

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)

(IN RE: COMMISSION FOR AIR QUALITY MANAGEMENT (CAQM) (AIR POLLUTION) AND IN RE: STUBBLE BURNING 1) I.A. NOS. 209845 AND 209846/2024 (APPLICATIONS FOR DIRECTION AND PERMISSION TO FILE APPLICATION FOR DIRECTION) 2) I.A. NO. 235980/2024 (APPLICATION FOR INTERVENTION) 3) I.A. D. Nos. 50346, 50347, 50349 and 50350 of 2020 (APPLICATIONS DIRECTION AND APPEAR AND ARGUE IN-PERSON) 4) I.A. NOS. 88585/2020, 16223, 16230, 16235, 16236/2021 (APPEAL AGAINST LD. REGISTRAR'S ORDER, APPLICATIONS FOR CONDONATION OF DELAY IN FILING, CONDONATION OF DELAY IN REFILING, DIRECTIONS, PERMISSION TO APPEAR AND ARGUE IN PERSON) 5) I.A. NO. 252572/2024 (APPLICATION FOR INTERVENTION) 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.) MR. DEEPAK KHOSLA, PETITIONER-IN-PERSON 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. NIRAJ GUPTA, MR. MANISH KUMAR GUPTA, MR. KUMAR DUSHYANT SINGH ADVOCATES)

Date : 22-11-2024 This petition was called on for hearing today.

CORAM :

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

1. Firstly, we are dealing with the compliance made by the Government of the National Capital Territory of Delhi with the measures prescribed in the Graded Response Action Plan (for short, "the GRAP") Stage IV. So far as compliance with clauses 1 and 2 of Stage IV is concerned, we are not satisfied with the affidavit of the Delhi Government. The Government has not stated specifically in the affidavit at how many entry points into the State, there are teams stationed to implement clauses 1 and 2 of Stage IV of preventing entry of vehicles.

2. The learned Amicus Curiae pointed out that there are 113 entry points for entry into the State and the learned senior counsel appearing for the Delhi Government, on instructions, states that vigil is maintained primarily only at 13 major entry points for ensuring compliance with clauses 1 and 2 of Stage IV. This means that from the other 100 entry points, there is no restriction on entry of vehicles, which is banned under Stage IV.

3. We direct the Delhi Government and the Delhi Police to ensure that check posts are immediately set up at all 113 entry points into the State. The personnel operating the entry points must be clearly informed about the excepted items mentioned in clause 3 of the order dated 18th November, 2024 issued by the Government of Delhi. The trucks and the other vehicles covered by clauses 1 and 2 carrying only the items mentioned in clause 3 of the order dated 18th November, 2024 shall be allowed entry into the State.

4. Thus, it is apparent that notwithstanding the orders passed by this Court and the orders passed by the Commission for Air Quality Management (for short, "the Commission"), there is a failure on the part of the Delhi Government as well as the police machinery of the State to implement clauses 1 and 2 of Stage IV. We have been informed that CCTV cameras have been installed at 13 major entry points. The authorities concerned shall immediately hand over the CCTV footage of what is recorded on CCTV cameras at these 13 entry points from 18th November 2024 onwards, either on a CD or a pen drive, to the learned amicus curiae at the earliest.

5. Out of 113 entry points, at almost 100, there is no one to stop the entry of prohibited vehicles. We requested the members of the Bar to come forward and act as the Court Commissioners. We are happy to note that 13

young members of the Bar who are present today have volunteered to act as the Commissioners of this Court. We appoint them as the Court Commissioners. Their names and cell phone numbers are as follows:

- (1) Mr. Pratyush Jain 7217868306
- (2) Mr. Aditya N.Prasad 9213155390
- (3) Mr. Aditya Bharat Manubarwala 9819825338
- (4) Ms. Manisha Chava 7042346777
- (5) Mr. Abhinav Aggarwal 9718880040
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- (8) Mr. Jatin Kumar 9958569293
- (9) Mr. Mohit Siwach 9643797717
- (10) Mr. Abhishk Budhiraja 8860995133
- (11) Mr. Pranav Dhawan 7619191176
- (12) Ms. Savi Nagpal 9953157024
- (13) Mr. Sumit Kumar 8377088277

6. The learned Additional Solicitor General appearing for the Union of India shall forward a list of these 13 members of the Bar along with their cell phone numbers to the Commissioner of Police, Delhi, who will ensure that the visit of 13 members of the Bar to various entry points is facilitated. We leave it to the 13 Court Commissioners appointed to decide who will visit which entry point. Needless to add, their job will be to

ascertain whether Clauses 1 and 2 of Stage IV are being implemented at whichever entry point they visit. They are permitted to take photographs and videos. We request the members of the Bar to submit a comprehensive report of visits made till 24th November 2024, on Monday, 25th November 2024, when this matter will be heard. The Court Commissioners need not wait until a copy of this order is uploaded as all concerned parties are made aware of their appointment; if necessary, they shall be guided by the learned amicus curiae appearing in this case.

7. Mr Aditya N. Prasad will act as a coordinator for coordinating the activities of 13 advocates appointed as Court Commissioners. The learned amicus curiae will take the help of this team of 13 members of the Bar for scrutiny of the CCTV footage provided to her by the authorities.

IA No.269389 of 2024

8. List on 25th November, 2024

IA Nos.270761 and 270763 of 2024

9. List on 25th November, 2024.

10. List the Petition on 25th November, 2024 at the end of the cause list. On that day, we will consider the question of continuing GRAP IV measures and various issues arising therefrom. The report of the Court Commissioners will also be considered on that day.

11. We make it clear that the issues concerning the implementation of GRAP IV will be considered on 25th November 2024, and the other matters ordered to be considered on 25th November 2024 will be postponed.

IA No.209845/2024

12. We permit the applicant to furnish fresh particulars of respondent no.6. If fresh particulars are furnished, issue notice to respondent no.6, returnable after three weeks.

13. Dasti, in addition, is permitted.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER