

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE**

APPLICATION NO.32/2014 (WZ)

New Link Road Residents Forum & Anr. Vs. The Union of India & Ors

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant/ Appellant : Umesh Shetty Adv  
Shariwa D'Souza Adv**

**Respondent No.3 : Yogesh Bag, RTO  
Respondent No.5 : Saurabh Kulkarni Adv**

| <b>Date and Remarks</b>                                | <b>Orders of the Tribunal</b>   |
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| <b>Item No.5<br/>March 18,<br/>2014<br/>Order No.2</b> | <p>Heard Counsel. We have gone through the reply affidavit filed on behalf of the Respondent No.4.</p> <p>It appears that the Respondent No.4, has restricted issuance of licences to Auto rickshaws, as per number of licences, which have been revoked/cancelled or otherwise withdrawn, for certain reasons. In other words, according to the Respondent No.4, no new licences are being issued by them. There is only substitution of licences in place of available capacity of number of licences, which had been issued and cancelled or withdrawn, or otherwise revoked. We direct the Respondent No4, to give detailed tabular information along with additional affidavit regarding number of Auto-rickshaw licences issued during last five (5) years in the Metro city of Mumbai, whether the Auto-rickshaws were allowed to ply in the areas like suburban's, because in south Mumbai, no such licences are being issued i.e. MMRTA, including Thane. Tabular information should also give details of licences, which have been cancelled/revoked/withdrawn and substituted. This information be given year-wise and shall be made available to the extent it is possible till the end of January 31,2014, so as to verify whether any new licences are being issued.</p> <p>Additional affidavit shall also compromise of impact of change made to CNG and advantage thereof, if any, due to change in the fuel in the context of Engine specification.</p> <p>MPCB shall place on record affidavit of a senior Officer to show whether use of two stroke engine causes any particular additional pollutants, and increase RSPM due to such engines used in the Auto-rickshaws. The affidavit also shall explain whether change in fuel used from petrol/diesel to CNG, would cause change in emission of pollutants if so, then nature of such changes in emission. The affidavit shall reflect such material information inasmuch as, case of the Applicant is that two</p> |

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stroke engine of an Auto-rickshaw would add to RSPM (PM-10) in excess and are, therefore, required to be changed to four stroke engines, if Auto-rickshaws are permitted to ply on the road. We expect MPCB's expert opinion including opinion of the Respondent Nos.6 and 7 in this behalf. The reply affidavits shall be filed within four (4) weeks. The copies of rely affidavits be given to the Counsel for the Applicant, at least one (1) week in advance, so as to facilitate filing of rejoinder, if any. Ad- interim to continue.

**Stand over to 30<sup>th</sup> April, 2014.**

....., **JM**  
**(Justice V. R. Kingaonkar)**

....., **EM**  
**(Dr.Ajay A. Deshpande)**

