

SECTION PIL (WRIT)

MATTER FOR : 31.08.2020

COURT NO. : 03

ITEM NOS. : 01 & 03

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

**IN RE: SMOG TOWERS**

**REPORT NO. 106 SUBMITTED BY EPCA**

(Special Report on pollution hot spots in NCR with request for urgent directions to improve enforcement and pollution control)

AND

**REPORT NO. 111 SUBMITTED BY EPCA**

(Report on piling up of waste/garbage by the sides of railway tracks in Delhi in compliance of directions of this Hon'ble court dt. 28.02.2020)

AND

**IN RE: REPORT NOS. 81 AND 84 SUBMITTED BY EPCA**

(Implementation of the December, 2015 standards for Thermal Power Plants which were to be implemented by December, 2017)

WITH

**INTERLOCUTORY APPLICATION NOS. 53959 AND 53962/2020**

(Applns. for Impleadment and Directions on b/o NTPC)

WITH

**INTERLOCUTORY APPLICATION NOS. 52536, 52538 AND 53358/2020**

(Applns. for Impleadment, Directions and exemption from filing notarized affidavit on b/o Arawali Power Co. Ltd.)

WITH

**INTERLOCUTORY APPLICATION NOS. 58771 AND 58772/2020**

(Applns. for Impleadment and Directions on b/o Telangana State Power Generation Corp. Ltd.)

WITH

**INTERLOCUTORY APPLICATION NOS. 59929 AND 59930/2020**

(applns. for impleadment and directions on b/o U.P. Rajya Vidyut Utpadan Nigam Ltd.)

WITH

**INTERLOCUTORY APPLICATION NOS. 64205, 64206 AND 64207/2020**

(Applns. for directions, permission and exemption from filing court fee and attested affidavit on b/o Singareni Collieries Co. Ltd.)

AND

**INTERLOCUTORY APPLICATION NOS. 72801 AND 72802/2020**

(Applns. for Impleadment and Directions on b/o Rajiv Gandhi Thermal Power Project)

AND

**INTERLOCUTORY APPLICATION NOS. 72795 AND 72796/2020**

(Applns. for Impleadment and Directions on b/o Panipat Thermal Power Stations)

AND

**INTERLOCUTORY APPLICATION NOS. 72778 AND 72779/2020**

(Applns. for Impleadment and Directions on b/o b/o Deen Bandhu Chhotu Ram Thermal Power Project)

AND

**INTERLOCUTORY APPLICATION NOS. 70498, 70502 AND 70500/2020**

(Applns. for Impleadment, Directions and Stay on b/o Tamil Nadu Generation and Distribution Corporation Ltd.)

AND

**INTERLOCUTORY APPLICATION NO. 71485/2020**

(Applns. For Directions on behalf of Gujarat Mineral Development Ltd.)

AND

**INTERLOCUTORY APPLICATION NO. 81055 AND 81057/2020**

(Appln. for Directions and exemption from filing original notarized affidavit on b/o Nabha Power Limited)

AND

**INTERLOCUTORY APPLICATION NOS. 80271, 80272 AND 80274/2020**

(Applns. For Impleadment, Directions and exemption from notarizaion of affidavit on b/o Punjab State Power Corporation Ltd.)

IN

**WRIT PETITION (CIVIL) NO. 13029 OF 1985**

(Under Article 32 of the Constitution of India)

M.C. Mehta

... Petitioner

Versus

Union of India & Ors.

... Respondents

AND

**CONTEMPT PETITION (C) NO. 467 OF 2020**

WITH

**IA NO. 81682/2020**

(Applns. For permission to place on record Additional fact and documents)

IN

**WRIT PETITION (CIVIL) NO. 13029 OF 1985**

(Under Article 32 of the Constitution of India)

South Delhi Municipal Corporation (SDMC)

...Petitioner

Versus

Sh. Jayant Mahiskar & Ors.

...Respondents/  
Alleged Contemnors

**OFFICE REPORT****IN RE: SMOG TOWERS****REPORT NO. 106 SUBMITTED BY EPCA**

(Special Report on pollution hot spots in NCR with request for urgent directions to improve enforcement and pollution control)

It is submitted that instant issue in the writ petition above-mentioned was listed before this Hon'ble Court on 24.8.2020 and 27.8.2020 when the Hon'ble Court was pleased to pass the following Order:

**Order dt. 24.08.2020**

“We have considered the undertaking filed in the form of a joint affidavit on behalf of the MoEF and Climate Change and CPCB. The undertaking contained in the joint affidavit cannot be termed to be an undertaking and is evasive and indicates that an effort is being made not to comply with the order.

The undertakings submitted cannot be said to be, as a matter of fact, undertakings which were expected to be filed. Similar is the state of affairs of the undertaking furnished by the Govt. of NCT of Delhi. It is totally illusive. We have requested them to file proper undertaking and also to place on record, within two days from today, the correspondence which has taken place so far between the University of Miniosota or with its Licensee either by the IIT Bombay or Tata Consultancy or the Govt. of NCT of Delhi or Ministry of Environment.

List on 27.08.2020.”

**Order dt. 27.08.2020**

“Let the requisite undertaking be filed by the Govt. of NCT of Delhi by tomorrow i.e. by 28.08.2020.

Let all other issues, which are on board today, be listed on 31.08.2020.”

It is submitted that Mr. G.S. Makker, Advocate has on 26.08.2020 E-filed Affidavit alongwith application for exemption from filing notarized /attested affidavit (IA No. 82562/2020) in compliance of Order dt. 24.08.2020 on behalf of Ministry of Environment, Forest and Climate Change and Central pollution Control Board. Same is placed with paper books as separate volume.

It is further submitted that in compliance of order dated 24.08.2020, Mr. Chirag M. Shroff, Advocate has on 28.08.2020 filed Undertaking by way of Affidavit on behalf of Govt. of NCT of Delhi. The same is being circulated for the kind perusal of the Hon’ble Court.

**REPORT NO. 111 SUBMITTED BY EPCA**

(Report on piling up of waste/garbage by the sides of railway tracks in Delhi in compliance of directions of this Hon’ble court dt. 28.02.2020)

It is submitted that instant Report was listed before this Hon’ble Court on 10.08.2020 and 24.08.2020, when the Court was pleased to pass the following Order:

**Order dt. 10.08.2020**

“Ms. Aishwarya Bhati, learned ASG, has prayed for time to obtain instructions from the Railway with respect to the removal of the garbage from the sides of the Railway Tracks.

Let a affidavit be filed by a responsible Secretary/Joint Secretary of the Railways in this regard by 18.08.2020.

Let concerned Corporations also respond to the same.

List on 20.08.2020.”

**Order dt. 24.08.2020**

“List on 27.08.2020.”

It is submitted that copy of the order dt. 10.08.2020 has been issued to the concerned parties through E-Mail on 12.08.2020.

It is further submitted that pursuant to the above order, Mr. Raj Bahadur Yadav, Advocate has on 19.08.2020 E-filed Reply and the action taken report by

Railway to prevent and removal of garbage from the railway premises. Same is placed with paper books as separate volume.

**IN RE: REPORT NOS. 81 AND 84 SUBMITTED BY EPCA**

(Implementation of the December, 2015 standards for Thermal Power Plants which were to be implemented by December, 2017)

It is submitted that the instant Reports in Writ Petition above-mentioned were listed/mentioned before the Hon'ble Court on 29.07.2020/04.08.2020 when the Court was pleased to pass the following Order:-

“Order dt. 29.07.2020

Let the EPCA consider the affidavit filed on 13.02.2020 filed on behalf of the MoEF and Climate Change and submit its opinion within three weeks.

Let the EPCA, Central Pollution Control Board, Ministry of Power and MoEF convene a joint meeting in this regard and sort out the issue.

List in the last week of August, 2020.”

Order dt. 04.08.2020

“In the order dated 29.07.2020, passed In Re: Report Nos. 81 and 84 submitted by EPCA, the words “Let the EPCA, Central Pollution Control Board, Ministry of Power and MoEF convene a joint meeting in this regard and sort out the issue.” be read as “Let the EPCA, Central Pollution Control Board, Ministry of Power, MoEF and NTPC convene a joint meeting in this regard and sort out the issue.”

It is submitted that copy of the above order has been issued to the concerned parties through E-Mail on 29.7.2020/30.07.2020 and

It is further submitted that a letter dated 26.08.2020 received through E-mail from Dr. Bhure Lal, Chairman, EPCA requesting for extension of time for a further period of four weeks to complete the deliberations. Same is enclosed herewith for kind perusal of this Office Report.

**IA NOS. 53959 AND 53962/2020**

(Applns. for Impleadment and Directions on b/o NTPC)

**AND**

**IA NOS. 52536, 52538 AND 53358/2020**

(Applns. for Impleadment, Directions and exemption from filing notarized affidavit on b/o Arawali Power Co. Ltd.)

**AND**

**IA NOS. 58771 AND 58772/2020**

(Applns. for Impleadment and Directions on b/o Telangana State Power Generation Corp. Ltd.)

**AND**

**IA NOS. 59929 AND 59930/2020**

(applns. for impleadment and directions on b/o U.P. Rajya Vidyut Utpadan Nigam Ltd.)

It is submitted that instant I.As. were listed before this Hon'ble Court on 29.07.2020 when the Court was pleased to pass the following Order:

“Interim stay to continue till the next date of hearing.

These applications be taken up on receipt of the opinion of EPCA.

List the applications in the last week of August, 2020.”

It is submitted that Mr. G.S. Makker, Advocate has on 06.08.2020 and 26.08.2020 filed four separate Counter Affidavits alongwith Applns. For exemption from paying court fee (IA Nos. 73527, 73546 and 73551/2020) on behalf of Central Pollution Control Board in all the applications. Same are placed with paper books as a separate volumes.

It is submitted that Mr. G.S. Makker, Advocate has on 28.08.2020 filed Additional Affidavit on behalf of Central Pollution Control Board in I.A. Nos. 53959 & 53962/2020, 52536 & 52538 and 59929 AND 59930/2020. Same is being circulated herewith for kind perusal of this Hon’ble Court.

**IA NOS. 64205, 64206 AND 64207/2020**

(Applns. for directions, permission and exemption from filing court fee and attested affidavit on b/o Singareni Collieries Co. Ltd. )

It is submitted that instant I.As. were listed before this Hon’ble Court on 29.07.2020 when the Court was pleased to pass the following Order:

“Issue notice.

There shall be interim stay on recovery till the next date of hearing.

Tag with I.A.No. 53959 of 2020”

It is submitted that notice has been issued to the concerned parties through speed post on 31.07.2020 and as per Indian Postal Tracking Report service of notice is complete .

It is further submitted that Mr. G.S. Makker, Advocate has on 26.08.2020 filed Counter Affidavit on behalf of Central Pollution Control Board. Same is placed with paper books as a separate volume.

**IA NOS. 72801 AND 72802/2020**

(Applns. for Impleadment and Directions on b/o Rajiv Gandhi Thermal Power Project)  
AND

**IA NOS. 72795 AND 72796/2020**

(Applns. for Impleadment and Directions on b/o Panipat Thermal Power Stations)  
AND

**IA NOS. 72778 AND 72779/2020**

(Applns. for Impleadment and Directions on b/o b/o Deen Bandhu Chhotu Ram Thermal Power Project)

It is submitted that Mr. Sanjay Kr. Visen, Advocate has on 05.08.2020 filed Applications for Impleadment and Directions on behalf of Rajiv Gandhi Thermal Power Project, Panipat Thermal Power Stations and Deen Bandhu Chhotu Ram Thermal Power Project. Same have been registered as IA Nos. 72801 & 72802/2020, 72795 & 72796/2020 and 72778 & 72779/2020 respectively and are placed with the paper books as separate volumes.

**IA NOS. 70498, 70502 AND 70500/2020**

(Applns. for Impleadment, Directions and Stay on b/o Tamil Nadu Generation and Distribution Corporation Ltd.)

It is submitted that Mr. Vinodh Kanna B., Advocate has on 29.07.2020 filed Applications for Impleadment, Directions and stay on b/o Tamil Nadu Generation and Distribution Corporation Ltd. Same have been registered as IA Nos. 70498, 70502 and 70500/2020 and are placed with the paper books as separate volumes.

**IA NO. 71485/2020**

(Applns. For Directions on behalf of Gujarat Mineral Development Ltd.)

It is submitted that instant application was listed before this Hon'ble Court on 21.08.2020 when the Court was pleased to pass the following Order:

“Issue notice.

Tag with I.A. No. 53959 and 53962/2020.

It is submitted that pursuant to above Order, notice is yet to be issued as the spare copies of the applications are not filed.

**IA NO. 81055 AND 81057/2020**

(Appln. for Directions and exemption from filing original notarized affidavit on b/o Nabha Power Limited)

It is submitted that Mr. E.C. Agrawala, Advocate has on 24.08.2020 filed application for Directions and exemption from filing original notarized affidavit on behalf of Nabha Power Limited. Same has been registered as IA No. 81055 and 81057 of 2020 and is placed with the paper books as separate volume.

It is further submitted that the instant application is mentioned and directed to be listed.

**IA NOS. 80271, 80272 AND 80274/2020**

(Applns. For Impleadment, Directions and exemption from notarizaion of affidavit on b/o Punjab State Power Corporation Ltd.)

It is submitted that Mr. Gaurav Shrivastava, Advocate has on 24.08.2020 filed Applications for Impleadment, Directions and exemption from notarization of affidavit on behalf of Punjab State Power Corporation Ltd.. Same have been

registered as IA Nos. 80271, 80272 and 80274 of 2020 and is placed with the paper books as separate volume.

**CONTEMPT PETITION (C) NO. 467 OF 2020**

It is submitted that Ms. Garima Prashad, Advocate has on 16.03.2020 filed Contempt Petition to initiate appropriate contempt proceedings against the alleged contemnors for committing contempt of Order dt. 09.10.2015 passed by this Hon'ble Court, the same has been registered as C.P. (C) No. 467/2020.

It is further submitted that Ms. Garima Prashad, Advocate has on 25.08.2020 filed Application for permission to place on record additional fact and documents which has been registered as IA No. 81682/2020 and is placed with Paper Books as a separate volume.

The Reports, Applications and Contempt Petition in Writ Petition above-mentioned are listed before the Hon'ble Court with this Office Report for Orders.

Dated this the 29th day of August, 2020.

sd/-

Assistant Registrar