

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 & ORS.

Respondent(s)

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 : 25-07-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

Ms. Aparajita Singh, Advocate (A.C.)

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

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

Petitioner-In-Person

Mr. Ritwik Dutta, Advocate

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

Mr. B.K. Prasad, Advocate

Haryana

Mr. Anil Grover, AAG
Mr. Shivam Kumar, Adv.
Mr. Satish Kumar, Adv.
Dr. Monika Gusain, Adv.
Ms. Manpreet Kaur Bhalla, Adv.
Mr. Sanjay Kr. Visen, Advocate

U.P. Ms. Rachana Gupta, Adv.
Mr. Jitendra Kumar Tripathi, Adv.

Rajasthan 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

Delhi Mr. D.N. Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.

Ms. Pinky Anand, ASG
Ms. Snidha Mehra, Adv.
Mr. Zaid Ali, Adv.
Mr. B.V. Balram Das, Advocate

Mr. Rohit K. Singh, Advocate

Mr. S.K. Bhattacharya, Advocate

Mr. Bimal Roy Jad, Advocate

Mr. K.V. Mohan, Advocate

Mr. R.D. Upadhyay, Advocate

Mr. Ajit Pudussery, Advocate

Mr. Munawar Naseem, Advocate

Ms. Bina Gupta, Advocate

Ms. Anil Katiyar, Advocate

Mr. Gaurav Srivastava, Advocate

Mr. Arvind Kumar Sharma, Advocate

UPON hearing the counsel the Court made the following

O R D E R

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)

It has been pointed out by the learned *Amicus* and Mr. Ritwik

Dutta, learned counsel that there are about 650 coal based thermal power plants in the country. Out of these, 82 have already been retired or will be retiring in 2019. Therefore, the balance is 568 coal based thermal power plants.

The number of thermal power plants having a capacity of more than 500 MW and are located where the population density is in excess of 400 persons per sq. km. have not been identified although there is an indication of this in Report No. 81 dated 14.02.2018.

The other thermal power plants apparently have a capacity of less than 500 MW. We propose to deal with the second category a little later.

From the affidavits filed by the Union of India through the Ministry of Power, it seems quite clear that the Ministry of Power has absolutely no intention of doing anything to reduce the air pollution generated by coal based thermal power plants. It may be recalled that appropriate steps were required to be taken by December, 2017.

The affidavit now seems to suggest that positive steps cannot be taken until 2022 but on a closer reading of the affidavit filed by the Union of India, it is clear that the dead line of 2022 cannot be reached by the Union of India and is completely illusory in nature. It, therefore, appears to us quite clear that the Union of India proposes to do nothing substantive in the matter.

Notwithstanding this, the learned *Amicus* says that she is still optimistic and she hopes that the Union of India will realize that air pollution is a very serious matter which concerns the health of everybody in India and their health cannot be put to

ransom because the Union of India does not want to take any steps to reduce the air pollution caused by coal based thermal power plants.

Acting on this optimism, we direct that the learned ASG (Mr. A.N.S. Nadkarni) to convene a meeting of the concerned senior officers of the Ministry of Power or any other Ministry including the Ministry of Environment. The meeting will be attended by the learned *Amicus*, Ms. Sunita Narain as well as Mr. Ritwik Dutta, learned counsel.

We would like the Union of India to file an affidavit indicating very clearly the number and location of coal based thermal power plants that have 500 MW of installed capacity and where the population density is more than 400 persons per sq. km.

The affidavit will clearly indicate in respect of each such power plant the time-line for reducing or eliminating air pollution including issuance and finalization of tenders and implementation of technological inputs.

Since the matter is of concern, we expect the Union of India through the Ministry of Power and the Ministry of Environment to take the matter seriously since it relates the health of millions of people in the country.

List the matter on 06.08.2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER