

ITEM NO.301 + 302

COURT NO.1

SEC. PIL(W) & SEC.X

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.NOS.371, 372, 375, 376-377, 378-379, 380-381, 382, 383-384, 385-386, 387, 388, 389, I.A.NO.390 IN I.A.NO.380-381, 391-392, 394, 397-398, 399-400, 401, 402-403, 404, 405-406, 407-408, 409-410, 411-412, 413-414, 415-416, 418, 419-420, 421-422, 423, 424, 426-427, 428-429, 430-431, 432, 433, 434, 435-436, 437-438, I.A.NOS.439-440, 441-442, 443-444, 445-446, 447-448, 449, 450-451, 452, 453 and 454 IN I.A.NO.365 IN 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 impleadment and intervention and directions and clarification/ modification/ recall of order and appear and argue in person and exemption from filing O.T. and permission to take on record additional documents in I.A.Nos.380-381 and modification of order dated 16.12.2015 and 05.01.2016 and appln. for re-composition, rejuvenation and modification of EPCA and office report)

WITH

W.P. (C) No.116/2013
(With Office Report)

W.P. (C) No.728/2015
(With Directions and Ex-parte stay and Impleadment and Office Report)

W.P. (C) No.253/2016
(With Office Report)

Date : 30/04/2016 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. Harish N. Salve, Adv.
Sr. Adv. (A.C.), Adv.
Mr. Sidhartha Chowdhury (A.C.), Adv.
Ms. Apartajita Singh (A.C.), Adv.
Mr. A.D.N. Rao (A.C.), Adv.

Petitioner-in-person
Applicant-in-person

Mr. R.S. Suri, Sr. Adv.
Mr. Avinash Kumar, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Ms. Pooja Dhar, Adv.
Mr. Suhasini Sen, Adv.
Mr. Shradha Deshmukh, Adv.
Mr. Zeeshan Diwan, Adv.

Mr. D.N. Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.

Mr. S.N. Terdal, Adv.

Ms. Arti Singh, Adv.

For Respondent(s)

(For intervenor)

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Mohan Parasaran, Sr. Adv.
Mr. Anand S. Pathak, Adv.
Mr. Nikhil Nayyar, Adv.
Mr. Amit Kr. Mishra, Adv.
Mr. Akshat Hansaria, Adv.
Mr. Dhananjay Baijal, Adv.
Mr. N. Sai Vinod, Adv.

Mr. Tushar Mehta, ASG
Mr. Ajay Bansal, Adv.
Mr. Gaurav Yadava, Adv.
Mr. Aum Mangalassrry, Adv.
Mr. Harsha Reechra, Adv.
Mr. Praveen Swarup, Adv.

(For applicant
In IA No.380-381
Of 2016)

Mr. Kapil Sibal, Sr. Adv.
Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Vijay K. Sandhi, Adv.
Ms. Cauveri Birbal, Adv.
Ms. Avantika, Adv.
Mr. Adit Pujari, Adv.
Ms. Sujeeta Srivastava, Adv.

(Union of India)

Mr. Maninder Singh, ASG
Mr. Mahavir Singh, ASG
Mr. Vikas Bansal, Adv.
Mr. Neeraj Kr. Sharma, Adv.
Mr. Minakshi Dubey, Adv.
Mr. Rajesh Kr. Singh, Adv.

Mr. Kaushal Yadav, Adv.
 Mr. Prabal Bagchi, Adv.
 Mr. Akash Jindal, Adv.
 Ms. Snidha Mehra, Adv.
 Ms. Savdamini Sharma, Adv.
 Mr. R. Balasubramanian, Adv.
 Mr. Ranjeet Kumar, Adv.
 Mr. Prabhas Bajaj, Adv.
 Mr. Akshay Amritanshu, Adv.
 Mr. Kaushal Yadav, Adv.

(For Delhi Police) Ms. Pinky Anand, ASG
 Ms. Vibhu Shankar Mishra, Adv.
 Mr. Shadman Ali, Adv.
 Mr. R.K. Rathore, Adv.
 Mr. Sarfraj Ahmed Siddique, Adv.
 Mr. Zaid Ali, Adv.
 Mr. D.S. Mahra, Adv.

Dr. A.M. Singhvi, Sr. Adv.
 Mr. Shyam Divan, Sr. Adv.
 Mr. Gopal Jain, Sr. Adv.
 Mr. R.N. Karanjawala, Adv.
 Mrs. Nandini Gore, Adv.
 Ms. Trishala Kulkarni, Adv.
 Ms. Tahira Karanjawala, Adv.
 Ms. Natasha Sehwat, Adv.
 Ms. Khushboo Bari, Adv.
 Mrs. Manik Karanjawala, Adv.
 Mr. Sandeep Narain, Adv.
 M/s Karanjawala & Co.

(Central Warehousing Corporation) Mr. Vikas Singh, Sr. Adv.
 Mr. K.K. Tyagi, Adv.
 Mr. Iftekhar Ahmad, Adv.
 Mr. Sarvam Ritam Khare, Adv.

(For applicant) Mr. Abhimanyu Bhandari, Adv.
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 Mr. Samir Ali Khan, Adv.
 Mr. Abhishek Chaudhary, Adv.
 Mr. Garvesh Kaisra, Adv.

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 ment) Mr. G.S. Makkar, Adv.
 Ms. V. Mohana, Adv.

(I.A. No.424 & 434) Mr. Shyam Divan, Sr. Adv.
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 Ms. Priyadarshinee Singh, Adv.

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

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(For DDA) Ms. Binu Tamta, Adv.

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(For Applicant) Mr. Siddharth Jain, Adv.
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 Mr. Udayan Jain, Adv.
 Ms. Heena Sharma, Adv.

Dr. Sanjay Kulshrestha, Adv.
 Applicant-in-Person

(Indian Newspaper) Mr. Shantanu Agarwal, Adv.

Society) Karanjawala & Co.

((DJC-NCT of Delhi) Ms. Indira Jaisingh, Sr. Adv.
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Mr. Amit Sibal, Sr. Adv.
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Mr. Rishi Agrawala, Adv.
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Dr. Monika Gusain, Adv.
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Mr. Anuj Berry, Adv.
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Mr. Rakesh Kumar Khanna, Sr. Adv.
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Mr. Pranav Vyas, Adv.
Mr. Vandita Jain, Adv.
Ms. Shefali Jain, Adv

Mr. Sudhir Nagar, Adv.

Mr. Rabin Majumder, Adv.

Mr. Shyamal Kumar, Adv.

Mr. Sanjay Kr. Visen, Adv.

Mr. Bharat Sangal, Adv.

Mr. Sanjay Jain, Adv.

Mr. Satya Mitra, Adv.

Mr. Faisal Sherwani, Adv.

Mr. Avinash Kumar, Adv.

Ms. B. Sunitha Rao, Adv.

Mr. Yash Raj Singh Deora, Adv.

Mr. Balaji Srinivasan, Adv.

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

I.A. No.401 and 403 of 2016

These applications have been filed by South Delhi Municipal Corporation and North Delhi Municipal Corporation seeking permission for registration of diesel vehicles used for collection and transportation of garbage on diesel based HCV and MCV vehicles. Mr.Mehta, learned counsel appearing for the applicants submits that the National Green Tribunal, New Delhi has by its order dated 11.12.2015 prohibited registration of the aforementioned category of vehicles since they run on diesel fuel. Learned counsel for the applicant submits that they had moved an application before the NGT for modification of its order but the NGT has declined to consider the same in view of the pendency of present proceedings before this Court. He submits that this Court could clarify that pendency of these proceedings in this Court shall not prevent the NGT from considering and making suitable orders for vacation/modification of its earlier orders so as to permit registration of the vehicles which the NDMC and SDMC use within their respective areas. We see no reason to decline that prayer. The NGT is permitted to suitably consider and pass appropriate orders by modification/vacation of its earlier orders in respect of the diesel vehicles which the NDMC and

SDMC use for removal and transportation of solid waste in Delhi.

These I.As. are disposed of with that observation.

I.A. No.447-448 of 2016

Heard.

On the analogy of our order dated 31.03.2016 passed in I.A. No.393 of 2015, we permit registration of vehicles mentioned in para 3 of the application purchased by and for use by the Delhi Police subject to the condition that the purchasers shall deposit ECC at the rate of 30% of the purchase value before registration. The deposit shall be made before the Delhi Pollution Control Committee and a proof of deposit produced before the Transport Authority at the time of registration.

These I.As. are accordingly allowed and disposed of.

I.A. No.454 of 2016

For the reasons stated in the application, we permit registration of 192 and 58 (total 250) water tankers of the category mentioned in para 5 of the application purchased by Delhi Jal Board to augment supply of water in different parts of the capital. We make it clear that the vehicles in question shall be used by the Board entirely for providing drinking water to the residents of Delhi since the new vehicles are replacing the older vehicles earlier used for the said purpose. The registration shall

however be free from any environment cess charge on the same.

These I.As. are accordingly allowed and disposed of.

I.A. No.397-398 of 2016

Objections, if any, shall be filed by the learned amicus curiae within four weeks.

I.A No.407-408 of 2016

Learned counsel for the applicant seeks leave to withdraw these applications with liberty to approach the National Green Tribunal, New Delhi for appropriate relief and direction.

The applications are dismissed as withdrawn with the liberty prayed for.

I.A. No.449 of 2016

Heard.

For the reasons stated in the application we permit registration of 10 diesel vehicles used as water tankers and 2 tractors with trolleys for being used in the NDMC area for supply of water to the residents in the said area. The registration shall be without payment of any cess.

The application is allowed and disposed of accordingly.

I.A. No.391-392 of 2016

Heard.

We clarify our order dated 09.10.2015 and 16.12.2015 to the extent that vehicles running on CNG fuel shall not be liable to pay the environment compensatory cess while entering Delhi.

The I.As. are accordingly disposed of.

I.A. No.441-442 of 2016

Post these application after the learned amicus curiae has filed response to the same.

I.A. No.450-451 of 2016

Heard.

We see no reason to entertain these application which are hereby dismissed.

We make it clear that order regarding charges/recovery of ECC in terms of the direction issued by order dated 09.10.2015 and 26.02.2016 shall continue pending further orders from this Court and shall be applicable to all trucks entering Delhi unless otherwise exempted by any order of this Court.

I.A. No.371-372 of 2016

Mr. J.N. Dubey, learned senior counsel submits that since the applicant does not wish to pursue these applications as their grievances stands redressed by the Government.

These applications are accordingly disposed of as infructuous.

We order accordingly.

I.A. No.432 of 2014

Heard.

The constitution of EPCA in terms of para 7 of this application is permitted subject of course to the conditions that Society of Indian Automobile Manufacturers shall also be entitled to nominate one Member in the reconstituted EPCA. The Society shall nominate their representative within four weeks from today. The reconstituted authority shall have jurisdiction over the national capital region as defined in clause (f) of Section 2 of the National Capital Region Planning Board Act, 1985 and shall have the mandate to deal with all such matters as have been outlined in para 8 of the application.

I.A. is accordingly disposed of.

I.A.NOS. 375, 376-377, 378-379, 380-381, 382, 383-384, 385-386, 387, 388, 389, I.A.NO.390 IN I.A.NO.380-381, 394, 397-398, 399-400, 402, 404, 405-406, 409-410, 411-412, 413-414, 415-416, 418, 419-420, 421-422, 423, 424, 426-427, 428-429, 430-431, 433, 434, 435-436, 437-438, I.A.NOS.439-440, 441-442, 443-444, 445-446, 452, 453 in W.P. (C) No.13029/1985

List all these applications along with connected writ petitions on Monday, 9th May, 2016 at 2.00 p.m.

(Ashok Raj Singh)
Court Master

(Veena Khara)
Court Master