

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IN RE: REGISTRATION OF BS IV VEHICLES

IA D. NO. 48238 OF 2020 (APPLN. FOR IMPLEADMENT ON BEHALF OF BIRD  
AUTOMATIVE PVT. LTD.)IA NOS. 55630, 55631 AND 57987/2020 (APPLNS. FOR IMPLEADMENT AND  
DIRECTIONS ON B/O ANAND SINGHVI)IA NO. 33739/2020 (APPLN. FOR CLARIFICATION OF ORDER DT. 24.10.2018  
ON BEHALF OF BUS AND CAR OPERATORS CONFEDERATION OF INDIA)I.A.NOS. 47727, 47732 AND 47733/2020(APPLNS. FOR IMPLEADMENT,  
CLARIFICATION OF ORDER DT. 24.10.2018 AND EXEMPTION FROM FILING  
O.T. ON BEHALF OF COLLABORATIVE ADVANCE RESEARCH FOR  
TRANSPORTATION)I.A. NOS. 56015, 56017 AND 56018/2020 (APPLNS. FOR IMPLEADMENT,  
DIRECTIONS AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON B/O  
NORTH EAST PLANTATION AND COMMERCIAL PVT. LTD.)IA NOS. 54555, 54556 AND 54557/2020 (APPLNS. FOR IMPLEADMENT,  
DIRECTIONS AND EXEMPTION ON BEHALF OF INDRAPRASTHA AUTOMOBILE AND  
OTHERS)IA D. NOS. 59206 AND 59207//2020 (APPLNS. FOR INTERVENTION AND  
PERMISISON TO FILE ADDITIONAL DOCUMENT ON B/O GOPAL SPEED WORLD)IA NOS. 58758, 58761 AND 59871/2020 (APPLNS. FOR IMPLEADMENT,  
DIRECTION AND SEEKING EXEMPTION FROM FILING NOTARIZED AFFIDAVIT ON  
B/O ELICO LTD.)IA NOS. 59498, 59499/2020, I.A. NOS.59502, 59504/2020  
(Applns. For Intervention and Direction on b/o M/s Aditya  
Construction Co.,and M/s Ram Charan Bansal Construction Pvt. Ltd. )I.A. NO. 12493/2020 (APPLN. FOR MODIFICATION OF ORDER DT. 5.8.2019  
ON B/O MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE

IA D. NOS. 58771 AND 58772//2020 (APPLNS. FOR IMPLEADMENT AND

**DIRECTIONS ON B/O TELANGANA STATE POWER GENERATION CORPORATION LTD.))**

**Date : 08-07-2020 This matter was called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MS. JUSTICE INDIRA BANERJEE**

**Counsel for parties**

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**Dr. Mamish Singhvi Sr. Advocate  
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Mr. Debojit Borkakthi, Adv.  
Mr. Shuvodeep Roy, Adv.

Mr. Vikas Mahajan, A.A.G, State of H.P.  
Mr. Vinod Sharm, AOR

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Mr. Rishi K. Awasthi, Adv.  
Mr. Prashant Kumar, Advocate  
Mr. Santosh Kumar-1, Adv.

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Mr. Kunal Mehta, Advocate  
Ms. Shagun Matta, AOR

Mr. Kshitij Vaibhav Adv

Ms. Sheena Taqui Adv  
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Ms. Anupama Ngangom, Adv  
Mr. Karun Sharma, Adv

Ms. Sakshi Kakkar, Adv.  
Mr. Shakti Singh, Adv.

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Mrs. K. Enatoli Sema, Adv,  
Mr. Amit Kumar Singh, Adv

Mr. K.V.Jagdishvaran, Adv.  
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Mr. Tapesh Kumar Singh, Additional Advocate General

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Mr. Pranab Prakash, Advocate

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Mr. Akshay Girish Ringe, Adv.

Mr. Raghvendra Kumar, Adv.

Mr. Rishi Matoliya, Adv. (N.P.)

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

IN RE: REGISTRATION OF BS IV VEHICLES

We have heard Mr. K.V. Vishwanathan, learned senior counsel,

at length on the issue of the sale by Members as well as Non-Members, which have taken place during the lockdown period. In the affidavit filed by the Federation of Automobile Dealers Associations on 07.07.2020, for members and non-members figures have been given, the table is as follows:-

**"MEMBERS SALE DETAILS**

**Member's Data: 12.03.20 to 31.03.20**

Date	2W	3W	CV	PV	Grand Total
12/03/20	528	12	176	56	772
13/03/20	635	08	261	54	958
14/03/20	866	10	146	57	1079
15/03/20	1481	143	43	53	1720
16/03/20	1060	11	205	93	1369
17/03/20	1166	26	381	159	1732
18/03/20	2772	29	294	181	3276
19/03/20	2668	50	370	210	3298
20/03/20	3206	56	554	223	4039
21/03/20	3344	102	421	365	4232
22/03/20	596	04	46	17	663
23/03/20	2798	65	273	266	3402
24/03/20	1727	26	86	154	1993
25/03/20	504	56	65	33	658
26/03/20	2094	25	37	49	2205
27/03/20	504	08	44	32	588
28/03/20	1983	91	235	170	2479
29/03/20	7120	77	244	154	7595
30/03/20	10655	73	93	407	11228
31/03/20	8064	42	153	316	8575
Grand Total	53771	914	4127	3049	61861

## NON-MEMBERS SALE DETAILS

Non-Member's Date: 12.03.20 to 31.03.20

Date	2W	3W	CV	PV	Grand Total
12/03/20	770	26	42	20	858
13/03/20	1068	38	136	42	1284
14/03/20	657	26	67	26	776
15/03/20	718	41	11	31	801
16/03/20	1267	71	124	46	1508
17/03/20	1473	68	136	45	1722
18/03/20	2465	87	292	94	2938
19/03/20	3782	111	195	114	4202
20/03/20	4337	263	240	90	4930
21/03/20	5259	188	169	85	5701
22/03/20	737	12	06	07	762
23/03/20	3269	102	115	99	3585
24/03/20	2903	172	104	102	3281
25/03/20	1221	37	83	30	1371
26/03/20	906	29	67	18	1020
27/03/20	899	57	26	19	1001
28/03/20	1590	37	66	62	1755
29/03/20	10680	143	27	56	10906
30/03/20	14937	432	50	129	15548
31/03/20	8203	88	130	162	8583
Grand Total	67141	2028	2086	1277	72532

It is also stated that on E-Vahan portal details of 7758 vehicles were not uploaded for Members and for Non-Members it is 17145. Following are the tables with respect to E-Vahan details:-

## MEMBERS E-VAHAN DETAILS

Member Data uploaded on Vaahan/State Portal : 12.03.20 to 31.03.2020
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Yes	54,103
No	7,758
Grand Total	61,861

**NON-MEMBERS E-VAHAN DETAILS**

<b>Non Member Data uploaded on Vaahan/State Portal : 12.03.20 to 31.03.2020</b>	
Yes	55,387
No	17,145
Grand Total	72,532

When we heard the matter on 27.03.2020, it is apparent that it was stated before us by the learned senior counsel that due to lockdown they were losing six days and in which they would not be able to sell the vehicles and figures of the sold as well as unsold vehicles were given. The sole consideration for allowing the sale after 31.03.2020 was lockdown. Order dated 27.03.2020 is extracted hereunder-

"IA Nos. 45883/2020, 45912/2020 & 48113/2020

It is stated by Mr. K.V. Vishwanathan, learned senior counsel appearing on behalf of the applicant/Federation of Automobile Dealers Association that 1,05,000 two-wheelers, 2250 passenger cars and 2000 commercial vehicles are there which have been sold but not registered through out India. Unsold vehicles are stated to be 7,00,000 two wheelers, 15,000 passenger cars



and 12,000 commercial vehicles.

With the consent of Mr. A.N.S. Nadkarni, learned Additional Solicitor General and Mr. K.V. Vishwanathan, learned senior counsel, it is ordered that sold vehicles be registered by the concerned authorities by 30.04.2020. However, at the same time we direct the applicant to furnish details of the purchasers, on affidavit, of the aforesaid vehicles through e-mail, within seven days from today. Details of registration shall also be furnished to this Court.

With respect to unsold vehicles as the manufacturer should have been ready because of deadline set for BS-VI compliant vehicles, there is no justification to extend the time which was fixed long time ago. This is not something new which has occurred, it would be further injurious and further burden on human health to be caused by pollution of BS-IV vehicles when BS-VI vehicles are supposed to be produced by the manufacturers well in advance considering the deadline of 31<sup>st</sup> March, 2020.

It is stated that there are 7,00,000 two-wheelers which are unsold through out India with different dealers. Similarly, passenger vehicles are 15,000 and commercial vehicles are 12,000. In Delhi and NCR region, we are not allowing sale and registration of these kind of vehicles any more.

However, in the remaining part of the country, due to the situation which has arisen due to lock-down, it is ordered that not beyond 10% of the vehicles, except with the Dealers in Delhi and NCR region, are permitted to be sold out of the aforesaid number of vehicles to make up the good of six days which were available before the lock-down has been ordered in the country. Details of the sale shall be furnished by the applicant and there shall be no violation of the order passed by this Court. Sales to be done within ten days of the lifting of the lock-down operating in the concerned cities and not beyond it and on an affidavit number of vehicles sold shall be stated by the applicant/Federation of Automobile Dealers Association and only those vehicles shall be permitted to be registered about which affidavit is filed. If out of the vehicles which are permitted to be sold some of them remain unsold then obviously there is no question of any further extension of time for sale of these kind of vehicles. Particulars shall be given on an affidavit with engine and chassis numbers by the applicant/Federation of Automobile Dealers Association of the sale of vehicles before the registration is made, within seven days of the sale.

The application for impleadment is allowed to the

extent of intervention and these applications are accordingly, disposed of.”

It is apparent from the order that this Court was not inclined to extend the time as the time was fixed long ago for sale of BS-IV Vehicles till 31.03.2020 and the vehicles of BS-VI technology were supposed to be produced by the manufacturers in advance, considering the deadline of 31.03.2020. However, at the fag end when we declined the prayer, an appeal was made by the learned senior counsel appearing on behalf of the Federation of Automobile Dealers Associations that since due to lockdown they would not be able to sell any vehicle as such some period be given after lockdown is over, the figures in the tables mentioned indicate more sale during the period of lockdown.

It passes comprehension, how sale of vehicles could have been taken place during the lockdown. It was stated that may be that online sales have taken place and it was also stated in the affidavit that distress sales had taken place. Be that as it may, since the transactions given in the tabular form indicate more sales as compared to the data of non-lockdown period, we have no hesitation in recalling the order allowing the vehicles to be sold for 10 days after the lockdown was over. In view of the fact that Members as well as Non-Members had sold more vehicles during lockdown period, we have no hesitation to recall the order dated 27.03.2020 to aforesaid extent as it was passed only on the consideration that during lockdown, they would not be able to sell any vehicle that was the sole consideration for this Court to pass

the order. Thus, the benefit of the order cannot be taken two ways by making more sales during the period of lockdown and grace period of ten days further after 31.03.2020. It would be in violation of spirit of this Court's order, the vehicles shall be treated to be with dealers as if they are not sold and consideration if any received shall be returned forthwith to the purchasers, no such vehicles sold after 31.03.2020 of BS-IV technology shall be registered.

Coming to the question of registration of vehicles sold up to 31.03.2020, we request Ms. Aishwarya Bhati, learned Additional Solicitor General of India, to make verification as per the list submitted as to which vehicles were actually put on the E-Vahan portal of the Government and the data from other States of which data was not uploaded on E-Vahan portal also to be ascertained and filed before this Court before the next date of hearing, only thereafter we will consider question of registration and not before that. We have to see whether these transactions during lockdown are genuine transactions or they have been back dated.

The order dated 27.03.2020 is recalled with respect to sale of vehicles after lockdown period.

Additional pleadings, if any, may be filed by the parties by 21.07.2020.

List on 23.07.2020

**IA D. NO. 48238 OF 2020 (APPLN. FOR IMPLEADMENT ON BEHALF OF BIRD AUTOMATIVE PVT. LTD.)**

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List on 23.07.2020 along with the issue of registration of BS-IV vehicles.

**IA NOS. 55630, 55631 AND 57987/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O ANAND SINGHVI)**

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We request Ms. Aishwarya Bhati, learned Additional Solicitor General of India, to verify and put on record whether the vehicle(s) was/were put on E-Vaahan portal or not.

List on 23.07.2020.

**IA NO. 33739/2020 (APPLN. FOR CLARIFICATION OF ORDER DT. 24.10.2018 ON BEHALF OF BUS AND CAR OPERATORS CONFEDERATION OF INDIA)**

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Heard.

The application being devoid of merits is dismissed.

**I.A.NOS. 47727, 47732 AND 47733/2020 (APPLNS. FOR IMPLEADMENT, CLARIFICATION OF ORDER DT. 24.10.2018 AND EXEMPTION FROM FILING O.T. ON BEHALF OF COLLABORATIVE ADVANCE RESEARCH FOR TRANSPORTATION)**

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Heard.

Application for impleadment is allowed to the extent of intervention.

Rest of the applications are bereft of merit and are dismissed.

**I.A. NOS. 56015, 56017 AND 56018/2020 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON B/O NORTH EAST PLANTATION AND COMMERCIAL PVT. LTD.)**

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List on 23.07.2020.

**IA NOS. 54555, 54556 AND 54557/2020 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION ON BEHALF OF INDRAPRASTHA AUTOMOBILE AND OTHERS)**

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Heard.

Application for impleadment is allowed to the extent of intervention.

The application for direction, being without merit, is dismissed.

Application for exemption is also disposed of.

IA D. NOS. 59206 AND 59207//2020 (APPLNS. FOR INTERVENTION AND PERMISISON TO FILE ADDITIONAL DOCUMENT ON B/O GOPAL SPEED WORLD)

List on 23.07.2020.

IA NOS. 58758, 58761 AND 59871/2020 (APPLNS. FOR IMPLEADMENT, DIRECTION AND SEEKING EXEMPTION FROM FILING NOTARIZED AFFIDAVIT ON B/O ELICO LTD.)

The applicant(s) is/are directed to file an affidavit and specify the date of receipt of the vehicles separately as well as it be stated in the affidavit whether BS-VI compliant vehicles are available or not.

List on 23.07.2020.

IA NOS. 59498, 59499/2020

Heard.

Since the BS-VI model is available, as such the prayer made is rejected and the applications are dismissed.

I.A. NOS.59502, 59504/2020

Let Ms. Aprajita Singh, learned Amicus Curiae, seek instructions with respect to these applications.

List on 23.07.2020.

Heard learned counsel for the parties.

In the order dated 05.08.2019, we have quoted the Minutes of the Meeting regarding environmental norms and on 07.09.2019 in reproduction of paragraph 6 at page 13 of the order there is an omission made due to clerical error in not quoting '300 mg/Nm<sup>3</sup> to 450 mg/Nm<sup>3</sup>'. Paragraph 6 of the Minutes of Meeting is reproduced hereunder:-

"6. After detailed discussion, it was agreed in principle to revise the NOx norms from 300 mg/Nm<sup>3</sup> to 450 mg/Nm<sup>3</sup> for Thermal Power Plants installed between 01/01/2004 to 31/12/2016 and same will be presented for a final decision to Secretary MoEF & CC and Secretary MoP."

The order is corrected in terms of paragraph 6 of the Minutes of Meeting. The words be read as '300 mg/Nm<sup>3</sup> to 450 mg/Nm<sup>3</sup> for Thermal Power Plants' instead of '300 mg/Nm<sup>3</sup> for Thermal Power Plants'.

The application is, accordingly disposed of.

**IA D. NOS. 58771 AND 58772//2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O TELANGANA STATE POWER GENERATION CORPORATION LTD.)**

Issue notice.

Notice is accepted by the other side.

The recovery part to remain stayed with respect to Telangana State Power Generation Corporation Limited, till the next date of

hearing.

Tag with I.A. Nos.53959/2020.

(NARENDRA PRASAD)  
ASTT. REGISTRAR-cum-PS

(JAGDISH CHANDER)  
ASSISTANT REGISTRAR