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W.P(C)No. 13029 OF 1985

ITEM No.301

Court No. 1

SECTION PIL

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

WRIT PETITION (CIVIL) NO. 13029/1985

M.C. MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(Matter regarding compulsory switch over of all two wheelers, three wheelers and motor vehicles of L.P.G./C.N.G. in cities other than Delhi which are equally or more polluted)

with

Directions with regard to the Report regarding pricing of CNG by the IGL submitted by the Bhure Lal Committee.

With

I.A. No. 179 in WP(C) No. 13029/1985 (for directions)

I.A. No. 181 in WP(C) No. 13029/1985 (for impleadment and direction on behalf of Indian Foundation and Transport Research and Training)

I.A. No. 182 in WP(C) No. 13029/1985 (for impleadment on behalf of State of Haryana)

I.A. No. 183 in I.A. No. 151 in WP(C) No. 13029/1985 (for direction on behalf of State of Haryana)

I.A. No. 184 in WP(C) No. 13029/1985 (for impleadment/directions on behalf of Delhi Inter-State Truck Operators Association).

I.A. Nos. 188-189 in WP(C) No. 13029/1985 (for directions/impleadment on behalf of Delhi Traffic Police)

I.A. No. 192 in WP(C) No. 13029/1985 (for directions on behalf of CNG Bus Operators Association)

I.A. Nos. 194-195 in WP(C) No. 13029/1985
(for directions and impleadment and further directions on behalf of Ishwar Nagar (East) Resi. Association)

I.A. No. 207 in I.A. No. 194 in WP(C) No. 13029/1985
(for directions)

I.A. No. 202 in WP(C) No. 13029/1985 (for directions on behalf of Sukh Nandan Sharma)
(Letter dated 10.9.2002 and 8.10.2002 filed by Mr. N.K. Aggarwal, Advocate on behalf of Sh. Ishwar Dutt with office report) in WP(C) No. 13029/1985

I.A. No. 203 in WP(C) No. 13029/1985 (for directions on behalf of Transport Department, Govt. of NCT of Delhi)

I.A. Nos. 210-211 in I.A. No. 151 in WP(C) No. 13029/1985
(for directions and impleadment on behalf of Mr. Ran Singh)

I.A. No. 212 in WP(C) No. 13029/1985
(for directions on behalf of Delhi Police)

IA No. 216 in WP(C) No. 13029/1985
(for direction regarding providing accommodation to Mr. Bhure Lal,
Chairman, filed by A.C.)

IA 217 in WP(C) No. 13029/1985
(for impleadment and directions on behalf of Malawa Ram Market
Association)

IA Nos. 218-219 in IA No.199 in WP(C) No. 13029/1985
(for restoration and c/delay on behalf of All India Transport Welfare
Association)

IA Nos. 220-221 in IA 185 in WP(C) No. 13029/1985
(for restoration and c/delay on behalf of All India Motor Congress)

IA No. 223 in WP(C) No. 13029/1985
(in re: Photographs filed in Court by learned A.C.)

IA No. 225 in WP(C) No. 13029/1985
(for direction regarding seven critically polluted cities)

IA 226 in WP(C) No. 13029/1985
(for direction regarding implementation of 10 high capacity buses
to augment its public transportation)

Contempt Petition (C) No. 259/2000 in WP(C) No. 13029/1985
(Jitender Khurana vs. B P Mishra & Ors.)

Contempt Petition (C) No. 1/2002 in WP(C) No. 13029/1985
(Kuldeep Singh Tomer vs. P S Bhatnagar, Chief Secretary)

Contempt Petition (C) No. 48/2002 (Ajai Tara vs. P C Jain & Anr.)

Contempt Petition (C) No. 71/2002 in WP(C) No. 13029/1985
(NCT of Delhi vs. Bitto & Ors.)

Contempt Petition (C) No. 413/2003 in WP(C) No. 13029/1985
(Kartike Anand vs. R R Johar & Ors.)

WP(C) No. 939/1996 In re: Delhi Transport Department

SLP(C) No. 13208/1998 (U.O.I. & Ors. vs. A.I.Fed. Of Motor V.D.T.E.Off.
Assocn. & Ors.) (with appln.(s) for c/delay in filing SLP and vacation of
the order)

SLP(C)/2000 (CC Nos. 6990-6991 (Govt. of NCT of Delhi vs. M/s
Mahua Roy Chowdhary & Ors.) (with appln.(s) for c/delay in filing SLP)

WP(C) No. 543/2003 (All India Forum for National Recn. & Anr. vs. Union
of India & Ors.) (with appln.(s) for exemption from filing O.T.)

Date : 08/03/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

Amicus Curiae Mr. Harish N Salve, Sr. Adv. (AC)

Mr. U U Lalit, Adv. (AC)(NP)
Mr. Siddharth Chaudhary, Adv.
Ms. Aparajita Singh, Adv.

For Petitioner (s)
in WP 13029In person.(NP)

in CP 259Mr. Subramonium Prasad, Adv.

in CP 1In person.

in CP 48Ms. Manali Singhal, Adv.
Ms. C K Sucharita, Adv.

in CP 71Ms. S Wasim A Qadri, Adv.
Ms. Anil Katiyar, Adv.

in CP 413Mr. C A Sundaram, Sr. Adv.
Ms. B Vijayalakshmi Menon, Adv.

in WP 939Mr. Ranjit Kumar, Sr. Adv. (AC)
Mr. Anis Ahmed Khan, Adv. (NP)

in SLP 13208Mr. Arvind Kumar Sharma, Adv.(NP)

in SLP CC6990-6991Mr. S Wasim A Qadri, Adv.
Mr. D S Mahra, Adv.

in WP 543Mr. Sibho Sankar Mishra, Adv.

For Applicant(s)
IA 179,216,223,225,226Mr. Harish N Salve, Sr. Adv. (AC)
Mr. U U Lalit, Adv. (AC)(NP)
Mr. Siddharth Chaudhary, Adv.
Ms. Aparajita Singh, Adv.

IA 188-189,Mr. S Wasim A Qadri, Adv.
203Mr. D S Mahra, Adv.

IA 181Ms. Rani Chhabra, Adv.

IA 182, 183Mr. G L Sanghi, Sr. Adv.
Mr. Neeraj Kumar Jain, Adv.
Mr. J P Dhanda, Adv.(NP)

IA 184Mr. J S Chadha, Adv.
Applicant in-person.(NP)

IA 192Mr. C S Ashri, Adv.(NP)

IA 194-195 & 207 Mr. Ranjit Kumar, Sr. Adv.
Ms. Kirti Renu Mishra, Adv.

IA 202Ms. Shibashish Misra, Adv.

-Mr. N K Aggarwal, Adv.

IA 210-211Mr. Vishal Malik, Adv.
Mr. M S Dahiya, Adv.)

IA 212Mr. S Wasim A Qadri, Adv.
Ms. Anil Katiyar, Adv.

IA 217Mr. P Chidambaram, Sr. Adv.
Ms. Rani Chhabra, Adv.

IA 218-219 & 220-221
Mr. Abhijit Sengupta, Adv.

For Respondent (s)
WP 13029

MoEF.Mr. A D N Rao, Adv.
Mr. Ajay Sharma, Adv.
Ms. Sushma Suri, Adv.(NP)
Mr. P Parmeswaran, Adv(NP)

M/o PetroleumMr. A D N Rao, Adv.
Mr. C V Subba Rao, Adv.
Mr. B V Balram Das, Adv.

NCT DelhiMr. S Wasim A Qadri, Adv.
Ms. Anil Katiyar, Adv.
Mr. D S Mahra, Adv.

Delhi PoliceMr. S Wasim A Qadri, Adv.
Mr. Anil Katiyar, Adv.

M/o Road & Highways
Mr. S Wasim A Qadri, Adv.
Ms. Niranjana Singh, Adv.
Ms. Anil Katiyar, Adv.

Deptt. Of Explosives & Oil
Industry Safety DirectorateMr. D S Mahra, Adv.

CPCBMr. Vijay Panjwani, Adv.

DTCMs. A Subhashini, Adv.

NCR Planning Bd.Ms. Sheil Sethi, Adv.

IGLMr. P Chidambaram, Sr. Adv.
Mr. Siddharth Yadav, Adv.
Mr. Vikrant Yadav, Adv.
Mr. Praveen Swarup, Adv.

BPCLMr. Parijat Sinha, Adv.

TELCOMr. F S Nariman, Sr. Adv.
Mr. Percy Gandhi, Adv.
Mr. R N Karanjawala, Adv.
Ms. Nandini Gore, Adv.
Ms Reetu, Adv.
Ms. Manik Karanjawala, Adv.

IOC & IBPMr. H K Puri, Adv.
Mr. Ujjwal Banerjee, Adv.
Mr. S K Puri, Adv.
Mr. Shiv Gupta, Adv.

HPCLMr. Sanjay Kapur, Adv.
Ms. Shubhra Kapur, Adv.
Mr. Sanjeev Kapur, Adv.

SIAM & Ashok LeylandMr. Shri Narain, Adv.
Mr. Sandeep Narain, Adv.
Ms. Anjali Jha, Adv.

MCDMr. Sanjiv Sen, Adv.
Mr. Rajan Narain, Adv.
Ms. Indira Sawhney, Adv.

Mr. Ashok Mathur, Adv.(NP)

DDA
Mr. V B Saharya, Adv.
for M/s. Saharya & Co., Adv.

Mr. Hardeep Singh Anand, Adv.(NP)

Mr. Sushil Kumar Jain, Adv.(NP)

Ms. Binu Tamta, Adv.(NP)

Mr. R C Verma, Adv.

Mr. Mukesh Verma, Adv.

Mr. Manish Shanker, Adv.

Mr. Abhishek Chaudhary, Adv.

Ms. Meenakshi Arora, Adv.(NP)

Mr. Prashant Bhushan, Adv.

Mr. Narinder Verma, Adv.

Mr. Vishal Gupta, Adv.

State of Andhra Pradesh
Mr. T V Ratnam, Adv.

State of Gujarat
Ms. Hemantika Wahi, Adv.
Ms. Aruna Gupta, Adv.

State of Karnataka
Mr. Sanjay R Hegde, Adv.

State of Maharashtra
Mr. Mukesh K Giri, Adv.

State of UP
Mr. Arvind Varma, Adv.
Mr. Kamalendra Mishra, Adv.
Mr. Rajeev Dubey, Adv.

National Highways Authority
Mr. V B Joshi, Adv.

Mr. G K Bansal, Adv.(NP)

State of Haryana
Mr. Sanjay Singh, Adv.
Mr. Bharat Singh, Adv.
Mr. Neeraj Kumar Jain, Adv.
Ms. Kavita Wadia, Adv.

WP 939
Mr. L K Pandey, Adv.(NP)

Mr. S B Upadhyay, Adv.(NP)

Mr. S R Setia, Adv.(NP)

Mr. Sanjay Parikh, Adv.(NP)

Mr. Arvind Kumar Sharma, Adv.(NP)

SLP 13208
Ms. Hemantika Wahi, Adv.
Ms. Aruna Gupta, Adv.
(for States of Gujarat & Mizoram)

Mr. Aruneshwar Gupta, Adv.(NP)

Mr. V G Pragasam, Adv.(NP)

Mr. Sakesh Kumar, Adv.

Mr. Satish K Agnihotri, Adv.

(for State of MP)

Mr. K K Rai, Adv.

Mr. B B Singh, Adv.(NP)

Ms. A Subhashini, Adv.
(for State of Goa)

Mr. Tara Chandra Sharma, Adv.
Mr. Ajay Sharma, Adv.
Ms. Neelam Sharma, Adv.
(for State of WB)

Mr. G Prakash, Adv.(NP)

Mr. Deepak M Nargolkar, Adv.(NP)

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State of Manipur Mr. KH Nobin Singh, Adv.

State of Tamilnadu Mr. R Ayyam Perumal, Adv.
Mr. S Vallinayagam, Adv.

UPON hearing counsel the Court made the following
ORDER

Directions with regard to the report regarding pricing of CNG by the IGL submitted by the Bhure Lal Committee

Learned counsel appearing for the Union of India is directed to give a copy of the response filed on behalf of Union of India to the learned Amicus Curiae today.
Adjourned.

Matter regarding compulsory switch over of all two wheelers, three wheelers and motor vehicles to LPG/CNG in cities other than Delhi which are equally or more polluted and I.A. No. 179
Two weeks' further time is granted to the States of Karnataka and Gujarat to file the requisite affidavit.

Let a copy of the Report on Second Generation Reforms for Air Pollution Control in Delhi dated April 2003, be given to the parties at their expense within two weeks and the parties may within four weeks thereafter file their views/response to the report.
List after six weeks.

I.A. No. 181

Mr. S Wasim A Qadri, learned counsel states that the requisite affidavit shall be filed in course of the day. Rejoinder thereto may be filed within two weeks.
List after two weeks.

I.A. Nos. 182-183

We have heard learned counsel and are of the view that the National Highways Authority is to be treated as the nodal agency who may chalk out the schedule for completing the construction of bypass and express-way. Let the progress report be submitted within four weeks by the nodal agency. List thereafter.
In the meantime, the Union of India may also file its reply to the IAs. The State of Haryana is also permitted to file an additional affidavit.

I.A. No. 184

List after two weeks along with I.A. No. 181.

I.A. Nos. 188-189

The State of Haryana is granted two weeks' time to file a reply.
List after four weeks along with I.A. Nos. 182-183.

I.A. No. 192

Learned counsel appearing for the Govt. of NCT, Delhi prays for and is allowed three weeks' time to file a further affidavit indicating therein whether all the diesel buses running on the routes have been phased out. List thereafter.

I.A. Nos. 194-195 & 207

Mr. P Chidambaram, learned senior counsel appearing for the I.G.L. states that the I.G.L. is complying with the safety measures suggested in para 3(v) of the affidavit filed on behalf of Department of Explosives & Oil Industry Safety Directorate. In that view of the matter, these IAs stand disposed of.

I.A. No. 202

and Letters dated 10.9.2002 and 8.10.2002 of Sh.NK Aggrawal

It is stated at the Bar that the permission has already been granted and I.A. No. 202 is rendered infructuous. It is, accordingly, dismissed as infructuous.

Matter involved in the letters of Sh. N K Aggrawal also stands disposed of.

I.A. No. 203 and I.A. No. 217

List after six weeks along with I.A. No. 179.

I.A. Nos. 210-211

Adjourned. Let it come up after decision in IA No. 179.

I.A. No. 212

List on 15th March, 2004.

In the meantime, learned counsel appearing on behalf of Delhi Police will supply the nos. of vehicles which the Delhi Police wants to convert into new diesel buses for its extra-judicial duty.

I.A. No 216

List on 15th March, 2004.

By that date, learned counsel appearing for the Union of India shall inform the Court about the compliance of the order dated 14th August, 2003 and also regarding appointment of Shri Bhure Lal as Member of the U.P.S.C. and also as regards his retaining the accommodation which he is presently occupying.

I.A. Nos. 218-219 in I.A. No. 199 and I.A. Nos. 220-221 in I.A. No. 185

The applicants are permitted to withdraw these IAs with liberty to file fresh ones relating to the refund of money claimed to have been deposited for the issue of permits. These IAs are dismissed as withdrawn.

I.A. No. 223

We have heard learned counsel.

We direct the Commissioner of Police, Delhi to register an FIR against the owner and carrier of trucks carrying diesel/petrol as indicated in paras 8 and 9 of the counter affidavit filed on behalf of the Indian Oil Corporation, investigate into the matter and submit a status report within four weeks. List thereafter.

In the meantime, the States of UP and Haryana may file their reply.

I.A. Nos. 225 & 226

Four weeks' time is granted to the Union of India to file a reply. Likewise, Govt. of NCT Delhi shall file its reply. List along with IA 179.

Contempt Petition (Civil) Nos. 259/2000, 1/2002, 48/2002 and 413/2003

These contempt petitions be treated as IAs and registered accordingly.

Issue notice.

Contempt Petition (C) No. 71/2002

This petition is dismissed as withdrawn.

WP(C) No. 939/1996, SLP(C) No. 13208/1998, SLP(C) No. /2000 (CC69990-6991) and WP(C) No. 543/2003

Adjourned.

(D.P. WALIA)
COURT MASTER

(JANKI BHATIA)
COURT MASTER