

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

EPCA Report Nos.30-37 in In W.P.(C)No.13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

I.A.No.266 in WP(C) No.13029/1985
(With appln. for directions on behalf of Haryana City Gas Distribution Ltd.)

I.A.No.247 in WP(C) No.13029/1985
(With appln. for directions on behalf of IGL)

I.A.No.248 in WP(C) No.13029/1985
(With appln. for exemption from filing O/T)

I.A.No.249 in WP(C) No.13029/1985
(With appln. for directions on behalf of IGL)

I.A.No.250 & 251 in WP(C) No.13029/1985
(With appln. for stay)

I.A.No.262 in WP(C) No.13029/1985
(Appln. @ E.P.C.A.Report No.30 March, 2007 regarding CNG safety progress and action taken report)

I.A.No.263 in WP(C) No.13029/1985
(Appln. @ E.P.C.A.Report No.31 March, 2007 regarding urgent need to augment and restructure the Delhi Bus Transport system)

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I.A.No.264 in WP(C) No.13029/1985
(Appln. @ E.P.C.A.Report No.32 March, 2007 regarding controlling pollution from the growing number of the diesel cars in Delhi)

I.A.No.265 in WP(C) No.13029/1985
(Appln. @ E.P.C.A.Report No.33 March, 2007 regarding report on intercity public transport needs)

AND

CONMT.PET.(C) NO.267/2005 IN W.P.(C) NO.13029/1985
(With appln. for impleadment and exemption from filing O.T.)

I.A.No.225 in WP(C) No.13029/1985
(For directions, matter regarding seven critically polluted cities)

AND

I.A.No.270 in WP(C) No.13029/1985
(Appln. for clarification/direction on behalf of U.O.I.)

I.A.No.271 in WP(C) No.13029/1985
(For direction by Ld.A.C.)

I.A.No.272 in WP(C) No.13029/1985

(Appln. for directions on behalf of Adani Energy Ltd.)

I.A.No.274 in WP(C) No.13029/1985

(Appln. for placing on record status report for seeking directions on behalf of Adani Energy Ltd.)

Date: 01/02/2008 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr. Adv. (A.C.)

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Mr. U.U. Lalit, Sr. Adv. (A.C.) (N.P.)

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For the petitioner(s) Mr. M.C. Mehta, Petitioner-in-person

IA 267 Mr. Puneet Bali, Adv.
Mr. Hittan Nehra, Adv.
Mr. S.S. Gulati, Adv.
Mr. Kamaldeep Narang, Adv.

For Applicant(s) Mr. Mukul Rohtagi, Sr. Adv.
I.A.No.272 Mr. Ankur Saigal, Adv.
Mr. Tarun Gulati, Adv.
Ms. Bina Gupta, Adv.
Mr. Gaurav Singh, Adv.
Ms. Rashmi Rekha Devi, Adv.
Mr. M.C. Dhingra, Adv.

For the Respondent(s) Mr. Ashok Bhan, Adv.
Mr. S.W.A. Qadri, Adv.
Mr. M.P.S. Tomar, Adv.
For Mr. D.S. Mahra, Adv.
Mr. B.V. Balramdas, Adv.
Ms. Anil Katiyar, Adv. (N.P.)
Mr. T.V. George, Adv.
Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.

I.A.NO.270 Mr. Gopal Subramaniam, ASG
Mr. T.V. Ratnam, Adv.
Mr. K.K. Venugopal, Sr. Adv.
Mr. Parag P. Tripathi, Sr. Adv.
Ms. Neelima Tripathi, Adv.

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Mr. K.V. Mohan, Adv.
Mr. K.V. Balakrishnan, Adv.
Ms. T. Gupta, Adv.

Mr. Rakesh, Adv.

Dr. Madan Sharma, Adv.

Mr. R.D. Upadhyay, Adv.

I.A.266 Mr. Gopal Subramaniam, ASG
Mr. Vishwajit Singh, Adv.
Ms. Neera Gokhale, Adv.

Mr. Vijay Panjwani, Adv.

Mr. S.W.A. Qadri, Adv.

Mr. Shri Narain, Adv.

Mr. Sandeep Narain, Adv.

Mr. F.S. Nariman, Sr. Adv.

M/s. Percy Ghandy, R.N. Karanjawala,
Nandini Gore, Debmalya Banerjee, Sonia
Nigam, Manik Karanjawala, Advs.

Ms. Savitri Pandey, Adv.

Mr. V.P. Singh, Adv.

Mr. Anil Kr. Jha, Adv.

Mr. B.K. Prasad, Adv.

Mr. A.D.N. Rao, Adv.

Mr. Kamal Deep Narang, Adv.

M/s. Hemantika Wahi, Pinky Behera, Jesal,
Shivangi, Sangeeta Singh, Advs.

Mr. S.R. Hegde, Adv.

Ms. D. Bharthi Reddy, Adv.

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Ms. Asha G. Nair, Adv.

Mr. V.G. Pragasam, Adv.

Mr. S. Joseph Aristotle, Adv.

Mr. Prabu Ramasubramanian, Adv.

M/s Transport & Delhi
Police

Mr. S. Wasim A.Qadri, Adv.

Mr. Jubair Ahmad Khan, Adv.

For Mr. D.S. Mahra, Adv.

For HSIDC

Mr. Ravindra Bana, Adv.

UPON hearing counsel the Court made the following
ORDER

I.A.No.271 in WP(C) No.13029/1985

Issue notice.

It is brought to our notice that the term of Dr. Bhure Lal, Member of UPSC is going to end by 9.2.2008. He may continue as Chair-person of the Environment Pollution

(Prevention & Control) Authority with all perquisites until further orders.

I.A.No.266 in WP(C) No.13029/1985

The matter relates to distribution of CNG. Learned Additional Solicitor General submitted that in matters of distribution of CNG, the Central Government has absolutely prerogative. It is also brought to our notice that without direction from the Union of India, some of the States have taken steps to give out franchise to private persons for distribution of CNG and private parties have invested money for providing infrastructure to outlets for CNG. Learned counsel for the allottees dispute the stand of the Union of India regarding

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absolute prerogative. Learned counsel for the Petroleum Board has also stated that the Board has got authority to deal with these matters.

In view of this, the Ministry of Petroleum may examine the matter and submit its report within a period of three weeks so that effective order could be passed to resolve the controversy between the parties. It would be appropriate if a meeting of all shareholders is held.

I.A.Nos.272-274 in WP(C) No.13029/1985

Learned counsel for the petitioner submits that they had already established CNG Grid in Noida and Faridabad and they may be permitted to have connectivity with the GAIL pipeline for transporting CNG from the State of Gujarat.

List on 29.2.2008.

I.A.No.270 in WP(C) No.13029/1985

Issue notice.

I.A.Nos.262-265 in WP(C) No.13029/1985

EPCA Report 30: Taken on Board. No orders.

EPCA Report 31 E.P.C.A Report is filed. In para 8 of the report some suggestions for public transport system were given. We would like to have the response of Delhi Government, particularly, with regard to para 8 of the report within a period of four weeks.

The Delhi Government will also examine the feasibility of public-private co-

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operation in the field of Public Transport System.

EPCA Report 32: E.P.C.A Report is filed. Ministry of Surface and Transport and MoEF will file their response within a period of four weeks.

EPCA Report 33: Issue notice to State Governments of U.P, Haryana, National Capital Region (NCR) Board and Northern Railways.

I.A.No.225 in WP(C) No.13029/1985:

EPCA Report 28: Issue notice to State Governments of UP, Gujarat,

Karnataka, Andhra Pradesh, Tamil Nadu and Maharashtra.

CONMT.PET.(C) NO.267/2005 IN W.P.(C) NO.13029/1985

The petition is dismissed.

(R.K. Dhawan)
Court Master

(Veera Verma)
Court Master