

Item No.4

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

Original Application No.159/2023(CZ)

Nitin Saxena Applicant(s).

Vs.

State of Madhya Pradesh & Ors. Respondent(s)

Date of Hearing: **16.01.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant (s): None
For Respondent(s): Mr. Prashant M. Harne, Adv.

ORDER

1. The Joint Committee has filed report with certain recommendations. We have heard the Learned Counsel for the parties and perused the record.
2. This letter petition has been filed by one Mr. Nitin Saxena, Address A-509, Ashoka Garden, Bhopal, Madhya Pradesh, with the copy of the news reporting of Dainik Jagran, dated 25th October, 2023, with the facts that due to ongoing road construction in the Kolar Road, district Bhopal, there are severe environmental pollution and violation of environmental rules by the project proponent without any control measures.
3. It is alleged that rapid urbanization and infrastructure development in recent years with road construction being an integral component of this growth, however, environmental consequences on the human health and atmosphere cannot be left without care. The construction activities have resulted in a significant increase in air and noise pollution profoundly affecting the health and well-being of the area's residents. The improper disposal of construction waste and materials is contributing to the

degradation of the local ecosystem including water bodies and green spaces.

4. It is further alleged that specific measures to minimize the pollution and ecological harm has not been taken by the project proponent and environmental regulations and guidelines preventing the deterioration of air and water quality has not been taken by the authorities concerned.
5. The respondents/project proponents are required to adopt eco-friendly construction practices such as dust control, noise reduction and proper waste management and there should be a proper mechanism for continuous monitoring and reporting of pollution levels in Kolar to ensure compliance with environmental standards.
6. The matter was taken up by this Tribunal on 03.11.2023 and this Tribunal observed as follows :

“The applicant present in person has submitted some photographs especially the Air Quality Index installed by the MPPCB, Paryavaran Parisar, Bhopal dated 02.11.2023 at 5:25:21 which shows the air quality as 267 and is of poor quality. The Times of India on 31.08.2023 reported that the M.P. is the tenth (10th) most polluted State in India. When it comes to PM2.5 concentrations.... this worrying it has been revealed in report on air quality live index vide Energy Policy Institute, Chicago (EPIC).”

7. The Tribunal constituted a committee consisting one representative from the Collector and one representative from the State Pollution Control Board and directed to submit the factual and action taken report. In compliance thereof the members of the committee visited the site and submitted the report, which is as follows :

“The officials of the joint committee on dated 10/01/2024 and 11/01/2024 visited the complete length of the under construction Cement concrete road from Kolar Guest House at Bhopal to Villahe Kajli kheda Kalapani and the

locations as mentioned in petition. During the site visit, the joint committee also interacted with Shri Sunil Haldhar, Deputy Project Manager of M/s Bansal Construction Pvt. Ltd.. The Geographical location, photographs and visual observations were recorded during inspection. The photographs and google map of construction of Kolar Road.

Field Observation:

During inspection, the Joint Committee visited the Kolar Road and observed the condition of Kolar road during its construction process. The details observed during the inspection are mentioned as under:-

1. A six lane Cement Concrete road is being constructed between Kolar Guest House, Bhopal to Kajlikheda Kalapani, the road is named as Shyama Prasad Mukharji 06 lane Road.
2. The road is constructed by MPPWD, Bhopal division through a civil contractor M/S Bansal Construction Pvt. Ltd.
3. As per contractor, total proposed length of construction of Kolar 06 lane road is 15.10 KM. The zero point of this road is Kolar Guest House, Bhopal and end point is Kajlikheda Kalapani, Bhopal.
4. The proposed six lane road is having two parts separated by a central verge. One part is having three lane for the movement of vehicle.
5. The road is being constructed to provide easy movement of vehicle as earlier road was narrow and the density of commuters using this road was very high compare to the space available for movement of vehicle.
6. The traffic congestion was the main cause, also the condition of the road was not very good as the shoulders were kaccha and not properly maintained and due to vehicle movement fugitive dust emission was predominant.
7. During inspection it is observed that for obtaining sufficient width for the laying of six lane road, at some places along the length of road the building / premises structures are dismantled and the encroachments are removed.
8. During inspection, some quantity of C&D waste was found near the dismantle area. As per Mr. Sunil Haldhar, Deputy Project Manager of M/S Bansal Construction Pvt. Ltd., BMC, the C & D waste from Kolar Road construction area is removed on regular basis.
9. During inspection it is observed that the construction material stored by contractor at a defined site at Village-Kajli kheda. Batch Mix plant is installed at Village- Kajli kheda. This site is approx 6 to 7 KM away from the Kolar Road, Baidagarh chichli, Bhopal.

- 10.No construction material was found store near the under construction six lane road.
- 11.The construction company transferred the road construction material to the site using trucks.
- 12.The present status of newly constructed road is given as under as per the information provided by PWD, Bhopal letter Dated 15/01/2024.

i. The location and length wise road construction status is as under:

S. No	Name of Area	Total Distance	Remark
1	Village Gehukheda (D Mart) to Village Kalapani	8KM	Construction work of both the lane is Completed.
2	Village- Gehukheda (D Mart) to Sarbdharm locality	5 KM	Left side lane is completed; Right side lane pavement work is in progress.
3	Chuna Bhatti to Kolar Guest House	2KM	Left side lanes work is in progress

- ii. Water sprinkling at construction area of Kolar road is 2 times per day (at 10:00AM to 11:00 AM and 4:00PM to 5:00PM).Due to heavy traffic in this road (from 11:00AM to 1:00PM and 5:00PM to 8:300PM), other times are not possible to sprinkling of water. The effect of sprinkling of water is approx 01 to 02 Hours.
- iii. Construction companey is using Proclaim machines-03 nos, Dumpers-10 nos, Rollers-02 nos, Grader-01 nos, JCB machine-01 nos, concrete transit mixer-04 nos and water tanks-04 nos for construction of Kolar Road.
- iv. Approx. 2 lakhs people living in the area between Sarbdharm bridge to D Mart area of Kolar Road are depends on road.
- v. Approx 10000 vehicles per day moves on the Kolar Road. Peak hours density is approx 1000 vehicles/hour and in normal hours approx 700 vehicles/hour move on this road

Causes of Fugitive Dust Emission:

13. It is observed that the fugitive dust emission generation during the construction of the six lane road are due to following two prominent activities:

- i. Due to construction activity of roads that includes digging, excavation of soil and its removal from the site.
- ii. Due to movement of traffic on the under constructed road in the area as no alternative road is available for commuters.

14. It is observed that the dust emission in road construction activity is limited to a small area only as no traffic of vehicle is allowed on this portion during construction.

15. There is no fugitive emission of dust is observed on the constructed portion of six lane road which is completed from Village Gehukheda (D Mart) to Village Kalapani - 8 KM and from Village- Gehukheda (D Mart) to Sarbdharm locality - 5 KM.

16. It is observed that when one side portion of cement concrete lane constructed is completed than that portion is opened for traffic movement.

17. No dust emission is observed due to vehicle movement on the constructed cement concrete road.

18. It is observed that during the under construction portion of road the traffic movement is diverted to other portion of the road which is not constructed.

19. During inspection the dust emission is observed from the unconstructed portion of six lane road from Kolar Guest house to Chunabhatti (Up to Sarvadharam bridge) on which traffic is diverted for movement.

20. This is the main source of dust emission and the water sprinkling is not sufficient to reduce the fugitive dust emission.

21. The contractor inform the committee that due to heavy traffic on the road the movement of truck mounted water sprinkling system is scheduled ply on peak hours duration.

Air quality monitoring at CAAQMA, Paryavaran Parisar:

The Continues ambient air quality monitoring station is located at Paryavaran parisar, E-5, Arera Colony, Bhopal. The under construction Kolar Road is located on the west side of this station. The minimum distance of the road from the station is approx 700 meters away. This CAAQMS station covers an area of 2.0 KM radius all around. The data from this station are continuously transferred to MPPCB and CPCB server and shows the instant Air quality index (AQI). The monitoring results of January 2023 to December 2023 are enclosed as Annexure - 3. Some of the observations are as under:

- i. The Min, Max and Avg. AQI of the Year 2023 is plotted on the graph .
- ii. The graphical representation of Wind flow is also enclosed
- iii. The graphical representation shows that in the month of November 2023 the AQI has reached the Max value of 300.

Action Taken by MPPCB

1. MPPCB vide letter No 99 dated 10/01/2024 was issued to MPPWD to provide information pertaining to the under construction 06 lane Kolar Road.
 2. MPPCB issued notice vide letter No 93 dated 10/01/2024 to EE, MPPWD, Bhopal regarding control of fugitive dust emission by increasing of water sprinkling on the road.”
8. The Applicant in person has filed some photo copies of the news reporting and submitted that the measures, which have been taken by the authorities /PWD Department are insufficient and in adequate. There is no proper C &D waste management facilities, the storage site is different from the suggested and the water sprinkling as reported twice a day is not sufficient and further suggested that the project proponent may be directed to take necessary, sufficient and adequate measures to control the air pollution.

9. The members of the committee have recommended certain suggestions to be complied with by MP PWD Department for maintaining air quality and to safeguard the human health. Recommendations as submitted by the joint committee are accepted and we direct as follows :

1. The MPPWD should ensure the continues water sprinkling on the roads to reduce the fugitive dust emission from roads due to traffic movement.
2. The frequency of water sprinkling should be such that in no case loose dust on the road should get dried enough to increase fugitive dust emission.
3. Air quality monitoring should be carried out by the company at an regular interval to assess the fugitive dust emission.
4. Proper traffic arrangement should be made to avoid traffic congestion during construction phase.

10. MP PWD Department is directed to properly ensure the compliance of above recommendations and State Pollution Control Board will periodically monitor the compliance and in case of non compliances necessary action will be initiated according to rules.

11. The Original Application No. 159/2023(CZ) stands **disposed** of accordingly.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

16th January, 2024
O.A No. 159/2023 (CZ)
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