

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 21/2014 (Only Notices)**

**And**

**Original Application No. 21/2014**

**(M.A. NO. 156/2016 M.A. NO. 172/2016, M.A. NO. 949/2016, M.A. NO. 567/2016 M.A. NO. 1220/2016, M.A. NO. 22/2017, M.A. NO. 47/2017, M.A. NO. 52/2017, M.A. NO. 71/2017, M.A. NO. 27/2017, M.A. NO. 63/2017, M.A. NO. 82/2017, M.A. NO. 104/2017, M.A. NO. 136/2017, M.A. NO. 147/2017, M.A. NO. 177/2017, M.A. NO. 180/2017, M.A. NO. 185/2017, MA. NO. 218/2017, MA. NO. 219/2017, MA. NO. 237/2017, MA. NO. 238/2017, MA. NO. 264/2017, MA. NO. 265/2017, MA. NO. 287/2017, MA. NO. 288/2017, MA. NO. 294/2017, MA. NO. 350/2017, MA. NO. 352/2017, M.A. NO. 365/2017, MA.NO. 367/2017 & M.A. NO. 375/2017)**

**And**

**Original Application No. 95/2014**

**(M.A. NO. 1156/2016)**

**And**

**Original Application No. 303/2015**

**And**

**Original Application No. 609 /2016**

**And**

**Original Application No. 179 of 2016**

**IN THE MATTER OF :**

**Vardhaman Kaushik Vs. Union of India & Ors.**

**And**

**Vardhaman Kaushik Vs. Union of India & Ors.**

**And**

**Sanjay Kulshrestha Vs. Union of India & Ors.**

**And**

**Supreme Court Women Lawyers Association Vs. Union of India & Ors.**

**And**

**Diya Kapur & Ors. Vs. Union of India & Ors.**

**And**

**Mahendra Pandey Vs. Govt. of NCT of Delhi & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present: Applicant:**

**Mr. Sanjay Upadhyay and Mr. Salik Shafiq, Adv. for Mr. Sanjay Kulshrestha, Adv. for Applicant  
Mr. Rishabh Sharma, Adv. for the Applicant in O.A. No. 609/2016  
Mr. Rahul Khurana with Mr. Sandeep Yadav, Advs. for State of Haryana  
Ms. Bhumika Kapoor, Adv. in M.A. 63/2017  
Mr. Harvinder Sekhon appearing in person  
Mr. Arjun Syal, Adv., for M.A. No. 287 & 288/2017  
Mr. Amit Dubey, Adv. for Applicant in M.A. No. 224/2017 & 365/2017  
Mr. Sameer Kulshresthal, Adv. for Applicant in MA. No. 264/2017  
Mr. Rafen Sharma, Adv. in Miscellaneous Application 27/2017  
Mr. Narendra Pal Singh, Adv. for Applicant in MA. NOI. 160 of 2017  
Mr. Akshat Bhatnagar, Adv. for HMCI in M.A. No. 156/2016  
Mr. Sumit Kishore, Adv. for PNGRB  
Mr. Soumyajit Pani, Adv. for Odisha  
Mr. S.S. Panicker, Adv and Mr. Anmol Diwan for Applicant in MA. No. 294 of 2017  
Mr. Piyush Joshi, Adv. in M.A. No. 237/2017  
Mr. Rajiv Bansal, Mr. Kush Sharma, and Mr. Anirudh, Advs. for Delhi Development Authority**

Mr. Rajul Shrivastav, Adv. for MPPCB  
 Maj. Gen. APS Chauhan in M.A. No. 180/2017  
 Mr. Sandeep Narain and Ms. Khushboo Bari, Advs. for Tata Motors in MA. No. 172/2017  
 Mr. D. Rajeshwar Rao and Mr. Madhukar Sharma, Adv., Delhi Police, PWD and Transport Deptt.  
 Ms. Sakshi Popli, Adv. For NDMC  
 Mr. Hasan Khurshid, Adv. in M.A. No. 265/2017  
 Mr. Atul Jha, Adv. for State of Chattisgarh  
 Mr. Anchit Sharma & Ms. Satamita Ghosh, Advs. for DCB  
 Mr. Balendu Shekhar, with Mr. Vivek Jaiswal, Mr. R.K. Maurya and Mr. Satish Kumar, Advs. for EDMC in MA. NO. 350/2017  
 Ms. Pinky Anand, ASG with Mr. Balendu Shekhar and Mr. Rajesh Ranjan, Advs. for MoRTH and Ministry of Heavy Industries  
 Mr. Sanjeev Ralli and Mr. Trinayan Sonowal, Advs. for Chandni Chowk Sarv Vyapar Mandal  
 Mr. Edward Balho, and Mr. K. Luikang Michael, Ms. Elix Gangmei, Advs. for State of Nagaland  
 Mr. Rudreswar Singh and Mr. Gautam Singh, Advs. for State of Bihar and Bihar PCB  
 Mr. Nishe Rajen Shonker, Adv. for State of Kerala  
 Mr. Vibhav Misra and Ms. Saumya Misra, Advs.  
 Ms. Puja Kalra, Adv. for North & South MCD  
 Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, and Mr. Charan Jeet Singh, Advs. GNCTD  
 Mr. Atul Kumar, Adv. in M.A. No. 136/2017 & 137/2017  
 Mr. Narender Pal Singh with Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee  
 Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change  
 Mr. Mukesh Verma, and Mr. Bikash Kr. Sinha, Advs.  
 Mr. Jogy Scaria, Adv. for State of Kerala State Pollution Control Board  
 Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. for NOIDA and Greater NOIDA  
 Mr. Jayesh Gaurav, Adv. for JSPCB  
 Ms. Priyanka Sinha, Adv. for State of Jharkhand  
 Mrs. Hemantika Wahi and Ms. Puja Singh, Adv. State of Gujarat  
 Mr. Pinaki Misra, Sr. Adv.  
 Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. UPPCB  
 Mr. Sapam Biswajit Meitei, Adv. for State of Manipur  
 Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar and Prashan Mathur, Advs. for State of AP  
 Ms. Asha Nayar Basu and Mr. Amit Agarwal, Advs. for West Bengal Pollution control Board  
 Mr. Gopal Singh and Ms. Varsha Poddar, Mr. Rituraj Biswa and Mr. Kumar Milind, Advs. for State of Tripura and State PCB  
 Mr. V. K. Shukla, Adv. with Ms. Vijay Lakshmi, Advs.  
 Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh  
 Mr. Abhishek Atrey, Adv. for Ministry of Environment, Forest and Climate Change  
 Mr. Vishwendra Verma, Adv. for MoEF  
 Mr. Rahul Khurana, Mr. Sandeep Yadav and Mr. Saurabh Sachdeva, Advs. for State of Haryana, HSPCB, MCF, MCG, HUDA  
 Ms. Pinky Anand, ASG with Mr. Balendu Shekhar and Mr. Rajesh Ranjan, Adv. for Morth and MHI  
 Mr. Rajkumar, Adv. with Mr. Bhupender Kr. Shahi and Mr. Niti Chaudhary, LA Central Pollution Control Board  
 Mr. R. Rakesh Sharma, Adv. for State of Tamil Nadu and TNPCB  
 Ms. Aruna Mathur and Mr. Avneesh Arputham and Ms. Anuradha Arputham, Mr. Sandesh Subbha, Advs. for State of Sikkim  
 Mr. Sarthak Chaturvedi and Mr. Beerendra Singh, Advs. for Andaman & Nicobar Administration  
 Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal, Advs. for State of Rajasthan and RSPCB  
 Mr. Raman Yadav, Adv. for GDA  
 Ms. Priyanka Swami, adv. For Nagar Nigam Ghaziabad  
 Mr. A. K. Prasad and Mr. Jaydip Pati, Advs. for MoUD and PNG  
 Mrs. Rani Chhabra and Ms. Priyanka Sony, Advs. in M.A. Nos. 47, 71 & 238 of 2017  
 Mr. Om Prakash, Adv. for Ministry of Railway  
 Mr. Rahul Khurana and Mr. Sandeep Yadav, Adv. for State of Haryanal, HSPCB, HUDA, MCF & MCG  
 Mr. Vijay K. Sondhi and Ms. Cauveri Birbal, Advs.  
 Mr. V.K. Shukla, Adv. for M.P.  
 Mr. Dinesh Kumar Garg and Mr. Dhananjay Garg, Advs. for State of Uttarakhand

Date and Remarks	Orders of the Tribunal
<p><b>Item Nos. 33 to 38</b></p> <p><b>March 31, 2017</b></p> <p><b>ss</b></p>	<p>It is pointed out that there are certain typographical errors in the order dated 30<sup>th</sup> March, 2017 for which the following corrections be carried out. The M.A. No. 237 of 2017 be also mentioned along with the M.A. No. 137 of 2017 and M.A. No. 246 of 2017.</p> <p><b><u>M.A. No. 136 of 2017</u></b></p> <p>In view of the order passed in M.A. No. 137 of 2017 this application does not survive for consideration.</p> <p>Thus, the M.A. No. 136 of 2017 also stands disposed of accordingly.</p> <p><b><u>M.A. No. 350 of 2017</u></b></p> <p>The Learned Counsel appearing for the Applicant in M.A. No. 350 of 2017 submits that the order dated 30<sup>th</sup> March, 2017 be modified as their application is for registering of BS-III vehicles which has been purchased by the Corporation.</p> <p>In view of the order passed by the Hon'ble Supreme Court of India recently, we have no jurisdiction to entertain this application. To that extent the order of withdrawal as stated in the order dated 30<sup>th</sup> March, 2017 stands modified. With this term the M.A. No. 350 of 2017 stands disposed of.</p> <p><b><u>M.A. No. 224 of 2017</u></b></p> <p>This application is for registration of BS-IV compliant diesel oil tanker. It is stated that the applicant does not have any diesel vehicle which is more than 10 years old. This vehicle shall strictly be used for carrying</p>



	<p><b>Item Nos. 33 to 38</b></p> <p><b>March 31, 2017</b></p> <p><b>ss</b></p>	<p>the petroleum product of Indian Oil Corporation and would not be used for any other private purpose.</p> <p>Thus this application is allowed with terms and subject to the conditions stated in the order dated 23<sup>rd</sup> February, 2017. The M.A. No. 224 of 2017 stands disposed of accordingly.</p> <p><b><u>M.A. No. 365 of 2017</u></b></p> <p>The Learned counsel appearing for the applicant wishes to withdraw this application. This application is therefore dismissed as withdrawn.</p> <p><b><u>M.A. No. 27 of 2017</u></b></p> <p>The prayer in this application is for registration of Hydraulic contained diesel vehicle which is BS-IV compliant. The Learned counsel appearing for the Applicant submits that NTPC does not have any vehicle in NCR Delhi which is diesel and are more than 10 years old.</p> <p>The application is allowed and subject to conditions stated in our order dated 23<sup>rd</sup> February, 2017 the vehicle can be registered and will not be plied for any private purpose except for carrying on electrical works in NCR, Delhi.</p> <p><b><u>M.A. No. 287 of 2017 and M.A. No. 288 of 2017</u></b></p> <p>These are two vehicles of BS-IV compliant and are carrying petroleum products on behalf of Indian Oil Corporation. The Learned counsel appearing for the applicant submits that they would ply these vehicles in NCR Delhi only for the purpose of carrying petroleum products for Indian Oil Corporation and no other private business would be carried out.</p>
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	<p><b>Item Nos. 33 to 38</b></p> <p><b>March 31, 2017</b></p> <p><b>ss</b></p>	<p>We allow these applications subject to the order dated 23<sup>rd</sup> February, 2017. The vehicle will not be registered till the time the old diesel vehicle which are owned by the applicant are scrapped and certificate of condemnation of the vehicle in physical proof thereof be, produced before the Registering Authority.</p> <p><b><u>Main Matter</u></b></p> <p>The senior most officer of the Board shall be present before the Tribunal on the next date of hearing. Both the States of Haryana and the State of Uttar Pradesh submit that they have already filed all the requisite data and information with regard to providing of CNG in their respective States to Petroleum and Natural Gas Regulatory Board.</p> <p>The Chief Secretary, Delhi is directed to submit a Status report as to why destination buses, in terms of the earlier order of the Tribunal, have not been started so far. It is a fact that there are large number of buses, including the new ones, which are standing in the depot. We see no reason as to why the State Authorities should not implement the directions of the Tribunal which has already attained finality. It needs to be noticed that providing of destination buses would not only result in reduction of the cars traffic, particularly from the colonies like Dwarka, Janakpuri, Rohini and other colonies from where large number of people come to their offices, but these buses, which are also air-conditioned, would certainly provide adequate and economical alternatives to the people. This would directly have two further benefits:-</p> <ol style="list-style-type: none"> <li>1. It would cause reduction of traffic congestion on the</li> </ol>
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	<p><b>Item Nos. 33 to 38</b></p> <p><b>March 31, 2017</b></p> <p><b>ss</b></p>	<p>roads.</p> <p>2. Improve the ambient air quality in Delhi which even as to now is seriously increasing.</p> <p>The Learned counsel appearing for the Applicant has brought before us the photographs showing burning of waste on the banks of river Yamuna and on either sides of the DND flyover. The Applicants have also filed some photographs showing burning of municipal solid waste at Bhalswa site.</p> <p>We direct the S.D.M. and the Member Secretary, Uttar Pradesh Pollution Control Board and the NOIDA Development Authority to be present before the Tribunal on the next date of hearing and submit a complete and comprehensive report as to the causes of burning, its effect, analysis thereof and what steps have been taken by the State Government for prevention and control of air pollution by such indiscriminate burning.</p> <p>The committee appointed by the Tribunal in relation to NCT, Delhi shall also submit report to the Tribunal.</p> <p>List these matters on 20<sup>th</sup> April, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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