

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 1069 OF 2024

IN THE MATTER OF:

NEWS ITEM TITLE" CSE REPORT FINDS DANGEROUS INCREASE
IN OZONE POLLUTION ACROSS URBAN INDIA" APPEARING IN
DOWN TO EARTH DATED 06.08.2024

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Files on: 22.07.2025

Filed By:



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IN THE MATTER OF:

NEWS ITEM TITLED "CSE REPORT FINDS DANGEROUS INCREASE IN OZONE POLLUTION ACROSS URBAN INDIA" APPEARING IN *DOWN TO EARTH* DATED 06.08.2024.

REPLY AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT, FOREST, AND CLIMATE CHANGE, NEW DELHI (RESPONDENT NO. 2).

I, Nallamolu Subrahmanyam, S/o Shri Narasimha Rao, aged about 38 Years, presently working as Scientist E in the Ministry of Environment, Forest and Climate Change (hereinafter referred to as MoEFCC) having office at Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi- 110003, do hereby solemnly affirm and state as hereunder:

1. That, I am well acquainted with the facts and circumstances of the case and competent to swear this affidavit on behalf of MoEFCC, being the Respondent No. 4 in the present Original Application.
2. It is respectfully submitted that the MoEFCC functions as the central authority for developing and implementing environmental policies and

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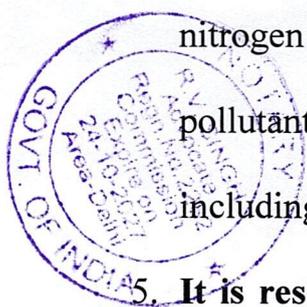
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programmes across the country. To monitor and improve ambient air quality, the Ministry has notified the National Ambient Air Quality Standards (NAAQS), serving as a regulatory benchmark for managing air pollution. The enforcement and monitoring of these standards are carried out by the Central Pollution Control Board (CPCB) in coordination with the respective State Pollution Control Boards (SPCBs) for ensuring adherence to permissible limits of notified air pollutants.

3. **It is respectfully submitted that**, Under the NAAQS, the permissible concentrations of ozone have been specified as 100 $\mu\text{g}/\text{m}^3$ for an 8-hour average and 180 $\mu\text{g}/\text{m}^3$ for a 1-hour average, applicable across industrial, residential, rural, and ecologically sensitive areas.

4. **It is respectfully submitted that**, the ground-level ozone is not emitted directly from any source. Rather, it is a secondary pollutant formed in the atmosphere through complex photochemical reactions involving oxides of nitrogen (NO_x) and volatile organic compounds (VOCs). These primary pollutants are released in the atmosphere due to anthropogenic activities, including industrial activities and vehicular emissions.

5. **It is respectfully submitted that**, the Answering Respondent launched the National Clean Air Programme (NCAP) in January 2019 as a comprehensive national-level strategy to improve ambient air quality across 130 cities (including non-attainment and million-plus cities) spanning 24 States and Union Territories.

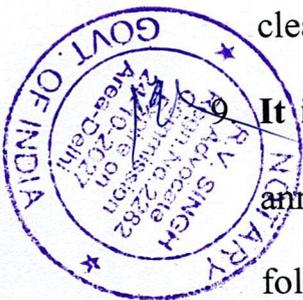


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6. **It is respectfully submitted that**, NCAP is a multi-sectoral initiative that brings together the coordinated efforts of Central and State Governments, Urban Local Bodies (ULBs), and other stakeholders. It focuses on source-specific mitigation measures through the implementation of clean air action plans at the city, state, and national levels.
7. **It is respectfully submitted that**, the programme promotes the convergence of resources from various Central Government schemes—such as Swachh Bharat Mission (Urban), Atal Mission for Rejuvenation and Urban Transformation (AMRUT), Smart City Mission, Sustainable Alternative Towards Affordable Transportation (SATAT) and Nagar Van Yojana—alongside resources of State Governments/Union Territory (UT) Administrations, Municipal Corporations, and Urban Development Authorities to implement City Action Plans (CAPs).
8. **It is respectfully submitted that**, City-specific action plans target localized sources of air pollution, including road dust, vehicular emissions, open waste burning, construction activities, and industrial discharges. These plans outline short, medium, and long-term interventions, with clearly defined responsibilities for implementation agencies.

It is respectfully submitted that, Urban Local Bodies (ULBs) prepare annual action plans under the NCAP framework. These are implemented following approval by the District-Level Monitoring and Implementation Committee, chaired by the District Magistrate or Municipal Commissioner.



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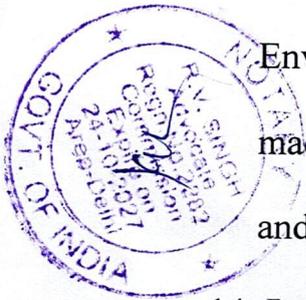
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10. **It is respectfully submitted that,** NCAP interventions also contribute to ozone pollution control by addressing its primary pollutants—nitrogen oxides (NO_x) and volatile organic compounds (VOCs) through targeted sectoral interventions such as addressing vehicular pollution through traffic decongestion activities.
11. **It is respectfully submitted that,** in April 2020, India made a significant leap by transitioning from Bharat Stage IV (BS-IV) to Bharat Stage VI (BS-VI) emission standards to address vehicular pollution.
12. **It is respectfully submitted that** BS-VI vehicles emit substantially lower levels of nitrogen oxides (NO_x) and particulate matter (PM)—both of which are major contributors to ground-level ozone formation. The emission of Nitrogen Oxides (NO_x) are 68% lower in case of BS-VI diesel vehicles than BS-IV vehicles (4-wheelers) and 25% lower in case of BS-VI Petrol and CNG vehicles than BS-IV vehicles (4-wheelers).
13. **It is respectfully submitted that,** MoEFCC has revised and introduced emission standards for Oxides of Nitrogen (NO_x) and volatile organic compounds (VOCs) across multiple industrial sectors under the Environment (Protection) Rules, 1986. These sectors include the man-made fiber industry, fertilizer manufacturing, pharmaceutical production, and paint and coating industries, among others.
14. **It is respectfully submitted that,** the Specific NO_x emission limits have also been notified for coal/lignite-based thermal power plants, industrial

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boilers, cement plants (excluding those with waste co-processing), standalone clinker grinding units, and various types of industrial furnaces, to ensure control of combustion-related emissions and improve ambient air quality.

15. **It is respectfully submitted that**, the Answering Respondent has notified the Environment (Utilisation of Crop Residue by Thermal Power Plants) Rules, 2023, (**Annexure**) mandating all coal-based thermal power plants within National Capital Region and the Adjoining Areas to co-fire a minimum of 5% crop residue-based pellets or briquettes with coal.
16. **It is respectfully submitted that**, the SPCB/Pollution Control Committee monitor the compliance with emission standards through a consent mechanism under the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981.
17. **It is respectfully submitted that**, the adoption of electric vehicles (EVs) has significantly contributed to the reduction of tailpipe emissions, including nitrogen oxides (NO_x) and volatile organic compounds (VOCs)
18. **It is respectfully submitted that**, in compliance with directions from the Hon'ble National Green Tribunal (NGT) and the Hon'ble Supreme Court, Vapour Recovery Systems(VRS) have been installed at all petrol pumps in Delhi-NCR. Additionally, VRS has been mandated at:

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- Retail outlets selling more than 100 Kilolitres per month (KLPM) of petrol in million-plus cities, and
- Outlets selling more than 300 KLPM in cities with populations exceeding 1 lakh. These systems help minimize the release of benzene and other VOCs during fuel dispensing and unloading operations.

19. **It is respectfully submitted that**, the Government of India introduced the following schemes to promote EVs and to address vehicular pollution, such as;

a. **PM-e Bus Sewa Scheme by Ministry of Housing and Urban Affairs (MoHUA):** Launched by the MoHUA, this scheme extends central financial assistance for 10,000 electric buses. In addition, it supports the development of depot and charging infrastructure, thereby enhancing clean and efficient public transport.

b. **PM E-DRIVE Scheme by Ministry of Heavy Industries (MHI):** Introduced by the MHI, the PM Electric Drive Revolution in Innovative Vehicle Enhancement (PM E-DRIVE) Scheme provides demand incentives for electric two-wheelers, three-wheelers, e-buses, and e-trucks. It also supports the development of EV charging infrastructure and the modernization of vehicle testing facilities.

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20. Given the foregoing submissions, the initiatives collectively support India's transition toward sustainable mobility and contribute to improved ambient air quality.

21. That, thus, in light of the above submissions, the present response is being filed, without prejudice to the right of substantiating the stand further on behalf of the answering respondent or as directed by this Hon'ble Tribunal during the course of the present proceedings.

22. It is, therefore, humbly prayed given the submissions made herein above, that this Hon'ble Tribunal may kindly pass appropriate orders, without prejudicing the rights, what-so-ever, of the answering respondent, in light of the facts and circumstances of the present case, in the interest of the justice and fair play.

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I identified the deponent/ executant who has signed in my presence

VERIFICATION

Verified at New Delhi on this day of 22 JUL 2025 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. Mallanath Subramaniam
S/o/W/o/L/o/Sr
Identified by Shri/Smt. R. V. Singh
has solemnly affirmed that the contents of the affidavit which have been read over & explained to him/her are true & correct to his/me knowledge
22 JUL 2025
Notary Public, Delhi

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Govt. of India, New Delhi

22 JUL 2025

रजिस्ट्री सं. डी.एल.-33004/99

REGD. No. D. L.-33004/99



भारत का राजपत्र

The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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नई दिल्ली, बुधवार, जुलाई 12, 2023/आषाढ़ 21, 1945
NEW DELHI, WEDNESDAY, JULY 12, 2023/ASHADHA 21, 1945

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

प्रारूप अधिसूचना

नई दिल्ली, 11 जुलाई, 2023

सा.का.नि. 499(अ).—केंद्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3, धारा 6 और धारा 25 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तापीय विद्युत संयंत्रों द्वारा फसल-अवशेषों के उपयोग को विनियमित करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. संक्षिप्त नाम, लागू होना और प्रारंभ. -

(1) इन नियमों का संक्षिप्त नाम पर्यावरण (तापीय विद्युत संयंत्रों द्वारा फसल अवशेषों का उपयोग) नियम, 2023 है।

(2) ये राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु क्वालिटी प्रबंध आयोग अधिनियम, 2021 (2021 का 29) की धारा 2 की उपधारा (1) के क्रमशः खंड (च) और खंड (क) में यथा परिभाषित राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों पर लागू होंगे।

(3) ये राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. फसल अवशेष का उपयोग. - विद्युत उत्पादन उपयोगिताओं से संबंधित सभी कोयला आधारित तापीय विद्युत संयंत्रों को कोयले के साथ अनिवार्य रूप से फसल अवशेषों से बने गुटिका (पेलेट्स) या त्रिकेटों के न्यूनतम पांच प्रतिशत मिश्रण का अनिवार्य रूप से उपयोग करना होगा।

3. पर्यावरणीय प्रतिकर. - नियम 2 में यथा उपबंधित फसल अवशेषों का उपयोग न करने के लिए, राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु क्वालिटी प्रबंध आयोग अधिनियम, 2021 (2021 का 29) के अधीन गठित राष्ट्रीय 4448 GI/2023 (1)

राजधानी क्षेत्र और के निकटवर्ती क्षेत्रों में वायु क्वालिटी प्रबंध आयोग या उस आयोग द्वारा पराधिकृत कोई अधिकारी नीचे दी गई सारणी में विनिर्दिष्ट दर पर वार्षिक आधार पर ऐसे तापीय विद्युत संयंत्रों को पर्यावरणीय प्रतिकर अधिरोपित करेगा और उसकी बसूली करेगा:

वर्ष 2024-2025 के लिए पर्यावरणीय प्रतिकर की दर:	
वार्षिक आधार पर उपयोग किए गए फसल अवशेष गुटिका (पेलेट्स) या ब्रिकेटों का प्रतिशत	पर्यावरणीय प्रतिकर की दर (उत्पादित विद्युत की प्रति यूनिट रु.)
पाँच प्रतिशत से कम या उसके बराबर किंतु चार प्रतिशत से अधिक	0.0
चार प्रतिशत से कम या उसके बराबर किंतु तीन प्रतिशत से अधिक	0.0
तीन प्रतिशत से कम या उसके बराबर किंतु दो प्रतिशत से अधिक	0.01
दो प्रतिशत से कम या उसके बराबर किंतु एक प्रतिशत से अधिक	0.02
एक प्रतिशत से कम या उसके बराबर किंतु शून्य प्रतिशत से अधिक	0.03
वर्ष (2025-2026) से आगे के लिए पर्यावरणीय प्रतिकर की दर	
वार्षिक आधार पर उपयोग किए गए फसल अवशेष गुटिका (पेलेट्स) या ब्रिकेट का प्रतिशत	पर्यावरणीय प्रतिकर की दर (उत्पादित विद्युत की प्रति यूनिट रु.)
पाँच प्रतिशत से कम किंतु चार प्रतिशत से अधिक या उसके बराबर	0.01
चार प्रतिशत से कम किंतु तीन प्रतिशत से अधिक या उसके बराबर	0.02
तीन प्रतिशत से कम किंतु दो प्रतिशत से अधिक या उसके बराबर	0.03
दो प्रतिशत से कम किंतु एक प्रतिशत से अधिक या उसके बराबर	0.04
एक प्रतिशत से कम किंतु शून्य प्रतिशत से अधिक या उसके बराबर	0.05

4. कतिपय मामलों में इन नियमों का लागू होना - यथास्थिति, केंद्रीय विद्युत विनियामक आयोग या राज्य विनियामक आयोग, नियम 2 के उपबंधों पर विचार करने के पश्चात् विद्युत अधिनियम, 2003 (2003 का 36) के, अधीन टैरिफ अवधारित करेगा।

5. शिथलीकरण की शक्ति. - वायु क्वालिटी प्रबंध आयोग, मामला-दर-मामला के आधार पर, केंद्रीय विद्युत प्राधिकरण और केंद्रीय प्रदूषण नियंत्रण बोर्ड के परामर्श से, तापीय विद्युत संयंत्र का ऐसे तापीय विद्युत संयंत्रों के नियंत्रण से परे परिस्थितियों से उत्पन्न होने वाली किसी भी कठिनाई के समाधान के लिए नियम 2 और 3 के उपबंधों के अनुपालन से शिथलीकरण कर सकेगा है।

[फा. सं. क्यू-15014/16/2021-सीपीए (पार्ट-1)]

नरेश पाल गंगवार, अपर सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

DRAFT NOTIFICATION

New Delhi, the 11th July, 2023

G.S.R. 499(E).—In exercise of the powers conferred by sections 3, 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules to regulate the utilisation of crop-residue by the thermal power plants, namely:-

1. Short title, application and commencement. —

(1) These rules may be called the Environment (Utilisation of Crop residue by Thermal Power Plants) Rules, 2023.

(2) They shall apply to the National Capital Region and the Adjoining Areas as defined respectively in clauses (f) and (a) of sub-section (1) of section 2 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021(29 of 2021).

(3) They shall come into force on the date of their publication in the Official Gazette.

2. **Utilisation of crop residue.** - All coal based thermal power plants of power generation utilities shall mandatorily use minimum five per cent blend of pellets or briquettes made of crop residue along with coal.

3. **Environmental compensation.**- For non-utilisation of crop residue as provided in rule 2, the Commission for Air Quality Management in National Capital Region and Adjoining Areas, constituted under the Commission for Air Quality Management of National Capital Region and Adjoining Areas Act, 2021 (29 of 2021), or any officer authorised by that Commission, shall impose and collect the environmental compensation from such thermal power plants on annual basis at the rates specified in the table given below:

(1) Rate of environmental compensation for the year 2024-2025:	
Percentage of crop residue pellets or briquettes utilized on annual basis	Rate of environmental Compensation (Rs. Per unit of electricity generated)
Less than or equal to five per cent but more than four per cent	0.0
Less than or equal to four per cent but more than three per cent	0.0
Less than or equal to three per cent but more than two per cent	0.01
Less than or equal to two per cent but more than one per cent.	0.02
Less than or equal to one per cent but more than zero per cent	0.03
(2) Rate of environment compensation for the year (2025-2026) onwards	
Percentage of crop residue pellets or briquettes utilised on annual basis	Rate of environmental Compensation (Rs. Per unit of electricity generated)
Less than five per cent but more than or equal to four per cent	0.01
Less than four per cent but more than or equal to three per cent	0.02
Less than three per cent but more than or equal to two per cent.	0.03
Less than two per cent but more than or equal to one per cent	0.04
Less than one per cent but more than or equal to zero per cent	0.05

4. **Application of these rules in certain cases-** The Central Electricity Regulatory Commission or the State Regulatory Commissions, as the case may be, shall determine tariff under the Electricity Act, 2003 (36 of 2003) after taking into consideration the provisions of rule 2.

5. **Power to grant relaxation** - The Commission for Air Quality Management may, on case to case basis, grant relaxation to thermal power plants, in consultation with the Central Electricity Authority and the Central Pollution Control Board, for addressing any difficulty arising out of circumstances beyond the control of such thermal power plants in its compliance of the provisions of rule 2 and 3 above.

[F. No. Q-15014/16/2021-CPA (part-1)]

NARESH PAL GANGWAR, Addl. Secy.

True copy


भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)
प्राधिकार से प्रकाशित
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नई दिल्ली, मंगलवार, जुलाई 18, 2023/आषाढ़ 27, 1945
NEW DELHI, TUESDAY, JULY 18, 2023/ASHADHA 27, 1945

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

शुद्धिपत्र

नई दिल्ली, 18 जुलाई, 2023

सा.का.नि. 522(अ).—भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में प्रकाशित पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना संख्या सा.कि.नि. 499 (अ), दिनांक 11 जुलाई, 2023 में शीर्षक की, दूसरी पंक्ति में 'मसौदा अधिसूचना' शब्द के स्थान पर 'अधिसूचना' पढ़ा जाए।

[फा. सं. क्यू-15014/16/2021-सीपीए (भाग-2)]
नरेश पाल गंगवार, अपर सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
CORRIGENDUM

New Delhi, the 18th July, 2023

G.S.R. 522(E).—In the Notification No. G.S.R. 499(E) dated 11th July, 2023 of the Ministry of Environment, Forest and Climate Change published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), in second line of the title, for the words 'DRAFT NOTIFICATION', read 'NOTIFICATION'.

[F. No. Q-15014/16/2021-CPA (Part-2)]
NARESH PAL GANGWAR, Addl. Secy.

4652 GI/2023



Pawan Legal <pawanshukla1991@gmail.com>

OA No. 1069/2024 in the matter of News Item titled "CSE report finds dangerous increase in ozone pollution across urban India" appearing in Down to Earth dated 06.08.2024

1 message

Pawan Legal <pawanshukla1991@gmail.com>

Tue, Jul 22, 2025 at 5:26 PM

To: mscb.cpcb@nic.in

Cc: Boss <praveena1807@hotmail.com>

Dear Sir/Ma'am

Please find attached Reply Affidavit on behalf of Respondent No. 2, Ministry of Environment, Forest and Climate Change, in the above captioned matter

Thanks & Regards
from office of Ms. Praveena Gautam
Advocate for Respondent No. 2

--

Pawan Shukla, Advocate

Supreme Court of India

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