

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 11928 OF 2018

VOLKSWAGEN INDIA PVT. LTD & ORS.

Appellant(s)

VERSUS

SATVINDERJEET SINGH SODHI & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 11929 OF 2018

O R D E R

By its order dated 16 November 2018, the National Green Tribunal ("Tribunal") constituted a joint team of representatives of the Central Pollution Control Board (CPCB), the Ministry of Heavy Industries and Public Enterprises (MoHIPE), ARAI and NEERI to examine the Report submitted by ARAI and to furnish its expert opinion on whether the appellants have exceeded the prescribed environmental norms and to make a fair estimate of the damage caused to the environment. In the meantime, the appellants were directed to deposit an amount of Rs. 100 crores with the CPCB within a month.

On 14 December 2018, this Court directed that the civil appeals be listed on 7 January 2019 and extended time for effecting deposit in terms of the order of the Tribunal until 7 January 2019. On 7 January 2019, the attention of the Court was drawn to the fact that the Committee constituted by the

Tribunal had submitted its Report on 24 December 2018. A copy of the Report was taken on record and was directed to be furnished to counsel for the parties in these proceedings. Accordingly, the further hearing was adjourned to 21 January 2019.

In the meantime, on 17 January 2019, the Tribunal passed an order noting that the deposit in terms of its order dated 16 November 2018 has not been made. The appellants furnished an undertaking that a deposit would be made by 5 p.m. on the following day. The Tribunal directed that the deposit may accordingly be made without prejudice to punitive measures being taken for the delay in deposit, in spite of there being no stay.

The intent and purpose of the order of this Court dated 14 December 2018 extending time for compliance of the directions contained in paragraph 12(ii) of the order of the Tribunal was to ensure that until this Court could take up the matter on the next date of listing, coercive measures should not be taken against the appellant for non-compliance of the order of deposit.

On 7 January 2019, as the order of this Court indicates, the hearing was adjourned in order to enable both this Court and the parties to have the benefit of the Report which was submitted by the Committee, in the meantime.

In this view of the matter, it would have been appropriate that in deference to the above orders which were passed by this Court, the deposit in terms of the directions

contained in paragraph 12(ii) should await orders of this Court. Be that as it may, the appellants have effected a deposit of Rs. 100 crores in pursuance of the undertaking which was recorded by the Tribunal on 17 January 2019. The directions contained in paragraph 12(ii) have been complied with.

However, in view of the background noted above, there should be no occasion to impose any punitive measures on the appellant for a delay in deposit. Directions were issued by this Court on 14 December 2018 extending time for deposit until 7 January 2019 and on 7 January 2019, further hearings were adjourned to consider the report of the Committee.

The Committee constituted by the Tribunal has submitted its Report. Proceedings are now pending before the Tribunal. The Tribunal would consider the report of the Committee. Hence, it is only appropriate and proper that this Court should leave it to the Tribunal in the first instance to deal with the merits of the Report including the objections, if any, that the appellants may seek to file in response to it.

The appellants would be at liberty to submit their objections before the Tribunal within a period of three weeks from today. We clarify that all the contentions of the appellants in regard to the Report of the Committee are kept open.

The Committee which has been constituted by the Tribunal should hereafter also include a Member of the Union Ministry of Road Transport and Highways which is also concerned with

regulatory compliance of this nature.

Before concluding, we may also record the submission of the appellants, urged by Dr. Abhishek Manu Singhvi, learned senior counsel that there is no reason or justification for the first respondent to select the appellants as the only manufacturer of vehicles for an enquiry of this nature.

We leave it open to the Tribunal to consider whether, it is necessary or desirable to widen the scope of the enquiry and to seek information on whether any other manufacturer of vehicles is similarly situated, so as to warrant a regulatory enquiry.

Learned counsel appearing on behalf of respondent No. 1 in Civil Appeal No. 11929 of 2018 submits that he may be permitted to make a representation and produce necessary material before the Committee constituted by the Tribunal. Such a request may be made before the Tribunal.

The appeals are, accordingly, disposed of.

Pending application(s), if any, shall also stand disposed of. No costs.

.....J.
(DR. DHANANJAYA Y. CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI,
January 21, 2019

ITEM NO.14

COURT NO.11

SECTION XVII

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

Civil Appeal No(s). 11928/2018

VOLKSWAGEN INDIA PVT. LTD & ORS.

Appellant(s)

VERSUS

SATVINDERJEET SINGH SODHI & ORS.

Respondent(s)

(FOR ADMISSION and IA No.178379/2018-STAY APPLICATION)

WITH

C.A. No. 11929/2018 (XVII)

(FOR ADMISSION and IA No.178397/2018-STAY APPLICATION)

Date : 21-01-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s)

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Bishwajit Dubey, Adv.
Ms. Surabhi Khattar, Adv.
Mr. Aditya Marwah, Adv.
Ms. Ruchi Choudhury, Adv.
M/S. Cyril Amarchand Mangaldas, AOR

For Respondent(s)

Mr. Praveen Chaturvedi, AOR
Mr. Sanjeev Ailawadi, Adv.
Addya Mishra, Adv.
Ms. Jyoti Chaturvedi, Adv.

Mr. Vijay Panjwani, Adv.

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

The appeals are disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)