Supreme Court sets aside NGT order in Yamuna floodplain WCF case; polluter-pays needs causation

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16 November 2026: On 22 August, the Supreme Court in **Vyakti Vikas Kendra India (Art of Living) v. Manoj Misra and others** (Civil Appeal 683/2018; **2026 INSC 910**) **set aside entirely** the NGT's 7 December 2017 judgment in the 2016 World Culture Festival (WCF) matter - a ruling back in the spotlight through a lead editorial ("India's green law needs baselines, not snapshots"). A bench of **Justice Satish Chandra Sharma and Justice N. Kotiswar Singh** held that the **polluter-pays principle requires causation** - a proven causal link between the act and the damage - and that the **no-fault principle under Section 17(3) of the NGT Act applies only to an "accident"**.

Key holdings

- **NGT judgment set aside:** the 07.12.2017 order and all consequential and interim actions against the appellant; the NGT had fixed environmental-damage liability in three applications (OA 65/2016, 76/2016, 81/2016).
- **Rs 5 crore refund:** the amount deposited with DDA under the NGT's 09.03.2016 order must be **refunded within four weeks**.
- **Section 17(3) interpreted:** no-fault liability applies only to an "accident" - hazards such as a gas leak - not to the ordinary consequences of an event or activity.

- **Polluter pays stands, with proof:** the principle remains a permanent part of Indian environmental jurisprudence (Section 17 is its legislative manifestation), but it needs **real damage and an established causal link**; here the link was "not established by any standard".
- **DDA faulted:** granting permission was **inconsistent with the precautionary principle and the public trust doctrine**.
- **Restoration continues:** DDA's floodplain rehabilitation duties under the NGT's 13.01.2015 Yamuna judgment remain unchanged; DDA has already spent Rs 8.03 crore on restoration (after the Court's 20.04.2023 order).

Significance for environmental jurisprudence

- **Drawing doctrinal lines:** polluter pays (absolute liability) versus the necessity of causation - key guidance on balancing the two.
- **Baselines over snapshots:** damage assessment needs pre-event baseline data, not after-the-fact snapshots.
- **Institutional lesson:** land-managing agencies like DDA carry an active duty of care under the public trust doctrine.

Quiz: Test your knowledge

▶ Q1: Consider: 1. The Supreme Court upheld the NGT's 2017 judgment 2. Section 17(3) of the NGT Act applies no-fault liability only to an accident 3. The organiser's Rs 5 crore deposit will be refunded by DDA. Which are correct?
▶ Q2: The NGT was constituted under which law?

Frequently Asked Questions (FAQ)

In short: The Supreme Court set aside the NGT's 2017 WCF judgment; polluter-pays needs proven causation, Section 17(3) no-fault applies only to accidents; the organiser's Rs 5 crore will be refunded; DDA's floodplain restoration duty continues.

Question: Why did the Supreme Court set aside the NGT judgment?

Because no causal link was established between the organiser's actions and environmental damage, and the no-fault principle under Section 17(3) applies only to an "accident" - the WCF event was not one.

Question: Is the polluter-pays principle weakened?

No - the Court affirmed it as a permanent part of Indian environmental jurisprudence, but required evidence of real damage and a causal link before applying it.

Question: What did the Court say about the DDA?

Granting permission for the event was inconsistent with the precautionary principle and the public trust doctrine; still, the DDA's Yamuna floodplain rehabilitation responsibility (under the NGT's 2015 judgment) was left unchanged.

Sources:

- https://api.sci.gov.in/supremecourt/2018/135/135_2018_13_1501_73705_Judgement_22-Aug-2026.pdf (official: Supreme Court judgment, C.A. 683/2018, 22 August 2026; 2026 INSC 910)
- https://www.thehindu.com/opinion/lead/indias-green-law-needs-baselines-not-snapshots/article71704651.ece (The Hindu lead, 14 November 2026)