016 are vacated. It has not been brought to our notice that in any order of this Tribunal or the Hon'ble Supreme Court diesel vehicles other than diesel cars/SUVs of 2000 cc capacity and above, even if BSIV compliant, can be unconditionally registered in the NCT. Though Tribunal has made exception</p>
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<p>Item No. 9 July 27, 2018 **</p>	<p>in respect of vehicles meant for essential services on ad hoc basis, such exception has not been made across the board.</p> <p>14. The matter having been disposed of, it is made clear that such applications in a decided matter cannot be allowed to be entertained for all times. Remedy of the aggrieved parties may be to challenge the order of the Tribunal dated 11.12.2015 and 10.11.2016 instead of filing application in this Tribunal.</p> <p>15. Accordingly, all these applications stand disposed of. If any of the applications is not on the issue of diesel vehicles, liberty to mention for a separate hearing.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (S.P. Wangdi)</p> <p>....., EM (Dr. Satyawan Singh Garbyal)</p> <p>....., EM (Dr. Nagin Nanda)</p> <p>27.07.2018</p>
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ITEM NO 301 + 302 REVISED COURT NO.1 SEC. PIL(W) & SEC.X

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

I.A.NOS.371, 372, 375, 376-377, 378-379, 380-381, 382, 383-384, 385-386, 387, 388, 389, I.A.NO.390 IN I.A.NO.380-381, 391-392, 394, 397-398, 399-400, 401, 402-403, 404, 405-406, 407-408, 409-410, 411-412, 413-414, 415-416, 418, 419-420, 421-422, 423, 424, 426-427, 428-429, 430-431, 432, 433, 434, 435-436, 437-438, I.A.NOS.439-440, 441-442, 443-444, 445-446, 447-448, 449, 450-451, 452, 453 and 454 IN I.A.NO.365 IN I.A.NO.345 in Writ Petition(s) (Civil) No(s). 13029/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for impleadment and intervention and directions and clarification/ modification/ recall of order and appear and argue in person and exemption from filing O.T. and permission to take on record additional documents in I.A.Nos.380-381 and modification of order dated 16.12.2015 and 05.01.2016 and appln. for re-composition, rejuvenation and modification of EPCA and office report)

WITH

W.P.(C) No.116/2013
(With Office Report)

W.P.(C) No.728/2015
(With Directions and Ex-parte stay and Impleadment and Office Report)

W.P.(C) No.253/2016
(With Office Report)

Date : 30/04/2016 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Signature Not Verified
Digitally signed by
ASHOK RAJ SINGH
Date: 2016.05.04
14:08:21 IST
Reason: []

Mr. Harish N. Salve, Adv.
Sr. Adv. (A.C.), Adv.
Mr. Sidhartha Chowdhury (A.C.), Adv.
Ms. Apartajita Singh (A.C.), Adv.

Mr. A.D.N. Rao (A.C.), Adv.
 Petitioner-in-person
 Applicant-in-person

Mr. R.S. Suri, Sr. Adv.
 Mr. Avinash Kumar, Adv.

Mr. K.K. Venugopal, Sr. Adv.
 Ms. Pooja Dhar, Adv.
 Mr. Suhasini Sen, Adv.
 Mr. Shradha Deshmukh, Adv.
 Mr. Zeeshan Diwan, Adv.

Mr. D.N. Goburdhun, Adv.
 Ms. Pallavi Chopra, Adv.

Mr. S.N. Terdal, Adv.

Ms. Arti Singh, Adv.

For Respondent(s)

(For intervenor)

Mr. Gopal Subramaniam, Sr. Adv.
 Mr. Mohan Parasaran, Sr. Adv.
 Mr. Anand S. Pathak, Adv.
 Mr. Nikhil Nayyar, Adv.
 Mr. Amit Kr. Mishra, Adv.
 Mr. Akshat Hansaria, Adv.
 Mr. Dhananjay Baijal, Adv.
 Mr. N. Sai Vinod, Adv.

Mr. Tushar Mehta, ASG
 Mr. Ajay Bansal, Adv.
 Mr. Gaurav Yadava, Adv.
 Mr. Aum Mangalassrry, Adv.
 Mr. Harsha Reechra, Adv.
 Mr. Praveen Swarup, Adv.

(For applicant
 In IA No.380-381
 Of 2016)

Mr. Kapil Sibal, Sr. Adv.
 Mr. C.S. Vaidyanathan, Sr. Adv.
 Mr. Vijay K. Sandhi, Adv.
 Ms. Cauveri Birbal, Adv.
 Ms. Avantika, Adv.
 Mr. Adit Pujari, Adv.
 Ms. Sujeeta Srivastava, Adv.

(Union of India)

Mr. Maninder Singh, ASG
 Mr. Mahavir Singh, ASG
 Mr. Vikas Bansal, Adv.
 Mr. Neeraj Kr. Sharma, Adv.
 Mr. Minakshi Dubey, Adv.

Mr. Rajesh Kr. Singh, Adv.
 Mr. Kaushal Yadav, Adv.
 Mr. Prabal Bagchi, Adv.
 Mr. Akash Jindal, Adv.
 Ms. Snidha Mehra, Adv.
 Ms. Savdamini Sharma, Adv.
 Mr. R. Balasubramanian, Adv.
 Mr. Ranjeet Kumar, Adv.
 Mr. Prabhas Bajaj, Adv.
 Mr. Akshay Amritanshu, Adv.
 Mr. Kaushal Yadav, Adv.

(For Delhi Police)

Ms. Pinky Anand, ASG
 Ms. Vibhu Shankar Mishra, Adv.
 Mr. Shadman Ali, Adv.
 Mr. R.K. Rathore, Adv.
 Mr. Sarfraz Ahmed Siddique, Adv.
 Mr. Zaid Ali, Adv.
 Mr. D.S. Mahra, Adv.

Dr. A.M. Singhvi, Sr. Adv.
 Mr. Shyam Divan, Sr. Adv.
 Mr. Gopal Jain, Sr. Adv.
 Mr. R.N. Karanjawala, Adv.
 Mrs. Nandini Gore, Adv.
 Ms. Trishala Kulkarni, Adv.
 Ms. Tahira Karanjawala, Adv.
 Ms. Natasha Sehwat, Adv.
 Ms. Khushboo Bari, Adv.
 Mrs. Manik Karanjawala, Adv.
 M/s Karanjawala & Co.

(Central Warehousing Corporation)

Mr. Vikas Singh, Sr. Adv.
 Mr. K.K. Tyagi, Adv.
 Mr. Iftexhar Ahmad, Adv.
 Mr. Sarvam Ritam Khare, Adv.

