

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4908-4909 OF 2019

NORTH DELHI MUNICIPAL CORPORATION

...APPELLANT(S)

VERSUS

GNCTD

...RESPONDENT(S)

WITH

CIVIL APPEAL NOS. 4906-4907 OF 2019

ORDER

1. These appeals are by the North Delhi Municipal Corporation challenging a common order passed by the National Green Tribunal in two original applications seeking a direction to the Transport Department to permit the registration of water tankers.
2. By the Order impugned in these appeals, the National Green Tribunal dismissed the original applications on the short ground that an application by the Municipal Corporation is not maintainable in view of the scope of the jurisdiction of the Tribunal under Sections 14 and 15 of the National Green Tribunal Act, 2020.
3. Without going into niceties, it should be pointed out that the occasion for the Municipal Corporation to approach the National

Green Tribunal was a series of orders passed by this Court in **Writ Petition (C) No.13029 of 1985 (M.C. Mehta vs. Union of India & Ors.)** Therefore, during the pendency of the above appeals, certain directions were issued and an order came to be passed on 18.9.2020. The relevant portion of the order dated 18.9.2020 reads as follows:-

“Insofar as vehicles purchased upto 31.03.2020 which are BS-IV compliant are concerned, they must have been registered with the EVahan Portal before the cut-off date to establish the date of purchase. If the purchase had been made on or before 31.03.2020 and these vehicles are BS-IV compliant, such vehicles necessary for the Municipal Corporation to carry essential public utility services should also be registered. But such cases shall be scrutinized by the Environment Pollution Control Authority (EPCA).

In order to avoid repeated applications being filed before this Court just for the purpose of getting registration, we direct that the EPCA shall scrutiny the pending cases and submit a report to this Court so that a common order could be passed without the necessity for several interlocutory applications.”

Pursuant to the aforesaid order, the Environment Pollution Control Authority has examined the matter and submitted a report No.116 dated 28.9.2020. In the said report EPCA has recommended the registration of the vehicles in respect of which the North Delhi Municipal Corporation approached the National Green Tribunal and suffered the order impugned in these appeals.

In the light of the recommendation made by EPCA in its Report dated 28.9.2020, the present appeals are allowed and a direction is issued to the concerned authority for the registration of the vehicles,

for which EPCA has given clearance. The question of law raised by the National Green Tribunal in its impugned order is left open.

.....CJI
(S.A. BOBDE)

.....J.
(A.S. BOPANNA)

.....J.
(V. RAMASUBRAMANIAN)

New Delhi
April 09, 2021

ITEM NO.14 Court 1 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

NORTH DELHI MUNICIPAL CORPORATION

Appellant(s)

VERSUS

GNCTD

Respondent(s)

WITH

C.A. No. 4906-4907/2019 (XVII)

(IA No. 58284/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 09-04-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, Adv.
Ms. Pareena Swarup, Adv.
Mr. Ameet Singh, Adv.
Mr. Kanishk Chaudhary, Adv.
Ms. Sadiya Shakeel, Adv.

For Respondent(s) Mr. Aishwarya Bhati, ASG.
Mr. Wasim Qadri, Sr. Adv.
Ms. Ruchira Gupta, Adv.
Mr. Merusagar Samantaray, Adv.
Mr. J.P. Parida, Adv.
Mr. G.S. Makker, AOR
Mr. Arvind K. Sharma, AOR
Mr. B. V. Balaram Das, AOR

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

The appeals are allowed in terms of the signed order.

Pending application(s), if any, shall also stand disposed
of.

(MADHU BALA)
AR-CUM-PS
(Signed order is placed on the file)

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR