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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 & 40871/2017

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,
Amicus Curiae

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. Vivek Goyal, CGSC with Mr.
Harsh Pandit, Mr. Rajeev Ranjan
Shahi and Mrs. Namish Gupta, Advs.
for UOI
Mr. Ajay Digpaul, CGSC with Ms.
Madhuri Dhingra, Advs. for UOI
Mr. Anil Grover, Standing Counsel
with Ms. Kanika Singh, ASC, Mr.
Rishi Vohra, Mr. Mishal Vij, Ms.
Noopur Singhal, Advs. for New DMC
Mr. Sakya Singha Chaudhuri, Ms.
Shreya Mukerjee, Advs. for AAG
State of Punjab
Mr. Pawan Mathur, Standing Counsel
for DDA
Mr. Shiv Mangal Sharma, AAG with
Mr. Saurabh Rajpal and Mr. Adhiraj
Singh, Advs. for State of Rajasthan
Inspr. Jaipal Singh, TI-Legal Cell,
Inspr. Ajay Kumar TI-Traffic Circle
and SI Ram Tirath, Pairvi Officer-



Traffic

Mr. Sanjeev Ralli and Ms. Prabha Ralli, Advs. for DPCC with Dr. Chandu Prakash, SEE Dr. M.P. George, Sr. Scientist and Mr. Dinesh Jindal, Law Officer for DPCC

Mr. Om Prakash, Adv. for Northern Railway

Mr. Anil Mittal and Ms. Komal Aggarwal, Advs. for State of UP

Mr. Rahul Singhal, Adv. for Delhi Cant. Board

Ms. Shaheen and Mr. Puneet Taneja, Advs. for R-28

Ms. Avnish Ahlawat and Ms. Palak Rohmetra, Advs. for DTC

Mr. Ajjay Aroraa and Mr. Kapil Dutta, Advs for SDMC

Mrs. Biji Rajesh and Mr. Gaurang Kanth, Advs. for EDMC

Mr. Pushkar Sood with Mr. Puneet Garg, Advs. for Law Officer DMRC

Ms. Puja Kalra, Adv. for North MCD

Ms. Kritika Sachdeva, Adv. for NHAI

Mr. Naushad Ahmad Khan, Standing Counsel with Ms. Urvashi Tripathi, Adv. for GNCTD

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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29.11.2017

1. Counsel for the Govt. of NCT of Delhi wishes to place a short affidavit on record. The affidavit is directed to be placed on record. The Court was informed that the meeting held yesterday presided by



the Minister of Transport, exploring the possibility of utilising Rs. 400 crores for 500 electric buses out of the Environment Compensation Charge (ECC) collected by the Govt. of NCT of Delhi till date.

2. The Court is of the opinion that prima facie, the ECC funds meant for improving the environment and mitigating pollution, cannot be utilized by diverting in the manner proposed. It is not as if that the need for public buses was only from orders of the Court. The proposal has been pending with the Govt. for long. Obviously this meant; in turn that the Govt. of NCT of Delhi could have funded the proposal from its available budget, in these circumstances, its proposal to utilize the ECC funds really amounts to diversion of the essential purpose for which ECC funds was created.

3. Counsel for the Govt. of NCT and DPCC shall comply with the previous order of 16.11.2017 and file their affidavits with regard to the points mentioned before the next date of hearing, failing which the concerned Commissioners shall be present in Court.

4. List on 14.12.2017.

S. RAVINDRA BHAT, J

SANJEEV SACHDEVA, J

NOVEMBER 29, 2017
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