

ITEM NO.301

COURT NO.1

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(Civil) No.1135/2020

ADITYA DUBEY (MINOR) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 159244/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 150881/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 159208/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 149458/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 152069/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 149457/2021 - INTERVENTION APPLICATION, IA No. 153451/2021 - INTERVENTION APPLICATION, IA No. 148255/2021 - INTERVENTION APPLICATION, IA No. 152068/2021 - INTERVENTION APPLICATION, IA No. 151957/2021 - INTERVENTION APPLICATION, IA No. 150880/2021 - INTERVENTION APPLICATION, IA No. 159206/2021 - INTERVENTION/IMPLEADMENT, IA No. 150968/2021 - INTERVENTION/IMPLEADMENT AND IA No. 159241/2021 - INTERVENTION/IMPLEADMENT)

Date : 16-12-2021 This Writ Petition along with applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Vikas Singh, Sr. Adv
Mr. Nikhil Jain, AOR
Mr. Meenesh Dubey, Adv
Ms. Deepeika Kalia, Adv
Mr. Satya Prakash, Adv
Mr. Vinod Kumar Jain, Adv
Mr. Satwik Mishra, Adv
Mr. Pramod Kumar, Adv
Mr. Bhupendra Kumar Bhardwaj, Adv
Mr. Shobhit Jain, Adv
Mr. Nikhil Jain, AOR

For Respondent(s)

Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Ms. Ruchi Kohli, AOR
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Mr. Gurmeet Singh Makker, AOR
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Mr. Ankur Talwar, Adv
Ms. Priyanka Das, Adv
Ms. Shraddha Deshmukh, Adv
Ms. Vanshaja Shukla, Adv
Mr. Kanu Agrawal, Adv
Mr. Chinmaee Chandra, Adv
Mr. Saurabh Mishra, Adv
Mr. Siddhant Kohli, Adv
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Ms. Ranjeeta Rohatgi, AOR
Mr. Anirudh Bakhru, Adv
Mr. Gauravjit Patwalia, Adv

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Mr. Kaushal Yadav, AOR

Mr. Rakesh Dahiya, AOR

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Ms. Prakriti Roy, Adv

Ms. Sanchita Ain, AOR

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Ms. Mahima Rathi, Adv

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Mr. Sumeer Sodhi, AOR

Mr. Utkarsh Sharma, AOR

Ms. Kaveri Vats, Adv.

Mr. Nitin Saluja, AOR

Mr. Amrish Kumar, AOR

Mr. Sridhar Potaraju, Adv

Mr. Gaichang Pou Gangmei, AOR

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Mr. Rahul Khurana, Adv
Mr. Satish Kumar, Adv
Mr. Bhanwar Jadon, Adv
Mr. Sanjay Kumar Visen, AOR

Mr. Haresh Raichura, AOR
Ms. Saroj Raichura, Adv
Mr. Kalp Raichura, Adv
Mr. Ram Bhadauria, Adv
Mr. Rajat Vats, Adv

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

This Court passed the following Order on 10-12-2021

"xx xx xx

The application for impleadment filed on behalf of the Commission for Air Quality Management in National Capital Region and Adjoining Areas is allowed in terms of the prayer made and the applicant is impleaded as a party-respondent.

We have perused the Affidavit dated 09.12.2021 filed on behalf of the Commission for Air Quality Management in National Capital Region and Adjoining Areas. The same is taken on record.

We direct the Commission to examine requests of various industries and organizations about relaxation of conditions imposed by virtue of our previous orders or otherwise as per the Commission's circulars. We direct the concerned intervenors to furnish a copy of their applications to the office of the learned Solicitor General, who is requested to forward the same to the Commission. We expect that the Commission will look into this and take appropriate action in a week's time.

We grant liberty to the Commission to call for the representatives of the industries and organizations, if it finds it necessary, and take their inputs before passing any order.

I.A. No.148255/2021 has been filed on behalf of the applicant praying therein to permit the applicant to intervene in the matter and raise the concerns which are subject matter of the instant writ petition. The same is also allowed in terms of the prayer made. The suggestions contained therein shall be considered on the next date(s) of hearing. I.A. No. 150880/2021 filed on behalf of the applicant/intervenor is allowed in terms of the prayer made. During the course of hearing, Ms. Shyel Trehan, learned counsel appearing on behalf of the intervenor raised the issue of non-payment of minimum wages to the workers during the period of construction ban by the States of Uttar Pradesh and Rajasthan. We direct the States of Uttar Pradesh and Rajasthan to comply with the orders passed by this Court and file an affidavit of compliance before the next date of hearing.

List on 16.12.2021."

Heard Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India, Mr. Vikas Singh, learned Senior counsel appearing for the petitioners and learned counsel appearing for various Intervenors.

Affidavit dated 15-12-2021 filed by the Commission for Air Quality Management has also been perused.

We find that the said Commission has taken certain decisions to curb the air pollution after taking into consideration the suggestions/inputs given by the representatives of different organizations.

Let the Commission continue with this ongoing process.

So far as the ban on construction activities is concerned, we are informed by the learned Solicitor General that the Commission will take a decision by tomorrow.

With a view to find out a permanent solution for the air pollution menace occurring every year in Delhi and the National Capital Region, we direct the said Commission to invite suggestions from the general public as well as the experts in the field. Some experts have already approached this Court as Intervenors. The

suggestions received shall have to be considered by an expert group, to be constituted by the Commission for the said purpose, before finalization of the policy to curb air pollution.

List the matter on 3-2-2022.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)