

ITEM NO.19                      Court 3 (Video Conferencing)                      SECTION PIL-W

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)

((1) IN RE: REGISTRATION OF BS IV VEHICLES (i) I.A. NOS. 56015, 56017 AND 56018/2020 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON B/O NORTH EAST PLANTATION AND COMMERCIAL PVT. LTD.)(ii) IA D. NOS. 59206 AND 59207//2020 (APPLNS. FOR INTERVENTION AND PERMISISON TO FILE ADDITIONAL DOCUMENT ON B/O GOPAL SPEED WORLD)(iii) IA NOS. 58758, 58761 AND 59871/2020 (APPLNS. FOR IMPLEADMENT, DIRECTION AND SEEKING EXEMPTION FROM FILING NOTARIZED AFFIDAVIT ON B/O ELICO LTD.)(iv) I.A. NOS. 59514, 59519 AND 59516, 59522/2020 (APPLNS. FOR IMPLEADMENT, AND DIRECTIONS ON B/O KAPIL AGGARWAL)(v) I.A. NO. 64524/2020 (APPLN. FOR DIRECTIONS ON B/O DY. COMMISSIONER OF POLICE)(vi) I.A. NO. 69588/2020 (APPLN. FOR DIRECTIONS ON B/O DY. COMMISSIONER OF POLICE)(vii) IA NOS. 71261 AND 71265/2020 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF G.K. MOTORS PVT. LTD. AND ORS.)(viii) IA NOS. 69089 AND 69091/2020 (APPLNS. FOR IMPLEADMENT, DIRECTIONS ON BEHALF OF DRN INFRASTRUCTURE PVT. LTD.) (ix) IA NOS. 74788 AND 74791/2020 (APPLNS. FOR IMPLEADMENT AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON BEHALF OF MR. RAJEEV KUMAR SINGH)(2) IN RE: COLOUR-CODED STICKERS(i) REPORT NO. 103 SUBMITTED BY EPCA (SPECIAL REPORT: DELAY IN IMPLEMENTATION OF COLOUR-CODED STICKERS ON VEHICLES)(ii) IA NOS. 61299, 61328 )

WITH

C.A. No. 8187/2019 (XVII)

(IA No.162347/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 36562/2019 (XVII)

(IA No.161186/2019-CONDONATION OF DELAY IN FILING and IA No.161189/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 13-08-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE KRISHNA MURARI

**Counsel for the parties**

**Mr. Harish N. Salve, Sr. Advocate (A.C.)  
[NOT PRESENT]**

**Ms. Aparajita Singh, Sr. Advocate (A.C.)**

**Mr. A.D.N. Rao, Advocate (A.C.)**

**Mr. Siddhartha Chowdhury, Advocate (A.C.)**

**Mr. Tushar Mehta, Solicitor General**

**Mr. K. M. Nataraj, ASG**

**Ms. Aishwarya Bhati, ASG**

**Mr. W.A. Qadri, Sr. Adv.**

**Ms. Suhasini Sen, Advocate**

**Mr. Rajesh Kumar Singh, Adv.**

**Mr. S.S. Rebello, Adv.**

**Mr. Kanu Agarwal, Adv.**

**Mr. Vibhu Shankar Mishra, Adv.**

**Mr. Raj Bahadur Yadav, Adv.**

**Mr. Vibhas Kumar Jha, Adv.**

**Mr. D.L. Chidananda, Advocate**

**Mr. B. K. Prasad, Adv.**

**Mr. Rajat Nair, Adv.**

**Ms. Snidha Mehra, Adv.**

**Mr. B.V. Balram Das, Adv.**

**Mr. Rajesh Kumar Singh, Adv.**

**Mr. G.S. Makker, Adv.**

**Mr. Nishesh Sharma, Adv.**

**Mr. Ranjan Kr Chourasia, Adv.**

**Mr. Tushar Mehta, SG**

**Mr. Anil Grover, Sr. AAG/Haryana**

**Ms. Noopur Singhal, Adv.**

**Mr. Rahul Khurana, Adv.**

**MR. SANJAY KR. VISEN, Adv.**

**Mr. Tushar Mehta, SG**

**Mr. V. Shekhar, Sr. Adv.**

**Mr. Rajeev Kumar Dubey, Adv.**

**Mr. Kamendra Mishra, Adv.**

**Mr. K. V. Vishwanathan, Sr. Adv.**

**Mr. Raghenth Basant, Adv.**

**Mr. Hrishikesh Chitale, Adv.**

**Mr. Chandra Prakash, Adv.**

**Mr. Sanjay Jain, ASG**

**Mr. Adarsh Tripathi, Advocate**

**Mr. Anish Gupta, Advocate**

**Mr. Nikhil Kandpal, Advocate**

**Mr. Gaurav Srivastava, AOR**

Mr. Sanjiv Sen, Sr. Adv.  
Mr. Tavinder Sidhu, Adv.  
Mr. Abhay Itagi, Adv.  
Ms. Aditi Sharma, Adv.  
For Ms. M.V. Kini & Associates

Mr. A.N.S. Nadkarni, Sr. Adv.  
Mr. Sameer Shrivastava, Adv.

Mr. P. S. Narshimha, Senior Advocate  
Ms. Uttara Babbar, Advocate  
Ms. Bhavana Duhoon, Advocate  
Mr. Manan Bansal, Advocate  
Ms. Sindoor VNL, Advocate  
Ms. Aditi Tripathi, Adv.  
Ms. Kanti, Adv.

Mr. Dhruv Mehta, Sr. Adv.  
Mr. Alok Yadav, Adv.  
Mr. Ayush Sharma, Adv.

Mr. Dhruv Mehta, Sr. Adv.  
Ms. Ranjana Roy Gawai, Adv.  
Ms. Vasudha Sen, Adv.  
Ms. Prachi Golechha, Adv.  
Ms. Ananya Chug, Adv.  
Ms. Divya Roy, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.  
Ms. Jyoti Mendiratta, Adv.  
Mr. Chirag M. Shroff, Adv.  
Ms. Sanjana Nangia, Adv.  
Ms. Abhilasha Bharti, Adv.  
Mr. Sanjeev Khirwar, Adv.

Mr. S. Prabakaran, Sr. Adv.  
Mr. R. Balasubramanian, Sr. Adv.  
Mr. Ram Sankar, Adv.  
Mr. G. Chitrakala, Adv.  
Ms. Sujatha Bagadhi, Adv.  
Mr. Ashish Upadhyaya, Adv.  
Ms. Divya, Adv.  
for Ram Sankar & Co.

Mr. R. C. Mishra, Sr. Adv.  
Mr. Sanjay Kumar Dubey, Adv.  
Ms. Ananya Mishra, Adv.  
Mr. Llin Saraswat, Adv.  
Dr. Charu Mathur, Adv.

Mr. Mohit Chaudhary, Adv.  
Ms. Puja Sharma, Adv.

Mr. Kunal Sachdeva, Adv.  
Mr. Shyam Singh Yadav, Adv.  
Mr. Imran Ali, Adv.  
Mr. Balwinder Singh Suri, Adv.  
Mr. Parveen Kumar, Adv.  
Mr. Garima Sharma, Adv.  
For Kings & Alliance LLP, AOR

Mr. Anip Sachthey, Sr. Adv.  
Mr. Deepak Bashta, Adv.  
Mr. Kunal Mehta, Adv.  
Ms. Shagun Matta, Adv.

Mr. Matrugupta Mishra, Adv.  
Mr. Samyak Mishra, Adv.  
Ms. Divya Roy, Adv.

Mr. S. Udaya Kumar Sagar, Adv.  
Ms. Swati Bhardwaj, Adv.

Mr. Chirag M. Shroff, Adv.  
Ms. Sanjana Nangia, Adv.  
Ms. Abhilasha Bharti, Adv.

Mr. Sanjiv Sen, Sr. Adv.  
Mr. Wasim Qadri, Sr. Adv.  
Mr. Praveen Swarup, Adv.  
Mr. Amit Singh, Adv.  
Mr. Kanishk Chaudhary, Adv.  
Mr. Dev Roy, Adv.

Mr. Sanjay Hegde, Sr. Adv.  
Mr. Anas Tanwir, Adv.  
Ms. Sushma Mathur, Adv.

Ms. Vibha Datta Makhija, Sr. Adv.  
Ms. Aswathi M.K., Advocates

Mr. Nalin Kohli, Sr. Adv.  
Mr. Anil Kumar, Adv.  
Mr. Ankit Roy, Adv.  
Mr. Debojit Borkakati, Aor

Dr. Manish Singhvi, Sr. Advocate  
Mr. Sandeep Kr. Jha, Adv.

Mr. C.N. Sreekumar, Sr. Adv.  
Ms. Anupama Kumar, Adv.  
Mr. Arjun Dewan, Adv.  
Mr. Prakash Ranjan Nayak, Adv.

Mr. Vikas Mahajan, AAG, H.P.  
Mr. Vinod Sharma, Aor

Mr. Anil Kumar, Adv.

Mr. Gopal Sankaranarayanan, Sr. Adv.  
Mr. Senthil Jagdeesan, Adv.

Mr. Vibhu Tiwari, Adv.  
Mr. Aakarshan Aditya, Adv.  
Mr. Sumit R. Sharma, Adv.

Mr. Abhishek, Adv.

Mr. Animesh Kumar, Adv.  
Mr. Murari Kumar, Adv.  
Mr. Neeraj Shekhar, Adv.

Mr. D.N. Goburdhun, Adv.  
Mr. Alok Gupta, Adv.

Ms. Ruchi Kohli, Adv.  
Mr. Yash Mishra, Adv.  
Ms. Nidhi Jaswal, Adv.  
Ms. Srishti Mishra, Adv.  
Ms. Manyaa Chandok, Adv.

Ms. Minakshi Arora, Sr. Adv.  
Mr. Sakshi Kakkar, Adv.  
Mr. Shakti Singh, Adv.

Mr. Pukhrambam Ramesh Kumar, Adv.  
Ms. Anupama Ngangom, Adv.  
Mr. Karun Sharma, Adv.  
Mr. Shresth Sharma, Adv.

M/S Khaitan And Co., AOR

Mr. Kumar Anurag Singh, Advocate  
Mr. Nishant Piyush, Advocate  
Ms. Tulika Mukherjee, Adv.

Mr. Anurag Kishore, Adv.  
Mr. Anurag Sharma, Adv.

Mr. Santosh Kumar, Adv.

Mr. Jogy Scaria, Adv.  
Ms. Beena Victor, Adv.

Ms. Garima Prashad, Aor  
Mr. G. S. Oberoi, Adv.

Mr. Rahul Narayan, Adv.

Mr. Tapes K. Singh, Adv.  
Mr. Aditya Pratap Singh, Advocate

Mr. Shuvodeep Roy, Adv.

Ms. Aparna Rohatgi Jain, Adv.  
Mr. Mahesh Kasana, Adv.  
Ms. Shefali Mitra, Adv.  
For Mr. S. K. Dhingra, Adv. (Late)

Mr. Raghvendra Kumar, Adv.  
Mr. Anand Dubey, Adv.  
Mr. Narendra Kumar, AOR

Mr. Anil Grover, AAG  
Dr. Monika Gusain, AOR

Mr. Sanjay Jain, ASG  
Mr. Anil Grover, Adv.  
Mr. Yoginder Handoo, AOR

Mr. Anilendra Pandey, Adv.  
Mr. Charanpal Singh Bahri, Adv.  
Mr. Gurjeet Kaur Adv.

Mr. Narendra Kumar, Adv.

Mr. V.G. Pragasam, Adv.  
Mr. S. Prabu Ramasubramanian, Adv.

Mr. M. Shoeb Alam, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. M. Yogesh Kanna, Adv.

Mr. Yogesh Tiwari, Adv.  
Mr. Vikrant Singh Bais, Adv.

Mr. Ashutosh Dubey, Adv.  
Mr. Abshishek Chauhan, Adv.  
Ms. Rajshri Dubey, Adv.  
Mr. V. S. Rawat, Adv.

Mr. Jatinder Kumar Bhatia, Adv.  
Mr. Ashutosh Kumar Sharma, Adv.

Mr. Sarad Kumar Sunny, Adv  
Ms. Nidhi Mohan Parashar, AOR

Mr. Shovan Mishra, Adv.

Mr. Vinay Garg, Adv.  
Mr. Upendra Mishra, Adv.

Mr. Vinod Sharma, Adv.

Mr. R.C. Kohli, Adv.

Ms. K. Enatoli Sema, Adv.  
Mr. Amit Kumar Singh, Adv.

Mr. Vipin Nair, Adv.  
Mr. Anshuman Bahadur, Advocate  
Mr. PB Suresh, Advocate

Mr. Siddhesh Kotwal, Adv.  
Mr. Divyansh Tiwari, Adv.  
Ms. Astha Sharma, Adv.

Ms. Madhumita Bhattacharjee, Adv.

Mr. Anuj Bhandari, Adv.

Mr. K.V. Jagdishvaran, Adv.  
Ms. Rangoli Seth, Adv.  
Ms. G. Indira, Adv.

Mr. Mukesh Verma, Adv.  
Mr. Yash Pal Dhingra, Adv.

Mr. Keshav Mohan, Adv.  
Mr. R.K. Awasthi, Adv.  
Mr. Prashant Kumar, Adv.  
Mr. Piyush Vatsa, Adv.  
Mr. Santosh Kumar - I, Aor

Mr. Yoginder Handoo, Adv.

Mr. Subhro Sanyal, Adv.

Mr. Preetpal Singh, Adv.  
Mr. Ranjay Dubey, Adv.  
Ms. Yati Sharma, Adv.  
Ms. Priya Puri, Aor

Mr. Gaurav Sharma, Aor  
Mr. Dhawal Mohan, Adv  
Mr. Prateek Bhatia, Adv.

Mr. Gaurav Srivastava, Adv.

Mr. Mahfooz Ahsan Nazki, Adv.  
Mr. Polanki Gowtham, Adv.

Mr. Amitabh Sinha, Adv.

Mr. Amitabh Chaturvedi, Adv.  
Mr. Navneet Panwar, Adv.

Mr. Sandeep Narain, Adv.  
M/s S. Narain & Co.

Mr. Sunil Fernandes, Adv.  
Mr. Shariq Ahmed, Adv.  
Mr. Muhammad Ali Khan, Adv.  
Mr. Tariq Ahmed, Adv.  
Ms. Nupur Kumar, Adv.  
Mr. Omar Hoda, Adv.  
Mr. Zeeshan Diwan, Adv.  
Mr. Prastut Dalvi, Adv.

Mr. Tapesh Kumar Singh, AOR

Mr. Ajay Aggarwal, Adv.  
Mr. Kishan Rawat, Adv.  
Mr. Rajan Narain, AOR

Mr. Pradeep Misra, Adv.  
Mr. Suraj Singh, Adv.

Mr. Ajay Bansal, Adv.  
Mrs. Veena Bansal, Adv.  
Mr. Kuldip Singh, Adv.

Mr. Jishnu M.L., Adv.  
Ms. Priyanka Prakash, Adv.  
Ms. Beena Prakash, Adv.  
Mr. G. Prakash, AOR

Dr. Sanjay Kulshrestha, Applicant-in-person

Mr. C. K. Rai, AOR

Mr. Rajat Jariwal, Adv.

Applicant-in-person

Petitioner(s)-in-person

Applicant-in-person, AOR  
Petitioner-in-person  
Mr. Neeraj Shekhar, AOR  
Ms. Sakshi Kakkar, AOR

Mr. Gurmeet Singh Makker, AOR  
Mr. Mukesh Kumar Maroria, AOR  
Mr. P. K. Jain, AOR



