

ITEM NO.302

COURT NO.3

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) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)IN RE: STUBBLE BURNING AND SMOG IN DELHI(2) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)(3) IA NOS. 158128 AND 158129/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA) (4) IA NOS. 177602 AND 177610/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF INDIA TRADE PROMOTION ORGANISATION)(5) IA NOS. 179126 AND 179130/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. ARVIND KUMAR)IN RE: PARKING POLICY(1) REPORT NO. 104 SUBMITTED BY EPCA (REGARDING PARKING PLANS FOR KRISHNA NAGAR, KAMLA NAGAR, TECHNOLOGY FOR PARKING MANAGEMENT AND PLANS FOR LAST MILE CONNECTIVITY)IN RE: THREE WHEELERS(2) IA NO. 176097/2018 (APPLN. FOR CLARIFICATION ON B/O BAJAJ AUTO LTD. ALONGWITH REPORT NOS. 95 AND 105 SUBMITTED BY EPCA)(3) IA NO. 39622/2019 (APPLN. FOR INTERVENTION IN IA NO. 176097/2018 ON B/O PIAGGIO VEHICLES PVT. LTD.)(4) IA NOS. 72210 AND 72236/2018 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O NYAY BHOOMI)(5) IA NOS. 119813 AND 119815/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O BHARTIYA TIPACHIYA CHALAK SANGH)(6) IA NO. 110238/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF DELHI METRO RAIL CORPORATION LTD.)

Date : 09-12-2019 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

MR. HARISH N. SALVE, SR. ADVOCATE (A.C.)
(Not Present)

MS. APARAJITA SINGH, SR. ADVOCATE (A.C.)

MR. A.D.N. RAO, ADVOCATE (A.C.) (Not Present)

MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)

PETITIONER-IN-PERSON

Mr. A. N. S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Sr. Adv.
Mr. Rajesh K. Singh, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Mrs. Snidha Mehra, Adv.
Mr. Vijay Prakash, Adv.
Mr. Rajat Nair, Adv.
Mr. D. L. Chidananda, Adv.
Mr. S. S. Rebello, Adv.
Mr. Raj Bahadur, Adv.
Ms. Suhasini Sen, Adv.
Mr. Gautam Sharma, Adv.
Mr. Abhishek Kumar, Adv.
Mr. G.S. MAKKER, ADVOCATE
Mr. Tushar Sharma, Adv.
MR. B.V. BALRAMDAS, ADVOCATE

Mr. A. N. S. Nadkarni, ASG
Mr. Saket Sikri, Adv.
Ms. Ranjeeta Rohatgi, Adv.
Mr. Vikalp Mudgal, Adv.
Mr. Abhishek Thakral, Adv.

Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Dr. Monika Gusain, Adv.
Mr. Rahul Khurana, Adv.
Mr. Sanjay KR. VISEN, ADVOCATE
Mr. Amit Sahni, Adv.
Ms. Kanchan Mala, Adv.

Mr. Raghavendra Singh, Adv. General, U.P.
Ms. Aishwarya Bhati, AAG
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashish Rai, Adv.
MR. KAMLENDRA MISHRA, ADVOCATE

MS. RUCHI KOHLI, ADVOCATE

Mr. Vijay Panjwani, Adv.

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. Rahul Mehra, Adv.
Ms. Jyoti Mehndiratta, Adv.
MR. CHIRAG M. SHROFF, ADVOCATE
Ms. Yashika Verma, Adv.
Ms. Riya Thomas, Adv.

Mr. Sanjiv Sen, Sr. Adv.
MR. PRAVEEN SWARUP, ADVOCATE

Mr. Ajay Bansal, Adv.
Mr. Gaurva Yadv, Adv.
Mr. B. S. Santosh Kumar, Adv.
Mr. Sayan Ray, Adv.
Mr. Soumo Palit, Adv.

M/S S. NARAIN AND CO., ADVOCATES

Mr. K. V. Vishwanathan, SR. Adv.
Ms. PRITHA SRIKUMAR IYER, ADVOCATE
Mr. Arun Srikumar, Adv.
Ms. Mansi Binjrajka, Adv.

MR. ALOK SHUKLA, ADVOCATE

MR. PRANAV SACHDEVA, ADVOCATE

Ms. Monika Arora, Adv.
Mr. Akash Deep Gupta, Adv.
Ms. Nancy Mittal, Adv.
Ms. Pratima Singh, Adv.
Dr. B. K. Pandey, Adv.
MR. SHIV SAGAR TIWARI, ADVOCATE

MR. TARUN JOHRI, ADVOCATE
Mr. Ankur Gupta, Adv.

Mr. P. S. Narasimha, Sr. Adv.
Ms. UTTARA BABBAR, ADVOCATE
Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.
Ms. Sindoor, Adv.
Mr. G. Tanwani, Adv.
Ms. Aditi Tripathi, Adv.
Ms. Kanti, Adv.

MR. SENTHIL JAGADEESAN, ADVOCATE
Ms. Sonakshi Malhan, Adv.
Ms. Suriti Chowdhary, Adv.
Ms. Mrinal Kanwar, Adv.

MS. RANJEETA ROHATGI, ADVOCATE

Mr. Imtiaz Ahmed, Adv.
Mrs. Naghma Imtiaz, Adv.
Mr. Ahmed Zargham, Adv.
for M/s Equity Lex Associates

MS. SRISHTI AGNIHOTRI, ADVOCATE

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

REPORT NO. 106 SUBMITTED BY EPCA

(Special Report On Pollution Hot Spots In NCR With Request For Urgent Directions To Improve Enforcement And Pollution Control)

IN RE: STUBBLE BURNING AND SMOG IN DELHI

IA NO. 127792/2017 (DISPOSED OF)

(APPLN. FOR DIRECTIONS FILED BY A.C.)

IA NOS. 158128 AND 158129/2019

(Appls. for intervention and directions on behalf of Dr. Kaushal Kant Mishra)

It is submitted by Mr. A.N.S. Nadkarni, learned ASG, that the Central Government has referred the matter to the Committee formed by the Central Government regarding Smog Guns and Smoke Towers and other technologies, as mentioned in Serial Nos. 6, 7 & 8 of the order dated 25.11.2019.

Let the Chief Secretaries, Department of Environment, Government of NCT of Delhi and the States of Punjab, Haryana and Uttar Pradesh be also made the Members of the Committee formed by the Central Government.

Let the report of the Committee be filed with respect to the aspects mentioned in Paragraphs 6, 7 & 8 of order dated 25.11.2019, by 11.12.2019.

Let the States of Punjab, Haryana and Uttar Pradesh also respond about the stubble burning matter on or before 11.12.2019.

List the matter for consideration on 16.12.2019.

As mentioned by Mr. Ranjit Kumar, learned senior counsel, Report Nos. 1 and 2 be also placed for consideration on 16.12.2019.

IA NOS. 177602 AND 177610/2019

In the affidavit dated 05.12.2019, the Central Pollution Control Board (CPCB) has stated as under :-

"12. That it is respectfully submitted that it is normally experienced that in month of December depending upon climatic condition the AQI category varies. As a matter of fact, last year (2018) 8 days in the month of December were in severe AQI category. Presently the situation not being severe, CPCB is of considered opinion that partial ban could be in place for construction activities in as much as no construction should be permitted during night time (6.00 pm to 6.00 am). The ban imposed could be partially lifted by permitting activities during day time (6.00 am to 6.00 pm), subject to the criteria stipulated in GRAP, wherein strict enforcement of rules for dust control in construction activities and closure of non-compliant sites is mandated in moderate to poor AQI category and further a bank on construction activities may be imposed by EPCA if Ambient AIR quality levels persist in severe+/emergency category for 48 hours or more."

Hence, the ban is relaxed in terms of the recommendations made by the Central Pollution Control Board (CPCB), as quoted above. However, conditions for raising construction be scrupulously

followed.

The applications are disposed of.

I.A.Nos. 186502, 186509 and 186511 of 2019

Issue notice in the applications.

Let response to the applications be filed by the Delhi Pollution Control Board within 15 days.

List in the second week of January, 2020.

REPORT NO. 104 SUBMITTED BY EPCA

(Regarding Parking Plans For Krishna Nagar, Kamla Nagar, Technology For Parking Management And Plans For Last Mile Connectivity)

Let compliance report be furnished by the DMRC which they have prepared to remove the congestion, within two weeks from today.

List in the third week of January, 2020.

IA NO. 176097/2018, IA NO. 39622/2019, 72210/18 & 72236/18 and 119813 & 119815/2019 and 110238/2019

List in the second week of January, 2020.

I.A.No. 181745 of 2019
(Application for intervention)

Mr. V. N. Shukla, learned senior counsel, has mentioned and prayed for listing of this application.

List on 15.01.2020.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER