

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI MA NO.**

142/2024

IN

ORIGINAL APPLICATION NO. 458/2022

IN THE MATTER OF:

SHESHAN TYAGI

.....APPLICANT(s)

VERSUS

STATE OF UTTAR PRADESH & OTHERSRESPONDENT(s)

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THROUGH



BHANWAR PAL SINGH JADON

COUNSEL FOR UTTAR PRADESH POLLUTION CONTROL BOARD

DATE: 28.02.2025

EMAIL- bhanwar09jadon@gmail.com

PLACE: Ghaziabad

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

M.A. No. 142/2024

IN

ORIGINAL APPLICATION NO. 458/2022



IN THE MATTER OF:

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.....RESPONDENT(s)

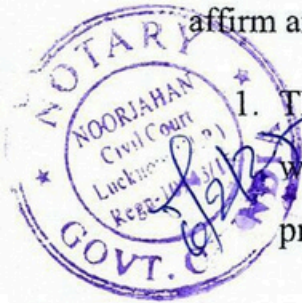
**COMPLIANCE AFFIDAVIT ON BEHALF OF UTTAR PRADESH
POLLUTION CONTROL BOARD IN COMPLIANCE OF THE ORDER
DT. 18.12.2024 PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL**

I, Sanjeev Kumar Singh, aged about 38 years, S/o Shri Lal Sahab Singh, posted as Member Secretary, Uttar Pradesh Pollution Control Board, do hereby solemnly affirm and state as under:

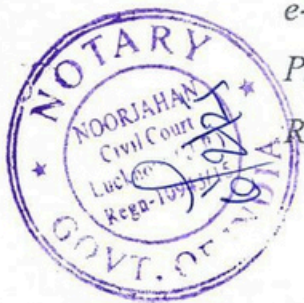
1. That I, the Deponent in the above captioned matter am fully conversant with the facts of the case and am competent and authorized to swear the present affidavit.

2. That I state that the contents of the affidavit have been drafted by my counsel on my instructions and the contents of the same are true to my knowledge and nothing material has been concealed therefrom.

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3. That at the outset the Deponent tenders an unconditional sincere apology for the delay that has occurred in the present matter. That the said delay was neither intentional nor deliberate. That the Deponent deeply regrets any inconvenience that may have arisen due to the same. However, the Deponent has taken appropriate action to ensure necessary compliance with respect to the matter. That the Deponent submits that all no such delays on the part of the Deponent would be repeated again and respectfully prays this Hon'ble Tribunal to accept the present apology.
4. That in the present matter, applicant has alleged complaint regarding the installation and operation of DG sets by M.R. Proview Realtech Pvt. Ltd. Developer of Officer's City 2, Raj Nagar Extension, Ghaziabad (herein referred to as "Project Proponent") in violation of the environmental norms causing environmental pollution.
5. That the Hon'ble Tribunal vide judgment dated 29.07.2022 had disposed of the said matter and directed as follows-
".....3. In view of the grievances made in the letter petition, we consider it appropriate that a Committee of the concerned authorities be asked to verify the factual position and take remedial action on the basis thereof. We accordingly constitute Joint Committee of State PCB and District Magistrate, Ghaziabad and direct the same to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law after following due process.
4. Factual and action taken report may be furnished within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi



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who may, if necessary, put up the matter before this Bench for further directions.

5. The application is disposed of accordingly.....”

6. That the Hon’ble Tribunal further in the order dt. 25.11.2024, directed as follows:

“.....3. Order shows that joint Committee was constituted comprising UPPCB and District Magistrate, Ghaziabad and it was required to verify factual position, take remedial action and submit compliance report with Registrar General of the Tribunal within two months.

4. However, till date, the said order dated 29.07.2022 has not been complied with and no such report has been received by this Tribunal though more than an year has passed. This conduct on the part of authorities concerned cannot be appreciated and it amounts to fragrant violation and non-compliance of Tribunal’s order, which is also an offence under Section 26 of National Green Tribunal Act, 2010 (hereinafter referred to as ‘NGT Act, 2010’).

5. However, before proceeding further in the matter, we find it appropriate to grant one more opportunity to concerned authorities and direct the

above joint Committee to submit the report as directed by order dated 29.07.2022 within two weeks failing which Member Secretary, UPPCB and District Magistrate, Ghaziabad shall appear in person on the next date.....”

7. That in compliance of the aforementioned order, the Joint Committee comprising of the officers of Uttar Pradesh Pollution Control Board and Additional District Magistrate, Ghaziabad visited the site in question on 16.12.2024. That Shri. Surya Kant Sharma, Project Manager of M/s M.R.



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Proview Realtech Pvt. Ltd. was also present during the said inspection. That an inspection report was prepared by the Joint Committee and was filed before this Hon'ble Tribunal. That in the said inspection report the Joint Committee recommended as under:

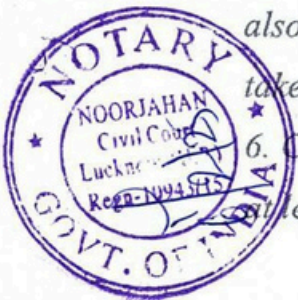
- I. Project must ensure installation of dual fuel kit (70% PNG +30% HSD) or Retro Fitted Emission Control Device (RECD) in compliance of direction No-76 issued by Commission for Air Quality Management in NCR and Adjoining Areas regarding regulation of DG sets.
- II. Project proponent should obtain consent to operate from UPPCB under the Water (Prevention Control of Pollution) Act. 1974 and Air (Prevention Control of Pollution) Act. 1981.
- III. Environmental Compensation (EC) should be imposed against project proponent for non-compliance of direction No-76 dt. 29.09.2023 as per "Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions issued by the Commission"

A Copy of the Inspection report has been attached herewith as **ANNEXURE A-1.**

8. That the above captioned matter was last listed for hearing on 18.12.2024 and the Hon'ble Tribunal directed as follows:

".....5. Show cause notices be issued to the Member Secretary, State PCB and District Magistrate, Ghaziabad requiring them to file report showing action taken by them in compliance of order dated 29.07.2022 and also to show cause as to why appropriate action for non-compliance be not taken against them.

6. Compliance reports and replies to the show cause notices may be filed at least one week before the date of hearing hereby fixed.



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7. List on 06.02.2025 for further consideration.....”

9. That in compliance of the aforementioned order, the Deponent issued a letter dt. 16.12.2024 to the Project Proponent for the installation of dual fuel kit (70% PNG +30% HSD) or Retro Fitted Emission Control Device (RECD) as per the Direction No. 76 dt. 29.09.2023 issued by the Commission for Air Quality Management in National Capital Region and Adjoining Areas.

A Copy of the letter dt. 16.12.2024 has been attached herewith as **ANNEXURE A-2.**

A Copy of the Direction No. 76 dt. 29.09.2023 has been attached herewith as **ANNEXURE A-3.**

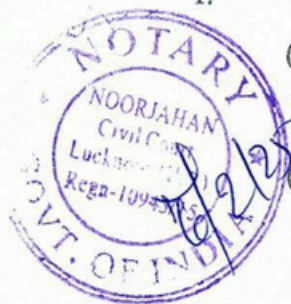
10. That with respect to the non-compliance with the recommendations of the Joint Committee and the directions issued by the Deponent in the letter dated 16.12.2024, the Deponent issued a Show Cause Notice dated 29.01.2025 to the Project Proponent. That in the said notice, an environmental compensation of **Rs. 65,70,000/- (Rupees Sixty-Five Lakhs Seventy Thousand Only)** was imposed upon the Project Proponent. The calculation of the said environmental compensation is as follows:

I. VIOLATION PERIOD:

(a) The violation with respect of the DG Sets in the present matter persisted for 137 days (from 01.01.2024 to 13.10.2024).

(b) That additionally, the violation during the GRAP period was for 41 days (from 14.10.2024 to 28.12.2024).

II. BASIS OF CALCULATION:



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(a) That as per the Order dated 01.01.2025 issued by the Commission for Air Quality Management in the National Capital Region and Adjoining Areas, the penalty for the violations of DG Set regulations is Rs. 15,000/- per day for each DG Set with a capacity exceeding 125 KW but less than 800 KW.

(b) That the formula prescribed for calculating environmental compensation (EC) is as follows:

Total EC per DG Set= Rate per Day*N (No. of Days of Violation)

(c) That with respect to the GRAP period, the relevant portion of the said Order dated 01.01.2025 has been reproduced herein for ready reference:

".....B. For violations observed during the periods of restrictions imposed under GRAP, the rates for EC shall be doubled, (except for cases under 'C' below)...."

III. TOTAL CALCULATION OF ENVIRONMENTAL COMPENSATION:

That on the basis of the aforementioned order, the total environmental compensation for the period 01.01.2024 to 28.12.2024 has been calculated as under:

$$\begin{aligned} \text{EC} &= N * (30,000) + N * (60,000) \\ &= 137 * 30,000 + 41 * 60,000 \\ &= \text{Rs. } 65,70,000/- \end{aligned}$$

A Copy of the show cause notice dt. 29.01.2025 has been attached herewith as ANNEXURE A-4.

A Copy of the order dt. 01.01.2025 has been attached herewith as ANNEXURE A-5.



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11. That in light of the above, the Deponent has ensured necessary compliance in strict adherence to the directions issued by the Hon'ble Tribunal.

12. Hence the present affidavit is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.

13. That I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.

sk

DEPONENT

VERIFICATION

NOTARY

NOTARY

Verified at Lucknow on this 6th day of February, 2025, that the contents of the above affidavit from paragraphs 1 to 13 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

sk

DEPONENT



Sworn and Verified before me.

2/2/25

NOORJAHAN
Advocate & Notary
Civil Court, Lucknow
Registration No. 10943/1999

I know & identify the deponent/Executant who has signed/put his T.L. before me

S.J. Iqbal Advocate
Reg No 6043/1999
Adv LKO

Inspection report in compliance of order dated 25.11.2024 issued by Hon'ble National Green Tribunal in Original Application No. 458/2022 Sheshan Tyagi Versus State of Uttar Pradesh with Original Application No. 460/2022 Gaurav Soni Versus State of Uttar Pradesh.

Hon'ble National Green Tribunal in Original Application No. 458/2022 Sheshan Tyagi Versus State of Uttar Pradesh & Original Application No. 460/2022 Gaurav Soni Versus State of Uttar Pradesh has passed following order dated 25.11.2024:-

".....3. Order shows that joint Committee was constituted comprising UPPCB and District Magistrate, Ghaziabad and it was required to verify factual position, take remedial action and submit compliance report with Registrar General of the Tribunal within two months.

4. However, till date, the said order dated 29.07.2022 has not been complied with and no such report has been received by this Tribunal though more than an year has passed. This conduct on the part of authorities concerned cannot be appreciated and it amounts to fragrant

5. However, before proceeding further in the matter, we find it appropriate to grant one more opportunity to concerned authorities and direct the above joint Committee to submit the report as directed by order dated 29.07.2022 within two weeks failing which Member Secretary, UPPCB and District Magistrate, Ghaziabad shall appear in person on the next date....."

Action Taken:

In compliance of above order the joint committee comprising following officers visited the site in question on dated 16.12.2024 in presence of Shri Surya Kant Sharma, Project Manager of M/s M.R. Proview Realtech Pvt. Ltd., (Officer City-2), Rajnagar Extension, Ghaziabad:-

- 1- Additional District Magistrate (City), Ghaziabad.
- 2- Shri Vipul Kumar, AEE, UPPCB, Ghaziabad.
- 3- Shri Anshul Sharma, AEE, UPPCB, Ghaziabad.

ATTESTED

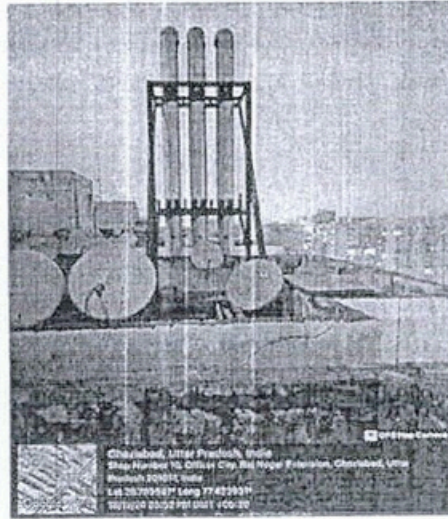
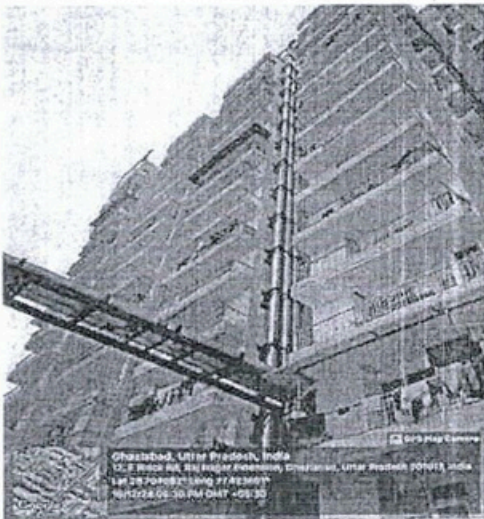
(Sandeep Sharma)
Reg. No. 1136/98
NOTARY PUBLIC
Ghaziabad (U.P.)



17 DEC 2024

Observations:-

- I. There are total two DG sets having capacity 500 KVA and 250 KVA respectively for uninterrupted power supply in case of power failure.
- II. Both DG sets are equipped with acoustic enclosure with stack height of 08 meters above roof top of building, which is adequate as per norms specified by CPCB. Copy of same is annexed as **Annexure-I**.
- III. As per unit representative both dg sets have to be converted into dual fuel (70% PNG + 30% HSD) but at the time of inspection no evidence/work order is provided by representative of M/s M.R. Proview Realtech Pvt. Ltd., (Officer City-2), Rajnagar Extension, Ghaziabad.
- IV. As per direction No-76 issued by Commission for Air Quality Management in NCR and Adjoining Areas regarding regulation of DG sets, both DG sets should be converted into dual fuel (70% PNG + 30% HSD) or Retro Fitted Emission Control Device (RECD) should be installed. Copy of same is annexed as **Annexure-II**.
- V. Photographs taken during inspection is as follows:-

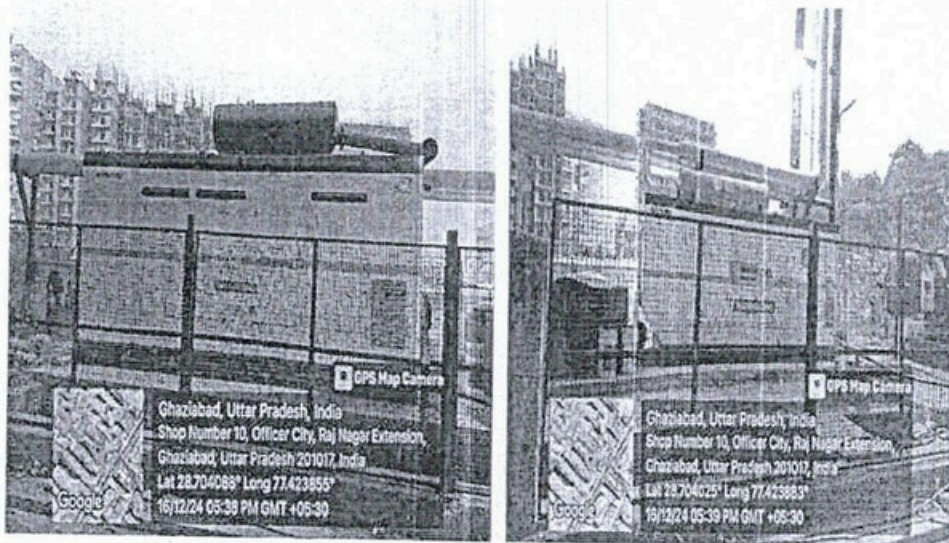


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(Sandesh Sharma)
 Reg. No. 1136/S8
 NOTARY PUBLIC
 Ghaziabad (U.P.)



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Recommendation:

1. Project must ensure installation of dual fuel kit (70% PNG + 30% HSD) or Retro Fitted Emission Control Device (RECD) in compliance of direction No-76 issued by Commission for Air Quality Management in NCR and Adjoining Areas regarding regulation of DG sets.
2. Project proponent should obtain consent to operate from UPPCB under the Water (Prevention Control of Pollution) Act. 1974 and Air (Prevention Control of Pollution) Act. 1981.
3. Environmental Compensation (EC) should be imposed against project proponent for non-compliance of direction No-76 as per "Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions issued by the Commission"

The above report is being submitted for kind consideration of Hon'ble Tribunal.

1-	Additional District Magistrate (City), Ghaziabad.		
2-	Shri Vipul Kumar, AEE, UPPCB, Ghaziabad.		
3-	Shri Anshul Sharma, AEE, UPPCB, Ghaziabad.		

(Sandeep Sharma)
Reg. No. 1136/98
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Ghaziabad (U.P.)

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COMPERHENSIVE INDUSTRY DOCUMENT SERIES
COINDS/26/86-87

EMISSION REGULATIONS
Part IV

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Reg. No. 1136/98
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Chaziabad (U.P.)



**Central Board for the Prevention
And
Control of Water Pollution
New Delhi**

17 DEC 2024



COMPERHENSIVE INDUSTRY DOCUMENT SERIES
COINDS/26/86-87

EMISSION REGULATIONS
Part.IV

ENVIS Centre, CPCB (www.cpcbenvis.nic.in)

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(Sandeep Sharma)
Reg. No. 1136/98
NOTARY PUBLIC
Chaziabad (U.P.)



**Central Board for the Prevention
And
Control of Water Pollution**

'Skylark' Building 60, Nehru Place, New Delhi



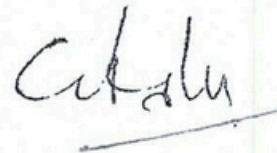
17 DEC 2024

PREFACE

There is a need for evolving emission standards specifically for small boilers, incinerators and diesel generator sets, because these are after located near residential areas, and in industrial areas of metropolition cities. The standards proposed in the following pages meet this need. The standards are intended to be reviewed in June, 1989, based on the results obtained till then.

As prescribed in the Section 17(1)(g) of the Air (Prevention And Control Of Pollution) Act, 1981, the standards are to be laid down by the State Pollution Control Boards. The State Boards may adopt standards that are more stringent than those given herein depending upon the location of the industries, specially if it is in a protected area for instance in the Agra-Mathura trapezium. The State Boards would not, however, relax the standards.

Comments are solicited on the suggested standards.



PARITOSH C. TYAGI
Chairman

ENVIS Centre, CPCB (www.cpcbenvis.nic.in)



17 DEC 2024

ATTESTED

(Sandeep Sharma)
Reg. No. 1138/98
NOTARY PUBLIC
Chandigarh (J.P.)

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ENVIS Centre, CPCB (www.cpcbenvis.nic.in)



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BOILER EMISSIONS

- 1 At present the emission standards covering boilers are given under "Thermal Power" in Emission Regulations, Part-I. These are for particulate matter and are as follows:

BOILER SIZE	Less than 200 MW
PROTECTED AREA	150 mg/Nm ³
OTHER AREA	
Old (Before 1979)	600 mg/Nm ³
New (After 1979)	350 mg/Nm ³

This means that this standard is applicable for boilers of sizes down to the package-type. It also implies that emission control is through the use of the electrostatic precipitator. Both of these need to be clarified.

- 1.1 The control of gaseous emissions from boilers is through the stack height given by $H = (Q)^{0.3}$ where Q is the emission of sulphur dioxide in kg/hr. A requirement of 30 meters is for industries in the Schedule. This is probably too tall for the small boilers.

There appears to be a need for correcting the situation, in view of the clarifications sought from the state boards, from industry and also from boiler manufacturers.

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2. THE FOLLOWING IS THEREFORE ADOPTED :

Boilers are classified according to their steam generation capacity. The relation between the boiler and the industry size is given below :

Category	Steam Generation Capacity	Size Of Industry
I	Less than 2 ton/hr	Very small manufacturers
II	2 to 15 ton/hr	Package boiler range for small scale industries.
III	More than 15 ton/hr	Site-erected boiler for medium scale industries.

- 2.1 It is further adopted that category I boilers should have cyclones attached to them. The cost of a 2 ton/hr boiler and accessories is about 5 lakhs while the cyclone cost would be around Rs. 50,000/-. Category II boilers should have multiclones. The 10 ton/hr boiler cost with accessories is about 50 lakhs while the multiclone cost is Rs. 1.5 lakhs. Category III boilers should have bag filters.

A 15 ton/hr boiler with accessories costs between 75 lakhs and 1.1 crore while the bag filter cost is about 12 lakhs. A boiler of 35 ton/hr with accessories costs 1.4 to 2.2 crores while the bag filter cost is about 25 lakhs. The variation in the cost of the boiler is dependent on the type of steam required. The cost of the control equipment works out to 10% or less of the cost of the boiler with accessories, in each category.

The corresponding emissions for categories I, II and III are 1600 mg/Nm³, 1200 mg/Nm³ and 150 mg/Nm³ respectively.

2.2 THE PROPOSAL CAN BE SUMMARISED AS FOLLOWS :

Capacity Of Boiler	Control Device	Coal Consumption	Required Particulate Emission*
Less than 2 ton/hr	Cyclones	8.5 MT/day	1600 mg/Nm ³
2 to 15 ton/hr	Multiclones	8.5 to 64 MT/day	1200 mg/Nm ³
More than 15 ton/hr	Bag filters	More than 64 MT/day	150 mg/Nm ³

*All emissions normalized to 12 percent carbon dioxide.

This requirement is applicable for boilers using any type of solid fuel. For liquid fuels such as furnace oil or LSHS, the control would be through the stack height covered under 4.0. Fluidized bed fired boilers would be fitted with bag filters or electrostatic precipitators. Incinerators should be fitted with multiclones.

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17 DEC 2024

ASSUMPTIONS

The sulphur dioxide emitted from the stacks would be proportional to the coal consumption. The following assumptions have been made:

- i. 1 MW of electricity generation is equivalent to 7.0 ton/hr of steam generation.
 - ii. 1 MW of electricity generation requires 30 MT of coal per day.
- 1 These figures have been obtained from Thermal Power Stations using pulverized coal as fuel. Assuming that 1 ton/hr of steam generation requires 5.0 MT of coal per day, the figure taken from pulverized fuel-fired thermal power stations appears to be conservative by approximately 16%. This is as expected—pulverized coal would be a more efficient source of energy than lumps.



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STACK HEIGHT

4 The coal requirement for the steam generating boiler is more conservative, as indicated above, than for thermal power plant boilers. The stack heights are correspondingly lower. It is expected that the temperature of the exit gases gives an additional plume rise and, therefore, an increase in the effective stack height. These two opposing effects are likely to balance out. The stack height calculated for coal-fired boilers is given below, using the formula arrived from using the Gaussian Plume Model and published in Emission Regulation Parts I and II, namely:

$H = (14Q_g)^{0.75}$ where H is the physical height of the stack and Q_g is the emission of sulphur dioxide in kg/hr.

4.1 Steam Generation Capacity	Coal Consumed	Stack Height
Less than 2 ton/hr	8.5 MT/day	2 & 1/2 times the neighbouring building height or 9 meters (whichever is more)
More than 2 ton/hr to 5 ton/hr	8.5 MT/day to 21 MT/day	12 m
More than 5 ton/hr to 10 ton/hr	21 MT/day to 42 MT/day	15 m
More than 10 ton/hr to 15 ton/hr	42 MT/day to 64 MT/day	18 m
More than 15 ton/hr to 20 ton/hr	64 MT/day to 104 MT/day	21 m
More than 20 ton/hr to 25 ton/hr	104 MT/day to 105 MT/day	24 m
More than 25 ton/hr to 30 ton/hr	105 MT/day to 126 MT/day	27 m
More than 30 ton/hr	More than 126 MT/day	30 m (whichever is more) or using formula $H = 14(Q_g)^{0.75}$

4.2 For industrial furnace and kiln applications, that is for devices other than boilers for steam and power generation, the criteria for selection of equipment would be based on coal usage. This would be as given in 2.2 above. The stack height shall follow the norms given in 4.1.

4.3 These specifications apply to existing as well as new industries. Existing industries will have to carry out necessary modifications to their plants to accommodate new chimneys and control equipment.

4.4 The industries which install facilities for removal of particulates or gaseous emissions to adhere to the limits prescribed, then the stack height H, can be relaxed to $H = (Q_g)^{0.75}$ where Q_g = amount of gaseous emissions (para 4.0) in kg/hr. In case of particulates, when controlled to the limits specified in 2.2, then stack height can be relaxed to $H = 74(Q_p)^{0.75}$, where Q_p is the particulate emission in tonnes/hr.

4.5 Minimum height of stack in all cases shall be 9.0 M. (30 ft) or as calculated by the relevant formula, whichever is more.

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Chuzibad (U.P.)

17 DEC 2024



ENVIS Centre, CPCB (www.cpcbenvis.nic.in)

DIESEL GENERATOR SETS

The minimum height of stack to be provided with each generator set can be worked out by using the following formula :—

$$H=h+0.2 \text{ KVA}$$

H=Total height of stack in meter

h=height of the building in meters where the generator set is installed.

KVA=Total generator capacity of the set in KVA

Based on the above formula the minimum stack height to be provided with different range of generator sets may be categorised as follows

For Generator Sets

50 KVA
50-100
100-150 KVA
150-200 KVA
200-250 KVA
250-300 KVA

Total Height Of Stack In Meter

Ht. of the building + 1.5 meter
Ht. of the building + 2.0 meter
Ht. of the building + 2.5 meter
Ht. of the building + 3.0 meter
Ht. of the building + 3.5 meter
Ht. of the building + 3.5 meter

Similarly for higher KVA ratings a stack height can be worked out using the above formula.

The stack height for generators was originally evolved for those to be used in the metropolitan area of Delhi. The objective was to avoid the problem of road side discharge from stacks and build-up of pollutants in the ambient air. However, due to shortage of power, factories have installed diesel-based power generating (DG) sets. Many of the factories are away from metropolitan or urban areas where standards covered in 5.1 would appear stringent. It is also expected that a DG set is a stand-by used only during power breakdowns. For both these reasons, the relaxation in the height of the stack from ground level is made to two and a half times the building height. This building may be either the one in which the DG set is housed or a building, with people working, within the premises of the factory. This is also applicable for oil-fired furnace, engines and equivalent

The State Pollution Control Board would decide if the plant is sufficiently removed from urban residential or commercial areas so that this relaxation from 5.1 is applicable.

It is evident that the stack requirement for coal-fired boilers is more than that required for DG sets. This is necessary because ambient values for sulphur dioxide and nitrogen oxides indicate stricter for sulphur dioxide.

ATTESTED

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Chuziabad (J.P.)



17 DEC 2024

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MONITORING REQUIREMENTS FOR LARGE INDUSTRIES

Several large industries are being cleared by the Environmental Appraisal Committee of the different states. These industries include Petrochemicals, Steel plants, Cement plants, etc. The Emissions Regulations Part III published by the Central Board deals with the monitoring requirements for these industries. However, one item which has been over-looked in the past, in the regulations, is the requirement for continuous monitoring of pollutants emitted from the stacks of these large industrial units. There is a greater requirement for the larger industries to control the emissions because of the larger emissions rate. Industries beyond a certain capacity, shall install continuous monitoring equipment with plotter/integrator for the pollutants given below. The location and type of equipment is given along with the plant capacity under the various industrial heads.

	Plant Capacity	Location	Type of Monitor
1. Cement	More than 300,000 TPA	Kiln Stack	Opacity Monitor with recorder
2. Thermal Power	More than 200 MW	Boiler Stack	—do—
3. Nitric Acid	More than 150 TPD	Spent gas stack	NOx Monitor
4. Sulphuric Acid	More than 100 TPD	Converter stack	SO ₂ Monitor
5. Primary Aluminium	All	Pot Gas stack	Fluorides
6. Oil Refinery	3000 TPD Crude	Distillation Stack, Catalytic Cracker and Sulphur Recovery	Sulphur Dioxide

These regulations would be applicable for industries which have applied for industrial licence and also in those cases where state board thinks appropriate.

ATTESTED

(Sandeep Sharma)
Reg. No. 1136/98
NOTARY PUBLIC
Chaziabad (U.P.)



17 DEC 2024

LIST OF PUBLICATIONS

CONTROL OF URBAN POLLUTION SERIES

1.	Union Territory of Delhi (Detailed) : CUPS/2/1978-79	Rs. 80/-
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| 25. | Performance Study of ION — Exchange Regin Treatment System for Mercury Removal from Wastewater at Gujarat Alkalies Chemicals Ltd. Baroda Gujarat — PROBES/30/1985-86. | |
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| 27. | Report identification of Import components of waste Treatment Technology and Know how : PROBES/32/1984-85. | U/P |
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| 6 | Minimal National Standards Caustic Soda Industry COINDS/6/1979-80. | Rs. 40/- |
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| 11 | Minimal National Document Fermentation (Moltries, Breveries and Distilleries) Industry Series : COINDS/11/1981-82. | |
| 12 | Emission Regulations (July 1984) Part I : COINDS/17/1983-84. | Rs. 20/- |
| 13 | Emission Regulations (July 1985-86) Part II : COINDS/18/1984-85. | *Rs. 40/- |
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| 15 | Minimal National Standards Straight Phosphatic Fertilizer Industry : COINDS/19/1984-85. | Rs. 50/- |
| 16 | Emission Regulation Part III : COINDS/20/1984-85. | Rs. 50/- |
| 17 | Minimal National Standard : Thermal Power Plant : COINDS/21/1986. | Rs. 25/- |
| 18 | Comprehensive Industry Document : Small Pulp & Payer Industry | Rs. 30/- |
| 19 | Minimal National Standards : Small Pulp & Payer Industry | Rs 25/- |

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| 1 | Union Territory of Daman, Dadra & Nagar Haveli (Abridged) ADSORBS/1/1979-80 | Rs. 40/- |
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2.	Basin Sub-Basin Inventory of Water Pollution The Ganga Basin Part One : The Yamuna Sub-Basin : ADSORBS/2/1978-79.	Rs. 100/-
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CENTRAL BOARD FOR THE PREVENTION AND CONTROL OF WATER POLLUTION

5TH & 6th Floors, Skylark Building
60, Nehru Place, New Delhi-110 019

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Direction No. 76

**COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS**

17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001

F. No. A-11018/01/ 2021-CAQM/15322-15331 Dated: 29.09.2023

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 – Review of regulations for use of DG sets in NCR.

WHEREAS, Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred under Section 3 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021, has constituted the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as the Commission);

WHEREAS, under Section 12 (1) of the Act, the Commission is vested with powers to take all such measures, issue directions, etc., as it deems necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas;

WHEREAS, Section 12 (2) (ix) of the Act empowers the Commission to issue directions in writing to any person, officer, or any authority and such person, officer or authority shall be bound to comply with such directions;

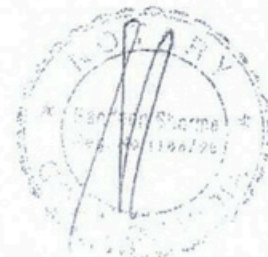
WHEREAS, Section 12(2)(iv) of the Act empowers the Commission to lay down parameters for discharge of emissions from various sources whatsoever that have implications on the air quality in the region;

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WHEREAS, Section 12(2)(v) of the Act also empowers the Commission to impose restrictions and regulate operations or processes that have implications on air quality in the region;

WHEREAS, the Commission has repeatedly taken up the matter relating to air pollution with the State governments of Haryana, Rajasthan, Punjab, Uttar Pradesh and Government of NCT of Delhi and various organizations concerned of the Central and State Governments/ GNCTD and has issued various Directions, Advisories and Orders for effective implementation of measures for abating air pollution in NCR, from time to time;

WHEREAS, the Commission has observed and has been sensitizing all stakeholders that, amongst others, large-scale unregulated use of Diesel Generator (DG) sets is a major contributing factor for deterioration of air quality in the region;

WHEREAS, in wake of generally prevailing adverse air quality in NCR during the winter season, the Commission, through directions No. 54-57 dated 08.02.2022, followed by Direction No. 68 dated 14.09.2022 and its related orders called for regulated use of DG Sets in the NCR, particularly during the periods of restrictions under the GRAP, subject to adopting emission control measures /devices/ systems such as retrofitted Emission control devices (ECDs) and dual fuel mode (gas and diesel), amongst other means of emission control;

WHEREAS, large number of DG sets operating in the region, even during the periods other than restrictions under the GRAP, cause heavy air pollution and are a matter of concern and thus, with a view to regulating the use of DG Sets even for such periods, the Commission issued Direction No. 71 for expeditious conversion of DG Sets to dual fuel mode, in areas where gas infrastructure and supply is available;

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WHEREAS, the Commission from time to time reviewed the progress and status of this matter, in line with various directions issued by it,

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WHEREAS, the Commission revisited / reviewed some provisions of the extant directions on the regulated use of DG sets and issued a revised Direction No. 73 dated 02.06.2023, to be applicable across all sectors in the NCR including Industrial, Commercial, Residential and Office establishments etc., as well as permitting more time to implement the schedule w.e.f. 01.10.2023.

WHEREAS, preparatory actions were initiated by various stakeholders towards emission control from DG sets through retro-fitted ECDs and / or dual fuel systems, a number of representations were still being made to the Commission, including deliberations / meetings with various stakeholders in this context, wherein the following were highlighted:

- i. Issues related to availability of certified RECDs and agencies for all capacity ranges and vintages of DG sets.
- ii. Issues related to availability / delays in PNG infrastructure and supply, purely for DG sets.
- iii. Techno-commercial issues, logistics and time involved for fitment of RECDs / conversion to dual fuel mode.
- iv. Issues related to availability of DG sets to the latest standards as in MoEFCC notification No. GSR 804(E) dated 03.11.2022 (CPCB-IV).
- v. No means for emission control in under 19 kW capacity range of DG sets (neither RECDs nor dual fuel mode are available / suited).
- vi. Issues related to use of DG sets for emergency services.

Owing to the above, a number of stakeholders broadly requested for the following:

- (a) Extension of the deadline of 30.09.2023, as laid down in Direction No. 73, by about 3 months.
- (b) Stipulating a condition of '**OR**' instead of '**AND**' towards fitment of RECDs and conversion to dual fuel system, for all categories of DG sets above 19kW capacity.
- (c) Permitting DG Sets of >800 kW capacity to be run uninterruptedly for the durations of power supply failure, subject to compliance of

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standards as in Direction No. 73 dated 02.06.2023, even during restrictions under GRAP.

- (d) Permitting such DG sets of < 125 kW capacity to be run for emergency services, even during the restrictions under the GRAP, where either certified ECDs are presently not available at all or where gas infrastructure and supply is also not available to enable running them in a dual fuel mode.

NOW, THEREFORE, in due consideration of the contentions and submissions made by various stakeholders, issues in ground level implementation, availability of RECDs / dual fuel systems / new gensets to CPCB -IV standards and various other techno-commercial considerations put forth by them, the Commission, pursuant to a comprehensive review and in supersession of all extant directions / orders / guidelines on the regulations for DG sets, now directs for adoption of the following Schedule for regulated operations of DG sets (only as a backup against regular power supply failures) across all sectors in NCR including Industrial, Commercial, Residential and Office establishments etc.:

S. No.	Capacity Range of DG sets	System to be adopted for control of emissions	Regulations for use
1.	Power generating sets of all capacities running on LPG/ Natural Gas/ Bio-gas/Propane/Butane	None	No restrictions (Even during periods under GRAP)
2.	Power generating sets of all capacities up to 800 kW to standards as per MoEFCC notification No. GSR 804(E) dated 03.11.2022	None	No restrictions. (Even during periods under GRAP)

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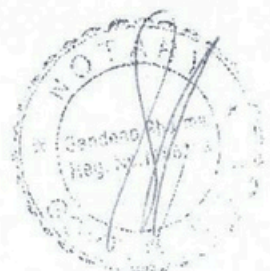


3.	800 kW and above	Any emission control mechanism, strictly subject to compliance of emission standards as indicated below. *	No restrictions (Even during periods under GRAP)
4.	125 kW to less than 800 kW	Dual fuel mode OR Retro-fitted ECDs through certified vendors / agencies	No restrictions (Even during periods under GRAP)
5.	19 kW to less than 125 kW	Dual fuel mode	No restrictions (Even during periods under GRAP) DG Sets not working in a dual fuel mode, only owing to non-availability of gas infrastructure and supply, shall be permitted only for emergency services as stipulated in this direction.
6.	Portable DG sets (below 19 kW)	Presently no specific means of emission control are available in this category / capacity range of DG sets.	No restrictions during the periods, other than restrictions under GRAP. Not to be generally permitted during periods of restriction under GRAP. These shall, however, be permitted even during periods under GRAP only for emergency services as stipulated in this direction.

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***Standards for stack emissions for 800 kW and above capacity DG sets**

S.No	Parameter	Emission Standards
i.	PM (at 15% O ₂)	50 mg / Nm ³
ii.	NO _x (at 15% O ₂)	650 mg / Nm ³
iii.	CO (at 15% O ₂)	100 mg / Nm ³
iv.	Minimum DG Stack height	<p>30 meters OR minimum 6 meters above the height of the building where DG set is installed, whichever is higher.</p> <p>For example, if the building height where such DG set is installed is 20 meters, minimum stack height for DG set should be 30 meters from ground level;</p> <p>While, if the building height itself is 27 meters, the minimum stack height for the DG set should be 33 meters from the ground level.</p>

The regulated schedule for operation of DG sets issued vide Direction No. 73 dated 02.06.2023 comes to effect from 01.10.2023. The revised schedule as above further eases out the means of implementation and addresses practical difficulties and techno-commercial concerns of various stakeholders and thus the revised schedule for regulation of DG sets would be in force in the entire NCR w.e.f. 01.10.2023.

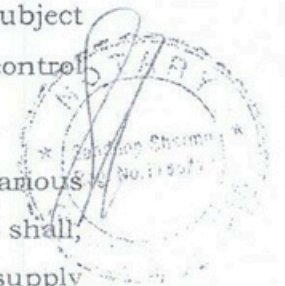
Notwithstanding the revised schedule as above, in the interest of not disrupting emergency services and permitting sufficient time for adopting the stipulated emission control mechanism in such existing DG Sets, the Commission, hereby, as a one-time exception, permits DG Sets for all capacity ranges (which have still not been equipped with emission control devices / systems as per the above noted schedule), to be run only for emergency services in the NCR as listed below, even under periods of restrictions under the GRAP, **only up to 31.12.2023** and strictly subject to adherence to the above noted schedule / measures for emission control thereafter:

- (i) Elevators / Escalators / Travelators etc. in various installations; Commercial entities / residential societies shall, however, ensure that operation of DG sets and supply

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therefrom is purely limited to operation of elevators / escalators / travelators etc. and not for any other activities of commercial entities / residential societies.

- (ii) Medical Services (Hospital/Nursing Home/Health care facilities) including units involved in manufacturing of life saving medical equipment/devices, drugs and medicines.
- (iii) Railway Services / Railway Stations.
- (iv) Metro Rail Corporation & MRTS Services, including trains and stations.
- (v) Airports and Inter-State Bus Terminals (ISBTs).
- (vi) Sewage Treatment Plants.
- (vii) Water pumping Stations.
- (viii) Projects related to national security, defence & of national importance.
- (ix) Telecommunications and IT/ data services.

It is further reiterated that appropriate emission control mechanism shall be put in place on or before 31.12.2023, in respect of DG sets being used in above listed emergency services, to avoid action under the relevant provisions of laws / rules / regulations / directions etc., thereafter.

NCR State PCBs/ DPCC shall ensure compliance of above noted directions and regularly monitor the field level implementation.

sd
(Arvind Nautiyal)
Member- Secretary

To

1. The Chief Secretary, Government of NCT of Delhi
2. The Chief Secretary, Government of Haryana
3. The Chief Secretary, Government of Rajasthan
4. The Chief Secretary, Government of Uttar Pradesh

Copy to:

1. Chairman, DPCC
2. Chairman, HSPCB
3. Chairman, RSPCB
4. Chairman, UPPCB
5. Chairman, CPCB.
6. The Chairperson and all Members, CAQM.

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sd
(Arvind Nautiyal)
Member- Secretary





क्षेत्रीय कार्यालय-उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
Regional Office, U.P. Pollution Control Board, Ghaziabad
Website- www.uppqb.com, e-mail: roghaziabad@uppqb.in

संदर्भ संख्या : 2139/C/M-439/2024

दिनांक 16/12/2024

पंजीकृत

मैसर्स एम0आर0 प्रोव्यू रियलटैक प्रा0लि0
(ऑफिसर सिटी-2), राजनगर एक्सटेंशन,
गाजियाबाद।

विषय: राष्ट्रीय राजधानी क्षेत्र एवं निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन आयोग, नई दिल्ली द्वारा डी0जी0 सेट संचालन के सम्बन्ध में जारी निर्देश संख्या-76 के अनुपालन के सम्बन्ध में।

उपरोक्त विषयक का संदर्भ ग्रहण करें। अवगत हो कि राष्ट्रीय राजधानी क्षेत्र एवं निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन आयोग, नई दिल्ली द्वारा डी0जी0 सेट संचालन के सम्बन्ध में जारी निर्देश संख्या-76 जारी किया गया है, छायाप्रति संलग्न है। अग्रेतर मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या 458/2022 Sheshan Tyagi Versus State of Uttar Pradesh with Original Application No. 460/2022 Gaurav Soni Versus State of Uttar Pradesh में पारित आदेश दिनांक 25.11.2024 के अनुपालन में गठित संयुक्त समिति द्वारा आपकी परियोजना के निरीक्षण दिनांक 16.12.2024 के समय पाया गया कि आप द्वारा परियोजना में स्थापित कुल 02 डी0जी0 सेटस क्षमता क्रमशः 500 के0वी0ए0 एवं 250 के0वी0ए0 पर नियमानुसार ड्यूल फ्यूल किट अथवा आर0ई0सी0डी0 की स्थापना नहीं की गयी है, जो कि राष्ट्रीय राजधानी क्षेत्र एवं निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबन्धन आयोग, नई दिल्ली द्वारा डी0जी0 सेट संचालन के सम्बन्ध में जारी निर्देश संख्या-76 का स्पष्ट उल्लंघन है।

अतः आपको निर्देशित किया जाता है कि आप द्वारा परियोजना में स्थापित कुल 02 डी0जी0 सेटस क्षमता क्रमशः 500 के0वी0ए0 एवं 250 के0वी0ए0 पर नियमानुसार ड्यूल फ्यूल किट अथवा आर0ई0सी0डी0 की स्थापना के सम्बन्ध में प्रस्तावित कियान्वयन कार्यक्रम एवं दिनांक 01.10.2023 से वर्तमान तक डी0जी0 सेटस के संचालन के सम्बन्ध में लॉगबुक की सत्यापित प्रति पत्र प्राप्ति के 03 दिवस में इस कार्यालय को प्रेषित करना सुनिश्चित करें, अन्यथा उल्लंघन की दशा में सी0ए0क्यू0एम0 द्वारा जारी निर्देश संख्या-76 का अनुपालन न किये जाने के दृष्टिगत डिफाल्टर अवधि हेतु परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने की कार्यवाही प्रारम्भ कर दी जायेगी, जिसका समस्त उत्तरदायित्व परियोजना के स्वयं का होगा।

संलग्नक: उपरोक्तानुसार।

क्षेत्रीय अधिकारी

प्रतिलिपि:

1. मुख्य पर्यावरण अधिकारी, वृत्त-1, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।
2. विधि अधिकारी-प्रथम, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ प्रेषित।

क्षेत्रीय अधिकारी

क्षेत्रीय कार्यालय : आई0एन0एस0-2, सेक्टर-18, वसुन्धरा, गाजियाबाद। दूरभाष-0120-4160108

मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ 226010

शुभम प्रकाश
प्राप्त: 30/12/2024

Direction No. 76

**COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS**
17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001

F. No. A-11018/01/ 2021-CAQM/5322-1331 Dated: 29.09.2023

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 - Review of regulations for use of DG sets in NCR.

WHEREAS, Ministry of Environment, Forest and Climate Change, Government of India, in exercise of the powers conferred under Section 3 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021, has constituted the Commission for Air Quality Management in National Capital Region and Adjoining Areas (hereinafter referred to as the Commission);

WHEREAS, under Section 12 (1) of the Act, the Commission is vested with powers to take all such measures, issue directions, etc., as it deems necessary or expedient for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas;

WHEREAS, Section 12 (2) (ix) of the Act empowers the Commission to issue directions in writing to any person, officer, or any authority and such person, officer or authority shall be bound to comply with such directions;

WHEREAS, Section 12(2)(iv) of the Act empowers the Commission to lay down parameters for discharge of emissions from various sources whatsoever that have implications on the air quality in the region;

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WHEREAS, Section 12(2)(v) of the Act also empowers the Commission to impose restrictions and regulate operations or processes that have implications on air quality in the region;

WHEREAS, the Commission has repeatedly taken up the matter relating to air pollution with the State governments of Haryana, Rajasthan, Punjab, Uttar Pradesh and Government of NCT of Delhi and various organizations concerned of the Central and State Governments/ GNCTD and has issued various Directions, Advisories and Orders for effective implementation of measures for abating air pollution in NCR, from time to time;

WHEREAS, the Commission has observed and has been sensitizing all stakeholders that, amongst others, large-scale unregulated use of Diesel Generator (DG) sets is a major contributing factor for deterioration of air quality in the region;

WHEREAS, in wake of generally prevailing adverse air quality in NCR during the winter season, the Commission, through directions No. 54-57 dated 08.02.2022, followed by Direction No. 68 dated 14.09.2022 and its related orders called for regulated use of DG Sets in the NCR, particularly during the periods of restrictions under the GRAP, subject to adopting emission control measures /devices/ systems such as retrofitted Emission control devices (ECDs) and dual fuel mode (gas and diesel), amongst other means of emission control;

WHEREAS, large number of DG sets operating in the region, even during the periods other than restrictions under the GRAP, cause heavy air pollution and are a matter of concern and thus, with a view to regulating the use of DG Sets even for such periods, the Commission issued Direction No. 71 for expeditious conversion of DG Sets to dual fuel mode, in areas where gas infrastructure and supply is available;

WHEREAS, the Commission from time to time reviewed the progress and status in this matter, in line with various directions issued by it;

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WHEREAS, the Commission revisited / reviewed some provisions of the extant directions on the regulated use of DG sets and issued a revised Direction No. 73 dated 02.06.2023, to be applicable across all sectors in the NCR including Industrial, Commercial, Residential and Office establishments etc., as well as permitting more time to implement the schedule w.e.f. 01.10.2023.

WHEREAS, preparatory actions were initiated by various stakeholders towards emission control from DG sets through retro-fitted ECDs and / or dual fuel systems, a number of representations were still being made to the Commission, including deliberations / meetings with various stakeholders in this context, wherein the following were highlighted:

- i. Issues related to availability of certified RECDs and agencies for all capacity ranges and vintages of DG sets.
- ii. Issues related to availability / delays in PNG infrastructure and supply, purely for DG sets.
- iii. Techno-commercial issues, logistics and time involved for fitment of RECDs / conversion to dual fuel mode.
- iv. Issues related to availability of DG sets to the latest standards as in MoEFCC notification No. GSR 804(E) dated 03.11.2022 (CPCB-IV).
- v. No means for emission control in under 19 kW capacity range of DG sets (neither RECDs nor dual fuel mode are available / suited).
- vi. Issues related to use of DG sets for emergency services.

Owing to the above, a number of stakeholders broadly requested for the following:

- (a) Extension of the deadline of 30.09.2023, as laid down in Direction No. 73, by about 3 months.
- (b) Stipulating a condition of '**OR**' instead of '**AND**' towards fitment of RECDs and conversion to dual fuel system, for all categories of DG sets above 19kW capacity.
- (c) Permitting DG Sets of >800 kW capacity to be run uninterruptedly for the durations of power supply failure, subject to compliance of

2/10/23

standards as in Direction No. 73 dated 02.06.2023, even during restrictions under GRAP.

- (d) Permitting such DG sets of < 125 kW capacity to be run for emergency services, even during the restrictions under the GRAP, where either certified ECDs are presently not available at all or where gas infrastructure and supply is also not available to enable running them in a dual fuel mode.

NOW, THEREFORE, in due consideration of the contentions and submissions made by various stakeholders, issues in ground level implementation, availability of RECDs / dual fuel systems / new gensets to CPCB -IV standards and various other techno-commercial considerations put forth by them, the Commission, pursuant to a comprehensive review and in supersession of all extant directions / orders / guidelines on the regulations for DG sets, now directs for adoption of the following Schedule for regulated operations of DG sets (only as a backup against regular power supply failures) across all sectors in NCR including Industrial, Commercial, Residential and Office establishments etc.:

S. No.	Capacity Range of DG sets	System to be adopted for control of emissions	Regulations for use
1.	Power generating sets of all capacities running on LPG/ Natural Gas/ Bio-gas/Propane/Butane	None	No restrictions (Even during periods under GRAP)
2.	Power generating sets of all capacities up to 800 kW to standards as per MoEFCC notification No. GSR 804(E) dated 03.11.2022	None	No restrictions. (Even during periods under GRAP)

Jand

3.	800 kW and above	Any emission control mechanism, strictly subject to compliance of emission standards as indicated below. *	No restrictions (Even during periods under GRAP)
4.	125 kW to less than 800 kW	Dual fuel mode OR Retro-fitted ECDs through certified vendors / agencies	No restrictions (Even during periods under GRAP)
5.	19 kW to less than 125 kW	Dual fuel mode	No restrictions (Even during periods under GRAP) DG Sets not working in a dual fuel mode, only owing to non-availability of gas infrastructure and supply, shall be permitted only for emergency services as stipulated in this direction.
6.	Portable DG sets (below 19 kW)	Presently no specific means of emission control are available in this category / capacity range of DG sets.	No restrictions during the periods, other than restrictions under GRAP. Not to be generally permitted during periods of restriction under GRAP. These shall, however, be permitted even during periods under GRAP only for emergency services as stipulated in this direction.

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***Standards for stack emissions for 800 kW and above capacity DG sets**

S.No	Parameter	Emission Standards
i.	PM (at 15% O ₂)	50 mg / Nm ³
ii.	NO _x (at 15% O ₂)	650 mg / Nm ³
iii.	CO (at 15% O ₂)	100 mg / Nm ³
iv.	Minimum DG Stack height	<p>30 meters OR minimum 6 meters above the height of the building where DG set is installed, whichever is higher.</p> <p>For example, if the building height where such DG set is installed is 20 meters, minimum stack height for DG set should be 30 meters from ground level;</p> <p>While, if the building height itself is 27 meters, the minimum stack height for the DG set should be 33 meters from the ground level.</p>

The regulated schedule for operation of DG sets issued vide Direction No. 73 dated 02.06.2023 comes to effect from 01.10.2023. The revised schedule as above further eases out the means of implementation and addresses practical difficulties and techno-commercial concerns of various stakeholders and thus the revised schedule for regulation of DG sets would be in force in the entire NCR w.e.f. 01.10.2023.

Notwithstanding the revised schedule as above, in the interest of not disrupting emergency services and permitting sufficient time for adopting the stipulated emission control mechanism in such existing DG Sets, the Commission, hereby, as a one-time exception, permits DG Sets for all capacity ranges (which have still not been equipped with emission control devices / systems as per the above noted schedule), to be run only for emergency services in the NCR as listed below, even under periods of restrictions under the GRAP, **only up to 31.12.2023** and strictly subject to adherence to the above noted schedule / measures for emission control thereafter:

- (i) Elevators / Escalators / Travelators etc. in various installations; Commercial entities / residential societies shall, however, ensure that operation of DG sets and supply

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therefrom is purely limited to operation of elevators / escalators / travelators etc. and not for any other activities of commercial entities / residential societies.

- (ii) Medical Services (Hospital/Nursing Home/Health care facilities) including units involved in manufacturing of life saving medical equipment/devices, drugs and medicines.
- (iii) Railway Services / Railway Stations.
- (iv) Metro Rail Corporation & MRTS Services, including trains and stations.
- (v) Airports and Inter-State Bus Terminals (ISBTs).
- (vi) Sewage Treatment Plants.
- (vii) Water pumping Stations.
- (viii) Projects related to national security, defence & of national importance.
- (ix) Telecommunications and IT/ data services.

It is further reiterated that appropriate emission control mechanism shall be put in place on or before 31.12.2023, in respect of DG sets being used in above listed emergency services, to avoid action under the relevant provisions of laws / rules / regulations / directions etc., thereafter.

NCR State PCBs/ DPCC shall ensure compliance of above noted directions and regularly monitor the field level implementation.

— sd —
(Arvind Nautiyal)
Member- Secretary

To

1. The Chief Secretary, Government of NCT of Delhi
2. The Chief Secretary, Government of Haryana
3. The Chief Secretary, Government of Rajasthan
4. The Chief Secretary, Government of Uttar Pradesh

Copy to:

1. Chairman, DPCC
2. Chairman, HSPCB
3. Chairman, RSPCB
4. Chairman, UPPCB
5. Chairman, CPCB.
6. The Chairperson and all Members, CAQM.

sd
(Arvind Nautiyal)
Member- Secretary



राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र
वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in
National Capital Region and
Adjoining Areas



F. No.11016/01/ 2022-CAQM.Vol-III

Dated: 22.02.2024

Subject: Amendments to Direction No. 76 dated 29.09.2023- Regulated use of DG Sets-reg

Pursuant to a comprehensive review and in supersession of all extant directions / orders / guidelines on the regulations for DG sets, Direction No. 76 dated 29.09.2023 was issued by the Commission under section 12 of the Commission for Air Quality Management in NCR & Adjoining Area, Act, 2021, directing for adoption of the Schedule for regulated operations of DG sets (only as a backup against regular power supply failures) across all sectors in NCR including Industrial, Commercial, Residential and Office establishments etc.

2. As certified Retrofitted Emission Control Devices (RECD) are now also available for 61 to 125 KW capacity range of DG sets, Sr. No 4 & 5 in said Direction No. 76 dated 29.09.2023 are hereby amended as under:

S. No.	DG set Capacity range as mentioned in Direction No. 76	DG Set Capacity range as amended now
4.	125 KW to less than 800 KW	61 KW to less than 800 KW
5.	19 KW to less than 125 KW	19 KW to less than 61 KW

3. All other stipulations under the Direction No 76 dated 29.09.2023 will remain unaltered.

Arvind Nautiyal
(Arvind Nautiyal)

To,

1. The Chief Secretary, Government of NCT of Delhi
2. The Chief Secretary, Government of Haryana
3. The Chief Secretary, Government of Rajasthan
4. The Chief Secretary, Government of Uttar Pradesh

Copy to:

1. Chairman, DPCC
2. Chairman, HSPCB
3. Chairman, RSPCB
4. Chairman, UPPCB
5. Chairman, CPCB.
6. The Chairperson and all Members, CAQM

Arvind Nautiyal
(Arvind Nautiyal)
Member Secretary

17 वी मंजिल, जवाहर व्यापार भवन (एस. टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग, नई दिल्ली-110001
दूरभाष : 011-23701213, ई-मेल : caqm-ncr@gov.in
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg, New Delhi-110001
Tel:011-23701213, E-mail: caqm-ncr@gov.in



राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र
वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in
National Capital Region and
Adjoining Areas



F. No.11016/01/ 2022-CAQM.Vol-III 1165 DT

Dated: 11.12.2024

Subject: Amendment to Direction No. 76 dated 29.09.2023- Regulated use of DG Sets-reg

Direction No. 76 dated 29.09.2023 was issued by the Commission under section 12 of the Commission for Air Quality Management in NCR & Adjoining Area, Act, 2021, directing for adoption of the Schedule for regulated operations of DG sets (only as a backup against regular power supply failures) across all sectors in NCR, including Industrial, Commercial, Residential and Office establishments etc.

2. Owing to availability of certified ECDs now also for DG sets upto 41 kW capacity, as against only up to 61 kW capacity and higher earlier, the schedule for emission control from DG sets Sr. No 4 & 5 in said Direction No. 76 as amended on 22.02.2024, is hereby further partially amended as under:

Sr. No.	DG set Capacity range as amended on 22.02.2024	DG Set Capacity range as amended now
4.	61 KW to less than 800 KW	41 KW to less than 800 KW
5.	19 KW to less than 61 KW	19 KW to less than 41 KW

3. All other stipulations under the Direction No 76 dated 29.09.2023 will remain unaltered

sd
(Arvind Nautiyal)

To,

1. The Chief Secretary, Government of NCT of Delhi
2. The Chief Secretary, Government of Haryana
3. The Chief Secretary, Government of Rajasthan
4. The Chief Secretary, Government of Uttar Pradesh

Copy to:

1. Chairman, DPCC
2. Chairman, HSPCB
3. Chairman, RSPCB
4. Chairman, UPPCB
5. Chairman, CPCB.
6. The Chairperson and all Members, CAQM

Arvind
(Arvind Nautiyal)
Member- Secretary



उ० प्र० प्रदूषण नियंत्रण बोर्ड,

टी०सी०-12 वी, विभूति खण्ड,
गोमती नगर, लखनऊ

पत्रांक: 423392/सी 1/सा० 1054/पर्यावरण/का०न०-गो०/2025

दिनांक: 29-12-24 गंजीकत

मै० एम०आर० प्रोव्यू रियलटेक प्रा०लि०,
खसरा नं०-1048मि०,1049मि०,1059मि०,1069मि०,984,985 व 986मि०,
ग्राम-नूरनगर, राजनगर एक्सटेंशन,
गाजियाबाद।

मा० एन०जी०टी० में योजित एम०ए० संख्या-142/2024 ओ०ए० सं०-485/2022 Sheshan Tyagi Vs. State of UP में पारित आदेश दिनांक-25.11.2024 का संदर्भ ग्रहण करने का कट करे। उक्त आदेश के मुख्य अंश निम्नवत् है -
".....5. However, before proceeding further in the matter, we find it appropriate to grant one more opportunity to concerned authorities and direct the above Joint Committee to submit the report as directed by order dated 29.07.2022 within two weeks failing which Member Secretary, UPPCB and District Magistrate, Ghaziabad shall appear in person on the next date....."

उक्त आदेश के अनुपालन में गठित संयुक्त समिति द्वारा दिनांक-16.12.2024 को प्रश्नगत युद्ध इंजन परियोजना मै० एम०आर० प्रोव्यू रियलटेक प्रा०लि०, खसरा नं०-1048मि०,1049मि०,1059मि०,1069मि०,984,985 व 986मि०, ग्राम-नूरनगर, राजनगर एक्सटेंशन, गाजियाबाद का संयुक्त निरीक्षण किया गया तथा संयुक्त आख्य त्रिलक्षिकों के गाजियाबाद के शपथ-पत्र दिनांक-17.12.2024 के माध्यम से मा० अधिकरण के समक्ष प्रेषित की गयी। संयुक्त समिति के आख्या में की गयी संस्तुति निम्नवत् है:-

1. Project must ensure installation of dual fuel kit (70% PNG + 30% HSD) or retrofitted emission control device in compliance of direction no. 76 issued by Commission for Air Quality Management in NCR and Adjoining Areas regarding regulation of DG sets.
2. Project Proponent should obtain Consent to Operator from UPPCB under the Water (Prevention and Control) Act, 1974 and Air(Prevention and Control) Act, 1981.
3. Environmental Compensation should be imposed against Project Proponent for non-compliance of direction no. 76 as per "Standard Schedule for Environmental Compensation Charges in closure direction issued by the Commission"

उपरोक्त क्रम में क्षेत्रीय कार्यालय के पत्र दिनांक-16.12.2024 द्वारा परियोजना को नोटिस प्रेषित किया गया परियोजना द्वारा अपने प्रतिउत्तर दिनांक-08.01.2025 द्वारा 500 के०वी०ए० व 250 के०वी०ए० क्षमता के कुल 02 डेजे सेट्स पर ड्यूल फ्यूल किट की स्थापना किये जाने का प्रस्ताव दिया गया है।

उपरोक्तानुसार संयुक्त समिति द्वारा की गयी संस्तुति के अनुसार परियोजना के विरुद्ध अधिरोपित कए जाने वाले पर्यावरणीय क्षतिपूर्ति की गणना निम्नानुसार है:-

(ii) Violation of Direction/Regulations on DG sets
Rate of EC charges for each DG sets for each day of violation-
Rs. 7,500/day for DG sets between 20-125 KW capacity
Rs. 15,000/day for DG sets >125 KW capacity but <800 KW capacity
Rs. 25,000/day for DG sets of 800 KW or higher capacity

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Note: For Violation of observed during the periods of restriction imposed under GRAP of EC shall be doubled

$$\begin{aligned} EC &= N \times (30000) + N \times (60000) \\ &= 137 \times 30000 + 41 \times 60000 \\ &= 41,10,000 + 24,60,000 \\ &= 65,70,000/- \end{aligned}$$

अतः क्षेत्रीय अधिकारी, गाजियाबाद की आख्या एवम् संस्तुति दिनांक-17.01.2025 एवम् उक्त पर सक्षम अधिकारी से प्राप्त अनुमोदनोपरान्त परियोजना के विरुद्ध दिनांक-01.01.2024 से दिनांक-28.12.2024 की डिफाल्टर अवधि के लिए पर्यावरणीय क्षतिपूर्ति अधिरोपित करने हेतु निम्न कारण बताओ नोटिस जारी किया जाता है:-

"यह कि क्यों न मा0 सी0ए0क्यू0एम0 द्वारा जारी निर्देश के अनुसार डी0जी0सेट 500 क0वी0ए0 व 250 क0वी0ए0 पर ड्यूल फ्यूल किट अथवा आर0ई0सी0डी0 की स्थापना किये बिना कुल-178 दिवस संचालन किट जाने के दृष्टिगत दिनांक-01.01.2024 से दिनांक-13.10.2024 तक तथा ग्रेप अवधि दिनांक-14.10.2024 से दिनांक-28.12.2024 तक की अवधि में उल्लंघन के दृष्टिगत परियोजना के विरुद्ध रूपया-65,70,000/- (सत्तर पैंसठ लाख सत्तर हजार मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाये?"

उक्त पर अपना पक्ष/स्पष्टीकरण 07 दिन के अन्दर राज्य बोर्ड को प्रेषित किया जाना सुनिश्चित कर अन्वय के स्थिति में परियोजना के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए नियमानुसार अग्रिम कार्यवाही प्रारम्भ कर दी जायेगी जिसका सम्पूर्ण उत्तरदायित्व आपका स्वयं का होगा।

सक्षम अधिकारी की अनुमति से निर्गत।

(ए0के0 आनन्द)
पर्यावरण अभियन्ता, प्रभारी वृत्त-1

प्रतिलिपि :क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, गाजियाबाद को सूचनार्थ एवम् आवश्यक कार्यवाही हेतु संश्लेषित

पर्यावरण अभियन्ता, प्रभारी वृत्त-1



सत्यमेव जयते

राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्र
वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in
National Capital Region and
Adjoining Areas



F. No. 18015/01/2022-MERD-Vol-IV/1884-1905

Date: 1st January, 2025

ORDER

Sub: Standard Schedule for Environmental Compensation (EC) Charges in Closure Directions/Sealing orders issued by the Commission

Environmental Compensation (EC) Charges are levied by concerned Pollution Control Boards/Committee on polluting units in Delhi NCR where Closure Directions are issued by the Commission for gross violations of extant Rules, Directions, Orders, Guidelines, etc.

Hon'ble NGT vide its order dated 28.08.2019 in OA No. 593 of 2017 directed, *inter-alia*, to adhere to EC charges contained in the said order for violations in Industrial units and construction activities, amongst others, during the periods under Graded Response Action Plan (GRAP).

The Commission had issued a comprehensive standard schedule vide letter dated 06.02.2024 towards state-wise & sector-wise uniformity in imposition of EC charges across entire NCR for violation(s) observed in Industrial sector, Diesel Generator (DG) Sets and Construction & Demolition projects/activities, pursuant to inspections by the flying squads deputed by the Commission.

Taking note of the Hon'ble NGT's directives as above, the Commission deliberated the matter in its meeting held on 27.12.2024 and approved a revised standard schedule for Industrial sector, Diesel Generator (DG) Sets and Construction & Demolition projects/activities where Closure Direction of the Commission is issued for gross violation(s) of extant Rules, Directions, Orders, Guidelines, etc. The comprehensive standard schedule of EC charges, as approved by the Commission, is **annexed**.

The NCR State Pollution Control Boards/ Delhi Pollution Control Committee shall henceforth take cognizance of the annexed Standard Schedule while imposing EC in cases where Closure Directions, show cause

3and

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notices and related orders have been issued by the Commission. In case there are other agencies also empowered/authorized to levy EC in case of violations observed/Closure Directions issued by the Commission, they may also be appropriately directed to follow the Standard Schedule annexed with this order.

This schedule shall be applicable for closure directions, show cause notices and related orders issued henceforth.

Encl: As above

Arvind Nautiyal
(Arvind Nautiyal)
Member Secretary

To,

1. Member Secretary, Delhi Pollution Control Committee
2. Member Secretary, Haryana State Pollution Control Board
3. Member Secretary, Rajasthan State Pollution Control Board
4. Member Secretary, Uttar Pradesh Pollution Control Board
5. Chairperson, New Delhi Municipal Corporation
6. Commissioner, Municipal Corporation of Delhi
7. CEO, Delhi Cantonment Board, New Delhi
8. CEO, NOIDA
9. CEO, Greater NOIDA
10. CEO, Yamuna Expressway Industrial Development Authority (YEIDA)
11. Chairman, Ghaziabad Development Authority
12. CEO, FMDA, Faridabad
13. CEO GMDA, Gurugram
14. Director, Town and Country Planning Agency, Haryana

Copy for information & necessary action to:

- i. Principal Secretary, Environment & Forest, Delhi
- ii. Additional Chief Secretary, Environment, Forest & Wildlife Department, Haryana
- iii. Principal Secretary, Environment Department, Rajasthan
- iv. Additional Chief Secretary, Environment, Forest & Climate Change, Uttar Pradesh
- v. Chairman, Haryana State Pollution Control Board
- vi. Chairman, Rajasthan State Pollution Control Board
- vii. Chairman, Uttar Pradesh Pollution Control Board
- viii. Chairman, Delhi Pollution Control Committee

Annexure to Order no. F. No. 18015/01/2022-MERD-Vol-IV dated 01.01.2025

Standard Schedule for EC Charges in Closure Directions issued by CAQM

(I) Industrial Sector

**1. Industries operating without or with an invalid CTE / CTO
(Applicable to Red, Orange and Green category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation till the date of closure of operations)

R – A Factor in Rs. – (Rs. 300 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

**2. Industries operating with unapproved fuels
(Applicable only to Red and Orange category of industries)**

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 300 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

3. Industries operating with inadequate / ineffective pollution control measures and / or not adhering to prescribed emission standards for the particular process / industrial application

(Applicable only to Red and Orange category of industries)

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 250 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

4. Any other violation of Directions of CAQM / conditions of CTO etc.

(Applicable only to Red and Orange category of industries)

Standard Formula for imposition of EC

Environment Compensation (EC) = $PI \times N \times R \times S \times LF$ where;

PI – Pollution Index of the Sector

Handwritten signature

Annexure to Order no. F. No. 18015/01/2022-MERD-Vol-IV dated 01.01.2025

N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of operations)

R – A Factor in Rs. – (Rs. 100 for this Category of violations)

S – Factor for Scale of Operation

LF – Location Factor for the industry

(II) Violations of Direction / Regulations on DG sets

Rate of EC charges for each DG set for each day of violation

Rs. 7,500 for DG Sets between 20 - 125 kW capacity

Rs. 15,000 for DG Sets > 125 kW but < 800 kW capacity

Rs. 25,000 for DG Sets of 800 kW or higher capacity

Total EC applicable per DG set: Rate for each day x N

{N – No. of Days of violation}

(III) Construction & Demolition Projects / activities

1. Non-registration on the web-portal of the concerned SPCB / DPCC

Rs. 1,20,000 for projects with total area construction \leq 20,000 sq. mtr.

Rs. 2,40,000 for projects with total area construction > 20,000 sq. mtr.

2. Self-audit reports not uploaded on the web portal and / or video fencing of the project boundary not being carried out (only if project is registered on web portal)

Rs. 20,000 for projects with total area construction \leq 20,000 sq. mtr.

Rs. 40,000 for projects with total area construction > 20,000 sq. mtr.

3. Non-deployment of prescribed no. of anti-smog guns

Rs. 7,500 per day for each anti-smog gun not deployed at the site x N

{N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of activities)}

4. Ineffective dust mitigation measures (with respect to provision of wind brakers / dust screens / covering of construction materials and debris etc.)

Rs. 7,500 per day for plot area < 500 sq. mtr. x N

Rs. 15,000 per day for plot area \geq 500 & upto 20,000 sq. mtr. x N

Rs. 30,000 per day for plot area > 20,000 sq. mtr. x N

{N – No. of Days of violation (since the day the unit has been established to be in violation, till the date of closure of activities)}

5. Transportation of materials / C&D waste in uncovered vehicles

Rs. 7,500 for each vehicle on each such occasion

2024

Annexure to Order no. F. No. 18015/01/2022-MERD-Vol-IV dated 01.01.2025

Note:

- A. The above noted standard schedule for EC rates would be applicable on all such occasions, other than periods under the Graded Response Action Plan (GRAP).**
- B. For violations observed during the periods of restrictions imposed under GRAP, the rates for EC shall be doubled, (except for cases under 'C' below).**
- C. For violations observed during the periods of restrictions imposed under GRAP in respect of Industrial sector and; Construction sites having plot area more than 20,000 Sqm, the EC charges to be levied as stipulated in Hon'ble NGT's order dated 28.08.2019 in OA No.593/2017. For violations observed in construction sites having plot area equal to or less than 20,000 Sqm during the periods under GRAP, rates for EC shall be applicable as per 'B' above.**
- D. The EC charges to be levied in case of repeated gross violations by an entity, whereby a closure direction has been issued more than once by the Commission, shall also be doubled in such cases, if the repeat violation is during the periods other than GRAP. If the repeat violation is observed during the period under GRAP, the EC shall be applicable as per 'B' or 'C' above, as may be the case.**

