

ITEM NO.10

COURT NO.5

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 & ORS.

Respondent(s)

(IN RE: BS IV/BS VI VEHICLES

(1) IA NO. 121722/2020 (APPLN. SEEKING CLARIFICATION IN IMPLEMENTATION OF ORDER DT. 13.08.2020 ON B/O HABIB ENTERPRISES)

(2) IA NOS. 127047 AND 127048/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O M/S SCORPIO PETRO)

(3) IA NOS. 32789 AND 32783/2021 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O BATRA AUTOMOBILES (I))

(4) IA NOS. 34355 AND 34358/2021 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O SWETA SHARMA)

(5) IA NO. 127713/2021 (APPLN. FOR DIRECTION ON B/O NORTH DELHI MUNICIPAL CORPN.)

(6) IA NOS. 136354 AND 136893/2021 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O S. RAMALINGAM AND ORS.)

(7) IA NOS. 167395 AND 167387/2021 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA)

(8) IA NOS. 170575/2021 AND 22406/2022 (APPLNS. FOR DIRECTION AND PERMISSION TO BRING ON RECORD ADDL. DOCUMENT ON B/O GUPTA OXYGEN PVT. LTD.)

(9) IA NOS. 1287 AND 1288/2022 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O FEDERATION OF AUTOMOBILE DEALERS ASSN.)

(10) IA NO. 3427/2022 (APPLN. FOR DIRECTION ON B/O DELHI AVIATION FUEL FACILITY PVT. LTD.)

(11) I.A. NOS. 5961 AND 5967/2022 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAHUL SERVICES)

(12) IA NO. 11041/2022 (APPLN. FOR DIRECTION ON B/O NDMC)

(13) IA NO. 23108/2022 (APPLN. FOR DIRECTION ON B/O NDMC)

(14) IA NOS. 11094 AND 11100/2022 (APPLNS. FOR IMPLEADMENT AND DIRECTION ON B/O DELHI TRANSPORT CORP.) ONLY" IN W.P.(C) NO. 13029/1985 ARE LISTED.

Date : 22-03-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE B.R. GAVAI

For the parties :

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IA 136354 & 136893/2021

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Intervenor

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 Mukesh Kumar Singh & Co.

IA 11094 & 11100/2022

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 Mr. Jyoti Mendiratta, AOR
 Ms. Anushree Prashit Kapadia, AOR
 Mr. E.C. Agrawala, AOR

IA 127047/2020 & 127048/2020

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IA. 1287-1288/2022 Mr. Hrishikesh S. Chitale, Adv
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UPON hearing the counsel the Court made the following
O R D E R

I.A.No.127713 of 2021:

Learned counsel for the applicant submits that this I.A has become infructuous. I.A. is accordingly, dismissed as having become infructuous.

IA NOS. 127047 AND 127048/2020
IA NOS. 170575/2021 AND 22406/2022
IA NO. 3427/2022
IA NO. 11041/2022
IA NO. 23108/2022 and
IA NOS. 11094 AND 11100/2022

These are applications are filed for registration of vehicles used for public utility and essential services. The request made by the applicant is accepted as registration can be granted to the vehicles in these I.As. in terms of the order dated 02.11.2020.

In our order dated 02.11.2020, the reports

submitted by EPCA and the recommendations have been accepted. The recommendations are:

“Based on these facts, EPCA would recommend the following directions, which the Hon’ble Supreme Court may consider:

1. BS-IV CNG vehicles may be registered, but only if they have been uploaded in the VAHAN database prior to 31.03.2020 and have got temporary registration.
2. BS-IV diesel light and heavy duty vehicles used for public utility and essential services, where CNG Petrol variants are not available and which had pending applications before the Hon’ble Supreme Court may be registered as detailed in the list A above and summary below:

BS-IV diesel light-heavy duty vehicles to be allowed registration

	Public agency	Vehicles required for	No.
1	New Delhi Municipal Council	Water tankers	20
2	North Delhi Municipal Corporation	Water tankers/jetting machines	30
3	Delhi Police	Travel of police outstation	1
4	Delhi Cantonment Board	Water tankers	2
5	I&FC Department/Delhi Govt	Ambulance	1

3. BS-III non-road category of vehicles (as per the

current applicable emission norm as notified by MoRTH), registered under the category of CEV-TREM may be permitted to be registered.

4. BS-VI diesel light and heavy-duty vehicles used for public utility and essential services may be permitted to be registered.”

The learned Amicus Curiae Mr.A.D.N.Rao submitted that BS-VI diesel light and heavy-duty vehicles used for public utility and essential services may be permitted to be registered or in the alternative applicants can approach Air Commission with a request for a registration.

The registering authorities are directed to consider the applications for registration of BS VI diesel light and heavy-duty vehicles for public utility and essential services in accordance with law without insisting on the applicants approaching this Court for suitable orders.

I.As are, accordingly, allowed.

IA NO. 121722/2020:

The applicant is a dealer of two wheelers and has filed this application for registration of BS IV vehicles. For some of the vehicles, the details have been uploaded on E-vahan but requisite fees has not been paid. For the others, the details were not uploaded on E-vahan

due to lock-down and Internet shutdown in Kashmir.

The applicant seeks permission to withdraw this application with liberty to approach the High Court and seek appropriate relief.

Liberty is granted. The High Court may consider the petition to be filed by the applicant in accordance with law.

The application is dismissed as withdrawn.

IA NOS.167395 AND 167387/2021 :

This application has been filed by the FSSAI seeking registration of 2 BS IV goods vehicles which were temporarily registered on 18.03.2020. The registration was cancelled with a direction to re-register it at Mohali which could not be done by 31.03.2020. As the temporary registration was done much before the cut-off date, these applications are allowed.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master