

**Response on behalf of Respondent no-5 (U.P Pollution Control Board) in O.A No-680 of 2023 (Sri Raman V/s Union of India and others)**

1. That the contents of Para No. 1 of the Writ Petition it is submitted that efforts are being made to mitigate the Air Pollution in Agra city within the TTZ Area. Regular meetings of Taj Trapezium Zone Pollution (Prevention and Control) Authority are being conducted with all the concerned department's head under the Chairmanship of Chairman, TTZ Authority/ Divisional Commissioner, Agra. Directions are issued to concerned authorities viz. Municipal Corporations, Development Authorities, Public Works Departments, NHAI, Transport Departments, Forest Departments and Pollution Control Boards to take necessary actions regarding removal of road dust, solid waste burning, compliance of C&D waste management rules, enforcement of 15 years old vehicles, traffic management, tree plantation and restriction of illegal fuel in the industries as per the Hon'ble Supreme Court of India's order dated 30.12.1996 in W.P.(C) No. 13381/1984 (M.C. Mehta Vs. Union of India and Others). In compliance of the orders all the air polluting industries in Agra are operational with cleaner fuel (natural gas/electricity). Presently 06 Continuous Ambient Air Quality Monitoring Station (CAAQMS) are operational in Agra city. Last Five years Air Quality data is as below :-

**AQI Trend in Agra**

Agra AQI Status 2019-2023											
Category	Year	2019	2020	2021	2022	2023	No. of Good & Bad Days				
	No. of days	338	346	343	364	365	2019	2020	2021	2022	2023
Good (0-50)		38	15	44	88	55	269	237	219	343	364
Satisfactory (51-100)		109	110	85	86	218					
Moderate (101-200)		122	112	90	169	91					
Poor (201-300)		45	67	92	17	1					
Very Poor (301-400)		20	37	26	4	0	69	109	124	21	1
Severe (>401)		4	5	6	0	0					

**Data Source: CPCB Website**

2. That the contents of Para No. 2 of the Writ Petition are matters of records, hence, need no comments.
3. That the contents of Para No. 3 of the Writ Petition are matters of records, hence, need no comments.
4. That the contents of Para No. 4 of the Writ Petition are matters of records. It is submitted that as per the order passed by the Hon'ble Supreme Court of India in W.P.(C) No. 13381/1984 (M.C. Mehta Vs. Union of India and Others) on dated 30.12.1996, all the air polluting industries in Agra are operational with cleaner fuel (natural gas/electricity).

It is to pertinent to mention here that in I.A. No.42482/2020 (Appln. for modification of order dt. 06.12.2019 on behalf of State of U.P.) in W.P.(C) No. 13381/1984 (M.C. Mehta Vs. Union of India and Others) Hon'ble Supreme Court of India passed an order dated 08.12.2021 regarding establishment of MSME industries in TTZ Area. The relevant part of the order is as below :-

*"In respect of industrial units where the Air Pollution Score as per CPCB and UPPCB is between 11 to 20, sectorial guidelines shall be obtained from NEERI. No industrial units shall be cleared by the State till sectorial guidelines are obtained from NEERI. For those industrial units having Air Pollution more than 20, the concurrence/opinion of NEERI will have to be obtained."*

5. That the contents of Para No. 5 of the Writ Petition are matter of records, hence, needs no comment.
6. That the contents of Para No. 6 of the Writ Petition are matter of records, hence, needs no comment.
7. That the contents of Para No. 7 of the Writ Petition it is submitted that the Taj Trapezium Zone Pollution (Prevention and Control) Authority has been constituted by the Ministry of Environment and Forests, Government of India under sub-section-(1) and (3) of section-3 of the Environment (Protection) Act-1986 under the Chairmanship of Divisional Commissioner, Agra, hence, decisions regarding special body like CPCB and UPPCB can be taken up by the MoEF&CC, Govt. of India.
8. That the contents of Para No. 8 of the Writ Petition it is submitted that in compliance of the various orders and main order in Writ Petition (Civil) No. 13381/ 1984 (M.C. Mehta Vs Union of India and Ors.) passed by the Hon'ble Supreme Court of India on dated 30.12.1996, all the air polluting industries are operational with natural gas/electricity in Agra. Green belts is being

developing around Taj and in Agra, Southern bypass and Inner ring road Phase-1 and 2 have been started for plying non destined heavy vehicles, which earlier passes through the city while Phase-3 work is likely to be completed by the end of year 2024. Construction of Northern bypass work is in progress by the NHAI (PIU), Agra to mitigate air pollution. To provide pollution free mass transport for the daily commuters Agra Metro Rail Project is under progress by the U.P. Metro Rail Corpn. Ltd.

9. That the contents of Para No. 9 of the Writ Petition are matter of record. It is submitted that as per the recommendation of the Hota Committee, MoEF&CC, Govt. of India has taken the decisions to develop an Action Plan addressing the issues raised in the report and a Source Apportionment Study may be initiated. U.P. Pollution Control Board has made the Action Plan for the control of air pollution in Agra city and Air Quality Assessment, Trend Analysis, Emission Inventory and Source Apportionment Study in the city of Agra has been awarded by U.P. Pollution Control Board to Department of Civil Engineering, Centre for Environmental, Science and Engineering, Indian Institute of Technology, Kanpur.
10. That the contents of Para No. 10 of the Writ Petition it is submitted that to mitigate the air pollution in Agra city. Action Plan for the control of air pollution in Agra city was prepared and regular meetings have been

conducted under the Chairmanship of District Magistrate, Agra. Action taken report has been submitted by the concerned departments regarding mitigation of Air pollution in Agra city **Annexure-1**. Air Quality Assessment, Trend Analysis, Emission Inventory and Source Apportionment Study in the city of Agra has been awarded by U.P. Pollution Control Board to Department of Civil Engineering, Centre for Environmental, Science and Engineering, Indian Institute of Technology, Kanpur. As per the control options and action plan for the city of Agra suggested in the report by IIT Kanpur compliance is being done by the concerned departments, which is being monitored in District Environment Committee meeting regularly. Latest compliance report is attached as **Annexure-2**.

11. That the contents of Para No. 11 of the Writ Petition is submitted that for the implementation of the Action Plan for the control of Air pollution in Agra city regular meetings are conducting under the Chairmanship of District Magistrate, Agra in District Environment Committee meeting. Action taken reports was being submitted by the concerned departments regarding mitigation of Air pollution in Agra city. As Agra is one of the non-attainment cities and GRAP is also being implemented in every winter season from 01 October till 28th February **Annexure-3**.

**AQI Trend in Agra**

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Category	Year	2019	2020	2021	2022	2023	No. of Good & Bad Days				
	No. of days	338	346	343	364	365	2019	2020	2021	2022	2023
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Very Poor (301-400)		20	37	26	4	0	69	109	124	21	1
Severe (>401)		4	5	6	0	0					

**Data Source : CPCB Website**

12. That the contents of Para No. 12 of the Writ Petition it is submitted that 6.5% forest cover is reported by Forest Survey of India in 2021. To increase the green cover massive tree plantation is being done by forest department with the contribution of other departments and general public is also being motivated to plant samplings and protect them. The results of plantation are likely to be reflected in future. It is stated that patch work, filling and repair of potholes on 51 roads (total length 55.203 km) is completed in 2023-24 and it is being done on regular basis too. Apart from it, 24.969 Km of road network has also been strengthened.
13. That the contents of Para No. 13 of the Writ Petition it is submitted that efforts are being made by regular monitoring in the meetings of TTZ Authority regarding control of air pollution in and around Taj precinct area and in Agra. Mechanized sweeping is being done through 07 mechanized sweeping machines in the city and around Taj Mahal to minimize the road dust by

Municipal Corporation Agra. Ban on illegal fuel such as coal/coke, wood, bio briquettes has been done in eateries, restaurant etc. If found challan and seizure action is being done by Municipal Corporation Agra. Solid waste/ garbage / bio-mass burning have been prohibited in Agra. If anyone found being done challan and FIR is being done by Municipal Corporation Agra.

14. That the contents of Para No. 14 of the Writ Petition it is submitted that conventional crematorium is operational behind the Taj Mahal. However, to discourage conventional crematorium electric crematorium has been developed and presently operational having 04 platforms.
15. That the contents of Para No. 15 of the Writ Petition it is submitted that to maintain the air quality as per National Ambient Air Quality Standards efforts are being made for removal of road dust, solid waste burning, compliance of C&D waste management rules, enforcement/restriction of 15 years old vehicles, traffic management, tree plantation, restriction of illegal fuel in the industries as per the Hon'ble Supreme Court of India's order dated 30.12.1996 in W.P.(C) No. 13381/1984 (M.C. Mehta Vs. Union of India and Others). In compliance of the orders all the air polluting industries in Agra are operational with cleaner fuel (natural gas/electricity). Green belts is being developing around Taj and in Agra, Southern bypass and Inner ring road Phase-1 and 2 have been

started for plying non destined heavy vehicles, which earlier passes through the city while Phase-3 work is likely to be completed by the end of year 2024. Construction of Northern bypass work is in progress by the NHAI (PIU), Agra to mitigate air pollution, mechanized sweeping is being done through 07 mechanized sweeping machines in the city and around Taj Mahal to minimize the road dust by Municipal Corporation Agra. Ban on illegal fuel such as coal/coke, wood, bio briquettes has been done in eateries, restaurant etc. If found challan and seizure action is being done by Municipal Corporation Agra. Solid waste/ garbage / bio-mass burning have been prohibited in Agra. If anyone found being done challan and FIR is being done by Municipal Corporation Agra. 100 electric buses for public transport are operational in and around Agra city. To provide pollution free mass transport for the daily commuters Agra Metro Rail Project in under progress by the U.P. Metro Rail Corpn. Ltd.

16. That the contents of Para No. 16 of the Writ Petition it is submitted that as per the data published by CPCB for 04 manual monitoring stations, the annual average are not meeting the norms, but annual data clearly indicates that the PM10 concentration has not been drastically increased as compared from 2002 to 2022. It is an achievement of TTZ Authority and all concerned departments for making their efforts to

maintain the Air Quality levels in Agra city from 2002 to 2023 even after increase in the population, vehicular load, construction activities and other air polluting activities within the city limit.

17. That the contents of Para No. 17 of the Writ Petition it is submitted that Air Quality levels in Agra city from 2002 to 2022 are not meeting the (Annual) National Ambient Air Quality Standards but it is pertinent to mention here that the air quality levels are maintained from 2002 to 2022, even after increase in the population, vehicular load, construction activities and other air polluting activities in Agra city. U.P. Pollution Control Board awarded Air Quality Assessment, Trend Analysis, Emission Inventory and Source Apportionment Study in Agra city to IIT, Kanpur. In the study Control Options and Action Plan has been suggested to control the Air Pollution in Agra City by the responsible Authorities/Agencies. Control Options and Action Plan has been circulated to all concerned Departments to control air pollution in Agra city. Action Taken Report is provided monthly by the concerned Departments which are discussed in the District Environment Committee meeting for further improvement earlier annexed as Annexure-2.
18. That the contents of Para No. 18 of the Writ Petition it is submitted that in Agra, Southern bypass and Inner ring road Phase-1 and 2 have been started for plying non destined heavy vehicles, which earlier passes

through the city while Phase-3 work is likely to be completed by the end of year 2024. Construction of Northern bypass work is in progress by the NHAI (PIU), Agra to mitigate air pollution. To provide pollution free mass transport for the daily commuters Agra Metro Rail Project is under progress by the U.P. Metro Rail Corpn. Ltd. 100 electric buses for public transport are operational in and around Agra city. 01 electric vehicle charging stations have been started and tender has been floated for 10 EV charging stations by Municipal Corporation Agra. However, 06 EV charging stations have been started in hotels in Agra city. Facility of multilevel parking has been started in Sanjay Place market. One multilevel parking is proposed at Shilpgram premises by U.P. Tourism Department. Currently Uro-VI fuel is being supplied by oil companies in Agra city.

