

ITEM NO.301

Court 1 (Video Conferencing)

SECTION PIL-W

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 S

Writ Petition(Civil) No.1135/2020

ADITYA DUBEY (MINOR) & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.150881/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 149458/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 152069/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 149457/2021 - INTERVENTION APPLICATION, IA No. 148255/2021 - INTERVENTION APPLICATION, IA No. 152068/2021 - INTERVENTION APPLICATION, IA No. 151957/2021 - INTERVENTION APPLICATION, IA No. 150880/2021 - INTERVENTION APPLICATION & IA No. 150968/2021 - INTERVENTION/IMPLEADMENT)

Date : 3-12-2021 This matter along with applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Vikas Singh, Sr.Adv.
Mr. Nikhil Jain, AOR
Mr. Meenesh Dubey, Adv.
Ms. Deepeika Kalia, Adv.
Mr. Satya Prakash, Adv.
Mr. Vinod Kr. Jain, Adv.
Mr. Satwik Mishra, Adv.
Mr. Pramod Kumar, Adv.
Mr. Bhupendra Kumar Bhardwaj, Adv.
Mr. Shobhit Jain, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Ms. Archana Pathak Dave, Adv.
Mr. Navanjay Mahapatra, Adv.
Ms. Suhashini Sen, Adv.
Mr. Gurmeet Singh Makker, AOR

Ms. Uttara Babbar, AOR

Mr. D.S. Patwalia, AG, Punjab
Ms. Ranjeeta Rohatgi, AOR
Mr. Anirudh Bakhru, Adv.
Mr. Gauravjit Patwalia, Adv.

Mr. Maninder Singh, Sr. Adv.
Mr. Anil Grover, AAG, Haryana
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Mr. Bhanwar Jadon, Adv.
Mr. Sanjay Kumar Visen, AOR

Dr. A.M. Singhvi, Sr. Adv.
Mr. Rahul Mehra, Sr. Adv.
Ms. Jyoti Mendiratta, AOR

Mr. Kaushal Yadav, AOR
Mr. Kamlesh Kumar Maurya, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Mr. Shafik Ahmed, Adv.
Mr. Vivekanand Rana, Adv.
Ms. Yashoda Katiyar, Adv.
Dr. Ajay Kumar, Adv.
Mr. H.S. Sachdeva, Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. Ravindra Raizada, AAG, UP
Ms. Garima Prasad, AAG UP
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Anurag Tiwari, Adv.
Mr. Kamlendra Mishra, AOR

Mr. Haresh Raichura, AOR
Ms. Saroj Raichura, Adv.
Mr. Ram Bhadauria, Adv.
Mr. Kalp Raichura, Adv.
Mr. Rajat Vats, Adv.

Mr. Rakesh Dahiya, AOR
Mr. Aditya Dahiya, Adv.
Mr. Ravi Swami, Adv.
Mr. Bhudev Prasad Vaishnav, Adv.

Mr. Anilendra Pandey, AOR
Mr. Charanpal Singh Bagri, Adv.
Dr. Gurjit Kaur Jassar Bagri, Adv.

Mr. Sandeep, Adv.
Mr. Manoj Kumar, Adv.
Mr. Raju sonkar, Adv.

Mr. Rahul Shukla, Adv.
Mr. Kumar Dushyant Singh, AOR

Ms. Shyel Trehan, Adv.
Mr. Chirayu Jain, Adv.
Mr. Raghav Anand, Adv.
Mr. Shivendra Singh, AOR

Ms. Sanchita Ain, AOR

Mr. Manish Kumar, Adv.
Mr. Nakul Jain, Adv.
Mr. Piyush Kaushik, Adv.
Mr. Amit Kumar, Adv.
Mr. Utkasrsh Sharma, Adv.
Mr. Hayat Ahluwalia, Adv.
Ms. Divya Roy, AOR

Dr. Manish Singhvi, Sr. Adv.
Mr. Arpit Prakash, Adv.
Mr. Sandeep Kumar Jha, AOR

Mr. V.N. Sharma, Adv.
Mr. Vishal Sharma, Adv.
Mr. Mukesh Verma, Adv.
Mr. Yash Pal Dhingra, AOR

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

The Court is convened through Video Conferencing.

Heard Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India, Dr. A.M. Singhvi, learned Senior Counsel appearing for the Government of National Capital Territory of Delhi, Mr. Ranjit Kumar, learned Senior Counsel appearing for the State of U.P., Mr. Vikas Singh, learned Senior counsel appearing for the petitioners and Ms. Shyel Trehan, learned counsel appearing for the intervenor at a considerable length.

We have taken into consideration the averments made in the affidavits dated 2-12-2021 filed by the Union of India and the

Government of National Capital Territory of Delhi in the Court today and the same are taken on record.

We find that in pursuance of the assurance given to this Court by the learned Solicitor General on 2-12-2021, the Commission and the Central Government have taken some immediate steps to further augment the implementation of the directions issued by the Commission with a view to achieve the desired results for improving the air quality.

We find that an 'Enforcement Task Force' of Five Members is stated to have been constituted by the said Commission in exercise of its statutory powers. The Task Force will exercise powers of taking punitive and preventive measures against the non-compliant/defaulting persons/entities.

As per the said Affidavit, Flying Squads would also be increased to 40 in the next 24 hours, which are stated to have started functioning from 2-12-2021 itself and have conducted surprise checks at 25 sites so far.

It has further been averred in the said affidavit that in addition to Direction No.44 dated 16-11-2021 related to industrial pollution, the Commission has further directed vide Direction No.46 dated 2-12-2021 that industrial operations and processes in NCR, where gas is not available and the industrial unit is not running on PNG or cleaner fuels, shall be allowed to operate only upto 8 hours a day during weekdays and shall remain closed during Saturdays and Sundays.

Let a proposal to switch over all the Industrial Units to PNG or cleaner fuels in a time-bound manner, failing which such Units should be closed down, be also placed on record.

Dr. A.M. Singhvi, learned Senior counsel has drawn our attention to Para 3 (a) to (f), 4 (a) to (d)(i)(ii), (e) to (g) (1 to 19) and 6 of the affidavit filed on 2-12-2021 which we have perused.

So far as the issue of construction of 7 new Covid hospitals is concerned, we permit the same subject to compliance of CAQM directions in this regard.

Mr. Ranjit Kumar, learned Senior counsel appearing for the State of U.P. raised an objection about partial closing of some sugar industries.

In view of the objection raised by the learned Senior counsel, liberty is granted to the State of U.P. to approach the Commission for the said purpose, and its request shall be considered on its own merits and in accordance with law by the Commission.

Ms. Shyel Trehan, leaned counsel appearing for the Intervenor raised the issue of non-payment of wages in accordance with the Minimum Wages Act by the Government of National Capital Territory of Delhi & State of Haryana. She has further informed that the State of Uttar Pradesh has not announced any relief in this regard.

We direct the concerned States to comply with the Order passed by us in the matter.

List the matter on Friday, the 10th December, 2021.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)