

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

**Original Application No. 21/2014  
(M.A. Nos. 155, 248, 394, 412 to 414, 420, 502, 618, 631, 683, 778, 778, 812,  
1014, 1015, 1029 of 2015 & 1086 of 2015)**

**And**

**Original Application No. 95/2014**

**And**

**Original Application No. 303/2015**

**IN THE MATTER OF :**

**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.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Original Application No.21 of 2014 and 95 of 2014**

**Present: Applicant:**

**Mr. Sanjay Upadhyay along with Ms. Divya Sharma, Advs. Mr. Syed Meesam and Mr. Vardhman Kaushik.**

**Respondent No. 1:**

**Ms. Panchajanya Batra Singh, Advs. For MoEF & CC**

**Respondent No. 6 & 7 :**

**Mr. Ardhendumuali Kumar Prasad, Mr. Jigdal G. Chankapa and Mr. Pryanka Swami, Advs. for MoUD & MoPNG**

**Mr. Narender Pal Singh, Adv, Dr. M.P. George, Sr. Scientist Kulanad Joshi, Member Secretary,. and Mr. Dinesh Jindal, LO For DPCC and for GNCT Environment**

**Mr. Om Prakash, Adv. MoR Northern Railway**

**Mr. D. Rajeshwar Rao and Mr. Charanjeet Sing, Advs. for Transport Deptt. and Delhi Police, GNCT, Delhi**

**Ms. Pinky Anand, ASG, Mr. Balendu Shekhar, Mr. Irene Cheiran Director for MoRTH(NHAI)**

**Ms. Pinky Anand, ASG and Mr. Akshay Abrol, Advs. for CONCOR**

**Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Advs. For State of Meghalaya**

**Ms. Savitri Pandey and Ms. Azma Parveen, Adv. for State of U.P.**

**Ms. K. Enatoli Sema and Mr. Amit Kumar Singh, Adv. State of Nagaland**

**Mr. Atul Jha, Adv. for State of Chhattisgarh**

**Mr. Apoorv Kurup and Mr. A.C. Boxipatro, Advs. for State of Chhattisgarh.**

**Mr. Rajiv Bansal and Mr. Kush Sharma, Advs. (DDA)**

**Ms. Aruna Mathur, Standing Counsel, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs. For State of Sikkim**

**Mr. Sapam Biswajit Meitei, Ms. Kalyani and Mr. Z.H. Issaac Haiding, Advs. for State of Manipur & PCB**

**Ms. Vinakshi Kadar and Ms. Hemantika Wahi, Advs. For State of Gujarat**

**Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Adv. for NOIDA and Gr. NOIDA**  
**Ms. Abhisar Bairagi, Adv.**  
**Mr. Gopal Singh, Mr. Rituraj Biswas, and Ms. Versha Poddar, Adv. for the State of Tripura**  
**Mr. Jayesh Gaurav, Adv. for JSPCB**  
**Mr. Rudreshwar Singh, Mr. Gautam Singh and Mr. Divya Singh, Adv. for State of Bihar and BSPCB**  
**Ms. Nandini Gore, Ms. Natasha Sehrawat, Ms. Khushboo Bari, Mr. Bipin, Mr. Shermendra Choudhary, Adv. for Tata Motors**  
**Mr. A.N.S. Nandkarni, Ag, Mr. Dattaprasad Lawande, Mr. S. S. Rebello, Ms. Purna Bhandari, Mr. Anshuman Shrivastava and Mr. Debarshi Bhuyan, Adv.**  
**Mr. Kabir Shankar Bose and Mr. Saakar Sardana and Ms. Holika Sukhavi, Adv. For State of W.B. & WBPCB.**  
**Mr. Gaurav Agarwal and Mr. Akshat Srivastava, Adv. for IGL**  
**Mrs. G. Indira, Mr. Sumit Kumar and Mr. K.V. Jagdishvaran, Adv. For UT of Andaman & Nicobar Islands Administration**  
**Mr. G. Indira, Mr. Sumit Kumar and Mr. K.V. Jagdivaram, Adv.**  
**Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.**  
**Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv. For State of Haryana**  
**Mr. Balendu Shekhar & Mr. Akshay Abrol, Adv. for MCD and EDMC**  
**Mr. Naushad Ahmed Khan, Standing Counsel for Delhi Transport Corporation**  
**Mr. Jogy Scaria and Ms. Beena Vicky, Adv.**  
**Mr. Saurav Agarwal and Ms. Akshat Srivastava, Adv.**  
**Ms. Sakshi Popli, Adv. for NDMC**  
**Ms. Puja Kalra, Adv. for South Delhi Municipal Corporation and North Delhi Municipal Corporation**  
**Mr. Ravikant Pal, Mr. Pulkit Prakash and Mr. Pragyan Sharma, Adv. for State of Mizoram**  
**Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Sharma and Mr. Adhiraj Rajawat, Adv. For State of Rajasthan.**  
**Mr. Sunil Satayarth, Adv. and Mr. Ashok Kumar, Adv s. For Delhi Cantonment Board**  
**Mr. P. Venkat Reddy, Adv. for State of Telangana**  
**Ms. Natasha Sahrawat, Ms. Nandini Gore and Mr. Aditi Bhatt, Adv. With Mr. Sharmendra Choudhary, Legal Manager, Mr. Bipin Das, Legal Manager**  
**Mr. Avijit Roy, Ms. Kankara Arandhara and Ms. Deepika Ghatowar, Adv. For State of Assam.**  
**Ms. Pinky Anand, Sr. Adv., ASG with Mr. Tavinder Sidhu and Ms. Gunjan Sinha Jain, Adv. for NHAI**  
**Mr. Diljeet Titus and Mr. Utkarsh Goel, Adv., Adv. For HMCI**  
**Mr. Om Prakash, Adv. for MoR Northern Railway**  
**Mr. Devraj Ashok, Adv. for State of Karnataka**  
**Ms. Soumya Jit Pani and Mr. P. Venkatesan, Adv. for State of Odhisa**  
**Mr. Dinesh Kumar Garg and Mr. Parv Kumar Garg, Adv. AOR for State of Uttarakhand**  
**Mr. Anil Shrivastav, Standing Counsel and Mr. Sanyam Saxena and Mr. Pranav Rishi, Adv. For State of Arunachal Pradesh & PCB**

Mrs. Avnish Ahlawat and Mr. N.K. Singh, Advs for  
DSIU and PWD  
Mr. Guntur Prabakar and Mr. Prashant Mathur,  
Advs. For State of Andhra Pradesh  
Mr. Yogesh Kanna and Mr. Jayant Patel, Advs. for  
Tamil Nadu State  
Mr. Atmaram. N. S. Nadkarni, Adv. General, Mr.  
Purna Bhandari, Ms. S.S. Rebello, Mr. Anshuman  
Srivastava and Mr. Debarshi Bhuyan, Advs. for  
State of Goa and Goa SPCB.  
Ms. Alpana Poddar, Adv. along with Mr. S.L.  
Gundli, Sr. LO, Central Pollution Control Board  
Mr. Anuj Sharma and Mr. Santosh S. Rebello, Adv.  
Ms. Puja Singh, Adv.  
Mr. Soumyajit Pani and Mr. P. Venkatesan, Advs.  
Mr. Jeevan B. Panda and Ms. Abhisar Bairagi,  
Advs.

**Present: Applicant:**

**Respondent No.1:**

**Respondent Nos. 2 to 6:**

Mr. Vikas Malhotra, with M. P. Sahay, Advs.  
Mr. Ardhendumali Kumar Prasad, Mr. Pryanka  
Swami and Mr. Jigdal G. Chankapa, Advs.  
Mr. Rahul Choudhary, Adv. for Invenor  
Ms. Prerna Singh and Mr. Prashant Mathur, Advs.  
For State of Andhra Pradesh  
Mr. Atul Jha, Adv. for State of Chhattisgarh  
Mr. M. Yogesh Kanna and Mr. Jayant Patel, Advs.  
For State of Tamil Nadu & TNPCB  
Mr. Kabir Shankar Bose and Mr. Saakar Sardana  
and Holika Sukhalu, Advs. For State of W.B. &  
WBPCB.  
Mr. Suryanarayan Singh, Sr. Addl. Advocate  
General for State of H.P.  
Ms. K. Enatoli Sema and Mr. Amit Kumar Singh,  
Adv. State of Nagaland  
Mrs. G. Indira and Mr. K.V. Jagdishvaran, Advs.  
For UT of Andaman & Nicobar Islands  
Administration and Mr. Sumit Kumar, Adv.  
Mr. Jayesh Gaurav, Adv. for JSPCB  
Mr. Devraj Ashok, Adv. for State of Karnataka  
Ms. Aruna Mathur, Standing Counsel, Mr. Shobhit  
Nanda, Advs. For State of Sikkim  
Mr. Sapam Biswajit Meitei, Mr. S. Vijayanand  
Sharma and Mr. Kalyani Goswami, Mr. Vijayanand  
Advs. for State of Manipur & PCB  
Mr. Anil Shrivastav, Standing Counsel and Mr.  
Sanyam Saxena and Mr. Pranav Rishi, Advs. For  
State of Arunachal Pradesh & PCB  
Mr. Anil Grover, AAG with Mr. Rahul Khurana,  
Advs. For State of Haryana, Managing Director,  
HSIIDC, Haryana, DSP, Panipat & DSP, Rewari,  
Chief Engineer, HUDA adn Regional Officer,  
HSPCB, Gurgaon, North  
Mr. Ravikant Pal, Mr. Pulkit Prakash and Mr.  
Pragyan Sharma, Advs. for State of Mizoram  
Mr. Jayesh, Adv. for JSPCB  
Ms. Puja Kalra, Adv. NDMC  
Mr. Tariq Adeeb, Adv. in M.A. No. 1029 of 2015  
Mr. Deepak Jain, Mr. Alok Misra, Mr. D.K. Thakur,  
Ms. Shantala Sankriti and Ms. Aditi Toma, Advs.  
Mr. Shubham Jaiswal and Mr. Sarthak Chaturvedy,  
Advs.

**Original Application No. 303 of 2015**

**Applicant :**

**Respondent No. 1 :**

Ms. Bhakti Pasrija Sethi, Ms. Prerna Kumari, Ms.  
Mamta Rani and Ms. Sudha Pal, Advs.  
Mr. Vishwendra Verma, Mr. Pranav Verma and Mr.  
Karan Sinha, Advs. For MoEF

**Respondent No. 3 :**

**Mr. D. Rajeshwar Rao, Adv. Counsel for Transport Deptt. and Delhi Police, GNCT, Delhi**

**Respondent No. 4 :**

**Ms. Savitri Pandey along with Ms. Azma Parveen, Advs. for State of UP.**

**Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advs. For State of Haryana**

**Ms. Alpanna Poddar, Adv. with Mr. SL Gundli, SLO for CPCB**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No. 28 to 30</b></p> <p><b>December 11, 2015</b></p> <p><b>ss</b></p>	<p>It is not only undisputable, but in fact the conceded position, that there are 3 prime sources of air pollution in NCT, Delhi as well as NCR, the burning of Municipal Solid Waste and other waste in open, dust generated by construction and allied activities including sweeping of roads and finally vehicular pollution. In regard to all these three aspects, Tribunal had already passed comprehensive directions vide its order dated 26<sup>th</sup> November, 2014, 04<sup>th</sup> December, 2014, 07<sup>th</sup> April, 2015, 28<sup>th</sup> April, 2015, 07<sup>th</sup> July, 2015, 17<sup>th</sup> April, 2015, 14<sup>th</sup> July, 2015, , 27<sup>th</sup> July, 2015, 30<sup>th</sup> July, 2015, and 02<sup>nd</sup> December, 2015.</p> <p>The Learned Additional Solicitor General appearing for Union of India has stated the aspect on capping of vehicles, it is primarily for the NCT, Delhi to take a stand before Tribunal and as far as end of life of vehicle is concerned, Ministry has already taken the stand that commercial diesel vehicles attaining age of 10 years should be directed to take PUC certificate every 6 months and after 15 years they should be condemned. However, in relation to petrol vehicles, the Union of India does not favour scrapping of vehicle on ageing or otherwise. The Learned Counsel appearing for NCT, Delhi submits in relation to various queries raised by the Tribunal for implementation of the directions already issued that he</p>

needs further time. He further states that the clear stand of the Government is to impose even and odd car system on the alternative days and for considering all other aspects which would be simultaneously operative to achieve the objective and reduction in air pollution in Delhi, he prays for some time.

We think that the authorities concerned must sit together and clearly answer the queries raised by the Tribunal as well as relation to the compliance of the directions already issued which in their considered opinion if implemented simultaneously with the odd and even car system proposed to be introduced would make it for more effective and result oriented. We direct that by way of last opportunity, we grant time to all the Learned Counsel appearing in the case to seek instructions and report to the Tribunal on those aspects. The Learned Additional Solicitor General submits that the Central Government's view of providing certain special benefits for condemnation/scraping of vehicles have been favorable as has been stated in the note put up before the Tribunal today. Let the Government of NCT, Delhi, consider this view and clearly take stand as to the system to be adopted for scraping of vehicles particularly diesel vehicles which are more than 10 years of age and the consequential benefits in registration, scraping, incentive and other incidental benefits that would be granted to the owner of the vehicle in respect of new vehicle like Registration fee/excise duty. Let these instructions be taken by the next date of hearing.

The Learned Counsel appearing for NCT, Delhi submits that in all the RTOs in Delhi around 1300 to

1400 vehicles are being registered everyday which include all types of vehicles heavy and light including two wheelers. Obviously, reasonably good number of vehicle are also being registered at Gurgaon, Bahadurgarh, Ghaziabad and NOIDA. These are over and above the vehicles registered in Delhi.

In view of the serious contribution of vehicular pollution to the air quality of NCT, Delhi it is important that the Government should take a serious view and a decision, whether any vehicle particularly Diesel Vehicle (old or new) should be registered in the NCT, Delhi. As an interim measure till next date of posting subject to hearing of all the concerned parties, we direct that Diesel Vehicles of more than 10 years of age as already directed, as well as new diesel vehicle would not be registered in NCT, Delhi.

We also direct the Government to take a conscientious decision in regard to not buying any diesel vehicle, whether by the Central or the State Government. The Learned Counsel should take clear instructions in that regard.

We direct all the Public Authorities, Corporation, DDA, Police and other Public Department to prepare an Action Plan for phasing out of diesel vehicles particularly the trucks being used by all these bodies. Let this Action Plan be placed before the Tribunal on the next date of hearing.

Another very serious aspect is that incidents of waste burning in the open have been brought to the Notice of the Tribunal and they are even widely reported. In furtherance to the Directions, we hereby direct all the

Corporations, DDA, Cantonments and SHOs of the concerned Police Stations that they would ensure that no waste is burnt in the open and none is disobeying the directions, besides rendering himself liable for punitive action under law and to pay Environmental Compensation as per Section 15 and 16 of NGT, Act, 2010 at the rate of Rs. 5,000/- per event. Similarly, it would also apply to dumping of construction and other waste material in public places and on the river bed.

We hereby also direct that builders who keep their dust, sand, cement, brick and other construction materials on the public place and road, as per the directions of the Tribunal already issued, would not be permitted to do so. Besides, seizing such materials under the provision of the Municipal Corporation Act of the Delhi, they would be liable to pay environmental compensation at the rate of Rs. 50,000/- per incident as already directed. Even the construction material which is stored within the building should be covered, and it should be ensured that there is no emission and it does not disperse into the atmosphere. This will also apply to transportation of construction materials. These directions will be applicable to NCR Delhi as afore indicated. All the Authorities may file list of offenders before the next date of hearing. Let all concerned authorities issue public Notice and these directions should be brought into the public domain by the concerned authorities before they take punitive action. In relation to taking of adequate measures for preventing air pollution in schools particularly Government, Corporation Schools, NCT Delhi is directed to submit a proposal for creating green belt,

	<p>converting the ground by grass and installation of air filters in the schools.</p> <p>The DDA, all Bodies including NDMC, Delhi Cantonment Board and Government should also examine the possibilities of sprinkling water.</p> <p>List this matter on 06<sup>th</sup> January, 2016.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (M.S. Nambiar)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (B.S. Sajwan)</p>
--	--

