

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 663/2023

In re: News item published in Indian Express dated 07.10.2023 titled
**“GRAP Stage 1 kicks in as air quality dips to poor, condition
likely to prevail till Sunday”**

Date of hearing: 08.11.2023

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Dr. Abhishek Atrey & Mr. Vaibhav Kandpal, Advs. for Commission for Air
Quality Management for NCR & Adjoining Areas
Ms. Suman Arora, Adv. for CPCB
Mr. Narender Pal Singh, Adv. for DPCC
Ms. Puja Kalra, Adv. for MCD

ORDER

1. This OA relates to the worsening air quality in Delhi. The OA was registered *suo motu* considering the various newspaper reports depicting serious air pollution.

2. The Tribunal by order dated 20.10.2023 had impleaded the respondents and had called for the action taken report for measures undertaken to control air pollution from different sources in Delhi in accordance with Graded Response Action Plan (GRAP) to maintain Air Quality Index (AQI) in acceptable range to safeguard public health in view of winter season ahead.

3. The action taken report has been filed at the instance of the Commission for Air Quality Management in NCR and Adjoining Areas (CAQM). The report contains the details of different stages of GRAP as last revised in October 2023 and it is stated that month of October 2023 saw “very poor” average air quality (AQI more than 300) mainly towards end of

the month in the wake of highly unfavourable, meteorological and climatic conditions and that GRAP -II were invoked proactively on 21.10.2023.

4. The report on behalf of the Central Pollution Control Board (CPCB) mentions about the various heads under which steps are to be taken to comprehensively manage the ambient air quality in Delhi - NCR which include air quality response system for Delhi – NCR, close monitoring and ground level implementation, measures to control industrial pollution, measures to control pollution from DG sets, measures for control of stubble burning, measures for control of dust emissions from C&D sites and roads, AQI and public awareness and media outreach. In respect of the technical interventions, the report reads as under:

“2.7. Technical Interventions

a) Research projects are being carried out by CPCB in collaboration with premier institutions like IIT, NEERI, etc which provide scientific inputs for taking focused action towards improvement in air quality of Delhi NCR. Trials of various new technologies for air pollution control have been carried out such as WAYU air purification units developed by NEERI for pollution abatement at traffic junctions. Pariyantra bus roof top filtration system for PM reduction in ambient environment developed by MRIIRS. Faridabad. negative ion generator for PM reduction in ambient environment developed by Science & Technology Park. Pune. dust suppressant for construction sites and road dust control developed by EPRI, Pune. Out of these, results of dust suppressant were found encouraging and accordingly Advisory have been issued for use of dust suppressant by road owning and construction agencies.

b) A pilot Smog tower has been commissioned at Anand Vihar. ISBT and its performance is being evaluated by IIT Bombay.”

5. Though, the above technical interventions suggest ways to regulate and control pollution but no particulars have been disclosed as to how to what extent they have been made applicable and what is the end result.

6. Let the report in respect of the same be placed on record on or before the next date of hearing by CPCB.

7. Action taken report on behalf of Govt. of NCT of Delhi has been filed which refers to the source of pollution identified in a study conducted by the Department of Environment, Govt. of Delhi through IIT Kanpur as under:

- a. *Vehicular pollution.*
- b. *Dust from road and construction and demolition activities.*
- c. *Open burning of dry leaves/emissions.*
- e. *Burning of crop residue.”*

8. The report mentions about the steps which have been taken to control the pollution.

9. Though, the above agencies in their reports have taken the stand that they are taking steps to control air pollution in Delhi but the ground result is not satisfactory. This matter was taken up *suo motu* by the Tribunal on 20.10.2023 and it was expected that effective steps will be taken so that the air quality in Delhi and NCR does not worsen, but the AQI of Delhi and NCR as reflected in chart below shows that instead of improving, the situation is gone from bad to worse:

Status of Air Quality Index in Delhi

S. No.	Date	Air Quality	Index Value
1.	20.10.2023	Moderate	195
2.	21.10.2023	Poor	248
3.	22.10.2023	Very Poor	313
4.	23.10.2023	Poor	263
5.	24.10.2023	Poor	220
6.	25.10.2023	Poor	243
7.	26.10.2023	Poor	256
8.	27.10.2023	Poor	261
9.	28.10.2023	Very Poor	304
10.	29.10.2023	Very Poor	325
11.	30.10.2023	Very Poor	347

12.	31.10.2023	Very Poor	359
13.	01.11.2023	Very Poor	364
14.	02.11.2023	Very Poor	392
15.	03.11.2023	Severe	468
16.	04.11.2023	Severe	415
17.	05.11.2023	Severe	454
18.	06.11.2023	Severe	421
19.	07.11.2023	Very Poor	395

10. Hence, we are of the opinion that the concerned agencies are required to review their strategy and come out with effective solution to ensure that the AQI in Delhi and NCR is maintained within the permissible limits. In this regard during the course of arguments, following suggestions have been made by Counsel for the parties:

- i. Under GRAP, all kinds of Government constructions have been permitted, whereas at the stage of invoking GRAP-IV only the urgent and timebound government construction activities should be allowed and other should be deferred till the air quality improves.
- ii. There are lapses on the part of implementing agencies in implementation of GRAP, therefore, effective steps should be taken to ensure its proper and full implementation.
- iii. The Ministry of Petroleum should consider imposing ban on supply to petrol and diesel to unregistered and non-compliant vehicles by the petrol pumps.

11. Since no visible improvement in the air quality has been witnessed, therefore, the respondents are directed to take stringent measures so that the air quality index in Delhi and NCR improves. Hence, let the fresh action taken report be filed by the concerned agencies on or before the next date of hearing keeping in view the observations made above by e-

mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

12. List on 20.11.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 08, 2023
Original Application No. 663/2023
DV