

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1236 OF 2024

Society for Protection of Culture Heritage
Environment Traditions and Promotion
of National Awareness

...Applicant

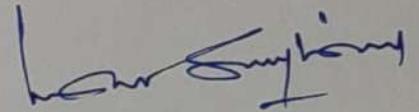
Versus

Union of India & Ors.

...Respondents

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**Filed by Adv. Mohit Singhal
On behalf of Central Pollution Control Board**

**Place: Delhi
Dated: 21.05.2025**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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RESPONSE ON BEHALF OF THE RESPONDENT NO. 11, CENTRAL
POLLUTION CONTROL BOARD (CPCB)

MOST RESPECTFULLY SHOWETH: -

1. That, Hon'ble NGT vide Notice dated 24th February, 2025 referring its order dated 11.02.2025 has sought the response of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter.
2. That at the outset, the answering respondent deny all claims, contentions, allegations and averments against answering respondent CPCB in the above OA contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save any averment which has been expressly admitted hereinafter.
3. That, the answering respondent (CPCB) is constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air



(Prevention and Control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.

4. That, OA under reference has been filed by the applicant in order to draw attention of the Hon'ble NGT to the fact of non-implementation of Hon'ble NGT order dated 05-09-2017 in OA No. 386 of 2016; Order dated 03-12-2019 in EA No. 29/2018 in OA No. 386/2016 and Order dated 03-12-2020 in EA No. 29/2018 in OA No. 386/2016 (IA No. 363/2020) for removal of encroachments on National Highways in the area meant for Mandatory Green and ensuring development of Mandatory Green Cover on both sides of the National Highways between 30 to 50 meters on each side of the National Highways. Applicant's concern in this matter are about the remedial action for protection of environment along the highways and for that applicant proposed the steps which may include green cover to minimize the impact of dust/particulate matter pollution on account of traffic, leaving of space on both sides of highways for tree plantation which may act as sink of emission and expansion of highways, preventing direct access to the highways without bye-lanes/exit routes and regulating the opening of access to the buildings directly from the highways.

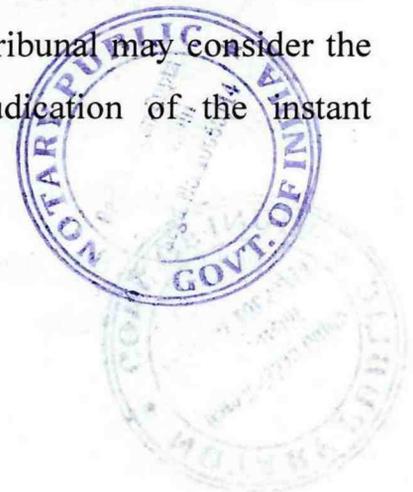
PRELIMINARY SUBMISSIONS: -

5. That in context of requirement of Environmental Clearance, it is submitted that, the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the "Requirements of prior Environmental Clearance (hereinafter referred to as "EC")" and as per the above mentioned clause, the projects or activities which are falling under the category 'A' of the Schedule of the EIA Notification, 2006; the project proponent shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred as 'MoEF & CC') and the



projects which are falling under the 'B' category of the Schedule of the EIA Notification, 2006; the project proponent shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') before carrying out the construction works.

6. That, in context of consent required to be obtained by the projects, it is also humbly submitted that, State Pollution Control Boards/Pollution Control Committees are the concerned authorities to grant Consent (Consent to Establish/Consent to Operate) under the Water Act, 1974 and the Air Act, 1981 in their respective jurisdiction of State/Union Territory and to ensure the compliance of conditions of consent and prescribed environmental standards.
7. That, the Central Pollution Control Board vide letters dated April 28, 2025 (**Annexure R11-I**) has requested Delhi Pollution Control Committee(hereinafter referred as 'DPCC'), Haryana State Pollution Control Board (hereinafter referred as 'HSPCB'), Punjab Pollution Control Board (hereinafter referred as 'PPCB'), Rajasthan State Pollution Control Board (hereinafter referred as 'RSPCB') and National Highway Authority of India (hereinafter referred as 'NHAI') to examine the matter and provide status of encroachment, mandatory green on median and plantation on sides of highways. The status report/action taken reports on the matter are awaited from the concerned authorities. As the issues raised in the instant matter falls under the purview of agencies such as DPCC, HSPCB, PPCB, RSPCB and NHAI therefore, it is respectfully prayed that the Hon'ble Tribunal may consider the response filed by concerned respondents for adjudication of the instant matter



PARAWISE REPLY: -

8. That, the averments made in Paragraph No. 1 are about brief facts of the case; violation of the guidelines and Hon'ble NGT orders dated 05-09-2017 in OA No. 386 of 2016; Order dated 03-12-2019 in EA No. 29/2018 in OA No. 386/2016 and Order dated 03-12-2020 in EA No. 29/2018 in OA No. 386/2016 (IA No. 363/2020) for removal of encroachments on National Highways in the area meant for Mandatory Green and ensuring development of Mandatory Green Cover on both sides of the National Highways between 30 to 50 meters on each side of the National Highways; fact of further non-implementation of above stated Orders; etc. In this context, it is humbly submitted that, concerned agencies are required to take necessary action as per Rules, Guidelines and orders of the Hon'ble NGT.
9. That, no comments are offered by answering respondent herein over the averments made in **Paragraph No. 2 to 12** of the OA wherein the averments made are not related to this answering respondent.
10. That, in reply to the averments made under **Paragraph No. 13**, the contents of the reply made at Paragraph No. 3 of this instant reply is re-iterated and is not repeated for the sake of brevity. Further, in context of air quality monitoring, National Air Monitoring Programme (NAMP), assessment of emission and impact of Carbon Dioxide, it is submitted that CPCB does not monitor carbon dioxide (CO₂) under the National Air Quality Monitoring Programme (NAMP). NAMP's primary objective is to assess air quality concerning pollutants that have direct and immediate health impacts on the population. CO₂ has not been considered under National Ambient Air Quality Standards (NAAQS) 2009.



11. That, no comments are offered by answering respondent herein over the averments made in **Paragraph No. 14 to 17** of the OA wherein the averments made are not related to this answering respondent.

12. That, the averments made under **Paragraph Nos. 18 and 19** are about disposal of Hon'ble NGT EA No. 29/2018 along with IA No. 363/2020, vide order dated 3rd December 2020, the dismissal of civil appeal by Hon'ble Supreme Court and applicant's communication to Respondents reproducing the contents-of the Orders passed by Hon'ble NGT along with list of identified encroachments and other communications and inaction on those communications. In this context, submissions made at paragraph no. 5 to 7 of this instant reply are re-iterated and same are not repeated for the sake of brevity.

13. That, the averments made under **Paragraph No. 20** are about the adverse impact of allegedly missing mandatory green in the recent past and observations/orders of the various Courts. In this context, submissions made at paragraph no. 7 of this instant reply are re-iterated and same are not repeated for the sake of brevity.

14. That, the averments made under **Paragraph Nos. 21 and 22** are about the impact of filled up highway drains like damages of roads which may cause damages to the vehicles and increase in fuel consumption by the vehicles, consequent increase of cost, prevention of rain water harvesting and retardation of plantation etc. In this context, submissions made at paragraph no.7 of this instant reply are re-iterated and same are not repeated for the sake of brevity.

15. That, the averments made under **Paragraph No. 23** are about the National Highway-1, wherein Despite Notifications and Policy in place, encroachment by various establishments on both sides of the said Highway is alleged and effects



of such encroachments etc have also been produced. In this context, submissions made at paragraph no. 5 to 7 of this instant reply are re-iterated and same are not repeated for the sake of brevity.

16. That, the averments made under **Paragraph No. 24** are about the development of Expressway in the last few years without allegedly mandatory green on both sides of the roads and poorly designed drainage system. In this context, submissions made at paragraph no. 5 to 7 of this instant reply are re-iterated and same are not repeated for the sake of brevity.

17. That, the averments made under **Paragraph No. 25 and 26** are about the filing of Original Application No. 703/2019, about the Hon'ble NGT Order dated 03-01-2020 in the said matter whereby issue of tree felling and compensatory planation have been mentioned and applicant's prayer before Hon'ble NGT for directing respondents to place on record on status of trees transplantation and location for that. In this context, submissions made at paragraph no. 7 of this instant reply are re-iterated and same are not repeated for the sake of brevity.

18. That, the averments made under **Paragraph Nos. 27 to 31** are about the provision of the maintaining green on both sides of the highway as per notifications issued from time to time for various States, Guidelines notified by the Indian Road Congress and relevant provision of the guideline, Hon'ble NGT orders in connected matters and despite of these notifications, allegedly not having mandatory green and encroachment on all National Highways including the highways specifically mentioned in the OA under reference and connected OAs. In this context, submissions made at paragraph no. 7 of this instant reply are re-iterated and same are not repeated for the sake of brevity.



19. That, in reply to the averments made under the heading **GROUND**s for filing the present Original Application by the Applicant, it is humbly submitted that, submissions made at paragraph no. 5 to 7 of this instant reply are re-iterated and same are not repeated herein for the sake of brevity.
20. That, no comments are offered by this answering respondent over the averments made under the heading "LIMITATION", "DECLARATION" and "PRAYER" of the OA.
21. That, in light of the above submissions, this Answering Respondent No. 11 i.e. CPCB shall abide by all the order(s) or direction(s) passed by this Hon'ble Tribunal in the present Original Application.



(Sharandeep Singh)
Scientist 'E'

Central Pollution Control Board



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1236 OF 2024

Society for Protection of Culture Heritage
Environment Traditions and Promotion
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...Applicant

Versus

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...Respondents

AFFIDAVIT

I, Sharandeep Singh, aged about 45 years in the capacity of Scientist-E, having office at the Delhi, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, do hereby solemnly affirm and sincerely state on oath as follows: -

1. That I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the contents accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the records maintained during ordinary course of business of CPCB and available records



and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

Sharaudeep

DEPONENT

शरणदीप सिंह / Sharaudeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at Delhi on this day of 27 2025 that the contents above are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

Sharaudeep

DEPONENT

शरणदीप सिंह / Sharaudeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED

[Signature]
**NOTARY
DELHI (INDIA)**

27 MAY 2025



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केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

No.: CM-13011/39/2025-LAW-HO-CPCB-HO

April 28, 2025

To

1. The Member Secretary,
Delhi Pollution Control Committee
6th Floor, C Wing, Delhi Secretariat,
I P Estate, Delhi-110002
2. The Member Secretary
Haryana State Pollution Control Board
C-11, Sector-6, Panchkula,
Haryana - 134109
3. The Member Secretary
Punjab Pollution Control Board,
Vatavaran Bhawan, Nabha Road,
Patiala - 147001
4. The Member Secretary
Rajasthan State Pollution Control Board,
4, Jhalana Institutional Area,
Jhalana Doongri, Jaipur,
Rajasthan - 302004
5. The Chairman
National Highway Authority of India.
through Chairman, G-5 &G6, Sector
10, Dwarka, New Delhi 110045

Subject: Hon'ble NGT Original Application No. 1236/2024 titled Society for Protection of Culture Heritage Environment Traditions and Promotion of National Awareness Versus Union of India & Ors. - reg.

Ref.: Hon'ble NGT (PB) Order dated February 11, 2025 and Notice dated 24th February, 2025 received by CPCB in above said matter.

Sir,

This is in reference to Hon'ble National Green Tribunal (NGT) Order dated February 11, 2025 (Copy enclosed) and Notice dated 24th February, 2025 issued in OA No. 1236/2024 titled Society for Protection of Culture Heritage Environment Traditions and Promotion of National Awareness Versus Union of India & Ors. The referred Original Application has been filed before the Hon'ble NGT by the applicant in order to draw attention of the Hon'ble Tribunal to the fact of non-implementation of orders passed earlier in connected matters i.e. - i) Order dated 05-09-2017 in OA No. 386 of 2016, ii) Order dated 03-12-2019 in EA No. 29/2018 in OA No. 386/2016; and iii) Order dated 03-12-2020 in EA No. 29/2018 in OA No. 386/2016 (IA No. 363/2020) for removal of encroachments on National Highways in the area meant for Mandatory Green and ensuring development of Mandatory Green Cover on both sides of the National Highways between 30 to 50 meters on each side of the National Highways.

In view of the above, it is requested that the matter be examined at the appropriate level and status of encroachment, mandatory green on median and plantation on sides of highways may please be provided for the stretch of highways mentioned in O.A. to this office at the earliest.

Encl.: As above

Yours faithfully,

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्देश
दिनांक 28/04/25

e/c

Sharandeep
[Sharandeep Singh]
28.04.2025
Divisional Head-UPC-I

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in