BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION No. 216 of 2026

IN THE MATTER OF:

SHRIYA KUMAWAT.....Applicant

Versus

UNION OF INDIA & Ors.....Respondents(s)

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DATE:- 10.11.2026
PLACE :- NEW DELHI

FILED BY:-

MS. ELIZA BARR & MS. AKANSHA

(1)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

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REPLY AFFIDAVIT ON BEHALF OF RESPONDENT ARUNACHALPRADESH STATE POLLUTION CONTROL BOARD, STATE OFARUNACHAL PRADESH

I, Dui Dohu Robin aged about 51 years, presently posted as Member Secretary, Arunachal Pradesh Pollution Control Board, Government of Arunachal Pradesh, Itanagar, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary, Arunachal Pradesh Pollution Control Board, Government of Arunachal Pradesh, and as such I am duly authorised and competent to swear this Affidavit on behalf of the Respondent-State of Arunachal Pradesh. I am well conversant with the facts and circumstances of the present case from the official records maintained in the ordinary course of business, and am competent to depose to the facts stated herein below.

2. That the present Reply Affidavit is being filed in compliance with and in response to the notice issued by this Hon'ble Tribunal vide Order dated 09.04.2026 in the present Original Application. The answering Respondent State, through the present affidavit, seeks to place on record its response to the issues and contentions raised in the Original Application.

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Naharlagun

Executive Magistrate
Itanagar Capital Complex
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3. That the present Original Application raises general allegations against the State Respondents regarding the failure to implement the directions relating to the installation of Emission Control devices in Diesel Generator Sets. In this regard, the answering Respondent Board has prepared the present reply on an issue-wise basis to place the correct factual and legal position of the State of Arunachal Pradesh before this Hon'ble Tribunal.

4. That it is most respectfully submitted that the State of Arunachal Pradesh does not have any non-attainment city among the 131 cities identified by the Central Pollution Control Board under the National Clean Air Programme, 2019.Therefore,the requirement of mandatory retrofitting of Emission Control Devices (RECD) in Diesel Generator sets, as directed in O.A. No. 681/2018, does not apply to the State of Arunachal Pradesh. However, the operation of DG sets in the State is regulated through the conditions imposed in the Consent to Operate issued by the Board. The concerned units are also required to submit laboratory test reports while applying for renewal of their consent to ensure compliance with the applicable emission standards and other regulatory requirements.

5. That it is most respectfully submitted that, as of now, neither the State Government nor the Board has issued any direction, circular, notification or consent condition requiring the installation of RECD in DG sets within the State. This is because no city or town in Arunachal Pradesh has been identified as an on-attainment city under NCAP, 2019, and the ambient air quality in the State is within the prescribed NAAQS limits. Therefore, the requirement of mandatory RECD installation under the directions passed in O.A. No.681/2018does not apply to the State at present.

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However, the Board shall take necessary action in compliance with any binding directions issued by this Hon'ble Tribunal, CPCB or MoEF & CC, as and when applicable.

6. That, as per the CTE/CTO issued by the Board, the district-wise particulars of DG sets in operation in the State are as under:

Sl. No.	District	DG sets (capacity)
1.	PapumPare	100KVA–1no. 125KVA–2nos. 62.5KVA–2nos. 30KVA–3nos.
2.	Namsai	100KVA–2nos.
3.	Lohit	100KVA–1no.
4.	Lower Dibang Valley	100KVA–2nos. 600KVA–2nos. 1000KVA–1no. 140KVA–2nos. 140KVA–2nos. 250KVA–1no.
5.	Kamle	500KVA–2nos. 2MVA–2 nos.

7. That the above mentioned data has been collected from the Consent to Establish (CTE) and Consent to Operate (CTO) records maintained by the Board and, therefore, includes only those DG sets which are covered under the Board's consent records. The capacity of these DG sets is recorded in KVA (electrical rating), whereas the CPCB circular referred to by the Applicant specifies the limit in terms of the engine's gross mechanical power ink W, up to 800kW. Considering the standard power

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factor of 0.8, the Board understands that DG sets with capacities ranging from 30 kVA to 600 KVA fall within this limit, whereas DG sets of 1000 kVA and 2 MVA are at or above the said limit. The Board undertakes to compile and submit the details in kW along with a consolidated list of DG sets, if directed by this Hon'ble Tribunal.

8. That it is most respectfully submitted that, as per the records available with the Board, no DG sets within the State of Arunachal Pradesh have been reported to be fitted with RECD or any equivalent emission control devices. Accordingly, there are no particulars regarding suppliers, technologies or CPCB approved RECD models to be furnished at this stage. It is further submitted that, since no mandatory RECD retrofitting requirement is presently applicable to the State, no such installation or procurement exercise has been undertaken by the Board or the State Government.

9. That it is most respectfully submitted that no emission compliance testing of RECD has been undertaken in the State of Arunachal Pradesh to date. Further, the Board does not have any CPCB recognised agency or laboratory within the State for conducting RECD testing. Accordingly, whenever such testing is required, the State shall rely upon CPCB-notified laboratories located outside the State for the requisite testing and verification.

10. That it is most respectfully submitted that DG sets in the State are primarily used as standby or backup arrangements, while the regular power requirements are met through grid supply. The details regarding grid reliability, dependence on DG sets and the frequency and duration of

Member Secretary APSPCB Naharlagun

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power outages fall within the domain of the Department of Power, Government of Arunachal Pradesh, being the concerned department responsible for maintaining such records.

11. That it is most respectfully submitted that no city or town in the State of Arunachal Pradesh has been identified as a non-attainment city under the National Clean Air Programme (NCAP), 2019. As per the list of131non-attainment cities identified by the MoEF&CC, the State has no city falling under the said category. Accordingly, no City Action Plan for control of emissions from DG sets has been prepared under Sub-clause 9 of Clause 4.7 of the NCAP. It is further submitted that the State has, overall, maintained ambient air quality within the prescribed standards.

12. That it is most respectfully submitted that the answering Respondent board presently operates two manual Ambient Air Quality Monitoring Stations under the National Air Quality Monitoring Programme (NAMP), located at (i) the PCCF Office Compound, Itanagar; and (ii) the APSPCB Office Compound, Naharlagun. In addition, one Continuous Ambient Air Quality Monitoring Station (CAAQMS) is also operational at the APSPCB Office Compound, Naharlagun, for continuous monitoring of ambient air quality in the region.

True Copy of the Latest monitored data (2026, January–September) is annexedherewithandmarkedas**ANNEXURER-1 Page Nos. [9]**.

True Copy of the data monitored during (2025, January–December) is annexedherewithandmarkedas**ANNEXURER-2 Page Nos. [10]**.

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13. It is most respectfully submitted that no inspection, show-cause notice, penalty or environmental compensation has been initiated or imposed specifically in respect of DG set emission violations in the State during the period from 2022 to 2025. The operation of DG sets is regulated through the conditions stipulated in the respective Consent to Operate (CTO) issued by the Board. It is further submitted that no complaint pertaining to air pollution caused by DG sets has been received by the Board during the said period.

14. That it is most respectfully submitted that neither the State Government nor the Board has received any direction from the Commission for Air Quality Management concerning the regulation of DG sets. The CAQM Direction dated 29.09.2023, issued under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021, is limited in its territorial application to the National Capital Region and adjoining areas and, therefore, is not applicable to the State of Arunachal Pradesh. Similarly, the other CPCB directions concerning DG sets, including those issued under the Graded Response Action Plan (GRAP), are specific to the NCR and its adjoining areas.

15. That it is most respectfully submitted that the National Clean Air Programme, 2019 is a time-bound national strategy for air quality management, primarily aimed at cities identified as non-attainment cities. The measures prescribed under Sub-clause 9 of Clause 4.7 concerning emissions from DG sets are intended to be implemented through City Action Plans prepared for such non-attainment cities. Since no city in the State of Arunachal Pradesh has been identified as a non-attainment city,

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no City action plan has been prepared or is required to be prepared. Accordingly, under the existing framework of NCAP, 2019.

16. That it is most respectfully submitted that the Commission for Air Quality Management is a statutory body constituted under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021, with jurisdiction over the National Capital Region and its adjoining areas. Accordingly, the directions issued by the CAQM under Section 12 of the said Act are territorially confined to the areas falling within its jurisdiction. It is pertinent to note that the Applicant itself has alleged non-compliance only against the States falling within the NCR region. Since the State of Arunachal Pradesh does not fall within the NCR or its adjoining areas, the CAQM Direction dated 29.09.2023is not applicable to the State.

17. It is most respectfully submitted that the Board has duly discharged its statutory functions by monitoring ambient air quality through NAMP and CAAQMS stations, regulating DG sets under the CTE/CTO regime and requiring laboratory test reports at the time of consent renewal. The Applicant has neither demonstrated any specific instance of air pollution attributable to DG sets in the State nor established any violation of NAAQS or non-compliance with any binding direction by the Board. Accordingly, no substantial question relating to the environment, within the meaning of Section 14 of the National Green Tribunal Act, 2010, arises for adjudication against the State of Arunachal Pradesh.

Member Secretary
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18. In view of the foregoing submissions and in the spirit of cooperation with this Hon'ble Tribunal, the Board undertakes to continue regulating DG sets through the existing CTE/CTO regime and monitoring ambient air quality through its NAMP stations and CAAQMS. The Board further undertakes to examine and comply with all binding directions issued by this Hon'ble Tribunal, CPCB, CAQM or MoEF&CC, as applicable to the State of Arunachal Pradesh, and to furnish such further information, including KW-wise details and a consolidated inventory of DG sets, as may be directed by this Hon'ble Tribunal.

19. That the answering respondent most respectfully undertakes to continue and strengthen the measures outlined herein and to place on record any further or updated compliance report as may be directed by this Hon'ble Tribunal. The Respondent assures this Hon'ble Tribunal of its full and sincere commitment to comply with all directions issued by this Hon'ble Tribunal.Itisfurthersubmittedthatallmaterialfactsrelevanttothepresent matter have been fairly and fully disclosed, and no material fact has been concealed from this Tribunal.

DEPONENT

Member Secretary
APSPCB
Naharlagun

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of paragraphs of this affidavit are true and correct to my knowledge, based on official records and information from the concerned departments, which I believe to be true. No part of it is false and nothing material has been concealed.

Verified at Itanagar, on this 5th day of Nov' 2026.

DEPONENT

Member Secretary
APSPCB
Naharlagun

Executive Magistrate
Itanagar Capital Complex
Naharlagun

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Ambient Air Quality Data of Annual Average Report,2026

1. **Station Name : APSPCB, Office Compound, Naharlagun:**

Year : 2026

Month	RSPM (PM10) in $\mu g/m^3$	NO2 $\mu g/m^3$ $\mu g/m^3$	SO2 $\mu g/m^3$	PM2.5 $\mu g/m^3$
January 2026	54	45	2	8
February,2026	56	5	4	54
March ,2026	60	8	4	36
April,2026	55	6	3	45
May ,2026	49	6	3	21
June,2026	46	4	4	34
July,2026	40	7	7	32
August,2026	44	3	3	34
September,2026	39	2	2	36
October,2026				
November,2026				
December ,2026				
Annual average				
NAAQ Standards (24 hours Average)	**100 $\mu g/m^3$**	**80 $\mu g/m^3$**	**80 $\mu g/m^3$**	

2. **Station Name : PCCF Office Compound, Itanagar:**

Year : 2026

Month	RSPM (PM10) in $\mu g/m^3$	NO2 $\mu g/m^3$	SO2 $\mu g/m^3$	PM2.5
January 2026	48	5	3	35
February,2026	69	7	2	42
March ,2026	55	9	3	39
April,2026	60	6	4	38
May ,2026	47	8	3	36
June,2026	43	4	3	34
July,2026	48	5	4	31
August,2026	43	3	3	28
September,2026	36	2	2	36
October,2026				
November,2026				
December ,2026				
Annual average				
NAAQ Standards (24 hours Average)	**100 $\mu g/m^3$**	**80 $\mu g/m^3$**	**80 $\mu g/m^3$**	

29/10/26

(N.Meji),Sc-B
APSPCB, Naharlagun

(D.Mobing),JSA
APSPCB, Naharlagun

ANNEXURE R-2

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Ambient Air Quality Data of Annual Average Report

1. **Station Name : APSPCB, Office Compound, Naharlagun:**

Year : 2025

Month	RSPM (PM10) in $\mu g/m^3$	NO2 $\mu g/m^3$ $\mu g/m^3$	SO2 $\mu g/m^3$	PM2.5 $\mu g/m^3$
January 2025	103	9	4	52
February,2025	87	9	3	60
March ,2025	85	8	3	58
April,2025	68	7	5	42
May ,2025	44	6	3	28
June,2025	31	-	-	26
July,2025	27	5	2	24
August,2025	22	5	3	26
September,2025	26	5	4	35
October,2025	20	5	3	28
November,2025	29	6	3	37
December ,2025	36	8	3	35
Annual average	**48**	7	**3**	**37**
NAAQ Standards (24 hours Average)	**100 $\mu g/m^3$**	**80 $\mu g/m^3$**	**80 $\mu g/m^3$**	

2. **Station Name : PCCF Office Compound, Itanagar:**

Year : 2025

Month	RSPM (PM10) in $\mu g/m^3$	NO2 $\mu g/m^3$	SO2 $\mu g/m^3$	PM2.5
January 2025	81	11	4	37
February,2025	73	12	3	43
March ,2025	76	11	2	43
April,2025	65	10	4	29
May ,2025	39	6	3	29
June,2025	38	-	-	28
July,2025	25	5	5	23
August,2025	27	8	3	26
September,2025	39	5	4	35
October,2025	31	6	3	23
November,2025	28	7	3	30
December ,2025	32	5	2	36
Annual average	**46**	**8**	**3**	**32**
NAAQ Standards (24 hours Average)	**100 $\mu g/m^3$**	**80 $\mu g/m^3$**	**80 $\mu g/m^3$**	

29/10/26

(N.Meji),Sc-B
APSPCB, Naharlagun

(D.Mobing),JSA
APSPCB, Naharlagun

ADVANCE SERVICE OF THE REPLY AFFIDAVIT ON BEHALF OF STATE OF ARUNACHAL PRADESH IN OA 216 OF 2026 TITLED AS SHRIYA KUMAWAT VS UNION OF INDIA AND ORS. PENDING BEFORE NGT

1 message

Elizabeth Barr <elizabarr.law@gmail.com> Tue, 10 Nov, 2026 at 10:10 pm
To: hreekant Terdal <shreekantt@gmail.com>, pashupati nath razdan <shaktirazdan82@gmail.com>, Divyanshu Kumar Srivastava <dksrivastava0511@gmail.com>, office.aoryashraj@gmail.com, GOVERNMENT ADVOCATE <govtadvdelhi@gmail.com>, shuvodeep roy <shuvodeep_roy@rediffmail.com>, Devina Sehgal <devinasehgalaor@gmail.com>, sanchit garg <sanchitgarg99@gmail.com>, Nidhi Jaswal <nid.jaswal@gmail.com>, akshayamritanshu <akshayamritanshu@gmail.com>, Kunal Mimani <kunalmimani@gmail.com>, Pramod Kumar Guntur <gunturpramodkumar@gmail.com>, Office of Sameer Abhyankar <contactadvsa@gmail.com>, akshat ku <akshat.ku@gmail.com>, karan sharma <karan.sh70@gmail.com>, enatoli sema <enatoli@gmail.com>, SWATI GHILDIYAL <adv.swati.ghildiyal@gmail.com>, arvind kumar Sharma <aksnaji@gmail.com>, Ramesh Pukhrambam <ramesh1pukhrambam@gmail.com>, C.K. <cksasi@yahoo.com>, Nikunj Dayal <nikunjdayal@gmail.com>, Jaspreet Gogia <vipinjaspreet9@gmail.com>, Sumeer Sodhi <sumeer@vsalegal.in>, Aravindh Selvaraj <arvindadv@yahoo.com>, Abhishek atrey <abhishekatrey@gmail.com>, Shovan Mishra <mishra.shovan@gmail.com>, Avijit Mani Tripathi <avijitmani@gmail.com>, JLA Associates K V <jagdishvkv@gmail.com>, Jogendra K <clerk@arthyalaw.com>, Ruchira Goel <ruchiragoel@gmail.com>, officeofakanshachahal <officeofakanshachahal@gmail.com>

Sir/ ma'am,

Please find attached Reply affidavit filed on behalf of APSPCB, State of Arunachal pradesh in the above captioned matter.

Kindly take note that this email will be treated as Advance Proof of service.

Thanks & Regards
Eliza Barr
Standing Counsel for the State of Arunachal Pradesh

Scan copy of affidavit Shriyakumawat.pdf
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