

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

I.A.NO. 345 in Writ Petition(s) (Civil) No(s). 13029/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(Report dt. 2.12.2016 of Environment Pollution Prevention and Control Authority and office report) (issue no. 3 with regard to pet coke and furnace oil)

WITH

I.A. No. 470 in W.P.(C) No. 13029/1985

(For clarification and office report)

Date : 06/02/2017 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE PRAFULLA C. PANT

*Amicus*

Ms. Aparajita Singh (AC)

Mr. A.D.N. Rao (AC)

Mr. Siddhartha Chowdhury (AC)

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. Ranjit Kumar, SG

Ms. Diksha Rai, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mrs. Madhvi Divan, Adv.

Mr. Ajay Sharma, Adv.

Mr. N.K. Karhal, Adv.

Mr. Ajay Kumar Singh, Adv.

Mr. M.K. Maroria, Adv.

Mr. R.K. Rathore, Adv.

Mr. Vibhu Shanker Mishra, Adv.

Mr. Raj Bahadur Yadav, Adv.

Dr. A.M. Singhvi, Sr. Adv.

Mr. Sandeep Narain, Adv.

Mr. Avishkar Singhvi, Adv.

For M/s S. Narain &amp; Co.

Mr. M.R. Shamshad, AOR

Mr. D.K. Thakur, Adv.  
Mr. Sushil Kumar, Adv.  
Mr. Pawan Kumar Sharma, Adv.  
Mr. Vijay Panjwani, AOR

Ms. K. Sarada Devi, AOR

Mr. Karunish Kumar Shukla, Adv.  
Dr. Monika Gusain, Adv.

Mr. Gopal Jain, Sr. Adv.  
Ms. Nandini Gore, Adv.  
Ms. Tahira Karanjawala, Adv.  
Mr. Sandeep Naryan, Adv.  
Ms. Natasha Sehrawat, Adv.  
Ms. Khushboo Bari, Adv.  
Mrs. Manik Karanjawala, Adv.  
For M/s Karanjawala & Co.

Mr. Vijay K. S, Adv.  
Mr. A. Pathak, Adv.  
Ms. Cauveri Birbal, Adv.  
Ms. Avantika, Adv.  
Ms. Sujeeta Srivastava, Adv.

Mr. Saurabh Ajay Gupta, Adv.  
Mr. Saurabh Singhal, Adv.

Mr. S.N. Terdal, AOR

Ms. Charu Walikhanna, Adv.  
Mr. Chirag M. Sharoff, AOR  
Ms. Neha Sanghwan, Adv.  
Mr. Hemant Arya, Adv.

Mr. Anil Grover, AAG  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kr. Visen, AOR

Mr. Ajay Bansal, Adv.  
Mr. Gaurav Yadav, Adv.  
Mr. R.K. Singh, Adv.  
Mr. Virag Gupta, Adv.  
Mr. Praveen Swarup, AOR

UPON hearing the counsel the Court made the following

#### O R D E R

I.A.NO. 345

We have heard learned *Amicus Curiae* as well as the learned

Solicitor General.

It is stated that the process for setting up Air Quality Monitoring Units in NCR is going on and as directed it will be completed by 31.05.2017. A status report has been placed by the learned Solicitor General.

It is further stated by the learned Solicitor General that out of the amount deposited with the Central Pollution Control Board (CPCB) towards Environmental Protection Charge (EPC), some amounts are required for the purchase of monitoring units. He estimates an amount of about Rs.2.37 crores for this purpose.

In our opinion, it would be appropriate if an amount of Rs.2.5 crores is released out of the deposited fund of Rs.19.01 crores as on 27.01.2017. Learned *Amicus* has no objection to this.

The learned Solicitor General has also made a submission with regard to use of pet coke and furnace oil in NCR. He says that meetings have been held in this regard but a final decision has yet not been reached since some substitute has to be found for pet coke and furnace oil. It is submitted by learned *Amicus* that natural gas and electricity are viable substitutes. These should be explored by the concerned bodies.

We have seen the Report dated 01.02.2017 submitted by Environment Pollution (Prevention & Control) Authority (EPCA). We find that the sulphur content in pet coke and furnace oil is extremely high and that is a major cause of pollution in Delhi and indeed in NCR.

The learned Solicitor General says that a final decision will be taken within 8 weeks. We are of opinion that so much of time

cannot be granted given the urgency in the matter.

In fact in the Report submitted by the EPCA, it is stated that the level of PM 2.5 had reached about 14 times the standard as on 05.11.2016 and there exists in the nature of a public health emergency so far as Delhi is concerned.

On the issue of health impact of air pollution, the EPCA has noted that a study conducted in 2008 by the CPCB and the Chittaranjan National Cancer Institute, Kolkata found that one-third of the children in Delhi have reduced lung function and sputum contains four times more iron-laden macrophages indicating a propensity for increased pulmonary hemorrhage. It is also stated that Studies conducted by the All India Institute of Medical Sciences (AIIMS), Vallabhbhai Patel Chest Institute and St. Stephen's Hospital have confirmed the above.

It is further stated that a Study conducted in 2010 by the Boston based Health Effects Institute estimates that about 3000 premature deaths occur in Delhi due to air pollution related diseases. This works out to about 8 deaths per day in Delhi alone relating to air pollution related diseases. This is quite staggering.

It is further noted that the World Allergy Organization Journal published a Report in 2013 linking high respiratory disorder symptoms with heavy traffic movement with the result in areas such as Chandni Chowk it is 66%, in Mayapuri it is 59% and in Sarojini Nagar it is 46%.

Keeping these facts in mind, we are of opinion that urgent action is required to be taken by the concerned authorities to

ensure that air pollution in Delhi is reduced. There is, therefore, great urgency in taking a final decision on the use of pet coke and furnace oil.

We find from an affidavit filed by the Government of Delhi on or about 25.03.2014 that an Air Pollution Control Plan for reducing air pollution in NCR was conceptualized in 2013. Nothing seems to have come out from this plan.

We have also been shown today an affidavit filed by the Member Secretary of the CPCB conceptualizing utilization of the EPC by the CPCB. That conceptualization includes utilization of funds which will have an impact on air pollution in Delhi.

The Report of the EPCA dated 01.02.2017 also contains an action plan for reducing air pollution in Delhi.

In our opinion, it would be appropriate if all the concerned authorities namely the EPCA, the Government of Delhi as well as the Governments of NCR i.e. Governments of Haryana, Rajasthan and Uttar Pradesh along with CPCB hold a joint meeting within a period of two weeks from today and thereafter come up with one comprehensive plan merging all three plans. We direct accordingly.

It has been brought to our notice that earlier an order was passed by this Court on 02.12.2016 and 25.11.2016 relating to setting up of Pollution Under Control Certificate (PUC) Centres in Delhi. We request the EPCA to expand the scope of its study by including PUC Centres not only in Delhi but also in NCR and submit a status report, as earlier directed, by mid-March, 2017.

List the matter on 06.03.2017.

Learned *Amicus* and the Registry will prepare a compilation of

all EPCA Reports and a separate compilation of all significant orders passed by this Court in this matter.

I.A. No. 470

The application for clarification is dismissed.

(Meenakshi Kohli)  
Court Master

(Jaswinder Kaur)  
Court Master