

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

(Under Section 14 & 15 r/w section 18(1) of National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 588 OF 2025

IN THE MATTER OF:

SANJAY SHARAN

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

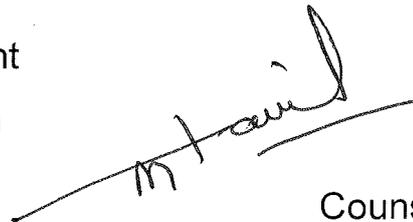
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Place: New Delhi  
Dated: 17.01.2026

Applicant

Through



Counsel

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**SUB: REPLY ON BEHALF OF THE APPLICANT TO THE AFFIDAVIT  
FILED BY THE MINISTRY OF ENVIRONMENT, FOREST AND  
CLIMATE CHANGE.**

**MOST RESPECTFULLY SHOWETH,**

1. That the Applicant has filed present O.A inter- alia praying therein:-
  - (a) *to strike down the Notification No. G.S.R. 465(E) dated 11.07.2025 as violative of Article 21 of the Constitution.*
  - (b) *To declare Notification No. G.S.R. 465(E) dated 11.07.2025 as unconstitutional being in violation of the Article 14 of the Indian Constitution.*
  - (c) *To give direction for constituting a High-Powered Committee under the Chairmanship of sitting/retired judge of the Hon'ble Supreme Court/High Court towards ensuring progressive and time-bound compliance with the SO2 emissions as provided vide Notification dated 07.12.2015.*
2. That the present Original Application came up for hearing on 20.11.2025 before this Hon'ble Tribunal and it was heard at length. After hearing from the counsel of the Applicant, this Hon'ble Tribunal was satisfied and convinced that the present matter is required to be adjudicated as per the

direction of the Hon'ble Supreme Court. However, the counsel for the Ministry of Environment, Forest and Climate Change (MOEF&CC) who appeared in the matter on advance notice submitted before this Hon'ble Tribunal that the same issue is under consideration before the Hon'ble Supreme Court in W.P. (C) No. 13029/1985, *MC Mehta v. UOI & Ors.*-In Re: Power Plants, wherein the MoEF&CC has filed a detailed affidavit justifying the extension of date for complying with SO<sub>2</sub> norms. The counsel for MOEF&CC submitted that along with the affidavit, the impugned notification has been placed on record in the Hon'ble Supreme Court and the Ministry will be justifying the issuance of the impugned notification before the Hon'ble Supreme Court.

**3. The Main difference between content of present OA No. 588 of 2025 and Case under consideration of Hon'ble Supreme Court in W.P. (C) No. 13029/1985, *MC Mehta v. UOI & Ors***

- (a) The Applicant has challenged the notification dated 11/7/25 issued by MOEF&CC which is not under consideration of Hon'ble Supreme Court in MC Mehta case.
- (b) The Applicant is fighting for eradication of pollution on pan India basis whereas Hon'ble Supreme Court is hearing the case of 11 (eleven) TPPs situated around Delhi/NCR
- (c) The notification dated 11/7/25 issued by MOEF&CC was not in existence during hearing before Hon'ble Supreme Court on 02/04/25,

hence anything filed after such date and justifying said notification is after thought and no cognizance should be taken by this Hon'ble Tribunal.

Therefore, there would not be judicial overlapping while hearing the present OA.

4. That the Government of India vide notification dated 07.12.2015, came to a conclusion that air pollution is required to be controlled on all India basis, hence the Thermal Power Plant (TPPs) installed on different time zone, were required to comply with SO<sub>2</sub> emission norms, however the timeline for compliance was extended from time to time and also a categorization was done dividing all TPPs in category A, Category B & Category C vide notification dated 31.03.2021. The timeline for compliance was extended vide different notifications dated 05.09.2022 and 30.12.2024 for compliance of SO<sub>2</sub> norms notified vide notification dated 07.12.2015 by deploying FGD technology but no TPPs was exempted for compliance of SO<sub>2</sub> norms. However, Govt. of India vide notification dated 11.07.2025 has taken complete U-Turn and exempted all TPPs of category C and a window was kept open for TPPs of category B for getting exemption from compliance of SO<sub>2</sub> norms. In other words, while the government was concerned for Health & Clean Air for the General Public residing near the TPPs from the year 2015, the said concern/awakening/decision of Government is ruined by the notification dated 11.07.2025 and the polluter

power plant has been made scot free to pollute the environment with immunity at the cost of public health, plant health and soil fertility, etc.

5. It is also submitted that many countries like Vietnam, China, Japan, Indonesia, etc. are using different technologies including installing FGD system to curb the air pollution, thus India had also followed similar pattern of installation of FGD system vide notification 07.12.2015.
6. It is also submitted that MOEF&CC in para 4 of Affidavit filed before the Hon'ble Supreme Court has taken the plea under the cover of limited availability of technology provider, supply chain consideration, Electric price escalation, low Sulphur deoxidation in Indian Coal and burden on consumers. It is submitted that these argument of Govt. shall not stand before any scrutiny due to the various reason given below:-
  - (i) At present more than 10 manufacturing companies are having technologies of different countries for curbing the SO<sub>2</sub> pollution including the FGD technologies and said technologies are successfully working with the tie-up of foreign technologies partners.
  - (ii) Negative impact on supply chain- There is no hindrance on supply chain as major components of FGD technologies/plant are being manufactured in India.

- (iii) Increase in Stake Height- MOEF&CC has directed in notification dated 11.07.2025 for increase of Stake Height as per notification dated 30.08.1990 in all category C type TPPs whereas it is clear that stake height cannot remove the SO<sub>2</sub> content, it can only disperse in large area but ultimately it will merge in atmosphere.
- (iv) Long installation time of any technology for curbing the SO<sub>2</sub> pollution, it is clarified that during COVID period, the installation time was approx. 40 – 45 months but now the time has reduced to 24 – 28 months. Further, presently lot of vendors had installed their manufacturing unit in India to make different equipment of FGD plant, hence are no constraints in installation of FGD systems.
- (v). Increase in electricity cost by 70 paisa per unit- It is clarified that some cost of electricity may be increased (approx. 30-40 paisa per unit), however Central & State Government being welfare state can bear the price increase in electricity by giving subsidy as currently various State Govts has already been providing free 200 units per month to the people.
7. That the MOEF&CC has not given any clear reply to the questions and issues raised by the Hon'ble Supreme Court regarding categorization and extension of timeline rather they are trying to justify the notification dated 11.07.2025 which is not in consideration before the Hon'ble Supreme

Court at all. The notification dated 11.07.2025 was issued based on report of CPCB dated 10.07.2025 which is very voluminous (approx. 500 pages) and it is really surprising that officers of MOEF&CC had gone through 500 pages report in some hours only and issued the notification on 11.07.2025 which indicates that the MOEF&CC had already made the notification prior to publishing of the CPCB report.

8. That the notification dated 11.07.2025 was issued based on 2011 census, therefore the population data taken was of 14 years back and does not reflect true picture of the critically polluted area or non-attainment cities.
9. That in para 5 & 6 of the Affidavit filed before the Hon'ble Supreme Court, the MOEF&CC relied on various studies such as IIT Delhi, CSIR-NEERI, NIAS to assess the need, efficacy, and impact of FGD in Indian Context. The study of **IIT Delhi** in 2024 concluded that there is no major impact of SO<sub>2</sub> concentration in the atmosphere due to presence of TPPs, the installation of FGD system or any other technology may pose risk of increased CO<sub>2</sub> emission, water uses and secondary pollution, hence a balance strategy should be adopted. However, **it is submitted that IIT Delhi had surveyed only ten cities in India and submitted their report regarding SO<sub>2</sub> emission on PAN India basis.** Since they have studied only in 10 cities, their observation may not be applicable to all cities across the India.

10. That in para 9 of the affidavit, the MOEF&CC said that they have consulted with different stakeholders including CPCB, Ministry of Power, etc. It is submitted that no consultation was done with local affected public residing in an around Thermal Power Plant through Gram Panchayat, etc. which is essential before giving environment clearance certificate to any upcoming project and they relied upon only the above mentioned different studies.
11. That in para no. 11, 12, 13,14 ,15 & 16 of the affidavit, the MOEF&CC elaborate the CPCB report which itself based on study of IIT Delhi, CSIR-NEERI & NIAS report. They have also relied on stake height of TPPs for removal of SO<sub>2</sub> emission. All above points have been replied in forgoing paras.
12. That the contentions of the MOEF&CC as stated in para no. 6 of the affidavit filed before this Tribunal in the present matter does not hold ground because the order dated 17.11.2017 of the Hon'ble Supreme Court is related to ban on use of furnace oil and pet coke in State of Haryana & Rathesthan. The order dated 08.04.2019 is regarding the implementation of the notification of December, 2015 and other miscellaneous environmental issues related with Rapid Transport system between Delhi & Panipat, reform of DTC, allocation of Natural gas to Indraprastha Gas Ltd. The order dated 29.07.2020 is related with pollution hot spot in NCR region and for implementation of December, 2015 notification. Further, all the aforesaid order of the Hon'ble Supreme Court are of 6 to 9 years old

and no such order are not related to the prayer of the Applicant in the present matter.

13. That the **CREA** latest report dated 24.12.2025 which has categorically stated that “the highest annual SO<sub>2</sub> contribution is observed in Chhattisgarh (42%), a coal –fired power plant- dominant state followed closely by Odisha (41%). This shows that the reinstating the mandatory FGD requirements across coal fire thermal power plant is critical to reducing secondary SO<sub>2</sub> and PM 2.5 under National Clean Air Programme”. Further **LANCET** in its report dated 29.10.2025 (Annexure P-2) has stated that “ Fossil Fuel (Coal & Liquid Gas) contributed to 7.52 Lakhs deaths in 2022 out of which coal accounted for 3.94 lakhs deaths primarily from its use in power plants”. The True copy of the CREA report dated 24.12.2025 is annexed herewith as **Annexure P-1**. The true copy of the lancet report dated 29.10.2025 is annexed herewith as **Annexure P-2**.
14. That the Applicant will justify of challenging the notification dated 11.07.2025 in detailed hearing before this Hon’ble Tribunal and will file further documents/reports after receiving the response from all the respondents/stake holders herein. Since, this Hon’ble Tribunal is specialized Court in pollution matters and till date nobody has challenged the impugned notification dated 11.07.2025 either in this Tribunal or in the Hon’ble Supreme Court, Hence, in view of the above, the present O.A is

required to be adjudicated by this Hon'ble Tribunal and the notice may be issued to the Respondents.

### PRAYER

In the circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- (a) reject the contention of the MOEF&CC as stipulated in its affidavit and issue notice to the Respondents in the present Original Application,
- (b) stay the operation of the impugned notification No. G.S.R 465(E) dated 11.07.2025 pending final adjudication of this Original Application.
- (c) Pass such other and further order/orders as are deemed fit and proper in the facts and circumstances of the case.

Place: New Delhi  
Dated: 17.01.2026

Through

 Applicant  
Counsel

Mohd Faisal, Advocate  
E-231, LGF, G.K.-II, New Delhi -  
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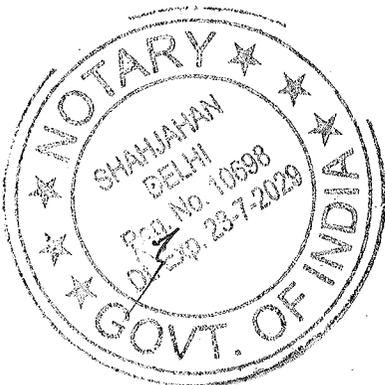
AFFIDAVIT

I, Mr. Sanjay Sharan S/o Late Shri Rajeshwari Sharan, aged about 68 years, R/o C-8/8712, Vasant Kunj, South West Delhi, New Delhi -110070, do hereby solemnly affirm and state as under:-

1. That I am the Applicant in the accompanying reply to Affidavit and well conversant with the facts and circumstances of the instant case hence, competent to swear the instant affidavit.
2. That the facts stated in the aforesaid affidavit are true to the best of my knowledge. No part of it is false and nothing material has been concealed.
3. That the Annexures annexed with the application are true copies of the respective original.

*S. Sharan*

DEPONENT



VERIFICATION:

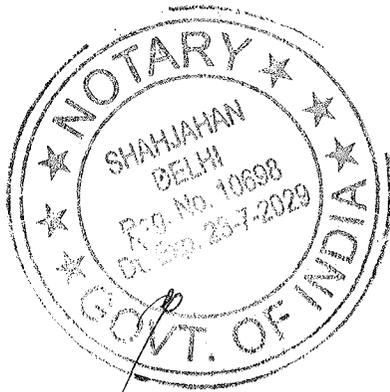
I, the above named deponent, do hereby verify that the contents of my above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

Verified at New Delhi on this 17<sup>th</sup> day of January, 2026.

*To Avoid*  
I identify the Deponent who has signed in my Presence

7 JAN 2026

*Sharan*  
DEPONENT



Subscribed and sworn to before me at Delhi on 17 JAN 2026. I have explained to the deponent that the contents of the affidavit which have been read explained to me are true and correct to this & knowledge.

*Sharan*  
24



Press release

## **India's highest ammonium sulfate contribution comes from power plant dominant state, reinforcing need to reinstate desulfurisation norms**

**New Delhi, 24 December 2025** – A new analysis by the Centre for Research on Energy and Clean Air (CREA) shows that up to 42% of India's PM<sub>2.5</sub> burden is chemically formed in the atmosphere from precursor gases, particularly sulfur dioxide (SO<sub>2</sub>) from coal-fired power plants (CFPPs), reinforcing the central role of SO<sub>2</sub> control in PM<sub>2.5</sub> mitigation. Despite this evidence, the current regulatory framework has exempted approximately 78% of these CFPPs from installing flue gas desulfurisation (FGD) systems, weakening SO<sub>2</sub> control at the source.

The highest annual ammonium sulfate contribution is observed in **Chhattisgarh (42%), a coal-fired power plant-dominant state**, followed closely by Odisha (41%). This shows that reinstating mandatory FGD requirements across all coal-fired thermal power plants is critical to reducing secondary ammonium sulfate formation and PM<sub>2.5</sub> under the National Clean Air Programme (NCAP).

CREA's analysis finds that secondary particulate matter, particularly ammonium sulfate, is a dominant component of PM<sub>2.5</sub> pollution across India, **challenging the long-standing policy focus on dust and primary pollution sources** in air quality management. The findings show that a large share of India's PM<sub>2.5</sub> pollution is not directly emitted but forms in the air through chemical reactions, a reality that has major implications for the ongoing revision of the NCAP.

The assessment, using NASA's MERRA-2 reanalysis data for 2024, finds that ammonium sulfate contributes between **17% and 42% of PM<sub>2.5</sub> mass across Indian states**, with most states clustering between 30 and 40% annually. This establishes **secondary particulate matter as a core driver of India's PM<sub>2.5</sub> burden**, rather than a marginal or seasonal concern.

Aside from Chhattisgarh, several other states across India also recorded high contributions, indicating that **secondary sulfate formation is widespread and national in scale, not limited to a few hotspots**.



Seasonal contributions across Indian states show that ammonium sulfate remains a substantial component of PM<sub>2.5</sub> year-round, peaking in winter (31-52% of PM<sub>2.5</sub> mass) and post-monsoon (27-53%), and remaining significant even in summer (11-36%) and monsoon season (4-26%). These patterns demonstrate that **secondary particulate matter dominates PM<sub>2.5</sub> composition during India's most polluted months.**

The findings also highlight major gaps in current air quality strategies, which continue to prioritise PM<sub>10</sub>, road dust, and other visible pollution sources, while largely overlooking the role of precursor gases such as sulfur dioxide and ammonia. Without addressing secondary particulate matter, improvements in air quality are likely to remain limited and short-lived.

*'As the NCAP is revised, India must focus not only on PM<sub>2.5</sub> concentrations but also on what the pollution is made of. With secondary ammonium sulfate accounting for up to 42 percent of PM<sub>2.5</sub>, largely driven by SO<sub>2</sub> from coal-based power plants, precursor controls and composition monitoring are essential for air quality improvement,'* said Manoj Kumar, India Analyst at CREA.

-End-

## Contact

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## Notes to editors

- India monthly air quality snapshots can be found [here](#).
- Daily Air Quality Dashboard: <https://ncap.energyandcleanair.org/>

## About CREA

The Centre for Research on Energy and Clean Air (CREA) is an independent research organisation focused on revealing the trends, causes, and health impacts, as well as the solutions to air pollution. We use scientific data, research and evidence to support the efforts of governments, companies and campaigning organisations worldwide in their efforts to move towards clean energy and clean air. [www.energyandcleanair.org](http://www.energyandcleanair.org).



Health

## PM 2.5 not only killed 1.7 million people in India during 2022, but also caused financial losses to the tune of 9.5% of country's GDP: Lancet

*Heat waves on the rise triggered by climate change; urban greenness falling*



Air pollution over Delhi. Photo by Vikas Choudhary/CSE



Jayanta Basu

Published on: 29 Oct 2025, 6:00 am



Air pollution is not only the biggest killer in India but also significantly impacts its economy, a new global report has confirmed.



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More than 1.7 million people died in India during 2022 from exposure to PM 2.5, the ultra-fine particulate pollutant, according to The Lancet Countdown on Health and Climate Change that works in close coordination with the World Health Organization (WHO).

The figure shows a sharp increase compared to the values registered twelve years back.

The Union environment, forest and climate change ministry had rebutted the high air pollution-linked figure in an October 26 social media post in the context of another global report released a few days back: "...The reported figure of 2 million deaths linked to air pollution ... is not based on actual records but derived using statistical modeling techniques (that) had its own limitations...". The State of Global Air 2025 reported 2 million air pollution related deaths in India during 2023.

The Lancet report, a document prepared by 128 experts from 71 academic institutions and UN agencies, has also found that every Indian, on average, had faced nearly 20 days of heat waves during 2024. About one-third of these could be attributed directly to climate change.

"We have prepared a separate sheet for India, which is significantly affected," responded Mariana Romanello, an executive director of Lancet Countdown and a lead author of the report, to this correspondent when asked about the situation in India.

## The villains

The India-specific report of Lancet highlights the impact of fossil fuel burning in India. "There were over 1,718,000 deaths attributable to anthropogenic air pollution (PM 2.5) in 2022 in India, an increase of 38% since 2010," read the report, a copy of which is with this correspondent.

It further pointed out that "...Fossil fuels (coal and liquid gas) contributed to 752,000 (44%) of these deaths in 2022, while coal accounted for 394,000 deaths, primarily from its use in power plants (298,000 deaths)," adding that "...use of petrol for road transportation contributed to 269,000".



The report found that burning of fossil fuels, particularly in thermal power plants and running of millions of vehicles in the country, played a key role in triggering the death march from air pollution.



pulmonologist.

## Rs 30 lakh crore lost in a year

The report also pointed out that "... In 2022, the monetised value of premature mortality due to outdoor air pollution in India amounted to USD 339.4 billion (nearly Rs 30 lakh crore), the equivalent of 9.5 percent of gross domestic product".

Incidentally, while the climate change-linked threat is on the rise, India's preparedness for the low-carbon transition got decreased marginally in 2024 compared to the year before.

Indoor air pollution also contributes significantly to the death scare from fossil fuel burning, the report showed. "In 2022, household air pollution due to the use of polluting fuels in India was associated with 113 deaths per 100,000. Mortality rates associated with household air pollution were higher in rural than urban areas (125 per 100,000 in rural and 99 per 100,000 in urban)," added the report.

"Evidence is growing stronger indicating diverse and multiple health impacts of air pollution. Most of the deaths are associated with non-communicable diseases like heart disease, lung cancer, diabetes, and even dementia. This suggests growing risk for India's ageing population and calls for urgent integration of clean air strategies with health and development planning," observed Anumita Roychowdhury, an executive director with the Centre for Science and Environment (CSE) and a frontline air pollution expert.

## Agriculture and construction sectors most affected by heat

In 2024, people in India were exposed to 19.8 heatwave days each, on average. Of these, 6.6 days of exposure would not have been expected to occur without climate change, according to the report.

"Compared to 1990-1999, in 2024, people were exposed on average to 366 more hours during which ambient heat would have posed a moderate or higher risk of heat stress if undertaking moderate outdoor physical activity," stated the report.

It added that "for 2024, heat exposure resulted in a loss of 247 billion potential labour hours per year, a record high (of) 419 h per person, and 124% more than in 1990-1999. The agriculture sector accounted for 66 per cent, and the construction sector accounted for 20 per cent of losses in 2024. The associated potential income lost from labour capacity reduction due to extreme heat was \$373 million in 2024.



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over 10 million people were living less than 1 m above sea level in India, and therefore at risk from sea level rise”.

The Lancet study also found that “between 2001 and 2023, India lost a cumulative total of 2.33 million hectares of tree cover, of which 143,000 were lost only in 2023.” Urban greenness in the country has decreased 3.6 per cent during the last decade, it added.

Of the 189 most populous cities in India, having more than 500,000 habitants, 14 had exceptionally low levels of urban greenness, 110 had very low levels, 42 had low levels, and 22 had moderate levels. Only Tamruk in West Bengal was classified as having high levels of urban greenness.

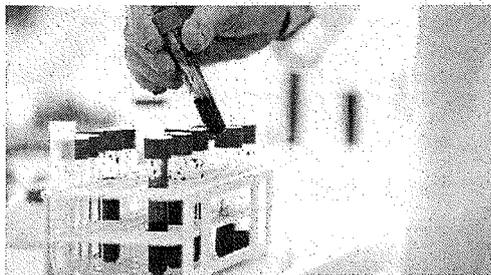
The World Health Organization (WHO)

Air Pollution

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