

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

**Original Application No. 21 of 2014
(M.A. NO. 87 OF 2015, M.A. NO. 90 OF 2015, M.A. NO. 155 OF 2015, M.A. NO.
200 OF 2015, M.A. NO. 203 OF 2015, M.A. NO. 219 OF 2015,
M.A. NO. 234 OF 2015, M.A. NO. 247 OF 2015, M.A. NO. 248 OF 2015, M.A. NO.
274 OF 2015, M.A. NO. 283 OF 2015 & M.A. NO. 284 OF 2015)**

AND

Original Application No. 95 of 2014

IN THE MATTER OF:

**Vardhaman Kaushik Vs. Union of India & Ors.
And
Sanjay Kulshrestha Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

Original Application No.21 of 2014

Present:

Applicant:	Mr. Sanjay Upadhyay, Mr. Vardhaman Kaushik and Mr. Salik Shafique, Advs.
Respondent No. 1:	Ms. Panchajanjya Batra Singh, Advocate for MoEF
Respondent No. 2 & 4:	Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO, DPCC
Respondent No. 3 :	Mr. Rajiv Bansal with Mr. Kush Sharma, Advs. for DDA.
Respondent No. 5,6 & 7:	Mr. Ardhendumauli Kumar Prasad, Adv.
Respondent No. 8 :	Mr. Arun Baroka, Secretary, PWD, GNCTD
Respondent No. 9 :	Mr. Mukesh Kumar, Adv. Mr. Mukesh Kumar, Adv. and Mr. Yogesh Khanna for Sansha Kumar for NHAI For State of Tamil Nadu
Intervener	Ms. Ruchia Batra, Adv. for Traders Association, Lajpat Nagar. Mr. I.K. Kapila, Mr S.K. Pabhi, Mr. A.K. Singh and Ms. Shrucha Rai, Advs. for Karol Bagh Traders Fed. Mr. Anil Gover, AAG with Mr. Rahul Khurana and Vijender Singh, SI, Traffic & Highway Police, Karnal for State of Haryana Ms. Savitri Pandey, Ms. Azma Parveen, Advs. for state of U.P. Mrs. Avnish Ahlawat, Adv. for DTC, DUSIB, GNCT (Transport Deptt.) and SHO Karol Bagh Ms. I. Begum standing counsel for GNCTD and Sec. PWD. Mr. Narender Pal Singh, Adv. for Urban Dev. Ministry for GNCT Ms. Sakshi Popli for NDMC Mr. Balendu Shekhar, Adv. for EDMC Mr. Sanjiv Ahlawadi and Ms. Priya Deep, Advs. Mr. Amit Verma, Adv. appointed as Local Commissioner Mr. Arun Barrka, Sec. PWD, Mr. Jayesh Kumar, CE, Mr. G.P. Bansal, SE, PWD and Mr. C.S. Azad, EE, PWD. Mr. D. Rajeshwar Rao, Adv. for Delhi Police (Traffic) Charanjeet Singh, Adv. Local Commissioner Mr. Abishek Dhania – ACP, Karol Bagh Mr. Mahesh Kumar, SHO, Karol Bagh

Original Application No. 95 of 2014

Present: **Applicant:** **Mr. Sanjay Kulshretha (Petitioner in Person), with Mr. Ashish S. Kulshreshtha and Manish Shrivastava, Advs.**

Respondent No. 1: **Mr. Vikas Malhotra and Mr. M.P. Sahay, MoEF & CC**

Respondent No. 2 to 6: **Mr. Ardhendumauli Kumar Prasad, Adv.**

Respondent No. 8 : **Mr. Deepak Khadaria, Adv. for B. H., Ajmal Khan Market Association**
Ms. Savitri Pandey and Ms. Azma Parveen, Advs. state of U.P.
Mr. N. Yogesh Kanna and Mr. Santha Kumar, Adv. for state of Tamil Nadu.

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 01 & 02</p> <p>April 07, 2015</p> <p>ss</p>	<p>The Learned Counsel appearing for the Applicants in both the Applications and other Applicants having similar interest have vehemently contended that all the Authorities and the States in NCR, Delhi have utterly failed to comply with the directions issued by the Tribunal in its orders and particularly the orders dated 26th November, 2014, 28th November, 2014 and 04th December, 2014 respectively.</p> <p>The contention is that much less the compliance to the directions issued by NGT the Authorities, Departments and the State Governments have not even initiated the process for compliance of these directions. With the increasing pollutants in the air, life of residents in the NCR, Delhi is becoming more and more vulnerable to various diseases and the greatest sufferer of these pollutants are young children of today and India's tomorrow. The slackness and casual attitude of the Authorities of the state Government is exhibited from the very fact that the air pollution is increasing and has reached to an alarming level which would make it difficult for the people of Delhi even to breathe freely much less fresh air.</p> <p>We find substance in the submissions made before us. In the recent past the media particularly the print media</p>

has highlighted the adverse impact of deteriorating Ambient Air Quality in the NCR, Delhi and particularly Delhi city perse. The articles widely published are based on scientific studies and are well supported by data. The articles reveals that 7 years ago everyone saw Delhi air taking a dead U-Turn, but no action was taken. Statistics referred are that in the year 2000, the particulate matter in the Air of Delhi was $191 \mu\text{g}/\text{m}^3$ which reduced to $161\mu\text{g}/\text{m}^3$ in 2007 right from the year 2003 to 2007 because of the orders of the Hon'ble Supreme Court of India introducing CNG transport system in Delhi. However, in the year 2014, particulate matter has again shot-up to $360 \mu\text{g}/\text{m}^3$. It is reported further that as many as 80,000 trucks enter Delhi every night and sleeping population is compelled to inhale high particulate matters resulting in serious health hazards as diesel fuel can damage the lungs, brain and even cause cancer. It has been pointed out that diesel is the prime source for bringing serious air pollution in Delhi particularly and children are even finding it difficult to breathe. The situation is so alarming that medically it is being advised that for recovery, people should leave Delhi. The question that arises at present, and what the resident of Delhi are most concerned is, what the principle of inter generational equity requires of the present/by Governing and the ones who are being Governed.

There are three serious pollutants of air which we have already noticed in our previous orders. Firstly, burning of plastic and other wastes including Agriculture or Horticulture waste in open. Secondly, pollution resulting from construction and other allied activities emitting heavy dust contained in the air. Thirdly, Pollution resulting from

vehicular traffic and industrial emission.

We had passed diverse directions for preventing and controlling pollution and for improvement of the air quality in Delhi with regard to all the three major sources of air pollution. Unfortunately, the implementation remains question of concern. The pollutant causing deteriorating air quality is not a normal situation, it can hardly be tackled unless stringent measures are taken and directions are implemented expeditiously and with all the sincerity by the Agencies, Authorities, Departments and Government.

We had directed NCT, Delhi and other Governments to submit their views on matters like controlling of vehicular pollution, total number of vehicles, age of vehicles. The above mentioned authorities were also required to submit their views on congestion, control and prevention of construction pollution, checking of vehicles for pollution at the state entry point, overloading of trucks and construction of parking areas in all congested places of Delhi to avoid congestion and to ensure free flow of traffic. Unfortunately, we find no response in that regard. We hereby issue directions to all the State Governments, Public Authorities, Corporations and Govt. of NCT, Delhi to produce all original records before the Tribunal to show what action have been taken by all or any of them for compliance of the directions issued by the Tribunal so far. Let this record be produced on 10th April, 2015.

Reverting back to one of the major sources of air pollution that is dust emission from construction activities. This pollution mainly occurs due to mishandling of debris and building waste material, carriage and storage of

construction material and as no steps are taken for environment protection by the builders during the course of the construction. On 06th April, 2015 various newspapers have reported about the huge dust emission resulting from the above mentioned activities in various parts of NCT, Delhi. The reports show huge construction activity emitting very high dust components and emitting the same in the air. The concrete dust in the air can be lethal when it combines with particulate matter arising from vehicular emission. In this report the construction activities has been referred to that of 2 km stretch from NH-24 to Charmurti Chowk in NOIDA Extension and Golf course road, Gurgaon. To the naked eye, uncontrolled and high dust emission are visible in the photographs and it is also clear that no protective measures have been taken in and around the buildings under construction. Vide our order dated 26th November, 2014 and 04th December, 2014, we have passed clear direction as to the steps which the person responsible for construction, carrying construction material and dealing with debris should take. Hence, it is clear that this reported construction as mentioned above is in blatant violation of those directions. Besides this, all the construction activities have to be carried on in following the Ministry of Environment guidelines/manual for Township and Area Development Project, 2010. It is reported that in NOIDA Extension, no protective measures have been taken and there was absolutely no check on the emission of dust resulting from construction and allied activities. Similar is the state even in Gurgaon where construction activities are being carried on without any preventive steps as detailed by the order of the Tribunal and MoEF guideline of 2010.

Furthermore, the transportation of construction debris is always in a manner which is totally prejudicial to the environment. In these circumstances we hereby direct state of U.P., NOIDA and Greater NOIDA Authority, HUDA, State of Haryana and NCT, Delhi to immediately direct stoppage of construction activities of all the buildings shown in the report as well as at other sites wherever, construction is being carried on in violation to the direction of NGT as well as the MoEF guideline of 2010. This action shall be taken and complied with by all the state Government, Authorities and Police of each district particularly falling in the NCR, Delhi. The compliance report shall be submitted by the next date that is 10th April, 2015 to the Tribunal. Wherever the construction activities are not stopped by service of this order by the authorities upon the builders, the authority shall seal such building and report the matter to the Tribunal. With regard to the compliance of the conditions for check booth at all the entry points for checking of emission standards of the heavy vehicles, weigh bridges, overloading of trucks and life of the vehicles, we appoint the following Learned Advocates as Local Commissioners :-

1. Mr. Amit Verma, Adv.
2. Mr. Aditya N. Prasad, Adv.
3. Mr. Neha Miriam Kurian, Adv.
4. Mr. Atif Suhrawaroy, Adv.
5. Mr. Sahil Sangar, Adv.
6. Ms. Pallavi Talware, Adv.

The Local Commissioner shall visit all the check points of Delhi on 09th April, 2015 and report to the Tribunal for compliance of the direction as recorded in the

orders afore stated. All authorities particularly the police are directed to provide police help to enable the Commissioners to execute the commission. The report shall be submitted to the Tribunal on 10th April, 2015 and shall also include the status of installation of weigh bridges and providing of U-Turn for the vehicles which are overloaded and polluting.

The studies have established that the diesel vehicles are major source of pollution and major cause for deteriorating ambient air quality. The studies as indicated in the news reports are not the only material before the Tribunal. We, however, had directed the Central Pollution Control Board to carry out the study on ambient air quality. The report submitted by CPCB to the Tribunal clearly show that the parameters are totally violated. Comparatively the air quality in Lajpat Nagar appears to improve, but still it is infringing the prescribed parameters quite seriously. The analysis has been carried on 24th and 25th March, 2015 when it was preceded by restricting of traffic in Lajpat Nagar in terms of order of NGT. At site I, PM₁₀ level against the prescribed value of 100 µg/m³, it is found to be 162 and 211 µg/m³ respectively. In relation to PM_{2.5}, against the prescribed value of 60 µg/m³, it is found to be 89 and 120 µg/m³, respectively. At site II, PM₁₀, against the value of 100 µg/m³, has been found to be 180 and 201 µg/m³. This shows that the ambient air quality is still harmful for human health in one area. Other study report mentions much worse about other parts of Delhi. NOIDA is stated to be worse than Delhi even. We may also mention that many of countries of the world are in the process of doing away with diesel vehicles and are imposing very heavy taxes and

levies on such vehicles. Such countries include amongst other Brazil, China, Sri Lanka, Denmark and Paris.

We have already noticed that certain stringent measures need to be taken to improve the ambient air quality in NCR, Delhi and to ensure that the residents of this area do not travel closer to ill-health by each breath that they take. Thus we hereby direct that all diesel vehicles (heavy or light) which are more than 10 years old, will not be permitted on the roads of NCR, Delhi. All the registering authorities in the state of Haryana, U.P. and NCT, Delhi would not register any diesel vehicle which is more than 10 years old and shall file the list of vehicles before the Tribunal and provide the same to the Police and other concerned authorities. Petrol vehicles which are more than 15 years old and diesel vehicles that are more than 10 years old shall not be registered in the NCR, Delhi.

In relation to further improving Lajpat Nagar market congestion and to prevent undue emission from vehicular pollution, we hereby direct :-

1. That the area where cement Jersey barrier have not yet been installed, should be installed immediately and reported to the Tribunal. In the meanwhile, protective barrier consisting of three layered ropes should be provided all along the mid-section of the road to ensure free flow of traffic. No space for U-Turn should be left from one of the road to another.
2. No hawker or any other trolleys would be permitted to be parked or stationed on the metalled path of the carriage way. Parking of cars shall be permitted strictly in terms of the previous order of the Tribunal.

		<p>List the matter for further direction and for compliance of the above direction on 10th April, 2015 at 02:00 PM.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (Prof. A.R. Yousuf)</p> <p>.....,EM (B.S. Sajwan)</p>
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