

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION NO. 87/2024 (SZ)**

IN THE MATTER OF:

Krishnan CS

...Applicant

Versus

State of Karnataka and Others

...Respondents

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Filed by



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Date: 27.11.2024

Place: New Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION NO. 87/2024 (SZ)**

IN THE MATTER OF:

Krishnan CS

...Applicant

Versus

State of Karnataka and Others

... Respondents

REPLY ON BEHALF OF RESPONDENT NO. 1

MOST RESPECTFULLY SHOWETH:

1. That the instant Reply is being filed seeking dismissal of the instant

Original Application, *inter alia* on the following grounds:

- i. The instant Application is hit by *res judicata* as the issues herein are squarely covered by this Hon'ble Court's judgment in OA No. 183/2016 titled *Vinay Shivanand Naik Versus State of Karnataka*;
- ii. This Hon'ble Tribunal's judgment in the above OA No. 183/2016 was challenged by the Applicant himself before the Hon'ble Supreme Court of India in Civil Appeal (Diary) No. 19562/2022. The same was disposed of with liberty to the Applicant herein to approach the monitoring committee constituted by this Hon'ble Tribunal in OA no. 183/2016;
- iii. The above facts have not been brought to the notice of this Hon'ble Tribunal by the Applicant, hence he is guilty of suppression;
- iv. The prayers sought herein are matters of policy and hence cannot be sought in the instant Application; and
- v. The State has already taken multiple steps to curb vehicular pollution.

PRELIMINARY OBJECTIONS REGARDING MAINTAINABILITY

2. It is submitted that the instant petition is not maintainable and liable to be dismissed for the following reasons:

Order passed by this Hon'ble Tribunal in OA No. 183/2016

3. It is pertinent to reiterate that the instant Application has been filed seeking *inter alia* all government owned/operated pre BS-IV diesel trucks and buses over 10 years of age to use non-engine-modifying retrofit devices.
4. It is stated at the outset that a similar application with similar prayers was filed by one Mr. Vinay Shivanand Nayak, bearing Original Application No. 183/2016. In the said matter, GAIL (India) Limited, Ministry of Petroleum and Natural Gas, Ministry of Environment, Forest & Climate Change and Ministry of Road Transport & Highways were impleaded as parties. The prayers sought in the said OA were as follows:

a. Direct the Respondents to ensure that all buses plying in and/or passing through the city of Bengaluru, Karnataka (including buses of State RTCs, i.e. Respondents No.2, 3, 5 and 6 and routes leased by them), be converted to CNG within a time frame fixed by this Hon'ble Tribunal.

b. Direct the Respondents to revise the HSU limit at 40 Hartridge Scale Units for all commercial diesel vehicles plying in the State of Karnataka.

c. Direct the Respondents to take additional further action to reduce air pollution being caused on account of diesel

vehicular emissions by implementing new policies above and beyond the provisions and regulations in the Central Motor Vehicle Act state wide.

d. Pass any other/further orders in the interest of justice.

5. It can hence be seen that the issue raised herein was squarely covered by the above Original Application filed before this Hon'ble Tribunal.

6. This Hon'ble Tribunal in order dated 13.04.2022 passed therein noted the directions passed in a previous order in a similar matter bearing OA No. 681/2018, where it directed *inter alia* as follows:

"59. The Principal Bench in that case had reproduced certain aspects in Para (4) of the order which reads as follows:

60. ...

i. We direct constitution of an eight-member National Task Force (NTF) to be headed and coordinated by the Secretary MoEF&CC with nominees (not below the rank of Joint Secretaries) of Ministries from Housing and Urban Development, Road Transport, Petroleum, Power, Agriculture, Health and Chairman, CPCB with a view to monitor remedial steps to improve the status of air quality in NACs consistent with the action plans already prepared and approved by the Expert Committee and directions of this Tribunal, referred to above, including the last order dated 21.08.2020 and also to monitor compliance of noise control norms. NTF may also monitor enforcement of laid down air quality standards beyond NACs in other identified air polluted areas where air quality is poor and above."

7. Further, this Hon'ble Tribunal also directed that the State Committees formed under the Chairmanship of the Chief Secretaries of all States/UTs may continue to monitor progress in execution of action plans at State level with the assistance of monitoring cells in their offices and AQMCs. True copy of the order dated 13.04.2022 passed by this Hon'ble Tribunal in OA No. 183/2016 is annexed herewith as **Annexure R-1**.

8. It is submitted that in compliance with the above order dated 13.04.2022, CPCB nominated Ms. Selvi P.K., Scientist as Member of the Monitoring Committee.

9. It is hence submitted that the issues raised by the Applicant herein are squarely covered by the Original Application mentioned above and hence, the present Application is hit by *res judicata*.

Suppression by the Applicant

10. It is submitted that the above order dated 13.04.2022 was challenged by the very Applicant herein before the Hon'ble Supreme Court of India by way of C.A. (Diary) No. 19562/2022. The Hon'ble Supreme Court of India passed an order granting liberty to the Applicant to approach the monitoring committee. True copy of order dated

09.12.2022 passed by the Hon'ble Supreme Court of India is annexed herewith as **Annexure R-2**.

11. It is pertinent to note that the Applicant has suppressed the said fact in the instant Application. Moreover, the Applicant has not mentioned either whether or not he approached the said Committee, and what was the outcome of his representation, if any. Hence, the Applicant is guilty of suppression and the Application is liable to be dismissed on the said ground.

Prayers Sought Are Matters of Policy

12. It is submitted that the prayers sought by the Applicant for use of retrofit devices are matters of policy. It is submitted that State can undertake various exercises and implement various methods to curtail vehicular pollution. However, it is submitted respectfully that it is not for the Applicant to dictate what policy the State ought to adapt in order to curb vehicular pollution.
13. In fact, the same was also noted by this Hon'ble Tribunal while passing the judgment in the above mentioned OA No. 183/2016, *Vinay Shivanand Naik v. State of Karnataka*. The Hon'ble Tribunal noted the following in this regard:

57. It is also seen from the various reports submitted by the State of Karnataka and also the BMTC that various steps have

*been taken by them for implementing the Green and Clean Fuel Policy and they are taking steps to convert the old vehicles to electrical vehicles and steps are being taken for phasing out the old vehicles with electrical vehicles. They have also mentioned that the CNG is not the only method by which pollution can be curtailed and various reports relied on by them showed that the CNG was also causing some ill effects, but we are not going into those aspects, as the policy of the Government and various directions issued by the Hon^{ble} Apex Court includes replacement of diesel vehicles with Clean and Green Fuel vehicles, which includes CNG and Biogas and Electrical vehicles. It is for the Government to evolve a policy as to how they are going to implement the same and what is the alternate clean fuel policy that they are going to adopt, as it involves financial implications and higher level policy decisions. **Further, the Tribunal cannot go into the question as to what is the nature of policy to be evolved and how that will have to be implemented, but the Tribunal can only direct the Government to evolve an effective policy in respect of change over of old vehicles with Clean and Green Fuel policy and the same will have to be implemented at the earliest possible time, as postponement of such implementation will result in great hardship to the people by way of causing health problem due to accelerated possibility of air pollution being increased.***

(Emphasis Supplied)

14. In light of the above, it is reiterated that the prayer sought by the Applicant squarely falls within the domain of policy decision. For the said reason as well, the Application is liable to be dismissed.

(Without Prejudice to the averment regarding non-maintainability of the instant Application)

Steps Taken in Compliance of Order dated 13.04.2022

15. It is submitted further that the State Transport Corporations are replacing the aged buses with new buses fitted with the newest Euro

norms stipulated by the MORT&H, New Delhi and new technology introduced by the OEMs to reduce the air pollution. The Corporations are adhering to the notifications issued by the Ministry of Road Transport and Highways regarding induction of Bharat Stage Norm buses from time to time. The BS-III buses are being scrapped in phased manner and they are being replaced by BS-VI and Electric buses which reduce the pollution level considerably.

16. It is submitted that there are four road transport corporations in Karnataka, being:

- i. Karnataka State Road Transport Corporation (**'KSRTC'**);
- ii. North-Western Karnataka Road Transport Corporation (**'NWKRTC'**);
- iii. Kalyan Karnataka Road Transport Corporation (**'KKRTC'**);
- iv. Bengaluru Metropolitan Transport Corporation (**'BMTC'**).

17. The Corporations except BMTC are operating their buses in rural and long routes outside the city of Bangalore. The buses which are operated by these Corporations only pass through Bangalore city to pick up passengers and dropping them. Besides, the Corporations are procuring BS-VI fuel since July 2022. Moreover, KSRTC is conferred with several awards for following best industry practices in house for maintenance of buses and other operating aspects,

Routine checks are conducted with computerised emission testing machines to control emissions. Importantly, the Corporations' vehicles comply with emission standards as prescribed by Rule 115(2) of the Central Motor Vehicles Rules which sets the limit at 65 Hartridge unit (%). KSRTC has installed 16 online smoke emission testing machines that are authorised by RTO besides having a mobile van under the brand name "Prakruti" to check the vehicles while in operation for its emission level. The KSRTC and other two Corporations excluding BMTC are operating very less number of city buses in District headquarters and most of the buses are operated from District headquarters to interior Moffusil areas.

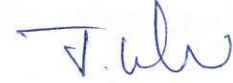
18. It is pertinent to mention here that KKRTC (Kalaburgi) has made attempts to convert its buses into CNG fuelled for trial basis as the CNG distribution rights holder company offered conventional CNG kits (retrofitting on engine) which were found having some technical disadvantages, such as loss of engine life due to low pick up. As such KKRTC requested for sequential CNG kits which offered better power and fuel efficiency performance. The cost of said kit is Rs.2,50,000/- more than the cost of conventional kit. The trial could not be commenced as the supply of CNG to the depots was not possible as the vehicles needed to move 8 to 10 km for top up of CNG due to

supply infrastructure constraints. The fitment of non-engine modifying retrofit devices requires extensive modifications in the exhaust system, chassis mounting and several other changes which would change the basic nature of the bus which is not permitted under the Motor Vehicle Act and Rules. This may also have the impact on safety and other functional aspects. It is also not sure as to whether OEMs concur for fitment of retro devices which should be done after studying the design of the proposed retro-fitment so that there is no undesirable effect on the existing system of the vehicle. KKRTC also tried to ascertain the availability of standards published for the design, manufacture and testing of the retro-fitment devices with the premier agencies and organisations such as ARAI, CIRT and ASRTU.

19. The petitioner has not produced any test reports regarding the effective conversion of diesel engines with retro-fitment devices for CNG so as to claim with authority for retro-fitment. Unless he comes with reports regarding function of retro-fitment devices on diesel engines the application filed by the petitioner with bare pleadings is not maintainable.
20. It is nevertheless submitted that the answering State a scrapping policy already in place, *i.e.* Registered Vehicle Scrapping Policy of

Karnataka, 2022. True copy of Registered Vehicle Scrapping Policy of Karnataka, 2022 is annexed herewith as **Annexure R-3**.

21. It is hence submitted that the State has taken and continues to take action for replacement of old diesel vehicles in order to reduce vehicular emissions. The above information may hence be taken on record and the instant Application may be dismissed with costs as not-maintainable and also account of suppression by the Applicant herein.



Respondent No. 1

Additional Commissioner for Transport
(Environment and e-Governance),
TC office, Bengaluru-27.

Through



Darpan KM
Standing Counsel
State of Karnataka

Date: 27.11.2024

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH, CHENNAI
ORIGINAL APPLICATION NO. 87/2024 (SZ)



IN THE MATTER OF:

Krishnan CS

Versus

State of Karnataka and Others

... Respondents

AFFIDAVIT

I, J Gnanendra, Kumar, working as Additional Commissioner for Transport (Environment and e-Governance), Government of Karnataka having office at Commissioner for Transport and Road Safety, 1st floor, A block, TTMC Building, KH road, Shanthinagar, Bengaluru - 560 027 Karnataka do hereby solemnly affirm and state on oath as follows:

1. That I am the Additional Commissioner for Transport (Environment and e-Governance) and hence I am fully aware of the facts of the case as per record and I am competent to swear the instant affidavit.
2. That I have gone through the accompanying Reply, drafted on my instructions. I say that the contents thereof are true and correct to the best of my knowledge and belief, and nothing material has been concealed thereof. Annexures are true copies of their respective originals.

J. Gnanendra Kumar

DEPONENT

VERIFICATION:

I, the above named deponent do hereby verify that the contents of my affidavit are true and correct to the best of my knowledge and belief, no part of which is false and nothing material has been concealed therefrom.

Verified at Bloer on this 27 NOV 2024 day of _____, 2024

Additional Commissioner for Transport (Environment and e-Governance), TG Office, Bengaluru-27.

IDENTIFIED BY ME

[Signature]
ADVOCATE
KAR 2843/9
27 NOV 2024
No of Corrections.....



J. Gnanendra Kumar

DEPONENT

Additional Commissioner for Transport (Environment and e-Governance), Bengaluru-27.

[Signature]
K.N. RAMADEVI, BSc., LL.B., D.J.
ADVOCATE & NOTARY PUBLIC
No.673, 1st Main, M.E.I. Layout
Nagasandra Post, Bangalore-73

Annexure R-1

Item No.2:-

BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

(Through Video Conference)

Original Application No. 183 of 2016 (SZ)

IN THE MATTER OF:

Shri Vinay Shivanand Naik
Aged about 32 years
S/o. Shivanand P Naik
#101, 2nd Floor, 9th Main Road,
Gokula 2nd Phase, Mathikere,
Bengaluru - 560 054. Karnataka.

... Applicant(s)

Versus

State of Karnataka
Through the Department of Transport,
Vidhana Soudha,
Ambedkar Veedhi
Bengaluru - 560 001
Rep. by its Chief Secretary and Ors.

...Respondent(s)

For Applicant(s): Mr. Jayakumar S Patil, Sr. Adv. along with
Mr. Anu Ganesan.

For Respondent(s): Mr. Darpan K.M. along with
Mr. Rajat Jonathan Shaw for R1.
M/s. P.D. Surana along with
M/s. Kavitha for R2, R3, R5, R6.
Mr. R. Thirunavukarasu for R4.
M/s. Giridhar and Sai for R7.
Mrs. Me. Saraswathy through
Mr. Meyyappan for R9.
Mr. Bharadwaja Rama Subramaniam
along with Mr. Nalina Gouda for R11.

Judgment Pronounced on: 13th April 2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

ORDER

Judgment pronounced through Video Conference. The original application is disposed of with directions vide separate Judgment.

Pending interlocutory application, if any, shall stand disposed of.

Sd/-
Justice K. Ramakrishnan, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.183/2016 (SZ),
13th April 2022. Mn.

NGT

Item No.2:-**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI***(Through Video Conference)***Original Application No. 183 of 2016 (SZ)**

IN THE MATTER OF:

Shri Vinay Shivanand Naik
Aged about 32 years
S/o. Shivanand P Naik
#101, 2nd Floor, 9th Main Road,
Gokula 2nd Phase, Mathikere,
Bengaluru - 560 054. Karnataka.

... Applicant(s)

Versus

- 1) State of Karnataka
Through the Department of Transport,
Vidhana Soudha,
Ambedkar Veedhi
Bengaluru - 560 001
Rep. by its Chief Secretary
- 2) The Karnataka State Road Transport Corporation (KSRTC)
K.H. Road, Bengaluru - 560 027
Rep. by its Chairman
- 3) Bengaluru Metropolitan Transport Corporation (BMTC)
K.H. Road, Bengaluru - 560 027
Rep. by its Chairman
- 4) Karnataka State Pollution Control Board,
P U Building, M.G. Road,
Sivanchetti Gardens
Bengaluru - 560 001.
Rep. by its Chairman
- 5) North West Karnataka Road Transport Corporation
Gokul Road, Hubli,
Karnataka.
Rep. by its Chairman.
- 6) North - East Karnataka Road Transport Corporation
Central Office, Transport House Main Road,
Kalburagi
Rep. by its Chairman.

- 7) GAIL (India) Limited
Rep. by its Managing Director
GAIL Bhawan, 16 Bhikaji Cama Place,
R.K. Puram, New Delhi - 110 022.
- 8) Ministry of Petroleum & Natural Gas,
Rep. by its Secretary,
Shastri Bhawan, New Delhi - 110 001.
- 9) Ministry of Environment, Forests & Climate Change,
Rep. by its Secretary,
Indira Paryavaran Bhawan,
Jorbagh Road, New Delhi - 110 003.
- 10) Ministry of Road Transport and Highways
Rep. by its Secretary, Parivahan Bhawan,
No.1 Parliament Street,
New Delhi - 100 001.

(Respondents No.7 to 10 were impleaded as per Order dt.12.01.2017)

- 11) M/s. GAIL Gas Limited
3rd Floor, MS Complex
S-44 New BEL Road,
RMV II Stage, Bengaluru - 560 054.

(R11 impleaded as per order dt.27.02.2017)

...Respondent(s)

For Applicant(s): Mr. Jayakumar S Patil, Sr. Adv. along with
Mr. Anu Ganesan.

For Respondent(s): Mr. Darpan K.M. along with
Mr. Rajat Jonathan Shaw for R1.
M/s. P.D. Surana along with
M/s. Kavitha for R2, R3, R5, R6.
Mr. R. Thirunavukarasu for R4.
M/s. Giridhar and Sai for R7.
Mrs. Me. Saraswathy through
Mr. Meyyappan for R9.
Mr. Bharadwaja Rama Subramaniam
along with Mr. Nalina Gouda for R11.

Earlier Judgment Reserved on: 29th November 2021.

Reopened on: 20th December 2021

Judgment Reserved on: 20th December 2021.

Judgment Pronounced on: 13th April 2022.

CORAM:

HON'BLE Mr. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

Whether the Judgment is allowed to be published on the Internet - Yes/No

Whether the Judgment is to be published in the All India NGT Reporter - Yes/No

J U D G M E N T

Delivered by Justice K. Ramakrishnan, Judicial Member

1. The above application has been filed by the Original Applicant alleging vehicular pollution being caused in Bangalore City for taking steps to phase out the old public diesel vehicles by the State of Karnataka and the remedial measures to be taken for that purpose. The applicant filed this application stating that the Right to Life is precious fundamental right enshrined under Article 21 of the Constitution of India which includes, right to get clean air.
2. It is also alleged in the application that is a primary responsibility of the State to provide such environment so as to protect its citizens, especially the health of the children. The level of air pollution in Bangalore has been in increasing trend at an alarming rate for over 1 ½ decades. The scientists at Tel Aviv University on pollution trends for 189 megacities, by

analyzing eight years worth of data from three of NASA's high tech aerosol monitoring satellites, shows Bangalore experienced 34% increase in aerosol concentration (air pollution) between 2002 to 2010. Aerosols are particulate matter i.e., very fine particles suspended in the atmosphere and aerosol pollutants are one of the most harmful constituents of polluted air/environment.

3. The applicant had produced the article published in the American Journal of Climate Change, together with a summary thereof as Annexure - 1. It was alleged in the application that the 4th Respondent sets the current rate of increase in air pollution in Bangalore at 5% per day. The city is being polluted to such a level that the health impact on infants, the youth, the poor and the old are becoming predominant and rampant. On 13th February 2015, the Deccan Herald quoted that the 4th Respondent's Chairman Shri. Vaman Acharya saying "*the City is becoming like Beijing when it comes to pollution*". The news which was published in DNA newspaper on 04th May 2015, at 05:31 IST states "*Bengaluru ranks second in the list of cities which have highest air pollution level*". The children are most affected by increase in the level of air pollution. The said newspaper report was produced as Annexure - 2 Series.

4. Further, it was also alleged in the application that the vehicular air pollution and especially pollution caused by diesel vehicles is one of the largest contributors to air pollution especially in the cities such as Bangalore. The applicant had relied on the decisions of the Hon'ble Apex Court in **M.C. Mehta Vs. Union of India**¹ wherein, it was emphasized that one of the causes of mortality is air pollution and air pollution caused

¹ (2002) 4 SCC 356

a risk of lung cancer and respiratory organs are affected by the pollutants and another lung disease on account of vehicular pollution.

5. The applicant also reiterated the statistics relied by the Hon'ble Apex Court in *M.C. Mehta's* case for the purpose of insisting the necessity for giving directions to take steps for getting clean air, so that the future generation did not suffer from the ill health. The applicant further contended that the 1st Respondent is not implementing sufficient precautionary methods to prevent/reduce the air pollution in terms of guidelines issued by the Hon'ble Apex Court in the year 2002.
6. The applicant also relied on the decision of the Hon'ble High Court of Karnataka in the year 2004 in **Karnataka Lorry Malikara Okkuta Vs. State of Karnataka**² wherein, a direction was issued to the State authorities to evolve some scheme, after considering the details. The Government should also give sufficient time to the vehicle owners for replacement of the old vehicles, in a phased manner, to make available the CNG fuel and to have the vehicles converted to it in a phased manner. The authority concerned should overall monitor and check the two wheelers, four wheelers and other types of vehicles including commercial/transport vehicles as well as passenger vehicles, at important functions, and to see that they do not violate the prescribed norms of pollution and the traffic rules and to ensure the safety and welfare of the public. The authorities concerned are also free to take note of the direction issued by the Hon'ble Apex Court in *M.C. Mehta's* case.

² (2004) 6 Kar LJ 1

7. It was further alleged in the application that on 17.08.2014, to the best of knowledge of the applicant, not even one CNG bus is plying in Bangalore in compliance with the direction. The report prepared by the Department of Forest, Ecology and Environment, Government of Karnataka also well aware of the adoption of CNG where an emphasize has been made in the report as *“There is a need to emphasize well-known truisms that vehicles should be maintained in good conditions, that adulterated fuel should not be used and that the use of LPG and CNG as fuel can reduce air pollution”* and the relevant portion of the report was produced by the applicant as Annexure - 3. That also emphasizes the necessity to prevent ill effects of air pollution on account of vehicular pollution on children, adults and senior citizens. The 2nd Respondent in their website, title *‘Natural Gas - A Greener Alternative’* also gives the details regarding the possibility of less pollution from the CNG when compared to other fuels and that was extracted by the applicant in the application as follows:-

Fuel Emissions	Co ₂	UHC	CO	No _x	So _x	PM
Petrol	22,000	85	634	78	8.3	1.1
Diesel	21,000	21	106	108	21	12.5
CNG	16,275	5.6	22.2	25.8	0.15	0.29

8. They produced the report issued by the 2nd Respondent as Annexure - 4. The Hon’ble High Court of Karnataka also in Suo Motu matter relating to air pollution, directed the State of Karnataka to comply with the suggestions given by the State Pollution Control Board by order dated 29.04.2015, evidenced by Annexure - 5 and copy of the final order dated 01.07.2015 was produced as Annexure - 6. He has given the details of the quotes made by the Ministry of Transport in one of the newspaper

regarding the necessity for conversion of diesel vehicles to green fuel vehicles, evidenced by Annexure - 7 Series. They have also reiterated the necessity of regulating the diesel gases in Euro/BS diesel standards and the Hartridge Smoke units fixed in 1986 revised so far. They also produced certain reports of various countries as Annexure - 9, 10, 11 and 12 in support of their case and he has given the details of BS- IV vehicles issued by the Transport Corporation.

9. According to the applicant, at the rate at which they want to phase out the old diesel vehicles, will take more than 23 years to complete the process. He also relied on the Annexure - 13, Report reiterating the necessity of going for new environment friendly Clean and Green Fuel vehicles. The applicant herein filed a Writ Petition before the Hon'ble High Court of Karnataka as **W.P. No.51663 of 2015 (Vinay Shivanand Naik Vs. State of Karnataka & Ors.)** and the Hon'ble High Court of Karnataka by order dated 05.05.2016, considered the submissions made by the State counsel and then passed the following order:-

"In so far as the Bangalore Metropolitan Transport Corporation (BMTC) is concerned, it transpires that it is negotiating the purchase of numerous Diesel engine buses.

Before finalizing any such purchase, the BMTC shall take this Court into confidence."

10. The said order was produced as Annexure - 14 and thereafter, the above mentioned writ petition was disposed of by the Hon'ble High Court on 22.07.2016 with the following directions, evidence by Annexure - 15.

"5. On hearing learned counsel and considering the interim orders passed by this Court, we are of the view that it would be appropriate for the National Green Tribunal to consider this matter. However, having entertained

this petition and having passed interim orders. It would be just and necessary that the interim orders continue for some time.

6. The petition is disposed off by reserving liberty to the petitioner to approach the National Green Tribunal for necessary orders. The interim order granted by this Court shall continue for a period of two weeks, from the date of receipt of a copy of this order."

11. That prompted the applicant to file this application seeking the following interim as well as final reliefs:-

"Interim Prayer

(i) Direct that all non BS IV diesel buses that are owned or operated by the Government of Karnataka/State RTCs i.e. Respondents No.2, 3, 5 and 6, or its lessees in public transport, that operate in or pass through any portion of greater Bengaluru at any time, shall convert to CNG or use non engine modifying retrofit devices or catalytic treatments or any other similar devices which reflect 30% or more reduction in smoke emissions, within a time frame fixed by this Hon'ble Tribunal

(ii) Direct the respondents that buses not complying with the directions that may be issued pursuant to prayer clause (i) be removed from service and /or scrapped within a time frame fixed by this Hon'ble Tribunal

(iii) Restrain Respondent No.3 – Bengaluru Metropolitan Transport Corporation from procuring any new diesel powered buses and consequently direct Respondent No.3 to procure CNG Buses, as and when the need to procure new buses arises

(iv) Restrain Respondent No.2 – KSRTC from procuring any new diesel powered buses that will ply or pass through greater Bengaluru and consequently direct Respondent No.2 to procure only CNG Buses for that purpose, as and when the need to procure new buses arises.

Main Relief:

a. Direct the Respondents to ensure that all buses plying in and/or passing through the city of Bengaluru, Karnataka (including buses of State RTCs, i.e. Respondents No.2, 3, 5 and 6 and routes leased by them), be converted to CNG within a time frame fixed by this Hon'ble Tribunal.

b. Direct the Respondents to revise the HSU limit at 40 Hartridge Scale Units for all commercial diesel vehicles plying in the State of Karnataka.

c. Direct the Respondents to take additional further action to reduce air pollution being caused on account of diesel vehicular emissions by implementing new policies above and beyond the provisions and regulations in the Central Motor Vehicle Act state wide

d. Pass any other/further orders in the interest of justice."

12. Subsequently, additional Respondents No.7 to 10 and the 11th Respondent were impleaded as per order dated 12.01.2017 and 27.02.2017 respectively.

13. The 4th Respondent filed a reply affidavit contending that the application is not maintainable and there were no specific averments or allegations made against them and no specific relief sought against them. Pursuant to the directions laid down in **Karnataka Lorry Malikara Okkuta Vs. State of Karnataka** by the Hon'ble High Court of Karnataka, the answering respondent has taken several preventive measures which has considerably and effectively reduced the air pollution. They were monitoring the Ambient Air Quality of Bangalore City at 13 locations including two Continuous Ambient Air Quality Monitoring Stations using manual equipments under National Ambient Air Quality

Monitoring Programme (NAMP) covering industrial area, mixed urban area and sensitive area. They have set up two Continuous Ambient Air Quality Monitoring Stations (CAAQMs) one at city railway station and other at Regional Office Complex at S.G. Hali. Monitoring is being carried out on 24 hours basis for RSPM, SO₂, NO₂, and CO and the data is sent to the CPCB, New Delhi electronically and also the data is entered in the Board's website. They had also set up Ambient Air Quality Monitoring Stations in mixed zone (Residential, Rural and Other areas) at Bangalore City viz., (i) AMCO Batteries Mysore Road, (ii) Yeshwanthpur Police Station, (iii) Central Silk Board, (iv) DTDC Office, Victoria Road and (v) Kazi Summanahalli, White Field. They have set up Ambient Air Quality Monitoring Stations in sensitive zone at Bangalore City viz., (i) Ambient Air Quality at Victoria Hospital Bangalore and (ii) Indira Gandhi Child Care Centres, NIMHANS. They also setup four Ambient Air Quality Monitoring Stations in the industrial zone of Bangalore city viz., (i) Export Promotional Park, ITPL, (ii) KHB Industrial Area, (iii) Peenya Industrial area (Gymkhana) and (iv) Peenya Industrial area. They issued several directions under Section 31 A of the Air (Prevention and Control of Pollution) Act, 1981 read with 20 (a) of the Karnataka Air (Prevention and Control of Pollution) Rules, 1983 to the BBMP directing to (a) Declare an area not less than 100 meters around all Government hospital in Bangalore and High Court as silence Zone and any other area as deemed necessary for maintaining as silence zone, (b) To declare the traffic junction zone as no honking zone and display signage in consultation with Home Dept., (c) To regulate the developmental activities, installation of air conditioners and blower in commercial establishments, generators etc causing noise pollution and affecting

quality of life and to avoid noise menace and to achieve the objectives of maintaining the ambient air quality standard, (d) To prohibit all sound emitting construction equipments/activities except on going Metro rail works during night time (10 PM to 6 AM). A co-ordination committee was constituted comprising of the Department of Transport, BBMP, BMTC, BDA and Police. Seven Coordination Committee meetings were held between 09.04.2014 to 16.08.2014. Even though, the BBMP has taken certain measures, the same is not adequate in controlling the noise and air pollution which is evident from the noise levels recorded at five different locations by this Respondent. The present noise levels were communicated to the BBMP vide letter dated 07.02.2014 from this Respondent as the noise levels were exceeding the stipulated limits. Increase in RSPM levels is predominately caused by vehicular traffic due to re-suspension of dust accumulated on the road sides, medians, bad maintenance of roads, construction activities without covering the construction area and construction material, un-cleared garbage and setting garbage on fire, frequent road cuttings and non-removal of the excess earth after the repair works, encroachment of footpath by hawkers, conversion of parking area in multi storied buildings and commercial buildings for non- parking commercial use, etc. The Hon'ble Supreme Court of India and the Hon'ble High Court of Karnataka has taken view of the said matter seriously. In fact the Hon'ble High Court of Karnataka during the hearing on 18.08.2014 in the said writ Petition has viewed seriously about the increase in ambient noise and air quality levels. In pursuance to the directions of the High court of Karnataka, this Respondent invoked Section 31(A) of the Air (Prevention and Control of Pollution) Act 1981 and gave a series of directions to

formulate an action plan to implement the following directions so as to improve the air quality in Bangalore city

- (a) To plan comprehensive parking management programme for Bangalore city,
- (b) To initiate action for removal of dust/silt accumulated on road side/medium using mechanical means or regular basis,
- (c) To initiate action for filling potholes and road cutting to facilitate for smooth flow traffic,
- (d) To take action to evacuate non parking activities in area earmarked for parking as per approved building plan,
- (e) To coordinate with Police and Transport department to facilitate proper parking of vehicles,
- (f) To remove encroachment of footpaths by hawkers in market place,
- (g) To avoid open burning of garbage and initiate action to remove the garbage dumped,
- (h) To construct more number of multi level vehicle parking,
- (i) To take action to transport the silt removed from the storm water drains,
- (j) To take action to notify boundaries of residential area, commercial area and silence zone in coordination with the Bangalore Development Authority and Police Department,
- (k) To ensure that the construction and demolition of building are carried out by providing an enclosure,
- (l) To regulate the stocking of construction material to minimal levels at site and debris to be cleared frequently without accumulation,
- (m) To ensure that the BBMP vehicles and the vehicles engaged by the contractors comply with the Noise regulation and Automobile emission regulations, and
- (n) to ensure that the solid waste and debris transportation vehicles are covered.

14. Failing to comply with the above direction, will attract penal action as per Section 37 of the Air (Prevention and Control of Pollution) Act, 1981. They have issued several directions under Section 31 A of the Air

(Prevention and Control of Pollution) Act, 1981 read with 20(a) of Karnataka Air (Prevention And Control of Pollution) Rules, 1983 to the Dept of Transport and Road Safety directing to formulate an action plan to implement the following directions so as to improve the air quality in Bangalore city viz.,

(a) To restrict registration of new vehicles in Bangalore City till the noise level and air quality standards are met,

(b) To ban the entry of heavy motor vehicles (HMs) within the outer ring road of Bangalore City. The HMs shall be terminated at the outer ring road by creating proper facilities for its parking,

(c) To ban the use of two stroke vehicles within BBMP area,

(d) To ban auto rickshaws in central business district of Bangalore city in a phased manner,

(e) To ban use of more than 15 years old HMs within Bangalore city,

(f) To intensively check the emission levels of the vehicles to ensure conformity with the stipulated automobile emission limits,

(g) To audit the emission checking centers at regular intervals,

(h) To conduct a comprehensive study and plan for regulating the traffic,

(i) To direct BMTC & KSRTC to convert the existing vehicles to green fuel like CNG and draw a road map for implementation,

(j) To direct KSRTC & BMTC to strictly adhere to the traffic rules viz., lane discipline, parking/stopping of vehicles at designated bus bays/stop,

(k) To impose heavy fine of Rs.1000/- (Rupees-one Thousand only) for vehicles exceeding the automobile emission limits and if the offence is compounded initiate action, to suspend the registration certificate/seize the vehicles,

(l) To conduct awareness programme in Bangalore city to educate the public on following traffic regulations and educate them on the prevailing penal actions using print and visual media service and

(m) To issue necessary notification restricting the sale of fuel in BBMP area for vehicles not having pollution under control certificate.”

15. They have issued several directions under Section 31(A) of Air (Prevention and Control of Pollution) Act, 1981 read with 20(a) of Karnataka Air (Prevention and Control of Pollution) Rules, 1983 to the Additional Commissioner of Police, Traffic Division directing to them to formulate an action plan to implement the following direction so as to improve the air quality in Bangalore city:-

(a) To ban the entry of heavy motor vehicles (HMs) within the outer ring road of Bangalore City,

(b) Not to issue of permissions to conduct/organize functions in the road blocking the traffic, movement of pedestrians, use of loudspeakers and public address system in contravention with the Noise (Regulation and Control) Rules, 2000 and Government of Karnataka Notification No. FEE 46 ENV 2000, dated 13.08.2002,

(c) To conduct a comprehensive study and plan for regulating the traffic,

(d) To direct KSRTC & BMTC to strictly adhere to the traffic rules viz., lane discipline, parking/stopping of vehicles at designated bus bays/stop,

(e) To impose heavy fine of Rs. 1000/- (Rupees one thousand only) for vehicles exceeding the noise limits and vehicles fitter with shrill horns and defective/altered silencers not in conformity with regulations,

(f) To coordinate with BBMP and Transport department to regulate the parking of vehicles in Bangalore,

(g) The encroachment of footpaths by hawkers in market place and also during festival season shall be regulated so as to ensure that the hawkers do not obstruct the moment of pedestrian and traffic,

(h) To deploy adequate traffic police/traffic volunteers at strategic locations where there are frequent traffic jams to regulate the smooth flow of vehicles,

(i) To introduce dedicated bus lanes in major road in Central business District of Bangalore city,

(j) To adopt intelligent transportation system by use of automated traffic control system, and

(k) To conduct awareness programme in Bangalore city to educate the public on following traffic regulations and educate them on the prevailing penal actions using print and visual media services.

16. It is further contended that failing to comply with the above directions will attract penal action as per Section 37 of Air (Prevention and Control of Pollution) Act, 1981. After issuing the above said directions to the concerned departments, the Dept. of Forest, Environment and Ecology submitted a short term and long term action plan before the Hon'ble High Court of Karnataka in W.P No. 39432 of 2013, evidenced by Annexure - A produced along with the counter and on the basis of the short term and long term action plan, the Hon'ble High Court disposed of the Writ Petition, directing the State Government and concerned departments including Transport Department, KSRTC and BMTC to implement the written suggestions given by the Pollution Control Board as far as practicable. The co-ordination committee consisting of KSPCB, Dept. of Transport and Road Safety, BWSSE, CPCB, BMTC, BDA and KSRTC were conducting meeting on regular basis wherein representatives of various Departments were submitting their plan of actions to reduce the air pollution and report on effective implementation of the same, and one of the meetings of the Co-ordination Committee was produced as Annexure - B. Further, the Board has procured 12 mobile vans having facility to

check and to conduct joint monitoring Programme to create public awareness. The Additional Chief Secretary of Forest, Environment and Ecology had conducted regular review meetings to ensure the implementation of measures taken to reduce the air and noise pollution and to create public awareness among people. Further, the Board had issued directions to convert the existing vehicles to green fuel like CNG and draw a road map for implementation. The directions issued by the Board in conformity with the directions issued by the Hon'ble Court of Karnataka. So, they prayed for accepting their contentions and passing appropriate directions.

17. Respondents No.2 & 3 have filed a common counter statement denying the allegations made by the applicant in the application, regarding the inaction on the part of these respondents in implementing the direction issued by the Hon'ble High Court of Karnataka in respect of reducing the vehicular pollution caused which has some impact on air pollution in the city. They further contended that most of the directions relied by the applicant issued by the Hon'ble Supreme Court in *M.C. Mehta's* case was relating to situation in Delhi and certain directions were issued depending upon the circumstances and situations brought to the notice of the Hon'ble Apex Court. Several steps have been taken by the State of Karnataka in compliance with the direction issued by the Central Pollution Control Board and also direction issued by the Hon'ble High Court of Karnataka and the pollution has been brought down considerably on account of such implementations. The Motor Vehicles Act was amended in the year 2016 and on the basis of the provisions of the Motor Vehicles Act, certain stringent conditions have been imposed

and there was a direction to phase out the BS- I, II and III diesel vehicles and change over to BS-IV and BS-VI vehicles and certain timelines were given for implementation of the same. The Hon'ble Supreme Court also observed in one of the cases that emission standard of CNG vehicle will be on par with Euro -IV stage make vehicles. The CNG alone is not a solution and there are other type of vehicles available which are more environment friendly. The Hon'ble High Court on the basis of the short-term and long-term measures provided by the State of Karnataka, disposed of the matter, directing them to implement the same and also directed to implement the directions issued by the Pollution Control Board as far as practicable. In view of the final disposal of the writ petition by the Hon'ble High Court of Karnataka relied on by the applicant, lot of further directions were issued than the directions issued by the Hon'ble High Court in the same case which was produced by the applicant and in view of the further directions issued and implementation of the same by Respondents No.2 & 3, most of the grievances raised by the applicant have been redressed. Lot of public vehicles like Auto rickshaws have been converted to CNG and they are trying to BS-VI stage norms which have to be implemented from 01.04.2020 which are better than the CNG vehicles. The possibility of creating pollution on account of use of CNG vehicles and the consequential health hazards cannot be ruled out. They have taken sincere steps to convert BS - I, II and III vehicles to BS-IV and slowly, the old vehicles will be converted to BS-VI, as mandated under the present Motor Vehicles Act. Suddenly changing the old vehicles of BS - I to III will involve in large scale conversion of the engines resulting in huge expenditure which will not be economical and feasible as well. Air pollution is not only due to vehicular pollution but

there are other sources and the cumulative steps will have to be taken for the purpose of meeting the situation and mitigate the danger caused on account of air pollution. They are also anticipating construction of large number of bridges and also signal free roads so as to avoid air pollution which have played a major role in reducing air pollution. Large scale awareness programmes have been conducted to the drivers of the vehicles and also public awareness programmes so as to remind the public of their responsibility to make their contribution to reduce pollution. They have provided smoke testing machines so as to ensure the standard of smoke emission to be regulated and lot of improvements have been made in the workshops so as to maintain the standard of the vehicle to reduce smoke emission which is one of the reasons for pollution. On the basis of the directions issued by the Hon'ble High Court of Karnataka in W.P. No.39432/2013, steps have been taken to provide arterial roads and remove encroachments and regulated parking so as to avoid dust and air pollution. They also made arrangement with the Gas Authority of India Limited (GAIL) and discussed about the possibility of promoting CNG vehicles and also difficulty in procuring the CNG vehicles in an Indian market. Draw backs indicated by Bombay Electrical Supply and Transport Company on account of user CNG vehicles were extracted as follows:-

“a. Many of the spares required for maintenance of fuel system and ignition system are not indigenously manufactured and are not easily available in local market. We have to depend on OEMs for their supply that too at exorbitant cost.

b. Many of the electronic gadgets units are not repairable and at times, there are required to be replaced with new ones at very high cost.

c. Since the CNG vehicles particularly, CNG bus population in country is much less, the vendors are reluctant to come forward for development and supply of the spares required for CNG vehicles.

d. The frequency of clutch, gear and engine failures are more as the operating temperature of CNG engine is higher. The breakdowns in engine, transmissions and electrical system in case of CNG buses are higher.

e. Now the CNG bus fleet is 2862 and the maintenance of difficulties are encountered during the recent past. Considering the frequency of repairs and high cost of labour, the CNG bus maintenance may not be cost effective for larger fleet in the longer run.

f. The filling time required for CNG bus is three to four times more than the diesel bus for which manpower requirement is more.

g. The limited onboard CNG storage capacity restricts the vehicle utilization and needs mid day fueling resulted into dead kms.

h. The drivers comfort is reduced due to higher operating temperature of CNG engine as compared to diesel.

In general, handling CNG as a fuel is difficult.

i. M/s. MGL is the sole agency to supply the CNG having its monopoly. In exigencies of disruption of CNG supply for any reason, the undertakings services will be badly paralysed."

18. The number of accidents caused on account of use of CNG as fuel is also increasing and they have produced Annexure - D, letter to substantiate these aspects. The Council of Scientific and Industrial Research had conducted a study and formulated their finding in the report dated 06.08.2015 evidenced by Annexure - E and the research was conducted by it on the CNG operated buses which revealed that the CNG is not as clean as green or clean fuel as claimed by the applicant. It was also observed in the report that the CNG fuel is dangerous to human life. According to the study, they came to the conclusion that nano carbon particles coming out from natural gas combustion which mix with the atmosphere causing

severe air pollution resulting in lung related diseases and also causing cancer. They also given the details regarding the emission norms of BS- I to VI vehicles as follows:-

Norms	No _x	Co	HC	PM
Bharat Stage I	8.0	4.5	1.1	0.36
Bharat Stage II	7.0	4.0	1.1	0.15
Bharat Stage III	5.0	2.1	0.66	0.10
Bharat Stage IV	3.5	1.5	0.46	0.02
Bharat Stage V	2.0	1.5	0.46	0.02
Bharat Stage VI	0.40	1.5	0.13	0.01

19. They have also given the details of the vehicles owned by the BMTC and according to them, they are having 6,197 vehicles as follows:-

- a) BS - I Stage - No. of buses - 11
- b) BS - II Stage - No. of buses - 781
- c) BS - III Stage - No. of buses - 3757
- d) BS - IV Stage - No. of buses - 1648

20. They are slowly replacing the old BS-I to III vehicles with BS-IV vehicles and as per the present Motor Vehicles Act, they will switch over to the BS-VI vehicles. They also relied on the report prepared on the basis of the study conducted in Deli after the introduction of CNG buses which came to the conclusion that there was no significant change happened even thereafter. Under the AMRUT Scheme of the Central Government, they have agreed to provide an aid of 213.5 Crores for purchase of 150 standard size premium segment AC buses of 400 mm floor - height buses and 350 midi non-AC buses having a floor height of 650 mm and having

unit cost of 28.00 Lakhs per bus and on the basis of the same, they have floated tenders and that process is in the progress. They also given the details of the buses purchased utilizing those funds. The KSRTC is using the blend of diesel and bio diesel as a fuel to run the buses and the bio diesel is manufactured out of vegetable oil, animal fat and naturals like Soya bean oil, Jatropha seed oil etc. The Bio diesel is being used in heavy duty vehicles in cities like United States which significantly reduce the emission level compared to the regular buses. The Karnataka State Road Corporation has also entrusted the work of technical evaluation of emissions which results from the buses using bio diesel and such agencies are Centre for Infrastructure, Sustainable Transportation and Urban Planning (CISTUP) of India Institute of Science, Bangalore, JSS Academy of Technical Education, Bangalore and R.V. College of Engineering, Bangalore. There are 65,85,455 vehicles running as per the statistics available and the number of vehicles operated by the BMTC is only 6,197 and the percentage will be less than 0.16% of the total vehicles. So, it cannot be said that they are responsible for pollution on account of use of their vehicles. Lot of development activities have been made by improving the road infrastructure in several areas to avoid air pollution. They are also strictly complying with the directions issued by the Pollution Control Board in maintaining the standards. Sufficient amount of CNG is not available and BS-VI norms and operation of BS-VI vehicles will be better environmental complaint compared to CNG buses. So, they prayed for accepting their contentions and passing appropriate orders.

21. Respondents No.2 & 3 also filed a memo adopting the statement of objections filed by the Respondents No.5 & 6.

22. The 7th Respondent filed a counter contending that the application is not maintainable and the applicant was relying on the directions given by the Hon'ble Apex Court in M.C. Mehta case and also implementation of the directions by the Delhi Government by introducing CNG vehicles. They further contended that they are the Central Government Undertaking and a Maharatna company under the administrative control of Ministry of Petroleum and Natural Gas, Government of India engaged in procurement, distribution and supply of natural gas including Re-gasified Liquefied Natural Gas (RLNG) and various other petroleum products such as Liquefied Petroleum Gas (LPG) etc. for the usage of the Industrial and domestic consumers. They laid and constructed the Dabhol-Bangalore Gas pipeline project (DBPL) for supplying natural gas to the transport sector, industrial sector and house hold sector consumers in the states of Maharashtra, Karnataka and Goa in the form of natural gas, compressed Natural gas and piped natural gas respectively. The project involved laying of about 1000 Km of gas pipeline, construction of sectionalized valve stations and Gas management centres. Considering the need for development of eco-friendly fuels in the state of Karnataka and also for augmenting the supply of natural gas for achieving increased power production and development of city gas distribution system for ensuring abundant supply of cooking gas for the household consumers and green fuel for the transport sector, the Industrial Development Department of Government of Karnataka, has entered into MOU dated 29.4.2009 with the respondent herein for rendering necessary assistance for the speedy completion of the DBPL project. By Government order dated 19.2.2010, the Government of Karnataka had accorded in principle approval for this gas pipeline project

which covers a total distance of 993 kms with an investment of Rs.4544 crores and gave permission for extending the necessary infrastructure facilities, incentives and concessions to this project. The Government of India had enacted the Petroleum and Natural Gas Regulatory Board Act 2006 (PNGRB Act) under which the Petroleum & Natural Gas Regulatory Board has been established which inter alia grants authorization for City and Local Area Natural Gas Distribution Networks in accordance with the provisions of the said Act and the PNGRB (authorizing Entities to Lay, Build, Operate or Expand City or Local Natural Gas Distribution Network) Regulation 2008. They have granted to the GAIL Gas Ltd (GGL), which is wholly owned subsidiary of the 7th Respondent for laying building, operating or expanding CGD network in Bangalore Rural and urban Districts. On the basis of the said authorization, they will be implementing CGD project in Bengaluru Rural and Urban districts including distribution of CNG, evidenced by Annexure - 1 produced along with the counter. So, they wanted to issue direction to the GAIL for implementation of the directions.

23. It is further contended that in compliance with the order of High Court of Gujarat in WPs No.47/2011 and 54/2011, the Ministry of Petroleum & Natural Gas (MoP&NG) had issued guidelines dated 14.11.2013 for allocation of domestic gas to City Gas Distribution (CGD) entities for Compressed Natural Gas (CNG) for transport sector and Piped Natural Gas (PNG) for household/domestic sector. In order to comply with the directions of Hon'ble Supreme Court of India, in M.C. Mehta Vs. Union of India and others in WP No.13029/1985 in 2002, according highest priority to transport sector in allocation of natural gas, MoP&NG had reviewed

the guidelines dated 14.11.2013 and came up with revised guidelines dated 20.08.2014. As per the revised guidelines, the MoP&NG has authorized the 7th respondent to divert domestic gas from non-priority sector to meet the requirement of CNG (transport) and PNG (domestic) segments as per their actual consumption during the previous half year and on that basis, they have diverted the supply. So, they prayed for passing appropriate orders and also undertaken that they will comply with the directions of this Tribunal.

24. The 11th Respondent filed a counter affidavit more or less raising the same contentions raised by the 7th Respondent and also their commitment to supply clean and green fuel in the form CNG and also detailed their experience in Delhi, Gujarat and Mumbai. They also mentioned about various steps taken by them for implementing the scheme in State of Karnataka especially in Bangalore and also given the comparative table regarding the cost effectiveness of operation on the basis of the report submitted by the CISTUP as follows:-

"Table 5.7 : Operating Cost Comparison between CNG Buses and Clean Diesel Buses"

Cost Element	CNG Buses	Clean Diesel Buses
	Fuel cost for single bus per year	Fuel cost for single per year
CNG Fuel cost for 250 Km/day for 350 Operational Days	Rs.11,25,000	
Diesel Cost for 250 Km/day for 350 Operational Days		Rs.12,50,560
Total	Rs.11,25,000	Rs.12,50,560

The maintenance cost of CNG buses is lower when compared to diesel buses because the CNG extends engine life primarily because it is a gaseous fuel.

Table 5.8: Cost per Km of Diesel and CNG Buses.

Sl. No.	Description	Regular Diesel Bus	CNG Bus
1.	Initial Cost of the Bus	33 Lakhs	38 Lakhs
2.	Life of the Bus	12 years/10,00,000 Kms	12 years + 30% more/13,00,000* Kms
3.	Initial Cost per Km	Rs.3.3 Per Km	Rs.2.92 Per Km
4.	Operating Cost per km	Rs.14.29 per km	Rs.12.85 per km **
5.	Maintenance Cost	Rs.3 per km	Rs.3.60 per km***
	Total Cost per Km	Rs.20.59 per km	Rs.19.37 per km

* As per a study by SRTD, California, the CNG engines can run for over 250,000 miles while diesel buses can run for over 170,000 miles which is 30 percent more than the diesel bus,

** The price of CNG is taken as R\$ 45.00 kg (Bangalore Price) and the mileage of CNG bus is taken as 3.5 km/kg. Whereas the price of diesel is taken as Rs. 54.31 per litre (Bangalore Price) and the mileage of diesel is taken as 3.8 km/litre (BMTc buses average mileage).

*** The maintenance cost of BMTc buses per km come to around Rs 2.20 but I have taken it as Rs. 3,00 per km. But since the maintenance cost of CNG bus is twenty percent more (average) as per PMP ML and BEST, I have taken it as Rs. 3.60 per km."

25. They have also given a detailed road map for implementation of CNG conversion in Bangalore to Karnataka State Pollution Control Board evidenced by the Annexure - 4 Series. In the meeting held on 04.06.2016 with the Chief Secretary, State of Karnataka, the Finance Department agreed to consider funding for procuring 200 CNG buses for a period of five years in addition to considering waiving off entry tax. The Chief Secretary emphasized that BMTc should expedite the induction of CNG buses as per the NGT's order for switchover to green fuel, while citing Government of Karnataka's commitment to curb rising pollution levels evidenced by Annexure - 6 produced along with the counter. They also furnished details of various interim arrangements made with the KSRTC for this purpose. They also further given the future plan for installation of CNG Stations across Bangalore by end of 2017 as follows:-

Sl. No.	Area	Remarks
a.	Magadi Road	Online Station
b.	Sanjeevini Nagar	DBS (Daughter Booster)

		System)
c.	Yeshwanthpur	DBS
d.	Bommasandra	Online Station
e.	Peenya	Online Station
f.	Bethaloor Cross	DBS
g.	Agara Sarjapura Road	Online Station
h.	Mahadevapura	Online Station
i.	Jigani	Mother Station
j.	Dobaspeta	Online Station

26. They also expressed their readiness to provide all necessary assistance and also provide necessary vehicles on the Government Sector as well as Private Sector for fulfilling the commitment to fight against pollution. They prayed for passing appropriate orders, considering their contentions.

27. The 10th Respondent also filed a counter contending that the Mass Emission standards for Compressed Natural Gas (CNG) driven vehicles are provided under Rule 115B of Central Motor Vehicles Rules, 1989. The Ministry of Road Transport and Highways has taken proactive steps to curb the problem of vehicular pollution and issued following notifications:

“(i) Ministry has issued notification number G.S.R. 643(E) date 19.08.2015 vide which the Mass Emission Standards for Bharat Stage IV shall come into force all over the country in respect of four wheeled vehicle manufacturers on or after the 1st April, 2017 (Copy Attached at Annexure-I), (ii) This Ministry, vide notification number G.S.R. 889 € dated 16.09.2016 has mandated mass emission standard for BS-VI throughout the country with effect from 1st April 2020 (Copy Attached at Annexure-II) and (iii) Enforcement of notifications is done by the State Transport Authorities.”

28. The Ministry also issued the following notifications to introduce bio fuels in vehicles:-

(i) This Ministry has issued G.S.R. 682(E), dated 12.07.2016 regarding mass emissions standards for flex-fuel (E 85) or (E 100) and ethanol (ED 95) vehicles (Copy Attached at Annexure-III)

(ii) This Ministry has issued G.S.R. 412(E), dated 11/04/2016 introducing Biodiesel (Copy Attached at Annexure-IV).

(iii) This Ministry has issued G.S.R. 498(E), dated 16/06/2015 regarding Smoke test and Bio CNG (Copy Attached at Annexure-V).

(iv) To promote use of electric hybrid vehicles in Delhi, Department of Heavy Industry has notified S.O. 830 E dated 25th March, 2015 notifying the scheme for Faster Adoption and Manufacturing of (Hybrid and) Electric Vehicles in India - FAME. Subsequently, Ministry" of Road Transport & Highways has notified two notifications i.e. G.S.R. 364 (E) dated 28th May, 2014 for retro fitment of hybrid electric system kit to in-use vehicles and S.O. 1013 (E) dated 15th April, 2015 which specifies the type approval procedure of electric hybrid vehicles. G.S.R, no. 629(E) dated 24.06.2016 have been notified for Retro fitment of hybrid electric vehicles (Copy Attached at Annexure-VI).

29. It is further contended that the implementation of provisions of Motor Vehicle Act, 1988 and Central Motor Vehicles Rules, 1989 comes under the purview of State Transport Authorities and the concerned Union Territory administration. The applicant had not challenged any of the action of the Ministry of Road Transport and Highways and no relief has been sought against them. So, they prayed for passing appropriate orders, considering their contentions.