(For applicant)

Mr. Abhimanyu Bhandari, Adv.
 Mr. Arjun Sayal, Adv.
 Mr. Abhinav Rastogi, Adv.
 Mr. Manu Seshadri, Adv.
 Mr. S. Satya Mitra, Adv.

Dr. J.N. Dubey, Sr. Adv.
 Mr. Anurag Dubey, Adv.
 Ms. Anu Sawhney, Adv.
 Ms. T. Haldia, Adv.

(For applicant)

Mr. P. Vishwanath Shetty, Sr. Adv.
 Mr. Vipin Singhania, Adv.
 Ms. Manjula Gupta, Adv.

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(State of U.P.) Mr. Amit Singh, Adv.
 Mr. Samir Ali Khan, Adv.
 Mr. Abhishek Chaudhary, Adv.
 Mr. Garvesh Kaisra, Adv.

(Min. of Environ- Ms. Meenakshi Grover, Adv.
 ment) Mr. G.S. Makkar, Adv.
 Ms. V. Mohana, Adv.

(I.A. No.424 & 434) Mr. Shyam Divan, Sr. Adv.
 Mr. Yashraj Singh Deora, Adv.
 Ms. Priyadarshinee Singh, Adv.

(Min. of Surface Mr. Shadman Ali, Adv.
 transport) Mr. S.W.A. Quadri, Adv.

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(For Applicant) Mr. Siddharth Jain, Adv.
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 Mr. Harsh Vardhan, Adv.
 Mr. Anurag Gupta, Adv.

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 Mr. Udayan Jain, Adv.
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 Applicant-in-Person

(Indian Newspaper) Mr. Shantanu Agarwal, Adv.

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Ms. Indira Jaisingh, Sr. Adv.
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Mr. Hari Om Yaduvanshi, Adv.

Mr. Anuj Berry, Adv.
Ms. Maneka Khanna, Adv.
Mr. S.S. Shroff, Adv.

Mr. Kunal Chatterji, Adv.

Mr. Rakesh Kumar Khanna, Sr. Adv.
Mr. Surya Kant, Adv.
Mr. Dushyant Parashar, Adv.
Mr. Pranav Vyas, Adv.
Mr. Vandita Jain, Adv.
Ms. Shefali Jain, Adv.

Dr. A.M. Singhvi, Sr. Adv.
Mr. Sandeep Narain, Adv.
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Mr. Avishkar Singhvi, Adv.
M/s S. Narain & Co., Advs.

Mr. Sudhir Nagar, Adv.

Mr. Rabin Majumder, Adv.

Mr. Shyamal Kumar, Adv.

Mr. Sanjay Kr. Visen, Adv.

Mr. Bharat Sangal, Adv.

Mr. Sanjay Jain, Adv.

Mr. Satya Mitra, Adv.

Mr. Faisal Sherwani, Adv.

Mr. Avinash Kumar, Adv.

Ms. B. Sunitha Rao, Adv.

Mr. Yash Raj Singh Deora, Adv.

Mr. Balaji Srinivasan, Adv.

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

I.A. No.401 and 403 of 2016

These applications have been filed by South Delhi Municipal Corporation and North Delhi Municipal Corporation seeking permission for registration of diesel vehicles used for collection and transportation of garbage on diesel based HCV and MCV vehicles. Mr.Mehta, learned counsel appearing for the applicants submits that the National Green Tribunal, New Delhi has by its order dated 11.12.2015 prohibited registration of the aforementioned category of vehicles since they run on diesel fuel. Learned counsel for the applicant submits that they had moved an application before the NGT for modification of its order but the NGT has declined to consider the same in view of the pendency of present proceedings before this Court. He submits that this Court could clarify that pendency of these proceedings in this Court shall not prevent the NGT from considering and making suitable orders for vacation/modification of its earlier orders so as to permit registration of the vehicles which the NDMC and SDMC use within their respective areas. We see no reason to decline that

prayer. The NGT is permitted to suitably consider and pass appropriate orders by modification/vacation of its earlier orders in respect of the diesel vehicles which the NDMC and SDMC use for removal and transportation of solid waste in Delhi.

These I.As. are disposed of with that observation.

I.A. No.447-448 of 2016

Heard.

On the analogy of our order dated 31.03.2016 passed in I.A. No.393 of 2015, we permit registration of vehicles mentioned in para 3 of the application purchased by and for use by the Delhi Police subject to the condition that the purchasers shall deposit ECC at the rate of 30% of the purchase value before registration. The deposit shall be made before the Delhi Pollution Control Committee and a proof of deposit produced before the Transport Authority at the time of registration.

These I.As. are accordingly allowed and disposed of.

I.A. No.454 of 2016

For the reasons stated in the application, we permit registration of 192 and 58 (total 250) water tankers of the category mentioned in para 5 of the application purchased by Delhi Jal Board to augment supply of water in different parts of the capital. We make it clear that the vehicles in question shall be

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used by the Board entirely for providing drinking water to the residents of Delhi since the new vehicles are replacing the older vehicles earlier used for the said purpose. The registration shall however be free from any environment cess charge on the same.

These I.As. are accordingly allowed and disposed of.

I.A. No.397-398 of 2016

Objections, if any, shall be filed by the learned amicus curiae within four weeks.

I.A No.407-408 of 2016

Learned counsel for the applicant seeks leave to withdraw these applications with liberty to approach the National Green Tribunal, New Delhi for appropriate relief and direction.

The applications are dismissed as withdrawn with the liberty prayed for.

I.A. No.449 of 2016

Heard.

For the reasons stated in the application we permit registration of 10 diesel vehicles used as water tankers and 2 tractors with trolleys for being used in the NDMC area for supply of water to the residents in the said area. The registration shall be without payment of any cess.

The application is allowed and disposed of accordingly.

I.A. No.391-392 of 2016

Heard.

We clarify our order dated 09.10.2015 and 16.12.2015 to the extent that vehicles running on CNG fuel shall not be liable to pay the environment compensatory cess while entering Delhi.

The I.As. are accordingly disposed of.

I.A. No.441-442 of 2016

Post these application after the learned amicus curiae has filed response to the same.

I.A. No.450-451 of 2016

Heard.

We see no reason to entertain these application which are hereby dismissed.

We make it clear that order regarding charges/recovery of ECC in terms of the direction issued by order dated 09.10.2015 and 26.02.2016 shall continue pending further orders from this Court and shall be applicable to all trucks entering Delhi unless otherwise exempted by any order of this Court.

I.A. No.371-372 of 2016

Mr. J.N. Dubey, learned senior counsel submits that since the applicant does not wish to pursue these applications as their

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grievances stands redressed by the Government.

These applications are accordingly disposed of as infructuous.

We order accordingly.

I.A. No.432 of 2014

Heard.

The constitution of EPCA in terms of para 7 of this application is permitted subject of course to the conditions that Society of Indian Automobile Manufacturers shall also be entitled to nominate one Member in the reconstituted EPCA. The Society shall nominate their representative within four weeks from today. The reconstituted authority shall have jurisdiction over the national capital region as defined in clause (f) of Section 2 of the National Capital Region Planning Board Act, 1985 and shall have the mandate to deal with all such matters as have been outlined in para 8 of the application.

I.A. is accordingly disposed of.

I.A.NOS. 375, 376-377, 378-379, 380-381, 382, 383-384, 385-386, 387, 388, 389, I.A.NO.390 IN I.A.NO.380-381, 394, 397-398, 399-400, 402, 404, 405-406, 409-410, 411-412, 413-414, 415-416, 418, 419-420, 421-422, 423, 424, 426-427, 428-429, 430-431, 433, 434, 435-436, 437-438, I.A.NOS.439-440, 441-442, 443-444, 445-446, 452, 453 in W.P. (C) No.13029/1985

List all these applications along with connected writ petitions on Monday, 9th May, 2016 at 2.00 p.m.

(Ashok Raj Singh)
Court Master

(Veena Khara)
Court Master

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 13029 OF 1985

M.C. Mehta

.... Petitioner(s)

Versus

Union of India

.... Respondent(s)

With CA.No.8187/2019 & CA.Nos.3610-11/2019

ORDER

C.A.Nos.3610-11/2019-New Delhi Municipal Council

1. In this appeal, the appellant New Delhi Municipal Council is assailing the order dated 18.12.2018 in OA.No.1047/2018 and the order dated 18.01.2019 passed on Review Application No.12/2019 in OA.No.1047/2018 by which the application filed by the appellant seeking direction to the Transport Authority to register the water tanker/trucks for essential services was rejected. In the pending appeal an application in I.A.No.61047/2020 is also filed by the appellant seeking that the Transport Department of GNCTD be directed to register 20 number of

Signature Not Verified
Digitally signed by
Sanyal Kumar
Date: 2020.11.05
14:28:37 IST
Reason: —

WP (C) No.13029/1985

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BS-IV Compliant Diesel driven water tankers purchased by the appellant.

C.A.No.8187/2019 - Delhi Cantonment Board

2. This appeal is filed by the Delhi Cantonment Board assailing the order dated 22.07.2019 passed by the NGT in M.A.No.160/2019, MA.No.167/2019 and MA.No.171/2019 in OA.No.21/2014 dismissing the application filed by the appellant seeking to direct the Transport Department to register the water tankers purchased by the appellant which are BS-IV Compliant diesel vehicles purchased on 31.10.2018.

I.A.No.101010/2020 in WP (C) No.13029/1985

3. This application is filed by the applicant Narbada Travels seeking directions to the GNCTD to register two TATA LP vehicles purchased by the applicant prior to 31.03.2020 and are BS-IV compliant.

I.A.No.101018 in WP (C) No.13029/1985

4. This application is filed by the applicant Mrs. Meenakshi Virmani seeking to direct GNCTD to register the

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TATA LPO, 1613 Bus purchased by the applicant prior to 31.03.2020 and is BS-IV compliant.

5. The above appeals and applications seeking such direction for registration of the vehicles are filed in view of the restrictions stipulated in the Petition bearing WP(C) No.13029/1985 titled **M.C. Mehta vs. Union of India and Ors.** However, as and when the need for registration of vehicle arose, applications were filed before this Court. Since applications seeking registration of three types of vehicles (a) CNG vehicles (b) BS-IV compliant vehicles and (c) BS-VI Compliant vehicles, being used for essential public utility services were made, this Court by the order dated 18.09.2020 directed the Environment Pollution Control Authority (EPCA) to scrutinize the pending cases and submit a report to this Court so that a common order could be passed.

6. In view of such direction the EPCA has filed its detailed report No.116 dated 28.09.2020. In the said report the EPCA has referred to the pending applications *inter alia* relating to the appellants herein namely, New Delhi

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

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

3. BS-III non-road category of vehicles (as per the current applicable emission norm as notified by MoRTH), registered under the category of CEV-TREM may be permitted to be registered.

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

7. Considering the above recommendations and on taking note of the fact that the water tankers are used for the public utility and essential services the prayer made in the appeals bearing C.A.No.3610-11/2019, C.A. No.8187/2019 and the application bearing IA.No.61047/2020 are liable to be allowed.

IA.No.101010/2020 and 101008/2020 in WP(C) No.13029/1985:

8. As noted above the details of the purchase made by the applicants in these applications was not a part of the consideration made by the EPCA and as such is not contained in the report. However, the yardstick as

applicable to all other cases will have to be made applicable herein. In that view a perusal of the details indicated in IA.No.101010/2020 would disclose that the two vehicles were purchased on 07.03.2020 and 11.03.2020 respectively. In respect of the two vehicles namely TATA LP909/49WB and TATA LPO 1613, the date of temporary registration and the display on the e.Vahan portal is 11.03.2020 and 13.03.2020 respectively.

9. In IA.No.101018/2020 the vehicle TATA LPO 1613 was purchased on 11.03.2020 and the temporary registration was on the same date. It is shown in the e.Vahan portal on 13.03.2020. That apart the vehicles involved in these two applications are CNG variant and BS-IV Compliant. This Court in the order dated 18.09.2020 had observed that insofar as CNG vehicles are concerned there cannot be any valid objection for the registration of the vehicles as the emission from these vehicles is within the limits and had directed the vehicles to be registered. Hence both these applications are liable to be allowed.

I.A.No.108186 OF 2020 in WP(C) No.13029/1985
Indian Oil Skytanking Pvt. Ltd.

