

**IN THE COURT OF SH. ABHINAV SINGH, LD. CIVIL JUDGE,
NORTH-WEST DISTRICT, ROHINI DISTRICT COURTS, DELHI**

CS SCJ No. 751 of 2022

IN THE MATTER OF:

Mittal Extrusion Works Private Limited

... Plaintiff

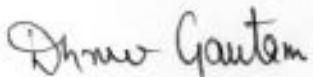
Versus

Pine View Technology Private Limited

... Defendant

INDEX OF DOCUMENTS

S. No.	Particulars	Page No.
1.	Printout of the Order dated 07 April 2015 passed by the Hon'ble NGT, Principal Bench, New Delhi.	1 – 9
2.	Printout of the Order dated 28 November 2016 passed by the Hon'ble NGT, Principal Bench, New Delhi.	10 – 21
3.	Copy of the Order dated 29 October 2018 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 13029 of 1985.	22 – 25
4.	Copy of the permission letter granted by the NDMC to the Defendant No. 1, dated 17 February 2022.	26
5.	Printout of Order dated 17 May 2022 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 199 of 2022.	27 – 29
6.	Board Resolution dated 08 June 2022	30
7.	Pendrive containing video clips of 25 May 2022, when the Plaintiff's vehicle was confiscated by the officials of Defendant No. 1.	31



Dhruv Gautam

Counsel for the Defendant

A – 114 (Basement), Defence Colony, Delhi – 110024

Mobile – 9999818999

E-mail : dhruv@dhruvgautam.in

Date: 10 June 2022

Place: New Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 21 of 2014

(M.A. NO. 87 OF 2015, M.A. NO. 90 OF 2015, M.A. NO. 155 OF 2015, M.A. NO.
200 OF 2015, M.A. NO. 203 OF 2015, M.A. NO. 219 OF 2015,
M.A. NO. 234 OF 2015, M.A. NO. 247 OF 2015, M.A. NO. 248 OF 2015, M.A. NO.
274 OF 2015, M.A. NO. 283 OF 2015 & M.A. NO. 284 OF 2015)

AND

Original Application No. 95 of 2014

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER

Original Application No.21 of 2014

Present:	Applicant:	Mr. Sanjay Upadhyay, Mr. Vardhaman Kaushik and Mr. Salik Shafique, Advs.
	Respondent No. 1:	Ms. Panchajanjya Batra Singh, Advocate for MoEF
	Respondent No. 2 & 4:	Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO, DPCC
	Respondent No. 3 :	Mr. Rajiv Bansal with Mr. Kush Sharma, Advs. for DDA.
	Respondent No. 5,6 & 7:	Mr. Ardhendumauli Kumar Prasad, Adv.
	Respondent No. 8 :	Mr. Arun Baroka, Secretary, PWD, GNCTD
	Respondent No. 9 :	Mr. Mukesh Kumar, Adv.
		Mr. Mukesh Kumar, Adv. and Mr. Yogesh Khanna for Sansha Kumar for NHAI For State of Tamil Nadu
	Intervener	Ms. Ruchia Batra, Adv. for Traders Association, Lajpat Nagar.
		Mr. I.K. Kapila, Mr S.K. Pabhi, Mr. A.K. Singh and Ms. Shrucha Rai, Advs. for Karol Bagh Traders Fed.
		Mr. Anil Gover, AAG with Mr. Rahul Khurana and Vijender Singh, SI, Traffic & Highway Police, Karnal for State of Haryana
		Ms. Savitri Pandey, Ms. Azma Parveen, Advs. for state of U.P.
		Mrs. Avnish Ahlawat, Adv. for DTC, DUSIB, GNCT (Transport Deptt.) and SHO Karol Bagh
		Ms. I. Begum standing counsel for GNCTD and Sec. PWD.
		Mr. Narender Pal Singh, Adv. for Urban Dev. Ministry for GNCT
		Ms. Sakshi Popli for NDMC
		Mr. Balendu Shekhar, Adv. for EDMC
		Mr. Sanjiv Ahlawadi and Ms. Priya Deep, Advs.
		Mr. Amit Verma, Adv. appointed as Local Commissioner
		Mr. Arun Barrka, Sec. PWD, Mr. Jayesh Kumar, CE, Mr. G.P. Bansal, SE, PWD and Mr. C.S. Azad, EE, PWD.
		Mr. D. Rajeshwar Rao, Adv. for Delhi Police (Traffic)
		Charanjeet Singh, Adv. Local Commissioner
		Mr. Abishek Dhania - ACP, Karol Bagh
		Mr. Mahesh Kumar, SHO, Karol Bagh

Original Application No. 95 of 2014**Present:****Applicant:****Respondent No. 1:****Respondent No. 2 to 6:****Respondent No. 8 :**

Mr. Sanjay Kulshretha (Petitioner in Person),
with Mr. Ashish S. Kulshreshtha and Manish
Shrivastava, Advs.

Mr. Vikas Malhotra and Mr. M.P. Sahay, MoEF &
CC

Mr. Ardhendumauli Kumar Prasad, Adv.

Mr. Deepak Khadaria, Adv. for B. H., Ajmal
Khan Market Association

Ms. Savitri Pandey and Ms. Azma Parveen,
Advs. state of U.P.

Mr. N. Yogesh Kanna and Mr. Santha Kumar,
Adv. for state of Tamil Nadu.

Date and Remarks	Orders of the Tribunal
Item No. 01 & 02 April 07, 2015 ss	<p>The Learned Counsel appearing for the Applicants in both the Applications and other Applicants having similar interest have vehemently contended that all the Authorities and the States in NCR, Delhi have utterly failed to comply with the directions issued by the Tribunal in its orders and particularly the orders dated 26th November, 2014, 28th November, 2014 and 04th December, 2014 respectively.</p> <p>The contention is that much less the compliance to the directions issued by NGT the Authorities, Departments and the State Governments have not even initiated the process for compliance of these directions. With the increasing pollutants in the air, life of residents in the NCR, Delhi is becoming more and more vulnerable to various diseases and the greatest sufferer of these pollutants are young children of today and India's tomorrow. The slackness and casual attitude of the Authorities of the state Government is exhibited from the very fact that the air pollution is increasing and has reached to an alarming level which would make it difficult for the people of Delhi even to breathe freely much less fresh air.</p> <p>We find substance in the submissions made before us. In the recent past the media particularly the print media</p>

has highlighted the adverse impact of deteriorating Ambient Air Quality in the NCR, Delhi and particularly Delhi city perse. The articles widely published are based on scientific studies and are well supported by data. The articles reveals that 7 years ago everyone saw Delhi air taking a dead U-Turn, but no action was taken. Statistics referred are that in the year 2000, the particulate matter in the Air of Delhi was $191 \mu\text{g}/\text{m}^3$ which reduced to $161 \mu\text{g}/\text{m}^3$ in 2007 right from the year 2003 to 2007 because of the orders of the Hon'ble Supreme Court of India introducing CNG transport system in Delhi. However, in the year 2014, particulate matter has again shot-up to $360 \mu\text{g}/\text{m}^3$. It is reported further that as many as 80,000 trucks enter Delhi every night and sleeping population is compelled to inhale high particulate matters resulting in serious health hazards as diesel fuel can damage the lungs, brain and even cause cancer. It has been pointed out that diesel is the prime source for bringing serious air pollution in Delhi particularly and children are even finding it difficult to breathe. The situation is so alarming that medically it is being advised that for recovery, people should leave Delhi. The question that arises at present, and what the resident of Delhi are most concerned is, what the principle of inter generational equity requires of the present/by Governing and the ones who are being Governed.

There are three serious pollutants of air which we have already noticed in our previous orders. Firstly, burning of plastic and other wastes including Agriculture or Horticulture waste in open. Secondly, pollution resulting from construction and other allied activities emitting heavy dust contained in the air. Thirdly, Pollution resulting from

vehicular traffic and industrial emission.

We had passed diverse directions for preventing and controlling pollution and for improvement of the air quality in Delhi with regard to all the three major sources of air pollution. Unfortunately, the implementation remains question of concern. The pollutant causing deteriorating air quality is not a normal situation, it can hardly be tackled unless stringent measures are taken and directions are implemented expeditiously and with all the sincerity by the Agencies, Authorities, Departments and Government.

We had directed NCT, Delhi and other Governments to submit their views on matters like controlling of vehicular pollution, total number of vehicles, age of vehicles. The above mentioned authorities were also required to submit their views on congestion, control and prevention of construction pollution, checking of vehicles for pollution at the state entry point, overloading of trucks and construction of parking areas in all congested places of Delhi to avoid congestion and to ensure free flow of traffic. Unfortunately, we find no response in that regard. We hereby issue directions to all the State Governments, Public Authorities, Corporations and Govt. of NCT, Delhi to produce all original records before the Tribunal to show what action have been taken by all or any of them for compliance of the directions issued by the Tribunal so far. Let this record be produced on 10th April, 2015.

Reverting back to one of the major sources of air pollution that is dust emission from construction activities. This pollution mainly occurs due to mishandling of debris and building waste material, carriage and storage of

	<p>construction material and as no steps are taken for environment protection by the builders during the course of the construction. On 06th April, 2015 various newspapers have reported about the huge dust emission resulting from the above mentioned activities in various parts of NCT, Delhi. The reports show huge construction activity emitting very high dust components and emitting the same in the air. The concrete dust in the air can be lethal when it combines with particulate matter arising from vehicular emission. In this report the construction activities has been referred to that of 2 km stretch from NH-24 to Charnmurti Chowk in NOIDA Extension and Golf course road, Gurgaon. To the naked eye, uncontrolled and high dust emission are visible in the photographs and it is also clear that no protective measures have been taken in and around the buildings under construction. Vide our order dated 26th November, 2014 and 04th December, 2014, we have passed clear direction as to the steps which the person responsible for construction, carrying construction material and dealing with debris should take. Hence, it is clear that this reported construction as mentioned above is in blatant violation of those directions. Besides this, all the construction activities have to be carried on in following the Ministry of Environment guidelines/manual for Township and Area Development Project, 2010. It is reported that in NOIDA Extension, no protective measures have been taken and there was absolutely no check on the emission of dust resulting from construction and allied activities. Similar is the state even in Gurgaon where construction activities are being carried on without any preventive steps as detailed by the order of the Tribunal and MoEF guideline of 2010.</p>
--	--

	<p>Furthermore, the transportation of construction debris is always in a manner which is totally prejudicial to the environment. In these circumstances we hereby direct state of U.P., NOIDA and Greater NOIDA Authority, HUDA, State of Haryana and NCT, Delhi to immediately direct stoppage of construction activities of all the buildings shown in the report as well as at other sites wherever, construction is being carried on in violation to the direction of NGT as well as the MoEF guideline of 2010. This action shall be taken and complied with by all the state Government, Authorities and Police of each district particularly falling in the NCR, Delhi. The compliance report shall be submitted by the next date that is 10th April, 2015 to the Tribunal. Wherever the construction activities are not stopped by service of this order by the authorities upon the builders, the authority shall seal such building and report the matter to the Tribunal. With regard to the compliance of the conditions for check booth at all the entry points for checking of emission standards of the heavy vehicles, weigh bridges, overloading of trucks and life of the vehicles, we appoint the following Learned Advocates as Local Commissioners :-</p> <ol style="list-style-type: none"> 1. Mr. Amit Verma, Adv. 2. Mr. Aditya N. Prasad, Adv. 3. Mr. Neha Miriam Kurian, Adv. 4. Mr. Atif Suhrawaroy, Adv. 5. Mr. Sahil Sangar, Adv. 6. Ms. Pallavi Talware, Adv. <p>The Local Commissioner shall visit all the check points of Delhi on 09th April, 2015 and report to the Tribunal for compliance of the direction as recorded in the</p>
--	---

	<p>orders afore stated. All authorities particularly the police are directed to provide police help to enable the Commissioners to execute the commission. The report shall be submitted to the Tribunal on 10th April, 2015 and shall also include the status of installation of weigh bridges and providing of U-Turn for the vehicles which are overloaded and polluting.</p> <p>The studies have established that the diesel vehicles are major source of pollution and major cause for deteriorating ambient air quality. The studies as indicated in the news reports are not the only material before the Tribunal. We, however, had directed the Central Pollution Control Board to carry out the study on ambient air quality. The report submitted by CPCB to the Tribunal clearly show that the parameters are totally violated. Comparatively the air quality in Lajpat Nagar appears to improve, but still it is infringing the prescribed parameters quite seriously. The analysis has been carried on 24th and 25th March, 2015 when it was preceded by restricting of traffic in Lajpat Nagar in terms of order of NGT. At site I, PM₁₀ level against the prescribed value of 100 µg/m³, it is found to be 162 and 211 µg/m³ respectively. In relation to PM_{2.5}, against the prescribed value of 60 µg/m³, it is found to be 89 and 120 µg/m³, respectively. At site II, PM₁₀, against the value of 100 µg/m³, has been found to be 180 and 201 µg/m³. This shows that the ambient air quality is still harmful for human health in one area. Other study report mentions much worse about other parts of Delhi. NOIDA is stated to be worse than Delhi even. We may also mention that many of countries of the world are in the process of doing away with diesel vehicles and are imposing very heavy taxes and</p>
--	---

levies on such vehicles. Such countries include amongst other Brazil, China, Sri Lanka, Denmark and Paris.

We have already noticed that certain stringent measures need to be taken to improve the ambient air quality in NCR, Delhi and to ensure that the residents of this area do not travel closer to ill-health by each breath that they take. Thus we hereby direct that all diesel vehicles (heavy or light) which are more than 10 years old, will not be permitted on the roads of NCR, Delhi. All the registering authorities in the state of Haryana, U.P. and NCT, Delhi would not register any diesel vehicle which is more than 10 years old and shall file the list of vehicles before the Tribunal and provide the same to the Police and other concerned authorities. Petrol vehicles which are more than 15 years old and diesel vehicles that are more than 10 years old shall not be registered in the NCR, Delhi.

In relation to further improving Lajpat Nagar market congestion and to prevent undue emission from vehicular pollution, we hereby direct :-

1. That the area where cement Jersey barrier have not yet been installed, should be installed immediately and reported to the Tribunal. In the meanwhile, protective barrier consisting of three layered ropes should be provided all along the mid-section of the road to ensure free flow of traffic. No space for U-Turn should be left from one of the road to another.
2. No hawker or any other trolleys would be permitted to be parked or stationed on the metalled path of the carriage way. Parking of cars shall be permitted strictly in terms of the previous order of the Tribunal.

		<p>List the matter for further direction and for compliance of the above direction on 10th April, 2015 at 02:00 PM.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (B.S. Sajwan)</p>
--	--	--



10

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

(M.A. NO. 284/2015, M.A. NO. 755/2016, M.A. NO. 756/2016, M.A. NO. 766/2016, M.A. NO. 847/2016, M.A. NO. 848/2016, M.A. NO. 924/2016, M.A. NO. 892/2016, M.A. NO. 974/2016, NO. 979 /2016, M.A. NO. 983/2016, M.A. NO. 984/2016, M.A. NO. 967/2016, M.A. NO. 986/2016 & M.A. NO. 1050 /2016)

In

Original Application No. 21/2014

AND

M.A. NO. 156/2016

IN

Original Application No.21 OF 2014

AND

Original Application No. 21/2014

(Only Notices)

AND

Original Application No. 21/2014

(M.A. NO. 172/2016, M.A. NO. 567/2016, M.A. NO. 690/2016, M.A. NO. 783/2016, M.A. NO. 949/2016, M.A. NO. 950/2016, M.A. NO. 1037/2016, M.A. NO. 1038/2016, M.A. NO. 1078/2016, M.A. NO. 1079/2016, M.A. NO. 1080/2016, M.A. NO. 1091/2016, M.A. NO. 1092/2016, M.A. NO. 1082/2016, M.A. NO. 1083/2016, M.A. NO. 1142/2016, M.A. NO. 1134/2016, M.A. NO. 1135/2016, M.A. NO. 1136/2016, M.A. NO. 1137/2016, M.A. NO. 1138/2016, M.A. NO. 1155/2016, M.A. NO. 1162/2016, M.A. NO. 1180/2016, M.A. NO. 1184/2016, M.A. NO. 1185/2016, M.A. NO. 1186/2016, M.A. NO. 1187/2016, M.A. NO. 1188/2016, M.A. NO. 1189/2016, M.A. NO. 1190/2016, M.A. NO. 1191/2016, M.A. NO. 1192/2016, M.A. NO. 1209/2016 & M.A. NO. 1210/2016)

And

Original Application No. 95/2014

And

Original Application No. 303/2015

And

Original Application No. 181/2013

(M.A. No. 824/2015)

And

Original Application No. 609 /2016

And

Original Application No. 179 of 2016

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha Vs. Union of India & Ors.

And

Supreme Court Women Lawyers Association Vs. Union of India & Ors.

And

Omesh Saigal Vs. Govt. of NCT of Delhi & Ors.

And

Diya Kapur & Ors. Vs. Union of India & Ors.

And

Mahendra Pandey Vs. Govt. of NCT of Delhi & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present:	Applicant :	Ms. Divya Sharma and Mr. Sanjay Upadhyay, Advs.
Respondent No. 2 & 4		Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, LO, DPCC
Respondent No. 5 & 6		Mr. Balendu Shekhar, Advs. For EDMC.
		Ms. Panchajanya Batra Singh, Adv. for Ministry of Environment & Forest, & CC
		Mr. Anil Soni, AAG for State of Punjab and Mr. Naginder Benipal, Advs.
		Ms. Priyanka Swami, Adv. for Ghaziabad Nagar Nigam
		Ms. Taruna A. Prasad, Adv. for MoEF
		Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Anurag Tripathi and Mr. Anirudh Chadha, Advs. (DDA)
		Ms. Nishe Rajen Shonker and Mr. Gajendra Khichi, Adv. for State of Kerala and Mr. Jogy Scaria, Adv.
		Mr. Sanjeev Ralli and Mr. Ravin Kapur, Advs. for Chandni Chowk Sarv Vyapar Mandal - Intervener
		Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. for NOIDA & Greater NOIDA.
		Mr. Anurag Kumar, Adv. for Ms. Sakshi Popli, Adv. for NDMC
		Mr. D.P. Singh, Ms. Sonam Gupta and Ms. Ishita Jain, Advs.
		Mr. A.K. Prasad and Mr. Panshul Chandra, Advs. For MoUD/PNG & Respondent No.2-6
		Mr. Rudreshwar Singh and Mr. Gautam Singh, Adv. For State of Bihar and BSPCB
		Mr. Jayesh Gaurav, Adv. for JSPCB
		Mr. Gaurav Dubey, Adv. for K-2
		Mr. Sarthak Chaturvedi, and Mr. Shubham Jaiswal, Advs. for Andman and Nicobar Admin
		Mr. Sarthak Chaturvedi, Mr. Rohit Pandey and Mr. D.N. Tripathi, Adv. for Andaman Nicobar Administration
		Mr. Rajul Shrivastav, Advs. For MPPCB
		Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, CPCB
		Mr. Mukesh Verma, Advs. for MPCB & State
		Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change
		Mr. Ashish Rana, Adv.
		Ms. Arushi Khandelwa, Adv. for Bio diesel Association of India
		Mr. Anoop Verma, Adv.
		Mr. Narayan Krishan and Ms. Rasna Kalkat, Advs.
		Mr. Natasha Sahrawat and Ms. Khushboo Bari, Advs.
		Mr. Yatendra Sharma, Mr. Sachin Sharma and Mr. Satyavrat Sharma, Adv.

