

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN BENCH
CHENNAI

APPLICATION NO. 39 OF 2024 (SZ)

IN THE MATTER OF:

Mr. JONATT JOSE

....Applicant

Versus

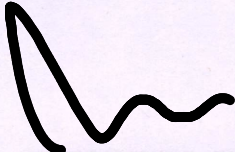
The Secretary, MoEF&CC and others

....Respondents

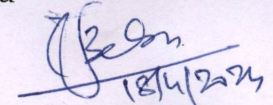
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Signed and verified on this 18th day of April, 2024 at Bengaluru



COUNSEL FOR
2nd RESPONDENT



DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN BENCH
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....Applicant

Versus

The Secretary, MoEF&CC and others

....Respondents

**REPLY ON BEHALF OF THE RESPONDENT NO. 2, THE CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

I, J. Chandra Babu, Son of Late Sh. J. Balaramaiah, aged about 55 years, having office at the Regional Directorate, Central Pollution Control Board, 1st & 2nd Floors, Nisarga Bhavan, A-Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru - 560079, Karnataka do hereby sincerely state as follows:

1. That I, in capacity of Scientist 'E' & Regional Director, Regional Directorate (South), Central Pollution Control Board (hereinafter referred to as CPCB), Bengaluru, have made myself acquainted with the facts and circumstances of the instant case due to the official capacity as mentioned above and on the basis of available records, I am well versed with the facts and circumstances of the matter and as such competent & authorized to file this reply on behalf of Respondent No. 2.



J. Chandra Babu
18/4/2024

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

2. That in the said application, applicant is aggrieved due to the pollution caused from M/s Carborundum Universal Ltd, Nalukettu P O, Thrissur District, Kerala because of use of petroleum coke (hereafter referred to as “pet coke”) for manufacturing of silicon carbide.
3. That, Hon’ble Supreme Court of India in WP(C) No. 13029/1985 in the matter of “MC Mehta Vs Union of India” has passed the undermentioned orders regarding banning / permitting use of pet coke (in **NCR States**):
 - a. Order dated 24.10.2017 (banning use of pet coke and FO)
 - b. Order dated 17. 11.2017 (requesting other States/UT to consider taking similar measures)
 - c. Order dated 13.12.2017 (permitting use of pet coke in cement kilns and lime kilns and allowing one-year time to power plants to switch over from FO to LDO)
 - d. Order dated 05.02.2018 (permitting use of pet coke in calcium carbide units)
4. That, in compliance to Hon’ble Supreme Court orders in WP (C) No. 13029/1985 in the matter of M.C. Mehta Vs Union of India; CPCB vide letter dated 15th November, 2017 issued direction to the Chief Secretaries of Uttar Pradesh, Rajasthan and Haryana under section 5 of the Environment (Protection) Act, 1986 regarding prohibition on use of pet coke and furnace oil by the industry, operation and processes in the respective States with immediate effect. A copy of the direction dated-15th November, 2017 is enclosed at **Annexure- I**.



J. Chandra Babu
15/11/2017

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

5. That the Hon'ble Supreme Court orders in WP (C) No. 13029/1985 in the matter of M.C. Mehta Vs Union of India has passed the undermentioned orders regarding permitting the use of imported pet coke only in certain processes / industrial sectors (**in the country**):
- a. Order dated 26.07.2018 (permitting use of **imported** Pet Coke only in Cement Kilns, Lime Kilns, Calcium Carbide and Gasification (in Oil Refinery) **for use as a feedstock or in the manufacturing process and not as a fuel**).
 - b. Order dated 06.09.2018 (permitting **import** of Needle Pet Coke in Graphite Electrode Industry)
 - c. Order dated 09.10.2018 (permitting use of **imported** Calcined Pet Coke in Aluminium Industry and use of imported anode grade Raw Pet Coke in CPC manufacturing units)
6. That, in compliance of Hon'ble NGT orders dated 28.03.2019 and 04.07.2019 passed in OA No. 67/2019 with OA No. 138/2019, CPCB issued directions under Section 5 of the Environment (Protection) Act, 1986 to the Chief Secretaries/Administrators of States Governments /Union Territory Administrations vide letter dated 23rd August 2019 (**Annexure II**) as below:
- State Government/Union Territory Administration shall formulate and enforce fuel policy regarding use of pet coke and FO in the State/UT in light of various orders passed by Hon'ble Supreme Court regarding use of pet coke and FO in Writ Petition (C) 13029/1985.



J. Chandra Babu
18/4/2024

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

- State Government/Union Territory Administration through respective SPCB/PCC shall take strict action against any industry if found violating the fuel policy on use of petcoke and FO that will be enforced as above, using the powers conferred under environmental laws.
7. That, the directions to NCR States were issued by this respondent No.2 i.e., CPCB in compliance of Honourable Supreme Court order. The orders of Hon'ble Supreme Court regarding NCR States also included suggestions for other States to adopt similar policies. Subsequent orders of Hon'ble Supreme Court for areas outside NCR were regarding use of imported pet coke. Directions to all states were issued in compliance of Hon'ble National Green Tribunal PB New Delhi order.
8. That, the Kerala State Pollution Control Board vide letter dated 12th March, 2024 sought clarification from CPCB regarding utilization of pet coke as raw material in the manufacture of silicon carbide. Subsequently, CPCB vide letters dated 22nd March, 2024 and 5th April 2024 replied, informing about two sets of Hon'ble Supreme Court orders for NCR States and entire country, respectively, as well as related directions of CPCB. It was also informed to Kerala PCB that the matter be examined based upon the assessment of certain facts, as detailed in the letter dated 05.04.24. Copies of Kerala State PCB letter and CPCB reply letters are attached as **Annexure III, Annexure IV and Annexure V** respectively.




J. Chandra Babu
12/4/2024

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

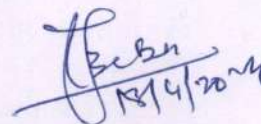
9. That, as stated in the preceding paragraph, it is humbly re-iterated and submitted that use/prohibition of fuel is subject matter of State/UT Govt. and SPCB/PCC, therefore, the concerned Respondent (s) may submit reply regarding use of pet coke in the Kerala State.

PRAYER

- a. That, in view of the submissions made in the preceding paragraphs, it is humbly submitted that CPCB may please be exempted from the list of the Respondents and a suitable order may please be passed in the instant matter.
- b. That, this answering Respondent No. 2, shall abide by any order/direction passed by this Hon'ble Tribunal in the present Original Application



**COUNSEL FOR 2nd
RESPONDENT**



DEPONENT

J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
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....Applicant

Versus

The Secretary, MoEF&CC and others

....Respondents

AFFIDAVIT

I, Jathikartha Chandra Babu, Son of Late Sh. J Balaramaiah, aged 55 years, having office at the Regional Directorate - Bengaluru, Central Pollution Control Board, 1st and 2nd Floors, Nisarga Bhavan, A-Block, Thimmaiah Main Road, 7th D Cross, Shivanagar, Bengaluru, Karnataka – 560 079, do hereby solemnly affirm, declare on oath and state as under:-

1. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
2. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

J. Chandra Babu
18/04/2024
DEPONENT

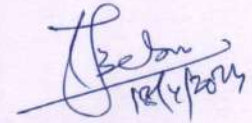
J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN. OF ENV, FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903



VERIFICATION

I, Jathikartha Chandra Babu, working as Scientist 'E' and posted as Regional Director (Bengaluru), Central Pollution Control Board, the respondent herein do hereby verify that the contents of the above paragraphs are true and correct to the best of my knowledge, information and belief.

Verified at Bengaluru on this the 18th day of April, 2024.



DEPONENT



J. Chandra Babu
REGIONAL DIRECTOR
CENTRAL POLLUTION CONTROL BOARD
REGIONAL DIRECTORATE - BENGALURU
(MIN.OF ENV,FOREST & CC, GOVT OF INDIA)
BENGALURU - 560 079. MOB: 9868278903

SPEED POST

B- 33014/40/2017- AQM

November 15, 2017

18654-652
 The Chief Secretary
 (as per list)

Sub.: Direction under Section 5 of The Environmental (Protection) Act, 1986 regarding prohibition on use of Petcoke & Furnace oil in NCR states- reg.

WHEREAS, rising air pollution in Delhi is a matter of serious concern, especially with regards to high levels of particulate matter exceeding National Ambient Air Quality Standards, 2009;

WHEREAS, in spite of targeted action implemented as per Graded Response Action Plan, Delhi air quality deteriorated significantly and reached 'Severe +' or Emergency conditions on November 07, 2017 and recurring since then;

WHEREAS, petcoke & furnace oil are some of the contributors to secondary particulate matter in the ambient air in Delhi and NCR and secondary particulate is a consistent source, contributing 25% – 30% (PM₁₀ – PM_{2.5}) during winters and 10% – 15% (PM₁₀ – PM_{2.5}) during summers;

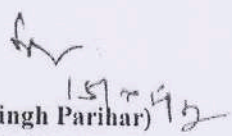
WHEREAS, use of petcoke and furnace oil is not permitted in Delhi;

WHEREAS, Hon'ble Supreme Court vide its order dated October 24, 2017 in WP (c) 13029/ 1985 in the matter of M.C. Mehta Vs. Union of India directed, "Since the state governments of U.P., Haryana and Rajasthan have no objection and they have not taken any positive action, keeping the pollution level in NCR and particularly in Delhi, we have no option but to place a ban on use of furnace oil and petcoke in the states of U.P., Haryana and Rajasthan. The ban will come into effect from November 01, 2017. We expect the state governments to issue appropriate notification immediately. Even if they do not issue such notification then in compliance with the order of this court, the ban will take effect from 1st November, 2017 in any case";

WHEREAS, the central government in the Ministry of Environment, Forest and Climate Change has decided that use of petcoke and furnace oil in Delhi and NCR states will be henceforth banned with immediate effect until further orders;

Now therefore, in exercise of powers delegated to The Chairman, CPCB under Section 5 of The Environmental (Protection) Act, 1986 and in view of above referred Hon'ble Supreme Court's order, it is directed that prohibition on use of petcoke and furnace oil by any industry, operation or processes within your state be ensured, with immediate effect until further orders.

Receipt of this direction may please be acknowledged immediately and action taken report be sent to CPCB within 7 days of receipt of these directions.


 (S.P. Singh Parihar)
 Chairman

List:

The Chief Secretary
Government of Uttar Pradesh
Lal Bahadur Shastri Bhawan
UP Secretariat
Lucknow-226 001

The Chief Secretary
Government of Rajasthan
Tilak Marg Secretariat
Jaipur, Rajasthan- 302 005

The Chief Secretary
Government of Haryana
4th Floor, Haryana Civil Secretariat
Sector-1, Chandigarh – 160 001

Copy to:

- The Chairman : For kind information, please
Environment Pollution Control Authority
Core 6A, 12th floor, India habitat Centre
Lodhi road, New Delhi- 110003
- Shri Ritesh Kumar Singh : For kind information, please
Joint Secretary
C P division
Ministry of Environment, Forests & Climate Change
Indira Paryana Bhawan
Jor Bagh, New Delhi – 110 003
- ✓ • Head, IT division : For uploading on website, please

(A. Sudhakar)
Member Secretary



Annexure II

SPEED POST

B-33014/07/2019/IPC-II/ 5747-5778

August 23, 2019

To,

The Chief Secretary/Administrators,
Government of States/Union Territories
(As per list enclosed - 1)

Sub: Directions under Section 5 of the Environment (Protection) Act, 1986 regarding preparing a policy on use of Pet coke & Furnace oil.

WHEREAS, rising pollution is a matter of serious concern, especially high levels of particulate matter exceeding National ambient air quality standards, 2009; and

WHEREAS, pet coke and furnace oil / fuel oil (FO) emit more SO₂ as compared to other conventional fuels due to high sulphur content and also contribute to forming of finer secondary particulate matter in ambient air, which form a significant fractions of PM (PM₁₀ & PM_{2.5}); and

WHEREAS, Hon'ble Supreme Court of India passed vide dated 24.10.2017 in Writ Petition (Civil) 13029 / 1985, banned use of Pet coke and furnace oil in industries in the NCR state of Haryana, Uttar Pradesh and Rajasthan. Accordingly, Central Pollution Control Board at the behest of Government of India issued directions under Section 5 of the Environment (Protection) Act, 1986 to NCR state; and