19. That the contents of Para No. 19 of the Writ Petition it is submitted that as per Additional Police Commissioner (Traffic), Agra to mitigate vehicular pollution due to congest roads regular enforcement is being done by traffic police in the year 2023, 9057 vehicles have been challaned and Rs. 808000/- has been recovered from challaned. In the year 2023 public awareness programme has been conducted in 122 school/colleges/institutions by traffic police. Public awareness programme at 910 road crossings and different places has been conducted and made

aware regarding traffic rules / vehicular pollution to 323559 peoples by running campaign. 48475 vehicles have been challaned and Rs.328550/- has been recovered on road due to illegal parking, which is being done regularly. Apart from this action under section 34 of police act and in IPC 290 is being taken by the concerned police stations against encroachment on the roads.

20. That the contents of Para No. 20 of the Writ Petition are denied. It is submitted that efforts are being made by the TTZ Authority doing rigorous monitoring to control Air pollution. Environment compensation has been imposed by UPPCB to the concerned Departments / Agencies which were not following the guidelines/ rules regarding abatement of air pollution during construction **Annexure-4**. It is pertinent to mention here that as per the Hon'ble Supreme Court Order dated 06.12.2019 and 08.12.2021 in main Writ Petition (Civil) No. 13381/1984 (M.C. Mehta Vs Union of India and Ors.) MSME industries which are both non-polluting and eco-friendly industries can be setup in the notified industrial area. The relevant part of the order is as below :-

*"In respect of industrial units where the Air Pollution Score as per CPCB and UPPCB is between 11 to 20, sectorial guidelines shall be obtained from NEERI. No industrial units shall be cleared by the State till sectorial guidelines are obtained from NEERI. For those*

*industrial units having Air Pollution more than 20, the concurrence/opinion of NEERI will have to be obtained.*

*In case of the need for felling trees to set up industrial units/projects, the matter shall be referred to the CEC for its opinion/concurrence. Where there is no need for felling of trees, a declaration shall be obtained from the industrial units/projects to that effect. The declaration shall be accompanied by an affidavit and photograph of the site along with the Key Plan of the site. The said declaration along with the other documents shall be forwarded to the concerned District Forest Officer. In case, incorrect information has been given by the declarant, suitable legal action shall be taken."*

21. That the contents of Para No. 21 of the Writ Petition it is submitted that as per the directive of the Hon'ble National Green Tribunal, Municipal Corporation, Agra has prepared a detailed project report for the development of a biodiversity park in Agra. The park, spanning 700 acres adjacent to the Yamuna floodplain in Kakretha, Agra, is estimated to cost 2603.57 Lacs. Since the proposed biodiversity area is a reserved forest area falling under the jurisdiction of the Forest Department, the DPR has been sent to them for further approval. Agra Municipal Corporation has written a letter to Divisional Director, Samajik Vaniki Vibhag vide letter No. 421/D/V.W.O./2023 dated 15/12/2023 regarding the development of park (attached as **Annexure - 5**). Upon receiving approval

and securing funds, the Municipal Corporation of Agra will promptly initiate the project.

22. That the contents of Para No. 22 of the Writ Petition it is submitted that -

- a) A significant improvement is seen in the air quality of Agra within last two years. As per the report of Central Pollution Control Board (CPCB), the no. of good days (AQI is less than or equal to 200) in the year 2022 was 222, while in the year 2023 and 2024 good days are 344 and 364 respectively.
- b) Agra has secured 2<sup>nd</sup> rank and has received award in Swachh Vayu Surveysah 2023, conducted by MoEFCC (Ministry of Environment, Forest and Climate Change).
- c) For mechanical sweeping of roads, an agreement has been signed with M/s Raj Rajeshwari Enterprises. At present, mechanical sweeping of the roads is being done through 06 MRS (Mechanical road sweepers) and 02 more MRS will be available by the end of this month. Apart from this, 02 additional mechanical sweeping machines are being operated in Tajganj area. On an average, a total of 400 kilometers (including all 2 passes/4 passes) of roads are being cleaned every day through MRS.
- d) An underground collection tank of capacity 1000 KLD to collect a part of the treated effluent coming out from 78 MLD STP is constructed at

Dhandupura, Agra. The collected water is being used in water spraying as well as for trees washing through 15 water sprinklers and tankers.

- e) Road widening work is being done to reduce the load of vehicles on the roads. At present work has been completed at 43 sites and work is in progress at 06 other sites.
- f) In order to control road dust, the Municipal Corporation has done black topping of 43 roads and paving of 13 footpaths.
- g) All the ongoing construction works are being done by putting a green net around the construction sites.
- h) For processing the C&D waste generated in the city, a C&D waste processing Plant of 5 TPD capacity is being operated at Kuberpur site and the work for another 150 TPD C&D waste processing plant is under progress.
- i) A complete ban has been imposed on burning of garbage in urban areas. Special surveillance is carried out at 12 hot spot locations identified by UPPCB. On any information regarding fire in biomass, immediate actions are taken along with FIR and fine.
- j) Manual collection of silt and dust beside road sides is a regular process which is also being done by Agra Municipal Corporation on all major roads.

23. That the contents of Para No. 23 of the Writ Petition is submitted that regular 'District Environment Committee' meetings are being conducted and compliance is being done by the concerned departments. As per the Air Quality Assessment, Trend Analysis, Emission Inventory and Source Apportionment Study in Agra city report provided by the IIT, Kanpur, Control Options and Action Plan has been suggested to control the Air Pollution in Agra. Control Options and Action Plan has been circulated to all concerned Departments. Action Taken Report is provided monthly by the concerned Departments, which is discussed in the 'District Environment Committee' meeting for further improvement
- Annexure-6.**

24. That the contents of Para No. 24 of the Writ Petition it is submitted that in earlier years *prosopis juliflora* (Vilayati Babool) was planted to improvement to soil conditions but now days species like Neem, Sheesham, Arjun, Imli, Dhak, Arru, Amrud, Nimbu, Anar etc. local species are being planted to increase green area and moreover species, which are suitable for ravines areas as per approved working plan of forest are being planted.
25. That the contents of Para No. 25 of the Writ Petition it is submitted that as per the direction issued by the Member-Secretary, CPCB to Principal Secretary, Environment, Government of U.P. Action plans for the

control air pollution in 15 non-attainment cities of Uttar Pradesh has been made and circulated on 11.04.2019 to the concerned departments, Government of U.P. for implementation **Annexure-7**.

26. That the contents of Para No. 26 and 27 of the Writ Petition are denied. It is submitted that to maintain the air quality as per National Ambient Air Quality Standards efforts are being made for removal of road dust, solid waste burning, compliance of C&D waste management rules, enforcement/ restriction of 15 years old vehicles, traffic management, tree plantation, restriction of illegal fuel in the industries as per the Hon'ble Supreme Court of India's order dated 30.12.1996 in W.P.(C) No. 13381/1984 (M.C. Mehta Vs. Union of India and Others). In compliance of the orders all the air polluting industries in Agra are operational with cleaner fuel (natural gas/ electricity). Green belts is being developing around Taj and in Agra, Southern bypass and Inner ring road Phase-1 and 2 have been started for plying non destined heavy vehicles, which earlier passes through the city while Phase-3 work is likely to be completed by the end of year 2024. To provide pollution free mass transport for the daily commuters Agra Metro Rail Project in under progress by the U.P. Metro Rail Corpn. Ltd. Construction of Northern bypass work is in progress by the NHAI (PIU), Agra to mitigate air pollution, mechanized sweeping is being done through 07

mechanized sweeping machines in the city and around Taj Mahal to minimize the road dust by Municipal Corporation Agra. Ban on illegal fuel such as coal/coke, wood, bio briquettes has been done in eateries, restaurant etc. If found challan and seizure action is being done by Municipal Corporation Agra. Solid waste/ garbage / bio-mass burning have been prohibited in Agra. If anyone found being done challan and FIR is being done by Municipal Corporation Agra. 100 electric buses for public transport are operational in and around Agra city.

