

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
EXECUTION APPLICATION NO. 48/2025  
IN  
ORIGINAL APPLICATION NO. 280/2025**

**IN THE MATTER OF:**

**MOKSHI BHARDWAJ**

**.....APPLICANT**

**VERSUS**

**UNION OF INDIA & ORS.**

**....RESPONDENTS**

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*THROUGH COUNSEL*



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**DATE: 17.12.2025**  
**PLACE: NOIDA**

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

**EXECUTION APPLICATION NO. 48/2025**

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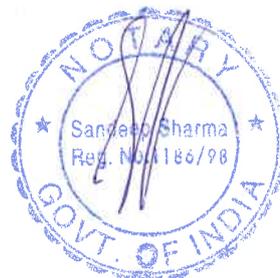
**....RESPONDENTS**

**RESPONSE ON BEHALF OF THE RESPONDENT NO.5, UTTAR  
PRADESH POLLUTION CONTROL BOARD IN COMPLIANCE OF  
THE ORDER DT. 29.08.2025 PASSED BY THE HON'BLE NATIONAL  
GREEN TRIBUNAL**

I, Ankit Singh, aged about 38 years S/o Sh. Ajit Singh, presently posted as Uttar Pradesh Pollution Control Board do hereby solemnly affirm and state on oath as under:

1. That I, the deponent in the above captioned matter am fully conversant with the facts of the case and is competent and authorized to swear the present affidavit.

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2. That I state that the contents of the affidavit have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.

### **I. BACKGROUND OF THE MATTER**

3. That the applicant has made a complaint against Respondent No.-11, i.e. Bal Bharti Public School, about violations of the environmental norms in raising construction of structures in the premises. Upon considering the matter this Hon'ble Tribunal was pleased to disposed of the Original Application vide its order dated 30.05.2025 with following directions:

*".....7. The allegations which have been made by the applicant in this OA needs verification at the ground level and if the respondent no. 11 has violated the environmental norms, then requisite expeditious action is required to be taken by the concerned authorities. Records reveal that applicant has already made representation dated 23.05.2025 (page 85) to the Chairman, UPPCB and similar representation of the same date (page 109) to the Municipal Commissioner, Nagar Nigam Ghaziabad. These authorities are directed to duly consider the representations of the applicant and ascertain if the respondent no. 11, School is proceeding with the construction in violation of the environmental norms. If the allegations are found to be correct then the concerned authorities will take appropriate, punitive and remedial action without*



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*any delay. So far as the recovery of environmental compensation already levied, is concerned, the Chairman UPPCB will take all possible efforts to affect recovery of the environmental compensation, if there is no legal impediment in this regard.*

*8. Let this exercise be completed by following the Principles of Natural Justice by the Chairman, UPPCB and the Municipal Commissioner, Nagar Nigam Ghaziabad as expeditiously as possible probably within a period of eight weeks...”*

## **II. COMPLIANCE UNDERTAKEN**

4. That through letters dated 14.10.2024 and 21.10.2024, the Commission for Air Quality Management (CAQM) in the National Capital Region and adjoining areas had enforced GRAP Stage-1 and GRAP Stage-2, respectively.

Copies of the said CAQM letters dated 14.10.2024 and 21.10.2024 are being annexed herewith as **ANNEXURE-1**.

## **III. INSPECTION REPORT DATED 23.10.2024**

5. That in compliance with the above, an inspection of the premises of M/s Bal Bharati Public School, Brij Vihar, Sahibabad, Ghaziabad was conducted by the authorized officers of the Regional Office, Ghaziabad



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on 23.10.2024. Violations found during the said inspection are given as under:

- i. Non-registration on the web-portal of the concerned SPCB / DPCC
- ii. Self-audit reports not uploaded on the web portal and / or video fencing of the project boundary not being carried out
- iii. Non-deployment of prescribed no. of anti-smog guns
- iv. Ineffective dust mitigation measures (with respect to provision of windbarkers / dust screens / covering of construction materials and debris etc.

**A copy of the said inspection report dated 23.10.2024 is being annexed herewith as ANNEXURE-2.**

#### **IV. SHOW CAUSE NOTICE AND IMPOSITION OF EC**

6. That in consonance with UPPCB's report dated 30.10.2024, a **Show Cause Notice** vide letter dated 06.12.2024 was issued under **Section 31A of the Air Act, 1981, for the imposition of Environmental Compensation (EC)** in accordance with the Hon'ble CAQM's letter dated 06.02.2024 titled "Standard Schedule for EC Charges in Closure Directions issued by the Commission" under Construction & Demolition Projects/Activities.

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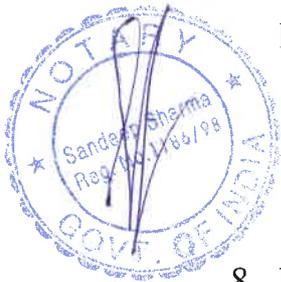
A copy of the said Show Cause Notice dated 06.12.2024 is being annexed herewith as **ANNEXURE-3**.

**V. INSPECTION REPORT DATED 07.01.2025**

7. Further, an **inspection of the said school premises was conducted by the authorized officers on 07.01.2025, wherein non-compliance with the given directions was observed. The non-compliances found during the inspection are given as under:**

- i. That the total area of the plot is of over 20,000 square meters.
- ii. That at the time of inspection, anti-smog gun was not found installed in the unit for prevention of air pollution and PTZ camera, low-cost dust sensor were not found installed.
- iii. That the unit has not registered on the DUST portal.
- iv. Instructions mentioned in the show cause notice dated 06.12.2024 by the Board Headquarters are not being followed properly.

A copy of the inspection report dated 07.01.2025 is being annexed herewith as **ANNEXURE-4**.



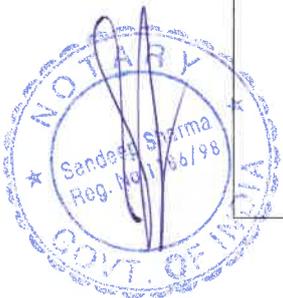
8. It is submitted that, in compliance with the CAQM's orders/instructions dated 06.02.2024, **an Environmental Compensation amounting to**

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₹34,20,000/- was duly imposed against the said school by UPPCB vide letter dated 27.02.2025.

9. A detailed break-down of the above said EC in accordance with the *Standard Schedule for EC Charges of the CAQM Order dated 1<sup>st</sup> January, 2025* is given as under:

S. No	Description of the Violation	Calculation	Total EC
1.	Non-registration on the web-portal of the concerned SPCB/DPCC	<b>2,00,000</b>	<b>2,00,000</b>
2.	Self-audit reports not uploaded on the web portal and or video fencing of the project boundary not being carried out	<b>40,000</b> (Total construction area more than 20,000 sq.m)	<b>40,000</b>
3.	Non-deployment of prescribed no. of anti-smog gun (4 no.s of anti-smog guns)	<b>7,500 per day per anti-smog gun</b> (for 04 no.s of anti-smog guns) relative to	The project proponent has not installed an anti-smog gun. <b>The total EC is</b>



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		not even a single anti-smog gun installed. = 7500x4	estimated to be Rs. 23,10,000 at the rate of Rs. 30,000 per day for a total of 77 days till 07.01.2025.
4.	Ineffective dust mitigation measures (wrt. Provision of wind barkers, dust screens, covering of construction materials and debris etc.	15,000 per day (total plot area more than 500 sq. meters)	Total EC is estimated to be Rs. 8,70,000 at the rate of Rs. 15,000 per day for a total period of 58 days from the date of first inspection that was 23.10.2024.
<b>TOTAL</b>			<b>34,20,000</b>



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A copy of the said UPPCB letter dated 27.02.2025 along with the CAQM Order dated 01.01.2025 is being annexed herewith as **ANNEXURE-5.**

10. That further, the applicant, through representation dated 23.05.2025 addressed to the Chairman, UPPCB Lucknow, filed a complaint against *M/s Bal Bharti Public School, Brij Vihar, Sahibabad, Ghaziabad*, alleging violation of environmental norms on the following grounds:

- a) Non-registration of the construction project on the SPCB/DPCC portal.
- b) Failure to submit self-audit reports and non-installation of video surveillance for remote monitoring of the site.
- c) Absence of required anti-smog guns.
- d) Ineffective or absent dust mitigation measures, including lack of wind barriers, dust screens, and improper storage of construction material.

11. That the concerned school filed an **Appeal No. 24/2025** before this Hon'ble Tribunal against the Environmental Compensation Order imposed by the Uttar Pradesh Pollution Control Board's letter dated 27.02.2025. However, **the said appeal was dismissed**

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as not maintainable by Hon'ble Tribunal vide order dated 28.07.2025.

The relevant portion of the judgement is produced as under:

*16. "In such circumstances, we find that the impugned order has not been passed by the UPPCB on behalf of the CAQM, therefore, the present appeal under Section 18 of the CAQM Act is not maintainable, hence, dismissed. We make it clear that this order will not come in the way of the Appellant in filing a properly constituted appeal before the competent Appellate Authority against the impugned order in terms of the provisions of the Air Act".*

A copy of the said order dated 28.07.2025 is being annexed herewith as **ANNEXURE-6.**

#### **VI. INSPECTION REPORT DATED 23.09.2025**

12. That subsequently, an **inspection of M/s Bal Bharti Public School, Brij Vihar, Sahibabad, Ghaziabad was conducted on 23.09.2025** in the presence of the project representative, Mrs. Swati Singh (H.M.). The inspection report is as follows:

- a) The project has completed registration on the UPPCB Dust Portal and has also conducted a self-audit. As per available information, the latest self-audit was done on 22.09.2025.

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A copy of the said self-audit report dated 22.09.2025 is being annexed herewith as **ANNEXURE-7**.

- b) The project site has been covered with wind-breaking walls, and two anti-smog guns have been installed to control dust emissions. The building material was found to be covered with green netting, and no dust emission issue was observed at the site.
- c) During the inspection, the project representative informed that approximately 90% of the construction-related work has been completed, and the remaining work is proposed to be completed within one month.
- d) At the time of inspection, installation work was found to be in progress for two DG sets of 125 KVA capacity each (CPCB-IV standard) and one DG set of 250 KVA capacity (CPCB-IV standard) at the site. The unit representative was instructed to ensure that the height of the chimneys connected with the DG sets is made as per the prescribed norms.
- e) The unit representative had informed that the previously installed DG sets of 125 KVA capacity have been removed from the site, which was found to be correct during the inspection.

Photographs taken during the said inspection dated 23.09.2025 are being annexed herewith as **ANNEXURE-8**

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13. That moreover, a **Show-Cause Notice** was issued by **CAQM** vide letter dated **19.08.2025** against the project of the unit. That in the said Show Cause Notice, the following had been stated:

- i. **The project site of the M/s Bal Bharti Public School, BBPS, Block - 5, Brij Vihar, Ghaziabad, Uttar Pradesh - 201011 was visited and inspected. On 16.07.2025, by a Flying Squad constituted by the Commission, to verify compliance with Directions/ Orders issued by the Commission from time to time and other relevant rules/ regulations;**
- ii. **WHEREAS, it was reported that the Plot size is more than 500 meters and the project is registered on the Web Portal of UPPCB and self-certification has also been done but PM2.5 & PM10 sensor for monitoring air quality was not found installed at site which is a non-conformity to the Commission's Direction dated 11.06.2021. While it is required to do the self-certification on a fortnightly basis, the inspection report reveals that the latest self-certification was done on 24.06.2025 which is a non-conformity to the Commission's Direction dated 11.06.2021. Further, 02 DG Sets (125 KVA each) were found non-compliant at site and no action has been initiated for emission control**

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through RECD/Dual fuel mode operation which is a violation of Commission's Direction No. 76 dated 29.09.2023 (as amended).

- iii. WHEREAS, the Enforcement Task Force constituted by the Commission vide Order dated 08.01.2025 to monitor and supervise the implementation of the Statutory Directions issued by the Commission, has examined the matter in detail, in its meeting held on 25.07.2025 based on the inspection report submitted by the flying squad;

A copy of the said show cause notice dated 19.08.2025, is being annexed herewith as ANNEXURE-9.

14. That in the said reply dated 27.09.2025, the School made the following submissions:

- i. That the generator set observed within the school premises is presently under the process of installation and shall be fully commissioned and put to use by 30<sup>th</sup> October 2025. It was further assured that the height of the chimneys will be maintained strictly in accordance with the prescribed norms.
- ii. That as regards the imposition of a fine of 34,20,000/- upon the school vide letter dated 06.12.2024, it was stated that such a demand is wholly without jurisdiction and unsustainable in law in



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light of the authoritative pronouncement of the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, in Suez India Pvt. Ltd. v. U.P. Pollution Control Board & Ors. (Neutral Citation No. 2025:AHC-LKO:40756-DB, decided on 17.07.2025).

15. That further it is submitted that the self-declaration dated 27.09.2025 submitted by the project proponent it has been stated that the Generator sets that will be commissioned shall strictly comply to the prescribed norms for the heights of the chimneys and the same shall be fully implemented and put to use by 30.10.2025.

A copy of the said reply dated 27.09.2025 along with the self- declaration is being annexed herewith as ANNEXURE- 10

#### **VII. LATEST INSPECTION REPORT DATED 12.12.2025**

16. That on 12.12.2025, the latest inspection was conducted at the school premises in the presence of Mr. Anil Sahlot, Administrative Officer, School Representative. The following points were ascertained in the inspection:

- i. The project has registered on the UPPCB's Dust Portal and has also conducted a self-audit. Based on available information, the project's latest self-audit was conducted on December 4, 2025.



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- ii. The construction area of the project has been covered with wind breaking wall and 2 anti-smog guns have been installed for dust control at the site and the building material was found covered with green nets with 0 dust emission.
- iii. The project representative present at the time of inspection informed that the construction work has been almost completed. Further, no construction work of any kind was found at the site.
- iv. That one DG set of 250 kVA capacity (CPCB-IV standard) was found installed at the site, and the height of the associated chimney was found to be in accordance with the standards.

A copy of the said report dated 12.12.2025 and photographs of the inspection are being annexed herewith as **ANNEXURE-11**

**VIII. SUPREME COURT DIRECTIONS IN DPPC VS. LODHI PROPERTY**

17. That it is worthwhile to mention here that the Hon'ble Supreme Court in the matter of **DPPC. Vs. Lodhi Property Co. Ltd. Etc.**, Civil Appeal No(s). 757-760 of 2013, vide order dt. 04.08.2025 in **Para 39(b) and (c)** directed as under:



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- b. *“We direct that the Pollution Control Boards can impose and collectas restitutionary and compensatory damages fixed sums of monies orrequire furnishing bank guarantees as an ex-ante measure towardspotential environmental damage in exercise of powers under Sections 33Aand 31A of the Water and Air Acts.*
- c. *It is further directed that the power to impose or collect restitutionaryor compensatory damages or the requirement to furnish bank guaranteesas an ex-ante measure under Sections 33A and 31A of theWater and AirActs shall be enforced only after detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation.”*

18. That in view of the aforesaid observations of the Hon’ble Supreme Court, it is stated that though the concerned **State Pollution Control Board has power to impose and collect Environmental Compensation, however, till the Rules are framed, it should not impose or collect any environmental compensation as directed by Hon’ble Supreme Court. The Hon’ble Supreme Court has directed that Union of India be impleaded in the above case and will inform the Hon’ble Court about the Rules and Regulations to be framed by it.**

A copy of the said judgment dated 04.08.2025 is being annexed herewith as **ANNEXURE-12.**

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19. That the Deponent, being duty-bound under law, is committed to ensuring strict compliance with all directions of this Hon'ble Tribunal and undertakes to adhere to any further orders or instructions issued hereafter, without demur or delay.

20. Hence, the present response is being submitted for the kind perusal of this Hon'ble Tribunal and it is prayed that the same be taken on record.

*Subal S.*  
DEPONENT

**VERIFICATION**

Verified at Ghaziabad on this the ...<sup>17</sup>... day of December, 2025 that the contents of the above affidavit from Paragraphs 1-20 are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

*(Signature)*  
**ATTESTED**  
(Sandeep Sharma)  
Reg. No. 1186/98  
NOTARY PUBLIC  
Ghaziabad (U.P.)

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*Subal S.*  
DEPONENT

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राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र  
वायु गुणवत्ता प्रबंधन आयोग  
Commission for Air Quality Management in  
National Capital Region and  
Adjoining Areas



No.120017/27/GRAP/2021/CAQM/1626-1780

14<sup>th</sup> October, 2024

**ORDER**

**Sub.: Implementation of Actions under Stage-I ('Poor' Air Quality) of revised Graded Response Action Plan in Delhi-NCR - steps to be taken.**

The Commission for Air Quality Management in NCR and adjoining areas, vide Direction No. 83 dated 17<sup>th</sup> September 2024, issued statutory direction for implementation of the revised schedule of the Graded Response Action Plan (GRAP), available on the CAQM website (caqm.nic.in), as and when ordered for by the Commission.

The Sub-Committee constituted for invoking actions under the GRAP in its meeting held on 14.10.2024 comprehensively reviewed the air quality scenario in the region as well as the forecasts for meteorological conditions and Air Quality Index (AQI) made available by IMD/IITM.

There has been a sudden dip in air quality parameters in the last 24 hrs in the region which led to the AQI for Delhi moving into the "POOR" category and the forecasts also predict air quality to mainly remain in "Poor" category in coming days owing to the unfavorable meteorological condition. Therefore, the Sub-Committee decided that **ALL actions** as envisaged **under Stage I of the GRAP - 'Poor' Air Quality (DELHI AQI ranging between 201-300)**, be implemented in right earnest by all the agencies concerned, **from 8:00 A.M. of 15.10.2024 in the NCR.**

These include:

1. Ensure proper implementation of Directions/Rules/Guidelines on dust mitigation measures in Construction and Demolition (C&D) activities and sound environmental management of C&D waste.
2. Ensure strict compliance of Direction Nos. 11-18 dated 11.06.2021 and do not permit C&D activities in respect of such projects with plot size equal to or more than 500 sqm which are not registered on the 'web portal' of the respective state / GNCTD and /or which do not fulfil the other requirements as per above noted statutory directions, for remote monitoring of dust mitigation measures.
3. Ensure regular lifting of Municipal Solid Waste (MSW), Construction & Demolition (C&D) waste, and Hazardous wastes from dedicated dump sites and ensure that no waste is dumped illegally in open land areas.

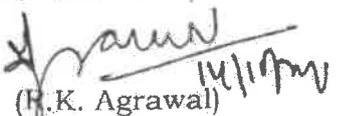
4. Carry out periodic mechanized sweeping and water sprinkling on roads and ensure scientific disposal of the dust collected in designated sites/landfills.
5. Ensure that C&D materials & waste are properly stored/ contained, duly covered in the premises. Ensure transportation of C&D materials and C&D waste only through covered vehicles.
6. Strictly enforce the statutory directions and yardsticks for use of anti-smog guns at C&D sites, in proportion to the total area of construction for the project.
7. Intensify use of anti-smog guns, water sprinkling and dust suppression measures in road construction / widening/ repair projects and maintenance activities.
8. Stringently enforce prohibition on open burning of biomass and municipal solid waste. Impose maximum EC upon violations in accordance with Hon'ble NGT's orders dated 04.12.2014 and 28.04.2015 in OA 21/2014.
9. Strict vigil to ensure that there are no burning incidents in the landfill sites / dumpsites.
10. Deploy traffic police for smooth traffic flow at all identified corridors with heavy traffic and congestion prone intersections.
11. Strict vigilance and enforcement of PUC norms for vehicles.
12. No tolerance for visible emissions - Stop visibly polluting vehicles by impounding and / or levying maximum penalty.
13. Strictly enforce the Hon'ble Supreme Court order on diversion of non-destined truck traffic for Delhi, through Eastern and Western Peripheral Expressways.
14. Strictly enforce NGT / Hon'ble SC's order on overaged diesel / petrol vehicles and as per extant statutes.
15. Ensure strict penal/ legal action against non-compliant and illegal industrial units.
16. Stringently enforce all pollution control regulations in Industries, brick kilns and hot mix plants etc. - strict compliance of the prescribed standards of emissions.
17. Ensure that only approved fuels are used by the industries in NCR including in brick kilns and hot mix plants and enforce closure in case of violations, if any.
18. Stringently enforce emission norms in thermal power plants and strict actions be taken against non-compliance.



19. Strictly enforce Hon'ble Courts/Tribunal orders regarding ban on fire crackers.
20. Ensure regular lifting and proper disposal of industrial waste from industrial and non-development areas.
21. DISCOMs to minimise power supply interruptions in NCR.
22. Ensure that diesel generator sets are not used as regular source of power supply.
23. Strictly enforce the extant ban on coal / firewood as fuel in Tandoors in Hotels, Restaurants and open eateries.
24. Ensure hotels, restaurants and open eateries use only electricity /gas based / clean fuel-based appliances.
25. Information dissemination including through social media and bulk SMS etc. Mobile Apps to be used to inform people about the pollution levels, contact details of control room, enable them to report polluting activities / sources to the concerned authorities and inform them about actions that would be taken by Government.
26. Ensure quick actions for redressal of complaints on 311 APP, Green Delhi App, SAMEER App and other such social media platforms to curb polluting activities.
27. Encourage offices to start unified commute for employees to reduce traffic on road.

