

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN BENCH
CHENNAI**

Original Application No. 159 OF 2021 (SZ)

IN THE MATTER OF:

Kankana Das

... Applicant

Versus

Union of India and others

... Respondents

**REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2 -
CENTRAL POLLUTION CONTROL BOARD (CPCB)**

MOST RESPECTFULLY SHOWETH:

I, Smt. H. D. Varalaxmi, D/o Shri H.S. Devaiah, Hindu, aged about 51 years and having office at the Regional Directorate – Chennai, Central Pollution Control Board, 2nd Floor, 77-A, Ambattur Industrial Estate, Chennai – 600 058, do hereby solemnly affirm and sincerely state as follows: -

1. That I am working as Scientist 'E' in the Central Pollution Control Board (CPCB) and I am well conversant with the facts of the application from the records maintained by the offices of the CPCB. I am competent to swear this independent response on behalf of the CPCB. That I have carefully perused a copy of the original application served on the CPCB and have understood the contents therein.



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2. That I have read and understood the contents of the present Reply Affidavit. The contents thereof are true and correct and nothing material has been concealed therefrom.

3. It is submitted at the very outset that this Respondent No.2 denies each averment and/or submission made in the Original Application, that are contrary to and inconsistent with the averments made and facts stated in the present reply. It is submitted that nothing stated in the petition may be deemed to have been admitted by this Respondent unless and until the same is expressly admitted in the present reply.

PARA-WISE COMMENTS:

1. It is submitted that, the Applicant has filed the present Application under Sections 14 and 20 of the National Green Tribunal Act, 2010 raising substantial questions relating to the environment arising out of failure of Central Pollution Control Board to formulate 'State Action Plan for Air Pollution for all 23 States' by 2020 as envisaged in the National Clean Air Programme (NCAP).
2. This Respondent submits that the averments made in Paras 1 to 3 of the Application invites no comments from this answering Respondent.
3. That the averments made in Paras 4 and 5 of the Application refers to NCAP document. In this regard, this answering Respondent submits that



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the National Clean Air Programme (NCAP) has been launched as a comprehensive plan to tackle air pollution problem across the country in a focused manner to achieve 20 % to 30 % reduction in PM10 and PM2.5 levels by 2024 from 2017 levels.

4. That with regard to the averments made in Para 6 of the Application, it is submitted that presently NCAP is being implemented in 124 non-attainment cities. City Specific Clean Air Action Plans have been prepared and rolled out for implementation in 124 non-attainment cities. City action plans include actions to control vehicular emission, road dust, biomass/crop/garbage/MSW burning, construction activities, industrial emission and other city specific sources and have timelines and responsible agencies identified for implementing actions.
5. That the averments made in Paras 7 to 10 of the Application, it is submitted that the averments made in the paras are in accordance to the NCAP document.
6. That the averments made in Para 11 of the Application which refers to formulation of the guidelines for the preparation of the State Action Plan and preparation of state action plans for 23 states. This answering Respondent submits as follows:
 - CPCB shared an indicative template for the preparation of the State Action Plan for improvement of air quality, developed by the Ministry of Environment and Climate Change (MoEF&CC), with respective stakeholders (SPCBs/PCCs and National Knowledge Network - an advisory group to CPCB under NCAP) for their inputs/comments.




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- CPCB conducted a meeting with National Knowledge Network to discuss the said template for the preparation of the State Action Plan on 05-08-2021.
 - Further, it is submitted that the delay in the formulation of Guidelines for the preparation of the State Action Plan was due to the COVID- 19 pandemic situation in the country.
 - CPCB in consultation with MoEF&CC and after considering inputs of all States shall formulate the Guideline for preparation of State Action Plan.
7. That the averments made in Para 12 requires no comments from this answering Respondent.
 8. That the averments made in Paras 13 and 14 of the Application are in accordance with the NCAP document.
 9. That the averments made in Para 15 of the Application refers to formulation of the guidelines for the preparation of the State Action Plan and preparation of state action plans. In this regard this answering Respondent wants to reiterate the comments given in Para 11 above.
 10. That the averments made in Para 16 of the Application requires no comments from this answering Respondent.
 11. That the averments made in Paras 17 & 18 of the Application refers to formulation of the guidelines for the preparation of the State Action Plan. In this regard this answering Respondent wants to reiterate the comments specified in Para 11 above.



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12. That the averments made in Paras 19 & 20 of the Application invites no comments from this answering Respondent.
13. That with regard to the averments made in Para 21 of the Application, this answering Respondent wants to reiterate the comments mentioned in Para 11 above.
14. That the averments made in Para 22 of the Application refers to the planning and execution of NCAP along with functions of CPCB. This answering Respondent submits as under:
 - That the city Specific Clean Air Action Plans have been prepared and rolled out for implementation in 124 non-attainment cities. City action plans include actions to control vehicular emission, road dust, biomass/crop/garbage/MSW burning, construction activities, industrial emission and other city specific sources and have timelines and responsible agencies identified for implementing actions.
 - CPCB nodal officers have visited the cities to monitor ground level implementation of the action plans in July 2021.
 - A dashboard is being developed for tracking of physical as well as financial status of city air action plan implementation and disseminates information on air quality management efforts under NCAP to public.
15. That the averments made in Para 23 of the Application requires no comments from this answering Respondent.



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16. That the averments made in Para 24 of the Application refers to the preparation of the State Action Plan. This answering Respondent submits as under:
- CPCB shared an indicative template for the preparation of the State Action Plan for improvement of air quality, developed by the Ministry of Environment and Climate Change (MoEF&CC), with respective stakeholders (SPCBs/PCCs and National Knowledge Network - an advisory group to CPCB under NCAP) for their inputs/comments.
 - CPCB conducted a meeting with National Knowledge Network to discuss the said template for the preparation of the State Action Plan on 05-08-2021.
 - Further, it is pertinent to mention here that the delay in the formulation of Guidelines for the preparation of the State Action Plan is due to the COVID- 19 pandemic situation in the country.
 - CPCB in consultation with MoEF&CC and after considering inputs of all States shall formulate the Guideline for preparation of State Action Plan.
 - Directions under Section 18 (1) (b) of The Air (Prevention and Control of Pollution) Act, 1981 were issued to the Chairman SPCBs/PCCs regarding submission of Micro-Planning details of City Action Plans.
17. That with regard to the averments made in Para 25 of the Application, this answering Respondent wants to reiterate the comments specified in Para 11 above.
18. That averments with regard to Para 'A' under the heading 'Grounds' requires no comments from this answering Respondent.



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19. That averments made in Para 'B' to 'C' under the heading 'Grounds' refers to formulation of the guidelines for the preparation of the State Action Plan and preparation of state action plans. In this regard this answering Respondent wants to reiterate the comments mentioned in Para 11 above.
20. That averments made in Paras 'D' to 'F' under the heading 'Grounds' requires no comments from this answering Respondent.
21. That averments with respect to Para 'G' to 'H' under the heading 'Grounds' refers to formulation of the guidelines for the preparation of the State Action Plan and preparation of state action plans. In this regard this answering Respondent wants to reiterate the comments mentioned in Para 11 above.
22. That averments with respect to Paras 'I' to 'K' under the heading 'Grounds' requires no comments from this answering Respondent.

PRAYER

In light of the above submissions, it is respectfully prayed that this answering Respondent No.2, the Central Pollution Control Board, humbly submits as under:

- Two-month time period may be granted to CPCB to formulation of the "Guidelines for preparation of the state action plan".
- CPCB shall comply with any directions of the Hon'ble NGT on the matter.



H.D. Varalaxmi

DEPONENT

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VERIFICATION

I, Smt. H. D. Varalaxmi, D/o Shri H.S. Devaiah, working as Scientist 'E' and posted as Regional Director (Chennai), Central Pollution Control Board, Respondent no.2 herein do hereby state that what is stated in paragraph 1 to 22 above are true to the best of my knowledge, belief and information.

Verified at Chennai on this 27th day of August, 2021.



H.D. Varalaxmi

Deponent

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Counsel for 2nd Respondent

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**REPLY AFFIDAVIT FILED ON
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BOARD (CPCB)**

Advocate P. Jayalakshmi

COUNSEL FOR CPCB