BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 528/2025

IN THE MATTER OF:

SOCIETY FOR PROTECTION OF CULTURE, HERITAGE, ENVIRONMENT, TRADITIONS & PROMOTION OF NATIONAL AWARENESS (SP--CHETNA) ….APPLICANT

VERSUS

UNION OF INDIA & ORS. … RESPONDENTS

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REPLY ON BEHALF OF RESPONDENT NO. 7, DELHI INTERNATIONAL AIRPORT LIMITED TO OPPOSE MAINTAINABILITY OF THE ORIGINAL APPLICATION FILED BY THE APPLICANT

1. The present Reply is being filed by Respondent No. 7, Delhi International Airport Limited, ('**R-7/DIAL**') in terms of the liberty granted by this Hon'ble Tribunal vide its order dated 25.11.2025, opposing the maintainability of the present Original Application No. 528/2025 ('**Original Application**') filed by the Applicant invoking Section(s) 14 (Tribunal to settle dispute), 15 (Relief, compensation, and restitution), 25 (Execution of award or order or decision of Tribunal), 26 (Penalty for failure to comply with orders of Tribunal) and 28 (Offences by Government Department) of the National Green Tribunal Act, 2010 ('**NGT Act**'). The present Reply is being filed through Mr. Puskar Nath Thakur, who has been duly authorised by R-7/DIAL vide Board Resolution dated 26.05.2023 to file the present Reply. Copy of the Board Resolution dated 26.05.2023 is annexed herewith as **Annexure R-1.** Copy of the order dated 25.11.2025 is annexed herewith and marked as **Annexure R-2**.

2. At the outset it is stated that all allegations, averments and submissions made by the Applicant concerning R7/DIAL in the present Original Application are strictly denied and refuted, save and except those which are a matter of record and or specifically admitted in the present Reply. Nothing stated in the Original Application shall be deemed to be admitted for specific non-transverse. R7/DIAL craves the leave of this Hon'ble Tribunal to submit a comprehensive/detailed counter affidavit at a later stage, taking all the objections available under the law, addressing all substantive issues both on the point of law as well on merits of the present dispute, if directed and/or necessitated.

3. The Applicant in the Original Application has alleged that R7/DIAL has failed to implement noise mitigation measures and maintain the ambient noise levels at Indira Gandhi International Airport, New Delhi ('**Delhi Airport**') as per Notification dated 18.06.2018 ('**MoEF Notification**') issued by Respondent No. 1, Ministry of Environment Forest and Climate Change ("**R1/MOEF**") by *inter alia* failing to install Noise Monitoring Terminals ('**NMTs**') as per the stipulations set out in the Requirements and Procedure for Monitoring Ambient Noise Levels due to Aircrafts, June 2007 ('**CPCB Circular**') issued by Respondent No. 2, Central Pollution Control Board ('**R2/CPCB**'), Civil Aviation Requirements dated 18.12.2014 ('**DGCA Circular**') issued by the Respondent No.5/Directorate General of Civil Aviation ('**R5/DGCA**'), and Environment Clearance dated 30.05.2018 ('**EC 2018**') issued to R7/DIAL for the expansion of the Delhi Airport, including the construction of a new (fourth) runway.

4. The basis of the present Original Application arises from previous proceedings initiated by the Applicant in 2023 before this Hon'ble Tribunal by filing Original Application No. 612/2023 ('**OA 612/2023**'). In OA 612/2023, the Applicant had *inter alia* alleged that R-7/DIAL was not

maintaining the noise levels at the Delhi Airport in terms of the MoEF Notification and consequently R7/DIAL was also in violation of EC 2018. Replying to the aforesaid allegations in those proceedings, R7/DIAL and R5/DGCA strongly submitted that the noise levels at the Delhi Airport comply with the levels set out in the MoEF Notification and that the NMTs installed by R7/DIAL are compliant of the DGCA Circular and CPCB Circular.

5. This Hon'ble Tribunal vide its Judgment dated 21.03.2024, passed in OA 612/2023, also accepted that R7/DIAL complies with the noise levels stipulated in the MoEF Notification. Further, even the two subsequent execution applications filed by the Applicant (Execution Application No. 25/2025 and Execution Application No. 33/2025), seeking execution of the Judgment dated 21.03.2024, have been dismissed by this Hon'ble Tribunal.

6. The present application filed by the Applicant is vexatious, frivolous and motivated and filed with the sole intent to re-agitate the issues that formed part of the proceedings under OA 612/2023 and waste judicial time. It is the case of R7/DIAL that the issues and reliefs now raised in the present Original Application, namely alleged non-compliance with the CPCB and DGCA Circulars and EC 2018, are barred by doctrine of constructive res judicata. These were the grounds that ought to have been raised by the Applicant in OA 612/2023, when the DGCA and CPCB Circulars and the locations of the NMTs were brought to the Applicant's notice. Having failed to do so, the Applicant is precluded from raising them now by way of the present Original Application.

7. Further, the other reliefs sought in the present Original Application regarding enforcement of this Hon'ble Tribunal's directions under Judgment dated 24.11.2017, are ex facie barred by principle of res judicata, as these issues

were already the subject matter of earlier proceedings between the same parties and were conclusively adjudicated by the this Hon'ble Tribunal and already attained finality vide Judgment dated 18.09.2019 passed in Execution Application No. 24/2019 and its Judgment dated 21.03.2024 passed in OA 612/2023. The Applicant is now attempting to re-open settled issues, which is impermissible under law. Therefore, the Applicant cannot maintain the present Original Application to seek reliefs that have already been sought by the Applicant and decided finally by this Hon'ble Tribunal in its previous orders and judgments, which have not been set aside by the Supreme Court to date and have therefore attained finality. The present proceedings amount to a gross abuse of the process of law. Repeated litigation on the same cause of action, after dismissal of both the main case and execution proceedings, is nothing but an attempt to harass the R7/DIAL to keep the dispute alive indefinitely.

8. That apart, Applicant's reliance on the Hon'ble Supreme Court's order dated 01.09.2025 in Civil Appeal No. 11051/2025 to maintain the present Original Application is not merely misplaced, but fundamentally misguided. The Civil Appeal was exclusively concerned with challenging the dismissal of the execution application (Execution Application No. 33/2025), which the Applicant had filed before this Hon'ble Tribunal seeking compliance with directions contained in the Judgment dated 21.03.2024 passed in OA 612/2023. Accordingly, the liberty granted by the Hon'ble Supreme Court was strictly confined to pursuing those reliefs previously granted and unenforced by the respondents. Pertinently, the said order of the Hon'ble Supreme Court had also explicitly directed this Hon'ble Tribunal to decide any fresh application filed by the Applicant in accordance with law. Therefore, the liberty granted by the Supreme Court cannot be construed as a carte blanche for the Applicant to initiate a fresh Original Application that

overrides the fundamental and settled principles of res judicata and constructive res judicata.

9. Before addressing the submissions on the maintainability of the present Original Application, it is pertinent to set out the brief facts of the present case.

BRIEF FACTS

10. Applicant had filed a Writ Petition No. 9337 of 2009 ('**Writ Petition**') before the Hon'ble Delhi High Court *inter alia* seeking quashing of Environment Clearance dated 17.01.2007 ('**EC 2007**') which was issued by the R-1/MoEF for construction of runway 11/29 at Delhi Airport. Additionally, Applicant had also prayed for issuance of prohibitory orders restraining aircrafts from flying over the areas of Vasant Kunj, Masudpur and Rangpuri with immediate effect. The Writ Petition was transferred by the Hon'ble Delhi High Court to this Hon'ble Tribunal in accordance with the directions passed by the Hon'ble Supreme Court in ***Bhopal Gas Peedith Mahila Udyog Sangathan vs. Union of India & Ors. (2012) 8 SCC 326.*** The matter was thereafter numbered as Appeal No. 60/2013 before this Hon'ble Tribunal.

11. This Hon'ble Tribunal after considering the submissions of all parties including the R5/DGCA, disposed of the Appeal No. 60/2013 vide its judgment dated 24.11.2017 ('**Judgment dated 24.11.2017**'). In the Judgment dated 24.11.2017, this Hon'ble Tribunal noted at **Para 10** that the respondents had been taking noise mitigation measures by stating that - "*From the reports filed by the MoEF&CC and Director General of Civil Aviation, it was evident that considerable and effective mitigation measures have been taken to reduce the noise level in that area*". Accordingly, in **Para**

12 it also stated that "*It is not established before us at this stage that the stakeholders particularly the official respondents are not taking adequate steps to mitigate the noise levels at the airport and its surrounding areas*". However, considering the submissions of the concerned stakeholders, following directions were passed by this Hon'ble Tribunal:

"*1. We decline the prayer of the Appellant/Applicants in all these cases for imposition of night curfew on landing or taking off of aircrafts at the airport and more particularly on run way no. 11/29.*

2. We also decline the prayers of the Appellant/Applicants for issuances of directions to the Central Government and other official respondents for providing sound proofing of the houses in the colonies, falling on the flight pathway of aircrafts while landing and taking off.

3. We direct all the official respondents to take all mitigating measures for reducing noise pollution in terms of the report submitted by MoEF and as even proposed by these very respondents themselves, expeditiously.

4. The official respondents shall act in furtherance to the report of IIT in relation to construction of sound barriers, which report of IIT is accepted by the Tribunal. However, if any, variations are suggested and the official respondents consider it proper to carry out such variations on the ground of safety, security and height of the sound barrier walls, the same may be implemented after discussion with the team of IIT. The sound barriers should be constructed at the earliest and in accordance with report.

5. The official respondents shall ensure providing of a green belt around the boundary wall of the airport, while keeping the safety and security both in mind. The plantations shall be of the species which would only grow to the permissible height or would be maintained at the permissible height only.

6. The official respondents may issue an advisory to all the airlines whose aircrafts land at the runway of the IGI and domestic Airport, New Delhi to

ensure 'judgment based' use of reverse thrust keeping in view weather, length of run way, wind, and other attendant circumstances to reduce the noise level particularly at the time of landing of aircrafts.

7. All the coaches/buses and other vehicles plying at the airport should be CNG and must comply with the prescribed emission standards. Non-CNG buses/coaches or other vehicles plying at the airport, should be converted to CNG within six months from today."

12. The Applicant challenged the Judgment dated 24.11.2017 passed by this Hon'ble Tribunal before the Hon'ble Supreme Court by way of Civil Appeal No. 3341/2018, which was dismissed vide order dated 09.04.2018.

13. Further, Civil Appeal Nos. 4958-4961 of 2018 were also filed by various affected parties before the Hon'ble Supreme Court challenging the Judgment dated 24.11.2017. Accordingly, the directions passed by this Hon'ble Tribunal were modified by the Hon'ble Supreme Court vide its order dated 06.08.2018, only to the effect, that the coaches and buses plying at the Delhi Airport were required to be converted to CNG. Relevant portion of the order dated 06.08.2018 is reproduced as under:

> *"4. In our view, the grievance raised by the appellants seems to be justified. We, therefore, modify Direction No. 7 by removing the words "other vehicles" therefrom, meaning thereby, the direction shall be confined to coaches and buses."*

14. Thereafter, the Applicant filed Execution Application No. 24/2019 before this Hon'ble Tribunal seeking enforcement of the directions under Judgment dated 24.11.2017. Accordingly, this Hon'ble Tribunal vide its order dated 21.05.2019 directed R7/DIAL to file a detailed Action Taken Report furnishing the steps taken by it, in compliance with the Judgment dated 24.11.2017. In compliance with the order dated 21.05.2019, R7/DIAL filed

an Action Taken Report dated 21.06.2019 setting out in detail, the noise mitigations implemented by it in terms of the Judgment dated 24.11.2017 which included *inter alia*:

i. *Implementation of mixed mode use of runways* – Continuous implementation of mixed mode use of runways at the Delhi Airport to ensure segregated mode of operations at the runways on the rotation basis for equitable distribution of aircraft noise over the locations below the flight path.

ii. *Restriction on usage of thrust reversal mechanism* – Issuance of advisory to airlines in terms of Aeronautical Information Publication dated 18.07.2018, advising them to avoid the use of thrust reversal while landing at Delhi Airport unless it is deemed necessary for safety reasons.

iii. *Construction of sound barrier* – Construction of sound barriers as per recommendation of IIT-Delhi, to assist in attenuation of the noise generated by the aircrafts during landing.

iv. *Continuous Noise Monitoring* – Continuous noise monitoring at the Delhi Airport by installation of 5 (five) NMTs at the departure and approach funnels of Delhi Airport.

Copy of Affidavit along with the Action Taken Report dated 21.06.2019 filed by R7/DIAL before this Hon'ble Tribunal in Execution Application No. 24/2019 is annexed herewith as **Annexure R-3**.

15. In view of the compliance demonstrated by R7/DIAL to the directions given under the Judgment dated 24.11.2017, this Hon'ble Tribunal disposed of

Execution Application No. 24/2019 vide its order dated 18.09.2019, passing limited directions for R7/DIAL to "*not only measure and maintain the prescribed noise levels but also display the same in public domain*". True typed copy of order dated 18.09.2019 passed by this Hon'ble Tribunal is annexed herewith as **Annexure R-4**.

16. Thereafter, Applicant filed OA 612/2023, alleging non-compliance by R7/DIAL to the stipulations under the MoEF Notification. The Applicant had also filed EC 2018 as annexure A-2 to OA 612/2023 and at paragraph 1 of the OA 612/2023 stated as follows:

> *That, the Petitioner through the petition is seeking intervention of this Hon'ble Tribunal on the fact of very high noise pollution generated and illegal distribution of the same by Respondent No. 9* ***while operating Runway no.(s) 3 and 4, in gross violation of limits prescribed under Notification No. GSR.568(E) dated 18th June 2018, and Environmental clearance granted by Respondent No.1, vide File No. 10-72/2016- 1A-111 dated 30th May 2018***. [Emphasis Supplied]

Accordingly, the Applicant sought *inter alia* (i) prohibition on landing and taking off aircrafts on all runways at the Delhi Airport within city limits during night-time; (ii) issuance of command to R7/DIAL to comply with the noise limits prescribed under the MoEF Notification dated 18.06.2018 at the Delhi Airport; and (iii) issuance of command to R7/DIAL to publish live data of the noise levels generated with each take-off and landing for effective monitoring of the noise at Delhi Airport. Copy of OA 612/2023 is annexed herewith as **Annexure R-5.**

17. In response to OA 612/2023, R7/DIAL filed a Preliminary Reply dated 07.11.2023 wherein it reiterated that it has installed 5 (five) NMTs under the

approach and departure funnels of the Delhi Airport to measure and monitor the ambient noise levels in terms of the DGCA Circular and CPCB Circular. Towards demonstrating proper aircraft noise monitoring by the R-7/DIAL at the Delhi Airport, it also placed on record the approval given by R5/DGCA regarding the Airport Noise Zone to be developed in terms of the MoEF Notification, as well as a map showing the details of the 5 (five) NMTs installed by it in all approach and departure funnel zones of the Delhi Airport. Additionally, R7/DIAL also demonstrated its compliance with the requirements laid down under the DGCA Circular at Para 7(i)(e) of the Reply, by stating that:

> "*The answering Respondent has procured the Noise Monitoring Terminal (NMT) from M/s Topsonic Systemhaus GmbH, an internationally recognized agency which is operating globally in 13 countries and at 32 airports with more than 300 NMT installations and operating under a wide range of climatic conditions.* ***They are designed for unattended continuous outdoor use. Measurement of level, calculation of noise events and reporting are fulfilling ISO 20906 "Unattended monitoring of aircraft sound in the vicinity of airports" and DGCA Civil Aviation Requirements***"
>
> [Emphasis Supplied]

A copy of the Reply filed by R-7/DIAL with relevant annexures before this Hon'ble Tribunal in OA 612/2023 is annexed herewith as **Annexure R-6.**

18. The Applicant in its Rejoinder to the DIAL Reply in OA 612/2023 took a stand that NMTs have not been installed in the landing funnels. Further, it stated that R7/DIAL is not placing on record the noise levels recorded at the boundary of the Delhi Airport as required under EC 2018, which are the same set of allegations which form the basis of the present Original Application. The Applicant in its Rejoinder also stated that the DGCA Circular is irrelevant to the implementation of the MoEF Notification, which

is contrary to the stand taken by the Applicant in the present Original Application. The relevant extracts of the Rejoinder are reproduced as under:

> *7. ... It is further submitted that respondent no.2 has not installed any NMT in any of the landing funnels in the last 12 years as per its annual report annexed as annexure 12 at page no.(s) 92-109 of additional documents filed by the applicant.*
>
> *... Further, the Respondent No, 9 for reasons best known to it has not placed on record the Noise Levels recorded at the Boundary of the Airport as provided under sub clause (iii) (page 68) read with clause no. 6 at page 69 of the OA, of the Environmental Clearance dated 30 May 2018, Part -B – General Conditions*
>
> *8-11….Reference to CAR dated 18 December 2014 issued by DGCA is wholly misconceived. This circular is irrelevant for the issue at hand as the same relates to "Noise Management of Aircraft Operations at Airports".*

A copy of the Rejoinder to the Reply filed by R7/DIAL in OA 612/2023 is annexed herewith as **Annexure R-7.**

19. R5/DGCA also filed a Reply before this Hon'ble Tribunal wherein at Para 2 (iii) it confirmed the proper compliance of R-7/DIAL with the stipulations under the DGCA Circular by stating that:

> *"(iii) As per Civil Aviation Requirements ("CAR"), Section 10 — Aviation Environment Protection Series 'A' Part I Issue I dated 18.12.2014 issued by answering respondent, all busy airports should install noise monitoring stations and perform noise mapping etc. All the CAR requirements have been fulfilled by DIAL and other applicable airports have complied. Presently, the documented noise levels at Delhi*

Airport and other applicable airports complying with the specifications delineated in the MoEF&CC Notification dated 18.06.2018"

A copy of the Reply filed by R-5/DGCA before this Hon'ble Tribunal in Original Application No. 612/2023 is annexed herewith as **Annexure R-8**.

20. In the Rejoinder to the Reply filed by R5/DGCA, the Applicant again took the same stand that the DGCA Circular is irrelevant with respect to implementation of the MoEF Notification (contrary to the stand taken in the present Original Application). Relevant extract of the Rejoinder filed to the DGCA Reply is reproduced herein below:

"2&3 ... It is respectfully submitted that any reference to CAR dated 18 December 2014 issued by DGCA is wholly misconceived. This circular is irrelevant for the issue at hand as the same relates to "Noise Management of Aircraft Operations at Airports."

A copy of the Rejoinder to the Reply filed by R5/DGCA in OA 612/2023 is annexed herewith as **Annexure R-9.**

21. R1/MoEF also filed a Reply before this Hon'ble Tribunal in OA 612/2023 wherein it confirmed that the R-7/DIAL is compliant with the requirements under the EC dated 2018 by stating that:

"8… *DIAL consistently submits its periodic Environmental Clearance compliance reports to the monitoring officer appointed by the answering Respondent. This establishes a systematic process of monitoring and reviewing compliance with conditions specified in the Environmental Clearance.*"

Additionally, R-1/MOEF also stated that R-7/DIAL is compliant with the noise limits notified under the MOEF Notification.

A copy of the Reply filed by R1/MoEF in OA 612/2023 is annexed herewith as **Annexure R-10.**

22. The Applicant also filed written submissions before this Hon'ble Tribunal wherein it claimed that R-7/DIAL is non-compliant with the noise limits prescribed under the MoEF Notification. Copy of Written Submissions filed by Applicant in OA 612/2023 is annexed herewith as **Annexure R-11**.

23. Thereafter, R7/DIAL filed Written Submissions dated 09.02.2024 before this Hon'ble Tribunal wherein it distinguished between "Airport Noise" limits (measured in dB(A) Leq) and "Aircraft Noise" limits (measured in dB(A) Lmax value) prescribed under the MoEF Notification. Accordingly, it stated that the random values of Aircraft Noise measured by the Applicant in dB(A) Lmax value, placed on record by the Applicant is irrelevant to determination of compliance of R-7/DIAL with MoEF Notification, which stipulates Airport Noise limits in dB(A) in Leq values. Under the Written Submissions dated 09.02.2024, R7/DIAL also reiterated its compliance with the DGCA Circular and CPCB Circular. R7/DIAL also placed on record, an independent report prepared by IIT-Delhi dated 30.01.2024, setting out its independent academic observations confirming and authenticating the genuineness of the noise levels obtained from the NMTs installed by R-7/DIAL at the take-off and landing funnels of the Delhi Airport. The observations recorded in the independent report conducted by IIT-Delhi in its Report dated 30.01.2024 are provided below:

i. The Report noted that R7/DIAL has installed NMTs at the runway and departure funnels of the Delhi Airport by stating that:

"*DIAL has installed 05 Aircraft Noise Monitoring Terminals in runway approach and departure funnel at the following locations*

S No.	***NMT***	***Location***	***Aircraft Runway Funnel***
1.	*NMT01*	*IITD, Hauz Khas*	*A28, D10*
2.	*NMT02*	*Vasant Kunj*	*A29L/R & D11L/R*
3.	*NMT03*	*Dwarka Sector 24*	*D29L/R, A11L/R*
4.	*NMT05*	*Dwarka Sector 19*	*D28, D27, A10, A09*
5.	*NMT06*	*RK Puram*	*D09, A27*

ii. Report noted the sufficiency of the NMTs installed by R-7/DIAL in terms of the stipulations laid down under the CPCB Requirements by stating that:

"*At least two NMT stations per runway are expected (CPCB Point no 8, pg 6). Based on the runway configuration, NMT located at Dwarka sector 19 caters to two runways. Hence, the required number of NMTs are present*"

iii. In conclusion, the IIT-Delhi Report also confirmed the compliance of R-7/DIAL to Circulars issued by DGCA and CPCB by stating that:

"*Overall, the NMTs installed and Aircraft Noise Monitoring evaluation and reporting by DIAL are in compliance to DGCA Civil Aviation Requirements (CAR) dated 18th Dec, 2014 and CPCB requirements and procedure for monitoring ambient noise level due to Aircraft, dated June, 2008*"

A copy of the Written Submissions filed by R-7/DIAL before this Hon'ble Tribunal in OA 612/2023 is annexed herewith as **Annexure R-12**.

24. R7/DIAL also filed additional written submissions dated 18.02.2024 wherein it reiterated its compliance to CPCB Circular and DGCA Circular. A copy of the Additional Written Submissions filed by R-7/DIAL before this Hon'ble Tribunal in OA No. 612/2023 is annexed herewith as **Annexure R-13**.

25. This Hon'ble Tribunal delivered the Judgment dated 21.03.2024 in OA 612/2023. It is pertinent to mention that when arguments were being addressed in the matter on 31.01.2024, counsel for the Applicant specifically stated that they are confining their submissions only with respect to implementation of the MoEF Notification and are not pressing any other reliefs which is recorded at Para 51 of the Judgment dated 21.03.2024. Further, in view of the compliance by R-7/DIAL to the MoEF Notification, only one direction was passed by this Hon'ble Tribunal in the judgment dated 21.03.2024 set out below:

> "81… *Hence, we direct respondent 9 to display aircraft noise level on monthly basis as required by Notification dated 18.06.2018 and given in* ***direction no. 7 of Tribunal's order*** *dated 18.06.2019 on the website in such a manner that it may conveniently be available to everyone who is interested to find out the said information and this shall be done within 30 days from today. A compliance report on this respect shall also be submitted with Registrar General of this Tribunal within 15 days after expiry of 30 days as directed above.*
>
> *82. Learned Counsel appearing for applicant in its Written Submissions has raised objections that the information given is not a daily and hourly information but the monthly average taken by respondent 9. In this regard, we find that direction contained in para 7 of the order dated*

18.09.2019 says that noise level should not only be measured and maintained but be displayed on the public domain. ***Therefore, the monthly average given by respondent 9, in our view, is not sufficient and instead, it should be given every month but the record should be on daily basis****. The average of the day may be maintained to avoid functional difficulty in the matter.* ***Issue I is answered accordingly***"

[Emphasis Supplied]

26. In accordance with the directions issued by this Hon'ble Tribunal in the Judgment dated 21.03.2024, R-7/DIAL filed a Compliance Report dated 01.05.2024. The copy of Compliance Report dated 01.05.2024 has been annexed herewith with as **Annexure R-14**.

27. Thereafter, the Applicant filed Execution Petition No. 25/2025 wherein it *inter alia* alleged that: (i) 5 (five) NMTs installed by R7/DIAL are insufficient to measure noise at 8 runways and 16 flightpaths of the Delhi airport; (ii) R-7/DIAL has installed the NMTs outside the landing and take-off funnels of the Delhi Airport; and (iii) R-3/MoCA, R-4/AAI, R-5/DGCA and R-7/DIAL have fixed an extremely short turnaround time on account of which airlines are compelled to use reverse thrust mechanism at the Delhi Airport. Accordingly, the Applicant prayed for suspension of Environment Clearance granted to R-7/DIAL and stopping the operations at runway 09,10, 29/11 (Old) and 29/11 till the time NMTs are installed at the landing and take-off funnels of the Delhi Airport.

28. When the Execution Application No. 25/2025 came up for hearing, the Applicant withdrew Execution Application No. 25/2025 as recorded in the order dated 28.04.2025, with liberty to file a fresh application. Copy of order dated 28.04.2025 is annexed as **Annexure R-15**.

29. Thereafter, the Applicant filed another Execution Application No. 33/2025, wherein it *inter alia* alleged that (i) the 5 (five) NMTs have been installed by R7/DIAL outside the take-off and landing funnels, and are insufficient to monitor the ambient noise levels at the 8 runways and 16 flight paths of the Delhi Airport; (ii) the R-7/DIAL has failed to implement mixed mode of runways use at the Delhi Airport ; and (iii) R-7/DIAL has failed to implement noise mitigation measures at the Delhi Airport thereby flouting the directions under this Hon'ble Tribunal's Judgments dated 24.11.2017 and 21.03.2024.

30. The Execution Application No. 33/2025 was dismissed by this Hon'ble Tribunal vide its order dated 26.05.2025 wherein it noted that in the Judgment dated 21.03.2024, this Hon'ble Tribunal had passed only 1 (one) direction qua R-7/DIAL relating to publication of noise monitoring data at its official website, which has been complied with by R-7/DIAL in view of the Compliance Affidavit dated 01.05.2024. The order dated 26.05.2025 has been annexed as **Annexure R-16**.

31. The Applicant challenged the order dated 26.05.2025 by filing Civil Appeal No. 11051/2025 before the Hon'ble Supreme Court, wherein it alleged that the Judgment dated 21.03.2024 passed by this Hon'ble Tribunal in OA 612/2023 have not been complied with by R7/DIAL in letter and spirit as the 5 (five) NMTs installed by R-7/DIAL are insufficient to measure ambient noise at the Delhi Airport. Further, the Applicant also alleged that R-7/DIAL has not installed NMTs in the landing and take-off funnels of the Delhi Airport. The Civil Appeal No. 11051/2025 was disposed of by the Hon'ble Supreme Court vide order dated 01.09.2025, by granting the liberty to the Applicant to approach this Hon'ble Tribunal to file a fresh application to seek appropriate reliefs which were sought earlier and granted by the Tribunal, but which have not been implemented as yet by way of a mandamus. Further, the Hon'ble Supreme Court directed this Hon'ble

Tribunal to decide the application filed by the Applicant in accordance with law. Relevant portion of Order dated 01.09.2025 is set out below.

> "*We dispose of this Civil Appeal by reserving liberty to the petitioner herein to file a fresh application before the National Green Tribunal along with all supporting material so as to seek appropriate reliefs including the reliefs, if any, which were sought earlier and granted by the Tribunal, but which have not been implemented as yet by way of a mandamus or direction being issued to the concerned respondents.*"
>
> *It is needless to observe that if a fresh application is filed by the petitioner herein along with all supporting material for the aforesaid purpose**, the National Green Tribunal shall consider the same as expeditiously as possible on its own merits and an in accordance with law**"*
>
> *[Emphasis Supplied]*

32. The order dated 01.09.2025 was challenged by R7/DIAL before the Hon'ble Supreme Court vide Review Petition No. 2433/2025. The Review Petition was dismissed by the Hon'ble Supreme Court vide its order dated 06.11.2025 by observing that "*Having carefully gone through the Review Petition, the order under challenge and the papers annexed therewith, we are satisfied that there is no error apparent on the face of the record or any merit in the Review Petition warranting reconsideration of the order impugned*". Copy of the order dated 06.11.2025 passed by the Hon'ble Supreme Court is annexed herewith as **Annexure R-17.**

PRELIMINARY OBJECTIONS TO THE ORIGINAL APPLICATION

A. PRESENT OA IS BARRED BY DOCTRINES OF RES JUDICATA AND CONSTRUCTIVE RES JUDICATA

33. The Applicant in the present Original Application has prayed for issuance of directions against R1/MoEF, R2/CPCB, R3/MoCA, R4/AAI, R5/DGCA and R6/DPCC and R7/DIAL for:

(i) non-compliance of stipulations under CPCB Circular and DGCA Circular and EC 2018, regarding installation of NMTs at the landing and take-off funnels of the Delhi Airport and consequently violating the noise levels to be maintained at the Delhi Airport under the MoEF Notification (Prayers 1-14,17-19);

(ii) non-implementation of mixed mode use of runways at the Delhi Airport; and (Prayer 16)

(iii) failure to restrict usage of reverse thrust mechanism at the Delhi Airport (Prayers 3-5, 15).

(iv) Additionally, the Applicant has also alleged that R-7/DIAL has failed to comply with the directions issued by this Hon'ble Tribunal in the Judgment dated 24.11.2017 and noise limits prescribed under the MoEF Notification. (See Prayer 10, 11,13,18)

It is the case of R7/DIAL that the reliefs in the present Original Application relating to non-compliance of requirements under the CPCB Circular and DGCA Circular regarding installation of NMTs are barred by the principle of constructive res judicata. Further, the allegations relating to *inter alia* non-implementation of mixed mode use, failure to restrict the usage of reverse thrust mechanism and failure to comply with the noise limits prescribed under MoEF Notification are barred by the principle of res judicata, which doctrines apply with force to the proceedings before specialised tribunals such as the NGT.

I. Reliefs relating to installation of NMTs and EC 2018 are barred by constructive res judicata

34. In the instant Original Application, the Applicant alleges that R7/DIAL has failed to comply with stipulations under DGCA Circular, CPCB Circular and

EC 2018. Consequently, Prayers 1-8 and 10-14 seek directions for this alleged non-compliance, specifically citing the installation of an insufficient number of NMTs located outside funnel zones for take-off and landing at Delhi Airport.

35. However, the pleadings raised in OA 612/2023 demonstrate that the Applicant was fully aware of the conditions set out in EC 2018 and the applicability of the DGCA and consequently the CPCB Circular (as the DGCA Circular is based on the CPCB Circular) which is evident from the following:

i. In OA 612/2023, the Applicant initially raised concerns regarding non-compliance with ambient noise levels at the Delhi Airport in terms of the MoEF Notification. The Applicant also annexed EC 2018 and alleged that on account of the significant noise pollution at the Delhi Airport, the R-7/DIAL is in violation of EC 2018.

ii. R7/DIAL, in its Reply, categorically confirmed compliance with the DGCA Circular, (which refers to the CPCB Circular), governing the location and sufficiency of NMTs. The same position was reiterated by R5/DGCA in its Reply.

iii. R1/MoEF, in its Counter Affidavit, expressly confirmed that R-7/DIAL was in compliance with the conditions stipulated under EC 2018.

iv. In its Rejoinder to the R7/DIAL Reply, the Applicant went further and expressly alleged that DIAL had failed to install NMTs within the landing funnel zones and had not recorded noise levels at the airport boundary as required under EC 2018, which are identical to the allegations now forming the basis of the present Original Application.

Applicant also asserted that the DGCA Circular was "wholly misconceived" and "irrelevant" for implementation of the MoEF Notification.

36. Thus, through the replies filed by R7/DIAL and R5/DGCA in OA No. 612/2023, the Applicant was fully aware of the applicable DGCA and CPCB Circulars governing both the sufficiency and location of the NMTs. The Applicant was specifically informed that R7/DIAL had installed five NMTs in accordance with the said circulars. However, the Applicant in its Rejoinder in OA 612/2023, stated that the DGCA Circular is wholly irrelevant to the implementation of the MoEF Notification (contrary to the stand taken in the present Original Application). Further, the Applicant itself placed on record EC 2018 in OA No. 612/2023, which also stipulated the requisite number of NMTs.

Thus, at that stage of OA 612/2023, all facts, documents, and regulatory requirements forming the basis of the present allegations were squarely within the Applicant's knowledge and available to be urged as grounds of challenge or enforcement.

Despite this, the Applicant consciously elected not to pursue any grievance relating to alleged non-compliance with the DGCA Circulars, CPCB Circulars, or EC 2018 in OA No. 612/2023. Instead, the Applicant expressly confined its submissions only to the issue of implementation of the MoEF Notification. This conscious abandonment is expressly recorded by this Hon'ble Tribunal in paragraph 51 of the Judgment dated 21.03.2024.

37. This is in stark contrast to the Applicant's position in the present Original Application, where the Applicant now alleges that the noise levels at the Delhi Airport are not compliant of the MoEF Notification as R7/DIAL has

not installed the NMTs in accordance with the CPCB and DGCA Circulars and EC, 2018 (when in its Rejoinder to OA 612/2023, the Applicant has stated that the DGCA and CPCB Circulars are wholly irrelevant to the implementation of the MoEF Notification). The Applicant, having been made aware that R7/DIAL was complying with the noise levels stipulated in the MoEF Notification as it had installed 5 (five) NMTs as per the stipulations set out in the DGCA and CPCB Circulars i.e., with regard to sufficiency and location of the NMTs, had every opportunity to seek enforcement of the conditions under circulars issued by DGCA and CPCB, or to challenge their supposed non-compliance during the proceedings in OA 612/2023. The Applicant, however, consciously elected not to pursue these grounds.

It is well settled that issues which "might and ought to have been raised" in earlier proceedings cannot be permitted to be raised later, doing so would defeat the principle of finality of adjudication. The present Original Application is a classic case of piecemeal and staggered litigations, whereby the Applicant is deliberately splitting causes of action ground to prolong the proceedings, such conduct amounts to a clear abuse of the process of law and liable to be rejected at the threshold.

38. Further, the Applicant's reliance on EC 2018 in the present Application is independently barred for the same reason. In OA 612/2023, the Applicant referred to EC 2018 stating that the answering Respondent is in violation of the conditions specified therein as the noise levels at the Delhi Airport are excessive and beyond the stipulated levels. R1/MoEF, in its reply therein, categorically confirmed R7/DIAL's compliance with the conditions of EC 2018. Despite the issue being squarely raised, pleaded, and answered, the Applicant deliberately chose not to press any reliefs or arguments founded on EC 2018, confining itself instead to the MoEF Notification.

39. It is settled law that adjudication attains finality not only in respect of issues already actually decided, but also in respect of issues where the opportunity was available and same ought to have been raised in the earlier proceedings. By reintroducing in the present Original Application, the very reliefs and grounds that were available to the Applicant in OA No. 612/2023, but consciously not pursued, the Applicant seeks to reopen concluded issues under a different guise. Such an attempt is impermissible and is squarely barred by the doctrine of constructive res judicata. The repeated filing of the proceeding on same settled issues, despite clear and binding adjudication by this Hon'ble Tribunal, constitutes a deliberate misuse of judicial forums and is intended only to harass the R7/ DIAL and other respondents and create artificial disputes where none survive. The Applicant is indulging in forum shopping seeking to re-litigate settled issues before different authorities under the guise of public interest of environmental concerns and contrary to the principles of judicial discipline and finality of litigation.

40. Further, this Hon'ble Tribunal, in its judgment dated 21.03.2024 in OA 612/2023, issued only one specific direction to R7/DIAL, which was to measure the noise levels at the Delhi Airport and display them on its website. This limited direction, in light of the Applicant's deliberate confinement of arguments and the comprehensive compliance evidence presented by the Respondents, unequivocally signifies that all other reliefs and contentions regarding the adequacy and location of the NMTs installation in compliance with CPCB and DGCA Circulars were implicitly refused or deemed unmeritorious. This falls directly under Explanation V of Section 11 of the Code of Civil Procedure, 1908, where any relief claimed in the plaint, which is not expressly granted by the decree, is deemed to have been refused.

41. It is settled law that an adjudication is final not only as to the matter actually determined but also as to every other matter which the parties *might and ought* to have been litigated. Here, the Applicant *did* litigate these issues in its pleadings and then consciously abandoned them. Having had a full opportunity to challenge the alleged non-compliance with the DGCA and CPCB Circulars and EC 2018, the Applicant is now barred by the principle of constructive res judicata from vexing the Respondents and this Hon'ble Tribunal with the same issues again.

II. The allegations relating to non-compliance with MoEF Notification and directions under the Judgment dated 24.11.2017 are barred by res judicata

42. The reliefs relating to *inter alia* implementation of mixed mode use of runways and restriction on the usage of reverse thrust mechanism, which are claimed by the Applicant in Prayers 15,16 and 19 of the present Original Application are barred by the principles of res judicata. Additionally, the allegations relating to non-compliance with the noise limits stipulated under the MoEF Notification; and construction of sound barriers are also barred by the principle of res judicata as they are covered by this Hon'ble Tribunal's judgments dated 21.03.2024 (OA 612/2023) and 18.09.2019 (Execution Application No. 24/2019).

a) <u>Restriction on usage of reverse thrust mechanism</u>

43. In the present Original Application, the Applicant has attempted to portray that the R4/AAI in consultation with R7/DIAL has fixed the turnaround time of 25-45 minutes due to which airlines have been compelled to resort to reverse thrust.

44. In this regard, it is stated that this Hon'ble Tribunal in Appeal No. 30/2013 had formulated directions to be complied with by the respondents including the R-7/DIAL. With respect to use of reverse thrust, this Hon'ble Tribunal in its judgment dated 24.11.2017 passed in Appeal No. 30/2013 had directed that:

> "*The official respondents may issue an advisory to all the airlines whose aircrafts land at the runway of the IGI and domestic Airport, New Delhi to ensure 'judgment based' use of reverse thrust keeping in view weather, length of runway, wind, and other attendant circumstances to reduce the noise level particularly at the time of landing of aircrafts*"

45. The compliance of R7/DIAL with the Judgment dated 24.11.2017 was sought by this Hon'ble Tribunal, in Execution Application No. 24/2019. Demonstrating compliance of R-7/DIAL to the Judgment dated 24.11.2017, R-7/DIAL had filed an Action Taken Report dated 21.06.2019, wherein it was stated that instructions have been issued to all airlines to minimize the use of reverse thrust mechanism in terms of Aeronautical Information Procedure dated 19.07.2018. Accepting the submissions of R-7/DIAL, this Hon'ble Tribunal disposed of the Execution Application No. 24/2019 passing limited directions to R7/DIAL to "*We suggest that DIAL should not only measure and maintain the prescribed noise levels but also display the same in public domain."*

46. Further, circulars dated 24.08.2021, 28.04.2022 and 29.05.2023 were also issued by R7/DIAL, advising airlines to restrict the usage of reverse thrust mechanism which was also stated by the R-7/DIAL in its Reply to OA 612/2023. This fact was also noted by this Hon'ble Tribunal in its Judgment dated 21.03.2024 passed in OA 612/2023. (**At Para 85**) However, no finding was given, or direction was issued by this Hon'ble Tribunal to the answering Respondent, instead directions were issued to R4/AAI. It is pertinent to

mention that, as an overall aircraft noise mitigation, R7/DIAL continues to issue similar circulars advising airlines to restrict the usage of reverse thrust mechanism, latest circulars being issued on 18.10.2024, 20.03.2025 and 03.12.2025. Circulars dated 18.10.2024, 20.03.2025 and 03.12.2025 issued by R7/DIAL are annexed as **Annexure R-18.**

47. Therefore, it is evident that the issue relating to compliance by R-7/DIAL to the directions for restriction on usage of reverse thrust mechanism has been decided and settled by this Hon'ble Tribunal vide its order dated 18.09.2019 in Execution Application No. 24/2019 and Judgment dated 21.03.2024 in OA 612/2023. Accordingly, the Applicant is barred by the principles of res judicata from raising the same allegations again in the present Original Application.

b) Implementation of mixed mode use of runways at Delhi Airport

48. In terms of Judgment dated 24.11.2017, this Hon'ble Tribunal had directed R-7/DIAL to implement noise mitigation measures at the Delhi Airport. Accordingly, R-7/DIAL implemented mixed mode use of runways as one of the noise mitigation measures at the Delhi Airport. Thereafter, vide the Action Taken Report dated 21.06.2019, filed in Execution Application No. 24/2019, R7/DIAL had also demonstrated to this Hon'ble Tribunal the implementation of mixed mode use as one of the noise mitigation measures enforced at the Delhi Airport. In view of which, this Hon'ble Tribunal vide its order dated 18.09.2019 disposed of the Execution Petition No. 24/2019.

49. Further, implementation of mixed mode use of runways at Delhi Airport was also referred by R7/DIAL in its circulars dated 24.08.2021, 28.04.2022 and 29.05.2023 which were placed before this Hon'ble Tribunal along with its Reply in OA 612/2023. Accordingly, this Hon'ble Tribunal in Para 24 of the

Judgment dated 21.03.2024 had reproduced the relevant portion of Action Taken Report dated 21.06.2019 wherein implementation of mixed mode use of runways by R-7/DIAL was noted. However, no finding was given, or direction was issued by this Hon'ble Tribunal to the answering Respondent. It is pertinent to mention that, as an overall aircraft noise mitigation R7/DIAL continues to issue similar circulars advising aviation stakeholder to follow the mix mode operation effectively, latest circulars being issued on 18.10.2024, 20.03.2025 and 03.12.2025.

50. As such, it is evident that the issue relating to implementation of mixed mode use of runways has attained finality by way of the order dated 18.09.2018 and Judgment dated 21.03.2024 passed by this Hon'ble Tribunal. Therefore, the Applicant is barred by the principle of res judicata from raising issues relating to implementation of mixed mode use of runways in the present Original Application.

c) Compliance of R-7/DIAL with the stipulations in MoEF Notification regarding noise levels maintained at Airport Noise Zones

51. In Grounds I and J of the present Original Application, the Applicant re-agitates an issue already conclusively determined: R7/DIAL's compliance with noise levels prescribed under the MoEF Notification. The Applicant erroneously contends non-compliance by conflating "Airport Noise Levels" with "Aircraft Noise Levels," relying on aircraft noise limits (L(max)) from the AAI's Aeronautical Information Publication dated 11.08.2022, which it claims contravenes the stipulations under the MoEF Notification.

52. This precise contention was previously raised by the Applicant in OA 612/2023. In response, R-7/DIAL, through its Reply and Written Submissions, unequivocally distinguished between:

i. "Airport Noise": Measured in Leq value, defined under the MoEF Notification as "*energy mean of the noise level over a specified period.*"

ii. "Aircraft Noise": Measured in L(max) value, defined under the MoEF Notification as "*unit for aircraft maximum noise level in units dB(A) which is maximum or peak noise value for aircrafts at the monitoring location in accordance with the noise standards notified by the Directorate General of Civil Aviation for respective airports*."

This fundamental distinction, as clarified by R7/DIAL, was also noted by this Hon'ble Tribunal in Paragraph 58 of its Judgment dated 21.03.2024 passed in OA 612/2023.

53. Thereafter, this Hon'ble Tribunal also unequivocally affirmed R7/DIAL's compliance with the requirements under the MoEF Notification in Paragraphs 75-76 of the Judgment dated 21.03.2024. In any event, the averments of the Applicant regarding noise levels are factually incorrect, technically flawed and wholly misleading, having been made on account of Applicant's limited and erroneous understanding of the noise measurement standards.

54. Therefore, the issue relating to R7/DIAL's compliance with the airport noise limits under the MoEF Notification has already been finally and conclusively determined by the judgment dated 21.03.2024. Consequently, the Applicant is barred by the principle of res judicata from re-agitating this identical issue in the present Original Application.

d) Construction of sound barriers by R-7/DIAL in compliance of Judgment dated 24.11.2017

55. In terms of the Judgment dated 24.11.2017 passed by this Hon'ble Tribunal in Appeal No.60/2013 (THC), R-7/DIAL was directed to construct sound barriers on the boundary walls of the Delhi Airport in terms of the recommendations by IIT-Delhi, to reduce the noise exposure at residential areas located near the Delhi Airport. R-7/DIAL complied with the aforesaid directions and constructed sound barriers at the boundary of the Delhi Airport.

56. The compliance of the aforesaid direction, by construction of a sound barrier was also placed on record before this Hon'ble Tribunal in Execution Petition No. 24/2019 by way of Action Taken Report, wherein R7/DIAL had stated that it has constructed sound barriers on the boundary wall of the Delhi Airport in terms of the directions passed by this Hon'ble Tribunal. Accordingly, this Hon'ble Tribunal had noted the compliance by R-7/DIAL to the directions under Judgment dated 24.11.2017 vide its order dated 18.09.2019. The compliance by R7/DIAL to the directions under Judgment dated 24.11.2017 was also noted by this Hon'ble Tribunal in Para 83 of its Judgment dated 21.03.2024.

57. Accordingly, since the issue relating to construction of sound barriers has attained finality by the repeated judgments of this Hon'ble Tribunal dated 18.09.2019 and 21.03.2024, the Applicant is barred from re-agitating this issue by the principle of res judicata.

58. In light of the above, it is evident that the allegations raised by the Applicant relating to non-compliance by R-7/DIAL to the Judgment dated 24.11.2017 and stipulations under MoEF Notification have already been decided by this

Hon'ble Tribunal in its previous orders. However, the Applicant is attempting to disturb the finality granted by this Tribunal on these issues, by re-agitating them in the present Original Application on false premise. Therefore, the reliefs claimed under the present Original Application are barred under the principle of res judicata.

B. CONDUCT OF THE APPLICANT

59. R7/DIAL has complied with its obligations by issuing circulars dated 24.08.2021, 28.04.2022, 29.05.2023, 18.10.2024, 20.03.2025 and 03.12.2025 to all airlines operating at IGI Airport, reminding them of the noise abatement measures required to be followed in compliance with DGCA, AAI, and MoEF notifications. These circulars explicitly detail a comprehensive range of mitigation strategies that airlines are to adhere to, including the minimum use of thrust reversal and the effective implementation of mixed-mode runway operations. By periodically issuing these advisories, R7/DIAL fulfils its role as a responsible airport operator, facilitating compliance and promoting best practices among the entities it cannot directly regulate. This demonstrates that R7/DIAL takes all possible steps within its power to address aircraft noise.

60. Further, Delhi Airport is not merely a commercial enterprise; it is a vital public utility and a service-oriented industry critical to national and international connectivity. It provides state-of-the-art facilities for the benefit of the public and serves as a key driver of economic activity. Therefore, this Hon'ble Tribunal must balance the specific grievances of a single litigant against the broader public interest in maintaining the efficiency and operational integrity of this essential infrastructure. Furthermore, the airport does not operate in a vacuum. It is subject to continuous and rigorous periodic inspections by numerous expert bodies, including the AAI, the DGCA, and the MoEF. These authorities periodically review all aspects of

airport operations, including environmental compliance and safety protocols. However, the Original Application proceeds in complete disregard of the expertise and determinations of the statutory and technical regulators governing civil aviation and airport operations. The fact that these expert regulators have consistently found the answering Respondent to be in compliance with applicable norms, including the conditions of its Environmental Clearance(s), should be given significant weight. The Applicant's allegations effectively seek to second-guess the considered findings of these specialised regulatory bodies.

61. The Respondent submits that the present application is founded on presumptions and allegations made without a proper understanding of the highly regulated, technical and security-sensitive functioning of an operational airport. Airport operations are governed by stringent safety, security and regulatory protocols, and any infrastructure installation within the airport premises, including NMTs, is undertaken strictly in accordance with statutory guidelines, aviation safety norms and operational feasibility. The existing NMTs have been installed at scientifically identified locations to ensure accurate and representative noise data. The Applicant’s demand for installation of additional NMTs, without demonstrating any regulatory requirement or technical necessity is misconceived. Unwarranted proliferation of NMTs would not yield any materially different or more accurate assessment of aircraft noise, but would instead lead to operational complications, security concerns, interference with critical airport infrastructure and unnecessary administrative burden. Therefore, in view of the fact that airport noise is already being sufficiently monitored, further increase in the number of monitoring terminals will not serve any purpose. Therefore the relief sought is neither practical nor legally sustainable.

62. Further, the Applicant is making allegations without understanding the working of an airport and the science behind NMTs. The indiscriminate installation of additional NMTs has the potential to interfere with core airport operations including aircraft movement areas, navigational aids, airfield lighting and communication systems, all of which require clear lines of sight and controlled electromagnetic conditions. NMTs being electronic devices, if installed beyond assessed operational necessity, may also give rise to electromagnetic or technical interference, thereby impacting the reliability and integrity of critical aviation and safety systems. For this reason, any such installations within airport premises are undertaken only after detailed technical evaluation and regulatory approvals, and unplanned or excessive deployment poses avoidable risks to safe and efficient airport functioning.

63. In addition to the foregoing, it is vital that this Hon'ble Tribunal consider the *bona fides* of the Applicant. The Applicant has been litigating against the Respondents since 2009, seeking a prohibition on the night-time landing and taking off of by aircrafts. Even as late as 2023, the Applicant sought such reliefs before this Hon'ble Tribunal in OA 612/2023, as his grievance is solely related to aircraft flying over the residential area of Vasant Kunj where he resides. All the proceedings since 2009 have been instituted with the singular objective of achieving this prohibition on night-time landing and taking off of aircraft. The Applicant possesses no relevant technical or regulatory expertise. The Applicant has a history of filing frivolous applications and appeals since 2009. The repeated filing of proceedings on the same subject matter, even after final adjudication, clearly demonstrates a motivated attempt to keep the dispute alive for extraneous reasons. The present matter continues this pattern, failing to introduce any new facts and being admittedly based entirely on the Respondents' own replies in the preceding matter, OA 612/2023.

64. The conduct of the Applicant to continuously raise baseless challenges on the issues which are already settled, demonstrates that its complaints do not stem from any kind of genuine grievance. This Hon'ble Tribunal should, therefore, be cautious of allowing a single, serial litigant to disrupt the functioning of a critical public utility based on allegations that are not supported by the wider community. In an apparent attempt to lend credibility to its allegations of non-compliance by Respondent No. 7 / DIAL with the judgment dated 24.11.2017, the Applicant has filed complaints through affiliated persons and proxy complainants. These complaints replicate, almost verbatim, the allegations repeatedly raised by the Applicant in its own proceedings. The similarity in content, timing, and substance indicates that the complaints are neither independent nor bona fide. This conduct demonstrates that the Applicant's repeated litigations do not reflect any genuine public interest but are aimed at creating an artificial appearance of wider concern.

65. The Applicant's conduct is also vitiated by deliberate misstatements of material facts, which strike at the very root of his bona fides. In the present proceedings, the Applicant has asserted that IGI Airport has eight runways and sixteen flight paths. This statement is demonstrably false; IGI Airport, in fact, has only four runways and eight corresponding flight paths. This is not a minor or inadvertent factual error. The number of runways and flight paths goes to the core of the Applicant's case. Significantly, this assertion is being raised for the first time in the Applicant's long history of litigation commencing in 2009. In multiple prior proceedings on the same subject matter, the Applicant has never alleged that Delhi Airport operates eight runways or sixteen flight paths. This clearly establishes that the Applicant is in lack of knowledge all these years about Delhi Airport and its operations.

66. The Applicant has also sought to create a misleading narrative against Respondent No. 7 / DIAL by alleging that it has failed to implement mixed-

mode use of runways. To support this allegation, the Applicant relies on data provided by Respondent No. 4 / AAI showing runway-wise arrivals and departures at IGI Airport for the period July 2024 to December 2024. Before adverting to the data presented by the Applicant at Para 28, which is purportedly based on the RTI response the Applicant received from AAI, it is important to note that the data presented by the Applicant at Para 28, varies at two places (**data for Departure at 11R and 29L**) from the RTI response received by the Applicant by AAI. Copy of Reply by R-4/AAI dated 24.01.2025 to RTI query of Applicant is annexed as **Annexure R-19**.

67. Based on this data, the Applicant contends that DIAL has disproportionately used runways 29L/11R and 29R/11L as compared to runways 09/27 and 10/28. However, the percentages relied upon by the Applicant in paragraph 28 of the Original Application are misconceived and irrelevant for assessing the implementation of mixed-mode runway operations, for the reasons set out below:

i. Delhi Airport has two sets of runways (i)Northern runways (RW 09/27 and RW 10/28) and (ii) Southern runways (RW 11R/29L and RW 29R/11L). To assess whether mixed-mode operations are being implemented, the correct approach is to compare the total number of arrivals and departures on each set of runways against the total number of flights at Delhi Airport. An analysis of the data cited by the Applicant (by using the aforesaid approach) shows that, during the period from July 2024 to December 2024, approximately 45% of flights operated from the Northern runways and about 55% from the Southern runways, which is consistent with mixed-mode usage.

Table 1

Applicant's data Runway wise breakup for July24 to Dec 24 from RTI					**Runway utilization July24 to Dec 24**		
RWY	Arrival	%ge	Departure	%ge			
9	**16**	0%	**13542**	6%	6%	**45%**	NORTHERN RUNWAY
27	**24946**	10%	**16**	0%	10%		
10	**26132**	11%	**5737**	2%	13%		
28	**7518**	3%	**31412**	13%	16%		
11R	**26686**	11%	**745**	0%	11%	**55%**	SOUTHERN RUNWAY
29L	**36791**	15%	**1508**	1%	16%		
11L New	**726**	0%	**31365**	13%	13%		
29R New	**733**	0%	**35957**	15%	15%		

Total number of flights – 2,43,830

ii. In contrast, the Applicant has relied on an incorrect methodology in Para 28 of the Original Application by comparing arrivals at a particular runway with total arrivals at the Delhi Airport. Such a comparison is technically flawed and does not reflect mixed-mode runway operations. The figures cited by the Applicant are therefore misleading and have resulted in an erroneous conclusion.

Table 2

Applicant Calculation in Para 28 of Original Application ***Data Arrival and Departures is same as AAI data but percentages are different**					**Runway utilization July24 to Dec 24**		
RWY	Arrivals	%age	Departures	%age			
9	**16**	0	**13,542**	11	11	**89**	NORTHERN RUNWAY
27	**24,946**	20	**16**	0	20		

10	**26,132**	21	**5,737**	5	26		
28	**7,518**	6	**31,412**	26	32		
11R	**26,686**	22	**787**	1	23	**112**	SOUTHERN RUNWAY
29L	**36,791**	30	**1,521**	1	31		
11R New (11L)	**726**	1	**31,365**	26	27		
29R New	**733**	1	**35,957**	30	31		

A perusal of the above clearly demonstrates that the Applicant's allegations are founded on a flawed and misconceived analysis of runway utilisation at Delhi Airport. The allegations thus stem from Applicant's inexperience and lack of technical understanding of runway operations and flight distribution.

68. Taken together, these factors unequivocally establish that the Applicant is not acting in good faith, and that the present Application constitutes a gross abuse of the process of this Hon'ble Tribunal. The Applicant has no genuine locus or representative character and is selectively raising issues that directly service his individual grievances. Such misuse of the forum under the pretext of public interest is impermissible in law and amounts to an abuse of process, intended only to harass the respondents and keep the concluded issues alive. The repeated invocation of the noise grievance and technical determination process on the same subject matter. despite final adjudication, amounts to abuse of the process of law. On these grounds alone, the Application deserves to be dismissed with exemplary costs.

C. R-7/DIAL HAS COMPLIED WITH ALL APPLICABLE REGULATIONS (DGCA AND CPCB CIRCULARS) AND

DIRECTIONS ISSUED BY THIS HON'BLE TRIBUNAL IN JUDGMENTS DATED 24.11.2017 AND 21.03.2024

69. Without prejudice to the fact that all grounds taken by the Applicant in the present Original Application are barred by principles of res judicata or constructive res judicata, it is crucial to highlight that the allegations raised by the Applicant are meritless. All the expert bodies such as R1/MoEF and R5/DGCA which have been vested with the function of enforcing EC 2018, DGCA Circular and MoEF Notification have confirmed the compliance of R7/DIAL with the conditions/stipulations set out under the aforesaid regulations.

a) <u>Compliance by R7/DIAL with DGCA and CPCB Circulars:</u>

70. R-5/DGCA has been vested with the enforcement of requirements under the DGCA Circular, and MoEF Notification. In its Reply in proceedings under the OA 612/2023, R5/DGCA had confirmed that R-7/DIAL has installed NMTs in compliance with the requirements under the DGCA Circular. Further, the R5/DGCA had also confirmed that the R7/DIAL has been complying with the noise limits set out under the MoEF Notification.

71. Notwithstanding and without prejudice to the aforesaid, it is submitted that R7/DIAL is, and has been, in full compliance with the noise monitoring requirements stipulated by the DGCA and CPCB Circular.

72. R7/DIAL has strategically installed five state-of-the-art, permanent NMT's at key locations under the approach and departure funnels at the nearest residential area, or silence zone and under the flight paths of the aircrafts: Hauz Khas, Vasant Kunj, Dwarka Sector 24, Dwarka Sector 19, and R.K. Puram. The placement of the NMTs is as per the CPCB and DGCA Circulars,

have been complied with. The Applicant's baseless assertion that a specific number of NMTs are required for each runway is not in line with the Circulars but is based on his own assumptions and ignores the technical reality that flight path & funnels and NMTs, such as those for Runways 29/11 (Old and New), significantly overlap. A single, strategically positioned NMT is fully capable of capturing the requisite noise data for such overlapping zones. Copy of the map showing locations of the NMTs is annexed herewith as **Annexure R-20.**

73. As demonstrated by the annexed map, the approach funnels for runways and flight paths and NMTs meet the objective of regulatory requirements under CPCB Circular and DGCA Circular. It can be seen in the map that runway such as 29/11 L&R are in very close proximity to each other and their noise impact zones substantially overlap over large residential areas. A single NMT, strategically positioned within this significant overlapping zone, is fully capable of capturing the aircraft noise data for flights approaching any of these runways. It is also important to mention that Runway 29R is always designated for arrival and 29L is always designated for departure and both the runways at any time will never operate parallel for arrival and departure. Similarly, the runway 11L is always designated for arrival and 11R is always designated for departure. The rotation of runway like 29 to 11 is purely based on wind direction as the aircraft always lands and takes off against the wind. It is to ensure safety of aircraft movement and runways operations. Therefore, R7/DIAL is in complete compliance with all applicable noise monitoring regulations. The placement of the five NMTs is technically sufficient, strategically sound, and has been previously validated by the R-5/DGCA.

b) <u>Compliance with conditions under the EC 2018</u>

74. Similarly, the R-1/MOEF had also confirmed in its Reply, that as per EC 2018, R7/DIAL submits a periodic compliance report demonstrating its

compliance with the requirements under the EC 2018 along with monitoring data results which is reviewed and monitored by the R-1/MOEF. The noise monitoring data measured by R7/DIAL through an accredited lab, which has been submitted to MoEF as a part of the periodic compliance to EC 2018, also finds a mention in Annexure A-9 of the Original Application where it has been annexed in Page Nos. 207-212 (April-September 2023) and Page Nos. 282-287 (October 2023-March 2024).

75. Accordingly, considering the view taken by the expert bodies in proceedings under OA 612/2023, the allegations levelled by the Applicant relating to contravention of CPCB Circular, DGCA Circular and EC 2018 are baseless and deserve to be outrightly rejected.

76. In any event, the allegation of the Applicant regarding failure of R-7/DIAL to install an NMT in the village nearest to IGI Airport, in compliance with Condition No. 21 of the EC 2018, is false and baseless. At the very outset, R7/DIAL has installed the following NMTs in the vicinity of Delhi Airport, which adequately capture noise levels in areas near the airport, in compliance with the standards laid down in the DGCA Circular. Additionally, in compliance with Condition No. 21 of the EC 2018, NMT No. 3, located in Dhul Siras village, measures noise data at the village nearest to Delhi Airport.

NMT Number	**Respective Runway**	**Zones**
NMT1	A28; D10	IIT Delhi
NMT2	A29; D11	AAI, Transit Camp, Vasant Kunj
NMT3	A11; D29	Dhulsiras Village, Dwarka Sector24
NMT5	A10; A09; D28; D 27	Dwarka, Sector 19

NMT6	A27; D09	RK Puram

Accordingly, in view of the compliance by R-7/DIAL with the conditions under EC 2018, the allegations levelled by the Applicant in the present Original Application regarding non-compliance with EC 2018 deserves to be rejected.

c) Compliance by R7/DIAL with directions related to mixed mode use:

77. The allegation of the Applicant relating to non-implementation of mixed mode use of runways is also misplaced as during the period referred to by the Applicant in the present proceedings i.e., July 2024 to December 2024, Respondent No. 7/DIAL was in compliance of the mix mode operation. The same is also evident from a deeper analysis of the percentage of arrivals and departures at Delhi Airport calculated according to data as per Table at Para 67(i) above, and also internal data available with the R7/DIAL. A perusal of the percentage breakdown of the arrival and departure data at IGI Airport demonstrates that mixed mode use of runways is implemented at the Delhi Airport. Copy of percentage wise breakdown of arrivals and departure at Delhi Airport is annexed herewith as **Annexure R-21**.

78. Furthermore, the decision relating to selection of runways for landing and departure of aircrafts is dependent upon a myriad of factors such as *inter alia* visibility, weather conditions and safety concerns. Accordingly, in view of the safety concerns associated, the decision taken by the expert body such as R-4/AAI with regard to use of runways cannot be challenged by the Applicant in the present Original Application.

d) Compliance by R7/DIAL with directions related to restriction on usage of reverse thrust mechanism

79. Additionally, the allegation levelled by the Applicant in the present Original Application relating to failure of R7/DIAL to restrict the usage of reverse thrust mechanism is also incorrect. As clarified above, R7/DIAL had issued circulars dated 24.08.2021, 28.04.2022 29.05.2023, 18.10.2024, 20.03.2025 and 03.12.2025 to all the airlines operating at Delhi Airport requesting them to follow the best practices on noise mitigation measures including imposition of restriction on the usage of reverse thrust mechanism. Additionally, the Applicant's allegation that short turnaround time is the principal factor contributing to the use of reverse thrust is also misconceived and untenable. "Turnaround time" refers solely to the duration between an aircraft's arrival and its subsequent departure, encompassing post-landing activities and pre-departure preparations. However, since the use of reverse thrust occurs during the landing and deceleration phase on the runway is pilot's call and it is completely based on Aircraft safety, and not during the period the aircraft spends on the apron, turnaround time has no nexus or relevance whatsoever to the airlines' use of the reverse thrust mechanism. Thus, there is no merit to the allegation raised by the Applicant.

e) Compliance by R7/DIAL with directions related to construction of sound barriers

80. Additionally, the allegation levelled by the Applicant relating to failure of R-7/DIAL to construct sound barriers is also erroneous, as R-7/DIAL has constructed sound barriers at the boundary of Delhi Airport to attenuate airport noise in terms of the directions issued by this Hon'ble Tribunal in its Judgment dated 24.11.2017. The same was also placed on record by R-7/DIAL during the proceedings in Execution Application No. 24/2019.

III. Applicant was not granted liberty to file a fresh Original Application in terms of Order dated 01.09.2025 passed by the Hon'ble Supreme Court.

81. Pursuant to the passing of the Judgment dated 21.03.2023 passed in O.A No. 612/2023, the Applicant filed two execution applications (i) Execution Application No. 25/2025 and (ii) Execution Application No. 33/2025. Among them, Execution Application No. 25/2025 was withdrawn by the Applicant with liberty to file a proper application. Thereafter, Execution Application No. 33/2025 was dismissed by this Hon'ble Tribunal vide an Order dated 26.05.2025 on the ground that the Judgment dated 21.03.2024 has been complied with by R-7/DIAL.

82. The Applicant then challenged the dismissal of Execution Application No. 33/2025 before the Hon'ble Supreme Court in Civil Appeal 11051/2025. Civil Appeal No. 11051/2025 was disposed of by the Hon'ble Supreme Court vide Order dated 01.09.2025, wherein Applicant was granted the liberty to "*file a fresh application before the National Green Tribunal along with all supporting material so as to seek appropriate reliefs including the reliefs, if any, which were sought earlier and granted by the Tribunal, but which have not been implemented as yet by way of a mandamus or direction being issued to the concerned respondents*".

[Emphasis Supplied]

83. On a bare perusal and careful reading of the Order dated 01.09.2025 passed by the Hon'ble Supreme Court demonstrates that it permitted the Applicant to place supporting material before this Hon'ble Tribunal "*so as to seek appropriate reliefs including the reliefs, if any, which were sought earlier and granted by the Tribunal, but which have not been implemented as yet.*"

However, a perusal of the present Original Application reveals that the Applicant has not introduced a single piece of new evidence or data that would demonstrate a subsequent failure on the part of the Respondents to comply with any directions previously passed by this Hon'ble Tribunal in OA 612/2023. Instead, the Applicant's entire case is predicated upon a re-interpretation and re-presentation of the very same submissions and pleadings previously made by the answering Respondent and other Respondents in the concluded OA 612/2023. This opportunistic re-framing of old material, without any new factual substratum, does not constitute the "supporting material" genuinely contemplated or intended by the Supreme Court. It is submitted that the liberty granted by the Hon'ble Supreme Court is only a limited procedural liberty and does not amount to a right to re-interpret or expand the scope of earlier reliefs and therefore, the present Application is nothing but a re-interpretation and re-presentation of earlier reliefs, which is impermissible in law.

84. Further, the Hon'ble Supreme Court, by its order dated 01.09.2025, has not set aside the order dated 26.05.2025 passed by this Hon'ble Tribunal in Execution Application No. 33/2025 (seeking execution of the Judgment dated 21.03.2024, which judgment was also never challenged before the Supreme Court and has attained finality). Instead, the Hon'ble Supreme Court granted liberty to the Applicant to place supporting material before this Hon'ble Tribunal for seeking appropriate reliefs. This liberty was expressly qualified to include only the reliefs granted earlier, if not implemented. However, this liberty does not entitle the Applicant to resurrect and seek those reliefs that were previously rejected by this Hon'ble Tribunal in its Judgment dated 21.03.2024. Thus, the Applicant's entitlement is strictly limited to seeking the execution of only those specific reliefs that were allowed by this Hon'ble Tribunal. Furthermore, the liberty granted is conditional upon demonstrable non-implementation of the previously

granted reliefs. The Applicant can only seek execution to the extent that the allowed reliefs have not been implemented. There is no scope to seek reliefs beyond the original grant or to ask for "more" than what was initially granted by this Hon'ble Tribunal.

85. Assuming without admitting that there is no implementation as asserted by the Applicant, even then the present Original Application is not maintainable as the liberty granted by Hon'ble Supreme Court to seek 'appropriate relief" cannot be interpreted so as to nullify or bypass the settled doctrines of res judicata or constructive res judicata, which are the founded on the principles of finality of litigation and judicial discipline. The said liberty cannot be construed as a carte blanche to reopen, reagitate or re-litigate the issues which have already been conclusively decided on merits by this Hon'ble Tribunal. Law is well settled that even where liberty is granted, the same operates strictly within the confines of the earlier adjudication and cannot be used to circumvent the finality attached to the judicial determinations. Hence, the Hon'ble Supreme Court's order does not dilute, override, or carve out an exception to the settled bar of res judicata or constructive res judicata. It merely preserves this Hon'ble Tribunal's jurisdiction to consider any fresh application in accordance with law, which necessarily includes jurisdictional and statutory bars such as constructive res judicata. The Hon'ble Supreme Court expressly directed that any fresh application shall be considered in accordance with law, thereby reaffirming that the previously omitted grounds cannot be revived. Given these circumstances, the bar of res judicata and constructive res judicata remains fully operative. The present Original Application is an impermissible attempt to litigate matters consciously abandoned in the earlier proceedings and is therefore not maintainable.

86. In addition to the above, it is submitted that the Applicant has improperly invoked the jurisdiction of this Hon'ble Tribunal by simultaneously relying

on Section 14 and Section 25 of the NGT Act, 2010. These provisions operate in entirely distinct and mutually exclusive fields and cannot be invoked together on the same cause of action. Section 14 confers original jurisdiction on the Tribunal to adjudicate a substantial question relating to the environment arising from a fresh cause of action. Section 25, in contrast, provides only a procedural mechanism for execution of an order that has already been passed by the Tribunal and has attained finality, treating such order as a decree of a civil court.

An application cannot, at one and the same time, be an Original Application seeking fresh adjudication on merits and an Execution Application seeking enforcement of a concluded determination. By invoking both provisions together, the Applicant is attempting to re-open and re-litigate issues that stand finally decided, while simultaneously seeking execution of the very same order. This amounts to a clear abuse of process. It is a deliberate attempt to bypass the limited scope of execution proceedings, where the executing forum cannot go behind the decree, and to circumvent the principles of res judicata that bar a fresh original application on the same facts and issues.

PRAYER

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

a) Dismiss the present Original Application being false, frivolous and not maintainable;

b) Hold that the present Original Application is barred by principles of res judicata or constructive res judicata and amounts to abuse of process;

c) Impose exemplary costs on the Applicant to deter repetitive and motivated litigation; and

d) Pass any other order/ direction that this Hon'ble Tribunal may deem fit in the facts and circumstances of the present Original Application and in the interests of justice.

RESPONDENT NO.7

Through:

MILANKA CHAUDHURY | ASHLY CHERIAN | SHIVANKAR SUKUL
Advocates for the Respondent No.7
TRILEGAL
1st Floor, Wings A&B, Prius Platinum,
D-3, District Centre, Saket
New Delhi – 110017
Email: shivankar.sukul@trilegal.com

Place: New Delhi

Date: 20 January 2026

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 528/2025

IN THE MATTER OF:

SOCIETY FOR PROTECTION OF CULTURE, HERITAGE, ENVIRONMENT, TRADITIONS & PROMOTION OF NATIONAL AWARENESS (SP--CHETNA)

.... APPLICANT

VERSUS

UNION OF INDIA & ORS. ... RESPONDENTS

AFFIDAVIT

I, Puskar Nath Thakur, S/o Jahnabi Shekhar Thakur, aged about 45 years, available at New Udaan Bhawan, Terminal 3, Opposite ATC Complex, International Terminal Indira Gandhi International Airport New Delhi-110037, working as Chief Commercial Officer, do hereby solemnly affirm and state as under:

1. I am the authorised to represent Respondent No.7-Delhi International Airport Limited ('**R-7/DIAL**') in the captioned matter by the Board Resolution dated 26.05.2023. I am fully conversant with the facts and circumstances of the present matter and therefore, competent to swear and depose this Affidavit.

2. That the contents of the accompanying Reply have been read and understood by me. It was drafted under my instructions and contents of stated theine are true as per my information based upon the official records maintained by the R-7/DIAL. The statements of facts are true and correct to my knowledge and the legal submissions are believed to be correct as per the advice of my

NOTARY POOJA BHASIN (ADVOCATE) Reg. No.10651 GOVT. OF INDIA

Delhi International Airport Ltd. New Delhi

counsel.

3. That the annexures accompanying the present Reply are true copies of their respective originals.

Delhi International Airport Ltd. New Delhi

DEPONENT

I Identity the deponent who has signed/put T I in my Presence

VERIFICATION

I, Puskar Nath Thakur, the above-named deponent, do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge and belief. Nothing material has been concealed therefrom.

Delhi International Airport Ltd. New Delhi

DEPONENT

Verified New Delhi on this 20 JAN 2026 day of January 2026

NOTARY POOJA BHASIN (ADVOCATE) Reg. No.10651 GOVT. OF INDIA

ATTESTED

NOTARY PUBLIC, INDIA

20 JAN 2026

DELHI INDIRA GANDHI INTERNATIONAL AIRPORT

Delhi International Airport Limited
(Formerly known as Delhi International Airport (P) Limited)

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ANNEXURE R-1

GMR

Registered Office:
New Udaan Bhawan, Opp. Terminal 3
Indira Gandhi International Airport
New Delhi – 110 037
CIN U63033DL2006PLC146936
T +91 11 4719 7000 F +91 11 4719 7181
W www.newdelhiairport.in
E DIAL-CS@gmrgroup.in

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF DELHI INTERNATIONAL AIRPORT LIMITED AT THEIR 102nd MEETING HELD AT 2:00 P.M (IST) ON FRIDAY, MAY 26, 2023.

Authorization for Legal Matters of the Company.

"RESOLVED THAT in supersession of all earlier Resolutions passed in this regard, Mr. G.M. Rao – Executive Chairman, Mr. G.B.S. Raju - Managing Director, Mr. Indana Prabhakara Rao - Executive Director, Mr. Kada Narayana Rao - Whole-Time Director, Mr. Videh Kumar Jaipuriar - Chief Executive Officer, Mr. Shyam Sunder - Deputy Chief Executive Officer, Mr. G.R.K. Babu - CFO (Airports Sector), Mr. Bhaskar Chandran - Group General Counsel - Business Legal, Mr. Ajay Kharbanda - Chief Legal Officer - North & West - Business Legal (Airports Sector), Mr. Hari Nagrani - Chief Financial Officer, Mr. Aseem Mohan - Head Legal, Mr. Dinesh Kumar - Lead Counsel - Business Legal, Mr. Patrick Muller - Chief Operating Officer, Mr. Tarun Arora - Chief Commercial Officer – Non – AERO and Mr. Puskar Nath Thakur - Chief Commercial Officer – AERO, Ms. Pradnya Kulkarni - Head – Procurement, Mr. Keshava Murthy T V - Chief Human Resource Officer, Mr. Bithal Kumar Bhardwaj - Group Chief Information Security Officer – Technology, Mr. Rahul Shandilya – Group Chief Info & Digital Officer - Corporate IT, Mr. Srinadh Prasad K - Chief Information Officer – DIAL – IT, Mr. Dheeraj Gehani - Group Head -Enterprise IT Infrastructure, Mr. Pankaj Kalra - Head - Revenue Management – Procurement and Mr. Abhishek Chawla - Company Secretary of the Company etc., be and are hereby severally authorized, as long as they are associated with the Company:

(a) To institute, defend, prosecute, conduct, pursue, compound, settle, withdraw or compromise legal or other proceedings, claims and disputes by or against the company or in which the company may be concerned or interested before any court, tribunal, judicial or quasi-judicial bodies, arbitrator, conciliator, Governmental or regulatory authorities or any other forum.

(b) To accept service of any writ, summons or other legal processes and to appear and to represent the company before any courts or judicial or quasi-judicial bodies or revenue authorities or administrative bodies or executive officers or tribunals or commissions and/or before all other Governmental or regulatory authorities including municipal, industrial, labour, tax authorities, and other bodies etc. whatsoever, as the said person(s) may deem fit and proper in interest of the company, and for and on behalf of the company, in the name of the company or otherwise, as may be necessary to commence any or defend any action, suit,

claim, complaint, reply, appeal, petition, settlement, arbitration or other proceedings before any court, judicial or quasi-judicial bodies, revenue authorities, industrial bodies, labour bodies, or any other officer, body, authority ,Commission, or tribunal etc. for any reliefs, declaration, right, title, interest, property, matter or thing wherein the company is or may hereafter become interested or concerned by any means or on any account whatsoever or otherwise in relation to any of the company's affairs, property and business or in which the company, may be or may be deemed to be necessary as a party and the same action, suit, claim, reply, complaint, appeal, petition or proceedings to prosecute or discontinue, or to become non-suit therein, if the said person(s) shall think fit or be advised and to take all execution and other proceedings and also to take such other lawful ways, means or steps for the enforcement, realization or possession of any relief's, rights, interests, claims, demands or property in relation to any of the properties, affairs and business of the company whatsoever, to which the said person(s) may consider the company to be entitled or which may be considered to be due, owing or belonging to the company by or from any person(s), firm or company whatsoever and to sign and file/cause filing of Caveats before any Court of Law with regards to the above.

(c) To join with any other party as a party to any action, suit, complaint, petition, appeal or other legal proceeding whether as plaintiff or complainant or defendant or appellant or respondent and to interplead, claim set-off or make a counter claim, and to issue or cause to be issued third party notices.

(d) To appoint advocates, lawyer(s), solicitors, legal practitioners etc. related to the above stated legal matters and sign and execute Vakalatnama in this regard.

(e) Generally to do all other acts, deeds and things, which are necessary, incidental to and deem fit by the above person(s) in respect of the above matters.

RESOLVED FURTHER THAT the Managing Director of the Company be and is hereby authorized to further authorize officials of the Company from time to time and to make suitable modification to the authority delegated, including change in executives /authorized signatories and other instructions in connection with matters as covered in the above resolution."

CERTIFIED TRUE COPY
For and on behalf of
Delhi International Airport Limited

Abhishek Chawla
Company Secretary

Delhi International Airport Ltd. New Delhi

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ANNEXURE R-2

Item No. 24 Court No. 1

BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 528/2025
(IA No. 681/2025)

With

Caveat No. 12/2025

Society for Protection of Culture Heritage Environment
Traditions & Promotion of National Awareness (Regd.)

Applicant

Versus

Ministry of Enviornment Forest and
Climate Change & Ors.

Respondent(s)

Date of hearing: 25.11.2025

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

Applicant: Mr. Sanjeev Anand, Senior Advocate with Ms. Madhumita Singh, Adv. for Applicant (Through VC).

Respondents: Mr. Atmaram Nadkarni, Senior Advocate with Mr. Milanka Chaudhury, Mr. Ashly Cherian & Mr. Shivankar Sukul, Advs. for R – 7.

ORDER

1. Learned Senior Counsel appearing for the applicant submits that this OA has been filed in pursuance to the liberty granted by the order of the Hon'ble Supreme Court dated 01.09.2025 passed in Civil Appeal No. 11051/2025.

2. He submits that the Civil Appeal was filed before the Hon'ble Supreme Court challenging the order of the Tribunal dated 26.05.2025 passed in EA No. 33/2025 in OA No. 612/2023. Learned Senior Counsel

seeks 02 weeks' time to place on record a copy of the order dated 26.05.2025 passed by the Tribunal.

3. Learned Senior Counsel appearing for the respondent no.7- Delhi International Airport Ltd., on Caveat has sought permission to file the preliminary objection.

4. The prayer is allowed. Let the same be filed after supplying an advance copy to the Learned Counsel for the applicant.

5. List on 05.01.2026.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

November 25, 2025
OA No. 528/2025
AM

ANNEXURE R-3

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Execution Application No. 24/2019

IN

Appeal No. 60/2013

Society for Protection of Culture, Heritage, Environment, Traditions and Promotion of National Awareness
[Also known as 'CHETNA'] ...Applicant

Versus

Union of India & Ors. ...Respondents

INDEX

RESPONDENT NO. 4

Through

LINK LEGAL-INDIA LAW SERVICES
Ashly Cherian/Milanka Chaudhury / Abhishek Sharma
Advocates for the Respondent No. 4
Thapar House, Central Wing, 1st Floor,
124 Janpath, New Delhi-110001
Ph: 011-46511000

New Delhi
Dated: 20.06.2019.

True Copy

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
EXECUTION APPLICATION NO. 24/2019
IN
APPEAL NO. 60/2013

IN THE MATTER OF:

Society for Protection of Culture, Heritage, Environment, Traditions and Promotion of National Awareness **... Applicant**

Versus

Union of India & Ors. **...Respondents**

AFFIDAVIT ON BEHALF OF DELHI INTERNATIONAL AIRPORT LIMITED

I, Douglas Webster, S/o Mr. Jack Leonard Webster, aged about 57 years, working as Chief Operating Officer ('COO') and authorised signatory of the Respondent No.4 - Delhi International Airport Limited having its office at New Udaan Bhawan, Terminal-3, Opposite Terminal -3, Indira Gandhi International Airport, New Delhi, do hereby solemnly affirm and state as under:-

1. I state that I am the authorised representative of the Respondent No.4, Delhi International Airport Limited and I in my official capacity, based on records of the Respondent No.4 maintained in the usual course of business and being well conversant with the facts and circumstances of the present case, state that I am competent to file the present affidavit.

NOTARY Name: R R Bansal Area: New Delhi Regd. No. 10618/14 Expiry Date: 27/06/2019 GOVT. OF INDIA

2. I state that the Respondent No.4 became aware of the captioned execution application filed by the Applicant for enforcement of the directions passed in judgment dated 24.11.2017 ("**judgment**") in Appeal No. 60/2013 through information available in the public domain. I further state that it was through the information available in public domain that the Respondent No.4 was made aware of the order dated 21.05.2019 passed by this Hon'ble Tribunal in the captioned matter directing the answering Respondent as well as the Airport Authority of India to file an Action Taken Report in compliance of the directions passed in its

judgment. I state that neither the captioned execution application nor the order dated 21.05.2019 passed by this Hon'ble Tribunal was served upon the Respondent No.4 nor has the Respondent No.4 received any notice of the same.

3. I state that the Deponent thereafter downloaded the order dated 21.05.2019 passed by this Hon'ble Tribunal in the captioned matter from the website of the National Green Tribunal and in compliance of the said order, the Respondent No.4 is filing the Action Taken Report alongwith the present Affidavit which is marked as **Annexure A-1.** (46-205)

4. It is relevant to state that the Respondent No.4 as well as various stakeholders at the airport had filed a limited challenge to one of the directions passed by this Hon'ble Tribunal before the Hon'ble Supreme Court. The Hon'ble Supreme Court vide its order dated 06.08.2018 was pleased to allow the appeal and held as under:

> *"The National Green Tribunal vide its Order dated 24.11.2017 had issued various directions in these matters. The appellants are aggrieved only by Direction No. 7 which reads as under:*
>
> *"7. All the coaches/buses and other vehicles plying at the airport should be CNG and must comply with the prescribed emission standards. Non-CNG buses/coaches or other vehicles plying at the airport, should be converted to CNG within six months from today."*
> *It is pointed out by the appellants herein that, apart from the coaches and buses, the National Green Tribunal has directed even "other vehicles plying at the airport should be CNG". It is pointed out that there are vary kinds of specialized vehicles which cannot be on CNG mode at all. It is also pointed out by the learned counsel for Delhi*
> *International Airport Ltd. ("DIAL") that is supposed to provide certain fire tender and various kinds of vehicles for quick reaction teams which cannot be also on CNG mode.*
> *In our view, the grievance raised by the appellants seems to be justified. We, therefore, modify Direction No. 7 by removing the*

words "other vehicles" therefrom, meaning thereby, the direction shall be confined to coaches and buses.

The appeals are allowed in the aforesaid terms. Pending applications, if any, stand disposed of."

Copy of the order dated 06.08.2018 passed by the Hon'ble Supreme Court is annexed herewith as **Annexure A-2.** (206-211)

5. I state that the contents stated in the present Affidavit are true and correct to my knowledge and nothing material has been concealed therefrom this Hon'ble Tribunal.

For Delhi International Airport Ltd.

Authorised Signatory

DEPONENT

VERIFICATION

Verified at New Delhi on this 20 day of June 2019 that the contents of above affidavit are true and correct to my knowledge and nothing material has been concealed therefrom

For Delhi International Airport Ltd.

Authorised Signatory

DEPONENT

IDENTIFIED BY

NOTARY
Name: R P. Bansal
Area: New Delhi
Regd. No. 10678/14
Expiry Date: 27/06/2019
GOVT. OF INDIA

ATTESTED
Notary Public, Delhi
(As Presented)
20/06/19

DATE: 21.06.2019

ACTION TAKEN REPORT ON BEHALF OF DELHI INTERNATIONAL AIRPORT LIMITED

The Hon'ble National Green Tribunal vide its judgment dated 24.11.2017 passed in Appeal No. 60 of 2013 had issued directions at Para 15 to Delhi International Airport Limited ("**DIAL**") to be undertaken at the Indira Gandhi International Airport ("**IGI Airport**"). The status of compliance with the said directions are as under:

DIRECTION NO.1 (CONTAINED IN PARA 15, SUB-PARA 3)

"We direct all the official respondents to take all mitigating measures for reducing noise pollution in terms of the report submitted by MoEF and as even proposed by these very respondents themselves, expeditiously."

The status of Direction No.1 is as follows:

1. DIAL has undertaken aircraft noise mitigation measures at IGI Airport. These mitigation measures are in line with the International Civil Aviation Organization ("**ICAO**") guidelines and the report submitted by MoEF&CC. **Following are the aircraft noise mitigation measure adopted at IGI Airport by DIAL and Airport Authority of India ("AAI").**

    i) **Continuous Descent Approach:**

    Continuous Descent Approach ("**CDA**") is an aircraft operating procedure in which an arriving aircraft descends with minimum

thrust and avoids step down flight to the extent permitted by the safe operation of the aircraft and compliance with published procedures and ATC. It results in to reduced noise and fuel consumption as compared to other conventional descents.

AAI has adopted CDA for aircraft landing at IGI Airport and has communicated this through Aeronautical Information Publication ("**AIP**") which has initially made effective from 21st October 2010. Further, AAI has issued eAIP dated 19th July 2018 which specifies the CDA as part of the Noise Abetment Procedures. It is followed by pilots while landing at IGI Airport for smooth landing with comparatively less engine thrust. Therefore, the noise levels are less than the conventional stepped down approach in the close vicinity of airport.

Copy of the eAIP dated 19th July 2018 is annexed as Annexure **A.**

ii) **Mixed Mode Operations:**

Mixed Mode Runway Use Plan is adopted as one the noise abatement operational procedures at IGI Airport. The purpose of this measure is to ensure that the effect of noise is equitably distributed to all the developed places and residential locations located below the flight path of the aircraft and consequently the

impact of noise is not localized to a particular settlement. This helps in reducing the effect of noise levels generated by aircrafts during landing and taking-off in the vicinity of IGI airport. The last AIP was issued on 08thNovember 2018 for runway use plan by AAI. The supplement provides the segregated mode of operations on the rotation basis as per prevailing wind direction, in which one runway is used exclusively for landings for a specified period while the other runway is used for departures thus providing reduced noise exposure to the communities under the respective approach funnel.

