

REPORTABLE

IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

CIVIL APPEAL NO. 6932 OF 2015

THE DIRECTOR GENERAL (ROAD DEVELOPMENT)
NATIONAL HIGHWAYS AUTHORITY OF INDIA

...APPELLANT(S)

VERSUS

AAM AADMI LOKMANCH & ORS.

...RESPONDENTS

WITH

C.A. NO. 5971 OF 2019

C.A. NO. 4379 OF 2018

C.A. NO. 2741 OF 2020

(ARISING OUT OF DIARY NO. 19018 OF 2018)

C.A. NO. 6862 OF 2018

C.A. NO. 2742 OF 2020

(ARISING OUT OF SLP (C) NO. 28178 OF 2018)

C.A. NO. 11803 OF 2018

C.A. NO. 2743 OF 2020

(ARISING OUT OF SLP (C) NO. 1706 OF 2019)

C.A. NO. 2744 OF 2020

(ARISING OUT OF DIARY NO. 1632 OF 2019)

J U D G M E N T

S. RAVINDRA BHAT, J.

1. Leave granted in SLP (C) Nos. 28178/2018, 1706/2019, Diary No. 19018 of 2018 and 1632 of 2019. With consent of counsel for the parties, they were tagged with the companion civil appeals and heard finally.

legislative and administrative functions we have regulatory functions”. A statutory instrument, such as a rule or regulation, emanates from the exercise of delegated legislative power which is a part of administrative process resembling enactment of law by the legislature whereas a quasi-judicial order comes from adjudication which is also a part of administrative process resembling a judicial decision by a court of law.

50. Applying the above test, price fixation exercise is really legislative in character, unless by the terms of a particular statute it is made quasi-judicial as in the case of tariff fixation under Section 62 made appealable under Section 111 of the 2003 Act, though Section 61 is an enabling provision for the framing of regulations by CERC. If one takes “tariff” as a subject-matter, one finds that under Part VII of the 2003 Act actual determination/fixation of tariff is done by the appropriate Commission under Section 62 whereas Section 61 is the enabling provision for framing of regulations containing generic propositions in accordance with which the appropriate Commission has to fix the tariff. This basic scheme equally applies to the subject-matter “trading margin” in a different statutory context as will be demonstrated by discussion hereinbelow.”

75. The NGT’s directions, though placed in the context of its adjudicatory role, have a wider ramification in the sense that its rulings constitute the appropriate norm which are to be followed by all those engaging in similar activities. Therefore, its orders, contextually in the course of adjudication, also establish and direct behaviour appropriate for future guidance. In these circumstances, given the panoply of the NGT’s powers under the NGT Act, which include considering regulatory directions issued by expert regulatory bodies under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Biodiversity Act, 2002 it has to be held that general directions for future guidance, to avoid or prevent injury to the environment for appropriate assimilation in relevant rules, can be given by the NGT.