

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

Original Application No.21 of 2014
(M.A. NO. 87 OF 2015, M.A. NO. 90 OF 2015, M.A. NO. 155 OF 2015, M.A. NO. 200 OF 2015, M.A. NO. 203 OF 2015, M.A. NO. 219 OF 2015, M.A. NO. 234 OF 2015, M.A. NO. 247 OF 2015, M.A. NO. 248 OF 2015, M.A. NO. 274 OF 2015, M.A. NO. 283 OF 2015, M.A. NO. 284 OF 2015 & M.A. NO. 317 OF 2015)
AND
Original Application No. 95 of 2014

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.
And
Sanjay Kulshrestha Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER

Original Application No.21 of 2014

Present: **Applicant:** **Mr. Sanjay Upadhyay, Mr. Adarsh Srivastava and Mr. Salik Shafique, Advs.**
 Respondent No. 1: **Ms. Panchajanjya Batra Singh, Advocate for MoEF**
 Respondent No. 4 : **Mr. Rajiv Bansal with Mr. Kush Sharma and Ms. Arpita, Advs. for DDA.**
 Respondent No. 5,6 & 7: **Mr. Ardhendumauli Kumar Prasad, Adv. Mr. Rahul Mehra, Adv. and Mr. Zubeda Begum, standing counsel for GNCTD, Civil Ms. Savitri Pandey and Ms. Azma Paven, Adv. Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv. Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO, DPCC**

Date and Remarks	Orders of the Tribunal
Upon mentioning April 13, 2015	This matter taken upon mentioning The Learned Counsel appearing for the NCT, Delhi, MoEF, other Ministries and even other Learned Counsel appearing for state stakeholders raised a contention is that the prohibitory orders of the NGT in relation to the 10 years old diesel vehicles are causing serious concern and practical difficulties to the Government and Authorities. It is specifically being stated that NCT, Delhi has regards for entire provisions of the order and the concerned

Government has taken policy decision on order of the Tribunal. However, they seek some time to enable the authority to effectively comply with the directions therein.

We appreciate the initiative and responses of the Government of Delhi and other concerned state Governments to provide cleaner air and better environmental life. We find some substance in the submission made on behalf of various Government and authorities and the stakeholders. We may notice that by our orders dated 28th November, 2014, 01st December and even passed subsequently we had repeatedly asked the state Government, Central Government and other public authorities to submit their suggestions on data furnished for preventing and controlling air pollution and places for restoring of ambient air quality of Delhi. Unfortunately we received no suggestion.

In the larger public interest and to ensure public utility services and keeping in mind the submissions made by the Learned counsel particularly for NCT, Delhi who shall mainly get adversely affected due to impounding of diesel vehicle of more than 10 years old and to ensure that the common citizen of Delhi does not suffer in day to day life, we pass the following directions :-

1. These direction are to be read in conjunction with and not in the derogation of the earlier orders passed by the Tribunal except to the limitation and extent stated hereinafter.

- a. The Ministry of Surface Transport, MoEF, Urban Development, Ministry of Petroleum, Union of India, NCT, Delhi and other authority concerned should submit to the Tribunal

within two weeks from today, their complete reasoned and scientifically supported views Inter alia but mainly on the following views by way of affidavits to be filed by the person not less than Additional Secretary, in the case of Central Government, and Secretary of the concerned department in NCT, Delhi and public authorities.

i. Age of all vehicles to be permitted to run in NCT, Delhi with reference to all sources of energy/fuel.

ii. Cap on the No. of vehicles to be registered in the NCR, Delhi with reference to sources of energy/fuel.

iii. Incentive to be provided to the members of public who adopt pool commutation/travel.

iv. Benefits or concessions that can be provided to the transferor/transferee of the vehicle which are prohibited to run in NCR, Delhi, on the roads of NCT, Delhi.

v. It should be kept in mind that vehicles are prohibited because of high density of traffic and greater pollution are likely to be shifted to the places of lesser density of vehicles and lesser pollution because of the expanse of air available and openness available there.

vi. Concession/benefits which would be available to the person who scrap his vehicle as a result of any or all of the

restriction in terms or order of the Tribunal and law in force.

vii. Public transport vehicles to be provided on priority at all the places which have high commercial activities, markets or industrial areas.

viii. Wherever parking area or multi-storied parking have been provided rationalisation of parking charges to encourage people to park in such parking areas and not on the main road.

ix. Imposition of higher registration and other charges including congestion charges particularly in relation to the owner of the vehicle who possesses for himself and for family more than one vehicle.

b. Research to be conducted to find out suitable converters for emissions from vehicles and beneficial use of energy for running cars.

c. Steps are required to be taken for ensuring quality of emissions released directly by Government major projects like Indraprastha, Bhadra and Raj Ghat, Thermal Power Project and even other major plants run by the Government and instrumentalities of the Government within the standards prescribed by law.

2. Suggestions as to how the air pollution in Delhi can be checked immediately and the method by which ambient air quality of Delhi can be restored to clean

air standards.

We may notice that during the hearings in the last 6 months we had asked for the suggestions and comments on all these issues without much result. We do hope that all the Government and concerned stakeholders will respond on these issues without default and delay within the prescribed time. During the period of two weeks that we have provided to all the concerned authorities there shall be impounding of vehicles on account of age.

In furtherance to our earlier orders we make it clear that we are varying our directions only to this limited extent. However, all vehicles shall be subject to prescribed pollution check and other environmental norms.

Suggestions shall also be given by the Central Pollution Control Board and Delhi Pollution Control Committee together.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(B.S. Sajwan)