

# Landmark Judgement

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**Case Study: Container Corporation of India Ltd. v. Ajay Khera & Ors, (2024) | Heavy-Duty Diesel Vehicle Phase-Out**



**CONTAINER CORPORATION  
INDIA LTD.**

**VS**

**AJAY KHERA & ORS. (20**

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Examine the important case study that calls for a program to phase out heavy-duty diesel vehicles and emphasizes a pollution-free environment.

**Case Title:** Container Corporation of India Ltd. v. Ajay Khera and Ors.

**Court:** Supreme Court of India

**Citation:** Civil Appeal No. 3798 of 2019

**Judges:** Justice Abhay S. Oka and Justice Pankaj Mithal

**Date of Judgment:** 11th January 2024

The National Green Tribunal received an original application from a former executive director of Central Warehousing citing increased pollution caused by the Inland Container Depot (abbreviated "the said ICD") in Tughlakabad. According to the application, vehicles and trailers that are not intended for Delhi use the designated ICD for transportation to and from places outside of Delhi.

The National Green Tribunal was asked by the respondent to provide the appellant with: to forbid the entry of containers or trailers at the aforementioned ICD that was not intended for Delhi and to relocate its activities from Tughlakabad to other sites. just to use a battery or CNG run

The Container Corporation (appellant) pointed out that changing how the ICD is used will result in more goods being transported by road from ports throughout India to Delhi, which would lead to pollution because the trucks would have to travel farther. NGT recommended limitations on the use of diesel vehicles, particularly in relation to satellite terminals, and issued temporary directives where needed.

In the Tughlakabad ICD pollution issue, the Supreme Court first halted the NGT's order and suggested that the Environmental Pollution (Prevention and Control) Authority (EPCA) produce a report with recommendations.

## Problem

Whether the NGT's declaration upholds Article 21 of the Constitution's basic right to a clean environment.

## Analysis and Conclusion

Inland Container Depots (ICDs) are crucial inland hubs for facilitating the handling of containerized products, according to the Supreme Court. ICDs, which offer proximity, consolidation, easier access to customs procedures, and reduced expenses, essentially transfer the efficiency of seaports to the interior. The Tughlakabad ICD demonstrated the importance of these dry ports to the region's transportation network with its well-established customs offices and rail connections.

The fundamental rights of citizens guaranteed by Article 21 of the Indian Constitution are adversely affected by air pollution.

The Supreme Court declared, **The Environmental Pollution (Prevention and Control) Authority (EPCA): Report** The NGT, while defending the aforementioned fundamental rights of Delhi NCR residents, cannot permit violations of the same fundamental rights of citizens residing outside Delhi NCR.

While acknowledging the need for cleaner fuels for heavy-duty vehicles, EPCA was also aware of certain issues with the current state of affairs. They said that BS-VI diesel vehicles were superior than older versions and ought to be utilized in their place. Since BS-VI heavy-duty diesel cars are far cleaner than BS-IV, the plan should concentrate on replacing older diesel vehicles with them. Cleaner energy sources like electricity, hybrid vehicles, and CNG were among the recommendations.

Additionally, the Court ordered that specific suggestions be made in order to stop air pollution. Therefore, the Court acknowledges that Delhi should switch to greener fuels.

Directives from the Supreme Court

**The Supreme Court replaced the NGT's directives in the Tughlakabad ICD pollution case with the following:**

BS-VI vehicles will progressively take the place of heavy-duty diesel vehicles. Within six months, the Union of India must create a program.

Improved infrastructure for greener automobiles: The Ministry of Road Transport and Highways would investigate electric, hybrid, and CNG fuel options for heavy-duty vehicles.

Enhancing ICDs in Delhi: The Container Corporation would create a plan to better utilize local ICDs and establish central labs nearby within six months.

Improved Tughlakabad ICD parking management: Within six months, the Container Corporation would implement KPMG's recommendations from February 2021.

By converting to cleaner vehicles and enhancing logistics and ICD operations, the aforementioned actions are intended to lower air pollution. This crucial choice greatly lowers emissions and enhances local cargo handling.

Pollution Reduction Implementation Techniques

The lawsuit is based on recommendations made by **the Environment Pollution Control Authority (EPCA), which emphasize how critical it is to swiftly replace heavy-duty diesel cars with more environmentally friendly options**, particularly those that adhere to **the Bharat Stage VI (BS-VI) emission regulations**. The Court supported the use of BS-VI heavy-duty diesel cars as a more environmentally friendly short-term solution, acknowledging that alternative fuel technologies aren't ideal for long-distance travel.

The decision emphasizes how technology is always advancing and how crucial it is to continue searching for more efficient fuel sources. The Court concurred that the elimination of heavy-duty diesel vehicles required a strict policy. Additionally, it recommended that the Ministry of Road Transport and Highways create and implement such a policy within a certain time frame. The ministry has six months to develop a comprehensive plan for getting rid of outdated vehicles and swapping them out for ones that adhere to BS-VI regulations.

The verdict focuses on optimizing the usage of ICDs in and around Delhi in addition to addressing vehicle pollution. Out of the seven locations in the region, the Court noted that only the ICDs at Tughlakabad and Rewari were operating at 60% or more of their full capacity. This demonstrates how crucial it is to establish a comprehensive plan to ensure that all of the ICDs in the area are used as efficiently as possible, which would reduce the amount of traffic at the Tughlakabad center.

The ruling also discusses Delhi's central laboratories, drug controller offices, and other such locations where imported commodities might undergo laboratory testing before to being cleared by customs. The Court stated that they should collaborate with authorized

organizations and labs to provide their services in ICDs outside of Delhi in order to address the issue of facilities needing to be utilized more in other ICDs. The goal of this action is to disperse testing facilities and share the work among the several ICDs more fairly.

The Supreme Court's decision also addresses parking spaces for trucks and trailers in the Tughlakabad ICD. According to the report, parking needed to be organized even though there is enough for 940 trucks and trailers, which resulted in gridlock and pollution. **The Container Corporation of India (CONCOR)**, which operates the ICD, was instructed by the Court to create a plan for parking lot improvement by a certain date and collaborate with other organizations to guarantee sufficient spaces both inside and outside the base in order to address this.

Although **the ICD had made progress in managing the quantity of TEUs (twenty-foot equivalent units)**, the Court observed a discrepancy in the application of the regulations relating cargo handling capacities. The ruling emphasized how crucial it was that user agencies create spacious, safe, and secure spaces that meet their anticipated capacities. It also demanded an analysis of data pertaining to the implementation of these regulations.

**The decision highlights four crucial areas that require attention and explains the recommendations made by the EPCA:**

- Making the switch to greener cars
- Making the most of ICDs
- Extending testing facilities
- Enhancing parking lots

It emphasizes how crucial it is to adhere to these recommendations by the deadlines and pledges to routinely assess progress.

Both the appellant and the Ministry of Road Transport and Highways have chosen to heed the advice after being instructed to do so. The Court's ruling concludes with the establishment of a monitoring mechanism. The purpose of a follow-up review is to make sure the scheduled actions are carried out accurately and on schedule.

## **Conclusion**

As a result, the Court's ruling is a comprehensive and forward-thinking strategy to address environmental concerns when transporting and handling cargo. By combining regulations for cleaner vehicles, the optimal use of facilities, and infrastructure upgrades, the Court hopes to create a sustainable and efficient system for transportation in the designated area. The outcome demonstrates a will to take action to safeguard the environment and lessen pollution and establishes a benchmark for instances of a similar nature throughout the nation.

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