10. The applicant M/s Indian Oil Skytanking Private Ltd. has filed the instant application seeking direction to the Transport Authority (Govt of NCT of Delhi) to register 3 (Three) BS-IV Hydrant Dispensers to be used for the purpose of delivering Aviation Turbine Fuel to the aircraft tanks at Indira Gandhi International Airport, New Delhi. The details of vehicles are as hereinbelow;

S.No	Description of Vehicles	Engine No.	Chassis No.
1.	Goods Carrier/Truck	SLT4GT244880	MBUZT54XGT0251339
2.	Goods Carrier/Truck	SLT4GT244556	MBUZT54XGT0251052
3	Goods Carrier/Truck	SLT4GT244772	MBUZT54XGT0251314

11. The applicant, a Joint Venture Company promoted by M/s Indian Oil Corporation Ltd. and M/s Skytanking Holding GmbH, Germany is engaged in the business of handling Jet Fuel for Airlines on behalf of the suppliers, Operations and Maintenance of Fuel Farm and into Plane services for all national and international airlines operating in Delhi, Mumbai and Bangalore Airports. To engage themselves in the said business the applicant has purchased three goods carriers/trucks on 30.08.2018 and

have obtained temporary registration certificates on 30.08.2018. The applicant contends that the National Green Tribunal had directed conversion of buses, coaches and other vehicles plying at the airport to CNG fuel within six months from the order dated 24.11.2017. This Court while modifying the said order of NGT through its order dated 06.08.2018 had removed the words "other vehicles". In so far as the vehicles purchased by the applicant, it is pointed out that since they are designed to carry highly inflammable product, CNG and petrol fuelled engines cannot be used as per the norms of Government. The said Hydrant Dispensers are heavy duty vehicles and are diesel powered engines so that they can generate sufficient torque for the vehicles to supply required power for its multiple functions. It is also stated that the sophisticated and costly equipments are mounted on BS IV compliant ICV of SML ISUZU Limited. In that light the applicant is seeking registration of the vehicles.

12. Having taken note of the averments contained in the application, it is also to be noted that as indicated above

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this Court had through its order dated 18.09.2020 directed the Environment Pollution Control Authority (EPCA) to submit a report after scrutinizing the pending cases. Though the said report related to the vehicles purchased and awaiting registration in respect of certain other public utility services, the consideration made therein would be relevant in this case. In that regard, as noted the EPCA, *inter alia* has recommended that BS-IV diesel, light and heavy-duty vehicles used for public utility and essential services, where CNG petrol variant are not available and which had pending application before the Supreme Court may be registered. As noted, though the instant application was not pending at that stage, the nature of activity of the applicant is for public utility and essential services. Peculiar to its nature of activity, no other vehicle can be used, and the vehicle had been purchased on 30.08.2018, much prior to the cut-off date. The fact that the vehicles are used for carrying inflammable product, in which circumstance a diesel vehicle is to be used cannot be lost sight of. These vehicles are also BS-IV compliant which was

the norm as on the date of purchase. Hence, an exception is required to be made.

13. In view of the above:

(1) CA.No.3610-11/2019 and IA.No.61047/2020 are allowed. The Transport Department GNCTD is directed to register 20 numbers of BS-IV Compliant water tankers, the details of which is referred to in the report dated 28.09.2020 of EPCA

(2) C.A.No.8187/2019 is allowed. The GNCTD is directed to register two water tanker vehicles, the details of which is indicated in the report of EPCA.

(3) IA.No.101010 /2020 is allowed. The GNCTD is directed to register two vehicles detailed in the application.

(4) IA.No.101018/2020 is allowed. The GNCTD is directed to register the vehicle detailed in the application.

(5) I.A.No.108186/2020 is allowed. The GNCTD is directed to register 3 Diesel BS-IV Commercial

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Vehicles of SML ISUZU make detailed in the application.

(6) No costs.

.....CJI.
(S. A. Bobde)

.....J.
(A. S. Bopanna)

.....J
(V. Ramasubramanian)

NOVEMBER 02, 2020
NEW DELHI

A



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

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सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 13 सितम्बर, 2018

सा.का.नि. 871(अ).— मोटर यान अधिनियम, 1988 (1988 का 59) धारा 212 की उपधारा (i) द्वारा यथा अपेक्षित केन्द्रीय मोटरयान नियम, 1989 का और सशोधन करने के लिए प्रारूप नियम भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना सं सा.का.नि. 547(अ), तारीख 13 जून, 2018 द्वारा भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उपखण्ड (i) में उनके द्वारा समाप्त प्रमादित सभी व्यक्तियों द्वारा उस तारीख से जब प्रारूप नियमों से अतिरिक्त उक्त अधिसूचना की प्रतियां जनसाधारण को उपलब्ध करवाई गई थी, से तीस दिन की अवधि की समाप्ति से पूर्व आक्षेप और सुझाव आमंत्रित करने के लिए प्रकाशित किए गए थे;

उक्त राजपत्र अधिसूचना की प्रतियां जनसाधारण को 13 जून, 2018 को उपलब्ध करा दी गई थी;

उक्त प्रारूप नियमों के संबंध में जनसाधारण से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार किया गया

है;

अतः अब, केन्द्रीय सरकार, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मोटर यान नियम, 1989 का और सशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

- 1 (1) इन नियमों का संक्षिप्त नाम केन्द्रीय मोटर यान (वारहवों सशोधन) नियम, 2018 है।
- (2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।
- 2 केन्द्रीय मोटर यान नियम, 1989 के नियम 115 के उप-नियम (15) में —
- (i) खंड (क) में छठे परन्तुक के पश्चात् और स्पष्टीकरण से पहले निम्नलिखित परन्तुक अतः स्थापित किया जाएगा, अर्थात्:—

परन्तु यह कि इस खंड की कोई भी बात 31 दिसम्बर, 2019 तक की अवधि के लिए कानून और व्यवस्था और आंतरिक सुरक्षा के रखरखाव के परिचालन उद्देश्यों के लिए उपयोग किए जाने वाले विशेष प्रयोजन वाहनों (बख्तरबंद और अन्य विशेष वाहनों) पर लागू नहीं होगी।

- (ii) खंड (कक) में, निम्नलिखित परन्तुक अतः स्थापित किया जाएगा, अर्थात्:—

"परन्तु यह कि इस खंड की कोई भी बात 31 दिसम्बर, 2019 तक की प्रथम कानून और व्यवस्था और आन्तरिक सुरक्षा के रखरखाव के परिचालन उद्देश्यों के लिए उपयोग किए जाने वाले विराम प्रयोजन वाहनों (बख्तरबंद और अन्य विशेष वाहन) पर लागू नहीं होगी।"

[फा स आर टी 11017/05/2016-एम वी एल]

अभय दामले, सचिव

टिप्पणः— मूल नियम साकानि 590 (अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और साकानि 749(अ), तारीख 7 अगस्त, 2018 द्वारा अंतिम बार संशोधित किए गए।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION —

New Delhi, the 13th September, 2018

G.S.R. 871(E).—Whereas the draft rules further to amend the Central Motor Vehicles Rules, 1989 were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 547 (E), dated the 13th June, 2018 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to public;

And whereas, copies of the said Gazette notification were made available to the public on the 13th June, 2018;

And whereas, objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:—

1. (1) These rules may be called the Central Motor Vehicles (12th Amendment) Rules, 2018.
- (2) These rules shall come into force from the date of their publication in the Official Gazette.
2. In the Central Motor Vehicles Rules, 1989, in rule 115, in sub-rule (15),-
 - (i) in clause (a), after the sixth proviso and before the *Explanation*, the following proviso shall be inserted, namely:-

"Provided also that nothing in this clause shall apply to the special purpose vehicles (armoured and other specialised vehicles) used for operational purposes for maintenance of law and order and internal security, for a period up to 31st December, 2019;"
 - (ii) in clause (aa), the following proviso shall be inserted, namely:-

"Provided that nothing in this clause shall apply to the special purpose vehicles (armoured and other specialised vehicles) used for operational purposes for maintenance of law and order and internal security, for a period up to 31st December, 2019;"

[No.RT-11017/05/2016-MVL]

ABHAY DAMLE, Jt. Secy.

Note:-The principal rules were published vide number G.S.R.590(E) dated the 2nd June, 1989 and last amended vide number GSR 749(E) dated 7th August, 2018.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 441]

नई दिल्ली, बुधस्वतिवार, अगस्त 1, 2019/श्रावण 10, 1941

No. 441]

NEW DELHI, THURSDAY, AUGUST 1, 2019/SHRAVANA 10, 1941

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 1 अगस्त, 2019

सा.का.नि. 547(अ).—केन्द्रीय सरकार, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) के अधीन यथा अपेक्षित केंद्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए प्रारूप नियम भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना सं. सा.का.नि. 292(अ) तारीख 9 अप्रैल, 2019 द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में प्रकाशित किए गए थे, जिसमें प्रभावित व्यक्तियों से, उस तारीख से तीस दिन की अवधि के बीत जाने से पहले जिसको उक्त अधिसूचना में अंतर्विष्ट राजपत्र की प्रतियां जनसाधारण को उपलब्ध करा दी गई थी, आप्पेय और सुझाव आमंत्रित किए गए थे ;

उक्त राजपत्र अधिसूचना की प्रतियां 9 अप्रैल, 2019 को जनसाधारण को उपलब्ध करा दी गई थी ;

उक्त प्रारूप नियमों के संबंध में जनसाधारण से प्राप्त किए गए आप्पेय और सुझाव पर केंद्रीय सरकार द्वारा विचार किया गया ;

अतः, केंद्रीय सरकार, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 110 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :--

1. संक्षिप्त नाम और प्रारंभ—(1) इन नियमों का संक्षिप्त नाम केंद्रीय मोटर यान (सातवां संशोधन) नियम, 2019 है।

(2) ये नियम राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. केंद्रीय मोटर यान नियम, 1989 के नियम 115 के उपनियम (15) में,—

(क) उपनियम (15) में,—

(i) खंड (क) के सातवें परंतुक में, "31 दिसंबर, 2019 की अवधि के लिए" शब्द, अंक और अक्षर का लोप किया जाएगा ;

(ii) खंड (कक) के दूसरे परंतुक में, "31 दिसंबर, 2019 की अवधि के लिए" शब्द, अंक और अक्षर का लोप किया जाएगा ;

(ख) उपनियम (18) के खंड (ii) के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात् :—

"परंतु इस उपनियम की कोई बात, देश की प्रतिरक्षा से संबंधित सरकारी प्रयोजनों के लिए प्रयुक्त मोटर यान, जो अधिनियम की धारा 60 के अधीन रजिस्ट्रीकृत है और विधि और व्यवस्था तथा आंतरिक सुरक्षा को बनाए रखने के प्रचालित प्रयोजनों के लिए (कवचदार और अन्य विशेषीकृत यान) विशेष प्रयोजन यान, को लागू नहीं होगी।"

[फा. सं. आरटी-11017/05/2016-एमवीएल]

प्रियांक भारती, संयुक्त सचिव

टिप्पण : मूल नियम, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में अधिसूचना सं. सा.का.नि. 590(अ), तारीख 2 जून, 1989 द्वारा प्रकाशित किए गए थे और अंत में अधिसूचना सं. सा.का.नि. 511(अ) तारीख 20.07.2019 द्वारा संशोधित किए गए थे।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 1st August, 2019

G.S.R. 547(E).—Whereas the draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 292(E), dated the 9th April, 2019 in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (i), inviting objections and suggestions from affected persons before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to public;

And whereas, copies of the said Gazette notification were made available to the public on the 9th April, 2019;

And whereas, objections and suggestions received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 110 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rules further to amend the Central Motor Vehicles Rules, 1989, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Central Motor Vehicles (Seventh Amendment) Rules, 2019.
 - (2) These rules shall come into force from the date of their publication in the Official Gazette.
2. In the Central Motor Vehicles Rules, 1989, in rule 115, in sub-rule (15),-
 - (a) in sub-rule (15),-
 - (i) in clause (a), in the seventh proviso, the word, figures and letters "for a period up to 31st December, 2019" shall be omitted;
 - (ii) in clause (aa), in the second proviso, the word, figures and letters "for a period up to 31st December, 2019" shall be omitted;
 - (b) in sub-rule (18), after clause (ii), the following proviso shall be inserted, namely:-

"Provided that nothing in this sub-rule shall apply to the motor vehicle used for Government Purposes relating to the defence of the country which is registered under section 60 of the Act

and to the special purpose vehicle (armoured and other specialised vehicle) used for operational purposes for the maintenance of law and order and internal security.”.

[F. No. RT-11017/05/2016-MVL]

PRIYANK BHARTI, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and lastly amended vide notification number G.S.R. 511(E) dated 20.07.2019.



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-12032021-225856
CG-DL-E-12032021-225856

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 136]
No. 136]

नई दिल्ली, शुक्रवार, मार्च 12, 2021/फाल्गुन 21, 1942
NEW DELHI, FRIDAY, MARCH 12, 2021/PHALGUNA 21, 1942

सड़क परिवहन और राजमार्ग मंत्रालय
अधिसूचना

नई दिल्ली, 12 मार्च, 2021

सा.का.नि. 177(अ).—केंद्रीय मोटर यान नियम, 1989, जिनमें केंद्र सरकार मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 41 की उप-धारा (7) और (10) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कतिपय नियमों का संशोधन करने का प्रस्ताव करती है, इस अधिनियम की धारा 212 की उप-धारा (1) के द्वारा यथावश्यक इसके द्वारा प्रभावित होने की संभावना वाले सभी व्यक्तियों की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है; और एतद्वारा नोटिस दिया जाता है कि प्रारूप नियमों को उस तारीख से तीस दिन की अवधि समाप्त होने के बाद विचारार्थ स्वीकार कर लिया जाएगा जिसको सरकारी राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता के लिए उपलब्ध करायी जाती हैं।

इन प्रारूप नियमों के प्रति आपत्तियों एवं सुझावों, यदि कोई हों, को संयुक्त सचिव (एमवीएल, परिवहन, टोल), सड़क परिवहन और राजमार्ग मंत्रालय, परिवहन भवन, संसद मार्ग, नई दिल्ली-110001, ईमेल: comments-morth@gov.in, के पास भेजा जा सकता है।

उपरोक्त अवधि समाप्त होने से पहले उक्त प्रारूप नियमों के संबंध में किसी भी व्यक्ति से प्राप्त होने वाली आपत्तियों या सुझावों पर केंद्र सरकार द्वारा विचार किया जाएगा;

प्रारूप नियम

- संक्षिप्त नाम एवं प्रारंभ - (1) इन नियमों को केंद्रीय मोटर यान (.... संशोधन) नियम, 2021 कहा जाएगा।
- ये नियम 1 अप्रैल, 2022 की तिथि से लागू होंगे।

2. केंद्रीय मोटर वाहन नियम, 1989 में, नियम 52 के पश्चात निम्नलिखित नियम को अंतःस्थापित किया जाएगा अर्थात: -

"52क: सरकारी वाहनों का पंजीकरण प्रमाण-पत्र का नवीकरण नहीं किया जाना : नियम 52 में सन्निहित किसी बात के होते हुए, निम्नलिखित के स्वामित्व वाले मोटर वाहनों के मामले में

- (i) केंद्रीय सरकार और इसके विभाग;
- (ii) राज्य/संघ शासित प्रदेश की सरकारें और उनके विभाग;
- (iii) स्थानीय सरकारी संस्थान अर्थात, नगर निगम अथवा नगर पालिकाएं अथवा पंचायतें;
- (iv) सड़क परिवहन निगम अधिनियम, 1950 (1950 का 64) और कंपनी अधिनियम, 2013 (2013 का 18) के तहत स्थापित राज्य परिवहन उपक्रम;
- (v) सार्वजनिक क्षेत्र के उपक्रम;
- (vi) केंद्र सरकार और राज्य सरकार के स्वायत्तशासी निकाय,

ऐसे प्रमाण-पत्र के जारी करने की तिथि से 15 वर्ष बीत जाने के पश्चात पंजीकरण प्रमाण-पत्र का नवीकरण नहीं किया जाएगा जैसा कि धारा 41 की उप-धारा (7) में प्रदान किया गया है।"

[फा. सं. आरटी-23013/1/2021-टी]

अमित वरदान, संयुक्त सचिव

नोट : मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप खंड (i) में अधिसूचना संख्या सा. का. नि. 590(अ), दिनांक 02 जून, 1989 द्वारा प्रकाशित किए गए थे और पिछली बार अधिसूचना संख्या सा.का.नि.....(अ), दिनांक के माध्यम से संशोधित की गई थी।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 12th March, 2021

G.S.R. 177(E).—The following draft of certain rules further to amend the Central Motor Vehicles Rules, 1989, which the Central Government proposes to make in exercise of the powers conferred by sub sections (7) and (10) of section 41 of the Motor Vehicles Act, 1988 (59 of 1988), is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of thirty days from the date on which the copies of this notification, as published in the Official Gazette, are made available to the public;

Objections and suggestions to these draft rules, if any, may be sent to the Joint Secretary (MVL, Transport & Toll), Ministry of Road Transport and Highways, Transport Bhawan, Parliament Street, New Delhi-110 001 or on the email: comments-morth@gov.in;

The objections or suggestions which may be received from any person in respect of the said draft rules before the expiry of the aforesaid period will be considered by the Central Government.

Draft Rules

1. Short Title and commencement.—(1) These rules may be called the Central Motor Vehicles (.....Amendment) Rules, 2021.

(2) They shall come into force on the 1st day of April, 2022.

In Central Motor Vehicle Rules, 1989, after rule 52, the following rule shall be inserted, namely:—

"52A: Non-Renewal of Certificate of registration of Government Vehicles: Notwithstanding anything contained in Rule 52, in the case of motor vehicles, owned by-

- (i) Central Government and its Departments;
- (ii) State/UT Governments and their Departments;
- (iii) Local Government Institutions namely, the Municipal Corporations or Municipalities or Panchayats;
- (iv) State Transport Undertakings established under the Road Transport Corporation Act, 1950 (64 of 1950) and the Companies Act, 2013 (18 of 2013);
- (v) Public Sector Undertakings;
- (vi) Autonomous bodies with the Central Government and State Governments,

the certificate of registration shall not be renewed after the lapse of fifteen years, as provided in Sub-section (7) of Section 41, from the date of such certificate."

[F. No. RT-23013/1/2021-T]

AMIT VARADAN, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and last amended vide notification number G.S.R. ____ (E) dated ____.



भारत का राजपत्र

The Gazette of India

सी.जी.-डी.एल.-अ.-26112022-240593
CG-DL-E-26112022-240593

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 754]
No. 754]

नई दिल्ली, शुक्रवार, नवम्बर 25, 2022/अग्रहायण 4, 1944
NEW DELHI, FRIDAY, NOVEMBER 25, 2022/AGRAHAYANA 4, 1944

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 24 नवम्बर, 2022

सा.का.नि. 845(अ).—केंद्र सरकार, केंद्रीय मोटर यान नियमावली, 1989 के निम्नलिखित कतिपय प्रारूप नियमों में मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 41 की उप-धारा (7) और (10) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संशोधन करने का प्रस्ताव करती है। इसको उक्त अधिनियम की धारा 212 की उप-धारा (1) द्वारा यथापेक्षित उनके द्वारा प्रभावित होने की संभावना वाले सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है और एतद्वारा नोटिस दिया जाता है कि प्रारूप नियमों को उस तारीख से तीस दिन की अवधि समाप्त होने के बाद विचारार्थ स्वीकार कर लिया जाएगा जिसको सरकारी राजपत्र में यथा-प्रकाशित इस अधिसूचना की प्रतियां जनता के लिए उपलब्ध करायी जाती हैं;

इन प्रारूप नियमों के प्रति आपत्तियों एवं सुझावों, यदि कोई हो, को अपर सचिव (एमवीएल, परिवहन और टोल), सड़क परिवहन और राजमार्ग मंत्रालय, परिवहन भवन, संसद मार्ग, नई दिल्ली-110001 या ईमेल: comments-morth@gov.in, के माध्यम से भेजा जा सकता है।

विनिर्दिष्ट अवधि समाप्त होने के पहले उक्त प्रारूप नियमों के संबंध में किसी भी व्यक्ति से प्राप्त होने वाली आपत्तियों या सुझावों पर केंद्र सरकार द्वारा विचार किया जाएगा।

प्रारूप नियम

1. संक्षिप्त शीर्षक और प्रारंभ - (1) इन नियमों को केंद्रीय मोटर यान (... ..संशोधन) नियमावली, 2021 कहा जाएगा।
(2) से 01.अप्रैल, 2023 से प्रवृत्त होंगे।

2. केन्द्रीय मोटर यान नियमावली, 1989 में नियम 52 के पश्चात् निम्नलिखित नियम को अंतःस्थापित किया जाएगा, अर्थात्:-

"52क: सरकारी वाहनों के पंजीकरण के प्रमाण पत्र का गैर-नवीनीकरण: नियम 52 में निहित कुछ भी बात के होते हुए, मोटर वाहनों के मामले में, जो निम्नलिखित के स्वामित्व में हैं;

- (i) केंद्र सरकार और उसके विभागों;
- (ii) राज्य/संघ राज्य क्षेत्र सरकारों और उनके विभागों;
- (iii) स्थानीय सरकारी संस्थाओं, अर्थात् नगर निगम या नगर पालिकाएं या पंचायतें;
- (iv) सड़क परिवहन निगम अधिनियम, 1950 (1950 का 64) और कंपनी अधिनियम, 2013 (2013 का 18) के तहत स्थापित राज्य परिवहन उपक्रम;
- (v) सार्वजनिक क्षेत्र के उपक्रम;
- (vi) केंद्र सरकार और राज्य सरकारों के संबद्ध स्वायत्त निकाय,

के पंजीकरण प्रमाण पत्र का धारा 41 की उप-धारा (7) के अनुसार इस तरह के प्रमाण पत्र की तारीख से पंद्रह वर्ष बीत जाने के बाद नवीकरण नहीं किया जाएगा। ऐसे वाहनों का निपटारा भी मोटर यान (वाहन स्कैपिंग सुविधा का पंजीकरण और कार्य) नियमावली, 2021 के अनुसार स्थापित पंजीकृत वाहन स्कैपिंग सुविधा के माध्यम से सुनिश्चित किया जाएगा।

[फा. सं. आर टी 23013/1/2021-टी]

महमूद अहमद, अपर सचिव

टिप्पण: मूल अधिसूचना, भारत के राजपत्र, असाधारण, भाग-II, खंड 3, उप-खंड (i) में अधिसूचना संख्या सा.का.नि. 590(अ), दिनांक 02 जून, 1989 द्वारा प्रकाशित की गई थी और पिछली बार अधिसूचना सं. सा.का.नि.(अ), दिनांक के माध्यम से संशोधन किया गया था।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 24th November, 2022

G.S.R. 845(E).—The following draft of certain rules further to amend the Central Motor Vehicles Rules, 1989, which the Central Government proposes to make in exercise of the powers conferred by sub-sections (7) and (10) of section 41 of the Motor Vehicles Act, 1988 (59 of 1988), is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of thirty days from the date on which the copies of this notification, as published in the Official Gazette, are made available to the public;

Objections and suggestions to these draft rules, if any, may be sent to the Additional Secretary (MVL, Transport & Toll), Ministry of Road Transport and Highways, Transport Bhawan, Parliament Street, New Delhi-110 001 or on the email: comments-morth@gov.in;

The objections or suggestions which may be received from any person in respect of the said draft rules before the expiry of the aforesaid period will be considered by the Central Government.

DRAFT RULES

1. Short Title and Commencement - (1) These rules may be called the Central Motor Vehicles (..... Amendment) Rules, 2021.

(2) They shall come into force on the 1st Day of April 2023.

2. In Central Motor Vehicle Rules, 1989, after rule 52, the following rule shall be inserted, namely: -

"52A: Non-Renewal of Certificate of registration of Government Vehicles: Notwithstanding anything contained in rule 52, in the case of motor vehicles, owned by;

- (i) Central Government and its Departments;
- (ii) State/UT Governments and their Departments;
- (iii) Local Government Institutions, namely, the Municipal Corporations or Municipalities or Panchayats;

- (iv) State Transport Undertakings established under the Road Transport Corporation Act, 1950 (64 of 1950) and the Companies Act, 2013 (18 of 2013);
- (v) Public Sector Undertakings;
- (vi) Autonomous bodies with the Central Government and State Governments,

the certificate of registration shall not be renewed after the lapse of fifteen years, as provided in Sub-section (7) of Section 41, from the date of such certificate. Disposal of such vehicles shall also be ensured through Registered Vehicle Scrapping Facility set up in accordance with Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules 2021."

[F. No. RT 23013/1/2021-T]

MAHMOOD AHMED, Addl. Secy.

Note.—The Principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and last amended vide notification number G.S.R. ____ (E) dated _____.



भारत का राजपत्र

The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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NEW DELHI, TUESDAY, JANUARY 17, 2023/PAUSHA 27, 1944

सड़क परिवहन और राजमार्ग मंत्रालय

अधिसूचना

नई दिल्ली, 16 जनवरी, 2023

सा.का.नि. 29(अ).—केंद्रीय मोटर यान नियम, 1989 का और संशोधन करने के लिए कतिपय प्रारूप नियम, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 212 की उपधारा (1) की अपेक्षानुसार, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में भारत सरकार के सड़क परिवहन और राजमार्ग मंत्रालय की अधिसूचना संख्यांक सा.का.नि. 845(अ), तारीख 24 नवंबर, 2022 द्वारा प्रकाशित किए गए थे, जिसमें उन सभी व्यक्तियों से, जिनके उससे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त अधिसूचना वाले राजपत्र की प्रतियां जनता को उपलब्ध करवा दी गई थी, तीस दिन की अवधि के भीतर आक्षेप और सुझाव मांगे गए थे ;

और उक्त राजपत्र की प्रतियां जिसमें उक्त अधिसूचना प्रकाशित की गई थी, जनता को 25 नवंबर, 2022 को उपलब्ध करा दी गई थी ;

और उक्त प्रारूप नियमों की बाबत जनता से प्राप्त आक्षेपों और सुझावों पर केंद्रीय सरकार द्वारा सम्यक रूप में विचार कर लिया गया है ;

अतः, अब, केंद्रीय सरकार, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 59 की उपधारा (1) उपधारा (4) और धारा 64 के खंड (त) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मोटर यान नियम, 1989 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का संक्षिप्त नाम केंद्रीय मोटर यान (प्रथम संशोधन) नियम, 2023 है।
(2) ये 1 अप्रैल, 2023 प्रवृत्त होंगे।

2. केंद्रीय मोटर यान नियम, 1989 में, नियम 52 के पश्चात्, निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:-

"52क. सरकारी यानों के रजिस्ट्रीकरण प्रमाणपत्र का नवीनीकरण-(1) नियम 52 में अंतर्विष्ट किसी बात के होते हुए भी, किसी यान की बाबत रजिस्ट्रीकरण प्रमाणपत्र जो निम्नलिखित के स्वामित्व में है-

- (i) केंद्रीय सरकार; या
- (ii) राज्य सरकार या संघ राज्य क्षेत्र प्रशासन; या
- (iii) किसी नगर निगम या नगर पालिका या पंचायत; या
- (iv) सड़क परिवहन निगम अधिनियम, 1950 (1950 का 64) और कंपनी अधिनियम, 2013 (2013 का 18) के अधीन स्थापित किसी राज्य परिवहन उपक्रम; या
- (v) किसी सार्वजनिक क्षेत्र के उपक्रम; या
- (vi) केंद्रीय सरकार या राज्य सरकार के स्वामित्व या नियंत्रणाधीन किसी स्वायत्त निकाय,

यान के आरंभिक रजिस्ट्रीकरण की तारीख से, धारा 41 की उप धारा (7) में यथा उपबंधित, पंद्रह वर्षों की अवधि के अवसान के पश्चात् समाप्त हो जाएगा:

परंतु सरकारी यान का रजिस्ट्रीकरण प्रमाण पत्र यदि आरंभिक रजिस्ट्रीकरण की तारीख से पंद्रह वर्षों के अवसान के पूर्व पहले ही नवीनीकृत हो चुका है तो ऐसा प्रमाणपत्र यान के आरंभिक रजिस्ट्रीकरण की तारीख से पंद्रह वर्ष पूर्ण होने पर रद्द हुआ माना जाएगा:

परंतु यह और कि, यह नियम देश की रक्षा के लिए कार्यात्मक प्रयोजन और आंतरिक सुरक्षा तथा कानून व्यवस्था बनाए रखने के लिए उपयोग किए जाने वाले विशेष प्रयोजन यानों (बख्तरबंद और अन्य विशेष यान) पर लागू नहीं होगा।

(2) ऐसे यानों का निपटान, यान के आरंभिक रजिस्ट्रीकरण की तारीख से पंद्रह वर्षों की समाप्ति पर, समय-समय पर संशोधित मोटर यान (रजिस्ट्रीकरण और यान स्कैपिंग सुविधा संबंधी कार्य) नियम, 2021 के अनुसार स्थापित रजिस्ट्रीकृत यान स्कैपिंग सुविधा के माध्यम से सुनिश्चित किया जाएगा।"

[फा. सं. आरटी 23013/1/2021-टी]

महमूद अहमद, अपर सचिव

टिप्पण: मूल नियम, भारत के राजपत्र, असाधारण, भाग-II, खंड 3, उप-खंड (i) में अधिसूचना सं. सा.का.नि. 590(अ), तारीख 02 जून, 1989 द्वारा प्रकाशित किए गए थे और अधिसूचना सं. सा.का.नि. 901(अ), तारीख 22 दिसंबर 2022 के माध्यम से अंतिम बार संशोधित किए गए।

MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

NOTIFICATION

New Delhi, the 16th January, 2023

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G.S.R. 29(E).—Whereas draft rules further to amend the Central Motor Vehicles Rules, 1989, were published, as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), vide notification of the Government of India in the Ministry of Road Transport and Highways number G.S.R. 845 (E), dated the 24th November, 2022 in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) inviting objections and suggestions from all persons likely to be affected thereby before the expiry of the period of thirty days from the date on which copies of the Official Gazette containing the said notification were made available to public;

And whereas copies of the said Official Gazette in which the said notification was published, were made available to the public on the 25th November, 2022;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (4) of section 59 and clause (p) of section 64 of the Motor Vehicles Act, 1988 (59 of 1988), the Central Government hereby makes the following rule further to amend the Central Motor Vehicles Rules, 1989 namely: -

1. (1) These rules may be called the Central Motor Vehicles (First Amendment) Rules, 2023.
(2) They shall come into force on the 1st day of April, 2023.
2. In the Central Motor Vehicles Rules, 1989, after rule 52, the following rule shall be inserted, namely: -
"52A. Renewal of certificate of registration of Government vehicles. - (1) Notwithstanding anything contained in rule 52, the certificate of registration in respect of a motor vehicle owned by -
(i) the Central Government; or
(ii) the State Government or Union Territory administrations; or
(iii) any Municipal Corporation or Municipality or Panchayat; or
(iv) a State transport undertaking established under the Road Transport Corporation Act, 1950 (64 of 1950) and the Companies Act, 2013 (18 of 2013); or
(v) a Public sector undertaking; or
(vi) an autonomous body owned or controlled by the Central Government or the State Government,

shall expire after the lapse of fifteen years, as provided in sub-section (7) of section 41, from the date of initial registration of the vehicle:

Provided that the certificate of registration of government vehicle if already renewed before lapse of fifteen years from the date of initial registration, such certificate shall be treated as cancelled on completion of fifteen years from the date of initial registration of the vehicle:

Provided further that, this rule shall not apply to the special purpose vehicles (armoured and other specialised vehicles) used for operational purposes for defense of the country and for the maintenance of law and order and internal security.

(2) Disposal of such vehicles shall, after the expiry of the fifteen years from the date of initial registration of the vehicle, be ensured through the Registered Vehicle Scrapping Facility set up in accordance with the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021, as amended from time to time."

[F. No. RT-23013/1/2021-T]

MAHMOOD AHMED, Addl. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R. 390(E), dated the 2nd June 1989 and last amended vide notification number G.S.R. 901(E), dated 22nd December, 2022.