

BEFORE THE NATIONAL GREEN TRIBUNAL**WESTERN ZONE BENCH, PUNE****ORIGINAL APPLICATION NO. 34 OF 2024 (WZ)**

Citizens of Area Sabha & Anr. Applicants

Versus

MPCB & Ors. Respondents

**In re : News item appearing in Punekar News Dated 27.12.2023
titled "Pune Faces rising concerns over Increased garbage
burning and poor air quality"**

**Additional Affidavit and Rejoinder to MPCB Affidavit dated
14/03/2024 on behalf of Respondent No. 3 Pune Municipal
Corporation (PMC)**



1. I, Sandip Kadam, Deputy Municipal Commissioner, Solid Waste Management Department, Pune Municipal Corporation and I am competent to file this Additional

Affidavit. I am filing this Additional Affidavit on the basis of information given to me and documents made available to me.

2. I state and submit that this Additional Affidavit has been filed by Respondent No. 3 PMC to bring certain facts on record and to respond to the Affidavit filed by the MPCB R-1.

3. I state that the news item dated 27/12/2023 and titled 'Pune facing rising concerns over increased garbage burning and poor air quality' appeared in Punekar News have highlighted the isolated incidents of garbage burning issues in few areas of the city during months of November and December, 2023. The article has mentioned the rising incidents of garbage burning in these two months and its contribution in rising air pollution leading to Air Quality Index (AQI) dip of the city in poor category. The rising air pollution has very adverse impact on respiratory health of citizens.



4. I state that based on the aforesaid news article suo motu cognizance was taken by Principal Bench. Vide order dated 25/01/2024 Hon'ble NGT, Principal Bench directed PMC to file a report in this regard and was please to transfer the matter to Western Bench.

5. I state that PMC had filed a Report dated 27/02/2024 and vide order dated 28/02/2024 Hon'ble Tribunal directed MPCB to file Affidavit "*as to what measures are being taken at their end with respect to bring down the Air Pollution*".

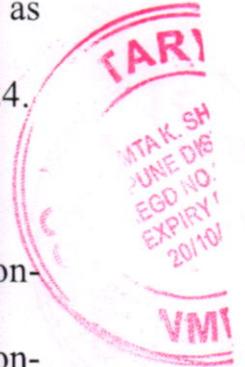
6. I state that R-1 MPCB has not filed Affidavit in compliance of the order dated 28/02/2024 and filed a report in relation to site visit done by MPCB officials at two locations and issued proposed directions u/s. 31A of the Air (Prevention and Control of Pollution) Act, 1981 to R-1 vide their letter dated 11/03/2024.



7. I state that PMC replied to the aforesaid letter vide their letter dated 19/03/2024. Hereto marked and annexed as **Annexure A** is the copy of reply letter dated 19/03/2024.

8. I state that R-1 MPCB had pointed out four major non-compliances on part of R-1. PMC reply on the non-compliances is as follows: -

Sr. No.	Non-Compliance	Reply
1.	PMC have dumped municipal solid waste in Hadapsar Industrial Area unscientifically without segregation.	<ul style="list-style-type: none"> ▪ In the Mentioned non-compliance, the area of land belongs to Pune Cantonment Board and Pune Municipal Corporation is not involved in any dumping of waste in that area. ▪ However, PMC and PCB have jointly installed a dry waste facility in the area in June 2023 and all the waste is scientifically treated and disposed at PMC SLF.



Sr. No.	Non-Compliance	Reply
2.	PMC have not provided a proper collection system for the leachates.	<ul style="list-style-type: none"> ▪ It is under the management of Pune Cantonment Board and necessary action to be taken by them.
3.	PMC have not taken effective steps to avoid garbage burning issues in Hadapsar Industrial Area.	<p>1) After the fire incident at the waste facility of Pune Cantonment Board, PMC also provided support to extinguish the fire. PMC has also sent a letter to PCB mentioning to take precautions and implement mitigation measures so that in future any such incident does not occur again. (Letter ref. no. SWM/253, dtd. 12/04/2024).</p> <p>2) Following measures have been taken by Hadapsar - Mundhwa and Dhole Patil Ward Office:</p> <ul style="list-style-type: none"> ▪ Regular observations are being carried out at 4 identified spots where burning was





Sr. No.	Non-Compliance	Reply
		<p>observed. (Morning, Afternoon and Night Shifts)</p> <ul style="list-style-type: none"> ▪ Fines are being imposed if any open burning of waste is found. ▪ It was observed that, open burning was done in unutilised spaces, Ward offices have requested Police Department to help and keep vigil in these spaces, to avoid open burning of waste. <p>3) From January 2023 to 29th April 2023 PMC has collected Rs.9,99,000/- fine against 1722 cases of opening burning of waste.</p>
4.	<p>PMC have dumped mixed garbage at Magarpatta City near Canal Side.</p>	<p>No mixed garbage is dumped by PMC at Magarpatta City near Canal Side. But regular checking is done to avoid any dumping.</p>



9. I state that a news article was published in Times of India on 6/03/2024 titled as "Pune records cleanest Jan since 2016, finds study". This article states that Air Quality of Pune has been in the category of good and satisfactory. Hereto marked and annexed as **Annexure B** is the copy of said news article.

10. I state that an Intervention Application filed by Citizens of Area Sabha was allowed by this Hon'ble Bench wherein the main grievance of the Applicant was to impose a fine of Rs. 5000/- for burning garbage in case of simple burning and Rs. 25000/- in case of bulk burning. I state that R-1 undertakes to impose such fines henceforth.

11. I state that PMC is already taking actions to mitigate open burning of waste following is the Action plan for the same:

- a. Pune city has robust arrangements for door-to-door collection of Municipal Solid Waste with almost 100% coverage. The waste pickers cooperative SWaCH has



been appointed by PMC for door-to-door collection of waste from residential, slums and commercial areas. There are around 3800 waste pickers engaged in door-to-door waste collection daily in the city. Each waste picker is allotted 200 to 250 Households. PMC has given a letter SWaCH that their waste pickers shall not segregate the waste openly and shall not burn any kind of waste roadside and along the canals. (Letter to SWaCH attached with the Letter(3).

- b. The total daily waste generation for the city is around 2200-2300 TPD which comprises of around 1200-1300 TPD dry waste and approx. 900-1000 TPD wet waste. PMC operates various dry and wet waste processing facilities with the designed capacity of more than 2400 TPD. All processing plants operates as per SWM and MPCB guidelines and their contribution to air pollution is very minimal.



c. SWM Department, PMC has more than 750 vehicles fleet for collection and transportation of municipal solid waste from feeder points to processing plants. This large fleet of different categories (Small bell truck, large bell truck, compactors, BRC etc.) is adequate for meeting the daily requirements of waste transportation in the city.

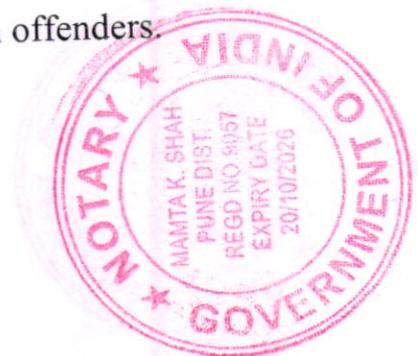
d. The SWM department has prepared a strategy and roadmap for elimination of Garbage vulnerable points (GVP)/Chronic spots across the city and it is being implemented at the ward and kothi level. The daily reporting of chronic spots monitoring is being done and reclaimed spot is being beautified.

e. PMC operates fleet of more than 15 mechanized road sweepers across five zones in the city for maintaining cleanliness of main 4 lane roads network using vacuum sweeping technology and hydraulic cleaning by water spraying. Each road sweeper vehicle has an attached



tipper vehicle and a group of labourers for cleaning of side footpath, dividers, medians and overall route areas. This helps in significantly minimizing the air pollution due to vehicular and construction dust particles.

- f. PMC employs more than 8,000 sweepers across more than 250 kothis in the city. Each street sweeper has a dedicated sweeping beat which is cleaned every day in the morning shift. This significantly reduces the air pollution due to dust particulate.
- g. SWM Department, PMC has issued a notification for spot fine and penalty amount for violating the SWM Rules, 2016. Under the notification, the penalty for garbage burning is Rs 500 for every incident. PMC is in the process receiving administrative sanction for increasing the fine from Rs. 500 to Rs. 5000. Letter of the same attached with the letter (3) Ward wise daily reports are maintained for various offences as per spot fine notification for penalties collected from offenders.



PMC has deployed flying squads with dedicated vehicles at wards level (4 vehicles operating now) for penalty collection & efficient monitoring by squads. Letter has been given to all 15 ward offices on 24th April 2024 regarding imposing fines and reducing incidents of open burning of waste (5).

h. SWM department has formed monitoring squads across 15 ward offices and 42 Prabhags consisting of ward officials i.e. DSI, Sanitary Inspector (SI) and Mokadams for spotting and preventing the open burning of garbage at any place. The monitoring squad has been authorised to collect penalty under the spot fine notification.

i. To minimize pollution due to construction waste, PMC operates a Construction & Demolition (C&D) Waste processing plant of 250 TPD capacity and has designated C&D waste collection points across all wards with dedicated vehicles. A new C&D plant of



200 TPD capacity will be erected and commissioned in the south-west region of Pune city for managing increasing C&D waste, work order of the plant has been issued on 27/02/24.

- j. Public awareness and IEC campaigns for mass awareness among citizens for discouraging open burning of garbage and sustainable waste management solutions.

In view of the above, SWM dept, PMC is focusing on reported garbage burning cases for preventing such incidents in future and taking steps to improve air quality.

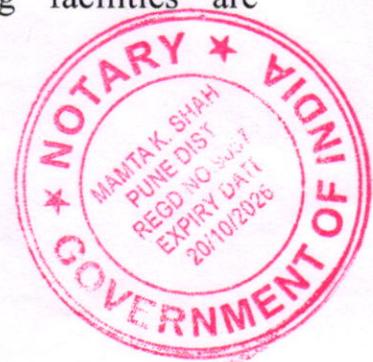
12. PMC is also following short & long-term measures are being considered and implemented for scientific and effective solid waste management in the city.

- a. **Decentralized Waste Management:** PMC gives more focus on adopting decentralized or localised waste management system instead of centralized



systems. This includes working with SWaCH waste pickers for over a decade to institutionalize door step collection of municipal waste, encouraging segregation of waste at the source and implementing PMC bye-laws for incentivising on-site processing of wet-waste in Bulk Waste Generators (BWGs) and home composting practices. This approach will reduce the transportation cost of waste and efficiently reuse or recycle waste.

b. Waste Segregation: In compliance with SWM Rules 2016, and SBM guidelines, PMC is strictly enforcing waste segregation at the source in four categories (Dry, wet, sanitary waste and Domestic Hazardous waste). Different colour coded bins have been provided both at the level of SWaCH waste pickers as well as waste transportation vehicles. This plays a crucial role in improving waste management efficiency as dedicated processing facilities are operating for dry and wet waste.



c. IEC and Citizen Awareness Programs: SWM department, PMC is regularly organizing Ward and kothi level IEC campaigns for engaging with citizens on promoting doorstep collection and source segregation behaviour. This is being done in collaboration with various CSR partners and civil society organizations involving school students and citizens of all age groups and background. Also, regular seminars and workshops are conducted to educate the citizens about the importance of proper waste disposal technologies like composting, Waste to Energy, Biogas, Bio CNG and others. The campaigns reinforce the value of the 3R (Reduce, Reuse, Recycle) practice and to encourage this behaviour, PMC has set up Resource Recycling Centres (RRC) in every ward for collection and forward linkage.



d. Scientific Landfill Management: The open dumping of municipal solid waste is banned in the city since 2020 as entire waste is processed at various waste processing facilities. At the same time, PMC has a Scientific landfill (SLF) at Devachi Uruli for scientific disposal of rejects/inerts generated at processing facilities after processing of municipal solid waste. The operation and management of SLF is being done to minimize environmental impacts. This includes measures such as regular monitoring of gas emissions and leachate collection and treatment. PMC has also issued work order for the construction a new SLF of 300 TPD capacity covering approx 8 acres area in PCB land parcel and the work is in progress for the same. The Tender process for an additional SLF of 300 TPD capacity covering area of approx. 4 acres at Devachi Uruli site is in progress.



e. Strict Enforcement: PMC has notified penalties for various offences under SWM Rules 2016 for preventing waste dumping and waste collection at chronic spots in the city including ban on Single Use Plastic (SUP). Ward level monitoring squads and vehicles have been provided for enhancing penalty collections from the offenders.

f. Recycling Programs: PMC is rolling out in collaboration with SWaCH and various CSR partners for encouraging recycling behaviour within the community. In this context, focus is on establishing local recycling centres (RRCs) at ward levels, and incentivize people to recycle waste. This can be in the form of rewards or monetary benefits.



g. **Legacy Waste Management:** As dumping of waste is banned in the city, PMC has been doing biomining of existing legacy waste at the site of Devachi Uruli for past few years in phases for booming of legacy waste and land reclamation. In phase 1, around 11.75 lakh MT of legacy waste was biominced and approx. 22 acres of land was reclaimed. In 2nd phase, around 8 lakh MT of legacy waste was biominced and approx. 6.5 acres of land has been reclaimed. The reclaimed land will be used for the construction of new SLF at the site.

h. These short- and long-term measures and corrective action plan is being adopted by Solid Waste Management department of Pune Municipal Corporation for addressing the issues pointed by MPCB and for effective compliance of SWM Rules, 2016 and provisions under Air (Prevention and Control of Pollution) Act 1981 read with Environment (Protection) Act 1986. This will help in addressing the

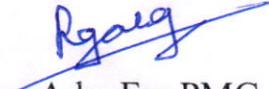


citizen complaints and effective solid waste management in the city.

13. I state that PMC R-1 has developed a mobile app by the name PMC CARE wherein citizens can register their Complaints which are answered / resolved by the PMC.

Pune

Date: 27/05/2024


Adv. For PMC


Department of Solid Waste Management

Pune Municipal Corporation(R-3)

उपआयुक्त
जन कचरा व्यवस्थापन कार्यालय
पुणे महानगरपालिका.



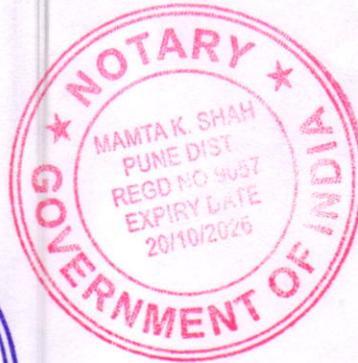
VERIFICATION

I, Sandip Kadam, Deputy Municipal Commissioner, Solid Waste Management Department, Pune Municipal Corporation, do hereby state on solemn affirmation that what is stated in this Additional Affidavit in paragraphs no. 1 to 13 are true and correct on the basis of documents and records available with me and information given to me.

Solemnly affirmed at Pune.

Pune

Date: **27 MAY 2024**



[Handwritten Signature]

Affiant

उपआयुक्त

घन कचरा व्यवस्थापन कार्यालय
पुणे महानगरपालिका

BEFORE ME

[Handwritten Signature]

MAMTA K. SHAH
NOTARY
GOVT. OF INDIA
PUNE DISTRICT

I Know the Affiant

[Handwritten Signature]

Advocate



NOTED AND REGISTERED

AT SR. NO. **7087/2024**

DATE. **27 MAY 2024**

Solid Waste Management
Pune Municipal Corporation

Date: 19/03/2024

Outward No. SWM- SHM/8078

The Regional Officer,
Jog Centre, 3rd Floor, Wakdewadi
Maharashtra Pollution Control Board
Pune - 411 003

Subject:- Proposed Directions under section 31A of the Air (Prevention & Control of Pollution), 1981

Reference:-

1. MSW-Authorizations granted by the Board.
2. News appeared in Punekar News on 27/12/2023 titled 'Pune Faces Rising Concerns Over increased garbage burning and poor air quality
3. The Hon'ble NGT OA No. 34/2024 (Suo Motu Application)
4. Proposal for legal action submitted by the Sub Regional Officer, Pune - I vide no. 050324008 on 05/03/2024.
5. MPCB letter dated 11/03/2024 vide reference number MPCB/ROP/ Directions/ SWM/240311001

Respected Sir,

With reference to your letter dated 11/03/2024 mentioned in reference Sr No. 5 regarding Proposed Directions under section 31 A of the Air (Prevention & Control of Pollution) Act, 1981; the Solid Waste Management (SWM) Department of Pune Municipal Corporation is making sincere efforts to address the issues raised vide reference Sr. no 2, 3 and 4 and complying with all the directions and guidelines as per SWM Rules, 2016 and MPCB instructions w.r.t processing facilities- and other processing sites including scientific landfill. Due to various challenges mentioned in the submission, there are isolated incidents and few gap areas which PMC has identified and is in the process of addressing the same. **Please find the submission for your kind perusal.**

Pune city with its large geographical area covering 516 sq km and a huge population of over 6 million has witnessed rapid urbanization and exponential growth in population over past few decades. The rapid urbanization has resulted in multitude of urban challenges like mobility/public transport, affordable housing, air quality, drinking water supply, sewage treatment, solid waste management etc. Pune has been facing significant air quality issues over the past few years. The rapid industrialization and urbanization of the city contribute towards deteriorating air quality. The major causes of poor air quality in Pune include vehicular emissions, construction dust, industrial emissions, and others. The rise in air pollution levels poses a significant threat to the health of its residents and the environment.

The news item dated 27/12/23 and titled 'Pune facing rising concerns over increased garbage burning and poor air quality' appeared in *Punekar News* have highlighted the isolated incidents of garbage burning issues in few areas of the city during months of November and December, 2023. The article has mentioned the rising incidents of garbage burning in these two months and its contribution in rising air pollution leading to Air Quality Index (AQI) dip of the city in poor category. PMC acknowledges that the rising air pollution has very adverse impact on respiratory health of citizens.

Pune Municipal Corporation (PMC) attaches significant importance to the issue of air pollution and has undertaken several initiatives to address air pollution and improve Pune's overall air quality. The Solid Waste Management (SWM) Department has formulated key strategies and implementing them across the wards for controlling incidents of garbage burning and other activities contributing to rising air pollution in the city. The garbage burning incidents are isolated cases and not rampant and frequent in nature. **In this context, PMC is implementing the following corrective Action plan for addressing the gaps and issues:**

1. Pune city has robust arrangements for door to door collection of municipal solid waste with almost 100% coverage and 100% source segregation. The waste pickers cooperative SWaCH has been appointed by PMC for door to door collection of waste from residential, slums and commercial areas. There are around 3800 waste pickers engaged in door-to-door waste collection daily in the city. Each waste picker is allotted 200 to 250 Households.
2. The total daily waste generation for the city is around 2200-2300 TPD which comprises of around 1200-1300 TPD dry waste and approx. 900-1000 TPD wet waste. PMC operates various dry and wet waste processing facilities with the designed capacity of more than 2400 TPD. All processing plants operates as per SWM and MPCB guidelines and their contribution to air pollution is very minimal.
3. SWM dept, PMC has more than 750 vehicles fleet for collection and transportation of municipal solid waste from feeder points to processing plants. This large fleet of different categories (Small bell truck, large bell truck, compactors, BRC etc.) is adequate for meeting the daily requirements of waste transportation in the city.
4. The SWM department has prepared a strategy and roadmap for elimination of Garbage vulnerable points (GVP)/Chronic spots across the city and it is being implemented at the ward and kothi level. The daily reporting of chronic spots monitoring is being done and reclaimed spot is being beautified.
5. PMC operates fleet of more than 15 mechanized road sweepers across five zones in the city for maintaining cleanliness of main 4 lane roads network using vacuum sweeping technology and hydraulic cleaning by water spraying. Each road sweeper vehicle has an attached tipper vehicle and a group of labourers for cleaning of side footpath, dividers,

medians and overall route areas. This helps in significantly minimizing the air pollution due to vehicular and construction dust particles.

6. PMC employs more than 8,000 sweepers across more than 250 kothis in the city. Each street sweeper has a dedicated sweeping beat which is cleaned everyday in the morning shift. This significantly reduces the air pollution due to dust particulate.
7. SWM Department, PMC has issued a notification for spot fine and penalty amount for violating the SWM Rules, 2016. Under the notification, the penalty for garbage burning is Rs 500 for every incident. Ward wise daily reports are maintained for various offences as per spot fine notification for penalties collected from offenders. PMC has deployed flying squads with dedicated vehicles at wards level (4 vehicles operating now) for penalty collection & efficient monitoring by squads.
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9. To minimize pollution due to construction waste, PMC operates a Construction & Demolition (C&D) Waste processing plant of 250 TPD capacity and has designated C&D waste collection points across all wards with dedicated vehicles. A new C&D plant of 200 TPD capacity will be erected and commissioned in the south-west region of Pune city for managing increasing C&D waste, work order of the plant has been issued on 27/02/24.
10. Public awareness and IEC campaigns for mass awareness among citizens for discouraging open burning of garbage and sustainable waste management solutions.

In view of the above, SWM dept, PMC is focusing on reported garbage burning cases for preventing such incidents in future and taking steps to improve air quality.

Additionally, following short & long-term measures are being considered and implemented for scientific and effective solid waste management in the city.

1. **Decentralized Waste Management:** PMC gives more focus on adopting decentralized or localised waste management system instead of centralized systems. This includes working with SWaCH waste pickers for over a decade to institutionalize door step collection of municipal waste, encouraging segregation of waste at the source and implementing PMC bye-laws for incentivising on-site processing of wet-waste in Bulk Waste Generators (BWGs) and home composting practices . This approach will reduce the transportation cost of waste and efficiently reuse or recycle waste.
2. **Waste Segregation:** In compliance with SWM Rules 2016, and SBM guidelines, PMC is strictly enforcing waste segregation at the source in four categories (Dry, wet, sanitary waste and Domestic Hazardous waste). Different colour coded bins have been provided both at the level of SWaCH waste

- pickers as well as waste transportation vehicles. This plays a crucial role in improving waste management efficiency as dedicated processing facilities are operating for dry and wet waste.
3. IEC and Citizen Awareness Programs: SWM department, PMC is regularly organizing Ward and kothi level IEC campaigns for engaging with citizens on promoting door step collection and source segregation behaviour. This is being done in collaboration with various CSR partners and civil society organizations involving school students and citizens of all age groups and background. Also, regular seminars and workshops are conducted to educate the citizens about the importance of proper waste disposal technologies like composting, Waste to Energy, Biogas, BioCNG and others. The campaigns reinforce the value of the 3R (Reduce, Reuse, Recycle) practice and to encourage this behaviour, PMC has set up Resource Recycling Centres (RRC) in every ward for collection and forward linkage.
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 5. Strict Enforcement: PMC has notified penalties for various offences under SWM Rules 2016 for preventing waste dumping and waste collection at chronic spots in the city including ban on Single Use Plastic (SUP). Ward level monitoring squads and vehicles have been provided for enhancing penalty collections from the offenders.
 6. Recycling Programs: PMC is rolling out in collaboration with SWaCH and various CSR partners for encouraging recycling behaviour within the community. In this context, focus is on establishing local recycling centers (RRCs) at ward levels, and incentivize people to recycle waste. This can be in the form of rewards or monetary benefits.
 7. Legacy Waste Management: As dumping of waste is banned in the city, PMC has been doing biomining of existing legacy waste at the site of Devachi Uruli for past few years in phases for booming of legacy waste and land reclamation. In phase 1, around 11.75 lakh MT of legacy waste was biomined and approx. 22 acres of land was reclaimed. In 2nd phase, around 8 lakh MT of legacy waste was biomined and approx. 6.5 acres of land has been reclaimed. The reclaimed land will be used for the construction of new SLF at the site.

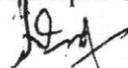
These short and long term measures and ⁵²⁰corrective action plan is being adopted by Solid Waste Management department of Pune Municipal Corporation for addressing the issues pointed by MPCB and for effective compliance of SWM Rules, 2016. This will help in addressing the citizen complaints and effective solid waste management in the city.

Hence, as per the directions mentioned by MPCB in its communication to PMC and guidelines of Solid Waste Management Rules, 2016; Pune Municipal Corporation is undertaking necessary actions for compliance as per the aforementioned action plan.

For your kind submission

Thanks


Deputy Municipal Commissioner
Solid Waste Management Department

Pune Municipal Corporation

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THE TIMES OF INDIA

DELIVERED BY PUNE TIMES (A MEMBER OF THE PUNE CITY P.M.C. AREA & PUNE DISTRICT)

INDIA'S LARGEST ENGLISH NEWSPAPER

Twitter's ex-CEO Parag Agrawal, among former leadership team, says he fired them without reason and owes them severance payments worth \$120m

Pune records cleanest Jan since 2016, finds study

Shreemoyee.RoyC
@timesgroup.com

Pune recorded the lowest PM2.5 levels in Jan this year when compared to the same month in the last six years, revealed a study by the Centre for Research on Energy and Clean Air (CREA).

The average levels were 54 µg/m³, six points below the daily National Ambient Air Quality Standard (NAAQS) of 60 µg/m³. "The change is a combination of meteorological factors and efforts by agencies to restrict air pollution. A fraction of reduction might be attributed to fewer emissions from local sources such as transport and construction, and meteorology, too, played a significant role in the reduction," Sunil Dahiya, an analyst for CREA, said.

The study gathered data from eight Continuous Ambi-

ent Air Quality Monitoring Stations (CAAQMS) stations of the Maharashtra Pollution Control Board (MPCB) and the Indian Institute of Tropical Meteorology (IITM) from Jan 2016 to Jan 2024 while omitting Jan 2018 and the first 13 days of Jan 2023 due to the lack of data.

The head of the air quality programme at IITM, Sachine Ghude, said that meteorological factors also helped to reduce the PM2.5 levels.

"We had a warmer winter in Jan, compared to other years. The meteorological factors favoured ventilation of pollution rather than accumulating it near the surface, and the winds supported the dispersion of pollution," he said.

Pune also performed better on the air quality index (AQI), with over 20 days classified in the 'good' and 'satisfactory' categories.



Pic for representation