

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)

(1) IN RE: REPORT NO. 71, 78 AND 80 SUBMITTED BY EPCA

(REGARDING COMPREHENSIVE ACTION PLAN FOR AIR POLLUTION CONTROL
AND SUPPLEMENTARY REPORT ON THE COMPREHENSIVE ACTION PLAN WITH
TIMELINES)

Date : 26-03-2018 These Reports were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
 HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

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

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

Mr. Sudipto Sircar, Adv.

Ms. Tulika Chikker, Adv.

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

Petitioner-In-Person

For Respondent(s)
CPCB

Mr. Vijay Panjwani, Advocate

Mr. A.N.S. Nadkarni, ASG

Mr. Rajesh K. Singh, Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidananda, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Zaid Ali, Adv.

Mr. Arun Kumar Yadav, Adv.

Mr. Amrish Kumar Sharma, Adv.

Mr. V.S. Mishra, Adv.

Mr. Amit Sharma, Adv.

Mr. G.S. Makker, Advocate.

Mr. Vibhu Shankar Mishra, Adv.

Mr. Rajesh K. Singh, Adv.
Mr. Raj Bahadur, Adv.
Mrs. Anil Katiyar, Adv.

Mr. S.K. Bhattacharya, Adv.
Mr. L.K. Paonam, Adv.
Mr. Niraj Bobby Paonam, adv.
Mrs. Tomthinnganbi Koijam, Adv.
Mr. Himanshu Gambhir, Adv.

Haryana

Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kr. Visen, Advocate

U.P.

Mr. Arijit Prasad, Adv.
Mr. J.K. Tripathi, Adv.
Mr. Abhishek, Advocate

Rajasthan

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, Advocate

Mr. B.V. Balram Das, Advocate

SIAM

Mr. Sandeep Narain, Adv.
For M/S S. Narain And Co.

SDMC

Mr. Tushar Mehta, ASG
Mr. Ashish Tiwary, Adv.
Mr. Shree H. Pichora, Adv.

Applicant-In-Person

Mr. Vikas Singh, Sr. Adv.
Mr. K.K. Tyagi, Adv.
Mr. Iftekhar Ahmad, Adv.
Mr. Sarvam Ritam Khare, Advocate

Mrs. Nandini Gore, Adv.
Ms. Meghna Mishra, Adv.
Mr. Nakul Sachdeva, Adv.
Mr. Dheeraj P. Deo, Adv.
Ms. Khushboo B, Adv.
Ms. Neha Khandelwal, Adv.
Mrs. Manik Karanjawala, Adv.
For M/S Karanjawala And Co.

Mr. Ashok K. Gupta, Sr. Adv.

Mr. Farrukh Rasheed, Advocate

Mr. Hitesh Kumar Sharma, Adv.

Mr. S.K. Rajora, Adv.

Ms. Divya Mishra, Adv.

Mr. Rajesh Singh Chauhan, Advocate

Ms. Savita Devi, Adv.

Ms. Mamta Rani, Adv.

Mr. J. Prashar, Adv.

Dr. Kailash Chand, Advocate

Mr. Rohit K. Singh, Advocate

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

REPORT NO. 71, 78 AND 80 SUBMITTED BY EPCA

(REGARDING COMPREHENSIVE ACTION PLAN FOR AIR POLLUTION CONTROL AND SUPPLEMENTARY REPORT ON THE COMPREHENSIVE ACTION PLAN WITH TIMELINES)

We have heard submissions in part with regard to para 2.2.1 of Report No.71 given by EPCA. The Ministry of Petroleum and Natural Gas on behalf of Union of India has stated on affidavit that BS VI will be available in the National Capital Territory of Delhi in all retail outlets with effect from 01.04.2018.

With regard to availability of BS VI fuel of the NCR region, a letter was addressed on 15.11.2017 to the Chairman, IOCL and the CMD, BPCL and the CMD, HPCL to examine the possibility of introduction of BS VI auto fuels in the whole NCR area with effect from 01.04.2019 and furnish a report to the Ministry of Petroleum and Natural Gas within 15 days. It appears that no response has been received to this communication even though several months have gone by.

The Ministry of Petroleum and Natural Gas will ensure that a

response is obtained from the concerned Oil Marketing Companies within next two weeks with regard to availability of BS VI auto fuels in the NCR with effect from 01.04.2019.

We have also requested the learned ASG to consider making BS VI auto fuel available in 13 metro cities all over the country as was done in BS IV. The learned ASG should take instructions and file an affidavit indicating the status and feasibility of introduction of BS VI fuel in 13 metro cities apart from Delhi with effect from 01.04.2019.

With regard to para 2.2.2 concerning dieselization of vehicles, it has been submitted by the learned *Amicus* that there is no incentive to purchase petrol vehicles. The reason for this, according to her, is that there is cess of 1 % imposed on high end diesel vehicles exceeding 2000 CC but not on diesel vehicles which are in the low or medium segment.

She further submits that the price differential between petrol fuel and diesel fuel is about Rs.10 per litre. Therefore, any increase in the price of diesel vehicles in the low segment and middle segment is off-set by the far lower price of diesel fuel.

We would like the ASG to look into this and state on affidavit details of the price of diesel vehicles as compared to petrol vehicles which are in excess of 2000 CC and those which are in the middle segment and lower segment. We would also like the learned ASG to state on affidavit the issue of pricing of diesel fuel so that the low price, particularly for passenger vehicles, does not act as an incentive to purchase diesel vehicles as against petrol vehicles. This examination is required in view of the fact that

the diesel vehicles are far more polluting than petrol vehicles.

Needful be done within three weeks.

List the matter on 1st May, 2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER