

(2015) 10 SC CK 0155

In the Supreme Court Of India

Case No : Interlocutory Application No. 365 of 2015 in Interlocutory Application No. 345 in Writ Petition (Civil) No. 13029 of 1985

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and others

RESPONDENT

Date of Decision : 09-10-2015

Acts Referred:

Citation : (2015) 4 RCR(Civil) 764 : (2015) 11 SCALE 565 : (2016) 2 SCC 33

Hon'ble Judges : H.L. Dattu, C.J.I., Arun Mishra and A.K. Goel, JJ.

Bench : Full Bench

Advocate : Harish N. Salve, Sr. Advocate (A.C.), Aparajita Singh, Siddhartha Choudhary, A.D.N. Rao, Advocates (A.Cs.) and Party-in-Person (NP), for the Appellant; Ranjit Kumar, S.G., V. Mohana, Senior Advocate, Meenakshi Grover, S.N. Terdal, Praveen Swarup, Ajay Ban

Final Decision : Dismissed

Judgement

1. The issue relates to steps to be taken to check pollution by commercial traffic travelling from North India towards Jaipur and onwards via Delhi.
2. It has been pointed out that even though alternative routes are available for such traffic, only reason for such traffic entering into Delhi is to save higher rate of toll tax in taking such alternative routes. In the process, pollution caused by such traffic inflicts heavy cost on the health of the residents of Delhi. To tackle this situation an "Environment Compensation Charge" (ECC) may be required to be imposed on all light and heavy duty commercial vehicles and the amount so collected ought to be exclusively used for augmenting public transport and improving roads, particularly for most vulnerable users, that is, cyclists and pedestrians in Delhi.
3. Reference has been made to a report prepared by the Environment Pollution (Prevention and Control)) Authority (EPCA) (constituted under the provisions of Environment Protection Act, 1986) on "strategies to reduce air pollution from

trucks entering and leaving Delhi". According to the said report, a study was commissioned by the Centre for Science and Environment to M/s. V.R. Techniche Consultants Pvt. Ltd. According to the study, the commercial vehicles entering Delhi spew close to 30 per cent of the total particulate load and 22 per cent of the total nitrogen oxide load from the transport sector. About 23 per cent of the commercial vehicles and 40-60 per cent of the heavy trucks entering Delhi were not destined for Delhi. NH 71 and NH 71A are toll roads connecting Rewari to Panipat via Jhajjar and Rohtak and this alternative route obviates the need to travel through Delhi. Thus, apart from the MCD toll, it was necessary to impose ECC to equalize the difference in cost in travelling through alternative routes.

4. Learned Amicus Curiae Shri Harish Salve, learned Solicitor General Shri Ranjit Kumar and Shri Dushyant Dave, learned senior Counsel appearing for the Government of NCT Delhi have jointly suggested that ECC ought to be imposed by the Delhi Government at the following rates:

- (i) Category 2 (light duty vehicles etc.) and Category 3 (2 axle trucks) Rs. 700/-
- (ii) Category 4 (3 axle trucks) and Category 5 (4 axle trucks and above) Rs. 1300/-

The above charge shall not be imposed on

- (a) Passenger vehicles and ambulances
- (b) On vehicles carrying essential commodities, that is, food stuffs and oil tankers.

5. The charge will be collected by the toll operators without any deduction and handed over to the Delhi Government on every Friday. The Delhi Government shall furnish accounts of the receipts and the expenditure incurred to EPCA and to this Court each quarter.

6. The Governments of U.P., Haryana and Rajasthan will provide large size bill boards at the exit points towards the alternative highways to inform commercial traffic of the diversions. The said Governments will take steps to ensure that commercial traffic having destination other than Delhi use alternative routes. The said Governments will ensure that in the course of implementation of this order, traffic jams and other inconvenience to the public is avoided. The Government of NCT Delhi will issue advertisements to inform commercial traffic of the bypass routes and the information about the imposition of the ECC required to be paid for entry into Delhi. The toll collectors will put in place Radio Frequency Identification (RFID) system at their own cost at nine main entry points in the city by November 30, 2015 and by 31st January, 2016 at all the remaining 118 entry points to the city, failing which the contractors will be treated as being in breach of their obligation. The RFID data will be supplied to the MCD and Transport Department of the Government of NCT Delhi.

7. The NCT Government will install its own CCTV cameras at nine entry points

and also organise surprise visits to oversee the collection of ECC and other necessary arrangements.

8. On due consideration, we do not see any reason not to accept the above suggestion. Accordingly, we approve the suggested arrangements.

9. The Government of NCT Delhi may issue an appropriate notification to levy the aforesaid charge forthwith which will be operative for a period of four months starting from 1st November, 2015 to 29th February, 2016 on an experimental basis. This order will override any order to the contrary by any authority.

10. To review the above mechanism, the matter may be posted for further consideration in the 3rd week of February, 2016.

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11. To review the mechanism, as mentioned in the signed order, the matter may be posted for further consideration in the 3rd Week of February, 2016.