

ITEM NO. 301 + 305

COURT NO.1

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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, 393, 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, 424, 426-427, 428-429, 430-431, 433, 434, 435-436, 437-438, I.A.NOS. 439-440 IN I.A.NO.365 IN I.A.NO.345, I.A.NOS. 363-364, 417, I.A.NO.425 IN I.A.NO.364 IN I.A.NO.344 AND I.A.NO.432 in Writ Petition(Civil) No. 13029/1985

M.C.MEHTA

Petitioner(s)

VERSUS

324871

UNION OF INDIA & ORS.

Respondent(s)

(For impleadment and intervention and directions and clarification/modification/recall of order and appear and argue-in-person and exemption from filing O.T. and permission to take on record additional documents in I.A. Nos. 380-381 and modification of order dated 16.12.2015 & 05.01.2016 and appln. for re-composition, rejuvenation and modification of EPCA and office report)

WITH W.P. (C) No. 116/2013

(With appln.(s) for directions and appln.(s) for permission to file additional documents and Office Report)

W.P. (C) No. 728/2015

(With appln.(s) for ex-parte stay and for directions and for impleadment and Office Report)

Date : 31/03/2016 These applications were called on for hearing today.

Certified to be true copy

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MRS. JUSTICE R. BANUMATHI

(Signature)
21/3/16
Assistant Registrar (Judl.)
Supreme Court of India

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Mr. A.D.N. Rao, Adv. (A.C.)

For Petitioner(s) Petitioner-in-person

W.P. (C) No. 13029/85

W.P. (C)No.116/13 Ms. Arti Singh,Adv.

W.P. (C)No.728/2015 Ms. Pooja Dhar,Adv.

For Respondent(s) /
Applicant(s)
(IA 393, 417
& 432)

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409-410, 411-412,
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- Mr. Narain,Adv.
For M/s. S. Narain & Co.
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- Mr. Shyamal Kumar,Adv.
- M/s. Corporate Law Group
- Mr. B. Balaji,Adv.
Mr. Muthuvel Palani,Adv.
- (I.A.388-389 & 404) Mr. Sanjay Kulshresta (Applicant in-person)

UPON hearing the counsel the Court made the following
ORDER

Post all interlocutory applications for hearing on Saturday, the 30th April, 2016.

Interim order dated 16th December, 2015 passed by us restraining registration of diesel cars with a capacity of 2000 cc and above, shall continue pending further orders from this Court.

Time granted by this court, by our Orders dated 16th December, 2015 and 5th January, 2016, for conversion of all taxis including those operating under aggregators like OLA and UBER from diesel to C.N.G., is finally extended upto Saturday, the 30th April, 2016.

I.A.NO.393 :

This application has been filed by Union of India seeking modification of our Order dated 16th December, 2015 by which this Court had restrained registration of SUVs and private cars of the capacity of 2000 cc and above using diesel as fuel. It is submitted by Mr. Ranjit Kumar, learned Solicitor General, that the Government needs vehicles to be used by the Special Protection Group of the Government of India for providing security to the present and former Prime Ministers of India and their family members under the Special Protection Group Act, 1988. He submits that the vehicles purchased for use by Special Protection Group are diesel variants of Toyota Fortuner class of vehicles with an engine capacity of 4000 cc. He

submits that vehicles required by Special Protection Group need to be equipped with armoured material and other security features which cannot be installed or added to any other vehicle and the vehicles in-question are not available in the petrol variant.

In the response filed today by Environment Pollution Control Authority (EPCA), it is submitted that the issue was discussed by EPCA also and it was agreed that the requirement could be accepted especially when the Special Protection Group purchasing the vehicles was ready to pay 30% of the cost of the vehicles as Environment Compensatory Charge (ECC). It is urged by Ms. Aparajita Singh, learned amicus, that the vehicles could be allowed to be purchased for the Special Protection Group in modification of the restraint order dated 16th December, 2015 passed by this Court and the same could be allowed to be registered by the competent registering authority upon completion of all formalities subject also to the purchasing authority depositing ECC at the rate of 30% of the purchase value of the vehicles and producing proof of deposit at the time of registration.

In the circumstances, registration of the vehicles needed by the Special Protection Group is permitted subject to deposit of ECC equivalent to 30% of the purchase price of the vehicles. Deposit shall be made before Delhi Pollution Control Committee.

I.A. No.393 is accordingly allowed and disposed of.

I.A.No.417

The petitioner-National Highways Authority of India has in this application sought a direction to the States of Uttar Pradesh and Haryana and concerned authorities in those States to provide protection to the National Highways Authority officials, agents, Concessionaires and Contractors in connection with the construction of the Eastern Peripheral Expressway being constructed in the two States. It is pointed out by Mr. Ranjit Kumar, learned Solicitor General, that the Expressway is being constructed pursuant to the directions of this Court in the present writ petition to ease traffic congestion in Delhi and also to prevent the National Capital Region from hazardous and unbearable environmental pollution. It is submitted that although the authorities concerned have been approached by the National Highways Authority officials for protection and for co-operation in connection with the execution of the on-going works the same has fallen on deaf ears. We, however, see no reason why the authorities should ignore or neglect the request for protection to officials engaged in a project of national importance like the Eastern Peripheral Expressway i.e. especially when the same is being undertaken in terms of the directions issued by this Court. We, therefore, direct the Director General of Police of the States of Uttar Pradesh and Haryana to ensure that requisite protection required by the National Highways Authority officials, Concessionaires, agents and contractors, is extended to them as and when the same is demanded. We, however, reserve

liberty to the States of Uttar Pradesh and Haryana to seek modification and/or clarification of this order should the demand for such protection and co-operation go beyond giving what is necessary for enabling the Highway Authority officials and contractors to carry out their duties in execution of the project in-question.

I.A.No.432:

Learned counsel for EPCA to file its response to this application before the next date of hearing.

Dy. No.26003 of 2016:

Post this applications also on the next date of hearing along with all the interlocutory applications.

I.A.No.364 :

Post in the next week before a Bench in which one of us (Hon'ble Sikri,J.) is not a member.

Mahabir Singh
11/4/16
(MAHABIR SINGH)
COURT MASTER

Shashi Sareen
11/4/16
(SHASHI SAREEN)
AR-CUM-PS

Saroj Saini
11/4/16
(SAROJ SAINI)
COURT MASTER

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11/4