

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****APPEAL NO. OF 36 OF 2024****IN THE MATTER OF:**

Petro Carbon and Chemicals Limited

...Appellant

**VERSUS**Commission for Air Quality Management  
in National Capital Region &  
Adjoining Areas of India & Anr.

... Respondents

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Filed by :-

New Delhi

Dated: 25<sup>th</sup> July, 2025*Abhishek Atrey*

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

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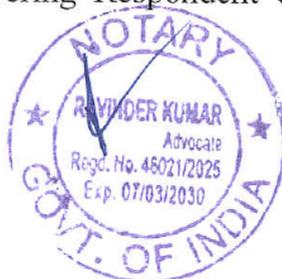
... Respondents

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE COMMISSION**  
**FOR AIR QUALITY MANAGEMENT IN NATIONAL CAPITAL**  
**REGION & ADJOINING AREAS, RESPONDENT NO.1**

I, Shri Ram Kumar Agrawal aged 56 about years, S/o Late Shri Prabhat Kishore Agrawal, working as Director in the Commission for Air Quality Management in National Capital Region and Adjoining Areas, New Delhi (hereinafter referred to as 'Commission') having office at 17<sup>th</sup> Floor, Jawahar Vyapar Bhawan, STC Building, Tolstoy Marg, New Delhi – 110001, do hereby, in my official capacity, solemnly affirm and state as under:

1. That I, in the capacity of Director in the Commission for Air Quality Management in National Capital Region and Adjoining Areas, am fully conversant with the facts of the case and competent to swear this affidavit on behalf of Respondent no. 1.
2. That the Answering Respondent has filed a Counter Affidavit in the instant matter on 20.12.2024 before this Hon'ble Tribunal. For the sake of brevity, the Answering Respondent craves leave of this Hon'ble

  
**राम कुमार अग्रवाल / Ram Kumar Agrawal**  
**निदेशक / Director**  
 राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग  
 Commission for Air Quality Management in NCR & Adjoining Areas  
 भारत सरकार / Government of India  
 17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,  
 17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,  
 नई दिल्ली-110001 / New Delhi-110001



Tribunal to rely upon the detailed affidavit filed in the matter. Facts enumerated in that counter affidavit are not repeated herein.

3. That the Commission vide order dated 25.10.2023 constituted a Sub-Committee under the Chairmanship of its full-time Technical Member, and consisting of Member(s) from the Commission, Ministry of Environment Forest and Climate Change (MoEF&CC), Ministry of Petroleum and Natural Gas (MoPNG), Ministry of Commerce and Industry (MoC&I), Directorate General of Foreign Trade (DGFT), Central Pollution Control Board (CPCB) and National Environmental Engineering Research Institute (NEERI), in view of the Order dated 10.10.2023 of the Hon'ble Supreme Court in WP(C) No. 13029 of 1985. That the Sub-Committee submitted its report date 08.02.2024 to the Commission based on which the Commission issued Order dated 15.02.2024 in respectful compliance of the Order dated 10.10.2023 of the Hon'ble Supreme Court.
4. That in compliance to the order dated 15.07.2025 passed by this Hon'ble Tribunal, the Answering Respondent by way of instant affidavit, is placing on record the Report dated 08.02.2024 of Sub-committee on import allocations for Raw Pet Coke (RPC) and Calcined Pet Coke (CPC) in the Country. The copy of the Sub-committee's report dated 08.02.2024 is annexed herein as **ANNEXURE-I**.
5. Further the Answering Respondent craves leave of this Hon'ble Tribunal to make additional submissions, if required, during the course of proceedings.

  
 राम कुमार अग्रवाल / Ram Kumar Agrawal  
 निदेशक / Director  
 राष्ट्रीय राजधानी क्षेत्र और पड़ोसी क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग  
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6. It is most humbly prayed that this Hon'ble Tribunal may kindly be pleased to pass such Order(s) as may be deemed fit and proper in the facts and circumstances of the case.

  
DEPONENT

राम कुमार अग्रवाल / Ram Kumar Agrawal  
निदेशक / Director  
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग  
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### VERIFICATION

Verified at New Delhi on this 25 day of July, 2025 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.

  
DEPONENT

राम कुमार अग्रवाल / Ram Kumar Agrawal  
निदेशक / Director  
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग  
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नई दिल्ली-110001 / New Delhi-110001

IDENTIFIED BY  
Abhishek Raini, C.A.M



ATTESTED

NOTARY PUBLIC  
GOVT. OF INDIA

25 JUL 2025

**REPORT OF THE SUB-COMMITTEE ON  
Import allocations for Pet Coke (RPC and CPC)**

Constituted by Order of the Commission for Air Quality Management in NCR and Adjoining Areas (hereinafter referred to as the 'Commission') dated 25.10.2023 pursuant to the Order of Hon'ble Supreme Court of India in WP(C) No. 13029 of 1985 dated 10.10.2023.

**1. BACKGROUND**

- i. The Hon'ble Supreme Court *vide* its Order dated 26.07.2018 restricted the use of imported Pet Coke for all Industries except for cement, lime, calcium carbide and gasification industries, in compliance with WTO norms and these industries were permitted to use imported Pet Coke as a feedstock or in manufacturing process and not as a fuel. Similarly, use of needle grade imported pet coke was allowed to graphite electrode industry by order dated 06.09.2018. No quantitative restrictions / cap has been imposed on the import of pet coke for these sectors.
- ii. The Hon'ble Supreme Court *vide* its Order dated 09.10.2018 allowed Raw Pet Coke (RPC), domestic and imported, to be used as a feedstock for producing Calcined Pet Coke (CPC) with the condition that the imported raw pet coke for this purpose cannot exceed **1.4 million metric tonne (MMT)** per annum in total. The Hon'ble Supreme Court arrived to this conclusion on the basis of views of CPCB and MoEF&CC and importantly on the basis of report no. 91 filed by the EPCA before the Hon'ble Supreme Court. Further, use of imported CPC was allowed to Aluminium industry with cumulative quantitative restriction / cap of **0.5 MMT** per annum *vide* same order dated 09.10.2018.
- iii. In view of changing scenarios with time, the requirement of CPC and RPC for the aluminium industry as well the CPC manufacturing

industries also have changed. Various industries approached to Hon'ble Court from time to time.

- iv. IA No. 184370/2023, IA D. No. 205976/2023 in IA No. 184370/2023, IA Nos. 49035 & 49036/2021, IA Nos. 113743, 113750/2019 & IA D. No. 6402/2021, IA Nos. 113743, 113750/2019, IA Nos. 141194 & 141196/2023, IA Nos. 141725 & 141728/2023, IA Nos. 141204 & 141252/2023, IA Nos. 129627, 129630 & 138251/2023, IA Nos. 142394 & 142395/2023, IA Nos. 176700 & 176702/2023, IA Nos. 177061 & 177063/2023, IA Nos. 177684 & 177685/2023, IA No. 16635/2022, IA No. 41879/2022 and IA No. 176291/2023 were listed before Hon'ble Supreme Court on 10.10.2023, wherein the Hon'ble Court after hearing the parties and considering the suggestions of Ld. Amicus in the matter, delegated all these issues to the Commission by noting that the origination of regulation by the Hon'ble Supreme Court arose from the fact that Pet Coke is highly polluting, especially when used as a fuel and in unregulated industries.
- v. Another issue raised before the Hon'ble Court was regarding distribution of balance quantity of 0.4 MMT RPC out of total cap of 1.4 MMT for 2023-24, the Hon'ble Court noted that it is appropriate that the Commission bestows consideration even on this aspect and wherever any interim directions are required, the Commission itself can pass those directions, uninfluenced by other orders which may be passed by any other Court.
- vi. Hon'ble Court observed that aforesaid direction would take care of the various applications before it *qua* the issue of import and enhancement of import quota and disposed of the applications as mentioned in para iv above.
- vii. In view of other aspects being delegated to the Commission, the Hon'ble Court directed that the facts of IA NO. 115613/2021 (related

to SEZ unit of RAIN CII Carbon (Vizag) Ltd.) be also examined by the Commission itself.

## 2. CONSTITUTION OF THE SUB-COMMITTEE

- i. The Commission *vide* its Order dated 25.10.2023 (**Annexure-I**) constituted a Sub-Committee under the Chairmanship of its full-time technical Member, and consisting of Member(s) from the Commission, Ministry of Environment, Forest and Climate Change (MoEF&CC), Ministry of Petroleum and Natural Gas (MoPNG), Ministry of Commerce and Industry (MoC&I), Directorate General of Foreign Trade (DGFT) and Central Pollution Control Board (CPCB) to examine the issues delegated to the Commission. The Sub-Committee also co-opted a Member from National Environmental Engineering Research Institute (NEERI).
- ii. The Sub-Committee held its meetings on 31.10.2023, 15.11.2023, 22.11.2023, 30.11.2023, 11.12.2023, 27.12.2023, 15.01.2024, 25.01.2024, 31.01.2024 and 08.02.2024 to deliberate upon the issues and to arrive on a decision unanimously.
- iii. The Sub-Committee heard the CPC Manufacturers and Aluminium Industries during the process. The Sub-Committee issued a 'Notice' on 02.11.2023 (**Annexure-II**), which was placed on the website of the Commission and also on the website of the Member(s) of the Sub-Committee for wide circulation, seeking requisite details from the CPC manufacturing industries and also to provide an opportunity to be heard to all concerned parties in the matter. The deadline in 'Notice' dated 02.11.2023 was further extended till 21.11.2023 through 'Notice' dated 16.11.2023 (**Annexure-III**).
- iv. The Sub-Committee deliberated the issues in detail related to the distribution of the Pet Coke available in the country and the Pet Coke required to be imported and how these should be distributed *inter se* amongst to the industries. The Sub-Committee also took into

account suggestions and objections from the stakeholders, earlier Orders of the Hon'ble Supreme Court in the matter, reports filed by the EPCA and submission made by the CPC manufacturers and Aluminium Industries before it and the recommendations of the Sub-committee have been made after extensive discussions and considering relevant aspects of the issues and inputs provided by the Member(s).

### 3. ISSUES BEFORE THE SUB-COMMITTEE

- i. Based on the assessment of submissions made in various IAs, representations made before the Commission and submissions made before the Sub-Committee, issues before the Sub-Committee were:
  - a. Decision on allocation of balance quantity of 0.4 MMT RPC out of total 1.4 MMT for the year 2023-24.
  - b. Demand of Aluminum Association of India to remove the quantitative restrictions that were imposed, by the Hon'ble Supreme Court through its Order dated 09.10.2018, on the import of CPC for its use on actual user basis consistent with Notification dated 10.09.2018 issued by MoEF&CC.
  - c. Request of some of the CPC manufacturing units seeking that distribution of RPC shall not be restricted to 6 calciners, whereas, on contrary it has also been contented by some that the allocation be confined and limited to the original 6 port-based calciners who were party to the order dated 09.10.2018 passed by this Hon'ble Court on the ground that their cases were specifically considered and recommended by the EPCA in its Report No. 91 and consequently approved by the Hon'ble Supreme Court's Order dated 09.10.2018.
  - d. Exemption to the CPC manufacturing units, which comply emission control standards/guidelines for Calcined Petroleum



Coke (CPC) manufacturing units, from the general import limit/restriction of 1.4 million MT of Raw Petroleum Coke ("RPC") as stipulated by this Hon'ble Court by Order dated 09.10.2018, similar to the one provided to the other industries that have been permitted to import RPC under the 'Free' category for use as feedstock by the Hon'ble Supreme Court's Order dated 26.07.2018.

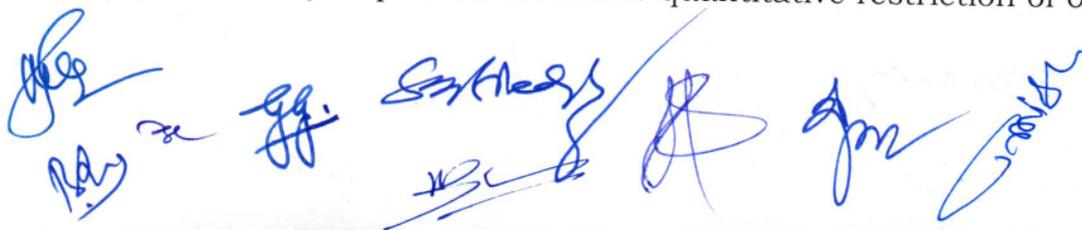
- e. To allow the import of RPC and CPC as per production capacity mentioned in the Consent for Operations and permit the export of finished product- CPC besides domestic sale.
  - f. Clarification on the issue of applicability of current cap for SEZ units, wherein it has been stated that the import limits for RPC and CPC (1.4 MT and 0.5 MT per annum respectively) is for domestic use and these limits are not applicable when RPC and CPC are imported solely for re-export purposes outside India. Accordingly, allocation of RPC/CPC as per the current capacity was also requested. This is for specific regard to the AP SEZ Unit in view of the provisions of Special Economic Zone Act, 2005, Special Economic Zone Rules, 2006 and Foreign Trade Policy, 2015.
- ii. In view of the above, issues are now dealt in the three parts, which are:
- a. Decision on allocation of balance quantity of 0.4 MMT RPC out of total 1.4 MMT for the year 2023-24
  - b. Examination of requirement of import of RPC and CPC in the Country.
  - c. Examination of the issue of import for CPC Manufacturing Unit in Special Economic Zone (SEZ).

**4. INTERIM ALLOCATION OF BALANCE QUANTITY OF 0.4 MMT RPC FOR THE YEAR 2023-24**

With regard to the issue of allocation of balance quantity of 0.4 MMT RPC, the Sub-Committee deliberated the issues in detail, examined the submission made in the IAs by various entities, heard 16 CPC manufacturers appeared before the Sub-Committee. Based on the detailed deliberations, the Sub-Committee issued a speaking Order dated 24.11.2023, directing the DGFT to allocate and distribute the balance quantity of 0.4 MMT RPC for the year 2023-24 to the eligible CPC manufacturers, in terms of the Order dated 24.11.2023 **(Annexure-IV)**

**5. ISSUE OF IMPORT OF RPC AND CPC IN THE COUNTRY FOR DOMESTIC USE**

- i. Issues which were raised by the stakeholders during deliberations include enhanced demand of imported RPC by CPC Manufacturers and cap free import of CPC by aluminium industry.
- ii. The main issue which was raised by the most of the CPC Manufacturers was related to allotment of imported RPC to all the calciners and not only to port based calciners. Whereas it has also been requested by some calciners that allocation of imported RPC may be restricted to the port based calciners as per the EPCA Report 91 and the same may not be distributed amongst all calciners.
- iii. Some of the calciners seeks to allow unrestricted import of RPC based on their actual capacity and some of the calciners also submitted before the Sub-Committee to continue the current cap on imported RPC as already fixed. One of the calciner also seeks to import CPC for blending it with manufactured CPC.
- iv. The Aluminium Association of India representing aluminium industry requested to remove quantitative restriction of 0.5 MMT on



the Aluminium Industry for import of CPC for use as feedstock for anode making considering increased demand for Aluminium in the country on account of investment and growth in strategic sectors including railways, defence, aerospace, solar, automobile & electric vehicles, packaging, semiconductors and construction since FY 2018-2019.

- v. The Aluminium Association of India stated that the CPC is used as feedstock in aluminium industry just like cement, lime kiln, calcium carbide, gasification and graphite industry and prayed that the aluminium industry be allowed to import CPC on actual need basis as allowed for cement industry, highlighting that the restriction on access to sufficient CPC would make the industry less efficient and less competitive in the global as well as domestic market, with the rising demand for Aluminium and would be counterproductive to the "Make in India" initiative which seeks to make India self-sufficient in manufacturing. The restriction on availability of CPC would hamper meeting the national demand and global demand in view of the fact that demand for Aluminium has increased substantially since the passing of the Order dated 09.10.2018 and is bound to increase further.
- vi. Aluminium Association of India also made a presentation before the Sub-Committee on 11.12.2023 and 25.01.2024 highlighting the aluminium growth in the world vis-à-vis in India. They presented the estimated requirement of aluminium in the country, current production capacity and production capacity being augmented in near future. It was explained in detail to the Sub-Committee that the demand of Aluminium in the country is projected to increase from current 4.5 MMT to 7 MMT per annum by FY 2028 and 9-10 MMT by FY 2032. This growth is driven by higher usage of Aluminium in building & construction, Automotive, Packaging and electrical distribution. They emphasised the need of stable policy regarding

availability of raw material for capacity augmentation to meet the required demand of Aluminium in the country since continuous supply of right quality of CPC at right price and at right time is crucial for operation of Aluminium industry. They also explained in detail the requirement of CPC for aluminium industry, domestic availability against those requirement and resultant gap in supply of CPC, which ultimately requires to be imported. Accordingly, Aluminium association demanded removal of quantitative restrictions on import of CPC similar to other industries considering the dynamic growth of aluminium industry or to increase the import quota of CPC to 1.5 MMT.

- vii. It was informed that existing aluminium smelter capacity as per CTO is 4.25 MMT per annum and an additional approved expansion capacity of 0.85 MMT is underway for which environmental clearance (EC) has been granted by MoEF&CC. Further, approx. 3.2 MTPA smelter capacity is in pipeline for which EC has been applied.

**6. OBSERVATIONS AND RECOMMENDATIONS ON THE ISSUE OF IMPORT OF RPC AND CPC IN THE COUNTRY FOR DOMESTIC USE**

- i. The Sub-Committee, taking a holistic view of the demand of CPC by aluminium industry as also other misc. industrial sectors in the country deliberated upon the various sources and their respective capacities for the requisite supply of CPC. The Sub-Committee noted that presently there is an ambiguity in the allocation of the capped quantity of import of 1.4 MMT of RPC only for port-based calciners versus other calcining units located elsewhere in the country. The Sub-Committee opined that irrespective of the geographical location, all such calciner industries which have obtained all due statutory permissions and clearances need to be treated at par and not denied their legitimate permissions to carry out their respective industrial operations in broader consonance with the principle of equality. The import of RPC thus should be based on the demands as well as the

*[Handwritten signatures and initials in blue ink]*

current levels of quantities permissible under the respective CTO / clearance of all such calcining units (**Annexure-V**).

- ii. The calcining industry, involved in processing raw pet coke (RPC) to calcined pet coke (CPC), is a feeder mainly for anode manufacturing for the aluminum processing industry, besides other miscellaneous applications. The conversion of RPC to CPC, however, is associated with substantial air pollution load (SO<sub>2</sub> emissions) since the sulphur content in calcined pet coke is required to be reduced to 3.5% as against 7-8% sulphur content in fuel grade raw pet coke. The aluminium industry also has an option of direct import of some quantities of CPC required for processing, which obviates the incremental pollution load owing to the conversion process from RPC to CPC. The Sub-committee thus arrived at a conclusion that further capacity enhancement / expansion of purely calcining industries may not be encouraged. The Sub-committee, however, also noted the growth trend of the aluminium industry and its economic vitality for the country.
- iii. The Aluminium Industry Association also cited the issues of uncertainty in regular supply of domestic CPC and at times, issued related to quality parameters as well and accordingly the Aluminium Association of India sought parity with cement, lime kilns, calcium carbide, gasification and graphite industries towards unrestricted import of CPC as feedstock, on actual use basis. The Sub-committee noted that the processes in such industries where unrestricted import of RPC has been permitted, have established in-process mechanisms for absorption / control of SO<sub>2</sub> emissions whereas the emission potential in aluminium processing industries is relatively higher and additional intensive control measures viz. scrubbers/FGD etc. are required to control the SO<sub>2</sub> emissions in the process of smelting. Similar is the situation in the process of conversion of RPC to CPC. Thus, in the overall interest of environment protection, while

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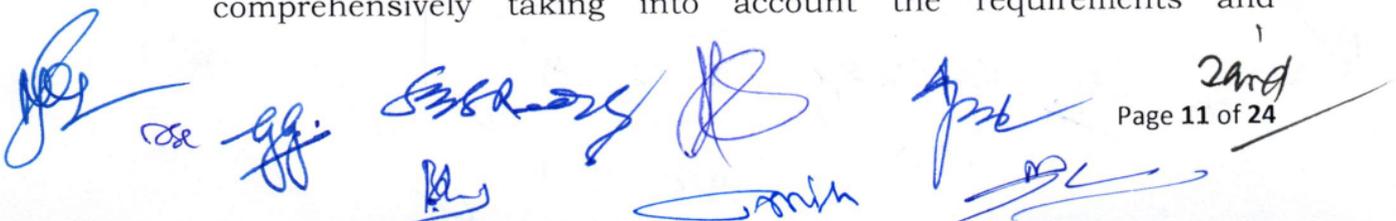
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also taking into account the requirements of respective industries, it was accordingly, decided to continue with a cap on import of RPC/CPC, in an effort to provide adequate checks and balances towards incremental emissions.

- iv. The Sub-Committee has considered the estimated capacity of aluminium production during 2024-25 & 2025-26 respectively, and thereby the requirement of CPC, as submitted by Aluminium Association of India and the present established / consented / permissible production capacities as also the requirements of RPC, as submitted by the respective calciners, consequent to a public notice and as submitted by them during various deliberations.
- v. An estimated CPC requirement, based on the existing and projected aluminium production capacity of 4.249 MMT & 5.099 MMT for 2024-25 and 2025-26, as submitted by the Aluminium Association of India (AAI), works out to 1.742 and 2.091 MMT respectively.
- vi. Various calcining industries also submitted their individual CPC production capacity and quantity of RPC to be imported for the same, in response to the public notice dated 02.11.2023. It was noted that the cumulative production capacity of all such calciners is 2.032 MMT, as per their latest CTOs. Towards this CPC production capacity, approx. 2.764 MMT of RPC would be required (based on a conversion factor of 1.36: 1 for RPC: CPC). It was also submitted by calciners that their demand for RPC is met through import as also through domestic sources (subject to availability in the country). Such calciners have submitted a request for a permission to collectively import 2.477 MMT of RPC annually.
- vii. The MoPNG informed that domestic annual RPC generation capacity is 0.486 MMT. Of this, 0.033 million ton is utilized for anode making. Thus, approx. 0.453 million ton of RPC is available for the calciners

in the country. This capacity has more or less remained static and MoPNG does not foresee any major growth in future in this sector.

- viii. It was also brought to the notice of the Sub-Committee that besides supply of RPC to aluminium and for other industrial applications, approx 15% of the CPC produced by the calciners is being exported annually. The Committee opined that the prime requirement of CPC as feedstock is that for smelting process in the Aluminum industry and thus should be prioritized accordingly. It was informed to the Sub-Committee that approx. 20% CPC produced by domestic calciners is also being supplied to industries other than Aluminum industry. The purpose of import of RPC is to primarily fulfil the domestic demand of CPC. Export of domestically produced CPC, by processing of the imported RPC by such calciners, which substantially enhances harmful emissions and the air pollution load in the country, thus needs to be strongly discouraged.
- ix. The Sub-Committee also noted the environmental concerns owing to processing of RPC / CPC in the calcining / aluminium industries. It was brought to the notice of the Sub-Committee that emission standards for PM, SO<sub>2</sub>, NO<sub>x</sub> have been notified for calciner industries, to be effective from June, 2025. However, emission limits for SO<sub>2</sub> for anode making process in aluminium industries are yet to be notified, which needs to be fast tracked by the CPCB and the MoEF&CC, to be endeavoured to be notified in a period of about six months from now.
- x. A detailed assessment of the quantities of CPC and RPC required by the aluminium industry and calciners respectively, based on data / information shared by the stakeholders concerned has been carried out for 2024-25 and also for the growth projected till 2025-26, which is likely to sustain for another 3 to 4 years, as enclosed **(Annexure-VI)**. This demand – supply analysis has been carried out comprehensively taking into account the requirements and



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manufacturing capacities of both the sectors viz. aluminium as also the calcining industries, including the availability of RPC / CPC from various streams i.e., domestic and through import.

- xi. Noting the growth in the aluminium sector, the Sub-Committee was informed that by 2025-26, aluminium production in the country is expected to increase to about 5.09 million tonne against a present capacity of 4.249 million tonne, for which due environmental clearances have already been accorded by the MoEF&CC and related agencies. Accordingly, the estimated requirement of CPC would be approx 2.1 MMT by 2025-26 against a present requirement of about 1.74 MMT (1.24 MMT through calciners and 0.5 MMT through direct import by aluminium industries). Towards sourcing of CPC by the aluminium industries, considering the levels of CPC cumulatively diverted by the calciners in the country for domestic industrial and miscellaneous applications other than aluminium, there appears a need for import of additional quantity of approximately 0.3 MMT CPC by the aluminium sector industries from 2025-26 onwards. Aluminium Industry Association submitted before the Sub-Committee that availability of right quality and quantity of CPC at the right time is crucial for continual aluminium production and thus sourcing CPC from both the streams viz. CPC manufactured by the calciners domestically and also through import are preferred to maintain continuity of production.
- xii. Considering the vitality of growth in aluminium sector in the country, the Sub-Committee, after due diligence, taking into account the present capacities as permitted / consented and the projected growth and also considering the comparative environmental impacts owing to direct import of CPC vis-a-vis conversion of imported RPC to CPC, accordingly recommends to allocate this additionally required quantity of 0.3 MMT CPC annually to the aluminium industries through direct import from 2025-26 onwards. This arrangement



would strike an optimal balance and take care of the concerns related to added environmental emission load and the issues of continual availability of the desired quantity and quality of CPC required for aluminium processing. For the present and during 2024-25, however, the current level of a cap of 0.5 MMT for direct import of CPC by the aluminium industries appears to be sufficient and reasonable.

xiii. In as far as the requirement of RPC (for conversion to CPC) is concerned, taking into account the current cumulative capacities of the calciners, the past trend of supplies of CPC made by them to the aluminium industries, industries other than aluminium and for other miscellaneous applications, only for domestic use in the country, it emerges that approx 2.35 MMT of RPC would be required annually w.e.f. 2024-25 itself. The domestic availability of RPC for the calciners, based on past trends and future projections, as per MoPNG, would be around 0.45 MMT. Thus, a gap of about 1.9 MMT would be required to be bridged through import of RPC cumulatively by all the calciners. The Committee, accordingly, recommends a revised cap on import of RPC by the domestic Calciners to a level of 1.9 MMT annually as against a present annual cap of 1.4 MMT of RPC.

xiv. The Sub-Committee, recommends that the Commission may permit to allocate the aforementioned quantities of RPC / CPC for import (total 1.9 MMT RPC for Calciners and 0.5 MMT CPC for Aluminium Industry in the year 2024-25 and 1.9 MMT RPC for Calciners and 0.8 MMT CPC for Aluminium Industry from 2025-26 onwards), strictly subject to the following conditions:

- a. Use of pet coke shall be permitted only as a feedstock / raw material and under no circumstances to be used as fuel;



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- b. Import of pet coke (CPC/ RPC) shall be permitted to cater entirely to the domestic needs of aluminium industry and other industries, and for the processes as permitted under various regulations and statutes and export of calcined pet coke through such calcining units shall be discouraged, however, 'deemed exports' to SEZ units would be permitted;
- c. For the calciner industries, SO<sub>2</sub> emissions shall be managed and controlled through a flue gas desulphurization system, so as to comply with the standards of emissions prescribed;
- d. Continuous analysers for measurement of PM, SO<sub>x</sub>, NO<sub>x</sub> shall be installed by the calciners in the stacks of processes where waste/process gases are used;
- e. Regulation and monitoring of such import shall be as per the guidelines of MoEF&CC's OM dated 10.09.2018;
- f. The overall availability of RPC and CPC may be assessed from time to time by MoC&I in consultation with MoPNG, to prioritise the use of domestically available RPC;
- g. The Sub-Committee has only considered an overall cap on the import of RPC / CPC as above. Allocations to individual units / industries may be continued to be carried out by the DGFT in line with their extant policies and guidelines duly taking into account the statutory environmental clearances, regulations etc. and the consented quantities for individual units;
- h. The suggested cap on the import of respective quantities of RPC/ CPC is considering the present capacities / consents of the regulatory authorities including the ongoing manufacturing capacity augmentations and is expected to take care of the requirements in all sectors for the next five years



and thus ordinarily a review would be required accordingly, except for emergent and unforeseen conditions that may arise in future. Accordingly, any new establishment of CPC manufacturing unit or capacity augmentation of existing calcining units may not be allowed purely in the interest of environment.

## 7. CPC MANUFACTURING IN SPECIAL ECONOMIC ZONES

### 7.1 BRIEF OF I.A. NO. 115613 OF 2021 IN W.P. (C) 13029 OF 1985 AND BACKGROUND OF THE MATTER

- i. The Hon'ble Supreme Court vide its Order dated 10.10.2023 in W.P.(C) No. 13029 of 1985 titled as M.C. Mehta vs. Union of India & Ors., *inter alia* passed the following direction:

*“(1) IA NO. 115613/2021 (APPLN. FOR CLARIFICATION OF ORDER DATED 09.10.2018 ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)*

*Learned counsel for the applicant submits that in view of the other aspects being delegated to the Commission, the facts of the present case be also examined by the Commission itself.*

*This request is accepted and thus, the reliefs in this application are also delegated for consideration before the Commission.*

*The application stands disposed of.”*

- ii. IA in question was filed by Rain CII Carbon (Vizag) Ltd. (applicant), which is engaged in the business of manufacturing of Calcined Pet Coke through its two units located at Vishakhapatnam, Andhra Pradesh viz. DTA Unit and APSEZ Unit seeking clarification of the order dated 09.10.2018 passed by the Hon'ble Supreme Court.
- iii. Applicant seeks clarification in specific regard to the APSEZ Unit located in the Special Economic Zone (SEZ) stating that the Special Economic Zone Act, 2005 (SEZ Act), Special Economic Zone Rules, 2006 (SEZ Rules) and Foreign Trade Policy, 2015 (FTP) is applicable to the said Unit.

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- iv. The applicant has stated that the import limits for Raw Pet Coke (RPC) and Calcined Pet Coke (CPC) as per Hon'ble Supreme Court Order applies when RPC and CPC are utilized for domestic use and, in effect, the applicability of import limits for RPC and CPC do not extend to a scenario wherein RPC and CPC are imported solely for re-export purposes outside India without the finished product.
- v. The applicant has stated that there is no bar on the import of RPC and CPC when the finished product viz. (produced after manufacturing / blending of the imported RPC and CPC) is not being 'put to use in India' and is being entirely exported. Applicant further states that with re-export of finished product, there is no question of any imminent environmental threat in India.
- vi. The applicant, relying upon Section 53 of the SEZ Act, 2005 states that the import of raw material i.e. RPC and CPC into the APSEZ area, cannot be construed as an import into India as the said import will never cross the customs frontiers of India. Further, applicant has relied upon provisions of SEZ Rules, 2006, the Customs Act, 1962 etc. stating that the import cannot be construed as import in India and there will be no domestic consumption of the finished product i.e. CPC.
- vii. Applicant has stated that their Units will be operating without any negative environmental impacts from its CPC manufacturing facilities. The applicant has made a claim, based on the observations of National Environmental Engineering Research Institute (NEERI), Hyderabad, that its calcining units are most environmental friendly.
- viii. It is pertinent to mention here that the applicant approached the Hon'ble High Court of Andhra Pradesh through W.P. No. 979 and 1043 of 2020 which includes seeking relief from the Hon'ble High Court to declare that there is no prohibition on import of raw material i.e. RPC and CPC into a Special Economic Zone, solely for the



purpose of the manufacture, blending and re-export without the said goods being cleared for domestic usage in India under the SEZ Act, 2005 and SEZ Rules, 2006.

- ix. The Hon'ble High Court of Andhra Pradesh, considering that there is outer limit fixed for import of RPC and CPC by the Hon'ble Supreme Court, was pleased to note that the prayers made by the applicant cannot be granted and dismissed the Writ Petitions *vide* its order dated 03.03.2021 in the above captioned Writ Petitions.
- x. Besides challenging Order(s) of Hon'ble High Court of Andhra Pradesh, the applicant approached the Hon'ble Supreme Court, through IA in question, seeking clarification as follows:

*"That the import limits for RPC and CPC (i.e. 1.4 MMT and 0.5 MMT per annum respectively) as per SC October Order applies when there is domestic usage of the finished product, i.e., RPC and CPC as mentioned in the SC October Order does not apply when the finished product, i.e., CPC is re-exported without any domestic consumption in India."*

- xi. In view of the IA filed by the applicant, Hon'ble Supreme Court *vide* its Order dated 30.11.2021, *inter alia* directed as under:

*"This Court vide order dated 09.10.2018 fixed a cap of 0.5 MT per annum on the total quantity of pet coke to be imported."*

*These applications have been filed seeking permission to import calcinated pet coke for industries in addition to the quantity fixed by this Court.*

*The Commission for Air Quality Management is directed submit a report within four weeks from today, regarding the impact on environment if these IAs are allowed."*

- xii. The Commission filed a report dated 28.12.2021 before Hon'ble Supreme Court on 03.01.2022 *inter alia* observing that "permission to allow any additional import by the applicant unit will lead to incremental pollution over and above that caused by the existing CPC

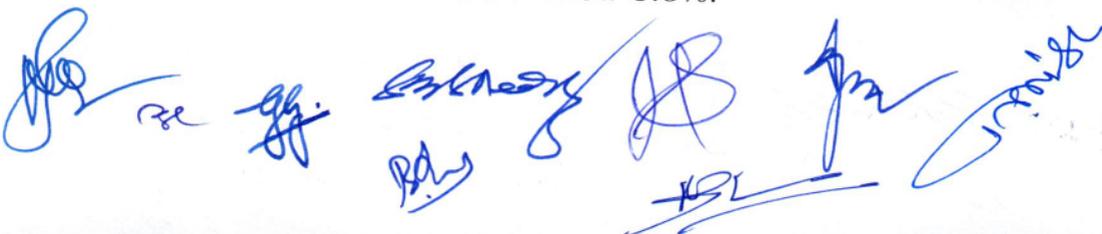
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manufacturing units which import RPC as per the cap on import quantity of RPC. Accordingly, the committee recommended that the prayer to allow import beyond the limit stipulated by Hon'ble Supreme Court *vide* order dated 09.10.2018 doesn't stand ground on account of comprehensive analysis of emerging scenario and environmental consideration."

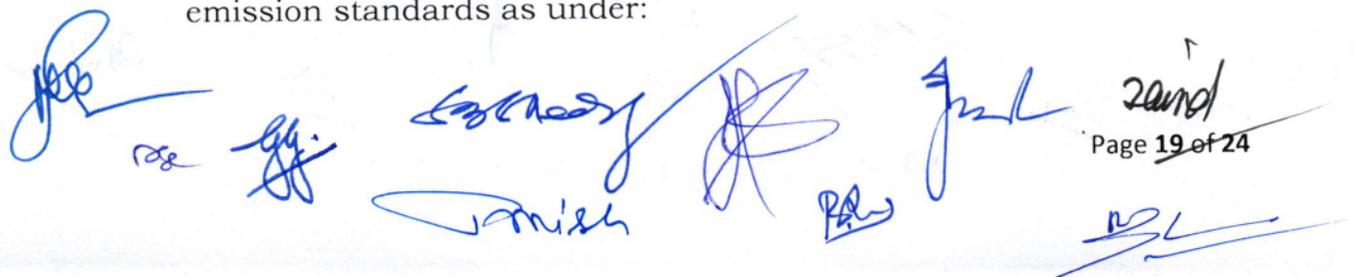
- xiii. No decision with specific regard to the IA filed by the applicant was taken by the Hon'ble Court in view of the report filed by the Commission. Applicant filed reply to the Commission's report before the Hon'ble Court.
- xiv. Now the Hon'ble Supreme Court *vide* its Order dated 10.10.2023 referred this matter to the Commission including the reliefs in this application are also delegated for consideration before the Commission.
- xv. It is pertinent to mention here that when the Commission filed the report in the instant matter, the limited question was to examine with regard to the impact on environment if these IAs are allowed. It is also worthy to mention here that at the time of filing above mentioned report the CPC manufacturing industry was not regulated in terms of emission standards as notified by the MoEF&CC on 05.06.2023. Till date, the issue of SEZ Unit has not been taken into account by the Hon'ble Court or the Commission in view of the provisions of the SEZ Act, 2005, SEZ Rules, 2006 and also international / WTO obligations regarding import and export.

## 7.2 SUBMISSIONS BY THE APPLICANT BEFORE CAQM

- i. The SEZ Unit is seeking the import of RPC and CPC solely for export purposes in compliance with the SEZ Act, 2005 and SEZ Rules, 2006. CPC manufactured at the SEZ Unit complies with Bureau of Indian Standards ("BIS") Norms. BIS Norms require the Sulphur content of CPC to be below 3.5%.

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- ii. The applicant in its representation has stated that it was importing more than 50% of all the CPC that was being imported into India. It was blending such imported CPC with the CPC produced by its DTA Unit, to produce a better-quality anode-grade CPC. The final output anode-grade CPC so produced, was sold domestically to the Indian Aluminium industry and the surplus quantities were exported to the global aluminium companies.
- iii. It has further been stated that the imported RPC by the applicant will be used in the DTA Unit and SEZ Unit (both of which are industrial facilities) to manufacture CPC for sale to both domestic and export customers. Further the import of CPC by applicant will also be in strict compliance with the Actual User Condition, considering the imported CPC is used by the Applicant's Units i.e., industrial units (DTA Unit and SEZ Unit) for blending process, wherein the resultant CPC undergoes changes to both physical and chemical properties to meet the quality requirements of the aluminium companies.
- iv. The applicant stated that CPC blending process is done at ambient temperature, eliminating the need for any heating and there are no incremental emissions such as SO<sub>2</sub> and NO<sub>x</sub> during the physical CPC blending process done in the Integrated Blending Facility (IBF).
- v. With regard to import of CPC, the applicant has submitted that from an environmental perspective, the import of CPC for blending will result in net '**Zero**' Carbon footprint and '**Zero**' incremental **SO<sub>2</sub>** emissions, considering that the blending is done at ambient temperatures and other environmental safeguards / green measures adopted by the unit.
- vi. With regard to its SEZ Unit, applicant has submitted that Emission Rules for CPC manufacturing units have provided time up to June, 2025 but the Unit of the applicant is already compliant with the emission standards as under:



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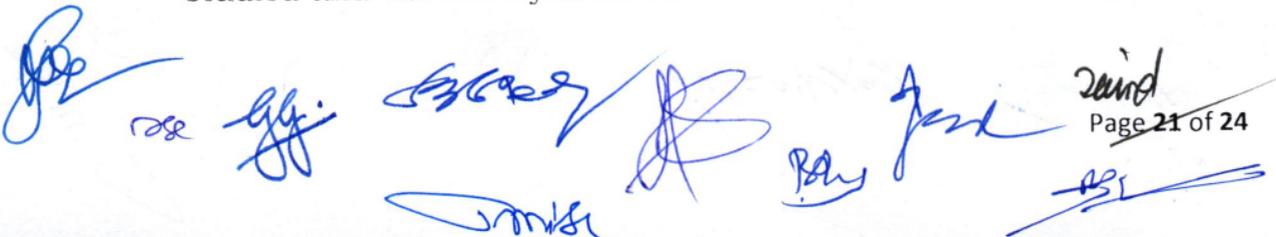
S.No.	Norms as per MoEF&CC Emission Rules	Compliance reported by RAIN SEZ Unit
1.	Emission standard for SO <sub>2</sub> - 300 mg/Nm <sup>3</sup>	100 mg/Nm <sup>3</sup>
2.	Emission standard for PM - 50 mg/Nm <sup>3</sup>	30 mg/Nm <sup>3</sup>

- vii. The applicant has submitted that EPCA's report 91 had also noted that the CPC calciners are already under expansion (i.e., RAIN SEZ Unit - 0.37 million MTPA & other calciner expansion - 0.13 million MTPA) require additional RPC of 0.7 million MTPA.
- viii. The applicant has submitted that its SEZ Unit received APSEZ Land Allotment, APPCB Consent for Establishment (CFE); Approval for setting up the project from Ministry of Commerce & Industries through Development Commissioner, APSEZ; and commenced project construction with financial commitments made in excess 50% of the project cost, well before the Supreme Court's Order dated 09.10.2018. The applicant has placed before the Sub-Committee various documents establishing its commitments towards establishing its SEZ unit prior to the Order of Hon'ble Supreme Court which include land allocation, Consent for Establishment (CFE) from APPCB, Letter of Approval from Ministry of Commerce & Industries, amendment in CFE. The applicant was accordingly granted Consent for Operation (CFO) dated 06.03.2020 for its SEZ Unit for manufacturing and blending of procured CPC.
- ix. It has also been submitted that to ensuring that there will be no incremental Particulate Matter ("PM") emissions during the physical CPC blending process within the IBF and undertakes that there will be no release of PM through the Stack, Chimney, or Vents, thereby maintaining strict compliance with the permitted MoEF&CC Emission Rules and APPCB CFO Standards at all times.

- x. It has been stated by the applicant that the CPC stored in covered storage facilities minimizes the potential for fugitive emissions into the atmosphere. Additionally, the imported CPC is coated with de-dusting oil, further reducing the risk of emissions during handling of such CPC.

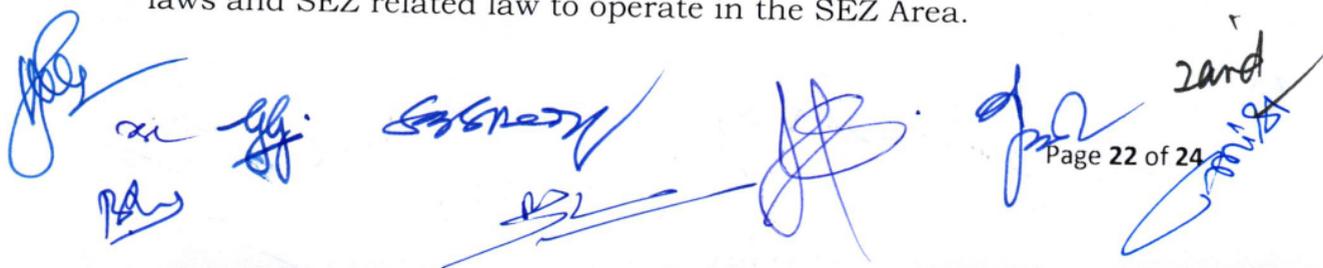
### 8. OBSERVATIONS AND RECOMMENDATIONS FOR SEZ UNIT

- i. The Commission in its Report dated 28.12.2021, filed before the Hon'ble Supreme Court in compliance of Order dated 30.11.2021 in WP(C) No. 13029 of 1985 recommend not to allow any additional import by the applicant unit considering that it will lead to incremental pollution over and above that caused by the existing CPC manufacturing units which import RPC as per the cap on import quantity of RPC. This recommendation was made after considering the submission made in IA No. 115613 of 2021 and outer limit of import already fixed by the Hon'ble Supreme Court. The issue related to CPC manufacturing and export by the SEZ Unit, in accordance with the provisions of the SEZ Act, 2005, SEZ Rules, 2006 and also international / WTO obligations regarding import and export has so far not been dealt with specifically/ in isolation by the Commission.
- ii. The applicant filed objections to the report and no decision was taken by the Hon'ble Supreme Court on the recommendation made regarding the applicant's IAs. The Hon'ble Supreme Court *vide* its Order dated 10.10.2023, however, referred the instant matter to the Commission by disposing of the IA in question, while delegating other related issues in the matter.
- iii. The Sub-Committee noted that post imposition of restrictions on import of RPC and CPC by the Hon'ble Supreme Court and the report dated 28.12.2021 filed by the Commission in this regard, the emission characteristics and standards have since been further studied and notified by MoEF&CC in as far as the calcining process


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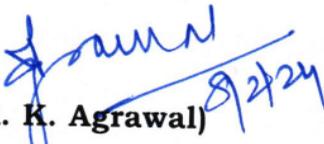
is concerned and the calcining industries are accordingly required to upgrade their infrastructure and processes to be able to adhere to the prescribed standards.

- iv. The Sub-Committee is of the considered opinion that any business / operation which leads to substantial incremental pollution load needs to be regulated, however, also respecting the sanctions/ permissions/ clearances accorded to the industrial units through the regulatory framework and compliance to the prescribed standards by such units.
- v. While promoting CPC manufacturing units in the SEZ areas particularly from the stand point of export may not be an environmentally desirable proposition, however, the industrial unit in question in the SEZ has been long set up after all due regulatory clearances and permissions and would be permitted to operate only subject to the compliance of the prescribed standards / norms and accordingly the matter also needs to be examined holistically in view of the various judicial pronouncements taken in such situation. Furthermore, manufacture of CPC and / or blending with imported CPC is a permissible but regulated activity in the SEZ and is not prohibited.
- vi. The MoEF&CC has notified emission standard on 05.06.2023 for CPC manufacturing units, to come into force w.e.f. 05.06.2025. As submitted by the applicant, the unit is already complying with the notified emission norms even on date.
- vii. Submissions of the applicant that the unit would suffer substantial monetary loss if this unit in the APSEZ is not allowed to operate, as a huge investment of Rs. 650 crore has already been made for the unit and that the unit has obtained all necessary permissions to conduct their business under the relevant laws i.e. environmental laws and SEZ related law to operate in the SEZ Area.

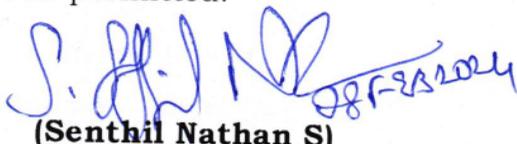


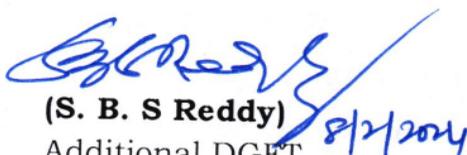
- viii. The applicant has further submitted that besides complying with the emission norms stipulated by the MoEF&CC for CPC manufacturing units, their environmentally friendly attributes include installation of FGD in its AP SEZ Units, which treats SO<sub>2</sub> emission with more than 98% efficiency and there will be no ash generation by the unit.
- ix. Purpose of the SEZ Act, 2005 is to provide for establishment, development and management of the Special Economic Zones for the promotion of exports and for matters connected therewith or incidental thereto. SEZ Rules, 2006 mandate the unit to achieve positive net foreign exchange and to facilitate the same, the SEZ Act provides certain exemptions to the SEZ Unit from taxes /duties etc.
- x. In such a scenario, a unit which is already operating in compliance of the extant laws should not be made to cease their operations and the unit may not be denied of their rights of business having established a unit in the AP SEZ Area in due compliance of the extant laws and also as a matter *fate-accompl.*
- xi. Accordingly, the Committee recommends that the Commission may permit import of RPC / CPC by the SEZ unit, subject to the quantities as permitted for in their CTO/ CFO, duly factoring in any RPC sourced domestically by them, strictly subject to the following:
- a. Use of pet coke shall be permitted only as a feedstock / raw material and under no circumstances to be used as fuel;
  - b. For the calciner industries, SO<sub>2</sub> emissions shall be managed and controlled through a flue gas desulphurization system, so as to comply with the standards of emissions prescribed;
  - c. Continuous analysers for measurement of PM, SO<sub>x</sub>, NO<sub>x</sub> shall be installed by the calciners in the stacks of processes where waste/process gases are used;

- d. Regulation and monitoring of such import shall be as per the guidelines of MoEF&CC's OM dated 10.09.2018;
- e. The SEZ Unit shall ensure time bound compliance of environmental safeguarding measures as decided by the concerned authorities from time to time;
- f. The Sub-Committee, however, also took cognizance of the fact that the entire quantity of CPC manufactured by this unit is directed towards exports and in the process it only adds to the substantial increase in emission load in the country, even though as per the prescribed standards, without any fruitful utilisation of the CPC domestically. Accordingly, establishment of any new such CPC manufacturing unit in any SEZ or capacity expansion of existing unit in the SEZ in question is least desirable and may not be permitted.

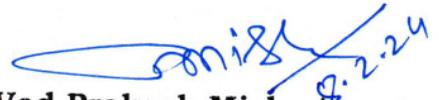
  
**(R. K. Agrawal)**  
 Director, CAQM

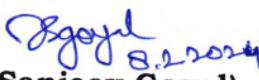
  
**(Gaurav Gupta)**  
 Deputy Secretary, MoC&I

  
**(Senthil Nathan S)**  
 Director, SEZ, MoC&I

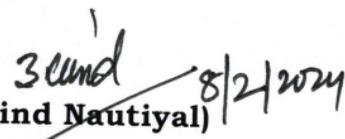
  
**(S. B. S Reddy)**  
 Additional DGFT

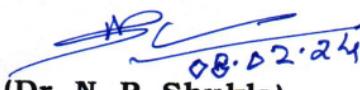
  
**(Mrityunjay Jha)**  
 Director, MoPNG

  
**(Ved Prakash Mishra)**  
 Director, MoEF&CC

  
**(Dr. Sanjeev Goyal)**  
 Chief Scientist, NEERI

  
**(Bharat Kumar Sharma)**  
 Member Secretary, CPCB

  
**(Arvind Nautiyal)**  
 Member Secretary,  
 CAQM

  
**(Dr. N. P. Shukla)**  
 Member Technical, CAQM

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F. No. 160014/16/2021-MERD/Pet Coke  
**COMMISSION FOR AIR QUALITY MANAGEMENT**  
**IN NATIONAL CAPITAL REGION AND ADJOINING AREAS**

17<sup>th</sup> Floor, Jawahar Vyapar Bhawan,  
 (STC Building), Tolstoy Marg,  
 New Delhi-110001

Dated: 25/10/2023

**ORDER**

**Subject: Constitution of the Sub - Committee to examine the issues delegated to the Commission, by the Hon'ble Supreme Court *vide* its Order dated 10.10.2023 in Writ Petition (Civil) No. 13029 of 1985 titled as M.C. Mehta Vs. Union of India & Ors. - reg.**

The Hon'ble Supreme Court *vide* its Order dated 10.10.2023 in Writ Petition (Civil) No. 13029 of 1985 in the matter of "M.C. Mehta Vs. Union of India & Ors." have delegated certain issues related to pet coke to the Commission to take decision on such issues, including issue of allocation of pet coke to calciners.

2. Accordingly, in view of the Hon'ble Supreme Court's aforementioned Order dated 10.10.2023, the Commission constitutes a Sub-Committee, consisting of the following officers:

<b>S.No.</b>	<b>Name and Designation</b>	
1.	Dr. N. P. Shukla, Member Technical, Commission	Chairperson
2.	Shri Arvind Nautiyal, Member Secretary, CAQM	Member
3.	Shri Bharat Kumar Sharma, Member Secretary, CPCB and <i>ex officio</i> Technical Member of the Commission	Member
4.	An Officer not below the level of Director from Ministry of Environment, Forest and Climate Change dealing with the subject	Member
5.	An Officer not below the level of Director from Ministry of Petroleum and Natural Gas dealing with the subject	Member
6.	Two Officers, not below the level of Director from Ministry of Commerce and Industry dealing with the subjects of Pet Coke and SEZ respectively	Member
7.	An officer from Directorate General of Foreign Trade	Member
8.	Shri Ram Kumar Agrawal, Director ( Technical), CAQM	Convenor

3. In case subject matter is being dealt by an Officer at the level of Deputy Secretary only and no Director is dealing with the subject matter, the Ministry concerned may nominate officer at the level of Deputy Secretary as an exception.
4. The Sub-Committee may also co-opt suitable Member (s), as deemed fit and necessary.
5. In view of time bound directions of the Hon'ble Supreme Court, the Sub-Committee may immediately begin the work and complete the task in a time bound manner.



(Gyanendra Yadav)  
Under Secretary  
Tel No.: 011-23446814  
Email: gyanendra90.fci@gov.in

To:

1. Dr. N. P. Shukla, Member Technical, Commission
2. Shri Arvind Nautiyal, Member Secretary, CAQM
3. Shri Bharat Kumar Sharma, Member Secretary, CPCB and *ex officio* technical Member of the Commission
4. The Secretary, Ministry of Environment, Forest and Climate Change to nominate an Officer at the level of Director to the Sub-Committee
5. The Secretary, Ministry of Petroleum and Natural Gas to nominate an Officer at the level of Director to the Sub-Committee
6. The Secretary, Ministry of Commerce and Industry to nominate two Officers at the level of Director to the Sub-Committee one dealing with SEZ and the other dealing with petcoke
7. The Director General, DGFT to nominate an officer
8. Director (Technical) CAQM-Convenor

Copy to:

1. The Chairperson and all Members of the Commission for Air Quality Management in NCR and Adjoining Areas

**COMMISSION FOR AIR QUALITY MANAGEMENT  
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS**

17<sup>th</sup> Floor, Jawahar Vyapar Bhawan,  
(STC Building), Tolstoy Marg,  
New Delhi-110001

F.No. No. 160014/16/2021-MERD/Pet Coke

Dated: 02/11/2023

**NOTICE**

**Subject: Notice for Calcined Petroleum Coke (CPC) Manufacturers regarding import of raw pet coke**

The Hon'ble Supreme Court *vide* its Order dated 10.10.2023 in Writ Petition (Civil) No. 13029 of 1985 in the matter of "M.C. Mehta Vs. Union of India & Ors.", delegated the certain issues related to pet coke to the Commission to take decision on such issues, including issue of allocation of pet coke to calciners. Accordingly, the Commission has constituted a Sub-Committee in the matter.

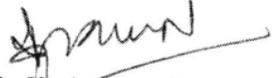
2. Calcined Petroleum Coke (CPC) Manufacturing industries, who wish for allocation of imported Raw Petroleum Coke (RPC), are accordingly directed to provide requisite details in following format:

i.	Name of Unit	
ii.	Email and phone number	
iii.	CPC manufacturing capacity as on 09.10.2018 (Million Metric Ton) with a copy of CTO as applicable	
iv.	Present CPC manufacturing capacity of the Unit in Million Metric Ton (MMT) with a copy of valid Consent to Operate, duly incorporating the production capacity	
v.	Present sources of RPC	Domestic (in MMT): Imported (in MMT):
vi.	Range of Sulphur content in imported RPC, if applicable	
vii.	Details of yearly procurement of imported RPC (in MMT)	2018 : 2019 : 2020 : 2021 : 2022 : 2023 :

viii.	Desired annual quantity for import of RPC	
ix.	Availability of OCEMS for recording emissions	YES / NO
x.	Level of emissions (latest report from authorized / accredited lab to be provided)	PM :                      SO <sub>2</sub> :

3. CPC manufacturing industries may submit details, as per para 2 above, through email at [caqm-ncr@gov.in](mailto:caqm-ncr@gov.in), latest by 14.11.2023. CPC manufacturing units, who also wish to be heard by the Sub-Committee constituted by the Commission in the matter, may seek time through email, latest by 14.11.2023.

4. It is pertinent to note that if any CPC manufacturing industry / unit does not provide the requisite details within stipulated time, it shall be presumed that the unit does not wish to import RPC.

  
 (R. K. Agrawal)  
 Director, CAQM  
 Convenor, Sub-Committee

**COMMISSION FOR AIR QUALITY MANAGEMENT  
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS**

17<sup>th</sup> Floor, Jawahar Vyapar Bhawan,  
(STC Building), Tolstoy Marg,  
New Delhi-110001

F. No. 160014/16/2021-MERD/Pet Coke

Dated:16/11/2023

**NOTICE**

**(Extension of date for submission of information on Pet Coke)**

**Subject: Notice for Calcined Petroleum Coke (CPC) Manufacturers regarding import of raw pet coke**

The Hon'ble Supreme Court *vide* its Order dated 10.10.2023 in Writ Petition (Civil) No. 13029 of 1985 in the matter of "M.C. Mehta Vs. Union of India & Ors.", delegated the certain issues related to pet coke to the Commission to take decision on such issues, including issue of allocation of pet coke to calciners. Accordingly, the Commission has constituted a Sub-Committee in the matter.

2. Calcined Petroleum Coke (CPC) Manufacturing industries, who wish for allocation of imported Raw Petroleum Coke (RPC), are accordingly directed to provide requisite details in following format:

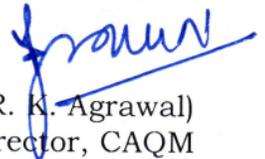
i.	Name of Unit	
ii.	Email and phone number	
iii.	CPC manufacturing capacity as on 09.10.2018 (Million Metric Ton) with a copy of CTO as applicable	
iv.	Present CPC manufacturing capacity of the Unit in Million Metric Ton (MMT) with a copy of valid Consent to Operate, duly incorporating the production capacity	
v.	Present sources of RPC	Domestic (in MMT): Imported (in MMT):
vi.	Range of Sulphur content in imported RPC, if applicable	
vii.	Details of yearly procurement of imported RPC (in MMT)	2018 : 2019 : 2020 : 2021 :

		2022 : 2023 :
viii.	Desired annual quantity for import of RPC	
ix.	Availability of OCEMS for recording emissions	YES / NO
x.	Level of emissions (latest report from authorized / accredited lab to be provided)	PM :                      SO <sub>2</sub> :

3. CPC manufacturing industries were asked vide notice of even number dated 02.11.2023, to submit details, as per para 2 above, through email at [caqm-ncr@gov.in](mailto:caqm-ncr@gov.in), latest by 14.11.2023. Now, as decided by the sub-committee, the **date for submission of aforesaid information has been extended till 21.11.2023.**

4. Therefore, CPC manufacturing industries may submit the details, through email at [caqm-ncr@gov.in](mailto:caqm-ncr@gov.in), latest by **21.11.2023** positively.

5. It is re-iterated that if any CPC manufacturing industry / unit does not provide the requisite details within stipulated time, it shall be presumed that the unit does not wish to import RPC.



(R. K. Agrawal)  
Director, CAQM  
Convenor, Sub-Committee

F. No. 160014/16/2021-MERD/Pet Coke  
COMMISSION FOR AIR QUALITY MANAGEMENT  
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS

17<sup>th</sup> Floor, Jawahar Vyapar Bhawan,  
(STC Building), Tolstoy Marg,  
New Delhi-110001

Dated: 24/11/2023

**ORDER**

**Subject: Decision of the Sub-Committee regarding allocation of remaining quantities of RPC (0.4 million tonne) for the year 2023-24, in compliance of Hon'ble Supreme Court's Order dated 10.10.2023 in Writ Petition (Civil) No. 13029 of 1985 in the matter of "M.C. Mehta Vs. Union of India & Ors." – reg.**

The Hon'ble Supreme Court *vide* its Order dated 10.10.2023 in Writ Petition (Civil) No. 13029 of 1985 in the matter of "M.C. Mehta Vs. Union of India & Ors.", delegated certain issues related to pet coke to the Commission.

2. A Sub-Committee was constituted by the Commission, to examine and take decision on the issues related to the Pet Coke delegated by the Hon'ble Supreme Court, including issue of allocation of pet coke to calciners, comprising of Member(s) from Ministry of Environment, Forest and Climate Change (MoEF&CC); Ministry of Commerce and Industry (MoC&I); Ministry of Petroleum and Natural Gas (MoP&NG); Central Pollution Control Board (CPCB) and Directorate General of Foreign Trade (DGFT). The Sub-Committee also co-opted a Member from National Environmental Engineering Research Institute (NEERI).

3. With regard to the allocation of remaining quantities of RPC (0.4 million tonne), Hon'ble Supreme Court *inter alia* directed as under:

*"...it is appropriate that the CAQM bestows consideration even on this aspect and wherever any interim directions are required, the Commission itself can pass those directions, uninfluenced by other orders which may be passed by any other Court.*

*Needless to say that all concerned parties will be heard in this process and insofar as the interim directions are concerned, an earlier consideration will be bestowed.*

...

*...insofar as the interim directions are concerned, the Commission may take an action between 4-6 weeks..."*

4. The Sub-Committee deliberated the issues in detail, examined the submission made in the IA by various entities, and decided to issue public notice with a view to provide an opportunity to be heard to all the CPC manufacturers and heard 16 CPC manufacturers appeared before the Sub-Committee.
5. The DGFT briefed the Sub-Committee regarding methodology adopted for allocation of imported pet coke 2018- 19 onwards. It was also informed by the DGFT that review of procurement against the allotted quantity was done on half yearly basis and if any quantity surrendered by any entity, the same was redistributed among the applicants.
6. Based on deliberations of the Sub-Committee and presentation made by the DGFT, it emerged that some Calciners had been allotted requisite quantity but they surrendered 'significant quantity' of allotted RPC in the previous years upto 100% of allotted Quantity. This issue was deliberated by the Sub-Committee in length and it was decided that those Calciners who have surrendered significant quantity of allotted quota may also not be considered for fresh allocation against remaining 0.4 million tonne quantity of RPC. A guiding principle may be followed that those calciners who have 'honoured' their allocation by maximum utilisation of allotted RPC in past may only be considered for fresh allocation of balance quantity of RPC for the FY 2023-24.
7. The sub-committee further deliberated upon the criteria for allocation of balance quantity of 0.4 million tonne RPC, particularly in reference to large quantities allocated to various units, being surrendered by them around end of the financial year of allocation, which could have been fruitfully utilised by other Calciners. Accordingly, Allocation methodology was specifically discussed in furtherance to the deliberations held in previous meetings of the sub-committee.
8. Therefore, based on the data presented and provided by the DGFT and deliberations held, the Sub-Committee decided unanimously that distribution

of remaining quantity of 0.4 million tonne of RPC for import purposes to be made to all the calciners, subject to the following:

- (i) The balance quantity of 0.4 million tonne of RPC should be allocated to all eligible applicants on **pro-rata** basis based on the extant methodology adopted so far by the DGFT for such allocations.
- (ii) Those CPC manufacturing units that have not applied for allocation of imported quota of RPC or have applied for the first time in current year or not featuring in the EPCA report 91, may not be considered for allocation of the remaining 0.4MT RPC for FY 2023-24.
- (iii) CPC manufacturing unit that have secured allocation(s) of RPC earlier (for a 5 year period from 2018-19 to 2022-2023) but have surrendered 25% or more of the total allocated quantity on atleast two occasions or have surrendered only once but the surrendered quantity was more than 45% of the total allocated quantity during the said period shall not be considered for allocation of balance RPC for FY 2023-24.

9. In view of the decision taken by the Sub-Committee as noted above, the DGFT is directed to allocate and distribute the balance quantity of 0.4 million tonne of RPC for the year 2023-24 to the eligible CPC manufacturers, at the earliest, under intimation to the Sub-Committee.

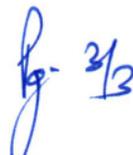
  
(R. K. Agrawal)  
Director

To

Director General  
Directorate General of Foreign Trade,  
Vanijya Bhawan, 'A' Wing, 16 Akbar Road,  
New Delhi - 110011

Copy for information to:

Members of the Sub-Committee

  
3/12

**CPC Manufacturing Capacity declared by Calciners as per CTO/CFO**

<b>Sl.no</b>	<b>Name of Industry</b>	<b>Present CPC Manufacturing Capacity (in MMT)*</b>
1	RAIN CII Carbon (VIZAG) Ltd. (DTA Unit), Vizag, AP	0.5110
2	Sanvira Industries Ltd. Visakhapatnam, AP	0.4200
3	Goa carbon Ltd., Paradeep, Odisha	0.1680
4	Brahmaputra Carbon Ltd., Bongaigaon, Assam	0.1200
5	Goa carbon Ltd., Goa	0.1000
6	Guwahati Carbon Ltd.,Gurchak, Guwahahti, Assam	0.1000
7	Petro Carbon & Chemicals Pvt. Ltd. Haldia, WB	0.0926
8	Neo Carbons Pvt Ltd., Barauni, Bihar	0.0750
9	Paradip Calciner Ltd. Paradipgarh, Odisha	0.0700
10	India carbon Ltd., Budge Budge, WB	0.0540
11	India carbon Ltd. Guwahati, Assam	0.0468
12	Goa carbon Ltd., Bilaspur, Chhattisgarh	0.0400
13	Digboi Carbon Pvt. Ltd., Tinsukia, Assam	0.0300
14	Carbon Resources Pvt. Ltd., Chirang, Assam	0.0248
15	Amritesh Industries Pvt. Ltd., Angul, Odisha	0.0240
16	Sea Som Carbon Pvt. Ltd. Vadodara, Gujarat	0.0240
17	Shree Vishnu Carbons Pvt. Ltd., Barauni, Bihar	0.0240
18	New Age Petcoke Pvt. Ltd., Chirang, Assam	0.0238
19	Carbon Resources Pvt. Ltd., Barauni, Bihar	0.0237
20	Upper Assam Petrocoke Pvt. Ltd., Tinsukia, Assam	0.0235
21	Bihar Carbons Pvt. Ltd., Barauni, Bihar	0.0192
22	Vedic Petrochemical Pvt. Ltd., Vadodara, Gujarat	0.0180
	<b>Total Cumulative Capacity</b>	<b>2.0324</b>

*\*Million metric tons rounded off to four decimal points*

**ASSESSMENT OF QUANTITIES OF CPC & RPC REQUIRED BY ALUMINIUM INDUSTRIES AND CALCINERS**

All Quantities in million metric tonne (MMT)

	<b>Parameters</b>	<b>2024-25</b>	<b>2025-26</b>	<b>Remarks</b>
A	Cumulative Aluminum Production Capacity	<b>4.249</b>	<b>5.099</b>	As submitted by Aluminium Association of India
B	CPC Requirement {A*0.41}	<b>1.742</b>	<b>2.091</b>	
<b><u>ASSESSMENT OF CPC REQUIREMENT</u></b>				
C	Cumulative CPC Production Capacity of Calciners as per individual CTOs	2.032	2.032	As submitted by Calciners
D	Export of CPC by Calciners (Average of last 5 Fin. years) {approx. 15% of C }	0.3048	0.3048	Based on data collated by CPCB as obtained from individual Calciners
E	Supply of by Calciner to industries other than Aluminium (Avg. of last 5 Fin. Years) {approx. 20% of C }	0.4064	0.4064	
F	CPC available to Aluminium Industries through Calciners {C-D-E} {approx. 65% of C}	1.3208	1.3208	
G	CPC required to be imported by Aluminium Industries {B-F}	<b>0.421</b>	<b>0.770</b>	

Say 0.8 MMT

**ASSESSMENT OF RPC REQUIREMENT PURELY FOR DOMESTIC USE**

H	Total RPC required to Calciners to meet domestic demand {(E+F)*1.36}	2.349	2.349	
I	RPC domestically available for Calciners	0.453	0.453	As submitted by MoPNG
J	RPC required to be imported by Calciners {H-I}	<b>1.896</b>	<b>1.896</b>	
		Say 1.9 MMT	Say 1.9 MMT	