

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi
In
Original Application No. 176/2022

Aman Chaudhary

Applicant

Versus

Union of India & Ors.

Respondents

Index

S. No.	Particulars	Page No.
1.	Additional Report on behalf of CPCB in compliance to Hon'ble NGT orders dated 30.05.2023 & 12.01.2024, in OA No. 176/2022, Aman Chaudhary Vs. Union of India & Ors.	
2.	Annexure-I: A copies of the responses/ATRs received from the remaining 12 SPCBs/PCCs.	
3.	Annexure-II: A copy of the Hon'ble NGT, PB orders dated 30.05.2023 & 12.01.2024.	



(Nazimuddin)
Scientist 'F'

Central Pollution Control Board
Delhi-110032

Place- Delhi

Date- 19.03.2024

**Additional Report on Behalf of Respondent
No. 3, Central Pollution Control Board in
the matter of Hon'ble NGT, O.A. No.
176/2022, Titled as Aman Chaudhary v/s
Union of India and Ors.**

Hon'ble National Green Tribunal, Principal Bench vide order dated 30.05.2023, in the matter of O.A. No. 176/2022, Aman Chaudhary V/s Union of India and Ors., assigned the task of classification of river sand mining projects to Central Pollution Control Board (CPCB),

In compliance of order dated 30.05.2023, CPCB categorised 'Sand/riverbed material mining from the riverbed and its floodplains (excluding manual excavation)' in red and orange categories, based on the size and location of mining area, and vide letter dated 22.09.2023 CPCB directed all State Pollution Control Boards (SPCBs) / Pollution Control Committees (PCCs) to adopt and implement the categorisation. This action taken by CPCB for compliance of the order dated 30.05.2023 was submitted to Hon'ble NGT by MoEF&CC on 05.10.2023.

Hon'ble NGT heard the matter on 17.10.2023 and directed CPCB to compile the information based on action taken reports received from the SPCBs/PCCs and submit a report to Hon'ble NGT.

CPCB followed-up with SPCBs/PCCs and based on the ATRs received, a report was submitted to Hon'ble NGT on **09.01.2024**, wherein it was reported that **24** SPCBs/PCCs have adopted the categorisation of 'Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)'. However, the Action Taken Reports was awaited from **12** SPCBs/PCCs.

Hon'ble NGT heard the matter again on 12.01.2024 and directed CPCB to obtain the information regarding adoption and implementation of the categorisation from remaining 12 SPCBs/PCCs and submit additional report to Hon'ble NGT.

Accordingly, CPCB further followed up the matter with remaining 12 SPCBs/PCCs and has obtained the action taken reports from them. Based on the action taken reports it is to submit that all 36 SPCBs/PCCs have submitted

necessary ATRs on letter dated 22.09.2023 of CPCB regarding adoption/implementation of categorisation of ‘Sand/riverbed material mining from the riverbed and its floodplains (excluding manual excavation)’ as summarised below.

Summary of responses/action taken reports of 24+12 SPCBs and PCCs

Sl. No.	State/UT	Reference no.	Remarks
Action Taken Reports (ATR) received from 24 SPCBs/PCCs			
1	Andhra Pradesh	Letter no. APPCB-11022/548/2023-TEC-CFO-APPCB, dt. 17.11.2023	Adopted and implemented the classification
2	Assam	Letter no. PCBA/LGL-196/2023/NGT/16/2162, dt. 07.12.2023	Adopted and implemented the classification
3	Bihar	Letter no. 2865, Patna, dt. 30.11.2023	Adopted and implemented the classification
4	Chandigarh	Letter no. CPCC/2023/3900, dt. 06.12.2023	Adopted and implemented the classification
5	Chhattisgarh	Letter no. 6667/तक/मु./ छ. ग.पं. सं. मं/ 2023 नवा रायपुर अटल नगर, रायपुर, dt. 24.11.2023	Adopted and implemented the classification
6	Gujarat	Letter no. GPCB/P-1/14(7)/759146, dt. 22.11.2023	Adopted and implemented the classification
7	Himachal Pradesh	Letter no. HPSPCB/CPCB miscellaneous/2023-12409, dt. 06.12.2023	Adopted and implemented the classification
8	Jammu and Kashmir	Letter no. JKPCCT/CPCB/RBM/2023/828-31, dt. 03.11.2023	Adopted and implemented the classification
9	Kerala	Letter no. KSPCB/159/2022-SEE3, dt. 06.11.2023	Adopted and implemented the classification
10	Maharashtra	Letter no. MPCB/JD(WPC)/B-231130-FTS-0006, dt 30.11.2023	Adopted and implemented the

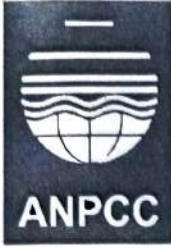
			classification
11	Mizoram	Letter no. H. 88088/Poltn/2/2023-MPCB, dt. 10.11.2023	Adopted and implemented the classification
12	Nagaland	Letter no. NPCB/IND-CON-2/5027-28, dt. 02.11.2023	Adopted and implemented the classification
13	Puducherry	Letter no. 4507/DSTE/PPCC/SCI/SAND/CIRC/2023 dt. 08.11.2023	Adopted and implemented the classification
14	Punjab	Letter no. SEE (HQ-2)/2023/28179, dt. 09.11.2023	Adopted and implemented the classification
15	Uttar Pradesh	Letter no. 03265/C-2/general-348/23, dt. 24.11.2023	Adopted and implemented the classification
16	Uttarakhand	Letter no. UKPCB/HO/Gen-257(11)/2023/927, Dt. 14.10.2023	Adopted and implemented the classification
17	Tripura	Letter no. F.18(28)/TSPCB/7086-88, dt. 15.11.2023	Adopted and implemented the classification
18	Lakshadweep	Letter no. LD-03001/1/2023-LPCC, dt. 07.12.2023	Adopted and implemented the classification, state board has also informed that there is no river in the UT.
19	Meghalaya	Letter no. MSPCB/LEGAL-638/2023/2023-24/2, dt. 20.11.2023	Adopted and implemented the classification
20	Arunachal Pradesh	Letter no. ASSPCB-93/2017/RCI/8191-90, dt. 04.01.2024	Adopted and implemented the classification
21	Karnataka	Letter no. PCB/17/COC/2023-24/4922, dt. 13.12.2023	Adopted and implemented the classification
22	Rajasthan	F14(Policy-2023)/RPCB/Project/2992-2999, dt. 29.12.2023	Adopted and implemented the classification

23	Telangana	Letter no.2/TSPCB/categorization/HO/2023, dt. 11.12.2023	Adopted and implemented the classification
24	West Bengal	Letter no. WBPCB-16015(99)/5/2022SEC(WBPCB)-WBPCB, dt. 07.12.2023	Adopted and implemented the classification
Action Taken Reports (ATR) received from 12 SPCBs/PCCs			
1	Andaman & Nicobar	Letter no. 7-47/PCC/NGT/Misc/2021/916, dt.10.01.2024	A&N PCC informed that there are no sand or riverbed material mining projects in Andaman and Nicobar Islands
2	Daman & Diu	Letter no. PCC/DMN/13 (Part VII)/2020-21/467, dt. 18.12.2021	The sand mining activity has already been classified.
3	Delhi	Letter no. DPCC/CMC-II/K-014/1/2023/15-16, dt. 02.02.2024	Adopted and implemented the classification
4	Goa	Letter no. 2024/GSPCB/Letter/14140/Tech/21693, dt. 05.01.2024	GSPCB informed that there are no sand mining projects operating in the state. Only manual sand mining is being carried out.
5	Haryana	F.No./HSPCB/Compu. No. 109658 dated 26.02.2024	Adopted and implemented the classification
6	Jharkhand	Office order no. B-32, dt. 11.03.2024	Adopted and implemented the classification
7	Ladakh	Letter no. LPCC/UTL/F.No.31/2024/895-	Adopted and

		99, dt. 13.03.2024	implemented the classification
8	Madhya Pradesh	Letter no. 1002/file no. G-96/PNB/2024, dt. 28.02.2024	Adopted and implemented the classification
9	Manipur	Letter no. PCB/488/2022-23, dt. 28.02.2024	Adopted and implemented the classification
10	Odisha	Letter no.2672/IND-I-CON (Misc)-1505., dt. 28.02.2024	Adopted and implemented the classification
11	Sikkim	Letter no. 3026/SPCB/8988, dt. 27.02.2024	Adopted and implemented the classification
12	Tamil Nadu	Letter no. TNPCB/P&D/9798/2006, dt. 09.01.2024	Adopted and implemented the classification

Copy of the responses/ATRs received from 24 SPCBs/PCCs was attached with the report filed by CPCB on **09.01.2024**. Copies of the responses/ATRs received from the remaining 12 SPCBs/PCCs are given at **Annexure-I**.

I/73942/2024



No. 7-47/PCC/NGT/Misc/2021/1916
 अंडमान तथा निकोबार प्रशासन
 ANDAMAN & NICOBAR ADMINISTRATION
 प्रदूषण नियंत्रण समिति
 POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF SCIENCE AND TECHNOLOGY
 Dolly Gunj, Port Blair-744 103 Tel/Fax 250370
 E-mail: dstandamans@gmail.com, dstpcc-andamans@nic.in

Port Blair, dated: 10-01-2024

To,

The Director/ Divisional Head (IPC-VI)
 Central Pollution Control Board
 Parivesh Bhawan, East Arjun Nagar
 Delhi-110032.

Sub : **Categorization of sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation) - reg**

Ref : Your office letter vide No. CPCB/IPC-VI/ROGW/8128-8146 dated 02.01.2024.

Sir,

This is with reference to your office letter wherein it is desired to furnish the action taken Report regarding adoption & implementation of categorization of 'Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation).

In this regard, this is to inform you that as per the information furnished from the Department of Environment and Forest, A&N Administration and the Office of Deputy Commissioner(North & Middle Andaman District), there are no sand or riverbed material mining from the riverbed and its floodplains (excluding manual excavation) that has been permitted in the UT of Andaman and Nicobar Islands.

Yours faithfully,


 Member Secretary ANPCC

Copy to:

1. PS to Secretary S&T/Chairman ANPCC for kind information of Secretary S&T/Chairman ANPCC, A&N Administration.

Signed by Abhishek Bhukal
 Date: 10-01-2024 10:12:14
 Reason: Approved
 Member Secretary ANPCC

**UT ADMINISTRATION OF DADRA & NAGAR HAVELI AND DAMAN & DIU
DEPARTMENT OF ENVIRONMENT & FOREST,
SECRETARIAT, DAMAN**

No. PCC/DMN/13(Part VII)/2020-21/ 467

Dated: 18 / 12 / 2021

NOTIFICATION

WHEREAS, the Central Pollution Control Board has delegated the powers and functions to Pollution Control Committee, Dadra & Nagar Haveli and Daman & Diu vide Notification No. S.O. 862 (E) dated 26/11/1992. In pursuance of Clause (I) of Article 239 of the Constitution, the Hon'ble Administrator, Dadra & Nagar Haveli and Daman & Diu has been delegated to exercise the powers and discharge the functions of the Central Government under Section 5 of the Environment Protection Act, 1986 vide notification No. 667 (E) dated 10/09/1992 issued by the Government of India, Ministry of Home Affairs, New Delhi.

AND WHEREAS, in exercise of the powers conferred vide Notification No. 667 (E) dated 10/09/1992 of the Government of India, Ministry of Home Affairs under Section 5 of the Environment (Protection) Act, 1986, the UT Administration of Dadra & Nagar Haveli and Daman & Diu had notified a list of small-scale industries vide Notification No. 2/5/90-IND/263 dated 09/12/1994 to be called "Banned Industries". The industries mentioned in the banned list were not permitted to be established to protect the fragile ecosystem of the Union Territory. On the basis of the objections and suggestions received by the Pollution Control Committee, Daman, Diu and Dadra & Nagar Haveli within 30 days after the list of "Banned Industries" were published in the local Gazette vide No. PCC/DMN/13/95-96/1831 dated 5/12/1995, the list of the banned industries referred herein was amended vide Notification No. PCC/DMN/10/96-97/354 dated 13/05/1996 and a fresh list of the "Banned Industries" was published.

AND WHEREAS, to facilitate regulated industrial growth of non-polluting industries and to ensure environmental protection of the Union Territory, it was decided to classify the industries depending upon their Effluent Discharge, Emission into Ambient Air, Generation of Hazardous and Solid Wastes, Foul Odours and Noise Pollution, Hazard and Explosion potential and Public safety and health. Therefore, in supersession of all earlier notifications in this regard, the industries were classified into White, Green, Orange and Red / Banned separately as Schedule I, II, III & IV respectively vide Notification No. PCC/DMN/13-III/1999-2000/22 dated 03/05/1999 including incorporation of the consent fees to be charged by the Pollution Control Committee, Daman & Diu and Dadra & Nagar Haveli for grant of Consent to Establish / Operate / Renewal for all industries separately under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The said notification was further amended vide Notification No. PCC/DMN/13-III/07-08/523 dated 17/12/2007 to the extent that, existing units under Category (IV) were allowed to modernize / expand / enhance production capacity / establish additional facility to improve efficiency / productivity with incidental

capacity increase including certain amendments in the industrial activities mentioned at S.No.29 of Schedule (IV) ii and S.No.43 of Schedule (IV) iii.

AND WHEREAS, the UT Administration of Dadra & Nagar Haveli and Daman & Diu further re-categorized all the industries located in the Union Territory into Category-I, Category- II and Category – III vide Notification No. PCC/DMN/13-(Part IV)/98-99/2014-15/1199 dated 09/10/2015 including banning of certain activities under Category-I and Category-II industries for establishment and expansion. This was amended vide Notification No. PCC/DMN/13-III (Part-V) 98-99/07-08/15-16/17-18/7 dated 11/02/2018 to the extent that the expansion / modernization of the existing banned category of industries in the Union Territory would be considered on case-to-case basis in compliance of various norms of the Pollution Control Committee, Central Pollution Control Board and Ministry of Environment, Forest and Climate Change in non-ecologically sensitive areas.

AND WHEREAS, in pursuance of the directions issued by the Central Pollution Control Board vide letter No. B-29012/ESS(CPA)/2015-16 dated 07/03/2016 addressed to all the State Pollution Control Boards / Pollution Control Committees, the UT Administration of Dadra & Nagar Haveli and Daman & Diu had issued revised list of industrial sectors / projects for the purpose of consent management and inventorization of industries into RED / ORANGE / GREEN / WHITE categories (as Annexure I to IV) vide Notification No. PCC/DMN/13(Part VI)/2020-21/448 dated 25/01/2021 under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981.

AND WHEREAS, the UT Administration of Dadra & Nagar Haveli and Daman & Diu in view of the pollution potential, technology available for effective mitigation, clean energy requirement, promotion of emission reductions for clean environment had further allowed five industrial activities for establishment and operations in the Union Territory vide Notification No. PCC/DMN/13 (Part VI)/2020-21/164 dated 07/07/2021.

NOW THEREFORE, in supersession of all the earlier notifications issued in this regard, the UT Administration of Dadra & Nagar Haveli and Daman & Diu hereby notifies categorization of industrial sectors / projects under **RED** as **Annexure-I**, **ORANGE** as **Annexure-II**, **GREEN** as **Annexure-III** and **WHITE** as **Annexure-IV** categories along with the details as to whether such industrial activities are Banned / Allowed (Establishment / Expansion / Modernization) in the Union Territory of Dadra & Nagar Haveli and Daman & Diu. While the Consent Fees for Industries & Hotels have been revised and mentioned at **Schedule-I**, Fees for Conducting Public Hearing & granting Authorization under Biomedical Management Rules, 2016 have been mentioned at **Schedule - II**.

By order and in the name of
Administrator of Dadra & Nagar Haveli
and Daman & Diu.

Sd/–
(Ashish Mohan)
Joint Secretary,
Environment & Forests,
Dadra & Nagar Haveli and Daman & Diu

RED CATEGORY

Preamble:

- 1) All those industries which are considered to be highly polluting and use - Toxic, Corrosive, Hazardous, Obnoxious Chemicals, materials & products and highly inflammable materials in their manufacturing processes are included in the RED category of Industries. This list also includes those industries / manufacturing processes / products which may endanger public health, safety and environment.
- 2) All industries under this category needs frequent and close monitoring.
- 3) The entrepreneurs are required to make separate applications under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for obtaining consent from the Pollution Control Committee, DNH & DD.
- 4) All the industries falling under this category must have full-fledged Effluent Treatment Plant (ETP) and Air Pollution Control Devices (APCDs) provided with separate energy / electricity meter and must engage qualified personnel to operate such installations. They should also provide Water / Flow meters at the inlet / outlet of the ETP and necessary Sampling and Monitoring Facilities as required under various Environmental Acts / Rules and shall submit Analysis Test Report for every quarter.
- 5) Industry / Industrial Activity not covered under RED Category but having coal fired boiler with steam generation capacity more than 5 Tons per Hour will be covered under RED Category.
- 6) They are required to submit an Environmental Statement for the financial year ending 31st March in Form – V of the Environment (Protection) Rules, 1986 on or before 15th May of every year and Environmental Audit Report every two years ending on 31st March of that year on or before 15th May of every two years.
- 7) If any industry produces / uses Hazardous Waste in their manufacturing process, they are required to take authorization to collect, treat, store, transport and dispose the same in compliance with the provisions of Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008, as amended from time to time, wherever applicable. They are also required to make necessary arrangements to store solid wastes and must also comply with the Provisions of Manufacture, Storage, Import of Hazardous Chemicals Rules, 1989.
- 8) If any industry uses any chemical listed in Schedule – I, II, & III of Manufacture, Storage, Import of Hazardous Chemicals Rules, 1989, they must follow the provisions of the said Rule.
- 9) All major water consuming industries are required to obtain permission from the concerned authorities to tap ground / surface water and accordingly pay Water Cess in

accordance with the Water (Prevention & Control of Pollution) Cess Act, 1977 and Water (Prevention & Control of Pollution) Cess Rules, 1978, as amended from time to time.

10) Industrial Activities allowed / banned under this category in the territory of DNH & DD have been enlisted below. The list annexed to this Category is not exhaustive but only representative in nature.

11) Any application for expansion / modernisation in case of industries that are banned for establishment shall be considered on case-to-case basis in compliance of various norms of PCC DNH & DD, CPCB and MoEF & CC in non-ecologically sensitive areas with respect to the industries marked with “#”.

Annexure-I

Sl. No.	Activity	Allowed / Banned
1.	Isolated storage of hazardous chemicals (as per schedule of manufacturing, storage of hazardous chemicals rules ,1989 as amended)	Banned
2.	Automobile Manufacturing (integrated facilities) with ZLD System	Allowed
3.	Industries engaged in recycling /reprocessing/ recovery/reuse of Hazardous Waste under schedule IV of HW (M, H& TBM) rules, 2008 - Items namely - Spent cleared metal catalyst containing copper, spent cleared metal catalyst containing zinc	Allowed
# 4.	Manufacturing of lubricating oils, grease and petroleum-based products	Banned
5.	DG Set of capacity > 5 MVA	Banned
6.	Industrial carbon including electrodes and graphite blocks, activated carbon, carbon black	Banned
7.	Lead acid battery manufacturing (excluding assembling and charging of lead acid battery in micro scale)	Banned
8.	Phosphate rock processing plant	Banned
9.	Power generation plant [except Wind and Solar renewable power plants of all capacities and Mini Hydel power plant of capacity less than 25MW]	Banned
10.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule IV of HW (M, H& TBM) rules, 2008 - Items namely - Spent catalyst containing nickel, cadmium, Zinc, copper, arsenic, vanadium and cobalt.	Allowed
11.	Processes involving chlorinated hydrocarbons	Banned
12.	Sugar (excluding Khandsari)	Banned
13.	Fibre glass production and processing (excluding moulding)	Banned
14.	Firecracker manufacturing and bulk storage facilities	Banned
15.	Industries engaged in recycling / reprocessing/ recovery/reuse	

	of Hazardous Waste under schedule IV of HW (M, H& TBM) rules, 2008 - Items namely - Dismantlers Recycling Plants - Components of waste electrical and electronic assemblies comprising accumulators and other batteries included on list A, mercury-switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with Schedule 2 constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of this Schedule.	Allowed
16.	Milk processes and dairy products (integrated project)	Allowed
17.	Phosphorous and its compounds	Banned
18.	Pulp & Paper (wastepaper based without bleaching process to manufacture Kraft paper)	Banned
19.	Coke making, liquefaction, coal tar distillation or fuel gas making	Banned
20.	Manufacturing of explosives, detonators, fuses including management and handling activities	Banned
# 21.	Manufacturing of paints varnishes, pigments and intermediate (excluding blending/mixing)	Banned
# 22.	Organic Chemicals manufacturing	Banned
23.	Airports and Commercial Air Strips having discharge more than 100 KLD.	Allowed
# 24.	Asbestos and asbestos based industries	Banned
# 25.	Basic chemicals and electro chemicals and its derivatives including manufacturing of acid.	Banned
26.	Cement	Banned
27.	Chlorates, per-chlorates & peroxides	Banned
28.	Chlorine, fluorine, bromine, iodine and their compounds	Banned
29.	Dyes and Dye- Intermediates	Banned
30.	Health-care Establishment (as defined in BMW Rules) (with incinerator) having wastewater generation more than 100 KLD.	Allowed
31.	Hotels having overall wastewater generation @ 100 KLD and more.	Allowed
32.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule IV of HW (M, H& TBM) rules, 2008 -Items namely - Lead acid battery plates and other lead scrap/ashes/residues not covered under Batteries (Management and Handling) Rules, 2001. [* Battery scrap, namely: Lead battery plates covered by ISRI, Code word "Rails" Battery lugs covered by ISRI, Code word "Rakes". Scrap drained/dry while intact, lead batteries covered by ISRI, Code word "rains"].	Allowed

33.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule IV of HW(M, H& TBM) rules, 2008 - Items namely - Integrated Recycling Plants-Components of waste electrical and electronic assemblies comprising accumulators and other batteries included on list A, mercury switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with Schedule 2 constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of this Schedule.	Allowed
34.	Manufacturing of glue and gelatine	Banned
35.	Mining and ore beneficiation	Banned
36.	Nuclear power plant	Banned
37.	Pesticides (technical) (excluding formulation)	Banned
38.	Photographic film and its chemicals	Banned
39.	Railway locomotive workshop / Integrated Road transport workshop / Authorized service centres	Allowed
# 40.	Yarn / Textile processing involving any effluent/emission generating processes including bleaching, dyeing, printing and colouring	Banned
41.	Chlor Alkali	Banned
42.	Ship Breaking Industries	Banned
43.	Oil and gas extraction including CBM (offshore & onshore extraction through drilling wells)	Allowed
44.	Industry or process involving metal surface treatment or process such as pickling/ electroplating/ paint stripping/ heat treatment using cyanide bath/ phosphating or finishing and anodizing / enamellings/ galvanizing	Allowed
45.	Tanneries	Banned
46.	Ports and harbour, jetties and dredging operations	Allowed
# 47.	Synthetic fibres including rayon, tyre cord, and polyester filament yarn.	Banned
48.	Thermal Power Plants	Banned
49.	Slaughterhouse (as per notification S.O.270(E) dated 26.03.2001) and meat processing industries, bone mill, processing of animal horn, hoofs and other body parts	Banned
50.	Aluminium Smelter	Banned
51.	Copper Smelter	Banned
52.	Fertilizer (basic) (excluding formulation)	Banned
53.	Iron & Steel (involving processing from ore/ integrated steel plants) and or Sponge Iron units	Banned

54.	Pulp & Paper (wastepaper-based units with bleaching process to manufacture writing & printing paper)	Banned
55.	Zinc Smelter	Banned
56.	Oil Refinery (mineral Oil or Petro Refineries)	Banned
57.	Petrochemicals Manufacturing (including processing of Emulsions of oil and water)	Banned
58.	Pharmaceuticals (excluding formulation)	Banned
59.	Pulp & Paper (Large-Agro + wood), Small Pulp & Paper (agro based-wheat straw/rice husk)	Banned
60.	Distillery (molasses / grain / yeast based)	Banned
61.	Railway Stations (wastewater generation \geq 100 KLD)	Allowed
R-01	Synthetic detergents and soaps (excluding formulation) having wastewater generation more than 100 KLD.	Banned
R-02	Automobile servicing, repairing and painting (excluding only fuel dispensing) if the wastewater generation is more than 100 KLD.	Allowed
R-03	Building and construction project more than 20,000 sq. m built up area, after construction having wastewater discharge more than 100 KLD.	Allowed
R-04	Ceramics and Refractories having coal consumption is more than 12 MT/Day.	Banned
R-05	Fermentation industry including manufacture of yeast, beer, distillation of alcohol (Extra Neutral Alcohol) having wastewater discharge is more than 100 KLD.	Banned
# R-06	Ferrous and Non-ferrous metal extraction involving different furnaces through melting, refining, re-processing, casting and alloy making (more than 1 MT/Hour production).	Banned
# R-07	Lead metal extraction involving different furnaces through melting, refining, re-processing, casting and alloy making.	Banned
R-08	Induction furnace clubbed with AOD furnace.	Banned
R-09	Industry or processes involving foundry operations having capacity of 5 MT/Hr or more, or the coal or coke consumption will be more than 500 kg/hr.	Banned
R-10	Manufacturing of Lead Glass	Banned
R-11	Non - alcoholic beverages (soft drink) & bottling of non-alcoholic products having wastewater generation more than 100 KLD.	Allowed
R-12	Vegetable oil manufacturing including solvent extraction and refinery / hydrogenated oils having the wastewater generation is more than 100 KLD	Banned
R-13	Common Treatment and disposal facilities (CETP, TSDF, E-Waste recycling, CBMWTF, Effluent conveyance project, incinerators, MSW sanitary landfill sites.	Allowed
R-14	Sewage Treatment Plant having capacity of 100 KLD or more	Allowed

R-15	Pharmaceutical and R & D activities.	Banned
R-16	Parboiled Rice Mills having wastewater generation more than 100 KLD or fuel consumption more than 12 MTD or both.	Banned
# R-17	Industrial inorganic gases namely: - (a) Chemical gases: Acetylene, hydrogen, chlorine, fluorine, ammonia, sulphur dioxide, ethylene, hydrogen sulphide, phosphine. (b) Hydrocarbon gases: Methane, ethane, propane.	Banned
R-18	Industrial Estates / Parks/ complexes / areas / export processing zones / SEZs / Biotech parks / leather complex.	Allowed
R-19	Heavy engineering including ship building (with investment on Plant & Machineries more than Rs. 10 crores)	Allowed
R-20	Manufacture of Lithium-Ion Battery	Allowed
R-21	Grain Based Distillery for production of Ethanol only for blending purpose with ZLD facility, in order to produce Ethanol Blended Petrol only	Allowed
R-22	Bottling of Alcoholic products having wastewater generation more than 100 KLD	Banned
R-23	Automobile manufacturing without ZLD system	Banned
R-24	Solvent/Acid recovery plant	Banned
R-25	Synthetic Detergent and Soap with formulation	Allowed
R-26	POY, PFY and FDY from ready polyester chips as raw material only, and not from basic raw material	Allowed

ORANGE CATEGORY

Preamble:

- 1) Industries which contribute to Water, Air and Noise Pollution as defined under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and Noise Pollution (Regulation and Control) Rules, 2000, and have potential for generation of solid and hazardous wastes are classified as ORANGE Category of Industries.
- 2) The Entrepreneurs are required to make separate applications under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 for obtaining consent from Pollution Control Committee, DNH & DD.
- 3) Since industries falling in ORANGE Category are required to establish Effluent Treatment Plant (ETP) / Sewage Treatment Plant (STP) and / or Air Pollution Control Devices (APCDs) and / or facility for safe disposal of Solid/ Hazardous wastes and/ or Compost pits, new units shall not generally be permitted in galas.
- 4) All industries falling under this category are required to provide separate energy/electricity meter to the ETP and APCD and should engage qualified personnel to operate such installations. They will also provide Water / Flow meters at inlet & outlet of ETP and necessary Sampling and Monitoring Facilities as required under various Environmental Acts / Rules and shall submit Analysis Test Report for every quarter.
- 5) They are required to submit an Environmental Statement for the financial year ending 31st March in the form V of the Environmental (Protection) Rules, 1986 on or before 15th May every year and Environmental Audit Report every 2 years ending on 31st March of that year on or before 15th May of every two years.
- 6) If any industry produces / uses Hazardous Waste in their manufacturing process, they are required to take Authorisation to collect, treat, store, transport and dispose the same in compliance with the provisions of Hazardous Wastes (Management, Handling & Trans-boundary Movement) Rules, 2008, as amended from time to time, wherever applicable. They are also required to make necessary arrangements to store solid wastes and will also comply with the Provisions of Manufacture, Storage, Import of Hazardous Chemical Rules, 1989.
- 7) All major water consuming industries are required to obtain permission from the concerned authorities to tap ground / surface water and accordingly pay Water Cess in accordance with the Water (Prevention and Control of Pollution) Cess Act, 1977 and Water (Prevention and Control of Pollution) Cess Rule, 1978, as amended from time to time.

- 8) Industrial Activities allowed / banned under this category in the territory of DNH & DD have been enlisted below. The list annexed to this Category is not exhaustive but only representative in nature.
- 9) Any application for expansion / modernisation in case of industries that are banned for establishment shall be considered on case-to-case basis in compliance of various norms of PCC DNH & DD, CPCB and MoEF & CC in non-ecologically sensitive areas with respect to the industries marked with “#”.

Annexure-II

Sl. No.	Activity	Allowed / Banned
1.	Dismantling of rolling stocks (wagons/ coaches)	Allowed
2.	Bakery and confectionery units with production capacity > 1 TPD. (With ovens / furnaces)	Allowed
3.	Chanachur and laddoo from puffed and beaten rice (muri and shira) using husk fired oven	Allowed
4.	Coated electrode manufacturing	Allowed
5.	Compact disc computer floppy and cassette manufacturing / Reel manufacturing	Allowed
6.	Flakes from rejected PET bottle	Allowed
7.	Food and food processing including fruits and vegetable processing	Allowed
8.	Jute processing without dyeing	Allowed
9.	Manufacturing of silica gel without furnace	Allowed
10.	Manufacturing of tooth powder, toothpaste, talcum powder and other cosmetic items (Nail polish, Deodorants & spray and Hair oil)	Allowed
11.	Printing or etching of glass sheet using hydrofluoric acid	Allowed
12.	Silk screen printing, sari printing by wooden blocks	Allowed
# 13.	Synthetic detergents and soaps (excluding formulation) having generation of wastewater less than 100 KLD	Banned
14.	Thermometer manufacturing	Banned
15.	Cotton spinning and weaving (medium and large scale)	Allowed
16.	Almirah, Grill Manufacturing (Dry Mechanical Process)	Allowed
17.	Aluminium & copper extraction from scrap using oil fired furnace (dry process only)	Allowed
18.	Automobile servicing, repairing and painting (excluding only fuel dispensing) having wastewater generation is less than 100 KLD	Allowed
19.	Ayurvedic and homeopathic medicine	Allowed
20.	Brickfields (excluding fly ash brick manufacturing using lime process)	Allowed
21.	Building and construction project more than 20,000 sq. m built up area (if the wastewater discharge is less than 100 KLD)	Allowed

22.	Ceramics and Refractories having coal consumption less than 12 MT/day	Banned
23.	Coal washeries	Banned
24.	Dairy and dairy products (small scale)	Allowed
25.	DG set of capacity >1MVA but < 5MVA	Allowed
26.	Dry coal processing, mineral processing, industries involving ore sintering, pelletising, grinding & pulverization	Banned
27.	Fermentation industry including manufacture of yeast, beer, distillation of alcohol (Extra Neutral Alcohol) having wastewater discharge less than 100 KLD	Banned
# 28.	Ferrous and Non-ferrous metal extraction involving different furnaces through melting, refining, re-processing, casting, alloy making (excluding Lead) and production up to 1 MT/Hr.	Banned
29.	Fertilizer (granulation / formulation / blending only)	Allowed
30.	Fish feed, poultry feed and cattle feed	Allowed
31.	Fish processing and packing (excluding chilling of fishes)	Allowed
32.	Forging of ferrous and non-ferrous metals (using oil and gas fired furnaces)	Allowed
33.	Formulation/ pelletization of camphor tablets, naphthalene balls from camphor/ naphthalene powders	Allowed
34.	Glass ceramics, earthen potteries and tile manufacturing using oil and gas fired kilns, coating on glasses using cerium fluorides and magnesium fluoride etc.	Banned
35.	Gravure printing, digital printing on flex, vinyl	Allowed
36.	Heat treatment using oil fired furnace (without cyaniding)	Allowed
37.	Hot mix plants	Banned
38.	Hotels (< 3 star) or hotels having > 20 rooms and less than 100 rooms.	Allowed
39.	Ice cream	Allowed
40.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule IV of HW (M, H& TBM) rules, 2008 - Items namely - Paint and ink Sludge/residues	Allowed
41.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule IV of HW (M, H& TBM) rules, 2008 - Items namely - Brass Dross, Copper Dross, Copper Oxide Mill Scale, Copper Reverts, Cake & Residues, Waste Copper and copper alloys in dispersible form, Slags from copper processing for further processing or refining, Insulated Copper Wire, Scrap/copper with PVC sheathing including ISRI-code material namely "Druid", Jelly filled Copper cables, Zinc Dross-Hot dip Galvanizers SLAB,, Zinc Dross-Bottom Dross, Zinc ash/Skimming arising from galvanizing and die casting operations, Zinc ash/Skimming/other zinc bearing wastes arising from smelting and refining, Zinc ash and residues including zinc alloy residues in	Allowed

	dispersible form	
42.	Industry or processes involving foundry operations having capacity less than 5 MT/Hr or the coal/coke consumption is less than 500 MT/Hr	Banned
43.	Lime manufacturing (using lime kiln)	Banned
44.	Liquid floor cleaner, black phenyl, liquid soap, glycerol mono-stearate manufacturing	Allowed
45.	Manufacturing of glass	Banned
46.	Manufacturing of iodized salt from crude/ raw salt	Allowed
47.	Manufacturing of mirror from sheet glass	Allowed
48.	Manufacturing of mosquito repellent coil	Allowed
49.	Manufacturing of Starch/Sago	Banned
50.	Mechanized laundry using oil fired boiler	Allowed
51.	Modular wooden furniture from particle board, MDF < swan timber etc, Ceiling tiles / partition board from saw dust, wood chips etc., and other agricultural waste using synthetic adhesive resin, wooden box making (With boiler)	Allowed
52.	New highway construction project	Allowed
53.	Non-alcoholic beverages (soft drink) & bottling of non-alcoholic products having wastewater generation less than 100 KLD.	Allowed
54.	Paint blending and mixing (Ball mill)	Allowed
55.	Paints and varnishes (mixing and blending)	Allowed
56.	Ply-board manufacturing (including Veneer and laminate) with oil fired boiler/ thermic fluid heater (without resin plant)	Allowed
57.	Potable alcohol (IMFL) by blending, bottling of alcohol products	Banned
58.	Printing ink manufacturing	Banned
59.	Printing press	Allowed
60.	Reprocessing of waste plastic including PVC	Allowed
61.	Rolling mill (oil or coal fired) and cold rolling mill	Allowed
62.	Spray painting, paint baking, paint shipping	Allowed
# 63.	Steel and steel products using various furnaces like blast furnace / open hearth furnace / induction furnace / arc furnace / submerged arc furnace / basic oxygen furnace /hot rolling reheated furnace	Banned
64.	Stone crushers	Allowed
65.	Surgical and medical products including prophylactics and latex	Allowed
66.	Tephlon based products	Allowed
67.	Thermocol manufacturing (with boiler)	Allowed
68.	Tobacco products including cigarettes and tobacco / opium processes	Banned
69.	Transformer repairing / manufacturing (dry process only)	Allowed
70.	Tyres and tubes vulcanization / hot retreating	Banned

71.	Vegetable oil manufacturing including solvent extraction and refinery / hydrogenated oils having wastewater generation less than 100 KLD	Banned
72.	Wire drawing and wire netting	Allowed
73.	Dry cell battery (excluding manufacturing of electrodes) and assembling & charging of acid lead battery on micro scale	Allowed
74.	Pharmaceutical formulation (For sustained release / extended release of drugs only and not for commercial purpose)	Allowed
75.	Synthetic resins	Banned
76.	Synthetic rubber excluding moulding	Banned
77.	Cashew nut processing	Banned
78.	Coffee seed processing	Allowed
79.	Parboiled Rice Mills having wastewater generation less than 100 KLD or fuel consumption less than 12 MT/Day	Banned
80.	Foam manufacturing	Allowed
81.	Industries engaged in recycling / reprocessing / recovery / reuse of Hazardous Waste under schedule IV of HW (M, H& TBM) rules, 2008 - Items namely Used Oil – As per specifications prescribed from time to time	Allowed
82.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule IV of HW (M, H& TBM) rules, 2008 - Items namely - Waste Oil - As per specifications prescribed from time to time	Allowed
83.	Producer gas plant using conventional up drift coal gasification (linked to rolling mills glass and ceramic industry refectories for dedicated fuel supply)	Banned
84.	Railway Stations (Wastewater generation \geq 10 KLD, but $<$ 100 KLD)	Allowed
85.	Scrapping centres (for End-of-life vehicles and other scraps such as plant and machineries, structural material, railway coaches and wagons, etc.)	Allowed
	a. Collection, de-pollution, dismantling centres and shredding centres.	
	b. Collection, de-pollution, dismantling centres	
	c. Shredding centres (can include white goods / other scraps also)	
86.	Compressed / refined Bio-gas production from Bio-degradable wastes	Allowed
87.	Dairy farm	Allowed
O-01	Railway locomotive workshop/Integrated Road transport workshop / Authorized service centres having wastewater generation less than 100 KLD	Allowed
O-02	Airports and Commercial Air Strips having discharge less than 100 KL	Allowed

O-03	Health-care Establishment (as defined in BMW Rules) having total wastewater generation less than 100 KLD and without incinerator	Allowed
O-04	Tea processing (with boiler)	Allowed
O-05	Manufacturing of pasted veneers using coal fired boiler or thermic fluid heater	Allowed
O-06	Manufacture of Pesticides / Insecticides / Fungicides / Algaecides / Herbicides / Agrochemical units by mixing and blending only and Manufacture of growth promoters, Nutrients regulators and granulation by mixing and blending only	Allowed
O-07	Enamels, thinners, polishes, lacquers, reducers, solvents and retarders by way of mixing and blending only	Allowed
O-08	Sewage Treatment Plant having capacity less than 100 KLD	Allowed
O-09	Manufacturing of ball bearings, nuts, bolts and screws	Allowed
O-10	Manufacturing of MS drums and containers	Allowed
O-11	Epoxy coating	Allowed
O-12	Alcoholic beverages & bottling of alcoholic products having wastewater generation less than 100 KLD.	Banned
O-13	Manufacturing of Katha & Kutch	Banned
O-14	Autoclaved Aerated Concrete (AAC) Blocks [Daily Fuel Consumption more than 12 MT/Day]	Allowed

GREEN CATEGORY

Preamble:

- 1) Industries which do not cause any significant Water and Air pollution as defined in Water (Prevention and Control of Pollution) Act, 1981 are classified under GREEN Category industries.
- 2) Under this category only the below mentioned capacities of installations / equipment / personnel are permitted. Any industry falling under GREEN Category, and which intends to use the below mentioned equipment / installation / personal exceeding the capacity mentioned against them shall fall under ORANGE Category:
 - a) Boiler- 600 Kgs/hr
 - b) Thermic Fluid Heater- 2 Lakh Kilo Calories/Hour.
 - c) Cooling Towers-6 TFR and
 - d) Total number of employees 100 persons.
- 3) All the Entrepreneurs are required to make separate applications under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and other documents as per Checklist for obtaining consent from the Pollution Control Committee, DNH & DD.
- 4) Industries falling in GREEN Category, if required to establish Effluent Treatment Plant (ETP) / Sewage Treatment Plant (STP) and / or Air Pollution Control Devices (APCDs), should also install separate energy / electricity meters and should engage qualified personnel to operate such installations. They should also provide Water / Flow meters at inlet & outlet of ETP and necessary Sampling and Monitoring Facilities as required under various Environmental Acts / Rules and shall submit Analysis Test Report for every quarter.
- 5) If any industry produces Hazardous Waste in their manufacturing process, they are required to take Authorisation to collect, treat, store, transport and dispose the same in compliance with the provisions of Hazardous Wastes (Management, Handling & Transboundary Movement) Rules, 2008, as amended from time to time, wherever applicable. They are also required to make necessary arrangements to store solid wastes and will also comply with Provisions of Manufacture, Storage, Import of Hazardous Chemicals Rules, 1989.
- 6) They are required to submit an Environmental Statement for the financial year ending 31st March in the Form V of the Environmental (Protection) Rules, 1986 on or before 15th May every year and Environmental Audit Report every 2 years ending on 31st March of that year on or before 15th May of every two years.
- 7) All major water consuming industries are required to obtain permission from the concerned authorities to tap ground/surface water and accordingly pay Water Cess in

accordance with the Water (Prevention and Control of Pollution) Cess Rule, 1978, as amended from time to time.

8) The list annexed to this Category is not exhaustive but only representative in nature.

Annexure - III

Sl. No.	Activity	Allowed / Banned
1.	Aluminium utensils from aluminium circles by pressing only (dry mechanical operation)	Allowed
2.	Ayurvedic and homeopathic medicines (without boiler)	Allowed
3.	Bakery / confectionery / sweets products (with production capacity less than 1TPD) (with gas or electrical oven)	Allowed
4.	Bi-axially oriented PP film along with metalizing operations	Allowed
5.	Biomass briquettes (sun drying) without using toxic hazardous wastes	Allowed
6.	Blending of melamine resins & different powder, additives by physical mixing	Allowed
7.	Brass and bell metal utensils manufacturing from circles (dry mechanical operation without re-rolling facility)	Allowed
8.	Candy	Allowed
9.	Cardboard or corrugated box and paper products (excluding paper or pulp manufacturing and without using boilers)	Allowed
10.	Carpentry & wooden furniture manufacturing (excluding sawmill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc.	Allowed
11.	Cement products (without using asbestos / boiler / steam curing) like pipe, pillar, jafri, well ring, block / tiles etc. (should be done in closed covered shed to control fugitive emissions)	Allowed
12.	Ceramic colour manufacturing by mixing & blending only (not using Boiler and wastewater recycling process)	Allowed
13.	Chilling plant, cold storage and ice making	Allowed
14.	Coke briquetting (sun drying)	Allowed
15.	Cotton spinning and weaving (small scale)	Allowed
16.	Dal Mills	Allowed
17.	Decoration of ceramic cups and plates by electric furnace	Allowed
18.	Digital printing on PVC clothes	Allowed
19.	Facility of handling, storage and transportation of food grains in bulk	Allowed
20.	Flour mills (dry process)	Allowed

21.	Glass, ceramic, earthen potteries, tile and tile manufacturing using electrical kiln or not involving fossil fuel kiln	Allowed
22.	Glue from starch (physical mixing) with gas / electrically operated oven / boiler.	Allowed
23.	Gold and silver smithy (purification with acid smelting operation and sulphuric acid polishing operation) (using less or equal to 1 litre of sulphuric acid / nitric acid per month)	Allowed
24.	Heat treatment with any of the new technology like ultrasound probe, induction hardening, ionization beam, gas carburizing etc.	Allowed
25.	Insulation and other coated papers (excluding paper or pulp manufacturing)	Allowed
26.	Leather footwear and leather products (excluding tanning and hide processing except cottage scale)	Allowed
27.	Lubricating oil, greases or petroleum-based products (only blending at normal temperature)	Allowed
28.	Manufacturing of pasted veneers using gas fired boiler or thermic fluid heater and by sun drying	Allowed
29.	Oil mill Ghani and extraction (no hydrogenation/ refining)	Allowed
30.	Packing materials manufacturing from non-asbestos fibre, vegetable fibre yarn	Allowed
31.	Phenyl / toilet cleaner formulation and bottling	Allowed
32.	Polythene and plastic processed products manufacturing (virgin plastic)	Allowed
33.	Poultry, Hatchery and Piggery	Allowed
34.	Power looms (without dye and bleaching)	Allowed
35.	Puffed rice (muri) (using gas or electrical heating system)	Allowed
36.	Pulverization of bamboo and scrap wood	Allowed
37.	Ready mix cement concrete	Allowed
38.	Reprocessing of waste cotton	Allowed
39.	Rice mill (Rice hullers only)	Allowed
40.	Rolling mill (gas fired) and cold rolling mill	Allowed
41.	Rubber goods industry (with gas operated baby boiler)	Allowed
42.	Sawmills	Banned
43.	Soap manufacturing (hand made without steam boiling / boiler)	Allowed
44.	Spice grinding (up to 20 H.P. motor)	Allowed
45.	Spice grinding (> 20 H.P. motor)	Allowed
46.	Steel furniture without spray painting	Allowed
47.	Steeping and processing of grains	Allowed

48.	Tyres and tube retreating (without boilers)	Allowed
49.	Chilling plant and ice making without using ammonia	Allowed
50.	CO2 recovery	Allowed
51.	Distilled water (without boiler) with electricity as source of heat	Allowed
52.	Hotels (up to 20 rooms and without boilers)	Allowed
53.	Manufacturing of optical lenses (using electrical furnace)	Allowed
54.	Mineralized water	Allowed
55.	Tamarind powder manufacturing	Allowed
56.	Cutting, sizing and polishing of marble stone	Allowed
57.	Emery powder (fine dust of sand) manufacturing	Allowed
58.	Fly ash export, transport & disposal facilities	Banned
59.	Mineral stack yard / Railway sidings	Allowed
60.	Oil and gas transportation pipeline	Allowed
61.	Seasoning of wood in steam heated chamber	Allowed
62.	Synthetic detergent formulation	Allowed
63.	Tea processing (without boiler)	Allowed
64.	Railway station (Wastewater generation <10 KLD)	Allowed
65.	Gaushalas	Allowed
G-01	Modular wooden furniture from particle board, MDF swan timber etc., Ceiling tiles / partition board from saw dust, wood chips etc., and other agricultural waste using synthetic adhesive resin, wooden box making (Without boiler)	Allowed
G-02	Automobile fuel outlets (only dispensing) (exempted from obtaining consent)	Allowed
G-03	Power-looms, knitting, jacquard knitting, circular knitting & weaving	Allowed
G-04	Textile products such as Readymade garments, Apparel Making (Raincoat) and embroidery (Excluding Dyeing, Washing, Bleaching or any Chemical / Wet Processes) Handy crafts, Gold and Silver Zari Thread and Lace work	Allowed
G-05	Yarn Texturizing / crimping / twisting units (without dyeing)	Allowed
G-06	Photographic and other films and paper – by way of cutting, sprocketing, slitting and packing (only from readymade rolls/sheets)	Allowed
G-07	Cork sheet	Allowed
G-08	Diesel Generator Sets (15 KVA to 1 MVA)	Allowed
G-09	Autoclaved Aerated Concrete (AAC) Blocks [Daily Fuel Consumption less than 12 MT/Day]	Allowed

WHITE CATEGORY**Preamble:**

- 1) Consent to establish is a must for white category industries. However, consent to operate shall not be necessary and only intimation to that effect shall suffice.

Annexure - IV

Sl. No.	Activity
1.	Assembly of air coolers / conditioners, repairing and servicing
2.	Assembly of bicycles, baby carriages and other small non motorizing vehicles
3.	Bailing (hydraulic press) of waste papers
4.	Bio fertilizer and bio-pesticides without using inorganic chemicals
5.	Biscuits trays etc. from rolled PVC sheet (using automatic vacuum forming machines)
6.	Blending and packing of tea
7.	Block making of printing without foundry (excluding wooden block making)
8.	Chalk making from plaster of Paris (only casting without boilers etc. (sun drying / electrical oven)
9.	Compressed oxygen gas from crude liquid oxygen (without use of any solvents and by maintaining pressure & temperature only for separation of other gases)
10.	Cotton and woollen hosiery making (Dry process only without any dyeing / washing operation)
11.	Diesel pump repairing and servicing (complete mechanical dry process)
12.	Electric lamp (bulb) and CFL manufacturing by assembling only
13.	Electrical and electronic item assembling (completely dry process) and musical instruments manufacturing
14.	Engineering and fabrication units (dry process without or any heat treatment / metal surface finishing operations / painting)
15.	Flavoured betel nuts production / grinding (completely dry mechanical operations)
16.	Fly ash bricks / block manufacturing
17.	Fountain pen manufacturing by assembling only
18.	Glass ampules and vials making from glass tubes
19.	Glass putty and sealant (by mixing with machine only)
20.	Ground nut decorticating
21.	Handloom/ carpet weaving (without dyeing and bleaching operation)
22.	Leather cutting and stitching (more than 10 machine and using motor)
23.	Manufacturing of coir items from coconut husks
24.	Manufacturing of metal caps containers etc.
25.	Manufacturing of shoe brush and wire brush

26.	Medical oxygen
27.	Organic and inorganic nutrients (by physical mixing)
28.	Organic manure (manual mixing)
29.	Packing of powdered milk
30.	Paper pins and u clips
31.	Repairing of electric motors and generators (dry mechanical process)
32.	Rope (plastic and cotton)
33.	Scientific and mathematical instrument manufacturing
34.	Solar module non-conventional energy apparatus manufacturing unit
35.	Solar power generation through solar photovoltaic cell, wind power and mini hydel power (less than 25 MW)
36.	Surgical and medical products assembling only (not involving effluent / emission generating processes)
37.	Used cooking oil (UCO) collection centres
(W-01)	Agarbatti
(W-02)	Umbrella (tailoring & sealing)
(W-03)	Handicrafts
(W-04)	Wax candles
(W-05)	Almirah, Grill Manufacturing (Dry mechanical process) (without painting)

Schedule - I**Revision in Consent Fees**

CONSENT FEE TO BE CHARGED BY THE POLLUTION CONTROL COMMITTEE, DNH & DD FOR GRANT OF CONSENT TO ESTABLISH / OPERATE / RENEWAL FOR ALL INDUSTRIES / HOTELS UNDER WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.

The Consent Fee structure is applicable to the industries mentioned under RED, ORANGE, GREEN & WHITE Category depending upon the capital investment (which is construed to include land, building, plant and machineries without depreciation) is furnished below:

I. For Industries:

Sl. No.	Capital Investment (In Rs.)	Consent fee (to be paid separately) per year for Establish / Operate / Renewal under Water Act, 1974 and Air Act, 1981 (In Rs.)
1.	100 Cr. and above	1,50,000
2.	50 to 100 Cr.	90,000
3.	10 to 50 Cr.	60,000
4.	5 to 10 Cr.	15,000
5.	1 to 5 Cr.	7,500
6.	60 Lakhs to 1 Cr.	3,000
7.	10 Lakhs to 60 Lakhs	1,500
8.	Below 10 Lakhs	300

II. For Hotels:



Sl. No.	Capital Investment (In Rs.)	Consent fee (to be paid separately) per year for Establish / Operate / Renewal under Water Act, 1974 and Air Act, 1981 (In Rs.)
1.	100 Cr. and above	50,000
2.	50 to 100 Cr.	30,000
3.	25 to 50 Cr.	20,000
4.	10 to 25 Cr.	15,000
5.	5 to 10 Cr.	10,000
6.	1 Cr. To 5 Cr.	5,000
7.	Up to 1 Cr.	2,000

Schedule – II**Fees for:****I. Conducting Public Hearing:**

Sl. No.	Capital Investment (In Rs.)	Fees (In Rs.)
1.	Projects having a capital investment of Rs.50 Cr. or more	1,00,000
2.	Projects having a capital investment of more than 10 Cr. but less than Rs.50 Cr.	75,000
3.	Projects having a capital investment of less than 10 Cr.	50,000

II. Granting Authorization under Biomedical Waste Management Rules, 2016:

Sl. No.	Conditions	Fees (In Rs.)
1.	Clinics / Dispensaries without beds	1,000
2.	Healthcare facilities having less than 50 beds	3,000
3.	Healthcare facilities having more than 50 beds but more than 200 beds	5,000
4.	Healthcare facilities having more than 200 beds	10,000

	DELHI POLLUTION CONTROL COMMITTEE GOVERNMENT OF NCT OF DELHI 1st and 2nd FLOOR, VIKAS BHAWAN – II, CIVIL LINES, DELHI- 110054.	
---	---	---

F. No. DPCC/CMC-II/K-014/1/2023/ 15-16

Date: 02-02-2024

To

Sh. P. K. Gupta,
 Director & Div. Head, IPC-VI,
 Central Pollution Control Board,
 Ministry of Environment, Forest & Climate Change,
 Parvesh Bhawan, East Arjun Nagar,
 Delhi-110032

Sub : Harmonization of Classification of industrial Sectors into Red, Orange, Green and White Categories – regarding sand/ river bed material mining activities.

Respected Sir,

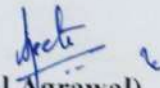
This has reference to your letter no. CPCB/IPC-VI/ROGW/8139 dated 02.01.2024 requesting therein to provide ATRs regarding adoption & implementation of categorization of 'Sand/ river bed material mining from riverbed and its floodplains (excluding manual excavation).

In this regard, I am directed to inform you that DPCC has considered the categorization done by CPCB of "Sand/ river bed material mining from riverbed and its floodplains (excluding manual excavation)" (as enclosed) and decided to adopt the same in line with CPCB.

This issues with the approval of the Competent Authority, DPCC.

Yours Sincerely

Encl.: As above.


 (Ajeeta Dayal Agrawal)
 Additional Director (Engineering)

Copy to:

S.E.E. (I.T. Cell), DPCC.

Categorization of sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)

Sl. No.	Sl. No. (as per CPCB Document)	Non-industrial operations	Category	Remarks
1	63	Sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)		i. Sand / riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc.
		(i) Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining	Red	ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area.
		(ii) Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)	Orange	iii. This categorization is made considering the ecological damages and not based on pollution potential/index.

Note: Cluster mining as defined in 'Enforcement & Monitoring Guidelines for Sand Mining, 2020', issued by MoEF&CC.

2850

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001:2015, ISO 14001:2015, ISO 45001:2018 Certified Board)

Phone Nos : 0832- 2407700,
2407701, 2407703



Email Ids:
Chairman, GSPCB: chairman-gspcb.goa@nic.in
Member Secretary, GSPCB: ms-gspcb.goa@nic.in
Office: mail.gspcb@gov.in

No. 2024/GSPCB/Letter/14140/Tech/21693

Speed Post

Dated: 05/01/2024

To,
The Member Secretary,
Central Pollution Control Board
Parivesh Bhavan, East Arjun Nagar, Delhi -110032

Sub: Harmonization of Classification of Industries Sectors into Red, Orange, Green and White Categories, regarding sand/river bed material mining activities.
Ref: Your letter No. CPCB/IPC-IV/ROGW dated 22/09/2023

Sir,

With reference to your letter dated 22/09/2023, pertains to Harmonization of Classification of Industries Sectors into Red, Orange, Green and White Categories, this is to inform you that the said categorisation regarding sand/river bed material mining activities issued by CPCB in vide letter dated 22/09/2023 has been accepted by the Board.

Further, it is also hereby inform you that there is no Mechanised Sand mining operating in the Sate of Goa, only Manual Sand mining is being carried out.

This is for your information.

Yours faithfully,


(Dr. Shamila Monteiro)
Member Secretary
For Goa State Pollution Control Board

Copy to:

1. Office file.
2. Guard file.

HARYANA STATE POLLUTION CONTROL BOARD
C-11 Sector-6, Panchkula
Ph – 0172- 577870-73, Fax No. 2581201
E-mail- hspcbho@gmail.com

Office Order

Whereas, the Board vide Head Office order Endst. No. HSPCB/2020/PLG/1767-1795 dated 04.12.2020 has amended its existing consent procedure issued vide Head Office order Endst. No. HSPCB/2018/517-546 dated 26.02.2018 for grant of consent to establish and consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, along with consolidated list of industrial / non-industrial sector / projects covered under Red, Orange, Green and White Categories. This procedure had been issued based upon the directions issued by the CPCB u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981 vide letter no. B29012/ESS (CPA)/2015-16/8526 dated 07.03.2016 and subsequent directions thereon; and

Whereas, the Central Pollution Control Board (CPCB) vide letter no. CPCB/IPCVI/ROGW/6519-6564 dated 30.11.2023 has categorized Tyre Pyrolysis Oil (TPO) Industries, vide letter no. CPCB/IPCVI/ROGW dated 22.09.2023 has categorized Sand/riverbed material mining, vide letter no. CPCB/IPCVI/ROGW/ dated 05.09.2023 has categorized semi conductor manufacturing industries, vide letter no. CPCB/IPCVI/ROGW/IPC-VI/2020-21 dated 30.04.2020 has categorized Used Cooking Oil (UCO) collection centre and letter No. CPCB/IPCVI/ROGW/6686-6730 dated 22.09.2021 has categorized Compressed Biogas Plants (CBG) /Bio CNG Plants and directed the SPCBs to adopt and implement the same; and

Whereas, the matter regarding categorization of new or left over industries sectors/project, was also received from the Regional Offices of HSPCB for inclusion of various industrial/non-industrial sectors/ projects under consent management of the Board; and

Whereas, the above matters were examined by the committee of this Board constituted for categorization of new / left over industrial/non-industrial sectors/ projects for consent management, in its meeting held on 10.01.2024. The Committee recommended that revised classification of industrial sectors issued by the CPCB vide letter no. CPCB/IPCVI/ROGW/6519-6564 dated 30.11.2023, CPCB/IPCVI/ROGW dated 22.09.2023, CPCB/IPCVI/ROGW/ dated 05.09.2023, CPCB/IPCVI/ROGW/IPC-VI/2020-21 dated 30.04.2020 and letter No. CPCB/IPCVI/ROGW/6686-6730 dated 22.09.2021 may be added in categorization of industrial sectors/non-industrial sectors under Red, Orange, Green and White categories and of new or left over industries sectors/project may be added in categorization of industrial sectors/projects issued vide order endst. No. HSPCB/2020/PLG/1767-1795 dated 04.12.2020.

In view of above, it is hereby ordered that the following industrial/non-industrial sector/projects are added under the Red, Orange, Green and White Categories in the consent procedure already issued vide Head Office order Endst. No. HSPCB/2020/PLG/1767-1795 dated 04.12.2020 (as amended) for the purpose of obtaining Consent to Establish (CTE) and Consent to Operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and authorizations under Environment (Protections) Rules, 1986:-

Sr. No.	Industrial/ Non-Industrial Sectors/Projects	Category	Status of coverage under	Remarks
---------	---	----------	--------------------------	---------

			consent management of board	
1.	Camphor water filling without using reverse osmosis and mineralization.	White	New Entry	New category is added at Sr.No.46 of White category of classification of HSPCB.
2	Fiber bedding /blanket/quilt manufacturing units using synthetic fiber as raw material.	Green	New Entry	New category is added at Sr.No.75 of Green category of classification of HSPCB.
3	Semiconductor manufacturing industries i. Semiconductor fabs manufacturing ii. Display fabs manufacturing iii. Compound Semiconductor/Silicon Photonics/Sensor fabs manufacturing.	Red	New Entry	New category is added at Sr. No. 82 of Red category of classification of HSPCB.
	Semiconductor Assembly, Testing Marking and Packaging Facility (ATMP).	Orange	New Entry	New category is added at Sr. No.116 of Orange category of classification of HSPCB.
4	Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation) for mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining.	Red	New Entry	New category is added at Sr.No.83 of Red category of classification of HSPCB.
	Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation) for Standalone mining lease area up to 5 hectares in area (not a part of any cluster mining).	Orange	New Entry	New category is added at Sr.No.117 of Orange category of classification of HSPCB.
5	Tyre Pyrolysis Oil (TPO)	Orange	New Entry	New category is

	Industries' applicable for advance batch automated process/continuous TPO units.			added at Sr.No.118 of Orange category of classification of HSPCB.
6	Used Cooking oil (UCO) collection centres.	White	New Entry	New category is added at Sr.No.47 of white category of classification of HSPCB.
7.	Infrastructure development projects having overall liquid Waste generation 100 KLD or more	Red	New Entry	New category is added at Sr.No.84 of red category of classification of HSPCB.
	Infrastructure development projects having overall liquid Waste generation less than 100 KLD and greater than 10 KLD	Orange	Replacement	Category of industrial/non industrial sector/projects at Sr. No. 101 under Orange category is replaced with 'Infrastructure development projects having overall liquid Waste generation less than 100 KLD and greater than 10 KLD'
	Infrastructure development projects having overall liquid Waste generation less than 100 KLD.	Green	Omitted	Category of industrial/non industrial sector/projects already covered at Sr. No. 101 under Orange category of classification of HSPCB.
8.	CBG plants (irrespective of type of feed) producing fermented organic manure (FOM) & liquid fermented organic manure (LOFM) as by-products having waste water discharge more than 100 KLD.	Orange	New Entry	New category is added at Sr. No. 110 (e) of Orange category of classification of HSPCB.

CBG plants (irrespective of type of feed) producing fermented organic manure (FOM) & liquid fermented organic manure (LOFM) as by-products having waste water discharge less than or equal 100 KLD.	Green	Replacement	Entry at 73(c) under Green category is replaced with 'CBG plants (irrespective of type of feed) producing fermented organic manure (FOM) & liquid fermented organic manure (LOFM) as by-products having Waste water discharge less than or equal 100 KLD'.
CBG plants (irrespective of type of feed) producing fermented organic manure (FOM) & liquid fermented organic manure (LOFM) as by-products utilizing entire FOM & LFOM as fertilizer or manure and also not discharging any waste water.	White	New Entry	New category is added at Sr. No. 48 of white category of classification of HSPCB.

These orders shall come into force with immediate effect

Dated Panchkula, the

26-02-2024

P. RAGHAVENDRA RAO

CHAIRMAN

Endst. No. HSPCB/PLG/2024/

Dated:

A copy of the above is forwarded to the following for information and further necessary action:-

1. Chief Environmental Engineer I, HSPCB.
2. Chief Environmental Engineer II, HSPCB.
3. All Branch In-charges dealing with consent management in Head Office of the Board.
4. Sr. Environmental Engineer -cum- Nodal Officer of the HSPCB, Haryana Enterprises Promotion Centre (HEPC) Bay No. 63-64-65-66, Sector 2, Panchkula.
5. Branch In-charge (IT) for uploading the orders on the website of the Board and making necessary changes in the OCMMS and online inspection module.
6. All Regional Officers of the Board in the field.

**Environment Engineer (PLG)
For Chairman**

Endst. No. HSPCB/PLG/2024/

Dated:

A copy of the above is forwarded to the following for information of the officers:-

1. PS to Chairman
2. PA to Member Secretary

**Environment Engineer (PLG)
For Chairman**



JHARKHAND STATE POLLUTION CONTROL BOARD

T.A. DIVISION BUILDING (GROUND FLOOR), H.E.C., DHURWA, RANCHI-834004

Phone: - 2400852, 2400851 Fax :- 0651-2400850, Website:-www.jspcb.org

Office Order No./ B-32

Ranchi, Dated:- 11/03/2024

OFFICE ORDER

Jharkhand State Pollution control Board adopts and implement the categorization of 'Sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)' under harmonuization of classification of industrial Sectors into Red, Orange, Green and White categories as issued by CPCB vide its letter Ref. No. CPCB/IPC-VI/ROGW/5593 dated 27.10.2023.

Sd/-
(Y. K. Das)
Member Secretary

Ranchi, dated.....

Memo No.

Copy to: Sri Ajay Aggarwal, Director & Div. Head, IPC-VI, Central Pollution Control Board, Ministry of Environment Forest & Climate Change, Govt. of India, Parivesh Bhawan, East Arjun Nagar, Delhi- 110032 for information.

Sd/-
(Y. K. Das)
Member Secretary

Ranchi, dated.....11/03/2024

Memo No. B-670

Copy to: All section Head, HO / Regional Officer, Regional office-cum-laboratory, JSPC Board, Jamshedpur/ Dhanbad/ Ranchi/ Hazaribagh/ Dumka for information and necessary action.

(Y. K. Das)
Member Secretary



मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड



ई-5, अरेरा कालोनी, पर्यावरण परिसर, भोपाल-462016

☎ : +91-755-2464428/2466191, ई-मेल : it_mppcb@rediffmail.com

वेबसाईट : www.mppcb.nic.in

✓ क्रमांक 1002 /तक./फा.नं. G-96/प्रनिबो/2024,

भोपाल, दिनांक 28-2-2024

प्रति,

श्री पी. के. गुप्ता,
डायरेक्टर एवं डिवीजन हेड, आई.पी.सी.-VI,
केन्द्रीय प्रदूषण नियंत्रण बोर्ड,
परिवेश भवन, पूर्वी अर्जुन नगर,
दिल्ली-110032

विषय :- Harmonization of Classification of industrial Sectors into Red, Orange, Green and White Categories- regarding sand/river bed material mining activities.

संदर्भ :-

1. आपका पत्र क्र. CPCB/IPC-IV/ROGW दि.05/02/2024 एवं 21/02/2024
2. केन्द्रीय प्रदूषण नियंत्रण बोर्ड का पत्र क्रमांक CPCB/IPC-IV/ROGW दिनांक 22/09/2023



उपरोक्त विषयान्तर्गत संदर्भित पत्र के माध्यम से आपके द्वारा Sand/River bed material mining activities के वर्गीकरण के संबंध में एक्शन टेकन रिपोर्ट चाही गई थी। उक्त परिपेक्ष्य में बोर्ड द्वारा Sand/River bed material mining activities के वर्गीकरण के संबंध में जारी कार्यालय आदेश की प्रति संलग्न प्रेषित है।

संलग्न :- उपरोक्तानुसार।

(Handwritten Signature)

(एच.के. शर्मा)

✓ डायरेक्टर (पर्यावरण)

प्रतिलिपि :-

क्षेत्रीय निदेशक, क्षेत्रीय निदेशालय (मध्य) केन्द्रीय प्रदूषण नियंत्रण बोर्ड, भोपाल की ओर सूचनार्थ ।



मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड

ई-5, अरेरा कालोनी, पर्यावरण परिसर, भोपाल-462016

☎ : +91-755-2464428/2466191, ई-मेल : it_mppcb@rediffmail.com

वेबसाइट : www.mppcb.nic.in



कमांक 997/तक./प्रनिबो/2024

भोपाल, दिनांक 28/02/2024

-: कार्यालय आदेश :-

केन्द्रीय प्रदूषण नियंत्रण बोर्ड, नई दिल्ली द्वारा जल एवं वायु अधिनियम की धारा-18 (1)(बी) के अंतर्गत मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड को जारी निर्देशों के अनुपालन में प्रदूषणकारी गतिविधियों से उत्पन्न जल, वायु तथा खतरनाक अपशिष्ट के स्कोर निर्धारण हेतु दी गई गाईडलाईन्स Environmental Pollution Index (EPI) के आधार पर बोर्ड द्वारा जारी अधिसूचना कमांक 1607 दिनांक 10/12/2021 द्वारा जारी तालिका में बोर्ड से कार्योत्तर स्वीकृति की प्रत्याशा में लाल श्रेणी के सरल कमांक 82 को विलोपित करते हुए उपरोक्त तालिका के पश्चात् केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र कमांक CPCB/IPC-IV/ROGW दिनांक 22/09/2023 द्वारा वर्गीकृत सैण्ड माईनिंग इकाईयों को कमशः लाल तथा नारंगी श्रेणी में वर्गीकरण की निम्न तालिका स्थापित की जाती है :-

Categorisation of Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)

S. No.	Non-industrial operations	Category	Remarks
1.	Sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)		i. Sand / riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc.
a)	(i) Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining	Red	ii. Cluster mining means that the distance of mining lease area is less than 500m from periphery of another lease area.
b)	(ii) Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)	Orange	iii. This categorization is made considering the ecological damages and not based on pollution potential/index.

Note: Cluster mining as defined in 'Enforcement & Monitoring Guidelines for Sand Mining, 2020', issued by MoEF&CC.

म.प्र. प्रदूषण नियंत्रण बोर्ड की ओर से

(चन्द्रमोहन ठाकुर)
सदस्य सचिव

पृ. क. 998/तक./प्रनिबो/2024

भोपाल, दिनांक 28/02/2024

प्रतिलिपि:-

1. निज सचिव, प्रमुख सचिव, म.प्र. शासन, पर्यावरण विभाग एवं अध्यक्ष, म.प्र. प्रदूषण नियंत्रण बोर्ड, भोपाल की ओर सूचनार्थ।
2. प्रमुख सचिव, म.प्र. शासन, खनिज साधन विभाग, मंत्रालय, भोपाल की ओर सूचनार्थ।
3. प्रमुख सचिव, म.प्र. शासन, औद्योगिक नीति एवं निवेश प्रोत्साहन विभाग, मंत्रालय भोपाल की ओर सूचनार्थ।
4. प्रबंध संचालक, म.प्र. राज्य माईनिंग कॉर्पोरेशन, पर्यावास भवन, अरेरा हिल्स, भोपाल की ओर सूचनार्थ।
5. संबंधित यूनिट हेड (माईनस), म.प्र. प्रदूषण नियंत्रण बोर्ड, भोपाल की ओर सूचनार्थ।
6. प्रभारी, जनसंपर्क शाखा, म.प्र. प्रदूषण नियंत्रण बोर्ड, भोपाल की ओर सूचनार्थ।
7. समस्त क्षेत्रीय अधिकारी, म.प्र. प्रदूषण नियंत्रण बोर्ड की ओर सूचनार्थ।

(चन्द्रमोहन ठाकुर)
सदस्य सचिव

2859


MANIPUR POLLUTION CONTROL BOARD

IMPHAL WEST D.C. OFFICE COMPLEX

LAMPHELPAT, IMPHAL-795 004

e-mail: pcb-man@nic.in

No. PCB/488/2022-23/

 Imphal, the 1st March, 2024

To

The Director & Div. Head,
 IPC-VI, Central Pollution Control Board,
 Ministry of Environment, Forest & Climate Change, Govt. of India,
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032.

Subject: Harmonisation of Classification of Industrial Sectors into Red, Orange, Green and White Categories, regarding sand/river bed material mining activities.

Sir,

In inviting a reference to the above subject, I am directed to inform you that the Board vide letter of even no. dated 28th February, 2024 has requested the concerned authorities to take necessary action.

A photo-copy of the letter dated 28th February, 2024 is enclosed.

Yours faithfully,

Encl: As above

(T. Mangi Singh)

Member Secretary

Manipur Pollution Control Board

 Imphal, the 1st March, 2024

Memo No. PCB/488/2022-23/

Copy to:

1. The PA to the Hon'ble Chairman, MPCB for kind information
2. The Deputy Secretary (For., Env't. & CC), Govt. of Manipur
3. Guard file

(T. Mangi Singh)

Member Secretary

Manipur Pollution Control Board



2860

MANIPUR POLLUTION CONTROL BOARD

IMPHAL WEST D.C. OFFICE COMPLEX

LAMPHEL PAT, IMPHAL-795 004

e-mail: pcb-man@nic.in

NGT MATTER

No. PCB/488/2022-23/

Imphal, the 28th February, 2024

To

1. The Principal Chief Conservator of Forests & Head of Forest Force,
Govt. of Manipur
2. The Director,
Trade, Commerce & Industries, Govt. of Manipur
3. The Director,
Environment & CC, Govt. of Manipur

Subject: Harmonisation of Classification of Industrial Sectors into Red, Orange, Green and White Categories, regarding sand/river bed material mining activities.

Sir,

In inviting a reference to the above subject, I am directed to inform you that the Central Pollution Control Board has categorized "Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)". The details of classification is enclosed as Annexure I.

It is, therefore, requested kindly to inform the mining units to apply for Consent of the Manipur Pollution Control Board for operation of the units. It may kindly be noted that red categories of industries will not be permitted to establish in eco-sensitive areas and protected areas.

Action Taken Report is to be submitted within 15 days.

Yours faithfully,

Encl: As above

(T. Mangi Singh)

Member Secretary

Manipur Pollution Control Board

Imphal, the 28th February, 2024

Memo No. PCB/488/2022-23/

Copy to:

1. The PA to the Hon'ble Chairman, MPCB for kind information
2. The Deputy Secretary (For., Env't. & CC), Govt. of Manipur
3. Guard file

(T. Mangi Singh)

Member Secretary

Manipur Pollution Control Board

2861



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

SPEED-POST

CPCB/IPC-IV/ROGW

22.09.2023

To,

The Member Secretary
SPCBs/PCCs
(as per the list)

Subject: Harmonization of Classification of Industrial Sectors into Red, Orange, Green and White Categories, regarding sand/river bed material mining activities.

Sir,

This has reference to the CPCB Directions issued u/s 18(1)(b) of the Air and Water Act on 07.03.2016, regarding 'Harmonization of classification of industrial sectors under Red/Orange/Green/White categories', wherein CPCB has categorized 242 industrial sectors into red, orange, green & white categories and directed all SPCBs/PCCs for its adoption and implementation.

Subsequently, CPCB has categorized the additional ten industrial sectors, namely, (i) Scrapping Centre (ii) Used Cooking Oil Collection Centre (iii) Compressed/Refined Biogas (iv) Railway Stations, (v) Dairy Farms & (vi) Gaushalas, (vii) Building and Construction Projects, having built-up area up to 20,000 m² and waste water generation \geq 50 KLD, (viii) Construction and Demolition (C&D) Waste Processing Plants, (ix) Gold Assaying & Hallmarking Centres, and (x) Semi-conductor manufacturing industries.

Now, CPCB has categorized 'Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)', the details of which are given at Annexure-I. All SPCBs/PCCs are directed to adopt and implement the same and submit the Action Taken Report within 15 days.

Yours faithfully,

(Bharat Kumar Sharma)
Member Secretary

Encl.: as above.

Page 1 of 2

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Annexure-I

Categorization of sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)

Sl. No.	Sl. No. (as per CPCB Document)	Non-industrial operations	Category	Remarks
1	63	Sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)		i. Sand / riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc.
		(i) Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining	Red	ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area.
		(ii) Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)	Orange	iii. This categorization is made considering the ecological damages and not based on pollution potential/index.

Note: Cluster mining as defined in 'Enforcement & Monitoring Guidelines for Sand Mining, 2020', issued by MoEF&CC.

156157/5.3.24/MS 3



Odisha SPCB



EPABX : 2561909/2562847
E-mail: paribesh1@ospboard.org
Website: www.ospboard.org

STATE POLLUTION CONTROL BOARD, ODISHA

[DEPT., OF FOREST ENVIRONMENT & CLIMATE CHANGE, GOVT. OF ODISHA]

Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII

Bhubaneswar - 751 012, INDIA

No 2672

/ IND-I-CON (Misc)-1505

Dt 28-02-2024

OFFICE ORDER

Revised classification of industrial units has been done by State Pollution Control Board, Odisha as per the criteria and guidelines of the Central Pollution Control Board and this Board has brought out office order from time to time in this regard. Meanwhile, the following three nos. of units have been categorized by the Central Pollution Control Board, which shall be added in the existing list of ROGW for the State of Odisha.

A) Semi-conductor manufacturing industries :

SI. No.	Industrial Sector	Category
Red -62	i) Semi-conductor fabs manufacturing	Red
	ii) Display Fabs manufacturing	Red
	iii) Compound semiconductors / Silicon photonics / Sensor Fabs manufacturing	Red
	iv) Semiconductor Assembly, Testing, Marketing and packaging facility (ATMP)	Orange

B) Sand/ River bed material mining from riverbed and its floodplains (Excluding manual excavation) :

SI. No.	Non-Industrial Operation	Category	Remarks
Red - 63	i. Mining lease area more than 5 hectares or Mining lease area up to 5 hectares, which is part of cluster mining.	Red	i. Sand / river bed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological condition and river eco system. ii. Cluster mining means that the distance of mining lease area is less than 500m from periphery of another lease area.
	ii. Standalone mining lease area up to 5 hectares (not a part of any cluster mining)	Orange	iii. This categorization is made considering the ecological damages and not based on pollution potential/ index.

* Cluster mining as defined in "enforcement & monitoring guidelines for Sand Mining 2020, issued by MoEF & CC, Govt. of India.

C) Tyre Pyrolysis Oil (TPO) :

SI. No.	Industrial Sector	Remarks
Orange - 91	Tyre Pyrolysis Oil (TPO) industries applicable for advance batch automated process/ continuous TPO units.	Unit shall require to follow Standard Operating Procedure (SOP) issued by CPCB/ MoEF & CC for production of pyrolysis oil from waste tyres.

This order shall come in to force w.e.f date of its issue.

MEMBER SECRETARY
P.T.O



11211

✓ Memo No. 2673 /dtd. 28-02-2024

By Email

Copy forwarded to the Member Secretary, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 110032 for kind information.



MEMBER SECRETARY
Memo No. 2674 /dtd. 28-02-2024

Copy forwarded to the Additional Chief Secretary, Forest, Environment and Climate Change Department, Govt. of Odisha for kind information and necessary action.



MEMBER SECRETARY
Memo No. 2675 /dtd. 28-02-2024

Copy forwarded to the Principal Secretary / Addl. Chief Secretary, Industries Deptt./ MSME Deptt./ Steel & Mines Deptt./ Energy Deptt./ Housing and Urban Development Deptt./ Health & Family Welfare Deptt./ Agriculture Deptt./ Works Deptt./ Water Resources Deptt./ F&ARD / Excise Deptt./ Commerce and Transport Deptt./ Textile & Handloom / CMD, IPCOL/ CMD, IIDCO / Special Secretary P & C Deptt./ Director, Factories & Boilers, Govt. of Odisha for information and necessary action.



MEMBER SECRETARY
Memo No. 2676 /dtd. 28-02-2024

Copy forwarded to All CEEs/CESs/Branch Officers, SPCB, Odisha, Bhubaneswar / Sr.Law Officer-L-II, All Regional Officers, SPCB, Odisha for information and necessary action.

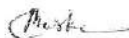


MEMBER SECRETARY
Memo No. 2677 /dtd. 28-02-2024

Copy forwarded to IT Cell for information and necessary action. It is requested to upload the Office order in the website of the Board.



MEMBER SECRETARY





Sikkim SPCB

Email: spcbsikkim@gmail.com
Phone no - 03592-281913



STATE POLLUTION CONTROL BOARD- SIKKIM
FOREST & ENVIRONMENT DEPARTMENT
GOVERNMENT OF SIKKIM
DEORALI, GANGTOK - 737102

F. No. ³⁰²⁶SPCB/ 8988

Dated 27/2/2024

To,

Shri P.K. Gupta,
Director & Divisional Head, IPC-VI,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032.

Sub: Harmonization of classification of industrial sectors into Red, Orange, Green & White Categories-regarding sand/river bed material mining activities.

Sir,

Kindly refer to your letter issued vide CPCB/IPC-VI/ROGW dated 23/02/2024 on the subject cited above.

Reference above, please find attached herewith the Action undertaken by the Forest & Environment Department, Government of Sikkim who is the designated Nodal Department for grant of permission for sand/riverbed material mining in the state of Sikkim. (Annexure I)

For kind information please.

Thanking you,

Yours faithfully,

(B.K. Chettri)

Principal Chief Scientific Officer
State Pollution Control Board-Sikkim

Bindey Kr. Chettri
Principal Chief Scientific Officer
State Pollution Control Board, Sikkim
Forest & Environment Deptt.
Govt. of Sikkim



2866



वसुधैव कुटुम्बकम्
ONE EARTH - ONE FAMILY - ONE FUTURE

GOVERNMENT OF SIKKIM
OFFICE OF THE CONSERVATOR OF FOREST (TERRITRIAL)
FOREST AND ENVIRONMENT DEPARTMENT
Forest Secretariat, Deorali, Gangtok

Ref. No. GOS/FED/FTC/F.No. Misc. 1647

Date: 15/02/2024.

To,

ANNEXURE I.

The Member Secretary,
State Pollution Control Board-Sikkim,
Forest and Environment Department
Government of Sikkim
Gangtok.

Subject: **Harmonization of classification of industrial sector into Red, Orange, Green and and White categories regarding sand/river bed material mining activities-reg.**

Sir,

Reference your letter no.423/SPCB/3371 dated: 08/12/2023 on the subject cited above regarding the categorization of sand/river bed material mining from riverbed and its floodplains.

In this connection, it is to inform your office that, the temporary collection of loose sand from the designated sites in the State are done manually which is mostly surface collection only. The District Survey Reports are being prepared before allotting collection of sites. In some of the cases, wherever manual loading are not possible, excavator are permitted for a period of two years for loading of sand.

EE
P
16/2/24

(Karma Legshey D.) IFS,
Chief Conservator of Forest.

(Karma Legshey D., IFS)
Conservator of Forests
(Territorial Circle)



TAMIL NADU POLLUTION CONTROL BOARD


From

Thiru. R. Kannan, M.Tech.,
Member Secretary,
Tamil Nadu Pollution Control Board,
76, Anna Salai, Guindy,
Chennai - 600 032.

To

Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi – 110 032
Email: ipc6.cpcb@gov.in

Letter No. TNPCB / P&D / 9798 / 2006, Dated: 09.01.2024

Sir,

Sub: TNPCB - P&D - Harmonization of Classification of Industrial Sectors into Red, Orange, Green and White categories regarding sand/river bed material mining activities – Action taken report - Sent - Reg.

Ref: 1. CPCB/IPC-IV/ROGW, Dated: 22.09.2023
2. CPCB/IPC-IV/ROGW, Dated: 27.10.2023

* * * * *

I invite kind attention to the references cited, wherein, CPCB has directed all SPCBs/PCCs to adopt and implement the categorization of sand/river bed material mining activities.

In this regard, it is informed that the TNPCB has adopted the revised category directed by CPCB and issued necessary instructions to the District Offices to follow the same.

**-Sd-
Member Secretary**

Copy to,

Regional Director,
CPCB - Regional Office,
77-A, Padi, Ambattur Industrial Estate,
Ambattur Taluk,
Chennai – 600 058

P. S. H. [Signature]
For Member Secretary

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.

Tel : 044-22353134 - 139 Fax : 044-22353068

Email : tnpcb-chn@gov.in Web : tnpcb.gov.in



THE ADMINISTRATION OF UNION TERRITORY OF LADAKH
LADAKH POLLUTION CONTROL COMMITTEE
email: membersecretarylpc@gmail.com

The Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
New Delhi, 110032.

No: LPCC/UTL/F.No.31/2024/895-99

Dated: 13 /03/2024

Sub: Classification of Sand/ Riverbed material mining from the riverbed and its floodplains
(excluding manual excavation)- reg.

Ref: CPCB No. CPCB/IPCVI/ROGW/Sand Mining-10767, dt: 13.03.2024.

Sir,

Kindly refer to communication dt: 13.03.2024 from the CPCB on the subject quoted above. In this regard, it is to inform that the LPCC has already submitted information to CPCB vide No. LPCC/F.No.199/SandMining/2023/709-705, dt: 11.12.2023 .

Further, the directions issued by the CPCB regarding classification of Sand/ Riverbed Material (RBM) mining from the Riverbed and its floodplains (excluding manual excavation) as Red/ Orange category for the purpose of Consent to Establish/Consent to Operate have also been communicated to the Principal Secretary, Geology and Mining for implementation vide this office No. LPCC/UTL/F.No.31/2024/876-81, dt: 08.03.2024.

The LPCC has adopted the Sand/Riverbed Material mining from the riverbed and its floodplains (excluding manual excavation) as Red and Orange categories under Uniform Consent Mechanism (UCM) for implementation in Union Territory of Ladakh.

Yours faithfully,

(Handwritten signature of B.M. Sharma)

B.M Sharma, IFS,
Member Secretary,

Ladakh Pollution Control Committee
Union Territory of Ladakh

Copy to the :

- i) Chairman, Ladakh Pollution Control Committee, UT of Ladakh, for information.
- ii) Regional Director, Ladakh Pollution Control Committee, UT of Ladakh, for information and necessary action.
- iii) District Officer, Leh & Kargil, Ladakh Pollution Control Committee, UT of Ladakh, for information and necessary action.

Item No. 3

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.176/2022

I.A No. 39/2023, I.A No. 40/2023 and I.A No. 592/2023

Aman Chaudhary

...Applicant

Versus

Union of India & Ors.

....Respondents

Date of hearing: 30.05.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondents: Mr. Somesh Chandra Jha and Ms. Aanya Shrotriya, Advocates for Respondent No. 1 with Dr. S. Kerketta, Scientist G and Mr. Pankaj Verma, Scientist E, MoEF & CC.
Ms. Pushpila Bisht, Ms. Pallavi Pratap and Mr. Akshay Singh, Advocates for Respondent No. 2.
Mr. Saurabh Balwani, Advocate for Respondent No. 3 with Mohmad Nizamuddin, Scientist F and Ms. Sonia, CPCB.
Mr. Pradeep Misra, Advocate for Respondent No. 4 with Mr. Ajay Kumar Sharma, Member Secretary, UPPCB.
Mr. Mukesh Verma, Advocate for Respondent No. 6 with Dr. Roshan Jacob, Director, Geology and Mining Department, U.P., Mr. Vipin Kumar Jain, Additional Director, Geology and Mining Department, U.P.
Mr. Vishak G., District Magistrate, Kanpur (through VC)
Mr. Raj Panjwani, Amicus Curiae.
None for respondent no. 5.

Application under Sections 14, 15 and 18 (1) of the National Green Tribunal Act, 2010.

ORDER

1. Grievances in the application are regarding illegal sand mining in the region of Kanpur and Unnao by Mr. Nagendra Singh (Respondent no.

2). The applicant also submitted that even an unauthorized bridge was constructed in the middle of the River Ganga by the Project Proponent due to which the river got divided into two Streams.

2. This Tribunal constituted a Joint Committee vide order dated 07.03.2022 which submitted its report vide email dated 10.08.2022. In its report Joint Committee *inter alia* recorded following observations and findings:

“Report of Joint Inspection team in compliance to Hon’ble NGT Order dated 07.03.2022 in the Original Application No. 176 of 2022 in the matter Aman Chaudhary Vs. Union of India and Others.

X X X X

13. In the EC issued by SEIAA, several conditions are imposed. The compliance of some (sic of) the major conditions are as given below-

- The proponent was to establish ambient air quality monitoring stations to monitor the ambient air during the mining operations. The proponent was also to submit monitoring reports of ambient air quality/water & waste water/flora & fauna, six monthly compliance report, annual environmental statement and detailed replenishment study report to SIA/PCB/district administration.
- No such data/compliance reports are submitted by the project proponent.
- The proponent was to carry out various Corporate Social Responsibility (CSR) activities including community development & income generating programs, maintenance of village road, free distribution of smoke less chulha, etc.
- No such data/compliance reports are submitted by the project proponent.
- The project proponent has to develop green cover belt in an area equivalent to 20% of the total leased area either on river bank or along road side.
- No such efforts are been made by the proponent.

X X X X

Findings of the visit:-

- River bed mining lease is sanctioned at Vill-Katari Sunaudha, Tahsil-Bilhaur, District-Kanpur Nagar. The Committee found the issues raised in the Hon’ble NGT order are matter of concerns w.r.t. construction of temporary bridge at mining site. During inspection no such temporary bridge was found in the mining lease area.
- According to Google Earth timeline map of dated 25.03.2018 & 18.04.2019, no such temporary bridge was observed.
- During inspection approach road was found at the mining lease site in the main stream area of River, which obstruct the flow of the River.
- Project proponent has not taken any significant measures for environmental safeguard and also not made any efforts/initiatives for conducting activities under CSR.

- *Compliance of conditions of Environmental Clearance issued by SEIAA are not found.*

Hence, the Committee is in view that the lease holder may be directed to comply the conditions of Environmental Clearance and mining deed. Environmental compensation may be imposed for violation of various Norms and degradation of surrounding environment."

3. The matter was heard on different dates and in the course of hearing serious environmental violations were noticed including the factual position that the Project Proponent had not obtained CTE/CTO from UPPCB and therefore UPPCB had issued show cause notice for imposition of environmental compensation of Rs. 4,29,37,500/- to the Project Proponent.

4. This Tribunal, vide Order dated 29.09.2022, made the following observations with consequential directions as under :-

*"We find that the report of District Mines Officer, Kanpur Nagar referred to in the reply of the Director, Directorate of Geology and Mining, Government of Uttar Pradesh that **"the approach road is within the lease boundary. That approach road is three hundred meters away from the active channel of the river."** is contradictory to the report of the Joint Committee that **"During inspection approach road was found at the mining lease site in the main stream area of River, which obstruct the flow of the River."** Further, in its report the Joint Committee has mentioned that **"Project proponent has not taken any significant measures for environmental safeguard and also not made any efforts/initiatives for conducting activities under CSR."** and that **"Compliance of conditions of Environmental Clearance issued by SEIAA are not found"** and recommended that **"the lease holder may be directed to comply the conditions of Environmental Clearance and mining deed."** but in its reply the Director, Directorate of Geology and Mining, Government of Uttar Pradesh has merely mentioned that **"Mines Officer, Kanpur Nagar vide Letter dated 29.06.2022 has issued notice to the proponent in this regard"** and what further action has been taken on said notice is not mentioned in the reply which was **filed on 13.09.2022**. We have noticed that **"Mining lease deed was registered on 07.04.2018 for the period up to dt. 06.04.2023"** and out of five years lease period more than four years period has already expired without requisite compliance with environmental compliance conditions and without obtaining CTO from UPPCB. No doubt, UPPCB has imposed environmental compensation amounting to Rs.4,29,37,500/- on respondent No.6 the Project Proponent for not obtaining consent to operate from UPPCB under the Water (Prevention and Control of Pollution) Act, 1974 and Air*

*(Prevention and Control of Pollution) Act, 1981 before commencement of mining but the same has been imposed after initiation of the present proceedings and such imposition appears to be without issuing any notice and giving opportunity of being heard to respondent No.6 the Project Proponent. Detailed guidelines have been laid down in **Sustainable Sand Mining Management Guidelines 2016** and **Enforcement & Monitoring Guidelines for Sand Mining 2020** issued by MoEF & CC and specific directions have also been issued by this Tribunal in **OA No. 360/2015 National Green Tribunal Bar Association Vs. Virender Singh** for operationalization of monitoring/supervisory/review mechanism and periodical audits/inspections/returns/reports for ensuring compliance with **environmental clearance** and **consent to operate conditions** and environmental norms, which prima facie, appear to have been flouted by the Director, Directorate of Geology and Mining, Government of Uttar Pradesh and UPPCB in the present case. However, before making any further observations in the matter we consider it appropriate to give them opportunity to file detailed replies and to direct them to give their account of measures taken by them for compliance with the guidelines issued by MOEF & CC and directions given by this Tribunal. In its reply the Director, Directorate of Geology and Mining, Government of Uttar Pradesh shall specifically mention as to (i) whether copy of environmental clearance/mining lease agreement was sent to UPPCB, if yes when and if no, why the same was not sent? (ii) whether any periodical returns were submitted by the project proponent, any audit/periodical inspection was made by designated third party/departmental agency regarding compliance with **environmental clearance** and **consent to operate conditions** and environmental norms by the project proponent, if yes produce copies of the same if not the reasons for the same? (iii) whether the project proponent was entitled to and could commence mining before grant of CTO by UPPCB if not why the project proponent was allowed to commence such mining without CTO from UPPCB and (iv) whether any notice for non compliance with **environmental clearance/consent to operate/environmental** norms was issued to the project proponent before initiation of the present proceedings and what action was taken against the project proponent on the basis thereof. In its reply the UPPCB shall specifically mention as to (i) whether copy of environmental clearance/ mining lease agreement was sent to UPPCB, if yes when and if no, whether any reference was made for obtaining the same? (ii) whether UPPCB conducted any inspection regarding mining in the mining site in question to ascertain compliance of environmental clearance conditions/obtaining of CTO before initiation of the present proceedings, if yes what action was taken on the basis thereof and if no, what are the reasons for the same? and in how many cases copies of environmental clearance/ mining lease agreement was not sent to UPPCB during the last five years and in how many cases mining was commenced without obtaining CTO from UPPCB. Reply/response by the Director, Directorate of Geology and Mining, Government of Uttar Pradesh be filed by within two months by e-mail at judicial-ngt@gov.in preferably in the form of*

searchable PDF/OCR Support PDF and not in the form of Image PDF."

5. In compliance thereof affidavits have been filed by Dr. Roshan Jacob, Director, Geology and Mining Department, U.P. and Mr. Ajay Sharma, Member Secretary, UPPCB vide emails dated 21.04.2023.

6. The relevant part of the affidavit filed by Dr. Roshan Jacob, Director, Geology and Mining Department, U.P. is reproduced as under:-

"AFFIDAVIT OF COMPLIANCE

X X X X
 3. That in compliance of above direction of this Hon'ble Tribunal, it is submitted that in Chapter - 4 of U.P. Minor Mineral (Concession) Rules 2021 (previously Rule 1963) the lease deed of normal sand mining area, plot no.2m rakba 10.50 hectare of village Katri Sunada, Tehsil Billaur situated at the bank of Ganga River of the district was executed in favor of lease holder M/s Vaishnavi Enterprises Proprietor Nagendra Singh R/o 113 MIG-2, Mahabali Puram, Kalyanpur, Kanpur Nagar on 07.04.2018 for the period of 05 years from 07.04.2018 to 06.04.2023. Now the lease has been expired.

4. Point no. (i) - Whether copy of environmental clearance /mining lease agreement was sent to UPPCB, if yes when and if no, why the same was not sent?

With reference to above point, it is submitted that the copy of environmental clearance certificate issued by State Environment Impact Assessment Authority (SEIAA) in favor of project proponent/lease holder vide letter no.174/environment/SEAC/4026/20 1 7 dated 12.02.2018 was forwarded to 07 persons/authorities, in which through S.No. 04 same was forwarded to Member Secretary, U.P. Pollution Control Board, Environment Bhawan, Vibhuti Khand, Lucknow. It is also pertinent to mention that a copy of environmental clearance certificate is available on Parivesh Portal which is in public domain. After issuance of environmental clearance certificate, it is considered that the lease deed will be executed and mining operation will start. Therefore, sending a copy of lease deed separately to UPPCB will be duplication of the same.

Considering this, it is not customary to send the copy of deed to UPPCB.

5. Point no.(ii) - Whether any periodical returns were submitted by the project proponent, any audit/periodical inspection was made by designated third party/departmental agency regarding compliance with environmental clearance and consent to operate conditions and environmental norms by the project proponent, if yes produce copies of the same if not the

reasons for the same?

*In compliance of above direction of this Hon'ble Tribunal it is submitted **that the lease holder /project proponent has not filed any periodical returns and in compliance of conditions of environment, the project proponent has not got any audit /periodical inspection done from any third party /departmental agency.** It is mentioned in letter no.NGT-509/81-7-2022 dated 05.01.2023 of Secretary, Environment, Forest and Climate Change Section-7, U.P. Lucknow that the relevant part of the order dated 26.02.2021 passed by this Hon'ble Tribunal in O.A. no.360/2015 titled as National Green Tribunal Bar Association Vs. Virendra Singh (State of Gujarat &Ors.) is as follows:-*

"....28. We further direct that periodic inspection be conducted by a five members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up within the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environmental professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile app for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of U.P. quoted earlier may be duly taken into account..."

It is pertinent to mention here that site has been inspected from time to time for compliance of conditions of lease deed and UPMCR, 2021 by the lease holder M/s Vaishnavi Enterprises Proprietor Nagendra Singh for the ordinary sand mining area village Katari Sunadha Plot no.2Miarea 10.50 hectare of Tehsil Bilhaur.

It is respectfully submitted that due to non-installation of CCTV Camera in mining area and violation of Rule 59(3),a

penalty of Rs.25,000.00 has been imposed vide notice dated 05.09.2019 against the Lease holder.

Sub Divisional Magistrate Bilhaur inspected the site on 07.12.2020, a passage of height same as water level was removed and an FIR was registered in concerned police station against unknown persons.

Vide letter no.446/ST-Misc./20 dated 12.12.2020 of Sub Divisional Magistrate, Bilhaur it was informed that the above lease holder has done illegal mining and transportation of ordinary sand of about 54219 cubic mtr. from plot no.01m of area 5.4219 hectare outside the approved mining area. With reference to above, a notice was issued on 22.12.2020 and direction was given to place its case within 15 days.

Director, Directorate of Geology and Mining, Lucknow inspected the area on 11.01.2021 and henceforth constituted a team for correct demarcation of boundary pillar of mining area and for detailed survey of the mined-out quantity. The Joint inspection team ratified the Sub Divisional Magistrate Billaur report dated 12.12.2020. In light of above the lease holder was again issued a notice on 03.02.2021 to deposit total amount of Rs.2,39,06,360.00 in Govt. Treasury within 15 days in lieu of illegal mining and transportation. Against above notice the lease holder filed Revision No.48(R)/SM/2021 to the Govt. which was dismissed by the Govt. on 09.08.2021. Thereafter, the lease holder filed Writ Petition No.18966/2021 in Hon'ble High Court of Allahabad Lucknow Bench. In compliance of order dated 22.09.2021 passed by Hon'ble High Court, permission was given to lease holder for mining and transportation of ordinary sand. Writ Petition No. 18966 of 2021 is pending before the High Court.

It is respectfully submitted that again in pursuance of joint inspection report dated 05.12.2021 notice dated 09.12.2021, a fine of Rs.72,500.00 was imposed on lease holder due to constructing passage /road without permission.

On the basis of inspection by DM. Kanpur Nagar on 31.05.2022 and report dated 21.06.2022 of inspection team constituted by DM, a notice dated 10.08.2022 was issued to the lease holder for depositing total amount of Rs. 11,55,837.00.

Thus periodical inspection of the lease has been constantly done by the District Administration, Kanpur and Director, Geology and Mining, Govt. Of Uttar Pradesh.

6. Point no.(iii) -Whether the project proponent was entitled to and could commence mining before of CTO by UPPCB if not why the project proponent was allowed to commence such mining without CTO from UPPCB?

In pursuance to this, it is humbly submitted that

- i. For harmonization of Classification of Industries under Red/Orange/Green/White Categories CPCB vide letter dated 19.08.2015 forwarded a copy of draft document on revised concept of categorization of industrial sectors to all SPCBs, PCCs and concerned ministries. CPCB further issued modified directions to revise/prepare categories of industrial sector in Red, Orange, Green and White as per final report to all SPCBs/PCCs on 07.03.2016.
- ii. That is further worthwhile to mention here that in compliance to the directions issued by CPCB, UPPCB in its meeting dated 29.03.2016 adopted the same categorizations of industries and issued letter dated 18.04.2016 to all concerned controlling officers of the UPPCB and Regional officers of the UPPCB to comply the same. A true copy of the letter dated 18.04.2016 is being annexed herewith as Annexure No-1.
- iii. That there are two additional notes in the list of Industrial Sectors mentioned in the final report and Note (ii) is being quoted as below;

SI.No.	Origin at SI. No.	Industry Sector	Original Category	Remarks
1	24	Excavation of sand from the River Bed (excluding manual excavation)	O	Since such type of activities cause ecological disturbances the instructions issued by the Government from time to time be followed to be categorized by MoEF & CC.

iii. That at Serial No. 1 which was originally at SI.No 24 regarding excavation of Sand from the riverbed (excluding manual excavation), it has been mentioned in remark column that such type of activities cause ecological disturbances, the instructions issued by the Government (MoEF&CC) from time be followed. So, excavation of Sand from the riverbed (excluding manual excavation) has to be categorized by MoEF&CC separately.

iv. That pursuant to remarks made in categorization of sector up till now no categorization has been made by the MoEF&CC for excavation of sand from the riverbed therefore the sand mining is not covered under the categorization of the industrial Sector. It is also submitted that as per the MOEF&CC, EIA notification 2006, EC has been obtained in this particular case and also in cases of Sand Mining across the state.

v. Under the provisions of Water Act 1974 and Air Act 1981, industries, which causes underground/surface water and Air pollution, requires CTE /CTO from concerning SPCB. But in the case of Sand Mining no fugitive emissions are released. It is to be mentioned that neither permanent structure of any kind is erected during the mining operations of Sand/Morrum situated in the river bed nor heavy machinery are used in the mining operations. In the said mining operations, neither anything is added to the water nor is anything released, so water or air does not get polluted.

8. Point no. (iv) — Whether any notice for non-compliance with environmental clearance /consent to operate /environmental norms was issued to the project proponent before initiation of the present proceedings and what action was taken against the project proponent on the basis thereof?

In compliance Regular inspection was done by district authorities for compliance of the UPMPCR 2021 and the conditions of the lease deed. Notices were issued to project proponent when any irregularities were found during inspection, details are mentioned in point no. 06.

As per the facts mentioned in point no. 07, there is no requirement to obtain CTO.”

7. The relevant part of the affidavit filed by Mr. Ajay Sharma, Member Secretary, UPPCB is reproduced as under:-

“Affidavit on behalf of Member Secretary, UPPCB in pursuance to the order dated 29.09.2022 and 17.03.2023 passed by the Hon’ble National Green Tribunal

X X X X

3. That it is pertinent to mention here that the CPCB under the powers conferred under Section 18(1)(b) of the Water Act, 1974

and the Air Act, 1981 has issued direction dated 07.03.2016 regarding Harmonization of classification of Industrial Sectors under Red/Orange/Green/White categories. The directions dated 07.03.2016 are annexed here with as Annexure No-1 to this affidavit.

4. That it is further worthwhile to mention here that in compliance to the directions issued by Central Pollution Control Board, were adopted by the UP Pollution Control Board in its 96th Board meeting dated 29.03.2016 and direction dated 18.04.2016 were issued to all concerned officers of the Board. A true copy of the letter dated 18.04.2016 is being annexed herewith and marked as Annexure No.-2 to this affidavit.

5. That in the final List issued by CPCB on 07.03.2016 of Orange Category of Industrial Sectors the following comment regarding "Excavation of sand from the river bed" has been mentioned.

"There are specific remarks in respect of some of the industrial sectors. These sectors are either merged with other relevant sectors or deleted due to duplication /vague category. The details are as follows:-

SL No.	Origin at SL No.	Industry Sector	Original Category	Remarks
1	24	Excavation of sand from the River Bed (excluding manual excavation)		Since such type of activities cause ecological disturbances, the instructions issued by the Government from time to time be followed. To be categorized by MoEF&CC

6. That pursuant to above remarks made in categorization of sector, until now no clarification of MoEF&CC regarding categorization of 'Excavation of sand from the river bed', has been received from CPCB. In compliance of the Hon'ble NGT order dated 17.03.2023 in aforesaid case the details as desired by Hon'ble NGT regarding the status of issuance of CTO/CTE, Environmental Clearance (EC) by SEIAA and action against defaulter units etc. are being annexed herewith and marked as Annexure no.-3 to this affidavit.

8. In view of the submissions made by Dr. Roshan Jacob, Director,

Geology and Mining Department, U.P. and Mr. Ajay Sharma, Member Secretary, UPPCB in their affidavits, this Tribunal vide order dated 26.04.2023 directed respondent no. 1-MoEF & CC and respondent no. 3-CPCB to file their detailed response about requirement of consent/NoC from UPPCB for the excavation of sand from the river bed (excluding manual excavation), since such activities are having ecological impacts on or before 18.05.2023.

9. In compliance thereof respondent no. 1-MoEF & CC has filed affidavit vide email dated 18.05.2023 and respondent No.3-CPCB has filed affidavit vide email dated 18.05.2023.

10. Relevant part of the affidavit filed by respondent no. 1-MoEF is reproduced below:

“It is humbly submitted that, the Environmental Clearance (EC) granted to the project/activity is strictly under the provisions of the Environmental Impact Assessment (EIA) Notification, 2006 and its amendments issued from time to time. It does not tantamount/ construe to approvals/ consent/ permissions etc. required to be obtained or standards/conditions to be followed under any other Acts/ Rules/ Subordinate legislation, etc., as may be applicable to the project. Further, the requirement of consent/ No objection Certificate (NOC) are issued by the respective State Pollution Control Board (SPCBs) as per provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

5. That, the State Pollution Control Board is the Nodal Authority in the State for dealing with the cases related to pollution or environment management coming under the purview of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981.

6. It is submitted that the present reply may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s)/Direction(s) as deemed fit and proper under the facts and circumstances of the present case. Further, the other ancillary issues raised in the application under reply do not pertain to the answering respondent.”

11. Relevant part of the affidavit filed by the CPCB is reproduced below:-

“2. That it is humbly submitted that the applicable law as well as relevant procedural requirement for any project proponent for the purposes of the excavation of sand from the river bed are provided below for perusal:

The Procedural requirement as laid down under the Central Acts of Water and Air Act along with EIA notification

i. Clause 25 of the Water Act 1974 relates to Consent of SPCB

"25. Restrictions on new outlets and new discharges -

(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board -

(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or

(b) bring into use any new or altered outlet for the discharge of sewage; or

(c) begin to make any new discharge of sewage:"

Definitions

"2 (g) "sewage effluent" means effluent from any sewerage system or sewage disposal works and includes sullage from open drains; "

"2 (k) "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any industry, operation or process, or treatment and disposal system, other than domestic sewage"

ii. Clause in Air Act 1981 related to Consent of SPCB

"21. Restrictions on use of certain industrial plants -

(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area

Definitions

"2(k) "industrial plant" means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere; "

iii. Clause in EIA Notification 2006 related to Environment Clearance (EC)

The EIA Notification 2006 is issued under Section 3(2)(v) of Environment (Protection) Act 1986 which is related to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards and under Section 5 of Environment (Protection) Rules 1986 which is related to prohibitions and restrictions on the location of

industries and the carrying on processes and operations in different areas. The said notification prescribe as below:

"2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

(i) All new projects or activities listed in the Schedule to this notification;

(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;

(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range."

Projects / activities have been categorised into Category A and Category B in the Schedule.

iv. Categorisation of projects/activities by CPCB

*CPCB has provided a uniform categorisation criteria of industries into Red, Orange, Green and White categories to SPCBs vide directions dated **07.03.20216**. The said criteria suggested different validly periods for consent as below:*

"5. SPCBs/PCCs may issue consent to the industries:

- Red category of industries for 5 years.*
- Orange category of industries for 10 years.*
- Green category of industries for 15 years.*
- No necessity of consent for non-polluting industries."*

The Copy of the Directions dated 07.03.2016 is annexed herewith as Annexure

R-1.

3. That it is humbly submitted that the U.P. Mining and Geology Department and U.P. Pollution Control Board both have mentioned in their responses before Hon'ble NGT-PB in the present case that "Excavation of sand from river bed (excluding normal excavation)" has not been assigned Category under the above mentioned uniform categorisation by CPCB in 2016 because such type of activities cause ecological disturbances.

4. In this regard it is submitted that Central Government has already covered the mining of river bed material under Schedule of the EIA Notification 2006. In consideration of this,

the SPCBs themselves can categorise this activity for the purpose of deciding validly of the consent as already directed by CPCB for categorisation of any left out sector in the directions dated 07.03.2016. In the case of U.P., CPCB has informed U.P. Geology and Mining Department and UP PCB by a recent letter dated 24.03.2023 also that SPCB may categorise any left out sector by following the criteria / methodology prepared by CPCB. The Copy of the same is annexed herewith as Annexure R-2.

5. That it is further pertinent to note that the MOEF has already formulated the Sustainable Sand management guidelines 2016 & 2020 which primarily focuses on the management of Sand mining in India as well as the fact that section 23 C of the MMDDRR Act, 1957 further grant the relevant state government to make rules & policy to prevent any illegal mining, transportation and storage of minerals including sand. The Enforcement and monitoring guidelines for Sand Mining dated January 2020 contains specific guidelines for process and procedural requirements for approvals for the project proponents.

The Copy of the Enforcement and monitoring guidelines for Sand Mining dated January 2020 is annexed herewith as Annexure R-3.

6. The Hon'ble Supreme Court in its Judgment dated the 27.02.2012 in I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc. made prior environment clearance mandatory for mining of minor minerals irrespective of the area of mining lease. On 24.12.2013, the MoEF issued an OM which mandates that "EC will be valid for the lease period subjected to a ceiling of 5 years". Thereafter, in 2016 the MOEF issued the Sustainable Sand Mining Management Guidelines, 2016 (hereinafter referred to as SMMG, 2016), inter alia, with an endeavor to ensure that sand and gravel mining is done in an environmentally sustainable and socially responsible manner, and to further ensure the conservation of river equilibrium and its natural environment by protection and restoration of the ecological system. The same was again updated in 2020 and the same made it a sine qua non that EC is valid only for a period of 5 years, after which the same has to be renewed only with prior permission of the nodal agencies.

7. It is humbly submitted that continuation of sand mining in the absence of environmental clearances obtained by the Project Proponent contravenes the various decisions passed by the Hon'ble Supreme Court in its Judgment dated the 27th February 2012 in I.A. No.12- 13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others etc. and various directions of this Hon'ble Tribunal in order dated 13th January, 2015 in the case of Himmat Singh Shekhawat v. State of Rajasthan and Ors., 2015 ALL (I) NGT Reporter (1) (Delhi) 44, National Green Tribunal Bar Association Vs Ministry of Environment and Forest & Ors. in Original Application No. 364

Of 2015 and Order dated 04.09.2018 in O.A. 173/2018 in the matter of Sudarsan Das vs. State of West Bengal & Ors and MoEF & CC guidelines for Sustainable Sand Mining Management Guidelines 2016 & 2020 for scientific and sustainable sand mining in the Country.

8. That in view of the facts indicated in earlier paras it is respectfully prayed that necessary directions be passed and the Respondent No.3 confirms that it shall abide by any order or direction, passed by this Hon'ble Tribunal.”

12. Reply was filed by the Respondent no. 2- the project proponent vide email dated 01.02.2023. In his reply Respondent no. 2- the project proponent has made vague and general averments regarding carrying out of mining by him in accordance with environmental clearance granted to him while denying allegations regarding illegal mining and construction of temporary bridge. In his reply Respondent no. 2 has not specifically replied and given any specific response with respect to the findings of the Joint Committee regarding violations of conditions of environmental clearance and mining lease deed and has also not mentioned anything regarding requirement of obtaining CTE/CTO from UPPCB and also show cause notice dated 02.12.2022 for imposition of environmental compensation issued to him by Chief Environment Officer, Circle-2, U.P. Pollution Control Board Lucknow.

13. We have learned Counsel for the respondents and learned Amicus Curiae on the question of requirement of CTE/CTO from SPCBs/PCCs for Excavation of sand form the River Bed (excluding manual excavation) and gone through the relevant material.

14. In the directions issued by CPCB in June 2012 in the context of categorization of industries as Red, Orange & Green, mining and ore beneficiation were included at serial no. 35 of Table G-2:Final List of Red category of Industrial Sectors. Respondent no. 3-CPCB vide letter dated 19.08.2015 forwarded a copy of draft document on revised concept of categorization of industrial sectors to all SPCBs/PCCs and concerned

Ministries for harmonization of classification of industries under Red, Orange, Green and white categories in which "excavation of the sand from the river bed (excluding manual excavation)" was mentioned at serial no. 24. Based on the revised criteria, Respondent no. 3-CPCB evolved the 'Final Report on Revised Categorization of Industrial Sectors under Red/Orange/Green/White' with number of industries in Red, Orange, Green and newly introduced White categories in the above said final list being 60, 83, 63 and 36 respectively. Accordingly, the earlier Directions issued in June 2012 in the context of categorisation of industries as Red, Orange & Green were withdrawn and modified directions were issued vide letter no. B-29012/ESS(CPA)/2015-16 dated 07.03.2016.

15. Even though in the draft list of Orange category of industries "excavation of the sand from the river bed (excluding manual excavation)" was mentioned at serial no. 24 but the CPCB did not finalize said categorization and made the remarks "since such type of activities cause ecological disturbances, the instructions issued by the Government from time to time be followed" and left the industrial sector for being categorized by MoEF & CC.

16. No categorization has been done by MoEF & CC so far. On the other hand, in the affidavit filed on behalf of respondent no. 1-MoEF & CC, it has been mentioned that the State PCB is the nodal authority for dealing with the cases related to pollution or environment management coming under the purview of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. In the response filed on behalf of respondent no. 3-CPCB, it has been submitted that the Central Government has already covered the mining of river bed material under Schedule of the EIA Notification 2006. In consideration of this, the SPCBs/PCCs themselves can categorise this

activity for the purpose of deciding validly of the consent as already directed by CPCB for categorisation of any left out sector in the directions dated 07.03.2016.

17. It may also be observed here that vide above referred letter no. B-29012/ESS(CPA)/2015-16 dated 07.03.2016 following 'Directions' were issued for compliance by all SPCBs and PCCs :

“1. That the SPCBs and PCCs shall adopt the Revised Criteria of categorization of industrial sectors as detailed in table nos. F1, F2, F3 and F4 and Revised Lists of Red, Orange, Green and White categories of industrial sectors, presented at table no. G2, G3, G4 and G5 respectively, in the 'Final Report' as attached herewith immediately.

2. That all pending applications for consideration of 'Consent to Establish' and 'Consent to Operate' and future such applications shall be processed as per revised criteria.

3. That the SPCBs and PCCs will provide the list of industries identified in each category existing in the State which have been considered for grant of consents. SPCBs/PCCs will forward the list of such industries before 31.05.2016 and the same will be uploaded on the websites of respective SPCB/PCC.

4. That the 'Revised Lists of Red, Orange, Green and White category of industrial sectors' shall be used by the SPCBs and PCCs for Consent Management and inventorization of industries under Red, Orange, Green and White categories. Siting of industries shall be only in conforming areas. SPCBs / PCCs shall evolve sector specific plans for control of pollution and industrial surveillance for verifying compliance.

5. That the SPCBs and PCCs shall revise / prepare the inventory of Red, Orange, Green and White categories of industries operating in their jurisdiction based on the revised criteria specified in the Final Report and submit the same to CPCB within 90 days i.e., before 30.05.2016 in hard copy as well as soft copy.

6. That the listed category of industries or those identified later-on under different categories shall not be linked to sanction of loan / finance or bank proceedings.

7. That any further addition of any new or left-over industrial sector and their categorization which is not listed in the revised list of Red, Orange, Green and White industrial sectors, shall be done at the level of concerned SPCB / PCC following revised criteria & guidelines as detailed in the attached document and no concurrence of CPCB shall normally be required. It is further clarified that while categorizing the

industries, fractional numbers shall be rounded off to nearest integer.”

18. In the response filed on behalf of respondent no. 3-CPCB, it has also been mentioned that in the case of State of U.P., CPCB has informed U.P. Geology and Mining Department and UPPCB by a recent letter dated 24.03.2023 also that SPCB may categorise any left out sector by following the criteria / methodology prepared by CPCB.

19. Even after receipt of the above said letter no categorization has been done by UPPCB so far. The attendant facts and circumstance show that despite the Union of India and the States being under Constitutional obligation under Article 48A of the Constitution of India to protect and improve the environment, their executive agencies/instrumentalities have slept over the issues/concerns raised and have therefore allowed confusion and contradictions to prevail, suffered massive violations of environmental laws, ignored the dangers involved and brushed aside the questions of their accountability.

20. We find that the respective stands taken by Department of Geology and Mining and UPPCB have resulted into utter confusion leading to contradictory practices in the State of Uttar Pradesh regarding enforcement of the regime of environmental norms including mandatory requirement of obtaining of CTE/CTO from UPPCB. The UPPCB is indulging in contradictory practices. On the one hand UPPCB is claiming that there is no mandatory requirement of CTE/CTO from UPPCB for river bed sand mining and on the other hand UPPCB is issuing show cause notices and passing orders for imposition of environmental compensation for not obtaining CTE/CTO from UPPCB.

21. In O.A No. 485/2022 titled as Gautam Sharma Vs. State of U.P. and Others pending before this Tribunal, UPPCB has taken the stand in its reply that CPCB has issued a letter dated 02.02.2017 regarding

mechanism to be followed for granting Consent to Operate (CTO) under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, for certain category of industries and that as per said letter the projects which have obtained Environmental Clearance (EC) from SEIAA and installed requisite pollution control system, may be issued Consent to Operate (CTO) directly.

22. In O.A No. 160/2022 titled as Om Pal and others Vs. State of U.P. and others pending before this Tribunal the Project Proponent filed Civil Appeal No. 8872/2022 before Hon'ble Supreme Court against restraint order passed by this Tribunal by asserting compliance with the environmental norms on the basis of the Joint Committee reports and in view of the directions of the Hon'ble Supreme Court, this Tribunal vacated the restraint order on 08.12.2022 and directed the Project Proponent to file compliance status report and the Director, Geology and Mining Department, U.P. and UPPCB to file joint report after verifying the same. In the Joint Report filed by the Director, Geology and Mining Department, U.P. and UPPCB vide email dated 24.03.2023 the Project Proponent is stated to be non-compliant inter alia on the ground that the Project Proponent obtained CTO from the UPPCB on 05.01.2023 and condition no. 8 of the EC was violated as mining was started before obtaining CTO.

23. The Extent of such contradictory practices is revealed by the table in annexure III appended to the affidavit filed by the Member Secretary, UPPCB vide email dated 21.04.2023 which is reproduced as under.

“Consolidated Status of Mining Leases in UP

- *Total Number of Mining Leases (As per the information received by concerned Regional officer from the District Mining Officer) : 1232*
- *Total No. of CTO Granted to Mining Leases : 444*
- *Total No. of CTO Rejected of Mining Leases : 18*
- *Total No. of CTO pending of Mining Leases : 62*

- *Total No. of Mining Leases which have not applied for CTO : 708*
- *Total Number of Cases Carrying Out Mining without Grant of CTO by UPPCB : 577*
- *Total No. of E.C. issued by SEIAA to Mining Leases : 1232*
- *Total Number of Cases in which Environmental Compensation has been Imposed on Mining Units : 18”*
- *Total Number of Cases in which Show Cause for Environmental Compensation has been issued on Mining Units: 639*
- *Total Amount of Environmental Compensation has been Imposed on Mining Units : Rs. 35,92,30,032 /-*
- *Total Number of Cases in which Environmental Compensation has been Recovered/Realized from Mining Units : 04*
- *Total Amount of Environmental Compensation that has been Recovered/Realized from Mining Units: Rs. 71,90,000 /-*
- *Total Number of Cases in which Recovery of Environmental Compensation is Pending from Mining Units : 14”*

24. UPPCB cannot be allowed to create confusion and take such contradictory stands and indulge in such legally untenable contradictory practices, when the legal position is clear and unambiguous. We do not find any reason for such confusion and any scope for contradictory practices and divergent views in applicability of environmental laws, directions given by Hon'ble Supreme Court and this Tribunal and guidelines issued by MOEF&CC and CPCB.

Directions Given by Hon'ble Supreme Court.

25. The Department of Mines and Geology, Government of Haryana issued an auction notice dated 3.6.2011 proposing to auction the extraction of minor mineral boulder, gravel and sand quarries of an area not exceeding 4.5 hectares in each case in the District of Panchkula, auction notices dated 8.8.2011 in the District of Panchkula, Ambala and Yamuna Nagar exceeding 5 hectares and above, quarrying minor mineral, road metal and masonry stone mines in the District of Bhiwani, stone, sand mines in the District of Mohindergarh, slate stone mines in the District of Rewari, and also in the Districts of Kurukshetra, Karnal, Faridabad and Palwal, with certain restrictions for quarrying in

the river beds of Yamuna, Tangri, Markanda, Ghaggar, Krishnavati River basin, Dohan River basin etc. The validity of the auction notices was challenged before Hon'ble Supreme Court, apart from the complaint of illegal mining going on in the State of Rajasthan and Uttar Pradesh in **I.A. No.12-13 of 2011 in Special Leave Petition (C) No.19628-19629 of 2009**, in the matter of **Deepak Kumar etc. Vs. State of Haryana and Others** etc. In its order dated 27.02.2012 Hon'ble Supreme Court noticed the adverse impact of sand mining on river ecology and aquatic life and observed as under:-

"7. We have no materials before us to come to the conclusion that the removal of minor mineral boulder, gravel, sand quarries etc. covered by the auction notices dated 3.6.2011 and 8.8.2011, in the places notified therein and also in the river beds of Yamuna, Ghaggar, Tangri, Markanda, Krishnavati river basin, Dohan river basin etc. would not cause environmental degradation or threat to the biodiversity, destroy riverine vegetation, cause erosion, pollute water sources etc. Sand mining on either side of the rivers, upstream and in-stream, is one of the causes for environmental degradation and also a threat to the biodiversity. Over the years, India's rivers and Riparian ecology have been badly affected by the alarming rate of unrestricted sand mining which damage the ecosystem of rivers and the safety of bridges, weakening of river beds, destruction of natural habitats of organisms living on the river beds, affects fish breeding and migration, spells disaster for the conservation of many bird species, increases saline water in the rivers etc. Extraction of alluvial material from within or near a streambed has a direct impact on the stream's physical habitat characteristics. These characteristics include bed elevation, substrate composition and stability, in-stream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Altering these habitat characteristics can have deleterious impacts on both in-stream biota and the associated riparian habitat. The demand for sand continues to increase day by day as building and construction of new infrastructures and expansion of existing ones is continuous thereby placing immense pressure on the supply of the sand resource and hence mining activities are going on legally and illegally without any restrictions. Lack of proper planning and sand management cause disturbance of marine ecosystem and also upset the ability of natural marine processes to replenish the sand.

8. We are expressing our deep concern since we are faced with a situation where the auction notices dated 3.6.2011 and 8.8.2011 have permitted quarrying mining and removal of sand from in-stream and upstream of several rivers, which may have serious environmental impact on ephemeral, seasonal and

perennial rivers and river beds and sand extraction may have an adverse effect on bio-diversity as well. Further it may also lead to bed degradation and sedimentation having a negative effect on the aquatic life. Rivers mentioned in the auction notices are on the foothills of the fragile Shivalik hills. Shivalik hills are the source of rivers like Ghaggar, Tangri, Markanda etc. River Ghaggar is a seasonal river which rises up in the outer Himalayas between Yamuna and Satluj and enters Haryana near Pinjore, District Panchkula, which passes through Ambala and Hissar and reaches Bikaner in Rajasthan. River Markanda is also a seasonal river like Ghaggar, which also originates from the lower Shivalik hills and enters Haryana near Ambala. During monsoon, this stream swells up into a raging torrent, notorious for its devastating power, as also, river Yamuna."

26. In the above mentioned case Hon'ble Supreme Court, while directing all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines, made prior environment clearance mandatory for mining of minor minerals irrespective of the area of mining lease. The Relevant part of the order is reproduced as under:-

"14. We are of the view that all State Governments/Union Territories have to give due weight to the above mentioned recommendations of the MoEF which are made in consultation with all the State Governments and Union Territories. Model Rules of 2010 issued by the Ministry of Mines are very vital from the environmental, ecological and biodiversity point of view and therefore the State Governments have to frame proper rules in accordance with the recommendations, under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957.

15. Quarrying of river sand, it is true, is an important economic activity in the country with river sand forming a crucial raw material for the infrastructural development and for the construction industry but excessive in-stream sand and gravel mining causes the degradation of rivers. Instream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the streambed and along coastal areas causes the deepening of rivers which may result in destruction of aquatic and riparian habitats as well. Extraction of alluvial material as already mentioned from within or near a streambed has a direct impact on the stream's physical habitat characteristics.

16. We are of the considered view that it is highly necessary to have an effective framework of mining plan which will take care

of all environmental issues and also evolve a long term rational and sustainable use of natural resource base and also the bio assessment protocol. Sand mining, it may be noted, may have an adverse effect on biodiversity as loss of habitat caused by sand mining will effect various species, flora and fauna and it may also destabilize the soil structure of river banks and often leaves isolated islands. We find that, taking note of those technical, scientific and environmental matters, MoEF, Government of India, issued various recommendations in March 2010 followed by the Model Rules, 2010 framed by the Ministry of Mines which have to be given effect to, inculcating the spirit of Article 48A, Article 51A(g) read with Article 21 of the Constitution.

17. The State of Haryana and various other States have not so far implemented the above recommendations of the MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short term permits by way of auction of minor mineral boulders, gravel, sand etc., in the river beds and elsewhere of less than 5 hectares. We, therefore, direct to all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.

18. Central Government also should take steps to bring into force the Minor Minerals Conservation and Development Rules 2010 at the earliest. State Governments and UTs also should take immediate steps to frame necessary rules under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 taking into consideration the recommendations of MoEF in its Report of March 2010 and model guidelines framed by the Ministry of Mines, Govt. of India. Communicate the copy of this order to the MoEF, Secretary, Ministry of Mines, New Delhi, Ministry of Water Resources, Central Government Water Authority, the Chief Secretaries of the respective States and Union Territories, who would circulate this order to the concerned Departments.

19. We, in the meanwhile, order that leases of minor mineral including their renewal for an area of less than five hectares be granted by the States/Union Territories only after getting environmental clearance from the MoEF."

Proactive Role of Pollution Control Board/Committees for protection of Environment.

27. In **Goa Foundation v. Union of India (SC)- 2014(6) SCC 590** **Hon'ble Supreme Court** emphasized the powers and role of Pollution Control Board and observed as under:-

"72. The Goa State Pollution Control Board has immense

powers under the Water (Prevention & Control of Pollution) Act, 1974 (for short 'the 1974 Act') to prevent pollution of water. Section 33A of the 1974 Act which confers on the State Pollution Control Board the power to give directions is quoted here in below:

"33A. Power to give directions - Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation. For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct (a)the closure, prohibition or regulation of any industry, operation or process; or (b)the stoppage or regulation of supply of electricity, water or any other service."

73. Similarly, the Air(Prevention and Control of Pollution) Act, 1981(for short 'the 1981 Act') confers immense powers on the State Pollution Control Board to prevent air pollution. Section 31A of the 1981 Act which confers powers on the State Pollution Control Board to give directions is quoted here in below:

"31A. Power to give directions. Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation. For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct (a)the closure, prohibition or regulation of any industry, operation or process; or (b)the stoppage or regulation of supply of electricity, water or any other service."

74. It will be clear from the aforesaid provisions of Section 33A of the 1974 Act and Section 31A of the 1981 Act that the Goa State Pollution Control Board had powers to issue any direction including the power to close, prohibit or regulate mining operations or even to stop or regulate supply of electricity, water or any other service with a view to prevent water pollution or air pollution. Yet, from the report of the Expert Committee as well as the reports of ISM, Dhanbad and NEERI, it is clear that iron ore production in Goa has led to massive negative impacts on all ecosystems leading to enhanced air, water and soil pollution affecting quality of life across Goa. The Goa State Pollution Control Board in its note filed in Writ Petition (C) No.435 of 2012, however, states:

"Details of monitoring of water quality (with regards to mining leases) from 2007 to 2012 - The Board conducts inspections during the monsoon and other seasons also to verify the discharge of surface runoff/discharge from the pit outside the mining lease and also collects samples for analyzing in the Board Laboratory. Wherever the parameters exceed the prescribed limits necessary directions are issued to the mining

units to take remedial measures for controlling the waste water being discharged into the water bodies/fields without treatment. Directions are also issued to provide settling ponds, arrestor walls, filter beds so as to ensure that no untreated waste water is discharged into the water bodies/fields.

Details of monitoring of air quality (with regards to mining leases) from 2007 to 2012 - The Board is presently carrying out the periodic monitoring of Air Quality in pre-selected areas throughout the State to comply with one of the mandates of the Central Pollution Control Board (CPCB) under National Ambient Monitoring Programme (NAMP) at 16 stations."

75. We do not agree with Mr. Arvind Datar, learned senior counsel for the Goa State Pollution Control Board, that sincere efforts were made by the Pollution Control Board to monitor the water quality and air quality in the mining areas. Rather, it appears that the Goa State Pollution Control Board, though conferred with immense statutory powers, has failed to discharge its statutory functions and duties. We hope that in future the Goa State Pollution Control Board exercises strict vigil and monitors the water quality and air quality in accordance with the provisions of the two Acts and if necessary, exercises the powers conferred on it to close down mining operation of a lessee, if the lessee does not conform to the air emission and water discharge standards while carrying on mining operations and does not take other preventive measures as directed by the State Pollution Control Board.

28. Central Government has already covered the mining of river bed material under "Mining of Minerals" at serial no. 1 (a) in the Schedule of the EIA Notification 2006. The MOEF&CC issued the "Sustainable Sand Mining Management Guidelines" in 2016 and "Enforcement & Monitoring Guidelines for Sand Mining-2020 in 2020, inter-alia, with an endeavor to ensure that sand and gravel mining is done in an environmentally sustainable and socially responsible manner, and to further ensure the conservation of river equilibrium and its natural environment by protection and restoration of the ecological system. CPCB has provided a uniform categorisation criteria of industries into Red, Orange, Green and White categories to SPCBs/PCCs vide directions dated 07.03.20216 with different validly periods of consent of 5, 10 and 15 years for Red, Orange and Green categories. It was specifically mentioned therein that there shall be no necessity of obtaining the Consent to Operate for White category of industries and an intimation to concerned SPCB /PCC shall

suffice.

29. In 2012 categorization of industries by CPCB "mining and ore beneficiation" were mentioned at serial number 49 in Table 7.3: List of Red Category of Industries. Modification thereof was proposed by including "excavation of the sand from the river bed (excluding manual excavation)" in the draft list of orange category of the industrial sectors but the same was not finalized by the CPCB which aborted the proposed modification with the remarks that since such type of activities cause ecological disturbances the instructions issued by the Government from time to time be followed and to be categorized by the MoEF & CC". In 2016 final categorisation of industries issued by CPCB vide letter dated 07.03.2016 "mining and ore beneficiation" is mentioned at serial number 35 in Table G2: Final List of Red Category of Industrial Sectors which will continue to prevail with "excavation of the sand from the river bed (excluding manual excavation)" as part of the same. Since the CPCB did not convert the same to any other Orange, Green or White category and merely remarked that MOEF&CC may categorize "excavation of the sand from the river bed (excluding manual excavation)", categorization of "Mining and Ore beneficiation" as red category industry by CPCB will continue to prevail regarding excavation of the sand from the river bed (excluding manual excavation)" till any modification is made by MOEF&CC by making any such categorization. Consequently, "excavation of the sand from the river bed (excluding manual excavation)" cannot be even considered to be left over category.

30. Even otherwise, even if the same be held to be left over category due to the reason that CPCB did not finalize draft categorization of Excavation of sand form the River Bed (excluding manual excavation) in orange category, the remarks made by (CPCB "since such type of activities cause ecological disturbances, the instructions issued by the

Government from time to time be followed. To be categorized by MoEF&CC"), did not bar UPPCB from categorizing the same, which is also now the stand of both MOEF&CC and CPCB. UPPCB has not done so even on receipt of letter dated 24.03.2023 from CPCB. However, it is pertinent to observe even in the absence of any such categorization, when it is acknowledged, (as also observed by the Hon'ble Supreme Court) that excavation of the sand from the river bed (excluding manual excavation) may cause ecological degradation/disturbances, as also observed by the Hon'ble Supreme Court, the excavation of the sand from the river bed (excluding manual excavation) cannot be treated, by any stretch of imagination to fall in the **White category of Industrial Sectors** and in which ever of the other three categories **Red, Orange or Green** the same is considered to fall as per the revised criteria, obtaining of consent from SPCBs/PCCs will be mandatory in all eventualities.

31. In any case, even CPCB, while leaving categorization to MOEF&CC, also recommended that due to excavation of sand form the River Bed (excluding manual excavation) causing ecological disturbances, the instructions issued by the Government from time to time be followed. MOEF&CC while granting EC for sand mining from river bed is imposing condition requiring the Project Proponent to obtain consent from concerned SPCB.

32. Reference in this regard may be made to O.A No. 581/2022 titled as Vikas Kumar Vs. State of Haryana and Others pending before this Tribunal. In para no. 11 part A Specific Conditions clause (iv) of EC F.No.-J-11015\112\2015-IA-II (M) dated 28.01.2016 granted by MoEF & CC for Mining of Sand (Minor Mineral) in the Mines of "Jainpur-2 Sand Unit" 44 hectares mainly laying on the bed of river Yamuna (34.40 Ha) and partly outside river bed (10.0 Ha) with production capacity of 16 lakh TPA Sand (Minor Mineral) by M/s Yodha Mines and Minerals

may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms. Section 2(a) of the Air (Prevention of Control of Pollution) Act, 1981 defines air pollutant to mean any solid, liquid or gaseous substance including noise present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment and Section 2(b) of the above said Act defines air pollution to mean the presence in the atmosphere of any air pollutant. Sections 24 and 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Sections 21 and 22 of the Air (Prevention of Control of Pollution) Act, 1981 have to be interpreted in view of the above said definitions. It is now universally acknowledged that excavation of minor mineral may disturb or change the underlying soil characteristics of the river bed/catchment/basin; may disturb the velocity and flow pattern (discharge) of the river water and may also adversely affect river morphology/ecology, the ground water regime and habitat of wild fauna in the river bed significantly. The river bed sand mining involves causing of air pollution due to generation of dust during excavation of dry sand and also fugitive emissions from the heavy vehicles used for transportation of the mined material. Such river bed sand mining requires setting up of temporary habitation camps for accommodating the labour employed for mining and also utilization of river/ground water for human consumption and sprinkling to control dust pollution. Discharge of waste water from temporary human habitation camps and mobile toilets may pollute the river water. Transportation of such river bed sand mining material also requires construction of road/pathways. In cases where heavy quantity of sand mining is permitted from the river

bed, deployment of large number of heavy vehicles for transportation of sand also results in fugitive emissions and dust generation thereby affecting the residents of neighbouring villages. Consequently, the stand taken by Dr. Roshan Jacob, Director, Geology and Mining Department, U.P. that river sand mining does not cause air and water pollution is factually and scientifically wrong.

36. Further, the stand taken by the Director, Geology and Mining Department, U.P., that sand mining from river bed does not cause Water and Air Pollution ignores condition no. 8 imposed in the EC granted in favor of the Project Proponent that “all necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically deemed to have been cancelled”. Condition No.2 of the EC provided that forest clearance shall be taken by the proponent as necessary under law. Condition No.36 of the EC provided that environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project. Condition no. 8 of the EC essentially refers to requirement of consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. No reference was ever made by the Director, Geology and Mining Department, U.P. to SEIAA, U.P. to clarify that consent under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 were not required and some other statutory clearances were required to be obtained before commencement of the mining. The stand taken by the Director, Geology and Mining Department, U.P. that CTE/CTO from UPPCB was not mandatory/ necessary is illogical and illegal in view of the prevailing Environmental Acts/Rules.

37. It is also pertinent to observe that even in the present case

conditions imposed in the EC issued in favour of the Project Proponent assign important role to UPPCB and envisage monitoring by UPPCB for ensuring compliance by the Project Proponent of the conditions and environmental laws/norms and the same may be reproduced as under:-

" X X X X

7. *It shall be ensured that standards related to ambient air quality/effluent as prescribed by the Ministry of Environment & Forests are strictly complied with. Water sprinklers and other dust control majors should be applied to take-care of dust generated during mining operation. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.*

8. *All necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically deemed to have been cancelled.*

X X X X

14. *It shall be ensured that there is no fauna dependant on the river bed or areas close to mining for its nesting. A report on the same, vetted by the competent authority shall be submitted to the RO, PCB and SEIAA within 02 months.*

15. *Primary survey of flora and fauna shall be carried out and data shall be submitted to the RO, PCB and SEIAA within six months.*

16. *Hydro-geological study shall be carried out by a reputed organization/institute within six months and establish that mining in the said area will not adversely affect the ground water regime. The report shall be submitted to the RO, PCB and SEIAA within six months. In case adverse impact is observed /anticipated, mining shall not be carried out.*

17. *Adequate protection against dust and other environmental pollution due to mining shall be made so that the habitations (if any) close by the lease area are not adversely affected. The status of implementation of measures taken shall be reported to the RO, UPPCB and SEIAA and this activity should be completed before the start of sand mining.*

X X X X

22. *An Environmental Audit should be annually carried out during the operational phase and submitted to the SEIAA.*

X X X X

24. *The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard & soft copies) to the SEIAA, the District Officer and the respective Regional Office of the State Pollution Control Board bji 1st June and 1st December every year.*

X X X X
 27. Waste water, from temporary habitation campus be property collected & treated before discharging into water bodies the treated effluent should conform to the standards prescribed by MoEF/CPCB.

X X X X
 29. Special Measures shall be adopted to protect the nearby settlements from the impacts of mining activities. Maintenance of village roads through which transportation of minor minerals is to be undertaken, shall be carried-out by the project proponent regularly at his own expenses.

X X X X
 32. Under corporate social responsibility a sum of 5% of the total project cost or total income whichever is higher is to be earmarked for total lease period. Its budget is to be separately maintained. CSR component shall be prepared based on need of local habitant. Income generating measures which can help in upliftment of poor section of society, consistent with the traditional skills of the people shall be identified. The programme can include activities such as development of fodder farm, fruit bearing orchards, free distribution of smokeless Chula etc.

X X X X
 34. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Ministry of Environment and Forests and its Regional Office located at Lucknow, SEIAA, U.P and UPPCB.

35. Action plan with respect to suggestion/improvement and recommendations made and agreed during Public Hearing shall be submitted to the District mines Officer, concern Regional Officer of UPPCB and SEIAA within 02 months.

X X X X
 40. Appropriate mitigative measures shall be taken to prevent pollution of the river in consultation with the State Pollution Control Board. It shall be ensured that there is no leakage of oil and grease in the river from the vehicles used for transportation.

X X X X
 45. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional Office of the Ministry of Environment and Forests, Lucknow by e-mail.

Specific Condition

X X X X
 14. Total Project Cost has been submitted as Rs. 81.0 lac. A

CSR plan with minimum 5% work to be executed with installation of five hand pumps for drinking water, solar light in villages of streets, construction of two numbers of toilets at the primary school with name displayed and address and details of beneficiary and gram pradhan along with phone number, photographs should be submitted to Directorate as well as to the District magistrate / Chief Development officers, Kanpur nagar, U.P.

X X X X

26. *The mining work will be open-cast and manual/semi mechanized (subject to order of Hon'ble NGT/Hon'ble Courts (s)). No drilling/blasting should be involved at any stage.*

X X X X

29. *The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area), distance from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.*

X X X X

32. *The critical parameters such as PM10, PM2.5, 5O2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water if any shall also be monitored HMS, DO, pH, Fecal Coliform and Total Suspended Solids (TSS).*

X X X X

42. *Digital processing of the entire lease area in the district using remote sensing technique should be done regularly once in three years for monitoring the change of river course by Directorate of Geology and Mining, Govt of Uttar Pradesh. The record of such study to be maintained and report be submitted to Regional office of MoEF, SEIAA, U.P. and UPPCB.*

X X X X

44. *State Pollution Control Board shall display a copy of the clearance letter at the Regional office, District Industry Centre and Collectors office/Tehsildar's Office for 30 days.*

45. *The project authorities shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the SEIAA at <http://www.seiaaup.in> and a copy of the same shall be forwarded to the Regional Office of the Ministry located in Lucknow, CPCB, State PCB."*

38. These conditions envisaged proper consultation by the Project Proponent with UPPCB before commencement and during continuance of sand mining and also periodical monitoring by UPPCB. For this purpose

sending of copy of lease deed by the concerned District Magistrate to UPPCB was essentially required. Since the Project Proponent was legally bound to obtain CTE/CTO from UPPCB before commencement of mining, the District Magistrate and the District Mining Officer were legally bound not to allow commencement of mining before grant of consent by UPPCB. However, in the present case, the Project Proponent was allowed to carry out mining without such statutory consent throughout the five year term of the lease which has expired in April, 2023.

39. It may be observed that in the present case there are serious violations of the SSMG 2016 and EMGSM 2020 and EC conditions by the Project Proponent. In the affidavit of the Director, Geology and Mining Department, U.P. it is admitted that the lease holder /project proponent has not filed any periodical returns and the project proponent has not got any audit /periodical inspection done from any third party /departmental agency. In its report the Joint Committee had also mentioned non-compliance of EC conditions by the project proponent. Even there was non-compliance with SSMG 2016 and EMGSM 2020 by the project proponent in the present case. The Project Proponent did not install CCTV Camera in mining area for which merely penalty of Rs.25,000/-was imposed without verifying whether CCTV camera was subsequently installed. In the present case the Project Proponent is alleged to have indulged in illegal mining and transported ordinary sand about 54219 cubic mtrs. from plot no.01m of area 5.4219 hectare outside the approved mining area. Efforts have been made to project the same as incident of wrong demarcation and action regarding such illegal mining was not taken regarding the same as per EMGSM 2020 and directions of this Tribunal in OA 360 of 2015 titled as National Green Tribunal Bar Association Vs. Virender Singh (State of Gujarat). The facts and circumstances of the present case reveal serious violations of

environmental laws/norms by the Respondent no. 2-project proponent and serious derelictions of duty by concerned officers of the Department of Geology and Mining, U.P. and UPPCB.

Illegal Mining has to be dealt with sternly by visiting the same with all consequences without any leniency.

40. Section 21(1) of the MMDR Act provides that whoever contravenes the provisions of sub-section (1) or sub-section (1A) of section 4 shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five lakh rupees per hectare of the area. Section 21 (6) of the MMDR Act empowers the police to investigate offence punishable under Section 21 of the MMDR Act by providing that notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence under sub-section (1) shall be cognizable.

41. In **Lalita Kumari vs. Govt. of U.P. (SC) : 2013(4) R.C.R.(Criminal) 979 : 399 :2014(2) SCC 1** Hon'ble Supreme Court held that registration of FIR is mandatory under Section 154 of the Code of Criminal Procedure, 1973, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation and if the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

42. In **State of NCT of Delhi vs. Sanjay, (2014) 9 SCC 772**, Hon'ble Supreme Court considered the question whether the provisions contained in Sections 21, 22 and other sections of MMDR Act operate as bar against prosecution of a person who has been charged with allegations which constitute offences under Section 379/114 and other provisions of the Indian Penal Code, 1860 (the IPC). In other words,

whether the provisions of MMDR Act explicitly or impliedly excludes the provisions of the IPC when the act of an accused is an offence both under the IPC and under the provisions of the MMDR Act. Since conflicting views had been taken by Gujarat High Court, Delhi High Court, Kerala High Court, Calcutta High Court, Madras High Court and Jharkhand High Court, Hon'ble Supreme Court proceeded to settle the question and on detailed analysis of the relevant statutory provisions and judicial precedents, Hon'ble Supreme Court observed as under:-

"69. Considering the principles of interpretation and the wordings used in Section 22, in our considered opinion, the provision is not a complete and absolute bar for taking action by the police for illegal and dishonestly committing theft of minerals including sand from the river bed. The Court shall take judicial notice of the fact that over the years rivers in India have been affected by the alarming rate of unrestricted sand mining which is damaging the eco-system of the rivers and safety of bridges. It also weakens river beds, fish breeding and destroys the natural habitat of many organisms. If these illegal activities are not stopped by the State and the police authorities of the State, it will cause serious repercussions as mentioned hereinabove. It will not only change the river hydrology but also will deplete the ground water levels.

70. There cannot be any dispute with regard to restrictions imposed under the MMDR Act and remedy provided therein. In any case, where there is a mining activity by any person in contravention of the provisions of Section 4 and other sections of the Act, the officer empowered and authorised under the Act shall exercise all the powers including making a complaint before the jurisdictional magistrate. It is also not in dispute that the Magistrate shall in such cases take cognizance on the basis of the complaint filed before it by a duly authorised officer. In case of breach and violation of Section 4 and other provisions of the Act, the police officer cannot insist Magistrate for taking cognizance under the Act on the basis of the record submitted by the police alleging contravention of the said Act. In other words, the prohibition contained in Section 22 of the Act against prosecution of a person except on a complaint made by the officer is attracted only when such person sought to be prosecuted for contravention of Section 4 of the Act and not for any act or omission which constitute an offence under Indian Penal Code.

71. However, there may be situation where a person without any lease or licence or any authority enters into river and extracts sands, gravels and other minerals and remove or transport those minerals in a clandestine manner with an intent to remove dishonestly those minerals from the possession of the

State, is liable to be punished for committing such offence under Sections 378 and 379 of the Indian Penal Code.

72. From a close reading of the provisions of MMDR Act and the offence defined under Section 378, I.P.C., it is manifest that the ingredients constituting the offence are different. The contravention of terms and conditions of mining lease or doing mining activity in violation of Section 4 of the Act is an offence punishable under Section 21 of the MMDR Act, whereas dishonestly removing sand, gravels and other minerals from the river, which is the property of the State, out of State's possession without the consent, constitute an offence of theft. Hence, merely because initiation of proceeding for commission of an offence under the MMDR Act on the basis of complaint cannot and shall not debar the police from taking action against persons for committing theft of sand and minerals in the manner mentioned above by exercising power under the Code of Criminal Procedure and submit a report before the Magistrate for taking cognizance against such person. In other words, in a case where there is a theft of sand and gravels from the Government land, the police can register a case, investigate the same and submit a final report under Section 173, Cr.P.C. before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in section 190 (1)(d) of the Code of Criminal Procedure.

73. After giving our thoughtful consideration in the matter, in the light of relevant provisions of the Act vis-a-vis the Code of Criminal Procedure and the Indian Penal Code, we are of the definite opinion that the ingredients constituting the offence under the MMDR Act and the ingredients of dishonestly removing sand and gravel from the river beds without consent, which is the property of the State, is a distinct offence under the IPC. Hence, for the commission of offence under Section 378 Cr.P.C., on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMRD Act. Consequently the contrary view taken by the different High Courts cannot be sustained in law and, therefore, overruled....."

43. In **Jayant vs. State of Madhya Pradesh(SC) : Law Finder Doc Id**

1776867 Hon'ble Supreme Court observed as under :-

"After giving our thoughtful consideration in the matter, in the light of the relevant provisions of the MMDR Act and the Rules made thereunder vis a vis the Code of Criminal Procedure and the Penal Code, and the law laid down by this Court in the cases referred to hereinabove and for the reasons stated hereinabove, our conclusions are as under:

i) that the learned Magistrate can in exercise of powers under Section 156(3) of the Code order/direct

the concerned Incharge/ SHO of the police station to lodge/register crime case/FIR even for the offences under the MMDR Act and the Rules made thereunder and at this stage the bar under Section 22 of the MMDR Act shall not be attracted;

ii) the bar under Section 22 of the MMDR Act shall be attracted only when the learned Magistrate takes cognizance of the offences under the MMDR Act and Rules made thereunder and orders issuance of process/summons for the offences under the MMDR Act and Rules made thereunder;

iii) for commission of the offence under the IPC, on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMDR Act and Rules made thereunder; and

iv) that in respect of violation of various provisions of the MMDR Act and the Rules made thereunder, when a Magistrate passes an order under Section 156(3) of the Code and directs the concerned Incharge/ SHO of the police station to register/lodge the crime case/FIR in respect of the violation of various provisions of the Act and Rules made thereunder and thereafter after investigation the concerned Incharge of the police station/investigating officer submits a report, the same can be sent to the concerned Magistrate as well as to the concerned authorised officer as mentioned in Section 22 of the MMDR Act and thereafter the concerned authorised officer may file the complaint before the learned Magistrate along with the report submitted by the concerned investigating officer and thereafter it will be open for the learned Magistrate to take cognizance after following due procedure, issue process/summons in respect of the violations of the various provisions of the MMDR Act and Rules made thereunder and at that stage it can be said that cognizance has been taken by the learned Magistrate.

v) in a case where the violator is permitted to compound the offences on payment of penalty as per sub-section 1 of Section 23A, considering subsection 2 of Section 23A of the MMDR Act, there shall not be any proceedings or further proceedings against the offender in respect of the offences punishable under the MMDR Act or any rule made thereunder so compounded. However, the bar under subsection 2 of Section 23A shall not affect any proceedings for the offences under the IPC, such as, Sections 379 and 414 IPC and the same shall be proceeded with further.”

44. The settled position of law which emerges is that in a case where

there is a theft of sand and gravels from the river bed, the police can register a case, investigate the same and submit a final report under Section 173 of the Cr.P.C. before a Magistrate having jurisdiction for the purpose of taking cognizance as provided in section 190 (1)(d) of the Cr.P.C. It may be observed here that the Parliament has made offence punishable under Section 21 of the MMDR Act cognizable only for the purpose to enable the Police to register FIR and investigate the same. Arrest and custodial interrogation of the offenders may be mandatorily required in cases of illegal mining and/or illegal transportation of illegally mined minor mineral for ascertaining the place of illegal mining, seizure of the mined mineral, tools, equipment, vehicles used and other persons involved in the commission of the offences. No doubt the Mining Officer is authorized to file complaint under Section 22 of the MMDR Act but due to having no power to arrest and interrogate the offenders, the Mining Officer may not be able to collect the factual information and legal evidence to fasten criminal liability to the accused complained against. For the commission of offence punishable under Section 379 of the IPC, on receipt of the police report, the Magistrate having jurisdiction can take cognizance of the said offence without awaiting the receipt of complaint that may be filed by the authorised officer for taking cognizance in respect of violation of various provisions of the MMDR Act. For the commission of offence under Section 21 of the MMDR Act the Magistrate having jurisdiction can take cognizance of the said offence on the basis of complaint that may be filed by the authorized officer in respect of violation of various provisions of the MMDR Act along with the report under Section 173 (2) of the Cr.P.C. filed by the Police.

45. In EMGSM 2020 detailed guidelines have been incorporated for effectively dealing with cases of illegal mining and guidance has been provided for taking action against illegal excavation and transport. The

relevant of the same reads as under:-

"9.6 Actions against illegal excavation and transport

Solapur district administration in Maharashtra had adopted a multi-pronged strategy to penalize the persons involved in illegal excavation and transport which resulted in a significant increase in revenue earned by the state. Following rules and procedures as mentioned in these guidelines will add to the costs of PP. Those involved in illegal activities are not required to bear these costs and this will make their supply in the market cheaper (though illegal). This will put the players running their business by following rules and procedures laid down by the government to disadvantage as far as the selling price is considered. Therefore, it is necessary to come down heavily on those involved in illegal excavation/transport, so that there is no incentive for players to abide by the rules.

The following action may be taken to achieve this deterrence against illegal business:

1. *The action should be taken under all legal options available simultaneously. Thus, after identifying the case of illegal excavation, storage and/or transport of minor minerals (including sand), fine should be levied as per the land revenue laws/code(s) of the state. In addition, FIR should be lodged in the police station under relevant sections of law including sec 379 IPC. In addition, action under the Motor Vehicle Act, 1989 and relevant rules should initiate to cancel/suspend the driving license of the driver and permit of the vehicle. Further, action should be initiated under provisions in the Income Tax Act, 1961 for unaccounted income and under the Central Goods and Services Act, 2017 for non- payment of GST. (Earlier this was done under the state act pertaining to Value Added Tax/Sales Tax). Habitual offenders should also be taken up under local state laws for externment and/or preventive action. It is clarified that as per law, it is possible to take all actions under various laws simultaneously for one offence. What is prohibited in law is an action under the same law for the same act more than once.*

2. *The action should be taken against all persons responsible. Often, there is a tendency to penalize only the drivers of the vehicles. The mafia of illegal mining and transport is much bigger and drivers are only one part of the system. It is necessary to identify all those involved in the offence. It is usually not possible to reach the place of excavation without creating a motorable pathway up to the same through land which may be private land. Such role of such landowners needs to be looked into for each offence and proceeded against simultaneously. Further, the role of vehicle owners needs to be probed. Role of the person who allowed his land to be used for illegal excavation and storage should also be examined. Lastly, the person who purchases such sand should also be probed. The legal proceedings stated*

above needs to be initiated against all of these together. An attempt should be made to fix the financial responsibility in joint and several ways so that recovery is easier.

3. *There may be discretion available in law about the extent of the penalty to be levied. If such discretion is very wide, then it is advisable that guidelines may be laid down to reduce such discretion in law for levying penalties. For example, in Maharashtra, Land Revenue Code, fine of any amount of penalty up to thrice the value of the sand can be levied. Solapur district administration had instructed Tahsildars and SDMs not to use discretion and levy the fine of three times the value. Availability of discretion makes junior level functionaries susceptible to pressures and it may also lead to corrupt practices.*

4. *It is emphasized that actions, as stated above, are most important to ensure that the IT-based system works. If these exemplary actions are not taken against everyone, it shall create a strong disincentive to those involved in legal excavation and transportation. For IT-based (or any other) legal system to work, it is necessary to ensure that illegal system stops working altogether."*

46. In OA 360 of 2015 titled as National Green Tribunal Bar Association Vs. Virender Singh (State of Gujarat) this Tribunal in its order dated 26.02.2021 emphasized the measures to deal with the menace of illegal mining. The closing paragraphs containing the directions are reproduced below:-

"Enforcement of Monitoring Mechanism and review by the Chief Secretary at State level and Secretary MoEF&CC at National level

27. *We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted, EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.*

28. *We further direct that periodic inspection be conducted by a*

five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.

The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.

Publication of Annual Reports

29. We further direct all the States/UTs to publish their annual reports on the subject and such annual reports may be furnished to MoEF&CC by 30th April every year giving status till 31st March. First such report as on 31.03.2022 may be filed with the MoEF&CC by all the States/UTs on or before 30.04.2022. The report may also be simultaneously posted on the website of the Environment Department of the States/UTs. Based on such reports, MoEF&CC may consider supplementing its Guidelines from time to time. The MoEF&CC may prepare a consolidated report considering the reports from the States/UTs and publish its own report on the subject, preferably by 31st May every year.

Interaction at National Level

30. We direct the Secretary MoEF to convene a meeting in coordination with the CPCB and Mining and Jalshakti Ministries of Central Government and such other experts/individuals at National level and representatives of States within three months for interaction on the subject which may be followed by such meetings being convened by the Chief Secretaries in all States in next three months. Holding of such

meetings will provide clarity on enforcement strategies and help protection of environment."

Failure to comply with award, order, decision of this Tribunal constitutes an offence.

47. Section 25 of the National Green Tribunal Act, 2010 provides that an award or order or decision of the Tribunal under the above said act shall be executable by this Tribunal as a decree of a civil court and for this purpose this Tribunal shall have all the powers of a civil court. Sections 37 to 40 and Order 21 and Rules 37 to 40 of the Code of Civil Procedure, 1908 empowers the Civil Court to execute its decree by arrest and detention of the Judgment debtor in the civil prison. This Tribunal is also empowered by these statutory provisions to execute its award/order/decision by arrest and detention of the defaulters in civil prison besides other coercive methods.

48. Section 26 of the National Green Tribunal Act, 2010 visits the failure to comply with orders of this Tribunal with penal consequences and the same reads as under: -

"26 Penalty for failure to comply with orders of Tribunal.

- (1) Whoever, fails to comply with any order or award or decision of the Tribunal under this Act, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten crore rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to twenty-five thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention: Provided that in case a company fails to comply with any order or award or a decision of the Tribunal under this Act, such company shall be punishable with fine which may extend to twenty-five crore rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under this Act shall be deemed to be non-cognizable within the meaning of the said Code"

49. It may also be observed here that the Parliament while enacting the

National Green Tribunal Act, 2010 contemplated the situations where the failure to comply with any order/award/decision of this Tribunal may be by a Department of the Government and in such an eventuality made provision in Section 28 of the National Green Tribunal Act, 2010 for punishment of the Head of the Department which reads as under:-

“28 Offences by Government Department. - (1) *Where any Department of the Government fails to comply with any order or award or decision of the Tribunal under this Act, the Head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence under this Act and punished accordingly: Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.*

(2) *Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.*

50. However, the offence punishable under Section 26 of the National Green Tribunal Act, 2010 has been made non-cognizable and Section 30 of the National Green Tribunal Act, 2010 which provides for cognizance of offences reads as under:-

“30 Cognizance of offences. - (1) *No court shall take cognizance of any offence under this Act except on a complaint made by-*

(a) *the Central Government or any authority or officer authorised in this behalf by that Government; or*

(b) *any person who has given notice of not less than sixty days in such manner as may be prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.*

(2) *No court inferior to that of a Metropolitan Magistrate or, a Judicial Magistrate of the first class shall try any offence punishable under this Act.”*

51. On a cursory reading of the provisions of Section 30 of the National

Green Tribunal Act, 2010 one may gather the impression that in cases where this Tribunal passes order/award/decision by taking cognizance *suo motu* without there being any complainant the matter of prosecution of defaulters has been left entirely to the Central Government or authority/officers authorised by the Central Government but even in such cases this Tribunal can order prosecution of the defaulters and on an analogy to clause (b) of Section 30 of the National Green Tribunal Act, 2010, copy of order served on the concerned Authority/Officers authorised by the Central Government shall be liable to be treated as notice for filing of such complaint and in case of failure to file complaint against the defaulters within sixty days, the Registrar of this Tribunal will be entitled to file such complaints against the defaulters in view of clause (b) of Section 30 of the National Green Tribunal Act, 2010.

52. Even though the serious violations revealed by the affidavits filed in the present case warrant an order for prosecution of the concerned officers, but instead of having recourse to said remedy we consider it appropriate to impress and direct upon the concerned Officers/Authorities to take requisite action for protection and improvement of the environment. However, we also consider it appropriate to forewarn that in case such state of affairs of non-compliance with environments laws/norms continues, we shall be constrained to order prosecution of the concerned Officers besides the concerned Project Proponent and also to execute order/award/decision of this Tribunal by arrest and detention of the defaulting Officers.

53. In view of above discussion, CPCB and MoEF & CC are directed to look into the matter of categorization of Excavation of sand from the River Bed (excluding manual excavation) in red or orange category and issue appropriate Notification clarifying categorization thereof as red or orange category within a period of two months from the date of receipt of

a copy of this order. Till issuance of such Notification, river sand mining shall continue to be treated to fall in red category. However in whichever category- red or orange excavation of sand from the River Bed (excluding manual excavation) is so notified to fall, it shall be mandatory for all the Project Proponents to obtain CTE/CTOs from concerned SPCB/PCC and with effect from 01.09.2023 no river sand mining will be allowed to continue to operate in the entire India without obtaining consents from concerned SPCB/PCC and all the concerned Directors, Geology and Mining Department, the District Magistrates and the Commissioners/Superintendents of Police of the concerned Districts shall ensure that no such mining is continued/operative without obtaining CTE/CTO from concerned SPCB/PCC. MOEF&CC is also directed to issue appropriate guidelines/OM within a period of two months from the date of receipt of a copy of this order for ensuring that the requirement of obtaining CTE/CTO from concerned SPCB/PCC is uniformly made applicable to all the river bed sand mining projects throughout India.

54. Affidavit in this regard be filed by respondent no. 1-MoEF & CC on or before 15.09.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

55. Cases have come to the notice of this Tribunal in which short term permits for sand mining in river bed/agricultural land have been issued by the District Magistrate in the State of U.P. without environmental clearance by SEIAA in violation of direction given by the Hon'ble Supreme Court in Deepak Kumar's case (Supra) and this Tribunal and therefore the Director, Geology and Mining Department, Uttar Pradesh is directed to ensure no such short term permits are issued without EC and strict compliance with statutory provisions, SSMG, 2016 and EMGSM, 2020,

Environment Protection Act, 2016 environmental clearance/consent conditions and directions given by the Hon'ble Supreme Court and this Tribunal is made by all the Project Proponents and to take action against all the Project Proponents who have not complied with the same. The UPPCB is directed to periodically inspect all mining lease sites in the State of Uttar Pradesh and monitor mining activities for verifying status regarding compliance with statutory provisions, SSMG-2016, EMGSM-2020, Environment Act, 2016 and directions given by Hon'ble Supreme Court and this Tribunal and take appropriate remedial action.

56. The Director, Geology and Mining Department, U.P. and UPPCB is also directed to take appropriate action against Respondent No. 2 – the Project Proponent for violation of SSMG, 2016, EMGSM, 2020 and environmental clearance conditions.

57. The Director, Geology and Mining Department, U.P. and Member Secretary, UPPCB are also directed to file Compliance Reports regarding compliance with above referred aspects/directions as well as status report regarding action taken against the Project Proponent on or before 15.09.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

58. UPPCB has filed interim application no. 592/2023 stating that UPPCB is unable to pay the honorarium and expenses to the amicus curie from the concerned fund and the same may be directed to be spent from environmental compensation fund.

59. We have heard the learned counsel and gone through the relevant record.

60. The case involves the questions relating to environment arising out of the implementation of the enactments specified in Schedule I of the National Green Tribunal Act, 2010 in the State of Uttar Pradesh. Vide order dated 26.04.2023, Mr. Raj Panjwani, Senior Advocate was

appointed as *amicus curie* to assist this Tribunal in just and fair adjudication of environmental questions involved in the case. In the facts and circumstances of the case we consider it to be appropriate that honorarium and expenses payable to the *amicus curie* be paid out of environmental compensation deposited with UPPCB as such appointment of *amicus curie* is meant to serve ultimately the cause of protection of environment.

61. In view of the above, **interim application no. 592/2023 is disposed of** with the direction that honorarium and expenses be paid to the *amicus curie* by UPPCB out of amount/funds of environmental compensation deposited with UPPCB.

62. List for further consideration on 25.09.2023.

63. A copy of this order be forwarded by email to the applicant and learned Amicus Curiae for information and to the Secretary, MoEF & CC, Chief Secretary, Government of Uttar Pradesh, Member Secretary, CPCB, Member Secretary, UPPCB, Director, Geology and Mining Department, Uttar Pradesh and District Magistrate, Kanpur Nagar for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 30, 2023

AG

ItemNo.10

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.176/2022

I.A No. 39/2023, I.A No. 40/2023

Aman Chaudhary

...Applicant

Versus

Union of India & Ors.

...Respondents

Date of hearing: 12.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondents: Mr.Raj Panjwani Sr. Advocate (Amicus Curiae).

Mr. Animesh Rajoria Proxy Counsel for Mr. Somesh
Chandra Jha Advocate for Respondent No. 1 MoEF.

Ms. Pallavi Pratap and Ms. Kinjal Aggarwal Advocates
Advocates for Respondent No. 2.

Mr. Pradeep Mishra and Mr. Daleep Dhyani Advocates for
UPPCB (Through VC).

Mr. Saurabh Balwani Advocate for CPCB (through VC).

**Application under Sections 14, 15 and 18 (1) of the National Green
Tribunal Act, 2010.**

ORDER

1. In compliance of order dated 12.12.2023 report has been filed by UPPCB vide email dated 10.01.2024. The relevant part of the report reads as under:-

***“Affidavit of the Member Secretary, Uttar Pradesh
Pollution Control Board in compliance to the order dated
12.12.2023 passed by the Hon'ble National Green***

Tribunal

X X X X
Additional Status Report in respect of remaining defaulter 436 mining Leases-

3. *That in compliance of the Hon'ble NGT earlier order dated 30.05.2023 and 17.10.2023 in aforesaid case the status of Mining Leases and action against defaulter units etc has been submitted to Hon'ble Tribunal vide UPPCB letter no. H01920/C-6/Gen-766/OA No 176/2023 Dated 14.10.2023 and Letter No. H03798/C-6/Gen-766/OA No. 176/2023 dated 08.12.2023.*

4. *That as per the above submitted consolidated status of mining lease in Uttar Pradesh, there were 1232 mining leases established, out of which 445 Mining Leases had obtained Consent to Operate (CTO) under the section-25 of the Water (Prevention and Control of Pollution) Act, 1974 and under section-21 of the Air (Prevention and Control of Pollution) Act, 1981 and remaining 787 Mining Leases had not obtained CTO.*

5. *That in compliance of the Hon'ble NGT order dated 17.10.2023, show cause notices dated 20.10.2023 under section 31 A of The Air (Prevention and Control of Pollution) Act, 1981 were issued by UPPCB against the defaulter 787 Mining Leases of Uttar Pradesh for not obtaining prior consent to operate under The Air (Prevention and Control of Pollution) Act, 1981.*

6. *That as of now, the detail of 787 Mining Leases is given below:*

i. *202 Mining Leases have obtained Consent to Operate (CTO) under the section-25 of the Water (Prevention and Control of Pollution) Act, 1974 and under section-21 of the Air (Prevention and Control of Pollution) Act, 1981. The list of the 202 Mining Leases is being annexed herewith as Annexure-1 to this affidavit.*

ii. *The Consent to Operate applications of 63 Mining Leases are under process for disposal. The list of the 63 Mining Leases is being annexed herewith as Annexure 2 to this affidavit.*

iii. *UPPCB vide different letters dated 09.01.2024 & 10.01.2024 have issued Closure order under section 31 A of The Air (Prevention and Control of Pollution) Act, 1981 to 281 Mining Leases. The copy of the said closure orders are being annexed herewith as Annexure 3 to this affidavit.*

iv. *Director, Geology & Mining, UP vide it's letter dated 26.12.2023 has provided the list of 210 Mining Leases which are not functional due to expiry/cancel of lease permit and other 31 Mining Leases, which are not functional in verification of UPPCB, so UPPCB vide different letters dated 09.01.2024 & 10.01.2024 have issued direction to the all such 241 Mining Leases for remain close and operate after prior CTO under the section-25 of the Water (Prevention and Control of Pollution) Act, 1974 and under section-21 of the Air (Prevention and Control of Pollution) Act, 1981. The copy of Director, Geology & Mining, UP letter dated 26.12.2023 and the copy of letters/directions dated 09.01.2024 and 10.01.2024 issued by UPPCB are being annexed herewith as Annexure 4 & 5 to this affidavit."*

2. Report has been filed by CPPCB vide email dated 09.01.2024. The relevant part of the report reads as under:-

“Compliance Report on Behalf of Respondent No. 3, Central Pollution Control Board in the matter of Hon’ble NGT, O.A. No. 176/2022, titled as Aman Chaudhary v/s Union of India and Ors.

X X X X

2. Classification of river sand mining projects by CPCB

In compliance of the Hon’ble NGT order, CPCB has classified ‘Sand/riverbed material mining from the riverbed and its floodplains (excluding manual excavation)’ in red and orange categories. The details of the classification (categorisation) of the said sector are as follows:

Table No. 1: Classification (categorisation) of Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)

SI. No. (as per CPCB Document)	Non-industrial operations	Category	Remarks
63	Sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)		(i) Sand / riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc.
	(i) Mining lease area more than 5 hectares	Red	ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area.
	Or Mining lease area up to 5 hectares which is part of cluster mining		iii. This categorization is made considering the ecological and not based on pollution potential/index.
	(ii) Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)	Orange	

Note: Cluster mining as defined in ‘Enforcement & Monitoring Guidelines for Sand Mining, 2020’, issued by MoEF&CC.

CPCB vide letter no. CPCB/IPC-VI/ROGW, dated 22.09.2023 directed all State Pollution Control Boards (SPCBs)/Pollution

Control Committees (PCCs) to adapt and implement the above classification. A copy of the CPCB letter no. CPCB/IPC-VI/ROGW dated 22.09.2023 is attached as **Annexure-II**.

3. Follow-up by CPCB for adoption and implementation of classification of river sand mining projects

The Hon'ble NGT, in the matter of OA No. 176/2022, vide order dated 17.10.2023 directed the following:

“...CPCB to compile information on the basis of action taken reports received from the SPCBs/PCCs in response to its letter dated 22.09.2023 and file compiled status report...”

A copy of Hon'ble NGT order dated 17.10.2023 is given at **Annexure-III**.

To expedite the submission of the Action Taken Reports (ATRs) for the adoption and implementation of the classification of river sand mining, CPCB reminded SPCBs/PCCs vide emails/letters dated 27.10.2023, 08.11.2023, 28.11.2023 and 05.12.2023. A copy of CPCB correspondences is given at **Annexure-IV (A to D)**.

The last hearing in the matter of OA No. 176/2022 was made by Hon'ble NGT on 12.12.2023, wherein Hon'ble NGT directed the following:

“CPCB is directed to compile information on the basis of action taken reports received from the SPCBs/PCCs in response to its letter dated 22.09.2023 and file compiled status report on or before 10.01.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.”

In compliance of the Hon'ble NGT order dated 12.12.2023, CPCB once again vide letter/email dated 28.12.2023 and 02.01.2024 requested the remaining SPCBs/PCCs to submit the Action Taken Reports regarding adoption and implementation of classification of sand mining projects. Copy of CPCB email/letter dated 28.12.2023 and 02.01.2024 is given at **Annexure-V (A and B)**.

4. Status of adoption and implementation of classification of sand mining projects by SPCBs/PCCs

So far, CPCB has received responses from 24 SPCBs/PCCs, namely, Andhra Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu and Kashmir, Kerala, Maharashtra, Mizoram, Nagaland, Puducherry, Punjab, Uttar Pradesh, Uttarakhand, Tripura, Lakshadweep, Meghalaya, Arunachal Pradesh, Karnataka, Rajasthan, Telangana, and West Bengal. All these SPCBs/PCCs have adopted classification (categorisation) of ‘Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)’. PCC Lakshadweep has however informed that there is no river in the UT. The summary of responses/action taken reports is given in the following table:

Table No. 2: Summary of Action Taken Reports (ATR) received from SPCBs/PCCs

Sl. No.	State/UT	Reference no.	Remarks
1	Andhra Pradesh	Letter no. APPCB-11022/548/2023-TEC-CFO- APPCB, dt. 17.11.2023	Adopted and implemented the classification
2	Assam	Letter no. PCBA/LGL-196/2023/NGT/16/2162, dt. 07.12.2023	Adopted and implemented the classification
3	Bihar	Letter no. 2865, Patna, dt. 30.11.2023	Adopted and implemented the classification
4	Chandigarh	Letter no. CPCC/2023/3900, dt. 06.12.2023	Adopted and implemented the classification
5	Chhattisgarh	Letter no. 6667/ तक/ मु/छ/ग/प/स/म/2023/ नवा	Adopted and implemented the classification
		रायपुर अटल नगर, रायपुर, 24.11.2023	
6	Gujarat	Letter no. GPCB/P-1/14(7)/759146, dt. 22.11.2023	Adopted and implemented the classification
7	Himachal Pradesh	Letter no. HPSPCB/CPCB miscellaneous/2023-12409, dt. 06.12.2023	Adopted and implemented the classification
8	Jammu & Kashmir	Letter no. JKPCCT/CPCB/RBM/2023/8 28-31, dt. 03.11.2023	Adopted and implemented the classification
9	Kerala	Letter no. KSPCB/159/2022-SEE3, dt. 06.11.2023	Adopted and implemented the classification
10	Maharashtra	Letter no. MPCB/JD(WPC)/B-231130-FTS-0006, dt 30.11.2023	Adopted and implemented the classification
11	Mizoram	Letter no. H. 88088/Poltn/2/2023-MPCB, dt. 10.11.2023	Adopted and implemented the classification
12	Nagaland	Letter no. NPCB/IND-CON-2/5027-28, dt. 02.11.2023	Adopted and implemented the classification
13	Puducherry	Letter no.4507/DSTE/PPCC/SCI/SAN D/CIRC/2023 dt. 08.11.2023	Adopted and implemented the classification
14	Punjab	Letter no. SEE (HQ-2)/2023/28179, dt. 09.11.2023	Adopted and implemented the classification

15	Uttar Pradesh	Letter no. 03265/C-2/general-348/23, dt. 24.11.2023	Adopted and implemented the classification
16	Uttarakhand	Letter no. UKPCB/HO/Gen-257(11)/2023/927, Dt. 14.10.2023	Adopted and implemented the classification
17	Tripura	Letter no. F.18(28)/TSPCB/7086-88, dt. 15.11.2023	Adopted and implemented the classification
18	Lakshadweep	Letter no.LD-03001/1/2023-LPCC, dt. 07.12.2023	Adopted and implemented the classification, state
			board has informed that there is no river in the state so issue of sand/riverbed mining is not arised
19	Meghalaya	Letter no. MSPCB/LEGAL-638/2023/2023-24/2, dt. 20.11.2023	Adopted and implemented the classification
20	Arunachal Pradesh	Letter no. ASSPCB-93/2017/RCI/8191-90, dt. 04.01.2024	Adopted and implemented the classification
21	Karnataka	Letter no. PCB/17/COC/2023-24/4922, dt.13.12.2023	Adopted and implemented the classification
22	Rajasthan	F14(Policy-2023)/RPCB/Project/2992-2999, dt.29.12.2023	Adopted and implemented the classification
23	Telangana	Letter no.2/TSPCB/categorization/HO/2023,dt. 11.12.2023	Adopted and implemented the classification
24	West Bengal	Letter no. WBPCB-16015(99)/5/2022SEC(WBPCB)-WBPCB,dt.07.12.2023	Adopted and implemented the classification
25	Andaman Nicobar	ATR awaited	
26	Daman & Diu	ATR awaited	
27	Delhi	ATR awaited	
28	Goa	ATR awaited	
29	Haryana	ATR awaited	
30	Jharkhand	ATR awaited	
31	Madhya Pradesh	ATR awaited	
32	Manipur	ATR awaited	
33	Odisha	ATR awaited	
34	Sikkim	ATR awaited	
35	Tamil Nadu	ATR awaited	

However, the Action Taken Reports are still awaited from 11 SPCBs/PCCs, namely, Andaman & Nicobar, Daman Diu and Dadra Nagar Haveli, Delhi, Goa, Haryana, Jharkhand, Madhya

Pradesh, Manipur, Odisha, Sikkim, and Tamil Nadu.”

3. The CPCB is directed to obtain the information regarding adoption and implementation of the classification and compile the information and file additional report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
4. Request for adjournment has been made on behalf of Mr. Mukesh Verma, Learned Counsel for Respondent no. 6–Director of Geology and Mining on the ground of personal difficulty which request is allowed.
5. Report by way of his affidavit be filed by the Director Geology and Mining Department, Uttar Pradesh mentioning all requisite details regarding present status of Action Taken against respondent no. 2 for illegal mining, violation of environmental norms, and recovery of environmental compensation. Affidavit as mentioned above be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
6. List for further consideration on 21.03.2024.
7. In view of the facts and circumstance of the case, we also consider personal appearance of the officers duly authorized by Director, Directorate of Geology and Mining, Uttar Pradesh and Member Secretary, UPPCB physically or through VC on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date with the relevant record.
8. A copy of this order be sent to the Director, Directorate of Geology and Mining, Uttar Pradesh and Member Secretary, UPPCB by email for requisite

compliance.

Arun Kumar Tyagi, JM

January 12th, 2024

Dr. Afroz Ahmad, EM