

ITEM NO.12

COURT NO.4

SECTION XVII

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(s). 4908-4909/2019

NORTH DELHI MUNICIPAL CORPORATION

Appellant(s)

VERSUS

GNCTD

Respondent(s)

WITH

C.A. No. 4906-4907/2019 (XVII)

Date : 16-05-2019 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE SANJIV KHANNA

For Appellant(s) Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, AOR
Mr. Sayan Ray, Adv.
Mr. Soumo Palit, Adv.

For Respondent(s) Mr. Wasim Quadri, Sr. Adv.
Mr. V.V.V. Pattahi Ram, Adv.
Mr. Shankar Devate, Adv.
Mr. Balram Das, AOR

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

Civil Appeal Nos.4908-4909/2019

Mr. Sanjiv Sen, learned senior counsel appearing on behalf of submits that the North Delhi Municipal Corporation has purchased six diesel driven mounted suction-cum-jetting machines for the purpose of de-silting, cleaning of drains and culverts and for implementation of the Municipal Solid Waste Rules, 2016. The total cost of the vehicles is Rs.2,81,89,415 (Rupees two crore eighty one lac eighty nine lac four hundred and fifteen only). It is submitted on instructions that the vehicles are BS-IV compliant. It is submitted that it is absolutely essential to put the vehicles into use in view of the ensuing Monsoon for the purpose of de-

silting, cleaning of drains, etc. in order to prevent flooding of drains and water logging.

In the absence of sufficient de-silting and suction-cum-jetting equipment for cleaning drains, the alternative might have to be manual scavenging which is prohibited in law. In the circumstances, we deem it appropriate to pass an interim order directing the respondent to register the vehicles specified in Paragraph 12 of Civil Appeal Nos.4908-4909 of 2019. An affidavit containing copies of invoices of six vehicles has been submitted in Court today. A copy of the affidavit including invoices shall be made over to the respondent. This order shall abide by further orders, if any, to be passed in these appeals.

Be it noted that the National Green Tribunal (NGT) has itself by its order dated 27.07.2018, in the matter of *Vardhaman Kaushik vs. Union of India* in OA No.21/2014, allowed the registration of BS-IV compliant new diesel vehicles engaged in Ambulance/Fire Services/for carrying petroleum products/food products/transportation of municipal solid waste/sewer cleaning equipments/transporting LPG cylinders and such other essential services etc.

Civil Appeal Nos.4906-4907/2019

Mr. Sanjiv Sen, learned senior counsel appearing on behalf of the submits that the North Delhi Municipal Corporation has purchased 24 diesel driven BS IV compliant water tankers of the specifications as specified in paragraph 11 of the appeal for sprinkling water to control air pollution.. The total cost of the vehicles is Rs.4,00,61,520/- (Rupees four crore sixty one five hundred and twenty only).

We deem it appropriate to pass an interim order directing the respondent to register the vehicles specified in Paragraph 11 of Civil Appeal Nos.4906-4907 of 2019. An affidavit containing invoices of the 24 vehicles has been submitted in Court

today. A copy of the affidavit including invoices shall be made over to the respondent. This order shall abide by for further orders, if any, to be filed in these appeals.

As observed in our earlier order passed today in Civil Appeal Nos.4908-4909/2019, the National Green Tribunal (NGT) has itself by its order dated 27.07.2018, in the matter of *Vardhaman Kaushik vs. Union of India* in OA No.21/2014, allowed the registration of BS-IV compliant new diesel vehicles engaged in Ambulance/Fire Services/for carrying petroleum products/food products/transportation of municipal solid waste/sewer cleaning equipments/transporting LPG cylinders and such other essential services etc.

As per the averments made in the appeals, the equipments will be used for sprinkling water to control air pollution.

Let all the appeals be listed in July, 2019 as earlier directed.

(GULSHAN KUMAR ARORA)
COURT MASTER

(RAJ RANI NEGI)
ASSISTANT REGISTRAR