

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) IA NO. 176097/2018 (APPLN. FOR CLARIFICATION ON B/O BAJAJ AUTO LTD. ALONGWITH REPORT NO. 95 SUBMITTED BY EPCA)

(2) IA NO. 39622/2019 (APPLN. FOR INTERVENTION IN IA NO. 176097/2018 ON B/O PIAGGIO VEHICLES PVT. LTD.)

(3) IA NOS. 72210 AND 72236/2018 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O NYAY BHOOMI)

(4) IA NOS. 150789, 150783, 150785 AND 150786/2018 (APPLNS. FOR IMPLEADMENT, CALARIFICATION/MODIFICATION OF ORDER, DIRECTIONS AND APPEAR AND ARGUE IN PERSON ON BEHALF OF BALJINDER SINGH)

(5) IA NO. 177432/2018 (APPLN. FOR DIRECTIONS ON B/O NORTH DELHI MUNICIPAL CORPORATION)

Date : 02-08-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for parties

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Ms. Suhasini Sen, Adv.

Mr. G.S. Makker, Advocate

Ms. Shraddha Deshmukh, Adv.

Mr. Raj Bahadur, Adv.

Mr. S.S. Rebello, Adv.

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Mr. Soumo Palit, Adv.

Mr. Sayan Ray, Adv.

Ms. Pooja Kalra, Adv.

Mr. Chandra Pratap Singh, Adv.

Mr. Rahul Tomar, Adv.

Ms. Suchitra Pandey, Adv.

Mr. Basava Prabhu Patil, Sr. Adv.

Mr. Arun Srikumar, Adv.

Ms. Mansi Binjrajka, Adv.

Mr. Chinmay Deshpande, Adv.

Ms. Pritha Srikumar Iyer, Advocate

Mr. Devadatt Kamat, Sr. Adv.

Mr. Hardik Luthra, Adv.

Mr. Alok Shukla, Adv.

Petitioner-In-Person

Mr. B.K. Prasad, Advocate

Mr. Sanjay Kr. Visen, Advocate

Mr. Abhishek, Advocate

Ms. Ruchi Kohli, Advocate

M/s. S Narain and Co., Advocates

Mr. Alok Shukla, Advocate

Mr. Shekhar Kumar Advocate

Mr. Pranav Sachdeva, Advocate

Ms. Neha Rathi, Adv.

Mr. Jatin Bhardwaj, Adv.

Ms. Divya Roy, Advocate

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

((1) IA NO. 176097/2018 (APPLN. FOR CLARIFICATION ON B/O BAJAJ AUTO LTD. ALONGWITH REPORT NO. 95 SUBMITTED BY EPCA)

(2) IA NO. 39622/2019 (APPLN. FOR INTERVENTION IN IA NO. 176097/2018 ON B/O PIAGGIO VEHICLES PVT. LTD.)

(3) IA NOS. 72210 AND 72236/2018 (APPLNS. FOR INTERVENTION AND

DIRECTIONS ON B/O NYAY BHOOMI)

Let affidavit be filed by the Transport Department of the Delhi Government, as prayed by Mr. Chirag M. Shroff, learned counsel.

List on 13.08.2019.

(4) IA NOS. 150789, 150783, 150785 AND 150786/2018 (APPLNS. FOR IMPLEADMENT, CALARIFICATION/MODIFICATION OF ORDER, DIRECTIONS AND APPEAR AND ARGUE IN PERSON ON BEHALF OF BALJINDER SINGH)

This Court, on 10.05.2016, passed the following order:-

“Having heard learned counsel for the parties at some length, we direct the following arrangement in modification of our earlier orders:

(1) Government of National Capital Territory of Delhi shall permit the city taxies having validly issued permits under Section 74 of the Motor Vehicles Act, 1988 to operate within the National Capital Region not limited to National Capital Territory of Delhi provided such permits are duly counter-signed by the competent authorities under Section 88(1) of the Act.

(2) Registration of new city taxies shall be permitted only if the vehicles operate on dual fuel or petrol or C.N.G. We make it clear that no vehicle shall be registered as a city taxi if it runs on diesel fuel. The competent authorities shall faithfully comply with this direction.

(3) All existing All India Tourist Permit (AITP) taxies operating in the National Capital Region shall be converted into AITP (O) category and will be allowed to operate until such time their existing permits expire by efflux of time. We make it clear that the registering authority shall not renew such permits once they have expired. We also direct that the permission hereby granted shall be subject to the AITP taxies complying with all Government directives concerning security, safety and fare issued from time to time.

(4) All new AITP permits will be issued as AITP (N) category permits. These permits shall not authorise the taxies to pick-up or drop passengers from point to point within the NCR. The authority issuing the permits shall insist upon an undertaking from the person seeking an AITP permit to the effect that he shall not use the taxi for point to point service within the NCR. This direction shall continue till such time, the Government frame suitable rules to that effect and publish the same in the

official gazette.”

We must place on record that Mr. Kapil Sibal, learned senior counsel appearing for NASSCOM who engages a very large number of taxies for ferrying their employees to and from their offices, has assured the Court that his client shall upon expiry of the existing contract with the Taxi operators and while fixing future contracts with similar other operators, make sure that the operators run taxies on non-diesel fuel. This, according to him, will be certainly achieved after the expiry of the existing permits. That submission is recorded.

All the interlocutory applications, mentioned above, are accordingly disposed of.”

It is apparent from the conjoint reading of directions Nos.2 and 3 that this Court has permitted the new taxies in NCR only if the vehicle operate on duel fuel or petrol or CNG. No vehicle shall be registered as a city taxi if it runs on diesel fuel. While issuing direction No.3, it is quite apparent, that the same was in relation to the diesel taxies variant in National Capital Region of Delhi and there was direction issued by this Court that they shall be converted into All India Tourist Permit (AITP) (Old) Category and will be allowed to operate until such time their existing permits expire by efflux of time and there was mandate issued to the Registration Authority not to renew such permits once they expired. The direction obviously is related to the diesel taxies only. However, in the case of petrol or CNG taxies, EPCA has rightly proposed that permits of CNG or Petrol or duel fuel AITP taxies should be renewed till the end of their permitted age i.e. 8 years plus 1 year. It goes without saying that the taxies with duel fuel or petrol or CNG have been permitted under direction No.2 to ply till permitted age of 8 + 1 year.

I.A. No.150789/2018 (Application for impleadment) is disposed of.

I.A. No. 150786/2018 (Application for permission to appear and argue in person) is dismissed as having become infructuous as the applicant is now represented through an advocate.

I.A. Nos. 150783 and 150785 and, accordingly, disposed of.

(5) IA NO. 177432/2018 (APPLN. FOR DIRECTIONS ON B/O NORTH DELHI MUNICIPAL CORPORATION)

Time is prayed on behalf of the EPCA to submit the report.

Three weeks' time, as prayed for, is granted.

List on 23.08.2019.

In the meantime, affidavit, if any, may be filed on behalf of the NDMC.

I.A. NOS.113735 & 113750 OF 2019

These applications were mentioned today.

List on 13.08.2019.

**(NARENDRA PRASAD)
COURT MASTER**

**(JAGDISH CHANDER)
COURT MASTER**