

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
Principal Bench, New Delhi**

**I.A. No. 306. Of 2020**

**In**

**Original Application No.1016 Of 2019**

**In the matter of:-**

**Utkarsh Panwar**

**.....Applicant**

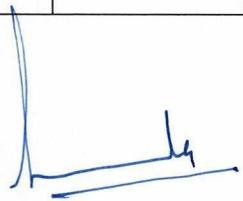
**Versus**

**Central Pollution Control Board & Ors**

**.....Respondent(s)**

**Index**

<b>Sr. no.</b>	<b>Particular</b>	<b>Page No.</b>
<b>1.</b>	<b>Reply</b> Of Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.	
<b>2.</b>	<b>Annexure 1:</b> The Air Quality Index (AQI) data calculated on 11.10.2020.	

  
**(S.K. Gupta)**  
**Scientist 'E'**

**Central Pollution Control Board  
Parivesh Bhawan, East Arjun Nagar  
Delhi-110032.**

**Place: Delhi**

**Dated:13.10.2020**

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**Reply on Behalf of, Central Pollution Control Board to the I.A. Filed by  
the applicant**

**PRELIMINARY SUBMISSIONS:-**

A. That the above said I.A. No..... of 2020 for impleadment as party respondents in O.A. No. 1016 of 2019 is pending for consideration before the Hon'ble Tribunal. The present I.A. was filed seeking closure of brick kilns in the NCR till such time as air quality did not improve, in view of the poor air quality existing at that time. Though the order dated 15/11/2019, the Hon'ble Tribunal was pleased to pass an ex-parte interim injunction restraining brick kilns from operation. This interim injunction has since been extended through subsequent orders of the Hon'ble Tribunal. Through the present application, the applicant seeks setting-aside of the interim injunction.

**PARAWISE REPLY: -**

- 1.** That the averments made in the **Para No.1 to 5**, are matter of record and under consideration with Hon'ble NGT. Hence this respondent i.e. Central Pollution Control Board (CPCB) has no comments.
- 2.** That in reply to the averments made in the **Para No.6 (a)**, answering respondent i.e. CPCB submits that the data referred by the applicant is AQI data available in the public domain and CPCB has no comments to offer in this regard. However, it is submitted that as per the average 24

hours AQI data calculated on 10/09/2020 at 4 PM for all AQI monitoring stations (including 110 cities) define that AQI falls under GOOD to MODERATE condition in all stations, except 3 locations which shows the POOR air quality. The Air Quality Data shows the improvement as per Air Quality Index. The AQI data calculated on 11/10/2020 annexed as **Annexure 1.**

- a. That the averment made in the **Para No. 6 (b)**, are matter of record and CPCB has no comments to offer in this regard.
  
- b. That in reply to the averments made in the **Para No. 6 (c)**, it is submitted that CPCB was directed by Hon'ble NGT to provide detail of the brick kilns, which can be operated district-wise, based on the available carrying capacity. The report in this regard has been submitted on 6/7/2020. CPCB submits that on the basis of the availability of data and the objective of estimating the number of brick kilns which can be operated without affecting the ambient air quality, the carrying capacity was assessed using ambient air concentration vis a vis PM<sub>10</sub>. It was observed that no carrying capacity was available, where ambient air concentration was exceeding the prescribed standard. Wherever, carrying capacity was available, number of brick kilns, which can be operated, were calculated.

CPCB has no comments to offer on the assumptions/explanations made by the applicant.

- c. That in reply to the averment made in the **Para No. 6 (d)**, CPCB submits that in compliance of Hon'ble NGT order, CPCB was required to submit the findings w.r.t. only fugitive emission. During manufacturing process in brick kilns, the sources of fugitive emissions are moulding area, feeding holes of fuels, crushing process of coal, loading/unloading of brick, Keri i.e. dust/ash obtained from kiln bottom loaded at the top of brick setting for air sealing, vehicle for transportation, and high velocity winds. The report regarding fugitive emission during green brick manufacturing has been submitted earlier by CPCB in compliance of Hon'ble NGT order dated 15.11.2020 in the present OA. No.

1016/2019. This report specifies sources of fugitive emissions including green brick manufacturing, quantum of fugitive emissions at various stages of green bricks manufacturing and precautions required to arrest fugitive dust emissions.

The quantum of fugitive emission at various stages of green brick manufacturing from various type of kilns, as submitted by CPCB in the above mentioned report is reproduced below for reference:

**Average SPM values (mg/m<sup>3</sup>) of fugitive emissions in different type of kilns.**

<b>Type of Kilns</b>	<b>Moulding Area</b>	<b>Loading Area</b>	<b>Charging Area</b>	<b>Unloading Area</b>
Fixed Chimney Bull's Trench Kiln (FCBTK) (Coal)	16.08	18.81	15.33	17.69
Fixed Chimney Bull's Trench Kiln (Biomass)	14.55	15.37	17.59	17.16
High Draft Kiln Zig-Zag	12.50	16.73	14.31	17.32
Natural draft Zig-Zag	12.50	13.13	17.50	21.04
Down Draft Kiln (DDK)	-	-	20.83	38.33
Hoffman Kiln	-	26.35	20.42	13.75
Vertical Shaft Brick Kiln (VSBK)	12.81	15.16	-	23.50
Clamp Kiln	9.53	-	18.14	-

**The report of CPCB clearly says that it may be noted that though the stack emissions are less in case of kilns operating on Zig-Zag technology, when compared to the kilns operating on FCBTK technology on the same fuel, the quantum of fugitive dust emissions from all type of kilns are more or less same. In view of this and the fact that dust emissions may also be generated from the movement of vehicles within the premises of the brick kilns, if the moving area is not paved. Therefore, the statement of the applicant that the CPCB's report dated 13/12/2019 filed before Hon'ble Tribunal gave incorrect impression, is neither correct nor justified at all.**

- d. That the averment made in the **Para No. 6 (e)**, are matter of record and CPCB has no comments to offer in this regard.
- e. That the averment made in the **Para No. 6 (f)**, are matter of record and CPCB has no comments to offer in this regard.

- f. That the averment made in the **Para No. 6 (g)**, are matter of record and CPCB has no comments to offer in this regard.
- g. That in reply to the averment made in the **Para No. 6 (h)**, it is submitted that a Notification on use of fly ash is issued by MoEF&CC on 14/9/1999 (amended in 2003, 2009 and 2016), and SPCBs are the designated authorities for ensuring compliance of above provisions of Notification dated 14/9/1999 regarding utilization of ash of power plants. The comments regarding availability of fly ash for brick manufacturing may be obtained from SPCBs.
3. That in reply to the averments made in the **Para No. 7**, it is submitted that setting-aside of the closure order for brick kilns is under jurisdiction of Hon'ble NGT and hence CPCB has no comments to offer in this regard.

### **PRAYER**

In view of the above facts and circumstance as well as the reports filed by the CPCB, it is humbly prayed that the application of the applicant may kindly be dismissed with cost or pass any other further order as this Hon'ble Tribunal may deems fit and proper in the interest of justice. However, this answering Respondent shall abide by any order or directions, if any, passed by this Hon'ble Tribunal.



**(S.K. Gupta)**

**Scientist 'E'**

**Central Pollution Control Board**

**Place: Delhi**

**Dated: 13.10.2020**

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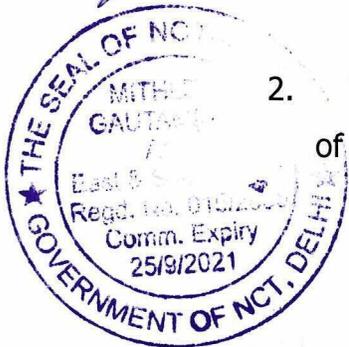
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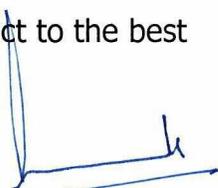
.....Respondent(s)

AFFIDAVIT

I, S.K. Gupta aged about 57 years do hereby solemnly affirm and state as under:

1. That I am Scientist 'E' in the central Pollution Control Board and well conversant with the facts and circumstances of this case and competent to swear this affidavit.
2. That the contents of the reply to the I.A. are true and correct to the best of my knowledge.



  
DEPONENT

VERIFICATION:

Verified at New Delhi on this 13 day of Oct. 2020, that the contents of the above affidavit are true and correct to the best of my knowledge

  
DEPONENT

Identify the deponent who  
has signed in my presence.

CERTIFIED THAT THE DEPONENT  
Shri/Smt./M. S.K. Gupta  
Scientist 'E' in CPCB Delhi  
Identified  
has solemnly affirmed  
on 13 OCT 2020  
that the contents of the affidavit  
have been read and deposited to him/her  
are true & correct to his/her knowledge.  
M. Gautam  
Notary Public-Karkardooma Court, Delhi

13 OCT 2020



## Air Quality Index on Oct 11, 2020 @ 4 PM

(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
1	Agra	Poor	242	PM <sub>2.5</sub>	1
2	Ahmedabad	Moderate	154	O <sub>3</sub>	1
3	Ajmer	Satisfactory	78	PM <sub>10</sub>	1
4	Alwar	Satisfactory	89	PM <sub>10</sub>	1
5	Amaravati	Good	31	O <sub>3</sub>	1
6	Ambala	Moderate	194	PM <sub>2.5</sub>	1
7	Amritsar	Moderate	161	PM <sub>2.5</sub>	1
8	Ankleshwar	Poor	264	PM <sub>2.5</sub>	1
9	Asansol	Satisfactory	100	PM <sub>10</sub>	1
10	Aurangabad	Satisfactory	76	PM <sub>2.5</sub>	1
11	Bagalkot	Satisfactory	71	PM <sub>2.5</sub>	1
12	Baghpat	Poor	286	PM <sub>2.5</sub>	1

### Possible Health Impacts

Good	Minimal Impact
Satisfactory	Minor breathing discomfort to sensitive people
Moderate	Breathing discomfort to the people with lungs, asthma and heart diseases
Poor	Breathing discomfort to most people on prolonged exposure
Very Poor	Respiratory illness on prolonged exposure
Severe	Affects healthy people and seriously impacts those with existing diseases

### Notes

\* AQI is not calculated for today's bulletin for Aizawl, Charkhi Dadri, Coimbatore, Jodhpur, Jorapokhar, Kalaburgi, Kochi, Moradabad, Nagpur, Pune, Rohtak, Solapur, Visakhapatnam as data was not available.

# Some stations have data available at 3PM

\* In case of a city with multiple monitoring locations, average value is used to indicate air quality. Air quality may show variations across locations, and averaging is not a scientifically sound approach. However, for the sake of simplicity this method is being followed. For AQI of monitoring locations, website (<http://cpcb.nic.in>) may be referred.



## Air Quality Index on Oct 11, 2020 @ 4 PM

(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
13	Bahadurgarh	Poor	204	PM <sub>2.5</sub>	1
14	Ballabgarh	Poor	220	PM <sub>10</sub>	1
15	Bathinda	Satisfactory	74	PM <sub>10</sub>	1
16	Bengaluru	Good	42	CO, PM <sub>10</sub> , PM <sub>2.5</sub>	6
17	Bhiwadi	Poor	288	PM <sub>10</sub>	1
18	Bhiwani	Moderate	152	O <sub>3</sub>	1
19	Bhopal	Moderate	146	PM <sub>10</sub>	1
20	Brajrajnagar	Good	43	PM <sub>2.5</sub>	1
21	Bulandshahr	Poor	268	PM <sub>2.5</sub>	1
22	Chandigarh	Moderate	111	PM <sub>10</sub>	1
23	Chandrapur	Satisfactory	65	PM <sub>2.5</sub> , PM <sub>10</sub>	2
24	Chennai	Satisfactory	55	CO, PM <sub>2.5</sub> , PM <sub>10</sub>	3

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## Air Quality Index on Oct 11, 2020 @ 4 PM

(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
25	Chikkaballapur	Satisfactory	53	PM <sub>2.5</sub>	1
26	Chikkamagaluru	Good	46	O <sub>3</sub>	1
27	Damoh	Satisfactory	92	PM <sub>2.5</sub>	1
28	Delhi	Poor	216	PM <sub>2.5</sub> , PM <sub>10</sub>	35
29	Dewas	Moderate	130	PM <sub>10</sub>	1
30	Dharuhera	Poor	246	PM <sub>10</sub>	1
31	Eloor	Good	37	CO	1
32	Ernakulam	Satisfactory	83	CO	1
33	Faridabad	Poor	214	PM <sub>2.5</sub> , PM <sub>10</sub>	4
34	Fatehabad	Moderate	198	PM <sub>2.5</sub>	1
35	Gandhinagar	Satisfactory	95	PM <sub>10</sub>	1
36	Gaya	Good	49	PM <sub>10</sub>	1

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(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
37	Ghaziabad	Poor	231	PM <sub>2.5</sub> , O <sub>3</sub>	4
38	Greater Noida	Poor	210	PM <sub>10</sub> , PM <sub>2.5</sub>	2
39	Gurugram	Moderate	187	PM <sub>2.5</sub> , PM <sub>10</sub>	4
40	Guwahati	Satisfactory	79	PM <sub>2.5</sub>	1
41	Gwalior	Poor	223	PM <sub>2.5</sub>	1
42	Hajipur	Moderate	123	PM <sub>2.5</sub>	1
43	Hapur	Poor	215	PM <sub>10</sub>	1
44	Hisar	Moderate	155	PM <sub>2.5</sub>	1
45	Howrah	Satisfactory	98	PM <sub>10</sub>	1
46	Hubballi	Good	48	PM <sub>10</sub>	1
47	Hyderabad	Satisfactory	68	PM <sub>2.5</sub> , PM <sub>10</sub>	6
48	Indore	Moderate	143	PM <sub>10</sub>	1

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(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
49	Jabalpur	Satisfactory	95	PM <sub>10</sub>	1
50	Jaipur	Moderate	116	PM <sub>10</sub> , O <sub>3</sub>	3
51	Jalandhar	Moderate	151	PM <sub>2.5</sub>	1
52	Jind	Poor	244	PM <sub>2.5</sub>	1
53	Kaithal	Moderate	142	PM <sub>2.5</sub>	1
54	Kalyan	Satisfactory	100	PM <sub>10</sub>	1
55	Kannur	Satisfactory	52	CO	1
56	Kanpur	Moderate	174	PM <sub>2.5</sub>	1
57	Karnal	Poor	222	PM <sub>2.5</sub>	1
58	Katni	Satisfactory	90	PM <sub>10</sub>	1
59	Khanna	Moderate	117	PM <sub>10</sub>	1
60	Kohima	Satisfactory	53	PM <sub>10</sub>	1

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## Air Quality Index on Oct 11, 2020 @ 4 PM

(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
61	Kolkata	Satisfactory	73	PM <sub>2.5</sub> , PM <sub>10</sub>	7
62	Kollam	Satisfactory	66	PM <sub>2.5</sub>	1
63	Kota	Moderate	114	PM <sub>2.5</sub>	1
64	Kozhikode	Good	35	PM <sub>10</sub>	1
65	Kurukshetra	Poor	221	PM <sub>2.5</sub>	1
66	Lucknow	Poor	209	PM <sub>2.5</sub>	4
67	Ludhiana	Moderate	154	PM <sub>10</sub>	1
68	Maihar	Good	37	PM <sub>10</sub>	1
69	Mandi Gobindgarh	Poor	216	PM <sub>2.5</sub>	1
70	Mandideep	Moderate	113	PM <sub>10</sub>	1
71	Mandikhera	Moderate	120	PM <sub>10</sub>	1
72	Manesar	Moderate	125	PM <sub>10</sub>	1

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(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
73	Meerut	Poor	292	PM <sub>2.5</sub>	3
74	Mumbai	Moderate	110	PM <sub>2.5</sub> , PM <sub>10</sub> , CO	5
75	Muzaffarnagar	Poor	283	PM <sub>2.5</sub>	1
76	Muzaffarpur	Moderate	117	PM <sub>2.5</sub>	1
77	Mysuru	Good	44	O <sub>3</sub>	1
78	Nandesari	Moderate	191	CO	1
79	Narnaul	Moderate	140	PM <sub>10</sub>	1
80	Nashik	Satisfactory	78	O <sub>3</sub>	1
81	Navi Mumbai	Satisfactory	82	PM <sub>2.5</sub>	2
82	Noida	Poor	204	PM <sub>2.5</sub> , PM <sub>10</sub>	4
83	Pali	Moderate	110	PM <sub>10</sub>	1
84	Palwal	Moderate	136	PM <sub>10</sub>	1

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## Air Quality Index on Oct 11, 2020 @ 4 PM

(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
85	Panchkula	Moderate	108	O <sub>3</sub>	1
86	Panipat	Poor	281	PM <sub>2.5</sub>	1
87	Patiala	Moderate	124	PM <sub>10</sub>	1
88	Patna	Moderate	118	PM <sub>2.5</sub> , PM <sub>10</sub>	6
89	Pithampur	Moderate	167	PM <sub>2.5</sub>	1
90	Rajamahendravaram	Good	33	CO	1
91	Ramanagara	Good	34	O <sub>3</sub>	1
92	Ratlam	Moderate	164	PM <sub>10</sub>	1
93	Rupnagar	Moderate	112	PM <sub>10</sub>	1
94	Sagar	Satisfactory	77	PM <sub>2.5</sub>	1
95	Satna	Satisfactory	77	PM <sub>10</sub>	1
96	Shillong	Good	26	PM <sub>2.5</sub>	1

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(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
97	Siliguri	Satisfactory	87	PM <sub>10</sub>	1
98	Singrauli	Moderate	147	PM <sub>10</sub>	1
99	Sirsa	Moderate	142	PM <sub>10</sub>	1
100	Sonipat	Moderate	178	PM <sub>10</sub>	1
101	Talcher	Satisfactory	81	PM <sub>10</sub>	1
102	Thane	Moderate	103	PM <sub>10</sub>	1
103	Thiruvananthapuram	Good	48	CO, PM <sub>10</sub>	2
104	Tirupati	Good	40	CO	1
105	Udaipur	Satisfactory	78	PM <sub>10</sub>	1
106	Ujjain	Poor	228	O <sub>3</sub>	1
107	Vapi	Moderate	187	PM <sub>2.5</sub>	1
108	Varanasi	Moderate	175	PM <sub>10</sub>	1

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# Some stations have data available at 3PM

\* In case of a city with multiple monitoring locations, average value is used to indicate air quality. Air quality may show variations across locations, and averaging is not a scientifically sound approach. However, for the sake of simplicity this method is being followed. For AQI of monitoring locations, website (<http://cpcb.nic.in>) may be referred.



## Air Quality Index on Oct 11, 2020 @ 4 PM

(Average of past 24 hours)

S.No	City	Air Quality	Index Value	Prominent Pollutant	Based on Number of Monitoring Stations
109	Vatva	Moderate	190	PM <sub>10</sub>	1
110	Vijayapura	Good	47	O <sub>3</sub>	1
111	Yadgir	Good	27	O <sub>3</sub>	1
112	Yamunanagar	Poor	232	PM <sub>2.5</sub>	1

### Possible Health Impacts

Good	Minimal Impact
Satisfactory	Minor breathing discomfort to sensitive people
Moderate	Breathing discomfort to the people with lungs, asthma and heart diseases
Poor	Breathing discomfort to most people on prolonged exposure
Very Poor	Respiratory illness on prolonged exposure
Severe	Affects healthy people and seriously impacts those with existing diseases

### Notes

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