Mr. Edward Belho, Mr. K. Luikang Michael and Ms. Elly Gangmei, Advs. For State of Nagaland and Pollution Control Board
 Mr. Shiv Mangal Sharma, Adv. with Mr. Adhiraj Singh and Mr. Saurabh Rajpal, Advs.
 Ms. M.S. Priyanka Sinha, Adv. for State of Jharkhand
 Mr. Atul Jha, Adv. For State of Chhattisgarh
 Mr. Anil Grover, AAG with Mr. Rahul Khurana, Mr. Sandep Yadav, Mr. Saurabh Sachdeva and Mr. Arun Tewatia, Advs., Advs. for Haryana, HSPCB, MCF, MCG & HUDA
 Mr. Sanjeev Kr. Sharma, Mr. Jeetendar Kr. Jha and Ms. Roopani Rai, Advs.
 Ms. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs. For State of Sikkim & Pollution Control Board
 Mr. Pradeep Misra and Mr. Daleep Kumar Dhyani, Advs. for UPPCB
 Mrs. Rani Chhabra and Ms. Priyanka Sony, Advs.
 Mr. Darpan Wadhwa and Mr. Sarad K. Sunny, Adv.
 Mr. Abhishek Yadav, Adv. for State of U.P.
 Mr. Guntur Prabhakar and Mr. Guntur Pramod Kumar, Advs. For State of Andhra Pradesh
 Mr. Raman Yadav, Adv. for Ghaziabad Development Authority
 Ms. Alpana Poddar, Adv. with Mr. Bhupender Kumar, LA, CPCB
 Mr. R. Rakesh Sharma, Adv. for State of Tamil Nadu & TNPCB and Mr. Marutha Samy, Adv.
 Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Advs. for PWD, Transport Deptt. and Delhi Police with Mr. Dinesh Kr. Gupta DCP Traffic
 Mr. Abhishek Atrey, Adv. For MoEF & CC
 Mr. Joydeep Mazumdar, Mr. Rohit Dutta and Mr. Parijat Sinha, Adv. For State of West Bengal
 Ms. Puja Kalra, Adv. For SDMC and NDMC
 Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.
 Mr. Balendu Shekhar, Advs. For MoRTH and Ministry of Heavy Industries and Highway
 Mr. Balendu Shekhar, Advs. For Ministry of Road & Transport and EDMC
 Mr. Aman Shukla and Mr. Santosh Rebello, Adv. for State of Goa & PCB
 Mr. Devraj Ashok, Adv. for State of Karanataka & KSPCB
 Mr. V.K. Shukla, Adv. for State of M.P.
 Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Advs. for Transport Deptt. & GNCTD
 Mr. Sumit Kishore, Adv. for PNGRB

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>We have heard the Learned Counsel appearing for the Ministries, NCT, Delhi, State of Haryana, State of Punjab, State of Rajasthan, State of Uttar Pradesh, DDA and Delhi Police and all other learned counsel. Vide order dated 07th April, 2015 and other orders where various directions have been passed with regards to prohibition for plying of vehicles diesel older than 10 years and petrol older than 15 years, Delhi Police had made some attempt to comply with the orders. However, due to non-availability of space and other difficulties faced, they were not able to keep the vehicles seized. Various other directions were passed by the Tribunal to ensure reduction of pollution of ambient air in Delhi resulting from vehicular pollution. At the cost of repetition and to put the matters beyond controversy we further issue the following directions:-</p> <ol style="list-style-type: none"> 1. The Ministry of Heavy Industries has assured the Tribunal that it was in the process of framing policy for scrapping of old vehicles in consonance with the directions of the Tribunal. This policy was to provide not only methodology for scrapping of vehicles but even incentives for that purpose to car owners. Unfortunately, nearly a year has gone now but the Ministry has not produced any policy to that effect before the Tribunal. According to the Learned Counsel, matter has been taken up with the Finance Ministry. We direct that the Learned Counsel appearing for the Ministry of Heavy Industry would take clear instructions in regard to the entire policy

	<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>as well as implementation thereof before the next date of hearing.</p> <p>2. All the State Government i.e. State of Punjab, State of Haryana, State of Uttar Pradesh, State of Rajasthan and the concerned State Secretaries would discuss with the Chief Secretary of Delhi to identify the land for parking the seized vehicles older than prescribed age immediately on the border of NCR and NCT, Delhi.</p> <p>3. This meeting should take place immediately and the Learned Counsel appearing for the respective States and NCT, Delhi would place the result/minutes of the meeting before the Tribunal by the next date of hearing. The Learned Counsel appearing for the DDA has submitted that as of now and after deliberation with all concerned stakeholders, two sites have been identified at Narela and Rohini which can be temporarily provided to Delhi Police for parking of such vehicles that are seized or are otherwise required to be parked for offending the laws and particularly upon the orders of the Tribunal. We, however make it clear that giving of such site of Delhi Police would be purely on temporary basis. Delhi Police would not raise any permanent structure on the land in question and they would pay amount to DDA as per the policy of the DDA. As far as the first two conditions are concerned, these are ex-facie reasonable and even necessary. However, since no title in the property is being transferred to the Delhi Police, there is no question of paying any charges to DDA for transfer</p>
--	---	--

