

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Execution Application No.06/2023(WZ)  
In  
Original Application No.117/2017 (WZ)  
(Disposed of on 25.01.2020)**

Dileep B. Nevatia

.....Applicant

*Versus*

The Motor Vehicle Department and Ors.

....Respondent(s)

Date of hearing: 16.02.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant in-person

Respondent(s) : Shri Amar V. Desai, A.R.T.O., Pune for R-1  
Mr. Vilas Jadhav, Advocate for R-2/MPCB.

**ORDER**

1. This execution application has been filed seeking execution/implementation of the order dated 25.06.2020 passed by the Tribunal in Original Application No.117/2017 (WZ) (Dileep B. Nevatia Vs. The Motor Vehicle Department and Ors.), whereby following directions were given:-

- “
1. To ensure strict compliance of Rule 115 sub Rule (7) of the Central Motor Vehicle Rules, 1989 stipulated that only vehicles that carry valid “PUC: Certificate issued by authorised agency 18 are permitted to ply in the State of Maharashtra so as to prevent air pollution due to vehicles do not having PUC certificate.
  2. To record the PUC data only so to automatically linked with the Central Server with uniform standardise software.
  3. To introduce annual third party inspection of PUC centres.
  4. To limit the number of PUC centres upgrade them under strong supervision and quality control.
  5. To ensure 100%compliance by linking annual vehicle insurance and vehicle registration with PUC certificate.

6. *To adopt uniform and standardised data recording and reporting format and uniform software and introduce automatic online network for transmission of PUC data to the Central Server and to allow proper analysis of data for remote auditing of PUC centres.*
7. *To strengthen inspection of PUC centres for quality control and strengthen the licensing programme to ensure proper calibration authentic test, annual maintenance contract for the maintenance of all testing equipment and accessories training of operators, calibration of equipment etc. are carried out.*
8. *To make quality audit of centres and calibration quarterly.*
9. *To upgrade testing centres for high level of automatic emission testing so that operators and vehicles drivers are prevented from manipulation of results.*
10. *To introduce well equipped mobile test centres and a programme to check visibly polluting vehicles."*

2. The present execution application was first considered by us on 03.04.2023 when it was admitted and notices were directed to be issued to the respondents.

3. In compliance with the said notice, from the side of respondent No.1- The Motor Vehicle Department through its Transport Commissioner, Shri Amar V. Desai, Assistant Regional Transport Officer has appeared in-person before us. A reply affidavit dated 28.07.2023 has been filed from its side, wherein it is submitted that directions were given by this Tribunal to ensure strict compliance of Rule 115(7) of the Central Motor Vehicles Rules, 1989 and that only vehicles that carry valid "Pollution under Control" (PUC) Certificate, issued by the authorized agency, are required to be permitted in the State of Maharashtra.

4. It is further mentioned in this affidavit by the respondent No.1 that the said rule provides that after the expiry of a period of one year from the date on which the motor vehicle gets registered first, every such vehicle shall carry a valid "Pollution under Control" Certificate, the validity of which shall be for one year for the motor vehicles complying with Bharat Stage IV and VI pollution norms and for other vehicles, the validity shall be six months and that the said rule also provides that such PUC

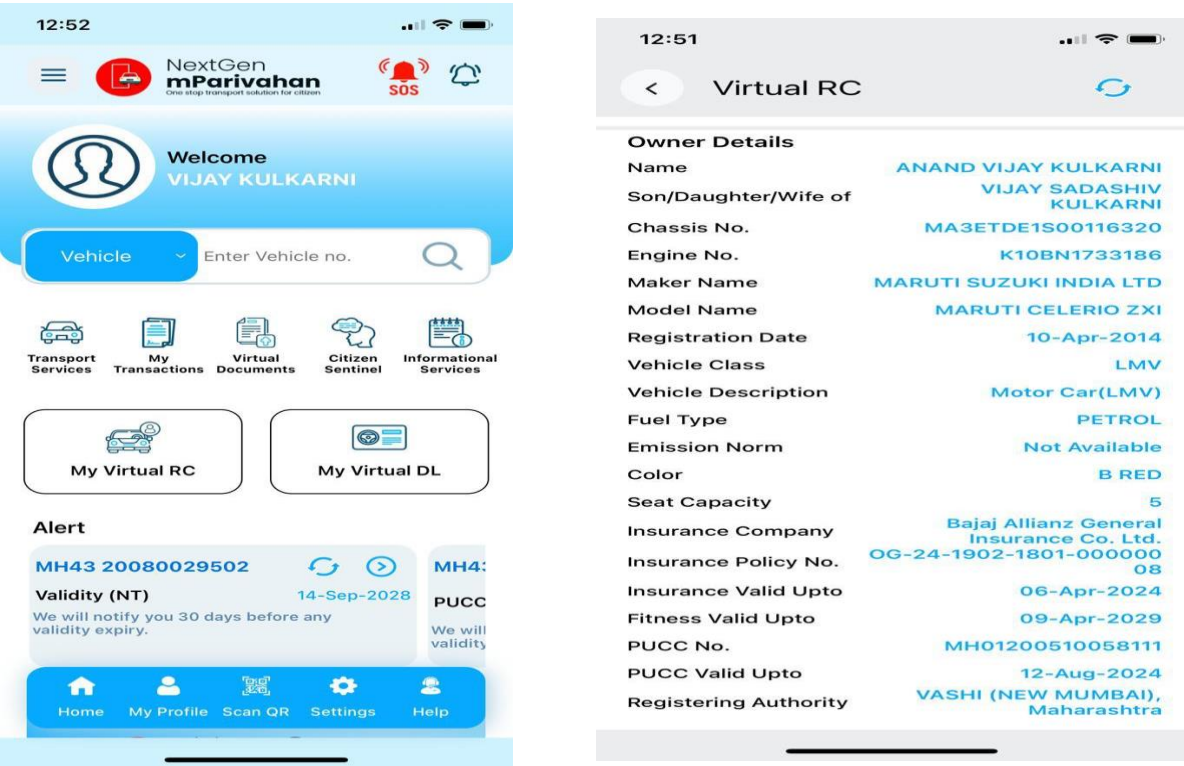
Certificate shall always be carried in the vehicle and be produced on demand by the Officers as referred to in sub-rule 1 of rule 116.

5. It is further mentioned in this affidavit by the respondent No.1 that the Regional / Deputy Regional Transport Offices have granted licenses to PUC Centres in their respective jurisdiction, as per Rules prescribed by the Transport Commissioner Office from time to time. The valid authorised PUC Centre List is also available on the website of [www.Parivahan.gov.in](http://www.Parivahan.gov.in), which is maintained by the Ministry of Road Transport and Highways, Govt. of India. These authorized PUC Centers are conducting tests of emission of smoke, vapour, etc. from the motor vehicles as per the provisions of the Motor Vehicles Act, 1988 and Rules made thereunder.

6. It is further mentioned in this affidavit by the respondent No.1 that in compliance with the direction given by this Tribunal in para no.16(1) of the Order dated 25.06.2020, it is submitted that the regular checking of PUC Certificates is being conducted by the flying squads of the Regional/Deputy Regional Transport Offices. The action under section 115 read-with Section 190 (2) of the Motor Vehicles Act has been initiated against the defaulters so as to prevent air pollution from the motor vehicles. If Owner / Driver of the Motor Vehicle failed to produce a PUC Certificate at the time of checking or within 7 days from the issuance of the checking report, the action under Section 115 read-with Section 177 of the Motor vehicles Act, 1988 is initiated against the Owner/ driver of the Vehicle. The statistics is also given, in respect to vehicles checked where detection is made of violation as well as the recovery made from the violators, in tabular form.

7. It is further mentioned in this affidavit by the respondent No.1 that in compliance with the clause 16(2) of the Order dated 25.06.2020 passed by this Tribunal, it is submitted that as per Notification No.GSR 196 (e)

dated 28.02.2018, the Central Government has amended the Rule 115 (2) by which provision uploading vehicle emission result during testing for in-use vehicles are required to be electronically updated on Central Vahan data-base. We have come to know as per our own experience that there is an app. created by the name mParivahan, on which these informations are being updated. For the sake of convenience, we are reproducing here the self-assessment report of the same:-



8. It is further mentioned in this affidavit by the respondent No.1 that this provision is in force in the State of Maharashtra w.e.f. 01.04.2019 to give effect to the provisions of the Transport Commissioner's Office Circular dated 20.03.2019. A copy of this Circular is annexed as Exhibit-1

9. With respect to compliance related to Clause 16(3) & (4) of the Order dated 25.06.2020 of this Tribunal, it is submitted that the Transport Commissioner's office issued SOP for the PUC Centre, which is implemented from Sep, 2022, a copy of which is annexed as Exhibit-.2. In clause-11 of the said SOP, there is a provision made for surprise inspection at least once a year to ensure proper working of the Centers. The Transport

Commissioner's office issued a Circular to all the Regional/Deputy Regional Transport Officers to conduct surprise inspection of PUC Centres on 13.07.2023. A copy of the said circular is annexed as Exhibit-3.

10. It is further mentioned in this affidavit by the respondent No.1 that in compliance with the clause 16 (5) of the Order dated 25.06.2020 of this Tribunal, it is submitted that noting of Insurance is done automatically on the Vahan System (mParivahan). The issue of updating the vehicle details related to the insurance of new vehicles as well as renewal of the insurance policy of old vehicles are updated on VAHAN 4.0, which is being handled by the Insurance Information Bureau of India.

11. It is further mentioned in this affidavit by the respondent No.1 that in compliance with the clause 16 (6) of the Order dated 25.06.2020 of this Tribunal, it is submitted that as per the amended provisions of Rule 115(2) of the Central Motor Vehicles Rules- 1989, emission result during testing of vehicles are updated electronically on Central Vahan data-base. With respect to direction issued by this Tribunal in clause 16 (7) and 16 (8), it is submitted that the authorization to conduct a pollution test of the vehicles is granted by the respective Regional Transport Offices, as per the guidelines issued by the Transport Commissioner's office and Online PUC programme is made in such a way that without valid calibration certificate, respective PUC Centre cannot issue a PUC certificate to the Vehicle. It is observed by the Transport Commissioner's office that the functioning of the PUC test centres are required to be properly regulated and controlled. Hence, a draft SOP is prepared and submitted to the Government of Maharashtra. The Government of Maharashtra vide its letter dated 23.09.2022 had approved the said SOP for the PUC centres, which regulates and controls PUC testing centres in the State of Maharashtra, which provides every aspect regarding the license. This SOP also provides uniformity in the State of Maharashtra.

We find that the submission, which has been made in para no.11 of this affidavit, is little ambiguous as it is not clearly worded. But what could be made out from it, appears to be that those instruments, which are employed for indicating the pollution, emanating from the vehicles, are tested as per the Automotive Industry Standards (AIS)- 137 (Part-4), which was issued in February 2019, which relates to Test Method, Testing Equipment and Related Procedures for Type Approval and Conformity of Production (CoP) Testing of M & N Category Vehicles having GVW exceeding 3500 kg for Bharat Stage VI (BS-VI) Emission Norms as per CMV Rules 115, 116 and 126. This information, we have taken from net from the website of Ministry of Road, Transport and Highways and it is also observed by us that with respect to direction at Clause 16(9) and 16(10) relating to testing Centers to make them high level of automatic emission testing Centers, it appears that adequate measure is taken by even scrutinizing those instruments, which are employed for gaging the pollution. With respect to direction at clause no.16(10) of the said Judgment, which pertains to introducing well equipped mobile test centers, we found on our own that these mobile centers are available, though no specific mention is made in para no.11 of this affidavit in that regard.

12. From the side of execution applicant, who has appeared in-person before us through Video Conferencing, a rejoinder affidavit dated 13.02.2024, against the affidavit of respondent No.1, has been filed, wherein main emphasis has been laid that the vehicles, which were checked and detected to be defaulting and fine recovered, show that a quarter of vehicles, which were checked, were found to be defaulting and that if calculation is made, that would reveal that around 25% of the total vehicles or about 100 lakh vehicles are running on the roads without being PUC compliant in the State of Maharashtra, which is going to be a great threat to the spread of air pollution. In this regard, we express our opinion

here that it is always possible to make a random checking of the same and it is the duty of the citizen/vehicle owner to ensure that their vehicle has a PUC Certificate, then only the said vehicle should be allowed to run on the road. But if they are found violating the said rule, they are penalized by imposing penalty, for which the provision is already made. We are convinced that the compliance in this regard seems to be adequate.

13. The other important non-compliance from the side of respondent No.1, which we found from the record, is with respect to direction no.16(3), which says to introduce annual third party inspection of PUC Centers. This admittedly has not been complied with, which is candidly admitted by Shri Amar V. Desai, A.R.T.O., Pune, who is present before us. We provide two months' further time to the respondent No.1 for compliance of this direction or to get the said direction set aside because the respondent No.1 has not approached any higher forum for the same.

14. With regard to rest of the compliances, which are recorded by us above as per the affidavit of respondent No.1, we are satisfied with the same.

15. With the above direction, we dispose of this application.

16. All pending applications, if any, also stand disposed of. No order as to cost.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

February 16, 2024  
Execution Application No.06/2023(WZ) In  
Original Application No.117/2017 (WZ)  
(Disposed of on 25.01.2020)  
P.Kr