

ITEM NO.7

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 & ORS.

Respondent(s)

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

(2) I.A. NO. 344  
(APPLICATION FOR DIRECTIONS)

WITH

W.P.(C) No. 108/2005 (PIL-W)

SLP(C) No. 13208/1998 (XVI)

SLP(C) No. 3050/2005 (XII-A)  
(FOR CONDONATION OF DELAY IN FILING ON IA 1/2005 , FOR APPLICATION  
FOR PERMISSION TO PLACE ON RECORD ADDITIONAL DOCUMENTS ON IA  
2/2006)

W.P.(C) No. 116/2013 (PIL-W)

T.P.(C) No. 235-236/2014 (XVI-A)  
(FOR EX-PARTE STAY ON IA 1/2014)

W.P.(C) No. 939/1996 (PIL-W)

W.P.(C) No. 1109/2017 (PIL-W)  
(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 119376/2017)

C.A. No. 2602-2603/2018 (XVII)

Date : 26-11-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Advocate (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. Wasim A. Qadri, Adv.  
Mr. D.L. Chidananda, Adv.  
Mr. Ritesh Kumar, Adv.  
Ms. Suhasini Sen, Adv.  
Mr. Amit Sharma, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. G.S. Makker, Advocate

Mr. B.K. Prasad, Advocate

CPCB                      Mr. Vijay Panjwani, Adv.

Mr. Sanjiv Sen, Sr. Adv.  
Mr. Praveen Swarup, Adv.  
Mr. Ajay Bansal, adv.  
Ms. Veena Bansal, Adv.  
Mr. Gaurav Yadav, Adv.  
Mr. Soumo Palit, Adv.  
Mr. B.C. Santosh Kumar, Adv.

Haryana                      Mr. Anil Grover, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Shivam Kumar, Adv.  
Mr. Sanjay Kumar Visen, AOR  
Mr. Navin Gupta, Adv.  
Mr. C.M. Patel, Adv.  
Dr. Monika Gusain, AOR

U.P.                              Ms. Rachna Gupta, Adv.  
Mr. Jitendra Kumar Tripathi, Adv.

Mr. Chirag M. Shroff, Adv.

Rajasthan                      Mr. Amit sharma, Adv.  
Mr. Ankit Raj, Adv.  
Ms. Nidhi Jaswal, Adv.  
Ms. Indira Bhakar, Adv.  
Ms. Ruchi Kohli, Advocate

Mr. B.V. Balramdas, Advocate.

Ms. Anil Katiyar, Advocate

Mr. Sandeep Narain, adv.  
Ms. Anjali Agarwal, Adv.  
For M/S S Narain And Co.

M/S M.V. Kini And Associates

UPON hearing the counsel the Court made the following

O R D E R

REPORT NO. 92

The learned ASG appearing on behalf of the Central Pollution Control Board (CPCB) has placed on record an affidavit of the Member Secretary of the CPCB. It is stated that after opening of social media account on 29.10.2018, the CPCB has set up a separate cell for management of complaints on social media being received from Facebook, Twitter, E mail and CPCB website since 05.11.2018.

It is stated that as many as 749 air pollution complaints have been received and breakup thereof has been given on affidavit. It is further stated that during the clear air campaign between 01.11.2018 to 10.11.2018 and a similar campaign initiated by CPCB between 13.11.2018 to 20.11.2018, about 500 complaints i.e. 67% of total complaints were attended to by 52 teams of CPCB.

There are still 249 complaints which are pending but they have been assigned to the respective nodal agencies and are perhaps in the process of getting resolved.

In view of the time-line, the CPCB has issued directions under Section 5 of the Environment (Protection) Act, 1986 to these nodal agencies including local authorities in Delhi NCR responsible for control of air pollution incidents.

Show-cause directions have also been issued to them indicating the intent of CPCB to initiate criminal prosecution under Section 15 of the Environment (Protection) Act, 1986 in case of failure to act in controlling air pollution incidents.

It is submitted by the learned ASG that we may pass orders

directing the various agencies to comply with the directions of the CPCB.

This submission is made not only because of laxity of the agencies in taking action despite directions having been issued by the CPCB but also because a large number of complaints have been received on Sameer App between 01.11.2018 to 24.11.2018.

In this context, it is stated that 33379 complaints were received out of which 923 complaints were resolved and 1248 were attended. 349 complaints are under investigation by the nodal agencies while 817 complaints are not yet attended by the nodal agencies.

In view of nodal agencies not taking the issue of air pollution seriously, we are not inclined to pass any order in this matter except directing the CPCB, SPCB and Authorities under the Graded Action Plan to take immediate action for prosecution.

Issue of Western Peripheral Highway

The issue of Western Peripheral Highway does not arise since it has already been inaugurated.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
ASSISTANT REGISTRAR