

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

ORIGINAL APPLICATION No.612 OF 2023

IN THE MATTER OF:

Society for Protection of Culture Heritage, Environment,
Traditions and Promotions of National Awareness
(SPCHETNA)

... Applicant

Versus

Union of India & Ors.

... Respondents

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NEW DELHI

DATED: 05.02.2024

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BRIEF WRITTEN SUBMISSIONS ON BEHALF OF THE APPLICANT

1. As noted in the order dated 31st January, 2024 passed by this Hon'ble Tribunal, the applicant is confining the present application to the respondents noncompliance with the noise limits prescribed under Notification no. G.S.R. 568(E) dated 18th June, 2018 for the airport noise zone (the notification is at Pg. 327 to 330 of the additional documents filed by the applicant) and seeking a direction against the respondents to comply with the prescribed noise limits.
2. In terms of the said notification, the Ambient Air Quality Standards prescribed with respect to Noise in Airport Noise Zone limits is 70 dB(A) Leq in daytime and 65 dB(A) Leq in night time at Busy Airports.
3. Respondent no.9 at page no. 437 of its Preliminary objections, vide email dated 9th June 2022 has admitted that Vasant Kunj is in landing funnel thus falls within Airport Zone. Relevant text of the email is reproduced as under:

"Dear Sir,

This is in reference to your complaint dated 25th May 2022. Your complaint has been responded previously. However at the cost of repetition, we should inform you once again that the location of Vasant Kunj and DDA plots which you refer to is part of runway funnel area and under the designated aircraft arrival and departure routes of Airport, which are operational since 2009."

4. The applicant submits that the noise levels in the Airport Noise Zone, in which also falls Vasant Kunj and its neighbouring areas is not within the limits prescribed by notification dated 18th June, 2018 and are much beyond and this is clear from –
 - (i) Noise levels recorded by the applicant from 19.09.2023 to 19.10.2023 at different timings [Annexure-11 (Pg. 393 to 414) of the additional documents filed by the applicant]. Barring stray incident, the maximum noise generated exceeds beyond prescribed limit even after including tolerance limit of 10%.
 - (ii) The PDF reports downloaded by the applicant of all the ten monitoring stations, from 02.01.2024, 03.01.2024 and 04.01.2024 available on the Online Noise Monitoring link provided by respondent no.2, from its website and filed as Annexure-3 (Colly) with the rejoinder to the preliminary reply of respondent no.9.
 - (iii) The Applicant is attaching Online Noise level recorded by respondent no.2 on 2nd February 2024 and 3rd February 2024, as downloaded from its website (annexed herewith as Annexure-A Colly). A perusal of the same indicates that the noise level on 2nd February 2024 ranges above 70dBA and goes up to 123.9 dBA to 137.4 dBA and on 3rd February 2024 ranges above 70 dBA and goes up from 128.5 dBA to 142 dBA, which are abnormally high and way above notified limits.
5. As per terms of the Environmental Clearance bearing file No. 10-72/2016-1 A-III dated 30th May 2018 as per "Part A Specific Condition" no. xxii at page no. 67 of the OA, and Part B condition no. iii at page no 68 of the OA provides for the following:

“Part A Specific Condition – page 67

(xxii) During airport operation period, noise should be controlled to ensure that it does not exceed the prescribed standards. During night time the noise levels measured at the boundary of the building shall be restricted to the permissible levels to comply with prevalent regulations. A monitoring station for ambient air and noise levels shall be provided in the village nearest to the airport.

Part B condition no. iii at page 68

(iii) The overall noise levels in and around the airport shall be kept well within the standards by providing noise control measures including acoustic hoods, silencers, enclosures etc., on all the sources of noise generation. The ambient noise levels shall conform to standards prescribed under the EPA Rules, 1989 viz 78 dBA (daytime) and 70 dBA (Night time).

4. The Regional Office of this Ministry/Central Pollution Control Board will monitor the stipulated conditions. A six monthly compliance report and the monitored data along with the statistical interpretation shall be submitted to them regularly.

”

6. Respondent no.4 while providing aeronautical services and airport services records the noise levels at the boundary of the airport. A copy of such report has been provided by Regional Office, Madras (Copy of Fortnightly reports for the period 01-08-2022 to 15-08-2022 and 15-09-2022 to 30-09-2022 submitted as additional documents at page no.(s) 433 to 462). A perusal of the said report under the heading Lamax (T)(DB) indicates the noise levels exceeding the prescribed limits However, Respondent No.4 has refused to provide same details about Delhi Airport.

7. That Applicant had been repeatedly surfing website of Respondent No.9 and could not locate the tab which could lead to page showing noise levels. However, could not locate the link or tab which was shown by Respondent No.9 during the hearing. Further, Respondent No.9 in none of the correspondence exchanged provided the said link to the Applicant. Applicant is attaching screenshots of all the pages of the website <https://www.newdelhiairport.in/> in support to its submissions as **annexure B**, and respectfully prays that the Hon'ble Bench may cross check submission made by Applicant independently without any assistance so as to know the factual position.
8. That, the Applicant respectfully submits that respondent nos.2, 4 and 6 be directed to submit the aforesaid details before this Hon'ble Tribunal for proper adjudication of the issue whether the conditions of the notification are being complied with or not.
8. Once the aforesaid documents are placed on record and shared with the Applicant for assisting Hon'ble Tribunal, and if it is found that the noise levels recorded fall within the limits notified, nothing would have survived in the present OA.

