

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

Item No.43:

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([TO BE TAKEN UP AT 3:30 P.M.]----- IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION) AND MODIFICATION OF APPLICABILITY OF GRAP IV 1) I.A. Nos. 270761 AND 270763/2024 (APPLICATIONS FOR DIRECTION AND INTERVENTION) NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. SAURABH AGRAWAL ADVOCATES)

With

Item No.44:

Transfer Petition(s)(Civil) No(s). 3280/2024

([TO BE TAKEN UP ALONGWITH ITEM NO.43 I.E. W.P.(C) No. 13029/1985.]
IA No. 280838/2024 - STAY APPLICATION)

With

Item No.46:

Writ Petition(s)(Civil) No(s). 1135/2020

([TO BE TAKEN UP ALOGWITH ITEM NO. 43 I.E. W.P.(C)NO. 13029 OF
1985.]

IA No. 165191/2021 - APPLICATION FOR PERMISSION
IA No. 100093/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 159244/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 166624/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 150881/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 161557/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 34132/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 159208/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 161436/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 20006/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 42924/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 166297/2021 - CLARIFICATION/DIRECTION
IA No. 20879/2022 - CLARIFICATION/DIRECTION
IA No. 164567/2021 - CLARIFICATION/DIRECTION
IA No. 163242/2021 - CLARIFICATION/DIRECTION

IA No. 146739/2022 - CLARIFICATION/DIRECTION
IA No. 15637/2022 - DISCHARGE OF ADVOCATE ON RECORD
IA No. 232074/2023 - EARLY HEARING APPLICATION
IA No. 149458/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 152069/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 161450/2021 - EXEMPTION FROM FILING O.T.
IA No. 121689/2020 - EXEMPTION FROM FILING O.T.
IA No. 162945/2021 - INTERVENTION APPLICATION
IA No. 67217/2022 - INTERVENTION APPLICATION
IA No. 166305/2021 - INTERVENTION APPLICATION
IA No. 149457/2021 - INTERVENTION APPLICATION
IA No. 161445/2021 - INTERVENTION APPLICATION
IA No. 153451/2021 - INTERVENTION APPLICATION
IA No. 260275/2024 - INTERVENTION APPLICATION
IA No. 161435/2021 - INTERVENTION APPLICATION
IA No. 20004/2022 - INTERVENTION APPLICATION
IA No. 152068/2021 - INTERVENTION APPLICATION
IA No. 160572/2021 - INTERVENTION APPLICATION
IA No. 146827/2022 - INTERVENTION APPLICATION
IA No. 151957/2021 - INTERVENTION APPLICATION
IA No. 160519/2021 - INTERVENTION APPLICATION
IA No. 163237/2021 - INTERVENTION APPLICATION
IA No. 13899/2022 - INTERVENTION APPLICATION
IA No. 150968/2021 - INTERVENTION/IMPLEADMENT
IA No. 159241/2021 - INTERVENTION/IMPLEADMENT
IA No. 34131/2022 - INTERVENTION/IMPLEADMENT
IA No. 159206/2021 - INTERVENTION/IMPLEADMENT
IA No. 121685/2020 - INTERVENTION/IMPLEADMENT
IA No. 165236/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 12-12-2024 These petitions were called on for hearing today.

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Ms. Rajkumari Divyasana, Adv.

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Mr. K. V. Mohan, AOR

Mr. Yash S. Vijay, AOR

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Mr. Vinay Garg, AOR

Ms. G. Indira, AOR

Mr. Yoginder Handoo, AOR

Ms. Nidhi Jaswal, AOR

Mr. Rakesh Kumar-i, AOR

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Mr. C M Dwivedi, Adv.
Mr. Hardik Maurya, Adv.
Mr. Savyasachi Dubey, Adv.
Mr. Divyanshu Sarawat, Adv.
Mr. Rahul Saini, Adv.
Mr. Rahul Maratha, Adv.
Mr. J S Maratta, Adv.
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Mr. Arjun D Singh, Adv.
Ms. Ankita Sharma, AOR

Mr. Kumar Dushyant Singh, AOR
Mr. Rohit Sharma, Adv.
Mr. Nikhil Purohit, Adv.
Mr. Jatin Lalwani, Adv.
Mr. Jay Rawat, Adv.

