

Item No. 12

Court No. 1

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

Original Application No. 680/2023

Shri Raman

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 14.05.2025

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Ms. Eisha Krishn, Ms. Mansi Bachani & Ms. Gitanjali Sanyal, Advs. for Applicant

Respondents: Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat, Ms. Gargi Chaturvedi & Ms. Anjali Sharma, Advs. for R - 2, 6, 11 & 12
Ms. Sthavi Asthana, Adv. for ADA
Mr. Avnesh Arputham, Adv. for MoEF & CC
Mr. Amit Singh Chauhan & Ms. Shaima Masood, Advs. for CPCB
Mr. Varnit Vashistha, Adv. for NHAI (Through VC)
Mr. Aditya Vibhav Singh & Mr. Gautam Singh, Advs. for UPPCB

ORDER

1. In this original application, the Applicant is seeking implementation of the Action Plan for Control of Air Pollution in Agra City, 2019. The action plan contains short-term and long-term measures.

2. The latest affidavit filed by the District Magistrate, Agra on 06.05.2025 mentions short-term and long-term action taken/proposed in terms of the Master Plan of Agra as under:

“Short Term & Long-term Action Plan

(A) Vehicle emission control

(a) Long Term Action Plan: Reduce congestion

S. N.	Action Points	Timeframe for implementa	Action Required to be Taken by Responsible	Updated Status/Remark
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		tion	Departments	
i.	<i>Plying of electric buses for public transport including establishment of sufficient churching stations.</i>	360 Days	Transport Department	UPSRTC 38 electrical buses will be received at fort depot in the coming month for which the work of setting up the changing station in progress. RTO- City Buses have been phased out with Electric buses, 100 E-buses. already in operation.
ii.	<i>Prepare plan construction expressways/bypasses for of to avoid congestion due to non-destined vehicles.</i>	360 Days	N.H.A.I. /PWD	NHAI- Following projects has been taken up by NHAI to avoid congestion due to non-destined vehicles in Agra city which are mentioned hereunder: a. The project of Agra Inner Ring Road Phase-III (left out portion) from Village Deori to NH-44 is presently under construction, will be completed by May, 2025. b. The project of Agra Bypass (Northern)/Ring Road connecting NH-19 to Yamuna Expressway is presently under construction will be completed by March 2025. c. The project of Agra-Aligarh section of NH-509 (New Greenfield Alignment) is proposed to be awarded. in FY 2024-25. Land Acquisition for the project has already been started by NHAL
iii.	<i>Construction of peripheral road around the city to avoid congestion.</i>	360 Days	N.H.A.I. /PWD	NHAI- Following projects has been taken up by NHAI to reduce traffic congestion in Agra city which are mentioned hereunder :- a. The project of Agra Inner Ring Road Phase-III (left out portion) from Village Deori to NH-44 is presently under construction,

				will be completed by May 2025. b. The project of Agra-Aligarh section of NH-509 (New Greenfield Alignment) is proposed to be awarded in FY 2024-25. Land Acquisition for the project has already been started by NHAL
iv.	Arrangement of Multilevel Parking Facilities	360 Days	Nagar Nigam	One multi level parking is operational at Sanjay Place Agra and Two multi level parking's are under process
v.	Development/ Strengthening of Bike zone/ Cycle zone at metro/railways/ bus station from where travellers hire bicycle to reach the destination.	360 Days	Nagar Nigam	NA for Nagar Nigam Agra
vi.	Initiate steps for retrofitting of particulate filters in diesel vehicles, when BS-VI fuels are available	360 Days	Vehicle Manufacturing Companies/ Ministry of Road Transport & Highways (MORTH)	RTO- Government has already stopped registration of BS IV from 30-mar-2024. Presently BS VI vehicles are being registered only.
vii.	Use of Bio- Ethanol in the city/ urban transport system/ waste to energy.	360 Days	Transport Department	UPSRTC-Ethanol is being used by IOC in diesel obtained for transportation to reduce pollution.

(b) Short Term Action plan

S. N.	Action Points	Timeframe for implementation	Action Required to be Taken by Responsible Departments	Updated Status/Remark
i.	Launch extensive drive against polluting vehicles for ensuring strict compliance	As regular activity	R.TO/Traffic police	- Enforcement team regularly checks the vehicles for pollution certificate. Also we are discussing with smart city center to capture the images of the vehicles not having valid pollution certificate. In financial year 24-25 till now 2509 challans and 30.10 lakh fine by RTO Agra - Challan issued against 3638 vehicles in year 2022 9013

				vehicles in year 2023 and 2502 vehicles in year 2024 by Traffic police Agra
ii.	Launch public awareness campaign for air pollution. control, vehicle maintenance, minimizing use of personal vehicles. lane discipling etc.	As regular activity	R.T.O Traffic police	Road safety week and month have been organized by Transport department in which road safety awareness programs have been conducted in different schools and offices.
iii.	Prevent parking of vehicles in the non- designated areas	As regular activity	Traffic police Nagar Nigam	Challan issued against 35624 vehicles in year 2022 48475 vehicles in year 2023 and 41024 vehicles in year 2024 by Traffic police Agra
iv.	Prepare & implement plan to check fuel adulteration. and random monitoring of fuel quality data.	30 Days	District Supply Officer/Oil Companies	Regular drives have been carried out for checking the quality and density of oil.
v.	Prepare & implement plan for widening of roads and improvement infrastructure decongestion of road	90 Days	Nagar Nigam	Approx 6 km road length with fund of 2.5 Cr in given time frame for this activity.
vi.	Steps for promoting battery operated vehicles including establishment of charging stations.	120 days	Transport Department/Nagar Nigam& Development Authorities	38 electric buses will be received in the fort depot in the coming month (for which the work of setting up the changing station in progress and a proposal will be prepared to promote battery operated vehicle in the coming year. No New charging station planed to be set up by Nagar Nigam ADA has installed EV charging station at 10 locations of the city (in which 04 are operational & 06 are in execution phase) Government has rolled out new EV policy in which vehicle purchased and registered in Uttar Pradesh will be exempted from road tax. EV Dealers are establishing

				charging stations at their dealership. Also ADA and UPSRTC is also establishing charging stations.
vii.	Install weigh in motion. bridges at the borders of cities/ towns and States to prevent overloading of vehicles	180 days	Transport Department	UPSRTC- Related by NHAI/RTO Department. RTO- Four toll plaza have been installed with weight motion bridge. 1. Korai Toll Plaza 2. Saiyan Toll Plaza 3. Raibha Toll Plaza 4. Fatehabad Toll Plaza In agra. Establishment of new toll plaza with weight motion bridge will be took down by concerned authority like NHAI, UPEDA etc.
viii.	Synchronize movements/Introduce traffic intelligent traffic systems. for lane- driving	180 days	Traffic police	Traffic Police Agra has installed GPS in-built CCTV cameras and the automatic challans are issued for the violation of traffic rules.
ix.	Installation of remote sensor-based PUC system	180 days	Traffic police	RTO Agra is in a process of installation of remote sensor-based PUC system.

(B) Suspension of road dust and other fugitive emissions control
(a) Long Taken Action plan

S. N.	Action Points	Timeframe for implementation	Action Required to be Taken by Responsible Departments	Updated Status/Remark
i.	Implementation of maintaining at least 33% forest cover area in the city in master plan.	180days	Nagar Nigam/ADA/Forest Department	Nagar Nigam Agra has a plan to develop 1.5 square km green cover within the city during next 180 days. ADA, Nagar Nigam and forest department are working together in coordination to carryout plantation drives aimed at improving the environment, expanding green cover, and controlling pollution.

				All departments are contributing collectively in their respective areas. ADA has planted approximately 70,000 plants in different areas maintenance work is in progress
ii.	All the canals/ nullah's side roads should be brick lined. Proper plantation also carried out.	360 days	Irrigation Department Forest Department	Irrigation department has planted approximately 23,000 plants in different areas along the canals maintenance work is in progress

(b) Short Term Action plan

S. N.	Action Points	Timeframe for implementation	Action Required to be Taken by Responsible Departments	Updated Status/Remark
i.	Prepare plan for creation of green buffers along the traffic corridors. Plantation of specific types of species of plants which are helpful in pollution control.	90 days	Forest Department/Nagar Nigam& Development Authorities	Nagar Nigam-Agra has planned 0.3 square km green buffer zone along the different traffic corridor. Traffic corridor plantations are carried out on a priority basis by the Forest Department and Nagar Nigam. These efforts are aimed at creating continuous green belts along roads, highways, and other high-traffic areas. The plantation in July 2025 will be carried out with focus on pollution control plant species too. ADA has planted approximately 70,000 plants in different areas. Maintenance work is in progress.
ii.	Maintain potholes free roads for free flow of traffic.	90 days & as regular activity afterwards.	Nagar Nigam/ Development Authorities	Nagar Nigam- Agra has identified Approx 40 road length which will be made pothole free. A pothole repair machine has already been procured for this

				work which is operational. The potholes at Vayu Vihar Road is fully rectified for free-flow of traffic.
iii.	Introduce water fountains at major, traffic intersection, wherever feasible	90 days	Nagar Nigam	AMC has planned to introduce to water foundations at selected traffic intersections during given times frame.
iv.	Greening of open areas, gardens, community places, schools societies	90 days	Forest Department	The plantation for Greening of open areas, gardens, community places, schools and housing societies will be conducted in July 2025, as period offers optimum conditions for sapling survival and healthy growth due to the availability of moisture and favorable weather. The Forest Department, in collaboration with other Departments such as ADA, Nagar Nigam, etc.. actively participates in annual plantation drives across open areas, gardens, schools, and housing societies. The Forest Department provides free-of-cost saplings for plantation every year to these bodies. For areas owned by the Forest Department, plantation activities are conducted by the Forest Department itself. In cases where vacant land is available in other areas (such as schools, housing societies, or other community places), the Forest Department is ready to conduct plantation upon request, further contributing to green cover development.
v.	Blacktopping of metaled road including pavement of	180 days	Nagar Nigam	AMC has planned 5 km blacktopping of

	road shoulders			selected road within the city Fund from XVFC and Nagar Nigam Nidhi is utilized for this work.
vi.	Use of treated effluent of STPs in pollution Control Measure such as watering of plants, sprinkling for dust suppression purposes.		Nagar Nigam	This is regular activity and is being performed regularly with the help of 14 water sprinklers by AMC
vii.	Wall to Wall pavement for control of dust from road. Design the footpath pavement/tiles having capacity to grow grass in between.		Nagar Nigam	AMC has planned approx 30 km end to end paving of selected roads with the help of XVFC AQI fund to reduce dust mitigation.

(C) Control of emissions from biomass/crop residue/ garbage/municipal solid waste burning

S. N.	Action Points	Timeframe for implementation	Action Required to be Taken by Responsible Departments	Updated Status/Remark
i.	Launch extensive drive against open burning of bio-mass, crop residue, garbage, leaves, etc.	90 days	Nagar Nigam	These mentioned activities are under daily supervision and on priority of Agra Nagar Nigam. If any such compliance received, quick action have been taken and disposed off. Compost pits for flower to compost have been installed gardening waste
ii.	Regular check and control of burning of municipal solid wastes and use of fire extinguisher for control of fire in municipal solid waste and bio mass.		Nagar Nigam	
iii.	Proper collection of horticulture waste (bio-mass) and its disposal following composting cum-gardening approach		Nagar Nigam	
iv.	Ensure ban on burning of agriculture waste and crop residues and its implementation	180 days	Agriculture Department & U.P. pollution Control Board	U.P. Agriculture (A) Formation of Monitoring Committees-(i) At District Level: A Monitoring cell has been is Formed under the chairman ship of Adm(f/r) With members of concerned Department. The Function of Monitoring cell is Review day to day incidents of burning and taken action against defaulters during harvesting period of Rice crops. (ii) At Tahsil Level:- A joint mobile team is formed with officers of agriculture, police and revenue

				Departments under The supervision of Sdm. (iii) At Village level: Department of agriculture deployed workers at village level where paddy crop is mostly grown in the District. Project Timeline:- 30 September (B) Public Awareness;- Farmers are communicated through Different means of communication These are as meetings held at village/ block/ District level, Through of print literature, banner, poster, Prachar Vahan, wall paintings, WhatsApp groups and kisan pathshala etc. Project Timeline: Whole year continuously. (C) Agriculture waste management:-Under the promotion of agricultural mechanization for insitu management of crop residue scheme. Manu imparoved agricultural tools are provided to thefarmers on 50% to 80% subsidy. Target reduction:-CRM Implements distribut ed by department according to the target and availability of implements. on online booking basis as per the guidelines. Total Cost (In Lacs): under the promotion of Agriculture mechanization for insitu management schemes farmers are benefite d through online registration for implements Rs 3954400 Project timeline:-31 March Source of funding: At State level (Directorate of agriculture up Lucknow.
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				1. Meetings held at naya panchyat and village/block level and public awareness activates. Target reduction:- No of meetings. will be held at naya panchyat level-115 and village/block level-15 Total Cost (In Lacs): Rs 525000 2. Demonstration Implements tools. of CRM Target reduction:- Demonstration of CRM Implements tools are also done in 111 acr. Total Cost (In Lacs):- Rs. 660000 3. Rice Stubbles (Parali) burning incidents. Target reduction:- Number of burning incidents. Total Cost (In Lacs): Farmer who will be found defaulter for burnings is punished by NGT order. Rs. 15000
v.	Door to Door collection of segregated waste by agency and then its disposal directly in plant without dumping it on land.	90 days	Nagar Nigam	Door to Door collection, transported and disposal of dry and wet waste are carrying out regularly by AMC. Agra Nagar Nigam (ANN) is decomposing 100% dry and wet waste generated.
vi.	Establishment of composting pits in parks/ residential societies etc for management of biodegradable waste	90 days	Nagar Nigam/ ADA	Organic composters are installed by AMC
vii.	No plot should be left open more than 02 years and planting of trees must be mandatory on vacant plots.	90 days	Nagar Nigam/ ADA	On-going Process

(D) Control of Industrial emissions.
(a) Long Term Action plan

S. N.	Action Points	Timeframe for implementation	Action Required to be Taken by Responsible Departments	Updated Status/Remark
i.	Conversion of natural draft brick kilns to induced draft using zigzag technique in a	360 days	U.P. Pollution Control Board	- There are 113 brick kilns identified in district Agra. - Out of 113 brick kilns 12 brick kilns are located

				in TTZ area. Out of 12 brick kilns 05 are closed and 07 are operational and are converted in zig-zag/high draft technology. The rest 101 brick kilns. are outside the TTZ area out of which 33 brick kilns have converted in zig-zag/ high draft technology. It is being ensure that the rest brick kilns shall be converted. in zig-zag/ high draft technology within the timeline issued by MoEF&CC GOI vide notification dated 22.01.2025.
ii.	Installation of Electrostatic precipitators and appropriate air pollution control devices in factory units/ industries.	180 days	U.P. Pollution Control Board	There are 03 major GPI in district Agra which are using natural gas as fuel in boilers with adequate APCS.
iii.		360 days	Nagar Nigam	Under Consideration

(b) Short term Action plan

S. N.	Action Points	Timeframe for implementation	Action Required to be Taken by Responsible Departments	Updated Status/Remark
i.	Identification of brick kilns and their regular monitoring including user of designated fuel, and closure of unauthorized units.	60 days	U.P. Polluting Control Board	- There are 113 brick kilns identified in district Agra. - Out of 113 brick kilns 12 brick kilns are located in TTZ area. Out of 12 brick kilns 05 are closed and 07 are operational and are converted in zig-zag/high draft technology The rest 101 brick kilns are outside the TTZ area out of which 33 brick kilns have converted in zig-zag/ high draft technology. It is being ensure that the rest brick kilns shall be converted in

				zig-zag/ high draft technology within the timeline issued by MoEF&CC, GOI vide notification dated 22.01.2025.
ii.	Conversion of natural draft brick kilns to induced draft	120 days	U.P. Polluting Control Board	• There are 113 brick kilns identified in district Agra. • Out of 113 brick kilns 12 brick kilns are located in TTZ area. Out of 12 brick kilns 05 are closed and 07 are operational and are converted in zig-zag/high draft technology. • The rest 101 brick kilns are outside the TTZ area out of which 33 brick kilns have converted in zig-zag/ high draft technology. It is being ensure that the rest brick kilns shall be converted in zig-zag/ high draft technology within the timeline issued by MoEF&CC GOI vide notification dated 22.01.2025.
iii.	Monitoring of industrial emission including real time online monitoring through OCEMS (Online Continuous Emission Monitoring System and live camera feed to take action against non-complying industrial units.	60 days, and thereafter regular activity	U.P. Polluting Control Board	All units complying OCEMS is installed operational in the GPI industries.
iv.	Bank guarantee should be taken for the compliance of conditions imposed in CTO/CTE for control of Environmental Pollution from industries. The bank guarantee shall be forfeited in case of any violation. Verification of these conditions to be carried out by UPPCB/selected Third Party Instructions/Quality control agencies etc.	60 days, and thereafter regular activity	U.P. Polluting Control Board	Bank guarantee is submitted by the unit before seeking. Regular carryout by the official of UPPCB for Environmental compliance.
v.	Installation of web cams and OCEMS in Grossly polluting Industries.	60 days	U.P. Polluting Control Board	03 no. of GPI Industries are operational in regional office, Agra.

				OCEMS in installed in all 03 industries.
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(E) Control of air pollution from constructions and demolition activities

S. N.	Action Points	Timeframe for implementation	Action Required to be Taken by Responsible Departments	Updated Status/Remark
i.	Enforcement of Construction & Demolition Rules, 2016. Fine should be imposed on defaulting units.	15 days, and thereafter, continue as regular activity	Urban Development/ Development Authorities	During regular field visit, officers instruct to cover the construction waste with green net.
ii.	Control measures for fugitive emissions from material handling, conveying and screening operations through water sprinkling, curtains, barriers and dust suppression units:		Urban Development/ Development Authorities	
iii.	Ensure carriage of construction material in closed/covered vessels.		Development Authorities/ Regional Transport Department	ADA instructs to concerned contractors for carriage of construction material in closed/covered vessels
iv.	Environmental aspects should be included during preparation of master plan for development of city.	Proposed Master Plan for Agra City 2021	Urban Development/ Development Authorities	Marking of H.F.L. demarcation of green belt along major roads and along river.
v.	Builders should leave 33% area for green belt in residential colonies. Plantation should be done as per Office order No. H16405/220/2018/02 dated 16-02-2018 available on website of the Board i.e., www.uppcb.com	Within a reasonable timeframe	Urban Development/ Development Authorities/ Housing companies	Provision of green belt/parks has been proposed prevailing G.O.'s.
vi.	All construction areas must be covered to avoid dispersion of particulate matter	30 days	Nagar Nigam/ Development Authorities	ADA instructs responsible person to cover construction areas with green belt to avoid dispersion of particulate matter

F) Other Steps to control Air Pollution
(a) Long Term Action Plan

S. N.	Action Points	Timeframe for implementation	Action Required to be Taken by Responsible Departments	Updated Status/Remark
vii.	Dead Bodies of Animals should be disposal through proper treatment facility like rendering plant etc.	360 days	Nagar Nigam	One Carcus Utilization Plant (CUP) has been setup and one is under process by AMC.
viii.	Installation of CAAQMS by	360 days	U.P. Pollution	NA

	<i>polluting units/institutions etc. under "Polluters Pay Principles".</i>		<i>Control Board</i>	
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(b) Short Term Action Plan

S. N.	Action Points	Timeframe for implementation	Action Required to be Taken by Responsible Departments	Updated Status/Remark
i.	<i>Air Quality Index to be calculated and disseminated to the people through website and other media (on maximum fortnightly basis. for manually operated monitoring stations and real time basis for continuous monitoring stations)</i>	<i>15 days, and thereafter. continue as regular activity</i>	<i>U.P. Pollution Control Board</i>	<i>There are 6 operational CAAQMS installed in Agra. The Air Quality Index (AQI) is calculated data send to CPCB & UPPCB server. Realtime data on air quality is being made available on Sameer App.</i>
ii.	<i>Establish an Air Quality Management Division at SPCB/PCC Head Quarters to oversee air quality management activities in the State and interact with CPCB</i>	<i>30 days</i>	<i>U.P. Pollution Control Board</i>	<i>Compliance done by head office UPPCB through National Clean Air Programme (NCAP).</i>
iii.	<i>Set-up and publicize helpline in the city/town as well as SPCB/PCC HQ for compliants against reported non-compliance</i>	<i>30 days</i>	<i>U.P. Pollution Control Board</i>	<i>Complaint portal (IMS) & twitter (x) are active for complaints against non compliance units</i>
iv.	<i>Engage with concerned authorities on continual basis for maximizing coverage of LPG/PNG for domestic and commercial cooking with target of 100% coverage</i>	<i>30 days</i>	<i>District Supply Officer</i>	<i>LPG connections are installed on demand basis. Apart from that LPG connections in Dayal Bagh, Kamla Nagar, Trans Yamuna. Old Agra are installed and the pipeline for LPG distribution/connection. is ongoing in other areas.</i>
v.	<i>Monitoring of DG sets and action against violations Fine should be imposed on defaulters.</i>	<i>30 days</i>	<i>U.P. Pollution Control Board</i>	<i>Maximum DG sets installed in industries are based on natural gas.</i>
vi.	<i>Street vendors are to be controlled strictly in respect of removing their wastes and debris before leaving the site of operation</i>	<i>30 days</i>	<i>Nagar Nigam</i>	<i>Regular field visit is done by AMC officials and if any related complaints receive, quick actions are taken against respective persons/agencies.</i>
vii.	<i>Complete ban on littering of streets with municipal solid wastes (MSW). Segregation & source collection at source of MSW to be implemented</i>	<i>30 days</i>	<i>Nagar Nigam</i>	
viii.	<i>If Air Quality Index found severe or above grade, ensures availability of masks. to public for protection.</i>	<i>90 days</i>	<i>Development Authorities</i>	<i>On going</i>

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3. The timeframe for implementation as indicated in the 3rd column of the above table in fact commence when the action plan for Agra had become effective. The said timeline is over long back, yet the action plan has not been fully implemented till now. The updated status/remark mentioned in the last column of the above chart is also vague and is not specific.

4. Thus, we are of the view that the clear and full details in respect of action which has been taken to implement the action plan for Agra have not been placed on record. The Secretary, Environment Department, State of UP, is directed to file an affidavit providing the full details of the actions completed following the action plan for Agra, including the timeframe within which the remaining actions will be completed, the responsible authority and accountable officer, and the funds allocated for the same. Let this affidavit be filed within a period of four weeks.

5. Learned Counsel appearing for the State of UP also seeks four weeks to file the affidavit of the Respondent No. 12 to show the status of the green cover in Agra.

6. Respondent No. 3, Chairman, TTZ Authority, Agra is also directed to file his affidavit disclosing the action taken by him to ensure implementation of the action plan and in compliance with the powers conferred upon him under the Environment (Protection) Act, 1986.

7. List on 19.09.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 14, 2025
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