WHEREAS, subsequently, Supreme Court passed Order dated 17.11.2017 in the above mentioned writ petition, noting that pollution caused by pet coke and furnace oil is not a problem confined only to the NCR but appears to be a problem faced by almost all the States and Union Territories in the country. Hon'ble Supreme Court requested all the State Governments and Union Territories to consider taking similar measures as have been taken by the Government of India and the Chairman of the Central Pollution Control Board (thereby referring to the above mentioned Directions issued by CPCB to state governments of NCR states for compliance of Supreme Court order dated 24.10.2017); and

WHEREAS, Hon'ble Supreme Court passed subsequent orders dated 13.12.2017, 05.02.2018, 26.07.2018, 09.10.2018 in the above writ petition; and

WHEREAS, Hon'ble Supreme Court in above mentioned order dated 09.10.2018 noted CPCB's report regarding use of pet coke as feed stock in CPC units wherein it was recommended that due to emission of SO₂ in high concentrations the emissions need to be treated in FGD systems having removal efficiency more than 90% and also noted that the views expressed by CPCB have been considered by MoEF&CC which is in agreement with the CPCB; and

WHEREAS, for filling response in cases O.A. No. 67 of 2019 Sumit Kumar Vs State of Himachal Pradesh & Ors. and O.A. No. 138 of 2019 Amarjeet Kumar Vs Union of India & Ors in Hon'ble National Green Tribunal, CPCB requested all states governments vide email dated 01.02.2019 to provide details of measures taken for banning use of pet coke and furnace oil in their state as suggested by the Hon'ble Supreme Court vide its order dated 17.11.2017; and

WHEREAS, Hon'ble National Green Tribunal passed Order dated 28.03.2019 in O.A. No. 67of 2019 and O.A. No. 138 of 2019, noting the brief on the above Supreme Court orders regarding pet coke and furnace oil provided by CPCB, and directing CPCB to issue appropriate directions in this regard to the concerned States and Union Territories indicating coercive measures against those who fail to comply with the directions; and

WHEREAS, Hon'ble National Green Tribunal passed further Order dated 04.07.2019 in above cases, directing CPCB again to proceed to take further action in the matter (as already directed by Order dated 28.03.2019); and

WHEREAS, the matter was discussed by CPCB with oil refinery representative on 20.05.2019 wherein it was informed that it is technically possible to produce low sulphur oil like slurry oil, LSHS, LDO by refineries and that if demand of FO is reduced, the refineries will have to convert it either into pet coke by installing cocker, or into bitumen by enhancing capacity of VBU which may require minimum one-year time, or will have to export it; and

WHEREAS, as per notification no. S.O. 844 (E) dated 19th November 1986 under sub rule 3 of rule 3, the standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) shall be complied with by an industry, operation or process within a period of one year of being so specified; and

WHEREAS, Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof.

NOW, THEREFORE, in view the above and in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, following directions are issued:

1. State Government / Union Territory Administration shall formulate and enforce fuel policy regarding use of pet coke and FO in the State/UT in light of various orders passed by Supreme Court regarding use of pet coke and FO in Writ Petition (C) 13029/1985.
2. State Government / Union Territory Administration through respective SPCB/PCC shall take strict action against any industry if found violating the fuel policy on use of pet coke and FO that will be enforced as above, using the powers conferred under environmental laws.

Action taken report shall be submitted through SPCB/PCC by State/UT within one month i.e. by 23.09.2019.


(S.P.S. Parihar)
Chairman


Copy to:

1. The Chairman
SPCBs / PCCs
(As per list enclosed - 2)
2. The Joint Secretary (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
3. The Regional Directors
Central Pollution Control Board
(As per list enclosed - 3)
4. The Divisional Head - IT, CPCB


(Prashant Gargava)
Member Secretary

List - 1

List of Chief Secretaries/ Administrators of States/UTs

S. No.	State	Designation	Address
1	Andhra Pradesh	Chief Secretary	Government of Andhra Pradesh 1st Block, 1st Floor A.P Secretariat Office, Velagapudi - 522503
2	Arunachal Pradesh	Chief Secretary	Government of Arunachal Pradesh Civil Secretariat Itanagar - 791111
3	Assam	Chief Secretary	Government of Assam Block- C, 3rd Floor, Assam Sachivalaya Dispur - 781006, Guwahati
4	Bihar	Chief Secretary	Government of Bihar Main Secretariat, Patna - 800015
5	Chhattisgarh	Chief Secretary	Government of Chhattisgarh Mahanadi Bhawan, Mantralaya Naya Raipur - 492002
6	Goa	Chief Secretary	Government of Goa, Secretariat, Porvrom, Bardez, Goa - 403521
7	Gujarat	Chief Secretary	Government of Gujarat 1st Block, 5th Floor Sachivalaya, Gandhinagar - 382010
8	Himachal Pradesh	Chief Secretary	Government of Himachal Pradesh H P Secretariat, Shimla - 171002
9	Jammu & Kashmir	Chief Secretary	Government of Jammu & Kashmir R. No. 2/7, 2nd, Floor Main Building Civil Secretariat, Jammu - 180001 R. No. 307, 3rd Floor Civil Secretariat, Srinagar - 190001
10	Jharkhand	Chief Secretary	Government of Jharkhand 1st Floor, Project Building, Dhurwa, Ranchi- 834004
11	Karnataka	Chief Secretary	Government of Karnataka Room No. 320, 3rd Floor Vidhana Soudha, Bengaluru - 560 001
12	Kerala	Chief Secretary	Government of Kerala Secretariat, Thiruvananthapuram - 695001

13	Madhya Pradesh	Chief Secretary	Government of Madhya Pradesh MP Mantralaya, Vallabh Bhavan Bhopal - 462004
14	Maharashtra	Chief Secretary	Government of Maharashtra CS Office Main Building, Mantralaya 6th Floor, Madame Cama Road, Mumbai - 400032
15	Manipur	Chief Secretary	Government of Manipur, South Block, Old Secretariat Imphal-795001
16	Meghalaya	Chief Secretary	Government of Meghalaya Main Secretariat Building Rilang Building, Room No. 321 Meghalaya Secretariat, Shillong - 793001
17	Mizoram	Chief Secretary	Government of Mizoram New Secretariat Complex, Aizwal - 796001
18	Nagaland	Chief Secretary	Government of Nagaland Civil Secretariat, Kohima- 797004
19	Odisha	Chief Secretary	Government of Odisha General Administration Department Odisha Secretariat Bhubaneswar - 751001
20	Punjab	Chief Secretary	Government of Punjab Chandigarh - 160001
21	Sikkim	Chief Secretary	Government of Sikkim New Secretariat, Gangtok - 737101
22	Tamil Nadu	Chief Secretary	Government of Tamil Nadu Secretariat, Chennai - 600009
23	Telangana	Chief Secretary	Government of Telangana Block C, 3rd Floor, Telangana Secretariat Khairatabad, Hyderabad, Telangana
24	Tripura	Chief Secretary	Government of Tripura New Secretariat Complex Secretariat-799010, Agartala West Tripura

25	Uttarakhand	Chief Secretary	Government of Uttarakhand 4 Subhash Road, Uttarakhand Secretariat Dehradun - 248001
26	West Bengal	Chief Secretary	Government of West Bengal Nabanna, 13th Floor, 325, Sarat Chatterjee Road, Mandirtala Shibpur, Howrah - 711102
27	Union Territory Andaman and Nicobar	Chief Secretary	Andaman and Nicobar Administration Secretariat, Port Blair - 744101
28	Union Territory of Dadra and Nagar Haveli	Administrator	Secretariat, Moti, Silvassa, Daman - 396220
29	Union Territory of Daman & Diu	Administrator	Secretariat, Moti, Daman - 396 220
30	Union Territory of Lakshadweep	Administrator	Lakshadweep, Kavaratti - 682555
31	Union Territory of Puducherry	Chief Secretary	Chief Secretariat, Goubert Avenue, Puducherry - 605001
32	Union Territory of Chandigarh	Administrator	Punjab Raj Bhavan, Sector 6, Chandigarh - 160019, India

List 2: List of SPCBs/PCCs

1.	The Member Secretary Andhra Pradesh Pollution Control Board D. No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada - 520 010	9.	The Member Secretary Gujarat Pollution Control Board Paryavaran Bhavan, Sector 10-A, Gandhi Nagar 382 010, Gujarat
2.	The Member Secretary Arunachal Pradesh State Pollution Control Board Govt. of Arunachal Pradesh, Department of Environment & Forests, Paryavaran Bhawan, Yupia Road, Papu Nalah, Naharlagun - 791 110	10.	The Member Secretary Himachal Pradesh State Pollution Control Board Him Parivesh, Phase- III, New Shimla - 171 009
3.	The Member Secretary Pollution Control Board- Assam, Bamunimaidam, Guwahati - 781 021, Assam	11.	The Member Secretary (April- October) J&K State Pollution Control Board, Parivesh Bhawan, Shiekh-ul- Campus, Behind Govt. Silk Factory, Raj Bagh, Srinagar (J&K)
4.	The Member Secretary Bihar Bihar State Pollution Control Board Parivesh Bhawan, Plot No. NS-B/2, Paliputra Industrial Area, Patliputra, Patna - 800 023	12.	The Member Secretary Jharkhand State Pollution Control Board T.A. Bldg., HEC, P. O. Dhurwa, Ranchi-834 004 (Jharkhand)
5.	The Member Secretary Chhattisgarh State Environment Conservation Board, Paryavas Bhawan, North Block Sector-19, Atal Nagar, Raipur - 492 002, Chhattisgarh	13.	The Member Secretary Karnataka State Pollution Control Board "Parisara Bhavan", #49,4th & 5th Floor, Church Street, Bangalore 560 001
6.	The Member Secretary Chandigarh Pollution Control Committee Paryavaran Bhawan, Ground Floor, Sector-19 B, Madhya Marg, Chandigarh - 160 019	14.	The Member Secretary Kerala State Pollution Control Board Head Office, Pattom. P. O Thiruvananthapuram - 695 004Kerala
7.	The Member Secretary Pollution Control Committee, UTs of Daman, Diu and Dadra & Nagar Haveli Fort Area, Court Compound, Moti Daman - 396 220	15.	The Member Secretary Madhya Pradesh Pollution Control Board Paryavaran Parisar, E-5, Arera Colony Bhopal - 462 016, Madhya Pradesh
8.	The Member Secretary, Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao-Bardez Goa - 403511	16.	The Member Secretary Maharashtra Pollution Control Board, Kalpataru Points, 3rd & 4th Floor, Sion Matunga Scheme Road No.6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai-400 022

17.	The Member Secretary Manipur Pollution Control Board Lamphalpat, Imphal - 795 004, Manipur	25.	The Member Secretary Tripura State Pollution Control Board Parivesh Bhawan, Pandit Nehru Complex, P.O. Kunjaban, Gorkhabasti, Agartala - 799 006, Tripura
18.	The Member Secretary Meghalaya State Pollution Control Board, "ARDEN", Lumpyngngad, Shillong - 793 014, Meghalaya	26.	The Member Secretary, Uttarakhand Environment Protection & Pollution Control Board, Gaura Devi Bhawan, 46 B IT Park Sahastradhara, Dehradun - 248 001, Uttarakhand
19.	The Member Secretary Mizoram Pollution Control Board New Secretariat Complex, Khatla, Aizawl - 796 001, Mizoram	27.	The Member Secretary Telangana State Pollution Control Board Paryavarana Bhavan, A-III, Industrial Estate, Sanathnagar, Hyderabad - 500 018
20.	The Member Secretary Nagaland Pollution Control Board Signal Point, Dimapur Nagaland	28.	The Member Secretary West Bengal Pollution Control Board Paribesh Bhavan, 10-A, Block LA, Sector III, Salt Lake City, Kolkata-700 091
21.	The Member Secretary Odisha State Pollution Control Board Paribesh Bhawan, A-118, Nilakantha Nagar Unit VIII Bhubaneswar - 751 012, Odisha	29.	The Member Secretary Puducherry Pollution Control Committee 'B' Block, Ground Floor, Chief Secretariat, Puducherry-605 001
22.	The Member Secretary Punjab Pollution Control Board Vatavaran Bhawan, Nabha Road Patiala 147 001, Punjab	30.	The Member Secretary Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair - 744102
23.	The Member Secretary Sikkim State Pollution Control Board State Land Use & Environment Cell Govt. of Sikkim, Deorali Gangtok - 737 102, Sikkim	31.	The Member Secretary Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati- 682555
24.	The Member Secretary Tamil Nadu Pollution Control Board No. 76, Mount Salai, Guindy Chennai- 600 032 Tamilnadu		

List 3. List of RD's

1. The Regional Director
Central Pollution Control Board
1st & 2nd Floors, Nisarga Bhavan, A-Block,
Thimmaiah Main Road, 7th D Cross,
Shivanagar, Bengaluru -560 079
2. The Regional Director
Central Pollution Control Board
Southend Conclave, Block 502, 5th & 6th Floor
1582, Rajdanga Main Road
Kolkata - 700 107
3. The Regional Director
Central Pollution Control Board
4th Floor, Sahkar Bhawan,
North TT Nagar,
Bhopal - 462 003
4. The Regional Director
Central Pollution Control Board
Parivesh Bhawan, Opp. VMC Ward Office No. 10
Subhanpura, Vadodara - 390 023
5. The Regional Director
Central Pollution Control Board
PICUP Bhawan, Ground Floor
Vibhuti Khand, Gomti Nagar
Lucknow-226010
6. The Regional Director
Central Pollution Control Board
"TUM-SIR", Lower Motinagar
Near Fire Brigade H.Q.,
Shillong - 793 014

General: 0471-2312910, 2318153, 2318154, 2318155 Chairman: 2318150 Member Secretary: 2318151
e-mail: chn.kspcb@gov.in; ms.kspcb@gov.in FAX: 2318152 web: kspcb.kerala.gov.in



KERALA STATE POLLUTION CONTROL BOARD

കേരള സംസ്ഥാന മലിനീകരണ നിയന്ത്രണ ബോർഡ്

Pattom P.O., Thiruvananthapuram – 695 004

പട്ടം പി.ഒ., തിരുവനന്തപുരം - 695 004



KSPCB/486 /2024-SEE-1

Date: 12/03/2024

From

The Member Secretary

To

The Member Secretary
Central Pollution Control Board
Parivesh Bhavan,
East Arjun Nagar
Delhi- 110 032

Sub:- Carborundum Universal Limited- Use of Petcoke as raw material-reg

Ref: Letter from Carborundum Universal Limited dated 12.02.2024

Sir,

Kind attention is invited to the subject matter. The industry M/s.Carborundum Universal Limited in Thrissur district manufactures Silicon Carbide. The production process explained in the attached letter referred (1). The industry uses Petcoke as raw material in the manufacture of Silicon Carbide. This company started its working on 1985, since then Petcoke is being used as raw material. As the use of petcoke has to be restricted as per Orders of NGT in OA 38 of 2017 and OA 137 of 2017, in the consent to operate renewal, a condition was incorporated that " Ordinary coke shall be used instead of petcoke" .the letter (1), the unit has requested to allow the use of petcoke.

It may kindly be clarified:

- (i)Whether Silicon Carbide production can be allowed to use petcoke as raw material, and
- (ii) what control measures can be prescribed for petcoke utilization in the process.

Yours faithfully,

Shree AM

MEMBER SECRETARY



Annexure IV

Speed-Post / E-mail

No. IPC-II/Petcoke/CM-11/88/2022/ 11180

March 22, 2024

To,

The Member Secretary,
Kerala State Pollution Control Board,
Head Office, Pattom P.O.,
Thiruvananthapuram – 695 004
Kerala

Sub.: In reference to KSPCB Letter dated-12.03.2024-reg.

Sir / Ma'am,

Please refer to KSPCB letter No. KSPCB/486/2024-SEE-I, dated-12.03.2024 (copy enclosed). In this regard, a note on the orders of Hon'ble Supreme Court and Hon'ble NGT (PB) and direction issued by CPCB is enclosed for kind information.

Further, it is to inform that an OA No. 39/2024 (SZ) regarding use of petcoke by M/s Carborundum Universal Limited, Kerala, is pending in Hon'ble NGT (SZ) Chennai.

Yours faithfully,

(Nazimuddin)

Scientist-"F" & Head
IPC-II Division

Encl.: As above

Note

Reference: Kerala SPCB letter no.-KSPCB/486/2024-SEE-1, dt.-12.03.2024 regarding use of petcoke by M/s Carborundum Universal Ltd.

Hon'ble Supreme Court of India issued orders regarding ban / permit use of petcoke (in NCR states) as

- (i) Order dated 24.10.2017 (banning use of pet coke and FO),
- (ii) Order dated 17. 11.2017 (requesting other States/UT to consider taking similar measures),
- (iii) Order dated 13.12.2017 (permitting use of pet coke in cement kilns and lime kilns and allowing one-year time to power plants to switch over from FO to LDO)
- (iv) Order dated 05.02.2018 (permitting use pet coke in calcium carbide units)

In compliance to Hon'ble Supreme Court orders in WP (C) No. 13029/1985 in the matter of M.C. Mehta Vs Union of India, Central Pollution Control Board (CPCB) vide letter dated 15th November, 2017 issued direction to the Chief Secretaries of NCR States of Uttar Pradesh, Rajasthan and Haryana under section 5 of Environment (Protection) Act, 1986 regarding prohibition on use of petcoke and furnace oil by industry, operation and processes in the respective states with immediate effect.

Orders regarding permit use of imported petcoke only in certain processes / industrial sectors (**in the country**) as

- (i) Order dated 26.07.2018 (permitting use of **imported** Pet Coke only in Cement Kilns, Lime Kilns, Calcium Carbide and Gasification (in Oil Refinery) **for use as a feedstock or in the manufacturing process and not as a fuel**),
- (ii) Order dated 06.09.2018 (permitting **import** of Needle Pet Coke in Graphite Electrode Industry)
- (iii) Order dated 09.10.2018 (permitting use of **imported** Calcined Pet Coke in Aluminium Industry and use of imported anode grade Raw Pet Coke in CPC manufacturing units).

In compliance of Hon'ble NGT order dated 28.03.2019 and 04.07.2019 in O.A. Nos. 67/2019 and 138/2019, CPCB issued directions under Section 5 of the Environment (Protection) Act, 1986 to the Chief Secretaries/Administrators of all States Governments /Union Territory Administrations vide letter dated 23rd August 2019 as below:

State Government/Union Territory Administration shall formulate and enforce fuel policy regarding use of petcoke and FO in the State/UT in light of various orders passed by Supreme Court regarding use of petcoke and FO in Writ Petition (C) 13029/1985.

State Government/Union Territory Administration through respective SPCB/PCC shall take strict action against any industry if found violating the fuel policy on use of petcoke and FO that will be enforced as above, using the powers conferred under environmental laws.



Speed-Post / E-mail

Annexure V

No. IPC-II/Petcoke/CM-11/88/2022/

April 05, 2024

To,

The Member Secretary
Kerala State Pollution Control Board
Head office, Pattom P.O.,
Thiruvananthapuram - 695004
Kerala

Sub: In reference to Kerala SPCB letter dated 12.03.2024 seeking clarification regarding use of petcoke

Madam,

In continuation to this office letter even No. dated 22nd March, 2024, it is to further inform that the Kerala State Pollution Control may examine the matter in respect of – i) whether the unit uses only domestic pet coke and ii) whether pet coke is used as feed stock / raw material in the process and not as fuel, and based on such assessment take decisions to permit such use in light of Hon'ble Supreme Court orders / directions.

Yours faithfully,

14/05/2024
(Nazimuddin)

Scientist F & Head
IPC-II Division

Copy to:

The Regional Director,
CPCB (RD-Bengaluru)
A-Block, Nisarga Bhavan,
1st and 2nd Floors, 7th D Cross,
Thimmaiah Road, Shivanagar,
Bengaluru - 560 079
Karnataka