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## Supreme Court Judgements/ Orders

### Supreme Court issues notice regarding drainage of untreated effluents in river Krishna

*Islampur Municipal Council vs. Madhukar Shankar Sutar & Ors.,<sup>1</sup> Order dated 03 October, 2023*

The Supreme Court of India (“**Supreme Court**”) has directed the Chief Officer, Islampur Municipal Council to file an affidavit highlighting the compliance, if any, made with the Solid Waste Management Rules, 2016 and the officer has been asked to state the preventive measures being taken to ensure that untreated sewage water is not discharged into Krishna River. The Court also stayed the order of the National Green Tribunal (“**NGT**”) in so far as the payment of compensation is concerned. The contentions raised in the petition were regarding the discharge of untreated effluents passing through an open nala and draining into Krishna river. The Court has granted a period of one month for filing the affidavit and has fixed the date of next hearing on 20 November, 2023.

### Supreme Court upholds ban on reinforced paper cups in Tamil Nadu

*Tamil Nadu And Puducherry Paper Cup*

## High Court Judgements/ Orders

### Jharkhand High Court upholds forest authority’s right to confiscate and revoke licenses during the pendency of a criminal case

*M/s Amar Saw Mill vs. The State of Jharkhand & Ors.,<sup>3</sup> Order dated 06 October, 2023*

### Manufactures Association vs. State Of Tamil Nadu,<sup>2</sup> Order dated 20 October, 2023

Supreme Court refused to interfere with the order of the Madras High Court that had upheld the ban on reinforced paper cups introduced in the state of Tamil Nadu in 2019. The appeal was filed by an association of manufacturing units involved in the manufacture of ‘reinforced’ paper cups, and a manufacturer of non-woven plastic bags against the state’s decision to ban their products. The main argument of the petitioners was that the use of plastic in paper cups is minimal, the ratio being 6% plastic and 94% paper and that the blanket ban, on their products, is unreasonable, arbitrary, and disproportionate. The Supreme Court noted that these cups are indiscriminately used and thrown, as a single use product. By composition itself, they are non-biodegradable, and there is immense difficulty in their recycling, as it requires appropriate collection mechanisms and strict segregation. For non-woven bags, the amended Plastic Waste Management Rules, 2016 (“**Plastic Rules**”) now allow non-woven bags above 60 GSM to be manufactured and used, and the Central government has found a way to regulate it, rather than ban it. However, it also directed the Tamil Nadu Pollution Control Board to re-consider the ban on non-woven bags in light of the amended Plastic Rules.

The Jharkhand High Court observed that the power of revocation or suspension of a license is vested in the competent authority which can exercise such power after providing an opportunity to show cause to the concerned licensee. It also noted that the competent authority under the Bihar Saw Mills Act, 1990 (“**Bihar Saw Mills**

## In this edition

### Supreme Court Judgements/ Orders

- Supreme Court issues notice regarding drainage of untreated effluents in river Krishna
- Supreme Court upholds ban on reinforced paper cups in Tamil Nadu

### High Court Judgements/ Orders

- Jharkhand High Court upholds forest authority’s right to confiscate and revoke licenses during the pendency of a criminal case

### National Green Tribunal Judgements / Orders

- NGT cancels CCA granted to a bio-medical waste unit
- NGT directs Chief Secretary to file action taken report regarding the discharge of untreated sewage into river Yamuna
- NGT issues directions to curb pollution in Narmada river
- NGT issues notice to all Chief Secretaries seeking compliance report on river pollution
- NGT pulls up Municipal Commissioner on reports of non-compliance by restaurants
- NGT takes up suo moto cognizance against air pollution in Delhi

### Regulatory / Policy developments



Act”) is empowered to revoke a license and confiscate timber when a licensee is unable to provide a valid explanation for unaccounted goods, even if the licensee is simultaneously facing a criminal case related to the illegal transportation of goods without the required documentation. Upon a thorough examination of the Bihar Mills Act, the Court determined it to be a comprehensive legal framework encompassing all the necessary provisions to oversee the operations of saw mills and saw pits, as well as the trade of sawing, all for

the purpose of safeguarding and conserving forests and the environment. The main contention of the petitioner was that since the criminal prosecution was pending on the date of confiscation proceeding, the same ought to have been delayed for the outcome of the criminal case. The Court was of the view that merely because the criminal case is pending the authority concerned cannot be restrained from exercising the power for confiscation of goods and cancellation of license.

## National Green Tribunal Judgements / Orders

### NGT cancels CCA granted to a bio-medical waste unit

*Satyendra Rawat vs. M/s Medical Pollution Control Committee & Ors.,<sup>4</sup> Order dated 05 October, 2023*

The principal bench of NGT has set aside the Consolidated Consent to Operate & Authorization (“CCA”) granted to M/s Medical Pollution Control Committee. The bench observed that the analysis clearly reveals that the CCA dated 27 July, 2023 has been granted by Chief Environment Officer, exceeding his territorial jurisdiction and in contravention of the laws. The applicant had challenged the CCA and argued that the unit does not treat the effluents carefully and leaves it open in the nearby area causing foul smell and also resulting in health hazards due to various emissions. The bench concluded that CCA was granted by the Chief Environment Officer exceeding his territorial jurisdiction and in contravention of the laws and that the CCA dated 27 July, 2023 issued by him cannot be sustained and had to be set aside.

### NGT directs Chief Secretary to file action taken report regarding the discharge of untreated sewage into river Yamuna

*Rajesh Pareek vs. State of Uttar Pradesh,<sup>5</sup> Order dated 05 October, 2023*

NGT has directed the Chief Secretary of Uttar Pradesh (“Chief Secretary”) to file an action taken report in furtherance of the directions contained in its previous order and that the report has to be filed within six weeks. The issue for consideration before NGT

was the discharge of untreated sewage in river Yamuna at Mathura-Vrindavan region. The tribunal in the earlier proceedings had taken note of the stand of the applicant that there are 36 drains in Mathura-Vrindavan discharging sewage into river Yamuna and the quality of water in river Yamuna is unfit to sustain any life and that out of 36 drains in Mathura-Vrindavan, 30 drains were tapped while 6 of them remained untapped. The NGT in its order dated 11 April, 2023 had directed the Chief Secretary in coordination with the other concerned authorities in the state, to ensure remedial action and for which a special meeting of concerned officers should have been convened. The authorities had been directed to ensure that untapped drains are intercepted and diverted to the identified Sewage Treatment Plants (“STP”), treated sewage from each STP is provided to the identified command area for irrigation/ agriculture and only during non-utilization period the treated sewage could be released into the river. As no action taken report was filed on behalf of the Chief Secretary, and that the directions in the order of 11 April, 2023 had not been fully complied with till now, NGT directed the Chief Secretary to file an action taken report within six weeks.

### NGT issues directions to curb pollution in Narmada river

*Samayak Jain & Ors. vs. State of Madhya Pradesh & Ors.,<sup>6</sup> Order dated 09 October, 2023*

The central bench of NGT has issued a list of directions to curb pollution in the river Narmada and other nearby river stretches. The

## In this edition

### Supreme Court Judgements/ Orders

- Supreme Court issues notice regarding drainage of untreated effluents in river Krishna
- Supreme Court upholds ban on reinforced paper cups in Tamil Nadu

### High Court Judgements/ Orders

- Jharkhand High Court upholds forest authority's right to confiscate and revoke licenses during the pendency of a criminal case

### National Green Tribunal Judgements / Orders

- NGT cancels CCA granted to a bio-medical waste unit
- NGT directs Chief Secretary to file action taken report regarding the discharge of untreated sewage into river Yamuna
- NGT issues directions to curb pollution in Narmada river
- NGT issues notice to all Chief Secretaries seeking compliance report on river pollution
- NGT pulls up Municipal Commissioner on reports of non-compliance by restaurants
- NGT takes up suo moto cognizance against air pollution in Delhi

### Regulatory / Policy developments



issues raised were related to encroachment, illegal temporary or permanent construction including residential construction, discharge of untreated sewage water and throwing solid waste in the river Narmada and Shipra. NGT was of the view that river Narmada being a holy river must be protected and the quality of the water must be maintained as per the parameters laid down by the Central Pollution Control Board (“CPCB”). It accepted the recommendations of the joint committee and directed the State Pollution Control Board (“SPCB”) to regularly monitor compliance with the order and rules and initiate action against instances of any non-compliance.

## NGT issues notice to all Chief Secretaries seeking compliance report on river pollution

*News item published in “The Hindu” authored by Shri Jacob Koshy titled “More river stretches are now critically polluted: CPCB,” Order dated 09 October, 2023*

The principal bench of NGT has issued notice to the Chief Secretaries of all states and Secretary, Ministry of Jal Shakti (“Secretary MoJS”) seeking a compliance report and observing that the directions issued in 2020 on curbing pollution in the rivers are required to be complied with by all the states. The notice has been issued after an application was filed seeking execution of its earlier order of 2020 on controlling pollution in the rivers. The material pointed out by the applicants indicated that the order of NGT had not been implemented by all the states in true letter and spirit. Hence, NGT issued notice to the Chief Secretaries of all the states and Secretary MoJS with the direction to submit the compliance report in light of its earlier order.

## NGT pulls up Municipal Commissioner on reports of non-compliance by restaurants

*Prateek Bhosle vs. State of Madhya Pradesh & Ors.,<sup>8</sup> Order dated 09 October, 2023*

NGT has issued notice to the state of Madhya Pradesh through Collector, Bhopal; Municipal Corporation, Bhopal; Madhya Pradesh Pollution Control Board (“MPPCB”) and around

13 restaurants. The Tribunal also directed a three-member joint committee to file a report in the matter. The applicant had highlighted the violation of guidelines no. 3.4 of the Guidelines for Compliances of Environmental Norms, as issued by CPCB, by road eateries, restaurants and other establishments wherein it has been mentioned that every roadside eatery, restaurant and establishment requires consent from MPPCB to establish and operate their restaurants. NGT also observed that even though various letters and requests had been issued to the restaurants and the Municipal Commissioner, no action had been taken so far. Therefore, NGT directed the Municipal Commissioner, Bhopal to submit the explanation as to why the action has not been initiated on the basis of the reports submitted by MPPCB and under what authority these restaurants are functioning without the requisite consent under the law. It also directed that the report must be submitted within three weeks.

## NGT takes up suo moto cognizance against air pollution in Delhi

*In re: News item published in Indian Express dated 07.10.2023 titled “GRAP Stage 1 kicks in as air quality dips to poor, condition likely to prevail till Sunday”,<sup>9</sup> Order dated 20 October, 2023*

The principal bench of NGT took suo moto cognizance of rising air pollution in Delhi. The tribunal referred to various newspaper reports that highlighted the deteriorating Air Quality Index (“AQI”) and expressed concern regarding these reports. NGT has impleaded the Chief Secretary-Delhi, Member Secretary-Delhi Pollution Control Committee, Commissioner-Municipal Corporation Delhi, Member Secretary-CPCB and Ministry of Environment, Forest and Climate Change (“MoEFCC”) as respondents in the matter. NGT has also directed the impleaded authorities to file their action taken report on controlling air pollution from different sources in Delhi in accordance with Graded Response Action Plan, to maintain AQI in acceptable range to safeguard public health in view of the winter season ahead.

## In this edition

### Supreme Court Judgements/ Orders

- Supreme Court issues notice regarding drainage of untreated effluents in river Krishna
- Supreme Court upholds ban on reinforced paper cups in Tamil Nadu

### High Court Judgements/ Orders

- Jharkhand High Court upholds forest authority's right to confiscate and revoke licenses during the pendency of a criminal case

### National Green Tribunal Judgements / Orders

- NGT cancels CCA granted to a bio-medical waste unit
- NGT directs Chief Secretary to file action taken report regarding the discharge of untreated sewage into river Yamuna
- NGT issues directions to curb pollution in Narmada river
- NGT issues notice to all Chief Secretaries seeking compliance report on river pollution
- NGT pulls up Municipal Commissioner on reports of non-compliance by restaurants
- NGT takes up suo moto cognizance against air pollution in Delhi

### Regulatory / Policy developments



## Regulatory / Policy developments

### CPCB releases Framework for the generation of EPR Certificate under E-Waste (Management) Rules, 2022<sup>10</sup>

CPCB on 03 October, 2023, released the Framework for the generation of Extended Producer Responsibility (“EPR”) certificate under E-Waste (Management) Rules, 2022. The framework provides that the EPR certificates will be issued against key metals recycled from e-waste. The key metals are classified into three groups namely precious metals, non-ferrous metals, and ferrous metals. It also states that in the initial two years, the key metals for generating EPR certificates will be limited to the precious metal gold, non-ferrous metals, and iron including steel and galvanized iron. The EPR certificate for rare earth and other precious materials will also be considered and incentivized under the EPR Regime. Producers who fulfil their obligations in excess of the assigned target for a particular electronic and electrical equipment item in the current financial year will have the option to reduce their EPR liability for gold or purchase a reduced quantity of non-ferrous metals in the following financial year.

### MoP issues draft notification on Renewable Generation Obligation<sup>11</sup>

The Ministry of Power (“MoP”) on 06 October, 2023, released the Draft Notification on Renewable Generation Obligation. The Central Government, in consultation with the Bureau of Energy Efficiency, has specified the minimum share of Renewable Energy Obligation (“RGO”) by any designated consumer having established coal / lignite-based generating station, in order to reduce the consumption of fossil fuels. The amendment includes RGO, its monitoring and verification, assessment methodology and penalty for non-compliance.

### DPCC bans manufacture, storage and sale of all kinds of firecrackers<sup>12</sup>

The Delhi Pollution Control Committee (“DPCC”) on 06 October, 2023, has banned all kinds of firecrackers. There will be a ‘complete ban’ on manufacture, storage, sale including delivery through online platforms and bursting of all kinds of firecrackers till 01 January, 2024 in the NCT of Delhi. Delhi Police has been directed to implement the aforesaid directions.

### Ecomark Certification Rules, 2023 notified<sup>13</sup>

MoEFCC on 11 October, 2023, notified the Eco mark Certification Rules, 2023. These rules aim to promote environmentally friendly products and ensure their environmental performance in terms of resource consumption and environmental impacts, particularly the impact on climate change, nature and biodiversity, energy consumption, waste generation, emissions to all environmental media, pollution through physical effects, and the use and release of hazardous substances. The key aspects include the certification process, implementation mechanism, role of the Administrator, market surveillance, constitution of technical committees, Ecomark Web portal and data base platform and the role of CPCB and SPCBs respectively in creating awareness.

### MoM notifies the Minerals (Other than Atomic and Hydro Carbon Energy Mineral) Concession (Amendment) Rules, 2023<sup>14</sup>

The Ministry of Mines (“MoM”) on 12 October, 2023, notified the Minerals (Other than Atomic and Hydro Carbons Energy Mineral) Concession (Amendment) Rules, 2023 to further amend the Minerals (Other than Atomic and Hydro Carbons Energy Mineral) Concession Rules, 2016. The amendment stated that in respect of lithium, the equivalent lithium metal prices calculated on the basis of the weekly prices of lithium hydroxide monohydrate or other appropriate compound of lithium published by London Metal Exchange in a month shall be multiplied by the reference rate for the day of publication of the Reserve Bank of India or any agency authorised by the Reserve Bank of India, for the currency in which the price is obtained. The Indian Bureau of Mines shall publish average sale price of rare earth oxide in Indian Rupees on the basis of prices published by United States Geological Survey (USGS) or other reputed publications by multiplying the price of rare earth oxide by average reference rate of Reserve Bank of India for the month for the currency in which the price is obtained and in case the price of rare earth oxide is not available on monthly basis, the average sale price shall be published on the basis of price of rare earth oxide for the last available calendar year. The state government shall arrive at average sale

## In this edition

### Supreme Court Judgements/ Orders

### High Court Judgements/ Orders

### National Green Tribunal Judgements / Orders

### Regulatory / Policy developments

- CPCB releases Framework for the generation of EPR Certificate under E-Waste (Management) Rules, 2022
- MoP issues draft notification on Renewable Generation Obligation
- DPCC bans manufacture, storage and sale of all kinds of firecrackers
- Ecomark Certification Rules, 2023 notified
- MoM notifies the Minerals (Other than Atomic and Hydro Carbon Energy Mineral) Concession (Amendment) Rules, 2023
- MoEFCC notifies Green Credit Rules, 2023
- MoEFCC issues Draft Plastic Waste Management (Second Amendment) Rules, 2023
- MoEFCC issues the date of enforcement of provisions of Environment (Protection) Act, 1986 under the Jan Vishwas Act
- Environment (Protection) Amendment Rules, 2023 notified
- MoEFCC issues the date of enforcement of provisions of Public Liability Insurance Act, 1991 under the Jan Vishwas Act
- MoEFCC issues the enforcement date for provisions of Air (Prevention and Control of Pollution) Act, 1981 under the Jan Vishwas Act, shall come into force
- CPCB imposes fines on Indian Oil and Bharat Petroleum
- MoEFCC issues the draft Methodology for Water Harvesting-based Green Credit
- CPCB issues notification regarding the submission of annual, first and second quarter returns for the waste tyre EPR regime
- MoEFCC notifies the Battery Waste Management (Amendment) Rules, 2023



price of the ore containing rare earth elements by computing sum of (percentage of individual rare earth oxide contained in the ore multiplied by average sale price of that rare earth oxide published by Indian Bureau of Mines).

## MoEFCC notifies Green Credit Rules, 2023<sup>15</sup>

MoEFCC on 12 October, 2023, notified the Green Credit Rules, 2023. The green credit programme shall incentivize environmentally positive actions through market-based mechanisms and generate green credit, which shall be tradable and made available for trading on a domestic market platform. It is designed to promote various environmental activities, and these activities include but are not limited to tree plantation to increase the country's green cover, water management for conservation, harvesting, and efficient use, sustainable agriculture to promote natural and regenerative practices, waste management to encourage sustainable practices, air pollution reduction measures, mangrove conservation and restoration, ecomark label development to incentivize manufacturers to obtain an ecomark label for eco-friendly goods and services. The methodology for evaluation and verification of the activities undertaken for calculation of green credit and the manner of registration of the activities and the details required for such registration shall be determined by the administrator. The administrator shall develop the website for registration of activities, evaluation, and verification of activities undertaken, and award of green credit in respect of such verified activities, electronically.

## MoEFCC issues Draft Plastic Waste Management (Second Amendment) Rules, 2023<sup>16</sup>

MoEFCC on 16 October, 2023, has published the Draft Plastic Waste Management (Second Amendment) Rules, 2023 which aims to amend the Plastic Waste Management Rules, 2016. The key provisions of this draft include expanding the scope of entities covered by EPR to include manufacturers and importers of plastic raw materials, introducing regulations for the management of compostable and biodegradable plastics, incorporating information technology tools for online reporting and data capture at various stages of waste management, requiring mandatory labeling for compostable plastics

and biodegradable plastics, specifying their environmental conditions and introducing mandatory quarterly reporting and labeling for plastic raw materials.

## MoEFCC issues the date of enforcement of provisions of Environment (Protection) Act, 1986 under the Jan Vishwas Act<sup>17</sup>

MoEFCC on 17 October, 2023, released the date on which the provisions related to the Environment (Protection) Act, 1986 under the Jan Vishwas (Amendment of Provisions) Act, 2023 ("Jan Vishwas Act") shall come into force. It has appointed 01 April, 2024, as the date on which the provisions of the Jan Vishwas Act, which relates to serial number 24 and the entries thereto in the Schedule of the said Act, shall come into force.

## Environment (Protection) Amendment Rules, 2023 notified<sup>18</sup>

MoEFCC on 18 October, 2023, has notified the Environment (Protection) Amendment Rules, 2023. The amendment introduces detailed standards for the 'caustic soda' industry. These include the effluent standards, standards for water consumption and wastewater generation, standards for fugitive emission and standards for process emission.

## MoEFCC issues the date of enforcement of provisions of Public Liability Insurance Act, 1991 under the Jan Vishwas Act<sup>19</sup>

MoEFCC on 18 October, 2023, released the date on which the provisions related to the Public Liability Insurance Act, 1991 under the Jan Vishwas Act shall come into force. It has appointed 01 April, 2024, as the date on which the provisions of the Jan Vishwas Act, which relates to serial number 28 and the entries thereto in the Schedule of the said Act, shall come into force.

## MoEFCC issues the enforcement date for provisions of Air (Prevention and Control of Pollution) Act, 1981 under the Jan Vishwas Act, shall come into force<sup>20</sup>

MoEFCC on 18 October, 2023, released the date on which the provisions relating to Air (Prevention and Control of Pollution) Act, 1981 under the Jan Vishwas Act shall come into force. It has appointed 01 April, 2024, as the date on which the provisions of the Jan Vishwas Act, which relates to serial number 21

## In this edition

### Supreme Court Judgements/ Orders

### High Court Judgements/ Orders

### National Green Tribunal Judgements / Orders

### Regulatory / Policy developments

- CPCB releases Framework for the generation of EPR Certificate under E-Waste (Management) Rules, 2022
- MoP issues draft notification on Renewable Generation Obligation
- DPCC bans manufacture, storage and sale of all kinds of firecrackers
- Ecomark Certification Rules, 2023 notified
- MoM notifies the Minerals (Other than Atomic and Hydro Carbon Energy Mineral) Concession (Amendment) Rules, 2023
- MoEFCC notifies Green Credit Rules, 2023
- MoEFCC issues Draft Plastic Waste Management (Second Amendment) Rules, 2023
- MoEFCC issues the date of enforcement of provisions of Environment (Protection) Act, 1986 under the Jan Vishwas Act
- Environment (Protection) Amendment Rules, 2023 notified
- MoEFCC issues the date of enforcement of provisions of Public Liability Insurance Act, 1991 under the Jan Vishwas Act
- MoEFCC issues the enforcement date for provisions of Air (Prevention and Control of Pollution) Act, 1981 under the Jan Vishwas Act, shall come into force
- CPCB imposes fines on Indian Oil and Bharat Petroleum
- MoEFCC issues the draft Methodology for Water Harvesting-based Green Credit
- CPCB issues notification regarding the submission of annual, first and second quarter returns for the waste tyre EPR regime
- MoEFCC notifies the Battery Waste Management (Amendment) Rules, 2023



and the entries thereto in the Schedule of the said Act, shall come into force.

## CPCB imposes fines on Indian Oil and Bharat Petroleum<sup>21</sup>

CPCB vide notice dated October 19, 2023 has imposed fines on state-owned Indian Oil Corporation (“**IOC**”) and Bharat Petroleum Corporation Ltd. (“**BPCL**”) for not installing pollution control devices at their petrol pumps. IOC has been fined Rs 1 crore and BPCL has been fined Rs 2 crore, as mentioned by the two firms said in separate stock exchange filings. CPCB had directed both IOC and BPCL to pay the compensation for non-installation of Vapour Recovery Systems at retail outlets in National Capital Region. .

## MoEFCC issues draft Methodology for Tree Plantation-based Green Credit<sup>22</sup>

MoEFCC on 23 October, 2023, released the Draft Methodology for Tree Plantation-based Green Credit. The methodology covers various crucial aspects for project eligibility and certification parameters such as type of project, site selection, tree specifications, registration process, measurement of plants for issue of green credits (“**GC**”), calculation of issuance of GC and lastly the verification of the issuance of the GC. Any tree plantation projects under new or existing laws will get registered under the Green Credit Rules, 2023 and may generate GCs as per law.

## MoEFCC issues the draft Methodology for Water Harvesting-based Green Credit<sup>23</sup>

MoEFCC on 23 October, 2023, issued the Draft Methodology for Water Harvesting-based Green Credit. These proposed amendments aim to further enhance the Green Credit Programme’s effectiveness in promoting sustainable water harvesting projects. The draft methodology has been published in the Official Gazette for public review. Key elements of the methodology include project type, project proponents, site selection, water conservation/ harvesting structures, registration, calculation of GC, verification and issuance of GCs and green credit programme process. Additionally, the methodology clarifies that any water harvesting project covered under existing or new laws, will also be registered under the Green Credit Rules, 2023, and may trade or generate GCs as per law.

## CPCB issues notification regarding the submission of annual, first and second quarter returns for the waste tyre EPR regime<sup>24</sup>

CPCB on 25 October, 2023, issued a notification regarding the submission of annual returns FY 2022-23 and first and second quarter returns of FY 2023-24 for waste tyre EPR regime under Hazardous and Other Waste (Management & Transboundary Movement) Amendment Rules, 2022 (“**Hazardous Waste Rules**”). The amendment states that all the registered producers on Waste Tyre EPR Portal are required to submit their annual returns for the FY 2022-23 and quarterly returns for the first and the second quarter of FY 2023-24 on or before the end of the month succeeding the quarter to which the return relates on the EPR portal. Non-submission of the annual and quarterly returns within the stipulated time period is a violation of the Hazardous Waste Rules and will result in initiation of action as per the Hazardous Waste Rules. The annual return and the quarterly returns for the first and second quarter must be submitted immediately as per the requirement of the Hazardous Waste Rules on the EPR Portal for waste tyre.

## MoEFCC notifies the Battery Waste Management (Amendment) Rules, 2023<sup>25</sup>

The MoEFCC on 25 October, 2023, notified the Battery Waste Management (Amendment) Rules, 2023 to further amend the Battery Waste Management Rules, 2022. The following amendment has revised the functions of producer relating to the EPR, environmentally sound management of pre- consumer waste battery and the registration process. Producer will now have to furnish a return regarding the battery manufactured or assembled or imported in the preceding financial year in Form 1(C) to the CPCB on or before 30 June of every year. The total weight of waste battery processed by entity involved in refurbishment of waste battery has to be made available on the portal developed by CPCB for generation of EPR certificates. CPCB will fix the highest and lowest price for EPR certificate every six month or as required. The mandatory targets of waste battery collection, recycling or refurbishment of electric vehicles battery of three-wheelers has been revised. Form 1(B) relating to “Format for Grant of Registration to Producers” has also been substituted.

## In this edition

### Supreme Court Judgements/ Orders

### High Court Judgements/ Orders

### National Green Tribunal Judgements / Orders

### Regulatory / Policy developments

- CPCB releases Framework for the generation of EPR Certificate under E-Waste (Management) Rules, 2022
- MoP issues draft notification on Renewable Generation Obligation
- DPCC bans manufacture, storage and sale of all kinds of firecrackers
- Ecomark Certification Rules, 2023 notified
- MoM notifies the Minerals (Other than Atomic and Hydro Carbon Energy Mineral) Concession (Amendment) Rules, 2023
- MoEFCC notifies Green Credit Rules, 2023
- MoEFCC issues Draft Plastic Waste Management (Second Amendment) Rules, 2023
- MoEFCC issues the date of enforcement of provisions of Environment (Protection) Act, 1986 under the Jan Vishwas Act
- Environment (Protection) Amendment Rules, 2023 notified
- MoEFCC issues the date of enforcement of provisions of Public Liability Insurance Act, 1991 under the Jan Vishwas Act
- MoEFCC issues the enforcement date for provisions of Air (Prevention and Control of Pollution) Act, 1981 under the Jan Vishwas Act, shall come into force
- CPCB imposes fines on Indian Oil and Bharat Petroleum
- MoEFCC issues the draft Methodology for Water Harvesting-based Green Credit
- CPCB issues notification regarding the submission of annual, first and second quarter returns for the waste tyre EPR regime
- MoEFCC notifies the Battery Waste Management (Amendment) Rules, 2023



## Endnotes

- 1 Civil Appeal Diary No(s). 2522/2023
- 2 Civil Appeal No. 8536/2022
- 3 W.P. (C) No. 205 of 2011
- 4 Original Application No. 496/2023
- 5 Original Application No. 773/2022
- 6 Original Application No. 86/2023(CZ)
- 7 Execution Application No. 35/2023 in O.A. No.673/2018
- 8 Original Application No. 142/2023(CZ)
- 9 Original Application No. 663/2023
- 10 <https://cpcb.nic.in/openpdf.php?id=TGF0ZXN0RmlsZS8zOTBfMTY5NTM1ODM1OF9tZWVpYXBob3RvMjA2MzZucGRm>
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## In this edition

### Supreme Court Judgements/ Orders

### High Court Judgements/ Orders

### National Green Tribunal Judgements / Orders

### Regulatory / Policy developments

- CPCB releases Framework for the generation of EPR Certificate under E-Waste (Management) Rules, 2022
- MoP issues draft notification on Renewable Generation Obligation
- DPCC bans manufacture, storage and sale of all kinds of firecrackers
- Ecomark Certification Rules, 2023 notified
- MoM notifies the Minerals (Other than Atomic and Hydro Carbon Energy Mineral) Concession (Amendment) Rules, 2023
- MoEFCC notifies Green Credit Rules, 2023
- MoEFCC issues Draft Plastic Waste Management (Second Amendment) Rules, 2023
- MoEFCC issues the date of enforcement of provisions of Environment (Protection) Act, 1986 under the Jan Vishwas Act
- Environment (Protection) Amendment Rules, 2023 notified
- MoEFCC issues the date of enforcement of provisions of Public Liability Insurance Act, 1991 under the Jan Vishwas Act
- MoEFCC issues the enforcement date for provisions of Air (Prevention and Control of Pollution) Act, 1981 under the Jan Vishwas Act, shall come into force
- CPCB imposes fines on Indian Oil and Bharat Petroleum
- MoEFCC issues the draft Methodology for Water Harvesting-based Green Credit
- CPCB issues notification regarding the submission of annual, first and second quarter returns for the waste tyre EPR regime
- MoEFCC notifies the Battery Waste Management (Amendment) Rules, 2023

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