

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Original Application No. 1340 /2024

**IN RE: News Item Titled “Revealed: Real reason behind high pollution in Delhi and its not stubble burning or vehicles the main culprit is .....” appearing in India Today dated 19.11.2024.**

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Filed By



New Delhi  
Dated: 22.04.2025

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
Original Application No. 1340 /2024

**IN RE:**

**News Item Titled “Revealed: Real reason behind high pollution in Delhi and its not stubble burning or vehicles the main culprit is .....” appearing in India Today dated 19.11.2024.**

**RESPONSE AFFIDAVIT ON BEHALF OF RESPONDENT NO.6,  
COMMISSION FOR AIR QUALITY MANAGEMENT IN  
NATIONAL CAPITAL REGION AND ADJOINING AREAS**

I, RK Agrawal aged about 56 years, S/o Late Shri Prabhat Kishore Agrawal, working as Director in the Commission for Air Quality Management in National Capital Region and Adjoining Areas, New Delhi (hereinafter referred to as ‘Commission’) having office at 17<sup>th</sup> Floor, Jawahar Vyapar Bhawan, STC Building, Tolstoy Marg, New Delhi – 110001, do hereby, in my official capacity, solemnly affirm and state as under:

1. That I, in the capacity of Director of the Commission for Air Quality Management in National Capital Region and Adjoining Areas, am fully conversant with the facts of the case and competent to swear this affidavit on behalf of respondent no. 6.
2. That in the present matter this Hon'ble Tribunal took up the subject matter suo moto in connection with the news item titled “Revealed: Real reason behind high pollution in Delhi and its not stubble burning or vehicles the main culprit is .....” appearing in India Today dated 19.11.2024, wherein the Hon'ble NGT was pleased to

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implead the Commission for Air Quality Management (hereinafter referred to as the "Commission") as the respondent No.6 and directed for filing the response by way of affidavit.

3. That the replying respondent is filing the present affidavit in compliance of Order dated 27.11.2024 passed by the Hon'ble NGT and with a view to enable this Hon'ble Tribunal to appreciate the issues involved in the present OA.
4. It is pertinent to mention here that the same issue is also being considered by the Hon'ble Supreme Court in the matter titled as M. C. Mehta Vs. Union of India & Ors. WP(C) No.13029 of 1985. A true copy of order dated 27.1.2025 passed by the Hon'ble Supreme Court in WP(C) No.13029 of 1985 is annexed herewith and marked as **ANNEXURE R-1** (Page 17. To 13...).
5. That the Hon'ble Supreme Court vide its Order dated 27.01.2025 while hearing the matter related to Thermal Power Plant, inter alia, directed the Commission as under:

“...We direct the Commission for Air Quality Management (for short, “the CAQM”) to consider and recommend the norms which must be followed by these 11 power plants and their units till the deadlines provided in Table 1 of Item No.25 reach so that the pollution can be curbed. The CAQM may consult the Ministry of Power and the Ministry of Environment, Forest and Climate Change. We grant time of one month to the CAQM to submit its recommendations. Even the response by the Union of India shall also be filed within a period of one month from today...”

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6. That in compliance of the Hon'ble Supreme Court's above referred Order, the Commission has filed a report on compliance of emission norms for Thermal Power Plants located within 300 Km of Delhi on 27.02.2025.
7. The matter was lastly listed on 02.04.2025 for consideration before the Hon'ble Supreme Court. A true copy of order dated 02.04.2025 passed by the Hon'ble Supreme Court in WP(C) No.13029 of 1985 is annexed herewith and marked as **ANNEXURE R-2** (Page 17 To 60...).
8. That still in compliance of orders of this Hon'ble Tribunal it is stated that generally, in September-October post monsoon drop in temperature in the region facilitates the onset of winter and temperature inversion in Northern India. This coincides with year old practices of crop residue burning in Punjab and Haryana which results in increase of Particulate Matter load and smoke in the whole area including adjacent Delhi NCR. These particulate matter and smoke gets trapped due to sudden drop in temperature during this time period. This, coupled with meteorological conditions, results in development of an episodic scenario of trapping of pollutants and particulate matter, hindering dispersion and thus affecting the air quality of the region.
9. That the Commission has identified and targeted various sectors viz. Vehicular Pollution, Industrial Pollution, Dust from Construction and Demolition Project activities, Dust from Roads and Open Areas, Biomass Burning, Agricultural Stubble Burning, Municipal Solid Waste burning, Fires in Sanitary Landfills and Air pollution from various dispersed sources etc., along with the actions

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to be taken, through its sector specific comprehensive Policy to Curb Air Pollution in the National Capital Region in 2022.

10. Towards this, the Commission has so far issued 87 directions and 16 advisories to the State Governments of NCR States, Punjab, and GNCTD, outlining measures to control air pollution in the region across all sectors and geographical area contributing to the poor air quality.
11. Particularly in the context of Thermal Power Plants (TPPs) comprehensive emission standards were notified by the Ministry of Environment, Forest and Climate Change (MoEF&CC) in 2015 vide Notification No. S.O.3305(E) dated 07.12.2015 for Particulate Matter (PM), Sulphur Dioxide (SO<sub>2</sub>), Oxides of Nitrogen (NO<sub>x</sub>) and Mercury (Hg). The MoEF&CC, through its Notification No. GSR 243(E) dated 31.03.2021 categorised the TPPs into three categories and revised the timelines for compliance of emission standards for retiring and non-retiring units, as under:

Category	Timelines for compliance	
	Non retiring units	Retiring units
A: Within 10 km radius of the NCR or cities having million plus population <sup>1</sup>	31.12.2022	31.12.2022
B: With 10 km radius of Critically Polluted Areas <sup>2</sup> or Non-attainment cities	31.12.2023	31.12.2025

  
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C: Other than those included in category A and B	31.12.2024	31.12.2025
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<sup>1</sup> As per 2011 census of India and <sup>2</sup> As defined by CPCB.

12. The MoEF&CC, through its Notification dated 05.09.2022, extended the timelines for compliance of emission standards for SO<sub>2</sub> and other parameters, for retiring and non-retiring units, as under:

Category	Timelines for compliance for non-retiring units		Last date for exemption from compliance, for retiring units	
	Parameters other than SO <sub>2</sub>	SO <sub>2</sub> emissions	Parameters other than SO <sub>2</sub>	SO <sub>2</sub> emissions
A	31.12.2022	31.12.2024	31.12.2022	31.12.2027
B	31.12.2023	31.12.2025	31.12.2025	
C	31.12.2024	31.12.2026		

13. The MoEF&CC also prescribed the quantum of Environmental Compensation (EC) for non-compliant units, beyond the stipulated timelines, as under:



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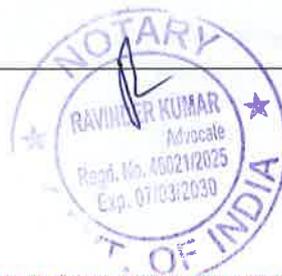


Non-Compliant operation beyond the Timeline	EC (Rs. per unit electricity generated)
0-180 days	0.20
181-365 days	0.30
366 days and beyond	0.40

14. Based on constraints highlighted by the TPPs regarding installation of FGD (Flue Gas De-sulphurisation) system to control SO<sub>2</sub> emissions, primarily owing to limited domestic manufacturing capacity and vendor base, dependence on import and sudden growth in demand to meet the stipulated timelines, the Ministry of Power (MoP) through its OM dated 20.11.2024 requested the MoEF&CC to consider extension of timelines by 36 months beyond the timelines stipulated through Notification dated 05.09.2022. The MoEF&CC through Notification dated 30.12.2024, accordingly extended the timelines for compliance, only for SO<sub>2</sub> emissions, as under:

CATEGORY	MOEFCC notification dated 05.09.2022	MOEFCC notification dated 30.12.2024
A	31.12.2024	31.12.2027
B	31.12.2025	31.12.2028
C	31.12.2026	31.12.2029
Last date for retiring units	31.12.2027	31.12.2030

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for exemption from compliance		
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15. The Ministry of Power's OM dated 20.11.2024 highlighted that at that point in time, out of 600 units of TPPs in India, FGD systems had been installed only in 44 units and bids had been awarded only for 233 units, meaning thereby that no action has been initiated for compliance of emission norms in 323 units, which makes it impossible to comply with the timelines as envisaged through Notification dated 05.09.2022.
16. The salient features of the identified 11 TPPs within 300 km of Delhi, which falls within purview of the Commission are given below:

Type	Total units: 35; Installed capacity: 13575 MW.
Locations	5 in Haryana; 4 in Punjab and 2 in Uttar Pradesh
Category A:	4 Plants (14 units) Capacity - 5370 MW
Category B:	NIL
Category C:	7 Plants (21 units) Capacity - 8205 MW
Plants of the State DISCOMS	Haryana-HPGCL: 3 Plants Punjab-PSPCL: 2 Plants Uttar Pradesh – UPRVUNL: 1 Plant
NTPC & its Joint Venture Plants	2 Plants
Private Sector Plants	3 Plants

  
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17. The Commission has held detailed consultative meetings and deliberations with the MoEF&CC, MoP, Central Pollution Control Board (CPCB) and Central Electricity Authority (CEA) on 29.01.2025, 13.02.2025 and 18.02.2025, respectively in which unit-wise progress to meet the prescribed emission norms and the current status of compliance / related issues were discussed in detail.

11 TPPs in the Region (within 300 kms of Delhi)

Sl. No	State	Organization	Name of Project	Installed Capacity (MW)
1.	Haryana	NTPC	Indira Gandhi STPP	1500
2.	Uttar Pradesh	NTPC	Dadri (NCTPP)	1840
3.	Haryana	Jhajjar Power	Mahatma Gandhi TPS	1320
4.	Haryana	HPGCL	Panipat TPS	710
5.	Haryana	HPGCL	Rajiv Gandhi TPS	1200
6.	Haryana	HPGCL	Yamuna Nagar TPS	600
7.	Punjab	NPL-L&T	Rajpura TPP	1400
8.	Punjab	TSPL-Vedanta	Talwandi Sabo TPP	1980

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9.	Punjab	PSPCL	GH TPS (Lehra Mohabbat)	920
10.	Punjab	PSPCL	Ropar TPS	840
11.	Uttar Pradesh	UPRVUNL	Harduaganj TPS	1265
Total				13,575 MW

General status of preparedness to be complied with emission standards

18. As reported by the CPCB & CEA, out of total 35 units in the 11 TPPs, 31 units have upgraded their ESP system for compliance of the PM emission norms while 34 of such units have also carried out the requisite modification in the combustion process towards compliance of the NO<sub>x</sub> emission standards. A consolidated status of compliance of the emission standards in respect of the 35 units is as under:

Category of TPP	No. of Units	Upgradation of ESP for compliance of PM Stds	Combustion Modification for compliance of NO <sub>x</sub> Stds	Installation of FGD for compliance of SO <sub>2</sub> Stds
A	14	14	14	10
C	21	17	20	3
Total	35	31	34	13

Compliance of SO<sub>2</sub> Standards



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19. Of the total 35 units in 11 TPPs in the region under consideration, 14 units fall under Category 'A'. 5 of such units were commissioned before 2003 and the balance 9 units were commissioned between 2004 - 2016. Likewise, out of 21 units in category 'C', 7 units were commissioned before 2003 and 3 units were commissioned between 2004 to 2016 and only 1 unit has been commissioned after 2016. Based on the respective power generating capacity of these units and the year of commissioning, these units are required to comply with SO<sub>2</sub> standards, as follows:

Date of Commissioning of TPPs	Emission limits of SO <sub>2</sub> (mg/Nm <sup>3</sup> )			
	For units <500 MW capacity	No. of Units	For units ≥ 500 MW capacity	Number of Units
Prior to 31.12.2003	600	20	200	14
During 2004 to 2016				
After 2016			100	1

20. Towards compliance of the standards of SO<sub>2</sub> emissions from the identified TPPs, as per information provided by the Central Electricity Authority (CEA), out of total 14 units in Category 'A', 10 units have already installed FGD units and FGD unit is likely to be installed in one another unit by April, 2025. Bids are also under evaluation for the balance 3 units.

  
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21. In respect of 21 units of 7 TPPs in Category 'C', only 3 units have so far installed FGDs while bids are to be evaluated for 3 more units. For the balance, a notice for tender (NIT)/ Expression of Interest (EOI) has been issued in respect of 7 units. Approval for floating of tender is still awaited for 8 units of Punjab State Power Corporation Limited (PSPCL).
22. The Commission was also informed of a minimum requirement of about 36 months for the entire process, installation and commissioning of the FGD system, from the date of issue of work / purchase order, besides the time required for the procurement / tender process.
23. Thus, out of total 35 units in the zone of consideration within 300 Kms of Delhi, only 13 units have FGDs installed while action is ongoing for the balance towards compliance of SO<sub>2</sub> emission norms, as summarised below:

S. No.	State	Organization	Project	Status of FGD installation
Category A				
1	Haryana	NTPC	INDIRA GANDHI STPP (3 x 500 MW)	FGD installed in 2 Units. FGD likely to be commissioned in 1 unit by April, 2025
2	Uttar Pradesh	NTPC	DADRI (NCTPP)	FGD Installed in all 6 units.

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S. No.	State	Organization	Project	Status of FGD installation
			(4 x 210 MW) (2 x 500 MW)	
3	Haryana	Jhajjar Power	MAHATMA GANDHI TPS (2 x 660 MW)	FGD installed in both units.
4	Haryana	HPGCL	PANIPAT TPS (2 x 250 MW) (1 x 210 MW)	Bid Under evaluation
Category C				
5	Haryana	HPGCL	RAJIV GANDHI TPS (2 x 600 MW)	Bid submission date by 10.03.2025
6	Haryana	HPGCL	YAMUNA NAGAR TPS (2 x 300 MW)	Bid under evaluation
7	Punjab	NPL-L&T	RAJPURA TPP (2 x 700 MW)	FGD installed in both units.
8	Punjab	TSPL-Vedanta	TALWANDI SABO TPP (3 x 660 MW)	EoI published on 17.08.2024. Also sub-judice
9	Punjab	PSPCL	GH TPS (LEHRA)	Wet FGD planned

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S. No.	State	Organization	Project	Status of FGD installation
			MOHABBAT ) (2 x 210 MW) (2 x 250 MW)	
10	Punjab	PSPCL	ROPAR TPS (4 x 210 MW)	Tender yet to be floated
11	Uttar Pradesh	UPRVUNL	HARDUAGA NJ TPS (1 x 105 MW) (2 x 250 MW) (1 x 660 MW)	FGD installed in 1 unit. Bid submission date by 23.04.2025 for other 3 units

#### Performance of installed FGD Units

24. Under A Category TPPs, the installed FGD for Unit-1 in Indira Gandhi STPP, NTPC, Jhajjar has been reported to be operating satisfactorily from June 2024 onwards, duly complying with the prescribed SO<sub>2</sub> standards. The FGD in Unit 2 is also operational since 27.01.2025 and the SO<sub>2</sub> emissions are in range of 50-70 mg/Nm<sup>3</sup>, well below the prescribed standards. Unit-3 is also expected to install the FGD by April, 2025 for compliance of the SO<sub>2</sub> emission norms.

  
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25. The FGD system installed in all the 6 units of the NTPC Plant at Dadri has been reported to be working satisfactorily, complying with the prescribed SO<sub>2</sub> emission standards as per vintage / capacity.
26. FGD system has also been installed and is operational in both the units of the Mahatma Gandhi TPS of M/s Jhajjar Power and is also reported to be compliant with respect to the SO<sub>2</sub> emission standards.
27. Under the Category-C, while 2 units of the TPP of Nabha Power Limited (NPL) have installed the FGD system, however, the system is presently not operational in these units. Likewise, the process for installation of FGD in the Talwandi Sabo Plant (TSPL) has also been kept on hold, as the matter related to the pass-through of the incremental cost towards installation and operation of the FGD by the State DISCOM-PSPCL is sub-judice. In the matter, APTEL vide their order dated 28.08.2020 directed the PSERC that the new emission norms set out by MoEF&CC amount to “change in law”, which was challenged by PSPCL before the Hon’ble Supreme Court. The Hon’ble Supreme Court vide its Order dated 07.08.2023 in Civil Appeal No. 3688 of 2020 (related to Nabha Power Ltd.) and Civil Appeal No. 3763 of 2020 (related to Talwandi Sabo TPP), inter alia, directed as under:

“...Having heard learned counsel for the parties, we are of the opinion that the proceedings before the Punjab State Electricity Regulatory Commission can continue and be

  
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decided. However, the order passed therein will not be executed and enforced without the leave of this Court..."

A true copy of order dated 07.08.2023 passed by the Hon'ble Supreme Court in Civil Appeal No. 3688 of 2020 is annexed herewith and marked as **ANNEXURE R-3** (Page 61. To 62.).

28. The Commission has been informed by the CEA that Punjab State Electricity Regulatory Commission has since finalised the issue related to the incremental cost of generation of electricity on 02.07.2024. An expeditious decision in this matter will help operationalizing the installed FGD in Nabha Power Limited TPP and also the installation / commissioning of FGD in the TSPL, Talwandi Sabo.
29. The FGD system installed in one unit of Harduaganj TPS is not currently operational owing to limestone procurement related issues.
30. That with regard to status of compliance of standards for parameters other than SO<sub>2</sub> – gaps is concerned that as the deadlines for compliance with the 'parameters other than SO<sub>2</sub>', has been over viz. 31.12.2022 for category 'A' and 31.12.2024 for category 'C' plants respectively, therefore status of compliance is as under.

i. NOx emission standards

Upgradation of combustion modification for compliance with NOx emission standards norms is also due in 1 unit

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of RGTPS-Hissar which is likely to be completed during the next scheduled overhauling.

ii. PM emission standards

The upgradation of ESP for meeting the prescribed PM emission norms has also not been taken up in 4 units of GHTPS of PSPCL, Lehra Mohabbat, Punjab, and would further require about 24-36 months.

IDENTIFIED BY  
Name of Advocate  
Enrl. No.

*[Signature]*  
**DEPONENT**

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राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग  
Commission for Air Quality Management in NCR & Adjoining Areas  
भारत सरकार / Government of India  
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,  
17th Floor, Jawahar Vyapar Bhawan (BTC Building), Tolstoy Marg,  
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**VERIFICATION**

Verified at New Delhi on this \_\_\_\_ day of April, 2025 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

21 APR 2025

**NOTARY**  
RAVINDER KUMAR  
Advocate  
Regd. No. 46921/2025  
Exp. 07/03/2030  
GOVT. OF INDIA

*[Signature]*  
**DEPONENT**

राम कुमार अग्रवाल / Ram Kumar Agrawal  
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**ATTESTED**  
NOTARY PUBLIC  
GOVT. OF INDIA

ITEM NO.57

COURT NO.5

SECTION PIL-W

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

WRIT PETITION(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IN RE: IMPLEMENTATION OF THE SOLID WASTE MANAGEMENT RULES, 2016 AND IN RE: COLOR CODED STICKERS AND IN RE: POWER PLANTS AND STUBBLE BURNING)

NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, ADVOCATES)

Date : 27-01-2025 This matter was called on for hearing today.

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Mr. Shivam Ganeshia, Adv.  
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Mr. Chirayu Jain, Adv.  
Mr. Shivendra Singh, AOR  
Ms. Prakriti Rastogi, Adv.

Mr. Sabarish Subramanian, AOR  
Mr. Vishnu Unikrishnan, Adv.

Mr. Divyanshu Kumar Srivastava, AOR

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

IN RE: POWER PLANTS

1. We are dealing with the issue of pollution created by power plants in Delhi NCR Region. Our attention is invited to Schedule I under the Environment (Protection) Rules, 1986 (for short, "the 1986 Rules). Rule 3(1) of the 1986 Rules lays down that for the purposes of protecting and improving the quality of the environment and preventing and abating environmental pollution, the standards for emission or discharge of environmental pollutants from the industries, operations or processes shall be as specified in Schedule I to IV. Item No.25 of Schedule I of the 1986 Rules deals with Thermal Power Plants. Item No.25 divides the Thermal Power Plants into three categories, namely (i) Thermal Power Plants (units) installed before 31<sup>st</sup> December, 2002; (ii) Thermal Power Plants (units) installed after 1<sup>st</sup> January, 2003 upto 31<sup>st</sup> December, 2016; and (iii) Thermal Power Plants (units) installed from 1<sup>st</sup> January, 2017. Table I, which is a part of Item No.25, lays down the outer timelines for making compliance with the parameters other

than SO<sub>2</sub> emissions and SO<sub>2</sub> emissions. Different timelines have been prescribed in the Table for non-retiring units and the retirement of units. In fact, the Table lays down the last date for retirement of units for exemption from compliance. We direct the Union of India to place on record further modifications made to Table I under Item No.25 and explain to the Court the difference between non-retiring units and retiring units.

2. In the note submitted by Ms. Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae, a list of 11 Coal-based Thermal Power Plants has been incorporated, out of which, 04 power plants fall in category 'A' mentioned in Table 1 and the remaining 07 power plants fall in category 'C' mentioned in Table 1. The Union of India will also set out whether any of these 11 power plants have retiring units.

3. As far as category 'A' in Table 1 is concerned, if the power plants falling under the said category are creating pollution, it will affect the pollution level in Delhi if the timelines for compliance in Table 1 have been extended as pointed out by the learned Amicus Curiae.

4. We direct the Commission for Air Quality Management (for short, "the CAQM") to consider and recommend the norms which must be followed by these 11 power plants and their units till the deadlines provided in Table 1 of Item No.25 reach so that the pollution can be curbed. The CAQM may consult the Ministry of Power and the Ministry of Environment, Forest and Climate Change.

We grant time of one month to the CAQM to submit its recommendations. Even the response by the Union of India shall also be filed within a period of one month from today. The CAQM will also consider the note submitted by Shri Pranav Sachdeva, learned Advocate-on-Record.

5. This aspect will be considered on 7<sup>th</sup> March, 2025 at 2:00 p.m.

IN RE: COLOUR-CODED STICKERS

6. Now we deal with the issue of colour-coded stickers for the vehicles. Section 39 of the Motor Vehicles Act, 1988 (for short, "the 1988 Act") reads thus:

"39. Necessity for registration.— No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:

Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government."

7. Accordingly, rule-making power has been exercised by the Central Government by framing the Central Motor Vehicles Rules, 1989 (for short, "the CMV Rules"). Clause (iv) of sub-Rule (1) of Rule 50 of the CMV Rules reads thus:

"50. Form and manner of display of registration marks on the motor vehicles:

(1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of Section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security licence plate of the

following specifications, namely:-

.....  
(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authorities/vehicle manufacturer and their dealers alongwith the regular registration marks, and thereafter if such sticker is destroyed, it shall be issued by the licence plate manufacturer or his dealer:"

8. Clause (iv) of sub-rule (1) of Rule 50 provides for a third registration mark to be issued by the registering authorities/vehicle manufacturers or their dealers along with the regular registration marks. It is also provided that if the third registration mark in the form of a sticker is destroyed, it shall be issued by the licence plate manufacturer or his dealers.

9. The Motor Vehicles (High Security Registration Plates) Order, 2018 (for short, "the 2018 Order") was issued laying down the obligation of a vehicle manufacturer to follow the procedure laid down therein in regard to the High Security Registration Plate (for short, "the HSRP") for new vehicles to be sold on or after 1<sup>st</sup> April, 2019. Clauses 4, 5 and 6(ix)(a) and (b) of the 2018 Order read thus:

"4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely—

...  
(ix)(a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles:

Provided that, vehicles complying with BS VI emission norms shall have a 1 cm green strip at the top in the third registration plate.

(b) For all other vehicles, the background shall be of grey colour."

10. Therefore, if the 2018 Order is read with Rule 50(1)(iv) of the CMV Rules in the case of all the vehicles sold on or after 1<sup>st</sup> April 2019, compliance with the 2018 Order must be made, which includes requirements specified in clause 4(c) of the Order. This

Court by an order dated 13<sup>th</sup> August, 2018 had directed that in the NCR Region, hologram-based stickers of light blue colour shall be used for petrol/CNG vehicles and hologram-based sticker of orange colour should be used for diesel vehicles. The order dated 13<sup>th</sup> August, 2018 was applicable to all the vehicles in NCR Region and the implementation was to be made by 2<sup>nd</sup> October, 2018.

11. In view of the 2018 Order, we modify the order dated 13<sup>th</sup> August, 2018 and direct that (a) as regards the vehicles sold on or after 1<sup>st</sup> April, 2019, the provisions of the 2018 Order shall apply; and (b) in the case of vehicles sold on or after 1<sup>st</sup> April, 2019, which have not complied with the provisions of the 2018 Order, an action under Section 192 of the 1988 Act shall be initiated by the concerned Governments. Sub-Section (1) of Section 192 of the 1988 Act is attracted when a person drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of Section 39. As noted earlier, Section 39 of the 1988 Act directs that every vehicle which is registered shall carry a registration mark displayed in the prescribed manner. In view of the CMV Rules read with the 2018 Order, if there is non-compliance with the 2018 Order as far as affixation of the third registration mark is concerned, it will attract the provisions of Section 192(1) of the 1988 Act. We, therefore, direct the NCR States to initiate a special drive against such non-compliant vehicles sold on or after 1<sup>st</sup> April, 2019 and ensure that penal action under Section 192(1) of the 1988 Act is initiated in the case of all such vehicles.

12. As we have modified our earlier order dated 13<sup>th</sup> August, 2018 by directing that in respect of all vehicles registered within the NCR States, the requirement of the 2018 Order should be complied with, we direct the State Governments concerned to ensure that even in respect of the vehicles registered within the NCR States prior to 1<sup>st</sup> April, 2019, the provisions of the 2018 Order are implemented. As far as the State of Delhi is concerned, there is an affidavit filed stating that the dealers of the original manufacturers have been authorised to do the work of affixation of the HSRP and colour-coded stickers. We direct the NCR States to file the affidavits within a period of one month from today, setting out the manner in which they will ensure that every vehicle sold before 1st April 2019 is made compliant with the provisions of the 2018 Order.

13. In addition to the directions issued above, to ensure that the vehicles registered in the NCR States before or after 1<sup>st</sup> April, 2019 make compliance with the 2018 Order, we direct the NCR States not to effect or issue, as the case may be, the transfer of ownership, addition of hypothecation, change of address, hypothecation, continuation of hypothecation, duplicate registration certificate, cancellation of hypothecation and not to permit fitness related activities if the vehicle is not compliant with the 2018 Order. In addition to that, the NCR States shall issue directions that no PUC certificates shall be issued to such vehicles unless compliance is made with the 2018 Order. This direction shall be effective from 15<sup>th</sup> March, 2025. The NCR States

shall give a wide publicity to this order in media, both electronic and print as well as any other manner including sending text messages on the registered cellphone number of the owner. We clarify that action under Section 192(1) of the 1988 Act shall not be taken in respect of vehicles sold before 1<sup>st</sup> April, 2025 on the ground of non-compliance with the 2018 Order.

14. The Central Government and all the NCR State Governments shall consider whether a policy decision can be taken to ensure that a substantial number of vehicles purchased by the Governments, Municipal Bodies and other Government Organisations should be electric vehicles. An appropriate decision shall be taken and the same be placed before this Court on or before 17<sup>th</sup> March, 2025. The same will be considered on 21<sup>st</sup> March, 2025.

15. We direct the Central Government to call for reports from all the State Governments and the Union Territories regarding compliance with the 2018 order. The reports shall be compiled and filed before this Court on or before 17<sup>th</sup> March, 2025 so that necessary directions can be issued to the concerned States on 21<sup>st</sup> March, 2025.

16. For considering the compliance made by the NCR States, list the Petition on 21<sup>st</sup> March, 2025 at 2:00 p.m.

IA Nos.61328/2020 (CLARIFICATION/DIRECTION) AND 61330/2020 (EXEMPTION FROM FILING O.T.), IA NO.237378/2023 (CLARIFICATION/DIRECTION) AND IA NO.231348/2024 (APPROPRIATE ORDERS/DIRECTIONS)

17. List on 21<sup>st</sup> March, 2025 at 2:00 p.m.

IN RE: SOLID WASTE MANAGEMENT

18. Now we are dealing with the implementation of the Solid Waste Management Rules, 2016 (for short, "the 2016 Rules"). A compliance affidavit filed on behalf of the Delhi Government in terms of the order dated 19<sup>th</sup> December, 2024 sets out what is going to happen in future till 2027. In fact, the Government and local authorities have not abided by the timelines mentioned in Rule 22 of the 2016 Rules. The timelines had expired long back. Therefore, we direct the Delhi Government and the Municipal Corporation of Delhi (for short, "the MCD") to make an effort to curtail the outer limits provided in the affidavit.

19. We are facing a huge problem which arises due to the fact that approximately 3,000 tonnes of solid waste generated every day in Delhi remains untreated. With the passage of time, this figure is bound to increase. One of the main reasons for this is the failure of the Delhi Government and the MCD to comply with the 2016 Rules.

20. If there is no real solution to deal with the untreated solid waste generated every day, perhaps, this Court will have to consider of passing drastic orders of stopping certain categories of construction activities in Delhi.

21. The learned ASG has invited our attention to Rule 4 of the 2016 Rules. Rule 4 imposes obligations on every waste generator, street vendor, resident welfare and market association, gated community and institution with more than 5,000 square meter area and all hotels and restaurants to take certain steps which are

mandatory in nature. If Rule 4 is strictly complied with within the State, it may have an effect of if not reducing, but of preventing the generation of more untreated solid waste. We, therefore, direct the Delhi Government and the MCD to form teams which should be given the dedicated task of ascertaining whether there is a compliance with Rule 4 of the 2016 Rules made by all entities to which Rule 4 is applicable. We direct the Delhi Government and the MCD to give wide publicity to this order of the Court by which we are directing strict implementation of Rule 4 of the 2016 Rules in Delhi.

22. Section 15 of the Environment (Protection) Act, 1986 (for short, "the 1986 Act") provides that any person who contravenes or does not comply with any of the provisions of the Act or the rules made or orders or directions issued thereunder, shall be visited with penalty. We direct the Delhi Government, the MCD and all the concerned entities to initiate proceedings under Section 15 of the 1986 Act against those who are either committing breach of the provisions of Rule 4 or who are not complying with the provisions of Rule 4.

23. We direct the Delhi Government/MCD to hold meetings with resident welfare and market associations, representative bodies of the gated communities and institutions, and the hotels and restaurants and other stakeholders for inviting their attention to the provisions of the 2016 Rules. We make it clear that unless a massive exercise of strict implementation of Rule 4 is commenced by the Delhi Government, the MCD and all other local authorities, we

will have to come out with harsh measures. We grant time till 17<sup>th</sup> March, 2025 to the Delhi Government, the MCD and the local authorities to report compliance with the aforesaid directions.

24. Our attention is invited to Rules 15 and 16 of the 2016 Rules, which lay down the duties and responsibilities of the local authorities. The learned senior counsel appearing for the Delhi Government and the MCD states that as far as clauses (a) and (e) of Rule 15 are concerned, compliance has been made. We direct all the local authorities in Delhi and the State Government to ensure that compliance with the remaining clauses of Rule 15 and in particular, clauses (b), (c) and (d) is made. Even compliance on this aspect shall be reported by 17<sup>th</sup> March, 2025.

25. Our attention is invited to the fact that in some of the cities in India, certain practices which can be termed as best practices are being followed in connection with source segregation, biodegradable waste management, material processing, plastic waste management, sanitary waste management, landfill management and technological innovations. We direct the Delhi Government and the MCD to follow the best practices adopted in other cities in India. The learned Amicus Curiae pointed out that there is a report of the Niti Aayog of 2021 which enlists certain cities which are following the best practices.

26. We direct the Delhi Government and the MCD to file an affidavit on or before 17<sup>th</sup> March 2025, setting out which best practices they propose to follow.

27. For considering compliance, list the Petition on 21<sup>st</sup> March, 2025 at 2:00 p.m.

(ASHISH KONDLE)  
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)  
COURT MASTER (NSH)

0

ITEM NO.41

COURT NO.4

SECTION PIL-W

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

WRIT PETITION(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

[ TO BE TAKEN UP AT 12:00 NOON ]..... IN RE: MUNICIPAL SOLID WASTE AND IN RE: PAYMENT OF COMPENSATION AND IN RE: POWER PLANTS NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. PRANAV SACHDEVA, ADVOCATES

Date : 02-04-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

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Ms. Uttara Babbar, Sr. Adv. (A.C)  
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Petitioner-in-person

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Mr. Ravindra Bana, AOR  
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Mr. Abhiram Bannur, Adv.  
Mr. P. Venkatraju, Adv.

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

IN RE: POWER PLANTS

1. We have heard Ms. Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae on the issue of power plants and Ms. Aishwarya Bhati, learned ASG representing the CAQM as well as the Union of India.

2. The learned Amicus Curiae has today flagged the issue of 11 Thermal Power Plants which are located within 300 kilometers of Delhi. We are concerned with the compliance regarding SO<sub>2</sub> emission standards. There are two issues. The first is whether categorization of the Thermal Power Plants within the distance of 300 kilometers from

Delhi can be changed. For that purpose, amendment to Schedule I of the Environment (Protection) Rules, 1986 will be required. The second issue is about the timelines for compliance with the SO<sub>2</sub> emission standards. Out of the 11 Thermal Power Plant units, we find that the units at Dadri NCTPP, NTPC, Uttar Pradesh and Mahatma Gandhi TPS, Jhajjar Power, Haryana, there is a compliance. In the case of power plants at Indira Gandhi STPP, NTPC, Haryana and Harduaganj TPS, UPRVUNL, Uttar Pradesh, there is a partial compliance. As regards power plant at Rajpura TPP, NPL-L&T, Punjab, it is mentioned that FGD is installed in both the units, but the system is presently not operational in these units.

3. The question is whether the timelines up to 31<sup>st</sup> December, 2029 as stated in Schedule I can be reduced. On the aspect of classification and on the aspect of reducing the timelines, we will need a response of the Ministry of Environment, Forest and Climate Change, Government of India. While we do so, we have to also ensure that the timelines are not repeatedly extended. Therefore, it will be appropriate if a notice is issued to the non-compliant Thermal Power Plants so that effective directions can be issued against them. Accordingly, issue notice to the following Thermal Power Plants, returnable on 29<sup>th</sup> April, 2025:

- |    |                                    |
|----|------------------------------------|
| 1. | Indira Gandhi STPP, NTPC, Haryana; |
|----|------------------------------------|

2.	Panipat TPS, HPGCL, Haryana;
3.	Rajiv Gandhi TPS, HPGCL, Haryana;
4.	Yamuna Nagar TPS, HPGCL, Haryana;
5.	Rajpura TPP, NPL-L&T, Punjab;
6.	Talwandi Asbo TPP, TSPL-Vedanta, Punjab;
7.	GH TPS (Lehra Mohabbat), PSPCL;
8.	Ropar TPS, PSPCL, Punjab; and
9.	Harduaganj TPS, UPRVUNL, Uttar Pradesh

The Union of India to furnish addresses of the aforementioned Thermal Power Plants. A copy of this order shall accompany the Notice.

4. In the meanwhile, we direct the Ministry of Environment, Forest and Climate Change to file its response in terms of what we have observed in this Order and in terms of the Note submitted by the learned Amicus Curiae for today's hearing. The said response shall be filed at least three days before the returnable date.

5. List on 29<sup>th</sup> April, 2025 at 12:00 noon.

**IN RE: SUBSISTENCE ALLOWANCE**

6. We have perused the affidavit filed by the Delhi Government in compliance with the order dated 28<sup>th</sup> February, 2025. The learned senior counsel representing the National Campaign Committee (NCC) and the learned senior counsel appearing for the Centre for Holistic Development, have several issues about the affidavit of the Delhi Government. We direct both the entities to file their counter dealing with the affidavit filed by the Delhi Government and also

place material on record giving names of the construction workers who actually worked during GRAP-IV period. They must also set out in what manner the verification has been carried out to ascertain whether the workers had worked during the relevant period. Time of three weeks is granted to them to file their counter.

7. The Delhi Government will also address this Court on the question whether the verified workers can be denied amount payable on the ground that their bank accounts are not linked with Aadhaar. This aspect will be considered on 29<sup>th</sup> April, 2025 at 12:00 noon.

IN RE: SOLID WASTE MANAGEMENT

8. This issue will be considered on 8<sup>th</sup> April, 2025 at 12:30 p.m.

(ASHISH KONDLE)  
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)  
COURT MASTER (NSH)

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

Civil Appeal No. 3688/2020

PUNJAB STATE POWER CORPORATION LIMITED

Appellant(s)

VERSUS

NABHA POWER LIMITED &amp; ANR.

Respondent(s)

(IA No. 123740/2020 - APPLICATION FOR PERMISSION  
IA No. 116952/2020 - STAY APPLICATION)

WITH

C.A. No. 3763/2020 (XVII)(IA No. 123624/2020 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES

IA No. 119862/2020 - STAY APPLICATION)

Date : 07-08-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE S.V.N. BHATTI

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For Respondent(s)

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Signature Not Verified

Digitally signed by  
SWETA BAJAJ  
Date: 2023.08.09  
17:56:41 IST  
Reason:

Ms. Sunieta Ojha, AOR

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

I.A. Nos. 116952 and 119862/2020

Having heard learned counsel for the parties, we are of the opinion that the proceedings before the Punjab State Electricity Regulatory Commission can continue and be decided. However, the order passed therein will not be executed and enforced without the leave of this Court.

The applications are disposed of accordingly.

Appeals are expedited.

(BABITA PANDEY)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR