

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

OA NO. 663 OF 2023

IN RE: Suo Motu matter of Hon'ble NGT(PB), New Delhi – 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”

INDEX

S. No.	PARTICULAR	PAGES
1.	Fresh Action taken report dated 17.11.2023 on behalf of Commission for Air Quality Management in National Capital Region and Adjoining Areas	1 – 6

New Delhi
Dated 17.11.2023

Filed by

Director

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राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
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भारत सरकार / Government of India
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FRESH ACTION TAKEN REPORT DATED 17.11.2023

1. In compliance of the order dated 20.10.2023 of the Hon'ble NGT(PB), New Delhi an action taken report was filed in the matter.
2. Hon'ble NGT heard the matter on 08.11.2023 and observed that the report filed by the Commission contains the details of different stages of GRAP as last revised in October 2023 and it is stated that month of October 2023 saw “very poor” average air quality (AQI more than 300) mainly towards end of the month in the wake of highly unfavourable, meteorological and climatic conditions and that GRAP -II were invoked proactively on 21.10.2023.
3. Hon'ble NGT also observed that concerned agencies are required to review their strategy and come out with effective solution to ensure that the AQI in Delhi and NCR is maintained within the permissible limits. In this regard during the course of arguments, a suggestion was put forth

before the Hon'ble Tribunal that under GRAP, all kinds of Government constructions have been permitted, whereas at the stage of invoking GRAP-IV only the urgent and timebound government construction activities should be allowed and other should be deferred till the air quality improves.

4. Further, Hon'ble Tribunal observed that no visible improvement in the air quality has been witnessed, therefore, the respondents were directed to take stringent measures so that the air quality index in Delhi and NCR improves and also fresh action taken report was directed to be filed by the concerned agencies.
5. It is humbly submitted that the action taken report dated 03.11.2023 filed by the Commission highlights the schedule of various preventive, mitigative and restrictive actions under the different Stages of the GRAP as revised in October, 2023.
6. Stage-III of the GRAP directs for enforcing strict ban on construction and demolition activities in the entire NCR. However, in view of the learnings over the year, Directions of Hon'ble Supreme Court and various representation from the stakeholders, following categories of the projects were exempted subject to strict compliance of the C&D Waste Management Rules, dust prevention/ control norms

including compliance with the directions of the Commission issued from time to time in this regard:

- a) Projects for Railway services / Railway stations;
- b) Projects for Metro Rail Services and stations;
- c) Airports and Inter State Bus Terminals;
- d) National security/ defence related activities/ projects of national importance;
- e) Hospitals/ health care facilities;
- f) Linear public projects such as highways, roads, flyovers, over bridges, power transmission/ distribution, pipelines etc.;
- g) Sanitation projects like sewage treatment plants and water supply projects etc.;
- h) Ancillary activities, specific to and supplementing the above noted categories of projects.

7. All dust generating/ air pollution causing C&D activities are also banned, other than the projects exempted as above, during the period when GRAP Stage-III is invoked, which include:

- Earthwork for excavation and filling including boring & drilling works.
- All structural construction works including fabrication and welding operations.
- Demolition works.
- Loading & unloading of construction materials anywhere within or outside the project sites.
- Transfer of raw materials either manually or through conveyor belts, including fly ash.

- Movement of vehicles on unpaved roads.
 - Operation of batching plant.
 - Laying of sewer line, waterline, drainage work and electric cabling by open trench system.
 - Cutting and fixing of tiles, stones and other flooring materials.
 - Grinding activities.
 - Piling work.
 - Water proofing work.
 - Painting, Polishing and varnishing works etc.
 - Road construction/ repair works including paving of sidewalks / pathways and central verges etc.
8. However, non-polluting / non-dust generating activities such as plumbing works, electrical works, carpentry related works and interior furnishing / finishing / decoration works (excluding painting, polishing and varnishing works etc) are only permitted for construction projects in NCR.
9. During the period when GRAP Stage-IV is invoked, C&D activities also in linear public projects such as highways, roads, flyovers, overbridges, power transmission, pipelines etc. are not permitted. During the imposition of GRAP Stage-IV, only few construction activities are allowed.
10. It is also to bring into kind notice of the Hon'ble NGT that various actions have been listed regarding construction & demolition activities under the Stage-I and II under the GRAP which include, implementation of Directions/

guidelines on dust mitigation measures in Construction and Demolition (C&D) activities and sound environmental management of C&D waste, not to permit C&D activities in respect of such projects with plot size equal to or more than 500 sqm which are not registered on the 'web portal' of the respective state / GNCTD, use of anti-smog guns at C&D sites, intensified water sprinkling and dust suppression measures in road construction / maintenance / repair projects etc.

11. It is submitted that restrictive actions undertaken as per previous stages are to be continued, in addition to the air pollution stage under which the restrictive actions are envisaged to be taken. For example, restrictive actions under the Stage IV category, whenever invoked, shall be in addition to those under Stage I, II and III respectively and so on and so forth.
12. It is submitted that the Sub-Committee constituted for invoking actions under the GRAP has been reviewing the prevailing air quality scenario in NCR and in wake of the average air quality of Delhi deteriorating to "Poor" Stage, decided to invoke various actions under the Stage-I in the entire NCR w.e.f. 06.10.2023 and with further likely worsening of the air quality into "Very Poor" category, Stage-

II of the revised GRAP was also imposed, in addition to the State-I measures, w.e.f. 21.10.2023.

13. With the paddy harvesting season picking up around last week of October, climatic conditions turning unfavorable including conditions of almost calm / very low wind speeds prevailing over the entire region, the average air quality started showing a steeper dip in terms of increase in the average AQI of Delhi & NCR areas.
14. With unfavorable conditions for dispersal of pollutants prevailing in Delhi and parts of NCR and other sources of air pollution also contributing to the load, including higher incidents of paddy stubble burning led to hike in the AQI of Delhi and NCR. Accordingly, stage III of the GRAP was required to be invoked on 02.11.2023 and with further deterioration owing to the factors listed above, imposition of GRAP stage-IV was also necessitated w.e.f. 05.11.2023.
15. Implementing / enforcement agencies have been identified and listed against each of the actions envisaged in the revised schedule of GRAP and such agencies are required to strictly implement / enforce these towards controlling further deterioration of air quality in the NCR.

New Delhi

Dated 17.11.2023

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