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ITEM NO.301 + 302 COURT NO.1 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

I.A.No.345 in Writ Petition (C) No.13029/1985  
M.C.MEHTA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

WITH  
W.P.(C) No.728 of 2015  
(With appln.(s) for impleadment and directions and ex-parte stay  
and office report)

W.P.(C)No.891/2016  
(Office Report)

W.P.(C)No.895/2016

W.P.(C)No.899/2016

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

Date : 10/11/2016 These applications were called on for hearing today.

CORAM :

HON&#39;BLE THE CHIEF JUSTICE  
HON&#39;BLE MR. JUSTICE A.K. SIKRI  
HON&#39;BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s)

Petitioner-in-person

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

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

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

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

Mr. Chirag M. Shroff, Adv.

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Ms. Anirudh Suri, Adv.

Ms. Shikhil Suri, Adv.

Mr. Gopal Subramaniam, Sr. Adv.

Mr. Rahul Gupta, Adv.

Mr. Gagan Gupta, Adv.

Mr. Shekhar Gupta, Adv.

Mr. Ira Gupta, Adv.

Mr. Ananta Prasad Mishra, Adv.

For Respondent(s)

Mrs. Pinky Anand, ASG

Mr. S.W.A. Quadri, Adv.

(NCT of Delhi) Mr. Sadman Ali, Adv.

Mr. Mukul Singh, Adv.

Mr. Vibhu Shanker Mishra, Adv.

Mr. B.K. Prasad, Adv.

Mr. Mukul Rohatgi, AG

(Min. of Environ- Mr. Ranjit Kumar, SG

ment) Mr. S.W.A. Quadri, Adv.

Mr. Saurabh Kirpal, Adv.

Mr. Ajay Sharma, Adv.

Mr. G.S. Makker, Adv.

Mr. Mukul Rohatgi, AG

Mr. Ranjit Kumar, SG

(Union of India) Mr. Ajay Sharma, Adv.

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Mr. G.S. Makker, Adv.

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

Mr. Sandeep Narain, Adv.

Mr. Avishkar Singhvi, Adv.

M/s S. Narain & Co.

Mr. K.K. Venugopal, Sr. Adv.

Ms. Pooja Dhar, Adv.

Mr. Zeeshan Diwan, Adv.

Mr. Vijeth, Adv.

Ms. Pinky Anand, ASG

(Delhi Police) Mr. S.W.A. Quadri, Adv.

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Mr. S.A. Siddiqui, Adv.  
Ms. Soumya Rathore, Adv.  
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Mr. R.K. Rathore, Adv.  
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Mr. Anil Grover, AAG  
Mr. Sanjay Kumar Visen, Adv.  
Mr. Sadmani Ali, Adv.  
Mr. Saurabh Kirpal, Adv.  
Mr. Ajay Sharma,  
Mr. Mukul Singh, Adv.  
Mr. Vibhushanker Mishra, Adv.  
Mr. Ajay Bansal, Adv.  
Mr. Praveen Swarup, Adv.  
(For NDMC) Mr. Vijendra Karuna, Adv.  
Ms. Veena Bansal, Adv.  
Mr. Gaurav Yadava, Adv.  
Mr. Gopal Jain, Sr. Adv.  
(For Intervenor) Mr. Anish R. Shah, Adv.  
Mr. Raghunath Raj Mohan, Adv.  
Mr. Abinash K. Mishra, Adv.  
Mr. Ajay Bansal, Adv.  
(For MCD) Mr. A. Mangalaswamy, Adv.  
Mr. Praveen Swarup, Adv.  
Mr. Suresh Kumar, Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishi Agrawala, Adv.  
Mr. E.C. Agrawala, Adv.  
Mr. Ankur Saigal, Adv.  
Mr. Rishabh Parikh, Adv.  
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Mr. Samir Ali Khan, Adv.  
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Mr. Aranyak Pathak, Adv.  
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(For EDMC) Mr. Pawan Swarup, Adv.  
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Mr. Simranjeet Singh, Adv.  
M/s K.V. Kini & Assets  
Mr. Vijay Panjwani, Adv.  
Mr. Sarfraz Ahmed Siddiqui, Adv.  
Ms. Satya Siddiqui, Adv.  
Mr. B.K Prasad, Adv.  
Mr. Soumitra G. Chaudhuri, Adv.  
(State of W.B.) Mr. Parijat Sinha, Adv.  
Mr. Somnath Banerjee, Adv.  
(State of Assam) Mr. Shuvodeep Roy, Adv.  
Mr. D.S. Mahra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard Mr. Ranjit Kumar, learned Solicitor General at some length as well as the Chairman of the Central Pollution

Control Board who is present in person. We have also had the advantage of hearing some other learned counsel appearing before us. Mr. Ranjit Kumar had on the previous date of hearing sought time to prepare a Plan of Action for appraising and improving the pollution levels in Delhi. He has today filed a compilation in which he has tried to explain the cause of pollution and the possible solutions for reducing the same. During the course of hearing however when we asked Mr. Parihar, Chairman, CPCB whether

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there are any Pollution Monitoring Stations, he stated that there are three such stations set up by the CPCB besides six others set up by the Delhi Pollution Control Board and nine by the Ministry of Earth & Sciences. He submits that in case some more such stations are set up in the city, it will certainly help the CPCB in keeping a close watch on the pollution levels and responding to the same appropriately. He seeks time to examine the need for setting up such additional stations as may be sufficient to meet the challenges in emergent situations and also the time frame within which such stations can be set up or upgraded. The control room set up by the CPCB for monitoring the pollution levels in the city also would need to be equipped with suitable machines for data received from other stations to be processed. He may also examine the need for upgrading the control room with the required equipment which may be useful for that purpose.

It is common ground that there is at present no definite plan of action formulated by the CPCB for responding to different levels of pollution at different points of time at different locations in the city. While the pollution levels are generally graded as satisfactory, severe or dangerous, there is no definite parameters for such gradation also. Mr. Ranjit Kumar submits that internationally accepted parameters are applied based on the air quality index are used for the purpose. He seeks time to bring on record the quality index internationally accepted and that

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prescribed by the CPCB. What is more important is that the CPCB ought to devise its response to such levels. Suffice it to say that while causes for pollution may be varied, the CPCB does not for the present appear to have any definite plan on how to respond to such levels of pollution noticed by Board. The CPCB, therefore, needs to evolve a definitive plan of action that would make its response to different levels of pollution predictable. Unfortunately, however, no thought appears to have been given to this aspect so far, no matter this Court has been dealing with the issue for a long time. Be that as it may, it is never too late to make amends and draw up a suitable action plan, namely, the creation of setting up of pollution monitoring centers for appraising and grading of pollution levels and evolving different responses to different levels of pollution. Mr. Ranjit Kumar submits that given ten days time, the CPCB shall finalize the action on all three counts mentioned above in consultation with all concerned. Stake holders including the writ petitions shall be free to give their suggestions/inputs to the Chairman of the CPCB. The Chairman, CPCB may convene a meeting of all concerned on 19.11.2016 at 11.00 a.m. These matters to stand adjourned to be listed again on 25.11.2016 at 2.00 p.m.

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W.P.(C) No.728 of 2015, W.P.(C)No.891/2016, W.P.(C)No.895/2016  
W.P.(C)No.899/2016 & D.No.37665/2016  
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  
List these matters tomorrow on 11 th  
November, 2016 at 2.00 p.m.

(Ashok Raj Singh)  
Court Master

(Veena Kherra)  
Court Master