

ITEM NO.1+3 Court 3 (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(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) IN RE: SMOG TOWERS
(REPORT NO. 106 SUBMITTED BY EPCA (SPECIAL REPORT ON POLLUTION HOT SPOTS IN NCR WITH REQUEST FOR URGENT DIRECTIONS TO IMPROVE ENFORCEMENT AND POLLUTION CONTROL)
(2) REPORT NO. 111 SUBMITTED BY EPCA (REPORT ON PILLING UP OF WASTE/GARBAGE BY THE SIDES OF RAILWAY TRACKS IN DELHI IN COMPLIANCE OF DIRECTIONS OF THE HON'BLE COURT DT. 28.02.2020)
(3) IN RE: REPORT NOS. 81 AND 84 SUBMITTED BY EPCA (IMPLEMENTATION OF THE DECEMBER, 2015 STANDARDS FOR THERMAL POWER PLANTS WHICH WERE TO BE IMPLEMENTED BY DECEMBER, 2017)
(i) I.A. NOS. 53959 AND 53962/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O NTPC)
(ii) I.A. NOS. 52536, 52538 AND 53358/2020 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM NOTARIZATION ON B/O ARAVALI POWER CO. LTD.)
(iii) I.A. NOS. 58771 AND 58772/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O TELANGANA STATE POWER GENERATION CORP. LTD.)
(iv) I.A. NOS. 59929 AND 59930/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O U.P. RAJYA VIDYUT UTPADAN NIGAM LTD.)
(v) I.A. NOS. 64205, 64206 AND 64207/2020 (APPLNS. FOR DIRECTIONS, PERMISSION AND EXEMPTION FROM FILING COURT FEE AND ATTESTED AFFIDAVIT ON B/O SINGARENI COLLIERIES CO. LTD.)
(vi) I.A. NOS. 72801 AND 72802/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAJIV GANDHI THERMAL POWER PROJECT)
(vii) I.A. NOS. 72795 AND 72796/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O PANIPAT THERMAL POWER STATION (PTPS)
(viii) I.A. NOS. 72778 AND 72779/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O DEEN BANDHU CHHOTU RAM THERMAL POWER PROJECT)
(ix) I.A. NOS. 70498, 70502 AND 70500/2020 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND STAY ON B/O TAMIL NADU GENERATION AND DISTRIBUTION COPRN. LTD.)
(x) IA NO. 71485/2020 (APPLN. FOR DIRECTIONS ON BEHALF OF GUJARAT MINERAL DEVELOPMENT LTD.)
(xi) IA NO. 81055 AND 81057/2020 (APPLN. FOR DIRECTIONS AND EXEMPTION FROM FILING ORIGINAL NOTARIZED AFFIDAVIT ON B/O NABHA POWER LIMITED)
(xii) IA NOS. 80271, 80272 AND 80274/2020 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM NOTARIZATION OF AFFIDAVIT ON B/O PUNJAB STATE POWER CORPORATION LTD.)

Date : 31-08-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

Counsel for parties

Mr. Harish N. Salve, Sr. Advocate (A.C.) (N.P.)

Ms. Aparajita Singh, Sr. Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Mr. Tushar Mehta, Solicitor General

Ms. Aishwarya Bhati, ASG

Mr. S. Wasim Qadri, Sr. Adv.

Ms. Suhasini Sen, Advocate

Mr. D.L.Chidananda, Advocate

Mr. S.S.Rebello, Adv.

Mr. Rajat Nair, Adv.

Ms. Snidha Mehra, Adv.

Mr. G.S. Makker, Adv.

Mr. Rajesh Kumar Singh, Adv.

Mr. Raj Bahadur Yadav, Adv.

Mr. Vibhu Shankar Mishra, Adv.

Mr. Arvind Kumar Sharma, Adv.

Mr. Prashant Rawat, Adv.

Mr. B.V. Balram Das, Adv.

Mr. Tushar Mehta, SG

Mr. Anil Grover, AAG, Haryana

Ms. Noopur Singhal, Adv.

Mr. Rahul Khurana, Adv.

Mr. Satish Kumar, Adv.

MR. Sanjay Kumar Visen, Adv.

Mr. Tushar Mehta, SG

Mr. V. Shekhar, Sr. Adv.

Mr. Rajeev Kumar Dubey, Adv.

Mr. Kamalendra Mishra, Adv.

Mr. Tushar Mehta, Solicitor General

Ms. Garima Prasad, Adv.

Mr. Anil Grover, Adv.

Mr. Yoginder Handoo, Adv.

Mr. Chandra Prakash, Adv.

Mr. Rahul Narayan, Adv.

Mr. Anil Grover, AAG

Dr. Monika Gusain, Adv.

Mr. Tushar Mehta, SG
Mr. Sanjay Jain, ASG
Mr. Adarsh Tripathi, Advocate
Mr. Anish Gupta, Advocate
Mr. Nikhil Kandpal, Advocate
Mr. Gaurav Srivastava, AOR

Mr. Aishwarya Bhati, ASG
Mr. Wasim A. Qadri, Sr. Adv.
Ms. Snidha Mehra, Adv.
Mr. Vibhu Shankar Mishra, Adv.
Mr. B. V. Balaram Das, AOR

Mr. K. V. Vishwanathan, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Parul Shukla, Adv.
Mr. Aniket Prasoon, Adv.
Ms. Shweta Vashishtha, Adv.
Mr. Nishant Rao, Adv.
Mr. E. C. Agrawala, Adv.

Mr. K. V. Vishwanathan, Sr. Adv.
Mr. Anuragn Dayal Mathur, Adv.
Mr. P. Parameswaran, Adv.

Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Jai Dehadrai, Adv.
Mr. Siddharth Arora, Adv.
Mr. Rishi Raj Sharma, Adv.
Mr. Sameer Shrivastava, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.
Ms. Jyoti Mendiratta, Adv.

Mr. Mohit Chaudhary, Adv.
Mr. Imran Ali, Adv.
Ms. Puja Sharma, Adv.
Mr. Kunal Sachdeva, Adv.
Mr. Shyam Singh Yadav, Adv.
Mr. Balwinder Singh Suri, Adv.
Mr. Parveen Kumar, Adv.
Mr. Garima Sharma, Adv.

Mr. Chirag M. Shroff, Adv.
Ms. Sanjana Nangia, Adv.
Ms. Abhilasha Bharti, Adv.

Mr. Balaji Srinivasan, AAG
Mr. Vinodh Kanna B., Adv.

Ms. Shweta Vashist, Adv.
Mr. Preshit Surshe, Adv.

Mr. Guntur Prabhakar, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Mr. Wasim Qadri, Sr. Adv.
Mr. Praveen Swarup, Adv.
Mr. Ajay Bansal, Adv.
Mr. Soumo Palit, Adv.
Mr. Amit Singh, Adv.
Mr. Kanishk Chaudhary, Adv.
Mr. Dev Roy, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Mr. Tavinder Sidhu, Adv.
Mr. Abhay Itagi, Adv.
Ms. Padma Priya, Adv.
Ms. Aditi Sharma, Adv.
Ms. Monica Verma, Adv.
for M/s M. V. Kini & Associates

Ms. Anupama Kumar, Adv.
Mr. Arjun Dewan, Adv.
Mr. Prakash Ranjan Nayak, Adv.

MR. ANUJ BHANDARI, Adv.

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

Mr. Vikas Mahajan, AAG, H.P.
Mr. Vinod Sharma, Aor
Mr. Anil Kumar, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Senthil Jagdeesan, Adv.

Mr. Sumit R. Sharma, Adv.
Mr. Aakarshan Aditya, Adv.

Ms. Garima Prashad, AOR
Mr. G. S. Oberoi, Adv.

Mr. Tapes K. Singh, Adv.
Mr. Aditya Pratap Singh, Advocate

Mr. Arun Sri Kumar, Adv.
Ms. Pritha Srikumar, Adv.
Ms. Mansi Binjrajka, Adv.

Mr. Avijit Mani Tripathi, Adv.

Mr. Shuvodeep Roy, Adv.
Mr. Kabir Shankar Bose, Adv.

Mr. Saurabh Mishra, AAG
Mr. Gopal Jha, AOR
Mr. Shreyash Bhardwaj, Adv.
Mr. Iqbal Singh Bains, SC(MP)

Ms. Suruchi Aggarwal, Adv.

Mr. Raghvendra Kumar, Adv.
Mr. Anand Dubey, Adv.
Mr. Narendra Kumar, Aor

Mr. V.G. Pragasam, Adv.
Mr. S. Prabu Ramasubramanian, Adv.

Mr. G.M. Kawoosa
Mr. M. Shoeb Alam, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Vinay Garg, Adv.
Mr. Sanjeev Kumar, Adv.
Mr. Upendra Mishra, Adv.

Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.

Mr. Matrugupta Mishra, Adv.
Mr. Samyak Mishra, Adv.
Ms. Divya Roy, Adv.

Mr. Siddhesh Kotwal, Adv.
Mr. Divyansh Tiwari, Adv.
Ms. Astha Sharma, Adv.

Ms. Madhumita Bhattacharjee, Adv.

Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

Mr. Mukesh Verma, Adv.
Mr. Yash Pal Dhingra, Adv.

Mr. V. B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.
Mr. Akshat Agarwal, Adv.
for M/S. Saharya & Co.

Mr. Keshav Mohan, Adv.
Mr. R.K. Awasthi, Adv.
Mr. Prashant Kumar, Adv.

Mr. Piyush Vatsa, Adv.
Mr. Santosh Kumar - I, Aor

Mr. Sameer Shrivastava, Adv.

Mr. Mahfooz Ahsan Nazki, Adv.
Mr. Polanki Gowtham, Adv.
Mr. Amitabh Sinha, Adv.

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

Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. G. Prakash, Aor

Mr. Ritwik Dutta, Adv.

Mr. Amitabh Chaturvedi, Adv.
Mr. Navneet Panwar, Adv.
Mr. Sangeeth Mohan, Adv.
Mr. Mrityunjay Kumar Sinha, Adv.

Ms. Sakya Singh Chaudhuri, Adv.

Mr. Achyuth Ajithkumar, Adv.
Mr. Talha Abdul Rahman, AOR
Ms. Tanya John, Adv.

Mr. Dhruv Mehta, Sr. Adv.
Ms. Ranjana Roy Gawai, Adv.
Ms. Vasudha Sen, Adv.
Ms. Prachi Golechha, Adv.
Ms. Ananya Chug, Adv.
Ms. Divya Roy, Adv.

Mr. Shrivenkatesh, Adv.
Ms. Nishtha Kumar, Adv.
Mr. Vikas Mani, Adv.
Mr. Suhael Buttan, Adv.
Mr. Anant Singh, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.
Ms. Jyoti Mendiratta, Adv.
Mr. Chirag M. Shroff, Adv.
Ms. Sanjana Nangia, Adv.
Ms. Abhilasha Bharti, Adv.
Mr. Vijay Kumar Dev, Adv.

Mr. S. Prabakaran, Sr. Adv.
Mr. R. Balasubramanian, Sr. Adv.

Mr. Ram Sankar, Adv.
Ms. G. Chitrakala, Adv.
Ms. Sujata Bagadhi, Adv.
Mr. Ashish Upadhyay, Adv.
Ms. Divya, Adv.
Mohd. Asif Ali, Adv.
for Ram Sankar & Co.

Mr. Pukhrambam Ramesh Kumar, Adv.
Ms. Anupama Ngangom, Adv
Mr. Karun Sharma, Adv.
Mr. Shresth Sharma, Adv.

Dr. Manish Singhvi, Sr. Advocate
Mr. Sandeep Kr. Jha, Adv.

Mr. Kumar Anurag Singh, Advocate
Mr. Nishant Piyush, Advocate
Ms. Tulika Mukherjee, Adv.

Mr. Preetpal Singh, Adv.
Mr. Ranjay Dubey, Adv.
Ms. Yati Sharma, Adv.
Ms. Priya Puri, AOR

Mr. C. K. Rai, AOR

Mr. Rajat Jariwal, Adv.

Applicant-in-person
Petitioner(s)-in-person

Ms. Sakshi Kakkar, AOR
Applicant-in-person, AOR
Petitioner-in-person
Mr. Neeraj Shekhar, AOR

Mr. Satya Mitra, AOR

Ms. Nidhi Mohan Parashar, AOR
Mr. Sarad Kumar Sunny, Adv.

Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.

Mr. Yoginder Handoo, AOR
Mr. Praveen Swarup, AOR
Mr. Nikunj Dayal, AOR

Mr. Anurag Kishore, Adv.
Mr. Anurag Sharma, Adv.

Mr. P. K. Jain, AOR

Mr. Ramesh Babu M. R., AOR
Mr. Rajesh Kumar Chaurasia, AOR
Mr. Gurmeet Singh Makker, AOR
Mr. Mukesh Kumar Maroria, AOR
Mr. Pradeep Kumar Bakshi, AOR
Mr. Sandeep Narain, AOR
M/S. Khaitan & Co., AOR

Mr. Dinesh Dwivedi, Sr. Adv.
Ms. Jyoti Mendiratta, Adv.
Mr. Chirag M. Shroff, AOR
Ms. Sanjana Nangia, Adv.
Ms. Abhilash Bhati, Adv.

Mr. Rohit K. Singh, Adv.

Mr. Atul Nanda, Adv. General, Punjab
Mr. P.S. Narshimha, Sr. Adv.
Mr. Uttara Babbar, Adv.
Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.
Ms. Sindoor VNL., Adv.
Ms. Aditi Tripathi, Adv.
Ms. Kanti, Adv.

Applicant-in-person, AOR
Petitioner-in-person
By Courts Motion, AOR

Mr. Charanpal Singh Bagri, Adv.
Mr. Anilendra Pandey, AOR

Applicant-in-person, AOR
Petitioner-in-person

Mr. P. K. Jain, AOR
Mr. Ramesh Babu M. R., AOR
Mr. Rajesh Kumar Chaurasia, AOR
Mr. Gurmeet Singh Makker, AOR
Mr. Mukesh Kumar Maroria, AOR
Mr. Radha Shyam Jena, AOR
Mr. Hardeep Singh Anand, AOR
Mr. Aniruddha Deshmukh, AOR
Mr. Praveen Swarup, AOR
Ms. Sujeeta Srivastava, AOR
Dr. Monika Gusain, AOR
M/S. M. V. Kini & Associates, AOR
Mr. Ajit Pudusery, AOR
Mrs. Rani Chhabra, AOR
Mr. Abhishek, AOR
Ms. Hemantika Wahi, AOR
Mr. Sudhir Mendiratta, AOR
Ms. Manjula Gupta, AOR

M/S. Saharya & Co., AOR
Mr. Anil Kumar Jha, AOR
Mr. Shri Narain, AOR
Mr. Mohit D. Ram, AOR
Mr. Pradeep Kumar Bakshi, AOR
Mr. Sandeep Narain, AOR
M/S. Khaitan & Co., AOR
Mr. Chirag M. Shroff, AOR
Mrs. K. Sarada Devi, AOR
Mrs. Bina Gupta, AOR
Mr. G. Prakash, AOR
Mr. Ravindra Bana, AOR
Mr. Prashant Kumar, AOR
Mr. T. V. Ratnam, AOR
Mr. Mukesh K. Giri, AOR
Mr. Umesh Kumar Khaitan, AOR
Mr. Sarvam Ritam Khare, AOR
Ms. Binu Tamta, AOR
Mr. S. S. Shroff, AOR
Mrs. Anil Katiyar, AOR
Mr. Sanjay Kumar Visen, AOR
Mr. Pramod Dayal, AOR
Mr. Bimal Roy Jad, AOR
Mr. Surya Kant, AOR
Mr. Annam D. N. Rao, AOR
Mr. S. K. Bhattacharya, AOR
Mr. Rakesh Kumar-i, AOR
Mr. Ashok Mathur, AOR
Ms. Shalini Kaul, AOR
Mr. R. P. Gupta, AOR
Mr. Munawwar Naseem, AOR
Mr. Sushil Kumar Singh, AOR

Mr. Pavan Kumar, AOR
Mr. Rakesh K. Sharma, AOR
Mrs. Priya Puri, AOR
Mr. Satya Mitra, AOR
Ms. Nandini Gidwaney, AOR
Mr. Sushil Kumar Jain, AOR
Mr. Ejaz Maqbool, AOR
M/S. Parekh & Co., AOR
Mr. Rajiv Ranjan Dwivedi, AOR
Mr. Parijat Sinha, AOR
Mr. K. R. Sasiprabhu, AOR
Mrs. B. Sunita Rao, AOR

Mr. Ravindra Kumar, AOR
Ms. Ruchi Kohli, AOR
M/S. S. Narain & Co., AOR
Mr. V. K. Verma, AOR
Mr. Vijay Panjwani, AOR
Mr. P. Parmeswaran, AOR
Ms. Pritha Srikumar, AOR

Mr. V. N. Raghupathy, AOR
Mr. Yoginder Handoo, AOR
Ms. Sakshi Kakkar, AOR
Mr. D. Abhinav Rao, AOR
Ms. Surabhi Sanchita, AOR
Ms. Madhumita Bhattacharjee, AOR
Mr. Gopal Jha, AOR
Mr. M. Shoeb Alam, AOR
Ms. Astha Sharma, AOR
Ms. Divya Roy, AOR
Mr. Debojit Borkakati, AOR
Mr. Vivek Gupta, AOR
Mr. Vipin Nair, AOR
Ms. Puja Sharma, AOR
Mr. V. G. Pragasam, AOR
Ms. Aswathi M.k., AOR
Mr. Shekhar Kumar, AOR
M/S. Ram Sankar & Co, AOR
Ms. Surbhi Mehta, AOR
Ms. K. Enatoli Sema, AOR
Mr. Anurag Kishore, AOR
Mr. B. V. Balaram Das, AOR
Mr. Narendra Kumar, AOR
Mr. D. N. Goburdhan, AOR
Ms. Jaikriti S. Jadeja, AOR
Ms. G. Indira, AOR
Mr. Yash Pal Dhingra, AOR
Mr. R. C. Kohli, AOR
Mr. Kuldip Singh, AOR
Mr. Shuvodeep Roy, AOR
Mr. Sandeep Kumar Jha, AOR
Ms. Garima Prashad, AOR
Mr. Chandra Prakash, AOR
Mr. Vinodh Kanna B., AOR
M/S. Karanjawala & Co., AOR
Mr. Sameer Shrivastava, AOR
Mr. Vikrant Singh Bais, AOR
Mr. Tapesh Kumar Singh, AOR
Mr. Ayush Sharma, AOR
Mr. Rajiv Yadav, AOR
Ms. Charu Ambwani, AOR

MR. VIPIN NAIR, Adv.
Mr. Anshuman Bahadur, Adv.
Mr. P. B. Suresh, Adv.

Mr. Gursharan H. Virk, Adv.
Mr. Nakul Mohta, Adv.
Mr. Simranjit H. Virk, Adv.
Ms. Misha Rohatgi, AOR

Mr. Jatinder Kumar Bhatia, Adv.
Mr. Ashutosh Kumar Sharma, Adv.

Gaurav, AOR
Mr. Vinod Sharma, AOR
Mr. Mritunjay Kumar Sinha, AOR

Mr. Sunil Fernandes, AOR
Ms. Divya Jyoti Singh, AOR

Ms. Nidhi Jaswal, AOR
Ms. Manyaa Chandok, Adv.

Mr. Vinay Garg, AOR
Mr. Prakash Ranjan Nayak, AOR
Mr. Santosh Kumar - I, AOR
Mr. Anas Tanwir, AOR
Mr. Senthil Jagadeesan, AOR
Mr. Akshay Girish Ringe, AOR

Mr. Vishwajit Singh, AOR
Mr. Pankaj Singh, Adv.
Mr. Vignesh Singh, Adv.
Ms. Akansha Singh, Adv.

Mr. Shovan Mishra, AOR
Mr. Aakarshan Aditya, AOR
Mr. Kamendra Mishra, AOR
Mr. Rishi Matoliya, AOR
Ms. Kiran Bhardwaj, AOR
Ms. Shagun Matta, AOR
Mr. Anil Kumar, AOR
Mr. Ashutosh Dubey, AOR
Mr. Mahfooz Ahsan Nazki, AOR
Ms. Uttara Babbar, AOR
Ms. Nidhi Mohan Parashar, AOR
Mr. M. P. Devanath, AOR
Mr. Rajan Narain, AOR
Mr. Neeraj Shekhar, AOR
Mr. M. Yogesh Kanna, AOR
Mr. Subhro Sanyal, AOR
Ms. Tulika Mukherjee, AOR
Mr. Rishi Malhotra, AOR
Mr. Pranav Sachdeva, AOR
Ms. Astha Tyagi, AOR
Mr. T. R. B. Sivakumar, AOR

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

IN RE : SMOG TOWERS
REPORT NO. 106 SUBMITTED BY EPCA

Undertakings have been furnished by the Secretary of Ministry of Environment, Forests and Climate Change, Govt. of India as well as the Principal Secretary of the Department of Environment and Forests, Govt. Of NCT of Delhi, that they will be completing the work relating to Smog Towers within 10 months and the requisite money has been transferred to the Tata Consultancy, and it is stated in the affidavit filed on behalf of the MoEF that a sum of Rs. 52 Lakhs has also been transferred to Clean air- CARE LLC, which is the licensee of University of Minnesota. Similar is the stand of Govt. of NCT of Delhi. Undertakings are taken on record. Any violation on any ground whatsoever shall be treated as contempt of the order passed by this Court as there is already huge unjustified delay in making the compliance of the order. However, since steps are being taken and undertakings have been furnished, we have not proceeded for violation of the order passed by this Court, only on the basis of the action taken and undertakings furnished to complete the project. Let the project be positively completed within 10 months.

IN : REPORT NO. 111 - PILING UP OF THE WASTE/GARBAGE BY THE SIDES
OF RAILWAY TRACKS IN DELHI

Report No. 111 has been submitted by EPCA, in which it has pointed out the following :-

"In this situation, EPCA would submit for the consideration of the Hon'ble Supreme Court the following :-

Indian Railways is not in compliance with the Municipal Solid Waste Management Rules 2016, which require the bulk waste generator to operationalise a plan for all waste generated. The Hon'ble Supreme Court, may direct Indian Railways to present a time-bound plan for the following :-

- 1. Inventory of all solid waste generated in the Northern Region, starting with Delhi and its vicinity. This inventory must include the waste generated in trains and in the stations.*
- 2. Inventory of all lands belonging to it (along the tracks and other land pieces) where there are waste dumps/discard of plastic and other waste and its plans to handle this on a long-terms basis.*
- 3. Plan for management of solid waste as a bulk generator, to ensure compliance with the MSW Rules, 2016. These plans must be comprehensive so that all solid waste generated is segregated at source; bio-degradable waste is composted and the rest is given to authorised waste recyclers/pickers. The plan must be time-bound and with clear monitoring provisions."*

We have considered the affidavit filed by Sh. Ashwani Kumar Yadav, Additional Divisional Railway Manager at DRM Office, Delhi Division, Northern Railway, Ministry of Railways. It is stated in the affidavit that they are acting in coordination with the South Delhi Municipal Corporation, pursuant to the directions issued by this Court on 28.02.2020. Meetings were convened on 05.03.2020 and

17.03.2020. A letter was also written on 28.07.2020 in this regard. The Railways, in consultation with the SDMC, devised an action plan to address the problem of dumping of plastic bags, piling of waste and garbage in the Railway premises and along with Railway lines which was sent to the SDMC vide letter dated 05.08.2020, filed as Annexure R2 to the Affidavit.

It is also pointed out in the affidavit filed on behalf of the Railways that there are predominant presence of jhuggies in Delhi along with 140 km route length of track in the region of NCT of Delhi where the railway tracks take off in different directions and also include a ring connecting the takeoff of all these routes. Out of this, about 70 km route length of track is affected by large jhuggie jhopri clusters existing in close vicinity of the tracks. These clusters sum up to a total of about 48000 nos of Jhuggies in the region adjacent to Railway tracks.

Special Task Force for removal of encroachments from the Railway Property has already been constituted by Railway in terms of the directions and order dated 01.10.2018 passed by the NGT PB New Delhi. There seems to be some political intervention against removal of such encroachments which are coming in the way. There are certain encroachments which are within the safety zone of the Railways. It is further stated in the affidavit that the Railways have doubled the efforts towards maintaining the clean environment on tracks leading to Delhi and nearby tracks. The Railways highlight that the added dimension requires manpower for the purpose and is to be met by the staff which is already handling the work of railway operations.

The Railways has placed on record the task of cleaning the tracks which can be taken in a phased manner and with the cooperation of the statutory authority like Delhi Urban Shelter Improvement Board, Corporations and the State Governments. Other steps taken by the Railways have also been delineated. There is involvement of law and order issues also.

We have heard Ms. Aishwarya Bhati, ASG, Ms. Aparajita Singh, learned Amicus Curiae, Mr. Dinesh Dwivedi and Mr. Wasim A. Qadri, learned senior counsel and other learned counsel appearing on behalf of the Corporations. We direct that let the plan be executed with respect to removal of the plastic bags, garbage etc. within a period of three months and a meeting of all the stakeholders, i.e. Railways, Govt. of NCT of Delhi and concerned Municipal Corporations as well as Delhi Urban Shelter Improvement Trust (DUISB) be called next week and work be started forthwith. 70% of the requisite amount shall be borne by the Railways and 30% by the State Government. The manpower be provided by the SDMC, Railways and agencies available with the Government, free of cost, and they will not charge it from each other. SDMC, Railways and other agencies to ensure that their Contractors do not put the waste/garbage on the sides of the railway tracks.

We also direct all the stakeholders that a comprehensive plan for removal of jhuggies be made and executed in a phased manner. The encroachments which are there in the safety zones should be removed within a period of three months and no interference, political or otherwise, should be there and no Court shall grant any stay with respect to removal of the encroachments in the area

in question. In case any interim order is granted with respect to encroachments, which have been made along with railway tracks, that shall not be effective. Mr. Wasim A. Qadri, learned senior counsel appearing for SDMC, has undertaken the responsibility to remove all the waste/garbage at the specified places where the Railways put the garbage and this will not be a temporary measure, but the Railways shall also prepare a long term scheme that no such piling of the wastes takes place along with the sides of the railways tracks.

The picture painted in the Report of the EPCA as well as in the reply filed by the Railways indicates that nothing has been done so far and waste is being piled up and at the same time, there is human habitation which has come in the same area unauthorisedly, which are required to be taken care of. Let the action taken be reported to this Court within a period of one month. List thereafter.

IN RE : REPORT NOS. 81 & 82 SUBMITTED BY EPCA

Considered the letter dated 26.08.2020 circulated by the Chairman, EPCA. Time of four weeks has been prayed for on behalf of EPCA.

Prayer is allowed.

List after four weeks.

I. A. NOS. 53959 AND 53962/2020

(Applications for impleadment and directions on b/o NTPC)

and

I.A. NOS. 52536, 52538 AND 53358/2020

(APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM NOTARIZATION ON B/O ARAVALI POWER CO. LTD.)

and

I.A. NOS. 58771 AND 58772/2020

(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O TELANGANA STATE POWER GENERATION CORP. LTD.)

and

I.A. NOS. 59929 AND 59930/2020

(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O U.P. RAJYA VIDYUT UTPADAN NIGAM LTD.)

and

I.A.Nos. 64205, 64206 AND 64207/2020

(Applications for directions, permission and exemption from filing court fee and attested affidavit on b/o Singareni Collieries Co. Ltd.)

An undertaking be furnished to this Court that they will abide by the ultimate decision to be taken in the matter at the appropriate level. Let the undertaking be furnished to this Court within four weeks from today.

List after four weeks.

Interim order to continue till next date.

I.A. NOS. 72801 AND 72802/2020

(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O RAJIV GANDHI THERMAL POWER PROJECT)

I.A. NOS. 72795 AND 72796/2020

(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O PANIPAT THERMAL POWER STATION (PTPS))

I.A. NOS. 72778 AND 72779/2020

(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O DEEN BANDHU CHHOTU RAM THERMAL POWER PROJECT)

Issue notice.

There shall be interim stay on recovery till the next date of

hearing.

I.A. NOS. 70498, 70502 AND 70500/2020

(APPLNS. FOR IMPLEADMENT, DIRECTIONS AND STAY ON B/O TAMIL NADU GENERATION AND DISTRIBUTION COPRN. LTD.)

AND

I.A. NO. 71485/2020

(APPLN. FOR DIRECTIONS ON BEHALF OF GUJARAT MINERAL DEVELOPMENT LTD.)

AND

IA NO. 81055 AND 81057/2020

(APPLN. FOR DIRECTIONS AND EXEMPTION FROM FILING ORIGINAL NOTARIZED AFFIDAVIT ON B/O NABHA POWER LIMITED)

AND

IA NOS. 80271, 80272 AND 80274/2020

(APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM NOTARIZATION OF AFFIDAVIT ON B/O PUNJAB STATE POWER CORPORATION LTD.)

List these applications after four weeks.

CONTEMPT PETITION (C) NO. 467 OF 2020

Issue notice to Respondent Nos. 1 to 5 only.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
ASSISTANT REGISTRAR