

M. C. MEHTA

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v.

UNION OF INDIA AND ORS.

(I.A.No. 487, 491, 494, 489 and 495 of 2017).

in

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(Writ Petition (Civil) No. 13029 of 1985)

MARCH 29, 2017

[MADAN B. LOKUR AND DEEPAK GUPTA, JJ.]

Environment – Pollution – Air Pollution – Commercial vehicles not complying with Bharat Stage-IV emission standards causing health hazards and adding to the already alarming air pollution levels – Ban on sale and registration of existing stock of such vehicles on and from 1st April, 2017 – Plea of manufacturers that they are entitled to manufacture such vehicles till 31st March, 2017 and thus may be given reasonable time to dispose of such existing stock – Held: The manufacturers of such vehicles were fully aware that eventually from 1st April, 2017 they would be required to manufacture only Bharat Stage-IV compliant vehicles but they chose to sit back and declined to take sufficient pro-active steps – Introduction of such vehicles on the road is a potential health hazard affecting millions of people in the country – Health of people is far more important than commercial interests of the manufacturers or the loss that they are likely to suffer – On balance, directions issued inter alia prohibiting sale and registration of commercial vehicles non-compliant with Bharat Stage-IV on and from 1st April 2017 – Motor Vehicles Act, 1988 – Supreme Court – Directions.

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M.C. Mehta v. Union of India (2016) 4 SCC 269 – referred to.

Case Law Reference

(2016) 4 SCC 269

referred to

Para 6

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CIVIL ORIGINAL JURISDICTION: I. A.No. 487/2017, I. A. No. 491/2017, I. A. No. 494/2017, I. A. No. 489/2017, I. A. No. 495/2017 in Writ Petition (Civil) No. 13029/1985

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A Under Article 32 of the Constitution of India.

Ranjit Kumar, SG, Harish N. Salve, Sr. Adv.(AC), Siddhartha Chowdhury, A. D. N. Rao, Ms. Aparajita Singh, (ACs), S. Wasim A. Qadri, Zaid Ali, G.S. Makkar, Kaushik Poddar, Gautam Singh, Ms. Snehil Sonam Singh, Ms. Isha Singh, Tarun Gulati, Neil Hildreth, Rahul Jain, B Kishore Kunal, Ankur Talwar, Anupam Mishra, Ms. Aswathi Balraj, Ms. Hitakshi Mittal, Abeer Kumar, Ms. Nandini Gidwaney, Sachin Pujari, R.V. Prabhat, Hrishikesh Chitale, Ashish Verma, Chandra Prakash, Sandeep Naryan, Mrs. Nandini Gore, Ms. Tahira Karanjawala, Ms. Natasha Sehrawat, Ms. Khushboo Bari, Mrs. Manik Karanjawala, Sidharth Sharma, Sandeep Narain, Avishkar Singhvi (for M/s. S. Narain & Co.), C Vijay Panjwani, Sandeep Narain (for M/s. S. Narain & Co.) Vijay K. Sondhi, Sujeeta Srivastava, Cauveri Birbal, Arnav Sanyal, Advs. for the appearing parties.

Petitioner-in-person.

D The following Order of the Court was delivered

ORDER

1. We have heard the learned Solicitor General, learned *Amicus Curiae*, learned counsel for the interveners who are manufacturers of vehicles (two wheelers, three wheelers, four wheelers and commercial E vehicles – for short referred to as ‘such vehicles’) and learned counsel for the association of dealers of such vehicles.

2. The seminal issue in these applications is whether the sale and registration and therefore the commercial interests of manufacturers and dealers of such vehicles that do not meet the Bharat Stage-IV (for F short ‘BS-IV’) emission standards as on 1st April, 2017 takes primacy over the health hazard due to increased air pollution of millions of our country men and women. The answer is quite obvious.

3. The controversy relates to the sale and registration (on and G after 1st April, 2017) of such vehicles lying in stock with the manufacturers and dealers that meet the Bharat Stage III emission standards (for short BS-III standards) but do not meet the BS-IV emission standards.

4. Briefly, according to the manufacturers, they are entitled to H manufacture such vehicles till 31st March, 2017 and they have done so. In so doing, they say that they have not violated any prohibition or any

law. Hence, the sale and registration of such vehicles on and from 1st April, 2017 ought not to be prohibited. They say that they will not be manufacturing any vehicle that does not comply with the BS-IV emission standards from and after 1st April, 2017 and therefore the only issue is the sale and registration of the existing stock of such vehicles that comply with BS-III emission standards. They say that they may be given reasonable time to dispose of the existing stock of such vehicles.

5. On the other hand, according to the learned *Amicus*, permitting such vehicles to be sold or registered on or after 1st April, 2017 would constitute a health hazard to millions of our country men and women by adding to the air pollution levels in the country (which are already quite alarming). It is her submission that the manufacturers of such vehicles were fully aware, way back in 2010, that all vehicles would have to convert to BS-IV fuel on and from 1st April, 2017 and therefore, they had more than enough time to stop the production of BS-III compliant vehicles and switch over to the manufacture of BS-IV compliant vehicles. In fact, the major manufacturer of 4 wheeler vehicles, Maruti Suzuki had completely switched over to the manufacture of BS-IV compliant vehicles a few years ago. However, for reasons best known to manufacturers of such vehicles and entirely at their peril, they did not make a complete switch (though a partial switch has been made) even though they had the technology and technical know-how to do so. Therefore, keeping the larger public interest in mind and the potential health hazard to millions of our country men and women due to increased air pollution, there is no justification for any of the manufacturers not shifting to the manufacture of BS-IV compliant vehicles well before 1st April, 2017.

6. It has been brought to our notice that on 5th January, 2016 the learned Solicitor General on behalf of the Government of India had submitted before this Court that requisite quality fuel for BS-IV compliant vehicles would be available (all over the country) with effect from 1st April, 2017.¹ This was confirmed and reiterated by the learned Solicitor General during the course of hearing and he stated that now from 1st April, 2017 requisite quality fuel for BS-IV compliant vehicles would be available all over the country. He also pointed out that the refineries of the Government of India had incurred an expenditure of about Rs.30,000 crores for producing requisite fuel for BS-IV compliant vehicles.

¹ M.C. Mehta v. Union of India, (2016) 4 SCC 269

A 7. On balance, in our opinion, the submission of the learned *Amicus*
deserves to be accepted keeping in mind the potential health hazard of
such vehicles being introduced on the road affecting millions of our people
in the country. The number of such vehicles may be small compared to
the overall number of vehicles in the country but the health of the people
is far, far more important than the commercial interests of the
B manufacturers or the loss that they are likely to suffer in respect of the
so-called small number of such vehicles. The manufacturers of such
vehicles were fully aware that eventually from 1st April, 2017 they would
be required to manufacture only BS-IV compliant vehicles but for reasons
that are not clear, they chose to sit back and declined to take sufficient
C pro-active steps.

8. Accordingly, for detailed reasons that will follow, we direct
that:

D (a) On and from 1st April, 2017 such vehicles that are not BS-IV
compliant shall not be sold in India by any manufacturer or dealer, that is
to say that such vehicles whether two wheeler, three wheeler, four
wheeler or commercial vehicles will not be sold in India by any
manufacturer or dealer on and from 1st April, 2017.

E (b) All the vehicle registering authorities under the Motor Vehicles
Act, 1988 are prohibited for registering such vehicles on and from 1st
April, 2017 that do not meet BS-IV emission standards, except on proof
that such a vehicle has already been sold on or before 31st March, 2017.

9. As mentioned above, detailed reasons for the above order will
be given in due course.

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Divya Pandey

Directions issued.