Copy of AIP dated 08th November 2018 is annexed herewith as **Annexure B.**

iii) **Operation of Chapter 2 Aircraft**

As a mitigation measure, DGCA had initially issued A Notice to Airmen ("NOTAM") on operation of Chapter 2 Aircraft i.e. aircrafts with old noisy engines, restricting their landings during the period 2200 IST – 0600 IST at IGI airport. All operators have been advised to make necessary actions to comply with this requirement which finds mention in the eAIP issued on 19th July 2018. However, Ministry of Defense, Chapter 2 aircrafts are

allowed to operate during this period, since IGI Airport runways are also used by Air Force on National Defence purpose.

iv) **Restricted use of Thrust Reversal**

Thrust reversal, also known as reverse thrust, is a momentary process for safe landing of aircraft after it touch downs from its very high speed on air, wherein the direction of the exhaust from aircraft engine is directed forward after landing to slow down the aircraft movement and control stability and safe breaking. Reverse thrust is typically applied immediately after the aircraft touchdown in conjunction with spoilers, to improve deceleration during landing. This usually results in momentary increase in noise level adjacent to runway. Since May 2009, NOTAM is in place wherein airlines have been asked to avoid the use of thrust reversal while landing at IGI Airport unless it is deemed necessary for safety reasons. Since use of thrust reversal is pilot's decision and a safety issue, it cannot be insisted upon in all cases. Further, this instruction has also been added in the AIP issued on 19th July 2018. by AAI for pilot's to be "*consistent with safety of aircraft operations and in consideration of high intensity runway operations, pilots should minimize the use of, reverse*

thrust after landing to reduce disturbance in areas adjacent to the aerodrome."

v) **Noise Standard for Airports**

MoEF&CC has published Airport Noise Standard as Leq on 06.07.2018 for busy and other upcoming airports with the requirements and responsibilities, and the same shall be complied within the stipulated timelines by all airports in India. As per notification, all airports in India including IGIA has to comply with the notification by 17th June 2020. DIAL has initiated the process of defining the Airport Noise Zone along with Air Navigation Service Provider (AAI). The requirements of airport noise mapping, mapping of Standard Terminal Arrival Route / Standard Departure Route and GSR 751 (e) have been communicated to Air navigation Service provider (AAI). Post the approval of DGCA basis these inputs, airport noise zone will be notified within the stipulated time period. As a part of mitigation measures in the report submitted, the interim noise limits for aircrafts set by DGCA 105 dB(A) in Lmax for day and 95 dB(A) in Lmax for night is being monitored. Noisy aircrafts are being identified and communicated to airlines for creating awareness and to adopt effective noise mitigation measure while landing and take-off at IGI airport and to comply with the standard.

Copy of the Notification dated 06.07.2018 is annexed herewith as **Annexure C**

vi) **Aircraft Noise Monitoring**

Continuous Aircraft noise monitoring terminals (NMT's) have been installed under the approach and departure funnels of the IGI airport to measure and monitor the aircraft noise level. The NMT's are recording the sound levels on real time basis. Noisy aircrafts are being identified and communicated to airlines for creating awareness.

vii) **Aircraft Noise Complaint Redressal System**

Aircraft Noise Complaint Redressal System has been established by DIAL to collect and address the community noise complaints due to aircraft operations with an active telephone number 011-47198600. Complaint communicating channels are published in website and in prominent local newspapers.

Copy of the announcements in the newspaper is annexed as **Annexure D.**

viii) **Restricted usage of Ground Engine Run-ups**

Ground engine run-ups of aircraft engine are a source of noise at the airport and is a part of engine testing after mandatory maintenance procedure. At IGI airport, designated locations

have been earmarked to perform ground engine run-ups. These locations are away from residential locality.

ix) **Restriction on use of GPU/APU**

DIAL has provided Fixed Electrical Ground Power (FEGP) at aerobridge and continuously monitors the FEGP usage. Fixed Electrical Ground Power units help in reducing ground noise at airport also reduces the carbon emission. Airlines are advised to switch off APU while parking at aerobridge where FEGP facility is available.

x) **Sound Barrier**

Sound barrier has been constructed as per IIT Delhi recommendation, which will assist in attenuation of the noise generated by the aircraft during landing and application of reverse thrust.

DIRECTION NO.2 (CONTAINED IN PARA 15, SUB-PARA 4)

"*The official respondents shall act in furtherance to the report of IIT in relation to construction of sound barriers, which report of IIT is accepted by the Tribunal. However, if any, variations are suggested and the official respondents consider it proper to carry out such variations on the ground of safety, security and height of the sound barrier walls, the same may be*

implemented after discussion with the team of IIT. The sound barriers should be constructed at the earliest and in accordance with report."

The status of Direction No.2 is as follows:

1. This Hon'ble Tribunal vide its order dated 24.11.2017,directed DIAL to construct sound barriers in accordance with IIT Delhi report, whereby, it was recommended to develop the sound barrier of 1.05 Km length along the boundary wall in the south of runway 29-11. In compliance of the direction, DIAL has constructed a sound barrier along the boundary wall in the south of runway 29-11, which will help in reducing the noise levels once the aircraft has touched down or is about to take off on the runway 29/11. Copy of the IIT recommended design is annexed as **Annexure E.**

   The aircraft noise at the IGI Airport are generated typically during braking process shortly after the touchdown. The sound generated after touchdown may also depend on pilot action during landing process, size of the aircraft, type of aircraft, and its overall design (newer aircrafts are quieter). DIAL has completed the construction of sound barrier as per the design recommended by IIT Delhi along the boundary wall in the south of runway 29-11. Construction of sound barrier took place in a phased manner in a bid to ensure aviation safety and security in not compromised. The sound barrier helps in reduced noise exposure of area adjacent to Runway 29/11 on the south side.

DIRECTION NO.3 (CONTAINED IN PARA 15, SUB-PARA 5)*"The official respondents shall ensure providing of a green belt around the boundary wall of the airport, while keeping the safety and security both in mind. The plantations shall be of the species which would only grow to the permissible height or would be maintained at the permissible height only."*

The status of Direction No.3 is as follows:

1. Further to the newly developed sound barrier along the boundary wall in the south of runway 29-11, a dense coverage of four rows of trees on the four lane Dwarka Link Road and its service roads is already existing in the southern boundary wall of the IGI Airport parallel to the runway 29/11 throughout its length and beyond. It supports in sound attenuations of aircrafts operating on runway 29/11 to its nearby commercial farms and residents adjacent to runway.

2. To comply with the directions of this Hon'ble Tribunal, DIAL has further enhanced the greenbelt by planting shrubs at the airside at the possible location in intervals after taking account of bird and wildlife attraction and other operational risk and airport security and aviation safety. The shrubs will be maintained at a height of 2 meter. However, in future if any security concern is envisaged by Authority, the planted shrubs will be replanted to other locations of IGI Airport to ensure proper airport security and safety. Since the IGI Airport falls in the Hypersensitive Airport as per Bureau

of Civil Aviation Security ("**BCAS**"), various authorities enable the safety and security needs time to time as per priority. BCAS, laying down Aviation Security Standards in accordance with Annex 17 to Chicago Convention of ICAO for airport operators, airlines operators, and their security agencies responsible for implementing AVSEC measures.

DIRECTION NO.4 (CONTAINED IN PARA 15, SUB-PARA 6) *"The official respondents may issue an advisory to all the airlines whose aircrafts land at the runway of the IGI and domestic Airport, New Delhi to ensure 'judgment based' use of reverse thrust keeping in view weather, length of run way, wind, and other attendant circumstances to reduce the noise level particularly at the time of landing of aircrafts."*

The status of Direction No.4 is as follows:

1. In compliance of this Hon'ble Tribunal's order, DGCA through AAI has issued an eAIP dated 19th July 2018 whereby it has been incorporated that *"Consistent with safety of aircraft operations and in consideration of high intensity runway operations, pilots should minimize the use of, reverse thrust after landing to reduce disturbance in areas adjacent to the aerodrome." It is mandatory to all airlines to follow the information published in AIP."*

DIRECTION NO.5 (CONTAINED IN PARA 15, SUB-PARA 7) *"All the coaches/buses and other vehicles plying at the airport should be CNG and must comply with the prescribed emission standards. Non-CNG buses/coaches or other vehicles plying at the airport, should be converted to CNG within six months from today."*

The status of Direction No.5 is as follows:

All stakeholders including Airlines, In Flight Kitchen Operators, Airlines, Federation of Indian Airlines, Ground Handlers and DIAL being aggrieved by this direction of Hon'ble Tribunal, had approached to the Hon'ble Supreme Court for modification of the order dated 24.11.2017. The Hon'ble Supreme court vide its order dated 06-08-2018, modified this direction and held that:

"In our view, the grievance raised by the appellants seems to be justified. We, therefore, modify Direction No. 7 by removing the words "other vehicles" therefrom, meaning thereby, the direction shall be confined to coaches and buses."

In compliance of the order passed by the Hon'ble Supreme Court and this Hon'ble Tribunal order, it is stated that all coaches and buses at IGI Airport are CNG operated vehicles.

For Delhi International Airport Ltd.

Authorised Signatory

Douglas Webster
(Chief Operating Officer)
DELHI INTERNATIONAL AIRPORT LIMITED

ANNEXURE R-4

Item No. 04 True Typed Copy Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Execution Application No. 24/2019

IN

Appeal No. 60/2013

(With report dated 30.08.2019)

Society for Protection of Culture, Heritage, Environment,

Traditions and Promotion of National Awareness Appellant(s)

Versus

Union of India & Ors. Respondent(s)

Date of hearing: 18.09.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON

HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Appellant(s): Mr. Anil Sood, Applicant in person

For Respondent(s): Mr. Milanka Choudhary, Advocate for Delhi International Airport Limited

Ms. Anjana Gosain, Advocate for Airport Authority of India

ORDER

True Copy

1. This Execution application seeks enforcement of order dated 24.11.2017 passed by this Tribunal. The application dealt with the grievance of grant of Environmental Clearance (EC) for construction of third run way at IGI Airport, New Delhi.

2. According to the applicants who were residents of Vasant Kunj, in absence of adequate mitigation measures, there was unchecked noise pollution on the run way affecting the inhabitants. The Tribunal sought a report from IIT and after considering all the facts and circumstances directed as follows:-

> *"3. We direct all the official respondents to take all mitigating measures for reducing noise pollution in terms of the report submitted by MoEF and as even proposed by these very respondents themselves, expeditiously.*
>
> *4. The official respondents shall act in furtherance to the report of IIT in relation to construction of sound barriers, which report of IIT is accepted by the Tribunal. However, if any, variations are suggested and the official respondents consider it proper to carry out such variations on the ground of safety, security and height of the sound barrier walls, the same may be implemented after discussion with the team of IIT. The sound barriers should be constructed at the earliest and in accordance with report.*
>
> *5. The official respondents shall ensure providing of a green belt around the boundary wall of the airport, while keeping the safety and security both in mind. The plantations shall be of the species which would only grow 2 to the permissible height or would be maintained at the permissible height only. 6. The official respondents may issue an advisory to all the airlines whose aircrafts land at the*

runway of the IGI and domestic Airport, New Delhi to ensure 'judgment based' use of reverse thrust keeping in view weather, length of run way, wind, and other attendant circumstances to reduce the noise level particularly at the time of landing of aircrafts. 7. All the coaches/ buses and other vehicles plying at the airport should be CNG and must comply with the prescribed emission standards. Non – CNG buses/coaches or other vehicles plying at the airport, should be converted to CNG within six months from today."

3. Execution application is filed with a grievance that directions of this Tribunal were not complied with.

4. Vide order dated 21.05.2019, the Tribunal sought a factual and action taken report from the Airport Authority of India (AAI) and Delhi International Airport Limited (DIAL). Accordingly, factual and action taken report dated 30.08.2019 has been filed by the AAI and affidavit has also filed on behalf of the DIAL indicating the steps taken.

5. The main question for consideration is the compliance of direction number 6 as far as AAI is concerned. According to the action taken report, NOTAM was issued by AAI which has been incorporated in the Aeronautical Information Publication on 11.10.2018. Information regarding use of reverse thrust by pilots is applicable to Delhi, Mumbai, Bengaluru, Chennai, Hyderabad and Kolkata.

6. As regards direction numbers 3, 4, 5 and 9, the said publication applies to all airlines fly to Delhi. DIAL has pointed out that order for use of CNG cover by direction number 7 was partly modified by the Hon'ble Supreme Court vide order dated 06.08.2018. As regards noise pollution, steps have

been taken in terms of MOEF&CC Notification dated 06.07.2018 laying down certain requirements which have to be complied by 17.06.2020.

7. We suggest that DIAL should not only measure and maintain the prescribed noise levels but also display the same in public domain.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 18, 2019

Execution Application No. 24/2019

IN

Appeal No. 60/2013

A

True Copy

ANNEXURE R-5

BEFORE THE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

MEMORANDUM OF APPLICATION

[Under Section 18(1) Read with Section 14 & 15 of the National Green Tribunal Act, 2010]

Original Application No..... of 2023

IN THE MATTER OF:

Society for Protection of Culture, Heritage,
Environment, Traditions & Promotion of
National Awareness (Regd.)
Also known as (SP-CHETNA) ... Applicant

VERSUS

Union of India & Ors. .... Respondents

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Applicant

For S P CHETNA

Authy President

Date:

Place: New Delhi

Anil Sood

A 414-415,

Somdutt Chambers 1,

Bhikaji Cama Place, New

Delhi-110066

Email id: anilsood@spchetna.com

Madhumita@casassociates.in

9971117801 (Anil Sood)

9971117818 (Madhumita Singh)

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

MEMORANDUM OF APPLICATION

[Under Section 18(1) Read with Section 14 & 15 of the National Green Tribunal Act, 2010]

Original Application No..... of 2023

IN THE MATTER OF:

Society for Protection of Culture, Heritage,
Environment, Traditions & Promotion of
National Awareness (Regd.)
Also known as (SP-CHETNA) ... Applicant

VERSUS

Union of India & Ors. .... Respondents

Memo of Parties

Society for Protection of Culture, Heritage,
Environment, Traditions & Promotion of
National Awareness (Regd.)
A-414-415, Somdutt Chambers,
5 Bhikaji Cama Place,
New Delhi-110066,
Also known as (SP-CHETNA)
Through its President **... Applicant**

Versus

1. **Union of India,**
   Through its Secretary

Ministry of Environment, Forest & Climate Change
Indira Bhawan, Jor Bagh
New Delhi-110003

2. Central Pollution Control Board
Through its chairman
Parivesh Bhawan,
CBD-cum-Office Complex,
East Arjun Nagar,
DELHI - 110 032

3. Ministry of Civil Aviation,
Through its secretary,
Rajiv Gandhi Bhavan,
Safdarjung Airport,
New Delhi – 110 003.

4. Airport Authority of India
Through its chairman,
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi, Delhi 110003

5. Director General of Civil Aviation
Through Director General,
Opp. Safdarjung Airport,
New Delhi-110003

6. Delhi Pollution Control Committee
Through its chairman,
4th Floor, ISBT Building,
Kashmere Gate,
Delhi -110006

7. **Delhi Development Authority,**
   Through its Vice Chairman,
   Vikas Sadan, INA,
   New Delhi-110003

8. **Lt. Governor of Delhi,**
   Raj Niwas, Rajpur Road,
   Delhi – 110054

9. **Delhi International Airport Ltd.,**
   New Udaan Bhawan, IGI Airport,
   Opposite T3,
   New Delhi 110037

... Respondents

Date:

Applicant

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9971117801 (Anil Sood)

9971117818 (Madhumita Singh)

BEFORE THE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

MEMORANDUM OF APPLICATION

[Under Section 18(1) Read with Section 14 & 15 of the National Green Tribunal Act, 2010]

Original Application No..... of 2023

IN THE MATTER OF:

Society for Protection of Culture, Heritage,
Environment, Traditions & Promotion of
National Awareness (Regd.)
A-414-415, Somdutt Chambers,
5 Bhikaji Cama Place,
New Delhi-110066,
Also known as (SP-CHETNA)
Through its President ... Applicant

Versus

1. Union of India,
   Through its Secretary
   Ministry of Environment, Forest & Climate Change
   Indira Bhawan, Jor Bagh
   New Delhi-110003

2. Central Pollution Control Board
   Through its chairman
   Parivesh Bhawan,
   CBD-cum-Office Complex,
   East Arjun Nagar,
   DELHI - 110032

3. Ministry of Civil Aviation,
   Through its secretary,
   Rajiv Gandhi Bhavan,
   Safdarjung Airport,
   New Delhi – 110 003.

4. Airport Authority of India
   Through its chairman,
   Rajiv Gandhi Bhawan,
   Safdarjung Airport,
   New Delhi, Delhi 110003

5. Director General of Civil Aviation
   Through Director General,
   Opp. Safdarjung Airport,
   New Delhi-110003

6. Delhi Pollution Control Committee
   Through its chairman,
   4th Floor, ISBT Building,
   Kashmere Gate,
   Delhi -110006

7. Delhi Development Authority,
   Through its Vice Chairman,
   Vikas Sadan, INA,
   New Delhi-110003

8. Lt. Governor of Delhi,
   Raj Niwas, Rajpur Road,
   Delhi – 110054

9. Delhi International Airport Ltd.,
New Udaan Bhawan, IGI Airport,
Opposite T3,
New Delhi 110037 ... Respondents

A PETITION UNDER SECTION 18(1) R/W. SECTION 14 & 15 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010

TO,
THE HON'BLE CHAIRPERSON
AND HIS OTHER COMPANION MEMBERS
OF THE NATIONAL GREEN TRIBUNAL
NEW DELHI

MOST RESPECTFULLY SHOWETH AS UNDER:

1. The petitioner is filing the present petition seeking directions of this Hon'ble Tribunal to enforce its judgment/order dated 24th November 2017 passed in Appeal No.60/2013 (THC) whereby this Hon'ble Tribunal had issued various directions for taking mitigating measures for reducing noise pollution in and around the Airport which has not been complied with. As a part of the compliance of the aforesaid directions of this Hon'ble Tribunal, the respondents were to ensure that the noise levels subsequently fixed for the busy airports such as the Delhi Domestic and International Airport, by way of amendment of the Environment (Protection) Rules, 1986 vide notification dated 18th June, 2018 issued under Section 6 & 25 of the Environment (Protection) Act, 1986, which has not been done by the respondents, violating and infringing their fundamental right to life guaranteed under Article 21 of the Constitution. It is submitted that the noise pollution generated at and around the Airport is of such a magnitude that it is affecting the day-to-day living and health of the public residing

around the Delhi Airport. That, the Petitioner through the present petition is seeking intervention of this Hon'ble Tribunal on the fact of very high noise pollution generated and illegal distribution of the same by Respondent No. 9 while operating Runway no.(s) 3 and 4, in gross violation of limits prescribed under Notification No. GSR.568(E) dated 18th June 2018, and **Environmental** clearance granted by Respondent No.1, vide File No. 10-72/2016-1A-lll dated 30th May 2018.

The Respondent No.9 has admitted the fact on generation of noise levels higher than prescribed ambient noise standards at sub para (c) at page no. C3-45 at page no. 72, in the Final Environmental Impact Assessment Report submitted in July 2017. Further, Respondent No. 9 has admitted that as a mitigation measure, its distributes the noise pollution over and above the prescribed limits on different runways. This act of Respondent No.9 i.e., distribution of noise pollution at page no. C4-26, at page no. 73, is prohibited as admitted by Respondent No.2.

All the Respondents despite repeated complaints from time to time have failed to take remedial action, which is in gross violation of law of the land, which has been once again upheld by Hon'ble Supreme Court in the case of **Hanuman Laxman Aroskar v. Union of India [(2020) 12 SCC 1]**.

The copies of Notification No. GSR.568(E) dated 18th June 2018, Environmental Clearance granted to Respondent No.9 dated 30th May 2018, relevant pages of Final Environment Impact Assessment submitted by Respondent No. 9, in July 2017, and letter dated 3rd January 2023 issued by Respondent No.2 are annexed herewith **Annexures–1, Annexure 2, Annexure 3 and Annexure 4** respectively.

FACTS IN BRIEF:

1. The Respondent No. (s) 2 and 6 while admitting that it does not permit distribution of high noise pollution, have passed on responsibility to Respondent No. 5, who has refused even to acknowledge the existence of the problems, leave alone acting. The copies of the letter No. CP—15099/12021-UPC-I-HO-CPCB-HO/7809 dated 4th January 2023 and CP—15099/12021-UPC-I-HO-CPCB-HO/7109 dated 3rd November 2022 , addressed by Respondent No.3 to Respondent No. (s) 6 and 7, and copy of letter No. DPCC/CMC- iV/2023/53-55 dated 6th February 2023 written by Respondent No. 6 to Respondent No. 5 are annexed herewith as **Annexure 5** respectively.

2. Petitioner is a society registered under Society Registration Act bearing certificate No DL/2009/0008129. The Petitioner is accredited and is enrolled with Ministry of Home affairs. Petitioner most respectfully submits that it is an association of individuals who have come together with the objective of serving the mankind and maintaining, preserving cultural heritage of our motherland. Petitioner has been espousing for the cause of environment and societal betterment on which existence of mankind is dependent. Petitioner herein states that it has no personal motives or likely gain for the cause and relief prayed in the instant petition. Petitioner has neither directly nor indirectly any interest which has a bearing on the litigation. Petitioner states that it is agitating the issue in the larger public interest and has no personal agenda associated with it. Petitioner states that it, for the cause and greater good of greater number has filed and carried many other litigations before the Hon'ble Court as well in the Hon'ble Tribunal and Apex Court. Shri Anil Sood, President of the society by resolution dated 25th October 2021 has been authorized by the petitioner to represent, engage lawyer, file, and

swear affidavit for the cause and relief prayed in the petition, instant. Certified copy of extract of board resolution dated 25th October 2021 along with legible typed printed contents is being annexed as **Annexure 6.**

3. Respondent No.1 is the nodal agency in the administrative structure of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environmental and forestry policies and programmes. It is also responsible for Prevention and control of pollution and Protection of the environment in line with National Environment Policy 2006, mandate of which is as follows: -

> *The is a response to our national commitment to a clean environment, mandated in the Constitution in Articles 48 A and 51 A (g), strengthened by judicial interpretation of Article 21. It is recognized that maintaining a healthy environment is not the state's responsibility alone, but also that of every citizen. A spirit of partnership should thus be realized throughout the spectrum of environmental management in the country. While the state must galvanize its efforts, there should also be recognition by each individual - natural or institutional, of its responsibility towards maintaining and enhancing the quality of the environment.*

4. Respondent No. 2 herein, is a statutory organisation, that was constituted in September 1974 under the Water (Prevention and Control of Pollution) Act, 1974. Further, CPCB was entrusted with the powers and functions under the Air (Prevention and Control of Pollution) Act, 1981. It serves as a field formation and provides technical services to the Ministry of Environment and Forests of the provisions of the Environment (Protection) Act, 1986. Principal Functions of the CPCB, as spelt out in the Water

(Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981,

(i) *to promote cleanliness of streams and wells in different areas of the States by prevention, control and abatement of water pollution, and*

(ii) *to improve the quality of air and to prevent, control or abate air pollution in the country.*

5. Respondent No. 3 is responsible for formulation of national policies and programmes for the development and regulation of the Civil Aviation sector in the country. It is responsible for the administration of the Aircraft Act, 1934, Aircraft Rules, 1937 and various other legislations pertaining to the aviation sector in the country. The Directorate General of Civil Aviation is the regulatory body in the field of Civil Aviation primarily dealing with safety issues. It is also responsible for regulation of air transport services to/from/within India and for enforcement of civil air regulations, air safety and airworthiness standards. It also co-ordinates all regulatory functions with International Civil Aviation Organisation.

6. Respondent No.4 was constituted by an Act of Parliament and came into being on 1st April 1995 by merging erstwhile National Airports Authority and International Airports Authority of India. The merger brought into existence a single Organization entrusted with the responsibility of creating, upgrading, maintaining, and managing civil aviation infrastructure both on the ground and air space in the country. It manages a total of 137 airports which include 24 International airports (3 Civil Enclaves), including airports operating under Public Private Partnership 10 Custom Airports (4 Civil Enclaves) and 103 Domestic airports (23 Civil Enclaves). It is also controlling the

operations of the airports in terms of recording the noise levels at the airports both at the time of landing and take-off of the aircrafts.

7. Respondent No. 5 is an attached office of the Ministry of Civil Aviation. It is the regulatory body in the field of Civil Aviation primarily dealing with safety issues. It is responsible for regulation of air transport services to/from/within India and for enforcement of civil air regulations including but not limited to air and noise pollution control measures, air safety and airworthiness standards, investigation of serious incidents, accidents. It also co-ordinates all regulatory functions with International Civil Aviation Organisation. In this regard it also collects various information regarding Environmental issues as mandate by International Civil Aviation (ICAO).

8. Respondent No. 6 has been constituted under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 6 of the Air (Prevention and Control of Pollution) Act, 1981 the Central Pollution Control Board (CPCB) is empowered to perform the functions of the State Pollution Control Board for all Union Territories. The CPCB has delegated all its powers and functions as a State Board in respect of the UT of Delhi to a committee of officials as specified by the Central Government in March 1991. Thus, for all practical purposes it is responsible enforcing air and noise pollution Rules and Regulations in the GNCT of Delhi.

9. Respondent No.7 The Delhi Development Authority (DDA) was created in 1957 under the provisions of the Delhi Development Act "to promote and secure the development of environmentally sustainable capital city of Delhi". The DDA is responsible for planning, development and construction of Housing Projects, Commercial Lands, Land

Management, Land Disposal, Land Pooling Land Costing etc., planning and setting up parks, Ridge, and Yamuna. It is mandated to plan an environmentally friendly Capital City where Citizens do not have to face both air and noise pollution. Today, despite all regulatory mechanism for regulating development of the city in place, still Delhi is one among first five top polluted cities of the world.

10. Respondent No. 8 is the Administrative Head of the G N C T of Delhi, under whose direct functional control all the Statutory Authorities perform their duties and discharge their functions. In addition to the Head of the Govt of N C T of Delhi, he is also Chairman of Delhi Development Authority, responsible for planning an environmentally friendly Capital City of Delhi.

11. Respondent No.9 is Delhi International Airport Limited (DIAL) is a joint venture, formed as a consortium between GMR Group (54%), Airports Authority of India (26%), and Fraport AG. Incidentally Fraport manages most of the Airports in Germany and is aware of the fact of huge noise pollution caused by Aviation and is also aware of the fact of night curfew at Airports in Germany.

12. The petitioner had filed a Public Interest Litigation being WP(C) No.9337/2009 in the Hon'ble Delhi High Court seeking quashing of the environmental clearance dated 17th January, 2007 granted by respondent no.1 for construction of 3rd Runway no.11/29, IGI Airport, New Delhi and had also prayed for other reliefs including prohibitory orders against the respondents to stop flying the aircrafts over the areas of Vasant Kunj, Masoodpur and Rangpuri as the take-off and landing off aircrafts at the said 3rd Runway was causing serious noise pollution and disturbing the life and sleep

of the public around that area causing serious health problems. The said writ petition was transferred to this Hon'ble Tribunal in terms of the judgment of the Hon'ble Supreme Court in the case of Bhopal Gas Peedith Mahila Udyog Sangathan Vs. Union of India dated 9th August 2012 reported in (2012) 8 SCC 326 and was numbered as Appeal No.60/2013 (THC). The said appeal No.60/2013 (THC) was taken up along with three other connected matters and disposed of vide judgment/order dated 24th November 2017 with certain directions for taking mitigation measures to reduce the noise pollution in the area of the domestic airport and international airport. Para 16 of the said judgment/order with relevant directions is reproduced below –

"16. Upon due consideration of the matters in issue, we pass the following order and directions:

1. .....

2. .....

3. We direct all the official respondents to take all mitigating measures for reducing noise pollution in terms of the report submitted by MoEF and as even proposed by these very respondents themselves, expeditiously.

4. The official respondents shall act in furtherance to the report of IIT in relation to construction of sound barriers, which report of IIT is accepted by the Tribunal.

However, if any, variations are suggested and the official respondents consider it proper to carry out such variations on the ground of safety, security and height of the sound barrier walls, the same may be implemented after discussion with the team of IIT. The sound barriers should be constructed at the earliest and in accordance with report.

5. The official respondents shall ensure providing of a green belt around the boundary wall of the airport, while keeping the safety and security both in mind. The plantations shall be of the species which would only grow to the permissible height or would be maintained at the permissible height only.

6. The official respondents may issue an advisory to all the airlines whose aircrafts land at the runway of the IGI and domestic Airport, New Delhi to ensure 'judgment based' use of reverse thrust keeping in view weather, length of runway, wind, and other attendant circumstances to reduce the noise level particularly at the time of landing of aircrafts.

7. All the coaches/buses and other vehicles plying at the airport should be CNG and must comply with the prescribed emission standards. Non-CNG buses/coaches or other vehicles plying at the airport, should be converted to CNG within six months from today.

A copy of the order dated 24th November 2017 is annexed herewith as **Annexure 7.** SLP filed by the Applicant was dismissed and order directing conversion of all vehicles operating within Airport to CNG was modified by Hon'ble Supreme Court.

"

13. Vide notification no. G.S.R. 568(E) dated 18th June 2018 issued under Sections 6 & 25 of the Environment (Protection) Act, 1986, the Central Government amended the Environment (Protection) Rules, 1986 and has inserted in Schedule-I ambient air quality standards with respect to noise in Airport Noise Zone which is reproduced below –

Sl. No.	Industry	Parameters	Standards
1	2	3	4

		Ambient Air Quality Standards with respect to Noise in Airport Noise Zone		
"112	Airports	Type of Airports	Limits in dB (A) Leq*	
			Day Time	Night Time
		Busy Airports	70	65
		All other Airports excluding proposed airports	65	60

Definitions:

(a) *dB(A) Leq denotes the time weighted average of the level of sound in decibels on scale A which is relatable to human hearing. A day time from 6:00 a.m. to 10:00 p.m. and night time from 10:00 p.m. to 6:00 a.m. are considered for time weighted average.

(b) "A", in dB(A) Leq. denotes the frequency weighting in the measurement of noise and corresponds to frequency response characteristics of the human ear (The range of human hearing is 20 Hz to 20 kHz).

(c) A "decibel" is a unit in which noise is measured.

(d) Leq: It is energy mean of the noise level over a specified period.

(e) Busy Airport – For the purpose of noise management at airports, a busy airport shall be defined as "a civil airport which has more than 50,000 aircraft movement per year (a movement being a take-off or a landing)" excluding those purely for training purposes on light aircraft.

"

14. The grievance of the petitioner is that the aforesaid directions given by the National Green Tribunal (NGT) have not been complied with in its true letter and spirit and the noise pollution has not been brought under control as more fully stated in details

in the paras appearing hereafter, making the lives of the residents in the vicinity of the airport and living under landing funnel is miserable. The citizens were aggrieved by the operation of the 3rd Runway no.11/29 and continue to be aggrieved, which shall multiply once 4th Runway has been constructed becomes operational for which environment clearance was granted on 30th June 2018.

15. Delhi Airport is a busy airport and as per the amended Environment (Protection) Rules, 1986 the noise level limits prescribed for it are 70 dB for daytime and 65 dB for nighttime.

16. That, as per notification no. **G.S.R.568(E) dated 18th June 2018** a period of 2 years was allowed to put in place a suitable mechanism by the industry to control the noise pollution so that both the industry and the citizens should not suffer. That may have been the reason why the prayer to impose night curfew and insulation of flats falling under landing funnel was rejected.

17. The petitioner submits that the respondents have failed to maintain the said noise limits prescribed vide notification dated 18th June 2018 at and around the Delhi Airport.

18. That, the Appellant, had been monitoring Noise levels of noise pollution caused by aircrafts landing and taking off at Indira Gandhi International Airport since 2020 onwards i.e., the time limits prescribed under the notification by Respondent No. 2. Since during Covid period, the number of flights were very few and for part of the period all the operations were banned, the applicant till 31-03-2022 did not lodge any complaint about noise pollution. However, through newspaper advertisement, the

Petitioner came to know about setting up of Noise Monitoring Cell by Respondent No.9. Thus, the Appellant lodged first complaint on phone number 011-47198600 on 27th March 2022, through email, followed by subsequent mails, copies of which were marked to all the statutory authorities, which was number as Grievance No. 914/5/2022. Huge Noise Pollution by Aircrafts - 5th May at 03.05 Hrs in the morning. The petitioner had time and again lodged various complaints along with noise level recorded with the Statutory authorities however, Respondent No.9 maintained that it is complying with the norms and there are no violations as alleged. A copy of the emails exchanged along with trailing mail is annexed herewith as **Annexure 8 (Colly)**

19. That, Petitioner while lodging complaints with all the Respondents annexed the relevant pages of Final EIA Report submitted by Respondent No. 9, **Annexure 3 (supra)** which admitted that: -

> *Total seven locations (N2, N3, N6, N7, N8, N11 and N12) are falling in the funnel zone. Day time and nighttime noise levels in the funnel area are ranging between 66.3 to 74.5 dB(A) and 63.1 to 71.5 dB(A) respectively. Noise levels in the funnel zone are higher than the prescribed ambient noise standards.* ***Page C3-45***
>
> *The areas which are likely to be impacted by the future air movements are more or less the same as the existing ones. Due to addition of new runway the noise load will be distributed and intensity/impact will be less. As seen from the simulation, it can be practically inferred that the magnitude of change in noise impacts in terms of the existing and future flight frequency is unlikely to be of any significant consequence to the already affected population. However, the additional*

runway will create exposure to aircraft noise falling under the runway funnel area. ***Page C4 - 26***

20. That, a perusal of these pages clearly establish that the Nosie levels recorded at the time of landing at Runway 3 -29/11 are same in case of new proposed 4th Runway which are higher than the prescribed limit, which as per mitigation measures is being distributed. The distribution of higher noise levels is prohibited as per Respondent No. 2, as per letter bearing no. CP-15099/1/2021-UPC-I-HO-CPCB-HO/6060 dated 10th November 2022 annexed as **Annexure 9**.

21. Further Respondent No. 2 acknowledging various complaints lodged vide its letter dated 3rd January 2023 wrote to Respondent No.(s) No. 5 and 6 – **Annexure 3 (supra)** to comply with the noise limits prescribed under notification No. G.S.R.568(E) dated 18th June 2018 and control the noise pollution.

22. That, similarly, Respondent No. 6 also, based on communication received from Respondent No.2, wrote a letter to Respondent No. (s) 5 to control Noise Pollution and washed off its hands. A copy of the letter dated 6th February 2023 is annexed herewith as **Annexure 5 (supra).**

23. That, the Petitioner had sought for information Respondent No.3, being substantial stake holder and controlling operations of Respondent No.9, and other airports in India, to provide data of noise level recorded by it at the time of landing and taking of at various airports like Delhi, Madras, Bombay, Bangalore, Kolkata and Hyderabad. However, except for Madras Airport the details related to Kolkata, Mumbai and Delhi Airport, despite in their

possession have been denied on the flimsy grounds that the said airports are operated by Private operator.

24. That, the information was received from office of Airport Director, Madras Airport, being Regional Office of Respondent No.4. The analysis of the information reveals that the noise limits recorded by Respondent No.4 at Madras Airport boundary at the time of landing are very high and way above the prescribed Noise Limits. Since the aircrafts flying in and out of Madras Airport are the same and therefore, the Nosie levels recorded at the time of landing and taking of at Madras can be safely adopted at the other airports also because the same aircrafts are landing and taking of at other airports. The details received shall be handed over during the hearing of the matter.

25. Admittedly the noise levels recorded at the time of landing at the airports at Delhi, Mumbai and Kolkata are bound to be very high in view of number of flights landing and taking of. Consequently, the noise levels at the time of landing at IGI are much higher than the noise limits permitted in the EC granted to IGI Delhi as **Annexure 2 (supra)** for fourth runway.

26. That, the Appellant after continuous search on various government websites could find out Minutes of Public Hearing held by Respondent No. 6 related to expansion of Indira Gandhi International Airport, wherein both the facts of high noise pollution and air pollution have been concealed. However, while filing the Final EIA Report submitted by the Project Proponent the fact of high level of noise pollution has been admitted. Strangely all the Respondent despite being a party to the proceedings that were going on during the material time, before this Hon'ble Tribunal have concealed this most important

material fact . The copy of Minutes of the Public Hearing is attached as **Annexure 10.**

27. Respondent No. 8, despite being administrative head of the GNCT of Delhi and responsible to ensure safety of the citizens did not respond to any of the complaints lodged with all other Respondents, copies of which was marked to him with specific request.

28. Despite in know of the immense pollution cause by aircrafts in the Airport Zone in the area no steps, whatsoever have been taken by any of the Respondents who are under obligation under article 51(A)(g) of the Constitution of India.

29. Despite having been seized of the fact of huge noise pollution and the admission thereof, still Environmental Clearances have been granted to 3rd and 4th Runways to Respondent No. 9, concealing material information from the citizens participating in the Public Hearing the statutory authorities have committed serious breach of trust and have exposed the citizens to huge noise pollution causing serious health problems cardio vascular problems, hearing related problems, insomnia, and multiple health problems.

30. The lakhs of citizens living under landing funnel of airport zone are impacted and deprived of their fundamental right to have peaceful sleep due to actual Noise pollution which is seriously impacting the health of citizens. The patients, children or for that matter any citizen would be disturbed by actual noise caused by aircrafts and not by average noise pollution recorded over 24 hours – which is measured only for the statistical purposes and has no relevance with the health of the citizens.

31. By not controlling the huge noise pollution caused by the aircrafts causing irreversible damage to health of the entire population living under landing funnel all the statutory authorities are guilty of breach of fundamental duty cast upon them for which they have taken oath and paid for through State Exchequer contributed by the taxpayers.

32. All the Respondents jointly and severally have failed to discharge the duties cast upon them and have exposed the citizens to unwarranted pollution and avoidable risks of life and liberty for forcing them to bear the huge noise pollution and have deprived them of their fundamental right of peaceful sleep and stress-free minds.

33. The petitioner humbly and respectfully submits that Hon'ble Tribunal had refused the request of imposition of night curfew on landing or taking off by aircrafts at night time and also for providing sound proofing of the houses in the colonies, falling on the flight pathway of aircrafts while landing and taking off, in view of having issued directions to all the Respondents to take all mitigating measures for reducing noise pollution expeditiously. The petitioner submits that the respondents have failed in their duty in taking necessary mitigating measures as explained above.

34. That, the Respondent No.(s) 2, 6 and 8 are aware of the impact of noise pollution on the health of the citizens and are enforcing the ban on crackers, loudspeakers after 10.30 pm, pressure horns as directed by Hon'ble Supreme Court from time to time. However, when the issue of controlling Noise Pollution caused by Aircrafts, they all are mook spectators. Further, the areas around schools and hospitals are declared silent zones where use of horns is also banned. It is also matter of record that Ld. National Green Tribunal had taken note of pollution in **Panchshila Co-operative**

Building Housing Society Area vs. G N C T of Delhi 2017 SCC OnLine NGT 744 and issued certain directions, relevant part of which is reproduced as under: -

24. This case has been going on since 2013. It has been vociferously argued by the applicant that the Outer Ring Road runs through the Panchsheel Enclave on both sides of the said Road and as such sound barriers should be placed on either side to allow the residents to stay peacefully. We are aware that the volume of traffic has increased over the years. Under the directions of this Tribunal, a small Committee under the Chairmanship of the Engineer Member of the Delhi Development Authority (DDA) has recommended on 18.06.2014, the banning of pressure horns in vehicles and preventing overloading of goods carriers, apart from double glazing of the window panes of the houses adjacent to the roads.

25. On further directions of the Tribunal, the IIT Roorkee has recommended replacing the rough surface of the roads with smooth asphalt, which emits no noise from the roads and further planting trees and shrubs along the road on both sides.

26. There is a Noise Prevention Control (Regulation and Control) Rules 2000, which prescribes sound emission not exceeding 55 decibels for day time and 45 decibels by night. It has been observed by the PWD that the noise levels in Panchsheel Enclave, adjacent to the road, at any time is 20% higher than the prescribed upper permissible noise level. In terms of the National Green Tribunal order of 05.05.2015, the Chief Secretary of Delhi has been looking at the short term, medium term and long term recommendations of IIT Delhi. The interim NGT orders dated 11.3.2015 left the double glazing of windows to the individual occupants. However, the

police were asked to ensure that speed limits of vehicles do not exceed 30 kms/hour. Further the police were directed to prevent overloading of vehicles and pressure horns were strictly prohibited. The police were directed to install speed cameras to monitor the speed of vehicles and challan the violators. The PWD was asked to declare the area as "no horn zone" with immediate effect. While imposing challan on the violators, in addition to the fine of Rs. 500/- permissible by law, the violators were directed to pay an additional amount of Rs. 1000/- by invoking the "polluter pays principle". The police were asked to show the number of challans issued as testimony of the action taken. Further no parking of any vehicle was to be allowed on the road as well as on the service road.

A copy of the order is annexed herewith as **Annexure 11.**

35. That, Respondent No.1 despite having released in February 2010, an Environmental Impact Assessment Guidance Manual for Airports, in Chapter 4 admits that the maximum Pollution is caused within 10 KM radius from Airport Reference Point at the time of landing and 3 KM at the time of taking off. Despite its own manual, still, it is silent on huge pollution caused by Aircrafts landing and taking off at Delhi Airport. The copies of relevant pages of Chapter 4 are annexed herewith as **Annexure 12.**

36. That, it appears that the law related to Noise Pollution now a days is being enforced selectively depending on status of the applicant leaving ordinary citizens living under the landing funnel and 10 KM from Airport Reference Point at the mercy of the institutional polluters.

37. That, the Respondents are trustees of Environment for the common citizens and must act for the benefit of public in relation

to natural resources like air, water and climate. However, by outsourcing the compliance of law to a private operator all have washed of their hands by passing on buck to each other. Such an attitude of the Respondents is contrary to the observations in Para 33 of the judgment dated 3rd June 2022 in the case of **In Re: T.N. Godavarman Thirumulpad Versus Union of India and Ors. (2022) 10 Supreme Court Cases 544/2022 SCC OnLine SC 716**

Para 33. The role of the State cannot be confined to that of a facilitator or generator of economic activities for immediate upliftment of the fortunes of the State. The State also has to act as a trustee for the benefit of the general public in relation to the natural resources so that sustainable development can be achieved in the long term. Such role of the State is more relevant today, than, possibly, at any point of time in history with the threat of climate catastrophe resulting from global warming looming large.

34. This Court has highlighted the public trust doctrine in M.C. Mehta v. Kamal Nath [M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388] and opined that the public trust doctrine is part of the law of land. In para 25 of the said judgment, as reported, this doctrine has been explained with reference to writings of Joseph L. Sax, Professor of Law, University of Michigan, the proponent of Modern Public Trust Doctrine : (SCC pp. 407-408)

> *"25. The public trust doctrine primarily rests on the principle that certain resources like air, sea, waters and the forests have such a great importance to the people as a whole that it would be wholly unjustified to make them a subject of private ownership. The said resources being a gift of nature, they should be made freely available to everyone irrespective of the status in life. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the*

general public rather than to permit their use for private ownership or commercial purposes. According to Professor Sax, the public trust doctrine imposes the following restrictions on governmental authority:

'Three types of restrictions on governmental authority are often thought to be imposed by the public trust : first, the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public; second, the property may not be sold, even for a fair cash equivalent; and third the property must be maintained for particular types of uses.'

35. Reliance has been placed on the said doctrine in earlier orders of this Court in this very writ petition, passed on 30-10-2002 [T.N. Godavarman Thirumulpad v. Union of India, (2002) 10 SCC 606] , 26-9-2005 [T.N. Godavarman Thirumulpad (87) v. Union of India, (2006) 1 SCC 1] and 13-2-2012 [T.N. Godavarman Thirumulpad v. Union of India, (2012) 3 SCC 277] . So far as the views of the State of Rajasthan are concerned, as reflected in their affidavits and written notes, their consideration for justifying mining in Jamua Ramgarh and its periphery primarily stems from the prospect of immediate economic gains and their role as a trustee of natural resources of the land has been largely overlooked.

43. The approach of the Court in dealing with complaints of environmental degradation has been laid down by this very Bench in this writ petition itself in an order passed on 9-5-2022 [T.N. Godavarman Thirumulpad v. Union of India, (2022) 9 SCC 306] in connection with another set of applications. In this order, it has been observed and held : (T.N. Godavarman Thirumulpad case [T.N. Godavarman

Thirumulpad v. Union of India, (2022) 9 SCC 306] , SCC pp. 315-16, paras 16-19)

"16. Adherence to the principle of sustainable development is a constitutional requirement. While applying the principle of sustainable development one must bear in mind that development which meets the needs of the present without compromising the ability of the future generations to meet their own needs. Therefore, courts are required to balance development needs with the protection of the environment and ecology [T.N. Godavarman Thirumulpad (104) v. Union of India, (2008) 2 SCC 222] . It is the duty of the State under our Constitution to devise and implement a coherent and coordinated programme to meet its obligation of sustainable development based on inter-generational equity [A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718] . While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment [Indian Council For Enviro-Legal Action v. Union of India, (1996) 5 SCC 281] .

17. In Vellore Citizens' Welfare Forum v. Union of India [Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647] , this Court held that the "precautionary principle" is an essential feature of the principle of "sustainable development". It went on to explain the precautionary principle in the following terms : (SCC p. 658, para 11)

'11. ... (i) Environmental measures — by the State Government and the statutory authorities — must anticipate, prevent and attack the causes of environmental degradation.

(ii) Where there are threats of serious and irreversible damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

(iii) The "onus of proof" is on the actor or the developer/industrialist to show that his action is environmentally benign.'

18. The principle of precaution involves the anticipation of environmental harm and taking measures to avoid it or to choose the least environmentally harmful activity. It is based on scientific uncertainty. ***Environmental protection should not only aim at protecting health, property and economic interest but also protect the environment for its own sake****. Precautionary duties must not only be triggered by the suspicion of concrete danger but also by justified concern or risk potential [A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718] .*

19. A situation may arise where there may be irreparable damage to the environment after an activity is allowed to go ahead and if it is stopped, there may be irreparable damage to economic interest [M.C. Mehta v. Union of India, (2004) 12 SCC 118] . ***This Court held that in case of a doubt, protection of environment would have precedence over the economic interest. It was further held that precautionary principle requires anticipatory action to be taken to prevent harm and that harm can be prevented even on a reasonable suspicion****. Further, this Court emphasises in the said judgment that it is not always*

necessary that there should be direct evidence of harm to the environment."

While dealing with the applications in the present set of proceedings, we shall follow the same principles.

A copy of the aforesaid judgment is annexed herewith as **Annexure 13.**

38. That, while operating aircrafts two types of noises are generated, detailed as following: -

(a) Side-line noise is generated when aircraft is preparing for landing at or taking off from the airport. Thus, it is the noise caused by engine at the time of landing or taking off. Higher the speed at the time of landing and/or higher engine force at the time of taking off, higher is the noise. Further, the side lines noise also depends on the size of the aircraft.

(b) Second type of noise is generated immediately after landing as the aircrafts apply reverse thrust to quickly bring aircraft to halt without using the brakes so that the brake drums and brake pads are not heated, cooling of which can take from 1.5 hours to 2.00 hours, thus flight cannot take off. In case to maximise operations and the flights take off within short time which is called "Turn Around Time".

39. That, Airlines have fixed turnaround time of 25 minutes in case some of LCC's operating, 40 to 45 minutes for airbus A-319 and A320 and 1 hour for bigger aircrafts. This fact stands substantiated by the news item that appeared in The Times of India dated 12th January 2023, when the passengers of SpiceJet were struck at the aero bridge. A copy of the new paper report is attached herewith as **Annexure 14.**

40. Thus, almost all domestic aircrafts while landing at the airports generate higher side-line noise before landing due to speed and generate huge noise at the time of landing which is much more than the limit prescribed under EC granted. Both these noises are causes of annoyance for citizens living under landing funnel and around airport. This fact anyone can verify while flying and landing at Delhi when the entire aircraft rattles creating huge noise inside cabin.

41. Though Respondent No. 5 from time-to-time issues Notice to Airmen called "NOTAM", leaving discretion of using "Reverse Thrust" to the Pilots in case of emergency. However, the NOTAM issued are of no use when Pilots are bound by the Management of Airlines in view of short "Turnaround Time" (TAT) fixed. Thus, Respondent No.5 does not even bother to the looking into the basic cause of huge noise pollution caused. It is important to state here that when India Pilots fly international flights and land at airports like Heathrow, Gatwick, JFK, Newark, Washington, Frankfurt, Brussels, Pearsons's airport Toronto, they do not use reverse thrust and follow all the laws because Pilot using reverse thrust must file a statement disclosing the reasons for using reverse thrust. In case the reverse thrust is used without any justification, there is a penalty both on the Pilot and the Airlines.

42. At the airports mentioned above and many small airports, sensors have been fixed along with the runway to record noise levels generated by aircrafts so that correct noise levels can be recorded, and action can be taken in case of violation. However, it appears either inadequate number of noise monitoring sensors have been installed by design to facilitate commercially beneficial operations of the airlines and the operator or noise levels are very high that are being allowed to be generated at the cost of health of the citizens living under landing funnel and around

airport – that's why the recording of noise levels at the airport boundary were denied to the Petitioner.

43. Despite having erected partial noise barrier around the Airport by Respondent No.9, is of no help because the huge noise pollution generated at the time of taking off can be heard at 6 KM from airport.

44. That continuous exposure to huge noise pollution causes serious health problems both for human beings and wildlife. Thus, continuous exposure to noise pollution causes some of the are enumerated as follows: -

(a) Noise Induced Hearing Loss (NIHL).
(b) high blood pressure leading to heart disease,
(c) sleep disturbances and insomnia and stress.
(d) type 2 diabetes.
(e) cognition problems, including memory impairment and attention deficits.
(f) childhood learning delays; and low birth weight.
(g) vibrations from noise can cause impairments.

45. It is worthwhile to state here that inside airport Respondent No.9 does not announce departure time of flights and boarding gate numbers claiming to be an environment friendly measure of not creating noise and is totally unmindful of huge noise pollution caused by Aircrafts outside airport.

46. These health problems can affect all age groups. Those who live near noisy airports or streets have been found to suffer from stress and other problems, such as impairments in memory, attention level, and reading skill. As per study conducted by All

India Institute of Medical Sciences conducted in Vasant Kunj area of South Delhi in 2018, reported in Newspaper dated 20th October 2019. The study highlights the impact of pollution on citizens living under landing funnel are as follows: -

(a) *The preliminary findings of the study done on the population of Vasant Kunj area have revealed that 70 per cent elderly suffer from hypertension, out of which 30 per cent of them were unaware of their disease.*

(b) *40 per cent of the participants were found to be diabetic, in which 30 per cent did not know that they were diabetic.*

(c) *About 30 per cent of participants suffered from high cholesterol and 22 per cent were diagnosed with anxiety and stress disorder.*

A copy of the newspaper clipping is annexed herewith as **Annexure 15.**

47. That, it is not the first time the medical problems have been highlighted. Hon'ble Supreme Court in the case **Noise Pollution (V), In re, (2005) 5 SCC 733: 2005 SCC OnLine SC 1046** has dealt with the issue of health problems caused by noise pollution and its harmful effects on health of humans and wildlife in detail. The relevant text of the observations is reproduced as under: -

14. Noise is defined as unwanted sound. Sound which pleases the listeners is music and that which causes pain and annoyance is noise. At times, what is music for some can be noise for others [Parivesh Newsletter: Central Pollution Control Board, December 1996.] .

Section 2(a) of the Air (Prevention and Control of Pollution) Act, 1981, includes noise in the definition of "air pollutant".

"2. (a) 'air pollutant' means any solid, liquid or gaseous substance including noise present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;"

According to Encyclopaedia Britannica : "In acoustics noise is defined as any undesired sound." [Vol. 16, 1968, p. 558.] According to Chambers 20th Century Dictionary [1987 Edn.] , noise means — Sound especially of loud, harsh or confused kind; a sound of any kind; an over loud or disturbing sound; frequent or public talk. In Chambers 21st Century Dictionary, the definition of noise has undergone a change. Noise pollution stands carved out as a phrase separately from noise. The two are defined as under:

"Noise — a sound; a harsh disagreeable sound, or such sound; a din. Pollution — an excessive or annoying degree of noise in a particular area e.g. from traffic or aeroplane engines."

"Pollution" is a noun derived from the verb "pollute". Section 2(c) of the Environment (Protection) Act, 1986 defines "environmental pollution" to mean the presence in the environment of any environmental pollutant. Section 2(b) of the said Act defines "environmental pollutant" to mean any solid, liquid or gaseous substance present in such concentration as may be, or tends to be injurious to environment.

Thus, the disturbance produced in our environment by undesirable sound of various kinds is called "noise pollution".

15. Noise is more than just a nuisance. It constitutes a real and present danger to people's health. Day and night, at home, at work, and at play, noise can produce serious physical and psychological stress. No one is immune to this stress. Though we seem to adjust to noise by ignoring it, the ear, in fact, never closes and the body still responds — sometimes with extreme tension, as to a strange sound in the night.

16. Noise is a type of atmospheric pollution. It is a shadowy public enemy whose growing menace has increased in the modern age of industrialisation and technological advancement. Although a soft rhythmic sound in the form of music and dance stimulates brain activities, removes boredom and fatigue, but its excessiveness may prove detrimental to living things. Research has proved that a loud noise during peak marketing hours creates tiredness, irritation and impairs brain activities so as to reduce thinking and working abilities. Noise pollution was previously confined to a few special areas like the factory or the mill, but today it engulfs every nook and corner of the globe, reaching its peak in urban areas. Industries, automobiles, rail engines, aeroplanes, radios, loudspeakers, tape recorders, lottery ticket sellers, hawkers, pop singers, etc., are the main ear contaminators of the city area and its marketplace. The regular rattling of engines and intermittent blowing of horns emanating from the caravan of automobiles do not allow us to have any respite from irritant noise even in suburban zones [Ranbir Singh, Noise Pollution: Environment and the Law, as printed in Indian Bar Review, Vol. 23 (3 & 4), 1996, p. 86.

17. In the modern day noise has become one of the major pollutants and it has serious effects on human health. Effects of noise depend upon the sound's pitch, its frequency and time

pattern and length of exposure. Noise has both auditory and non-auditory effects depending upon the intensity and the duration of the noise level. [P.S. Jaswal and Nistha Jaswal — Environmental Law, Second Edn., p. 331.] It affects sleep, hearing, communication, mental and physical health. It may even lead to madness in people.

26. It has been determined that noise has an explicit effect on the blood vessels, especially the smaller ones known as pre-capillaries. Overall, noise makes these blood vessels narrower. Noise causes the peripheral blood vessels in the toes, fingers, skin and abdominal organs to constrict, thereby decreasing the amount of blood normally supplied to these areas [Ibid.]

27. Possible clinical manifestations of stress concomitant with noise are: (i) galvanic skin response, (ii) increased activity related to ulcer formation, (iii) changes in intestinal motility, (iv) changes in skeletal muscle tension, (v) subjective response irritability perception of loudness, (vi) increased sugar, cholesterol and adrenaline, (vii) changes in heart rate, (viii) increased blood pressure, (ix) increased adrenal hormones, (x) vasoconstriction. Not only might there be harmful consequences to health during the state of alertness, but research also suggests that effects may occur when the body is unaware or asleep [Noise Effects Handbook: A Desk Reference to Health and Welfare Effects of Noise, by Office of the Scientific Assistant, Office of Noise Abatement and Control, US Environmental Protection Agency, October 1979, revised July 1981.]

29. Field studies have also been conducted on various other groups such as people living near airports, and school

children exposed to traffic noise, showing that there may be some risk for these people. In addition, laboratory studies on animals and humans have demonstrated a relationship between noise and high blood pressure. Other studies have shown that noise can induce heart attacks [Ibid., at fn 17a.]

30. Prolonged chronic noise can also produce stomach ulcers as it may reduce the flow of gastric juice and change its acidity.

31.With what other stress effects can noise be associated? [Ibid.] Stress can be manifested in any number of ways, including headaches, irritability, insomnia, digestive disorders, and psychological disorders. Workers who are exposed to excessive noise frequently complain that noise just makes them tired.

32. Quite a few field studies have been done on workers in Europe, examining the relationship between noise and illness. In these studies, noise has been related to the following: general morbidity (illness); neuropsychological disturbances — headaches, fatigue, insomnia, irritability, neuroticism; cardiovascular system disturbances — hypertension, hypotension, cardiac disease; digestive disorders — ulcers, colitis; endocrine and biochemical disorders.

33. There is ample evidence that environment has a role in shaping the physique, behaviour and function of animals, including men, from conception and not merely from birth. The foetus is capable of perceiving sounds and responding to them by motor activity and cardiac rate change [Lestre W. Sontang: The Fels Research Institute. (Quoted in Noise: A Health Problem, United States Environmental Protection

Agency, Office of Noise Abatement and Control, Washington, D.C., August 1978.)]

34. The foetus is not fully protected from noise. Noise may threaten foetal development. Noise has been linked to low birth weights. Levels of noise which do not interfere with the perception of speech by adults may interfere significantly with the perception of speech by children as well as with the acquisition of speech, language, and language-related skills. [National Academy of Science Report — USA, quoted and referred to in Noise: A Health Problem, published by United States Environment Protection Agency (Office of Noise Abatement and Control, Washington D.C.), August 1978.] Because they are just learning, children have more difficulty in understanding language in the presence of noise than adults do. Reading ability also may be seriously impaired by noise. [Noise: A Health Problem, published by United States Environment Protection Agency (Office of Noise Abatement and Control, Washington D.C.), August 1978.] Apart from children, noise pollution causes several adverse effects on human beings generally. Some of these are:

(i) hearing loss,

(ii) non-auditory physiological response such as stress, arousal response, cardiovascular effects, etc.,

(iii) communication interference,

(iv) performance interference, and

(v) sleep disturbance and so on. [Noise Effects Handbook: A Desk Reference to Health and Welfare Effects of Noise, by Office of the Scientific Assistant, Office of Noise Abatement and Control, US Environmental Protection Agency, October 1979, revised July 1981.

37. Most leading noise sources will fall into the following categories: road traffic, aircraft, railroads, construction, industry, noise in buildings, and consumer products. [Dr. Alice H. Suter: Noise and its Effects: Administrative Conference of the United States]

38. Noise from the motors and exhaust systems of large trucks provides the major portion of highway noise impact and provides a potential noise hazard to the driver as well. In addition, noise from the interaction of tyres with the roadway is generated by trucks, buses, and private autos.

39. In the city, the main sources of traffic noise are the motors and exhaust systems of autos, smaller trucks, buses, and motorcycles. This type of noise can be augmented by narrow streets and tall buildings, which produce a "canyon" in which traffic noise reverberates.

47. The use of fireworks has led to air pollution in the form of noise and smoke. Their excessive use has started to be a public hazard and violation of their fundamental rights as enshrined in the Constitution.

On violation of Fundamental rights

47. The use of fireworks has led to air pollution in the form of noise and smoke. Their excessive use has started to be a public hazard and violation of their fundamental rights as enshrined in the Constitution.

48. It has been held in the case of Om Birangana Religious Society v. State [(1996) 100 CWN 617] that the

"Freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution of India includes, by necessary implication, freedom not to listen and/or to remain silent. A citizen has a right to leisure, right to sleep, right not to hear and right to remain silent. He also has the right to read and speak with others.

Because of the tremendous sound and noise, the citizens cannot exercise all these fundamental rights.

53. An analysis of the reports prepared in the years 1999, 2000, 2001, and 2002 reveals that the ambient noise level on Diwali day exceeded the limit at almost all the places during these years. The noise level was higher during Diwali-2000 as compared to the values recorded during Diwali festival in the years 1999, 2001, and 2002 [Ibid.]

55. The ambient noise level during the years 1999 to 2002 on Diwali festival, exceeded the limit at all places in every year and the percentage of violation varies from 2% to 58% [Ibid.] . Thus, the study does reveal that the noise levels that have been measured on all these occasions have been more than the prescribed norms. This is a point of worry as it has been discussed that noise pollution does tend to have adverse effects on a person. Thus immediate steps in this direction need to be taken.

Statutory Laws in India

93. It is not that the legislature and the executive in India are completely unmindful of the menace of noise pollution. Laws have been enacted and rules have been framed by the Executive for carrying only the purposes of the legislation. The real issue is with the implementation of the laws. What is needed is the will to implement the laws. It would be useful to have a brief resume of some of the laws which are already available on the statute-book. Treatment of the problem of noise pollution can be dealt with under the law of crimes and civil law. Civil law can be divided under two heads (i) the law of torts (ii) the general civil law. Cases regarding noise have not come before the law courts in large quantity. The reason behind this is that many people in India did not consider noise as a sort of pollution and they are not very much conscious about the evil consequences of noise pollution. The level of noise pollution is relative and depends upon a person and a particular place. The law will not take care of a supersensitive person but the standard is of an average and rational human being in the society

94. In order to curb the growing problem of noise pollution, the Government of India has enacted the Noise Pollution (Regulation and Control) Rules, 2000. Prior to the enactment of these rules noise pollution was not being dealt specifically by a particular Act.

"Whereas the increasing ambient noise levels in public places from various sources, inter alia, industrial activity, construction activity, generator sets, loudspeakers, public address systems, music systems, vehicular horns and other mechanical devices, have deleterious effects on human health and the psychological well-being of the people; it is considered necessary to regulate and control noise producing and generating sources with the objective of maintaining the

ambient air quality standard in respect of noise;" [Ministry of Environment and Forest Notification, New Delhi, 14 Feb., 2000.]

96. Noise pollution can be dealt with under Sections 268, 290 and 291 of the Penal Code, as a public nuisance. Under Section 268 of this Code, it is mentioned that:

"268. A person is guilty of a public nuisance who does any act or is guilty of an illegal omission, which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

A common nuisance is not excused on the ground that it causes some convenience or advantage.

97. Sections 290 and 291 of the Penal Code deal with the punishment for public nuisance.

98. Under Section 133 of the Code of Criminal Procedure, 1973 the Magistrate has the power to make conditional order requiring the person causing nuisance to remove such nuisance.

102. Quietness and freedom from noise are indispensable to the full and free enjoyment of a dwelling-house. No proprietor has an absolute right to create noises upon his own land, because any right which the law gives is qualified by the condition that it must not be exercised to the nuisance of his neighbours or of the public. Noise will create an actionable nuisance only if it materially interferes with the ordinary comfort of life, judged by ordinary, plain and simple notions,

and having regard to the locality; the question being one of degree in each case. [Ratanlal & Dhirajlal: The Law of Torts (24th Edn., Edited by Justice G.P. Singh), p. 589.]

Judicial opinion in India

107. In Kirori Mal Bishambar Dayal v. State [AIR 1958 Punj 11 : 1958 Cri LJ 91] the accused-petitioner was convicted and sentenced under Section 290 of the Penal Code, 1860 and was fined Rs 50 for causing noise and emitting smoke and vibrations by operating heavy machinery in a residential area. The orders of the trial court were upheld by the District Magistrate in appeal. The High Court of Punjab and Haryana also upheld the decision of the courts below and dismissed the revision petition. In the case of Bhuban Ram v. Bibhuti Bhushan Biswas [AIR 1919 Cal 539 : 19 Cri LJ 915] it was held that working of a paddy husking machine at night causes nuisance by noise and the occupier was held liable to be punished under Section 290 IPC. In Ivour Heyden v. State of A.P. [1984 Cri LJ (NOC) 16 (AP)] the High Court of Andhra Pradesh excused the act of playing radio loudly on the ground that it was a trivial act. Careful reading of Section 95 IPC shows that only that harm is excused which is not expected to be complained of by a person of ordinary temper and sense.

108. In Rabin Mukherjee v. State of W.B. [AIR 1985 Cal 222] the use of air horns was prohibited by the court to prevent noise pollution. The Court observed: (AIR pp. 223-24, para 3)

"[I]t is found that the atmosphere and the environment is very much polluted from indiscriminating noise emitted from different quarters and on research it was found that persons who are staying near the Airport, are becoming victim of various ailments. Such persons even become victim of mental

disease. On such research it was also found that workers in various factories even become deaf and hard of hearing. It was further found on such research that as a result of this excessive noise pollution, people suffer from loss of appetite, depression, mental restlessness and insomnia. People also suffer from complain of excessive blood pressure and heart trouble. It is not necessary to go into the question about direct effect of such noise pollution because of indiscriminate and illegal use of such electric and air horns as it is an admitted position that the same is injurious to health and amongst different causes of environmental pollution, sound pollution is one, which is a matter of grave concern.

109. In the case of People United for Better Living in Calcutta v. State of W.B. [AIR 1993 Cal 215 : (1993) 1 CHN 135] the Calcutta High Court observed: (AIR p. 217, para 2)

In a developing country there shall have to be developments, but that development shall have to be in closest possible harmony with the environment, as otherwise there would be development but no environment, which would result in total devastation, though, however, may not be felt in praesenti but at some future point of time, but then it would be too late in the day, however, to control and improve the environment. In fact, there should be a proper balance between the protection of environment and the development process. The society shall have to prosper, but not at the cost of the environment and in the similar vein, the environment shall have to be protected but not at the cost of the development of the society and as such a balance has to be found out and administrative actions ought to proceed accordingly.

110. In Burrabazar Fire Works Dealers Assn. v. Commr. of Police [AIR 1998 Cal 121] it has been held: (AIR pp. 121-22)

"Article 19(1)(g) of the Constitution of India does not guarantee the fundamental right to carry on trade or business which creates pollution or which takes away that community's safety, health and peace. ... A citizen or people cannot be made a captive listener to hear the tremendous sounds caused by bursting out from a noisy fireworks. It may give pleasure to one or two persons who burst it but others have to be a captive listener whose fundamental rights guaranteed under Article 19(1)(a) and other provisions of the Constitution are taken away, suspended and made meaningless. ... under Article 19(1)(a), read with Article 21 of the Constitution of India, the citizens have a right of a decent environment and they have a right to live peacefully, right to sleep at night and to have a right to leisure which are all necessary ingredients of the right to life guaranteed under Article 21 of the Constitution."

112. In P.A. Jacob v. Supdt. of Police [AIR 1993 Ker 1] it was said: (AIR p. 1)

"The right to speech implies, the right to silence. It implies freedom, not to listen, and not to be forced to listen. The right comprehends freedom to be free from what one desires to be free from. Free speech is not to be treated as a promise to everyone with opinions and beliefs, to gather at any place and at any time and express their views in any manner. The right is subordinate to peace and order. A person can decline to read a publication, or switch off a radio or a television set. But, he cannot prevent the sound from a loudspeaker reaching him. He could be forced to hear what, he wishes not, to hear.

That will be an invasion of his right to be let alone, to hear what he wants to hear, or not to hear, what he does not wish to hear. One may put his mind or hearing to his own uses, but not that of another. No one has a right to trespass on the mind or ear of another and commit auricular or visual aggression. A loudspeaker is a mechanical device, and it has no mind or thought process in it. Recognition of the right of speech or expression is recognition accorded to a human faculty. A right belongs to human personality, and not to a mechanical device. One may put his faculties to reasonable uses. But, he cannot put his machines to any use he likes. He cannot use his machines to injure others. Intervention with a machine, is not intervention with, or invasion of a human faculty or right. No mechanical device can be upgraded to a human faculty. A computer or a robot cannot be conceded the rights under Article 19 (though they may be useful to man to express his faculties). No more, a loudspeaker. The use of a loudspeaker may be incidental to the exercise of the right. But, its use is not a matter of right, or part of the right.

113. In Free Legal Aid Cell Shri Sugan Chand Aggarwal v. Govt. of NCT of Delhi [AIR 2001 Del 455 : (2001) 93 DLT 28 (DB)] it was said that: (AIR p. 462, para 24)

"Pollution being wrongful contamination of the environment which causes material injury to the right of an individual, noise can well be regarded as a pollutant because it contaminates environment, causes nuisance and affects the health of a person and would, therefore, offend Article 21, if it exceeds a reasonable limit."

114. The Supreme Court in Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Assn. [(2000) 7 SCC

282 : 2000 SCC (Cri) 1350] held that the Court may issue directions in respect of controlling noise pollution even if such noise was a direct result of and was connected with religious activities. It was further held: (SCC pp. 285-86 & 291, paras 2-3 & 14)

"Undisputedly, no religion prescribes that prayers should be performed by disturbing the peace of others nor does it preach that they should be through voice amplifiers or beating of drums. In our view, in a civilised society in the name of religion, activities which disturb old or infirm persons, students or children having their sleep in the early hours or during daytime or other persons carrying on other activities cannot be permitted. It should not be forgotten that young babies in the neighbourhood are also entitled to enjoy their natural right of sleeping in a peaceful atmosphere. A student preparing for his examination is entitled to concentrate on his studies without their being any unnecessary disturbance by the neighbours. Similarly, the old and the infirm are entitled to enjoy reasonable quietness during their leisure hours without there being any nuisance of noise pollution. Aged, sick, people afflicted with psychic disturbances as well as children up to 6 years of age are considered to be very sensible (sic sensitive) to noise. Their rights are also required to be honoured.

Under the Environment (Protection) Act, 1986, rules for noise-pollution level are framed which prescribe permissible limits of noise in residential, commercial, industrial areas or silence zone. The question is — whether the appellant can be permitted to violate the said provisions and add to the noise pollution. In our view, to claim such a right itself would be unjustifiable. In these days, the problem of noise pollution has become more serious with the increasing trend towards

industrialisation, urbanisation and modernisation and is having many evil effects including danger to health. It may cause interruption of sleep, affect communication, loss of efficiency, hearing loss or deafness, high blood pressure, depression, irritability, fatigue, gastrointestinal problems, allergy, distraction, mental stress and annoyance, etc. This also affects animals alike. The extent of damage depends upon the duration and the intensity of noise. Sometimes it leads to serious law and order problem. Further, in an organised society, rights are related with duties towards others including neighbours.

***

... because of urbanisation or industrialisation the noise pollution may in some area of a city/town might be exceeding permissible limits prescribed under the Rules, but that would not be a ground for permitting others to increase the same by beating of drums or by use of voice amplifiers, loudspeakers or by such other musical instruments and, therefore, rules prescribing reasonable restrictions including the Rules for the use of loudspeakers and voice amplifiers framed under the Madras Town Nuisances Act, 1889 and also the Noise Pollution (Regulation and Control) Rules, 2000 are required to be enforced."

117. We have referred to a few, not all available judgments. Suffice it to observe that Indian judicial opinion has been uniform in recognising the right to live in freedom from noise pollution as a fundamental right protected by Article 21 of the Constitution, and noise pollution beyond permissible limits as an inroad into that right. We agree with and record our

approval of the view taken and the opinion expressed by the several High Courts in the decisions referred to hereinabove.

A copy of the judgment is annexed herewith as **Annexure 16**.

48. That, at the time of pronouncing judgment in case of crackers, at the material time the Noise Pollution Rules did not include norms related to noise pollution caused by Aircrafts and in Airport Zone, which are equally polluting and harmful. These Noise Pollution Rules were amended in 2018, prescribing the following noise standards for airports: -

Ambient Air Quality Standards with respect to Noise in Airport Noise Zone: -

Sr No 1	Industry 2	Parameters 3		Standards 4	
		Ambient Air Quality Standards with respect to Noise in Airport Noise Zone			
112	Type of Airports	Limits in dB (A) Leq*			
				Day time	Nighttime
	Busy Airports			70	65
	All other Airports excluding proposed airports			65	60

49. That, as stated in Para 12 above, since the new norms were notified by Respondent No. 1, and a period of two years was provided to the Airport operator and airlines to put in place mechanism to implement the law, However, despite lapse of four

years the law is being brazenly flouted the all the authorities as is evident from the letters dated 3rd January 2023 by all the Respondents.

50. That, the Respondent No. (s) 7 and 8 have failed to protect the citizens from huge pollution, which is its mandate and allowed Airport expansion within the Capital City that too in close proximity to the residential areas developed by it prior to 1990 (Vasant Kunj, Vasant Vihar, R.K.Puram) and also continued to develop residential areas around airport (Dwarka, Shankar Vihar) and is responsible for exposing the citizens to huge noise pollution and developing Airport within the city after 2009, whereas the Airport should have been taken out of the City as has happened in Hyderabad and Bangalore.

51. That, Hon'ble Supreme Court in the case of **Ramlila Maidan Incident, In re, (2012) 5 SCC 1** had started deprivation of sleep violation of fundamental right when disturbed intentionally and unlawfully and also imposition of the night curfew by airports. The relevant text of Paras 301 and 315 are reproduced as under: -

> *301. Deprivation of sleep has tumultuous adverse effects. It causes a stir and disturbs the quiet and peace of an individual's physical state. A natural process which is inherent in a human being if disturbed obviously affects basic life. It is for this reason that if a person is deprived of sleep, the effect thereof, is treated to be torturous. To take away the right of natural rest is also therefore violation of a human right. It becomes a violation of a fundamental right when it is disturbed intentionally, unlawfully and for no justification.*
>
> *315. It is in view of this fact that, in many countries there are complete night curfews (at the airport i.e. banning of landing*

and taking off between the night hours), for the reason that the concept of sound sleep has been associated with sound health which is an inseparable facet of Article 21 of the Constitution. It may also be pertinent to mention here that various statutory provisions prohibit the arrest of a judgment-debtor, a woman in the night and restrain to enter in the night into a constructed area suspected to have been raised in violation of the sanctioned plan, master plan or zonal plan for the purpose of survey or demolition. (See Section 55 of the Code of Civil Procedure, Section 46(4) CrPC, and Sections 25 and 42 of the U.P. Urban Planning and Development Act, 1973.

52. That, it is not a case that the fundamental rights are not recognised in India and law is not settled in India. Despite leading specific evidence towards serious violations committed day in and day out with impunity by all the Respondents jointly and severally, in view of the aforesaid facts and circumstances highlighting non-performance of Statutory Duties cast upon them, the Petitioner is filing present Application the following grounds amongst others, that are mutually exclusive and independent to each other:

GROUNDS

53. **BECAUSE** Hon'ble Supreme Court in the case of **Noise Pollution (V), In re, (2005) 5 SCC 733: 2005 SCC OnLine SC** 1046 at page 745, has further in para 10 has stressed upon importance of Article 21 of Constitution of India. It has categorically held that who wishes to live in peace, comfort and quiet within his house has a right to prevent noise as pollutant reaching him. None can claim a right to create noise even in his own premises which would travel beyond his precincts and cause

nuisance to neighbours or others. Any noise which has the effect of materially interfering with the ordinary comforts of life judged by the standard of a reasonable man is nuisance. when a nuisance created by noise becomes actionable must be answered by reference to its degree and the surrounding circumstances, the place and the time. The relevant text of Para 10 in case of **Noise Pollution (V), In re, (2005) 5 SCC 733** is reproduced as under: -

10.Article 21 of the Constitution guarantees life and personal liberty to all persons. It is well settled by repeated pronouncements of this Court as also the High Courts that the right to life enshrined in Article 21 is not of mere survival or existence. It guarantees a right of persons to life with human dignity. Therein are included, all the aspects of life which go to make a person's life meaningful, complete and worth living. Human life has its charm and there is no reason why life should not be enjoyed along with all permissible pleasures. Anyone who wishes to live in peace, comfort and quiet within his house has a right to prevent noise as pollutant reaching him. None can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others. Any noise which has the effect of materially interfering with the ordinary comforts of life judged by the standard of a reasonable man is nuisance. How and when a nuisance created by noise becomes actionable has to be answered by reference to its degree and the surrounding circumstances, the place and the time."

54. **BECAUSE** Hon'ble Supreme Court in the case of **Noise Pollution (V), In re, (2005) 5 SCC 733** has held that "Article 19(1)(a) cannot be pressed into service for defeating the fundamental right guaranteed by Article 21. The relevant text of para 11 is reproduced as under: -

11. Those who make noise often take shelter behind Article 19(1)(a) pleading freedom of speech and right to expression. Undoubtedly, the freedom of speech and right to expression are fundamental rights but the rights are not absolute. Nobody can claim a fundamental right to create noise by amplifying the sound of his speech with the help of loudspeakers. While one has a right to speech, others have a right to listen or decline to listen. Nobody can be compelled to listen and nobody can claim that he has a right to make his voice trespass into the ears or mind of others. Nobody can indulge in aural aggression. If anyone increases his volume of speech and that too with the assistance of artificial devices so as to compulsorily expose unwilling persons to hear a noise raised to unpleasant or obnoxious levels, then the person speaking is violating the right of others to a peaceful, comfortable and pollution-free life guaranteed by Article 21. Article 19(1)(a) cannot be pressed into service for defeating the fundamental right guaranteed by Article 21. We need not further dwell on this aspect. Two decisions in this regard delivered by the High Courts have been brought to our notice wherein the right to live in an atmosphere free from noise pollution has been upheld as the one guaranteed by Article 21 of the Constitution. These decisions are Free Legal Aid Cell Shri Sugan Chand Aggarwal v. Govt. of NCT of Delhi [AIR 2001 Del 455 : (2001) 93 DLT 28 (DB)] and P.A. Jacob v. Supdt. of Police [AIR 1993 Ker 1] . We have carefully gone through the reasoning adopted in the two decisions and the principle of law laid down therein, in particular, the exposition of Article 21 of the Constitution. We find ourselves in entire agreement therewith.

55. **BECAUSE** Hon'ble Supreme Court took serious note of noise pollution caused by loud speakers which is neither a daily nor on 24 x 7 x 365, affecting certain surrounding areas, whereas noise pollution by aircrafts is caused on 24x7x365 is 10 KM radius of airport reference point and is maximum in an area of 6 KM while landing and 3 KM at the time of taking off, as admitted by Respondent No.1 in its manual published in May 2010. This noise is impacting lakhs of families living under the landing/taking off funnel around airport and continue to suffer in silence.

56. **BECAUSE** all the Respondents have given a complete go bye to all the norms and the statutory provisions and are not acting as a trustee for the benefit of the public in relation to the natural resources so that sustainable development can be achieved in the long term. Such role of the State is more relevant today, than, possibly, at any point of time in history with the threat of climate catastrophe resulting from global warming looming large.

57. **BECAUSE** the Respondent are permitting an activity to go ahead and on the basis that if it is stopped, there may be irreparable damage to economic interest [M.C. Mehta v. Union of India, (2004) 12 SCC 118]. However, they have completely forgotten the mandate by Hon'ble Supreme Court that in case of a doubt, protection of environment would have precedence over the economic interest.

58. **BECAUSE** despite in know of the immense pollution cause by aircrafts in the Airport Zone in the area no steps, whatsoever have been taken by any of the Respondents who are under obligation under article 51(A)(g) of the Constitution of India.

59. **BECAUSE** despite having been seized of the fact of huge noise pollution and the admission thereof, still Environmental

Clearances have been granted to 3rd and 4th Runways to Respondent No. 9, by concealing material information from the citizens participating in the Public Hearing the statutory authorities have committed serious breach of trust and have exposed the citizens to huge noise pollution.

60. **BECAUSE** the lakhs of citizens living under landing funnel of airport zone are impacted and deprived of their fundamental right to have peaceful sleep due to actual Noise pollution which is seriously impacting the health of citizens. The patients, children or for that matter any citizen would be disturbed by actual noise caused by aircrafts and not by average noise pollution recorded over 24 hours – which is measured only for the statistical purposes and has no relevance with the health of the citizens.

61. **BECAUSE** by not controlling the huge noise pollution caused by the aircrafts causing irreversible damage to health of the entire population living under landing funnel all the statutory authorities are guilty of breach of fundamental duty cast upon them for which they have taken oath and paid for through State Exchequer contributed by the taxpayers.

62. **BECAUSE** all the Respondents jointly and severally have failed to discharge the duties cast upon them and have exposed the citizens to unwarranted pollution and avoidable risks of life and liberty for forcing them to bear the huge noise pollution and have deprived them of their fundamental right of peaceful sleep and stress-free minds.

63. **BECAUSE** at Frankfurt Airport one old lady filed a petition before Local Court complaining high noise pollution. The local Court after hearing the parties imposed Nigh Curfew which is prevalent till date.

64. **BECAUSE** out of approximately out of 651 airports, as per ICAO 402 domestic and international airports have imposed night curfew. Even small countries having population from 30K population to 3 lac population have imposed night curfew. A copy of information downloaded from ICAIO Website is annexed herewith as **Annexure 17.**

65. **BECAUSE** recently one flight having 335 passengers on board was denied landing at Fukuoka 10 minutes after the final landing cut off of 10 p.m. It was not allowed to land, and the crew had to continue their journey back to Tokyo for another five hours.

66. **BECAUSE** France has taken a conscious decision to ban short haul flights from 1st April 2023, short haul flights involving 1 hour or lesser duration flight, where alternative rail routes are available. In India a passenger must report 2 hours in advance at the airport even for a short duration flight of 40 minutes to 1 hour. The normal travel time from home to airport in majority of the cases is more than one hour. After landing at the airport normal time taken to reach home is more than 1 hour. Therefore, a passenger for one hour flight spends about 5 to 6 hours at the airport and in the skies. Thus, stopping short haul flights would be in the interest of both airlines as well as railways because both would not only make money but also reduce noise pollution.

67. **BECAUSE** even Spain is contemplating imposing either heavy taxes on short haul flights and/or banning short haul flights.

68. **BECAUSE** Belgium is contemplating imposition of new taxes on older, noisier planes as well as private jets and short-haul flights in a bid to reduce noise and air pollution, according to a

government statement. Currently, aircraft using Brussels Airport must pay a tax determined by the noise level generated at take-off and landing. Until now, small planes such as private jets have been exempt. Such ban must be imposed in India too.

69. **BECAUSE** the fliers must pay passenger fee, user fee and development fee at the airports while flying whether domestic or internationally. However, Respondents and similarly placed do not impose noise charges on the aircrafts and spend that money collected from airlines on insulating the homes falling under landing funnel which is being done by Heathrow airport.

70. **BECAUSE** at night-time only a few international flights land and take off between 10.30 pm to 2.30 am. In case of international flights, the reporting time is 3 hours in advance. Therefore, there is no justification to have round the clock domestic flights on 24 x 7 x 365 basis. The flights to middle east can be easily rescheduled after 6.00 am.

71. **BECAUSE** in view of restrictions imposed on landing and take-off of flights on 26th January 2023, all the flights, there is no reasons why flights cannot be rescheduled particularly when entire operations of the flights are based on high tech computers and supported by most advanced software and advanced programs.

72. **BECAUSE** the Respondents cannot be allowed to make their own balance sheet healthy at the cost of health of the citizens.

The Applicant have no other remedy except to seek indulgence of this Hon'ble Tribunal by way of present Original Application

LIMITATION

It is respectfully submitted that the Respondents have jointly and severally failed to implement directions issued by this Hon'ble Tribunal vide its order dated 24th November 2017 in Appeal No.60/2013(THC). Apart from this, all the respondents have jointly and severally failed to implement the notification No. GSR.568(E) dated 18th June 2018 till date and are passing on responsibility to each other till this date and continues to do so with each passing day, and therefore, are brazenly violating the directions issued by Hon'ble Supreme Court in Para **Hanuman Laxman Aroskar v. Union of India [(2020) 12 SCC 1** relevant text of which is reproduced as under :-

> *56. For the above reasons, the minutes of the meeting of EAC dated 23-4-2019 are taken on record as prayed for. The additional conditions which have been imposed by EAC shall, together with the original conditions of EC dated 28-10-2015 and the directions issued by NGT be cumulatively observed. The conditions cumulatively imposed for the grant of an EC, have been set out below:-*
>
> ***iv. noise monitoring and prevention:***
>
> *(i) Notification GSR 568(E) dated 18-6-2018 of MoEF & CC regarding ambient air quality standards with respect to noise in airport noise zone shall be complied with.*

DECLARATION

The Applicant has no other efficacious remedy except to seek indulgence of this Hon'ble Tribunal by way of the present application. The Applicant have not filed any other petition or other proceedings in this Hon'ble

Court or in the Hon'ble Supreme Court of India or in any other Court with respect to subject matter of the present application.

PRAYER

In the premise of facts and grounds urged hereinbefore it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

1. Prohibit/Ban landing and taking off aircrafts on all the runways at Indira Gandhi International Airport and all other airports similarly located within City limits during Night-time i.e., 10.00 PM to 6.00 AM except for international flights.

2. Grants stay on landing and taking off aircrafts on all the runways at Indira Gandhi International Airport and all other airports similarly located within City limits during Night-time i.e., 10.00 PM to 6.00 AM except for international flights.

3. Issue a command in the nature of order/direction, to respondent No. (s) 1,2,3,4,5,6,7,8 and 9 to comply with the noise limits prescribed under Notification No. G.S.R.568(E) dated 18th June 2018 prescribing the noise limits notified at IGI Airport and other airports similarly situated within city limits.

4. Issue a command in the nature of order/direction, to respondent No. (s) 1,2,3,4,5,6,7,8 and 9 to enforce and implement the notification No. G.S.R.568(E) dated 18th June 2018, prescribing noise limits prescribed at the IGI Airport and other airports.

5. Issue a command in the nature of /order/direction directing respondent No.2,4, 5,6,8 and 9 to publish details noise pollution generated by aircraft on its website live, which are recorded with

each landing and take-off at such interval as this Hon'ble Tribunal may deem fit for the purpose of effective monitoring and control of degrading environment. It may be important to state here that such details are available from private web sites on payment of prohibitive costs so that any ordinary well-meaning citizen cannot obtain the same.

6. Issue a command in the nature of /order/direction directing respondent No.7 to publish and put in public domain the High Noise Impacted areas around airport and stop further development around airport.

7. Award costs in favour of the Petitioner for unwarranted litigation forced upon.

8. Pass any other order as it may deem fit and proper.

HUMBLE APPLICATION

Applicant