

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

**APPLICATION NO.2/2014 (WZ)  
Dileep B. Nevatia Vs 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 : In person**

**Respondent No.1 : Ms Shweta Busar Adv  
Respondent No.2 : K.D. Ratnaparkhi Adv  
Respondent No.3 : A.B.Avhad w/  
R.A.Andhale Adv  
Respondent Nos.4 to 6 : D.M. Gupte, w/  
Supriya Dangre Adv  
Respondent No.7 : Yogesh Bag, Asst RTO**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.3 March 5, 2014 Order No.3</b>	<p>We have heard the Applicant in person. A short affidavit is filed by the Respondent No.7.</p> <p>Learned Counsel appearing for Respondent Nos.1 to 3 and 5, have sought time to file reply affidavit.</p> <p>We deem it proper to grant two (2) weeks' time to the Respondent Nos.1 to 3 and 5, as sought.</p> <p>By way of Ad-interim Relief, we direct that the Respondents shall not allow any vehicle to be sold and plied on the roads in excess of stipulated standards, as mentioned in Rule 120 (2) of the Central Motor Vehicles Rules, 1989 and part (E) of the Environment (Protection) Rules, 1986, until particular guidelines and standards are set out by the Respondent Nos.3 and 4 for monitoring and enforcement of the standards for automobile noise in the State of Maharashtra, for the present till next order.</p> <p>We direct the State of Maharashtra, through the Chief Secretary i.e. the Respondent No.6, to give instructions to all the Police Commissioners, MPCB, Transport Commissioner, Regional Transport Officers (RTOs) and other concerned officers, dealing with control of registration of vehicles, monitoring of proper use of vehicles on the roads, monitoring and measuring noise levels and maintaining of noise level of the vehicles, to ensure that the sound decibels of the vehicles shall not exceed limits specified in para (E) of Schedule-VI of the</p>

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Environment (Protection) Rules, 1986, which be treated for the present as operative guidelines and for such purpose the Transport Commissioners, Regional Transport Officers (RTOs), shall be informed to instruct the Vehicle Dealers that no vehicles be sold if the same do not meet the standard of the sound decibels mentioned above. The same kind of control shall be exercised by the Police Agencies and the Regional Transport Agencies, in respect of imported vehicles, without any exception and particularly, there shall be no exemption in this behalf only for the reason that the manufacturing is/was outside the country and as per standards available out of the country in the factories, which are outside the territory of India. The Police Agencies, shall be duly instructed to implement the guidelines by conducting random checking. The RTOs also be instructed to ensure implementation of the said guidelines, until further orders are duly issued in the matter and that in no case, there shall be any occasion to cause excessive noise allowed to be used by such vehicles, plied on the roads, may be of 2 wheelers, 3 wheelers and 4 wheelers.

This order is an interim measure and can be varied, if any other material is brought to the notice of the Tribunal by the Respondents, may be due to any change in fixation of standards and/or fixing of new standards and does not govern subject of noise decibels for horns fitted to the vehicles.

**Stand over to 2<sup>nd</sup> April, 2014.**

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

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