

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

**(MA. No. 728/2017, MA. No. 729/2017, MA. No. 730/2017,  
MA. No. 731/2017, MA. No. 732/2017 & MA. No. 735/2017)**

**In**

**Original Application No. 21/2014**

**IN THE MATTER OF :**

**Vardhaman Kaushik Vs. Union of India & Ors.**

**CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

**Present: Applicant:**

Mr. Sanjay Updhyay, Ms. Saumitra Jaiswal, and Ms. Upama  
Bhattacharjee, Advs.  
Mr. Arjun Sayal, Adv.  
Mr. Ardhendu Kumar Prasad and Mr. Shashank Saxena, Advs.  
Mr.s Siddharth Chaturvedi and Mr. Shubham Jaiswal, Advs.  
Mr. Balendu Shekhar, Adv. for MHI and MORTH  
Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, LO  
Mr. Rudreswar Singh and Mr. Gautam Singh, Advs. for State  
of Bihar and Bihar PCB  
Mr. Nishe Rajen Shonker, Adv. for State of Kerala  
Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, and Mr.  
Charan Jeet Singh, Advs. GNCTD  
Mr. Mukul Singh, Adv. for Ministry of Environment,  
Forest and Climate Change  
Mr. Mukesh Verma, and Mr. Bikash Kr. Sinha, Advs.  
Mr. Jogy Scaria, Adv. for State of Kerala State Pollution  
Control Board  
Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. for  
NOIDA and Greater NOIDA  
Mr. Jayesh Gaurav, Adv. for JSPCB  
Ms. Yogmaya Agnihotri, Adv.  
Mr. Atul Jha, Adv. for State of Chhatisgarh  
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. UPPCB  
Ms. Sakshi Popli, with Mr. Anurag Kumar, Advs.  
Mr. Rahul Khuran, Adv.  
Mr. Raja Chatterjee and Mr. Chanchal Ganguli, Advs. for State  
of WB  
Ms. Aruna Mathur and Mr. Avneesh Arputham and Ms.  
Anuradha Arputham, Advs. for State of Sikkim  
Mr. Raj Kumar, Adv. for CPCB  
Mr. Vijay K. Sondhi, Ms. Cauveri Birbal and Mr. Arnav Sanyal  
Advs.  
Ms. Puja Kalra, Adv.

Date and Remarks	Orders of the Tribunal
<p style="text-align: center;"><b>Item No. 08</b></p> <p style="text-align: center;"><b>June 12, 2017</b></p> <p style="text-align: center;"><b>ss</b></p>	<p style="text-align: center;"><b><u>M.A. No. 728 of 2017 and M.A. No. 371 of 2017</u></b></p> <p style="text-align: center;">The Applicant M/s. Shyam Prakash and Company in M.A. No. 728 of 2017 seeks directions to the Registering Authority to register the Heavy Commercial Diesel Vehicle of BS-IV compliant, purchased by the Applicant bearing Chassis No. MEC2126CBHP039072, Engine No. 400952D0039056.</p> <p style="text-align: center;">The M.A. No. 731 of 2017 is filed by M/s. Pick and</p>

