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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1346/2015 & C.M. 35024/2016, 640/2017, 4383-84/2017,
8565/2017, 18856/2017, 26231-33/2017 & 36912/2017

COURT ON ITS OWN MOTION
(AIR POLLUTION IN DELHI)

..... Petitioner

Through: Mr. Kailash Vasdev, Sr. Adv. with Mr.
Sumer Singh Sandhu, Ms. Divija
Rajkhowa and Ms. Limayinla Jamir,
Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Vivek Goyal, CGSC with Ms.
Namisha Gupta, Mr. Harsh Pandit and
Mr. Rajeev Ranjan Shahi, Advs. for UOI
Mr. Ajay Digpaul, CGSC with Mr. M.
Srivastava, Adv. for UOI
Mr. Pushkar Sood, Mr. Virendra Kumar
Tiwari, Advs. for DMRC
Mr. Naushad Ahmed Khan, Standing
Counsel for GNCTD
Mr. Sakya Singha Chaudhuri, Mr.
Avijeet Lal, Ms. Shreya Mukerjee, Advs.
for AAG State of Punjab.
Mr. Rajiv Nayar, Sr. Adv. with Mr.
Chandan Lal, Ms. Pranaya Goyal, Ms.
Ankita Sangwan, Ms. Pratyushi Mehta
and Mr. Karanc, Advs. for Procum Ltd.
Ms. Eshita Baruah and Mr. Gaurang
Kanth, Advs. for EDMC
Mr. Sanjiv Puri, Sr. Adv. with Ms.
Anindita Roy Chowdhury, Ms. Vatsala
Rai and Mr. Abhijnan Jha, Advs. for
Intervener Ajay Bahl
Inspr. Ajay Kumar, Vivek Vihar, Traffic
Circle and SI Ram Tirath, Pairvi Officer
Ms. Komal Agarwal and Mr. Anil



Mittal, Advs. for State of UP.
Ms. Shaheen and Mr. Puneet Taneja,
Advs. for NTPC
Mr. Anil Grover, Ms. Noopur Singhal
and Mr. Mishal Vij, Advs. for New
Delhi Municipal Council & State of
Haryana.
Ms. Kritika Sachdev, Adv. for NHAI
Mr. Sanjeev Ralli and Mr. Prakah Ralli,
Advs. with Mr. B.L. Chawla, Officer for
DPCC
Mr. Rahul Singhal, Adv. for Delhi
Cantonment Board
Mr. Shiv Mangal Sharma, AAG with
Mr. Saurabh Rajpal and Ms. Shikha
Sandhu, Advs. for State of Rajasthan
Mr. Ajjay Aroraa, Mr. Kapil Dutta and
Ms. Divya Sharma, Advs. NDMC
Mr. R.N. Pankaj, SC 'D' Mo EF&CC

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **16.11.2017**

CM No. 40871/2017 (Cancellation of Marathon)

PROCAM, the concerned agency which is organizing the event scheduled for 19.11.2017 is represented in Court pursuant to the order dated 14.11.2017, when the notices were issued to it as well as other public agencies; such as - Govt. of NCT of Delhi, Pollution Control Committee and the Delhi Police.

Learned counsel appearing on behalf of the respondents - PROCAM have placed on record, the measures taken to prevent any medical emergency and also ensure, to the extent the possible, the route to be covered by the participants of the Airtel Delhi Half



Marathon, would be as pollution free as possible. The same are hereby taken on record. It is also submitted that the organizers have facilitated full refunds to those who do not wish to participate in the event on account of air pollution.

In these circumstances, the Court is of the opinion that no further order on this aspect is called for. The notices are hereby discharged. The application stands disposed of.

W.P.(C) 1346/2015

The Central Government has reported to the Court about the meeting that took place pursuant to the previous order dated 10.11.2017. The meeting appears to have discussed certain measures such as feasibility of ‘cloud seeding’ and implementation of existing norms such as effective enforcement of the ban on diesel generator sets; methods of dust containments, stoppage of civil construction activities for the moment. The Court notices that the general order to water the roads on regular basis, does not appear to have discussed. Counsel appearing for some of the municipal authorities have furnished figures to show the steps taken in that regard; especially when, they seem to be inadequate.

The Court was informed by counsel for DPCC that pursuant to the directions of the National Green Tribunal, several polluting construction sites which were violating the prescribed norms, were fined to the extent of Rs. 50,000/- per day per violation. The Court was also informed that the Government of NCT of Delhi has collected over Rs. 700 crores as ‘Green Cess’.

The Court was told that according to the prevailing scheme,



25% of the fines collected on account of NGT's orders are to be remitted to the Central Pollution Control Committee. Rest are to be utilized for pollution mitigation purposes.

The Govt. of NCT of Delhi, DPCC and other public agencies are directed to inform the Court about the pending proposals to spend such amounts towards the mitigation of pollution. Furthermore, Govt. of NCT of Delhi shall also consider the feasibility of applying to the appropriate authority under the Compensatory Afforestation Fund Act, 2016 for release of such funds as are feasible for its utilization under the funds which are lying to its credit.

All the public agencies – DPCC, three municipal corporations, New Delhi Municipal Committee, Delhi Cantonment Board, Govt. of NCT of Delhi shall indicate the most appropriate method for ensuring a coordinated approach towards dealing with construction polluting sites and to ensure effective implementation of the existing norms under the Environment (Protection) Act, 1986 as well as rules, regulations and guidelines framed thereunder.

List on 29.11.2017.

Order *Dasti* under signatures of the Court Master.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 16, 2017

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