

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)

(ONLY I.A. NO. 45883/2020 AND I.A. NO. 45912/2020 AND I..A. NO. 48113/2020(EXTENSION OF TIME) TO BE LISTED ON 27.3.2020 MR. CHANDRA PRAKASH AND MUDIT SHARMA, ADVOCATES

IA No. 45883/2020 - INTERVENTION/IMPLEADMENT

IA No. 45912/2020 - MODIFICATION)

Date : 27-03-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

For applicant(s)/petitioner(s)

Mr. K.V. Vishwanathan, Sr. Adv.
Mr. R. Basant, Adv.
Mr. Mudit Sharma, Adv.
Mr. Rishikesh Chitaley, Adv.

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG
Mr. S.S. Rebello, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Mukesh Kumar Maroria, AOR

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

The Court convened through Video Conferencing.

IA Nos. 45883/2020, 45912/2020 & 48113/2020

It is stated by Mr. K.V. Vishwanathan, learned senior counsel appearing on behalf of the applicant/Federation of Automobile Dealers Association that 1,05,000 two-wheelers, 2250 passenger cars

and 2000 commercial vehicles are there which have been sold but not registered through out India. Unsold vehicles are stated to be 7,00,000 two wheelers, 15,000 passenger cars and 12,000 commercial vehicles.

With the consent of Mr. A.N.S. Nadkarni, learned Additional Solicitor General and Mr. K.V. Vishwanathan, learned senior counsel, it is ordered that sold vehicles be registered by the concerned authorities by 30.04.2020. However, at the same time we direct the applicant to furnish details of the purchasers, on affidavit, of the aforesaid vehicles through e-mail, within seven days from today. Details of registration shall also be furnished to this Court.

With respect to unsold vehicles as the manufacturer should have been ready because of deadline set for BS-VI compliant vehicles, there is no justification to extend the time which was fixed long time ago. This is not something new which has occurred, it would be further injurious and further burden on human health to be caused by pollution of BS-IV vehicles when BS-VI vehicles are supposed to be produced by the manufacturers well in advance considering the deadline of 31st March, 2020.

It is stated that there are 7,00,000 two-wheelers which are unsold through out India with different dealers. Similarly, passenger vehicles are 15,000 and commercial vehicles are 12,000. In Delhi and NCR region, we are not allowing sale and registration of these kind of vehicles any more. However, in the remaining part of the country, due to the situation which has arisen due to lock-down, it is ordered that not beyond 10% of the vehicles, except

with the Dealers in Delhi and NCR region, are permitted to be sold out of the aforesaid number of vehicles to make up the good of six days which were available before the lock-down has been ordered in the country. Details of the sale shall be furnished by the applicant and there shall be no violation of the order passed by this Court. Sales to be done within ten days of the lifting of the lock-down operating in the concerned cities and not beyond it and on an affidavit number of vehicles sold shall be stated by the applicant/Federation of Automobile Dealers Association and only those vehicles shall be permitted to be registered about which affidavit is filed. If out of the vehicles which are permitted to be sold some of them remain unsold then obviously there is no question of any further extension of time for sale of these kind of vehicles. Particulars shall be given on an affidavit with engine and chassis numbers by the applicant/Federation of Automobile Dealers Association of the sale of vehicles before the registration is made, within seven days of the sale.

The application for impleadment is allowed to the extent of intervention and these applications are accordingly, disposed of.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANAND PRAKASH)
BRANCH OFFICER