#### **AQI Trend in Agra**

<b>Period</b>	<b>AQI</b>	<b>Year 2019</b>	<b>Year 2020</b>	<b>Year 2021</b>	<b>Year 2022</b>	<b>Year 2023</b>
Annually (Jan-Dec)	Good	38	15	44	88	55
	Satisfactory	109	110	85	86	218
	Moderate	122	112	90	169	91
	Poor	45	67	92	17	01
	Very Poor	20	37	26	04	00
	Severe	04	05	06	0	00
	<b>Good Days</b>	<b>269</b>	<b>237</b>	<b>219</b>	<b>343</b>	<b>364</b>
	Bad Days	69	109	124	21	01

**Data Source : CPCB Website**

27. That the contents of Para No. 28 of the Writ Petition it is submitted that Koli Hai Drain flows near the East Gate of Taj Mahal towards River Yamuna. It is stated that an in situ-wetland has been constructed in the Taj East Drain located at East Gate of Taj Mahal, the incoming flow will be first screened and passed through series of anaerobic digesters wherein BOD and COD will be reduced and further treated through wetland system. At the end point of the system chlorine dosing will also

be done. Plantation has already been done and installation is complete. The plant is under commissioning stage. Thus the issue of odour and nuisance will now be minimized to a great extent.

28. That the contents of Para No. 29 of the Writ Petition it is submitted that as per the data published by CPCB for 04 manual monitoring stations the annual average are not meeting the norms, but annual data clearly indicates that the PM10 concentration has not been drastically increased as compared from 2022. It is an achievement of TTZ Authority and all concerned departments for making their efforts to maintain the Air Quality levels in Agra city from 2002 to 2023 even after increase in the population, vehicular load, construction activities and other air polluting activities within Agra city. Efforts and rigorous monitoring on ground level is being done by TTZ Authority and U.P. Pollution Control Board to mitigate air pollution in Agra city.

#### **GROUNDS**

- a. That the contents of point no. a of the grounds are denied. It is submitted that to maintain the air quality as per National Ambient Air Quality Standards efforts are being made with the all concerned departments by TTZ Authority.
- b. That the contents of point no. b of the grounds are matter of record.

- c. That the contents of point no. c of the grounds are denied and the relevant has been given in para no. 26.
- d. That the contents of point no. d of the grounds are denied. It is submitted that in exercise of the powers conferred by sub sections (1) and (3) of Section 3 of the Environment (Protection) Act, 1986 (29) of 1986, the Central Govt. constituted Taj Trapezium Zone Pollution (Prevention & Control) Authority under the Chairmanship of Divisional Commissioner, Agra w.e.f. 17th May, 1999 as published in the Gazette of India vide clause No. 3 of the aforesaid Gazette Notification the powers and functions of TTZ Authority are subject to over all supervision and control of the Central Government. TTZ Authority have the power to —
- i) Monitor the progress of implementation of various schemes for the protection of the Taj Mahal and programmes for protection and improvement of the environment in Taj Trapezium Zone.
  - ii) Exercise powers under section 5 of the said Act.
  - iii) Take all necessary steps to ensure compliance of specified emission standards by motor vehicles and ensuring compliance of fuel quality standards.
  - iv) Deal with any environmental issue which may be referred to it by the Central Government or the State Governments of Uttar Pradesh and Rajasthan relating to the Taj Trapezium Zone.

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- e. That the contents of point no. e of the grounds are denied and the relevant has been given in para no. 20.
- f. That the contents of point no. f of the grounds are denied and the relevant has been given in para no. 26.
- g. That the contents of point no. g of the grounds are denied and the relevant has been given in para no. 8.
- h. That the contents of point no. h of the grounds are denied and the relevant has been given in para no. 24.
- i. That the contents of point no. i of the grounds are matter of record.
- j. That the contents of point no. j of the grounds, it is submitted that regular monitoring is being done to complete the ongoing projects in a time bound manner.

The application thus is devoid of law and facts both and as such deserves to be dismissed with costs as against the answering Respondents no. 5.

**Respondent No. 5**

*22/8*  
*17/01/24*

(Regional Officer)

U.P Pollution Control Board  
Agra

Date: