

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWRIT PETITION(S)(CIVIL) NO(S). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[TO BE TAKEN UP AT 12:00 NOON] IN RE: POWER PLANTS AND IN RE: SUBSISTENCE ALLOWANCE NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, ADVOCATES

Date : 29-04-2025 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

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

IN RE: POWER PLANTS

1. Firstly, we will deal with the issue of power plants. As regards the power plants, the office report records that addresses of the nine Thermal Power Plants mentioned in paragraph 2 of the order dated 2nd April, 2025 are not furnished by the Union of India. However, the address of the Thermal Power Plant at serial no.5

Rajpura TPP, NPL-L&T, Punjab, was furnished and accordingly, a reply affidavit has been filed on behalf of NABHA Power Limited which is running the said power plant. It is stated in the affidavit that the NABHA Power Limited has installed both the FGD units. However, it is submitted that due to non-cooperation on the part of the Punjab State Power Corporation Limited, there is a delay in commissioning. The details have been mentioned in paragraphs 3 to 7 of the reply affidavit. Apart from the fact that it will be always open for the NABHA Power Limited to bring the orders passed by this Court from time to time to the notice of the concerned commissioning authority, it can also point out that the FDG units play a very important role in curbing the pollution.

2. We have also ordered issuance of notice to the nine Thermal Power Plants out of which plants at serial nos. 7 and 8 are run by Punjab State Power Corporation Limited.

3. We issue fresh notice to the Thermal Power Plants mentioned at serial nos.2, 3, 4, 6 and 9 in our earlier order dated 2nd April, 2025. We direct the Union of India to immediately furnish the addresses of the aforesaid Thermal Power Plants. The learned counsel appearing for the State of Punjab states that he will take notice for GH TPS (Lehra Mohabbat), PSPCL and Ropar TPS, PSPCL, Punjab (mentioned at serial nos.7 and 8). The notice is made returnable in six weeks. While filing an affidavit in terms of our last order, Punjab State Power Corporation Limited shall also deal with the factual contention raised in the affidavit of Nabha Power Limited. We make it clear that the affidavits shall be filed by the these power plants within a period of two weeks from the date of

service of notice.

4. By filing an affidavit dated 28th April, 2025, the Ministry of Environment, Forest and Climate Change (MoEF) has sought time of two months for filing an affidavit in terms of the directions issued in paragraph 3 of the order dated 2nd April, 2025. We grant time of two months to the MoEF. No further time shall be granted.

IN RE: SUBSISTENCE ALLOWANCE

5. Now we deal with the issue of subsistence allowance payable by the Delhi Government. The learned senior counsel representing the Delhi Government seeks permission to withdraw the affidavit dated 25th April, 2025 with liberty to file a better affidavit. We, accordingly, grant him permission to do so.

6. The issue is about grant of subsistence allowance of Rs.8,000/- (Rupees Eight Thousand) during the period in which the construction activities came to halt due to applicability of GRAP IV measures.

7. An affidavit has been filed on behalf of the National Campaign Committee for Central Legislation on Construction Labour. The names of the employees, who were entitled to receive payment of subsistence allowance, but have not been paid, have been made part of various annexures by setting out their registration numbers. A list of workers has been annexed from Annexures P-5 to P-13A.

8. There is another affidavit filed by the Centre for Holistic Development (CHD). We have perused Annexures A-1 and A-7 to A-11 of the said affidavit. The names of the workers, who were entitled to receive the subsistence allowance, have been mentioned along with

contact details, Aadhaar number, if any, etc.

9. We direct the Delhi Government to carry out verification of the persons whose names appear in the Annexures to both the affidavits. We grant time of two months to the Delhi Government to complete the verification and to ensure that the amounts are immediately released to the eligible workers. After completing this process, a fresh affidavit shall be filed by the Delhi Government by 21st July, 2025. It will be open for the Delhi Government to approach the registered Trade Unions in Delhi so that even from those Unions, the Delhi Government can get the names of the eligible persons who have been denied the subsistence allowance.

10. The affidavits tendered by the National Campaign Committee for Central Legislation on Construction Labour and Centre for Holistic Development (CHD) are taken on record.

IN RE: INDUSTRIAL POLLUTION

11. This issue will be considered on 8th May, 2025 at 12:00 noon.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)