

Item No. 03

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

M.A. No. 52/2022 & M.A. No. 53/2022
IN
Original Application No. 21/2014

Vardhaman Kaushik

Applicant

Versus

Union of India &Ors.

Respondent(s)

TCI Cold Chain Solutions Ltd.:

Applicant in M.A

Date of hearing: 25.08.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Gaurav Mitra & Mr. Aruj Dhingra, Advocate for TCI Cold Chain
Solutions Ltd. (Applicant in M.A 52-53/2022))

ORDER

1. Heard Shri. Gaurav Mitra, Advocate for the applicant.
2. M.A Nos. 52/2022 and 53/2022- one application is seeking permission to file the application for clarification and another is with the prayer that the appropriate order be passed effecting transfer of registration of nine vehicles (trucks) mentioned in para 3b of the M.A in the name of applicant.
3. Our attention is drawn to letter dated 12.07.2021 signed by Joint Secretary (STA), Transport Dept. Delhi stating that transfer of ownership of vehicles in question cannot be allowed without an order of the Tribunal.

On enquiry from the learned counsel whether there is any prohibitory order passed by this Tribunal or whether this Tribunal has restrained the concerned authority from registering any vehicle without leave or permission of the Tribunal, learned counsel has fairly stated that there is no such order. He however submitted that while Supreme Court's directions with regard to plying of old diesel vehicles in NCT Delhi were enforced, some miscellaneous applications were filed before Tribunal which were disposed of by order dated 30.01.2018 permitting registration of old vehicles with certain conditions. The learned counsel for the applicant pointed out that the vehicles in question initially were purchased by M/s Skygourmet Catering Pvt. Ltd. whose M.A No. 521/2018 was also disposed vide order dated 12.04.2018 in terms of order dated 30.01.2018. However, he could not dispute that regarding registration/transfer of ownership of registration of diesel vehicles neither any prohibitory order has been passed by this Tribunal nor ambiguity in any order of the Tribunal has been brought to the notice of this Tribunal in respect whereof any clarification is required. A direction for registration/transfer of ownership of registration of a vehicle as such does not fall within any of the provisions of NGT Act 2010 or rules framed thereunder conferring jurisdiction to this Tribunal.

In view of above, the M.A52/2022 is disposed of and MA 53/2022 is rejected.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

August 25, 2022
M.A. No. 52/2022 & M.A. No. 53/2022
IN Original Application No. 21/2014
AB