

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 216/2026**

IN THE MATTER OF:-

Shriya Kumawat

...Applicant

Versus

Union of India & Ors.

...Respondent (s)

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(SAMEER ABHYANKAR)
ADVOCATE FOR RESPONDENT NO. 30
(STATE OF SIKKIM)
D-247, LGF, DEFENCE COLONY,
NEW DELHI-110024

PLACE: NEW DELHI
Dated:18.07.2026

Email: contactadvsa@gmail.com
M-9953328394

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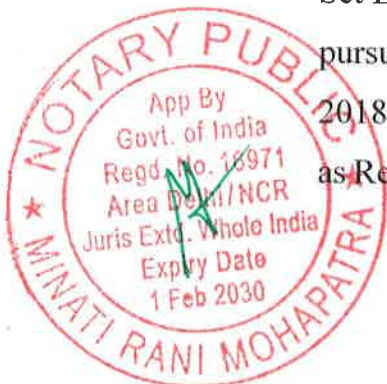
Union of India &Ors.

...Respondent

AFFIDAVIT IN COMPLIANCE WITH THE ORDER DATED
09.04.2026 ON BEHALF OF THE RESPONDENT NO.30/STATE
OF SIKKIM

I, Sunil Kumar, I.F.S., Additional Resident Commissioner, Government of Sikkim, Sikkim House, 12, Panchsheel Marg, Chanakyapuri, New Delhi, do hereby solemnly affirm and most humbly and respectfully submit as under:

1. That I am authorized to swear the present Compliance Affidavit on the instruction received from the State Pollution Control Board, State of Sikkim.
2. The captioned Application has been filed before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, seeking, inter alia, implementation of the CPCB Circular dated 01.02.2022 titled "System and Procedure for Emission Compliance Testing of Retrofit Emission Control Devices (RECD) for Diesel Power Generating Set Engines up to the Gross Mechanical Power of 800 kW," issued pursuant to the order dated 06.08.2019 passed in O.A. No. 681 of 2018. The Sikkim State Pollution Control Board has been arrayed as Respondent No. 30 in the captioned Application. Vide order dated



A handwritten signature in blue ink, appearing to read "Sunil Kumar", written over a horizontal line.

09.04.2026, the Hon'ble Tribunal issued notice to all the Respondents and directed them to file their respective affidavits.

3. It is submitted that, in compliance with the directions of the Hon'ble Tribunal, the Sikkim State Pollution Control Board has examined the issues raised in the present matter.
4. It is submitted hat, pursuant to the directions of the Hon'ble Tribunal, the Sikkim State Pollution Control Board reviewed the existing provisions relating to the retrofitting of operational Diesel Generator (DG) Sets with Retrofit Emission Control Devices (RECDs). To ensure compliance with the guidelines issued by the Central Pollution Control Board (CPCB) and to regulate the operation of old DG Sets, the State Pollution Control Board issued a direction dated 18.06.2026 laying down the conditions to be followed while granting or renewing Consent to Operate (CTO) for such DG Sets.

A true copy of the direction dated 18.06.2026 issued by the Sikkim State Pollution Control Board, is annexed herewith and marked as **Annexure R-1.**

5. It is submitted that, under the Direction issued by the Sikkim State Pollution Control Board, all operational Diesel Generator (DG) Sets having a capacity of 15 KVA and above and which have completed 15 years or more from the date of manufacture are required to be retrofitted with Emission Control Devices in accordance with the guidelines issued by the Central Pollution Control Board (CPCB). The Direction further provides that the owners of such DG Sets shall ensure compliance with the said requirement before applying for grant or renewal of Consent to Operate (CTO). It has also been directed that no DG Set which is more than 15 years old and does not have a valid Consent to Operate shall be permitted to operate within the State of Sikkim.



A handwritten signature in blue ink, appearing to be "Anurag", written over a horizontal line.

6. It is further submitted that the above-mentioned direction further provides that the Retrofit Emission Control Devices (RECDs) shall be tested and certified only by laboratories recognised and approved by the Central Pollution Control Board (CPCB). These include the Automotive Research Association of India (ARAI), Pune; the International Centre for Automotive Technology (ICAT), Manesar; the Indian Institute of Petroleum (IIP), Dehradun; and the Vehicle Research and Development Establishment (VRDE), Ahmednagar.
7. It is further submitted that, in the State of Sikkim, all owners and operators of Diesel Generator (DG) Sets are required to comply with the Direction dated 18.06.2026 issued by the Sikkim State Pollution Control Board. No exemption has been granted for operating DG Sets without installation of Retrofit Emission Control Devices (RECDs) or any other equivalent certified emission control technology. If the said Direction is not complied with, the Sikkim State Pollution Control Board shall not grant or renew the Consent to Operate (CTO), and the concerned industry or establishment shall not be permitted to operate such non-compliant DG Sets within the State of Sikkim.
8. It is further submitted that, although the Sikkim State Pollution Control Board has not received any specific communication from the Central Pollution Control Board (CPCB) directing implementation of the CPCB Circular dated 01.02.2022, the State of Sikkim has taken necessary steps to ensure compliance with the guidelines issued by the CPCB. Accordingly, the Sikkim State Pollution Control Board issued the Direction dated 18.06.2026, and, in the State of Sikkim, all applications for grant or renewal of Consent to Operate (CTO) for eligible Diesel Generator (DG) Sets are being considered in accordance with the said Direction and the applicable CPCB guidelines.



9. I say therefore that the State of Sikkim has complied and is further committed to ensure compliance with the directions/Judgement of this Hon'ble Tribunal.

10. That the present affidavit is true to the best of my knowledge and information received from the Answering Respondent and nothing material has been concealed therefrom.



DEPONENT

SUNIL KUMAR, IFS
Additional Resident Commissioner
Government of Sikkim
Sikkim House, New Delhi

Amishi
19/3/2024

VERIFICATION:

18 JUL 2026

Verified at New Delhi on _____ day of _____, 2026, that the contents of the above said affidavit are true and correct to the best of my knowledge and belief. Nothing material has been concealed therefrom.




DEPONENT

SUNIL KUMAR, IFS
Additional Resident Commissioner
Government of Sikkim
Sikkim House, New Delhi

ATTESTED

MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No. _____

MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457

18 JUL 2026



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

ANNEXURE R-1

F. No. 4042/SPCB/1139

Dated: 18/6/2026

Direction

Direction for Retro- fitting of Emission Control Device (RECD) in old Generator set for consideration of application for renewal of Consent to Operate.

Whereas, the Hon'ble National Green Tribunal (Principal Bench, New Delhi), in Original Application No. 681/2018, observed that air pollution caused by Generator sets must be included in action plans. It further noted that, where necessary, these plans should also provide for retrofitting existing generators with emission control devices; and

Whereas, the Ministry of Environment, Forest and Climate Change, Government of India, has launched the National Clean Air Programme (NCAP) for the prevention, control and abatement of air pollution levels in the country under which various sources of air pollution has been identified such as vehicles, Generators, construction dust etc; and

Whereas installation and operation of Generators sets require prior Consent of the Board; and

Whereas, Sikkim being a himalayan state is recognized as a biodiversity hotspot and stringent measures are required to prevent deterioration of ambient air quality of the state; and

Whereas, obsolete Generator sets exceeding the service life of 15 years and above adversely impact the local ambient air quality and is not permissible to allow its continued operation; and

Whereas, operation of such old Generator sets shall be permitted by the Board, on case-to-case basis, subject to carrying out necessary retrofitting of the Generator set and meeting the emission standards; and

Now, therefore, in view of the above and in the exercise of powers vested with the Board under section 31(A) of Air (Prevention and Control of Pollution) Act, 1981 read with section 5 of the Environment (Protection) Act 1986, all persons, entities, industries and establishments operating Generator sets of 15KVA and above, within the state of Sikkim are hereby directed to take following actions with immediate effect:

1. Submit application for renewal of Consent to Operate (CTO) Generator Sets duly ensuring that the operational Generator Set having 15KVA and above capacity which have exceeded service life of 15 years from the dates of manufacture are retrofitted with emission control device as per the guidelines of CPCB.
2. Immediately stop operating the Gen Set which is more than 15 years old and without having valid Consent to Operate.
3. RECD are to be certified by one of the following recognized and approved agencies by CPCB as per the Guidelines issued by the CPCB.
 - a. Automotive Research Association of India, Pune (Maharashtra)
 - b. International Centre for Automotive Technology, Manesar (Haryana)
 - c. Indian Institute of Petroleum, Dehradun (Uttarakhand) or
 - d. Vehicle Research Development Establishment, Ahmednagar Maharashtra)



Nima Wangdi Tamang
 (N. Wangdi Tamang, IPS (Retd.))
 Member Secretary
 State Pollution Control Board-Sikkim

A
TRUE COPY



6

Proof of Service 610
Office of Sameer Abhyankar <contactadvsa@gmail.com>**RE: Original Application No. 216/2026 SHRIYA KUMAWAT VS UNION OF INDIA**

1 message

Office of Sameer Abhyankar <contactadvsa@gmail.com>

Sat, Jul 18, 2026 at 2:37 PM

To: "Adv. Rajendra Singh Rana" <adv.rsrana77@gmail.com>

Dear Sir

Please find attached scanned Copy of the Affidavit in compliance with the orders dated 09.04.2026 on behalf of the State of Sikkim in the Captioned Matter.

Regards
Prince Kumar
For
Mr. Sameer Abhyankar
Counsel For State of Sikkim

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Address for Correspondence:
D-247, LGF, Defence Colony,
New Delhi 110024
Ph. +91-11-49402169

 **Compliance affidavit.pdf**
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