

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s) . 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) I.A. No. 81877/2020 (2) I.A. No. 259444/2025 IN THE ISSUE REGARDING AIR QUALITY IN DELHI, NAMES 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. SIDDHARTH 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, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. VIPUL KUMAR, MR. SANJAY KUMAR VISEN ADVOCATES

Date : 06-01-2026 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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UPON hearing the counsel the Court made the following

O R D E R

1. The Commission for Air Quality Management (CAQM) had published a report in July 2022, according to which, the following were the emission sectors identified by domain experts like the Indian Institute of Technology (IIT)/The Energy and Resources Institute (TERI), among others:

(i) transport; (ii) industrial stack; (iii) industrial area (power plants); (iv) domestic burning; (v) solid waste burning; (vi) road dust; (vii) construction/demolition; (viii) hotels/restaurants; and (ix) others. The report reveals that expert bodies were at variance insofar as the proportionate contribution of each of these sources in worsening the Air Quality Index (AQI) in Delhi NCR. For instance, transport, as an emission sector, was attributed to 12% to 41% by different experts.

2. The policy also enlists the measures that have been taken from time to time to tackle the depleting AQI in Delhi NCR. However, the AQI issue in the region nevertheless remains persistent, if not aggravated.

3. This Court has been taking up the matter from time to time, and based upon the reports/advice/opinion of different experts as well as learned Amicus Curiae, certain directions have also been issued.

4. It was in that context and after taking notice of the worsening condition of AQI in the NCR region that the statutory

expert body, namely, CAQM, was asked to revisit some long-term measures to address the issues illustratively highlighted in paragraph 6 of our order dated 17.12.2025.

5. In the aforesaid order, the additional issues like temporary suspension of the nine Municipal Corporation of Delhi (MCD) toll plazas in Delhi, as suggested by the National Highways Authority of India (NHAI), were also highlighted, and a response from the concerned quarters was sought.

6. As usual, MCD, instead of coming up with any viable solution, has filed an affidavit defending the toll plazas as an important source of its revenue and taking all possible pleas to allow it to continue.

7. The Gurugram Metropolitan Development Authority (GMDA) has also now decided to join this list and has moved an application seeking direction to the MCD to apportion 50% of the Environment Compensation Charge (ECC) generated at Rajokri Toll Plaza (NH-48) and at Village Sihol, Gurugram. GMDA has given its own justification for the apportionment of the toll collection.

8. CAQM, on the other hand, instead of bringing any concrete plan or proposal for some visible long-term remedial measures, has given a status note which, unfortunately, appears to be silent on most of the issues raised by this Court or the note filed by the learned Amicus Curiae. CAQM appears to be in no hurry either in identifying the definite causes of worsening AQI or a long-term solution thereof. We are, therefore, compelled to issue certain directions that are necessary to identify the causes as well as their long-term solutions.

9. At this stage, we deem it appropriate to bring on record that the learned Amicus Curiae has highlighted the following issues:

(i) Vehicular Pollution - The suggestions are that to curb and minimise the vehicular pollution, steps like (a) transition to electric vehicles; (b) push for public transport; (c) payment to higher ECC; (d) improved enforcement like Automatic Number Plate Recognition (ANPR)/parking policy, etc.; and lastly, (e) cleaner freight movement;

(ii) On the second issue, namely, air quality governance, suggestions like transition to airshed level governance; vacancies in regulatory agencies; monitoring and data accuracy; and transparency and improved enforcement, have been recommended;

(iii) There is a suggestion that power plants be directed to comply with applicable standards and shifting goalposts.

(iv) The next issue raised is that of industrial pollution, for which solutions like fuel transition and emission standards have been suggested;

(v) On the point of waste management, the learned Amicus Curiae has suggested compliance with the Solid Waste Management Rules of 2016, issues of landfill management and pollution caused by Waste-to-Energy plans; and

(vi) The report also highlights issues like road and construction dust, firecrackers and crop residue burning.

10. All that we wish to say is that CAQM, being the statutory expert body, is firstly obligated to bring certain domain experts under one umbrella and seek an uniform/unanimous opinion for the identification of the causes for worsening AQI. Such an exercise is

not expected to take much time, given that expert bodies such as IIT or other agencies are stated to have already undertaken the requisite exercise. It is only the sharing of reasons and collation of data that can enable CAQM to form a broad idea about the real causes and the proportional attribution to each cause. Ideally, these reasons should be brought into the public domain with a citizen-centric approach so that people know them and can share suggestions, if any. Some of the reasons are bound to be attributable to the residents of the NCR, and if such reasons are also brought into the public domain through a public awareness campaign, it is quite possible that they can be effectively addressed by the citizens themselves.

11. After identifying the real causes, CAQM must take them up one by one and explain the long-term plans, as suggested by the learned Amicus Curiae. We are conscious of the fact that there cannot be a single decision like the introduction of electric vehicles without first examining the consequences that may fall upon the public and the public exchequer. However, with a long-term plan, better alternatives can be considered and implemented in a phased manner.

12. We deem it appropriate to caution that it is high time the CAQM realise that inordinate delay in finding out solutions will lead to further complications.

13. Consequently, we deem it appropriate to issue the following directions to the CAQM:

(i) Let a meeting of the experts, as may be shortlisted by CAQM, be convened within two weeks and based upon their continuous deliberations, a report re: the major causes of worsening AQI be

brought on record as well as in the public domain. Such an exercise must be completed before the next date of hearing.

(ii) Meanwhile, the CAQM will start considering the long-term solutions to be introduced in a phased manner. The catalysts that are causing the most pollution must be addressed on a priority basis. Let a further status report in terms of the above be filed.

(iii) CAQM will also consider the issue re: toll plaza, uninfluenced of the stand taken before us by different stakeholders.

14. Post the matter on 21.01.2026.

15. IA No.319518/2025 has been disposed of, and the issue raised therein, if at all arises in future, will be considered in due course of time.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR