

ITEM NO.801
[MENTIONING]

COURT NO.4

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[TO BE TAKEN UP AT 12:00 NOON] IN RE: STRENGTHENING AIR QUALITY MANAGEMENT MONITORING NETWORK ENFORCEMENT VACANCIES IN SPCBS AND IN RE: SOLID WASTE MANAGEMENT AND IN RE: GRIEVANCE REDRESSAL MECHANISM AND IN RE: CONSTRUCTIONS AND ROAD DUST AND IN RE: INDUSTRIAL POLLUTION AND (1) IA NOS. 194489 AND 194490/2024 (APPLICATION ON BEHALF OF THE GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA FOR IMPLEADMENT AS RESPONDENT AND APPLICATION ON BEHALF OF GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA SEEKING PERMISSION FOR REGISTRATION OF FIRE TENDER VEHICLE HAVING BS-IV ENGINE) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, M/S. M.V. KINI AND ASSOCIATES, ADVOCATES

Date : 08-05-2025 This petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. Sanjeev Kumar, AOR (mentioned by)
Mr. Ajit Singh, Adv.
Mr. Ravin Dubey, Adv.

For Petitioner(s) : Applicant-in-person, AOR
Petitioner-in-person

For Respondent(s) : Mr. Ramesh Babu M. R., AOR
Mr. Rajesh Kumar Chaurasia, AOR
Mr. Gurmeet Singh Makker, AOR
Mr. P. K. Jain, AOR
Mr. Pavan Kumar, AOR
Mr. Parijat Sinha, AOR
Mr. Ejaz Maqbool, AOR
M/S. S. Narain & Co., AOR

M/S. Saharya & Co., AOR
Mr. Chirag M. Shroff, AOR

Mrs. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Subhranshu Padhi, Adv.
Mr. Jagdish Chandra Solanki, Adv.
Mr. Gaurang Bhushan, Adv.
Ms. Shreya Jain, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.k. Satija, A.A.G.
Mr. Rakesh Kumar Mudgal, A.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Rahul Khurana, Adv.
Mr. Nikunj Gupta, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Aakanksha, Adv.
Ms. Ishika Gupta, Adv.
Mr. Sarthak Arya, Adv.

Mr. E. C. Agrawala, AOR

Mr. Menaka Guruswamy, Sr. Adv.
Mr. Wasim S. Qadri, Sr. Adv.
Mr. Praveen Swarup, AOR
Mr. Utkarsh Pratap, Adv.
Ms. Arunima Das, Adv.
Ms. Bhumika Yadav, Adv.
Ms. Shaswati Parhi, Adv.
Mr. Devesh Maurya, Adv.

Mr. Prashant Kumar, AOR
Mr. Radha Shyam Jena, AOR
Ms. Hemantika Wahi, AOR
Ms. Binu Tamta, AOR
Mr. V. K. Verma, AOR
Mr. Ajit Pudussery, AOR
Mrs. Bina Gupta, AOR
Mr. Ashok Mathur, AOR
Ms. Sujeeta Srivastava, AOR
Mr. Anil Kumar Jha, AOR

Mr. Mukesh K. Giri, AOR
Mr. Mandaar Mukesh Giri, Adv.

Mr. Rakesh K. Sharma, AOR
Mr. Sudhir Mendiratta, AOR
Mrs. Anil Katiyar, AOR
M/S. Parekh & Co., AOR

Mr. Sandeep Narain, AOR

Mr. Nishe Rajen Shonker, AOR

Mr. Alim Anvar, Adv.

Mr. Santhosh K, Adv.

Mr. Sushil Kumar Singh, AOR

Mr. Hardeep Singh Anand, AOR

Mr. G. Prakash, AOR

Ms. Nandini Gidwaney, AOR

Mrs. Rani Chhabra, AOR

Mr. Umesh Kumar Khaitan, AOR

Ms. Shalini Kaul, AOR

Mr. K. R. Sasiprabhu, AOR

Mr. Shri Narain, AOR

Mr. Sanjay Kumar Visen, AOR

Mrs. Priya Puri, AOR

Ms. Manjula Gupta, AOR

Mrs. K. Sarada Devi, AOR

Mr. Balaji Srinivasan, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

M/S. Khaitan & Co., AOR

Mr. T. V. Ratnam, AOR

Mr. Sushil Kumar Jain, AOR

Mr. Aniruddha Deshmukh, AOR

Mr. Ravindra Bana, AOR

Mr. S. S. Shroff, AOR

Mrs. B. Sunita Rao, AOR

Mr. Abhishek, AOR

Mr. Alok Gupta, AOR

Mr. Sarvam Ritam Khare, AOR

Mr. Surya Kant, AOR

Mr. P. Parmeswaran, AOR

Mr. Mohit D. Ram, AOR

Mr. Pramod Dayal, AOR

Mr. R. P. Gupta, AOR

Ms. Aishwarya Bhati, A.S.G.

Ms. Saloni Jagga, Adv.

Mr. Tavinder Sidhu, Adv.

Mr. Abhinav Aggarwal, Adv.

M/S. M. V. Kini & Associates, AOR

Mr. Rakesh Kumar-i, AOR

Mr. Satya Mitra, AOR

Ms. Pritha Srikumar Iyer, AOR

Ms. K. Enatoli Sema, AOR

Mr. Amit Kumar Singh, Adv.

Ms. Chubalemla Chang, Adv.

Mr. Prang Newmai, Adv.

Mr. Anas Tanwir, AOR
Ms. Puja Sharma, AOR
Mr. Shishir Deshpande, AOR
Mr. D.kumanan, AOR
Ms. Jyoti Mendiratta, AOR
Ms. Rakhi Ray, AOR
Ms. Ishita Jain, AOR
Mr. Manish Kumar Gupta, AOR

Mr. Sravan Kumar Karanam, AOR
Mr. N.S. Arjun Kumar, Adv.
Ms. M. Harshini, Adv.

Mr. M. P. Devanath, AOR

Ms. Ruchi Kohli, Sr. Adv.
Ms. Srishti Mishra, Adv.
Mr. Sumeet Mishra, Adv.
Mr. R. C. Kohli, AOR

Mr. Rishi Matoliya, AOR
Mr. Anurag Kishore, AOR
Ms. Mayuri Raghuvanshi, AOR
Mr. Neeraj Kumar Gupta, AOR
Ms. Pritha Srikumar Iyer, AOR
Ms. Rooh-e-hina Dua, AOR
Ms. Vrinda Bhandari, AOR
Ms. Charu Mathur, AOR

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Pranav Sachdeva, AOR
Mr. Sameer Shrivastava, AOR
Ms. Nidhi Mohan Parashar, AOR
Mr. Kuldip Singh, AOR
Ms. Anushree Prashit Kapadia, AOR
Ms. Purnima Jauhari, AOR

Mr. Danish Zubair Khan, AOR

Mr. Vikas Mehta, AOR

Mr. Varun Singh, Adv.
Ms. Kajal S Gupta, Adv.
Mr. Mudit Gupta, AOR

Ms. K. V. Bharathi Upadhyaya, AOR
Mr. Shantwanu Singh, AOR
Ms. Surabhi Sanchita, AOR

Mr. Vinod Sharma, AOR
Mr. Debojit Borkakati, AOR
Mr. Vikrant Singh Bais, AOR

Ms. Manali Singhal, Adv.
Ms. Diksha Rai, AOR
Ms. Aanchal Kapoor, Adv.

Mr. Ketan Paul, AOR
Mr. Hiren Dasan, AOR

Mr. Ajay Vikram Singh, AOR
Mrs. Priyanka Singh, Adv.
Mr. M Aamir Faiyaz, Adv.
Ms. Swati, Adv.
Mr. Kamlesh Kumar Maurya, Adv.
Ms. Jyotsna Sharma, Adv.

Ms. Garima Prashad, Sr. A.A.G.
Mr. Sudeep Kumar, AOR
Ms. Manisha, Adv.

Mr. Niraj Gupta, AOR
Ms. Shibani Ghosh, AOR
Mr. Tarun Gupta, AOR
Mr. Vivek Gupta, AOR
Mr. Vinay Garg, AOR
M/S. Ram Sankar & Co, AOR
Mr. P. Parmeswaran, AOR
Mr. Durga Dutt, AOR
Mr. Soumya Dutta, AOR
M/S. Ram Sankar & Co, AOR
Ms. Malvika Kapila, AOR
Mr. K. Paari Vendhan, AOR

Mr. Prashant Manchanda, A.A.G.
Mr. Karan Sharma, AOR

Mr. Varun Singh, Adv.
Ms. Kajal S Gupta, Adv.
Mr. Mudit Gupta, AOR

Mr. Kawaljit Singh Bhatia, AOR
Ms. Surbhi Mehta, AOR
Mr. Shovan Mishra, AOR
Ms. G. Indira, AOR
Mr. Prakash Ranjan Nayak, AOR

Mrs. Aishwarya Bhati, A.S.G.
Mr. Raj Bahadur Yadav, AOR
Ms. Baby Bonia, Adv.

Ms. Sonali Jain, Adv.
Mr. Ashok Kumar B, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.k. Nayak, Adv.

Sameer Kumar, AOR
Mr. Ajay Pal, AOR
Mr. Gaurav Kejriwal, AOR

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Ms. Yachna Sharma, Adv.

Mr. Shankey Agrawal, AOR
Mr. Ankit Roy , AOR

Mr. Mukesh Verma, Adv.
Mrs. Vatsala Tripathi, Adv.
Ms. Manisha, Adv.
Mr. Krishna Prakash Dubay, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Ashutosh Dubey, AOR
Ms. G. Indira, AOR

Mr. Aakarshan Aditya, AOR
Mr. Satish C. Kaushik, Adv.
Mr. Rajnesh Kapoor, Adv.
Mr. Shiv Singh Rawat, Adv.
Mr. Vikram Vasishtha Bhiduki, Adv.

Mr. Nitin Saluja, AOR
Mr. Nirnimesh Dube, AOR
Ms. Rashmi Malhotra, AOR
Mr. Gurmeet Singh Makker, AOR
Mr. Dhananjaya Mishra, AOR
Mr. Rahul Khurana, AOR
Ms. Srishti Agnihotri, AOR

Mr. Sudarshan Lamba, AOR
Ms. Aishwarya Bhati, A.S.G.
Mr. Shubhranshu Padhi, Adv.
Mr. Gaurang Bhushan, Adv.

M/S. Karanjawala & Co., AOR

Mr. V. N. Raghupathy, AOR
Mr. Raghavendra M. Kulkarni, Adv.

Mr. Chandra Prakash, AOR
Mr. Mahfooz Ahsan Nazki, AOR

Mr. Satya Mitra, AOR
Mr. Deepayan Mandal, AOR
Mr. Ravindra S. Garia, AOR
Mr. Gaurav Choudhary, AOR

Mr. Ravindra Kumar, Adv.
Mr. Binay Kumar Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.
Mr. Shivam Saksena, Adv.
Mr. Vikas Bharti, Adv.

Mr. Aravindh S., AOR
Mr. Aman Gautam, Adv.
Ms. Jyoti P, Adv.

Ms. Meenakshi Chauhan, AOR
Gaurav, AOR

Mr. Shuvodeep Roy, AOR
Mr. Saurabh Tripathi, Adv.
Mr. Deepayan Dutta, Adv.

Ms. Charu Ambwani, AOR
Mr. Subhro Sanyal, AOR
Mr. Vinodh Kanna B., AOR
Mr. Prasanna S., AOR
Ms. Shalu Sharma, AOR
Mr. Sahil Tagotra, AOR
Mr. Talha Abdul Rahman, AOR

Mr. Guntur Pramod Kumar, AOR
Mr. Keshav Singh, Adv.
Mr. Bp Naidu, Adv.

Mr. Rishi Sehgal, AOR

Mr. Kunal Mimani, AOR
Mr. Prashant Alai, Adv.

Mr. Kumar Anurag Singh, Adv.
Ms. Tulika Mukherjee, AOR
Mr. Beenu Sharma, Adv.

Ms. Divya Jyoti Singh, AOR
Mr. Yoginder Handoo, AOR

Ms. Misha Rohatgi, AOR
Mr. Nakul Mohta, Adv.
Mr. Amulya Upadhyay, Adv.
Mr. Ayush Kahsyap, Adv.

Mr. Sandeep Singh, AOR
Ms. Mithu Jain, AOR

Ms. Surabhi Singh, Adv.
Ms. Asha Gopalan Nair, AOR

Mr. Akhil Anand, AOR

Mrs. Prerna Dhall, Adv.
Ms. Akanksha Singh, Adv.
Mr. Ambuj Swaroop, Adv.
Mr. Shivam Ganeshia, Adv.
Mr. Piyush Yadav, Adv.
Mr. M A Chaudhary, Adv.
Mr. Prashant Singh, AOR

Mr. Shivendra Singh, AOR

Ms. Sakshi Kakkar, AOR

Mr. Akshay Girish Ringe, AOR
Mr. Anuj Bhandari, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Mr. Saurabh Rajpal, Adv.
Ms. Shalini Singh, Adv.
Mr. Awanitika, Adv.
Ms. Nidhi Jaswal, AOR

Mr. Ravi Prakash, AOR
Ms. N. Annapoorani, AOR
Mr. S. Gowthaman, AOR
M/S. Ahmadi Law Offices, AOR

Ms. Aishwarya Bhati, A.S.G.
Subhranshu Padhi, Adv.
Gaurang Bhushan, Adv.
Dr. N. Visakamurthy, AOR

Ms. Vanya Gupta, AOR
Ms. Kajal Dalal, AOR
Ms. Divya Roy, AOR
Ms. Shagun Matta, AOR
Mr. Vinay Garg, AOR
Mr. Anil Kumar, AOR
Mr. Rakesh Kumar-I, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Vikrant Singh Bais, AOR
Ms. Neeru Vaid, AOR

Ms. Aishwarya Bhati, A.S.G.
Ms. Suhasini Sen, Adv.
Mr. Rajesh.k. Singh, Adv.
Mr. Shubhranshu Padhi, Adv.
Mr. Gaurang Bhushan, Adv.
Mr. Raghav Sharma, Adv.
Ms. Kanu Agrawal, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Varun Chugh, Adv.
Mr. Krishna Kant Dubey, Adv.
Ms. Indira Bhakar, Adv.
Mr. Jagdish Chandra, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. Saurabh Agrawal, AOR
Mr. Devansh Srivastava, AOR
Mr. Shekhar Kumar, AOR
M/S. S. Narain & Co., AOR
Ms. Aswathi M.k., AOR

Mr. Neeraj Shekhar, AOR
Mr. Rajesh Kumar Maurya, Adv.
Mrs. Kshama Sharma, Adv.
Mr. Ramendra Vikram Singh, Adv.
Mr. Ujjwal Ashutosh, Adv.

Ms. Lubna Naaz, AOR
Mr. Parminder Singh Bhullar, AOR

M/S. Mukesh Kumar Singh And Co., AOR
Mr. Narendra Kumar Goyal, Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Jeetendra Kumar, Adv.
Mr. Yatish Yadav, Adv.
Mr. Chandrakant S Sarkar, Adv.
Ms. Kajal Rani, Adv.
Ms. Bidya Nand Thakur, Adv.
Mr. Subodh, Adv.

Mr. Alok Gupta, AOR
Mr. K. V. Mohan, AOR
Mr. Yash S. Vijay, AOR
M/S. Lex Regis Law Offices, AOR
Ms. Jaikriti S. Jadeja, AOR
Mr. Rajan Narain, AOR
Mr. Gaurav, AOR
Mr. T. R. B. Sivakumar, AOR
Mr. Mohit Paul, AOR

Mr. Shalen Bhardwaj, Adv.
Mr. Virender Kumar, Adv.
Ms. Garima Kumar, Adv.
Ms. Banisha Verma, Adv.
Ms. Lakshmi, Adv.
Mr. Ashok Kumar Panigrahi, Adv.
Mr. Nischal Kumar Neeraj, AOR

Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR
Mr. Satyalipsu Ray, Adv.
Ms. Prerana Mohapatra, Adv.
Ms. Priyal Sheth, Adv.
Ms. Prina Sharma, Adv.

Ms. Ankita Sharma, AOR
Mr. Arjun D Singh, Adv.

Mr. Kumar Dushyant Singh, AOR
Mr. A. Venayagam Balan, AOR
Mr. S. S. Shroff, AOR
Ms. Astha Tyagi, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Mr. Sandeep Kumar Jha, AOR
Ms. Nidhi Jaswal, Adv.

M/S. M. V. Kini & Associates, AOR
Ms. Aishwarya Bhati, A.S.G.
Ms. Saloni Jagga, Adv.
Mr. Tavinder Sidhu, Adv.
Mr. Abhinav Aggarwal, Adv.

Ms. Manju Jetley, AOR

Mr. Amrish Kumar, AOR
Ms. Aishwarya Bhati, A.S.G.
Mr. Chitransh Sharma, Adv.
Mr. Madhav Sinhal, Adv.
Mr. Chitvan Singhal, Adv.
Mr. Chitrangda Rastravara, Adv.
Mr. Kanu Agrawal, Adv.
Ms. Shivika Mehra, Adv.
Mr. Arvind Kumar Sharma, Aor, Adv.

Mr. Nishit Agrawal, AOR
Mr. Raghvendra Kumar, AOR

Mr. Anando Mukherjee, AOR

Mrs. Shwetank Singh, Adv.

Ms. Sanjivani Aggarwal, Adv.
Ms. Jyoti Aggarwal, Adv.
Mr. Pradeep Shekhawat, Adv.
Ms. Filza Moonis, AOR

Mr. Divyanshu Kumar Srivastava, AOR
Mr. Saurabh Pandey, Adv.

Mr. Rajiv Yadav, AOR

Ms. Madhumita Bhattacharjee, AOR
Ms. Debarati Sadhu, Adv.

Mr. Ayush Sharma, AOR
Mr. Gopal Jha, AOR

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Anupam Misra, Adv.
Mr. Suraj Singh, Adv.

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.

Mr. Harsh V. Surana, AOR

Mr. Veer Vikrant, D.A.G.
Mr. Yashraj Singh Bundela, AOR
Mr. Amit Sharma, Adv.
Ms. Saloni, Adv.
Mr. Arpit Garg, Adv.
Mr. Dhruv Sharma, Adv.

Mr. Pulkit Agarwal, AOR

Mr. S S Bandyopadhyay, Adv.
Mr. Syed Miran Ahmad, Adv.
Mr. Bhupendra Pathak, Adv.
Mr. Om Prakash, Adv.
Ms. Swati Mishra, Adv.
Mr. B C Bhatt, Adv.
Ms. Riya Soni, Adv.
Mr. Rahul Gupta, Adv.
Mr. Shashank Sharma, Adv.
Mr. Mohammed Abrar Ahmed Khan, Adv.
Mr. Kishor Kumar Mishra, Adv.
Dr. Aditya Mishra, Adv.
Mr. Prashant Kumar, Adv.

Mrs. Barnali Basak, Adv.
Mr. Satish Kumar, AOR

Ms. Ameyavikrama Thanvi, AOR

Upon being mentioned, the Court made the following
O R D E R

At this juncture, prayer for listing is rejected.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

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(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

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Date : 08-05-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

Ms. Aparajita Singh, Sr. Adv. (A.C.)
Ms. Uttara Babbar, Sr. Adv. (A.C.)
Ms. Shibani Ghosh, AOR (A.C.)

For the parties:

Mrs. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Subhranshu Padhi, Adv.
Mr. Jagdish Chandra Solanki, Adv.
Mr. Gaurang Bhushan, Adv.
Ms. Shreya Jain, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.K. Satija, A.A.G.
Mr. Rakesh Kumar Mudgal, A.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Rahul Khurana, Adv.

Mr. Nikunj Gupta, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Aakanksha, Adv.
Ms. Ishika Gupta, Adv.
Mr. Sarthak Arya, Adv.

Ms. Garima Prashad, Sr. A.A.G.
Mr. Sudeep Kumar, AOR
Ms. Manisha, Adv.

Mr. Shiv Mangal Sharma, A.A.G.
Ms. Nidhi Jaswal, Adv.
Mr. Sandeep Kumar Jha, AOR

Mr. Menaka Guruswamy, Sr. Adv.
Mr. Wasim S. Qadri, Sr. Adv.
Mr. Utkarsh Pratap, Adv.
Ms. Arunima Das, Adv.
Ms. Bhumika Yadav, Adv.
Ms. Shaswati Parhi, Adv.
Mr. Devesh Maurya, Adv.
Mr. Praveen Swarup, AOR

Applicant-in-person, AOR

Petitioner-in-person

Mr. P. K. Jain, AOR

Mr. Ramesh Babu M. R., AOR

Mr. Rajesh Kumar Chaurasia, AOR

Mr. Gurmeet Singh Makker, AOR

Mr. V. K. Verma, AOR

Mr. Ajit Pudussery, AOR

Mrs. Bina Gupta, AOR

Mr. Ashok Mathur, AOR

Ms. Sujeeta Srivastava, AOR

Mr. Anil Kumar Jha, AOR

Mr. Mukesh K. Giri, AOR
Mr. Mandaar Mukesh Giri, Adv.

Mr. Rakesh K. Sharma, AOR

Mr. Sudhir Mendiratta, AOR

Mrs. Anil Katiyar, AOR

M/S. Parekh & Co., AOR

Mr. Sandeep Narain, AOR

Mr. Nishe Rajen Shonker, AOR

Mr. Alim Anvar, Adv.

Mr. Santhosh K, Adv.

Mr. Sushil Kumar Singh, AOR

Mr. Hardeep Singh Anand, AOR

Mr. G. Prakash, AOR

Ms. Nandini Gidwaney, AOR

Mrs. Rani Chhabra, AOR

Mr. Umesh Kumar Khaitan, AOR

Ms. Shalini Kaul, AOR

Mr. K. R. Sasiprabhu, AOR

Mr. Shri Narain, AOR

Mr. Sanjay Kumar Visen, AOR

Mrs. Priya Puri, AOR

Ms. Manjula Gupta, AOR

Mrs. K. Sarada Devi, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

M/S. Khaitan & Co., AOR

Mr. T. V. Ratnam, AOR

Mr. Balaji Srinivasan, AOR

Mr. Aniruddha Deshmukh, AOR

Mr. Ravindra Bana, AOR

Mr. S. S. Shroff, AOR

Mr. Sushil Kumar Jain, AOR

Mr. Abhishek, AOR
Mr. Alok Gupta, AOR
Mr. Sarvam Ritam Khare, AOR
Mr. Surya Kant, AOR
Mrs. B. Sunita Rao, AOR
Mr. Mohit D. Ram, AOR
Mr. Pramod Dayal, AOR
Mr. R. P. Gupta, AOR
Mr. P. Parmeswaran, AOR
Mr. Rakesh Kumar-I, AOR
Mr. Satya Mitra, AOR
Ms. Aishwarya Bhati, A.S.G.
Ms. Saloni Jagga, Adv.
Mr. Tavinder Sidhu, Adv.
Mr. Abhinav Aggarwal, Adv.
For M/S. M. V. Kini & Associates, AOR
Mr. Pavan Kumar, AOR
Mr. Parijat Sinha, AOR
M/S. Saharya & Co., AOR
Mr. Ejaz Maqbool, AOR
M/S. S. Narain & Co., AOR
Mr. Chirag M. Shroff, AOR
Mr. E. C. Agrawala, AOR
Mr. Prashant Kumar, AOR
Mr. Radha Shyam Jena, AOR
Ms. Hemantika Wahi, AOR
Ms. Binu Tamta, AOR
Ms. Pritha Srikumar Iyer, AOR

Mr. Vivek Gupta, AOR
Mr. Vinay Garg, AOR
M/S. Ram Sankar & Co, AOR
Mr. P. Parmeswaran, AOR
Mr. Durga Dutt, AOR
Mr. Soumya Dutta, AOR
M/S. Ram Sankar & Co, AOR
Ms. Malvika Kapila, AOR
Mr. K. Paari Vendhan, AOR
Mr. Prashant Manchanda, A.A.G.
Mr. Karan Sharma, AOR
Mr. Varun Singh, Adv.
Ms. Kajal S Gupta, Adv.
Mr. Mudit Gupta, AOR
Mr. Kawaljit Singh Bhatia, AOR
Ms. Surbhi Mehta, AOR
Mr. Shovan Mishra, AOR
Ms. G. Indira, AOR
Mr. Prakash Ranjan Nayak, AOR
Mrs. Aishwarya Bhati, A.S.G.
Ms. Archana Dave Pathak, ASG
Ms. Ruchi Kohli, Sr. Adv.
Mr. Raj Bahadur Yadav, AOR
Ms. Alka Agarwal, Adv.
Ms. Baby Bonia, Adv.
Ms. Sonali Jain, Adv.
Mr. Ashok Kumar B, Adv.
Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.
Mr. Sameer Kumar, AOR
Mr. Ajay Pal, AOR
Mr. Gaurav Kejriwal, AOR

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Ms. Yachna Sharma, Adv.

Mr. Shankey Agrawal, AOR

Mr. Ankit Roy, AOR

Mr. Mukesh Verma, Adv.
Mrs. Vatsala Tripathi, Adv.
Ms. Manisha, Adv.
Mr. Krishna Prakash Dubay, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Ashutosh Dubey, AOR

Ms. G. Indira, AOR

Mr. Aakarshan Aditya, AOR
Mr. Satish C. Kaushik, Adv.
Mr. Rajnesh Kapoor, Adv.
Mr. Shiv Singh Rawat, Adv.
Mr. Vikram Vasishtha Bhiduki, Adv.

Mr. Nitin Saluja, AOR

Mr. Nirnimesh Dube, AOR

Ms. Rashmi Malhotra, AOR

Mr. Gurmeet Singh Makker, AOR

Mr. Dhananjaya Mishra, AOR

Mr. Rahul Khurana, AOR

Ms. Srishti Agnihotri, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Shubhranshu Padhi, Adv.
Mr. Gaurang Bhushan, Adv.
Mr. Sudarshan Lamba, AOR

M/S. Karanjawala & Co., AOR

Mr. V. N. Raghupathy, AOR
Mr. Raghavendra M. Kulkarni, Adv.

Mr. Chandra Prakash, AOR

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Satya Mitra, AOR

Mr. Deepayan Mandal, AOR

Mr. Ravindra S. Garia, AOR

Mr. Gaurav Choudhary, AOR

Mr. Ravindra Kumar, Adv.
Mr. Binay Kumar Das, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.
Mr. Shivam Saxena, Adv.
Mr. Vikas Bharti, Adv.

Mr. Aravindh S., AOR
Mr. Aman Gautam, Adv.
Ms. Jyoti P, Adv.

Ms. Meenakshi Chauhan, AOR

Mr. Gaurav, AOR

Mr. Shuvodeep Roy, AOR
Mr. Saurabh Tripathi, Adv.
Mr. Deepayan Dutta, Adv.

Ms. Charu Ambwani, AOR

Mr. Subhro Sanyal, AOR

Mr. Vinodh Kanna B., AOR

Mr. Prasanna S., AOR

Ms. Shalu Sharma, AOR

Mr. Sahil Tagotra, AOR

Mr. Talha Abdul Rahman, AOR

Mr. Guntur Pramod Kumar, AOR
Mr. Keshav Singh, Adv.
Mr. BP Naidu, Adv.

Mr. Rishi Sehgal, AOR

Mr. Kunal Mimani, AOR
Mr. Prashant Alai, Adv.

Mr. Kumar Anurag Singh, Adv.
Ms. Tulika Mukherjee, AOR
Mr. Beenu Sharma, Adv.

Ms. Divya Jyoti Singh, AOR

Mr. Yoginder Handoo, AOR

Ms. Misha Rohatgi, AOR

Mr. Nakul Mohta, Adv.

Mr. Amulya Upadhyay, Adv.

Mr. Ayush Kahsyap, Adv.

Mr. Sandeep Singh, AOR

Ms. Mithu Jain, AOR

Ms. Surabhi Singh, Adv.

Ms. Asha Gopalan Nair, AOR

Mr. Akhil Anand, AOR

Mrs. Prerna Dhall, Adv.

Ms. Akanksha Singh, Adv.

Mr. Ambuj Swaroop, Adv.

Mr. Shivam Ganeshia, Adv.

Mr. Piyush Yadav, Adv.

Mr. M A Chaudhary, Adv.

Mr. Prashant Singh, AOR

Mr. Shivendra Singh, AOR

Mr. Sanjeev Kumar, AOR

Ms. Sakshi Kakkar, AOR

Mr. Akshay Girish Ringe, AOR

Mr. Anuj Bhandari, AOR

Mr. Shiv Mangal Sharma, A.A.G.

Mr. Saurabh Rajpal, Adv.

Ms. Shalini Singh, Adv.

Mr. Awanitika, Adv.

Ms. Nidhi Jaswal, AOR

Mr. Ravi Prakash, AOR

Ms. N. Annapoorani, AOR

Mr. S. Gowthaman, AOR

M/S. Ahmadi Law Offices, AOR

Ms. Aishwarya Bhati, A.S.G.

Mr. Subhranshu Padhi, Adv.

Mr. Gaurang Bhushan, Adv.
Dr. N. Visakamurthy, AOR

Ms. Vanya Gupta, AOR

Ms. Kajal Dalal, AOR

Ms. Divya Roy, AOR

Ms. Shagun Matta, AOR

Mr. Vinay Garg, AOR

Mr. Anil Kumar, AOR

Mr. Rakesh Kumar-I, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Karun Sharma, Adv.

Ms. Anupama Ngangom, Adv.

Ms. Rajkumari Divyasana, Adv.

Mr. Vikrant Singh Bais, AOR

Ms. Neeru Vaid, AOR

Ms. Aishwarya Bhati, A.S.G.

Ms. Suhasini Sen, Adv.

Mr. Rajesh K. Singh, Adv.

Mr. Shubhranshu Padhi, Adv.

Mr. Gaurang Bhushan, Adv.

Mr. Raghav Sharma, Adv.

Ms. Kanu Agrawal, Adv.

Mr. Bhuvan Kapoor, Adv.

Mr. Varun Chugh, Adv.

Mr. Krishna Kant Dubey, Adv.

Ms. Indira Bhakar, Adv.

Mr. Jagdish Chandra, Adv.

Mr. Shreekant Neelappa Terdal, AOR

Mr. Saurabh Agrawal, AOR

Mr. Devansh Srivastava, AOR

Mr. Shekhar Kumar, AOR

M/S. S. Narain & Co., AOR

Ms. Aswathi M.k., AOR

Mr. Neeraj Shekhar, AOR

Mr. Rajesh Kumar Maurya, Adv.

Mrs. Kshama Sharma, Adv.

Mr. Ramendra Vikram Singh, Adv.
Mr. Ujjwal Ashutosh, Adv.

Ms. Lubna Naaz, AOR

Mr. Parminder Singh Bhullar, AOR

Mr. Narendra Kumar Goyal, Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Jeetendra Kumar, Adv.
Mr. Yatish Yadav, Adv.
Mr. Chandrakant S Sarkar, Adv.
Ms. Kajal Rani, Adv.
Ms. Bidya Nand Thakur, Adv.
Mr. Subodh, Adv.
For M/S. Mukesh Kumar Singh And Co., AOR

Mr. Alok Gupta, AOR

Mr. K. V. Mohan, AOR

Mr. Yash S. Vijay, AOR

M/S. Lex Regis Law Offices, AOR

Ms. Jaikriti S. Jadeja, AOR

Mr. Rajan Narain, AOR

Mr. Gaurav, AOR

Mr. T. R. B. Sivakumar, AOR

Mr. Mohit Paul, AOR

Mr. Shalen Bhardwaj, Adv.
Mr. Virender Kumar, Adv.
Ms. Garima Kumar, Adv.
Ms. Banisha Verma, Adv.
Ms. Lakshmi, Adv.
Mr. Ashok Kumar Panigrahi, Adv.
Mr. Nischal Kumar Neeraj, AOR

Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR
Mr. Satyalipsu Ray, Adv.
Ms. Prerana Mohapatra, Adv.
Ms. Priyal Sheth, Adv.
Ms. Prina Sharma, Adv.

Ms. Ankita Sharma, AOR
Mr. Arjun D Singh, Adv.

Mr. Kumar Dushyant Singh, AOR

Mr. A. Venayagam Balan, AOR

Mr. S. S. Shroff, AOR

Ms. Astha Tyagi, AOR

Ms. Aishwarya Bhati, A.S.G.

Ms. Saloni Jagga, Adv.

Mr. Tavinder Sidhu, Adv.

Mr. Abhinav Aggarwal, Adv.

For M/S. M. V. Kini & Associates, AOR

Ms. Manju Jetley, AOR

Ms. Aishwarya Bhati, A.S.G.

Mr. Chitransh Sharma, Adv.

Mr. Madhav Sinhal, Adv.

Mr. Chitvan Singhal, Adv.

Mr. Chitrangda Rastravara, Adv.

Mr. Kanu Agrawal, Adv.

Ms. Shivika Mehra, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. Amrish Kumar, AOR

Mr. Nishit Agrawal, AOR

Mr. Raghvendra Kumar, AOR

Mr. Anando Mukherjee, AOR

Mrs. Shwetank Singh, Adv.

Ms. Sanjivani Aggarwal, Adv.

Ms. Jyoti Aggarwal, Adv.

Mr. Pradeep Shekhawat, Adv.

Ms. Filza Moonis, AOR

Mr. Divyanshu Kumar Srivastava, AOR

Mr. Saurabh Pandey, Adv.

Mr. Rajiv Yadav, AOR

Ms. Madhumita Bhattacharjee, AOR

Ms. Debarati Sadhu, Adv.

Mr. Ayush Sharma, AOR

Mr. Gopal Jha, AOR

Mr. Pradeep Misra, AOR

Mr. Daleep Dhyani, Adv.
Mr. Anupam Misra, Adv.
Mr. Suraj Singh, Adv.

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.

Mr. Harsh V. Surana, AOR

Mr. Veer Vikrant, D.A.G.
Mr. Yashraj Singh Bundela, AOR
Mr. Amit Sharma, Adv.
Ms. Saloni, Adv.
Mr. Arpit Garg, Adv.
Mr. Dhruv Sharma, Adv.

Mr. Pulkrit Agarwal, AOR

Mr. S S Bandyopadhyay, Adv.
Mr. Syed Miran Ahmad, Adv.
Mr. Bhupendra Pathak, Adv.
Mr. Om Prakash, Adv.
Ms. Swati Mishra, Adv.
Mr. B C Bhatt, Adv.
Ms. Riya Soni, Adv.
Mr. Rahul Gupta, Adv.
Mr. Shashank Sharma, Adv.
Mr. Mohammed Abrar Ahmed Khan, Adv.
Mr. Kishor Kumar Mishra, Adv.
Dr. Aditya Mishra, Adv.
Mr. Prashant Kumar, Adv.
Mrs. Barnali Basak, Adv.
Mr. Satish Kumar, AOR

Ms. Ameyavikrama Thanvi, AOR

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Anas Tanwir, AOR

Ms. Puja Sharma, AOR

Mr. Shishir Deshpande, AOR

Mr. D.kumanan, AOR

Ms. Jyoti Mendiratta, AOR

Ms. Rakhi Ray, AOR

Ms. Ishita Jain, AOR

Mr. Manish Kumar Gupta, AOR

Mr. Sravan Kumar Karanam, AOR
Mr. N.s. Arjun Kumar, Adv.
Ms. M. Harshini, Adv.

Mr. M. P. Devanath, AOR

Ms. Ruchi Kohli, Sr. Adv.
Ms. Srishti Mishra, Adv.
Mr. Sumeet Mishra, Adv.
Mr. R. C. Kohli, AOR

Mr. Rishi Matoliya, AOR

Mr. Anurag Kishore, AOR

Ms. Mayuri Raghuvanshi, AOR

Mr. Neeraj Kumar Gupta, AOR

Ms. Pritha Srikumar Iyer, AOR

Ms. Rooh-e-hina Dua, AOR

Ms. Vrinda Bhandari, AOR

Ms. Charu Mathur, AOR

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Pranav Sachdeva, AOR

Mr. Sameer Shrivastava, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. Kuldip Singh, AOR

Ms. Anushree Prashit Kapadia, AOR

Ms. Purnima Jauhari, AOR

Mr. Danish Zubair Khan, AOR

Mr. Vikas Mehta, AOR

Mr. Varun Singh, Adv.
Ms. Kajal S Gupta, Adv.

Mr. Mudit Gupta, AOR
Ms. K. V. Bharathi Upadhyaya, AOR
Mr. Shantwanu Singh, AOR
Ms. Surabhi Sanchita, AOR
Mr. Vinod Sharma, AOR
Mr. Debojit Borkakati, AOR
Mr. Vikrant Singh Bais, AOR
Ms. Manali Singhal, Adv.
Ms. Diksha Rai, AOR
Ms. Aanchal Kapoor, Adv.
Mr. Ketan Paul, AOR
Mr. Hiren Dasan, AOR
Mr. Ajay Vikram Singh, AOR
Mrs. Priyanka Singh, Adv.
Mr. M Aamir Faiyaz, Adv.
Ms. Swati, Adv.
Mr. Kamlesh Kumar Maurya, Adv.
Ms. Jyotsna Sharma, Adv.
Mr. Niraj Gupta, AOR
Ms. Shibani Ghosh, AOR
Mr. Tarun Gupta, AOR

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

IN RE: VACANCIES IN SPCBS

1. The first issue concerns the filling of vacant posts in the State Pollution Control Boards and Pollution Control Committees.
2. Since 1985, this Court has issued drastic orders to prevent air pollution in the Delhi-NCR region. The State Pollution Control Boards are statutory authorities that play a crucial role in preventing pollution and enforcing laws related to pollution. Various powers have been conferred on the Pollution Control Boards

under the Environment (Protection) Act, 1986, and the Rules framed thereunder, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and various other enactments.

3. Referring to the number of vacant posts in the Pollution Control Boards of NCR States brought on record, a very sorry state of affairs is reflected. Our order dated 27th August, 2024, directed that all the vacancies of the State Pollution Control Board as regards the NCR States shall be filled in by 30th April, 2025. As far as the State of Haryana is concerned, 35 per cent of the posts are vacant. As far as the State of Rajasthan is concerned, 45 per cent of posts are vacant, although it is stated that the process for filling approximately 164 vacancies has been initiated. In the case of the State of Uttar Pradesh, 45 per cent of posts are vacant. As far as the Delhi Pollution Control Committee (hereinafter referred to as "the DPCC") is concerned, approximately 55 per cent of the posts are vacant. Therefore, we can safely say that, as far as the DPCC is concerned, it is non-functional. Over the last several years, Delhi has been grappling with a significant issue of air pollution. Despite several orders issued by this Court, new issues related to air pollution continue to arise each year. In this context, we are shocked to learn that the DPCC is virtually defunct, with 55 per cent of posts vacant. The State of Haryana has expressed difficulty in finding candidates. The Pollution Control Boards need not limit the recruitment process to people from their State. It can be a PAN India process. We are, therefore, of the view that the States of

Delhi, Haryana, Rajasthan and Uttar Pradesh have committed a wilful breach of our order dated 27th August, 2024. All the vacant posts ought to have been filled by the end of April 2025. We, therefore, direct that a notice of contempt shall be issued to the Chief Secretaries of Delhi, Haryana, Rajasthan and Uttar Pradesh calling upon them to show cause as to why they should not be punished under the Contempt of Courts Act, 1971. The show cause notice issued to the Chief Secretary of Delhi is made returnable on 19th May, 2025. He is directed to personally appear in Court on that day. The show-cause notices issued to the Chief Secretaries of Haryana, Rajasthan, and Uttar Pradesh are made returnable on July 18, 2025. For the time being, the personal presence of the Chief Secretaries of Haryana, Rajasthan and Uttar Pradesh is dispensed with. A copy of this order is to accompany the notice.

4. We make it clear that, in the case of Haryana, Rajasthan, and Uttar Pradesh, non-compliance until the returnable date will be considered a case of aggravated contempt.

5. We are informed that 21 per cent of the posts in the Central Pollution Control Board (hereinafter referred to as "the CPCB") are vacant. We direct that all vacant posts shall be filled by the end of August 2025, and an affidavit of compliance shall be filed by the Union of India by the same date.

6. It is necessary to examine the functioning of the State Pollution Control Boards, as well as the Pollution Control Committees. Perhaps, the Boards and the Committees may be using age-old technology and equipment. We, therefore, direct the Commission for Air Quality Management (hereinafter referred to as

"the CAQM") to undertake a systematic study on these aspects. Unless the Pollution Control Boards and the Pollution Control Committees are equipped with modern equipment and unless they start using modern techniques, they will not be able to discharge their statutory duties effectively. The CAQM shall work on this aspect and make its recommendations by the end of July 2025 and forward the same to the CPCB as well as to the Pollution Control Boards of the States of Haryana, Rajasthan and Uttar Pradesh and the DPCC. Based on the recommendations of the CAQM, necessary actions shall be taken, including the acquisition of proper equipment.

7. We are informed that the CAQM also has vacant posts. Very important duties and functions have been assigned to the CAQM. Although the performance of the CAQM initially may not have been up to mark, over the last few months, we have seen significant improvement in the CAQM's performance. However, the CAQM cannot continue with more than 30 per cent of the sanctioned posts vacant. We direct the Union of India to ensure that all the vacancies are filled by the end of August 2025.

8. The CPCB has submitted a detailed note indicating that there are significant vacancies in almost all States. For example, in the State of Jharkhand, 91 per cent of posts are vacant, and in the State of Bihar, 90 per cent of posts are vacant. There are many States where the vacancy is more than 60 per cent. Even in the case of Pollution Control Committees of the Andaman and Nicobar Islands, Chandigarh and Puducherry, there are substantial vacancies. So is the case with Jammu and Kashmir. We direct all the State Pollution Control Boards and Committees to ensure that

all the vacancies are filled by the end of September 2025. This order shall be communicated by the CPCB to the Pollution Control Boards and Committees of all the States and Union Territories and call for their compliance. A compliance report on the implementation of this order shall be filed by the CPCB by the end of September 2025, after collecting the responses of all States and Union Territories.

9. As far as the NCR States are concerned, it will be open for them to modify their Rules and Regulations regarding recruitment and the modes of recruitment so that they are able to achieve the target.

IN RE: ACCOMMODATION FOR THE CHAIRPERSON, FULL-TIME MEMBERS, MEMBER SECRETARY AND OFFICERS OF THE CAQM

10. At this stage, Ms. Aparajita Singh, a learned Senior Advocate appointed as Amicus Curiae, has invited our attention to certain issues concerning the CAQM. She has invited our attention to the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Appointment, Salary, Allowances and other Terms and Conditions of Service of Chairperson, Full-time Members and Member-Secretary) Rules, 2021 and Commission for Air Quality Management in National Capital Region and Adjoining Areas (salaries, allowances and conditions of service of the officers and staff of the Commission) Rules, 2022. She pointed out that the Chairperson, Full-time Members, Member Secretary, as well as the Officers find it very difficult to get proper residential accommodation in Delhi. She is right in submitting that considering the magnitude of the task assigned to the CAQM, its

statutory duties and obligations, it is necessary that the Chairperson, Members and Officers get suitable accommodation in Delhi. Several directions have been issued to the CAQM for addressing a large number of issues that arise due to air pollution in Delhi. When the pollution is high, they are required to work 24x7. If we expect the Chairperson, Members and the Officers of the CAQM to perform their duty in terms of the expectations of this Court and the object sought to be achieved by establishing CAQM, they deserve to be provided suitable accommodation in Delhi. We are conscious of the fact that a large number of officers and employees of the State Government, the Central Government and other public entities in Delhi find it difficult to get a Government accommodation. Our attention is invited to an order dated 13th March, 2024 passed by a coordinate Bench of this Court by which a direction was issued to the Union of India to provide a suitable accommodation to the Chairman and Members of the CEC who are desirous of occupying Government accommodation. We, therefore, issue a similar direction to the Union of India to provide suitable accommodation to the Chairperson, Full-time Members, Member Secretary and the Officers of the CAQM. We direct the Union of India to ensure that a suitable accommodation as directed above is provided within a period of three months from today.

IA NO.194489/2024 (APPLICATION ON BEHALF OF THE GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA FOR IMPLEADMENT)

11. IA No.194489/2024 seeking impleadment is allowed only for the purposes of considering the prayer in IA No.194490/2024.

IA NO.194490/2024 (APPLICATION ON BEHALF OF THE GORAKHPUR HARYANA ANU VIDYUT PARIYOJNA SEEKING PERMISSION FOR REGISTRATION OF FIRE TENDER VEHICLE HAVING BS-IV ENGINE)

12. Heard Ms. Aishwarya Bhati, learned ASG and the learned Amicus Curiae.

13. It is averred in paragraph 2 of the IA No.194490/2024 that the fire tender subject-matter of this Application was purchased on 9th January, 2018. In view of the averments made in IA No.194490/2024, we allow the Application in terms of prayer clause (a) which reads thus:

“(a) Grant permission to the Applicant for registering the Fire Tender (sic) vehicle bearing correct Chassis no.MBKMC5CR1JN020900 with the RTO Fatehabad;”

Needless to add that the registering authority shall act on the basis of this order.

REMAINING ISSUES

14. The issues of Air Quality Governance, Industrial Pollution and Construction & Demolition Waste shall be taken up on 15th May 2025.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)