

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Appeal No.36 OF 2024

IN THE MATTER OF:

Petro Carbon and Chemicals Ltd. Appellant

Versus

Commission for Air Quality Management
in NCR & Adjoining Areas & Anr. Respondents


INDEX

S.No.	Particulars	Pages
1.	Counter Affidavit on behalf of Respondent No.1, Commission for Air Quality Management in NCR and Adjoining Areas	1-20
2.	ANNEXURE R-1 A true copy of order dated 26.7.2018 passed by the Hon'ble Supreme Court in WP(C) No. 13029 of 1985, titled as M C Mehta Vs. Union of India & Ors.	21-30
3.	ANNEXURE R-2 A true copy of order dated 6.9.2018 passed by the Hon'ble Supreme Court in WP(C) No. 13029 of 1985, titled as M C Mehta Vs. Union of India & Ors.	31-34
4.	ANNEXURE R-3 A true copy of order dated 9.10.2018 passed by the Hon'ble Supreme Court in WP(C) No. 13029 of 1985, titled as M C Mehta Vs. Union of India & Ors.	35-41

5.	ANNEXURE R-4 A true copy of order dated 10.10.2023 passed by the Hon'ble Supreme Court in WP(C) No. 13029 of 1985, titled as M C Mehta Vs. Union of India & Ors.	42-58
----	---	-------

Filed By

New Delhi
Dated: 20.12.2024


(DR. ABHISHEK ATREY)
Counsel For the Respondent No.1
D-202, Additional Building Complex
Supreme Court of India,
New Delhi -110001
Mob.9810047556
Email:abhishekatrey@gmail.com

1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Appeal No.36 OF 2024

IN THE MATTER OF:

Petro Carbon and Chemicals Ltd. Appellant

Versus

Commission for Air Quality Management
in NCR & Adjoining Areas & Anr. Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1,
COMMISSION FOR AIR QUALITY MANAGEMENT

I, Ram Kumar Agrawal aged about 55 years, S/o Shri Prabhat Kishore Agrawal, working as Director in the Commission for Air Quality Management in National Capital Region and Adjoining Areas, New Delhi (hereinafter referred to as 'Commission') having office at 17th Floor, Jawahar Vyapar Bhawan, STC Building, Tolstoy Marg, New Delhi – 110001, do hereby, in my official capacity, solemnly affirm and state as under:

1. That I, in the capacity of Director of the Commission for Air Quality Management in National Capital Region and Adjoining Areas, am fully conversant with the facts of the case and competent to swear this affidavit on behalf of respondent no.1.
2. That in the present appeal has been filed by the appellant under section 18 of the CAQM Act,2021 on 29.8.2024, challenging therein orders of the replying respondents dated 15.2.2024, 19.4.2024 and 17.5.2024 undisputedly beyond 30 days limitation period provided under section 16 of the National Green Tribunal Act, 2010, but the appellant neither gave any reasons of delay nor prayed in the appeal to condone the delay



राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टोय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

and in para 50 of Limitation he simply written that the appeal is within limitation. It is submitted that all these orders were uploaded on the website of the replying respondents on the same day. It is therefore most respectfully prayed that the appeal of the appellant is liable to be dismissed on this ground alone, without going into the merits of the case.

3. That however with intention to bring correct facts before this Hon'ble Tribunal, the replying respondents is filing present detailed affidavit in response to the averments made by the appellant in the present appeal.
4. That at the outset the replying respondent disputes and denies all the contentions, allegations, claims and averments which are contrary to anything stated or submitted in this reply. Nothing in this Appeal may be deemed to have been accepted or admitted by the replying respondent. The replying respondent craves leave of this Hon'ble Tribunal to make additional submissions, if required, during the course of the proceedings. The correct facts related to the dispute in the present matter are given hereunder.
5. That the Hon'ble Supreme Court vide its Order dated 26.07.2018 restricted the use of imported Pet Coke for all Industries except for cement, lime, calcium carbide and gasification industries, in compliance with WTO norms and these industries were permitted to use imported Pet Coke as a feedstock or in manufacturing process and not as a fuel. Similarly, use of needle grade imported pet coke was allowed to graphite electrode industry by Order dated 06.09.2018. No quantitative restrictions / cap has been imposed on the import of pet coke for these sectors. A true copy of order dated 26.7.2018 passed by the Hon'ble Supreme Court in WP(C) No.



3

13029 of 1985, titled as M C Mehta Vs. Union of India & Ors. is annexed herewith and marked as ANNEXURE R-1 (page 21 to 30..) and a true copy of order dated 6.9.2018 passed by the Hon'ble Supreme Court in WP(C) No. 13029 of 1985, titled as M C Mehta Vs. Union of India & Ors. is annexed herewith and marked as ANNEXURE R-2 (page 31 to 34..).

6. The Hon'ble Supreme Court *vide* its Order dated 09.10.2018 allowed Raw Pet Coke (RPC), domestic and imported, to be used as a feedstock for producing Calcined Pet Coke (CPC) with the condition that the imported raw pet coke for this purpose cannot exceed **1.4 million metric tonne (MMT)** per annum in total. The Hon'ble Supreme Court arrived at this ceiling on the basis of views of CPCB and MoEF&CC and importantly on the basis of report no.91 filed by the Environment Pollution (Prevention & Control) Authority for the National Capital Region (EPCA) before the Hon'ble Supreme Court. Further, use of imported CPC was allowed for Aluminium industry with cumulative quantitative restriction / cap of **0.5 MMT** per annum *vide* same Order dated 09.10.2018. A true copy of order dated 9.10.2018 passed by the Hon'ble Supreme Court in WP(C) No. 13029 of 1985, titled as M C Mehta Vs. Union of India & Ors. is annexed herewith and marked as ANNEXURE R-3 (page 35 to 41..).
7. That in view of changing scenarios with time, the requirement of CPC and RPC for aluminium industry as well the CPC manufacturing industries has also been dynamic. Various industries approached to Hon'ble Court from time to time regarding allocations of RPC/CPC to them.
8. That in this context, various IAs were filed before Hon'ble Supreme Court in WP(C) No. 13029 of 1985 in the matter of



राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for A. Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

4

MC Mehta Vs. Union of India. The Hon'ble Supreme Court on 10.10.2023, wherein the Hon'ble Court after hearing the parties and considering the suggestions of Ld. Amicus in the matter, delegated all these issues to the Commission noting that the origination of regulation by the Hon'ble Supreme Court arose from the fact that Pet Coke is highly polluting, especially when used as a fuel and in unregulated industries. A true copy of order dated 10.10.2023 passed by the Hon'ble Supreme Court in WP(C) No. 13029 of 1985, titled as M C Mehta Vs. Union of India & Ors. is annexed herewith and marked as ANNEXURE R-4 (page 42. to 58..).

9. That relevant extract of the Order dated 10.10.2023 is *inter alia* as under:

"...Learned Amicus has given a way forward, more so, as it is practically very difficult for this Court to monitor and see the quotas for different industries and periodically this Court is being approached by applications in view of the earlier orders passed. The ground reality is also stated to have changed from the time action was taken in pursuance to Report No.91. The suggestion, thus, is that the Commission for Air Quality Management should look into the matter afresh keeping in mind the availability of Pet Coke in the country and the requirement for import of Pet Coke which would depend, thereafter.

There is also a change which has occurred on account of different industries' requirement of Pet Coke. An example of this is the Aluminum industry. Thus, a holistic view would have to be taken as to the distribution of the



राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली - 110001 / New Delhi-110001

5

Pet Coke available in the country and the Pet Coke required to be imported and how both of them should be distributed inter se the industries.

The aforesaid course of action is acceptable to all the learned counsel here and the only aspect urged is an anxiety about the time period required for it because a lot of industries are closed.

We, thus, delegate all these issues to the Commission for Air Quality Management (CAQM).....

.....

The aforesaid would take care of the various applications before us qua the issue of import and enhancement of import quota and thus, these applications stand disposed of in terms of the aforesaid order.

The applications for impleadment and intervention are also disposed of.”

10. That another issue raised before the Hon'ble Court was regarding distribution of balance quantity of 0.4 MMT RPC out of total cap of 1.4 MMT for 2023-24, the Hon'ble Court noted that it is appropriate that the Commission bestows consideration even on this aspect and wherever any interim directions are required, the Commission itself can pass those directions, uninfluenced by other orders which may be passed by any other Court.

11. That thereafter the replying respondent through its Order dated 25.10.2023 constituted a Sub-Committee under the

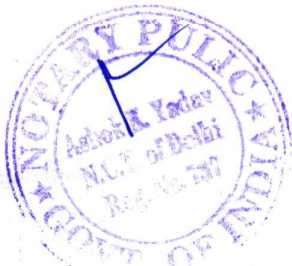



राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

6

Chairmanship of its full-time technical Member, and consisting of Member(s) from the Commission, Ministry of Environment, Forest and Climate Change (MoEF&CC), Ministry of Petroleum and Natural Gas (MoPNG), Ministry of Commerce and Industry (MoC&I), Directorate General of Foreign Trade (DGFT) and Central Pollution Control Board (CPCB) to examine the issues delegated to the Commission. The Sub-Committee also co-opted a Member from National Environmental Engineering Research Institute (NEERI).

12. That the aforesaid Sub-Committee held number of meetings to deliberate upon the issues and to arrive at a unanimous decision. The Sub-Committee also heard the CPC Manufacturers and Aluminium Industries during the process.
13. The Sub-Committee deliberated the issues in detail related to the distribution of the Pet Coke available in the country and the Pet Coke required to be imported and how these should be distributed *inter se* amongst the industries. The Sub-Committee also took into account suggestions and objections from the stakeholders, earlier Orders of the Hon'ble Supreme Court in the matter, reports filed by the EPCA and submission made by the CPC manufacturers and Aluminium Industries before it. Amongst other issues, the Sub-Committee examined the requirement of import of RPC and CPC in the country, also considering availability of RPC in the country and total demand of CPC, based on the total production capacity by different manufacturers / calciners as per CTO.
14. That with regard to the issue of future import of RPC and CPC in the country for domestic use, the Sub-Committee observed and recommended the following:




 राम कुमार अग्रवाल / Ram Kumar Agrawal
 निदेशक / Director
 राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
 Commission for Air Quality Management in NCR & Adjoining Areas
 भारत सरकार / Government of India
 17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
 17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
 नई दिल्ली-110001 / New Delhi-110001

7

- i. Irrespective of the geographical location, all such calciner industries which have obtained all due statutory permissions and clearances need to be treated at par, in as far as allocation of imported RPC is concerned. The import of RPC should be based on the demands as well as the current levels of quantities permissible under the respective CTO / clearance of all such calcining units;
- ii. The calcining industry, involved in processing raw pet coke (RPC) to calcined pet coke (CPC), is a feeder mainly for anode manufacturing for the aluminum processing industry, besides other miscellaneous applications. The conversion of RPC to CPC, however, is associated with substantial air pollution load (SO₂ emissions) since the sulphur content in calcined pet coke is required to be reduced to 3.5% as against 7-8% sulphur content in fuel grade raw pet coke. The aluminium industry also has an option of direct import of some quantities of CPC required for processing, which obviates the incremental pollution load owing to the conversion process from RPC to CPC. Thus, further capacity enhancement / expansion of purely calcining industries may not be encouraged;
- iii. In the overall interest of environment protection, while also taking into account the requirements of respective industries, it was accordingly, decided to continue with a cap on import of RPC/CPC, in an effort to provide adequate checks and balances towards incremental emissions;
- iv. Approx. 0.453 MMT of RPC is available for the calciners in the country. This capacity has more or less



राम कुमार अग्रवाल / Ram Kumar Agrawal
 निदेशक / Director
 राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
 Commission for Air Quality Management in NCR & Adjoining Areas
 भारत सरकार / Government of India
 17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टोय मार्ग,
 17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
 नई दिल्ली-110001 / New Delhi-110001

8

remained static and MoPNG does not foresee any major growth in future in this sector;

- v. The purpose of import of RPC is to primarily fulfil the domestic demand of CPC. Export of domestically produced CPC, by processing of the imported RPC by such calciners, which substantially enhances harmful emissions and the air pollution load in the country, thus needs to be strongly discouraged;
- vi. Emission standards for PM, SO₂, NO_x have been notified for calciner industries, to be effective from June, 2025. However, emission limits for SO₂ for anode making process in aluminium industries are yet to be notified, which needs to be fast tracked by the CPCB and the MoEF&CC;
- vii. By 2025-26, aluminium production in the country is expected to increase to about 5.09 million tonne against a present capacity of 4.249 million tonne, for which due environmental clearances have already been accorded by the MoEF&CC and related agencies. Accordingly, the estimated requirement of CPC would be approx 2.1 MMT by 2025-26 against a present requirement of about 1.74 MMT (1.24 MMT through calciners and 0.5 MMT through direct import by aluminium industries). Towards sourcing of CPC by the aluminium industries, considering the levels of CPC cumulatively diverted by the calciners in the country for domestic industrial and miscellaneous applications other than aluminium, there appears a need for import of additional quantity of approximately 0.3 MMT CPC by the aluminium sector industries from 2025-26 onwards. This arrangement

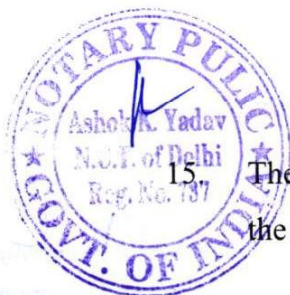


राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टोय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

9

would strike an optimal balance and take care of the concerns related to added environmental emission load and the issues of continual availability of the desired quantity and quality of CPC required for aluminium processing. For the present and during 2024-25, however, the current level of a cap of 0.5 MMT for direct import of CPC by the aluminium industries appears to be sufficient and reasonable;

- viii. In as far as the requirement of RPC (for conversion to CPC) is concerned, taking into account the current cumulative capacities of the calciners, the past trend of supplies of CPC made by them to the aluminium industries, industries other than aluminium and for other miscellaneous applications, only for domestic use in the country, it emerges that approx 2.35 MMT of RPC would be required annually w.e.f. 2024-25 itself. The domestic availability of RPC for the calciners, based on past trends and future projections, as per MoPNG, would be around 0.45 MMT. Thus, a gap of about 1.9 MMT would be required to be bridged through import of RPC cumulatively by all the calciners;
- ix. The Sub-Committee, recommended that the Commission may permit to allocate the aforementioned quantities of RPC / CPC for import (total 1.9 MMT RPC for calciners and 0.5 MMT CPC for Aluminium Industry in the year 2024-25 and 1.9 MMT RPC for calciners and 0.8 MMT CPC for Aluminium Industry from 2025-26 onwards), subject to the certain conditions.



15. The observations, deliberations and recommendations made by the Sub-Committee were shared with the Commission's

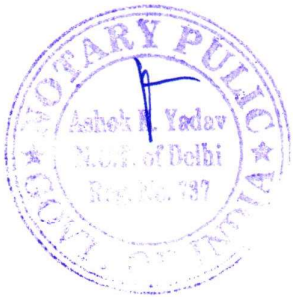
राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

10

Members and the Commission approved the various recommendations of the Sub-Committee in its order dated 15.2.2024, which is challenged in the present appeal.

16. It is submitted that the Commission, accordingly, in compliance of the directions of the Hon'ble Supreme Court, through its Order dated 15.02.2024, in para 10(I), *inter alia*, directed as under:

- i. Import of total 1.9 MMT RPC for CPC Manufacturers and 0.5 MMT CPC for Aluminium Industry respectively shall be permitted during 2024-25 and 1.9 MMT RPC for Calciners and 0.8 MMT CPC for Aluminium Industry respectively from 2025-26 onwards, strictly subject to the following conditions:
 - a. Use of pet coke shall be permitted only as a feedstock / raw material and under no circumstances to be used as fuel;
 - b. Import of pet coke (CPC/ RPC) shall be permitted to cater entirely to the domestic needs of aluminium industry and other industries, for the processes as permitted under various regulations / statutes and export of calcined pet coke through such calcining units shall be discouraged. However, "Deemed exports" to SEZ units would be permitted;
 - c. For the calciner industries, SO₂ emissions shall be managed and controlled through a flue gas desulphurization system, so as to comply with the standards of emissions prescribed;



राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for A. Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (S.T.C. Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

- d. Emission limits for SO₂ for anode making process in aluminium industries are yet to be notified, which needs to be fast tracked by the CPCB and the MoEF&CC, to be endeavoured to be notified in a period of about six months from now;
- e. Continuous analysers for measurement of PM, SO_x, NO_x shall be installed by the calciners in the stacks of processes where waste/process gases are used;
- f. Regulation and monitoring of such import shall be as per the guidelines of MoEF&CC's OM dated 10.09.2018;
- g. The overall availability of RPC and CPC may be assessed from time to time by MoC&I in consultation with MoPNG, to prioritise the use of domestically available RPC;
- h. Allocations to individual units / industries may be continued to be carried out by the DGFT in line with their extant policies and guidelines duly taking into account the statutory environmental clearances, regulations etc. and the consented quantities for individual units;
- i. The suggested caps on the import of respective quantities of RPC/ CPC is considering the present capacities / consents of the regulatory authorities including the ongoing manufacturing capacity augmentations and is expected to take care of the requirements in all sectors for the next five years and



राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टोय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

12

thus ordinarily a review would be required accordingly, except for emergent and unforeseen conditions that may arise in future. Accordingly, any new establishment of CPC manufacturing unit or capacity augmentation of existing calcining units shall not be allowed purely in the overall interest of environment.

17. It is pertinent to mention here that the order dated 15.02.2024 was addressed to all concerned Ministries / Department / Organization viz. MoEF&CC, MoPNG, MoC&I, DGFT and the CPCB for information and necessary action at their end.

PARA WISE RESPONSE

1. That the contents of para 1-20 of the appeal need no reply being matter of record.
2. That the contents of para 21 of the appeal need no reply being matter of record. However, it is pertinent to mention here that notice dated 02.11.2023 read with extension of notice dated 16.11.2023 issued by the Commission has categorically sought, in its point no. "iv" of table at para 2, the present CPC manufacturing capacity of the Unit in Million Metric Ton (MMT) with a copy of valid Consent to Operate, duly incorporating the production capacity and accordingly point no. "viii" of said table seeking information regarding desired annual quantity for Import of RPC is to be read in consonance with the point no. "iv". Further, there was no assurance given by the Commission, at any point of time, to the calciners that

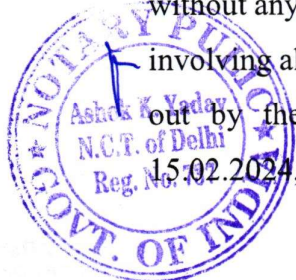


राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

13

desired quality would be allowed or granted in deciding the requirement of imported pet coke.

3. That the contents of para 24 of the appeal are wrong and denied and not admitted. In response to this para it is stated that the Sub-Committee constituted by the Commission to examine the issues delegated to the Commission heard the calciners on 15.11.2023 and the opportunity to be heard was not limited to the interim directions for allocation of 0.40 million MT RPC for Financial Year 2023-24. However, the meeting and discussions were primarily focused on interim directions and the parties present before the Sub-Committee made their submission on the requirement of imported pet coke.
4. That the contents of para 25 of the appeal need no reply being matter of record.
5. That the contents of para 26-28 of the appeal are wrong and denied and not admitted. In response to this para it is stated that the allegation made in these paras are false, baseless and without any substance. However, it is submitted that minutes of all such meetings held by the Sub-Committee constituted by the Commission are recorded and shared with its Members.
6. That the contents of para 29 of the appeal are wrong and denied and not admitted. In response to this para it is stated that the submissions made in this para are false, baseless and without any substance to the effect that no consultative process involving all stakeholders of the calcining industry was carried out by the Commission before issuance of Order dated 15.02.2024, other submissions are matter of record.



राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

7. That the contents of para 30-31 of the appeal need no reply being matter of record.
8. That the contents of para 33 of the appeal are wrong and denied and not admitted. In response to this para it is stated that the applicant of RTI Shri Arnav Das, Advocate sought the information regarding calciner wise breakup of production figures. However, it is pertinent to mention here that the Sub-Committee constituted by the Commission observed that a detailed assessment of the quantities of CPC and RPC required by the aluminium industry and calciners respectively, based on data / information shared by the stakeholders concerned has been carried out for 2024-25 and also for the growth projected till 2025-26, which is likely to sustain for another 3 to 4 years. This demand - supply analysis was carried out comprehensively by the Sub-Committee taking into account the requirements and manufacturing capacities of both the sectors viz. aluminium as also the calcining industries, including the availability of RPC / CPC from various streams i.e., domestic and through import. It is evident that the CPC Manufacturing capacity declared by the calciners as per their Consent to Operate were taken into account and examined for taking the decision.
9. That the contents of para 34-35 of the appeal are wrong and denied and not admitted. In response to this para it is stated that the Sub-Committee heard the CPC Manufacturers and Aluminium Industries during the process. The Sub-Committee issued a 'Notice' on 02.11.2023, which was placed on the website of the Commission and also on the website of the Member(s) of the Sub-Committee for wide circulation, seeking

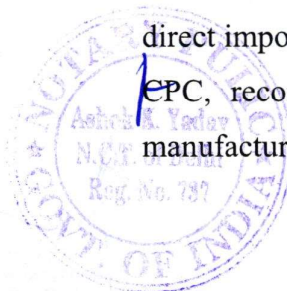


राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

15

requisite details from the CPC manufacturing industries and also to provide an opportunity to be heard to all concerned parties in the matter. The deadline in 'Notice' dated 02.11.2023 was further extended till 21.11.2023 through 'Notice' dated 16.11.2023. The CPC manufacturers presented their case physically before the Sub-Committee and also through detailed submissions made in writing. The Sub-Committee took into account suggestions and objections from the stakeholders, earlier orders of the Hon'ble Supreme court in the matter, reports filed by the EPCA and submissions made by the CPC manufacturers and Aluminium Industries before it and the recommendations of the Sub-Committee have been made after extensive discussions and considering relevant aspects of the issues and inputs provided by the Member(s).

10. That the contents of para 36 of the appeal are wrong and denied and not admitted. In response to this para it is stated that the Sub-Committee opined that the prime requirement of CPC as feedstock is that for smelting process in the Aluminum industry and thus should be prioritized accordingly. The purpose of import of RPC is to primarily fulfil the domestic demand of CPC. The Sub-Committee also noted the environmental concerns owing to processing of RPC / CPC in the calcining / aluminium industries. Considering the vitality of growth in aluminium sector in the country, the Sub-Committee, considering the comparative environmental impacts owing to direct import of CPC *vis-a-vis* conversion of imported RPC to CPC, recommended that any new establishment of CPC manufacturing unit or capacity augmentation of existing




राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में क्वालिटी प्रबंधन आयोग
Commission for A.Q. Quality Management (NCR & Adjoining Areas)
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

16

calcining units may not be allowed purely in the interest of environment.

11. That the contents of para 37 of the appeal are wrong and denied and not admitted and the appellant be put to strict proof of the same.
12. That the contents of para 38 of the appeal are wrong and denied and not admitted. In response to this para it is stated that mere declaring a proposed expansion of capacity cannot be construed as right to have that capacity without any examination by the appropriate authorities under the law. The cap on the import of respective quantities of RPC is considering the present capacities / consents of the regulatory authorities including the ongoing manufacturing capacity augmentations. It is submitted that at the time of presentation made by the appellant, no such expansion of manufacturing capacity was under active consideration before the concerned authorities.
13. That the contents of para 39-40 of the appeal need no reply being matter of record.
14. That the contents of para 41 of the appeal are wrong and denied and not admitted. In response to this para it is stated that when the Commission was taking a holistic view of the matter, the appellant should not have taken steps to expand capacity. If the appellant proceeded with such actions without awaiting the Commission's decision which was taken in respectful compliance with the Hon'ble Supreme Court's order, any resulting consequences would be attributable to the appellant's gross negligence.




 राम कुमार अग्रवाल / Ram Kumar Agrawal
 निदेशक / Director
 राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
 Commission for Air Quality Management in NCR & Adjoining Areas
 भारत सरकार / Government of India
 17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
 17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
 नई दिल्ली-110001 / New Delhi-110001

17

15. That the contents of para 42-45 of the appeal are wrong and denied and not admitted. In response to this para it is stated that the Commission, upon noting that the Expert Appraisal Committee had approved and recommended the expansion of the CPC Manufacturing unit on 12.03.2024, despite the Commission's Order dated 15.02.2024, which, *inter alia*, stipulated that “...no new establishment of CPC manufacturing units or capacity augmentation of existing calcining units shall be allowed, purely in the interest of the environment...”, requested the MoEF&CC to look into the matter and take appropriate action to ensure compliance with the Order dated 15.02.2024.
16. That it is respectfully further submitted that the appellant, with malafide intent, deliberately failed to disclose the Order dated 15.02.2024 to the EAC. This is evident from the EAC's deliberations when it withdrew its recommendations, which, *inter alia*, state as follows:

“1. The instant proposal was considered during the 55th meeting of the EAC for Industry-I sector held on 29th February, 2024 and 1st March 2024 wherein the EAC recommended the proposal for grant of Terms of Reference.

2. The EAC deliberated on the Order dated 15/02/2024 by Commission for Air Quality Management regarding Raw Pet coke and calcined Pet coke import and allocation in the country. The order inter-alia prohibits establishment of any new CPC manufacturing unit or



राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

capacity augmentation of existing calcining units purely in the overall interest of environment.

3. The EAC noted that they have just seen the Letter of CAQM-NCR dated 19.04.2024 and concluded that the proposal was evaluated after the issuance of the order dated 15.02.2024. It is apparent that such proposals cannot be cleared in compliance with the directions of the Hon'ble Supreme Court. The PP has neither submitted the details nor presented the same before the EAC. Therefore, the recommendations made during the 55th meeting held on 29th February 2024 and 1st March 2024 should be withdrawn.

4. The EAC warned the PP/Consultant to submit all the details and facts before the EAC and not to mislead the information on the above mentioned issue.”

17. It is apparent that the EAC did not have the Order dated 15.02.2024 at the time of considering the proposal for ToR and the appellant deliberately chose not to disclose the Order to get the benefit out of it. It was the duty of the appellant to disclose the Order before the EAC but the appellant obtained the recommendations of the EAC by concealing the said Order dated 15.02.2024.
18. That the contents of para 46-47 of the appeal are wrong and denied and not admitted. In response to this para it is stated that the letter dated 17.05.2024 of the Commission, *inter alia*, reiterated that “*The sub-committee had sought information vide notice dated 02.11.2023 specifically regarding capacity in 2018 and current existing capacity as per CTO/CFO along*

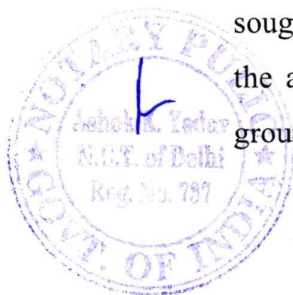


राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for A./ Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

19

with copies of latest CTO/CFO. You have mentioned proposed expansion of capacity under desired annual quantity of RPC for import which was without any documentary proof of approved capacity. Further, any assumption while the matter was under examination /deliberation was unwarranted and should have been avoided.”

19. That the contents of para 48 of the appeal are wrong and denied and not admitted. It is wrong to allege that the decisions of Commission are arbitrary, in violation of any law or judgment or not backed by any scientific data
20. That the contents of para 49 of the appeal are wrong and denied and not admitted. None of the grounds A to T are available to the appellants. In response to these paras earlier paras of this counter affidavit are reiterated.
21. That the contents of para 50 of the appeal are wrong and denied and not admitted. The appeal filed by the appellants is badly barred by limitation. Undisputedly the appeal was filed by the appellants on 29.8.2024 in which he challenged order dated 15.2.2024 and letters dated 19.4.2024 and 17.5.2024 whereas Limitation provided under section 16 of NGT Act, 2010 is only 30 days from the date of order. It is submitted that all these orders were uploaded on the website of the replying respondents on the same day. Moreover the appellants has not sought even condonation of delay in filing appeal. Therefore the appeal of the appellants is liable to be dismissed on this ground alone.



राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for A. Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉल्स्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

22. In view of the aforesaid facts and circumstances of the appeal of the appellant, apart from being time barred, does not sustain in the eyes of law and is liable to be dismissed.
23. It is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to dismiss the appeal of the appellant with exemplary cost.

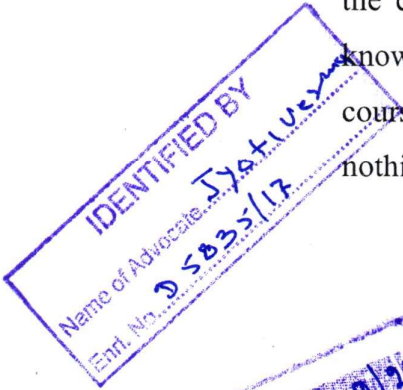


DEPONENT

राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001

VERIFICATION

Verified at New Delhi on this ____ day of December, 2024 that the contents of the above affidavit are true and correct to my knowledge and as per official records maintained in the routine course of business. No part of the above affidavit is false and nothing material has been concealed there from.




DEPONENT

राम कुमार अग्रवाल / Ram Kumar Agrawal
निदेशक / Director
राष्ट्रीय राजधानी क्षेत्र और निकटवर्ती क्षेत्रों में वायु गुणवत्ता प्रबंधन आयोग
Commission for Air Quality Management in NCR & Adjoining Areas
भारत सरकार / Government of India
17वीं मंजिल, जवाहर व्यापार भवन (एस.टी.सी. बिल्डिंग), टॉलस्टॉय मार्ग,
17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg,
नई दिल्ली-110001 / New Delhi-110001



20 DEC 2024
ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA

ITEM NO.16

21
COURT NO.3

ANNEXURE R-1

SECTION PIL-W

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

Writ Petition(s) (Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) REPORT NO. 79, 80 AND 87 SUBMITTED BY EPCA

Date : 26-07-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]
Ms. Aparajita Singh, Advocate (A.C.)
Mr. A.D.N. Rao, Advocate (A.C.)
Mr. Siddhartha Chowdhury, Advocate (A.C.)

Petitioner-In-Person

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Devasis Bharuka, Adv.
Ms. Subhasni Sen, Adv.
Mr. Amit Sharma, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, Advocate.
Delhi Mr. D.N. Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.Haryana Mr. Anil Grover, AAG
Mr. Shivam Kumar, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kr. Visen, Advocate
Dr. Monika Gusain, Adv.

Ms. Manpreet Kaur Bhalla, Adv.

Mrs. Rachana Gupta, Advocate
Mr. Jitendra Kumar Tripathi, Adv.

Rajasthan

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Nidhi Jaiswal, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, Advocate

Ms. Snidha Mehra, Adv.
Mr. B.V. Balramdas, Advocate.

Mr. Yash Pal Dhingra, Advocate

Aluminium

Mr. Jayant Bhushan, Sr. Adv.
Mr. Ajay Bhargava, Adv.
Ms. Vanita Bhargava, Adv.
Ms. Shweta Kabra, Adv.
For M/S Khaitan And Co., Advocates

Steel

Mr. Shyam Divan, Sr. Adv.
Mr. Sanjeev K. Kapoor, Adv.
Mr. Nawneet Vibhaw, Adv.
Mr. Gaurav Juneja, Adv.
For M/S Khaitan And Co., Advocates

M/S S. Narain And Co., Advocates

UPON hearing the counsel the Court made the following

O R D E R

REPORT NO. 79, 80 AND 87 SUBMITTED BY EPCA

On 10.05.2018, we had passed the following order with regard
to ban on import of pet coke:

Ban on import of Pet Coke

The learned ASG assures us that the exercise of receiving inputs from Ministry of Petroleum and Natural Gas and DGFT with regard to ban on import of pet coke and the State Governments is under way and will be completed within six weeks.

23

We expect and direct that a decision will be taken in this regard on or before 30th June, 2018 failing which we may have to deal with the matter.

The targeted dated of 30th June, 2018 is over.

Notwithstanding that the targeted date was over, we passed an order on 16.07.2018 to the following effect:

Ban on import of pet coke

Learned Additional Solicitor General stated before us that the Report of the Technical Expert Committee to evaluate the pollution load of pet coke versus possible alternatives is ready. A copy of it has been handed over to learned amicus curiae.

Learned Additional Solicitor General says that the matter will be discussed by the officers of the Ministry of Environment, Forest and Climate Change with EPCA during the course of this week and final decision taken and communicated to this Court next week.

List the matter for this purpose on 26th July, 2018.

Today, the learned ASG has placed before us an affidavit of the Ministry of Environment, Forest and Climate Change in compliance of order dated 16.07.2018.

On a reading of the affidavit, it is clear that a meeting was held by the Ministry of Environment, Forest and Climate Change along with officers of the Ministry of Petroleum and Natural Gas and EPCA and discussions were also held with the Directorate General of Foreign Trade.

In the Minutes of the meeting dated 18.07.2018, it is recorded in paras 1.10 and 1.11 as follows:

1.10 EPCA stated that based on extensive discussion between MoEFCC, MoPNG and DGFT, a regime for regulating import of pet coke had been suggested by DGFT, which is also compliant with WTO norms. EPCA stressed that this regulatory framework should be immediately implemented

and import of pet coke should be permitted only in those industries where pet coke is used as a feedstock or in the manufacturing process and not as a fuel. These industries, which have been permitted to use pet coke in NCR states and accepted by the Hon'ble Supreme Court are the following : cement, lime kiln, calcium carbide and gasification. Import should be allowed only for these industries in the country, which will make the regime compatible with WTO requirements. EPCA also said that it would prefer an arrangement, which prioritises the use of domestic pet coke as against imported pet coke.

1.11 The Ministry officials responded to this by stating that the views of EPCA in the matter have been noted and that a suitable decision would be taken in the Ministry.

From a reading of the above decisions, it is quite clear that a consensus decision has been taken that the use of imported pet coke all over the country may be permitted only in the following industries : cement, lime kiln, calcium carbide and gasification. It is stated that this would be in compliance with the WTO norms and these industries may be permitted to import pet coke for use as a feedstock or in the manufacturing process and not as a fuel.

EPCA has also stated that it will prefer an arrangement, which prioritizes the use of domestic pet coke as against imported pet coke.

The learned ASG says that a suitable decision is required to be taken by the Ministry. The Ministry concerned has not been mentioned. We take it that the Ministry concerned is relatable only to EPCA preferring an arrangement of prioritizing the use of domestic pet coke as against imported pet coke. The preference of EPCA deserves serious consideration.

Since the decision to permit limited import of pet coke has

25

been taken by consensus by all the authorities mentioned above and since the time already fixed by us expired on 30.06.2018, we direct that the decision taken in para 1.10 in terms of the Minutes dated 18.07.2018 be notified and implemented with immediate effect.

Report Nos. 79 stands disposed of.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER

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

Writ Petition(s) (Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA NOS. 15338 AND 15739/2018
(APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O ALUMINIUM
ASSOCIATION OF INDIA) ALONGWITH REPORT NO. 82 SUBMITTED BY EPCA)

IA NOS. 100194 AND 102169/2018 (APPLNS. FOR INTERVENTION AND
PERMISSION/DIRECTIONS ON BEHALF OF INDIAN STEEL ASSOCIATION)

Date : 26-07-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

Ms. Aparajita Singh, Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Petitioner-In-Person

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Devasis Bharuka, Adv.
Ms. Subhasni Sen, Adv.
Mr. Amit Sharma, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, Advocate.
Delhi Mr. D.N. Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.

Haryana Mr. Anil Grover, AAG
Mr. Shivam Kumar, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kr. Visen, Advocate
Dr. Monika Gusain, Adv.

27

Ms. Manpreet Kaur Bhalla, Adv.

Mrs. Rachana Gupta, Advocate
Mr. Jitendra Kumar Tripathi, Adv.

Rajasthan

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Nidhi Jaiswal, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, Advocate

Ms. Snidha Mehra, Adv.
Mr. B.V. Balramdas, Advocate.

Mr. Yash Pal Dhingra, Advocate

Aluminium

Mr. Jayant Bhushan, Sr. Adv.
Mr. Ajay Bhargava, Adv.
Ms. Vanita Bhargava, Adv.
Ms. Shweta Kabra, Adv.
For M/S Khaitan And Co., Advocates

Steel

Mr. Shyam Divan, Sr. Adv.
Mr. Sanjeev K. Kapoor, Adv.
Mr. Nawneet Vibhaw, Adv.
Mr. Gaurav Juneja, Adv.
For M/S Khaitan And Co., Advocates

M/S S. Narain And Co., Advocates

UPON hearing the counsel the Court made the following

O R D E R

IA NOS. 15338 AND 15739/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O ALUMINIUM ASSOCIATION OF INDIA) ALONGWITH REPORT NO. 82 SUBMITTED BY EPCA and IA NOS. 100194 AND 102169/2018 (APPLNS. FOR INTERVENTION AND PERMISSION/DIRECTIONS ON BEHALF OF INDIAN STEEL ASSOCIATION)

The decision on the use of imported pet coke in the steel industry and aluminium industry is still under consideration. We are informed by the learned ASG that studies will have to be conducted and BIS standards will have to be fixed in the case of aluminium industry.

28

The entire exercise may take about eight weeks. We accordingly grant time till 1st October, 2018 for a decision to be taken in the matter.

List the applications on 09th October, 2018.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER

ITEM NO.16

COURT NO.3

SECTION PIL-W

29
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

Writ Petition(s) (Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA NOS. 31988/2018

(APPLN. FOR DIRECTIONS ON B/O PAPER MANUFACTURING ASSOCIATION)

Date : 26-07-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.) [NP]

Ms. Aparajita Singh, Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Mr. Siddhartha Chowdhury, Advocate (A.C.)

Petitioner-In-Person

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Devasis Bharuka, Adv.
Ms. Subhasni Sen, Adv.
Mr. Amit Sharma, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Raj Bahadur, Adv.
Mr. G.S. Makker, Advocate.

Delhi Mr. D.N. Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.

Haryana Mr. Anil Grover, AAG
Mr. Shivam Kumar, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kr. Visen, Advocate
Dr. Monika Gusain, Adv.
Ms. Manpreet Kaur Bhalla, Adv.

Mrs. Rachana Gupta, Advocate

30

Mr. Jitendra Kumar Tripathi, Adv.

Rajasthan

Mr. S.S. Shamsbery, AAG
 Mr. Amit Sharma, Adv.
 Mr. Sandeep Singh, Adv.
 Mr. Ankit Raj, Adv.
 Ms. Nidhi Jaiswal, Adv.
 Ms. Indira Bhakar, Adv.
 Ms. Ruchi Kohli, Advocate

Ms. Snidha Mehra, Adv.
 Mr. B.V. Balramdas, Advocate.

Mr. Yash Pal Dhingra, Advocate

Aluminium

Mr. Jayant Bhushan, Sr. Adv.
 Mr. Ajay Bhargava, Adv.
 Ms. Vanita Bhargava, Adv.
 Ms. Shweta Kabra, Adv.
 For M/S Khaitan And Co., Advocates

Steel

Mr. Snyam Divan, Sr. Adv.
 Mr. Sanjeev K. Kapoor, Adv.
 Mr. Nawneet Vibhaw, Adv.
 Mr. Gaurav Juneja, Adv.
 For M/S Khaitan And Co., Advocates

M/S S. Narain And Co., Advocates

UPON hearing the counsel the Court made the following

O R D E R

IA NOS. 31988/2018

(APPLN. FOR DIRECTIONS ON B/O PAPER MANUFACTURING ASSOCIATION)

Before we take up the application for consideration, 38 members of the Paper Manufacturing Association as mentioned on page 95 of the application should file an affidavit indicating the steps they have taken.

(MEENAKSHI KOHLI)
 COURT MASTER

(KAILASH CHANDER)
 COURT MASTER

ITEM NO.11

31
COURT NO.3

ANNEXURE R-2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) IA NO. 112633/2018
(APPLN. FOR DIRECTIONS ON BEHALF OF GRAPHITE INDIA LTD.)(2) IA NO. 117302 AND 117304/2018
(APPLN FOR INTERVENTION AND DIRECTIONS ON BEHALF OF MOOKNAYAK)

Date : 06-09-2018 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Harish N. Salve, Sr. Advocate (A.C.)[NP]
Ms. Aparajita Singh, Advocate (A.C.)
Mr. A.D.N. Rao, Advocate (A.C.)
Mr. Siddhartha Chowdhury, Advocate (A.C.)
Petitioner-In-PersonFor Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Mr. Amit Sharma, Adv.
Mr. Devasis Bharuka, Adv.
Mrs. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Raj Bahadur, Adv.
Ms. Anil Katiyar, Advocate
Mr. G.S. Makker, AdvocateIA NO. 112633/2018 and I.A. No. 112813/2018
Mr. Shyam Divan, Sr. Adv.
Mr. Navneet Vibhaw, Adv.

32

For M/S Khaitan And Co.

IA NO. 117302 AND 117304/2018

Mr. Sanjay R. Hegde, Sr. Adv.
 Mr. Namit Saxena, Adv.
 Ms. Taruna Ardhendumauli Prasad, Advocate

Ms. Pinky Anand, ASG
 Mr. S. Wasim A. Qadri, Adv.
 Ms. Snidha Mehra, Adv.
 Mr. B.V. Balramdas, Advocate

Mr. Ajay Bansal, Adv.
 Mr. Praveen Swarup, AOR

Mr. Chirag M. Shroff, Adv.

Mr. D.N. Goburdhun, Adv.
 Ms. Pallavi Chopra, Adv.

Mr. Anil Grover, AAG
 Dr. Monika Gusain, Adv.

Mr. Sanjay Kr. Visen, Advocate

Mr. Abhishek, Advocate

Mr. S.S. Shamsbery, AAG
 Mr. Amit Sharma, Adv.
 Mr. Sandeep Singh, Adv.
 Mr. Ankit Raj, Adv.
 Ms. Nidhi Jaswal, Adv.
 Ms. Indira Bhakar, Adv.
 Ms. Ruchi Kohli, Advocate

Ms. Sandhya Raghav, Adv.
 Ms. Gurpreet Kaur Oberoi, Adv.
 Mr. Rohitash Kumar Sharma, Adv.

M/S S Narain And Co.

UPON hearing the counsel the Court made the following

O R D E R

IA NO. 112633/2018 and I.A. No. 112813/2018
 (APPLN. FOR DIRECTIONS ON BEHALF OF GRAPHITE INDIA LTD. And HEG LTD.)

I.A. No. 112813/2018 is taken on Board.

The prayer made in these applications is for permission to

import needle pet coke.

It is stated that imported needle pet coke will be used as feed stock for manufacture of Graphite Electrodes which in turn are used in the Steel Industry.

We had issued notice on these applications. It is stated on behalf of EPCA that given the specialized nature of feed stock and the specialized nature of the industry, there is no objection if the applications are allowed in so far as the import is concerned.

The Ministry of Environment, Forests and Climate Change has also filed an affidavit of Mr. Ritesh Kumar Singh, Joint Secretary, Government of India in which it is stated in Para 8 as follows:-

8. Use of Needle grade Pet Coke in Graphite Electrode Industry
(IA Nos. 112633 and 112633/2018 of Graphite India Ltd. And IA Nos. 112806 and 112813/2018 of HEG Ltd)

That the Ministry has received representation from the Graphite India Ltd and HEG Ltd regarding the use of needle pet coke for graphite electrode industry. Technical Inputs from CPCB were obtained in this regard vide letter dated 31.08.2018 and the same is annexed herewith and marked as Annexure R-4. CPCB has recommended the use of needle pet coke for graphite electrode industry as sulphur content in needle pet coke is reported to be 0.5% to 0.8% which is comparable to Indian coal. The view of CPCB have been examined in this Ministry and we are in agreement with the same. In view of the existing orders of the Hon'ble Court, this conclusion is presented for consideration and appropriate orders of the Hon'ble Court."

Under the circumstances, the prayer for import is allowed and the applications stand disposed of.

In so far as the guidelines are concerned (the second prayer in the applications), it is stated by the learned ASG that the matter is being considered by the Director General of Foreign Trade

34

(DGFT) in consultation with the Ministry of Environment, Forests and Climate Change. No orders are required to be passed in this regard.

IA NO. 117302 AND 117304/2018

(APPLN FOR INTERVENTION AND DIRECTIONS ON BEHALF OF MOOKNAYAK)

Learned counsel for the applicant seeks leave to withdraw the applications. He says that he will approach the jurisdictional High Court.

The applications are dismissed as withdrawn.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR

35
1

ANNEXURE R-3

ITEM NO.1

COURT NO.2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: PET COKE)

(i) IA NOS. 15338 AND 15739/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O ALUMINIUM ASSOCIATION OF INDIA) ALONGWITH REPORT NO. 82 SUBMITTED BY EPCA)

(ix) IA NO. 117497/2018 (APPLN FOR CLARIFICATION ON BEHALF OF ALUMINIUM ASSOCIATION OF INDIA)

(ii) IA NOS. 100194 AND 102169/2018 (APPLNS. FOR INTERVENTION AND PERMISSION/DIRECTIONS ON BEHALF OF INDIAN STEEL ASSOCIATION)

(iii) IA NO. 108253/2018 (APPLN. FOR CLARIFICATION OF ORDER DT. 26.7.2018 ON BEHALF OF INDIAN STEEL ASSOCIATION)

(iv) IA NO. 109181/2018 (APPLN. FOR DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LTD.)

(v) IA NO. 109742/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF GOA CARBON LTD.)

(vi) IA NO. 109783/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF SANVIRA INDUSTRIES LTD.)

(vii) IA NO. 109791/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF KALINGA CALCINER LTD.)

(viii) IA NO. 109784/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF PETRO CARBON AND CHEMICALS PVT. LTD.)

(x) IA NOS. 125492 AND 125493/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O INDIA CARBON LTD.)

Date : 09-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv.(A.C.)(NP)

Ms. Aparajita Singh, Adv. (A.C.)

Mr. A.D.N. Rao, Adv. (A.C.)

Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s) Petitioner-in-person

For Respondent(s)

Ms. Pinky Anand, ASG
 Mr. Amit Sharma, Adv.
 Ms. Suhasini Sen, Adv.
 Mr. D.L. Chidanand, Adv.
 Mr. Raj Bahadur, Adv.
 Mr. G.S. Makker, Advocate
 Mr. B.K. Prasad, Advocate
 Ms. Rachna Gupta, Adv.
 Mr. Vikas Chaudhary, Adv.
 Mr. S. Wasim A. Qadri, Adv.
 Mr. Ritesh Kumar, Adv.
 Mr. Amit Sharma, Adv.
 Mr. Devasis Bharuka, Adv.
 Ms. Snidha Mehra, Adv.
 Mr. Shiv Kumar, Adv.

Mr. Anil Grover, AAG
 Mr. Shivam Kumar, Adv.
 Dr. Monika Gusain, Adv.
 Mr. Sanjay Kr. Visen, Advocate

Mr. Abhishek, Advocate

Mr. S.S. Shamsbery, AAG
 Mr. Amit Sharma, Adv.
 Mr. Sandeep Singh, Adv.
 Mr. Ankit Raj, Adv.
 Ms. Nidhi Jaswal, Adv.
 Ms. Indira Bhakar, Adv.
 Ms. Ruchi Kohli, Advocate

Mr. B.V. Balramdas, Advocate.

Ms. Anil Katiyar, Advocate

M/S S Narain And Co. , Advocates

Mr. P. Chidambaram, Sr. Adv.
 Mr. Basava Prabhu Patil, Sr. Adv.
 Mr. Ajay Bhargava, Adv.
 Ms. Shweta Kabra, Adv.
 for M/s Khaitan & Co.

Mr. Shyam Divan, Sr. Adv.
Mr. Nawneet Vibhaw, Adv.
for M/S Khaitan And Co.

Mr. Jayant Bhushan, Sr. Adv.
Mr. Manu Nair, Adv.
Mr. Kuber Dewan, Adv.
Ms. Suverna Kashyap, Adv.
Mr. Shardul S. Shroff, Advocate

Mr. Kapil Sibal, Sr. Adv.
Mr. Jaideep Gupta, Sr. Adv.
Mr. Ashish Prasad, Adv.
Ms. Mukta Dutta, Adv.
Mr. Avinash Tripathi, Adv.
Mr. Rohan Roy, Adv.
Mr. M.P. Devanath, Advocate

Mr. Gaurav Kejriwal, Advocate
Mr. Sujit Kumar Keshri, Adv.

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

In the aforesaid interlocutory applications, the Union of India through the Ministry of Environment, Forests and Climate Change has filed an affidavit dated 8th October, 2018. In the affidavit, it is stated as follows:

1. Regarding use of Calcined Pet Coke (CPC) in Aluminium Industry

[IA Nos. 15338 And 15739/2018 (APPLNS. For Impleadment And Directions On B/O Aluminium Association Of India) Alongwith Report No. 82 Submitted By Epca), IA No. 117497/2018 (APPLN For Clarification On Behalf Of Aluminium Association Of India)

The issue in these applications arise out of an application filed by the Aluminium Association of India.

The Central Pollution Control Board (CPCB) has looked into the matter and has submitted a report dated 3rd

October, 2018. In the report, it is stated as follows:

"With the change in technology from Soderberg to Prebake anode, CPC of higher Sulphur is used for anode baking worldwide. The revised BIS specifications (IS 17049:2018) specify Sulphur content in CPC used for anode making in Aluminium industry as 3.5% (Max.)."

The views expressed by the CPCB have been considered by the Ministry of Environment, Forest and Climate Change which is in agreement with the CPCB.

It is stated by learned *amicus curiae* that the views expressed by the CPCB are also acceptable to EPCA.

Consequently, Calcined Pet Coke (CPC) (domestic as well as imported) can be used as raw-material for anode making in the Aluminium industry with the revised BIS specifications.

We make it clear that the imported raw-material cannot exceed 0.5 MT per annum in total.

Applications stand disposed of.

2. Use of anode grade pet coke in CPC manufacturing units

[IA NO. 109181/2018 (APPLN. FOR DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LTD.), IA NO. 109742/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF GOA CARBON LTD.), IA NO. 109783/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF SANVIRA INDUSTRIES LTD.), IA NO. 109791/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF KALINGA CALCINER LTD.), IA NO. 109784/2018 (APPLNS. FOR DIRECTIONS ON BEHALF OF PETRO CARBON AND CHEMICALS PVT. LTD.), IA NOS. 125492 AND 125493/2018 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O INDIA CARBON LTD.)]

These applications have been filed by several entities and the CPCB has given a Report dated 4th October, 2018 in which it is stated as follows:

"i. Raw Petroleum Coke is feed stock for producing calcinated petroleum coke which is a raw material for anode making in aluminium industries. Therefore, calcination of Raw Petroleum Coke is a pre-requisite to produce anode grade calcined pet coke having sulphur content less than 3.5%.

ii. As per BIS guidelines, calciners are permitted to use high sulphur containing raw petroleum coke for making CPC having sulphur content less than 3.5%. There will be emission of SO₂ in high concentration (para 1 of results) which needs to be treated in Flue gas desulphurisation system having efficiency of sulphur removal more than 90%."

The views expressed by the CPCB have been considered by the Ministry of Environment, Forest and Climate Change which is in agreement with the CPCB.

It is stated by learned *amicus curiae* that the views expressed by the CPCB are also acceptable to EPCA.

Consequently, raw pet coke (domestic and imported) can be used as a feedstock for producing calcined pet coke.

We make it clear that the imported raw pet coke for this purpose cannot exceed 1.4 MT per annum in total.

Applications stand disposed of.

IA NO. 109181/2018 (APPLN. FOR DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LTD.)

Rain CII Carbon (Vizag) Ltd. has filed an affidavit pursuant to our order dated 23rd August, 2018.

In the affidavit, it is stated that 11 contracts have been entered into on or before 26th July, 2018 for the import of Anode grade raw pet coke.

Vessels pertaining to these 11 contracts have already arrived some time in August, 2018.

In view of the orders passed above today, the consignment may be cleared, subject to the overall limit which is 1.4 MT per annum, as mentioned above.

Application stands disposed of.

3. Regarding use of Pet coke in Blast Furnace in the Steel Industry

[IA Nos. 100194 And 102169/2018 (APPLNS. For Intervention And Permission/Directions On Behalf Of Indian Steel Association) and IA No. 108253/2018 (APPLN. For Clarification Of Order Dt. 26.7.2018 On Behalf Of Indian Steel Association)]

These are the applications filed by the Indian Steel Association.

The CPCB has given its report on 3rd October, 2018 which has also been shared with EPCA for its comments on 4th October, 2018.

The Ministry of Environment, Forest and Climate Change would like to examine the report before taking a final view in this matter.

It is submitted that three weeks' time is required for this purpose.

Applications filed by the Indian Steel Association be listed on 14th November, 2018.

EPCA Report No.91

It has been pointed out in the Report of EPCA that Graphite India's Plant in Whitefield, Bengaluru has utilized domestic pet coke which is causing a huge amount of pollution and black dust. Complaints in this regard have been made by the community which feels that their health is being endangered.

Issue notice to Graphite India through learned counsel returnable on 12th October, 2018 to explain why the use of needle pet coke should not be stopped with immediate effect since it is causing tremendous pollution and damage to the health of the community in Bengaluru. Notice be also issued to Graphite India by email.

The Registry will ensure that the notice is served upon learned counsel and Graphite India along with a copy of the Report of EPCA.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

Writ Petition(Civil) No.13029/1985

ITEM NO.4

COURT NO.2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: PETCOKE(1) IA NO. 115613/2021 (APPLN. FOR CLARIFICATION OF ORDER DATED 09.10.2018 ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)

(2) IA NO. 31988/2018 (APPLN. FOR DIRECTIONS ON B/O PAPER MANUFACTURING ASSOCIATION)

(3) IA NO. 184370/2023 (APPLN. FOR MODIFICATION ON B/O ALUMINIUM ASSN. OF INDIA)
(3 A) IA D. NO. 205976/2023 IN IA NO. 184370/2023 (APPLN. FOR IMPLEADMENT ON B/O RAIN CII CARBON (VIZAG) LIMITED)

(4) IA NOS. 49035 AND 49036/2021 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LTD.)

(5) IA NOS. 113743, 113750/2019 AND IA D. NO. 6402/2021 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND SEEKING URGENT LISTING OF IA NOS. 113743, 113750/2019 ON B/O M/S BHARAT ALUMINIUM COMPANY LTD.)

(6) IA NOS. 141194 AND 141196/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O GUWAHATI CARBONS LTD.)

(7) IA NOS. 141725 AND 141728/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O NEO CARBONS PVT. LTD.)

(8) IA NOS. 141204 AND 141252/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O BRAHMAPUTRA CARBON LTD.)

(9) IA NOS. 129627, 129630 AND 138251/2023 (APPLNS. FOR PERMISSION, CLARIFICATION AND SEEKING PERMISSION TO BRING ON RECORD ADDL. DOCUMENT ON B/O CARBON RESOURCES PVT. LTD.)

(10) IA NOS. 142394 AND 142395/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O DIGBOI CARBON PVT. LTD.)

(11) IA NOS. 176700 AND 176702/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O UPPER ASSAM PETROCOKE PVT. LTD.)

(12) IA NOS. 177061 AND 177063/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O NEW AGE PETCOKE PVT. LTD.)

(13) IA NOS. 177684 AND 177685/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O AMRITESH INDUSTRIES PVT. LTD.)

(14) IA NO. 16635/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)

(15) IA NO. 41879/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF SANVIRA INDUSTRIES LTD.)

(16) IA NO. 176291/2023 (APPLN. FOR DIRECTION ON B/O PETRO CARBON AND CHEMICALS PVT. LTD.) ONLY" IN W.P.(C) NO. 13029/1985

"ONLY" NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST:(A.C.)MS. APARAJITA SINGH, SR. ADVOCATE (A.C.). MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)PETITIONER-IN-PERSON

MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. SANJAY KR. VISEN, MR. KAMLENDRA MISHRA, MR. AJAY PAL, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA MS. MALVIKA KAPILA, M/S AHMADI LAW OFFICES, MR. TALHA ABDUL RAHMAN, MR. DHANANJAYA MISHRA MR. GAURAV KEJRIWAL MR. GAURAV CHOUDHARY, M/S KHAITAN AND CO., MR. E.C. AGRAWALA, MR. RAJ BAHADUR YADAV, MR. AKHIL ANAND, MR. YASH PAL DHINGRA, MS. DIVYA ROY, ADVOCATES

Date : 10-10-2023 These applications were called on for hearing

43

2

Writ Petition(Civil) No.13029/1985

today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

Ms. Aparajita Singh, Sr. Adv. (A.C.)
Mr. Siddhartha Chowdhury, Adv. (A.C.)

FOR PARTIES:-

Mr. Mukul Rohatgi, Sr. Adv.
Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Poonam Sengupta, Adv.
Mr. Arshit Anand, Adv.
Mr. Saunak Rajguru, Adv.
Mrs. Sakshi Kapoor, Adv.
Mr. Shashwat Singh, Adv.
Mr. E. C. Agrawala, AOR

Mr. Kapil Sibal, Sr. Adv.
Mrs. Vibha Datta Makhija, Sr. Adv.
Mr. Shariq Ahmed, Adv.
Mr. Muhammad Ali Khan, Adv.
Mr. Tariq Ahmed, Adv.
Mr. Omar Hoda, Adv.
Ms. Sumedha, Adv.
M/S. Ahmadi Law Offices, AOR

Mr. Abhishek Manu Singhvi, Sr. Adv.
Ms. Malvika Kapila, AOR
Mr. Tanwangi Shukla, Adv.
Mr. Siddharth Singh, Adv.
Ms. Nidhi Ram, Adv.

Mr. Parag Tripathi, Sr. Adv.
Mr. Dhananjaya Mishra, AOR
Mr. Arnav Dash, Adv.
Mr. Navneet Dogra, Adv.

Mr. Mukesh Kumar Maroria, AOR
Mr. P. K. Jain, AOR
Mr. Ramesh Babu M. R., AOR
Mr. Rajesh Kumar Chaurasia, AOR

Dr. A M Singhvi, Sr. Adv.
Mr. Dhurv Mehta, Sr. Adv.
Mr. Ajay Bhargava, Adv.
Mrs. Vanita Bhargava, Adv.
Mr. Shantanu Chaturvedi, Adv.
Ms. Nikitha Shenoy, Adv.
M/S. Khaitan & Co., AOR

Mr. Gurmeet Singh Makker, AOR
Ms. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. S.S. Rebello, Adv.
Mr. Subhranshu Padhi, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Wasim Qadri, Adv.
Ms. Ruchi Kolhi, Adv.

Mr. Ejaz Maqbool, AOR
Ms. Hemantika Wahi, AOR
Ms. Binu Tamta, AOR

Mr. Pradeep Kumar Bakshi, AOR
Mr. Ashok Mathur, AOR
Mr. V. K. Verma, AOR
Mr. Radha Shyam Jena, AOR
Mrs. Bina Gupta, AOR
Mr. Rakesh K. Sharma, AOR
Ms. Sujeeta Srivastava, AOR
Mr. Ajit Pudussery, AOR
Mr. Mukesh K. Giri, AOR
M/S. Parekh & Co., AOR
Mr. Sudhir Mendiratta, AOR
Mr. Anil Kumar Jha, AOR
Mrs. Anil Katiyar, AOR
Mr. Hardeep Singh Anand, AOR
Mr. Sandeep Narain, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.

Mr. Sushil Kumar Singh, AOR
Mrs. Rani Chhabra, AOR
Mr. G. Prakash, AOR
Ms. Shalini Kaul, AOR
Ms. Nandini Gidwaney, AOR
Mr. Shri Narain, AOR
Mr. Umesh Kumar Khaitan, AOR
Mrs. Priya Puri, AOR
Mr. K. R. Sasiprabhu, AOR
Mrs. K. Sarada Devi, AOR

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.k. Satija, A.A.G.
Mr. Rahul Khurana, Adv.
Ms. Suvarna Singh, Adv.
Dr. Nusrat Hashmi, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Rajiv Ranjan Dwivedi, AOR

Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. B.K. Satija, A.A.G.
Mr. Rahul Khurana, Adv.
Dr. Monika Gusain, AOR

Mr. T. V. Ratnam, AOR
Mr. Balaji Srinivasan, AOR
Ms. Ruchi Kohli, AOR

Mr. Alok Gupta, AOR

Ms. Manjula Gupta, AOR
Mr. S. S. Shroff, AOR
Mr. Sushil Kumar Jain, AOR
Mr. Aniruddha Deshmukh, AOR

Mr. Surya Kant, AOR
Mrs. B. Sunita Rao, AOR

Mr. Abhishek, AOR

Mr. Ravindra Bana, AOR
Mr. R. P. Gupta, AOR
Mr. P. Parmeswaran, AOR
Mr. Mohit D. Ram, AOR
Mr. Sarvam Ritam Khare, AOR
Mr. Satya Mitra, AOR
M/S. M. V. Kini & Associates, AOR
Mr. Pramod Dayal, AOR
Mr. Parijat Sinha, AOR
M/S. Saharya & Co., AOR
Mr. Rakesh Kumar-i, AOR
M/S. S. Narain & Co., AOR

Mr. Chirag M. Shroff, AOR

Mr. Pavan Kumar, AOR

Mr. Praveen Swarup, AOR
Mr. Ajay Bansal, Adv.
Mr. Praveen Swarup, Adv.
Mr. Gaurava Yadava, Adv.
Mr. Rahul Tomar, Adv.
Mr. Devesh Maurya, Adv.
Ms. Pratishtha Majimdar, Adv.
Mr. Ravi Kumar, Adv.
Ms. Archana Sharma, Adv.

Mr. Prashant Kumar, AOR
Ms. Pritha Srikumar Iyer, AOR

Mr. D. Kumanan, AOR
Ms. Pritha Srikumar Iyer, AOR
Mr. Vikas Mehta, AOR
Mr. K. Paari Vendhan, AOR
Mr. Vivek Gupta, AOR
Mr. M. Shoeb Alam, AOR
Ms. Divya Jyoti Singh, AOR
Ms. Aswathi M.K., AOR
Mr. Gopal Jha, AOR
Mr. Shishir Deshpande, AOR
Mr. Neeraj Kumar Gupta, AOR
Mr. Danish Zubair Khan, AOR

Mr. Ajay Vikram Singh, AOR
Mrs. Priyanka Singh, Adv.
Mr. Pankaj Kumar, Adv.
Mr. Omkar, Adv.
Mr. Shubham Singh, Adv.

Mr. Gaurav Kejriwal, AOR
Mr. Arjun Agarwal, Adv.
Mr. Pawas Agarwal, Adv.
Ms. Tanvi Nigam, Adv.

Ms. Surbhi Mehta, AOR

Mr. Shuvodeep Roy, AOR
Mr. Kabir Shankar Bose, Adv.
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Mr. Akshay Girish Ringe, AOR
Mr. Gaurav, AOR
Ms. Puja Sharma, AOR

Mr. Gautam Narayan, AOR
Ms. Asmita Singh, Adv.

Ms. Purnima Jauhari, AOR
Mr. Hiren Dasan, AOR

Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Yash Pal Dhingra, AOR

Mr. Tapesb Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.
Mr. Priyanshu Malik, Adv.

Ms. Shagun Matta, AOR

Dr. Manish Singhvi, Sr. Adv.

Writ Petition(Civil) No.13029/1985

Mr. Sandeep Kumar Jha, AOR
Ms. Shubhangi Agarwal, Adv.

Mr. Anurag Kishore, AOR
Ms. Mayuri Raghuvanshi, AOR
Mr. Ketan Paul, AOR

M/S. Ram Sankar & Co, AOR
Dr. Ram Sankar, Adv.
Mr. Raj Kumar Metho, Adv.
Mr. G Anandan, Adv.
Mr. G Jai Singh, Adv.
Mr. B Sasi Kumar, Adv.
Mr. Krishna Pandey, Adv.
Ms. Jasmine Khurana, Adv.
Ms. Rv Shaarumathi, Adv.
Ms. Divya, Adv.

Mr. Ajay Pal, AOR
Mr. Mayank Dahiya, Adv.
Ms. Sugandh Rathor, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Gaurav Choudhary, AOR

M/S. Karanjawala & Co., AOR

Mr. Ajay Agrwal, A.A.G.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Kamlendra Mishra, AOR

M/S. S. Narain & Co., AOR

Mr. Ayush Sharma, AOR

Mr. Kuldip Singh, AOR

Ms. Anushree Prashit Kapadia, AOR

Mrs. Suruchii Agarwal, Sr. Adv.
Mr. Viraj Kadam, Adv.
Mr. Soumya Dutta, AOR

Mr. Sameer Kumar, AOR

Mr. Gurmeet Singh Makker, AOR
Ms. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. S.S. Rebello, Adv.
Mr. Subhranshu Padhi, Adv.
Ms. Archana Pathak Dave, Adv.

Writ Petition(Civil) No.13029/1985

Mr. Wasim Qadri, Adv.
Ms. Ruchi Kolhi, Adv.

Ms. Alka Agrawal, Adv.
Ms. Archana Pathak Dave, Adv.
Ms. Baby Devi Bonia, Adv.
Mr. Anirudh Bhat, Adv.
Mr. Prashant Singh, Adv.
Mr. Raj Bahadur Yadav, AOR

Mr. Talha Abdul Rahman, AOR
Mr. Shariq Ahmed, Adv.
Mr. Tariq Ahmed, Adv.
Mr. M. Shaz Khan, Adv.
Mr. Adnan Yousuf, Adv.

Ms. Tulika Mukherjee, AOR
Ms. Aastha Shrestha, Adv.
Mr. Beenu Sharma, Adv.

Mr. Rajan Narain, AOR

Mr. Sunil Fernandes, AOR

Mr. Vikrant Singh Bais, AOR

Ms. Diksha Rai, AOR

Mr. Avijit Mani Tripathi, AOR
Mr. Upendra Mishra, Adv.
Mr. P.S. Negi, Adv.

Ms. Rashmi Malhotra, AOR

Mr. Dhruv Mehta, Sr. Adv.
Mr. Himanshu Vij, Adv.
Mr. Shyam Agarwal, Adv.
Mr. Akhil Anand, AOR

Ms. Sakshi Kakkar, AOR
Mr. Shakti Singh, Adv.

Ms. Astha Tyagi, AOR
Mr. Anas Tanwir, AOR
Mr. Mritunjay Kumar Sinha, AOR
Mr. Durga Dutt, AOR

Mr. Siddhesh Shirish Kotwal, Adv.
Mr. Nirnimesh Dube, AOR

Mr. Ravindra S. Garia, AOR

Mr. Sahil Tagotra, AOR
Ms. Abhivyakti Banerjee, Adv.
Ms. Sakshi Garg, Adv.

Ms. Ranjana Roy Gawai, Adv.
Ms. Krishna Rastogi, Adv.
Ms. Divya Roy, AOR

Ms. Madhumita Bhattacharjee, AOR
Ms. Urmila Kar Purkayastha, Adv.
Ms. Srija Choudhury, Adv.

Mr. Rishi Matoliya, AOR

Mr. D. Abhinav Rao, AOR

Mr. Raj Bahadur Yadav, AOR
Mrs. Baby Devi Bonia, Adv.
Mrs. Alka Agarwal, Adv.
Mr. Anirudh Bhat, Adv.
Mrs. Archana Pathak Dave, Adv.
Mr. Prashant Singh II, Adv.

Mr. Deepayan Mandal, AOR
Ms. Shalu Sharma, AOR

Mr. Sumeer Sodhi, AOR
Mr. Chaitanya Sharma, Adv.

Ms. Neeru Vaid, AOR
Mr. Shekhar Kumar, AOR
Mr. Vipin Nair, AOR
Ms. Nidhi Mohan Parashar, AOR
Mr. P. Parmeswaran, AOR
Mr. Nitin Saluja, AOR

Mr. Prasanna S., AOR

Ms. Mithu Jain, AOR

Mr. Shreyansh Agrawal, Adv.
Ms. Nivedita Nair, Adv.
Ms. Asha Gopalan Nair, AOR

Mr. Alok Gupta, AOR

Ms. Jaikriti S. Jadeja, AOR

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.

Mr. Prang Newmai, Adv.

Mr. Rishi Malhotra, AOR
Mr. Prakash Ranjan Nayak, AOR
Mr. Satya Mitra, AOR
Mr. Sandeep Singh, AOR
Ms. N. Annapoorani, AOR
Mr. S. Gowthaman, AOR
Mr. S. S. Shroff, AOR
Mr. R. C. Kohli, AOR

Mr. D. Abhinav Rao, AOR

Mr. Aakarshan Aditya, AOR
Mr. Vinodh Kanna B., AOR
Mr. Ravi Prakash, AOR

Mr. Pukhrampam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Rajkumari Divyasana, Adv.
Mr. Rajesh Kumar Sharma, Adv.

Mr. Vikrant Singh Bais, AOR

Mr. Raghvendra Kumar, AOR
Mr. Anand Kumar Dubey, Adv.
Mr. Devvrat Singh, Adv.
Ms. Harsha Sharma, Adv.

Mr. Rajiv Yadav, AOR
Mr. Sameer Shrivastava, AOR

Mr. Debojit Borkakati, AOR

Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Ms. Rajeshwari Mukherjee, Adv.
Mr. T Vijaya Bhaskar Reddy, Adv.
Mr. Kv Girish Chowdary, Adv.
Mr. Meeran Maqbool, Adv.

Ms. Misha Rohatgi, AOR
Mr. Rakesh Kumar-I, AOR
Mr. Parminder Singh Bhullar, AOR

M/S. Mukesh Kumar Singh And Co., AOR
Mr. Chandrakant Sukumar Sarkar, Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Vineet Singh, Adv.
Mr. Ikshit Singhal, Adv.
Mr. Jeetendra Kumar, Adv.
Mr. Shantanu Jugtawat, Adv.

Ms. Kajal Rani, Adv.
Mr. C M Dwivedi, Adv.
Mr. Nandeesh, Adv.
Mr. Suresh Prasad, Adv.
Mr. Vipin Sandu, Adv.
Mr. Mahabir Singh, Adv.
Mr. Dinesh Malik, Adv.

Mr. Yashraj Singh Bundela, AOR
Mr. Bitu Kumar Singh, Adv.
Mr. Pawan, Adv.
Ms. Jyoti Verma, Adv.

Mr. Vinod Sharma, AOR

M/S. Ram Sankar & Co, AOR
Dr. Ram Sankar, Adv.
Mr. Raj Kumar Metho, Adv.
Mr. G Anandan, Adv.
Mr. G Jai Singh, Adv.
Mr. B Sasi Kumar, Adv.
Mr. Krishna Pandey, Adv.
Ms. Jasmine Khurana, Adv.
Ms. RV Shaarumathi, Adv.
Ms. Divya, Adv.

Mr. Sagar Roy, Adv.
Mr. Hari Singh, Adv.
Mr. Sandeep Lamba, Adv.
Mr. Deepak Kumar, Adv.
Mr. Ambar Sahbez Ansari, Adv.
Mr. Sudhir Singh, Adv.
Mr. Vijay Nand Tripathi, Adv.
Mr. R.K. Chauhan, Adv.
Mr. Subhro Sanyal, AOR

Ms. Nidhi Jaswal, AOR

Ms. Shashi Kiran, AOR
Dr. Satish Chandra, Adv.
Ms. Sangeeta Bhalla, Adv.
Ms. Deepanwita Priyanka, AOR

Ms. Rakhi Ray, AOR
Mr. Senthil Jagadeesan, AOR
Mr. Vinay Garg, AOR
Ms. G. Indira, AOR
Mr. Yoginder Handoo, AOR
Mr. Anil Kumar, AOR
Ms. Lubna Naaz, AOR
Mr. Nischal Kumar Neeraj, AOR
Mr. Nishit Agrawal, AOR

Ms. Suhashini Sen, Adv.
Mr. Rajesh Kr.singh, Adv.
Mr. S.S. Rebello, Adv.
Mr. Subhranshu Padhi, Adv.
Mr. Archana Pathak Dave, Adv.
Mr. Wasim Qadri, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Varun Chugh, Adv.
Ms. Indira Bhakar, Adv.
Dr. Arun Kumar Yadav, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. M. P. Devanath, AOR
Mr. Shovan Mishra, AOR
Ms. G. Indira, AOR
Mr. Anuj Bhandari, AOR

Mr. Neeraj Shekhar, AOR
Dr. Sumit Kumar, Adv.
Mr. Rajesh Kumar Maurya, Adv.

Mr. Mohit Paul, AOR

Mr. Amrish Kumar, AOR
Mrs. Suhasini Sen, Adv.
Mr. Rajesh Kumar Singh, Adv.
Mr. Shubhranshu Padhi, Adv.
Mrs. Archana Pathak Dave, Adv.

Mr. Harsh V. Surana, AOR

Mr. Puneet Taneja, AOR
Mr. Manmohan Singh Narula, Adv.
Mr. Amit Yadav, Adv.

Mr. Pranav Sachdeva, AOR
Mr. Ashutosh Dubey, AOR
Mr. Chandra Prakash, AOR

Mr. Bhanu Mishra, Adv.
Ms. Astha Sharma, AOR

Mr. T. R. B. Sivakumar, AOR
Ms. Manju Jetley, AOR

Mr. Manish Kumar, AOR
Mr. Ravi Shanker Jha, Adv.

Ms. Jyoti Mendiratta, AOR

53

12

Writ Petition(Civil) No.13029/1985

Ms. Rooh-e-hina Dua, AOR
Ms. Surabhi Sanchita, AOR

Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.

Ms. Charu Ambwani, AOR
Mr. Vinay Garg, AOR
M/S. M. V. Kini & Associates, AOR

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kumar Sharma, Adv.
Mr. Bhuwan Chandra, Adv.

Mr. Shariq Ahmed, Adv.
Mr. Tariq Ahmed, Adv.
M/s Ahmadi Law Offices, AOR

Mr. Muhammad Ali Khan, Adv.
Mr. Shariq Ahmed, Adv.
Mr. Kamran Khan, Adv.
Mr. Omar Hoda, Adv.
Mr. Uday Bhatia, Adv.
Ms. Eesha Bakshi, Adv.
M/s Ahmadi Law Offices, AOR

UPON hearing the counsel the Court made the following

O R D E R

(3) IA NO. 184370/2023(APPLN. FOR MODIFICATION ON B/O ALUMINIUM ASSN. OF INDIA)(3A) IA D. NO. 205976/2023 IN IA NO. 184370/2023 (APPLN. FOR IMPLEADMENT ON B/O RAIN CII CARBON (VIZAG) LIMITED)

(4) IA NOS. 49035 AND 49036/2021(APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LTD.)

(5) IA NOS. 113743, 113750/2019 AND IA D. NO. 6402/2021 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND SEEKING URGENT LISTING OF IA NOS. 113743, 113750/2019 ON B/O M/S BHARAT ALUMINIUM COMPANY LTD.)

(6) IA NOS. 141194 AND 141196/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O GUWAHATI CARBONS LTD.)

(7) IA NOS. 141725 AND 141728/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O NEO CARBONS PVT. LTD.)

(8) IA NOS. 141204 AND 141252/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O BRAHMAPUTRA CARBON LTD.)

(9) IA NOS. 129627, 129630 AND 138251/2023 (APPLNS. FOR PERMISSION, CLARIFICATION AND SEEKING PERMISSION TO BRING ON RECORD ADDL. DOCUMENT ON B/O CARBON RESOURCES PVT. LTD.)

Writ Petition(Civil) No.13029/1985

(10) IA NOS. 142394 AND 142395/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O DIGBOI CARBON PVT. LTD.)

(11) IA NOS. 176700 AND 176702/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O UPPER ASSAM PETROCOKE PVT. LTD.)

(12) IA NOS. 177061 AND 177063/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O NEW AGE PETCOKE PVT. LTD.)

(13) IA NOS. 177684 AND 177685/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O AMRITESH INDUSTRIES PVT. LTD.)

(14) IA NO. 16635/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)

(15) IA NO. 41879/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF SANVIRA INDUSTRIES LTD.)

(16) IA NO. 176291/2023 (APPLN. FOR DIRECTION ON B/O PETRO CARBON AND CHEMICALS PVT. LTD.)

We have heard learned counsel for parties for some time.

Learned Amicus has given a way forward, more so, as it is practically very difficult for this Court to monitor and see the quotas for different industries and periodically this Court is being approached by applications in view of the earlier orders passed. The ground reality is also stated to have changed from the time action was taken in pursuance to Report No.91. The suggestion, thus, is that the Commission for Air Quality Management should look into the matter afresh keeping in mind the availability of Pet Coke in the country and the requirement for import of Pet Coke which would depend, thereafter.

There is also a change which has occurred on account of different industries' requirement of Pet

Coke. An example of this is the Aluminum industry. Thus, a holistic view would have to be taken as to the distribution of the Pet Coke available in the country and the Pet Coke required to be imported and how both of them should be distributed *inter se* the industries.

The aforesaid course of action is acceptable to all the learned counsel here and the only aspect urged is an anxiety about the time period required for it because a lot of industries are closed.

We, thus, delegate all these issues to the Commission for Air Quality Management (CAQM) and, if one may observe, this is their job.

This is more so, as the origination of regulation by this Court arose from the fact that Pet Coke is highly polluting, especially when used as a fuel and in unregulated industries.

There is also another aspect arising from the allocation of six calciners which are near the ports. It is the say of 6 of the parties before us that they alone are entitled to it, while another set of parties states that right up to 2023, 1 million tonne was being distributed amongst the six persons and remaining 0.4 million was being distributed to the rest. It is the say that now 0.4 million is not being distributed on account of some orders passed in the

year 2023.

Be that as it may, it is appropriate that the CAQM bestows consideration even on this aspect and wherever any interim directions are required, the Commission itself can pass those directions, uninfluenced by other orders which may be passed by any other Court.

Needless to say that all concerned parties will be heard in this process and insofar as the interim directions are concerned, an earlier consideration will be bestowed.

Learned counsel for the Ministry of Environment, Forest and Climate Change requests for three months to complete the task. However, insofar as the interim directions are concerned, the Commission may take an action between 4-6 weeks.

The aforesaid would take care of the various applications before us *qua* the issue of import and enhancement of import quota and thus, these applications stand disposed of in terms of the aforesaid order.

The applications for impleadment and intervention are also disposed of.

(1) IA NO. 115613/2021 (APPLN. FOR CLARIFICATION OF ORDER DATED 09.10.2018 ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)

Learned counsel for the applicant submits that

57

16

Writ Petition(Civil) No.13029/1985

in view of the other aspects being delegated to the Commission, the facts of the present case be also examined by the Commission itself.

This request is accepted and thus, the reliefs in this application are also delegated for consideration before the Commission.

The application stands disposed of.

(2) IA NO. 31988/2018 (APPLN. FOR DIRECTIONS ON B/O PAPER MANUFACTURING ASSOCIATION)

The application is opposed by the Amicus who says that there is a notification banning use of Pet Coke as fuel which the Paper Manufacturing Association of India seeks to use.

None appears for the applicant.

Possibly with the passage of time, this application has worked itself out.

The application is accordingly, dismissed.

IN RE: CROP BURNING

Learned Amicus flags a serious problem of air pollution with winters approaching. It is aggravated by crop burning. She submits that all these issues are actually before the Commission for Air Quality Management.

We call upon the Commission to submit urgently a report as to the steps being taken for control of air pollution in and around the Capital.

Writ Petition(Civil) No.13029/1985

List for this limited purpose on 31.10.2023.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)