

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 13029 OF 1985

M.C. Mehta Petitioner(s)

Versus

Union of India Respondent(s)

With CA.No.8187/2019 & CA.Nos.3610-11/2019

ORDER

C.A.Nos.3610-11/2019-New Delhi Municipal Council

1. In this appeal, the appellant New Delhi Municipal Council is assailing the order dated 18.12.2018 in OA.No.1047/2018 and the order dated 18.01.2019 passed on Review Application No.12/2019 in OA.No.1047/2018 by which the application filed by the appellant seeking direction to the Transport Authority to register the water tanker/trucks for essential services was rejected. In the pending appeal an application in I.A.No.61047/2020 is also filed by the appellant seeking that the Transport Department of GNCTD be directed to register 20 number of

BS-IV Compliant Diesel driven water tankers purchased by the appellant.

C.A.No.8187/2019 - Delhi Cantonment Board

2. This appeal is filed by the Delhi Cantonment Board assailing the order dated 22.07.2019 passed by the NGT in M.A.No.160/2019, MA.No.167/2019 and MA.No.171/2019 in OA.No.21/2014 dismissing the application filed by the appellant seeking to direct the Transport Department to register the water tankers purchased by the appellant which are BS-IV Compliant diesel vehicles purchased on 31.10.2018.

I.A.No.101010/2020 in WP (C) No.13029/1985

3. This application is filed by the applicant Narbada Travels seeking directions to the GNCTD to register two TATA LP vehicles purchased by the applicant prior to 31.03.2020 and are BS-IV compliant.

I.A.No.101018 in WP (C) No.13029/1985

4. This application is filed by the applicant Mrs. Meenakshi Virmani seeking to direct GNCTD to register the

TATA LPO, 1613 Bus purchased by the applicant prior to 31.03.2020 and is BS-IV compliant.

5. The above appeals and applications seeking such direction for registration of the vehicles are filed in view of the restrictions stipulated in the Petition bearing WP(C) No.13029/1985 titled ***M.C. Mehta vs. Union of India and Ors.*** However, as and when the need for registration of vehicle arose, applications were filed before this Court. Since applications seeking registration of three types of vehicles (a) CNG vehicles (b) BS-IV compliant vehicles and (c) BS-VI Compliant vehicles, being used for essential public utility services were made, this Court by the order dated 18.09.2020 directed the Environment Pollution Control Authority (EPCA) to scrutinize the pending cases and submit a report to this Court so that a common order could be passed.

6. In view of such direction the EPCA has filed its detailed report No.116 dated 28.09.2020. In the said report the EPCA has referred to the pending applications *inter alia* relating to the appellants herein namely, New Delhi

Municipal Council (CA.No.3610-11/2019 and IA.No.61047/2020) and Delhi Cantonment Board (C.A.No. 8187/2020). While taking note of the applications, the EPCA has referred to the details of the vehicles, fuel type, date of purchase, the details relating to the uploading in VAHAN Portal for temporary registration/reasons for not uploading and as to whether or not the CNG/petrol variant of such vehicles was available at the time of purchase. Keeping in view the said details and also on taking note of the various orders passed by the NGT and this Court the EPCA has made its recommendations, which read as hereunder:

“Based on these facts, EPCA would recommend the following directions, which the Hon’ble Supreme Court may consider:

1. BS-IV CNG vehicles may be registered, but only if they have been uploaded in the VAHAN database prior to 31.03.2020 and have got temporary registration.
2. BS-IV diesel light and heavy-duty vehicles used for public utility and essential services, where CNG-petrol variants are not available and which had pending applications before the Hon’ble Supreme Court may be registered as detailed in the list A above and summary below.

BS-IV diesel light-heavy duty vehicles to be allowed registration

	Public agency	Vehicles required for	No.
1	New Delhi Municipal Council	Water tankers	20
2	North Delhi Municipal Corporation	Water tankers/jetting machines	30
3.	Delhi Police	Travel of police outstation	1
4.	Delhi Cantonment Board	Water tankers	2
5	I&FC Department/Delhi Govt	Ambulance	1

3. BS-III non-road category of vehicles (as per the current applicable emission norm as notified by MoRTH), registered under the category of CEV-TREM may be permitted to be registered.

4. BS-VI diesel light and heavy-duty vehicles used for public utility and essential services may be permitted to be registered.”

7. Considering the above recommendations and on taking note of the fact that the water tankers are used for the public utility and essential services the prayer made in the appeals bearing C.A.No.3610-11/2019, C.A. No.8187/2019 and the application bearing IA.No.61047/2020 are liable to be allowed.

IA.No.101010/2020 and 101008/2020 in WP(C) No.13029/1985:

8. As noted above the details of the purchase made by the applicants in these applications was not a part of the consideration made by the EPCA and as such is not contained in the report. However, the yardstick as

applicable to all other cases will have to be made applicable herein. In that view a perusal of the details indicated in IA.No.101010/2020 would disclose that the two vehicles were purchased on 07.03.2020 and 11.03.2020 respectively. In respect of the two vehicles namely TATA LP909/49WB and TATA LPO 1613, the date of temporary registration and the display on the e.Vahan portal is 11.03.2020 and 13.03.2020 respectively.

9. In IA.No.101018/2020 the vehicle TATA LPO 1613 was purchased on 11.03.2020 and the temporary registration was on the same date. It is shown in the e.Vahan portal on 13.03.2020. That apart the vehicles involved in these two applications are CNG variant and BS-IV Compliant. This Court in the order dated 18.09.2020 had observed that insofar as CNG vehicles are concerned there cannot be any valid objection for the registration of the vehicles as the emission from these vehicles is within the limits and had directed the vehicles to be registered. Hence both these applications are liable to be allowed.

I.A.No.108186 OF 2020 in WP(C) No.13029/1985
Indian Oil Skytanking Pvt. Ltd.

10. The applicant M/s Indian Oil Skytanking Private Ltd. has filed the instant application seeking direction to the Transport Authority (Govt of NCT of Delhi) to register 3 (Three) BS-IV Hydrant Dispensers to be used for the purpose of delivering Aviation Turbine Fuel to the aircraft tanks at Indira Gandhi International Airport, New Delhi. The details of vehicles are as hereinbelow;

S.No	Description of Vehicles	Engine No.	Chassis No.
1.	Goods Carrier/Truck	SLT4GT244880	MBUZT54XGT0251339
2.	Goods Carrier/Truck	SLT4GT244556	MBUZT54XGT0251052
3	Goods Carrier/Truck	SLT4GT244772	MBUZT54XGT0251314

11. The applicant, a Joint Venture Company promoted by M/s Indian Oil Corporation Ltd. and M/s Skytanking Holding GmbH, Germany is engaged in the business of handling Jet Fuel for Airlines on behalf of the suppliers, Operations and Maintenance of Fuel Farm and into Plane services for all national and international airlines operating in Delhi, Mumbai and Bangalore Airports. To engage themselves in the said business the applicant has purchased three goods carriers/trucks on 30.08.2018 and

have obtained temporary registration certificates on 30.08.2018. The applicant contends that the National Green Tribunal had directed conversion of buses, coaches and other vehicles plying at the airport to CNG fuel within six months from the order dated 24.11.2017. This Court while modifying the said order of NGT through its order dated 06.08.2018 had removed the words “other vehicles”. In so far as the vehicles purchased by the applicant, it is pointed out that since they are designed to carry highly inflammable product, CNG and petrol fuelled engines cannot be used as per the norms of Government. The said Hydrant Dispensers are heavy duty vehicles and are diesel powered engines so that they can generate sufficient torque for the vehicles to supply required power for its multiple functions. It is also stated that the sophisticated and costly equipments are mounted on BS IV compliant ICV of SML ISUZU Limited. In that light the applicant is seeking registration of the vehicles.

12. Having taken note of the averments contained in the application, it is also to be noted that as indicated above

this Court had through its order dated 18.09.2020 directed the Environment Pollution Control Authority (EPCA) to submit a report after scrutinizing the pending cases. Though the said report related to the vehicles purchased and awaiting registration in respect of certain other public utility services, the consideration made therein would be relevant in this case. In that regard, as noted the EPCA, *inter alia* has recommended that BS-IV diesel, light and heavy-duty vehicles used for public utility and essential services, where CNG petrol variant are not available and which had pending application before the Supreme Court may be registered. As noted, though the instant application was not pending at that stage, the nature of activity of the applicant is for public utility and essential services. Peculiar to its nature of activity, no other vehicle can be used, and the vehicle had been purchased on 30.08.2018, much prior to the cut-off date. The fact that the vehicles are used for carrying inflammable product, in which circumstance a diesel vehicle is to be used cannot be lost sight of. These vehicles are also BS-IV compliant which was

the norm as on the date of purchase. Hence, an exception is required to be made.

13. In view of the above:

(1) CA.No.3610-11/2019 and IA.No.61047/2020 are allowed. The Transport Department GNCTD is directed to register 20 numbers of BS-IV Compliant water tankers, the details of which is referred to in the report dated 28.09.2020 of EPCA

(2) C.A.No.8187/2019 is allowed. The GNCTD is directed to register two water tanker vehicles, the details of which is indicated in the report of EPCA.

(3) IA.No.101010 /2020 is allowed. The GNCTD is directed to register two vehicles detailed in the application.

(4) IA.No.101018/2020 is allowed. The GNCTD is directed to register the vehicle detailed in the application.

(5) I.A.No.108186/2020 is allowed. The GNCTD is directed to register 3 Diesel BS-IV Commercial

Vehicles of SML ISUZU make detailed in the application.

(6) No costs.

.....CJI.
(S. A. Bobde)

.....J.
(A. S. Bopanna)

.....J
(V. Ramasubramanian)

NOVEMBER 02, 2020
NEW DELHI