	<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>of such land whether under the Land Revenue Act or otherwise. However, it would be appropriate that Delhi Police Pay charges to DDA for parking on per car basis.</p> <p>4. We clarify that vehicles plying on the roads or otherwise found to be polluting are not challaned merely under the Motor Vehicles Act but also under the provisions of the Environment (Protection) Act, 1986 and upon orders of National Green Tribunal Act, 2010. The vehicles seized by the Police for violation of the directions of the Tribunal are those not seized in terms of the Motor Vehicle Act but specific orders of the Tribunal. They cannot be released and ought not to be released unless they pay environmental compensation as well as carriage and parking charges demanded by Delhi Police.</p> <p>5. The Environmental Compensation has already been identified as Rs. 5,000/- for each violation. Besides this, the crane charges would be declared by the Delhi Police within a week from today and put up on Notice Board including the parking charges of the land in question. DDA would be entitled 50% of the parking share from Delhi Police.</p> <p>6. We reiterate that these are not only the offences under the Motor Vehicles Act and we do hope that all concerned would take note thereof that vehicles are being seized under the provisions of the above two said Acts and under the orders of the National Green Tribunal in relation to environmental offences/violation.</p> <p>7. We do not appreciate that neither the corporation</p>
--	---	--

	<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>and nor Delhi Police so far has lifted a single vehicle from those which are not even pliable or are standing on rims instead of tyres, have no engine or otherwise in violation of the orders of the Tribunal and are left parked on the public roads or public places, thereby crating congetion.</p> <p>8. Let the concerned Corporation and Delhi Police jointly carry out action plan and ensure that all such vehicles are lifted to avoid traffic congestion or otherwise for recovery of environmental compensation, as they gather nothing except dust which gets blown into the air thereby polluting the ambient air of NCT, Delhi.</p> <p>9. The Delhi Police as well as all other Police of the concerned States and Corporations would ensure that all the vehicles non-destined for Delhi and are required to take diverted routes, do not enter Delhi and ply in strict compliance of the prescribed standards and do not violate the directions of the Tribunal. In the event of violation, appropriate action shall be taken and these vehicles would be parked at the border places before their entry into NCT, Delhi that would be identified in terms of the above order.</p> <p>10. All Concerned Authorities shall ensure that deregistration of the vehicles which are plying on the road of Delhi in violation to the order of the Tribunal should be given effect to immediately and report be submitted to the Tribunal.</p> <p>11. The DDA, Police Authorities and the Corporations will hold a meeting within this week and identify</p>
--	--	---

	<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>as</p>	<p>other sites which can be temporarily provided as short term measure to Police or can be transferred by DDA to sort out problem of parking of vehicles as well as free flow of traffic.</p> <p><u>M.A. No. 974 of 2016</u></p> <p>Both these applications have been filed on behalf of M/s. Metro Waste Handling Private Limited praying that the eight vehicles bearing chassis numbers respectively as follows:</p> <ol style="list-style-type: none"> 1. MB1CTCHD3GEWW0746 2. MB1CTCHD7GEWW1124 3. MB1CTCHD9GEWW1125 4. MB1CTCHDXGEBV1238 5. MAT716013G2H19105 6. MAT716013G2H18911 7. MB1A3CHD9GRBP1495 8. MB1CTCHD8GEBV1237 <p>be permitted to be registered in Delhi. All the eight vehicles proposed to be registered now are BS-IV compliant. Six vehicles therefrom are to be operated in South Delhi Municipal Corporation as being replacement of old vehicles which the company has already obtained NOC from the Transport Department for their transfer to Gorakhpur area.</p> <p>In view of the above we dispose of both these applications with the following directions:-</p> <ol style="list-style-type: none"> 1. The six vehicles which have to operate in South Delhi Municipal Corporation area would be registered by the Transport Department only when the NOC for transfer of old vehicles as aforesaid and
--	---	---

	<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>as</p>	<p>secondly, its certification at Gorakhpur is also submitted before them.</p> <p>2. The Managing Director of the Company will file a personal affidavit that the said old six vehicles are transferred and being used at Gorakhpur and and will not be brought back to Delhi under any circumstances. In fact, steps would be taken for condemnation in accordance with law; and all these vehicles being registered in Delhi are BS-IV compliant. The affidavit of the Managing Director will also state that the company does not own any diesel vehicle other than the said old six vehicles which are more than 10 years old in Delhi being moved out of Delhi. The Affidavit would be filed before the Registrar Transport Department as well as before the NGT Tribunal. We also permit registration of two other vehicles to be plied in the area of NDMC and one Hue Loader as described above.</p> <p>With the above directions, M.A. No. 974 of 2016 and M.A. No. 1180 of 2016 stand disposed of. No order as to cost.</p> <p><u>M.A. No. 983 of 2016 and M.A. No. 984 of 2016</u></p> <p>This application is for permitting registration of commercial diesel operated vehicles which is Euro-IV with Chassis No. MSC2121CFFP019786. It is stated that so far as the Applicant is using private vehicle provided by M/s. Bharat Benz for transporting/supplying the petroleum product of Indian Oil Corporation.</p> <p>For the reason stated in the application we permit</p>
--	--	---

	<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>registration of the above vehicle of Chassis No. MSC2121CFFP019786 subject to the condition that it is Euro-IV and the sole proprietary of the company shall file personal affidavit that he does not own any diesel vehicle plying in NCT, Delhi which is more than 10 years old. Affidavit shall be filed before the Tribunal as well as Transport Authority.</p> <p>With the above directions, both these Miscellaneous Application Nos. 983 of 2016 and 984 of 2016 stand disposed of. No order as to cost.</p> <p><u>M.A. No. 979 of 2016</u></p> <p>The Applicant submits that the new vehicle bearing chassis no. MAT716013G2H18911 be ordered to be registered as it is only to be used for the purpose of carriage of petroleum products from the company depot to fuel station of the Applicant. Application is allowed subject to the following condition that vehicle is BS-IV Compliant. Affidavit of the Managing Director will be filed stating that the company does not own any diesel vehicle which is 10 years old. Affidavit would be filed before the Registrar Transport Department as well as before the Tribunal.</p> <p>However, registering Authority of the Transport Department would register the truck only when it is actually provided with dismantling and scrapping certificate of vehicle bearing registration DL1GB5951 along with the photograph of the dismantled vehicle.</p> <p>With the above directions M.A. No. 979 of 2016 stand disposed of.</p>
--	---	---

	<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p><u>M.A. No. 1180 of 2016</u></p> <p>The Learned Counsel appearing for the Applicant wishes to withdraw this application with liberty to file appropriate application, if necessary.</p> <p>Application is dismissed as withdrawn. Liberty as prayed is granted.</p> <p><u>M.A. No. 1037 of 2016 and M.A. No. 1038 of 2016</u></p> <p>Issue Notice to the Managing Director of Hindustan Petroleum.</p> <p>Notice returnable on 09th January, 2016.</p> <p><u>M.A. No. 755 of 2016, M.A. No. 756 of 2016, M.A. No. 847 of 2016, M.A. No. 848 of 2016, M.A. No. 924 of 2016, M.A. No. 986 of 2016, M.A. No. 1050 of 2016 & M.A. No. 1155 of 2016.</u></p> <p>These applications are allowed to the limited extent that the buses shall be permitted to ply beyond Meerut and Buland Shahar in the rural areas subject to the following conditions:-</p> <ol style="list-style-type: none"> 1. The affidavit would be filed by the Managing Director/Managing Partner/Sole Proprietor stating that they would convert these vehicles into CNG as and when the source of fuel is available. 2. They would maintain the vehicle properly and once they cross age more than 15 years old then those vehicles would be scrapped and certificate to that effect shall be given. <p>The Learned Counsel appearing for the Uttar Pradesh submits that the Board would be taking up the matter in as much as in principle the scheme for adopting CNG as fuel source in those areas has been approved by the Government.</p>
--	--	--

<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>With the above terms, M.A. No. 755 of 2016, M.A. No. 756 of 2016, M.A. No. 847 of 2016, M.A. No. 848 of 2016, M.A. No. 924 of 2016, M.A. No. 986 of 2016, M.A. No. 1050 of 2016 & M.A. No. 1155 of 2016 stand disposed of. No order as to cost.</p> <p><u>Main matter</u></p> <p>Issue Notice to DSIDC to be present on the next date of hearing.</p> <p>List these matters tomorrow i.e. on 29th November, 2016.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
--	--

ITEM NO.62

COURT NO.2

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

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(2)IN RE: REPORT NO. 92 SUBMITTED BY EPCA(SPECIAL REPORT ON NCR AIR POLLUTION)

Date : 29-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

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

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

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

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. Amit Sharma, Adv.
Ms. Suhasini Sen, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, Advocate
Mr. B.K. Prasad, Advocate
Mr. S. Wasim A. Qadri, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Devasis Bharuka, Adv.
Ms. Snidha Mehra, Adv.
Mr. B.V. Balaram Das, Adv.

Applicant

Mr. Shyam Divan, Sr. Adv.
Mr. Nawneet Vibhaw, Adv.
Mr. Sanjeev K. Kapoor, Adv.
for M/S Khaitan And Co.

Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Dr. Monika Gusain, Adv.
Mr. Sanjay Kr. Visen, Advocate
Ms. Manpreet Kaur Bhalla, Adv.

Ms. Rachana Gupta, AOR
Mr. Jitendra Kumar Tripathi, Adv.
Mr. Awadhesh Kumar, Adv.
Mr. Abhishek, AOR

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Ankit Raj, Adv.
Ms. Nidhi Jaswal, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, AOR

Ms. Anitha Shenoy, AOR

Mr. V.N. Raghupathy, AOR

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

Report No.92

Learned *amicus curiae* has placed before us some submissions on urgent actions to control air pollution in NCR.

We have gone through the suggestions that have been given and are of the opinion that the three suggestions are eminently reasonable and must be implemented with immediate effect.

These suggestions, which are now the directions of this Court, are as follows:

1. The Transport Departments of NCR will immediately announce that all the diesel vehicles more than 10 years' old and petrol vehicles more than 15 years' old shall not ply in NCR in terms of the order of the National Green

Tribunal dated 07.04.2015. The order of the National Green Tribunal was challenged in this Court and the Civil Appeal was dismissed. Vehicles violating the order will be impounded. The list of such vehicles should be published on the websites of the Central Pollution Control Board (CPCB) and the Transport Departments of NCR. Similarly, a meaningful advertisement should be published in a local newspaper for the convenience of the owners of the vehicles.

2. CPCB will immediately create a social media account on which the citizens may lodge their complaint directly to be acted upon by the Task Force responsible for implementation of Graded Response Action Plan.

3. EPCA is permitted to take pre-emptive steps under the Graded Response Action Plan without strict adherence to pollution stages delineated in the plan.

The last direction is being issued in view of the more or less critical situation in NCR, particularly in Delhi with regard to air pollution.

We have been shown a Note prepared by the Chairman of EPCA on 28th October, 2018.

The photographs attached to the Note indicate a fairly terrible state of affairs with regard to pollution in various parts of Delhi. It is for this reason, we are compelled to pass the above orders in the first instance.

With regard to the Note submitted by the Chairman, EPCA on visits to hot spots of NCR to ascertain ground

level enforcement of directions issued and actions taken, the Delhi Government as well as the Delhi State Industrial and Infrastructure Development Corporation Ltd. should file an affidavit within two days.

For implementation and compliance, list the matter on 1st November, 2018.

Recommendation Nos.2.4 on page Nos.5 and 6 as also 3.3 on page 7 of Report No.92 will also be taken up on 1st November, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

26

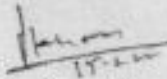
**NORTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE ASSISTANT COMMISSIONER
KESHAV PURAM ZONE
A-1 BLOCK, KESHAV PURAM, DELHI**

No. 671/AC/KPZ/NDMC/2022

Dated 15-2-2022

To Whom Showever It May Concern

This is to certify that M/s Pineview Technology Pvt. Ltd., C-260, Mayapuri Industrial Area, Phase-II, New Delhi-110064, empanelled by Transport Department, Govt. of GNTCD vide letter no. DC/Ops/Tpt/2020/075576073/334-341 dt. 11.02.2020 has been engaged for seizure, removal and dismantling of vehicles who have outlived their life (i.e 15 years old in case of petrol and 10 years old in case of diesel) found unauthorizedly parked on public place in jurisdiction of Keshav Puram Zone, North DMC.


(P.K. Singh)

**Assistant Commissioner
Keshav Puram Zone**

REVISED

ITEM NO.10

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

Writ Petition(s)(Civil) No(s).199/2022

ANURAG SAXENA & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and IA No.40852/2022-PERMISSION TO APPEAR AND ARGUE
IN PERSON)

Date : 17-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Petitioner-in-person

For Respondent(s)

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

Application for permission to appear and
argue in person is allowed.

The petitioners, who are practicing lawyers
of this Court, have filed the present petition seeking
several reliefs, including a direction to allow the
vehicles to run till the end of their registered life
in both diesel and petrol variants.

Signature valid
Digitally signed by
Anurag Saxena
DN: cn=Anurag Saxena,
o=Anurag Saxena,
c=IN

Before the petitioner in person - Mr.Anurag
Saxena commenced his arguments, we forewarned him that

the reliefs claimed by him are contrary to the orders passed by this Court as well as the National Green Tribunal. The petitioner in person insisted that he had a good case and he would convince the Court if he is granted 8 minutes time. We again forewarned him that we will permit him to do so, but in the event, if we find that the petition is without substance, we will saddle a cost of rupees one lakh per minute, that is, 8 lakhs. He, however, insisted on arguing the matter.

We uninterruptedly permitted Mr. Saxena to argue the matter for 8 minutes.

We find that the present petition is nothing but an abuse of process of law. At least a lawyer practicing before this Court is expected to know that a petition under Article 32 of the Constitution of India, cannot be filed to seek any reliefs which are contrary to the orders passed by this Court. In spite of the forewarning, the petitioner in person continued to argue the matter. We therefore, passed an order dismissing the petition.

Mr. Saxena did not even stop after we passed the order dismissing the petition. He still continued with his endeavour to argue the impossible.

We could have very well imposed the cost of rupees 8 lakhs while dismissing the petition, which we indicated at the beginning of the hearing. However, we do not propose to be harsh to an ill-advised parties

in person who fortunately or unfortunately are lawyers. We are therefore, inclined to take a lenient view of the matter.

We dismiss the Writ Petition with costs which are quantified at Rs.50,000/- The same may be paid to the Supreme Court Legal Services Committee within a period of two weeks from today.

However, before closing, we warn the petitioners that if they indulge into such sort of misadventurism hereinafter, the Court would be required to take a stern view of the matter.

Pending application(s), if any, shall stand disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Assistant Registrar

