

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

M.A. No. 923/2016

In

Original Application No. 21 of 2014

Vardhaman Kaushik Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present: Applicant:

Mr. Sanjay Upadhyay, Mr. Divya Sharma, Mr. Salik Shafique, Advs.

Mr. Balendu Shekhar with Mr. Shashank Bhatnagar, Advs. in M.A. No. 923/2016

Respondent No. 1:

Mr. Mahavir Singh, Adv. for Ms. Panchajanya Batra Singh, Advs. For MoEF & CC

Mr. Guntur Prabhakar and Mr. Guntur Pramod Kumar, Advs. for State of H.P.

Mr. Atul Jha Adv. for State of Chattisgarh

Mr. Devraj Ashok, Adv. for State of Karnataka & PCB

Mr. Sarthak Chaturvedi, Mr. Rohit Pandey, Mr. Devendernath Tirpathi, Advs. for Andaman & Nicobar Administration

Mr. Rudreshwar Singh and Mr. Gautam Singh, Advs.

Mr. Sanjeev Kumar, AIG/SPG

Mr. Jayesh Gaurav, Adv. for JSPCB

Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs.

Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Adv. for GNCTD

Mr. Tarunveer Singh Nanda and Mr. Archit Sharma, Advs. for DCB

Mr. Ravindra Kumar And Mr. Gudipati G.

Kashyap, Advs. for NOIDA and Greater NOIDA

Mr. R. Rakesh Sharma and Mr. M. Marutha Samy Adv. for State of Tamil Nadu and TNPCB

Mr. V.K. Shukla, Adv. for State of M.P.

Mr. Dinesh Kumar Garg and Mr. Deepak Mishra, Advs.

Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO

Mr. Rajiv Bansal, Mr. Kush Sharma and Ms. Arpita, Advs. (DDA)

Ms. Nishe Rajen Shonker and Mr. Gajendra Khichi, Advs. for State of Kerala

Mr. Edward Belho, Mr. K. Luikang Michael and Ms. Elix Gangmei, Advs. For State of Nagaland and PCB

Mr. Balendu Shekhar, Advs. For EDMC

Mr. Anil Grover, AAG, Haryana with Mr. Rahul Khurana, Advs. for Haryana, HSPCB, MCF, MCG & HUDA

Sapam Biswajit Meitei, Adv. For State of Manipur.

Ms. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs. For State of Sikkim

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

Ms. Priyanka Sinha, Mr. Vijay K. Sondhi, Ms. Cauveri Birbal and Ms. Avantika, Advs. for State of Jharkhand

Mr. Raman Yadav, Adv. for Ghaziabad Development Authority

Mr. Gopal Singh and Ms. Varsha Poddar, Advs. for State of Tripura

Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh,
 Advs. PWD, Transport Deptt. and Delhi Police
 Mr. Anil Shrivastav, Mr. Sanyam Saxena and
 Mr. Pranav Rishi, Advs.
 Ms. Bhavana Duhoon, Adv. for NHAI M/s.
 M.V.Kiwi
 Mr. Shiv Mangal Sharma, AAG State of
 Rajasthan along with Mr. Adhiraj Singh and Mr.
 Saurabh Rajpal, Advs.
 Mr. Rahul, Adv. for Ms. Priyanka Gasuami, Adv.
 for Ghaziabad Nagar Nigam

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 13</p> <p>September 16, 2016</p> <p>ss</p>	<p><u>M.A. No. 923 of 2016</u></p> <p>We have heard the Learned Counsel appearing for the parties. This is an application filed on behalf of Special Protection Group (in short 'SPG') praying that they have already purchased new vehicles which are 6 Mini Buses and 22 Vehicles of different kind are under the process of the purchase. These all are more than 2000 cubic centimeter vehicles. It is prayed that they be directed to be registered by the Registrar, Transport Department, NCT, Delhi. One of the ground statement for this prayer is that 18 old vehicles have been sold by the SPG through M/s. Metal Scrap Trading Corporation Ltd. by 'E' auction. There are 10 other vehicles which are 15 to 25 years old and they need to be scrapped. It is also stated that policy decision has been taken by the SPG to replace more than 10 years old diesel vehicles. We are of the considered view that the vehicles which are more than 10 to 25 years old cannot be permitted to ply on the road either directly by SPG or by selling them in open market at any process of auction. The diesel vehicles which have been used for more than 10 years cannot be permitted to ply in the entire NCR, Delhi and cannot be registered as well. The SPG has filed application before the Hon'ble Supreme Court of India for permission to register some of</p>

Item No.
13
September
16, 2016

ss

its vehicle which it has purchased. This prayer was allowed by the Hon'ble Supreme Court of India vide its order dated 31st March, 2016 subject to 30% cost of the vehicles to be paid as Environment Compensatory Charges (ECC).

The Learned Counsel submits that this order was operative for Car and SUVs. It is stated upon instruction that this is related to the purchase of SUV and not for other vehicles like Mini Buses, Buses and Trucks, vehicles which are sought to be purchased and registered now. In the light of the above we pass the following directions:-

A. The 18 vehicles which had been condemned and disposed of by the SPG by 'E' auction through M/s. Metal Scrap Trading Corporation Ltd. will not be registered by the Registrars in NCR, Delhi. These vehicles would be dismantled and scrapped. The details are as follows.

1. DLIV-4608 (Tata Mini Bus)
2. DLIV-4612 (Tata Mini Bus)
3. DLIV-3990 (Tata Mini Bus)
4. DLIV-4611 (Tata Mini Bus)
5. DLIV-0373 (Swaraj Mazda)
6. DLIV-3310 (Tata Mini Bus)
7. DLIV-3991 (Tata Mini Bus)
8. DLIV-4609 (Tata Mini Bus)
9. DLIV-4610 (Tata Mini Bus)
10. DLIV-4613 (Tata Mini Bus)
11. DLIV-0395 (S/Mazda Mini Bus)
12. DLIV-0903 (S/Mazda Mini Bus)

Item No.
13
September
16, 2016

ss

13. DLIGB-1670 (Water Truck)
14. DLIG 7654 (Tata Truck)
15. DLIP 8353 (Tata Bus)
16. DLIP 7986 (Tata Bus)
17. DL1PA 2580 (Tata Bus)
18. DL1A 1051

B. The 10 vehicles which now are proposed to be condemned and the 10 vehicles which are as under process of auction; shall not be auctioned for the purpose as of being permitted to be driven in NCR, Delhi. They shall be sold only for the purpose of condemnation and for dismantling purpose.

C. Upon furnishing the proof for condemning and dismantling of the 10 vehicles the details are as follows, SPG would be permitted to get the new vehicles registered by the Registrar in NCR, Delhi.

1. DL1PA-2578 (Tata Bus)
2. DL1PA-2579 (Tata Bus)
3. DL1PA-2783 (Tata Bus)
4. DL1PB-6679 (Tata Bus)
5. DL1GB-3460 (Tata Truck)
6. DL1VA-4207 (S/Mazda Mini Bus)
7. DL1VA-5751 (S/Mazda Mini Bus)
8. DL1V-3992 (Tata Mini Bus)
9. DL1LC-8430 (Mini Truck)
10. DL1A-1121 (Ambulance)

D. The remaining 22 vehicles as and when purchased, the SPG may approach the Tribunal for passing of appropriate directions.

With the above directions M.A. No. 923 of 2016

	<p>Item No. 13</p> <p>September 16, 2016</p> <p>ss</p>	<p>stands disposed of. No order as to cost.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
--	--------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

