

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A.NO. 173950 OF 2018

IN

WRIT PETITION NO. 13029 of 1985

IN THE MATTER OF :

M.C. Mehta

.....Petitioner

Versus

Union Of India

.....Respondent

NOTE ON THE CONSTITUTION AND FUNCTIONING OF EPCA
BY THE AMICUS CURIAE DATED 26.8.2019

- 1) In 1998, this Hon'ble Court directed the Ministry of Environment and Forests (MoEF) to constitute the Environment Pollution (Prevention and Control) Authority for the National Capital Region under Section 3 (3) of the Environment Protection Act 1986. The draft notification constituting EPCA was approved by the Court on 7.1.1998 with a direction that except for the Chairman, Central Pollution Control Board, the remaining four members of EPCA should be appointed not merely by virtue of their office but on their personal qualifications. Thereafter, this Hon'ble Court has consciously monitored the constitution of EPCA. Copy of the orders of this Hon'ble Court dated 7.1.1998, 3.9.2004, 1.2.2008 and 30.4.2016 and the notifications constituting EPCA dated 4.7.2016 and 3.10.2018 are annexed herewith as **Annexure 1** and **Annexure 2** Collectively.

2) Since Air pollution in NCR is being actively monitored by this Hon'ble Court, EPCA has over the years primarily worked with the Court as an advisory and fact finding authority and also as an implementation agency to ensure seamless implementation of the orders of the Court. For this purpose EPCA consults all the stakeholders so as to present a complete picture before the Court. The list of key actions and reports by EPCA are annexed herewith as **Annexure 3**. Broadly, the role of EPCA can be categorised as follows:

A) Creation of a Regulatory Framework for tackling Air Pollution in NCR

- i) EPCA submitted a regulatory framework in the form of Comprehensive Action Plan for NCR in consultation with the Central Government and all the concerned States which provides a road map for tackling every source of pollution. The plan has been notified by the Centre under the directions of this Hon'ble Court.
- ii) EPCA also suggested Graded Response Action Plan (GRAP) which details the requisite measures to bring pollution under control in tandem with rising pollution level. GRAP was notified under the EP Act, on the directions of the Hon'ble Supreme Court and has become a seminal policy intervention to take emergency steps to control pollution on high smog days.
- iii) EPCA had recommended the transition to CNG and has over the years worked to suggest policy directions that would incentivize clean fuel over diesel for the automobile sector. It approached the Hon'ble Court asking for advancement of the nationwide roll out of BS IV fuel and emission standards by 2017; and then BS VI in 2020.

- iv) EPCA suggested colour coded stickers for vehicles to weed out polluting vehicles from the road which was accepted and the Motor Vehicles Act has been amended by the Ministry of Road Transport and Highways.
- v) Similarly, the Outdoor Advertising Policy was suggested by EPCA and adopted by the municipal agencies and is being implemented successfully.
- vi) Presently EPCA is working on the implementation of the Parking Policy for Delhi under the orders of this Hon'ble Court.

B) Flagging unmonitored sources of pollution

- i) Over the years EPCA has brought numerous instances of unchecked pollution and gross negligence on part of civic agencies to the notice of this Hon'ble Court. Delay in public projects of national importance which have crucial bearing on pollution, have been brought to the notice of the Court on which effective orders have been passed - for instance, the delay in the commissioning of the Rapid Rail Project and more recently, the phase IV of the Delhi metro.
- ii) It is at the instance of EPCA that the 'switch over to extremely polluting fuels like furnace oil and pet coke by the industry was banned in NCR states and also import of pet coke for use as a fuel was banned.
- iii) The problem of Delhi being used as a bypass by trucks and other heavy vehicles was pointed out as a result of which this Hon'ble Court directed the construction of Eastern and Western Peripheral Expressway to bypass Delhi and imposition of an Environment Compensation Charge (ECC) to deter the non-destined vehicles from entering Delhi.

- iv) Similarly, the dismal conditions of the Pollution Under Control (PUC) centers was brought to the notice of this Hon'ble Court pursuant to which a series of directions were passed by this Hon'ble Court and corrective measures were taken by the Union of India.
- v) EPCA also brought to the attention of the Hon'ble Court the delay in implementing the 2015 thermal power emission standards, which would drastically reduce emissions from coal plants. Based on the interventions of the Hon'ble Court on this matter, the natural gas power plant in Delhi is now functional and the coal-based power plant, Badarpur has been ordered to be shut down.

C) Seeking implementation of better technology to reduce pollution

- i) EPCA has provided technical and well-researched reports to this Hon'ble Court after discussing the issues with all the stakeholders, including industry and the government to arrive at the best possible approach.
- ii) It was on the basis of these reports that this Hon'ble Court directed the introduction of Bharat Stage Standards, CNG, pollution standards for industries, centralized testing centres for commercial vehicles, setting up of Pollution Monitoring Stations, installation of RFID at the entry points of Delhi.
- iii) EPCA recommended that ECC should be made cashless so that there is better enforcement of congestion charge on trucks. Based on the directions of the Hon'ble Court, RFID system is now being made operational across the entry points into Delhi, which will reduce congestion, improve enforcement and enforce the Court's directions on the ban of entry of 10-year old vehicles.

- iv) The Hon'ble Court has also considered EPCA's suggestion to conduct pilot project using H-CNG (Hydrogen-CNG), which is now being implemented and, if successful, will become the new-age fuel technology solution for the city.
- v) EPCA's suggestion to use remote sensing technology for pollution checks was considered and based on the analysis done by ICAT, directions have been issued by this Hon'ble Court to implement the technology.
- vi) EPCA has worked to ensure that brick kilns in NCR districts convert to cleaner zigzag technology.
- vii) Based on the reports and the directions of the Hon'ble Court, NCR today has a dense network of over 50 air pollution monitoring stations, which provides real-time data to citizens on the level of pollution and how harmful it is for health. This system has helped to build a citizens' movement against pollution and its health impacts.

D) Finding viable solutions and ensuring implementation through coordination of multiple agencies

- i) The most challenging function of EPCA is to ensure follow-up and necessary compliance of the directions of this Hon'ble Court so as to resolve the ground-level implementation issues. EPCA has provided a forum for inter-agency coordination, where it has worked with all departments, including NCR states to ensure implementation. It has got full cooperation from all agencies, including governments of NCR in this work.
- ii) EPCA recommended setting up of a system for timely redressal of citizens' complaints. As a result of the directions of this Hon'ble Court, CPCB has on 29.10.2018 opened social media accounts for registering complaints related to

environmental pollution. Citizens can directly post their complaints on the social media page of CPCB and the CPCB tags the concerned agency on the social media and directs immediate action and uploading of action taken report. The learned ASG had reported to the Hon'ble Court (order of 26.11.2018) that within one month after the opening of the social media account, 749 air pollution complaints had been received and over 67% of these had been attended to by 52 teams of CPCB. Another 249 complaints were assigned to different agencies and CPCB was following up on action. This system continues to operate and is helping to bring accountability and speedy response.

- iii) EPCA also monitors and ensures enforcement; for instance, implementation of RFID system for entry of commercial vehicles in Delhi; resolving issues for implementation of H-CNG etc.

E) Actively monitoring the ground position in NCR

- i) The role of EPCA has been to supervise the actions of the central and state pollution boards so that necessary directions and punitive actions are taken against polluters. EPCA functions on an honorary basis, with no full-time staff or secretariat. Therefore, EPCA members conduct inspection with the concerned pollution boards to monitor the implementation on ground as the agencies have the necessary wherewithal to inspect; test samples and to file cases in different courts against polluters.
- ii) During the past winter period (November 2018), during its ground inspection EPCA identified 'hotspots' in NCR where local air pollution was extremely high. It then worked with the Delhi Pollution Control Committee (DPCC) and the Haryana, UP and Rajasthan state pollution control boards to identify the

sources of pollution and to take necessary action against the polluters. In this period, inspections by the Chairman EPCA in the areas of Bawana, Mundka and Tikri found massive amounts plastic and rubber waste, which was being repeatedly burnt in the open. EPCA worked with DPCC to issue necessary directions for closure, and impose penalties to ensure compliance and also effective deterrence. But it also found that these directions were not sufficient as the problem of disposal of this waste would continue. It then worked to find resolution to the problem through convening meetings with the industries. It was agreed that MOUs would be signed between industries and the Delhi MSW solutions ltd so that the waste would be sent for incineration. It has since been monitoring this and by the last count, some 70,000 tonnes of plastic and other waste had been sent for incineration – and not burnt in the open.

- iii) EPCA reported to this Hon'ble Court the serious irregularities in the manual collection of ECC and continuously monitored the implementation of the RFID system to curb the problem.
- iv) EPCA keeps a watch on the pollution level and directs the actions to be taken by the agencies as mandated by the notification on GRAP.

M.C. MEHTA v. UNION OF INDIA

435

a 3. The preliminary roll for the election for the Bar Council of Delhi which was published on 20-10-1997 shall form the basis for preparing the final roll for the said election.

b 4. For the purpose of preparation of the final roll it will be necessary for the advocates borne on the roll of the Bar Council of Delhi to pay the subscription prescribed under Rule 40 of the Bar Council of India Rules. The notification of the Bar Council of Delhi dated 14-10-1997 stating that the payment of the said amount is not a condition for being entitled to vote in the elections will not be operative.

c 5. The Committee constituted by the Bar Council of India shall publish a notice asking the advocates to pay the subscription payable under Rule 40 on or before 3-1-1998. Service of personal notice is dispensed with. The notice shall be published in *The Hindustan Times*, *Times of India* and *Nav Bharat Times*, Delhi Edition. The various Bar Associations shall be requested to place the said notice on the notice board.

d 6. The Committee shall set up at least three collection centres for collecting the subscription amount from the advocates preferably at Tis Hazari Court, Karkarduma Court and Delhi High Court.

7. The final electoral roll will be published on or before 15-1-1998.

8. The election shall be held on 20-3-1998 notwithstanding any order of any court or any decision of the Bar Council of India.

e 4. In view of the aforementioned directions Shri Sorabjee, the learned Senior Counsel appearing for the respondents, states that the respondents will withdraw Writ Petition No. 3438 of 1997 pending in the Delhi High Court. The appeals are disposed of accordingly. No order as to costs.

(1998) 2 Supreme Court Cases 435

(BEFORE J.S. VERMA, C.J. AND B.N. KIRPAL AND V.N. KHARE, JJ.)

f M.C. MEHTA AND OTHERS .. Petitioners;

Versus

UNION OF INDIA AND OTHERS .. Respondents.

g Writ Petitions (C) No. 13029 of 1985[†] with Nos. 9300 of 1982, 939 of 1996, 95 of 1997 and IA No. 7 in W.P. (C) No. 13029 of 1985, decided on January 7, 1998

h Environment Protection Act, 1986 — S. 3(1) & (3) — Environment Pollution (Prevention and Control) Authority for National Capital Region constituted under, by Ministry of Environment and Forests, Govt. of India — Held, step taken by the Govt. appropriate and timely — Except for the Chairman, Central Pollution Control Board being an ex officio member of the authority, the remaining members will be in the Committee not merely by virtue

[†] Under Article 32 of the Constitution of India

436

SUPREME COURT CASES

(1998) 2 SCC

of their office but because of the personal qualifications on account of which they are included in the Committee — Authority to deal with the entire matter relating to environmental pollution — Constitution of a Committee headed by Mr Justice R.K. Shukla, a former Judge of Allahabad High Court in compliance with Supreme Court's order dated 13-9-1996 was only an ad hoc committee — Govt. of India permitted to supersede the earlier notification constituting the Authority headed by Mr Justice Shukla and matter pending with that Authority shall stand transferred to the present Authority — Committee headed by Mr Justice Shukla would cease to exist — However in case there are certain matters outside the scope of the present Authority, the same shall be dealt with by the authorities concerned

R-M/19040/19070/C

Advocates who appeared in this case :

Ashok H. Desai, Attorney General for India, M.S. Usgaocar, Additional Solicitor General, H.N. Salve and G.L. Sanghi, Senior Advocates (Mukul Mudgal, A.D.N. Rao, Wasim A. Qadri, Ms Niranjana Singh, P. Parameswaran, Arvind Kumar Sharma, Ms Indra Sawhney, Ms Anubha Jain, Shri Narain, Sandeep Narain, Anis Ahmad Khan, Hardeep Singh Anand, S.N. Sikka, Vijay Panjwani, Advocates for CPCB, Advocates, Ranjit Kumar, Kailash Vasdev, Salman Khurshid, R.K. Khanna, Vineet Kumar, Ejaz Maqbool, R. Sasiprabhu, Manish Garg, Anees Ahmed, R.K. Gupta, K.K. Gupta, R.K. Maheshwari, Ashok Mathur, V.B. Saharya, Ejaz Maqbool, Satish Aggarwal, A.A. Khan, L.K. Pandey, S.B. Upadhyay, S.R. Setia, Sanjay Parikh, D.K. Garg and D.S. Mahra, Advocates, with them) for the appearing parties.

ORDER*

1. Learned Attorney General has shown to us the draft of the order proposed to be made by the Government of India, Ministry of Environment and Forests in exercise of the powers conferred by sub-sections (1) and (3) of Section 3 of the Environment Protection Act, 1986 constituting an Authority to be known as the Environment Pollution (Prevention and Control) Authority for the National Capital Region consisting of the persons, namely, (1) Shri Bhure Lal; (2) Shri D.K. Biswas, Chairman, Central Pollution Control Board; (3) Shri Anil Aggarwal; (4) Shri Jagdish Khattar; and (5) Smt Kiran Dhingra and to invest the Authority with the powers and functions specified therein. We are satisfied that this step being taken by the Government is appropriate and timely. We would, however, like to add that except for the Chairman, Central Pollution Control Board being an ex officio member of the Authority, the remaining four persons named above are to be in the Committee not merely by virtue of their office but because of the personal qualifications on account of which they are included in the Committee. The learned Attorney General states that the order had not been formally made so far constituting the Authority because it was considered appropriate that the draft be placed before the Court before the order was finally made. He informed us that in view of the approval of the same by the Court, the order would now be made promptly and the said Authority constituted soon.

* To be read subject to the modification/addition by the clarificatory order dated Jan. 13, 1998 appended below

2. In view of the constitution of the Authority as above, to deal with the entire matter relating to environmental pollution, the question for our consideration now is whether the direction given earlier by this Court for constitution of an Authority under Section 3(3) of the Act by the order dated 13-9-1996 in IA No. 18 in Writ Petition (C) No. 4677 of 1985 is required to continue. It is clear that the said order dated 13-9-1996 had been made because of the absence of any such Authority as is now being constituted in the manner aforesaid. For this reason, the direction to constitute an authority which was complied by constitution of a Committee headed by Mr Justice R.K. Shukla, a former Judge of the Allahabad High Court, was merely an ad hoc arrangement to continue till the constitution of a regular Committee as is now being done. It is also necessary to take note of the fact that the constitution of a Committee as above with the comprehensive authority to deal with the entire matter relating to environmental pollution in the National Capital Region the continuance of any other Authority with concurrent jurisdiction in any area within the entire sphere of environmental pollution in the National Capital Region is bound to create an embarrassing situation because of conflict of jurisdiction of the two Authorities within the common sphere. Such a result would not be conducive to proper administration and implementation of the programme of preventing and controlling environmental pollution in the National Capital Region. It is, therefore, necessary to make an appropriate order which would avoid any conflict of jurisdiction between the two Authorities. In our opinion, the only appropriate course to adopt is to permit the Government of India to supersede the earlier notification constituting the Authority headed by Mr Justice R.K. Shukla pursuant to the order dated 13-9-1996 passed in IA No. 18 in Writ Petition (C) No. 4677 of 1985 to be effective from the date of constitution of the above authority headed by Shri Bhure Lal. We direct accordingly and the earlier order dated 13-9-1996 shall stand modified to this extent.

3. In view of this order, we also direct that with the constitution of the above Authority headed by Shri Bhure Lal, the work pending with the Authority headed by Mr Justice R.K. Shukla shall stand automatically transferred to the Committee headed by Shri Bhure Lal on its constitution. We also place on record our appreciation of the work done by Mr Justice R.K. Shukla pursuant to the orders of this Court so that during the intervening period, the work required to be done urgently did not suffer on account of the efforts put in by Mr Justice R.K. Shukla.

4. Order dated 16-12-1997[†] requiring the appointment of private persons to enforce traffic safety laws and confer upon such people suitable powers under the CrPC as well as under the Motor Vehicles Act shall apply not merely to the Union of India but also to the Government of National Capital Territory.

5. List on 13-1-1998.

[†] M C Mehta v. Union of India

438

SUPREME COURT CASES

(1998) 2 SCC

WP (C) No. 9300 of 1982

6. In view of the scope of Writ Petition (C) No. 13029 of 1985 (*M.C. Mehta v. Union of India*), it is not necessary to keep this writ petition ^a pending. It is dismissed accordingly.

[CLARIFICATORY ORDER]

(BEFORE J.S. VERMA, C.J. AND DR A.S. ANAND AND B.N. KIRPAL, JJ.)

M.C. MEHTA

Petitioner;

Versus

^b

UNION OF INDIA AND OTHERS

Respondents.

Writ Petition (C) No. 13029 of 1985 with W.Ps. (C) Nos. 939 of 1996
and 95 of 1997, decided on January 13, 1998

ORDER

1. We have heard the learned Attorney General and the learned amicus ^c curiae. The learned Attorney General has pointed out that the ad hoc committee set up pursuant to this Court's order dated 13-9-1996 in IA No. 18 in WP (C) No. 4677 of 1985 headed by Mr Justice R.K. Shukla is no longer necessary after the constitution of the authority under Section 3(3) of the Environment Protection Act headed by Shri Bhure Lal but there may be some matters pertaining to the environment which may be outside the scope ^d of the authority of the Bhure Lal Committee and be required to be dealt with by the statutory authority concerned. It is submitted that a clarification to this effect may be made of our order dated 7-1-1998[†]. We are satisfied that this clarification of our earlier order is necessary.

2. Accordingly, our order of 7-1-1998[†] shall be read with the following modification/addition:

^e "In case there are certain matters which are outside the scope of the authority of Bhure Lal Committee constituted under Section 3(3) of the Environment Protection Act, the same shall be dealt with by the statutory authorities concerned. To avoid any ambiguity in this regard, we make it clear that on the constitution of the Committee, headed by Shri Bhure Lal as an authority under Section 3(3) of the Act, the earlier ^f ad hoc committee headed by Mr Justice Shukla would cease to exist."

3. This addition is to be treated as inserted in internal page 4 of the order dated 7-1-1998[†] in the paragraph beginning with the words "In view of this order" after the words "Committee headed by Shri Bhure Lal on its constitution" and before the sentence beginning with the words "We also place on record our appreciation of the work done by Mr Justice R.K. ^g Shukla."

[†] *M.C. Mehta v. Union of India*, (1998) 2 SCC 435

^h

3.9.2004

12

-1-

ITEM No. 301

Court No. 3

SECTION PIL
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A.No.237 IN Writ Petition(Civil) No.13029/1985

M.C.MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(For direction filed by A.C.))

Date : 03/09/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICES.H. KAPADIA

Amicus Curiae: Mr. Harish N. Salve, Sr.Adv. (AC)

For Petitioner (s) In person (NP)

For Respondent (s) Mr. Gulam E. Vahanvati, SG.
Mr. SWA Qadri, Adv.
Mr. Mohd. Saeed, Adv.
Mr. BV. Balramdas, Adv.
Mr. P. Parmeshwaran, Adv.

Mr. Mukul Rohtagi, Sr.Adv.
Mr. Rana Mukherjee, Adv.
Dr. Reba Ray, Adv
Mr. Siddharth Gautam, Adv.
Mr. Geedwill Indeevar, Adv.

Mr. PP. Malhotra, ASG.
Ms. Binu Tamta, Adv.
Mrs. Anil Katiyar, Adv.

Mr. Vijay Panjwani, adv.

Mr. Anil Shrivastava, Adv.

Ms. Meghna Misra, Adv.
Ms. Nandini Gore, Adv.
Mr. RN. Karanjawala, Adv.
Ms. M. Karanjawala, Adv.

Mr. and. Rao, Adv.

42

UPON hearing counsel the Court made the following
O R D E R

By order dated 23rd February, 2004, this Court directed that, Dr. Bhurelal, who had reportedly been selected for appointment as member of U.P.S.C., be allowed, until further orders, to continue to act as the Chairman of the Environment Pollution (Prevention & Control) Authority (EPCA) and also to continue as member of UPSC, and the functioning in both the capacities shall be simultaneous. On an application filed by learned amicus curiae for issue of directions to Union of India to implement the order dated 23rd February, 2004, an affidavit by Shri A.N. Tiwari, Secretary, Department of Personnel & Training, Government of India, has been filed. We have perused the said affidavit and the policy of the Government that the members of UPSC being constitutional appointees are not expected to hold any other responsibility even honorary in nature. We have also taken on record a letter dated 4th November, 2003 addressed by Dr. Bhurelal to learned amicus curiae stating that he would discharge the duties of Chairman of EPCA without receiving any monetary return or perquisites along with UPSC membership. The letter further states that he had been doing the job without any remuneration since 1998 excepting the period from 1st of March, 2003 onwards.

We wish to make it clear that the continuance of Dr. Bhurelal as Chairman of EPCA is only with a view to assist this Court since Dr. Bhurelal has, for last many years, rendered immense assistance to this Court in the matters relating to environment. We have also no doubt that in the constitutional scheme this Court can require any person to assist the Court. The continuance of Dr. Bhurelal as Chairman of EPCA

has to be appreciated only from this point of view, and is not to be treated as any assignment, even honorary in nature. There is no question of the assignment by this Court to be treated as precedent. The apprehension of the Government seems to be ill-founded. The Government shall go ahead with the appointment of Dr. Bhurelal as member of UPSC as expeditiously as possible.

I.A.No.237 is disposed of accordingly.

S. Thapar
6/9

(S. Thapar)
PS to Registrar

on /care

(V.P. Tyagi)
Court Master

V.P.

2/8/9

1.2.2008

15

ITEM NO.302

COURT NO.1

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

EPCA Report Nos.30-37 in In W.P. (C) No.13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

I.A.No.266 in WP(C) No.13029/1985
(With appln. for directions on behalf of Haryana City Gas
Distribution Ltd.)

I.A.No.247 in WP(C) No.13029/1985
(With appln. for directions on behalf of IGL)

I.A.No.248 in WP(C) No.13029/1985
(With appln. for exemption from filing O/T)

I.A.No.249 in WP(C) No.13029/1985
(With appln. for directions on behalf of IGL)

I.A.No.250 & 251 in WP(C) No.13029/1985
(With appln. for stay)

I.A.No.262 in WP(C) No.13029/1985
(Appln. @ E.P.C.A.Report No.30 March, 2007 regarding CNG safety
progress and action taken report)

I.A.No.263 in WP(C) No.13029/1985
(Appln. @ E.P.C.A.Report No.31 March, 2007 regarding urgent need to
augment and restructure the Delhi Bus Transport system)

I.A.No.264 in WP(C) No.13029/1985
(Appln. @ E.P.C.A.Report No.32 March, 2007 regarding controlling
pollution from the growing number of the diesel cars in Delhi)

I.A.No.265 in WP(C) No.13029/1985
(Appln. @ E.P.C.A.Report No.33 March, 2007 regarding report on
intercity public transport needs)

AND

CONMT.PET.(C) NO.267/2005 IN W.P.(C) NO.13029/1985
(With appln. for impleadment and exemption from filing O.T.)

I.A.No.225 in WP(C) No.13029/1985

(For directions, matter regarding seven critically polluted cities)

AND

I.A.No.270 in WP(C) No.13029/1985

(Appln. for clarification/direction on behalf of U.O.I.)

I.A.No.271 in WP(C) No.13029/1985

(For direction by Ld.A.C.)

I.A.No.272 in WP(C) No.13029/1985

(Appln. for directions on behalf of Adani Energy Ltd.)

I.A.No.274 in WP(C) No.13029/1985

(Appln. for placing on record status report for seeking directions on behalf of Adani Energy Ltd.)

Date: 01/02/2008 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Harish N. Salve, Sr. Adv. (A.C.)

Mr. U.U. Lalit, Sr. Adv. (A.C.) (N.P.)

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For the petitioner(s) Mr. M.C. Mehta, Petitioner-in-person

IA 267

Mr. Puneet Bali, Adv.
Mr. Hittan Nehra, Adv.
Mr. S.S. Gulati, Adv.
Mr. Kamaldeep Narang, Adv.

For Applicant(s)
I.A.No.272

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Ankur Saigal, Adv.
Mr. Tarun Gulati, Adv.
Ms. Bina Gupta, Adv.
Mr. Gaurav Singh, Adv.
Ms. Rashmi Rekha Devi, Adv.

Mr. M.C. Dhingra, Adv.

For the Respondent(s)

Mr. Ashok Bhan, Adv.
Mr. S.W.A. Qadri, Adv.
Mr. M.P.S. Tomar, Adv.

For Mr. D.S. Mahra, Adv.

Mr. B.V. Balramdas, Adv.

Ms. Anil Katiyar, Adv. (N.P.)

Mr. T.V. George, Adv.

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

I.A.NO.270

Mr. Gopal Subramaniam, ASG

Mr. T.V. Ratnam, Adv.

Mr. K.K. Venugopal, Sr. Adv.

Mr. Parag P Tripathi, Sr. Adv.

Ms. Neelima Tripathi, Adv.

Mr. K.V. Mohan, Adv.

Mr. K.V. Balakrishnan, Adv.

Ms. T. Gupta, Adv.

Mr. Rakesh, Adv.

Dr. Madan Sharma, Adv.

Mr. R.D. Upadhyay, Adv.

I.A.266

Mr. Gopal Subramaniam, ASG

Mr. Vishwajit Singh, Adv.

Ms. Neera Gokhale, Adv.

Mr. Vijay Panjwani, Adv.

Mr. S.W.A. Qadri, Adv.

Mr. Shri Narain, Adv.

Mr. Sandeep Narain, Adv.

Mr. F.S. Nariman, Sr. Adv.

M/s. Percy Ghandy, R.N. Karanjawala,

Nandini Gore, Debmalya Banerjee, Sonia

Nigam, Manik Karanjawala, Advs.

Ms. Savitri Pandey, Adv.

Mr. V.P. Singh, Adv.

Mr. Anil Kr. Jha, Adv.

Mr. B.K. Prasad, Adv.

Mr. A.D.N. Rao, Adv.

Mr. Kamal Deep Narang, Adv.

M/s. Hemantika Wahi, Pinky Behera, Jesal,

Shivangi, Sangeeta Singh, Advs.

Mr. S.R. Hegde, Adv.

Ms. D. Bharthi Reddy, Adv.

Ms. Asha G. Nair, Adv.

Mr. V.G. Pragasan, Adv.

Mr. S. Joseph Aristotle, Adv.

Mr. Prabu Ramasubramanian, Adv.

M/s Transport & Delhi
Police

Mr. S. Wasim A. Qadri, Adv.

Mr. Juhair Ahmad Khan, Adv.

For Mr. D.S. Mahra, Adv.

For HSIDC

Mr. Ravindra Bana, Adv.

UPON hearing counsel the Court made the following
O R D E R

I.A.No.271 in WP(C) No.13029/1985

Issue notice.

It is brought to our notice that the term of Dr. Bhure Lal, Member of UPSC is going to end by 9.2.2008. He may continue as Chair-person of the Environment Pollution (Prevention & Control) Authority with all perquisites until further orders.

I.A.No.266 in WP(C) No.13029/1985

The matter relates to distribution of CNG. Learned Additional Solicitor General submitted that in matters of distribution of CNG, the Central Government has absolutely prerogative. It is also brought to our notice that without direction from the Union of India, some of the States have taken steps to give out franchise to private persons for distribution of CNG and private parties have invested money for providing infrastructure to outlets for CNG. Learned counsel for the allottees dispute the stand of the

Union of India regarding absolute prerogative. Learned counsel for the Petroleum Board has also stated that the Board has got authority to deal with these matters.

In view of this, the Ministry of Petroleum may examine the matter and submit its report within a period of three weeks so that effective order could be passed to resolve the controversy between the parties. It would be appropriate if a meeting of all shareholders is held.

I.A.Nos.272-274 in WP(C) No.13029/1985

Learned counsel for the petitioner submits that they had already established CNG Grid in Noida and Faridabad and they may be permitted to have connectivity with the GAIL pipeline for transporting CNG from the State of Gujarat.

List on 29.2.2008.

I.A.No.270 in WP(C) No.13029/1985

Issue notice.

I.A.Nos.262-265 in WP(C) No.13029/1985

EPCA Report 30: Taken on Board. No orders.

EPCA Report 31 E.P.C.A Report is filed. In para 8 of the report some suggestions for public transport system were given. We would like to have the response of Delhi Government, particularly, with regard to para 8 of the report within a period of four weeks.

The Delhi Government will also examine the feasibility of public-private co-operation in the field of Public Transport System.

EPCA Report 32: E.P.C.A Report is filed. Ministry of

Surface and Transport and MoEF will file their response within a period of four weeks.

EPCA Report 33: Issue notice to State Governments of U.P., Haryana, National Capital Region (NCR) Board and Northern Railways.

I.A.No.225 in WP(C) No.13029/1985:

EPCA Report 28: Issue notice to State Governments of UP, Gujarat, Karnataka, Andhra Pradesh, Tamil Nadu and Maharashtra.

G.NMT.PET.(C) NO.267/2005 IN W.P.(C) NO.13029/1985

The petition is dismissed.

R.D. Dhawan
(R.K. Dhawan) 5/2/08
Court Master

Veera Verma
(Veera Verma)
Court Master

30/4/16

1

21

ITEM NO.301 + 302

COURT NO.1

SEC. PIL(W) & SEC.X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A.NOS.371, 372, 375, 376-377, 378-379, 380-381, 382, 383-384, 385-386, 387, 388, 389, I.A.NO.390 IN I.A.NO.380-381, 391-392, 394, 397-398, 399-400, 401, 402-403, 404, 405-406, 407-408, 409-410, 411-412, 413-414, 415-416, 418, 419-420, 421-422, 423, 424, 426-427, 428-429, 430-431, 432, 433, 434, 435-436, 437-438, I.A.NOS.439-440, 441-442, 443-444, 445-446, 447-448, 449, 450-451, 452, 453 and 454 IN I.A.NO.365 IN I.A.NO.345 in Writ Petition(s) (Civil) No(s). 13029/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(for impleadment and intervention and directions and clarification/ modification/ recall of order and appear and argue in person and exemption from filing O.T. and permission to take on record additional documents in I.A.Nos.380-381 and modification of order dated 16.12.2015 and 05.01.2016 and appln. for re-composition, rejuvenation and modification of EPCA and office report)

WITH

W.P. (C) No.116/2013

(With Office Report)

W.P. (C) No.728/2015

(With Directions and Ex-parte stay and Impleadment and Office Report)

W.P. (C) No.253/2016

(With Office Report)

Date : 30/04/2016 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Signature Not Verified
Digitally signed by
ASHOK K. SINGH
Date: 2016.05.02
16:19:02 IST
Reason

Mr. Harish N. Salve, Adv.

Sr. Adv.(A.C.), Adv.

Mr. Sidhartha Chowdhury (A.C.), Adv.

Ms. Apartajita Singh (A.C.), Adv.

Mr. A.D.N. Rao (A.C.), Adv.

Petitioner-in-person
Applicant-in-person

Mr. R.S. Suri, Sr. Adv.
Mr. Avinash Kumar, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Ms. Pooja Dhar, Adv.
Mr. Suhasini Sen, Adv.
Mr. Shradha Deshmukh, Adv.
Mr. Zeeshan Diwan, Adv.

Mr. D.N. Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.

Mr. S.N. Terdal, Adv.

Ms. Arti Singh, Adv.

For Respondent(s)

(For intervenor)

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Mohan Parasaran, Sr. Adv.
Mr. Anand S. Pathak, Adv.
Mr. Nikhil Nayyar, Adv.
Mr. Amit Kr. Mishra, Adv.
Mr. Akshat Hansaria, Adv.
Mr. Dhananjay Baijal, Adv.
Mr. N. Sai Vinod, Adv.

Mr. Tushar Mehta, ASG
Mr. Ajay Bansal, Adv.
Mr. Gaurav Yadava, Adv.
Mr. Aum Mangalassrry, Adv.
Mr. Harsha Reechra, Adv.
Mr. Praveen Swarup, Adv.

(For applicant
In IA No.380-381
Of 2016)

Mr. Kapil Sibal, Sr. Adv.
Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Vijay K. Sandhi, Adv.
Ms. Cauveri Birbal, Adv.
Ms. Avantika, Adv.
Mr. Adit Pujari, Adv.
Ms. Sujeeta Srivastava, Adv.

(Union of India)

Mr. Maninder Singh, ASG
Mr. Mahavir Singh, ASG
Mr. Vikas Bansal, Adv.
Mr. Neeraj Kr. Sharma, Adv.
Mr. Minakshi Dubey, Adv.
Mr. Rajesh Kr. Singh, Adv.

Mr. Kaushal Yadav, Adv.
 Mr. Prabal Bagchi, Adv.
 Mr. Akash Jindal, Adv.
 Ms. Snidha Mehra, Adv.
 Ms. Savdamini Sharma, Adv.
 Mr. R. Balasubramanian, Adv.
 Mr. Ranjeet Kumar, Adv.
 Mr. Prabhas Bajaj, Adv.
 Mr. Akshay Amritanshu, Adv.
 Mr. Kaushal Yadav, Adv.

(For Delhi Police)

Ms. Pinky Anand, ASG
 Ms. Vibhu Shankar Mishra, Adv.
 Mr. Shadman Ali, Adv.
 Mr. R.K. Rathore, Adv.
 Mr. Sarfraj Ahmed Siddique, Adv.
 Mr. Zaid Ali, Adv.
 Mr. D.S. Mahra, Adv.

Dr. A.M. Singhvi, Sr. Adv.
 Mr. Shyam Divan, Sr. Adv.
 Mr. Gopal Jain, Sr. Adv.
 Mr. R.N. Karanjawala, Adv.
 Mrs. Nandini Gore, Adv.
 Ms. Trishala Kulkarni, Adv.
 Ms. Tahira Karanjawala, Adv.
 Ms. Natasha Sehrawat, Adv.
 Ms. Khushboo Bari, Adv.
 Mrs. Manik Karanjawala, Adv.
 Mr. Sandeep Narain, Adv.
 M/s Karanjawala & Co.

(Central Warehousing Corporation)

Mr. Vikas Singh, Sr. Adv.
 Mr. K.K. Tyagi, Adv.
 Mr. Iftekhhar Ahmad, Adv.
 Mr. Sarvam Ritam Khare, Adv.

(For applicant)

Mr. Abhimanyu Bhandari, Adv.
 Mr. Arjun Sayal, Adv.
 Mr. Abhinav Rastogi, Adv.
 Mr. Manu Seshadri, Adv.
 Mr. S. Satya Mitra, Adv.

Dr. J.N. Dubey, Sr. Adv.
 Mr. Anurag Dubey, Adv.
 Ms. Anu Sawhney, Adv.
 Ms. T. Haldia, Adv.

(For applicant)

Mr. P. Vishwanath Shetty, Sr. Adv.
 Mr. Vipin Singhania, Adv.
 Ms. Manjula Gupta, Adv.

(State of U.P.) Mr. Amit Singh, Adv.
Mr. Samir Ali Khan, Adv.
Mr. Abhishek Chaudhary, Adv.
Mr. Garvesh Kaisra, Adv.

(Min. of Environ- Ms. Meenakshi Grover, Adv.
ment) Mr. G.S. Makkar, Adv.
Ms. V. Mohana, Adv.

(I.A. No.424 & 434) Mr. Shyam Divan, Sr. Adv.
Mr. Yashraj Singh Deora, Adv.
Ms. Priyadarshinee Singh, Adv.

(Min. of Surface Mr. Shadman Ali, Adv.
transport) Mr. S.W.A. Quadri, Adv.

Mr. R.K. Rathod, Adv.

(For DDA) Ms. Binu Tamta, Adv.

Mr. Anil Grover, AAG (Haryana)
Mr. Rahul Khurana, Adv.
Mr. Sanjay Bishwas, Adv.

Mr. Sanjay R. Hegde, Sr. Adv.
Ms. Srishti Govil, Adv.
Mr. Saurabh Bhardwaj, Adv.
Mr. Balaji Srinivasan, Adv.
Mr. Nitin Sarvanan, Adv.

(For CPCB) Mr. Vijay Panjwani, Adv.

(For Applicant) Mr. Siddharth Jain, Adv.
Mr. Sameer Jain, Adv.
Mr. Rabin Majumder, Adv.
Mr. Harsh Vardhan, Adv.
Mr. Anurag Gupta, Adv.

(For NHAI) Mr. Gunjan S. Jain, Adv.
Mr. Vivek Paul Orel, Adv.
M.V. Kini & Associates

(For Intervenor) Mr. Sonal Jain, Adv.
Mr. Udayan Jain, Adv.
Ms. Heena Sharma, Adv.

Dr. Sanjay Kulshrestha, Adv.
Applicant-in-Person

(Indian Newspaper) Mr. Shantanu Agarwal, Adv.

Society)

Karanjawala & Co.

((DJC-NCT of Delhi) Ms. Indira Jaisingh, Sr. Adv.
Mr. Chirag M. Shroff, Adv.

Mr. Amit Sibal, Sr. Adv.
Mr. Kamaldeep Dayal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Ankur Saigal, Adv.
Mr. E.C. Agrawala, Adv.
Mr. Rishabh Parikh, Adv.

Dr. Monika Gusain, Adv.
Mr. Hari Om Yaduvanshi, Adv.

Mr. Anuj Berry, Adv.
Ms. Maneka Khanna, Adv.
Mr. S.S. Shroff, Adv.

Mr. Kunal Chatterji, Adv.

Mr. Rakesh Kumar Khanna, Sr. Adv.
Mr. Surya Kant, Adv.
Mr. Dushyant Parashar, Adv.
Mr. Pranav Vyas, Adv.
Mr. Vandita Jain, Adv.
Ms. Shefali Jain, Adv.

Mr. Sudhir Nagar, Adv.

Mr. Rabin Majumder, Adv.

Mr. Shyamal Kumar, Adv.

Mr. Sanjay Kr. Visen, Adv.

Mr. Bharat Sangal, Adv.

Mr. Sanjay Jain, Adv.

Mr. Satya Mitra, Adv.

Mr. Faisal Sherwani, Adv.

Mr. Avinash Kumar, Adv.

Ms. B. Sunitha Rao, Adv.

Mr. Yash Raj Singh Deora, Adv.

Mr. Balaji Srinivasan, Adv.

30.4.2016

6 26

UPON hearing the counsel the Court made the following
O R D E R

I.A. No.401 and 403 of 2016

These applications have been filed by South Delhi Municipal Corporation and North Delhi Municipal Corporation seeking permission for registration of diesel vehicles used for collection and transportation of garbage on diesel based HCV and MCV vehicles. Mr.Mehta, learned counsel appearing for the applicants submits that the National Green Tribunal, New Delhi has by its order dated 11.12.2015 prohibited registration of the aforementioned category of vehicles since they run on diesel fuel. Learned counsel for the applicant submits that they had moved an application before the NGT for modification of its order but the NGT has declined to consider the same in view of the pendency of present proceedings before this Court. He submits that this Court could clarify that pendency of these proceedings in this Court shall not prevent the NGT from considering and making suitable orders for vacation/modification of its earlier orders so as to permit registration of the vehicles which the NDMC and SDMC use within their respective areas. We see no reason to decline that prayer. The NGT is permitted to suitably consider and pass appropriate orders by modification/vacation of its earlier orders in respect of the diesel vehicles which the NDMC and

30.4.2016

7

27

SDMC use for removal and transportation of solid waste in Delhi.

These I.As. are disposed of with that observation.

I.A. No.447-448 of 2016

Heard.

On the analogy of our order dated 31.03.2016 passed in I.A. No.393 of 2015, we permit registration of vehicles mentioned in para 3 of the application purchased by and for use by the Delhi Police subject to the condition that the purchasers shall deposit ECC at the rate of 30% of the purchase value before registration. The deposit shall be made before the Delhi Pollution Control Committee and a proof of deposit produced before the Transport Authority at the time of registration.

These I.As. are accordingly allowed and disposed of.

I.A. No. 454 of 2016

For the reasons stated in the application, we permit registration of 192 and 58 (total 250) water tankers of the category mentioned in para 5 of the application purchased by Delhi Jal Board to augment supply of water in different parts of the capital. We make it clear that the vehicles in question shall be used by the Board entirely for providing drinking water to the residents of Delhi since the new vehicles are replacing the older vehicles earlier used for the said purpose. The registration shall

however be free from any environment cess charge on the same.

These I.As. are accordingly allowed and disposed of.

I.A. No.397-398 of 2016

Objections, if any, shall be filed by the learned amicus curiae within four weeks.

I.A No.407-408 of 2016

Learned counsel for the applicant seeks leave to withdraw these applications with liberty to approach the National Green Tribunal, New Delhi for appropriate relief and direction.

The applications are dismissed as withdrawn with the liberty prayed for.

I.A. No.449 of 2016

Heard.

For the reasons stated in the application we permit registration of 10 diesel vehicles used as water tankers and 2 tractors with trolleys for being used in the NDMC area for supply of water to the residents in the said area. The registration shall be without payment of any cess.

The application is allowed and disposed of accordingly.

I.A. No.391-392 of 2016

Heard.

We clarify our order dated 09.10.2015 and 16.12.2015 to the extent that vehicles running on CNG fuel shall not be liable to pay the environment compensatory cess while entering Delhi.

The I.As. are accordingly disposed of.

I.A. No.441-442 of 2016

Post these application after the learned amicus curiae has filed response to the same.

I.A. No.450-451 of 2016

Heard.

We see no reason to entertain these application which are hereby dismissed.

We make it clear that order regarding charges/recovery of ECC in terms of the direction issued by order dated 09.10.2015 and 26.02.2016 shall continue pending further orders from this Court and shall be applicable to all trucks entering Delhi unless otherwise exempted by any order of this Court.

I.A. No.371-372 of 2016

Mr. J.N. Dubey, learned senior counsel submits that since the applicant does not wish to pursue these applications as their grievances stands redressed by the Government.

These applications are accordingly disposed of as infructuous.

We order accordingly.

I.A. No.432 of 2014

Heard.

The constitution of EPCA in terms of para 7 of this application is permitted subject of course to the conditions that Society of Indian Automobile Manufacturers shall also be entitled to nominate one Member in the reconstituted EPCA. The Society shall nominate their representative within four weeks from today. The reconstituted authority shall have jurisdiction over the national capital region as defined in clause (f) of Section 2 of the National Capital Region Planning Board Act, 1985 and shall have the mandate to deal with all such matters as have been outlined in para 8 of the application.

I.A. is accordingly disposed of.

I.A.NOS. 375, 376-377, 378-379, 380-381, 382, 383-384, 385-386, 387, 388, 389, I.A.NO.390 IN I.A.NO.380-381, 394, 397-398, 399-400, 402, 404, 405-406, 409-410, 411-412, 413-414, 415-416, 418, 419-420, 421-422, 423, 424, 426-427, 428-429, 430-431, 433, 434, 435-436, 437-438, I.A.NOS.439-440, 441-442, 443-444, 445-446, 452, 453 in W.P. (C) No.13029/1985

List all these applications along with connected writ petitions on Monday, 9th May, 2016 at 2.00 p.m.

(Ashok Raj Singh)
Court Master

(Veena Khara)
Court Master

10. प्राधिकरण को पूर्वगामी शक्तियों और कृत्य संपूर्णतः केंद्रीय सरकार के अधीक्षण और नियंत्रण के अधीन होंगे।
11. प्राधिकरण का कार्यकाल इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से दो वर्ष की अवधि के लिए होगा।
12. प्राधिकरण अपने क्रियाकलापों के विषय में एक प्रगति रिपोर्ट महीने में एक बार केंद्रीय सरकार को देगा।
13. प्राधिकरण का मुख्यालय राष्ट्रीय राजधानी क्षेत्र में होगा।

[फा. सं. क्यू-18011/13/2000-सीपीए(पीटी.)]

डॉ. राशिद हसन, सलाहकार

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

ORDER

New Delhi, the 4th July, 2016

S.O. 2311(E).—Whereas in pursuance of the order dated the 7th January, 1998 of the Hon'ble Supreme Court in Writ Petition (C) No. 13029 of 1985, the Central Government constituted the Environment Pollution (Prevention and Control) Authority (hereinafter referred to as the 'EPCA'), *vide* notification of the Government of India, in the erstwhile Ministry of Environment and Forests, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O. 93 (E), dated the 29th January, 1998;

And whereas, the EPCA was constituted with the objective of protecting and improving the quality of the environment and preventing and controlling environmental pollution in the National Capital Region;

And whereas, the EPCA is assisting the Hon'ble Supreme Court in various environment related matters in the National Capital Region in terms of the above referred notification;

And whereas, the tenure of the EPCA was extended from time to time by the Central Government and lastly it was extended up to 30th June, 2015 *vide* notification of the Government of India, in the Ministry of Environment, Forests and Climate Change, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O. 606(E), dated the 23rd February, 2015;

And whereas, the tenure of EPCA expired on the 30th June, 2015;

And whereas, an Interlocutory Application was filed before the Hon'ble Supreme Court for extension of tenure, re-constitution and modification of the mandate of the EPCA for National Capital Region headed by Shri Bhure Lal, Chairman;

And whereas, the Hon'ble Supreme Court *vide* its order dated 30th April, 2016 has allowed the said Interlocutory Application dated 17th February, 2016;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act); and in pursuance of the order dated the 30th April, 2016 of the Hon'ble Supreme Court in Writ Petition (C) No. 13029 of 1985, the Central Government hereby in supersession of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 93(E), dated the 29th January, 1998, except as things done or omitted to be done before such supersession, re-constitutes the Environment Pollution (Prevention and Control) Authority, consisting of the following persons, namely:-

- | | | |
|-----|--|-------------|
| (1) | Sri Bhure Lal, ex-Secretary, Government of India | - Chairman; |
| (2) | Ms. Sunita Narain, Director General, Centre for Science and Environment,
New Delhi | - Member; |
| (3) | Secretary (Environment and Forests), Government of National Capital Territory of Delhi | - Member; |
| (4) | Member Secretary, Central Pollution Control Board, Delhi | - Member; |

- (5) Commissioner-cum-Secretary, Transport Department, Government of National Capital Territory of Delhi - Member;
- (6) Chairperson, New Delhi Municipal Council, New Delhi - Member;
- (7) Commissioner, East Delhi Municipal Corporation - Member;
- (8) Commissioner, South Delhi Municipal Corporation - Member;
- (9) Commissioner, North Delhi Municipal Corporation - Member;
- (10) Chief Executive Officer, Delhi Jal Board, New Delhi - Member;
- (11) Joint Commissioner of Police (Traffic), Delhi Police - Member;
- (12) Professor Mukesh Khare, Department of Civil Engineering, Indian Institute of Technology, New Delhi - Member;
- (13) Dr. Atul Kumar Johari, Professor, School of Life Sciences, Jawaharlal Nehru University, New Delhi - Member;
- (14) Shri Ajay Kumar Bhagi, Associate Professor, Department of Chemistry, Dayal Singh College, University of Delhi - Member;
- (15) Shri Vishnu Mathur, Director General, Society of Indian Automobile Manufacturers - Member;

2. The Authority shall exercise the following powers and perform the following functions for protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution, namely:-

- (a) exercise the powers under section 5 of the said Act for issuing directions in respect of complaints relating to the violation of an order by any authority or measure specified pertaining to-
- standards for the quality of the environment in its various aspects;
 - standards for emission or discharge of environmental pollutants from various sources;
 - restriction of areas in which any industries, operations or processes of class of industries or process shall not be carried out or shall be carried out subject to certain safeguards;
 - procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
 - procedures and safeguards for the handling of hazardous substances.
- (b) shall have the power to take up matters as mentioned above, *suo-motu*, or on the basis of complaints made by any individual, representative body or organisation functioning in the field of environment. Such complaints may be against any individual, association, company, public undertaking or local body carrying on any industry, operation or process.

3. The Authority shall, for controlling vehicular pollution, take all necessary steps to ensure compliance of specified emission standards by vehicles including proper calibration of the equipment for testing vehicular pollution, ensuring compliance of fuel quality standards, monitoring and coordinating action for traffic planning and management.

4. The Authority shall, for ensuring maintenance of the prescribed ambient noise standards, have the power to issue directions under section 5 of the said Act, including banning or restricting any industry, process or operation emitting noise.
5. The Authority shall deal with environmental issues pertaining to the National Capital Region which may be referred to it by the Central Government.
6. The Authority shall exercise the powers of entry, inspection, search and seizure under section 10 of the said Act, in respect of any action to be taken under paragraph 2 of this Order.
7. The Authority shall exercise the power to take samples under section 11 of the said Act, in respect of any action to be taken under paragraph 2 of this Order.
8. The Authority shall exercise the powers under section 19 of the said Act, for making complaints against offences under the said Act and for non-compliance of directions issued by it under paragraph 2 of this Order.
9. The Authority shall have jurisdiction over the National Capital Region as defined in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985 (2 of 1985).
10. The foregoing powers and functions of the Authority shall be subject to the supervision and control of the Central Government.
11. The tenure of the Authority shall be for a period of two years from the date of publication of this notification in the Official Gazette.
12. The Authority shall furnish a progress report about its activities once in a month to the Central Government.
13. The Authority shall have its headquarters in National Capital Region.

[F. No. Q-18011/13/2000-CPA (Pt.)]
Dr. RASHID HASAN, ADVISOR

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
ORDER**

New Delhi, the 3rd October, 2018

S.O.—Whereas in pursuance of the order dated the 7th January, 1998 of the Hon'ble Supreme Court in Writ Petition (C) No. 13029 of 1985, the Central Government constituted the Environment Pollution (Prevention and Control) Authority (hereafter in this notification referred to as the 'EPCA'), *vide* notification of the Government of India, in the erstwhile Ministry of Environment and Forests, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O.93 (E), dated the 29th January, 1998;

And whereas, the EPCA was constituted with the objective of protecting and improving the quality of the environment and preventing and controlling the environmental pollution in the National Capital Region;

And whereas, the EPCA is assisting the Hon'ble Supreme Court in various environment related matters in the National Capital Region in terms of the aforesaid notification;

And whereas, the tenure of the EPCA was extended from time to time by the Central Government and lastly it was extended up to 3rd October, 2018 *vide* notification of the Government of India, in the Ministry of Environment, Forests and Climate Change, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O. 3243(E), dated the 4th July, 2018;

And whereas, the tenure of EPCA expires on the 3rd October, 2018;


Now, therefore, in exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereafter in this notification referred to as the said Act); and in pursuance of the order dated the 30th April, 2016 of the Hon'ble Supreme Court in Writ Petition (C) No. 13029 of 1985 and in supersession of the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 93(E), dated the 29th January, 1998, except as respect things done or omitted to be done before such supersession, the Central Government hereby re-constitutes the Environment Pollution (Prevention and Control) Authority, consisting of the following persons, namely:-

1.	Shri Bhure Lal, Ex-Secretary, Government of India	Chairman
2.	Ms. Sunita Narain, Director General, Centre for Science and Environment, New Delhi	Member
3.	Secretary (Environment and Forests), Government of National Capital Territory of Delhi	Member
4.	Commissioner-cum-Secretary, Transport Department, Government of National Capital Territory of Delhi	Member
5.	Chairperson, New Delhi Municipal Council, New Delhi	Member
6.	Commissioner, East Delhi Municipal Corporation	Member
7.	Commissioner, South Delhi Municipal Corporation	Member
8.	Commissioner, North Delhi Municipal Corporation	Member
9.	Chief Executive Officer, Delhi Jal Board, New Delhi	Member
10.	Joint Commissioner of Police (Traffic), Delhi Police	Member
11.	Professor Mukesh Khare, Department of Civil Engineering, Indian Institute of Technology, New Delhi	Member
12.	Prof. Umesh Kulshrestha, Jawaharlal Nehru University, New Delhi	Member
13.	Shri Ajay Kumar Bhagi, Associate Professor, Department of Chemistry, Dayal Singh College, University of Delhi	Member
14.	Dr. Ajay Mathur, Director General, The Energy Research Institute, New Delhi	Member
15.	Shri Vishnu Mathur, Director General, Society of Indian Automobile Manufacturers	Member

16.	Prof. Arvind Kumar, former professor of surgery, AIIMS, New Delhi presently Chairman Centre for Chest Surgery, Sir Ganga Ram Hospital, New Delhi	Member
17.	Shri. Krishna Dhawan, Chief Executive Officer, Shakti Sustainable Energy Foundation, New Delhi	Member
18.	Dr. Arunabha Ghosh, Chief Executive Officer, Centre for Energy Environment and Water, New Delhi	Member
19.	Dr. Navroz K. Dubash, Senior Fellow, Centre for Policy Research, New Delhi	Member
20.	Member Secretary, Central Pollution Control Board, New Delhi	Member Secretary

2. The Authority shall exercise the following powers and discharge the following functions for protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution, namely: -
 - (a) exercise the powers under section 5 of the said Act for issuing directions in respect of complaints relating to the violation of an order by any authority or measure specified pertaining to-
 - (i) standards for the quality of the environment in its various aspects;
 - (ii) standards for emission or discharge of environmental pollutants from various sources;
 - (iii) restriction of areas in which any industries, operations or processes of class of industries or process shall not be carried out or shall be carried out subject to certain safeguards;
 - (iv) procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;
 - (v) procedures and safeguards for the handling of hazardous substances.
 - (b) shall have the power to take up matters as mentioned above, suo-motu, or on the basis of complaints made by any individual, representative body or organization functioning in the field of environment and such complaints may be against any individual, association, company, public undertaking or local body carrying on any industry, operation or process.
3. The Authority shall, for controlling vehicular pollution, take all necessary steps to ensure compliance of specified emission standards by vehicles including proper calibration of the equipment for testing vehicular pollution, ensuring compliance of fuel quality standards, monitoring and coordinating action for traffic planning and management.
4. The Authority shall, for ensuring maintenance of the prescribed ambient noise standards, have the power to issue directions under section 5 of the said Act, including banning or restricting any industry, process or operation emitting noise.
5. The Authority shall deal with environmental issues pertaining to the National Capital Region which may be referred to it by the Central Government.
6. The Authority shall exercise the powers of entry, inspection, search and seizure under section 10 of the said Act, in respect of any action to be taken under paragraph 2 of this Order.
7. The Authority shall exercise the power to take samples under section 11 of the said Act, in respect of any action to be taken under paragraph 2 of this Order.

8. The Authority shall exercise the powers under section 19 of the said Act, for making complaints against offences under the said Act and for non-compliance of directions issued by it under paragraph 2 of this Order.
9. The Authority shall have jurisdiction over the National Capital Region as defined in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985 (2 of 1985).
10. The foregoing powers and functions of the Authority shall be subject to the supervision and control of the Central Government.
11. The tenure of the Authority shall be for a period of six months or until further orders, from the date of reconstitution of the said Authority i.e., the 4th October, 2018, whichever is earlier.
12. The Authority shall furnish a progress report about its activities once in a month to the Central Government.
13. The Authority shall have its headquarters in National Capital Region.
14. The Member Secretary shall organize meetings of the EPCA with the approval of the Chairman.
15. A minimum quorum of one third of the members shall be observed for holding a meeting of the EPCA and for arriving at any decision.
16. All correspondence on behalf of the EPCA may be made with the approval of Chairman through the Member Secretary or through any officer specifically authorised in this behalf.
17. This order shall be effective from the 4th day of October, 2018.


[F. No. Q-18011/13/2000-CPA (Pt.)]
Ritesh Kumar Singh, Jt. Secy
3rd October, 2018

Key actions resulting from EPCA reports in recent years

	Key actions to combat pollution resulting from EPCA reports in recent years and directions by the Hon'ble Supreme Court
1	Notification of the Graded Response Action Plan (GRAP) as smog emergency plan to take immediate action based on the level of pollution in the city. Directions to set up the air pollution monitoring network in Delhi and NCR (over 50 online realtime air monitoring stations are now functional).
2	Notification of the Comprehensive Action Plan (CAP) for Air Pollution Control in NCR. This plan is now under implementation through MoEF&CC. EPCA has brought special reports to the attention of the Hon'ble Court to expedite CAP actions
3	Directions for control of truck pollution through the imposition of the Environment Pollution Charge (ECC) and the setting up of RFID based cashless system for enforcement
4.	Directions to advance BS IV emission norms across India (April 2017) and to advance BS VI emission norms and registration across India (April 2020)
5	Directions banning the use of extremely polluting pet coke and furnace oil in Delhi and NCR and subsequent directions restricting the import of pet coke into India.
6	Notification on approved fuels, which has made it mandatory for industries to shift to natural gas in Delhi and banned the use of all polluting fuels, including coal in the city.
7.	Directions for improvement of the Pollution Under Control (PUC) programme in NCR, including making it mandatory to link insurance with PUC.
8.	Directions for permanent closure of coal based Badarpur Power Plant and for providing adequate gas for Bawana power plant.
9.	Directions for implementation of HCNG pilot project to reduce pollution further from CNG in vehicles
10.	Directions for construction of Regional Rapid Rail Transit Systems by resolving issues between states
11.	Directions for expediting approval for phase IV of Delhi metro

List of reports from 2016-2019

Report no.	Report Title	Date
55	Status Report On Implementation Of Hon'ble Supreme Court Order Dated October 9, 2015 Regarding Pollution By Commercial Traffic Via Delhi And Imposition Of 'Environment Compensation Charge' On Such Vehicles, December 2015	December 16, 2015
56	Response to the issues raised by the automobile companies related to dieselization of cars in their respective affidavits to the Hon'ble Supreme Court – General Motors, Tata Motor, Toyota-Kirloskar, Mercedes Benz , January 2016	January 05, 2016
57	Status of action taken on the directions issued by the Hon'ble	January

	Supreme Court vide order dated December 16, 2015, Environment Pollution (Prevention and Control) Authority for NCR, January 2016	20, 2016
58	Status of action taken on the directions issued by the Hon'ble Supreme Court vide orders dated October 9, 2015, December 16, 2015, January 5, 2016 and January 21, 2016 and further directions sought in hearing scheduled on February 18, 2016, Environment Pollution (Prevention and Control) Authority for NCR, February, 2016	February 18, 2016
59	Status of action taken on the directions issued by the Hon'ble Supreme Court vide orders dated October 9, 2015, December 16, 2015, January 5, 2016 and January 21, 2016 and February 18, 2016, Environment Pollution (Prevention and Control) Authority for NCR, March, 2016	March 31, 2016
60	Status of action taken on the directions issued by the Hon'ble Supreme Court vide orders dated October 9, 2015, December 16, 2015, January 5, 2016 and January 21, 2016 and further directions sought in hearing scheduled on April 30, 2016, Environment Pollution (Prevention and Control) Authority for NCR, April, 2016	April 30, 2016
61	Land requirement for depots for augmentation of bus fleet in NCT, Environment Pollution (Prevention & Control) Authority for Delhi and NCR, May, 2016, July, 2016	May 17, 2016
62	Recommended Environment Compensation Charge (ECC) for diesel cars based on fuel price differential and pollution potential Environment Pollution (Prevention and Control) Authority for NCR	July 04, 2016
63	Installation of Radio Frequency Identification (RFID) for effective and credible ECC collection Environment Pollution (Prevention & Control) Authority for Delhi and NCR August, 2016	August 10, 2016
64	Delhi's worst smog incident in 17 years: Need for short-term emergency action and strict enforcement of Hon'ble Supreme Court directions for effective control of toxic and dangerous air pollution Environment Pollution (Prevention and Control) Authority for National Capital Region (EPCA) November, 2016	November 07, 2016
65	Status of action taken on the directions issued by the Hon'ble Supreme Court vide orders dated October 9, 2015, December 16, 2015, January 5, 2016, January 21, 2016, March 31, 2016, April 30, May 10, 2016 and August 22, 2016 Environment Pollution (Prevention and Control) Authority for NCR November, 2016	November 08, 2016
66	Need to operationalize a smog alert system for Delhi and NCR to combat public health emergency: steps to take Environment Pollution (Prevention and Control) Authority for National Capital Region (EPCA) November, 2016	November 08, 2016
67	Mandating 'acceptable' fuel to be used in NCR for air pollution control Environment Pollution (Control and Prevention) Authority for NCR December, 2016	December 02, 2016

68	Action Taken Report: Examination of the Pollution Under Control (PUC) system as submitted by the Union Government on December 2, 2016 to the Hon'ble Supreme Court and recommendations to improve compliance, enforcement and effectiveness of the system Sunita Narain, Centre for Science and Environment As directed by the Hon'ble Supreme Court, in its order of December 2, 2016	December 02, 2016
69	Report to Hon'ble Supreme Court on air pollution sources and actions to be taken, directions till date and status of compliance, February 2017	February 01, 2017
70	DRAFT : Comprehensive Action Plan for air pollution control with the objective to meet ambient air quality standards in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh, March 2017	March 02, 2017
71	Final : Comprehensive Action Plan for Air Pollution control in Delhi & NCR	April 05, 2017
72	Final Report : on Mandating Acceptable Fuels and recommending ban on sale and use of furnace oil and pet coke in NCR, April 04, 2017	April 05, 2017
73	EPCA Report 73 : Assessment of Pollution Under Control (PUC) Programme in Delhi and NCR	April 24, 2017
74	Report on Outdoor Advertisement Policy for Delhi	
75	Supplementary report on assessment of Pollution Under Control (PUC) Programme in Delhi and NCR	September 18, 2017
76	EPCA Report No. 76 : Supplementary report on assessment of Pollution Under Control (PUC) Programme in Delhi and NCR	November 09, 2017
76a	Regarding ban on sale and use of furnace oil and petroleum coke in NCR	November 09, 2017
77	Supplementary report on assessment of Pollution Under Control (PUC) Programme in Delhi and NCR	November 12, 2017
77a	Update on air pollution in NCR	November 13, 2017
77b	Report on implementation of the Graded Response Action Plan (GRAP) and learning from first smog emergency of 2017	November 9, 2017
78	Supplementary Report on the Comprehensive Action Plan for Air Pollution Control with the objective to meet ambient air quality in the National Capital Territory of Delhi and National Capital Region, including states of Haryana, Rajasthan and Uttar Pradesh	November 16, 2017
79	Compliance Status Report on the orders of the Hon'ble Supreme Court on EPCA reports No 72 and 76 on the Ban on Sale and Use of Furnace Oil and Petroleum Coke in NCR	January 30, 2018
80	EPCA response to the MoEF&CC affidavit	February 1, 2018
81	Recommended actions and schedule for the expeditious implementation of New Emission standards for Thermal Power Plants	February 14, 2018

Nil	EPCA note to the Hon'ble Supreme Court on prevention of crop residue burning	January 29, 2018
82	Report filed in compliance with Hon'ble Court's order dated February 16, 2018 in the matter of Aluminium Association of India seeking permission for use and import of calcined pet coke	March 22, 2018
83	Results of recent traffic count of vehicles entering Delhi and implications on delay implementation of RFID and collection of ECC	March 23, 2018
84	Second report on schedule for the expeditious implementation of the 7.12.2015 emission standards for thermal power plants (TPPs) submitted in response to IA dated 27.3.2018 by the Ministry of Environment and Forests	April 17, 2018
85	Report to Hon'ble Supreme Court on Improvement in testing parameters in vehicles under Pollution under Control (PUC) Programme	April 25, 2018
86	Status of Funds: Procurement of e-buses for NCT Delhi	May 15, 2018
87	EPCA response to the MoEF&CC affidavit dated 9.7.2018	July 11, 2018
88	Hydrogen Fuel-Cell buses: examination of issues to implement a zero-emission future with hydrogen-fueled buses and agenda for action	July 19, 2018
89	EPCA response to IA filed by the Indian Steel Association in response to the directions passed by the Hon'ble Supreme Court on 26.7.2018	August 9, 2018
90	Graphite electrodes industry requirement of needle pet coke: EPCA response to IA Nos 112629 and 112633/2018 on behalf of Graphite India Ltd	September 5, 2018
91	Pet coke import for Aluminium, Calciner and Steel industry in context of the restriction imposed on pet coke usage and import in the country	October 6, 2018
92	Special report on NCR Air Pollution: status of implementation of Hon'ble Supreme Court orders and further directions needed given the severity of the problem in winter	October 25, 2018
Nil	Note from Chairman, EPCA on visits to hot spots of NCR to ascertain ground-level enforcement of directions issued and actions taken	October 28, 2018
93	Regional Rapid Transit System (RRTS): Resolving issues to expedite decision for construction of first Meerut-Delhi corridor	January 29, 2019
94	Parking Policy for Delhi: Urgent review and response to the Affidavit filed by GNCTD on February 7, 2019	February 15, 2019
95	Removal of three-wheeler cap: Response to the IA No 176097 of Bajaj Auto Ltd on December 12, 2018 in compliance with directions of the Hon'ble Court dated 4.2.2019	February 28, 2019
96	Parking Management Plan for Residential Areas in Delhi: in compliance with directions of the Hon'ble Court dated 6.3.2019 and further to EPCA report No 94	March 28, 2019
97	Special Report seeking urgent intervention on augmentation of	July 1,

	public transport, including approval for phase IV of Delhi Metro and advancement in schedule for additional buses	2019
98	Additional Report on Draft Parking Policy in Delhi in compliance with directions of the Hon'ble Court on 8.7.2019	July 19, 2019
99	Recommendation for an implementation plan for use of remote sensing for on-road emissions monitoring as per directions of the Hon'ble Court on 8.7.2019	July 26, 2019
100	Examination of the need for clarification/ modification of order of the Hon'ble Supreme Court of May 10, 2016 on the matter of renewal of permits of AITP diesel taxis in NCR as directed by the Hon'ble Court on 15.7.2019	July 26, 2019
101	Examination of IA No 77903 and 77914/2019 (Rain CII Carbon Vizag Ltd) in compliance with directions of the Hon'ble Supreme Court of 8.7.2019 and IA No 90305 and 90306 (Guwahati Carbon Ltd and others)	August 16, 2019
102	BS III construction equipment: Report filed in compliance with Hon'ble Supreme Court direction dated 19.7.2019	August 19, 2019