30. The 9th Respondent filed a counter affidavit contending that in the administrative structure of the Central Government, the primary concern of the Ministry of Environment, Forest and Climate Change is for the

planning, promotion, co-ordination and overseeing the implementation of our country's environmental and forestry policies and programs. The objectives of the Ministry are well supported by a set of legislative and regulatory measures, aimed at the preservation, conservation and protection of the environment. The policy decisions of the Ministry are being implemented at the State level by the State Environment Departments, State Pollution Control Boards, Pollution Control Committees in respect of Union Territories, State Urban Development Departments, Urban Local Bodies, etc. They have also taken into consideration the alarming health hazards being caused on account of increasing pollution level. They have initiated the National Carbonaceous Aerosols Programme (NCAP), which aims to enhance the understanding of the role of carbonaceous aerosols on climate change, to prepare an inventory of black carbon emissions in the country and to assess its impacts on glacier melting. The science plan for the "Black Carbon Research Initiative-National Carbonaceous Aerosols Programme (NCAP)" was launched in March 2011 under the Indian Network for Climate Change Assessment (INCCA) which was launched on October 14, 2009 by this Ministry. In order to prevent and control air pollution, the major steps taken by Government inter alia includes notification of National Ambient Air Quality Standards, formulation of environmental regulations / statutes; setting up of monitoring network for assessment of ambient air quality; introduction of cleaner / alternate fuels like gaseous fuel (CNG, LPG etc.), ethanol blending; promotion of cleaner production processes; launching of National Air Quality index; universalization of BS-IV by 2017; leapfrogging from BS-IV to BS-VI fuel standards by 1st April, 2020; comprehensive amendments to various Waste Management

Rules and notification of Construction and Demolition Waste Management Rules; banning of burning of leaves, biomass, municipal solid waste; promotion of public transport and network of metro, e-rickshaws, promotion of carpooling; Pollution Under Control Certificate, lane discipline, vehicle maintenance, etc. They have also given the statistics of implementation of their policies in Delhi, Kolkata, Mumbai and Chennai and other states and it was extended to entire country from April 2017 for 2, 3 & 4 wheelers. The Ministry of Road Transport & Highways has issued Notification for leapfrogging directly to BS-VI emission standards for all categories of new vehicles (2, 3 & 4-Wheelers) from 01.04.2020. The 2 and 3 wheelers were required to conform to Bharat Stage II norms from 1.4.2005 all over the country and Bharat Stage III norms preferably from 1.4.2008 but not later than 2010. As part of the implementation of BS norms, corrective steps are required to be taken with respect to augmentation of technology of internal combustion engine during manufacturing of vehicles and improvement in fuel quality standards. They also given the number of steps taken by them for establishing Ambient Air Quality Stations under the National Air Quality Monitoring Programme (NAMP) and a standards provided by the CPCB for pollution related parameters. The Ministry had proposed to launch a National Clean Air Programme (NCAP) which inter-alia includes components as augmentation of air quality monitoring network across the country including in rural areas, air quality management plan for 100 non-attainment cities, extensive plantation drive, and national emission inventory. They have identified the source of pollution and giving necessary directions for curbing the pollution. They also given the way forward for to mitigating the situation and scrupulously monitoring the

same, as their main motto is to make India, pollution free. They prayed for passing appropriate orders issuing necessary directions.

31. The applicant filed common rejoinder to the counters filed Respondents No.1 to 3, 5, 6 & 9, more or less reiterating the contentions raised by them in the application and also various policies of Government and the directions issued by the Hon'ble Supreme Court in *M.C. Mehta's* case and also relied on Dr. Buharilal's Committee report on these aspects. They also mentioned about the ill effects of Euro - VI on maintaining the standard. They also reiterated the non-implementation of the directions given by the Hon'ble High Court of Karnataka in this regard. They have projected the inaction on the part of the State of Karnataka and its Transport authorities in not taking steps to implement the directions of the Hon'ble High Court as well as Hon'ble Supreme Court.

32. After admitting the matter, this Tribunal had passed several orders giving directions to the authorities to submit the report in respect of steps taken by them to implement the Clean and Green Fuel policy.

33. As per order dated 24.09.2020, after considering the pleadings and also the stage of implementation of Clean and Green Fuel policy, this Tribunal had directed the BMTC as well as the State of Karnataka to come with a proper action for changing the old vehicles in a phased manner as directed by the Principal Bench of National Green Tribunal in *Vardhaman Kaushik's* case with Clean and Green Fuel technology.

34. Again the matter was taken up on 16.07.2021, and on that date, this Tribunal had considered the order passed on 24.09.2020, extracted in Para

(1) of the order and also considered the reply affidavit dated 14.07.2021, e-filed and received on 15.07.2021 submitted by the 3rd Respondent to the written submissions filed by the applicant dated 27.05.2021 which was extracted in Para (4) of the order which reads as follows:-

“The Third Respondent in the above case begs to file the following reply to the written submissions of the Applicant which were filed on 27-05-2021 :-

1. The above petition is filed during the year 2016. During the year 2016 BS-III emission norms were prevailing. It is submitted that having regard to emission norms which were prevailing then, the above petition is filed.
2. That BS-IV emission norms are implemented by Central Government as per the provisions of Motor Vehicle Act from 01-04-2017. That thereafter from 1st April 2020, BS-VI norms are implemented. The emission standards which are prescribed for diesel buses from BS-I standard to BS-VI standard are as follows :

Norms	NOx	CO	HC	PM
Bharat Stage I	8.0	4.5	1.1	0.36
Bharat Stage II	7.0	4.0	1.1	0.15
Bharat Stage III	5.0	2.1	0.66	0.10
Bharat Stage IV	3.5	1.5	0.46	0.02
Bharat Stage V	2.0	1.5	0.46	0.02
Bharat Stage VI	0.40	1.5	0.13	0.01

3. That the emission norms for BS-VI CNG and diesel buses are as follows :

Emission	UOM	BS4		BS6		% reduction in BS6 diesel emissions from BS4
		Diesel	CNG	Diesel	CNG	
CO	(gkWh)	1.5	1.5	1.5	1.5	No change
HC	(gkWh)	0.46		0.13		72% reduction from BS4
NMHC	(gkWh)		0.55		0.16	
NOX	(gkWh)	3.50	3.50	0.40	0.46	89% reduction from BS4

CH4	gkWh	1.1	0.50	
PM Mass	gkWh	0.02 0.03	0.01 0.01	5-% reduction from BS4

4. This respondent herewith producing the e-mail communication dated 21-06-2021 sent by the Sales Manager of M/s.Ashok Leyland, who are the manufacturers of bus chasis. A detailed emission norms are furnished by them in comparison to BS-IV and BS-VI vehicles with reference to diesel and CNG. The emission norms prescribed for the diesel vehicles and CNG vehicles for BS-VI make, makes it clear that the diesel vehicles are more environmental friendly than the CNG BS-VI norms vehicles. It is submitted that in view of the emission norms prescribed for BS-VI make diesel buses are better in all respects when compared to BS-VI CNG buses.

5. It is submitted that this Hon'ble Court was pleased to pass an order dated 12-01-2017 permitting this respondent to purchase diesel vehicles of BS-IV make. This Hon'ble Court was pleased to observe referring to judgment of Supreme Court referring to MC Mehta's case as follows :

"Learned Counsel also submitted that even the Hon'ble Supreme Court in M.C.Mehta Vs. Union of India ((2002) 4 SCC 356) though found that the analysis emphasizes the need for change to non liquid fuel like CNG or LPG so as to improve the air quality in this country, it was also fund that the CNG vehicles are 15 times better them Euro II diesel vehicles and only Euro IV diesel vehicles are comparable to CNG vehicles and in such circumstances, permission be granted to purchase the BS IV norm buses. It was also submitted that the diesel buses to be purchased are for plying in the State outside the Bengaluru city and those buses would enter the city of Bengaluru only to drop and take the passengers from the Bus Stand".

6. The submissions made by the learned Counsel appearing for the applicant is also noted in the said order dated 12-01-2017, which is as follows :

"Learned Counsel also argued that the quality of CNG fuel now available in the market has improved compared with the CNG available at the time when the Hon'ble Supreme Court considered the issue in M.C.Mehta Vs Union of India ((2002) 4 SC 356) case and at present the efficiency of CNG fuel and the CNG vehicles cannot be compared to the Euro IV vehicles and they could only be compared to only Ero VI norm buses and in such circumstances, permission may be granted and even if permission is to be granted, necessary restriction be imposed."

7. Under the above circumstances the applicant himself has maintained that the emission of BS-VI vehicles are comparable to CNG buses. The diesel

BS-VI are more environmental friendly in the matter of emission than the CNG buses. The applicant having made a statement which is noted by this Hon'ble Court in order dated 12-01-2017 cannot contend now that only CNG buses should be operated in Bangalore City.

8. This respondent has submitted replacement plan to replace all the 10 years old vehicles which are of BS-I to BS-III make by BS-VI make vehicles. In the event permission is granted all the 10 years old vehicles will be replaced by BS-VI vehicles which will reduce the pollution to a larger extent.
9. With reference to para 2 to 2.2, it is submitted that the observations made by this Hon'ble Court that the grant of permission to purchase diesel buses will not enable this respondent to contend that they need not switch over to CNG buses was the observation made by this Hon'ble Court having regard to the fact that the old buses of BS-I, BS-II and BS-III was sought to be replaced by purchasing BS-IV make buses. After the orders of this Hon'ble Court, from 01-02-2020, BS-VI pollution norms are introduced. The emission standards of BS-VI norm diesel buses is comparable with emission standards for BS-VI CNG buses. Infact the diesel BS-VI buses are better environment friendly than the CNG buses. Therefore the said observation will not entitle the applicant to contend that CNG buses alone should be operated.
10. With reference to para 3, it is submitted that the application was filed by the respondents to purchase in all 3,672 BS-IV norm compliance buses by the State Corporation. The statement of the applicant that the respondents have purchased 1,158 more BS-IV buses on the plea that only 1000 buses were allowed for being purchased by this Hon' le Tribunal on 12-01-2017 is not a correct statement. This respondent in compliance with the order of this Hon'ble Tribunal permission was sought for to purchase 2,672 BS-IV norm compliance buses by the State Corporation. Out of which this respondent corporation (BMTC) has purchased 2,158 buses as stated in para 4 of the affidavit. The plea that this respondent has committed contempt of this Hon'ble Court and violated the interim order is not a correct statement made by the applicant.
11. With reference to para 4, it is submitted that this respondent has given correct figures that as on date of filing of affidavit 2,813 BS-III make buses were available in BMTC fleet and the scrapping plan adopted by BMTC is to scrap the buses after they run 8.5 lakhs kilometers. The applicant cannot make any grievance about said scrapping plan. BS-IV norm buses are prescribed for registration from 01-04-2017 and BS-IV fuel was introduced from 01-04-2017. The respondents have not purchased any vehicles after 01-04-2010 which are of make of BS-I, BS-II and BS-III.
12. With reference to para 4.1, it is submitted that no fresh registration of BS-III buses are made by the transport department of Karnataka after 01-04-

2017 and after 01-04-2020 only buses which are of BS-VI make are registered by the transport department which were purchased as permitted by this Hon'ble Tribunal. The question of registration of BS-III buses after the said dates do not arise at all and this respondent is also not purchasing any BS-III buses and therefore the question of registration of buses will not arise at all.

13. With reference to para 4.2, it is submitted that the buses used for public transportation have been mentioned correctly. The BMTC is not operating any buses by taking on lease. Efforts were made to procure electrical buses on hire basis under FAME-I scheme promogulated by Central Government. But the efforts have not been fruitful for various reasons. The Central Government has promogulated FAME-II scheme, which enables the State Road Transport Corporation to avail incentives to hire electrical buses. The proposal to hire 300 electrical buses is in the process of finalization. 90 electrical buses are sought to be introduced under Smart City Program of the Central Government. Letter of Award dated 05-02-2021 is issued to NTPC Vidyut Vyapar Nigam Limited, New Delhi to procure 90 electrical buses on hire basis. The said NTPC Vidyut Vyapar Nigam Limited, New Delhi has to execute the agreement for providing vehicles. The requirement of executing agreement is pending due to lock-downs imposed in State of Karnataka due to covid-19 (second wave). BMTC is not owning any trucks. That in M.C.Mehta case the directions were issued to reduce the operation of diesel buses having regard to emission norms which were prevailing at the given point of time. Now from 01-04-2020 BS-VI norms are introduced. These norms are fuel neutral and so far as emissions are concerned the BS-VI diesel vehicles are more environmental friendly than CNG buses. Infact the burning of CNG produces heat and it also emits many micro particles which are more dangerous to health.
14. With reference to para 4.3, it is submitted that the applicant appears to be more interested to help the producers of Retrofits. Fixing of retrofits in the diesel buses to use CNG is not safe either for vehicle and also for the public. It is submitted that the retrofits which were operated in other parts of the Country have resulted in fire hazards. It also leads to leakage of CNG. The diesel engine cannot be operated by using CNG by fixing the Retrofits. The design of the diesel engine do not permit the safe use of CNG as a fuel in the place of the diesel. Fixing of retrofits to operate diesel buses. More than 94% of the diesel buses are operated by all the State Road Transport Corporations in India.
15. With reference to para 4.4, it is submitted that no action appears to have been taken on the report of the committee appointed to suggest the auto fuel policy. The recommendations furnished by the committee were required to be implemented till 2025 on the view that the BS-VI norms

will be brought into force in the year 2025. The oil companies of Central Government have started supply BS-IV fuel for being used by vehicles 01-04-2017. It is submitted that from 01-04-2020 BS-VI emission norms are introduced and these norms are based on the neutrality of all the fuels i.e. the emission which will be produced by any one of the fuel will be on par with on other fuel. It is submitted that the committee suggested the fixing of devices for catalistic treatment of the gases which are emitted at the exhaust mouth of the vehicle. The committee did not suggest that the retrofits must be fixed to use CNG as fuel in place of diesel. It is submitted that in BS-IV make buses which are operated by the respondent are provided with mechanism of spraying urea at the mouth of the exhaust to convert the gases and to make emission environmental friendly. It is submitted there is nothing like renewal of registration certificate. The registration certificate issued to vehicle continues till the vehicle is scrapped. The respondent are having diesel vehicles which have completed the run of 8.5 lakhs kilo meters. The statement that respondents have continued to renew the registration of vehicles is not correct. The further say of the applicant that these respondents have committed contempt is not correct.

16. With regard to para 4.5, it is submitted that KSRTC is a establishment which caters to the need of travelling public in various cities of Karnataka and it is not operating for catering need of the passengers travelling within the city. The transportation facilities are provided by BMTC for the passengers travelling within Bangalore City and its neighbouring suburbs. The KSRTC only carries the passengers from its main bus stand of Bengaluru to the areas outside Bengaluru who commence journey from Bengaluru or terminate their journey at Bengaluru. All the highways which are leading to other cities from Bengaluru are located at a distance of nearly 4 to 5 kilo meters from Majestic Bus stand. The pick-up points are enroute for going out of city. The KSRTC has also established satellite bus stand in Bangalore City which are on peripheral areas of the City and buses are also operated from Satellite bus stands. The say of the applicant that KSRTC operates buses through Bengaluru and have dozen bus stands for pick-up points and such pick-up points are scattered throughout Bangalore City is not a correct statement made by applicant. The expert committee report of Dr.Bhbure Lal of 01-02-2017 was during the period when BS-III norms of emissions were in force. The operation of KSRTC buses from bus stands to go out of city is highly negligible length of the journey under taken by the bus. The statement that the KSRTC has one dozen bus stands in Bengaluru City is not correct. It has only 3 satellite bus stands in peripheral area of Bengaluru City. The KSRTC buses are not using any of the bus stops of BMTC for pick-up or dropping passengers.

17. With regard to para 5.1, it is submitted that efforts were made to introduce electrical buses. But for various reasons the efforts have failed. There is no infrastructure available in Bengaluru to introduce CNG buses. CNG buses are not environmental friendly they produce more heat and during the pendency of the above proceedings the emission norms have undergone change. At the time when the petition was filed BS-III emission norms were in force. Thereafter BS-IV norms fuel was made available for being used from 01-04-2017. Normally from BS-IV norms the emission standard could have been improved to BS-V norms. But the emission norms were improved from BS-IV norms to BS-VI norms. Under the circumstances the operation of BS-VI norms diesel buses is permissible in law and they also result in drastically reducing the pollution. That apart, the emissions of diesel and CNG BS-VI norms is fuel neutral. There is no difference whatsoever in the emission norms between the said two fuels. Further in diesel buses are more easy to maintain than CNG buses.
18. With regard to para 5.2, it is submitted that directions issued by Karnataka Pollution Control Board (respondent No.4) was the subject matter of consideration by the Hon'ble High Court of Karnataka in W.P.No.39432/2013. The said writ petition is disposed off by Division Bench of Hon'ble High Court of Karnataka by order dated 01-07-2015. Under the circumstances the applicant cannot think of projecting the orders of the Pollution Control Board in the present application.,
19. With regard to para 5.3, 5.4, 5.5 and 5.6, it is submitted that during the pendency of above application, the respondents have replaced BS-I, BS-II and BS-III norms buses by BS-IV norm buses in view of the permission which was granted by this Hon'ble Court by order dated 12-01-2017. The remaining old buses will be replaced by BS-VI norm buses as already submitted by this respondent. Tenders were floated for introducing electrical buses but for various reasons and beyond the control of respondents, the respondents were not able to carry forward the tender process. Now as submitted above work order have been issued for providing of 90 electrical buses and a tender is floated for introducing 300 electrical buses on hire basis as stated above. The collection of taxes by way of sale of fuel is the state subject and this respondents have no say in the matter. The taxes so collected are utilized for public benefit. Various works have been undertaken and implemented in the matter of improvement of traffic flow in Bangalore City and other areas. Various number of over bridges and under bridges are constructed in Bangalore City to reduce pollution at the junctions. The pollution is also reduced when the stoppage of vehicles at the junctions of the road are avoided. Infact long flyovers of few kilometers in length are constructed to facilitate the free flow of vehicles to go out of Bangalore City and by virtue of these

flyovers the emission into the city is also reduced. Under the circumstances the statement of the applicant that steps are not taken to reduce the pollution is incorrect statement. The State Government has also formulated electrical vehicle policy to provide subsidies to purchase electrical vehicles. The assertion that polluted pays principle must be applied to respondent No.1 is only a illusory one.

20. *With regard to para 6, it is submitted that the contentions of the applicant based on Dr.Bhure Lal expert committee and auto fuel policy are not the relevant on which the applicant can maintain the above application as submitted above in view of the enforcement of BS-VI emission norms. It is submitted that an expert committee can be appointed to study the emission of CNG buses and BS-VI norm buses. Such an exercise will result in demonstration that both the fuels are displaying same emissions. The emissions which are tested by the manufacturer of both the fuels is already produced before this Hon'ble Court along with statement of objections. The assertions that BS-VI buses have serious problems in meeting emission norms is not correct. It is submitted the vehicles are now manufactured of BS-VI compliance and the fuels supplied by oil companies is also BS-VI compliance. Under the circumstances the question of having any problem do not arise at all. So far as the directions of Karnataka State Pollution Board are no longer implementable in view of the order of the Hon'ble High Court of Karnataka in W.P.No.39432/2013. The assertion that the Hon'ble Supreme Court has ordered to use CNG and to have retrofits from 2002 is not a correct statement. Those orders related to Delhi only they do not relate to Bangalore City. The applicant cannot make any grievance about the interim application made by respondent to purchase BS-IV norm buses during the year 2017. The defense raised by the respondent is valid in law. The defense raised by respondent is in consonance with the standards of emission prescribed by Motor Vehicles Act and Air (Pollution) Control Act. The entire contention of the applicant with regard to the use of CNG is no longer feasible in view of various difficulties in using CNG and availability of CNG. It is submitted that there are about 80 lakhs vehicles which are in operation in Bangalore City. There are more than 1 lakh commercial vehicles and private buses which operates in Bangalore City. In comparison to the same only 6,512 buses are operated by BMTC. That BMTC is not a polluter of the air. Out of total quantity of emission which emanated by running of 80 lakhs vehicles the share of emission of BMTC is not even 0.09%.*

21. *With reference to para 7, the applicant has stated the proceedings of this Hon'ble Court which are matter of records. The case is pending for the reasons that the case was transferred to Delhi in views of filing of interim application for the reasons that there was no sitting of this Hon' ble*

Tribunal and the case is retransferred from Delhi to this Hon'ble Court. From March, 2020 in view of covid-19 epidemic these respondents has suffered huge loses. The State Government have made grants to pay salaries to its employees. Apart from that the respondents have also raised loans on their properties to meet the recurring day to day expenses. The statement that the buses should be retrofitted to use CNG is not viable contention. That the BS-IV vehicles which are operated are provided with mechanism of spraying urea at the exhaust point of engine which greatly reduces the gases pollution. The KSRTC is not operating 14336 non BS-IV buses in Bangalore City. The further statement that 9,715 buses are operated in Bangalore City by KSRTC is misleading statement. No trucks are operated by respondents and there are no buses which are operated on lease basis. The respondents will replace all BS-I to BS-III vehicles with BS-VI norms vehicles which is a clean fuel and comparable with CNG the replacement of the BS-I to BS-III norm buses by BS-IV buses have reduced the pollution and this respondent is acting within frame work of law to replace the old vehicles by BS-VI norm vehicles. Infact the applicant himself has stated before this Hon'ble Court that BS-VI norms buses are comparable to CNG buses which is also recorded by this Hon'ble Court in the order dated 12-01-2017. Under the circumstances the various contentions which are advanced by the applicant are all liable to be rejected.

22. With reference to para 8, it appears that the applicant is set-up only to plead and canvas the pleas of fixing retrofits to operate the diesel engine buses with CNG. Such adaptation is dangerous to the public safety. The burning of CNG will increase the heat of atmosphere apart from emitting may micro pollutants which are hazardous to the health. The applicant is responsible in delay in the replacement of old buses with new buses which are of clean fuel. The submissions that large number of children in Bangalore City are suffering from asthma is far from truth. There is no such health condition existing in Bangalore as on today. The applicant is relying upon some reports which are not scientifically correct. The statement that nearly 9 out of 10 children in Bangalore are affected in their lungs is totally a misleading statement. The State Government is collecting taxes on fuel, it is spending larger amount in providing infrastructure like roads and other required infrastructure to reduce the pollution.
23. Under the circumstances the above application may please be dismissed."

35. After considering the submissions made by the parties, this Tribunal had directed the State of Karnataka as well as the BMTC to furnish a concrete action plan which envisaged for the purpose of replacing the old diesel vehicles to new Clean and Green Fuel vehicles with shorter timeline, but they have not come with any concrete policy. Thereafter, this Tribunal had reiterated the responsibility of the State Government to provide clean environment as contemplated under Article 48 A of the Constitution of India and the Right to Life included right to get clean air, as contemplated under Article 21 of the Constitution of India and the State Government cannot shirk their responsibility in implementing these policies. This Tribunal had also directed the State of Karnataka, Transport Department, BMTC, CPCB and SPCB to come with the further report regarding action taken by them to implement the Central Government Policy of Clean and Green Fuel policy in the State of Karnataka, especially in Bangalore city in view of the directions given by the Principal Bench of National Green Tribunal, New Delhi dealing with critically polluted cities in Original Application No.681 of 2018 (PB).

36. Thereafter, the matter was taken up on 03.09.2021, and on that date, after considering the order passed on 16.07.2021 which was extracted in Para (1) of the order, this Tribunal had considered the Joint report on action taken to implement the Central Government Policy of Clean and Green Fuel, Bangalore dated 24.08.2021, submitted by the CPCB, extracted in Para (3) of the order which reads as follows:-

"Joint Report on Action Taken to Implement the Central Government Policy of Clean and Green Fuel in Bengaluru, Karnataka

1.0 Background

In Original Application No. 183 of 2016 (SZ) in the matter of Sh Vinay Shivanand Naik Vs State of Karnataka & Ors. Hon'ble NGT, Southern

Zone, Chennai issued directions to Bengaluru Metropolitan Transport Corporation (BMTC), State of Karnataka to come up with an action plan to implement the clean and green fuel policy. The Hon'ble Tribunal also referred to the earlier order of Vardhaman Kaushik Case before Hon'ble NGT, Principal Bench, Delhi regarding directions to the Delhi Government to change all the old public transport vehicles to curb the pollution on account of use of old motor vehicle in the area.

2.0 NGT Directions

Hon'ble NGT vide order dated 16.07.2021 mentioned that "11. If the Government of Karnataka as well as the Bengaluru Metropolitan Transport Corporation (BMTC) can furnish a concrete action plan, which they envisaged for the purpose of replacing the old diesel vehicles to new green and clean fuel vehicles with shorter time line, then this Tribunal can accept their action plan and pass appropriate orders giving direction to implement the same within the timeline undertaking by them or to be fixed by this Tribunal.

15. The State of Karnataka, Transport Department and also the Bengaluru Metropolitan Transport Corporation (BMTC) are directed to come with an action plan for replacing the old vehicles with new environment friendly vehicles with shorter timeline in the Transport Corporation as well as in the Bangalore City.

16. The Central Pollution Control Board as well as the Karnataka State Pollution Control Board are also directed to come with further reports regarding the action taken by them for implementing the Central Government Policy of clean and green fuel in the State of Karnataka, especially in Bangalore City and also the direction given by the National Green Tribunal, Principal Bench, New Delhi in this regard."

Copy of Hon'ble NGT Order appended as **Annexure I**.

3.0 Action Taken

In compliance to the aforesaid order of Hon'ble NGT dated 16.07.2021, CPCB, RD, Bengaluru conducted a meeting through video conference on 10.08.2021 to discuss the status of implementation of the Hon'ble NGT directions with Bengaluru Metropolitan Transport Corporation (BMTC) and Karnataka State Pollution Control Board (KSPCB). BMTC explained the status of compliance of the Hon'ble NGT directions in the aforesaid order dated 16.07.2021. In the meeting, Karnataka SPCB was requested to arrange for the action plan with timelines for implementation of Central Government Policy of Clean and Green Fuel in Bengaluru, Karnataka.

CPCB, RD, Bengaluru had a meeting to discuss the Action Plan with timelines submitted by BMTC on 17.08.2021 at Parisara Bhawan, Karnataka State Pollution Control Board, Head Quarter, Bengaluru.

4.0 Status of Compliance

Bengaluru Metropolitan Transport Corporation (BMTC) vide letter no. BMTC/CO/ME/404/2020-21 dated 16.08.2021. It has been mentioned in

the report that out of total 6512 buses, 3797 buses are of BSIV make. Whereas, remaining 2715 BS III buses will be replaced with Electrical and BSVI buses by 2024. The timelines for replacing 2715 BSIII buses as given by BMTC are provided below;

S.No	Number of Old Vehicles to be replaced with Electric and BS VI buses	Time line	Remarks
1.	1033 BSIII buses	31.03.2022	All the BS III buses will be replaced by Electric and BS VI make buses only if funds are provided by Government of Karnataka for purchase of new buses and vehicles ply & assured kilometers are achieved.
2.	550 BSIII buses	31.03.2023	
3.	650 BSIII buses	31.03.2024	
4.	482 BSIII buses	31.03.2024	

It was also mentioned that, out of 3797 BS IV buses, 2158 BS IV buses were newly purchased from 2017 onwards. Further, remaining 1639 old BS IV vehicles will be scrapped in phased manner as per the scrapping policy of Government of Karnataka until the draft of the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 are notified.

BMTC has also mentioned about the emission checking procedures for the vehicles followed to keep a check on the emission levels below the permissible limit. Copy of the report provided by BMTC is appended as **Annexure II**.

5.0 Concluding Remarks

The timelines for replacing the BS III vehicles to BS VI vehicles and scrapping of old vehicles provided by BMTC may be considered by the Hon'ble Tribunal. The emission standards for Bharat Stage VI (BS VI) for the vehicles manufactured on or after 1st April 2020 notified by the Ministry of Road Transport and Highways vide G.S.R. 889(E) dated 16th September, 2016 will be in place in Bengaluru, Karnataka with the induction of BS VI vehicles as agreed by BMTC."

37. This Tribunal had also considered the rejoinder to the reply submitted by the applicant dated 19.08.2021, extracted in Para (4) of the order which reads as follows:-

“Rejoinder to the Reply Dated 15.07.2021 filed by the Respondent No.3, adopted by respondents No.2, 5 & 6 to the written submission of the applicant dated 27.05.2021.

The applicant most respectfully states as follows:

1) *At the outset, it is submitted that the contents of the reply dated 15.07.2021 (Respondent No.3's reply) to the written submissions dated 27.05.2021 filed by the applicant (“Written submissions”) are much the same as the Statement of Objections dated 05.01.2021 filed by the respondent no.3. Respondent Nos. 2, 5 and 6 have adopted respondent No.3's reply.*

2) *It is submitted that the respondents at Paragraph No.2, 3, 4, 6, 7, 8, 9, 13, 17 and 20 of the Respondent No.3's reply have baselessly contended that the arrival of BS-VI negates all previous orders and directions, inter alia, issued by this Hon'ble Tribunal and the KSPCB.*

3.) *It is pertinent to note that the orders passed by KSPCB remains in effect and the Respondents are in contempt for not complying with the statutory orders/ directions.*

4.) *It is submitted that neither Dr. Bhure Lal's EPCA report nor the Auto Fuel Policy Expert Committee Report is lessened or negated by the introduction of BS-VI.*

5.) *At Paragraph 4 of Respondent No.3's reply, it is stated that the emission norms prescribed for BS-VI make diesel buses better in all respects when compared to BS-VI CNG buses, however, the Government impaneled expert committees along with notable domestic and international NGOs have disagreed to this inter alia on the ground that the norms prescribed for BS-VI are not maintained once in service.*

6.) *Additionally, a long-recognized Indian NGO in the air pollution field issued a report this year named “Policy Brief 2020-21 BS-VI leapfrog what more to do” explaining the serious issues with BS VI diesels maintaining certified emissions levels. Relevant portions of the report are as follows:*

“Following the Volkswagen emissions fraud that shocked the world in 2015 and also sent ripples in India that led to the National Green Tribunal seeking penal action on the company. More assessment globally has shown how well known brands of diesel vehicles of reputed companies were found to be emitting several times higher NOx in the real world compared to the emissions measured and reported during certification. An assessment of emissions test results by the International Council on Clean Transportation

(ICCT) in Europe found that real-world emissions from as much as 90 per cent of Euro VI vehicles exceeded standards by up to 12 times.

India's leapfrog to BS-VI emissions standards and its nationwide introduction on schedule despite the pandemic disruption is commendable. But global experience has also shown that only introduction of these new standards will not be adequate. They will have to be implemented with stronger regulatory testing of real-world driving emissions to maximize emissions and health gains. If not addressed, this can create serious risks of uncontrolled emissions. India therefore needs to adopt the entire regulatory framework, including advanced testing procedures for monitoring real world emissions, WLTC and WLTP for type-approval of vehicles, in-service conformity and compliance strategies, emission disclosure and independent market surveillance among others. This will encourage industry to optimize the integration of overall engine technology approaches and emissions control systems for best results and improved on-road performance.

This trend is likely to continue to fan new wave of dieselization in India. This has implications for public health. The ICCT study has shown that exhaust from only on-road diesel vehicles is responsible for nearly half of the premature deaths worldwide. And two thirds of this is in India, France, Germany and Italy. Among the 100 major urban centers assessed for deaths related to the transport sector, Delhi ranks sixth. India needs to tame dieselization and ensure very stringent monitoring of real-world emissions and in service compliance."

A copy of this report is produced herewith as "Document No.1".

3.) The Respondents reiterate the same arguments that have been discredited for the last five years. Incorrect claims of better BS VI diesel emissions than CNG, alleged expert references to justify same by ignoring prescribed versus actual emissions levels, incorrect dissertations of BS-III norms in effect for Respondent 2 (KSRTC) and 3 (BMTC) in 2016. Per the Auto Fuel policy, BS-IV took effect in April 2010 for all vehicles registered in Bengaluru which are all the buses of Respondent No. 2 KSRTC and Respondent 3 BMTC, the claim that CNG being dangerous, unavailable and absent of infrastructure is false and contrary to the material on record.

4.) The Auto Fuel Policy Report of the Expert Committee, Government of India, dated May 2014 (petroleum.nic.in/docs/autopol.pdf) considered representation and input from all relevant departments, manufacturers, academia and NGO's. The AFP Report and the reports of Dr. Bhure Lal's EPCA were relied on by the Petitioner on technical issues. The Application Prayer specifically asks for non-engine-modifying retrofits to eliminate two potential retrofit problems; a) No confusion that diesel buses should NOT be retrofitted to CNG. It is submitted that the Diesel engines are compression ignited with no spark plugs, while CNG is a spark ignited engine requiring spark plugs. It is

impossible to retrofit buses from diesel to CNG without engine modifications - thus, non-engine-modifying retrofits to eliminate any CNG retrofit confusion were incorporated into the Prayer; b) No new Type Approval is required on a non engine-modifying retrofit eliminating inordinate delay in implementation. Further, the Respondents have excluded trucks and leased route buses by stating "we have no trucks" and there are "no leased buses". Leased routes are private buses operating on public RTC routes per the terms of a fee based lease license from the State. There are thousands of buses in this category and many government owned diesel trucks within the State's many agencies that all fall under Respondent 1's responsibility.

5.) In Paragraph 14 of the Respondent No.3's reply, it is stated that that the applicant appears to be more interested to help the producers of CNG Retrofits. This is specifically denied by the Applicant. It is submitted that the Applicant does not have any interest whatsoever with regard to the producers of Retrofits and the Application Prayer does not advocate CNG retrofits in any way.

6.) In Paragraph 15 the Respondents state "the committee did not suggest that the retrofits must be fixed to use CNG as fuel in place of diesel". The Applicant agrees and must point out that the preferred action would be orders for the Respondents to scrap their roughly 14,500 non-BS-IV buses (Reference: RTI numbers) and immediately replace them all with CNG, LPG and | or electric buses in a few months and not use retrofits at all. Since that "scrapping action" is not feasible on several levels, and would cause political and economic disruption, the Applicant adopted for its Prayer the recommended and proven "Retrofit, Refuel and Replace" formula used worldwide for reducing air pollution from diesel vehicles during a bridge or transition to new standards and emissions norms. By using non-engine-modifying retrofits as a bridge from diesel vehicles to new non-liquid, clean fuel vehicles, the public is not punished with disruption of service from scrapping orders and air pollution is meaningfully reduced during the long replacement cycle. A relevant portion of the Auto Fuel Policy Report of the Expert Committee on page xvii states as follows:

"Once an area is switched over entirely to BS IV fuel, the existing stock of commercial vehicles, especially heavy duty diesel units, should be directed to compulsorily get after-treatment devices... retro-fitted within two years, failing which their licence should not be renewed. The point has repeatedly been made in the course of the deliberations of the Committee that the vexed issue of pollutant stress on air quality and health cannot be addressed solely through improving fuel quality and emission norms."

7.) It is submitted that the most urban bus fleets worldwide use CNG, LPG and electric buses due to concern over diesel emissions, including Euro 6 diesels. CNG has a long history of safety and maintaining their in-use emissions levels over time The Environmental Pollution Control Authority

(EPCA) is a Central Government constituted expert committee, chaired by Dr. Bhure Lal, formed in compliance with the Hon'ble Supreme Court's order dated January 07, 1998 in WP 13029/1985. The Ministry of Environment, Forests and Climate Change in 2016 re-constituted the EPCA, once again chaired by Dr. Bhure Lal, in compliance with the Hon'ble Supreme Court's order dated April 30, 2016. The reformation of this committee in 2016 and its findings in 2017 are current and not subject to the false and unfounded accusations of the Respondent that the Petition's data are outdated and irrelevant. The relevant portions of the Dr. Bhure Lal Committee Report dated February 01, 2017 are extracted hereinbelow. Copy of the report dated February 01, 2017 available at [http://www.epca.org.in/EPCA Reports 1999 1917/Reportno.65.pdf](http://www.epca.org.in/EPCA%20Reports%201999%201917/Reportno.65.pdf)):

"4. Health impact of air pollution: Delhi is paying a very high price for its polluted air. Several global and national studies have already proven severe health risks from air pollution; a number of studies are also available in Delhi to provide local evidence.

"... This is not just Delhi's problem. As per the Global Burden of Disease (GBD) report released in 2013, air pollution is the fifth largest killer in India. The World Health Organization (WHO) has classified air pollution, including diesel emissions, as a Class 1 carcinogen, which is based on detailed and comprehensive evidence from global studies. Automobile companies contest this data, saying that this study, which confirms diesel particulates as carcinogen is based on older vehicle and emission technology. However, this is not the case as the study establishes the carcinogenicity of diesel based on detailed global technologies and evidence. Also, as global evidence shows, modern diesel vehicles, Euro 6 have serious problems in meeting emission norms on roads".

"c. Adopting a regional approach for common air-shed: Over time, science has made it clear that local pollution cannot be solved without addressing the larger regional pollution."

A study by the Health Effects Institute, published recently in *Environmental Health Perspectives*, has found that particles from coal and diesel are more harmful than windblown dust, as they can lead to an increase in ischemic heart disease-related deaths. This suggests that we must prioritise the more harmful particulates for action". "The study has observed that vehicles are the most consistent and dominant source of pollution... To get the average levels down, therefore, the focus must remain on consistent sources such as vehicles".

"Transition to CNG... Dis-incentivize diesel because of toxicity and higher emissions... Make PUC stringent for in-use vehicles".

"Augmenting public transport, last-mile connectivity and car restraint... improvement in bus numbers and service".

8.) From the foregoing submissions, it is apparent that the claims and objections of the Respondents are baseless. The Respondents refuse to use CNG buses, yet the Karnataka Transport Ministry and KSPCB urges the public to convert their vehicles to CNG to reduce air pollution. That is precisely why the Hon'ble Supreme Court has held that "to begin with Government vehicles and public undertaking vehicles including public transport vehicles". It is submitted that it is the duty of the State to lead by example. The Auto Fuel Policy and The Motor Vehicle Act establish the place of registration as the basis for emissions norms enforcement, i.e. both KSRTC and BMTC registers their buses in Bengaluru, therefore they both fall under the major metro standards that took effect in April 2010.

9.) Although all the buses of Respondent No.2 are registered in Bengaluru, Respondent 2 (KSRTC) claims exemption from BS IV requirement. Respondent No.2' largest terminal is in central Bengaluru and there are a dozen more terminals / stands / pick up points within the Bengaluru. It is humbly submitted that since KSRTC buses are registered in Bengaluru, and therefore fall under major metro standards per the Motor Vehicle Act, they cannot be exempted from the major metro standards.

10.) In Paragraph 18 of the Respondents reply, the Respondents claim res judicata regarding this Application based upon orders of the Hon'ble High Court of Karnataka in the Suo Moto WP No. 39432 / 2013. They state, "It is submitted that directions issued by Karnataka Pollution Control Board (respondent No.4) was the subject matter of consideration by the Hon'ble High Court of Karnataka in W.P.No.39432/2013. The said writ petition is disposed off by Division Bench of Hon'ble High Court of Karnataka by order dated 01-07- 2015. Under the circumstances the applicant cannot think of projecting the orders of the Pollution Control Board in the present application." In Paragraph 10 of their Objections of January 2017, the Respondents refer to that High Court Order; "and after hearing the parties, the said writ petition was disposed of by issuing directions to comply with the directions of the Pollution Control Board..." In Paragraph 44 of the same Objections; "The directions issued by the Hon'ble High Court of Karnataka are to be carried out by the State Government and its agencies". The Respondents, be it the road transport corporations or the State Government or any of its agencies or instrumentalities, must comply with Respondent No. 4's (KSPCB) statutory directives. In KSPCB's Reply to this Application, the above referenced directions were provided. They contain: Page 5 and 18; "To direct BMTC & KSRTC to convert to green fuel like CNG and draw a road map for implementation." Page 11; "The Managing Directors of BMTC and KSRTC were requested vide this office Letter No. CT/ENF 3/PR-582/13-14 dt.2-9-2014 to use CNG fuel after the regular supply of the same to the Bangalore City." (Emphasis Supplied). It is humbly submitted that the availability of CNG has been a non-issue since a

dedicated gas pipeline has been built from Dabhol to Bengaluru and this is confirmed in great detail in the Counter Affidavit dated April 11, 2017 of Respondent No. 11, GAIL Gas Limited. In fact, pursuant to the same suo moto public interest litigation initiated by the High Court of Karnataka, BMTC submitted to the Hon'ble High Court that "phased conversion of diesel-powered public transport vehicles to CNG vehicles is taken up seriously" ... "and it shall consider all the aspects of the matter of replacement of the entire fleet of buses in a phased manner and shall make an action plan with the timelines for the phased conversion". KSPCB has not withdrawn or rescinded its statutory directives; the Hon'ble High Court of Karnataka has not rescinded its order to follow the directions of KSPCB; Six years later, none of the Respondent's promises have been realized nor has there been any compliance with the KSPCB statutory Order.

11.) In Paragraphs 10 & 11 of the Respondents reply, the Respondent No.3 indicate numbers that do not add up. The RTI dated 27.05.2019 response received from BMTC stated that BMTC had 2,535 BS-III buses. However, in paragraph 11, BMTC lists 2,813 BS-III diesel buses. Additionally, in the same paragraph, the Respondents state no BS-I, BS-II or BS-III buses have been purchased since April 2010. The BS-III count grew by 278 buses in 2 years and that does not count any BS-III buses being scrapped as they claim.

12.) In Paragraph 5 of Respondents reply, (BMTC) states that this Hon'ble Tribunal vide order dated 12.01.2017 permitted BMTC to purchase diesel vehicles of BS-IV make. This submission materially misrepresents the Order dated 12.01.2017 passed by this Hon'ble Tribunal while making an attempt to justify buying over twice the BS-IV buses contrary to this Hon'ble Tribunal's Order. The Order dated 12.01.2017 only permitted purchase of BS-IV buses to Karnataka State Road Transport Corporation subsidiaries for use outside of Bengaluru. BMTC was allowed to purchase 1,000 buses because of their undocumented claims that grant funds were expiring and would be permanently lost and it was an emergency. It is pertinent to note that no tenders for like equipped CNG buses or any CNG buses whatsoever were presented to show why BS-IV buses should be allowed instead of CNG. The Order specifically stated "It is made clear that the permission granted shall not be taken a ground to contend later that they need not switch over to CNG buses" which is the question to be decided in the main application. Similarly, before purchasing any additional buses, in addition to the BS IV norm buses now permitted, "BMTC shall take the Tribunal into confidence and satisfy why the CNG vehicles are not being chosen." The Respondents fails to offer any reasonable explanation as to why CNG vehicles are not being chosen. BMTC rejected the Gail Gas offer to make up the difference, if any, in pricing between CNG and diesel. Yet, without permission or consultation, BMTC has purchased BS-IV buses and BS-VI buses. The applicant humbly submits that Respondent 3, BMTC, is in

contempt regarding this Hon'ble Tribunal's Orders and both Respondent 2 and Respondent 3 are in contempt of the KSPCB statutory orders. Thus, this Hon'ble Tribunal may be pleased proceed to pass appropriate directions against the said respondents."

38. This Tribunal had also considered the affidavit submitted by the Additional Commissioner for Transport (E&EG), State of Karnataka dated 25.08.2021, e-filed on 01.09.2021, extracted in Para (5) of the order which reads as follows:-

"AFFIDAVIT सत्यमेव जयते

I, J. Purushotham S/o K.N.Junjappa aged 49 years presently working as Additional commissioner for Transport (E & EG), do hereby solemnly affirm and swear on oath as follows:

1). I have been authorized by the State Government to file this affidavit on behalf of the State. I know the facts of this case being the Addl. Commissioner for Transport (Environment & e-governance) for the Transport Department. Hence, I am filing this affidavit on behalf of the State.

2). I submit that the State Government has introduced various policies to promote and for implementation of Green Fuel to reduce the air pollution in Bangalore city and in the entire State by encouraging usage of Electric Vehicles by providing concession phase-wise.

3). Government of Karnataka issued notification dated 31.03.2016 in exercise of powers conferred by Sub-Section (1) of Section 16 of the Karnataka Motor Vehicle Taxation Act, 1957 (Karnataka Act 35 of 1957). In the said notification the Government exempts from payment of taxes on all electric vehicles i.e., Transport and non-Transport Vehicles including e-rickshaws and e-carts etc., with effect from 01.04.2016 in the entire state of Karnataka. The copy of the said Notification dated 31.03.2016 is produced herewith and marked as Annexure-R1.

4). Government of Karnataka announced Karnataka Electric Vehicle and Energy Storage Policy 2017, by providing special tariff and commercially viable rates for installation of Electric Vehicles Charging Stations by excluding duty/tax on electricity tariff for initial period of 5 years from the date of installation and also by providing incentives and concessions to encourage the usage of electric vehicles in the State. The copy of the said Policy is produced herewith and marked as Annexure R2.

5). Further, in the year 2018-19, the State Transport Department entered into an agreement with Bangalore Electricity Supply Company

Limited (for short 'BESCOM') by executing Memorandum of Understanding ('MOU' for short and released Rs. 4.00 crores for installation of 100 AC charging Units and 26 DC Charging Units within Bangalore Metropolitan City. The copies of the G.Os dated 31.08.2018 and 22.02.2019 issued by the Government in connection with the aforesaid matter are produced herewith and marked as Annexures- R3 & R4 respectively.

6). I submit that the State Government issued Circular dated 14.02.2019, by imposing conditions for the purpose of issuance of permits/renewal of permits only if the transport motor vehicles are within 15 years from the date of registration and further such of those permit holders whose transport motor vehicle is 15 years were permitted to replace such old vehicles with the later model vehicles. But, the said circular has been set aside by the Hon'ble High Court of Karnataka by order dated 20.08.2019 passed in W. P. No. 21991/2019(MV) and connected matters on the ground that the State Government is not empowered to issue such circular by imposing condition and also permitted the State Government to frame appropriate rules by invoking sub-section (2) of Section 72 of the Motor Vehicles Act 1988. The copy of the order dated 20.08.2019 is produced herewith and marked as Annexure-R5.

7). I submit that the State Government has made budget provision of Rupees 100 crores to the Bangalore Metropolitan Transport Corporation ('BMTC' for short) for the year 2021-22, as a subsidy combined with the demand incentive to be provided by Government of India, Department of Heavy Industries, for operation of electric buses, under FAME-II Scheme, with an object to reduce the air pollution in Bangalore Metropolitan City,

8). I submit that the State Government introduced Electric Bike Taxi Scheme-2021 to implement clean and green fuel policy in the Bangalore Metropolitan City with an object of reducing the air pollution in the city and promoting environmental friendly solutions. The copy of the Electric Bike Taxi Scheme-2021 is produced herewith and marked as Annexure-R6.

9). I submit that the Central Government has issued Draft Notification dated 12.03.2021 for amending the Central Motor Vehicle Rules, 1989 ('CMV' Rules for short) by inserting Rule 52-A non-renewal of certificates of registration of Government Vehicles owned by the authorities hereunder mentioned after the lapse of 15 years from the date of registration:

- a) Central Government and its Departments
- b) State/Union Territory Government and their Departments.
- c) Local Government Institutions namely, Municipal Corporations or Municipalities or Panchayaths.

d) *State Transport Undertakings established under RTC Act, 1950 and Companies Act 1913.*

e) *Public Sector Undertakings.*

f) *Autonomous Bodies with Central and State Government.*

After finalization of the aforesaid Notification, necessary action will be taken to replace the old vehicles by new vehicles to reduce the emission level. The copy of the draft notification is produced herewith and marked as Annexure-R7.

10). *I submit that the Central Government has issued the Draft Notification dated 15.03.2021 for introducing the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021. After finalization of the Notification necessary action will be taken to implement the same. The said notification is produced herewith and marked as Annexure-R8. In pursuance of the same, the Government has allocated the budget for the year 2021-22 that the "State government will take action to establish and manage Authorized Vehicle Scrapping Facility" in tune with the draft guidelines issued by the Central Government*

11). *Further it is submitted that in addition to the above schemes implemented by the State Government to reduce the air pollution in Bangalore city and entire Karnataka State. The Bangalore Metropolitan Transport Corporation Respondent No.3 is also filing Affidavit in compliance with the order of the Hon'ble Tribunal dated 16.07.2021 by submitting the action plan for replacing the old vehicles with new environmental friendly vehicles at Bangalore city may kindly be taken into consideration and dispose the application. The copy of the affidavit filed by the BMTC is also produced herewith and marked as Annexure-R9.*

I, the deponent do hereby verify and declare that the contents of Paras 1 to 11 are true and correct, Annexures R1 to R9 are true copies of the originals to the best of my knowledge, information and belief."

39. The applicant also filed their written submissions more or less reiterating the allegations made in the application and also the documents produced by him in this regard.

40. Heard the learned Senior Counsel appearing for the applicant and learned counsels appearing for respondents.

41. The learned Senior Counsel appearing for the applicant vehemently argued that in spite of the directions issued by this Tribunal and also by the Hon'ble High Court of Karnataka in the Writ Petition mentioned above and also the direction of the Hon'ble Apex Court in *M.C. Mehta's* case, the State of Karnataka has not implemented the Clean and Green Fuel Policy in the State in its letter and spirit and the pollution level is going up and the vehicular pollution is one of the major sources for pollution in Bangalore city. The learned Senior Counsel had reiterated the suggestions given by them and also the various reports relied on by them and produced by them in support of their case and he wanted this Tribunal to issue appropriate proper directions to make the Bangalore City free from air pollution.

42. On the other hand, the learned counsel appearing for the State of Karnataka and the learned counsel appearing for the BMTC argued that the State of Karnataka and the Transport Corporation are committed to implement the policies of the Central Government and they have taken lot of action to phase out the old diesel vehicles to new generation vehicles i.e. Clean and Green Fuel Vehicles and they also submitted that CNG is not the only method by which the pollution can be curtailed and some of the studies conducted by various scientific organizations shows that BS-VI vehicles are more environment friendly than CNG vehicles and they are taking steps to phase out the old vehicles with new BS-VI vehicles and also electrical vehicles.

43. The learned counsel appearing for the MoEF&CC and CPCB submitted respectively that they are issuing necessary notifications for curtailing the air pollution that is being faced at national level and that is being

monitored by the CPCB and SPCBs. In tune with the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.681 of 2018 (PB) and also by the Hon'ble Apex Court, several policy decisions have been taken by the Central Government and it is being implemented by the respective Machineries under the Central Government including the MoEF&CC and CPCB by issuing necessary notifications and directions as required under the Air (Prevention and Control of Pollution) Act, 1981.

44. The learned counsel appearing for the SPCB submitted that they are closely monitoring the serious issue of pollution and necessary directions have already been issued to the respective departments including the Transport Department to phase out the old vehicles with new Clean and Green Fuel vehicles and also by implementing the various Waste Management Rules, which are also the sources contributing air pollution and in case of violations, necessary actions are also being taken by them by issuing directions under Section 31 A of the Air (Prevention and Control of Pollution) Act, 1981. They will strictly implement the rules and directions issued by the MoEF&CC and CPCB and the directions of the National Green Tribunal as well as the Hon'ble Apex Court and Hon'ble High Court of Karnataka in this regard. They are closely monitoring the implementation of these schemes and necessary action will be taken, if it is not properly implemented.

45. The learned counsel appearing for Respondents No.7 & 11 submitted that they are committed to provide necessary infrastructure for supplying CNG for this purpose, as it is the policy of the Ministry of Petroleum and

Natural Gas and they are prepared to provide all necessary support for this purpose. They have provided necessary infrastructure for supplying CNG in the State of Karnataka and also they are providing necessary CNG Fuel filling stations at appropriate places to make available the fuel without any difficulty and they will abide by any conditions imposed by this Tribunal.

46. We have considered the submissions made by the counsel for parties, pleadings and also perused the documents available on record.

47. The point that arises for consideration is “on the basis of the substantial question of environment raised in respect of increase in pollution due to vehicular emission, what is the nature of direction that can be given by this Tribunal to the State of Karnataka to implement the same”.

POINT:-

48. The grievance of the applicant in this application was that on account of user of old diesel vehicles by the BMTC and other Government Transport vehicles, large scale pollution is being caused and in respect of the same, a Writ Petition was filed before the Hon’ble High Court of Karnataka and directions were issued to the State of Karnataka to introduce CNG vehicles to curb pollution and in spite of that, no action was taken. So, the applicant filed this application seeking certain reliefs for giving directions to implement Clean and Green Fuel Policy.

49. It was not disputed by the official respondents regarding their responsibility of implementing the Clean and Green Fuel Policy, but the only difference of opinion is regarding the nature of fuel that will have to be used and whether it should be CNG or any other fuel.

50. It is also not in dispute that the Hon'ble Apex Court in **M.C. Mehta Vs. Union of India & Ors.** several decisions in the same case, dealing with air pollution, issued several directions and most of the directions were taken into consideration the serious air pollution issue faced in Union Territory of Delhi and its neighbouring States and several directions were issued by the Hon'ble Apex Court in this regard.

51. It is also not in dispute that taking into consideration the serious nature of the impact of air pollution on human health, the Central Government also launched a Clean and Green Fuel Policy and amended the Central Motor Vehicles Act and Rules by giving direction to phase out the old BS-I to BS-IV vehicles and change over to BS-VI and specifically mentioned that from 01.04.2020, only BS-IV vehicles can be registered and permitted to ply.

52. Further, it is also not in dispute that the MoEF&CC also issued certain notifications and launched certain programmes to implement the policy under the National Clean Air Programme and on that basis, several directions have been issued by the MoEF&CC as well as the CPCB in respect of establishing Continuous Ambient Air Quality Monitoring Stations throughout the country and also directed to evolve an action plan for meeting the situation and on that basis, several steps have been taken and that is being monitored by the CPCB as well.

53. In all the decisions relied on by the applicant, including the decision of the Hon'ble Apex Court in *M.C. Mehta's* case, it was noted that the air pollution was not caused on account of vehicular emission alone, but it is one of the sources of air pollution which will have to be dealt with by the respective State Governments including the State of Karnataka by implementing the Clean and Green Fuel Policy to reduce pollution caused on account of vehicular emission.

54. It is also brought out in several newspaper reports and the study conducted at global level that air pollution is increasing alarmingly and the recent report of the studies so conducted shows that out of the 100 cities identified by the organization which conducted the study has critically polluted areas, 59 such areas are falling in India. So, it cannot be said that India is free from the disaster that is likely to be faced on account of air pollution and it was also mentioned in those reports that large scale mortality is also happening on account of air pollution which goes unattended. It is also noted in those reports that large scale diseases connected to lungs are also increasing, even among children of tender age and also results in carcinogenic diseases as well, as some of the pollutants in the air are carcinogenic in nature.

55. The Principal Bench of National Green Tribunal, New Delhi had taken cognizance of air pollution in a *Suo Motu* case viz., **O.A. No.681 of 2018 (PB) (In Re news item published in The Times of India, Authored by Sri Vishwa Mohan titled "NCAP with multiple timelines to clean air in 102 cities to be released around August - 15")** and in that case, the Principal Bench of National Green Tribunal had directed a constitution of eight member Task Force Committee to be headed and co-ordinated by

the Secretary of MoEF&CC with nominees not below the rank of Joint Secretaries of Ministries from Housing and Urban Development, Road Transport and Petroleum, Power, Agriculture and Health and Chairman, CPCB with a view to monitor remedial steps to improve the status of air quality in NAC consistent with the action plans already prepared and approved by the Expert Committee and directions of this Tribunal referred to above including the last order dated 28.08.2020 and also to monitor complaints of noise level norms, NTF may also be monitored, enforcement of laid down air quality standards beyond NAC in other identified air pollution areas where the air quality is poor and above.

56. The Principal Bench has given various directions in the case mentioned above which includes the pollution level in Bangalore, as it was one of the identified critically polluted cities and on the basis of the directions issued by the Principal Bench, the CPCB had directed the State Governments, including the State of Karnataka to evolve action plans to curb air pollution and make the respective States pollution free, especially the critically polluted areas in compliance of the directions of the National Green Tribunal, Principal Bench, New Delhi and each State had submitted their action plans regarding the source of pollution and nature of action plan which they evolved for the purpose of curtailing pollution in the respective States which includes air pollution caused on account of vehicular emission as well and on the basis of the directions issued by the CPCB, the State of Karnataka also submitted an action plan which was reviewed by the CPCB and certain modifications have been made and directed to implement the action plan with certain time lines and that is being monitored by them.

57. It is also seen from the various reports submitted by the State of Karnataka and also the BMTC that various steps have been taken by them for implementing the Green and Clean Fuel Policy and they are taking steps to convert the old vehicles to electrical vehicles and steps are being taken for phasing out the old vehicles with electrical vehicles. They have also mentioned that the CNG is not the only method by which pollution can be curtailed and various reports relied on by them showed that the CNG was also causing some ill effects, but we are not going into those aspects, as the policy of the Government and various directions issued by the Hon'ble Apex Court includes replacement of diesel vehicles with Clean and Green Fuel vehicles, which includes CNG and Biogas and Electrical vehicles. It is for the Government to evolve a policy as to how they are going to implement the same and what is the alternate clean fuel policy that they are going to adopt, as it involves financial implications and higher level policy decisions. Further, the Tribunal cannot go into the question as to what is the nature of policy to be evolved and how that will have to be implemented, but the Tribunal can only direct the Government to evolve an effective policy in respect of change over of old vehicles with Clean and Green Fuel policy and the same will have to be implemented at the earliest possible time, as postponement of such implementation will result in great hardship to the people by way of causing health problem due to accelerated possibility of air pollution being increased.

58. The Special Bench while disposing the similar issue which was in respect of State of Tamil Nadu also in **O.A. No.422 of 2013 (L.G. Sahadevan Vs. Union of India & Ors.)** after relying on the various directions issued by

the Principal Bench of National Green Tribunal in O.A. No.681 of 2018 referred to above, directed the State Government to evolve and update the policy and other associated activities to remedy the air quality degradation may also include policy with regard to use of Clean Fuel, regulatory measures in the light of source apportionment and carrying capacity and controlling the dust. There is also a need for effective monitoring at the District Level and State Level by the Steering Committee as well as the Air Quality Monitoring Committee on regular basis subject to overall progress being monitored at National Level under the National Clear Air Programme.

59. The Principal Bench in that case had reproduced certain aspects in Para (4) of the order which reads as follows:-

"4. We find no justification for such neglect of an important issue of air pollution in Chennai which required emergency measures in the interest of public health of the citizens. New Government has been in office for more than six months. Different steps on the subject taken by Central and many State Governments and orders of the Hon'ble Supreme Court are in public domain.

5. This Tribunal has dealt with the issue of air pollution in the context of adequacy of clean air programme of the Central Government for 124 cities³ 'non-attainment cities', where air quality exceeds standards, based on the data compiled by the CPCB. The Tribunal directed constitution of Air Quality Monitoring Committees (AQMCs) in all the States, including the State of Tamil Nadu, to prepare action plans to remedy the situation. The AQMC for Tamilnadu can be consulted for action plan for Chennai city and its agglomeration area. For ready reference, final directions in the said order are reproduced below:

"60. xxxxxx.....xxx

- i. We direct constitution of an eight-member National Task Force (NTF) to be headed and coordinated by the Secretary MoEF&CC with nominees (not below the rank of Joint Secretaries) of Ministries from Housing and Urban Development, Road Transport, Petroleum, Power, Agriculture, Health and Chairman, CPCB with a view to monitor remedial steps to improve the status of air quality in NACs consistent with the action plans already prepared and approved by the Expert Committee and directions of this Tribunal, referred to above, including the last order dated 21.08.2020 and also to monitor compliance of noise control norms. NTF may also monitor enforcement of laid down air quality standards beyond NACs in*

³Order dated 08.04.2021 in OA No. 681/2018, In re: News item published in "The Times of India" Authored by ShriVishwa Mohan Titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15

other identified air polluted areas where air quality is poor and above.

- ii. *The NTF may hold its first meeting within one month and thereafter evolve mechanism for monitoring by quarterly meetings with Chief Secretaries of concerned States/UTs. The NTF may coordinate and work in tandem with the Committees already constituted under NCAP at National and State levels.*
- iii. *Monitoring by NTF may be with reference to the action plans of 124 NACs. The components include installation of monitoring stations, completion of CC and SA studies, shifting, prohibiting and regulating activities beyond carrying capacity (such as shifting to cleaner fuel and declaring regulated/no vehicle zones so as to ensure that the air quality does not go beyond „poor“ for protection of health of the citizens), effectiveness of PGRPs, timelines for execution of the action plans and recovery of compensation for delay, addressing gap in control of noise pollution, afforestation drives utilizing CAMPA funds, effective implementation of ERS, revamping of PCBs/PCCs and other monitoring mechanism, remediation of legacy waste sites and effective steps for management of other waste, including biomedical, plastic and e-waste, dust control, public awareness and community involvement programmes and setting up of data grids on all levels. NTF may also evolve and oversee parameters for interse ranking of success of remedial action for 124 NACs and other air polluted areas where air quality is poor and above. Further, accountability for failures and incentives for success also needs to be monitored. NTF is free to take up any other incidental issues.*
- iv. *Consistent with Digital India initiatives, MoEF&CC/ CPCB may consider setting up and periodically updating National Environment Data Grid (NEDG) linked to the State Environment Data Grids (SEDGs) and District Environment Data Grids (DEDGs) and further linked to available portals like online air quality, Sameer and other monitoring stations to facilitate analysis, research and planning on the subject. It may be further interlinked to National Air Quality Monitoring Programme (NAMP). Based on above data, the MoEF&CC may lay down guidelines for classifying cities/districts in terms of air quality in different categories such as „red“, „orange“ and „green“. On that basis, a National Air Quality Atlas may be compiled and published on the websites of MoEF&CC, CPCB and State PCBs/PCCs annually.*
- v. *The Chief Secretaries of all States/UTs may continue to monitor progress in execution of action plans at State level with the assistance of monitoring cells in their offices and the AQMCs. The State level monitoring must include action at the ground as per directions to be implemented by the District Magistrates or other concerned departments. The monitoring may include all associated issues, including road dust control by appropriate sprinkling of water (utilizing treated water, instead of potable water), planting herbs and shrubs, and all sources of pollution, including fire crackers. The issue of noise pollution also needs to be addressed, as earlier directed.”*

6. We may also refer to order of the Hon'ble Supreme Court dated 29.10.2018 in W.P.(C) No. 13029/1985, M.C. Mehta v. Union of India & Ors. which is as follows:

“Report No.92

Learned amicus curiae has placed before us some submissions on urgent actions to control air pollution in NCR.

We have gone through the suggestions that have been given and are of the opinion that the three suggestions are eminently reasonable and must be implemented with immediate effect.

These suggestions, which are now the directions of this Court, are as follows:

1. *The Transport Departments of NCR will immediately announce that all the diesel vehicles more than 10 years" old and petrol vehicles more than 15 years" old shall not ply in NCR in terms of the order of the National Green Tribunal dated 07.04.2015. The order of the National Green Tribunal was challenged in this Court and the Civil Appeal was dismissed. Vehicles violating the order will be impounded. The list of such vehicles should be published on the websites of the Central Pollution Control Board (CPCB) and the Transport Departments of NCR. Similarly, a meaningful advertisement should be published in a local newspaper for the convenience of the owners of the vehicles.*
2. *CPCB will immediately create a social media account on which the citizens may lodge their complaint directly to be acted upon by the Task Force responsible for implementation of Graded Response Action Plan.*
3. *EPCA is permitted to take pre-emptive steps under the Graded Response Action Plan without strict adherence to pollution stages delineated in the plan*

The last direction is being issued in view of the more or less critical situation in NCR, particularly in Delhi with regard to air pollution.

We have been shown a Note prepared by the Chairman of EPCA on 28th October, 2018.

The photographs attached to the Note indicate a fairly terrible state of affairs with regard to pollution in various parts of Delhi. It is for this reason, we are compelled to pass the above orders in the first instance

With regard to the Note submitted by the Chairman, EPCA on visits to hot spots of NCR to ascertain ground level enforcement of directions issued and actions taken, the Delhi Government as well as the Delhi State Industrial and Infrastructure Development Corporation Ltd. should file an affidavit within two days."

7. Data of air quality and laid down air quality norms are well known. There is no dearth of expertise for handling the subject in the State administration. What is required is taking an informed responsible decision in the larger interest of public health and enforcing the laid down air quality standards.

8. Accordingly, we direct the Principal Secretary, Transport, Government of Tamil Nadu, in coordination with other concerned authorities, to positively prepare the necessary action plan at the earliest, if not already done and file the same before the Tribunal before the next date."

60. The statement submitted by the CPCB also reveals that already they have launched certain programmes which the State Governments are expected to implement which is being monitored by them.

61. So under such circumstances, we feel that the matter can be disposed of by giving the following directions:-

- a. The State of Karnataka is directed to strictly implement the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.681 of 2018 (PB)⁴.
- b. The State of Karnataka is also directed to implement the directions issued by the Central Pollution Control Board (CPCB) under the National Clean Air Programme and implement the action plan approved by the CPCB in the light of the directions issued by the Principal Bench in O.A. No.681 of 2018 (PB) as referred to above, strictly in compliance with the timelines provided in that action plan and the timeline provided by the CPCB.
- c. The State of Karnataka is also directed to form a monitoring committee under the leadership of **(i)** the Additional Chief Secretary to Government, Forests, Environment and Ecology Department, **(ii)** the Principal Secretary to Government, Department of Transport, **(iii)** the Additional Chief Secretary to Government, Department of Finance, **(iv)** a Senior Officer from the Integrated Regional Office, Central Pollution Control Board (CPCB) at Bangalore and **(v)** the Chairman - State Pollution Control Board (SPCB), Karnataka to review the action plan prepared for the implementation of the National Clean Air Programme and implementation of Clean and Green Fuel Policy in the State of Karnataka and implementation of the action plan (if any) already prepared by them pursuant to the

⁴ (A news item published in The Times of India, Authored by Sri Vishwa Mohan titled "NCAP with multiple timelines to clean air in 102 cities to be released around August - 15")

directions given by the CPCB in compliance with the directions of the Principal Bench of National Green Tribunal, New Delhi in O.A. No.681 of 2018 (PB) and if there is any gap found, they are directed to evolve modified action plans to fill up the gap and fulfill the obligation of providing clean air in the State of Karnataka, including the critically polluted cities in the State of Karnataka which includes Bangalore as well.

- d. Meeting of the Committee mentioned above has to be reviewed by the Chief Secretary to Government, State of Karnataka periodically atleast once in three months and give necessary directions and support (both financial and technical) to implement the action plan so evolved to achieve the goal, that too with shorter timelines.
- e. The Chief Secretary to Government, State of Karnataka is also directed to form District Level Committees to implement these programs in the respective districts as well to accomplish the goal of making the State of Karnataka, a pollution free State in compliance with the constitutional mandate of protecting environment under Article 48 A of the Constitution of India and providing a clean environment, including clean air as part of Right to Life as enshrined under Article 21 of the Constitution of India.
- f. The Central Pollution Control Board (CPCB) is directed to monitor the implementation of the directions issued under the National Clean Air Programme and the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.681 of 2018 (PB) and the directions issued by this Bench, consequential to the orders passed by the Principal Bench in respect of this case and submit periodical reports to this Tribunal regarding the progress

and improvement in the air quality and further recommendations (if any) to be made for achieving the goal of National Clean Air Programme and implementation of National Clean and Green Fuel Policy to this Tribunal **once in 4 (Four) Months** till the goal is achieved in its entirety.

62. In the result, the Original Application is allowed in part and disposed of with the following directions:-

(i) The State of Karnataka is directed to strictly implement the directions issued by the Principal Bench of National Green Tribunal, New Delhi in **Original Application No.681 of 2018 (PB)**⁵.

(ii) The State of Karnataka is also directed to implement the directions issued by the Central Pollution Control Board (CPCB) under the National Clean Air Programme and implement the action plan approved by the CPCB in the light of the directions issued by the Principal Bench in O.A. No.681 of 2018 (PB) as referred to above, strictly in compliance with the timelines provided in that action plan and the timeline provided by the CPCB.

(iii) The State of Karnataka is also directed to form a monitoring committee under the leadership of (i) the Additional Chief Secretary to Government, Forests,

⁵ (A news item published in *The Times of India*, Authored by Sri Vishwa Mohan titled "NCAP with multiple timelines to clean air in 102 cities to be released around August - 15")

Environment and Ecology Department, **(ii)** the Principal Secretary to Government, Department of Transport, **(iii)** the Additional Chief Secretary to Government, Department of Finance, **(iv)** a Senior Officer from the Integrated Regional Office, Central Pollution Control Board (CPCB) at Bangalore and **(v)** the Chairman - State Pollution Control Board (SPCB), Karnataka to review the action plan prepared for the implementation of the National Clean Air Programme and implementation of Clean and Green Fuel Policy in the State of Karnataka and implementation of the action plan (if any) already prepared by them pursuant to the directions given by the CPCB in compliance with the directions of the Principal Bench of National Green Tribunal, New Delhi in O.A. No.681 of 2018 (PB) and if there is any gap found, they are directed to evolve modified action plans to fill up the gap and fulfill the obligation of providing clean air in the State of Karnataka, including the critically polluted cities in the State of Karnataka which includes Bangalore as well.

(iv) Meeting of the Committee mentioned above has to be reviewed by the Chief Secretary to Government, State of Karnataka periodically atleast once in three months and give necessary directions and support (both financial and technical) to implement the action plan so evolved to achieve the goal, that too with shorter timelines.

(v) The Chief Secretary to Government, State of Karnataka is also directed to form District Level Committees to implement these programs in the respective districts as well to accomplish the goal of making the State of Karnataka, a pollution free State in compliance with the constitutional mandate of protecting environment under Article 48 A of the Constitution of India and providing a clean environment, including clean air as part of Right to Life as enshrined under Article 21 of the Constitution of India.

(vi) The Central Pollution Control Board (CPCB) is directed to monitor the implementation of the directions issued under the National Clean Air Programme and the directions issued by the Principal Bench of National Green Tribunal, New Delhi in O.A. No.681 of 2018 (PB) and the directions issued by this Bench, consequential to the orders passed by the Principal Bench in respect of this case and submit periodical reports to this Tribunal regarding the progress and improvement in the air quality and further recommendations (if any) to be made for achieving the goal of National Clean Air Programme and implementation of National Clean and Green Fuel Policy to this Tribunal **once in 4 (Four) Months** till the goal is achieved in its entirety.

(vii) Considering the circumstances, parties are directed to bear their respective cost in the application.

(viii) The Registry is directed to communicate this order to the Chairman - Karnataka State Pollution Control Board, Integrated Regional Office, Central Pollution Control Board (CPCB) at Bangalore, the Principal Secretary to Government, Department of Transport, the Additional Chief Secretary to Government, Forests, Environment and Ecology Department, the Additional Chief Secretary to Government, Department of Finance, and the Chief Secretary to Government, State of Karnataka for their information and compliance of directions.

(ix) As and when such reports are filed, the Registry is directed to place the same before the Bench for consideration and issuing necessary directions (if any) required in this regard.

63. With the above observations and directions, this Original Application is disposed of.

Sd/-
Justice K. Ramakrishnan, JM

Sd/-
Dr. Satyagopal Korlapati, EM

O.A. No.183/2016 (SZ),
13th April 2022. Mn.

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No _____ of 2022

(D No 19562 of 2022)

Krishnan CS

.... Appellant(s)

Versus

State of Karnataka & Ors

....Respondent(s)

ORDER

1 Permission to file appeal granted.

2 Delay condoned.

3 The National Green Tribunal¹, by its impugned order dated 13 April 2022, issued certain directions to the State of Karnataka for taking measures for the abatement of vehicular pollution in Bangalore City.

4 The NGT has appointed a Monitoring Committee in paragraph 62(iii) of its order and has issued consequential directions.

5 The appellant has certain concrete suggestions which have been made before this Court.

6 In our view, the ends of justice would be met by permitting the appellant to place his suggestions before the Monitoring Committee appointed by the NGT.

The Committee shall factor in the suggestions which are made by the appellant when it submits its report before the NGT in pursuance of the impugned judgment and order.

1 “NGT”

- 7 The appeal shall stand disposed of in the above terms.
- 8 Pending application, if any, stands disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Pamidighantam Sri Narasimha]

New Delhi;
December 09, 2022
-S-

ITEM NO.24

COURT NO.1

SECTION XVII

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

CIVIL APPEAL Diary No(s).19562/2022

(Arising out of impugned final judgment and order dated 13-04-2022 in OA No. 183/2016 passed by the National Green Tribunal, Southern Zone at Chennai)

KRISHNAN CS

Appellant(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

(WITH IA No.181362/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.181360/2022-PERMISSION TO FILE APPEAL and IA No.181359/2022-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No.181363/2022-APPROPRIATE ORDERS/DIRECTIONS)

Date : 09-12-2022 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Vikram Hegde, AOR

For Respondent(s)

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

- 1 Permission to file granted.
- 2 Delay condoned.
- 3 The appeal is disposed of in terms of the signed order.
- 4 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
 DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
 ASSISTANT REGISTRAR

(Signed order is placed on the file)

Annexure R-3

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಸೋಮವಾರ, ೦೨, ಜನವರಿ, ೨೦೨೩

ಭಾಗ ೧

GOVERNMENT OF KARNATAKA



REGISTERED VEHICLE SCRAPPING POLICY OF KARNATAKA, 2022

TRANSPORT DEPARTMENT



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1. INTRODUCTION

Automobile Scrapage policy is mutual win-win policy for all the stakeholders. The policy aims at creating an ecosystem for phasing out unfit and polluting vehicles from the State roads and to meet this objective state-of-the-art scrapping and recycling units are needed.

The Ministry of Road Transport and Highways has recently launched the visionary Voluntary Vehicle-Fleet Modernization Program (V-VMP). This Policy is aimed at creating an ecosystem for phasing out old unsafe, polluting vehicles and replacing them with newer safe and fuel-efficient vehicles. The Ministry has also notified the Registered Vehicle Scrapping Facility (RVSF) Rules vide Notification No.GSR 653(E) dated 23-09-2021 to enable setting up of modern vehicle scrapping facilities in India which can recycle the vehicles in an environment friendly manner.

The RVSF policy will help in increasing Automobile sales, provide employment, reduce import cost, generate incremental GST revenue and help to solve the global shortage of semi conductor chip. The said policy provides an important link in creating circular economy (waste to wealth) for the country. Initially, there should be atleast one RVSF centre to be set up at Division level.

The Govt. of Karnataka considers that guidelines for disposal of the vehicles should be formulated to offer an authorized place to the registered owners of End-of-Life Vehicles (ELV), to get their vehicles scrapped. Such scrapping guidelines and scrapping procedure will help in ensuring that the vehicles, so scrapped, do not cause damage to environment and there should be a proper disposal of hazardous components of the scraped vehicles.

In current global scenario, environmental pollution is considered to be the most alarming issue causing climate change, threatening lives of important species. The rising population of vehicles, especially the old vehicles plying on the roads are raising the pollution level. Unlike developed countries, current setup for vehicle recycling in India is extremely unorganized and majority of the vehicles are being routed through the informal sector which does not follow any Legal/ Environmental or Ethical norms. The non-scientific manner of recycling causes low material recovery, environmental damage by way of

water/air/soil pollution and unsafe working conditions for workers. Current unorganized system also lacks the visibility and transparency in the process for owners and the government.

In this backdrop, the Ministry of Road Transport and Highways (MoRTH) notified the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 vide G.S.R. 653(E), Dtd. 23rd September, 2021 that lays down the procedure for establishment of "Registered Vehicle Scrapping Facility" (RVSF) for carrying out dismantling and scrapping operations of "End of Life" vehicles, which is applicable to all vehicles and their last registered owners, Automobile collection centres, Automotive Dismantling, Scrapping and Recycling Facilities and recyclers of all types of automotive waste products.

In view of above, Transport Department, Government of Karnataka has framed the "Registered Vehicle Scrapping Policy of Karnataka, 2022" in exercise of the powers conferred by sub section 2(f) of section 65 Motor Vehicle Act, 1988 (59 of 1988).

2. OBJECTIVES AND VISION

As per Ministry of Road Transport and Highways data, in India, 1.2 crore End-of Life vehicles are estimated to be without valid Registration Certificates and Fitness Certificates. Out of 1.2 crore vehicles to be scrapped across India, approximately 14.3 lakhs vehicles (14 % of total) in the State of Karnataka are estimated as fit for scrapping.

Over the course of next 5 years, additional 66 lakhs vehicles registered in Karnataka will cross the age of 15 and a substantial number of these End-of Life Vehicles (ELV) will be from the commercial category. In the above background Karnataka has formulated the Registered Vehicle Scrapping Policy-2022 with the following objectives;

- i. Reduce pollution by scrapping old and unfit vehicles.
- ii. Improve road, passenger and vehicular safety.
- iii. Boost auto sector and generate employment.
- iv. Improve fuel efficiency and reduce maintenance cost for vehicle owners.
- v. Formalize the current informal vehicle scrapping industry in Karnataka.

- vi. Boost availability of low-cost raw materials for automotive, steel and electronic industry.
- vii. Promoting recycling of vehicle scrap in a scientific manner,
- viii. Promoting of circular economy in an eco-friendly manner.
- vii. Encourage setting up of RVSF.

3. SHORT TITLE AND APPLICATION

- i. These guidelines shall be applicable in the State of Karnataka.
- ii. They shall come into force with effect from date of issue.

IN THE GUIDELINES, UNLESS THE CONTEXT TO THE OTHERWISE REQUIRES

- i. **“Act”** means the Motor Vehicles Act, 1988 (59 of 1988)
- ii. **“Scrapping”** means the entire process from receipt and record of the ‘End-of-Life Vehicles’ including depolluting, dismantling, segregation of material, safe disposal of non-reusable parts, and issuance of Certificate of Vehicle Scrapping to the registered owner of a motor vehicle;
- iii. **“Registered Vehicles Scrapping Facility (RVSF)”** means any establishment which holds a Registration for Vehicle Scrapping issued by the Transport Department, Government of Karnataka under these guidelines for carrying out dismantling and scrapping operations.
- iv. **“Registration Authority”** means the Commissioner for Transport & Road Safety in Karnataka, Bangalore.
- v. **“Appellate Authority”** means, the Principal Secretary / Secretary to Transport Department, Government of Karnataka.
- vi. **“Enforcement Agency”** means Traffic Police, Municipal Corporations, Municipal Council, CEO, Cantonment Board and Transport Department, Govt. of Karnataka and any other applicable Government agencies authorized by the Government.
- vii. **“ELV”** means —End-of-Life Vehicles which are no longer validly registered or declared unfit through Automated Fitness Centres or their registrations have been cancelled under Chapter IV of the Act or due to an order of a Court of Law or self-

declared by the legitimate registered owner as a waste vehicle due to any circumstances as specified in MoRTH notification No.GSR 653(E) dated: 23-09-2021.

- viii. **“Certificate of Deposit”** means the certificate issued by the Registered Vehicle Scrapping Facility to recognize the transfer of ownership of the vehicle from the registered owner to the Registered Scrapper for further treatment.
- ix. **“Certificate of Vehicle Scrapping”** means the certificate issued by a Registered Vehicle Scrapping Facility to recognize the final disposal of a vehicle.
- x. **“Collection Centre”** means a facility or an area that may be used for the sole purpose of collecting and storing the End of Life Vehicles and sending it for further processing at the Scrapping Yard.
- xi. The vehicles registered in Karnataka shall be scrapped only by an authorized RVSF after expiry of 90 days of issuance of these guidelines.
- xii. Any vehicle originally registered in Karnataka or registered on transfer from any other State shall be scrapped by an RVSF as mentioned in **Karnataka RVSF policy-2022**.

4. GENERAL CONDITIONS & APPLICABILITY:

- (i) This policy shall be applicable in the State of Karnataka.
- (ii) It shall come into force with effect from the date of notification.
- (iii) An RVSF may be owned and operated by any legal entity, be it a person, Firm, Society, Company or Trust established in accordance with law. An application in Form-I shall be addressed to the Commissioner of Transport, Karnataka, for "Registration Authority" of Registered Vehicle Scrapping Facility (RVSF).
- (iv) An application for RVSF shall be made online at www.nsws.gov.in accompanied by required documents mentioned in RVSF Rules 2021 along with non-refundable processing fee of Rs.1,00,000/- (Rupees One Lakh only) & an earnest money deposit by way of a bank guarantee of

Rs. 10,00,000/-(Rupees Ten Lakhs), which shall disposed within a period of 60 (sixty days) from the date of application.

- (v) The Registration for RVSF shall be valid for an initial period of 10 (ten) years, which shall be renewable for another 10 (ten) years at a time.
- (vi) The Registered Vehicle Scrapping Facility established in Karnataka may accept and scrap the vehicles registered in any of the State or Union Territory under the jurisdiction of any Registration Authority.
- (vii) After handing over of the vehicles from owner or authorised person to RVSF, the RVSF shall issue the "Certificate of Deposit" as evidence of transfer of ownership of the vehicle. The Certificate of Deposit, which shall be tradeable, shall be a necessary and sufficient document of the owner to avail incentives and benefits for purchase of a new vehicle as may be declared from time to time.
- (viii) All the rules of the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 & other applicable Rules & Regulations have to be complied with by the RVSF.
- (ix) Unless specified otherwise, the definitions in this policy shall be same as given in the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021.
- (x) Any pending dues on the vehicle to be scrapped shall be cleared before issuing Certificate of Document by the RVSF.
- (xi) An undertaking from the owner or representative, indicating that vehicle has no pending criminal record or litigation and there are no pending dues on the vehicle shall be taken.
- (xii) Maintain safe custody of cut pieces of chassis number for a period of six months from the date of issue of Certificate Vehicle Scraping (CVS) and a physical copy of all documents for two years and scan copies for Ten years for record and examination during inspection.

5. ELIGIBILITY CRITERIA FOR SETTING UP OF RVSF

- a) They should have office in Karnataka.
- b) The RVSF may be owned and operated by any legal entity, be it a person, Firm, Society, Company or Trust established in accordance with law having the following documents,-
 - (i) Certificate of Incorporation or Shop Act Registration or Udyam Aadhar;
 - (ii) Valid Goods and Services Tax Registration;
 - (iii) If MSME and / or Startup, applicable MSME / Startup documents as per the respective Acts / Scheme will be applicable.
- c) The applicant shall have applied for or having an approval for consent to establish from the Registering Authority of the State in which the Registered Vehicle Scrapping Facility is intended to be located.
- d) The applicant shall have a minimum turnover of INR 10 crores if a single applicant or combined in case of consortium/ joint venture partner. If the applicant is an MSME and or / Startup, then the MSME Act and Start up scheme terms will be extended / exempted to the applicant on case to case basis.
- e) Upon issuance of the valid permit to operate RVSF, the applicant shall undertake to meet the minimum technical requirement for collection and dismantling centers as per Central Pollution Control Board guidelines before beginning operations.
- f) The applicant shall have competent manpower and appropriate equipment to carry out the depollution and dismantling activities in a safe and environmentally responsible manner.
- g) The applicant shall undertake to obtain the required quality certifications of ISO 9001(quality management system) or ISO 14001(environmental certification) or ISO 45001 (occupational health and safety) within twelve months of commencement of operations as a Registered Vehicle Scrapping Facility and RVSF shall ensure that ISO certifications are revalidated atleast 3 months before their expiry.
- h) The applicant shall possess or provide an undertaking to obtain a consent to operate from State Pollution Control Board within a period of six months from commencement of operations.

- i) The applicant shall undertake to abide by the provisions of all applicable Labour codes and all other Acts or Rules as applicable.
- j) The applicant shall provide evidence of availability of an adequate useable area of land in the orange zone of the State by way of ownership or agreement to sell or agreement for lease of a minimum period of three years.

The applicant shall provide approved plant layout and the building plan.

6. CRITERIA FOR SCRAPPING OF VEHICLES

The following vehicles shall be scrapped at an RVSF-

- a) Vehicles which have not renewed their Certificate of Registration (RC).
- b) Vehicles which have not been granted a certificate of fitness.
- c) Vehicles which are 15 years old and above, owned by the Govt./PSUs/Govt agencies/ Autonomous Councils etc.
- d) Vehicles which have been damaged due to fire, riot, natural disaster, accident or any calamity, following which the registered owner self certifies the same as scrap.
- e) Vehicles which have been declared obsolete or surplus or beyond economic repair by the Central or State Organisations of the Government and have been offered for scrapping.
- f) Vehicles bought by any agency including Registered Vehicle Scrapping Facility in an auction for scrapping the vehicles.
- g) Vehicles which have outlived their utility or application particularly for projects in mining, highways, power, farms etc. as maybe self-certified by the owner.
- h) Manufacturing rejects, test vehicles, prototype, vehicles damaged during transportation from vehicle original equipment manufacturer to dealers or Unsold or unregistered vehicles as may be certified by the vehicle original equipment manufacturer.
- i) Auctioned, impounded or abandoned vehicles by any enforcement agency.
- j) Any other vehicle voluntarily offered to a Registered Vehicle Scrapping Facility for scrapping by the owner.

7. STRATEGY FOR EFFECTIVE IMPLEMENTATION OF VEHICLE SCRAPPING POLICY IN KARNATAKA

For implementing this scrappage policy in an effective way in the State of KARNATAKA to reduce vehicular pollution & to phase out unfit and polluting vehicles, there by promoting recycling of vehicle scrap in an eco-friendly manner, the followings steps shall be adopted in the State of KARNATAKA;

- a. Considering the increasing level of vehicular pollution by old vehicles, the State has already imposing a "Green Tax" as per Section 3(B) of Karnataka Motor Vehicles Taxation Act 1957 for renewal of Registration of non-transport vehicles above 15 years and transport vehicles above 7 years.
- b. The Government of Karnataka to promote the use of Battery operated vehicles in the State has exempted the Registration Fees, Motor Vehicle Tax and Permit.
- c. To encourage & incentivize people to voluntarily hand over their vehicles to RVSF and in pursuance of MoRTH Notification vide GSR 720(E), dated 5th October 2021, in case a new vehicle is registered against submission of "Certificate of Deposit", the concession in the motor vehicle tax shall be equivalent to 25% of the tax paid on scrapping vehicles in case of non-transport vehicles and 15% in case of transport vehicles in the State of Karnataka. This concession shall be available upto 8 years in case of transport vehicles and upto 15 years in case of non-transport vehicles.
- d. The vehicles seized and impounded by any enforcement agencies, if found unfit to ply on road, may be disposed through RVSF by following the prescribed procedures.
- e. After Fitness testing is made mandatory for transport vehicles in Automated Testing Station (ATS), this shall be made compulsory for all categories of vehicles including Non-Transport vehicles & its fitness testing after 15 years during the time of Renewal of Certificate shall be done only at ATS. Those non-transport vehicles not passing the Fitness test or not

granted a certificate of fitness by the ATS shall be handed over to the RVSF for scrapping.

8. INTERPRETATION:

The decision of the State Government in regards to interpretation of any clause of the policy shall be final and binding.

9. TAX CONCESSION FOR END OF LIFE VEHICLE (ELV) OWNERS :

Sl. No	Rule 51A of CMVR 1989 Concession in Motor Vehicle Tax against submission of "Certificate of Deposit"	Concession in MV Tax
1	Non-Transport Vehicle	<p>The tax concession to be given for newly registered vehicles against submission of COD shall be equivalent to 25% of tax paid on the scrapping vehicles.</p> <p>NOTE:</p> <ol style="list-style-type: none"> 1. The least of tax collected/ to be levied on new vehicle, will be considered for the rate of concession in MV tax as above. 2. Concession in MV Tax for Two wheeler registered before 1986 is Rs.500/- 3. Concession in MV Tax for Light Motor Vehicle registered before 1995 is Rs.3000/- 4. If the tax paid details are not found, Transport Commissioner may issue circulars to determine the tax concessions whenever required. 5. The concession in MV Tax as above will be applicable for Five years from 01-04-2023 / date of commencement of the RVSF policy.
2	Transport Vehicle	<p>The tax concession to be given for newly registered vehicles against submission of COD shall be equivalent to 15% of tax paid for a period of 8 years (32 quarters) from the date of registration of the scrapping vehicles.</p>

		<p>NOTE:</p> <ol style="list-style-type: none"> 1. The concession in MV Tax as above will be applicable for Five years from 01-04-2023 / date of commencement of the RVSF policy. 2. To encourage the scrapping of End-of Life vehicles, the tax concessions shall be given for all age of vehicles being scrapped.
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10. RIGHTS OF THE STATE GOVERNMENT:

- a. The State Government reserves the right to amend any provision(s) including amendment or withdraw any of the incentives/ subsidies as and when necessary for promotion of scrapping of unfit and end of life vehicles and in the interest of the general people of the State from time to time under the provision of the Policy.
- b. The State Government reserves the right to review the matter regarding sanction/disbursement of subsidies/ incentives and in this connection, the State Government's decision shall be final and binding.
- c. State Government may engage an independent agency to study and recommend the number of RVSF viable for the state and locations thereof
- d. The State Government reserves the right to make/ amend the necessary rules for implementation of this policy as and when required.

11. RIGHTS TO INSPECTION :

In order to ensure compliance of these guidelines the authorized RVSF should keep office and scrapping yard, records, register maintained by him and all the machineries, equipments, operators in the premises at all the regional time, open for the inspection by the Registration Authority or authorized representative of Transport Department.

12. PAYMENT FOR SCRAPPING VEHICLES.

The payments for the scrapped vehicles to be made for the owners of ELVs as per the MoRTH notification No.GSR 653(E) dated 23-09-2021.

13. APPLICABLE ACTS & RULES.

Provisions of the following Acts / Rules and amendments thereof are applicable.

1. The Motor Vehicles Act, 1988.
2. The Central Motor Vehicles Rules, 1989.
3. Karnataka Vehicles Rules, 1993.
4. Indian Penal Code, 1860
5. The Hazardous and Other Wastes (Management and Transboundary Movement) Rules 2016.
6. The Municipal Solid Waste (Management and Handling) Rules, 2000 amended in 2016 as Solid Waste Rules.
7. The Ozone Depleting Substances (Regulation and Control) Rules, 2000.
8. The Batteries (Management and Handling) Rules, 2001.
9. The waste (Management and Handling) Rules, 2011, amended in 2016.
10. The Plastic Waste (Management and Handling) Rules, 2011 amended in 2016.
11. Directions issued by the Hon'ble Courts/National Green Tribunal.
12. All other applicable Laws.

14. PENALTY

In case of any violation of these Guidelines, the Registration Authority may forfeit the security amount in part or full or / and may also cancel the registration of any RVSF. However, an opportunity of hearing will be given before forfeiture of security and before issuance of cancellation orders.

15. AUDITS AND CERTIFICATIONS

- (i) The Registered Vehicle Scrapping Facility (RVSF) shall be audited by the Registration Authority for compliance with Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021.
- (ii) The Registration Authority may delegate the powers of auditing.
- (iii) RVSF may be audited by the competent authority or any such agency on behalf of competent authority for regulatory and compliance audit, audit of mass flow statement as maintained in Form-3 by the RVSF and all conditions stipulated by the Ministry of Road Transport and Highways vide Notification No.GSR 653 (E) dated 23-09-2021 and GSR 192 (E) dated 10-03-2022 and any conditions that may be imposed from time to time.
- (iv) Audit report shall be uploaded on the portal by the RVSF annually by the 31st May of that Financial Year.
- (v) An yearly report of ELVs scrapped shall be furnished in the format prescribed by the Transport Department.

16. APPEAL

- (i) Any person aggrieved by any order of the Registration Authority for forfeiture of security or issuance of cancellation orders, may within thirty days of the date of receipt of such order prefer an appeal before the Appellate Authority within 30 (thirty) days of issuance of penalty order.
- (ii) The appeal shall be preferred in duplicate in the form of an application, setting forth the grounds of objections to the order of the Registration Authority and shall be accompanied by a certified copy of the order appealed against and fee of Rs.1,000/- (Rupees One thousand only).

-Sd-

Under Secretary to Government,
Transport Department.

NOTE :-

- Scrapping of vehicle may reduce air and noise pollution to a considerable extent. People will look forward for buying environment friendly, safe and technology advanced vehicles.
- Improve passenger and vehicular safety.
- Generate employment in the automobile industry.
- Formulize the current informal vehicle industry
- Improve fuel efficiency and reduce maintenance cost for vehicle owners.
- Increase availability of low cost raw materials for automotive steel and electronic industry.
- With old vehicles being scrapped, the demand for new vehicle will raise and State will get revenues through GSTs and road tax.
- The automobile sector will benefit from new scrapping policy leading to more job opportunities.
- Vehicle owners might receive tax concession benefits as an incentive.
- Segregate of deposits issued by RVSF is tradeable.
- The RVSF model assumes a slow adoption of VVMP (Voluntary Vehicle Fleet Modernization Program) starting 10% of increase in FY23 to maximum of 65% in FY29.
- No requirement for physical visit to RTOs.
- Ease of doing business measures have been taken for seamless scrapping of vehicles.
- Industries will have very attractive business advantage by purchase of equipments to RVSF like Baler, Depolluting Machine, Tilting Machine, Radiation Detector, Weighbridge, Forklifts, Cranes, Shredder / Hammer mill, Cyclone Separators, Magnetic Separators, Eddy Current Separators and Drum Magnets.

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