

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A. NO.179 IN WRIT PETITION (CIVIL) NO.13029 OF 1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(E.P.C.A. Report Nos.10,12 and 14)

With I.A. No.226 in Writ Petition (C) No.13029 of 1985

(Regarding implementation of High Capacity Bus System in the City)

E.P.C.A. Report No.15

(Regarding proper enforcement of safety test and prevent leakage of gas etc. from CNG Buses)

E.P.C.A. Report No.17

(Regarding issues on operation of CNG vehicles, adulteration of fuels, conversion of light diesel goods vehicles to CNG etc.)

Date: 29/11/2005 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

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

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

For Petitioner(s)

In-person (N/P)

Mr. V.B. Joshi, Adv.

For Respondent(s) Mr. Vikas Sharma,Adv.
For MoEF: Ms. Anil Katiyar,Adv.
For Haryana: Mr. Ajay Siwach,Adv.
Mr. Sandeep Sharma,Adv.
Mr. T.V. George,Adv.

For Delhi Police: Mr. S.W.A. Qadri,Adv.
Ms. Anil Katiyar,Adv.

For Deptt. of Mr. S.W.A. Qadri,Adv.
Transport & PWD: Ms. Anil Katiyar,Adv.

In-person (N/P)

For State of U.P.: Mr. R.G. Padia,Sr.Adv.

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Ms. Savitri Pandey,Adv.
Mr. Kamendra Mishra,Adv.

For C.P.C.B.: Mr. Vijay Panjwani,Adv.

For S.I.A.M.: Mr. Altaf Ahmad,Sr.Adv.
Mr. Shri Narain,Adv.
Mr. Sandeep Narain,Adv.

For D.T.C.: Ms. A. Subhashini,Adv.

For TISCO Ltd.: Mr. Mukul Rohatgi,Sr.Adv.
Mr. R.N. Karanjawala,Adv.
Ms. Nandini Gore,Adv.
Ms. Pragya Singh Baghel,Adv.
Ms. Manik Karanjawala,Adv.

For State of A.P.: Mr. Manoj Saxena,Adv.
Mr. Amit Meharia,Adv.
Mr. M.P. Meharia,Adv.

For M.C.D. : Mr. Sanjiv Sen, Adv.
Mr. Praveen Swarup, Adv.
Mr. Ranjan Narain, Adv.

For N.C.R.B. : Mr. Sheil Sethi, Adv.

For I.G.L. : Mr. Sidharth Yadav, Adv.
Mr. Vikrant Yadav, Adv.
Mr. M.C. Dhingra, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A. No.179 in Writ Petition (C) No.13029/1985:

The question under consideration is about the manner of calculating pollution in

the petrol cars in Delhi. With the assistance of the learned Amicus Curiae and other

learned counsel appearing in the case, we have perused the E.P.C .A. Reports dated

November, 2004, December, 2004, March, 2005 and November, 2005, as also the stand of

the Government of the National Capital Territory of Delhi reflected in the affidavit of Mr.

S.N. Sahai filed in May, 2005. We have also perused the response filed by the Society of

Indian Automobile Manufactures. At this stage, the question is of introducing the Lambda

Test to check the cars from pollution angle at P.U.C. Centres. There are about four

hundred such centres in Delhi. According to the stand of the Delhi Government, the

introduction of new technology required to be used to undertake such a test, in a phased

manner, would need a period of six months. At this stage, it is not in question that it is

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essential to implement the Lambda Test and, therefore, it is necessary to introduce the

technology at the P.U.C. Centres so that they are in a position to undertake such a test. The

question as to what shall be the cut-points, i.e, 0.03, 0.05, 0.07 or 0.09, would be examined

after the technology has been installed at the P.U.C. Centres. Meanwhile, the pilot tests

can also go on so that when the technology is introduced, this Court is also in a position to

know the further results of the pilot tests and keep that also in consideration while fixing

the cut-points.

We hope that the Delhi Government will be able to introduce this technology by the end of April, 2006, and, by that time, we will have a further report on this issue from E.P.C.A. List the matter in the first week of May, 2006.

Parking Policy (I.A.No.226):

The Chief Secretary of Government of National Capital Territory of Delhi in the

affidavit filed in this Court on 14th July, 2005 has referred to a draft report on parking policy

in Delhi submitted to the Chief Secretary by the sub-Committee appointed by him. That draft

report of June, 2005 prepared by Urban Development Department of Government of Delhi

has also been placed on record. The EPCA in addition to its report of July, 2004 has filed a

supplementary report being Report No.18 of November, 2005. In substance, except few

suggestions, the draft report seems to be acceptable to EPCA. The EPCA has recommended

that the Delhi Government must be asked to finalize and issue the parking policy to all

agencies for its implementation. It has further been suggested that the Delhi Government and

other agencies - MCD, NDMC, PWD and DDA - must finalize the priority action emanating

from the policy along with the suggested directions given in Report No.18 by EPCA and these

shall be filed in this Court for implementation. Certain other suggestions have also been

given.

Having regard to the affidavit of the Chief Secretary, the draft policy and the report

of EPCA, we direct that the Chief Secretary of Delhi Government shall call a meeting of all

concerned agencies, discuss the issue with the said agencies and file in this Court a finalized

parking policy, after discussing the policy and report with EPCA. The finalized policy with

priorities and other requisite action plan shall be filed in this Court within four weeks.

This matter is adjourned, to be taken up after five weeks.

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Report No.17:

Supplementary report of the EPCA, Report No.17/2005, is taken on record. It deals

with the matter in regard to the safety as certain incidents of CNG bus fires were reported.

We are told that the suggested measures are being adopted by the agencies and at present no

further directions are necessary.

Report No.12:

For the present, no further directions are necessary.

(N. Annapurna)
Court Master

(T.I.Rajput)
Court Master

(V.P. Tyagi)
Court Master