
(1996) 02 SC CK 0226

In the Supreme Court Of India

Case No : Writ Petition (C) No's. 9300 of 1982 and 13029 of 1985

M.C. Mehta and Others

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 14-02-1996

Acts Referred:

Citation : (1998) 8 SCC 648

Hon'ble Judges : A. M. Ahmadii, C.J; Sujata V. Manohar, J; K. Venkataswami, J

Bench : Full Bench

Advocate : K.K. Gupta, V.R. Reddy, A.S.G., N.N. Goswami, Senior Advocate, W.A. Qadri, Niranjana Singh and Anil Katiyar, for the Respondent

Final Decision : Dismissed

Judgement

1. Pursuant to the order of 21-10-1994 and followed by an order dated 28-3-1995, certain directions were given in regard to the supply of lead-free petrol in the four metros and the supply of 0.15 g/1 petrol at all the outlets in the four metros as well as in the rest of the country. According to the programme which was chalked out in this behalf, low-lead petrol of 0.15 g/1 was to be supplied in the four metros at all the outlets by December 1994. This target was achieved even before that date by June 1994. The target for supplying the reduced lead content petrol of 0.15 g/1 in the entire country was fixed as December 1996 and we are assured by the learned ASG that the Ministry of Petroleum and Natural Gas is proceeding full steam to ensure that the target is met and the reduced lead content petrol of 0.15 g/1 becomes available in the entire country. As far as supply of unleaded petrol, i.e., petrol with a lead content of less than 0.013 g/1 is concerned, a three-phase programme was drawn up. In the first phase, introduction of unleaded petrol in the four metros through selected retail outlets was to be completed by 1-4-1995 and this target has since been achieved. It was further directed that norms for the year 2000 be discussed and this was to be finalised within six months, which, we are told, has been done and according to the programme drawn up, the Phase II programme for

extension of unleaded petrol to capitals of all States and major towns is proposed to be achieved from 1998 and we are told that the Ministry has finalised the plans for ensuring the implementation of that decision and thereafter in Phase III, unleaded petrol would be made available in the entire country at selected retail outlets by April 2000. Once the reduced lead content petrol (0.15 g/l) becomes available in the entire country by December 1996, the situation in regard to emission of smoke and deposit of lead content on vegetation, etc., will considerably ease. We do hope that while the Phase II and Phase III programme for supply of unleaded petrol has been targeted as 1998 and 2000, the Ministry concerned will try to meet the targets even before the target dates.

2. The learned counsel for the automobile manufacturers states that as per this Court's order, all new four-wheelers sold in the four metros after 1-4-1995 have been equipped with catalytic converters. So far as that statement is concerned, there is no controversy. Mr Mehta, however, submitted that the problem has manifested itself in different ways in that car-owners from neighbouring areas bring their vehicles to Delhi and use them in Delhi for long periods without catalytic converters. However, one thing is very obvious that even if that be so, they would be using petrol with 0.15 g/l lead content only. But the second difficulty that he pointed out is of a more serious nature in that he stated that new cars sold with catalytic converters are being tampered with and the converters are got removed at a low cost of around Rs. 300 with the result that even new vehicles are plying without catalytic converters. In this connection, we think that the authorities should take a serious view and try to plug the mischief. One way of doing it is that if a new vehicle has been sold in the four metros and registered there and is found without a catalytic converter, the driver/owner of that vehicle should be dealt with and, if necessary, the supporting rule or legislation should be enacted. In the meantime, the Ministry should warn users of such cars that if they are found to be using four-wheel vehicles registered in the four metros after 1-4-1995 and found to be plying without a catalytic converter, they would be dealt with as violating this Court's order. The warning can be issued and all such users made aware of the possibility of they being dealt with for removal of the in-built catalytic converters by the use of media, television, etc. This should be done without loss of time and in any case within two weeks from today.

3. This Court had directed that the outlets for the supply of lead-free petrol should be increased gradually in the four metros of the country. We are told that this is being done and so far as Delhi is concerned, from 80 outlets in April 1995, the total has arisen to 129 in January 1996, in Bombay from 35 to 52, in Calcutta there is no increase and in Madras from 10 to 14. Thus, between April 1995 and January 1996, the outlets have increased from 156 to 226 which is, in our opinion, a slow progress. Insofar as Calcutta is concerned, there is no progress whatsoever and we do not see any explanation in that behalf and so far as Madras is concerned the progress is, in our opinion, slow. However, if the targeted progress is achieved by 1-4-1996 it will meet with the demand but we

think that it is essential that more and more outlets should be made available to the consumers so that they are encouraged to use unleaded petrol as far as possible. The second difficulty that was pointed out that the absence of outlets on the periphery of the metros on account of the non-availability of unleaded petrol on the periphery of the four metros the outstation cars entering the metros come with petrol having a high lead content, we think that this difficulty will be considerably resolved once the supply of reduced lead content petrol (0.15 g/1) becomes available all over the country w.e.f. December 1996. The Ministry is already seized of the matter and it proposes to increase the number of outlets along the highways from the four metros by April 1996.

4. That brings us to the question of conversion of existing government vehicles to CNG. We had passed an order on 28-3-1995 and had directed the Ministry to take steps for converting all government vehicles registered prior to 1-4-1995 to CNG. When we passed that order, certain difficulties in regard to the availability of the kit were pointed out. Now, before we issue directions to the users of old vehicles in the metros we think that the Government should be the first to set an example. We now find that the initial difficulty of securing the kit no more stares in our face. Our attention has been drawn to Letter No. G&T/ND/1067/95-96 dated 16-1-1996 written to Mr Justice K.N. Saikia, the Chairman of the Committee, stating that Yugo-Tech, Inc. and G&T Yugo-Tech CNG Pvt. Ltd. are in a position to meet all the requirements of the Indian consumers, government agencies and bodies for equipping of the existing cars with CNG kit. It is, therefore, obvious that the difficulty of procuring the kit no more exists. The next difficulty is in regard to setting up of a mother station for the compressor. Letter No. ND/CNG/Govt./3/95 dated 30-1-1996 written by the Director (Personnel) S.S. Vaidyanathan of GAIL, states that the compressor was ordered and was ready for despatch from Bharat Pumps & Compressors Ltd., Naini, but the same had to be diverted to Baroda as DDA had failed to provide land for the installation of the compressor in Delhi. It is stated that the compressor being a costly equipment could not be kept idle as it would deteriorate by the passage of time and, therefore, it became necessary to divert it to Baroda where land was available. The letter further states that as soon as DDA makes available the required land at a suitable location, GAIL would be able to provide a new compressor. We are told that DDA had initially offered land at Bhikaji Cama Place and at Sarai Kale Khan but later they changed their mind and offered a land which was not suitable at a distant place. Counsel for DDA states that he would take instructions and report on the development. We are afraid that the matter cannot be allowed to snowball in that fashion. The instructions ought to have been taken and in fact the Court should have been apprised of the developments that have taken place so far. This is a matter which cannot brook delay. We expect DDA to show a sense of urgency. It is the lack of that which has necessitated the diversion of one compressor that is a sad commentary. We would, therefore, like DDA to place on record next week what action it has taken in this behalf. Once we are assured of the availability of CNG to the consumers,

we may be able to pass orders covering the consumers of old cars in the entirety of the metro. Let the matter come up on 22-2-1996.

5. So far as vehicles run on diesel are concerned, we understand that the sulphur content is being reduced and the target is to reduce it to 0.5 per cent by April 1996. We will await the action by that date.

Court Masters