

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

(M.A. NO. 284/2015, M.A. NO. 755/2016, M.A. NO. 756/2016, M.A. NO. 766/2016, M.A. NO. 847/2016, M.A. NO. 848/2016, M.A. NO. 924/2016, M.A. NO. 892/2016, M.A. NO. 974/2016, NO. 979 /2016, M.A. NO. 983/2016, M.A. NO. 984/2016, M.A. NO. 967/2016, M.A. NO. 986/2016 & M.A. NO. 1050 /2016)

In

Original Application No. 21/2014

AND

M.A. NO. 156/2016

IN

Original Application No.21 OF 2014

AND

Original Application No. 21/2014

(Only Notices)

AND

Original Application No. 21/2014

(M.A. NO. 172/2016, M.A. NO. 567/2016, M.A. NO. 690/2016, M.A. NO. 783/2016, M.A. NO. 949/2016, M.A. NO. 950/2016, M.A. NO. 1037/2016, M.A. NO. 1038/2016, M.A. NO. 1078/2016, M.A. NO. 1079/2016, M.A. NO. 1080/2016, M.A. NO. 1091/2016, M.A. NO. 1092/2016, M.A. NO. 1082/2016, M.A. NO. 1083/2016, M.A. NO. 1142/2016, M.A. NO. 1134/2016, M.A. NO. 1135/2016, M.A. NO. 1136/2016, M.A. NO. 1137/2016, M.A. NO. 1138/2016, M.A. NO. 1155/2016, M.A. NO. 1162/2016, M.A. NO. 1180/2016, M.A. NO. 1184/2016, M.A. NO. 1185/2016, M.A. NO. 1186/2016, M.A. NO. 1187/2016, M.A. NO. 1188/2016, M.A. NO. 1189/2016, M.A. NO. 1190/2016, M.A. NO. 1191/2016, M.A. NO. 1192/2016, M.A. NO. 1209/2016 & M.A. NO. 1210/2016)

And

Original Application No. 95/2014

And

Original Application No. 303/2015

And

Original Application No. 181/2013

(M.A. No. 824/2015)

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.

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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

Omesh Saigal Vs. Govt. of NCT of Delhi & 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 MR. JUSTICE U.D.SALVI, 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 :** Ms. Divya Sharma and Mr. Sanjay Upadhyay, Advs.

Respondent No. 2 & 4 Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, LO, DPCC

Respondent No. 5 & 6 Mr. Balendu Shekhar, Advs. For EDMC.
Ms. Panchajanya Batra Singh, Adv. for Ministry of Environment & Forest, & CC
Mr. Anil Soni, AAG for State of Punjab and Mr. Naginder Benipal, Advs.
Ms. Priyanka Swami, Adv. for Ghaziabad Nagar Nigam
Ms. Taruna A. Prasad, Adv. for MoEF
Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Anurag Tripathi and Mr. Anirudh Chadha, Advs. (DDA)
Ms. Nishe Rajen Shonker and Mr. Gajendra Khichi, Adv. for State of Kerala and Mr. Jogy Scaria, Adv.
Mr. Sanjeev Ralli and Mr. Ravin Kapur, Advs. for Chandni Chowk Sarv Vyapar Mandal - Intervener
Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. for NOIDA & Greater NOIDA.
Mr. Anurag Kumar, Adv. for Ms. Sakshi Popli, Adv. for NDMC
Mr. D.P. Singh, Ms. Sonam Gupta and Ms. Ishita Jain, Advs.
Mr. A.K. Prasad and Mr. Panshul Chandra, Advs. For MoUD/PNG & Respondent No.2-6
Mr. Rudreshwar Singh and Mr. Gautam Singh, Adv. For State of Bihar and BSPCB
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Gaurav Dubey, Adv. for K-2
Mr. Sarthak Chaturvedi, and Mr. Shubham Jaiswal, Advs. for Andman and Nicobar Admin
Mr. Sarthak Chaturved, Mr. Rohit Pandey and Mr. D.N. Tripathi, Adv. for Andaman Nicobar Administration
Mr. Rajul Shrivastav, Advs. For MPPCB
Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, CPCB
Mr. Mukesh Verma, Advs. for MPCB & State
Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change
Mr. Ashish Rana, Adv.
Ms. Arushi Khandelwa, Adv. for Bio diesel Association of India
Mr. Anoop Verma, Adv.
Mr. Narayan Krishan and Ms. Rasna Kalkat, Advs.
Mr. Natasha Sahrawat and Ms. Khushboo Bari, Advs.
Mr. Yatendra Sharma, Mr. Sachin Sharma and Mr. Satyavrat Sharma, Adv.

Mr. Edward Belho, Mr. K. Luikang Michael and Ms. Elix Gangmei, Advs. For State of Nagaland and Pollution Control Board
Mr. Shiv Mangal Sharma, Adv. with Mr. Adhiraj Singh and Mr. Saurabh Rajpal, Advs.
Ms. M.S. Priyanka Sinha, Adv. for State of Jharkhand
Mr. Atul Jha, Adv. For State of Chhattisgarh
Mr. Anil Grover, AAG with Mr. Rahul Khurana, Mr. Sandep Yadav, Mr. Saurabh Sachdeva and Mr. Arun Tewatia, Advs., Advs. for Haryana, HSPCB, MCF, MCG & HUDA
Mr. Sanjeev Kr. Sharma, Mr. Jeetendar Kr. Jha and Ms. Roopani Rai, Advs.
Ms. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs. For State of Sikkim & Pollution Control Board
Mr. Pradeep Misra and Mr. Daleep Kumar Dhyani, Advs. for UPPCB
Mrs. Rani Chhabra and Ms. Priyanka Sony, Advs.
Mr. Darpan Wadhwa and Mr. Sarad K. Sunny, Adv.
Mr. Abhishek Yadav, Adv. for State of U.P.
Mr. Guntur Prabhakar and Mr. Guntur Pramod Kumar, Advs. For State of Andhra Pradesh
Mr. Raman Yadav, Adv. for Ghaziabad Development Authority
Ms. Alpana Poddar, Adv. with Mr. Bhupender Kumar, LA, CPCB
Mr. R. Rakesh Sharma, Adv. for State of Tamil Nadu & TNPCB and Mr. Marutha Samy, Adv.
Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Advs. for PWD, Transport Deptt. and Delhi Police with Mr. Dinesh Kr. Gupta DCP Traffic
Mr. Abhishek Atrey, Adv. For MoEF & CC
Mr. Joydeep Mazumdar, Mr. Rohit Dutta and Mr. Parijat Sinha, Adv. For State of West Bengal
Ms. Puja Kalra, Adv. For SDMC and NDMC
Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.
Mr. Balendu Shekhar, Advs. For MoRTH and Ministry of Heavy Industries and Highway
Mr. Balendu Shekhar, Advs. For Ministry of Road & Transport and EDMC
Mr. Aman Shukla and Mr. Santosh Rebello, Adv. for State of Goa & PCB
Mr. Devraj Ashok, Adv. for State of Karnataka & KSPCB
Mr. V.K. Shukla, Adv. for State of M.P.
Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Advs. for Transport Deptt. & GNCTD
Mr. Sumit Kishore, Adv. for PNGRB

Date and Remarks	Orders of the Tribunal
<p data-bbox="310 284 449 344">Item No. 19 to 27</p> <p data-bbox="310 379 449 439">November, 28, 2016</p> <p data-bbox="361 474 394 504">ss</p>	<p data-bbox="483 314 1352 1406">We have heard the Learned Counsel appearing for the Ministries, NCT, Delhi, State of Haryana, State of Pubjab, State of Rajasthan, State of Uttar Pradesh, DDA and Delhi Police and all other learned counsel. Vide order dated 07th April, 2015 and other orders where various directions have been passed with regards to prohibition for plying of vehicles diesel older than 10 years and petrol older than 15 years, Delhi Police had made some attempt to comply with the orders. However, due to non-availability of space and other difficulties faced, they were not able to keep the vehicles seized. Various other directions were passed by the Tribunal to ensure reduction of pollution of ambient air in Delhi resulting from vehicular pollution. At the cost of repetition and to put the matters beyond controversy we further issue the following directions:-</p> <ol data-bbox="483 1442 1352 2318" style="list-style-type: none"> <li data-bbox="483 1442 1352 2318">1. The Ministry of Heavy Industries has assured the Tribunal that it was in the process of framing policy for scrapping of old vehicles in consonance with the directions of the Tribunal. This policy was to provide not only methodology for scrapping of vehicles but even incentives for that purpose to car owners. Unfortunately, nearly a year has gone now but the Ministry has not produced any policy to that effect before the Tribunal. According to the Learned Counsel, matter has been taken up with the Finance Ministry. We direct that the Learned Counsel appearing for the Ministry of Heavy Industry would take clear instructions in regard to the entire policy

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as well as implementation thereof before the next date of hearing.

2. All the State Government i.e. State of Punjab, State of Haryana, State of Uttar Pradesh, State of Rajasthan and the concerned State Secretaries would discuss with the Chief Secretary of Delhi to identify the land for parking the seized vehicles older than prescribed age immediately on the border of NCR and NCT, Delhi.
3. This meeting should take place immediately and the Learned Counsel appearing for the respective States and NCT, Delhi would place the result/minutes of the meeting before the Tribunal by the next date of hearing. The Learned Counsel appearing for the DDA has submitted that as of now and after deliberation with all concerned stakeholders, two sites have been identified at Narela and Rohini which can be temporarily provided to Delhi Police for parking of such vehicles that are seized or are otherwise required to be parked for offending the laws and particularly upon the orders of the Tribunal. We, however make it clear that giving of such site of Delhi Police would be purely on temporary basis. Delhi Police would not raise any permanent structure on the land in question and they would pay amount to DDA as per the policy of the DDA. As far as the first two conditions are concerned, these are ex-facie reasonable and even necessary. However, since no title in the property is being transferred to the Delhi Police, there is no question of paying any charges to DDA for transfer

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of such land whether under the Land Revenue Act or otherwise. However, it would be appropriate that Delhi Police Pay charges to DDA for parking on per car basis.

4. We clarify that vehicles plying on the roads or otherwise found to be polluting are not challaned merely under the Motor Vehicles Act but also under the provisions of the Environment (Protection) Act, 1986 and upon orders of National Green Tribunal Act, 2010. The vehicles seized by the Police for violation of the directions of the Tribunal are those not seized in terms of the Motor Vehicle Act but specific orders of the Tribunal. They cannot be released and ought not to be released unless they pay environmental compensation as well as carriage and parking charges demanded by Delhi Police.
5. The Environmental Compensation has already been identified as Rs. 5,000/- for each violation. Besides this, the crane charges would be declared by the Delhi Police within a week from today and put up on Notice Board including the parking charges of the land in question. DDA would be entitled 50% of the parking share from Delhi Police.
6. We reiterate that these are not only the offences under the Motor Vehicles Act and we do hope that all concerned would take note thereof that vehicles are being seized under the provisions of the above two said Acts and under the orders of the National Green Tribunal in relation to environmental offences/violation.
7. We do not appreciate that neither the corporation

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and nor Delhi Police so far has lifted a single vehicle from those which are not even pliable or are standing on rims instead of tyres, have no engine or otherwise in violation of the orders of the Tribunal and are left parked on the public roads or public places, thereby crating congetion.

8. Let the concerned Corporation and Delhi Police jointly carry out action plan and ensure that all such vehicles are lifted to avoid traffic congestion or otherwise for recovery of environmental compensation, as they gather nothing except dust which gets blown into the air thereby polluting the ambient air of NCT, Delhi.
9. The Delhi Police as well as all other Police of the concerned States and Corporations would ensure that all the vehicles non-destined for Delhi and are required to take diverted routes, do not enter Delhi and ply in strict compliance of the prescribed standards and do not violate the directions of the Tribunal. In the event of violation, appropriate action shall be taken and these vehicles would be parked at the border places before their entry into NCT, Delhi that would be identified in terms of the above order.
10. All Concerned Authorities shall ensure that deregistration of the vehicles which are plying on the road of Delhi in violation to the order of the Tribunal should be given effect to immediately and report be submitted to the Tribunal.
11. The DDA, Police Authorities and the Corporations will hold a meeting within this week and identify

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other sites which can be temporarily provided as short term measure to Police or can be transferred by DDA to sort out problem of parking of vehicles as well as free flow of traffic.

M.A. No. 974 of 2016

Both these applications have been filed on behalf of M/s. Metro Waste Handling Private Limited praying that the eight vehicles bearing chassis numbers respectively as follows:

1. MB1CTCHD3GEWW0746
2. MB1CTCHD7GEWW1124
3. MB1CTCHD9GEWW1125
4. MB1CTCHDXGEBV1238
5. MAT716013G2H19105
6. MAT716013G2H18911
7. MB1A3CHD9GRBP1495
8. MB1CTCHD8GEBV1237

be permitted to be registered in Delhi. All the eight vehicles proposed to be registered now are BS-IV compliant. Six vehicles therefrom are to be operated in South Delhi Municipal Corporation as being replacement of old vehicles which the company has already obtained NOC from the Transport Department for their transfer to Gorakhpur area.

In view of the above we dispose of both these applications with the following directions:-

1. The six vehicles which have to operate in South Delhi Municipal Corporation area would be registered by the Transport Department only when the NOC for transfer of old vehicles as aforesaid and

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secondly, its certification at Gorakhpur is also submitted before them.

2. The Managing Director of the Company will file a personal affidavit that the said old six vehicles are transferred and being used at Gorakhpur and will not be brought back to Delhi under any circumstances. In fact, steps would be taken for condemnation in accordance with law; and all these vehicles being registered in Delhi are BS-IV compliant. The affidavit of the Managing Director will also state that the company does not own any diesel vehicle other than the said old six vehicles which are more than 10 years old in Delhi being moved out of Delhi. The Affidavit would be filed before the Registrar Transport Department as well as before the NGT Tribunal. We also permit registration of two other vehicles to be plied in the area of NDMC and one Hue Loader as described above.

With the above directions, M.A. No. 974 of 2016 and M.A. No. 1180 of 2016 stand disposed of. No order as to cost.

M.A. No. 983 of 2016 and M.A. No. 984 of 2016

This application is for permitting registration of commercial diesel operated vehicles which is Euro-IV with Chassis No. MSC2121CFFP019786. It is stated that so far as the Applicant is using private vehicle provided by M/s. Bharat Benz for transporting/supplying the petroleum product of Indian Oil Corporation.

For the reason stated in the application we permit

<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>registration of the above vehicle of Chassis No. MSC2121CFFP019786 subject to the condition that it is Euro-IV and the sole proprietary of the company shall file personal affidavit that he does not own any diesel vehicle plying in NCT, Delhi which is more than 10 years old. Affidavit shall be filed before the Tribunal as well as Transport Authority.</p> <p>With the above directions, both these Miscellaneous Application Nos. 983 of 2016 and 984 of 2016 stand disposed of. No order as to cost.</p> <p><u>M.A. No. 979 of 2016</u></p> <p>The Applicant submits that the new vehicle bearing chassis no. MAT716013G2H18911 be ordered to be registered as it is only to be used for the purpose of carriage of petroleum products from the company depot to fuel station of the Applicant. Application is allowed subject to the following condition that vehicle is BS-IV Compliant. Affidavit of the Managing Director will be filed stating that the company does not own any diesel vehicle which is 10 years old. Affidavit would be filed before the Registrar Transport Department as well as before the Tribunal.</p> <p>However, registering Authority of the Transport Department would register the truck only when it is actually provided with dismantling and scrapping certificate of vehicle bearing registration DL1GB5951 along with the photograph of the dismantled vehicle.</p> <p>With the above directions M.A. No. 979 of 2016 stand disposed of.</p>
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<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p><u>M.A. No. 1180 of 2016</u></p> <p>The Learned Counsel appearing for the Applicant wishes to withdraw this application with liberty to file appropriate application, if necessary.</p> <p>Application is dismissed as withdrawn. Liberty as prayed is granted.</p> <p><u>M.A. No. 1037 of 2016 and M.A. No. 1038 of 2016</u></p> <p>Issue Notice to the Managing Director of Hindustan Petroleum.</p> <p>Notice returnable on 09th January, 2016.</p> <p><u>M.A. No. 755 of 2016, M.A. No. 756 of 2016, M.A. No. 847 of 2016, M.A. No. 848 of 2016, M.A. No. 924 of 2016, M.A. No. 986 of 2016, M.A. No. 1050 of 2016 & M.A. No. 1155 of 2016.</u></p> <p>These applications are allowed to the limited extent that the buses shall be permitted to ply beyond Meerut and Buland Shahar in the rural areas subject to the following conditions:-</p> <ol style="list-style-type: none"> 1. The affidavit would be filed by the Managing Director/Managing Partner/Sole Proprietor stating that they would convert these vehicles into CNG as and when the source of fuel is available. 2. They would maintain the vehicle properly and once they cross age more than 15 years old then those vehicles would be scrapped and certificate to that effect shall be given. <p>The Learned Counsel appearing for the Uttar Pradesh submits that the Board would be taking up the matter in as much as in principle the scheme for adopting CNG as fuel source in those areas has been approved by the Government.</p>
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<p>Item No. 19 to 27</p> <p>November, 28, 2016</p> <p>ss</p>	<p>With the above terms, M.A. No. 755 of 2016, M.A. No. 756 of 2016, M.A. No. 847 of 2016, M.A. No. 848 of 2016, M.A. No. 924 of 2016, M.A. No. 986 of 2016, M.A. No. 1050 of 2016 & M.A. No. 1155 of 2016 stand disposed of. No order as to cost.</p> <p><u>Main matter</u></p> <p>Issue Notice to DSIDC to be present on the next date of hearing.</p> <p>List these matters tomorrow i.e. on 29th November, 2016.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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