

ITEM NO.4

COURT NO.1

SECTION PIL-W

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. 208841/2025 (APPLICATION FOR DIRECTION) (2) I.A. NO. 208905/2025 (APPLICATION FOR DIRECTION) (3) I.A. NO. 206552/2025 (APPLICATION FOR INTERVENTION) (4) I.A. NO. 281109/2024 (APPLICATION FOR DIRECTION) (5) I.A. NO. 281120/2024 (APPLICATION FOR INTERVENTION) (6) I.A. NO. 272975/2024 (APPLICATION FOR INTERVENTION) 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, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. DEVANSH SRIVASTAVA, MR. LUV VIRMANI, MS. KANIKA SINGHAL, MR. SHANKEY AGRAWAL, MR. SHIVENDRA SINGH ADVOCATES

Date : 26-09-2025 This petition was called on for hearing today.

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HON'BLE MR. JUSTICE K. VINOD CHANDRAN
HON'BLE MR. JUSTICE N.V. ANJARIA

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UPON hearing the counsel the Court made the following
O R D E R

IA No. 208841, 208905 AND 206552 of 2025

1. Learned counsel appearing for the applicant(s) submits that the order dated 03.04.2025 passed by this Court is in conflict with the earlier detailed order passed in Writ Petition (C) No. 728 of 2015 titled as "Arjun Gopal & Ors. Vs. Union of India & Ors.".
2. We do not propose to go into that issue.
3. We, however, find it appropriate that the Union of India

should come out with a solution after taking all stakeholders on board, including the Government of NCT of Delhi, the manufacturers and the sellers of crackers.

4. As has been experienced, despite the imposition of a complete ban, the same could not be effectively implemented.

5. As was observed by us in one of the judgments, wherein the State of Bihar had imposed a complete ban on mining, it led to illegal mafias engaging in mining activities.

6. In that view of the matter, we are of the opinion that a balanced approach needs to be adopted.

7. We, therefore, request Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the Union of India, to coordinate with the Ministry of Environment, Forest and Climate Change (MOEF&CC) to ensure that all the stakeholders are brought on board.

8. We also request the MOEF&CC to take into account the views of the learned Amicus Curiae.

9. List these applications on 08.10.2025.

10. In the meantime, we permit those manufacturers, who possess valid certification for green crackers, as certified by the National Environmental Engineering Research Institute (NEERI) as well as Petroleum and Explosives Safety Organization (PESO), to undertake the manufacture of such green crackers.

11. However, the same shall be done, subject to the condition that the manufacturers shall file an undertaking before this Court that until further orders are passed, they shall not sell any of the crackers within the prohibited areas.

IA NO. 281109 of 2024

1. By way of present application, the applicant seeking the following relief:

a) Remove the exemption granted to commercial vehicles carrying Essential Commodities viz. Vegetables, Fruits, Milk, Grains, Egg., Ice (to be used as food item), Poultry Items, Salt & Empty/Partial laden vehicles from ECC in pursuance to this Hon'ble Courts Order dated 09.10.2015."

2. The application has been filed on behalf of the Municipal Corporation of Delhi. It is submitted that on account of the exemption granted by this Court vide order dated 09.10.2015, serious difficulties are faced inasmuch as vehicles are required to be stopped at check-posts for the purpose of verification as to whether they are carrying essential commodities or not. It is further submitted that owing to such requirement, vehicles remain stopped for a long time, thereby causing continuous emission of smoke and contributing to air pollution.

3. We find that the difficulty pointed out appears to be genuine.

4. It is indeed difficult to find out a mechanism to verify from the outside as to what goods are being carried in such vehicles. As such, all vehicles are required to be stopped at check-posts and subjected to physical verification, which results in prolonged stoppages and aggravates the problem of air pollution.

5. In any case, the levy imposed is not of such a high nature as would adversely affect the prices to be paid by the common consumers.

6. In that view of the matter, we are inclined to allow the said application in terms of prayer clause(a).

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
ASSISTANT REGISTRAR