

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

**Original Application No. 21/2014
(M.A. Nos. 155, 248, 394, 412 to 414, 420, 482, 502, 618, 631, 683, 778, 778,
812, 1014, 1015, 1029 of 2015)**

And

Original Application No. 95/2014

And

Original Application No. 303/2015

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 PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Original Application No.21 of 2014 and 95 of 2014

**Present: Applicant: Mr. Salik Shafique, Adv. for Mr. Sanjay Upadhyay.
Respondent No. 1: Ms. Panchajanya Batra Singh, Advs. For MoEF & CC
Respondent No. 6 & 7 : Mr. Ardhendumuali Kumar Prasad, Mr. Jigdal G. Chankapa and Mr. Pryanka Swami, Advs.For MoUD & MoPNG
Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO For DPCC and for GNCT Environment
Mr. D. Rajeshwar Ra, Adv. Mr. Charanjeet Singh, Mr. Ravinder Soni(ACP) and Mr. Harvinder Singh, DCP for Transport Deptt. and Delhi Police, GNCT, Delhi
Ms. Pinky Anand, ASG, Mr. Balendu Shekhar, Mr. Akshay Abrol, Adv. Mr. Rajesh Ranjan Ms. Somya Rathore, Mr. Tavinder Sidhu, Mr. Mahesh Kr., Mr. P. K. Kaushik Advs. for MoRTH(NHAI), M. V. Kini & Co.
Ms. Pinky Anand, ASG, Mr. Tavinder Sidhu, Mr. Mukesh Kr. Mr. P.K. Kaushi for Advs. for CONCOR
Mr. Shubham Bhalla, Adv. for UT Chandigarh
Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Advs. For State of Meghalaya
Ms. Savitri Pandey and Ms. Azma Parveen, Adv. for State of U.P.
Mr. Atul Jha, Adv. for State of Chhattisgarh
Mr. Jogy Scaria, Adv. for State of Kerala
Mr. Rajiv Bansal and Mr. Kush Sharma, and Mr. Siddhant Gupta, Advs. (DDA)
Ms. Aruna Mathur and Mr. Avneesh Arputham, Ms. Anuradha Arputham, Advs. For State of Sikkim
Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. For NOIDA & Greater NOIDA.
Mr. Apoorv Kurup and Mr. A. C. Boxipatro, Advs. for State of Chhattisgarh.
Mr. Sapam Biswajit Meitei, Mr. S. Vijayanand Sharma and Mr. Kalyani Goswami, Advs. for State of Manipur & PCB
Mr. Jayesh Gaurav, Adv. for JSPCB
Mr. Rudreshwar Singh, Mr. Gautam Singh and Mr. Divya Singh, Advs. for State of Bihar and BSPCB
Mr. Kabir Shankar Bose and Mr. Saakar Sardana, Advs. For State of W.B. & WBPCB.
Mr. Preeti Makkar and Mr. Abhimanu Garg, Advs. for UT of Pondichery
Mr. D. K. Takkar, Mr. Sengul Khanna, Mr. Deepak Jain and Mr. Alok Kumar, Advs. For UT Daman & Diu, Dadar & Nagar Haveli.**

Mrs. G. Indira, Mr. Sumit Kumar and Mr. K.V. Jagdishvaran, Advs. For UT of Andaman & Nicobar Islands Administration
 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
 Ms. K. Enatoli Sema and Mr. Amit Kumar, Advs. State of Nagaland, Nagaland PCB
 Mr. Balendu Shekhar & Mr. Akshay Abrol, Advs. for EDMC
 Ms. Sakshi Popli, Ms Kanika Mittal, Advs. for NDMC
 Ms. Puja Kalra, Adv. for South Delhi Municipal Corporation and North Delhi Municipal Corporation
 Mr. Pulkit Prakash, Mr. Pragyan Sharma and Mr. Ravikant Pal, Advs. for State of Mizoram
 Mr. Shiv Mangal Sharma, AAG, Mr. Shrey Kapoor and Mr. Saurabh Rajpal, Advs. For State of Rajasthan.
 Mr. Sunil Satayarth, Adv. Mr. Mohd. Abitasham, Adv For Delhi Cantonment Board
 Ms. Pinky Anand, Sr. Adv., ASG with Mr. Tavinder Sidhu, Mr. A.K. Sharma, Mr. Anil Kumar Sharma and Mr. P. Kaushik for NHAI
 Mr. Mansi Chatpalliwar, Mr. Pratyush Prasanna, Advs. with Mr. Mahesh Gautam, DGM (Sales) for Ashok Leyland Ltd.
 Mr. KTS Tulsi, Sr. Adv, Mr. Diljeet T., Mr. Raj Kamal, Mr. Utkarsh Goel, Advs. Akshat Kulshreshta and Mr. Raj Kamal, Advs. For HMCI
 Mr. Sunil Kumar Sethi, Ms. Hemantika Wahi, Advs. For State of Gujarat
 Mr. Om Prakash, Adv. for MoR Northern Railway
 Mr. Devraj Ashok, Adv. for State of Karnataka
 Ms. Natasha Sahrawat, Adv. Ms. Meera Mathur, Ms. Nandini Gore, Mr. Aditi Bhatt, Advs. Mr. Sharmendra Choudhary, Legal Manager, Ms. Khushboo Bari, Adv. Mr. Sunil Pandey, Head, DTC and Mr. Bipin Das, Law Manager for Tata Motors Ltd.
 Mr. Avnish Ahlawat with Mr. Nitish Singh, Advs with Mr. M Nitesh Singh, (DTC)
 Mr. Anil Shrivastav and Mr. Sanyam Saxena, Advs. For State of Arunachal Pradesh & PCB
 Ms. Prerna Singh and Mr. Prashant Mathur, Advs. For State of Andhra Pradesh
 Mr. Sunil Satayarth, Mr. Ashok Kr. Advs. For Delhi Cantonment Board
 Mr. Yogesh Kanna and Mr. Jayant Patel, Advs. for Tamil Nadu State
Mr. Atmaram. N. S. Nadkarni, Adv. General, Mr. Dattaprasad Lawande, S.S. Rebello, Mr. and Ms. Anshuman Srivastava, Advs. for State of Goa and GSPCB
 Mr. V.K. Mishra, Adv. for Ghaziabad Mahanagar Goods Transport Association (M.A. No. 1014 & 1015 of 2015)
 Mr. Dinesh Kr. Garg, Mr. D. Garg and Mr. Deepak Mishra, Advs. for State of Uttarakhand
 Mr. P. Venkat Reddy, Adv. for State of Telangana
 Mr. Ravindra Kr. And Mr. Gudipati G. Kashyap, Advs for Noida and Greater Noida
 Mr. Tariq Adeeb, Adv. in M. A. No. 1029 of 2015

Present: **Applicant:**
Respondent No.1:
Respondent Nos. 2 to 6:
Respondent No. 7 :

Mr. Saurabh Agrawal and Mr. Akshat S. Advs.
 Mr. Vikas Malhotra, with M. P. Sahay, Advs.
 Mr. Ardhendumuali Kumar Prasad, Mr. Jigdal G. Chankapa and Mr. Pryanka Swami, Advs.
 Mr. Rahul Choudhary, Adv.
 Ms. Prerna Singh and Mr. Prashant Mathur, Advs. For State of Andhra Pradesh
 Mr. Atul Jha, Adv. for State of Chhattisgarh
 Mr. Jogy Scaria, Adv. for State of Kerala
 Mr. Anil Shrivastav and Mr. Sanyam Saxena, Advs. For State of Arunachal Pradesh & PCB

Mr. M. Yogesh Kanna and Mr. Jayant Patel, Advs. For State of Tamil Nadu
 Mr. Kabir Shankar Bose and Mr. Saakar Sardana, Advs. For State of W.B. & WBPCB.
 Ms. Aruna Mathur, Ms. Anuradha Arputham and Mr. Avneesh Arputham, Advs. For State of Sikkim
 Ms. K. Enatoli Sema Adv. for State of Nagaland, Nagaland PCB
 Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.
 Mrs. G. Indira, Mr. Sumit Kumar and Mr. K.V. Jagdishvaran, Advs. For UT of Andaman & Nicobar Islands Administration
 Mr. Sapam Biswajit Meitei, Mr. S. Vijayanand Sharma and Mr. Kalyani Goswami, Mr. Vijayanand Advs. for State of Manipur & PCB
 Mrs. Pinky Anand, ASG, Mr. T.S. Sidhu and Mr. Kaushik, Advs.
 Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advs. For State of Haryana
 Mr. Sunil Satayarth, Mr. Mohd. Abitasham Advs. For Delhi Cantonment Board
 Mr. Ravikant Pal, Mr. Pragyan Sharma and Mr. Pulkit Prakash, Advs. for State of Mizoram
 Mr. Sengul Khanna, Mr. Deepak Jain and Mr. Alok Kumar, Advs. For UT Daman & Diu, Dadar & Nagar Haveli.
 Ms. Preeti Makker and Mr. Abhimanyu Garg, Advs for UT of Pondichery.
 MR. Devraj Ashok, Adv. for State of Karnataka
 Mr. Shubham Bhalla, Adv. for Chandigarh Admn.
 Mr. Apoorv Kurup and Mr. A. C. Boxipatro, Advs for State of Chattisgarh
 Mr. Jayesh, Adv. for JSPCB
 Ms. Puja Kalra, Adv. NDMC
 Mr. Dinesh Kr. Garg, Mr. D. Garg and Mr. Deepak Mishra, Advs. for State of Uttarakhand
 Mr. P. Venkat

Original Application No. 303 of 2015

Applicant :

Ms. Bhakti Pasrija Sethi, Ms. Shubhra Sena Ms. Sudha Pati, Adv., Ms Mamta Rani and Ms. Prerna Kumari, Advs.

Respondent No. 1 :

Mr. Karan Singh, Adv. For MoEF

Respondent No. 3 :

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

Respondent No. 5 :

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

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

Mr. RajKumar Adv. with Mr. SL Gundli, SLO for CPCB

	Date and Remarks	Orders of the Tribunal
	Item No. 156 to 158 October 7, 2015	<p>We have heard the learned Counsel appearing for the parties including the learned Counsel appearing for the NCT of Delhi, State of Haryana, State of UP, NHAI and other authorities.</p> <p>It is a conceded position before us that vehicular pollution is one of the main sources of polluted air in Delhi. We have already passed detailed directions in</p>

relation to all known sources of air pollution which are adversely affecting the air quality in NCT of Delhi. They are dust, emissions from burning and pollution resulting from vehicular emissions. All the earlier orders passed by the Tribunal would continue to be in force without any change or alterations. We direct all the concerned authorities to carry out the directions and the preventive steps recorded in the orders of the Tribunal passed from time to time.

Keeping in view the heavy vehicular pollution in Delhi primarily resulting from heavy vehicles and even more specifically the diesel vehicles which are primarily used for transportation of goods and other materials, there has been some controversy even in regard to number of vehicles which enter Delhi everyday from its different entering points. However, a statement has been filed today on behalf of the NCT of Delhi (Traffic Police) that nearly 66069 commercial vehicles of different kinds enter Delhi out of which, 6 wheel trucks, 10 wheel trucks and 14 and above wheel trucks account for approximately 14000. These heavy vehicles are not destined to terminate at Delhi. They include more than 25% vehicles which are enroute and just pass through Delhi for convenience, better road and less toll tax. It is stated before us that the low toll tax is an incentive for heavy vehicles to pass through Delhi rather than take alternative routes which would reduce the pollution level on the one hand and on the other hand would even be more convenient for transportation purpose as they could turn to their direct destination like UP and Rajasthan without entering Delhi from side

of the Sonipat/Panipat. The charges payable at Delhi are Rs. 600/- while for the vehicles passing through Haryana they are Rs. 930/- to 1550/- depending upon the kind of trucks that are entering.

It is undisputed before us that not only from the side of the respondents, but even the applicant, that alternative routes for heavy vehicles should be adopted in order to de-congest Delhi traffic as well as to improve the air quality in Delhi. As regards the different alternative routes that have been suggested after deliberations, we are of the considered view that the heavy vehicles destined for places other than Delhi could be diverted at Panipat in Haryana through Rohtak and be directed to take the route Panipal - Bawal, NH-71A & 71 which will exit at NH-8 at Bawal. It is further pointed out that the alternative route is dual carriage four lane and can be conveniently used for heavy vehicular traffic.

The other aspect is with regard to the pollution being caused by the heavy vehicles particularly the transportation vehicles whether destined for Delhi or enroute Delhi. All these vehicles, must pay environmental compensation in terms of Sections-15 & 17 read with Section-14 of the National Green Tribunal Act, 2010 for the pollution being caused. The undue incentive derived by the heavy vehicles to enter Delhi, just to save Rs. 1000/- or so does not appear to be reasonable and environmentally tolerable. Therefore, considering the quantum of tax being collected by the NCT of Delhi as well as the fact that there is no material travel distance difference, in our considered view it will

be appropriate to direct the checking posts provided by the NCT of Delhi, under the orders of the Tribunal and even otherwise, to charge the heavy transport vehicles entering NCT of Delhi with their final destination Delhi or enroute to other places entering from Sonipat side to pay environmental compensation in addition to the toll tax payable by them @ Rs. 700/- for 2 axle, Rs. 500/- for 4 and above axle and Rs. 1000/- for 3 axle heavy vehicles.

In light of the above, we pass the following directions:

1. All the trucks, heavy vehicles irrespective of 2, 3 and 4 axle and above, destined for places other than Delhi shall be diverted at Panipat toll plaza to adopt the alternative route afforested that is Panipat, Bawal, NH-71, 71-A which would exit at NH-8 across Bawal. The trucks and heavy vehicles entering Delhi would pay environmental compensation as follows i.e. Rs. 700/- for 2 axle, Rs. 500/- for 4 axle and Rs. 1000/- for 3 axle.
2. The above amount would be in addition to the toll tax otherwise payable by them in accordance with law in force. The amounts collected on account of the environmental compensation would be paid to the DPCC, which shall utilize it for taking steps for improving the air quality in Delhi and a separate account in that behalf would be maintained. The amount will be collected by the NCT of Delhi toll posts and diverted to the DPCC. The amount so collected, for improving the air quality of Delhi, would be spent by the CPCB and

DPCC on joint projects.

3. The vehicles which are enroute Delhi and have not taken the alternative route as directed at Panipat, would not be permitted to enter Delhi and would be returned to Panipat to take the alternative route.
4. The check posts already created under the orders of the Tribunal would be entitled to direct these vehicles to return to Panipat or other alternative route.
5. The NHAI or any of its assignee or concessionaire and the State of Haryana would be responsible for diverting the trucks to the alternative routes. However, the principal liability to implement these directions will be that of the Government and the public authorities and NHAI.
6. These directions would equally apply on return traffic entering from Bawal which will be diverted to Panipat without entering NCT of Delhi and will pass through NCT of Delhi, Gurgaon, Faridabad, Ghaziabad and Bahadurgarh.
7. The Central Pollution Control Board (CPCB) and the DPCC are hereby directed to purchase and/or arrange proper mechanism and instruments for checking emissions of moving overloaded heavy vehicles, as measuring the emissions of standing vehicles, particularly transportation vehicles, would never depict correct data which are the basic cause for raising particulate matter and carbon content in the air.
8. In the meanwhile, we direct the Joint

Commissioner (Traffic Police) of Delhi, Joint Commissioner (Traffic Police) of Haryana and Joint Commissioner (Traffic Police) of Uttar Pradesh to examine if there is any possibility of adopting alternative routes from Ghaziabad and Gurgaon.

9. The learned Counsel appearing for the State of Haryana submits that the work on Western Expressway, which will completely by pass NCT of Delhi, is in progress. They will abide by the undertaking given to the Tribunal and ensure that first phase is completed by January, 2016 and made operational. We direct the State of Haryana to ensure that the Western Expressway is made operative strictly in terms of the undertaking furnished and the orders of the Tribunal.

10. The learned ASG appearing for the NHAI submits that the work of Eastern Expressway, which had not been awarded for the last more than five years, has already been awarded. The NHAI is in the process of taking possession of the land and would ensure expeditious completion of the project. We direct the NHAI accordingly. The local authorities are directed to facilitate the progress of the said project.

11. We allow the vintage sports activity to be conducted on 18th October, 2015, with the same restrictions as already directed by the Tribunal under its various orders. It will be a one day sports activity. The vintage cars would not be

driven on the roads for regular transportation.

12. In the meanwhile, we in furtherance to the directions contained in the previous orders of the Tribunal direct the CPCB, MoEF and the Ministry of Transportation, Government of India to identify the places which have least car population density and have more area for dispersion and dilution of the emissions.

All other matters and miscellaneous applications would be taken up for hearing on the next date of hearing which is 2nd November, 2015.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(Ranjan Chatterjee)

