

ITEM NO.15

COURT NO.6

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)

(IN RE: SOLID WASTE DISPOSAL AND IA NOS. 134634/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) ON B/O GENERAL INSURANCE COUNCIL) AND REPORT OF COMMISSION FOR AIR QUALITY MANAGEMENT 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.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M. K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MS. ROOHE HINA DUA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA MR. RAJIV M. ROY, ADVOCATES)

Date: 26-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Mrs. Aparajita Singh, Sr. Adv. (A.C.)
Mr. A.D.N. Rao, Sr. Adv. (A.C.)
Mr. Siddhartha Chowdhury, Adv.
Ms. Shibani Ghosh, Adv.
Mr. Aditya Bharat Manubarwala, Adv.

For Applicant(s) Mr. Tushar Mehta, Solicitor General
Mr. Rajeev M. Roy, AOR

For Parties Ms. Aishwarya Bhati, A.S.G.
Ms. Archana Pathak Dave, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Ms. Suhashini Sen, Adv.
Mr. Rajesh K. Singh, Adv.
Mr. S.S. Rebello, Adv.
Mr. Subharanshu Padi, Adv.
Mr. Wasim Qadri, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Rohan Gupta, Adv.

Ms. Menaka Guruswamy, Sr. Adv.

Mr. S. Wasim A Quadri, Sr. Adv.
Ms. Suvangana Agarwal, Adv.
Mr. Praveen Swarup, Adv.
Mr. Lavkesh Bhambhani, Adv.
Mr. Utkarsh Pratap, Adv.
Mr. Ameet Singh, Adv.
Mr. Nityanand Mahato, Adv.
Mr. Devesh Maurya, Adv.
Mr. Praveen Swarup, AOR

Petitioner-in-person

Mr. P. K. Jain, AOR

Mr. Ramesh Babu M.R., AOR

Mr. Rajesh Kumar Chaurasia, AOR

Ms. Manjula Gupta, AOR

Mr. S.S. Shroff, AOR

Mr. Sushil Kumar Jain, AOR

Mr. Aniruddha Deshmukh, AOR

M/S. Khaitan & Co., AOR

Mr. Surya Kant, AOR

Mrs. B. Sunita Rao, AOR
Mr. Gunmaya S Mann, Adv.
Mr. Roop Narain, Adv.
Mr. Vineet Kumar, Adv.
Mr. Hokesh Kumar, Adv.
Mr. Kuldeep, Adv.
Mr. Sambhav Jain, Adv.

Mr. Abhishek, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Ravindra Bana, AOR

Mr. R.P. Gupta, AOR

Mr. P. Parmeswaran, AOR

Mr. Mohit D. Ram, AOR

Mr. Sarvam Ritam Khare, AOR
Mr. Satya Mitra, AOR
M/S. M.V. Kini & Associates, AOR
Mr. Pramod Dayal, AOR
Mr. Parijat Sinha, AOR
M/S. Saharya & Co., AOR
Mr. Rakesh Kumar-I, AOR
M/S. S. Narain & Co., AOR
Mr. Chirag M. Shroff, AOR
Mr. Pavan Kumar, AOR
Mr. Prashant Kumar, AOR
Mrs. Aishwarya Bhati, A.S.G.
Mrs. Archana Pathak Dave, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Mrs. Suhasini Sen, Adv.
Mr. Rajesh Kr. Singh, Adv.
Mr. Subhranshu Padhi, Adv.
Mrs. Ruchi Kohli, Adv.
Mr. Wasim Qadri, Adv.
Mr. S.S. Rebello, Adv.
Mr. Alok Gupta, AOR
Mr. Ejaz Maqbool, AOR
Ms. Hemantika Wahi, AOR
Ms. Binu Tamta, AOR
Mr. Mahesh Agarwal, Adv.
Mr. E.C. Agrawala, AOR
Mr. Pradeep Kumar Bakshi, AOR
Mr. Ashok Mathur, AOR
Mr. V.K. Verma, AOR
Mr. Radha Shyam Jena, AOR

Mrs. Bina Gupta, AOR
Ms. Adviteeya, Adv.
Mr. Rakesh K. Sharma, AOR
Ms. Sujeeta Srivastava, AOR
Mr. Ajit Pudussery, AOR
Mr. Mukesh K. Giri, AOR
M/S. Parekh & Co., AOR
Mr. Sudhir Mendiratta, AOR
Mr. Anil Kumar Jha, AOR
Mrs. Anil Katiyar, AOR
Mr. Hardeep Singh Anand, AOR
Mr. Sandeep Narain, AOR
Mr. Sushil Kumar Singh, AOR
Mrs. Rani Chhabra, AOR
Mr. G. Prakash, AOR
Ms. Shalini Kaul, AOR
Ms. Nandini Gidwaney, AOR
Mr. Shri Narain, AOR
Mr. Umesh Kumar Khaitan, AOR
Mrs. Priya Puri, AOR
Mr. Sharad Kumar Puri, Adv.
Ms. Pinki Aggarwal, Adv.
Ms. Parul Sharama, Adv.
Mr. K.R. Sasiprabhu, AOR
Mrs. K. Sarada Devi, AOR
Mr. Sanjay Kumar Visen, AOR
Mr. Rajiv Ranjan Dwivedi, AOR
Mr. Vishal, Adv.

Mr. Jeet Singh, Adv.
Mr. Kapil Chaturvedi, Adv.
Mr. Amit Trivedi, Adv.
Mrs. Subhadra Dwivedi, Adv.

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.K. Satija, A.A.G.
Mr. Rahul Khurana, Adv.
Mr. Nikunj Gupta, Adv.
Ms. Himanshi Shakya, Adv.
Dr. Monika Gusain, AOR

Mr. T.V. Ratnam, AOR

Mr. Balaji Srinivasan, AOR

Ms. Ruchi Kohli, AOR
Ms. Srishti Mishra, Adv.

Ms. Pritha Srikumar Iyer, AOR

Ms. Jaikriti S. Jadeja, AOR

Ms. Astha Tyagi, AOR

Mr. Anas Tanwir, AOR

Mr. Mritunjay Kumar Sinha, AOR

Mr. Durga Dutt, AOR

Mr. Avijit Mani Tripathi, AOR
Mr. T. K. Nayak, Adv.
Mr. N.P. Singh, Adv.

Ms. Rashmi Malhotra, AOR

Mr. Gaurav Choudhary, AOR

Ms. Prerna Singh, Adv.
Mr. Guntur Pramod Kumar, AOR

Mr. S.S. Shroff, AOR

Ms. Madhumita Bhattacharjee, AOR
Ms. Srija Choudhury, Adv.
Mr. Anant, Adv.
Ms. Sajal Bhardwaj, Adv.

Mr. Rishi Matoliya, AOR

Mr. D. Abhinav Rao, AOR

Mrs. Aishwarya Bhati, A.S.G.
Mr. Archana Pathak Dave, Sr. Adv.
Mr. Raj Bahadur Yadav, AOR
Mrs. Alka Agarwal, Adv.
Ms. Sonali Jain, Adv.
Mrs. Ruchi Kohli, Adv.
Mr. Ashok Kumar B, Adv.
Ms. Baby Devi Bonia, Adv.
Mr. Anirudh Bhat, Adv.
Mr. Prashant Singh II, Adv.

Mr. Nirnimesh Dube, AOR

Mr. Ravindra S. Garia, AOR
Mr. Shashank Singh, Adv.
Mr. R B Singh, Adv.
Mr. Sunil Singh, Adv.

Mr. Talha Abdul Rahman, AOR

Mr. Prashant Singh, AOR
Mrs. Perna Dhall, Adv.
Mr. Piyush Yadav, Adv.
Ms. Akanksha Singh, Adv.

Mr. Rajiv Yadav, AOR

Mr. Vipin Nair, AOR

Ms. Nidhi Mohan Parashar, AOR

Mr. P. Parmeswaran, AOR

Mr. Nitin Saluja, AOR

Mr. Deepayan Mandal, AOR
Mr. Mridul Bansal, Adv.
Mr. Naman Varma, Adv.

Ms. Shalu Sharma, AOR

Mr. Sahil Tagotra, AOR

Mr. Akhil Anand, AOR

Mr. Aishwarya Bhati, A.S.G.
Ms. Suhasini Sen, Adv.
Mr. Rajesh Kr. Singh, Adv.
Mr. Subhranshu Padhi, Adv.

Ms. Archana Pathak Dave, Adv.
Mr. Gaurang Bhushan, Adv.
Dr. N. Visakamurthy, AOR
Ms. Sweksha, Adv.

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Rishi Malhotra, AOR

Mr. Prakash Ranjan Nayak, AOR

Mr. Satya Mitra, AOR
Mr. Prasanna S., AOR

Ms. Mithu Jain, AOR

Ms. Asha Gopalan Nair, AOR
Ms. Surabhi Singh, Adv.

M/S. Ahmadi Law Offices, AOR
Mr. Shariq Ahmed, Adv.

Ms. Aishwarya Bhati, A.S.G.
Ms. Archana Pathak Dave, Sr. Adv.
Ms. Suhashini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Subhranshu Padhi, Adv.
Mr. Gaurang Bhushan, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Varun Chugh, Adv.
Mr. Krishna Kant Dubey, Adv.
Ms. Indira Bhakar, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. M.P. Devanath, AOR

Mr. R.C. Kohli, AOR

Mr. D. Abhinav Rao, AOR

Mr. Aakarshan Aditya, AOR
Mr. Qazi Nayeem Ahmad, Adv.
Mr. Shivram Pandey, Adv.
Mrs. Sandhya Pandey, Adv.
Mr. Satish C Kaushik, Adv.

Mr. Vinodh Kanna B., AOR

Mr. Sandeep Singh, AOR

Ms. N. Annapoorani, AOR
Mr. Anand Prakash Yadav, Adv.

Mr. S. Gowthaman, AOR

Ms. Neeru Vaid, AOR

Mr. M.G. Ramachandran, Sr. Adv.
Mrs. Swapna Sheshadri, Adv.
Mr. K.V. Mohan, AOR
Mr. Amal Nair, Adv.

Mr. Pranav Sachdeva, AOR

Mr. Sameer Shrivastava, AOR

Mr. Debojit Borkakati, AOR

Mr. Mahfooz Ahsan Nazki, AOR

Ms. Misha Rohatgi, AOR

Mr. Ravi Prakash, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.
Mr. R. Rajaselvan, Adv.

Mr. Vikrant Singh Bais, AOR

Mr. Alok Gupta, AOR

Ms. Ankita Sharma, AOR

Ms. Surabhi Sanchita, AOR

Mr. Vinod Sharma, AOR

Mr. S Prabakaran, Sr. Adv.
Mrs. Usha Prabakaran, Adv.
Mr. Maheswaran Prabakaran, Adv.
Dr. Ram Sankar, Adv.
Mrs. Harini Ramsankar, Adv.
Mr. G Jai Singh, Adv.
Mr. Muthu Ganesa Pandian, Adv.

M/S. Ram Sankar & Co, AOR

Mr. Sagar Roy, Adv.
Mr. Gurmeet Singh, Adv.
Mr. Purushottam, Adv.
Mr. Sunil Kumar, Adv.
Mr. Anki Kashyap, Adv.
Mr. Ravi Anand, Adv.
Mr. Mata Prasad Singh, Adv.
Mr. Sourav Kumar Mitra, Adv.
Ms. Sreya Singh, Adv.
Mr. Sudhanshu Tiwari, Adv.
Mr. Amitab Pandey, Adv.
Mr. Abhishek Sahay, Adv.
Mr. Soudip Ghosh, Adv.
Mr. Subhro Sanyal, AOR

Ms. Nidhi Jaswal, AOR

Mr. Rakesh Kumar-I, AOR

Mr. Parminder Singh Bhullar, AOR

Mr. Chandrakant Sukumar Sarkar, Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Narendra Kumar Goyal, Adv.
Mr. Ikshit Singhal, Adv.
Mr. C.M. Dwivedi, Adv.
Ms. Saba, Adv.
Ms. Km. Reena, Adv.
Ms. Dibya Kumari, Adv.
Ms. Samata Pushkarna Mishra, Adv.
Mr. Jagtar Singh, Adv.
M/S. Mukesh Kumar Singh & Co., AOR

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.
Ms. Akshata Chhabra, Adv.

Mr. Vivek Gupta, AOR

Mr. Vinay Garg, AOR

Ms. G. Indira, AOR

Mr. Yoginder Handoo, AOR

Mr. Anil Kumar, AOR

Ms. Lubna Naaz, AOR

Ms. Shashi Kiran, AOR
Dr. Satish Chandra, Adv.
Ms. Sangeeta Bhalla, Adv.
Mr. Mohinder Nath Sharma, Adv.
Ms. Anju Sharma, Adv.
Mr. Vaibhav Sharma, Adv.

Ms. Aastha Mehta, Adv.
Ms. Deepanwita Priyanka, AOR
Ms. Prerana Mohapatra, Adv.

Mr. Raghvendra Kumar, AOR
Mr. Anand Kumar Dubey, Adv.
Mr. Devvrat Singh, Adv.
Mr. Anup Kumar Srivastava, Adv.

Mr. Pulkit Agarwal, AOR

Ms. Surbhi Mehta, AOR

Mr. Shovan Mishra, AOR
Ms. Bipasa Tripathy, Adv.

Ms. G. Indira, AOR

Mr. Anuj Bhandari, AOR

Mr. Neeraj Shekhar, AOR

Mr. Mohit Paul, AOR

Mr. Ashok Panigiri, Adv.
Mr. Saket Giri, Adv.
Ms. Lakshmi, Adv.
Ms. Garima Kumar, Adv.
Mr. Virender Kumar, Adv.
Mr. Shalen Bhardwaj, Adv.
Mr. Nischal Kumar Neeraj, AOR

Mr. Nishit Agrawal, AOR

Mr. Yashraj Singh Bundela, AOR
Dr. Navin Kumar Sehrawat, Adv.
Mr. Rahul Sejwal, Adv.
Mr. Hariom Singh, Adv.
Mrs. Pratima Singh, Adv.

Ms. Ishita Jain, AOR
Mr. Anand Kumar Shrivastava, Adv.
Mr. Ankit Bhandari, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Krishna Prakash Dubey, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Ashutosh Dubey, AOR
Mrs. Rajshri Dubey, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. Amit P Shahi, Adv.
Mr. Gaurav Yadav, Adv.
Mr. Shashibushan Nagar, Adv.
Mr. Rahul Sethi, Adv.
Ms. Sana Saifi, Adv.
Ms. Bharti Malik Sindhu, Adv.
Ms. Meeta, Adv.
Mr. Mayank Singh Chauhan, Adv.

Mr. Chandra Prakash, AOR

Ms. Astha Sharma, AOR
Ms. Lihzu Shiney Konyak, Adv.

Mr. T.R.B. Sivakumar, AOR

Ms. Manju Jetley, AOR
Ms. Davinder Pal Kaur, Adv.
Mr. Bhajan Lal, Adv.
Mr. Praveen Pathak, Adv.
Mr. Santosh Anandrao Jadhav, Adv.
Mr. Dewashish Vishwakarma, Adv.

Ms. Aishwarya Bhati, ASG
Ms. Shagun Thakur, Adv.
Mr. Amrish Kumar, AOR

Mr. Harsh V. Surana, AOR

Mr. S.S. Ray, Adv.
Mr. Shubhaankar Ray, Adv.
Ms. Rakhi Ray, AOR

M/S. Karanjawala & Co., AOR

Mr. V. N. Raghupathy, AOR

Ms. Charu Ambwani, AOR
Mr. Vinay Garg, AOR
M/S. M.V. Kini & Associates, AOR

Mr. Pradeep Misra, AOR

Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kumar Sharma, Adv.

Mr. Manish Kumar, AOR
Mr. Ravi Shanker Jha, Adv.

Ms. Jyoti Mendiratta, AOR

Mr. Puneet Taneja, AOR
Mr. Amit Yadav, Adv.
Mr. Manmohan Singh Narula, Adv.

Ms. Vrinda Bhandari, AOR
Ms. Pragya Barsaiyan, Adv.

Mr. Shuvodeep Roy, AOR
Mr. Saurabh Tripathi, Adv.

Ms. Divya Jyoti Singh, AOR
Ms. Sunita Luthra, Adv.
Mr. Harshit Luthra, Adv.
Ms. Mansi Ahuja, Adv.

Ms. Aswathi M.K., AOR

Mr. Gopal Jha, AOR

Mr. Shishir Deshpande, AOR

Mr. D. Kumanan, AOR

Ms. Pritha Srikumar Iyer, AOR

Mr. Gurminder Singh Ag Punjab, Adv.
Mr. Shadan Farasat, A.A.G.
Ms. Rooh-e-hina Dua, AOR
Mr. Ankit Khera, Adv.
Mr. Harshit Khanduja, Adv.
Mr. Harshit Anand, Adv.

Mr. Mudit Gupta, AOR

Ms. Tulika Mukherjee, AOR

Mr. Akshay Girish Ringe, AOR

Mr. Gaurav, AOR

Ms. Puja Sharma, AOR

Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv.
Mr. K.V. Vibu Prasad, Adv.
Mr. Anirudh Anand, Adv.

Mr. Neeraj Kumar Gupta, AOR

Mr. Danish Zubair Khan, AOR

Mr. Vikas Mehta, AOR

Ms. Garima Prashad, Sr. A.A.G.
Mr. Sudeep Kumar, AOR
Ms. Manisha, Adv.

Ms. Sakshi Kakkar, AOR

Mr. Mandeep Singh Vinaik, Adv.
Mr. Deepak Bashta, Adv.
Ms. Shagun Matta, AOR

Mr. Sandeep Kumar Jha, AOR
Mr. Shiv Mangal Sharma, A.A.G.
Ms. Nidhi Jaswal, Adv.
Mr. Saurabh Rajpal, Adv.
Ms. Shalini Singh, Adv.

Mr. Anurag Kishore, AOR

Mr. Sanjay Upadhyay, Sr. Adv.
Ms. Mayuri Raghuvanshi, AOR
Mr. Vyom Raghuvanshi, Adv.
Mr. Shubham Upadhyay, Adv.

Ms. Purnima Jauhari, AOR
Dr. Brij Bhushan K Jauhari, Adv.
Mr. Deepak Jyoti Ghildiyal, Adv.
Mr. Gaurav Yadav, Adv.
Mr. O.P. Singh, Adv.

Mr. Hiren Dasan, AOR

Mr. Ajay Vikram Singh, AOR

Mr. K. Paari Vendhan, AOR
Mr. Rishabh Sancheti, Adv.
Ms. Padma Priya, Adv.
Mr. Naman Jain, Adv.
Mr. Vidhan Malik, Adv.

Ms. Divya Roy, AOR

M/S. S. Narain & Co., AOR

Mr. Ayush Sharma, AOR

Mr. Vijay Kr. Khanna, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Amit Kumar Chawla, Adv.
Mr. Akhileshwar Jha, Adv.
Ms. Niharika Dewivedi, Adv.
Ms. Manisha Chawla, Adv.
Ms. Diya Khanna, Adv.
Mr. Kuldip Singh, AOR

Ms. Anushree Prashit Kapadia, AOR

Mr. Ketan Paul, AOR

Mr. S Prabakaran, Sr. Adv.
Mrs. Usha Prabakaran, Adv.
Mr. Maheswaran Prabakaran, Adv.
Dr. Ram Sankar, Adv.
Mrs. Harini Ramsankar, Adv.
Mr. G Jai Singh, Adv.
Mr. Muthu Ganesa Pandian, Adv.
M/S. Ram Sankar & Co, AOR

Ms. Malvika Kapila, AOR

Mr. Gaurav Kejriwal, AOR

Mr. Shekhar Kumar, AOR

Mr. Rajan Narain, AOR

Mr. Sunil Fernandes, AOR

Mr. Vikrant Singh Bais, AOR

Ms. Diksha Rai, AOR

Mr. Soumya Dutta, AOR

Mr. Sameer Kumar, AOR

Mr. Ajay Pal, AOR

Mr. Dhananjaya Mishra, AOR

UPON hearing the counsel the Court made the following

O R D E R

IN RE: PUC CERTIFICATE

IA NO.134634/2018

1. We have perused the order dated 10th August, 2017. The said order accepts the recommendations submitted by the Environment Pollution (Prevention & Control) Authority (EPCA). Based on the recommendations of the EPCA, the following direction was issued:

"There is now no dispute or disagreement about this. However, it is made clear that the Insurance Companies will not insure a vehicle unless it has a valid PUC Certificate on the date of renewal of the insurance policy.

This should be implemented at the earliest."

2. No provision under the Motor Vehicles Act, 1988, or any other enactment and rules framed thereunder provides that a motor vehicle insurance policy cannot be renewed unless the vehicle has a valid PUC certificate. As rightly submitted by the learned Solicitor General, if the said direction is implemented in its letter and spirit, it will have disastrous consequences. Many vehicles will continue to ply without third-party insurance. Therefore, we are inclined to allow this Application by deleting the direction described above.

3. Obviously, the direction was issued to ensure that every motor vehicle always has a valid PUC certificate. If motor vehicles are allowed to ply on roads without valid PUC certificates, it adds to the existing pollution. Therefore, there has to be some effective

and practical solution. An attempt was made to find an effective solution, as seen from the Note dated 15th July 2024, submitted by Ms Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae. The suggestion is based on Report No.99 of the EPCA, which notes the limitations of the PUC tests and has recommended the introduction of remote sensing technology in addition to PUC tests for controlling vehicular pollution. A direction was issued by this Court on 19th August 2019 to the Ministry of Road Transport and Highways (MoRTH) as well as the Ministry of Law to take a final decision in the matter and to file a status report. The learned Amicus Curiae submitted that yesterday a report has been filed, which, according to her, is disappointing in the sense that the technology which can be effectively used to control the pollution caused by the vehicles has not appealed to MoRTH. When a body like EPCA had recommended the use of remote sensing technology in addition to PUC tests, MoRTH ought to have taken the suggestion seriously. The learned Solicitor General assures the Court that MoRTH will reconsider the issue. This issue has been hanging fire for the last four years. We are of the view that somewhere a beginning has to be made by commencing the use of remote sensing technology. Therefore, to begin with, it will be appropriate if the use of remote sensing technology can commence in NCR States. MoRTH shall seek the cooperation of the concerned Authorities of the NCR States for this purpose. If MoRTH finds that the concerned Authorities of the NCR States are not cooperating, we permit MoRTH to move this Court so that a notice can be issued to the concerned

Authorities of the NCR States.

4. We grant MoRTH two months to reconsider its position and make an appropriate decision based on our suggestions above.

5. Needless to add, the Secretary of the Ministry of Road Transport and Highways shall immediately convene a meeting of his counterparts and Secretaries of the concerned Departments of the NCR States. MoRTH shall forward copies of this order to the relevant departments of the NCR States to ensure their full cooperation.

6. This Application stands allowed accordingly.

IN RE: SOLID WASTE MANAGEMENT

1. We have perused the affidavit filed by the Municipal Corporation of Delhi (MCD). We agree with the submission made by Ms Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae, that in Delhi, the prevailing situation may lead to a health emergency as the generation of solid waste per day in the capital city is above 11000 metric tonnes and the capacity of the processing plants made available by the MCD is only 8073 metric tonnes per day. Therefore, about 3000 metric tonnes of untreated solid waste is accumulating daily in the capital city, and we are sure this figure will gradually increase with every passing day. In the affidavit filed by the MCD, they have come up with the timelines for setting up additional facilities or for enhancing the capacity of the existing facilities. It is pointed out that

litigations are pending. We do not see the light at the end of the tunnel as going by the affidavit of the MCD and assuming that the timelines mentioned therein are abided by, there is no possibility of creating required facilities in the capital city even till 2027, which will have the capacity to deal with 11000 metric tonnes of solid waste per day. No guesswork is required to state that by that time, the generation of solid waste will multiply. We agree with the learned Amicus Curiae that this will lead to a public health emergency. This is a sorry state of affairs when it comes to the implementation of the Solid Waste Management Rules, 2016 (for short, "2016 Rules") in the capital city.

2. We, therefore, direct the Secretary of the Ministry of Environment, Forest and Climate Change (MoEFCC) of the Government of India to immediately convene a meeting of all the concerned State Government officials, the Commissioner of the Municipal Corporation of Delhi and its officials for working out an immediate solution to the issue. We direct the Secretary of the MoEFCC of the Government of India to submit a report to this Court about immediate measures required to be taken for ensuring that non-compliance with the 2016 Rules does not create serious health emergency in the capital city of Delhi.

3. Our attention is invited to an affidavit filed on behalf of the Swachh Bharat Mission (SBM), Ministry of Housing and Urban Affairs (MoHUA), Government of India. It is stated that on 10th July 2024, the MCD moved the Government of NCT of Delhi to delegate

financial power to the MCD as per the provisions of Section 202 of the Delhi Municipal Corporation Act, 1957, to approve the rates and agency contracts beyond a sum of Rs.5 crores relating to solid waste management projects. We direct the Government of NCT of Delhi to immediately consider the said proposal dated 10th July, 2024 and take an appropriate decision within three weeks from today. The Registry shall forward a copy of this order to the Chief Secretary of the Government of NCT of Delhi. The proposal dated 10th July, 2024 clearly states that it is limited to solid waste management projects. Considering the prevailing situation, if this relief is not granted to the MCD, it will not be able to comply with the 2016 Rules. The Government shall take note of this factual position

4. The situation within the limits of Gurugram, Faridabad and Greater NOIDA is equally bad. For example, the total generation of solid waste in Gurugram is 1200 metric tonnes per day, but the processing capacity of the plants is only of 254 metric tonnes per day. Regarding Faridabad, the total generation of solid waste is 1000 metric tonnes per day, and the processing capacity of plants is approximately of 410 metric tonnes per day. The situation in the Greater NOIDA is slightly better. We, therefore, direct the Secretary of the Ministry of Environment, Forest and Climate Change of the Government of India to immediately convene a meeting with the Secretary of the Ministry of Housing and Urban Affairs (MoHUA), the Commissioners of the Municipal Corporations at Gurugram and

Faridabad, officials of the Greater NOIDA and the Secretaries of the Department of Environment of the State Governments of Haryana and Uttar Pradesh and come out with immediate solutions to deal with the crisis which will lead to public health emergency. The report regarding Delhi and these three areas of Gurugram, Faridabad and Greater NOIDA shall be submitted by the Secretary of the MoEFCC of the Government of India within one month from today.

5. For considering the issue regarding solid waste management, list on 6th September, 2024.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)