



CWP-23043-2019 and other connected cases :1:

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**276 (3 cases) CWP-23043-2019 (O&M)
Date of decision : 11.02.2025**

PROGRESSIVE PRIVATE SCHOOLS ASSOCIATION
..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS
..... Respondents

2. CWP-29087-2019 (O&M)

KARNAL INDEPENDENT SCHOOLS ASSOCIATION AND ANOTHER

..... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS
..... Respondent

3. CWP-6753-2020 (O&M)

AJAY SAMITI
..... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS
..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present :- Mr. Sachin Jain, Advocate
for the petitioner (in CWP-23043-2019).**

**Mr. R. Kartikeya, Advocate
for the petitioners (in CWP-29087-2019).**

**Mr. J. P. Sharma, Advocate
for the petitioner (in CWP-6753-2020).**

Mr. Saurabh Girdhar, AAG, Haryana.

**Mr. Satya Pal Jain, Addl. Solicitor General of India
for respondent No.5 (in CWP-23043-2019 and
CWP-29087-2019).**



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Harsimran Singh Sethi, J. (Oral)

1. By this common order, three writ petitions, the details of which have been given in the heading, are being decided as these petitions involve the same question of law on similar facts and the facts are being taken from CWP-23043 of 2019.

2. The present petition has been filed challenging the order dated 31.10.2018 (Annexure P-7) by which, keeping in view the order dated 31.10.2018 upheld by the Hon'ble Supreme Court of India, the diesel vehicles which are more than 10 year old and the petrol vehicles which are more than 15 years old are not to ply in the various Districts of the State of Haryana falling in the National Capital Region (NCR) in terms of the order passed by the National Green Tribunal dated 07.04.2015 (Annexure P-1).

3. Learned counsel for the petitioner argues that the Districts Mahendragarh and Karnal in the State of Haryana do not fall in the NCR keeping in view the order passed by the National Green Tribunal wherein, the Districts of the State of Haryana which fall under the NCR have already been depicted in the said order dated 15.12.2015 and therefore, the inclusion of the Districts Mahendragarh and Karnal in the NCR is arbitrary and illegal and contrary to the order passed by the National Green Tribunal dated 15.12.2015 which has been upheld by Hon'ble the Supreme Court of India.

4. Learned State counsel for the respondent-State on the other hand submits that as per the notification dated 01.10.2013 (Annexure R-1),

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the Districts Mahendragarh and even District Karnal comes within the 40 Districts of Haryana which are part of the NCR which includes Faridabad, Gurugram, Nuh, Rohtak, Sonipat, Rewari, Jhajjar, Panipat, Palwal, Bhiwani, Charkhi Dadri, Jind and Karnal other than Mahendragarh.

5. Learned State counsel submits that once a notification has already been issued qua Mahendergarh and Karnal, which notification is not under challenge, the grievance being raised by the petitioner that District Mahendergarh and Karnal are not the part of the NCR, is incorrect.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The first argument which has been raised by the learned counsel for the petitioner is that the impugned order 31.10.2018 (Annexure P-7) has been passed on the basis of the order passed by the Green Tribunal dated 15.12.2015, which has been upheld by the Hon'ble Supreme Court of India.

8. Learned counsel for the petitioner submits that the order dated 15.12.2015 passed by the Green Tribunal has been appended as Annexure P-3 according to which, Gurugram, Bahadurgarh, Faridabad, Gajiabad and Noida have been mentioned and therefore, no other District other than the one mentioned in the said order passed by the Green Tribunal should have been included as a part of the NCR and not the others including District Mahendergarh and Karnal. The order passed by the Green Tribunal is as under:-

“The matter taken up on mentioning.

It is brought to our notice that there is a typographical



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error in the order dated 11th December, 2015.

At the page No.6 in paragraph 1 NCR and Faridabad is omitted to be shown it is corrected and the correct paragraph is as follows:

“Obviously, reasonably good number of vehicle are also being registered at NCR i.e. Gurgaon, Bahadurgarh, Faridabad, Ghaziabad and NOIDA”.

In the order dated 11th December, 2015 from the above line the words NCR and Faridabad be also described by the Registry and corrected copy of the order be put on the website of the NGT.”

9. A bare perusal of the above order would show that the names of the Districts mentioned as a NCR is only indicative and not exhaustive in nature. All the Districts of the Haryana and the Uttar Pradesh which are actually part of the NCR keeping in view the notification issued by the Government of Haryana as well as Uttar Pradesh have not been mentioned. The argument that only the Districts mentioned in the order reproduced hereinabove are to be treated as the Districts in the NCR, is incorrect and cannot be accepted.

10. The order passed by the Green Tribunal dated 15.12.2015 is not exhaustive qua the making of certain Districts of State of Haryana but inclusive in nature and therefore, the notification, which describes the Districts which are part of the NCR, as notified by the State of Haryana or the Government of Uttar Pradesh, is to be taken into account for implementing the order passed by the Green Tribunal dated 15.12.2015.

11. No other argument raised.

12. Keeping in view the above, it is a conceded fact that there is a



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notification which includes the District Mahendragarh and Karnal in NCR, unless and until the said notification is challenged and the petitioners succeed therein, no order giving benefit to the petitioners qua the impugned order can be passed by this Court.

- 13. In view of above, no ground is made out for any interference by this Court and present petition are dismissed.
- 14. Pending applications, if any, also stand disposed of accordingly.
- 15. A photocopy of this order be placed on the connected case files.

(HARSIMRAN SINGH SETHI)
JUDGE

11.02.2025
Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No