

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 284 of 2015

In

Original Application No. 21/2014

And

Original Application No. 21/2014

(M.A NO. 155/2015, M.A NO. 394/2015, M.A NO. 412/2015 TO M.A NO. 414/2015, M.A NO. 420/2015, M.A NO. 502/2015, M.A NO. 618/2015, M.A NO. 631/2015, M.A NO. 683/2015, M.A. NO. 778/2015, M.A. NO. 812/2015, M.A. NO. 1014/2015, M.A. NO. 1015/2015, M.A. NO. 1029/2015, M.A. NO. 1086/2015, M.A. NO. 1313/2015, M.A. NO. 125/2016, M.A. NO. 172/2016, M.A. NO. 211/2016, M.A. NO. 232/2016, M.A. NO. 253/2016, M.A. NO. 268/2016, M.A. NO. 273/2016, M.A. NO. 317/2016, M.A. NO. 358/2016, M.A. NO. 360/2016, M.A. NO. 406/2016, M.A. NO. 432/2016, M.A. NO. 449/2016, M.A. NO. 475/2016, M.A. NO. 476/2016, M.A. NO. 516/2016, M.A. NO. 521/2016, M.A. NO. 523/2016, M.A. NO. 553/2016, M.A. NO. 564/2016 & M.A. NO. 567/2016)

And

Original Application No. 95/2014

And

Original Application No. 303/2015

IN THE MATTER OF :

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.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present: Applicant: Mr. Sanjay Upadhyay and Mr. Salik Shafique, ,
Adv.
Mr. Pushkar Sood, Adv. IA 449/2016
Respondent No. 1: Ms. Panchajanya Batra Singh, Adv. For MoEF &
CC
Mr. Rajiv Bansal, Mr. Kush Sharma and Mr. Sagar Mehrotra, Adv.
Ms. Guneet Khehar for Mr. Tarunvir Singh Khehar,
Adv. for Transport and GNCTD
Mr. Pradeep Misra and Mr. Daleep Dhyani, Adv. for UPPCB
Mr. Naushan Ahmed Khan and Ms. Neelam Kholiya, Adv. for Delhi Transport Corp.
Mr. Om Prakash, Adv. for Ministry of Railways
Ms. Sakshi Popli, Adv. for NDMC
Mr. Ataur T. For Mr. Sarfaraz Khan, Adv.**

Mr. Subramonium Prasad, AAG with Mr. R. Rakesh Sharma, Mr. Maruthasamy and Mr. S. Anand, Advs. for State of Tamil Nadu & TNPCB

Mr. Abhishek Yadav, Adv. for State of U.P.

Mr. Taruna A. Prasad, Adv. for MoEF

Mr. Ashish Negi and Mr. Rohit Kaul, Advs. for PPCB and State of Punjab

Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Adv. for PWD, Delhi Police and Transport Dept.

Mr. K. Sunil, Adv. for Hemant Jain

Mr. Devraj Ashok, Adv. for State of Karnataka

Mr. Ashok Kumar Singh, Senior Advocate with Ms. Mona Tomar, Adv. for Impleader Toyota

Mr. Ardhendumauli Kumar Prasad and Mr. Panshul Chandrachud, Advs.

Anil Grover, AAG and Mr. Rahul Khurana and Ms. Divya Jain, Advs. for State of Haryana

Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal and Mr. Adhiraj Singh, Adv.

Ms. Palwai Venkat Reddy and Mr. Prashant Tyagi, Advs. for State of Telangana

Mr. Trideep Ansha Verma, Adv. for DDSIL

Ms. Mithilesh Kumar and Mr. Dinesh Jindal, LO, DPCC for Mr. Narender Pal Singh, Adv.

Mr. Pradyuman Dubey, Adv. for HPCL, BPCL & IOCL

Ms. Puja Kalra, Adv. for North and South MCD

Mr. Dileep Poolakkot, Adv. for State of Goa

Mr. Jogy Scaria and Ms. Beena Victor, Advs.

Ms. Asha Nayar Basu and Mr. Amit Agarwal, Advs.

Mr. Joydeep Mazumdar and Ms. Parijat Sinha, Advs. For State of West Bengal

Mr. Alpna Poddar, Adv. with Mr. Bhupender Kumar, LA, CPCB

Mr. Balendu Shekhar and Mr. Akshay Abrol, Advs.

Mr. Pinky Anand, ASG with Ms. Somya Rathore, Adv. Dept of Heavy Inds. Along with Mr. Rajesh Ranjan, Adv. and Mrr. Balendu Shekhar, for MoRTH, NHAI, CONCOR

Ms. Nandini Gore, Mr. Aryan Sharma and Ms. Khushboo Basi, Advs. for Tata Motors Ltd.

Dr. A.M. Singhvi, Sr. Adv. with Mr. Sandeep Narain, Mr. A.. Singhvi and Ms. Madhavi Khanna, Advs. for Society of Indian Automobile Manufacturer.

MR. Edward Belho, Mr. K. Luikang Michael and Elix Gangmei, Advs.

Mr. Anil Shrivastav, Mr. Pranav Rishi and Ms. Sanyam Saxena, Advs. for Arunachal Pradesh and Pollution Control Board

Mr. Pragyan Sharma and Mr. Ravi Kant, Advs. for State of Mizoram and Mizoram SPCB

Mr. Gopal Singh and Ms. Varsha Poddar, Advs.

Mr. Jayesh Gaurav, Adv. for JSPCB

Mr. Sapam Biswajit Meitei and Mr. S. Vijayanand, Advs. for State of Manipur & KSPCB

Ms. Aruna Mathur and Ms. Avneesh Arputham, Advs. for State of Sikkim

Mr. Vikas Malhotra, Adv. for MoEF
Mr. Suryanarayan Singh, Sr. Addl. AG
Mr. Vivek O. Paul and Mr. Simranjeet Singh, Adv. for NHAI
Mr. Gopal Jain, Sr. Adv. with Mr. Vijay K. Sandhi and Ms. Cauveri Birbal and Ms. Avantika, Advs.
Mr. Ashish Negi, Ms. Richa Kapoor and Ms. Rishi Kapur, Adv. for Punjab PPCB
Ms. Priyanka Sinha and Mr. Shridhara Sawrup, Advs. for State of Jharkhand
Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Advs. for State of A.P.
Mr. Rajul Shrivastav, Adv. for MPPCB
Mr. Rudreshwar Singh and Mr. Gautam Singh, Advs. for State of Bihar and Bihar SPCB

	Date and Remarks	Orders of the Tribunal
	<p> Item No. 43 to 46 May 31, 2016 </p>	<p> <u>M.A. No. 567 of 2016</u> Issue Notice to all the respondents. Copy be furnished to all Learned Counsels appearing in this case. Reply be filed within three weeks from today. Rejoinder(s) thereto, if any, be filed by the next date of hearing. List this M.A. (No. 567 of 2016) for hearing on 11th July, 2016. In the meanwhile we direct all the States particularly the 11 States which have been indicated in our previous order, to furnish an affidavit through the Secretary of the State Government, primarily indicating:- </p> <ol style="list-style-type: none"> 1. Names of two or more most polluted cities in the States. 2. Population of the two cities. 3. Road densities in the cities. 4. Vehicular population in the two cities/districts. 5. Source of pollution particularly dust emission, emission by burning of various materials and vehicular and industrial pollution.

6. Total number of vehicles diesel and petrol, separately.
7. Number of heavy and light vehicles.
8. Number of Two wheelers and three wheelers.
9. Ambient air quality of the two districts/cities.
10. Details and effects of industrial and mining pollution upon the ambient air quality of the districts.
11. The source apportionment of dust and other emission/pollution.
12. Pollution affecting the joining States.

Let the affidavit be positively filed within three weeks from today, with copies to all the Learned Counsels appearing in this case. Respective States Government would be at liberty to put their affidavits on their website so as to make it convenient to all the learned counsels to draw copies from it.

List this matter for arguments and on that date we will pass appropriate directions. On the said date the States Governments shall also state whether it has any mechanism for condemning the vehicles of ten years of age.

List this matter on 11th and 12th July, 2016, as date of 11th July, 2016 has already fixed.

M.A. No. 125 of 2016 and M.A. No. 317 of 2016

In the case of North Delhi Municipal Corporation which is using diesel vehicles for carrying, transportation and dumping of wastes, they are permitted to replace the existing diesel vehicles of more than 10 years, by new

vehicles. If such new vehicles are purchased by them, the same may be registered subject to further orders in this application. However, the new diesel vehicles would be registered strictly and only for the purpose of transportation of municipal wastes and allied wastes to the dumping sites and only when certificate of condemnation and scrapping of vehicles is placed before the competent authority/registration authority, ensuring that old vehicles of the equal number have been dismantled and condemned. All the vehicles would be of BS-IV compliance. Unless these three conditions are satisfied, registration will not be permitted and the vehicle would not be allowed to be plied on the road. Online GPS system should be installed in the vehicles. Registration would be done by the Registrar who shall be personally responsible for compliance of these directions.

With the above directions the M.A. No. 125 of 2016 and M.A. No. 317 of 2016 stands disposed of without any order as to cost.

M.A. No. 273 of 2016

North Delhi Municipal Corporation would be permitted 7 (Seven) new vehicles of BS-IV compliance provided that they produce certificate of condemnation and dismantle of 7 (Seven) old diesel vehicles. They will be permitted to use only for the purpose of Municipal Solid Wastes and allied wastes. The vehicle will be fixed with GPS system and records would be maintained.

With the above directions the M.A. No. 273 of 2016 stands disposed of without any order as to cost.

M.A. No. 553 of 2016

IGL Company is also permitted to register its vehicle 1 (one) which is Emergency Response Diesel vehicle. It should be BS-IV compliance which would be strictly for Emergency Response Purposes.

With the above directions the M.A. No. 553 of 2016 stands disposed of without any order as to cost.

M.A. No. 232 of 2016

East Delhi Municipal Corporation is also permitted to get their 45 (forty five) diesel vehicles registered. They will first provide condemnation certificate and proof of 4 (Four) old vehicles to the registration authority. They will use those vehicles which are BS-IV compliance only for the purpose of transportation of Municipal Wastes and other allied wastes to the dumping site.

With the above directions the M.A. No. 232 of 2016 stands disposed of without any order as to cost.

All the above shall be further subject to conditions laid down supra, before registration. Vehicles would be fixed with GPS gadgets and records thereto would be provided before the Tribunal.

M.A. No. 432 of 2016

The Dakshin Dilli Swachh Initiatives Ltd. (DDSIL) who is working for South Delhi Municipal Corporation would be permitted to get their 45 (Forty five) vehicles registered which would be BS-IV compliance and would be used strictly for and on behalf of the Corporation for Transportation of Municipal and other allied wastes to the

dumping sites. The company will not be permitted to use such vehicles for any of the business activity other than carrying of wastes.

With the above directions the M.A. No. 432 of 2016 stands disposed of without any order as to cost.

M.A. No. 516 of 2016 and M.A. No. 449 of 2016

These applications are allowed. The applicant are permitted to get 2 (Two) vehicles and 1 (One) vehicle respectively registered in their names, provided vehicles are BS-IV compliances and are used for oil tankers in carrying petroleum products from Depot to Petrol Pumps. These vehicles will not be used for any other purpose. In the event of violation the vehicle would be liable to be seized and each one of them would be liable to pay environmental compensation.

With the above directions the M.A. No. 516 of 2016 and 449 of 2016 stand disposed of without any order as to cost.

Main matter

List all these matters on 11th and 12th July, 2016.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,JM
(Raghuvendra S. Rathore)

		<p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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