

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH AT PUNE**

**Original Application No.65/2021 (WZ)**

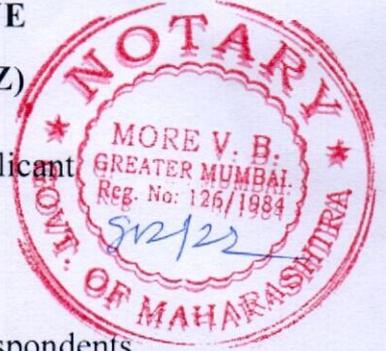
Sarang Yadwadkar

....Applicant

v/s

State of Maharashtra & Ors.

..... Respondents



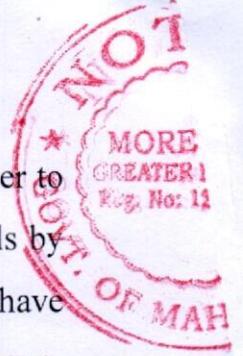
**Affidavit in reply on behalf of Respondent No.2 i.e. Maharashtra  
Pollution Control Board**

I, Dr.V.M. Motghare, Age : Adult, Occupation : Service, the Joint Director(APC) of the Maharashtra Pollution Control Board, having my office at Kalpataru Point, 3<sup>rd</sup> Floor, Near Sion Circle, Sion (East), Mumbai-400 022, do hereby state on solemn affirmation as under :-

1. I have perused the papers and proceedings of the above matter. I am thus conversant with the facts of the case and I am able to depose the same. I am filing the said Affidavit in Reply as under:
2. At the outset, the present Original Application is filed by the Applicant raising substantial question relating to the environment arising out of non-formulation of the Preliminary State Action Plan for Air Pollution by 2019 as envisaged in the National Clean Air Program (NCAP).
3. I say & submit that 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 & PM2.5 levels by 2024 from 2017. City Specific Clean Air Action Plans have been prepared & rolled out for implementation in 19 non-attainment cities in the State of Maharashtra. 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.

4. I say and submit that in compliance of the order dated 8/10/2018 passed by the Hon'ble NGT, Principle Bench, New Delhi in Original Application No.681/2018 and for preparation of Action Plan, the State of Maharashtra has constituted the State Level Monitoring and Implementation Committee (SLMIC) headed by Principal Secretary-Environment vide order dated 31/12/2018.
5. I further say & submit that the State of Maharashtra vide Govt. Resolution dated 18/9/2019 has constituted a City Level Committee for effective implementation of National Clean Air Program (NCAP) headed by District Collector/ Municipal Corporation Commissioner. The aforesaid Committees are conducting regular meetings with respective stakeholders to ensure timely execution of the City Action Plans.
6. I say and submit that the Central Pollution Control Board in consultation with concerned State Pollution Control Boards (SPCBs)/ PCCs have prepared the guidelines/ indicative



template for preparation of the City Air Action Plan of non-attainment cities and State Air action plan (SAP).

7. I say and submit that the State of Maharashtra is having 19 non-attainment/ million plus cities namely: Akola, Amravati, Aurangabad, Badlapur, Chandrapur, Jalgaon, Jalna, Kolhapur, Latur, Nagpur, Navi Mumbai, Pune, Sangli, Ulhasnagar, Mumbai, Solapur, Nashik, Thane & Vasai Virar. The Maharashtra Pollution Control Board (MPCB) had conducted multiple meetings with respective Municipal Corporations/ Councils & other stakeholders for preparation of the City Action Plans as per CPCB guidelines. Accordingly, the City Actions Plans of all 19 non-attainment/ million plus cities have been submitted to the Central Pollution Control Board and the CPCB has approved action plans of all 19 non-attainment/ million plus cities.
8. I say and submit that MPC Board in collaboration with IITB/ NEERI is also conducting Source Apportionment/Emission Inventory studies for all 19 non-attainment/ million plus cities. The reports of 10 non-attainment/million plus cities have been submitted to CPCB and remaining reports of 9 non-attainment/million plus cities in advance stage of completion. Also, MPC Board along with NEERI, Nagpur have undertaken carrying capacity studies for Nagpur and Navi-Mumbai cities on pilot basis.
9. I say and submit that for timebound execution of action plans, the MPC Board has issued directions under section 31A of the Air (Prevention& Control of Pollution) Act, 1981 to the

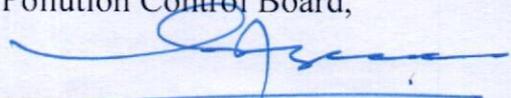


respective Municipal Corporation/ Council(s). A sample copy of the directions is enclosed herewith and marked as an **Annexure-I.**

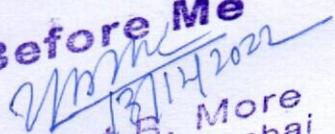
10. I say and submit that the approved Action Plans include actions to control vehicular emission, road dust, biomass/crop/garbage/MSW burning, construction activities, industrial emission and other city specific sources and have timelines and responsible agencies identified for implementing actions.
11. I say and submit that the Maharashtra Pollution Control Board has also prepared State Air Action Plan and submitted to the Central Pollution Control Board vide letter dated 28/07/2022. A copy of the letter dated 28/7/2022 submitted to the Central Pollution Control Board is enclosed herewith & marked as an **Annexure-II.**
12. In view of the above, the Respondent Board is taking appropriate steps towards curbing air pollution.

Solemnly affirmed on this 13<sup>th</sup> day of December, 2022 at Mumbai.

For and on behalf of Maharashtra  
Pollution Control Board,

  
(Dr.V.M. Motghare) 13/12/22  
Joint Director(APC)



**Before Me**  
  
13/12/2022  
Vasant B. More  
Notary Gr. Mumbai  
REGISTER Sr. No. 912/2022

अशोक शिंगारे, भाप्रसे  
सदस्य सचिव  
**Ashok Shingare, IAS**  
MEMBER SECRETARY



महाराष्ट्र प्रदूषण नियंत्रण मंडळ  
MAHARASHTRA POLLUTION CONTROL BOARD

No.MPCB/MS/NCAP/Dir-2021/B- 210324-FTS-0112

Date: 24/03/2021

To  
The Municipal Commissioner,  
Vasai Virar City Municipal Corporation,  
Vasai Virar-401 303

**Sub: - Directions under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 regarding preparation and implementation of action plan.**

Ref: - CPCB's letter AQM/AP/2019-20 dtd. 11.03.2021 (Enclosed)

WHEREAS, under Section 17 (1) (a) (c) (d) and (e) of The Air (Prevention and Control of Pollution) Act, 1981, mandates Maharashtra Pollution Control Board (hereinafter referred as MPCB) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof; collect and disseminate information relating to air pollution; collaborate with the Central Board in organizing the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organize mass-education programme relating thereto and to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

AND WHEREAS, Air Pollution particularly PM<sub>10</sub> and PM<sub>2.5</sub> has emerged as a major health concern in most of the cities & towns, with Ambient Air Quality reaching to alarming levels.

AND WHEREAS, based on the data for the period 2015-2019, 124 cities across India failed to meet the prescribed *National Ambient Air Quality Standard 2009* are identified as Non-Attainment cities, in which Maharashtra is having 18 no. of non-attainment cities namely; Akola, Amravati, Aurangabad, Badlapur, Chandrapur, Jalgaon, Jalna, Kolhapur, Latur, Mumbai, Nagpur, Nashik, Navi Mumbai, Pune, Sangali, Solapur, Ulhasnagar and Thane.

AND WHEREAS, in pursuant to Hon'ble NGT order, all the States and UTs with non-attainment cities were required to constitute Air Quality Monitoring Committee (AQMC) and AQMCs to prepare appropriate action plans aimed at bringing the standard of air quality within the prescribed norms.

AND WHEREAS, as per the order of Hon'ble NGT, a three-member committee of CPCB shall examine the Action plans and on the recommendations of the said committee, the Chairman, CPCB shall approve the same.

AND WHEREAS, MPCB has conducted workshops to sensitize Stakeholders to develop city specific action plan for control of air pollution in these non-attainment cities.

AND WHEREAS, Action Plans for 17 cities namely: Akola, Amravati, Aurangabad, Badlapur, Chandrapur, Jalgaon, Jalna, Kolhapur, Latur, Mumbai, Nagpur, Nashik, Navi Mumbai, Pune, Sangli, Solapur and Ulhasnagar cities were already approved for implementation on 16.04.2019, 25.06.2019 and 9.10.2019.

AND WHEREAS, under XV- Financial Commission (2020-21) funds were sanctioned to 42 million plus cities across India for air quality improvement.

AND WHEREAS, out of 42 million plus cities, 8 cities (Rajkot, Faridabad, Jamshedpur, Ranchi, Vasai-Virar, Jabalpur, Chennai, and Meerut) which are not non-attainment were also requested to prepare city action plan.

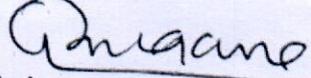
AND WHEREAS, the city action plan for Vasai-Virar city of Maharashtra was submitted to CPCB on 23.12.2020.

AND WHEREAS, based on the recommendations of the three-member committee, Competent Authority of CPCB has approved the Action plans for implementation along with the necessary recommendations (Annexure I & Annexure-II).

**NOW THEREFORE**, in exercise of powers conferred under Section 31A of The Air (Prevention and Control of Pollution) Act, 1981, you are directed to implement the city action plan, submit financial layout of each action and submit the progress report of the same to MPCB on monthly/ quarterly basis for making further submission to CPCB. You shall also submit the revised action plan, desired as per Remarks column of Annexure-I attached with CPCB letter dtd. 11.03.2021, within 7 days of receipt of this letter.

Receipt of this direction shall be acknowledged immediately, and action taken shall be communicated to MPCB within 07 days.

DA: CPCB approval letter and recommendation of three-member committee.

  
(Ashok A. Shingare, IAS)  
Member Secretary

**Copy submitted for favour of information to -**

1. Hon'ble Chairman, MPCB, Sion Mumbai.
2. The Principal Secretary, Environment Department, Govt. of Maharashtra, Mantralaya, Mumbai.
3. The Principal Secretary Urban Development Dept.-II, GoM, Mantralaya, Mumbai

**Copy to:**

1. JD(APC)/Law Officer (P & L Div), MPCB, Mumbai for information.
2. Regional Officer, Thane: You are directed to confirm this letter copy received by concern authority and obtained information personally and submit within 7 days

MAHARASHTRA POLLUTION CONTROL BOARD

Phone No. : 24010437 / 24020781

Visit us at : <http://mpcb.gov.in>

E-mail : [jdair@mpcb.gov.in](mailto:jdair@mpcb.gov.in)

Annexure-II



Kalpataru Point 2nd Floor,  
Sion Matunga Scheme Road No. 8,  
Near Sion Circle,  
Sion (E), Mumbai - 400 022.

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"Your Service is our Duty"

No./MPCB/JDCAPD/State Action Plan/TB/B-0022

Date 28/07/2022

To,  
Shri. P. K. Gupta,  
Additional Director & Head,  
AQM Division, CPCB,  
Parivesh Bhavan,  
East Arjun Nagar, Delhi-110032

**Sub:** Submission of State Action Plan for Maharashtra State on initiatives that would help in air quality improvement under NCAP – Reg.

**Ref:** 1) MoEF&CC O.M. No. Q-16017/69/2021-CPA dated 13.10.2021  
2) Seventh meeting of Monitoring Committee under NCAP convened on 29.06.2022 & 30.06.2022

Respected Sir,

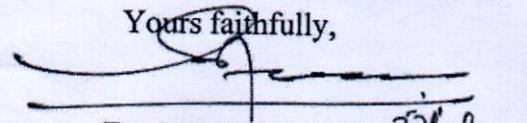
MoEF&CC vide above Ref. [1] communicated an indicative template for the preparation of State Action Plan containing the activities that would help in improvement of air quality. Further, with reference to deliberations of 7<sup>th</sup> Monitoring Committee meeting [Ref. 2] the State Action Plan was instructed to be submitted to MoEF&CC and CPCB by 31<sup>st</sup> July 2022.

In this regard, MPC Board has prepared the "Maharashtra State Air Quality Improvement Plan" and enclosed with this letter for your kind perusal.

Submitted for your review and further necessary action.

**D.A.:** Maharashtra State Air Quality Improvement Plan

Yours faithfully,

  
(Dr. V. M. Motghare)  
Joint Director, Air Pollution Control

**Copy submitted to:** 1) Member Secretary, MPC Board Mumbai - for favour of information  
2) Member Secretary, CPCB - for favour of information

**Copy to:** 1) Mr. Satyendra Kumar, Director, MoEF&CC, New Delhi - for information  
2) Dr. Sudheer Chintalapati, Addl. Director/ Scientist-E, MoEF&CC - for information  
3) Mr. Pankaj Agarwal, Scientist E, AQM Division, CPCB - for information

