

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

Principal Bench, New Delhi

O.A. No. 663 of 2023

**In the matter of**

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"

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2.	<b>Annexure I:</b> A Copy of Graded Response Action Plan (GRAP) for Delhi NCR.	
3.	<b>Annexure II:</b> A Copy of Hon'ble NGT order dated 20.10.2023.	
4.	<b>Annexure III:</b> A Copy of Notice dated 21.10.2023.	

**(P.K. Gupta)**

Scientist-F,

Central Pollution Control Board,

Delhi-110032

Place: Delhi

Date: 07.11.2023

**Action Taken Report in compliance to Hon'ble NGT order dated 20.10.2023 in O.A No. 663/2023, 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".**

1. It is submitted that Hon'ble NGT vide order dated 20.10.2023 in OA 663 of 2023 directed various agencies including CPCB to submit action taken report for controlling air pollution in Delhi. The relevant extract of the order is reproduced as under:

*"Para 11: Let notice be issued to the aforesaid respondents by the Registry. The above respondents are expected to file the action taken report on controlling air pollution from different sources in Delhi in accordance with GRAP to maintain AQI in acceptable range to safeguard public health in view of winter season ahead, on or before the next date of hearing".*

2. It is humbly submitted that CPCB has taken number of steps to comprehensively manage the ambient air quality in Delhi-NCR, details of which are submitted in subsequent paragraphs:

2.1. Air Quality Response System for Delhi-NCR

Graded Response Action Plan (GRAP) was formulated for Delhi-NCR to tackle the issue of sudden rise in air pollution levels which was notified by MoEF&CC in January 2017 on recommendation of CPCB for implementation. A comprehensive review of actions listed under GRAP was carried out by CPCB in 2020 based on actions taken and improvement observed in air quality in recent years. Based on the inputs given by CPCB, the revised GRAP was published by Commission for Air Quality Management in NCR and adjoining areas (CAQM) and further directions were issued for its implementation.

2.2. Close monitoring and ground level implementation

- a) 40 teams have been deputed by CPCB since December 2021, to assist CAQM, for conducting incognito inspections of air polluting industries, C&D sites, DG sets in Delhi-NCR to check implementation status of pollution control measures and compliance of other provisions of The Air (Prevention and Control of Pollution) Act, 1981. A total of 15933 units/ entities/ projects have been inspected as on November 03, 2023. Based on these inspections, CAQM has issued Closure Directions in 897

cases and out of these resumption orders have been issued in 695 cases while 143 cases are still under closure and cases of 59 balance units have been transferred to SPCBs / DPCC for final decision.

- b) Additionally, 40 teams are also checking the implementation of actions invoked under GRAP so far, such as incidences of biomass and waste burning, illegal dumping of industrial waste, ban on operation of stone crushers, mining activities & construction works etc.

### 2.3. Measures for control of industrial pollution

- a) Industrial units in Delhi have shifted to PNG whereas units in NCR are allowed to operate only with PNG or biomass as fuel.
- b) Highly polluting fuels such as pet coke and furnace oil have been banned in Delhi-NCR.
- c) Directions issued for conversion of brick kilns to zig-zag technology in Delhi and NCR. A total of 3003 out of 4608 brick kilns have converted to zig-zag technology including 1762 kilns in Haryana, 1024 kilns in U.P. and 217 kilns in Rajasthan. Brick kilns not converted to zig-zag technology are not permitted to operate.
- d) Directions issued for Installation of Online Continuous Emission Monitoring System (OCEMS) in Red category air polluting industries in Delhi-NCR. A total of 572 out of 633 industries have installed OCEMS. For remaining units, action is taken by SPCBs/ PCCs as per the provision of The Air (Prevention and Control of Pollution) Act, 1981 including closure of industry and levy of Environmental Compensation.

### 2.4. Measures for control of pollution from DG sets

- a) CPCB has come out with System and Procedure for Emission Compliance Testing of Retro-fit Emission Control Devices (RECD) for Diesel Power Generating Set Engines up to Gross Mechanical Power 800 kW. RECDs have been developed for DG sets of 209-799 kW capacity and installation of RECDs is in progress in Delhi-NCR.
- b) In order to control DG set emissions, CPCB is also funding retrofitment/ upgradation of DG sets in Govt. hospitals in Delhi-NCR and guidelines have been issued in this regard. Under the said guidelines, 100 % funding support is provided for RECD and dual fuel kit installation while 40% funding support is provided for procurement of new gas based Generator sets.

### 2.5. Measures for control of dust emissions from C&D sites and roads

- a) Trial study of new technology i.e. Dust Suppressant for control of emissions at construction sites and road dust was got conducted by CPCB and in view of the encouraging results, Advisory have been issued for use of dust suppressant by road owning and construction agencies.
- b) CPCB has issued guidelines/ mechanism for use of anti-smog guns in Construction and Demolition projects.
- c) CPCB has published guidelines for dust mitigation measures in handling construction materials and C&D waste.
- d) CPCB is also funding ULBs/ road owning agencies of Delhi-NCR for construction/ repair of roads and procurement of anti-smog guns and Mechanical road sweepers in order to control road dust emissions. Rs 15.6 cr sanctioned to Ghaziabad Municipal Corporation for construction/ repair of 8 roads. Work has been initiated for all 8 roads by the Corporation. Also, funds of Rs 14.33 crore have been sanctioned to 11 ULBs/ land owning agencies/ road owning agencies of State of U.P. for procurement of 16 no. of mechanized road sweeping machines and 10 anti-smog guns. Tender process for procurement of the said machinery has been initiated by majority of the agencies. Further, proposals have been sought from Delhi, State of Haryana and Rajasthan for NCR districts.

### 2.6. Measures for control of stubble burning

- a) CPCB has framed guidelines for promoting setting up of paddy straw based pelletization and torrefaction plants wherein one-time financial assistance is provided to individual entities/entrepreneurs/ companies for setting up of such plants. The guidelines are expected to address the supply chain issues faced by industries and power plants considering use of paddy straw as fuel. Also, with promotion of use of paddy straw, the issue of open burning in agriculture fields in Northern Region may also get addressed. A total of 6 plants at cost of Rs 4.9 crore have been sanctioned so far (01 in UP and 05 in Punjab).
- b) CPCB has also issued an addendum under which one-time financial assistance is provided to Municipal Corporations, Municipal Councils and Zilla Parishads of the states of Punjab, Haryana, NCT of Delhi and NCR districts of Uttar Pradesh and Rajasthan, for establishing paddy straw based briquetting plants for use of briquettes for cremation purpose only.

- c) CPCB also got a study conducted in Patiala district, Punjab to check whether air quality from stubble burning in close proximity to residential areas adversely affect respiratory health, wherein it was found that there is decline in lung function for all age groups. Accordingly, CPCB advised PPCB and HSPCB to issue appropriate advisory and for spreading awareness amongst farmers through IEC activities.

#### 2.7. Technical Interventions

- a) Research projects are being carried out by CPCB in collaboration with premier institutions like IIT, NEERI, etc which provide scientific inputs for taking focused action towards improvement in air quality of Delhi NCR. Trials of various new technologies for air pollution control have been carried out such as WAYU air purification units developed by NEERI for pollution abatement at traffic junctions, Pariyantra bus roof top filtration system for PM reduction in ambient environment developed by MRIIRS, Faridabad, negative ion generator for PM reduction in ambient environment developed by Science & Technology Park, Pune, dust suppressant for construction sites and road dust control developed by EPRI, Pune. Out of these, results of dust suppressant were found encouraging and accordingly Advisory have been issued for use of dust suppressant by road owning and construction agencies.
- b) A pilot Smog tower has been commissioned at Anand Vihar, ISBT and its performance is being evaluated by IIT Bombay.

#### 2.8. Air Quality Index (AQI), Public awareness and Media outreach

- a) Ambient air quality network in Delhi-NCR comprises of 145 ambient air quality monitoring stations (83 Continuous Ambient Air Quality Monitoring Stations (CAAQMS) and 62 manual ambient air quality monitoring stations). In Delhi, the air quality network comprises of 40 CAAQMS and 10 manual air quality monitoring stations. Air Quality Index, a tool for effective communication of air quality status as well as its associated likely health impacts to people was introduced by CPCB. A centralized air quality monitoring portal is operated by Central Pollution Control Board wherein, tracking of various information such as hourly PM concentrations, Live Air Quality Data of Monitoring stations and Live Air Quality Index is being carried out. Daily AQI Bulletin is published on CPCB website giving AQI information for cities across India.

- b) CPCB has developed a mobile app i.e. SAMEER, where Real-time Ambient air quality data of various parameters including AQI is also given. Sameer app also facilitates the public in lodging of air pollution related complaints in NCR region and such complaints are assigned to various local agencies.
- c) Dedicated media corner, Twitter and Facebook accounts have also been created for public outreach.
- d) Complaint redressal on SAMEER app and social media platforms is monitored and redressal status is shared with respective agencies.
- e) Daily AQI status is shared on social media platforms. Various campaigns as well as informative posts related to air pollution, firecrackers, vehicular pollution, stubble burning, sustainable lifestyle, etc. are also posted regularly on social media platforms.
- f) Citizen Charter under GRAP has been uploaded under Media Corner on CPCB Website.

#### 2.9. Other Actions

- a) NO<sub>2</sub> and SO<sub>x</sub> standards notified for industrial boilers and five industrial sectors i.e. lime kiln, foundry, ceramic, glass and reheating furnaces.
  - b) Installation of VRS system at 3256 petrol pumps in Delhi-NCR in compliance with orders of Hon'ble Supreme Court and Hon'ble NGT.
  - c) CPCB is carrying out special monitoring of ambient air quality during pre-deepawali period, deepawali and post-deepawali period in Delhi and 08 other cities.
3. It is further submitted that in order to tackle the issue of air pollution especially during winter season, the provisions of various stages of GRAP are invoked depending on the air quality status. For the said purpose, a sub-committee for operationalization of GRAP has been constituted in which CPCB is also a member.

Considering the prevalent air quality scenario in Delhi, the said sub-committee has invoked provision of Stage IV of GRAP on 05.11.2023, which includes actions such as ban on C&D activities, restrictions on entry of truck traffic and Light Commercial Vehicles (LCVs) to Delhi and ban on plying of Delhi registered diesel operated Medium Goods Vehicles and Heavy Goods Vehicles (HGVs) (with some exceptions). It is submitted that implementation of these steps is in addition to Stage III, Stage II and Stage I actions of GRAP already in force w.e.f. November 02, 2023, October 21, 2023

and October 06, 2023. Major restrictions under Stage III of GRAP includes ban on mining activities and operations of stone crushers, etc. Copy of GRAP is enclosed as Annexure-I.

4. CPCB on November 03, 2023 issued Directions under Section 5 of the Environment (Protection) Act, 1986 to Delhi-NCR SPCBs/ PCCs for strict implementation of actions prescribed under stages of GRAP invoked from time to time, in view of the deteriorated air quality situation in Delhi-NCR.
5. It is submitted that CPCB convened a review meeting on November 01, 2023 with Urban Local Bodies, Municipal Agencies, Land owning agencies, Development authorities and Road owning agencies for improvement in redressal of air pollution related public complaints lodged on Sameer app and social media handles. Instructions issued to all agencies to resolve complaints within 24-48 hours.
6. It is further submitted that Commission for Air Quality Management in NCR and adjoining areas (CAQM) has been constituted by enactment of an Act by Parliament for better co-ordination, research, identification and resolution of problems surrounding the air quality index and for matters connected therewith or incidental thereto.

CAQM has issued various directions for control of stubble burning, implementation of dust control measures at C&D sites, regulating use of DG sets, use of approved fuel, shifting to cleaner transport etc. for improvement of air quality in Delhi-NCR.

7. It is submitted that improvement in number of days having Good, Satisfactory and Moderate AQI categories, was noted in the year 2022 and 2023 (so far) in comparison to 2016.
  - a) Number of 'Good', 'Satisfactory' and 'Moderate' AQI days increased to 163 in 2022 against 108 in 2016, and number of 'Poor', 'Very Poor' and 'Severe' days decreased to 202 in 2022 against 246 in 2016.

Category	Year	2016	2017	2018	2019	2020	2021	2022	2023 (till 06 Nov)	2016	2017	2018	2019	2020	2021	2022	2023 (till 06 Nov)	
	No. of Days	354	365	365	365	366	365	365	310									
Good (0-50)		0	2	0	2	5	1	3	1									
Satisfactory (51-100)		25	45	53	59	95	72	65	80	108	152	159	182	227	197	183	206	
Moderate (101-200)		83	106	108	121	127	124	95	145									
Poor (201-300)		120	115	114	103	75	80	130	69									
Very Poor (301-400)		101	89	72	66	49	64	66	28	246	213	208	183	139	168	202	104	
Severe (>401)		25	9	20	24	15	24	6	7									

- b) Improvement has been noted in the year 2023 (as on 06.11.2023) in comparison to 2016 with the number of 'Good', 'Satisfactory' and 'Moderate' days increasing to 206 against 110 in 2016, and number of 'Poor', 'Very Poor' and 'Severe' days decreasing to 104 against 189 in 2016.

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

GRADED RESPONSE ACTION PLAN (GRAP) FOR NCR

(Revision : Oct' 2023)

1. The GRAP for the NCR has been classified under 4 different stages of adverse air quality in Delhi viz. Stage – I 'Poor' (AQI 201 – 300), Stage – II 'Very Poor (AQI 301-400), Stage – III 'Severe' (AQI 401-450) and Stage – IV 'Severe +' (AQI >450) respectively.
2. Based on the dynamic model and weather/ meteorological forecast by IMD / IITM on a day-to-day basis, actions under Stages II, III and IV of the GRAP shall be invoked at least three days in advance of the AQI reaching to the projected levels of that stage.
3. Restrictive actions undertaken as per previous stages shall 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 III category, whenever invoked, shall be in addition to those under Stage I and II respectively and so on and so forth.
4. The Sub-Committee on GRAP constituted by the Commission shall meet frequently to plan for advance action and issue necessary orders for invoking various provisions of the GRAP, based on the prevalent air quality and the AQI forecast to be provided by IMD from time to time. The Sub-Committee shall also review the actions taken by various agencies responsible towards effective implementation of the GRAP.
5. The Chief Secretaries of NCR States and GNCTD shall frequently review the actions and implementation of the GRAP especially when the air quality falls or is likely to fall in the 'Severe' or 'Severe +' category (Stage III and beyond).
6. The Commission may decide upon additional measures and exceptions to the schedule of the GRAP, under different air pollution categories i.e., Stages I to IV, as per the prevalent AQI and weather forecast.

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### Schedule under the GRAP for NCR

Stage I – 'Poor' Air Quality (DELHI AQI ranging between 201-300)	
Actions	Agencies responsible / Implementing Agencies
<p>1. Ensure proper implementation of Directions/ guidelines on dust mitigation measures in Construction and Demolition (C&amp;D) activities and sound environmental management of C&amp;D waste.</p> <p>2. Ensure strict compliance of Direction Nos. 11-18 dated 11.06.2021 not to permit C&amp;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, for remote monitoring of dust mitigation measures.</p>	<ul style="list-style-type: none"> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns</li> <li>- Construction agencies and plot owners (both public &amp; private).</li> </ul>
<p>3. Ensure regular lifting of Municipal Solid Waste (MSW), Construction &amp; Demolition (C&amp;D) waste, and Hazardous wastes from dedicated dump sites and ensure that no waste is dumped illegally in open land areas.</p>	<ul style="list-style-type: none"> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns</li> <li>- All land-owning agencies</li> <li>- Construction agencies (both public &amp; private).</li> </ul>
<p>4. Carry out periodic mechanized sweeping and water sprinkling on roads and ensure scientific disposal of the dust collected in designated sites/landfills.</p>	<ul style="list-style-type: none"> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns</li> <li>- Chief Executives of all road owning and maintaining agencies.</li> </ul>

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<p>5. Ensure that C&amp;D materials &amp; waste are properly stored/ contained, duly covered in the premises. Ensure transportation of C&amp;D waste in covered vehicles and its recycling at an appropriate processing facility.</p> <p>6. Strictly enforce directions and yardsticks for use of anti-smog guns at C&amp;D sites.</p> <p>7. Intensify use of anti-smog guns, water sprinkling and dust suppression measures in road construction / maintenance / repair projects.</p>	<ul style="list-style-type: none"> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns</li> <li>- All construction agencies and plot owners (both public &amp; private).</li> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns</li> <li>- All construction agencies and plot owners (both public &amp; private).</li> <li>- All road owning / maintenance agencies in NCR.</li> </ul>
<p>8. Stringently enforce prohibition on open burning of biomass and municipal solid waste. Impose maximum EC upon violations in accordance with Hon'ble NGT's orders dated 04.12.2014 and 28.04.2015 in OA 21/2014.</p> <p>9. Strict vigil to ensure that there are no burning incidents in the landfill sites / dumpsites.</p>	<ul style="list-style-type: none"> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns</li> <li>- All land-owning agencies.</li> </ul>
<p>10. Deploy traffic police for smooth traffic flow at all identified corridors with heavy traffic and congestion prone intersections.</p>	<ul style="list-style-type: none"> <li>- Commissioner or Head of Traffic Police in Delhi and NCR towns.</li> </ul>
<p>11. Strict vigilance and enforcement of PUC norms for vehicles.</p> <p>12. No tolerance for visible emissions – Stop visibly polluting vehicles by impounding and / or levying maximum penalty.</p>	<ul style="list-style-type: none"> <li>- Commissioner or Head of Transport Department of Delhi and NCR States</li> <li>- Commissioner or Head of Traffic Police of Delhi and NCR towns.</li> </ul>
<p>13. Strictly enforce the Hon'ble Supreme Court order on diversion of non- destined truck traffic for Delhi, through Eastern and Western Peripheral Expressways.</p>	<ul style="list-style-type: none"> <li>- Head of Traffic Police of NCT of Delhi and NCR towns.</li> <li>- District Magistrates / Deputy Commissioners of NCT of Delhi / NCR towns</li> <li>- Municipal Commissioner of Corporations of</li> </ul>

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	NCT of Delhi and NCR towns.
14. Strictly enforce NGT / Hon'ble SC's order on overaged diesel / petrol vehicles and as per extant statutes.	<ul style="list-style-type: none"> <li>- Commissioner or Head of Transport Department of Delhi and NCR States</li> <li>- Commissioner or Head of Traffic Police of Delhi and NCR towns.</li> </ul>
<p>15. Ensure strict penal/ legal action against non-compliant and illegal industrial units.</p> <p>16. Stringently enforce all pollution control regulations in Industries, brick kilns and hot mix plants etc. - strict compliance of the prescribed standards of emissions.</p> <p>17. Ensure that only approved fuels are used by the industries in NCR including in brick kilns and hot mix plants and enforce closure in case of violations, if any.</p>	<ul style="list-style-type: none"> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- District Magistrates / Deputy Commissioners of NCT of Delhi / NCR Towns</li> <li>- Commissioners of Urban Local Bodies in Delhi and NCR towns.</li> </ul>
18. Stringently enforce emission norms in thermal power plants and strict actions be taken against non-compliance.	<ul style="list-style-type: none"> <li>- Plant in- charge of Power Plants located within 300 km radius of Delhi.</li> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> </ul>
19. Strictly enforce Hon'ble Courts / Tribunal orders regarding ban on firecrackers.	<ul style="list-style-type: none"> <li>- Commissioner of Police of Delhi &amp; IG / DIG / SP of NCR towns or Officer In charge of Licensing.</li> <li>- DMs/ DCs of respective districts in NCR.</li> <li>- Chief controller of Explosives, Petroleum and Explosive Safety Organizations (PESO).</li> </ul>
20. Ensure regular lifting and proper disposal of industrial waste from industrial and non-development areas.	<ul style="list-style-type: none"> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- Commissioners/ Chief Engineers of Urban Local Bodies in Delhi-NCR towns</li> <li>- All land-owning agencies.</li> <li>- District Magistrate / Deputy Commissioners in NCR.</li> </ul>
21. DISCOMs to minimise power supply interruptions in NCR.	<ul style="list-style-type: none"> <li>- Head of Power distribution companies in NCR.</li> </ul>

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22. Ensure that diesel generator sets are not used as regular source of power supply.	<ul style="list-style-type: none"> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- DMs/ DCs of respective districts of NCR.</li> </ul>
<p>23. Enforce complete ban on coal / firewood in Tandoors in Hotels, Restaurants and open eateries.</p> <p>24. Ensure hotels, restaurants and open eateries use only electricity / clean fuel gas-based appliances.</p>	<ul style="list-style-type: none"> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns.</li> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> </ul>
25. Information dissemination including through social media and bulk SMS etc. Mobile Apps to be used to inform people about the pollution levels, contact details of control room, enable them to report polluting activities / sources to the concerned authorities and inform them about actions that would be taken by Government.	<ul style="list-style-type: none"> <li>- ACS/ Pr. Secretary/ Secretary, Dept. of Environment, GNCTD and NCR States.</li> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> </ul>
26. Ensure quick actions for redressal of complaints on 311 APP, Green Delhi App, SAMEER App and other such social media platforms to curb polluting activities.	<ul style="list-style-type: none"> <li>- Head of Urban Local Bodies in NCR towns.</li> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- Construction agencies, land owning agencies, Development agencies and all other concerned implementing agencies.</li> </ul>
27. Encourage offices to start unified commute for employees to reduce traffic on road.	<ul style="list-style-type: none"> <li>- State Governments in NCR and GNCTD.</li> </ul>
<b>CITIZEN CHARTER</b>	<ul style="list-style-type: none"> <li>• Keep engines of your vehicles properly tuned.</li> <li>• Maintain proper tyre pressure in vehicles.</li> <li>• Keep PUC certificates of your vehicles up to date.</li> <li>• Do not idle your vehicle, also turn off the engine at red lights.</li> <li>• Prefer hybrid vehicles or EVs to control vehicular pollution.</li> <li>• Do not litter / dispose wastes, garbage in open spaces.</li> <li>• Report air polluting activities through 311 App, Green Delhi App, SAMEER App etc.</li> <li>• Plant more trees.</li> <li>• Celebrate festivals in an eco-friendly manner – avoid firecrackers.</li> <li>• Do not drive/ply end of life/ 10/15 years old Diesel/Petrol vehicles.</li> </ul>

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<b>Stage II – 'Very Poor' Air Quality (DELHI AQI ranging between 301-400)</b>	
Actions under the Stage II of the GRAP shall be invoked at least three days in advance of the AQI reaching to the projected levels of 301-400, based on the dynamic air quality forecast system to be provided to the Commission by IMD / IITM on a day-to-day basis.	
Actions	Agencies responsible / Implementing Agencies
1. Carry out mechanical/ vacuum sweeping and water sprinkling of the identified roads on a daily basis.  2. Ensure water sprinkling along with use of dust suppressants (at least every alternate day, during non-peak hours) on roads to arrest road dust especially at hotspots, heavy traffic corridors, vulnerable areas and proper disposal of dust collected in designated sites/landfills.	<ul style="list-style-type: none"> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns</li> <li>- Chief Executives of all road owning and maintaining agencies.</li> <li>- Commissioner of Traffic Police of Delhi &amp; NCR towns to identify roads with heavy traffic and provide information to respective Municipal Commissioners.</li> </ul>
3. Intensify inspections for strict enforcement of dust control measures at C&D sites.	<ul style="list-style-type: none"> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.</li> </ul>
4. Ensure focussed and targeted action for abatement of air pollution in all identified hotspots in NCR. Intensify remedial measures for the predominant sector(s) contributing to adverse air quality in each of such hotspots.	<ul style="list-style-type: none"> <li>- State Govts. in NCR and GNCTD.</li> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.</li> </ul>
5. Ensure uninterrupted power supply to discourage use of alternate power Generating sets/ equipment (DG sets etc.).	<ul style="list-style-type: none"> <li>- Additional Chief Secretary / Principal Secretary (Power), NCR State Governments / GNCTD</li> <li>- Head of Power Distribution Companies of Delhi and NCR Districts.</li> </ul>

*20/01/14*

6. Strictly implement the following Schedule for regulated operations of DG sets across all sectors in the NCR including Industrial, Commercial, Residential and offices etc in accordance with Direction No. 76 dated 29.09.2023.		
Capacity Range of DG sets	System to be adopted for control of emissions	Regulations for use
Power generating sets of all capacities running on LPG/ Natural Gas/ Bio-gas/ Propane/ Butane	None	No restrictions
Power generating sets of all capacities up to 800 kW to standards as per MoEFCC notification No. GSR 804(E) dated 03.11.2022	None	No restrictions.
800 kW and above	Any emission control mechanism, strictly subject to compliance of the prescribed emission standards	No restrictions
125 kW to less than 800 kW	Dual fuel mode <b>OR</b> Retro-fitted ECDs through certified vendors / agencies	No restrictions
19 kW to less than 125 kW	Dual fuel mode	No restrictions  DG Sets not working in a dual fuel mode, only owing to non-availability of gas infrastructure and supply, shall be permitted only for prescribed emergency services.
Portable DG sets (below 19 kW)	Presently no specific means of emission control are available in this category /	Not to be generally permitted.  These shall, however, be permitted only

- Chairpersons – CPCB, DPCC, SPCBs (NCR).
- Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.
- District Magistrates / Deputy Commissioners of NCR States and GNCTD.

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	capacity range of DG sets.	for prescribed emergency services.
<p><b>Note:</b> In the interest of not disrupting emergency services and permitting sufficient time for adopting the stipulated emission control mechanism in existing DG Sets, as a one-time exception, DG Sets for all capacity ranges (which have still not been equipped with emission control devices / systems as per the above noted schedule), shall be permitted to be run only for emergency services in the NCR as listed below, <b>only up to 31.12.2023</b> and strictly subject to adherence to the above noted measures for emission control, thereafter:</p> <ul style="list-style-type: none"> <li>(i) Elevators / Escalators / Travelators etc. in various installations; Commercial entities / residential societies shall, however, ensure that operation of DG sets and supply therefrom is purely limited to operation of elevators / escalators / travelators etc. and not for any other activities of commercial entities / residential societies.</li> <li>(ii) Medical Services (Hospital/Nursing Home/Health care facilities) including units involved in manufacturing of life saving medical equipment/devices, drugs and medicines.</li> <li>(iii) Railway Services / Railway Stations.</li> <li>(iv) Metro Rail Corporation &amp; MRTS Services, including trains and stations.</li> </ul>		

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<p>(v) Airports and Inter-State Bus Terminals (ISBTs).</p> <p>(vi) Sewage Treatment Plants.</p> <p>(vii) Water pumping Stations.</p> <p>(viii) Projects related to national security, defence &amp; of national importance.</p> <p>(ix) Telecommunications and IT/ data services.</p>	
<p>7. Synchronize traffic movements and deploy adequate personnel at intersections / traffic congestion points for smooth flow of traffic.</p>	<p>- Commissioner or Officer in charge - Traffic Police of Delhi and NCR towns.</p>
<p>8. Alert in newspapers / TV / radio to advise people about air pollution levels and Do's and Don'ts for minimizing polluting activities.</p>	<p>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</p>
<p>9. Enhance Parking fees to discourage private transport.</p>	<p>- Chief Secretary and Principal Secretary, Urban Local Bodies of NCR States and GNCTD.</p> <p>- Commissioners of Urban Local Bodies in Delhi and NCR towns.</p>
<p>10. Augment CNG/ electric bus and metro services by inducting additional fleet and increasing the frequency of service.</p>	<p>- NCR State Governments.</p> <p>- Principal Secretary, Department of Transport, of NCT of Delhi and NCR State Govts.</p> <p>- Delhi Transport Corporation (DTC).</p> <p>- State Transport Corporation in NCR towns.</p> <p>- Delhi Integrated Multi – Model Transit System Ltd. (DIMTS).</p> <p>- Delhi Metro Rail Corporation (DMRC).</p>
<p>11. Resident Welfare Associations to necessarily provide electric heaters to security staff to avoid open Bio-Mass and MSW burning during winters.</p>	<p>- Resident Welfare Associations.</p>
<p><b>CITIZEN CHARTER</b></p>	<ul style="list-style-type: none"> <li>• People to use public transport and minimize use of personal vehicles.</li> <li>• Use technology, take less congested route even if slightly longer.</li> <li>• Regularly replace air filters at recommended intervals in your automobiles.</li> <li>• Avoid dust generating construction activities during months of October to January.</li> <li>• Avoid open burning of solid waste and bio-mass.</li> </ul>

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<b>Stage III – 'Severe' Air Quality (DELHI AQI ranging between 401-450)</b>	
Actions under the Stage III of the GRAP shall be invoked at least three days in advance of the AQI reaching to the projected levels of > 400, based on the dynamic air quality forecast system to be provided to the Commission by IMD / IITM on a day-to-day basis.	
Actions	Agencies responsible / Implementing Agencies
<p>1. Further intensify the frequency of mechanised/ vacuum-based sweeping of roads.</p> <p>2. Ensure daily water sprinkling along with dust suppressants, before peak traffic hours, on roads and right of ways including hotspots, heavy traffic corridors and ensure proper disposal of the collected dust in designated sites/ landfills.</p>	<ul style="list-style-type: none"> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi-NCR towns</li> <li>- Chief Executives of all road owning and maintaining agencies.</li> <li>- Commissioner of Police / Head of Traffic Police in Delhi &amp; NCR towns to identify roads with heavy traffic and provide information to respective Municipal Commissioners / Head of Municipal Bodies.</li> </ul>
<p>3. Further intensify public transport services. Introduce differential rates to encourage off-peak travel.</p>	<ul style="list-style-type: none"> <li>- Secretary cum Commissioner of Transport Department, NCT of Delhi</li> <li>- Transport Commissioners of NCR States.</li> <li>- Managing Director, Delhi Metro Rail Corporation (DMRC).</li> <li>- Chairpersons, State Transport Corporations.</li> </ul>
<p>4. Construction &amp; Demolition activities:</p> <p>(i) Enforce strict ban on construction and demolition activities in the entire NCR, except for the following categories of projects:</p> <p>(a) Projects for Railway services / Railway stations</p> <p>(b) Projects for Metro Rail Services and stations</p> <p>(c) Airports and Inter State Bus Terminals</p> <p>(d) National security/ defence related activities/ projects of national importance;</p> <p>(e) Hospitals/ health care facilities</p> <p>(f) Linear public projects such as highways, roads, flyovers, over bridges, power transmission/ distribution, pipelines etc.</p> <p>(g) Sanitation projects like sewage treatment plants and water supply projects etc.;</p> <p>(h) Ancillary activities, specific to and supplementing the above noted categories of projects.</p>	<ul style="list-style-type: none"> <li>- NCR State Governments and GNCTD</li> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi and NCR towns.</li> </ul>

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**Note:** The above exemptions shall be further 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.

(ii) Other than the projects exempted under (i) above, dust generating/ air pollution causing C&D activities to be strictly banned during this period shall 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.

(iii) For all construction projects in NCR, non-polluting / non-dust generating activities such as plumbing works, electrical works,

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<p>carpentry related works and interior furnishing / finishing / decoration works (excluding painting, polishing and varnishing works etc) shall be permitted to be continued.</p>	
<p>5. Close down operations of stone crushers</p>	<ul style="list-style-type: none"> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR)</li> <li>- Commissioner of Police - Delhi and DG of Police of NCR States</li> <li>- District Magistrates / Deputy Commissioners of respective districts in Delhi and NCR States.</li> </ul>
<p>6. Close down all mining and associated activities in the NCR.</p>	<ul style="list-style-type: none"> <li>- Chairpersons – CPCB, DPCC, SPCBs (NCR).</li> <li>- District Magistrates / Deputy Commissioners of respective districts in NCR.</li> <li>- Commissioner of Police - Delhi and IG / DIG / SP of NCR towns.</li> </ul>
<p>7. NCR State Govts. / GNCTD to impose strict restrictions on plying of BS III petrol and BS IV diesel LMVs (4 wheelers) in Delhi and in the districts of Gurugram, Faridabad, Ghaziabad and Gautam Budh Nagar.</p>	<ul style="list-style-type: none"> <li>- State Governments in NCR and GNCTD.</li> <li>- Commissioner or Head of Transport Department</li> <li>- Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.</li> </ul>
<p>8. State Govts. in NCR and GNCTD may take a decision on discontinuing physical classes in schools for children up to Class V and conducting classes in an online mode.</p>	<ul style="list-style-type: none"> <li>- State Governments of NCR &amp; GNCTD.</li> </ul>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>CITIZEN CHARTER</b></p>	<ul style="list-style-type: none"> <li>• Walk or use cycles for small distances.</li> <li>• Choose a cleaner commute. Share a ride to work or use public transport.</li> <li>• People, whose positions allow working from home, may work from home.</li> <li>• Do not use coal and wood for heating purpose.</li> <li>• Individual house owners may provide electric heaters (during winters) to security staff to avoid open burning.</li> <li>• Combine errands and reduce trips.</li> </ul>

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**Stage IV – 'Severe +' Air Quality  
(DELHI AQI > 450)**

Actions under the Stage IV of the GRAP shall be invoked at least three days in advance of the AQI reaching to the projected levels of > 450, based on the dynamic air quality forecast system to be provided to the Commission by IMD / IITM on a day-to-day basis.

Actions	Agencies responsible / Implementing Agencies
1. Stop entry of truck traffic into Delhi (except for trucks carrying essential commodities/ providing essential services and all LNG/ CNG / electric trucks). 2. Do not permit LCVs registered outside Delhi, other than EVs / CNG / BS-VI diesel, to enter Delhi, except those carrying essential commodities / providing essential services.	<ul style="list-style-type: none"> <li>- State Governments</li> <li>- Transport Commissioners, GNCTD/ NCR States</li> <li>- Commissioners / Head of Urban Local Bodies in Delhi-NCR towns.</li> <li>- Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.</li> </ul>
3. Ban on plying of Delhi - registered diesel operated Medium Goods Vehicles (MGVs) and Heavy Goods Vehicles (HGVs) in Delhi, except those carrying essential commodities / providing essential services.	<ul style="list-style-type: none"> <li>- State Governments of NCR &amp; GNCTD</li> <li>- Transport Commissioners, GNCTD/ NCR States.</li> <li>- Commissioner of Police / Head of Traffic Police of Delhi and NCR towns.</li> </ul>
4. Ban C&D activities also in linear public projects such as highways, roads, flyovers, overbridges, power transmission, pipelines etc.	<ul style="list-style-type: none"> <li>- Chairpersons – CPCB, DPCC, SPCBs</li> <li>- Commissioners / Chief Engineers of Urban Local Bodies in Delhi - NCR towns.</li> <li>- Nodal officers of road owning agencies (dust control and management cells).</li> </ul>
5. NCR State Govts. and GNCTD may take a decision on discontinuing physical classes even for classes VI – IX, class XI and conduct lessons in an online mode.	<ul style="list-style-type: none"> <li>- State Governments of NCR &amp; GNCTD.</li> </ul>
6. NCR State Governments / GNCTD to take a decision on allowing public, municipal and private offices to work on 50% strength and the rest to work from home.	<ul style="list-style-type: none"> <li>- State Governments of NCR &amp; GNCTD.</li> </ul>

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<p>7. Central Government may take appropriate decision on permitting work from home for employees in central government offices.</p>	<p>- Central Government (DoPT).</p>
<p>8. State Governments may consider additional emergency measures like closure of colleges/ educational institutions and closure of non-emergency commercial activities, permitting running of vehicles on odd-even basis of registration numbers etc.</p>	<p>- State Governments of NCR &amp; GNCTD.</p>
<p><b>CITIZEN CHARTER</b></p>	<ul style="list-style-type: none"> <li>• Children, elderly and those with respiratory, cardiovascular, cerebrovascular or other chronic diseases to avoid outdoor activities and stay indoors, as much as possible.</li> </ul>

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Item No. 02

Court No. 1

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

Original Application No. 663/2023

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”**

Date of hearing: 20.10.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Dr. Abhishek Atrey & Mr. Vaibhav Kandpal, Advs. for Commission for Air  
Quality Management (CAQM)

**ORDER**

1. This original application is registered in *suo-motu* exercise of power on the basis of the newspaper reports which have been collectively placed on record.
2. The newspaper report dated 07.10.2023 published in 'Indian Express' is titled **“GRAP Stage 1 kicks in as air quality dips to poor, condition likely to prevail till Sunday”**. As per the said report, the air quality for the relevant day had deteriorated from Air Quality Index (AQI) 177 to AQI 212, whereas the AQI between 201 and 300 is considered to be 'poor' and can cause breathing discomfort to most people on prolonged exposure.
3. Another newspaper report of 'Amar Ujala' dated 03.10.2023 states that though in the capital Graded Response Action Plan (GRAP) has been made applicable but there is open violation and most of the violations are in respect of the construction activities which are leading to the dust pollution.

4. One of the reports of 'Amar Ujala' dated 04.10.2023 mentions the location where the incident of burning of the waste has been noticed.

5. Though, these reports indicate some action on the part of the concerned authorities but, the reports also make it clear that the problem of air pollution in Delhi is aggravating and the residents are facing various health problems.

6. As per the newspaper report dated 10.10.2023 published in 'The Times of India', long term exposure to air pollution could lead to higher risk of depression and anxiety, besides respiratory disorders. As per the opinion expressed in that report children and adolescents are worst sufferers.

7. The newspaper report of today i.e. 20.10.2023 published in 'The Times of India' further states that the Delhi air quality in the meanwhile is likely to deteriorate to 'poor' category. Another report published in the same newspaper states that Rs. 22.9 crore smog tower at Connaught Place is lying defunct for last 7 months. The expert opinion mentioned therein states that installation of such an expensive smog tower was a waste of money and it does not help in cleaning the city's air quality.

8. Having regard to the concern expressed in these reports, we have taken this matter in *suo motu* exercise of power which is permissible in terms of the judgment of the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

9. Learned Counsel appearing for the Commission for Air Quality Management (CAQM) accepts notice and seeks time to obtain instructions and file an action taken report.

10. Meanwhile, we also deem it proper to implead following authorities in the matter:

- i. Chief Secretary, Delhi
- ii. Member Secretary, Delhi Pollution Control Committee (DPCC),
- iii. Commissioner, Municipal Corporation of Delhi (MCD),
- iv. Member Secretary, Central Pollution Control Committee (CPCB)
- v. Ministry of Environment, Forest and Climate Change (MoEF&CC)

11. Let notice be issued to the aforesaid respondents by the Registry. The above respondents are expected to file their action taken report on controlling air pollution from different sources in Delhi in accordance with GRAP to maintain AQI in acceptable range to safeguard public health in view of winter season ahead, on or before the next date of hearing by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

12. List on 08.11.2023.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 20, 2023  
Original Application No. 663/2023  
DV

## BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 663/2023

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"

To

1. **Chief Secretary, Delhi**  
Delhi Secretariat, IP Estate, New Delhi-110002  
Email: [csdelhi@nic.in](mailto:csdelhi@nic.in)
2. **Member Secretary, Delhi Pollution Control Committee (DPCC)**  
Government of NCT of Delhi,  
4th and 5th Floor, ISBT, Kashmere Gate, Delhi-110006  
Email: [dpcc@gov.in](mailto:dpcc@gov.in)/ [msdpcc@nic.in](mailto:msdpcc@nic.in)/ [chdpcc@nic.in](mailto:chdpcc@nic.in)
3. **Commissioner, Municipal Corporation of Delhi (MCD)**  
17th Floor, Civic Centre,  
S.P. Mukherjee Marg, New Delhi-110002  
Email: [commissioner@med.nic.in](mailto:commissioner@med.nic.in)/ [clomedhq@gmail.com](mailto:clomedhq@gmail.com)
4. **Member Secretary, Central Pollution Control Committee (CPCB)**  
Paryavaran Bhawan, East Arjun Nagar, Delhi-110032  
Email: [mscb.cpcb@nic.in](mailto:mscb.cpcb@nic.in)
5. **Ministry of Environment, Forest and Climate Change (MoEF&CC)**  
Paryavaran Bhawan, Jorbagh, New Delhi-110003  
Email: [secy-moef@nic.in](mailto:secy-moef@nic.in)

**NOTICE**

Whereas the above titled Application was listed before the Hon'ble Tribunal on 20.10.2023 (copy of order & petition are enclosed), when the Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

"10. Meanwhile, we also deem it proper to implead following authorities in the matter: i. Chief Secretary, Delhi ii. Member Secretary, Delhi Pollution Control Committee (DPCC), iii. Commissioner, Municipal Corporation of Delhi (MCD), iv. Member Secretary, Central Pollution Control Committee (CPCB) v. Ministry of Environment, Forest and Climate Change (MoEF&CC)

11. Let notice be issued to the aforesaid respondents by the Registry. The above respondents are expected to file their action taken report on controlling air pollution from different sources in Delhi in accordance with GRAP to maintain AQI in acceptable range to safeguard public health in view of winter season ahead, on or before the next date of hearing by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

12. List on 08.11.2023."

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2. Now, take further notice that the above application will be listed for further hearing before the Hon'ble Tribunal 08<sup>th</sup> November, 2023, at **Faridkot House, Copernicus Marg, New Delhi-110001** through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file report, as per directions of the Hon'ble Tribunal vide Order dated 20.10.2023.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Hon'ble Tribunal, on this 21<sup>st</sup> October, 2023.

Note: (For Orders, Cause Lists & other information, please visit our website [www.greentribunal.gov.in](http://www.greentribunal.gov.in))

Consultant (Judicial), NGT

