

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) IN RE: REPORT NO. 79 SUBMITTED BY EPCA  
(STATUS REPORT ON THE COMPLIANCE OF ORDERS OF THIS COURT ON EPCA  
REPORT NOS. 72 AND 76 ON BAN ON SALE AND USE OF FURNACE OIL AND PET  
COKE

IN NCR)

(2) IN RE: REPORT NOS. 80 SUBMITTED BY EPCA  
(EPCA RESPONSE TO THE AFFIDAVIT FILED ON BEHALF OF MOEF ON 1st  
February, 2018)

Date : 10-05-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

Ms. Aparajita Singh, Advocate (A.C.)

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

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

Petitioner-In-Person

For Respondent(s) Mr. Vijay Panjwani, Advocate

Mr. A.N.S. Nadkarni, ASG

Ms. Pinky Anand, ASG

Mr. A.K. Panda, Sr. Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. D.L. Chidananda, Adv.

Mr. Ritesh Kumar, Adv.

Mr. Rajesh K. Singh, Adv.

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Ms. Rachana Gupta, Adv.  
Mr. J.K. Tripathi, Adv.

M/S S. Narain And Co., Advocates

Mr. B.V. Balram Das, Advocate

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

Mr. S.P. Parihar, the Chairman of the Central Pollution Control Board is present in the Court pursuant to the order dated 09.05.2018.

It is stated by him that monitoring the use of pet coke is carrying on and the State Pollution Control Boards are involved in the process of monitoring. He says that for the quarter ending on

30.04.2018 the exercise is completed and that reports are awaited from the State Pollution Control Boards. He says that reports will be received shortly and will be compiled and analyzed on or before 30<sup>th</sup> May, 2018. This is with regard to industries pertaining to Calcium Carbide, Cement and Lime.

It is further stated that pending promulgation of the Rules after appropriate vetting by the Ministry of Law and Justice, the monitoring will be done with information being asked from the industries on a fortnightly basis even if the industries do not supply necessary information as directed by the CPCB. The fortnightly monitoring will continue until the Rules are notified. Thereafter, the monitoring exercise will be carried on in accordance with the Rules.

Pursuant to order dated 05.02.2018, the following directions were issued:

(i) Setting emission standards for SO<sub>2</sub>, Nox and Sox for 23 industries

No further orders are required to be passed.

(ii) Ban on import of Pet Coke

The learned ASG assures us that the exercise of receiving inputs from Ministry of Petroleum and Natural Gas and DGFT with regard to ban on import of pet coke and the State Governments is under way and will be completed within six weeks.

We expect and direct that a decision will be taken in this

regard on or before 30<sup>th</sup> June, 2018 failing which we may have to deal with the matter.

(iii) Permitted use of pet coke in certain industries.

Orders have already been passed in this regard.

(iv) Natural gas to be made available to power plants in NCR

From the affidavit filed by the Ministry of Environment, Forests and Climate Change, it appears that there is no response received despite several letters having been sent to the Ministry of Petroleum and Natural Gas (MOPNG) with regard to availability of gas for running Bawana Plant Unit I in Delhi.

It is now stated by the learned ASG that a meeting was held last week and a response has been received from the MOPNG and a decision will be taken within a maximum period of four weeks from today.

The concerned authorities will be bound by the statement made by the learned ASG today.

(v) Natural Gas to be made available for power plants and industry

The learned ASG says that he will file an updated report. We have expressed our concern that one year as mentioned in the affidavit appears to be far too long and that the entire process needs to be expedited. In this context, he will file an updated status report in the form of an affidavit after taking necessary instructions.

(vi) Measures to be taken to strengthen distribution of electricity in NCR.

Issue notice to the State of U.P., Haryana and Rajasthan.

Dasti, in addition.

Mr. Anil Grover, learned counsel for the State of Haryana and Ms. Ruchi Kohli, learned counsel appearing for the State of Rajasthan accept notice.

Notice may now be issued to the State of U.P though the standing counsel returnable in three weeks.

We expect the learned standing counsel to take instructions and not take adjournment on the next date of hearing.

(vii) Comprehensive Action Plan for Air Pollution Control for Delhi.

It is stated by the learned ASG that the Comprehensive Action Plan for Air Pollution Control for Delhi and NCR will be notified and implemented within four weeks.

(viii) Comprehensive Plan for other cities with high pollution

No orders are required to be passed.

List the matter on 9<sup>th</sup> July, 2018.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER

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)

ISSUE OF ON BOARD DIAGNOSTIC

Date : 10-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

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Ms. Rachana Gupta, Adv.  
Mr. J.K. Tripathi, Adv.

M/S S. Narain And Co., Advocates

Mr. B.V. Balram Das, Advocate

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

ISSUE OF ON BOARD DIAGNOSTIC AND REPORT NO. 85 DATED 25.04.2018 ON  
IMPROVEMENT IN TESTING PARAMETERS IN VEHICLES UNDER POLLUTION UNDER  
CONTROL (PUC) PROGRAMME

EPCA has filed the report on improvement in testing parameters in vehicles under PUC programme.

With regard to petrol vehicles, it is recommended by EPCA that no further steps are required to be taken. Some steps have been suggested but it has been recorded that it is not practicable or not possible to introduce those steps such as introduction of

dynamometer in testing in PUC Centre for NOx measurements.

With regard to diesel vehicles, some recommendations have been made. The learned ASG says that he would like to take instructions in this regard and get back within six weeks.

With regard to remote sensing, it is stated that remote sensing screening of emissions has been found to be extremely effective in Kolkata and it would be of considerable utility in so far as Delhi and Pune are concerned.

We have requested Mr. Goburdhan to take instructions in this regard for NCT of Delhi. It is stated by learned Amicus that the entire cost of purchasing would be in the region of Rs.25 crores in total. Mr Goburdhan will take instructions within six weeks.

List the matter on 2<sup>nd</sup> August, 2018.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER



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

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Respondent(s)

IA NO. 34/1999 (APPLN. FOR DIRECTIONS ON B/O GAUTAM NAGAR WELFARE ASSOCIATION FILED BY A.C.)

IN RE: EASTERN AND WESTERN PERIPHERAL EXPRESSWAY

Date : 10-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

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

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Mr. J.K. Tripathi, Adv.

M/S S. Narain And Co., Advocates

Mr. B.V. Balram Das, Advocate

UPON hearing the counsel the Court made the following

O R D E R

A status report has been filed by the NCT of Delhi with regard to removal of bottlenecks on the roads in Delhi.

It is stated that six Task Force Teams have been constituted one for each Traffic range and bottlenecks have been identified.

The congested corridors have been classified in categories 'A', 'B' & 'C'. For the present, steps are being taken with regard

to Corridor 'A' and 11 out of 28 corridors have been identified and for each such corridor action has been taken.

The status report does not indicate any time-line at all for the removal of bottlenecks. A more substantive status report should be filed by the NCT of Delhi within six weeks from today along with the progress made.

List the application on 9<sup>th</sup> July, 2018.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER

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

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Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

I.A. NO. 344 (APPLICATION FOR DIRECTIONS)

Date : 10-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

Ms. Aparajita Singh, Advocate (A.C.)

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

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

Petitioner-In-Person

For Respondent(s) Mr. Vijay Panjwani, Advocate

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Mr. Raj Bahadur Yadav, Adv.

Mr. Zaid Ali, Adv.

Mr. A.K. Sharma, Adv.

Mr. Divya Prakash Pande, Adv.

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Mr. J.K. Tripathi, Adv.

M/S S. Narain And Co., Advocates

Mr. B.V. Balram Das, Advocate

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

EASTERN EXPRESSWAY

On 18<sup>th</sup> April, 2018, we were informed by the learned ASG that the Eastern Expressway is complete and likely to be inaugurated within that month that is on or before 30<sup>th</sup> April, 2018. Today, we are informed that the Eastern Expressway has still not been inaugurated. The NHAI should ensure that in the interest of the people of Delhi the inauguration takes place on or before 31<sup>st</sup> May, 2018 failing which the Eastern Expressway may be opened to the public which is reeling under heavy traffic congestion in Delhi.

Any delay in opening the Eastern Expressway is certainly not in the interest of the people of Delhi.

WESTERN EXPRESSWAY

As far as Western Expressway is concerned, it is stated by the learned counsel appearing on behalf of the State of Haryana that the Concessionaire has assured that it will be ready on or before 30<sup>th</sup> June, 2018 even though the time line for completion is sometime in February, 2019.

The State of Haryana should ensure that the Concessionaire sticks to the assurance made i.e. the date of 30<sup>th</sup> June, 2018. Arrangements for inauguration be made in the meanwhile.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER