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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1346/2015 & CM 35024/2016

COURT ON ITS OWN MOTION (AIR POLLUTION IN DELHI)

....Petitioner

Through: Mr Kailash Vasdev, Sr. Adv. (Amicus Curiae) along with Mr Sumer Singh Sandhu, Ms Divija Rajkhowa and Mr Umrao Singh Rawat, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Sanjay Poddar, Sr. Adv.

Mr Ajay Digpaul, CGSC with Ms Mohita and Ms Madhuri, Advs. for UOI.

Mr Sanjeev Ralli, Adv. with Mr Ravin Kapur, Ms Trinayan Sonowal, Advs. for DPCC.

Mr Pushkar Sood, Adv. with Ms Akshita Chhatwal, Adv. for DMRC.

Mr Sanjay Lao, Adv. for Delhi Traffic Police.

Mr Mishal Vij, Adv. for Mr Anil Grover, Standing Counsel, NDMC along with Mr Ajay Arora, Mr Kapil Dutta, Ms Surbhi Gupta and Ms Diksha Lal, Advs. for NDMC.

Mr Puneet Taneja and Ms Shaheen, Advs. for NTPC. Ms Gunjan Sinha Jain and Mr Mukesh Kumar, Advs. for NHAI.

Mr Gaurang Kanth, Adv. with Mr Mohanjit Singh, Adv. for EDMC.

Mr Shiv Sharma, Adv. for Mr Peeyoosh Kalra, ASC for GNCTD.

Mr Abhishek Paruthi, Adv. for CPCB.

Inspector Hemant Sharma, TI, Legal Cell, Traffic along with SI Ram Tirath, Pairvi Officer, Traffic.

Mr Anil Mittal and Ms Komal Aggarwal, Advs. for State of U.P.

Mrs Avinash Ahlawat, Adv. for DTC.

Mr Pawan Mathur, Standing Counsel for DDA along with Mr R.R. Sharma, Director Survey Planning.

Mr Rahul Mehra, Sr. Standing Counsel for the State.

Mr R.S. Suri, Sr. Adv. along with Ms Pallavi and Mr Naginder Benipal, Advs. for State of Punjab.

Mr Amit Gupta, Adv. for National Capital Region
Planning Board.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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15.12.2016

The three commissioners of the Municipal Corporations of Delhi were supposed to file affidavits in terms of our order dated 01.12.2016. The learned counsel for the said corporations submit that the affidavits are ready and they shall be filed within a day. Copies of the same be provided to Mr Kailash Vasdev.

We had required Mr Goyal to inquire as to whether some land can be made available at the Badarpur Thermal Power Station for the purposes of waste-to-energy plants. Mr Goyal has taken instructions and he submits that the proposal has to be moved by NTPC. Consequently, we direct the Government of NCT of Delhi to request the NTPC to move the proposal without any delay so that the land could be released by the Government of India for the purposes of setting up of waste-to-energy plants at the area within the Badarpur Thermal Power Station complex. We are making it clear that this would not involve a transfer of ownership but would only entail making the land available for this use.

Insofar as the NHAI is concerned, the learned counsel informs us that at present, the waste at the Gazipur landfill site will be used for the purposes of widening NH24 only. There is no other proposal for using any waste of other landfill sites for their projects in or around Delhi. An affidavit to this effect may be filed on behalf of the NHAI.

By our order dated 18.11.2016, we had required the CPCB to conduct a study as to the extent of emission of PM10 and PM2.5 in terms of weight on account of stubble burning. The CPCB has filed an affidavit in W.P.(C) 2115/2015 in which it has been indicated that approximately 0.747 kilograms of PM10 is emitted per tonne of dry residue burnt. Similarly for PM2.5, the emission was found to be 0.672 kilograms per tonne of dry residue burnt.

From the affidavits filed on behalf of the State of Punjab, it appears that approximately 14 million tonnes of paddy straw is burnt each year particularly in October-November. This would mean that there would be approximately about 9,000 tonnes of PM2.5 which is emitted because of the paddy straw burning. Similarly, the figure for PM10 (which includes PM2.5) would be 10,000 tonnes. These are alarming statistics, and particularly so, as they are the major contributories of air pollution in Delhi.

Mr Vasdev suggested that several measures need to be undertaken to reduce the particulate matter in the air that we breathe. Our focus has been on landfill sites, road debris, construction debris and lack of adequate green cover. Insofar as the landfill sites, road debris and construction debris are concerned, the affidavits have been filed by the three corporations of Delhi. PWD should also file an affidavit with regard to the action taken by them concerning road debris. These affidavits shall be considered on the next date of hearing.

We have also found from the figures submitted by Mr Ralli that the city average of PM2.5 for 14th December was 153 and for PM10 was 318. This includes the figure for Anand Vihar. The figures for Anand Vihar, we are told, are extremely high. It is for this reason that we are directing the DPCC to compute the average figures for Delhi excluding the readings for Anand Vihar area and to give the readings for Anand Vihar separately.

Since the figures for the Anand Vihar Monitoring Stations are extremely high, we had inquired from the counsel as to what would be the specific reasons for the same. It was pointed out that first of all, that the monitoring station at Anand Vihar is a road curb station and therefore the readings would be higher than at other places. Secondly, it was suggested that there is an interstate bus terminal as well as a Railway station which are also contributories to the air pollution. Thirdly, a chaotic traffic situation persists in the Anand Vihar area. It is for this reason that we direct Mr Lao representing the Delhi Traffic Police to immediately rectify and rationalise the movement of traffic. The rationalisation of traffic

would be specifically looked into by Special CP(Traffic).

We have already noted in an earlier order that the traffic jams/slow moving traffic is a major contributory to air pollution because of idling emissions.

The learned counsel for the State of UP is also present. The Anand Vihar area borders UP and therefore a great extent of the traffic problem is also the result of poor traffic management in UP. An affidavit shall also be filed by the learned counsel for the UP indicating as to what measures they would take to reduce the chaotic traffic situation which prevails in UP, adjacent to the Anand Vihar area particularly in Kaushambi. An affidavit shall be filed by the Resident Commissioner of the State of UP.

The CPCB shall also provide figures for the Gurgaon area.

Lastly, we are informed that a meeting has been fixed of the National Capital Region Planning Board on 20.12.2016 at 10:00 am. The issues to be taken up include air pollution. We feel it would be appropriate if Mr Vasdev is permitted to make a written presentation before the said Board prior to their taking any concrete decisions.

The learned counsel for the State of Punjab submits that some more time be given to file the affidavit which we had required them to file by our order dated 18.11.2016. The same be filed before the next date of hearing.

The East Delhi Municipal Corporation and the PWD shall also focus on the Anand Vihar area particularly with regard to their efforts to remove road side rubble and dust and construction debris.

On the next date also, the three commissioners shall be present.

Renotify on 12.01.2017 at 02:15 pm.

Dasti under the signatures of the Court Master.

BADAR DURREZ AHMED, J

ASHUTOSH KUMAR, J

DECEMBER 15, 2016/ab