

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

ORIGINAL APPLICATION NO.21 OF 2014

(M.A NO. 87/2015, M.A NO. 90/2015, M.A NO. 155/2015,
M.A NO. 200/2015, M.A NO. 203/2015, M.A NO. 219/2015, M.A NO. 283/2015,
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. 601/2015, M.A NO.
604/2015, M.A NO. 605/2015, M.A NO. 618/2015, M.A NO. 581/2015, M.A NO.
631/2015, M.A NO. 683/2015, M.A NO. 716/2015, M.A NO. 718/2015 & M.A NO.
719/2015)

AND

Original Application No. 95 of 2014

IN THE MATTER OF:

Vardhaman Kaushik Vs. Union of India & Ors.

And

Sanjay Kulshrestha 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. Sanjay Upadhyay along with Mr. Salik Shafique
Mr. Saurav Agrawal, Adv. and Mr. Abhijit Mitra, Adv. for MA 601

Respondent No. 1: Ms. Panchjanya Batra Singh, Adv.

Respondent No. 2 & 4: Mr. Narendra Pal Singh, Adv. with Mr. Dinesh Jindal, LO
Mr. D. Rajeshwar Rao, Adv. Counsel for Transport Deptt. And Delhi Police
Mr. Charanjeet Singh, Adv. - Local Commissioner
Mr. Rajiv Bansal, Mr. Kush Sharma and Ms. Arpita, Advs. (DDA)
Mr. Gurinderjit, Adv. For PPCB
Ms. Puja Kalra, Adv. For SDMC and North MCD
Mr. Daulat Ram, PWD
Ms. Pinky Anand, Sr. Adv., ASG, Mr. Rajesh Ranjan and Mr. Balendu Shekhar, Advs. For Ministry of Road & Transport
Mr. Balendu Shekhar and Mr. Vivek Jaiswal, Advs.
Mr. Ravi Sikri, Sr. Adv., Mr. Keshav Mohan and Ms. Amrita Narayan, Advs. For the Applicant in MA 604 & 605/2015
Mr. KTS Tulsi, Sr. Adv. with Mr. Diljeet Titus, Mr. Raj Kamal and Mr. Akshat Kulshrestha in MA No. 482 of 2015
Mr. Mukesh Kumar, Adv. with Mr. K.C. Kaushik, Advs.
Ms. Sakshi Popli, Adv. for NDMC
Mr. Anil Shrivastav and Mr. Sanyam Saxena, Advs. For State of Arunachal Pradesh
Ms. Savitri Pandey, Adv. for State of U.P.
Mr. K.V. Jagdishvaran and Mrs. G. Indira, Advs. For UT of Andaman & Nicobar Islands
Mrs. K. Enatoli Sema, Adv. for State of Nagaland
M. Sapam Biswajit and Mr. Z.H. Isaac Haiding, Adv for State of Manipur
Mr. Sunil Satyarthu, Adv. For Delhi Cantonment Board
Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv. For State of Haryana
Mr. V.K. Tandon, Adv. for PWD
Prerna Singh and Mr. Prashant Mathur, Advs. For State of Andhra Pradesh

Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. For Greater NOIDA Indl. Development Authiryt and NOIDA Authority
 Mr. Apoorv Kurup, Adv. For state of Chhattisgarh
 Mr. Deepak Khadaria, Adv. for Ajmal Khan Vayapar Mandal Association, Karol Bagh
 Mr. Sanjay K. Gulati, Adv. in MA No. 716/2015
 Mr. Rajesh Ranjan, Adv. for MoRTH
 Mr. Gopal Singh and Mr. Rituraj Biswas, Adv. for State of Tripura
 Ms. Ruchir Batra, Adv. for Lajpat Nagar Traders Association
 Mr. Sanjeev Ralli, Adv. for Chandni Chowk Sarv Vyapar Mandal (Intervenor)
 Mr. P. Venkat Reddy, Adv. for State of Telengana
 Ms. Abhisar Bairagi, Adv. for Container Corporation (CONCOR)
 Mrs. Aruna Mathur and Mr. K. Vijay Kumar, Advs. For State of Sikkim
 Mr. Rudreshwar Singh and Mr. Gautam Singh for State of Bihar
 Mr. Ardhendumauli Kr. Prasad, Adv. for Ministry of UD and PNG
 Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.
 Mr. Raj Kumar with Mr. S.L. Gundli, SLO for Alpana Poddar, Adv. for CPCB
 Mr. Ajay Kumar Singh and Mr. I.K. Kapila, Adv. for Karol Bagh Market Association - MA 200/2015
 Mr. M. Yogesh Kanna and Mr. Jayant Patel, Advs. For State of Tamil Nadu
 Mr. Jayesh Gaurav, Adv. For State of Jharkhand & JSPCB
 Ms. Preeti Makkar and Mr. Abhimanu Garg, Advs. For UT Pondicherry
 Mrs. Arnish Ahlawat and Mr. N.K. Singh, Advs. For DTC
 Ld. AG of Goa, Mr. Atmaram N.S. Nadhkarni, Mr. Pradosh Dangua, Mr. .S. Rahello, Ms. Purna Bhandari, Ms. Amogh Pradhudessai, Ms. Bs. Bansuri Swaraj and Ms. Shreya Bhatnagar, Advs. For State of Goa & Goa State PCB
 Mr. Kabir S. Bose, Mr. Saakaar Sardana and Ms. Surabhi Sardana, Advs. for WB & WBPCB
 Mr. Senjul Khanna, Mr. Deepak Jain and Mr. Alok Kumar, Advs. For UT of Daman & Diu and Dadara & Nagar Haweli
 Mr. Om Prakash, Adv. for MoR (Northern Railway)
 Mr. Atul Jha, Adv. for State of Chhattisgarh
 Mr. Jogy Scaria Adv.
 Mr. Pradeep Mishra and Mr. Daleep Kumar Dhyani, Advs.

Original Application No. 95 of 2014

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

Appearance not marked
 Mr. Vikas Malhotra and Mr. M.P. Sahay, Advs.
 Mr. Ardhendumauli Kr. Prasad, Adv.
 Mr. Maneka Kaur, Adv. For Conservation Action Trust
 Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P.
 Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv. For State of Haryana
 Mr. M. Yogesh Kanna and Mr. Jayant Patel, Advs. For State of Tamil Nadu
 Mr. Jayesh Gaurav, Adv. For State of Jharkhand & JSPCB
 Mrs. Aruna Mathur and Mr. K. Vijay Kumar, Advs. For State of Sikkim
 Mr. Sunil Satyarthu, Adv. For Delhi Cantonment Board
 Mr. Kabir S. Bose, Mr. Saakaar Sardana and Ms. Surabhi Sardana, Advs. for WB & WBPCB

Mr. Pragyan Sharma, Mr. Siddhartha Singh, Mr. Shikhar Garg, Mr. Pulkit Prakash and Mr. Ravi Kant Pal, Advs. For Mizoram
Mr. Atul Jha, Adv. for State of Chhattisgarh
Mr. K.V. Jagdishvaran and Mrs. G. Indira, Advs. For UT of Andaman & Nicobar Islands
Mrs. K. Enatoli Sema, Adv. for State of Nagaland
M. Sapam Biswajit and Mr. Z.H. Isaac Haiding, Adv for State of Manipur

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 18-19</p> <p>July 20, 2015</p>	<p><u>M.A. No. 87 of 2015</u></p> <p>Nobody is present on behalf of Applicant. The Application is dismissed for default of appearance.</p> <p>The M.A. No. 87 of 2015 is disposed of accordingly.</p> <p><u>M.A. No. 90 of 2015</u></p> <p>Nobody is present on behalf of Applicant. The Application is dismissed for default of appearance.</p> <p>The M.A. No. 90 of 2015 is disposed of accordingly.</p> <p><u>M.A. No. 115 of 2015 and M.A. No. 482 of 2015</u></p> <p>We will deal with these applications while disposing of the main application itself.</p> <p>These Miscellaneous Applications No. 115 of 2015 and 482 of 2015 be listed in the main application.</p> <p><u>M.A. No. 200 of 2015</u></p> <p>This Application is disposed of with liberty to Applicant to address the Tribunal on regulation of traffic in Karol Bagh area at the time of final arguments in the main application.</p> <p>The M.A. No. 200 of 2015 stands disposed of accordingly.</p> <p><u>M.A. No. 203 of 2015</u></p> <p>Nobody is present on behalf of Applicant. The Application is dismissed for default of appearance. However, applicant is liberty to file their own petition if so desired.</p>

With the direction M.A. No. 203 of 2015 is disposed of.

M.A. No. 219 of 2015

Nobody is present on behalf of Applicant. The prayer made in this Application does not survive for consideration, in view of the direction passed by the Tribunal in its judgement. However, we grant liberty to Applicant to address the Tribunal at the time of final disposal of the main application.

With the above observation M.A. No. 219 of 2015 stands disposed of.

M.A. No. 283 of 2015

This Application is disposed of with liberty to Applicant to address the Tribunal at the time of final arguments in the main application.

With the above terms M.A. No. 283 of 2015 stands disposed of.

M.A. No. 412 of 2015

This is an Application for impleadment and for modification of the order dated 07th April, 2015. The M.A. No. 412 of 2015 be listed with the main matter for arguments.

M.A. No. 581 of 2015

The Learned Counsel appearing for the Applicant submits that the order dated 15th March, 2015 is causing lot of inconvenience to the Traders and the said order be modified to permit vehicles to go to Chandni Chowk and other markets for loading and unloading during 11:00 A.M. – 08:00 P.M.

The Learned Counsel appearing for the NCT, Delhi, North Municipal Corporation as well as counsel appearing for Chandni Chowk Sarv Vyapar Mandal submit that restriction should be maintained in the interest of environment, traffic regulations and even for the commercial activity.

We have heard the Learned Counsel appearing for the parties. We are of the considered view that the above restriction does not call for any variation as the loading and unloading can be effective by the Traders from 8:00 P.M. till morning as permissible under law. But permitting loading and unloading during the day hours will lead to complete chaos and vehicular congestion. However, we make it clear that we had not prohibited regular commercial activity being carried on in the area.

With these clarifications M.A. No. 581 of 2015 is disposed of. We grant liberty to the Applicant to address at the time of final arguments of the main application. This application is accordingly disposed of.

M.A. No. 601 of 2015

This Application is allowed subject to just exception. The company is permitted to address the bench during arguments in the main application, to contend that CNG utilisation should be increased and incentive be provided to the people.

With the above observation M.A. No. 601 of 2015 stands disposed of with no order as to cost.

M.A. No. 604 of 2015 and M.A. No. 605 of 2015

The Learned Counsel appearing for Applicant upon instruction wishes to withdraw this Application with liberty to file substantive petition, giving complete facts.

With the above terms both the M.A. No. 604 of 2015 and M.A. No. 605 of 2015 stand disposed of with liberty as prayed.

M.A. No. 618 of 2015 and M.A. No. 631 of 2015

These Applications are to be heard with the main application.

M.A. No. 716 of 2015

We have heard the Applicant. Most of the suggestions made in this application are beyond the purview and jurisdiction of this Tribunal. Therefore, it cannot be considered. As far as the suggestions in regard to collection and disposal of leaves are concerned, we grant liberty to Applicant to mention during arguments of the main application.

With the above directions the M.A. No. 716 of 2015 stands disposed of.

M.A. No. 718 of 2015 and M.A. No. 719 of 2015

We have heard the Learned Counsel appearing for Applicant. These applications are disposed of with a direction that we would consider at the time of passing appropriate directions in the main judgement in that regard, if necessary.

With the above terms M.A. No. 718 of 2015 and M.A. No. 719 of 2015 stand disposed of.

Main Matter

We direct NCT, Delhi to constitute three different teams which will include Enforcement officer from Transport Enforcement Department, representative not below the rank of Environmental Engineer from DPCC, Environmental Engineer from CPCB, representative from Delhi Police not

below the rank of ACP and an officer from Weigh and Measurement Department of Delhi Administration. The teams shall be supervised by the Deputy Commissioner personally. This team will be fully equipped for the purpose of examining age of the diesel trucks entering Delhi after 05:00 P.M. and for checking of emission and weighing of the loaded vehicles. These teams would be fully equipped with mechanism for the purpose of complying above direction at entry point from Chandigarh that is Sonapat, Delhi Border, Ghaziabad - Delhi Border, Bahadurgarh – Delhi Border and Delhi – NOIDA Border.

This report would be submitted to the Tribunal by 22nd July, 2015. The inspection would be conducted all over the night and it will be computed as to how many trucks enter Delhi between 05:00 P.M and 07:00 A.M.

The Learned Counsel appearing for the State of Haryana, NHAI shall produce records and officers of the rank of Member Technical of NHAI and Secretary and Chief Engineer both dealing with the Eastern and Western by-pass shall be present on 22nd July, 2015.

The Learned Counsel appearing for NCT, Delhi will seek instructions in regard to compliance of the various directions, which obviously appear from the record not to have been complied with.

.....,CP
(Swatanter Kumar)

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

.....,EM
(Dr. D.K. Agrawal)

	,EM (Prof. A.R. Yousuf)
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