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W.P(C)No. 13029 OF 1985
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ITEM Nos. 301 & 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.13029/85@@
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M.C.MEHTA Petitioner (s)

VERSUS

UNION OF INDIA & ORS. Respondent (s)

(For further directions)
(With status reports filed by Indraprastha Gas Ltd.)

With
I.A. Nos. 82 & 83 in W.P. (C) 13029/1985
(For Directions on behalf of D.T.C.)

With
I.A. No. 109 in W.P.(C) No. 13029/85
(For directions on behalf of Salwan Education Trust)

With
I.A. No. 110 in W.P. (C) No. 13029/85
(For directions on behalf of World Education and Development
Organisation) (With Office Report)

With
I.A. No. 111 in W.P. (C) No. 13029/85

With
I.A. No. 52 in W.P. (C) No. 13029/85
(For directions on behalf of GAIL)

With
I.A. No. 68 in W.P. (C) No. 13029/85
(For directions on behalf of GAIL)

With
Contempt Pet. (C) 150/2001 in WP(C) 13029/85

With
I.A. No. 114 in W.P.(C) 13029/85
(For intervention/impleadment and for directions
on behalf of Akhil Bhartiya Vidhyarthi Parishad)

With
I.A. No. 115 in W.P.(C) 13029/85
(for intervention and directions on behalf of M/s. Azad
Impex)

With
I.A. No. 116 in W.P.(C) 13029/85
(for directions)

Date : 27/04/2001 These Petitions were called on for hearing today.

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CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE V.N. KHARE

FOR APPEARING PARTIES@@
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Mr. H N Salve, Solicitor General (AC)
Mr. U U Lalit, adv. (AC)
Ms. Aprajita Singh, adv.
Mr. Nikhil Sakhardande, adv.

Mr. M C Mehta, in person.(NP)

I.A. Nos. 82 & 83 Mr. M.L. Verma, Sr. adv.
 Ms. A Subhashini, adv.

For Union of India Mr. Mukul Rohtagi, ASG
 Mr. A D N Rao, adv.
 Ms. Niranjana Singh, adv.
 Ms. Anil Katiyar, adv.
 Mr. B V Balram Das, adv.
 Mr. C Radha Krishnan, adv.
 Mr. D S Mehra, adv.

Mr. Kapil Sibal, Sr. adv.
Mr. Rakesh Dwivedi, adv.
Mr. S Wasim A Qadri, adv.
Mr. Bipul Kumar, adv.

Ms. Indra Sawhney, adv.

I.A. No. 109 Mr. Sushil Dutt Salwan, adv.
 Mr. Pramod Dayal, adv.

I.A. No. 110 Ms. Sangeeta Kumar, adv.

I.A. Nos. 52 & 68 Mr. Shanti Bhushan, Sr. adv.
 Mr. Prashant Bhushan, adv.
 Mr. Sanjeev Kapoor, adv.
 Mr. Sanjay Pathak, adv.
 Mr. Narender Verma, adv.
 Mr. Vishal Gupta, adv.

Cont. Pet. 150/01 Dr. B.L. Wadhera,
 Petitioner-in-person

I.A. No. 114 Mr. S S Shamsher, adv.
 Mr. D Bharat, adv.
 Mr. Kailash Chand, adv.
 Mr. B Yadav, adv.

I.A. No. 115 Ms. Manjeet Chawla, adv.

Mr. F S Nariman, Sr. adv.
Mr. T R Andhyarujina, Sr. adv.
Mr. Percy Gandhi, adv.
Mr. R.N. Karanjawala, adv.
Mrs. Nandini Gore, adv.
Ms. Julie Buragohain, adv.
Mrs. Manik Kranajawala, adv.

Mr. Rakesh K. Khanna, Adv.
Ms. Pallavi Chaudhary, Adv.

Mr. Sri Narain, adv.
Mr. Sandeep Narain, adv.
Ms. Anjali, adv.
Er. Anil Kumar Mittal, adv.
for M/s. S Narain & Co.

Mr. Vijay Panjwani, adv.

Mrs. Sheil Sethi, adv.

Mr. R C Verma, adv.
Mr. Vivek Vishnoi, adv.
Ms. Kiran Kapoor, adv.

Mr. V R Reddy, Sr. adv.
Mr. H K Puri, adv.
Mr. S K Puri, adv.
Mr. Rajesh Srivastava, adv.
Mr. Ujjwal Banerjee, adv.
Mr. Harpreet Singh Sandhu, adv.

Ms. Rani Chhabra, adv.
Mr. M.S. Bakshi, adv.

Mr. Sandeep Puri, adv.
Mr. Rajesh Kumar, adv.

Mr. Raju Ramachandran, Sr. adv.
Mr. H S Anand, adv.

Mr. P K Bajaj, adv.
Mr. S K Sabharwal, adv.

Mr. V B Saharya, adv.

Mr. Vijay Panjwani, adv.

Mr. L K Pandey, adv.
Mr. C K Virmani, adv.

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UPON hearing Counsel the Court made the following
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I.A. No.@@
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Upon motion, taken on Board.

The word 'armoured' appearing in fourth line of second paragraph in the order dated 23rd March, 2001 shall stand deleted.

The application is disposed of.

I.A. No. 116@@
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An application has been filed by the Ministry of Petroleum and Natural Gas for certain directions and seeks modification of the order of this Court dated 26th March, 2001.

We do not think that any modification is required to be made in our earlier order. We, however, wish to clarify that our order dated 26th March, 2001 has to be read along with our order dated 28th July, 1998.

Insofar as other pleas raised in this application as regards "Clean Fuels" are concerned, we direct that a copy of this application be sent to Bhure Lal Committee for its examination. By our order dated March 26, 2001, we had directed Bhure Lal Committee to submit a report to this Court regarding "Clean Fuel". Mr. Harish N. Salve, learned Solicitor General submits that Bhure Lal Committee has construed that order to imply as if it is required to submit a report only on the question whether low sulphur diesel can be regarded as a "Clean Fuel".

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Our order dated 26th March, 2001 is explicitly clear in this behalf. Bhure Lal Committee has been asked to submit a report not only with regard to@@

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whether low sulphur diesel can be regarded as a "Clean Fuel" but also to indicate as to which fuel can be@@

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regarded as "Clean Fuel", as does not cause pollution@@
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or is otherwise not injurious to health. We expect the report on all these issues. The report has not been submitted by Bhure Lal Committee so far. An extension of time is sought for. Four weeks' further time is granted for the purpose.

It shall be open to the interested parties to make their representation directly before Bhure Lal Committee in support of their pleas as to what can be regarded as a 'Clean Fuel', which does not cause pollution and is otherwise not injurious to health, to assist the Committee to formulate its report.

The application is disposed of.

I.A. No. 111@@
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Pursuant to the submission made by Mr. Kapil Sibal, learned Senior counsel appearing for the Government of NCT, Delhi on 12th April, 2001, Mr. P.S. Bhatnagar, Chief Secretary to the Government of NCT has filed an affidavit on 18th April, 2001. In paragraph 3 of the affidavit, it is deposed as under:

" that the Chief Minister and the Minister for Transport, Government of NCT Delhi hold this Hon'ble Court in highest esteem and have not made any statement

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with a view to cause any disrespect to this Hon'ble Court. Both the Chief Minister and the Minister for Transport, Government of NCT of Delhi, never intended to show any disrespect to this Hon'ble Court, let alone commit its contempt. Further, it is respectfully submitted that if an impression to the contrary has been created by the statements made by Chief Minister and the Minister for Transport, Government of NCT of Delhi, both of them are truly sorry and apologize for it."

We take this affidavit on record and drop further proceedings.

The application is disposed of.

Contempt Petition No. 150@@

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Heard Dr. Wadhera.

We have taken on record an affidavit filed by Mr. P. S. Bhatnagar, Chief Secretary to the Govt. of NCT and in view of the submissions made in that affidavit dropped further proceedings in I.A. No. 111. In that view of the matter, no further action is required to be taken in this petition. It is, therefore, consigned to records.

W.P.(C) 13029/85@@

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Mr. Mukul Rohtagi, learned Additional Solicitor General appearing for the Union of India is granted four weeks' time to file an affidavit indicating the total quantity of Kerosene being supplied in NCT Delhi.

Status report has been filed by Mr. Ashok Pradhan, Principal Secretary-cum-Commissioner (Transport) dated 25th April, 2001. In the status report it has been submitted that to implement the

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directions issued by this Court regular monitoring shall be done by Mr. Pradhan and in case any new development takes place or difficulty is encountered in that behalf, the same shall be brought to the notice of this Court for appropriate orders or direction.

From a perusal of the status report, we also find that a number of cases have been registered with

Police Station, Civil Lines, Delhi against certain parties who made attempts to abuse/ mis-abuse the directions issued by us regarding grant of authorisations/ permits/ temporary permits. The Commissioner of Police is directed to instruct the investigating officers to complete investigations in those cases promptly. Delhi Administration shall inform this Court of the action taken in this behalf through an affidavit to be filed in eight weeks.

We find that after 31st March, 2001, a number of applications have been filed in this Court seeking extension of time for filing affidavits and undertakings. None of those applications are entertained. They are rejected. The original documents, if any, filed with those applications may be returned to the applicants, if so demanded by the parties.

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An affidavit has been filed on behalf of M/s. Bajaj Auto Ltd. concerning supply of CNG to its CNG Auto Rickshaws. Mr. Prashant Bhushan, learned counsel appearing for Indraprastha Gas Limited takes notice of the affidavit. He may file his response to the application within two weeks. An advance copy shall be furnished to Mr. Sri Narain, learned counsel appearing for Bajaj Auto Ltd.

I.A. Nos. 52, 68@@

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Mr. Shanti Bhushan, learned Senior counsel submits that on account of subsequent developments, no further orders are required to be made on these applications. Both these applications are, therefore, consigned to record.

I.A. No. 83@@

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M/s. G & T Resources Worldwide have been served and are present through Mr. Raju Ramachandran, learned Senior counsel. He submits that within two weeks, he shall file a reply to the show cause notice. Post this application along with I.A. No. 51.

I.A. No. 109@@

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The application is dismissed as withdrawn.

I.A. No. 110.@@

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The application is dismissed.

I.A. No. 114@@

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The application is dismissed.

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I.A. No. 115@@

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Learned counsel submits that the petitioner shall approach Bhure Lal Committee and seeks to withdraw this application. The application is dismissed as withdrawn.

I.A. No. 82@@
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No orders.

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(Kanchan Jain)
AR-cum-PS

(Prem Prakash)
Court Master