

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)

(IN RE: IMPLEMENTATION OF THE SOLID WASTE MANAGEMENT RULES, 2016
AND IN RE: COLOR CODED STICKERS AND IN RE: POWER PLANTS AND STUBBLE
BURNING)

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Date : 27-01-2025 This matter was called on for hearing today.

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

IN RE: POWER PLANTS

1. We are dealing with the issue of pollution created by power plants in Delhi NCR Region. Our attention is invited to Schedule I under the Environment (Protection) Rules, 1986 (for short, "the 1986 Rules). Rule 3(1) of the 1986 Rules lays down that for the purposes of protecting and improving the quality of the environment and preventing and abating environmental pollution, the standards for emission or discharge of environmental pollutants from the industries, operations or processes shall be as specified in Schedule I to IV. Item No.25 of Schedule I of the 1986 Rules deals with Thermal Power Plants. Item No.25 divides the Thermal Power Plants into three categories, namely (i) Thermal Power Plants (units) installed before 31st December, 2002; (ii) Thermal Power Plants (units) installed after 1st January, 2003 upto 31st December, 2016; and (iii) Thermal Power Plants (units) installed from 1st January, 2017. Table I, which is a part of Item No.25, lays down the outer timelines for making compliance with the parameters other

than SO₂ emissions and SO₂ emissions. Different timelines have been prescribed in the Table for non-retiring units and the retirement of units. In fact, the Table lays down the last date for retirement of units for exemption from compliance. We direct the Union of India to place on record further modifications made to Table I under Item No.25 and explain to the Court the difference between non-retiring units and retiring units.

2. In the note submitted by Ms. Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae, a list of 11 Coal-based Thermal Power Plants has been incorporated, out of which, 04 power plants fall in category 'A' mentioned in Table 1 and the remaining 07 power plants fall in category 'C' mentioned in Table 1. The Union of India will also set out whether any of these 11 power plants have retiring units.

3. As far as category 'A' in Table 1 is concerned, if the power plants falling under the said category are creating pollution, it will affect the pollution level in Delhi if the timelines for compliance in Table 1 have been extended as pointed out by the learned Amicus Curiae.

4. We direct the Commission for Air Quality Management (for short, "the CAQM") to consider and recommend the norms which must be followed by these 11 power plants and their units till the deadlines provided in Table 1 of Item No.25 reach so that the pollution can be curbed. The CAQM may consult the Ministry of Power and the Ministry of Environment, Forest and Climate Change.

We grant time of one month to the CAQM to submit its recommendations. Even the response by the Union of India shall also be filed within a period of one month from today. The CAQM will also consider the note submitted by Shri Pranav Sachdeva, learned Advocate-on-Record.

5. This aspect will be considered on 7th March, 2025 at 2:00 p.m.

IN RE: COLOUR-CODED STICKERS

6. Now we deal with the issue of colour-coded stickers for the vehicles. Section 39 of the Motor Vehicles Act, 1988 (for short, "the 1988 Act") reads thus:

"39. Necessity for registration.— No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this Chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner:

Provided that nothing in this section shall apply to a motor vehicle in possession of a dealer subject to such conditions as may be prescribed by the Central Government."

7. Accordingly, rule-making power has been exercised by the Central Government by framing the Central Motor Vehicles Rules, 1989 (for short, "the CMV Rules"). Clause (iv) of sub-Rule (1) of Rule 50 of the CMV Rules reads thus:

"50. Form and manner of display of registration marks on the motor vehicles:

(1) On or after commencement of this rule, the registration mark referred to in sub-section (6) of Section 41 shall be displayed both at the front and at the rear of all motor vehicles clearly and legibly in the form of security licence plate of the

following specifications, namely:-

....
(iv) apart from the registration marks on the front and rear, the third registration mark in the form of self-destructive type, chromium based hologram sticker shall be affixed on the left-hand top side of the windshield of the vehicle. The registration details such as registration number, registering authority, etc., shall be printed on the sticker. The third registration mark shall be issued by the registering authorities/vehicle manufacturer and their dealers alongwith the regular registration marks, and thereafter if such sticker is destroyed, it shall be issued by the licence plate manufacturer or his dealer:"

8. Clause (iv) of sub-rule (1) of Rule 50 provides for a third registration mark to be issued by the registering authorities/vehicle manufacturers or their dealers along with the regular registration marks. It is also provided that if the third registration mark in the form of a sticker is destroyed, it shall be issued by the licence plate manufacturer or his dealers.

9. The Motor Vehicles (High Security Registration Plates) Order, 2018 (for short, "the 2018 Order") was issued laying down the obligation of a vehicle manufacturer to follow the procedure laid down therein in regard to the High Security Registration Plate (for short, "the HSRP") for new vehicles to be sold on or after 1st April, 2019. Clauses 4, 5 and 6(ix)(a) and (b) of the 2018 Order read thus:

"4. A vehicle manufacturer shall comply with the following procedure in regard to High Security Registration Plates (HSRP) for a new vehicle to be sold on or after 1st April, 2019 namely:-

(a) The type approved High Security Registration Plates including the third registration mark, shall be supplied by the vehicle manufacturers to their dealers, who shall place a mark of registration on such plates and affix them on the automobiles.

(b) A manufacturer of the motor vehicles shall ensure that the requisite infrastructure required for placing the mark of registration on the security licence plates and printing the third registration plate are available with their dealers.

(c) The cost of high security registration plate and its affixture on the vehicle after placing the mark of registration shall be included in the price of the new vehicle and no additional or itemised cost shall be charged from the vehicle purchaser by the dealer for the same.

5. (i) For the affixation of HSRP on existing vehicles, the high security registration plate including the third registration mark may be supplied and affixed by the dealers of the vehicle manufacturers after placing the mark of registration thereon.

(ii) The manufacturers or suppliers of high security registration plates, if so authorised by the state concerned, may also supply the high security registration plate including the third registration mark on old vehicles after placing the registration mark.

6. A manufacturer of the motor vehicles and their dealers or the manufacturers or suppliers of high security registration plates shall comply with the following specifications, namely—

...

(ix)(a) The background colour for the self-destructive type chromium based hologram sticker for the Diesel vehicles shall be Orange and it shall be Light Blue for the Petrol and CNG vehicles:

Provided that, vehicles complying with BS VI emission norms shall have a 1 cm green strip at the top in the third registration plate.

(b) For all other vehicles, the background shall be of grey colour."

10. Therefore, if the 2018 Order is read with Rule 50(1)(iv) of the CMV Rules in the case of all the vehicles sold on or after 1st April 2019, compliance with the 2018 Order must be made, which includes requirements specified in clause 4(c) of the Order. This

Court by an order dated 13th August, 2018 had directed that in the NCR Region, hologram-based stickers of light blue colour shall be used for petrol/CNG vehicles and hologram-based sticker of orange colour should be used for diesel vehicles. The order dated 13th August, 2018 was applicable to all the vehicles in NCR Region and the implementation was to be made by 2nd October, 2018.

11. In view of the 2018 Order, we modify the order dated 13th August, 2018 and direct that (a) as regards the vehicles sold on or after 1st April, 2019, the provisions of the 2018 Order shall apply; and (b) in the case of vehicles sold on or after 1st April, 2019, which have not complied with the provisions of the 2018 Order, an action under Section 192 of the 1988 Act shall be initiated by the concerned Governments. Sub-Section (1) of Section 192 of the 1988 Act is attracted when a person drives a motor vehicle or causes or allows a motor vehicle to be used in contravention of the provisions of Section 39. As noted earlier, Section 39 of the 1988 Act directs that every vehicle which is registered shall carry a registration mark displayed in the prescribed manner. In view of the CMV Rules read with the 2018 Order, if there is non-compliance with the 2018 Order as far as affixation of the third registration mark is concerned, it will attract the provisions of Section 192(1) of the 1988 Act. We, therefore, direct the NCR States to initiate a special drive against such non-compliant vehicles sold on or after 1st April, 2019 and ensure that penal action under Section 192(1) of the 1988 Act is initiated in the case of all such vehicles.

12. As we have modified our earlier order dated 13th August, 2018 by directing that in respect of all vehicles registered within the NCR States, the requirement of the 2018 Order should be complied with, we direct the State Governments concerned to ensure that even in respect of the vehicles registered within the NCR States prior to 1st April, 2019, the provisions of the 2018 Order are implemented. As far as the State of Delhi is concerned, there is an affidavit filed stating that the dealers of the original manufacturers have been authorised to do the work of affixation of the HSRP and colour-coded stickers. We direct the NCR States to file the affidavits within a period of one month from today, setting out the manner in which they will ensure that every vehicle sold before 1st April 2019 is made compliant with the provisions of the 2018 Order.

13. In addition to the directions issued above, to ensure that the vehicles registered in the NCR States before or after 1st April, 2019 make compliance with the 2018 Order, we direct the NCR States not to effect or issue, as the case may be, the transfer of ownership, addition of hypothecation, change of address, hypothecation, continuation of hypothecation, duplicate registration certificate, cancellation of hypothecation and not to permit fitness related activities if the vehicle is not compliant with the 2018 Order. In addition to that, the NCR States shall issue directions that no PUC certificates shall be issued to such vehicles unless compliance is made with the 2018 Order. This direction shall be effective from 15th March, 2025. The NCR States

shall give a wide publicity to this order in media, both electronic and print as well as any other manner including sending text messages on the registered cellphone number of the owner. We clarify that action under Section 192(1) of the 1988 Act shall not be taken in respect of vehicles sold before 1st April, 2025 on the ground of non-compliance with the 2018 Order.

14. The Central Government and all the NCR State Governments shall consider whether a policy decision can be taken to ensure that a substantial number of vehicles purchased by the Governments, Municipal Bodies and other Government Organisations should be electric vehicles. An appropriate decision shall be taken and the same be placed before this Court on or before 17th March, 2025. The same will be considered on 21st March, 2025.

15. We direct the Central Government to call for reports from all the State Governments and the Union Territories regarding compliance with the 2018 order. The reports shall be compiled and filed before this Court on or before 17th March, 2025 so that necessary directions can be issued to the concerned States on 21st March, 2025.

16. For considering the compliance made by the NCR States, list the Petition on 21st March, 2025 at 2:00 p.m.

IA Nos.61328/2020 (CLARIFICATION/DIRECTION) AND 61330/2020 (EXEMPTION FROM FILING O.T.), IA NO.237378/2023 (CLARIFICATION/DIRECTION) AND IA NO.231348/2024 (APPROPRIATE ORDERS/DIRECTIONS)

17. List on 21st March, 2025 at 2:00 p.m.

IN RE: SOLID WASTE MANAGEMENT

18. Now we are dealing with the implementation of the Solid Waste Management Rules, 2016 (for short, "the 2016 Rules"). A compliance affidavit filed on behalf of the Delhi Government in terms of the order dated 19th December, 2024 sets out what is going to happen in future till 2027. In fact, the Government and local authorities have not abided by the timelines mentioned in Rule 22 of the 2016 Rules. The timelines had expired long back. Therefore, we direct the Delhi Government and the Municipal Corporation of Delhi (for short, "the MCD") to make an effort to curtail the outer limits provided in the affidavit.

19. We are facing a huge problem which arises due to the fact that approximately 3,000 tonnes of solid waste generated every day in Delhi remains untreated. With the passage of time, this figure is bound to increase. One of the main reasons for this is the failure of the Delhi Government and the MCD to comply with the 2016 Rules.

20. If there is no real solution to deal with the untreated solid waste generated every day, perhaps, this Court will have to consider of passing drastic orders of stopping certain categories of construction activities in Delhi.

21. The learned ASG has invited our attention to Rule 4 of the 2016 Rules. Rule 4 imposes obligations on every waste generator, street vendor, resident welfare and market association, gated community and institution with more than 5,000 square meter area and all hotels and restaurants to take certain steps which are

mandatory in nature. If Rule 4 is strictly complied with within the State, it may have an effect of if not reducing, but of preventing the generation of more untreated solid waste. We, therefore, direct the Delhi Government and the MCD to form teams which should be given the dedicated task of ascertaining whether there is a compliance with Rule 4 of the 2016 Rules made by all entities to which Rule 4 is applicable. We direct the Delhi Government and the MCD to give wide publicity to this order of the Court by which we are directing strict implementation of Rule 4 of the 2016 Rules in Delhi.

22. Section 15 of the Environment (Protection) Act, 1986 (for short, "the 1986 Act") provides that any person who contravenes or does not comply with any of the provisions of the Act or the rules made or orders or directions issued thereunder, shall be visited with penalty. We direct the Delhi Government, the MCD and all the concerned entities to initiate proceedings under Section 15 of the 1986 Act against those who are either committing breach of the provisions of Rule 4 or who are not complying with the provisions of Rule 4.

23. We direct the Delhi Government/MCD to hold meetings with resident welfare and market associations, representative bodies of the gated communities and institutions, and the hotels and restaurants and other stakeholders for inviting their attention to the provisions of the 2016 Rules. We make it clear that unless a massive exercise of strict implementation of Rule 4 is commenced by the Delhi Government, the MCD and all other local authorities, we

will have to come out with harsh measures. We grant time till 17th March, 2025 to the Delhi Government, the MCD and the local authorities to report compliance with the aforesaid directions.

24. Our attention is invited to Rules 15 and 16 of the 2016 Rules, which lay down the duties and responsibilities of the local authorities. The learned senior counsel appearing for the Delhi Government and the MCD states that as far as clauses (a) and (e) of Rule 15 are concerned, compliance has been made. We direct all the local authorities in Delhi and the State Government to ensure that compliance with the remaining clauses of Rule 15 and in particular, clauses (b), (c) and (d) is made. Even compliance on this aspect shall be reported by 17th March, 2025.

25. Our attention is invited to the fact that in some of the cities in India, certain practices which can be termed as best practices are being followed in connection with source segregation, biodegradable waste management, material processing, plastic waste management, sanitary waste management, landfill management and technological innovations. We direct the Delhi Government and the MCD to follow the best practices adopted in other cities in India. The learned Amicus Curiae pointed out that there is a report of the Niti Aayog of 2021 which enlists certain cities which are following the best practices.

26. We direct the Delhi Government and the MCD to file an affidavit on or before 17th March 2025, setting out which best practices they propose to follow.

27. For considering compliance, list the Petition on 21st March, 2025 at 2:00 p.m.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)