

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Original Application No.21 of 2014

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

**Present:** **Applicant:** Mr. Sanjay Upadhyay, Mr. Vardhman Kaushik,  
and Mr. Naresh Kaushik.  
**Respondent No. 1:** Ms. P.B. Singh, Advocate and Mr.R.N. Jindal,  
Addl. Director, MoEF & CC  
Mr. Ardhendo Mauli Kumar Prasad with Mr. B.V.  
Niren, Adv. for Ministry of Road Transport and  
MoUD & PNG  
Mr. Sanjeev Ralli, Adv. for DPCC

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	Item No. 2 November 28, 2014	<p>This matter has been listed for directions.</p> <p>We have heard the Learned counsel appearing for Parties further. It needs to be noticed that the Hon'ble Supreme Court of India for the first time in the case of M.C. Mehta Vs. Union of India (1998) 5 SCC 206 had passed certain directions imposing restriction on plying of commercial vehicles including taxis which are more than 15 years old as of 02<sup>nd</sup> October, 1998. This Order was further modified. The Bhure Lal Committee had submitted its report to the Hon'ble Supreme Court which was noticed by the Court in its Order dated 16<sup>th</sup> April, 1999. In that report it was noticed that more than 90% of the Nitrogen Dioxide and respirable particulate matter is due to diesel. It was observed that the steps should be taken for improvement of quality of diesel that was supplied in the vehicles. It is evident that there are various sources of air pollution.</p>

Vehicular pollution and burning of materials particularly plastic and allied products that are burnt in open area is one of the major sources of air pollution. Auto Fuel Policy, 2003 have intended to achieve the required targets for prevention and control of pollution. Another serious source of pollution amongst the vehicular pollution is the 3 wheelers particularly that are running on diesel. A Committee has been constituted in order to achieve the vision of Auto Vision and Policy 2025. The Hon'ble Supreme Court had further directed on 29<sup>th</sup> April, 1999 that non-commercial vehicles should also conform to Euro - II norms and only then they should be registered in NCR of Delhi. This was expected to be complied with by the year 2000. The Hon'ble Supreme Court again vide its order dated 18<sup>th</sup> September, 2009 in the case Bharat Petroleum Corporation Ltd Vs. Sunil Bansal had passed directions to the concerned Authorities to take various steps in relation to the prevention and control of air pollution.

Despite the above orders of the highest court of the land there is hardly any improvement in the ambient air quality of NCT of Delhi. In fact it has already been noticed in our previous order that it has gone from bad to worse . The present state of affairs cannot be permitted to persist any longer. The Applicant before us has argued at some length that if this serious environmental issue is not resolved at the earliest, inevitable results may cause serious danger to human health in NCT of Delhi. We have already referred to the study which has been conducted by the

different bodies and was widely reported. It mentions that even the morning walkers intake air that is highly polluted, air is dangerous to human health and is worst in the morning and evening hours.

Despite the fact that Expert Members are on the Bench of the Tribunal hearing the matters, at the request of the parties and in the interest justice, we would prefer to adopt the approach which is more consultative and provide a leverage for deliberations with the stake holders and the Authorities which are responsible for implementation of the directions of the Tribunal and the law in force. The limitations or any other difficulties that an implementing agency or State or Central Government may have, in our opinion, should be directed to bring it to the notice of the Tribunal for ensuing passing of directions which can be effectively, expeditiously be implemented for protection of the environment and public health.

