

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 48 OF 2025

Ameet Singh)

...Applicant

Versus

Pune Municipal Corporation & Ors.)

...Respondents



AFFIDAVIT IN REJOINDER ON BEHALF OF THE APPLICANT

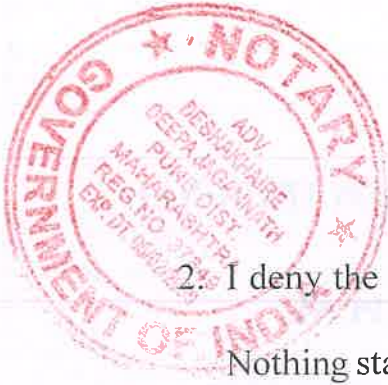
TO THE REPLY FILED BY THE RESPONDENT NO.1

I, Ameet Singh, aged 49 years, resident of Sahyashram 54B, Dr.

Ambedkar Road, Pune 411 005, do hereby solemnly affirm and state as

under:

1. I say that I have read a copy of the Affidavit in Reply filed by the Respondent No.1 in the present O.A. and am filing this Affidavit in Rejoinder thereto with a view to controvert the contents of the same and place the relevant facts on record.



2. I deny the contents of the affidavit unless expressly admitted herein.

Nothing stated in the said affidavits should be considered admitted for want of specific traverse.

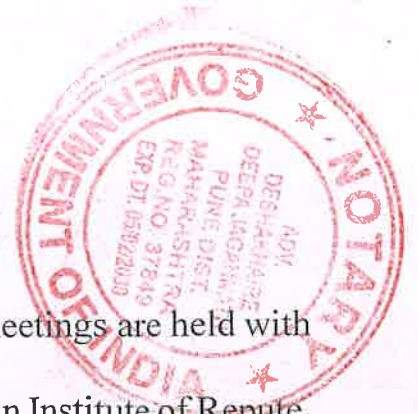
3. I say that the Respondent No.1 has failed to deal with the underlying issues raised in the present petition, viz. the adoption of untested and unscientific measures for the control and mitigation of air pollution in the city of Pune and the absence of guidelines for the same. The Respondent No.1 has been unable to demonstrate the efficacy of the fog canon and mist spraying technology that it has chosen to adopt. Furthermore, although the minutes of meeting of the City Level Air Quality Monitoring that the Respondent No.1 has relied upon highlight the importance of monitoring and collaborating with the IoR and C-DAC, no real action has been taken in this regard.

4. The para-wise traversal of the Reply is as under.

5. The contents of para 1 to 3 do not require a response.

6. In as much as the contents of para 4 set out the prayers made in the O.A., it does not require a response.





7. With respect to para 5, it is denied that regular meetings are held with the Respondent No.5 that has been appointed as an Institute of Repute.

The minutes of meeting obtained by the Applicants purporting to be of the City Level Air Quality Monitoring Committee referred to above reveal that the IoR was present in all but 3 meetings held to discuss the planning and implementation of the NCAP. They further reveal that no steps as contemplated under the MoU dated 26th March 2021 have been taken by the Respondent No.1 or 2.



8. With respect to para 6, I say that prayer clause “c” seeks the framing of Standard Operating Procedures (“SoPs”) for the use of technology-based interventions which have been established to be effective for the mitigation of air pollution. The framing of an Action Plan for the mitigation of air pollution is a distinct issue and does not address prayer clause “c”, contrary to what is sought to be asserted.

9. With respect to para 7, I say that the data on air pollution that is collected from CAAQMs alleged to be installed is not available on the NCAP Portal for Pune city. Hereto annexed and marked as **Annexure**



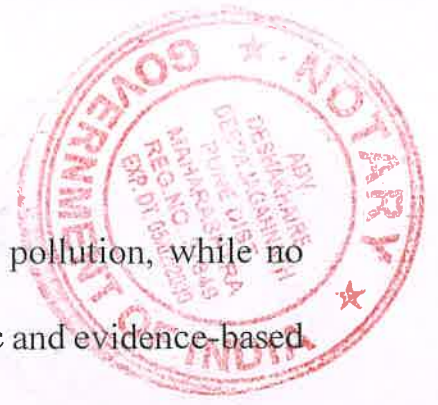
A-1 is a copy of the screenshot of the NCAP Portal for Pune city which bears out the same.

10. The contents of 8 do not require a response.


11. With respect to para 9 it is denied that the minutes of meeting of the City Level Air Quality Monitoring Committee are being uploaded on the website that is cited. The URL which has been provided by the Respondent No.1 (<https://prana.cpcb.gov.in/#/home>) does not contain any information with respect to the minutes of meeting of the City Level Air Quality Monitoring Committee. The Pune city dashboard of the website available does not provide any such information either¹.

12. With respect to para 10 which purports to respond to prayer clauses “h” and “i”, I say that the said interim prayers seeking to restrain the Respondent no.1 from issuing any fresh tenders for the introduction of unscientific technology-based interventions were sought on account of the fact that the Respondent No.1 has chosen to expend a significant amount of public money and material resources to adopt

¹ <https://prana.cpcb.gov.in/#/clean-air-city/dashboard/eyJzdGF0ZSI6Ik1haGFyYXNodHJhIiwiaWY2I0eSI6IiB1bmUilCJyb3V0ZXJMaW5rIjoilL2NsZWFuLWFpc3QifQ%3D%3D>



un-tested technologies for the mitigation of air pollution, while no attempts were being made to ensure that scientific and evidence-based measures were put in place. It is the Applicant's case that the use of financial resources that are allotted under the NCAP on such un-tested technologies diverts funds that could otherwise be used for more effective, science-based with proven impacts. In response, the answering Respondent has merely stated that it is implementing the NCAP for improving air quality, without addressing the prayers mentioned hereinabove.



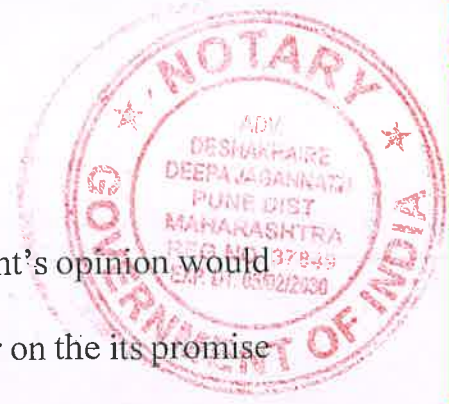
13. With respect to para 11, I say that a perusal of the City Action Plan for Pune City will demonstrate that it does not suggest the installation of these machines to mitigate air pollution. As such, it is denied that the Respondent No.1 is utilising funds in accordance with the City Action Plans. With respect to the contention that fog-cannons and misting systems are effective air pollution mitigation measures, I say that no city has ever conducted a scientific study on their impact. Adoption of these measures are trend based, mimicking other cities, rather than an evidence-based evaluation. In this regard the RTI Response received from the Respondent No.1 may be noted (Annexure –A-11, pg.187 of the O.A.). In response to the query as to whether any scientific



evaluation of the efficacy of these machines has been carried out, no response has been provided.

14. With respect to paras 12 to 14 I say that it is not disputed that vehicular pollution and pollution caused from construction dust are the major sources of air pollution in Pune City. However, it is denied that the NCAP recommends the use of fogging machines to mitigate air pollution. It is denied that these systems have demonstrated efficient and measurable results in reducing particulate matter. The Respondent No.1 has sought to make this bald assertion without any supporting documents or evidence.

15. With respect to para 15 I say that as per the PRANA portal (Portal for Regulation of Air-pollution in Non-Attainment cities) the reduction it is 6%, not 9% as the affidavit claims. It is contested that the reduction, if at all true, is attributable to the un-scientific measures sought to be adopted. Furthermore, this reduction is insignificant considering the goal of 40% reduction in PM concentrations by 2026 as set out under the NCAP. Current trends thus show limited progress. An impact analysis of the measures taken thus far ought to be placed



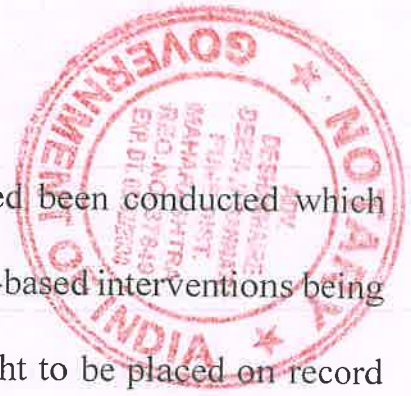
before this Hon'ble Tribunal, which, in the Applicant's opinion would show that the Respondent No.1 has failed to deliver on the its promise of a science-based approach to achieve its pollution mitigation goals.

16.I say that in as much as para 16 only deals with the manner in which the fog cannons are operated, it does not require a response.

17. With respect to the contents of para 17, I say that the studies cited by the Respondent No.1 have not analysed the efficacy of fog systems for urban road dust control. The studies pertain to its effectiveness for mining activities, farming activities and construction activities. With further reference to para 17, I say that the fog cannons cruise around the city sprinkling water, which settles the dust till the time the moisture dries up. In a short span, the dust is back in the air. There are no SOPs made wherein these machines could be used optimally - which places they should be used, for how long etc. It is a wastage of water as well as fuel used to run the cannon fitted vehicle.

18. With respect to para 18, I say that as per the Office Memorandum issued by the MoEF dated 8th January 2025 that has been referred to, the audit of the city action plans was required to be conducted by





February 2025. If such an audit has indeed been conducted which demonstrates the efficacy of the technology-based interventions being adopted by the Respondent No.1, they ought to be placed on record before this Hon'ble Tribunal.

19. I say that it is essential that evidence-based solutions are prioritized by the Respondent No.1 and that it focuses on strategies that offer the most significant potential for reducing air pollution effectively. The Respondent No.1 has been unable to demonstrate that it has formulated a technically and scientifically sound plan for the mitigation of air pollution in the city of Pune. The prayers made in the present O.A. thus ought to be allowed by this Hon'ble Tribunal.

Solemnly affirmed at Pune)

Dated this 4 day of April 2026)

[Handwritten Signature]
Ameet Singh

Identified by me,

[Handwritten Signature]

Meenaz Kakalia

Advocate for the Applicant

BEFORE ME

[Handwritten Signature]
ADV

**ADV. DESHAKHARE DEEPA JAGANNATH
NOTARY GOVT. OF INDIA
PUNE DIST.
REG. NO. 37849**

Before me, **04 APR. 2026**



ANNEXURE A-1

prana.cpcb.gov.in/#/clean-air-city/dashboard/eyJzdGF0ZSI6IkhGFyYXNodHJhiiwiY2I0eSI6IlB1bmUiLCJyb3V0ZXJMaW5rIjoil2NsZWFuLWFp... ☆

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Air Quality Index

Air Quality Index(AQI) is a tool designed for communicating air quality status to people based on ambient pollutant concentration and their likely health impacts.

No CAAQMS Data Available

Meteorological Data