

ITEM NO.62

COURT NO.2

SECTION PIL-W

**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)

((1)IN RE: REPORT NO. 91 SUBMITTED BY EPCA(REGARDING PET COKE FOR ALUMINIUM, CALCINER AND STEEL INDUSTRY ETC.)

Date : 29-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv.(A.C.)(NP)

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

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

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s)      Petitioner-in-person

For Respondent(s)      Mr. A.N.S. Nadkarni, ASG  
Mr. Amit Sharma, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. D.L. Chidanand, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. G.S. Makker, Advocate  
Mr. B.K. Prasad, Advocate  
Mr. S. Wasim A. Qadri, Adv.  
Mr. Ritesh Kumar, Adv.  
Mr. Devasis Bharuka, Adv.  
Ms. Snidha Mehra, Adv.  
Mr. B.V. Balaram Das, Adv.

Applicant                      Mr. Shyam Divan, Sr. Adv.  
Mr. Nawneet Vibhaw, Adv.  
Mr. Sanjeev K. Kapoor, Adv.  
for M/S Khaitan And Co.

Mr. Anil Grover, AAG  
Ms. Noopur Singhal, Adv.  
Dr. Monika Gusain, Adv.  
Mr. Sanjay Kr. Visen, Advocate  
Ms. Manpreet Kaur Bhalla, Adv.

Ms. Rachana Gupta, AOR  
Mr. Jitendra Kumar Tripathi, Adv.  
Mr. Awadhesh Kumar, Adv.  
Mr. Abhishek, AOR

Mr. S.S. Shamsbery, AAG  
Mr. Amit Sharma, Adv.  
Mr. Ankit Raj, Adv.  
Ms. Nidhi Jaswal, Adv.  
Ms. Indira Bhakar, Adv.  
Ms. Ruchi Kohli, AOR

Ms. Anitha Shenoy, AOR

Mr. V.N. Raghupathy, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Report No.91 (Reg. Graphite India)

Learned counsel for Graphite India has taken instructions and on the basis of the instructions, he says that he will deposit an amount of Rs.50 lakhs with the Karnataka State Pollution Control Board.

The amount be deposited within two weeks from today.

We expect the Karnataka State Pollution Control Board to utilize the amount that is deposited to take care of the pollution in Whitefield.

This is without prejudice to the proceedings which are said to be pending in the National Green Tribunal.

Notice issued to Graphite India stands discharged.

Report No.91 (With respect to import of Pet-coke)

It is submitted by learned *amicus curiae* as well as

learned Additional Solicitor General that they would like to sit down and agree upon some recommendations that would need to be framed for the purpose of import of pet-coke and the quantity of pet-coke that can be imported.

They say that this will be done within three weeks.

List the issue of import of Pet-coke on 27<sup>th</sup> November, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
ASSISTANT REGISTRAR

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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

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(2)IN RE: REPORT NO. 92 SUBMITTED BY EPCA(SPECIAL REPORT ON NCR AIR POLLUTION)

Date : 29-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv.(A.C.)(NP)

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

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

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s)      Petitioner-in-person

For Respondent(s)      Mr. A.N.S. Nadkarni, ASG  
Mr. Amit Sharma, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. D.L. Chidanand, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. G.S. Makker, Advocate  
Mr. B.K. Prasad, Advocate  
Mr. S. Wasim A. Qadri, Adv.  
Mr. Ritesh Kumar, Adv.  
Mr. Devasis Bharuka, Adv.  
Ms. Snidha Mehra, Adv.  
Mr. B.V. Balaram Das, Adv.

Applicant                      Mr. Shyam Divan, Sr. Adv.  
Mr. Nawneet Vibhaw, Adv.  
Mr. Sanjeev K. Kapoor, Adv.  
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Dr. Monika Gusain, Adv.  
Mr. Sanjay Kr. Visen, Advocate  
Ms. Manpreet Kaur Bhalla, Adv.

Ms. Rachana Gupta, AOR  
Mr. Jitendra Kumar Tripathi, Adv.  
Mr. Awadhesh Kumar, Adv.  
Mr. Abhishek, AOR

Mr. S.S. Shamsbery, AAG  
Mr. Amit Sharma, Adv.  
Mr. Ankit Raj, Adv.  
Ms. Nidhi Jaswal, Adv.  
Ms. Indira Bhakar, Adv.  
Ms. Ruchi Kohli, AOR

Ms. Anitha Shenoy, AOR

Mr. V.N. Raghupathy, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Report No.92

Learned *amicus curiae* has placed before us some submissions on urgent actions to control air pollution in NCR.

We have gone through the suggestions that have been given and are of the opinion that the three suggestions are eminently reasonable and must be implemented with immediate effect.

These suggestions, which are now the directions of this Court, are as follows:

1. The Transport Departments of NCR will immediately announce that all the diesel vehicles more than 10 years' old and petrol vehicles more than 15 years' old shall not ply in NCR in terms of the order of the National Green

Tribunal dated 07.04.2015. The order of the National Green Tribunal was challenged in this Court and the Civil Appeal was dismissed. Vehicles violating the order will be impounded. The list of such vehicles should be published on the websites of the Central Pollution Control Board (CPCB) and the Transport Departments of NCR. Similarly, a meaningful advertisement should be published in a local newspaper for the convenience of the owners of the vehicles.

2. CPCB will immediately create a social media account on which the citizens may lodge their complaint directly to be acted upon by the Task Force responsible for implementation of Graded Response Action Plan.

3. EPCA is permitted to take pre-emptive steps under the Graded Response Action Plan without strict adherence to pollution stages delineated in the plan.

The last direction is being issued in view of the more or less critical situation in NCR, particularly in Delhi with regard to air pollution.

We have been shown a Note prepared by the Chairman of EPCA on 28<sup>th</sup> October, 2018.

The photographs attached to the Note indicate a fairly terrible state of affairs with regard to pollution in various parts of Delhi. It is for this reason, we are compelled to pass the above orders in the first instance.

With regard to the Note submitted by the Chairman, EPCA on visits to hot spots of NCR to ascertain ground

level enforcement of directions issued and actions taken, the Delhi Government as well as the Delhi State Industrial and Infrastructure Development Corporation Ltd. should file an affidavit within two days.

For implementation and compliance, list the matter on 1<sup>st</sup> November, 2018.

Recommendation Nos.2.4 on page Nos.5 and 6 as also 3.3 on page 7 of Report No.92 will also be taken up on 1<sup>st</sup> November, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
ASSISTANT REGISTRAR