

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

**Original Application No. 21/2014 (Only Notices)**

**And**

**Original Application No. 21/2014**

(M.A. NO. 284/2015, M.A. NO. 156/2016, M.A. NO. 172/2016, M.A. NO. 567/2016, M.A. NO. 949/2016, M.A. NO. 1220/2016, M.A. NO. 1273/2016, M.A. NO. 13/2017, M.A. NO. 22/2017, M.A. NO. 47/2017, M.A. NO. 52/2017, M.A. NO. 53/2017, M.A. NO. 49/2017, M.A. NO. 51/2017, M.A. NO. 71/2017, M.A. NO. 84/2017, M.A. NO. 85/2017, M.A. NO. 86/2017, M.A. NO. 27/2017, M.A. NO. 63/2017, M.A. NO. 82/2017, M.A. NO. 104/2017, M.A. NO. 105/2017, M.A. NO. 106/2017, M.A. NO. 108/2017 & M.A. NO. 109/2017)

**And**

**Original Application No. 95/2014**

**And**

**Original Application No. 303/2015**

**And**

**Original Application No. 181 /2013**

(M.A. No. 824/2015)

**And**

**Original Application No. 609 /2016**

**And**

**Original Application No. 179 of 2016**

**IN THE MATTER OF :**

**Vardhaman Kaushik Vs. Union of India & Ors.**

**And**

**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.**

**And**

**Omesh Saigal Vs. Govt. Of NCT of Delhi & Ors.**

**And**

**Diya Kapur & Ors. Vs. Union of India & Ors.**

**And**

**Mahendra Pandey Vs. Govt. of NCT of Delhi & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

**Present: Applicant:** Mr. Keith Varghese, Adv. for Mr. Sanjay Upadhyay and Mr. Salik Shafiq, Adv.  
Mr. Piyush Joshi, Adv.  
Mr. Vijay K. Sondhi and Ms. Cauveri Birbal, Adv. for Intervenor, Toyota Kirloskar  
Mr. Maharaj Singh Dedha, Adv. in M.A. No. 1273 of 2016 along with Mr. Harish  
Mr. Sarad K. Sunny, Adv. in M.A. No. 48, 49,50 and 51 of 2017  
Mr. Narayan Krishan, Adv. in M.A. No. 284 of 2015  
Mr. Rajiv Bansal, Mr. Kush Sharma, and Ms. Arpita, Adv. for Delhi Development Authority  
Mr. D. Rajeshwar Rao and Mr. Charanjeet Singh, Adv., Delhi Police, PWD and Transport Deptt.  
Ms. Sakshi Popli, Adv. For NDMC  
Mr. Atul Jha Adv. for State of Chattisgarh  
Mr. Balendu Shekhar, Adv. for EDMC  
Mr. Balendu Shekhar and Mr. Rajesh Ranjan, Adv. for MoRTH and Ministry of Heavy Industries

Mr. Sanjeev Ralli and Mr. Trinayan Sonowal, Advs. for Chandni Chowk Sarv Vyapar Mandal  
Mr. Edward Balho, and Mr. K. Luikang Michael, Ms. Elix Gangmei, Advs. for State of Nagaland  
Mr. Rudreswar Singh and Mr. Gautam Singh, Advs. for State of Bihar and Bihar PCB  
Ms. Shashi Juneja, Adv. for State of Chhattisgarh  
Mr. Nishe Rajen Shonker, Adv. for State of Kerala  
Mr. Vibhav Misra and Ms. Saumya Misra, Advs.  
Ms. Puja Kalra, Adv. for NDMC, SDMC  
Mr. Ashish Negi, Adv. for Ms. Richa Kapoor, Advs. for Punjab PCB  
Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, and Mr. Charanjit Singh, Advs. for GNCTD  
Mr. Darpan Wadhwa and Mr. Arjun S., Adv.  
Ms. Usha Jain, Mr. Hemant Jain and Mr. K. Sunil, Advs.  
Mr. Anoop Verma, Mr. Avdhesh Kumar Yadav, Adv. for M/s. Frozen Logistics  
Mr. Narendra Pal Singh with Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee  
Mr. Anil Soni, AAG with Mr. Naginder Benipal, Adv, for State of Punjab  
Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change  
Mr. Mukesh Verma, Adv. for MPCB  
Mr. Dhruv Pal and Ms. Hemantika Wahi, Advs.  
Mr. Jogy Scaria, Adv. for State of Kerala State Pollution Control Board  
Mr. Ravindra Kumar and Mr. Gudipati G. Kashyap, Advs. for NOIDA and Greater NOIDA  
Mrs. Ravi Chhaber and Ms. Priyanka Sony, Advs.  
Ms. Divya Prakash Pande, Adv. For Ministry of Environment, Forest and Climate Change & CC  
Mr. Jayesh Gaurav, Adv. for JSPCB  
Ms. Priyanka Sinha Adv for State of Jharkhand  
Dr. Abhishek Atrey, Adv. for Ministry of Environment, Forest and Climate Change  
Mrs. Hemantika Wahi, Adv. State of Gujarat  
Mr. Debarshi Bhuyan and Mr. S. S. Rebello, Advs for Goa State Pollution Control Board  
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. UPPCB  
Mr. Sapam Biswajit Meitei, Adv. for State of Manipur  
Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar and Mr. Prashant Mathur, Adv. for State of AP  
Mr. Parijat Sinha, and Mr. Joydeep Mazumdar, Adv. for State of West Bengal.  
Ms. Natasha Sarawat and Ms. Khushboo Bari Advs. for Tata Motors Ltd.M. A. No. 172 of 2016  
Ms. Asha Nayar Basu and Mr. Amit Agarwal, Adv.  
Mr. Gopal Singh and Ms. Varsha Poddar, Advs. for State of Tripura  
Mr. V. K. Shukla, Adv.  
Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh  
Mr. Rahul Khurana, Mr. Sandeep Yadav and Mr. Saurabh Sachdeva, Advs. for State of Haryana, HSPCB, MCF, MCG, HUDA  
Mr. Rajkumar, Adv. with Mr. Bhupender Kr. LA Central Pollution Control Board  
Mr. Narendra Pal Singh, Adv. and Mr. Dinesh Jindel, LO, DPCC  
Mr. R. Rakesh Sharma, Adv. for State of Tamil Nadu and TNPCB  
Ms. Aruna Mathur and Mr. Avneesh Arputham and Ms. Anuradha Arputham, Mr. Amit Arora, Advs. for State of Sikkim  
Mr. Sarthak Chaturvedi and Mr. Subham Jaiswal AND Mr. Beerendra Singh, Advs. for Andaman & Nicobar Administration  
Ms. Bhavana Duhoon, Adv. for NHAI  
Ms. Sakshi Popli, Adv. for NDMC  
Mr. Shiv Mangal Sharma, AAG with Mr. Saurabh Rajpal and Mr. Adhiraj Singh, Advs.  
Mr. Raman Yadav, Adv. for GDA  
Ms. Priyanka Swami, adv. For Nagar Nigam Ghaziabad

Mr. A. K. Prasad and Mr. Jaydip Pati, Adv. for MoUD and PNG  
 Mr. Om Prakash, Adv. for Ministry of Railway  
 Mr. Anil Grover, AAG, Mr. Rahul Khurana and Mr. Sandeep Yadav, Adv.  
 Mr. V.K. Shukla, Adv. for State of M. P.  
 Mr. Shrawan Dogra, AG, Mr. D. K. Thakur DAG and Mrs. Seema Sharma, DAG for State of Himachal Pradesh  
 Mr. Pragyan Pradip Sharma and Ms. Anandini Kumari, Adv.  
 Mr. Shrawan Dogra, AG, Mr. DK Thakur and Mrs. Seema Sharma, DAG  
 Mr. Anil Tejan, Mr. M.Khan, Mr. Rajat Vats and Mr. Kalp Rai Chura, Adv.  
 Mr. KTS Tulsi, Mr. Raj Kamal and Ms. Pallavi Malhotra, Adv. in MA 156/2016  
 Mr. Akshat Bhatnagar and Mr. Sachin Ghai, Adv. for Applicant in OA No. 156/2016  
 Mr. Bhawana Garg and Mr. JM Kalia, Adv. for Noticee No. 80  
 Mr. Dinesh Kumar Garg and Mr. Deepak Mishra, Adv.  
 Ms. Yogmaya Agnihotri, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 32 to 38</p> <p>January 30, 2017</p> <p>ss</p>	<p><b><u>M.A. No. 567 of 2016</u></b></p> <p>The Learned Counsel appearing for Union of India prays for time to argue this application. We may notice that this application has been filed seeking review of the order of the Tribunal as well as on the issues of other directions. List this matter on 01<sup>st</sup> February, 2017.</p> <p><b><u>M.A. No. 284 of 2015</u></b></p> <p>We have heard the Learned Counsel appearing for the parties. The prayer in this application is for reviewing of our dated 7<sup>th</sup> February, 2015, in so far as it relates to hawkers and rickshaw pullers.</p> <p>We have perused the order passed by the Tribunal and it calls for no review. They cannot park their rickshaws on metal road and carriageways. The rickshaws and hawkers cannot be parked on the metal road to cause traffic congestions. The directions passed are in compliance of law and we seek no reason to intervene in this.</p> <p>Consequently M.A. No. 284 of 2015 stands disposed of.</p>

<p><b>Item No. 32 to 38</b></p> <p><b>January 30, 2017</b></p> <p><b>ss</b></p>	<p><b><u>M.A. No. 172 of 2016</u></b></p> <p>List this application for arguments on 01<sup>st</sup> February, 2017.</p> <p><b><u>M.A. No. 1220 of 2016</u></b></p> <p>This application is dismissed as far as prayer clause 'A' to 'D' of the application is concerned.</p> <p>As far as the prayer clause 'E' to 'H' is concerned it will be listed for final disposal along with M.A. No. 567 of 2015 filed by the Union of India. Liberty is granted to the Applicant to file documents, if any, by tomorrow i.e. 31<sup>st</sup> January, 2017 with advance copy to all the Learned Counsel appearing in this case.</p> <p><b><u>M.A. No. 1273 of 2016</u></b></p> <p>We have heard the Learned Counsel appearing for the parties. Notices were issued to 1403 persons who were challaned either for violating of the directions of the Tribunal in relation to construction activity or for burning of municipal solid waste and other waste in the open. Out of these 270 or so among the Noticees have appeared and out of them 71 have already paid environmental compensation that has been imposed under the order of the Tribunal. As stated by the Corporation, they have received Rs. 63,50,000/- on that account. The remaining Noticees who have not been served, should be issued fresh Notice by the Municipal Corporation and they be directed to appear before the Tribunal on 10<sup>th</sup> March, 2017. The Noticees who have been served and are present before the Tribunal are granted two weeks time to pay environmental compensation in terms of the order of the Tribunal to the</p>
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<p><b>Item No. 32 to 38</b></p> <p><b>January 30, 2017</b></p> <p><b>ss</b></p>	<p>concerned Municipal Corporation. In the event they fail to pay compensation within two weeks from today the same shall be recovered from the Noticees as arrear of land revenue in terms of the Civil Procedure Code and laws in force by the concerned S.D.M. of the respective areas.</p> <p>With the above directions M.A. No. 1273 of 2016 stands disposed of.</p> <p><b><u>M.A. No. 22 of 2017</u></b></p> <p>Replies be filed within two weeks from today.</p> <p>List this matter on 07<sup>th</sup> February, 2017.</p> <p><b><u>M.A. No. 47 of 2017, M.A. No. 52 of 2017, M.A. No. 53 of 2017 and M.A. No. 71 of 2017</u></b></p> <p>Copy of the applications be furnished to all the Learned Counsel appearing in this case within one week from today.</p> <p>List these matters on 07<sup>th</sup> February, 2017.</p> <p><b><u>M.A. No. 49 of 2017 and M.A. No. 51 of 2017</u></b></p> <p>We have heard the Learned Counsel appearing for the parties. The prayer in this application is for registration of vehicles (truck) which is BS-IV compliant and is primarily to be used for maintenance of sewage system under Delhi Jal Board.</p> <p>The application is allowed subject to the following conditions:-</p> <ol style="list-style-type: none"> <li>1. Vehicles has to be BS-IV Compliant.</li> <li>2. It must have GPS system installed.</li> <li>3. It will only be used for maintenance of sewage system in Delhi under Delhi Jal Board and will not be ply for any private purpose.</li> </ol>
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<p><b>Item No. 32 to 38</b></p> <p><b>January 30, 2017</b></p> <p><b>ss</b></p>	<p>If the above conditions are satisfied, registering Authorities may register the said vehicles in accordance with law.</p> <p>With the above directions M.A. No. 49 of 2017 and M.A. No. 51 of 2017 stand disposed of.</p> <p><b><u>M.A. NO. 156/2016, M.A. NO. 172/2016, M.A. NO. 567/2016, M.A. NO. 949/2016 and M.A. NO. 1220/2016.</u></b></p> <p>All these applications be listed on 01<sup>st</sup> February, 2017.</p> <p><b><u>M.A. NO. 13/2017, M.A. NO. 22/2017, M.A. NO. 47/2017, M.A. NO. 52/2017, M.A. NO. 53/2017, M.A. NO. 71/2017, M.A. NO. 84/2017, M.A. NO. 85/2017, M.A. NO. 86/2017, M.A. NO. 27/2017, M.A. NO. 63/2017, M.A. NO. 82/2017, M.A. NO. 104/2017, M.A. NO. 105/2017, M.A. NO. 106/2017, M.A. NO. 108/2017 and M.A. NO. 109/2017</u></b></p> <p>All these applications be listed on 07<sup>th</sup> February, 2017.</p> <p>We direct all the applications filed in the present case, should be served to all the Learned Counsel appearing in this case.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Ranjan Chatterjee)</p>
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