FILED BY:



ADV. MADHUMITA SINGH & ADV. SAMEER SOOD

COUNSEL FOR THE APPLICANT

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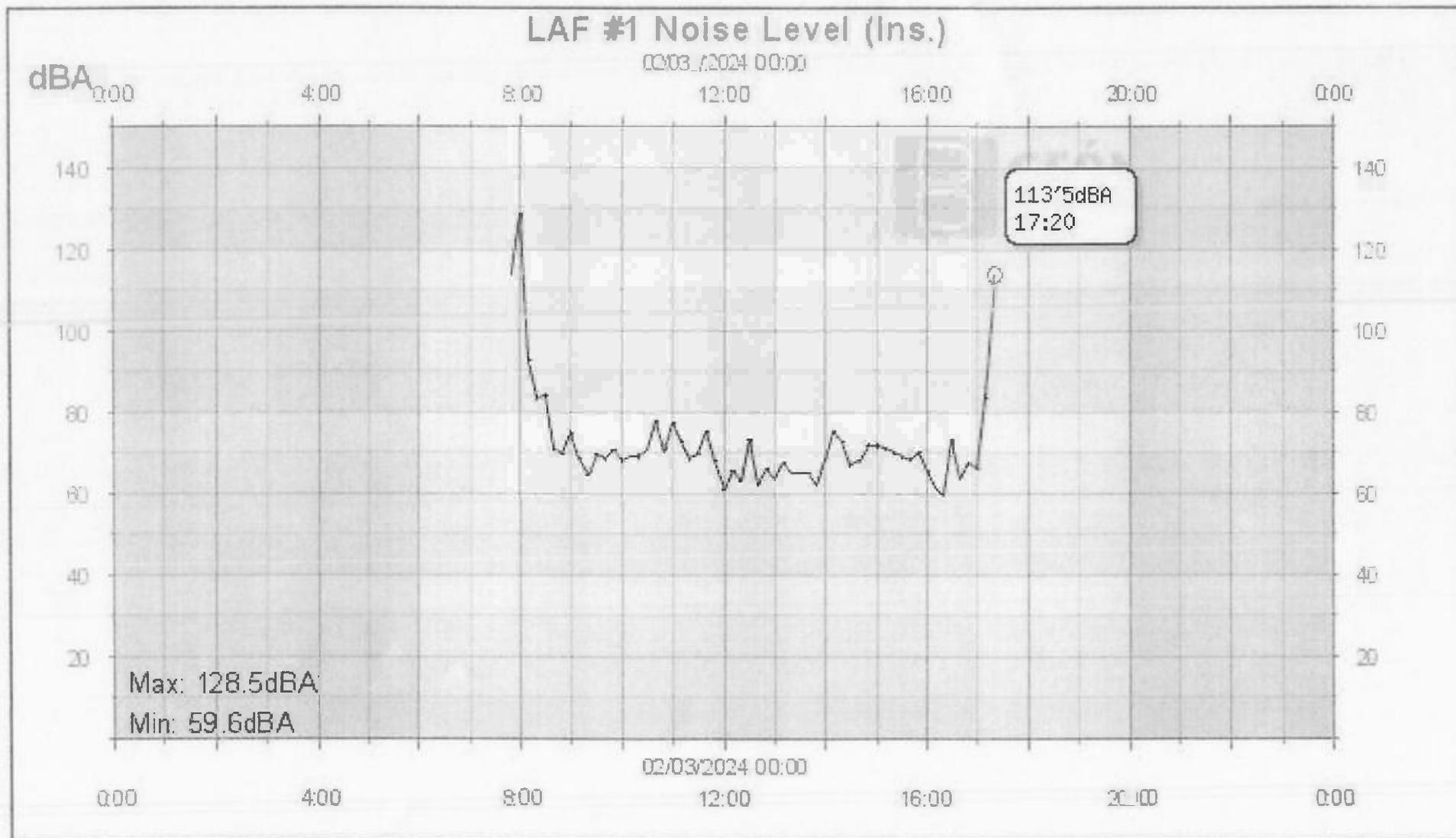
NEW DELHI

DATED: 05.02.2024

1477

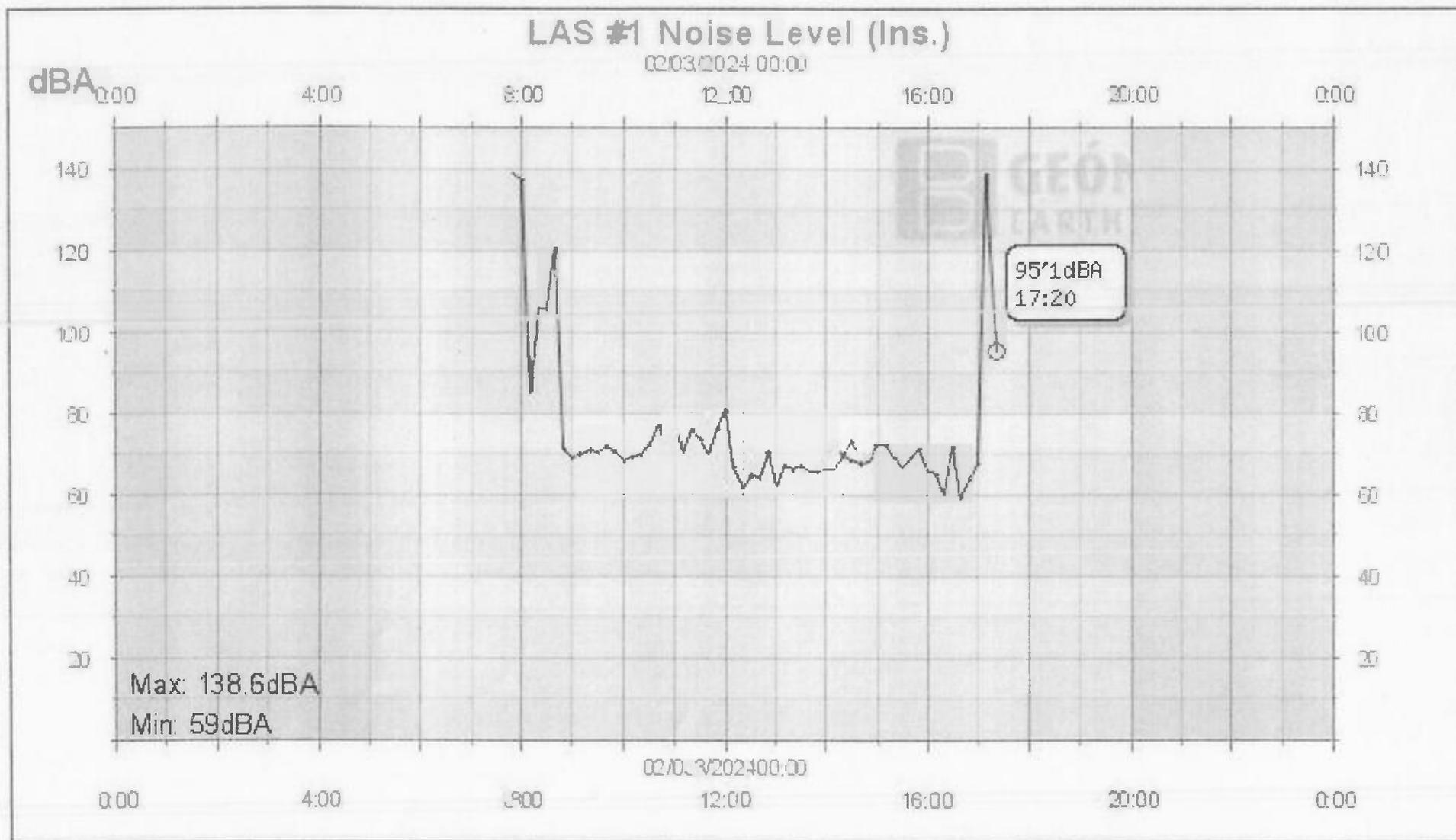
Delhi, R K Puram

ANNEXURE A (COLLY) 5



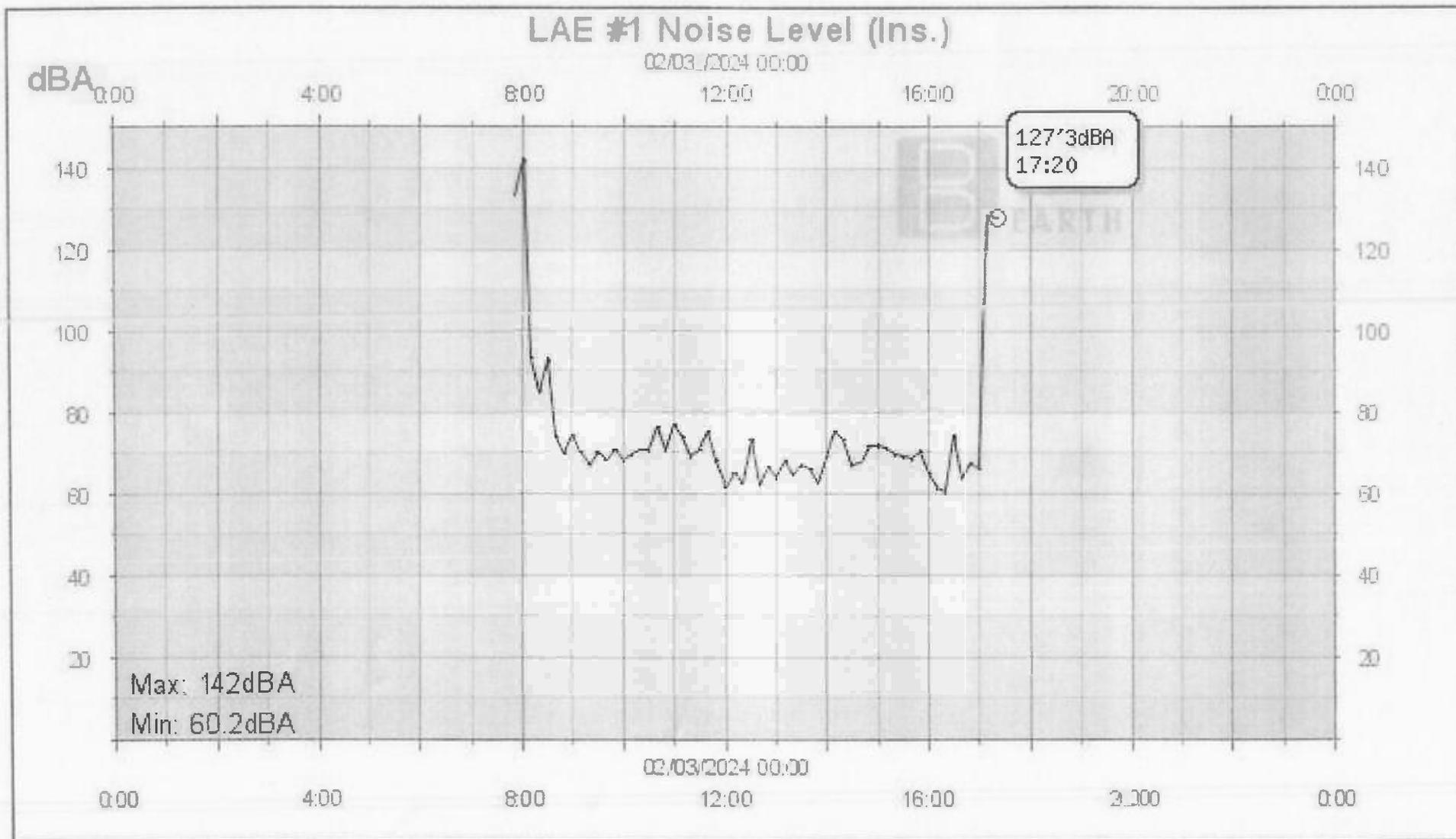
Town: Delhi - Latitude: 28°33' 46.23" N - Longitude: 77°11' 12" E - Altitude: 225 M

Delhi, R K Puram



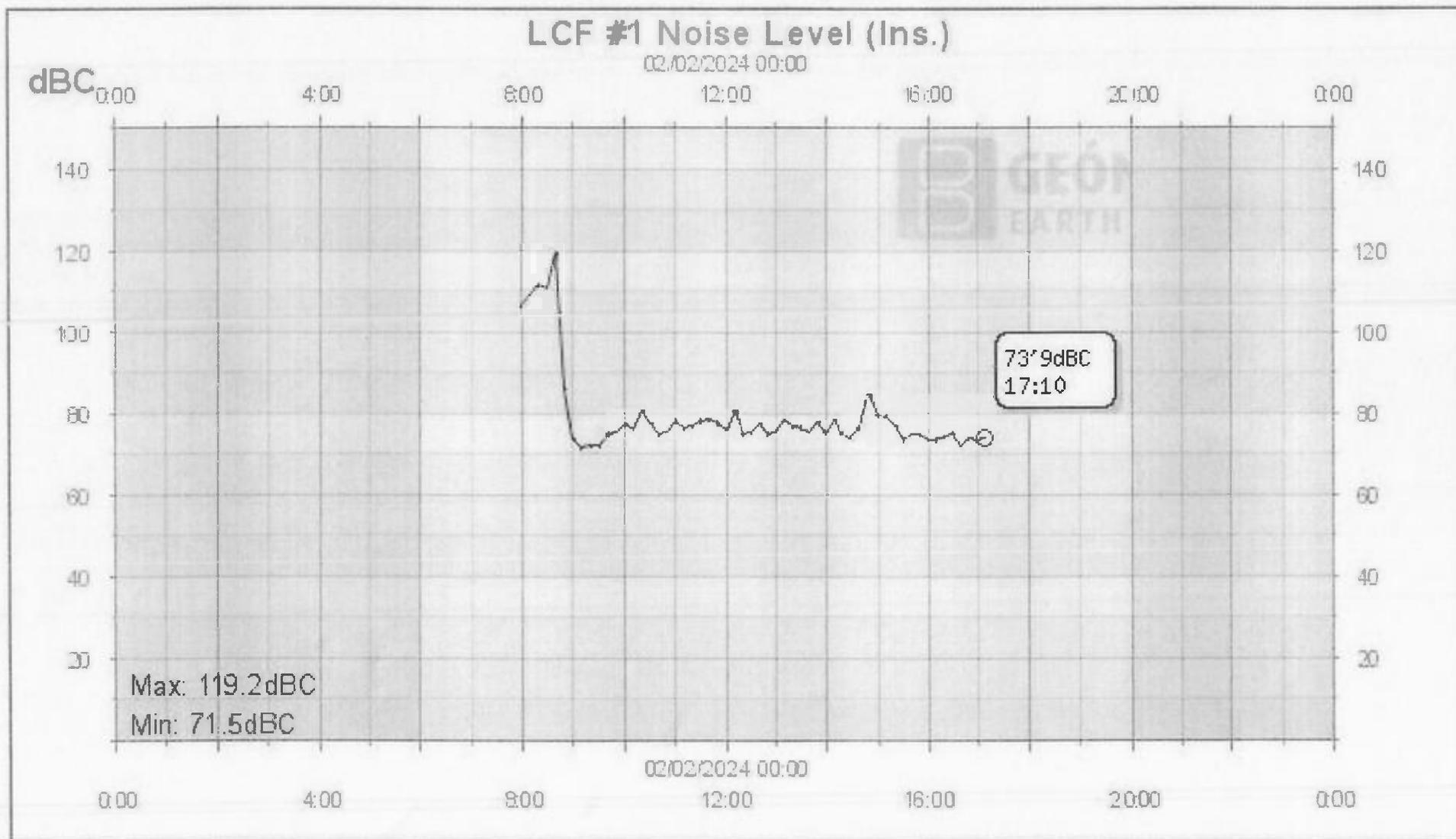
Town: Delhi - Latitude: 28°33' 46.23" N - Longitude: 77°11'12" E - Altitude: 225 M

Delhi, R K Puram



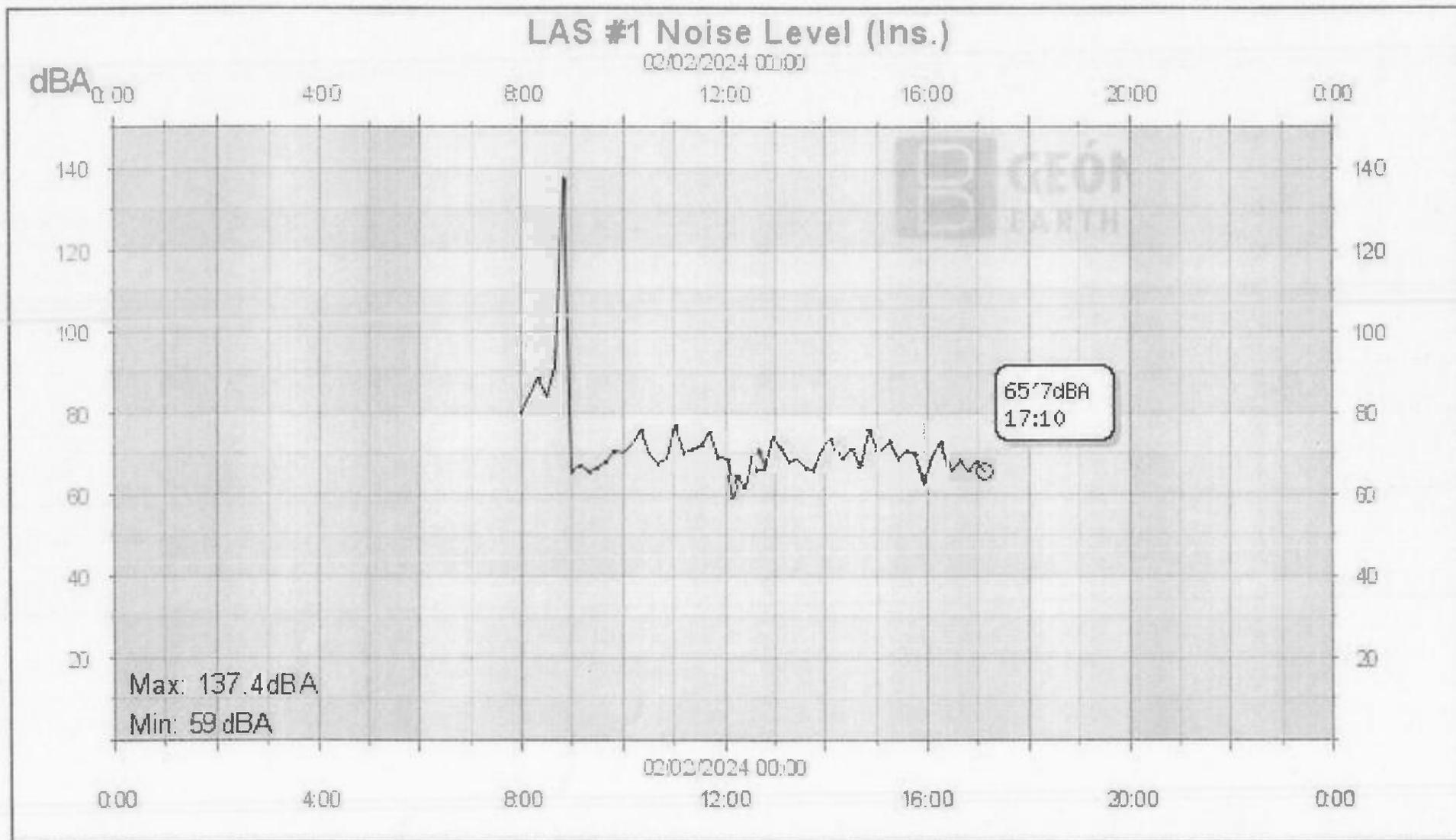
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Delhi, R K Puram



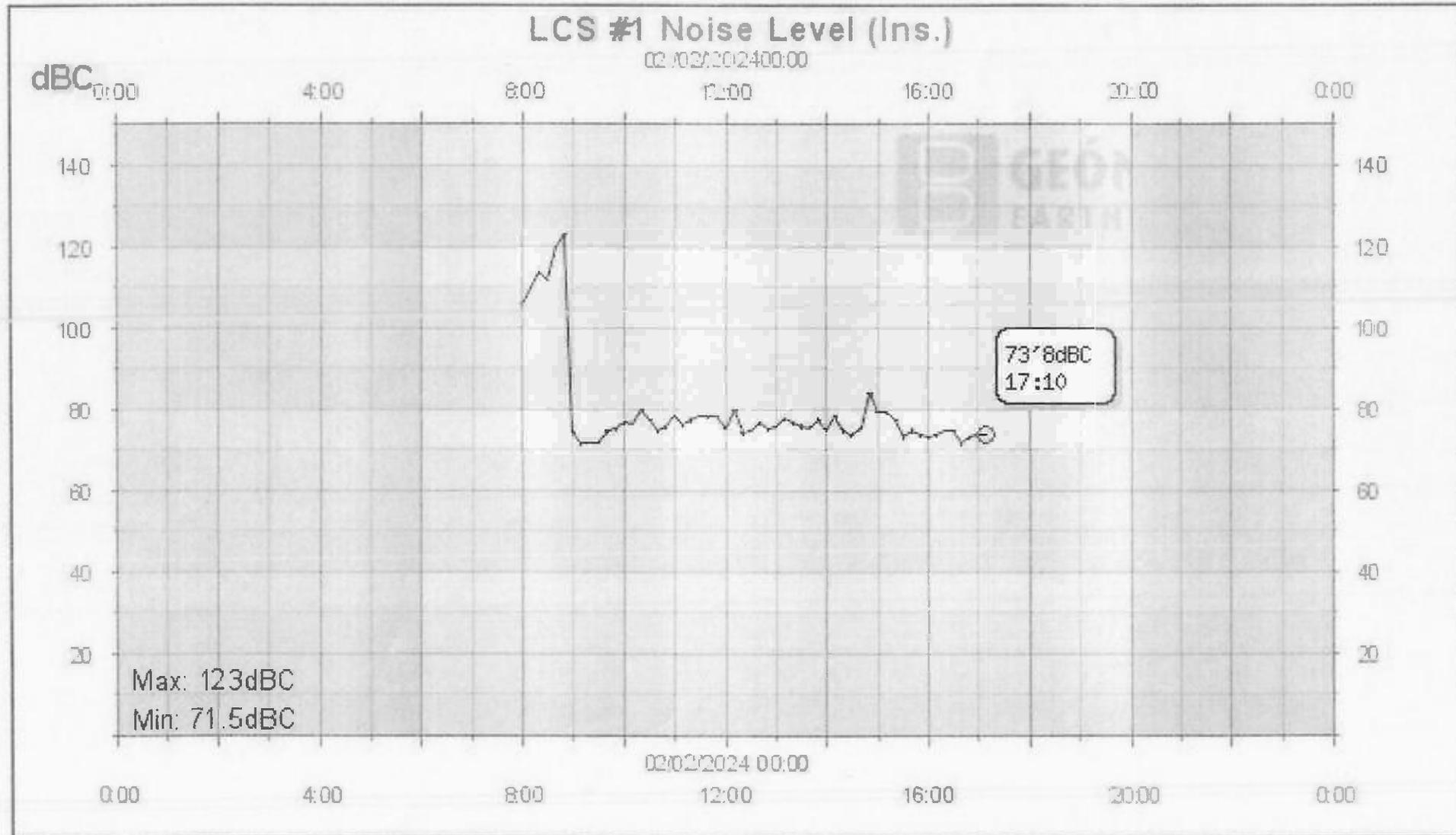
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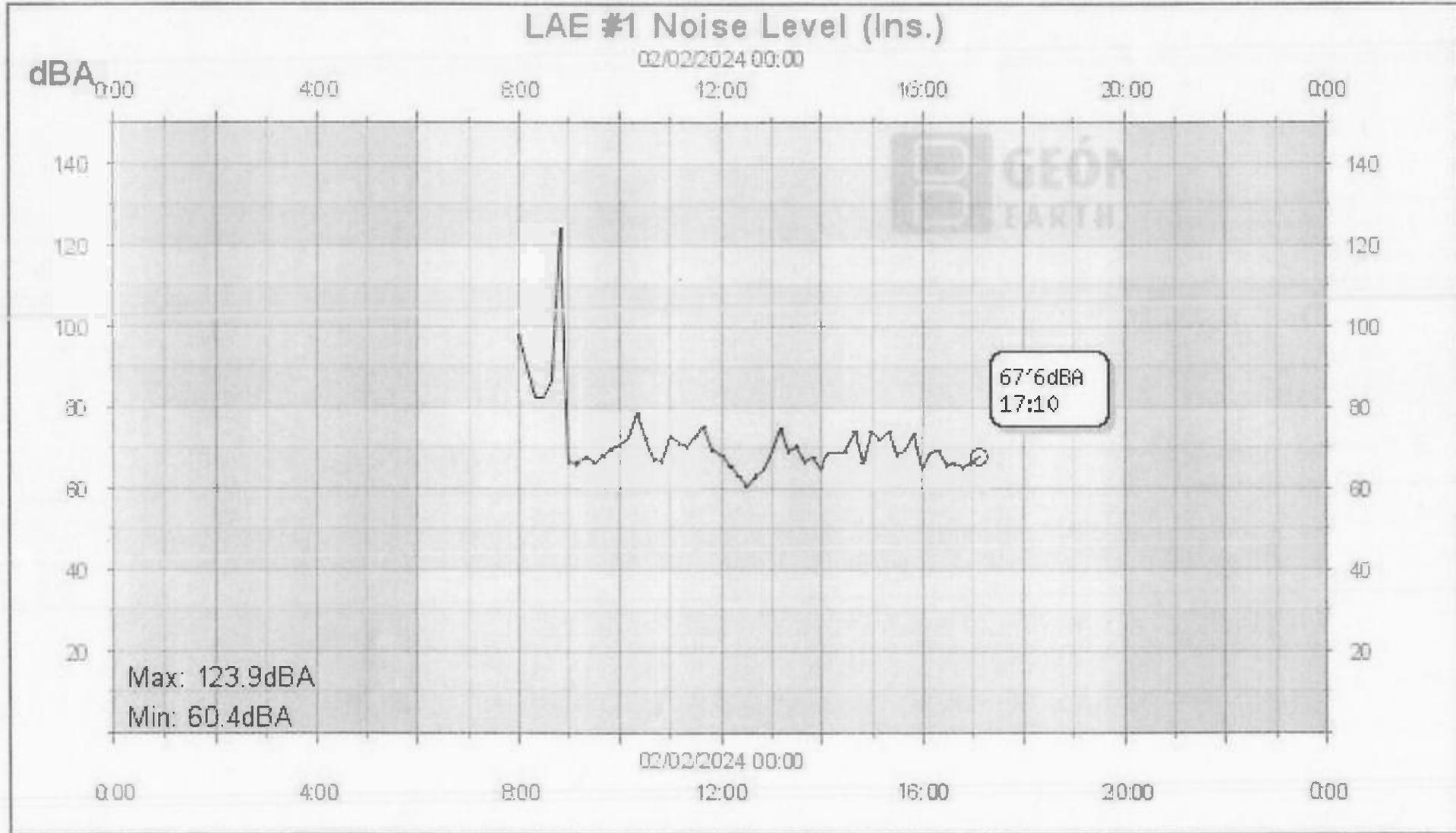
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Delhi, R K Puram



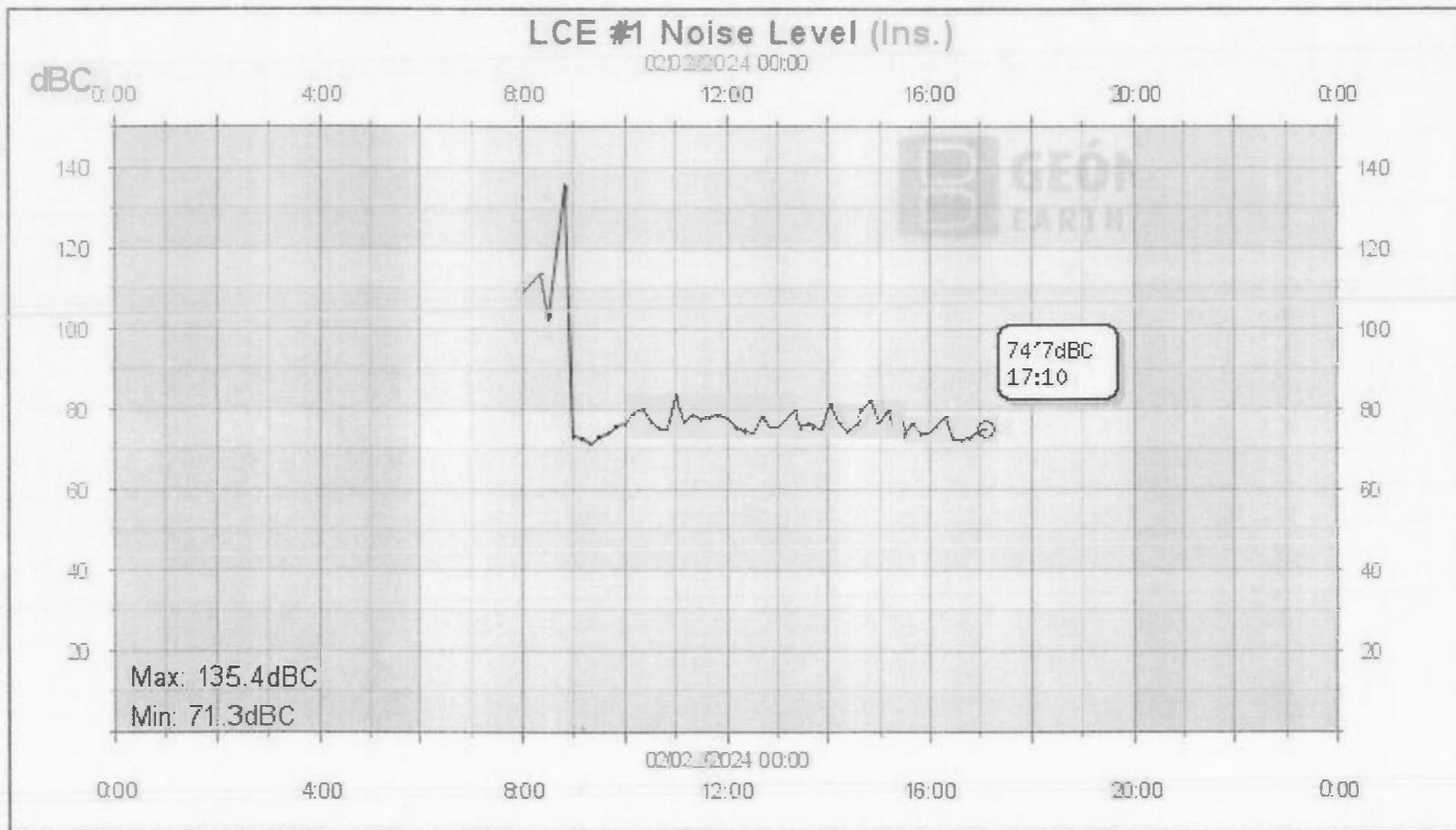
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Delhi, R K Puram



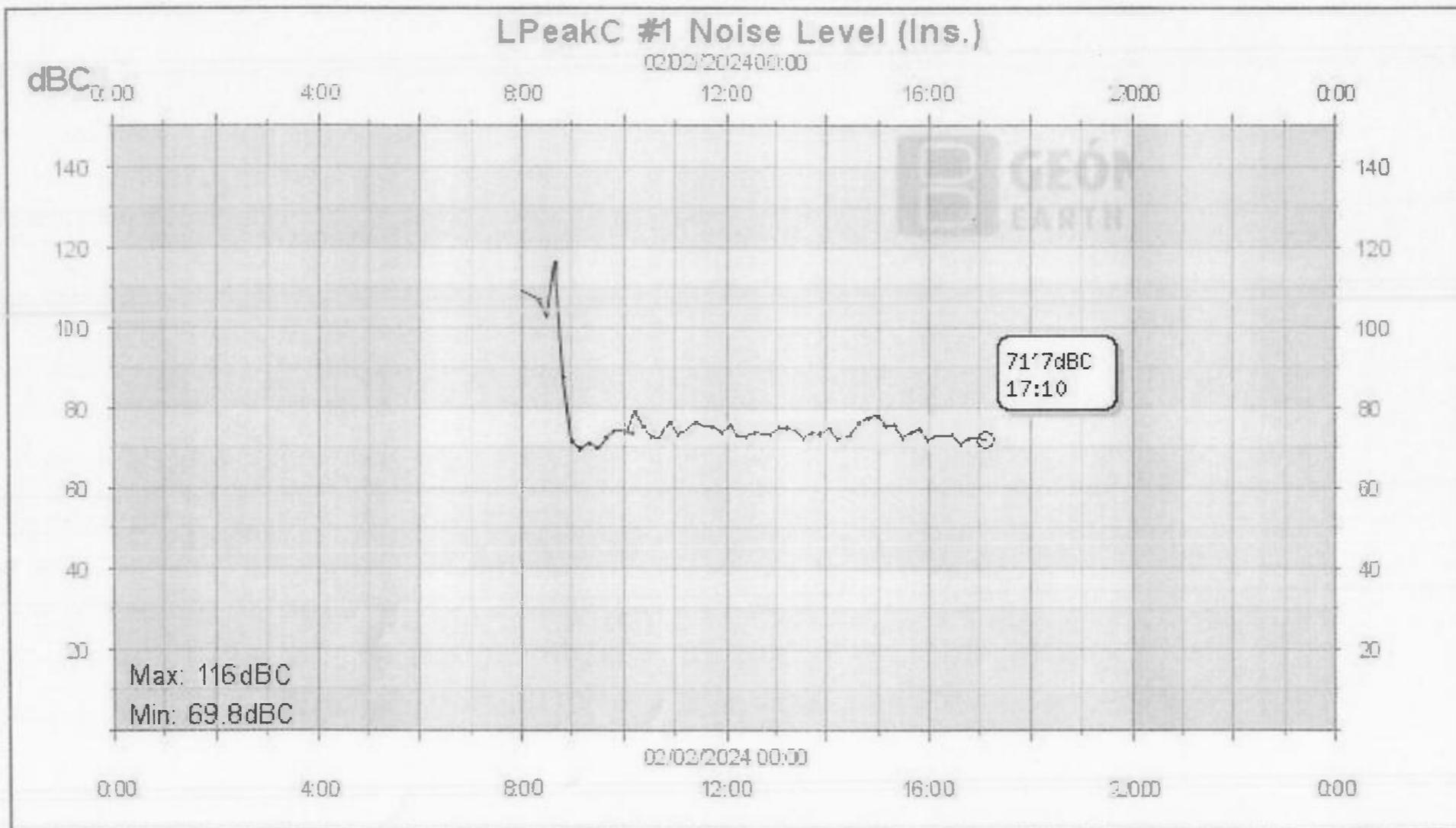
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Delhi, R K Puram



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Town: Delhi - Latitude: 28°33' 46.23" N - Longitude: 77°11' 12" E - Altitude: 225 M

The screenshot shows a web browser window displaying the Delhi Airport website. The browser's address bar shows the URL newdelhiairport.in/passenger-guide/wait-time. The website header includes the Delhi Airport logo, the acronym 'GAR', and a 'Menu' button. A navigation bar contains links for 'WAIT TIME', 'BAGGAGE DELIVERY', 'MEET & GREET', and 'UPCOMING TENDERS'. The main content area features a large video player with the title 'On-Ground Traffic' and a notification bell icon. The video shows a man and a woman in an airport terminal, with the woman pushing a luggage cart. The Windows taskbar at the bottom displays the search bar, system tray icons, and the date '03-02-2024' at '20:48'.

newdelhiraiport.in/passenger-guide/wait-time

DELHI AIRPORT | GMR DELHI AIRPORT IDLI OFFICIAL WEBSITE

WAITING BAGGAGE DELIVERY MEET & GREET UPCOMING TENDERS

T3 DEPARTURE TERMINAL ENTRANCE

Entry Gate	Waiting Time	Entry Gate	Waiting Time
1A	4-9minutes	2A	0-5minutes
1B	2-7minutes	2B	5-10minutes
3A	0-5 minutes	4A	0-5 minutes
3B	6-11minutes	4B	3-8minutes
5A	3-8minutes	6A	1-6 minutes
5B	1-6 minutes	6B	1-6 minutes
7A	1-6 minutes	8A	0-5 minutes
7B	2-7minutes	8B	2-7minutes



Check - in Counter

Counter	Waiting Time
A - F	4-9minutes
G - M	3-8minutes



Domestic Security

Zone	Waiting Time
1 - 2	2-7minutes
3 - 5	2-7minutes



International Security

newdelhiairport.in/passenger-guide/wait-time

DELHI AIRPORT DELHI OFFICIAL WEBSITE | G.A.R.

Menu

Queue Status Tracker

The Live Queue Status Tracker aims to enhance your airport experience by helping you plan ahead. It provides real-time data on the waiting time at the airport queues. You can check the on-ground traffic and airport queue time at different processes like check-in, security check, and emigration at all eight departure gates at terminal 3. At the arrival level, the tracker provides airport waiting time for the immigration and domestic-to-international transfer areas.

Why Live Queue Status Tracker?

Better Planning
Flyers can learn the live status of processes like check-in and airport security check at all eight gates on terminal 3 and leave for their flights accordingly.

Increased Convenience
The AI-enabled queue management tech can tell travellers which airport line is the shortest and help reduce the waiting time.

Reduced Uncertainty
The live queue status tracker can reduce the uncertainty and unpredictability associated with flying and make travelling easier.

Reduced Congestion
Tracking the airport queue time on real-time basis will keep flyers from arriving at the premises too early. It will reduce congestion at the airport.

Flying soon from Delhi Airport? Use DigiYatra for a quick, contactless, and paperless boarding experience.

Follow us on:

#VOTE DEL

Type here to search

Breaking news

ENG 20:46 03-02-2024

PROOF OF SERVICE

17

Re: Written Submissions on behalf of Applicant in O.A. 612/2023

Madhumita Singh <madhumita@casassociates.in>

Mon 2/5/2024 11:41 AM

To: Vivek Kumar Tandon <vivekkumartandon@gmail.com>; secy-moef@nic.in <secy-moef@nic.in>; sanand.cpcb@nic.in <sanand.cpcb@nic.in>; tn.dwivedi57@nic.in <tn.dwivedi57@nic.in>; chairman@aai.aero <chairman@aai.aero>; dgoffice.dgca <dgoffice.dgca@nic.in>; chdpcc@nic.in <chdpcc@nic.in>; vcdda@dda.org.in <vcdda@dda.org.in>; indanaprabhakara.rao@gmrgroup.in <indanaprabhakara.rao@gmrgroup.in>; swet.shikha@trilegal.com <swet.shikha@trilegal.com>; Narenderpalsingh@gmail.com <Narenderpalsingh@gmail.com>
Cc: Anil Sood <anilsood@spchetna.com>; Sameer Sood <Sameer@casassociates.in>

1 attachments (5 MB)

Written Submissions on behalf of Applicant in OA 612 of 2023.pdf;

Dear All,

PFA the Written Submissions on behalf of Applicant in O.A. 612/2023

Regards,

Madhumita Singh (Advocate)

Senior Associate Advisory & Litigation

M +91 9971117818



CAS ASSOCIATES | Head Office: A414-415, Scmdutt Chambers- I, 5, Bhikaji Cama Place, New Delhi-110066 | T +91 011 2619 5005 | F +91 011 2619 5005 | Email: sameer@casassociates.in

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From: Vivek Kumar Tandon <vivekkumartandon@gmail.com>

Sent: Monday, January 29, 2024 5:52 PM

To: Madhumita Singh <Madhumita@casassociates.in>; secy-moef@nic.in <secy-moef@nic.in>; sanand.cpcb@nic.in <sanand.cpcb@nic.in>; tn.dwivedi57@nic.in <tn.dwivedi57@nic.in>; chairman@aai.aero <chairman@aai.aero>; dgoffice.dgca <dgoffice.dgca@nic.in>; chdpcc@nic.in <chdpcc@nic.in>; vcdda@dda.org.in <vcdda@dda.org.in>; indanaprabhakara.rao@gmrgroup.in <indanaprabhakara.rao@gmrgroup.in>; Vivek Kumar Tandon <vivekkumartandon@gmail.com>; swet.shikha@trilegal.com <swet.shikha@trilegal.com>; Narenderpalsingh@gmail.com <Narenderpalsingh@gmail.com>; anilsood@spchetna.com <anilsood@spchetna.com>; Sameer Sood <sameer@casassociates.in>

Subject: Fwd: Ngt matter

Dear All,

Attached herewith, please find the preliminary objections that have been filed on behalf of the respondent Ministry of Forest and Climate Change, in the matter mentioned above. Consider this communication as an advance service of the same.

Regards,

Vivek Kumar Tandon
Advocate

Chamber: 404, Lawyers Chambers,
Delhi High Court, New Delhi-110003.

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New Delhi-110008.

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