

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

Original Application No. 79 of 2020

IN THE MATTER OF:

Lt. Col. Ms. Shomi Sugathan ... Applicant

VERSUS

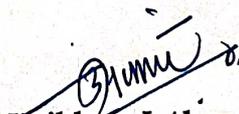
M/s. Swami Tyres and others ... Respondents

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Pune

Date- 30/12/2021

  
Vaibhav Jathar,

Advocate For Applicant

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

Original Application No. 79 of 2020

IN THE MATTER OF:

Lt. Col. Ms. Shomi Sugathan ... Applicant

VERSUS

M/s. Swami Tyres and others ... Respondents

**AFFIDAVIT -IN- REJOINDER ON BEHALF OF  
APPLICANT TO THE REPLY FILED BY THE  
RESPONDENT NO.1 DATED 01/10/2021.**

**Most Respectfully Showeth:**

1. I, Shri. P.K. Sugathan, Age - 67 Years, Occ - Retired, R/at - Sugu Nivas, Survey No. 190, Near Navalakha Godown, Hadapsar-Saswad Road, Pune - 412 308, *General Power of Attorney Holder for my daughter Lt Col Shomi Sugathan*, the applicant do hereby state on solemn affirmation as under:-

2. Applicant states that, Applicant has filed the present Original Application for grievance of the illegal tyre-retreading activity causing irreparable damage to the environment and ecology due to air and noise pollution in total violation of environmental norms by the Respondent No.1 at

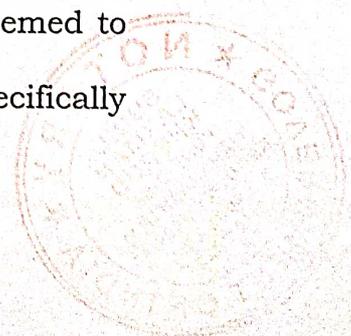


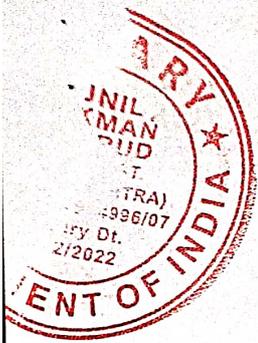


Ganesh Nagar, Village-Fursungi, Taluka-Haveli,  
Dist-Pune.

3. That, the above-mentioned Original Application was listed for admission before Hon'ble Tribunal on 10/11/2020 and the Hon'ble Tribunal after hearing the applicant was pleased to direct the MPCB to take further action as per law and file an action taken report before the next date.
4. That thereafter, the report as directed is submitted by the MPCB on 16/06/2021. (Page Nos. 77 to 86)
5. That thereafter, Applicant has filed objections to the said report on 22/07/2021. (Page Nos. 87 to 94)
6. That thereafter, Respondent No.1 has filed Reply on 01/10/2021. (Page Nos. 96 to 131) The applicant is filling present affidavit in rejoinder.
7. **Para-wise rejoinder to the Reply filed by the Respondent No. 1 dated 01/10/2021.**

a) I say that, that the contentions raised by the respondent No. 1 in the reply dated 01/10/2021 are false and misleading and no part thereof deemed to be admitted by the applicant unless specifically admitted in the present rejoinder.





- b) I say that, the contentions of Para 1 of reply dated 01/10/2021 does not need specific reply.
- c) I say that, the contentions of Para 2 of the reply dated 01/10/2021 are false and misleading and are not true and correct. It is submitted by the Respondent no.1 that industry falls in the distinguishing emergency service. That I say that industry of the Respondent no.1 is not distinguishing emergency service at all. It is commercial tyre retreading business using boilers causing air and noise pollution.
- d) I say that, the contentions of Para 3 of the reply dated 01/10/2021 are not true and correct. That the contentions in respect of providing copies of complaint filed by applicant with the Respondent no.5 and various other authorities is well within the knowledge of the Respondent no.1.
- e) I say that, the contentions of Para 4 of the reply dated 01/10/2021 are not true and correct. That I say that industry of the Respondent no.1 is not distinguishing emergency service at all. It is commercial tyre retreading business using boilers causing air and noise pollution and hence as per the

Notification dated 16/06/2016 issued by the MPCB consent is required.



- f) I say that, the contentions of Para 5 of the reply dated 01/10/2021 in respect of Respondent no.4 did not grant any opportunity of hearing as per the provisions of Rule 34 of Water ( Prevention and Control of Pollution) Rules, 1975 before issuance of the closure order are misleading and not correct. I say that following dates and events are important for the issue in hand which are as follows:

Sr. No	Date	Events
1	28/05/2019	Applicant filed complaint with Respondent No.4, MPCB against Respondent No.1
2	26/08/2019	Respondent No.4, MPCB issued notice of proposed directions to Respondent No.1 and granted personal hearing to Respondent No.1
3	09/12/2019	Respondent No.4, MPCB issued closure directions after Respondent No.1 did not attend the personal hearing.



4	20/12/2019	Respondent No.1 approached the Ld. Civil Court by filing RCS No 2242/2019 against the said closure directions.
5	28/01/2020	Respondent No.1 approached this Hon`ble Tribunal by filing appeal. <b>( Hereto annexed and marked as "Annexure A" is copy of said appeal memo)</b>
6	21/09/2020	Applicant approached this Hon`ble Tribunal by filing the present Original Application.
7	10/11/2020	This Hon`ble Tribunal directed the Respondent No.4, MPCB to take further action as per law against the Respondent No.1 and to file action taken report.
8	16/03/2021	Respondent No.4, MPCB issued order u/s 133 of Cr.P.C. for removal of nuisance against Respondent No.1
9	16/06/2021	Respondent No.4, MPCB filed action taken report in compliance of the order dated 10/11/2020.
10	20/08/2021	Respondent No.1 approached the Hon`ble High Court, Bombay by filing WP No 5563/2021 against the closure directions dated

		09/12/2019 and order u/s 133 of Cr.P.C. for removal of nuisance dated 16/03/2021.
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g) I say that, firstly as per the notice of proposed directions dated 26/08/2019, Respondent No.1 was directed to remain present for personal hearing but Respondent No.1 failed to remain present and hence on 09/12/2019, Respondent No.4, MPCB after recording the absence of the Respondent no.1 proceeded to issue closure directions after taking in to consideration the visit reports. Hence, it cannot be said that Respondent no.4 did not grant any opportunity of hearing. Secondly, the closure directions dated 09/12/2019 issued by the Respondent No.4, MPCB are issued as per the provisions of Section 33A of The Water (Prevention and Control of Pollution) Act,1974 and Section 31A of The Air (Prevention and Control of Pollution) Act,1981. Under these circumstances and as per the law, Respondent No.1 should have filed an appeal to this Hon`ble Tribunal as per the provisions of Section 33(B)(c) of The Water (Prevention and Control of Pollution) Act,1974 or should have filed an appeal before the Appellate Authority as per the



provisions of Section 31 of The Air (Prevention and Control of Pollution) Act, 1981, but since Respondent No.1 failed to exercise the same, cannot now raise the issue of violation of principles of natural justice in Original Application filed by the applicant. I say that, ignorance of law cannot be an excuse.

h) I say that, the contentions of Para 6 and 7 of the reply dated 01/10/2021 are mater of record and thus needs no specific reply.

i) I say that, the contentions of Para 8 of the reply dated 01/10/2021 are totally misleading. That it is submitted by the Respondent No.1 that, after rejection of the suit by the civil court, Respondent No.1 approached this Hon`ble Tribunal by filing an appeal against the closure directions dated 09/12/2019 but the same is not maintainable in view of the judgement of the Hon`ble Supreme Court in the case of TNCB vs Sterlite Industries (2019-19-SCC-479). I say that reliance by the Respondent No.1 on the said judgement is completely misplaced. That the Hon`ble Supreme Court in the case cited above has only barred direct appeal to this hon`ble Tribunal without first approaching the Appellate Authority. That the Respondent No.1 failed to

exercise the right of first appeal before the Appellate Authority without there being any reason and on the contrary approached the civil court.

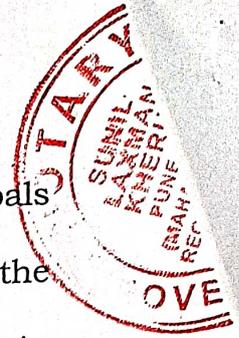
- j) I say that, the contentions of Para 9 of the reply dated 01/10/2021 are misleading. That it is correct that the Respondent No.4 has issued a letter dated 16/03/2021 to the Collector, Pune for conditional order for removal of nuisance u/s 133 of Cr.P.C. against the Respondent No.1 but I say that same has not been complied with its true sense. I say that on 24/11/2021, Applicant has filed the compilation of documents (**Page Nos. 133-154**) thereby bringing the hon`ble tribunals notice that the said order has remained on paper and in actual the industry has not been sealed. As far as other contentions in respect of there being other industries and Godowns in the said area is concerned, I say that, since Respondent No.1 is operating its Tyre Retreading Unit without valid consent from Respondent No.4 and in total contravention of Environmental norms and even kept on running in illegal manner on diesel Generator sets causing further pollution, despite there being closure directions, cannot take advantage of Industrial Zone. Operating the industry



in the Industrial Zone does not absolve the Respondent no.1 from taking other necessary permissions/consents from other authorities.

k) I say that, the contentions of Para 10 of the reply dated 01/10/2021 are not true and correct. That at the cost of repetition, I gain say that ignorance of law cannot be an excuse. That the Respondent No.1 failed to exercise the right of first appeal before the Appellate Authority without there being any reason and on the contrary approached the civil court and now therefore cannot raise these grounds in OA filed by applicant. That OA is specifically filed by applicant for further action to be taken against the Respondent No.1 by the Respondent No.4 to comply with the closure directions dated 09/12/2019 and imposing Environmental Compensation.

l) I say that, the contentions of Para 11 of the reply dated 01/10/2021 are not true and correct. That contentions of Para 11 (a) (b) are in respect of violation of principals of natural justice. I say that, there are no violation of principals of natural justice. Respondent no.1 was accorded an opportunity of hearing but he remained absent. That, Respondent No.1 even failed to exercise his right to appeal,



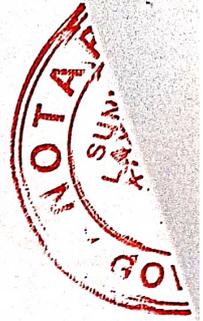
cannot now raise the issue of violation of principals of natural justice in Original Application filed by the applicant. That contentions of Para 11 (c) are in respect of industry of Respondent No 1 comes under the emergency work of tyre retreading as per the Notification dated 29/06/2016. I say that, the Respondent No.4, MPCB has filed its reply dated 26/11/2021 and has specifically stated that the industry does not comes under the emergency work of tyre retreading as per the Notification dated 29/06/2016. That the industry has installed the 2 nos. of boilers and stack of 45 feet height. Further, it has been stated in the reply that the industry falls under the "Orange" category as per the CPCB categorization of industrial sectors and it is mandatory on the part of Respondent No.1 to obtain consent from Respondent No.4. ***(Hereto annexed and marked as "Annexure B" is copy of said letter dated 07/03/2016 addressed to all State Boards along with list of categorization of industrial sectors).*** That contentions of Para 11 (d) are in respect of letters issued as per the provisions section 133 Cr.P.C. being bad in law. I say that the order for removal of nuisance u/s 133 Cr.P.C. is

rightly issued by the Respondent No.4. That industry of Respondent no 1 is located in the middle of large number of residential houses causing immense air and noise pollution. That the applicant is not the only person who has filed complaints but large number of people living in the vicinity have also filed the complaints against the Respondent no.1. **(said complaints are annexed with OA at page nos. 31-34 and 46-49)**. That since the Respondent No.1 is operating its Tyre Retreading Unit without valid consent from Respondent No.4 and in total contravention of Environmental norms and even kept on running in illegal manner on diesel Generator sets causing further pollution, despite there being closure directions, the order for removal of nuisance u/s 133 Cr.P.C. is rightly issued by the Respondent No.4. in order to avoid further serious situation. That contentions of Para 11 (e) are in respect of health situation of one Mr. Divakaran Damodaran, owner of industry. I say that it is the applicant and other residents who are suffering health issues due to the illegal operation its Tyre Retreading Unit without valid consent from Respondent No.4 causing noise and air pollution.

That there is huge emission of hazardous effluent and gases causing great health issues.

m) I say that, the contentions of Para 12 of the reply dated 01/10/2021 are not true and correct. That the Respondent no.4 has proceeded against the Respondent 1 in accordance with the law. Applicant being the victim of the pollution caused by Respondent No.1 has rightly filed complaint. That since the Respondent No.1 is operating its Tyre Retreading Unit without valid consent from Respondent No.4 and in total contravention of Environmental norms and even kept on running in illegal manner on diesel Generator sets causing further pollution, despite there being closure directions, the Respondent no.4 firstly after issuing notice of proposed directions to Respondent No.1 proceeded in accordance with the law by issuing further directions of closure.

n) I say that, in view of the contentions raised here in above and in all the pleadings on behalf of the applicant and documents annexed along with it, the action taken report and reply filed by the Respondent No.4, MPCB, the Original application





deserves to be allowed as per the prayers made therein with costs.

PLACE: PUNE

DATE- 30/12/2021

  
Applicant

  
VAIBHAV JATHAR

[Advocate for the Applicant]

**:: VERIFICATION ::**

I, **Shri. P.K. Sugathan**, Age - 67 Years, Occ - Retired, R/at - Sugu Nivas, Survey No. 190, Near Navalakha Godown, Hadapsar-Saswad Road, Pune - 412 308, *General Power of Attorney Holder for my daughter Lt Col Shomi Sugathan, the applicant* do hereby solemnly affirm and state on oath that the contents of this Objections to report are read over and explained to me in Marathi by my Advocate, which I believe to be true and correct to the best of my own knowledge and record available with me

Hence verified at Pune on this 30<sup>th</sup> day of December, 2021.

*[Signature]*  
**DEPONENT**

Explained & identified by:

*[Signature]*  
**VAIBHA JATHAR**  
(Advocate for the Applicant)

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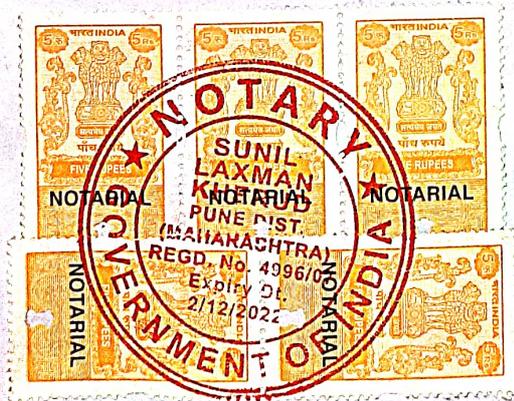


**BEFORE ME**

*[Signature]*  
**SUNIL LAXMAN KHERUD**  
NOTARY GOVT. OF INDIA  
Regd. No. 4996/07  
Noted & Register No 1240  
2021

**SUNIL LAXMAN KHERUD**  
NOTARY, GOVT OF INDIA  
B-3, Maniratan Society  
Aareneshwar, Pune  
M-9371830361

**30 DEC 2021**



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## BEFORE HON'BLE NATIONAL GREEN TRIBUNAL PUNE AT PUNE

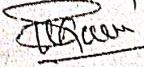
Misc Appeal No.: \_\_\_\_\_ of 2020

## SYNOPSIS

Sr. No	Event	Date
1	Appellant applied and received Zone certificate from Pune Metropolitan Regional Development Authority PMRDA declaring the business address as Industrial Zone	25.04.2017
2	Appellant applied to Grampanchyat Furssungi for starting tyre remold business and NOC granted	17.07.2017
3	Applicant applied and renewed Shop Act License	24.05.2019
4	Appellant wrote and explained the details to Sub Regional Office MPCB Board for the letter dated 02.07.2019	22.08.2019
5	Appellant received directions dated 09.12.2019 from MPCB	09.12.2019
6	Appellant filed the present Appeal	28.01.2020

Pune

Date :

  
Advocate for Appellant

## BEFORE HON'BLE NATIONAL GREEN TRIBUNAL PUNE AT PUNE

Application No.: \_\_\_\_\_ of 2020

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Pune

Date :

Advocate for Appellant

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL PUNE AT PUNE**

**Misc Appeal No.:** \_\_\_\_\_ **of 2020**

M/s Swami Tyres

A Sole Proprietary Firm through its

Prop. Smt. Vijay Diwakaran Damodaran,

Age: 55 Years, Occ. Business

Having place of Business at: Gat No. 157,

Ganesh Nagar, Fursungi, Tal Haveli,

Dist Pune – 412 308

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**Appellant**

V/s

1. Maharashtra Pollution Control Board,  
Jog Centre, 3<sup>rd</sup> Floor, Wakdewadi,  
Old Pune – Mumbai Road, Wakdewadi Pune 411 003
2. The Regional Officer  
Maharashtra Pollution Control Board,  
Jog Centre, 3<sup>rd</sup> Floor, Wakdewadi,  
Old Pune – Mumbai Road, Wakdewadi Pune 411 003
3. The Executive Engineer MSCDCL  
Uruli Devachi Division Pune
4. The Ward Officer  
Pune Municipal Corporation, Phursungi, Pune
5. The Commissioner  
Pune Municipal Corporation,  
Shivajinagar, Pune – 411 005

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**Respondent**

**Appeal U/s 16 (C) Of National Green Tribunal Act 2010**

**Respectfully Sheweth:**

1. That the present suit is being filed for declaration and injunction. That the Applicant is carrying on business of tyre remolding works under the name and style as M/s Swami Tyres at the above mentioned-address and the Applicant is sole Proprietor of the same. That the Applicant is carrying on said business for last 20 years.
2. That the entries to that effect are made on Government records. Also the Applicant is having Shop Act License Bearing No. 1040235111903.
3. That the Gat No. 157 at the address as mentioned in caption has been declared as Industrial Zone by the Collectorate Office Pune. Subsequently the above Gat No. 157

was transferred from Dist. Collector Office to Pune Metropolitan Regional Development Authority (PMRDA) and the said authority had also declared said Gat No. 157 as Industrial Zone.

4. That in said Gat No. 157 there are various other commercial as well as industrial establishments along with garbage depot. That the Applicant falls in the category Distinguishing Emergency Service Tyre Retarders as Government Notification issued by MPCB
5. That adjoining to the property of the Applicant there is one Lt. Col Shomi Shaugatan having personal issues along with Applicant and therefore said Lt. Col. Shomi S ensures that the Applicant shall suffer from business hardship.
6. That accordingly said Lt. Col Shomi S had filed complaint with MPCB stating baseless allegations against Applicant.
7. That the Applicant hereby states that the Applicant is producing only 6 tyres per day and to support the said statement the Applicant is paying GST as per the produced number of tyres.
8. That the Applicant has never evaded the norms of pollution as decided by the Respondent No. 1 & 2. But the Respondent No. 1 & 2 has deliberately and intentionally on the complaint of Lt. Shomi S has issued false notice.
9. That the notice issued by the Respondents is against the natural justice and is against the livelihood of the Applicant. The Applicant shall be on road if any such action is taken by the Respondents. The balance of convenience heavily lies in favor of the Applicant hence the Applicant is liable to get the relief from this Hon'ble Court.
10. That the Applicant further humbly states and submits that the Applicant is age old lady and has no other source of income and if the Action of the Respondent is not prevented the Applicant shall be deprived of her livelihood. It is necessary to grant the relief to Applicant for securing her earnings.
11. That the Applicant had always tried to explain the reasons and all situation to the Officers of the Respondent but the same was never heard by the Respondents. The Respondent kept on threatening the Applicant for taking adverse action against the Applicant.
12. That if any adverse order is passed against the Applicant then the Applicant shall suffer irreparable loss and there shall be no damage to the Respondents hence the Applicant is liable to get the relief from this Honorable Court against the Respondents.
13. That further it is humbly stated that the Applicant is carrying out his business within the parameters of the norms, directions issued by the Respondents and had never evaded the same.
14. That it is humbly stated that the Applicant is not having any source of income other than the present business hence it is necessary to protect the income of the Applicant.
15. That as on date all Respondents are mentally harassing the Applicant to leave the present business premises. It is very well established fact that there are other various workers and their families are dependent on the business carried on by Applicant and if any adverse orders such as disconnection of power supply or water is passed against the Applicant then the Applicant shall be suffering from irreparable loss and shall not be able

to get the income and thus Applicant shall be deprived of her fundamental constitutional right of doing business for livelihood.

16. The cause of action accrued to the Applicant, when the Respondent no. 1 to 2 threatened the Applicant to disconnect the Power supply and water supply vide their letter dated 09.12.2019 and the same is continued till date.
17. That the Applicant is permanently residing within the jurisdiction of this Hon'ble court and all the correspondence from the Respondent were received at the above address of the Applicant which is located in the territory of this Hon'ble Court, hence this Hon'ble Court has each and every jurisdiction to try and entertain this suit.
18. That the Applicant has paid necessary court fee stamp on the plaint.

**It is, therefore, most respectfully prayed that**

- A) Pending the final gearing and disposal the temporary injunction order may please be passed in favor of Applicant directing Respondents No. 1 & 2 for not passing order of disconnecting of Power supply and water supply to the premises and d where the business is carried on by the Applicant. Not to create any kind of hindrances, difficulties or otherwise to have access and conducting business by Applicant and other persons related to the said business to Applicant and his related staff.
- B) That Respondent No. 3 may please be directed no to disconnect the poer supply till further directions from this Hon'ble Tribunal
- C) That Respondent No. 4 may please be directed not to disconnect the water supply till further directions from this Hon'ble Tribunal
- D) An order may please be passed directing Respondent no. 1 and 2 not to disturb the possession and also not to harass mentally to Applicant.
- E) If required the Applicant may please be allowed to alter, amend and modify the application.
- F) Such other reliefs as deemed fit and proper in the facts and circumstances of the case may also be passed in favor of the Applicant and against the Respondents in the interest of justice.

**AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY-BOUND SHALL EVER PRAY.**

Place: Pune

Date: 28.01.2020

Advocate for Applicant

S V Kulkarni

*Vijaya Diwakaran*

Applicant

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4.

### VERIFICATION

I Smt. Vijay Diwakaran Damodaran Age: 55 Years, Occ. Business Having place of Business at: Gat No. 157, Ganesh Nagar, Fursungi, Tal Haveli, Dist Pune - 412 308 do hereby verify that the contents of the above plaint from Paras 1 to 18 are true and correct to the best of my knowledge, information and belief, and no part of it is false and nothing material has been concealed therein.

Place: Pune

Date: 28.01.2020

*Vijaya Diwakaran*  
Applicant

## AFFIDAVIT

IN BEFORE HON'BLE NATIONAL GREEN TRIBUNAL PUNE AT PUNE

Application No.: \_\_\_\_\_ of 2020

M/s Swami Tyres, A Sole Proprietary Firm through its

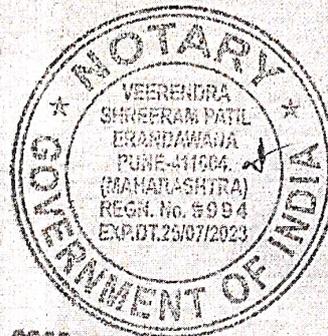
Prop. Smt. Vijay Diwakaran Damodaran,

Age: 55 Years, Occ. Business

Having place of Business at: Gat No. 157,

Ganesh Nagar, Fursungi, Tal Haveli,

Dist Pune – 412 308



28 JAN 2020

Applicant

V/s

1. Maharashtra Pollution Control Board,  
Jog Centre, 3<sup>rd</sup> Floor, Wakdewadi,  
Old Pune – Mumbai Road, Wakdewadi Pune 411 003
2. The Regional Officer  
Maharashtra Pollution Control Board,  
Jog Centre, 3<sup>rd</sup> Floor, Wakdewadi,  
Old Pune – Mumbai Road, Wakdewadi Pune 411 003
3. The Executive Engineer  
Uruli Devachi Division Pune
4. The Ward Officer  
Pune Municipal Corporation Phursungi Pune
5. The Commissioner  
Pune Municipal Corporation Shivajinagar Pune  
005

Respondent

I Smt. Vijay Diwakaran Damodaran Age: 55 Years, Occ. Business Having place of Business at: Gat No. 157, Ganesh Nagar, Fursungi, Tal Haveli, Dist Pune – 412 308 do hereby solemnly affirm and declare as under:-

That the accompanying plaint has been drafted under my instructions.

1. That the contents of paras 1 to 18 of the accompanying application are true and correct to the best of my knowledge, information and belief and no part of it is false and nothing material has been concealed therein.

2. That I further solemnly affirm and declare that the contents of my affidavit is true and correct no part of it is false and nothing material has been concealed there from.

WHATEVER STATED ABOVE IS TRUE AND CORRECT AND I HAVE SIGNED THE SAME ON THIS <sup>28<sup>th</sup></sup> DAY AND DATE MENTIONED HEREIN  
Jan. 2020

Place: Pune

Date 28.01.2020

I know Affiant

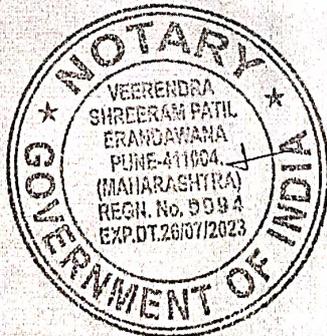
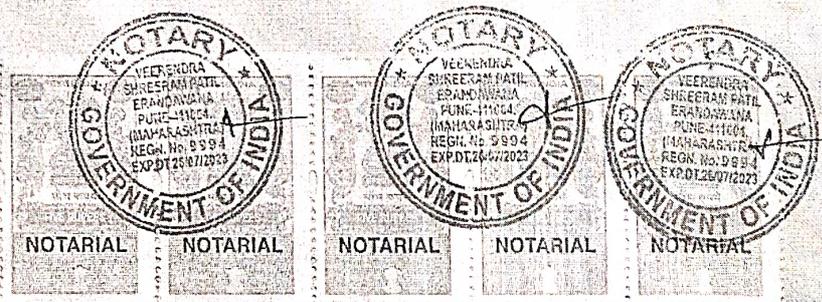
*Vijaya Diwakaran*  
AFFIANT

ADVOCATE  
*Shripad Kulkarni*  
Adv. Pune

VERIFICATION

I Smt. Vijaya Diwakaran Damodaran Age: 55 Years, Occ. Business Having place of Business at: Gat No. 157, Ganesh Nagar, Fursungi, Tal Haveli, Dist Pune – 412 308 do hereby verify that the contents of the above plaint from paras 1 to 18 are true and correct to the best of my knowledge, information and belief, and no part of it is false and nothing material has been concealed therein.

*Vijaya Diwakaran*  
Applicant



BEFORE ME

*[Signature]*  
VEERENDRA S. PATIL  
NOTARY, GOVT. OF INDIA  
ERANDAWANA, PUNE (MAHARASHTRA)  
REGN. No. 9994

NOTED AND REGISTERED AT  
SERIAL NUMBER 43/2020

28 JAN 2020

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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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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 decorticating	--	--	--	--	--	--	--	--	--	--	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



I) List of Industries under 'RED' categories

A	Industries identified by Ministry of Environment & Forests, Government of India as heavily polluting and covered under Central Action Plan. Viz;
	1 Distillery including Fermentation Industry.
	2 Sugar (excluding Khandasari)
	3 Fertilizer (Basic) (excluding formulation)
	4 Pulp and Paper (Paper manufacturing with or without pulping).
	5 Basic Drugs.
	6 Pharmaceuticals (excluding formulation).
	7 Dyes and Dye-intermediates.
	8 Pesticides (Technical) (excluding formulation).
	9 Oil refinery (Mineral oil or Petro refineries).
	10 Tanneries.
	11 Petrochemicals (Manufacture of and not merely use of as raw material)
	12 Cement
	13 Thermal Power Plants
	14 Iron and Steel (Involving processing from ore/scrap/Integrated steel plants.)
	15 Zinc smelter
	16 Copper smelter.
	17 Aluminium smelter
	18 Lead processing and battery reconditioning and manufacturing (including lead smelting).
B	Industries manufacturing following products or carrying out following activities:-
	1 Tyres and tubes (excluding Vulcanisation/Retreating/moulding).
	2 Synthetic rubber
	3 Glass and fiberglass production and processing.
	4 Industrial carbon including electrodes and graphite blocks, activated carbon, carbon black etc.
	5 Paints and varnishes (excluding blending/mixing)
	6 Pigments and intermediates.
	7 Synthetic resins.
	8 Petroleum products involving storage, transfer or processing.
	9 Lubricating oils, greases or petroleum-based products
	10 Synthetic fibers including rayon, tyre cord, polyester filament yarn.
	11 Surgical and medical products involving prophylactics and latex.
	12 Synthetic detergent and soap.
	13 Photographic films and chemicals.
	14 Chemical, petrochemical and electrochemical including manufacture of acids such as Sulphuric Acid, Nitric Acid, Phosphoric Acid etc.
	15 Industrial or inorganic gases.
	16 Chlorates, perchlorates and peroxides.
	17 Glue and gelatin
	18 Yarn and textile processing involving scouring, bleaching, dyeing, printing or any effluent/emission generating process.
	19 Vegetable oils including solvent extracted oils, hydrogenated oils.
	20 Industry or process involving metal treatment or processes such as pickling, surface coating, paint baking, paint stripping, heat treatment, phosphating or finishing etc
	21 Industry or process involving electroplating operations.
	22 Asbestos and asbestos-based industries.
	23 Slaughter houses and meat processing units.
	24 Fermentation industry including manufacture of yeast, beer etc.
	25 Steel and steel products including coke plants involving use of any of the equipments such as blast furnaces, open hearth Furnace, induction furnace or arc furnace etc. or any of the operations or processes such as heat treatment, acid pickling, rolling or galvanizing etc
	26 Incineration plant
	27 Power generating plants (excluding D.G. Sets)
	28 Lime manufacturing
	29 Tobacco products including cigarettes and tobacco processing.
	30 Dry coal processing/Mineral processing Industries like ore sintering, palletization etc.
	31 Phosphate rock processing plants
	32 Coke making, coal liquefaction, coaltar distillation or fuel gas making
	33 Phosphorous rock processing plants.
	34 Explosive including detonators, etc.
	35 Fire crackers.
	36 Processes involving chlorinated hydrocarbon.
	37 Chlorine, fluorine, bromine, iodine and their compounds.
	38 Hydrocyanic acid and its derivatives.
	39 Milk processing and dairy products (Integrated project)
	40 Industry or process involving foundry operations.
	41 Potable alcohol ( IMFL) by blending or distillation of alcohol.

### II) List of Industries under 'ORANGE' category

A Industries Identified by Ministry of Environment & Forest, Government of India under "Orange" Category.	
1	Manufacture of mirror from sheet glass and photoframing
2	Cotton spinning and weaving
3	Automobile servicing and repairs stations.
4	Hotels and restaurants
5	Flour mills (excluding Domestic Aatta Chakki)
6	Malted food
7	Food including fruits and vegetable processing
8	Pulping and fermenting of coffee beans.
9	Instant tea/coffee, coffee processing.
10	Non-alcoholic beverages (soft drinks)
11	Fragrances and industrial perfumes
12	Food additives, nutrients and flavours.
13	Fish processing
14	Organic nutrients
15	Surgical and medical products not involving effluent/emission generating processes
16	Laboratory-wares
17	Wire drawing (cold process) and bailing straps.
18	Stone crushers
19	Laboratory chemicals involving distillation, purification process
20	Tyres and tubes vulcanisation, vulcanisation, retreading moulding.
21	Pesticides/Insecticides/Fungicides/Herbicides/Agrochemical formulation
22	NPK Fertilizers/Granulation
23	Pharmaceuticals formulations.
24	Khandsari sugar

### III) List of Industries under 'GREEN' category

A	Industries in Small Scale, Cottage/Village category suggested under Annexure to Environment Department, Government of Maharashtra, G.R. No.ENV/1088/672/CR-185 Desk-1 dated 18.3 1992 for issuance simplified NOC/Consent from Maharashtra Pollution Control Board.
B	All those industries or processes which are not covered under the "Red" and/or "Orange" category; entries not generating process effluents or emissions. An illustrative list is provided.
1	Wasting of used sand by hydraulic discharge
2	Aatta-chakkies
3	Rice millers
4	Steeping and processing of grains
5	Mineralised water
6	Dal mills
7	Bakery products, biscuits, confectionery
8	Groundnut decorticating (dry)
9	Supari (Betelnut) and masala grinding
10	Chilling plants and cold storages
11	Ice cream or Ice-making
12	Tailoring and garment making
13	Cotton and woolen hosiery
14	Apparel making
15	Handloom weaving
16	Shoelace manufacturing
17	Gold and silver thread zari work
18	Gold and silver smithy
19	Leather footwear and leather products excluding tanning and hide processing
20	Musical instruments manufacturing
21	Sports goods.
22	Bamboo and cane products (only dry operations)
23	Cardboard or corrugated box and paper products (Paper or pulp manufacturing excluded.)
24	Insulation and other coated papers (Paper or pulp manufacturing excluded.)
25	Scientific and mathematical instruments.
26	Furniture (wooden and steel)
27	Assembly of domestic electrical appliances
28	Radio assembling

29	Fountain pens.
30	Polythene, plastic and P.V.C. goods through extrusion/moulding.
31	Rope (cotton and plastic)
32	Carpet weaving
33	Assembly of air coolers, conditioners.
34	Assembly of bicycles, baby carriages and other small non-motorised vehicles.
35	Electronics equipment (Assembly)
36	Toys
37	Water softening and demineralised plants
38	Paint (by mixing process only)
39	Candles
40	Carpentry (excluding saw mill)
41	Oil ginning/expelling (no hydrogenation/refining)
42	Jobbing and machining
43	Manufacture of steel trunks and suitcases
44	Paper pins and U-clips
45	Block making for printing.
46	Optical frames
47	Powerlooms/handlooms (without dyeing & bleaching)
48	Printing press
49	Garments stitching, tailoring
50	Thermometer making
51	Footwear (rubber)
52	Plastic processed goods.
53	Medical and surgical instruments
54	Electronic and electrical goods.
55	Rubber goods industry.

**Note**

1. The industries which do not fall in any of the above mentioned 3 categories, decision with regard to their classification will be taken by a committee at Head Office level comprising of APAE/WPAE/PSO.
2. In respect of the industries falling under A & B under 'GREEN' category, in the event of any duplication/repeatation, the industry shall be treated to be falling under category 'A' which is entitled for the benefit of simplified perpetual consent without charging of any consent fee.

**Modified directions under section 18(1)(b) of the water (P&PC) act, 1974 and the air, (p&pc) act, 1981 regarding ha classification of industrial sectors under red/ orange/ green/ white categories.**

**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, PCCB, MPCCB 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 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 brainstorming 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 hosiery 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 inter-nal 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.

CPCB Circular Dt. 07/03/2016 - Modified directions under section 18(1)(b) of the water (p&pc) act, 1974 and the air, (p&pc) act, 1981 regarding harmonization of classification of industrial sectors under red/ orange/ green/ white categories.

MPCB Circular Dt. 03/06/2016 - Modified Directions u/s 18(1)(b) of the Water (p&cp) Act, 1984 and the Air (p&cp) Act, 1981 regarding harmonization of Classification of industrial sectors under Red/ Orange/ Green/ White Categories.

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