



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SUO MOTU PUBLIC INTEREST LITIGATION NO. 3 OF 2023

High Court of Judicature at Bombay
on its own motion.

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Petitioner

Versus

The State of Maharashtra & Ors.

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Respondents

Mr. Darius Khambata, Senior Advocate (*Amicus Curiae*) a/w
Mr. Tushar Hathiramani, Mr. A. Faizulbhoy, & Ms. Vidhi Ajmera.

Ms. Gulnar Mistry i/b Ms. Pooja V. Thorat Advocates for Applicant-
Darpan Gupta in IA/13679/2025.

Mr. Prerak Choudhary a/w Ms. Anisha Balse, Advocates for the
Applicant-The Bombay Charcol Merchants Asso.Ltd. in
IA/4114/2025.

Ms. Sarrah Khambati, & Mr. Aastik Agarwal i/b Wadia Ghandy &
Co., Advocates for the Applicants in IA/13678/2025, IA/9524/2025,
IA/9525/2025 IA/9526/2025.

Ms. Sneha Phene i/b Ms. Mayura Maru, Advocates for the Applicant-
Anuranjan Mohnot in IA/13680/2025.

Mr. Janak Dwarkadas, Senior Advocate a/w Ms. Kanika Goenka,
Mr. Sharad Bhansal, Ms. Swagata Ghosh i/b Shardul Amarchand
Mangaldas, Advocates for Intervenor-Vanashakti.

Mr. Abhishek Kothari, Ms. Saloni Shah, Mr. Samit Shukla, Ms. Sayali
Diwadkar & Mr. Siddharth Shah i/b Trilegal, Advocates for the
Applicant in IA/13677/2025-NAREDCO WEST.

Mr. Tushad Kakalia i/b Ms. Pushpa Thapa, Advocates for the
Intervenor.

Mr. Anirudh Hariyani a/w Mr. Karan G. Fafat i/b Jani & Parikh,
Advocates for Intervenor in IA/774/2026.

Mr. Vinay Nair i/b Mr. Arun Panickar & Ms. Lavanya Panicker,
Advocates for the Intervenor in IAS/39759/2025.

Mr. Suresh M. Kamble, Advocate for Respondent-Ulhasnagar
Municipal Corporation.

Ms. Swati Sagvekar for, Advocate Respondent-Vasai Virar City Municipal Corporation.

Mr. R. V. Dighe i/b Mr. A. S. Rao, Advocates for the Respondent – Kalyan Dombivali Municipal Corporation.

Mr. Shailendra Kamdar, Senior Advocate a/w Mr. Joel Carlos & Mr. Santosh Mali, Advocates for the Respondent-Brihanmumbai Municipal Corporation.

Mr. Y. R. Mishra a/w Mr. Upendra Lokegaonkar, Mr. Sachinand.T.Singh, Advocates for the Respondent-UOI.

Mr. Abhinandan Vagyani a/w Mr. C.M.Lokesh & Ms. Asha Gunjal, Advocates for the Respondent-CPCB.

Mr. Mandar Limaye a/w Mr. Vedant Bende, Advocates for the Respondent-Thane Municipal Corporation.

Mr. Mayuresh Lagu a/w Mr. Sagar Patil & Mr. Shashank Dubey, Advocates for Respondent-MBMC.

Mr. Jagdish G. Aradwad (Reddy) a/w Ms. Ashwini B. Jadhav, Advocates for the Panvel Municipal Corporation & Slum Rehabilitation Authority.

Mr. Kedar B. Dighe, Advocate for the Respondent-Pimpri Chinchwad Municipal Corporation.

Mr. A. A. Kumbhakoni, Senior Advocate a/w Ms. Jaya Bagwe, Advocates for the Respondent-Maharashtra Pollution Control Board.

Mr. G. S. Hegde, Senior Advocate a/w Ms. P. M. Bhansali for the Respondent-MMRDA.

Mr. Anil V. Anturkar, Senior Advocate a/w Mr. Tejesh Dande, Mr. Bharat Gadhavi, Ms. Trushna Shah, Ms. Mansi Dande, Mr. Sarvesh Deshpande, Mr. Parth Talekar & Ms. Kashish Chanchlani, Advocates for the Respondent-Navi Mumbai Municipal Corporation.

Ms. Neha S. Bhide, Government Pleader a/w Mr. B. V. Samant, Addl. Government Pleader & Ms. G. R. Raghuvanshi, AGP & Mr. Vikrant Parshurami, AGP for the Respondent-State.

Mr. Rajesh Pawar, Exe. Engineer, Environment Dept., NMMC present.

Mr. Avinash Kate, Deputy Municipal Commissioner, Environment & Climate, MCGM present.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 29th JANUARY 2026

P.C.:

It was on 31st October 2023 that this Court took *suo motu* cognizance of the rising level of pollution in the city of Mumbai which was ranging between moderate and severe in the month of October 2023. This Court referred to the news article published in Indian Express, Mumbai Edition wherein an observation made by the Senior Scientist and Project Director in the System of Air Quality and Weather Forecast and Research (SAFAR) was quoted saying “*When AQI readings are between 200 and 300, it impacts vulnerable groups like senior citizens and children as well as people with co-morbidities, but people with good health condition will not be very much affected. However, if the AQI reading cross 300 or 400, it will start affecting a wider base of people and higher the readings climb, more and more people will be affected.*” The said article also indicated, as explained by an epidemiologist and pulmonologist from Hinduja Hospital, how poor air quality in the city was compared to smoking in terms of health risks. It was reported that the exposure to air pollution, particularly fine particulate matter (PM 2.5) can have similar effects on the respiratory and cardiovascular system as smoking. This Court, therefore, issued a direction to the Registry to register a *Suo Motu* Public Interest Litigation and the matter was posted on 6th November 2023.

2. On 6th November 2023, an affidavit was filed on behalf of *Vanashakti*, a non-Governmental Organisation and appearing on its

behalf Mr. Janak Dwarkadas, the learned senior counsel raised serious concerns on unabated rise in the air pollution level. This Court referred to a short note tendered by Mr. Darius Khambata, the learned senior counsel (*Amicus Curiae*) wherein a suggestion was made for taking certain short-term, mid-term and long-term measures. This Court reflected on the suggestions made by the learned *Amicus Curiae* and Mr. Janak Dwarkadas, the learned senior counsel and other counsels who made their valuable suggestions and passed the following directions :-

- “a) The Mumbai Air Pollution Mitigation Plan proclaimed by MCGM in March 2023 and the guidelines issued by the Environment and Climate Change Department and by the MCGM for “Air Pollution Mitigation” on 25th October 2023 shall be implemented by all concerned in its true letter and spirit. To ensure the compliance of the said Mitigation Plan we direct that it shall be personal responsibility of the Assistant Municipal Commissioner of each and every ward who shall be personally liable, responsible and shall be accountable to this Court for any lapse in implementation of the said Plan.*
- b) Similar action plan shall be followed in rest of the Municipal Corporations other than Mumbai.*
- c) The Municipal Corporations shall ensure that the metal sheets around construction sites are erected of sufficient height to ensure that dust from the construction sites shall not be spread over.*
- d) To separate the dust generated on construction sites, the Municipal Corporations shall ensure that regular and continuous water sprinkling is done by the project proponents/construction agencies.*
- e) The Municipal Authorities shall also ensure that storage piles at the construction site are properly covered and cleared in terms of the guidelines issued by the State Government and the MCGM as also by the CPCB.*
- f) It shall be ensured by all concerned that no construction debris is carried or transported to or out of the construction site. It shall also be ensured that all construction material being taken to the construction site including the ready-mix concrete is transported to the construction site in fully covered trucks or mixer plants.*
- g) On the next date, if the air quality does not substantially improve, the Court may pass an order banning transportation of the construction*

material in and out of the construction sites.

- h) *We also direct that the Authorities shall ensure that no burning of any waste, including solid waste is permitted in open areas, specially at the dumping sites where the municipal solid waste is dumped.*
 - i) *The Traffic Department Officials and the Transport Department Officials, shall strictly implement the vehicular emission norms in accordance with the provisions of Motor Vehicle Act, 1988 and the Rules framed thereunder.*
 - j) *The Municipal Authorities and the Police Administration shall also ensure that bursting of firecrackers takes place between 07.00 p.m. to 10.00 p.m. We have issued this direction keeping in view various directions issued by the National Green Tribunal as also having regard to the directions issued by the Supreme Court in the case of Arjun Gopal and Ors. Vs. Union of India from time to time and also the order dated 12th November 2020 passed by this Court in PIL (St) No.95794 of 2020 wherein on behalf of the State an undertaking was given that guidelines issued from time to time regarding firecrackers shall be strictly followed.*
 - k) *The State Government as also the Municipal Corporations and more particularly, the Educational Institutions both in the Government and the non-Government sectors in the Mumbai Metropolitan Region, shall immediately take appropriate steps to spread awareness of the ill-effects burning / bursting of fire crackers would cause, to the existing polluted environment.”*
- “8. *As already observed above, the Assistant Municipal Commissioner of the wards concerned shall be personally liable for any lapse in implementation of the various directions and action plan. We also direct that the Municipal Commissioners of the respective Municipal Corporations shall not only supervise the steps to be taken under this order but also identify erring officers responsible for any lapse or lacunae in implementation of the guidelines.*
9. *The Court also feels it appropriate to constitute a two-member committee comprising of Director, National Environmental Engineering Research Institute (NEERI) working under the aegis of Council for Scientific and Industrial Research and the Principal Secretary, Public Health, Government of Maharashtra, to supervise and monitor the steps being taken by all Municipal Corporations on daily basis.”*

3. The directions passed in the order dated 10th November 2023 and the constitution of the committee formed therein were modified to certain extent. With modifications, the following further

directions were passed :

- “13. Having regard to the relevant factors, we modify the constitution of the said Committee. The reconstituted Committee shall comprise of the following: - (i) An expert in the field of environment, preferably in the field of air pollution to be nominated by Director NEERI; (ii) An expert on air pollution to be nominated by the Director of Indian Institute of Technology, Mumbai; and (iii) Mr. Sudhir Shrivastav, former Additional Chief Secretary Home and Chairman, MPCB.*
- 14. The MCGM is directed to provide all secretarial assistance to the said Committee. All the Municipal Corporations in the Mumbai Metropolitan Region shall submit daily reports on the steps being taken to curb pollution and on the levels of pollution in their respective areas. It will be open to this Committee to tender suggestions to the respective Municipal Corporations, if the Committee finds it appropriate in any given circumstances. The Committee shall prepare weekly reports based on the daily reports submitted to it, by the respective Municipal Corporations, along with its own comments. The reports shall be submitted to this Court through the Registrar General of this Court.*
- 15. All the above directions shall be equally applicable and enforceable by the Municipal Corporations/Councils and Panchayats falling within the Mumbai Metropolitan Region.*
- 18. In the above circumstances, we direct that the draft report shall be finalised by the authority concerned at the appropriate level, be it the Ministry in the Central Government or any officer in the CPCB. Mr. Y. R. Mishra, learned counsel, who appears for Union of India and Mr. C. M. Lokesh, who appears for CPCB shall apprise the authorities concerned (UoI and CPCB) of this order forthwith. We expect that final decision on the draft report is taken within 6 (six) weeks from today. We also direct that once the draft report is finalised, based on that, concrete steps would be required to be taken, to implement appropriate measures, to meet the challenges posed on account of rising air pollution levels, in the city of Mumbai.*
- 23. The Municipal Commissioner of the Mumbai Municipal Corporation shall take steps to immediately inform the present order to the members of the newly constituted committee, so that the functioning of the committee shall start immediately at the premises and the requisite infrastructure, which may be made available either by the MCGM or the State Government. All the Municipal Corporations in the Mumbai Metropolitan Region are directed to submit day-to-day air pollution reports to the said committee by email or as may be permitted by the Committee.”*

4. As recorded in the order dated 6th February 2024, it was stated that a High Level Coordination Committee was constituted under the Government Resolution dated 5th February 2024. The said Committee was headed by the Municipal Commissioner, MCGM and it was given certain powers for prevention, control and abatement of air pollution. The Committee was expected to coordinate the actions of the urban local bodies and to work in the areas relating to planning and execution of a programme for prevention, control and abatement of air pollution. The working of MPCB was also under lens and it was required to monitor the industrial emissions. As on 18th March 2024, there were 7268 red category industries and 7841 orange category industries in the MMR. On different dates of hearing, this Court made certain observations and expressed dissatisfaction to the steps taken by the Municipal Corporation of Greater Mumbai (MCGM) and the Navi Mumbai Municipal Corporation (NMMC). We have also observed that the Maharashtra Pollution Control Board (MPCB) is simply sailing on its affidavit filed on purported compliances or steps taken by it.

5. We observe that the annual pollution audit of the industries in the Mumbai Metropolitan Region (MMR) has been unsatisfactory. It is stated at the Bar that it takes about 7-8 months to conduct annual pollution audit of industries. It is quite a long time and the polluting units may not get sufficient time to observe the guidelines and report compliances and, in the meantime, the second audit exercise might begin. There was budgetary allocation of Rs.360 crores in the Financial year 2024-2025 for undertaking the deep clean drive at ward level but

nothing worthwhile has been reported. The Court shall obviously be concerned about the spending of public money without any substantial result.

6. As per the affidavits filed by the Corporations, thousands of notices and stop-work notices have been issued. These figures simply indicate that the proposals for establishment of industrial units, NOCs, statutory clearances and building plans have been issued without bestowing attention to the possibility of a large scale pollution being generated. In course of hearing, the learned *Amicus Curiae* indicated that this Court has already cautioned that if the air quality does not substantially improve, the Court may pass an order banning transport of construction material in and out of the construction sites. This Court further observed in the order dated 9th January 2025 that the Municipal Commissioner shall reflect on granting permissions for further building constructions.

7. Constrained, this Court constituted a Committee on 28th November 2025 comprising of Conservator of Forests, Sanjay Gandhi National Park and learned Advocates of this Court to identify and undertake brief inspections of construction sites and industrial units contributing to air pollution levels. The relevant directions read as follows:

“6. After hearing the parties in this Suo Motu Public Interest Litigation, we find that despite repeated directions of this Court, air pollution during the autumn months has now become a recurring and persistent concern. We requested the learned counsels appearing in the matter to recommend a few names, who would be who can be a part of Court appointed committee. However, we have decided to constitute this Committee comprising of the following members: (i) Ms. Anitta Patil, Conservator of Forests, Sanjay Gandhi National Park; (ii) Mr. Karan Bhosale, Advocate; (iii) Ms. Namrata Vinod, Advocate; and (iv) Mr. Anant Mallya, Advocate.

7. *With assistance from MPCB and MCGM, the Committee shall identify areas within Mumbai and Navi Mumbai recording the highest AQI levels and undertake brief inspections of some of the construction sites and the industrial unit which may be contributing the air pollution, as deem fit by the Committee. The inspection shall include verification of compliance with essential conditions under the Guidelines, such as covering sites with metal sheets and green tarpaulin, provision of water sprinklers for dust suppression, installation of CCTV cameras, and deployment of sensor-based air pollution monitors and air pollution measures taken by the undertakings. We clarify that the purpose of this exercise is solely to collect data and ascertain ground-level realities contributing to rising pollution levels. In our view, such information will assist in formulating long-term remedial measures. To ensure maximum coverage, the members of the Committee are at liberty to devise a mutually convenient schedule amongst themselves and proceed with the inspections. The team shall submit a brief report on or before the next date of hearing. It is clarified that we have nominated three advocates, so that at least one of them is able to visit the site with other members of the Committee based on their availability.*
8. *The MCGM shall extend full cooperation, including logistical support such as transportation facilities, and shall deploy the necessary staff and security personnel to facilitate the team's entry at construction sites for the limited purpose of inspection. Mr. Shashank Bhore, Deputy Municipal Commissioner (Engineering) MCGM shall act as a nodal officer for the Committee. The Assistant Municipal Commissioner of each Ward shall act as the single point of coordination. The MCGM and MPCB shall forthwith circulate this order, by email and through all other modes, to all construction sites where work is ongoing, to all industrial units, to all Ward Offices, and shall ensure the smooth conduct of the site visits."*

8. There is no dispute that the air pollution level in the city of Mumbai has not gone down, rather, in the month of December 2025 it was reported very severe. The inspection report prepared by the Committee was not taken seriously by the Corporations and our displeasure is recorded in the order dated 27th January 2026. We have seen the data regarding extent of air pollution caused by the individual project proponents and this has been projected in a tabular form in the note tendered by the learned *Amicus Curiae* on 27th January 2026.

9. We are also conscious and there is no dispute at the Bar that the rising number of dockets and the limited hours of time available to the Court is a reason that this Court may not be able to examine all the affidavits filed by the Municipal Corporations and the MPCB and the reports submitted by the Expert Committee. The learned *Amicus Curiae* has therefore suggested to constitute a High Power Committee comprising of former Judges of Supreme Court and High Court.

10. Mr. Janak Dwarkadas, the learned senior counsel submitted that the Court should now hold the Assistant Municipal Commissioners at the Ward level liable for the rising air pollution level in the city of Mumbai and there should be a provision for compensation to the victims of air pollution. Mr. G. S. Hegde, the learned senior counsel submitted that there should be display boards on the project/construction sites of air pollution indicator so that non-compliance or rising pollution level is immediately reported to the Corporation. We have also heard Ms. Gulnar Mistry, the learned counsel who has raised certain concerns about infants, minor children, women and others who are said to be suffering from respiratory problems.

11. Mr. Anil V. Anturkar, the learned senior counsel appearing on behalf of the NMMC submits that the Corporation has no objection to constitution of a High Powered Committee which can look into compliance by the Corporation and its Members shall be provided the necessary and appropriate facilities commensurate with their status. The learned senior counsel has an objection as to the suggestion made by the learned *Amicus Curiae* that a mechanism should be

formulated by the High Powered Committee for compensation to the citizens impacted by the air pollution. The learned senior counsel refers to the orders passed by the Hon'ble Supreme Court in "*Vishal Tiwari (Adani Group Investigation) v. Union of India & Ors.*" (2023) 4 SCC 332 and "*Delhi Pollution Control Committee v. Lodhi Property Co. Ltd. Etc.*" 2025 SCC OnLine SC 1601 and submits that there is a statutory regime in place and the statutory bodies created thereunder shall look into this aspect. The learned senior counsel would also submit that presence of a medical expert in the High Powered Committee is not necessary. Mr. Shailendra Kamdar, the learned senior counsel for the MCGM has raised similar objections and suggested that an expert from Indian Institute of Tropical Meteorology (IITM), Pune should be made a part of the High Powered Committee.

12. After hearing the learned *Amicus Curiae* assisted by Mr. Tushar Hathiramani, Mr. A. Faizulbhoy and Ms. Vidhi Ajmera, the learned counsels, Mr. Janak Dwarkadas, the learned senior counsel on behalf of *Vanshakti*, Mr. Anil V. Anturkar, the learned senior counsel on behalf of the NMMC, Mr. Shailendra Kamdar, the learned senior counsel on behalf of the MCGM, Mr. A. A. Kumbhakoni, learned senior counsel for MPCB and Ms. Gulnar Mistry, the learned counsel on behalf of the Intervener, we have formed an opinion to constitute a High Powered Committee.

13. In the present proceeding, this Court directed the Municipal Commissioners of the respective Municipal Corporations to supervise compliance of the order passed by this Court. The Municipal Commissioners are under a duty to identify the erring officers responsible for any lapses on their part in implementation of the guidelines. There is a reference of the website/mobile App for making

the air pollution complaints and emergency mobile number which shall be publicized in the newspapers as awareness programmes. This Court is not apprised about the complaints received on the website or mobile App or through helpline and its operational status. This is also not disclosed whether any action was taken thereof and, if yes, what was the nature of the measures taken by the respondent-authorities. This Court is not apprised whether a statutory committee as proposed under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 has been constituted for Mumbai, Greater Mumbai etc. The attention of the respondent-authorities was drawn to seven major public project sites which were generating huge dust and causing severe air pollution but a periodic weekly review of those project sites, viz., Madhu Park, Bullet Train site, Versova-Bandra sea link, Mumbai Metro-3, Mumbai Trans Harbour Link, Mumbai Coastal Road etc. does not seem to be carried out or, at least, any such report is not given to the Court. This is within the sight of everyone that huge construction materials, rubble, earth and soil etc. are lying uncovered even today at several places.

14. The statutory bodies may have been formed in the State of Maharashtra but we have not come across any suggestion or action taken by such bodies in the present proceedings, at least not reflecting in the numerous orders passed by this Court. This is also not informed to the Court that such statutory bodies, if any, existing in the State of Maharashtra have ensured statutory compliances and passed orders or issued directions for that purpose.

15. We have apprised ourselves with the previous orders passed by this Court and find that even after such observations made by this

Court, the compliance so far made by the Municipal Corporations and the MPCB are not sufficient and satisfactory. This Court has been consistently observing the lackadaisical approach of authorities in ensuring compliance of the authorities despite specific directions. Mere filing of compliance affidavits is not sufficient. When we say unsatisfactory compliance, we are not criticizing the working of any individual but the collective efforts taken by the Municipal Corporations and the MPCB. The concerned authorities might have taken serious steps on their part but the result thereof indicating decrease in pollution level is not coming forth. We have observed that there are numerous spots where the air quality monitors were not installed. We have also observed that the Municipal Corporations did not even reflect on the report prepared by the Committee (constituted on 28th November 2025) in their affidavits filed in the recent dates as to inspection if at all carried by the squads of the Municipal Corporations. We have also observed that there are insufficient monitoring by the Municipal Corporations inasmuch as the 91 squads formed by the MCGM were working only on daily basis and if at all inspecting one site in a day. This was admitted at the Bar that for inspection of a construction site the total time taken may not exceed 2 to 3 hours.

16. The learned *Amicus Curiae* has submitted that the impact of air pollution is not only confined to health issues, rather, it impacts the national economy. Mr. Khambata, the learned *Amicus* referred to an article '*Health and economic impact of air pollution in the states of India: the Global Burden of Disease Study 2019*' and submitted that about 1.67 million deaths in India in the year 2019 were attributable to air pollution. Such large number of deaths accounting for 18% of

the total deaths in the country accounted for about US \$ 37 billion which was 1.36% of India's GDP. The learned *Amicus* would, therefore, submit that reduction in air pollution is necessary for physical health of the people and economic health of the nation.

17. The learned *Amicus* submits that there can be no quarrel that resuspended road side dust is the major contributory to the PM10 relating air pollution. The other sources are construction dust, demolition activity, open burning of solid dust, ready mix concrete, batching plant and industries classified in the red and orange categories. The construction dust and re-suspended road dust contribute to about 44% PM10 pollutants. The learned *Amicus* submits that there is a need for a Commando Force for checking air quality in the MMR. The Mumbai city has more than 11000 active construction sites; about 3000 plans are sanctioned in the last two years. Therefore, there should be two squads for smaller wards for air pollution mitigation enforcement. The Corporation should deploy four squads for middle size wards and six squads for larger size wards. There is a direction issued by the MPCB under section 5 of the Environment Protection Act, 1986 to the Municipal Commissioner on 2nd November 2023 to ensure strict compliance with the Bombay Air Pollution Action Plan and the Guidelines. Around 28th November 2025, it was reported that large number of sensor based air quality monitors were non-functional. It appears that there are large number of ongoing construction sites under the jurisdiction of the BMC and more than 600 sites have no sensor based air quality monitor. The learned *Amicus* suggested that the Assistant Municipal Commissioners should file weekly report on implementation of BMC's Guidelines-2023. Such report should include (i) number of

construction sites (ii) number of air quality monitors, and (iii) non-compliance of the guidelines and action taken thereon. The Corporations should not clear any construction proposal and issue stop-work notice to the ongoing sites where non-compliance has been reported. There should be real time linkage of sensor based air monitors at construction site with central dashboard and that should be made accessible to general public. Further, there should be a clear mandate that one fourth of the monitors are not working at the construction site then the construction activity must be stopped. The number of CCTV cameras should be increased at large construction sites and there must be real time footage of the site monitor readily available.

18. The learned *Amicus* has suggested certain other measures which are supported by Mr. Janak Dwarkadas, Mr. G. S. Hegde, the learned senior counsel and the learned counsel appearing for the intervenors. The learned *Amicus* suggests that a Higher Powered Committee (HPC) consisting of a retired Judge of the Supreme Court or High Court, a technical expert in the field of air pollution and a medical expert be constituted. The HPC can (i) monitor and supervise compliance with the orders passed and directions issued by this Hon'ble Court (including but not limited to implementation of the Action Plans/Guidelines formulated by the BMC and MPCB). The HPC can review weekly reports submitted by Municipal Commissioner, BMC and Navi Mumbai Municipal Corporation/ Additional Municipal Commissioners (ward-wise) [Mumbai city and MMR area] and the MPCB and make recommendations to them for formulation of immediate, medium and long-term measures to combat air pollution in Mumbai City and the MMR. The HPC may

advise on the formulation of a Graded Response Action Plan for the city of Mumbai and prepare and file reports with this Court on a quarterly basis, starting from 30th June 2026. The learned *Amicus* also suggested; (i) to direct the State Government to provide all assistance and cooperation to the HPC, including providing necessary and adequate infrastructure and access to the State machinery (including the Police) required to carry out the functions entrusted to the HPC and/or to conduct inspections (if and when necessary); (ii) the costs and expenditure incurred by the HPC for carrying out the entrusted functions be met by the State Government; (iii) The BMC shall appoint a nodal officer to co-ordinate between the HPC and the BMC/NMMC/MPCB and the State Government; and (iv) the HPC is empowered to consult experts for any assistance in the carrying out of entrusted functions, if so required and the costs and expenditure for this too to be borne by the State Government.

19. We are in agreement with the aforesaid suggestions of the learned *Amicus*. Having regard to the background noted in the earlier orders of this Court, we deem it appropriate to constitute a High Power Committee comprising Shri Amjad A. Sayed, former Chief Justice of the Himachal Pradesh High Court and Smt. Anuja Prabhudessai, former Judge of this Court. The HPC shall perform the functions set out above, including monitoring and supervising compliance with the orders of this Court and reviewing the reports submitted by the Municipal Commissioner and other officials of the BMC, NMMC and MPCB. The HPC may also consider the report submitted by the Advocate's Committee constituted by this Court by order dated 28th November 2025 and the reports of the Committee constituted by order dated 6th November 2023. Upon consideration of

the material placed before it, the HPC shall make recommendations to the Corporations and MPCB for immediate, medium-term and long-term measures to combat and prevent air pollution in Mumbai and the MMR region, including advising them on the formulation of a Graded Response Action Plan for Mumbai and Navi Mumbai. The HPC may submit its preliminary report to this Court by 5th March 2026 and then on a monthly basis. The HPC may also suggest additional measures to ensure effective compliance and reduction of pollution. The HPC may seek inputs, as and when required, from Mr. Virendra Sethi, Emeritus Fellow, Environmental Science and Engineering, IIT Bombay, and Dr. Indu Khosla, MBBS, DCH, MD (Pediatrics), RCPCH Fellow in Pediatric Pulmonology (UK), and may consult any other expert body if necessary.

20. To enable the HPC to discharge its functions effectively, the BMC shall extend full logistical support and cooperation, including provision of suitable office space, vehicle, secretarial assistance, and such other infrastructure as the HPC may require. The HPC may hold meetings either physically or virtually, and may conduct site visits or convene meetings at such locations as it deems appropriate. We expect that the HPC would be meeting once a week initially and then subject to the volume of work. The BMC shall pay each Member of the HPC an honorarium of Rs. 1,00,000/- per sitting. The Registrar (Judicial-I) is directed to furnish to the HPC, by the next week, the copies of all relevant papers, proceedings, orders and written submissions filed in this Public Interest Litigation, in both physical and electronic form. The Deputy Municipal Commissioner (Environment), MCGM, shall act as the Nodal Officer for coordination with the HPC.

21. Any failure to render assistance to High Power Committee or refusal or disobedience of any request, order, directions of the High Power Committee shall be treated as breach of this order and appropriate proceedings including contempt proceedings shall be initiated against the concerned persons.

22. Liberty to apply. Post the matter on 5th March 2026.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]