

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 663/2023

In re: News item published in Indian Express dated 07.10.2023 titled
**“GRAP Stage 1 kicks in as air quality dips to poor, condition
likely to prevail till Sunday”**

Date of hearing: 20.10.2023

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Dr. Abhishek Atrey & Mr. Vaibhav Kandpal, Advs. for Commission for Air
Quality Management (CAQM)

ORDER

1. This original application is registered in *suo-motu* exercise of power on the basis of the newspaper reports which have been collectively placed on record.
2. The newspaper report dated 07.10.2023 published in ‘Indian Express’ is titled **“GRAP Stage 1 kicks in as air quality dips to poor, condition likely to prevail till Sunday”**. As per the said report, the air quality for the relevant day had deteriorated from Air Quality Index (AQI) 177 to AQI 212, whereas the AQI between 201 and 300 is considered to be ‘poor’ and can cause breathing discomfort to most people on prolonged exposure.
3. Another newspaper report of ‘Amar Ujala’ dated 03.10.2023 states that though in the capital Graded Response Action Plan (GRAP) has been made applicable but there is open violation and most of the violations are in respect of the construction activities which are leading to the dust pollution.

4. One of the reports of 'Amar Ujala' dated 04.10.2023 mentions the location where the incident of burning of the waste has been noticed.

5. Though, these reports indicate some action on the part of the concerned authorities but, the reports also make it clear that the problem of air pollution in Delhi is aggravating and the residents are facing various health problems.

6. As per the newspaper report dated 10.10.2023 published in 'The Times of India', long term exposure to air pollution could lead to higher risk of depression and anxiety, besides respiratory disorders. As per the opinion expressed in that report children and adolescents are worst sufferers.

7. The newspaper report of today i.e. 20.10.2023 published in 'The Times of India' further states that the Delhi air quality in the meanwhile is likely to deteriorate to 'poor' category. Another report published in the same newspaper states that Rs. 22.9 crore smog tower at Connaught Place is lying defunct for last 7 months. The expert opinion mentioned therein states that installation of such an expensive smog tower was a waste of money and it does not help in cleaning the city's air quality.

8. Having regard to the concern expressed in these reports, we have taken this matter in *suo motu* exercise of power which is permissible in terms of the judgment of the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

9. Learned Counsel appearing for the Commission for Air Quality Management (CAQM) accepts notice and seeks time to obtain instructions and file an action taken report.

10. Meanwhile, we also deem it proper to implead following authorities in the matter:

- i. Chief Secretary, Delhi
- ii. Member Secretary, Delhi Pollution Control Committee (DPCC),
- iii. Commissioner, Municipal Corporation of Delhi (MCD),
- iv. Member Secretary, Central Pollution Control Committee (CPCB)
- v. Ministry of Environment, Forest and Climate Change (MoEF&CC)

11. Let notice be issued to the aforesaid respondents by the Registry. The above respondents are expected to file their action taken report on controlling air pollution from different sources in Delhi in accordance with GRAP to maintain AQI in acceptable range to safeguard public health in view of winter season ahead, on or before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

12. List on 08.11.2023.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 20, 2023
Original Application No. 663/2023
DV