

ITEM NO.5

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  
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)

(1) IN RE: REPORT NOS. 86 AND 88 SUBMITTED BY EPCA (REGARDING STATUS OF FUNDS AND HYDROGEN FUEL-CELL BUSES)

(2) IN RE: STICKERS FOR VEHICLES

(i) IA NO.151245/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF MERCEDES BENZ LTD.)

IN RE: PET COKE

(i) IA NOS. 100194, 102169 AND 108253/2018, IA NO. 108253/2018 (APPLNS. FOR INTERVENTION, PERMISSION/DIRECTIONS CLARIFICATION OF ORDER DT. 26.7.2018 ON BEHALF OF INDIAN STEEL ASSOCIATION)

Date : 28-11-2018 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, Advocate [A.C.]

Mr. A.D.N. Rao, Advocate [A.C.]

Mr. Siddhartha Chowdhury, Advocate [A.C.]

For Petitioner(s)      Petitioner-in-person

For Respondent(s)      Mr. A.N.S. Nadkarni, ASG  
Mr. S.W.A. Qadri, Adv.  
Mr. D.L. Chidanand, Adv.  
Mr. Ritesh Kumar, Adv.  
Ms. Suhasini Sen, Adv.

Mr. G.S. Makker, Advocate  
Mr. B.V. Balramdas, Advocate.  
Ms. Anil Katiyar, Advocate  
Mr. Amit Sharma, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. A.K. Kaul, Adv.

Mr. Anil Grover, Adv.  
Mr. Shivam Kumar, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kr. Visen, Advocate  
Dr. Monika Gusain, Adv.

Ms. Rachana Gupta, Adv.  
Mr. Jitendra Kumar Tripathi, Adv.

Ms. Ruchi Kohli, Advocate

Mr. Sandeep Narain, Adv.  
Ms. Anjali Agarwal, Adv.  
Mr. Mandeep Kalra, Adv.  
Ms. Natasha Sahrawat, Adv.  
M/S S Narain And Co. , Advocates

Mr. Rohit K. Singh, Advocate

Mr. Rahul Narayan, Adv.  
Ms. Mala Narayan, Adv.  
Mr. Shashwat Goel, Adv.

Mr. Rohit Narayan, Advocate

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

Mr. P.K. Jain, Adv.  
Mr. Saurabh Jain, Adv.  
Mr. P.K. Goswami, Adv.  
Mr. S.P. Singh Rathore, Adv.  
Mr. Ashok K. Sharma, Adv.  
Mr. Uday Prakash Yadav, Adv.  
Mrs. Anuradha Soni Verma, Adv.  
Mr. Shryansh Aggarwal, Adv.  
Mr. Rajesh Goyal, Adv.  
Mr. H. Arjun, Adv.  
Mr. Nikhil Tyagi, Adv.

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

(1) IN RE: REPORT NOS. 86 AND 88 SUBMITTED BY  
EPCA(REGARDING STATUS OF FUNDS AND HYDROGEN FUEL-CELL  
BUSES)

An affidavit has been handed over in Court today on behalf of Indian Oil Corporation Limited.

It is stated in the affidavit that the HCNG Project is scheduled to be operational by 31<sup>st</sup> July, 2019 and the trial on buses with HCNG is likely to begin in August, 2019. It is further stated that the trial will go on for six months and is expected to be completed by February, 2020. In other words, the Indian Oil Corporation Limited is of the view that it may be possible to introduce HCNG buses by some time in February, 2020.

Along with the affidavit, Annexure A-1 has been filed which gives the status of the HCNG Project as on 22.11.2018. To ensure that timelines are adhered to, we are of the view that it would be appropriate if a quarterly report is submitted by the Indian Oil Corporation Limited to EPCA so that it will also assist EPCA in monitoring the project.

Liberty is granted to EPCA to approach this Court in the event of any difficulty faced in this regard.

Report Nos.86 and 87 are disposed of.

(2) IN RE: STICKERS FOR VEHICLES

Learned *amicus curiae* informs us that the day on which this Court passed the order on 13<sup>th</sup> August, 2018, the Ministry of Road Transport and Highways forwarded the draft Rules to the Ministry of Law for its opinion. Simultaneously, the Ministry of Road Transport and Highways intimated all the State Governments and the Union Territories to comply with the orders passed by this Court pending the views of the Ministry of Law.

Learned *amicus curiae* says that the Ministry of Road Transport and Highways deserves to be commended for the urgent and timely action taken by the officers concerned.

It is further submitted that in the recent past before the air pollution levels in Delhi had reached "severe" category, EPCA was hopeful that with the promulgation and implementation of the Rules, the situation of this "severe" category would not have reached. However, EPCA was unable to take remedial action as the matter was pending with the Ministry of Law thereby causing severe discomfort to the citizens of Delhi, particularly the poor people and daily wagers.

Learned Additional Solicitor General says that he will find out why the matter has remained pending with the Ministry of Law for more than three months. It is not as if the Ministry of Law is oblivious of the air pollution in Delhi. He says that he will take instructions and get back to us tomorrow (29.11.2018).

List the matter for this issue tomorrow (29.11.2018).

(i) IA NO.151245/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF MERCEDES BENZ LTD.)

A representation has been made to the Ministry of Road Transport and Highways on 31<sup>st</sup> August, 2018.

We are not inclined to entertain this application.

The application is accordingly dismissed.

IN RE: PET COKE

(i) IA NOS. 100194, 102169 AND 108253/2018, IA NO. 108253/2018 (APPLNS. FOR INTERVENTION, PERMISSION/DIRECTIONS CLARIFICATION OF ORDER DT. 26.7.2018 ON BEHALF OF INDIAN STEEL ASSOCIATION)

List the applications in the month of February, 2019.

In the meanwhile, the Indian Steel Association may make a presentation to the Ministry of Environment, Forest and Climate Change, EPCA as well as CPCB.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
ASSISTANT REGISTRAR