

ITEM NO.302

COURT NO.4

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) IA NO. 34/1999 (APPLN. FOR DIRECTIONS ON B/O GAUTAM NAGAR WELFARE ASSOCIATION FILED BY A.C.)(2) IN RE: ISSUE OF COMPREHENSIVE PLAN FOR AIR POLLUTION CONTROL, REPORT NOS. 87 AND 93 SUBMITTED BY EPCA(3) IA NO. 176097/2018 (APPLN. FOR CLARIFICATION ON B/O BAJAJ AUTO LTD.)(4) IA NO. 134634/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) ON B/O GENERAL INSURANCE COUNCIL)(5) IN RE: ALLOCATION OF NATURAL GAS TO M/S INDRAPRASTHA GAS LIMITED(i) I.A. NOS. 250-251/2005 (FOR STAY ON BEHAL OF INDRAPRASTHA GAS LIMITED) (ii) I.A. NO. 266/2005 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(iii) I.A. NO. 346/2013 (FOR DIRECTIONS ON B/O INDRAPRASTHA GAS LTD.)(iv) I.A. NO. 73432/2017 (FOR INTERIM STAY AND DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(v) I.A. NO. 104664/2017 (APPLICATION FOR DIRECTIONS ON B/O INDRAPRASTHA GAS LTD.)(vi) I.A. NO. 131093/2017 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(vii) I.A. NO. 23814/2018 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(viii) I.A. NO. 72559/2018 (FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)(ix) I.A. NO. 131352/2018 (APPLN. FOR DIRECTIONS ON B/O HARYANA CITY GAS DISTRIBUTION LTD.)"ONLY" IN W.P.(C) NO. 13029/1985 ARE LISTED."ONLY" NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST:MR. HARISH N. SALVE, SR. ADVOCATE (A.C.)MS. APARAJITA SINGH, ADVOCATE (A.C.)1MR. A.D.N. RAO, ADVOCATE (A.C.)MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)PETITIONER-IN-PERSONMR. G.S. MAKKER, ADVOCATEMR. B.K. PRASAD, ADVOCATEMR. SANJAY KR. VISEN, ADVOCATEMR. ABHISHEK, ADVOCATEMS. RUCHI KOHLI, ADVOCATEMR. B.V. BALRAMDAS, ADVOCATE.MS. ANIL KATIYAR, ADVOCATEM/S S NARAIN AND CO. , ADVOCATESMR. ROHIT K. SINGH, ADVOCATEMR. S.K. BHATTCHARYA, ADVOCATEMR. BIMAL ROY JAD, ADVOCATEMR. DIVYA ROY, ADVOCATEMR. R.D. UPADHYAY, ADVOCATEMR. AJIT PUDUSSERY, ADVOCATEMR. MUNAWAR NASEEM, ADVOCATEMS. BINA GUPTA, ADVOCATEMS. KIRAN BHARDWAJ, ADVOCATEMS. PRITHA SRIKUMAR IYER, ADVOCATEMR. RAJIV M. ROY, ADVOCATE)

Date : 04-02-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for the parties

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MR. DIGANT CHOUDHARY, ADV.

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MR. BIMAL ROY JAD, ADV.

MR. S. WASIM A. QADRI, ADV.
MR. SAEED QADRI, ADV.
MR. PRAVIN SWARUP, ADV.

MR. ANIL GROVER, AAG
MR. SATISH KUMAR, ADV.
MR. SANJAY KUMAR VISEN, ADV.
DR. MONIKA GUSAIN, ADV.

MS. AISHWARYA BHATI, ADV.
MR. KAMLENDRA MISHRA, ADV.
MS. VAIDRUTI MISHRA, ADV.
MR. ASHUTOSH KUMAR SHARMA, ADV.

MR. MUDIT MAKHIJANI, ADV.
MR. CHANDAN GOSWAMI, ADV.
MR. PRAGYAN P. SHARMA, ADV.
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MR. GAURAVA YADAVA, ADV.
MR. SYED ZAFAR HUSAIN, ADV.

MS. UTTARA BABBAR, ADV.
MS. BHAVANA DUHOON, ADV.

MR. GAURAV SRIVASTAVA, ADV.
MR. AKSHAY SAXENA, ADV.

PETITIONER-IN-PERSON

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MR. DIVYA ROY, ADVOCATE

MR. R.D. UPADHYAY, ADVOCATE

MR. AJIT PUDUSSERY, ADVOCATE

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MS. BINA GUPTA, ADVOCATE

MS. KIRAN BHARDWAJ, ADVOCATE

MS. PRITHA SRIKUMAR IYER, ADVOCATE

MR. RAJIV M. ROY, ADVOCATE

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

I.A.No. 34 of 1999

Perused the Affidavits filed by the High Court of Delhi on 27.11.2018 and 31.01.2019.

Let the Registrar General of the High Court of Delhi collect the data as to the achievements pursuant to the steps which have been indicated in the affidavit dated 27.11.2018 and pursuant to the Judgment in the case of Manjit Singh Vs. State (Cr1.M.C.No. 4485/2013 and Cr1. M.A.No. 16055/2013) and applications on which action has to be yet taken. The same be placed on record by way of an affidavit within four weeks.

Let steps be taken by the person supervising the actual disposal of the property and let the concerned District Judges take expeditious action to ensure the disposal of the property in accordance with the aforesaid Judgment at the earliest.

Perused the Status Report of NCT of Delhi.

The NCT of Delhi is directed to file progress report in respect of the steps taken and actual progress made, in respect of the affidavit filed on 31.01.2018. The interim Nazir be appointed within a period of ten days from today. Let report of further progress be submitted by the High Court as well as by the NCT of Delhi within four weeks.

In the Status Report dated 31.01.2019 filed by the Department of Revenue, GNCT of Delhi, it is stated that they have written letters to DDA on 18.10.2018, 02.01.2019 and 24.01.2019 with a request to allot at least one acre of land in each Revenue District at prime location approachable to all the Police Stations. Let the

DDA consider the prayer and pass appropriate orders in this regard and inform this court within four weeks from today.

It is pointed out by Sh. Amaendra Sharan, learned senior counsel appearing for DDA, that approximately 10.74 acres of land has been given out of the demand of nearly 60 acres. An affidavit with respect of utilisation of 10.74 acres has to be filed. Let the parties sort out the aforesaid aspect and do the needful within four weeks from today.

List in the month of March, 2019.

COMPLETION OF TASKS IN 'A', 'B' AND 'C' CATEGORIES CORRIDORS

We have perused the affidavit dated 31.01.2019 filed by the Delhi Police in compliance of the orders dated 10.10.2018 and 18.01.2019.

It has been stated in the affidavit that out of 68 tasks (34 for Category A, 24 for Category B and 10 for Category C corridors), 31 tasks have been completed and on 6 tasks, regular and continuous action is in progress and 4 tasks have not been found feasible by the agencies and 27 tasks are under progress and are likely to be completed in next 2-3 months.

It is directed that for those 4 tasks which have not been found feasible, let an alternative be suggested within a period of three weeks from today.

It is further submitted in the affidavit that on all 77 corridors of A, B, C categories, 350 tasks are of Category 'A', 165 tasks are of Category 'B' and 105 tasks are of Category 'C'.

We have also perused the details of under progress/pending

tasks of corridors of Category A, B and C as provided in Annexures B-I, B-II and B-III respectively. Let the work be done within the time limit specified in the charts and progress report be submitted before this Court.

List in the month of March, 2019.

ISSUE OF COMPREHENSIVE PLAN FOR AIR POLLUTION CONTROL

IN RE : REGIONAL RAPID TRANSIT SYSTEM (RRTS)

We have perused Report No. 93 (EPCA Report). The learned counsel appearing for the Government of NCT of Delhi has prayed for a week's time to argue the matter.

List on 11.02.2019.

IN RE : PARKING POLICY

It is further submitted that parking policy has been accepted with certain conditions. Let the decision taken be placed before this Court by 07.02.2019.

List on 11.02.2019 for consideration of the parking policy.

IN RE : APPROVED FUEL IMPLEMENTATION

Regarding Fuel Implementation, we have perused the affidavit dated 25.01.2019 filed by Mrs. Ruchi Kohli on behalf of the State of Rajasthan. It is reported that the State of Rajasthan has issued the requisite notification. Compliance is noted.

IN REFERENCE ACTION PLAN POINT 2.3.1 - IMPROVEMENT IN BUS NUMBERS AND SERVICES IN DELHI

In compliance of our order dated 18.01.2019, an affidavit

dated 31.01.2019 has been filed on behalf of the Government of NCT of Delhi (Transport Department). The following facts have been mentioned in the affidavit :-

S. No.	Cabinet Decision	Type & No. of Buses	Expected induction schedule	Current Status
1.	2503 dated 01.09.17	1000 standard floor height Non-AC CNG buses	Roll out in May, 2019 with at least 25% for all clusters. Full induction to be completed by August, 2019.	Agreements have been signed with the selected bidders of the 4 distinct operators in November, 2018. There may be a short delay in induction of buses vis-a-vis the expected induction schedule, owing to the fact that mechanical/ hydraulic lifts are to be installed in these buses to make them accessible for wheelchair bound commuters. The bus manufacturers are in process of seeking type approval of the bus models fitted with the lifts from the competent agencies notified under Rule 126 of Central Motor Vehicles Rules, 1989.
2.	2659 dated 22.11.2018	1000 Low Floor height CNG AC buses.	Roll out in Sept. 2019 with at least 25% for all clusters. Full induction to be completed by Dec. 2019.	After seeking approval of council of ministers, the tenders for engagement of these buses have been floated. Last date of receipt of bids is on 01.02.2019.
3.	2597 dated 11.07.18	1000 Low Floor height AC Pure Electric buses.	Roll out in July, 2019 with at least 10% for all	Electrical buses being a new technology, a Consultant was

			clusters.	appointed to suggest the appropriate technology. Initial Techno-financial assessment report (DPR) has been received on 10.01.19 and various clarifications thereon have been sought. The final DPR is expected shortly. Immediately thereafter, decision on the recommendation of DPR will be put up before the Hon'ble Minister of Transport Govt. of Delhi and it will be circulated for inter-departmental consultation. Most likely, the final proposal will be placed before the Council of Ministers before the Council of Ministers within the month of February itself to take further action to float tenders for engagement of 1000 electric buses.
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Let the action be taken on the above points and report be submitted to this Court.

List in the month of March, 2019.

I.A.No. 176097 of 2018

Let EPCA consider the issues in the application and submit its opinion within four weeks.

List the application in the month of March, 2019.

I.A.No. 134634 of 2018

We have perused the Minutes of Meeting of the EPCA for NCR region held on 14.01.2019. The following possible solutions have been worked out by which the number of vehicles registering for PUC and insurance can be increased :-

"1. GIC shall work along with Transport Department, Delhi - NCR to achieve 100% insurance and PUC compliance in Delhi - NCR where the PUC stations are networked and linked to VAAHAN database created by MoRTH and there is no issue of genuineness. Insurance companies shall share the details of vehicles issued insurance with Transport Department which shall then issue notices to vehicle owners not having valid PUC.

2. GIC shall share the data on increase/decrease in number of insurances based on experience of all companies post the Hon'ble Supreme Court order.

3. MoRTH to issue public notice/advertisements that PUC certificate is mandatory for vehicle insurance.

4. MoRTH to provide link for insurance companies to update the information on PUC status (checked/declaration obtained) along with the vehicle insurance details. Further, MoRTH shall also provide insurance companies access to VAAHAN database so as to check/confirm PUC certificate status of vehicle available in the database.

EPCA said that GIC shall simultaneously

make efforts to improve compliance of the Court order at all India level while keeping Delhi - NCR on priority."

It is directed that the aforesaid arrangements be worked out on trial basis and let report be submitted. We permit to carry out the plan as proposed and submit a report within six months.

List the application after six months.

ALLOCATION OF NATURAL GAS TO M/S INDRAPRASHTHA GAS LIMITED

We have perused I.A.Nos. 72559 of 2018 and 131352 of 2018 and the affidavit dated 23.01.2019 filed on behalf of M/s Haryana City Gas Distribution Ltd.

List the applications on 25.02.2019.

In the meantime, report of Deloitte as per order passed by this Court on 06.12.2018 be submitted and in addition, assets be valued separately.

(JAYANT KUMAR ARORA)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR