

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE PUNE**

**ORIGINAL APPLICATION NO. 66 OF 2021(WZ)**

**IN THE MATTER OF:**

**Sarang Yadwadkar**

.... Applicant

**Versus**

**State of Maharashtra & Ors.**

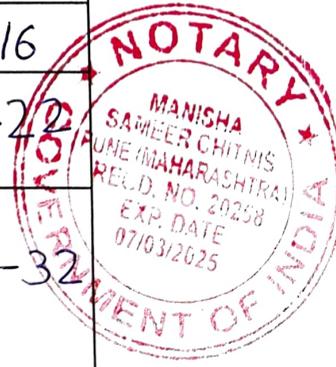
.... Respondent(s)

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Date : 07.12.2021

Place : Pune



*(Signature)*

(Bharat Kumar Sharma)

Regional Director

Central Pollution Control Board

Regional Directorate, Pune

**भारत कुमार शर्मा/Bharat Kumar Sharma**  
क्षेत्रीय निदेशक / Regional Director  
**केंद्रीय प्रदूषण नियंत्रण बोर्ड**  
**Central Pollution Control Board**  
क्षेत्रीय निदेशक, पुणे/Regional Directorate, Pune  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
Mo Evt. Forest & Climate Change, Govt. of India  
दो हाऊस नंबर-1, संजीवनी निसर्ग, बलिवाडी, पुणे-411045  
House No-1 Sanjivani Nisarg, Balivadi, Pune-411045

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

**ORIGINAL APPLICATION NO. 66 OF 2021(WZ)**

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**Sarang Yadwadkar**

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**Versus**

**State of Maharashtra & Ors.**

**.... Respondent(s)**

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2, THE CENTRAL  
POLLUTION CONTROL BOARD**

I, Bharat Kumar Sharma, s/o D.P. Vishwakarma, aged about 48 years, working as Scientist "E" and Regional Director having office at Regional Directorate (Pune), Central Pollution Control Board, Hirabai Dhankude Hall, Survey No. 110, Pune – 411045, do hereby solemnly affirm and declare as under:

1. That I am fully conversant with the facts and circumstances of the present case and am duly authorized to affirm and swear this affidavit on behalf of the Central Pollution Control Board, Delhi (hereinafter referred to as CPCB).
2. That this reply is being filed in response to Original Application No. 66/2021 (WZ) filed by Sarang Yadwadkar, the Applicant, wherein, applicant has alleged that State Pollution Control Boards (hereinafter referred as 'SPCBs') and Pollution Control Committees (hereinafter referred as 'PCCs') namely Maharashtra, Gujarat, Goa and Dadra Nagar Haveli & Daman & Diu, are not displaying the data of industrial Online Continuous Emission/Effluent Monitoring Systems (OCEMS) in appropriate manner on their websites, which is a non-compliance of Hon'ble Supreme Court of India's Order dated 22.02.2017, in the matter of Paryavaran Suraksha Samiti & Anr. v/s Union of India & Ors (W.P. (Civil) No. 375/2012).



3. A copy of Hon'ble NGT Order dated 30.09.2021 in Original Application No. 66/2021 (WZ) is attached herewith and marked as **Annexure R2-I**.
4. It is submitted by this Answering Respondent that for strengthening monitoring mechanism and effective compliance through self-regulatory mechanism, CPCB vide letter dated 05.02.2014 directed all SPCBs/PCCs u/s 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and the Air (Prevention & Control of Pollution) Act, 1981 to ensure installation of online monitoring systems in the 17 category of highly polluting industries and grossly polluting industries located in Ganga basin area by 31.03.2015, which was further extended up to 30.06.2015. The copies of CPCB directions dated 05.02.2014 and 02.03.2015 are attached herewith and are marked as **Annexure R2-II** and **Annexure R2-III** respectively.
5. That vide Judgment dated 22.02.2017, in W.P. (Civil) No. 375/2012 titled as Paryavaran Suraksha Samiti & Anr. v/s Union of India & Ors, Hon'ble Supreme Court passed the following directions:

*"It would be in the interest of implementation of the objective sought to be achieved, to also require each concerned State (and each, concerned Union Territory) to make provision for online, real time, continuous monitoring system to display emission levels, in the public domain, on the portal of the concerned State Pollution Control Board. We are informed, that at least three State Governments have already adopted the aforesaid measures. Such measures shall be put in place by all the concerned State Governments (including, the concerned Union Territories), within six months from today."*

A copy of Judgment dated 22.02.2017 passed by Hon'ble Supreme Court is annexed herewith and marked as **Annexure R2-IV**.

6. That in furtherance of Order dated 22.02.2017 passed by Hon'ble Supreme Court in WP(C)-375 of 2012, that Hon'ble National Green Tribunal, Principal Bench has taken up the matter as O.A No. 593 of 2017 titled as Paryavaran Suraksha Samiti & Anr. v/s Union of India & Ors.



7. The matter regarding provisions for display of OCEMS data in public domain by SPCBs/PCCs was further followed-up by CPCB. As per the information received from SPCBs/PCCs, the status of availability of OCEMS data in public domain is as follows:

- i. The 10 SPCBs/PCCs (namely- Andhra Pradesh, Assam, Goa, Gujarat, Haryana, Madhya Pradesh, Puducherry, Sikkim, Tamil Nadu, Telangana) are displaying OCEMS data in public domain.
- ii. The 5 SPCBs/PCCs (namely- Arunachal Pradesh, Lakshadweep, Manipur, Mizoram and Nagaland) have informed that there are no industries requiring OCEMS in their jurisdiction.
- iii. The Chhattisgarh SPCB has not provided a dedicated webpage for OCEMS data display.
- iv. The links provided by 3 SPCBs (namely, Bihar, Himachal Pradesh and Uttarakhand) are password protected and data is not available in public domain.
- v. The Chandigarh PCC has informed that data will be displayed after up gradation of STPs. The PCC requested for time till 30-Nov-2020, however, data is yet to be displayed on the website.
- vi. Link provided by Maharashtra SPCB does not have any data.
- vii. The web-links provided by 5 SPCBs (namely, Karnataka, Kerala, Odisha, Punjab and West Bengal) are not working.
- viii. The 10 SPCBs/PCCs (Andaman & Nicobar, Daman & Diu, Dadra Nagar Haveli, Delhi, Jammu and Kashmir, Jharkhand, Meghalaya, Rajasthan, Tripura and Uttar Pradesh) are not displaying OCEMS data in public domain.

State-wise data/status including web-links for OCEMS data display is annexed herewith and marked as **Annexure R2-V**.

8. In light of the aforesaid submissions, it is respectfully prayed that, this Answering Respondent No.2 i.e. CPCB, shall abide by all Orders or directions passed by this Hon'ble Tribunal

DEPONENT

3

भरत कुमार शर्मा/Bharat Kumar Shama  
 क्षेत्रीय निदेशक / Regional Director  
 केंद्रीय प्रदूषण नियंत्रण बोर्ड  
 Central Pollution Control Board  
 क्षेत्रीय निदेशालय, पुणे/Regional Directorate, Pune  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
 Mo. Env't. Forest & Climate Change, Govt. of India  
 प्लॉट नंबर- 1, संजीवनी निसर्ग, बालेवाडी, पुणे-411045  
 Plot No. 1, Sanjivani Nisarg, Balewadi, Pune-411045

VERIFICATION

I, Shri. Bharat Kumar Sharma, working as Scientist 'E' & Regional Director, Central Pollution Control Board, the Respondent no.2 herein, do hereby declare that, the contents of this Reply Affidavit which is based on official record and information available in the office are true to the best of my knowledge and belief.

Verified at Pune on the 7th day of December, 2021.

DEPONENT

COUNSEL FOR  
RESPONDENT No. 2

भरत कुमार शर्मा/Bharat Kumar Sharma  
क्षेत्रीय निदेशक / Regional Director  
केंद्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board  
क्षेत्रीय निदेशालय, पुणे/Regional Directorate, Pune  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार  
Min. Env't. Forest & Climate Change, Govt. of India  
कॉम्प्लेक्स नंबर-1, संजीवनी निवास, बाजोबाडी, पुणे-411045  
Phone: 020-26111045



Noted & Registered  
At.Sr.No. 804/2021



BEFORE ME

MANISHA SAMEER CHITNIS  
NOTARY  
GOVERNMENT OF INDIA

08 DEC 2021 4

Item No.02

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Original Application No. 66/2021(WZ)

Sarang Yadwadkar

Applicant

Versus

State of Maharashtra &amp; Ors.

Respondent(s)

Date of hearing: 30.09.2021

**CORAM: HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

Applicant : Mr. Rahul Choudhary, Advocate

**ORDER**

1. Heard the submissions of the learned counsel appearing for the original applicant and would submit that despite directions issued by the respondent no. 2 dated 05.02.2014 under Section 18(1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 in the matter of pollution control in 17 categories of highly polluting industries, CETPs, Common Hazardous Waste and Bio-Medical Waste Incinerators regarding self-monitoring of compliance, followed by the orders of the Hon'ble Supreme Court of India, the said directions have not been adhered to and merely, remain on paper and therefore, in large public interest, the present application is filed.

2. The Tribunal has considered the arguments drawn by the learned counsel appearing for the original applicant and also perused the materials placed on record.

3. The monitoring mechanism has been put in place and the fact remains on account of the quality of internet penetration and other related issues, sometimes, it may not be effective and however, in the light of the directions issued by the respondent no. 2, in exercise of its statutory powers, it is obligatory on the part of the stake holders to put in place the said mechanism in a proper manner.

4. Admit.

5. Notice to all respondents on all permissible modes, returnable on 25.11.2021.

Call on 25.11.2021.

M. Sathyanarayanan, JM

Dr. Arun Kumar Verma, EM

September 30, 2021  
Original Application No. 66/2021(WZ)  
P.kr



SPEED POST

B-29016/04/06/PCI-1/

5401

February 05, 2014

To

The Chairman  
All SPCBs/PCCs (as per list enclosed)

**SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 IN THE MATTER OF POLLUTION CONTROL IN 17 CATEGORY OF HIGHLY POLLUTING INDUSTRIES, CETPs AND COMMON HAZRDOUS WASTE & BIOMEDICAL WASTE INCINERATORS- REGARDING SELF MONITORING OF COMPLIANCE**

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the function of the State Pollution Control Boards(SPCBs)/Pollution Control Committees(PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the State/Union territory and to secure the execution thereof; and

WHEREAS, under section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs and

WHEREAS, the SPCBs and PCCs are empowered to stipulate standards for discharge of environmental pollutants for various categories of industries and common effluent treatment plants (CETPs), Common Hazardous waste and Biomedical waste incinerators even more stringent than those notified by the Central Government, under the Environmental (Protection) Act, 1986 and rules framed there under; and

WHEREAS, Pharmaceuticals, Chlor Alkali, Fertilizers, Oil Refinery, Dye and dye intermediate, Pesticides, Petrochemical, Large Power plants, Cement, Aluminium, Zinc, Copper, Iron & steel, Large Pulp & paper, Distillery, Sugar and Tannery industries located in States/UTs have been discharging environmental pollutants directly or indirectly into the ambient air and water, which pose constant threat to cause adverse effect on the water and air quality ; and

WHEREAS, Common Hazardous waste and Biomedical waste incinerators and Common Effluent Treatment Plants(CETPs) located in States/UTs have been discharging environmental pollutants directly or indirectly into the ambient air and water; and

WHEREAS, the SPCBs and PCCs are also required to ensure installation and regular operation of the requisite pollution control facilities in the polluting industries; and

WHEREAS, there is need to inculcate habit of self monitoring mechanism within the industries for complying the prescribed standards and this can be achieved by the methods like installing online effluent and emission monitoring devices; and

WHEREAS, number of industries (as per list) under 17 category (Annexure) which are operating in the state/UT have been identified can be suitably directed for installation and commissioning of online monitoring systems (emission and or effluent); and

WHEREAS, number of Common Hazardous waste and Biomedical waste incinerators and CETPs operating in the state/UT (as per list) can also be considered for installation and commissioning of online monitoring systems (emission and or effluent);and

WHEREAS, for strengthening the monitoring and compliance through self regulatory mechanism ,online source and effluent monitoring systems need to be



installed and operated by the developers and the Industries on 'polluter pays principle' ;and

WHEREAS, some of the SPCBs have already given specific conditions in consent to operate of 17 categories of highly polluting industries/ and Common Hazardous waste and Biomedical waste Incinerators to install continuous emission and effluent monitoring systems; and

WHEREAS, it is envisaged in "National Environment Policy- 2006" that to strengthen the testing infrastructure and network for monitoring ambient environmental quality and progressively ensure real-time, and online availability of the monitoring data; and

WHEREAS, CPCB had earlier issued letter dated January 12,2011 to SPCBs /PCCs to direct all the 17 categories of highly polluting industries to install automatic air and water quality stations to monitor the ambient quality; and

WHEREAS ,it is becoming a need and necessity to regulate and minimize inspection of industries on routine basis and instead efforts need to be made to bring self discipline in the industries to exercise self monitoring & compliance and transmit data of effluent and emission compliance to SPCBs/PCCs and to CPCB on continuous basis; and

WHEREAS, there could be some time needed for getting such devices standardised and requiring confidence on data generated but needless to emphasize that efforts towards setting up to continuous monitoring devices is essential; and

WHEREAS, the ground truthing of the values indicated by the online devices need to be done before bringing them in public domain for proper interpretation and such measures need to be taken at the level of SPCBs/PCCs .And whereas for regulatory purposes and for purposes of actions to be taken against non complying industries /facilities, the existing methods of sampling,

analysis and related procedures under the existing statutes need to be continued; and

WHEREAS, SPCBs and PCCS have prescribed standards for various parameters as per the notified standards under Environment(Protection) Act, 1986 and the State Boards may refer to the parameters which should be monitored by installing continuous effluent and emission monitoring devices(Annexure -II);and

Whereas, continuous effluent and emission monitoring devices can be installed in those industries which are continuously letting out effluents and emissions out of their premises: and

Now, therefore, in exercise of the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 and keeping in view strengthening of the monitoring mechanism for effective compliance through self regulatory mechanism, you are directed to issue the following directions to all the industries under 17 categories of highly polluting industries, and CETPs, Common Hazardous waste and Biomedical waste incinerators:

- a. To Install online continuous Stack Emission Monitoring Systems (CSEMS) in 17 categories of highly polluting industries and in Common Hazardous waste and Biomedical waste incinerators for the parameters(industry/sector specific parameter) mentioned in the consent to operate/authorisation not later than by March 31, 2015;
- b. To install online effluent quality monitoring system at the outlet of effluent treatment plants of the 17 category industries and in CETPs for the measurement of the parameters(industry/sector specific parameter) like flow, pH, COD, BOD, TSS and for other consented parameters as per the guidelines provided; not later than by March 31, 2015;
- c. To connect and upload the online emission and effluent monitoring data at SPCBs/PCCs and CPCB server in a time bound manner but not later than by March 31, 2015;

- d. To ensure regular maintenance and operation of the online system with temper proof mechanism having facilities for online calibration;
- e. To submit bank guarantee of 25 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems within 90 days from the date of receipt of directions issued by SPCBs/PCCs to the industries;

The SPCB shall install the necessary software and hardware in their headquarter for centralized data collection, analysis and corrective action .The action taken report along with time bound action plan for each industry under the 17 category of industry and CETPs, Common Hazardous waste and Biomedical waste incinerators for installation of online monitoring systems (emission and or effluent) shall be submitted to the Central Pollution Control Board within 120 days from the date of receipt of these directions.

  
(Susheel Kumar)  
Chairman

**Copy to:**

1. The Advisor(CP Division)  
Ministry of Environment & Forests  
Paryavaran Bhawan  
CEO Complex, Lodi Road  
New Delhi - 110 003
2. I/c PCI-I,II,III and HWMD
3. All Zonal Officer ,CPCB
4. I/c IT Division, CPCB
5. I/c. ESS, CPCB

  
(Susheel Kumar)

## State/UT wise List of CETP/ Common Hazardous Waste and Bio medical Waste Incinerators

S. No.	State/ UT	CETP	Common Hazardous Waste incinerator	Bio medical waste incinerator	Total
1.	Andhra Pradesh	6	2	15	23
2.	Assam	-	-	5	5
3.	Bihar	-	-	2	2
4.	Chandigarh	-	-	1	1
5.	Chhattisgarh	-	-	6	6
6.	Daman & Diu and Dadra & Nagar Haveli	-	1	1	2
7.	Delhi	13	-	3	16
8.	Gujarat	27	5	13	45
9.	Haryana	13	1	7	21
10.	Himachal Pradesh	-	-	2	2
11.	J&K	1	-	2	3
12.	Jharkhand	-	-	1	1
13.	Karnataka	9	5	15	29
14.	Kerala	3	-	1	4
15.	Madhya Pradesh	1	1	15	17
16.	Maharashtra	27	3	34	64
17.	Meghalaya	-	-	1	1
18.	Odisha	-	-	6	6
19.	Puducherry	-	-	1	1
20.	Punjab	4	-	4	8
21.	Rajasthan	14	1	12	27
22.	Tamilnadu	49	1	10	60
23.	Tripura	-	-	1	1
24.	Uttarakhand	3	1	1	5
25.	Uttar Pradesh	4	3	13	20
26.	West Bengal	1	1	7	9
	<b>Total</b>	<b>175</b>	<b>25</b>	<b>179</b>	<b>379</b>



## Annexure-II

Sl No	Category	Effluent Parameters	Emission Parameters
1.	Aluminium	pH, BOD, COD, TSS	PM, Fluoride
2.	Cement	pH, BOD, COD, TSS	PM, NO <sub>x</sub> , SO <sub>2</sub>
3.	Distillery	pH, BOD, COD, TSS	PM
4.	Dye and dye intermediate	pH, BOD, COD, TSS, Cr	-
5.	Chlor Alkali	pH, BOD, COD, TSS	Cl <sub>2</sub> , HCl
6.	Fertilizers	pH, BOD, COD, TSS, Ammonia	PM, Fluoride, Ammonia
7.	Iron & steel	pH, BOD, COD, TSS	PM, SO <sub>2</sub>
8.	Oil refinery	pH, BOD, COD, TSS	PM, CO, NO <sub>x</sub> , SO <sub>2</sub>
9.	Petrochemical	pH, BOD, COD, TSS	PM, CO, NO <sub>x</sub> , SO <sub>2</sub> ,
10.	Pesticides	pH, BOD, COD, TSS, Cr, As	-
11.	Pharmaceuticals	pH, BOD, COD, TSS, Cr, As	-
12.	Power Plants	pH, BOD, COD, TSS	PM, NO <sub>x</sub> , SO <sub>2</sub>
13.	Pulp & paper	pH, BOD, COD, TSS, AO <sub>x</sub>	-
14.	Sugar	pH, BOD, COD, TSS	-
15.	Tannery	pH, BOD, COD, TSS	-
16.	Zinc	pH, BOD, COD, TSS	PM SO <sub>2</sub>
17.	Copper	pH, BOD, COD, TSS	PM SO <sub>2</sub>



Q

## List of SPCBs/ PCCs

Sl. No.	State/ UT
1.	The Chairman A.P. Pollution Control Board Paryavaran Bhawan Industrial Estate, Sanath Nagar Hyderabad – 500 038
2.	The Chairman Arunachal Pradesh Pollution Control Board Office of Principal Chief Conservator of Forests and Secretary (E & F) Govt. of Arunachal Pradesh Itanagar – 791 111
3.	The Chairman Assam State Pollution Control Board Bamunimaidan Guwahati – 781 021
4.	The Chairman Bihar State Pollution Control Board IInd Floor, Beltron Bhawan Jawaharlal Nehru Marg Shastri Nagar, Patna – 800 023
5.	The Chairman Chandigarh Pollution Control Committee Additional Town Hall Bldg. 2 <sup>nd</sup> Floor, Sector 17-C Chandigarh – 110 017
6.	The Chairman Chattisgarh State Env. Conservation Board Nanak Niwas, Civil Lines Raipur, Chattisgarh – 492 001
7.	The Chairman Daman, Diu, Dadra & Nagar Haveli Pollution Control Committee Office of the Dy. Conservator of Forests Moti Daman, Daman – 396 220
8.	The Chairman Delhi Pollution Control Committee 6th level, B-wing, Delhi Secretariat IP Estate, New Delhi – 110 002
9.	The Chairman Goa State Pollution Control Board Dempo Tower, 1 <sup>st</sup> Floor Patto Plaza, Panaji Goa – 403 001
10.	The Chairman Gujarat State Pollution Control Board Sector 10-A Gandhi Nagar – 382 043



11.	The Chairman Haryana State Pollution Control Board C-11, Sector – 6 Panchkula, Haryana
12.	The Chairman H.P. State Environment Protection and Pollution Control Board Paryavaran Bhawan Phase-III, Below BCS New Simla – 171 009
13.	The Chairman J & K State Pollution Control Board Super Bazar Building, 3 <sup>rd</sup> Floor, City Chowk Jammu
14.	The Chairman Jharkhand Pollution Control Board TA Building, HEC Campus At + P.O. – Dhurba Ranchi
15.	The Chairman Karnataka State Pollution Control Board 6, 7, 8 & 9 <sup>th</sup> Floors Public Utility Building, MG Marg Bangalore – 560 001
16.	The Chairman Kerala State Pollution Control Board Plamoodu Junction Pattam Palace P.O. Thiruvananthapuram – 695 004
17.	The Chairman M.P. State Pollution Control Board Paryavaran Parisar E-5, Arera Colony Bhopal – 462 016
18.	The Chairman Maharashtra State Pollution Control Board Kalpataru Point, 3 <sup>rd</sup> & 4 <sup>th</sup> floors Sion Matunga Scheme, Road No. 8 Opp. Cine Planet, Sion Circle, Sion (E) Mumbai – 400 022
19.	The Chairman Meghalaya State Pollution Control Board Arden, Lumbyngngad Shillong – 793 014
20.	The Chairman Mizoram State Pollution Control Board M.G. Road, Khatna Aizwal
21.	The Chairman Orissa State Pollution Control Board

	A-118, Nilkanta Nagar, Unit – VIII Bhubaneswar – 751 012
22.	The Chairman Pondicherry Pollution Control Committee Department of Science Technology & Environment Housing Board Complex 3 <sup>rd</sup> Floor, Anna Nagar Pondicherry – 600 005
23.	The Chairman Punjab State Pollution Control Board Vatavaran Bhawan, Nabha Road Patiala – 147 001
24.	The Chairman Rajasthan State Pollution Control Board A-4, Jalane Dungri Institutional Area Jaipur – 302 004
25.	The Chairman Sikkim State Pollution Control Board State Land Use & Environment Cell Govt. of Sikkim, Deorali Gangtok, Sikkim
26.	The Chairman Tamilnadu State Pollution Control Board No. 100, Anna Salai Guindy, Chennai – 600 032
27.	The Chairman Tripura State Pollution Control Board Vigyan Bhawan, Pt. Nehru Complex Gorkhabasti P.O., Kunjaban Agartala (W) – 799 006
28.	The Chairman Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun, Uttarakhand" Pincode- 24800
29.	The Chairman U.P. State Pollution Control Board 3 <sup>rd</sup> Floor, PICUP Bhawan Vibhuti Khand, Gomti Nagar Lucknow – 226 020
30.	The Chairman West Bengal State Pollution Control Board Paribesh Bhawan 10A, Block LA, Sector 3, Salt Lake City Kolkata – 700 091



Direction 80 Misc  
Sec 15(b)

233

Annexure-III

B-29016/04/06/PCI-1/  
To The Chairman  
(All SPCBs/PCCs)  
7/26-72/16  
SPEED POST

March 02, 2015

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 IN THE MATTER OF POLLUTION CONTROL IN 17 CATEGORY OF HIGHLY POLLUTING INDUSTRIES , CETPs AND COMMON HAZRDOUS WASTE & BIOMEDICAL WASTE INCINERATORS- REGARDING SELF MONITORING OF COMPLIANCE

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the function of the State Pollution Control Boards(SPCBs)/Pollution Control Committees(PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the State/Union territory and to secure the execution thereof; and

WHEREAS, under section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, the SPCBs and PCCs are empowered to stipulate standards for discharge of environmental pollutants for various categories of industries and common effluent treatment plants (CETPs) , Common Hazardous waste and Biomedical waste incinerators even more stringent than those notified by the Central Government, under the Environmental (Protection) Act, 1986 and rules framed there under; and

WHEREAS, Pharmaceuticals, Chlor Alkali, Fertilizers, Oil Refinery, Dye and dye intermediate, Pesticides, Petrochemical, Large Power plants, Cement, Aluminium, Zinc, Copper, Iron & steel, Large Pulp & paper, Distillery, Sugar and Tannery industries located in States/UTs have been discharging environmental

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pollutants directly or indirectly into the ambient air and water, which pose constant threat to cause adverse effect on the water and air quality ; and

WHEREAS, Common Hazardous waste and Biomedical waste incinerators and Common Effluent Treatment Plants(CETPs) located in States/UTs have been discharging environmental pollutants directly or indirectly into the ambient air and water; and

WHEREAS, the SPCBs and PCCs are also required to ensure installation and regular operation of the requisite pollution control facilities in the polluting industries; and

WHEREAS, there is need to inculcate habit of self monitoring mechanism within the industries for complying the prescribed standards and this can be achieved by the methods like installing online effluent and emission monitoring devices; and

WHEREAS, number of industries under 17 category which are operating in the state/UT have been identified can be suitably directed for installation and commissioning of online monitoring systems (emission and or effluent); and

WHEREAS, number of Common Hazardous waste and Biomedical waste incinerators and CETPs operating in the state/UT can also be considered for installation and commissioning of online monitoring systems (emission and or effluent);and

WHEREAS, for strengthening the monitoring and compliance through self regulatory mechanism ,online source and effluent monitoring systems need to be installed and operated by the developers and the industries on 'polluter pays principle' ;and

WHEREAS, some of the SPCBs have already given specific conditions in consent to operate of 17 categories of highly polluting industries/ and Common

Hazardous waste and Biomedical waste Incinerators to install continuous emission and effluent monitoring systems; and

WHEREAS, it is envisaged in "National Environment Policy- 2006" that to strengthen the testing infrastructure and network for monitoring ambient environmental quality and progressively ensure real-time, and online availability of the monitoring data; and

WHEREAS, CPCB had earlier issued letter dated January 12,2011 to SPCBs /PCCs to direct all the 17 categories of highly polluting industries to install automatic air and water quality stations to monitor the ambient quality; and

WHEREAS ,it is becoming a need and necessity to regulate and minimize inspection of industries on routine basis and instead efforts need to be made to bring self discipline in the industries to exercise self monitoring & compliance and transmit data of effluent and emission compliance to SPCBs/PCCs and to CPCB on continuous basis; and

WHEREAS, there could be some time needed for getting such devices standardised and requiring confidence on data generated but needless to emphasize that efforts towards setting up to continuous monitoring devices is essential; and

WHEREAS, the ground truthing of the values indicated by the online devices need to be done before bringing them in public domain for proper interpretation and such measures need to be taken at the level of SPCBs/PCCs .And whereas for regulatory purposes and for purposes of actions to be taken against non complying industries /facilities, the existing methods of sampling, analysis and related procedures under the existing statutes need to be continued; and

WHEREAS, SPCBs and PCCS have prescribed standards for various parameters as per the notified standards under Environment(Protection) Act, 1986

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and the State Boards may refer to the parameters which should be monitored by installing continuous effluent and emission monitoring devices(Annexure -II);and

WHEREAS, continuous effluent and emission monitoring devices can be installed in those industries which are continuously letting out effluents and emissions out of their premises: and

WHEREAS following direction under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 have been issued to all SPCBs/PCCs on 05.2.2014;

- a) To Install online continuous Stack Emission Monitoring Systems (CSEMS) in 17 categories of highly polluting industries and in Common Hazardous waste and Biomedical waste incinerators for the parameters(industry/sector specific parameter) mentioned in the consent to operate/authorisation not later than by March 31,2015;
- b) To install online effluent quality monitoring system at the outlet of effluent treatment plants of the 17 category industries and in CETPs for the measurement of the parameters(industry/sector specific parameter) like flow, pH, COD, BOD, TSS and for other consented parameters as per the guidelines provided; not later than by March 31, 2015;
- c) To connect and upload the online emission and effluent monitoring data at SPCBs/PCCs and CPCB server in a time bound manner but not later than by March 31,2015;
- d) To ensure regular maintenance and operation of the online system with temper proof mechanism having facilities for online calibration;
- e) To submit bank guarantee of 25 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems within 90 days from the date of receipt of directions issued by SPCBs/PCCs to the industries;

WHEREAS In order to sensitize the issues among SPCBs/PCCs ,CPCB also highlighted the status of compliance of setting up online monitoring system in the conference of Chairman and Member Secretaries(February 21-22,2014 at

Bangalore and January 09,2015 at Chandigarh) at the National as well as Regional level on online monitoring system; and

WHEREAS CPCB has organized five interaction meets on 06/8/2014,19/09/2014,29/09/2014,8/10/2014 and 16/10/2014 respectively to have an interaction with SPCBs, representative of industries, industrial associations and instrument suppliers on online monitoring system; and

WHEREAS CPCB has already published a guidelines for online continuous monitoring system for effluents on 07.11.2014; and

WHEREAS a letter has been issued to all SPCBs/PCCs on October 31, 2014 and subsequent reminder sent on December 24,2014 to provide action taken report to CPCB in the format before January 10, 2015; and

Now, therefore, in exercise of the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 and keeping in view strengthening of the monitoring mechanism for effective compliance through self regulatory mechanism, you are directed to

- (i) All the industries will submit bank guarantee of 100 % of the cost of online monitoring systems (emission and effluent whichever applicable) for ensuring timely installation of online monitoring systems by 30.06.2015 and such bank guarantee will be discharged if they install the system before June 30,2015.
- (ii) If the industries will not install the online monitoring system by June 30, 2015 their consent to operate of the industry shall be withdrawn and bank guarantee shall be forfeited.

(Shashi Shekhar)  
Chairman

Copy to:

1. The Advisor(CP Division)  
Ministry of Environment, Forests and Climate Change  
Prithvi Wing, 2nd Floor, Room No. 216  
Indira Paryavaran Bhawan  
Aliganj, Jor Bagh Road  
New Delhi - 110003

2. I/C PCI-I,II,III and HWMD
3. All Zonal Officer ,CPCB
4. I/c IT Division, CPCB
- ✓ 5. I/c. ESS, CPCB

*Am*  
(A.B. Akolkar)  
Member Secretary



R-110/17<sup>1</sup>  
Annexure-IV

REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) NO. 375 OF 2012

Paryavaran Suraksha Samiti and another ..Petitioners  
versus  
Union of India and others ..Respondents

J U D G M E N T

Certified to be true copy  
*Pradeep K. Singh*  
Assistant Registrar (Civil)  
Supreme Court of India

JAGDISH SINGH KHEHAR, CJI

The petitioners have approached this Court, seeking a writ in the nature of mandamus, for a direction to the respondents, (which includes the Union Government, all the State Governments and the Union Territories) to ensure, that no industry which requires "consent to operate" from the concerned Pollution Control Board, is permitted to function, unless it has a functional effluent treatment plant, which is capable to meet the prescribed norms for removing the pollutants from the effluent, before it is discharged.

2. The Union of India, and the State Governments (including the Union Territories) have filed counter affidavits, expressing their individual positions. During the course of hearing, learned counsel representing the respondents, also made some suggestions, which could be highly beneficial, in carrying forward the process of removing pollutants, from the discharged effluent, in a systematic and co-ordinated manner.

3. During the course of hearing, it was not disputed between

the rival parties, that the initiation of the process has to be at the individual level of the industry itself. It was suggested that each industry which requires "consent to operate" from the concerned Pollution Control Board, should be mandated to set up a functional primary effluent treatment plant. We are informed, that only when such an effluent treatment plant has been set up, the concerned Pollution Control Board grants a "no objection" to the industry, and accordingly "consent to operate", so as to allow the industry to become functional. It is therefore apparent, that all running industrial units, which require "consent to operate" from the concerned Pollution Control Board, have a functional primary effluent treatment plant, in place.

4. The question that arises for our consideration is whether the same is maintained in good order, after the industry itself has become functional. The industry requiring "consent to operate", can be permitted to run, only if its primary effluent treatment plant, is functional. We therefore consider it just and appropriate, to direct the concerned State Pollution Control Boards, to issue notices to all industrial units, which require "consent to operate", by way of a common advertisement, requiring them to make their primary effluent treatment plants fully operational, within three months from today. On the expiry of the notice period of three months, the concerned State Pollution Control Board(s) are mandated to carry out inspections, to verify whether or not, each industrial unit requiring "consent to operate", has a functional primary effluent treatment plant. Such of the industrial units, which have not been able to make their

primary effluent treatment plant fully operational, within the notice period, shall be restrained from any further industrial activity. This direction may be implemented by requiring the concerned electricity supply and distribution agency, to disconnect the electricity connection of the defaulting industry. We therefore hereby further direct, that in case the concerned State Pollution Control Boards make a recommendation to the concerned electrical supply and distribution agency/company, to disconnect electricity supply to an industry, for the reason that its primary effluent treatment plant is not functional, it shall honour such recommendation, and shall disconnect the electricity supply to such defaulting industrial concern, forthwith.

5. Such an industrial concern, which has been disabled from carrying on its industrial activities, as has been indicated in the foregoing paragraph, is granted liberty to make its primary effluent treatment plant functional to the required capacity, and thereupon, seek a fresh "consent to operate" from the concerned Pollution Control Board. Only after the receipt of such fresh "consent to operate", the industrial activities of the disabled industry, can be permitted to be resumed. In carrying out the above exercise, we consider it just and appropriate to require, the Pollution Control Boards to carry out inspections, by prioritizing inspections of severely and critically polluted industries, so that visible results emerge at the earliest.

6. Liberty is hereby granted to private individual(s) and organizations, to address complaints to the concerned Pollution Control Board, if any industry is in default. On the receipt of any

such complaint, the concerned Pollution Control Board, shall be obliged to verify the same, and take such action against the defaulting industry, as may be permissible in law. Such action would be in addition to the discontinuation of industrial activity forthwith, in the manner directed hereinabove (but only after verification).

7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50 per cent, that of the concerned State Government (including the concerned Union Territory) is 25 per cent. The balance 25 per cent, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and industrial clusters. We are also informed, that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up "common effluent treatment plants", according to learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.

8. In view of the fact, that the financial position has been taken care of, as has been expressed above, we are of the view, that the setting up of "common effluent treatment plants", should be taken up as an urgent mission. With reference to common effluent treatment plants, which are already under implementation, we hope and expect, that they would be completed within the time

lines already postulated. With reference to common effluent treatment plants, which are yet to be set up, we consider it just and appropriate to direct, the concerned State Governments (including, the concerned Union Territories) to complete the same within a period of three years, from today. We are also of the view, that while acquiring land for the 'common effluent treatment plants', the concerned State Governments (including, the concerned Union Territories) will acquire such additional land, as may be required for setting up "zero liquid discharge plants", if and when required in the future.

9. During the course of hearing, we were informed by learned counsel, that the running of 'common effluent treatment plants', which are in place, is also a matter of serious concern. In this behalf, it was submitted, that some of the common effluent treatment plants are dis-functional, because of lack of finances, whilst some others are dis-functional, because of the requirement of repairs, which have not been carried out, again because of lack of financial resources.

10. Given the responsibility vested in Municipalities under Article 243W of the Constitution, as also, in item 6 of the 12<sup>th</sup> Schedule, wherein the aforesaid obligation, pointedly extends to "public health, sanitation conservancy and solid waste management", we are of the view, that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the concerned municipalities (and/or local bodies), cannot be permitted to shy away, from discharging this onerous duty. In case there are further

financial constraints, the remedy lies in Articles 243X and 243Y of the Constitution. It will be open to the concerned municipalities (and/or local bodies), to evolve norms to recover funds, for the purpose of generating finances to install and run, all the "common effluent treatment plants", within the purview of the provisions referred to hereinabove. Needless to mention, that such norms as may be evolved for generating financial resources, may include all or any, of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the concerned State Government (Union Territory), through the Secretaries, Urban Development and Local Bodies respectively, (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the 'common effluent treatment plant' shall be finalized, on or before 31.03.2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the concerned State Governments (or the Union Territories), shall cater to the financial requirements, of running the "common effluent treatment plants", which are presently dis-functional, from their own financial resources.

11. Just in the manner suggested hereinabove, for the purpose of setting up of "common effluent treatment plants", the concerned State Governments (including, the concerned Union Territories) will prioritize such cities, towns, and villages, which discharge industrial pollutants and sewer, directly into rivers and water bodies.

12. We are of the view, that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We therefore hereby direct, that 'sewage treatment plants' shall also be set up and made functional, within the time lines and the format, expressed hereinabove.

13. We are of the view, that mere directions are inconsequential, unless a rigid implementation mechanism is laid down. We therefore hereby provide, that the directions pertaining to continuation of industrial activity only when there is in place a functional "primary effluent treatment plants", and the setting up of functional "common effluent treatment plants" within the time lines, expressed above, shall be of the Member Secretaries of the concerned Pollution Control Boards. The Secretary of the Department of Environment, of the concerned State Government (and the concerned Union Territory), shall be answerable in case of default. The concerned Secretaries to the Government shall be responsible of monitoring the progress, and issuing necessary directions to the concerned Pollution Control Board, as may be required, for the implementation of the above directions. They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data, and shall furnish the same to the Bench of the jurisdictional National Green Tribunal.

14. To supervise complaints of non-implementation of the instant directions, the concerned Benches of the National Green Tribunal, will maintain running and numbered case files, by

dividing the jurisdictional area into units. The above mentioned case files, will be listed periodically. The concerned Pollution Control Board is also hereby directed, to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.

15. Liberty is granted to private individuals, and organizations, to approach the concerned Bench of the jurisdictional National Green Tribunal, for appropriate orders, by pointing out deficiencies, in implementation of the above directions.

16. It however needs to be clarified, that the instant directions and time lines, shall not in any way dilute any time lines and directions issued by Courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time line would expire before the ones expressed through the directions recorded above. It is clarified, that the time lines, expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period, has been provided for.

17. It would be in the interest of implementation of the objective sought to be achieved, to also require each concerned State (and each, concerned Union Territory) to make provision for "online, real time, continuous monitoring system" to display emission levels, in the public domain, on the portal of the concerned State Pollution Control Board. We are informed, that at least three State Governments have already adopted the aforesaid

measures. Such measures shall be put in place by all the concerned state Governments (including, the concerned Union Territories), within six months from today.

18. The instant writ petition stands disposed of, in the aforesaid terms.

Sd/- .....CJI  
[JAGDISH SINGH KHEHAR]

Sd/- .....J.  
[Dr. D.Y. CHANDRACHUD]

Sd/- .....J.  
[SANJAY KISHAN KAUL]

NEW DELHI;  
FEBRUARY 22, 2017.





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## Annexure-V

**Status of Display of "Online real time, continuous monitoring system" (OCEMS) data in public domain**

(status as on 30.10.2021)

Sl. No.	SPCB/PCC	Weblink provided by SPCB/PCC	Remarks
1	Andaman & Nicobar	—	Data is not displayed yet.
2	Andhra Pradesh	<a href="http://aprtcms.ap.gov.in/publicview.html">http://aprtcms.ap.gov.in/publicview.html</a>	—
3	Arunachal Pradesh	Not required	There is no industry requiring OCEMS
4	Assam	<a href="https://pcba.rtdas.in/">https://pcba.rtdas.in/</a>	—
5	Bihar	bpcbcems.nic.in	Access is password protected
6	Chandigarh	—	The PCC informed that data will be displayed after upgradation of STPs. PCC requested for time till 30-Nov-2020.  Data is not displayed yet.
7	Chhattisgarh	—	Dedicated/integrated webpage is not available
8	Daman & Diu	—	Data is not available yet.
9	Dadra Nagar Haveli	—	Data is not available yet.
10	Delhi	—	Data is not available yet.
11	Goa	<a href="http://gspcb.glensserver.com/GSPCB_ONLINE/index.html">http://gspcb.glensserver.com/GSPCB_ONLINE/index.html</a>	—
12	Gujarat	<a href="https://gpcb.gujarat.gov.in/webcontroller/viewpage/online-monitoring-system-dashboard">https://gpcb.gujarat.gov.in/webcontroller/viewpage/online-monitoring-system-dashboard</a>	—
13	Haryana	<a href="http://hspcbceems.nic.in/public">http://hspcbceems.nic.in/public</a>	—
14	Himachal Pradesh	<a href="http://envirologiciq.com/public/dashboard/industries">http://envirologiciq.com/public/dashboard/industries</a>	Access is password protected
15	Jammu and Kashmir	—	Data is not displayed yet.
16	Jharkhand	—	Data is not displayed yet.
17	Karnataka	<a href="https://kspcb.gov.in/onlinemonitoring.html">https://kspcb.gov.in/onlinemonitoring.html</a>	Link not working
18	Kerala	<a href="https://keralapcb.glensserver.com/public/graph.html">https://keralapcb.glensserver.com/public/graph.html</a>	Link not working
19	Lakshadweep	Not required	There is no industry requiring OCEMS
20	Madhya Pradesh	<a href="http://esc.mp.gov.in/online/">http://esc.mp.gov.in/online/</a>	—
21	Maharashtra	<a href="http://www.mpcb.gov.in/Online_CEMS.php">http://www.mpcb.gov.in/Online_CEMS.php</a>	No data provided on webpage
22	Manipur	Not required	There is no industry requiring OCEMS
23	Meghalaya	—	Data is not displayed yet.
24	Mizoram	Not required	There is no industry requiring OCEMS
25	Nagaland	Not required	There is no industry requiring OCEMS
26	Odisha	<a href="http://ospcbtdas.com">http://ospcbtdas.com</a>	Link not working



Sl. No.	SPCB/PCC	Weblink provided by SPCB/PCC	Remarks
27	Puducherry	<a href="http://ppcc.glensserver.com/PPCC_ONLINE/index.html">http://ppcc.glensserver.com/PPCC_ONLINE/index.html</a>	—
28	Punjab	<a href="https://app.cpcbcr.com/AQI_India/">https://app.cpcbcr.com/AQI_India/</a> and <a href="http://cpcbtdms.nic.in">cpcbtdms.nic.in</a> User Id : computer.section.ppcb@gmail.com Password : ppcb@1234	Link not working
29	Rajasthan	—	Data is not displayed yet.
30	Sikkim	115.114.10.198:8080/enviroconnect/servlet/com.aipl.pls.web.admin.AdminServlet	—
31	Tamil Nadu	1) <a href="http://117.232.97.121/RealTime_tnpcb_cac/index.html">http://117.232.97.121/RealTime_tnpcb_cac/index.html</a> (2) <a href="http://117.232.97.121/RealTime_tnpcb_cac_new/index.html">http://117.232.97.121/RealTime_tnpcb_cac_new/index.html</a>	—
32	Telangana	<a href="http://183.82.41.227:8080/enviroconnect/aqms">http://183.82.41.227:8080/enviroconnect/aqms</a>	—
33	Tripura	—	Data is not displayed yet.
34	Uttar Pradesh	—	Data is not displayed yet.
35	Uttarakhand	<a href="https://hitech.glensserver.com">https://hitech.glensserver.com</a>	Access is password protected
36	West Bengal	<a href="http://www.wbpcb.gov.in/cmsdata.php">http://www.wbpcb.gov.in/cmsdata.php</a>	Link not working