

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: CONSTRUCTIONS AND ROAD DUST 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, ADVOCATES

Date : 17-02-2025 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE UJJAL BHUYAN

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

IN RE: CONSTRUCTIONS AND ROAD DUST

1. Today, we are dealing with the implementation of the directions/guidelines issued by the Commission for Air Quality Management (for short, "CAQM") under the orders dated 23rd December, 2020, 11th June, 2021, 2nd November, 2022, 13th February, 2024, 2nd December, 2024 and 2nd January, 2025. All that we can say today is that if it is found that these directions are not being complied with, the CAQM will forthwith proceed to take penal action against all concerned under Section 14 of the Commission for Air Quality Management In National Capital Region and Adjoining Areas Act, 2021 (for short, "the CAQM Act") and compliance shall be filed within a period of one month from today.

2. What we find from the policy document of the CAQM and other material on record is that so far this Court has not considered a very important issue regarding the implementation of Construction and Demolition Waste Management Rules, 2016 (for short, the "C & D Waste Rules"). We, therefore, direct the Delhi Government and State Governments of the National Capital Region States as well as the Municipal Corporation of Delhi to file affidavits setting out the steps taken, if any, for implementation of 2016 Rules. The affidavits shall be filed within one month from today. No further time shall be granted. After the affidavits are filed, we will deal with the issue of dust mitigation at C&D sites and implementation of the 2016 Rules on 26th March, 2025 at 3.00 p.m.

IN RE: GRADED RESPONSE ACTION PLAN (GRAP) MEASURES

3. The learned Additional Solicitor General has placed on record a chart showing current trends of Air Quality Index (AQI) in Delhi. We find that from 3rd February, 2025 onwards, AQI has not crossed 300.

4. For the time being, we relax the directions under paragraphs 8 and 9 of the order dated 5th December, 2024. Now, the CAQM will implement comprehensive GRAP schedule as already approved by this Court by order dated 12th December, 2024. In case the AQI exceeds 300, we direct the learned amicus curiae to mention the matter for

seeking appropriate directions from this Court

IN RE: GRIEVANCE REDRESSAL MECHANISM

5. At this stage, the learned amicus curiae has invited our attention to order dated 27th September, 2024 of this Court which essentially deals with Grievance Redressal Mechanism. Her submission is that the order has not been complied with in its true and spirit.

6. We direct the CAQM to report compliance with all the directions contained in paragraph 14 of the said order by filing an affidavit within a period of three weeks from today. The affidavit shall be considered on 26th March, 2025 at 3.00 p.m.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER