

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi
In
Original Application No. 468/2022

In the matter of:-

Raja Singh

Applicant

Versus

Ministry of Housing and Urban Affairs & Anr.

Respondent(s)

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1.	Counter Affidavit on behalf of CPCB in compliance to Hon'ble NGT order dated 13.07.2022, in OA No. 468/2022, Raja Singh Vs. Ministry of Housing and Urban Affairs & Anr.	
2.	Annexure-I: A copy of the Hon'ble NGT, PB order dated 13.07.2022.	



(P.K. Gupta)

Scientist F

Central Pollution Control Board

Delhi

Place- Delhi

Date- 17.08.2022

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 468/2022

Raja Singh

Applicant

Vs.

Ministry of Housing and
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Respondent(s)

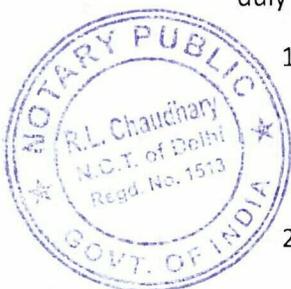
COUNTER AFFIDAVIT ON BEHALF OF THE CENTRAL POLLUTION CONTROL BOARD, (CPCB)

Most respectfully showeth:

I, P. K. Gupta, S/o Late Shri K. D. Gupta, aged about 57 years and having office at the Delhi, Central Pollution Control Board, do hereby solemnly affirm and sincerely state on oath as follow:

That I am presently working as Scientist 'F' at Central Pollution Control Board (hereafter called as CPCB), and have been authorized to file the Present Affidavit. I have read and understood the contents of the copy of the above Petition and I have perused the documents annexed therewith, and as I am conversant with the facts and circumstances of the present case, I am duly authorized and competent to file the present Counter Affidavit on behalf of the CPCB.

1. That in the above mentioned matter, applicant's grievance is regarding the faulty designing of certain buildings and of ventilation systems, adversely affecting natural ventilation thereby resulting in excessive and avoidable use of energy and also depriving occupants of natural light and oxygen.
2. That the Central Pollution Control Board (CPCB), statutory organisation, was constituted in September, 1974 under the Water (Prevention and Control of Pollution) Act, 1974. Further, CPCB was entrusted with the powers and functions under the Air (Prevention and Control of Pollution) Act, 1981. It serves as a field formation and also provides technical services to the Ministry of Environment, Forests & Climate Change as laid down under the provisions of the Environment (Protection) Act, 1986. Principal Functions of the CPCB, as spelt out in the Water (Prevention and Control of Pollution)



Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, is (i) to promote cleanliness of streams and wells in different areas of the States by prevention, control and abatement of water pollution, and (ii) to improve the quality of air and to prevent, control or abate air pollution in the country.

3. That the issue raised in the instant OA does not fall within the ambit of this answering respondent. Accordingly, CPCB is not in a position to respond upon the averments mentioned therein. It is submitted that, regarding designing of building and ventilation system, there are already other specialised agencies and bodies thus answering respondent is not in a position to respond any further at this stage. However, it is reasserted and reaffirmed that as and when any direction is bestowed upon them in consonance with its statutory mandate by the Hon'ble Tribunal, same would be duly complied with at a later stage.
4. That the suggestions provided regarding window design/operability are generic, it is the Ministry of Housing & Urban Affairs (MoHUA) or BIS who may respond upon this issue.
5. That, it is submitted that the Bureau of Indian Standards (BIS) has prepared codes for ventilation which is prescribed under National Building Code of India (NBC) 2016. Hence, the matter of installation of carbon dioxide meters for checking ventilation status pertains to BIS. It is submitted that the National Building Code of India (NBC), a comprehensive building Code, is a national instrument providing guidelines for regulating the building construction activities across the country. It serves as a Model Code for adoption by all agencies involved in building construction works such as the Public Works Departments, other government construction departments, local bodies or private construction agencies. The Code mainly contains administrative regulations, development control rules and general building requirements; fire safety requirements; stipulations regarding materials, structural design and construction (including safety); building and plumbing services; approach to sustainability; and asset and facility management.
6. That answering respondent is filing the short response however at later stage in case need arises and/or as directed by this Hon'ble Tribunal, same would be filed.



PRAYER

In view of the above facts indicated in earlier paras it is respectfully prayed that the CPCB shall abide by any order or direction, passed by this Hon'ble Tribunal.


DEPONENT

VERIFICATION

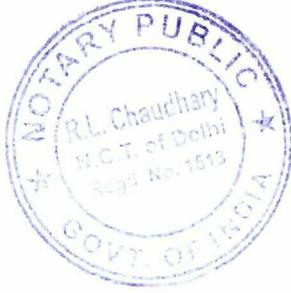
पी. के. गुप्ता / P. K. Gupta
निदेशक/ Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

I, the above named deponent do hereby verify that the contents of my above affidavit are true to my knowledge and belief based on official record. No part of it is false and no material has been concealed therein.

Verified at Delhi on this 17th day of August, 2022.



DEPONENT



पी. के. गुप्ता / P. K. Gupta
निदेशक/ Director
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
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परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parvash Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED



NOTARY PUBLIC
GOVT. OF INDIA

17 AUG 2022

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 468/2022

Raja Singh

Applicant

Versus

Ministry of Housing and Urban Affairs & Anr.

Respondent(s)

Date of hearing: 13.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. The applicant is an architect and his grievance in this application is against faulty designing of certain buildings and of ventilation systems, adversely affecting natural ventilation thereby resulting in excessive and avoidable use of energy and also depriving occupants of natural light and oxygen. According to the applicant window design should include the following:-

- a. Openability of window/Operability for multiple advantages, including:
 - i. Dilution ventilation in case of use of fans and individual air conditioners (split/window type) for
 1. Prevention of spread of airborne diseases like tuberculosis and COVID19, etc.
 2. For health ventilation where the levels of Oxygen are revitalised and the levels of carbon dioxide are in check.
 3. For odour removal.

- ii. Natural ventilation allows the outside air to enter to provide thermal relief in case of potentially comfortable time periods of the day or the year, by giving the occupant a conscious option as per choice.
- iii. Release of smoke and possibility of evacuation in case of a fire.

Note 1: The openability should be easy and accessible by the occupants inside the building, and there should be Control, or the option available to open or close the window by choice available to the occupants (including persons with disabilities, whenever possible.)

Note 2: In case the building has a central air conditioner, there must be provision for Control based openable windows for the other benefits highlighted. The design of the central air conditioner should include the appropriate dilution ventilation within the design, so that appropriate fresh air is included in the Air Handling Unit of the Central Air Conditioner System.

- b. Window having appropriate wire mesh to prevent the entry of mosquitoes which are a significant threat and cause diseases like Dengue, Malaria, Chikunguniya, Zika and elephantiasis, etc.
- c. Window having necessary provision for appropriate sun shading in the form of 'chajja' to prevent the sun's entry in the summer months as a passive climate-based design strategy. The window pane should have appropriate provisions for blocking or reducing the effect of the harsh sun in summers and openability in winters.
- d. Window having a view for psychological relief. The window as an opening should also serve as a outlook to the nature outside and build a connection with the exteriors. This should use innovation to include theft proofing and mosquito proofing so that a balance is maintained.
- e. Should have provision for theft proofing like grills which is openable from the inside for easy evacuation and not be totally fixed, in case of an emergency evacuation.

2. It is further stated that building should be enabled for continuous monitoring of the Indoor Carbon Dioxide levels, as it is a surrogate measure for the levels of ventilation in an occupied space. It is submitted that use of Air Conditioners by recirculation of indoor air needs to be modified so as to enable entry of outdoor air. Instead of sealing all doors, windows and having thick curtains in rooms, modification should be

made to avoid higher chances of infection, like COVID-19, Tuberculosis, measles etc. which spread through the airborne route. It also results in higher levels of Carbon Dioxide in the space and lesser microbial diversity, compared to a room with open windows with natural ventilation. The applicant has sought directions for necessary changes in the building bylaws for appropriate window design, carbon dioxide monitoring and responsible use of split air conditioners. Directions have also been sought to builders to install carbon dioxide meters for ventilation monitoring in all buildings at places where the public can be apprised of the monitoring and to manufacturers of air conditioners to make innovations in the design of split air conditioners to make provisions for outdoor air instead of just recirculated air.

3. It appears to us that the application raises substantial question of environment viz. potential for saving energy benefitting environment and public health.

4. Accordingly, we consider it appropriate to require a response on the subject from the Ministry of Urban Development, MoEF&CC, Ministry of Renewable Energy and CPCB within one month 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.

List for further consideration on 16.09.2022.

A copy of this order be forwarded to the Ministry of Urban Development, MoEF&CC, Ministry of Renewable Energy and CPCB by email for compliance.

The Applicant may serve a set of papers on Ministry of Urban Development, MoEF&CC, Ministry of Renewable Energy and CPCB and file an affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

July 13, 2022
Original Application No. 468/2022
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