

ja

W.P(C)No. 13029 OF 1985

ITEM No.301 &
ITEM Nos.303 and 304

Court No. 1

SECTION PIL
A/N MATTER

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)

(For further orders)

WITH

DIRECTIONS WITH REGARD TO THE REPORT REGARDING PRICING WITH C.N.G. BY
IGL SUBMITTED BY THE BHURELAL COMMITTEE

WITH

DIRECTIONS WITH REGARD TO THE AFFIDAVIT FILED BY UNION OF INDIA

WITH

I.A.No.179 in W.P.(C)NO.13029/1985 - (For directions)
I.A.No.180 in W.P.(C)NO.13029/1985 - (For directions on behalf of
Govt. of NCT of Delhi)
I.A.No.182 in I.A.No. 151 in W.P.(C)NO.13029/1985 - (For impleadment
on behalf of State of Haryana)
I.A.No.183 in I.A.No. 151 in W.P.(C)NO.13029/1985 - (For directions
on behalf of State of Haryana)
I.A.No.184 in W.P.(C)NO.13029/1985 - (For impleadment and directions
on behalf of Delhi Inter State Truck Operators Association)
I.A.No.185 in W.P.(C)NO.13029/1985 - (For impleadment and directions
on behalf of All India Motor Transport Congress)
I.A.Nos.188-189 in W.P.(C)NO.13029/1985 - (For impleadment and
directions on behalf of Delhi Traffic Police)
I.A.No.190 in W.P.(C)NO.13029/1985 - (For c/delay in depositing
the amount)
I.A.No.187 in W.P.(C)NO.13029/1985 - (For directions)
[ON BEHALF OF TRANSPORT DEPTT. GOVT. OF NCT OF DELHI]

WITH

SLP(C)No.13208/1998 - (With appln.(s) for c/delay in filing SLP
and vacation of Order),
SLP(C)...CC 6990-6991/2000-WITH I.A.Nos.1-2 (C/delay in filing SLP)

Item No. 304@@
CCCCCCCCCCCC

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

I.A. No. 194 and 195 in WP(C) No. 13029/1985
(for direction and impleadment)
in the matter of Ishwar Nagar (East) Residents Association (Regd.)

.....2/-

.PA

:2:

I.A. No. 181 in WP(C) No. 13029/1985 (for impleadment and directions)
in the matter of : Indian Foundation of Transport Research and Training)

Item No. 303@@
CCCCCCCCCCCC

Writ Petition(Civil) No.227/2001

UNITED COMMUNIST PARTY OF INDIA Petitioner (s)

VERSUS

UNION OF INDIA & ANR. Respondent (s)

(with appln.(s) for permission to place addl. documents on record)

with

Writ Petition(Civil) No.355/2001

KAMAKSHI SINGH MEHLWAL Petitioner

VERSUS

UNION OF INDIA Respondent

Date : 09/09/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)

Mr. Harish N. Salve, S.G. (A.C.)
Mr. Uday Umesh Lalit, Adv. (A.C.)
Ms. Aparajita Singh, Adv.
Mr. Siddharth Choudhary, Adv.
Ms. Gayatri Goswami, Adv.

Mr.M.C. Mehta, Petr. in Person (N.P.)

For Applicant (s)
in IA 179

Mr. Uday Umesh Lalit, Adv.

in IA 180

Mr. D S Mahra, Adv.

in IA 182 & 183

Mr. G L Sanghi, Sr. Adv.
Mr. Neeraj Kumar Jain, Adv.
Mr. J P Dhanda, Adv.

in IA 184

Mr. J S Chadha, applicant in person.

...3/-

in IA 185
Mr. Abhijit Sen Gupta, Adv.

in IA 188-189, 190,
187
Mr. D S Mahra, Adv.

in IA 151
Mr. G K Bansal, Adv.
Mr. Sanjay Bansal, Adv.

in SLP..CC6990-91/00
Mr. D.S. Mahra, Adv.

in SLP13208
Mr. Arvind Kumar Sharma, Adv.

in IA 192
Mr. R K Kapoor, Adv.
Mr. B R Kapur, Mr. Sumit Kumar Khatri and
Mr. C S Ashri, Adv.

in IA 194 & 195
Mr. Ranjit Kumar, Sr. Adv.
Ms. Kirti R. Mishra, Adv.

in IA 181
Ms. Rani Chhabra, Adv.

in WP 227/01
Ms. Naresh Bakshi, Adv.

in WP 355/01
Mr. Goodwill Indeevar, Adv.

For Respondent (s)
Min. of Env./U.O.I.
Mr. Mukul Rohtagi, ASG.
Mr. A.D.N. Rao, Adv.
Mr. Y.P. Mahajan, Adv.
Mr. B.V. Balaram Das, Adv.

For Delhi Police
Mr. Mukul Rohtagi, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. D.S. Mahra, Adv.

For NCT Delhi
Mr. V P Singh, Sr. Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.S. Mahra, Adv.

For Min. of Surface
Transport
Ms. Niranjana Singh, Adv.

For TELCO
Mr. Percy Gandhi, Adv.
Mr. R.N. Karanjawala, Adv.
Ms. Nandini Gore, Adv.
Ms. Devika Khanna, Adv.
Ms. Manik Karanjawala, Adv.

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

For N.C.R.P.B.
Ms. Sheil Sethi, Adv.

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

...4/-

For D.D.A. Mr. Vishnu B. Saharya, Adv.
for M/s VB Saharya & Co., Advs.

For SIAM & Ashok
Leyland Mr. Shri Narain, Adv.
Mr. Sandeep Narain, Adv.

For STA Operators
Ms. Sudha Pal, Adv.
Mr. Rajeev K. Dubey, Adv.
Ms. Rani Chhabra, Adv.

For I.G.L. Mr. P Chidambaram, Sr. Adv.
Mr. Siddharth Yadav, Adv.
Ms. Simran Mehta, Adv.
Mr. Rakesh Kr. Sharma, Adv.

For I.O.C.L. Mr. H K Puri, Adv.
Mr. S.K. Puri, Adv.
Mr. Ujjwal Banerjee, Adv.
Ms. Anindita Gupta, Adv.

Mr. Rakesh K. Khanna, Adv.
Mr. Reetesh Singh, Adv.
Mr. Surya Kant, Adv.

For B.P.C.L. Mr. Parijat Sinha, Adv.

For D.P.C.C. Mr. R.C. Verma, Adv.
Mr. Mukesh Verma, Adv.
Ms. Sangeeta Sharma, Adv.

Mr. Praveen Swarup, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Aruna Gupta, Adv.

Mr. Aruneshwar Gupta, Adv.

Mr. V.G. Pragasam, Adv.

Mr. Satish K Agnihotri, Adv.

Mr. K K Rai, Adv.

Mr. B B Singh, Adv.

Mr. Tara Chandra Sharma, Adv.

Mr. G. Prakash, Adv.

Mr. Deepak M Nargolkar, Adv.

Mr. Sanjay R Hegde, Adv.

Mr. Manish Singhvi, Adv.

...5/-

.PA

:5:

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J

.SP2

Today for the first time, on the basis of the affidavits filed on behalf of Indraprastha Gas Limited (IGL), this Court is sought to be informed, though not in very clear and explicit terms, that compression capacity and dispensing capacity of a station dispensing gas are two different things. Again for the first time in the affidavit dated 8th August, 2002 on behalf of IGL, this Court is being informed that "for comfortable fuelling (generally without queue or at the most waiting period of 10-15 minutes during the peak period), the sales/offtake should be around 40% of the compression capacity" and "that because sales/offtake is 66% - 68% of the compression capacity, there are long queues at CNG stations."

Over the last two years, various affidavits filed on behalf of IGL had assured the Court that it will be able to meet the demand of the transport sector in Delhi, but for the fact that it was not getting sufficient supplies. It is for this reason that the Union of India was directed by this Court to make available 16.1 lakh kg of CNG per day to ensure that the requirement of the transport sector in Delhi is met. It is on this basis that it was also observed, that if necessary, gas be supplied to the industry but preference should be given to the transport sector. In the affidavits filed in February, March, May, August, September and October 2001 and in I.A. No. 160 as well as in the affidavit of May 2002 what is indicated is that the requirement of the transport sector would be met

...6/-

.PA

:6:

by IGL if more supply is forthcoming. In the presentation to the Bhure Lal Committee of IGL in July 2001, it is stated that the CNG dispensing capacity will be 11.6 lakh kg per day by March 2002 and in another presentation it is also mentioned that IGL's commitment to this Court is to have a dispensing capacity upto 4.40 lakh kg per day by September 2001 and that as on 16th November, 2001 the dispensing capacity was 4.40 lakh kg per day. It is clear that despite the new Managing Director having taken over in July 2001, this Court was completely kept in dark and was misled with regard to the correct state of affairs. It was on the basis that the compression capacity and the dispensing capacity was one and the same, and, with the increase in supply of gas, the company would be able to dispense greater quantity of CNG to the consumers, that various orders were passed by this Court.

There is no expression of regret or remorse for the incorrect information having been supplied to this Court. We, therefore, issue notice to the Shri A.K. De, Managing Director of IGL to show cause why appropriate action should not be taken against him and the company for having misled this Court in passing various orders. Notices be issued to Shri Rajeev Sharma, Shri L. Lobo and Shri P.S. Bhargava. Notices returnable on 23rd September, 2002 for directions. All of them should be present in Court on that day.

We may here notice that Mr. P. Chidambaram during course of submissions submitted that the demand of CNG projected at 16.1 lakh kg per day in Delhi is erroneous and grossly exaggerated.

...7/-

.PA

:7:

Since IGL has failed to discharge its obligation, the Union of India is directed to inform the Court on the next date of hearing what remedial steps can be taken to ensure full and proper dispensation of CNG to the transport

