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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 19367/2025, CM APPL. 80755/2025

SONICA GHOSH

.....Petitioner

Through: Mr. Anurag Saxena, Advocate.

versus

GOVERNMENT OF NCT DELHI AND ORS

.....Respondents

Through: Mr. Sameer Vashisht, SC for
GNCTD.

Mr. Amit Tiwari, CGSC along with
Ms. Ayushi Srivastava, GP, Mr.
Ayush Tanwar and Mr. Kushagra
Malik, Advocates for R-3 and 4.

ASI Devender Singh, Parvi Officer,
Traffic.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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20.12.2025

1. The present petition assails a Notification bearing F.No.10(39)/ENV/2021/7281-99 dated 17.12.2025 issued by the Department of Environment and Forest, Government of NCT of Delhi, particularly, the following portion thereof:-

“2. Entry Restriction on Vehicles registered outside Delhi

All motor vehicles registered outside the National Capital Territory of Delhi and below BS-VI emission standards shall not be permitted to ply in Delhi during the operation of GRAP Stage IV (severe+), except Vehicles running on CNG or Electric power, public transport, vehicles carrying essential commodities or providing essential services.”

2. A perusal of the impugned notification reveals that the same has been issued to address and mitigate the deteriorating Air Quality Index (AQI) of Delhi.

3. During the course of hearing, it transpires that the Supreme Court in



W.P(C) 13029/1985 is seized of the “issue regarding the air quality in Delhi” and has passed elaborate orders with regard to overlapping issues.

4. It also transpires that a similar petition agitating the issue of deteriorating air quality in Delhi and other ancillary issues was also filed before a Division Bench of this Court in W.P(C) 18249/2025. Vide order dated 03.12.2025, the Division Bench was prima facie of the view that since issues regarding the air quality in Delhi are being addressed by the Supreme Court in W.P(C) 13029/1985, the petitioner (therein) instead of being allowed to pursue overlapping proceedings before this Court should seek intervention in said W.P(C) 13029/1985. The order passed by the Division Bench of this Court reads as under:

“1. This petition concerns itself with the ever deteriorating air quality in Delhi and other ancillary issues. The petition discusses various steps for mitigating the air pollution and various other measures which ought to be taken so as to ensure that air quality in Delhi improves. In light of the said submissions, prayer made in the writ petition is that the respondents be directed to take immediate and effective measures including but not limited to Graded Response Action Plan (GRAP) for controlling the air pollution in respect of construction and demolition dust, road dust, vehicular emission, industrial emissions and open burning of waste etc.

2. Further prayer made in this petition is that a direction be issued to the respondents to prepare a comprehensive clean air action plan for Delhi and to implement the same. Another prayer made is that a direction be issued to the respondents to evolve a time bound framework containing best practices and modern plans for air quality improvement by taking certain measures such as augmentation of public transport, stricter and progressive vehicular emission and fuel norms, low emission/congestion-pricing zones, comprehensive industrial emission control and systemic reforms in solid waste management.

3. Mr. Sameer Vashisht, learned Standing Counsel representing the GNCTD, however has stated that the concerns and issues raised in this writ petition are already engaging attention of the Hon’ble Supreme Court in W.P.(C) no.13029/1985, where on 19.11.2025 itself the Hon’ble Supreme Court has passed certain orders taking into account, the issues regarding air quality of Delhi. It is, thus, his submission that this



petition, if entertained may amount to plurality of proceedings on the same issue which may not be appropriate.

4. Learned counsel for the petitioner, however has attempted to distinguish the issues raised in this petition and the issues, which are engaging attention of Hon'ble Supreme Court in W.P.(C) no. 13029/1985.

5. A perusal of the order dated 19.11.2025 passed by the Hon'ble Supreme Court reveals that the said order commences with a heading, "Issue regarding air quality in Delhi". It thus appears to us that the issues being raised in this petition are already under consideration by the Hon'ble Supreme Court, which primarily are in relation to the degrading air quality in Delhi.

6. In these circumstances, we are of the prima facie view that instead of instituting the proceedings of this writ petition, petitioner/Association could better seek its intervention in W.P.(C) no.13029/1985 pending before the Hon'ble Supreme Court.

7. At this juncture, learned counsel for the petitioner states that the petitioner shall seek intervention in the said matter before the Hon'ble Supreme Court/ shall seek clarification as to whether this Court can proceed with this writ petition. We, accordingly adjourn the proceedings of this matter for a period of 02 weeks.

8. List on 07.01.2026."

5. In the circumstances, it would be apposite for the petitioner to follow the aforesaid course suggested by the Division Bench in W.P(C) 18249/2025. Needless to say, if so necessitated thereafter, the petitioner would be at liberty to approach this Court by filing a fresh petition.

6. The petition is disposed of in the above terms. Pending application also stand disposed of.

DECEMBER 20, 2025/r

SACHIN DATTA, J