

ITEM NO.11

COURT NO.5

SECTION PIL(W)

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

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

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for Directions and office report)

WITH

I.A. No.471 in I.A. Nos.447-448 in I.A. No.365 in I.A. No.345 in
W.P.(C) No. 13029/1985

(for modification of order dated 30.04.2016 and office report)

I.A. Nos.477-479 in I.A. No.365 in I.A. No.345 in W.P.(C)
No.13029/1985

(for intervention stay and directions)

I.A. Nos.475-476 in I.A. No.363-364 in I.A. Nos.344, 355, 362 in
W.P.(C) No.13029/1985

(for intervention and directions and office report)

Date : 17/01/2017 These applications were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE PRAFULLA C. PANT

Mr. Harish N. Salve, Sr. Adv. (A.C.)

Ms. Aparajita Singh, Adv. (A.C.)

Mr. A.D.N. Rao, Adv. (A.C.)

Mr. Siddharth Chuadhary, Adv. (A.C.)

For Petitioner(s)

Petitioner-in-person

For Respondent(s)/
applicant(s)

Mr. Ranjit Kumar, SG

Mr. S. Wasim A. Qadri, Adv.

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Mr. G.S. Makker, Adv.
 Mr. R.K. Rathore, Adv.
 Mr. Vibhu Shanker Mishra, Adv.
 Mr. Raj Bahadur Yadav, Adv.
 Mr. N.K. Karhail, Adv.
 Mr. Ajay Kumar Singh, Adv.
 Mr. M.K. Maroria, Adv.
 Mr. S.N. Terdal, AOR
 Mr. Sudhir Walia, Adv.
 Ms. Sumita Hazarika, Adv.
 Mr. B.K. Prasad, Adv.

Mr. Tushar Mehta, ASG
 Mr. Alok Sangwan, Adv.
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Mr. Chirag M. Shroff, AOR
 Mr. Hemant Arya, Adv.

Mr. Sanjay Kr. Visen, AOR

Mr. Ajay Bansal, Adv.
 Mr. R.K. Singh, Adv.
 Mr. Suvesh Kumar, Adv.
 Mr. Praveen Swarup, AOR
 Mr. Gaurav Yadava, Adv.

Mr. M.R. Shamshad, AOR

Mr. Vijay Panjwani, AOR

Mr. Mahabir Singh, Sr. Adv.
 Ms. Preeti Singh, Adv.
 Mr. Gagan Deep Sharma, Adv.
 Mr. Gautam Awasthi, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.
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Mr. Ravindra Bana, AOR

Mr. Abhishek Chaudhary, AOR

Ms. Manali Singhal, Adv.
 Mr. Santosh Sachin, Adv.
 Mr. Deepak Singh Rawat, Adv.
 Mr. Abhijat P. Medh, AOR

M/s. Khaitan & Co.

M/s. M.V. Kini & Associates

Ms. Monika Gosain, AOR

Mr. Gopal Jain, Sr. Adv.

Mr. Abhimanyu Bhandari, Adv.

Ms. Roohina Dua, Adv.

Mr. Naveen Kumar, AOR

Mr. Sandeep Narain, Adv.

Mr. Samir Ali Khan, Adv.

Mr. Sohan Alam, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Our attention has been drawn to the order dated 2nd December, 2016 passed by this Court.

Learned Solicitor General has pointed out four issues that have been considered in the Order.

The first issue is with regard to setting up of monitoring units regarding the air quality index in the National Capital Region of Delhi (NCR) and the action required to be taken in this regard. He says that the process is going on and there is time till the end of May, 2017 to complete the process.

The second issue of concern is with regard to the Graded Response Action Plan under sub-section (1) of Section 3 of the Environment (Protection) Act, 1986. Learned Solicitor General says that a notification dated 12th January, 2017 has already been issued and the Graded Response Action Plan has also been notified on the same date. This is taken on record. We request the learned

Solicitor General to give due publicity to the Graded Response Action Plan so that the people in the NCR are aware of it.

The third issue that has been raised is with regard to the very high sulphur content in Pet coke and furnace oil and their utilization in industries in the NCR thereby causing immense air pollution. The learned Solicitor General says that action has been taken in this regard and necessary discussions with the stakeholders will take place tomorrow, i.e., 18th January, 2017 based on the response received from various institutions, such as CSIR, TERI, NPL, CPCB and Ministry of Petroleum and Natural Gas. He says that perhaps more than one meeting will be required in this regard and submits that the matter may be adjourned for some time so that a final response can be given in this regard.

The fourth issue is with regard to the functioning of Pollution Under Control (PUC) Centres set up in various parts of Delhi. We have been shown the response given by the EPCA and we find that some of the Centres were inspected way back in 2013. In any event, full details as on date are not available from the response. For example, it is not known whether all Centres have been inspected or not and if so on what date and the result of the inspection. We do not know the status of the show-cause notices issued to 174 stations and whether

they are functioning effectively or not or whether their licence has been cancelled. We expect a final, proper and accurate response with regard to the functioning of the PUC Centres after a thorough inspection of each one of them. We are told by the learned *amicus curiae* that the inspection will take about eight weeks.

List the matters again on 6th February, 2017 with regard to the status on the third issue, i.e., with regard to Pet coke and furnace oil.

The status report on the first issue that is setting up monitoring units should also be made available.

We request learned counsel for the parties that if any documents or papers are required to be placed on record, they should be circulated at least three days in advance for the convenience of the Court.

Direction to the Registry

We direct the Registry to give a separate number to each application and the practice of giving I.A. No. in I.A. No. in I.A. No. should be discontinued with immediate effect. The present system of numbering causes too much confusion.

The Registry will also make out a list of all pending I.As. and the prayer in each one of them. Learned *amicus curiae* says that learned *co-amicus curiae* will assist the Registry in this regard. The exercise be completed in three weeks.

Learned *amicus curiae* says that it will be more convenient and appropriate if the records of the case are digitized. The Registry will consider this and take necessary action.

I.A. No.471 in I.A. Nos.447-448 in I.A. No.365 in I.A. No.345 in W.P.(C) No. 13029/1985

The order dated 30th April, 2016 in I.A. Nos.447-448/2016 shall stand modified in terms of the order dated 12th August, 2016 in I.A. No.376.

With this, I.A. No.471 stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER