

ITEM NO.56

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 &amp; ORS.

Respondent(s)

(1)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)

Date : 07-09-2018 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, Adv. (A.C.)

Mr. Ritwik Dutta, Advocate (A.C.)

Mr. A.D.N. Rao, Adv. (A.C.)

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s)      Petitioner in person

For Respondent(s)      Mr. A.N.S. Nadkarni, ASG  
Mr. S.W.A. Qadri, Adv.  
Mr. D.L. Chidanand, Adv.  
Mr. Ritesh Kumar, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. Rajesh K. Singh, Adv.  
Mr. Amit Sharma, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. Devasis Bharuka, Adv.  
Mr. G.S. Makker, Advocate.

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

Mr. Abhishek, 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

Mr. B.V. Balramdas, Advocate.

Mr. Arvind Kumar Sharma, Advocate

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

Mr. A.N.S. Nadkarni, learned Additional Solicitor General has placed before us brief submissions on behalf of Union of India.

It is stated, *inter alia*, that NTPC owns 48 units that have installed capacity of 500 MW in dense/critically polluted areas. It is further stated that the Damodar Valley Corporation owns 9 such units in dense/critically polluted areas.

It is stated that these  $48+9=57$  units are under the control of the Central Government. These units are expected to comply with emission standards for SOX and PM latest by 31<sup>st</sup> December, 2021. The tenders are expected to be awarded in all these cases some time in December, 2018.

Directions have been given by the Government of India to these entities in this regard to ensure compliance by 2021.

As far as NOX emission levels are concerned, it is stated that there is a pilot project that is being carried out by the NTPC and depending upon the result of the pilot project the NOX emission levels will come within the permissible limits by 31<sup>st</sup> December, 2022.

It is further stated that there are some private units and State Governments units (48 of them) that have installed capacity of more than 500 MW. It is submitted by learned Additional Solicitor General that the Ministry of Power cannot exercise coercive authority over these units, nor can give any commitment on their behalf.

Keeping in view the requirements of the environment and the health of the people of this country, we are of the view that it would be appropriate if these power generating units are also brought on board to consider the impact of what they are doing to the environment and to the health of the people of the country.

We have been informed that there is an association of such private generating units. Notice may be issued to the units through the association to assist us in the matter keeping in mind the environment and health of the people. The list of such units has been handed over to the Court Master for onward transmission to the Registry.

Issue notice also to the power generating companies of the State Governments.

EPCA has given certain suggestions to the Ministry of Power with regard to the merit order dispatch and other

suggestions. These may be considered objectively by the Ministry of Power and response thereto be given.

List the matter on 11<sup>th</sup> October, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
ASSISTANT REGISTRAR