

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWrit Petition(s) (Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

ISSUE REGARDING AIR QUALITY IN DELHI NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MS. JYOTI MENDIRATTA, MR. RAHUL KHURANA, ADVOCATES

WITH

C.A. No. 8564/2022 (XVII)

T.C.(C) No. 148/2025 (XVI-A)

Date : 23-02-2026 This petition was called on for hearing today.

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HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

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Mr. Vipul Kumar, AOR

UPON hearing the counsel the Court made the following

O R D E R

Issue Regarding Air Quality in Delhi

1. Although, in terms of our order dated 21.01.2026, the main case is slated for hearing on 12.03.2026, and as such, status reports with reference to the issues flagged in paragraphs 1 and 5 of that order are expected to be filed by the different stakeholders on or before the date fixed, the instant matters have been listed today pursuant to mentioning of some connected matters.
2. Taking an opportunity therefrom and having noticed that the long-term measures mentioned in paragraph 1 of our order dated 21.01.2026 pertain only to vehicular traffic, we deem it appropriate to highlight the other long-term solutions recommended by the Commission for Air Quality Management (CAQM) and which are to be introduced in a phased manner.
3. On the issue of abatement of dust pollution from construction of demolition activities, the CAQM has recommended as follows:

S. No.	Long term measures	Concerned Agencies
1.	Technology driven monitoring of construction sites throughout the year for enforcement of dust control measures, particularly through establishment of Integrated Command and Control Centre and compulsory registration of sites on the web portals of SPCBs/ DPCC or ULBs.	SPCBs/ DPCC & ULBs
2.	Collection, transportation and storage arrangements for the entire C&D waste generated.	GNCTD/ NCR State Govts. & ULBs
3.	Augmentation of infrastructure for C&D waste processing.	GNCTD/ NCR State Govts. & ULBs
4.	Complete offtake of recycled C&D waste materials.	GNCTD/ NCR State Govts. & ULBs

4. For management of dust from roads and right of ways, the recommendations are to the following effect:

S. No.	Long term measures	Concerned Agencies
1.	Development and redevelopment of roads in all major urban and industrial areas in Delhi-NCR to be carried out in accordance with Indian Road Congress (IRC) Guidelines and the Standard Framework issued by the Commission including establishment of Road Asset Management System (RAMS) and other techniques for monitoring road quality.	NCR State Governments/ GNCTD, Road Owning Agencies in NCR
2.	Effective cleaning of all the roads by Mechanized Road Sweeping Machines (MRSMs), suitable for roads of different width, ensuring dust free roads in all major urban and industrial areas in Delhi-NCR.	Road Owning/ Maintenance Agencies in NCR
3.	Identification of potholes on regular basis and repairing on priority within a short time, using advanced and durable technologies.	Road Owning/ Maintenance Agencies in NCR
4.	Periodic silt-load analysis (of dust on roads) to identify high-dust corridors, prioritize cleaning operations, and ensure evidence-based, sustained reduction of road-dust pollution.	Road Owning/ Maintenance Agencies in NCR

5. On the issue of abatement of industrial pollution, the CAQM has suggested the following long-term measures:

S. No.	Long term measures	Concerned Agencies
1.	Formulate a plan for Common Boilers for Industrial Clusters.	CPCB, NCR State Governments/ GNCTD, SPCBs/ DPCC & ULBs

S. No.	Long term measures	Concerned Agencies
2.	Develop a comprehensive plan for industrial waste management and ensure zero burning.	NCR State Govts./ GNCTD, SPCBs/ DPCC, ULBs and Industry Associations
3.	Develop PNG infrastructure in all Industrial Areas and evolve a uniform and affordable pricing structure for PNG to make industrial consumption economically viable.	MoPNG, MoF, NCR State Govts./ GNCTD.
4.	State Governments to prepare an implementation plan for replacing cupola and other furnaces with electric furnaces through suitable incentives etc.	All NCR State Govts.
5.	Elimination of all air polluting industries in non-confirming areas of NCR or bringing them within the fold of CTE/ CTO regime.	SPCBs/ DPCC, NCR State Govts./ GNCTD
6.	All air polluting industries to install OCEMS as per guidelines of CPCB.	SPCBs/ DPCC
7.	Stricter emission norms to be examined and considered by CPCB for critical air polluting industries particularly metal, textile and food processing.	CPCB
8.	Action Plan to be prepared for elimination of coal as fuel in industries in non-NCR areas in the States of Haryana, Uttar Pradesh, Rajasthan and Punjab.	NCR State Govts. and Govt. of Punjab

6. The CAQM has further recommended that, considering the emissions from coal based thermal power plants, no new coal based thermal power may be henceforth established within a 300 km radius from Delhi.

7. In respect of Open Bio-Mass/MSW burning and fires at sanitary landfill sites, the CAQM is of the view that the following measures may be implemented:

S. No.	Long term measures	Concerned Agencies
1.	Complete processing of legacy waste at the Dumpsites/ Sanitary Landfill (SLF) sites within set timelines	ULBs of NCR
2.	Augmentation of Municipal Solid Waste (MSW) processing capacity to cater to the requirement of fresh MSW expected to be generated	MoHUA, ULBs of NCR

S. No.	Long term measures	Concerned Agencies
3.	Strengthening of waste collection, particularly in unauthorized colonies and slum areas and 100% waste segregation at source, ensuring no MSW waste in public place.	ULBs of NCR
4.	Integration of the informal waste-picking community into the formal municipal solid waste management system.	ULBs of NCR
5.	Intensive IEC campaigns for sensitizing Citizens, RWAs, Educational Institutions etc. to enlist their participation	ULBs of NCR, SPCBs/ DPCC
6.	Making provisions for electric heaters, community warming centers, community kitchens during winter season.	GNCTD/State Govts. and ULBs of NCR

8. To prevention and control paddy stubble burning, the CAQM has sought the following action:

S. No.	Long terms measures	Concerned Agencies
1.	Purchasing of new CRM machines to cater to the need of farmers during peak harvesting season as per the assessment of the States and making these machines available to small and marginal farmers free of charge.	MoA&FW and State Govts. of Punjab, Haryana, Uttar Pradesh
2.	Strengthening the supply chain for ex-situ management of stubble to ensure year-round feedstock availability for industries and energy plants through balers and aggregators.	MoA&FW, MNRE, State Govts. of Punjab, Haryana, Uttar Pradesh
3.	Promoting establishment of Plants for ex-situ utilization of stubble (Pellet/ Briquette manufacturing units, CBG/ 2G ethanol plants, Biomass power generation plants, industrial boilers etc.)	MNRE, MoPNG, CPCB, State Govts. of Punjab, Haryana, Uttar Pradesh
4.	Improving detection and monitoring of paddy stubble burning through satellites and other means of surveillance and strengthening enforcement at field level	NRSC (ISRO), IARI, State Govts. of Punjab, Haryana, Uttar Pradesh

9. On greening and plantation in NCR for abatement of air pollution, the CAQM has recommended as follows:

S. No.	Long terms measures	Concerned Agencies
1.	Plantation in Avenues, Parks, Gardens, open spaces, degraded forest lands etc.	NCR State Govts.
2.	Development and strengthening of green belts around industrial clusters, highways, major pollution hotspots and greening of central verges and sidewalks	SPCBs/ DPCC, Industries Department and Road Owning Agencies in NCR

10. On strengthening air quality governance, according to the CAQM, the following measures are required to be taken:

S. No.	Long term measures	Concerned Agency
1.	Augmentation of CAAQMS in a phased manner ensuring uniform geographical representation.	SPCBs / DPCC
2.	Set up technology driven "Integrated Command and Control Centres" for stringent monitoring and enforcement to control air pollution from all sectors	NCR SPCBs, PPCB/ DPCC and ULBs in NCR
3.	Strict implementation of the recommendations of the Expert Committee constituted by the CAQM for improving the functioning of the SPCBs / DPCC in Delhi-NCR, in terms of the Order dated 08.05.2025 of the Hon'ble Supreme Court in WP(C) No. 13029 of 1985.	CPCB, NCR SPCBs/ DPCC and NCR State Governments/ GNCTD

11. It may be seen that while making multifarious recommendations, the CAQM has also identified the concerned agencies that are expected to take necessary action to give effect to these recommendations. We, consequently, direct the Government of NCT of Delhi, along with the other identified agencies to submit a proposed action plan for giving effect to the above reproduced long-term solutions suggested by the CAQM.

12. With respect to the recommendations of the CAQM recorded in paragraph 5 above, as well as in line with the suggestion recorded thereafter in paragraph 6 in the context of thermal power plants,

we direct the Government of NCT of Delhi and the Union Ministries of Environment, Forest, and Climate Change, of Petroleum and Natural Gas, and of Commerce and Industry to submit a joint proposal for shifting of all coal-based industries out of Delhi-NCR. The proposal to be submitted shall first identify the industries (small, medium, or heavy) that are partially or fully coal-based, and then suggest alternative fuel/energy sources that may be used, such as natural gas (CNG/LNG/RLNG), Bio Gas, renewable energy sources, and electricity.

13. We may hasten to add that the neighbouring states of Uttar Pradesh, Haryana, and Rajasthan may issue and publish public notices inviting suggestions, proposals, and recommendations from all the stakeholders, including the coal-based industries, regarding the said movement of coal-based industries. Such notices shall be deemed to be notices served on these industries by this Court. It will be appropriate to mention in the notices that the same have been issued under the directions of this Court, and if any coal-based industry has any objection against the proposed replacement of coal-based fuel with any better alternative, they may submit their objections within a period that may be fixed by this Court on the next date of hearing.

14. Meanwhile, an action-taken report shall be submitted by all the States, giving a full description of the public notices issued by them.

15. Meanwhile, the State of Haryana, Government of NCT of Delhi, and other concerned authorities will also consider the feasibility of barrier-less toll plazas being operated throughout the year in

key locations in Delhi-NCR. The locations, logistical support, the manner of operation, etc. ought to be deliberated upon. The various parties shall ensure that a response to this issue is also included in the action-taken report to be filed by the States.

16. Post this matter on the date fixed i.e., 12.03.2026, at 02:00 p.m. to consider the first issue of vehicular traffic.

Main Writ Petition

17. For the reasons identified in an even-dated order passed by us in Writ Petition (Civil) No. 13381/1984, we direct the *amicus curiae*, in coordination with the offices of learned ASG, Ms. Aishwarya Bhati, as well as the officer of the Advocates General of the States of Haryana, Rajasthan, and Uttar Pradesh, as well as of the NCT of Delhi, to prepare an proposed plan for identification of pending Interlocutory Applications filed in the instant Writ Petition and their subsequent effective adjudication. The learned *amicus* shall also appropriately identify those IAs that have been rendered infructuous due to the passage of time or through orders of this Court, or those applications which it may be more suitable to be transferred to the respective High Court having territorial jurisdiction. Similarly, such a proposal shall also include the measures that may be undertaken to properly close the proceedings in the instant Writ Petition filed in 1985 and, instead, address this issue of Air Pollution in Delhi-NCR through a more contemporary and representative case management framework.

18. List this matter for this purpose also on 12.03.2026.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR