

**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)**

**((i) IA NO. 79444/2019 (APPLN. FOR DIRECTIONS ON BEHALF OF EAST DELHI MUNICIPAL CORPOATION)**

**(ii) IA NO. 177432/2018 (APPLN. FOR DIRECTIONS ON B/O NORTH DELHI MUNICIPAL CORPORATION)**

**(iii) IA NO. 142872/2019 (APPLN. FOR MODIFICATION OF ORDERS DT. 16.12.2015 AND 31.03.2016 ON B/O DY. COMMISSIONER OF POLICE)**

**(iv) IA NOS. 47311 AND 47317/2020 (APPLNS. FOR IMPLEADMENT AND EXTENSION OF TIME ON BEHALF OF HERO MOTOCORP LTD.)**

**(v) IA D. NO. 50346, 50347, 50349 AND 50350/2020 (APPPLNS. FOR DIRECTIONS AND PERMISSION TO APPEAR AND ARGUE IN PERSON ON BEHALF OF DEEPAK KHOSLA)**

**(vi) IA NOS. 48789, 48797, 48790 AND 48798/2020 (APPLNS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION ON BEHALF OF AUTOBAHN ENTERPRISES PVT. LTD.)**

**(vii) IA NOS. 48800, 48804, 48801 AND 48805/2020 (APPLNS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION ON BEHALF OF ETCO MOTORS PVT. LTD.)**

**(viii) IA NOS. 48715 AND 48716/2020 (APPLNS. FOR INTERVENTION AND EXEMPTION ON BEHALF OF SACHIN KALRA)**

**(ix) IA D. NOS. 48256, 48257 AND 48258/2020 (APPLN. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING ATTESTED COPIES OF AFFIDAVIT ON BEHALF OF M/S DURGESH MOTORS PVT. LTD.)**

**(X) IA NOS. 44699 AND 44701/2020 (APPLNS. FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.)**

**IA NOS. 50075 & 50077 OF 2020**

**(APPLICATIONS FOR EXTENSION OF TIME AND EXEMPTION FROM FILING NOTARIZED AFFIDAVIT ON BEHALF OF FEDERATION OF AUTOMOBILE DEALERS ASSOCIATION)**

**IA D. NO. 48238 OF 2020**

**(APPLN. FOR IMPLEADMENT ON BEHALF OF BIRD AUTOMATIVE PVT. LTD.)**

**WITH**

**Civil Appeal No(s). 4908-4909/2019**

**C.A. No. 9783/2018 (XVII)**

**(FOR INTERVENTION/IMPLEADMENT ON IA 49136/2020**

**IA No. 49136/2020 - INTERVENTION/IMPLEADMENT)**

Date : 15-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

Counsel for parties

Mr. Harish N. Salve, Sr. Advocate (A.C.) (Not Present)

Ms. Aparajita Singh, Sr. Advocate (A.C.)  
Mr. A.D.N. Rao, Advocate (A.C.)  
Mr. Siddhartha Chowdhury, Advocate (A.C.)

Mr. Tushar Mehta, SG  
Mr. A.N.S. Nadkarni, ASG  
Ms. Pinky Anand, ASG  
Mr. S.W.A. Qadri, Sr. Adv.  
Ms. Aishwarya Bhati, Sr. Adv.  
Mr. S.S. Rebello, Adv.  
Mr. Rajesh Kumar Singh, Adv.  
Mr. Raj Bahadur Yadav, Adv.  
Mr. D.L. Chidananda, Adv.  
Ms. Suhashini Sen, Adv.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Rajan K. Chaurasia, Adv.  
Mr. Nishesh Sharma, Adv.  
Ms. Snidha Mehra, Adv.  
Mr. Rajiv Kumar Dubey, Adv.  
Mr. Kamendra Mishra, Adv.

Mr. K.V. Vishwanathan, Sr. Adv.  
Mr. Chandra Prakash, Adv.

Mr. Sanjiv Sen, Sr. Adv.  
Mr. Praveen Swarup, Adv.  
Ms. Puja Kalra, Adv.

Mr. Jayant Muthraj, AAG  
Mr. M. Yogesh Kanna, Adv.

Mr. Anil Grover, AAG  
Ms. Noopur Singhal, Adv.  
Mr. Rahul Khanna, Adv.  
Mr. Sanjay Kr. Visen, Adv.  
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Mr. V.N. Raghupathy, Adv.

Mr. Suvojeet Roy, Adv.

Mr. Santosh Kumar, Adv.  
Mr. Keshav Mohan, Adv.  
Mr. Rishi K. Awasthi, Adv.  
Mr. Prashant Kumar, Adv.

**Petitioner-In-Person**

Mr. Kamendra Mishra, Adv.

Mr. Sandeep Kr. Jha, Adv.

Ms. Uttara Babbar, Adv.

Mr. B.V. Balramdas, Adv.

Ms. Madhu Sweta, Adv.  
Mr. Sumit Gupta, Adv.  
Ms. Astha Tyagi, Adv.

Ms. Bina Gupta, Adv.  
Mr. Kshitij Vaibhav, Adv.  
Ms. Sheena Taqui, Adv.  
Ms. Suvarna Dubey, Adv.

Mr. Chirag M. Shroff, Adv.

Mr. Ajay Aggarwal, Adv.  
Mr. Kishan Rawat, Adv.  
Mr. Rajan Narain, Adv.

Mr. Deepak Khosla (Applicant In Person)

Mr. Akshay Girish Ringe, Adv.  
Mr. Saurabh Soni, Adv.

Ms. Divya Jyogi Singh, Adv.

Ms. G. Indira, Adv.

Ms. Preetika Dwivedi, Adv.

Mr. Prashant Kumar, Adv.  
Mr. Saurab Suman Sinha, Adv.  
Ms. Charu Ambwani, Adv.

Ms. Priya Puri, Adv.  
Mr. Preet Pal Singh, Adv.  
Mr. Ranjay Dubey, Adv.  
Yati Sharma, Adv.

Ms. Garima Prashad, Adv.

Mr. Jogy Scaria, Adv.  
Ms. Beena Victor, Adv.

Ms. Shagun Matta, Adv.

Mr. Arjun Syal, Advocate  
Ms. Vidisha Kumar, Advocate  
Mr. Shreyan Das, Advocate  
Mr. Nikunj Dayal, AOR

Mrs. Lalita Kaushik, AOR

Mr. Chirag M. Shroff, AOR

Mr. Saurabh Mishra, AOR

Mr. Chandan Kumar, AOR  
Mr. Gurang Kanth, Adv.

Ms. Susmita Lal, AOR  
Mr. Apurb Lal, Adv.  
Mr. Kamakhya Srivastava, Adv.  
Mr. R.K. Vats, Adv.

Mr. S.K. Dhingra, Adv.  
Ms. Aparna Rohatgi Jain, Adv.  
Mr. Mahesh Kasana, Adv.  
Ms. Shefali Mitra, Adv.

Ms. Ruchi Kohli, Adv.  
Mr. Yash Mishra, Adv.  
Ms. Nidhi Jaswal, Adv.  
Ms. Manyaa Chandok, Adv.

Mr. P.G. Pragasam, Adv.

Mr. Pavan Kumar, Adv.  
Ms. Neelam, Adv.

Mr. Arjun Sayal, Adv.  
Mr. Mithu Jain, AOR

Mr. Ashish Rana, AOR

Mr. Satya Mitra, AOR

Mr. Praveen Swarup, AOR

Mr. Shree Pal Singh, AOR

Mr. Raghvendra Kumar, Adv.

Ms. Madhumita Bhattacharjee, Adv.

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

IA NO. 79444/2019, 177432/2018 AND 142872/2019

I.A. NO.142872/2019

Let the date of purchase be specified as well as it be made clear with respect to different kind of vehicles mentioned in paragraph 8 of the application and whether diesel and CNG variant are available or not.

Affidavit, if any, may be filed in the meantime.

List on 19.06.2020.

I.A. NO.79444/2019

Considered I.A. No.79444/2019.

A prayer has been made for registration of 04 numbers of chassis mounted suction cum jetting Diesel machines/vehicles.

The details of the vehicles are as under:-

S. No.	Chassis No.	Engine No.
1.	MAT507210J8H21231	497TC41HRY827988
2.	MAT507210J8H21500	497TC41HRY828314
3.	MAT507210J8H20159	497TC41GRY825744
4.	MAT507210J8H21594	497TC41HRY828491

In the affidavit filed on behalf of the East Delhi Municipal Corporation, it is submitted that petrol as well as CNG variant are not available. The EPCA Report is in favour of applicant(s). We allow the prayer of registration of these vehicles, in the peculiar facts and circumstances of the case. These vehicles were purchased way back in the month of December, 2018.

The application is, accordingly, disposed of.

I.A.No. 177432 of 2018

We have perused the application. It is prayed for in the application that the registration of 25 number of diesel vehicles/machines/equipments purchased by NDMC be permitted. A scanned copy of the details of the vehicles are annexed with this order. [Annexure-A].

We have called for the report from EPCA. It is stated that CNG and Petrol vehicles of C.E.V. BS-IV complaint vehicles are not available in the market. The orders were placed for purchase in September, 2018 and the vehicles were purchased in the year 2018 itself. We permit, in the special circumstances, registration of the aforesaid vehicles in view of the statement made that other variants are not available.

In view of the above, the application is disposed of.

IN RE: REGISTRATION OF BS-IV VEHICLES

We have permitted, as per order dated 27.03.2020, registration of particular vehicles, who were given in detail to us, viz.

1,05,000 two-wheelers, 2250 passenger cars and 2000 commercial vehicles, which have been sold but not registered throughout India, whereas unsold vehicles were stated to be 7,00,000 two-wheelers, 15,000 passenger cars and 12,000 commercial vehicles. We have passed the order of registration of the vehicles sold till 31.03.2020, upto 30.04.2020 in special circumstances. At the same time, we have also ordered that the unsold vehicles, noted above, may be sold except in Delhi and NCR not beyond 10% of the vehicles to be sold throughout India. Our order was clear and did not make any difference between the members of the association and the non-members. It was in general for all those who are the members of the association and not the members of the association and was required to be observed punctually and affidavits were required to be filed.

It is startling to note that even after lifting of the lockdown on 03.05.2020, when the sales have taken place and as per our order, no registration could have been made without informing this Court as to how many vehicles have been sold throughout India. It appears that the order is being misused for the reasons best known to the respondents and they have not filed affidavit in compliance of the order passed by this Court. The registration of the vehicles which were to be sold out of 10% cannot be made without the permission of this Court and without giving particulars as ordered by this Court in the aforesaid order. Engine and Chassis numbers were also required to be furnished and the date of

sale. There is clear cut violation of at least the second part of the order passed by this Court. Incomplete affidavit has been filed on 13.06.2020.

With respect to the first part, there is also violation. Now, along with the compliance affidavit of first part of the order, Annexures A and B have been filed, which indicate that more than 2,25,000 vehicles were waiting registration as on 31.03.2020 whereas it exceeds the figure more than 1,00,000 what we have specified in the order. Our order is very clear that the manufacturers should have been ready because of the deadline set for BS-VI compliant vehicles, there is no justification to extend the time which was fixed long back in the year 2018. This Court further observed that this is not something new which has occurred. It would be further injurious and further burden on human health to be caused by pollution from BS-IV vehicles when BS-VI vehicles are supposed to be produced by the manufactures well in advance, considering the deadline of 31.03.2020.

In view of the aforesaid, we are not inclined to permit registration of the number of vehicles which were not mentioned in our order. Let details of the vehicles which were sold upto 31.03.2020 and on which date they were sold, be also specified, specifically giving details of two-wheelers, cars and other commercial vehicles and the sales made after lifting of the lockdown under 10% throughout India by the members of the association as well as the persons who are not the members of the

association, be also furnished. It be also specified whether sale of vehicle was specified on E-Vahan portal of Government of India as on 31.03.2020.

We make it clear that no registration of any BS-IV vehicle be made without our permission because our order is very clear. We request Mr. A.N.S. Nadkarni, learned ASG, to collect the details from all the RTOs throughout India and furnish information that how many vehicles of BS-IV category are sold and registered after lifting of the lockdown. It is made clear that now no registration and sale of the BS-IV vehicles is permitted.

Let the requisite affidavit be filed.

List on 19.06.2020 (Friday).

**IA NOS. 47311 & 47317 OF 2020**

**(Applications for Impleadment and extension of time on behalf of Hero Motocorp Limited)**

The requisite order has been passed on 27.03.2020 by this Court. Therefore, no further orders are required to be passed in these applications. These applications are disposed of in view of the aforesaid order.

**IA D. NOS. 50346, 50347, 50349 AND 50350 OF 2020**

**(Applications for Directions and permission to appear and argue in person on behalf of Deepak Khosla)**

Considered these applications. There is no merit in the applications, the same are accordingly, dismissed.

IA NOS. 48789, 48797, 48790 AND 48798 OF 2020  
(Applications for Impleadment, Directions and exemption from filing  
notarized affidavit and court fee on behalf of Autobahn Enterprises  
Pvt. Ltd.)

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AND

IA NOS. 48800, 48804, 48801 AND 48805 OF 2020  
(Applications for Impleadment, Directions and exemption from filing  
notarized affidavit and court fee on behalf of ETCO Motors Pvt.  
Ltd.)

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Considered these applications.

Applications for impleadment are allowed to the extent of  
intervention.

We have considered these applications and do not find any  
merit in them. Since the requisite details were not uploaded upto  
31.03.2020, there is no question of giving any further permission  
of registration of such kind of vehicles.

These applications are, accordingly, dismissed.

IA NOS. 48715 AND 48716 OF 2020  
(Applications for Intervention and exemption on behalf of Sachin  
Kalra)

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Considered these applications.

Application(s) for intervention is/are allowed.

We find no merit in the application, as the registration of  
old vehicles (BS-IV) cannot be allowed in Delhi.

The application(s) is/are dismissed.

**IA D. NOS. 48256, 48257 AND 48258 OF 2020**

**(Applications for Impleadment, Directions and exemption from filing attested copies of affidavit on behalf of M/s Durgesh Motors Pvt. Ltd.)**

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Considered these applications.

Applications for impleadment are allowed to the extent of intervention.

We have considered these applications. Since the requisite details were not uploaded upto 31.03.2020, there is no question of giving any further permission of registration of such kind of vehicles.

The E-Vahan portal of Government of India cannot be opened after 31.03.2020.

We find no merit in these applications, the same are, accordingly, dismissed.

**IA NOS. 44699 AND 44701 OF 2020**

**(Applications for Directions and exemption from filing Official Translation on behalf of Society of Indian Automobile Manufacturers (SIAM))**

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We find no merit in these applications, the same are, accordingly, dismissed.

**IA NOS. 50075 & 50077 OF 2020**

**(Applications for extension of time and exemption from filing notarized affidavit on behalf of Federation of Automobile Dealers Association)**

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Since in the order dated 27.03.2020, it was made clear that there will be no further extension of time, thus, the prayer made

for further extension of time is misconceived.

There is no merit in these applications, the applications are, hereby dismissed.

IA D. NO. 48238 OF 2020

(Appln. For Impleadment on behalf of Bird Automative Pvt. Ltd.)

Heard learned counsel for the applicant(s).

The order passed by this Court is clear that in Delhi and NCR, no registration will be allowed. The order dated 27.03.2020 is required to be complied with.

We request Mr. A.N.S. Nadkarni, learned Additional Solicitor General of India to ascertain whether the vehicles of Bird Automative Pvt. Ltd. have been registered in violation of our order and place the information before us on 19.06.2020. In case any registration is found to be made, let the details be furnished.

List on 19.06.2020 (Friday).

I.A.No. 49136/2020 IN C.A. NO.9738/2018 (ITEM NO.302)

This application will be considered at the time of hearing of Civil Appeal No. 9783 of 2018.

List the appeal along with this application in the second week of July, 2020.

(NARENDRA PRASAD)  
ASTT. REGISTRAR-cum-PS

(JAYANT KUMAR ARORA)  
(COURT MASTER)

(JAGDISH CHANDER)  
ASSISTANT REGISTRAR

Encl : Annexure-A

ANNEXURE - A

S. No	Type of vehicle / equipment	Quantity	Emission Standard	Chassis No.	Remarks, if any
1	Backhoe Loader (Construction Equipment vehicle) (C.E.V.)	25 Nos.	CEV BS-III	NKJ00770EJKH19704	The latest available in market/Government e-Marketplace (GeM) is CEV BS-III which has been purchased by department.
2				NKJ00770VJKH19521	
3				NKJ00770CJJKH19520	
4				NKJ00770AJKH19522	
5				NKJ00770LJKH19523	
6				NKJ00770TJKH19513	
7				NKJ00770TJKH19706	
8				NKJ00770CJJKH19705	
9				NKJ00770AJKH19519	
10				NKJ00770VJKH19518	
11				NKJ00770CJJKH19517	
12				NKJ00770JJKH19516	
13				NKJ00770KJKH19515	
14				NKJ00770PJKH19514	
15				NKJ00770LJKH19442	
16				NKJ00770VJKH19714	
17				NKJ00770CJJKH19856	
18				NKJ00770JJKH19855	
19				NKJ00770PJKH19769	
20				NKJ00770AJKH19861	
21				NKJ00770VJKH19857	
22				NKJ00770PJKH19903	
23				NKJ00770CJJKH19770	
24				NKJ00770CJJKH19901	
25				NKJ00770CJJKH19713	