

**Minutes of the Meeting of Environment Pollution (Prevention & Control) Authority
for the NCR (EPCA) held on December 19, 2014 (Saturday) 11:00 am onwards
(at 'Centre for Science and Environment', India Habitat Centre, Lodhi Road, New Delhi)**

Agenda: Implementation of Hon' ble Supreme Court order dated 16.12.2015 in IA No.365 of 2015, in IA No.345 in WP (C) No.13029 of 1985 in the matter of M.C. Mehta Vs. Union of India &Ors.

In attendance:

1. Dr. Bhure Lal, Chairman, EPCA
2. Ms. Sunita Narain, Member, EPCA

3. Mr. Parimal Raj, Principal Secretary cum-Commissioner, Transport Department, GNCTD
4. Mr. Anand Tiwari, Joint Commissioner, Transport Department, GNCTD

5. Mr. Muktesh Chander, Spl. Commissioner of Police, Delhi Traffic Police
6. Mr. Harendra K. Singh, DCP South, Delhi Traffic Police

7. Mr. Kulanand Joshi, Spl. Secretary (Environment) & MS, DPCC

8. Mr. Ram Mohan, Addl. Commissioner, SDMC
9. Mr. Sunil Taheem, Asst. Commissioner, SDMC
10. Mr. Dalip Singh, Addl. Deputy Commissioner, MCD Toll Tax

11. Dr. Ramesh, CMO, NDMC
12. Dr. P.K. Sharma, NDMC

13. Mr. Dhiraj Sethi, Team Leader, V.R. Techniche

14. Mrs. Perin Devi, Director (R), MoPNG
15. Mr. Ashutosh Jindal, Joint Secretary, MoPNG
16. Mr. Rajeev Lochan, Director (RS), MoRTH
17. Mr. P.K. Pal, CEO, Gail Gas
18. Mr. A. Sinha, Chief Manager, Gail Gas
19. Mr. A. Batra, Vice President, Indraprastha Gas Ltd.
20. Mr. Narendra Kumar, Managing Director, Indraprastha Gas Ltd.
21. Mr. V. Nagarajan, Director (Commercial), Indraprastha Gas Ltd.
22. Mr. Vishal Bhatia, CM, Indraprastha Gas Ltd.
23. Mr. J.P. Kwatra, GM, Haryana City Gas, Gurgaon
24. Mr. M.S. Khattar, Haryana City Gas, Gurgaon
25. Mr. Abhishek Dwivedi, Dy. Manager, Adani Gas
26. Mr. Shiv Kumar, Asst. Manager, Adani Gas

27. Mr. Mukul Raj, Addl. Transport Commissioner, Rajasthan

28. Ms. Rachana Yaduvanshi, ARTO (A), Noida
29. Mr. Mayank Jyoti, RTO, Ghaziabad
30. Mr. Brajesh Kumar

31. Mr. Rahul, UPSRTC Noida
32. Mr. R.N. Yadav, S.P. Traffic, Gautam Budh Nagar
33. Mr. Amar Singh, S.P. Traffic, Ghaziabad

34. Mr. S.C. Yadav, IFS, Member Secretary, UPPCB
35. Mr. Parasnath, R.O., UPPCB Ghaziabad
36. Mr. Rohit, AEE, UPPCB Ghaziabad
37. Mr. Praveen Kumar, RO UPPCB, Greater Noida
38. Mr. Utsav Sharma, AEE, UPPCB Noida
39. Mr. Bhuvan Yadav, AEE, UPPCB Noida
40. Dr. R.K. Yadav, NSA, Ghaziabad Nagar Nigam

41. Mr. Sameer Srow, Deputy Commissioner, Panipat
42. Dr. D. Puresh, Commissioner, Gurgaon
43. Mr. Sushil Sarwan, Secretary RTA, Gurgaon
44. Mr. Balbir Singh, DCP Traffic Police, Gurgaon
45. Mr. Rajeev Aggarwal, S.E. PWD (B&R), Gurgaon

46. Mr. Bhupender Singh, R.O. HSPCB Gurgaon
47. Mr. Ranbir Singh, Scientist B, HSPCB, Gurgaon

48. Ankush Tewani, Environmental Engineer, CPCB

EPCA convened this meeting to discuss the implementation of Hon' ble Supreme Court order dated 16.12.2015 for pollution control in Delhi-NCR:

The implementation of the directions issued by the Hon'ble Supreme Court was discussed and the decisions were taken as follows:

Item 1: "no vehicle which is not bound for Delhi will be allowed to enter from N.H.-8, which connects Jaipur to Delhi and N.H.-1 that connects the States to Punjab, Haryana and other northern States to Delhi via Kundli border... We accordingly direct that traffic from these two entry points shall be diverted to bypass Delhi through such alternative routes as the transport/traffic departments of the governments concerned may stipulate."

Secretary, Road Transport Authority Gurgaon, Haryana informed EPCA that there are alternative routes available for diversion of traffic near both entry points. These alternatives will be discussed with the concerned authorities and will be visited on ground and a detailed status report will be submitted to EPCA by next week.

Special Commissioner (Transport) Delhi police informed EPCA that they are calling a meeting of all concerned police officials of neighboring states to discuss the implementation of the court directions and to work out the modalities of checking and turning around the vehicles, which are not bound for Delhi before they enter NCT.

Item 2:“empty/unladen vehicles bound for Delhi can enter Delhi on payment of the ECC earlier stipulated by us @Rs 700 and Rs 1300 per vehicle depending upon the category to which the vehicle belongs. We, however, direct that for Delhi bound vehicles loaded with goods, the ECC will be twice the charge stipulated by us by our order dated October 9, 2015.”

The following were, issues raised by officials of the transport department and SDMC:

1. What would be the definition of a laden and non-laden vehicle?
2. Should CNG fuelled vehicles be allowed to enter without payment of ECC?
3. Should vehicles, which have exemption as carrying essential commodities be allowed to enter without paying ECC even if they are carrying sub-optimal load?

The following clarifications were given:

1. Any vehicle, which is partially laden or carrying any goods (which are not under the exempted category and is bound for Delhi) will be treated as laden vehicle and will pay twice the ECC as stipulated by Hon’ ble Supreme Court in its order dated 9.10.2015 i.e. @ Rs1400/- for category 2 (light duty vehicles etc.) and category 3 (2 axle trucks) per vehicle, and Rs. 2600/- for category 4 (3 axle trucks) and category 5 (4 axle trucks and above) per vehicle.
2. A non-laden vehicle, will be one which is completely empty and has no goods whatsoever and will be charged the ECC as stipulated by Hon’ ble Supreme Court in its order dated 9.10.2015.
3. CNG fuelled vehicles will be given exemption
4. The vehicles will be treated as exempt if it is carrying exempted goods (defined as per Delhi Govt. notification of October 30, 2015) if it is carrying at least three-fourth of its carrying capacity.

It was also brought to EPCA’s attention that there are growing cases of misuse of the ‘exempted category’ as transporters are bringing in vehicles with small quantities of these articles and based on this, taking exemptions from paying ECC.

Item 3:“while vehicles “bound for Delhi” may enter on payment of ECC at the rates stipulated hereinabove, those registered in the year 2005 or earlier shall not qualify for such entry....The governments will evolve a suitable system for implementation of this direction.”

The representative of MoRTH informed EPCA that they have developed an app through which once the vehicle reaches the toll plaza a message can be sent and based on verification reply would be sent on

the status of the registration date of the vehicle. This system seemed to be cumbersome and it was not clear if it would be workable, given the number of vehicles that enter through the toll gates.

The option that was discussed was that the number plate of the vehicle could be read (through camera and OCR technology) and that this information could be checked against the VAHAN database maintained by the Union government to check for date of manufacture/registration. Delhi government informed EPCA that their system to record details of vehicles using cameras is capable of doing this.

EPCA wanted to know if the VAHAN database would have information of registration prior to 2005. It also wanted to be clear if the data of registration reflected the date of manufacture of the vehicle as it is clear that the Hon'ble Supreme Court's objective is to stop the entry of vehicles that are over 10 years old. Therefore, MoRTH needs to clarify if the VAHAN database reflects the date of manufacture. MoRTH representative said that he will not be able to comment upon it at this moment and that the details will be submitted to EPCA next week.

EPCA decided to convene another meeting with MoRTH and Transport Department on 22.12.2015 to find out the solution to this matter and expressed that Mr. Abhay Damle, JS, MoRTH who was present in the Hon'ble Supreme Court when this ideas was mooted by the Union government should attend this meeting.

Item 4: "Registration of SUVs and private cars of the capacity of 2000 cc and above using diesel as fuel shall stand banned in the NCR up to March 31, 2016."

Delhi government informed EPCA that it has already imposed this ban on registration of diesel cars with engine capacity 2000 cc or above. Haryana, U.P. and Rajasthan Transport Department officials said that this will be implemented from 21.12.2015 and that reports would be sent to EPCA about the actions taken.

Item 5: "all taxis including those operating under aggregators like OLA and UBER in the NCT of Delhi, plying under city permits shall move to CNG not later than March 1, 2016."

(This direction was given in the context of all taxis plying in NCR to move to CNG within a reasonable time but not later than March 1, 2016.)

EPCA made it clear that it would go by the objective of the Hon'ble Supreme Court order, which required all diesel taxis in NCR to move to CNG. It also reminded the representatives of NCR states that under the common reciprocal agreement signed for movement of public transport within NCR it has been agreed that all vehicles, autos, taxi and bus would move to CNG.

EPCA said that further to implement this order there is a need to ensure adequate supply of CNG in Delhi-NCR region and asked the status of CNG availability and expansion plans. JS, MoPNG informed that they are already committed towards expanding CNG supply network in Delhi-NCR region and at least

150 more CNG outlets will be provided in Delhi-NCR region for which a roadmap will be submitted to EPCA by December 31, 2015. JS, MoPNG said that the two major issues for expansion of CNG supply network is availability of land and quick approvals from regulatory authorities. MoPNG informed EPCA that in order to address the issue of availability of land the focus is on existing petrol pumps having space available for providing CNG supply outlets, and, for ensuring quick approvals, a meeting is being convened with registration authorities to compress time schedule for granting approval/ permission. JS, MoPNG also informed that in order to promote car users to switch over to CNG vehicles, MoPNG along with IGL is working on following measures:

A. Differential pricing mechanism for sale of CNG during different hours of the day.

B. Incentive on capital cost of CNG kit installation.

It was discussed that gas supply companies would look into the conversion from diesel to CNG. EPCA expressed that when diesel to CNG conversion for buses can be done and approved the same can be done for cars also. EPCA requested MoPNG to convene a meeting with ARAI and other concerned authorities in this matter and provide a report to EPCA.

Regarding status of supply of CNG in NCR region, both Haryana and U.P. Govt. officials informed that gas availability is not an issue in NCR districts adjoining Delhi: Gurgaon, Faridabad, Jhajjar(Bahadurgarh) and Sonapat in Haryana and Ghaziabad, Gautambudh Nagar and Meerut in U.P. EPCA asked MoPNG to submit plan for supply of CNG in remaining districts of NCR including Rajasthan.

EPCA also requested MoPNG to sort out the VAT issue with state governments in NCR region to ensure uniform pricing so that CNG programme is incentivized and can help to combat pollution.

EPCA also asked for a gas availability plan for all the 7 districts adjoining Delhi so that the objective to move towards CNG for all public transport could be achieved. In the meantime, the following directions were issued based on these discussions:

- No diesel taxi under city permit to be registered in the seven districts with immediate effect to implement the Hon'ble Supreme Court order.
- No fitness certificate to be issued to diesel taxis under city permit from January 01, 2016.
- The issue of registration of diesel auto and buses would be taken-up separately after understanding the implications of the number of such vehicles and the availability of gas.

Item 6: Government of NCT of Delhi to take immediate steps for repair of pavements and make pavements wherever the same are missing and also to take immediate steps for procurement of the

requisite vacuum cleaning vehicles for use on Delhi roads expeditiously but not later than 1st April, 2016.

EPCA directed Delhi Govt. and MCD to submit time-bound action plan for implementation of the said order by December 31, 2015.

Item 7: Union of India and State governments concerned must be directed to enforce CPCB rules and norms against those engaged in such construction activities to prevent further rise of pollution levels.

Member Secretary, DPCC informed EPCA that MoEF guidelines and directions passed by the Hon'ble National Green Tribunal for pollution control from construction activities is being enforced. A penalty of Rs 50,000/- per default in relation to construction activity at the site and Rs 5000/- for each violation during carriage and transportation of construction material, debris through trucks or other vehicles is being imposed as directed by the Hon'ble National Green Tribunal. MS, DPCC further informed that 50 notices were issued so far out of which penalties imposed in 27 cases and rest are under process. EPCA directed DPCC to submit detailed action taken report and further strengthen enforcement. EPCA said similar actions be also initiated in NCR districts adjoining Delhi by the respective SPCBs and Action Taken Reports be submitted regularly to this Authority.

Item 8: State Government and the local bodies concerned including MCD, NDMC and all other institutions that are generating solid waste shall take steps to ensure that no part of such waste is burnt and that proper arrangements are made for disposal of such waste in a scientific way without causing any hazard to environment.

MS, DPCC informed that powers have been given to SDMs and Tehsildars (Executive Magistrate) to levy penalty for burning of solid waste. EPCA asked Govt. of Delhi and the three other NCR State Govts. for submission of detailed reports on how they will monitor and enforce this direction. It was decided that the next meeting would discuss the reports received from state governments of Haryana, UP, Rajasthan, MCD and NDMC and Delhi government on how they would improve accountability system in this matter for better enforcement.