	<p><b>Item No.</b> <b>08</b></p> <p><b>June 12,</b> <b>2017</b></p> <p><b>ss</b></p>	<p>Drive Service Station also seeking similar relief. According to the Applicant it has purchased Heavy Commercial Diesel Vehicle of BS-IV compliant bearing Chassis No. MEC2126CBHP039078, Engine No. 400952D0039061.</p> <p>The relief sought is stated to be the similar to the relief which was sought in M.A. No. 450 of 2017, 454 of 2017, 455 of 2017, 456 of 2017 and 457 of 2017. The said Applications have since been disposed of. These applicants also stand at par with those applicants and keeping the consistency in consideration these applications are also allowed subject to the following directions:-</p> <ol style="list-style-type: none"><li>1. The Heavy Commercial Vehicle that is sought to be registered should be BS-IV compliant.</li><li>2. The Applicant shall file an Affidavit before the Tribunal as well as before RTO that they do not possess or engage any diesel vehicle which is more than 10 years old for carrying on their business activity.</li><li>3. It is also directed to furnish details of the other diesel vehicles owned by this Applicant in the form of Affidavit.</li><li>4. The said vehicles should be duly maintained and used only for exclusive purpose for carrying petroleum products and no other purpose.</li><li>5. They are directed to carry or to be used for the purposes of bringing petroleum products from the depot to the petrol pump and for no other purpose and will not be used for any private purpose.</li><li>6. The vehicle should be fitted with GPS. The record thereof be produced <b>before the RTO.</b></li></ol>
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	<p><b>Item No. 08</b></p> <p><b>June 12, 2017</b></p> <p><b>ss</b></p>	<p>7. The vehicle shall not be structurally altered and increase its height or other dimensions of the vehicle and it should be strictly within the specified limit.</p> <p><b><u>M.A. No. 729 of 2017, M.A. No. 730 of 2017 and M.A. No. 732 of 2017</u></b></p> <p>M.A. No. 729 of 2017 is filed by M/s Care Care Centre seeking direction of this Tribunal to the Registration Transport Authority to register the commercial diesel vehicle Euro-IV purchased on 11.05.2017 bearing Chassis No. MEC2126CCHP040005, Engine No. 400952D0039947.</p> <p>M.A. No. 730 of 2017 is filed by M/s Bhasin Service Station seeking direction of this Tribunal to the Registration Transport Authority to register the commercial diesel vehicle Euro-IV purchased on 17.04.2017 bearing Chassis No. MEC0774CCHP020077, Engine No. 400924D0008884.</p> <p>M.A. No. 732 of 2017 is filed by M/s Harshita Service Station seeking direction of this Tribunal to the Registration Transport Authority to register the commercial diesel vehicle Euro-IV purchased on 29.04.2017 bearing Chassis No. MEC2126CCHP040001, Engine No. 400952D0039943.</p> <p>We have perused the order passed by the Tribunal dated 18<sup>th</sup> May, 2017 in M.A. No. 447 of 2017, 448 of 2017 and 453 of 2017. The circumstances in which the present applications are placed and the ground urged are similar to those applications. Hence, n question of parity similar relief could be granted.</p>
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	<p><b>Item No. 08</b></p> <p><b>June 12, 2017</b></p> <p><b>ss</b></p>	<p>Hence, the M.A. No. 729 of 2017, M.A. No. 730 of 2017 and M.A. No. 732 of 2017 are allowed subject to the following conditions:-</p> <ol style="list-style-type: none"> <li>1. The Heavy Commercial Vehicle that is sought to be registered should be BS-IV compliant.</li> <li>2. The Applicant shall file an Affidavit before the Tribunal as well as before RTO that they do not possess or engage any diesel vehicle which is more than 10 years old for carrying on their business activity.</li> <li>3. It is also directed to furnish details of the other diesel vehicles owned by this Applicant in the form of Affidavit.</li> <li>4. The said vehicles should be duly maintained and used only for exclusive purpose for carrying petroleum products and no other purpose.</li> <li>5. They are directed to carry or to be used for the purposes of bringing petroleum products from the depot to the petrol pump and for no other purpose and will not be used for any private purpose.</li> <li>6. The vehicle should be fitted with GPS. The record thereof be produced <b>before the RTO.</b></li> <li>7. The vehicle shall not be structurally altered and increase its height or change height of the vehicle and it should be strictly within the specified limit.</li> </ol> <p><b><u>M.A. No. 735 of 2017</u></b></p> <p>The applicant is a beneficiary of the order passed by this Tribunal on 18<sup>th</sup> May, 2017 by which we permitted them to get their vehicle registered which is not 10 years old and which is BS-IV compliant.</p>
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	<p><b>Item No. 08</b></p> <p><b>June 12, 2017</b></p> <p><b>ss</b></p>	<p>The same Applicant has moved M.A. No. 735 of 2017 contending the condition number 6 imposed by that order is being interpreted by the RTO Authority to mean that the vehicle in question sought to be registered is 10 years old. We do not find any such difficulty should have arisen because the condition number 6 has been imposed to ensure that whosoever have applied to get the vehicle which is BS-IV compliant registered, shall not operate any other vehicle which is 10 years old. Thus no further clarification is required.</p> <p>With the above clarification M.A. No. 735 of 2017 stands disposed of.</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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