

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 67/2021 (CZ)

Ramesh Agarwal

Applicant(s)

Versus

Union of India & Ors .

Respondent(s)

Date of hearing: **15.12.2021**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Saurabh Sharma, Adv

For Respondent(s):

Mr. Rohit Sharma, Adv.
Ms. Harshita Singhal, Adv.
Mr. Yadvendra Yadav, Adv.
Mr. Parul Bhadoriya, Adv.

ORDER

1. Issue raised in this application is non preparation of National Clean Air Programme (NCAP), as required to be prepared in accordance with the provisions contained under Section 16 (2) (b), Section 17 (1) (a) and Section 18 (1) (a) (b) of the Air (Prevention and Control of Pollution) Act, 1981.
2. The matter was taken up by this Tribunal on 07.09.2021 and constituted a committee consisting of Central Pollution Control Board and State Pollution Control Board with a direction to submit factual and action taken report. The committee has submitted the report, which is as follows:

“Applicant has raised following 03 issues under STATE ACTION PLAN FOR AIR POLLUTION where stipulated

timeline was not followed by the agencies as described under NCAP— AGENCIES AND TIMELINES of the National Clean Air Program (NCAP) document.

The issues, agencies and timeline given under sub-heading.

1. 13 STATE ACTION PLAN FOR AIR POLLUTION are as below:

1.13.1 A preliminary state action plan for air pollution to be formulated for all the 23 states, which harbour 102 non attainment cities.

Responsible Agencies: SPCB ,CPCB, MoEF&CC Timeline (Year) : 2020

1. 13.2 State action plan for air pollution to be taken up for implementation by the state government and city administration.

Responsible Agencies: State Govt Timeline {Year) : 2020

		Udaipur	
3	Chhattisgarh	Bhilai	07.05.2019
		Korba	07.05.2019
		Raipur	12.02.2019

The preliminary indicative template of State Action Plan were forwarded to CPCB by MoEF&CC vide letter dated 20.7.2021 for seeking suggestions/inputs in consultation with National Knowledge Network (NKN) & State Pollution Control Boards to make the comprehensive template w.r.t. National Clean Air Program (NCAP) dashboard.

CPCB shared the indicative template with NKN & SPCBs via email dated 03.08.2021 for seeking inputs for the templates developed for the State Action Plan.

Further, meeting was called on 05.08.2021 by the co-ordinator of the National Knowledge Network (NKN) to discuss the draft Template for State Action Plan (T-SAP) developed by MoEF&CC for NCAP dashboard purpose.

CPCB has received response/inputs from 07 SPCBs viz. Uttar Pradesh Pollution Control Board, Maharashtra Pollution Control Board, Odisha Pollution Control Board, Meghalaya Pollution Control Board, West Bangal Pollution Control Board, Assam Pollution Control Board and Uttarakhand Pollution Control Board. CPCB has prepared comprehensive template on the State Action Plan

incorporating views of the above 07 SPCBs and National Knowledge Network (NKN). The comprehensive template was shared with MoEF&CC vide letter dated 23.09.2021 for consideration.

Presently, it is under consideration with MoEF&CC.

1.13.3 The guidelines for the preparation of the State Action Plan to be formulated.

Responsible Agencies: MoEF&CC, CPCB Timeline (Year):2019

Factual Status on the above O3 issues:

1.13.1 A preliminary state action plan for air pollution to be formulated for all the 23 states, which harbour 102 non attainment cities.

Central Pollution Control Board (CPCB) has declared cities as "nonattainment" cities based on study of Ambient Air Quality data from 2011- 2015 and issued directions to concerned States to formulate the city specific action plans. The city specific action plans were approved by CPCB after the recommendations of the committee constituted vide Honble NGT order dated 8th October 2018 in O.A. 681 of 2018.

The details of the approval of "City Specific Action Plans" for 14 nonattainment cities of central region (Madhya Pradesh, Rajasthan, Chhatisgarh) are as tabulated below:

S.No.	State	Name of the Non-attainment city	Date of approval of action plan by CPCB
1	Madhya Pradesh	Bhopal	12.02.2019
		Dewas	
		Indore	
		Sagar	
		Ujjain	
		Gwalior	
2	Rajasthan	Alwar	12.02.2019
		Jaipur	
		Jodhpur	
		Kota	

The Portal for Regulation of Air Pollution in Non-Attainment cities (PRANA) dashboard was inaugurated on Sept 7, 2021 on for International Day of Clean Air for Blue Skies. "PRANA" Portal for Regulation of Air-pollution in Non-Attainment cities, is a portal for monitoring of implementation of National clean Air Programme (NCAP). It will support tracking of physical as well as financial status of city air action plan implementation and disseminate information on air quality management efforts under NCAP to public. Information related to various activities and their progress under NCAP by various stakeholders shall be available on this portal, which will help in future policy decisions. The portal can be assessed on <https://prana.cpcb.gov.in/#/home>

1.13.2 State action plan for air pollution to be taken up for implementation by the State Government and city administration.

The comprehensive template on State Action Plan prepared by CPCB after incorporating the views of the 07 SPCBs and National Knowledge Network (NKN) was shared with MoEF&CC vide letter dated 23.09.2021 for consideration. As, the template is under consideration with MoEF&CC, the preparation of the State Action Plans by individual states is pending so the implementation by the State Government and city administration.

However, the implementation of the City Specific Action plan is ongoing. The physical as well as financial status of city air action plan implementation and information related to various activities and their progress under NCAP by various stakeholders can be assessed on <https://prana.cpcb.gov.in/#/home>

1.13.3 The guidelines for the preparation of the state action plan to be formulated.

Regarding the guideline for preparation of the State Action Plan, it is submitted that CPCB has received response/inputs from 07 SPCBs viz Uttar Pradesh Pollution Control Board, Maharashtra Pollution Control Board Odisha Pollution Control Board, Meghalaya Pollution Control Board, West Bengal Pollution Control Board, Assam Pollution Control Board and Uttarakhand Pollution Control

Board on the indicative template of State Action Plan prepared by MoEF&CC. Based on that, CPCB has prepared comprehensive template on the State Action Plan incorporating views of the above 07 SPCBs and National Knowledge Network (NKN). The comprehensive template was shared with MoEF&CC vide letter dated 23.09.2021 for consideration.

Presently, it is under consideration with MoEF&CC. On approval, guideline for preparation of the State Action Plan shall be prepared accordingly.

Action Taken:

Following actions were taken by MoEF&CC, CPCB & State Govt.

- Preliminary indicative template of State Action Plan was prepared by MoEF&CC and shared with CPCB on 20.7.2021.
- CPCB prepared comprehensive template on the State Action Plan incorporating views of the above 07 SPCBs and National Knowledge Network (NKN). The comprehensive template was shared with MoEF&CC vide letter dated 23.09.2021 for consideration. Presently, it is under consideration with MoEF&CC.
- The "City Specific Action Plans" of 14 non-attainment cities of central region (Madhya Pradesh, Rajasthan, Chhatisgarh) approved by CPCB and implementation of the action plan is ongoing. The physical as well as financial status of city air action plan implementation and information related to various activities and their progress under NCAP by various stakeholders can be assessed on <https://prana.cpcb.gov.in/#/home>

3. The respondent no. 8 has filed the reply to the effect that matter is under consideration before the authorities concern and Central Pollution Control Board has prepared comprehensive template on the State Action Plan, incorporating the views of the State and SPCB and that has been shared with the MoEF&CC vide letter dated 23.09.2021 and is under consideration before the MoEF&CC. Learned Counsel appearing for the respondent has argued that the matter is pre-mature and under consideration before the authorities.

4. We are of the view that the matter is premature, since the matter is under consideration before the Competent Authority, however we expect that the matter shall be finalized as early as possible.
5. Accordingly, the O.A. No. 67/2021 is **finally disposed of**.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

15th December, 2021
O.A.67/2021(CZ)
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