

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
Original Application No.663 of 2023

IN RE: News Item published in Indian Express dated 07.10.2023 titled *GRAP stage 1 kicks in as air quality dips to poor, condition likely to prevail till Sunday*

SRISHTI MISHRA
ADVOCATE FOR COMMISSION FOR AIR QUALITY
MANAGEMENT IN NATIONAL CAPITAL REGION AND
ADJOINING AREAS

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**NEW DELHI
DATED: 04.09.2024**

FILED BY:

Srishti Mishra

D/3829/2018

**SRISHTI MISHRA
ADVOCATE FOR COMMISSION FOR AIR QUALITY
MANAGEMENT IN
NATIONAL CAPITAL REGION AND ADJOINING AREAS**


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IN RE: News Item published in Indian Express dated
07.10.2023 titled *GRAP stage 1 kicks in as air quality dips
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MOST RESPECTFULLY SHOWETH:

1. It is respectfully submitted that the present Report is being filed by the Commission of Air Quality Management (CAQM) in compliance of the order dated 07.05.2024 passed by this Hon'ble Tribunal in Original Application No. 663 of 2023 titled as News item published in Indian Express dated 07.10.2023 titled "GRAP Stage 1 kicks in as air quality dips to poor, condition likely to prevail till Sunday".
2. It is most respectfully submitted that high air pollution levels in National Capital Region have been a matter of grave concern, particularly owing to unfavourable climatic and


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राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
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meteorological conditions prevailing during the winter months with low temperatures and typically slow wind speed which impede effective dispersion of pollutants.

3. During such periods of high air pollution, the Graded Response Action Plan (GRAP) calls for a set of emergent preventive/restrictive actions, whenever Delhi's Air Quality Index (AQI) crosses a defined threshold, to be implemented / initiated by various identified agencies.
4. While the GRAP has been in force since 2017 when it was first notified by the MoEFCC, the Commission felt a need to comprehensively review the Schedule of preventive / restrictive activities under various Stages of GRAP, keeping in view the developments and actions initiated over last few years to abate air pollution in Delhi-NCR, technological advancements and the trend of air quality parameters as recorded for Delhi.



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5. The older schedule of GRAP, under various stages, was to be invoked reactively on reaching a particular threshold air quality index. It was envisaged that invoking GRAP proactively would be a better approach to control the severity of air pollution and accordingly invoke appropriate stages of GRAP much earlier than the threshold levels are likely to be reached. To this end, development of a Decision Support System (DSS) and refinements in the Air Quality Early Warning System (AQEWS) modelling were coordinated by the Commission through IMD / IITM, to enable a reasonable prediction of air quality index for Delhi in advance.

6. The schedule of the GRAP for NCR, as comprehensively reviewed and revised in 2022, was accordingly classified under 4 different stages of adverse avg. air quality in Delhi viz.:

Stage – I 'Poor' (AQI of Delhi between 201 – 300)

Stage – II 'Very Poor (AQI of Delhi between 301-400)

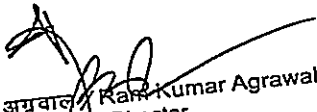

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Stage – III 'Severe' (AQI of Delhi between 401-450)

Stage – IV 'Severe +' (AQI of Delhi >450)

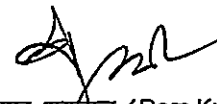
7. Under the above noted revised Schedule, actions under Stages II, III and IV of the GRAP were envisaged to be invoked at least three days in advance of the AQI reaching to the projected levels of that stage, based on the dynamic model and weather/ meteorological forecast by IMD / IITM on a day-to-day basis.
8. The Commission accordingly directed for adopting the revised Schedule of the GRAP directing to sensitize the concerned authorities/departments of the NCR states and NCT of Delhi and disseminating the requirements under the GRAP amongst all stakeholders and general public including through media/ newspapers/ social media, jingles etc.
9. A sub-committee for the GRAP constituted by the Commission, taking into account the forecasted meteorological conditions and the levels of the air quality


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index closely monitors and reviews the air quality scenario in the region for taking appropriate decisions, including invoking different stages of the GRAP.

10. While the GRAP is an emergency response mechanism, the Commission also issued a comprehensive Policy to Curb Air Pollution in the National Capital Region in July, 2022, wherein graded and targeted action plans have been stipulated in the policy across all contributing sectors, along with the actions to be taken continually for abatement of air pollution in the region round the year.
11. GRAP Stage-I is required to be invoked whenever the daily average AQI of Delhi breaches the 200 mark and ranges between 201-300. During the winter season of 2023-2024, GRAP Stage I was required to be invoked for 144 days between Oct, 2023- February, 2024.
12. Actions under GRAP Stages I and II, however, are more preventive in nature and essentially call for stricter and




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much more effective implementation of the already prescribed measures through various statutory directions, advisories and guidelines issued by the Commission from time to time for different sectors that contribute to the poor air quality in the region.

13. Actions under Stage I focus on effective implementation of dust mitigation measures owing to construction and demolition activities, management of road dust, management of solid waste including control on open burning and towards effective implementation of the already prescribed measures for abatement of vehicular pollution viz. enforcement of PUC norms, effective traffic management, diversion of non-destined truck traffic out of Delhi etc. Towards abatement of industrial pollution, the Schedule calls for stricter implementation of the directions related to clean fuels and adherence to the emission standards etc.


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14. Likewise, actions under the GRAP Stage-II are also more preventive in nature calling for further intensified actions as in GRAP Stage – I, besides focusing on effective implementation of the regulations on DG sets. Restrictive / prohibitory measures under the GRAP, however, kick in only at Stage-III and IV when the Delhi AQI levels cross the threshold of 400 and 450 respectively.
15. The summer period of 2024 particularly during the month of May witnessed highly unfavourable meteorological and weather phenomena with absolutely no rains and high-speed winds from across the neighbouring areas, including trans-boundary winds, carrying in large amounts of fine dust and particulate matter, raising the PM 2.5 / PM10 levels abnormally on particular days. While the AQI levels in Delhi did cross the 200 mark on some days, there was no definite pattern / trend which is generally observed during the winter months when there is a gradual deterioration in the AQI levels. Such a trend was also visible during the summer

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months of previous years with the AQI levels crossing 200 marks on and off.

16. During May, 2024, the Sub-Committee on GRAP closely monitored and reviewed the air quality scenario in the region from time to time during its 4 meetings held on 07.05.2024, 15.05.2024, 22.05.2024 and 31.05.2024 wherein the Sub-Committee observed that wind direction and speeds were rapidly changing due to high convection rates and absolute dry conditions coupled with high temperatures, leading to continued suspension of dust over the National Capital Region (NCR), and may not be attributed to any specific local sector. The meteorological projections also pointed to intermittent improvements in the AQI levels owing to changes in the wind direction and speed.

17. However, concerned by the adverse air quality levels, the Sub-Committee in meeting dated 07.05.2022 decided to intensify actions for abatement of dust arising from various




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construction and demolition activities, linear projects and control of dust/air pollution from roads, pathways, right of way and open areas through various means viz: Deployment of antismog guns, spraying of water mists and dust suppressants on C&D sites, Use of dust screens at construction sites, Ensuring transportation of waste through covered vehicles etc, Optimum/Effective utilization of road sweeping machines, Sprinkling of water and dust suppressants on roads and open areas, proper maintenance of roads etc. The Sub-Committee also observed that Prevention and Control actions were also required to be intensified with regard to emissions from industrial operations, vehicular segment, open biomass burning and miscellaneous dispersed sources.

18. Accordingly, the Member Secretaries of DPCC, HSPCB, UPPCB and RSPCB were asked to take appropriate actions to control/ mitigate the emissions from above


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indicated sources, especially dust emissions, including special drives in hotspot areas, C&D sites and linear projects.

19. Likewise, in the meetings dated 15.05.2024 & 22.05.2024, Sub-Committee directed the concerned Pollution Control Boards (PCBs)/ Committee of NCR and the stakeholders/ agencies concerned to take following urgent steps towards abatement of dust pollution:

- i. Conduct intensive drives at major pollution hotspots in the region focusing on dust abatement measures.
- ii. Augment the number/ frequency of water sprinklers and mechanical road sweeping equipment in the region.
- iii. Keep a close watch on fire instances and open burning of Municipal Solid Waste (MSW) in and around NCR, and ensure all preventive measures.
- iv. Dust Control & Management Cells (DCMCs) in the Road Owning Agencies to keep a strong vigil on all



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road construction/ maintenance projects for effective implementation of the prescribed measures.

- v. NCR State PCBs/ DPCC to intensify inspections for enforcement of all dust control measures at C&D project sites and actions on non-complying C&D sites.
- vi. Flying Squads of CPCB to also intensify inspections for appropriate action against C&D sites/ projects flouting the statutory directions of the Commission.

20. The subcommittee based on the review of air quality in the meeting also noted that there could be an improvement in the PM levels/AQI recorded for Delhi owing to effective preventive and control measures for abatement of dust in the anthropogenic activities and favorable meteorological conditions in the ensuing days. IMD & IITM were also advised to keep a close watch on the dynamically varying meteorological conditions and various sectoral impacts on the AQI of Delhi-NCR.




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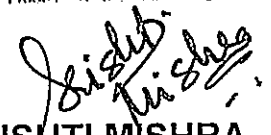
21. It is therefore, humbly submitted again that while GRAP Stage – I was not particularly invoked on paper, owing to the widely varying trend of AQI, the sub-Committee remained cognizant of the prevailing air quality scenario and reviewed the same from time to time also directing for appropriate actions for strengthening and effective implementation of the already prescribed measures / actions, in line with the spirit and essence of the schedule under GRAP Stage-I. Historically as well, the GRAP Schedule had been invoked only during the winter months in the past years, beginning from 2017.

NEW DELHI
DATED: 04.09.2024

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THROUGH


SRISHTI MISHRA
ADVOCATE FOR COMMISSION
FOR AIR QUALITY MANAGEMENT IN
NATIONAL CAPITAL REGION AND ADJOINING AREAS

D/3829/2018

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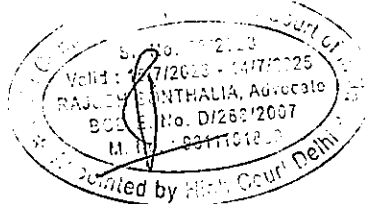
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AFFIDAVIT

I, Ram Kumar Agrawal aged about 55 Years, s/o Shri Prabhat Kumar Agrawal, working as Director in the Commission for Air Quality Management in National Capital Region and Adjoining Areas do hereby solemnly affirm and declare as under:-

1. That I am the Director of the Commission and am well conversant with the facts and circumstances of the present case, hence competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying Report on behalf of Commission for Air Quality Management in National Capital Region and Adjoining Areas in compliance of order dated 07.05.2024 and state that the averments made therein are true and correct to the best of my knowledge and belief as derived from the official record.




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 निदेशक / Director
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3. That no material fact has been concealed therefrom.

[Signature]
DEPONENT

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निदेशक / Director
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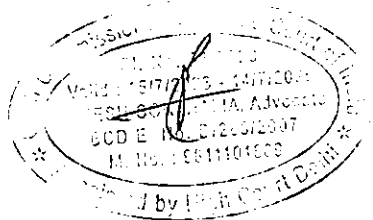
VERIFICATION

Verified at New Delhi on this the 4th day of Sep. 2024,
that the contents of above affidavit are true and correct to my
knowledge and belief.

Identified By
[Signature]
[Signature]
D/3829/2018

[Signature]
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ATTESTED
[Signature]
PAJESH SONTHALIA, Advocate
OATH COMMISSIONER
SL. NO. 63/2023
SUPREME COURT OF INDIA
4/9/24

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I/We, Commission for Air Quality Management in National Capital Region and Adjoining Areas, New Delhi, the Respondent in the abovesaid matter do hereby appoint and retain MS. SRISHTI MISHRA, Advocate to act and appear for me/us in the above OA and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including proceedings in taxation and applications for review, to file and obtain/ return of documents and to deposit and receive any money on my/our behalf in the said OA and in applications for Review and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to all acts done by the aforesaid Advocate in pursuance to this authority.

Dated this the 04th day of September, 2024

ACCEPTED IDENTIFIED & CERTIFIED ON BEHALF OF THE RESPONDENT

Srishti Mishra
(SRISHTI MISHRA)
ADVOCATE

69, Lawyers' Chambers
G L Sanghi Block
Supreme Court of India
Mail ID. : srishti.mishra95@gmail.com

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Ram Kumar Agrawal

Put Signature(s) Below:

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Respondent
(Commission for Air Quality Management in
National Capital Region and Adjoining Areas, New Delhi)

MEMO OF APPEARANCE

To,
The Registrar,
National Green Tribunal
New Delhi

Sir,
Kindly enter my appearance in the above-mentioned Original Application made on behalf of the Respondent.

New Delhi

Date: 04/09/2024

Yours faithfully,

Srishti Mishra
(SRISHTI MISHRA)
Advocate for the Respondent

D/3829/2018