

Item No. 13

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 112/2023
in
Original Application No.21/2024

Vardhaman Kaushik

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 28.02.2024

Date of uploading of order: 22.03.2024


**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Surya Gupta, Ms. Saumitra Jaiswal & Ms. Gitanjali Sanyal, Advs. for Original Applicant
Mr. Gigi. C. George, Adv. for Applicant (SPG) in M.A No. 112/2023

Respondent(s): Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for Transport Department, GNCTD
Mr. Raj Kumar, Adv. for CPCB (Through VC)

ORDER

1. M.A. No.112/2023:- This application in disposed of original application no. 21/2014 has been filed by Special Protection Group (SPG) which is a part of Cabinet Secretariat of Union of India and is an Armed Force of Union of India to provide proximate security to the Prime Minister of India and members of his immediate family.

2. In the application, prayer is to direct Transport Department, NCT of Delhi /Registering Authority to allow extension of registration period of Specialized Armoured Vehicles (03 Nos.) by five years i.e. till 23/12/2029 having Registration Nos. 

3. Plea of the applicant is that these vehicles are essential and integral part of Special Protection Group technical logistics. Logistics

support like tactical and back up support vehicles are deployed for the teams providing operational and proximate security to the protectees.

4. It is the further plea of the applicant that SPG had purchased three Specialized Armoured Vehicles in question in 2013-2014, details of the vehicles are as under:-

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SL. No.	REGISTRATION NO.	MODEL	FUEL TYPE	MANUFACTURE YEAR	DATE OF REGISTRATION
1	██████████	MD-5	DIESEL	2013	24.12.2014
2	██████████	MD-5	DIESEL	2013	24.12.2014
3.	██████████	MD-5	DIESEL	2013	24.12.2014

”

5. It is stated that these vehicles are very special in nature/design and in technical /tactical specifications and they are not easily available in market to meet the requirement. The specialized armoured vehicles during the last 9 years have covered only about 6000 Km, 9500 Km and 15000 Km respectively as they are being used only for specific tactical purpose.

6. Grievance of the applicant is that these vehicles are registered upto 23.12.2029 but registration of these vehicles will be cancelled and they will stand deregistered w.e.f. 24.12.2024 on completion of 10 years from the date of initial registration. Applicant had approached the Special Commissioner (Ops), Govt. of NCT of Delhi, Transport Department vide Letter dated 19.05.2023 for extension of registration of these Special Armoured Vehicles for 05 more years beyond the period of 10 years. The said prayer has been refused by communication dated 06.06.2023 by Registering Authority, NCT of Delhi stating that prayer cannot be acceded to in the light of orders passed by the NGT and Hon'ble Supreme Court.

7. A reply has been filed by Transport Department of NCT of Delhi in this Misc. Application taking the plea that request for extension of registration has been denied on the following grounds:-

- “2a) *The above mentioned vehicles were registered on 11.06.2013 and the registration of the vehicles was valid upto 10.06.2023 being the diesel vehicles in terms of the restriction of validity of registration for 10 years for diesel vehicles in Delhi & NCR as imposed by this Hon'ble Tribunal and subsequently endorsed by the Hon'ble Supreme Court.*
- (b) *That the life of the special purpose vehicles (Armoured and other specialized' vehicles) used for operational purposes for the maintenance of laws and order and internal security may be extended as per the provisions available in the CMVR 1989.*
- (c) *That this Hon'ble NGT vide order dated 16.10.2017, had placed a blanket ban with respect to extension of registration in respect of vehicles. The prescribed age to ply in Delhi & NCR has been fixed for 10 years in case of Diesel Vehicles and 15 years for Petrol/CNG. However, certain relaxations have been given in respect of the registration of BS-IV Diesel Vehicle in certain of categories of the vehicles which are used for essential public utility services but no relaxation with respect to extension of the registration of the vehicle under Rule 52 of CMVR 1989 for period of 05 years beyond 10 years. **The said vehicles being BS-III Diesel vehicles, no relaxation can be granted with regard to either their registration or extension of their registration.** As such, the order dated 22.11.2021 passed by the Hon'ble the Supreme Court in Civil Appeal No. 3092/2020 permitting registration of SPG Diesel vehicles may not be applicable to extension of registration of such vehicles.*
- (d) *That as far as the notification of the MoRTH vide GSR 29(E) dated 16.01.2023 is concerned, which permits the extension of the registration after 15 years from the date of registration of the vehicle as provided under sub section of 41 of MV Act for certain categories of the vehicles, details of which are given in para- 2 of said notification, it is respectfully submitted that the same is applicable to the States other than Delhi & NCR States because the said notification makes no reference with regard to any exemption to the above order of this Hon'ble Tribunal. Therefore, under this circumstance the notification G.S.R 29(E) dated 16.01.2023 is not applicable to the subject vehicles which are registered in Delhi & NCR.”*

8. Submission of the Learned Counsel for the applicant is that specialized armoured vehicles in question are not easily available in the market and they are special purpose vehicles used for specific protection purpose, therefore, Transport Department of NCT should be directed to extend the registration of the vehicles for further five years beyond the period of 10 years.

9. In support of his submissions, he has placed reliance upon the notifications dated 13.09.2018, 01.08.2019, 12.03.2021, 24.11.2022, 16.01.2023 and the communications dated 12.07.2021 and 06.09.2021 as also the order of the Hon'ble Supreme Court dated 22.11.2021 passed in Civil Appeal No. 3092/2020.

10. Learned Counsel for the Transport Department of NCT of Delhi has opposed the misc. application by submitting that the issue has already been settled by NGT by order dated 07.04.2015 passed in OA No. 21/2014: *Vardhaman Kaushik & Ors. Vs. Union of India* and by Hon'ble Supreme Court by order dated 29.10.2018 passed in WP (C) No. 13029/1985: *M.C. Mehta Vs. Union of India & Ors.*, therefore, in violation of the order of Hon'ble Supreme Court restricting the use of diesel vehicle only upto 10 years, permission cannot be granted to the applicant for extension of registration of the vehicles in question which are BS-III vehicles. She has further submitted that notification dated 16.01.2023 is general in nature and will not be applicable to NCT, in view of the specific order of the Hon'ble Supreme Court.

11. We have heard Learned Counsel for the parties and perused the record.

12. The Tribunal in the matter of Vardhaman Kaushik (Supra) by order dated 07.04.2015 had directed as under:-

“We have already noticed that certain stringent measures need to be taken to improve the ambient air quality in NCR, Delhi and to ensure that the residents of this area do not travel closer to ill-health by each breath that they take. Thus we hereby direct that all diesel vehicles (heavy or light) which are more than 10 years old, will not be permitted on the roads of NCR, Delhi. All the registering authorities in the state of Haryana, U.P. and NCT, Delhi would not register any diesel vehicle which is more than 10 years old and shall file the list of vehicles before the Tribunal and provide the same to the Police and other concerned authorities. Petrol vehicles which are more than 15 years old and diesel vehicles that are more than 10 yearsold shall not be registered in the NCR, Delhi.”

13. The same issue had come up before the Hon’ble Supreme Court in M.C. Mehta (Supra) wherein the Hon’ble Supreme Court by order dated 29.10.2018 had directed as under:-

“Learned amicus curiae has placed before us some submissions on urgent actions to control air pollution in NCR.

We have gone through the suggestions that have been given and are of the opinion that the three suggestions are eminently reasonable and must be implemented with immediate effect.

These suggestions, which are now the directions of this Court, are as follows:

1. The Transport Departments of NCR will immediately announce that all the diesel vehicles more than 10 years’ old and petrol vehicles more than 15 years’ old shall not ply in NCR in terms of the order of the National Green Tribunal dated 07.04.2015. The order of the National Green Tribunal was challenged in this Court and the Civil Appeal was dismissed. Vehicles violating the order will be impounded. The list of such vehicles should be published on the websites of the Central Pollution Control Board (CPCB) and the Transport Departments of NCR. Similarly, a meaningful advertisement should be published in a local newspaper for the convenience of the owners of the vehicles.”

14. It is the specific stand of the Counsel for NCT Delhi Transport Department that in view of the above two orders, the request to extend the registration of the vehicles of the three SPVs for further five years has been declined.

15. Undisputedly, the above three SPVs will be completing the period of 10 years from the date of registration in December, 2024 and they are the Diesel Vehicles, therefore, in terms of the direction of the Hon'ble Supreme Court dated 29.10.2018, such vehicles being Diesel Vehicles cannot be permitted to ply in NCR on completion of 10 years. Hence, we do not find any error in the letter/decision of the NCT Delhi Transport Department under challenge in this Misc. Application.

16. So far as the Notification dated 13.09.2018 is concerned, by this Notification, the proviso in Clause (a) of sub-Rule 15 to Rule 115 of Motor Vehicles Rules, 1988 has been inserted. The sub-Rule 15 of Rule 115 relates to mass emission standards for BS-IV whereas the three SPVs in question are BS-III vehicles. Hence, the applicant cannot derive any benefit on the basis of the said Notification. For the same reason, the Notification dated 01.08.2019 is inconsequential as it amends sub-Rule 15. So far as the Notifications dated 12.03.2021 and 24.11.2022 are concerned, they are only Notifications of draft rules and not the final Notifications. So far as Notification dated 16.01.2023 is concerned, it is a general Notification but the order of the Hon'ble Supreme Court dated 29.10.2018 is specifically for the NCR. Therefore, in view of order of the Hon'ble Supreme Court, no benefit on the basis of Notification dated 16.01.2023 cannot be extended to the applicant. The communication dated 12.07.2021 and 06.09.2021 relied upon by the Counsel for the Applicant relate to changes incorporated in Vahan Portal for BS-III/BS-IV Special Purpose Vehicles. Hence, on that basis, no direction contrary to the order of the Hon'ble Supreme Court can be issued. So far as the order dated 22.11.2021 passed in Civil Appeal No. 3092/2020 is concerned, in that case, the applicant was granted liberty to approach the Tribunal

seeking registration of the Specialized Vehicles in the interim period during the pendency of Appeal.

17. We are conscious of the fact that these three vehicles are special purpose vehicles which are not normally available and these vehicles have run very less in the last ten years and are needed for the specific purpose of security of the Prime Minister but in view of the order of the Hon'ble Supreme Court dated 29.10.2018 (Supra), the prayer made in the M.A. cannot be granted.

18. M.A. is accordingly rejected.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

March 22, 2024
M.A. No. 112/2023
In Original Application No.21/2024
JG.