

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTH ZONE AT
CHENNAI MEMORANDUM OF APPLICATION**

**(Under Sections 14, 15 read with 18(1) of the National Green
Tribunal Act, 2010)**

Application No. 153 of 2021

B. Subramanian

....Applicant

Vs.

The Tamilnadu Pollution Control Board & 2 Ors

... Respondents

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AFFIDAVIT FILED BY B.SUBRAMANIAN

I, B. Subramanian S/o T.Balraj, residing at Plot#218, 4th Cross Street, Vaithialingam Salai, Neelankarai Village, Chennai – 600115 do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the applicant herein, I am aware of the facts of the case and competent to affirm this affidavit. The TNPCB had filed a report dated 08.12.2022 pursuant to the orders of this Hon'ble Tribunal that they had inspected the subject location on 02.12.2022 and 06.12.2022 and that the noise levels exceeded the limits specified under the Noise Pollution Rules (para 8 and 9) of the report. The TNPCB has also addressed the 3rd respondent vide letter dated 07.12.2022 to provide sufficient noise dampening measures.
2. The 3rd respondent had filed an affidavit stating that they have provided insulation and had produced photographs of the same.
3. However, the applicant submits that there has been no reduction in the noise levels even after the affidavit filed by the respondent and he has also sent complaints to the TNPCB about the same.

B. Subramanian

4. It is submitted that the issue at hand can be easily dealt with if the 3rd respondent installs proper acoustic measures to control noise. However, such measures have not been taken.
5. It is submitted that every person has a right to live without noise pollution and is entitled to enforcement and protection of the law. Under Section 14 of the NGT Act, applications are maintainable for violations of Schedule mentioned enactments and the Noise Pollution Rules have been enacted under the Environment (Protection) Act, 1986. I seek the protection of his legally guaranteed right to live without the noise pollution caused by the 3rd respondent.
6. The Delhi Bench of this Hon'ble Tribunal in OA 121 of 2021 has held that "...noise free environment being part of right to life and binding statutory rules having been framed on the subject, violation of which is criminal offence." In Re: Noise Pollution - ... vs Unknown, dated 18 July, 2005, the Hon'ble Supreme Court has held, "No one can claim a right to create noise even in his own premises which would travel beyond his precincts and cause nuisance to neighbours or others. Any noise which has the effect of materially interfering with the ordinary comforts of life judged by the standard of a reasonable man is nuisance." And that "A citizen has a right to leisure, right to sleep, right not to hear and right to remain silent."
7. It is submitted that the following prescriptions of the law are relevant :
 - a. G.S.R.7. dated 22.12.1988

"83. Standards/Guidelines for control of Noise Pollution from Stationary Diesel Generator (DG) Sets

(B) Mandatory acoustic enclosure/acoustic treatment of room for stationary DG sets (5 KVA and above)

Noise from the DG set should be controlled by providing an acoustic enclosure or by treating the room acoustically

B. S. V. — — —

The acoustic enclosure/acoustic treatment of the room should be designed for minimum 25 dB(A) Insertion Loss or for meeting the ambient noise standards, whichever is on the higher side"

b. G.S.R. 371(E) dated 17th May, 2002

"(B) Mandatory acoustic enclosure/acoustic treatment of room for stationary DG sets"

8. The CPCB Guidelines for in-use Generator sets as per the direction of Hon'ble NGT Delhi states,

"Any diesel generator set without certified acoustic enclosure as per GSR 371(E), dated 17th May 2002 not to be allowed to operate on or after 01.06.2015;"

9. It is submitted that inside 3rd respondent's premises, DG set noise level should be restricted to the permissible level with certified acoustic enclosure, exhaust muffler and exhaust pipe (stack) of DG set shall be brought above roof top level as per CPCB.

10. It is submitted that complaints have been sent to the TNPCB and with evidence and are filed along with this affidavit. The following videos are also filed to demonstrate the noise pollution caused by the 3rd respondent's generator.

a. DG set noise level (inside bedroom) 23-Jan-2023 - 60.5 dB(A)

VID 20230122 122258.mp4 Background noise level 23-Jan-2023
- 46.8 dB(A) VID 20230122 122826.mp4

b. DG set noise level 12-Jan-2023 - 61.3+ dB(A)

VID 20230112 125050.mp4 Background noise level 12-Jan-2023
- 45.3+ dB(A) VID 20230112 125050.mp4

c. DG set noise level 05-Jan-2023 - 63.2 dB(A)

VID 20230105 124356.mp4

d. DG set noise level 11-Dec-2022- 62.0+ dB(A)

VID 20221211 144651.mp4

B. S. L. — —

e. DG set noise level 01-Dec-2022 - 63.2dB(A)
VID 20221201 235024.mp4

11. It is submitted that the truth about the measures taken by the 3rd respondent will be demonstrated if inspected by the TNPCB. The 3rd respondent ought to take immediate necessary measures to curb noise from his generator to comply with ambient noise levels and install certified acoustic enclosure with exhaust muffler and stack.

It is prayed that this Hon'ble Tribunal be pleased to take the above submissions on record, allow the application as prayed and pass such order or orders as may be fit, proper and necessary in the facts and circumstances of the case and thus render justice.

Solemnly affirmed at Chennai

B. S. [Signature]

On this the 23rd day of January 2023

BEFORE ME

And signed his name in my presence

ADVOCATE : CHENNAI

*Chethana V
 C/M/1/1608/2018
 CHETHANA V
 No. 14, Brindavan St.
 Mylapore, Ch-04*

Annexure -1

Date	Noise Level	
	5 KVA DG set	Background
22-Jan-2023 Day time Inside bedroom	60.5 dB(A) VID_20230122_122258.mp4  Operated when power supply was present	46.8 dB(A) VID_20230122_122826.mp4 
12-Jan-2023 Day time At the boundary wall	61.3+dB(A) VID_20230112_125050.mp4 	45.3+dB(A)VID_20230112_125050.mp4 
05-Jan-2023 Day time At the boundary wall	63.2 dB(A) VID_20230105_124356.mp4 	
11-Dec-2022 Day time At the boundary	62.0+dB(A) VID_20221211_144651.mp4	

wall		
01-Dec-2022 Night time At the boundary wall	63.2dB(A) VID_20221201_235024.mp4  Operated when power supply was present	

* Measurement videos' file name is created by the mobile phone with system date and time

Boundary wall - 35feet from DG set

Bedroom - 45+feet from DG set

Annexure -2

Complaint No	Name	Current Status	Pending With	Pending Since
796348495	Subramanian Balraj	Pending	DEE (MARAIMALAI NAGAR District Office)	2023-01-12

From: Subramanian Balraj

Sent: 12 January 2023 13:40

To: memsec@tnpcb.gov.in; jceechennai@gmail.com; tnpbcmnagar@gmail.com; tnpccb-chn@gov.in; Central Pollution Cont...; ccb.cpcb@nic.in; pcp.cpcb@gov.in; CPCB Board

Subject: RE: TNPCB complaint no. 796348495, 514493905 - NGT SZ OA No. 153/2021 – Violation of statutory noise rules is a criminal offence (OA No. 121/2021)

Hello sir,

This complaint is regarding NGT SZ OA No. 153/2021 with reference to TNPCB complaint no. 514493905 dated 05-Jan-2023 and 796348495 dated 12-Jan-2023.

TNPCB team has conducted Ambient Noise Level survey on 02-12-2022 (day time) between 12pm thru 1:30pm and 06-12-2022 (Night time) between 11PM thru 12:30AM and on Ambient Noise Level survey on 24-08-2021 (day time) between 06:00pm thru 07:20pm and 25-08-2021 (Night time) between 04:30AM thru 05:50AM. Report submitted noted violations to Noise rules during day time and night time.

3rd respondent has made feeble attempt to arrest DG set noise level and fugitive emission. Improvements made to enclosure is not effective. Today (12-Jan-2023) power failed at 10:30AM and generator started running with noise level 61.0+ dB(A) on the boundary wall. When the generator stopped around 12:50PM, background environment noise was 45.3+ dB(A). This day time noise level is more than 55 dB(A) prescribed in Environment Protection Act 1986.

Using SL-4001, Noise level has been measured and recorded in VID_20230112_125050.mp4. https://drive.google.com/file/d/1L4Akd5c0GNw7216LbTVXKcPzESVneDUJ/view?usp=share_link

As per MoEF & CC Notification New Delhi, the 22nd December, 1998, G.S.R.7. Page#4, "83. Standards/Guidelines for control of Noise Pollution from Stationary Diesel Generator (DG) Sets", we have "(C) Guidelines for the manufacturers/users of DG sets **5 KVA and above**" "02 The user should make efforts to bring down the noise levels due to the DG set, outside his premises, **within the ambient noise requirements** by proper siting and control measures."

Please help in controlling the noise pollution, as per the law. Thanks

Regards
B Subramanian

MoEF & CC G.S.R.7 - <https://parivesh.nic.in/writereaddata/ENV/envstandard/envstandard49.pdf>

Sent from [Mail](#) for Windows

Annexure -3

Complaint No	Name	Current Status	Pending With	Pending Since
514493905	Subramanian Balraj	Pending	DEE (MARAIMALAI NAGAR District Office)	2023-01-05

From: [Subramanian Balraj](#)

Sent: 05 January 2023 13:23

To: memsec@tnpcb.gov.in; jceechennai@gmail.com; tnpcbmmnagar@gmail.com; tnpcb-chn@gov.in; [Central Pollution Cont...](#); ccb.cpcb@nic.in; pcp.cpcb@gov.in; [CPCB Board](#)

Cc: [Subramanian Balraj](#)

Subject: TNPCB complaint no. 514493905 - NGT SZ OA No. 153/2021 – Violation of statutory noise rules is a criminal offence (OA No. 121/2021)

Hello sir/madam,

This complaint is regarding NGT SZ OA No. 153/2021. TNPCB complaint no. **514493905** dated 05-Jan-2023.

TNPCB team has conducted Ambient Noise Level survey on ~~02-12-2022~~ (day time) between 12pm thru 1:30pm and ~~06-12-2022~~ (Night time) between 11PM thru 12:30AM and on Ambient Noise Level survey on ~~24-08-2021~~ (day time) between 06:00pm thru 07:20pm and ~~25-08-2021~~ (Night time) between 04:30AM thru 05:50AM. Report submitted noted violations to Noise rules during day time and night time.

Improvements made to DG set enclosure is not effective. Today (05-Jan-2023) power failed at 11:48AM and generator started running with noise level 63.0+ dB(A) on the boundary wall. Present noise level is more than the noise level 62.1+ dB(A) recorded on 11-Dec-2022 in

VID_20221211_144651.mp4.

https://drive.google.com/file/d/1EVIhiz8fwCiel7xALXbQIATly2Ui89JM/view?usp=share_link

This day time noise level is more than 55 dB(A) prescribed in [Environment \(Protection\) Act, 1986](#).

As per [MoEF & CC Notification dated 7th March 2016, Page#16](#), "95C. Genset run on Diesel and Natural Gas (NG) or Diesel and Liquid Petroleum Gas (LPG)", has "(f) **The user shall make efforts to bring down the noise levels due to the genset, outside his premises, within the ambient noise requirements by proper siting and control measures**".

Noise level recording of SL-4001 measurement is

https://drive.google.com/file/d/1HH4o0dG2uplMR5tIK4dvHZgzlAFKkuey/view?usp=share_link

Please help in controlling the noise pollution permanently, as per the law. Thanks

Regards

B Subramanian

9444660182

Sent from [Mail](#) for Windows

MINISTRY OF ENVIRONMENT AND FORESTS**NOTIFICATION****New Delhi, the 22nd December, 1998**

G.S.R.7. — In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1985 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:-

1. (1) These rules may be called the Environment (Protection) (Second Amendment) Rules, 1998.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986 —

(a) in rule 3, for sub-rule (3B), the following sub-rule shall be substituted, namely:-
“3B) The combined effect of emission or discharge of environmental pollutants in an area, from industries, operations, processes, automobiles and domestic sources, shall not be permitted to exceed the relevant concentration in ambient air as specified against each pollutant in columns (3) to (5) of Schedule VII”;

(b) in Schedule 1, —

(i) against serial number 74 relating to emission standards for brick kilns, for the existing Para III, the following shall be substituted, namely :-

“III Existing moving chimney bull’s trench kilns shall be dispensed with by June 30, 1999 and no new moving chimney kilns shall be allowed to come up”;

(ii) after serial number 80 and the entries thereto, the following serial numbers and entries shall be inserted, namely :-

“81. Battery manufacturing industry

(i) Lead Acid Battery Manufacturing Industries: Emission Standards.

Source	Pollutant	Standards Conc. based (mg/Nm ³)
Grid casting	Lead	10
	Particulate matter	25
Oxide manufacturing	Lead	10
	Particulate matter	25
Paste mixing	Lead	10
	Particulate matter	25
Assembling	Lead	10
	Particulate matter	25
PVC Section	Particulate matter	150

- To comply with the respective standards, all the emissions from above mentioned sources shall be routed through stack connected with hood and fan in addition to above, installation of control equipment viz. Bag filter/ventury scrubber, is also recommended.
- The minimum stack hight shall be 30 m.

Liquid Effluent Discharge Standards Pollutant	Concentration based standards
pH	6.5-8.5
Suspended solids	50 mg/l
Lead	0.1 mg/l

(ii) Dry Cell Manufacturing Industry: Emission Standards

Pollutant	Standards Concentration-based (mg/Nm ³)
Particulate matter	50
Manganese as Mn	5

- To comply with the respective standards, all the emissions from above-mentioned sources shall be routed through stack connected with hood and fan. In addition to above, installation of control equipment viz. bag filter/ventury scrubber, is also recommended.

The minimum stack height shall be 30 m.

Effluent Standards

Pollutant	Concentration based standards
pH	6.5-8.5
Total suspended solids	100 mg/l
Manganese as Mn	2 mg/l
Mercury as Hg	0.02 mg/l
Zinc as Zn	5 mg/l

(iii) Secondary Lead Smelters

Pollutant	Concentration based standards
Lead as Pb	10 mg/Nm ³
Particulate matter	50 mg/Nm ³
Minimum stack height	30 m

82. Environmental Standards for Gas/Naphtha-based Thermal Power Plants

- (i) Limit for emission of Nox
 (a) For existing units – 150 ppm (v/v) at 15% excess oxygen.
 (b) For new units with effect from 1-6-1999.

Total generation of gas turbine	Limit for Stack NOx emission [(v/v), at 15% excess oxygen]
(a) 400 MW and above	(i) 50 ppm for the units burning natural gas
	(ii) 100 ppm for the units burning naphtha
(b) Less than 400 MW but upto 100 MW	(i) 75 ppm for the units burning natural gas
	(ii) 100 ppm for the units burning naphtha
(c) Less than 100 MW	100 ppm for units burning natural gas or naphtha as fuel
(d) For the plants burning gas in a conventional boiler	100 ppm

- (ii) Stack height H in m should be calculated using the formula $H=14 Q^{2.3}$ where Q is the emission rate SO₂ in kg/hr, subject to a minimum of 30 mts.
 (iii) Liquid waste discharge limit

Parameter	Maximum limit of concentration (mg/l except for pH and temperature)
pH	6.5-8.5
Temperature	As applicable for other thermal power plants
Free available chlorine	0.5
Suspended solids	100.0
Oil and grease	20.0
Copper (total)	1.0
Iron (total)	1.0
Zinc	1.0
Chromium (total)	0.2
Phosphate	5.0

83. Standards/Guidelines for control of Noise Pollution from Stationary Diesel Generator (DG) Sets

(A) Noise Standards for DG sets (15-500 KVA)

The total sound power level, L_w , of a DG set should be less than, $94+10 \log_{10}$ (KVA), dB(A), at the manufacturing stage, where, KVA is the nominal power rating of a DG set.

This level should fall by 5 dB(A) every five years, till 2007, i.e. in 2002 and then in 2007.

(B) Mandatory acoustic enclosure/acoustic treatment of room for stationary DG sets (5 KVA and above)

Noise from the DG set should be controlled by providing an acoustic enclosure or by treating the room acoustically

The acoustic enclosure/acoustic treatment of the room should be designed for minimum 25 dB(A) Insertion Loss or for meeting the ambient noise standards, whichever is on the higher side (if the actual ambient noise is on the higher side, it may not be possible to check the performance of the acoustic enclosure/acoustic treatment. Under such circumstances the performance may be checked for noise reduction upto actual ambient noise level, preferably, in the night time). The measurement for Insertion Loss may be done at different points at 0.5m from the acoustic enclosure/room, and then averaged.

The DG set should also be provided with proper exhaust muffler with insertion loss of minimum 25 dB(A)

(C) Guidelines for the manufacturers/users of DG sets (5 KVA and above)

01 The manufacturer should offer to the user a standard acoustic enclosure of 25 dB(A) Insertion Loss and also a suitable exhaust muffler, with Insertion Loss of 25 dB(A).

02 The user should make efforts to bring down the noise levels due to the DG set, outside his premises, within the ambient noise requirements by proper siting and control measures.

03 The manufacturer should furnish noise power levels of the unsilenced DG sets as per standards prescribed under (A).

04 The total sound power level of a DG set, at the user's end, shall be within 2 dB(A) of the total sound power level of the DG set, at the manufacturing stage as prescribed under (A).

05 Installation of a DG set must be strictly in compliance with the recommendations of the DG set manufacturer.

06 A proper routine and preventive maintenance procedure for the DG set should be set and followed in consultation with the DG set manufacturer which would help prevent noise levels of the DG set from deteriorating with use.

84. Temperature Limit for Discharge of Condenser Cooling Water from Thermal Power Plant.

A: New thermal power plants, which will be using water from rivers/lakes/reservoirs, shall install cooling towers irrespective of location and capacity. Thermal power plants which will use sea water for cooling purposes, the condition below will apply.

B: New projects in coastal areas using sea water.

The thermal power plants using sea water should adopt suitable system to reduce water temperature at the final discharge point so that the resultant rise in the temperature of receiving water does not exceed 7°C over and above the ambient temperature of the receiving water bodies.

C: Existing thermal power plants.

Rise in temperature of condenser cooling water from inlet to the outlet of condenser shall not be more than 10°C.

D: Guidelines for discharge point:

The discharge point shall preferably be located at the bottom of the water body at mid-term for proper dispersion of thermal discharge.

In case of discharge of cooling water into sea, proper marine outfall shall be designed to achieve the prescribed standards. The point of discharge may be selected in consultation with concerned State Authorities/NIO.

No cooling water discharge shall be permitted in estuaries or near ecologically sensitive areas such as mangroves, coral reefs/spawning and breeding grounds of aquatic flora and fauna.

85. Environmental Standards for Coal Washeries :

A. Fugitive emission standards

The difference in the value of suspended particulate matter, delta (Δ), measured between 25 to 30 metre from the enclosure of coal crushing plant in the downward and leeward wind direction shall not exceed 150 micogram per cubic meter. Method of measurement shall be High Volume Sampling and Average flow rate, not less than 1.1 m³ per minute, using upwind downwind method of measurement.

B. Effluent discharge standards

The coal washeries shall maintain the close circuit operation with zero effluent discharge.

If in case due to some genuine problems like periodic cleaning of the system, heavy rainfall etc. it become necessary to discharge the effluent to sewer/land/stream then the effluent shall conform to the following standards at the final outlet of the coal washery.

Sr. No.	Parameter	Limits
1	pH	5.5-9.0
2	Total suspended solids	100 mg/l
3	Oil & Grease	10 mg/l
4	B.O.D. (3 days 27 deg C)	30 mg/l
5	COD	250 mg/l
6	Phenolics	1.0 mg/l

C. Noise level standards

Operational/Working zone — not to exceed 85 dB (A) Leq for 8 hours exposure.

The ambient air quality standards in respect of noise as notified under Environmental (Protection) Rules, 1986 shall be followed at the boundary line of the coal washery.

Code of practice for Coal Washery.

Water or Water mixed chemical shall be sprayed at all strategic coal transfer points such as conveyors, loading/unloading points etc. As far as practically possible conveyors, transfer points etc. shall be provided with enclosures.

- The crushers/pulverisers for the coal washeries shall be provided with enclosures, fitted with suitable air pollution control measures and finally emitted through a stack of minimum height of 30 m, conforming particulate matter emission standard of 150 mg/Nm³ or provided with adequate water sprinkling arrangement.

- Water sprinkling by using fine atomizer nozzles arrangement shall be provided on the coal heaps and on land around the crushers/pulverisers.
- Area, in and around the coal washery shall be pucca either asphalted or concreted.
- Water consumption in the coal washery shall not exceed 1.5 cubic meter per tonne of coal.
- The efficiency of the setting ponds of the wastewater treatment system of the coal washery shall not be less than 90%.
- Green belt shall be developed along the road side, coal handling plants, residential complex, office building an all around the boundary line of the coal washery.
- Storage bunkers, hoppers, rubber decks in chutes and centrifugal chutes shall be provided with proper rubber linings.
- Vehicles movement in the coal washery area shall be regulated effectively to avoid traffic congestion. High pressure horn shall be prohibited. Smoke emission from heavy duty vehicle operating in the coal washeries should conform the standards prescribed under Motor Vehicle Rules 1989.

86. Water quality standards for coastal waters marine outfalls

In a coastal segment marine water is subjected to several types of uses. Depending of the types of uses and activities, water quality criteria have been specified to determine its-suitability for particular purpose. Among the various types of uses there is one use that demands highest level of water quality/purity and that is termed as “designated bet use” in that stretch of the coastal segment. Based on this primary water quality criteria have been specified for following five designated best uses:-

Class	Designated best use
SW-I (See Table 1.1)	Salt pans, Shell fishing, Mariculture and Ecologically Sensitive Zone.
SW-II (See Table 1.2)	Bathing, Contact Water Sports and Commercial fishing.
SW-III (See Table 1.3)	Industrial cooling, Recreation (non-contact) and Aesthetics.
SW-IV (See Table 1.4)	Harbour.
SW-V (See Table 1.5)	Navigation and Controlled Waste Disposal.

The standards along with rationale/remarks for various parameters, for different designated best uses, are give in Table 1.1 to 1.5.

Table 1.1

PRIMARY WATER QUALITY CRITERIA FOR CLASS SW-I WATERS
(For Salt pans, Shell fishing, Mariculture and Ecologically Sensitive Zone)

S.No.	Parameter	Standards	Rationale/Remarks
1	2	3	4
1.	pH range	6.5-8.5	General broad range, conducive for propagation of aquatic lives, is given. Value largely depended upon soil-water interaction.
2.	Dissolved Oxygen	5.0 mg/l or 60 percent saturation value, whichever is higher	Not less than 3.5 mg/l at any time of the year for protection of aquatic lives.
3.	Colour and Odour	No noticeable colour or offensive odour	Specially caused by chemical compounds like creosols, phenols, naphtha, pyridine, benzene, toluene etc. causing visible colouration of salt crystal and tainting of fish flesh.
4.	Floating Matters	Nothing obnoxious or detrimental for use purpose.	Surfactants should not exceed and upper limit of 1.0 mg/l and the concentration not to cause any visible foam.
5.	Suspended Solids	None from sewage or industrial waste origin	Settleable inert matters not in such concentration that would impair any usages specially assigned to this class.
6.	Oil and Grease (including Petroleum Products)	0.1 mg/l	Concentration should no exceed 0.1 mg/l as because it has effect on fish eggs and larvae.
7.	Heavy Metals: Mercury (as Hg) Lead (as Pb) Cadmium (as Cd)	0.01 mg/l 0.01 mg/l 0.01 mg/l	Values depend on: (i) Concentration in salt, fish and shell fish. (ii) Average per capita consumption per day. (iii) Minimum ingestion rate that induces symptoms of resulting diseases.

Note: SW-I is desirable to be safe and relatively free from hazardous chemicals like pesticides, heavy metals and radionuclide concentrations. Their combines (synergistic or antagonistic) effects on health and aquatic lives are not yet clearly

known. These chemicals undergo bio-accumulation, magnification and transfer to human and other animals through food chain. In areas where fisheries, salt pans are the governing considerations, and presence of such chemicals apprehended/reported, bioassay test should be performed following appropriate methods for purpose of setting case-specific limits.

TABLE 1.2

PRIMARY WATER QUALITY CRITERIA FOR CLASS SW-II WATERS
(For Bathing, Contact Water Sports and Commercial Fishing)

S.No.	Parameter	Standards	Rationale/Remarks
1.	pH range	6.5-8.5	Range does not cause skin or eye irritation and is also conducive for propagation 06 th aquatic lives.
2.	Dissolved Oxygen	4.0 mg/l or 50 percent saturation value whichever is higher	No less than 3.5 mg/l at anytime for protection of aquatic lives.
3.	Colour and Odour	No noticeable colour or offensive odour	Specially caused by chemical compounds like creosols phenols, naptha, benzene pyridine, toluene etc. causing visible colouration of water and tainting of and odour in fish flesh.
4.	Floating Matters	Nothing obnoxious or detrimental for us purpose.	None in concentration that would impair usages specially assigned to this class.
5.	Turbidity	30 NTU (Nephelo Turbidity Unit)	Measured at 0.9 depth.
6.	Fecal Coliform	100/100 (MPN)	The average calue not exceeding 200/100 ml. in 20 percent of samples in the year and in 3 consecutive samples in monsoon months.
7.	Biochemical Oxygen Demand (BOD) (3 days at 27°C)	3 mg/l	Restricted for bathing (aesthetic quality of water). Also prescribed by IS:2296-1974.

TABLE 1.3

PRIMARY WATER QUALITY CRITERIA FOR CLASS SW-III WATERS
(For Industrial Coling, Recreation (non-contact) and Aesthetics)

S.No.	Parameter	Standards	Rationale/Remarks
1.	pH range	6.5-8.5	The range is conducive for propagation of aquatic species and restoring natural system.
2.	Dissolved Oxygen	3.0 mg/l or 40 percent saturation value whichever is higher.	To protect aquatic lives.
3.	Colour and Odour	No noticeable colour or offensive odour	None in such concentration that would impair usages specifically assigned to this class.
4.	Floating Matters	No visible, obnoxious floating debris, oil slick, scum.	As in (43) above.
5.	Fecal Coliform	500/100 ml (MPN)	No exceeding 1000/100 ml in 20 percent of samples in the year and in 3 consecutive samples in monsoon months.
6.	Turbidity	30 NTU	Reasonably clear water for Recreation, Aesthetic appreciation and Industrial cooling purposes.
*7.	Dissolved Iron (as Fe)	0.5 mg/l or less	It is desirable to have the collective concentration of dissolved Fe and Mn less or equal to 0.5 mg/l to avoid scaling effect.
*8.	Dissolved Manganese (as Mn)	0.5 mg/l or less	

* Standards included exclusively for Industrial Cooling purpose. Other parameters same.

TABLE 1.4

PRIMARY WATER QUALITY CRITERIA FOR CLASS SW-IV WATERS
(For Harbour Waters)

S.No.	Parameter	Standards	Rationale/Remarks
1.	pH range	6.5-9.0	To minimize corrosive and scaling effect.
2.	Dissolved Oxygen	3.0 mg/l or 40 percent saturation value whichever is higher.	Considering bio-degradation of oil and inhibition to oxygen production through photosynthesis.
3.	Colour and Odour	No visible colour or offe	None from reactive chemicals which may corrode paints/metallic surfaces.
4.	Floating materials, Oil, grease and scum (including Petroleum products)	10 mg/l	Floating matter should be free from excessive living organisms which may clog or coat operative parts of marine vessels/equipment.
5.	Fecal Coliform	500/100 ml (MPN)	No exceeding 1000/100 ml in 20 percent of samples in the year and in 3 consecutive samples in monsoon months.
6.	Biochemical Oxygen Demand (3 days at 27°C)	5 mg/l	To maintain water relatively free from pollution caused by sewage and other decomposable wastes.

Table 1.5

PRIMARY WATER QUALITY CRITERIA FOR CLASS SW-WATERS
(For Navigation and Controlled Waste Disposal)

S.No	Parameter	Standards	Rationale / Remarks
1.	PH range	6.0-9.0	As specified by New England Interstate Water Pollution Control Commission
2.	Dissolved Oxygen	3.0 mg/1 or 40 percent saturation value whichever is higher	To protect aquatic lives
3.	Colour and Odour	None in such concentrations that would impair any usages specifically assigned to this class	As in (1) above
4.	Sludge deposits, Solid refuse floating solids, oil, grease & scum	None except for such small amount that may result from discharge of appropriately treated sewage and / or industrial, waste effluents.	As in 91) above
5.	Fecal Collform	500/100 ml (MPN)	Non exceeding 1000/100 ml in 20 percent of samples in the year and in 3 consecutive samples in monsoon months.

87. Emission Regulations for Rayon Industry

a. Existing Plants

Estimation of Uncontrolled Emission Quantity (EQ) of CS₂

For VSF,

EQ – 125 kg of CS₂ / t of fibre

For VFY,

EQ = 225 kg of CS₂ / t of fibre

Stack Height (H) requirement, m	Remarks
$11Q^{0.41} - 3VsD/u$	A minimum of 80% of total emission shall pass through stack. If the calculated stack height is less than 30m, a minimum of height 30 m shall be provided.

Where

Q = CS₂ emission rate, kg/hr

Vs = stack exit velocity m/sec

D= diameter of stack, m

u= annual average wind speed at top of stack, m/sec.

a. Multiple Stacks :

1. If there are more than one stack existing in the plant, the required height of all stacks shall be based on the maximum emission rate in any of the stacks. In other words, all the stacks carrying CS₂ emission shall be of same heights (based on the maximum emission rate).
2. Number of stacks shall not be increased from the existing number. However, the number of stacks may be reduced. The existing stacks may be rebuilt and if stacks are to be relocated, condition 3 below applies.
3. Spacing among the stacks (x) at the minimum shall be 3.0H (in m). If distance, x, between two stacks is less than 3.0 H (in m), emission shall be considered as single point source and height of both the stacks shall be calculated considering all emission is going through one stack.

b. Ambient Air Quality Monitoring

The industry shall install three air quality monitoring stations for CS₂ and H₂S measurements in consultation with State Pollution Control Board (SPCB) to ensure attainment of WHO recommended ambient air quality norms (CS₂ = 100ug/m³ and H₂S = 150ug/m³, 24-hr average).

c. For new plants / expansion projects being commissioned on or after 1-6-1999.

CS₂ = 21 kg/t of fibre
H₂S = 6.3 kg/t of fibre

(Note : a and b. above also apply to new plants / expansion projects)."

[F.No Q-15017/13/95-CPWE]
Dr. G.K. PANDEY, Director

Note: - The principal rules were published in the Gazette of India vide number S.O. 844(E) 19th November, 1986 and subsequently amended vide S.O. 433 (E) dated 18th April, 1987, S.O. 64(E) dated 18th January, 1988, S.O.3 (E) dated 3rd January, 1989, S.O.190(E) dated 15th March, 1989, G.S.R. 913 (E) dated the 24th October, 1989, S.O. 12(E) dated the 8th January, 1990, G.S.R 742 (E) dated the 30th August, 1990, S.O. 23(E) dated the 16th January, 1991, G.S.R, 93 (E) dated the 21st February, 1991 G.SR. 95(E) dated the 12th February, 1992, G.S.R 329(E) dated the 13th March, 1992, G.S.R 475(E) dated the 5th May, 1992, G.S.R 797 (E) dated the 1st October, 1992, G.S.R 386(E) dated the 28th April, 1993, G.S.R 422(E) dated the 19th May, 1993, G.S.R 801 (E) dated the 31st December, 1993, G.S.R 176(E) dated the 3rd April, 1996, G.S.R 631 (E) dated the 31st October, 1997, G.S.R 504 (E) dated the 20th August, 1998.

**MINISTRY OF ENVIRONMENT AND FOREST'S
NOTIFICATION**

New Delhi, the 17th May, 2002

G.S.R. 371(E)– In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely

1. (1) These rules may be called the Environment (Protection) second Amendment Rules, 2002.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986 (hereinafter referred to as the said rules), in Schedule I, –

- (a) against serial number 47, item (d) relating to Diesel generators for domestic purposes and the entries relating thereto shall be omitted;
- (b) serial number 83 relating to standards/Guidelines for control of noise pollution from Stationary Diesel Generator(DG) sets and the entries relating thereto shall be omitted;
- (c) after serial number 93 relating to Primary Water Quality Criteria for Bathing Waters and the entries relating thereto, the following serial numbers and entries shall be inserted, namely :-

"94. NOISE LIMIT FOR GENERATOR SETS RUN WITH DIESEL

1. Noise limit for diesel generator sets (upto 1000 KVA) manufactured on or after the 1st July, 2003.

The maximum permissible sound pressure level for new diesel generator (DG) sets with rated capacity upto 1000 KVA, manufactured on or after the 1st July, 2003 shall be 75 dB(A) at 1 metre from the enclosure surface.

The diesel generator sets should be provided with integral acoustic enclosure at the manufacturing stage itself

The implementation of noise limit for these diesel generator sets shall be regulated as given in paragraph 3 below.

2. Noise limit for DG sets not covered by paragraph 1.

Noise limits for diesel generator sets not covered by paragraph 1, shall be as follows:

2.1 Noise from DG set shall be controlled by providing an acoustic enclosure or by treating the room acoustically, at the users end.

2.2 The acoustic enclosure or acoustic treatment of the room shall be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on the higher side (if the actual ambient noise is on the higher side, it may not be possible to check the performance of the acoustic enclosure/acoustic treatment. Under such circumstances the performance may be checked for noise reduction upto actual ambient noise level, preferably, in the night time). The measurement for Insertion Loss may be done at different points at 0.5 m from the acoustic enclosure/room, and then averaged.

2.3 The DG set shall be provided with proper exhaust muffler with insertion loss of minimum 25 dB(A).

2.4 These limits shall be regulated by the State Pollution Control Boards and the State Pollution Control Committees.

2.5 Guidelines for the manufacturers/users of Diesel Generator sets shall be as under :

- 01 The manufacturer shall offer to the user a standard acoustic enclosure of 25 dB(A) insertion loss and also a suitable exhaust muffler with insertion loss of 25 dB(A).
- 02 The user shall make efforts to bring down the noise levels due to the DG set, outside his premises, within the ambient noise requirements by proper siting and control measures.
- 03 Installation of a DG set must be strictly in compliance with the recommendations of the DG set manufacturer.
- 04 A proper routine and preventive maintenance procedure for the DG set should be set and followed in consultation with the DG set manufacturer which would help prevent noise levels of the DG set from deteriorating with use.

3. LIMITS OF NOISE FOR DG SETS (UPTO 1000 KVA) MANUFACTURED ON OR AFTER THE 1ST JULY, 2003

3.1 Applicability

01. These rules apply to DG sets upto 1000 KVA rated output, manufactured or imported in India, on or after Is' July, 2003.
02. These rules shall not apply to –
 - (a) DG sets manufactured or imported for the purpose of exports outside India; and
 - (b) DG sets intended for the purpose of sample and not for sale in India.

3.2. Requirement of Certification

Every manufacturer or importer (hereinafter referred to as "supplier") of DG set (hereinafter referred to as "product") to which these regulations apply must have valid certificates of Type Approval and also valid certificates of Conformity of Production for each year, for all the product models being manufactured or imported from 1st July, 2003 with the noise limit specified in paragraph 1.

3.3 Sale, import or use of DG sets not complying with the rules prohibited

No person shall sell, import or use of a product model, which is not having a valid Type Approval certificate and Conformity of Production certificate.

3.4 Requirement of Conformance Labelling

- (i) The supplier of the 'product' must affix a conformance label on the product meeting the following requirements :
 - (a) The label shall be durable and legible.
 - (b) The label shall be affixed on a part necessary for normal operation of the 'product' and not normally requiring replacement during the 'product' life.
- (ii) The conformance label must contain the following information
 - (a) Name and address of the supplier (if the address is described in the owner's manual, it may not be included in the label)
 - (b) Statement "This product confirms to the Environment (Protection) Rules, 1986".

- (c) Noise limit viz. 75 dB(A) at 1 m.
- (d) Type approval certificate number.
- (e) Date of manufacture of the product,

3.5 Nodal Agency

- (i) The Central Pollution Control Board shall be the nodal agency for implementation of these regulations.
- (ii) In case of any dispute or difficulty in implementation of these regulations, the matter shall be referred to the nodal agency.
- (iii) The nodal agency shall constitute a Committee to advise it on all matters; including the disputed matters, related to the implementation of these regulations.

3.6 Authorised agencies for certification

The following agencies are authorized to carry out such tests as they deem necessary for giving certificates for Type Approval and Conformity of Production testings of DG sets and to give such certificates

- (i) Automotive Research Association of India, Pune
- (ii) National Physical Laboratory, New Delhi
- (iii) Naval Science & Technology Laboratory, Visakhapatnam
- (iv) Fluid Control Research Institute, Palghat
- (v) National Aerospace Laboratory, Bangalore

3.7 Compliance and Testing Procedure

The compliance and testing procedure shall be prepared and published by the Central Pollution Control Board, with the help of the certification agencies.

EMISSION LIMITS FOR NEW DIESEL ENGINES (UP TO 800 KW) FOR GENERATOR SETS (CENSETS) APPLICATIONS

1. Emission Limits

The emission limits for new diesel engines up to 900 kw, for gensets applications shall be as given in the Table below:

TABLE

Capacity of diesel engines	Date of implementation	Emission Limits (gAcw-hr) for				Smoke Limit absorption coefficient, WI) (at full load)	Test cycle	
		NOx	HC	1CO	IPM		Torque %	Weighting factors
Upto 19 kw	1.7.2003	9.2	1.3	5.0	0.6	0.7	100	0.05
	1.7.2004	9.2	1.3	3.5	0.3	0.7	75	0.25
>19 kw upto 50 kw	1.7.2003	9.2	1.3	5.0	8.5	0.7	so	0.30
	1.7.2004	9.2	1.3	3.5	0.3	M	25	0.30
>50 kw upto 260 kw	1.7.2003	1 9.2	1.3	3.5	0.3	0.7	10	0.10
> 260 kw upto 800 kw	1.7.2004	9.2	1.3	3.5	0.3.	0.7,		

2. Applicability

These rules shall apply to all new diesel engines for genset applications (hereinafter referred to as 'engine') manufactured in India and all diesel engines for genset applications and diesel gensets (hereinafter referred to as 'product'), imported into India, after the effective date:

Provided that these rules shall not apply to:

- (a) any engine manufactured or engine or product imported for the purpose of export outside India, or;
- (b) any engine or product intended for the purpose of sample only and not for sale in India.

3. Requirement of certification

Every manufacturer of engine or every importer of engine or product must have valid certificates of Type. Approval and certificates of Conformity of Production for each year, for all engine models being manufactured or for all engine or product models being imported, after the effective date with the emission limit as specified in paragraph 1.

4. Sale, Import or "use of engine or product not complying with these rules

No person shall sell, import or use of an engine or a product which is not having a valid Type Approval certificate and Conformity of Production certificate as per paragraph 3.

5. Requirement of conformance labelling

- (i) All the engines (individually or as part of the product) shall be clearly engraved 'Genset Engine' on the cylinder block.
- (ii) The engine or the product must be affixed with a conformance label meeting the following requirements;
 - (a) the label shall be durable and legible;
 - (b) the label shall be affixed on a part necessary for normal operation of the engine or the product and not normally requiring replacement during the life of the engine or the product.
- (iii) The conformance label must contain the following information:
 - (a) name and address of the engine manufacturer or the engine or product importer (if the address is given in the owner's manual, it may not be included in the label);
 - (b) statement that 'this engine or product conforms to the Environment (protection) Rules, 1986';
 - (c) type approval certificate number;
 - (d) date of manufacture of engine or in case of import, the date of import of the engine or the product.

6. Compliance with BIS specifications

All engines up to 20 kw (individually or as part of the product) shall carry ISI mark and meet relevant BIS specifications (IS 1000 1).

7. Nodal agency

- (i) The Central Pollution Control Board shall be the, nodal agency for implementation of these rules.
- (ii) In case of any dispute or difficulty in implementation of these rules the matter shall be referred to the nodal agency.
- (iii) The nodal agency shall constitute a Committee to advise it on all matters, including the disputed matters, related to the implementation of these rules.

8. Authorised agencies for certification

The following agencies are authorized to carry out such tests as they deem necessary for giving certificates of Type, Approval and Conformity of Production tests for Diesel engines and to give such certificates

- (i) Automotive. Research Association of India, Pune.
- (ii) Vehicle Research and Development Establishment, Ahmednagar.

9. Compliance and testing procedure

The compliance and testing procedure shall be prepared and published by the Central Pollution Control Board with the help of the Certification Agencies.

10. Fuel Specification

The specification of commercial fuel applicable for -diesel gensets shall be the same as applicable for commercial HSD(High Speed Diesel) applicable for diesel vehicles in the area, from time to time."

- 3. In the said rules, in Schedule VI, in Part E relating to NOISE STANDARDS, in clause B, the entry "(d) Diesel generator for domestic purposes" shall be omitted.

[F. No. Q-15022/2/2001-CPA]
C. VISWANATH, Jt. Secy.

Note: – The principal rules were published in the Gazette of India vide number S.O.844(E) 19th November, 1986 and subsequently amended vide S.O.433(E) dated 18th April, 1987, S.O.64(E) dated 18th January, 1988, S.O.3(E) dated 3rd January, 1989, S.O.190(E) dated 15th March, 1989, G.S.R. 913(E) the 24th October, 1989,

S.O.12(E) dated the 8th January, 1990, G.S.R.742(E) dated the 30th August, 1990, S.O.23(E) dated the 16th January, 1991, G.S.R. 93(E) dated the 21st February, 1991, G.S.R. 95(E) dated the 12th February, 1992, G.S.R. 329(E) dated the 13th March, 1992, G.S.R. 475(E), dated the 5th May, 1992, G.S.R. 797(E) dated the 1st October, 1992, G.S.R. 386(E) dated the 28th April, 1993, G.S.R., 422,(E) dated the 19th May, 1993, G.S.R. 801(E) dated the 31st December, 1993, G.S.R. 176(E) dated the 3rd April, 1996, G.S.R. 631(E) dated the 31st October, 1997, G.S.R. 504(E) dated the 20th August, 1998, G.S.R. 7(E) dated the 2nd January, 1999, G.S.R. 682(E) dated the 5th October, 1999, G.S.R - 742(E) dated the, 25th September, 2000, G.S.R. 72(E) dated 6th February, 2001 and G.S.R.54(E) dated 22.1.2002.

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Appeal No. 12(THC) of 2013
And
Original Application No. 17(THC) of 2013
And
Original Application No. 32(THC) of 2013**

In the Matter of :-

**Market Welfare Association Vs. District Magistrate &Ors.
And
Fashion Market Welfare Association
Vs.
District Magistrate, SAS Nagar &Ors.
And
Sadhu Singh &Ors. Vs. The Chief Administrator &Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

**Present: Appellant:
Respondent No.4:
(In Appeal No. 12(THC) of 2013 and
O. A. No. 17(THC) of 2013)**

**Appearance not marked
Ms. Gurinderjit, Advocate**

**Mr. Vikas Malhotra and Mr. M.P.
Sahay, Adv. for MoEF, Mr. R. N.
Jindal, Director**

Ms. Alpana Poddar, Adv. for CPCB

Date and Remarks	Orders of the Tribunal
<p>Item No. 08-10</p> <p>March 11, 2015</p>	<p><u>Appeal No. 12(THC) of 2013, Original Application No. 17(THC) of 2013 and Original Application No. 32(THC) of 2013</u></p> <p>Learned counsel appearing for CPCB submits that after deliberation with different Authorities and concerned States they have prepared the National guidelines for 'in-use generator sets (noise and emissions)'. Copy thereof has been placed on record. Since the guidelines have been prepared by the CPCB in exercise of their statutory powers, we direct the CPCB to put these guidelines on their website as well as direct all the States to ensure the implementation of these guidelines expeditiously and without default.</p> <p>In view of the above nothing survives in these cases. Consequently, Appeal No. 12(THC) of 2013, Original Application</p>

		<p>No. 17(THC) of 2013 and Original Application No. 32(THC) of 2013 stand disposed of while leaving the parties to bear their own costs.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (M.S. Nambiar)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (Prof. A.R. Yousuf)</p>
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BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

APPEAL NO.12 (THC) OF 2013

AND

OA No.17(THC) of 2013

AND

OA No.32 (THC) of 2013

IN

MARKET WELFARE ASSOCIATION VS. DISTRICT MAGISTRATE & ORS.

AND

FASHION MARKET WELFARE ASSOCIATION Vs. DISTRICT MAGISTRATE SAS NAGAR & ORS.

AND

SADHU SINGH & ORS. VERSUS CHIEF ADMINISTRATOR & ORS.

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N. DCH. 12-3-15

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1.	FINAL GUIDELINES FOR IN-USE GENERATOR SETS ON BEHALF OF THE CENTRAL POLLUTION CONTROL BOARD, PARIVESH BHAWAN, CBD CUM OFFICE COMPLEX, EAST ARJUN NAGAR, DELHI - 110032.	251 251 - 256

S S Bala
(S.S.Bala)
Scientist 'E'

Delhi
February 25th, 2015

NATIONAL GREEN TRIBUNAL
NEW DELHI
No. 905/2015

Guidelines for in-use Generator sets

(Noise and Emissions)

Consequent upon recognizing a fact that genset is a source of air and noise pollution in urban India, the emission standards for petrol & kerosene gensets (up to 19 kilowatt) were notified on 5th October, 1999 which have been subsequently revisited and revised on 07.08.2013. The noise limits for petrol & kerosene genset are in place since 25.09.2000. Similarly, emission standards for diesel gensets (up to 800 kilowatt) were notified on 17.05.2002 which have been revisited and revised on 11.12.2013. The noise limits for diesel gensets are in place since 17.05.2002. These norms are enforced, at manufacturing stage, through notified institutes/laboratories, wherein Central Pollution Control Board functions as nodal agency. Emission norms for diesel gensets (above 800 kilowatt) have been separately notified on 11.07.2002 and being implemented. The standards are likely to be notified shortly for natural gas/LPG run gensets or diesel/petrol & natural gas/LPG gensets.

In the matter of Appeal no. 12(THC) of 2013: Market Welfare Association Vs. District Magistrate & Ors; O.A. No. 17(THC) of 2013: Fashion Market Welfare Association Vs. District Magistrate & Ors, SAS Nagar & Ors; and O.A. No. 32(THC) of 2013: Sadhu Singh & Ors. Vs. The Chief Administrator & Ors., Hon'ble National Green Tribunal (PB) has directed CPCB to prepare guidelines for compliance monitoring and measures to be taken for controlling the pollution by in-use gensets. The Hon'ble Tribunal specifically desired to know life time of locally manufactured gensets and diesel gensets used for agriculture purpose in addition to possibility of checking emission standards as done in vehicles. As a matter of fact, every engine is subjected to wear and tear, which leads to deterioration in its performance i.e. higher noise levels and emission. Generally public complaints are received for gensets having capacity less than 60 kilowatt or so, installed at market places or in residential areas. In the instant case, the Market Welfare Associations of Mohali have installed diesel gensets for their members and power so generated, being used by the shop keepers in case of power failure.

The Punjab Pollution Control Board (PPCB) prescribed emission limits to these Market Welfare Associations for gensets while in-use which is not envisaged in the Environment (Protection) Rules, 1986. These associations have provided stacks of appropriate height to channelize smoke/emission as reported. The associations were not able to comply with the said stipulations for emission prescribed by PPCB. Market associations raised the issue before Hon'ble Punjab and Haryana High Court. The cases were transferred to the National Green Tribunal by the Hon'ble High Court in 2013. Union of India (UOI) through this Ministry was impleaded as one of the respondents, at a later stage.

The concept of monitoring of a genset during its use is a copy of concept of PUC certificate, for (in-use) vehicles, as applicable. Vehicle can be taken to PUC certificate booth or booth/van can be parked on road side for testing of a vehicle but, testing machines cannot be lifted to basement(s) or top floor(s) for monitoring where generators are installed. Each genset manufactured after May 2005 would be complying with emission and noise norms, at manufacturing stage, as per prevalent notified standards. The issue of noise standards for in-use gensets i.e. standards/guidelines to control noise problem has reportedly been discussed in 21st meeting of the 'National Committee on Noise Pollution Control' held on 26.09.2014 in the Central Pollution Control Board.

NGT vide its order on 24.10.2013 asked the Member Secretary, PPCB for a meeting with CPCB and Ministry to finalize the policy as to how best can the DG set be subject to emission standards without asking for providing porthole, monitoring platform Etc. First meeting of officials of CPCB, PPCB and the MoEF&CC was held in the Ministry in the Chamber of Dr. Rashid Hasan, Advisor on 07.11.2013 and second meeting in the office of Member Secretary, CPCB on 15.01.2014 in the matter. CPCB organized a meeting of officials of CPCB, SPCB and MoEF&CC on 01.09.2014. A draft guidelines has been developed. Another meeting has been organized on 23.01.2015 in the Ministry in the matter.

Member Secretary, CPCB appeared personally on 21.04.2014 in the matter and submitted before NGT that CPCB would be able to evolve appropriate methodology for checking the emission of DG sets. NGT directed that on receipt of such report or recommendations from CPCB, MoEF&CC would take official view of the matter. CPCB undertook emission monitoring of a few in-use gensets and submitted the report to Hon'ble NGT (PB), New Delhi on 22.05.2014.

On suggestion of the Ministry, the draft guidelines have been circulated by CPCB among various State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) for inputs. A few SPCBs/PCCs have provided their comments in the matter. Some of them are not in agreement to the recommendations of 'National Committee on Noise Pollution Control' in respect of noise limits. Issues have been decided. Following guidelines for installation of gensets, Do's & don't for Operation & Maintenance, Common facility for power back up; active life of Gensets, and Phasing out of Gensets are suggested.

1. Installation of Gensets

- i. Gensets be installed with stand alone or isolated foundation with proper anti-vibration packing/pad, etc;
- ii. Smoke of a gensets be channelized/emitted in a manner that it is not a nuisance in the neighbourhood;
- iii. Genset be installed in the basement, roof top, ground floor, front/back offset of the premises/building, in, in order of priority. However, due care be taken so that it is not a nuisance in the neighbourhood; and
- iv. The developer for new market/malls, high rise building or a gated green field colony shall necessarily install a source of standby power back up and installation of genset by individuals be prohibited. Developer shall necessarily install a system to harvest solar or wind energy, as applicable as a source of electricity apart from solar geysers.

2. Phasing out old Generator sets

Phasing out of old generators as per following schedule may be enforced by concerned SPCB/PCC, area SDM and Police.

- i. Any generator set having engines not engraved with manufacturer's name and date of manufacturing not to be allowed to operate on or after 01.06.2015;
- ii. Any diesel generator set without certified acoustic enclosure as per GSR 371(E), dated 17th May 2002 not to be allowed to operate on or after 01.06.2015; and
- iii. Generator sets manufactured on or after 17th May 2002 be scrapped and dismantled after its useful life, i.e., 15 years from the date of manufacturing or 50,000 hours of operation, which ever earlier.

3. Phasing out age old Diesel Gensets for agricultural applications

Gensets being operated for agricultural applications are away from habitation. The phasing out of diesel gensets may be undertaking as per the following:

- i. Any genset being used for agriculture purpose, having engines not engraved with manufacturer's name and date of manufacturing not to be allowed to operate after 01.06.2016;

- ii. Any diesel generator set without certified acoustic enclosure as per GSR 371(E), dated 17th May 2002 not to be allowed to operate on or after 01.06.2016; and
- iii. All gensets manufactured on or after 17th May 2002 be discarded after its useful life i.e., 16 years from the date of manufacturing or 60,000 hours of operation, whichever earlier.

4. Maintenance of Diesel Gensets.

It is the responsibility of genset owner to maintain the genset. Proper maintenance as per following can reduce the pollution level and increase the Genset life.

i. Do 's

- Inspect the pre cleaner for dirt /dust accumulation and it may be cleaned once in a week;
- Check vacuum indicator for red band and clean the outer element only by compressed air, with pressure not more than 60 psi, if required;
- Drain the water and sediment from water separator and fuel tank before starting;
- Maintain coolant condition as per specifications;
- Check lube-oil pressure every morning after starting;
- Check engine log book of previous shift and reset the engine, if required;
- Clean the engine externally every day;
- Check any leakage of engine oil, coolant and fuel before start up and top up the engine oil, if required;
- Prime the engine before starting;
- Check battery condition and electrical connection before starting as per O&M manual;
- Start the engine and operate it without load/idle for 2-3 minutes for any leakage or abnormal sound. Do corrections, if necessary;
- Start the engine on electrical mode and check for proper functioning of safety controls;
- Idle the engine for three minutes before shut off;
- Carry out recommended schedule maintenance checks; and
- Use genuine parts while replacing them during break down or preventive maintenance.

Don't

- Operate the engine with choked or ruptured air cleaner element;
 - Operate the engine with vacuum indicator removed;
 - Remove inner element for cleaning;
 - Operate the engine without diesel tank cap and strainer;
 - Operate the engine without radiator pressure cap;
 - Operate the engine without thermostat;
 - Operate the engine with lubricating oil level below 'L' mark or above 'H' mark;
 - Crank the engine more than 30 seconds continuously;
 - Operate the engine with dirty radiator core;
 - Over extend the filters and lubricating oil change period;
 - Allow dirt or any debris to enter oil system during oil change;
 - Operate the engine without support of exhaust and intake piping;
 - Operate the engine with low oil pressure or with high coolant temperature.
5. **CPCB Proposal for Continued action plan:** Meanwhile, CPCB in association with the manufacturers and in consultation with "Standing Committee on emission for off-Road Vehicles and construction equipments" may explore the methods of monitoring of in-use generator sets. A study project will simultaneously be undertaken to suggest emission limits and noise limits for in-use diesel Gensets.
6. **Conclusion:** Fixing of life of genset i.e. 15 years for residential and commercial purpose and 16 years for agricultural purpose would help in controlling air and noise pollution due to use of gensets, since, it is a difficult proposition to monitor noise and emission levels at par with the PUC certificate system, as applicable for in-use vehicles.

-X-X-X-X-X-

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH
NEW DELHI

.....

APPLICATION NO. 34 OF 2011

In the matter of:

1. **Supreme Court Group Housing Society
Through its Secretary
Shri Santosh Paul, Mayur Vihar Phase-1
Delhi-110001.**

2. **Indian Foreign Service,
Group Housing Society,
Through its Secretary,
Shri Om Prakash,
Mayur Vihar Phase-1
Delhi-110091.
Petitioners**

.....Applicants

Versus

1. **All India Panchayat Parishad
Through its President / Chairman / Secretary
Mayur Vihar Phase-1,
Delhi-110091.**

2. **Delhi Development Authority
Through its Vice Chairman,
Vikas Sadan, INA
New Delhi.**

3. **The Commissioner
Municipal Corporation of Delhi
Town Hall,
Delhi.**

4. **The Commissioner of Police
Through A.C.P. (East)
Delhi Police Head Quarters
I.P. Estate
New Delhi.**
5. **Deputy Commissioner of Police (Traffic)
Delhi Police Head Quarters,
I.P. Estate,
New Delhi.**
6. **Delhi Pollution Control Committee
4-5 Floor, I.S.B.T. Building
Cashmere Gate
Delhi.**
7. **Sub-Divisional Magistrate (East)
Govt. of NCT of Delhi
Geeta Colony
Delhi.**
8. **Govt. of NCT of Delhi
Department of Environment
Delhi Secretariat
I.P. Estate
Delhi.**

.....Respondents

Counsel for Appellant:

Mr. Raj Panjwani, Sr. Advocate along with
Ms. Sonia Singhani, Adv.

Counsel for Respondent:

Mr. Vageesh Sharma	for R – 1
Ms. Shobhana Takiar	for R- 2
Mr. Gaurang Kanth	for R – 3
Mr. Rajiv Nanda	for R – 4, 5 & 8
Mr. Anjum Javed	for R - 6

JUDGMENT**PRESENT:****Justice A.S. Naidu (Acting Chairperson)****Dr. G.K. Pandey (Expert Member)**

Dated:18th December, 2012

A Public Interest Litigation (PIL) was filed by the Supreme Court Group Housing Society and Indian Foreign Service Group Housing Society in the Hon'ble High Court of Delhi and was registered as (W.P.(C) No.1185/2011). The said Writ Petition was transferred to the National Green Tribunal on 23rd November, 2011 by consent of parties for adjudication and disposal.

The main issue raised in the petition is pertaining to the noise pollution caused due to use of loud speakers, DJ systems, Music Systems, public address system etc. during weddings, receptions, parties and other functions arranged in the premises of "All India Panchayat Parishad" situated in a strategic point of the Housing Societies thereby violating the terms of allotment of the said premises. It is averred that All India Panchayat Parishad had let out the adjacent land for marriages, parties etc., which are held almost every day in the year 2010 and even thereafter. The noise

emanating from the loud speakers, musical systems, DJ sets, etc. disturbs and affects the residents living in the area, from the commencement of the function until past midnight. The noise produced affects the health and disturbs the sleep of the residents more particularly infants and aged people and also deprives children from concentrating in their studies and preparing for tests and examination.

2. We are conscious of the facts that noise pollution not only causes annoyance, but also leads to significant adverse health impacts like rise of blood pressure, hearing impairment, neurological disorders etc. Children are most susceptible to noise pollution which may slow down the process of development of their mental capacity. As noise has been regarded as a pollutant, the Ministry of Environment and Forests has brought out Noise Pollution (Regulations and Control) Rules 2000 under the provision of the Environment (Protection) Act, 1986. These rules provide for ambient quality standards in respect of noise for different areas / zones as specified in the schedule annexed to the Rule. Relevant portion of the Rules is quoted here in below:

Ambient Air Quality Standards in Respect of Noise

Area Code	Category of Area/Zone	Limits in dB(A) Leq	
		Day time (6.00 am to 10.00 pm)	Night time (10.00 pm to 6.00 am)
A	Industrial Area	75	70
B	Commercial Area	65	55
C	Residential Area	55	45
D	Silence Zone	50	40

3. As per the laid down procedure, any person requiring to use loud speaker or public address system is required to take prior permission from the concerned Authority (Police), and the use should be prohibited between 10.00 pm to 6.00 am. In spite of the existing provisions and the procedures laid down, it is alleged that the All India Panchayat Parishad has been letting out its premises

for various purposes including weddings, and other functions wherein loudspeakers / music systems are used till late nights without taking proper permission from the concerned Authority thereby causing noise pollution affecting the inhabitants of the locality. Besides loud-speakers and music systems, heavy duty electricity generator is also installed which causes not only noise pollution but also poses air pollution problems. In addition to the activities mentioned above, bursting of loud fire crackers during marriage ceremonies and other functions also add to the noise pollution problems. It is alleged in the petition, that in spite of repeated complaints to the police, no action is taken to stop the nuisance of noise pollution emanating from the use of loudspeakers, music systems and other sources.

4. Apart from above, during such events 100 to 200 vehicles are being parked on the road which obstructs the right of way of the residents and the blockage of traffic results in continuous use of horns which ultimately disturbs the peace in the area. Besides, it is alleged, the leftover food, garbage and bottles are thrown all over the land and on the road which is illegal and poses health hazards and results in foul smell in the area as also creates menace of flies and insects.

5. In course of the hearing, Mr. Dube, the Executive Secretary of All India Panchayat Parishad (Respondent No.1) submitted that the plot in question is no longer let out or used for holding marriages or other functions. In view of the said statement made by R-1, the Tribunal by an interim order had directed that the said plot in question shall not be used or let out for the purpose of marriages and other functions which may violate the mandatory Rules, Regulations or Circular issued by the Government from time to time. Later, Mr. Sheetla Shankar Vijay Mishra, appeared on behalf of R.1 in the capacity of General Secretary (HQ) before us and reiterated that the said premises is no more used or let out to outsiders for marriages or holding other functions, which may cause noise pollution and that the same is used for holding meetings of the Parishad and occasionally is being given to its Members for marriages of their family members.

6. The effect of noise on health is a matter which has not yet received full attention which it deserves. Pollution being wrongful contamination of the environment which causes material injury to right of an individual, noise can well be regarded as a pollutant because it contaminates environment, with high decibel noise intensity, causes nuisance and affects the health of a person and

would therefore offend Article 21 of the Constitution if it exceeds a reasonable limit.

According to Encyclopaedia America:-*“Noise by definition is unwanted sound. What is pleasant to some ears may be extremely unpleasant to other, depending on a number of psychological factors. The sweetest music, if it disturbs a person who is trying to concentrate or to sleep, is noise to him, just as the sound of a pneumatic riveting hammer is noise to nearly everyone. In other words, any sound may be noise if circumstances cause it to be disturbing”.*

The pollution as evil, thus brings the society to understand that mankind is part of nature. Richard Maybe, in his “Handbook on Pollution” observes that the “root cause of pollution probably lies in the sort of world we have chosen to build for ourselves, and in our thoughtless worship of progress at any cost. This amply illustrates that pollution is plain progress crisis”.

7. It is well known fact that various environmental laws have failed to afford sufficient remedial measures for the individual sufferers, and the criminal liability created thereunder is mostly generalised and is of little to the person or persons who become victims of any pollutant, that apart there is no independent Act on noise pollution.

8. In course of hearing, Shri D. Rajeshwar Rao, Ld. Counsel appearing for R. No. 4, 5 & 7 filed standing order No. Ops.73 and Standing Order No.Ops. 82 dealing with the menace of noise pollution and guidelines for permitting commercial use of Farm Houses for social functions respectively but then it appears that the guidelines have not been issued to all the Police Stations consequently its implementation remained very weak. On 20th April, 2012, we directed the Jt. Commissioner of Police (Traffic) as well as Jt. Commissioner of Police (Genl.) to appear in person before this Tribunal on 3rd May, 2012 and to apprise the Tribunal with regard to the steps taken for implementation of the guidelines and the notifications issued to avoid noise pollution. The aforementioned Authorities or their representatives appeared before us on 3rd May, 2012 and made their submissions. After hearing the parties and Counsel, this Tribunal was satisfied that the Rules framed and notifications issued are followed more in its breach than compliance. Therefore, this Tribunal directed the Divisional Commissioner (East Delhi) to coordinate and convene a meeting of all the concerned officers comprising of the Member Secretary, DPCC, Jt. Commissioner (Police HQ), the Jt. Commissioner (Traffic), Additional Commissioner (Transport/

Enforcement), Additional Commissioner, (Licensing) etc. to discuss ways and means for implementation of the provisions of the Standing Order No. Ops. 73 and work out the modalities for removal of menace of noise pollution in the capital city of Delhi. In compliance with the order, a joint meeting was held and a comprehensive report was filed on behalf of Sub-Divisional Magistrate (East Delhi) R-7 stating that the report has been prepared after elaborate discussions made in the Committee which was constituted in consonance with the directions issued by this Tribunal. The said report was served to all the parties. Shri Raj Panjwani, Senior Learned Counsel for the Applicant has also prepared and submitted a note incorporating his suggestions to control noise pollution.

9. In compliance with our directions, it appears a detailed Action Plan has been prepared in the meeting conveyed by the Divisional Commissioner, Delhi, the decisions taken, modalities adopted and duties assigned to various departments which attended the meeting. On perusal of this Action Plan, we feel that by and large it should be able to reduce/mitigate noise pollution. However, to make it more effective, few modifications have been suggested by us and modified Action Plan is placed below:-

i) Actions to be taken by the Member Secretary DPCC:

- a) To establish and run a call centre where the complaints related to noise pollution can be lodged 24 x 7 hours by the citizens.
- b) To draw a detailed action plan / standard operating procedure (SOP) regarding control of noise pollution in industrial, hospitals and educational/institutional areas including monitoring mechanism and surveillance system.
- c) To draw a detailed action plan / standard operating procedure (SOP) to implement ban or use of generator sets of capacity of 5 KVA and above in the residential area between 10 pm to 6 am.
- d) To examine and issue notification regarding inclusion of provisions for compounding of offences of noise pollution.
- e) To examine in detail the requirement and use of decibel meters and to prepare a detailed standard operating procedure in this respect including maintenance and up-keep of sound decibel meters.

ii) Actions to be taken by Transport Department:

- a) Inclusion of status of pressure horn in the vehicle at the level of issuing pollution control certificate.

- b) To issue notifications with respect to increase of fine amount, ban on manufacturing / distribution / sale of pressure horn and ban on modification of vehicular silencers in the NCT of Delhi.
- c) To check and prohibit the entry of heavy vehicles fitted with pressure horn and to arrange for awareness in the form of pamphlets / slips etc. in association with DCs and Traffic Police.
- d) To conduct Information Education and Communication (IEC) programmes in association with Education Department and the DCs.

iii) Actions to be taken by Traffic Police:

- a) Mandatory Challan and prosecutions of noise polluting vehicles.
- b) Strict implementation of the acts / rules / directions.

iv) Actions to be taken by Delhi Police:

- a) The complaints so forwarded by the call centre be attended immediately by the Area SHO and confiscation and seizure of the amplifiers and other noise pollutants. Production of the case before the area SDM within 24 hours of such seizure.

- b) To assist the area SDM in survey of the religious places causing noise pollution and provide necessary infrastructure to remove noise causing instruments and gadgets.
 - c) To provide full support to the executing agencies as and when required.
- v) **Actions to be taken by the Office of the Deputy Commissioner:**
- a) SDMs to hear the cases and file prosecutions.
 - b) SDMs to complete survey of religious places causing noise pollution and take steps to remove such installations.
 - c) DCs to chalk out modalities in consultation with Transport Department for checking the vehicles fitted with pressure horn at the borders of Delhi with neighbouring states.
 - d) To conduct Information Education and Communication (IEC) programmes in association with Education Department and the Transport Department.

vi) Actions to be taken by the Education Department, GNCT of Delhi.

- a) To incorporate education materials in the curriculum of the schools with respect to control of noise pollution.
- b) To organize the IEC activities amongst the students and youth in consultation with the DCs.

10. After going through the minutes and modalities as reflected above this Tribunal directs that effective steps should be taken by the Divisional Commissioner, Delhi as well as other authorities for strict compliance of the modified Action Plan enumerated in the preceding paragraph. It is, further, directed that the Divisional Commissioner, Delhi will take review meetings from time to time with the concerned departments so as to ensure that the above Action Plan evolved is implemented by the various identified departments in letter & spirit.

11. Further, it is necessary to provide adequate numbers of noise meters to all the police stations to enable them to check the noise levels emanating from the various sources and accordingly take appropriate actions. In addition to provide proper maintenance

facilities for the noise meters, it is equally important to impart proper training to the concerned police personnel so as to use the noise meters properly during field inspections. We direct D.C. (East) to ensure the availability of the adequate number of noise meters, proper training of the staff and maintenance of the equipment.

12. Delhi Pollution Control Committee (DPCC) shall undertake periodically noise survey in different areas of Delhi especially covering those which are located close to the heavy traffic intersections, sensitive areas such as hospitals, educational institutions, courts etc. Special drive to monitor noise pollution levels during the festival seasons should also be undertaken on yearly basis. This would be helpful in evolving proper strategy /action plan to further mitigate noise pollution problems in the various parts of the capital.

13. DPCC will ensure that generator sets of capacity of 5 KVA and above, will conform to the standards prescribed for noise levels from time to time by concerned authorities including CPCB and MoEF.

14. All India Panchayat Parishad, Mayur Vihar, Phase-1 Delhi will not let out in future, its premises for holding marriages or other functions which may cause noise pollution problems.

15. The Municipal Corporation of Delhi is directed to take appropriate action against All India Panchayat Parishad, if it is found that left out food, garbage and bottles are thrown on road by them to avoid any health hazards to the public.

16. Divisional Commissioner, Delhi and DPCC must ensure compliance with the directions of Hon'ble Court in its judgment dated 10th May, 2001 passed in the **Free Legal Aid Cell case (reported in AIR 2001 DELHI 455)**.

17. Noise pollution and the menace arising therefrom is not confined to the Housing Society of the Applicants but is a general problem. It has crossed the danger point and is threatening the entire society. Immediate measures therefore are to be taken in this regard. Therefore, it will be the responsibility of the area SDM's and Local Police to see that sound pollution Rule is directly adhered in the letter and spirit. In the event any officer or authority are found to ignore or not pay any heed to the violation, the said action should be viewed as serious violation of law and strict action

should be taken against the Officer ignoring such illegal activities and he should be suitably dealt with and would be liable for disciplinary action.

18. The suggestions made above, it is needless to be said, are general in nature and not exhaustive. The authorities are free to adopt such other means or modalities or measures to prevent noise nuisance, as the circumstances may mandate. With the aforesaid observations the Appeal is disposed of. Parties to bear their own cost.

Dr. G.K. Pandey
Expert Member

Justice A.S. Naidu
Acting Chairperson

Anju
(Court Master)
18th December, 2012

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 452/2018

Manoj Chaudhary Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: **Applicant:** **Mr. Adarsh Srivastava & Mr. Harsh Vardhan, Advs.**

Date and Remarks	Orders of the Tribunal
<p style="text-align: center;">Item No. 08</p> <p style="text-align: center;">July 23, 2018</p> <p style="text-align: center;">ss</p>	<p>1. The grievance in this application is that 9 Schools are being run in the city of Meerut, in the area of Mission Compound which is in the vicinity of the residence of the applicant. The schools are running D.G. Sets and are violating air pollution and noise pollution norms for the last 10 years. An inspection was carried out on 29th January, 2018 by the Uttar Pradesh Pollution Control Board. The Uttar Pradesh Pollution Control Board sent a letter dated 01st February, 2018 to the Meerut Development Authority requiring the Meerut Development Authority to initiate proceedings in the light of inspection report, <i>inter-alia</i>, stating as follows:-</p> <p style="margin-left: 40px;">“I. <i>L.R.A. Kids School:</i></p> <p style="margin-left: 80px;">3. <i>For supply of alternative electric power D.G. Set of 7.5 K.V.A. was found installed with acoustic enclosure. Height of exhaust attached with D.G. Set is not in accordance with Board standards.</i></p> <p style="margin-left: 40px;">II. <i>J.P. Academy School:</i></p> <p style="margin-left: 80px;">3. <i>For supply of alternative electric power D.G. Set of 20 K.V.A. was found installed with acoustic enclosure. Height of exhaust attached with D.G. Set is not in accordance with Board standards.</i></p> <p style="margin-left: 40px;">III. <i>Little Scholar Colts School:</i></p> <p style="margin-left: 80px;">3. <i>For supply of alternative electric power D.G. Set of 15 K.V.A. was found installed with canopy enclosure. Height of exhaust attached with D.G. Set is not in accordance with Board standards.</i></p>

	<p>Item No. 08</p> <p>July 23, 2018</p> <p>ss</p>	<p><i>IV. Shiwalik Public School:</i></p> <p>3. <i>For supply of alternative electric power D.G. Set of 20 K.V.A. was found installed with canopy enclosure. Height of exhaust attached with D.G. Set is not in accordance with Board standards.”</i></p> <p>2. In view of the above, there is no reason why the respondent No. 6 has not acted in the matter. We direct Respondent No. 6 Meerut Development Authority to take action in accordance with law considering the direction of the Uttar Pradesh State Pollution Control Board.</p> <p>3. Before parting with this order, we consider it appropriate to avoid repeated litigation of this nature, to direct the Secretary, Ministry of Environment, Forest and Climate Change to have an interaction by way of video conferencing or otherwise with the Education Departments of all the States in association with the concerned Pollution Control Boards/Central Pollution Control Board to issue appropriate guidelines to take care of the violation of environment norms by different Education Institutions in the Country.</p> <p>4. The Compliance report may be filed by email to this Tribunal at filing.ngt@gmail.com within 8 weeks from today.</p> <p>With the above directions, the application is disposed of.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>.....,JM (S.P. Wangdi)</p>
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		<p>.....,EM (Dr. Nagin Nanda) 23.07.2018</p>
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