

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

**ORIGINAL APPLICATION NO.21 OF 2014
(M.A NO. 155/2015, M.A NO. 284/2015, M.A NO. 394/2015, M.A NO.
412/2015 TO M.A NO. 414/2015, M.A NO. 420/2015, M.A NO. 482/2015,
M.A NO. 502/2015, M.A NO. 618/2015, M.A NO. 631/2015, M.A NO.
683/2015, M.A. NO. 778/2015 & M.A. NO. 812/2015)**

AND

Original Application No. 95 of 2014

And

Original Application No. 303 of 2015

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha Vs. Union of India & Ors.

And

Supreme Court Women Lawyers Association Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

Original Application No.21 of 2014

**Present: Applicant: Mr. Vardhman Kaushik, Adv. – in Person
Respondent No. 1: Ms. Panchajanya Batra Singh, Adv. For
MoEF & CC
Mr. D. Rajeshwar Rao, Adv. Counsel for
Transport Deptt. and Delhi Police, GNCT,
Delhi
Mr. Rajiv Bansal and Mr. Kush Sharma,
Advs. (DDA)
Narender Pal Singh, Adv. For DPCC and for
GNCT Environment
Mr. Dinesh Jindal, LO, DPCC AND Dr. M.P.
George, Sr. Scientist
Ms. Puja Kalra, Adv. For SDMC and North
MCD
Mr. Tanjel Ahmed, Adv.
Ms. Savitri Pandey and Ms. Azma Parveen,
Adv. for State of U.P.
Mr. K.V. Jagdishvaran, Mrs. G. Indira, and
Mr. Pawan Kishore Singh, Advs. For UT of
Andaman & Nicobar Islands Administration
Mr. Sunil Satayarth and Mr. Ashok Kumar,
Advs. For Delhi Cantonment Board
Mr. Ravindra Kumar and Mr. Gudipati G.
Kashyap, Advs. for NOIDA & Greater NOIDA
Ms. Soumyajit Pani, Adv. For State of
Odisha
Mr. Mohd. Ouais, Adv. For Applicant in MA
631
Prerna Singh and Mr. Prashant Mathur,
Advs. For State of Andhra Pradesh
Mr. P. Venkat Reddy, Adv. For State of
Telangana
Mr. Rudreshwar Singh, Mr. Gautam Singh
and Ms. Divya Singh for State of Bihar and
BSPCB**

Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.

Mr. Jayesh Gaurav, Advs. For State of Jharkhand & JSPCB

Mrs. Avnish Ahlawat and Mr. Nitesh Kumar Singh, Adv. For DTC/SIBU along with Mr. M.K. Sharm, Sr. Mgr.

Ms. Sakshi Popli, Adv.

Mr. D.K. Thakur and Mr. Deepak Jain, Mr. Alok Kumar, Advs. For UT of Daman & Diu and Dadara & Nagar Haweli

Mr. Om Prakash, Adv. for MoR (Northern Railway)

Ms. Pinky Anand, ASG, Ms. Tavinder Sidhu, Mr. I.K. Pandey, CGM and Mr. P.K. Kashik, Manager for NHAI

Ms. Pinky Anand, ASG for CONCORN

Ms. Pinky Anand, Sr. Adv., ASG, Mr. Rajesh Ranjan and Mr. Balendu Shekhar, Advs. For Ministry of Road & Transport & Highway

Mr. Balendu Shekhar & Mr. Akshay Abrol, Advs. for EDMC

Respondent No.1: Mr. Vikas Malhotra and Mr. M.P. Sahay, Advs.

Respondent No. 2 to 6 : Mr. Ardhendumauli Kr. Prasad, Adv. & For MoUD & MoPNG

Respondent No. 7 : Mr. Rahul Coudhary and Ms. Maneka Kaur, Advs.

Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.

Mr. Anil Grover, AAG and Mr. Rahul Khurana, Advs. For State of Haryana

Mr. M. Yogesh Kanna and Mr. Jayant Patel, Advs. For State of Tamil Nadu

Mr. Sapam Biswajit Meitei and Mr. Kalyani Goswami, Adv for State of Manipur

Mr. Apoorv Mishra with Ms. Pallavi Mohan, Advs. for BRPL/BYPL

Mrs. Aruna Mathur and Mr. K. Vijay Kumar, Advs. For State of Sikkim

Mr. Ruchir Batra, Adv. For Lajpat Nagar Traders Association

Mr. Anil Shrivastav and Mr. Sanyam Saxena, Advs. For State of Arunachal Pradesh & PCB

Mr. K.V. Jagdishvaran and Mrs. G. Indira, Advs. For UT of Andaman & Nicobar Islands

Mrs. K. Enatoli Sema, Adv. for State of Nagaland

Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advs. For State of Haryana

Respondent No. 5 : Ms. Savitri Pandey along with Ms. Azma Parveen, Advs. for State of UP.

Respondent No. 7 : Mr. Rahul Choudhary and Ms. Maneka Kaur, Advs.

Mr. D. Rajeshwar Rao, Adv. Counsel for Transport Deptt. and Delhi Police & GNCT, Delhi

Applicant : Ms. Bhakti Pasrija Sethi, Ms. Prerna Kumari and Ms. Mamta Rani, Advs.

**Respondent No. 1 : Mr. Vishwendra Verma, Adv. For MoEF
Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advs. For State of Haryana**

Respondent No. 5 :

Ms. Savitri Pandey along with Ms. Azma Parveen, Advs. for State of UP.

Date and Remarks	Orders of the Tribunal
<p>Item No. 26 to 28</p> <p>August 14, 2015</p> <p>ss</p>	<p>We have specifically requested all the Learned Counsel appearing for the Central Government, NCT, Delhi, Central Pollution Control Board, Delhi Pollution Control Committee, all Public Authorities of NCT, Delhi, Applicants and Interveners, if they have any arguments to address the Tribunal in relation to the pollution caused by dust and burning. They submit that the directions already passed by the Tribunal should be properly implemented and enforced in all situations. However, they have nothing further to argue.</p> <p>Another suggestion that has been moved is that all the authorities concerned including police should act in coordination with each other and consultative efforts should be made to implement the directions of the Tribunal without any default in future.</p> <p>The Learned Counsel appearing for the Ministry of Environment and Forests has filed an Affidavit stating that NHAI, DMRC and PWD are carrying on projects of huge dimension in Delhi-Faridabad (Mathura Road) and are violating each direction issued by the Tribunal. Photographs have been annexed where hot mixing plants are seen operating at the road side without any protection. Photographs show that construction materials are lying on the road and there are no provisions on the site to protect the construction dust flying into the air. Roads have been stuck where soil have been thrown on the highways or its side itself which is causing lot of dust pollution.</p>

It is further stated that the hot-mix plants are emitting into the air, Organic compounds, Smoke, Black Carbons, Sulphur Dioxide and Nitrogen Oxide etc. which are very injurious to human health.

Let Notice be issued to NHAI, Delhi Metro Rail Corporation and Public Works Department.

The Learned Counsel appearing for the NHAI and PWD accept notice. Let them file the replies within one week from today. Notice be issued to DMRC by Dasti.

All these authorities shall show cause, why we should not direct punitive action be taken against the Senior most Officers of these organizations and Officers In-charge of the construction site. They shall further show cause, why Environmental Compensation be not ordered to be paid by them in terms of the Section 15 of the NGT Act, 2010. They shall also show cause why proceedings as contemplated order XXI of the Code of Civil Procedure, 1908 and Section 19 of the NGT Act, 2010 be not taken against them for violating the directions of the Tribunal, in this regard.

List these matters for hearing on 28th August, 2015.

As far as the pollution by dust and burning material are concerned the case is closed for judgment.

List these matters with regard to hearing on Air Pollution caused by Vehicular Pollution including Commercial vehicles plying in Delhi and/or transited to Delhi on 17th August, 2015.

.....,CP
(Swatanter Kumar)

		<p>.....,JM (M.S. Nambiar)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (Prof. A.R. Yousuf)</p>
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