Ms. Surbhi Mehta, AOR

Mr. Shovan Mishra, AOR

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

IN RE: GRADED RESPONSE ACTION PLAN

1. As regards the applicability of the stages of Graded Response Action Plan (GRAP), we direct that the directions contained in paragraphs 8 and 9 of our last order dated 5th December, 2024 will continue till further orders.

IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION)

2. We have perused the note filed by the CAQM. We approve the recommendations of the Sub-Committee which are mentioned in paragraph 4 to 6 of the note submitted by the CAQM dated 11th December, 2024. The Commission will now proceed to implement the modified GRAP as set out in Annexure 1 to the said note.

IN RE: SUBSISTENCE ALLOWANCE

3. As regards the payment of the subsistence allowance to the construction workers which could not get any income for the period from 18th November, 2024 to 5th December, 2024 (both days inclusive), the concerned State Governments will ensure that every affected construction worker is paid the subsistence allowance.

4. Now, there is an issue about the number of registered workers on the dashboard of the Delhi Building and other Construction Workers Welfare Board. Whether it is a Delhi Government or the other Governments, the emphasis should be not only on registration but on ascertaining the actual number of workers who were deprived of income during this period.

5. We direct all concerned State Governments to file comprehensive affidavits dealing with this part of the compliance by 3rd January, 2025. We make it clear that we will continue to monitor this compliance till we are satisfied that every eligible worker has been paid the subsistence allowance.

IN RE: CONSOLIDATED REPORT OF THE COURT COMMISSIONERS

6. We have perused the report filed by Mr. Manan Verma, Court Commissioner. He has highlighted the failure of the authorities to implement the GRAP measures. He has produced on record the photographs indicating that a heap of garbage has been put to fire at the location mentioned by him. This issue is of implementation of the Solid Waste Management Rules, 2016 which we will take up.

7. We make it clear that the appointment of the Court Commissioners will continue.

8. As done by the Delhi Government, all National Capital Region States will appoint Nodal Officers for facilitating the visit of the Commissioners to various places in the NCR States to which GRAP measures are applicable. All the States will take action immediately and communicate the contact details of the Nodal Officers to the Court Commissioners.

IN RE: POLICY TO CURB AIR POLLUTION

9. Our attention is invited to the policy to curb air pollution in the NCR States formulated by the Commission in July, 2022. The directions will have to be issued for the actual implementation of various aspects of the policy. We will fix a schedule for the purposes of issuing directions for implementation of the policy on the next date of hearing.

IN RE: BAN ON USE OF FIRECRACKERS

10. The issue regarding the ban on use of firecrackers in the NCR States is yet to be addressed.

11. We direct the concerned State Governments to place their decisions on record regarding a complete ban on use of firecrackers throughout the year. The ban on firecrackers will be helpful not only to curb the air pollution but the noise pollution as well. We will

consider of issuing necessary directions to the State Governments on the issue of ban on use of firecrackers. When we refer to the ban on use of firecrackers, it will also include the ban on manufacture, storage, sale and distribution of firecrackers.

12. The aforesaid aspects including the applicability of GRAP measures will be considered on 19th December, 2024 at 2.00 p.m.

TRANSFER PETITION (CIVIL)NO.3280 OF 2024

13. The Transfer Petition as well as IA Nos.87637, 87638 and 91082 of 2020 shall be also considered on 19th December, 2024 at 2.00 p.m.

WRIT PETITION (CIVIL) NO.1135 OF 2020

14. List on 19th December, 2024 at 2.00 p.m.

(ANITA MALHOTRA)
AR-CUM-PS

(ANU BHALLA)
COURT MASTER