

ITEM NO.15

COURT NO.6

SECTION PIL-W

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: SOLID WASTE DISPOSAL AND IA NOS. 134634/2018 (APPEAL AGAINST ORDER PASSED BY REGISTRAR(J-I) ON B/O GENERAL INSURANCE COUNCIL) AND REPORT OF COMMISSION FOR AIR QUALITY MANAGEMENT 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.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) PETITIONER-IN-PERSON MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M. K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MS. ROOHE HINA DUA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA MR. RAJIV M. ROY, ADVOCATES)

Date: 26-07-2024 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: PUC CERTIFICATE

IA NO.134634/2018

1. We have perused the order dated 10<sup>th</sup> August, 2017. The said order accepts the recommendations submitted by the Environment Pollution (Prevention & Control) Authority (EPCA). Based on the recommendations of the EPCA, the following direction was issued:

"There is now no dispute or disagreement about this. However, it is made clear that the Insurance Companies will not insure a vehicle unless it has a valid PUC Certificate on the date of renewal of the insurance policy.

This should be implemented at the earliest."

2. No provision under the Motor Vehicles Act, 1988, or any other enactment and rules framed thereunder provides that a motor vehicle insurance policy cannot be renewed unless the vehicle has a valid PUC certificate. As rightly submitted by the learned Solicitor General, if the said direction is implemented in its letter and spirit, it will have disastrous consequences. Many vehicles will continue to ply without third-party insurance. Therefore, we are inclined to allow this Application by deleting the direction described above.

3. Obviously, the direction was issued to ensure that every motor vehicle always has a valid PUC certificate. If motor vehicles are allowed to ply on roads without valid PUC certificates, it adds to the existing pollution. Therefore, there has to be some effective

and practical solution. An attempt was made to find an effective solution, as seen from the Note dated 15<sup>th</sup> July 2024, submitted by Ms Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae. The suggestion is based on Report No.99 of the EPCA, which notes the limitations of the PUC tests and has recommended the introduction of remote sensing technology in addition to PUC tests for controlling vehicular pollution. A direction was issued by this Court on 19<sup>th</sup> August 2019 to the Ministry of Road Transport and Highways (MoRTH) as well as the Ministry of Law to take a final decision in the matter and to file a status report. The learned Amicus Curiae submitted that yesterday a report has been filed, which, according to her, is disappointing in the sense that the technology which can be effectively used to control the pollution caused by the vehicles has not appealed to MoRTH. When a body like EPCA had recommended the use of remote sensing technology in addition to PUC tests, MoRTH ought to have taken the suggestion seriously. The learned Solicitor General assures the Court that MoRTH will reconsider the issue. This issue has been hanging fire for the last four years. We are of the view that somewhere a beginning has to be made by commencing the use of remote sensing technology. Therefore, to begin with, it will be appropriate if the use of remote sensing technology can commence in NCR States. MoRTH shall seek the cooperation of the concerned Authorities of the NCR States for this purpose. If MoRTH finds that the concerned Authorities of the NCR States are not cooperating, we permit MoRTH to move this Court so that a notice can be issued to the concerned



Authorities of the NCR States.

4. We grant MoRTH two months to reconsider its position and make an appropriate decision based on our suggestions above.

5. Needless to add, the Secretary of the Ministry of Road Transport and Highways shall immediately convene a meeting of his counterparts and Secretaries of the concerned Departments of the NCR States. MoRTH shall forward copies of this order to the relevant departments of the NCR States to ensure their full cooperation.

6. This Application stands allowed accordingly.

**IN RE: SOLID WASTE MANAGEMENT**

1. We have perused the affidavit filed by the Municipal Corporation of Delhi (MCD). We agree with the submission made by Ms Aparajita Singh, learned Senior Advocate appointed as Amicus Curiae, that in Delhi, the prevailing situation may lead to a health emergency as the generation of solid waste per day in the capital city is above 11000 metric tonnes and the capacity of the processing plants made available by the MCD is only 8073 metric tonnes per day. Therefore, about 3000 metric tonnes of untreated solid waste is accumulating daily in the capital city, and we are sure this figure will gradually increase with every passing day. In the affidavit filed by the MCD, they have come up with the timelines for setting up additional facilities or for enhancing the capacity of the existing facilities. It is pointed out that

litigations are pending. We do not see the light at the end of the tunnel as going by the affidavit of the MCD and assuming that the timelines mentioned therein are abided by, there is no possibility of creating required facilities in the capital city even till 2027, which will have the capacity to deal with 11000 metric tonnes of solid waste per day. No guesswork is required to state that by that time, the generation of solid waste will multiply. We agree with the learned Amicus Curiae that this will lead to a public health emergency. This is a sorry state of affairs when it comes to the implementation of the Solid Waste Management Rules, 2016 (for short, "2016 Rules") in the capital city.

2. We, therefore, direct the Secretary of the Ministry of Environment, Forest and Climate Change (MoEFCC) of the Government of India to immediately convene a meeting of all the concerned State Government officials, the Commissioner of the Municipal Corporation of Delhi and its officials for working out an immediate solution to the issue. We direct the Secretary of the MoEFCC of the Government of India to submit a report to this Court about immediate measures required to be taken for ensuring that non-compliance with the 2016 Rules does not create serious health emergency in the capital city of Delhi.

3. Our attention is invited to an affidavit filed on behalf of the Swachh Bharat Mission (SBM), Ministry of Housing and Urban Affairs (MoHUA), Government of India. It is stated that on 10<sup>th</sup> July 2024, the MCD moved the Government of NCT of Delhi to delegate

financial power to the MCD as per the provisions of Section 202 of the Delhi Municipal Corporation Act, 1957, to approve the rates and agency contracts beyond a sum of Rs.5 crores relating to solid waste management projects. We direct the Government of NCT of Delhi to immediately consider the said proposal dated 10<sup>th</sup> July, 2024 and take an appropriate decision within three weeks from today. The Registry shall forward a copy of this order to the Chief Secretary of the Government of NCT of Delhi. The proposal dated 10th July, 2024 clearly states that it is limited to solid waste management projects. Considering the prevailing situation, if this relief is not granted to the MCD, it will not be able to comply with the 2016 Rules. The Government shall take note of this factual position

4. The situation within the limits of Gurugram, Faridabad and Greater NOIDA is equally bad. For example, the total generation of solid waste in Gurugram is 1200 metric tonnes per day, but the processing capacity of the plants is only of 254 metric tonnes per day. Regarding Faridabad, the total generation of solid waste is 1000 metric tonnes per day, and the processing capacity of plants is approximately of 410 metric tonnes per day. The situation in the Greater NOIDA is slightly better. We, therefore, direct the Secretary of the Ministry of Environment, Forest and Climate Change of the Government of India to immediately convene a meeting with the Secretary of the Ministry of Housing and Urban Affairs (MoHUA), the Commissioners of the Municipal Corporations at Gurugram and

Faridabad, officials of the Greater NOIDA and the Secretaries of the Department of Environment of the State Governments of Haryana and Uttar Pradesh and come out with immediate solutions to deal with the crisis which will lead to public health emergency. The report regarding Delhi and these three areas of Gurugram, Faridabad and Greater NOIDA shall be submitted by the Secretary of the MoEFCC of the Government of India within one month from today.

5. For considering the issue regarding solid waste management, list on 6<sup>th</sup> September, 2024.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)