The Tribunal would certainly, within the framework of the National Green Tribunal Act, 2010, take a consultative and deliberated approach with the stakeholders to resolve an issue of such wide magnitude and/or of greatest public welfare and is seriously effecting the environment. In furtherance to this, we direct holding of a meeting on Tuesday i.e. 02<sup>nd</sup> December, 2014 at 1.00 P.M. in the conference hall of the NGT where the following would be present:-

1. All the learned counsel appearing before us;
2. Addl. Secretary, MoEF;
3. Addl. Secretary, Ministry of Petroleum as deputed by the Secretary of the Ministry;

4. Chairman, CPCB
5. Secretaries of NCT Delhi directly concerned with the implementation of the order of the Tribunal dated 26<sup>th</sup> November, 2014 preferably Secretary of Environment, Secretary of Transport, Secretary of Health and Secretary of Finance;
6. The Commissioner of Police, Delhi;
7. Addl. Commissioner of Police in charge of Traffic, Delhi;
8. RTO;
9. Addl. Secretary of Ministry of Urban Development, Govt. of India;
10. Addl. Secretary of Ministry of Road and Surface Transport, Govt. of India ;
11. Commissioners of all the Corporations of Delhi including CEO of NOIDA and HUDA;
12. Chairman of Planning Board;
13. MD of DTC.

In the meanwhile, we would require the Authorities to submit their views to the Tribunal on the one hand and implement the directions contained in our Order dated 26<sup>th</sup> November, 2014 as well as the directions contained hereinafter without default and delay, on the other hand. The matters which fall in this ambit and would be subject of deliberation in the Chamber meeting *inter alia* but primarily on the following issues:-

- a) Implementation of our order dated 26<sup>th</sup> November, 2014;
- b) Methodology to be adopted for introducing pool car and providing of incentives in that behalf;

		<p>c) Complete lay out plan for obstruction- free flow of vehicular traffic in the NCT Delhi;</p> <p>d) Dimensions to which the public transportation system needs to be upgraded, increased and to ensure that there are pollution free systems.</p> <p>e) No bus or vehicle owned and under control of DTC or any bus operating under contract with DTC which is more than 15 years old as on 01<sup>st</sup> December, 2014 would ply and/or permitted to be plied on any part of NCT Delhi. This order will equally apply to the buses owned and/or under contract with State of Haryana, State of Uttar Pradesh, State of Rajasthan, State of Punjab, and all other States whose buses are coming to Delhi from the destination of their respective States. MD of DTC and other Officers incharge of the buses in the respective States shall ensure and personally be liable for implementation of these directions.</p> <p>f) Air filter should be installed in terms of our order dated 26<sup>th</sup> November, 2016 particularly in the markets places which are highly crowded in terms of human beings and vehicles and places, gardens where the residents of NCT of Delhi go for morning or evening walk, as the case may be;</p> <p>g) Installation of in-line weigh bridges and their proper functioning which we have directed vide our earlier order shall be adhered strictly. Further, we direct weigh bridges shall be computerised and such system should be directed to be installed through the concerned Agencies and Departments immediately;</p>
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h) The CPCB, DPCC, Secretary Environment, NCT Delhi, including Secretary of Transport, Uttar Pradesh and Haryana shall ensure that agencies which have been engaged for the purposes of checking emissions from vehicles, act strictly in accordance with law and do not issue any certificate casually;

i) The Authorities shall inform the Tribunal in the meeting as to what steps can be taken and/or what penalties can be imposed against the agency issuing PUC (Pollution Under Control) Certificate, if they are found to be erring or issuing certificates to non-conforming vehicles. In the meanwhile, all concerned agencies shall inspect the agencies authorised to issue PUC and provide status report to the Tribunal and any PUC agency operating illegally and unauthorisedly shall be closed forthwith.

List this case for meeting in the conference hall of NGT on Tuesday, 02<sup>nd</sup> December, at 1.00 PM.

The case shall come for hearing before the Tribunal on 12<sup>th</sup> January, 2014. The date already fixed for 09<sup>th</sup> January, 2014 shall stand cancelled.

Let copy of this Order be placed immediately by the Registry on the website.

Learned counsel appearing for the parties would inform their respective clients and to all other Departments who have been directed to be present in terms of this order.

The records of Original Application No. 01 of 2012, Sanjay Agnihotri Vs. Union India & Ors. may also be called for hearing for that date.

Learned counsel appearing for appearing NOIDA and greater NOIDA Authority accept Notice.

.....,CP  
(Swatanter Kumar)

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

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

