
(2016) 04 SC CK 0111

In the Supreme Court Of India

Case No : I.A. Nos. 371, 372, 375, 376-377, 378-379, 380-381, 382, 383-384, 385-386, 387, 388, 389, I.A. No. 390 IN I.A. No. 380-381, 391-392, 394, 397-398, 399-400, 401, 402-403, 404, 405-406, 407-408, 409-410, 411-412, 413-414, 415-416, 418, 419-420, 421-422, 423

M.C. Mehta

APPELLANT

Vs

Union of India & Ors.

RESPONDENT

Date of Decision : 30-04-2016

Acts Referred:

Citation : (2016) 4 Scale 604

Hon'ble Judges : T.S. Thakur C.J.I.; A.K. Sikri; R. Banumathi, JJ.

Bench : Full Bench

Advocate : Harish N. Salve, Adv. Sr. Adv. (A.C.), Sidhartha Chowdhury (A.C.), Apartajita Singh (A.C.), A.D.N. Rao (A.C.) Petitioner in person Applicant in Person, R.S. Suri, Sr. Adv, Avinash Kumar, K.K. Venugopal, Sr. Adv, Pooja Dhar, Suhasini Sen, Shradha Deshmukh, Zeeshan Diwan, D.N. Goburdhun, Pallavi Chopra, S.N. Terdal, and Arti Singh, Advocates, for the Appellant; Gopal Subramaniam, Sr. Adv, Mohan Parasaran, Sr. Advocate, for the Respondent

Final Decision : Disposed Of

Judgement

I.A. No. 401 and 403 of 2016

1. These applications have been filed by South Delhi Municipal Corporation and North Delhi Municipal Corporation seeking permission for registration of diesel vehicles used for collection and transportation of garbage on diesel based HCV and MCV vehicles. Mr. Mehta, learned counsel appearing for the applicants submits that the National Green Tribunal, New Delhi has by its order dated 11.12.2015 prohibited registration of the aforementioned category of vehicles since they run on diesel fuel. Learned counsel for the applicant submits that they had moved an application before the NGT for modification of its order but the NGT has declined to consider the same in view of the pendency of present proceedings before this Court. He submits that this Court could clarify that pendency of these proceedings in this Court shall not prevent the NGT from

considering and making suitable orders for vacation/modification of its earlier orders so as to permit registration of the vehicles which the NDMC and SDMC use within their respective areas. We see no reason to decline that prayer. The NGT is permitted to suitably consider and pass appropriate orders by modification/vacation of its earlier orders in respect of the diesel vehicles which the NDMC and SDMC use for removal and transportation of solid waste in Delhi.

2. These I.As. are disposed of with that observation.

I.A. No. 447-448 of 2016

3. Heard.

4. On the analogy of our order dated 31.03.2016 passed in I.A. No. 393 of 2015, we permit registration of vehicles mentioned in para 3 of the application purchased by and for use by the Delhi Police subject to the condition that the purchasers shall deposit ECC at the rate of 30% of the purchase value before registration. The deposit shall be made before the Delhi Pollution Control Committee and a proof of deposit produced before the Transport Authority at the time of registration.

5. These I.As. are accordingly allowed and disposed of.

I.A. No. 454 of 2016

6. For the reasons stated in the application, we permit registration of 192 and 58 (total 250) water tankers of the category mentioned in para 5 of the application purchased by Delhi Jal Board to augment supply of water in different parts of the capital. We make it clear that the vehicles in question shall be used by the Board entirely for providing drinking water to the residents of Delhi since the new vehicles are replacing the older vehicles earlier used for the said purpose. The registration shall however be free from any environment cess charge on the same.

7. These I.As. are accordingly allowed and disposed of.

I.A. No. 397-398 of 2016

8. Objections, if any, shall be filed by the learned amicus curiae within four weeks.

I.A. No. 407-408 of 2016

9. Learned counsel for the applicant seeks leave to withdraw these applications with liberty to approach the National Green Tribunal, New Delhi for appropriate relief and direction.

10. The applications are dismissed as withdrawn with the liberty prayed for.

I.A. No. 449 of 2016

11. Heard.

12. For the reasons stated in the application we permit registration of 10 diesel vehicles used as water tankers and 2 tractors with trolleys for being used in the NDMC area for supply of water to the residents in the said area. The registration shall be without payment of any cess.

13. The application is allowed and disposed of accordingly.

I.A. No.391-392 of 2016

14. Heard.

15. We clarify our order dated 09.10.2015 and 16.12.2015 to the extent that vehicles running on CNG fuel shall not be liable to pay the environment compensatory cess while entering Delhi.

16. The I.As. are accordingly disposed of.

I.A. No. 441-442 of 2016

17. Post these application after the learned amicus curiae has filed response to the same.

I.A. No. 450-451 of 2016

18. Heard.

19. We see no reason to entertain these application which are hereby dismissed.

20. We make it clear that order regarding charges/recovery of ECC in terms of the direction issued by order dated 09.10.2015 and 26.02.2016 shall continue pending further orders from this Court and shall be applicable to all trucks entering Delhi unless otherwise exempted by any order of this Court.

I.A. No. 371-372 of 2016

21. Mr. J.N. Dubey, learned senior counsel submits that since the applicant does not wish to pursue these applications as their grievances stands redressed by the Government.

22. These applications are accordingly disposed of as infructuous.

23. We order accordingly.

I.A. No. 432 of 2014

24. Heard.

25. The constitution of EPCA in terms of para 7 of this application is permitted subject of course to the conditions that Society of Indian Automobile Manufacturers shall also be entitled to nominate one Member in the reconstituted EPCA. The Society shall nominate their representative within four weeks from today. The reconstituted authority shall have jurisdiction over the national capital region as defined in clause (f) of Section 2 of the National Capital Region

Planning Board Act, 1985 and shall have the mandate to deal with all such matters as have been outlined in para 8 of the application.

26. I.A. is accordingly disposed of.

I.A. NOS. 375, 376-377, 378-379, 380-381, 382, 383-384, 385-386, 387, 388, 389, I.A.NO.390 IN I.A.NO.380-381, 394, 397-398, 399-400, 402, 404, 405-406, 409-410, 411-412, 413-414, 415-416, 418, 419-420, 421-422, 423, 424, 426-427, 428-429, 430-431, 433, 434, 435-436, 437-438, I.A.NOS.439-440, 441-442, 443-444, 445-446, 452, 453 in W.P. (C) No.13029/1985

27. List all these applications along with connected writ petitions on Monday, 9th May, 2016 at 2.00 p.m.