

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

APPEAL NO. 160 OF 2025

M/s. Victory Floor Tiles Pvt. Ltd.

...Appellant

Versus

Gujarat Pollution Control Board

...Respondent

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

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APPEAL NO. 160 OF 2025

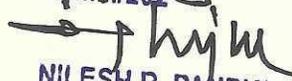
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M/s. Victory Floor Tiles Pvt. Ltd.

...Appellant

Versus

Gujarat Pollution Control Board...Respondent


NILESH R. PANDYA
NOTARY
GOVT. OF INDIA
- 4 NOV 2025

AFFIDAVIT IN REPLY ON BEHALF OF RESPONDENT STATE
POLLUTION CONTROL BOARD

I, Rupin R. Panchal, Aged: 60 years, Gender: Male, serving as Legal Executive with respondent no. 3, do hereby solemn affirmation as under:

1. I humbly say and submit that I have perused the copy of the appeal filed by the present appellant in the above matter and I am conversant with the facts and circumstances leading to the filing of the present appeal and therefore I am in position to depose what is stated herein under.
2. I humbly say and submit that I do not admit any of the allegations, averments and contentions raised in the present appeal and the same are hereby denied categorically except otherwise specifically admitted by me in the present Affidavit in Reply.
3. I humbly say and submit that I am filing the present affidavit in reply with the view to oppose the grant of any relief in favour of the appellant. I reserve my right to file further affidavit, if necessary, during the course of hearing of the present appeal.



Non-dealing of the appeal para-wise may not be construed as admission thereof on behalf of the respondent authorities.

4. The appellant in the present appeal has challenged the direction issued by the Respondent State Pollution Control Board dated 01.05.2025 under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 against the appellant imposing Environment Damage Compensation (EDC). The appellant has further challenged the Final Assessment by the Oversight Committee dated 20.12.2024 levying EDC on individual industries on the basis of equitable distribution.

The appellant has further challenged the directions dated 11.09.2019 issued under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 imposing interim Environment Damage Compensation at the rate of Rs. 5,000/- per day from the date of grant of consent to establish. The appellant additionally seeks to challenge the Joint Committee Report dated 12.04.2019 recommending the levy of interim EDC of Rs. 5,000/- per day on all units working on coal based gasifiers.

5. Before responding to the contentions and averments raised by the appellant in the present appeal, the respondent craves leave of this Hon'ble Tribunal to place on record the brief facts leading to the filing of the captioned appeal: -

5.1. The issue in the present proceeding is with regard to the pollution caused on account of operation of ceramic,

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silicate and frit industries located in the Morbi Town of State of Gujarat. The matter came up for hearing before the Hon'ble Principle Bench of the Hon'ble National Green Tribunal (NGT) in Original Application No. 20 of 2017 and other allied matters.

- 5.2. The Hon'ble NGT after considering the contentions of all the parties vide order dated 06.03.2019 directed the Respondent State Pollution Control Board to close all coal gasifier industries and units operating with the help of coal gasifier without prejudice to such units switching over to non-coal gasifier or PNG.
- 5.3. The Hon'ble NGT also directed the Respondent State Pollution Control Board to take immediate steps for prosecution of industries that have operated in violation of law and to recover the compensation for causing damage to the environmental and public health. The amount of compensation was directed to be assessed by the representatives of CPCB (Central Pollution Control Board), GPCB (Gujarat Pollution Control Board) and NEERI (National Environmental Engineering Research Institute). The Hon'ble NGT also directed a report to be submitted by within a period of one month.
- 5.4. The Hon'ble NGT constituted an Oversight Committee to be headed by Hon'ble Mr. Justice B.C. Patel (Former Chief Justice of Delhi High Court). The relevant observations as contained in Para 25 to 28 of the order dated 06.03.2019



passed by the Hon'ble NGT are reproduced hereunder for ready reference of the Hon'ble Tribunal.

"25. Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency for coordination and compliance. The Committee may suggest restoration plan.

26. The Committee may give its report within one month by e-mail atngt.filing@gmail.com.

27. The Committee may take into account the cost of reversing the damage caused and also the amount to be recovered which will operate as deterrent and render any polluting activity non-profitable.

28. To oversee the execution of this order by the GPCB, we appoint an Oversight Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court who is already heading an Oversight Committee constituted by this Tribunal vide order dated 16.01.2019 in O.A. 606/2018. He will also be assisted by a representative of CPCB. The GPCB will provide all logistics to Justice Patel. Any person concerned with execution of

this order will be at liberty to represent to the said Oversight Committee."

Copy of the order dated 06.03.2019 passed by the Hon'ble NGT in Original Application No. 20 of 2017 and allied matters is annexed herewith and marked as ANNEXURE-A.

6. In terms of the order dated 06.03.2019, the three Member Committee of the representatives of CPCB (Central Pollution Control Board), GPCB (Gujarat Pollution Control Board) and NEERI (National Environmental Engineering Research Institute) conducted inspection and survey of nearly 952 industries located in Morbi Town during the period 13.03.2019 to 31.03.2019.

6.1. The Committee thereafter vide report dated 16.04.2019 provided certain recommendations for recovery of interim compensation quantified at Rs. 5,000 per day to be multiplied with the number of years the gasifier was in possession/operation. The said compensation was based on an earlier order dated 19.02.2019 passed by Ld. NGT passed in Original Application No. 593 of 2017.

6.2. The Committee also recommended that the assessment of damage to public health be carried out by the Indian Institute of Public Health (IIPH), Gandhinagar, the possibility of recycle/reuse of solid waste be explored by Advanced Materials and Processes Research Institute (AMPRI) and the water, air, land environment damage assessment, cost of damage and assertion and tree plantation design work be conducted by the National Environmental Engineering Research Institute (NEERI).



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For ready reference of this Hon'ble Tribunal the recommendations of the Three Member Committee as contained in Para 7 of the report dated 16.04.2019 is reproduced herein under: -

- 1) Committee opined that components of the gasifier system are to be dismantled instead of disconnections so as to avoid any possibility of reconnecting the pipelines/feeding assembly lines and restarting the operation of gasifier in an illegal manner. Components particularly the vertical vessel like primary and secondary condenser, ESP and filter media of the gasifier system should be dismantled.
- 2) Under short term plan, wastes accumulated in the gasifier premises and wastewater in the abandoned mines and natural depressions should be pumped out and sent to appropriate CHW-TSDF for final treatment & disposal. Once the wastewater is pumped out, the soil / sludge should be dredged/ scrapped and disposed in the CHW-TSDF on top priority. Both these activities should be carried out by Morbi Ceramic Association/Gasifiers-Ceramic Industries under supervision of GPCB. This should be implemented immediately to avoid spread of pollution before the coming monsoon season. The list of some such sites is provided in Annexure 1. Since this waste disposal cannot be attributed to particular responsible unit(s), it should be a collective responsibility of all ceramic industries having gasifier units (568) of the area. The gasifiers are installed in the ceramic industries at different time periods ranging from few months to few

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years before hence, in order to calculate number of days of violations, it would be appropriate to calculate the number of days of violation for each unit based on date of commissioning of gasifier.

It is proposed to recover compensation of Rs.5000/- per day on interim basis for operation of one gasifier, which would come to Rs. 18,25,000/- per year, for number of year the gasifier is in possession/operation, GPCB should recover the interim compensation from all units having gasifier(s) as above based on information available with them about gasifiers. The compensation is based para 6 of Hon'ble NGT order Dt. February 19, 2019 in OA No. 593/2017 (WP Civil No. 375/2012, Paryavaran Suraksha Samiti & Anr Vs Union of India & Ors).

- 3) The committee was assigned to assess the compensation for causing damage to the environment and public health. The assessment requires quantification of waste & wastewater, its removal from sites, its disposal in proper way and sites restoration and cost associated with each component which requires use of different scientific tools and techniques of measurement. Such complete long term site restoration and compensation for damage would require study by any agency having experience in detailed field investigation of different environmental components using sophisticated, modern tools. Therefore, it is recommended to carry out such long term study by expert Institute like CSIR-NEERI, Nagpur in time bound project mode.

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- 4) Assessment of damage to Public Health, can be carried out in project mode by institute like Indian Institute of Public Health (IIPH), Gandhinagar.
- 5) The possibility of use of solid waste (broken tile, polished dust /slurry, sanitary ware etc.) in building or road construction material can be explored. Research Institutes like Advanced Materials and Processes Research Institute (CSIR-AMPRI), Bhopal can be approached for identifying possible use of such inert ceramic waste material.
Advanced radiation shielding and cement free concrete group of CSIR-AMPRI, Bhopal has successfully demonstrated the use of such waste in road making and building materials.
- 6) These Institutes as given below should be approached for submitting project proposal in the respective field. Cost for carrying out such study should be borne from interim compensation recovered under short term plan by GPCB.
- Water, air land environment damage assessment, cost of damage & restoration, and tree plantation design work from CSIR-NEERI, Nagpur.
 - Public health damage assessment study by Indian Institute of Public Health Gandhinagar.
 - Recycle / reuse of solid waste (broken tiles, sanitary-ware) by CSIR-AMPRI, Bhopal."

Copy of the report of the Three Member Committee dated 16.04.2019 is annexed herewith and marked as ANNEXURE-B.

7. It is further submitted that in compliance with the recommendations of the Three Member Committee the present

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Respondent State Pollution Control Board issued the following directions on 11.07.2019 under Section 33A of the Water (Prevention & Control of Pollution) Act, 1974 to the Morbi Ceramic Association:

- a) Direct your member industries to dispose industrial wastewater bound into closed gasifier in environmental sound manner through Morbi Ceramic association. For this purpose, One time permission already been issued to Morbi-Dhuva Glaze Tiles association (Intermediate Storage centre) vide our office letter No. GPCB/CCA/MOR-1554/ID-17685/511481 dated 27/06/2019.
- b) To pump out & dispose industrial Wastewater Environmentally Sound manner from identified & listed sites in the report committed (As per Annexure 1 of the committee report which is attached herewith as Annexure-B).
- c) Once the wastewater is pumped out as per (b) above, soil/sludge should be dredge/scrapped & disposed to TSDF on top priority.
- d) Solid waste ceramic process (polished waste, broken tiles, sanitary waste, abrust dust, spray dryer HAG ash etc.) lying at various places in different industrial pockets of Morbi-Wankaner area should be shifted to designated sites allocated for this purpose by authority.

8. Thereafter, directions for payment of interim environment damage compensation was issued to 606 units located in Morbi Town that were using coal based gasifier on 11-12.09.2019. Legal notices were also issued to all the identified 606 units on 11.12.2019 and the units were once again called upon to make the

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payment of interim environment damage compensation quantified at Rs. 5,000 per day.

9. A group of petitions thereafter came to be filed before the Hon'ble High Court of Gujarat being Special Civil Application No. 2664 of 2020 and other allied matters challenging the notices dated 11.09.2019 as well as subsequent notice dated 11.12.2019 issued by the Respondent State Pollution Control Board calling upon the appellant and other similarly situated units to make the payment towards Interim Environment Damage Compensation for creating pollution in the Morbi town of State of Gujarat on account of operation by Ceramic industries. The Hon'ble High Court of Gujarat vide order dated 30.01.2020 directed respondents not to take any coercive steps pursuant to the impugned legal notices/orders. A copy of the order dated 30.01.2020 passed by the Hon'ble High Court of Gujarat is annexed hereto and marked as ANNEXURE-C.
10. The above captioned matters were subsequently taken up for hearing and in this regard, the Hon'ble High Court of Gujarat vide order dated 06.08.2021 observed that each and every unit located in Morbi is responsible for causing environmental damage. Para 22 of the order dated 06.08.2021 passed by the Hon'ble High Court of Gujarat states that: -

"we are of the view that the three institutes referred to above, may take some more time before the entire study is completed and an appropriate report is filed. In such circumstances, we should direct the writ applicants to deposit 25% of the amount stipulated in each of the notices towards the

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interim environment damage compensation. The Gujarat Pollution Control Board shall proceed to recover 25% of the amount as stated in the individual notices issued to the writ applicants towards the interim environment damage compensation. Let this exercise be undertaken at the earliest."

A copy of the order dated 06.08.2021 passed by the Hon'ble High Court of Gujarat is annexed hereto and marked as ANNEXURE-D.

11. The appellant and other similarly situated units challenged the order dated 06.08.2021 passed by the Hon'ble High Court of Gujarat before the Hon'ble Apex Court by filing Special Leave to Appeal (C) No. 16667 of 2021 with SLP(C) No. 16640/2021 (III). The Hon'ble Apex Court vide order dated 29.10.2021 categorically observed that in view of the recommendations made by the Committee stating that there is a need for immediate action for sight remediation for short term plan, the Hon'ble High Court has observed depositing of only 25% of the amounts stipulated in the notices. The Hon'ble Apex Court has also observed that the petitioners / appellants can raise their objections before the Hon'ble High Court. The Hon'ble Apex Court was further pleased to observe that it does not find any good ground to interfere with the observations made by the Hon'ble High Court and accordingly the entire bench of Special Leave Petitions were dismissed by the Hon'ble Apex Court. A copy of the order dated 29.10.2021 passed by the Hon'ble Apex Court is annexed herewith and marked as ANNEXURE-E.

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12. The Respondent State Pollution Control Board thereafter issued final notices to the appellant and other similarly situated units located in Morbi on 11.04.2022 as well as on 01.08.2024. In the said notices, the Respondent State Pollution Control Board after narrating the history of the litigation called upon the appellant and other similarly situated units to deposit 25% of the Interim Environment Damage Compensation in terms of the order dated 06.08.2021 passed by the Hon'ble High Court of Gujarat. The Respondent State Pollution Control Board called upon the appellant and other similarly situated units to make the payment within a period of 10 days from the date of issuance of the notice. It was also informed to the appellant and other similarly situated units that in the event they fail to make the payment of 25% of the Interim Environment Damage Compensation, appropriate coercive steps towards recovery shall be initiated against them. This demand was raised towards recovery of interim damage compensation amounting to only 25% of the amount specified in the impugned notices that were challenged before the Hon'ble High Court. The impugned damage compensation was determined by the three member committee constituted as per the directions issued by the Hon'ble NGT and confirmed by the Hon'ble High Court in its order dated 06.08.2021 (Supra). A copy of one such notice issued by the Respondent State Pollution Control Board dated 11.04.2022 as well as on 01.08.2024 is annexed herewith and marked as ANNEXURE-F (COLLY).
13. The group of petitions pending before the Hon'ble High Court of Gujarat were finally heard on 08.01.2025. During the course of



hearing of the petitions, the Respondent State Pollution Control Board informed the Hon'ble High Court of Gujarat that the three expert bodies viz. National Environmental Engineering Institute (NEERI), Indian Institute of Public Health (IIPH) and Advanced Material and Processes Research Institute (AMPRI) submitted their report as per the directions issued by the Hon'ble NGT. Accordingly, the Hon'ble High Court of Gujarat was pleased to dispose off the group of petitions by passing a detailed order and the appellant and other similarly situated units were permitted to raise all the contentions before this Hon'ble Tribunal. Copy of the order dated 08.01.2025 passed by the Hon'ble High Court of Gujarat in group of petitions is annexed hereto and marked as ANNEXURE-G.

14. During the course of hearing, it was pointed out to the Hon'ble High Court that the reports of the expert bodies were placed before the Oversight Committee constituted as per the directions of the Hon'ble NGT that was headed by Hon'ble Mr. Justice B. C. Patel, Former Chief Justice of Delhi High Court and Former Judge of Gujarat High Court. The Oversight Committee thereafter scrutinized the reports of all the three expert bodies and was pleased to place on record the executive summary. The relevant abstract of the executive summary is reproduced hereunder: -

- a) Thus, the committee is of the opinion that such damage compensation shall be attributed to all 606 industrial units identified by the GPCB. It is evident that identified

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industries having coal gasifiers from which compensation is to be levied are categorized as small, medium, and large-scale industries based on their investment and therefore it appeared to committee not just to consider them at par when determining the levy of damage compensation. The financial capacity, operational scale, and impact by each category of industry may also differ significantly. To impose an equal levy on all industries would be inequitable, as it fails to account for these disparities. Therefore, a methodology for an equitable distribution of compensation, tailored to the specific size, capacity of the gasifier for which GPCB has are liable data would help to ensure that the burden is shared fairly and justly accordingly.

- b) Further, in light of the absence of concrete, readily available data/evidences on the factual number of days-hours of operation of the gasifier(s), the actual quantity of production taken, the actual quantity of gas consumed, the actual quantity of coal consumed for each identified industry for the period of the possession of the gasifier(s) by each of the identified industry, it becomes challenging to accurately determine the individual shares of compensation based on precise operational metrics. Considering this limitation, it is both fair and reasonable to consider alternative factors, such as the capacity of the gasifier and the scale of the industry, as a basis for determining the equitable share of the compensation. By utilizing these factors, a more balanced and equitable approach can be achieved while also



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acknowledging the practical constraints posed by the unavailability of precise operational data of individual industries.

c) In line with the recommendation in the interim report (April 2019) of the committee; based on the scrutiny of files & records GPCB earlier had identified 606 industrial units which have installed coal gasifier & liable for the payment of this interim EDC. Earlier, therefore, directives were issued by GPCB for deposition of interim EDC to these industrial units. The same set of industrial units are required to pay compensation for this amount as calculated by concerned institutes too based on number of days of possession/operation of the gasifier.

d) Therefore, in light of above oversight committee decided for the equitable distribution of compensation as per the following scaling factor which is based on the range of the coal gasifier capacity, scale of each industry and number of year the gasifier is in possession/operation besides the factor of number of days has been adequately addressed during calculation of EDC by respective institutes. This is the most rational and logical approach in such a situation.

14.1. In this regard it is submitted that based on the investment made by the respective industries the industries are categorized into small, medium and large scale industries. The industries having the investment of less than or equal to 5 crores at relevant point of time are categorized as small scale industries, industries having investment of more than 5 crores but less than or equal to 10

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crores at relevant point of time are categorized as medium scale industries whereas industries having investment of more than 10 crores at relevant point of time are categorized as large scale industries. The Oversight Committee has based on the production of gas of each of the coal based gasifier measured in Standard Cubic Meters (SCM) per day has further categorized industries into small, medium and large. The industries having capacity of less than or equal to 50,000 SCM/day are categorized as small scale industries, industries having capacity between 50,001 to 1,00,000 SCM/day are categorized as medium scale industries and industries having capacity of 1,00,001 or more SCM/day are categorized as large scale industries. The Oversight Committee has decided to apply factor ranging from 0.8 to 1.3 in the formula for equitable division of compensation to be levied on each of the industries. For ready reference of this Hon'ble Court the formula for determination of compensation is reproduced hereunder:

Compensation to be levied from individual industry	=	Total Compensation (TC)	*	[Factor days of the respective group (FD ^G) / Total Factor days of the all group (Σ FD) ^G]	*	{[(Days of possession/ operation of gasifier by the individual industry (D) / Number of days of possession)] / operation of gasifier for respective group (D ^G)}
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14.2. It appears that the notice for direction dated 01.05.2025 has been issued pursuant to the observations made by the Hon'ble High Court of Gujarat as well as the report of the expert bodies. Thereafter the executive summary was prepared by the Oversight Committee. If the recommendations of the executive

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summary prepared by the Oversight Committee are perused, then, it will be clear that the long term measures as well as the short term measures for damage to environment has been suggested. The total cost of the environment and public health damage was assessed by the expert institutes like NEERI, Nagpur and IIPH, Gandhinagar. The methodology for equitable distribution of compensation is as per the scaling factor which is based on the coal gasifier capacity, scale of each industry and the number of year the gasifier is in operation / possession. The industries were categorized into small, medium and large based on their respective investment and capacity of coal gasifier. Copy of the executive summary of the Oversight Committee is annexed hereto and marked as ANNEXURE-H.

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15. The three-member committee comprising of the representative of GPCB, CPCB and NEERI was constituted pursuant to the order passed by the Hon'ble NGT on 06.03.2019. The interim damage compensation amounting to Rs. 5,000/- per day was awarded by the three-member committee. The proceedings for the recovery of interim damage compensation was pursuant to the observations made by the three-member committee. However, the appellant herein was only joined the State Pollution Control Board as party respondent. Therefore, the respondent State Pollution Control Board raises a preliminary objection with regard to the maintainability and Entertainability of the appeal before this Hon'ble Tribunal. The three-member committee was also comprising of the representatives of CPCB. However, for the reasons best known, the appellant has chosen not to join the

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CPCB as party respondent in the present appeal proceedings. Therefore, on the ground of non-joinder of necessary parties, the present appeal deserves to be dismissed.

16. The appellant has also raised a grievance that before issuing the impugned direction dated 01.05.2025, no show cause notice was issued to the appellant and the appellant was not granted reasonable opportunity of hearing before issuing the impugned direction dated 01.05.2025. In this regard, it is submitted that the appellant and other similarly situated units were canvassing their grievance before the Hon'ble High Court and they were heard by the Hon'ble High Court prior to disposal of group of petitions. Moreover, the appellant and other similarly situated units were also aware about the reports prepared by the expert bodies and the executive summary prepared by the Oversight Committee that was placed on record before the Hon'ble High Court. Therefore, the ground that the appellant was not heard before initiation of the impugned proceedings is without any basis.

17. It is further submitted before this Hon'ble Tribunal in many cases the units located in Morbi - Wankaner area were represented through their respective associations. It is an admitted fact that the appellant and other similarly situated units were members of the Trade Associations. The Office bearers of the Trade Associations were litigating on behalf of the appellant and other similarly situated units. Therefore, the appellant and other similarly situated units were very well aware of the reports prepared by the expert bodies as well as the executive summary

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prepared by the Oversight Committee. The Respondent State Pollution Board had placed on record the executive summary prepared by the Oversight Committee before the Hon'ble High Court by filing affidavit in reply. The copies of the affidavit in reply so filed by the Respondent State Pollution Control Board were shared with the appellant and other similarly situated units. Therefore, it was within the knowledge of the appellant that reports are prepared by the expert bodies. The appellants were also aware about the methodology adopted by the Oversight Committee for equitable distribution of damage compensation. Hence, it is now not open for the appellant to raise a grievance that the appellant was not provided with sufficient opportunity of hearing before initiation of the impugned proceedings.

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18. It is further submitted before this Hon'ble Tribunal that in the year 2019, the representatives of the Trade Association had series of meetings with the office bearers of the Respondent State Pollution Control Board. The appellant and other similarly situated units are members of the Trade Associations. They were aware about the extent of damage to public health and environment on account of usage of coal based gasifiers in Morbi - Wankaner area. Therefore, considering the principles of Polluter Pays the proceedings were initiated against the appellant and other similarly situated units.
 19. It is further submitted before this Hon'ble Tribunal that the amount of damage compensation for respective industries including the appellant has been calculated by the Oversight

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Committee itself. Thereafter, the details of damage compensation of respective industries were shared by the Oversight Committee with the Respondent State Pollution Control Board through the Central Pollution Control Board (CPCB). It appears that thereafter the impugned notice dated 01.05.2025 was issued to the appellant. For ready reference of this Hon'ble Tribunal the formula adopted for calculating the damage compensation with regard to the appellant is annexed hereto and marked as ANNEXURE-I.

20. It is further submitted before this Hon'ble Tribunal that the appellant has also challenged the directions dated 11.09.2019 issued under Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 and under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 imposing interim Environment Damage Compensation at the rate of Rs. 5,000/- per day from the date of grant of consent to establish. The appellant has also challenged the Joint Committee Report dated 12.04.2019 recommending the levy of interim EDC of Rs. 5,000/- per day on all units working on coal based gasifiers. However, the said directions for payment of Rs. 5,000/- per day were interim in nature and once the final report of all the three expert institutes was placed on record of the Oversight Committee, the interim directions fall into insignificance. In other words, the Oversight Committee has now calculated the final damage compensation and hence the direction for payment of interim damage compensation gets merged into the final damage compensation. Therefore, Prayers C and D does not survive.



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21. In light of above, it is further submitted before this Hon'ble Tribunal that the appeal preferred by the appellant is based on incorrect interpretation of the notice for direction dated 01.05.2025. The notice for direction dated 01.05.2025 issued by the Respondent State Pollution Control Board is based on the calculation of damage compensation provided by the Oversight Committee that was constituted pursuant to the directions issued by the Hon'ble NGT. The notice for direction dated 01.05.2025 is the implementation of the recommendations of the Oversight Committee. It is an admitted fact that the appellant and other similarly situated units have caused enormous damage to environment of Morbi-Wankaner area. The formula for calculation and levy of damage compensation is based on equitable distribution of the damage caused to environment and public health by respective units. Hence, the present appeal is another attempt on part of the appellant to escape the liability for payment of damage compensation. Therefore, the present appeal is meritless and deserves to be dismissed.

AFFIDAVIT

I, Rupin R. Panchal, Aged: 60 years, Gender: Male, serving as Legal Executive with respondent no. 3, do hereby state and declare on solemn affirmation that what is stated in Paragraph nos. 1 to 21 is based on documents and information available from the records and what is stated in the remaining paragraphs are submissions of law.

Rupin R. Panchal
(R.R. Panchal)
Legal Executive

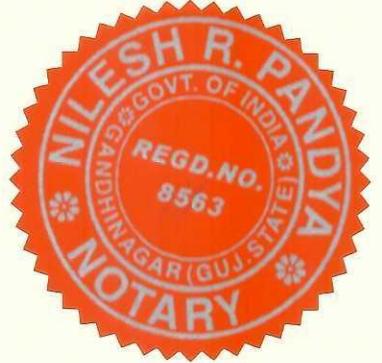
Rupin R. Panchal

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SOLEMNLY AFFIRMED AT AHMEDABAD ON 04TH DAY
OF NOVEMBER, 2025.

[Handwritten Signature]

DEPONENT



IDENTIFIED BY ME

M. B. Vinod

ADVOCATE/PERSON

NAME : *SINAGAR*
04/11/25

- 4 NOV 2025

SOLEMNLY AFFIRMED
BEFORE ME

[Handwritten Signature]

NILESH R. PANDYA

NOTARY

GOVT. OF INDIA

- 4 NOV 2025

Item Nos. 03 to 21

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 20/2017 (WZ)
(M. A. No. 344/2017 & M. A. No. 91/2018)

WITH

Original Application No. 42/2017 (WZ)

WITH

Original Application No. 06/2019 (WZ)

WITH

Original Application No. 07/2019 (WZ)

WITH

Original Application No. 08/2019 (WZ)

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Original Application No. 09/2019 (WZ)

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Original Application No. 16/2019 (WZ)

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Original Application No. 17/2019 (WZ)

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Original Application No. 18/2019 (WZ)

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Original Application No. 19/2019 (WZ)

WITH

Original Application No. 20/2019 (WZ)

WITH

Original Application No. 21/2019 (WZ)

WITH

Original Application No. 22/2019 (WZ)

Babubhai Ramubhai Saini

Applicant(s)

Versus

Gujarat Pollution Control Board & Ors.

Respondent(s)

With

Babubhai Ramubhai Saini Applicant(s)

Versus

Gujarat Pollution Control Board & Ors. Respondent(s)
With

Lexicon Ceramic Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Glossy Tiles Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Active Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Saimax Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Kevin Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Erocoin Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With
Acute Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Leviton Ceramic LLP Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

G. Tone Tiles LLP Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Levita Granito LLP Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Hollis Vitrified Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Lizzart Granito LLP Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Lichi Ceramic Applicant(s)

Versus



Central Pollution Control Board & Ors. Respondent(s)

With

Wallstone Ceramic Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Alive Tiles Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Stream Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Harisun Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

Date of hearing: 06.03.2019

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

For Applicant(s): Mr. Dhaval Vyas, Advocate (in O.A. 20/2017(WZ))
Ms. Manisha Narsinghani, Advocate (in O.A. 42/2017(WZ))

For Respondent (s): Mr. S.P. Singh, Senior Advocate with Mr. Pritesh khambhol, Advocate for Ceramic Industries
Jayesh K. Unnikrishanan, Standing Counsel for CSIR
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Mr. Raj Kumar, Advocate for CPCB
Mr. Viral Shah, Advocate for GPCB
Mr. B.M. Mangukiya, Advocate
Ms. Bela Aprajapati, Advocate

Mr. Siraj R. Gori, Advocate for R-15 and Applicant in
M.A. No. 30/2019
Mr. Rahul Andhale, Advocate for CPCB
Mr. Rahul Garg and Ms. Prachi Sawant, Advocates for
MoEF&CC

ORDER

1. The issue for consideration is remedying the pollution in Morbi town of Gujarat on account of the operation of Ceramic, Silicate and Frit industries. The issue came up before this Tribunal by way of Original Application No. 21 of 2015 (WZ) filed before the Western Zone Bench at Pune. Prayer in the application was to close the coal based gasifiers used by industrial units in and around the town of Morbi and ensure that the said industries follow terms of 'Consent of Consolidated Authorization' (CCA) by the Gujarat State Pollution Control Board (GSPCB) and the directions of the Central Pollution Control Board (CPCB) vide letter dated 21.06.2014.
2. The Tribunal dealt with the matter vide order dated 08.09.2015. The Tribunal noted the judgment of the Gujarat High Court dated 23.06.2014 in a group of writ petitions being Writ Petition (PIL) No. 165 of 2013 directing the industries to follow new norms laid down by the CPCB. The order of the High Court was affirmed by the Hon'ble Supreme Court on 22.07.2014 and 14.02.2015. The Tribunal considered the grievance that inspite of order of the High Court and the Hon'ble Supreme Court, the pollution continued unabated. Only LNG or CNG should be used as fuel instead of coal gasifiers. Stand of the industries was that modified and improved technology had been adopted and, thus, there could be no objection to the industries continuing to operate after the use of new technology.

3. The Tribunal constituted an Expert Committee comprising representatives of CPCB, GPCB and Head of Department (HoD), Environment Engineering Department of M.S. University, Baroda to evolve the parameters for coal-gasifiers which could meet the standards and directed that the matter be dealt with by the GPCB in the light of such report.
4. Against the said order, the applicants moved the Hon'ble Supreme Court. In the meanwhile, report dated September 2016 was submitted by the CPCB based on the spot study. The Hon'ble Supreme Court vide order dated 16.01.2017 in C.A. No. 584/2016 gave liberty to the applicants to place the additional material before this Tribunal to reconsider the matter. Accordingly, present Original Applications No. 20/2017(WZ) and 42/2017(WZ) have been filed before this Tribunal.
5. The same came up for hearing earlier on 24.07.2017 to consider the issue with reference to use of coal gasifiers in Morbi and Wankaner industrial clusters. The Tribunal considered the report produced by the CPCB and other material. It was found necessary to constitute a Committee comprising Senior Scientists from CPCB, GPCB and NEERI to carry out investigation of the industries in Morbi and Wankaner industrial cluster and submit environment status report of the area, after examining recommendations of the earlier Expert Committee on coal based gasifiers. It was directed that the coal gasifier units not conforming to the standards laid down by GPCB be shut down within two months.

6. Report of the Committee was furnished in October 2017 which was taken up for consideration on 14.11.2017, but the report was found to be incomplete, as only 8 ceramic industries were visited. Accordingly, this Tribunal directed the Committee to file complete environment status report. The Tribunal also directed the GPCB to file report of action taken against the erring units and to shut down ceramic industries using type B gasifiers in violation of consent terms, in view of the report of the Expert Committee that type B gasifiers are non-compliant and only C, D, E gasifiers were to be considered. The matter was adjourned to 16.01.2018.

7. Since on 16.01.2018, no Bench of NGT was available at Pune, *Special Civil Application No. 6151/2018, Digvijay Sinh Parbat Sinh Rana Vs. State of Gujarat* was filed before the High Court of Gujarat. The High Court took note of order of this Tribunal dated 14.11.2017 directing the GPCB to shut down ceramic industries using type B gasifiers and the grievance that other gasifiers should also be shut down. The High Court framed and considered the following issue:

“8. The issue involved in the present petition is damage to the environment, both air and water, by the ceramic industries in Morbi - Wankaner region due to use of coal gasifiers, more particularly, Type-A and Type-B gasifiers. It cannot be disputed that as such, because of Type-A and Type-B gasifiers, there is a great damage being caused to the environment which as such is irreparable and irreversible. The National Green Tribunal (Western Zone), Pune, in its interim direction/order dated 14.11.2017 after considering the report of the Committee comprising Senior Scientists, one each from the Central Pollution Control Board, Gujarat Pollution Control Board and National Environmental Engineering Research Institute, Nagpur (NEERI), which was constituted to carry out investigation of all the industries situate within Morbi and Wankaner Industrial Cluster, has already issued the directions and has directed the GPCB to (i) place before the NGT the action taken against the erring units and (ii) shut down ceramic industries / industries using Type 'B' gasifiers, if they are not complying with the consent terms and conditions as stipulated for grant of consents to

operate by GPCB. The learned Tribunal has also directed the Committee shall continuously monitor the performance of the industrial units employing any of the Type-C, D and E gasifiers and ascertain its effect on all aspects of pollution and safety.”

8. The High Court noted that no Bench was available at Pune and urgent orders were necessary which could be granted by the High Court under Article 226. Accordingly, the High Court, vide order dated 12.06.2018, directed as follows:

“16. In view of the above and for the reasons stated hereinabove, the present petition stands disposed of with a direction to the GPCB to take further steps as stated in the affidavits-in-reply dated 30.04.2018, 08.05.2018, 10.05.2018, filed on behalf of the GPCB. As observed hereinabove, the steps shall be taken by the GPCB only with respect to those ceramic industries/ industries using Type-B gasifiers if they are not complying with the consent terms and conditions as stipulated for grant of consents to operate by GPCB and all steps shall be taken by the GPCB to ensure that no further damage is caused to the environment by such ceramic industries/ industries in Morbi - Wankaner cluster/ region using Type-B gasifiers. So far as those ceramic industries/ industries using Type-A gasifiers are concerned, as stated by GPCB, all those industries are closed and closure orders have been passed and even the electricity supply has been disconnected.

17. Before parting with the present order, it is observed that as suggested on behalf of respondent No. 7 - Association, the GPCB may explore the possibility of permitting the ceramic industry to use new technology, which is "advanced oxidant process with provided as Lineus based on Singaporer technology" for which one of the members of respondent No. 7 - Association has applied for CTE (amendment) on 03.05.2018 and the GPCB to consider the request to provide the trial run of the new technology after following due procedure as required and explore the possibility / availability of such new technology which may help to some extent in stopping further damage to the environment which is being caused at present by using Type-B gasifiers - coal based gasifiers.”

9. In pursuance of order of the Tribunal dated 27.07.2017, a report has been filed in February 2018. The same was not produced before the High Court as order dated 14.06.2018 passed by the High Court makes no reference to the same.

10. The applicants have filed point-wise synopsis on 03.01.2019. Relying upon report of the Committee constituted in pursuance of order of the Tribunal dated 24.07.2017 filed before this Tribunal in February 2018, the applicants submit that not only type A industries which were noted to have been closed and type B industries where coal gasifiers were not viable, even type C and type D industries could not be continued.
11. According to the applicants, the claim of the manufacturers that now there is improvement in coal gasifiers with zero percentage pollution discharge may not be considered by this Tribunal in view of Expert Committee report in February 2018. Coal gasification is a dangerous process where wastes are generated which are highly carcinogenic. Daily coal tar generation in Morbi has been found by the Committee to be 8 lakh kg per day. Its effect has been noted by the International Agency for Research on Cancer (IARC) which is part of World Health Organization (WHO) as causing cancer of lungs. Accordingly, the applicant seeks direction to shut down and dismantle all gasifiers in furtherance of above report submitted in February 2018 in respect of ceramic industries in Morbi and Wankaner area of Gujarat with a view to prevent air, water and land pollution on 'Precautionary' and 'Sustainable Development' principles.
12. Learned Counsel for the GPCB submitted that while it will be difficult for him to state that the coal gasifiers are not causing pollution as found by the Committee, the improved technology may be given further trial and to the extent any particular activity is found to be compliant with the norms, such activity may be allowed to be continued.

13. He also mentioned that another Writ Petition is pending before the High Court. It was submitted that GPCB has prepared a policy for defaulter ceramic units. While type A gasifiers have been closed, notice has been issued to 860 ceramic units in April 2018 for closure. Public notice has been issued in three vernacular newspapers for creating awareness. Type G gasifiers were given trial run permission. 67 units were closed and show cause notice given to 262 ceramic units. Trial permission was given for carrying out feasibility study of advanced technology. SOP was issued for prevention of air pollution on 05.06.2018. CCA was granted on 09.02.2018 on the request of Ceramic Association. The Morbi District Administration issued notification against movement of illegal tankers from 10 pm to 6 am. Ambient air quality was monitored and found to be as follows:

“Ambient Air Quality Status:

As per National Green Tribunal committee report average ambient air quality (7 Stations) monitored PM10 = 552.66 $\mu\text{g}/\text{m}^3$, PM2.5 = 289.61 $\mu\text{g}/\text{m}^3$, SO₂ = 152.81 $\mu\text{g}/\text{m}^3$.

Compared to that, Average ambient air quality monitored (4 Stations) in last 3 months (Aug- 18 to Nov-18) is PM10 = 199.1 $\mu\text{g}/\text{m}^3$, PM2.5 = 60.6 $\mu\text{g}/\text{m}^3$. Though not meeting with standards, This shows improvement in air quality of Morbi-Wankner Region.”

14. Learned Counsel for the GPCB stated that the above ambient air quality status is based on situation prevailing from August 2018 to November, 2018.
15. One can certainly say that the above report shows alarming situation of ambient air quality.
16. Learned Counsel for some of the industries submitted that there is a vast difference in the report submitted in February, 2018 on account

of results of SGS Laboratory which show the level of pollution to be very high. There are 800 industries in Morbi and Wankaner area and transportation of 5,000 trucks per day which is contributing to the pollution of the air where are other industries such as clay spray driers, paper mills, silicate industries, stone crushers, roofing tiles, coal screener, laminate units, frit industries, refractories, etc. working for 20 hours per day. The said industries are also contributing to the water and air pollution and not ceramic industries alone. The Consolidated Consent Authorization has been given by the GPCB and short term and medium term measures can be taken for upgradation of the gasifiers.

17. We have not been able to find any warrant for Consolidated Consent Authorization in view of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. Consent to Operate and Consent to Establish have to be given to every individual unit based on the study of its operations and impact on water and air. Thus, it appears that the Consolidated Consent Authorization is per se beyond what is permitted under the law. The said industries are, thus, operating in violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

18. Chapter 6 of the report of February 2018 presents the conclusion and the recommendations for the study, which is as follows:

“Chapter 6

Conclusions and Recommendations

6.0 Introduction

This chapter presents the conclusions and recommendations based on the study at Morbi - Wankaner industrial area, environmental monitoring, inspection of ceramic industries, gasifiers and discussion with different stakeholders.

6.1 Examination /Evaluation of Gasifier Technologies

Type 'A': There are 13 type 'A' gasifiers were found during the inspection by the committee. These gasifiers were not in operation. Some of them were not in operation since long, however, some gasifiers were found with wastewater and tar which shows these gasifiers were operational in immediate past. Since, this type of gasifiers are not permitted, GPCB must ensure that all type 'A' gasifier should be dismantled.

Type 'B': Earlier expert committee (2014) suggested that type 'B' gasifier can be permitted to operate if the wastewater generated during gas cleaning / condensation is recycled back to the gasifier shell by the use of evaporator. Accordingly, GPCB granted amended CTE / CCA for the operation of type 'B' gasifiers. However, this committee finds that type 'B' gasifier cannot be operated by recycling condensate wastewater in the gasifier shell as the condensate wastewater generated is in excess of the required moisture for shift reaction. This is the reason, almost all type 'B' gasifier operators illegally discharge wastewater either through open drain, in low lying areas, abandoned mines etc. and /or steam release to atmosphere. During the inspection of industries, it was found that there are 71 gasifiers that operate evaporator and feed wastewater steam inside the gasifier shell. This can only be a temporary phenomenon as complete wastewater cannot be fed on continuous basis. These gasifiers can discharge condensate wastewater outside the premises illegally and it is not possible for GPCB to keep track of the wastewater generated and its recycle. An argument put forth is that the evaporator operates only for a few hour and feed the complete steam inside the gasifier shell. Such argument does not stand as the condensate wastewater generation is a continuous process and even if intermediate tanks of very large capacity is built, all will get filled at some instance during the operation of gasifier. Therefore, this committee recommends that all gasifier of type 'B' must be shut down immediately, dismantled safely.

Type 'C': Condensate wastewater with indirect cooling and Tar (Wet ESP) is stated to be recycled into gasifier shell by heating it at high temperature in the Tar reformer. The recycling operation is carried out on the premises that the moisture fed inside the gasifier shell will be the stoichiometric requirement of amount of coal tar recycled. The coal tar generated itself is an emulsion of water and coal tar due to its collection mechanism (Wet ESP). The moisture content of coal tar should be sufficient to take part in the shift reaction and any additional moisture may not be needed. The condensate wastewater will be recycled again in the subsequent condensation and this in turn will

accumulate the wastewater in the gasifier system as happens in the case of type 'B' gasifier. Thus, after a few days of operation, type 'C' gasifier will generate and accumulate condensate wastewater, which does not have economical treatment option, and therefore its management will always be major issue. Generation of condensate wastewater and coal tar is not recommended.

Type 'D': This is hot gasifier and does not allow condensation of moisture up to kiln. The entire moisture is fed in the kiln. Since this is a hot gasifier, coal tar does not get condensed and is fed directly to the kiln. This was evident from the colour of the flame, which was yellow / orange. A clean producer gas gives blue flame. Raw gas cleaning through road metal/aggregates (kapachi) filter generates large quantity of exposed/used aggregate filter media. Huge quantum of Filter media coated with tar and coal dust whose disposal may be another environmental issue. High molecular weight (class 5) coal tar gets condensed just before the kiln burner and gets solidified as soon as its moisture is evaporated. Solid coal tar cannot be fed from the bottom of the shell. If solid coal tar is fed from the top, it gets vaporized and again reappear in the raw synthetic gas thereby accumulating coal tar in each successive cycles. Type D' gasifier will have the problem of solid coal tar and disposal of large quantity of used contaminated aggregates. Generation of coal tar and contaminated filter media (aggregate) from gasifier is not recommended.

Type 'E': is based on down draft and agro based fuel where no cooling and cleaning of gas is required and therefore no wastewater and tar generation. Bio-mass based fuel does not generate heavy hydrocarbon, and therefore Tar, which is heavy hydrocarbon is not formed. Steam is not added in the gasifier, instead moisture of bio-mass is considered sufficient for H₂ formation. Due to very low amount of moisture feed, wastewater is not generated.

Even if condensate wastewater and coal tar is generated from gasifiers in small amount in Morbi — Wankaner Industrial cluster, its cumulative impact on the ecosystem is very severe as there are very large number of ceramic industries exists. Management and handling of wastewater and hazardous waste (coal tar) from all industries together exceeds the assimilative capacity of the region and therefore any gasifier generating condensate wastewater and coal tar should not be permitted. Instead of further experimenting with older moving coal bed gasifiers (currently existing in Morbi), advanced fluidized bed gasifier should be designed along with all pollution control device for meeting the clean energy demands in Morbi region.

Till a cleaner technology for synthetic gas generation is demonstrated, ceramic industries having gasifiers may opt for PNG. Natural gas grid / pipe connections are already established in area and most of industries are having connections.

6.2 Environmental Status of Morbi - Wankaner Area

The general ambience of Morbi — Wankaner industrial cluster is smell of half burnt coal, VOC, SO₂ and poor visibility due to dust and smog. The committee visited different areas along the roads of Morbi - Wankaner and collected sample of surface and ground water. It was observed that most of the storm water drains in the industrial area are carrying condensate wastewater (brown colour) and vitrified tile polishing wastewater (white colour). All these storm water drains join some natural drains and finally meets Kalindri and Bela river in the region. Many low lying areas along the road and nearby abandoned mines contain condensate wastewater, which is disposed illegally. Further travel to inner part of the industrial area showed the very poor industrial solid waste management practice. Wherever open space is found along the river, solid waste, broken tiles, ceramics, polishing sludge etc. are disposed haphazardly. Overall visual experience of the industrial area is that Morbi industrial area is highly polluted and is an economic zone only to create wealth from mother earth (clay, coal) but belongs to none.

Though the visible water colour suggest that it is polluted, a scientific approach require its analysis in laboratory, and therefore, to quantify the level of pollution samples of air and water were collected from field and analysed in the laboratory. Water analysis result suggest that the discharged wastewater is highly polluted. The ambient air samples collected by the committee and analysed in CPCB (RD, Vadodara) laboratory shows very high & alarming level of PM₁₀, and PM_{2.5} and SO₂ pollution indicating uncontrolled emission from spray drier, ceramic kiln without any flue gas treatment. The concentration of PM₁₀, and PM_{2.5} and SO₂ are exceeding many time more than the National Ambient Air Quality Standards (NAAQS) except two locations for SO₂. The concentrations of pollutants are also more due to high industrial density having almost same nature of industrial activities in the Morbi area. This warrants immediate preparation of air action plan and its implementation including proper /adequate pollution control technology for spray dryers, tiles polishing units, restriction & control on haphazard disposal of solid waste (broken tiles, polishing dust, coal ash), improvement in road conditions etc.

The pollution control technology primarily demands use of clean technology for coal gasifier, which will eliminate condensate wastewater and coal tar generation followed by scrubbing of dust, SO₂ from spray drier and installation of flue gas treatment (scrubber) for removal of Sulphur from burning of synthetic gas in ceramic kiln. The groundwater analysis results shows contamination (high COD) at some bore wells which needs to be further investigated through state level ground water board /authority. Recently, it is informed that brownish color ground water is observed in bore well.

As per Medium term measures given by Expert Committee (Govt. of Gujarat) 2014, a study of spray dryer was to be conducted, from pollution view point, which shall incorporate survey related to the existing air pollution control devices, ascertaining the adequacy of installed system and suggesting addition /alterations to fulfil the prescribed norms within six months by environment departments of Engineering /Technical Institutes and respective Industrial Associations should bear the cost of the study. However, no action is visible at site and the status quo of pollution discharge is maintained.

6.3 Industrial visits and compliance aspects

Ease of handling waste leads to its categorization based on physical state i.e. solid, liquid and gaseous. At Morbi, ceramic industries are generating and discharging waste in all the three states. Solid waste are visible and can be managed if space for its disposal is provided and the existing solid waste management rules are followed. Coal tar generated in gasifier is illegally used in combustion activity thereby causing air pollution as in the entire Morbi industrial area. While using coal tar in combustion, air pollution control device are not installed, thereby releasing pollutant in the atmosphere. There are several emission points like, spray drier, kiln emission, evaporator emission etc. Therefore, the issue of air pollution in Morbi is very serious and alarming. Liquid waste i.e. mostly condensate wastewater from gasifier and polishing waste from vitrified tiles are not disposed after treatment. In fact the condensate wastewater from gasifier cannot be treated economically and therefore the technology of gasifier needs to be upgraded so as not to generate wastewater and tar. Previous committee (expert committee -2014) has suggested some modifications in the existing coal gasifiers including recycling the condensate wastewater through evaporator to achieve zero liquid discharge. Accordingly, GPCB provided amended CCA for such gasifiers, which is presently termed as Type 'E' gasifier. Another committee (NGT 2015), recommended for excess wastewater (after evaporation) to be incinerated which is part of notification published by GPCB in August 2017, but till date the industries are not sending excess wastewater to any common incineration facility for disposal of wastewater and common incineration facility not developed. However, it is found that such measures do not solve the wastewater problem and therefore this committee recommends to overrule any such provision of wastewater recycling in the moving bed coal gasifier (up-draft existing gasifiers) and incineration of excess wastewater.

In total, 432 industries visited, 411 industries were found to have coal gasifier and the remaining 21 were using PNG for operating the ceramic industry. There are 384 Type 'B' gasifiers visited, 69 gasifiers are without CCA & therefore illegal and 315 with valid CCA. Out of 384 type 'B' gasifier, 130 gasifiers were not operational and 254 gasifiers were operational where 2 does not have evaporator installed, 96 were not operating evaporator, and 85 were releasing

steam of evaporator in to the atmosphere (more than 50 % operational evaporator). There are 73 type 'B' gasifiers that have provision/practicing direct scrubbing of raw synthetic gas by addition of water pipe line/recirculation line. There are 133 gasifiers that have contaminated cooling water and 32 gasifiers were found to be discharging wastewater inside/outside the premises. All these actions make them non-compliant.

71 industries have exhibited recycling of condensate wastewater in the gasifier shell during the visit of committee members, however, it is not possible to continue such practice for long time due to reasons as elaborated in Chap-2. Therefore, the compliance condition stipulated by the GPCB based on the earlier committee's recommendations is not maintainable and should be cancelled. Regarding management of coal tar generated from coal gasifier, there is large gap between coal tar generation and its authorized use as fuel. A very large quantity of coal tar is illegally used as fuel. By & large, storage, handling & transportation of coal tar is not as per HWM Rules.

There are other difficulties /issues by the industries in handling present coal gasifiers like small scale operations, local suppliers /manufactures of gasifiers without proper Material of Construction (MoCs), without proper operational control, leakages of tar /wastewater, fugitive emissions /smell from open wastewater /tar tanks in the area, industries casual approach for operation of gasifiers, large number of industries /gasifiers in limited area concentrating pollution /safety risks, enforcement difficulties i.e. day to day check on illegal operations not possible with limited manpower and local interferences. Further, other non-compliances observed during industry visits which are elaborated in (chapter-5).

All type 'B' coal gasifiers should be shut down immediately and dismantled, irrespective of whether it is complying with the consent condition or not. The plant premises should be cleared of wastewater and tar, else it should be considered as violation.

The summary of industrial visits with observations is submitted to GPCB. Action should be initiated by GPCB on industries that are operating illegally in the Industrial area of Morbi as per orders (dated 24.07.2017 & 14.11.207) of Hon'ble NGT, Pune. Majority of gasifiers including almost all type-B gasifier with valid CCA visited by the teams and made observations/conclusions and further visits may not influence the observations/conclusion in any way as the issues related to type-B gasifiers are similar in nature. GPCB should further identify all such gasifiers (with CCA & without CCA) and shut them down.

Initiation by the gasifier operators on incineration of wastewater or its bio-chemical treatment should not be considered as a reason for permitting them to operate it further.

Most of the medium term measures (to be taken up by Ceramic Industries Association) mentioned in the

recommendations of the expert committee of Govt. of Gujarat (2014) such as Spray dryer study (adequacy for spray dryers, suggestions on addition/alterations to meet norms etc.), implementation of suggested additions/alteration to APCD by member industries within three months, solid waste management, improvement of roads to improve the ambient air quality etc. by industry association(s) are yet to be fulfilled. As per the information provided by the GPCB, five industrial accidents reported in last two years related to gasifier and therefore safety aspects needs to be seriously considered by concerned department.

Till clean technology gasifier demonstrated, available PNG may be used to avoid any environmental issues/damage which are being created due to mismanagement, illegal disposal of tar and wastewater generated from existing gasifiers.

New advance fluidized bed clean technology gasifiers that does not generate condensate wastewater and tar should be encouraged. Such gasifier should be approved for its material of fabrication, all temperature and pressure measuring gadgets, automated monitoring and control system by Directorate of Industrial Safety & Health (DISH) for authorized installation in Morbi.”

19. Thus, as per the above expert study, type A, B, C, D and E coal gasifiers are not viable. If the ceramic industries are to be permitted, their option is to adopt Pipe Natural Gas (PNG). The final conclusion is as follows:

“Even if condensate wastewater and coal tar is generated from gasifiers in small amount in Morbi — Wankaner Industrial cluster, its cumulative impact on the ecosystem is very severe as there are very large number of ceramic industries exists. Management and handling of wastewater and hazardous waste (coal tar) from all industries together exceeds the assimilative capacity of the region and therefore any gasifier generating condensate wastewater and coal tar should not be permitted. Instead of further experimenting with older moving coal bed gasifiers (currently existing in Morbi), advanced fluidized bed gasifier should be designed along with all pollution control device for meeting the clean energy demands in Morbi region.

Till a cleaner technology for synthetic gas generation is demonstrated, ceramic industries having gasifiers may opt for PNG. Natural gas grid /pipe connections are already established in area and most of industries are having connections.”

20. The CPCB has filed its synopsis on 05.01.2019 with reference to the said report, *inter-alia*, stating as follows:

“The Committee (NGT Committee 2017) recommended for closure/dismantling of type-A & B type of gasifiers. Type-C, Type-D and Type-E gasifiers were given trial run permission by GPCB during the visits of the committee. As there is generation of waste water and coal tar in case of Type-C and issues of tar recycling, generation & disposal of huge amount of contaminated/ exhausted filter (aggregates) media in case of Type-D gasifier, these gasifiers are not recommended by Committee. Regarding, Type-E gasifier though, its pollution potential is negligible, its output performance is inadequate to generate required heat for long kiln.

Even if condensate wastewater and coal tar is generated from gasifiers in small amount in Morbi-Wankaner Industrial cluster, its cumulative impact on the ecosystem is very severe as there are very large number of ceramic industries exists. Management and handling of wastewater and hazardous waste (coal tar) from all industries together exceeds the capacity of the region as evident from monitoring results of water bodies & ambient air and therefore any gasifier generating condensate wastewater and coal tar should not be permitted. Instead of further experimenting with older moving coal bed gasifiers (currently existing in Morbi), advanced fluidized bed gasifier should be designed along with all pollution control devices for meeting the clean energy demands in Morbi region.

Till a cleaner technology for synthetic gas generation is demonstrated, ceramic industries having gasifier may opt for PNG. Natural gas grid/pipe connections are already established in the area and most of the industries are having connections.

The ambient air quality of the Morbi-Wankaner ceramic industrial area was with high and alarming levels of PM₁₀, PM_{2.5}, SO₂. The concentrations of these pollutants are exceeding many times more than the National Ambient Air Quality Standards (NAAQS). Particulate Matters (PM) emission primarily from spray dryers, use of coal & tar (illegal) in Hot air generator, and also due to handling of raw materials such as coal, different types of clay, poor road condition and vehicular movement. SO₂ from spray drier (coal fired Hot air generators), and use of synthetic gas in ceramic kiln, evaporators. The groundwater analysis results show contamination (high COD) at some bore wells which needs to be further investigated through state level ground water board / authority. Recently, it is informed that brownish color ground water is observed in bore well.

As per Medium term measures given by Expert Committee (Govt. of Gujarat) 2014, a study of spray dryer was to be conducted, from pollution view point, which shall incorporate survey related to the existing air pollution control devices, ascertaining the adequacy of installed system and suggesting addition / alterations to fulfil the prescribed norms

within six months by environment departments of Engineering /Technical Institutes and respective Industrial Associations should bear the cost of the study. However, no action is visible at site and the status quo of pollution discharge is maintained.

There is urgent need to provide adequate air pollution control devices to all the sources of air emission including spray driers, coal/clay handling systems with proper roads and solid waste management.

A meeting was convened by CPCB on 31.05.2018 to discuss the pollution matter relating to ceramic industries using coal gasifiers in Morbi-Wakaner areas of Gujarat among CPCB & GPCB. In the meeting it was discussed & recorded that as the Senior Scientists of GPCB and CPCB were part of the Committee (NGT Committee 2017), there is no question of disagreeing with any of the observations/recommendations made by the said Committee. It implies that GPCB 'has to implement the recommendation of the said Committee and considering the gravity of problem in the Morbi-Wakaner. It was informed by GPCB that consent to the Units is issued with condition to achieve the ZLD as per the recommendations of Committee earlier constituted by the Gujarat Govt. Strict action against the Units with Type A gasifier has been initiated leading to closure. Action is being taken in respect of Type B gasifier that do not meet the ZLD conditions as per the NGT order dated 14.11.2017. GPCB further informed that they have carried out fresh survey of industrial Units in compliance of an order passed by the Hon'ble High Court of Gujarat and submitted the report to the Court.

Considering that (a) the NGT Committee 2017 has recommended to use for PNG for such time till a cleaner technology for synthetic gas generation is demonstrated; (b) the natural gas grid /pipe connections are already established in the area; and (c) most of industries are having connections, GPCB was requested to take steps to implement the recommendation of using PNG."

21. In view of the above, it is clear that coal gasifiers are no longer viable. Inspection by GPCB shows high level of air pollution which is dangerous for health and environment. 'Sustainable Development' and 'Precautionary' principles are to be upheld.

22. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and

compliant with the norms of environment. In absence of this awakening or tendency for monitoring, industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

23. We may also note that as per data compiled by the CPCB Morbi-Wankaner is one of the polluted industrial clusters. Vide order dated 13.12.2018 in Original Application No. 1038/2018, this Tribunal considered the subject matter of critically polluted industrial clusters and directed preparation of action plans by the respective States for remedying the situation.

24. Even though, this area is polluted but not 'critically polluted', the same may not be covered by the said order, but the fact remains that there is high amount of pollution as shown by the latest report of the GPCB quoted above in para no. 13. PM_{10} is equal to 552.66 and $PM_{2.5}$ is equal to 289.61. Stringent measures are, thus, required in the interest of protection of environment and public health.

25. Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency for

coordination and compliance. The Committee may suggest restoration plan.

26. The Committee may give its report within one month by e-mail at ngt.filing@gmail.com.

27. The Committee may take into account the cost of reversing the damage caused and also the amount to be recovered which will operate as deterrent and render any polluting activity non-profitable.

28. To oversee the execution of this order by the GPCB, we appoint an Oversight Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court who is already heading an Oversight Committee constituted by this Tribunal vide order dated 16.01.2019 in O.A. 606/2018. He will also be assisted by a representative of CPCB. The GPCB will provide all logistics to Justice Patel. Any person concerned with execution of this order will be at liberty to represent to the said Oversight Committee.

29. Learned Counsel for the GPCB states that expenses incurred by the NEERI will be paid as per direction of this Tribunal within one month from today.

30. Industries have filed applications which have no merit and are not maintainable under Sections 14 and 15 of the National Green Tribunal Act, 2010. Same is the position with regard to the applications of the manufacturers.

All the applications stand disposed of accordingly.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 06, 2019
Original Application No. 20/2017 (WZ)
(M. A. No. 344/2017 & M. A. No. 91/2018) and other
connected matters
DV&AS



**Report of the Committee
on matter of
Environmental Damage,
Compensation
&
Environmental Restoration of
Morbi Region
April, 2019**

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPLE BENCH, NEW DELHI
O.A. No. 20/2017 & O.A No. 42/2017

IN THE MATTER OF:

BABUBHAI RAMUBHAI SAINI

APPLICANT

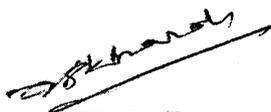
VS.

GUJARAT POLLUTION CONTROL BOARD & ORS.

RESPONDENTS

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D.S. KHARAT
ADDITIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032

DATE: 16.04.2019
PLACE: DELHI

REPORT OF COMMITTEE ON MATTER OF ENVIRONMENTAL DAMAGE, COMPENSATION AND ENVIRONMENTAL RESTORATION IN MORBI REGION

(As per order of Hon'ble NGT, Principal Bench, New Delhi
Dtd March 6, 2019 in OA No. 20 of 2017 & OA No. 42 of 2017)

Prepared by



Central Pollution Control Board (CPCB)



Gujarat Pollution Control Board (GPCB)



National Environmental Engineering Research Institute
(NEERI)

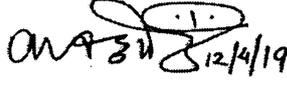
For submission to Hon'ble National Green Tribunal
(NGT), Principal Bench, New Delhi

April 2019

REPORT OF COMMITTEE ON MATTER OF ENVIRONMENTAL DAMAGE, COMPENSATION AND ENVIRONMENTAL RESTORATION IN MORBI REGION

(As per order of Hon'ble NGT, Principal Bench, New Delhi
Dtd March 6, 2019 in OA No. 20 of 2017 & OA No. 42 of 2017)

The Committee

No.	Name	Institute	Signature
1.	Mr. Rashesh R. Vyas	Environmental Engineer, GPCB, Gandhinagar	
2.	Dr. K.V. George	Senior Principal Scientist, CSIR-NEERI, Nagpur	 12/4/19
3.	Mr. Pratik Bhanu (Convener)	Scientist - E, CPCB, Vadodara	

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1.0 Introduction

Large scale water and land environment pollution in Morbi region due to illegal discharge of coal tar bearing condensate wastewater of coal gasifiers in ceramic industries and air pollution resulted into many complaints in the Morbi region.

Babubhai Ramubhai Saini filed the Original Applications (OA) No. 20 of 2017 & 42 of 2017 (Babubhai Ramubhai Saini Vs GPCB & Ors), in Hon'ble NGT, Western Bench, Pune with a plea to stop large number of small size coal gasifiers that causes widespread air, land and water pollution in the Morbi region. After going through several hearings, and interim orders Hon'ble NGT, Pune ordered on July 24, 2017 for constituting a committee comprising senior Scientist from CSIR-NEERI, Nagpur, GPCB and CPCB Vadodara (convener) with the following three major objectives:

1. Committee shall examine the recommendations made by the Expert Committee in the Report on Coal based Gasifiers (July 2017)
2. Environment Status Report of the area covering all aspects /facets of environment.
3. Inspection of industries situated in Morbi Region.

Accordingly, the committee made multiple visits to the Morbi industrial region with team members from respective Institutes, collected field data, samples and submitted its report to Hon'ble NGT in February 2018. The subsequent hearings took place at NGT, Principal Bench, New Delhi and final Judgment was delivered on March 6, 2019. The relevant order of the Hon'ble NGT, Principal Bench, New Delhi is reproduced below:

"25.....direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of

- CPCB, GPCB and NEERI. The CPCB will be the nodal agency for coordination and compliance. The Committee may suggest restoration plan.*
26. *The Committee may give its report within one month by e-mail at ngt.filing@gmail.com.*
 27. *The Committee may take into account the cost of reversing the damage caused and also the amount to be recovered which will operate as deterrent and render any polluting activity non-profitable.*
 28. *To oversee the execution of this order by the GPCB, we appoint an Oversight Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court who is already heading an Oversight Committee constituted by this Tribunal vide order dated 16.01.2019 in O.A. 606/2018. He will also be assisted by a representative of CPCB. The GPCB will provide all logistics to Justice Patel. Any person concerned with execution of this order will be at liberty to represent to the said Oversight Committee."*

Following the order of the Hon'ble NGT, Dt. March 6, 2019, a committee is constituted with due approval from respective heads of the organizations. Following are the members:

- | | | |
|------|---|----------------------------|
| i. | Mr. Rashesh R. Vyas, Environmental Engineer | GPCB, Gandhinagar, Gujarat |
| ii. | Dr. K.V. George, Senior Principal Scientist | CSIR-NEERI, Nagpur |
| iii. | Mr. Pratik D. Bharne, Scientist 'E' | CPCB, Vadodara, Gujarat |

The committee is formed with following objectives:

1. Assessment of damage to the environment in Morbi region.
2. Assessment of damage cost & compensation to be recovered from the polluters.
3. Suggestion of Restoration Plan

2.0 ACTION TAKEN BY THE COMMITTEE

The committee had its first meeting at GPCB, Gandhinagar, Gujarat on March 18, 2019 along with In-charge, Unit Head, Morbi from GPCB, Gandhinagar and deliberated on the scope of work consisting of:

- Identification of the illegal disposal of solid & hazardous waste and gasifier wastewater spread all over the Morbi region.
- Quantification of wastewater and solid & Hazardous waste scattered in different parts of the city in low lying area and in abandoned mines.
- General characterization of waste to decide upon the mode of its ultimate disposal.
- Suggestion of disposal technique for waste.
- Cost estimate for disposal of gasifier wastewater, ceramic solid waste.
- Cost estimate of damage to air, land and water environment.
- Future action plan for restoring the glory of Morbi region as Global ceramic hub.

During the meeting, the committee was apprised of the action taken by GPCB officials as per the order No. 25 of NGT, Principal Bench, New Delhi. The order states closure of all coal based gasifiers in Morbi Region. GPCB has taken following action:

- Direction under section 33-A of the Water (P & CP) Act 1974 & 31-A of the Air (P & CP) Act 1984, issued on March 9, 2019 to Morbi Ceramic Association to intimate their member units to close down coal gasifiers and to implement Hon'ble NGT's order of March 6, 2019.
- Direction under section 33-A of the Water (P & CP) Act 1974 & 31-A of the Air (P & CP) Act 1984, issued on March 11-12, 2019 to Ceramic Industries (about 900) to close down coal gasifier immediately.
- Public Notice was issued in three vernacular daily newspapers (Sandesh, Divyabhaskar and Akila) on March 12, 2019 for the implementation of Hon'ble NGT order.
- GPCB started inspection of industries in Morbi region to ascertain compliance of the said direction from March 13, 2019.

Besides the above, following additional directions have been issued by the GPCB to ensure for closure of gasifiers:

- Coal feeding section shall be disconnected from the gasifier shell.
- Primary & secondary condenser / solid media filter shall be disconnected from coal gasifier system.
- Synthetic gas feeding pipeline shall be disconnected from roller kiln and burner assembly be removed.
- Each ceramic unit shall switch over to PNG or non-coal gasifier technology for fuel.
- Each Coal gasifier unit shall send their stored tarry waste for intermediate storage facility of Morbi-Dhuva Glaze Tiles Association.
- Tarry waste can also be sent to Silicate /Frit /Cement Industries directly as per the CCA.
- No tarry waste & gasifier wastewater shall be stored within premises.

Committee opined that components particularly the vertical vessel like primary and secondary condenser, ESP and filter media of the gasifier system are to be dismantled so as to avoid any possibility of reconnecting the pipelines /feeding assembly lines and restarting the operation of gasifier in an illegal manner.

GPCB was asked to provide the information.

- Number and location of ceramic industries with and without coal gasifier in Morbi region.
- Details of contaminated sites /illegal wastewater disposal sites, present situation, their number, extent of contamination etc. as per NGT Committee Report February 2018 & GPCB, RO, Morbi.
- Any contaminated groundwater location as observed by GPCB, Morbi or reported by general public.

3.0 FIELD VISIT OF THE COMMITTEE TO MORBI REGION

In the earlier study for environmental assessment during September 2017 to January 2018, the committee visited Morbi region for identification of contaminated sites /water bodies. Some of those sites having illegal disposal of wastewater in abandoned mines, low lying areas, ponds etc. were documented in the report (February 2018). Initially the Chairman of the Oversight committee Justice B.C. Patel, former Chief Justice of Delhi High Court visited Morbi region along with officials of the GPCB during March 30-31, 2019. This is followed by the visit of the reconstituted committee along with GPCB, RO, Morbi staff during April 2-4, 2019 and documented its observation in this report.

GPCB, Morbi provided the information of revised locations where wastewaters and tar were disposed of illegally. The committee visited different contaminated sites in the area; the list of which are provided in the **Annexure 1**. Photograph of each contaminated site is given in **Annexure 2**. The plate number of photograph is same as the serial number of contaminated site given in **Annexure 1**. Similarly the Google image of contaminated site is given in **Annexure 3** bearing same number as the **Annexure 1** and **2**.

Till the writing of this report, 12 contaminated sites due to illegal dumping of coal tar bearing gasifier wastewater have been identified. At some of the sites, gasifier wastewater, which is red / brown in colour was discharged in low lying, abandoned mine sites. One of the site is village Paneli, where the villagers complained of illegal disposal of coal gasifier wastewater in abandoned mine at mid-night during September 2017 and were reported in news media. The overflow of abandoned mine joins a large size water body, which is drinking water source of Paneli village. The NGT appointed committee visited the site in September 2017. The matter was reported to the then city collector by GPCB, Morbi. Subsequently native soil barrier was created in order to prevent mixing of wastewater with drinking water source. However, the visit of this committee during April 2-4, 2019 finds that the abandoned mine containing red coloured tarry wastewater is covered with white tile polishing slurry. It is a case of negligence towards natural resource, common man's need and environment by the gasifier operators and ceramic producers.

This apparently intends to hide / burry the earlier discharged toxic wastewater. Such waste disposal practice may lead to situation similar to infamous Love Canal Tragedy near Niagra Falls, New York, USA where toxic waste discharge practice of 1910's was unearthed in 1960's and 70s. The deeds of previous generation were paid by the next generation by damaging natural resource, wealth and health.

In the case of white polishing slurry discharge in Paneli village, Morbi, if the white slurry (inorganic polishing waste) is considered safe due to its inert nature, it is misleading. Such site needs to be explored by auger boring for analysis of material stored at lower levels. If red / brown material is found at lower levels, the entire material must be removed and site be remediated to ensue protection of subsurface environment and adjoining surface water bodies.

GPCB, Morbi unit along with GPCB head quarter (Gandhinagar) staff during inspections to industries in Morbi area in compliance of its direction in accordance with order Dt. March 6, 2019 of Hon'ble NGT, visited total 952 industries during the period March 13- 31, 2019. Out of 952 industries, 568 ceramic industries were having gasifiers. It is informed by GPCB, RO, Morbi that these gasifiers have been closed down. It is estimated by GPCB, RO, Morbi that these 568 coal gasifier units have total 2160 m³ of wastewater and 1176 MT Coal tar in their premises. All such stored condensate wastewater needs to be disposed scientifically to Common Hazardous Waste Treatment, Storage, and Disposal Facility (CHW-TSDF) and coal tar to cement and silicate industry as per authorization issued by GPCB. Recently on April 1, 2019 GPCB, Gandhinagar has issued one-time permission for disposal of accumulated gasfier wastewater at M/s. Saurashtra Enviro Project Pvt. Ltd. through M//s. Morbi-Dhuva Glaze Tiles Association (intermediate Storage Centre).

Solid waste i.e. polished waste, broken tiles, sanitary waste, abrasion dust, spray dryer HAG ash etc. are haphazardly dumped all over Morbi region on all the roads such as Matel road, Sartanpur road, Makansar Road, Jambudiya, Rafaleshwar, Lalpar, Lakhadhipur road, Ghutu road, Pipali road, Unchimadala, Kandla bypass etc. in huge quantity. These wastes are creating dust nuisance, besides defacing the Morbi region. It is

claimed by ceramic association of Morbi that 40% of the ceramic product is exported (Export Oriented Unit - EOU), and therefore, the Morbi region should exhibit a good aesthetic view of the region for the buyers visiting from foreign countries.

GPCB is carrying out assessment survey for knowing the locations and approximate quantity of solid waste. It is learnt that collector office of Morbi recently gave possession of three Government waste land to Morbi Ceramic Association for disposal of solid waste.

The ceramic industries are recently re-using polishing waste and broken tiles. This waste is re-used in manufacturing of floor tiles and wall tiles. Further, it may be explored for other uses such as construction materials or building material etc. The legacy waste /historical waste should be disposed to Government waste land.

3.1 Quantification of waste disposed at different places

Quantification of waste requires use of different scientific tools and techniques of measurement. Some such tools are satellite-based site identification, area determination, followed by ground truthing to validate the appropriateness of disposal site, determination of depth of waste, augur boring to study the details of lower strata of waste etc. Such a study for quantification of waste is field intensive, time consuming as it involves use of diverse tools as mentioned above and is therefore beyond the collective competence of the three members of this committee. The committee feels that short-term measures for removal of clearly identified waste can be taken immediately; however, the complete long-term site restoration would require study by any Government agency having experience in detailed field investigation of different environmental components using sophisticated, modern tools.

3.2 Disposal technique for industrial waste

Industrial waste at Morbi can be classified by two approaches. First is its location of existence. If the waste is within the gasifier premises, it can be quantified, characterized and disposed safely by various available methods. If the waste is outside the gasifier

premises, in abandoned mines, Government land, road side etc. its quantification and characterization would take time and is cost intensive.

Second approach is the physical and chemical nature of waste. Gasifier generated wastewater is large in volume having no value or utility. Coal tar has high calorific value and is co-processed in cement industry, and can be used in silicate and frit industry as per GPCB authorization. Ceramic & Sanitary industry specific waste like broken tiles, sanitary ware, polishing slurry etc. needs to be recycled or reused in application requiring hard raw material. The possibility of its use in building or road construction material can be explored. Research Institutes like Advanced Materials and Processes Research Institute (CSIR-AMPRI), Bhopal can be approached for identifying possible use of such inert ceramic waste material in road or building construction.

The identified and characterized waste like gasifier wastewater can be sent to suitable common hazardous waste Treatment Storage and Disposal Facility (TSDF). After extracting tar, it can be disposed by incineration or any other suitable method of safe disposal.

Cost of site remediation would require quantification followed by man and machine required for its removal. Aesthetics of the site can be improved by proper design of green cover based on the type of soil and waste material available in Morbi region.

3.3 Cost estimate of damage to air, land and water environment

Gasifier generated wastewater is disposed in different natural drains, storm-water drains and low lying area. Each point within the two ridges on each side of a major water-course falls in its catchment area. The run-off within the catchment area will carry waste to the nearest water course. This leads to pollution of water body and can be seen from the coloured water in different water bodies like Bela river (seasonal), which joins Machchu dam. Once a large size water body is polluted, it cannot be treated, instead, we will have to wait till the water gets diluted and drained in subsequent rain. Remediation cost of such water body cannot be determined by treatment cost, instead the damage to water

environment needs to be determined. The study should also include the fish kill reported in different aquatic system around Morbi region. Similarly air quality gets improved, once the emission is stopped. However, the air environment damage cost needs to be determined and recovered from the polluters.

Assessment of damage to Public Health can be carried out in project mode by Institute like Indian Institute of Public Health (IIPH), Gandhinagar. This may be carried out by taking data from hospitals in Morbi area on respiratory diseases, hospital admissions, etc. The study should also include the death of workers by accidents in the last 10 years in gasifier operation, tar tank cleaning, ESP cleaning, CO poisoning etc. Towards fulfilling corporate social responsibility (CSR), hospital facility should be provided by industries in Morbi region.

3.4 Future action plan for restoration

Action plan for restoring the glory of Morbi region as Global ceramic hub needs to be established. Most important step towards this is to stop emission of dust from spray driers. In Morbi city, short stacks of 30 m height emit large amount of dust due to absence of well-designed scrubber. Realizing the contribution towards economic status of the region by the ceramic industries, the face value of Morbi region needs to be improved by providing appropriate infrastructure, which include good roads and better living condition to the people living around. As on today, Morbi region have very low green cover. Tree plantation drive should be initiated by the industries to improve its carbon capture potential. The dump sites that can be safely restored should be planted with tree that are compatible in Morbi region. In the absence of coal gasifier, large quantity of water that was used for coal gasification can be used for green cover development.

It is claimed that Morbi has 40% Export oriented Unit (EOU). If Government provides appropriate support, the Morbi ceramic sector can stand competition in international market. One of such support is by providing clean energy in the form of piped natural gas (PNG) in sustainable manner. Economy of different energy supply source needs to be

documented and ceramic sector be given options for choosing the clean energy supply source based on their affordability.

4.0 SHORT TERM MEASURES

Since the complete restoration of Morbi region would require exhaustive field study, some short term remedial measures should be implemented immediately to avoid spread of pollution before the coming monsoon season. This may include immediate removal of accumulated gasifier wastewater containing tar from the abandoned mines and natural depressions to the appropriate CHW-TSDF. The list of some such contaminated sites is provided in **Annexure 1**. The wastewater stored in abandoned mines and depression etc. should be pumped out and removed before the next monsoon. Once the wastewater is pumped out, the soil / sludge should be dredged / scrapped and disposed in the CHW-TSDF on top priority. From the list of sites given in **Annexure 1**, four sites have highly contaminated wastewater and should be pumped out for disposal. Four sites are of river/drain contaminated water, and remaining four sites which are more or less dry and contains contaminated soil. All such site should be scrapped of top soil and disposed of in CHW-TSDF.

5.0 LONG TERM MEASURE

Immediate restoration is intended to restrict the spread of pollutants in the environment due to rain. However, the cost of site restoration and damage cost estimation requires long term planning, which primarily requires time bound study in project mode. The following study can be carried out:

- i. Detailed field survey for identification and quantification, characterization of waste disposed indiscriminately and its ultimate disposal.
- ii. Health assessment study by expert agency/institute of National level.
- iii. Study for utilization of inert broken tiles and sanitary ware and discarded products.

6.0 COST OF SITE CLEANING / REMEDIATION UNDER SHORT TERM PLAN

Since there is a need of immediate action for site remediation for short term plan, all industries in Morbi region, having ever installed coal gasifier should be instructed to deposit a interim environmental compensation based on para 6 of order of Hon'ble NGT Dt. February 19, 2019 in OA No. 593/2017 (WP Civil No. 375/2012, Paryavaran Suraksha Samiti & Anr Vs Union of India & Ors) i.e. environmental compensation of Rs.5000/- per day (para 6, page no. 6) for operation of one gasifier, which would come to Rs. 18,25,000/- per year, for number of year the gasifier is in possession. The amount could be utilized to implement short term measures. However, after detailed study of quantification of waste, damage assessment and cost of restoration in the entire area, a logical formula could be derived to decide upon the compensation amount to implement long term measures.

7.0 RECOMMENDATIONS

- 1) Committee opined that components of the gasifier system are to be dismantled instead of disconnections so as to avoid any possibility of reconnecting the pipelines /feeding assembly lines and restarting the operation of gasifier in an illegal manner. Components particularly the vertical vessel like primary and secondary condenser, ESP and filter media of the gasifier system should be dismantled.
- 2) Under **short term plan**, wastes accumulated in the gasifier premises and wastewater in the abandoned mines and natural depressions should be pumped out and sent to appropriate CHW-TSDF for final treatment & disposal. Once the wastewater is pumped out, the soil / sludge should be dredged/ scrapped and disposed in the CHW-TSDF on top priority. Both these activities should be carried out by Morbi Ceramic Association/Gasifiers-Ceramic Industries under supervision of GPCB. This should be implemented immediately to avoid spread of pollution before the coming monsoon season. The list of some such sites is provided in **Annexure 1**.

Since this waste disposal cannot be attributed to particular responsible unit(s), it should be a collective responsibility of all ceramic industries having gasifier units (568) of the area. The gasifiers are installed in the ceramic industries at different time periods ranging from few months to few years before hence, in order to calculate number of days of violations, it would be appropriate to calculate the number of days of violation for each unit based on date of commissioning of gasifier.

It is proposed to recover compensation of Rs.5000/- per day on interim basis for operation of one gasifier, which would come to Rs. 18,25,000/- per year, for number of year the gasifier is in possession/operation. GPCB should recover the interim compensation from all units having gasifier(s) as above based on information available with them about gasifiers. The compensation is based para 6 of Hon'ble NGT order Dt. February 19, 2019 in OA No. 593/2017 (WP Civil No. 375/2012, Paryavaran Suraksha Samiti & Anr Vs Union of India & Ors).

- 3) The committee was assigned to assess the compensation for causing damage to the environment and public health. The assessment requires quantification of waste & wastewater, its removal from sites, its disposal in proper way and sites restoration and cost associated with each component which requires use of different scientific tools and techniques of measurement. Such complete long term site restoration and compensation for damage would require study by any agency having experience in detailed field investigation of different environmental components using sophisticated, modern tools. Therefore, it is recommended to carry out such long term study by expert Institute like CSIR-NEERI, Nagpur in time bound project mode.
- 4) Assessment of damage to Public Health can be carried out in project mode by institute like Indian Institute of Public Health (IIPH), Gandhinagar.
- 5) The possibility of use of solid waste (broken tile, polished dust /slurry, sanitary ware etc.) in building or road construction material can be explored. Research Institutes like Advanced Materials and Processes Research Institute (CSIR-AMPRI), Bhopal can be approached for identifying possible use of such inert ceramic waste material.

Advanced radiation shielding and cement free concrete group of CSIR-AMPRI, Bhopal has successfully demonstrated the use of such waste in road making and building materials.

- 6) These Institutes as given below should be approached for submitting project proposal in the respective field. Cost for carrying out such study should be borne from interim compensation recovered under short term plan by GPCB.
- a. Water, air land environment damage assessment, cost of damage & restoration, and tree plantation design work from CSIR-NEERI, Nagpur.
 - b. Public health damage assessment study by Indian Institute of Public Health Gandhinagar.
 - c. Recycle / reuse of solid waste (broken tiles, sanitary-ware) by CSIR-AMPRI, Bhopal.
- 7) All polluting industrial units (ceramic with or without having gasifier, sanitary wares, body clay manufacturing, textile, paper and other industries) in the area would be liable to pay compensation, which would be derived at once the cost of damage & restoration is available, based on the detailed study by expert agency. GPCB should identify all such industries and make them liable for compensation.
-

Annexure-1

**DETAILS OF CONTAMINATED SITES WITH WASTEWATER
AND/OR COAL TAR [STATUS April 2019]**

No.	Location Description	Image No. & Plate No.	Latitude & Longitude	Status
01 A	River Bela near Lucaso Ceramics, SEZ vitrified, near Jetpar-Pipali Road	Image-1, Plate-1 A	22°54'16.60"N 70°52'25.00"E	Contaminated water-light brownish
01 B	River Bela, bridge on Jetpar-Pipali road, Bela	Plate-1 B	22°54'16.60"N 70°52'25.00"E	Contaminated water- light brownish
01 C	River Bela, Talavia-Shanala, Uchimandal Road (near Zarco Granite Pvt. Ltd.)	Plate-1 C	22°53'2.30"N 70°55'21.10"E	Contaminated Water- light brownish
02	Land, depression behind Radiyant Ceramic, Lakhadhipur road, Morbi	Image-2 Plate-2A, 2B	22°49'14.3"N 70°52'30.9"E	Illegal wastewater [Dark blackish], tar and solid waste disposal, contaminated soil
03 A	Abandoned mine/pond near Lategress Ceramic, Jambudia	Image-3 Plate-3 A to 3D	22°47'55.6 N 70°53'49.5 E 22°48'01.2 N 70°54'28.1 E	Illegal wastewater [Dark blackish], tar and solid waste disposal, contaminated soil

03 B	Pond near GEB substation, Near 1 Comet Ceramics, NH-27(NH-8A), Jambudia, Morbi-Wankaner Highway	-	22°47'39.30"N 70°53'41.30"E	Dry, contaminated soil
04	Water lagoon/pond near railway track & Rafaleshwar lake, Rafaleshwar-Shobheshwar Road,	Image-4, Plate-4	22°47'3.00"N 70°53'21.40"E	Illegal Wastewater, tar disposal Colour- Dark brownish
05	Natural drain/depression leading to River Mahanadi, Ranekpar, Morbi	Image-5 Plate- 5 A, 5B, 5C	22°42'06.6 N 70°56'29.4 E	Illegal wastewater [Dark blackish], tar and solid waste disposal, contaminated soil
06	Abandoned Mine, Paneli village	Plate-6	22°47'16.26"N 70°55'37.23"E	Dry, contaminated soil
07	Natural drain leading to Paneli lake-connected between abandoned mine and lake	Plate-7	22°47'53.65"N 70°56'06.34"E	Dry, contaminated soil
08	Natural drain leading to river Kalindri near Zeal Top Vitriified Ltd.	Plate-8	22°49'37.00"N 70°52'35.70"E	Contaminated water- Light brownish
09	Abandoned Mine near Rolex Ceramics, Jambudia		22.802300 N 70.907041 E	solid waste disposal, contaminated soil

ANNEXURE---2

PHOTOGRAPHS OF CONTAMINATED SITES

Plate-1 A
near Lucaso
SEZ vitrified,
Pipa

River Bela
Ceramics,
nearjetpar-





Plate-1 B, River Bela, bridge on JetparPipali road, Bela



Plate-1 C River Bela, Talavia-Shanala, Uchimandal Road
(near Zarco Granite Pvt. Ltd.)



Plate- 2A Illegal w/w disposal on land b/h Radiyant ceramic, Lakhadhirpur road.



Plate-2B - Illegal wastewater & solid waste on land b/h Radiyant ceramic, Lakhadhirpur road.



Plate-3A Illegal wastewater in abandoned mine/pond near Lategress Ceramic ,Jambhudia



Plate -3B illegal wastewater, solid waste disposal near Letegress Cera

mic, Jambhudia



Plate-3C Illegal wastewater, solid waste disposal near Letegress Ceramic, Jambhudia



Plate-3D Tar & Solid waste disposal near Letegress Ceramic Jambhudia



Plate4- Illegal wastewater & tar disposal near railway track &Rafaleshwar lake, Rafaleshwar-Shobheshwar Road, Jambudia



Plate-5Alllegal wastewater & tar in Natural drain/depression leading to River Mahanadi, Ranekpar ,Morbi



Plate- 5 B Illegal wastewater & tar in Natural drain/depression leading to River Mahanadi, Ranekpar ,Morbi



Plate- 5 C Illegal wastewater & tar, Solid waste in Natural drain/depression leading to River Mahanadi, Ranekpar , Morbi



Plate-6 Abandoned Mine, Paneli village



Plate -7 Dry Natural drain leading to Paneli lake-connected between abandoned mine and lake



Plat

e -8 Natural drain leading to river Kalindri near Zeal Top Vitrified Ltd.

IMAGES SHOWING CONTAMINATED SITES

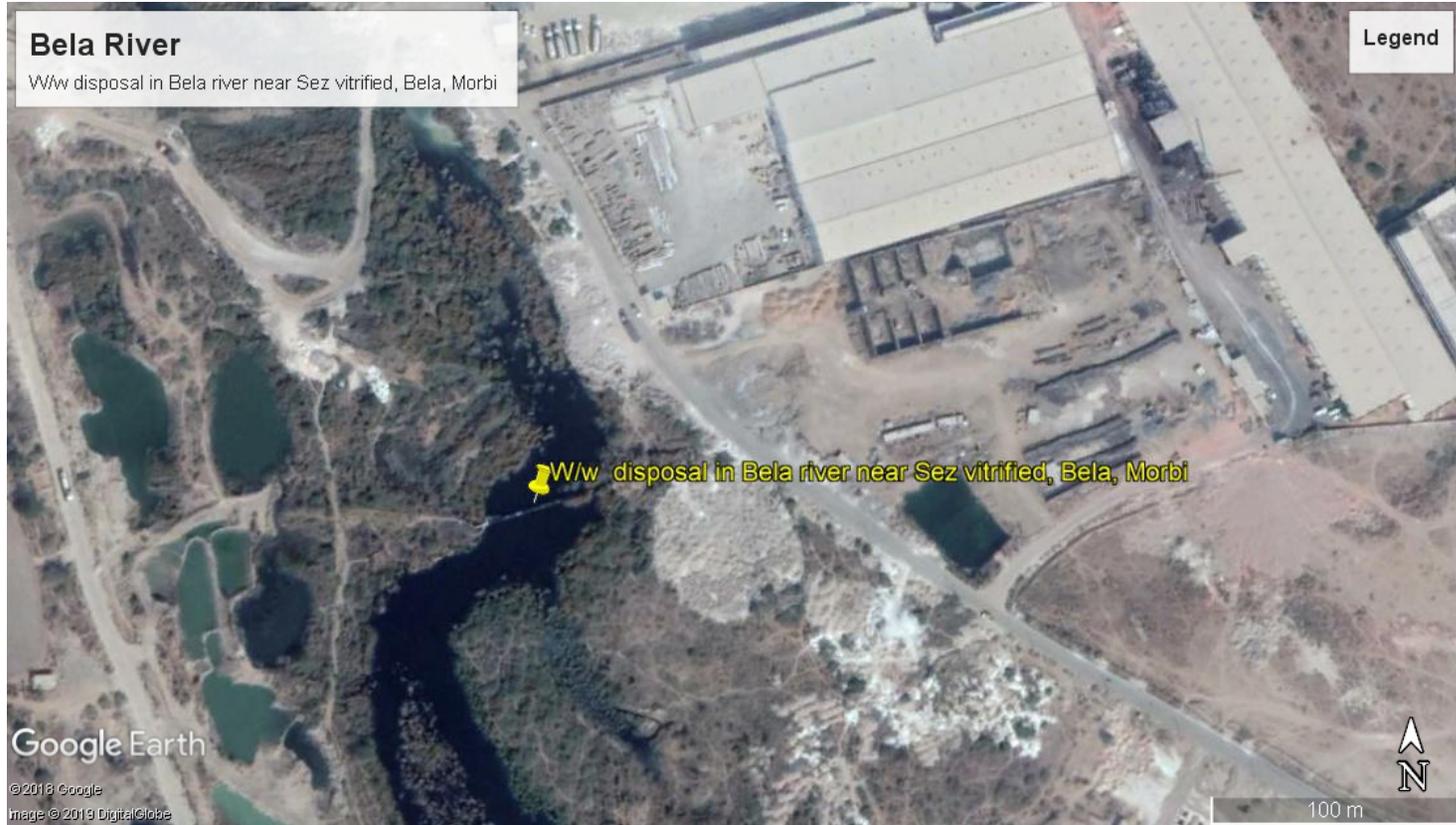


Image 1: Bela River, near Lucaso, near jetpar-Pipali Road



Image-2, Land, depression behind Radiant Ceramic, Lakhadhirpur road, Morbi



Image- 3, Abandoned mine/pond near Lategress Ceramic, Jambudia



Image-4, illegal wastewater & tar disposal pond near railway track,



Image-5, Natural drain/depression leading to River Mahanadi, Ranekpar ,Morbi



Plate-1. Opp. Bravat granito; matel road



Plate-2. opp. spolo ceramic ; matel road



Plate-3. Opp. Proton Granito, Saratanpar Road.



Plate-4. Opp. Color Tiles, Saratanpar Road



Plate-5. Near Rollex Ceramic, Jambudiya



Plate-6. B/h Silicon Ceramic, Jambudiya



Plate-7. Opp. Sonic Ceramic, Lakhadhirpur Road



Plate-8. Opp. Metro Ceramic, Lakhadhirpur Road



Plate-9. Near Cygen Ceramic, Makansar Road



e-10. Near village Bela, Jetpar Road

Plat

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1808 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1940 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1942 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1945 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1949 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1954 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1956 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1960 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1963 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1965 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1966 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1970 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1971 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1972 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1974 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1977 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1978 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1980 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1981 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1982 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 1983 of 2020****With**

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M/S LADO CERAMIC PVT LTD
Versus
STATE OF GUJARAT

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Appearance:

MR P B KHAMBHOLJA(5730) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2,3,4,5

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CORAM: HONOURABLE MS.JUSTICE HARSHA DEVANI
and

HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 30/01/2020

COMMON ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)

Mr. P.B. Khambholja, learned advocate for the petitioner, seeks permission to delete the respondents No.2, 4 and 5 from the array of the respondents since no relief has been claimed against the said respondents.

Permission as prayed for is granted. The respondents No.2, 4 and 5 stand deleted from the array of the respondents.

Heard Mr. Mihir H. Joshi, Senior Advocate, learned counsel and Mr. Shalin N. Mehta, Senior Advocate, learned

counsel with Mr. P.B. Khambholja, learned advocate for the petitioner.

It has been *inter alia* submitted that the impugned notices/orders have been issued by the Gujarat Pollution Control Board in violation of the principles of natural justice.

Issue **notice**, returnable on 17.02.2020.

By way of ad-interim relief, the respondents are directed not to take any coercive steps pursuant to the impugned legal notices/orders.

Direct service, is permitted.

(HARSHA DEVANI, J)

(SANGEETA K. VISHEN, J)

BINOY B PILLAI

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

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M/S LADO CERAMIC PVT LTD
Versus
STATE OF GUJARAT

Appearance:

MR P B KHAMBHOLJA(5730) for the Petitioner(s) No. 1
CHINTAN H DAVE(7193) for the Respondent(s) No. 3
DELETED(20) for the Respondent(s) No. 2,4,5
NOTICE SERVED BY DS(5) for the Respondent(s) No. 1

CORAM: **HONOURABLE MR. JUSTICE J.B.PARDIWALA**
and
HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 06/08/2021

COMMON ORAL ORDER

(PER : HONOURABLE MR. JUSTICE J.B.PARDIWALA)

1. Since the issues raised in all the captioned writ applications are the same, those were taken up for hearing analogously.

2. For the sake of convenience, we treat the Special Civil Application No.2664 of 2020 as the lead matter.

3. By this writ application under Article 226 of the Constitution of India, the writ applicant has prayed for the following reliefs;

“(A) Allow this petition;

(B) issue appropriate writ, order or direction and be pleased to quash and set aside the Notice dated 11.09.2019 as well as subsequent notice dated 11.12.2019 which are issued by Gujarat Pollution Control Board to make a payment towards the interim compensation and be pleased to hold that the said notice dated 11.09.2019 as well as subsequent notice dated 11.12.2019 are issued in breach of Violation of Principles of Natural Justice as the said Notice is issued relying on the report dated 16.04.2019 prepared by the Committee comprising of GPCB, CPCB and NEERI as per the direction issued in Order passed by Hon’ble NGT dated 06.03.2019 which was never served upon the present petitioner and the other grounds mentioned in the petition.

(C) By way of interim relief be pleased to stay the further course of proceedings to be initiated on the basis of the impugned notice dated 11.09.2019 as well as subsequent notice dated 11.12.2019 and direct the concerned authorities to not to take any coercive actions against the petitioner unit for its operation on the basis of impugned notice.

(D) Pass such orders as thought fit in the interest of justice.”

4. The facts, giving rise to this writ application, may be summarized as under;

4.1 This litigation relates to the pollution being caused in the Morbi town of Gujarat on account of the operation of the Ceramic, Silicate and Freight Industries. The issue came up before the National Green Tribunal by way of the Original Application No.21 of 2015 (WZ) filed before the

Western Zone Bench at Pune. The main prayer in the said application was to close the coal based gasifiers used by the various industrial units in and around the town of Morbi and ensure that the said industries follow the terms of "Consent of Consolidated Authorization" (CCA) by the Gujarat State Pollution Control Board (GSPCB) and the directions issued by the Central Pollution Control Board (CPCB) vide letter dated 21.06.2014.

4.2 It appears from the materials on record that the Tribunal dealt with the matter vide order dated 08.09.2015. The Tribunal took cognizance of the judgment and order passed by this High Court dated 23.06.2014 in a group of writ applications being the Writ Petition (PIL) No.165 of 2013, directing the industries to follow the new norms laid down by the CPCB. The order passed by this Court was affirmed by the Supreme Court vide orders dated 22.07.2014 and 14.02.2015 respectively. The Tribunal considered the grievance that in spite of the order passed by this Court and the Supreme Court, the pollution continued unabated. It was pointed out that only the LNG or CNG should be permitted to be used as fuel instead of coal gasifiers.

4.3 In the aforesaid context, at this stage, we may give some idea about the Special Civil Application No.6756 of 2019 that came to be filed before this Court by a Company engaged in the manufacturing of Coal Gasifiers Hot Air

Generator & Waste Recycling Plant. In the said writ application, the following reliefs were prayed;

“(A) That Your Lordships may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the Gujarat Pollution Control Board, the 2nd respondent herein to decide the Petitioner's representation dated 30th July, 2018 (Annexure-D to the petition) for final permission for long term utilization of Type-D Gasifier technology developed by the Petitioner.

(B) That Your Lordships may be pleased to issue a Writ of Mandamus or any other appropriate writ, direction or order, thereby directing the GPCB and/or CPCB i.e. Respondent Nos.2 and 3 respectively, to examine and evaluate the modified technology of Type-D gasifier developed by the Petitioner, and grant approval for use/utilization of such gasifier if they were found to be in order and viable.

(C) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to restrain the Respondents, their servant and agents from taking any action including action of closure against the manufacturing units operating with the help of Type-D coal gasifier sold and supplied by the Petitioner.

(D) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to restrain the Respondents, their servants and agents from taking any action, including action of closure against any manufacturing units purchasing and installing Type-D gasifiers newly developed by the Petitioner.

(E) An ex-parte ad-interim relief in terms of para 27(C) and (D) above may kindly be granted.

(F) Any other further relief that may be deemed fit in the facts and circumstances of the case may also be granted.”

4.4 Along with the aforesaid writ application, one

another writ application being Special Civil Application No.6757 of 2019 was preferred by the manufacturer of Ceramic Products, i.e, the writ applicants herein. The following relief were prayed for;

“(A) That Your Lordships may be pleased to issue a writ of Mandamus or a writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside closure orders issued by the GPCB directing closure of the Petitioners' units (i.e. Annexure-“N”, “O” and “P” to the petition) with all consequential reliefs and benefits;

(B) That Your Lordships may be pleased to issue a writ of Mandamus or any other appropriate writ, direction or order, directing the Gujarat Pollution Control Board, the 2nd Respondent herein to consider and decide applications for consent (CTE) and permission to continue manufacturing activities (CCA) filed by the Petitioners;

(C) Your Lordships may be pleased to issue a writ of Mandamus or any other appropriate writ, direction or order, directing the Gujarat Pollution Control Board the 2nd Respondent herein, to examine, check, evaluate and report about modified Type-D gasifier being used by the Petitioners in their manufacturing units, and to grant consent and approval for using such modified Type-D coal gasifier in the Petitioners' unit if they were found to be in order in all respect;

(D) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to stay for the Petitioners herein the further implementation and execution of closure orders (Annexure-“N”, “O” and “P” to the petition) and be further pleased to direct the Gujarat Pollution Control Board (2nd Respondent herein) to issue consent (CTE) and CCA in favour of the Petitioners herein thereby allowing the Petitioners to continue their normal

manufacturing activities in their factories shown at the closure title of this Writ Petition.

(E) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to direct the Gujarat Pollution Control Board to examine, check and evaluate the modified Type-D gasifier technology being used by the Petitioners in their units, and submit its report before this Hon'ble Court forthwith.

(F) An ex-parte ad-interim relief in terms of para 31(D) and (E) above may kindly be granted.

(G) Any other further relief that may be deemed fit in the facts and circumstances of the case may also please be granted."

4.5 A third writ application being the Special Civil Application No.6774 of 2019 was also preferred by the manufacturer of Ceramic Products with the following prayers;

"(A) That Your Lordships may be pleased to issue a writ of Mandamus or a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside closure orders issued by the GPCB directing closure of the Petitioners' units (i.e. Annexure-"F", "G" and "H" to the petition) with all consequential reliefs and benefits;

(B) That Your Lordships may be pleased to issue a Writ of Mandamus or any other appropriate writ, direction or order, directing the Gujarat Pollution Control Board the 2nd Respondent herein to consider and decide applications for consent and permission to continue manufacturing activities filed by the petitioners;

(C) Your Lordships may be pleased to issue a Writ

of Mandamus or any other appropriate writ, direction or order, directing the Gujarat Pollution Control Board, the 2nd Respondent herein, to examine, check, evaluate and report about modified Type-D gasifiers being used by the Petitioners in their manufacturing units, and to grant consent and approval for using such modified Type-D coal gasifier in the Petitioners' units if they were found to be in order in all respect;

(D) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to stay further implementation and execution of closure orders (Annexure-"F", "G" and "H" to the petition) and be further pleased to direct the Gujarat Pollution Control Board (2nd Respondent herein) to issue consent and CCA certificates in favour of the Petitioners herein thereby allowing the Petitioners to continue their normal manufacturing activities in their factories shown on the cause title of this Writ Petition.

(E) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to direct Gujarat Pollution Control Board to examine, check and evaluate the modified Type-D gasifier technology being used by the Petitioners in their units, and submit its report before this Hon'ble Court forthwith;

(F) An ex-parte ad-interim relief in terms of para 23(D) and (E) above may kindly be granted;

(G) Any other further relief that may be deemed fit in the facts and circumstances of the case may also please be granted."

4.6 The final analysis undertaken by this Court of all the above referred writ applications reads thus;

"16 Thus, the experts have made themselves

abundantly clear that the use of coal gasifiers of any type should be discontinued at any cost. The experts have also made themselves very clear that the Ceramic Industries should switchover to a cleaner technology and should opt for natural gas, i.e., the PNG. In the report, it has been clearly stated that the natural gas grid/pipelines are already laid and made functional in the area and most of the Ceramic Industries have opted for gas connections. If that be so, then why an exception should be carved out for the writ applicants of the Special Civil Applications Nos.6757 of 2019 and 6774 of 2019 respectively.

17. We fail to understand why are they insisting for coal gasifiers may be with an advanced technology. We take judicial notice of the fact that Morbi and the surrounding area was a hell sometime back, and the Ceramic Industries, using the coal gasifiers, are solely responsible for creating this hell. As days were passing by, situation was getting more and more worst. The situation was so grim that the issue had to be taken up with the National Green Tribunal and it is only after the intervention of the National Green Tribunal and passing of various orders, that steps came to be taken by the GPCB to restrain the Ceramic Industries from using the coal gasifiers. The coal gasifier of any type, be it with a better technology, is not at all advisable. It will lead to further problems. With great difficulty and with lot of efforts, the situation has been brought in control. Even, as on date, the air quality is very poor. The menace of coal gasifiers have not only created air pollution but has also contaminated the soil to such an extent that the underground water has also become contaminated.

18. The writ applicants are talking about unemployment etc. They have no right to say a word in this regard. The report indicates that the workers, hailing from poor strata of society, were found to be working in extremely bad conditions. The workers were being exposed to most unhygienic conditions.

Even if there is unemployment on account of the closure of the Ceramic Industries, using coal gasifiers, the same can be approved because to ask the workers to die working in such unhygienic conditions would be still worst.

19. The workers are exposed to such an environment that within a short time they would die of silicosis.

20 We find this litigation, more particularly, the Special Civil Application No.6756 of 2019 very unique. For the first time, we have come across a case, in which, a private company, engaged in the manufacturing of coal gasifier, is asking a Writ Court boasting about its fine technology to issue a writ of mandamus to the GPCB to look into the technology of the Company and then take a decision whether to permit the installation of the same in the Ceramic Industries. What is the Company trying to convey?. Is the Company trying to advertise its technology by seeking a writ of mandamus?. Is the GPCB and other statutory authorities duty bound to look into the technology of the Company, more particularly, when the same has been looked into by the committee of experts and the NGT, as noted above. The situation, as on date, is that at any cost, the coal gasifiers cannot be permitted to be used in the Ceramic Industries. The coal gasifier, of which, the company is talking about, also has its own shortcomings. When 60 to 70 percent of the Ceramic Industries have switched over to natural gas by taking connections from the Gujarat Gas Company, then why the writ applicants in the present case are still insisting for the coal gasifier. They are only interested in their own profits. They are insisting for coal gasifier because they may not be able to bear the expense of natural gas. This hardly can be a ground for issue of any writ of mandamus to the GPCB to look into the technology and take an appropriate decision whether the same would serve the purpose or not.”

4.7 It appears that the Tribunal constituted an Expert Committee comprising representatives of the CPCB, GPCB and Head of Department (HOD), Environmental Engineering Department of M.S. University, Baroda respectively to evolve the parameters for coal gasifier which could meet with the standards and directed that the matter be dealt with by the GPCB in the light of such report.

4.8 The Tribunal, on conclusion of the adjudication, disposed of all the applications as under;

“21. in view of the above, it is clear that, coal gasifiers are no longer viable. Inspection by GPCB shows high level of air pollution which is dangerous for health and environment. ‘Sustainable Development’ and Precautionary principles are to be upheld.

22. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and compliant with the norms of environment. In absence of this awakening or tendency for monitoring industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

23. We may also note that as per data complied by the CPCB Morbi- Wankaner is one of the polluted industrial clusters. Vide order dated 13.12.2018 in

Original Application No.1038/2018, this Tribunal considered the subject matter of critically polluted industrial clusters and directed preparation of action plans by the respective States for remedying the situation.

24. Even though, this area is polluted but not 'critically polluted', the same may not be covered by the said order, but the fact remains that there is high amount of pollution as shown by the latest report of the GPCB quoted above in para no.13. PM10 is equal to 552.66 and PM2/5 is equal to 289.61. Stringent measures are, thus, required in the interest of protection of environment and public health.

25. Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency coordination and compliance. The committee may suggest restoration plan.

26. The Committee may give its report within one month by e-mail at ngt.filing@gmail.com.

27. The Committee may take into account the cost of reversing the damage caused and also the amount to be recovered which will operate as deterrent and render any polluting activity non-profitable.

28. To oversee the execution of this order by the GPCB, we appoint an Oversight Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court

who is already heading an Oversight Committee constituted by this Tribunal vide order dated 16.01.2019 in O.A.606/2018. He will also be assisted by a representative of CPCB. The GPCB will provide all logistics to Justice Patel. Any person concerned with execution of this order will be at liberty to represent to the said Oversight Committee.

29. Learned counsel for the GPCB states that expenses incurred by the NEERI will be paid as per direction of this Tribunal within one month from today.

30. Industries have filed applications which have no merit and are not maintainable under Section 14 and 15 of the National Green Tribunal Act, 2010. Same is the position with regard to the applications of the manufacturers.

All the applications stand disposed of accordingly."

4.9 Thus, to put it in short, the Tribunal issued the following directions;

"a) Directed GPCB to shut down coal gasifier & switch over to PNG

b) GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health.

c) This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI.

d) The CPCB will be the nodal agency for coordination and compliance. The Committee may suggest restoration plan."

5. Ms. Manisha Luvkumar Shah, the learned senior counsel appearing for the GPCB brought to our notice the following actions taken for the immediate implementation of the directions issued by the Tribunal;

“a) Directions issued to Morbi Ceramic Assosications (Morbi-Dhuva Glaze Tiles Association / Gujarat Granito Manufacturer Association / Gujarat Floor Tiles Manufacturer Association) to intimate their member units to close down coal gasifier & Switch over to PNG (Date 09.03.2019)

b) The board has issued Direction to all ceramic units to switch over to PNG (Date 11.03.2019)

c) Public notice was issued in Three vernacular daily news papers / (namely Sandesh, Divya Bhashkar, Akila) for implementation of Hon. NGT order on 12.03.2019

d) Natural Gas Consumption increased to 5.0 MMSCMD from 2.0 MMSCMD (Source: Gujarat Gas Ltd.)

All the ceramic units having coal gasifier, closed down coal gasifier & switch over to PNG which was already available to them.

e) Hon. B.C. Patel, Former Chief Justice Delhi High Court visited Morbi area on 30.03.2019-31/03/2019 for the assessment of implementation of Hon. NGT order.”

Committee Report (Date 16.04.2019)

The Committee of CPCB, GPCB & NEERI, constituted by the NGT visited the area & submitted its report. The report mainly recommends.

a) Short terms measures for remediation of

contaminated sites.

b) GPCB to Recover interim Environment Damage compensation.

c) Long term measures-committee will coordinate study through expert agency like NEERI, IIPH, AMPRI.

Committee Remarks & Recommendations:

Since there is a need of immediate action for site remediation for short terms plan, all industries in Morbi region, having ever installed coal gasifier should be instructed to deposit a interim environmental compensation based on para 6 of order of Hon'ble NGT Dt. February 19, 2019 in OA No.593/2017 (WP Civil No.375/2012, Paryavaran Suraksha Samiti & Anr vs. Union of India & Ors.) i.e., environmental compensation of Rs.5000/- per day (para 6, page no.6) for operation of one gasifier, which would come to Rs.18,25,000/- per year, for number of year the gasifier is in possession.

Recommendations: (7.0)

Wastes accumulated in the gasifier premises and wastewater in the abandoned mines and natural depressions should be pumped out and sent to appropriate CHW-TSDF for final treatment & disposal. Once the wastewater is pumped out, the soil/sludge should be dredged/ scrapped and disposed in the CHW-TSDF.

Since this waste disposal cannot be attributed to particular responsible unit(s), it should be a collective responsibility of all ceramic industries having gasifier units of the area.

It is proposed to recover compensation of Rs.5000/- per day on interim basis for operation of one gasifier, which would come to Rs.18,25,000/- per year, for number of year the gasifier is in possession /

operation. GPCB should recover the interim compensation from all units having gasifier(s) as above based on information available with them about gasifiers."

6. It is brought to our notice that the directions came to be issued by the GPCB to the Morbi Ceramic Associations for the compliance of remediation. The Ceramic Units came to be directed to pay the interim environment damage compensation in accordance with the Committee Report within a period of 30 days from 11.09.2019. The Ceramic Units represented before the GPCB that they all are operating with the consent of the Board. It was submitted that none of the writ applicants herein were heard by the Committee nor the report was provided to them.

7. In such circumstances, referred to above, the writ applicants came before this Court with the present writ applications.

8. A Coordinate Bench of this Court passed the following order dated 30th January, 2020;

"Mr. P.B. Khambholja, learned advocate for the petitioner, seeks permission to delete the respondents No.2, 4 and 5 from the array of the respondents since no relief has been claimed against the said respondents.

Permission as prayed for is granted. The respondents No.2, 4 and 5 stand deleted from the array of the respondents.

Heard Mr. Mihir H. Joshi, Senior Advocate, learned counsel and Mr. Shalin N. Mehta, Senior Advocate, learned counsel with Mr. P.B. Khambholja, learned advocate for the petitioner.

It has been inter alia submitted that the impugned notices/orders have been issued by the Gujarat Pollution Control Board in violation of the principles of natural justice.

Issue notice, returnable on 17.02.2020.

By way of ad-interim relief, the respondents are directed not to take any coercive steps pursuant to the impugned legal notices/orders.

Direct service, is permitted. “

9. We have heard Mr. Mihir Joshi, the learned senior counsel assisted by Mr. P.B. Khambolja, the learned advocate appearing for the writ applicants and Ms. Manisha Luvkumar Shah, the learned senior counsel assisted by Ms. Aishwarya Gupta, the learned counsel appearing for the GPCB.

10. Mr. Joshi would submit that his clients have practically no idea on what basis the interim environment damage compensation (EDC) has been determined. He would submit that his clients were not given any opportunity by the Committee to make good their case. In such circumstances, it is too much for the Board to recover the interim environment damage compensation on the strength of the directions issued by the National Green Tribunal. Mr. Joshi would submit that the Tribunal

has directed that the damages shall be recovered only from those units who are found violating the pollution laws. The assessment of damage can only be unit wise in accordance with the order passed by the National Green Tribunal and one composite order encompassing all the units would create lot of difficulties. In the last, Mr. Joshi would submit that the final report, determining the final compensation, is yet to come on record and, in such circumstances, his clients may not be asked to deposit the interim environment damage compensation.

11. On the other hand, Ms. Shah would submit that the Committee has identified three institutes for the specific subject related studies. The three institutes are as under;

"1) NEERI to identify damage caused to environment.

2) Indian Institute of Public Health- to examine and assess the impact on human health.

3) AMPRI- Bhopal to identify utilization of ceramic waste."

12. Ms. Shah pointed out that the terms of reference for the study have been prepared. The GPCB, in principle, has agreed to bear the cost of the studies. The CPCB is the nodal agency for this purpose. Ms. Shah pointed out that approximately six to nine months would be consumed for the above referred three agencies to carry out a detailed study and recommend measures to be undertaken for the

remedial action.

13. Having heard the learned counsel appearing for the parties and having gone through the materials on record, the only question that falls for our consideration is whether we should ask the writ applicants to deposit the requisite amount as stipulated in the notice issued to each of the writ applicants towards the interim environment damage compensation in accordance with the report of the Committee.

14. In the case on hand, the notice issued by the GPCB reads thus;

“Directions under Water (Prevention & Control of Pollution) Act- 1974 (Herein after referred to as The “Water Act”) & Air (Prevention & Control of Pollution) Act- 1981 (Herein after referred to as “The Air Act”) for implementation of order of Hon. National Green Tribunal dated 06.03.2019 in OA 20/2017 & 42/2017 & Recommendation of the committee constituted by Hon. NGT in this regard.

1. *WHEREAS, you, M/s. Latigres Vitrifled Pvt. Ltd. are having an industrial plant / ceramic unit at SR No.-135/1 & 136-8A NH AT-JAMBUDIYA TA-MORBI DIST-MORBI, MOR-Jambudia District: Morbi and*

2. *WHEREAS, Gujarat Pollution Control Board (GPCB) has granted you Consent for the manufacture of products mentioned in the Consolidated Consent and Authorization issued to you at the aforesaid location from timeto time and*

3. *WHEREAS , Your unit was having Coal Gasifier, Plant at aforesaid location, and*

4. WHEREAS, it has been reported in inspection report(s) of the Board that your unit is having coal gasifier plant and/or Your unit has obtained Consent to Establish (NOC) for Coal Gasifier Plant and

5. WHEREAS, An application was filed before the Hon'ble National Green Tribunal (O.A. 20/2017 & 42/2017) regarding the pollution caused by ceramic industries in Morbi- Wankaner area, due to use of Coal Gasifiers; and

6. WHEREAS, Hon'ble National Green Tribunal, New Delhi has given order on 06.09.2019 in this matter; and

7. WHEREAS, Hon'ble NGT has directed GPCB to implement the order & issued following directions in Para-25 of the order;

"Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency coordination and compliance. The committee may suggest restoration plan."

8. Whereas, the committee consisting of representatives of the CPCB, GPCB & NEERI has submitted a report title "REPORT OF COMMITTEE ON MATTER OF ENVIRONMENTAL DAMAGE COMPENSATION & ENVIRONMENTAL RESTORATION

OF MORBI REGION” in April 2019 to Hon. NGT”

9. *Whereas, the said report is already conveyed to Morbi Ceramics Associations vide our letter no.GPCB/LGL/NGT/MORBI/36(5)/513346 dated 11.07.2019; and*

10. *Whereas, Committee has recommended in Para 7 (2) for interim Environment Damage Compensation (EDC) as under;*

“It is proposed to recover compensation of Rs.5000/- per day on interim basis for operation of one gasifier, which would come to Rs.18,25,000/- per year, for number of year the gasifier is in possession/operation GPCB should recover the interim compensation from all units having gasifier(s) as above based on information available with them about gasifiers.”

11. *Whereas, considering the records of GPCB & Information available with the GPCB, Your unit is having possession of coal gasifier & details are as under;*

A	<i>No. of Coal Gasifier Plant</i>	<i>01 (One)</i>
B	<i>Duration of possession of coal gasifier</i>	<i>2.84 Year (s)</i>
C	<i>EDC (Interim) should be levied as per NGT Committee report</i>	<i>Rs.18,25,000/- Rupees Eighteen Lakh Twenty Five Thousand per year.</i>
<i>Total EDC (Interim) to be levied (Rs.) (A*B*C)</i>		<i>01* 2.84 * 18,25,000</i>
<i>Total Amount (Rs.)</i>		<i>5180000</i>
<i>Total Amount in Words: Fifty One Lakh Eighty Thousand Rupees.</i>		

12. *Considering above, for the effective representation of the order of the Hon. NGT & Recommendation of the Committee, You are hereby directed :*

I) To submit interim Compensation of Rs.5180000

within 30 days.

ii) This amount shall be deposited in GPCB's Account (Account Detail is enclosed as Annexure-A)

If you fail to comply directions, further stringent actions will be taken by the Board without any opportunity of being heard including prosecution under section 41(2) Water (Prevention and Control of Pollution) Act-1974 & Section 37 of the Air (Prevention and Control of Pollution) Act-1981 which includes punishment with imprisonment for a term not less than one year and six months and may extend to six years with fine.

*For and on behalf of
GUJARAT POLLUTION CONTROL BOARD*

*Sd/-
(D.M. Thaker)
Environmental Engineer."*

15. Similar notices, as referred to above, have been issued to all the other writ applicants, of course, the amount would vary.

16. As noted above, we are dealing with a very serious issue of pollution caused by the Ceramic Industries at Morbi. Morbi-Wankaner ceramic cluster is located about 235 km South-West of Ahmedabad and 65 km North of Rajkot, spread in a 35 km belt in the Morbi District along the National Highway No. 8A. The production of ceramic tiles accounts for nearly 80% of the country's total output. Most of the ceramic industries in the area were issued the Consolidated Consents & Authorization (CCA) with the condition of using PNG/LNG as the fuel. With the increase

in the PNG/LNG prices,. the industries switched over to coal gasifier of very poor technology of gas cleaning without the prior permission from the Gujarat Pollution Control Board (GPCB), which led to major water, air and land pollution problems. The Gasifier operators started illegally disposing off the wastewater and coal tar, which has contaminated the land and water environment extensively in the Morbi-Wakaner Industrial area. The Air pollutant emission from the spray drier units and combustion of coal tar has drastically polluted the overall environment of Morbi. The burning issues led to filing of various complaints regarding the pollution in the city of Morbi & other parts on the outskirts.

17. In response to the complaints, the officials of the Central pollution Control Board visited few ceramic industries in the month of July 2017. Based on the report, the Central Pollution Control Board (CPCB) in its direction U/s. 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981 dated August 23, 2012, instructed the GPCB to close down all the industries using coal based gasifier without any prior consent, and to ensure that the coal gasifiers are dismantled.

18. A Writ Petition (PIL) No.165 of 2013 came to be filed in this High Court in July, 2013 by one Shri Babubhai Ramubhai Saini regarding the acute problems of pollution caused by the Ceramic & Silicate Industries in and around

the town of Morbi. The petition, in the nature of public interest, was preferred seeking a writ of mandamus to the GPCB to enforce the directions and recommendations of the CPCB. This High Court, in its order dated 25th October, 2013, directed the GPCB to implement, at the earliest, the recommendations of the CPCB inspection report (2012) and also the directions issued by the CPCB under Section 18(1)(b) of the Water Act, 1974 dated 23rd August, 2012. It appears from the materials on record that in compliance of the directions dated 23rd August, 2012, the GPCB requested the CPCB to allow trial run for five different types of modified coal gasifier technologies. An Expert Committee was constituted by the Forest & Environment Department, Government of Gujarat to evaluate the modified coal gasifier technologies theoretically and practically. The Committee prepared a report titled "Report on coal based gasifier for theoretical and practical evaluation of technology proposals for Zero Percentage Pollution Discharge". Based on the said report and also upon the request of the GPCB, the CPCB issued modified directions dated 21st June, 2014. In view of the modified directions issued by the CPCB, this High Court disposed of the matter vide order dated 23rd June, 2014, directing the Ceramic Industries to follow the new guidelines/norms.

19. In the aforesaid context, we may refer to and rely upon the decision of the Supreme Court in the case of **Indian Council for Enviro-Legal Action vs. Union of India**, reported in (1996) 3 SCC 212. This judgment of

the Supreme Court is on the principle "polluter pays". We quote the relevant observations;

"The question of liability of the respondents to defray the costs of remedial measures can also be looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" Principle.

[Historic Pollution - Does the Polluter Pay?]

By Carolyn Shelbourn-Journal of Planning and Environmental Law, Aug.1974 issue.]

"The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution. Under the principle it is not the role of government to meet the costs involved in either prevention of such damage, or in carrying out remedial action, because the effect of this would be to shift the financial burden of the pollution incident to the taxpayer. The 'polluter pays' principle was promoted by the Organization for Economic Co-operation and Development [OECD] during the 1970s when there was great public interest in environmental issues.

During this time there were demands on government and other institutions to introduce policies and mechanisms for the protection of the environment and the public from the threats posed by pollution in a modern industrialized society. Since then there has been considerable discussion of the nature of the polluter pays principle, but the precise scope of the principle and its implications for those involved in past, or potentially polluting activities have never been satisfactory agreed.

Despite the difficulties inherent in defining the principle, the European Community accepted it as a

fundamental part of its strategy on environmental matters, and it has been one of the underlying principles of the four Community Action Programmes on the Environment. The current Fourth Action Programme ([1987] O.J.C328/1) makes it clear that 'the cost of preventing and eliminating nuisances must in principle be borne by the polluter', and the polluter pays principle has now been incorporated into the European Community Treaty as part of the new Articles on the environment which were introduced by the Single European Act of 1986. Article 130R(2) of the Treaty states that environmental considerations are to play a part in all the policies of the Community, and that action is to be based on three principles: the need for preventative action; the need for environmental damage to be rectified at source; and that the polluter should pay.

Thus, according to this principle, the responsibility for repairing the damage is that of the offending industry. Sections 3 and 5 empower the Central Government to give directions and take measures for giving effect to this principle. In all the circumstances of the case, we think it appropriate that the task of determining the amount required for carrying out the remedial measures, its recovery/realisation and the task of undertaking the remedial measures is placed upon the Central Government in the light of the provisions of the Environment [Protection] Act, 1986. It is, of course, open to the Central Government to take the help and assistance of State Government, R.P.C.B. or such other agency or authority, as they think fit."

20. We may also refer to a very recent pronouncement of the Supreme Court in the case of **H.P. Bus-Stand Management & Development Authority vs. Central Empowered Committee**, reported in (2021) 4 SCC 309.

His Lordship Hon'ble Dr. D.Y. Chandrachud, speaking for the Bench, has observed as under;

"53. However, even while using the framework of an environmental rule of law, the difficulty we face is this - when adjudicating bodies are called on to adjudicate on environmental infractions, the precise harm that has taken place is often not susceptible to concrete quantification. While the framework provides valuable guidance in relation to the principles to be kept in mind while adjudicating upon environmental disputes, it does not provide clear pathways to determine the harm caused in multifarious factual situations that fall for judicial consideration. The determination of such harm requires access to scientific data which is often times difficult to come by in individual situations.

54. In an article in the Georgetown Environmental Law Review (2020), Arnold Kreilhuber and Angela Kariuki explain the manner in which the environmental rule of law seeks to resolve this imbroglio [Arnold Kreilhuber and Angela Kariuki, "Environmental Rule of Law in the Context of Sustainable Development", 32 Georgetown Environmental Law Review 591 (2020)]

"One of the main distinctions between environmental rule of law and other areas of law is the need to make decisions to protect human health and the environment in the face of uncertainty and data gaps. Instead of being paralyzed into inaction, careful documentation of the state of knowledge and uncertainties allows the regulated community, stakeholders, and other institutions to more fully understand why certain decisions were made."

The point, therefore, is simply this - the environmental rule of law calls on us, as judges, to marshal the knowledge emerging from the record, limited though it may sometimes be, to respond in a stern and decisive fashion to violations of

environmental law. We cannot be stupefied into inaction by not having access to complete details about the manner in which an environmental law violation has occurred or its full implications. Instead, the framework, acknowledging the imperfect world that we inhabit, provides a roadmap to deal with environmental law violations, an absence of clear evidence of consequences notwithstanding.

In the case before us, it is not possible for us to determine in quantifiable terms the exact effect of the construction of the Hotel-cum-Restaurant structure by the appellant and the second respondent on the ecology of the area. Both of them have tried to argue that the number of trees felled by them, in the case of the present construction, is what it would have been, had they only built a bus stand and a parking space. However, what we can record a determination on is the way in which the appellant and second respondent have gone about achieving this object. Specifically, the parties have engaged in the construction without complying with the plans drawn by the appellant's third-party consultants, which were agreed to by them in the RFP. The construction proceeded even when the TCP Department tried to halt it, refusing to approve its plans. Even the post facto refusal by the MOEF for changing the nature of the diverted forest land was not enough to stop the parties. Ultimately, when they were forced to halt the construction by the CEC, they proceeded with it under the guise of an order of this Court which permitted only legal construction. A combination of these circumstances highlights not only conduct oblivious of the environmental consequences of their actions, but an active disdain for them in favour of commercial benefits. While the second respondent was a private entity, they were actively supported in these efforts by the appellant. Hence, it is painfully clear that their actions stand in violation of the environmental rule of law. Whatever else the environmental rule of law may mean, it surely means that construction of this sort cannot

receive our endorsement, no matter what its economic benefits may be. A lack of scientific certainty is no ground to imperil the environment.

1.2 Role of courts in ensuring environmental protection

56. In a recent decision of this Court in Bengaluru Development Authority vs Sudhakar Hegde⁸, this Court, speaking through one of us (DY Chandrachud, J.) held:

“94. The adversarial system is, by its nature, rights based. In the quest for justice, it is not uncommon to postulate a winning side and a losing side. In matters of the environment and development however, there is no trade-off between the two. The protection of the environment is an inherent component of development and growth...

Professor Corker draws attention to the idea that the environmental protection goes beyond lawsuits. Where the state and statutory bodies fail in their duty to comply with the regulatory framework for the protection of the environment, the courts, acting on actions brought by public spirited individuals are called to invalidate such actions...

95. The protection of the environment is premised not only on the active role of courts, but also on robust institutional frameworks within which every stakeholder complies with its duty to ensure sustainable development. A framework of environmental governance committed to the rule of law requires a regime which has effective, accountable and transparent institutions. Equally important is responsive, inclusive, participatory and representative decision making. Environmental governance is founded on the rule of law and emerges from the values of our Constitution. Where the health of the environment is key to preserving the right to life as a constitutionally recognized value under Article 21 of the Constitution, proper

structures for environmental decision making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 of the Constitution. Sustainable development is premised not merely on the redressal of the failure of democratic institutions in the protection of the environment, but ensuring that such failures do not take place.

In Lal Bahadur vs State of Uttar Pradesh, (2018) 15 SCC 407. this Court underscored the principles that are the cornerstone of our environmental jurisprudence, as emerging from a settled line of precedent: the precautionary principle, the polluter pays principle and sustainable development. This Court further noted the importance of judicial intervention for ensuring environmental protection. In a recent decision in State of Meghalaya & others vs All Dimasa Students Union, (2019) 8 SCC 177), this Court reiterated the key principles of environmental jurisprudence in India, while awarding costs of Rs. 100 crores on the State of Meghalaya for engaging in illegal coal mining.

The UNEP report (supra) also goes on to note [UNEP 'Environmental Rule of Law First Global Report' (January 2019), P. 213]

"Courts and tribunals must be able to grant meaningful legal remedies in order to resolve disputes and enforce environmental laws. As shown in Figure 5.12, legal remedies are the actions, such as fines, jail time, and injunctions, that courts and tribunals are empowered to order. For environmental laws to have their desired effect and for there to be adequate incentives for compliance with environmental laws, the remedies must both redress the past environmental harm and deter future harm."

In its Global Judicial Handbook on Environmental Constitutionalism, the UNEP has further noted[UNEP,

Global Judicial Handbook on Environmental Constitutionalism (3rd Edn., 2019), P.7]

“Courts matter. They are essential to the rule of law. Without courts, laws can be disregarded, executive officials left unchecked, and people left without recourse. And the environment and the human connection to it can suffer. Judges stand in the breach.”

The above discussion puts into perspective our decision in the present appeals, through which we shall confirm the directions given by the NGT in its impugned judgment [T.N. Godavarman Thirumulpad v. Union of India, 2016 SCC Online NGT 11196]. The role of courts and tribunals cannot be overstated in ensuring that the ‘shield’ of the “rule of law” can be used as a facilitative instrument in ensuring compliance with environmental regulations. “

21. We are not impressed by the submission canvassed on behalf of the writ applicants that they were not given any opportunity of hearing before determining the interim environment damage compensation. As noted above, each and every unit at Morbi is responsible for causing environmental damage. We are informed that the State Government has to recover around Rs.500/- Crore from the polluters to undertake the necessary remedial measures. We are of the view that the writ applicants are liable to pay the interim environment damage compensation. This payment shall be subject to the final report of the three institutes referred to above that may come on record in future. We take this opportunity to request (i) NEERI (ii) The Indian Institute of Public Health and (iii) AMPRI to expedite the study so that further steps

can be taken in that direction.

22. We are of the view that the three institutes, referred to above, may take some more time before the entire study is completed and an appropriate report is filed. In such circumstances, we should direct the writ applicants to deposit 25% of the amount stipulated in each of the notices towards the interim environment damage compensation. The Gujarat Pollution Control Board shall proceed to recover 25% of the amount as stated in the individual notices issued to the writ applicants towards the interim environment damage compensation. Let this exercise be undertaken at the earliest.

23. This batch of writ applications shall now be notified for hearing once the final report comes on record.

सत्यमेव जयते

THE HIGH COURT
OF GUJARAT

(J. B. PARDIWALA, J)

WEB COPY

(VAIBHAVI D. NANAVATI, J)

Vahid

ITEM NO.19+43

Court 12 (Video Conferencing)

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 16667/2021

(Arising out of impugned final judgment and order dated 06-08-2021 in SCA No. 2664/2020 passed by the High Court of Gujarat at Ahmedabad)

LATIGRES VITRIFIED PRIVATE LIMITED

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ANR.

Respondent(s)

(FOR ADMISSION and I.R.)

WITH

SLP(C) No. 16640/2021 (III)
(FOR ADMISSION and I.R.)

Diary No(s). 24902/2021 (XVII)

(IA No.136658/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.136657/2021-EX-PARTE STAY and IA No.136655/2021-CONDONATION OF DELAY IN FILING APPEAL and IA No.136656/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES LIST THROUGH NEXT CAUSE LIST)

SLP(C) No. 16652/2021 (III)
(FOR ADMISSION and I.R.)

WITH

Diary No(s). 25268/2021 (III) (Item No. 43)

(FOR ADMISSION AND I.R. AND IA No.140445/2021- PERMISSION TO FILE PETITION (SLP/TP/WP/...) and I.A. NO. 140447/2021 PERMISSION TO FILE LENGTHY LIST OF DATES AND I.A. NO. 140446/20211-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-10-2021 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE HRISHIKESH ROY

Counsel for the
Parties

Mr. K.V. Vishwanathan, Sr. Adv.
Mr. S.P. Singh, Sr. Adv.
Mr. V. Giri, Sr. Adv.
Mr. Saurabh Mishra, AAG

Mr. Rameshwar Prasad Goyal, AOR

UPON hearing the counsel the Court made the following
O R D E R

Permission to file SLP(c) Dy. No. 25268 of 2021 is granted.

Delay in C.A. Dy. No. 24902 of 2021 is condoned.

The order impugned, is an interim order passed by the High Court pending disposal of the writ petitions. In view of the recommendations made by the committee stating that there is a need for immediate action for site remediation for short term plan, the High Court has ordered depositing of only 25% of the amount stipulated in the notices. If the appellant/petitioner(s) have any objection to the notices issued, they can as well raise their objections before the High Court. As such, we do not find any good ground to interfere with the impugned order, which is passed as an interim measure pending disposal of the petitions, based on the recommendations of the committee.

Accordingly, Appeal/Special Leave Petitions are dismissed. Pending applications, if any, shall stand disposed of.

It is needless to observe that if any of the appellant(s)/petitioner(s) dispute their liability, it is open for them to raise objection by way of counter affidavits before the High Court.

(NEETA SAPRA)
COURT MASTER

(DIPTI KHURANA)
COURT MASTER



Paryavarán Bhavan,
Sector-10-A,
Gandhinagar- 382 010
Phone : (079) 23226295 Fax (079) 23232156
Website: www.gpcb.gov.in

By R.P.A.D

Legal Notice under Water (Prevention & Control of Pollution) Act – 1974 & Air (Prevention & Control of Pollution) Act – 1981 for implementation of the order dated 06/03/2019 passed by the Hon’ble National Green Tribunal in O.A. 20/2017 & 42/2017 and the Order dated 06/08/2021 passed by the Hon’ble High Court of Gujarat in Special Civil Applications and Order dated 29/10/2021 passed in SLP 16667/2021 of the Hon’ble Supreme Court.

1. WHEREAS, You M/s Victory Floor Tiles Pvt. Ltd. is having an industrial plant/ceramic unit at, 59/P,-8- NATIONAL HIGHWAY,MOR-Lalpar District: Morbi; and
2. WHEREAS, Gujarat Pollution Control Board (GPCB) has granted you Consent to manufacture products mentioned in the Consolidated Consent and Authorization (CC&A) issued to you at the aforesaid location from time to time; and
3. WHEREAS, It has been reported in inspection report(s) of the Board that your unit is having Coal Gasifier Plant(s) and/or Your unit has obtained Consent to Establish (NOC) for Coal Gasifier Plant(s) at aforesaid location; and
4. WHEREAS, Hon’ble NGT in O.A. 20/2017 & 42/2017 (Regarding pollution caused by ceramic industries in Morbi-Wankaner area due to Coal gasifier) passed an order dated 06/03/2019 wherein Hon. NGT has issued several directions in Para 25 of the order including constitution of a committee comprising of representatives of the CPCB, GPCB & NEERI for assessment of amount for causing damage to the environment and public health; and
5. WHEREAS, This committee constituted as per order of the Hon’ble NGT in its report dated April-2019, recommended at Para 7 (2) for levy of Interim Environment Damage Compensation (EDC); and
6. WHEREAS, In terms of Hon. NGT’s Order and the report of the Committee, The Board issued Directions u/s 33-A of Water (Prevention and Control of Pollution) Act-1974 & Section 31-A of the Air (Prevention and Control of Pollution) Act-1981

Outward No: 659123/17/4/2022

directed payment of Interim Environment Damage compensation of **Rs. 9755000 on 11/12th September-2019 within 30 Days**; and

7. WHEREAS, prior to taking coercive actions, in consonance with the Principles of Natural Justice, the Board also issued a Legal notice under Water (Prevention and Control of Pollution) Act-1974 & Air (Prevention and Control of Pollution) Act-1981 to deposit Interim Environment Damage Compensation on 11/12th December-2019 within 15 Days; and
8. WHEREAS, Thereafter various Writ Petitions including Special Civil Applications 2664 of 2020 were filed before Hon'ble High Court of Gujarat by Ceramic industries of Morbi-Wankaner area with a prayer to quash and set aside the Notice dated 11/09/2019 as well as subsequent notice dated 11/12/2019 issued by Gujarat Pollution Control Board to make a payment towards the interim compensation; and
9. WHEREAS, Hon. High Court passed vide order dated 06/08/2021 issued following directions at Para 22 of the order,

“.....In such circumstances, we should direct the writ applicants to deposit 25% of the amount stipulated in each of the notices towards the interim environment damage compensation. The Gujarat Pollution Control Board shall proceed to recover 25% of the amount as stated in the individual notices issued to the writ applicants towards the interim environment damage compensation. Let this exercise be undertaken at the earliest.”
10. WHEREAS, thereafter Special Leave Petition(C) No. 16667/2021 was filed before Hon. Supreme Court of India, seeking quashing/ stay of the order dated 06/08/2021 passed by the Hon. High Court of Gujarat. The Hon'ble Supreme Court has passed an order on 29/10/2021,

“As such, we do not find any good ground to interfere with the impugned order, which is passed as an interim measure pending disposal of the petitions, based on the recommendations of the committee.

Accordingly, Appeal/Special Leave Petitions are dismissed. Pending applications, if any, shall stand disposed of.”
11. In view of the above and in pursuant to the Directions of Hon. High Court of Gujarat, you are required to pay 25 % of Interim Environment Damage Compensation as under:

Outward No: 65913, 11/12/2019



Paryavaran Bhavan,

Sector-10-A,

Gandhinagar- 382 010

Phone : (079) 23226295 Fax (079) 23232156

Website: www.gpcb.gov.in

A	Total EDC (Interim) to be levied (Rs.) as per Hon. NGT committee's recommendations & GPCB's Directions:	Rs. 9755000 (Rupees NinetySeven Lakh FiftyFive Thousand Only)
B	Now Payable amount (25 % of the Interim EDC as per Directions of Hon. High Court):	Rs. 2438750 (Rupees TwentyFour Lakh ThirtyEight Thousand Seven Hundred Fifty Only)

12. In view of the above referred facts and circumstances, you are hereby directed as under:

- To Submit 25 % of Interim Environment Damage Compensation (as mentioned in B above) i.e. Rs.2438750 within 10 Days from issuance of this notice.
- This amount shall be deposited in GPCB's Account (Account Detail is enclosed as Annexure-A)

13. In the event, if you fail to comply with this notice and due compliance with the orders passed by the Hon'ble National Green Tribunal, Hon'ble High Court of Gujarat and Hon'ble Supreme Court further the Board would be constrained to take coercive measures.

This Notice is issued after obtaining approval of the Competent Authority of the Board.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD,

(Law Officer)

Date: /04/2022

No. GPCB/LGL/HC/MORBI-281(2)/

Issue to:

M/s Victory Floor Tiles Pvt. Ltd. PCB ID: 34421
59/P,-8- NATIONAL HIGHWAY,MOR-Lalpar:
District: Morbi.

Outward No: 5723/04/2022

Annexure-A**GPCB Account Details For Morbi – NGT Committee Interim
Environment Damage Compensation (EDC) Deposit****Table-I**

A	Name of Payee	GUJARAT POLLUTION CONTROL BORD
B	Bank Account Number	10325062238
C	Type of Account	CURRENT
D	Bank	STATE BANK OF INDIA
E	Branch	GANDHINAGAR ZONAL BRANCH
F	Branch Address	SECTOR-10/B, IN FRONT OF NEW SACHIVALAYA,GANDHINAGAR-382010
G	IFSC Code	SBIN0001355

**Amount Deposited should be intimated via Email (uh-gpcb-morb@gujarat.gov.in),
(nuh-gpcb-acc5@gujarat.gov.in) in Following table (Table-II) & also submit letter to
RO, Morbi- GPCB & HO-GPCB, Gandhinagar Email & Letter should be titled with :
Acknowledgment of Interim 25 % EDC deposited as per Morbi NGT matter.**

Table-II

1	Name of Unit	
2	PCB ID	
3	Address of industry	
4	Amount Deposited	
5	Details of Amount Deposited	<u>Morbi NGT Committee-Interim EDC (25 %)</u>
6	Date of Deposition	
7	UTR No. of Amount Deposited	

(*) Amount Deposited but not communicated in above table (Table-II) shall not be considered.

Outward No:659123,11/04/2023



Gujarat Pollution Control Board

Paryavaran Bhavan, Sector 10-A,

Gandhinagar 382010

Phone : (079) 23232152

Fax : (079) 23232156

Website : www.gpcb.gov.in

By R.P.A.D

No. GPCB/LGL-281(2)/NGT/MORBI/ID-34421/

Date: /08/2024

To,

M/s Victory Floor Tiles Pvt. Ltd. (PCB ID: 34421)

59/P,-8- NATIONAL HIGHWAY,MOR-Lalpar

District: Morbi.

1. WHEREAS, You **M/s Victory Floor Tiles Pvt. Ltd.** is having an industrial plant/ceramic unit at, 59/P,-8- NATIONAL HIGHWAY,MOR-Lalpar District: Morbi; and
2. WHEREAS, Gujarat Pollution Control Board (GPCB) has granted you Consent to manufacture, the products mentioned in the Consolidated Consent and Authorization (CC&A) issued to you at the aforesaid location from time to time; and
3. WHEREAS, It has been reported in Inspection report(s) of the Board, that your unit is having Coal Gasifier Plant(s) and/or that your unit has obtained Consent to Establish (NOC) for Coal Gasifier Plant(s) at aforesaid location; and
4. WHEREAS, the Hon'ble NGT in O.A. 20/2017 & 42/2017 (In the matter regarding pollution caused by ceramic industries in Morbi-Wankaner area due to employment of Coal gasifiers) passed an order dated 06/03/2019 wherein Hon. NGT has issued several directions. In Para 25 of the order, the Hon'ble NGT, directed the constitution of a committee comprising of representatives of the CPCB, GPCB & NEERI for assessing the extent of environmental pollution (i.e Air, Water & Soil pollution) caused by different types of gasifiers and quantifying amounts recoverable for causing damage to the environment and public health; and
5. WHEREAS, This committee constituted as per order of the Hon'ble NGT in its report of April-2019, to levy of Interim Environment Damage Compensation (EDC); and
6. WHEREAS, In terms of Hon. NGT's Order and the Report of the Committee, The Board issued Directions **on 11/12th September-2019** u/s 33-A of Water (Prevention and Control of Pollution) Act-1974 & Section 31-A of the Air (Prevention and Control of Pollution) Act-1981, and directed payment of Interim Environment Damage compensation **within 30 Days**; and

7. WHEREAS, prior to taking any coercive action, in consonance with the principles of natural justice, the Board, further issued a Legal notice under Water (Prevention and Control of Pollution) Act-1974 & Air (Prevention and Control of Pollution) Act-1981, directing the furnishing of Interim Environment Damage Compensation on 11/12th December-2019 within 15 Days; and
8. WHEREAS, Thereafter various Writ Petitions including Special Civil Applications SCA 2664 of 2020 came to be filed before the Hon'ble High Court of Gujarat by Ceramic Industries of Morbi-Wankaner area, with a prayer to quash and set aside the Notice dated 11/09/2019 as well as subsequent notice dated 11/12/2019 issued by Gujarat Pollution Control Board, directing payment of interim compensation; and
9. WHEREAS, Hon. High Court, vide interim order dated 06/08/2021 issued the following directions, as contained in Para 22 of the said order,
- “.....In such circumstances, we should direct the writ applicants to deposit 25% of the amount stipulated in each of the notices towards the interim environment damage compensation. The Gujarat Pollution Control Board shall proceed to recover 25% of the amount as stated in the individual notices issued to the writ applicants towards the interim environment damage compensation. Let this exercise be undertaken at the earliest.”*
10. WHEREAS, aggrieved by the order passed by the Hon'ble High Court, Special Leave Petition(C) No. 16667/2021 was filed before Hon. Supreme Court of India, seeking quashment/ stay of the order dated 06/08/2021 passed by the Hon. High Court of Gujarat. The Hon'ble Supreme Court, whilst dismissing the said SLP, passed the following order dated 29/10/2021,
- “As such, we do not find any good ground to interfere with the impugned order, which is passed as an interim measure pending disposal of the petitions, based on the recommendations of the committee.*
- Accordingly, Appeal/Special Leave Petitions are dismissed. Pending applications, if any, shall stand disposed of.”*
11. In view of the above stated facts, and in terms of the Directions issued by the Hon. High Court of Gujarat, The Board has issued Legal Notice to your unit, dated 11/04/2022, directing payment of 25% of assessed interim Environment Damage Compensation within 10 days;
12. **Whereas, It has been noticed that, you have yet not deposited 25% of Interim Environment Damage Compensation as per the Legal Notice of the Board issued on 11/04/2022; and**



Gujarat Pollution Control Board

ANNEXURE 65

Paryavaran Bhavan, Sector 10-A,

Gandhinagar 382010

Phone : (079) 23232152

Fax : (079) 23232156

Website : www.gpcb.gov.in

13. AND Therefore, as a last opportunity, you are hereby called upon, in terms of the Legal Notice dated 11/04/2022, to submit 25% of interim EDC of Rs. 2438750/- within 10 days from the issuance of this letter, failing which the Board shall be constrained to take coercive steps, including issuing directions for closure of your Unit. Be it noted that no further opportunity under Section 33-A the Water (Prevention and Control of Pollution) Act-1974 & Section 31-A of the Air (Prevention and Control of Pollution) Act-1981 shall be granted hereinafter.

This Notice is issued after obtaining approval of the Competent Authority of the Board.

For and on behalf of
GUJARAT POLLUTION CONTROL BOARD,

Unit Head - Legal

Outward No:818122,01/08/2024



IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/SPECIAL CIVIL APPLICATION NO. 2664 of 2020
With
R/SPECIAL CIVIL APPLICATION NO. 2550 of 2020
With
R/SPECIAL CIVIL APPLICATION NO. 2348 of 2020
With
R/SPECIAL CIVIL APPLICATION NO. 2391 of 2020
With
R/SPECIAL CIVIL APPLICATION NO. 2484 of 2020
With
R/SPECIAL CIVIL APPLICATION NO. 2518 of 2020
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R/SPECIAL CIVIL APPLICATION NO. 2460 of 2020
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R/SPECIAL CIVIL APPLICATION NO. 2462 of 2020
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In R/SPECIAL CIVIL APPLICATION NO. 5752 of 2020
With
CIVIL APPLICATION (FOR VACATING STAY) NO. 1 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 5752 of 2020
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R/SPECIAL CIVIL APPLICATION NO. 5751 of 2020
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CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 5751 of 2020
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CIVIL APPLICATION (FOR FIXING DATE OF HEARING) NO. 1 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 5744 of 2020
With
CIVIL APPLICATION (FOR VACATING STAY) NO. 1 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 5744 of 2020
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With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 5747 of 2020
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CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 5749 of 2020
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CIVIL APPLICATION (FOR VACATING STAY) NO. 1 of 2025
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CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2024
In R/SPECIAL CIVIL APPLICATION NO. 5753 of 2020
With
CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2025
In R/SPECIAL CIVIL APPLICATION NO. 5753 of 2020

FOR APPROVAL AND SIGNATURE:

HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL

and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI

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Approved for Reporting	Yes	No
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LATIGRES VITRIFIED PVT. LTD.
 Versus
 STATE OF GUJARAT & ORS.

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Appearance:
 MR P B KHAMBHOLJA(5730) for the Petitioner(s) No. 1
 CHINTAN H DAVE(7193) for the Respondent(s) No. 3
 DELETED for the Respondent(s) No. 2,4,5
 NOTICE SERVED BY DS for the Respondent(s) No. 1

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 08/01/2025

ORAL JUDGMENT

(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)



1. Heard Mr. Kamal Trivedi, learned Senior Advocate with Ms Manisha Lavkumar, learned Senior Advocate with Mr. Chintan Dave appearing for the Gujarat Pollution Control Board, Mr. Kamal Trivedi with Mr. Vinay Bairagra, learned Assistant Government Pleader for the Respondent State and Mr. Mihir Joshi, learned Senior Counsel with Mr. Shalin Mehta, learned Senior Counsel assisted by Mr. P. B. Khambhoja, learned advocate and Mr. K. K. Sharma, learned advocate for the respective parties.

2. This group of writ petitions have been filed praying for the reliefs as under:-

“(A) Allow this petition;

(B) issue appropriate writ, order or direction and be pleased to quash and set aside the Notice dated 11.09.2019 as well as subsequent notice dated 11.12.2019 which are issued by Gujarat Pollution Control Board to make a payment towards the interim compensation and be pleased to hold that the said notice dated 11.09.2019 as well as subsequent notice dated 11.12.2019 are issued in breach of Violation of Principles of Natural Justice as the said Notice is issued relying on the report dated 16.04.2019 prepared by the Committee comprising of GPCB, CPCB and NEERI as per the direction issued in Order passed by Hon'ble NGT dated 06.03.2019 which was never served upon the present petitioner and the other grounds mentioned in the petition.

(C) By way of interim relief be pleased to stay the further course of proceedings to be initiated on the basis of the impugned notice dated 11.09.2019 as well as subsequent notice dated 11.12.2019 and direct the concerned authorities to not to take any coercive actions against the petitioner unit for its operation on the basis of impugned notice.

(D) Pass such orders as thought fit in the interest of justice.”

3. The facts leading to the filing of the present set of writ petitions have been noted by this Court in the interim order dated 06.08.2021, which is relevant to be extracted hereinafter:-

“

4. The facts, giving rise to this writ application, may be summarized as under;

4.1 This litigation relates to the pollution being caused in the Morbi town of Gujarat on account of the operation of the Ceramic, Silicate and Freight Industries. The issue came up before the National Green Tribunal by way of the Original Application No.21 of 2015 (WZ) filed before the Western Zone Bench at Pune. The main prayer in the said application was to close the coal based gasifiers used by the various industrial units in and around the town of Morbi and ensure that the said industries follow the terms of “Consent of Consolidated Authorization” (CCA) by the Gujarat State Pollution Control Board (GSPCB) and the directions issued by the Central Pollution Control Board (CPCB) vide letter dated 21.06.2014.

4.2 It appears from the materials on record that the Tribunal dealt with the matter vide order dated 08.09.2015. The Tribunal took cognizance of the judgment and order passed by this High Court dated 23.06.2014 in a group of writ applications being the Writ Petition (PIL) No.165 of 2013, directing the industries to follow the new norms laid down by the CPCB. The order passed by this Court was affirmed by the Supreme Court vide orders dated 22.07.2014 and 14.02.2015 respectively. The Tribunal considered the grievance that in spite of the order passed by this Court and the Supreme Court, the pollution continued unabated. It was pointed out that only the LNG or CNG should be permitted to be used as fuel instead of coal gasifiers.

4.3 In the aforesaid context, at this stage, we may give some idea about the Special Civil Application No.6756 of 2019 that came to be filed before this Court by a Company engaged in the manufacturing of Coal Gasifiers Hot Air Generator & Waste Recycling Plant. In the said writ application, the following reliefs were prayed;

“(A) That Your Lordships may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction thereby directing the Gujarat Pollution Control Board, the 2nd respondent herein to decide the Petitioner's representation dated 30th July, 2018 (Annexure-D to the petition) for final permission for long term utilization of Type-D Gasifier technology developed by the Petitioner.

(B) That Your Lordships may be pleased to issue a Writ of Mandamus or any other appropriate writ, direction or order, thereby directing the GPCB and/or CPCB i.e. Respondent Nos.2 and 3 respectively, to examine and evaluate the modified technology of Type-D gasifier developed by the Petitioner, and grant approval for use/utilization of such gasifier if they were found to be in order and viable.

(C) Pending hearing and final disposal of the present petition,



Your Lordships may be pleased to restrain the Respondents, their servant and agents from taking any action including action of closure against the manufacturing units operating with the help of Type-D coal gasifier sold and supplied by the Petitioner.

(D) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to restrain the Respondents, their servants and agents from taking any action, including action of closure against any manufacturing units purchasing and installing Type-D gasifiers newly developed by the Petitioner.

(E) An ex-parte ad-interim relief in terms of para 27(C) and (D) above may kindly be granted.

(F) Any other further relief that may be deemed fit in the facts and circumstances of the case may also pleased be granted."

4.4 Along with the aforesaid writ application, one another writ application being Special Civil Application No.6757 of 2019 was preferred by the manufacturer of Ceramic Products, i.e, the writ applicants herein. The following relief were prayed for;

"(A) That Your Lordships may be pleased to issue a writ of Mandamus or a writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside closure orders issued by the GPCB directing closure of the Petitioners' units (i.e. Annexure-"N", "O" and "P" to the petition) with all consequential reliefs and benefits;

(B) That Your Lordships may be pleased to issue a writ of Mandamus or any other appropriate writ, direction or order, directing the Gujarat Pollution Control Board, the 2nd Respondent herein to consider and decide applications for consent (CTE) and permission to continue manufacturing activities (CCA) filed by the Petitioners;

(C) Your Lordships may be pleased to issue a writ of Mandamus or any other appropriate writ, direction or order, directing the Gujarat Pollution Control Board the 2nd Respondent herein, to examine, check, evaluate and report about modified Type-D gasifier being used by the Petitioners in their manufacturing units, and to grant consent and approval for using such modified Type-D coal gasifier in the Petitioners' unit if they were found to be in order in all respect;

(D) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to stay for the Petitioners herein the further implementation and execution of closure orders (Annexure-"N", "O" and "P" to the petition) and be further pleased to direct the Gujarat Pollution Control Board (2nd Respondent herein) to issue consent (CTE) and CCA in favour of the Petitioners herein

thereby allowing the Petitioners to continue their normal manufacturing activities in their factories shown at the closure title of this Writ Petition.

(E) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to direct the Gujarat Pollution Control Board to examine, check and evaluate the modified Type-D gasifier technology being used by the Petitioners in their units, and submit its report before this Hon'ble Court forthwith.

(F) An ex-parte ad-interim relief in terms of para 31(D) and (E) above may kindly be granted.

(G) Any other further relief that may be deemed fit in the facts and circumstances of the case may also please be granted."

4.5 A third writ application being the Special Civil Application No.6774 of 2019 was also preferred by the manufacturer of Ceramic Products with the following prayers;

"(A) That Your Lordships may be pleased to issue a writ of Mandamus or a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside closure orders issued by the GPCB directing closure of the Petitioners' units (i.e. Annexure-"F", "G" and "H" to the petition) with all consequential reliefs and benefits;

(B) That Your Lordships may be pleased to issue a Writ of Mandamus or any other appropriate writ, direction or order, directing the Gujarat Pollution Control Board the 2nd Respondent herein to consider and decide applications for consent and permission to continue manufacturing activities filed by the petitioners;

(C) Your Lordships may be pleased to issue a Writ of Mandamus or any other appropriate writ, direction or order, directing the Gujarat Pollution Control Board, the 2nd Respondent herein, to examine, check, evaluate and report about modified Type-D gasifiers being used by the Petitioners in their manufacturing units, and to grant consent and approval for using such modified Type-D coal gasifier in the Petitioners' units if they were found to be in order in all respect;

(D) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to stay further implementation and execution of closure orders (Annexure-"F", "G" and "H" to the petition) and be further pleased to direct the Gujarat Pollution Control Board (2nd Respondent herein) to issue consent and CCA certificates in favour of the Petitioners herein thereby allowing the Petitioners to continue their normal manufacturing activities in their factories shown on the cause title of this Writ Petition.



(E) Pending hearing and final disposal of the present petition, Your Lordships may be pleased to direct Gujarat Pollution Control Board to examine, check and evaluate the modified Type-D gasifier technology being used by the Petitioners in their units, and submit its report before this Hon'ble Court forthwith;

(F) An ex-parte ad-interim relief in terms of para 23(D) and (E) above may kindly be granted;

(G) Any other further relief that may be deemed fit in the facts and circumstances of the case may also please be granted.”

4.6 The final analysis undertaken by this Court of all the above referred writ applications reads thus;

“16 Thus, the experts have made themselves abundantly clear that the use of coal gasifiers of any type should be discontinued at any cost. The experts have also made themselves very clear that the Ceramic Industries should switchover to a cleaner technology and should opt for natural gas, i.e., the PNG. In the report, it has been clearly stated that the natural gas grid/pipelines are already laid and made functional in the area and most of the Ceramic Industries have opted for gas connections. If that be so, then why an exception should be carved out for the writ applicants of the Special Civil Applications Nos.6757 of 2019 and 6774 of 2019 respectively.

17. We fail to understand why are they insisting for coal gasifiers may be with an advanced technology. We take judicial notice of the fact that Morbi and the surrounding area was a hell sometime back, and the Ceramic Industries, using the coal gasifiers, are solely responsible for creating this hell. As days were passing by, situation was getting more and more worst. The situation was so grim that the issue had to be taken up with the National Green Tribunal and it is only after the intervention of the National Green Tribunal and passing of various orders, that steps came to be taken by the GPCB to restrain the Ceramic Industries from using the coal gasifiers. The coal gasifier of any type, be it with a better technology, is not at all advisable. It will lead to further problems. With great difficulty and with lot of efforts, the situation has been brought in control. Even, as on date, the air quality is very poor. The menace of coal gasifiers have not only created air pollution but has also contaminated the soil to such an extent that the underground water has also become contaminated.

18. The writ applicants are talking about unemployment etc. They have no right to say a word in this regard. The report indicates that the workers, hailing from poor strata of society, were found to be working in extremely bad conditions. The workers were

being exposed to most unhygienic conditions. Even if there is unemployment on account of the closure of the Ceramic Industries, using coal gasifiers, the same can be approved because to ask the workers to die working in such unhygienic conditions would be still worst.

19. *The workers are exposed to such an environment that within a short time they would die of silicosis.*

20 *We find this litigation, more particularly, the Special Civil Application No.6756 of 2019 very unique. For the first time, we have come across a case, in which, a private company, engaged in the manufacturing of coal gasifier, is asking a Writ Court boasting about its fine technology to issue a writ of mandamus to the GPCB to look into the technology of the Company and then take a decision whether to permit the installation of the same in the Ceramic Industries. What is the Company trying to convey?. Is the Company trying to advertise its technology by seeking a writ of mandamus?. Is the GPCB and other statutory authorities duty bound to look into the technology of the Company, more particularly, when the same has been looked into by the committee of experts and the NGT, as noted above. The situation, as on date, is that at any cost, the coal gasifiers cannot be permitted to be used in the Ceramic Industries. The coal gasifier, of which, the company is talking about, also has its own shortcomings. When 60 to 70 percent of the Ceramic Industries have switched over to natural gas by taking connections from the Gujarat Gas Company, then why the writ applicants in the present case are still insisting for the coal gasifier. They are only interested in their own profits. They are insisting for coal gasifier because they may not be able to bear the expense of natural gas. This hardly can be a ground for issue of any writ of mandamus to the GPCB to look into the technology and take an appropriate decision whether the same would serve the purpose or not."*

4.7 *It appears that the Tribunal constituted an Expert Committee comprising representatives of the CPCB, GPCB and Head of Department (HOD), Environmental Engineering Department of M.S. University, Baroda respectively to evolve the parameters for coal gasifier which could meet with the standards and directed that the matter be dealt with by the GPCB in the light of such report.*

4.8 *The Tribunal, on conclusion of the adjudication, disposed of all the applications as under;*

"21. in view of the above, it is clear that, coal gasifiers are no longer viable. Inspection by GPCB shows high level of air pollution which is dangerous for health and environment. 'Sustainable Development' and Precautionary principles are to be upheld.

22. *Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and*



unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and compliant with the norms of environment. In absence of this awakening or tendency for monitoring industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

23. *We may also note that as per data complied by the CPCB Morbi- Wankaner is one of the polluted industrial clusters. Vide order dated 13.12.2018 in Original Application No.1038/2018, this Tribunal considered the subject matter of critically polluted industrial clusters and directed preparation of action plans by the respective States for remedying the situation.*

24. *Even though, this area is polluted but not 'critically polluted', the same may not be covered by the said order, but the fact remains that there is high amount of pollution as shown by the latest report of the GPCB quoted above in para no.13. PM10 is equal to 552.66 and PM2/5 is equal to 289.61. Stringent measures are, thus, required in the interest of protection of environment and public health.*

25. *Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency coordination and compliance. The committee may suggest restoration plan.*

26. *The Committee may give its report within one month by e-mail at ngt.filing@gmail.com.*

27. *The Committee may take into account the cost of reversing the damage caused and also the amount to be recovered which will operate as deterrent and render any polluting activity non-profitable.*

28. *To oversee the execution of this order by the GPCB, we appoint an Oversight Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court who is already heading an Oversight Committee constituted by this Tribunal vide order dated 16.01.2019 in O.A.606/2018. He will also be assisted by a representative of CPCB. The GPCB will provide all logistics to Justice Patel. Any person*



concerned with execution of this order will be at liberty to represent to the said Oversight Committee.

29. *Learned counsel for the GPCB states that expenses incurred by the NEERI will be paid as per direction of this Tribunal within one month from today.*

30. *Industries have filed applications which have no merit and are not maintainable under Section 14 and 15 of the National Green Tribunal Act, 2010. Same is the position with regard to the applications of the manufacturers.*

All the applications stand disposed of accordingly.”

4.9 *Thus, to put it in short, the Tribunal issued the following directions;*

“a) Directed GPCB to shut down coal gasifier & switch over to PNG

b) GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health.

c) This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI.

d) The CPCB will be the nodal agency for coordination and compliance. The Committee may suggest restoration plan.”

5. *Ms. Manisha Luvkumar Shah, the learned senior counsel appearing for the GPCB brought to our notice the following actions taken for the immediate implementation of the directions issued by the Tribunal;*

“a) Directions issued to Morbi Ceramic Assosications (Morbi-Dhuva Glaze Tiles Association / Gujarat Granito Manufacturer Association / Gujarat Floor Tiles Manufacturer Association) to intimate their member units to close down coal gasifier & Switch over to PNG (Date 09.03.2019)

b) The board has issued Direction to all ceramic units to switch over to PNG (Date 11.03.2019)

c) Public notice was issued in Three vernacular daily news papers / (namely Sandesh, Divya Bhashkar, Akila) for implementation of Hon. NGT order on 12.03.2019

d) Natural Gas Consumption increased to 5.0 MMSCMD from 2.0 MMSCMD (Source: Gujarat Gas Ltd.)



All the ceramic units having coal gasifier, closed down coal gasifier & switch over to PNG which was already available to them.

e) Hon. B.C. Patel, Former Chief Justice Delhi High Court visited Morbi area on 30.03.2019-31/03/2019 for the assessment of implementation of Hon. NGT order."

Committee Report (Date 16.04.2019)

The Committee of CPCB, GPCB & NEERI, constituted by the NGT visited the area & submitted its report. The report mainly recommends.

- a) Short terms measures for remediation of contaminated sites.*
- b) GPCB to Recover interim Environment Damage compensation.*
- c) Long term measures-committee will coordinate study through expert agency like NEERI, IIPH, AMPRI.*

Committee Remarks & Recommendations:

Since there is a need of immediate action for site remediation for short terms plan, all industries in Morbi region, having ever installed coal gasifier should be instructed to deposit a interim environmental compensation based on para 6 of order of Hon'ble NGT Dt. February 19, 2019 in OA No.593/2017 (WP Civil No.375/2012, Paryavaran Suraksha Samiti & Anr vs. Union of India & Ors.) i.e., environmental compensation of Rs.5000/- per day (para 6, page no.6) for operation of one gasifier, which would come to Rs.18,25,000/- per year, for number of year the gasifier is in possession.

Recommendations: (7.0)

Wastes accumulated in the gasifier premises and wastewater in the abandoned mines and natural depressions should be pumped out and sent to appropriate CHW-TSDF for final treatment & disposal. Once the wastewater is pumped out, the soil/sludge should be dredged/ scrapped and disposed in the CHW-TSDF.

Since this waste disposal cannot be attributed to particular responsible unit(s), it should be a collective responsibility of all ceramic industries having gasifier units of the area.

It is proposed to recover compensation of Rs.5000/- per day on interim basis for operation of one gasifier, which would come to Rs.18,25,000/- per year, for number of year the gasifier is in possession / operation. GPCB should recover the interim compensation from all units having gasifier(s) as above based on information available with them about gasifiers."



6. *It is brought to our notice that the directions came to be issued by the GPCB to the Morbi Ceramic Associations for the compliance of remediation. The Ceramic Units came to be directed to pay the interim environment damage compensation in accordance with the Committee Report within a period of 30 days from 11.09.2019. The Ceramic Units represented before the GPCB that they all are operating with the consent of the Board. It was submitted that none of the writ applicants herein were heard by the Committee nor the report was provided to them.*

7. *In such circumstances, referred to above, the writ applicants came before this Court with the present writ applications.*

8. *A Coordinate Bench of this Court passed the following order dated 30th January, 2020;*

“Mr. P.B. Khambholja, learned advocate for the petitioner, seeks permission to delete the respondents No.2, 4 and 5 from the array of the respondents since no relief has been claimed against the said respondents.

Permission as prayed for is granted. The respondents No.2, 4 and 5 stand deleted from the array of the respondents.

Heard Mr. Mihir H. Joshi, Senior Advocate, learned counsel and Mr. Shalin N. Mehta, Senior Advocate, learned counsel with Mr. P.B. Khambholja, learned advocate for the petitioner.

It has been inter alia submitted that the impugned notices/orders have been issued by the Gujarat Pollution Control Board in violation of the principles of natural justice.

Issue notice, returnable on 17.02.2020.

By way of ad-interim relief, the respondents are directed not to take any coercive steps pursuant to the impugned legal notices/orders.

Direct service, is permitted. “

9. *We have heard Mr. Mihir Joshi, the learned senior counsel assisted by Mr. P.B. Khambolja, the learned advocate appearing for the writ applicants and Ms. Manisha Luvkumar Shah, the learned senior counsel assisted by Ms. Aishwarya Gupta, the learned counsel appearing for the GPCB.*

10. *Mr. Joshi would submit that his clients have practically no idea on what basis the interim environment damage compensation (EDC) has been determined. He would submit that his clients were not given any opportunity by the Committee to make good their case. In such circumstances, it is too much for the Board to recover the interim environment damage compensation on the strength of the directions issued by the National Green Tribunal. Mr. Joshi would submit that the Tribunal has directed that the damages shall be recovered only from those*

units who are found violating the pollution laws. The assessment of damage can only be unit wise in accordance with the order passed by the National Green Tribunal and one composite order encompassing all the units would create lot of difficulties. In the last, Mr. Joshi would submit that the final report, determining the final compensation, is yet to come on record and, in such circumstances, his clients may not be asked to deposit the interim environment damage compensation.

11. On the other hand, Ms. Shah would submit that the Committee has identified three institutes for the specific subject related studies. The three institutes are as under;

- “1) NEERI to identify damage caused to environment.
- 2) Indian Institute of Public Health- to examine and assess the impact on human health.
- 3) AMPRI- Bhopal to identify utilization of ceramic waste.”

12. Ms. Shah pointed out that the terms of reference for the study have been prepared. The GPCB, in principle, has agreed to bear the cost of the studies. The CPCB is the nodal agency for this purpose. Ms. Shah pointed out that approximately six to nine months would be consumed for the above referred three agencies to carry out a detailed study and recommend measures to be undertaken for the remedial action.

13. Having heard the learned counsel appearing for the parties and having gone through the materials on record, the only question that falls for our consideration is whether we should ask the writ applicants to deposit the requisite amount as stipulated in the notice issued to each of the writ applicants towards the interim environment damage compensation in accordance with the report of the Committee.

14. In the case on hand, the notice issued by the GPCB reads thus;

“Directions under Water (Prevention & Control of Pollution) Act-1974 (Herein after referred to as The “Water Act”) & Air (Prevention & Control of Pollution) Act- 1981 (Herein after referred to as “The Air Act”) for implementation of order of Hon. National Green Tribunal dated 06.03.2019 in OA 20/2017 & 42/2017 & Recommendation of the committee constituted by Hon. NGT in this regard.

1. WHEREAS, you, M/s. Latigres Vitrified Pvt. Ltd. are having an industrial plant / ceramic unit at SR No.-135/1 & 136-8A NH AT-JAMBUDIYA TA-MORBI DIST-MORBI, MOR-Jambudia District: Morbi and
2. WHEREAS, Gujarat Pollution Control Board (GPCB) has granted you Consent for the manufacture of products mentioned in the Consolidated Consent and Authorization issued to you at the aforesaid location from time to time and
3. WHEREAS, Your unit was having Coal Gasifier, Plant at aforesaid location, and
4. WHEREAS, it has been reported in inspection report(s) of the Board that your unit is having coal gasifier plant and/or Your unit

has obtained Consent to Establish (NOC) for Coal Gasifier Plant and

5. WHEREAS, An application was filed before the Hon'ble National Green Tribunal (O.A. 20/2017 & 42/2017) regarding the pollution caused by ceramic industries in Morbi- Wankaner area, due to use of Coal Gasifiers; and

6. WHEREAS, Hon'ble National Green Tribunal, New Delhi has given order on 06.09.2019 in this matter; and

7. WHEREAS, Hon'ble NGT has directed GPCB to implement the order & issued following directions in Para-25 of the order;

"Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency coordination and compliance. The committee may suggest restoration plan."

8. Whereas, the committee consisting of representatives of the CPCB, GPCB & NEERI has submitted a report title "REPORT OF COMMITTEE ON MATTER OF ENVIRONMENTAL DAMAGE COMPENSATION & ENVIRONMENTAL RESTORATION OF MORBI REGION" in April 2019 to Hon. NGT"

9. Whereas, the said report is already conveyed to Morbi Ceramics Associations vide our letter no.GPCB/LGL/NGT/MORBI/36(5)/513346 dated 11.07.2019; and

10. Whereas, Committee has recommended in Para 7 (2) for interim Environment Damage Compensation (EDC) as under;

"It is proposed to recover compensation of Rs.5000/- per day on interim basis for operation of one gasifier, which would come to Rs.18,25,000/- per year, for number of year the gasifier is in possession/operation GPCB should recover the interim compensation from all units having gasifier(s) as above based on information available with them about gasifiers."

11. Whereas, considering the records of GPCB & Information available with the GPCB, Your unit is having possession of coal gasifier & details are as under;

A	No. of Coal Gasifier Plant	01 (One)
B	Duration of possession of coal	2.84 Year (s)

	<i>gasifier</i>	
C	<i>EDC (Interim) should be levied as per NGT Committee report</i>	<i>Rs.18,25,000/- Rupees Eighteen Lakh Twenty Five Thousand per year.</i>
	<i>Total EDC (Interim) to be levied (Rs.) (A*B*C)</i>	<i>01* 2.84 * 18,25,000</i>
	<i>Total Amount (Rs.)</i>	<i>5180000</i>
	<i>Total Amount in Words: Fifty One Lakh Eighty Thousand Rupees.</i>	

12. *Considering above, for the effective representation of the order of the Hon. NGT & Recommendation of the Committee, You are hereby directed :*

i) *To submit interim Compensation of Rs.5180000 within 30 days.*

ii) *This amount shall be deposited in GPCB's Account (Account Detail is enclosed as Annexure-A)*

If you fail to comply directions, further stringent actions will be taken by the Board without any opportunity of being heard including prosecution under section 41(2) Water (Prevention and Control of Pollution) Act-1974 & Section 37 of the Air (Prevention and Control of Pollution) Act-1981 which includes punishment with imprisonment for a term not less than one year and six months and may extend to six years with fine.

*For and on behalf of
GUJARAT POLLUTION CONTROL BOARD
Sd/-
(D.M. Thaker)
Environmental Engineer."*

15. *Similar notices, as referred to above, have been issued to all the other writ applicants, of course, the amount would vary.*

16. *As noted above, we are dealing with a very serious issue of pollution caused by the Ceramic Industries at Morbi. Morbi-Wankaner ceramic cluster is located about 235 km South-West of Ahmedabad and 65 km North of Rajkot, spread in a 35 km belt in the Morbi District along the National Highway No. 8A. The production of ceramic tiles accounts for nearly 80% of the country's total output. Most of the ceramic industries in the area were issued the Consolidated Consents & Authorization (CCA) with the condition of using PNG/LNG as the fuel. With the increase in the PNG/LNG prices,. the industries switched over to coal gasifier of very poor technology of gas cleaning without the prior permission from the Gujarat Pollution Control Board (GPCB), which led to major water, air and land pollution problems. The Gasifier operators started illegally disposing off*



the wastewater and coal tar, which has contaminated the land and water environment extensively in the Morbi-Wakaner Industrial area. The Air pollutant emission from the spray drier units and combustion of coal tar has drastically polluted the overall environment of Morbi. The burning issues led to filing of various complaints regarding the pollution in the city of Morbi & other parts on the outskirts.

17. In response to the complaints, the officials of the Central pollution Control Board visited few ceramic industries in the month of July 2017. Based on the report, the Central Pollution Control Board (CPCB) in its direction U/s. 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981 dated August 23, 2012, instructed the GPCB to close down all the industries using coal based gasifier without any prior consent, and to ensure that the coal gasifiers are dismantled.

18. A Writ Petition (PIL) No.165 of 2013 came to be filed in this High Court in July, 2013 by one Shri Babubhai Ramubhai Saini regarding the acute problems of pollution caused by the Ceramic & Silicate Industries in and around the town of Morbi. The petition, in the nature of public interest, was preferred seeking a writ of mandamus to the GPCB to enforce the directions and recommendations of the CPCB. This High Court, in its order dated 25th October, 2013, directed the GPCB to implement, at the earliest, the recommendations of the CPCB inspection report (2012) and also the directions issued by the CPCB under Section 18(1)(b) of the Water Act, 1974 dated 23rd August, 2012. It appears from the materials on record that in compliance of the directions dated 23rd August, 2012, the GPCB requested the CPCB to allow trial run for five different types of modified coal gasifier technologies. An Expert Committee was constituted by the Forest & Environment Department, Government of Gujarat to evaluate the modified coal gasifier technologies theoretically and practically. The Committee prepared a report titled "Report on coal based gasifier for theoretical and practical evaluation of technology proposals for Zero Percentage Pollution Discharge". Based on the said report and also upon the request of the GPCB, the CPCB issued modified directions dated 21st June, 2014. In view of the modified directions issued by the CPCB, this High Court disposed of the matter vide order dated 23rd June, 2014, directing the Ceramic Industries to follow the new guidelines/norms.

19. In the aforesaid context, we may refer to and rely upon the decision of the Supreme Court in the case of **Indian Council for Enviro-Legal Action vs. Union of India**, reported in (1996) 3 SCC 212. This judgment of the Supreme Court is on the principle "polluter pays". We quote the relevant observations;

"The question of liability of the respondents to defray the costs of remedial measures can also be looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the "Polluter Pays" Principle.

[Historic Pollution - Does the Polluter Pay?]

By Carolyn Shelbourn-Journal of Planning and Environmental Law, Aug.1974 issue.]

"The polluter pays principle demands that the financial costs of preventing or remedying damage caused by pollution should lie with the undertakings which cause the pollution, or produce the goods which cause the pollution. Under the principle it is not the role of government to meet the costs involved in either prevention of such damage, or in carrying out remedial action, because the effect of this would be to shift the financial burden of the pollution incident to the taxpayer. The 'polluter pays' principle was promoted by the Organization for Economic Co-operation and Development [OECD] during the 1970s when there was great public interest in environmental issues.

During this time there were demands on government and other institutions to introduce policies and mechanisms for the protection of the environment and the public from the threats posed by pollution in a modern industrialized society. Since then there has been considerable discussion of the nature of the polluter pays principle, but the precise scope of the principle and its implications for those involved in past, or potentially polluting activities have never been satisfactory agreed.

Despite the difficulties inherent in defining the principle, the European Community accepted it as a fundamental part of its strategy on environmental matters, and it has been one of the underlying principles of the four Community Action Programmes on the Environment. The current Fourth Action Programme ([1987] O.J.C328/1) makes it clear that 'the cost of preventing and eliminating nuisances must in principle be borne by the polluter', and the polluter pays principle has now been incorporated into the European Community Treaty as part of the new Articles on the environment which were introduced by the Single European Act of 1986. Article 130R(2) of the Treaty states that environmental considerations are to play a part in all the policies of the Community, and that action is to be based on three principles: the need for preventative action; the need for environmental damage to be rectified at source; and that the polluter should pay.

Thus, according to this principle, the responsibility for repairing the damage is that of the offending industry. Sections 3 and 5 empower the Central Government to give directions and take measures for giving effect to this principle. In all the circumstances of the case, we think it appropriate that the task of determining the amount required for carrying out the remedial measures, its recovery/realisation and the task of undertaking the remedial measures is placed upon the Central Government in the light of the provisions of the Environment [Protection] Act, 1986. It is, of course,

open to the Central Government to take the help and assistance of State Government, R.P.C.B. or such other agency or authority, as they think fit.”

20. We may also refer to a very recent pronouncement of the Supreme Court in the case of **H.P. Bus-Stand Management & Development Authority vs. Central Empowered Committee**, reported in (2021) 4 SCC 309. His Lordship Hon’ble Dr. D.Y. Chandrachud, speaking for the Bench, has observed as under;

“53. However, even while using the framework of an environmental rule of law, the difficulty we face is this – when adjudicating bodies are called on to adjudicate on environmental infractions, the precise harm that has taken place is often not susceptible to concrete quantification. While the framework provides valuable guidance in relation to the principles to be kept in mind while adjudicating upon environmental disputes, it does not provide clear pathways to determine the harm caused in multifarious factual situations that fall for judicial consideration. The determination of such harm requires access to scientific data which is often times difficult to come by in individual situations.

54. In an article in the *Georgetown Environmental Law Review* (2020), Arnold Kreilhuber and Angela Kariuki explain the manner in which the environmental rule of law seeks to resolve this imbroglio [Arnold Kreilhuber and Angela Kariuki, “Environmental Rule of Law in the Context of Sustainable Development”, 32 *Georgetown Environmental Law Review* 591 (2020)]

“One of the main distinctions between environmental rule of law and other areas of law is the need to make decisions to protect human health and the environment in the face of uncertainty and data gaps. Instead of being paralyzed into inaction, careful documentation of the state of knowledge and uncertainties allows the regulated community, stakeholders, and other institutions to more fully understand why certain decisions were made.”

The point, therefore, is simply this – the environmental rule of law calls on us, as judges, to marshal the knowledge emerging from the record, limited though it may sometimes be, to respond in a stern and decisive fashion to violations of environmental law. We cannot be stupefied into inaction by not having access to complete details about the manner in which an environmental law violation has occurred or its full implications. Instead, the framework, acknowledging the imperfect world that we inhabit, provides a roadmap to deal with environmental law violations, an absence of clear evidence of consequences notwithstanding.

In the case before us, it is not possible for us to determine in quantifiable terms the exact effect of the construction of the Hotel-



cum-Restaurant structure by the appellant and the second respondent on the ecology of the area. Both of them have tried to argue that the number of trees felled by them, in the case of the present construction, is what it would have been, had they only built a bus stand and a parking space. However, what we can record a determination on is the way in which the appellant and second respondent have gone about achieving this object. Specifically, the parties have engaged in the construction without complying with the plans drawn by the appellant's third-party consultants, which were agreed to by them in the RFP. The construction proceeded even when the TCP Department tried to halt it, refusing to approve its plans. Even the post facto refusal by the MOEF for changing the nature of the diverted forest land was not enough to stop the parties. Ultimately, when they were forced to halt the construction by the CEC, they proceeded with it under the guise of an order of this Court which permitted only legal construction. A combination of these circumstances highlights not only conduct oblivious of the environmental consequences of their actions, but an active disdain for them in favour of commercial benefits. While the second respondent was a private entity, they were actively supported in these efforts by the appellant. Hence, it is painfully clear that their actions stand in violation of the environmental rule of law. Whatever else the environmental rule of law may mean, it surely means that construction of this sort cannot receive our endorsement, no matter what its economic benefits may be. A lack of scientific certainty is no ground to imperil the environment.

1.2 Role of courts in ensuring environmental protection

56. In a recent decision of this Court in Bengaluru Development Authority vs Sudhakar Hegde⁸, this Court, speaking through one of us (DY Chandrachud, J.) held:

"94. The adversarial system is, by its nature, rights based. In the quest for justice, it is not uncommon to postulate a winning side and a losing side. In matters of the environment and development however, there is no trade-off between the two. The protection of the environment is an inherent component of development and growth...

Professor Corker draws attention to the idea that the environmental protection goes beyond lawsuits. Where the state and statutory bodies fail in their duty to comply with the regulatory framework for the protection of the environment, the courts, acting on actions brought by public spirited individuals are called to invalidate such actions...

95. The protection of the environment is premised not only on the active role of courts, but also on robust institutional frameworks within which every stakeholder complies with its duty to ensure sustainable development. A framework of environmental



governance committed to the rule of law requires a regime which has effective, accountable and transparent institutions. Equally important is responsive, inclusive, participatory and representative decision making. Environmental governance is founded on the rule of law and emerges from the values of our Constitution. Where the health of the environment is key to preserving the right to life as a constitutionally recognized value under Article 21 of the Constitution, proper structures for environmental decision making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 of the Constitution. Sustainable development is premised not merely on the redressal of the failure of democratic institutions in the protection of the environment, but ensuring that such failures do not take place.

In Lal Bahadur vs State of Uttar Pradesh, (2018) 15 SCC 407. this Court underscored the principles that are the cornerstone of our environmental jurisprudence, as emerging from a settled line of precedent: the precautionary principle, the polluter pays principle and sustainable development. This Court further noted the importance of judicial intervention for ensuring environmental protection. In a recent decision in State of Meghalaya & others vs All Dimasa Students Union, (2019) 8 SCC 177, this Court reiterated the key principles of environmental jurisprudence in India, while awarding costs of Rs. 100 crores on the State of Meghalaya for engaging in illegal coal mining.

The UNEP report (supra) also goes on to note [UNEP ‘Environmental Rule of Law First Global Report’ (January 2019), P. 213]

“Courts and tribunals must be able to grant meaningful legal remedies in order to resolve disputes and enforce environmental laws. As shown in Figure 5.12, legal remedies are the actions, such as fines, jail time, and injunctions, that courts and tribunals are empowered to order. For environmental laws to have their desired effect and for there to be adequate incentives for compliance with environmental laws, the remedies must both redress the past environmental harm and deter future harm.”

In its Global Judicial Handbook on Environmental Constitutionalism, the UNEP has further noted[UNEP, Global Judicial Handbook on Environmental Constitutionalism (3rd Edn., 2019), P.7]

“Courts matter. They are essential to the rule of law. Without courts, laws can be disregarded, executive officials left unchecked, and people left without recourse. And the environment and the human connection to it can suffer. Judges stand in the breach.”

The above discussion puts into perspective our decision in the present appeals, through which we shall confirm the directions



given by the NGT in its impugned judgment [T.N. Godavarman Thirumulpad v. Union of India, 2016 SCC Online NGT 11196]. The role of courts and tribunals cannot be overstated in ensuring that the 'shield' of the "rule of law" can be used as a facilitative instrument in ensuring compliance with environmental regulations.

21. *We are not impressed by the submission canvassed on behalf of the writ applicants that they were not given any opportunity of hearing before determining the interim environment damage compensation. As noted above, each and every unit at Morbi is responsible for causing environmental damage. We are informed that the State Government has to recover around Rs.500/- Crore from the polluters to undertake the necessary remedial measures. We are of the view that the writ applicants are liable to pay the interim environment damage compensation. This payment shall be subject to the final report of the three institutes referred to above that may come on record in future. We take this opportunity to request (i) NEERI (ii) The Indian Institute of Public Health and (iii) AMPRI to expedite the study so that further steps can be taken in that direction.*

22. *We are of the view that the three institutes, referred to above, may take some more time before the entire study is completed and an appropriate report is filed. In such circumstances, we should direct the writ applicants to deposit 25% of the amount stipulated in each of the notices towards the interim environment damage compensation. The Gujarat Pollution Control Board shall proceed to recover 25% of the amount as stated in the individual notices issued to the writ applicants towards the interim environment damage compensation. Let this exercise be undertaken at the earliest.*

23. *This batch of writ applications shall now be notified for hearing once the final report comes on record."*

4. We may note that at the time of admission, this Court has refused to acknowledge the contentions of the writ petitioners that they were not given any opportunity of hearing before determining the interim environment damage compensation. It was recorded that each and every unit at Morbi is responsible for causing environment damage.

5. It was also observed that the writ petitioners are liable to pay the interim environment damage compensation and the payment shall be subject to the final report of the



three institutes referred to above that may come on record in future.

6. While saying so, the petitioners were directed to deposit 25% of the amount stipulated in each of the notices towards the interim environment damage compensation, recording that the three institutes which are required to conduct a study for computing compensation causing environment damages would require some time to complete the entire study. The Gujarat Pollution Control Board (GPCB) has been directed to proceed to recover 25% of the amount as stated in the individual notices issued to the writ applicants towards the interim environment damage compensation.

7. It seems that the order dated 06.08.2021 passed by this Court was subjected to challenge before the Apex Court in Special Leave to Appeal (C) No.(s) 16667 of 2021, wherein vide order dated 29.10.2021, the Apex Court has refused to interfere in the matter noticing that the Special Leave Petition was filed against the interim order whereunder the High Court had ordered for depositing of only 25% of the amount stipulated in the notices. It was, however, left open for the writ petitioners / appellants therein to raise any objection to the notice issued before the High Court. It was further observed that the petitioners shall be at liberty to raise objections by way of counter affidavits before the High Court.

8. When the matter was taken up on 28.06.2024, when the Special Civil Application No. 1808 of 2020 was listed as leading writ petition, it was noted by us in the order dated



20.06.2024 that three institutes namely National Environmental Engineering Research Institute (CSIR - NEERI), the Indian Institute of Public Health and Advanced Materials and Processes Research Institute (AMPRI) were conducting studies in accordance with the order dated 06.03.2019 passed by the National Green Tribunal (NGT). It was placed before us by the learned advocate appearing for the GPCB that the detailed report was to be prepared after evaluation of the preliminary report, which was to be submitted by three organizations before the Oversight Committee headed by a retired High Court Judge constituted by the National Green Tribunal. Awaiting the said report, we posted the matter on 20.08.2024. Again awaiting the final report of the Oversight Committee, we posted the matter further on 17.09.2024.

9. When the matter was taken up on 04.12.2024, it was brought before us with the affidavit dated 03.12.2024 that three institutes have submitted their reports to the Oversight Committee on 02.12.2024 / 03.12.2024. In terms of the directions contained in the order dated 06.03.2019 of the National Green Tribunal (NGT), an executive summary of the three reports was being prepared by the Oversight Committee, which will be submitted to the National Green Tribunal.

10. Taking note of the above, we posted the matter today, i.e. 08.01.2025, noticing that the Oversight Committee is to collate reports of three experts body, which have been entrusted to assess the damages in their expert areas and the Oversight Committee has been constituted in terms of the directions issued by the NGT in the order dated 06.03.2019.

11. Today, when the matter was taken up, the executive summary of the studies carried out by the three experts institutes, prepared by the Oversight Committee, filed along with the affidavit on behalf of respondent No.3, has been placed before us.

12. A perusal of the relevant paragraphs of the affidavit placing the said report indicates that:-

“

1. *It is further submitted that the Oversight Committee as constituted vide order dated 06.03.2019 passed by the Ld. NGT (Supra) was pleased to consider the reports submitted by all the three agencies viz. AMPRI (Advanced Materials and Processes Research Institute), IIPH (Indian Institute of Public Health), NEERI (National Environmental Engineering Research Institute). The executive summary prepared by the Oversight Committee attributes compensation to all the 606 industrial units identified by the present deponent. A formula has been decided to be adopted for computing the calculation of compensation to be payable by each industry. The methodology adopted by the Oversight Committee in the executive summary is based on equitable distribution of compensation amounting to approximately Rs. 122 Crores. The distribution is based on the scale of the industry i.e. small scale determined by investment being less than 5 Crores, medium scale based investment between 5-10 Crores and large scale based on investment more than 10 Crores. The Oversight Committee has also adopted the scaling methodology elaborated in a formula which considers the category of the industry, the capacity of the gasifiers, the number of days the gasifier has been utilized in conjunction with the class in which the industry falls. The present deponent craves leave to further elaborate the same during the course of hearing. Copy of the executive summary of the studies carried out by the three expert institute (Supra) is annexed hereto and marked as **ANNEXURE - A.***

The relevant abstract of executive summary of Oversight Committee is reproduced hereunder for ready reference of this Hon'ble Court: -

“Thus, the committee is of the opinion that such damage compensation shall be attributed to all 606 industrial units identified by the GPCB. It is evident that identified

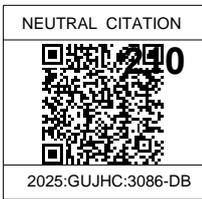


industries having coal gasifiers from which compensation is to be levied are categorized as small, medium, and large-scale industries based on their investment and therefore it appeared to committee not just to consider them at par when determining the levy of damage compensation. The financial capacity, operational scale, and impact by each category of industry may also differ significantly. To impose an equal levy on all industries would be inequitable, as it fails to account for these disparities. Therefore, a methodology for an equitable distribution of compensation, tailored to the specific size, capacity of the gasifier for which GPCB has are liable data would help to ensure that the burden is shared fairly and justly accordingly.

Further, in light of the absence of concrete, readily available data/evidences on the factual number of days-hours of operation of the gasifier(s), the actual quantity of production taken, the actual quantity of gas consumed, the actual quantity of coal consumed for each identified industry for the period of the possession of the gasifier(s) by each of the identified industry, it becomes challenging to accurately determine the individual shares of compensation based on precise operational metrics. Considering this limitation, it is both fair and reasonable to consider alternative factors, such as the capacity of the gasifier and the scale of the industry, as a basis for determining the equitable share of the compensation. By utilizing these factors, a more balanced and equitable approach can be achieved while also acknowledging the practical constraints posed by the unavailability of precise operational data of individual industries.

In line with the recommendation in the interim report (April 2019) of the committee; based on the scrutiny of files & records GPCB earlier had identified 606 industrial units which have installed coal gasifier & liable for the payment of this interim EDC. Earlier, therefore, directives were issued by GPCB for deposition of interim EDC to these industrial units. The same set of industrial units are required to pay compensation for this amount as calculated by concerned institutes too based on number of days of possession/operation of the gasifier.

Therefore, in light of above oversight committee decided for the equitable distribution of compensation as per the following scaling factor which is based on the range of the coal gasifier capacity, scale of each industry and number of year the gasifier is in possession/operation besides the factor of number of days has been adequately addressed during calculation of EDC by respective institutes. This is the most rational and logical approach in such a situation."



2. *In this regard it is submitted that based on the investment made by the respective industries the industries are categorized into small, medium and large scale industries. The industries having the investment of less than or equal to 5 crores at relevant point of time are categorized as small scale industries, industries having investment of more than 5 crores but less than or equal to 10 crores at relevant point of time are categorized as medium scale industries whereas industries having investment of more than 10 crores at relevant point of time are categorized as large scale industries. The Oversight Committee has based on the production of gas of each of the coal based gasifier measured in Standard Cumic Meters(SCM) per day has further categorized industries into small, medium and large. The industries having capacity of less than or equal to 50,000 SCM/day are categorized as small scale industries, industries having capacity between 50,001 to 1,00,000 SCM/day are categorized as medium scale industries and industries having capacity of 1,00,001 or more SCM/day are categorized as large scale industries. The Oversight Committee has decided to apply factor ranging from 0.8 to 1.3 in the formula for equitable division of compensation to be levied on each of the industries. For ready reference of this Hon'ble Court the formula for determination of compensation is reproduced hereunder:*

$$\begin{array}{rcll}
 \text{Compensation to} & & \text{(Factor days of the} & \text{(Days of possession/} \\
 \text{be levied from} & = & \text{respective group} & \text{x operation of gasifier} \\
 \text{individual industry} & & \text{(FDg)} & \text{by the individual industry} \\
 & & & \text{(D)} \\
 & & \text{-----} & \\
 & & \text{Total Factor days of} & \text{-----} \\
 & & \text{the all group} & \text{Number of days of} \\
 & & \text{({FD}g)} & \text{possession/operation} \\
 & & & \text{of gasifier of} \\
 & & & \text{respective group} \\
 & & & \text{(DG)}
 \end{array}$$

3. *The total amount towards the cost of studies and damage assessment cost is about 122.05 crores. Hypothetically the present deponent has calculated the compensation for one industry viz Affil Vitrified Pvt. Ltd. i.e. mentioned at serial no. 14 in the table at internal pg. no. 37 of the report. By applying formula, the industry falls under the large category having the capacity of greater than 1,00,001 SCM/day. The group of such industries have worked for 37,090 days. thereafter the factor 1.3*



is applied considering the size of the industry. Hence the factor days of this group will be 48,217. The total factor days of all the groups applying the respective factor comes to 9,60,828. In our example the respective industry has used a coal gasifier for 2045 days. therefore the amount of compensation to be paid by this particular industry will be 33,76,816. The calculation is as under:

-
 $1,22,04,39,562 \times (48217/960828) \times (2045/37090) = 33,76,816.$

*The statement showing the calculation of the days using the respective factors and the details of calculation of compensation Affil Vitrified Pvt. Ltd. is annexed hereto and marked as **ANNEXURE-B.** “*

13. Mr. Kamal Trivedi, learned Advocate General appearing on behalf of the State Respondents and GPCB would submit that the Oversight Committee has computed the damages, which is attributable to all 606 industrial units identified by the GPCB. Identified industries having coal gasifiers, from which compensation is to be levied are categorized as small, medium and large scale industries based on their investment so as to determine the levy of damage compensation in a just and proper manner. The financial capacity, operational scale, impact by each category of industry may also differ significantly.

14. It was submitted that the Oversight Committee found it inequitable to impose an equal levy on all industries, ignoring these disparities. The methodology is, therefore, adopted for an equitable distribution of compensation, tailored to the specific size, capacity of the gasifiers, for which GPCB has reliable data, to ensure that the burden is shared fairly and justly amongst all.



15. Taking note of the above, we may record the submissions of the learned Senior Counsels appearing for the petitioners that many of the petitioners have closed their industries; stopped use of coal gasifiers much earlier and were not operating their industries for a sufficient long time. According to them, some of the petitioners had established their industries using coal gasifiers as per the permission granted by the GPCB and they have followed the norms laid down by the GPCB in the permission letter. Some of the learned counsels for the petitioners had argued that the petitioners to whom they represent cannot be made liable to damages and it cannot be levied from them as they cannot be said to have violated any of the environment laws.

16. It was argued that the categorization of the industries in three categories by the Oversight Committee is unfair, inasmuch as, there cannot be any formula for distribution of environment damages, inasmuch as, the damages were required to be computed depending upon the size of the industry, period and quantity of production. It was sought to be argued by Mr. K. K. Sharma, learned advocate appearing for some of the petitioners in the connected writ petitions (seven in number) that the petitioners therein were not using coal gasifiers at all. Even this is the case of many of the learned advocates appearing for petitioners in the connected writ petitions (total 550 matters in number). The petitioners, thus, seek to dispute their liability for damage compensation as computed by the Oversight Committee. Essentially, the challenge is sought to be raised to the report of



the Oversight Committee on the premise that the Oversight Committee was required to grant opportunity of hearing to each of the petitioners herein and the report is in ignorance of factual data.

17. Be that as it may, we may record that the Oversight Committee has been constituted pursuant to the order dated 06.03.2019 of the National Green Tribunal (NGT), which reads as under:-

"21. In view of the above, it is clear that coal gasifiers are no longer viable. Inspection by GPCB shows high level of air pollution which is dangerous for health and environment. 'Sustainable Development' and 'Precautionary' principles are to be upheld.

22. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and compliant with the norms of environment. In absence of this awakening or tendency for monitoring, industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

23. We may also note that as per data compiled by the CPCB MorbiWankaner is one of the polluted industrial clusters. Vide order dated 13.12.2018 in Original Application No. 1038/2018, this Tribunal considered the subject matter of critically polluted industrial clusters and directed preparation of action plans by the respective States for remedying the situation.

24. Even though, this area is polluted but not 'critically polluted', the same may not be covered by the said order, but the fact remains that there is high amount of pollution as shown by the latest report of the GPCB quoted above in para no. 13. PM10 is equal to 552.66 and PM2.5 is equal to 289.61. Stringent measures are, thus, required in the interest of protection of environment and public health.

25. Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for



causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency for coordination and compliance. The Committee may suggest restoration plan.

26. *The Committee may give its report within one month by e-mail at ngt.filing@gmail.com*

27. *The Committee may take into account the cost of reversing the damage caused and also the amount to be recovered which will operate as deterrent and render any polluting activity non-profitable.*

28. *To oversee the execution of this order by the GPCB, we appoint an Oversight Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court who is already heading an Oversight Committee constituted by this Tribunal vide order dated 16.01.2019 in O.A. 606/2018. He will also be assisted by a representative of CPCB. The GPCB will provide all logistics to Justice Patel. Any person concerned with execution of this order will be at liberty to represent to the said Oversight Committee.*

29. *Learned Counsel for the GPCB states that expenses incurred by the NEERI will be paid as per direction of this Tribunal within one month from today.*

30. *Industries have filed applications which have no merit and are not maintainable under Sections 14 and 15 of the National Green Tribunal Act, 2010. Same is the position with regard to the applications of the manufacturers.
All the applications stand disposed of accordingly."*

18. Taking note of the directions issued by the NGT in the above noted paragraphs of the order dated 06.03.2019, we find that all the issues sought to be raised before us regarding the correctness of the report of the Oversight Committee can only be raised by the petitioners before the NGT. However, it is open for the petitioners to avail any other alternative remedy if available in law, inasmuch as, it is not permissible for this Court to sit over the report of the Oversight Committee as a Court of appeal, which has been constituted by the NGT while directing the GPCB to close all coal gasifier industries and units operating with the help of coal gasifiers and to initiate fresh



steps for prosecution of the industries, which have operated in violation of law and recover compensation for causing damages to the environment and public health.

19. The three expert bodies have submitted their reports in compliance of the order passed by the NGT, wherein direction was issued to assess the damages compensation amount by a committee with representatives of Central Pollution Control Board (CPCB), Gujarat Pollution Control Board (GPCB) and National Environmental Engineering Research Institute (CSIR - NEERI).

20. The Oversight Committee headed by Justice B. C. Patel, Former Chief Justice of the Delhi High Court and Former Judge of the Gujarat High Court has been constituted vide order dated 16.01.2019 by the NGT and direction was issued that the Oversight Committee shall be assisted by the representative of the CPCB and the reports of the expert bodies shall be assessed by the Oversight Committee to ascertain the damages.

21. In view of the above, we dispose of all the writ petitions with the observations and directions that we have not entered into the merits of the claim of any of the petitioners herein about their liability towards compensation or the issues pertaining to the quantum of damages computed by the Oversight Committee. It is open for the petitioners to avail appropriate remedy available in law.



22. Consequently, in view of the disposal of the said writ petitions, all the civil applications pending in the connected writ petitions, if any, stand disposed of.

23. All the issues agitated before us are left open, to be raised before the NGT or any other competent authority, as maybe advised.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

SAHIL S. RANGER

**EXECUTIVE SUMMARY OF STUDIES CARRIED OUT BY THREE EXPERT INSTITUTES WITH
REFERENCE TO HON'BLE NGT MATTER OA 20 & 42 OF 2017 RELATED WITH MORBI AND
WANKANER AREA**

Background:

In the matter of pollution due to coal gasifiers in ceramic industries in the Morbi-Wankaner area, Gujarat, Original Applications vide No. 20 of 2017 and 42 of 2017 before the Hon'ble NGT, Western Bench, Pune were filed by applicant Mr. Babubhai Ramubhai Saini. The matter was disposed off by Hon'ble NGT, New Delhi vide order dated 06.03.2019 with various directions to GPCB including closure of all gasifiers and recovery of compensation for causing damage to the environment and public health etc. The order passed by Hon'ble NGT is annexed herewith as **Annexure-1**.

The relevant portion of the Hon'ble NGT order dated 06.03.2019 is mentioned below:

"...direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency for coordination and compliance. The Committee may suggest restoration plan.

The Committee may give its report within one month by e-mail at ngt.filing@gmail.com.

The Committee may take into account the cost of reversing the damage caused and also the amount to be recovered which will operate as deterrent and render any polluting activity non-profitable.

To oversee the execution of this order by the GPCB, we appoint an Oversight Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court who is already heading an Oversight Committee constituted by this Tribunal vide order dated 16.01.2019 in O.A.606/2018. He will also be assisted by a representative of CPCB. The GPCB will provide all logistics to Justice Patel. Any person concerned with execution of this order will be at liberty to represent to the said Oversight Committee."

In compliance with the order dt. 06.03.2019 of Hon'ble NGT, an expert committee was constituted with representatives from CPCB, GPCB and NEERI wherein, CPCB is the nodal agency. Periodic review of the work carried out by the committee has been done by the Justice B. C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court. The Expert Committee submitted a report to Hon'ble NGT in April, 2019. The recommendation of the referred report is reproduced as hereunder:

7.0 Recommendations:

- 1) *Committee opined that components of the gasifier system are to be dismantled instead of disconnections so as to avoid any possibility of reconnecting the pipelines/feeding assembly lines and restarting the operation of gasifier in an illegal manner. Components particularly the vertical vessel like primary and secondary condenser, ESP and filter media of the gasifier system should be dismantled.*
- 2) *Under the short term plan, wastes accumulated in the gasifier premises and wastewater in the abandoned mines and natural depressions should be pumped out and sent to appropriate CHW-TSDF for final treatment & disposal. Once the wastewater is pumped out, the soil / sludge should be dredged/scrapped and disposed in the CHW-TSDF on top priority. Both these activities should be carried out by Morbi Ceramic Association/Gasifiers-Ceramic industries under supervision of GPCB. This should be implemented immediately to avoid spread of pollution before the coming monsoon season. The list of some such sites is provided in Annexure 1.*

Since this waste disposal cannot be attributed to particular responsible unit(s), it should be a collective responsibility of all ceramic industries having gasifier units (568) of the area. The gasifiers are installed in the ceramic industries at different time periods ranging from few months to few years before hence, in order to calculate number of days of violations, it would be appropriate to calculate the number of days of violation for each unit based on date of commissioning of gasifier.

It is proposed to recover compensation of Rs. 5000/- per day on interim basis for operation of one gasifier, which would come to Rs. 18,25,000/- per year, for number of year the gasifier is in possession/operation. GPCB should recover the interim compensation from all units having gasifier(s) as above based on information available with them about gasifiers. The compensation is based para 6 of Hon'ble NGT order Dt. February 19, 2019 in OA No: 593/2017 (WP Civil No. 375/2012, Paryavaran Suraksha Samiti & Anr Vs Union of India & Ors).

- 3) *The committee was assigned to assess the compensation for causing damage to the environment and public health. The assessment requires quantification of waste & wastewater, its removal from sites, its disposal in proper way and sites restoration and cost associated with each component which requires use of different scientific tools and techniques of measurement. Such complete long term site restoration and compensation for damage would require study by any agency having experience in detailed field investigation of different environmental components using sophisticated, modern tools. Therefore, it is recommended to carry out such long term study by expert institute like CSIR-NEERI, Nagpur in time bound project mode.*
- 4) *Assessment of damage to Public health can be carried out in project mode by institute like Indian Institute of Public Health (IIPH), Gandhinagar.*

- 5) *The possibility of use of solid waste (broken tile, polished dust /slurry, sanitary ware etc.) in building or road construction material can be explored. Research institutes like Advanced Materials and Processes Research Institute (CSIR-AMPRI), Bhopal can be approached for identifying possible use of such inert ceramic waste material. Advanced radiation shielding and cement free concrete group of CSIR-AMPRI, Bhopal has successfully demonstrated the use of such waste in road making and building materials.*
- 6) *These institutes as given below should be approached for submitting project proposal in the respective field. Cost for carrying out such study should be borne from interim compensation recovered under short term plan by GPCB.*
 - a. *Water, air land environment damage assessment, cost of damage & restoration and tree plantation design work from CSIR-NEERI, Nagpur.*
 - b. *Public health damage assessment study by Indian Institute of Public Health Gandhinagar.*
 - c. *Recycle / reuse of solid waste (broken tiles, sanitary-ware) by CSIR-AMPRI, Bhopal.*
- 7) *All polluting industrial units (ceramic with or without having gasifier, sanitary wares, body clay manufacturing, textile, paper and other industries) in the area would be liable to pay compensation, which would be derived at once the cost of damage & restoration is available, based on the detailed study by expert agency. GPCB should identify all such industries and make them liable for compensation.*

Based on the Expert Committee recommendations as mentioned at 2 above; GPCB issued directions to the industries for submitting interim compensation.

GPCB through the industry association in the area implemented the short-term action plans as per the expert committee report wherein tarry water/residue from identified sites were lifted and disposed off.

As per committee's recommendation No. 6 mentioned above; following institutes have been identified, proposals were invited as per long term measures for assessment of environmental damage, compensation, environmental restoration in Morbi – Wankaner region. Proposals from all the identified institutes were received by 21.03.2021. A meeting was convened with the Hon'ble Chairman, Oversight Committee on 30.12.2021. Based on the meeting outcomes, GPCB transferred part of the required fund for carrying out these studies to CPCB on 07.01.2022. Subsequently a meeting was convened on 24.01.2022 by CPCB to discuss the proposals of studies and finalize the terms for the studies. As decided, the works for the above three studies were assigned to the identified institute by signing a tripartite MOU between the CPCB, the GPCB and the respective institute. The following studies were initiated by the respective institutes from July, 2022.

- **Study 1:** CSIR-NEERI Nagpur for study on assessment of damage to environment and suggestion for restoration plan in Morbi-Wankaner Gujarat.
- **Study 2:** IIPH-Gandhinagar for study of damage assessment to the health.
- **Study 3:** CSIR-AMPRI, Bhopal for study of utilization/reuse of inert broken tiles, sanitary wares & polishing dust/slurry.

During that period, petition SCA 2664 of 2020 was filed in Hon'ble High Court of Gujarat to quash and set aside the Notice dated 11.09.2019 as well as subsequent notice dated 11.12.2019 which were issued by GPCB to make a payment towards the interim compensation. The matter was disposed off vide order dated 06.08.2021 by Hon'ble Mr. Justice J. B. Pardiwala (as he then was) of Hon'ble High Court of Gujarat. **The excerpts of order are reproduced hereunder:**

Para 21:

We are not impressed by the submission canvassed on behalf of the writ applicants that they were not given any opportunity of hearing before determining the interim environment damage compensation. As noted above, each and every unit at Morbi is responsible for causing environmental damage. We are informed that the State Government has to recover around Rs.500/- Crore from the polluters to undertake the necessary remedial measures. We are of the view that the writ applicants are liable to pay the interim environment damage compensation. This payment shall be subject to the final report of the three institutes referred to above that may come on record in future. We take this opportunity to request (i) NEERI (ii) The Indian Institute of Public Health and (iii) AMPRI to expedite the study so that further steps can be taken in that direction.

Para 22:

We are of the view that the three institutes, referred to above, may take some more time before the entire study is completed and an appropriate report is filed. In such circumstances, we should direct the writ applicants to deposit 25% of the amount stipulated in each of the notices towards the interim environment damage compensation. The Gujarat Pollution Control Board shall proceed to recover 25% of the amount as stated in the individual notices issued to the writ applicants towards the interim environment damage compensation. Let this exercise be undertaken at the earliest.

Para 23:

This batch of writ applications shall now be notified for hearing once the final report comes on record.

All the three institutes following suitable scientific methodologies to cover scope of work as per the terms of reference mentioned in the MOU, submitted draft reports for consideration. The details of review of reports are summarized as under:

- The draft reports were presented before the Chairman of Oversight Committee, Hon'ble Former Justice B.C. Patel on 14.08.2024 and all three institutes were asked to remain present before him on 27.08.2024.
- Subsequently, various meetings were held during the period from 27.08.2024 to 29.11.2024 wherein discussions were made for clarifications, refinement and finalization of the reports. The report of AMPRI was accepted during the meeting dt. 16.11.2024 for submission of final copies of report as per MOU. During the meeting held on dt. 29.11.2024 the reports submitted by IIPH and NEERI were discussed and accepted for submission of final copies of reports as per MOU.
- Final report of the Advanced Materials and Processes Research Institute (AMPRI), Bhopal has been submitted on dt. 02.12.2024.
- Final report of the Indian Institute of Public Health (IIPH), Gandhinagar and National Environmental Engineering Research Institute (NEERI), Nagpur have been submitted on dt. 03.12.2024.

Followings are the salient points of studies of three institutes as gathered from reports which are separately being submitted before the Hon'ble NGT, New Delhi in the matter O.A. 20/2017 & 42/2017.

Salient points of Study 1: CSIR-AMPRI, Bhopal for study of utilization/reuse of inert broken tiles, sanitary wares & polishing dust/slurry

The study for utilization/reuse of inert broken tiles, sanitary wares & polishing dust/slurry was assigned to CSIR-AMPRI Bhopal. The detailed Studies on Utilization of Inert Broken Tiles, Sanitary Wares & Polishing dust/slurry for Development of Advanced Geopolymeric Prefabricated Precast Pathway Components for Infrastructural Applications have been carried out at Centre for Advanced Radiation Shielding & Geopolymeric Materials (CARS&GM) CSIR-AMPRI, Bhopal AMPRI has completed the study and submitted detailed report. A brief abstract of the report is detailed below:

AMPRI has carried out a detailed survey for Identification and Collection of Ceramic Industrial waste (Inert Broken Tiles, Sanitary Wares & Polishing Dust/Slurry) from Morbi-Wankaner, Gujarat. These wastes have been characterized with different characterized techniques and found that most of the ceramic waste possess high concentration silicon oxide and aluminium oxide, with high crystallinity. Moreover, an engineering examination such as bulk density, water absorption, impact value and crushing value of ceramic sanitary ware evaluated shows this waste has a capacity to be utilized as aggregate, for the development of Geopolymeric Concrete and Pathway Components such as Paver Blocks, Kerb Stone. Fly Ash generated from Satpura Thermal Power Plant Sarni, District-Betul (M.P) has been identified for development of Geopolymeric matrix. The bulk Ceramic samples collected from Morbi-Wankaner have

been processed for development of coarse and fine aggregate. The Graded coarse and fine aggregate have been used in combination with fly ash and Alkaline activators to develop Geopolymeric Mortar and Concrete. The maximum compressive strength of Geopolymeric concrete is found to be 70.8 MPa. using broken sanitary ware coarse and fine aggregate in optimized composition i.e. Batch-III. Adopting these compositions, paver blocks and kerb stones were developed with maximum compressive strength of 74.34 and 77.6 MPa respectively. The density of developed Geopolymeric concrete is found in the range of 2.16 to 2.18 g/cc. Developed paver blocks were evaluated for physical and engineering properties such as water absorption and abrasion resistance tests and it is conforming to IS 15658: 2021. The optimized composition based Geopolymeric concrete is also developed, and it is observed that maximum compressive strength is found to be 38.30 MPa. Adopting this composition, paver blocks of maximum compressive strength 42.6 MPa have been developed. The study concluded that broken sanitary ware waste, broken tile waste can be crushed to make coarse and fine aggregate to be used in fly ash based Geopolymeric concrete and polishing dust can be used as filler and part replacement of fly ash for making Geopolymeric concrete.

Further, Leachability Studies (TCLP Testing) of Polishing Dust have been evaluated for the Toxicity Characteristic Leaching Procedure (TCLP) to determine the potential heavy metals leached into groundwater. It has been observed that all hazardous elements present are within limits according to the Permissible limit as per Schedule II (Hazardous Waste Management and Handling Rules-2016). The TCLP test have been performed for polishing dust solidified /stabilized (S/S) in fly ash based Geopolymeric matrix and results shows that all hazardous elements present are within limits according to Permissible limit as per Schedule II (Hazardous Waste Management and Handling Rules-2016), which may be associated with this heavy metal have affinity with 3D geopolymer network as well as participated a physical bonding with the binder. Cost economic calculation and present available quantum at identified sites in the Area is also reported.

Salient points of Study 2: CSIR-NEERI Nagpur for study on assessment of damage to environment and suggestion for restoration plan in Morbi-Wankaner Gujarat

The study regarding assessment of damage to environment and suggestion for restoration plan in Morbi-Wankaner Gujarat was carried out by NEERI Nagpur. NEERI Nagpur has completed the study and submitted a report. A brief abstract of the report is detailed below:

NEERI carried out sampling and monitoring of the area in terms of ambient air quality monitoring, surface water quality monitoring, groundwater quality monitoring and soil monitoring. Based on secondary data collected from the past reports submitted by the expert committee and other monitoring results, modelling based comparison of environmental impact is assessed. The sites were assessed for soil, groundwater and surface water. Analysis revealed the presence of organic compounds originating from coal tar waste in both the soil and water environment. Disposal of coal gasifier waste would have contaminated a part of the land and water environment in the industrial region. Though the deposited waste material has been removed, however, presence of organic compounds in soil and groundwater in a

few of the monitored locations were reported. Concentration of phenol, heavy metals, PAHs in some samples of soil, surface water and groundwater are reported. Similarly, exceedance of PM2.5, PM 10 based on ambient air quality is also reported.

NEERI has calculated Environmental Damage Compensation (EDC) of total amount Rupees about 43.48 Cr. considering air, water and soil components. The EDC was calculated based on the various pollution potential factors pertaining to water, air and soil. NEERI has also proposed a restoration plan for the Morbi and Wankaner area.

Salient points of Study 3: IIPH-Gandhinagar for study of damage assessment to the health.

The study of damage assessment to health was assigned to IIPH Gandhinagar. IIPH-G has completed the study and submitted a detailed report. A brief abstract of the report is detailed below:

The study was conducted through primary data collection and secondary data collection, stakeholder consultation and awareness session on public health effect assessment, assessment of amount towards health etc. Various studies have proved that the exposure to coal gasifiers can result in both acute and chronic health effects. Acute health effects include respiratory irritation, coughing, and chest pain. Chronic health effects include chronic bronchitis, emphysema, heart disease and lung cancer.

Comprehensive data on various aspects of the ceramic industry, including production processes, materials used, working conditions, and occupational health and safety practices were collected through surveys. The survey yielded valuable insights into the prevalence of coal gasifier usage in the industries and its effects on workers. The health status survey was done of industrial workers who were currently working in the ceramic industry and had a work history during the period of coal gasifier usage. This particular group of workers was targeted because they might have been exposed to specific health risks associated with coal gasifier usage. Concerned specialist doctors were involved in conducting the check-up.

Analysis of the Air Pollution Data (2016 to 2023) shows a clear increasing trend in some of the parameters of air pollutants values including PM2.5, during the coal gasifier period. Industrial worker's health assessment and survey of available 80 workers who had worked in the coal gasifier period reported for the health assessment and survey. The findings clearly indicate that coal gasifiers had a negative impact on the health of the workers. In addition, Community survey revealed respiratory-related health issues, asthma, breathlessness, chronic cough and tuberculosis in the small number of participants residing in the industrial areas, while same health ailments were not reported from the non-industrial areas.

The report represents the best possible optimization based on the available secondary data. The coal gasifiers were operational in the past, but currently, IIPH-G lacked monitoring or measurement data for deviations. Given this limitation, IIPH-G has analysed all the scientific parameters available with them. According to the presentation, Acute respiratory infection (ARI) cases were higher between 2017-2019 in Morbi and Wankaner Talukas (industrial areas) coinciding with the peak period of coal gasifier use. Further the ARI

cases in the ceramic industry area were much higher than the non-ceramic industry area. A considerable surge was observed in 2017 (48.3/1000) and continued to rise in 2018 (47.2/1000) and 2019 (54.2/1000).

The reported findings highlight the potential health impacts of Ceramic industrial activities in the region, and underscore the importance of monitoring and addressing environmental and public health concerns in these areas. In the Silicosis survey of Morbi district carried out by the Health Department, 15.45% were found to be experiencing respiratory distress.

The cost of damage to the health has been calculated based on modelled health impact from other published research work, which comes to Rs 69.88 crores towards premature PM2.5 mortality for 2 years when the PM 2.5 levels were above the national standard. Lastly, have added 10% to total cost towards the cost of health care on account of morbidity and related productivity loss. This amounts to INR 6.98 crore for two years in reference (World Bank, 2016). The total cost of public health damage, hence, is estimated to be INR 76.86 crore for the coal gasifier used period due to increased PM2.5 in Morbi and Wankaner. There are industries of different capacities in these regions and hence their contribution in emissions of PM2.5 will vary from industry to industry depending on their capacity of production. Therefore, the damage compensation needs to be divided proportionate to this.

Total Cost Assessment

The total cost towards environment damage, health damage was assessed through the expert institutes NEERI-Nagpur and IIPH-Gandhinagar respectively. In addition, study for utilization of reuse of inert broken tiles, sanitary wares & polishing dust/slurry was carried out through an expert institute, AMPRI-Bhopal. The total cost of three studies was initially paid by GPCB to CPCB and it accounts to Rs. 2,13,31,760 (Rs. Two Crores Thirteen Lakhs Thirty One Thousands and Seven Hundred Sixty only) as per tripartite MOU. However, the total expenditure towards these studies is Rs. 1,70,59,676 (Rs. 40,79,676 by AMPRI, Rs. 53,10,000 by NEERI and Rs. 76,70,000 to IIPH-G).

The damage cost assessed by NEERI is about Rs. 43.48 Crores and IIPH-G is Rs. 76.86 Crores. Thus, total assessment cost towards environment and health is Rs. 120.34 Crores as assessed by NEERI and IIPH-G. The total amount towards the cost of studies of all three institutes is about Rs. 1.71 Crores.

Thus, the total amount towards the cost of studies and damage assessment cost is about Rs. 122.05 Crores which is to be considered as damage compensation to be levied from industries with coal gasifiers.

Methodology of distribution of Compensation:

The committee had a detailed discussion about the distribution of the damage compensation under the Chairmanship of Oversight Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court. Further, committee also referred to Para 18 of the Hon'ble NGT order dt. 06.03.2019 where Chapter 6 of the report of

February 2018 that represents the conclusions and the recommendations for the study has been referred along with Para 19 to consider industries as a non-compliant industry. Point number 6.3 of the same is as follows:

6.3 Industrial visits and compliance aspects:

Ease of handling waste leads to its categorization based on physical state i.e. solid, liquid and gaseous. At Morbi, ceramic industries are generating and discharging waste in all the three states. Solid waste are visible and can be managed if space for its disposal is provided and the existing solid waste management rules are followed. Coal tar generated in gasifier is illegally used in combustion activity thereby causing air pollution as in the entire Morbi industrial area. While using coal tar in combustion, air pollution control device are not installed, thereby releasing pollutant in the atmosphere. There are several emission points like, spray drier, kiln emission, evaporator emission etc. Therefore, the issue of air pollution in Morbi is very serious and alarming. Liquid waste i.e. mostly condensate wastewater from gasifier and polishing waste from vitrified tiles are not disposed after treatment. In fact the condensate wastewater from gasifier cannot be treated economically and therefore the technology of gasifier needs to be upgraded so as not to generate wastewater and tar. Previous committee (expert committee -2014) has suggested some modifications in the existing coal gasifiers including recycling the condensate wastewater through evaporator to achieve zero liquid discharge. Accordingly, GPCB provided amended CCA for such gasifiers, which is presently termed as Type 'E' gasifier. Another committee (NGT 2015), recommended for excess wastewater (after evaporation) to be incinerated which is part of notification published by GPCB in August 2017, but till date the industries are not sending excess wastewater to any common incineration facility for disposal of wastewater and common incineration facility not developed. However, it is found that such measures do not solve the wastewater problem and therefore this committee recommends to overrule any such provision of wastewater recycling in the moving bed coal gasifier (up-draft existing gasifiers) and incineration of excess wastewater.

In total, 432 industries visited, 411 industries were found to have coal gasifier and the remaining 21 were using PNG for operating the ceramic industry. There are 384 Type 'B' gasifiers visited, 69 gasifiers are without CCA & therefore illegal and 315 with valid CCA. Out of 384 type 'B' gasifier, 130 gasifiers were not operational and 254 gasifiers were operational where 2 does not have evaporator installed, 96 were not operating evaporator, and 85 were releasing steam of evaporator in to the atmosphere (more than 50 % operational evaporator). There are 73 type 'B' gasifiers that have provision/practicing direct scrubbing of raw synthetic gas by addition of water pipe line/recirculation line. There are 133 gasifiers that have contaminated cooling water and 32 gasifiers

were found to be discharging wastewater inside/outside the premises. **All these actions make them non-compliant.**

71 industries have exhibited recycling of condensate wastewater in the gasifier shell during the visit of committee members, however, it is not possible to continue such practice for long time due to reasons as elaborated in Chap-2. Therefore, the compliance condition stipulated by the GPCB based on the earlier committee's recommendations is not maintainable and should be cancelled. Regarding management of coal tar generated from coal gasifier, there is large gap between coal tar generation and its authorized use as fuel. A very large quantity of coal tar is illegally used as fuel. By & large, storage, handling & transportation of coal tar is not as per HWM Rules.

There are other difficulties /issues by the industries in handling present coal gasifiers like small scale operations, local suppliers /manufactures of gasifiers without proper Material of Construction (MoCs), without proper operational control, leakages of tar /wastewater, fugitive emissions /smell from open wastewater /tar tanks in the area, industries casual approach for operation of gasifiers, large number of industries /gasifiers in limited area concentrating pollution /safety risks, enforcement difficulties i.e. day to day check on illegal operations not possible with limited manpower and local interferences. Further, other non-compliances observed during industry visits which are elaborated in (chapter-5).

All type 'B' coal gasifiers should be shut down immediately and dismantled, irrespective of whether it is complying with the consent condition or not. The plant premises should be cleared of wastewater and tar, else it should be considered as violation.

The summary of industrial visits with observations is submitted to GPCB. Action should be initiated by GPCB on industries that are operating illegally in the Industrial area of Morbi as per orders (dated 24.07.2017 & 14.11.2017) of Hon'ble NGT, Pune. Majority of gasifiers including almost all type-B gasifier with valid CCA visited by the teams and made observations/conclusions and further visits may not influence the observations/conclusion in any way as the issues related to type-B gasifiers are similar in nature. GPCB should further identify all such gasifiers (with CCA & without CCA) and shut them down.

Initiation by the gasifier operators on incineration of wastewater or its bio-chemical treatment should not be considered as a reason for permitting them to operate it further.

Most of the medium term measures (to be taken up by Ceramic Industries Association) mentioned in the Gujarat (2014) such as Spray dryer study (adequacy for spray dryers, suggestions on addition/alterations to meet norms etc.), implementation of suggested additions/alteration to APCD by member industries within three months, solid waste management, improvement of

roads to improve the ambient air quality etc. by industry association(s) are yet to be fulfilled. As per the information provided by the GPCB, five industrial accidents reported in last two years related to gasifier and therefore safety aspects needs to be seriously considered by concerned department.

Till clean technology gasifier demonstrated, available PNG may be used to avoid any environmental issues/damage which are being created due to mismanagement, illegal disposal of tar and wastewater generated from existing gasifiers.

New advance fluidized bed clean technology gasifiers that does not generate condensate wastewater and tar should be encouraged. Such gasifier should be approved for its material of fabrication, all temperature and pressure measuring gadgets, automated monitoring and control system by Directorate of Industrial Safety & Health (DISH) for authorized installation in Morbi.”

Para 19 of the Hon’ble NGT order dt. 06.03.2019 has also been referred and reproduced hereunder:

Para 19:

Thus, as per the above expert study, type A, B, C, D and E coal gasifiers are not viable. If the ceramic industries are to be permitted, their option is to adopt Pipe Natural Gas (PNG). The final conclusion is as follows:

“Even if condensate wastewater and coal tar is generated from gasifiers in small amount in Morbi — Wankaner Industrial cluster, its cumulative impact on the ecosystem is very severe as there are very large number of ceramic industries exists. Management and handling of wastewater and hazardous waste (coal tar) from all industries together exceeds the assimilative capacity of the region and therefore any gasifier generating condensate wastewater and coal tar should not be permitted. Instead of further experimenting with older moving coal bed gasifiers (currently existing in Morbi), advanced fluidized bad gasifier should be designed along with all pollution control device for meeting the clean energy demands in Morbi region.

Till a cleaner technology for synthetic gas generation is demonstrated, ceramic industries having gasifiers may opt for PNG. Natural gas grid /pipe connections are already established in area and most of industries are having connections.”

The interim report (April 2019) of the committee also noted that “since this waste disposal cannot be attributed to particular responsible unit(s), it should be a collective responsibility of all ceramic industries having gasifier units (568 out of 952 industries visited during the period March 13-31, 2019) of the area. The gasifiers were installed in the ceramic industries for different time/periods ranging from few months to few years before hence; in order to

calculate the number of days of violations, it would be appropriate to calculate the number of days of violation for each unit based on the date of commissioning of the gasifier”.

Thus, the committee is of the opinion that such damage compensation shall be attributed to all 606 industrial units identified by the GPCB. It is evident that identified industries having coal gasifiers from which compensation is to be levied are categorized as small, medium, and large-scale industries based on their investment and therefore it appeared to committee not just to consider them at par when determining the levy of damage compensation. The financial capacity, operational scale, and impact by each category of industry may also differ significantly. To impose an equal levy on all industries would be inequitable, as it fails to account for these disparities. Therefore, a methodology for an equitable distribution of compensation, tailored to the specific size, capacity of the gasifier for which GPCB has a reliable data would help to ensure that the burden is shared fairly and justly accordingly.

Further, in light of the absence of concrete, readily available data/evidences on the factual number of days-hours of operation of the gasifier(s), the actual quantity of production taken, the actual quantity of gas consumed, the actual quantity of coal consumed for each identified industry for the period of the possession of the gasifier(s) by each of the identified industry, it becomes challenging to accurately determine the individual shares of compensation based on precise operational metrics. Considering this limitation, it is both fair and reasonable to consider alternative factors, such as the capacity of the gasifier and the scale of the industry, as a basis for determining the equitable share of the compensation. By utilizing these factors, a more balanced and equitable approach can be achieved while also acknowledging the practical constraints posed by the unavailability of precise operational data of individual industries.

In line with the recommendation in the interim report (April 2019) of the committee; based on the scrutiny of files & records GPCB earlier had identified 606 industrial units which have installed coal gasifier & liable for the payment of this interim EDC. Earlier, therefore, directives were issued by GPCB for deposition of interim EDC to these industrial units. The same set of industrial units are required to pay compensation for this amount as calculated by concerned institutes too based on number of days of possession/operation of the gasifier.

Therefore, in light of above oversight committee decided for the equitable distribution of compensation as per the following scaling factor which is based on the range of the coal gasifier capacity, scale of each industry and number of year the gasifier is in possession/operation besides the factor of number of days has been adequately addressed during calculation of EDC by respective institutes. This is the most rational and logical approach in such a situation.

Factor Capacity of the coal gasifier (producer gas in SCM/Day)	Scale of Industry		
	Small	Medium	Large
<= 50000	0.8	1.0	1.2
50001 to 100000	1.0	1.15	1.25
> 100001	1.2	1.25	1.3

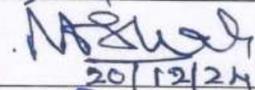
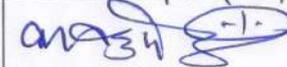
Thus, the formulae for the equitable division of compensation to be levied from each of the identified industry will be:

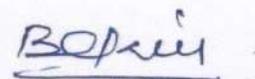
$$\text{Compensation to be levied from individual industry} = \left(\text{Total Compensation (TC)} \right) \times \left(\frac{\text{Factor days of the respective group (FD}_G\text{)}}{\text{Total Factor days of the all group } (\Sigma \text{FD})_G} \right) \times \left(\frac{\text{Days of possession/operation of gasifier by the individual industry (D)}}{\text{Number of days of possession/operation of gasifier for respective group (D}_G\text{)}} \right)$$

Where,

- (1) Factor days for each group = Total number of days of possession/operation of gasifier(s) within each group identified by the scale of industry (small, medium, large) and capacity of the coal gasifier (producer gas in SCM/Day) multiplied with the corresponding factor as mentioned above in the table

Accordingly, the compensation to be levied from individual industries having coal gasifier(s) is attached at **Annexure 2**.

No.	Name	Institute	Signature
1	Amit Thakkar	Scientist E CPCB, New Delhi	
2	N. A. Shah	Environment Engineer GPCB, Gandhinagar	 20/12/24
3	Dr. K. V. George	Chief Scientist & Head, Air Pollution Control Division, CSIR-NEERI, Nagpur	


Chairman – Oversight committee

Justice B.C. Patel, Former Chief Justice of Delhi High Court and former Judge of Gujarat High Court

ANNEXURE-1

Item Nos. 03 to 21

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**Original Application No. 20/2017 (WZ)
(M. A. No. 344/2017 & M. A. No. 91/2018)

WITH

Original Application No. 42/2017 (WZ)

WITH

Original Application No. 06/2019 (WZ)

WITH

Original Application No. 07/2019 (WZ)

WITH

Original Application No. 08/2019 (WZ)

WITH

Original Application No. 09/2019 (WZ)

WITH

Original Application No. 10/2019 (WZ)

WITH

Original Application No. 11/2019 (WZ)

WITH

Original Application No. 12/2019 (WZ)

WITH

Original Application No. 13/2019 (WZ)

WITH

Original Application No. 14/2019 (WZ)

WITH

Original Application No. 15/2019 (WZ)

WITH

Original Application No. 16/2019 (WZ)

WITH

Original Application No. 17/2019 (WZ)

WITH

Original Application No. 18/2019 (WZ)

WITH

Original Application No. 19/2019 (WZ)

WITH

Original Application No. 20/2019 (WZ)

WITH

Original Application No. 21/2019 (WZ)

WITH

Original Application No. 22/2019 (WZ)

Babubhai Ramubhai Saini

Applicant(s)

Versus

Gujarat Pollution Control Board & Ors.

Respondent(s)

With

Babubhai Ramubhai Saini Applicant(s)

Versus

Gujarat Pollution Control Board & Ors. Respondent(s)
With

Lexicon Ceramic Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Glossy Tiles Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Active Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Saimax Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Kevin Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Erocoin Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With
Acute Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Leviton Ceramic LLP Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

G. Tone Tiles LLP Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Levita Granito LLP Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Hollis Vitrified Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Lizzart Granito LLP Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Lichi Ceramic Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Wallstone Ceramic Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Alive Tiles Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Stream Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

With

Harisun Ceramic Pvt. Ltd. Applicant(s)

Versus

Central Pollution Control Board & Ors. Respondent(s)

Date of hearing: 06.03.2019

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

For Applicant(s): Mr. Dhaval Vyas, Advocate (in O.A. 20/2017(WZ))
Ms. Manisha Narsinghani, Advocate (in O.A. 42/2017(WZ))

For Respondent (s): Mr. S.P. Singh, Senior Advocate with Mr. Pritesh khambhol, Advocate for Ceramic Industries
Jayesh K. Unnikrishanan, Standing Counsel for CSIR
Anil Kumar, Scientist, CSIR for CSIR - NEERI
Mr. Raj Kumar, Advocate for CPCB
Mr. Viral Shah, Advocate for GPCB
Mr. B.M. Mangukiya, Advocate
Ms. Bela Aprajapati, Advocate

Mr. Siraj R. Gori, Advocate for R-15 and Applicant in
M.A. No. 30/2019
Mr. Rahul Andhale, Advocate for CPCB
Mr. Rahul Garg and Ms. Prachi Sawant, Advocates for
MoEF&CC

ORDER

1. The issue for consideration is remedying the pollution in Morbi town of Gujarat on account of the operation of Ceramic, Silicate and Frit industries. The issue came up before this Tribunal by way of Original Application No. 21 of 2015 (WZ) filed before the Western Zone Bench at Pune. Prayer in the application was to close the coal based gasifiers used by industrial units in and around the town of Morbi and ensure that the said industries follow terms of 'Consent of Consolidated Authorization' (CCA) by the Gujarat State Pollution Control Board (GSPCB) and the directions of the Central Pollution Control Board (CPCB) vide letter dated 21.06.2014.
2. The Tribunal dealt with the matter vide order dated 08.09.2015. The Tribunal noted the judgment of the Gujarat High Court dated 23.06.2014 in a group of writ petitions being Writ Petition (PIL) No. 165 of 2013 directing the industries to follow new norms laid down by the CPCB. The order of the High Court was affirmed by the Hon'ble Supreme Court on 22.07.2014 and 14.02.2015. The Tribunal considered the grievance that inspite of order of the High Court and the Hon'ble Supreme Court, the pollution continued unabated. Only LNG or CNG should be used as fuel instead of coal gasifiers. Stand of the industries was that modified and improved technology had been adopted and, thus, there could be no objection to the industries continuing to operate after the use of new technology.

3. The Tribunal constituted an Expert Committee comprising representatives of CPCB, GPCB and Head of Department (HoD), Environment Engineering Department of M.S. University, Baroda to evolve the parameters for coal-gasifiers which could meet the standards and directed that the matter be dealt with by the GPCB in the light of such report.
4. Against the said order, the applicants moved the Hon'ble Supreme Court. In the meanwhile, report dated September 2016 was submitted by the CPCB based on the spot study. The Hon'ble Supreme Court vide order dated 16.01.2017 in C.A. No. 584/2016 gave liberty to the applicants to place the additional material before this Tribunal to reconsider the matter. Accordingly, present Original Applications No. 20/2017(WZ) and 42/2017(WZ) have been filed before this Tribunal.
5. The same came up for hearing earlier on 24.07.2017 to consider the issue with reference to use of coal gasifiers in Morbi and Wankaner industrial clusters. The Tribunal considered the report produced by the CPCB and other material. It was found necessary to constitute a Committee comprising Senior Scientists from CPCB, GPCB and NEERI to carry out investigation of the industries in Morbi and Wankaner industrial cluster and submit environment status report of the area, after examining recommendations of the earlier Expert Committee on coal based gasifiers. It was directed that the coal gasifier units not conforming to the standards laid down by GPCB be shut down within two months.

6. Report of the Committee was furnished in October 2017 which was taken up for consideration on 14.11.2017, but the report was found to be incomplete, as only 8 ceramic industries were visited. Accordingly, this Tribunal directed the Committee to file complete environment status report. The Tribunal also directed the GPCB to file report of action taken against the erring units and to shut down ceramic industries using type B gasifiers in violation of consent terms, in view of the report of the Expert Committee that type B gasifiers are non-compliant and only C, D, E gasifiers were to be considered. The matter was adjourned to 16.01.2018.

7. Since on 16.01.2018, no Bench of NGT was available at Pune, *Special Civil Application No. 6151/2018, Digvijay Sinh Parbat Sinh Rana Vs. State of Gujarat* was filed before the High Court of Gujarat. The High Court took note of order of this Tribunal dated 14.11.2017 directing the GPCB to shut down ceramic industries using type B gasifiers and the grievance that other gasifiers should also be shut down. The High Court framed and considered the following issue:

“8. The issue involved in the present petition is damage to the environment, both air and water, by the ceramic industries in Morbi - Wankaner region due to use of coal gasifiers, more particularly, Type-A and Type-B gasifiers. It cannot be disputed that as such, because of Type-A and Type-B gasifiers, there is a great damage being caused to the environment which as such is irreparable and irreversible. The National Green Tribunal (Western Zone), Pune, in its interim direction/order dated 14.11.2017 after considering the report of the Committee comprising Senior Scientists, one each from the Central Pollution Control Board, Gujarat Pollution Control Board and National Environmental Engineering Research Institute, Nagpur (NEERI), which was constituted to carry out investigation of all the industries situate within Morbi and Wankaner Industrial Cluster, has already issued the directions and has directed the GPCB to (i) place before the NGT the action taken against the erring units and (ii) shut down ceramic industries / industries using Type 'B' gasifiers, if they are not complying with the consent terms and conditions as stipulated for grant of consents to

operate by GPCB. The learned Tribunal has also directed the Committee shall continuously monitor the performance of the industrial units employing any of the Type-C, D and E gasifiers and ascertain its effect on all aspects of pollution and safety.”

8. The High Court noted that no Bench was available at Pune and urgent orders were necessary which could be granted by the High Court under Article 226. Accordingly, the High Court, vide order dated 12.06.2018, directed as follows:

“16. In view of the above and for the reasons stated hereinabove, the present petition stands disposed of with a direction to the GPCB to take further steps as stated in the affidavits-in-reply dated 30.04.2018, 08.05.2018, 10.05.2018, filed on behalf of the GPCB. As observed hereinabove, the steps shall be taken by the GPCB only with respect to those ceramic industries/ industries using Type-B gasifiers if they are not complying with the consent terms and conditions as stipulated for grant of consents to operate by GPCB and all steps shall be taken by the GPCB to ensure that no further damage is caused to the environment by such ceramic industries/ industries in Morbi - Wankaner cluster/ region using Type-B gasifiers. So far as those ceramic industries/ industries using Type-A gasifiers are concerned, as stated by GPCB, all those industries are closed and closure orders have been passed and even the electricity supply has been disconnected.

17. Before parting with the present order, it is observed that as suggested on behalf of respondent No. 7 - Association, the GPCB may explore the possibility of permitting the ceramic industry to use new technology, which is "advanced oxidant process with provided as Lineus based on Singaporer technology" for which one of the members of respondent No. 7 - Association has applied for CTE (amendment) on 03.05.2018 and the GPCB to consider the request to provide the trial run of the new technology after following due procedure as required and explore the possibility / availability of such new technology which may help to some extent in stopping further damage to the environment which is being caused at present by using Type-B gasifiers - coal based gasifiers.”

9. In pursuance of order of the Tribunal dated 27.07.2017, a report has been filed in February 2018. The same was not produced before the High Court as order dated 14.06.2018 passed by the High Court makes no reference to the same.

10. The applicants have filed point-wise synopsis on 03.01.2019. Relying upon report of the Committee constituted in pursuance of order of the Tribunal dated 24.07.2017 filed before this Tribunal in February 2018, the applicants submit that not only type A industries which were noted to have been closed and type B industries where coal gasifiers were not viable, even type C and type D industries could not be continued.
11. According to the applicants, the claim of the manufacturers that now there is improvement in coal gasifiers with zero percentage pollution discharge may not be considered by this Tribunal in view of Expert Committee report in February 2018. Coal gasification is a dangerous process where wastes are generated which are highly carcinogenic. Daily coal tar generation in Morbi has been found by the Committee to be 8 lakh kg per day. Its effect has been noted by the International Agency for Research on Cancer (IARC) which is part of World Health Organization (WHO) as causing cancer of lungs. Accordingly, the applicant seeks direction to shut down and dismantle all gasifiers in furtherance of above report submitted in February 2018 in respect of ceramic industries in Morbi and Wankaner area of Gujarat with a view to prevent air, water and land pollution on 'Precautionary' and 'Sustainable Development' principles.
12. Learned Counsel for the GPCB submitted that while it will be difficult for him to state that the coal gasifiers are not causing pollution as found by the Committee, the improved technology may be given further trial and to the extent any particular activity is found to be compliant with the norms, such activity may be allowed to be continued.

13. He also mentioned that another Writ Petition is pending before the High Court. It was submitted that GPCB has prepared a policy for defaulter ceramic units. While type A gasifiers have been closed, notice has been issued to 860 ceramic units in April 2018 for closure. Public notice has been issued in three vernacular newspapers for creating awareness. Type G gasifiers were given trial run permission. 67 units were closed and show cause notice given to 262 ceramic units. Trial permission was given for carrying out feasibility study of advanced technology. SOP was issued for prevention of air pollution on 05.06.2018. CCA was granted on 09.02.2018 on the request of Ceramic Association. The Morbi District Administration issued notification against movement of illegal tankers from 10 pm to 6 am. Ambient air quality was monitored and found to be as follows:

“Ambient Air Quality Status:

As per National Green Tribunal committee report average ambient air quality (7 Stations) monitored PM10 = 552.66 $\mu\text{g}/\text{m}^3$, PM2.5 = 289.61 $\mu\text{g}/\text{m}^3$, SO₂ = 152.81 $\mu\text{g}/\text{m}^3$.

Compared to that, Average ambient air quality monitored (4 Stations) in last 3 months (Aug- 18 to Nov-18) is PM10 = 199.1 $\mu\text{g}/\text{m}^3$, PM2.5 = 60.6 $\mu\text{g}/\text{m}^3$. Though not meeting with standards, This shows improvement in air quality of Morbi-Wankner Region.”

14. Learned Counsel for the GPCB stated that the above ambient air quality status is based on situation prevailing from August 2018 to November, 2018.
15. One can certainly say that the above report shows alarming situation of ambient air quality.
16. Learned Counsel for some of the industries submitted that there is a vast difference in the report submitted in February, 2018 on account

of results of SGS Laboratory which show the level of pollution to be very high. There are 800 industries in Morbi and Wankaner area and transportation of 5,000 trucks per day which is contributing to the pollution of the air where are other industries such as clay spray driers, paper mills, silicate industries, stone crushers, roofing tiles, coal screener, laminate units, frit industries, refractories, etc. working for 20 hours per day. The said industries are also contributing to the water and air pollution and not ceramic industries alone. The Consolidated Consent Authorization has been given by the GPCB and short term and medium term measures can be taken for upgradation of the gasifiers.

17. We have not been able to find any warrant for Consolidated Consent Authorization in view of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. Consent to Operate and Consent to Establish have to be given to every individual unit based on the study of its operations and impact on water and air. Thus, it appears that the Consolidated Consent Authorization is per se beyond what is permitted under the law. The said industries are, thus, operating in violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

18. Chapter 6 of the report of February 2018 presents the conclusion and the recommendations for the study, which is as follows:

“Chapter 6

Conclusions and Recommendations

6.0 Introduction

This chapter presents the conclusions and recommendations based on the study at Morbi - Wankaner industrial area, environmental monitoring, inspection of ceramic industries, gasifiers and discussion with different stakeholders.

6.1 Examination /Evaluation of Gasifier Technologies

Type 'A': There are 13 type 'A' gasifiers were found during the inspection by the committee. These gasifiers were not in operation. Some of them were not in operation since long, however, some gasifiers were found with wastewater and tar which shows these gasifiers were operational in immediate past. Since, this type of gasifiers are not permitted, GPCB must ensure that all type 'A' gasifier should be dismantled.

Type 'B': Earlier expert committee (2014) suggested that type 'B' gasifier can be permitted to operate if the wastewater generated during gas cleaning / condensation is recycled back to the gasifier shell by the use of evaporator. Accordingly, GPCB granted amended CTE / CCA for the operation of type 'B' gasifiers. However, this committee finds that type 'B' gasifier cannot be operated by recycling condensate wastewater in the gasifier shell as the condensate wastewater generated is in excess of the required moisture for shift reaction. This is the reason, almost all type 'B' gasifier operators illegally discharge wastewater either through open drain, in low lying areas, abandoned mines etc. and /or steam release to atmosphere. During the inspection of industries, it was found that there are 71 gasifiers that operate evaporator and feed wastewater steam inside the gasifier shell. This can only be a temporary phenomenon as complete wastewater cannot be fed on continuous basis. These gasifiers can discharge condensate wastewater outside the premises illegally and it is not possible for GPCB to keep track of the wastewater generated and its recycle. An argument put forth is that the evaporator operates only for a few hour and feed the complete steam inside the gasifier shell. Such argument does not stand as the condensate wastewater generation is a continuous process and even if intermediate tanks of very large capacity is built, all will get filled at some instance during the operation of gasifier. Therefore, this committee recommends that all gasifier of type 'B' must be shut down immediately, dismantled safely.

Type 'C': Condensate wastewater with indirect cooling and Tar (Wet ESP) is stated to be recycled into gasifier shell by heating it at high temperature in the Tar reformer. The recycling operation is carried out on the premises that the moisture fed inside the gasifier shell will be the stoichiometric requirement of amount of coal tar recycled. The coal tar generated itself is an emulsion of water and coal tar due to its collection mechanism (Wet ESP). The moisture content of coal tar should be sufficient to take part in the shift reaction and any additional moisture may not be needed. The condensate wastewater will be recycled again in the subsequent condensation and this in turn will

accumulate the wastewater in the gasifier system as happens in the case of type 'B' gasifier. Thus, after a few days of operation, type 'C' gasifier will generate and accumulate condensate wastewater, which does not have economical treatment option, and therefore its management will always be major issue. Generation of condensate wastewater and coal tar is not recommended.

Type 'D': This is hot gasifier and does not allow condensation of moisture up to kiln. The entire moisture is fed in the kiln. Since this is a hot gasifier, coal tar does not get condensed and is fed directly to the kiln. This was evident from the colour of the flame, which was yellow / orange. A clean producer gas gives blue flame. Raw gas cleaning through road metal/aggregates (kapachi) filter generates large quantity of exposed/used aggregate filter media. Huge quantum of Filter media coated with tar and coal dust whose disposal may be another environmental issue. High molecular weight (class 5) coal tar gets condensed just before the kiln burner and gets solidified as soon as its moisture is evaporated. Solid coal tar cannot be fed from the bottom of the shell. If solid coal tar is fed from the top, it gets vaporized and again reappear in the raw synthetic gas thereby accumulating coal tar in each successive cycles. Type D' gasifier will have the problem of solid coal tar and disposal of large quantity of used contaminated aggregates. Generation of coal tar and contaminated filter media (aggregate) from gasifier is not recommended.

Type 'E': is based on down draft and agro based fuel where no cooling and cleaning of gas is required and therefore no wastewater and tar generation. Bio-mass based fuel does not generate heavy hydrocarbon, and therefore Tar, which is heavy hydrocarbon is not formed. Steam is not added in the gasifier, instead moisture of bio-mass is considered sufficient for H₂ formation. Due to very low amount of moisture feed, wastewater is not generated.

Even if condensate wastewater and coal tar is generated from gasifiers in small amount in Morbi — Wankaner Industrial cluster, its cumulative impact on the ecosystem is very severe as there are very large number of ceramic industries exists. Management and handling of wastewater and hazardous waste (coal tar) from all industries together exceeds the assimilative capacity of the region and therefore any gasifier generating condensate wastewater and coal tar should not be permitted. Instead of further experimenting with older moving coal bed gasifiers (currently existing in Morbi), advanced fluidized bed gasifier should be designed along with all pollution control device for meeting the clean energy demands in Morbi region.

Till a cleaner technology for synthetic gas generation is demonstrated, ceramic industries having gasifiers may opt for PNG. Natural gas grid / pipe connections are already established in area and most of industries are having connections.

6.2 Environmental Status of Morbi - Wankaner Area

The general ambience of Morbi — Wankaner industrial cluster is smell of half burnt coal, VOC, SO₂ and poor visibility due to dust and smog. The committee visited different areas along the roads of Morbi - Wankaner and collected sample of surface and ground water. It was observed that most of the storm water drains in the industrial area are carrying condensate wastewater (brown colour) and vitrified tile polishing wastewater (white colour). All these storm water drains join some natural drains and finally meets Kalindri and Bela river in the region. Many low lying areas along the road and nearby abandoned mines contain condensate wastewater, which is disposed illegally. Further travel to inner part of the industrial area showed the very poor industrial solid waste management practice. Wherever open space is found along the river, solid waste, broken tiles, ceramics, polishing sludge etc. are disposed haphazardly. Overall visual experience of the industrial area is that Morbi industrial area is highly polluted and is an economic zone only to create wealth from mother earth (clay, coal) but belongs to none.

Though the visible water colour suggest that it is polluted, a scientific approach require its analysis in laboratory, and therefore, to quantify the level of pollution samples of air and water were collected from field and analysed in the laboratory. Water analysis result suggest that the discharged wastewater is highly polluted. The ambient air samples collected by the committee and analysed in CPCB (RD, Vadodara) laboratory shows very high & alarming level of PM₁₀, and PM_{2.5} and SO₂ pollution indicating uncontrolled emission from spray drier, ceramic kiln without any flue gas treatment. The concentration of PM₁₀, and PM_{2.5} and SO₂ are exceeding many time more than the National Ambient Air Quality Standards (NAAQS) except two locations for SO₂. The concentrations of pollutants are also more due to high industrial density having almost same nature of industrial activities in the Morbi area. This warrants immediate preparation of air action plan and its implementation including proper /adequate pollution control technology for spray dryers, tiles polishing units, restriction & control on haphazard disposal of solid waste (broken tiles, polishing dust, coal ash), improvement in road conditions etc.

The pollution control technology primarily demands use of clean technology for coal gasifier, which will eliminate condensate wastewater and coal tar generation followed by scrubbing of dust, SO₂ from spray drier and installation of flue gas treatment (scrubber) for removal of Sulphur from burning of synthetic gas in ceramic kiln. The groundwater analysis results shows contamination (high COD) at some bore wells which needs to be further investigated through state level ground water board /authority. Recently, it is informed that brownish color ground water is observed in bore well.

As per Medium term measures given by Expert Committee (Govt. of Gujarat) 2014, a study of spray dryer was to be conducted, from pollution view point, which shall incorporate survey related to the existing air pollution control devices, ascertaining the adequacy of installed system and suggesting addition /alterations to fulfil the prescribed norms within six months by environment departments of Engineering /Technical Institutes and respective Industrial Associations should bear the cost of the study. However, no action is visible at site and the status quo of pollution discharge is maintained.

6.3 Industrial visits and compliance aspects

Ease of handling waste leads to its categorization based on physical state i.e. solid, liquid and gaseous. At Morbi, ceramic industries are generating and discharging waste in all the three states. Solid waste are visible and can be managed if space for its disposal is provided and the existing solid waste management rules are followed. Coal tar generated in gasifier is illegally used in combustion activity thereby causing air pollution as in the entire Morbi industrial area. While using coal tar in combustion, air pollution control device are not installed, thereby releasing pollutant in the atmosphere. There are several emission points like, spray drier, kiln emission, evaporator emission etc. Therefore, the issue of air pollution in Morbi is very serious and alarming. Liquid waste i.e. mostly condensate wastewater from gasifier and polishing waste from vitrified tiles are not disposed after treatment. In fact the condensate wastewater from gasifier cannot be treated economically and therefore the technology of gasifier needs to be upgraded so as not to generate wastewater and tar. Previous committee (expert committee -2014) has suggested some modifications in the existing coal gasifiers including recycling the condensate wastewater through evaporator to achieve zero liquid discharge. Accordingly, GPCB provided amended CCA for such gasifiers, which is presently termed as Type 'E' gasifier. Another committee (NGT 2015), recommended for excess wastewater (after evaporation) to be incinerated which is part of notification published by GPCB in August 2017, but till date the industries are not sending excess wastewater to any common incineration facility for disposal of wastewater and common incineration facility not developed. However, it is found that such measures do not solve the wastewater problem and therefore this committee recommends to overrule any such provision of wastewater recycling in the moving bed coal gasifier (up-draft existing gasifiers) and incineration of excess wastewater.

In total, 432 industries visited, 411 industries were found to have coal gasifier and the remaining 21 were using PNG for operating the ceramic industry. There are 384 Type 'B' gasifiers visited, 69 gasifiers are without CCA & therefore illegal and 315 with valid CCA. Out of 384 type 'B' gasifier, 130 gasifiers were not operational and 254 gasifiers were operational where 2 does not have evaporator installed, 96 were not operating evaporator, and 85 were releasing

steam of evaporator in to the atmosphere (more than 50 % operational evaporator). There are 73 type 'B' gasifiers that have provision/practicing direct scrubbing of raw synthetic gas by addition of water pipe line/recirculation line. There are 133 gasifiers that have contaminated cooling water and 32 gasifiers were found to be discharging wastewater inside/outside the premises. All these actions make them non-compliant.

71 industries have exhibited recycling of condensate wastewater in the gasifier shell during the visit of committee members, however, it is not possible to continue such practice for long time due to reasons as elaborated in Chap-2. Therefore, the compliance condition stipulated by the GPCB based on the earlier committee's recommendations is not maintainable and should be cancelled. Regarding management of coal tar generated from coal gasifier, there is large gap between coal tar generation and its authorized use as fuel. A very large quantity of coal tar is illegally used as fuel. By & large, storage, handling & transportation of coal tar is not as per HWM Rules.

There are other difficulties /issues by the industries in handling present coal gasifiers like small scale operations, local suppliers /manufactures of gasifiers without proper Material of Construction (MoCs), without proper operational control, leakages of tar /wastewater, fugitive emissions /smell from open wastewater /tar tanks in the area, industries casual approach for operation of gasifiers, large number of industries /gasifiers in limited area concentrating pollution /safety risks, enforcement difficulties i.e. day to day check on illegal operations not possible with limited manpower and local interferences. Further, other non-compliances observed during industry visits which are elaborated in (chapter-5).

All type 'B' coal gasifiers should be shut down immediately and dismantled, irrespective of whether it is complying with the consent condition or not. The plant premises should be cleared of wastewater and tar, else it should be considered as violation.

The summary of industrial visits with observations is submitted to GPCB. Action should be initiated by GPCB on industries that are operating illegally in the Industrial area of Morbi as per orders (dated 24.07.2017 & 14.11.207) of Hon'ble NGT, Pune. Majority of gasifiers including almost all type-B gasifier with valid CCA visited by the teams and made observations/conclusions and further visits may not influence the observations/conclusion in any way as the issues related to type-B gasifiers are similar in nature. GPCB should further identify all such gasifiers (with CCA & without CCA) and shut them down.

Initiation by the gasifier operators on incineration of wastewater or its bio-chemical treatment should not be considered as a reason for permitting them to operate it further.

Most of the medium term measures (to be taken up by Ceramic Industries Association) mentioned in the

recommendations of the expert committee of Govt. of Gujarat (2014) such as Spray dryer study (adequacy for spray dryers, suggestions on addition/alterations to meet norms etc.), implementation of suggested additions/alteration to APCD by member industries within three months, solid waste management, improvement of roads to improve the ambient air quality etc. by industry association(s) are yet to be fulfilled. As per the information provided by the GPCB, five industrial accidents reported in last two years related to gasifier and therefore safety aspects needs to be seriously considered by concerned department.

Till clean technology gasifier demonstrated, available PNG may be used to avoid any environmental issues/damage which are being created due to mismanagement, illegal disposal of tar and wastewater generated from existing gasifiers.

New advance fluidized bed clean technology gasifiers that does not generate condensate wastewater and tar should be encouraged. Such gasifier should be approved for its material of fabrication, all temperature and pressure measuring gadgets, automated monitoring and control system by Directorate of Industrial Safety & Health (DISH) for authorized installation in Morbi.”

19. Thus, as per the above expert study, type A, B, C, D and E coal gasifiers are not viable. If the ceramic industries are to be permitted, their option is to adopt Pipe Natural Gas (PNG). The final conclusion is as follows:

“Even if condensate wastewater and coal tar is generated from gasifiers in small amount in Morbi — Wankaner Industrial cluster, its cumulative impact on the ecosystem is very severe as there are very large number of ceramic industries exists. Management and handling of wastewater and hazardous waste (coal tar) from all industries together exceeds the assimilative capacity of the region and therefore any gasifier generating condensate wastewater and coal tar should not be permitted. Instead of further experimenting with older moving coal bed gasifiers (currently existing in Morbi), advanced fluidized bed gasifier should be designed along with all pollution control device for meeting the clean energy demands in Morbi region.

Till a cleaner technology for synthetic gas generation is demonstrated, ceramic industries having gasifiers may opt for PNG. Natural gas grid /pipe connections are already established in area and most of industries are having connections.”

20. The CPCB has filed its synopsis on 05.01.2019 with reference to the said report, *inter-alia*, stating as follows:

“The Committee (NGT Committee 2017) recommended for closure/dismantling of type-A & B type of gasifiers. Type-C, Type-D and Type-E gasifiers were given trial run permission by GPCB during the visits of the committee. As there is generation of waste water and coal tar in case of Type-C and issues of tar recycling, generation & disposal of huge amount of contaminated/ exhausted filter (aggregates) media in case of Type-D gasifier, these gasifiers are not recommended by Committee. Regarding, Type-E gasifier though, its pollution potential is negligible, its output performance is inadequate to generate required heat for long kiln.

Even if condensate wastewater and coal tar is generated from gasifiers in small amount in Morbi-Wankaner Industrial cluster, its cumulative impact on the ecosystem is very severe as there are very large number of ceramic industries exists. Management and handling of wastewater and hazardous waste (coal tar) from all industries together exceeds the capacity of the region as evident from monitoring results of water bodies & ambient air and therefore any gasifier generating condensate wastewater and coal tar should not be permitted. Instead of further experimenting with older moving coal bed gasifiers (currently existing in Morbi), advanced fluidized bed gasifier should be designed along with all pollution control devices for meeting the clean energy demands in Morbi region.

Till a cleaner technology for synthetic gas generation is demonstrated, ceramic industries having gasifier may opt for PNG. Natural gas grid/pipe connections are already established in the area and most of the industries are having connections.

The ambient air quality of the Morbi-Wankaner ceramic industrial area was with high and alarming levels of PM10, PM2.5, 502. The concentrations of these pollutants are exceeding many times more than the National Ambient Air Quality Standards (NAAQS). Particulate Matters (PM) emission primarily from spray dryers, use of coal & tar (illegal) in Hot air generator, and also due to handling of raw materials such as coal, different types of clay, poor road condition and vehicular movement. SO2 from spray drier (coal fired Hot air generators), and use of synthetic gas in ceramic kiln, evaporators. The groundwater analysis results show contamination (high COD) at some bore wells which needs to be further investigated through state level ground water board / authority. Recently, it is informed that brownish color ground water is observed in bore well.

As per Medium term measures given by Expert Committee (Govt. of Gujarat) 2014, a study of spray dryer was to be conducted, from pollution view point, which shall incorporate survey related to the existing air pollution control devices, ascertaining the adequacy of installed system and suggesting addition / alterations to fulfil the prescribed norms

within six months by environment departments of Engineering /Technical Institutes and respective Industrial Associations should bear the cost of the study. However, no action is visible at site and the status quo of pollution discharge is maintained.

There is urgent need to provide adequate air pollution control devices to all the sources of air emission including spray driers, coal/clay handling systems with proper roads and solid waste management.

A meeting was convened by CPCB on 31.05.2018 to discuss the pollution matter relating to ceramic industries using coal gasifiers in Morbi-Wakaner areas of Gujarat among CPCB & GPCB. In the meeting it was discussed & recorded that as the Senior Scientists of GPCB and CPCB were part of the Committee (NGT Committee 2017), there is no question of disagreeing with any of the observations/recommendations made by the said Committee. It implies that GPCB 'has to implement the recommendation of the said Committee and considering the gravity of problem in the Morbi-Wakaner. It was informed by GPCB that consent to the Units is issued with condition to achieve the ZLD as per the recommendations of Committee earlier constituted by the Gujarat Govt. Strict action against the Units with Type A gasifier has been initiated leading to closure. Action is being taken in respect of Type B gasifier that do not meet the ZLD conditions as per the NGT order dated 14.11.2017. GPCB further informed that they have carried out fresh survey of industrial Units in compliance of an order passed by the Hon'ble High Court of Gujarat and submitted the report to the Court.

Considering that (a) the NGT Committee 2017 has recommended to use for PNG for such time till a cleaner technology for synthetic gas generation is demonstrated; (b) the natural gas grid /pipe connections are already established in the area; and (c) most of industries are having connections, GPCB was requested to take steps to implement the recommendation of using PNG."

21. In view of the above, it is clear that coal gasifiers are no longer viable. Inspection by GPCB shows high level of air pollution which is dangerous for health and environment. 'Sustainable Development' and 'Precautionary' principles are to be upheld.

22. Purpose of economic development in any region is to provide opportunities for improved living by removing poverty and unemployment. While industrial development invariably creates more jobs in any region, such development has to be sustainable and

compliant with the norms of environment. In absence of this awakening or tendency for monitoring, industrialization has led to environmental degradation on account of industrial pollution. It is imperative to ensure that steps are taken to check such pollution to uphold statutory norms. Adequate and effective pollution control methods are necessary.

23. We may also note that as per data compiled by the CPCB Morbi-Wankaner is one of the polluted industrial clusters. Vide order dated 13.12.2018 in Original Application No. 1038/2018, this Tribunal considered the subject matter of critically polluted industrial clusters and directed preparation of action plans by the respective States for remedying the situation.

24. Even though, this area is polluted but not 'critically polluted', the same may not be covered by the said order, but the fact remains that there is high amount of pollution as shown by the latest report of the GPCB quoted above in para no. 13. PM_{10} is equal to 552.66 and $PM_{2.5}$ is equal to 289.61. Stringent measures are, thus, required in the interest of protection of environment and public health.

25. Accordingly, we allow the applications and direct the GPCB to close all coal gasifiers industries and units operating with the help of coal gasifiers without prejudice to such units switching over to non-coal gasifiers or PNG or technology consistent with the above report. The GPCB must initiate immediate steps for prosecution of the industries which have operated in violation of law and recover compensation for causing damage to the environment and public health. This amount may be assessed by a Committee with representatives of CPCB, GPCB and NEERI. The CPCB will be the nodal agency for

coordination and compliance. The Committee may suggest restoration plan.

26. The Committee may give its report within one month by e-mail at ngt.filing@gmail.com.

27. The Committee may take into account the cost of reversing the damage caused and also the amount to be recovered which will operate as deterrent and render any polluting activity non-profitable.

28. To oversee the execution of this order by the GPCB, we appoint an Oversight Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court and former Judge of Gujarat High Court who is already heading an Oversight Committee constituted by this Tribunal vide order dated 16.01.2019 in O.A. 606/2018. He will also be assisted by a representative of CPCB. The GPCB will provide all logistics to Justice Patel. Any person concerned with execution of this order will be at liberty to represent to the said Oversight Committee.

29. Learned Counsel for the GPCB states that expenses incurred by the NEERI will be paid as per direction of this Tribunal within one month from today.

30. Industries have filed applications which have no merit and are not maintainable under Sections 14 and 15 of the National Green Tribunal Act, 2010. Same is the position with regard to the applications of the manufacturers.

All the applications stand disposed of accordingly.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 06, 2019
Original Application No. 20/2017 (WZ)
(M. A. No. 344/2017 & M. A. No. 91/2018) and other
connected matters
DV&AS



ANNEXURE-H
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ANNEXURE-2

Sr.No	GPCB ID	Name of the Industry	Numbers. of Gasifier (1/2/3)	Date of Installation (for each Gasifier)	Duration	Days	Producer Gas Quantity	Scale of the Industry	Compensation to be levied from each of the indentified industry in Rs.
1	19488	Deepsun Ceramic	1	18/6/2009	6/3/2019	3548	77500	Small	4506656
2	19447	Captain Ceramic Pvt Ltd.	1	8/7/2009	6/3/2019	3528	120000	Small	5377502
3	49917	Latigres Vitrified Pvt Ltd	1	4/5/2016	6/3/2019	1036	100000	Large	1644904
4	19738	Kalyan Glazed Tiles	1	30/10/2013	6/3/2019	1953	50000	Large	2976832
5	36711	Bej Ceramic,	1	3/12/2012	6/3/2019	2284	50000	Medium	2901128
6	26705	Comet Ceramic Pvt.Ltd.	1	22/7/2013	6/3/2019	2053	100000	Large	3259641
7	24197	Xpert Ceramic	1	29/10/2013	6/3/2019	1954	50000	Small	1985571
8	49096	Emboza Granito P. Ltd.	1	12/8/2016	6/3/2019	936	100000	Large	1486129
9	19749	Kaveri Ceramics	1	16/7/2010	6/3/2019	3155	70000	Small	4007469
10	61254	LUXURICO CERAMIC LLP	1	5/2/2019	6/3/2019	29	80000	Large	46045
11	55529	Digicera Tiles Llp	1	4/1/2019	6/3/2019	61	100000	Medium	89104
12	33871	Yeshveer Ceramics,	1	9/11/2013	6/3/2019	1943	50000	Small	1974393
13	35364	Artiz Ceramics Pvt. Ltd.,	1	9/11/2013	6/3/2019	1943	50000	Small	1974393

14	32175	Affil Vitrified Pvt. Ltd.	1	30/7/2013	6/3/2019	2045	125000	Large	3376816
15	59369	IVANTA CERAMIC LLP	1	27/11/2018	6/3/2019	99	50000	Large	150899
16	35036	Max Ceramic Pvt. Ltd.	1	25/6/2013	6/3/2019	2080	50000	Large	3170410
17	32980	Oasis Vitrified Pvt.Ltd.	1	9/11/2013	6/3/2019	1943	125000	Medium	3084989
18	33235	Suzlon Ceramic	1	30/12/2008	6/3/2019	3718	50000	Small	3778071
19	20189	Super Star Ceramics	1	25/4/2013	6/3/2019	2141	120000	Small	3263388
20	20167	Subham Ceramics	1	24/8/2012	6/3/2019	2385	50000	Small	2423534
21	19511	Digital Ceramics Ltd	1	18/11/2014	6/3/2019	1569	240000	Small	2391525
22	26394	Lavish Ceramic	1	30/10/2013	6/3/2019	1953	50000	Small	1984554
23	37945	Shukan Ceramic Pvt. Ltd.,	1	16/1/2013	6/3/2019	2240	50000	Medium	2845239
24	20061	Satyam Ceramics	1	31/10/2013	6/3/2019	1952	50000	Small	1983538
25	13562	Senis Ceramic Pvt. Ltd.,	1	5/1/2013	6/3/2019	2251	50000	Small	2287369
26	33870	Lemon Ceramic Pvt. Ltd.,	1	10/10/2012	6/3/2019	2338	50000	Medium	2969719
27	34420	Fame Ceramic Pvt.Ltd.	1	5/9/2012	6/3/2019	2373	50000	Small	2411340
28	33020	Savio Ceramica Pvt.Ltd.	1	19/7/2012	6/3/2019	2421	80000	Large	3843931

29	25478	Goldcoin Ceramic(Old name:Sanjay Ceramic Industries)	1	20/5/2010	6/3/2019	3212	80000	Small	4079870
30	39985	Crown Ceramic	1	3/5/2017	6/3/2019	672	111111	Small	1024286
31	34271	Suntop Ceramics Pvt. Ltd.,	1	21/2/2009	6/3/2019	3665	50000	Small	3724215
32	62585	Sanariya ceramic LLP	1	10/10/2018	6/3/2019	147	50000	Large	224063
33	35391	Livanto Ceramic Pvt. Ltd.,	1	8/5/2013	6/3/2019	2128	50000	Large	3243573
34	18132	Kitco Ceramic	1	29/10/2013	6/3/2019	1954	50000	Small	1985571
35	36537	Fea Ceramics,	1	25/6/2013	6/3/2019	2080	60000	Large	3302510
36	36567	Hitco Ceramics(India) Pvt.Limited	1	11/11/2013	6/3/2019	1941	50000	Medium	2465451
37	23178	Pulsar Tiles	1	11/11/2013	6/3/2019	1941	50000	Small	1972361
38	19568	Foton Ceramics Ltd	1	10/10/2012	6/3/2019	2338	60000	Small	2969719
39	27164	Optelceramicspvt.Ltd.	1	18/5/2010	6/3/2019	3214	50000	Small	3265928
40	40072	Snow Ceramics(Old Name:Kohinoor Ceramics)	1	23/8/2012	6/3/2019	2386	111111	Small	3636826
41	33815	Leo Ceramics	1	18/4/2009	6/3/2019	3609	50000	Small	3667310
42	20041	Saheb Ceramics	1	14/2/2012	6/3/2019	2577	50000	Small	2618636
43	32904	B Son Ceramic	1	9/5/2013	6/3/2019	2127	50000	Medium	2701707

44	37947	Active Ceramic Pvt. Ltd.,	1	28/3/2012	6/3/2019	2534	50000	Small	2574942
45	19563	Favourite Ceramics Pvt. Ltd.	1	11/11/2013	6/3/2019	1941	50000	Small	1972361
46	19557	Face Ceramics Ltd.	1	26/9/2012	6/3/2019	2352	60000	Medium	3435626
47	26482	Octiva Ceramic	1	25/9/2012	6/3/2019	2353	70000	Small	2988771
48	36075	Delton Ceramic Pvt. Ltd.,	1	23/5/2012	6/3/2019	2478	50000	Medium	3147546
49	27173	Fashion Ceramics	1	7/11/2009	6/3/2019	3406	70000	Small	4326288
50	28240	Gold Stone Ceramic Pvt Ltd	1	9/11/2013	6/3/2019	1943	50000	Medium	2467991
51	56469	Caramia Granito Llp	1	6/12/2018	6/3/2019	90	100000	Large	142897
52	55469	Shivansh Minechem Llp	1	7/9/2017	6/3/2019	545	50000	Medium	692257
53	20171	Suman Ceramics	1	29/1/2013	6/3/2019	2227	51667	Medium	3253036
54	19554	Evershine Cera Pvt Ltd	1	6/12/2013	6/3/2019	1916	50000	Medium	2433696
55	26425	Favourite Plus Ceramic Pvt Ltd.	1	4/10/2012	6/3/2019	2344	100000	Medium	3423941
56	11529	Belleza Ceramic Pvt Ltd	1	7/11/2013	6/3/2019	1945	60000	Medium	2841111
57	33614	Ador Ceramics Pvt. Ltd	1	7/11/2013	6/3/2019	1945	50000	Medium	2470531
58	19617	Hill Top Ceramics	1	6/2/2012	6/3/2019	2585	70000	Medium	3775976

59	33514	Apple Tiles Pvt.Ltd.	1	18/2/2013	6/3/2019	2207	50000	Small	2242658
60	27170	Foram Glazed Tiles	1	29/8/2012	6/3/2019	2380	50000	Small	2418453
61	19812	Manish Industries	1	21/5/2012	6/3/2019	2480	50000	Medium	3150086
62	19438	Bhimani Ceramic Ind	1	21/5/2012	6/3/2019	2480	65000	Small	3150086
63	20053	Santro Ceramic	1	14/8/2012	6/3/2019	2395	50000	Small	2433696
64	27827	Pengvin Ceramics	1	31/7/2009	6/3/2019	3505	70000	Small	4452037
65	10978	Shubh Tiles Pvt Ltd	1	8/11/2013	6/3/2019	1944	85000	Large	3086577
66	38454	Lycos Ceramic Pvt. Ltd.,	1	7/11/2013	6/3/2019	1945	50000	Medium	2470531
67	37257	Zibba Ceramic Private Limited,	1	7/11/2013	6/3/2019	1945	50000	Medium	2470531
68	39628	Benito Ceramic Pvt Ltd	1	7/11/2013	6/3/2019	1945	51667	Medium	2841111
69	42208	Jay Ganesh Vitrified Private Limited	1	29/3/2016	6/3/2019	1072	50000	Large	1633980
70	36774	Atom Ceramic,	1	26/5/2015	6/3/2019	1380	39063	Medium	1752871
71	24513	Lexso Ceramics Pvt. Ltd.	1	27/10/2017	6/3/2019	495	50000	Medium	628747
72	36084	Revok Ceramic	1	9/11/2013	6/3/2019	1943	50000	Medium	2467991
73	28988	Glare Ceramic	1	7/11/2013	6/3/2019	1945	50000	Small	1976425

74	38895	Feona Ceramic	1	9/4/2013	6/3/2019	2157	50000	Medium	2739813
75	10980	New Royal Ceramic	1	11/11/2013	6/3/2019	1941	111111	Small	2958541
76	33810	Vision Ceramic Pvt.Ltd.	1	23/5/2012	6/3/2019	2478	50000	Small	2518037
77	34338	Selvi Ceramics	1	23/4/2009	6/3/2019	3604	50000	Medium	4577787
78	33232	Metrocity Tiles Pvt. Ltd.	1	7/11/2013	6/3/2019	1945	66667	Large	3088164
79	19844	Metro Ceramic.	1	28/3/2012	6/3/2019	2534	70000	Small	3218677
80	56075	Sonic Ceramic Pvt Ltd	1	23/7/2018	6/3/2019	226	66000	Large	358830
81	46081	Swizzer Ceramic Pvt. Ltd.,	1	27/9/2016	6/3/2019	890	87500	Large	1413093
82	23373	Spice Ceramic Pvt. Ltd.	1	8/11/2013	6/3/2019	1944	50000	Small	1975409
83	52443	Itamax Ceramic Pvt Ltd	1	12/3/2018	6/3/2019	359	50000	Large	547200
84	56839	Lancosa Ceramic Llp	1	25/12/2018	6/3/2019	71	100000	Large	112730
85	44613	Omano Tiles	1	14/12/2016	6/3/2019	812	50000	Large	1237679
86	44927	Orfina Ceramic Pvt. Ltd.,	1	3/2/2016	6/3/2019	1127	65000	Large	1789389
87	30887	Liza Tiles Pvt. Ltd.	1	4/9/2013	6/3/2019	2009	50000	Medium	2551824
88	42226	Ample Ceramic	1	8/11/2013	6/3/2019	1944	50000	Small	1975409

89	32903	Antila Ceramic Pvt.Ltd.	1	8/11/2013	6/3/2019	1944	50000	Medium	2469261
90	35209	Sipoc Ceramic	1	8/5/2013	6/3/2019	2128	50000	Medium	2702977
91	44753	Benta Ceramic Pvt. Ltd.	1	25/2/2015	6/3/2019	1470	50000	Medium	1867188
92	51998	Monza Granito Pvt.Ltd.	1	18/4/2017	6/3/2019	687	240000	Large	1134412
93	32838	Vivanta Ceramic Pvt. Ltd.,	1	2/9/2013	6/3/2019	2011	80000	Medium	2937519
94	44654	Lexo Plus Ceramic	1	3/11/2015	6/3/2019	1219	50000	Large	1858043
95	45444	Dunexo Ceramic Pvt. Ltd.,	1	30/5/2018	6/3/2019	280	50000	Medium	355655
96	45564	Velox Ceramic	1	29/1/2016	6/3/2019	1132	65000	Large	1797328
97	61666	VEGANTO CERAMIC	1	3/10/2018	6/3/2019	154	50000	Large	234732
98	43573	Acute Ceramic	1	13/3/2015	6/3/2019	1454	50000	Large	2216238
99	36824	AOne Ceramics Pvt. Ltd.,	1	7/2/2013	6/3/2019	2218	50000	Small	2253836
100	38694	Sai Ceramic	1	4/5/2013	6/3/2019	2132	50000	Small	2166447
101	34412	Logan Ceramic	1	31/3/2015	6/3/2019	1436	66000	Large	2280002
102	41662	Arix Ceramic Ind	1	30/10/2013	6/3/2019	1953	50000	Large	2976832
103	21429	Suntel Ceramic Pvt Ltd	1	20/3/2013	6/3/2019	2177	80000	Small	2765217

104	38462	Sagway Ceramic,	1	30/10/2013	6/3/2019	1953	50000	Small	1984554
105	10482	Max Granito Pvt.Ltd.,	1	8/12/2010	6/3/2019	3010	66667	Large	4779113
106	19368	Amar Ceramic Industries	1	30/10/2013	6/3/2019	1953	65000	Small	2480693
107	39994	Silicon Ceramic	1	27/8/2012	6/3/2019	2382	100000	Small	3025607
108	33199	Vita Granito Pvt.Ltd.	1	29/10/2013	6/3/2019	1954	95000	Large	3102454
109	33655	Fabulla Ceramic	1	29/10/2013	6/3/2019	1954	50000	Medium	2481963
110	27171	Seron Ceramics Pvt.Ltd.	1	27/2/2009	6/3/2019	3659	51667	Small	4647648
111	19773	Krishna Wall and glaze tiles Pvt. ltd.	1	27/2/2009	6/3/2019	3659	50000	Small	3718118
112	37064	Sunrise Ceramic Private Limited	1	20/8/2012	6/3/2019	2389	50000	Medium	3034499
113	10163	Winmax Ceramic Pvt. Ltd.(old name- Inox Ceramic)	1	1/2/2013	6/3/2019	2224	75000	Medium	3248654
114	28726	Lexo Ceramic	1	17/4/2013	6/3/2019	2149	50000	Medium	2729651
115	33234	Varmora Granito Pvt.Ltd, Unit III,(old name -M/S Salzer Ceramics	1	21/11/2013	6/3/2019	1931	50000	Medium	2452749
116	20265	Vrundavan Ceramic Ltd	1	19/11/2013	6/3/2019	1933	50000	Large	2946347
117	35067	Finomax Ceramic	1	27/4/2011	6/3/2019	2870	50000	Medium	3645463
118	42146	Savino Ceramic Pvt Ltd	1	8/10/2014	6/3/2019	1610	50000	Large	2454019

119	46837	Lado Ceramic Pvt. Ltd.	1	6/4/2016	6/3/2019	1064	65000	Medium	1554212
120	44446	Somnath Ceramic,	1	12/4/2016	6/3/2019	1058	50000	Medium	1343868
121	43445	Italake Ceramic Pvt Ltd	1	4/12/2018	6/3/2019	92	100000	Large	146073
122	37722	Legend Ceramic Pvt. Ltd.,	1	8/11/2013	6/3/2019	1944	50000	Large	2963114
123	35068	Exotica Ceramics Pvt. Ltd.,	1	8/11/2013	6/3/2019	1944	50000	Medium	2469261
124	33812	Omson Ceramic	1	8/6/2015	6/3/2019	1367	50000	Small	1389086
125	34153	Vegas Ceramic,	1	3/1/2013	6/3/2019	2253	50000	Medium	2861752
126	44067	Silver Stone Ceramic	1	19/10/2018	6/3/2019	138	100000	Medium	201580
127	45952	Apricot Tiles (India) Pvt. Ltd.	1	16/2/2016	6/3/2019	1114	50000	Large	1697998
128	46041	Lasa Cera Pvt. Ltd.	1	28/9/2016	6/3/2019	889	50000	Large	1355045
129	48464	Simplon Ceramic Pvt. Ltd.	1	7/5/2016	6/3/2019	1033	60000	Large	1640141
130	35074	Nilkanth Glazed Pvt. Ltd.,	1	10/5/2016	6/3/2019	1030	50000	Medium	1308302
131	45066	Speno Ceramic	1	11/4/2016	6/3/2019	1059	500000	Medium	1681422
132	37678	Topland Ceramic Pvt. Ltd.,	1	8/11/2013	6/3/2019	1944	50000	Medium	2469261
133	35395	Aristo Ceramic Pvt. Ltd.,	1	8/11/2013	6/3/2019	1944	85000	Medium	2839650

134	35543	Whitecity Ceramic Pvt. Ltd.,	1	26/9/2012	6/3/2019	2352	50000	Medium	2987501
135	29497	Linux Tiles Pvt. Ltd.,	1	26/11/2014	6/3/2019	1561	50000	Small	1586221
136	31229	Delfina Ceramic Pvt. Ltd.	1	12/11/2013	6/3/2019	1940	50000	Medium	2464180
137	24305	Bhabha Ceramic Pvt.Ltd.	1	30/10/2013	6/3/2019	1953	50000	Medium	2480693
138	36114	Alive Tiles Pvt. Ltd.,	1	28/8/2011	6/3/2019	2747	50000	Medium	3489229
139	38641	Greencity Ceramic	1	4/5/2013	6/3/2019	2132	50000	Medium	2708058
140	39241	Orken Ceramic Pvt. Ltd.,	1	15/11/2018	6/3/2019	111	100000	Small	140992
141	10985	Iscon Ceramic Pvt.Ltd.	1	27/2/2009	6/3/2019	3659	120000	Small	5577177
142	20176	Sun Field Ceramic	1	30/10/2013	6/3/2019	1953	50000	Small	1984554
143	20198	Swagat Ceramics	1	13/3/2013	6/3/2019	2184	50000	Small	2219287
144	45319	Silverpearl Tiles (I) Pvt. Ltd.	1	1/4/2015	6/3/2019	1435	50000	Large	2187278
145	26147	Accord Ceramics Pvt.Ltd	1	19/7/2013	6/3/2019	2056	72000	Medium	3003252
146	25193	Sorento Granito Pvt.Ltd.	1	29/10/2013	6/3/2019	1954	120000	Large	3226552
147	19784	Land Mark Tiles Pvt. Ltd.	1	13/7/2011	6/3/2019	2793	50000	Small	2838126
148	20055	Shapphire Ceramic Pvt. Ltd.	1	30/10/2013	6/3/2019	1953	50000	Small	1984554

149	25119	Mega Vitrified Pvt. Ltd.	1	19/1/2009	6/3/2019	3698	50000	Large	5636622
150	24845	Avlon Ceramic Pvt Ltd	1	29/10/2013	6/3/2019	1954	1500000	Large	3226552
151	19819	Marsal Ceramic Industres	1	29/10/2013	6/3/2019	1954	60000	Small	2481963
152	26748	Uttam Ceramics Pvt.Ltd,	1	17/2/2009	6/3/2019	3669	80000	Small	4660350
153	19358	Akruti Ceramics Pvt Ltd	1	12/2/2013	6/3/2019	2213	50000	Small	2248755
154	20044	Salon Ceramics Pvt Ltd.	1	29/10/2013	6/3/2019	1954	50000	Small	1985571
155	19818	Mark Glaze Tiles Pvt Ltd	1	23/5/2012	6/3/2019	2478	50000	Small	2518037
156	27435	Nelco Ceramics	1	29/10/2013	6/3/2019	1954	50000	Small	1985571
157	20160	Space Ceramic Pvt. Ltd.	1	29/10/2013	6/3/2019	1954	50000	Small	1985571
158	26081	Omex Ceramic	1	29/10/2013	6/3/2019	1954	50000	Small	1985571
159	32620	Sepal Ceramics	1	31/12/2008	6/3/2019	3717	50000	Small	3777055
160	30067	Sunworld Vitrified Pvt. Ltd.	1	3/12/2016	6/3/2019	823	100000	Large	1306714
161	25619	Nobel Wall Tiles	1	29/10/2013	6/3/2019	1954	100000	Small	2481963
162	20132	Silvenia Ceramic Pvt Ltd	1	7/2/2013	6/3/2019	2218	20000	Medium	2817295
163	20246	Vikas Sanitary Wares	1	27/9/2011	6/3/2019	2717	100000	Small	3451123

164	16155	Dell Ceramic Pvt.Ltd	1	29/10/2013	6/3/2019	1954	50000	Medium	2481963
165	19479	Deco Gold Gazed Tiles Pvt. Ltd.	1	29/10/2013	6/3/2019	1954	100000	Large	3102454
166	20069	Shagun Ceramic	1	6/2/2012	6/3/2019	2585	50000	Small	2626766
167	28703	Neha Ceramic Industries	1	29/10/2013	6/3/2019	1954	50000	Small	1985571
168	51905	Velbon Vitrified Llp	1	19/11/2018	6/3/2019	107	65000	Large	169889
169	33207	Matrix Ceramic Mfg. Floor Tiles	1	30/10/2013	6/3/2019	1953	50000	Small	1984554
170	50615	Lakme Vitrifid Llp	1	31/1/2019	6/3/2019	34	50000	Large	51824
171	42555	Lotus Ceramic	1	30/9/2015	6/3/2019	1253	60000	Large	1989445
172	43894	Range Ceramic Pvt Ltd	1	11/12/2018	6/3/2019	85	100000	Large	134958
173	32837	Murano Tiles Pvt. Ltd.,	1	16/2/2016	6/3/2019	1944	80000	Medium	2839650
174	35518	Olivia Ceramic Pvt. Ltd.	1	16/2/2016	6/3/2019	1114	60000	Medium	1627248
175	33007	Florida Ceramic	1	2/11/2012	6/3/2019	2315	50000	Medium	2940504
176	59962	Scotto Tiles LLP	1	30/8/2018	6/3/2019	188	65000	Large	298496
177	55718	Abroad Vitrified Pvt.Ltd.	1	4/10/2018	6/3/2019	153	100000	Large	242925
178	65242	MOZZECO TILES LLP	1	14/2/2019	6/3/2019	20	50000	Medium	25404

179	52319	Flavour Granito Llp	1	15/5/2018	6/3/2019	295	60000	Large	468385
180	55721	Astonia Ceramic Pvt.Ltd.	1	3/10/2017	6/3/2019	519	50000	Medium	659232
181	34562	Captiva Ceramic Industries,	1	8/11/2013	6/3/2019	1944	50000	Small	1975409
182	61643	WELLONA CERAMIC LLP	1	16/11/2018	6/3/2019	110	65000	Large	174652
183	65274	EVONA WALL TILES LLP	1	15/1/2019	6/3/2019	50	100000	Large	79387
184	55646	Rosabella Ceramic Llp	1	2/11/2017	6/3/2019	489	100000	Large	776407
185	55861	Lichi Ceramic	1	18/1/2018	6/3/2019	412	120000	Large	680317
186	55775	Admin Vitrified Pvt.Ltd.	1	25/2/2019	6/3/2019	9	100000	Large	14290
187	65443	FLORICE CERAMIC LLP	1	2/2/2019	6/3/2019	32	50000	Medium	40646
188	63924	SADASHIV CERAMIC LLP	1	22/1/2019	6/3/2019	43	100000	Large	68273
189	63700	LORUS CERAMIC	1	19/10/2018	6/3/2019	138	100000	Large	219109
190	63101	GEMSTONE CERAMIC LLP	1	3/11/2018	6/3/2019	123	100000	Large	195293
191	64205	SUNQURO CERAMIC PVT LTD	1	22/11/2018	6/3/2019	104	100000	Large	165125
192	56079	Fusion Granito Pvt Ltd	1	17/12/2018	6/3/2019	79	65000	Large	125432
193	42109	Roland Ceramic	1	6/1/2015	6/3/2019	1520	50000	Medium	1930698

194	41982	Windson Ceramic	1	21/2/2015	6/3/2019	1474	50000	Medium	1872269
195	42499	Aquila Ceramic Pvt Ltd	1	6/10/2015	6/3/2019	1247	80000	Medium	1821525
196	42656	Lexico Ceramic	1	27/3/2015	6/3/2019	1440	50000	Large	2194899
197	42867	Alient Ceramics Pvt Ltd	1	6/10/2015	6/3/2019	1247	50000	Large	1900721
198	43970	Wallmark Ceramic Industry	1	6/10/2015	6/3/2019	1247	50000	Medium	1583935
199	44092	Italico Ceramic	1	4/11/2015	6/3/2019	1218	50000	Large	1856519
200	43574	Canvas Ceramics Pvt Ltd	1	2/2/2016	6/3/2019	1128	50000	Large	1719337
201	42111	Seleo Ceramic Pvt.Ltd.	1	17/12/2015	6/3/2019	1175	65000	Large	1865601
202	33819	Valencia Ceramic Pvt Ltd	1	25/2/2015	6/3/2019	1470	50000	Large	2240626
203	41454	Welcome Tiles Private Limited	1	8/11/2013	6/3/2019	1944	70000	Large	3086577
204	36225	Sunfame Ceramic Pvt. Ltd.,	1	8/11/2013	6/3/2019	1944	50000	Medium	2469261
205	51764	Saiwin Ceramic Pvt Ltd.	1	27/9/2016	6/3/2019	890	50000	Large	1356569
206	38461	Saimax Ceramic Pvt. Ltd.,	1	2/11/2012	6/3/2019	2315	100000	Medium	3381580
207	36111	Gravity Ceramic Pvt. Ltd.,	1	4/4/2013	6/3/2019	2162	50000	Medium	2746164
208	44259	Abc Ceramic	1	2/3/2015	6/3/2019	1465	50000	Medium	1860837

209	49918	Koyo Granito Llp	1	21/4/2016	6/3/2019	1049	100000	Large	1665545
210	38458	Flecto Ceramic Pvt. Ltd.,	1	7/8/2013	6/3/2019	2037	50000	Medium	2587390
211	41325	Lexona Ceramic	1	8/11/2013	6/3/2019	1944	50000	Large	2963114
212	43572	Swim Ceramic	1	20/3/2015	6/3/2019	1447	50000	Medium	1837974
213	45644	Saxan Ceramic	1	12/4/2016	6/3/2019	1058	50000	Medium	1343868
214	42498	Ediz Ceramic pvt Ltd (Old name : Florim Ceramic Pvt Ltd)	1	4/8/2018	6/3/2019	214	50000	Large	326186
215	50982	Lemorex Granito Llp	1	16/11/2018	6/3/2019	110	75000	Large	174652
216	25361	Soriso Ceramic Pvt. Ltd.	1	29/11/2018	6/3/2019	97	100000	Large	154011
217	26406	Lancer Ceramic Pvt. Ltd.	1	3/6/2013	6/3/2019	2102	50000	Small	2135962
218	37262	Axiom Ceramic Pvt. Ltd.,	1	5/10/2012	6/3/2019	2343	70000	Medium	3422480
219	35212	Heelcera Tiles Pvt. Ltd.,	1	14/2/2013	6/3/2019	2211	50000	Medium	2808404
220	29652	Metro World Tiles Pvt. Ltd.,	1	6/2/2013	6/3/2019	2219	50000	Large	3382278
221	34438	Gobain Ceramic Pvt. Ltd.	1	3/6/2013	6/3/2019	2102	50000	Medium	2669952
222	57207	Soffia Ceramic	1	3/4/2018	6/3/2019	337	100000	Medium	492265
223	32128	Flora Ceramic Pvt.Ltd.	1	14/2/2013	6/3/2019	2211	50000	Small	2246723

224	52395	Bicero Tiles Llp	1	4/8/2017	6/3/2019	579	100000	Large	919304
225	35394	Sunland Ceramic Pvt. Ltd.,	1	30/3/2012	6/3/2019	2532	7000	Medium	3216137
226	58837	SECOORA TILES LLP	1	6/11/2018	6/3/2019	120	100000	Large	190529
227	51791	Italus Vitrified Llp	1	3/10/2016	6/3/2019	884	100000	Large	1403567
228	59637	LEVINZA CERAMIC PVT LTD	1	11/10/2018	6/3/2019	146	65000	Medium	213266
229	60073	Q-7 CERAMIC LLP	1	17/7/2018	6/3/2019	232	50000	Large	353623
230	27232	Neelson Ceramic Llp	1	14/12/2018	6/3/2019	82	50000	Medium	104156
231	51928	Cadillac Granito Pvt. Ltd.	1	6/12/2018	6/3/2019	90	100000	Large	142897
232	52022	Axwell Granito Pvt. Ltd.	1	29/8/2016	6/3/2019	919	87500	Large	1459138
233	65721	Panara Ceramic Pvt Ltd.	1	5/11/2018	6/3/2019	121	100000	Medium	176748
234	19478	Style Ceramic	1	8/11/2013	6/3/2019	1944	50000	Small	1975409
235	60887	MONTELLO CERAMIC LLP	1	23/10/2018	6/3/2019	134	100000	Large	212758
236	64032	Biscon Tiles LLP	1	19/12/2018	6/3/2019	77	100000	Large	122256
237	42811	Saicon Tiles Pvt Ltd	1	20/9/2014	6/3/2019	1628	50000	Medium	2067879
238	32620	Sepal Ceramics	1	31/12/2008	6/3/2019	3717	50000	Small	3777055

239	41476	Kalyan Tiles	1	5/3/2013	6/3/2019	2192	65000	Small	2784270
240	43321	Lexicon Ceramic Pvt Ltd	1	20/9/2014	6/3/2019	1628	50000	Large	2481455
241	60463	THEOS TILES LLP	1	17/10/2018	6/3/2019	140	100000	Large	222284
242	45562	Safe Ceramic Pvt. Ltd.,	1	12/6/2015	6/3/2019	1363	80000	Large	2164097
243	52272	Zarko Granito Pvt Ltd	1	7/12/2017	6/3/2019	454	100000	Large	720836
244	44723	Accord Plus Ceramics Pvt. Limited	1	26/2/2015	6/3/2019	1469	104167	Large	2425694
245	42455	Allix Ceramic Pvt Ltd	1	23/5/2014	6/3/2019	1748	50000	Large	2664363
246	45826	Spenzzer Ceramic Pvt. Ltd.,	1	18/4/2016	6/3/2019	1052	50000	Large	1603496
247	50522	Ceracon Tiles Pvt Ltd	1	5/8/2016	6/3/2019	943	50000	Large	1437354
248	41890	Fly Ceramic	1	19/1/2015	6/3/2019	1507	50000	Large	2297023
249	38450	Aqval Ceramic,	1	1/11/2013	6/3/2019	1951	50000	Medium	2478153
250	23177	Savion Ceramic	1	17/4/2013	6/3/2019	2149	45000	Large	3275582
251	61965	INDESIGN CERAMICS LLP	1	19/10/2018	6/3/2019	138	70000	Large	219109
252	30182	Lunar Ceramics,	1	21/11/2013	6/3/2019	1931	50000	Medium	2452749
253	43968	Stonza Ceramic Pvt. Ltd	1	24/6/2015	6/3/2019	1351	111111	Small	2059242

254	35073	Sayona Ceramic,	1	26/12/2012	6/3/2019	2261	60000	Medium	3302700
255	35524	Spentica Ceramic Pvt. Ltd.,	1	21/11/2013	6/3/2019	1931	50000	Medium	2452749
256	36356	Simbel Ceramics Pvt. Ltd.,	1	1/11/2013	6/3/2019	1951	100000	Medium	2849876
257	25374	Lamb Ceramics (P) Ltd	1	27/9/2012	6/3/2019	2351	50000	Small	2388985
258	33862	Shree Ceramics	1	20/8/2012	6/3/2019	2389	65000	Small	3034499
259	33230	Sadbhav Ceramics	1	6/4/2016	6/3/2019	1064	50000	Small	1081191
260	38338	Swift Ceramic Private Limited	1	18/11/2013	6/3/2019	1934	50000	Medium	2456559
261	10627	Greta Ceratech Pv.Ltd.(Old Name:Hilti Ceratech Pvt Ltd.)	1	21/9/2013	6/3/2019	1992	50000	Small	2024185
262	31751	Sico Ceramic Pvt. Ltd.	1	24/1/2013	6/3/2019	2232	50000	Medium	2835078
263	26097	Vardhman Vitrified Pvt. Ltd.	1	1/11/2013	6/3/2019	1951	65000	Large	3097691
264	23402	Fenix Ceramic	1	1/11/2013	6/3/2019	1951	50000	Small	1982522
265	24195	Jayco Ceramic	1	1/11/2013	6/3/2019	1951	50000	Medium	2478153
266	40086	Sunray Tiles Pvt Limited	1	23/5/2013	6/3/2019	2113	50000	Medium	2683924
267	28728	Glossy Tiles	1	6/6/2013	6/3/2019	2099	50000	Medium	2666142
268	32333	Makson Vitrified LLP (old name: Umiya Ceramic Pvt.Ltd.)	1	23/5/2013	6/3/2019	2113	111111	Large	3489102

269	31490	Omen Vitrified Pvt. Ltd.	1	29/10/2013	6/3/2019	1954	100000	Large	3102454
270	16705	Skymax Ceramic	1	29/12/2012	6/3/2019	2258	50000	Medium	2868103
271	31362	Sun Face Ceramic	1	13/2/2013	6/3/2019	2212	50000	Medium	2809674
272	20214	Uday Industries	1	1/11/2013	6/3/2019	1951	50000	Small	1982522
273	33964	Sonex Tiles Pvt. Ltd	1	7/11/2013	6/3/2019	1945	50000	Small	1976425
274	20154	Sonex Industries	1	7/11/2013	6/3/2019	1945	50000	Small	1976425
275	37249	Sisam Ceramics Pvt. Ltd.,	1	7/11/2013	6/3/2019	1945	1860000	Medium	3088164
276	40083	Aura Ceramic Pvt Ltd	1	30/5/2013	6/3/2019	2106	80000	Medium	3076288
277	29395	Slogan Ceramic	1	7/11/2013	6/3/2019	1945	50000	Small	1976425
278	25616	Lovato Ceramic Pvt. Ltd.	1	31/10/2013	6/3/2019	1952	50000	Small	1983538
279	33236	Veto Ceramic Pvt. Ltd	1	16/12/2008	6/3/2019	3732	50000	Medium	4740372
280	36377	Magic Ceramic	1	7/11/2013	6/3/2019	1945	50000	Medium	2470531
281	24506	Mitco Ceramic	1	26/9/2012	6/3/2019	2352	50000	Medium	2987501
282	19467	Commandor Ceramic Industries	1	3/4/2012	6/3/2019	2528	50000	Small	2568845
283	19468	Coral Ceramic Pvt. Ltd.	1	29/3/2012	6/3/2019	2533	50000	Medium	3217407

284	48053	Lgf Vitrified Pvt. Ltd.,	1	12/8/2016	6/3/2019	936	100000	Large	1486129
285	47864	Claystone Granito P. Ltd.	1	2/6/2016	6/3/2019	1007	50000	Large	1534905
286	45445	Lucaso Ceramic Pvt. Ltd.,	1	29/1/2015	6/3/2019	1497	50000	Medium	1901484
287	52759	Eddica Ceramics Llp	1	15/10/2018	6/3/2019	142	50000	Medium	180368
288	42110	Asta Ceramic Pvt.Ltd.	1	19/1/2015	6/3/2019	1507	50000	Small	1531348
289	43668	Vadsola Ceramic	1	28/2/2017	6/3/2019	736	50000	Large	1121837
290	35920	Smile Ceramic Pvt. Ltd.,	1	8/8/2013	6/3/2019	2036	50000	Medium	2586119
291	40367	Omexo Tiles	1	21/12/2016	6/3/2019	805	83880	Medium	1175884
292	38459	Genuine Ceramic Pvt. Ltd.,	1	31/8/2013	6/3/2019	2013	50000	Medium	2556905
293	42657	Sweet Ceramic Pvt Ltd	1	26/7/2016	6/3/2019	953	50000	Large	1452596
294	42131	Admark Ceramic Industries	1	26/11/2014	6/3/2019	1561	120000	Large	2577609
295	55699	Itacon Granito Pvt Ltd	1	26/3/2018	6/3/2019	345	60000	Large	547772
296	41888	Vento Ceramic	1	16/2/2016	6/3/2019	1114	50000	Medium	1414998
297	52021	Larson Ceramic	1	1/10/2016	6/3/2019	886	50000	Medium	1125394
298	60244	Mozaro Tiles LLP	1	31/1/2019	6/3/2019	34	65000	Large	53983

299	44655	Tecon Tiles Pvt. Ltd.	1	5/12/2014	6/3/2019	1552	120000	Large	2562748
300	45583	Solenzo Ceramic Pvt. Ltd.	1	4/2/2016	6/3/2019	1126	65000	Large	1787801
301	42746	Fresco Plus Ceramic Pvt Ltd	1	17/10/2015	6/3/2019	1236	50000	Medium	1569962
302	37681	Volga Ceramic Pvt. Ltd.,	1	8/11/2013	6/3/2019	1944	50000	Medium	2469261
303	44362	Aarcot Ceramic Pvt. Ltd.,	1	6/4/2016	6/3/2019	1064	65000	Large	1689361
304	38691	Lightcity Ceramic Pvt. Ltd.	1	6/4/2013	6/3/2019	2160	50000	Medium	2743624
305	43782	Live City Ceramic Pvt Ltd	1	2/6/2016	6/3/2019	1007	50000	Medium	1279088
306	43335	Sunmark Ceramic	1	6/10/2015	6/3/2019	1247	60000	Large	1979918
307	44925	Oyo Ceramic Pvt. Ltd.,	1	10/11/2015	6/3/2019	1212	50000	Large	1847373
308	51996	Moral Ceramic Pvt Ltd	1	1/10/2016	6/3/2019	886	50000	Small	900315
309	57579	Notto Granito Llp	1	15/1/2019	6/3/2019	50	100000	Large	79387
310	63268	KEEZIA TILES LLP	1	7/1/2019	6/3/2019	58	80000	Large	92089
311	65194	SHRAVYA CERAMIC LLP	1	25/12/2018	6/3/2019	71	100000	Large	112730
312	44695	G-Top Designer Top Tiles	1	29/8/2016	6/3/2019	919	62500	Medium	1342407
313	28712	Motto Tiles Private Limited	1	1/11/2013	6/3/2019	1951	50000	Large	2973783

314	59476	Latto Tiles LLP	1	21/1/2019	6/3/2019	44	50000	Medium	55889
315	66964	Ramos Ceramic Pvt. Ltd.	1	29/12/2018	6/3/2019	67	213600	Large	110634
316	62749	TEKZA CERAMIC LLP	1	4/2/2019	6/3/2019	30	100000	Large	47632
317	52265	Locero Ceramic Pvt Ltd	1	6/11/2017	6/3/2019	485	100000	Large	770056
318	65303	Torino Tiles LLP	1	22/2/2019	6/3/2019	12	100000	Large	19053
319	66357	BLUEWIN TILE LLP	1	22/2/2019	6/3/2019	12	50000	Large	18291
320	51896	Renite Vitrified Llp	1	21/10/2016	6/3/2019	866	100000	Large	1374987
321	59421	NEXONA CERAMIC LLP	1	24/1/2019	6/3/2019	41	50000	Large	62494
322	48118	Proton Granito P. Ltd.	1	7/6/2016	6/3/2019	1002	100000	Large	1590921
323	45492	Wintouch Ceramic,	1	29/3/2016	6/3/2019	1072	50000	Large	1633980
324	54292	Spinora Tiles Pvt.Ltd.	1	15/1/2019	6/3/2019	50	50000	Large	76212
325	44612	Rossa Tiles Pvt Ltd	1	7/2/2015	6/3/2019	1488	210000	Large	2457067
326	29055	Setmax Ceramic	1	27/9/2012	6/3/2019	2351	50000	Small	2388985
327	31754	Blue Lake Ceramic	1	20/8/2012	6/3/2019	2389	50000	Medium	3034499
328	30594	Sanford Vitrified Pvt. Ltd.	1	22/11/2013	6/3/2019	1930	100000	Large	3064348

329	29996	Alcora Ceramic	1	14/8/2013	6/3/2019	2030	50000	Medium	2578498
330	33960	Senso Granito Pvt. Ltd.	1	5/4/2013	6/3/2019	2161	85000	Large	3431117
331	36746	Spento Floor Tiles Pvt. Ltd.,	1	31/8/2012	6/3/2019	2378	100000	Large	3775658
332	29123	Simpex Granito Pvt. Ltd.	1	7/5/2013	6/3/2019	2129	100000	Large	3380309
333	45277	Swet Ceramic Pvt. Ltd.,	1	13/6/2016	6/3/2019	996	50000	Large	1518138
334	39974	Enzo Ceramic Pvt Ltd	1	1/11/2013	6/3/2019	1951	70000	Large	3097691
335	34155	Sizzle Ceramic,	1	29/3/2012	6/3/2019	2533	50000	Medium	3217407
336	28989	Land Grace Ceramic. Pvt .Ltd.	1	23/2/2011	6/3/2019	2933	60000	Large	4656857
337	32157	Kevin Ceramic Pvt. Ltd.	1	14/2/2012	6/3/2019	2577	55000	Large	4091619
338	38453	Sepal Tiles Pvt. Ltd.,	1	1/11/2013	6/3/2019	1951	50000	Medium	2478153
339	30595	Ozone Vitrified Pvt. Ltd.	1	26/4/2013	6/3/2019	2140	100000	Large	3397775
340	60723	SEKOL TILES LLP	1	31/1/2019	6/3/2019	34	100000	Medium	49665
341	36747	Corus Vitrified Pvt. Ltd	1	18/11/2013	6/3/2019	1934	100000	Large	3070699
342	22189	Sento Vitrified Llp	1	21/2/2018	6/3/2019	378	100000	Large	600168
343	52149	M-Bo Granito Llp	1	22/11/2018	6/3/2019	104	100000	Large	165125

344	27187	Grano Land Tiles Llp	1	10/5/2016	6/3/2019	1030	100000	Large	1635378
345	45645	Lezora Vitrified Pvt. Ltd.	1	15/9/2016	6/3/2019	902	100000	Large	1432146
346	46225	Aland Ceramic Pvt.Ltd.	1	9/12/2015	6/3/2019	1183	50000	Large	1803170
347	46640	Passion Vitrified Pvt. Ltd.	1	27/7/2016	6/3/2019	952	100000	Large	1511533
348	49160	Rey Cera Creation Pvt Ltd	1	12/4/2016	6/3/2019	1058	62000	Large	1679834
349	59403	G TONE TILES LLP	1	14/6/2018	6/3/2019	265	50000	Large	403922
350	47863	Namo Ceramics	1	28/6/2016	6/3/2019	981	87500	Medium	1432972
351	62340	EXORA TILES LLP	1	5/11/2018	6/3/2019	121	100000	Medium	176748
352	63619	MB CERAMIC LLP	1	23/10/2018	6/3/2019	134	100000	Large	212758
353	42129	Casva Tiles Private Limited	1	20/9/2014	6/3/2019	1628	60000	Medium	2378061
354	51902	Axison Vitrified Pvt. Ltd.	1	19/5/2018	6/3/2019	291	100000	Large	462034
355	56909	Lomino Ceramic Llp	1	3/11/2018	6/3/2019	123	50000	Large	187481
356	51832	Balaji Ceramic	1	19/10/2018	6/3/2019	138	50000	Medium	175287
357	62346	AUDI CERAMIC LLP	1	21/2/2019	6/3/2019	13	100000	Medium	18989
358	52526	Rotto Ceramic Llp	1	1/8/2018	6/3/2019	217	50000	Medium	275633

359	58943	Capstone Ceramic (India) LLP	1	23/1/2019	6/3/2019	42	60000	Large	66685
360	51792	M/s. Segam Tiles Pvt. Ltd.	1	13/7/2016	6/3/2019	966	87500	Large	1533762
361	62244	GREENSTONE GRANITO PVT LTD	1	12/7/2018	6/3/2019	237	100000	Large	376296
362	49658	Plazma Granito Pvt Ltd	1	3/10/2016	6/3/2019	884	100000	Large	1403567
363	56867	Suncore Tiles Pvt Ltd	1	17/12/2018	6/3/2019	79	100000	Large	125432
364	42330	Arido Ceramic	1	21/5/2015	6/3/2019	1385	50000	Medium	1759222
365	53302	Kag Granito Llp	1	16/10/2018	6/3/2019	141	100000	Large	223872
366	38896	Sungracia Tiles Pvt. Ltd.	1	20/11/2013	6/3/2019	1932	50000	Large	2944823
367	45446	Leesun Ceramic Tiles Co.	1	29/1/2016	6/3/2019	1132	65000	Medium	1653541
368	51245	Sunpark Granito Pvt Ltd.	1	2/8/2016	6/3/2019	926	50000	Large	1411442
369	52187	Spolo Ceramic Pvt Ltd	1	7/2/2019	6/3/2019	27	100000	Large	42869
370	51763	Quro Vitrified Pvt Ltd.	1	7/11/2016	6/3/2019	849	60000	Large	1347996
371	45447	Salient Ceramic,	1	27/9/2016	6/3/2019	890	50000	Large	1356569
372	52413	Bonza Vitrified Pvt Ltd	1	4/2/2019	6/3/2019	30	120000	Large	49538
373	27108	Winmax Plus Ceramic P. Ltd. (old name :- Arolacs Ceramic Pvt Ltd	1	13/2/2013	6/3/2019	2212	50000	Medium	2809674

374	29488	Sunraj Ceramic Pvt. Ltd.,	1	21/11/2013	6/3/2019	1931	50000	Medium	2452749
375	36566	Sentosa Granito Pvt. Limited	1	1/11/2013	6/3/2019	1951	100000	Large	3097691
376	52353	Icos Granito Llp	1	22/11/2018	6/3/2019	104	100000	Large	165125
377	42789	Sanskar Ceramic Private Limited	1	18/3/2015	6/3/2019	1449	50000	Large	2208617
378	42993	Stefina Ceramic Pvt Ltd	1	21/5/2015	6/3/2019	1385	50000	Large	2111066
379	52094	Armano Vitrified Llp	1	10/4/2017	6/3/2019	695	100000	Large	1103483
380	66000	SOLVISH CERAMIC LLP	1	6/1/2019	6/3/2019	59	100000	Medium	86183
381	51912	M/s. Crevita Granito Pvt. Ltd.	1	8/1/2019	6/3/2019	57	87500	Large	90501
382	51188	Stefina Vitrified Pvt Ltd	1	25/2/2019	6/3/2019	9	100000	Large	14290
383	52275	Rosata Vitrified Pvt Ltd	1	4/2/2019	6/3/2019	30	50000	Large	45727
384	47657	Symbosa Granito P. Ltd.	1	17/11/2016	6/3/2019	839	100000	Large	1332118
385	48120	Savitra Tiles Pvt. Ltd.	1	18/3/2016	6/3/2019	1083	50000	Large	1650747
386	47656	Leopard Vitrified P. Ltd.	1	19/7/2016	6/3/2019	960	62500	Large	1524235
387	16228	White House Tiles Pvt.,Ltd.,	1	18/11/2013	6/3/2019	1934	62500	Large	3070699
388	44812	Winsun Ceramic Pvt. Ltd.,	1	29/1/2016	6/3/2019	1132	50000	Large	1725434

389	45570	Calypso Ceramic Pvt. Ltd.	1	19/4/2016	6/3/2019	1051	50000	Large	1601971
390	45452	Antiqua Ceramic Pvt. Ltd.,	1	22/12/2016	6/3/2019	804	50000	Large	1225485
391	45224	Riga Ceramic Pvt. Ltd.,	1	23/2/2017	6/3/2019	741	120000	Large	1223580
392	45529	Aston Ceramic	1	5/4/2016	6/3/2019	1065	39063	Medium	1352759
393	49608	Lemstone Ceramic Llp	1	6/4/2016	6/3/2019	1064	100000	Large	1689361
394	56572	Lovin Tiles Llp	1	19/10/2018	6/3/2019	138	100000	Large	219109
395	51432	Levita Granito Llp	1	15/12/2018	6/3/2019	81	100000	Large	128607
396	58018	LORIAN CERAMIC LLP	1	31/8/2018	6/3/2019	187	100000	Large	296908
397	45718	Laffans Granito Pvt. Ltd.,	1	22/2/2017	6/3/2019	742	100000	Large	1178107
398	44456	Strawberry Ceramic Pvt. Ltd.	1	31/3/2015	6/3/2019	1436	50000	Large	2188802
399	45276	Rextron Ceramics Pvt. Ltd.,	1	12/8/2016	6/3/2019	936	50000	Large	1426684
400	42720	Krypton Ceramic Pvt Ltd	1	1/1/2016	6/3/2019	1160	50000	Large	1768113
401	43576	Welcome Mineral Private Limited	1	14/10/2018	6/3/2019	143	50000	Medium	181638
402	44657	SPEL Granito Pvt. Ltd, formerly Surani Tiles Pvt. Ltd.,	1	29/1/2016	6/3/2019	1132	100000	Large	1797328
403	44335	Lacton Tiles Pvt. Ltd.,	1	18/6/2015	6/3/2019	1357	50000	Large	2068387

404	46553	Sanvis Ceramic Pvt. Ltd.	1	8/9/2015	6/3/2019	1357	50000	Large	2068387
405	44623	Silventa Ceramic Tiles Pvt. Ltd.,	1	8/9/2015	6/3/2019	1275	85000	Large	2024375
406	51553	Royalica Tiles	1	26/7/2016	6/3/2019	953	50000	Large	1452596
407	44930	Spenzen Ceramic Pvt. Ltd.,	1	4/4/2015	6/3/2019	1432	50000	Large	2182705
408	56252	Zandros Granito Llp	1	17/5/2018	6/3/2019	293	65000	Large	465209
409	43063	Wallcera Tiles Private Limited	1	19/1/2015	6/3/2019	1507	50000	Large	2297023
410	44993	D K Ceramic	1	26/4/2017	6/3/2019	679	625000	Medium	1078079
411	45323	Harisun Ceramic Pvt. Ltd.	1	29/2/2016	6/3/2019	1101	65000	Large	1748107
412	64298	Devanto Ceramic	1	31/1/2019	6/3/2019	34	111111	Large	56143
413	45320	Megatron Ceramic Pvt. Ltd.	1	3/5/2016	6/3/2019	1037	60000	small	1317193
414	62321	LEXOLITE CERAMIC LLP	1	5/11/2018	6/3/2019	121	100000	Large	192117
415	56908	Kailashdarshan Tiles Llp	1	4/2/2019	6/3/2019	30	111111	Large	49538
416	42658	Sunbond Ceramic Private Limited	1	3/3/2015	6/3/2019	1464	50000	Large	2231481
417	56942	Swat Ceramic Pvt Ltd	1	24/1/2019	6/3/2019	41	111111	Large	67701
418	51292	Finolite Ceramic	1	15/9/2016	6/3/2019	902	100000	Large	1432146

419	59509	Leviton Ceramic LLP	1	23/10/2018	6/3/2019	134	100000	Large	212758
420	58641	SOLENTA CERAMIC LLP	1	4/7/2018	6/3/2019	245	50000	Medium	311198
421	51967	Lemosa Tiles Llp	1	4/5/2017	6/3/2019	671	50000	Large	1022762
422	42454	Imperus Ceramic Pvt Ltd	1	8/11/2013	6/3/2019	1944	50000	Large	2963114
423	64381	Art Tile LLP	1	25/2/2019	6/3/2019	9	111111	Large	14861
424	42994	Platinum Ceramic Pvt Ltd	1	4/6/2015	6/3/2019	1371	50000	Large	2089727
425	44743	Auckland Ceramic Pvt. Ltd.,	1	22/6/2016	6/3/2019	987	50000	Medium	1253684
426	42203	Doll Ceramic Pvt. Ltd	1	8/11/2013	6/3/2019	1944	50000	Large	2963114
427	42865	Solarium Ceramic Pvt Ltd	1	13/7/2016	6/3/2019	966	50000	Large	1472411
428	44515	Montana Tiles Pvt. Ltd.,	1	10/5/2016	6/3/2019	1030	50000	Large	1569962
429	43392	Skytouch Ceramic Pvt Ltd	1	26/12/2016	6/3/2019	800	100000	Large	1270196
430	60336	ANTONOVA TILES (INDIA) PRIVATE LIMITED	1	16/11/2018	6/3/2019	110	80000	Large	174652
431	52031	M/s. Sologres Granito Private Limited	1	22/3/2017	6/3/2019	714	90000	Large	1133650
432	44257	Shiv Shakti Ceramic Pvt. Ltd.	1	15/9/2016	6/3/2019	902	65000	Medium	1317574
433	43575	Lanford Ceramic Pvt Ltd	1	6/9/2016	6/3/2019	911	50000	Large	1388578

434	45664	Stream Ceramic Pvt. Ltd.	1	26/5/2016	6/3/2019	1014	50000	Large	1545575
435	45560	Logart Ceramic Pvt. Ltd.,	1	29/6/2016	6/3/2019	980	55000	Large	1555990
436	59823	ARKITON TILES LLP	1	8/10/2018	6/3/2019	149	100000	Large	236574
437	43323	Eurocoin Ceramics Pvt Ltd	1	6/1/2015	6/3/2019	1520	70000	Medium	2220303
438	51391	Rockland Ceramic Llp	1	28/6/2016	6/3/2019	981	50000	Large	1495275
439	19853	Mod Ceramic Ind Ltd	1	8/11/2013	6/3/2019	1944	70000	Medium	2839650
440	19615	Hem Ceramics	1	7/11/2013	6/3/2019	1945	80000	small	2470531
441	27429	Maruti Gold Industries	1	16/9/2013	6/3/2019	1997	51667	small	2536582
442	34421	Victory Floor Tiles Pvt. Ltd.	1	1/11/2013	6/3/2019	1951	80000	Large	3097691
443	19626	Icon Ceramics Ltd.	1	30/1/2013	6/3/2019	2226	50000	Medium	2827457
444	20200	Symphony Ceramics Pvt. Ltd.	1	5/12/2012	6/3/2019	2282	50000	small	2318870
445	35900	Millennium Vitrified Tiles P. Ltd.,	1	22/5/2013	6/3/2019	2114	120000	Large	3490753
446	36748	Platina Vitrified Pvt. Ltd.,	1	1/11/2013	6/3/2019	1951	125000	Large	3221598
447	29224	Tecco Ceramics	1	10/7/2014	6/3/2019	1700	75000	Large	2699167
448	30099	Tile Gres Ceramics,	1	25/9/2012	6/3/2019	2353	50000	small	2391017

449	28791	Alliance Vitrified . Pvt. Ltd.	1	1/11/2013	6/3/2019	1951	90000	Large	3097691
450	10234	Satellite Ceramic	1	27/8/2012	6/3/2019	2382	50000	small	2420486
451	33206	Airson Ceramic Industries	1	31/10/2013	6/3/2019	1952	50000	small	1983538
452	19560	Famous Ceramic Industries	1	31/1/2013	6/3/2019	2225	50000	small	2260949
453	19903	Orbit Cera Tiles Ltd	1	1/11/2013	6/3/2019	1951	50000	small	1982522
454	19380	Anand Industries	1	25/9/2012	6/3/2019	2353	65000	small	2988771
455	65342	CIBELA VITRIFIED PVT LTD	1	15/1/2019	6/3/2019	50	111111	Large	82563
456	52607	Cibela Ceramic Pvt Ltd	1	6/11/2017	6/3/2019	485	100000	Large	770056
457	36635	Romex Tiles Pvt. Ltd.	1	22/5/2013	6/3/2019	2114	62000	Medium	3087974
458	37669	New Vardhman Vitrified Pvt. Ltd.,	1	18/11/2013	6/3/2019	1934	100000	Large	3070699
459	45069	Revenza Ceramic	1	7/7/2015	6/3/2019	1338	50000	Large	2039427
460	27652	Arrone Ceramic(Previously Ld Ceramics)	1	9/11/2013	6/3/2019	1943	50000	Medium	2467991
461	44032	Simstone Ceramic Pvt.Ltd.	1	29/12/2018	6/3/2019	67	111111	Large	110634
462	38992	Pluto Ceramic	1	20/11/2013	6/3/2019	1932	50000	Medium	2454019
463	36712	Success Ceramic Pvt. Ltd.,	1	26/11/2014	6/3/2019	1561	50000	Medium	1982776

464	44140	Arise Ceramic (P) Limited	1	1/4/2015	6/3/2019	1435	66667	Large	2278414
465	60044	Grenic Tiles Pvt Ltd	1	23/2/2018	6/3/2019	376	50000	Medium	477594
466	61418	Iyota Tiles LLP	1	29/8/2018	6/3/2019	189	50000	Large	288080
467	20342	Yera Ceramcs	1	13/6/2012	6/3/2019	2457	100000	Small	3120872
468	46226	Million Ceramic	1	18/12/2015	6/3/2019	1174	50000	Large	1789452
469	20193	Surya Ceramics	1	5/12/2016	6/3/2019	821	120000	Medium	1303539
470	37089	Benten Ceramic Pvt. Ltd.,	1	23/5/2013	6/3/2019	2113	50000	Medium	2683924
471	45071	Sunbright Ceramic Pvt Ltd	1	30/12/2015	6/3/2019	1162	62000	Medium	1697363
472	45397	Rex Ceramic Pvt. Ltd.	1	26/7/2016	6/3/2019	953	50000	Large	1452596
473	43322	Frita Ceramic Pvt Ltd	1	18/2/2015	6/3/2019	1477	50000	Medium	1876080
474	34271	Suntop Ceramics Pvt. Ltd.,	1	21/2/2009	6/3/2019	3665	50000	small	3724215
475	44520	Ve-7 Ceramic	1	13/4/2016	6/3/2019	1057	50000	Large	1611117
476	51895	Parcos Tiles Llp	1	15/6/2017	6/3/2019	629	100000	Large	998692
477	58705	MOX TILES LLP	1	5/12/2018	6/3/2019	91	100000	Medium	132926
478	51136	Savino Granito Pvt Ltd	1	12/7/2016	6/3/2019	967	100000	Large	1535350

479	60441	ROAR CERAMIC LLP	1	15/10/2018	6/3/2019	142	50000	Large	216441
480	52422	Lenora Vitrified LLP	1	8/1/2019	6/3/2019	57	111111	Large	94122
481	52190	Lizzart Granito Llp	1	19/10/2018	6/3/2019	138	100000	Large	219109
482	51512	Laxveer Ceramic Llp	1	28/9/2016	6/3/2019	889	100000	Large	1411505
483	58308	LIVENZA GRANITO LLP	1	1/1/2019	6/3/2019	64	100000	Large	101616
484	45490	Shallow Ceramic Pvt. Ltd.,	1	21/2/2015	6/3/2019	1474	70000	Large	2340336
485	51925	Gris Ceramic Llp	1	1/10/2016	6/3/2019	886	50000	Medium	1125394
486	48294	Sherwin Tiles P. Ltd.	1	31/5/2018	6/3/2019	279	65000	Medium	407542
487	44093	Sirium Ceramic Private Limited	1	3/3/2015	6/3/2019	1464	70000	Large	2324459
488	45561	Zibon Ceramic Pvt. Ltd.,	1	6/6/2016	6/3/2019	1003	50000	Medium	1274007
489	46645	Nageshwari Ceramic Pvt. Ltd.	1	6/9/2016	6/3/2019	911	50000	Large	1388578
490	45491	Amodh Ceramic Pvt. Ltd.,	1	31/1/2019	6/3/2019	34	100000	Medium	49665
491	43393	Sion Ceramic Pvt Ltd	1	3/11/2015	6/3/2019	1219	50000	Large	1858043
492	45322	Luton Ceramic Pvt. Ltd.	1	2/2/2016	6/3/2019	1128	50000	Medium	1432781
493	51922	Skajen Vitrified Pvt Ltd	1	31/7/2017	6/3/2019	583	100000	Large	925655

494	55203	Simanto Vitrified Llp	1	30/1/2019	6/3/2019	35	65000	Large	55571
495	51923	Krypton Granito Pvt Ltd	1	18/2/2019	6/3/2019	16	65000	Large	25404
496	44850	Rio Ceramic Pvt. Ltd.	1	30/8/2016	6/3/2019	918	50000	Medium	1166040
497	35994	Salix Ceramic Pvt. Ltd.,	1	9/11/2013	6/3/2019	1943	50000	Medium	2467991
498	61257	Cefone Ceramic LLP	1	7/1/2019	6/3/2019	58	60000	Large	92089
499	19332	Rome Tiles	1	19/2/2010	6/3/2019	3302	50000	small	3355350
500	57206	Sevenza Ceramic	1	31/1/2019	6/3/2019	34	100000	Large	53983
501	35923	Seven Ceramic	1	7/11/2013	6/3/2019	1945	50000	Medium	2470531
502	41983	Wall Stone Ceramic	1	7/11/2013	6/3/2019	1945	85000	Large	3088164
503	43379	Aajveto Manufacturing Pvt.Ltd.	1	29/4/2015	6/3/2019	1407	87500	Large	2233957
504	35921	Livent Ceramics,	1	9/11/2013	6/3/2019	1943	50000	Medium	2467991
505	20065	Shyamgold Ceramic	1	19/11/2009	6/3/2019	3394	50000	Small	3448837
506	19906	Oscar Ceramics	1	31/7/2009	6/3/2019	3505	45000	Small	3561630
507	27131	Corona Vitrified Pvt Ltd	1	8/8/2009	6/3/2019	3497	150000	Large	5774439
508	19443	Boss Ceramics	1	8/8/2009	6/3/2019	3497	50000	Medium	4441876

509	25167	Magnum Ceramics Pvt.Lotd.	1	3/3/2009	6/3/2019	3655	50000	Medium	4642567
510	37250	Spa Ceramic Pvt. Ltd.,	1	20/11/2013	6/3/2019	1932	50000	Medium	2454019
511	37946	Signature Ceramic Pvt. Ltd.,	1	20/11/2013	6/3/2019	1932	50000	Medium	2454019
512	11600	Livon Ceramic	1	20/11/2013	6/3/2019	1932	50000	Medium	2454019
513	37245	Whitegold Ceramics Pvt. Ltd.,	1	22/7/2013	6/3/2019	2053	50000	Medium	2607713
514	19472	Cyber Ceramics	1	25/8/2010	6/3/2019	3115	50000	Medium	3956661
515	16217	Himat Glaze Tiles	1	14/8/2012	6/3/2019	2395	50000	Small	2433696
516	30157	Epson Vitrified Pvt. Ltd.,	1	30/10/2013	6/3/2019	1953	50000	Large	2976832
517	26726	Santosh Cera Tiles	1	27/8/2012	6/3/2019	2382	50000	Small	2420486
518	19827	Samsun Ceramic Pvt Ltd	1	4/10/2012	6/3/2019	2344	50000	Medium	2977340
519	33131	Simolex Ceramic Pvt. Ltd.,	1	30/10/2013	6/3/2019	1953	100000	Large	3100866
520	20578	Sky Ceramic Pvt.,Ltd.,	1	30/10/2013	6/3/2019	1953	85000	Small	2480693
521	19555	Excel Ceramics Pvt. Ltd.	1	6/6/2013	6/3/2019	2099	120000	Large	3465984
522	32906	Hill Stone Ceramic Pvt. Ltd.	1	20/11/2013	6/3/2019	1932	50000	Medium	2454019
523	36072	Segal Ceramic Pvt. Ltd.,	1	5/6/2013	6/3/2019	2100	50000	Medium	2667412

524	27185	Shree Ganesh Ceramic Industries (Velocity Ceramic Ind.)	1	4/4/2013	6/3/2019	2162	50000	small	2196931
525	37100	Venice Ceramics	1	27/11/2013	6/3/2019	1925	50000	Medium	2445128
526	13629	Qutone Ceramic Pvt. Ltd.,	1	18/11/2013	6/3/2019	1934	50000	small	1965247
527	20185	Sunora Ceramics Industries	1	17/2/2009	6/3/2019	3669	50000	small	3728280
528	20182	Sunhill Ceramics Pvt. Ltd.	1	31/8/2012	6/3/2019	2378	50000	Medium	3020526
529	35516	Swiss Ceramic Pvt.Ltd.	1	15/11/2013	6/3/2019	1937	50000	Small	1968296
530	23418	Sunshine Tiles Co. Pvt Ltd.	1	21/11/2013	6/3/2019	1931	100000	Large	3065936
531	55324	Freedom Ceramic Pvt Ltd	1	8/1/2019	6/3/2019	57	100000	Large	90501
532	55978	Simora Tiles Llp	1	6/11/2018	6/3/2019	120	140000	Large	198151
533	26743	Sonata Ceramic	1	31/3/2012	6/3/2019	2531	50000	Small	2571893
534	33807	Keda Ceramic Pvt.Ltd.	1	29/10/2013	6/3/2019	1954	50000	Medium	2481963
535	30086	Blueart Granito Pvt. Ltd.,	1	4/2/2019	6/3/2019	30	100000	Large	47632
536	19971	Pulsar Ceramic	1	28/4/2010	6/3/2019	3234	80000	Small	4107814
537	19720	Jaysun Ceramics	1	21/11/2013	6/3/2019	1931	50000	Small	1962199
538	51965	Velsaa Vitrified Llp	1	6/11/2017	6/3/2019	485	100000	Large	770056

539	27149	Ashutosh Tiles Pvt Ltd	1	27/7/2012	6/3/2019	2413	50000	Large	3677980
540	34414	Monarch Ceramic	1	23/11/2012	6/3/2019	2294	111111	Medium	3642287
541	19453	Irish Ceramic	1	11/11/2013	6/3/2019	1941	111111	Medium	3081813
542	40405	Commondo Ceramic Pvt Ltd	1	28/9/2012	6/3/2019	2350	111111	Small	3581953
543	19378	Amrut Ceramics	1	14/10/2011	6/3/2019	2700	50000	Medium	3429530
544	51964	Clan Vitrified Pvt Ltd	1	19/2/2019	6/3/2019	15	100000	Large	23816
545	59767	MILLENNIUM CERAMIC LLP	1	17/10/2018	6/3/2019	140	50000	Large	213393
546	26092	Sega Ceramics Pvt.Ltd.	1	21/11/2013	6/3/2019	1931	100000	Small	2452749
547	42789	Sanskar Ceramic Private Limited	1	18/3/2015	6/3/2019	1449	50000	Large	2208617
548	19585	Glory Ceramics Ltd	1	3/10/2009	6/3/2019	3441	100000	Medium	5026357
549	49827	Color Granito Pvt Ltd	1	31/1/2019	6/3/2019	34	100000	Large	53983
550	19531	Dolphin Tile Concept	1	13/7/2012	6/3/2019	2427	50000	Small	2466213
551	39089	Swidan Ceramic	1	29/10/2013	6/3/2019	1954	50000	Large	2978356
552	33861	Olwin Tiles (India) Pvt. Ltd.,	1	4/4/2013	6/3/2019	2162	50000	Large	3295397
553	35069	Wintop Vitrified Pvt. Ltd.,	1	4/4/2013	6/3/2019	2162	100000	Large	3432705

554	62399	GRAYSTONE CERAMIC LLP	1	19/10/2018	6/3/2019	138	100000	Large	219109
555	16906	Rikon Ceramics	1	31/8/2012	6/3/2019	2378	48000	Medium	3020526
556	38460	Canton Ceramic,	1	6/6/2017	6/3/2019	638	111111	Small	972462
557	25132	Wintel Ceramics Pvt.Ltd.	1	29-Oct-2013	6/3/2019	1401	80000	Large	2224431
558	32582	Verona Granito Pvt.Ltd.	1	15-Jun-2009	6/3/2019	3602	100000	Medium	5261533
559	10332	Capson Tiles Pvt. Ltd.	1	8-May-2013	6/3/2019	1860	85000	Large	2953206
560	16878	Acer .Granito .Pvt . Ltd.	1	03/08/2016	6/3/2019	517	100000	Large	820864
561	33053	Coral Gold Tiles Pvt.Ltd.	1	10/12/2012	6/3/2019	2143	111111	Large	3538639
562	10480	Coral Granito Pvt. Ltd.	1	31/10/2013	6/3/2019	314	111111	Large	518494
563	19807	Major Ceramics	1	26/08/2012	6/3/2019	2081	111111	Small	3171934
564	28873	Rolex Ceramic	1	19/08/2013	6/3/2019	1745	50000	Medium	2216492
565	27110	Croma Ceramics P. Ltd	1	24/08/2012	6/3/2019	1854	111111	Small	2825932
566	32434	Simpolo Vitrified Pvt. Ltd.	1	29/10/2013	6/3/2019	1049	20000	Large	1598923
567	35922	Sims Ceramic Pvt. Ltd.,	1	08/11/2013	6/3/2019	811	111111	Large	1339168
568	29621	Real Granito Pvt. Ltd.	1	30/10/2013	6/3/2019	1675	111111	Large	2765852

569	27381	Ultraceramics	1	30/03/2012	6/3/2019	1629	80000	Small	2069149
570	19480	Deco Light Ceramic Ltd.	1	09/04/2013	6/3/2019	321	111111	Large	530053
571	19381	Angel Ceramics Pvt Ltd	1	17/11/2011	6/3/2019	1652	60000	Medium	2413119
572	20197	Suzuki Ceramic	1	22/02/2010	6/3/2019	1879	111111	Small	2864038
573	36710	Liva Ceramics,	1	08/01/2015	6/3/2019	823	50000	Large	1254446
574	33813	Om Ceramic Industries	1	13/04/2009	6/3/2019	1630	111111	Small	2484504
575	20137	Simco Ceramic	1	06/01/2010	6/3/2019	189	111111	Large	312087
576	19466	Classic Ceramics	1	01/11/2013	6/3/2019	1153	111111	Small	1757443
577	19854	Modern Ceramic Ind.(New Name: Ganga Glaze Tile Pvt.Ltd.)	1	28/10/2009	6/3/2019	3179	80000	Small	4037953
578	27247	Atlas Industries	1	01/11/2013	6/3/2019	1622	111111	Small	2472310
579	32600	Comet Granito Pvt.Ltd.	1	30/10/2013	6/3/2019	959	120000	Large	1583554
580	65118	COLOR TILES PVT.LTD. (UNIT- 2)	1	17/01/2019	6/3/2019	113	50000	Large	172239
581	42659	Amora Tiles Pvt Ltd	1	27/08/2014	6/3/2019	295	111111	Large	487120
582	36177	Tocco Ceramic Private Limited	1	04/04/2013	6/3/2019	805	75000	Large	1278135
583	32934	Sun Glare Vitrified Pvt. Ltd.,	1	05/04/2013	6/3/2019	741	111111	Large	1223580

584	36061	Duracon Vitrified Pvt. Ltd.,	1	01/11/2013	6/3/2019	1939	100000	Large	3078638
585	36948	Commander Vitrified Pvt. Ltd.,	1	14/08/2013	6/3/2019	1269	100000	Large	2014849
586	31461	Famous Vitrified Pvt. Ltd.,	1	07/05/2013	6/3/2019	762	111111	Small	1161467
587	33858	Vintage Tiles Pvt. Ltd.,	1	12/04/2013	6/3/2019	1126	50000	Large	1716289
588	19713	Jaydeep Industries	1	07/11/2013	6/3/2019	1652	35000	Small	1678691
589	40087	Solar Ceramic Pvt Limited	1	17/10/2012	6/3/2019	1492	111111	Small	2274159
590	30886	Jetking Ceramic Pvt. Ltd.	1	02/02/2013	6/3/2019	2074	65000	Medium	3029545
591	37266	Siyaram Vitrified Pvt. Ltd.,	1	29/10/2013	6/3/2019	911	111111	Large	1504293
592	19640	Italika Ceramics (New Name : Italika Floor Tiles Ltd.)	1	30/10/2013	6/3/2019	1498	50000	Large	2283305
593	27440	HIMSUN CERAMIC	2	04-03-2013 & 22/10/2018	6/3/2019	2328	62500	Large	3696271
594	35581	HOLLIS VITIRIFED PVT.TLD	2	08-11-2013 & 14/06/2018	6/3/2019	2209	100000	Large	3507329
595	30161	LEXUS GRANITO INDIA LTD	2	07-11-2013 & 31/05/2017	6/3/2019	2589	150000	Large	4275099
596	24508	LUMEN CERAMIC PVT LTD	2	31-10-2013 & 06/09/2016	6/3/2019	2863	90000	Medium	4182057

597	20879	ANMOL CERAMIC	2	30-07-2012 & 17/01/2015	6/3/2019	3919	50000	Medium	4977899
598	42145	Lorex Cermaic	2	04-02-2015 & 26/10/2017	6/3/2019	1987	50000	Large	3028656
599	20016	Clayris Ceramics Pvt.ltd	2	23-05-2012 & 23/05/2012	6/3/2019	4956	100000	Large	7868865
600	39331	MAXIMO CERAMIC PVT.TLD	2	08-11-2013 & 28/03/2016	6/3/2019	3017	62000	Medium	4407009
601	20161	Square Ceramic pvt ltd	2	23-08-2012 & 08/01/2015	6/3/2019	3904	50000	Small	3967077
602	26413	Solaris Ceramic	2	21-11-2013 & 22/05/2014	6/3/2019	3680	100000	Large	5842902
603	38455	Gress Ceramic Pvt.Ltd	2	22-11-2013 & 03/01/2017	6/3/2019	2722	50000	Medium	3457474
604	49519	SPENTAGON CERAMIC PVT.TLD	2	02-06-2016 & 27/11/2018	6/3/2019	1106	75000	Large	1756046
605	25165	Lorenzo Vitrified Pvt Ltd	2	30-04-2013 & 16/01/2015	6/3/2019	3646	95000	Large	5788919
606	30064	BIG TILES	2	25-04-2013 & 20/02/2019	6/3/2019	2155	50000	Medium	2737273
TOTAL Rs.									1220439562

Oversight committee decided for the equitable distribution of compensation as per the following scaling factor which is based on the range of the coal gasifier capacity, scale of each industry and number of year the gasifier is in possession/operation besides the factor of number of days has been adequately addressed during calculation of EDC by respective institutes. This is the most rational and logical approach in such a situation.

Factor			
Capacity of the coal gasifier (producer gas in SCM/Day)	Scale of Industry		
	Small	Medium	Large
<= 50000	0.8	1.0	1.2
50001 to 100000	1.0	1.15	1.25
> 100001	1.2	1.25	1.3

Thus, the formulae for the calculation of compensation to be levied from each of the identified industry will be:

$$\text{Compensation to be levied from individual industry} = \left(\text{Total Compensation (TC)} \right) * \left(\frac{\text{Factor days of the respective group (FD}^G\text{)}}{\text{Total Factor days of the all group } (\sum \text{FD})^G} \right) * \left(\frac{\text{Days of possession/operation of gasifier by the individual industry (D)}}{\text{Number of days of possession/operation of gasifier for respective group (D}^G\text{)}} \right)$$

$$\text{Compensation to be levied from individual industry} = \left[\text{TC} \right] * \left[\frac{\text{FD}^G}{(\sum \text{FD})^G} \right] * \left[\frac{\text{D}}{\text{D}^G} \right]$$

Where,

- (1) Factor days for each group = Total number of days of possession/operation of gasifier(s) within each group identified by the scale of industry (small, medium, large) and capacity of the coal gasifier (producer gas in SCM/Day)* factor

Accordingly, for instance, the compensation to be levied from M/s. Victory Floor Tiles having coal gasifier is as below:

Sr.No	ID	Name of the Unit	If yes, Numbers. of Gasifier (1/2/3)& If No, put 0 (Zero)	Type of Gasifier	Date of Installation (for each Gasifier)	Duration	Days	No. of Years	Producer Gas Quantity	Total Cost	Scale	Total Amount	25 % of interim EDC as per Hon'ble High court Order	Scale (trim whitespaces)	Classification based on producer gas quantity (A/B/C)	Calculated EDC	
441	34421	Victory Floor Tiles Pvt. Ltd.	1	B	01/11/2013		6/3/2019	1951	5.35	80000	12.74	Large	9755000	2438750	Large	B	3122534

$$\text{Compensation to be levied from individual industry} = \left[\text{TC} \right] * \left[\frac{\text{FD}^G}{(\sum \text{FD})^G} \right] * \left[\frac{\text{D}}{\text{D}^G} \right]$$

Where

- TC (Total Compensation) = Rs. 1220439562
- D = 1951 Days
- D^G (Number of days of possession/operation of gasifier for respective group) = 146371 (Calculated based on respective group (i.e. Large Scale & category B))
- FD^G (D^G X Factor) = 146371 x 1.25 = 182964
- (∑ FD)^G = 953183 (Total numbers of factor Days)

Therefore, Compensation to be levied from industry = (1220439562) X (182964 / 953183) X (1951/146371) ≅ 31,22,534/-