

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

**M.A. NO. 37 OF 2014
IN
Original Application No. 21 of 2014**

IN THE MATTER OF:

Vardhaman Kaushik 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**

Present:

Applicant:	Mr. Vardhman Kaushik and Mr. Salik Shafique, Applicant in person
Respondent No. 1:	Ms. Panchajanjya Batra Singh, Advocate
Respondent No. 2:	Ms. Alpana Poddar, Advocate
Respondent No. 4:	Mr. Narender Pal Singh, Adv. and Mr. Dinesh, Adv. Ms. Puja Kalra, Adv. for South and North MCD Mr. Rajiv Bansal and Mr. Kush Sharma, Adv. for DDA Ms. Savitri Pandey, Adv. for the State of U. P. Mr. B.V. Niren and Mr. P. Jain, Adv. For M/s Transport, MoUD, PNG, CPWD Mr. D. Rajeshwar Rao for Delhi Traffic Police & Transport Deptt. of NCT Delhi Mr. Balendu Shekhar, Adv. for EDMC Ms. Sakshi Popli, Adv. Mr. Narender Hooda, Sr. Adv. and Ms. Bano Deswal, Adv. Mr. Ruchir Batra, Adv. Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv. Mr. Ratan K. Singh and Leeza Grover, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 25, January 19, 2015 A	<u>M.A. No. 37 of 2015</u> This Application has been moved by Trader Association of Lajpat Nagar on the account that they are interested parties and the orders passed by the Tribunal are likely to affect them and have civil consequences. Further they have taken a clear stand that the Association is deeply concerned about the environment and welfare of the public health. They have further assured the Tribunal that they will fully cooperate to ensure that all effective steps are taken

for improving air quality and traffic in that area. Having accepted their submission, we allow this Application and direct them to be impleaded as Respondent –party in the main Application.

With the above orders, M.A. No.37 of 2015 stands disposed of.

Original Application No.21 of 2014

In furtherance to our previous order, studies and site monitoring location report with regard to ambient air quality in NCR Delhi has been filed. The Members of the Expert Committee had collected samples from 36 different sites in Delhi, Haryana and Uttar Pradesh. The analysis reports submitted before the Tribunal show that except sulphur dioxide (SO₂) which at some places meets the norms prescribed, all other prescribed parameters are found to be much in excess to the National Ambient Air Quality Standards. For instance, Nitrogen Dioxide (NO₂) which is expected to be 80 microgram per cubic meter is found to be 146 and even 218ug/m³ at Faridabad and Delhi. The particulate matters as against the permissible limit of PM₁₀ ug/m³ is found to be 484, 728 and 948 ug/m³ at Faridabad, Alwar and Burari. Similarly the particulate matter, sized less than and equal to 2.5 (PM_{2.5}), is excessively violative in Delhi and is going to the extent of 1284 as against 60 ug/m³. Ozone(O₃) in Delhi against is found to be 223ug/m³. Carbon monoxide against permissible

limit of 2 mg/m³ is found to be 7.81 at Delhi.

From the above data, it is clear that ambient air quality in Delhi NCR is highly polluted. Obviously it is dangerous to human health and environment. These statistics clearly show that drastic measures need to be taken, if the residents of NCR Delhi are to be protected against health hazards arising from air pollution. We direct that all the directions issued by the Tribunal, particularly in relation to the vehicular pollution shall be carried out by all the concerned agencies without delay and default. It will be ensured that stagnation of vehicle and traffic congestion are avoided particularly by prohibiting parking on the main roads or any parking area on the metalled roads. We direct all the SHOs concerned, the Traffic Police and the concerned Corporation to ensure compliance of these directions without any default. There will be complete prohibition of parking of any cars on the metalled roads and the corporation would take strict action against the persons who violates it. This shall include payment of Rs. 1000/- per car on account of compensation for degradation of environment and its restoration. This would also be charged on the cars, which are parked on the metalled roads. The Corporation shall submit a complete and comprehensive report in relation to both the markets of Lajpat Nagar and Karol Bagh, which have been taken to be pilot projects.

A submission is made on behalf of the newly

added parties, the shopkeepers of Lajpat Nagar, that they have paid Rs. 120 crores in the year 2006 to the Corporation for construction of parking areas. This money has been laying with the Authorities without any effective steps being taken. We direct that the Commissioner of the Corporation shall take all immediate steps to ensure compliance of this Order along with NCT of Delhi, Traffic Police and other agencies involved.

It has been brought to our notice that there are number of spaces lying in Lajpat Nagar which can be used for parking and/or building multi level parking which will easily resolve the entire environmental issues that is of great concern in that area.

We direct the Municipal Corporation, DDA and NCT of Delhi to have a meeting before the next date of hearing and identify the places where multi level parking can be constructed and/or where parking can be permitted. It will ensure that the greenery of the area is not at all adversely affected and no inconvenience is caused to the residents of the Lajpat Nagar. Let this Report be submitted on the next date of hearing.

The meeting shall be presided over by the Principal Secretary of Environment and Urban Development, NCT Delhi.

We appoint the following lawyers as Local Commissioner in the matter:-

1. Mr. Rahul Khurana, Adv.

2. Mr. Salik Shafique, Adv.
3. Ms. Leeza Grover, Adv.
4. Mr. Kumar Anurag Singh, Adv.
5. Ms. Anu Tyagi, Adv.
6. Mr. J. Janani, Adv.
7. Mr. Atishree Sood, Adv.
8. Mr. Ankit Khurana, Adv.
9. Mr. Vikrant Kaushik, Adv.
10. Mr. Charanjeet Singh, Adv.
11. Mr. Proveen Kumar, Adv.
12. Mr. Mansha Mehmood, Adv.
13. Ms. Sakshi Popli, Adv.
14. Mithlesh Kumar, Adv.

Learned Local Commissioners shall visit the pilot project areas and bring to the notice the factual position and submit their reports before the Tribunal clearly showing compliance or otherwise of the order with regard to cars parking on the metalled roads, and traffic congestion in these markets resulting in air pollution. They shall also bring to the notice of the Tribunal the distance of traveling involved and the time taken in these markets.

We direct the Deputy Commissioner of Traffic Police and the Deputy Commissioner of Police in charge and all the respective Commissioners of the Corporation to ensure compliance of this direction and provide due assistance to the Local Commissioners to execute the Commission.

Nobody is present on behalf of the DTC. Issue Notice to the CMD of DTC to be present before the Tribunal and submit the compliance report to our order dated 24th December, 2014 which has not been submitted.

Notice be issued without process fee by the Registry.

In the report submitted before the Tribunal it has been found by the Joint Commissioner of Transport that 186 DTC buses were found without valid pollution under control certificate on 28th December, 2014. In some of the DTC vehicles, PUC was valid upto November, 2010 only. Let Notice be issued to the CMD of the DTC to submit a report as to why appropriate action shall not be taken against all those buses as well as against the Officers in charge and responsible for the maintenance of these vehicles. This is a clear violation of the Order of the Tribunal. Therefore, we direct the CMD to show cause why compensation be not ordered for degrading the environment and air quality and for taking steps that required to be taken for restoration thereof. Let Reply be filed before the next date of hearing.

As per the statement referred to in the report, in weigh-in-motion systems are to be installed on the highways by March, 2015. Let the National Highway Authority of India submit a complete and comprehensive report in that behalf to enable the Traffic Police and other Authorities to ensure that no

overloaded trucks are permitted to ply in the NCR Delhi. In the report submitted before us it has also been stated that some check posts are not established and steps are being taken. Let the Committee constituted under the Order of the Tribunal submit a comprehensive report in relation to the establishment and construction of check posts of instant vehicular pollution at those places. The Expert Team (CBCP) shall take ambient air quality sample from all the Borders of Delhi and the adjacent area and submit the analysis reports before the Tribunal prior to the next date of hearing.

Learned counsel appearing for MoEF submits that as per their inspection hot mixture plants are still running on the road side and they are being run by PWD at Vikas Marg (Opp. Nirman Vihar Metro Station, SBI Rajdhani Enclave, PNB Preet Vihar, Bihari Colony etc.)

Let Notice be issued to the Chief Engineer of PWD by the Registry to be present before the Tribunal on the next date of hearing and show cause why the function of hot mixture has not been discontinued in Delhi despite specific orders of the Tribunal and what anti pollution devices have been installed in these hot mixture plants. They shall also be inspected by DPCC and CPCB and report thereof be submitted before the Tribunal on the next date of hearing.

It is little surprising to note that as per the report submitted, nearly 9 lakhs trees have been

planted by the Government while 6 lakhs plant sapling are stated to have been given to the people. This would mean nearly 15 lakhs saplings have been planted in Delhi. Even if part of it was done, there can be no doubt that greenery of Delhi would have different shape and look.

We direct the Chief Conservator of Forest to file a personal Affidavit on this aspect and submit details of expenditure incurred and species of the saplings that have been planted.

No comments have been submitted on specific issues on which NCT of Delhi and all other concerned Authorities including DPCC, CPCB were required to submit i.e. capping of cars, life of vehicles and other matters. Let comments be submitted before the next date of hearing.

Other directions contained in our previous Order dated 04th December, 2014 shall continue to be in force. All other concerned Authorities would carry out these directions and submit reports required to be submitted. All the vehicles which are more than 15 years will not be permitted to ply in Delhi. Transport Commissioner shall ensure that such vehicles are not registered in NCR Delhi.

No report has been submitted with regard to our directions relating to Tughlakabad, Okhla and area close to Anand Vihar. Compliance report in this behalf has also not been submitted.

		<p>DDA is directed to file its report positively before the next date of hearing.</p> <p>Let Notice be issued to the Northern Railway to be present on the next date of hearing.</p> <p>The State of Haryana shall file complete and comprehensive report before the next date of hearing.</p> <p>List this matter on 25th February, 2015.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (M.S. Nambiar)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (Prof. A.R. Yousuf)</p>
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