

ITEM NO.19 Court 3 (Video Conferencing) 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)

((1) IN RE: REGISTRATION OF BS IV VEHICLES (i) I.A. NOS. 56015, 56017 AND 56018/2020 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON B/O NORTH EAST PLANTATION AND COMMERCIAL PVT. LTD.)(ii) IA D. NOS. 59206 AND 59207//2020 (APPLNS. FOR INTERVENTION AND PERMISISON TO FILE ADDITIONAL DOCUMENT ON B/O GOPAL SPEED WORLD)(iii) IA NOS. 58758, 58761 AND 59871/2020 (APPLNS. FOR IMPLEADMENT, DIRECTION AND SEEKING EXEMPTION FROM FILING NOTARIZED AFFIDAVIT ON B/O ELICO LTD.)(iv) I.A. NOS. 59514, 59519 AND 59516, 59522/2020 (APPLNS. FOR IMPLEADMENT, AND DIRECTIONS ON B/O KAPIL AGGARWAL)(v) I.A. NO. 64524/2020 (APPLN. FOR DIRECTIONS ON B/O DY. COMMISSIONER OF POLICE)(vi) I.A. NO. 69588/2020 (APPLN. FOR DIRECTIONS ON B/O DY. COMMISSIONER OF POLICE)(vii) IA NOS. 71261 AND 71265/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF G.K. MOTORS PVT. LTD. AND ORS.)(viii) IA NOS. 69089 AND 69091/2020 (APPLNS. FOR IMPLEADMENT, DIRECTIONS ON BEHALF OF DRN INFRASTRUCTURE PVT. LTD.) (ix) IA NOS. 74788 AND 74791/2020 (APPLNS. FOR IMPLEADMENT AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON BEHALF OF MR. RAJEEV KUMAR SINGH)(2) IN RE: COLOUR-CODED STICKERS(i) REPORT NO. 103 SUBMITTED BY EPCA (SPECIAL REPORT: DELAY IN IMPLEMENTATION OF COLOUR-CODED STICKERS ON VEHICLES)(ii) IA NOS. 61299, 61328)

WITH

C.A. No. 8187/2019 (XVII)

(IA No.162347/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 36562/2019 (XVII)

(IA No.161186/2019-CONDONATION OF DELAY IN FILING and IA No.161189/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 13-08-2020 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

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

IN RE: REGISTRATION OF BS IV VEHICLES

Heard learned counsel for the parties at length.

Considered the rival arguments. The lockdown was imposed from 25.03.2020. The sales data has been furnished for the lockdown period by FADA and Non-FADA Members for the period with effect from 15.03.2020. There are unusually a large number of transactions,

which had taken place during the lockdown period *inter se* dealers, which cannot be recognised for the purpose of actual sales and registration. We disallow the registration on the basis of such kind of transactions *inter se* dealers. As they are not sales to the customers and registration of these kinds of vehicles cannot be allowed, there is a ploy to misuse of the order and such vehicles cannot be permitted to be sold in market now. They are not genuine transactions of the sale to the customers. Hence, no registration of such kind of vehicles shall be made, which were sold *inter se* dealers during the lockdown period.

Apart from that, there are large number of vehicles, sales of which were not uploaded on E-Vaahan Portal. Since, sales were not uploaded, as required, the transactions cannot be recognised as genuine sales. The order passed by this Court on 24.10.2018 is clear that sale and registration of BS-IV vehicles shall not be allowed after 31.03.2020. We cannot allow the registration of such vehicles, sales of which were not uploaded on E-Vaahan Portal of the Central Government or the portal of the concerned State Government.

There are still stated to be a large number of sales which have been made and uploaded on the E-Vaahan Portal, even temporary registrations were made. Their registration during the lockdown period could not be made. Hence, we allow registration of such vehicles only which could not be registered during lockdown in the month of March, 2020 and for no other reason. However, the position of Delhi and NCR is different. We clarify our order dated 27.03.2020 to the effect that no registration of BS-IV vehicles is

to be made in Delhi and NCR as people are suffering from severe air pollution and the order passed by this Court in 2018 was clear. No vehicle of BS-IV in Delhi and NCR to be registered.

We order that in the Delhi and NCR, no registration of the vehicles of BS-IV is to be made after 31.03.2020.

This order is for the rest of the country and only due to lockdown, not to be used for any other purpose/reason and for registration of other vehicles of which registration was not done for any other reason.

I.A. NOS. 56015, 56017 AND 56018/2020

(APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON B/O NORTH EAST PLANTATION AND COMMERCIAL PVT. LTD.)

The application for impleadment is allowed to the extent of intervention. In the peculiar facts and circumstances of the case, registration of vehicles in question in these applications be made. However, it shall not be treated as a precedent for any other case. Application for directions is, accordingly, allowed.

Pending interlocutory application(s), if any, is/are disposed of.

The remaining interlocutory applications and Diary No. 36562 of 2019 [Item No. 19.1] and Civil Appeal No. 8187 of 2019 [Item No. 19.2] be listed next week.

(NARENDRA PRASAD)
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