BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE BENCH, PUNE

APPLICATION NO.2/2014 (WZ)

Dileep B. Nevatia Vs Union of India & Ors

CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present:	**Applicant/ Appellant**	**:**	**In person**
	Respondent No.1	**:**	**Shweta Busar Adv**
	Respondent No.3	**:**	**A.B.Avhad Adv**
	Respondent Nos.4,5	**:**	**D.M. Gupte w/**
		:	**Supriya Dangre Advs**
	Respondent No.7	**:**	**Yogesh Bag Asstt.RTO**

Date and Remarks	**Orders of the Tribunal**
Item No.5 **July 2, 2014** **Order No.6**	Heard the Applicant in person. The affidavit of MoEF, is silent as regards the manner in which the standards notified by the MoEF, can be properly implemented and that what is the mechanism to ensure that violations are to be dealt with. It is stated in paragraph 3 of the reply affidavit that noise limits were notified at Sr. No.46, under the Schedule-I, of the Environment (Protection) Rules, 1986, rather than part-E of the Schedule-VI. It is vaguely stated that these noises are implemented under the Central Motor Vehicles Rules, 1989, by the Respondent No.2. However, it needs clarification as to under what provisions, the implementing Agencies are given powers and legal authority under the Environment (Protection) Act, 1986 to be exercised by the Respondent No.2, for implementation of the relevant Rules, indicated under the Environment (Protection) Rules. It appears *prima facie* that the MoEF, has made the Rules, the implementing machinery is the local authority i.e. RTO, and it is stated that implementation has to be done under the Central Motor Vehicles Rules, 1989. The Respondent No.1, may file additional affidavit in this behalf. The Counsel seeks time to clarify the position. The Automotive Research Association of India (ARAI) also shall bring the relevant files for perusal of the Tribunal on the same day, inasmuch as today when called, the representative is absent. **Stand over to 28th July 2014**. ……, **JM** **(Justice V. R. Kingaonkar)** ……, **EM** **(Dr.Ajay A. Deshpande)**