

ITEM NO.303 + 308

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) IN RE: ISSUE OF COMPREHENSIVE PLAN FOR AIR POLLUTION CONTROL- REGIONAL RAPID TRANSPORT SYSTEM, REFORMS OF DTC AND CLUSTER BUS OPERATION AND IN REF. ACTION PLAN POINT 2.3.1 - IMPROVEMENT IN BUS NUMBERS AND SERVICES IN DELHI)(2) IN RE: REPORT NOS. 81 AND 84 SUBMITTED BY EPCA(IMPLEMENTATION OF THE DECEMBER, 2015 STANDARDS FOR THERMAL POWER PLANTS WHICH WERE TO BE IMPLEMENTED BY DECEMBER, 2017)(3) REPORT NO. 97 SUBMITTED BY EPCA(4) IA NO. 109733/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF GOVT. OF NCT OF DELHI)(5) IA NO. 152906/2018 (APPLN. FOR DIRECTIONS ON B/O DELHI METRO RAIL CORPORATION LTD.)

with

SLP (C) Nos. 4218-4219 of 2019

SLP (C) Nos. 5810-5811 of 2019

Date : 05-08-2019 These petitions were 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. GUNTUR PRABHAKAR, ADVOCATE

MR. PRADEEP MISRA, ADVOCATE

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

ISSUE OF COMPREHENSIVE PLAN FOR AIR POLLUTION CONTROL

Regional Rapid Transport System

Delhi-Alwar Regional Rapid Transport System

As the proposal has been approved by Delhi-Alwar Regional Rapid Transport System by the Govt. of NCT of Delhi, we direct it to make the contribution from its own funds, as the Environment Compensation Charge (ECC) cannot be utilized for that purpose.

Let appropriate provision be made.

Reforms of DTC and Cluster Bus Operation and In Ref. Action Plan

2.3.1 - Improvement in Bus Numbers and services in Delhi.

An affidavit has been filed by Mr. Subodh Kumar, Deputy Commissioner at Transport Department on behalf of Respondent Nos. 1 and 2, which is taken on record.

It has been pointed out in the affidavit that the tenders have been floated for 1000 Low Floor Buses and Letter of Intent in

respect of 650 Low Floor Buses have also been issued on 22.07.2019.

With respect to 350 Low Floor Buses, they are taking further steps.

With respect to procurement of 1000 standard buses, an interim order had been passed last year with respect to 500 such buses and a final order has been passed by the High Court on 22.10.2018. This Court earlier allowed 500 buses to be purchased and thereafter, the High Court has finally decided the matter and has permitted to purchase 1000 Standard Buses. Out of that, 25 buses have already been received. The remaining supply is to be received from August, 2019 to January, 2020.

It is also submitted on behalf of the Government of NCT of Delhi that there is a proposal to purchase 1000 Low Floor AC Electric Buses and in respect of 385 such buses, tenders have been floated and bids have already been invited and they are going to finalise the matter very soon.

The status report on procurement of buses by the Government of NCT of Delhi with respect to Report No. 97 of EPCA is furnished in a tabular form in the affidavit, which is extracted as under :-

<i>"S</i>	<i>Bus Type</i>	<i>No. of</i>	<i>Status of procurement</i>	<i>Present Status</i>
<i>.</i>	<i>and who</i>	<i>buses</i>	<i>as furnished to EPCA</i>	
<i>No</i>	<i>will</i>	<i>to be</i>		
<i>.</i>	<i>manage</i>	<i>procure</i>		
<i>1.</i>	<i>Cluster</i>	<i>1000^d</i>	<i>Buses will start</i>	<i>First lot of</i>
	<i>bus :</i>		<i>arriving in the city buses has been</i>	
	<i>standard</i>		<i>in July 2019 and are registered.</i>	

- 2020.
3. Cluster 350 Tender was Tender for one bus : low unsuccessful as there cluster no. 16 floor AC was only one bid. CLF having 350 CNG buses Will be re-bid and buses, was the process will be annulled, due to initiated soon receipt of single bid. The tender for this Cluster was again floated. However, a single bid has been received on 19.07.2019. Now proposal submitted to bifurcate this cluster into two parts and to call fresh tenders.
4. Cluster 385 Process of opening Bids were to be bus : Low bids is ongoing. It received and Floor AC is difficult to opened on Electric estimate date of 02.08.2019. buses approval yet. However, in view of the decision

of Government of India to reduce GST on Electric Vehicles, this date has been extended for seven days i.e. upto 09.08.2019. Roll out of 385 buses in February 2020 with at least 10% for these two clusters. Full induction to be completed by April, 2020.

5. DTC : low 1000 floor AC bus

File with minister The Delhi Cabinet for taking approval vide its decision to circulate Cabinet dated 11.07.2019 note for procurement has approved for of buses. Will take procurement of minimum of 13 weeks these buses by to place order and 44 DTC. weeks for delivery Roll out to begin after the approval is from January, given by Delhi 2020 and to be

Cabinet to start completed by process of April, 2020. procurement.

6. DTC : Low 1000 Floor AC Electric Buses

DTC planning to apply DTC vide letter under dated 02.07.2019 Union Government's has applied to FAME-II project. Department of Heavy Industry, Government of India, for grant of subsidy to procure 1000 buses under FAME-II scheme. The proposal for engagement of these buses shall be placed for concurrence of the Delhi cabinet after approval of the Department of Heavy Industry, Government of India."

It is apparent from the aforesaid that now Low Floor Buses are

being purchased as per the tenders that have been floated. That is sufficient to take care of the need of the Differently Abled Persons.

It is also assured that hydraulic lifts are going to be provided in the Low Floor Buses which are going to be procured as per the tender and allowed as per order passed by the High Court. The Special Leave Petitions have been filed, being SLP (C) Nos. 4218-4219 of 2019 and 5810-5811 of 2019. It is submitted that the affidavit filed takes care of the requirement of the Low Floor Buses for the differently abled persons.

Dr. Monika Gusain, learned counsel appearing for the DTC, has stated that they have invited the tenders for 1000 Low Floor CNG Buses. The bids are going to be opened on 06.09.2019 and after issuing the Letter of Intent, the delivery has to be made within 28 weeks. The statement is placed on record. Let the Govt. of NCT of Delhi and the DTC act upon in the manner stated above.

The Government of India is also requested to take the decision with respect to subsidy which has been asked by the DTC for the purchase of 1000 Low Floor Electric Buses under the FAME-II Scheme. Let the Government take a decision within four weeks from today.

Accordingly, SLP (C) Nos. 4218-4219 of 2019 and SLP (C) Nos. 5810-5811 of 2019 are disposed of.

Let action taken report be submitted before this Court after three months. As requested by Mr. Dhruv Mehta, learned senior counsel, let the original affidavit of Mr. Subodh Kumar, which is considered above, be filed in the Registry.

REPORT NOS. 81 AND 84

It is stated that a consensus has been reached between EPCA, Ministry of Power, Central Pollution Control Board (CPCB), Central Electricity Authority (CEA), NTPC and MoEF& CC. The following are the Minutes of Meeting regarding Environmental Norms of NO_x for Coal based Thermal Power Plants and the terms of settlement :-

"1. A Meeting was held under the Chairmanship of Shri Ritesth Kumar Singh, Joint Secretary, MoEF&CC regarding Environmental Norms of NO_x for Coal based Thermal Power Plants on 17th May, 2019 at Indira Paryavaran Bhawan, MoEF&CC, New Delhi....

2. At the outset, the Chairman welcomed the Officers of Ministry of Power (MoP), CEA, CPCB and NTPC. The Chairman intimated that the CPCB joint monitoring report has been received and requested to CPCB, MoP/NTPC to brief about report and implementation of Environmental Norms for NO_x by Coal based Thermal Power Plants as per notification dated 07/12/2015.

3. The Officers from MoP/NTPC made a detailed brief and intimated that an Affidavit was filed by CEA on 20/8/2018 with respect to NO_x, enclosing MoP Letter dated 16/08/19 requesting for changing norm of 300 mg/Nm³ and 100 mg/Nm³ for TPP (Units) installed after 31/12/2003 to 450mg/Nm³ which is practically achievable with the Combustion Modification. In this regards, a Meeting was held under the Chairmanship of Secretary, MoEF&CC on 30/10/18 and decided that MoP will make assessment report and formulate a strategy on NO_x. Further, during the briefing to ASG in the matter M.C. Mehta Vs. UOI & Ors. which is pending before Hon'ble Supreme Court of India for implementation of TPP Environmental Standard it was decided that to assess NO_x emissions joint

sampling with CEA & CPCB may be carried out at TPPs having Combustion Modification by design and CPCB shall submit Report to MoEF & CC.

4. The Officer of CPCB intimated that the joint monitoring was carried out in 7 units of 4 Thermal Power Plants by joint team of CPCB and CEA during the period of 13/02/2019 to 02/04/2019. Out of 07 monitored units only 05 units were found complying with the NO_x emission standards of 300 mg/Nm³ at full load only, however some units are not complying during the partial load operation to the Plants established between 01/01/2004 and 31/12/2016 even after combustion modification...

5. The Committee discussed : i) the report submitted by CPCB and CEA the joint monitoring was carried out in 7 units of 4 Thermal Power Plants ii) difficult to achieve by combustion modification along to achieve norms of 300 mg/Nm³ iii) assurance given to Power generating companies by BHEL would be able to achieve NO_x emission level of 450 mg/Nm³ by combustion modification iv) operational issues with the Selected Non-Catalytic Reduction (SNCR) as it requires Urea/Ammonia for control of NO_x and its suitability all type of boiler, temperature band v) globally available SCR system for NO_x control are not proven for Indian Coal having high ash contained and retrofitting is not possible in operating /under construction plants vi) No_x emission level varies based on the operational conditions of the unit for example unit load composition of the coal, mill combination (i.e. top mill, bottom mill, middle mill operation), excess air etc.

6. After detailed discussion, it was agreed in principle to revise the NOx norms from 300 mg/Nm³ 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."

Let the action be taken on the basis of the consensus that has been reached.

Let a report with respect to the pilot project be submitted to this Court within three months.

It is submitted at the Bar that the objections raised by Sh. R. S. Suri, learned senior counsel, are under consideration. As and when the decision is taken, this Court be informed in this regard.

List after six weeks.

REPORT NO. 97 SUBMITTED BY EPCA AND I.A.NO. 109733/2019

List on 30.08.2019.

I.A. No. 152096 of 2019

Let the Metro approach the EPCA with respect to the subject matter of this application. Let EPCA take a decision and submit a report to this Court after two months.

List after two months.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER