

ITEM NO.301

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

FOR 17.12.2025 ONLY ISSUE REGARDING AIR QUALITY IN DELHI, IA NOs. 319518/2025, 324673/2025 AND 259444/2025 IN W.P.(C) NO. 13029/1985 ARE LISTED; NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, MR. VIPUL KUMAR MS. SANA HASHMI ADVOCATES

Date : 17-12-2025 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

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Mr. P. Parmeswaran, AOR

Mr. Durga Dutt, AOR

Mr. Soumya Dutta, AOR

M/S. Ram Sankar & Co, AOR

Dr. Ram Sankar, Adv.

Mr. S Anand, Adv.

Mr. Sushant Singh, Adv.

Mr. Maheswaran Prabakaran, Adv.

Ms. Malvika Kapila, AOR

Mr. K. Paari Vendhan, AOR

Mr. Varun Singh, Adv.

Mr. Kajal S Gupta, Adv.

Mr. Mudit Gupta, AOR

Mr. Kawaljit Singh Bhatia, AOR

Mr. Priyanshu Tueriyar, Adv.

Mr. Abdul Qadir Abbasi, Adv.

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

IA Nos.319518 and 324673/2025

1. We have heard learned Senior Counsel/counsel appearing in this matter with respect to the directions sought for closure of schools and conducting classes online in light of the dire air pollution in Delhi.
2. During the course of hearing, we are informed that the schools for the children from Nursery to Class-V have been closed temporarily and since the ensuing winter break will start in a week or so, there is no necessity for this Court to intervene in the decision taken by the NCT of Delhi.
3. The desirability of the schools to be closed or to be run on hybrid basis is a question which should perhaps be decided with parental consent and consultation.
4. IAs are, accordingly, disposed of.

I.A. No.81877/2020

1. Issue notice to the Municipal Corporation of Delhi.
2. The assisting counsel of Mr. Sanjiv Sen, learned Senior Counsel, accepts notice on behalf of the Municipal Corporation of Delhi.
3. A copy of this IA be supplied to the CAQM to render its opinion.
4. Meanwhile, the Municipal Corporation of Delhi is directed to consider, on a priority basis, as to why the nine toll plazas in question be not temporarily suspended till the air quality conditions improve in the NCR territory. Such a decision shall be taken and placed on record within a period of one week.
5. A copy thereof be also communicated to the NHAI and CAQM.

I.A. No.259444/2025

1. Issue notice.
2. The assisting counsel of Mr. Sanjiv Sen, learned Senior Counsel, accepts notice on behalf of the Municipal Corporation of Delhi.
3. A copy of this IA be also supplied to the Commission for Air Quality Management (CAQM) to enable the said expert body to render its opinion.
4. We have also impressed upon the NHAI to consider the desirability of shifting the nine toll plaza booths set up by the Municipal Corporation of Delhi to such locations which can be manned by NHAI. In this regard, a portion of the toll collected by the NHAI can be diverted to the Municipal Corporation to compensate

for the perceived loss during the three-month temporary period amidst which the nine toll plazas are sought to be removed.

5. Since the air pollution crisis has become an annual feature, it seems that a long-term plan needs to be evolved and given effect in a phased manner, albeit at the earliest.

6. The CAQM is requested to re-visit the proposed long term measures so as to address the issues like (i) the rural urban mobility; (ii) cleaner industries and clean energy; (iii) stubble burning and sensitization of farmers to stop such practices and instead utilize crop residue for generating income; (iv) regulation of construction activities and the provision of alternative employment to construction workers during the period when such like activities remain halted; (v) measures to control pollution generated from household activities; (vi) identification of the patches of vacant land which can be utilized within NCR for afforestation purposes to increase green cover; (vii) strengthening of the public transport system; (viii) initiation of a citizen-centric approach encouraging the citizens movement and mass awakening towards voluntary relinquishment of activities which are contributory to air pollution; (ix) coordinated efforts between the NCT of Delhi, the States of U.P., Haryana and Rajasthan; (x) and the constitution of an Administrative Body for enforcing regulatory measures for the entire NCR region.

7. As regards the workers engaged in the construction activities, learned Additional Solicitor General of India shall file a Status Report with details pertaining to payment of the

Government's aid to such workers by the next date of hearing.

8. After hearing Ms. Aishwarya Bhati, learned Additional Solicitor General of India, para 2 of the order dated 12.08.2025, passed in I.A. No.175079/2025 in W.P.(C) No.13029/1985, is modified to the extent that no coercive steps be taken against the owners of the vehicles of BS-IV and later emission versions on the ground that they are 10 years old (in case of diesel engine) and 15 years old (in case of petrol engine).

9. Post the matter for further hearing on 06.01.2026.

10. All the IAs be placed before the CAQM, which shall take appropriate decisions.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR