

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 & ORS.

Respondent(s)

IN RE: REPORT NO. 71 AND 78 SUBMITTED BY EPCA

(REGARDING COMPREHENSIVE ACTION PLAN FOR AIR POLLUTION CONTROL AND
SUPPLEMENTARY REPORT ON THE COMPREHENSIVE ACTION PLAN WITH
TIMELINES)

WITH

W.P. (C) No. 1109/2017 (PIL-W)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 119376/2017)

Date : 23-07-2018 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. A.N.S. Nadkarni, 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. Saeed Qadri, Adv.

Mr. Rajesh K. Singh, Adv.

Mr. Raj Bahadur, Adv.

Mr. G.S. Makker, Advocate

Mrs. Pinky Anand, ASG

Mr. S. Wasim A. Qadri, Adv.

Mrs. Snidha Mehra, Adv.

Mr. Zaid Ali, Adv.

Mr. Chirag M. Shroff, Adv.

Ms. Neha Sangwan, Adv.

Ms. Sanjana Nayia, Adv.

Mr. B.K. Prasad, Advocate

Mr. Anil Grover, AAG

Mr. Shivam Kumar, Adv.

Mr. Satish Kumar, Adv.

Mr. Ajay Bansal, Adv.

Mr. Gaurav Yadava, Adv.

Ms. Veena Bansal, Adv.

Mr. Sanjay Kr. Visen, Advocate

Dr. Monika Gusain, Adv.

Mr. Jitendra Kumar Tripathi, Advocate

Ms. Rachana Gupta, Adv.

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

Mr. D.N. Goburdhun, Adv.

Ms. Pallavi Chopra, Adv.

Mr. B.V. Balramdas, Advocate.

Mr. Rohit K. Singh, Adv.

Mr. S.K. Bhattacharya, Adv.

Mr. Bimal Roy Jad, Adv.

Mr. Sidharth Luthra, Sr. Adv.

Mr. Sanjeet Singh, Adv.

Mr. K.V. Mohan, Adv.

Mr. Gopal Subramanium, Sr. Adv.

Mr. Akshat Hansaria, Adv.

Mr. Pawan Bhushan, Adv.

Mr. Akash Chatterjee, Adv.

Mr. R.D. Upadhyay, Adv.

Mr. Ajit Pudussery, Adv.

Mr. Munawar Naseem, Adv.

Mr. Prashant Bezboruah, Adv.
Mr. Rakesh Dewan, Adv.

Ms. Bina Gupta, Adv.

Ms. Anil Katiyar, Adv.

Mr. Sandeep Narain, Adv.
Mr. Avishkar Singhvi, Adv.
Ms. Anjali Agarwal, Adv.
For M/S S. Narain And Co.

UPON hearing the counsel the Court made the following

O R D E R

The Ministry of Petroleum and Natural Gas has filed an affidavit in the Court today in which it is stated, *inter alia*, that it would be appropriate if the manufacture of BS IV vehicles is allowed till 31.03.2020 but no sale should be permitted after 01.04.2020. If the sale is permitted from 01.04.2020 onwards, it will adversely affect the benefits of introduction of BS VI fuel. It is also stated that a huge investment has been made of approximately Rs.28,000 crores. If sale is permitted after 01.04.2020, the environmental benefits in terms of reduction in particulate matter emission, NOx emission etc. would be only marginal in spite of huge public investment. It is categorically stated that the sale of BS VI fuel non compliant vehicles should not be allowed after 31.03.2020.

It has been pointed out by Mr. Sandeep Narain, learned counsel appearing for SIAM that by a notification dated 20.02.2018, it has been notified that the vehicles manufactured upto 01.04.2020 can be registered till 30.06.2020 and in case of commercial vehicles upto 30.09.2020.

As regards differential pricing of diesel for commercial and

private vehicles, the affidavit states that it is not feasible.

Learned counsel for the SIAM says that the affidavit filed by the MoPNG has been handed over to him just now. He says that he would like to look into it and take instructions.

STICKERS

A note has been handed over by the learned *Amicus* to the effect that stickers can be pasted on vehicles to give an indication of the nature of vehicle such as whether the vehicle is an electric vehicle or hydrogen vehicle or hybrid vehicle or Euro VI or Euro V compliant or diesel vehicle etc.

The learned ASG and learned counsel for SIAM submit that they would like to have a look into this.

Prima facie, it appears to learned counsel for SIAM that the suggestion is workable.

The learned *Amicus* also says that the details of implementing the suggestion will be worked out including the costs involved and the authority responsible for compliance.

List the matter on 30.07.2018.

(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)

IN RE: STATUS OF FUNDS WITH REGARD TO NCT OF DELHI ALONGWITH REPORT NOS. 86 AND 88 SUBMITTED BY EPCA

Date : 23-07-2018 This matter 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. Rajesh K. Singh, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, AdvocateMrs. Pinky Anand, ASG
Mr. S. Wasim A. Qadri, Adv.
Mrs. Snidha Mehra, Adv.
Mr. Zaid Ali, Adv.Mr. Chirag M. Shroff, Adv.
Ms. Neha Sangwan, Adv.
Ms. Sanjana Nayia, Adv.
Mr. B.K. Prasad, Advocate

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Mr. Gaurav Yadava, Adv.
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Mr. Rakesh Dewan, Adv.

Ms. Bina Gupta, Adv.

Ms. Anil Katiyar, Adv.

Mr. Sandeep Narain, Adv.
Mr. Avishkar Singhvi, Adv.
Ms. Anjali Agarwal, Adv.
For M/S S. Narain And Co.

UPON hearing the counsel the Court made the following

O R D E R

Report No. 86 and 88

It has been submitted by the learned *Amicus* that it is possible to have buses with a mix of Hydrogen and CNG. She says that the IOCL has tried this technology and as far as she is aware, it has proved to be successful.

Learned counsel appearing on behalf of SIAM says that it may not be very difficult to have Hydrogen - CNG mix fuel buses on the road but he will also like to take detailed instructions in this regard.

Issue notice to the Indian Oil Corporation Ltd. / Ministry of Petroleum and Natural Gas without process fee returnable on 13th August, 2018.

Dasti in addition.

Status of Funds

We have gone through the affidavit filed by the Government of NCT of Delhi as a response to the order dated 2nd July, 2018 and the submissions made by learned *amicus curiae*.

In our opinion, the affidavit is deficient inasmuch as it deals with the issues in an *ad hoc* manner. What is required is a detailed and well-thought of Plan which will take care of several issues including availability of funds, availability of

land, location of charging stations, nature of electric buses to be purchased, infrastructure for Intelligent Transport System, etc.

Learned Additional Solicitor General appearing on behalf of Government of NCT of Delhi says that she will instruct the Delhi Government to come up with comprehensive action plan taking the above factors and other relevant factors into consideration.

List the matter on 11th September, 2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER