

Next Date:  
11/04/2023

858

BEFORE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO.102/2022(WZ)

BETWEEN

Sagar Kantilal Devre ..... Applicant

Versus

State of Maharashtra ..... Respondent  
through Chief Secretary  
and 13 Others.

**AFFIDAVIT BY RESPONDENT NO. 10  
R & B INFRA PROJECT PVT LTD**

**INDEX ON THE NEXT PAGE**

Date: 08/03/2023

Place Thane

:

Filed by:



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# 860

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## CONTACT DETAILS OF PARTIES

BETWEEN

..... APPLICANTS

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VERSUS

..... RESPONDENTS

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Phone : 9167224813

**ABBREVIATIONS USED**

Short	Full-form
AiR	Affidavit in Reply
CPCB	Central Pollution Control Board
CTE	'Consent to Establish'
CTO	'Consent to Operate'
DG	Diesel Generator
EC	Environmental Clearance
EIA	Environmental Impact Assessment
ENV. DEPT	Environment Department
EPA	Environmental Protection Act
ESZ	Eco-Sensitive Zone
FAE	Functional Area Expert
Kg/cm <sup>2</sup>	kilogram per square centimeter; unit of Measurement
km	Kilometre
M25	M25 is a grade of concrete mix
MPCB	Maharashtra Pollution Control Board
NABET	National Accreditation Board for Education and Training
NOC	No Objection Certificate
(P & CP)	Prevention and Control of Pollution
PCB	Pollution Control Board
PIL	Public Interest Litigation
PM	Particulate Matter
RMC	Ready Mixed Concrete
SEIAA	State Environmental Impact Assessment Authority

**DIARY OF EVENTS**

<b>Sr.</b>	<b>Date (yy/mm/dd)</b>	<b>Activity / Particulars</b>
1.	<b>2014/09/-</b>	Purchase of plot /Lease Agreement
2.	<b>2014/12/15</b>	NOC from local Body
3.	<b>2018/11/16</b>	MPCB Consent to Establish
4.	<b>2019/01/07</b>	MPCB Consent to Operate
5.	<b>2022/08/20</b>	<b>Cause of action first arose:</b> – Complaint Notice under section 19(B) of EPA
6.	<b>2022/08/20</b>	<b>Cause mentioned in the Original Application:</b> - - Complaint Notice
7.	<b>2022/12/28</b>	MPCB Visit Report

**MOST RESPECTFULLY SUBMITTED:**

**1.** I, Ratansingh Motisingh Rathore, am working as Managing Director with Respondent No. 10 R & B Infra Project Pvt. Ltd. (hereafter referred to as the **Respondent**). I have information from records and have perused the contents of the Original Application. I am authorized to file this affidavit for and on behalf of the respondent.

**2.** I deny all the allegations made by the Applicant. Those are false and incorrect. Nothing shall be construed as accepted simply because it was not responded to.

**3.** I have submitted the affidavit in reply on the basis of the information available at the moment. I crave leave to file the additional affidavit and rejoinder once the other respondents file their affidavit.

**4.** I say and submit that first consent to operate from the MPCB on 07/01/2019 [**Ax. C ■**]. MPCB issued closure directions to all RMC plants in the surrounding area as a carpet bombing on 02/04/2020. Since that day Respondent has not operated his RMC unit. All the operations of the unit are closed by the Respondent. MPCB has admitted this fact in its affidavit dated 09/01/2023.

**PLURAL OF CAUSES**

**5.** I state and submit that one single application can raise only one single cause of action, as specifically prohibited in Rule 14. The applicant may

file a fresh application OR amended application, as desired by him. This application has raised many causes, which can't be entertained in one application. Hence the application will have to be outright rejected on this ground alone.

### **BONAFIDES OF APPLICANT**

**6.** I state and submit that Hon'ble Supreme Court has directed that the Hon'ble National Green Tribunal must verify the bonafide of the applicant in the matters filed before them. **[Ax. D ■]**.

**7.** This application is of the nature of PIL. The applicant is not staying anywhere nearby. The applicant is staying approximately 28 km away from the site. The applicant is not personally affected by the operations of the respondent. The applicant has not suffered any injury, damage, or loss. **[Ax. A ■]**.

**8.** I state and submit that the nearest residential area OR populated area is approximately 1.5 km away from the site. In the last 4 years, none have complained about the operations.

### **THERE IS NO 'SUBSTANTIAL QUESTION RELATED TO ENVIRONMENT' AS DEFINED IN 2(m)**

**9.** I state and submit that the 'National Green Tribunal Act 2010' has very clearly and in detail defined what the 'substantial question related to the

environment' in Clause 2(m).

**10.** There is no direct violation of the statute. There is no measurable damage to public health. The operations are not affecting the public at large.

**ENVIRONMENTAL  
REGIME FOR ON-SITE  
CONCRETE MIXING**



**11.** All construction activities need cement concrete. Irrespective of the construction area, the concrete is prepared on-site by mixing of cement, sand, and gravel aggregate with water. In the M25 grade of concrete (having crushing strength of 25 kg/cm<sup>2</sup>, the cement mortar mix ratio is (1:1:2), consisting of one-part cement, one-part sand, and two parts aggregate. Water: Cement ratio is 0.38.

**12.** All the above ingredient material is procured on-site. The mixer has to be powered by Diesel Engine on site, which will generate noise and emissions. These DG sets are part of the concrete mixer and hence do not require separate PCB approvals. In the city area construction of major projects has to be done at night time and hence the operation of such mixers on-site is not an environmentally sound practice. The on-site mixing of cement, sand, and gravel occupies space, causing trouble to nearby passers and residents. The leftover material spreads on the pavements or roads and is not often collected back by the sub-contractor. The crew of workers on-site doesn't have basic civic

amenities, toilets, area to wash and eat.

**13.** However, if this entire polluting activity is done on-site, even when done during the day-time obstructing the passers-by/ traffic/ schools/ hospitals/ ESZ, doesn't need any 'Consent to Establish' OR 'Consent to Operate' OR NOC or permission. Currently, this is not covered by the environmental regime. If the area of the project is <20,000 m<sup>2</sup>, then such a project also doesn't need Consent from MPCB or an EC from SEIAA. This mixing of the on-site concrete can be done, without any separate Consent OR EC.

#### **RMC PLANTS**

**14.** This activity was not there in the CPCB list of industries till 07/03/2016. This activity is classified as a **GREEN** industry, i.e., having low pollution potential. It is categorized as Sr. No. 37 Ready mix cement concrete as per the CPCB guideline name as a 'Harmonisation and Categorisation of the industrial sectors under Red/ Orange/ Green/ White categories' dated 07/03/2016. [**Ax. B ■**].

**15.** RMC plants, on the other hand, are away from residential areas. They have sufficient vacant land to store the raw material ingredients. The workforce has civic amenities. Noise, Air pollution, water utilization, and spillover pollution are controlled and curtailed.

**16.** I state and submit that the Respondent started the unit after valid permissions from MPCB and concerned authorities. Respondent received the

consent to operate on 07/01/2019 which is valid till 31/12/2024. As I stated above Respondent industry is mentioned as a GREEN CATEGORY industry per the CPCB guidelines which shows that there is very low or NIL pollution potential for this type of industry.

**17.** The industrial classification and the negative marks/scores given by the CPCB to each kind of pollution caused by the RMC are correct. **The way of calculating the total score is unscientific, baseless, and incorrect; and hence needs to be scrapped.** Therefore Adv. Raghunath Mahabal, who himself is NABET Accredited EIA Coordinator and Functional Area Expert (FAE) for Air Pollution, Noise, and Vibration wrote a letter to CPCB. **[Ax. G ■]** Admittedly as per CPCB's own table, there is only Particulate Matter (PM) pollution from RMC plants. There is no Water pollution OR Hazardous Waste Pollution from RMC plants. The total score therefore shall be only 10/100. There is no logic, science, or reasoning for adjusting this score to 100 by multiplying it by 100 and dividing it by 40. The total score assigned for RMS units of 25, is wrong. **The RMC units must be shifted from the GREEN to the WHITE category on the basis of the CPCB score.**

**18.** I state and submit that the mentioned unit is operating for more than 3.5 years but the Respondent has not received a single complaint from the neighborhood against the operation of this unit and not a single complaint was filed before MPCB or any other authority. Respondent already submitted the required documents to MPCB along with a restart

request. Respondent has valid consent for the operation of the said unit.

**19.** I say and submit that the Respondent unit is a commercial unit with a small capacity of 60 m<sup>3</sup>/day only. The operation of the unit is very limited and demand base. The operation of the unit is only in the daytime i.e., up to 6 pm. (which is closed at the present day). Respondent has complied with all the conditions and guidelines prescribed by the MPCB. Therefore, the pollution level is very low or almost NIL.

**20.** I state and submit that the plant is a commercial plant, supplying material for private buyers as well as government projects. But Respondent operating the plant as per the guidelines prescribed by the MPCB in the issued consent to operate.

#### **MAIN ALLEGATIONS IN OA**

**21.** I state and submit that the main allegations and averments are on the following points. **These are without any supportive data of their own.** The applicant making such allegations and raising 'substantial question related to the environment' must discharge its primary onus by giving some tangible material and verified data. Else, Hon'ble Tribunal can be flooded with such frivolous applications. Such allegations are of generic nature and are not related to our operations. Moreover, these are all of the nature of non-compliance with the conditions of consent.

**22.** This is not a standalone commercial RMC plant. This is part and parcel of the project activity that has comprehensive EC and Consent. Even then, all the norms that are applicable to the RMC plant and good environmental practices are being followed by the respondent.

## **POINTWISE REPLY TO THE ALLEGATIONS OF APPLICANT**

### **Allegation Page No.5, Point 1.1**

Illegal running of the RMC plants.

■ **REPLY:** Respondent has valid 'Consent to Operate' from MPCB on 07/01/2019 which is valid till 31/12/2024.

### **Allegation Page No.6, Point No.1.1**

No statutory permissions from Thane Municipal Corporation.

■ **REPLY:** Respondent having valid permission from local body i.e., Grampanchayat. Respondent's unit is situated on his own leased land.

### **Allegation Page No.7, Point No.1.3**

Provisions and norms of RMC guidelines are violated

■ **REPLY:** Respondent is complying with all the RMC guidelines.

### **Allegation Page No.12, Point No.2.1.1**

The unauthorized filling and destruction of mangroves were done in Protected Forest and CRZ-I to destroy the mangrove.

■ **REPLY:** This is a vague allegation Respondent unit does not come under CRZ-I or protected forest. There is no presence of the mangroves. The alleged location is coming under the jurisdiction of the Gram Panchayat and the Respondent has already received permission for the establishment of the RMC unit. Respondent also wants to clarify that there is no destruction of the mangroves or no filling activity carried out by Respondent.

### **Allegation Page No.12, Point No.2.1.2**

Violations of provisions of the Water Act, 1974, and Air Act, 1981.

■ **REPLY:** Respondent neither violated the Water (P&CP) Act 1974 nor the Air (P&CP) Act 1981. Whereas MPCB issued the consent to operate to Respondent to carry out the operation of the said unit. The applicant has neither described the nature of the violated conditions nor produced any proof supporting his allegation. The made allegations are vague and bald.

### **Allegation Page No.12, Point No.2.1.3**

No water sprinklers or industrial vacuum cleaners are installed at RMC plants.

■ **REPLY:** Respondent has provided the water sprinklers and dust collection system.

### **Allegation Page No.12, Point No.2.1.3**

No two-level tyre washing facility is available.

■ **REPLY:** Respondent has provided a Two-level tire washing facility.

**Allegation Page No.12, Point No.2.1.3**

The internal premises is not concreted or asphalted.

■ **REPLY:** Internal roads are made up of concrete.

**Allegation Page No.12, Point No.2.1.3**

No tree plantation in the premise.

■ **REPLY:** Respondent has planted ample trees inside the premise as per the direction of MPCB consent.

**ALLEGATION VERIFICATION BY MPCB:**

**23.** As per the direction of this Hon'ble Tribunal dated 12/12/2022 Respondent no. 3 (RO MPCB, Thane) inspected the site and verified the allegations made by the applicant. MPCB concluded that Respondent no. 10 unit is closed.

**PRAYERS IN OA**

**24.** The following are the main prayers in the OA.

[A] Order an inquiry through a Joint Committee consisting of officers of the Env. Dept., MPCB, TMC. To inspect the site and issue the closure directions with a Compensatory penalty as per assessment.

[B] Pending the hearing and final disposal of this Application, forth wise seal, stop, and foreclose all RMC plants

**25.** I state and submit that these RMC plant operations are to be supervised by the MPCB, which is the only prescribed statutory authority under the Water/Air Acts. They have the necessary infrastructure, technical staff, and expertise for the sampling and analysis of environmental samples.

**26.** I state and submit that such lawfully designated authorities can't be substituted by Committee. There is no special expertise required than that is available with the MPCB. If not, then the MPCB can always engage the experts as required. But the prayer of the nature of setting aside the statutory authority OR to form a committee without there being any need or provision of law, for setting aside the MPCB, is not an acceptable prayer.

**27.** The verification that needs to be done of the RMC facilities is mentioned in the Guidelines published by MPCB. Appointing a committee to inspect what MPCB has published can be done only when MPCB is incapable, dysfunctional, or not existing. This is not the case here.

#### **NGT JURISDICTION & MPCB DUTY**

**28.** The question involved in this application is NOT a substantial question relating to the environment. The issue is squarely falling under the Water (P& CP) Act 1974, Air (P& CP) Act 1981, and compliance with the RMC Guidelines that are applicable to RMC

plants. This is not a direct violation of any statute or statutory provision. This is simply a matter alleged of compliance and non-compliance to the Guidelines. The guidelines have to be flexible, if the situation so warrants, with proper justification to it. Such study and reasoning can be done only by the lawfully authorized statutory prescribed and constituted MPCB for this purpose.

**FEES PAID FOR FORM-II**

The applicants have NOT filed in any Form-II as specified under Schedule-II for seeking any 'relief, compensation, restitution'. The applicants himself have no claim or locus standi in relation to his personal grievance, injury, or health risk.

**OTHER PENDING MATTERS**

**29.** Respondent does not have any pending litigation related to this matter.

In light of the above submissions on the law points of limitation, wrong party name, and plural causes in one application prohibited by Rule 14, this application needs to be dismissed. Thereafter, if the application survives, so also on merit.

AND for this act of kindness, as duty bound shall ever pray.

For R & B INFRA PROJECT PVT. LTD.

*[Signature]*

Auth. Sign. / Director

Place: Thane

Deponent

R & B Infra Project Pvt. Ltd.

Date: 08-03-2023

Respondent No. 10

### VERIFICATION & AFFIDAVIT

I Ratansingh Motisingh Rathore, age 56 years, resident of 502/503 Sushila Aparatment Devidas Lane, Borivali-West, Mumbai 400092 do hereby verify that the contents of paras 1 to 29; are true to my personal knowledge and paras 1 to 29; are believed to be true on legal advice and that I have not suppressed any material fact. Further, the translation of it has been explained to me in brief. वरील अर्जाचा गोषवारा मला मराठीतून समजावून सांगितला व मला समजला, व तो मी सांगितल्यानुसार बरोबर आहे.

I have made the above affidavit on solemn affirmation and oath.

For R & B INFRA PROJECT PVT. LTD.

*[Signature]*

Auth. Sign. / Director

Place:

Date: 08 MAR 2023

0 MAR 2023

DEPONENT

Identified by & signed before me:

BEFORE ME

*[Signature]*



JAGDISH TRYAMBAKRAO DONGARDIVE  
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Advocate R. B. Mahabhal रघुनाथ भालचंद्र महाबळ

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RMC Plants Nos. 6 to 13 are located in a cluster area is near Vasai.

About 1.5 km away from the National Highway (Mumbai-Gujarat).

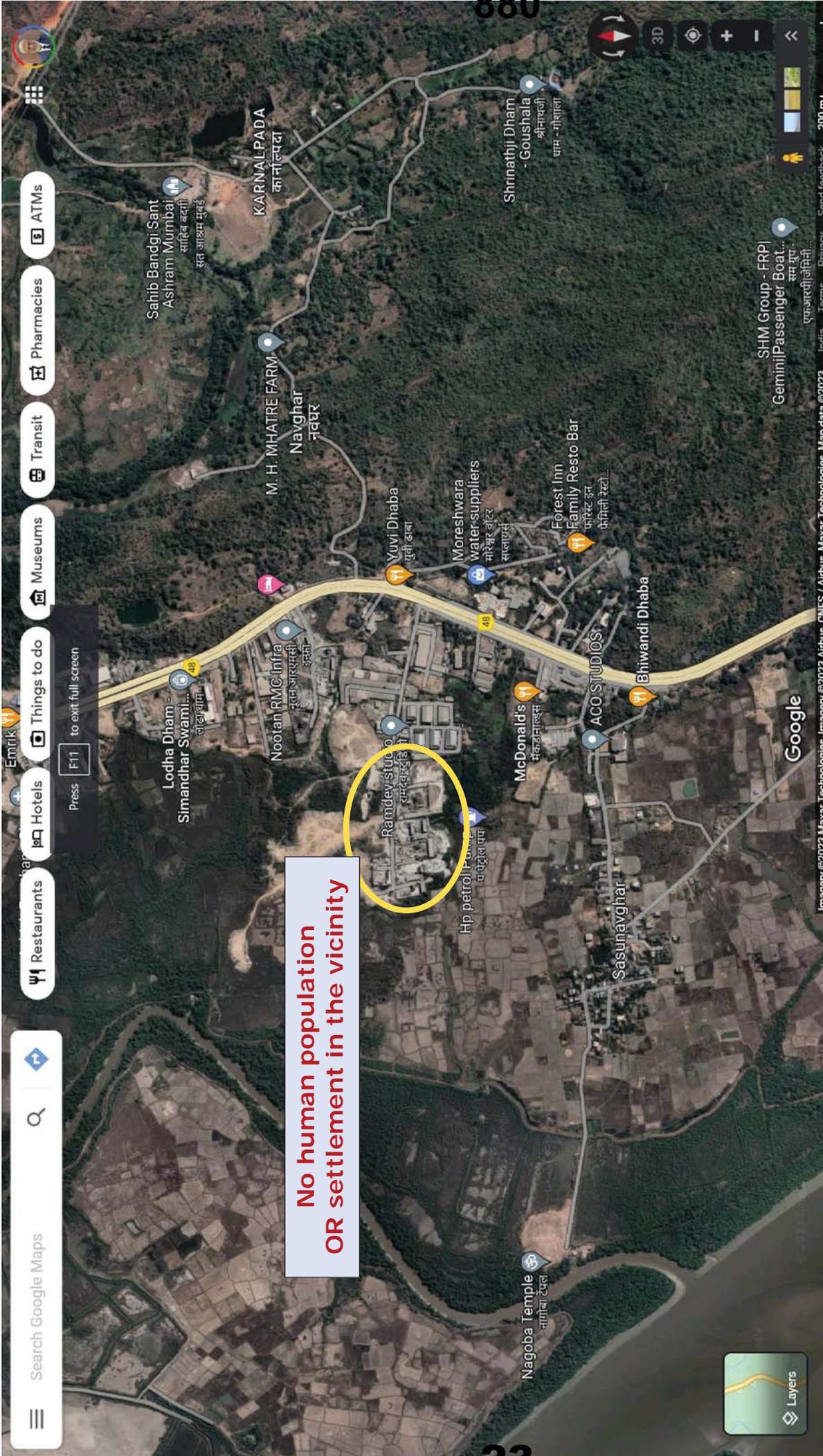
There is no residential area nearby. There is not a single complaint from the nearby resident Village.

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The complainant is about 39 km away by road and 24 km away measured as crow-flying distance.

**Ax. A**





**No human population  
OR settlement in the vicinity**



**No human population  
OR settlement in the vicinity**

**Final Document**  
**on**  
**Revised**  
**Classification**  
**of**  
**Industrial Sectors**  
**Under**

**Red, Orange, Green and White Categories**  
**(February 29, 2016)**



**Central Pollution Control Board**  
**Delhi**

## Executive Summary

### Categorization of Industrial Sectors under Red, Orange, Green and White Category

The Ministry of Environment, Forest and Climate Change (MoEFCC) had brought out notifications in 1989, with the purpose of prohibition/ restriction of operations of certain industries to protect ecologically sensitive Doon Valley. The notification introduced the concept of categorization of industries as " Red", "Orange "and "Green" with the purpose of facilitating decisions related to location of these industries. Subsequently, the application of this concept was extended in other parts of the country not only for the purpose of location of industries, but also for the purpose of Consent management and formulation of norms related to surveillance / inspection of industries.

The concept of categorization of industries continued to evolve and as different State Pollution Control Boards interpreted it differently, a need arose to bring about necessary uniformity in its application across the country. In order to harmonize the 'Criteria of categorization', Directions were issued by CPCB under Section 18(1)(b) of the Water ( Prevention & Control of Pollution) , Act, 1974 to all SPCBs/PCCs to maintain uniformity in categorization of industries as red, green and orange as per list finalized by CPCB, which identified 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green'.

The process of categorization thus far was primarily based on the size of the industries and consumption of resources. The pollution due to discharge of emissions & effluents and its likely impact on health was not considered as primary criteria. There was demand from the SPCBs / PCCs and industrial associations for categorization of the industrial sectors in a more transparent manner. Accordingly, the issue was discussed thoroughly during the national level conference of the Environment Ministers of the States, held in New Delhi during April 06-07, 2015 and a 'Working Group' comprising of the members from CPCB, APPCB, TNPCB, WBPCB, PPCB, MPPCB and Maharashtra PCB is constituted to revisit the criteria of categorization of industries and recommend measures for making the system transparent and rational.

The Working Group has developed the criteria of categorization of industrial sectors based on the Pollution Index which is a function of the emissions (air pollutants), effluents (water pollutants), hazardous wastes generated and consumption of resources. For this purpose the references are taken from the the Water (Prevention and Control of Pollution ) Cess (Amendment) Act, 2003, Standards so far prescribed for various pollutants under Environment (Protection) Act , 1986 and Doon Valley Notification, 1989 issued by MoEFCC. The Pollution Index PI of any industrial sector is a number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution load from the industrial sector. Based on the series of brain storming sessions among CPCB, SPCBs and MoEFCC , the following criteria on 'Range of Pollution Index 'for the purpose of categorization of industrial sectors is finalized.

- Industrial Sectors having Pollution Index score of 60 and above – Red category
- Industrial Sectors having Pollution Index score of 41 to 59 –Orange category
- Industrial Sectors having Pollution Index score of 21 to 40 –Green category
- Industrial Sectors having Pollution Index score incl.&upto 20 –White category

The newly introduced White category of industries pertains to those industrial sectors which are practically non-polluting such as Biscuit trays etc. from rolled PVC sheet (using automatic vacuum forming machines), Cotton and woolen hosiers making (Dry process only without any dyeing/washing operation), Electric lamp (bulb) and CFL manufacturing by assembling only, Scientific and mathematical instrument manufacturing, Solar power generation through photovoltaic cell, wind power and mini hydel power (less than 25 MW).

The salient features of the 'Re-categorization' Exercise are as follows :

- Due importance has been given to relative pollution potential of the industrial sectors based on scientific criteria . Further, wherever possible, splitting of the industrial sectors is also considered based on the use of raw materials, manufacturing process adopted and in-turn pollutants expected to be generated.
- The Red category of industrial sectors would be 60.
- The Orange category of industrial sectors would be 83.
- The Green category of industrial sectors would be 63.
- Newly introduced White category contains 36 industrial sectors which are practically non-polluting.
- There shall be no necessity of obtaining the Consent to Operate'' for White category of industries. An intimation to concerned SPCB / PCC shall suffice.
- No Red category of industries shall normally be permitted in the ecologically fragile area / protected area.

The purpose of categorization is to ensure that the industry is established in a manner which is consistent with the environmental objectives. The new criteria will prompt industrial sectors willing to adopt cleaner technologies, ultimately resulting in generation of fewer pollutants. Another feature of the new categorization system lies in facilitating self-assessment by industries as the subjectivity of earlier assessment has been eliminated. This 'Re-categorization' is a part of the efforts, policies and objective of present government to create a clean & transparent working environment in the country and promote the Ease of Doing Business.

Other similar efforts include installation of Continuous Online Emissions/ Effluent Monitoring Systems in the polluting industries, Revisiting of the CEPI (Comprehensive Environment Pollution Index) concept for assessment of polluted industrial clusters, Revision of existing industrial Emission/Effluent discharge standards, initiation of special drive on pollution control activities in Ganga River basin and many more in coming future.

## Revised Criteria of Categorization of Industries

“Securing industrial pollution control in accordance with the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 by linking with categorization of industries, consent management and vigilance – ‘In context of Red, Orange, Green and White categories of industries”

### A: Genesis of Categorization:

- The Ministry of Environment, Forest and Climate Change (MoEFCC) had brought out notifications, which inter-alia refers to Prohibition/ Restriction on operation of industries to protect ecologically sensitive areas or areas of specific importance. This has for the first time brought the concept of categorization of industries to “Red”, “Orange “and “Green” and restrict their operation in certain areas of importance. Therefore, it is at-once interpreted that Red, Orange and Green categorization is linked with location specific needs.
- The notification of MoEF was first brought on 2<sup>nd</sup> February, 1989 in case of “Restriction on location of industries, mining operations and other developmental activities in Doon Valley in “Uttarakhand” and thereafter another notification on 24<sup>th</sup> February 1999 regarding restriction on the setting up of industries in Dahanu Taluka in Maharashtra. The categorization had been made mainly on the basis of size of the industries, man power and consumption of resources.
- However, in other parts of the country, there have been variations in context to the classification of industries under Red, Orange and Green categories. SPCBs / PCCs were following their own criteria in different States thereby creating confusion.
- In order to harmonize the ‘Criteria of categorization’, a ‘Working Group’ was formed as per resolution passed during the 57<sup>th</sup> Conference of the Chairmen & Member Secretaries of CPCB and SPCBs. Based on the recommendations of the Working Group, Directions dated 4/6/2012 under Section 18(1)(b) of the Water

(Prevention & Control of Pollution), Act, 1974 were issued to all SPCBs/PCCs with the effects to maintain uniformity in categorization of industries as red, green and orange as per list finalized by the Working Group. This indicative list included 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green'. However, these identified categories have not been assigned with scores as per existing criteria/ or any new criteria

**B: Categorization criteria used by SPCBs/PCCs:**

SPCBs and PCCs use the criteria of Red, Orange and Green categories for consent management and vigilance purposes for carrying out inspections to verify compliance to the stipulated standards. However the above categorization do not emphasize on sector-specific plan for control of pollution in accordance with priority based on pollution index.

**C: Gap in the process:**

1. The categorization has been made mainly on the basis of size of the industries and consumption of resources. The pollution due to discharge of emissions & effluents and its impact on health was not considered as primary criteria.
2. Categorization was on random basis, no scoring system was adopted.

**D: Resolutions made during National Level Conferences**

The issue was discussed thoroughly during the following national level conferences held in New Delhi:

- Conference of the Environment Ministers of Central Government and State Governments during April 06-07, 2015
- 59<sup>th</sup> Conference of Chairmen & Member Secretaries of Pollution Control Boards / Pollution Control Committees held on April 08, 2015

Accordingly following resolutions were made during the Conferences:

1. A 'Working Group' comprising of the members from CPCB, APPCB, TNPCB, WBPCB, PPCB, MPPCB and Maharashtra PCB is constituted.
2. This WG shall revisit the categorization of industries that is based on pollution index criteria & environmental issues such as generation of emission, effluent and hazardous wastes.
3. The categorization will be done on the basis of composite score (0-100 marks) of Pollution Index given in accordance with the following weightage.

Air Pollution Score based on parameters namely PM, CO, NO <sub>x</sub> , SO <sub>x</sub> , HMs, Benzene, Ammonia and other toxic parameters relevant to the industry.	40 Marks
Water Pollution Score based on parameters namely pH, TSS, NH <sub>3</sub> -N, BOD, Phenol and other toxic pollutants relevant to the industry.	40 Marks
Hazardous wastes (land fillable, incinerable, recyclable) as generated by the industry.	20 Marks
<p>Note :</p> <ul style="list-style-type: none"> <li>• Parameters to be decided on the basis of the nature of the wastes generating from the industrial sector.</li> <li>• Industries having only either water pollution or air pollution, the score will be normalized wrt 100.</li> </ul>	

4. Based on the score of the Pollution Index, following categorization be made :
  - Type of industries, if scores 60 and above be categorized as Red
  - Type of industries, if scores from 30 to 59 be categorized as Orange
  - Type of industries, if scores from 15 to 29 be categorized as Green
  - Type of industries, if less than 15 be categorized as White or non-polluting industry.
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.
6. No red categories of industries will be permitted to establish in eco-sensitive areas and protected areas.

### **E: Follow-up Actions made on the Resolutions :-**

- Accordingly, a Committee comprising the Chairmen of CPCB, APPCB, TNPCB, MPPCB, MPCB, PPCB, WBPCB and MS, CPCB was constituted vide CPCB OM dated

23.04.2015 to review & classify industrial sectors into different categories based on criteria of respective pollution potential.

- The categorization is made on the basis of following:
  - Quality of emissions (air pollutants) generated
  - Quality of effluents ( water pollutants) generated
  - Types of hazardous wastes generated
  - Consumption of resources
  
- Reference is taken from the following :
  - The Water (Prevention and Control of Pollution ) Cess Act, 1977
  - Standards so far prescribed for various pollutants under the Environment (Protection) Act , 1986
  - Doon Valley Notification, 1989 issued by MoEF.

## **F : Scoring Methodology :**

The details on the scoring methodology in respect of the aforesaid 3 components is presented in the following tables F-1 to F-4 .

**Table F-1 : Water Pollution Scoring Methodology**

Sl. No.	Activity / Types of Discharges	Score
Part A : Score W1 : Score based on types of expected criteria water-pollutants present in industrial processes waste waters. <b>Maximum of the following seven categories is to be taken.</b>		
W11	Waste-water which is polluted and the pollutants are - <ul style="list-style-type: none"> <li>• not easily biodegradable ( very high strength waste waters having BOD &gt; 5000 mg/l ); or</li> <li>• toxic; or</li> <li>• both toxic and not easily biodegradable.</li> </ul> (Presence of criteria water pollutants having prescribed standard limits up-to 10 mg/l or having BOD > 5000 mg/l). For details appendix 1 may be referred)	30
W12	Non-toxic high strength polluted waste-water having BOD in the range of 1000-5000 mg/l and the pollutants are biodegradable. <p>(Presence of criteria water pollutants having prescribed standard limits from 11 mg/l to 250 mg/l and having BOD strength in the range of 1000-5000 mg/l) . For details appendix 1 may be referred)</p>	25
W13	Non toxic- polluted waste-water having BOD below 1000 mg/l and the pollutants are easily biodegradable. <p>(Presence of criteria water pollutants having prescribed standard limits from 11mg/l to 250 mg/l and having BOD strength below 1000 mg/l) . For details appendix 1 may be referred)</p>	20
W14	Waste-water generated from the chemical processes and which is polluted due to presence of high TDS ( total dissolved solids) of inorganic nature. <p>(Presence of criteria water pollutants having prescribed standard limits more than 250 mg/l. For details appendix 1 may be referred)</p>	15
W15	Waste-water generated from the physical unit operations / processes and which is polluted due to presence of TDS (total dissolved solids) of inorganic nature and of natural origin like fresh-water RO rejects, boiler blow-downs, brine solution rejects etc. <p>(Presence of criteria water pollutants having prescribed standard limits more than 250 mg/l. For details appendix 1 may be referred)</p>	12
W16	Non-toxic polluted waste-water from those units which are: <ul style="list-style-type: none"> <li>• Having the overall waste-water generation less than 10 KLD and</li> <li>• The pollutants are easily bio-degradable having BOD below 200 mg/l which can be easily treated in a single stage ASP (activated</li> </ul>	12

	<p style="text-align: center;">sludge process) based Effluent Treatment Plant.</p> <p>Note : This is a special category and is applicable to only those units having over-all liquid waste generation less than 10 KLD with low strength organic load.</p>	
W17	Waste-water from cooling towers and cooling-re-circulation processes	10
Part B : Score W2 : Score based on huge discharges of any kind (Penalty Clause)		
W2	Industry having overall liquid waste generation of 100 KLD or more including industrial & domestic waste-water.	10
Overall Water Pollution Score $W = W1+W2$		

- **Water Pollutants covered under Group W11:**

- ✓ Free available Chlorine , Total residual chlorine, Fluoride (as F), Sulphide (as S), Free Ammonical Nitrogen, Dissolved phosphates (as P), Free ammonia (as NH<sub>3</sub>), Nitrate Nitrogen, Mercury (As Hg), Selenium (as Se), Hexa-valent chromium (as Cr + 6), Lead (as Pb), Tin , Vanadium (as V), Cadmium (as Cd), Manganese (as Mn), Total chromium (as Cr), Copper (as Cu), Iron (as Fe), Nickel (as Ni), Zinc (as Zn), Benzene, Arsenic (as As), Benzo-a-pyrene, Cyanide (as CN), Phenolic compounds (as C<sub>6</sub>H<sub>5</sub>OH) , Adsorbable Organic Halogens (AOX), Boron and /or
- ✓ BOD strength of waste water > 5000 mg/l

- **Water Pollutants covered under Group W12:**

- ✓ Sodium Absorption Ratio (SAR) , Biochemical oxygen demand (3 days at 27°C), Total Kjeldahl nitrogen (TKN), Ammonical nitrogen (as N), Suspended solids, Total nitrogen (as N), Chemical oxygen demand, Oils & grease and
- ✓ BOD strength of waste water is in the range of 1000-5000 mg/l

- **Water Pollutants covered under Group W13:**

- ✓ Sodium Absorption Ratio (SAR), Biochemical oxygen demand (3 days at 27°C), Total Kjeldahl nitrogen (TKN), Ammonical nitrogen (as N), Suspended solids, Total nitrogen (as N), Chemical oxygen demand and
- ✓ BOD strength of waste water is below 1000 mg/l

- **Water Pollutants covered under Group W14 and W15:**

Chlorides as Cl, Colour , Total dissolved solids (TDS - Inorganic)

- **Water Pollutants covered under Group W16**

- ✓ BOD strength of waste water is below 200 mg/l and overall discharge is less than 10 KLD.

**Table F-2 : Air Pollution Score**

Sl. No.	Air Pollutants Group	'Range of Prescribed Standard' of criteria pollutants	Marks
Part 1 : Score A1 = Score based on types of expected criteria Air Pollutants present in the emissions . Maximum of the following seven categories is to be taken. For details appendix 2 may be referred.			
1	Group A1A	Presence of criteria air pollutants having prescribed standard limits up - to 2 mg/Nm <sup>3</sup>	30
2	Group A1B	Presence of criteria air pollutants having prescribed standard from 3 to 10 mg/Nm <sup>3</sup>	25
3	Group A1C	Presence of criteria air pollutants having prescribed standard from 11 to 50 mg/Nm <sup>3</sup>	20
4	Group A1D	Presence of criteria air pollutants having prescribed standard from 51 to 250 mg/Nm <sup>3</sup>	15
5	Group A1E	Presence of criteria air pollutants having prescribed standard from 251 mg/Nm <sup>3</sup> & above.	10
6	Group A1F	<ul style="list-style-type: none"> <li>• Generation of fugitive emissions of Particulate Matters which are:               <ul style="list-style-type: none"> <li>○ Not generated as a result of combustion of any kind of fossil-fuel.</li> <li>○ Generated due to handling / processing of materials without involving the use of any kind of chemicals.</li> <li>○ Which can be easily contained /controlled with simple conventional methods</li> </ul> </li> </ul>	10
7	Group A1G	<ul style="list-style-type: none"> <li>• Generation of Odours which are :               <ul style="list-style-type: none"> <li>○ Generated due to application of binding gums / cements /adhesives /enamels</li> <li>○ Which can be easily contained /controlled with simple conventional methods</li> </ul> </li> </ul>	10
Part 2 : Score A2 = Score based on consumption of fuels and technologies required for air pollution control :			
6	Group A2F1	<ul style="list-style-type: none"> <li>• All such industries in which the daily consumption of coal/fuel is more than 24 MT/day and the particular (Particulate/gaseous/process) emissions from which can be controlled only with high level equipments / technology like ESPs, Bag House Filters, High Efficiency chemical wet scrubbers etc.</li> </ul>	10
7	Group A2F2	<ul style="list-style-type: none"> <li>• All such industries in which the daily consumption of coal/fuel is from 12 MT/day to 24 MT/day and the particular (Particulate/gaseous/process) emissions from which can be controlled with suitable proven technology.</li> </ul>	5
Overall Air Pollution Score -A = A1 + A2			

- Air pollutants covered under Group A1A:  
Cd+Th, Dioxins & Furans, Mercury, Asbestos
- Air Pollutants covered under Group A1B:  
HF, Nickel+ Vanadium, HBr, Manganese, Lead, H<sub>2</sub>S, P<sub>2</sub>O<sub>5</sub> as H<sub>3</sub>PO<sub>4</sub>
- Air Pollutants covered under Group A1C:  
Chlorine, Pesticide compounds, CH<sub>3</sub>Cl, TOC, Total Fluoride, Hydrocarbons, NH<sub>3</sub>, HCL vapour & Mist, H<sub>2</sub>SO<sub>4</sub> Mist, SO<sub>2</sub>
- Air Pollutants covered under Group A1D:  
CO, PM, CO, NO<sub>x</sub>
- Air Pollutants covered under Group A1E:  
NO<sub>x</sub> with liquid-fuel, SO<sub>2</sub> with liquid-fuel

Table F-3: Hazardous Waste Generation Score

Sl.No.	Types of Hazardous Waste Generated as per Schedule 1 / Schedule 2 of Hazardous Waste ( Management, Handling & Trans-boundary Movement) Rules , 2008 . <b>Maximum of the following four categories is to be taken</b>	Score
HW1	<ul style="list-style-type: none"> <li>• Land disposable HW which require special care &amp; treatment for stabilization before disposal.</li> </ul>	20
HW2	<ul style="list-style-type: none"> <li>• Incinerable HW</li> </ul>	15
HW3	<ul style="list-style-type: none"> <li>• Land disposable HW which doesn't require treatment &amp; stabilization before disposal.</li> <li>• High volume low effect wastes such as fly-ash, phspho-gypsum, red-mud, slags from pyro-metallurgical operations, mine tailings and ore beneficiation rejects)</li> </ul>	10
HW4	<ul style="list-style-type: none"> <li>• Recyclable HW, which are easily recyclable with proven technologies.</li> </ul>	10

**Table F-4 : Calculation Sheet**  
Industrial Sector - .....

<b>1. Water Pollution Score (W)</b>			
Scores	Waste Water Category	Value	
Score on W1			
Score on W2			
Water Pollution Score = W1+W2			
<b>2. Air Pollution Score (A)</b>			
Scores	Air Pollutant Category	Value	
Score on A1			
Score on A2	-	-	
Air Pollution Score = A1+A2			
<b>3. Hazardous Waste Score (HW)</b>			
Score	HW Category	Value	
HW			
Grand Total = W + A + HW			

Note :

1. Any of the industrial sector having only either air pollution (A) or water pollution (W) , the score will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times W \text{ ( or A)}\} / 40$$

2. Any of the industrial sector having air pollution (A) and water pollution (W) both but no hazardous waste generation (H) , the joint score of air & water pollution will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times (W+A)\} / 80$$

3. Any of the industrial sector having air pollution (A) & hazardous waste generation (H) but no water pollution (W), the joint score of air pollution & hazardous waste generation will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times (A+H)\} / 60$$

4. Any of the industrial sector having water pollution (W) and hazardous waste generation (H) but no air pollution (A), the joint score of water pollution & hazardous waste generation will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times (W+H)\} / 60$$

**G : Developments :**

- i. The existing Red ( 85 sectors) , Orange ( 73 sectors) and Green ( 86 sectors) i.e a total of 244 industrial sectors have been assessed as per the proposed formula by the Working Group. For this purpose, concerned Engineers / Scientists from the Member SPCBs were also involved & consulted during May 28-29, 2015.
- ii. After careful examination and consideration of the suggestions of concerned stake-holders the “Draft Document on Revised Concept of Categorization of Industrial Sectors “ was prepared by the Committee and circulated to all the SPCBs, PCCs and concerned Ministries for their information & comments. The ‘ Draft Document ‘ was uploaded on the website of CPCB also for information & comments of one & all.
- iii. The matter was discussed during the 170<sup>th</sup> Board Meeting also and issues raised by the Board Members pertaining to some of the industrial sectors were clarified.
- iv. Responses were received from various concerned Ministries, SPCBs, Industrial Associations including individuals.
- v. Based on the above, final meeting was convened by the Secretary , MoEFCC with CPCB and senior officers of MoEFCC on January 06, 2016 to resolve the issues appropriately and finalize the ‘Re-categorization’. Accordingly , following modifications in the ‘Range of Pollution Index ‘for the purpose of categorization of industrial sectors were suggested :
  - Industrial Sectors having Pollution Index score of 60 and above – Red category
  - Industrial Sectors having Pollution Index score of 41 to 59 –Orange category
  - Industrial Sectors having Pollution Index score of 21 to 40 –Green category
  - Industrial Sectors having Pollution Index score incl.& upto 20 –White category
- vi. Based on the final criteria as described in v above , the final categorization is as follows :

Category of Industrial Sector	Existing Categorization	Proposed (New) categorization
Red	85	60
Orange	73	83
Green	86	63
White	---	36
Total	244	242

- vii. In the proposed categorization, some of the industrial sectors have been either deleted due to duplication or merged with similar type of sectors on account of same

characteristics of pollution generation. In a similar way, some of the industrial sectors are split into more sectors on account of variation in the raw materials / manufacturing process. As a result final totals of the existing and proposed categorization are different.

- viii. The industrial sector which doesn't fall under any of the above four categories ( Red, Orange, Green and White) , decision with regard to its categorization will be taken at the level of concerned SPCB/PCC by a committee headed by the Member Secretary , SPCB/PCC and comprising of two senior cadre Engineers / Scientists of the SPCB / PCC in accordance with the scoring-criteria specified in this document.
- ix. The summary is presented in the following Table G-1 and final lists of Red, Orange, Green and White categories of industries are presented in Tables G-2, G-3, G-4 and G-5 respectively, which are self explanatory.

Table G-1: Final Summary Table Red , Orange, Green and White Categories of Industries (16-01-16)

Sl No.	Original Categorization	Initial Nos.	Addition by Splitting into further classes	Deletion/ Shifting to foot-note due to vague term / Merger / other reasons	Re-categorization to Red	Re-categorization to Orange	Re-categorization to Green	Re-categorization to White	Check
1	Red	85	2	3	4	5	6	7	(1+2) = (3 to 7)
2	Orange	73	2	3	Nil	51	19	2	96=96
3	Green	86	Nil	3+2=5	Nil	6	41	34	75=75
	<b>Final Categorization</b>	244	13	15	<b>60 (Red )</b>	<b>83 (Orange)</b>	<b>63 (Green)</b>	<b>36 (White)</b>	<b>257 =257 (Total categories including in foot-note)</b>

Table G-2 : Final List of Red Category of Industrial Sectors

Sl No.	Orgnl Sl.No	Industry Sector	W1	W2	W	A1	A2	A	H	W+A+H	Revised Category	REMARKS
1.	38	Isolated storage of hazardous chemicals (as per schedule of manufacturing, storage of hazardous chemicals rules ,1989 as amended)									R-R	As per provisions of Rules, to be kept under Red category especially for safety purposes.
2.	4	Automobile Manufacturing (integrated facilities)	30	-	30	20	-	20	10	60	R-R	i. Such types of plants are having either one or combinations of polluting activities viz. washing, metal surface finishing operations, pickling, plating, electro-plating, phosphating, painting, heat treatment etc. ii. Some of such plants may outsource some /all of the polluting activities. In such cases, after thorough inspection of such units by concerned SPCB, re-categorization of the industry shall be made accordingly.
3.	34	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,,	30	-	30	20	-	20	10	60	R-R	All the three types of pollutants are expected.
4.	44	Manufacturing of lubricating oils ,grease and petroleum based products	20	-	20	20	-	20	20	60	R-R	Generates all sorts of pollution.
5.	66 E	DG Set of capacity > 5 MVA	-	-	-	20	5	25	-	62.5	R-R	i. Mainly air polluting. ii. DG sets consume the diesel @ 0.21 litres/hr/KVA at full load. iii. Average running is taken @ 12 hrs / day although many of the DG sets run for more than this period.
6.	31	Industrial carbon including electrodes and graphite blocks, activated carbon, carbon black	10	-	-	20	5	25	10	62.5	R-R	Mainly air polluting. Air pollution score is normalized to 100.

7.	39	Lead acid battery manufacturing(excluding assembling and charging of lead-acid battery in micro scale)	10	-	10	25	-	25	10	62.5	<b>R-R</b>	<p>i. Mainly air polluting. Air pollution scores are normalized to 100.</p> <p>ii. Lead Acid Battery manufacturing consists of various stages which broadly involve (after producing or receiving lead oxide): Paste Mixing , Grid Casting , Grid Pasting &amp; Curing , Hydro-setting, parting &amp; enveloping , Stacking, grouping &amp; inter-cell welding, Formation.</p> <p>iii. Exposure of workmen to lead during all or any of the processes outlined above exceeds the prescribed standards if appropriate equipment in this respect is not installed at any Battery Manufacturing Unit.</p> <p>iv. All of the above processes, some more than others, involve release of lead particles or fumes into the environment. Pollution from the above processes can be grouped into two possible types, viz: (a) Lead Oxide becomes airborne and there is Particulate Pollution (b) Fumes are generated and there is Gaseous Pollution</p>
8.	62	Phosphate rock processing plant	30	-	30	20	-	20	-	62.5	<b>R-R</b>	<p>i. The separation of phosphate rock from impurities and non-phosphate materials for use in fertilizer manufacture consists of beneficiation, drying or calcining at some operations, and grinding. Phosphate rock from the mines is first sent to beneficiation units to separate sand and clay and to remove impurities. Steps used in beneficiation depend on the type of rock.</p> <p>ii. The water &amp; air pollution scores are normalized to 100.</p>

9.	66	Power generation plant [except Wind and Solar renewable power plants of all capacities and Mini Hydel power plant of capacity <25MW]	10	-	10	15	10	25	62.5	<b>R-R</b>	1. Mainly air polluting. It uses a mixture of biomass (agro based) and coal (< 10 %) as a fuel. Almost, round the year operation. 2. In case of DG sets of 5 MVA & more and emissions of SO <sub>2</sub> will take place due to use of liquid fuel. Air pollution score will be =20 + 10 = 30, Normalized score will be 75. 3. In case of 'Waste to Energy Plants', water will be used for cooling and air score will be - 30+10 = 40.
10.	34	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,	30	-	30	25	-	25	65	<b>R-R</b>	All the three types of pollutants are expected.
11.	67	Processes involving chlorinated hydrocarbons	30	-	30	20	-	20	65	<b>R-R</b>	Chlorinated hydrocarbons are used in the manufacture of insecticides, pesticides and organo chloro pesticides. Effluents & emissions are toxic in nature.
12.	74	Sugar (excluding Khandsari)	20	10	30	15	10	25	65	<b>R-R</b>	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Sugar mills generate all sorts of pollution problems.
13.	22	Fibre glass production and processing (excluding moulding)	-	-	-	20	-	20	67	<b>R-R</b>	i. The use of styrene in most methods of fibreglass production causes hazardous air pollution that is harmful to breathe at excessive levels. ii. It is mainly air polluting & HW generating industry. The air pollution & HW scores are normalized to 100. iii. In case of lead containing glass, the score of A1 will be 25 and final normalized score will be 75 and shall be categorized as Red.
14.	23	Fire crackers manufacturing and bulk storage facilities	-	-	-	20	-	20	67	<b>R-R</b>	i. This is the normalized score based on air pollution & HW generation. ii. Various hazardous chemicals are used in the manufacturing process. iii. These chemicals are namely Potassium Nitrate, Potassium per-chlorate, Barium Nitrate, Aluminium compounds, Copper Chloride etc.

15.	34	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.	-	-	-	30	0	30	10	67	R-R	iv. These chemicals are highly hazardous and cause serious diseases among the workers. especially ability of blood to carry oxygen leading to headaches, methemoglobinemia and kidney problems , skin problems, thyroid metal fume etc. Mainly air polluting and hazardous waste generating. Air & HW pollution scores are jointly normalized to 100.
16.	47	Milk processes and dairy products(integrated project)	20	10	30	20	5	25	-	68.75	<b>R-R</b>	i. Water as well as air polluting due to use of boilers. ii. Water & air pollution scores are normalized to 100.
17.	63	Phosphorous and its compounds	30	-	30	25	-	25	-	68.75	<b>R-R</b>	Water pollution & air pollution containing compounds of phosphorous are expected
18.	61	Pulp & Paper ( waste paper based without bleaching process to manufacture Kraft paper)	20	10	30	15	10	25	0	68.75	<b>R-R</b>	Mainly water & air polluting . Water & air pollution scores are normalized to 100.
19.	13	Coke making , liquefaction, coal tar distillation or fuel gas making	30	-	30	20	-	20	20	70	<b>R-R</b>	It is a kind of petrochemical industry.

20.	41	Manufacturing of explosives, detonators, fuses including management and handling activities	30	-	30	20	-	20	20	70	R-R	<p>i. Explosives manufacture and use contribute some measure of hazardous waste to the environment.</p> <p>ii. Nitroglycerin produces several toxic byproducts such as acids, caustics, and oils contaminated with heavy metals. These must be disposed of properly by neutralization or stabilization and transported to a hazardous waste landfill.</p> <p>iii. The use of explosives creates large amounts of dust and particulate from the explosion, and, in some cases, releases asbestos, lead, and other hazardous materials into the atmosphere.</p>
21.	45	Manufacturing of paints and varnishes, pigments and intermediate (excluding blending/mixing)	30	-	30	25	-	25	15	70	R-R	<p>i. The process may cause considerable emissions of volatile organic compounds (VOC). VOC contribute to the creation of ozone in the lower layers of the atmosphere (photochemical air pollution) and can present danger to health.</p> <p>ii. Dust and odour may also be a problem.</p> <p>iii. Washing of vessels will contribute waste-waters.</p> <p>iv. Large quantity of HWs are also produced.</p>
22.	56	Organic Chemicals manufacturing	30	-	30	20	-	50	20	70	R-R	Such types of industrial sectors generate all sorts of pollution.
23.	1	Airports and Commercial Air Strips	20	10	30	-	-	-	10	75	R-R	<p>i. The Airports are generating mainly the waste-waters.</p> <p>ii. This is the water pollution normalized score for airports having discharge more than 100 KLD.</p> <p>iii. The airports / strips having discharge less than 100 KLD will have score of 50 and hence orange category.</p> <p>iv. If the score is normalized wrt water + HW both, then all the airports will come under Orange category (score - 58.33).</p>
24.	3	Asbestos and asbestos based industries	-	-	-	30	-	30	10	75	R-R	<p>i. This is mainly air polluting industry.</p> <p>ii. Final score is based on air pollution score only.</p> <p>iii. Asbestos is carcinogenic and banned in many countries.</p>
25.	5	Basic chemicals and electro chemicals and its derivatives including manufacturing of acid	30	-	30	-	-	-	10	75	R-R	<p>i. Standards prescribed for Inorganic Chemicals are adopted.</p> <p>ii. It is mainly water polluting industry having effluents which are toxic and not easily biodegradable.</p>



32.	34	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".	30	-	30	25	-	25	20	75	<b>R-R</b>	All the three types of pollutants are generated.	having no-boiler & no hazardous waste generation, the pollution score will be 20 & are categorized as Green.
33.	34	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.	30	-	30	25	-	25	20	75	<b>R-R</b>	All the three types of pollutants are expected.	
34.	43	Manufacturing of glue and gelatin	30	10	40	20	-	20	-	75	<b>R-R</b>	Highly water polluting & obnoxious air polluting.	
35.	49	Mining and ore beneficiation	30	10	40	15	5	20	-	75	<b>R-R</b>	Both air and water polluting. Score is normalized with air & water pollution.	

36.	52	Nuclear power plant	10	-	10	30	-	30	15	75	R-R	i. Mainly air polluting due to indinerator. Others - cooling water. ii. Air pollution score is normalized to 100.
37.	58	Pesticides (technical) (excluding formulation)	30	-	30	25	-	25	20	75	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution.
38.	64	Photographic film and its chemicals	30	-	30	-	-	-	-	75	R-R	i. Silver salts and other chemicals are used in preparation. Slight quantity of effluents is generated. ii. Water pollution scores are normalized to 100.
39.	68	Railway locomotive work shop/Integrated road transport workshop/Authorized service centers	20	10	30	-	-	-	10	75	R-R	i. Mainly water polluting industry. Water is used in the washing of locomotives, road transport vehicles during servicing. ii. This score is valid for those Centers having discharge more than 100 KLD. iii. Service Centers having waste-water generation < 100 KLD, the normalized score will be $= (100*20)/40= 50$ .
40.	84	Yarn / Textile processing involving any effluent/emission generating processes including bleaching, dyeing, printing and colouring	30	10	40	15	-	15	20	75	R-R	In this sector all sorts of pollution are generated.
41.	8	Chlor Alkali	30	10	40	20	10	30	10	80	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Chlor-alkali units are having different section like NaOH, Cl <sub>2</sub> , SBP etc which are having toxic effluents. Additionally, fuel consumption is also on higher-side.
42.	70	Ship Breaking Industries	30	-	30	30	-	30	20	80	R-R	i. The ship-breaking industry creates numerous hazards for the coastal and marine environment. ii. Ship-breaking releases a large number of dangerous pollutants, including toxic waste, oil, poly-chlorinated biphenyls, and heavy metals, into the waters and sea bed. iii. While most of the oil is removed before a ship is scrapped, sand used to mop up the remaining oil is thrown into the sea. High concentrations of oil and grease are then found in the coastal waters, choking marine life.

43.	53	Oil and gas extraction including CBM (offshore & on-shore extraction through drilling wells)	30	-	30	-	-	-	-	20	83	R-R	iv. Solid waste strewn on the shore, 45 tonnes on any given day according to a study by the Central Pollution Control Board, also finds its way into the sea. v. Adding to the stress on coastal waters, the organic load from the thousands of workers living in cramped conditions with little or no sanitary facilities results in unacceptably high levels of BOD. i. Mainly water polluting & hazardous waste generating. ii. The water pollution & HW generation scores are normalized to 100.
44.	36	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	30	-	30	-	-	-	-	20	83	R-R	Mainly water polluting & toxic hazardous waste generating industry. Scores are normalized to 100.
45.	80	Tanneries	30	-	30	-	-	-	-	20	83	R-R	Mainly water polluting & hazardous waste generating industry. Scores are normalized to 100.
46.	65	Ports and harbour, jetties and dredging operations	30	10	40	15	10	25	20	20	85	R-R	This category contain all sorts of pollution.
47.	77	Synthetic fibers including rayon tyre cord, polyester filament yarn	30	10	40	25	10	35	10	10	85	R-R	This sector generates all sorts of pollution problems.
48.	81	Thermal Power Plants	30	10	40	20	10	30	15	15	85	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. TPP generate all sorts of pollution problems.
49.	71	Slaughter house (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	25	10	35	-	-	-	-	-	87.5	R-R	Mainly water polluting and obnoxious odour generating industry. The water pollution score is normalized to 100
50.	2	Aluminium Smelter	30	10	40	20	10	30	20	20	90	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. This sector is generating all sorts of pollution i.e. air, water and HW.
51.	12	Copper Smelter	30	10	40	20	10	30	20	20	90	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Integrated Copper Smelters contain all sorts of

52.	20	Fertilizer (basic) (excluding formulation)	30	10	40	20	10	30	20	90	R-R	pollution. i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Generates all sorts of pollution.
53.	37	Iron & Steel processing from ore/ integrated steel plants) and or Sponge Iron units	30	10	40	20	10	30	20	90	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution.
54.	61	Pulp & Paper ( waste paper based units with bleaching process to manufacture writing & printing paper)	25	10	35	25	10	35	20	90	R-R	Waste paper based Pulp & Paper mills with bleaching process generate all sorts of pollution.
55.	85	Zinc Smelter	30	10	40	20	10	30	20	90	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Integrated Zinc smelter generates all sorts of pollution problems.
56.	55	Oil Refinery (mineral Oil or Petro Refineries)	30	10	40	25	10	35	20	95	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution.
57.	59	Petrochemicals Manufacturing ( including processing of Emulsions of oil and water )	30	10	40	25	10	35	20	95	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution. iii. The earlier red category industrial sector namely 'Processing of Emulsions of Oil & Water " is merged with this industrial sector.
58.	60	Pharmaceuticals	30	10	40	30	5	35	20	95	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution.
59.	61	Pulp & Paper ( Large-Agro + wood) , Small Pulp & Paper ( agro based-wheat straw/ rice husk)	30	10	40	25	10	35	20	95	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Large /Small Agro based Pulp & Paper mills contribute all sorts of pollution problems.
60.	15	Distillery ( molasses / grain / yeast based)	30	10	40	-	-	-	-	100	R-R	Mainly water polluting industry. Final score is the normalized water pollution score.

Note :

i. Under the column Revised Category, the full forms of the abbreviations are as follows :

- R-R means original category was Red and revised category is also Red
- R-O means original category was Red and revised category is Orange
- O-O means original category was Orange and revised category is also Orange
- O-G means original category was Orange and revised category is Green
- O-W means original category was Orange and revised category is White
- G-O means original category was Green and revised category is Orange
- G-G means original category was Green and revised category is also Green
- G-W means original category was Green and revised category is White

ii. 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. The overall details are as follows :

Sl No.	Original Sl No.	Industry Sector	Original Category	Remarks
1	14	Common treatment and disposal facilities (CETP, TSDF, E-waste recycling, CBMWTF, effluent conveyance project, incinerator, solvent/acid recovery plant, MSW sanitary land fill site)	R	i. All such facilities are classified as Red but special category projects as these are parts of pollution control facilities. ii. In case of CETP, the categorization will depend upon the category of member industries being served.
2	18	Processing of Emulsions of Oil & Water		It is a part of Petrochemical industries. Transferred and merged with the industrial sector namely 'Petrochemicals' at Sl. No. 54.
3	27	Heavy engineering including ship building (with investment on Plant & Machineries more than Rs 10 crores)	R	Most of the pollution generating processes / operations under this category are similar to the industry category namely "Automobile Manufacturing (integrated facilities)" at Sl. No. 1 and may be referred accordingly.
4	30	Hydrocyanic acid and its derivatives	R	Have been merged with the red category industrial sector namely "Basic chemicals and electro chemicals and its derivatives including manufacturing of acid" at Sl. No. 24
5	32	Industrial estates/parks / complexes/ areas/export processing zones/ SEZs/ Biotech parks/ leather complex	R	The classification will depend upon the category(ies) of the industries operating / proposed to be permitted in the area. In this context, guidelines prescribed in EIA Notification, 2006 shall be followed.
6	33	Industrial inorganic gases namely- a) Chemical gas- Acetylene, hydrogen, chlorine, fluorine, ammonia, sulphur dioxide, ethylene, hydrogen-sulphide, phosphine b) Hydrocarbon gases- Methane, ethane, propane	R	These gases are generally secondary products and produced alongwith other main products. To be classified as per the main parent plant.
7	69	Reprocessing of used oils & waste oils	R	i. The industry generates mainly the air pollution and oil bearing hazardous wastes. The normalized (air pollution & HW generation score is 58.33. ii. To be deleted as already covered under HW Recyclers / Re-processors ( Used oils / Waste Oils) under Orange Category

Table G-3 : Final List of Orange Category of Industrial Sectors

Final Sl. No.	Orgnl S.No	Industry Sector	W1	W2	W	A1	A2	A	H	W+A+H	Revised category	Remarks
1.	20	Dismantling of rolling stocks ( wagons/ coaches)	--	--	--	15	--	15	10	41.67	O-O	Emissions of dust and generation of waste oils take place during dismantling. Air pollution & HW generation scores (15+10=25) are normalized to 100.
2.	5	Bakery and confectionery units with production capacity > 1 TPD. ( With ovens / furnaces)	20	--	20	15	--	15	--	43.75	O-O	
3.	10	Chanachur and laddoo from puffed and beaten rice( muri and shira) using husk fired oven	20	--	20	15	--	15	--	43.75	O-O	Normal water and air polluting.
4.	23	Coated electrode manufacturing	15	0	15	20	0	20	0	43.75	<b>G-O</b>	Preparation of core wire / rod, preparation of dry mix, preparation of wet mix, application of coating by extrusion, baking of coated electrodes
5.	24	Compact disc computer floppy and cassette manufacturing / Reel manufacturing	15	0	15	20	0	20	0	43.75	<b>G-O</b>	Generates waste-water and process emissions.
6.	24	Flakes from rejected PET bottle	20	-	20	15	-	15	-	43.75	R-O	Normal water & air pollutions are generated.
7.	30	Food and food processing including fruits and vegetable processing	20	--	20	15	--	15	--	43.75	O-O	Normal water and air polluting.
8.	40	Jute processing without dyeing	20	--	20	15	--	15	--	43.75	O-O	CPCB has notified standards for this category. Both air and water pollutions are generated.
9.	56	Manufacturing of silica gel	15	0	15	20	0	20	0	43.75	<b>G-O</b>	Waste-waters containing TDS and emissions of H <sub>2</sub> SO <sub>4</sub> are generated.

10.	45	Manufacturing of tooth powder, toothpaste, talcum powder and other cosmetic items	20	--	20	15	--	15	--	15	--	43.75	O-O	Both air and water pollution are generated.
11.	55	Printing or etching of glass sheet using hydrofluoric acid	15	--	15	20	--	20	--	20	--	43.75	O-O	Both air and water pollution are generated.
12.	65	Silk screen printing, sari printing by wooden blocks	20	--	20	15	--	15	--	15	--	43.75	O-O	Wash-water and PM emissions from boilers .
13.	76	Synthetic detergents and soaps(excluding formulation)	20	-	20	15	-	15	-	15	-	43.75	R-O	i. This is the score for units having generation of waste-waters less than 100 KLD. ii. The units having waste-water generation more than 100 KLD will become mainly water polluting and accordingly normalized water pollution score will be 75 and be categorized as Red.
14.	71	Thermometer manufacturing	15	--	15	20	--	20	--	20	--	43.75	O-O	Process - making glass bulb, forming reservoir in the glass tube for fluid, inserting fluid, scale marking. Use of fuel to heat the glass tubes and hydrofluoric acid to seal the scaling. Small quantities of spent acids are generated.
15.	14	Cotton spinning and weaving (medium and large scale)	--	--	--	15	--	15	--	37.5	10	47.5	O-O	Mainly air polluting industry. Sources of air pollution (PM) are the fine particles of cotton from spinning process. Air pollution score is normalized to 100.
16.	1	Almirah, Grill Manufacturing (Dry Mechanical Process )	--	--	--	20	--	20	--	20	--	50	O-O	Air pollution due to spray painting (emissions of VOCs). Units without painting operations shall be categorized as White.

17.	2	Aluminium & copper extraction from scrap using oil fired furnace (dry process only)	--	--	--	20	--	20	--	20	10	50	O-O	i. Normalized Air pollution score. ii. Significant air pollution due to melting (emissions of SO <sub>2</sub> , PM).
18.	3	Automobile servicing, repairing and painting (excluding only fuel dispensing)	20	--	20	20	--	20	--	20	10	50	O-O	Normal water & air polluting and recyclable waste oil generating. If the waste water generation is more than 100 KLD, it will become mainly water polluting and Red category unit.
19.	4	Ayurvedic and homeopathic medicine	20	--	20	15	--	15	15	50	O-O			
20.	7	Brickfields ( excluding fly ash brick manufacturing using lime process)	--	--	20	20	--	20	20	50	O-O			Significantly air polluting.
21.	8	Building and construction project more than 20,000 sq. m built up area	20	--	20	20	--	20	20	50	O-O			1. In the pre-construction stage, it is mainly air polluting due to generation of dust ( PM ) emissions. 2. After construction, it is mainly water polluting. If the discharge is more than 100 KLD, it will be having the normalized score of 75 and be categorized as Red.
22.	6	Ceramics and Refractories	-	-	20	-	-	20	-	50	R-O			i. Mainly air polluting industry. ii. This score is for the units having coal consumption < than 12 MT/day. iii. For the units having coal consumption > 12 MT /day, the normalized air pollution score will be 62.5 and shall be categorized as Red.

23.	11	Coal washeries	15	10	25	15	15	-	15	-	50	R-O	i. Wet washeries are mainly water polluting industry generating effluents which are having inorganic SS & TDS. Additionally, air pollution due to PM emissions is also generated. ii. Water & air pollution scores are jointly normalized to 100.
24.	16	Dairy and dairy products (small scale)	20	--	20	20	20	--	20	--	50	O-O	Water and air polluting both.
25.	18	DG set of capacity >1MVA but < 5MVA	--	--	--	20	20	--	20	--	50	O-O	Mainly air polluting . air pollution score is normalized to 100.
26.	17	Dry coal processing, mineral processing, industries involving ore sintering, pelletising, grinding & pulverization	-	-	-	20	20	-	20	-	50	R-O	Mainly air polluting industry. Final score is the normalized air pollution score.
27.	19	Fermentation industry including manufacture of yeast, beer, distillation of alcohol (Extra Neutral Alcohol)	20	-	20	-	-	-	-	-	50	R-O	i. Mainly water polluting industry. This is the normalized water pollution score for units having discharge < 100 KLD. ii. For the units having discharge > 100 KLD, the normalized water pollution score will be 75 and shall be accordingly categorized as Red.
28.	21	Ferrous and Non-ferrous metal extraction involving different furnaces through melting, refining, re-processing, casting and alloy-making	-	-	-	15	5	20	10	50	R-O	i. Mainly air polluting. ii. This score is applicable to secondary production of ferrous & non-ferrous metals (excluding lead) up-to 1 MT/hour production.	



32.	31	Forging of ferrous and non-ferrous metals ( using oil and gas fired furnaces)	--	--	--	20	--	20	--	20	--	50	O-O	Heating furnace. Mainly air polluting.
33.	32	Formulation/pelletization of camphor tablets, naphthalene balls from camphor/ naphthalene powders.	--	--	--	20	--	20	--	20	--	50	O-O	Mainly air polluting. Emissions of Benzene, HC are expected.
34.	33	Glass ceramics, earthen potteries and tile manufacturing using oil and gas fired kilns, coating on glasses using cerium fluorides and magnesium fluoride etc.	--	--	--	20	--	20	--	20	--	50	O-O	Mainly air polluting. Emissions of SO2 are expected.
35.	35	Gravure printing, digital printing on flex, vinyl	20	--	20	20	--	20	10	20	10	50	O-O	Waste waters , emissions of VOCs
36.	36	Heat treatment using oil fired furnace ( without cyaniding)	--	--	--	20	--	20	--	20	--	50	O-O	Mainly air polluting and noise generating. AP Score is normalized to 100.
37.	28	Hot mix plants	-	-	-	20	-	20	-	20	-	50	R-O	Mainly air polluting. Air pollution scores are normalized to 100.
38.	37	Hotels (< 3 star) or hotels having > 20 rooms and less than 100 rooms.	20	--	20	20	--	20	--	20	--	50	O-O	Mainly water polluting. WP score is normalized to 100.
39.	38	Ice cream	20	--	20	20	--	20	--	20	--	50	O-O	Wash-water and boilers / oven for pasteurization.
40.	34	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	-	-	-	20	0	20	0	20	0	50	R-O	Mainly air polluting. Air pollution score is normalized to 100
41.	34	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	10	-	10	20	-	20	10	20	10	50	R-O	Mainly air polluting.



45.	42	Manufacturing of glass	10	-	-	20	-	20	-	50	R-O	<p>i. Mainly air polluting ( melting at 1500°C and refining .</p> <p>ii. In case of lead glass , the score of A1 will be 25 and accordingly the normalized scores will be 62.5 i.e. Red</p>
46.	43	Manufacturing of iodized salt from crude/ raw salt	12	--	12	20	--	20	20	50	O-O	<p>Boiling in Evaporators (multiple effect evaporators), centrifuging, iodization with KIO3 mixing . Mainly air polluting. Air pollution score is normalized to 100.</p>
47.	42	Manufacturing of mirror from sheet glass	--	--	--	20	--	20	20	50	O-O	<p>Evaporator &amp; furnace for heating the metal to be applied as reflector on mirror. Mainly air polluting.</p>
48.	44	Manufacturing of mosquito repellent coil	--	--	--	20	--	20	20	50	O-O	<p>Mainly air polluting. Toxic fumes are expected.</p>
49.	46	Manufacturing of Starch/Sago	25	-	25	15	-	15	15	50	R-O	<p>i. Water and air polluting industry. Boiler is used for steam generation.</p> <p>ii. Water &amp; air pollution scores are normalized to 100</p>
50.	46	Mechanized laundry using oil fired boiler	20	--	20	20	--	20	20	50	O-O	<p>Both air and water pollution are generated.</p>
51.	47	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)	--	--	--	20	--	20	20	50	O-O	<p>1. Mainly air polluting. Boiler as well as VOCs from use of adhesives. 2. Without boiler, it will be a Green category industry.</p>
52.	50	New highway construction project	-	-	-	20	-	20	20	50	R-O	<p>Mainly air polluting project.</p>

53.	51	Non-alcoholic beverages(soft drink) & bottling of alcohol/non alcoholic products	20	-	20	15	5	20	-	50	R-O	i. Both air and water polluting. Score is normalized with air & water pollution. This score is valid for industries having waste-water generation <100 KLD. ii. For the units having waste-water generation > 100 KLD the , normalized score would be 62.5 and categorized as Red.
54.	49	Paint blending and mixing (Ball mill)	20	--	20	20	--	20	10	50	O-O	Both air and water pollution are generated.
55.	62	Paints and varnishes (mixing and blending)	20	0	0	20	0	20	0	50	G-O	Waste-waters as well as fumes of VOCs due to solvents, pigments, varnishes.
56.	51	Ply-board manufacturing( including Veneer and laminate) with oil fired boiler/ thermic fluid heater(without resin plant)	0	--	0	20	--	20	--	50	O-O	Mainly air polluting because of use of boiler. AP score is normalized to 100
57.	52	Potable alcohol ( IMFL) by blending, bottling of alcohol products	20	--	20	--	--	--	--	50	O-O	Mainly water polluting. WP score is normalized to 100.
58.	54	Printing ink manufacturing	20	--	20	20	--	20	--	50	O-O	1. Pigments, binders and solvents are used. 2. Boiler is also used. 3. Emissions of VOCs take place.
59.	70	Printing press	20	0	20	20	0	20	0	50	G-O	Colored waste-waters containing dyes and VOC emissions are generated.
60.	59	Reprocessing of waste plastic including PVC	20	--	20	20	--	20	--	50	O-O	Large quantities of wash-water and fugitive emissions are generated.
61.	61	Rolling mill (oil or coal fired) and cold rolling mill	10	--	10	20	--	20	--	50	O-O	Mainly air polluting. Air pollution score is normalized to 100. Others - cooling water and recyclable waste oils etc. are generated.
62.	67	Spray painting, paint baking, paint shipping	--	--	--	20	--	20	10	50	O-O	Mainly air polluting. Emissions of VOCs and HC are generated.

63.	72	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	10	-	10	20	-	20	10	50	R-O	i. Mainly air polluting. In the emissions, oxides of manganese, nickel etc. are also present. ii. Air pollution score is normalized to 100.
64.	73	Stone crushers	-	-	20	20	-	20	-	50	R-O	Mainly air polluting. Air pollution score is normalized to 100.
65.	75	Surgical and medical products including prophylactics and latex	20	-	20	20	-	20	-	50	R-O	Both air as well as water polluting. Air and water pollution scores are normalized to 100.
66.	85	Tephlon based products	0	0	0	20	0	20	0	50	G-O	Due to spraying applications, emissions (HC) are generated
67.	70	Thermocol manufacturing ( with boiler)	--	--	20	20	--	20	--	50	O-O	Polystyrene is heated. Mainly air polluting with boiler.
68.	82	Tobacco products including cigarettes and tobacco/opium processes	20	-	20	20	-	20	-	50	R-O	Such industries generate both air as well as water pollution. These scores are normalized to 100.
69.	72	Transformer repairing/ manufacturing ( dry process only)	--	--	20	20	--	20	10	50	O-O	Mainly air polluting because of ovens, shot-blasting etc.
70.	73	Tyres and tubes vulcanization/ hot retreating	10	--	10	20	--	20	--	50	O-O	Mainly air polluting. Emissions of PM, VOCs and obnoxious odour are generated.
71.	83	Vegetable oil manufacturing including solvent extraction and refinery /hydrogenated oils	20	-	20	15	5	20	10	50	R-O	i. All sorts of pollution are generated. ii. This score is valid for plants having waste-water generation < 100 KLD. iii. If the waste-water generation is more than 100 KLD, the unit shall be classified as Red.
72.	74	Wire drawing and wire netting	20	--	20	--	--	--	--	50	O-O	Mainly water polluting. WP scores normalized to 100.

73.	21	Dry cell battery (excluding manufacturing of electrodes) and assembling & charging of acid lead battery on micro scale	30	--	30	15	--	15	10	55	O-O	Water and air polluting both.
74.	50	Pharmaceutical formulation and for R & D purpose ( For sustained release/ extended release of drugs only and not for commercial purpose)	20	--	20	20	--	20	15	55	O-O	i. All sorts of pollution are generated. ii. R&D activities are to be shifted to Red category.
75.	78	Synthetic resins	20	-	20	20	-	20	15	55	R-O	All sorts of pollution are generated.
76.	79	Synthetic rubber excluding molding	20	-	20	20	-	20	15	55	R-O	i. Most synthetic rubber is created from two materials, styrene and butadiene. Both are currently obtained from petroleum. ii. Process is similar to a part of Petrochemical plants.
77.	9	Cashew nut processing	25	--	25	20	--	20	--	56	O-O	Normal water and air polluting.
78.	12	Coffee seed processing	25	--	25	20	--	20	--	56	O-O	Normal water & air polluting industry.
79.	57	Parboiled Rice Mills	25	-	25	20	-	20	-	56	R-O	i. Rice Mills are generating both air and water pollution. Waste-waters are having high strength in respect of BOD. ii. This is the normalized air & water pollution score for units having waste-water generation < 100 KLD and fuel consumption less than 12 MTD. iii. For units having waste-water generation > 100 KLD or fuel consumption > 12 MTD or both , the unit shall be classified as Red.

80.	29	Foam manufacturing	--	--	--	20	--	20	15	58	O-O	i. Raw material is polyurethane, latex etc. ii. Emissions of VOCs and HAPs. CH3Cl2 and similar compounds as blowing agents. iii. Outdated raw materials and spoiled slots are discarded as HW.
81.	34	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.	10	0	10	20	0	20	15	58.33	R-O	Mainly air polluting and hazardous waste generating industry. Air pollution & HW scores are normalized to 100
82.	34	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.	-	-	-	20	0	20	15	58.33	R-O	Mainly air polluting and hazardous waste generating industry. Air pollution & HW scores are normalized to 100.
83.	56	Producer gas plant using conventional up drift coal gasification ( linked to rolling mills glass and ceramic industry refectories for dedicated fuel supply)	--	--	--	20	--	20	15	58.33	O-O	Mainly air polluting & tar (HW) generating. SO2, CO, NOx are generated. Tar is the by-product and utilized by other industries in co-processing.

Note :

i. Under the column Revised Category, the full forms of the abbreviations are as follows :

- R-R means original category was Red and revised category is also Red
- R-O means original category was Red and revised category is Orange
- O-O means original category was Orange and revised category is also Orange
- O-G means original category was Orange and revised category is Green
- O-W means original category was Orange and revised category is White
- G-O means original category was Green and revised category is Orange
- G-G means original category was Green and revised category is also Green
- G-W means original category was Green and revised category is White

- ii. 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 overall details are as follows:

Sl No.	Original SI No.	Industry Sector	Original Category	Remarks
1	24	Excavation of sand from the river bed (excluding manual excavation)	0	Since such types of activities cause ecological disturbances, the instructions issued by the government from time to time be followed. To be categorized by MoEF&CC.
2	39	Infrastructure Development Project	0	Vast variety of such projects come under such category. This is to be decided by the concerned SPCB in line of EIA Notification , 2006.
3	53	Power press	0	Very vague term hence deleted. Such types of general engineering units have already been covered.

Table G-4 : Final List of Green Category of Industrial Sectors

Sl. No.	Orgnl Sl. No.	Industry Sector	W1	W2	W	A1	A2	A	H	W+A+H	Revised Category	Remarks
1.	2	Aluminium utensils from aluminium circles by pressing only (dry mechanical operation)	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from buffing operations.
2.	6	Ayurvedic and homeopathic medicines (without boiler)	10	--	10	--	--	--	--	25	G-G	Small quantities of waste-waters are generated from washing operations.
3.	8	Bakery /confectionery /sweets products (with production capacity <1tpd (with gas or electrical oven)	10	--	10	--	--	--	--	25	G-G	Small quantities of waste-waters are generated from washing operations.
4.	6	Bi-axially oriented PP film along with metalizing operations	10	--	10	--	--	--	--	25	O-G	Mainly extrusion process involving water recirculation
5.	10	Biomass briquettes (sun drying) without using toxic hazardous wastes	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from pulverization / mixing operations.
6.	13	Blending of melamine resins & different powder, additives by physical mixing	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from pulverization / mixing operations.
7.	15	Brass and bell metal utensils from mechanical operation without re-rolling facility)	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from buffing operations.
8.	16	Candy	10	--	10	10	--	10	--	25	G-G	Small quantities of waste-water and minor

9.	17	Cardboard or corrugated box and paper products (excluding paper or pulp manufacturing and without using boilers)	--	--	10	--	10	--	10	--	25	G-G	PM emissions are generated. This score is valid with Small gas / electricity operated oven / furnace for making glue.
10.	18	Carpentry & wooden furniture manufacturing (excluding saw mill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc.	--	--	10	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from cutting operations.
11.	19	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)	--	--	10	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from mixing operations.
12.	20	Ceramic colour manufacturing by mixing & blending only (not using boiler and wastewater recycling process)	--	--	10	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions.
13.	11	Chilling plant, cold storage and ice making	10	--	10	--	10	--	--	--	25	O-G	Cooling water recirculation only.
14.	13	Coke briquetting ( sun drying)	--	--	10	--	10	--	10	--	25	O-G	Mainly air polluting industry. Sources of air pollution (PM) are pulverizes and mixers. Air pollution score is normalized to 100.
15.	28	Cotton spinning and weaving (small scale)	--	--	10	--	10	--	10	--	25	G-G	Minor PM emissions from spinning process.
16.	17	Dal Mills	--	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM.

17.	29	Decoration of ceramic cups and plates by electric furnace	--	--	--	10	--	10	--	10	--	25	G-G	Fumes of enamels. Minor air pollution.
18.	19	Digital printing on PVC clothes	--	--	--	10	--	10	--	10	--	25	O-G	Minor emissions / odour generations are expected.
19.	25	Facility of handling, storage and transportation of food grains in bulk	--	--	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM during handling of grains.
20.	36	Flour mills (dry process)	--	--	--	10	--	10	--	10	--	25	G-G	Fugitive dust emissions.
21.	41	Glass , ceramic, earthen potteries, tile and tile manufacturing using electrical kiln or not involving fossil fuel kiln	--	--	--	10	--	10	--	10	--	25	G-G	Minor fugitive emissions only.
22.	34	Glue from starch (physical mixing) with gas / electrically operated oven /boiler.	--	--	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM during mixing of raw materials.
23.	42	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)	--	--	--	10	--	10	--	10	--	25	G-G	Minor fumes from cleaning process.
24.	36	Heat treatment with any of the new technology like ultrasound probe , induction hardening , ionization beam, gas carburizing etc.	10	--	10	10	--	10	--	10	--	25	O-G	<ul style="list-style-type: none"> <li>Cooling waters and minor heat fumes.</li> <li>Finalization of categorization subject to field verification.</li> </ul>
25.	46	Insulation and other coated papers (excluding paper or pipe manufacturing)	--	--	--	10	--	10	--	10	--	25	G-G	Minor fumes due to application of polyurethane
26.	49	Leather foot wear and leather products (excluding tanning and hide processing except cottage scale)	--	--	--	10	--	10	--	10	--	25	G-G	Minor fumes due to use of adhesives / gums.

27.	50	Lubricating oil, greases or petroleum based products (only blending at normal temperature)	--	--	--	10	--	10	--	10	--	25	G-G	Minor fumes at the time of transfers from one container to other.
28.	54	Manufacturing of pasted veneers using gas fired boiler or thermic fluid heater and by sun drying	--	--	--	10	--	10	--	10	--	25	G-G	1. Minor fumes due to application of gums / adhesives / pastes etc. 2. This score is valid only for gas fired boiler.3. The units having coal fired boilers shall be categorized as Orange.
29.	59	Oil mill Ghani and extraction ( no hydrogenation / refining)	10	--	10	--	--	--	--	--	--	25	G-G	Small quantities of floor washings & equipments washings are generated.
30.	48	Packing materials manufacturing from non asbestos fibre, vegetable fibre yarn	--	--	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM are expected.
31.	65	Phenyl/toilet cleaner formulation and bottling	--	--	--	10	--	10	--	10	--	25	G-G	Minor fumes of VOCs in the work zone
32.	67	Polythene and plastic processed products (virgin plastic)	10	--	10	--	--	--	--	--	--	25	G-G	Cooling water & emissions due to mixing of raw materials.
33.	68	Poultry, Hatchery and Piggery	--	--	--	10	--	10	--	10	--	25	G-G	Obnoxious odour containing H <sub>2</sub> S, CH <sub>4</sub> etc. and fugitive PM emissions
34.	69	Power looms (without dye and bleaching)	--	--	--	10	--	10	--	10	--	25	G-G	Minor emissions of PM.
35.	71	Puffed rice (muri) (using gas or electrical heating system)	--	--	--	10	--	10	--	10	--	25	G-G	Minor emissions of PM.
36.	57	Pulverization of bamboo and scrap wood	--	--	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM are expected.
37.	72	Ready mix cement concrete	--	--	--	10	--	10	--	10	--	25	G-G	PM emissions.
38.	73	Reprocessing of waste cotton	--	--	--	10	--	10	--	10	--	25	G-G	PM emissions.
39.	60	Rice mill (Rice hullers only)	--	--	--	10	--	10	--	10	--	25	O-G	PM emissions are generated. Mainly air



52.	45	Hotels (up to 20 rooms and without boilers)	12	--	12	--	--	--	--	30	G-G	This score is valid for hotels having overall waste-water generation less than 10 KLD.
53.	53	Manufacturing of optical lenses (using electrical furnace)	12	--	12	--	--	--	--	30	G-G	Small quantities of waste-waters containing TDS, SS are generated.
54.	58	Mineralized water	12	--	12	--	--	--	--	30	G-G	RO Rejects.
55.	68	Tamarind powder manufacturing	12	--	12	15	--	15	15	33.75	O-G	<ul style="list-style-type: none"> <li>Dried tamarind fruits - cleaned and after soaking them in water they are boiled in steam jacketed kettle for about 40-45 minutes. Then pulp is extracted in pulper and dried in drum type drier and on cooling, the final product is packed.</li> <li>Generates small quantities of waste waters and air emissions. Joint score is normalized to 100.</li> </ul>
56.	15	Cutting, sizing and polishing of marble stone	15	--	15	--	--	--	--	37.5	O-G	Mainly water polluting . Water pollution score is normalized to 100.
57.	22	Emery powder ( fine dust of sand) manufacturing	--	--	--	15	--	15	15	37.5	O-G	Air polluting. PM emissions take place during various stages of grindings of naturally occurring minerals.
58.	25	Flyash export, transport & disposal facilities	-	-	-	15	-	15	15	37.5	R-G	<ul style="list-style-type: none"> <li>This is mainly air polluting activity.</li> <li>This is the normalized score based on air pollution.</li> </ul>
59.	48	Mineral stack yard / Railway sidings	15	-	15	15	-	15	15	37.5	R-G	<ul style="list-style-type: none"> <li>Mainly air pollution due to loading, unloading, storage and transportation of the minerals.</li> </ul>

60.	54	Oil and gas transportation pipeline	-	-	-	10	5	15	-	37.5	R-G	<ul style="list-style-type: none"> <li>Waste-water generation mainly during rains only.</li> <li>Contains small gas based power plants up-to 5 MWs.</li> <li>Air pollution score is normalized to 100.</li> <li>In case , if these power plants are bigger / liquid fuel / oil based, scores will be calculated accordingly.</li> </ul>
61.	64	Seasoning of wood in steam heated chamber	--	--	15	15	--	15	--	37.5	O-G	<ul style="list-style-type: none"> <li>Air pollution due to use boiler for supply of steam. Air pollution score is normalized to 100.</li> </ul>
62.	84	Synthetic detergent formulation	--	--	15	15	--	15	--	37.5	<b>G-G</b>	<ul style="list-style-type: none"> <li>This score is valid for the industries which are not manufacturing LABSA. It is procured from outside.</li> <li>Small quantities of emissions are generated from mini boiler.</li> <li>Air pollution score is normalized to 100.</li> </ul>
63.	69	Tea processing ( with boiler)	--	--	15	15	--	15	--	37.5	O-G	<ul style="list-style-type: none"> <li>With boiler, it is an orange category industry. Without boiler, it will be green category industry.</li> </ul>

**Note :**

- i. Under the column Revised Category, the full forms of the abbreviations are as follows :
- R-R means original category was Red and revised category is also Red
  - R-O means original category was Red and revised category is Orange
  - O-O means original category was Orange and revised category is also Orange
  - O-G means original category was Orange and revised category is Green
  - O-W means original category was Orange and revised category is White
  - G-O means original category was Green and revised category is Orange
  - G-G means original category was Green and revised category is also Green
  - G-W means original category was Green and revised category is White
- ii. 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. The overall details are as follows :

Sl No.	Original Sl No.	Industry Sector	Original Category	Remarks
1	47	Jobbing and Machining	G	Vague category to be deleted, as such activities have already been covered in other categories.
2	66	Reel manufacturing	G	Already covered in other categories. Hence, deleted
3	1	Assembling of acid lead batteries (up to 10 batteries per day excluding lead plate casting)	G	Already covered in Orange category. Hence, deleted
4	5	Automobile fuel outlets (only dispensing)	G	Minor air pollution due to some fugitive emissions during fuel filling operations. May be exempted from the purview of Consent management.
5	30	Diesel generator sets (15 KVA to 1 MVA)	G	<ul style="list-style-type: none"> <li>Normal operation – 12 hrs a day.</li> <li>Consumption of diesel = 1680 litres for 1 MVA DG set at full load @ 0.21 litres / KVA / hr.</li> <li>Stand-alone DG Sets having total capacity 1 MVA or less and equipped with acoustic enclosures along with adequate stack height may be exempted from the purview of Consent management. Higher capacity DG sets have already been covered under Red / Orange categories .</li> </ul>

Table G-5: Final List of White Category of Industries

Sl. No.	Orgnl Sl. No.	Industry Sector	W1	W2	W	A1	A2	A	H	W+A+H	Revised Category
1.	3	Assembly of air coolers / conditioners ,repairing and servicing	--	--	--	--	--	--	--	--	G-W
2.	4	Assembly of bicycles ,baby carriages and other small non motorizing vehicles	--	--	--	--	--	--	--	--	G-W
3.	7	Bailing (hydraulic press)of waste papers	--	--	--	--	--	--	--	--	G-W
4.	9	Bio fertilizer and bio-pesticides without using inorganic chemicals	--	--	--	--	--	--	--	--	G-W
5.	11	Biscuits trays etc from rolled PVC sheet (using automatic vacuum forming machines)	--	--	--	--	--	--	--	--	G-W
6.	12	Blending and packing of tea	--	--	--	--	--	--	--	--	G-W
7.	14	Block making of printing without foundry (excluding wooden block making)	--	--	--	--	--	--	--	--	G-W
8.	21	Chalk making from plaster of Paris ( only casting without boilers etc. ( sun drying / electrical oven)	--	--	--	--	--	--	--	--	G-W
9.	25	Compressed oxygen gas from crude liquid oxygen ( without use of any solvents and by maintaining pressure & temperature only for separation of other gases)	--	--	--	--	--	--	--	--	G-W
10.	27	Cotton and woolen hosiers making ( Dry process only without any dyeing / washing operation)	--	--	--	--	--	--	--	--	G-W
11.	31	Diesel pump repairing and servicing ( complete mechanical dry process)	--	--	--	--	--	--	--	--	G-W
12.	33	Electric lamp ( bulb) and CFL manufacturing by assembling only	--	--	--	--	--	--	--	--	G-W

13.	34	Electrical and electronic item assembling ( completely dry process)	--	--	--	--	--	--	--	--	--	--	G-W
14.	23	Engineering and fabrication units (dry process without any heat treatment / metal surface finishing operations / painting)	--	--	--	--	--	--	--	--	--	--	O-W
15.	35	Flavoured betel nuts production/ grinding ( completely dry mechanical operations)	--	--	--	--	--	--	--	--	--	--	G-W
16.	37	Fly ash bricks/ block manufacturing	--	--	--	--	--	--	--	--	--	--	G-W
17.	38	Fountain pen manufacturing by assembling only	--	--	--	--	--	--	--	--	--	--	G-W
18.	39	Glass ampules and vials making from glass tubes	--	--	--	--	--	--	--	--	--	--	G-W
19.	40	Glass putty and sealant ( by mixing with machine only)	--	--	--	--	--	--	--	--	--	--	G-W
20.	43	Ground nut decortating	--	--	--	--	--	--	--	--	--	--	G-W
21.	44	Handloom/ carpet weaving ( without dyeing and bleaching operation)	--	--	--	--	--	--	--	--	--	--	G-W
22.	48	Leather cutting and stitching (more than 10 machine and using motor)	--	--	--	--	--	--	--	--	--	--	G-W
23.	51	Manufacturing of coir items from coconut husks	--	--	--	--	--	--	--	--	--	--	G-W
24.	52	Manufacturing of metal caps containers etc	--	--	--	--	--	--	--	--	--	--	G-W
25.	55	Manufacturing of shoe brush and wire brush	--	--	--	--	--	--	--	--	--	--	G-W
26.	57	Medical oxygen	--	--	--	--	--	--	--	--	--	--	G-W
27.	60	Organic and inorganic nutrients ( by physical mixing)	--	--	--	--	--	--	--	--	--	--	G-W
28.	61	Organic manure (manual mixing)	--	--	--	--	--	--	--	--	--	--	G-W
29.	63	Packing of powdered milk	--	--	--	--	--	--	--	--	--	--	G-W
30.	64	Paper pins and u clips	--	--	--	--	--	--	--	--	--	--	G-W
31.	58	Repairing of electric motors and generators ( dry mechanical process)	--	--	--	--	--	--	--	--	--	--	O-W
32.	74	Rope (plastic and cotton)	--	--	--	--	--	--	--	--	--	--	G-W

33.	76	Scientific and mathematical instrument manufacturing	--	--	--	--	--	--	--	--	--	G-W
34.	78	Solar module non conventional energy apparatus manufacturing unit	--	--	--	--	--	--	--	--	--	G-W
35.	79	Solar power generation through solar photovoltaic cell, wind power and mini hydel power (less than 25 MW)	--	--	--	--	--	--	--	--	--	G-W
36.	83	Surgical and medical products assembling only (not involving effluent / emission generating processes)	--	--	--	--	--	--	--	--	--	G-W

Note : Under the column Revised Category, the full forms of the abbreviations are as follows :

- a. R-R means original category was Red and revised category is also Red
- b. R-O means original category was Red and revised category is Orange
- c. O-O means original category was Orange and revised category is also Orange
- d. O-G means original category was Orange and revised category is Green
- e. O-W means original category was Orange and revised category is White
- f. G-O means original category was Green and revised category is Orange
- g. G-G means original category was Green and revised category is also Green
- h. G-W means original category was Green and revised category is White



## MAHARASHTRA POLLUTION CONTROL BOARD

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Sub-Regional Office, Thane-II  
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Near Mulund Check Naka,  
Wagale Estate,  
Thane-400 604

Green/S.S.I

Date: 07/01/2019

Consent No: MPCB/ SRO-THANE II/CONSENT/O/1301000462

Consent to Operate under Section 26 of the Water (Prevention & Control of Pollution) Act, 1974 & under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and Authorization / Renewal of Authorization under Rule 6 of the Hazardous & Other Wastes (Management & Transboundary Movement) Rules 2016

[To be referred as Water Act, Air Act and H & OW (M&T) Rules respectively].

CONSENT is hereby granted to

M/s. R & B Infra Project Pvt. Ltd.,  
Sr. No. 52, Hissa No. 1, Sr. No.52, Hissa No.3, Sr.No. 52,  
Hissa No. 4, Village Maljipada, Tal. Vasai,Dist. Palghar.

located in the area declared under the provisions of the Water Act, Air act and Authorization under the provisions of H & OW (M&T) Rules and amendments thereto subject to the provisions of the Act and the Rules and the Orders that may be made further and subject to the following terms and conditions:

1. The Consent to Operate is granted for a period up to: 31/12/2024
2. The Consent is valid for the manufacture of –

Sr. No.	Product Name	Maximum Quantity	UOM
1	Ready Mix Concrete	60	M <sup>3</sup> /D

(Only mixing activity)

### 3. CONDITIONS UNDER WATER ACT:

(i) The daily quantity of trade effluent from the factory shall be Nil.

(ii) The daily quantity of sewage effluent from the factory shall not exceed 1.5 M<sup>3</sup>

(iii) **Trade Effluent Treatment:** The waste water generated from the sources like Batching Plant washing, Transit Mixer washing, Vehicle tyre washing and floor washing area shall be collected through well designed drainage system in a collection tank and the same shall be treated by providing comprehensive treatment system as is warranted to meet the disposal standards mentioned below.



T.C.

**Standards of the treated effluent Quality:**

Sr. No.	Parameter	Concentration	Limits
1	pH	Between	5.5 to 9.0
2	Oil & Grease	Not to exceed	10 mg/l
3	Suspended Solids	Not to exceed	100 mg/l
4	BOD – 3 days	Not to exceed	30 mg/l
5	COD	Not to exceed	150 mg/l
6	TDS	Not to exceed	2100 mg/l

(iv) **Trade Effluent Disposal:** The treated effluent shall be reused in the process, water sprinkling system or gardening / plantation only. There should not any discharge of effluent from the plant.

(v) **Sewage Effluent Treatment:** The applicant shall provide comprehensive treatment system as is warranted with reference to influent quality and operate and maintain the same continuously so as to achieve the quality of treated effluent to the following standards.

- |     |                   |               |     |       |
|-----|-------------------|---------------|-----|-------|
| (1) | Suspended Solids  | Not to exceed | 100 | mg/l. |
| (2) | BOD 3 days 27o C. | Not to exceed | 100 | mg/l. |

(vi) **Sewage Effluent Disposal:** The treated domestic effluent shall be soaked in a soak pit, which shall be got cleaned periodically. Overflow, if any, shall be used on land for gardening / plantation only.

(vii) **Non-Hazardous Solid Wastes treatment and disposal:**

Solid waste from transit mixture washing muck (debris/sludge) generated from RMC shall either be reused through recovery unit/Reclaiming system or disposed off at approved site by local body for debris / construction waste.

(viii) **Other Conditions:**

- Industry should monitor effluent quality regularly.
- The authority shall provide adequate water treatment and disposal facility for generated effluent from their activity. They shall comply with provisions under the Water (Prevention and control Pollution) Act, 1974.

4. The applicant shall comply with the provisions of the Water (Prevention & Control of Pollution) Cess Act, 1977 (to be referred as Cess Act) and amendment Rules, 2003 there under

The daily water consumption for the following categories is as under:

- |       |   |     |                        |
|-------|---|-----|------------------------|
| (i)   | Domestic purpose  | ... | 02.00 CMD              |
| (ii)  | Water gets Polluted & Pollutants are Biodegradable            | ... | 08.00 CMD (For Mixing) |
| (iii) | Water gets Polluted, Pollutants are not Biodegradable & Toxic | ... | 0.00 CMD               |
| (iv)  | Industrial Cooling, spraying in mine pits or boiler feed      | ... | 0.00 CMD               |

The applicant shall regularly submit to the Board the returns of water consumption in the prescribed form and pay the Cess as specified under Section 3 of the said Act.



**5. CONDITIONS UNDER AIR ACT:**

- (i) The applicant shall install a comprehensive control system consisting of control equipments as is warranted with reference to generation of emission and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards:

**a. Control Equipment:****(i) In-house measures:-**

1. All material transfer points should be covered
2. The dust containment system shall be provided incorporating either of the following:
  - Barricading all around the periphery of the plot boundary of height minimum 20 feet or 5 feet above free fall air emission area. Whichever is height with tin sheets same may extend above with netlon clothing whenever required.
  - Water sprinkling/Chemical dust stabilizing agent spraying system along the periphery inside the premises of RMC.
  - Tree plantation along the periphery inside boundary of the RMC premises having minimum width of 5 meters, on all sides. The foliage of the trees shall adequately cover area upto about 20m height.
3. Internal work area shall be, cement concreted/Asphalted.
4. Daily cleaning / Removal of dust accumulation inside the plant (dry/wet) shall be carry out with industrial vacuum cleaner.
5. Two level type washing facility shall be provided at entry and exit points, for transit mixture vehicle.

**Raw material storage & handling:-**

1. Storage silos of cement & fly-ash shall be adequate capacity of dust Collection system such as multi – cyclone followed by bag house assembly.
2. Handling of Cement, sand, fly ash and aggregates shall be carried out with mechanical closed system only.
3. Manual operations shall be permitted only in a closed shed, equipped with dust control system at the loading point as well as roof top secondary dust control system.
4. All Conveyor belts of Sand, aggregate shall be covered with tin sheets and at points dust collection system to be installed to avoid secondary fugitive emissions.
5. Mixing section of cement, aggregate & sand shall be equipped with adequate capacity dust collection system, such as multi-cyclone followed by bag houses, so as to limit dust emissions.
6. Storage area of sand & aggregates shall be equipped with roof top water sprinkler system.
7. The production plant shall be interlocked with air pollution control system.
8. Alternative power supply system should cover both the production and Air Pollution control system.

**Ambient air quality as a distance of 10 mtr form source or the plant boundary whichever is nearer, shall meet the following standards**

Particulate Matter PM 10	Not to Exceed	100	mg/m <sup>3</sup>
Particulate Matter PM 2.5	Not to Exceed	60	mg/m <sup>3</sup>



- (a) Commercial plants shall install a continuous ambient air quality monitoring station (CAAQMS) within the premises.
- (b) Captive plant shall carry out ambient air quality monitoring twice in a week for 24 hours.

**b. Conditions for D.G. Set (120 KVA):-**

- a. Noise from the D.G. Set should be controlled by providing an acoustic enclosure or by treating the room acoustically.
- b. Industry should provide acoustic enclosure for control of noise. The acoustic enclosure/ acoustic treatment of the room should be designed for minimum 25 dB (A) insertion loss or for meeting the ambient noise standards, whichever is on higher side. A suitable exhaust muffler with insertion loss of 25 dB (A) shall also be provided. The measurement of insertion loss will be done at different points at 0.5 meters from acoustic enclosure/room and then average.
- c. The industry shall take adequate measures for control of noise levels from its own sources within the premises in respect of noise to less than 55 dB(A) during day time and 45 dB(A) during the night time. Day time is reckoned between 6 a.m. to 10 p.m and night time is reckoned between 10 p.m to 6 a.m.
- d. Industry should make efforts to bring down noise level due to DG set, outside industrial premises, within ambient noise requirements by proper siting and control measures.
- e. Installation of DG Set must be strictly in compliance with recommendations of DG Set manufacturer.
- f. A proper routine and preventive maintenance procedure for DG set should be set and followed in consultation with the DG manufacturer which would help to prevent noise levels of DG set from deteriorating with use
- g. D.G. Set shall be operated only in case of power failure.
- h. The applicant should not cause any nuisance in the surrounding area due to operation of D.G. Set.

**c. Standards for Stack Emissions:**

- (i) The applicant shall observe the following fuel pattern:-

Sr. No.	Type Of Fuel	Quantity	UOM
1	Diesel	50	kg/hr

- (ii) The applicant shall erect the chimney(s) of the following specifications:-

Sr. No.	Chimney Attached To	Height in Mtrs.
1.	D.G. Set (120 KVA)	3.0 mtrs. above roof of the building in which it is installed

- (iii) The industry shall take adequate measures for control of noise levels from its own sources within the premises so as to maintain ambient air quality standard in respect of noise to less than 75 dB(A) during day time and 70 dB(A) during night time. Day time is reckoned in between 6 a.m. and 10 p.m. and night time is reckoned between 10 p.m. and 6 a.m.

**d. Noise pollution Control Measures :**

- (i) Ready mix concrete industry shall comply with the provisions under the Noise pollution
- (ii) (Regulation and Control) Rule 2000, to control Noise Pollution.

**Other Conditions:**

- a. Industry should monitor air quality regularly.
- b. The authority shall provide adequate Air pollution control arraignment at the source. They shall comply with the provisions under the Air (Prevention and Control of Pollution) Act, 1981 and conditions prescribed as above.
- c. The industry should not cause any nuisance in surrounding area.

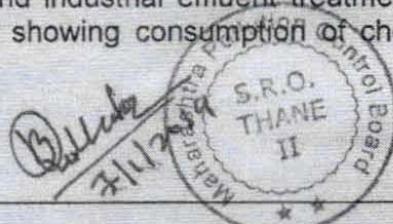
**6. CONDITIONS UNDER HAZARDOUS & OTHER WASTE (MANAGEMENT & TRANSBOUNDARY MOVEMENT) RULES, 2016:**

- (i) The Industry shall not generate any type of hazardous wastes.
- (ii) Treatment: - NIL

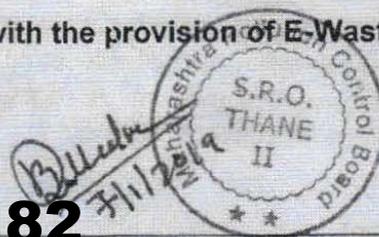
7. Whenever due to any accident or other unforeseen act or even, such emissions occur or is apprehended to occur in excess of standards laid down, such information shall be forthwith Reported to Collector, Directorate of Industry, Safety & Health, Police Satiation, Fire Brigade, Directorate of Health Services, Department of Explosives, Board & Local Body and the Production process should be stopped by taking all necessary safety measures. The industry shall also monitor the emission and ensure that the emissions do not cause any harm or nuisance in the surrounding. The industry should not restart the process without permission of the Board and other statutory organization as require under the law.

**8. Industry shall comply with following additional conditions:**

- i. The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
- ii. The applicant shall bring minimum 33% of the available open land under green coverage/ tree plantation.
- iii. Solid waste – The non hazardous solid waste arising in the factory premises, sweepings, etc., be disposed of scientifically so as not to cause any nuisance / pollution. The applicant shall take necessary permissions from civic authorities for disposal to dumping ground.
- iv. The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by he applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms & conditions of this consent regarding pollution levels.
- v. The applicant shall not change or alter quantity, quality, the rate of discharge, temperature or the mode of the effluent / emissions or hazardous wastes or control equipments provided for without previous written permission of the Board.
- vi. The applicant shall provide facility for collection of environmental samples and samples of trade and sewage effluents, air emissions and hazardous wastes to the Board staff at the terminal or designated points and shall pay to the Board for the services rendered in this behalf.
- vii. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent.
- viii. The firm shall submit to this office, the 30<sup>th</sup> day of September every year, the Environmental Statement Report for the financial year ending 31<sup>st</sup> March in the prescribed Form-V as pre the provisions of rule 14 of the Environment (Protection) (Second Amendment) Rules, 1992.
- ix. As inspection book shall be opened and made available to the Board's officers during their visit to the applicant.
- x. The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plants and air pollution control system. A register showing consumption of chemicals used for treatment shall be maintained.

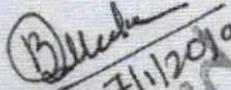


- xi. Separate drainage system shall be provided for collection of trade and sewage effluents. Terminal manholes shall be provided at the end of collection system with arrangement for measuring the flow. No effluent shall be admitted in the pipes / sewers down- stream of the terminal manholes. No effluent shall find its way other than in designed and provided collection system.
  - xii. Neither storm water nor discharge from other premises shall be allowed to mix with the effluents from the factory.
9. The applicant shall specify capacity of material handling and storage.
  10. The applicant shall carry out meteorological study specifically with directions & accordingly prepare plan to control of fugitive emissions / dust particles & suppression system.
  11. Operation of RMC plant shall be in day time only. The day time is reckoned in between 6 a.m. and 10 p.m.
  12. The remediation and restoration measure shall be taken by the project proponent in case of any environmental pollution in the surrounding area due to emission/effluent in excess of the standards being discharged/emitted in to the environment and violation of consent conditions and thereby causing environmental pollution.
  13. The project proponent should comply with other locational statutory requirements in force such as DC Rules etc.
  14. In case of failure of pollution control equipments, the production process connected to it shall be stopped, and shall not be restarted unless permission is obtained from Board.
  15. Consent is issued in regard to the Board's directions vide letter No. BO/AS(T)/TB/B-2182, dated, 03/06/2016.
  16. This consent should not be construed as exemption from obtaining necessary NOC from any other Government agencies as may deem fit necessary.
  17. The Board reserves the right to review, amend, suspend revoke etc., this consent and the same shall be binding to the applicant.
  18. Consent to Operate granted subject to obtain NOC from Directorate of Industries / DIC Thane / Local Body / Municipal Corporation.
  19. Consent to Operate granted subject to RMC Notification dtd. 07/11/2016. Industry shall comply guidelines of the said Notification.
  20. The applicant shall obtain NOC from Sanjay Gandhi National Park if applicable.
  22. The applicant shall obtain permission from Central Ground Water Board for the use of Ground Water.
  23. The applicant shall comply with the provision of E-Waste Management Rules, 2016.



24. Industry shall submit Bank Guarantee of Rs. 25,000/- within 15 days to Regional Officer, Thane towards compliance of consent conditions which shall be valid up to 31/12/2024 .
25. The applicant shall make an application for renewal of the consent at least 60 days before the date of the expiry of the consent
26. The Capital investment of the industry is Rs. 134.91 Lacs.

For and on behalf of the  
Maharashtra Pollution Control Board

  
(V. V. Killedar)  
Sub-Regional Officer, Thane-II

To,  
M/s. R & B Infra Project Pvt. Ltd.,  
Sr. No. 52, Hissa No. 1, Sr. No.52, Hissa No.3, Sr.No. 52, Hissa No. 4,  
Village Maljipada, Tal. Vasai,Dist. Palghar.

Received Consent fee of –

Sr. No.	Amount(Rs.)	Transaction No.	Date
1	10,000/-	TXN1812002942	26/12/2018
2	20,000/-	TXN1901000537	05/01/2019

Copy submitted to:

- 1) Chief Account Officer, M. P. C. Board, Sion, Mumbai.
- 2) Regional Officer, M. P. C. Board, Thane

Copy to:

Master file- 2018

T.C.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
**B.R. GAVAI; J., B.V. NAGARATHNA; J.**  
OCTOBER 21, 2022

THE STATE OF UTTAR PRADESH & ORS. ETC. ETC.

*versus*

UDAY EDUCATION AND WELFARE TRUST AND ANR. ETC. ETC.

**National Green Tribunal Act, 2010 - Appeal against NGT order that directed the State of Uttar Pradesh to not proceed with the proposal for establishment of new wood-based industries till an assessment of the actual availability of timber was done - Allowed - The Courts should not enter into an area that is the domain of the experts. FSI, an expert body, had arrived at its estimation based on the scientific method - NGT could not have sat in appeal over the opinion of the expert - While protecting the environment, the need for sustainable development has also to be taken into consideration and a proper balance between the two has to be struck - NGT has also failed to take into consideration the stand taken by the MOEFCC, which supported the stand of the State which had emphasized many advantages of granting new licenses to WBIs - While setting aside NGT orders, the following directions are issued (1) while granting permission for felling trees of the prohibited species, it should strictly ensure that the permission is granted only when the conditions specified in the Notification dated 7th January 2020 are satisfied. (2) The State Government shall also ensure that when such permissions are granted to the applicants, the applicants scrupulously follow the mandate in the said notification of planting 10 trees against 1 and maintaining them for five years.**

**National Green Tribunal Act, 2010 - When the credentials and bonafides of a litigant approaching the NGT are seriously raised, the same cannot be ignored Before a litigant is permitted to knock the doors of justice and seek orders which have far reaching effects of affecting the employment of thousands of persons, stopping investment in the State, prejudicing the interests of the farmers; the credentials and bonafides of the applicants must be tested. (Para 98-99)**

**Environment - The conservation of forest plays a vital role in maintaining the ecology. It acts as processors of the water cycle and soil and also as providers of livelihoods. As such, preservation and sustainable management of forests deserve to be given due importance in formulation of policies by the State. (Para 101)**

CIVIL APPEAL NOS.2407-2412 OF 2021 WITH CIVIL APPEAL NOS. 3144-3146 OF 2022 CIVIL APPEAL NOS.3132-3134 OF 2022 CIVIL APPEAL NOS.3135-3137 OF 2022 CIVIL APPEAL NO.3138 OF 2022 CIVIL APPEAL NOS.4061-4062 OF 2022 CIVIL APPEAL NO.3141 OF 2022 CIVIL APPEAL NOS.2547-2548 OF 2020 CIVIL APPEAL NOS.3142-3143 OF 2022 CIVIL APPEAL NOS.3147-3149 OF 2022

*For the parties : 26 (Appellant(s)) Mr. Vikas Singh, Sr. Adv. Mr. P.S. Patwalia, Sr. Adv. Mr. Rana Mukherjee, Sr. Adv. Mr. Kamendra Mishra, AOR 26.1 Ms. Prerna Singh, Adv. Mr. Guntur Pramod Kumar, AOR 26.2 Mr. V. Giri, Sr. Adv. Appellant(s) Mr. Rajeev Kumar Dubey, Adv. Mr. Saurabh Singh Chauhan, Adv. Ms. Saroj Tripathi, AOR 26.7 Mr. Syed Waseem Qadri, Sr. Adv. Appellant(s) Mr. Md. Rashid Saeed, AOR Mr. Saeed Quadri, Adv. 26.8,26.9 Mr. V.K. Uniyal, Sr. Adv. 3 Mr. Dinesh Kumar Garg, AOR Mr. Abhishek Garg, Adv. Mr. Dhananjay Garg, Adv. Mr. Ishaan Tiwari, Adv. Mr. Satyajeet Kumar, AOR 26.3 Mr. Vinay Navare, Sr. Adv. Mr. Rajesh Srivastava, AOR Mr. Gaurav Verma, Adv Mr. Neeraj Datt Gaur, Adv Mr. Lokesh Kumar Choudhary, AOR Ms. Saroj Tripathi, AOR Mr. A. Lakshminarayanan, AOR Mr. Rudraksh Gupta, Adv. Mr. A. Velan, Adv. Mr. Akhil P. Philip, Adv. Mr. Vishwadeep Chauhan, Adv. Mr. Vikalp Sharma, Adv. Mr. Ankolekar Gurudatta, AOR 26.4 Mr. V.K. Shukla, Sr. Adv Appellant(s) Mr. Ajay Singh, Adv. Mr. Ram Kumar, Adv. Mr.*

*Debasis Mukherjee, Adv. Mr. Lokesh Kumar Choudhary, AOR 26 to 26.9 Mr. Dhruv Mehta, Sr. Adv. R-1 Mr. Brijender Chahar, Sr. Adv. Mr. Vivek Gupta, AOR Mr. Mrinmay Bhattmewara, Adv. Mr. Rajvir Singh Bhati, Adv. Mr. Shyam R. Agarwal, Adv. Mr. Namit Saxena, AOR Ms. Aishwarya Bhati, Ld. ASG Ms. Suhashini Sen, Adv. Ms. Archana Pathak Dave, Adv. Ms. Chinmayee Chandra, Adv. Mr. Varun Chugh, Adv. Mr. Gurmeet Singh Makker, AOR Mr. Ansar Ahmad Chaudhary, AOR Mr. Rashid Hasan Adv. Ms. Shehla Chaudhary Adv. Mr. Md. Anas Chaudhary Adv. Dr. Vinod Kumar Tewari, AOR 4 Mr. Alok Kumar, AOR Mr. Nihal Ahmad, Adv. Mr. Arvind Kumar Shukla, Adv. Mr. Amit Kumar, Adv. Ms. Prachi Goyal, Adv. Ms. Anu Singla, Adv. Mr. Tushar Swahi, Adv. Mr. Vasu, Adv. Mr. Arvind Kumar Shukla, Adv. Mr. Vasu Chaudhar, Adv. Ms. Prachi, Adv. Mr. S. K. Verma, AOR Mr. Zulfiker Ali P. S, AOR Ms. Saroj Tripathi, AOR*

## J U D G M E N T

### B.R. GAVAI, J.

1. For the reasons stated in the applications for impleadment/intervention, the same are allowed.
2. This bunch of appeals challenges the order dated 18<sup>th</sup> February 2020, passed by the learned National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as “the learned NGT”) in Original Application Nos.313, 335 and 396 of 2019, thereby quashing and setting aside the notice dated 1<sup>st</sup> March 2019 issued by the State of Uttar Pradesh for establishing new wood based industries (hereinafter referred to as “WBIs”) and also setting aside all the provisional licenses given in pursuance thereof.
3. The appeals also challenge the orders dated 18<sup>th</sup> March 2020, 2<sup>nd</sup> December 2020, and 21<sup>st</sup> December 2020 vide which the review applications filed by the State of Uttar Pradesh and the provisional license holders have been rejected.
4. Civil Appeal Nos.2407-2412 of 2021 are filed by the State of Uttar Pradesh. The rest of the Civil Appeals are filed by the provisional license holders, who were granted licenses in pursuance of the notice dated 1<sup>st</sup> March 2019, issued by the State of Uttar Pradesh.

### FACTUAL BACKGROUND

5. For the sake of convenience, we will refer to the facts as found in Civil Appeal Nos. 2407-2412 of 2021 filed by the State of Uttar Pradesh.
6. There are series of orders passed by this Court and the Central Empowered Committee (hereinafter referred to as “CEC”) appointed by this Court, issuing various directions for prohibiting/regulating the felling of trees as well as the establishment of WBIs. We will refer to them extensively in the subsequent paragraphs.
7. In pursuance of the order passed by this Court dated 5<sup>th</sup> October 2015 in Writ Petition (Civil) No.202 of 1995 (T.N. Godavarman Thirumalpad vs. Union of India), the Ministry of Environment and Forest and Climate Change (“MOEFCC” for short) issued Wood Based Industries (Establishment and Regulation) Guidelines 2016 (hereinafter referred to as “2016 Guidelines”) vide Notification No. S.O. 3456 (E) dated 11<sup>th</sup> November 2016.
8. Subsequent to the 2016 Guidelines, timber assessment for Trees Outside Forest (“TOF” for short) in the State of Uttar Pradesh for WBIs was done for the period between February 2017 and December 2017 by the Forest Survey of India (“FSI” for short). The FSI thereafter submitted its report, which contains district wise, species wise and diameter class wise number of stems (trees), volume and annual potential production of timber from TOF in rural areas of all the districts of the State.
9. In pursuance of the 2016 Guidelines, the matter was placed before the State Level Committee (“SLC” for short) for grant of licenses to various WBIs. The SLC in its meeting held on 4<sup>th</sup> May 2018, considered the matter about the grant of licenses to various WBIs

after taking into consideration the availability of wood in the State of Uttar Pradesh for determining the amount of timber available for new WBIs. In the said meeting, it was also decided that, in order to determine the correct number of new licenses to be issued to WBIs under different categories against the timber available in the State, a reassessment may be done by the Indian Plywood Industries Research and Training Institute (“IPIRTI” for short).

**10.** In the meeting of the SLC, held on 7<sup>th</sup> September 2018, since it was found that the capacity of plywood units is taken as fixed by the 2016 Guidelines, which, in turn, was based on the assessment of IPIRTI, a decision was taken that there was no need for the fresh assessment of the capacity by IPIRTI.

**11.** In pursuance of the aforesaid decision, E-lottery was held on 12<sup>th</sup> December 2018 for grant of licenses to various WBIs for the establishment of WBIs in 8 categories. Between 12<sup>th</sup> December 2018 and 31<sup>st</sup> December 2018, online letters of offer were issued to 1348 successful applicants. Subsequently, in the months of February and March 2019, provisional licenses were issued to 1215 successful applicants in the 8 categories to set up their WBIs. Subsequent thereto, on 1<sup>st</sup> March 2019, a notice was issued by the Government of Uttar Pradesh communicating the grant of provisional licenses to the newly selected WBIs.

**12.** Being aggrieved thereby, Original Application No. 313 of 2019 came to be filed by Uday Education and Welfare Trust before the learned NGT in March 2019. Vide order dated 28<sup>th</sup> March 2019, the learned NGT directed the State Government to submit a report from the Joint Committee comprising of the representative of Principal Secretary (Forest), U.P. and the Principal Chief Conservator of Forest, U.P. to examine the issues.

**13.** Being aggrieved by the notice dated 1<sup>st</sup> March 2019 issued by the State Government, Original Application Nos. 335 and 396 of 2019 also came to be filed by Samvit Foundation and U.P. Timber Association respectively before the learned NGT.

**14.** In pursuance of the directions issued by the learned NGT, the Joint Committee Report came to be submitted on 3<sup>rd</sup> August 2019. Vide order dated 6<sup>th</sup> August 2019 passed in Original Application nos. 313, 335 and 396 of 2019, the learned NGT directed the State Government to review the notice dated 1<sup>st</sup> March 2019 with regard to the establishment of new WBIs by 1350 units strictly in terms of the judgment of this Court in the case of **T.N. Godavarma vs. Union of India**. Vide order dated 1<sup>st</sup> October 2019, the learned NGT directed the status quo to be maintained.

**15.** The State of Uttar Pradesh filed an Interlocutory Application No.732 of 2019 in O.A. Nos. 313, 335 and 396 of 2019, seeking modification of the order dated 6<sup>th</sup> August 2019 and the order dated 1<sup>st</sup> October 2019. Vide order dated 18<sup>th</sup> December 2019, the learned NGT issued directions to the State Government to provide certain data. Subsequently, vide the impugned order dated 18<sup>th</sup> February 2020, the learned NGT allowed the said Original Applications and quashed and set aside the notice dated 1<sup>st</sup> March 2019 issued by the State Government for establishing new WBIs and all the provisional licenses given.

**16.** Being aggrieved thereby, Civil Appeal (Diary) No.12004 of 2020 was filed before this Court. Vide order dated 26<sup>th</sup> October 2020, this Court dismissed the said appeals as withdrawn with a liberty to file review application before the learned NGT. Vide orders dated 18<sup>th</sup> March 2020, 2<sup>nd</sup> December 2020, and 21<sup>st</sup> December 2020, the learned NGT rejected the Review Applications.

**17.** The appellants, therefore, approached this Court being aggrieved by the orders passed by the learned NGT in the Original Applications as well as in the Review Petitions.

**SUBMISSIONS**

**18.** We have heard Shri Vikas Singh, Shri P.S. Patwalia and Mr. Rana Mukherjee, learned Senior Counsel appearing on behalf of the State of Uttar Pradesh, Shri V. Giri, Shri Syed Waseem Qadri, Shri V.K. Uniyal, Shri Vinay Navare, Shri V.K. Shukla, learned Senior Counsels, Ms. Prerna Singh, and Mr. Rudraksh Gupta, learned counsels appearing on behalf of the appellants, who were granted provisional licenses. We have also heard Shri Dhruv Mehta and Shri Brijender Chahar, learned Senior Counsels appearing on behalf of the respondent No.1.

**19.** Shri Vikas Singh, learned Senior Counsel, submitted that the decision of the State Government to establish WBIs is in accordance with the 2016 Guidelines issued by the MOEFCC. He submits that the timber requirement by 1215 new WBIs, which were issued provisional licenses is only 12.35 lakh cubic meters per year, whereas the total timber available in the State is 80.30 lakh cubic meters per year. It is, therefore, submitted that, as such, the requirement is not even 20% of the total availability of timber. Learned Senior Counsel submitted that the only authorized agency in the country to conduct a survey of the forest as well as TOF is FSI. It is submitted that the object of IPIRTI is not to conduct a survey of either forest or TOF. It is submitted that, as a matter of fact, the learned NGT itself has directed such a study to be conducted by FSI, who has already undertaken similar studies for many States like Punjab, Maharashtra and others. It is submitted that when the survey with regard to availability of timber in the State of Uttar Pradesh was done by the very same agency, the learned NGT fell in gross error in again directing the State Government to conduct such a survey through the FSI.

**20.** It is submitted that even the MOEFCC had supported the stand taken by the State of Uttar Pradesh and, therefore, the learned NGT ought not to have interfered with the decision of the State Government.

**21.** Shri P.S. Patwalia, learned Senior Counsel also submitted that the decision of the State Government was in tune with the decision of this Court dated 18<sup>th</sup> May 2007 and 5<sup>th</sup> October 2015 passed in Writ Petition (Civil) No.202 of 1995 (***T.N. Godavarman Thirumulpad vs. Union of India***). It is submitted that when an expert body like the FSI had done an elaborate study, there was no reason for the learned NGT to have sat in appeal over the same. He further submits that though a detailed affidavit has been filed on behalf of the State of Uttar Pradesh in compliance with the order of the learned NGT dated 18<sup>th</sup> December 2019, regarding the availability of timber, the learned NGT has totally ignored the same.

**22.** Shri V. Giri, learned Senior Counsel, submits that the learned NGT erred in passing orders which have vitally affected the rights of the citizens who were granted provisional licenses. He submits that the order impugned is totally in breach of the principles of natural justice. It is submitted that, from the perusal of the record, it is clear that the State of Haryana while calculating its requirement for wood also takes into consideration the import from the State of Uttar Pradesh. It is submitted that when there is excess wood available in the State of Uttar Pradesh, there is no reason why the same should be permitted to be exported to the State of Haryana at the cost of entrepreneurs in the State of Uttar Pradesh.

**23.** Shri Vinay Navare, learned Senior Counsel, submitted that the timber used in the WBIs is from the trees which are agro-based. He submits that though the State of Uttar Pradesh had adopted an elaborate procedure right from June 2018 till the grant of licenses, the applicants before the learned NGT had taken no steps. Shri Navare submits that only after the provisional licenses were issued and 632 out of 1215 WBIs provisional license

holders had already been established and commenced operations, the applications were entertained and the orders were passed to the prejudice of the WBIs. It is submitted that Section 19(1) of the National Green Tribunal Act, 2010 (hereinafter referred to as “the NGT Act”) mandates following of the principles of natural justice. It is submitted that though the applications for impleadment were made by the WBIs, the applicants were not granted an opportunity of being heard.

**24.** Shri V.K. Uniyal, learned Senior Counsel submitted that the learned NGT had erred in using the word “allotted”. It is submitted that there is no question of allotment of timber to the WBIs and they are required to purchase the same from the open market.

**25.** Shri V.K. Shukla, learned Senior Counsel submitted that the State Government decided to grant provisional licenses for 8 different categories of WBIs. The requirement of raw material for different categories of WBIs is different. It is submitted that the learned NGT has grossly erred in considering all categories of WBIs together and setting aside the licenses granted to all of them. It is submitted that the said industries are established in pursuance of the National Agro Forestry Policy of 2014 and as such the learned NGT ought not to have interfered.

**26.** Ms. Prerna Singh, learned counsel appears for the appellants, who have been granted provisional licenses for plywood (press only) category. She submits that for plywood (press only) industries, there is no requirement of consumption of timber directly. It is submitted that initially veneer is manufactured out of round/fresh timber. Veneer then so manufactured is glued and pressed together to manufacture plywood. It is submitted that the learned NGT has considered the requirement of timber as twice the actual requirement. She submits that in the State of Uttar Pradesh, veneer is manufactured in surplus, which is exported to the State of Haryana.

**27.** Shri Rudraksh Gupta, learned counsel, submits that the learned NGT has failed to take into consideration the report of the National Poplar Commission of India.

**28.** All the learned counsel appearing on behalf of the appellants, in unison, submit that the original applicants before the Court were not *bonafide* litigants. It is submitted that there are reasons to believe that the proceedings were initiated at the instance of either the existing WBIs in the State of Uttar Pradesh to prevent competition or they were filed at the instance of the WBIs in the State of Haryana who were importing timber from the State of Uttar Pradesh at cheaper rates.

**29.** Shri Dhruv Mehta, learned Senior Counsel appearing on behalf of the respondent No.1, on the contrary, submits that this Court has repeatedly held that the principles of sustainable development, the precautionary principle and the polluter pays principle are to be followed consistently. He raised a preliminary objection on the ground that in view of Section 22 of the NGT Act, the scope of an appeal before this Court could be limited to that of Section 100 of the Code of Civil Procedure, 1908. It is, therefore, submitted that unless a substantial question of law is raised, the appeal could not be tenable.

**30.** Shri Dhruv Mehta submits that this Court vide order dated 12<sup>th</sup> December 1996 has specifically prohibited the felling of trees in any forest, public or private. He further relies on the report of CEC dated 15<sup>th</sup> March 2005 to buttress his submission that WBIs can be permitted only if they exclusively use timber derived from poplar and eucalyptus species or agriculture waste products. It is submitted that the said guidelines also specifically provided that if the unit is found to have used any timber other than poplar and eucalyptus whether from a legal source or otherwise, the license granted to the unit shall be liable to be cancelled. He further relies on the report of CEC dated 12<sup>th</sup> October 2006. He submits that

an assessment has to be done on the basis of the district-wise survey about timber availability from the TOF category. He submits that the said report of CEC itself would reveal that the assessment of the State is much less than what was initially projected by the State Government. He submits that unless the timber availability for the new WBIs is assessed and the SLC examines and recommends its approval, it is not permissible to establish new WBIs.

**31.** Shri Mehta further submits that the report of CEC dated 18<sup>th</sup> April 2007, accepted by this Court vide its order dated 18<sup>th</sup> May 2007, would show that the availability of timber for WBIs in the State of Uttar Pradesh is only 45.70 lakh cubic meters per year. Learned Senior Counsel submits that taking into consideration the fact that presently many imported machines from China are being used, the capacity of the existing units has gone much higher and, therefore, the timber which is available in the State of Uttar Pradesh would not be sufficient to meet the demand of the existing industries.

**32.** Shri Mehta submits that when SLC in its meeting dated 4<sup>th</sup> May 2018 had decided to get a report from IPIRTI, there was no occasion for it to review its decision in its subsequent meeting dated 7<sup>th</sup> September 2018. He submits that the Senior Officer of the Forest Department of the rank of Chief Conservator of Forest, Kanpur Division, Kanpur recommended that the report from IPIRTI should be obtained before deciding to issue the new licenses. It is submitted that the letters of the said officer dated 11<sup>th</sup> September 2019 and 20<sup>th</sup> April 2018 have been ignored by the SLC.

**33.** Shri Dhruv Mehta further submits that Annexure-I to the 2016 Guidelines is in contravention of the recommendations of CEC, which takes the requirement of timber for plywood unit as "NIL".

**34.** The learned Senior Counsel submits that vide Notification dated 20<sup>th</sup> July 2012, the State of Uttar Pradesh had notified 7 species of trees in the prohibited category. However, vide another Notification dated 31<sup>st</sup> October 2017, the said trees were taken out of the prohibited category. The learned NGT had set aside the said Notification of 2017 by order dated 11<sup>th</sup> September 2018. It is submitted that the said order of the learned NGT has been accepted by the State of Uttar Pradesh and a fresh notification has been issued on 7<sup>th</sup> January 2020, again bringing the said trees in the prohibited category. The learned Senior Counsel submits that while assessing the availability of timber, the trees under the said prohibited category have also been taken into consideration. He submits that if 20.75 lakh cubic meters is deducted from the availability of the timber, then the timber available in the State would be much less.

**35.** The learned Senior Counsel further submits that the survey has not been conducted for all the districts and has been conducted only for 30 districts and, therefore, the survey itself is erroneous.

**36.** The learned Senior Counsel further submits that FSI, while conducting the survey, has not taken into consideration the rotation period and, therefore, the survey is erroneous on the said count also. Learned Senior Counsel, in support of his submissions, relies on the judgment of this Court in the cases of ***Common Cause vs. Union of India and others***<sup>1</sup>, ***Mantri Techzone Private Limited vs. Forword Foundation and others***<sup>2</sup>, ***Municipal***

<sup>1</sup> (2017) 9 SCC 499

<sup>2</sup> (2019) 18 SCC 494

**Corporation of Greater Mumbai vs. Ankita Sinha and Others<sup>3</sup> and Pragnesh Shah vs. Dr. Arun Kumar Sharma and others<sup>4</sup>.**

**37.** Shri Dhruv Mehta, relying on the judgment of this Court in the case of **Ankita Sinha and Others (supra)**, submits that this Court itself has considered the learned NGT to be a special Tribunal and held that it will even have jurisdiction to take suo motu cognizance of the environmental issues. He, therefore, submits that the arguments made on behalf of the appellants with regard to locus are without substance.

**38.** Shri Vikas Singh, learned Senior Counsel, in rejoinder, submits that the only distinction between the prohibited trees and non-prohibited trees is that the non-prohibited trees can be felled without permission, whereas prohibited trees can be felled only in certain circumstances and only after the requisite permission is granted. He submits that the perusal of the FSI survey would reveal that even after the timber requirement for 1215 new units is taken into count, the State, still, will have 26.36 lakh cubic meters in reserve. He submits that if the new WBIs are permitted, it would result in more farmers going in for agro forestry in the State, which, in turn, will increase the forest cover. It is submitted that said 1215 units are likely to give employment to around 80000 people. Learned Senior Counsel, therefore, submits that the impugned orders deserve to be quashed and set aside.

#### **EARLIER ORDERS OF THIS COURT**

**39.** For appreciating the rival submissions, it will be apposite to refer to certain orders passed by this Court.

**40.** This Court in the case of **T.N. Godavarman (supra)** passed an order on 12<sup>th</sup> December 1996. The relevant part thereof is as under:

“6. Each State Government should within two months, file a report regarding –

- (i) the number of saw mills, veneer and plywood mills actually operating within the State, with particulars of their real ownership;
- (ii) the licenced and actual capacity of these mills for stock and sawing;
- (iii) their proximity to the nearest forest;
- (iv) their source of timber.

7. Each State Government should constitute within one month, an Expert Committee to assess:

- (i) the sustainable capacity of the forests of the State qua saw mills and timber based industry;
- (ii) The number of existing saw mills which can safely be sustained in the State;
- (iii) The optimum distance from the forest, qua that State, at which the saw mill should be located.”

**41.** Vide subsequent order dated 4<sup>th</sup> March 1997<sup>5</sup>, this Court directed thus:

“6. All unlicensed saw mills, veneer and plywood industries in the State of Maharashtra and the State of Uttar Pradesh are to be closed forthwith and the State Government would not remove or relax the condition for grant of permission/licence for the opening of any such saw mill, veneer and plywood industry and it shall also not grant any fresh permission/licence for this purpose. The Chief

<sup>3</sup> 2021 SCC OnLine SC 897

<sup>4</sup> 2022 SCC OnLine SC 79

<sup>5</sup> (1997) 3 SCC 312

Secretary of the State will ensure strict compliance of this direction and file a compliance report within two weeks.”

**42.** Vide order dated 9<sup>th</sup> May 2002, this Court constituted CEC for monitoring of the implementation of the orders passed by this Court and for placing non-compliances of the cases before it.

**43.** Vide order dated 29<sup>th</sup> October 2002<sup>6</sup>, this Court further directed thus:

“**44.** No State or Union Territory shall permit any unlicensed sawmills, veneer, plywood industry to operate and they are directed to close all such unlicensed unit forthwith. No State Government or Union Territory will permit the opening of any sawmills, veneer or plywood industry without prior permission of the Central Empowered Committee. The Chief Secretary of each State will ensure strict compliance with this direction. There shall also be no relaxation of rules with regard to the grant of licence without previous concurrence of the Central Empowered Committee.

**45.** It shall be open to apply to this Court for relaxation and or appropriate modification or orders qua plantations or grant of licences.”

**44.** Vide order dated 1<sup>st</sup> September 2006, this Court allowed licenses to be issued to the closed sawmills, Veneer and Plywood units as per availability of timber and eligibility and seniority as per CEC recommendation.

**45.** In pursuance of the orders passed by this Court, SLC was constituted by the State of Uttar Pradesh for verification and compilation of information about closed WBIs.

**46.** The FSI conducted its assessment and assessed the annual availability of wood from TOF in the State of Uttar Pradesh at 55.61 lakh cubic meters vide report dated 3<sup>rd</sup> April 2007.

**47.** On the basis of the report of the FSI, the SLC assessed the annual availability of timber for WBIs from TOF at 53.01 lakh cubic meters. CEC further reduced the same to 43.70 lakh cubic meters. However, it added 2.00 lakh cubic meters per year as timber available from government forests, and, therefore, assessed the annual availability of timber at 45.70 lakh cubic meters.

**48.** It is to be seen that in its report itself, the CEC included 17.77 lakh cubic meters of timber from the prohibited species. This Court considered the report of CEC and passed the following order on 18<sup>th</sup> May 2007:

“The matters relate to Saw Mills, Plywood and Veneer Units.

The CEC has considered the availability of wood for the industries, which was assessed as 43.70 lakh cu. mt from trees outside forests and 02.00 lakh cu. mt from Government Forests.

It has also assessed the units into four categories.

We accept the CEC's recommendations. The Saw Mills, Plywood and Veneer Units may be permitted, on the basis of the recommendations made by the CEC.

Licences may be given by the State Level Committees.

If there are any objections regarding grant of licences, the parties would be at liberty to submit their applications before the CEC for consideration.”

**49.** It could thus be seen that in 2007 itself, this Court had accepted the recommendations of the CEC wherein the CEC had computed the total availability of timber and had also taken into consideration the availability of timber from the prohibited category.

<sup>6</sup> (2008) 16 SCC 337

**50.** Vide order dated 29<sup>th</sup> February 2008, this court considered the issue regarding the manufacturing of Medium Density Fiber board (MDF) and Particle board in the States of Punjab, Uttarakhand and Karnataka. While considering the same, this Court passed the following order:

“The matter relates to the manufacturing of Medium Density Fiber board (MDF) and Particle Board in the States of Punjab, Uttarakhand and Karnataka. CEC has filed its report and stated that there is a growing trend to use more and more MDF / Particle Board in place of industrial timber. The MDF/Particle Board help in reducing the pressure on natural forests. The lops and tops and small wood available from the plantations of eucalyptus, poplar, etc. raised on the non-forest can be used by MDF/Particle Board plants.”

**51.** In view of the permissions granted by this Court, the licenses were granted to the unlicensed sawmills which were closed on account of the orders passed by this Court taking into consideration the availability of timber between 2007 and 2010. However, it is to be noted that the said licenses were granted only to the units which were closed and not to the new units.

**52.** The matter again came up for consideration before this Court on 30<sup>th</sup> April 2010, when this Court passed the following order:

“(II) after meeting the requirement of the licensed wood based industry, the units permitted by this Hon'ble Court and the units whose category is yet to be finalised, the plywood/veneer units falling in category IV may be considered for grant of license to the extent of timber availability and strictly in the order of seniority, subject to the one-time payment of Rs.9 lakhs per press in respect of the veneer units and compliance of the other conditions that have been stipulated. The one-time payment of penalty will be in addition to the normal licence fee and the other charges, if any, payable to the U.P. Forest Department. As decided earlier, the above said amount should be kept in a designated interest bearing bank account and should be utilized only after the scheme in this regard is approved by this Hon'ble Court;”

**53.** It could thus be seen that this Court permitted granting of additional licenses if additional timber was found to be available.

**54.** The CEC in its meeting held on 26<sup>th</sup> May 2010 with the SLC and representatives of WBIs Associations in the State of Uttar Pradesh, after taking into consideration the capacity of timber for Vertical Band Saw (VBS) sawmill, modified/reduced the value of capacity of timber for VBS sawmills upto 10 Horse Power from 540 to 270 cubic meters per year for the State of Uttar Pradesh in line with other States. As such, additional 9,58,230 cubic meters of timber became available for licenses from 3,549 such VBS units. In view of this position between 2010 and 2015, licenses came to be issued by the State of Uttar Pradesh to unlicensed WBIs, which were closed earlier by the order of this Court, as per the criteria recommended by the CEC and accepted by this Court.

**55.** The matter again came up for consideration before this Court on 5<sup>th</sup> October 2015 with regard to WBIs, when this Court passed the following order:

**“CATEGORY I - MATTERS RELATING TO WOOD BASED INDUSTRIES:**

We have heard Shri Harish Salve, learned *amicus curiae*, Shri Ranjit Kumar, learned Solicitor General of India, Shri K.K. Venugopal, learned senior counsel and other learned senior counsel/counsels. Accordingly, we pass the following orders:

(i) The State Level Committees for Wood-Based Industries ("SLCs") are, subject to the compliance of the prescribed guidelines and procedure, authorized to take decisions regarding the grant of license/permission to the wood-based industries;

(ii) In each State/UT for which the SLC has so far not been constituted, the SLC under the Chairmanship of the Principal Chief Conservator of Forests with a representative of the Ministry of Environment and Forest and Climate Change ("MoEFCC") and an officer of the State Forest Department/Industries Department not below the rank of the Chief Conservator of Forests/equivalent rank will immediately be constituted;

(iii) The MoEF is authorized to issue appropriate guidelines in conformation with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to assessment of timber availability for wood-based industries and grant of license/permission to the wood-based industries including addition of new machineries and also utilization of amounts recovered from the wood-based industries and connected matters;

(iv) Any person aggrieved by the decision taken by the SLC may file an appeal before the MoEFCC seeking appropriate relief within 60 days' time. If, for any reason, any person is aggrieved by the orders so passed in the appeal, he may prefer an appropriate petition/application/appeal before the appropriate forum/Court for grant of appropriate relief(s).

We also permit the MoEFCC to condone the delay, if any, in filing an appeal, if sufficient cause is made out by the applicant(s)/appellant(s)"

**56.** It is thus seen that vide the said order, SLCs were authorized to take decisions regarding the grant of license/permission to the WBIs. Vide the said order, it was also directed to constitute SLC under the Chairmanship of the Principal Chief Conservator of Forest with a representative of MOEFCC and an officer of the State Forest Department/Industries Department not below the rank of the Chief Conservator of Forests/equivalent rank. This Court further directed the SLCs to be constituted in each State/Union Territory for which the SLC was not yet constituted. The MOEF was also authorized to issue appropriate guidelines in conformity with the orders and directions issued by this Court and also the existing guidelines to the SLCs relating to the assessment of timber availability for WBIs. Appeals could be filed before MOEFCC against the decision of the SLC.

### **MOEFCC GUIDELINES**

**57.** In accordance with the directions issued by this Court vide order dated 5<sup>th</sup> October 2015, the MOEFCC issued 2016 Guidelines on 11<sup>th</sup> November 2016. The 2016 Guidelines provided for the constitution of the SLC as well as the powers and functions of SLC. Under clause 4 of the 2016 Guidelines, the SLC was authorised to assess the availability of timber for wood based industrial units in the State/UT every five years. The SLC was also authorised to approve appropriate locations for setting up of wood based industrial units. It was also authorized to approve the name of wood based industrial units which may be considered for grant of fresh license or enhancement of the existing licensed capacity.

**58.** Clause 5 of the 2016 Guidelines provides for the assessment of the availability of timber for wood based industrial units. It requires that the quantity of timber would be assessed by commissioning the study, preferably in collaboration with institutes/universities of repute, once in five years. Under clause 6 of the 2016 Guidelines, the timber requirement for various units as assessed by IPIRTI was given in Annexure I. The said Annexure I reads thus:

"The Indian Plywood Industry Research and Training Institute (IPIRTI), Bangalore an autonomous body under the Ministry of Environment, Forest and Climate Change has assessed the timber requirement per unit for peeling length of 4 feet and 8 feet size in the plywood/veneer units as 5 cu.mt and 11 cu.mt. respectively per day on an average of 8 working hours per day. By assuming that the peeling units work for 8 hours per day on an

average for 300 days in a year the normal timber requirement of the peeling length of 4 feet size in veneer units is 1500 cu.mt. The total timber requirement for the stand alone veneer units may be assessed by calculating the equivalent number of 4 feet length machines and by taking its normal installed capacity as 1500 cu.mt. per annum.

The timber requirement of a plywood unit may be taken as 'nil' on the ground that the round timber is used as timber in the veneer units only and that the plywood units are the secondary users which use the veneer as the raw material produced by the veneer units. The plywood units use presses of various sizes such as 8x4x6, 8x4x12, 8x4x15, 4x4x7, 4x4x10. A 8x4x10 capacity press can produce upto 10 plywood pieces of 8'x4' size per hour whereas a 8x4x15 capacity press can produce upto 15 plywood pieces of 8'x4' size per hour and so on. The normative installed capacity of the plywood units will accordingly depend upon the number and the type of presses. This number and type of presses installed in each of the plywood unit may be assessed and thereafter equivalent number or presses of 8x4x10 capacity may be calculated. The normative annual timber requirement for a integrated plywood unit having a 8x4x10 capacity press may be taken as 2000 cu.mt. per annum, and accordingly the total requirement of timber for the plywood units should be calculated.”

**59.** It could thus be seen that even as per the assessment of the IPIRTI, the timber requirement of a plywood unit is required to be taken as 'NIL' on the ground that the round timber is used as timber in the veneer units only and that the plywood units are the secondary users which use the veneer as raw material. It could thus be seen that the plywood units use presses of various sizes.

**60.** In pursuance of the 2016 Guidelines, the SLC was reconstituted in the State of Uttar Pradesh under the Chairmanship of Principal Chief Conservator of Forest/Head of Forest Department on 17<sup>th</sup> May 2017. Vide Notification dated 11<sup>th</sup> September 2017, the MOEFCC amended the 2016 Guidelines.

**61.** Subsequently, in accordance with the 2016 Guidelines, the SLC assessed the availability of timber for WBIs in the State of Uttar Pradesh, through the FSI. For assessing the availability of timber, the FSI conducted a survey and arrived at the annual potential production of timber from TOF in rural areas of all the districts of the State. FSI assessed the annual potential production from TOF at 77.74 lakh cubic meters. Subsequent to the survey and assessment, the SLC in its meeting dated 4<sup>th</sup> May 2018 considered the matter for grant of license to various WBIs. The SLC decided to get the reassessment done by IPIRTI to determine the correct number of new licenses to be issued to WBIs under different categories against the available timber. However, subsequently, the SLC, in its meeting dated 7<sup>th</sup> September 2018, found that IPIRTI had not done any new study/assessment of the consumption of timber by various WBIs in any State/Union Territory. It was also found that the State of Haryana had adopted the timber consumption figures based on the CEC figures of 2007. It was therefore unanimously resolved by the SLC that there was no need for any fresh study/assessment for the consumption of timber by WBIs to be conducted by IPIRTI and to adopt the figures for WBIs as were referred to in the 2016 Guidelines. It further found that the CEC in its meeting dated 26<sup>th</sup> May 2010 had reduced the annual consumption of timber of sawmills upto 10 Horse Power or less HP to 270 cubic meters from 540 cubic meters.

**62.** On the basis of the decision of the SLC, e-lottery was held. After following the procedure, provisional licenses were issued to 1215 successful applicants in 8 categories of WBIs in February and March 2019. After the issuance of provisional licenses, on 1<sup>st</sup> March 2019, the State Government issued a Notice with regard to grant of provisional licenses to

the newly selected WBIs which came to be challenged before the learned NGT by way of filing the aforesaid Original Applications by the respondents. The learned NGT after passing various interlocutory directions finally passed the impugned order and quashed and set aside the notice dated 1<sup>st</sup> March 2019 issued by the State Government and provisional licenses given in pursuance thereof. As such we are required to examine the correctness of the decision of the learned NGT.

### **CONSIDERATIONS**

**63.** The learned NGT while passing the impugned order has set aside the notice of the State of Uttar Pradesh on the following grounds:

(1) that the WBIs can be allowed to operate only after ensuring timber and raw material availability to sustain such industries and this has to be determined in actual terms and not on mere assumptions;

(2) that it is difficult to accept the stand of the State of Uttar Pradesh that there was availability of timber/raw material to sustain the new WBIs;

(3) that it is the stand of the State of Uttar Pradesh that the total potential availability of timber per year in the State of Uttar Pradesh is 80.30 lakh cubic meters, which includes 2.56 lakh cubic meters from the Government forests and 77.74 lakh cubic meters from TOF. Out of 80.30 lakh cubic meters, 71.8 lakh cubic meters were stated to be available from 22 species and 8.50 lakh cubic meters from the other species. Out of 22 species, there are 10 species that are prohibited from felling and as such, 20.75 lakh cubic meters from these 10 species are liable to be excluded;

(4) that the major contribution is from Eucalyptus (28 lakh cubic meters) and Poplar species (15 lakh cubic meters), a total of which is 43 lakh cubic meters. Thus, the figure is not actual but presumptive;

(5) that the standard error percentage adopted by the FSI is not correct and is much higher;

(6) that the total availability of timber for consumption including that from the government forests would not be more than 40-45 lakh cubic meters per year;

(7) that the potential availability of 77.74 lakh cubic meters from TOF as given in the affidavit has been overestimated.

**64.** It is to be noted that after this Court allowed the licenses to be issued to the closed sawmills vide order dated 1<sup>st</sup> September 2006, the SLCs were constituted. The permissions were to be granted on the recommendations of the CEC. Vide order dated 18<sup>th</sup> May 2007, this Court had also accepted the recommendation of the CEC. Vide another order dated 30<sup>th</sup> April 2010, this Court permitted additional licenses to be granted if additional timber was available. Accordingly, licenses were granted between 2010 and 2015. Vide subsequent order dated 5<sup>th</sup> October 2015, this Court allowed the grant of license/permission to unlicensed WBIs in the country. This Court had directed the reconstitution of the SLCs for WBIs. In pursuance of the directions issued by this Court, the 2016 Guidelines were issued by the MOEFCC. As per the 2016 Guidelines, the SLC was reconstituted in the State of Uttar Pradesh on 17<sup>th</sup> May 2017.

**65.** One of the duties which was cast upon the SLC was to assess the availability of timber for wood based industrial units in the State. The SLC was to assess the availability of timber by commissioning studies, preferably in collaboration with institutes/universities of repute,

once in five years. In accordance with the 2016 Guidelines, the FSI conducted the survey and submitted its report in March 2018. It will be relevant to refer to the relevant part of the Foreword of the said report of the FSI.

“In the recent past, a number of requests were received for establishment of wood based industries in the state for which the raw material would come from outside the forest areas. Since accurate assessment of TOF is needed for effective planning & management, Uttar Pradesh Forest Department requested FSI to make Agro-Climatic zone wise assessment on the basis of inventory already done during its regular course of inventory conducted in the State. As per the final report, the total stems as estimated from the study is 299.43 million with a volume of 79.40 m. cum. The total yield in the Uttar Pradesh is estimated 7.8 million cum.

The report gives an assessment of the growing stock existing outside state forest reserves. The report has also indicated district-wise, species-wise and girth class-wise number of stems and volume in each Agro-Climatic Zone wise of inventoried districts. I am confident that this report would provide useful data for arriving at informed policy and programme interventions to give a fillip to forestry sector in the state besides providing benchmark data for tree crop in non-forest area.”

**66.** After conducting the survey, the FSI has come to a finding that the State of Uttar Pradesh had an annual potential production of 77,74,521 cubic meters of timber. For conducting the survey, the FSI acquired satellite data for the inventoried districts of Uttar Pradesh State from National Remote Sensing Centre, Hyderabad. The entire gambit of scientific methodology was applied. The data processing was carried out independently for all the inventoried districts of Uttar Pradesh. It will be relevant to refer to the following part of the report of the FSI:

“The data processing was carried out independently for all the inventoried districts of Uttar Pradesh. Estimates of stems per ha and volume per ha were generated according to species and diameter class for block, linear and scattered stratum under each district. Estimated stems and their volumes were generated according to species and diameter class by aggregating stem per hectare and volume per hectare over the entire Rural CNF Area of each stratum for each district by combining the estimated stems and volumes under block, linear and scattered stratum. By aggregating the estimates of stems and volume of all the three strata, the estimates of stems and volumes according to species and diameter class has been prepared for Rural area separately.”

**67.** The FSI had also divided the State of Uttar Pradesh into 9 Agro-climatic zones to generate the estimate of growing stock and annual potential production. Districtwise production was estimated before concluding that 77,74,521 cubic meters of timber was the annual potential production. The contention of the respondents that the rotation method was not applied is totally incorrect. It will be relevant to refer to paragraph 5.4 of the said report, which reads thus:

**“5.4 Estimates of Annual Potential Production of Wood from TOF (Rural)** Yield of a forest depends on several factors such as its structure, growth, density, productive capacity of site etc. The estimate of yield been generated for rural area using growing stock estimates. The Uttar Pradesh Forest Department was supplied the complete list of tree species which were found in the survey. The Uttar Pradesh Forest Department was asked to indicate tree species being used as 'timber' and 'non timber' and rotation period of specified timber species. ***The Uttar Pradesh Forest Department informed that they do not have rotation period of all species and requested Forest Survey of India to use their rotation period used for estimation of annual potential production of wood.*** The species are arranged into two groups; one containing the species having timber values and another containing rest by agro-climatic zone wise. The yield has been calculated using Von Mentel formula as given below:

$$\text{Yield} = 2GS/R$$

Where GS: Growing Stock

R: rotation period

Using the information of timber value, growing stock and rotation period in the above mentioned formulae species wise yield were calculated. The AgroClimatic Zone wise yield has been given in Annexure-11.”

[emphasis supplied]

**68.** The standard error was also determined by applying the appropriate scientific method.

**69.** The FSI, hence, considered various aspects before concluding and submitting its 101 page report.

**70.** It could thus be seen that the estimation as arrived at by the FSI was by applying a proper and adequate scientific method.

**71.** However, it is surprising that the learned NGT has brushed aside such a scientific exercise by merely observing that the figures arrived at were by estimation and not realistic.

**72.** The FSI has published a paper on “Trees Outside Forest Resources in India”. The contributors to the said paper are (1) Dr. Subhash Ashutosh, DG, FSI; (2) Prakash Lakhchaura, DDG, FI, (3) Kamal Pandey, DD, FI; (4) Dr. Sourav Ghose, Proj. Scientist D; (5) Sushila Tripathi; and (6) H.K. Tripathi. The paper shows that the timber and panel products of TOF origin have emerged as the major alternative to timber from forests and thus TOF have significantly obviated pressure from forests. The report shows that, the extent of TOF in the country has been assessed at 29.38 m hectare, which is around 8.94% of the total geographical area of the country. The report further shows that based on the recommendations of the National Commission on Agriculture (NCA, 1976), the Government of India launched a social forestry program in the late seventies on a large scale. The paper further shows that, these days satellite data in a wide range of spectral, spatial, radiometric and temporal resolutions are available from various Remote Sensing Agencies of several countries. It further shows that there has been a rapid advancement in the development of digital image processing software. It, therefore, observes that the desired mapping of natural resources with reasonable accuracy is possible. The report refers to the methodology of assessment of TOF in different countries of the world and refers to various authorities. It refers to different types of methodologies used for different periods; the first one being from 1991 to 2001; the second period being from 2001 to 2016; and the third period being from 2016 onwards. The report shows that the State of Maharashtra has the highest potential annual yield of timber in India followed by the States of Uttar Pradesh and Karnataka.

**73.** It will be relevant to refer to the conclusion of the said paper, which is as follows:

#### **“5. Conclusion**

TOF play a significant role in the socioeconomic lives of people both in rural and urban areas of the country by enriching the people and society at large economically as well as ecologically. The management of TOF assumes high significance in the country for realizing much higher potential which it offers in generating wood based economy and ecosystem services including carbon sequestration. Periodic assessment of TOF resources including its spatial distribution is prerequisite for its scientific management in the country. FSI is mandated with this task however there is need for continuous improvement in the methodology and inclusion of more number of variables in the assessment. The organization will have to be further strengthened particularly in terms of man power, to address the emerging information needs on TOF. There has been regular refinement in methodologies in the last three decades to quantify TOF resources using various statistical designs

and estimates with better precision. The advancement of technologies in the field of remote sensing, satellite image processing and availability of high resolution satellite data made the methodology much precise and easier. The progression of science may further refine the existing method of TOF assessment in near future.

TOF also act as an important source for timber and fuel wood to meet the demands of fast growing population of the country. There is a need to put focus on increasing the growing stock per hectare or yield of TOF by better management and planning. There is also a need for a separate policy on TOF to ensure its expansion and sustainable management for multiple ecological benefits, timber production, carbon sequestration and for obviating pressure from the natural forests.

Occupying nearly 9% of the geographical area of the country, TOF are significant natural, renewable resource which make vital contribution to the agro-ecology, socio-economy of the rural areas, environmental amelioration in the urban areas and feed wood based industries with the raw material and thus generate significant employment. TOF form a nearly 38% of the carbon sink in forest & tree cover of the country. TOF offers the path for achieving the national policy goal of 33% of forest & tree cover in the country. Through expansion of TOF, particularly in agro-forestry and on culturable waste lands, India can substantially increase its carbon sink to achieve its international commitments of NDC and LDN by 2030.”

**74.** It could thus be seen that the FSI has also emphasized the need of promoting TOF. It has been observed that TOF are significant natural, renewable resources which make vital contributions to the agro-ecology, socio-economy of the rural area, and environmental amelioration in the urban area and feed WBIs with raw material and thus generate significant employment.

**75.** It is our considered view that, when the estimation was done by the FSI by applying the scientific method and had arrived at the conclusion based on satellite data, such a report could not have been brushed aside by the learned NGT lightly.

**76.** Insofar as the finding of the learned NGT that the survey also takes into consideration the prohibited trees, the felling of which is not permissible, it will be relevant to note that the Notification dated 7<sup>th</sup> January 2020 issued by the Government of Uttar Pradesh provides that the prohibited trees shall not be felled till 31<sup>st</sup> December 2025 except under unavoidable circumstances, such as when a tree is dead or dying or it constitutes a danger to persons or property, or its felling is necessary for executing development work approved by the Government, or if the fruit bearing capacity of such tree has declined substantially. Such trees cannot be felled unless permission to fell such tree has been obtained in writing from the competent authority. The tree owners are also required to maintain 10 trees in place of each tree felled. It is thus clear that there is no absolute prohibition for felling the trees which are in the prohibited category. However, the same can be done only in exceptional circumstances.

**77.** It is to be noted that the prohibited trees also include trees like Mango, Jamun, etc. which are fruit bearing trees. After a particular number of years, the fruit bearing capacity of such trees drastically reduces and as such, the farmers normally fell such trees and go in for replantation of the orchard. Apart from that, it is to be noted that the CEC itself approved the availability of timber for the State of Uttar Pradesh in its report dated 19<sup>th</sup> April 2007, which included 17.77 lakh cubic meters of prohibited trees. The said report of the CEC was approved by this Court vide its order dated 18<sup>th</sup> May 2007.

**78.** It is further to be noted that in pursuance of the order of the learned NGT dated 28<sup>th</sup> March 2019, a Committee of Experts [Joint Committee comprising of representative of Principal Secretary (Forest), U.P. and Principal Chief Conservator of Forest, U.P.] had submitted its report on 3<sup>rd</sup> August 2019. Not only this, but in pursuance of the directions

issued by the learned NGT on 18<sup>th</sup> December 2019, another detailed affidavit was filed on behalf of the State Government on 21<sup>st</sup> January 2020, giving therein the details about the availability of timber. It was specifically stated in the said affidavit that eucalyptus and poplar are the main species of TOF and 80% of the wood is derived therefrom. It was further pointed out that the farmers in the State of Uttar Pradesh were not getting remunerative prices and are forced to sell their produce at a very cheap rate mainly to middlemen. It was also pointed out that there would be an expected investment of about Rs.3000 crore in the State with the establishment of new WBIs. The same would employ more than 80000 people, mostly in the rural areas of the State. However, all these factors have been ignored by the learned NGT.

**79.** As such, the learned NGT has grossly erred in deducting the availability of timber from the prohibited trees. By now, it is more than settled that the Courts should not enter into an area that is the domain of the experts. FSI, which is undisputedly an expert body, had arrived at its estimation based on the scientific method. The learned NGT could not have sat in appeal over the opinion of the expert.

**80.** It is relevant to note that MOEFCC, in pursuance of the directions issued by the learned NGT had filed its opinion on 18<sup>th</sup> December 2019. It will be relevant to refer to paragraph 8 of the said opinion.

“8. That based on the examination of available documents in light of the provisions of the Wood Based Industries (Establishment and Regulation) Rules, 2016, MoEFCC is of the opinion that the State of U.P. has followed the Wood Based Industries (Establishment and Regulation) Guidelines, 2016 (as amended in 2017) issued by MoEFCC. The availability of wood in the State has also been assessed by the SLC through FSI. The Ministry is, therefore, of the view that the SLC may approve setting up of new industries in the State if it is satisfied that sufficient timber is available legally to run the new wood based industries.”

**81.** The learned NGT has failed to take into consideration the stand of the MOEFCC, which also supported the stand of the State that sufficient timber was available legally to run the new WBIs.

**82.** Insofar as the contention of the learned counsel for the respondents that, though in the meeting of the SLC dated 4<sup>th</sup> May 2018, it was decided to get the assessment done by IPIRTI, the SLC in its meeting dated 7<sup>th</sup> September 2018 did a volte-face and decided not to get the assessment done from IPIRTI, the perusal of the minutes of the meeting of the SLC dated 7<sup>th</sup> September 2018 would reveal that it was found that the IPIRTI had not done any new study/assessment of the consumption of timber by various WBIs in any State/Union Territory. It was noticed that, as per the report of the FSI, the TOF available was 77,74,522 cubic meters. Adding the timber available in the forest area of 2,57,273 cubic meters, the total quantity of availability of timber was 80,31,795 cubic meters. It is to be noted that the SLC had taken note of the letter dated 29<sup>th</sup> August 2018 issued by the Director, IPIRTI, where he had communicated that no assessment pertaining to the annual consumption of timber by Veneer and Plywood Industries was undertaken by the IPIRTI during the last two years in any State of the country. It was found that the 2016 Guidelines itself provided for annual consumption of timber based on the report of IPIRTI. In this premise, it was found that there was no need to conduct a fresh study/assessment for the consumption of timber by WBIs by IPIRTI. It was decided to accept the figures as provided in the 2016 Guidelines.

**83.** It can thus be seen that the decision of the SLC for not getting the assessment done by the IPIRTI is based on sound reasons. When the 2016 Guidelines itself provided for the consumption of timber by WBIs based on the report of the IPIRTI, there was no purpose to again get the assessment done by IPIRTI. The scope of judicial review has been succinctly

explained by this court in the case of *Tata Cellular vs. Union of India*<sup>7</sup>, which has been consistently followed in a catena of cases. This Court, in the said case, observed thus:

“77. The duty of the court is to confine itself to the question of legality. Its concern should be:

1. Whether a decision-making authority exceeded its powers?
2. Committed an error of law,
3. committed a breach of the rules of natural justice,
4. reached a decision which no reasonable tribunal would have reached or,
5. abused its powers.

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfilment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

- (i) Illegality : This means the decisionmaker must understand correctly the law that regulates his decisionmaking power and must give effect to it.
- (ii) Irrationality, namely, Wednesbury unreasonableness.
- (iii) Procedural impropriety.

The above are only the broad grounds but it does not rule out addition of further grounds in course of time. As a matter of fact, in *R. v. Secretary of State for the Home Department, ex Brind* [(1991) 1 AC 696] , Lord Diplock refers specifically to one development, namely, the possible recognition of the principle of proportionality. In all these cases the test to be adopted is that the court should, “consider whether something has gone wrong of a nature and degree which requires its intervention”.

**84.** Applying the aforesaid principle to the present case, it cannot be said that the decision-making process has been vitiated either on account of illegality, irrationality or procedural impropriety.

**85.** With regard to the contention of Shri Dhruv Mehta, learned Senior Counsel, that Annexure I to the 2016 Guidelines providing the timber requirement of a plywood unit to be taken as “NIL” is contrary to the CEC recommendations is concerned, we do not find any substance in the said submission. Firstly, 2016 Guidelines have been issued by the MOEFCC in pursuance of the directions issued by this Court dated 5<sup>th</sup> October 2015. In any case, the raw material for plywood industries is ‘Veneer’ and the raw material for veneer is ‘timber’. We find substance in the contention of the appellants that, if timber is to be considered again as a raw material for plywood, then it will amount to showing the consumption of the same timber more than once, which is, in fact, not consumed. It is not in dispute that veneer is a raw material for plywood, which is derived from timber. The same timber is used for deriving veneer and such veneer, which is used for manufacturing plywood, cannot be counted twice. In any case, as long as the 2016 Guidelines which are issued in pursuance of the directions issued by this Court are not set aside, the contention in that regard is without substance.

**86.** That leads us to consider the contention of the respondents that this Court has repeatedly emphasized the principles of sustainable development, the precautionary

<sup>7</sup> (1994) 6 SCC 651

principle and the polluter pays principle. No doubt that the protection of the environment is of utmost importance. It is the duty of this generation to protect the environment for future generations.

## **CONCLUSION**

**87.** It cannot be disputed that Section 20 of the NGT Act itself directs the learned Tribunal to apply the principles of sustainable development, the precautionary principle and the polluter pays principle. Undisputedly, it is the duty of the State as well as its citizens to safeguard the forest of the country. The resources of the present are to be preserved for the future generations. However, one principle cannot be applied in isolation of the other.

**88.** It is necessary that, while protecting the environment, the need for sustainable development has also to be taken into consideration and a proper balance between the two has to be struck.

**89.** A body having expertise in the field, i.e. the FSI, upon a scientific study, has concluded that there is sufficient timber available in the State of Uttar Pradesh. Not only that, but the respondents themselves have placed on record a project report on "Study to know the percentage and value of the raw material sourced through U.P. Forests by Plywood and Khair (Kattha) Industries in U.P.". The said report is prepared by RAK Management Consultants on the instructions of the Department of Planning, Economic and Statistics Division, Government of Uttar Pradesh. The said report itself shows that the consultants, during the field survey, observed resentment among the plywood manufacturers against the process of issuing new licenses to the WBIs by the State Government.

**90.** The report further goes on to show that on average 1500-1700 trucks/tractor trollies of the eucalyptus and popular wood from all over Haryana, Punjab, Himachal Pradesh and Uttar Pradesh go to Yamuna Nagar, Haryana daily. Out of the said trucks/trollies, approximately 300350 tractor trollies and some other small vehicles per day come from Uttar Pradesh. The report shows that approximately 5 to 6 lakh metric tons of timber per year is exported to Yamuna Nagar. The said material belongs to the western districts of Uttar Pradesh, i.e. Muzaffarnagar, Saharanpur, Shamli, Baghpat and Meerut. It is stated that there is no sufficient market for this produce in the said area. The report further finds that the western districts of Uttar Pradesh, i.e. Meerut, Muzaffarnagar, Saharanpur, Baghpat and Shamli, etc. do not have sufficient number of plywood and veneer units and as such, they are not sufficient for the entire farmers' produce available in the said area. The report itself shows that the western districts need around 80-85 plywood and veneer units. The report goes on further to show that there is dissatisfaction among the already existing industrialists about the assessment made by the FSI.

**91.** It is further to be noted that the State has specifically pointed out before the learned NGT that on the establishment of WBIs, an investment of about Rs.3000 crore was likely to be attracted in the State; employment opportunities to over 80000 people will be available and the farmers of the State would get a more remunerative price. This would result in more impetus for large-scale plantation and agro-forestry. The State also emphasized that this will reduce dependence on traditional/cash crops and also reduce migration of people to urban areas. It is also emphasized that if the new WBIs are permitted, it will reduce the import of WBIs produce. However, all these aspects have not been taken into consideration by the learned NGT.

**92.** It will be relevant to note that the Forest Research Institute, Dehradun, Uttarakhand has published 'Country Report of Poplars and Willows Period : 2012-2015'. The report states that the timber from poplar and willow is the backbone of vibrant plywood, board, match,

paper and sports goods industries. The report further states that in tune with Indian Agroforestry Policy 2014, the plantation of poplar has been promoted. It further states that the Planning Commission of India has given special grants to certain States for the diversification of agriculture where farmers are advised to move away from paddy cultivation to sustain agricultural production. Poplar and eucalyptus are among the few trees promoted under this diversification plan. The report states that Poplar plays a significant role in rural development by generating employment for many categories of skilled, semi-skilled and unskilled workers.

**93.** The paper on “Trees Outside Forest Resources in India” published by the FSI, cited supra, also emphasizes that TOF are significant natural, renewable resources which make vital contributions to the agro-ecology, socio-economic improvement of the rural areas, environmental amelioration in the urban areas and feed WBIs with raw material and thus generate significant employment. TOF form nearly 38% of the carbon sink in the forest and tree cover of the country. It states that TOF offers the path for achieving the national policy goal of 33% of forest and tree cover in the country. It states that through the expansion of TOF, particularly in agro-forestry and on culturable waste lands, India can substantially increase its carbon sink to achieve its international commitments of NDC and LDN by 2030.

**94.** As already discussed herein above, the majority of TOF is from two species, i.e. Poplar and Eucalyptus. These trees are fast growing. If a market is available for the said trees, there will be impetus to the farmers for large scale plantations. The rotation in these species is quite fast. This will, in turn, increase the green coverage. We are of the considered view that the learned NGT has taken a lopsided view. It has failed to take into consideration the concerns expressed by the State. The learned NGT has committed patent error in ignoring the expert’s report and sitting in appeal over the same. The learned NGT has also failed to take into consideration the stand taken by the MOEFCC, which supported the stand of the State. As already discussed herein above, the State had emphasized many advantages of granting new licenses to WBIs. It was also emphasized that the timber from the State of Uttar Pradesh was being exported to the State of Haryana. However, none of these aspects have been considered by the learned NGT. We are, therefore, of the considered view that the impugned orders of the learned NGT are not sustainable in law.

**95.** There is another reason, in our view, why the order of the learned NGT would not be sustainable. Though, on the date on which the review applications were rejected, 1215 provisional licenses were already granted and 633 units had already been established and commenced production, the learned NGT has passed the impugned order which adversely affects their interest. Either some of such industries ought to have been impleaded in their representative capacity or a public notice should have been given so that such license holders could have represented their case. However, the said contention is lightly brushed aside by the learned NGT by holding that, since the issue is related to the general decision of the State which is applicable uniformly to all the proposed provisional licensees, it is not necessary to consider the issue raised in the impleadment applications. It is more than a settled law that the principles of natural justice are required to be followed even in administrative actions when such actions adversely affect the rights of the citizens. When the learned NGT exercised its judicial powers, it could not have ignored the principles of natural justice, which, even under Section 19(1) of the NGT Act, it is bound to follow.

**96.** Another aspect that needs consideration is that a serious issue was raised before the learned NGT by the appellants herein with regard to the credentials and *bonafides* of the original applicants.

**97.** When the matter was heard by us, we too made pertinent queries to Shri Mehta and Shri Chahar with regard to the credentials of the applicants before the learned NGT. One applicant is Uday Education and Welfare Trust; the second applicant is Samvit Foundation and the third applicant is U.P. Timber Association. Undisputedly, the U.P. Timber Association was a litigant interested in the litigation. However, insofar as the other original applicants, i.e. Uday Education and Welfare Trust and Samvit Foundation, for whom Shri Dhruv Mehta and Shri Brijender Chahar, learned Senior Counsel are appearing, specific queries with regard to the activities undertaken by the said original applicants were made as to whether they were involved in any activity with regard to the protection of the environment; had they at least been engaged in promoting plantation; what were the aims and objectives of the said original applicants; and what are the sources of funding, etc. Shri Mehta and Shri Chahar, learned Senior counsel, fairly submitted that apart from the fact that they (original applicants) had previously filed some public interest litigations wherein orders were passed in their favour, they had no other information.

**98.** Shri Dhruv Mehta, learned Senior Counsel has rightly relied on the judgment of this Court in the case of ***Ankita Sinha and Others (supra)*** to submit that the learned NGT is empowered to take suo motu cognizance. This Court has held that, taking into consideration the nature of functions of the learned NGT, it cannot be equated with other Tribunals and in environmental matters, it will also have a power to take *suo motu* cognizance. However, when the credentials and *bonafides* of a litigant approaching the learned NGT are seriously raised, the same cannot be ignored.

**99.** We find that before a litigant is permitted to knock the doors of justice and seek orders which have far reaching effects of affecting the employment of thousands of persons, stopping investment in the State, prejudicing the interests of the farmers; the credentials and *bonafides* of the applicants must be tested. In the present case, there is scope to infer that the litigation could be at the behest of the existing WBIs who wanted to avoid competition and continue to get raw material at a cheaper rate. There is also scope to infer that it could be at the behest of the WBIs in the adjoining Yamuna Nagar district of Haryana where lakhs of tons of timber is exported from the State of Uttar Pradesh. There is scope to infer that it could be in the interest of middlemen who are engaged in exporting timber from Uttar Pradesh to Haryana. We would, therefore, only request the learned NGT that, when credentials and *bonafides* of such litigants are seriously raised and when entertaining the grievance of such litigants, which is likely to adversely affect the rights of many, it should ensure the *bonafides* and credentials of such litigants.

**100.** Though we are allowing the appeals, setting aside the orders of the learned NGT, and upholding the action of the State Government in granting licenses, we would like to remind the State and its authorities that it is their duty to protect the environment. The State and its authorities should ensure that necessary steps are taken for arresting the problem of declining forest and tree cover. The State and its authorities should make meaningful and concerted efforts to ensure that the green cover in the State of Uttar Pradesh is not reduced and to ensure that it increases.

**101.** The conservation of forest plays a vital role in maintaining the ecology. It acts as processors of the water cycle and soil and also as providers of livelihoods. As such, preservation and sustainable management of forests deserve to be given due importance in formulation of policies by the State. In this regard, it will be apposite to refer to certain earlier pronouncements of this Court.

(a) In the case of ***Samatha vs. State of A.P. and Ors.***<sup>8</sup>, a three-Judge Bench of this Court after referring to the earlier judgment in the case of ***State of H.P. and others vs. Ganesh Wood Products and others***<sup>9</sup> observed that, even while considering the grant of renewal of mining leases, the provisions of the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 would apply. This Court held that the MOEF and all the States have a duty to prevent mining operations affecting forests. It further observed that, whether mining operations are carried on within the reserved forest or other forest area, it is their duty to ensure that the industry or enterprise does not denude the forest to become a menace to human existence nor a source to destroy flora and fauna and biodiversity. It has further been held that if it becomes inevitable to disturb the existence of forests, there is a concomitant duty upon the State to reforest and restore the green cover and to ensure adequate measures to promote, protect and improve both man-made and natural environment, flora and fauna as well as biodiversity. It further held that there can be no distinction between government forests and private forests in the matter of forest wealth of the nation and in the matter of environment and ecology.

(b) In the case of ***Essar Oil Ltd. vs. Halar Utkarsh Samiti and others***<sup>10</sup>, this Court discussed the need for a balance between the economic and social needs and development on the one hand and environment considerations on the other. It was observed that laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other. In this regard, the observations of this Court in the case of ***Indian Council for Enviro-Legal Action vs. Union of India and others***<sup>11</sup> were quoted as under:

“While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment.”

(c) In the case of ***Maharashtra Land Development Corporation and others vs. State of Maharashtra and another***<sup>12</sup> reference was made to ***Glanrock Estate Private Limited vs. State of Tamil Nadu***<sup>13</sup> wherein it was observed as under:

“27. .... Forests in India are an important part of the environment. They constitute [a] national asset. In various judgments of this Court delivered by the Forest Bench of this Court in *T.N. Godavarman Thirumulpad v. Union of India* (Writ Petition No. 202 of 1995), it has been held that ‘intergenerational equity’ is part of Article 21 of the Constitution.

28. What is intergenerational equity? The present generation is answerable to the next generation by giving to the next generation a good environment. We are answerable to the next generation and if deforestation takes place rampantly then intergenerational equity would stand violated.

29. The doctrine of sustainable development also forms part of Article 21 of the Constitution. The ‘precautionary principle’ and the ‘polluter pays principle’ flow from the core value in Article 21.

<sup>8</sup> AIR 1997 SC 3297 = (1997) 8 SCC 191

<sup>9</sup> (1995) 6 SCC 363

<sup>10</sup> (2004) 2 SCC 392

<sup>11</sup> (1996) 5 SCC 281

<sup>12</sup> (2011) 15 SCC 616

<sup>13</sup> (2010) 10 SCC 96

30. The important point to be noted is that in this case we are concerned with vesting of forests in the State. When we talk about intergenerational equity and sustainable development, we are elevating an ordinary principle of equality to the level of overarching principle.”

(d) Of course, one cannot ignore one of the several dicta of this Court in ***T.N. Godavarman Thirumulkpad vs. Union of India and others***<sup>14</sup> wherein this Court enunciated the definition of “forest” in the following words:

“4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term “forest land”, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof...”

**102.** Though we find that for the sustainable development of the State and on account of the availability of the timber, sanction of granting licenses can be permitted to continue, however, as a responsible State, it needs to ensure that environmental concerns are duly attended to. We, therefore, direct the State Government to ensure that while granting permission for felling trees of the prohibited species, it should strictly ensure that the permission is granted only when the conditions specified in the Notification dated 7<sup>th</sup> January 2020 are satisfied. The State Government shall also ensure that when such permissions are granted to the applicants, the applicants scrupulously follow the mandate in the said notification of planting 10 trees against 1 and maintaining them for five years.

**103.** In the result, the appeals are allowed. The impugned orders passed by the learned National Green Tribunal, Principal Bench, New Delhi in Original Application Nos.313, 335 and 396 of 2019 as well as in the Review Applications are quashed and set aside.

**104.** Pending applications, if any, shall stand disposed of.

No costs.

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T.C.



**MAHARASHTRA POLLUTION CONTROL BOARD**

Sub Regional Officer, Thane-II

Date:- 28/12/2022

## Visit Report

1. Name and Address of the Industry :- M/s. R & B Infra  
Sr.No. 52, H.No.1, S.No.52, H.No.3, S.No.52, H.No.4, Vill- Maljipada, Tal- Vasai, Dist- Palghar
2. Person Contacted :- Mr. Vikram Singh Charan
3. Contact Details :- Ph. 9773130906  
E-mail;:- [rmc@rathore.co](mailto:rmc@rathore.co)
4. Consent Status :- 31/12/2021
5. Effluent Generation M3/d :- I.E.- D.E. 1.5 CMD
6. Effluent Disposal :- -
7. ETP Details :- Primary/ Secondary/ Tertiary
8. Apc Details :- Dust Collector/ Scrubber/ Bag Filter  
Chimney height:
9. Hazardous Waste Generation Details :- Category:-  
Quantity:-

## OBSERVATION

- During visit industry was found not in operation Board has issued CD on 02/04/2020
- Instructed to industry not to start production activity till obtain restart directions.

FO/SRO/RO  
(J. B. Bhusara) FO

1)	<b>R6 - M/s Super RMC Buildcon Pvt Ltd</b>	
1	Name of RMC	M/s Super RMC Buildcon Pvt Ltd, Sr. No. 45, Hissa No. 1, Village Maljipada, Taluka Vasai, District Palghar
2	Validity of Consent	30.11.2027
3	Legal Action Status	Board had issued Closure Direction on 02.04.2020.
4	Present status	After compliance made by the industry Board has issued Conditional Restart Direction on 17.11.2022. Plant is in operation
5	NOC from Local body	Obtained NOC from Local Body
6	Remarks	<b>Complied with consent conditions</b>
2)	<b>R7 - M/s Creative RMC</b>	
	Name of RMC	M/s Creative RMC, (presently known as M/s Jijau Construction Road Builder Pvt. Ltd) Survey No. 52/4, Village Maljipada, Taluka Vasai, District Palghar
	Validity of Consent	M/s Creative RMC sold the Plant to M/s Jijau Construction Road Builder Pvt. Ltd Valid upto 31.1.2024
	Legal Action Status	Board has issued Show Cause Notice to M/s Jijau Construction on 16.06.2022.
	Present status	Plant is in operation
	NOC from Local body	Obtained NOC from Local Body
	Remarks	<b>Complied with consent conditions.</b>
3)	<b>R8 - M/s M.E. Infraproject Pvt Ltd</b>	
	Name of RMC	M/s M.E. Infraproject Pvt Ltd, Survey No. 50, Hissa No. 1 Near Ramdev Studio, Near Lodha Dham, Village Maljipada, Taluka Vasai, District Palghar.
	Validity of Consent	31.05.2025
	Legal Action Status	Board had issued Closure Direction on 02.04.2020
	Present status	After compliance made by the industry Board has issued Conditional Restart Direction on 11.01.2021. Plant is in operation
	NOC from Local body	NOC from Local body
	Remarks	<b>Complied with consent conditions</b>
4)	<b>R9 – M/s Skyland RMC Infra</b>	
	Name of RMC	M/s Skyland RMC Infra, CTS No. 50/1 & 45/2, Village Maljipada, Taluka Vasai, District Palghar.
	Validity of Consent	30.09.2025
	Legal Action Status	Board has issued Closure Direction on 02.04.2020
	Present status	After compliance made by the industry Board has issued Conditional Restart Direction on 11.01.2021. Plant is in operation
	NOC from Local body	Obtained NOC from Local Body
	Remarks	<b>Complied with consent conditions.</b>
5)	<b>R10 - M/s R &amp; B infra</b>	
	Name of RMC	M/s R & B infra,

		S.No. 52, Hissa No. 1, 3 & 4, Village Maljipada, Taluka Vasai, District Palghar.
Validity of Consent		31.12.2024
Legal Action Status		Board has issued Closure Direction on 02.04.2020
Present status		Plant is not in operation.
NOC from Local body		Obtained NOC from Local Body
Remarks		<b>Unit is not complied but closed</b>
<b>6)</b>	<b>R11 - M/s. Sardar Concrete</b>	
Name Of RMC		M/s. Sardar Concrete, S.No.47/5, 52/ 1, Village Maljipada, Taluka Vasai, District Palghar
Validity of Consent		31.07.2025
Legal Action Status		Board had issued Closure Direction on 02.04.2020
Present status		After compliance made by the industry, Board has issued Conditional Restart Direction on 11.01.2021. Plant is in operation
NOC from Local body		Obtained NOC from Local Body
Remarks		<b>Complied with consent conditions.</b>
<b>7)</b>	<b>R12 - M/s New India RMC</b>	
Name of RMC		M/s New India RMC (presently known as M/s Bucon RMC LLP), Survey No. 39, Hissa No. 2 & 3, Village Maljipada, Taluka Vasai, District Palghar.
Validity of Consent		30.11.2024
Legal Action Status		Board has issued Closure Direction on 02.04.2020
Present status		After compliance made by the industry Board has issued Conditional Restart Direction on 17.11.2022. Plant is in operation
NOC from Local body		Obtained NOC from Local Body
Remarks		<b>Complied with consent conditions</b>
<b>8)</b>	<b>R14 - M/s J Kumar Infra</b>	
Name of RMC		M/s J Kumar Infra, Tejdeep Compound, Opp Gaimukh Naka, Ghodbunder Road, Thane - 400601.
Validity of Consent		Consent was valid up to 31.10.2019. Further renewal of consent is refused on 26.02.2020
Legal Action Status		Board has issued Closure Direction on 27.03.2019
Present status		Visited unit on 30.12.2022 & observed that, RMC plant is not in operation since last one year as informed by industry representative. Electric supply is re-connected on 28.08.2022 by MSEDCL. As reported by industry representative, electric supply is only for casting yard, office & labor camp
NOC from Local body		Obtained letter from MMRDA dtd .01.10.2019 for metro line 4A Corridor dedicated project
Remarks		Restart order not issued as location of the plant comes under Sanjay Gandhi Eco Sensitive Zone.

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रघुनाथ भालचंद्र महाबळ

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**Ax. G**

23 February 2023

To

The Chairman

**Central Pollution Control Board**

New Delhi

The Member Secretary

**Maharashtra Pollution Control Board**

Sion East, Mumbai

**Subject:** Matter of re-classification of Ready-Mix Cement Concrete Plants from Green Category to White.

- Ready Mix Cement Concrete Plants : Green Category to be revised to White
- Methodology for Normalization of scores to be corrected : "Table-4 Calculation Sheet" on Page 14 of the Final Document on Classification of Industrial Sectors dated 29-Feb-2016, Circulated by CPCB on 07-March-2016

Sir,

1. Recently, during the course of handling a matter at the NGT WZ, Pune, related to the RMC plants, flawed classification of RMC has been noticed by me.
2. It is observed from the CPCB document related to this subject that the '**Table G-4: Final List of Green Category of Industrial Sectors**' is starting from Page No.42.
3. In this schedule, on Page No.45 Sr.no.37, it is apparent from the points/marks given that RMC plants don't have Water Pollution and Hazardous Waste Score. RMC have only Particulate Matter (PM) as pollutant and hence Score is 10. The score for Water and Hazardous Waste is specifically mentioned as "—" (not applicable / NIL / Zero).
4. However, the 'normalized score' is 25 as it is  $(100/40) \times 10 = 25$ . This is not justified, I think. The Score given is sort of negative marking/points. It relates to the pollution potential and/or environmental impact that can be caused from that industry.
5. There is no need to normalize the score to 100. It should be a plain and simple addition of the score/s for respective sectors.
6. The classification ought to be on the basis of straight simple addition of the (negative) score of the sectors where there are emissions or pollution.

7. Hypothetically, if RMC plant also gets say 5 (negative) points each on Water pollution and Hazardous Waste generation, the score will be only 20. i.e., more pollution/emissions and the (negative) score will be less. Air Pollution Part-2 Group A2F2 does have a score of 5. There is Hazardous Waste Generation score of 10 each for HW3 and HW4. i.e., if the industry generates these two kinds of wastes more, even then it will be at par with RMC. This is incorrect.
  
8. Since CPCB has issued Directions u/s.18(1)(b) of the Water/Air Acts for compliance of categorisation of industries, there is no flexibility left with SPCBs. Hence, the correction/modification, if any, has to be done by CPCB.
  
9. In view of the above, **you are requested to consider to scraping the 'Table-4: Calculation Sheet on Page No. 14'**.

Regards.

 Signed by: RAGHUNATH  
BHALCHANDRA MAHABAL  
Reason: Letter to CPCB  
Location: Pune, India  
Date: 23-Feb-2023 (06:23 AM)

Raghunath Mahabal

Enclosed:

- ✓ CPCB Modified Directions dated 07-March-2016



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)  
(MINISTRY OF ENVIRONMENT & FORESTS, GOVT. OF INDIA)

No.B-29012/ESS(CPA)/2015-16/

March 07, 2016

To

The Chairman  
All the State Pollution Control Boards / Pollution Control Committees  
( List Attached)

**SUB: MODIFIED DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 REGARDING HARMONIZATION OF CLASSIFICATION OF INDUSTRIAL SECTORS UNDER RED / ORANGE / GREEN / WHITE CATEGORIES.**

WHEREAS, under section 16 (2)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(c) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to coordinate activities of the State Pollution Control Boards ( SPCBs) and Pollution Control Committees (PCCs); and

WHEREAS, under section 16 (2)(c) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(d) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the CPCB is to provide technical assistance and guidance to SPCBs and PCCs; and

WHEREAS, it was brought to the notice of CPCB, that different SPCBs /PCCs were following different criteria for classification of industrial sectors under Red/Orange/ Green category and that classification was being used by the SPCBs/PCCs for grant of consents to industries and for Inventorization / surveillance of industries.

WHEREAS, the issue regarding classification of industries was deliberated upon in the 56<sup>th</sup> Conference of Chairmen & Member Secretaries of CPCB & SPCBs/PCCs held on August 31, 2010 and a working group comprising of representatives from SPCBs & CPCB was constituted to prepare a consolidated list of industrial sectors falling under Red/Orange/Green category to bring uniformity in classification of industrial sectors across the country;

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'Parivesh Bhawan', East Arjun Nagar, Delhi - 110032

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ई-मेल/e-mail : cpcb@nic.in वेबसाइट/Website : www.cpcb.nic.in

WHEREAS, the report prepared by the Working Group was discussed in the 57<sup>th</sup> Conference of Chairmen & Member Secretaries of CPCB & SPCBs/PCCs held in Delhi on September 15, 2011, wherein some modifications were proposed;

WHEREAS, the final report of the working group was prepared, incorporating the suggestions/observations made in the 57<sup>th</sup> Conference of Chairmen and Member Secretaries of CPCB & SPCBs/PCCs and in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water Act, 1974, following directions were issued for compliance to all SPCBs/PCCs to maintain uniformity in categorization of industries as red, orange and green as per list finalized by CPCB, which identified 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green':

a). To maintain uniformity in categorization of industries under Red/ Orange/Green category, the SPCBs /PCCs shall adopt the list as finalized by CPCB based on the recommendations of that Working Group for grant of Consent, inventorization of industries under Red, Orange and Green categories and other related activities.

(b). The SPCBs/PCCs shall revise the list of Red, Orange and Green categories of industries operating in their jurisdiction based on the criteria specified in the final report of that Working Group and submit the same to CPCB within 90 days in hard copy as well as soft copy;

WHEREAS, later-on, it was observed that the process of categorization thus far was primarily based on the size of the industries and consumption of resources and pollution due to discharge of emissions and effluents and its likely impact on health was not considered as primary criteria;

WHEREAS, there have been proposals from the SPCBs / PCCs and industrial associations for categorization of the industrial sectors in a more pragmatic manner. The issue was discussed during the national level conference of the Environment Ministers of the States, held in New Delhi during April 06-07, 2015 and also during the Conference of the Chairmen and Member Secretaries of CPCB and SPCBs/PCCs held in New Delhi on April 08, 2015. Accordingly, a 'Working Group' comprising of the Members from Central Pollution Control Board and State Pollution Control Boards representing the States of Andhra Pradesh, Punjab, Tamilnadu, West Bengal, Madhya Pradesh and Maharashtra, was constituted to revisit the criteria of categorization of industries and suggest rationale based on pollution potential for categorization of industrial sectors and adopting it for implementation of pollution control plan;

WHEREAS, the Working Group has developed the criteria of categorization of industrial sectors based on the concept of Pollution Index which is a function of the emissions (air pollutants), effluents (water pollutants), hazardous wastes generated and consumption of resources. For this purpose the references are taken from the the Water (Prevention and Control

of Pollution) Cess (Amendment) Act, 2003, Standards so far prescribed for various pollutants under Environment (Protection) Act, 1986 and Doon Valley Notification, 1989 issued by MoEFCC. The Pollution Index (PI) of any industrial sector is a number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution load from the industrial sector;

WHEREAS, based on the series of consultations with SPCBs, different Government / Non-government Institutions including industries and MoEFCC, the following criteria on 'Range of Pollution Index' for the purpose of categorization of industrial sectors has been finalized:

- Industrial Sectors having Pollution Index score of 60 and above - Red category
- Industrial Sectors having Pollution Index score of 41 to 59 -Orange category
- Industrial Sectors having Pollution Index score of 21 to 40 -Green category
- Industrial Sectors having Pollution Index score incl. & upto 20 -White category

WHEREAS, based on the revised criteria, the 'Final Report on Revised Categorization of Industrial Sectors under Red/Orange/Green/White' has been evolved. The 'Categorization' is based on the relative pollution potential of the industrial sectors and grouping of the industrial sectors based on the use of raw materials, manufacturing process adopted and pollutants likely to be generated;

WHEREAS, based on relative Pollution Index, the number of industries in various categories are as under :

- i. The Red category of industrial sectors: 60
- ii. The Orange category of industrial sectors: 83
- iii. The Green category of industrial sectors: 63 and
- iv. The Newly introduced White category: 36

WHEREAS, 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;

WHEREAS, the purpose of categorization is to ensure that the industry is established in a manner consistent with the environmental objectives and to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in generation of no or minimum pollutants.

WHEREAS the new categorization system shall also facilitate in self-assessment by industries;

Now, therefore, in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18(1)(b) of the Air (Prevention & Control of Pollution), Act, 1981 the earlier Directions issued in June 2012 in the context of categorisation of industries as Red, Orange & Green are withdrawn with immediate effect and following 'Directions' are hereby issued for compliance by all SPCBs and PCCs :

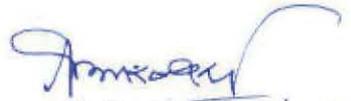
1. That the SPCBs and PCCs shall adopt the Revised Criteria of categorization of industrial sectors as detailed in table nos. F1, F2, F3 and F4 and Revised Lists of Red, Orange, Green and White categories of industrial sectors, presented at table no. G2, G3, G4 and G5 respectively, in the 'Final Report'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

The SPCBs/PCCs shall acknowledge the receipt of directions and submit the 'Action Taken Report' in compliance with these directions to CPCB before 15.04.2016.

  
(Arun Kumar Mehta)  
Chairman  
7/3/16

Copy to:

1. The Chief Secretary of all the States and UTs
2. The Secretary ,  
Ministry of Micro, Small and Medium Entrepreneurs  
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
3. The Secretary ,  
Ministry of Heavy Industries  
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
4. The Secretary,  
Ministry of New and Renewable Energy  
Block-14, CGO Complex,  
Lodhi Road, New Delhi-110 003,
5. The Advisor(CP Division)  
Ministry of Environment ,Forests and Climate Change  
Indira Paryavaran Bhawan  
Jor Bagh Road, New Delhi - 110 003
6. All Zonal Offices of CPCB

  
(A. B. Akolkar) 7.3.16.  
Member Secretary

Final Document  
on  
Revised  
Classification  
of  
Industrial Sectors  
Under

Red, Orange, Green and White Categories  
(February 29, 2016)



**Central Pollution Control Board**  
Delhi

## Executive Summary

### Categorization of Industrial Sectors under Red, Orange, Green and White Category

The Ministry of Environment, Forest and Climate Change (MoEFCC) had brought out notifications in 1989, with the purpose of prohibition/ restriction of operations of certain industries to protect ecologically sensitive Doon Valley. The notification introduced the concept of categorization of industries as " Red", "Orange "and "Green" with the purpose of facilitating decisions related to location of these industries. Subsequently, the application of this concept was extended in other parts of the country not only for the purpose of location of industries, but also for the purpose of Consent management and formulation of norms related to surveillance / inspection of industries.

The concept of categorization of industries continued to evolve and as different State Pollution Control Boards interpreted it differently, a need arose to bring about necessary uniformity in its application across the country. In order to harmonize the 'Criteria of categorization', Directions were issued by CPCB under Section 18(1)(b) of the Water ( Prevention & Control of Pollution) , Act, 1974 to all SPCBs/PCCs to maintain uniformity in categorization of industries as red, green and orange as per list finalized by CPCB, which identified 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green'.

The process of categorization thus far was primarily based on the size of the industries and consumption of resources. The pollution due to discharge of emissions & effluents and its likely impact on health was not considered as primary criteria. There was demand from the SPCBs / PCCs and industrial associations for categorization of the industrial sectors in a more transparent manner. Accordingly, the issue was discussed thoroughly during the national level conference of the Environment Ministers of the States, held in New Delhi during April 06-07, 2015 and a 'Working Group' comprising of the members from CPCB, APPCB, TNPCB, WBPCB, PPCB, MPPCB and Maharashtra PCB is constituted to revisit the criteria of categorization of industries and recommend measures for making the system transparent and rational.

The Working Group has developed the criteria of categorization of industrial sectors based on the Pollution Index which is a function of the emissions (air pollutants), effluents (water pollutants), hazardous wastes generated and consumption of resources. For this purpose the references are taken from the the Water (Prevention and Control of Pollution ) Cess (Amendment) Act, 2003, Standards so far prescribed for various pollutants under Environment (Protection) Act , 1986 and Doon Valley Notification, 1989 issued by MoEFCC. The Pollution Index PI of any industrial sector is a number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution load from the industrial sector. Based on the series of brain storming sessions among CPCB, SPCBs and MoEFCC , the following criteria on 'Range of Pollution Index 'for the purpose of categorization of industrial sectors is finalized.

- Industrial Sectors having Pollution Index score of 60 and above – Red category
- Industrial Sectors having Pollution Index score of 41 to 59 –Orange category
- Industrial Sectors having Pollution Index score of 21 to 40 –Green category
- Industrial Sectors having Pollution Index score incl.&upto 20 –White category

The newly introduced White category of industries pertains to those industrial sectors which are practically non-polluting such as Biscuit trays etc. from rolled PVC sheet (using automatic vacuum forming machines), Cotton and woolen hosiers making (Dry process only without any dyeing/washing operation), Electric lamp (bulb) and CFL manufacturing by assembling only, Scientific and mathematical instrument manufacturing, Solar power generation through photovoltaic cell, wind power and mini hydel power (less than 25 MW).

The salient features of the 'Re-categorization' Exercise are as follows :

- Due importance has been given to relative pollution potential of the industrial sectors based on scientific criteria . Further, wherever possible, splitting of the industrial sectors is also considered based on the use of raw materials, manufacturing process adopted and in-turn pollutants expected to be generated.
- The Red category of industrial sectors would be 60.
- The Orange category of industrial sectors would be 83.
- The Green category of industrial sectors would be 63.
- Newly introduced White category contains 36 industrial sectors which are practically non-polluting.
- There shall be no necessity of obtaining the Consent to Operate'' for White category of industries. An intimation to concerned SPCB / PCC shall suffice.
- No Red category of industries shall normally be permitted in the ecologically fragile area / protected area.

The purpose of categorization is to ensure that the industry is established in a manner which is consistent with the environmental objectives. The new criteria will prompt industrial sectors willing to adopt cleaner technologies, ultimately resulting in generation of fewer pollutants. Another feature of the new categorization system lies in facilitating self-assessment by industries as the subjectivity of earlier assessment has been eliminated. This 'Re-categorization' is a part of the efforts, policies and objective of present government to create a clean & transparent working environment in the country and promote the Ease of Doing Business.

Other similar efforts include installation of Continuous Online Emissions/ Effluent Monitoring Systems in the polluting industries, Revisiting of the CEPI (Comprehensive Environment Pollution Index) concept for assessment of polluted industrial clusters, Revision of existing industrial Emission/Effluent discharge standards, initiation of special drive on pollution control activities in Ganga River basin and many more in coming future.

## Revised Criteria of Categorization of Industries

“Securing industrial pollution control in accordance with the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 by linking with categorization of industries, consent management and vigilance – ‘In context of Red, Orange, Green and White categories of industries”

### A: Genesis of Categorization:

- The Ministry of Environment, Forest and Climate Change (MoEFCC) had brought out notifications, which inter-alia refers to Prohibition/ Restriction on operation of industries to protect ecologically sensitive areas or areas of specific importance. This has for the first time brought the concept of categorization of industries to “Red”, “Orange “and “Green” and restrict their operation in certain areas of importance. Therefore, it is at-once interpreted that Red, Orange and Green categorization is linked with location specific needs.
- The notification of MoEF was first brought on 2<sup>nd</sup> February, 1989 in case of “Restriction on location of industries, mining operations and other developmental activities in Doon Valley in “Uttarakhand” and thereafter another notification on 24<sup>th</sup> February 1999 regarding restriction on the setting up of industries in Dahanu Taluka in Maharashtra. The categorization had been made mainly on the basis of size of the industries, man power and consumption of resources.
- However, in other parts of the country, there have been variations in context to the classification of industries under Red, Orange and Green categories. SPCBs / PCCs were following their own criteria in different States thereby creating confusion.
- In order to harmonize the ‘Criteria of categorization’, a ‘Working Group’ was formed as per resolution passed during the 57<sup>th</sup> Conference of the Chairmen & Member Secretaries of CPCB and SPCBs. Based on the recommendations of the Working Group, Directions dated 4/6/2012 under Section 18(1)(b) of the Water

(Prevention & Control of Pollution), Act, 1974 were issued to all SPCBs/PCCs with the effects to maintain uniformity in categorization of industries as red, green and orange as per list finalized by the Working Group. This indicative list included 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green'. However, these identified categories have not been assigned with scores as per existing criteria/ or any new criteria

**B: Categorization criteria used by SPCBs/PCCs:**

SPCBs and PCCs use the criteria of Red, Orange and Green categories for consent management and vigilance purposes for carrying out inspections to verify compliance to the stipulated standards. However the above categorization do not emphasize on sector-specific plan for control of pollution in accordance with priority based on pollution index.

**C: Gap in the process:**

1. The categorization has been made mainly on the basis of size of the industries and consumption of resources. The pollution due to discharge of emissions & effluents and its impact on health was not considered as primary criteria.
2. Categorization was on random basis, no scoring system was adopted.

**D: Resolutions made during National Level Conferences**

The issue was discussed thoroughly during the following national level conferences held in New Delhi:

- Conference of the Environment Ministers of Central Government and State Governments during April 06-07, 2015
- 59<sup>th</sup> Conference of Chairmen & Member Secretaries of Pollution Control Boards / Pollution Control Committees held on April 08, 2015

Accordingly following resolutions were made during the Conferences:

1. A 'Working Group' comprising of the members from CPCB, APPCB, TNPCB, WBPCB, PPCB, MPPCB and Maharashtra PCB is constituted.
2. This WG shall revisit the categorization of industries that is based on pollution index criteria & environmental issues such as generation of emission, effluent and hazardous wastes.
3. **The categorization will be done on the basis of composite score (0-100 marks) of Pollution Index given in accordance with the following weightage.**

Air Pollution Score based on parameters namely PM, CO, NO <sub>x</sub> , SO <sub>x</sub> , HMs, Benzene, Ammonia and other toxic parameters relevant to the industry.	40 Marks
Water Pollution Score based on parameters namely pH, TSS, NH <sub>3</sub> -N, BOD, Phenol and other toxic pollutants relevant to the industry.	40 Marks
Hazardous wastes (land fillable, incinerable, recyclable) as generated by the industry.	20 Marks
Note : <ul style="list-style-type: none"> <li>• Parameters to be decided on the basis of the nature of the wastes generating from the industrial sector.</li> <li>• Industries having only either water pollution or air pollution, the score will be normalized wrt 100.</li> </ul>	

4. **Based on the score of the Pollution Index, following categorization be made :**
  - Type of industries, if scores 60 and above be categorized as Red
  - Type of industries, if scores from 30 to 59 be categorized as Orange
  - Type of industries, if scores from 15 to 29 be categorized as Green
  - Type of industries, if less than 15 be categorized as White or non-polluting industry.
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.
6. **No red categories of industries will be permitted to establish in eco-sensitive areas and protected areas.**

### E: Follow-up Actions made on the Resolutions :-

- Accordingly, a Committee comprising the Chairmen of CPCB, APPCB, TNPCB, MPPCB, MPCB, PPCB, WBPCB and MS, CPCB was constituted vide CPCB OM dated

23.04.2015 to review & classify industrial sectors into different categories based on criteria of respective pollution potential.

- The categorization is made on the basis of following:
  - Quality of emissions (air pollutants) generated
  - Quality of effluents ( water pollutants) generated
  - Types of hazardous wastes generated
  - Consumption of resources
  
- Reference is taken from the following :
  - The Water (Prevention and Control of Pollution ) Cess Act, 1977
  - Standards so far prescribed for various pollutants under the Environment (Protection) Act , 1986
  - Doon Valley Notification, 1989 issued by MoEF.

## **F : Scoring Methodology :**

The details on the scoring methodology in respect of the aforesaid 3 components is presented in the following tables F-1 to F-4 .

**Table F-1 : Water Pollution Scoring Methodology**

Sl. No.	Activity / Types of Discharges	Score
Part A : <b>Score W1</b> : Score based on types of expected criteria water-pollutants present in industrial processes waste waters. <b>Maximum of the following seven categories is to be taken.</b>		
W11	Waste-water which is polluted and the pollutants are - <ul style="list-style-type: none"> <li>• not easily biodegradable ( very high strength waste waters having BOD &gt; 5000 mg/l ); or</li> <li>• toxic; or</li> <li>• both toxic and not easily biodegradable.</li> </ul> (Presence of criteria water pollutants having prescribed standard limits up-to 10 mg/l or having BOD > 5000 mg/l). For details appendix 1 may be referred)	30
W12	Non-toxic high strength polluted waste-water having BOD in the range of 1000-5000 mg/l and the pollutants are biodegradable. <p>(Presence of criteria water pollutants having prescribed standard limits from 11 mg/l to 250 mg/l and having BOD strength in the range of 1000-5000 mg/l) . For details appendix 1 may be referred)</p>	25
W13	Non toxic- polluted waste-water having BOD below 1000 mg/l and the pollutants are easily biodegradable. <p>(Presence of criteria water pollutants having prescribed standard limits from 11mg/l to 250 mg/l and having BOD strength below 1000 mg/l) . For details appendix 1 may be referred)</p>	20
W14	Waste-water generated from the chemical processes and which is polluted due to presence of high TDS ( total dissolved solids) of inorganic nature. <p>(Presence of criteria water pollutants having prescribed standard limits more than 250 mg/l. For details appendix 1 may be referred)</p>	15
W15	Waste-water generated from the physical unit operations / processes and which is polluted due to presence of TDS (total dissolved solids) of inorganic nature and of natural origin like fresh-water RO rejects, boiler blow-downs, brine solution rejects etc. <p>(Presence of criteria water pollutants having prescribed standard limits more than 250 mg/l. For details appendix 1 may be referred)</p>	12
W16	Non-toxic polluted waste-water from those units which are: <ul style="list-style-type: none"> <li>• Having the overall waste-water generation less than 10 KLD and</li> <li>• The pollutants are easily bio-degradable having BOD below 200 mg/l which can be easily treated in a single stage ASP (activated</li> </ul>	12

	<p>sludge process) based Effluent Treatment Plant.</p> <p>Note : This is a special category and is applicable to only those units having over-all liquid waste generation less than 10 KLD with low strength organic load.</p>	
W17	Waste-water from cooling towers and cooling-re-circulation processes	10
Part B : <b>Score W2</b> : Score based on huge discharges of any kind (Penalty Clause)		
W2	Industry having overall liquid waste generation of 100 KLD or more including industrial & domestic waste-water.	10
Overall Water Pollution Score $W = W1+W2$		

- **Water Pollutants covered under Group W11:**

- ✓ Free available Chlorine , Total residual chlorine, Fluoride (as F), Sulphide (as S), Free Ammonical Nitrogen, Dissolved phosphates (as P), Free ammonia (as NH<sub>3</sub>), Nitrate Nitrogen, Mercury (As Hg), Selenium (as Se), Hexa-valent chromium (as Cr + 6), Lead (as Pb), Tin , Vanadium (as V), Cadmium (as Cd), Manganese (as Mn), Total chromium (as Cr), Copper (as Cu), Iron (as Fe), Nickel (as Ni), Zinc (as Zn), Benzene, Arsenic (as As), Benzo-a-pyrene, Cyanide (as CN), Phenolic compounds (as C<sub>6</sub>H<sub>5</sub>OH) , Adsorbable Organic Halogens (AOX), Boron and /or
- ✓ BOD strength of waste water > 5000 mg/l

- **Water Pollutants covered under Group W12:**

- ✓ Sodium Absorption Ratio (SAR) , Biochemical oxygen demand (3 days at 27°C), Total Kjeldahl nitrogen (TKN), Ammonical nitrogen (as N), Suspended solids, Total nitrogen (as N), Chemical oxygen demand, Oils & grease and
- ✓ BOD strength of waste water is in the range of 1000-5000 mg/l

- **Water Pollutants covered under Group W13:**

- ✓ Sodium Absorption Ratio (SAR), Biochemical oxygen demand (3 days at 27°C), Total Kjeldahl nitrogen (TKN), Ammonical nitrogen (as N), Suspended solids, Total nitrogen (as N), Chemical oxygen demand and
- ✓ BOD strength of waste water is below 1000 mg/l

- **Water Pollutants covered under Group W14 and W15:**

Chlorides as Cl, Colour , Total dissolved solids (TDS - Inorganic)

- **Water Pollutants covered under Group W16**

- ✓ BOD strength of waste water is below 200 mg/l and overall discharge is less than 10 KLD.

**Table F-2 : Air Pollution Score**

Sl. No.	Air Pollutants Group	'Range of Prescribed Standard' of criteria pollutants	Marks
Part 1 : <b>Score A1</b> = Score based on types of expected criteria Air Pollutants present in the emissions . Maximum of the following seven categories is to be taken. For details appendix 2 may be referred.			
1	Group A1A	Presence of criteria air pollutants having prescribed standard limits up - to 2 mg/Nm <sup>3</sup>	30
2	Group A1B	Presence of criteria air pollutants having prescribed standard from 3 to 10 mg/Nm <sup>3</sup>	25
3	Group A1C	Presence of criteria air pollutants having prescribed standard from 11 to 50 mg/Nm <sup>3</sup>	20
4	Group A1D	Presence of criteria air pollutants having prescribed standard from 51 to 250 mg/Nm <sup>3</sup>	15
5	Group A1E	Presence of criteria air pollutants having prescribed standard from 251 mg/Nm <sup>3</sup> & above.	10
6	Group A1F	<ul style="list-style-type: none"> <li>• Generation of fugitive emissions of Particulate Matters which are:               <ul style="list-style-type: none"> <li>○ Not generated as a result of combustion of any kind of fossil-fuel.</li> <li>○ Generated due to handling / processing of materials without involving the use of any kind of chemicals.</li> <li>○ Which can be easily contained /controlled with simple conventional methods</li> </ul> </li> </ul>	10
7	Group A1G	<ul style="list-style-type: none"> <li>• Generation of Odours which are :               <ul style="list-style-type: none"> <li>○ Generated due to application of binding gums / cements /adhesives /enamels</li> <li>○ Which can be easily contained /controlled with simple conventional methods</li> </ul> </li> </ul>	10
Part 2 : <b>Score A2</b> = Score based on consumption of fuels and technologies required for air pollution control :			
6	Group A2F1	<ul style="list-style-type: none"> <li>• All such industries in which the daily consumption of coal/fuel is more than 24 MT/day and the particular (Particulate/gaseous/process) emissions from which can be controlled only with high level equipments / technology like ESPs, Bag House Filters, High Efficiency chemical wet scrubbers etc.</li> </ul>	10
7	Group A2F2	<ul style="list-style-type: none"> <li>• All such industries in which the daily consumption of coal/fuel is from 12 MT/day to 24 MT/day and the particular (Particulate/gaseous/process) emissions from which can be controlled with suitable proven technology.</li> </ul>	5
Overall Air Pollution Score -A = A1 + A2			

- Air pollutants covered under Group A1A:  
Cd+Th, Dioxins & Furans, Mercury, Asbestos
- Air Pollutants covered under Group A1B:  
HF, Nickel+ Vanadium, HBr, Manganese, Lead, H<sub>2</sub>S, P<sub>2</sub>O<sub>5</sub> as H<sub>3</sub>PO<sub>4</sub>
- Air Pollutants covered under Group A1C:  
Chlorine, Pesticide compounds, CH<sub>3</sub>Cl, TOC, Total Fluoride, Hydrocarbons, NH<sub>3</sub>, HCL vapour & Mist, H<sub>2</sub>SO<sub>4</sub> Mist, SO<sub>2</sub>
- Air Pollutants covered under Group A1D:  
CO, **PM**, CO, NO<sub>x</sub>
- Air Pollutants covered under Group A1E:  
NO<sub>x</sub> with liquid-fuel, SO<sub>2</sub> with liquid-fuel

**Table F-3: Hazardous Waste Generation Score**

Sl.No.	Types of Hazardous Waste Generated as per Schedule 1 / Schedule 2 of Hazardous Waste ( Management, Handling & Trans-boundary Movement) Rules , 2008 . <b>Maximum of the following four categories is to be taken</b>	Score
HW1	<ul style="list-style-type: none"> <li>Land disposable HW which require special care &amp; treatment for stabilization before disposal.</li> </ul>	20
HW2	<ul style="list-style-type: none"> <li>Incinerable HW</li> </ul>	15
HW3	<ul style="list-style-type: none"> <li>Land disposable HW which doesn't require treatment &amp; stabilization before disposal.</li> <li>High volume low effect wastes such as fly-ash, phspho-gypsum, red-mud, slags from pyro-metallurgical operations, mine tailings and ore beneficiation rejects)</li> </ul>	10
HW4	<ul style="list-style-type: none"> <li>Recyclable HW, which are easily recyclable with proven technologies.</li> </ul>	10

**Table F-4 : Calculation Sheet**

Industrial Sector - .....

<b>1. Water Pollution Score (W)</b>			
Scores	Waste Water Category	Value	
Score on W1			
Score on W2			
Water Pollution Score = W1+W2			
<b>2. Air Pollution Score (A)</b>			
Scores	Air Pollutant Category	Value	
Score on A1			
Score on A2	-	-	
Air Pollution Score = A1+A2			
<b>3. Hazardous Waste Score (HW)</b>			
Score	HW Category	Value	
HW			
Grand Total = W + A + HW			

Note :

- Any of the industrial sector having **only either air pollution (A)** or water pollution (W) , the score will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times W \text{ ( or A)}\} / 40$$

- Any of the industrial sector having air pollution (A) and water pollution (W) both but no hazardous waste generation (H) , the joint score of air & water pollution will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times (W+A)\} / 80$$

- Any of the industrial sector having air pollution (A) & hazardous waste generation (H) but no water pollution (W), the joint score of air pollution & hazardous waste generation will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times (A+H)\} / 60$$

- Any of the industrial sector having water pollution (W) and hazardous waste generation (H) but no air pollution (A), the joint score of water pollution & hazardous waste generation will be normalized to 100 as per the following formula -

$$\text{Normalized Score} = \{100 \times (W+H)\} / 60$$

## G : Developments :

- i. The existing Red ( 85 sectors) , Orange ( 73 sectors) and Green ( 86 sectors) i.e a total of 244 industrial sectors have been assessed as per the proposed formula by the Working Group. For this purpose, concerned Engineers / Scientists from the Member SPCBs were also involved & consulted during May 28-29, 2015.
- ii. After careful examination and consideration of the suggestions of concerned stake-holders the “Draft Document on Revised Concept of Categorization of Industrial Sectors “ was prepared by the Committee and circulated to all the SPCBs, PCCs and concerned Ministries for their information & comments. The ‘ Draft Document ’ was uploaded on the website of CPCB also for information & comments of one & all.
- iii. The matter was discussed during the 170<sup>th</sup> Board Meeting also and issues raised by the Board Members pertaining to some of the industrial sectors were clarified.
- iv. Responses were received from various concerned Ministries, SPCBs, Industrial Associations including individuals.
- v. Based on the above, final meeting was convened by the Secretary , MoEFCC with CPCB and senior officers of MoEFCC on January 06, 2016 to resolve the issues appropriately and finalize the ‘Re-categorization’. Accordingly , following modifications in the ‘Range of Pollution Index ‘for the purpose of categorization of industrial sectors were suggested :
  - Industrial Sectors having Pollution Index score of 60 and above – Red category
  - Industrial Sectors having Pollution Index score of 41 to 59 –Orange category
  - Industrial Sectors having Pollution Index score of 21 to 40 –Green category
  - Industrial Sectors having Pollution Index score incl.& upto 20 –White category
- vi. Based on the final criteria as described in v above , the final categorization is as follows :

Category of Industrial Sector	Existing Categorization	Proposed (New) categorization
Red	85	60
Orange	73	83
Green	86	63
White	---	36
Total	244	242

- vii. In the proposed categorization, some of the industrial sectors have been either deleted due to duplication or merged with similar type of sectors on account of same

characteristics of pollution generation. In a similar way, some of the industrial sectors are split into more sectors on account of variation in the raw materials / manufacturing process. As a result final totals of the existing and proposed categorization are different.

- viii. The industrial sector which doesn't fall under any of the above four categories ( Red, Orange, Green and White) , decision with regard to its categorization will be taken at the level of concerned SPCB/PCC by a committee headed by the Member Secretary , SPCB/PCC and comprising of two senior cadre Engineers / Scientists of the SPCB / PCC in accordance with the scoring-criteria specified in this document.
- ix. The summary is presented in the following Table G-1 and final lists of Red, Orange, Green and White categories of industries are presented in Tables G-2, G-3, G-4 and G-5 respectively, which are self explanatory.

Table G-1: Final Summary Table Red , Orange, Green and White Categories of Industries (16-01-16)

Sl No.	Original Categorization	Initial Nos.	Addition by Splitting into further classes	Deletion/ Shifting to foot-note due to vague term / Merger / other reasons	Re-categorization to Red	Re-categorization to Orange	Re-categorization to Green	Re-categorization to White	Check
1	Red	85	11	7	60	26	3	Nil	96=96
2	Orange	73	2	3	Nil	51	19	2	75=75
3	Green	86	Nil	3+2=5	Nil	6	41	34	86=86
	<b>Final Categorization</b>	244	13	15	<b>60 (Red )</b>	<b>83 (Orange)</b>	<b>63 (Green)</b>	<b>36 (White)</b>	<b>257 =257 (Total categories including in foot-note)</b>

Table G-2 : Final List of Red Category of Industrial Sectors

Sl No.	Orgnl Sl.No	Industry Sector	W1	W2	W	A1	A2	A	H	W+A+H	Revised Category	REMARKS
1.	38	Isolated storage of hazardous chemicals (as per schedule of manufacturing, storage of hazardous chemicals rules ,1989 as amended)									R-R	As per provisions of Rules, to be kept under Red category especially for safety purposes.
2.	4	Automobile Manufacturing (integrated facilities)	30	-	30	20	-	20	10	60	R-R	i. Such types of plants are having either one or combinations of polluting activities viz. washing, metal surface finishing operations, pickling, plating, electro-plating, phosphating, painting, heat treatment etc. ii. Some of such plants may outsource some /all of the polluting activities. In such cases, after thorough inspection of such units by concerned SPCB, re-categorization of the industry shall be made accordingly.
3.	34	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,,	30	-	30	20	-	20	10	60	R-R	All the three types of pollutants are expected.
4.	44	Manufacturing of lubricating oils ,grease and petroleum based products	20	-	20	20	-	20	20	60	R-R	Generates all sorts of pollution.
5.	66 E	DG Set of capacity > 5 MVA	-	-	-	20	5	25	-	62.5	R-R	i. Mainly air polluting. ii. DG sets consume the diesel @ 0.21 litres/hr/KVA at full load. iii. Average running is taken @ 12 hrs / day although many of the DG sets run for more than this period.
6.	31	Industrial carbon including electrodes and graphite blocks, activated carbon, carbon black	10	-	-	20	5	25	10	62.5	R-R	Mainly air polluting. Air pollution score is normalized to 100.

7.	39	Lead acid battery manufacturing(excluding assembling and charging of lead-acid battery in micro scale)	10	-	10	25	-	25	10	62.5	<b>R-R</b>	<p>i. Mainly air polluting. Air pollution scores are normalized to 100.</p> <p>ii. Lead Acid Battery manufacturing consists of various stages which broadly involve (after producing or receiving lead oxide): Paste Mixing , Grid Casting , Grid Pasting &amp; Curing , Hydro-setting, parting &amp; enveloping , Stacking, grouping &amp; inter-cell welding, Formation.</p> <p>iii. Exposure of workmen to lead during all or any of the processes outlined above exceeds the prescribed standards if appropriate equipment in this respect is not installed at any Battery Manufacturing Unit.</p> <p>iv. All of the above processes, some more than others, involve release of lead particles or fumes into the environment. Pollution from the above processes can be grouped into two possible types, viz: (a) Lead Oxide becomes airborne and there is Particulate Pollution (b) Fumes are generated and there is Gaseous Pollution</p>
8.	62	Phosphate rock processing plant	30	-	30	20	-	20	-	62.5	<b>R-R</b>	<p>i. The separation of phosphate rock from impurities and non-phosphate materials for use in fertilizer manufacture consists of beneficiation, drying or calcining at some operations, and grinding. Phosphate rock from the mines is first sent to beneficiation units to separate sand and clay and to remove impurities. Steps used in beneficiation depend on the type of rock.</p> <p>ii. The water &amp; air pollution scores are normalized to 100.</p>

9.	66	Power generation plant [except Wind and Solar renewable power plants of all capacities and Mini Hydel power plant of capacity <25MW]	10	-	10	15	10	25	62.5	R-R	1. Mainly air polluting. It uses a mixture of biomass (agro based) and coal (< 10 %) as a fuel. Almost, round the year operation. 2. In case of DG sets of 5 MVA & more and emissions of SO2 will take place due to use of liquid fuel. Air pollution score will be =20 + 10 = 30, Normalized score will be 75. 3. In case of 'Waste to Energy Plants', water will be used for cooling and air score will be - 30+10 = 40.
10.	34	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,	30	-	30	25	-	25	65	R-R	All the three types of pollutants are expected.
11.	67	Processes involving chlorinated hydrocarbons	30	-	30	20	-	20	65	R-R	Chlorinated hydrocarbons are used in the manufacture of insecticides, pesticides and organo chloro pesticides. Effluents & emissions are toxic in nature.
12.	74	Sugar (excluding Khandsari)	20	10	30	15	10	25	65	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Sugar mills generate all sorts of pollution problems.
13.	22	Fibre glass production and processing (excluding moulding)	-	-	-	20	-	20	67	R-R	i. The use of styrene in most methods of fibreglass production causes hazardous air pollution that is harmful to breathe at excessive levels. ii. It is mainly air polluting & HW generating industry. The air pollution & HW scores are normalized to 100. iii. In case of lead containing glass, the score of A1 will be 25 and final normalized score will be 75 and shall be categorized as Red.
14.	23	Fire crackers manufacturing and bulk storage facilities	-	-	-	20	-	20	67	R-R	i. This is the normalized score based on air pollution & HW generation. ii. Various hazardous chemicals are used in the manufacturing process. iii. These chemicals are namely Potassium Nitrate, Potassium per-chlorate, Barium Nitrate, Aluminium compounds, Copper Chloride etc.

15.	34	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.	-	-	-	30	0	30	10	67	R-R	iv. These chemicals are highly hazardous and cause serious diseases among the workers. especially ability of blood to carry oxygen leading to headaches, methemoglobinemia and kidney problems , skin problems, thyroid metal fume etc. Mainly air polluting and hazardous waste generating. Air & HW pollution scores are jointly normalized to 100.
16.	47	Milk processes and dairy products(integrated project)	20	10	30	20	5	25	-	68.75	R-R	i. Water as well as air polluting due to use of boilers. ii. Water & air pollution scores are normalized to 100.
17.	63	Phosphorous and its compounds	30	-	30	25	-	25	-	68.75	R-R	Water pollution & air pollution containing compounds of phosphorous are expected
18.	61	Pulp & Paper ( waste paper based without bleaching process to manufacture Kraft paper)	20	10	30	15	10	25	0	68.75	R-R	Mainly water & air polluting . Water & air pollution scores are normalized to 100.
19.	13	Coke making , liquefaction, coal tar distillation or fuel gas making	30	-	30	20	-	20	20	70	R-R	It is a kind of petrochemical industry.

20.	41	Manufacturing of explosives, detonators, fuses including management and handling activities	30	-	30	20	-	20	20	70	R-R	<p>i. Explosives manufacture and use contribute some measure of hazardous waste to the environment.</p> <p>ii. Nitroglycerin produces several toxic byproducts such as acids, caustics, and oils contaminated with heavy metals. These must be disposed of properly by neutralization or stabilization and transported to a hazardous waste landfill.</p> <p>iii. The use of explosives creates large amounts of dust and particulate from the explosion, and, in some cases, releases asbestos, lead, and other hazardous materials into the atmosphere.</p>
21.	45	Manufacturing of paints, varnishes, pigments and intermediate (excluding blending/mixing)	30	-	30	25	-	25	15	70	R-R	<p>i. The process may cause considerable emissions of volatile organic compounds (VOC). VOC contribute to the creation of ozone in the lower layers of the atmosphere (photochemical air pollution) and can present danger to health.</p> <p>ii. Dust and odour may also be a problem.</p> <p>iii. Washing of vessels will contribute waste-waters.</p> <p>iv. Large quantity of HWs are also produced.</p>
22.	56	Organic Chemicals manufacturing	30	-	30	20	-	50	20	70	R-R	Such types of industrial sectors generate all sorts of pollution.
23.	1	Airports and Commercial Air Strips	20	10	30	-	-	-	10	75	R-R	<p>i. The Airports are generating mainly the waste-waters.</p> <p>ii. This is the water pollution normalized score for airports having discharge more than 100 KLD.</p> <p>iii. The airports / strips having discharge less than 100 KLD will have score of 50 and hence orange category.</p> <p>iv. If the score is normalized wrt water + HW both, then all the airports will come under Orange category (score - 58.33).</p>
24.	3	Asbestos and asbestos based industries	-	-	-	30	-	30	10	75	R-R	<p>i. This is mainly air polluting industry.</p> <p>ii. Final score is based on air pollution score only.</p> <p>iii. Asbestos is carcinogenic and banned in many countries.</p>
25.	5	Basic chemicals and electro chemicals and its derivatives including manufacturing of acid	30	-	30	-	-	-	10	75	R-R	<p>i. Standards prescribed for Inorganic Chemicals are adopted.</p> <p>ii. It is mainly water polluting industry having effluents which are toxic and not easily biodegradable.</p>

26.	7	Cement	-	-	20	10	30	-	75	R-R	<p>iii. Water pollution score normalized to 100 is undertaken.</p> <p>iv. The earlier Red category industrial sector namely "Hydrocyanic acid and its derivatives" is also merged under this industrial sector.</p> <p>This is mainly air polluting industry &amp; hence normalized air pollution score.</p>
27.	9	Chlorates, per-chlorates & peroxides	30	-	-	-	-	-	75	R-R	<p>i. It is mainly water polluting industry having effluents which are toxic and not easily biodegradable.</p> <p>ii. Water pollution score normalized to 100 is undertaken.</p>
28.	10	Chlorine, fluorine, bromine, iodine and their compounds	30	-	-	-	-	-	75	R-R	<p>i. It is mainly water polluting industry having effluents which are toxic and not easily biodegradable.</p> <p>ii. Water pollution score normalized to 100 is undertaken.</p>
29.	16	Dyes and Dye- Intermediates	30	-	20	5	25	20	75	R-R	<p>i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'.</p> <p>ii. Such types of industrial sectors generate all sorts of pollution.</p>
30.	26	Health-care Establishment ( as defined in BMW Rules)	20	10	-	-	-	-	75	R-R	<p>i. Mainly water polluting.</p> <p>ii. The water pollution score is normalized to 100 &amp; valid for Hospitals having total waste-water generation &gt; 100 KLD.</p> <p>iii. The hospitals with incinerator will be categorized as Red irrespective of the quantity of the waste-water generation.</p> <p>iv. The hospitals having total waste-water generation less than 100 KLD and without incinerator, the normalized water pollution score will be 50 and will be categorized as Orange category.</p>
31.	29	Hotels having overall waste-water generation @ 100 KLD and more.	20	10	15	-	15	-	75	R-R	<p>i. Mainly water polluting. Small boiler may be installed.</p> <p>ii. The water pollution score is normalized to 100 &amp; valid for Hotels having waste-water generation &gt; 100 KLD.</p> <p>iii. The hotels having more than 20 rooms and waste-water generation less than 100 KLD and having a coal / oil fired boiler, the pollution score will be 35/40 &amp; are categorized as Orange.</p> <p>iv. The hotels having more than 20 rooms and waste-water generation less than 10 KLD and</p>

32.	34	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".	30	-	30	25	-	25	20	75	<b>R-R</b>	All the three types of pollutants are generated.	having no-boiler & no hazardous waste generation, the pollution score will be 20 & are categorized as Green.
33.	34	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.	30	-	30	25	-	25	20	75	<b>R-R</b>	All the three types of pollutants are expected.	
34.	43	Manufacturing of glue and gelatin	30	10	40	20	-	20	-	75	<b>R-R</b>	Highly water polluting & obnoxious air polluting.	
35.	49	Mining and ore beneficiation	30	10	40	15	5	20	-	75	<b>R-R</b>	Both air and water polluting. Score is normalized with air & water pollution.	

36.	52	Nuclear power plant	10	-	10	30	-	30	15	75	R-R	i. Mainly air polluting due to indinerator. Others - cooling water. ii. Air pollution score is normalized to 100.
37.	58	Pesticides (technical) (excluding formulation)	30	-	30	25	-	25	20	75	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution.
38.	64	Photographic film and its chemicals	30	-	30	-	-	-	-	75	R-R	i. Silver salts and other chemicals are used in preparation. Slight quantity of effluents is generated. ii. Water pollution scores are normalized to 100.
39.	68	Railway locomotive work shop/Integrated road transport workshop/Authorized service centers	20	10	30	-	-	-	10	75	R-R	i. Mainly water polluting industry. Water is used in the washing of locomotives, road transport vehicles during servicing. ii. This score is valid for those Centers having discharge more than 100 KLD. iii. Service Centers having waste-water generation < 100 KLD, the normalized score will be $= (100*20)/40= 50$ .
40.	84	Yarn / Textile processing involving any effluent/emission generating processes including bleaching, dyeing, printing and colouring	30	10	40	15	-	15	20	75	R-R	In this sector all sorts of pollution are generated.
41.	8	Chlor Alkali	30	10	40	20	10	30	10	80	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Chlor-alkali units are having different section like NaOH, Cl <sub>2</sub> , SBP etc which are having toxic effluents. Additionally, fuel consumption is also on higher-side.
42.	70	Ship Breaking Industries	30	-	30	30	-	30	20	80	R-R	i. The ship-breaking industry creates numerous hazards for the coastal and marine environment. ii. Ship-breaking releases a large number of dangerous pollutants, including toxic waste, oil, poly-chlorinated biphenyls, and heavy metals, into the waters and sea bed. iii. While most of the oil is removed before a ship is scrapped, sand used to mop up the remaining oil is thrown into the sea. High concentrations of oil and grease are then found in the coastal waters, choking marine life.



52.	20	Fertilizer (basic) (excluding formulation)	30	10	40	20	10	30	20	90	R-R	pollution. i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Generates all sorts of pollution.
53.	37	Iron & Steel processing from ore/ integrated steel plants) and or Sponge Iron units	30	10	40	20	10	30	20	90	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution.
54.	61	Pulp & Paper ( waste paper based units with bleaching process to manufacture writing & printing paper)	25	10	35	25	10	35	20	90	R-R	Waste paper based Pulp & Paper mills with bleaching process generate all sorts of pollution.
55.	85	Zinc Smelter	30	10	40	20	10	30	20	90	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Integrated Zinc smelter generates all sorts of pollution problems.
56.	55	Oil Refinery (mineral Oil or Petro Refineries)	30	10	40	25	10	35	20	95	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution.
57.	59	Petrochemicals Manufacturing ( including processing of Emulsions of oil and water )	30	10	40	25	10	35	20	95	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution. iii. The earlier red category industrial sector namely 'Processing of Emulsions of Oil & Water " is merged with this industrial sector.
58.	60	Pharmaceuticals	30	10	40	30	5	35	20	95	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Such types of industrial sectors generate all sorts of pollution.
59.	61	Pulp & Paper ( Large-Agro + wood) , Small Pulp & Paper ( agro based-wheat straw/ rice husk)	30	10	40	25	10	35	20	95	R-R	i. This industrial sector is the one among the '17 categories of Highly Polluting Industries'. ii. Large /Small Agro based Pulp & Paper mills contribute all sorts of pollution problems.
60.	15	Distillery ( molasses / grain / yeast based)	30	10	40	-	-	-	-	100	R-R	Mainly water polluting industry. Final score is the normalized water pollution score.

Note :

i. Under the column Revised Category, the full forms of the abbreviations are as follows :

- a. R-R means original category was Red and revised category is also Red
- b. R-O means original category was Red and revised category is Orange
- c. O-O means original category was Orange and revised category is also Orange
- d. O-G means original category was Orange and revised category is Green
- e. O-W means original category was Orange and revised category is White
- f. G-O means original category was Green and revised category is Orange
- g. G-G means original category was Green and revised category is also Green
- h. G-W means original category was Green and revised category is White

ii. 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. The overall details are as follows :

Sl No.	Original Sl No.	Industry Sector	Original Category	Remarks
1	14	Common treatment and disposal facilities (CETP, TSDF, E-waste recycling, CBMWTF, effluent conveyance project, incinerator, solvent/acid recovery plant, MSW sanitary land fill site)	R	i. All such facilities are classified as Red but special category projects as these are parts of pollution control facilities. ii. In case of CETP, the categorization will depend upon the category of member industries being served.
2	18	Processing of Emulsions of Oil & Water		It is a part of Petrochemical industries. Transferred and merged with the industrial sector namely 'Petrochemicals' at Sl. No. 54.
3	27	Heavy engineering including ship building (with investment on Plant & Machineries more than Rs 10 crores)	R	Most of the pollution generating processes / operations under this category are similar to the industry category namely "Automobile Manufacturing (integrated facilities)" at Sl. No. 1 and may be referred accordingly.
4	30	Hydrocyanic acid and its derivatives	R	Have been merged with the red category industrial sector namely "Basic chemicals and electro chemicals and its derivatives including manufacturing of acid" at Sl. No. 24
5	32	Industrial estates/ parks / complexes/ areas/ export processing zones/ SEZs/ Biotech parks/ leather complex	R	The classification will depend upon the category(ies) of the industries operating / proposed to be permitted in the area. In this context, guidelines prescribed in EIA Notification, 2006 shall be followed.
6	33	Industrial inorganic gases namely- a) Chemical gas- Acetylene, hydrogen, chlorine, fluorine, ammonia, sulphur dioxide, ethylene, hydrogen-sulphide, phosphine b) Hydrocarbon gases- Methane, ethane, propane	R	These gases are generally secondary products and produced alongwith other main products. To be classified as per the main parent plant.
7	69	Reprocessing of used oils & waste oils	R	i. The industry generates mainly the air pollution and oil bearing hazardous wastes. The normalized (air pollution & HW generation score is 58.33. ii. To be deleted as already covered under HW Recyclers / Re-processors ( Used oils / Waste Oils) under Orange Category

Table G-3 : Final List of Orange Category of Industrial Sectors

Final Sl. No.	Orgnl S.No	Industry Sector	W1	W2	W	A1	A2	A	H	W+A+H	Revised category	Remarks
1.	20	Dismantling of rolling stocks ( wagons/ coaches)	--	--	--	15	--	15	10	41.67	O-O	Emissions of dust and generation of waste oils take place during dismantling. Air pollution & HW generation scores (15+10=25) are normalized to 100.
2.	5	Bakery and confectionery units with production capacity > 1 TPD. ( With ovens / furnaces)	20	--	20	15	--	15	--	43.75	O-O	
3.	10	Chanachur and ladoo from puffed and beaten rice( muri and shira) using husk fired oven	20	--	20	15	--	15	--	43.75	O-O	Normal water and air polluting.
4.	23	Coated electrode manufacturing	15	0	15	20	0	20	0	43.75	<b>G-O</b>	Preparation of core wire / rod, preparation of dry mix, preparation of wet mix, application of coating by extrusion, baking of coated electrodes
5.	24	Compact disc computer floppy and cassette manufacturing / Reel manufacturing	15	0	15	20	0	20	0	43.75	<b>G-O</b>	Generates waste-water and process emissions.
6.	24	Flakes from rejected PET bottle	20	-	20	15	-	15	-	43.75	R-O	Normal water & air pollutions are generated.
7.	30	Food and food processing including fruits and vegetable processing	20	--	20	15	--	15	--	43.75	O-O	Normal water and air polluting.
8.	40	Jute processing without dyeing	20	--	20	15	--	15	--	43.75	O-O	CPCB has notified standards for this category. Both air and water pollutions are generated.
9.	56	Manufacturing of silica gel	15	0	15	20	0	20	0	43.75	<b>G-O</b>	Waste-waters containing TDS and emissions of H <sub>2</sub> SO <sub>4</sub> are generated.

10.	45	Manufacturing of tooth powder, toothpaste, talcum powder and other cosmetic items	20	--	20	15	--	15	--	15	--	43.75	O-O	Both air and water pollution are generated.
11.	55	Printing or etching of glass sheet using hydrofluoric acid	15	--	15	20	--	20	--	20	--	43.75	O-O	Both air and water pollution are generated.
12.	65	Silk screen printing, sari printing by wooden blocks	20	--	20	15	--	15	--	15	--	43.75	O-O	Wash-water and PM emissions from boilers .
13.	76	Synthetic detergents and soaps(excluding formulation)	20	-	20	15	-	15	-	15	-	43.75	R-O	i. This is the score for units having generation of waste-waters less than 100 KLD. ii. The units having waste-water generation more than 100 KLD will become mainly water polluting and accordingly normalized water pollution score will be 75 and be categorized as Red.
14.	71	Thermometer manufacturing	15	--	15	20	--	20	--	20	--	43.75	O-O	Process - making glass bulb, forming reservoir in the glass tube for fluid, inserting fluid, scale marking. Use of fuel to heat the glass tubes and hydrofluoric acid to seal the scaling. Small quantities of spent acids are generated.
15.	14	Cotton spinning and weaving (medium and large scale)	--	--	--	15	--	37.5	10	47.5	10	47.5	O-O	Mainly air polluting industry. Sources of air pollution (PM) are the fine particles of cotton from spinning process. Air pollution score is normalized to 100.
16.	1	Almirah, Grill Manufacturing (Dry Mechanical Process )	--	--	--	20	--	20	--	50	--	50	O-O	Air pollution due to spray painting (emissions of VOCs). Units without painting operations shall be categorized as White.

17.	2	Aluminium & copper extraction from scrap using oil fired furnace (dry process only)	--	--	--	20	--	20	--	20	10	50	O-O	i. Normalized Air pollution score. ii. Significant air pollution due to melting (emissions of SO <sub>2</sub> , PM).
18.	3	Automobile servicing, repairing and painting (excluding only fuel dispensing)	20	--	20	20	--	20	--	20	10	50	O-O	Normal water & air polluting and recyclable waste oil generating. If the waste water generation is more than 100 KLD, it will become mainly water polluting and Red category unit.
19.	4	Ayurvedic and homeopathic medicine	20	--	20	15	--	15	15	15	50	50	O-O	
20.	7	Brickfields ( excluding fly ash brick manufacturing using lime process)	--	--	20	20	--	20	20	20	--	50	O-O	Significantly air polluting.
21.	8	Building and construction project more than 20,000 sq. m built up area	20	--	20	20	--	20	20	20	--	50	O-O	1. In the pre-construction stage, it is mainly air polluting due to generation of dust ( PM ) emissions. 2. After construction, it is mainly water polluting. If the discharge is more than 100 KLD, it will be having the normalized score of 75 and be categorized as Red.
22.	6	Ceramics and Refractories	-	-	20	20	-	20	20	20	-	50	R-O	i. Mainly air polluting industry. ii. This score is for the units having coal consumption < than 12 MT/day. iii. For the units having coal consumption > 12 MT /day, the normalized air pollution score will be 62.5 and shall be categorized as Red.

23.	11	Coal washeries	15	10	25	15	-	15	-	50	R-O	i. Wet washeries are mainly water polluting industry generating effluents which are having inorganic SS & TDS. Additionally, air pollution due to PM emissions is also generated. ii. Water & air pollution scores are jointly normalized to 100.
24.	16	Dairy and dairy products (small scale)	20	--	20	20	--	20	--	50	O-O	Water and air polluting both.
25.	18	DG set of capacity >1MVA but < 5MVA	--	--	--	20	--	20	--	50	O-O	Mainly air polluting . air pollution score is normalized to 100.
26.	17	Dry coal processing, mineral processing, industries involving ore sintering, pelletising, grinding & pulverization	-	-	-	20	-	20	-	50	R-O	Mainly air polluting industry. Final score is the normalized air pollution score.
27.	19	Fermentation industry including manufacture of yeast, beer, distillation of alcohol (Extra Neutral Alcohol)	20	-	20	-	-	-	-	50	R-O	i. Mainly water polluting industry. This is the normalized water pollution score for units having discharge < 100 KLD. ii. For the units having discharge > 100 KLD, the normalized water pollution score will be 75 and shall be accordingly categorized as Red.
28.	21	Ferrous and Non-ferrous metal extraction involving different furnaces through melting, refining, re-processing, casting and alloy-making	-	-	-	15	5	20	10	50	R-O	i. Mainly air polluting. ii. This score is applicable to secondary production of ferrous & non-ferrous metals (excluding lead) up-to 1 MT/hour production.

												<p>iii. For lead, the normalized air pollution score will be <math>= (100*25)/40= 62.5</math> and is categorized as Red.</p> <p>iv. For Induction Furnace clubbed with AOD furnace - separate calculation shall be made based on the capacity of the furnaces. In such industries, the molten metal from induction furnace is transferred to AOD furnace where other metals like manganese and nickel are added to get the metal of desired constituents. The lime and silicon are also added for reduction of the metal oxides to the base metal. the normalized air pollution score will be <math>= (100*25)/40= 62.5</math> and is categorized as Red.</p>
29.	26	Fertilizer (granulation / formulation / blending only)	--	--	20	--	20	--	50	O-O	Air polluting.	
30.	27	Fish feed, poultry feed and cattle feed	--	--	20	--	20	--	50	O-O	Obnoxious odour , H2S etc. AP score is normalized to 100	
31.	28	Fish processing and packing (excluding chilling of fishes)	20	--	--	20	--	--	50	O-O	Mainly water polluting. W/P score is normalized to 100.	

32.	31	Forging of ferrous and non-ferrous metals ( using oil and gas fired furnaces)	--	--	20	--	20	--	20	--	50	O-O	Heating furnace. Mainly air polluting.
33.	32	Formulation/pelletization of camphor tablets, naphthalene balls from camphor/ naphthalene powders.	--	--	20	--	20	--	20	--	50	O-O	Mainly air polluting. Emissions of Benzene, HC are expected.
34.	33	Glass ceramics, earthen potteries and tile manufacturing using oil and gas fired kilns, coating on glasses using cerium fluorides and magnesium fluoride etc.	--	--	20	--	20	--	20	--	50	O-O	Mainly air polluting. Emissions of SO2 are expected.
35.	35	Gravure printing, digital printing on flex, vinyl	20	--	20	--	20	10	20	10	50	O-O	Waste waters , emissions of VOCs
36.	36	Heat treatment using oil fired furnace ( without cyaniding)	--	--	20	--	20	--	20	--	50	O-O	Mainly air polluting and noise generating. AP Score is normalized to 100.
37.	28	Hot mix plants	-	-	20	-	20	-	20	-	50	R-O	Mainly air polluting. Air pollution scores are normalized to 100.
38.	37	Hotels (< 3 star) or hotels having > 20 rooms and less than 100 rooms.	20	--	20	--	20	--	20	--	50	O-O	Mainly water polluting. WP score is normalized to 100.
39.	38	Ice cream	20	--	20	--	20	--	20	--	50	O-O	Wash-water and boilers / oven for pasteurization.
40.	34	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	-	-	20	0	20	0	20	0	50	R-O	Mainly air polluting. Air pollution score is normalized to 100
41.	34	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	10	-	20	-	20	10	20	10	50	R-O	Mainly air polluting.



45.	42	Manufacturing of glass	10	-	-	20	-	20	-	50	R-O	<p>i. Mainly air polluting ( melting at 1500°C and refining .</p> <p>ii. In case of lead glass , the score of A1 will be 25 and accordingly the normalized scores will be 62.5 i.e. Red .</p>
46.	43	Manufacturing of iodized salt from crude/ raw salt	12	--	12	20	--	20	20	50	O-O	<p>Boiling in Evaporators (multiple effect evaporators), centrifuging, iodization with KIO3 mixing . Mainly air polluting. Air pollution score is normalized to 100.</p>
47.	42	Manufacturing of mirror from sheet glass	--	--	--	20	--	20	20	50	O-O	<p>Evaporator &amp; furnace for heating the metal to be applied as reflector on mirror. Mainly air polluting.</p>
48.	44	Manufacturing of mosquito repellent coil	--	--	--	20	--	20	20	50	O-O	<p>Mainly air polluting. Toxic fumes are expected.</p>
49.	46	Manufacturing of Starch/Sago	25	-	25	15	-	15	15	50	R-O	<p>i. Water and air polluting industry. Boiler is used for steam generation.</p> <p>ii. Water &amp; air pollution scores are normalized to 100</p>
50.	46	Mechanized laundry using oil fired boiler	20	--	20	20	--	20	20	50	O-O	<p>Both air and water pollution are generated.</p>
51.	47	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)	--	--	--	20	--	20	20	50	O-O	<p>1. Mainly air polluting. Boiler as well as VOCs from use of adhesives. 2. Without boiler, it will be a Green category industry.</p>
52.	50	New highway construction project	-	-	-	20	-	20	20	50	R-O	<p>Mainly air polluting project.</p>

53.	51	Non-alcoholic beverages(soft drink) & bottling of alcohol/non alcoholic products	20	-	20	15	5	20	-	50	R-O	i. Both air and water polluting. Score is normalized with air & water pollution. This score is valid for industries having waste-water generation <100 KLD. ii. For the units having waste-water generation > 100 KLD the , normalized score would be 62.5 and categorized as Red.
54.	49	Paint blending and mixing (Ball mill)	20	--	20	20	--	20	10	50	O-O	Both air and water pollution are generated.
55.	62	Paints and varnishes (mixing and blending)	20	0	0	20	0	20	0	50	G-O	Waste-waters as well as fumes of VOCs due to solvents, pigments, varnishes.
56.	51	Ply-board manufacturing( including Veneer and laminate) with oil fired boiler/ thermic fluid heater(without resin plant)	0	--	0	20	--	20	--	50	O-O	Mainly air polluting because of use of boiler. AP score is normalized to 100
57.	52	Potable alcohol ( IMFL) by blending, bottling of alcohol products	20	--	20	--	--	--	--	50	O-O	Mainly water polluting. WP score is normalized to 100.
58.	54	Printing ink manufacturing	20	--	20	20	--	20	--	50	O-O	1. Pigments, binders and solvents are used. 2. Boiler is also used. 3. Emissions of VOCs take place.
59.	70	Printing press	20	0	20	20	0	20	0	50	G-O	Colored waste-waters containing dyes and VOC emissions are generated.
60.	59	Reprocessing of waste plastic including PVC	20	--	20	20	--	20	--	50	O-O	Large quantities of wash-water and fugitive emissions are generated.
61.	61	Rolling mill (oil or coal fired) and cold rolling mill	10	--	10	20	--	20	--	50	O-O	Mainly air polluting. Air pollution score is normalized to 100. Others - cooling water and recyclable waste oils etc. are generated.
62.	67	Spray painting, paint baking, paint shipping	--	--	--	20	--	20	10	50	O-O	Mainly air polluting. Emissions of VOCs and HC are generated.

63.	72	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	10	-	10	20	-	20	10	50	R-O	i. Mainly air polluting. In the emissions, oxides of manganese, nickel etc. are also present. ii. Air pollution score is normalized to 100.
64.	73	Stone crushers	-	-	20	20	-	20	-	50	R-O	Mainly air polluting. Air pollution score is normalized to 100.
65.	75	Surgical and medical products including prophylactics and latex	20	-	20	20	-	20	-	50	R-O	Both air as well as water polluting. Air and water pollution scores are normalized to 100.
66.	85	Tephlon based products	0	0	0	20	0	20	0	50	G-O	Due to spraying applications, emissions (HC) are generated
67.	70	Thermocol manufacturing ( with boiler)	--	--	20	20	--	20	--	50	O-O	Polystyrene is heated. Mainly air polluting with boiler.
68.	82	Tobacco products including cigarettes and tobacco/opium processes	20	-	20	20	-	20	-	50	R-O	Such industries generate both air as well as water pollution. These scores are normalized to 100.
69.	72	Transformer repairing/ manufacturing ( dry process only)	--	--	20	20	--	20	10	50	O-O	Mainly air polluting because of ovens, shot-blasting etc.
70.	73	Tyres and tubes vulcanization/ hot retreating	10	--	10	20	--	20	--	50	O-O	Mainly air polluting. Emissions of PM, VOCs and obnoxious odour are generated.
71.	83	Vegetable oil manufacturing including solvent extraction and refinery /hydrogenated oils	20	-	20	15	5	20	10	50	R-O	i. All sorts of pollution are generated. ii. This score is valid for plants having waste-water generation < 100 KLD. iii. If the waste-water generation is more than 100 KLD, the unit shall be classified as Red.
72.	74	Wire drawing and wire netting	20	--	20	--	--	--	--	50	O-O	Mainly water polluting. WP scores normalized to 100.

73.	21	Dry cell battery (excluding manufacturing of electrodes) and assembling & charging of acid lead battery on micro scale	30	--	30	15	--	15	10	55	O-O	Water and air polluting both.
74.	50	Pharmaceutical formulation and for R & D purpose ( For sustained release/ extended release of drugs only and not for commercial purpose)	20	--	20	20	--	20	15	55	O-O	i. All sorts of pollution are generated. ii. R&D activities are to be shifted to Red category.
75.	78	Synthetic resins	20	-	20	20	-	20	15	55	R-O	All sorts of pollution are generated.
76.	79	Synthetic rubber excluding molding	20	-	20	20	-	20	15	55	R-O	i. Most synthetic rubber is created from two materials, styrene and butadiene. Both are currently obtained from petroleum. ii. Process is similar to a part of Petrochemical plants.
77.	9	Cashew nut processing	25	--	25	20	--	20	--	56	O-O	Normal water and air polluting.
78.	12	Coffee seed processing	25	--	25	20	--	20	--	56	O-O	Normal water & air polluting industry.
79.	57	Parboiled Rice Mills	25	-	25	20	-	20	-	56	R-O	i. Rice Mills are generating both air and water pollution. Waste-waters are having high strength in respect of BOD. ii. This is the normalized air & water pollution score for units having waste-water generation < 100 KLD and fuel consumption less than 12 MTD. iii. For units having waste-water generation > 100 KLD or fuel consumption > 12 MTD or both , the unit shall be classified as Red.

80.	29	Foam manufacturing	--	--	--	20	--	20	15	58	O-O	i. Raw material is polyurethane, latex etc. ii. Emissions of VOCs and HAPs. CH3Cl2 and similar compounds as blowing agents. iii. Outdated raw materials and spoiled slots are discarded as HW.
81.	34	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.	10	0	10	20	0	20	15	58.33	R-O	Mainly air polluting and hazardous waste generating industry. Air pollution & HW scores are normalized to 100
82.	34	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.	-	-	-	20	0	20	15	58.33	R-O	Mainly air polluting and hazardous waste generating industry. Air pollution & HW scores are normalized to 100.
83.	56	Producer gas plant using conventional up drift coal gasification ( linked to rolling mills glass and ceramic industry refectories for dedicated fuel supply)	--	--	--	20	--	20	15	58.33	O-O	Mainly air polluting & tar (HW) generating. SO2, CO, NOx are generated. Tar is the by-product and utilized by other industries in co-processing.

Note :

i. Under the column Revised Category, the full forms of the abbreviations are as follows :

- R-R means original category was Red and revised category is also Red
- R-O means original category was Red and revised category is Orange
- O-O means original category was Orange and revised category is also Orange
- O-G means original category was Orange and revised category is Green
- O-W means original category was Orange and revised category is White
- G-O means original category was Green and revised category is Orange
- G-G means original category was Green and revised category is also Green
- G-W means original category was Green and revised category is White

- ii. 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 overall details are as follows:

Sl No.	Original SI No.	Industry Sector	Original Category	Remarks
1	24	Excavation of sand from the river bed (excluding manual excavation)	0	Since such types of activities cause ecological disturbances, the instructions issued by the government from time to time be followed. To be categorized by MoEF&CC.
2	39	Infrastructure Development Project	0	Vast variety of such projects come under such category. This is to be decided by the concerned SPCB in line of EIA Notification , 2006.
3	53	Power press	0	Very vague term hence deleted. Such types of general engineering units have already been covered.

Table G-4 : Final List of Green Category of Industrial Sectors

Sl. No.	Orgnl Sl.No.	Industry Sector	W1	W2	W	A1	A2	A	H	W+A+H	Revised Category	Remarks
1.	2	Aluminium utensils from aluminium circles by pressing only (dry mechanical operation)	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from buffing operations.
2.	6	Ayurvedic and homeopathic medicines (without boiler)	10	--	10	--	--	--	--	25	G-G	Small quantities of waste-waters are generated from washing operations.
3.	8	Bakery /confectionery /sweets products (with production capacity <1tpd (with gas or electrical oven)	10	--	10	--	--	--	--	25	G-G	Small quantities of waste-waters are generated from washing operations.
4.	6	Bi-axially oriented PP film along with metalizing operations	10	--	10	--	--	--	--	25	O-G	Mainly extrusion process involving water recirculation
5.	10	Biomass briquettes (sun drying) without using toxic hazardous wastes	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from pulverization / mixing operations.
6.	13	Blending of melamine resins & different powder, additives by physical mixing	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from pulverization / mixing operations.
7.	15	Brass and bell metal utensils from mechanical operation without re-rolling facility)	--	--	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from buffing operations.
8.	16	Candy	10	--	10	10	--	10	--	25	G-G	Small quantities of waste-water and minor

9.	17	Cardboard or corrugated box and paper products (excluding paper or pulp manufacturing and without using boilers)	--	--	10	--	10	--	10	--	25	G-G	PM emissions are generated. This score is valid with Small gas / electricity operated oven / furnace for making glue.
10.	18	Carpentry & wooden furniture manufacturing (excluding saw mill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc.	--	--	10	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from cutting operations.
11.	19	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)	--	--	10	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions from mixing operations.
12.	20	Ceramic colour manufacturing by mixing & blending only (not using boiler and wastewater recycling process)	--	--	10	--	10	--	10	--	25	G-G	Minor air pollution due to some fugitive PM emissions.
13.	11	Chilling plant, cold storage and ice making	10	--	10	--	10	--	10	--	25	O-G	Cooling water recirculation only.
14.	13	Coke briquetting ( sun drying)	--	--	10	--	10	--	10	--	25	O-G	Mainly air polluting industry. Sources of air pollution (PM) are pulverizes and mixers. Air pollution score is normalized to 100.
15.	28	Cotton spinning and weaving (small scale)	--	--	10	--	10	--	10	--	25	G-G	Minor PM emissions from spinning process.
16.	17	Dal Mills	--	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM.

17.	29	Decoration of ceramic cups and plates by electric furnace	--	--	--	10	--	10	--	10	--	25	G-G	Fumes of enamels. Minor air pollution.
18.	19	Digital printing on PVC clothes	--	--	--	10	--	10	--	10	--	25	O-G	Minor emissions / odour generations are expected.
19.	25	Facility of handling, storage and transportation of food grains in bulk	--	--	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM during handling of grains.
20.	36	Flour mills (dry process)	--	--	--	10	--	10	--	10	--	25	G-G	Fugitive dust emissions.
21.	41	Glass , ceramic, earthen potteries, tile and tile manufacturing using electrical kiln or not involving fossil fuel kiln	--	--	--	10	--	10	--	10	--	25	G-G	Minor fugitive emissions only.
22.	34	Glue from starch (physical mixing) with gas / electrically operated oven /boiler.	--	--	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM during mixing of raw materials.
23.	42	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)	--	--	--	10	--	10	--	10	--	25	G-G	Minor fumes from cleaning process.
24.	36	Heat treatment with any of the new technology like ultrasound probe , induction hardening , ionization beam, gas carburizing etc.	10	--	10	10	--	10	--	10	--	25	O-G	<ul style="list-style-type: none"> <li>Cooling waters and minor heat fumes.</li> <li>Finalization of categorization subject to field verification.</li> </ul>
25.	46	Insulation and other coated papers (excluding paper or pipe manufacturing)	--	--	--	10	--	10	--	10	--	25	G-G	Minor fumes due to application of polyurethane
26.	49	Leather foot wear and leather products (excluding tanning and hide processing except cottage scale)	--	--	--	10	--	10	--	10	--	25	G-G	Minor fumes due to use of adhesives / gums.

27.	50	Lubricating oil, greases or petroleum based products (only blending at normal temperature)	--	--	10	--	10	--	10	--	10	--	25	G-G	Minor fumes at the time of transfers from one container to other.
28.	54	Manufacturing of pasted veneers using gas fired boiler or thermic fluid heater and by sun drying	--	--	10	--	10	--	10	--	10	--	25	G-G	1. Minor fumes due to application of gums / adhesives / pastes etc. 2. This score is valid only for gas fired boiler.3. The units having coal fired boilers shall be categorized as Orange.
29.	59	Oil mill Ghani and extraction ( no hydrogenation / refining)	10	--	10	--	--	--	--	--	--	--	25	G-G	Small quantities of floor washings & equipments washings are generated.
30.	48	Packing materials manufacturing from non asbestos fibre, vegetable fibre yarn	--	--	10	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM are expected.
31.	65	Phenyl/toilet cleaner formulation and bottling	--	--	10	--	10	--	10	--	10	--	25	G-G	Minor fumes of VOCs in the work zone
32.	67	Polythene and plastic processed products (virgin plastic)	10	--	10	--	10	--	10	--	10	--	25	G-G	Cooling water & emissions due to mixing of raw materials.
33.	68	Poultry, Hatchery and Piggery	--	--	10	--	10	--	10	--	10	--	25	G-G	Obnoxious odour containing H <sub>2</sub> S, CH <sub>4</sub> etc. and fugitive PM emissions
34.	69	Power looms (without dye and bleaching)	--	--	10	--	10	--	10	--	10	--	25	G-G	Minor emissions of PM.
35.	71	Puffed rice (muri) (using gas or electrical heating system)	--	--	10	--	10	--	10	--	10	--	25	G-G	Minor emissions of PM.
36.	57	Pulverization of bamboo and scrap wood	--	--	10	--	10	--	10	--	10	--	25	O-G	Some fugitive emissions of PM are expected.
37.	72	Ready mix cement concrete	--	--	10	--	10	--	10	--	10	--	25	G-G	PM emissions.
38.	73	Reprocessing of waste cotton	--	--	10	--	10	--	10	--	10	--	25	G-G	PM emissions.
39.	60	Rice mill (Rice hullers only)	--	--	10	--	10	--	10	--	10	--	25	O-G	PM emissions are generated. Mainly air



52.	45	Hotels (up to 20 rooms and without boilers)	12	--	12	--	--	--	--	30	G-G	This score is valid for hotels having overall waste-water generation less than 10 KLD.
53.	53	Manufacturing of optical lenses (using electrical furnace)	12	--	12	--	--	--	--	30	G-G	Small quantities of waste-waters containing TDS, SS are generated.
54.	58	Mineralized water	12	--	12	--	--	--	--	30	G-G	RO Rejects.
55.	68	Tamarind powder manufacturing	12	--	12	15	--	15	15	33.75	O-G	<ul style="list-style-type: none"> <li>Dried tamarind fruits - cleaned and after soaking them in water they are boiled in steam jacketed kettle for about 40-45 minutes. Then pulp is extracted in pulper and dried in drum type drier and on cooling, the final product is packed.</li> <li>Generates small quantities of waste waters and air emissions. Joint score is normalized to 100.</li> </ul>
56.	15	Cutting, sizing and polishing of marble stone	15	--	15	--	--	--	--	37.5	O-G	Mainly water polluting . Water pollution score is normalized to 100.
57.	22	Emery powder ( fine dust of sand) manufacturing	--	--	--	15	--	15	15	37.5	O-G	Air polluting. PM emissions take place during various stages of grindings of naturally occurring minerals.
58.	25	Flyash export, transport & disposal facilities	-	-	-	15	-	15	15	37.5	R-G	<ul style="list-style-type: none"> <li>This is mainly air polluting activity.</li> <li>This is the normalized score based on air pollution.</li> </ul>
59.	48	Mineral stack yard / Railway sidings	15	-	15	-	-	15	15	37.5	R-G	Mainly air pollution due to loading, unloading, storage and transportation of the minerals.

60.	54	Oil and gas transportation pipeline	-	-	10	5	15	-	37.5	R-G	<ul style="list-style-type: none"> <li>Waste-water generation mainly during rains only.</li> <li>Contains small gas based power plants up-to 5 MWs.</li> <li>Air pollution score is normalized to 100.</li> <li>In case , if these power plants are bigger / liquid fuel / oil based, scores will be calculated accordingly.</li> </ul>
61.	64	Seasoning of wood in steam heated chamber	--	--	15	--	15	--	37.5	O-G	<p>Air pollution due to use boiler for supply of steam. Air pollution score is normalized to 100.</p> <ul style="list-style-type: none"> <li>This score is valid for the industries which are not manufacturing LABSA. It is procured from outside.</li> <li>Small quantities of emissions are generated from mini boiler.</li> <li>Air pollution score is normalized to 100.</li> </ul>
62.	84	Synthetic detergent formulation	--	--	15	--	15	--	37.5	<b>G-G</b>	<ul style="list-style-type: none"> <li>This score is valid for the industries which are not manufacturing LABSA. It is procured from outside.</li> <li>Small quantities of emissions are generated from mini boiler.</li> <li>Air pollution score is normalized to 100.</li> </ul>
63.	69	Tea processing ( with boiler)	--	--	15	--	15	--	37.5	O-G	<p>With boiler, it is an orange category industry. Without boiler, it will be green category industry.</p>

**Note :**

- i. Under the column Revised Category, the full forms of the abbreviations are as follows :
- R-R means original category was Red and revised category is also Red
  - R-O means original category was Red and revised category is Orange
  - O-O means original category was Orange and revised category is also Orange
  - O-G means original category was Orange and revised category is Green
  - O-W means original category was Orange and revised category is White
  - G-O means original category was Green and revised category is Orange
  - G-G means original category was Green and revised category is also Green
  - G-W means original category was Green and revised category is White
- ii. 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. The overall details are as follows :

Sl No.	Original Sl No.	Industry Sector	Original Category	Remarks
1	47	Jobbing and Machining	G	Vague category to be deleted, as such activities have already been covered in other categories.
2	66	Reel manufacturing	G	Already covered in other categories. Hence, deleted
3	1	Assembling of acid lead batteries (up to 10 batteries per day excluding lead plate casting)	G	Already covered in Orange category. Hence, deleted
4	5	Automobile fuel outlets (only dispensing)	G	Minor air pollution due to some fugitive emissions during fuel filling operations. May be exempted from the purview of Consent management.
5	30	Diesel generator sets (15 KVA to 1 MVA)	G	<ul style="list-style-type: none"> <li>Normal operation – 12 hrs a day.</li> <li>Consumption of diesel = 1680 litres for 1 MVA DG set at full load @ 0.21 litres / KVA / hr.</li> <li>Stand-alone DG Sets having total capacity 1 MVA or less and equipped with acoustic enclosures along with adequate stack height may be exempted from the purview of Consent management. Higher capacity DG sets have already been covered under Red / Orange categories .</li> </ul>

Table G-5: Final List of White Category of Industries

Sl. No.	Orgnl Sl. No.	Industry Sector	W1	W2	W	A1	A2	A	H	W+A+H	Revised Category
1.	3	Assembly of air coolers / conditioners ,repairing and servicing	--	--	--	--	--	--	--	--	G-W
2.	4	Assembly of bicycles ,baby carriages and other small non motorizing vehicles	--	--	--	--	--	--	--	--	G-W
3.	7	Bailing (hydraulic press)of waste papers	--	--	--	--	--	--	--	--	G-W
4.	9	Bio fertilizer and bio-pesticides without using inorganic chemicals	--	--	--	--	--	--	--	--	G-W
5.	11	Biscuits trays etc from rolled PVC sheet (using automatic vacuum forming machines)	--	--	--	--	--	--	--	--	G-W
6.	12	Blending and packing of tea	--	--	--	--	--	--	--	--	G-W
7.	14	Block making of printing without foundry (excluding wooden block making)	--	--	--	--	--	--	--	--	G-W
8.	21	Chalk making from plaster of Paris ( only casting without boilers etc. ( sun drying / electrical oven)	--	--	--	--	--	--	--	--	G-W
9.	25	Compressed oxygen gas from crude liquid oxygen ( without use of any solvents and by maintaining pressure & temperature only for separation of other gases)	--	--	--	--	--	--	--	--	G-W
10.	27	Cotton and woolen hosiers making ( Dry process only without any dyeing / washing operation)	--	--	--	--	--	--	--	--	G-W
11.	31	Diesel pump repairing and servicing ( complete mechanical dry process)	--	--	--	--	--	--	--	--	G-W
12.	33	Electric lamp ( bulb) and CFL manufacturing by assembling only	--	--	--	--	--	--	--	--	G-W

13.	34	Electrical and electronic item assembling ( completely dry process)	--	--	--	--	--	--	--	--	--	--	G-W
14.	23	Engineering and fabrication units (dry process without any heat treatment / metal surface finishing operations / painting)	--	--	--	--	--	--	--	--	--	--	O-W
15.	35	Flavoured betel nuts production/ grinding ( completely dry mechanical operations)	--	--	--	--	--	--	--	--	--	--	G-W
16.	37	Fly ash bricks/ block manufacturing	--	--	--	--	--	--	--	--	--	--	G-W
17.	38	Fountain pen manufacturing by assembling only	--	--	--	--	--	--	--	--	--	--	G-W
18.	39	Glass ampules and vials making from glass tubes	--	--	--	--	--	--	--	--	--	--	G-W
19.	40	Glass putty and sealant ( by mixing with machine only)	--	--	--	--	--	--	--	--	--	--	G-W
20.	43	Ground nut decortating	--	--	--	--	--	--	--	--	--	--	G-W
21.	44	Handloom/ carpet weaving ( without dyeing and bleaching operation)	--	--	--	--	--	--	--	--	--	--	G-W
22.	48	Leather cutting and stitching (more than 10 machine and using motor)	--	--	--	--	--	--	--	--	--	--	G-W
23.	51	Manufacturing of coir items from coconut husks	--	--	--	--	--	--	--	--	--	--	G-W
24.	52	Manufacturing of metal caps containers etc	--	--	--	--	--	--	--	--	--	--	G-W
25.	55	Manufacturing of shoe brush and wire brush	--	--	--	--	--	--	--	--	--	--	G-W
26.	57	Medical oxygen	--	--	--	--	--	--	--	--	--	--	G-W
27.	60	Organic and inorganic nutrients ( by physical mixing)	--	--	--	--	--	--	--	--	--	--	G-W
28.	61	Organic manure (manual mixing)	--	--	--	--	--	--	--	--	--	--	G-W
29.	63	Packing of powdered milk	--	--	--	--	--	--	--	--	--	--	G-W
30.	64	Paper pins and u clips	--	--	--	--	--	--	--	--	--	--	G-W
31.	58	Repairing of electric motors and generators ( dry mechanical process)	--	--	--	--	--	--	--	--	--	--	O-W
32.	74	Rope (plastic and cotton)	--	--	--	--	--	--	--	--	--	--	G-W

33.	76	Scientific and mathematical instrument manufacturing	--	--	--	--	--	--	--	--	--	G-W
34.	78	Solar module non conventional energy apparatus manufacturing unit	--	--	--	--	--	--	--	--	--	G-W
35.	79	Solar power generation through solar photovoltaic cell, wind power and mini hydel power (less than 25 MW)	--	--	--	--	--	--	--	--	--	G-W
36.	83	Surgical and medical products assembling only (not involving effluent / emission generating processes)	--	--	--	--	--	--	--	--	--	G-W

Note : Under the column Revised Category, the full forms of the abbreviations are as follows :

- a. R-R means original category was Red and revised category is also Red
- b. R-O means original category was Red and revised category is Orange
- c. O-O means original category was Orange and revised category is also Orange
- d. O-G means original category was Orange and revised category is Green
- e. O-W means original category was Orange and revised category is White
- f. G-O means original category was Green and revised category is Orange
- g. G-G means original category was Green and revised category is also Green
- h. G-W means original category was Green and revised category is White





केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)  
(MINISTRY OF ENVIRONMENT & FORESTS, GOVT. OF INDIA)

No. B-29012/ESS/CPA/2015-16

19.08.2015

Sub: "Harmonization of Classification of industries under Red / Orange / Green / White Categories".

During the Conference of the Environment Ministers of States held in New Delhi during April 06-07, 2015, it was resolved to adopt pollution potential criteria for categorization of Red, Orange & Green categories of industries and that a Committee be constituted with State representatives. Further, in the 59<sup>th</sup> Conference of Chairmen & Member Secretaries of Pollution Control Boards/PCCs held in New Delhi on April 08, 2015, it was agreed to constitute a Committee to look into categorization system of industries based on their respective pollution potential index.

2. Accordingly, a Committee comprising the Chairmen of CPCB, APPCB, TNPCC, MPPCB, MPCB, PPCB, WBPCB and MS, CPCB was constituted vide CPCB OM dated 23.04.2015 to review & classify industrial sectors into different categories based on criteria of respective pollution potential indices.
3. The existing Red ( 85 sectors ) , Orange ( 73 sectors) and Green ( 86 sectors) industrial sectors have been assessed as per the proposed formula by a group of Scientists from CPCB . For this purpose , concerned Engineers / Scientists from the Member SPCBs of the Committee were also involved & consulted during May28-29, 2015.
4. After careful examination and consideration of the suggestions of concerned stake-holders the "Draft Document on Revised Concept of Categorization of Industrial Sectors " is prepared by the Committee .

In this context, the Undersigned is directed to forward a copy of the " Draft Document on Revised Concept of Categorization of Industrial Sectors to all the SPCBs, PCCs and concerned Ministries for their comments. Accordingly, the same is enclosed herewith and all the SPCBs, PCCs and concerned Ministries are, hereby requested to provide their comments by 04.09.2015. The comments may kindly be sent through hard copy as well as soft copy at e-mail: [nkgupta.cpcb@nic.in](mailto:nkgupta.cpcb@nic.in) , [nkgcpcb@hotmail.com](mailto:nkgcpcb@hotmail.com) .

Encl : As above

[N.K. Gupta]  
Incharge - ESS

To:

1. All the State Pollution Control Boards / Pollution Control Committees
2. The Secretary, Ministry of Micro Small and Medium Enterprises, New Delhi
3. The Secretary, Ministry of Heavy Industries & Public Enterprises, New Delhi
4. The Advisor & Incharge , CP Division, MoEFCC, New Delhi
5. CPCB Website

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032  
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ई-मेल / e-mail : [cpcb@nic.in](mailto:cpcb@nic.in) वेबसाइट / Website : [www.cpcb.nic.in](http://www.cpcb.nic.in)

Sr.	Conditions Y-Yes, N-No	R-6		R-7		R-8		R-9		R-10		R-11		R-12		R-14
		SuperRMC	MPCB	CreativeRMC	MPCB	M E Infra	MPCB	Skyland	MPCB	R & B Infra	MPCB	Sardar	MPCB	New India	MPCB	
1	100m Buffer Zone	Y		Y	300m from NH 1.5km from Village	Y	900m from NH 1.5km from Village	Y	850 m from NH 1.5km from Village	Y	900 m from NH 1.5km from Village	Y	850 m from NH 1.5km from Village	Y	Y Near NH Pada/Village near RMC plant	
2	Captive plant Location	Y	Y	Y	Majlipada, vasai	Y	Majlipada, vasai	Y	Majlipada, vasai	Y	Majlipada, vasai	Y	Majlipada, vasai	Y		
3	Plant location Within 200m From Residential Area	N	N	N	School & College are 1.5 km away	N	School & College are 1.5 km away	N	School & College are 1.5 km away	N	School & College are 1.5 km away	N	School & College are approx 2 km away	N	School & College are 200 m away	
4	DC Rules	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
(A)	<b>Air Pollution Control:</b>															
i	<b>In-house measures;</b>															
5	Material transfer Coverd	Y		Y	Sheds are Available	Y	Sheds are Available	Y	Sheds are Available	Y	Sheds are Available	Y	Sheds are Available	Y	Sheds are Available	
6	Barricading provided? Height ft	Y	Y	Y	22 Feet	Y	20-25 Feet	Y	20-25 Feet	Y	20-25 Feet	Y	20-25 Feet	Y	20-25 Feet	
7	Water Sprinkler	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
8	Tree plantation No. of Trees / height ft	Y	Y	Y	15 Trees, 20-25 ft	Y	5 Trees, 20 ft	Y	3 Trees, at main gate.	Y	Trees at main gate	Y	15 Trees, 20 ft.	Y	Trees are planted around site	
9	Internal Work cement concreted	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
10	Daily Cleaning	Y	Y	Y	Vacume Cleaner not available	Y	Daily Cleaned by Vacume Cleaner	Y	Daily Cleaned by Vacume Cleaner	Y	Daily Cleaned by Vacume Cleaner	Y	Daily Cleaned by Vacume Cleaner	Y	Plant is not in operation	
11	Two level tyre washing facility	Y	Y	Y	Transit mixture vehicle tyre washing facility is available	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
ii	<b>Raw material storage &amp; handling;</b>															
12	Storage silos of cement & fly-ash	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	
13	Handling of Cement, sand, fly ash	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
14	Manual operations	N	Y	N	N Roof top raw material area shed was collapsed	N	N	Y	N	Y	N	Y	N	Y	Y	
15	Conveyor belts	Y	Y	Y	for fugitive emission conveyer belts covered by shed	Y	Conveyor Belt covered by shed	Y	Conveyor Belt covered by shed	Y	Conveyor Belt covered by shed	Y	Conveyor Belt covered by shed	Y	Conveyor Belt covered by shed	
16	Dust collection system	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
17	Roof top water sprinkler system	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
18	Air pollution control devices.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
19	Alternative power supply system	N	Y	Y	DG Set of 250KVA	Y	DG Set of 380KVA	Y	DG Set available	Y	DG Set available	Y	DG Set available	Y	DG Set available	

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Ax. H

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Sr.	Conditions		R-6		R-7		R-8		R-9		R-10		R-11		R-12		R-14
	Y-Yes, N-No	MPCB	Super RMC	MPCB	Creative RMC	MPCB	M E Infra	MPCB	Skyland	MPCB	R & B Infra	MPCB	Sardar	MPCB	New India	MPCB	
iii	Install Continuous Ambient Air Quality Monitoring Station (CAAQMS)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
a	AAQM twice in a week	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b	Water Pollution control measures	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
(B)	Generation of Waste Water	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
23	Reuse of Treated Water	Y	Water is reused in plant			Y	Water is reused in plant		Y	Water is reused in plant	Plant are temporary closed				Y	Water is reused in plant	Plant is not in operation
24	Reuse of Treated Water	Y	Water is reused in plant			Y	Water is reused in plant		Y	Water is reused in plant	Plant are temporary closed				Y	Water is reused in plant	Plant is not in operation
(C)	Noise pollution Control:Measures	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
25	Noise pollution under rule																
(D)	Solid waste treatment and disposal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
26	Reuse of solid waste	Y	Debris waste use for BMC work			Y	Debris waste use for BMC work		Y	Debris reuse & send to Land Filling	Production was stopped.				Y	Debris are reused for Land Filling and maintaining crash process.	Plant is not in operation
(E)	The following conditions shall be incorporated in the consent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
27	ETP/STP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
28	The remediation and restoration measure	Y				Y			Y						Y		
29	Consent	Y	CTO 05/12/2022 Valid 30-11-2027			-					CTO 07/01/2019 Valid 31-12-2024.		CTO 19/07/2019 Valid 31-07-2025.		CTO 31/01/2019 Valid 30-11-2024.		Consent expired year back.
30	Time of operation RMC Plant (day)	Y	06 am to 6 pm	Y	06 am to 6 pm	Y	06 am to 10 pm	Y	06 am to 10 pm	Y	06 am to 10 pm and 10 pm to 6 am	Y	06 am to 10 pm	Y	06 am to 10 pm		
31	MPCB standards stringent for the RMC																
32	Urban local bodies / special planning authority can locate all such RMC plants in cluster.																

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**Proof Of Service**

raghunath mahabal &lt;adv.rbmahabal@gmail.com&gt;

**NGT: OA 102/2022 "Sagar Kantilal Devre Vs. GoM": R10: Circulation of the Advance copy of Affidavit**

1 message

raghunath mahabal &lt;adv.rbmahabal@gmail.com&gt;

13 March 2023 at 17:19

To: meesagardevre@gmail.com, "Principal Secretary Environment Dept. Govt. of Maharashtra" <psec.env@maharashtra.gov.in>, chairman@mpcb.gov.in, RO Thane <rothane@mpcb.gov.in>, mc@thanecity.gov.in, ccftthane@mahaforest.gov.in, adv.manasi.joshi@outlook.com, aniruddha1488@gmail.com, Raghunath Mahabal <mahabal60@gmail.com>, National Green Tribunal Pune <ngt-pune@gov.in>, ssgore2005@gmail.com  
Cc: rmr@rathoregroup.com, randbinfraprojectpvtltd12@gmail.com

SIR,

This is an email copy for advance circulation of Affidavit in reply.

Advocate for Respondent No. 10 (R &amp; B Infra Projects Pvt. Ltd.)

**Dhananjay Chavan (Office Incharge), 7038383654****= Raghunath Mahabal, Advocate +91-74-0011-6222 [adv.](mailto:adv.rbmahabal@gmail.com)****[rbmahabal@gmail.com](mailto:rbmahabal@gmail.com) =**

B-202 Chandravijay, Phule Road, Mulund East, Mumbai-400081

Adv. Sachin Gore 7350212877 | Adv. Sumedha Marathe | Adv. Ashlesha Gondhalekar | Adv. Antima Bazaz New Delhi

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