

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(REPORT NO. 73 FILED BY EPCA ON THE ASSESSMENT OF POLLUTION UNDER  
CONTROL (PUC) PROGRAMME IN DELHI AND NCR)

Date : 10-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

Ms. Aparajita Singh, Advocate (A.C.)

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

Mr. Siddhartha Chowdhury, Advocate (A.C.) [NP]

Petitioner-In-Person

For Respondent(s) Mr. Vijay Panjwani, Advocate

Mr. Ranjit Kumar, SG

Mr. S. Wasim Qadri, Adv.

Mr. Zaid Ali, Adv.

Mr. G.S. Makker, Advocate.

Haryana

Mr. Anil Grover, AAG

Mr. Piyush Hans, Adv.

Mr. Satish Kapoor, Adv.

Ms. Noopur Singhal, Adv.

Mr. Sanjay Kr. Visen, Advocate

Mr. Abhishek Choudhary, Advocate

Ms. Ruchi Kohli, Advocate

Mr. B.K. Prasad, Advocate

UPON hearing the counsel the Court made the following

O R D E R

EPCA REPORT NO. 73 DATED 24.04.2017

We have gone through the above report as well as response given by the Ministry of Road, Transport and Highways dated 01.08.2017.

In the affidavit, the Ministry has brought out a chart of the recommendations and we propose to follow that chart. This reads as follows:

Sr. No.	Recommendations of EPCA	Response of the Ministry	Direction
1	Limit the number of PUC centres, upgrade them and bring them under strong supervision and quality control.	<p>(i) There are two approaches on the subject: (i) that the number of PUC Centres should be curtailed and those which are allowed to remain in operation are high quality centres; (ii) that the number of PUC Centres should be enlarged across all possible points of regular contact points of a vehicle owner. There is a case for working on both the approaches.</p> <p>(ii) Accordingly, it is proposed to request the Society for Indian Automotive Manufacturers (SIAM) to explore the feasibility of provision for high-end PUC centers at all the authorized service centres of OEMs. These Service Centres can</p>	<p>(i) ****</p> <p>(ii) The learned Solicitor General will ascertain the number of petrol stations in the NCR region and how many of them are equipped with PUC centres.</p> <p>The learned Solicitor General will also ascertain how many authorized service centres of OEMs are in the NCR region.</p>

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		<p>then be required to furnish a PUC Certificate at the time of servicing a vehicle. Ensuring that the serviced vehicle is compliant with the norms should form a part of the vehicle service norms.</p> <p>(iii) An advisory is also proposed be issued to the State Transport Departments for mandating PUC centres at each fuel station.</p> <p>(iv) List of all Type Approved PUC Machines by various test agencies would be put on MoRTH website.</p>	<p>(iii) The learned Solicitor General says that an advisory will be issued to all the State Transport Departments all over the country for mandating PUC centres at every fuel station.</p> <p>(iv) The learned Solicitor General says that all empanelled and authorized PUC Centres having Type Approved Machines will be uploaded on the website of the Ministry of Road, Transport and Highways with their names, addresses and authorized personnel.</p> <p>In the first stage, the needful will be done within a month in so far as the NCR region is concerned and thereafter for the rest of the country.</p>
2.1	Ensure 100 percent compliance by linking annual vehicle insurance with PUC certificates.	While linkage of renewal of Insurance with PUC certificates may be desirable, it may be noted that the vehicle insurance renewal is an annual feature whereas the periodicity for PUC norms for any vehicle should be at shorter intervals. It has been observed with serious concern that the coverage of third party insurance for motor vehicles is very low at this stage. Linkage of PUC certificate with Insurance may be counter-productive to	There is now no dispute or disagreement about this. However, it is made clear that the Insurance Companies will not insure a vehicle unless it has a valid PUC certificate on the date of renewal of the insurance policy. <p>This should be implemented at the earliest.</p>

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		that extent. MoRTH is of the view that with the linkage of PUC Centres with VAHAN database and other enforcement measures, the PUC compliance by motor vehicle owners is likely to improve considerably.	
2.2	Introduce automatic online network for transmission of PUC data to the central server to minimize manual interference and allow proper analysis of data for remote auditing of PUC centres.	It has been planned to link all the PUC Centres with the VAHAN database, starting 01.04.2018, in a phased manner, for transmission of PUC data on real time basis. MoRTH proposes to bring necessary amendments in Rule 115 of Central Motor Vehicles Rules, 1989 to ensure compliance by PUC centres. The data linkage of PUCs with Vahan database is expected to bring on board all the compliant and non-compliant test results. As a matter of fact, the exercise is intended to lead to corrective measures rather than punitive in the first instance. For instance, if a vehicle is found to be failing in the emission norms, the vehicle owner should be allowed a week's time to get his vehicle serviced so as to become compliant. If the vehicle owner still does not take curative measures, he should be subjected to punitive measures.	There is no objection to this. The learned Solicitor General says that he will ensure that this is implemented throughout the country and efforts will be made to update VAHAN database on a regular basis.
2.3	Mandate pre-payment of PUC fees before the tests are conducted	Accepted. Payment receipts can be generated while feeding the registration details before the actual test. This would ensure pre-payment for the test and capture all cases compliant with emission norms or failing the	There is no objection to this and it should be implemented at the earliest.

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		same.	
2.4	Strengthen inspection of the PUC centres for quality control and strengthen the licensing programme.	MoRTH would issue advisory to the States to the effect that the Calibration of PUC machines should be done at regular periodicity by third party agencies duly authorised by the Transport Department of the state. Further, the Transport Departments shall also be advised to carry random checks of the PUC centers and also to carry enforcement drive for PUC compliance by Motor Vehicle Owners.	There is no objection to this and it should be implemented at the earliest.
2.5	Phase in big centralized emissions testing centres capable of conducting automatic and upgraded tests for commercial vehicles on a priority basis.	The Motor Vehicle Amendment Bill, 2017 proposes that the fitness of all transport vehicles after 1 <sup>st</sup> of October 2019 shall be granted after testing through an automated testing station authorized by the State Government.	This will be considered on a later occasion.
2.6	Introduce well-equipped mobile test centres and a programme to check visibly polluting vehicles.	States would be requested to take necessary action in this behalf, being the enforcement agencies within their respective jurisdictions.	There is no objection to this and it should be implemented at the earliest.
2.7	Enforce stringent penalty for PUC centres for non-compliance and malpractices.	States would be requested to cancel the authorization of non-compliant PUC Centres.	There is no objection to this and it should be implemented at the earliest.
3.1	(i) Tighten the PUC emissions norms for pre-Bharat Stage IV vehicles; (ii) Overall	(i) The vehicles are manufactured to comply with a predefined emission standard. It is not possible for vehicle owners to improve the emission levels at a later stage. Bharat Stage IV	This will be considered on a later occasion.

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	emissions tests and tighten norms for diesel vehicles.	vehicles are already mandated to meet stringent emission norms. (ii) Strengthening of PUC certification process is expected to ensure better compliance.	
3.3	Make Lambda test for petrol cars mandatory across NCR	All 2 gas analyser in the field would be upgraded to 4 gas analyser by the concerned manufacturer by 1 <sup>st</sup> October 2018 to enable lambda measurement of petrol vehicles. Necessary amendment in the Central Motor Vehicles Rules, 1989 would be initiated by the Ministry.	There is no objection to this and it should be implemented at the earliest.
3.4	Integrate On Board Diagnostics (OBD) with inspection and maintenance programme	Present PUC test procedure as per Rule 115 of Central Motor Vehicles Rules, 1989 specifies verification of a malfunction indication lamp (MIL) of OBD before carrying out PUC test. If MIL is 'ON' i.e. there is engine/ emission system fault, then the vehicle owner is required to get the vehicle serviced at the service centre for rectification of the fault. A detailed analysis of the OBD fault will be carried out using scanning tool at the service centre.	Learned <i>Amicus</i> says that EPCA would like to reconsider this.
3.5	Detail out the strategy for advanced real driving emissions monitoring of new generation vehicles to come with BSVI emissions standards in 2020	Real driving emission measurements is a detailed and comprehensive emission measurement process and is slated for implementation along with BS VI norms from 2020 at the time of new model type approval. Further, verification of real driving performance of vehicles at the time of conformity of production	This will be considered on a later occasion.

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		test will be carried out.	
Others	Implement emissions recall programme to make vehicle manufacturers responsible for manufacturing defects and introduce regulations to prevent use of cheat and defeat devices to reduce emissions on road.	The Motor Vehicle Amendment Bill, 2017 proposes a provision for recall of vehicles. Hence, if a defect is observed in any on-road vehicle which may cause harm to the environment, manufacturer would be directed to recall the vehicles.	There is no objection to this and it should be implemented at the earliest.

In addition to speedy implementation of the acceptable recommendations, we expect the Ministry of Road, Transport and Highways to ensure that the PUC centres are regularly monitored and inspected so that the emission norms are maintained.

List the matter on 21.09.2017.

(MEENAKSHI KOHLI)  
COURT MASTER

(SHARDA KAPOOR)  
ASSISTANT REGISTRAR