

f\216

W.P(C)No. 13029 OF 1985

ITEM No.301 to 310

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  
RECORD OF PROCEEDINGS

Item No. 301@@

CCCCCCCCCCCC

WRIT PETITION (C) NO. 13029 OF 1985@@

CC

M.C. MEHTA

Petitioner(s)

Versus

UNION OF INDIA & ORS.

Respondent(s)

[FOR FURTHER ORDERS]

WITH

Report on behalf of Amicus Curiae filed in Court on 17.09.2001

and

I.A. NO. 143 in

Writ Petition(Civil) No.13029/1985

(For directions and office report)

ITEM NO. 302@@

EEEEEEEEEEEEEE

I.A. No. 150 and I.A. No. 153 in I.A. No. 15-16 in W.P. (C) No.

13029/1985

(For directions on behalf of Rajasthan State Road Transport Corporation)

With

I.A. No. 151 in WP(C) No. 13029/1985

(For impleadment and directions on behalf of Delhi Petrol Dealers Association)

I.A. No. 152 in WP(C) No. 13029/1985

(For directions on behalf of A.C.)

I.A. No. 158 in WP(C) No. 13029/1985

(For directions on behalf of CNG Bus Operators Association)

I.A. No. 159 in WP(C) No. 13029/1985

(For directions on behalf of Department of Transport, Govt. of NCT of Delhi)

I.A. No. 160 in WP (C) 13029/1985

(For directions on behalf of IGL)

I.A. No. 161 in WP(C) No. 13029/1985

(For exemption from operation of the order dated 28.07.1998 read with order dated 26.03.2001 in respect of vehicles belonging to Lok Sabha/Rajya Sabha Secretariat)

I.A. No. 162 in WP (C) 13029/1985

(For directions on behalf of DELHI CNG Private Bus Operators)

.PA

: 2 :

I.A. No. 163 in WP(C) No. 13029/1985  
(For directions on behalf of M/s. TATA Engineering & Locomotive Company Ltd. )

I.A. No. 164 in WP(C) No. 13029/1985  
(For impleadment on behalf of I.O.C.L.)

I.A. No. 165 in WP(C) No. 13029/1985  
(For clarification/direction on behalf of NCT of Delhi)

I.A. No. 166 in WP(C) No. 13029/1985  
(For intervention) (In the matter of VDO-India Ltd.)

I.A. No. 167 in W.P. (C) 13029/1985  
(For impleadment on behalf of M/s IBP Company Ltd.)

I.A. No. 168 in W.P. (C) 13029/1985  
(For directions) RE: DELHI CNG BUS WELFARE ASSOCIATION

I.A. NO. 169 in W.P. (C) NO. 13029/1985  
(For directions and modification on behalf of STA Delhi Bus Operators Forum)

ITEM NO. 303@@

EEEEEEEEEEEE

Contempt Petition (C) NO. 259/2000 in  
Writ Petition(Civil) No.13029/1985

JITENDER KHURANA

Petitioner (s)

VERSUS

B.P. MISHRA & ORS.

Respondent (s)

ITEM NO. 304@@

EEEEEEEEEEEE

Contempt Petition (Civil) No. 1/2002 in  
Writ Petition (Civil) No. 13029/1985

KULDEEP SINGH TOMER

Petitioner (s)

VERSUS

P.S. BHATNAGAR, CHIEF SECRETARY

Respondent (s)

( With Appln(s). for exemption from mentioning the date of notice)

ITEM NO. 305@@

EEEEEEEEEEEE

Contempt Petition (Civil) No. 48/2002 in  
W.P(Civil)No.13029/1985

AJAI TARA

Petitioner (s)

VERSUS

P.C. JAIN & ANR.

Respondent (s)

.PA

: 3 :

ITEM NO. 306@@  
EEEEEEEEEEEEEE

Contempt Petition (Civil) No. 71/2002 in  
W.P(Civil)No.13029/1985

N.C.T. OF DELHI Petitioner (s)

VERSUS

BITTO & ORS. Respondent (s)

ITEM NO. 307@@  
EEEEEEEEEEEEEE

Writ Petition(Civil) No.355/2001( For Preliminary Hearing )

KAMAKSHI SINGH MEHLWAL Petitioner (s)

VERSUS

UNION OF INDIA Respondent (s)

WITH  
W.P. (C) NO. 939/1996  
IN RE: DELHI TRANSPORT DEPARTMENT

S.L.P. (C) 13028/1998  
U.O.I. & ORS. VS. A.I. FED. OF MOTOR V.D.T.E. OFF. ASSOCN. & ORS.  
(With appln. for c/delay in filing SLP)

W.P. (C) NO. 440/1999  
KIRTI MISHRA VS. UNION OF INDIA & ORS.

S.L.P. (C) NO..../2000 CC 6990-6991  
GOVT. OF N.C.T. OF DELHI VS. M/S MAHUA ROY CHOWDHARY & ORS.  
(With appln. forr c/delay in filing SLP)

W.P. (C) NO. 227/2001  
UNITED COMMUNIST PARTY OF INDIA VS. UNION OF INDIA & ANR.  
(With appln. for permission to place addl. documents on record)

ITEM NO. 308@@  
EEEEEEEEEEEEEE

I.A. No. 170 in W.P. (C) 13029 OF 1985@@  
CC

M.C. MEHTA ..... PETITIONER(S)

Versus

U.O.I. & ORS. ..... RESPONDENT(S)

(For impleadment)

IN RE: SANJAY GANDHI MEMORIAL EDUCATIONS SOCIETY, R.K. PURAM)

WITH

...4/-

.PA

: 4 :

IA NO. 171 in WP (C) 13029/1985  
IN RE: SANJAY GANDSHI MEMORIAL EDUCATION SOCIETY, R.K. PURAM)

ITEM NO. 309@@  
EEEEEEEEEEEE

IA No. 172 in WP (C) NO. 13029/1985@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

M.C. MEHTA ..... PETITIONER(S)

Versus

U.O.I. & ORS. .... RESPONDENT(S)

(For impleadment and directions)

IN RE: STATE CARRIAGE BUS OPERATOR ASSOCIATION

ITEM NO. 310@@  
EEEEEEEEEEEE

IA NO. 173 in WP (C) 13029/1985@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

M.C. MEHTA ..... PETITIONER(S)

Versus

U.O.I. & ORS. .... RESPONDENT(S)

(For impleadment)

Date : 09/05/2002 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. Aparajit Singh, Adv.  
Mr. Siddharth Choudhary, Adv.

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

For Applicant (s)  
in IA 143  
in IA 150 & 153  
(For RSRTC)

Mr. Sushil Kumar Jain, Adv.

in IA 151

Mr. Ajay Choudhary, Adv.  
Mr. Sanjay Bansal, Adv.  
Mr. G.K. Bansal, Adv.



in WP 227/01 Ms. Naresh Bakshi, Adv.  
in CP 259/00 Mr. Subramonium Prasad, Adv.  
in CP 1/02 In Person  
in CP 48/02 Ms. C.K. Sucharita, Adv.  
in CP 71/02 Mr. D.S. Mahra, Adv.  
in WP 355/01 Mr. Goodwill Indeevar, Adv.  
in WP 939/96 Mr. R.K. Kapur, Adv.  
Mr. Sumit Kumar Khatri, Adv.  
Mr. B.R. Kapur, Adv.  
Mr. Anis Ahmad Khan, Adv.  
in IA 170 & 171 Mr. Giridhar G. Upadhyay, Adv.  
Mr. Syed Ali Ahmad, Adv.  
Mr. Syed Tanweer Ahmed, Adv.  
Mr. Vikas Bansal, Adv.  
Mr. R.D. Upadhyay, Adv.  
in IA 173 Mr. Gopal Subramaniam, Sr. Adv.  
Mr. S.K. Dholakia, Sr. Adv.  
Mr. Sanjay Kapur, Adv.  
Mr. Sanjeev Kumar, 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 NCT of Delhi &  
Delhi Police Mr. Rakesh Dwivedi, Sr. Adv.  
Mr. S. Wasim A. Qadri, Adv.  
Mr. Bipul Kumar, Adv.  
Mr. D.S. Mahra, Adv.  
For Min. of Surface  
Transport Ms. Niranjana Singh, Adv.  
For TELCO Mr. T.R. Andhiyarujina, Sr. Adv.  
Mr. Percy Gandhi, Adv.  
Mr. R.N. Karanjawala, Adv.  
Ms. Nandini Gore, Adv.  
Ms. Pooja Gautam, 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.  
Mr. Iqbal Shamsi, Adv.  
For D.D.A. Mr. Vishnu B. Saharya, Adv.  
for M/s VB Saharya & Co., Adv.  
For SIAM & Ashok  
Leyland Mr. Sri Narain, Adv.  
Mr. Sandeep Narain, Adv.  
Ms. Anjali, Adv.

....7/-

For STA Operators Mr. C.S. Vaidyanathan, Sr. Adv.  
Ms. Sudha Pal, Adv.  
Mr. Rajeev K. Dubey, Adv.  
Ms. Rani Chhabra, Adv.

For I.G.L. Dr. A.M. Singhvi, Sr. Adv.  
Mr. Siddharth Yadav, Adv.  
Ms. Simran Mehta, Adv.  
Mr. Rakesh Kr. Sharma, Adv.

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

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

For B.P.C.L. Mr. Sudhir Chandra, Sr. Adv.  
Mr. Parijat Sinha, Adv.

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

For State of U.P. Mr. Ajay K. Agarwal, Adv.  
Ms. Alka Agarwal, Adv.  
Mr. Chetan Siddharth, Adv.

For State of Karnataka Mr. Sanjay R. Hegde, Adv.  
Mr. Satya Mitra, Adv.

For State of Punjab Mr. Sarup Singh, AAG  
Ms. Kiran Suri, Adv.

For States of Gujarat & Mizoram Ms. Hemantika Wahi, Adv.  
Ms. Anu Sawhney, Adv.

For State of Maharashtra Mr. S.V. Deshpande, Adv.  
Mr. S.S. Shinde, Adv.

For State of West Bengal Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sharma, Adv.  
Mr. Ajay Sharma, Adv.

Mr. Irshad Ahmad, Adv.

Mr. L.K. Pandey, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. Aruneshwar Gupta, Adv.

Mr. V.G. Pragasam, Adv.

Mr. G. Prakash, Adv.

...8/-

.PA

: 8 :

Mr. K.K. Rai, Adv.

Mr. B.B. Singh, Adv.

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

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

.SP2

DIRECTIONS WITH REGARD TO AFFIDAVIT FILED BY@  
EE  
INDRAPRASTHA GAS LIMITED@  
EE

In the affidavit filed by the I.G.L. in Annexure-B  
the build up of C.N.G. price has been indicated which is  
as follows:-

Build up of CNG price@@  
EE  
(Figures in Rs. per kg.)

Cost of Natural Gas : 5.41  
Fixed Operating Cost : 4.70  
Other Cost : 6.72  
(Variable operating cost, return  
on equity @ 10% & statutory levies)

TOTAL : 16.83@@  
AA

The learned Amicus Curiae submits that full  
particulars are not given which can justify the increase in  
the price from Rs. 5.41p. per kg to Rs. 16.83p. per kg.  
If the figures indicated are correct on the basis of  
disposing of 9.5 lacs kg per day, I.G.L. would be getting  
....9/-

.PA

: 9 :

approximately Rs. 1 Crore per day in excess fo the cost of  
natural gas calculated at Rs. 5.41p. per kg.

Bhure Lal Committee is requested to investigate the  
pricing of the C.N.G. as done by the I.G.L. and give  
report to this Court whether there is any justification for  
the figure of Rs. 16.83p. per kg. In giving this report,  
the Bhure Lal Committee should take into consideration the  
price at which petrol, diesel and kerosene are sold in  
Delhi. It will also indicate as to what is the extent of  
subsidy or cross-subsidisation, if any, given by the  
Central Government in respect of petrol, diesel or kerosene  
as compared to C.N.G.

Learned Amicus Curiae draws our attention to the  
practice which is prevalent in some other countries to the  
effect that tax concessions are given in respect of CNG so  
as to encourage the use of the said fuel in an effort to  
bring down pollution, a topic about which the Government  
seems to have little concern. Report of the Bhure Lal  
Committee be submitted within eight weeks. The  
Indraprastha Gas Limited and the Union of India shall  
furnish to Bhure Lal Committee any particulars which are  
asked for by the said Committee. The Bhure Lal Committee

