



## Supreme Court Judgments/Orders

**Supreme Court reconstitutes the expert committee to assess the damage caused by the fire at Baghjan oil well in Assam**

**Bonani Kakkar v. Oil India Limited & Ors.; Order dated 02 September, 2021<sup>1</sup>**

The Supreme Court of India (“Supreme Court”) has reconstituted the expert committee to assess the damage caused by the fire at Bhagjan oil well of Oil India Limited (“OIL”) in Assam and the amount of compensation to be granted for the restoration of Dibru Saikhowa National Park and Maguri-Motapung Wetland. The Court has observed that the National Green Tribunal (“NGT”) was in error in appointing the Chief Secretary as the chairperson of the committee and including the Managing Director of OIL as one of its members. It observed that the presence of a representative of OIL as a member of the committee would lead to a conflict of interest and would not contribute to the fairness of the outcome. Accordingly, the Court has substituted the NGT constituted committee with a five-member committee and has also directed OIL to deposit INR 5 million to facilitate the proceedings of the committee.

This appeal has been filed against the order of the NGT dated 19 February, 2021 whereby the NGT had constituted three committees to deal with different issues related to fire at Bhagjan oil well in Assam. In the instant case, the Supreme Court has reconstituted one such committee, which was required to assess the damage and determine compensation for the restoration of Dibru Saikhowa National

Park and Maguri-Motapung Wetland.

In the last hearing before the Supreme Court on 23 August, 2021, appellants had put forth certain suggestions for members of the expert committee to assess the damage caused and determine the remedial compensation for such damage.

**Supreme Court disposes of petition challenging forest clearance and wildlife clearance and directs petitioner to approach the NGT**

**Citizens for Green Doon v. Union of India & Ors.; Order dated 07 September, 2021<sup>2</sup>**

The Supreme Court has disposed of the petition filed under Article 32 of the Constitution of India (“Constitution”) challenging the Stage I forest clearance and wildlife clearance granted for the construction of stretches of road which form a part of NH-72A in Uttarakhand and Uttar Pradesh. The Court directed the petitioner to approach the NGT for the disposal of these issues.

In relation to the contention that the issue of wildlife clearance does not fall within the NGT’s jurisdiction, Court observed that the primary challenge in this case is against the Stage I forest clearance, which is amenable to the NGT’s jurisdiction. If this challenge succeeds, the wildlife clearance will have practically no significance. However, in case that challenge fails, Court also granted liberty to the petitioner to approach the appropriate authority in accordance with law.

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



In this case, the petitioner had invoked the jurisdiction of the Supreme Court under Article 32 of the Constitution, as the issue of wildlife clearance does not fall within the jurisdiction of the NGT.

**Supreme Court sets aside the NGT order directing closure of an industry until valid environmental clearance and other statutory clearances are obtained**

**Suchem Organics Pvt. Ltd. v. Central Ground Water Authority & Ors.; Order dated 13 September, 2021<sup>3</sup>**

The Supreme Court has set aside the NGT order dated 03 June, 2021 and other consequential orders passed in Original Application No. 298 of 2020 and directed the NGT to consider the matter afresh after issuing notice and giving the appellant an opportunity of being heard.

In the said order, NGT had directed the closure of appellants' industry as it had not obtained the valid environmental clearance and other statutory clearances for its operations. Besides, State Pollution Control Board ("SPCB") was also directed to assess and recover compensation for illegal operation of the industry as per the 'polluter pays' principle. However, the NGT took this decision without issuing notice to the appellant and without providing it an opportunity of being heard.

In the instant case, appellant filed this appeal before the Supreme Court as NGT had issued these directions in the said order without hearing the appellant.

## High Court Judgments/Orders

**Andhra Pradesh High Court sets aside and directs re-examination of the NOC granted to set up a petrol pump outlet adjacent to a water body**

**M. Himachalam Babu & Ors. v. Union of India & Ors.; Judgment dated 01 September, 2021<sup>5</sup>**

The Andhra Pradesh High Court has set aside the no-objection certificate ("NOC") issued to

**Supreme Court sets aside the NGT order quashing the EC granted for mining operations**

**Dhruva Enterprises v. C. Srinivasulu & Ors.; Judgment dated 15 September, 2021<sup>4</sup>**

The Supreme Court has set aside the order passed by the NGT on 17 January, 2020 directing the Ministry of Environment, Forest and Climate Change ("MoEFCC") to follow the process prescribed in the Environment Impact Assessment Notification, 2006 ("EIA Notification") and conduct the public hearing for the proposed mining operations by the appellant. In the said order, the NGT had set aside the environmental clearance ("EC") granted to the appellant on two grounds: the appellant had deliberately reduced the mining lease area only to circumvent the requirement for public hearing and that the proposed mining area is in close proximity to Singotham Lake which does not satisfy the minimum distance required from the water body.

The Supreme Court observed that the documents submitted by the appellant indicate that the statutory approvals were sought for mining lease area of 29 hectares. However, authorities had reduced the mining lease area to 24 hectares and the appellant had no role to play in this regard. Besides, the authorities also considered the issue of proximity of the mining lease area from Singotham Lake before granting relevant approvals and they found the mandatory minimum distance of 0.25 km as being complied with by the appellant. The Court observed that approvals were granted to the appellant after considering all these aspects. Accordingly, NGT's order dated 17 January, 2020 was set aside.

## In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



to observe that the State has an obligation to preserve resources like water bodies and lakes for public benefit.

In the instant case, petitioners contended among other issues that the proposed project site is located adjacent to a water body in the village, which is used for drinking purposes by the local population. Any kind of spillage will contaminate the drinking water source for the area.

## Karnataka High Court dismisses the PIL filed against Cauvery Calling project of Isha Foundation

**A.V. Amarnathan v. State of Karnataka & Ors.; Judgment dated 07 September, 2021<sup>6</sup>**

The Karnataka High Court has dismissed the Public Interest Litigation (“PIL”) filed against Cauvery Calling project of Isha Foundation. The Court has observed that this is a voluntary project aimed to bring river Cauvery back to its glory and to save the eco system of the river including the flora, fauna and the soil and ultimately the farmers, who depend upon the river water for their livelihood.

The Court also noted that this project does not involve plantation of trees on the Government or public land nor does it receive any Government donation. Rather it aims to educate, encourage and incentive farmers to voluntarily plant trees on their own privately owned farmland. The Court also observed that even though this project does not involve the afforestation on Government or public land, still there is no statutory provision restraining any person from planting trees on a Government or public land. The donations received from the public are also fully accounted for by the foundation. Based on these aspects, Court held that this project serves the public interest, as the loss caused to the environment can only be made good by planting new trees.

In the instant case, petitioners challenged this project on the ground that Isha Foundation is a private project, which is planting trees on Government and public land without obtaining

prior approval of the State Government and is seeking to collect INR 42 per tree from public at large.

## Gujarat High Court quashes the closure order issued by GPCB under Section 33-A of the Water Act

**Sai Baba Stone Crusher v. Gujarat Pollution Control Board; Order dated 14 September, 2021<sup>7</sup>**

The Gujarat High Court has set aside the closure order issued by the Gujarat Pollution Control Board (“GPCB”) against a stone crushing unit under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 (“Water Act”) as unsustainable. The High Court observed that GPCB relied on three grounds for the closure order: applicant was undertaking mining operations without a valid EC; applicant had not obtained Consolidated Consent and Authorisation (“CCA”) from GPCB for its operations; and the applicant failed to offer its reply to the GPCB inspection report.

In this respect, Court observed that it is open for GPCB to ensure that no mining activity takes place without a valid EC. Besides, for the CCA, Court observed that its expiry date is 16 September, 2021 and the applicant had filed the application for its renewal, which is pending before the GPCB. GPCB was accordingly directed to take an appropriate decision on this application at the earliest in accordance with law. Further, the Court did not find the third ground to be of much significance. As such, the closure order was quashed and set aside.

## Kerala High Court upholds the environmental clearance issued by DEIAA for the functioning of a quarry in Kerala

**T.P. Bdul Basheer v. The Cherupuzha Grama Panchayat & Ors.; Judgment dated 16 September, 2021<sup>8</sup>**

The Kerala High Court has upheld the validity of an EC issued by the District Environment Impact Assessment Authority (“DEIAA”) for the

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



operation of a quarry in Kerala. The Court noted that the objections raised by the respondents against this project are the adverse environmental impact and the pollution caused by it. The project has been granted EC and Consent to Establish for conducting quarrying operations. As such, when statutory authorities having expertise in the field of environmental protection and pollution have granted permission based on requisite studies, the respondents cannot, without any reliable materials, stop functioning of the units based on public complaints alone. The Court also dismissed the stand taken by the respondents that they have referred the matter to authorities/departments (who have already granted clearances to the project) and until their opinion is obtained afresh, the licences cannot be renewed.

In the instant case, the High Court was considering the issue of rejection of application filed by the petitioner for the renewal of the trade license for his quarry and crusher unit. It was contended by the respondents that DEIAA is incompetent to issue the EC and such EC is directly against Supreme Court's judgment in *Deepak Kumar & Ors. v. State of Haryana & Ors.*<sup>9</sup> and other binding orders of the NGT.

**Kerala High Court holds that the cement ready mix plant for facilitating Groynes construction at sea shore in Kerala has been set up in compliance with environmental laws**

**K. Harikumar & Ors. v. Ambalappuzha South Grama Panchayath & Ors.; Judgment dated 23 September, 2021<sup>10</sup>**

The Kerala High Court has observed that the setting up of a cement ready mix plant for facilitating Groynes construction at a sea shore in Kerala is in compliance with environmental laws. The High Court observed that this project was necessary for the construction and laying of Groynes in seashores of certain panchayats of Kerala as they are facing serious coastal erosion. The Court observed that the Consent to Operate was duly granted by the SPCB and this project does not require EC under the EIA Notification, 2006.

In the instant case, petitioners challenged the construction of a cement ready mix plant as it was a highly polluting industry, which had obtained Consent to Operate by suppressing material facts from authorities. It was also contended that the EC necessary for its functioning had also not been obtained.

## National Green Tribunal Judgments / Orders

**NGT directs four sugar mills in Uttar Pradesh to pay environmental compensation of INR 50 million each for damaging the environment**

**Adil Ansari v. M/s Dhampur Sugar Mills Ltd., Asmoli (Sugar Unit) & Ors., Judgment dated 01 September, 2021<sup>11</sup>**

The NGT has directed four sugar mills in Uttar Pradesh, i.e. M/s. Dhampur Sugar Mill, Bijnor; M/s Dhampur Sugar Mills Ltd. (Distillery Unit), Bijnor; M/s. Dhampur Sugar Mills Ltd., Sambhal; M/s DSM Sugar, Bareilly, to pay an environmental compensation of INR 50 million each for a blatant violation of various

environmental laws and thus damaging the environment. Such amount shall be used for environment restoration in the area. NGT has also constituted a committee to examine the damage done and suggest steps to be taken for restoration.

In this case, NGT observed that inspection of these mills by the Uttar Pradesh Pollution Control Board ("UPPCB") manifested that they were continuously polluting and damaging the environment. However, the compensation amount determined by the Central Pollution Control Board ("CPCB") and UPPCB was found inadequate and insufficient as they had ignored the continuous violation of

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



environmental norms by these units, which resulted in the enrichment of these units at the cost of environment. NGT observed that these units have not followed the principle of sustainable development but only the principle of their own sustenance and unjust enrichment at the cost of damage to the environment.

In this case, applicant had contended that non-adherence of environmental norms by these units has resulted in contamination of water, with toxic effluents being directly discharged into the drain which ultimately flows into the river.

## NGT directs State Governments to prepare State Action Plans under National Clean Air Programme

**Kankana Das, Kolkata v. Union of India & Ors.; Order dated 03 September, 2021<sup>12</sup>**

The NGT has directed State Governments to seriously focus on the issue of air pollution. It observed that the National Clean Air Programme (“NCAP”) is not intended only for non-attainment cities, rather it is for the purpose of making all cities pollution free. The NGT observed that Governments need to come up with a proper action plan to address various sources of air pollution and to take policy decisions at the State level to minimize the air pollution. A consolidated action plan is required to address this issue as the subject matter will span across different departments of the State Government.

In the instant case, NGT was considering the issue of delay in the preparation of State Action Plans by different State Governments under NCAP to address the issue of air pollution.

## NGT directs PWD, Uttarakhand to pay compensation for violation of the conditions of forest clearance

**Ajay Bisht v. State of Uttarakhand & Anr.;**

**Order dated 03 September, 2021<sup>13</sup>**

The NGT has directed the Public Works Department, Uttarakhand (“PWD”) to take remedial actions and also to pay compensation amounting to INR 0.2 million for violation of the conditions of the forest clearance issued to it under the Forest (Conservation) Act, 1980 for the construction of a road in Almora, Uttarakhand. The violated conditions relate to the disposal of muck and removal of trees from the forest. Besides, NGT has also directed the Forest Department to spend this amount for restoration of environment in the area.

In this case, applicant contended that PWD has violated the conditions issued to it under the provisions of the Forest (Conservation) Act, 1980 for the construction of a road.

## NGT directs State of Tamil Nadu and Greater Chennai Municipal Corporation to revisit the project for construction of storm water drainage system along the East Coast Road

**Sajith, Chennai & Ors. v. The State of Tamil Nadu & Ors.; Order dated 06 September, 2021<sup>14</sup>**

The NGT has directed the State of Tamil Nadu and Greater Chennai Municipal Corporation to revisit the project for construction of storm water drainage system along the East Coast Road. The proposed project intends to build storm water drains in the watershed of Kovalam Basin in Panaiyur, Chennai. NGT observed that the principle of sustainable development requires that all development activities must be undertaken in consonance with the environmental concerns.

NGT had constituted a joint committee to assess the impact of this project on the water aquifer recharge area at East Coast Road and the coastline. NGT agreed with the findings of the committee that the project needs to be revisited and it should proceed only after requisite Coastal Regulation Zone (“CRZ”) clearance is obtained. NGT observed that the project site falls within CRZ-II and

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



CRZ-III areas and its outfall is also in CRZ-IA which is an ecologically sensitive area having been notified as Ridley Turtle nesting site. Accordingly, NGT observed that in case the authorities decide to proceed with this project with suitable changes, it will require prior CRZ clearance.

In the instant case, applicants had challenged the viability of the project of storm water drains to be constructed within M3 watershed of Kovalam Basin in Panaiyur, Chennai. It was contended that this project will be a hazard to the environment and that it is being executed in violation of environmental norms.

**NGT directs Chief Secretary, Uttar Pradesh to take serious action for preventing pollution in Gorakhpur region**

**Meera Shukla v. Municipal Corporation, Gorakhpur & Ors.; Order dated 07 September, 2021<sup>15</sup>**

The NGT has directed the Chief Secretary, Uttar Pradesh to take meaningful and stringent actions for ensuring compliance of law and holding officials and persons who are involved in committing and perpetrating violations of environmental law accountable. NGT expressed disappointment with the attitude of the officials and found that no meaningful progress has been made to: prevent pollution in the area; set up drainage system, sewage treatment plants and effluent treatment plants to treat the waste before being discharged; removal of encroachments around the rivers; and account for economic losses due to pollution of rivers and lakes.

NGT had earlier directed the officials to file a progress report on these aspects but the report contained no specific timelines and action taken against the violators, polluters and colluding and incompetent officers who are defeating the purpose of law. It merely mentioned the directions issued to different departments to take action for preventing pollution but without any specific time bound targets.

In the instant case, NGT was considering

the issue of contamination of water bodies and ground water, especially Ramgarh Lake, Ami, Rapti and Rohani Rivers in and around District Gorakhpur, Uttar Pradesh. In the course of proceedings, NGT also included certain associated issues including industrial pollution, encroachments, enforcement of solid waste and bio-medical waste rules into the matter.

**NGT directs Chief Secretary, Delhi to constitute zone-wise Special Task Force to check illegal industrial activities and godowns operating in violation of safety norms**

**In Re: News item published in The Indian Express dated 12.07.2021 titled "Six killed in factory fire: Owner held, raids on to nab second accused"; Order dated 07 September, 2021<sup>16</sup>**

The NGT has taken *suo moto* cognizance of a fire incident in a shoe and garment manufacturing factory in Udyog Nagar, Delhi which resulted in the death of 6 workers. The NGT constituted a committee to assess the cause of incident and identify the responsible persons. In its report, the committee identified deceased persons and recommended compensation for them.

In this respect, NGT observed that the primary liability to pay compensation will be of the owners/occupiers of the premises where the incident happened. However, if the amount is not recovered from the said persons within three months, State authorities will be liable to pay the compensation. Besides, NGT also directed the Chief Secretary, Delhi to consider constituting zone-wise Special Task Force to check illegal industrial activities and godowns in residential/non-conforming areas and also to check necessary safety measures in other areas where there is a potential for fire incidents.

**NGT directs a Common Hazardous Waste Treatment Facility to pay environmental compensation for violating the conditions of the authorisation**

## In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



## **Green Gene Enviro Protection & Infrastructure Private Limited v. Pollution Control Committee, Dadar and Nagar Haveli, Silvassa; Order dated 09 September, 2021<sup>17</sup>**

The NGT has directed the appellant who is operating a Common Hazardous Waste Treatment Storage and Disposal Facility ("TSDF") in the Union Territory of Daman & Diu and Dadra Nagar Haveli to pay environmental compensation for violation of the conditions prescribed in the authorisation issued to it by the Pollution Control Committee ("PCC").

In this case, appellant's TSDF was issued authorisation under the Hazardous & Other Waste (Management and Transboundary Movement) Rules, 2016, which *inter alia* contained a condition that hazardous waste, shall not be brought in from other States. PCC issued directions to the appellant requiring it to pay the environmental compensation for violation of this condition and for causing the environmental pollution.

NGT rejected the appeal against this direction stating that appellant had not denied the violation of the condition prescribed by PCC when it was issued a direction by the PCC. As the violation has not been challenged by the appellant, there is no further requirement to prove the environmental damage caused for payment of environmental compensation.

NGT constitutes a joint committee to examine the technological options and pollution control measures to control the pollution by hot mix plants in Noida

## **Sanjay Kumar v. State of UP & Ors.; Order dated 09 September, 2021<sup>18</sup>**

The NGT has directed that hot mix plants - operating or new - in Noida should not be allowed to operate beyond the carrying capacity of the area considering the air pollution caused by such plants. It has directed the statutory regulators to ensure that no such plants should be allowed to operate beyond the carrying capacity of the area.

While emphasising that the carrying capacity of an area is a facet of sustainable development, NGT observed that shutting down all hot mix plants may not be prudent, rather better technological options and advanced air pollution abatement measures need to be explored which enable sustainability of such activities. For this purpose, NGT has constituted a seven-member joint committee to look into the issue and give science-based expert report.

In this case, applicants contended that the operation of hot mix plants beyond the carrying capacity in Noida will adversely affect the environment and public health. NGT noted that a joint committee report dated 22 June, 2021 had stated that such plants are operating beyond the carrying capacity in the area. However, NGT disagreed with committee's recommendation that since hot mix plants are necessary for supplying raw material for repair and maintenance of roads, the existing hot mix plants may be allowed to continue but no new hot mix plants may be allowed to be established.

## **NGT directs the APPCB to take measures to control odour from a drug company in Andhra Pradesh**

## **Secretary, St. Mark Educational Institution Society Group of Institution v. State of Andhra Pradesh; Order dated 09 September, 2021<sup>19</sup>**

The NGT has directed the Andhra Pradesh Pollution Control Board ("APPCB") to take measures as per the due process of law to ensure that steps are taken by the industry to prevent release of odour due to its operations. NGT also noted that all necessary steps to reduce odour nuisance due to the solvent losses have not yet been taken by the industry, in spite of the directions of APPCB. Besides, the industry had also not taken the measures for achieving more than 95% recovery of the solvents in the distillation / recovery process to control odour nuisance in the premises.

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



In this case, NGT was considering the issue of violation of environmental norms by M/s Siflon Drugs in Anantapur District, Andhra Pradesh. It was contended that the continued violation of environmental norms by the industry particularly with regard to control of odour is adversely affecting the public health and environment. This violation was found to be true based on the inspection done by the APPCB.

## NGT dismisses an application against the order of GCZMA as being barred by limitation

**Kashinath Jairam Shetye & Ors. v. State of Goa & Ors.; Order dated 14 September, 2021<sup>20</sup>**

The NGT has dismissed an original application filed against an order of Goa Coastal Zone Management Authority ("GCZMA") on the ground that it was barred by limitation. NGT also observed that the applicant had challenged the order of GCZMA through an appeal. However, the NGT held that this original application ought to have been filed only as an appeal against GCZMA's order. As such, the limitation for this application will be considered in terms of an appeal. It observed that this appeal is barred by limitation as it has been filed after the expiry of a period of 90 days from the date the impugned order was communicated to the applicant.

In the instant case, applicant challenged the order of GCZMA whereby it directed demolition of applicant's super structure and restoring the land to its original condition.

## NGT directs Chief Secretary, West Bengal to personally look into the matter for laying down of CNG lines in Kolkata

**Subhas Datta v. Union of India & Ors.; Order dated 16 September, 2021<sup>21</sup>**

The NGT has directed the Chief Secretary, State of West Bengal to personally look into the issue and ensure that all impediments for laying down of CNG pipeline in Kolkata, Howrah and other adjoining areas are rectified.

The NGT noted that this matter has been pending since 2015 whereas the proposal for laying of the CNG pipeline was initiated in the year 2011 and more than 10 years have passed with little progress. Hence, Chief Secretary should look into this issue.

## NGT directs State of Maharashtra to deposit INR 10 million as interim compensation for restoration of water quality of the river Trimbakeshwar

**Dr. Kiran Ramdas Kamble & Anr. v. State of Maharashtra; Order dated 16 September, 2021<sup>22</sup>**

NGT has directed the State of Maharashtra to deposit INR 10 million with the District Collector as an interim compensation for restoration of water quality of the river Trimbakeshwar in District Nasik. NGT noted that this matter has been pending for a very long time, however, despite its consistent directions, authorities have failed to file compliance reports providing the remedial actions taken to rectify the violations resulting in pollution in Trimbakeshwar and Godavari rivers. NGT directed the Chief Secretary to personally look into this matter and take remedial actions against erring officials. NGT also observed that lack of funds and COVID-19 cannot be accepted as justifications for delay in addressing the issue of pollution of rivers.

In the instant case, the NGT was considering the issue of failure of the Trimbakeshwar Municipal Council and other concerned authorities of the State of Maharashtra in preventing discharge of Municipal waste into Trimbakeshwar River, which ultimately joins Godavari river. The NGT noted that authorities have failed to comply with their statutory obligations under the relevant laws and in taking actions against the violators, in violation of various precedents of the Supreme Court and NGT.

## NGT sets aside the exemption granted to Ennore Thermal Power Plant from conducting public hearing for taking the environmental clearance

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**





## **R.L. Srinivasan v. Union of India & Ors.; Judgment dated 17 September, 2021<sup>23</sup>**

NGT has set aside the exemption granted to Ennore Thermal Power Project (Expansion) in Thiruvallur, Tamil Nadu from conducting public hearing in the process of taking EC under the EIA Notification, 2006. NGT has also suspended the EC already granted for this project for a period of six months until the public hearing is conducted for the project.

In this case, MoEFCC had granted the EC in 2009 for a period of 5 years which was extended till 2019. When the proponent again applied for an extension, it was directed to take the EC afresh. While applying afresh for the EC, proponent sought certain exemptions including fresh collection of data for baseline study and public hearing as these processes were completed for another project of the proponent at the same location in 2017. While this request was initially denied, MoEFCC subsequently exempted the proponent from public hearing stating that large amount of money has already been spent and conducting public hearing will substantially delay the project. Thereafter, the EC was issued as per the EIA Notification.

The appellants contended that the process to grant the EC has been vitiated as public hearing was wrongly exempted. NGT discussed various precedents on the significance of the public hearing exercise in EC process and observed that the exemption cannot be allowed in this case. However, observing this as a curable procedural irregularity and not an inherent illegality violating the entire process, NGT refused to set aside the EC *in toto*. Accordingly, MoEFCC has been directed to conduct the public hearing; collect the view of the public; require the proponent to conduct further study (if required) and file an additional EIA report which then shall be considered for imposing additional conditions, if any, in the EC based on precautionary principle.

NGT also upheld the use of a baseline study used for another project of the proponent at the same location for a cumulative impact assessment for the instant EIA report.

## **NGT imposes an interim compensation of INR 20 million**

**on West Bengal Government for restoration of Mahananda, Jorapani, Phuleswari rivers in Darjeeling**

## **Joydeep Mukharjee v. Union of India & Ors.; Order dated 20 September, 2021<sup>24</sup>**

NGT has directed the West Bengal Government to pay an interim compensation of INR 20 million to District Collector, Darjeeling for the restoration of water quality of Mahananda, Jorapani, Phuleswari rivers in Darjeeling. Chief Secretary, West Bengal has been directed to personally look into this matter and take remedial action against erring officers for continuously committing and enabling the violation of law and binding orders of the Hon'ble Supreme Court and the NGT.

NGT observed that Mahananda river is in the list of 351 polluted river stretches of India. In compliance with the previous directions of the NGT, the River Rejuvenation Committee constituted under the orders of NGT has prepared river rejuvenation plan. However, the progress of this plan has not been indicated. NGT observed that municipal authority and other statutory authorities have failed to comply with their statutory obligations, despite multiple directions issued by the Supreme Court and the NGT in this regard.

In the instant case, NGT was considering the issue of pollution of Mahananda, Jorapani, Phuleswari Rivers in Siliguri area in District Darjeeling, West Bengal.

**NGT directs that extraction of groundwater without NOC from authority is a criminal offence requiring prompt legal action against the erring persons**

## **Sinala Vikas Samiti v. Union of India & Ors.; Order dated 20 September, 2021<sup>25</sup>**

The NGT has directed that extraction of groundwater without NOC from the relevant authority is a criminal offence under the Environment (Protection) Act, 1986. If the applicant has filed the renewal application on time but the authority fails to grant the NOC, NOC cannot be deemed to be extended until the date of the renewal. The NGT has also directed the SPCB to take prompt legal action

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



against persons extracting groundwater without NOC and to recover environmental compensation from such persons.

In the instant case, applicant had contended that the location of the integrated cement project-clinker (148 MTPA) cement (2.28 MTPA) and captive power plant (25 MW) of M/s. Nirma Limited at villages Nimbol and Sinala in District Pali (Rajasthan) was within 500 metres from the habitation areas, which was lesser than the legal requirement of the distance of at least 1.5 kms of such industries from the habitation area. Besides, the issue of the extraction of groundwater by the industry without relevant NOC was also raised by the applicant.

NGT has directed that the person/authorities/ industries extracting ground water without NOC from the relevant authority must be immediately closed and reasonable compensation according to the prescribed parameter must be assessed and realised.

## NGT issues directions to SPCB to address air pollution caused by loading and unloading of clinkers at railway yards

### **Krishna Murari & Ors. v. State of Rajasthan & Ors.; Order dated 21 September, 2021<sup>26</sup>**

The NGT has directed the SPCB to regularly monitor the air quality index of Bharatpur, Rajasthan. During the period when air quality is beyond the prescribed standards, loading and unloading of clinkers should be restricted. Whereas, during the period when the air quality is within the prescribed standards, the loading and unloading should not be restricted. Besides, the NGT also directed that a scientific study be conducted to assess other sources of air pollution in the area and contribution of loading and unloading of clinkers in such pollution. If pollution is majorly caused by other reasons, appropriate action should be taken to address them as well.

While determining this issue, NGT held that commercial activities that are within the concept of sustainable development cannot be restricted and a balance should be made between sustainable development and

maintenance of environmental laws. While public health and maintenance of air quality is the constitutional mandate, sustainable development is also required for economic development of the nation.

In the instant case, NGT was considering the issue of poor quality of air in Bharatpur, Rajasthan due to loading and unloading of clinker (raw material of cement) at old Railway stack Yard, Bharatpur, Rajasthan without the requisite sanction/permission.

## NGT directs the joint committee to inspect the unit when it is operational and re-submit the report

### **Chandra Shekhar v. State of Uttar Pradesh; Order dated 21 September, 2021<sup>27</sup>**

The NGT had constituted a joint committee to inspect the unit and submit a factual and action taken report. However, SPCB report mentioned that the unit was shut due to off-season and groundwater samples collected in the area were not found contaminated. While expressing disapproval with the stand taken by the SPCB, the NGT directed it to conduct inspection when the unit is operational and submit another report indicating the status of compliance.

In the instant case, the applicant has raised grievance against discharge of untreated effluent by Triveni Sugar Mill in District Muzaffarnagar, Uttar Pradesh, which has caused contamination of groundwater in the area.

## NGT directs Rajasthan Government to pay INR 5 million as interim compensation for restoration of water quality in Bikaner, Rajasthan

### **Bhanwar Lal Bhargava v. State of Rajasthan; Order dated 21 September, 2021<sup>28</sup>**

The NGT has directed the State of Rajasthan to deposit INR 5 million as interim compensation with the District Collector, Bikaner that may be utilized for restoration of water quality of the area. The NGT had earlier directed the SPCB to submit a report concerning the issue of discharge of untreated sewage ad

## In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



industrial effluents on the agricultural lands. However, the NGT observed that adequate steps have not been taken by SPCB to ensure rectification of these violations, prosecution of erring persons and assessment and recovery of environmental compensation for such violations. While the NGT allowed the SPCB to proceed with the proposal to initiate prosecution against the concerned officers and recovery of environmental compensation, it also directed the Chief Secretary, Rajasthan to personally look into this matter and take remedial action against erring officers for continuously committing and enabling the violation of law.

In the instant case, NGT was considering the issue of discharge of untreated sewage and industrial effluents on the agriculture lands at village Nokha, District Bikaner, Rajasthan.

**NGT issues various directions in relation to mining activities in and around Chittorgarh, Rajasthan**

**Pratap Bhanu Singh Shekhawat v. Department of Mines and Geology and Ors.; Order dated 24 September, 2021<sup>29</sup>**

The NGT has directed Rajasthan Government authorities to ensure that no mining activity shall take place within the municipal limits of Chittorgarh city. In relation to the mining activities near the Bassi Wildlife Sanctuary, NGT noted that its earlier directions had prohibited mining activities within 10 km from the wildlife sanctuary. However, MoEFCC has notified the Eco-Sensitive Zone ("ESZ") around the wildlife sanctuary in the range of 0-3 km on 08 April, 2021. In this regard, NGT observed that its earlier order prohibiting mining activities within 10 km of the boundary of the wildlife sanctuary will continue until the expert study on the impact of mining activities beyond the ESZ boundary as per the MoEFCC notification upto 10 km is done. NGT directed that the MoEFCC may revisit the boundary determined in the ESZ notification as per the committee's recommendations.

Besides, emphasising on the precautionary principle and public trust doctrine, the NGT

constituted a joint committee to formulate guidelines for sustainable limestone mining. Further, the NGT also observed that cases of illegal mining were recorded in the region in the past, however, no such incidents have been recorded now. Accordingly, NGT also constituted a joint committee to take remedial action for addressing ecological damage caused by cases of illegal mining in the past.

In the instant case, NGT was considering the issue of illegal open cast mining of limestone in and around Chittorgarh, particularly Chittorgarh Fort and close to Bassi Wildlife Sanctuary, rivers, water bodies and their catchment areas. It was also alleged that such mining activities are continuing without requisite statutory consents under relevant environmental laws.

**NGT finds no threat to surrounding forest areas due to construction of a small hydropower project in Odisha**

**Kiran Kumar Mishra & Ors. v. State of Odisha & Ors.; Judgment dated 24 September, 2021<sup>30</sup>**

The NGT has upheld the construction of Dumajodi Small Hydro Electric Project on river Kolab in Odisha as it found no threat to the surrounding areas of forest due to this project. The project was granted forest clearance by the MoEFCC. The NGT had earlier constituted a joint committee to assess any damage/violation done by the project proponent in diversion of the forest land for this project. The initial report observed certain non-compliances at the project site. Based on these aspects, MoEFCC directed the proponent to pay Penal Net Present Value and cost towards Additional Compensatory Afforestation. In the instant hearing, the NGT observed that such payments had been timely made by the proponent.

In the subsequent inspection reports prepared by the committee, it was noted that proponent had purchased private land for compensatory afforestation and transferred the same to the forest department which has now been declared as the Protected Forest.

## In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



The reports also found that proponent had made no encroachment on the adjoining forest land beyond the forest land approved for diversion by MoEFCC, and it was also complying with other conditions prescribed in the forest clearance.

In the instant case, applicant challenged this project on the ground that it would adversely affect the ecology and natural environment around the Kolab River.

## Regulatory / Policy developments

### **Maharashtra forms Council for Climate Change to prepare action plan to address climate change; 2 September, 2021<sup>31</sup>**

Maharashtra Government has announced the formation of the State Council for Climate Change to prepare an action plan within a month to deal with the challenges of climate crisis. As per news reports, the Council will focus on sectors that need urgent action such as energy, agriculture, industries, transport and urban development. According to the presentation before the State Cabinet, the Government aims to decarbonize the power sector, move towards electric, non-motorised transport system, ensure 33% mandatory green cover for industries, bring reforms in the agriculture sector, constructing sustainable and eco-friendly buildings, and achieving zero waste in urban areas.

### **MoEFCC amends the notification declaring ESZ around Matheran and its surrounding areas in Maharashtra; 2 September, 2021<sup>32</sup>**

MoEFCC has amended the notification dated 4 February, 2003 declaring the ESZ around Matheran and surrounding areas in Maharashtra. In the instant notification, MoEFCC has provided that the Zonal Master Plan as prepared by the State Government for the ESZ shall be approved by the competent authorities in the State Government. Earlier, MoEFCC's approval was required for the Zonal Master Plan.

Besides, MoEFCC has also inserted a provision regarding the tenure of the Monitoring Committee and the nomination of the non-official members on the committee by the State Government.

### **11<sup>th</sup> India-UK Economic and Financial Dialogue; 2 September, 2021<sup>33</sup>**

The 11<sup>th</sup> India-UK Economic and Financial Dialogue was held between Finance Minister

Nirmala Sitharaman and UK Chancellor Rishi Sunak. It concluded with an announcement of USD 1.2 billion package for public and private investment in green projects and renewable energy to boost India's green growth ambitions. This includes an investment of USD 1 billion by the UK's development finance institution in green projects in India, joint investments by both Governments to support companies working on innovative green tech solutions, and a new USD 200 million private and multilateral investment into the joint Green Growth Equity Fund which will invest in Indian renewable energy sector.

### **Assam notifies the Electric Vehicle Policy, 2021; 04 September, 2021**

The Assam Government has notified the Electric Vehicle Policy of Assam, 2021 for a period of five years. This policy notifies various benefits and incentives to support the demand and supply side of the electric vehicles sector in Assam. It also intends to ensure wide spread installation of electric vehicles charging infrastructure in the State. As per the policy, Government aims for electric vehicles to constitute 25% of all vehicle registrations in Assam by the year 2026. The policy also targets to convert 100% of the public transport bus fleet and government vehicles into electric vehicles by the year 2030.

### **MoEFCC issues guidelines regarding the reconstruction of existing transmission power lines in forest areas; 6 September, 2021<sup>34</sup>**

MoEFCC has issued an official communication providing that works related to repair and maintenance of transmission lines can be carried out in the forest areas, with prior permission of the State Forest Department. However, this will be subject to certain conditions including: the transmission lines

## In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



were constructed on forest land prior to 25 October, 1980 (date of enactment of Forest (Conservation) Act, 1980); these lines fall outside the Protected Areas; no breaking up of forest land or felling of tree shall be allowed; and while carrying out repair and maintenance of transmission lines, adequate precautions should be undertaken by the user agency to avoid any damage to flora and fauna.

The Divisional Forest Officer may also impose other conditions in the interest of forest conservation and protection.

### **MoEFCC constitutes the SEIAA and SEAC for Delhi; 6 September, 2021<sup>35</sup>**

MoEFCC has constituted the State Environment Impact Assessment Authority ("SEIAA") and State Expert Appraisal Committee ("SEAC") for the National Capital Territory of Delhi, whose members and Chairpersons shall hold office for a term of three years from the date of publication of this notification.

### **First India-Japan High-level Policy Dialogue on Environment; 7 September, 2021<sup>36</sup>**

The First India-Japan High Level Policy Dialogue on Environment was held virtually between Mr. Bhupender Yadav, Union Minister of Environment, Forest and Climate Change of India and Mr. Koizumi Shinjiro, Minister of the Environment of Japan. The meeting witnessed discussions on various issues including air pollution, sustainable technologies and transports, climate change, marine litter, fluorocarbons, COP 26.

India acknowledged the importance of Indo-Japan bilateral cooperation on environment and appreciated efforts made by Japan in bringing new technologies in India. Both sides also determined to strengthen the bilateral cooperation especially on circular economy and resource efficiency, low carbon technology, green hydrogen, etc.

### **Union Environment Minister unveils smog tower at Delhi's Anand Vihar; 7 September, 2021<sup>37</sup>**

The Union Environment Minister Mr. Bhupender Yadav inaugurated an experimental smog

tower at Anand Vihar, Delhi on the occasion of International Day of Clean Air for Blue Skies.

The event also witnessed launch of a portal named PRANA – Portal for Regulation of Air-pollution in Non-Attainment cities under the National Clean Air Programme ("NCAP") which is being implemented by the MoEFCC and CPCB with targets to achieve 20 to 30% reduction in PM10 and PM2.5 concentrations by 2024 across the country.

### **Government constitutes a task force and an expert committee to focus on coal-based hydrogen production; 8 September, 2021<sup>38</sup>**

The Union Government has constituted a task force and an expert committee to prepare a road map for coal-based hydrogen production. These groups have been formed to contribute to the Prime Minister's agenda of making India a clean hydrogen-based economy. The task force has been constituted under the chairmanship of Coal Secretary with broad terms of reference including monitoring of activities towards achieving coal-based hydrogen production and usage.

Besides, the broad terms of reference of the expert committee include identifying experts in India and co-opting as members, desk-based review of progress in hydrogen technology and also reviewing ongoing research projects in hydrogen technology.

### **Ministerial meeting of the U.S.-India Strategic Clean Energy Partnership (SCEP); 9 September, 2021<sup>39</sup>**

Minister of Petroleum and Natural Gas and Minister of Housing and Urban Affairs Mr. Hardeep Singh Puri co-chaired a virtual meeting with U.S. Secretary of Energy Ms. Jennifer Granholm to launch the revamped U.S.-India Strategic Clean Energy Partnership ("SCEP").

The SCEP has been launched in accordance with the U.S. – India Climate and Clean Energy Agenda 2030 Partnership announced by Prime Minister Narendra Modi and President Joe Biden at the Leaders Summit on Climate held in April, 2021.

## In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



The SCEP organizes inter-governmental engagement across five pillars of cooperation: (1) Power and Energy Efficiency; (2); Responsible Oil and Gas; (3) Renewable Energy; (4) Sustainable Growth and (5) Emerging Fuels.

## **Jal Shakti Ministry launches Swachh Survekshan Grameen 2021; 9 September, 2021<sup>40</sup>**

The Jal Shakti Ministry has launched Swachh Survekshan Grameen, 2021 under the Swachh Bharat Mission (Grameen) Phase –II. This project will aim to support acceleration of Open Defecation Free (“ODF”) Plus interventions as well as solid and liquid waste management activities across villages in India. This survey project was earlier conducted in 2018 and 2019.

## **MoEFCC extends the validity of SEIAA and SEAC for State of Uttarakhand; 10 September, 2021<sup>41</sup>**

MoEFCC has extended the validity of SEIAA and SEAC for State of Uttarakhand. The Chairman and members of both SEIAA and SEAC shall now hold office for a term up to the 13 November, 2021 or till the re-constitution of the SEIAA and SEAC, whichever is earlier.

## **MoEFCC constitutes the Lakshadweep Coastal Zone Management Authority; 10 September, 2021<sup>42</sup>**

MoEFCC has notified the constitution of the Lakshadweep Coastal Zone Management Authority for a period of three years. The authority will be responsible to discharge functions under Coastal Regulation Zone Notification, 2019.

## **India and the US launch the Climate Action and Finance Mobilization Dialogue (CAFMD); 13 September, 2021<sup>43</sup>**

India and the United States of America have launched the Climate Action and Finance Mobilization Dialogue (“CAFMD”). The CAFMD is one of the two tracks of the India-U.S. Climate and Clean Energy Agenda 2030 partnership launched at the Leaders’ Summit on Climate

in April 2021, by Prime Minister Shri Narendra Modi and US President Mr. Joseph Biden.

The launch was preceded by a bilateral meet where both sides discussed at length a wide range of climate issues relating to COP26, Climate Ambition, Climate Finance, and Global Climate Initiatives including International Solar Alliance, Agriculture Innovation Mission for Climate. The dialogue is expected to not only strengthen India-US bilateral cooperation on climate and environment but also help to demonstrate how the world can align swift climate action with inclusive and resilient economic development, taking into account national circumstances and sustainable development priorities

## **Union Cabinet approves MoU between India and Italian Republic on cooperation in the field of Disaster Risk Reduction and Management; 15 September, 2021<sup>44</sup>**

The Union Cabinet has approved the Memorandum of Understanding (“MoU”) between the National Disaster Management Authority of the Republic of India and the Department of Civil Protection of the Presidency of the Council of Ministers of the Italian Republic on cooperation in the field of Disaster Risk Reduction and Management.

The MoU seeks to put in place a system, whereby both India and Italy will benefit from the Disaster Management mechanisms of each other and it will help in strengthening the areas of preparedness, response and capacity building in the field of Disaster Management.

## **Union Cabinet approves the PLI scheme for Automobile Industry and Drone Industry; 15 September, 2021<sup>45</sup>**

Union Cabinet has approved the Production Linked Incentive (“PLI”) Scheme for Automobile Industry and Drone Industry with a budgetary outlay of INR 260.58 billion. The PLI scheme for the auto sector is expected to incentivize high value Advanced Automotive Technology vehicles and products.

The PLI Scheme for auto sector is open to existing automotive companies as well as new

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



investors who are currently not in automobile or auto component manufacturing business. The scheme has two components - Champion OEM Incentive Scheme and Component Champion Incentive Scheme. The Champion OEM Incentive scheme is a 'sales value linked' scheme, applicable on Battery Electric Vehicles and Hydrogen Fuel Cell Vehicles of all segments. The Component Champion Incentive scheme is a 'sales value linked' scheme, applicable on Advanced Automotive Technology components of vehicles, Completely Knocked Down / Semi Knocked Down kits, Vehicle aggregates of 2-Wheelers, 3-Wheelers, passenger vehicles, commercial vehicles and tractors etc.

This PLI Scheme along with the already launched PLI scheme for Advanced Chemistry Cell and Faster Adaption of Manufacturing of Electric Vehicles ("FAME") will enable India to leapfrog from traditional fossil fuel based automobile transportation system to environmentally cleaner, sustainable, advanced and more efficient Electric Vehicles based system.

#### **MoEFCC constitutes the Tamil Nadu Coastal Zone Management Authority; 15 September, 2021<sup>46</sup>**

MoEFCC has notified the constitution of the Tamil Nadu Coastal Zone Management Authority for a period of three years. The authority will be responsible to discharge functions under Coastal Regulation Zone Notification, 2019.

#### **Tata Steel commissions India's first plant for CO2 capture from blast furnace gas; 15 September, 2021<sup>47</sup>**

Tata Steel has become the first steel company in India to commission a carbon capture plant that extracts CO2 directly from the blast furnace gas. Tata Steel will reuse the captured CO2 on site to promote circular carbon economy. This carbon capture and utilisation (CCU) facility uses amine-based technology and makes the captured carbon available for onsite reuse. The depleted CO2 gas is sent back to the gas network with increased calorific value. This project has been executed with technological support from Carbon Clean, a global leader in low-cost CO2 capture technology.

#### **PFC issues India's first-ever Euro Green Bond; 16 September, 2021<sup>48</sup>**

Power Finance Corporation Ltd ("PFC"), the leading NBFC in power sector, has successfully issued its maiden Euro 300 million 7-year Euro Bond. It is the first ever Euro denominated Green bond issuance from India, first ever Euro issuance by an Indian NBFC, and the first Euro bond issuance from India since 2017.

#### **MoEFCC releases the Action Plan for implementation of the India Cooling Action Plan for the thematic Area Space Cooling in Buildings; 16 September, 2021<sup>49</sup>**

MoEFCC has released the Action Plan for implementing recommendations of the India Cooling Action Plan ("ICAP") for the thematic Area Space Cooling in Buildings. The Action Plan has been developed after mapping of the recommendations given in the ICAP and after detailed discussions with various stakeholders including line departments and Ministries.

ICAP has been developed by the MoEFCC to address cooling requirement across sectors and lists out actions which can help reduce the cooling demand through synergies in actions for securing both environmental and socio-economic benefits. The ICAP aims to reduce both direct and indirect emissions.

#### **MoEFCC amends the Plastic Waste Management Rules, 2016; 17 September, 2021<sup>50</sup>**

MoEFCC has notified the Plastic Waste Management (Second Amendment) Rules, 2021. This notification amends Rule 4 to provide that carry bags made of recycled plastic or products made of recycled plastic can be used for storing, carrying, dispensing, or packaging ready to eat or drink food stuff subject to the notification of appropriate standards and regulation under the Food Safety and Standards Act, 2006 by the Food Safety and Standards Authority of India.

Earlier, the said rule prohibited the use of carry bags made of recycled plastic or products made of recycled plastic for storing, carrying, dispensing or packaging ready to eat or drink food stuff.

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



## **MoEFCC issues directions to all SPCB and UTPCC to ascertain the applicability of EIA Notification while issuing CTE/CTO to a project; 20 September, 2021<sup>51</sup>**

MoEFCC has directed all SPCBs and Union Territory Pollution Control Committees (“UTPCC”) to ascertain the requirement of EC under the EIA Notification for a project/activity at the time of grant or renewal of Consent to Establish (“CTE”) and to incorporate appropriate condition to obtain EC before construction or commencement of the said project/activity.

They have also been directed to ensure that proponent possesses the valid EC under the EIA Notification, if applicable, at the time of grant or renewal of Consent to Operate (“CTO”) and no such consent shall be granted unless proponent obtains the EC.

## **MoEFCC issues clarification regarding laying of underground pipelines to carry petroleum and crude oil in the forest areas; 21 September, 2021<sup>52</sup>**

MoEFCC has issued clarification regarding the inclusion of “laying of underground pipelines to carry petroleum and crude oil” in the list of activities covered under para 4.2 of the Handbook of Guidelines issued under Forest (Conservation) Act, 1980. However, this will be subject to condition that the user agency will be responsible to pay compensation for damage to ecology and for restoration of the forest to its original condition if there is any leakage or other malfunctioning in the pipeline.

In para 4.2 of the Handbook, the MoEFCC has accorded general approval for the specified activities along the roads within existing RoWs (trench size not more than two meter in depth and one meter in width) which do not fall in National Parks and Wildlife Sanctuaries and do not require felling of trees.

## **Two beaches in India receive coveted International Blue Flag Certification; 21 September, 2021<sup>53</sup>**

Kovalam in Tamil Nadu and Eden in Puducherry have received the coveted International eco-label Blue Flag Certification.

Foundation for Environment Education in Denmark, which accords this certification,

has also given re-certification to 8 nominated beaches, i.e. Shivrajpur-Gujarat, Ghoghla-Diu, Kasarkod and Padubidri-Karnataka, Kappad-Kerala, Rushikonda- Andhra Pradesh, Golden-Odisha and Radhanagar- Andaman and Nicobar, which were awarded this certification last year.

## **WHO releases new guidelines on the Global Air Quality; 22 September, 2021<sup>54</sup>**

World Health Organisation (“WHO”) has released the new Global Air Quality Guidelines that provide clear evidence of the damage air pollution inflicts on human health, at even lower concentrations than previously understood. The guidelines recommend new air quality levels to protect the health of populations, by reducing levels of key air pollutants, some of which also contribute to climate change.

WHO’s new guidelines recommend air quality levels for 6 pollutants, where evidence is clear on adverse health effects caused by exposure to these pollutants. WHO has noted that when action is taken on so-called classical pollutants – particulate matter (PM), ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>) sulphur dioxide (SO<sub>2</sub>) and carbon monoxide (CO), it also has an impact on other damaging pollutants.

## **Power Ministry releases the advisory on fly ash transportation to the end users and the fly ash utilisation; 22 September, 2021<sup>55</sup>**

The Union Power Ministry has released an advisory regarding auction of fly ash to end users by thermal power plant plants through a transparent bidding process. Such advisory has been issued with an overall objective to increase the fly ash utilisation by power plants. These plants are required to take necessary steps for strict compliance of the advisory.

## **Union Government notifies the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021; 23 September, 2021<sup>56</sup>**

The Union Government has notified the of Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 (“Policy”) with effect from 25 September, 2021. The Policy provides the eligibility criteria, powers, obligations and registration process

### In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**





for a vehicle scrapping facility. It provides that, after registration, these facilities can carry out the scrapping of different types of vehicles such as those without renewed Certificate of Registration; those have not been granted the certificate of fitness; that have been damaged due to fire, riot, natural disaster, accident or any calamity, following which the registered owner self certifies the same as scrap; vehicles which have outlived their utility or application particularly for projects in mining, highways, power, farms etc. as may be self-certified by the owner, etc.

As per the Policy, these facilities will issue Certificate of Deposit that can be utilised by the owner to avail subsequent benefits like waiver of registration fee on subsequent purchase of a new vehicle. After scrapping the vehicle, Certificate of Vehicle Scrapping will also be issued by these facilities. Besides, Policy also provides for setting up of a scrapping yard and collection centres to handle, depollute and dismantle the End-of-Life Vehicles.

Please note that pursuant to the announcement in the Budget for FY 2021-2022, Union Government had released draft notification of Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 in March, 2021.

### **Union Government notifies rules related to automated testing stations; 23 September, 2021<sup>57</sup>**

Union Government has notified the Central Motor Vehicles (Twenty first Amendment) Rules, 2021 with effect from 25 September, 2021 to provide for the recognition, regulation and control of automated testing stations. These rules provide the procedure for fitness testing of vehicles through automated equipment and the procedure for grant of Certificate of Fitness by automated testing stations. These rules *inter alia* provide for the registration procedure and eligibility requirements for setting up automated testing stations.

These rules assume significance in the overall regulatory framework for vehicle scrapping as these testing stations will determine the fitness of a vehicle, basis which the assessment for scrapping or renewal of the registration of

a vehicle will be made. If the vehicle fails in the fitness test, it will be sent for scrapping in a Registered Vehicle Scrapping Facility.

### **MoEFCC amends the environmental standards for tanneries industry; 24 September, 2021**

MoEFCC has amended the Environment (Protection) Rules, 1986 to revise environmental standards for effluent discharge from Tanneries industry.<sup>58</sup> Moreover, MoEFCC has also issued another notification to revise the environmental standards for effluents discharge from Tanneries, which shall come into effect from 01 July, 2022.<sup>59</sup>

### **NHPC's 510 MW Teesta-V Power Station, Sikkim conferred with 'Blue Planet Prize' by International Hydropower Association; 24 September, 2021<sup>60</sup>**

NHPC's 510 MW Teesta-V Power Station located in Sikkim has been conferred with the prestigious Blue Planet Prize by International Hydropower Association ("IHA"), a London based non-profit membership association operating in 120 countries.

The IHA Blue Planet Prize is awarded to hydropower projects that demonstrate excellence in sustainable development. The award has been conferred to Teesta-V Power Station based on its sustainability assessment undertaken by a team of accredited lead assessors of IHA.

### **Power Ministry revises the Renewable Energy Certificates mechanism; 29 September, 2021<sup>61</sup>**

The Union Ministry of Power has approved the revision in the existing Renewable Energy Certificate ("REC") mechanism with an intent to align this mechanism with the emerging changes in the power scenario and also to promote new renewable technologies.

The Ministry has stated that these changes will provide some flexibility to the players and address the uncertainty issues regarding RECs validity period. The Ministry had also circulated a discussion paper on redesigning the REC Mechanism for comments of stakeholders in power sector on 4 June, 2021.

Some of the salient features of changes

## In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**



proposed in revamped REC mechanism are: validity of REC would be perpetual i.e., till it is sold; floor and forbearance prices are not required to be specified; and Central Electricity Regulatory Commission will prepare the monitoring and surveillance mechanism to ensure that there is no hoarding of RECs.

## MoEFCC issues various notifications regarding ESZ under Environment (Protection) Act, 1986; September, 2021

MoEFCC has notified amendment in the notification dated 25 June, 2009 for declaration of Mount Abu and its surrounding region in

the State of Rajasthan as an ESZ.<sup>62</sup>

Besides, MoEFCC has notified the draft ESZ around Panidehing Bird Sanctuary (Sibsagar District, Assam)<sup>63</sup> and Tal Chhappar Wildlife Sanctuary (Churu District, Rajasthan)<sup>64</sup>.

Further, MoEFCC has notified the ESZ around Coringa Wildlife Sanctuary (East Godavari District, Andhra Pradesh)<sup>65</sup>, Binsar Wildlife Sanctuary (Uttarakhand)<sup>66</sup>, Sri Renuka Ji Wildlife Sanctuary (Sirmour District, Himachal Pradesh)<sup>67</sup> and Bhainsrodgarh Wildlife Sanctuary (Chittorgarh District, Rajasthan)<sup>68</sup>.

## In this edition

**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**

## Endnotes

- 1 Civil Appeal No(s). 2201/2021.
- 2 Writ Petition (Civil) No.529/2021.
- 3 CIVIL APPEAL NO. 5154 OF 2021.
- 4 Civil Appeal No. 3776 of 2020.
- 5 Writ Petition No. 23519 of 2020.
- 6 Writ Petition No. 43414/2019 (GM-RES-PIL).
- 7 R/Special Civil Application No. 9948 of 2021.
- 8 WP (C) No. 9356 of 2021.
- 9 (2012) 4 SCC 629.
- 10 WP (C) Nos. 3324 of 2021 and 7554 of 2021.
- 11 Original Application No.539/2019.
- 12 Original Application No. 159 of 2021 (SZ).
- 13 Original Application No. 51/2020.
- 14 Original Application No. 233/2020 (SZ).
- 15 Original Application No. 116/2014.
- 16 Original Application No. 171/2021.
- 17 Appeal No. 19/2021.
- 18 Original Application No. 19/2021.
- 19 Original Application No. 114/2020.
- 20 Original Application No. 75/2019 (WZ).
- 21 Original Application No. 56/2015/EZ with Original Application No. 33/2014/EZ.
- 22 Original Application No. 544/2019.
- 23 Appeal No. 06 of 2020 (SZ).
- 24 Original Application No. 10/2016/EZ.
- 25 Original Application No. 09/2021 (CZ).
- 26 Original Application No. 20/2021 (CZ).
- 27 Original Application No. 71/2021.
- 28 Original Application No. 972/2019.
- 29 Original Application No. 398/2017.
- 30 Original Application No. 04/2018/EZ.
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**SUPREME COURT  
JUDGMENTS/ORDERS**

**HIGH COURT JUDGMENTS/  
ORDERS**

**NATIONAL GREEN TRIBUNAL  
JUDGMENTS / ORDERS**

**REGULATORY / POLICY  
DEVELOPMENTS**

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