

ITEM NO.54

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) 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 : 16-07-2018 This petition was called on for hearing today.

CORAM :

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

Mr. Harish N. Salve, Sr. Adv. [A.C.](NP)

Ms. Aparajita Singh, Advocate [A.C.]

Mr. A.D.N. Rao, Advocate [A.C.]

Mr. Siddhartha Chowdhury, Advocate [A.C.]

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG
Ms. Pinky Anand, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Amit Sharma, Adv.
Mr. Zaid Ali, Adv.
Mr. G.S. Makker, Advocate
Ms. Snidha Mehra, Adv.
Mr. Rajesh Kr. Singh, Adv.
Mr. Raj Bahadur, Adv.
Mr. B.K. Prasad, Advocate
Mr. B.V. Balram Das, Advocate

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Nidhi Jaiswal, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, Advocate

Ms. Charu Singhal, Adv.
Ms. Rachna Gupta, Adv.
Mr. Abhishek, Advocate

Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kr. Visen, Advocate
Dr. Monika Gusain, Adv.

M/s S. Narain And Co.

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

Report No.87

Issue No.1: Ban on import of pet coke

Learned Additional Solicitor General stated before us that the Report of the Technical Expert Committee to evaluate the pollution load of pet coke versus possible alternatives is ready. A copy of it has been handed over to learned *amicus curiae*.

Learned Additional Solicitor General says that the matter will be discussed by the officers of the Ministry of Environment, Forest and Climate Change with EPCA during the course of this week and final decision taken and communicated to this Court next week.

List the matter for this purpose on 26th July, 2018.

Issue No.2: Natural gas to be made available to power plants in NCR

This issue concerns the availability of gas supply to Unit I of Bawana Power Plant. The decisions taken are that the Ministry of Petroleum and Natural Gas has given assurance that the Bawana Power Plant will get 1.564 mmscd of APM gas without cut and the GAIL has taken a cut of 50% on its marketing margin.

Insofar as the condition that GAIL would take a 50% reduction in pipeline transmission costs has not been accepted. This is because the regulator has raised concerns about this condition. The Ministry of Petroleum and Natural Gas has filed an affidavit in this regard.

The EPCA has reviewed the situation and insofar as issue nos. 1 and 2 are concerned, viz., the availability of APM gas and 50% cut by GAIL, there is no objection to it by EPCA.

Insofar as the regulatory issues are concerned, EPCA does not press it any further.

This Issue, therefore, now stands resolved and closed.

Issue No.3: EPCA's views on the request by MOEF&CC to allow the use of pet coke for gasification and in steel industry

In terms of our order dated 10th May, 2018, the decisions taken by the Ministry of Environment, Forest and Climate Change and recommendations made by EPCA indicate that the Petroleum and Natural Gas Regulatory

Board has issued tenders for supply of natural gas in the remaining eight districts of NCR.

Therefore, no further action is required to be taken in this regard and the issue is closed.

Issue No.4: Comprehensive Plan for Air Pollution Control

Since the Comprehensive Plan for Air Pollution Control has been published, notified and is being implemented, no further orders are required to be passed.

However, EPCA has recommended that the Ministry of Environment, Forest and Climate Change should file quarterly reports on the implementation of the Plan as well as deadlines fixed therein.

We agree with this recommendation of EPCA. Status report as on 30th September, 2018 should be filed in this regard in the first week of October, 2018.

List the matter for this purpose on 10th October, 2018.

Issue No.5: Permitting use of pet coke for gasification

Nothing further survives in this issue in terms of our order dated 13th December, 2017. The issue is closed.

Issue No.6: Permitting use of pet coke for steel industry

List this issue for hearing on 26th July, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER