

ITEM NO.303

COURT NO.3

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) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)

(2) IN RE: STUBBLE BURNING AND SMOG IN DELHI

(i) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)

(ii) IA NOS. 158128 AND 158129/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA)

(iii) IA NOS. 7465 AND 7467/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF INDIA TRADE PROMOTION ORGNISATION)

(iv) IA NO. 181745/2019 (APPLN. FOR INTERVENTION ON BEHALF OF HARSHITA SINGHAL)

(v) IA NOS. 186503, 186509 AND 186511/2019 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF RAJASTHAN STATE ROADWAYS TRANSPORT CORPORATION)

(3) IA NOS. 195132 AND 195136/2019 (APPLNS. FOR IMPLEADMENT AND MODIFICATION OF ORDER DT. 24.10.2018 ON BEHALF OF FEDERATION OF AUTOMOBILES DEALERS ASSOCIATION)

(4) IA NOS. 13761 AND 13764/2020 (APPLNS. FOR IMPLEADMENT AND MODIFICATION OF ORDER DT. 24.10.2018 ON BEHALF OF COLLABORATIVE ADVANCE RESEARCH FOR TRANSPORTATION)

WITH

SMW(C) No. 3/2019 (PIL-W) (FOR ADMISSION)

W.P.(C) No. 1333/2019 (PIL-W)

(FOR ADMISSION and IA No.170316/2019-EX-PARTE STAY and IA No.170317/2019-PERMISSION TO APPEAR AND ARGUE IN PERSON)

T.C.(C) No. 42/2019 (XVI-A)

T.C.(C) No. 41/2019 (XVI-A)

W.P.(C) No. 1426/2019 (PIL-W)

(FOR ADMISSION)

Date : 14-02-2020 These petitions were called on for hearing today.

CORAM :

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

Mr. Harish N. Salve, Sr. Advocate (A.C.)  
Ms. Aparajita Singh, Sr. Advocate (A.C.)  
Mr. A.D.N. Rao, Advocate (A.C.)  
Mr. Siddhartha Chowdhury, Advocate (A.C.)

Mr. Tushar Mehta,SG  
Mr. Atmaram Nadkarni,ASG  
Mr. Saket Sikri,Adv.  
Mr. Ajay Pal Singh Khullar,Adv.  
Ms. Ranjeeta Rohatgi, Advocate

Mr. Tushar Mehta,SG  
Ms. Aishwarya Bhati,AAG  
Mr. Kamendra Mishra,Adv.  
Mr. Rajeev Kumar Dubey,Adv.  
Mr. Kamendra Mishra, Advocate

Mr. Tushar Mehta,SG  
Mr. Anil Grover,AAG  
Mr. Satish Kumar,Adv.  
Mr. Rahul Khurana,Adv.  
Mr. Sanjay Kumar Visen,Adv.  
Mr. Abu Taher Ali Bepari,Adv.

Mr. A.N.S. Nadkarni,ASG  
Mr. D.L. Chidananda,Adv.  
Ms. Suhasini Sen,Adv.  
Mr. Santosh Salvador Rebello,Adv.  
Mr. Vijay Prakash,Adv.  
Mr. G.S. Makker,Adv.  
Mr. Rajesh K. Singh,Adv.  
Mr. Raj Bahadur,Adv.  
Ms. Anil Katiyar, Advocate  
Mr. Arvind Kumar Sharma,Adv.  
Mr. B.V. Balram Das,Adv.

Mr. S. Wasim A. Qadri,Sr.Adv.  
Mr. Vibhu Shankar Mishra,Adv.  
Mrs. Snidha Mehra,Adv.  
Mr. B.V. Balram Das,Adv.

Mr. Dhruv Mehta,Sr.Adv.  
Mr. Hrishikesh Chitale,Adv.  
Mr. Vijay Kari Singh,Adv.  
Ms. Pallavi Sharma, Advocate

Mr. Sanjiv Sen, Sr. Adv.  
Mr. Praveen Swarup, Advocate  
Mr. Sayan Ray, Adv.  
Mr. Soumo Palit, Adv.

Mr. Siddharth Luthra, Sr. Adv.  
Mr. Ranjana Roy Gawai, Adv.  
Ms. Prachi Golechha, Adv.

Petitioner(s)-in-Person

Applicant(s)-in-Person

Mr. Milind Kumar, Advocate

Ms. Jyoti Mehndiratta, Adv.  
Mr. Chirag M. Shroff, Advocate  
Ms. Abhilasha Bharti, Adv.  
Ms. Yashika Verma, Adv.

Ms. Uttara Babbar, Advocate  
Ms. Bhavana Duhoon, Adv.  
Mr. Manan Bansal, Adv.

Mr. Senthil Jagadeesan, Advocate

Ms. Tulika Mukherjee, Advocate  
Mr. Nishant Piyush, Adv.

Mr. Kesav Mohan, Adv.  
Mr. Rishi K. Awasthi, Adv.  
Mr. Prashant Kumar, Adv.  
Mr. Piyush Vatsa, Adv.  
Mr. Santosh Kumar-I, Advocate

Mr. Jogy Scaria, Advocate  
Ms. Beena Victor, Adv.  
Mr. Keerthipriyam, Adv.

Mr. Tapes K. Singh, Advocate  
Mr. Aditya Pratap Singh, Adv.

Mr. Shuvodeep Roy, Advocate  
Mr. Kabir Shankar Bose, Adv.

Mr. Narendra Kumar, Advocate  
Mr. Anand Kr. Dubey, Adv.

Mr. V.G. Pragasaam, Advocate  
Mr. S. Prabhu Ramasubramanian, Adv.

Mr. G.M. Kawoosa, Adv.  
Mr. M. Shoeb Alam, Advocate

Mr. V.N. Raghupathy, Advocate  
Mr. Manendra Pal Gupta, Adv.  
Mr. Md. Apzal Ansari, Adv.

Mr. M. Yogesh Kanna, Advocate  
Mr. S. Raja Rajeshwaran, Adv.  
Ms. Uma Prasuna Bachu, Adv.

Mr. Ashutosh Dubey, Advocate

Mr. Shovan Mishra, Advocate

Mr. Upendra Mishra, Adv.  
Mr. Vinay Garg, Advocate

Mr. Vinod Sharma, Advocate

Mr. Sidharth Arora, Adv.  
Mr. Harshit Goel, Adv.  
Mr. Sameer Shrivastava, Advocate

Mr. Imtiaz Ahmed, Adv.  
Mrs. Naghma Imtiaz, Adv.  
Mr. Ahmed Zargham, Adv.  
M/S Equity Lex And Associates, Advocate

Mr. D.N. Goburdhun, Advocate

Mr. Hrishikesh Chitale, Adv.  
Mr. Vijay Kari Singh, Adv.  
Mr. Samir Malik, Advocate

Mr. Anilendra Pandey, Advocate  
Mr. Manoj Kumar, Adv.  
Mr. C.S. Bagri, Adv.

Mr. Gaurav Sharma, Adv.  
Mr. Dhawal Mohan, Adv.  
Mr. Prateek Bhatia, Adv.

Mr. Aniruddha P Mayee, Adv.  
Ms. Deepanwita Priyanka, Adv.

Mrs. K. Enatoli Sema, Adv.  
Mr. Amit Kumar Singh, Adv.

Mr. K.V. Jagdishvaran, Adv.  
Ms. G. Indira, Adv.

Mr. Pukhrambam Ramesh Kumar, Adv.  
Mr. Karun Sharma, Adv.

Mr. K. Uday Kumar Sagar, Adv.  
Ms. Swati Bhardwaj, Adv.

Mr. G.N. Reddy, Adv.  
Mr. T. Vijaya Bhaskar Reddy, Adv.  
Mr. Digvijay Harichandan, Adv.

Mr. G. Prakash, Adv.  
Mr. Jishnu M.L., Adv.  
Mrs. Priyanka Prakash, Adv.  
Mrs. Beena Prakash, Adv.

Mr. Vipin Nair, Adv.  
Mr. P.B. Suresh, Adv.  
Mr. Karthik Jayashankar, Adv.  
Mr. Anshumaan Bahadur, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Balendu S., Adv.

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

**((1) REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)**  
**(2) IN RE: STUBBLE BURNING AND SMOG IN DELHI**  
**(i) IA NO. 127792/2017 (DISPOSED OF) (APPLN. FOR DIRECTIONS FILED BY A.C.)**  
**(ii) IA NOS. 158128 AND 158129/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF DR. KAUSHAL KANT MISHRA)**

Pursuant to the order passed by this Court on 13.01.2020, the Ministry of Environment and Forest (MoEF) has filed affidavit. However, Chief Secretaries of the NCT of Delhi and the States of Uttar Pradesh, Rajasthan, Haryana, Punjab and the Secretary, Ministry of Agriculture, to file their respective affidavits regarding the subject matter and the directions issued on 13.01.2020. Let the affidavits be filed by 26.02.2020.

We have requested the NCT of Delhi/States to file affidavit pursuant to the directions issued by this Court on earlier occasions which was reiterated on 13.01.2020, the States who have not filed their compliance affidavit are directed to file the same on or before 26.02.2020. We request Mr. A.N.S. Nadkarni, learned Additional Solicitor General of India and Ms. Aprajita Singh,

learned Amicus Curiae, to prepare a chart on the basis of the compliance affidavit filed or to be filed by the State Governments as to the state of affairs and place it before this Court. Learned counsel for the respective States are directed to furnish a copy of their affidavits to Mr. A.N.S. Nadkarni, learned Additional Solicitor General of India and Ms. Aprajita Singh, learned Amicus Curiae.

List the matter on 28.02.2020.

(iii) IA NOS. 7465 AND 7467/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF INDIA TRADE PROMOTION ORGNISATION)

The restriction imposed vide order dated 04.11.2019 is recalled. As per the norms, the work can be undertaken during day and night by all concerned, as permissible. Application for direction is, accordingly, disposed of.

Application for intervention is disposed of.

(iv) IA NO. 181745/2019 (APPLN. FOR INTERVENTION ON BEHALF OF HARSHITA SINGHAL)

Issue notice.

Reply, if any, be filed by 26.02.2020.

List on 28.02.2020.

(v) IA NOS. 186503, 186509 AND 186511/2019 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF RAJASTHAN STATE ROADWAYS TRANSPORT CORPORATION)

Let a report of the fuel be produced before this Court.

List on 06.03.2020.

(3) IA NOS. 195132 AND 195136/2019 (APPLNS. FOR IMPLEADMENT AND MODIFICATION OF ORDER DT. 24.10.2018 ON BEHALF OF FEDERATION OF AUTOMOBILES DEALERS ASSOCIATION)

These applications are dismissed.

**(4) IA NOS. 13761 AND 13764/2020 (APPLNS. FOR IMPLEADMENT AND MODIFICATION OF ORDER DT. 24.10.2018 ON BEHALF OF COLLABORATIVE ADVANCE RESEARCH FOR TRANSPORTATION)**

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These applications are dismissed.

**I.A. NOS.142872/2019, 113743/2019, 113750/2019  
IN W.P.(C) NO.13029/1985,  
I.A. NO.3921/2020, 3924/2020, 194620/2019 IN C.A. NO.9783/2018 &  
I.A. NO.192228/2019 IN DIARY NO.12263/2019**

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These applications were mentioned today.

List on 06.03.2020.

**(NARENDRA PRASAD)  
A.R-CUM-P.S.**

**(VIRENDER SINGH)  
COURT MASTER**