Mr. Ramesh Babu M. R., AOR  
Mr. Rajesh Kumar Chaurasia, AOR  
Mr. Annam D. N. Rao, AOR  
Mr. S. K. Bhattacharya, AOR  
Mr. Ashok Mathur, AOR  
Mr. Rakesh Kumar-i, AOR  
Mr. R. P. Gupta, AOR  
Mr. Munawwar Naseem, AOR  
Mr. Balaji Srinivasan, AOR  
Mr. Sushil Kumar Singh, AOR  
Mr. Rakesh K. Sharma, AOR  
Ms. Shalini Kaul, AOR  
Mr. Pavan Kumar, AOR  
Mr. Satya Mitra, AOR  
Mr. Sushil Kumar Jain, AOR  
Ms. Nandini Gidwaney, AOR  
M/S. Parekh & Co., AOR  
Mrs. Priya Puri, AOR  
Mr. Ejaz Maqbool, AOR  
Mr. Parijat Sinha, AOR  
Mrs. B. Sunita Rao, AOR  
Mr. K. R. Sasiprabhu, AOR  
Mr. Ravindra Kumar, AOR  
Mr. Rajiv Ranjan Dwivedi, AOR  
Mr. E. C. Agrawala, AOR  
M/S. S. Narain & Co., AOR  
Mr. V. K. Verma, AOR  
Mr. P. Parmeswaran, AOR  
Mr. Vijay Panjwani, AOR  
Mr. Hardeep Singh Anand, AOR  
Ms. Ruchi Kohli, AOR  
Mr. Radha Shyam Jena, AOR  
Mr. Praveen Swarup, AOR  
Ms. Sujeeta Srivastava, AOR  
M/S. M. V. Kini & Associates, AOR  
Dr. Monika Gusain, AOR  
Mrs. Rani Chhabra, AOR  
Mr. Aniruddha Deshmukh, AOR  
Mr. Ajit Pudussery, AOR  
Ms. Hemantika Wahi, AOR  
Mr. Sudhir Mendiratta, AOR  
M/S. Saharya & Co., AOR  
Ms. Manjula Gupta, AOR  
Mr. Shri Narain, AOR  
Mr. Abhishek, AOR  
Mr. Anil Kumar Jha, AOR  
Mr. Pradeep Kumar Bakshi, AOR  
Mr. Sandeep Narain, AOR  
Mr. Chirag M. Shroff, AOR  
M/S. Khaitan & Co., AOR  
Mrs. K. Sarada Devi, AOR  
Mr. Mohit D. Ram, AOR  
Mr. B. V. Balaram Das, AOR

Mrs. Bina Gupta, AOR  
Mr. G. Prakash, AOR  
Mr. Prashant Kumar, AOR  
Mr. Ravindra Bana, AOR  
Mr. T. V. Ratnam, AOR  
Mr. Mukesh K. Giri, AOR  
Mr. Umesh Kumar Khaitan, AOR  
Ms. Binu Tamta, AOR  
Mr. Sarvam Ritam Khare, AOR  
Mr. S. S. Shroff, AOR  
Mrs. Anil Katiyar, AOR  
Mr. Sanjay Kumar Visen, AOR  
Mr. Bimal Roy Jad, AOR  
Mr. Pramod Dayal, AOR  
Mr. Surya Kant, AOR  
Ms. Pritha Srikumar, AOR  
Mr. Rajiv Yadav, AOR  
Ms. Divya Jyoti Singh, AOR  
Gaurav, AOR  
Mr. Vinod Sharma, AOR  
Mr. Prakash Ranjan Nayak, AOR  
Mr. Jogya Scaria, AOR  
Mr. Anas Tanwir, AOR  
Mr. Akshay Girish Ringe, AOR  
Mr. Vinay Garg, AOR  
Mr. Aakarshan Aditya, AOR  
Mr. Santosh Kumar - I, AOR  
Mr. Rishi Matoliya, AOR  
Mr. Senthil Jagadeesan, AOR  
Ms. Shagun Matta, AOR  
Mr. Anil Kumar, AOR  
Mr. Shovan Mishra, AOR  
Mr. Mahfooz Ahsan Nazki, AOR  
Mr. Kamlendra Mishra, AOR  
Ms. Nidhi Mohan Parashar, AOR  
Ms. Kiran Bhardwaj, AOR  
Mr. Rajan Narain, AOR  
Mr. Neeraj Shekhar, AOR  
Mr. Ashutosh Dubey, AOR  
Mr. Subhro Sanyal, AOR  
Ms. Uttara Babbar, AOR  
Mr. Rishi Malhotra, AOR  
Mr. M. P. Devanath, AOR  
Ms. Astha Tyagi, AOR  
Mr. T. R. B. Sivakumar, AOR  
Mr. M. Yogesh Kanna, AOR  
Mr. Yoginder Handoo, AOR  
Ms. Tulika Mukherjee, AOR  
Mr. D. Abhinav Rao, AOR  
Mr. Pranav Sachdeva, AOR  
Ms. Madhumita Bhattacharjee, AOR  
Mr. Gopal Jha, AOR  
Mr. V. N. Raghupathy, AOR

Ms. Astha Sharma, AOR  
Ms. Sakshi Kakkar, AOR  
Mr. Debojit Borkakati, AOR  
Ms. Surabhi Sanchita, AOR  
Mr. Vipin Nair, AOR  
Ms. Puja Sharma, AOR  
Mr. M. Shoeb Alam, AOR  
Ms. Aswathi M.k., AOR  
Ms. Divya Roy, AOR  
M/S. Ram Sankar & Co, AOR  
Mr. Vivek Gupta, AOR  
Mr. S. K. Dhingra, AOR  
Mr. Anurag Kishore, AOR  
Mr. V. G. Pragasam, AOR  
Mr. D. N. Goburdhan, AOR  
Mr. Shekhar Kumar, AOR  
Ms. G. Indira, AOR  
Ms. Surbhi Mehta, AOR  
Ms. K. Enatoli Sema, AOR  
Mr. Kuldip Singh, AOR  
Mr. Narendra Kumar, AOR  
Mr. Sandeep Kumar Jha, AOR  
Ms. Jaikriti S. Jadeja, AOR  
Mr. Chandra Prakash, AOR  
Mr. Yash Pal Dhingra, AOR  
Mr. R. C. Kohli, AOR  
Mr. Vikrant Singh Bais, AOR  
Mr. Shuvodeep Roy, AOR  
Mr. Ayush Sharma, AOR  
Ms. Garima Prashad, AOR  
Ms. Charu Ambwani, AOR  
M/S. Karanjawala & Co., AOR  
Mr. Sameer Shrivastava, AOR  
Mr. Mritunjay Kumar Sinha, AOR  
Mr. Tapes Kumar Singh, AOR  
Mr. Sunil Fernandes, AOR

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

**IN RE: REGISTRATION OF BS IV VEHICLES**

Heard learned counsel for the parties at length.

Considered the rival arguments. The lockdown was imposed from 25.03.2020. The sales data has been furnished for the lockdown period by FADA and Non-FADA Members for the period with effect from 15.03.2020. There are unusually a large number of transactions,

which had taken place during the lockdown period *inter se* dealers, which cannot be recognised for the purpose of actual sales and registration. We disallow the registration on the basis of such kind of transactions *inter se* dealers. As they are not sales to the customers and registration of these kinds of vehicles cannot be allowed, there is a ploy to misuse of the order and such vehicles cannot be permitted to be sold in market now. They are not genuine transactions of the sale to the customers. Hence, no registration of such kind of vehicles shall be made, which were sold *inter se* dealers during the lockdown period.

Apart from that, there are large number of vehicles, sales of which were not uploaded on E-Vaahan Portal. Since, sales were not uploaded, as required, the transactions cannot be recognised as genuine sales. The order passed by this Court on 24.10.2018 is clear that sale and registration of BS-IV vehicles shall not be allowed after 31.03.2020. We cannot allow the registration of such vehicles, sales of which were not uploaded on E-Vaahan Portal of the Central Government or the portal of the concerned State Government.

There are still stated to be a large number of sales which have been made and uploaded on the E-Vaahan Portal, even temporary registrations were made. Their registration during the lockdown period could not be made. Hence, we allow registration of such vehicles only which could not be registered during lockdown in the month of March, 2020 and for no other reason. However, the position of Delhi and NCR is different. We clarify our order dated 27.03.2020 to the effect that no registration of BS-IV vehicles is

to be made in Delhi and NCR as people are suffering from severe air pollution and the order passed by this Court in 2018 was clear. No vehicle of BS-IV in Delhi and NCR to be registered.

We order that in the Delhi and NCR, no registration of the vehicles of BS-IV is to be made after 31.03.2020.

This order is for the rest of the country and only due to lockdown, not to be used for any other purpose/reason and for registration of other vehicles of which registration was not done for any other reason.

I.A. NOS. 56015, 56017 AND 56018/2020

(APPLNS. FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING ATTESTED AFFIDAVIT ON B/O NORTH EAST PLANTATION AND COMMERCIAL PVT. LTD.)

The application for impleadment is allowed to the extent of intervention. In the peculiar facts and circumstances of the case, registration of vehicles in question in these applications be made. However, it shall not be treated as a precedent for any other case. Application for directions is, accordingly, allowed.

Pending interlocutory application(s), if any, is/are disposed of.

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The remaining interlocutory applications and Diary No. 36562 of 2019 [Item No. 19.1] and Civil Appeal No. 8187 of 2019 [Item No. 19.2] be listed next week.

(NARENDRA PRASAD)  
AR-CUM-PS

(JAYANT KUMAR ARORA)  
COURT MASTER

(JAGDISH CHANDER)  
ASSISTANT REGISTRAR