

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

Original Application No. 21/2014

(M.A. No. 828/2017, M.A. No. 829/2017, M.A. No. 889/2017, M.A. No. 1177/2017, M.A. No. 1314/2017, 1341/2017, 1342/2017, 1343/2017, 1344/2017, 1345/2017, 1346/2017, 1347/2017, 1348/2017, 1349/2017, 1350/2017, 1351/2017, 1356/2017, 1357/2017, M.A. No. 1358/2017, M.A. No. 1361 of 2017, M.A. No. 1366 of 2017, M.A. No. 1367 of 2017, M.A. No. 1369 of 2017, M.A. No. 1370 of 2017, M.A. No. 1371 of 2017 and M.A. No. 1372 of 2017)

And

Original Application No. 95/2014

(M.A. No. 1156 of 2016)

And

Original Application No. 303/2015

And

Original Application No. 609 /2016

And

Original Application No. 179 of 2016

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha Vs. Union of India & Ors.

And

Supreme Court Women Lawyers Association Vs. Union of India & Ors.

And

Diya Kapur & Ors. Vs. Union of India & Ors.

And

Mahendra Pandey Vs. Govt. of NCT of Delhi & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present: Applicant :

Mr. Sanjay Upadhyay Ms. Upama Bhattacharjee and
Mr. Saumitra Jaiswal, Advs.
Ms. Divya Kapur and Ms. Shqel Trehan and Mr.
Ruhabh Sharma Advs.
Mr. Vijay Sondhi, Ms. Cauvery Birbal and Mr.
Sarvajeet Kumar Thakur, Advs. for Toyota
Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal,
LO for Delhi Pollution Control Committee
Mr. Arjun Syal and Mr, Ishan Bisht, Advs.
Mr. Sumeer Sodhi, Mr. Arjun Nanda Advs. in M.A.
1301 OF 2017
Mr. Dinesh Kumar Garg, Adv. and Mr. Deepak Mishra,
Advs. for State of Uttarakhand
Mr. Raman Yadav, Adv. for GDA
Mr. Amit Agarwal, Ms Asha Basu, Advs. for WBPCB
Mr. Shuvodeep Roy Advs. for State of Assam
Mr. V. K. Shukla, Adv and Mr. Vijay Laxmi, Adv for
State of M.P.
Mr. Sumit Kishore, Adv.
Ms. Priyanka Sinha, Adv.
Mr. Gaurav Dubey, Adv.
Mr. Ajay Marwah for HPPCB
Mr. D. K. Thakur, AAG for State of Himachal Pradesh
Mr. Pradeep Mishra and Mr. Daleep Dhyani, Adv for
UPPCB
Mr. Vibhav Misra, Ms. Saumya Misra and Mr.
Yashveer Singh, Advs. for DTC
Mr. Devraj Ashok, Adv.
Mr. Guntur Prabhakar and Mr. Guntur Pramod Kumar
and Mr. Prashant Mathur, Advs.
Mr. Raja Chatterjee, Mr. Chanchal Kr. Ganguli, Advs.
for State of West Bengal

**Mr. Atul Jha, Adv. for State of Chhattisgarh
Mr. Rajkumar, Adv with Mr. Bhupender L.A for
CPCB**

**Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Anil Grover, AAG & Mr. Rahul Khurana , Adv. for
HSPCB, MCG, MCF & HUDA
Mr. A.K. Prasad and Mr. Shashank Saxena, Advs. for
MoPNG**

**Mr. Ravindra Kumar Adv. for NOIDA & Greater NOIDA
Ms. Sakshi Popli, Adv. for NDMC
Mr. Rakesh Sharma Mr. V. Mowli, and Mr. Naveen Raj
Advs. for State of TN and TNPCB
Mr. Gopal Singh, Mr. Rituraj Biswas & Mr. Kumar
Milind, Advs. for State of Tripura
Mr. Anil Shrivastav, and Ms. Sujaya Bardhan and Mr.
Rituraj Biswas, Advs.**

**Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA
for Central Pollution Control Board
Mr. Mukesh Verma and Mr. Pawan Kr. Shukla, Advs.
Mr. Mukul Singh, Adv. for Ministry of Environment,
Forest and Climate Change**

**Mr. R.S. Suri, Sr. Adv. and Mr. Varun Khanna, Adv.
Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar,
Mr. Sandeepn Mishra, Advs. for GNCTD
Mr. Rajiv Bansal, Sr. Adv., Ms. Kanika Singhal and
Ms. Vasudha Trivedi Mr. Kush Sharma and Mr. Lalit
Mohan, Advs for Delhi Development Authority
Mr. Archit Sharma, Ms. Satamita Ghosh and Mr.
Rahul Singhal, Advs.**

**Ms. Aruna Mathur, Mr. Avneesh Arputham and Ms.
Anuradha Arputham, , and Ms. Simran Jeet, Advs.
For State of Sikkim & Pollution Control Board
Dr. Abhishek Atrey, Adv. for Ministry of
Environment, Forest and Climate Change
Ms. Yogmaya Agnihotri, and Ms. Prity, Advs. for CECB
Mr. Anchit Sharma, Mr. Satumita Ghosh and Mr.
Dipankar Wadhwa, Advs.**

**Mr. Om Prakash, Adv.
Mr. Nishe Rajen Shonker, Adv. for State of Kerala.
Mr. Parag Tripathi, Sr. Adv., Mr. R.S. Suri, Sr. Adv
and MR. Abeer Kumar, Adv.**

**Mr. Jayesh Gaurav, Adv.
Dr. Sandeep Singh and Mr. Vinay Pal, Adv.
Mr. Jogy Scaria, Adv., Ms. Beena Victor, Mr. Reeghan
S. Bal, Ms. Mrianda Solaman Advs. for Kerala State
Pollution Control Board**

**Mr. Edward Belho, AAG, K. Luikang Michael and Ms.
Ms. Hoineithiam Advs. For Nagaland.
Ms. Priyanka Swami, Adv. for Ghaziabad Nagar
Nigam.**

**Mr. Amit Sibal, Sr. Adv., Mr. Aashish Gupta, Mr.
Saurabh Rath and Mr. PSS Bhargava, Advs.
Mr. Gautam Singh, Mr. Rudreshwar Singh Advs. for
BSPCB**

**Mr. Gautam Singh and Mr. Sohoab Alam, Advs. for
State of Bihar
Mr. Balendu Shekhar, Adv., Mr. Sriansh Prakash, Mr.
R.K. Maurya and Mr. Ravi Gopal, Advs. for EDMC
Mr. S.A. Zaidi and Ms. Mansi Chahal, Advs. in M.A.**

**Mr. Debarshi Bhuyan Adv.
Mr. Shiv Mangal Sharma (AAG), Ms. Shikha Sandhu &
Mr. Saurabh Rajpal, Advs. for State of Rajasthan and
RSPCB**

**Ms. Prity, Adv.
Ms. Priyanka Ghorawat, Adv.
Mr. A.R. Takkar, with Mr. Amarjeet & Ms. Shriya
Takkar, Advs. for Ambica Steel Ltd.**

**Mr. K.V. Jagdishvaran, Mr. Bhupesh Narula & G
Indira, Advs. for UT of Admanan and Nicobar
Administration**

**Ms. Priyanka Sinha, Adv. for State of Jharkhand
Dr. Sandeep Singh, Adv., Mr. Utkarsh Sharma and
Mr. Vinay Pal, Adv. for State of Uttar Pradesh
Mr. D. Rajeshwar Rao and Mr. Vijay Singh, DCP, Adv.
Ms. Alpana Poddar and Mrs. Preeti Goyal, Advs.
Ms. Puja Kalra, Adv.**

**MS. Shruti Munjal and Mr. Ankur Chhibber, Advs.
MR. Rishabh Sharma, Mr. Nitish NEgi, Adv. and Mr.
Nawani, Assistannd Engineer
Mr. Rajneesh Bhuj, Mr. Raj Kishan Gaur, Mr. Rahul
Sharma and Mr. Tarun Aggarwal, Advs.**

Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar, Mr. Sandeep Mishra Advs.
 Mr. Ajay Kumar Misra, Sr. Adv., Mr. Vandil Misha and Ms. Anuradha D. Mishra, Advs.
 Mr. Y.D. Sharma, Adv.
 MR. Krishna Menon, Mr. Gautam Bhanja and Mr. Daniya Nayyar, Advs.
 Mr. Pinaki Misra, Sr. Adv. and Mr. M.K. Dal, Adv.
 Ms. Pinky Anand, ASG, Mr. Mukesh and MS. Somya Rathore, Advs.

Date and Remarks	Orders of the Tribunal
<p>Item No. 52-56</p> <p>November 14, 2017</p> <p>SS & SN</p>	<p><u>M.A. No. 1369 of 2017</u></p> <p>The Learned Counsel appearing for the NCT Delhi prays that he wishes to withdraw this Application, filed for modification of the order of the Tribunal dated 11th November, 2017 with liberty to file a fresh Application.</p> <p>Thus, M.A. No. 1369 of 2017 is disposed of as not pressed with liberty as prayed.</p> <p><u>Main matter</u></p> <p>The Delhi Pollution Control Committee and the Central Pollution Control Board have submitted the values of the parameters of PM₁₀ and PM_{2.5}. All these values are unacceptably high and violate the prescribed values to the hill against the prescribed value of 100 µg/m³. The PM₁₀ is found to be above 1000 in most places. The highest is 1079 µg/m³. The value of PM_{2.5} is found to be in the range of 594 to 802 µg/m³ against the prescribed value of 60 µg/m³. Other parameters are also violative of the prescribed values like SO₂, NO₂ and CO.</p> <p>In light of these hazardous values which are bound to create environmental and health hazards, it is not possible for this Tribunal to vary the order of the Tribunal dated 11th November, 2017 and its Judgment dated 10th November, 2016 at this stage. The Learned Counsel</p>

	<p>Item No. 52-56</p> <p>November 14, 2017</p> <p>SS & SN</p>	<p>appearing for the respective Boards, NCT Delhi and the Ministries are directed to submit analysis reports on the next date of hearing to enable the Tribunal to consider the modification of its earlier orders in accordance with law.</p> <p>We also further direct that the express highway project of Eastern Peripheral Expressway which is being carried on under the order of the Tribunal and the Hon'ble Supreme Court of India and were directed to be expedited would continue subject to Senior most officer of the said NHAI filing an undertaking by tomorrow that they shall fully ensure that there are no dust emission and no pollution is caused by their activity.</p> <p>In the meanwhile, we direct Ministry of Environment, Forest & Climate Change, Ministry of Transport, NCT Delhi, PCBs and all the concerned State Governments in NCR Delhi to fully coordinate and cooperate to control the pollutant in the ambient air quality of NCR Delhi and take all effective steps in accordance with the orders of the Tribunal and in general.</p> <p>We direct that NCT Delhi, all the Corporations and the PCBs shall identify by 4:00 P.M. today the area which is highly polluted in NCT Delhi and other site and would ensure sprinkling of water by using appropriate equipments and if possible even through the helicopter to bring down the particulate matters in the ambient air quality. The values of that area should be recorded by the Boards and the IIT Delhi prior and 4-6 hours thereafter and at such intervals as the Expert may consider appropriate. This direction is necessitated for the facts that it is commonly conceded before us that it is a case of</p>
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	<p>Item No. 52-56</p> <p>November 14, 2017</p> <p>SS & SN</p>	<p>environment and public health emergency.</p> <p>List this matter on 16th November, 2017. Let the copy of this order be sent to all including the Director, IIT Delhi.</p> <p>It is pointed out that large number of Diesel taxis are being permitted to ply in NCT Delhi contrary to the Judgment and directions of the Hon'ble Supreme Court of India. We direct the State Government to look into this aspect and particularly the diesel vehicles which are more than 10 years old must be taken off the road and seized without any further wasting of time. It is pointed out that in our order dated 10th November, 2017, in the last para, there is a typographical error and the word "not" should be added. Ordered accordingly.</p> <p><u>M.A. No. 1370 of 2017</u></p> <p>We further clarify that the industries involved in the manufacturing of essential services, essential commodities and eatables have been exempted from the prohibitory order issued by the Tribunal in regard to carrying on their manufacturing activities.</p> <p>We also direct that the industries whose emissions are within the prescribed parameters and which are non-operating and compliant to the orders of consent issued to them can be permitted to operate by the concerned Boards subject to verification.</p> <p>With the above direction, M.A. No. 1370 of 2017 stand disposed of.</p> <p><u>M.A. No. 1372 of 2017</u></p> <p>This is an Application for impleadment. The</p>
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	<p>Item No. 52-56</p> <p>November 14, 2017</p> <p>SS & SN</p>	<p>Application is allowed subject to just exception.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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