Further, citizens may be urged to adhere to the citizen charter and assist in effective implementation of the GRAP measures aimed towards sustaining and improving the Air Quality in the region, as under:

- Keep engines of your vehicles properly tuned.
- Maintain proper tyre pressure in vehicles.
- Keep PUC certificates of your vehicles up to date.
- Do not idle your vehicle, also turn off the engine at red lights.
- Prefer hybrid vehicles or EVs to control vehicular pollution.
- Do not litter / dispose wastes, garbage in open spaces.
- Report air polluting activities through 311 App, Green Delhi App, SAMEER App etc.
- Plant more trees.
- Celebrate festivals in an eco-friendly manner – avoid firecrackers.
- Do not drive/ply end of life/ 10/15 years old Diesel/Petrol vehicles.

  
(R.K. Agrawal)

Director (Technical)  
(Member Convener of Sub-Committee on GRAP)

**To:**

1. The Chief Secretary, Government of Uttar Pradesh, 101, Lok Bhawan, U. P. Civil Secretariat, Vidhan Sabha Marg, Lucknow - 226 001.
2. The Chief Secretary, Government of Rajasthan, Government Secretariat, Jaipur, Rajasthan - 302 005.
3. The Chief Secretary, Government of Haryana, 4<sup>th</sup> Floor, Civil Secretariat, Sector - 1, Chandigarh.
4. The Chief Secretary, Government of NCT of Delhi, 3<sup>rd</sup> Floor, Delhi Secretariat, I. P. Estate, New Delhi - 110 002.
5. Additional Chief Secretary/Principal Secretary, Department of Environment, Uttar Pradesh.
6. Additional Chief Secretary, Department of Environment, Room No. 335, 3<sup>rd</sup> Floor, Haryana New Secretariat, Sector 17, Chandigarh.
7. Additional Chief Secretary / Principal Secretary, Department of Environment, Government of NCT of Delhi, Room No. 801, 8<sup>th</sup> Floor, B Wing, Delhi Secretariat, Delhi - 110002.
8. Principal Secretary, Department of Environment, Room No. 4224, 2<sup>nd</sup> Floor, Main Building, Government of Rajasthan Sectt. Jaipur.
9. Principal Secretary, Department of Transport, Government of Uttar Pradesh, Room No. 701, Babu Bhawan, Hazratganj, Lucknow, Uttar Pradesh
10. Addl. Chief Secretary, Department of Transport, Govt. of Rajasthan, Room No. 4102, Main Building, Rajasthan Sachivalya, Jaipur, Rajasthan.
11. Principal Secretary, Department of Transport, Government of Haryana, Room No. 621, 6<sup>th</sup> Floor, New Secretariat Bldg. Sector 17, Chandigarh.
12. Principal Secretary cum Commissioner, Department of Transport, Government of NCT of Delhi 5/9, Under Hill Road. Ludlow Castle, Civil Lines, Delhi - 110054.
13. Principal Secretary, Urban Local Bodies, Uttar Pradesh, 201, Lok Bhawan, Lucknow, Uttar Pradesh.
14. Principal Secretary, Urban Local Bodies, Rajasthan, Food Building, Secretariat Jaipur, Rajasthan.
15. Principal Secretary, Urban Local Bodies, Haryana, 506, 5<sup>th</sup> Floor, New Civil Secretariat, Sector 17, Chandigarh.
16. Commissioner of Police, Delhi, New Police Hqrs., Jaisingh Road, New Delhi.
17. Director General of Police, Uttar Pradesh, Police Headquarters, 9<sup>th</sup> Floor, Tower -2, Gomti Nagar Ext., Shaheed Path, Lucknow, Uttar Pradesh.
18. Director General of Police, Rajasthan, Police Headquarters, Lal Kothi, Tonk Road, Jaipur, Rajasthan.
19. Director General of Police, Haryana, Police Headquarters, Sector-6, City-Panchkula, Haryana -134109.
20. Special Commissioner of Police (Traffic) Delhi, Delhi Police New Headquarters, Tower-I, 3<sup>rd</sup> Floor, Jaisingh Road, New Delhi.

21. Addl. Director General of Police, (Traffic) Uttar Pradesh, Police Headquarters, Signature Bldg. Gomati Nagar Vistar, Lucknow, Uttar Pradesh.
22. Addl. Director General of Police (Traffic), Rajasthan, Room No. 740, Police Headquarters, Nehru Palace, Tonk Road, Jaipur, Rajasthan.
23. Inspector General of Police (Traffic & Highways), Haryana, Sector-7, Karnal, Haryana.
24. Chairman, National Highway Authority of India (NHAI), G 5&7, Sector 10, Dwarka, New Delhi - 110075.
25. Vice-Chairman, Delhi Development Authority (DDA), B Block, 1<sup>st</sup> Floor, Vikas Sadan, INA, New Delhi - 110023.
26. Chairman, New Delhi Municipal Council (NDMC), Palika Kendra, Parliament Street, New Delhi - 110001.
27. Commissioner, Municipal Corporation of Delhi, Civic Centre, 4<sup>th</sup> Floor, Minto Road, Delhi - 110002.
28. Engineer in chief (E in C-I, II, III) Municipal Corporation of Delhi, Civic Centre, Minto Road, New Delhi 110002.
29. Chief Executive Officer, Delhi Cantonment Board, Sadar Bazar Road, Delhi Cantonment, Delhi 110010.
30. Chairman, Central Pollution Control Board (CPCB), Parivesh Bhawan, East Arjun Nagar, Delhi - 110032.
31. Chairman, Uttar Pradesh Pollution Control Board, T C, 12 V, Vibhuti Khand, Gomati Nagar, Lucknow, Uttar Pradesh.
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35. Engineer-in-Chief, Public Work Department (PWD), Delhi, 12<sup>th</sup> Floor, Maso Building, Indraprastha Estate, New Delhi-110002.
36. Engineer-in-Chief, Public Works Department, Haryana, Nirman Sadan, Plot No. 1, Dakshana Marg, Sector -33 A, Haryana PWD (B&R), Chandigarh.
37. Engineer-in-Chief, Public Works Department, Rajasthan, 170, Kamala Nehru Nagar, Ganpati Nagar, Jaipur, Rajasthan - 302007.
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41. Managing Director & CEO, DIMTS, 8th Floor, A Block, IT Park Road, Metro Vihar, Shastri Park, Shahdara, New Delhi, Delhi -110053.
42. Managing Director, National Capital Region Transport Corporation, Gati Shakti Bhawan, INA, New Delhi - 110023.

43. Chairman cum Managing Director, NBCC Bhawan, Lodhi Rd, New Delhi - 110003
44. Chairman, New Okhla Industrial Development Authority (NOIDA), Main Administrative Bldg. Sector 6, NOIDA, Uttar Pradesh.
45. Chairman, Greater Noida Industrial Development Authority, Plot No. 01, Knowledge Park -04, Greater NOIDA, Gautam Budh Nagar, UP - 201308.
46. Vice Chairman, Ghaziabad Development Authority, Vikas Path, Old Bus Stand, Ghaziabad, Uttar Pradesh - 201001.
47. Chief Executive Officer, Gurugram Metropolitan Development Authority, Metro Station, Plot No3, Sector 44, Near HUDA City Centre, Gurugram, Haryana.
48. Member Secretary, Central Pollution Control Board (CPCB), Parivesh Bhawan, East Arjun Nagar, Delhi - 110032.
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55. Chief Engineer, Directorate of Urban Local Bodies, 22 Godam, Near Shiv Line Fatak, Jaipur, Rajasthan.
56. The Deputy Commissioner, Central Delhi, 14, Daryaganj, New Delhi - 110002.
57. The Deputy Commissioner, East Delhi, L M Bund, Shastri Nagar, Delhi - 110031.
58. The Deputy Commissioner, New Delhi, 12/ I, Jam Nagar House, Sahajahan Road, New Delhi - 110011.
59. The Deputy Commissioner, North Delhi, Alipur, Delhi - 110036.
60. The Deputy Commissioner, North East Delhi, DC Office Complex, Nand Nagari, Opposite Gagan Cinema, Delhi - 110093.
61. The Deputy Commissioner, North West Delhi, O/o of the Deputy Commissioner, Kanjhawala, Delhi - 110081.
62. The Deputy Commissioner, Shahdra, Nand Nagari, Opposite Gagan Cinema, Delhi - 110093.
63. The Deputy Commissioner, South Delhi, M B Road, Saket, New Delhi 110068.
64. The Deputy Commissioner, South East Delhi, Old Gargi College Building, Lajpat Nagar-IV, New Delhi - 110024.

65. The Deputy Commissioner, South West Delhi, Old Terminal Tax Building, Kapashera, New Delhi - 110037.
66. The Deputy Commissioner, West Delhi, Plot No. 3, Shivaji Palace, Near West Mall Gate, Raja Garden, New Delhi - 110027.
67. The District Magistrate, Meerut, Office of the District Magistrate, Collectorate, District Meerut, Uttar Pradesh - 250002.
68. The District Magistrate, Ghaziabad, District Magistrate Office, Collectorate, Rajnagar, Ghaziabad, Uttar Pradesh - 201001.
69. The District Magistrate, Shamli, Bara bazar, Shamli, Uttar Pradesh - 247776
70. The District Magistrate, Bulandshahr Collectorate, Bulandshahr, Uttar Pradesh - 203001.
71. The District Magistrate, Muzaffarnagar, Collectorate, (Near Prakash Chowk), District - Muzaffarnagar, Uttar Pradesh -251001.
72. The District Magistrate, Hapur, Collectorate, Hapur, Uttar Pradesh - 245101.
73. The District Magistrate, Baghpat, Collectorate, Baghpat, Uttar Pradesh - 250619.
74. The District Magistrate, Gautam Budhha Nagar, Tulsi Marg, Pocket G, Sector -27, Noida, Gautam Budhha Nagar, Uttar Pradesh -201301.
75. The Deputy Commissioner, Rohtak, Mini Secretariat, District Rohtak, Haryana -124001.
76. The Deputy Commissioner, Gurugram, First Floor, Mini Secretariat, Gurugram
77. The Deputy Commissioner, Sonapat, Mini Secretariat, District Sonapat, Haryana -131001.
78. The Deputy Commissioner, Panipat, 1st Floor, Mini Secretariat, District Panipat, Haryana -132103.
79. The Deputy Commissioner, Karnal, Mall Road, Karnal, District Karnal, Haryana -132001.
80. The Deputy Commissioner, Faridabad, Room No.- 111, 1st Floor, Mini Secretariat, Sec-12, Faridabad -121004.
81. The Deputy Commissioner, Bhiwani, Commissioners' Office, Bhiwani, Haryana -127021.
82. The Deputy Commissioner, Rewari, Mini Secretariat, Bawal Road, Rajiv Chowk, Rewari, Haryana -123401.
83. The Deputy Commissioner, Mahendragarh 1st Floor Mini Secretariat, Narnaul, Mahendragarh, Haryana.
84. The Deputy Commissioner, Palwal, Room No-201, Second Floor, Mini Secretariat, Palwal, Haryana -121102.
85. The Deputy Commissioner, Nuh, Second Floor, Mini Secretariat Nuh, Haryana -122107.
86. The Deputy Commissioner, Jhajjar, Mini Secretariat, DC Office, Jhajjar, Haryana -124103.

87. The Deputy Commissioner, Charkhi Dadri, Mini Secretariat, Charkhi Dadri, Haryana.
88. The Deputy Commissioner, Jind, O/o Deputy Commissioner, Mini Secretariat, Jind, Haryana -126102.
89. The District Collector & Magistrate, Collectorate, Rajendra Nagar, Bharatpur, Rajasthan - 321001.
90. The District Collector & Magistrate, Mohalla Ladiya, Alwar, Rajasthan - 301001.
91. The Commissioner, Meerut Nagar Nigam, Near Ghanta Ghar, Kaiser Ganj Road, Meerut - 250002.
92. The Commissioner, Ghaziabad Nagar Nigam, Navyug Market, Opp. Old Bus Stand, Ghaziabad, Uttar Pradesh - 201001.
93. The Chairman, Nagar Palika Parishad Shamli Mill Road, Shamli, Uttar Pradesh - 247776.
94. The Chairman, Nagar Palika, Bulandshahr, Uttar Pradesh.
95. The Chairman, Nagar Palika Parishad, SD Area, Muzaffarnagar, Uttar Pradesh - 251002.
96. The Chairman, Nagar Palika Parishad, Hapur, Lothi Gate Nagar, Atarpura Chopla, Hapur, Uttar Pradesh -245101.
97. The Chairman, Nagar Palika Prishad, Baghpat, Uttar Pradesh.
98. Chief Executive Officer, Gautam Budhha Nagar, Uttar Pradesh.
99. The Commissioner, Municipal Corporation Rohtak, Ambedkar Chowk, M C Office, Opp. BSNL Office, Rohtak, Haryana - 124001.
100. The Commissioner, Municipal Corporation, Sonapat, Near Railway Station, Railway Road, Sonapat, Haryana - 131001.
101. The Commissioner, Municipal Corporation Panipat, Tau Devi Lal Complex, Railway Road, Panipat, Haryana - 132103.
102. The Commissioner, Municipal Corporation Karnal, Sector-12, (near Mini Secretariat), Urban State, Karnal, Haryana - 132001.
103. The Commissioner, Municipal Corporation Faridabad, B.K Chowki, New Industrial Town, Faridabad, Haryana - 121001.
104. The Commissioner, Municipal Corporation Gurugram, C 1, Info City, Sector 34, Gurugram, Haryana -122001.
105. The District Municipal Commissioner, Bhiwani Municipal Committee, Near Railway Station, Bhiwani, Haryana.
106. The Additional Deputy Commissioner, Municipal Council Rewari, Bharawas Rd, Near Agarsen Chowk, Bhajan Ka Bagh, Raam Bagh Mahalla Rewari, Haryana -123401.
107. The District Municipal Commissioner, Municipal Council Narnaul, Near PWD Rest House, Narnaul, Mahendragarh, Haryana.
108. The Deputy Commissioner, Municipal Council, Palwal, Second Floor, Mini Secretariat, Palwal, Haryana- 121102.
109. The Executive Officer, Municipal Committee, Nuh, Near Sabzi Mandi, Civil Lines, Nuh, Haryana - 122107.

110. The Executive Officer, Municipal Council, Jhajjar, Chhuchhakwas Road, Jhajjar, Haryana - 124103.
111. The Deputy Commissioner, Municipal Council, Mini Secretariat, District Charkhi Dadri, Haryana.
112. The Deputy Commissioner, Municipal Council, Police Lines, District Jind, Haryana - 126102.
113. The Commissioner, Nagar Nigam Bharatpur, Mathura Gate, Bharatpur, Rajasthan - 321001.
114. The Commissioner, Nagar Parishad, Alwar Church Road, Alwar, Rajasthan.
115. The Chief Executive Officer (CEO), Plot No. 3, Sector 44, Near HUDA City Centre Metro Station, Gurugram, Haryana - 122003.
116. Chief Controller of Explosives, PESO, CGO Complex, 5th, A Block, Seminary Hills, Nagpur, Maharashtra - 440001.
117. Managing Director, BSES Rajdhani Power Limited, BSES Rajdhani Power Limited, BSES Bhawan, Nehru Place, New Delhi - 110019.
118. The Managing Director, BSES Yamuna Power Limited, Shakti Kiran Building, Vishwas Nagar, Shahdara, Delhi - 110032.
119. Chief Executive Officer, Tata Power Delhi Distribution Limited (TPDDL), Tata Power Delhi Distribution Ltd, Hudson Lines, Kingsway Camp, Delhi-110009.
120. Managing Director, Uttar Haryana Vidyut Vitran Nigam Limited (UHVVNL) Vidyut Sadan, Plot No. C 16, Sector-6, Panchkula, Haryana.
121. Managing Director, Dakshani Haryana Vidyut Vitran Nigam Limited (DHVVNL), Vidyut Sadan, Vidyut Nagar, Hisar, Haryana -125005.
122. Managing Director, Pashchimanchal Vidyut Vitran Nigam Limited (PVVNL), Urja Bhawan, Victoria Park, Meerut, Uttar Pradesh - 250001.
123. Managing Director, Noida Power Company Limited (NPCL) Commercial Complex, 1<sup>st</sup> Avenue, Pocket H, Sector Alpha II, Greater Noida, Uttar Pradesh.
124. Managing Director, Jaipur Vidyut Vitran Nigam Limited (JVVNL), Vidyut Bhawan, Jyoti Nagar, Jaipur, Rajasthan - 302005.
125. Managing Director, Bharatpur Electricity Service Limited (JVVNL) Vidyut Bhawan, Jyoti Nagar, Jaipur, Rajasthan - 302005.
126. Managing Director, Delhi Transport Corporation (DTC), Government of National Capital Territory of Delhi, DTC Headquarters, IP Estate, New Delhi-110002.
127. Managing Director, U.P. State Road Transport Corporation, Tehri Kothi, MG Marg, Lucknow, Uttar Pradesh - 226 001.
128. Managing Director, State Road Transport Corporation of Haryana, 30 Bays Building, 2<sup>nd</sup> Floor, Sector - 17C, Chandigarh - 160017.
129. Managing Director, Rajasthan State Road Transport Corporation, Parivahan Marg, Chaumuri House, Jaipur, Rajasthan - 302 001

130. The Chief Engineer (O&M), Rajiv Gandhi Thermal Power Project, Haryana Power Generation Corporation Ltd., Tehsil, Khedar, Barwala, Vidyut Sadan Vidyut Nagar Hisar, Haryana - 125 122.
131. The Chief Engineer (O&M), Deen Bandhu Chhotu Ram Thermal Power Station, Haryana Power Generation Corporation Ltd. Village- Pansara, Yamunanagar - 135 004.
132. The Chief Engineer (O&M), Panipat Thermal Power Station. Haryana Power Generation Corporation Ltd., Village Assan, Jind Road, Panipat, Haryana - 132 105.
133. Sr. Vice President (O&M), Jhajjar Power Ltd., Mahatma Gandhi Thermal Power Plant, CLP India Ltd, Tehsil- Matanhai, Dist. Jhajjar, Haryana - 124106
134. Plant in charge, Harduaganj Thermal Power Station, Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, 14, Ashok Marg, Shakti Bhavan, Lucknow
135. The Chief Engineer (O&M) Talwandi Sabo Power Ltd, Village Banawala, Mansa, Talwandi Sabo Road, Mansa - 151 302.
136. Sr. Vice President (O&M), Rajpura Thermal Power Plant, Nabha Power Ltd, Nalash/Nalas Village, Rajpura, Dist. Patiala, Punjab.
137. The Chief Engineer (O&M), Guru Gobind Singh Thermal Power Station, Punjab State Electricity Board, Ropar, Punjab.
138. The Chief Engineer (O&M), Guru Hargobind Singh Thermal Power Station, Punjab State Electricity Board Lehra Mohabbat, Bhatinda, Punjab.
139. Chief General Manager, National Capital Thermal Power Station (NCTPS) National Thermal Power Corporation, Dadri, Dist: Gautam Budhnagar, Uttar Pradesh -201 008.
140. The Chief Engineer (O&M) Rajiv Gandhi Thermal Power Project, Haryana Power Generation Corporation Ltd., Tehsil, Khedar, Barwala, Hisar, Haryana - 125 122.

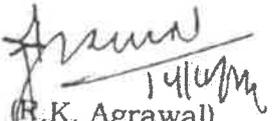
**Copy for information and appropriate action to:**

1. The Chairman and CEO, Railway Board, Raisina Road, Central Secretariat, New Delhi, Delhi 110001.
2. The Secretary, Department of Personnel and Training (DoPT), Government of India, Room No. - 112, North Block, New Delhi - 110 001
3. The Director General, Central Public Work Department (CPWD) A-Wing, Room No. 101 Nirman Bhawan, New Delhi
4. The Additional Chief Secretary, Health Department, Govt. of Haryana
5. The Additional Chief Secretary, Medical Health & Family Welfare Department, Govt. of Rajasthan
6. The Principal Secretary, Medical Health & Family Welfare, Govt. of Uttar Pradesh

7. The Secretary, Health & Family Welfare, Govt. of NCT of Delhi

**Copy also to:**

1. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, Jor Bagh, New Delhi
2. The Defence Secretary, Ministry of Defence, Government of India, South Block, New Delhi - 110 001.
3. The Secretary, Ministry of Petroleum and Natural Gas, Government of India, Shastri Bhawan, New Delhi - 110 001.
4. The Secretary, Ministry of Road Transport and Highways, Government of India, Transport Bhawan, New Delhi - 110 001.
5. The Secretary, Ministry of Power, Government of India, Rafi Marg, Shram Shakti Bhavan, New Delhi, Delhi 110001
6. The Secretary, Department of Telecommunication, Ministry of Communication & IT, Government of India, Sanchar Bhawan, 20 Ashoka Road, New Delhi
7. The Chairperson and all Members (including Associate Members), CAQM

  
14/11/20

(R.K. Agrawal)

Director (Technical)

(Member Convener of Sub-Committee on GRAP)



राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र  
वायु गुणवत्ता प्रबंधन आयोग  
Commission for Air Quality Management in  
National Capital Region and  
Adjoining Areas



No.120017/27/GRAP/2021/CAQM - 1066 DT.

October 21, 2024.

**ORDER**

**Sub.: Implementation of Actions under Stage-II ('Very Poor' Air Quality) of revised Graded Response Action Plan in Delhi-NCR- steps to be taken.**

The Commission for Air Quality Management in NCR and adjoining areas, vide Direction No. 83 dated 17<sup>th</sup> September, 2024, issued statutory direction for implementation of the revised schedule of the Graded Response Action Plan (GRAP), available on the CAQM website (caqm.nic.in), as and when orders under GRAP are invoked.

The Sub-Committee constituted for invoking actions under the GRAP in its meeting held on 21<sup>st</sup> October, 2024 comprehensively reviewed the air quality scenario in the region as well as the forecasts for meteorological conditions and air quality index of Delhi made available by IMD/IITM. The AQI of Delhi since morning has been hovering around 300 and at 4:00 P.M. it has been recorded as 310.

Forecasts from IMD/IITM also indicate a likelihood of the AQI of Delhi to particularly remain in "VERY POOR" category (DELHI AQI- 301-400) in the coming days, owing to unfavorable meteorological & climatic conditions and calm winds.

Therefore, in an effort to prevent further deterioration of the air quality, the Sub-Committee decided that **ALL actions** as envisaged **under Stage II of the GRAP -'Very Poor' Air Quality (DELHI AQI ranging between 301-400)** be implemented in right earnest by all the agencies concerned in the NCR, **in addition to the Stage-I actions already in force, from 8:00 A.M. of 22.10.2024 in the National Capital Region (NCR).**

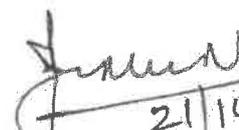
These include:

1. Carry out mechanical/ vacuum sweeping and water sprinkling of the identified roads on a daily basis.
2. Ensure water sprinkling along with use of dust suppressants (at least every alternate day, during non-peak hours) on roads to arrest road dust especially at hotspots, heavy traffic corridors, vulnerable areas and proper disposal of dust collected in designated sites/landfills.
3. Intensify inspections for strict enforcement of dust control measures at C&D sites.

4. Ensure focussed and targeted action for abatement of air pollution in all identified hotspots in NCR. Intensify remedial measures for the predominant sector(s) contributing to adverse air quality in each of such hotspots.
5. Ensure uninterrupted power supply to discourage use of alternate power Generating sets/ equipment (DG sets etc.).
6. Strictly implement the Schedule for regulated operations of DG sets across all sectors in the NCR including Industrial, Commercial, Residential etc. in accordance with Direction No. 76 dated 29.09.2023.
7. Synchronize traffic movements and deploy adequate personnel at intersections / traffic congestion points for smooth flow of traffic.
8. Alert in newspapers / TV / radio to advise people about air pollution levels and Do's and Don'ts for minimizing polluting activities.
9. Enhance vehicle parking fees to discourage private transport.
10. Augment CNG/ electric bus and metro services by inducting additional fleet and increasing the frequency of service.
11. Resident Welfare Associations to necessarily provide electric heaters to security staff to avoid open Bio-Mass/ MSW burning during winters.

Further, citizens may be urged to adhere to the citizen charter and assist in effective implementation of the GRAP measures aimed towards sustaining and improving the Air Quality in the Region, as under:

- People to use public transport and minimize use of personal vehicles.
- Use technology, take less congested route even if slightly longer.
- Regularly replace air filters at recommended intervals in your automobiles.
- Avoid dust generating construction activities during months of October to January.
- Avoid open burning of solid waste and bio-mass.

  
21/10/2024

(R.K. Agrawal)

Director (Technical)

(Member Convenor of Sub-Committee on GRAP)

**To:**

1. The Chief Secretary, Government of Uttar Pradesh, 101, Lok Bhawan, U. P. Civil Secretariat, Vidhan Sabha Marg, Lucknow – 226 001.
2. The Chief Secretary, Government of Rajasthan, Government Secretariat, Jaipur, Rajasthan – 302 005.
3. The Chief Secretary, Government of Haryana, 4<sup>th</sup> Floor, Civil Secretariat, Sector – 1, Chandigarh.
4. The Chief Secretary, Government of NCT of Delhi, 3<sup>rd</sup> Floor, Delhi Secretariat, I. P. Estate, New Delhi – 110 002.

5. Additional Chief Secretary/Principal Secretary, Department of Environment, Uttar Pradesh.
6. Additional Chief Secretary, Department of Environment, Room No. 335, 3<sup>rd</sup> Floor, Haryana New Secretariat, Sector 17, Chandigarh.
7. Additional Chief Secretary / Principal Secretary, Department of Environment, Government of NCT of Delhi, Room No. 801, 8<sup>th</sup> Floor, B Wing, Delhi Secretariat, Delhi - 110002.
8. Principal Secretary, Department of Environment, Room No. 4224, 2<sup>nd</sup> Floor, Main Building, Government of Rajasthan Sectt. Jaipur.
9. Principal Secretary, Department of Transport, Government of Uttar Pradesh, Room No. 701, Babu Bhawan, Hazratganj, Lucknow, Uttar Pradesh
10. Addl. Chief Secretary, Department of Transport, Govt. of Rajasthan, Room No. 4102, Main Building, Rajasthan Sachivalya, Jaipur, Rajasthan.
11. Principal Secretary, Department of Transport, Government of Haryana, Room No. 621, 6<sup>th</sup> Floor, New Secretariat Bldg. Sector 17, Chandigarh.
12. Principal Secretary cum Commissioner, Department of Transport, Government of NCT of Delhi 5/9, Under Hill Road. Ludlow Castle, Civil Lines, Delhi - 110054.
13. Principal Secretary, Urban Local Bodies, Uttar Pradesh, 201, Lok Bhawan, Lucknow, Uttar Pradesh.
14. Principal Secretary, Urban Local Bodies, Rajasthan, Food Building, Secretariat Jaipur, Rajasthan.
15. Principal Secretary, Urban Local Bodies, Haryana, 506, 5<sup>th</sup> Floor, New Civil Secretariat, Sector 17, Chandigarh.
16. Commissioner of Police, Delhi, New Police Hqrs., Jaisingh Road, New Delhi.
17. Director General of Police, Uttar Pradesh, Police Headquarters, 9<sup>th</sup> Floor, Tower -2, Gomti Nagar Ext., Shaheed Path, Lucknow, Uttar Pradesh.
18. Director General of Police, Rajasthan, Police Headquarters, Lal Kothi, Tonk Road, Jaipur, Rajasthan.
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22. Addl. Director General of Police (Traffic), Rajasthan, Room No. 740, Police Headquarters, Nehru Palace, Tonk Road, Jaipur, Rajasthan.
23. Inspector General of Police (Traffic & Highways), Haryana, Sector-7, Karnal, Haryana.
24. Chairman, National Highway Authority of India (NHAI), G 5&7, Sector 10, Dwarka, New Delhi - 110075.
25. Vice-Chairman, Delhi Development Authority (DDA), B Block, 1<sup>st</sup> Floor, Vikas Sadan, INA, New Delhi - 110023.
26. Chairman, New Delhi Municipal Council (NDMC), Palika Kendra, Parliament Street, New Delhi - 110001.

27. Commissioner, Municipal Corporation of Delhi, Civic Centre, 4<sup>th</sup> Floor, Minto Road, Delhi - 110002
28. Engineer in chief (E in C-I,II, III) Municipal Corporation of Delhi, Civic Centre, Minto Road, New Delhi 110002
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37. Engineer-in-Chief, Public Works Department, Rajasthan, 170, Kamala Nehru Nagar, Ganpati Nagar, Jaipur, Rajasthan - 302007.
38. Engineer In Chief, U.P. Public Works Department, Nirman Bhavan, 96 M.G. Marg, Opp. Raj Bhavan, Lucknow-226001.
39. CMD, NTPC, NTPC Bhawan, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi - 110003.
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45. Chairman, Greater Noida Industrial Development Authority, Plot No. 01, Knowledge Park -04, Greater NOIDA, Gautam Budh Nagar, UP - 201308.
46. Vice Chairman, Ghaziabad Development Authority, Vikas Path, Old Bus Stand, Ghaziabad, Uttar Pradesh - 201001.
47. Chief Executive Officer, Gurugram Metropolitan Development Authority, Metro Station, Plot No3, Sector 44, Near HUDA City Centre, Gurugram, Haryana.
48. Member Secretary, Central Pollution Control Board (CPCB), Parivesh Bhawan, East Arjun Nagar, Delhi - 110032.

49. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Vibhuti Khand, Gomati Nagar, Lucknow, Uttar Pradesh – 226010.
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52. Member Secretary, Delhi Pollution Control Committee, 6<sup>th</sup> Floor, C Wing, Delhi Secretariat, I P Estate, Delhi – 110002.
53. Chief Engineer, Urban Local Bodies, Haryana, Directorate of Urban Local Bodies, Bays No. 11-14, Sector 4, Panchkula, Haryana – 134112.
54. Chief Engineer, Directorate of Urban Local Bodies, Plot No. 18, Sector-7, Gomati Nagar, Uttar Pradesh.
55. Chief Engineer, Directorate of Urban Local Bodies, 22 Godam, Near Shiv Line Fatak, Jaipur, Rajasthan.
56. The Deputy Commissioner, Central Delhi, 14, Daryaganj, New Delhi – 110002.
57. The Deputy Commissioner, East Delhi, L M Bund, Shastri Nagar, Delhi – 110031.
58. The Deputy Commissioner, New Delhi, 12/1, Jam Nagar House, Sahajahan Road, New Delhi – 110011.
59. The Deputy Commissioner, North Delhi, Alipur, Delhi – 110036.
60. The Deputy Commissioner, North East Delhi, DC Office Complex, Nand Nagari, Opposite Gagan Cinema, Delhi – 110093.
61. The Deputy Commissioner, North West Delhi, O/o of the Deputy Commissioner, Kanjhawala, Delhi – 110081.
62. The Deputy Commissioner, Shahdra, Nand Nagari, Opposite Gagan Cinema, Delhi – 110093.
63. The Deputy Commissioner, South Delhi, M B Road, Saket, New Delhi 110068.
64. The Deputy Commissioner, South East Delhi, Old Gargi College Building, Lajpat Nagar-IV, New Delhi – 110024.
65. The Deputy Commissioner, South West Delhi, Old Terminal Tax Building, Kapashera, New Delhi- 110037.
66. The Deputy Commissioner, West Delhi, Plot No. 3, Shivaji Palace, Near West Mall Gate, Raja Garden, New Delhi – 110027.
67. The District Magistrate, Meerut, Office of the District Magistrate, Collectorate, District Meerut, Uttar Pradesh – 250002.
68. The District Magistrate, Ghaziabad, District Magistrate Office, Collectorate, Rajnagar, Ghaziabad, Uttar Pradesh – 201001.
69. The District Magistrate, Shamli, Bara bazar, Shamli, Uttar Pradesh - 247776
70. The District Magistrate, Bulandshahr Collectorate, Bulandshahr, Uttar Pradesh – 203001.
71. The District Magistrate, Muzaffarnaga, Collectorate, (Near Prakash Chowk), District – Muzaffarnagar, Uttar Pradesh -251001.
72. The District Magistrate, Hapur, Collectorate, Hapur, Uttar Pradesh -245101.

73. The District Magistrate, Baghpat, Collectorate, Baghpat, Uttar Pradesh - 250619.
74. The District Magistrate, Gautam Budhha Nagar, Tulsi Marg, Pocket G, Sector -27, Noida, Gautam Budhha Nagar, Uttar Pradesh -201301.
75. The Deputy Commissioner, Rohtak, Mini Secretariat, District Rohtak, Haryana - 124001.
76. The Deputy Commissioner, Gurugram, First Floor, Mini Secretariat, Gurugram.
77. The Deputy Commissioner, Sonapat, Mini Secretariat, District Sonapat, Haryana - 131001.
78. The Deputy Commissioner, Panipat, 1st Floor, Mini Secretariat, District Panipat, Haryana - 132103.
79. The Deputy Commissioner, Karnal, Mall Road, Karnal, District Karnal, Haryana - 132001.
80. The Deputy Commissioner, Faridabad, Room No.- 111, 1st Floor, Mini Secretariat, Sec-12, Faridabad -121004.
81. The Deputy Commissioner, Bhiwani, Commissioners' Office, Bhiwani, Haryana -127021.
82. The Deputy Commissioner, Rewari, Mini Secretariat, Bawal Road, Rajiv Chowk, Rewari, Haryana - 123401.
83. The Deputy Commissioner, Mahendragarh 1st Floor Mini Secretariat, Narnaul, Mahendragarh, Haryana.
84. The Deputy Commissioner, Palwal, Room No-201, Second Floor, Mini Secretariat, Palwal, Haryana- 121102.
85. The Deputy Commissioner, Nuh, Second Floor, Mini Secretariat Nuh, Haryana - 122107.
86. The Deputy Commissioner, Jhajjar, Mini Secretariat, DC Office, Jhajjar, Haryana - 124103.
87. The Deputy Commissioner, Charkhi Dadri, Mini Secretariat, Charkhi Dadri, Haryana.
88. The Deputy Commissioner, Jind, O/o Deputy Commissioner, Mini Secretariat, Jind, Haryana -126102.
89. The District Collector & Magistrate, Collectorate, Rajendra Nagar, Bharatpur, Rajasthan - 321001.
90. The District Collector & Magistrate, Mohalla Ladiya, Alwar, Rajasthan - 301001.
91. The Commissioner, Meerut Nagar Nigam, Near Ghanta Ghar, Kaiser Ganj Road, Meerut - 250002.
92. The Commissioner, Ghaziabad Nagar Nigam, Navyug Market, Opp. Old Bus Stand, Ghaziabad, Uttar Pradesh - 201001.
93. The Chairman, Nagar Palika Parishad Shamli Mill Road, Shamli, Uttar Pradesh - 247776.
94. The Chairman, Nagar Palika, Bulandshahr, Uttar Pradesh.
95. The Chairman, Nagar Palika Parishad, SD Area, Muzaffarnagar, Uttar Pradesh - 251002.

96. The Chairman, Nagar Palika Parishad, Hapur, Lothi Gate Nagar, Atarpura Chopla, Hapur, Uttar Pradesh -245101.
97. The Chairman, Nagar Palika Prishad, Baghpat, Uttar Pradesh.
98. Chief Executive Officer, Gautam Buddha Nagar, Uttar Pradesh.
99. The Commissioner, Municipal Corporation Rohtak, Ambedkar Chowk, M C Office, Opp. BSNL Office, Rohtak, Haryana - 124001.
100. The Commissioner, Municipal Corporation, Sonapat, Near Railway Station, Railway Road, Sonapat, Haryana - 131001.
101. The Commissioner, Municipal Corporation Panipat, Tau Devi Lal Complex, Railway Road, Panipat, Haryana - 132103.
102. The Commissioner, Municipal Corporation Karnal, Sector-12, (near Mini Secretariat), Urban State, Karnal, Haryana - 132001.
103. The Commissioner, Municipal Corporation Faridabad, B.K Chowki, New Industrial Town, Faridabad, Haryana - 121001.
104. The Commissioner, Municipal Corporation Gurugram, C 1, Info City, Sector 34, Gurugram, Haryana -122001.
105. The District Municipal Commissioner, Bhiwani Municipal Committee, Near Railway Station, Bhiwani, Haryana.
106. The Additional Deputy Commissioner, Municipal Council Rewari, Bharawas Rd, Near Agarsen Chowk, Bhajan Ka Bagh, Raam Bagh Mahalla Rewari, Haryana -123401.
107. The District Municipal Commissioner, Municipal Council Narnaul, Near PWD Rest House, Narnaul, Mahendragarh, Haryana.
108. The Deputy Commissioner, Municipal Council, Palwal, Second Floor, Mini Secretariat, Palwal, Haryana- 121102.
109. The Executive Officer, Municipal Committee, Nuh, Near Sabzi Mandi, Civil Lines, Nuh, Haryana - 122107.
110. The Executive Officer, Municipal Council, Jhajjar, Chhuchhakwas Road, Jhajjar, Haryana - 124103.
111. The Deputy Commissioner, Municipal Council, Mini Secretariat, District Charkhi Dadri, Haryana.
112. The Deputy Commissioner, Municipal Council, Police Lines, District Jind, Haryana -126102.
113. The Commissioner, Nagar Nigam Bharatpur, Mathura Gate, Bharatpur, Rajasthan - 321001.
114. The Commissioner, Nagar Parishad, Alwar Church Road, Alwar, Rajasthan.
115. The Chief Executive Officer (CEO), Plot No. 3, Sector 44, Near HUDA City Centre Metro Station, Gurugram, Haryana - 122003.
116. Chief Controller of Explosives, PESO, CGO Complex, 5th, A Block, Seminary Hills, Nagpur, Maharashtra - 440001.
117. Managing Director, BSES Rajdhani Power Limited, BSES Rajdhani Power Limited, BSES Bhawan, Nehru Place, New Delhi - 110019.
118. The Managing Director, BSES Yamuna Power Limited, Shakti Kiran Building, Vishwas Nagar, Shahdara, Delhi -110032.

119. Chief Executive Officer, Tata Power Delhi Distribution Limited (TPDDL), Tata Power Delhi Distribution Ltd, Hudson Lines, Kingsway Camp, Delhi-110 009.
120. Managing Director, Uttar Haryana Vidyut Vitran Nigam Limited (UHVVNL) Vidyut Sadan, Plot No. C-16, Sector-6, Panchkula, Haryana.
121. Managing Director, Dakshani Haryana Vidyut Vitran Nigam Limited (DHVVNL), Vidyut Sadan, Vidyut Nagar, Hisar, Haryana -125005.
122. Managing Director, Pashchimanchal Vidyut Vitran Nigam Limited (PVVNL), Urja Bhawan, Victoria Park, Meerut, Uttar Pradesh - 250001.
123. Managing Director, Noida Power Company Limited (NPCL) Commercial Complex, 1<sup>st</sup> Avenue, Pocket H, Sector Alpha II, Greater Noida, Uttar Pradesh.
124. Managing Director, Jaipur Vidyut Vitran Nigam Limited (JVVNL), Vidyut Bhawan, Jyoti Nagar, Jaipur, Rajasthan - 302005.
125. Managing Director, Bharatpur Electricity Service Limited (JVVNL) Vidyut Bhawan, Jyoti Nagar, Jaipur, Rajasthan - 302005.
126. Managing Director, Delhi Transport Corporation (DTC), Government of National Capital Territory of Delhi, DTC Headquarters, IP Estate, New Delhi-110002.
127. Managing Director, U P State Road Transport Corporation, Tchri Kothi, MG Marg, Lucknow, Uttar Pradesh - 226 001.
128. Managing Director, State Road Transport Corporation of Haryana, 30 Bays Building, 2<sup>nd</sup> Floor, Sector - 17C, Chandigarh - 160017.
129. Managing Director, Rajasthan State Road Transport Corporation, Parivahan Marg, Chaumu House, Jaipur, Rajasthan - 302 001
130. The Chief Engineer (O&M), Rajiv Gandhi Thermal Power Project, Haryana Power Generation Corporation Ltd., Tehsil, Khedar, Barwala, Vidyut Sadan Vidyut Nagar Hisar, Haryana - 125 122.
131. The Chief Engineer (O&M), Deen Bandhu Chhotu Ram Thermal Power Station, Haryana Power Generation Corporation Ltd, Village- Pansara, Yamunanagar - 135 004.
132. The Chief Engineer (O&M), Panipat Thermal Power Station, Haryana Power Generation Corporation Ltd., Village Assan, Jind Road, Panipat, Haryana - 132 105.
133. Sr. Vice President (O&M), Jhajjar Power Ltd., Mahatma Gandhi Thermal Power Plant, CLP India Ltd, Tehsil- Matanhai, Dist- Jhajjar, Haryana - 124106
134. Plant in charge, Harduaganj Thermal Power Station, Uttar Pradesh Rajya Vidyut Utpadan Nigam Limited, 14, Ashok Marg, Shakti Bhavan, Lucknow
135. The Chief Engineer (O&M) Talwandi Sabo Power Ltd, Village - Banawala, Mansa, Talwandi Sabo Road, Mansa - 151 302.
136. Sr. Vice President (O&M), Rajpura Thermal Power Plant, Nabha Power Ltd, Nalash/Nalas Village, Rajpura, Dist. Patiala, Punjab.
137. The Chief Engineer (O&M), Guru Gobind Singh Thermal Power Station, Punjab State Electricity Board, Ropar, Punjab.

138. The Chief Engineer (O&M), Guru Hargobind Singh Thermal Power Station, Punjab State Electricity Board Lehra Mohabbat, Bhatinda, Punjab.
139. Chief General Manager, National Capital Thermal Power Station (NCTPS) National Thermal Power Corporation, Dadri, Dist: Gautam Budhnagar, Uttar Pradesh -201 008.
140. The Chief Engineer (O&M) Rajiv Gandhi Thermal Power Project, Haryana Power Generation Corporation Ltd., Tehsil, Khedar, Barwala, Hisar, Haryana - 125 122.

**Copy for information and appropriate action to:**

1. The Chairman and CEO, Railway Board, Raisina Road, Central Secretariat, New Delhi, Delhi 110001.
2. The Secretary, Department of Personnel and Training (DoPT), Government of India, Room No. - 112, North Block, New Delhi - 110 001
3. The Director General, Central Public Work Department (CPWD) A-Wing, Room No. 101 Nirman Bhawan, New Delhi
4. The Additional Chief Secretary, Health Department, Govt. of Haryana
5. The Additional Chief Secretary, Medical Health & Family Welfare Department, Govt. of Rajasthan
6. The Principal Secretary, Medical Health & Family Welfare, Govt. of Uttar Pradesh
7. The Secretary, Health & Family Welfare, Govt. of NCT of Delhi

**Copy also to:**

1. The Secretary, Ministry of Environment, Forest and Climate Change, Government of India, Indira Paryavaran Bhawan, Jor Bagh, New Delhi
2. The Defence Secretary, Ministry of Defence, Government of India, South Block, New Delhi - 110 001.
3. The Secretary, Ministry of Petroleum and Natural Gas, Government of India, Shastri Bhawan, New Delhi - 110 001.
4. The Secretary, Ministry of Road Transport and Highways, Government of India, Transport Bhawan, New Delhi - 110 001.
5. The Secretary, Ministry of Power, Government of India, Rafi Marg, Shram Shakti Bhavan, New Delhi, Delhi 110001
6. The Secretary, Department of Telecommunication, Ministry of Communication & IT, Government of India, Sanchar Bhawan, 20 Ashoka Road, New Delhi
7. The Chairperson and all Members (including Associate Members), CAQM

  
(R.K. Agrawal)

Director (Technical)

(Member Convenor of Sub-Committee on GRAP)



क्षेत्रीय कार्यालय-उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद  
Regional Office, U.P. Pollution Control Board, Ghaziabad  
Website- [www.uppcb.com](http://www.uppcb.com), e-mail: [roghaziabad@uppcb.in](mailto:roghaziabad@uppcb.in)

संदर्भ संख्या : 1859/60401/235/2024

दिनांक 30/10/2024

सेवा में,

मुख्य पर्यावरण अधिकारी (वृत्त-1),  
उ0प्र0 प्रदूषण नियंत्रण बोर्ड

**विषय:** मैसर्स बाल भारतीय पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद के विरुद्ध वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 की धारा 31ए के अन्तर्गत कारण बताओं नोटिस निर्गत किये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन हेतु आयोग के पत्र दिनांक 14.10.2024 द्वारा ग्रेप स्टेज-1 एवं पत्र दिनांक 21.10.2024 द्वारा ग्रेप स्टेज-2 लागू किया गया है, जो वर्तमान में प्रभावी है। उक्त के अनुपालन में संस्था का औचक निरीक्षण इस कार्यालय के प्राधिकृत अधिकारियों दिनांक 23.10.2024 को किया गया। निरीक्षण के दौरान संस्था का निर्माण कार्य प्रगति पर पाया गया। विस्तृत निरीक्षण आख्या संलग्न है।

आख्यानुसार परियोजना के विरुद्ध मा0 आयोग द्वारा अपने संख्या 18015/01/2022-MERD/3277-97 दिनांक 06.02.2024 द्वारा "Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions issued by the Commission" जारी गाईड लाईन के बिन्दु संख्या 01 व 02 के अनुसार रू0 2,40,000/-की एक मुस्त एवं बिन्दु संख्या 03 एवं 04 रू0 45,000/-प्रतिदिन के अनुसार परियोजना द्वारा निरीक्षण दिनांक से अनुपालन न किये जाने की तिथि तक पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 की धारा 31ए के अन्तर्गत कारण बताओं नोटिस निर्गत किये जाने की संस्तुति सहित अनुपालन आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्नक: उपरोक्तानुसार।

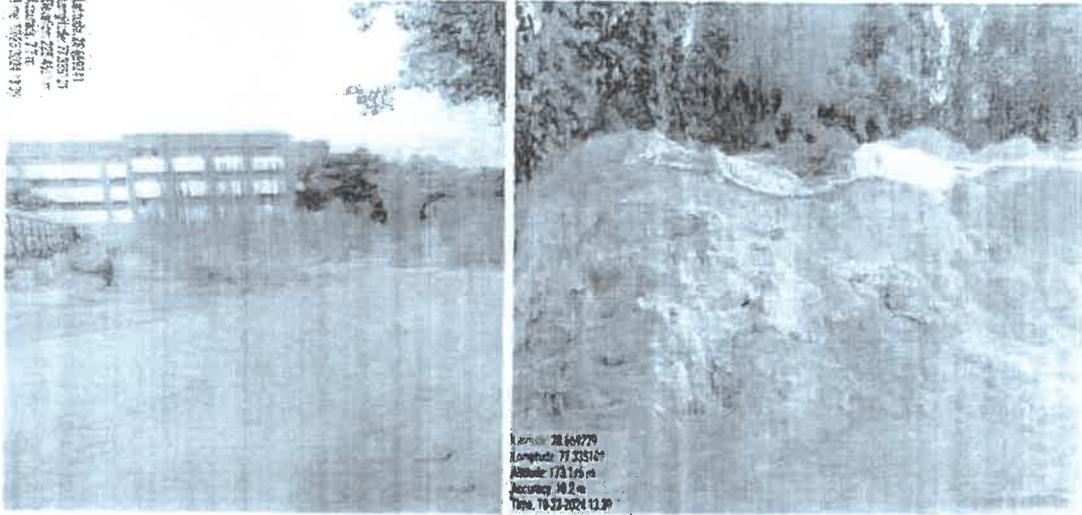
भद्रदीप  
(धिकास मिश्र)  
क्षेत्रीय अधिकारी

मैसर्स बाल भारतीय पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद की निरीक्षण आख्या।

राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन हेतु आयोग के पत्र दिनांक 14.10.2024 द्वारा ग्रेप स्टेज-1 एवं पत्र दिनांक 21.10.2024 द्वारा ग्रेप स्टेज-2 लागू किया गया है, जो वर्तमान में प्रभावी है। उक्त के अनुपालन में संस्था का औचक निरीक्षण अधोहस्ताक्षरी दिनांक 23.10.2024 को किया गया। निरीक्षण के दौरान संस्था का निर्माण कार्य प्रगति पर पाया गया एवं संस्था प्रतिनिधि के रूप में श्रीमती स्नेह लता चौहान, एडमिन उपस्थित थे। विस्तृत निरीक्षण आख्या निम्नवत् है:-

1. मैसर्स बाल भारतीय पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद एक स्कूल निर्माणाधीन संस्था है, जिसका कन्सट्रक्शन एरिया लगभग 20000 वर्गमीटर होना उपस्थित प्रतिनिधि द्वारा बताया गया।
2. उक्त संस्था को स्थापनार्थ हेतु राज्य बोर्ड के पत्र संख्या 156681/Uppcb/Ghaziabad(Uppcbro)/CTE/GHAZIABAD/2022 Dated:- 06/06/2022 द्वारा अनापत्ति प्रमाण पत्र निर्गत किया गया है। कार्यालय अभिलेखानुसार परियोजना द्वारा अनापत्ति प्रमाण पत्र में निहित शर्तों की अनुपालन आख्या प्रेषित नहीं की गयी है।
3. निरीक्षण के समय परियोजना में पी0टी0जेड0 कैमरा, लोकास्ट डस्ट सेंसर एवं एन्टीस्मॉग गन स्थापित नहीं पाया गया। परियोजना द्वारा निर्माण कार्य किया जा रहा है तथा निर्माण हेतु खुदाई के दौरान जनित मिटटी का भण्डारण खुले में पाया गया, जिसके डस्ट उत्सर्जन से आस-पास की परिवेशीय वायु गुणता पर विपरीत प्रभाव पड़ना स्वाभाविक है।
4. परियोजना में सी0ए0क्यू0एम0 द्वारा निर्धारित गाइडलाइन के अनुसार एन्टीस्मॉग स्थापित नहीं है। परियोजना में वायु प्रदूषण नियंत्रण हेतु एन्टी स्मॉग गन की स्थापना, डस्ट पोर्टल पर रजिस्ट्रेशन एवं सेल्फ आडिट किया जाना आवश्यक है, परन्तु परियोजना द्वारा वर्तमान तक नहीं किया गया है। निरीक्षण के दौरान लिये गये फोटोग्राफ निम्नवत् है:-





5. निरीक्षण के दौरान निर्माण स्थल एवं भण्डारित सामग्री पर पानी का छिड़काव नहीं पाया गया। परियोजना स्थल पर खुदाई के दौरान मिट्टी को ग्रीन नेट से उचित ढंग से कवर्ड नहीं किया गया है, जिससे आस-पास के क्षेत्र में धूल मिट्टी आदि के उत्सर्जन के कारण वायु प्रदूषण की समस्या बनी हुई है।
6. मा0 आयोग द्वारा अपने संख्या 18015/01/2022-MERD/3277-97 दिनांक 06.02.2024 द्वारा “Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions issued by the Commission” जारी किया गया है, जिसके अन्तर्गत Construction & Demolition Projects / activities की श्रेणी में उल्लेखित मुख्य अंश निम्नवत् है:-

### (III) Construction & Demolition Projects / activities

1. **Non-registration on the web-portal of the concerned SPCB / DPCC:-** Rs. 1,00,000 for projects with total area construction < 20,000 sq. mtr. Rs. 2,00,000 for projects with total area construction > 20,000 sq. mtr.
2. **Self-audit reports not uploaded on the web portal and / or video fencing of the project boundary not being carried out:-** Rs. 20,000 for projects with total area construction < 20,000 sq. mtr. Rs. 40,000 for projects with total area construction > 20,000 sq. mtr.
3. **Non-deployment of prescribed no. of anti-smog guns:-** Rs. 7,500 for each anti-smog gun not deployed at the site per day
4. **Ineffective dust mitigation measures (with respect to provision of wind barkers / dust screens / covering of construction materials and debris etc.)** Rs. 7,500 for plot area < 500 sq. mtr. per day Rs. 15,000 for plot area > 500 sq. mtr. per day
5. **Transportation of materials / C&D waste in uncovered vehicles:-** Rs. 7,500 for each such incident

इस कार्यालय द्वारा दिनांक 23.10.2024 को परियोजना का निरीक्षण करते हुये निर्देशों का उल्लंघन पाया गया। तदनुसार इकाई के विरुद्ध अधिरोपित किये जाने वाली पर्यावरणीय क्षतिपूर्ति की गणना निम्नानुसार है:-

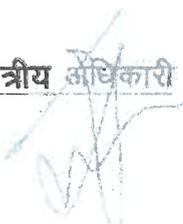
क्र०सं०	उल्लंघन का विवरण	गणना	पर्यावरणीय क्षतिपूर्ति(रु०)
1.	Non-registration on the web-portal of the concerned SPCB / DPCC	2,00,000 /—(कुल कन्सट्रक्शन एरिया 20000 वर्गमी० से अधिक)	2,00,000 /—
2.	Self-audit reports not uploaded on the web portal and / or video fencing of the project boundary not being carried out	40,000 /—(कुल कन्सट्रक्शन एरिया 20000 वर्गमी० से अधिक)	40,000 /—
3.	Non-deployment of prescribed no. of anti-smog guns	प्रति एन्टी स्मोग गन हेतु रु० 7500/-प्रतिदिन (04 नग एन्टी स्मोग गन के सापेक्ष एक भी एन्टी स्मोग गन स्थापित नहीं है) =7500x4xN	30,000 /—प्रतिदिन निरीक्षण दिनांक से अनुपालन न किये जाने की तिथि तक
4.	Ineffective dust mitigation measures (with respect to provision of wind barkers / dust screens / covering of construction materials and debris etc.	15,000 /— प्रतिदिन (कुल प्लाट एरिया 500 वर्गमी० से अधिक ) =15,000xN	15,000 /—प्रतिदिन निरीक्षण दिनांक से अनुपालन न किये जाने की तिथि तक

उपरोक्त तथ्यों को दृष्टिगत रखते हुये परियोजना के विरुद्ध मा० आयोग द्वारा अपने संख्या 18015/01/2022-MERD/3277-97 दिनांक 06.02.2024 द्वारा "Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions issued by the Commission" जारी गाईड लाईन के बिन्दु संख्या 01 व 02 के अनुसार रु० 2,40,000 /—की एक मुस्त एवं बिन्दु संख्या 03 एवं 04 रु० 45,000 /—प्रतिदिन के अनुसार परियोजना द्वारा निरीक्षण दिनांक से अनुपालन न किये जाने की तिथि तक पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के सम्बन्ध में वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 की धारा 31ए के अन्तर्गत कारण बताओं नोटिस निर्गत किये जाने की संस्तुति सहित अनुपालन आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।

  
(ध्रुवदेव वर्मा)  
प्रयोगशाला सहायक

  
(एन०के० पाण्डेय)  
सहायक पर्यावरण अभियंता

क्षेत्रीय अधिकारी





उ०प्र० प्रदूषण नियंत्रण बोर्ड,  
टी.सी.-12वी., विभूति खण्ड,  
गोमती नगर, लखनऊ

पत्रांक

H20787

/सी-1/सा०-2025/का०ब०न०-वायु/2024

पंजीकृत

दिनांक- 06-11-24

मैसर्स बाल भारतीय पब्लिक स्कूल,  
बुज विहार, साहिबादबाद,  
गाजियाबाद। (9871581802)

यह कि मैसर्स बाल भारतीय पब्लिक स्कूल, बुज विहार, साहिबादबाद, गाजियाबाद एक स्कूल निर्माणधीन संस्था है, जो कि उपरोक्त वर्णित स्थल पर कार्यरत है, वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा 2 (के) के अन्तर्गत एक औद्योगिक संयंत्र है।

यह कि सी०ए०ए०ए०ए०ए० द्वारा निर्गत आदेश/निर्देश के क्रम में मैसर्स बाल भारतीय पब्लिक स्कूल, बुज विहार, साहिबादबाद, गाजियाबाद का निरीक्षण बोर्ड के प्राधिकृत अधिकारियों द्वारा दिनांक-23.10.2024 को संस्था प्रतिनिधि श्रीमती स्नेह लता चौहान, एडमिन की उपस्थिति में किया गया। राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन हेतु आयोग के पत्र दिनांक 14.10.2024 द्वारा ग्रेप स्टेज-1 एवं पत्र दिनांक 21.10.2024 द्वारा ग्रेप स्टेज-2 लागू किया गया है, जो वर्तमान में प्रभावी है। निरीक्षण आस्थानुसार कन्स्ट्रक्शन एरिया लगभग 20000 वर्गमीटर होना उपस्थित प्रतिनिधि द्वारा बताया गया। निरीक्षण के समय परियोजना में पी०टी०जी०के० कैमरा, लोकस्ट डस्ट सेंसर एवं एन्टीस्मॉग बन स्थापित नहीं पाया गया। परियोजना द्वारा निर्माण कार्य किया जा रहा है तथा निर्माण हेतु खुदाई के दौरान ज्वलित मिट्टी का भण्डारण खुले में पाया गया, जिसके डस्ट उत्सर्जन से आस-पास की परिवेशीय वायु गुणवत्ता पर विपरीत प्रभाव पड़ना स्वाभाविक है। परियोजना में Commission for Air Quality Management in NCR and Adjoining Areas द्वारा निर्धारित गाइडलाइन के अनुसार एन्टीस्मॉग स्थापित नहीं है। परियोजना में वायु प्रदूषण नियंत्रण हेतु एन्टी स्मॉग गन की स्थापना, डस्ट पोर्टल पर रजिस्ट्रेशन एवं सेल्फ ऑडिट किया जाना आवश्यक है, परन्तु परियोजना द्वारा वर्तमान तक नहीं किया गया है। निरीक्षण के दौरान स्थल पर भण्डारित सामग्री पर पानी का छिड़काव नहीं पाया गया। परियोजना स्थल पर खुदाई के दौरान मिट्टी को ग्रीन नेट से ढकेत ढंग से कवर नहीं किया गया है, जिससे आस-पास के क्षेत्र में धूल मिट्टी आदि के उत्सर्जन के कारण वायु प्रदूषण की समस्या बनी हुई है।

यह कि संदर्भित संस्था को स्थापना हेतु राज्य बोर्ड के आनलाइन संवर्धन सं०-156681/UPPCB/Ghaziabad (UPPCBRO)/CTE/GHAZIABAD/2022 दिनांक 08.08.2022 द्वारा अनापत्ति प्रमाण पत्र निर्गत किया गया है। परियोजना द्वारा अनापत्ति प्रमाण पत्र में निहित शर्तों की अनुपालन आख्या प्रेषित नहीं की गयी है।

यह कि मा० आयोग द्वारा अपने पत्र संख्या-18015/01/2022-MERD/3277-87, दिनांक 08.02.2024 द्वारा "Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions issued by the Commission" जारी किया गया है। जिसके अन्तर्गत Construction & Demolition Projects/activities की श्रेणी के अंतर्गत जांचावृत्त है। तत्सम में क्षेत्रीय अधिकारी, गाजियाबाद द्वारा अपने पत्रांक-1889/सा०पत्रा०-235/2024, दिनांक 30.10.2024 के माध्यम से सी०ए०ए०ए०ए०ए० द्वारा पारित निर्देशों की अनुपालन न किये जाने पर परियोजना के विरुद्ध Non registration on the web-portal of the concerned SPCB/DPCC हेतु Rs. 2,00,000/-, Self-audit reports not uploaded on the web portal and/or video fencing of the project boundary not being carried out हेतु Rs. 40,000/- अर्थात् ₹ 2,40,000/- की एक मुसरा तथा Non-deployment of prescribed no. of anti-smog gum हेतु रूपया-30,000/- प्रतिदिन निरीक्षण दिनांक में अनुपालन होने की तिथि तक एवं Ineffective dust mitigation measures (with respect to provision of wind breakers/dust screens/covering of construction material and debris etc.) हेतु रूपया-15,000/- प्रतिदिन निरीक्षण दिनांक से अनुपालन होने की तिथि तक अर्थात् कुल ₹ 45,000/- प्रतिदिन के अनुसार परियोजना द्वारा निरीक्षण दिनांक से अनुपालन न किये जाने की तिथि तक पर्यावरणीय क्षतिपूर्ति अधिसूचित किये जाने हेतु वायु (प्रदूषण निवारण एवं नियंत्रण) अधिनियम, 1981 की धारा-31ए के अन्तर्गत कारण बताओ नोटिस जारी किये जाने की संस्तुति की गयी है।

यह कि उपरोक्त वर्णित तथ्यों तथा सद्योम द्वारा किये जा रहे वायु प्रदूषण से जन स्वास्थ्य पर संभावित दुष्प्रभाव को दृष्टिगत रखते हुए, जनहित में जनस्वास्थ्य की रक्षा एवं जन सामान्य को स्वस्थ पर्यावरण प्रदान करने के उद्देश्य से यह आवश्यक है कि वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-31ए के अन्तर्गत निहित शक्तियों के अनुसरण में परियोजना के निर्माण कार्य के संचालन को रोका जाये।

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टी.सी.-12वीं, विभूति खण्ड,  
गोमती नगर, लखनऊ-226010  
दूरभा 2720831, 2720828, 2720691, 2720681  
ई-मेल : info@uppcb.com

TC-12V, Vibhuti Khand,  
Gomti Nagar, Lucknow-226010  
Phone: 2720831, 2720828, 2720691, 2720681  
E-mail : info@uppcb.com

(2)

अतः क्षेत्रीय अधिकारी, गाजियाबाद की आख्या व संस्तुति दिनांक 20.10.2024 के अनुक्रम में 10 (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा 31ए के अन्तर्गत राज्य बोर्ड को प्रदत्त शक्तियों के अधीन मैसर्स बां भारतीय पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद के विरुद्ध सक्षम अधिकारी की अनुमति से निम्नलिखित कार्य बतानो नोटिस जारी किया जाता है :-

1. यह कि क्यों न माओ सीओएचयूएनओ द्वारा पारित आदेशों के अनुपालन में मैसर्स बां भारतीय पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद के विरुद्ध Non registration on the web-portal of the concern SPCB/DPCC हेतु Rs. 2,00,000/-, Self-audit reports not uploaded on the web portal and/or violation of the project boundary not being carried out हेतु Rs. 40,000/- अर्थात् ₹ 2,40,000/- की ए मुस्त तथा Non-deployment of prescribed no. of anti-smog guns हेतु रुपया-30,000/- प्रतिदिन निरीक्षण दिनांक से अनुपालन होने की तिथि तक एवं ineffective dust mitigation measures (with respect to provision of wind breakers/dust screens/covering of construction material and debris etc.) हेतु रुपया-15,000/- प्रतिदिन निरीक्षण दिनांक से अनुपालन होने की तिथि तक अर्थात् कुल ₹ 45,000/- प्रतिदिन के अनुसं परियोजना द्वारा निरीक्षण दिनांक से अनुपालन न किये जाने की तिथि तक पर्यावरणीय क्षतिपूर्ति अधिरोपित व दी जाये?

