

v

W.P(C)No. 13029 OF 1985

ITEM No.301+  
ITEM NO.302

Court No. 1

SECTION PIL

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

WRIT PETITION (CIVIL) NO. 13029/1985

M.C. MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

with

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

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 regarding amount deposited by NCT of Delhi (Transport Department).

With

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

I.A. No. 180 in WP(C) No. 13029/1985 (for directions on behalf of Govt. of NCT of Delhi)

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 directions 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. No. 185 in WP(C) No. 13029/1985 (for impleadment and directions on behalf of All India Motor Transport Congress)

I.A. No. 187 in WP(C) No. 13029/1985 (for directions on behalf of Govt. of NCT of Delhi)

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

I.A. No. 197 in WP(C) No. 13029/1985 (for impleadment) in the matter of M/s. Yamaha Motors (India) Pvt. Ltd.

I.A. No. 199 in WP(C) No. 13029/1985 (for impleadment and directions on behalf of All India Transporters Welfare Association)

I.A. No. 190 in WP(C) No. 13029/1985 (for c/delay on behalf of Govt. of NCT of Delhi)

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. 201 in WP(C) No. 13029/1985  
(for directions and extension of time of Bhure Lal Committee)

I.A. No. .... in I.A. No. 201 in WP(C) No. 13029/1985  
(for permission to reconstitute the Environment Pollution (Prevention  
and Control) Authority for the NCR with O/R)

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. Nos. 205-206 in WP(C) No. 13029/1985 (for impleadment/directions)

I.A. No. 208 in WP(C) No. 13029/1985 (for directions)  
in the matter regarding re-register marks to the private non-compliant  
of Bharat Stage-II Norms vehicles : filed by 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)

I.A. No. 213 in WP(C) No. 13029/1985 (for directions and revocation  
of order dated 15.7.2002 filed by Govt. of NCT of Delhi)  
in the matter of PWD, Govt. of NCT of Delhi regarding peripheral  
express way for Delhi.

I.A. No. 214 in WP(C) No. 13029/1985 (for directions filed by AC)

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)

WP(C) No. 440/1999 (Kirti Mishra vs. UOI & Ors.)

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. 227/2001 (United Communist Party of India vs. Union of India  
& Anr.) (with appln.(s) for permission to place addl. documents on  
record)

WP(C) No. 355/2001 (Kamakshi Singh Mehlwal vs. Union of India)

and Item No. 302

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

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

I.A. No. 215 in WP(C) No. 13029/1985  
(for c/delay in depositing amount as per directions dated 5.4.2002)

Date : 14/08/2003 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

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

Mr. Harish N Salve, Sr. Adv. (AC)  
Mr. U U Lalit, Adv. (AC)  
Mr. Siddharth Chaudhary, Adv.  
Ms. Aparajita Singh, Adv.

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

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

in WP 440 Ms. Kiran Suri, Adv. (NP)

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

in WP 227 Ms. Naresh Bakshi, Adv. (NP)

in WP 355 Mr. Goodwill Indeevar, Adv. (NP)

For Applicant(s)

IA 179, 201, 214 Mr. Harish N Salve, Sr. Adv. (AC)  
Mr. U U Lalit, Adv. (AC)  
Mr. Siddharth Chaudhary, Adv.

IA 180, 187, 188-189, Mr. S Wasim A Qadri, Adv.  
190, 208, 213, 203 Mr. D S Mahra, Adv.

IA 181 Ms. Rani Chhabra, Adv.

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

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

IA 185, 199 Mr. Abhijit Sen Gupta, Adv. (NP)

IA 197 Mr. P Narasimhan, Adv.

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

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

IA 202 Ms. Shibashish Misra, Adv.

IA 205-206 Mr. B B Sawhney, Sr. Adv.  
Ms. Indra Sawhney, Adv.

IA 210-211 Mr. M S Dahiya, Adv. (NP)

IA 212 Mr. S Wasim A Qadri, Adv.  
Mr. D S Mahra, Adv.

IA 215Mr. S Wasim A Qadri, Adv.  
Ms. Anil Katiyar, Adv.

For Respondent (s)

WP 13029

Min. of Env./UoIMr. A D N Rao, Adv.  
Ms. Sushma Suri, Adv.(NP)  
Mr. P Parmeswaran, Adv(NP)

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

Delhi PoliceMr. S Wasim A Qadri, Adv.  
Mr. D S Mahra, Adv.

M/o Sarface Tpt.Mr. P P Malhotra, Sr. Adv.  
Mr. S Wasim A Qadri, Adv.  
Mr. S Wasim A Qadri, Adv.  
Ms. Niranjana Singh, Adv.  
Ms. Anil Katiyar, Adv.

M/o PetroleumMr. C V Subba Rao, Adv.  
Mr. B V Balram Das, 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. Percy Gandhi, Adv.  
Mr. R N Karanjawala, Adv.  
Ms. Nandini Gore, Adv.  
Mr. Vivek Sharma, Adv.  
Ms. Manik Karanjawala, Adv.

IOCLMr. H K Puri, Adv.  
Mr. Ujjwal Banerjee, Adv.  
Mr. S K Puri, Adv.

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

Ms. Indira Sawhney, Adv.

Mr. Ashok Mathur, Adv.(NP)

DDAMr. 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.

Mr. G K Bansal, Adv.(NP)

Mr. Ajay Kr. Aggarwal, Adv. (NP)

Ms. Rachna Gupta, Adv.

Ms. Kavita Wadia, Adv.(NP)

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.(NP)

Mr. Aruneshwar Gupta, Adv.(NP)

Mr. V G Pragasam, Adv.(NP)

Mr. W A Nomani, Adv.

Mr. Sakesh Kumar, Adv.

Mr. Satish K Agnihotri, Adv.

Mr. K K Rai, Adv.(NP)

Mr. B B Singh, Adv.(NP)

Ms. A Subhashini, Adv.

Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

Mr. G Prakash, Adv.(NP)

Mr. Deepak M Nargolkar, Adv.(NP)

Mr. Sanjay R Hegde, Adv.(NP)

Mr. H K Puri, Adv.

Mr. Ujjwal Banerjee, Adv.

Mr. S K Puri, Adv.

Mr. S S Shinde, Adv.

Mr. Mukesh K Giri, Adv.

Mr. KH Nobin Singh, Adv.

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

I.A. Nos. 190 and 215

Delay condoned. The amount deposited shall be treated as deposited within time. These IAs stand and disposed of.

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

The Union of India shall clarify within four weeks its stand taken in its affidavit dated 11th August, 2003 in respect of paragraphs 4C(i) and 4C(ii). List thereafter.

I.A. No. .... (filed in Court by learned Amicus Curiae)

List after four weeks. By that time, the Union of India shall file an affidavit regarding accommodation to be made available to Shri Bhure Lal, Chairman of the Environment Pollution (Prevention and Control) Authority (for short "EPCA").

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

CPCB's report shows that the Respirable Suspended Particulate Matter (in short "RSPM") levels in Ahmedabad, Kanpur, Sholapur, Lucknow, Bangalore, Chennai, Hyderabad, Mumbai and Kolkata are alarming. It has been observed therein that air pollution is a serious problem and, therefore, some measures are required to be taken immediately. It is admitted that most critical form of pollution is Respirable Suspended Particulate Matter (RSPM) and in all the above cities same is in the most critical form. Though the report shows that in Delhi also the level is high, in view of the fact that there has been considerable reduction (when figures of 1996 and 2002 are compared) for the present, the present arrangements for Delhi will continue, until further orders.

Issue notices to the States of Maharashtra, Andhra Pradesh, Gujarat, Uttar Pradesh, Karnataka and Tamil Nadu. In the meantime, we direct that the Union of India and the respective States shall draw a plan for lowering the rate of RSPM level in the aforesaid cities. After the plan is drawn, the same would be placed before EPCA. This may be done within a period of two months. We are excluding Mumbai and Kolkata where the respective High Courts are stated to be monitoring the RSPM levels in those cities. EPCA after examining the matter shall submit a report to this Court within a period of four weeks thereafter.

List this matter on 17th November, 2003.

Regarding amount deposited by NCT of Delhi (Transport Department)

As a result of penalty realised, sum of about rupees 26 crores has been deposited which has been invested in a fixed deposit. On 5th April, 2002, the NCT of Delhi was required to frame a Scheme for investment of such amount, but till date no such Scheme has been framed. When the matter is taken up, learned counsel appearing for the Govt. of NCT of Delhi prays for a further period of one month to frame the said Scheme and produce the same before this Court. We grant this prayer. One month's time to Govt. of NCT of Delhi is allowed to frame the Scheme. List this matter after one month.

The FDRs which are going to mature on 24th August, 2003 shall be renewed for a further period of six months.

I.A. No. 179

Let a response to EPCA's report dated 2nd May, 2003 be filed by the Govt. of NCT of Delhi as well as Commissioner of Police within a period of two weeks. List this I.A. after two weeks on a date to be given by the Registry.

I.A. Nos. 188-189

Issue notice.

List along with I.A. No. 179 on a date to be given by the Registry.

I.A. No. 180

In view of the recent affidavit filed by the Govt. of NCT of Delhi, this I.A. does not survive . It is, accordingly, dismissed as infructuous.

Matter regarding the motor vehicles transit through Delhi

List along with I.A. No. 179.

I.A. No. 181

Issue notice.

I.A. Nos. 182, 183 and 184

List along with I.A. No. 179.

I.A. No. 185

None appears on behalf of the applicant.

I.A. is rejected.

I.A. No. 197

EPCA may consider the measures to be taken for easing the traffic congestion and increasing idling of vehicles within Delhi. EPCA may submit its report to this Court within a period of two months.

This I.A. is disposed of.

I.A. No. 199

None appears on behalf of the applicant.

I.A. is rejected.

I.A. No. 213

Let this I.A. be sent to EPCA for its report. P.W.D. is permitted to present its views before EPCA. However, the prayer for variation/revocation is rejected.

I.A. No. 187

I.A. is dismissed as infructuous.

I.A. No. 192

Issue notice.

Let a response be filed by the Govt. of NCT of Delhi to this I.A. within four weeks.

I.A. Nos. 194-195 and 207

Let a response be filed by the Chief Controller of Explosives, New Delhi and the Oil Industry Safety Directorate, New Delhi, within six weeks, to these applications indicating therein what

measures can be taken for safety requirements.  
List after the response is received.

I.A. No. 201 and I.A. No. .... in I.A. No. 201

No orders are required to be passed on these I.As.

I.A. No. 203

Adjourned.

I.A. No. 202

Issue notice.

Let a response be filed by the Govt. of NCT of Delhi to this I.A. within four weeks.

I.A. Nos. 205-206

I.As. are rejected.

I.A. No. 208

This I.A. is permitted to be withdrawn with liberty to file a fresh one.

I.A. No. 212

Learned counsel appearing for Delhi Police prays for and is allowed four weeks' time to furnish the particulars of vehicles which the applicant wants to be exempted from the purview of the orders of this Court. List thereafter.

I.A. No. 214

With the passage of time, this I.A. is rendered infructuous. It is dismissed as such.

Reg. 15th Progress Report

Let the 15th Progress Report of Bhure Lal Committee (EPCA) be taken on record.

WP(C) No. 939/1996, SLP(C) No. 13208/1998 and SLP(C) ... (CC6990-6991):

Let a set of papers in these matters be given to the learned Amicus Curiae by the Registry.  
The matters are adjourned.

WP(C) Nos. 440/1999, 227/2001 and 355/2001 :

The writ petitions are dismissed.

I.A. Nos. 210-211

Adjourned.

(D.P. WALIA)  
COURT MASTER

(SURAJ PARKASH)  
COURT MASTER