उक्त पर अपना पक्ष/स्पष्टीकरण 07 दिन के अन्दर राज्य बोर्ड को प्रेषित किया जाना सुनिश्चित करें अन्यथा की स्थिति में परियोजना के विरुद्ध उपरोक्तानुसार पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए नियमानुसार अग्रिम कार्यवाही प्रारम्भ कर दी जायेगी जिसका सम्पूर्ण उत्तरदायित्व आपका स्वयं का होगा।

सक्षम अधिकारी की अनुमति से जारी।

प्रतिलिपि:- निम्नलिखित को सूचनाार्थ एवम् आवश्यक कार्यवाही हेतु प्रेषित:-

1. जिलाधिकारी, गाजियाबाद।
2. क्षेत्रीय अधिकारी, उओप्रा प्रदूषण नियंत्रण बोर्ड, गाजियाबाद को इस निर्देश के साथ प्रेषित कि अनुवर्ती कार्यवाही करते हुए आख्या ससमय बोर्ड मुख्यालय को प्रेषित करना सुनिश्चित करें।

पर्यावरण अभियन्ता प्रभारी, मुस्त-1

7c 4

पर्यावरण अभियन्ता प्रभारी, मुस्त-1

7c 4

## ANNEXURE-4



क्षेत्रीय कार्यालय-उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद  
Regional Office, U.P. Pollution Control Board, Ghaziabad  
Website- [www.uppcb.com](http://www.uppcb.com), e-mail: [roghaziabad@uppcb.in](mailto:roghaziabad@uppcb.in)

पत्र संख्या 20787/सी-352/2025

दिनांक 17/12/2024

सेवा में,

मुख्य पर्यावरण अधिकारी(वृत्त-1),  
उ०प्र० प्रदूषण नियंत्रण बोर्ड,  
लखनऊ।

**विषय: मैसर्स बाल भारती पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद को जारी कारण बताओ नोटिस दिनांक 06.12.2024 की पुष्टि किये जाने के सम्बन्ध में।**

महोदय,

कृपया उपरोक्त विषयक इस कार्यालय के पत्रांक 2459/सी/बी-352/2025 दिनांक 30.01.2025 का संदर्भ ग्रहण करने का कष्ट करें। उक्त के अनुपालन परियोजना का निरीक्षण इस कार्यालय के प्राधिकृत अधिकारियों द्वारा दिनांक 07.01.2025 को किया गया। संशोधित आख्या पत्र के साथ संलग्नकर परियोजना के विरुद्ध उपरोक्त तालिका के अनुसार रू० 34,20,000/-की पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए परियोजना के विरुद्ध जारी कारण बताओ नोटिस पत्रांक एच-20787/सी-1/सा०-2025/का०ब०नो०-बायु/2024 दिनांक 06.12.2024 की पुष्टि किये जाने की संस्तुति सहित आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्नक: उपरोक्तानुसार।

(दिनेश मिश्र)  
क्षेत्रीय अधिकारी

asyl  
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क्षेत्रीय कार्यालय : आई०एन०एस०-2, सेक्टर-16, वसुन्धरा, गाजियाबाद-201012 फोन-0120-4160108  
मुख्यालय : TC-12V, विमूति खम्ब, गोमती नगर, लखनऊ 226010

**मैसर्स बाल भारती पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद को जारी कारण बताओं नोटिस दिनांक 06.12.2024 की पुष्टि किये जाने के सम्बन्ध में।**

उपरोक्त विषयक बोर्ड मुख्यालय के पत्रांक एच-20787/सी-1/सा0-2025/का0ब0न0-वायु/2024 दिनांक 06.12.2024 द्वारा इकाई को वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा 31ए के अन्तर्गत कारण बताओं नोटिस जारी किया गया है। उक्त के अनुपालन के इकाई का निरीक्षण अद्योहस्ताक्षरी द्वारा दिनांक 07.01.2025 को किया गया। निरीक्षण के समय इकाई में निर्माण कार्य संचालित पाया गया। निरीक्षण के समय इकाई प्रतिनिधि के रूप में स्नेह लता चौहान, एडमिन उपस्थित थी। निरीक्षण आख्या निम्नवत है:-

1. मैसर्स बाल भारती पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद एक शैक्षिक संस्थान है, जिसमें निर्माण कार्य किया जा रहा है। इकाई कुल प्लॉट एरिया 20000 वर्गमीटर से अधिक है।
2. निरीक्षण के समय इकाई में वायु प्रदूषण की रोकथाम हेतु एण्टी स्मॉग गन की स्थापना नहीं पायी गयी तथा पी0टी0जेड0 कैमरा, लो-कारस्ट डस्ट सेन्सर की स्थापना नहीं पायी गयी।
3. इकाई द्वारा डस्ट पोर्टल पर रजिस्ट्रेशन नहीं किया गया है।
4. इकाई द्वारा बोर्ड मुख्यालय द्वारा कारण बताओं नोटिस दिनांक 06.12.2024 के माध्यम से जारी निर्देशों का समुचित अनुपालन नहीं किया जा रहा है।
5. इकाई द्वारा जारी कारण बताओं नोटिस के अनुपालन अपना प्रतिउत्तर/प्रत्यावेदन बोर्ड मुख्यालय को सम्बोधित करते हुए इस कार्यालय में दिनांक 20.12.2024 में प्राप्त कराया गया है, जो कि संतोषजनक नहीं है।
6. निरीक्षण के समय लिये गये फोटोग्राफ निम्नवत है:-



**पर्यावरणीय क्षतिपूर्ति की गणना:-**

क्र0सं0	उल्लंघन का विवरण	गणना	पर्यावरणीय क्षतिपूर्ति(रु0)
1.	Non-registration on the web-portal of the concerned SPCB / DPCC	2,00,000 /-(कुल कन्सट्रक्शन एरिया 20000 वर्गमी0 से अधिक)	2,00,000 /-
2.	Self-audit reports not uploaded on the web portal and / or video fencing of the project boundary not being carried out	40,000 /-(कुल कन्सट्रक्शन एरिया 20000 वर्गमी0 से अधिक)	40,000 /-
3.	Non-deployment of prescribed no. of anti-smog guns	प्रति एण्टी स्मॉग गन हेतु रु0 7500/- प्रतिदिन (04 नग एण्टी स्मॉग गन के	परियोजना द्वारा एण्टी स्मॉग गन की स्थापना नहीं की गयी है। अतः परियोजना के प्रथम निरीक्षण दिनांक 23.10.2024 से नवीन निरीक्षण

	आयुक्त एक भी एन्टी स्मॉग गन स्थापित नहीं है। =7500x4xN	दिनांक 07.01.2025 तक कुल 77 दिन हेतु रु0 30000/-प्रतिदिन के अनुसार कुल पर्यावरणीय क्षतिपूर्ति रु0 23,10,000/- आंकलित है।
4. Ineffective dust mitigation measures (with respect to provision of wind barkers / dust screens / covering of construction materials and debris etc.	15,000/- प्रतिदिन (कुल प्लॉट एरिया 500 वर्गमी0 से अधिक ) =15,000Xn	परियोजना द्वारा अपने पत्र दिनांक 20.12.2024 के माध्यम से अवगत कराया गया है कि परियोजना में dust mitigation measures (with respect to provision of wind barkers / dust screens / covering of construction materials and debris etc. आदि के सम्बन्ध में अनुपालन किया जा रहा है। अतः परियोजना के प्रथम निरीक्षण दिनांक 23.10.2024 से 19.12.2024 तक कुल 58 दिन हेतु रु0 15000/-प्रतिदिन के अनुसार कुल पर्यावरणीय क्षतिपूर्ति रु0 8,70,000/- आंकलित है।
<b>कुल पर्यावरणीय क्षतिपूर्ति</b>		<b>रु0 34,20,000/-</b>

अतः परियोजना के विरुद्ध उपरोक्त तालिका के अनुसार रु0 34,20,000/- की पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए जारी कारण बताओं नोटिस पत्रांक एच-20787/सी-1/सा0-2025/का0ब0नो0-वायु/2024 दिनांक 06.12.2024 की पुष्टि किये जाने की संस्तुति सहित आख्या आपके अघलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।

  
(डी0डी0 वर्मा)  
प्रयोगशाला सहायक

  
(एन0के0 पाण्डेय)  
सहायक पर्यावरण अभियंता

क्षेत्रीय अधिकारी



BIP- 513/2025



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड  
UTTAR PRADESH POLLUTION CONTROL BOARD



पत्रांक H24755 / सी-1/सा-2025/प080/2025.

दिनांक 27-12-25

सेवा में,

में0 बाल भारती पब्लिक स्कूल,  
बृज विहार, साहिबाबाद  
गाजियाबाद।

**विषय :** इकाई के विरुद्ध वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1986 की धारा-31ए के अंतर्गत जारी कारण बताओ नोटिस दिनांक 06.12.2024 की पूर्ति के संबंध में।

गहोदय,

उपर्युक्त विषयक बोर्ड मुख्यालय के पत्रांक-एच20787/सी-1/सा0-2025/का080नो0-वायु/2024, दिनांक 06.12.2024 का संदर्भ ग्रहण करने का कष्ट करें। उक्त पत्र के माध्यम से इकाई के विरुद्ध मा0 सी0ए0वयु0एम0 द्वारा पा आदेशों के अनुपालन में वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1986 की धारा-31ए के अंतर्गत जारी कारण बताओ नोटिस जारी किया गया है।

इकाई द्वारा प्रेषित प्रत्यावेदन दिनांक-शून्य, जो बोर्ड में दिनांक 23.12.2024 को प्राप्त हुआ है, के अनुक्रम में अंतर्गत कार्यालय, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद के प्राधिकृत अधिकारियों द्वारा इकाई का निरीक्षण दिनांक 07.01.2025 इकाई प्रतिनिधि श्रीमती स्नेहलता चौहान, एडमिन की उपस्थिति में करते हुए पत्र दिनांक 30.01.2025 के माध्यम से आर बोर्ड मुख्यालय को प्रेषित किया गया है। निरीक्षण के समय इकाई में निर्माण कार्य संचालित पाया गया। निरीक्ष आख्यानसार मैसर्स बाल भारतीय पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद एक शैक्षिक संस्थान है, जिसमें निर्माण कार्य किया जा रहा है। इकाई का कुल प्लॉट एरिया 20000 वर्गमीटर से अधिक है। निरीक्षण के समय इकाई में वायु प्रदूषण रोकथाम हेतु एन्टी स्मॉग गन की स्थापना नहीं पायी गयी तथा पी0टी0जेड0 कैमरा लो-कास्ट डस्ट सेंसर की स्थापना नहीं पायी गयी। इकाई द्वारा डस्ट पोर्टल पर रजिस्ट्रेशन नहीं किया गया है। बोर्ड द्वारा जारी कारण बताओ नोटिस दिनांक 06.12.2024 के अनुपालन में इकाई द्वारा प्रेषित प्रतिउत्तर संतोषजनक नहीं हैं। राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती शहरी गुणवत्ता प्रबन्धन आयोग द्वारा पत्रांक F.No.-18015/01/2022-MERD/3277-97, दिनांक 06.02.2024 द्वारा निम्नलिखित "Standard Schedule for Environmental Compensation (EC) Charges in Closure Direction issued by the Commission" संलग्न (III) Construction & Demolition Projects/activities हेतु क्षेत्रीय कार्यालय की आख्या में पर्यावरणीय क्षतिपूर्ति गणना निम्नवत् है:-

क्र.सं.	उल्लंघन का विवरण	गणना	पर्यावरणीय क्षतिपूर्ति (रु0)
1.	Non-registration on the web-portal of the concerned SPCB/DPCC	2,00,000/- (कुल कन्स्ट्रक्शन एरिया 20,000 वर्गमी0 से अधिक)	2,00,000/-
2.	Self-audit reports not uploaded on the web portal and/ or video fencing of the project boundary not being carried out	40,000/- (कुल कन्स्ट्रक्शन एरिया 20,000 वर्गमी0 से अधिक)	40,000/-
3.	Non-deployment of prescribed on. of anti-smog guns	प्रति एन्टी स्मॉग गन हेतु रु0 7500/- प्रतिदिन (04 नए एन्टी स्मॉग गन के सापेक्ष एक भी एन्टी स्मॉग गन स्थापित नहीं है) =7500X4XN:	परियोजना द्वारा एन्टी स्मॉग गन स्थापना नहीं की गयी है। अतः परियोजना के प्रथम निरीक्षण दिनांक 23.10.2024 तारीख निरीक्षण दिनांक 07.01.2025 तक कुल 77 दिन हेतु रु0 300000/- प्रतिदिन अनुसार कुल पर्यावरणीय क्षतिपूर्ति रु0 23,10,000/- आकलित है।

टी.सी.-12वीं, विभूति खण्ड,  
गोमती नगर, लखनऊ-226010  
ई-मेल-[info@uppcb.com](mailto:info@uppcb.com)  
वेबसाइट- [www.uppcb.up.gov.in](http://www.uppcb.up.gov.in)

T.C.-12V, Vibhuti Khand,  
Gomti Nagar, Lucknow-226010  
E-mail: [info@uppcb.com](mailto:info@uppcb.com)  
Web Site: [www.uppcb.up.gov.in](http://www.uppcb.up.gov.in)

प्रमुख निरीक्षक  
07/12/2025

-2-

4.	Ineffective dust mitigation measures (with respect to provision of wind barkers / dust screens / covering of construction materials and debris etc.)	15,000/- प्रतिदिन (कुल प्लाट एरिया 500 वर्गमी० से अधिक) = 15000XN	परियोजना द्वारा परियोजना dust mitigation measures (w respect to provision of wind barkers/d screens/covering of constructi materials and beris etc) आदि के संबंध अनुपालन किया जा रहा है। अतः परिक्रम के प्रथम निरीक्षण दिनांक 23.10.2024 19.12.2024 तक कुल 66 दिन हेतु 15000/- प्रतिदिन के अनुसार कुल पर्यावरण क्षतिपूर्ति के अनुसार कुल पर्यावरण क्षतिपूर्ति रू० 8,70,000/- आकारित है।
<b>कुल पर्यावरणीय क्षतिपूर्ति -</b>			<b>रू० 34,20,000/-</b>

उपरोक्त के दृष्टिगत क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद द्वारा पत्रांक-2495/इ 352/2025, दिनांक 11.02.2025 के माध्यम से प्रेषित आख्या में परियोजना के विरुद्ध जारी कारण बताओ नोटिस दिनांक 06.12.2024 की पुष्टि करते हुए उपरोक्त तालिका के अनुसार पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की संस्तुति की है।

अतः क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद द्वारा प्रेषित आख्या/संस्तुति दिनांक 11.02.2025 अनुक्रम में राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र वायु गुणवत्ता प्रबन्धन आयोग के पत्र दिनांक 06.02.2024 द्वारा ज आदेशों/निर्देशों के अनुक्रम में सक्षम अधिकारी के अनुमोदनोपरान्त मैसर्स बाल भारतीय पब्लिक स्कूल, पृथ विह साहिबाबाद, गाजियाबाद के विरुद्ध रू० 34,20,000/- (रुपया चौतीस लाख बीस हजार मात्र) की पर्यावरणीय क्षति अधिरोपित किया जाता है एवं निर्देशित किया जाता है कि रू० 34,20,000/- (रुपया चौतीस लाख बीस हजार मात्र) पर्यावरणीय क्षतिपूर्ति की धनराशि का भुगतान राज्य बोर्ड के Dedicated Account जिसका payment gateway का UR <https://erp.eshiksa.net/DirectFacs3/Uppcb> तथा Nature of Pollution-Air pollution एवं EC imposed compliance-Uppcb पर एक सप्ताह के अन्दर जमा करना सुनिश्चित करें। जमा की गयी धनराशि का साक्ष्य क्षेत्र कार्यालय गाजियाबाद एवं बोर्ड मुख्यालय, लखनऊ को भी प्रेषित करना सुनिश्चित करें।

सक्षम अधिकारी की अनुमति से निर्गत।

मुख्य पर्यावरण अधिकारी, प्रभारी वृत्त:-

प्रतिलिपि:- निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित -

1. जिलाधिकारी, गाजियाबाद।
2. क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद को इस निर्देश के साथ पेशित कि परियोजना विरुद्ध अधिरोपित पर्यावरणीय क्षतिपूर्ति को राज्य बोर्ड के खाते में जमा कराया जाना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी, प्रभारी वृत्त:-



राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र  
वायु गुणवत्ता प्रबंधन आयोग  
Commission for Air Quality Management in  
National Capital Region and  
Adjoining Areas



F. No. 18015/01/2022-MERD-Vol-IV/1884-1905 Date: 1<sup>st</sup> January, 2025

**ORDER**

**Sub: Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions/Sealing orders issued by the Commission**

Environmental Compensation (EC) Charges are levied by concerned Pollution Control Boards/Committee on polluting units in Delhi NCR where Closure Directions are issued by the Commission for gross violations of extant Rules, Directions, Orders, Guidelines, etc.

Hon'ble NGT vide its order dated 28.08.2019 in OA No. 593 of 2017 directed, *inter-alia*, to adhere to EC charges contained in the said order for violations in Industrial units and construction activities, amongst others, during the periods under Graded Response Action Plan (GRAP).

The Commission had issued a comprehensive standard schedule vide letter dated 06.02.2024 towards state-wise & sector-wise uniformity in imposition of EC charges across entire NCR for violation(s) observed in Industrial sector, Diesel Generator (DG) Sets and Construction & Demolition projects/activities, pursuant to inspections by the flying squads deputed by the Commission.

Taking note of the Hon'ble NGT's directives as above, the Commission deliberated the matter in its meeting held on 27.12.2024 and approved a revised standard schedule for Industrial sector, Diesel Generator (DG) Sets and Construction & Demolition projects/activities where Closure Direction of the Commission is issued for gross violation(s) of extant Rules, Directions, Orders, Guidelines, etc. The comprehensive standard schedule of EC charges, as approved by the Commission, is **annexed**.

The NCR State Pollution Control Boards/ Delhi Pollution Control Committee shall henceforth take cognizance of the annexed Standard Schedule while imposing EC in cases where Closure Directions, show cause

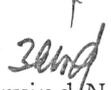
*3and*

.....2

notices and related orders have been issued by the Commission. In case there are other agencies also empowered/authorized to levy EC in case of violations observed/Closure Directions issued by the Commission, they may also be appropriately directed to follow the Standard Schedule annexed with this order.

This schedule shall be applicable for closure directions, show cause notices and related orders issued henceforth.

**Encl:** As above

  
(Arvind Nautiyal)  
Member Secretary

To,

1. Member Secretary, Delhi Pollution Control Committee
2. Member Secretary, Haryana State Pollution Control Board
3. Member Secretary, Rajasthan State Pollution Control Board
4. Member Secretary, Uttar Pradesh Pollution Control Board
5. Chairperson, New Delhi Municipal Corporation
6. Commissioner, Municipal Corporation of Delhi
7. CEO, Delhi Cantonment Board, New Delhi
8. CEO, NOIDA
9. CEO, Greater NOIDA
10. CEO, Yamuna Expressway Industrial Development Authority (YEIDA)
11. Chairman, Ghaziabad Development Authority
12. CEO, FMDA, Faridabad
13. CEO GMDA, Gurugram
14. Director, Town and Country Planning Agency, Haryana

Copy for information & necessary action to:

- i. Principal Secretary, Environment & Forest, Delhi
- ii. Additional Chief Secretary, Environment, Forest & Wildlife Department, Haryana
- iii. Principal Secretary, Environment Department, Rajasthan
- iv. Additional Chief Secretary, Environment, Forest & Climate Change, Uttar Pradesh
- v. Chairman, Haryana State Pollution Control Board
- vi. Chairman, Rajasthan State Pollution Control Board
- vii. Chairman, Uttar Pradesh Pollution Control Board
- viii. Chairman, Delhi Pollution Control Committee

**Standard Schedule for EC Charges in Closure Directions issued by CAQM****(I) Industrial Sector****1. Industries operating without or with an invalid CTE / CTO  
(Applicable to Red, Orange and Green category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) =  $PI \times N \times R \times S \times LF$  where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation till the date of closure of operations)

R – A Factor in Rs. – (Rs. 300 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

**2. Industries operating with unapproved fuels  
(Applicable only to Red and Orange category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) =  $PI \times N \times R \times S \times LF$  where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 300 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

**3. Industries operating with inadequate / ineffective pollution control measures and / or not adhering to prescribed emission standards for the particular process / industrial application****(Applicable only to Red and Orange category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) =  $PI \times N \times R \times S \times LF$  where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 250 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

**4. Any other violation of Directions of CAQM / conditions of CTO etc.****(Applicable only to Red and Orange category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) =  $PI \times N \times R \times S \times LF$  where;

PI – Pollution Index of the Sector



Annexure to Order no. F. No. 18015/01/2022-MERD-Vol-IV dated 01.01.2025

- N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)  
 R – A Factor in Rs. – (Rs. 100 for this Category of violations)  
 S – Factor for Scale of Operation  
 LF – Location Factor for the industry

**(II) Violations of Direction / Regulations on DG sets**

Rate of EC charges for each DG set for each day of violation

- Rs. 7,500 for DG Sets between 20 - 125 kW capacity  
 Rs. 15,000 for DG Sets > 125 kW but < 800 kW capacity  
 Rs. 25,000 for DG Sets of 800 kW or higher capacity

Total EC applicable per DG set: Rate for each day x N  
 {N – No. of Days of violation}

**(III) Construction & Demolition Projects / activities**

**1. Non-registration on the web-portal of the concerned SPCB / DPCC**

- Rs. 1,20,000 for projects with total area construction  $\leq$  20,000 sq. mtr.  
 Rs. 2,40,000 for projects with total area construction > 20,000 sq. mtr.

**2. Self-audit reports not uploaded on the web portal and / or video fencing of the project boundary not being carried out (only if project is registered on web portal)**

- Rs. 20,000 for projects with total area construction  $\leq$  20,000 sq. mtr.  
 Rs. 40,000 for projects with total area construction > 20,000 sq. mtr.

**3. Non-deployment of prescribed no. of anti-smog guns**

- Rs. 7,500 per day for **each** anti-smog gun not deployed at the site x N  
 {N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of activities)}

**4. Ineffective dust mitigation measures (with respect to provision of wind brakers / dust screens / covering of construction materials and debris etc.)**

- Rs. 7,500 per day for plot area < 500 sq. mtr. x N  
 Rs. 15,000 per day for plot area  $\geq$  500 & upto 20,000 sq. mtr. x N  
 Rs. 30,000 per day for plot area > 20,000 sq. mtr. x N

{N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of activities)}

**5. Transportation of materials / C&D waste in uncovered vehicles**

- Rs. 7,500 for each vehicle on each such occasion



**Note:**

- A. The above noted standard schedule for EC rates would be applicable on all such occasions, other than periods under the Graded Response Action Plan (GRAP).**
- B. For violations observed during the periods of restrictions imposed under GRAP, the rates for EC shall be doubled, (except for cases under 'C' below).**
- C. For violations observed during the periods of restrictions imposed under GRAP in respect of Industrial sector and; Construction sites having plot area more than 20,000 Sqm, the EC charges to be levied as stipulated in Hon'ble NGT's order dated 28.08.2019 in OA No.593/2017. For violations observed in construction sites having plot area equal to or less than 20,000 Sqm during the periods under GRAP, rates for EC shall be applicable as per 'B' above.**
- D. The EC charges to be levied in case of repeated gross violations by an entity, whereby a closure direction has been issued more than once by the Commission, shall also be doubled in such cases, if the repeat violation is during the periods other than GRAP. If the repeat violation is observed during the period under GRAP, the EC shall be applicable as per 'B' or 'C' above, as may be the case.**

\*\*\*\*\*



Item No. 15

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**Appeal No. 24/2025  
(IA No. 502/2025, IA No. 232/2025)

Bal Bharti Public School

Appellant

Versus

Commission for Air Quality  
Management in National Capital  
Region & Adjoining Areas & Anr.

Respondent(s)

Date of hearing: 28.07.2025

**CORAM:** HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBERAppellant: Mr. Rajinder Kumar, Mr. Rohit Kumar and Mr. Shailender Singh,  
Advocates for AppellantRespondent: Dr. Abhishek Atrey and Mr. Navneet Gupta, Advocates for Respondent  
No. 1  
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB**ORDER**

1. This Appeal has been filed under Section 18 of the Commission for Air Quality Management in National Capital Region & Adjoining Areas Act, 2021 (for short, "**CAQM Act**") read with the relevant provisions of the National Green Tribunal Act, 2010 (for short, "**NGT Act**").

2. By this appeal, Appellant has challenged the order dated 27.02.2025 passed by the Respondent – Uttar Pradesh Pollution Control Board (for short, "**UPPCB**") under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 (for short, "**Air Act**") levying the environmental compensation of Rs. 34,20,000/- upon the Appellant.

3. The Tribunal by the order dated 02.04.2025 had issued notice to the respondents keeping the question of maintainability of appeal open.

4. Learned Counsel for the parties have been heard at length on the question of maintainability of the appeal.

5. The submission of Counsel for the Appellant is that the impugned order has been passed on behalf of the CAQM. As against this, Counsel for CAQM has submitted that the impugned order is neither an order passed by the Commission nor it has been issued by the pollution control board on behalf of the Commission, therefore, the appeal is not maintainable. Counsel for the UPPCB has supported this submission.

6. The impugned order has been passed by the Respondent, UPPCB under the provisions of the Air (Prevention and Control of Pollution) Act, 1981 whereas the appeal has been preferred under Section 18 of the CAQM Act. Section 18 of the CAQM Act provides as under:

*“18. An appeal shall lie to the National Green Tribunal constituted under the National Green Tribunal Act, 2010 against any order, direction or action taken by or on behalf of the Commission constituted under section 3.*

7. The impugned order is not an order passed by the Commission as defined under Section 3 of the CAQM Act. Section 3 CAQM Act deals with the constitution of the Commission for Air Quality Management (for short, “CAQM”).

8. Since the impugned order is not an order, direction or action by the Commission for Air Quality Management, therefore, the question arises if the impugned order has been passed on behalf of the CAQM.

9. A bare perusal of the impugned order reveals that the UPPCB has levied the environmental compensation exercising the power under

Section 31A of the Air (Prevention and Control of Pollution) Act, 1981. The impugned order nowhere states that UPPCB has exercised the power or levied the compensation on behalf of CAQM. In the impugned order, the calculation of the environmental compensation has been done on the basis of the guidelines provided by the CAQM, but that alone is not enough to hold that the order is on behalf of CAQM.

10. Counsel for the Appellant has placed reliance upon the directions dated 06.02.2024 issued by the CAQM whereby the CAQM, in order to avoid wide ranging State-wise and sector-wise variation in the amount of environmental compensation levied, has permitted the pollution control board to take cognizance of the standard schedule while imposing the environmental compensation. The direction of the CAQM dated 06.02.2024 is as under:

*“The NCR State Pollution Control Boards/ Delhi Pollution Control Committee may henceforth take cognisance of the annexed Standard Schedule while imposing EC in cases where Closure Directions have been issued by the Commission. In case there are other agencies also empowered/authorised to levy EC in case of violations observed/Closure Directions issued by the Commission, they may also be appropriately directed to follow the standard Schedule annexed with this letter.”*

11. The direction dated 06.02.2024 is for those cases where the need for imposition of environmental compensation arises consequent upon passing the closure directions by the CAQM. But in the present case, the imposition of environmental compensation by the UPPCB is not as a consequence of any closure direction of the CAQM. Hence, the direction dated 06.02.2024 has no application in this present case.

12. Merely because the UPPCB has adopted the formula provided by CAQM for levy of environmental compensation, it does not mean that the UPPCB has acted on behalf of the CAQM especially when the impugned

order in clear terms provides that the UPPCB had exercised the power under Section 31A of the Air Act while levying the environmental compensation. The impugned order has been passed under Section 31A of the Air Act.

13. Learned Counsel appearing for the CAQM during the course of hearing has produced some of the orders which are passed by the pollution control board on behalf of the CAQM to show that such orders clearly mention the provisions of the CAQM Act when passed on behalf of the CAQM, but the impugned order does not mention or refer to any of the provisions of CAQM Act.

14. Learned Counsel for the Appellant has placed reliance upon the order dated 07.10.2021 issued by the CAQM in respect of the delegations of powers. But from that order, he could not point out that the PCB was delegated the CAQM's power to levy compensation.

15. Section 31A of the Air Act under which the impugned order has been issued empowers the State Pollution Control Board to issue any direction to any person, officer or authority and an order passed under Section 31A of the Act is appealable under the Air Act. It is worth noting that the appeal can be preferred only if it is provided in the statute and such an appeal can be preferred before that authority only before which it lies as per the provisions of the statute. Such provisions are required to be strictly constituted.

16. In such circumstances, we find that the impugned order has not been passed by the UPPCB on behalf of the CAQM, therefore, the present appeal under Section 18 of the CAQM Act is not maintainable, hence, dismissed. We make it clear that this order will not come in the way of the Appellant in filing a properly constituted appeal before the competent

Appellate Authority against the impugned order in terms of the provisions of the Air Act.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

July 28, 2025  
Appeal No. 24/2025  
(IA No. 502/2025, IA No. 232/2025)  
dv

Site/Project : **BBPS Block-5**

Audit Date : 22/09/2025      Audit Score : 150      Grade : *Excellent*      Revised Score : 0      Revised Grade : -      Revised On :

Status of Environmental Clearance : **Necessary**Attached File : [Download](#)Status of Consent to establish : **Applied**Attached File : [Download](#)

Status of Consent to operate :

Ready Mix Plant : **Not Applied**Attached File : **Not Available**Hot Mix Plant : **Not Applied**Attached File : **Not Available**DG Sets : **Not Applie**Attached File : [Download](#)PTZ Cameras Details : <http://106.201.110.247/doc/page/config.asp> ID: **bbpsbv** Password: **Bbpsbv@12**

Field	Practices to Reduce Emissions	Field of Compliance	Status of Compliance (Yes/No/Not Mandatory)	Score Alloted	Revised Score
1	2	3	4	5	6
Treated Water Application	Applying treated water to mitigate dust generation on construction site. (Water can be applied by a variety of methods, for instance Anti Smog Guns, trucks, water pulls, water canons, hoses, fire hydrants, sprinklers, etc.) Anti Smog Gun (Necessary for Projects where EC required)	Yes, Anti Smog Guns, Water canons with Sprinklers are used for the dust mitigation.	Yes	0	
Treated Water Application	Applying treated water to mitigate dust generation on construction site. (Water can be applied by a variety of methods, for instance Anti Smog Guns, trucks, water pulls, water canons, hoses, fire hydrants, sprinklers, etc.)Other Measres (Please mention):	Yes, Anti Smog Guns and Water canons with sprinklers are used for dust mitigation.	Yes	20	
Dust Suppressants	Use of dust suppressants: (i) liquid polymer emulsions (ii) agglomerating chemicals (e.g., lignosulfonates, polyacrylamides); (iii) cementitious products (e.g., lime-based products, calcium sulphate); (iv) petroleum based products (e.g., petroleum emulsions); and (v) chloride salts (e.g., calcium chloride and magnesium chloride).	Calcium sulphate Chloride salt and Lime barer products are used.	Yes	10	
Design	Designing layout of the construction site to minimize fugitive dust generation potential, including access roads, entrances and exits, storage piles, vehicle staging areas, and other potential sources of dust emissions.	For a shorter route of entry and exit from the construction site, the Gate no.3 of the school has been provided.	Yes	5	
Design	Use of pre-fabricated materials and modular construction units.	Pre- Fabricated material is not used It is a project of RRC commercial building.	Yes	2	
Design	Minimize distances travelled for delivery of materials	Material from nearby vendors and locations are procured for time and cost efficiency.	Yes	2	
Site Preparation	Utilize wind fencing around the site	Yes, a 20 feet fencing has been set up.	Yes	10	

Field	Practices to Reduce Emissions	Field of Compliance	Status of Compliance (Yes/No/Not Mandatory)	Score Alloted	Revised Score
1	2	3	4	5	6
Site Preparation	Use of scaffolding sheets/nets for dust control	Yes, for the dust control Nets and green sheets are spread over the mud and material.	Yes	6	
Site Preparation	Stabilize completed earthworks with stone/soil/geotextiles/Vegetation/compacting	Geotextile Green sheets are spread and is always used for the excavated mud.	Yes	2	
Site Preparation	Reduce certain activities during windy conditions	During windy weather we stop any kind of unloading of material and its shifting from one place to another.	Yes	2	
Storage Piles	Utilize enclosures/coverings for storage piles e.g.. tarpaulins, plastic, agrished nets or other material	A room is allocated for the storage of material piles.	Yes	4	
Storage Piles	Utilize wind fences/screens for storage piles	Yes, fencing has been done.	Yes	4	
Storage Piles	Storage pile activity (Loading & unloading) should be conducted downwind	Yes, downwind is the time for unloading and loading to shift the material.	Yes	2	
Storage Piles	Properly shape storage piles so that they do not have steep sides or faces. In addition, sharp changes of shape in the final storage pile should be avoided.	Yes	Yes	1	
Storage Piles	Properly schedule the delivery of landscaping materials in order to minimize the storage time on site	Yes, material as per requirement is procured.	Yes	2	
Vehicles and Equipment	PUC Certificate for vehicles used for transport of materials	Yes	Yes	5	
Vehicles and Equipment	Covering of building material during transportation	Yes	Yes	5	
Vehicles and Equipment	Ensuring adequate stack height and accoustic enclosures for DG Sets	Yes	Yes	5	
Material Handling & Transfer Systems	Remove material from truck underbodies and tires prior to leaving the site as well as implement techniques to periodically remove mud/dirt trackout/carryout from paved streets at the access point(s).	Yes	Yes	10	
Material Handling & Transfer Systems	Prevent PM emissions from spills	The work is not applicable to us.	Yes	2	
Material Handling & Transfer Systems	Capture fugitive dust emissions	Yes	Yes	4	

Field	Practices to Reduce Emissions	Field of Compliance	Status of Compliance (Yes/No/Not Mandatory)	Score Alloted	Revised Score
1	2	3	4	5	6
Material Handling & Transfer Systems	Ensuring proper collection, Segregation and disposal of C & D Waste and maintenance of log book for disposal	Yes	Yes	2	
Material Handling & Transfer Systems	Minimize material drop height at the transfer point and ensure enclosure around transfer point	Yes, material is dropped down height and the stack to minimize the pressure and height.	Yes	1	
Road Surfaces	Surface improvements to unpaved road surfaces	Yes, repairs are done time to time.	Yes	4	
Road Surfaces	Proper maintenance of unpaved roads	Yes	Yes	4	
Fabrication	Applying water spray in conjunction with cutting, grinding & drilling	Yes, it is done.	Yes	5	
Fabrication	Apply wet process for Sand and grit blasting and façade cleaning	Yes, it is done	Yes	3	
Fabrication	Ensure Mixing processes in enclosures	Yes	Yes	5	
Fabrication	Dust suppression/collection equipment should be attached when using sanding and cutting machinery. In addition, vacuum cleaning should be used whenever possible.	Vacuum clean is done after completion of work.	Yes	3	
Monitoring	Installation of display board in Construction site mentioning the Details of statutory environmental clearance, Name, address, contact no. & email of Site Incharge and owner	Yes, all the details of Statutory environment clearance, Name, address, contact no etc. are displayed.	Yes	5	
Monitoring	Installation of PTZ Camera with open access to UPPCB	Yes, installed	Yes	10	
Monitoring	Whether internal daily Monitoring Protocols Developed	Yes, a PM dust sensor has been installed and recorded at all times for weather, attendance of labor via registers and inventory of material is maintained.	Yes	2	
Monitoring	Daily Monitoring Spreadsheet and status of Monitoring	Yes	Yes	3	

I.





राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र  
वायु गुणवत्ता प्रबंधन आयोग  
Commission for Air Quality Management in  
National Capital Region and  
Adjoining Areas



No 16014/13/2021/MERD/C&D/SCN/Vol-III/6954-SS

14 August 2025

To

M/s Bal Bharti Public School  
BBPS Block - 5, Brij Vihar,  
Ghaziabad, Uttar Pradesh - 201011  
(Kind Attention: Smt. Swapna Nair, Principal)  
Mobile: 9266093355  
Email: [snehilata.chauhan04@gmail.com](mailto:snehilata.chauhan04@gmail.com)

**SHOW CAUSE NOTICE**

**WHEREAS**, the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (CAQM Act) empowers the Commission to take all such measures and issue directions as it deems necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas;

**WHEREAS**, Section 12(2)(iv) of the CAQM Act empowers the Commission to lay down parameters for emission or discharge of environmental pollutants from various sources whatsoever that have implications on air quality in the region;

**WHEREAS**, Section 12(2)(vii) of the CAQM Act empowers the Commission for inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such directions to such authorities, officers or persons as it may consider necessary to take steps for prevention, control and abatement of air pollution in the region;

**WHEREAS**, Section 12(2)(xi) of the CAQM Act empowers the Commission to issue directions, which includes power to direct closure, prohibition or regulation of any industry, operation or process and also includes stoppage or regulation of supply of electricity or water or any other service;

**WHEREAS**, the Commission, from time to time, has issued directions in respect of measures to abate air pollution in the National Capital Region including directions for strict compliance of air pollution control laws in force;

**WHEREAS**, there is a need for effective control of air pollution in wake of the deteriorating air quality scenario in NCR and compelling urgency to prevent further deterioration of air quality in the NCR;

**WHEREAS**, MoEFCC had issued Construction & Demolition Waste Management Rules, 2016 related to proper management of waste resulting from construction, re-modelling, repair and demolition of any civil structure, by individual or organization or authority generating construction and demolition waste such as building materials, debris, rubble etc. including proper environment friendly transportation thereof;

17<sup>th</sup> मंजिल, जवाहर व्यापार भवन (एस. टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग, नई दिल्ली-110001  
17<sup>th</sup> Floor, Jawahar Vyapar Bhawan (SIC Building), Tolstoy Marg, New Delhi-110001  
दूरभाष /Tel:011-23701213, ई-मेल /E-mail: [caqm-ncr@gov.in](mailto:caqm-ncr@gov.in)

**WHEREAS**, CPCB in 2017 had issued detailed guidelines for control & mitigation measures in various Construction & Demolition related activities, including handling (loading/ unloading) construction material and Construction & Demolition Waste;

**WHEREAS**, the project site of the M/s Bal Bharti Public School, BBPS, Block - 5, Brij Vihar, Ghaziabad, Uttar Pradesh - 201011 was visited and inspected on 16.07.2025, by a Flying Squad constituted by the Commission, to verify compliance with Directions/ Orders issued by the Commission from time to time and other relevant rules/ regulations;

**WHEREAS**, it was reported that the Plot size is more than 500 m<sup>2</sup> and the project is registered on the Web Portal of UPPCB and self-certification has also been done but PM2.5 & PM10 sensor for monitoring air quality was not found installed at site which is a non-conformity to the Commission's Direction dated 11.06.2021. While it is required to do the self-certification on a fortnightly basis, the inspection report reveals that the latest self-certification was done on 24.06.2025 which is a non-conformity to the Commission's Direction dated 11.06.2021. Further, 02 DG Sets (125 KVA each) were found non-compliant at site and no action has been initiated for emission control through RECD/Dual fuel mode operation which is a violation of Commission's Direction No. 76 dated 29.09.2023 (as amended).

**WHEREAS**, the Enforcement Task Force constituted by the Commission vide Order dated 08.01.2025 to monitor and supervise the implementation of the Statutory Directions issued by the Commission, has examined the matter in detail, in its meeting held on 25.07.2025 based on the inspection report submitted by the flying squad;

**NOW, THEREFORE**, in view of the above and in exercise of the powers, conferred under Section 12(2)(xi) of the Act, read with explanation and in view of the concerns related to adverse air quality scenario in the region which has a direct bearing on public health, the Commission is prima facie of the view that sufficient grounds exist to issue direction for closure/ suspension of activities in the said project/ site. However, in line with the principles of Natural Justice and to give an opportunity to the project proponent to explain its case, it is directed to show cause within **seven (07) days** from the date of issue of this notice, as to why the project/ site should not be closed down for above noted violations and directions be issued for stoppage or regulation of supply of electricity or any other service to the project/ site and suitable environmental compensation be imposed, besides initiating action for prosecution under section 14 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021.

  
19-8-25  
(Gyanendra Yadav)  
Under Secretary

Copy for necessary action to:

Member Secretary, Uttar Pradesh Pollution Control Board



RO Ghaziabad &lt;roghaziabad@uppcb.in&gt;

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**Reply to the letter dated 26th September 2025**

1 message

**bbps brij vihar** <bbpsbv@balbharati.org>  
To: RO Ghaziabad <roghaziabad@uppcb.in>

Sat, Sep 27, 2025 at 11:38 AM

Dear Sir,

With reference to your letter dated 26 th September 2025 (copy attached for your reference), please find enclosed:

1. Our Reply
2. Self-Declaration
3. Order of the Allahabad High Court

Should you require any further clarification, please feel free to write to us.

Swapna Nair

Principal

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**4 attachments****bbps-brij-vihar.jpeg**  
188K **b1\_b2\_merged.pdf**  
696K **2.pdf**  
396K **1.pdf**  
201K



## Bal Bharati PUBLIC SCHOOL

An Institution of the Child Education Society (Regd.), Delhi

To  
Mr. Ankit Singh  
Regional Officer  
U.P. Pollution Control Board  
Ghaziabad

Dear Sir,

With reference to your office letter No. 1144/C/B-352/2025 dated 26th September 2025, we would like to submit the following for your kind consideration:

1. The generator set observed within the school premises is presently under the process of installation and shall be fully commissioned and put to use by 30th October 2025. We assure you that the height of the chimneys will be maintained strictly in accordance with the prescribed norms. A self-declaration confirming the same is enclosed herewith for your reference.
2. As regards the imposition of a fine of ₹34,20,000/- upon the school vide your letter dated 06.12.2024, it is respectfully submitted that such a demand is wholly without jurisdiction and unsustainable in law in light of the authoritative pronouncement of the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, in *Suez India Pvt. Ltd. v. U.P. Pollution Control Board & Ors.* (Neutral Citation No. 2025:AHC-LKO:40756-DB, decided on 17.07.2025). The Hon'ble Court, after a detailed consideration of the provisions of the National Green Tribunal Act, 2010, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986, categorically held at Paragraph 82 of its judgment that the State Pollution Control Board has no power to impose environmental compensation upon any person or industry, and that its role is confined only to filing an application before the National Green Tribunal under Section 15 read with Section 18 of the NGT Act for issuance of necessary directions. The Hon'ble High Court further proceeded to quash all compensation orders previously imposed by the U.P. Pollution Control Board, holding that such orders were ultra vires the statutory powers of the Board and unsustainable in law. The relevant portion of the Judgment reads as follows:

*"In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or industry and it can merely file an application before the NGT under section 15 read with section 18 of the NGT Act for issuance of the direction to the person concerned for the payment of compensation."*



**Bal Bharati**  
**PUBLIC SCHOOL**

An Institution of the Child Education Society (Regd.), Delhi

environmental safeguards and will continue to cooperate with lawful directions issued under the governing statutes.

Yours faithfully,

Principal  
Bal Bharati Public School  
Ghaziabad



**Bal Bharati**  
**PUBLIC SCHOOL**

An Institution of the Child Education Society (Regd.), Delhi

**SELF DECLARATION**  
**TO WHOMSOEVER IT MAY CONCERN**

This is to declare that the Generator sets that will be commissioned at Bal Bharati Public School Brij Vihar shall strictly comply to the prescribed norms for the heights of the chimneys and that the same shall be fully commissioned and put to use by 30<sup>th</sup> October 2025

**SWAPNA NAIR**

**PRINCIPAL**

मैसर्स राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ई0ए0 संख्या 48/2025 इन ओ0ए0 संख्या 280/2025 मोक्षी भारद्वाज बनाम यूनियन ऑफ इण्डिया एवं अन्य में पारित आदेश दिनांक 15.10.2025 के सम्बन्ध में आख्या।

याचिकाकर्ता मोक्षी भारद्वाज निवासी ब्लाक डी टावर-6, जी0एच-07, कासिंग रिपब्लिक, गाजियाबाद द्वारा बृज विहार, साहिबाबाद, गाजियाबाद स्थित मैसर्स बाल भारती पब्लिक स्कूल द्वारा पर्यावरणीय नियमों का उल्लंघन कर इकाई परिसर में संचालित निर्माण गतिविधियों के विरुद्ध मा0 एन0जी0टी0, नई दिल्ली के समक्ष ओ0ए0 दाखिल किया गया था। तदोपरान्त याचिकाकर्ता द्वारा मा0 एन0जी0टी0 द्वारा ओ0ए0 280/2025 में पारित आदेश दिनांक 30.05.2025 का अनुपालन सुनिश्चित कराये जाने हेतु Execution Application दाखिल की गयी है। मा0 एन0जी0टी0 द्वारा Execution Application no. 48/2025 In Original Application no. 280/2025 Mokshi Bhardwaj Vs Union of India & Ors. में पारित आदेश दिनांक 15.10.2025 के मुख्य अंश निम्नवत् है:-

“.....2. *Learned Counsel appearing for respondent no. 5 submits that in the reply dated 14.10.2025, some inadvertent error has occurred in paragraph 8, therefore, he seeks permission to file a fresh updated correct reply within two weeks. The prayer is allowed. It will be open to the applicant to file the rejoinder within two weeks thereafter.....*”

याचिकाकर्ता द्वारा अपने प्रत्यावेदन दिनांक 23.05.2025, जो कि अध्यक्ष महोदय, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ को संबोधित है के माध्यम से प्रश्नगत स्कूल मैसर्स बाल भारती पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद द्वारा निम्नलिखित बिन्दुओं पर पर्यावरणीय नियमों का उल्लंघन किये जाने की शिकायत की गयी है:-

- I. *Non-registration of the construction project on the SPCB/DPCC portal.*
- II. *Failure to submit self-audit reports and not installing video surveillance for remote monitoring of the site.*
- III. *No deployment of anti-smog guns as required.*
- IV. *Ineffective or absent dust mitigation measures, including lack of wind barriers, dust screens and improper storage of construction material*

मा0 एन0जी0टी0 द्वारा पारित आदेश के दिनांक 15.10.2025 के अनुपालन में प्रश्नगत स्कूल मैसर्स बाल भारती पब्लिक स्कूल, बृज विहार, साहिबाबाद, गाजियाबाद का अद्यतन स्थलीय निरीक्षण अधोहस्ताक्षरकर्ता द्वारा दिनांक 12.12.2025 को किया गया एवं निरीक्षण के समय स्कूल प्रतिनिधि के रूप में श्री अनिल सहलोट, एडमिन आफिसर उपस्थित थे। निरीक्षण आख्या निम्नवत् है:-

- I. परियोजना द्वारा यू0पी0पी0सी0बी0 के डस्ट पोर्टल पर रजिस्ट्रेशन कर लिया गया है तथा सेल्फ आडिट भी किया गया है। उपलब्ध सूचनाओं के अनुसार परियोजना द्वारा अद्यतन सेल्फ आडिट दिनांक 04.12.2025 को किया गया है( **संलग्नक-1**)।
- II. परियोजना द्वारा निर्माण क्षेत्र को विन्ड ब्रेकिंग वाल से कवर्ड किया गया है तथा स्थल पर धुल की रोकथाम हेतु 02 एन्टी स्मोग गन की स्थापना की गयी है एवं बिल्डिंग मटेरियल को ग्रीन नेट से कवर्ड पाया गया तथा स्थल पर धुल उत्सर्जन की समस्या नहीं पायी गयी।
- III. निरीक्षण के समय उपस्थित परियोजना प्रतिनिधि द्वारा अवगत कराया गया निर्माण से सम्बन्धित कार्य लगभग पूर्ण कर लिया गया है तथा फिनिशिंग का कार्य किया

जाना प्रस्तावित है। निरीक्षण के समय स्थल पर किसी भी प्रकार का निर्माण कार्य होता हुआ नहीं पाया गया।

- IV. निरीक्षण के समय स्थल पर 250 के0वी0ए0 क्षमता का 01 डी0जी0 सेट (सी0पी0सी0बी0-IV मानक) की स्थापित पाया गया, जिससे सम्बद्ध चिमनी की ऊचाई मानको के अनुरूप पायी गयी। निरीक्षण के दौरान लिये गये फोटोग्राफ निम्नवत् है:-



उक्त निरीक्षण आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत है।

*(Handwritten Signature)*  
(एन0एम0 त्रिपाठी)  
सहायक वैज्ञानिक अधिकारी

REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 757-760 OF 2013

D.P.C.C.

...APPELLANT(S)

VERSUS

LODHI PROPERTY CO. LTD. ETC.

...RESPONDENT(S)

WITH

CIVIL APPEAL NO(S). 1977-2011 OF 2013

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### **1. Introduction.**

1. The Delhi Pollution Control Committee (DPCC)<sup>1</sup> is in appeal against the judgment of the Division Bench of the High Court holding that it is not empowered to levy compensatory damages in exercise of powers under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981<sup>2</sup> on the ground that such an action amounts to imposition of penalty provided for in Chapters VII and VI of the respective Acts, and as such, procedure contemplated thereunder will be the only method for imposing and collecting compensatory damage.

2. Having considered the principles that govern Indian environmental laws, we have held that the environmental regulators, the Pollution Control Boards exercising powers under the Water and Air Acts, can impose and collect restitutionary or compensatory damages in the form of fixed sum of monies or require furnishing of bank guarantees as an *ex-ante* measure to prevent potential environmental damage. These powers are

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<sup>1</sup> DPCC is a regulatory body in the National Capital Territory of Delhi, established as a 'State Board'. These Boards are constituted under section 4 of the Water Act and under section 4 or section 5 of the Air Act, and exercise powers granted under section 33A of the Water Act and section 31A of the Air Act. Our interpretation of section 33A and 31A herein will apply to any such body established under said Acts.

<sup>2</sup> Hereinafter referred to as the Water Act and Air Act respectively.

incidental and ancillary to the empowerment under Sections 33A and 31A of the Water and Air Acts. At the same time, we have directed that the powers must be exercised as per procedure laid down by subordinate legislation incorporating necessary principles of natural justice, transparency and certainty.

**2. Facts.**

3. It is the case of the Delhi Pollution Control Committee that pursuant to the directions of the Ministry of Environment, Forest and Climate Change (MoEFCC) to take appropriate action against certain entities operating in violation of the environmental norms, show cause notices were issued for violation of Section 25 of the Water Act and Sections 21 and 22 of the Air Act. These entities were either residential complexes, commercial complexes or shopping malls. The show cause notices were issued on the ground that they proceeded with construction and in fact, were operating without obtaining the mandatory “consent to establish” and “consent to operate” under Section 25 of the Water Act and Section 21 of the Air Act. The show cause notices were challenged by way of 38 writ petitions before the Delhi High Court. The challenge culminated in the judgement of a single judge dated 30.09.2010 in

the case of *Splendor Landbase Ltd. v. DPCC*<sup>3</sup>. The learned single judge considered the question as to whether a State Board can levy environmental damages in the form of fixed sums of money or require an entity to furnish a bank guarantee as a condition for grant of consent under Section 33A of Water Act and/or Section 31A of Air Act. Similar writ petitions were considered and decided by another single judge bench in *Bharti Realty Ltd. v. DPCC* and *Anush Finlease and Construction v. DPCC* on 20.07.2011 and 15.09.2011 and were disposed of in terms of the decision in *Splendor Landbase Ltd. v. DPCC*. The reasoning adopted in the judgement and orders passed by the Single Judges are as follows.

### **3. Single Judge's Judgement and Orders.**

4. In *Splendor Landbase Ltd. v. DPCC*<sup>4</sup>, the Id. single judge by his judgement dated 30.09.2010 dealt with two major issues – firstly, whether proprietors of properties over 20,000 square meters are required to obtain *consent to establish* and *consent to operate* under Water Act and Air Act independently, despite obtaining EIA Clearance from the Ministry; and secondly, whether Boards can levy penalties, fines, environmental damages in form

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<sup>3</sup> 2012 (195) DLT 177.

<sup>4</sup> Hereinafter referred to as *Splendor*.

of fixed sums of monies or call for bank guaranties as a condition to grant consent under Water and Air Acts? While the first question was answered in the affirmative, the second was answered in the negative.

4.1 It was held that the power to levy penalty is in the nature of a penal power and as such a penalty cannot be imposed without there being an enabling statutory power. For this reason, the single judge held that Board has no power to levy penalty or damage, even on the basis of the general powers under Sections 31A or 33A of the Acts. The learned Judge criticized the monetary demand as a pre-condition for grant of consent under the Acts on the ground that it has no statutory backing.

4.2 In the other batch of cases i.e. in *Bharti Realty Ltd. v. DPCC* and *Anush Finlease and Construction Ltd. v. DPCC*, decided on 12.07.2011 and 15.09.2011, the learned Single Judge was constrained to enquire into the matter in detail as writ appeals against the judgement in *Splendor* were already pending before a Division Bench. Therefore, the Single Judge allowed the writ petitions following the decision in *Splendor* and holding that the Board has no power to impose and collect compensatory damages. In these cases, the learned Judge also directed refund of the

amounts collected. However, no interest was granted to the respondents as they chose to comply with the demand instead of challenging the same at the relevant point in time.

**4. Impugned Order of the Division Bench.**

5. The decisions of the single judges were challenged by the appellant before the Division Bench of the High Court. By the judgement impugned before us, the Division Bench upheld the findings of the Single Judge in *Splendor* that the power to issue directions under Sections 33A and 31A under the two Acts does not confer the power to levy 'penalty'. The High Court further observed that under Chapter VII and Chapter VI of the Water and Air Acts penalties can be levied only by courts and that too after taking cognizance of offences specified under the two Acts. Provided that the procedure so prescribed under the statute has to be followed mandatorily, the Division Bench held that the appellant would not be entitled to impose compensation or direct deposit of bank guarantees. The relevant portion of the Division Bench of the High Court is as follows –

*"37. We concur with the reasoning of the learned Single Judge in paras 58 to 64 of the impugned decision and thus do not elaborate any further, but would additionally highlight that, the power to issue directions under Section 33A of the Water Act and the power to issue directions under Section 31A of the*

*Air Act, on their plain language, does not confer the power to levy any penalty. We would further highlight that under Chapter VII of the Water Act and under Chapter VI of the Air Act penalties and procedure to levy the same have been set out. A perusal of the provisions under the Water Act would reveal that penalties can be levied as per procedure prescribed and only Courts can take cognizance of offences under the Act and levy penalties, whether by way of imprisonment or fine. Similar is the position under the Air Act. The legislature having enacted specific provisions for levy of penalties and procedures to be followed has specifically made the offences cognizable by Courts and the power to levy penalties under both Acts has been vested in the Courts. The role of the Pollution Control Boards is to initiate proceedings before the Court of Competent jurisdiction and no more.*

*40. The language of Sub-Section 5 of Section 25 of the Water Act makes it plain clear that the only solution to a situation of a building being constructed to establish an industry, operation or process without obtaining prior consent of the State Pollution Control Board is the power of the Board to serve upon the person concerned a notice imposing such conditions as might have been imposed on an application, seeking prior consent and we find that the learned Single Judge has correctly so opined and has rightly issued the direction that the only way out, pertaining to the Water Act is to permit DPCC to inspect the shopping malls and the shopping commercial complexes and if it is found that pertaining to discharge of sewage from these buildings any steps are required to prevent water pollution DPCC would be authorized to issue notices requiring the owner of the building to take steps in terms of the notice issued. Pertaining to the Air Act notwithstanding there being no similar provision, but the concept of a post decisional hearing may be made applicable with the modification that no hearing would be required inasmuch as there is no decision, but DPCC should be empowered to inspect the shopping malls and the shopping, commercial complexes and pertaining to air pollution, if the owners of the buildings do not take corrective action, DPCC would always have the power to file criminal complaints before the Courts of Competent Jurisdiction, which Courts would alone have the power to impose fine and additionally impose sentence of imprisonment upon the offending persons.*

*42. In a few cases, we find that since DPCC was not permitting the buildings to be occupied, under protest, the owners paid the penalty to DPCC and have immediately approached the Court seeking refund and the same has been ordered for the reason neither under the Water Act nor under the Air Act there exists any power in DPCC to levy penalty or impose conditions*

*of furnishing bank guarantee. The decision of the learned Single Judge is correct in directing the bank guarantees to be discharged and penalties levied to be refunded for the reason the said act of DPCC is ultra-vires its power under the two statutes and the levy of penalty is without any authority of law. In the decision reported as 1997 [5] SCC 535 Mafatlal Industries Ltd. & Ors. Vs UOI & Ors., under writ jurisdiction refund can be directed where the levy is without jurisdiction and the same would include a penalty levied without any jurisdiction. In the instant case the penalty levied is unconstitutional being not sanctioned by any power vested in DPCC either under the Water Act or the Air Act. The impugned decisions where penalty levied has been directed to be refunded are upheld.”*

#### **5. Submissions.**

6. Mr. Pradeep Mishra appearing on behalf of the appellant DPCC submitted that the High Court erred in holding that the State Boards are not empowered to impose environmental damages under Sections 33A and 31A of Water and Air Acts. He has argued that the application of the principle of *Polluter Pays* is distinct from the requirement of authority of law to impose tax or penalty.

7. On behalf of the respondents, Mr. Ninad Laud has submitted that as per broad scheme of the Acts and also the statement of objects and reasons, State Boards are empowered to act on their own while enforcing Sections 25 and 26 and also while issuing directions under Sections 33A and 31A. However, when faced with non-compliances, recourse to judicial process is contemplated

under Sections 49 and 43 of Water and Air Acts respectively. Further, neither Rule 34 of Water (Prevention & Control of Pollution) Rules 1975 nor Rule 20A of Air (Prevention & Control of Pollution) Rules 1983, while providing a mechanism to administer Section 33A and Section 31A, contemplate monetary penalties. Countering the submission of Mr. Pradeep Misra on the principle of *Polluter Pays* to encourage reading the power to impose and collect environmental damages under Sections 33A and 31A of the respective Acts, he would submit such an approach is impermissible as the said power is specifically and separately provided under Chapters VII and VI therein. Relying on the decision of this Court in *MC Mehta v. Kamal Nath*<sup>5</sup>, he would submit, after considering the scheme of penal provisions under Water Act, Air Act and Environment (Protection) Act 1986, the Supreme Court held that penalties under the Acts befall a person only after finding of guilt upon trial by a court of law. Referring to the legitimacy of State Board's action demanding bank guarantees to secure compliance with conditions, he would submit that no penalty, other than that contemplated in the statute or statutory

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<sup>5</sup> (2000) 6 SCC 213, para 13-17.

scheme can be imposed.<sup>6</sup> We have also heard Mr. Pinaki Misra, Senior Advocate and other learned counsel and they have strongly supported the decision of the Division Bench.

7.1 Counsel for M/s Laxmi Buildtech Pvt Ltd<sup>7</sup> has submitted that they have neither violated nor acted in breach of any provision of environmental laws and therefore they cannot be subjected to any penalty or criminal prosecution. Counsel for other respondents further submitted that they have deemed consent as well as EIA clearance from the Ministry. They have also submitted that imposition and collection of damages by the State Boards is outside the powers vested in them under the Water and Air Acts.

7.2 Counsel for M/s Bharti Realty Ltd has submitted that it is a settled principle of law that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and no other.<sup>8</sup> This principle, according to the learned counsel, squarely applies to the present case as Chapter VII and Chapter VI of the Water and Air Acts have a prescribed procedure to be followed before imposing penalties. It is further argued that the

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<sup>6</sup> *State of MP v. Centre for Environment Protection Research & Development*, (2020) 9 SCC 781.

<sup>7</sup> Civil Appeal No. 2001 of 2013.

<sup>8</sup> *Chandra Kishore Jha v. Mahavir Prasad & Ors*, (1999) 8 SCC 266.

role of any State Board is in the nature of a complainant and not that of an adjudicatory authority. In this vein, it is submitted that any other interpretation would render the chapter on 'Penalties and Procedures' nugatory and otiose. It is also submitted that the power to give directions under Sections 33A and 31A of the Water and Air Acts is "subject to provisions of this Act". Written submissions also refer to the recent amendments to the Water and Air Acts, empowering an Adjudicating Officer, not below the rank of Joint Secretary of Government of India or Secretary to State Government, for imposing penalties for contravention of provisions of the Acts.

**6. Issue.**

8. The core question in these appeals is - whether the regulatory boards can, in exercise of powers under Section 33A of the Water Act and Section 31A of the Air Act, impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage?

### **7. Existing Legal Regime for Pollution Control in India.**

9. Under the Water Act and the Air Act, the State Boards have a broad statutory mandate to prevent, control and abate water pollution and air pollution. Under Section 17 of the Water Act, the State Boards are to shoulder enormous responsibilities and their functions are reproduced herein for ready reference -

**“Section 17. Functions of State Board – (1)** Subject to the provisions of this Act, the functions of a State Board shall be—

- (a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;
- (b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;
- (c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;
- (d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;
- (e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;
- (f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;
- (g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;
- (h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

- (i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;*
- (j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;*
- (k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;*
- (l) to make, vary or revoke any order—*
  - (i) for the prevention, control or abatement of discharges of waste into streams or wells;*
  - (ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or adopt such remedial measures as are necessary to prevent, control or abate water pollution;*
- (m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;*
- (n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;*
- (o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.*
- (2) The Board may establish or recognize a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.”*

10. Section 17 of the Air Act<sup>9</sup>, substantially similar to its equivalent under the Water Act, also indicates the crucial

<sup>9</sup> Section 17 of Air Act states –

**17. Functions of State Boards.**— (1) Subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974, the functions of a State Board shall be—

- (a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof;*
- (b) to advise the State Government on any matter concerning the prevention, control or abatement relating to air pollution;*

responsibilities of the State Boards in discharge of their mandate. Chapter V of the Water Act and Chapter IV of the Air Act include provisions that prescribe the regulatory powers of the State Boards. These powers include the power to issue, modify or withdraw consent<sup>10</sup>, power to obtain information<sup>11</sup>, power of entry and inspection<sup>12</sup> and power to take samples<sup>13</sup>.

### **8. Insertion of Sections 33A & 31A in Water and Air Acts.**

11. In 1988, both Acts were amended. Notably, through amendments the State Boards were further empowered to give

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*(c) to collect and disseminate information relating to air pollution;*

*(d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise a mass-education programme relating thereto;*

*(e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;*

*(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;*

*(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft: Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;*

*(h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;*

*(i) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;*

*(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.*

*(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.*

<sup>10</sup> Sections 25, 27 of Water Act and Section 21 of Air Act

<sup>11</sup> Section 20 of Water Act and Section 25 of Air Act

<sup>12</sup> Section 23 of Water Act and Section 24 of Air Act

<sup>13</sup> Section 21 of Water Act and Section 26 of Air Act

directions under Section 33A of the Water Act and Section 31A<sup>14</sup> of the Air Act. These two provisions are identically worded. Section 33A of the Water Act is as under;

**“Section 33A. Power to give directions.**—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

*Explanation.*—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.”

12. The directions contemplated under Sections 33A and 31A of the Water and Air Acts must be in furtherance of the powers and functions of the Boards and they must be in writing. These provisions, declares that the power to issue directions will include the power to direct closure, prohibition or regulation of any

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<sup>14</sup> Section 31A of the Air Act states –

**31A. Power to give directions.**—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

*Explanation.*—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

industry, operation or process. Further, this power extends to directing the stoppage or regulation of supply of electricity, water or any other service. The power to give directions has been worded broadly, and it allows the Boards significant flexibility in deciding the nature of directions. The legislative intention of granting these powers through the 1988 amendment can be inferred from the Statement of Objects and Reasons of the Water Act, which reads as follows –

*“2. The Water Act is implemented by the Central and State Governments and the Central and State Pollution Control Boards. Over the past few years, the implementing agencies have experienced some more administrative and practical difficulties in effectively implementing the provisions of the Act. The ways and means to remove these difficulties have been thoroughly examined in consultation with the implementing agencies. Taking into account the views expressed, it is proposed to amend certain provisions of the Act in order to remove such difficulties....*

*3. The Bill, inter alia, seeks to make the following amendments in the Act, namely:—*

*....*

*(iv) in order to effectively prevent water pollution, the penal provisions of the Act are proposed to be made stricter and bring them at par with the punishments prescribed in the Air (Prevention and Control of Pollution) Act, 1981 as amended by Act 47 of 1987;*

*....*

*(vi) it is proposed to empower the Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending industry, operation or process or stoppage or regulation of supply of services such as water and electricity;”*

13. Similar objective is expressed for the amendment introduced in the Air Act.<sup>15</sup>

14. An appeal against directions issued under Section 33A of the Water Act by the State Board can be filed before the National Green Tribunal under Section 33B, introduced in 2010<sup>16</sup>. Unlike the Water Act there is no specific Appeal provision against directions issued under Section 31A of the Air Act. This asymmetry must be addressed legislatively.

15. Offences and penalties under the two Acts, and the related procedures, are covered in Chapter VII of the Water Act and Chapter VI of the Air Act. These chapters have undergone significant and substantial amendments. Prior to the amendments, the two Acts stipulated penalties in the form of

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<sup>15</sup> Statement of Objects and Reasons for Air Act states, "2. *The Air Act is implemented by the Central and State Governments and the Central and State Boards. Over the past few years, the implementing agencies have experienced some administrative and practical difficulties in effectively implementing the provisions of this Act and have brought these to the notice of Government. The ways and means to remove these difficulties have been thoroughly examined in consultation with the concerned Central Government departments, the State Governments and the Central and State Boards. Taking into account the views expressed, the Government have decided to make certain amendments to the Act in order to remove such difficulties.* 3. *The Bill, inter alia, seeks to make the following amendments in the Act, namely—*

....  
*iv) In order to prevent effectively air pollution, the punishments provided in the Act are proposed to be made stricter.*

....  
*(vii) It is proposed to empower the Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending establishments or stoppage or regulation of supply of services such as, water and electricity. (viii) It is proposed to empower the Boards to approach courts to obtain orders restraining any person from causing air pollution."*

<sup>16</sup> Act 19 of 2010.

imprisonment, monetary fine or both for offences under the statute. Courts could only take cognizance of an offence if a complaint was filed by a Board or any officer authorized by it, or by any person who had given notice of the alleged offence and of his intention to make a complaint. No court inferior to that of a Metropolitan Magistrate or a Judicial magistrate of the first class can try an offence punishable under the two Acts. Be that as it may, for the present purpose we have to examine and interpret Sections 33A and 31A of the Water and Air Acts.

***9. Interpretation of and for Environmental Institutions.***

16. Our constitutionalism bears the hallmark of an expansive interpretation of fundamental rights. But such creative expansion is only a job half done if the depth of the remedies, consequent upon infringement, remain shallow. In other words, remedial jurisprudence must keep pace with expanding rights and regulatory challenges. It is not sufficient that courts adopt injunctory, mandatory and compensatory remedies, but our regulators also must be empowered in that regard. However, the legislative grammar must be elastic for us to infuse the regulators with power to fashion different remedies. This infusion must also be tampered with the necessary guidelines and parameters of

exercise of remedial powers, failing which such infusion would aid arbitrary use. Our firm view is that remedial powers or restitutionary directives are a necessary concomitant of both the fundamental rights of citizens who suffer environmental wrongs and an equal concomitant of the duties of a statutory regulator, which are informed by Part IV A of the constitution. To that extent, the functions and powers of a regulator must be inspired by the obligation in Part IV A and Article 48 A. The State's '*endeavour to protect and improve the environment*' will be partial, if it does not encompass a duty to retribute.

17. Of all the duties imposed under Article 51A, the obligation to conserve and protect water and air, is perhaps the most significant, amidst our climate change crisis. The Water Act and the Air Act institutionalised all efforts and actions that need to be taken to protect air that we breathe and water that we consume by creating the Pollution Control Boards. These Boards functioning as our environment regulators are expected to act with *institutional foresight* by evolving necessary policy perspectives and action plans. Working with perpetual seal and succession, they are to develop and retain *institutional memory* so that they can act on the basis of the experience, data and information that they would have

gathered and processed. *Institutional expertise* is critical, and these bodies are to employ human resource which have domain expertise and talent. These bodies are intended to maintain *institutional integrity* by taking independent and objective decisions without governmental or industrial control. These values flow naturally if there is *institutional transparency and accountability*. It is in this perspective that we need to interpret Section 33A of the Water Act and 31A of the Air Act.

**10. Duty to Restitute v. Power to Punish and Penalise.**

18. There is a distinction between an action for environmental damages for restitution or remediation and imposition of penalties or fines levied at the culmination of a punitive action. This Court in *M.C. Mehta* (supra), while referring to the provisions of the Water Act, Air Act and the Environment Protection Act observed –

*“17. All the three Acts, referred to above, also contemplate the taking of the cognizance of the offences by the court. Thus, a person guilty of contravention of provisions of any of the three Acts which constitutes an offence has to be prosecuted for such offence and in case the offence is found proved then alone can he be punished with imprisonment and fine or both. The sine qua non for punishment of imprisonment and fine is a fair trial in a competent court. The punishment of imprisonment or fine can be imposed only after the person is found guilty.”*

*“24. Pollution is a civil wrong. By its very nature, it is a tort committed against the community as a whole. A person, therefore, who is guilty of causing pollution has to pay*

damages (compensation) for restoration of the environment and ecology. He has also to pay damages to those who have suffered loss on account of the act of the offender....”

19. Therefore, Indian law distinguishes between the imposition of a monetary penalty or fine, which constitutes punitive action following a determination of guilt after adherence to the statutorily prescribed procedure, and the payment of damages for restitution or remediation as compensatory relief.

20. In this context, it is important to turn to one of the key principles of Indian environmental law – the *Polluter Pays* principle. This principle has been a part of Indian jurisprudence since 1996. In *Indian Council for Enviro-Legal Action v. Union of India*<sup>17</sup>, this Court held that according to the *Polluter Pays* principle the responsibility for repairing the damage is that of the offending industry. The Court further held that the powers of the Central Government to issue directions under Section 5 read with Section 3 of the Environment Protection Act include the power to impose costs for remedial measures -

*“60. ... Section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government (or its delegate, as the case may be) to “take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment...”. Section 5 clothes the Central Government (or its delegate) with the power to issue*

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<sup>17</sup> (1996) 3 SCC 212

*directions for achieving the objects of the Act. Read with the wide definition of 'environment' in Section 2(a), Sections 3 and 5 clothe the Central Government with all such powers as are "necessary or expedient for the purpose of protecting and improving the quality of the environment". The Central Government is empowered to take all measures and issue all such directions as are called for for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilise the amount so recovered for carrying out remedial measures. This Court can certainly give directions to the Central Government/its delegate to take all such measures, if in a given case this Court finds that such directions are warranted. ...*

*67. The question of liability of the respondents to defray the costs of remedial measures can also be looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" principle. ... Thus, according to this principle, the responsibility for repairing the damage is that of the offending industry. Sections 3 and 5 empower the Central Government to give directions and take measures for giving effect to this principle. In all the circumstances of the case, we think it appropriate that the task of determining the amount required for carrying out the remedial measures, its recovery/realisation and the task of undertaking the remedial measures is placed upon the Central Government in the light of the provisions of the Environment (Protection) Act, 1986. It is, of course, open to the Central Government to take the help and assistance of State Government, RPCB or such other agency or authority, as they think fit."*

(emphasis added)

21. Subsequently, the Court in *Vellore Citizens' Welfare Forum v. Union of India*<sup>18</sup>, has held that the liability for environmental damage includes both a compensatory aspect and a restorative or remedial aspect-

*"12. ... The "Polluter Pays Principle" as interpreted by this Court means that the absolute liability for harm to the*

<sup>18</sup> (1996) 5 SCC 647

*environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of "Sustainable Development" and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology."*

(emphasis added)

22. Application of the *Polluter Pays* principle not only includes payment for restoring the damaged environment, taking remedial action to deal with the damage and compensating for the direct harm caused, but also for avoiding pollution. In *Research Foundation for Science (18) v. Union of India*<sup>19</sup>, this Court held -

*"29. The polluter-pays principle basically means that the producer of goods or other items should be responsible for the cost of preventing or dealing with any pollution that the process causes. This includes environmental cost as well as direct cost to the people or property, it also covers cost incurred in avoiding pollution and not just those related to remedying any damage. It will include full environmental cost and not just those which are immediately tangible. The principle also does not mean that the polluter can pollute and pay for it. The nature and extent of cost and the circumstances in which the principle will apply may differ from case to case."*

(emphasis added)

23. The Court further held that the observations of the Court in *Deepak Nitrite Ltd. v. State of Gujarat*<sup>20</sup> that "mere violation of the law in not observing the norms would result in degradation of environment would not be correct" were confined to the facts of that

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<sup>19</sup> (2005) 13 SCC 186.

<sup>20</sup> (2004) 6 SCC 402

case. The Court clarified that the actual degradation of the environment is not a necessary condition for the application of polluter pays principle, as long as the offending activities have the potential of degrading the environment -

*“30...The decision also cannot be said to have laid down a proposition that in the absence of actual degradation of environment by the offending activities, the payment for repair on application of the polluter-pays principle cannot be ordered. The said case is not relevant for considering cases like the present one where offending activities have the potential of degrading the environment. In any case, in the present case, the point simply is about the payments to be made for the expenditure to be incurred for the destruction of imported hazardous waste and amount spent for conducting tests for determining whether it is such a waste or not...”*

(emphasis added)

24. The distinction between a punitive action and a direction to pay environmental damages was made by the National Green Tribunal in *State Pollution Control Board, Odisha v M/s Swastik Ispat Pvt Ltd and Others*<sup>21</sup>. The Tribunal in this case was considering the legality of forfeiture of bank guarantees in case a defaulting industry did not comply with the regulatory conditions within the stipulated timeframe. The Tribunal expressly considered the opinion of the High Court in the impugned judgment before us today and held -

*“45. It is evident from the above facts and the reasoning that there was actual levy of penalty or damages by the DPCC and*

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<sup>21</sup> 2014 SCC OnLine NGT 13.

*it was in consequence of such imposition of penalty/damages that the Units were called upon to furnish bank guarantees for granting of consent. In other words, bank guarantee was required to be furnished in furtherance to the imposition of a penalty or damages in that case. It was not an act de hors the imposition of penalty and had the element of punitive action. In the present case, it is not a consequence of a punitive or penal action but is in exercise of the powers vested in the Board in relation to recalling the conditions of consent and ensuring their implementation while also making compensatory provision for remedying the apprehended wrong to the environment. In the cases in hand, the Board has not imposed any penalty upon the units but has granted consent to them on certain conditions, none of which is punitive. They squarely fall within the power of the Board to prevent and control pollution in consonance with the scheme of the Acts concerned. Thus, on facts, the judgments of the High Court in Splendor (supra) do not have any application to the present case. In any case, we are of the considered view that asking for a bank guarantee as an interim measure for due performance of the conditions of the consent order being compensatory in nature, is not punitive.*

*46. We have already noticed above that there is a clear distinction between a penal and a compensatory provision. In such matters, the paramount question that would normally fall for determination before a court or tribunal would be whether the action contemplated is penal or compensatory. This issue shall have to be decided with reference to the facts of the case, the provisions of the law applicable and the intent of the authority concerned. Once it falls in the 'compensatory' field, then it will necessarily be beyond the purview of penalty...."*

*(emphasis added)*

25. In *Swastik Ispat*, the Green Tribunal correctly interpreted Sections 33A and 31A of the Water and Air Acts. The judgment of the High Court in *Splendor* had not yet been taken up or considered by this Court at that time, the Tribunal had to distinguish the facts of *Splendor* to arrive at its own conclusion. In view of our reasoning and interpretation of Sections 33A and 31A

of the Water and Air Acts, we have no hesitation to hold that the Green Tribunal is correct in its approach.

26. More recently, in *T.N. Godavarman Thirumulpad, In Re v. Union of India*<sup>22</sup>, this Court while considering the issue of illegal construction in the Corbett Tiger Reserve drew the distinction between action against persons violating the law and measures for restoration of the environmental damage. The Court held -

*“173. ... However, the principle of restoration of damaged ecosystem would require the States to promote the recovery of threatened species. We are of the considered view that the States would be required to take steps for the identification and effective implementation of active restoration measures that are localised to the particular ecosystem that was damaged. The focus has to be on restoration of the ecosystem as close and similar as possible to the specific one that was damaged.*

*175. We find that, bringing the culprits to face the proceedings is a different matter and restoration of the damage already done is a different matter. We are of the considered view that the State cannot run away from its responsibilities to restore the damage done to the forest. The State, apart from preventing such acts in the future, should take immediate steps for restoration of the damage already done; undertake an exercise for determining the valuation of the damage done and recover it from the persons found responsible for causing such a damage.”*

(emphasis added)

### **11. Principles.**

27. Based on a review of precedents on this issue, the following legal position emerges –

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<sup>22</sup> (2025) 2 SCC 641

- I. There is a distinction between a direction for payment of restitutionary and compensatory damages as a remedial measure for environmental damage or as an *ex-ante* measure towards potential environmental damage on the one hand; and a punitive action of fine or imprisonment for violations under Chapters VII of the Water Act and VI of the Air Act on the other hand.
- II. If directions in furtherance of restitutionary and compensatory measures are issued, these are not to be considered as punitive in nature. Punitive action can only be taken through the procedure prescribed in the statute for example under chapters VII and VI of the Water and Air Acts respectively.
- III. Indian environmental law has assimilated<sup>23</sup> the principle of *Polluter Pays* and there is also a statutory incorporation of this principle in our laws.<sup>24</sup> The invocation of this principle is triggered in the situations<sup>25</sup>; i) when an established threshold or prescribed requirement is exceeded or

<sup>23</sup> *Indian Council for Enviro-Legal Action* (supra n.12); *Vellore* (supra n 13).

<sup>24</sup> **Section 20. Tribunal to apply certain principles-** *The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.*

<sup>25</sup> Loveleen Bhullar, 'The Polluter Pays Principle: Scope and Limits of Judicial Decisions'; in Shibani Ghosh (ed.), *Indian Environmental Law* (Orient BlackSwan 2019):.

breached, and it does result in environmental damage, ii) when an established threshold or prescribed requirement is not exceeded or breached, nevertheless the act in question results in environmental damage and also iii) when a potential risk or a likely adverse impact to the environment is anticipated, irrespective of whether or not prescribed thresholds or requirements are exceeded or breached.

IV. Environmental regulators have a compelling duty to adopt and apply preventive measures irrespective of actual environmental damage. *Ex-ante* action shall be taken by these regulators and for this purpose a certain measure in exercise of powers under Sections 33A and 31A of the Water and Air Acts is necessary.

V. The powers of the Boards under Sections 33A and 31A of the Water and Air Acts are identical to that of Section 5 of the Environment Protection Act. Under Section 5, the Central Government or its delegate has the power to issue directions to the polluting industry to pay certain amounts and utilise the said fund for carrying out remedial measures. The Boards are empowered to take similar actions under Sections 33A and 31A of the Acts.

28. Having considered the principles that govern our environmental laws and on interpretation of Sections 33A and 31A of the Water and Air Acts, we are of the opinion that that the Division Bench of the High Court was not correct in restrictively reading powers of the Boards. We are of the opinion that these regulators in exercise of these powers can impose and collect, as restitutionary or compensatory damages fixed sum of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential or actual environmental damage.

29. There is no doubt that Section 33A of the Water Act and Section 31A of the Air Act give the State Boards powers to issue necessary directions for environmental restoration, remediation and compensation and for the payment of costs for the same. The National Green Tribunal's judgment in *Swastik Ispat* correctly identified the Boards powers to issue directions for payment of environmental damages under Section 33A of the Water Act and the Section 31A of the Air Act. A restrictive interpretation which fails to differentiate between environmental damages and punitive action significantly encumbers the Boards ability to discharge its duties.

30. The Board's powers under Section 33A of the Water Act and Section 31A of the Air Act have to be read in light of the legal position on the application of *Polluter Pays* principle as formulated and explained. This means that State Board cannot impose environmental damages in case of every contravention or offence under the Water Act and Air Act. It is only when the State Board has made a determination that some form of environmental damage or harm has been caused by the erring entity, or the same is so imminent, that the State Board must initiate action under Section 33A of the Water Act and Section 31A of the Air Act.

31. At this stage, we must also take note of the recent 2024 amendments<sup>26</sup> to the Water and Air Acts. Two major changes relevant for our consideration are that of decriminalisation<sup>27</sup> and introduction of the office of "Adjudicatory Officer"<sup>28</sup>. Even after the

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<sup>26</sup> The Water (Prevention and Control of Pollution) Amendment Act, 2024, Jan Vishwas (Amendment of Provisions) Act, 2023.

<sup>27</sup> Section 41 in the erstwhile Water Act has been substituted by sections 41 and 41A, whereby contravention of directions issued under section 20 (for obtaining information), 32 (for imposing emergency measures in case of pollution), 33 (for restraining apprehended pollution) or 33A would now be punishable by penalty alone; thereby replacing the earlier penal framework comprising of imprisonment *and* fine. Similar amendments done for section 42 (penalty for certain acts), section 43 for contravention of directions under section 24 (prohibiting use of stream or well), section 44 (prohibiting alteration of meter, etc.), and section 45A (residuary). Correspondingly, under the Air Act criminal liability under section 37 for contravention of directions under section 22 (restricting emission beyond standards) or section 31A has been restricted to fine alone. Similar amendments have been brought in section 38 and 39 (residuary). Punishment for imprisonment has been retained only for violation of section 21 and failure to pay penalty or additional penalty under section 39D.

<sup>28</sup> In the Water Act, section 45B puts in place a new office by the title of 'Adjudicating Officer', who would be an officer not below the rank of Joint Secretary to the Centre or Secretary to the State, appointed by the Central Government. Adjudicating Officer is empowered to inquire

amendments, in our opinion, there is no conflict between the powers of the State Boards to direct payment of environmental damages under Sections 33A and 31A of the Water and Air Acts and the powers of the Adjudicating Officer to impose penalties under Chapter VII of the Water Act and Chapter VI of the Air Act. The decriminalization of offences under these Chapters has not removed the punitive nature of actions that can be taken under them. There remains a clear distinction between the nature of directions that the State Boards can issue under Sections 33A and 31A of the Water and Air Acts for payment of environmental damage and the determination by Adjudicating Officers. The former is compensatory in nature and will be resorted to when remedial measures are being undertaken to restore the degraded environment or pollution caused. The latter is a penalty for an offence under the law and is imposed with the objective of punishing the offender. This penalty collected here will not be specifically directed towards the restoration of the degraded environment (for instance, to decontaminate a pond that has been

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and impose penalties under sections 41, 41A, 42, 43, 44, 45A and 48. Appeal against such imposition lies before the National Green Tribunal as per section 45C. The Adjudicating Officer is further empowered to file a complaint for cognizance under section 49. Corresponding additions have been made under the Air Act as well under sections 39A (Adjudicating Officer), 39B (Appeal to NGT) and 43 (Cognizance of offences).

polluted due to discharge of untreated sewage). It will be deposited in the Environmental Protection Fund that is to be set up under Section 16 of the Environment (Protection) Act. According to Section 16(3) of the EP Act, the Fund shall be used for, (a) the promotion of awareness, education and research for the protection of environment; (b) the expenses for achieving the objects and for purposes of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and under this Act; and (c) such other purposes, as may be prescribed.

***A. Board's Responsibility to Choose Appropriate Course of Action.***

32. Given their broad statutory mandate and the significant duty towards public health and environmental protection the Boards must have the power and distinction to decide the appropriate action against a polluting entity. It is essential that the Boards function effectively and efficiently by adopting such measures as is necessary in a given situation. The Boards can decide whether a polluting entity needs to be punished by imposition of penalty or if the situation demands immediate restoration of the environmental damage by the polluter or both.

***B. Powers Must Be Guided by Transparency and Non-Arbitrariness.***

33. While we hold that the Boards have the power to direct the payment of environmental damages, we make it clear that this power must always be guided by two overarching principles. First, that the power cannot be exercised in an arbitrary manner; and second, the process of exercising this power must be infused with transparency.

34. This Court has underscored the importance of strong institutional frameworks in environmental governance that are effective, accountable and transparent. In *Bengaluru Development Authority v. Sudhakar Hegde*<sup>29</sup>, this Court held -

*“95. The protection of the environment is premised not only on the active role of courts, but also on robust institutional frameworks within which every stakeholder complies with its duty to ensure sustainable development. A framework of environmental governance committed to the rule of law requires a regime which has effective, accountable and transparent institutions. Equally important is responsive, inclusive, participatory and representative decision-making. Environmental governance is founded on the rule of law and emerges from the values of our Constitution. Where the health of the environment is key to preserving the right to life as a constitutionally recognised value under Article 21 of the Constitution, proper structures for environmental decision-making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 of the Constitution. Sustainable development is premised not merely on the redressal of the failure of democratic institutions in the protection of the environment, but ensuring that such failures do not take place.”*

(emphasis added)

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<sup>29</sup> (2020) 15 SCC 63

35. To ensure that the Boards impose restitutionary and the compensatory environmental damages in a fair transparent, non-arbitrary manner, with procedural certainty, necessary subordinate legislation in the form of rules and regulations must be notified. This shall include methods by which environmental damage is determined, and the consequent quantum of damages are assessed. They may also incorporate certain basic principles of natural justice for fairness in action. At present environmental damages are being levied by the Boards on the basis of certain guidelines issued by the Central Pollution Control Board in its document "*General framework for imposing environmental damage compensation*" issue in December, 2022. These guidelines seem to have been issued pursuant to the directions of the NGT.<sup>30</sup> It is important that these guidelines are reviewed thoroughly and issued in the form of Rules and Regulations. This will enable declaration of a law that applies and ensures its recognition and easy implementation.

36. These Rules must also create enabling framework for citizens to file complaints about environmental damage. Public participation in environmental protection has assumed great

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<sup>30</sup> Pursuant to the NGT in its order in O.A. No. 606/2018 dated 24.04.2019.

importance with climate change threatening to drastically disrupt our way of living. Boards, being the first line of defence against polluting activities, must provide easy accessibility and encourage public participation in their function and decision making.

37. While we have reversed the decision of the High Court on the principle of law and hold that the environmental regulators, the Pollution Control Boards, can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts, we issue the following consequential directions.

38. In view of the fact that the show cause notices in these cases relate to the year 2006 and those show cause notices were set-aside by the Single as well as by the Division Benches of the High Court, we are of the opinion that no purpose will be served in reviving the said show cause notices at this point of time. In the facts and circumstances of the case while we allow the appeal on the principle of law there shall not be any consequential direction for reviving the show cause notices which have been set-aside concurrently by the Single as well as by the Division Bench of the

High Court. If certain amounts have been collected on the basis of the said show cause notices they shall be returned by DPCC within a period of six weeks from the date of this order, and if amounts are not deposited or collected the appellant, DPCC shall not take any further action.

39. For the reasons stated above:

(a) we allow these appeals and set aside the judgement and order dated 23.01.2012, passed by the Division Bench of the High Court of Delhi in LPA No. 709/2011, LPA No. 710/2011, LPA No. 866/2011 and LPA No. 867/2011 to the extent of declaration of law but direct that the show cause notices that have been set aside by the High Court shall not be revived.

(b) we direct that the Pollution Control Boards can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts.

(c) it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an *ex-ante* measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after

detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation.

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.  
[MANOJ MISRA]

**NEW DELHI;  
AUGUST 04, 2025**