

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPLE BENCH, NEW DELHI****APPEAL NO. 15 of 2025****IN THE MATTER OF:**

Vasant Kunj RWA, Sector-B, Pocket-1

...Appellants

- Versus -

Ministry of Environment, Forest & Climate Change & Ors.

...Respondents

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Date: 30.01.2026

Place: New Delhi

Drawn and Filed By:



Mansi Bachani, Gitanjali Sanyal and Surya Gupta

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Settled By:

Sanjay Upadhyay

[Senior Advocate]

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

APPEAL NO. 15 of 2025

IN THE MATTER OF:

Vasant Kunj RWA, Sector-B, Pocket-1.

...Appellants

- *Versus* -

Ministry of Environment, Forest & Climate Change & Ors.

...Respondents

REJOINDER ON BEHALF OF THE APPELLANT, VASANT KUNJ RWA, SECTOR-B, POCKET-1 TO THE RESPONSE DATED 13.01.2026 ON BEHALF OF RESPONDENT NO. 2, SEIAA AND RESPONDENT NO. 3, SEAC AND RESPONDENT NO. 4, DPCC ALSO TO BE READ WITH THE IA NO. 102 of 2025 FOR INTERIM RELIEF

MOST RESPECTFULLY SHEWETH:

1. That the present Appeal was filed by the Appellant herein, challenging the Environmental Clearance dated 13.01.2025 granted by the Respondent No. 1, Ministry of Environment, Forest and Climate Change ('MoEF&CC') to Respondent No. 5, M/s R.R. Texknit LLP. Pertinently, the impugned Environmental Clearance has been granted based on a plagiarised Environment Impact Assessment Report, forged tree felling permissions, a deficient and misleading traffic impact assessment, and submission of incorrect information in Form 1, which is in blatant violation of the Environment Impact Assessment Notification, 2006 and ,which has been glossed over by the SEIAA as well as the EAC of the MoEF&CC. Now it is discovered that the Project also does not have a valid CTE as is clear from the Impugned EC and the subsequent developments of the Splendour case. (LPA No. 895 of 2010 titled Delhi Pollution Control Committee v. Splendor Landbase Ltd. & Ors)
2. That on 21.02.2025, this Hon'ble Tribunal was pleased to issue Notice on the Appeal as well as the IA No 102 of 2025 for Interim Relief and directed Respondent No. 1, Ministry of Environment, Forest and Climate Change, to produce the original record of the Environmental Clearance.

3. That now, after almost a year, Respondent No. 2 (SEIAA), Respondent No. 3 (SEAC) and Respondent No. 4 (DPCC) collectively filed their Response dated 13.01.2026 (uploaded on the website of this Hon'ble Tribunal on 29.01.2026) to the present Appeal submitting, *inter alia*, that the Respondent No. 5, M/s R.R. Texknit did not require a Consent to Establish/Consent to Operate in view of the decision of the Hon'ble High Court of Delhi in the case of LPA No. 895 of 2010 titled Delhi Pollution Control Committee v. Splendor Landbase Ltd. & Ors. In this regard, it is submitted that the said Judgment dated 23.01.2012 has been superseded by statutory notifications and administrative clarifications issued by the Respondent No. 1, MoEF&CC as well as directions under Section 18(1)(b) of the Air Act 1981 as well as under the Water Act 1974 the Central Pollution Control Board.
4. That in fact, such a submission on the part of the Respondent Nos. 2, 3 and 4 is also in clear contradiction to the impugned EC condition 1.5 under the sub head of 'Statutory Compliance' of the EC dated 13.01.2025, which categorically requires the Project Proponent to obtain a Consent under the Air Act and the Water Act and also in complete contradiction of the subsequent developments post the Splendour case, including their own OMs and Guidelines and SOPs, which is explained in detail below.
5. That accordingly, the present Rejoinder is being submitted to clarify the position of law in view of the incorrect position being placed on record by the Respondent Nos. 2, 3 and 4.

Comprehensive Objections to the Response dated 13.01.2026 filed by SEIAA, SEAC and DPCC

A. Objections to the non-requirement of Consents to Establish and Operate for housing projects

6. That it is humbly submitted that the SEIAA, SEAC and DPCC have wrongly stated that the Judgment of the Hon'ble High Court of Delhi continues to hold the field with regard to the non-requirement for Consent under the Air Act and the Water Act for housing projects. There have been several developments with regard to the requirement of CTE/CTO for housing Projects which have been completely given a go by both SEAC/SEIAA/MOEF&CC as well as the DPCC as is clear from the latest Affidavit that has been filed and uploaded on 29.01.2026. The subsequent developments post the Splendour case is as follows which is totally crucial for not

only examining the application of mind for the impugned EC but also relevant for the present interim relief that has been sought by the Appellant vide IA No 102 of 2025. The said subsequent developments are mentioned below. A copy of the LPA No. 895 of 2010 titled Delhi Pollution Control Committee v. Splendor Landbase Ltd. & Ors is appended as **ANNEXURE A/1**.

7. That post the Judgment of Splendour, the CPCB in pursuance of Section 18(1)(b) had issued directions dated 07.03.2016 whereby building and construction projects with more than 20,000 sq.m. built up area were categorised as 'Orange'. Thus, clearly stating the requirement of Consent for all building and construction projects including housing projects – and, therefore, the said statutory direction is clearly the later stated position in law that holds the field and therefore may be construed to supersede/modify the effect of the Judgement dated 23.01.2012 of the Hon'ble High Court of Delhi, and the same has never been challenged in any Court to the best of the knowledge of the Appellant. A copy of the said directions dated 07.03.2016 is appended as **ANNEXURE A/2**.
8. That, further, on 17.04.2017, DPCC has not only adopted the categorisation of CPCB but also clarified in a more stringent manner, that building and construction projects are 'Red Category' industries. A true copy of the Office Order dated 17.04.2017 has been appended herewith as **ANNEXURE A/3**.
9. That subsequently, it is pertinent to mention that vide the Notifications dated 12.11.2024 issued by the Respondent No. 1, MoEF&CC, qua the Air Act and the Water Act, has, *inter alia*, exempted industrial plants which have obtained prior Environmental Clearance as per the EIA Notification 2006 from the requirement of obtaining Consent under the Air Act and the Water Act. True copies of the Notifications dated 12.11.2024 have been appended herewith as **ANNEXURE A/4 (Colly.)**.
10. That the said Notifications were further clarified vide SOP dated 14.11.2024 issued by the MoEF&CC wherein a detailed procedure has been prescribed for seeking exemption from obtaining CTE. The SOP states that the competent authority for issuing EC under the EIA mechanism shall communicate the application for EC to the SPCB/PCC. The concerned SPCB/PCC shall examine the application and communicate its comments within the time period prescribed and may also undertake inspection of the site before sending their comments. The EC granting authority is also required to consider the comments of the SPCB/PCC for inclusion of additional conditions in the EC which also include the requirement for payment of CTE fees to SPCBs/PCCs within 30 days of the issuance of EC.

The SOP also clearly states that the EC shall become operational only after payment of the CTE fees. A true copy of the SOP dated 14.11.2024 has been appended herewith as **ANNEXURE A/5**. From the records now presented, it is clear that none of these procedures have been followed and nor the CTE has been obtained.

11. That on 14.01.2025, the MoEF&CC through an OM streamlined the implementation of the Notifications dated 12.11.2024 as well as the SOP dated 14.11.2024 wherein it was clarified that the SPCBs/PCCs were required to upload their comments for all proposals forwarded to them by the regulatory authority at the time of grant of TOR for projects which require TOR and at the time of processing of EC for projects which do not require a TOR. The OM clearly states that the SPCBs/DPCCs shall carry out inspections if required within the prescribed timeframe and clarify the details of the project as well as its feasibility and the required environmental safeguards. The OM lastly states that projects which have been granted EC after 12.11.2024, (as is the present case of the Impugned EC) they shall obtain environmental safeguards within thirty days of the said OM after payment of fees and the same shall be appended along with their EC. Further, the Project Proponent is also to file compliance of the said environmental safeguards along with the EC conditions of its six-monthly compliance. A true copy of the OM dated 14.01.2025 has been appended herewith as **ANNEXURE A/6**. From the records it is also now clear that such procedures and environmental safeguards have not been carried out in blatant violation of the law of the land.
12. That on 12.02.2025, the CPCB has again issued statutory binding directions under Section 18(1)(b) of the Air Act and Water Act, in supersession of the earlier directions dated 07.03.2016. The said directions have again clarified the requirement for Consent for building and construction projects with a built up area that is equal to or more than 20,000 sq.m. The said categorisation also states that CTE/CTO is to be obtained as per EC conditions, as applicable. A true copy of relevant extracts of the directions dated 12.02.2025 has been appended herewith as **ANNEXURE A/7**. It is pertinent to add here that the EC condition 1.5. under the Subhead of Statutory compliance to the impugned EC at at page 62 of the Appeal is categorical that project proponent shall obtain CTE/CTO under the Air and Water Act. Further this is fortified by the Affidavit filed by the MOEF in its Affidavit dated 26.06.2025 wherein at Pg. 859 it has been categorically stated that the EC dated 13.01.2025 includes the condition for the project proponent to obtain CTE/CTO from the SPCB/PCC. Despite the said condition, the DPCC has

clarified that no consent is required by the Respondent No. 5, M/s R.R. Texknit, incomplete contradiction of the law laid down in this regard.

13. That more recently on 08.10.2025 MoEF&CC had issued another OM which *inter alia* state that all projects which have been granted EC or have been accepted by Ministry/SEIAA/SEAC after 12.11.2024 and upto 15 days post issuance of the OM shall seek environmental safeguards from the concerned SPCB/PCC within 30 days with effect from the designated date under the provisions of Para 4(e) of OM dated 14.01.2025. A true copy of OM dated 08.10.2025 has been appended herewith as **ANNEXURE A/8**.
14. That another OM dated 25.11.2025 was issued by MOEF&CC which has clarified that the OMs dated 14.01.2025 and 08.10.2025 shall be applicable to only those projects/activities where both EC and Consent were mandatory under 12.11.2024. The said OM has further clarified that projects which have been granted EC between 12.11.2024 and 31.01.2026 and for which CTE was required prior to 12.11.2024, shall, unless already obtained, seek environmental safeguards from the concerned SPCB/PCC within thirty days (w.e.f 31.01.2026) or the grant of the EC, whichever is earlier under the provisions of para 4(E) of 14.01.2025. A copy of the said OM is appended as **Annexure A/9**.
15. That despite the above mentioned statutory notifications and directions, the DPCC has not completely concealed all these developments and incorrectly stated that there is no requirement for housing projects under the Air Act and the Water Act. In fact, the MoEF&CC as well as the EAC have failed to consider the above mentioned developments while considering the proposal of the Respondent No. 5, M/s R.R. Texknit, as is clear from the impugned EC which clearly mandates that CTE/CTO ought to have been taken as stated above in para 12 above. In fact, the Respondent No. 5 has commenced construction of the project since December 2025 and such construction works is continuing unabated till date, causing huge distress to the residents in the process and in clear violations of the EC conditions, the Air Act and the Water Act as well as the directions of this Hon'ble Tribunal. This is a ground alone to immediately stop construction of the Project as sought in the interim Relief vide IA No 102 of 2025.

B. SEIAA, SEAC and DPCC have wrongly submitted that no construction activity has been ongoing

16. That at Para 9 of its Response dated 13.01.2026, it has been submitted that, upon an inspection conducted on 07.01.2026, no construction activity had been observed at site. In this regard, it is vehemently denied and it is instead clarified that construction work has been blatantly ongoing in violation of the conditions of the EC as well as the provisions of Air Act, Water Act and the Noise Pollution Rules. The same has been evidenced on many occasions by the residents and photographs and videos of the same have been appended herewith as **ANNEXURE A/10 (Colly.)**.

17. That in view of the above submissions and clarifications, the Appellant humbly prays for appropriate directions to immediately stop the ongoing illegal construction activities of the Respondent No. 5, M/s R.R. Texknit, till the pendency of this Appeal.

Date: 30.01.2026

Place: New Delhi

Drawn and Filed By:



Mansi Bachani, Gitanjali Sanyal and Surya Gupta

Advocates for Appellant, Vasant Kunj, B-1 RWA

Enviro Legal Defence Firm

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Settled By:

Sanjay Upadhyay

[Senior Advocate]

IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL No. 15 OF 2025

IN THE MATTER OF:

Vasant Kunj Residents Welfare Association
Sector-B, Pocket-1 ...Appellant

-Versus-

Ministry of Environment, Forest
and Climate Change & Ors. ...Respondent

AFFIDAVIT

I, Aby Johnson S/o J.P. Abraham, aged about 40, am the Authorised Signatory for the Vasant Kunj Residents Welfare Association, Sector-B, Pocket-1, South West Delhi, Delhi -110070, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this Affidavit.
2. The contents of the accompanying Rejoinder are true and current to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Rejoinder are true and correct to the best of my knowledge.

A Johnson
DEPONENT



VERIFICATION:

30 JAN 2026

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

I identified the deponent who has signed in my presence

ATTESTED
[Signature]
NOTARY (Govt. of India)
SANTOSH DEVI
Advocate
Seat No. 13, SDM Gallery
Patiala House Courts,
New Delhi-110001
(M): 9582542624

A Johnson
DEPONENT

30 JAN 2026



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Reserved on : 16th January 2012
Judgment Pronounced on: 23rd January, 2012

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LPA 895/2010

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through: Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

SPLENDOR LANDBASE LTD Respondent
Through: Mr.B.B. Gupta, Ms.Mandeep Kaur and
Mr.Harsh Hari Haran, Advocates

LPA 1/2011 & CM No.6781/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

SACHDEVA BUILDON PVT LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 6/2011 & CM No.6779/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.



versus

VARDHMAN PROPERTIES LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1

LPA 7/2011 & CM No.6780/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

VARDHMAN PROPERTIES LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1

LPA 8/2011 & CM No.6782/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

VARDHMAN PROPERTIES LTD & ORS Respondents
Through Mr.Anil Sapra, Sr. Advocate with Ms.Urvi
Kothiala, Ms.Praneeta Vir and Mr.Sanjay
Goswami, Advocates

LPA 9/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

MANISH BUILDWELL PVT LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1



LPA 10/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

MANISH BUILDWELL PVT LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1

LPA 11/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

VARDHMAN LAND DEVELOPERS PVT
LTD & ANR Respondents
Through None

LPA 22/2011 & CM No.6824/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

PANKAJ BUILDWELL LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 23/2011 & CM No.6832/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant



Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

RAJESH PROJECTS INDIA PVT LTD & ORS. Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 24/2011 & CM No.8168/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

BEST REALTORS (INDIA) LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 25/2011 & CM No.6828/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

BEST CITY DEVELOPERS (INDIA) PVT LTD.
& ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI



LPA 26/2011 & CM No.6831/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

HOME LINKERS PVT LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 27/2011 & CM No.6833/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

RAJESH PROJECTS INDIA PVT LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 28/2011 & CM No.6826/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

VARDHMAN PROPERTIES LTD & ORS. Respondents



Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 45/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

JINDAL BIOCHEM PVT LTD & ORS Respondents
Through Mr.Neeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 46/2011 & CM No.8164/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

AS BUILDWELL PVT LTD & ORS Respondents
Through Mr.Sanjay Goswami, Advocate for R-1
Mr.Neeraj Chaudhari, CGSC with
Mr.Akshay Chandra and Mr.Khalid Arshad,
Advocates for UOI

LPA 47/2011 & CM No.6825/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus



MAITRI MUTUAL BENEFITS LTD & ORS Respondents
 Through Mr.Sanjay Goswami, Advocate for R-1
 Mr.Neeraj Chaudhari, CGSC with
 Mr.Akshay Chandra and Mr.Khalid Arshad,
 Advocates for UOI

LPA 48/2011 & CM No.6823/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.

versus

NIRVAN HIRE PURCHASE LTD & ORS Respondents
 Through Mr.Sanjay Goswami, Advocate for R-1
 Mr.Neeraj Chaudhari, CGSC with
 Mr.Akshay Chandra and Mr.Khalid Arshad,
 Advocates for UOI

LPA 50/2011 & CM No.6827/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.

versus

NIPUN BUILDERS & DEVELOPERS PVT
 LTD & ORS Respondents
 Through Mr.Sanjay Goswami, Advocate for R-1
 Mr.Neeraj Chaudhari, CGSC with
 Mr.Akshay Chandra and Mr.Khalid Arshad,
 Advocates for UOI

LPA 51/2011& CM No.6829/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.



versus

VARDHMAN PROPERTIES LTD & ORS Respondents
 Through Mr.Sanjay Goswami, Advocate for R-1
 Mr.Neeraj Chaudhari, CGSC with
 Mr.Akshay Chandra and Mr.Khalid Arshad,
 Advocates for UOI

LPA 53/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.

versus

ESS CEE CEE & ASSOCIATES (INDIA) PVT LTD .. Respondent
 Through Mr.Anil Sapra, Sr. Advocate with Ms.Urvi
 Kothiala, Ms.Praneeta Vir and Mr.Sanjay
 Goswami, Advocates

LPA 54/2011 & CM No.6004/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.

versus

FARGO ESTATES PVT LTD Respondent
 Through Mr.Ankit Jain, Advocate

LPA 58/2011& CM No.6830/2011 (Cross Objections)

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.

versus



VARDHMAN PROPERTIES LTD & ORS Respondents
 Through Mr.Sanjay Goswami, Advocate for R-1
 Mr.Neeraj Chaudhari, CGSC with
 Mr.Akshay Chandra and Mr.Khalid Arshad,
 Advocates for UOI

LPA 94/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.

versus

DLF RETAILER DEVELOPERS LTD Respondent
 Through Mr.B.B. Gupta, Ms.Mandeep Kaur and
 Mr.Harsh Hari Haran, Advocates

LPA 95/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.

versus

LAXMI BUILDTECH PVT LTD & ANR Respondents
 Through Mr.Kailash Vasdev, Sr. Advocate with
 Ms.Neoma Vasdev Gupta, Ms.Ekta Mehta
 and Ms.Joanne Pudussery, Advocates for
 respondent No.1.
 Mr.Neeraj Chaudhari, CGSC with
 Mr.Akshay Chandra and Mr.Khalid Arshad,
 Advocates for UOI

LPA 96/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,



Advocates with Mr.Dinesh Jindal, L.O.

versus

MANISH BUILDWELL PVT LTD & ORS Respondents
 Through Mr.Sanjay Goswami, Advocate for R-1
 Mr.Neeraj Chaudhari, CGSC with
 Mr.Akshay Chandra and Mr.Khalid Arshad,
 Advocates for UOI

LPA 97/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.

versus

BRIGHTWAYS HOUSING & DEVELOPMENT
 LTD & ANR Respondents
 Through Mr.Anil Sapra, Sr. Advocate with Ms.Urvi
 Kothiala and Ms.Praneeta Vir, Advocates
 for R-1.
 Mr.Neeraj Chaudhari, CGSC with
 Mr.Akshay Chandra and Mr.Khalid Arshad,
 Advocates for UOI

LPA 98/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
 Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
 Advocates with Mr.Dinesh Jindal, L.O.

versus

DLF COMMERCIAL DEVELOPERS LTD Respondent



Through Mr.B.B. Gupta, Ms.Mandeep Kaur and
Mr.Harsh Hari Haran, Advocates

LPA 99/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

GALLERIA PROPERTY MANAGEMENT
SERVICES PVT LTD Respondent
Through Mr.B.B. Gupta, Ms.Mandeep Kaur and
Mr.Harsh Hari Haran, Advocates

LPA 100/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

PROSPEROUS ESTATES PVT LTD Respondent
Through None

LPA 101/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

REGENCY PARK PROPERTY MANAGEMENT
SERVICES PVT LTD Respondent
Through Mr.B.B. Gupta, Ms.Mandeep Kaur and
Mr.Harsh Hari Haran, Advocates

**LPA 102/2011**

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

PALIWAL DEVELOPERS LTD Respondent
Through Mr.B.B. Gupta, Ms.Mandeep Kaur and
Mr.Harsh Hari Haran, Advocates

LPA 103/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

RIDGE VIEW CONSTRUCTION PVT LTD Respondent
Through Mr.Anil Sapra, Sr. Advocate with Ms.Urvi
Kothiala and Ms.Praneeta Vir, Advocates.

LPA 104/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

RC SOOD & CO PVT LTD Respondent
Through Mr.Shobhit Chandra, Advocate



LPA 709/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

LODHI PROPERTY CO LTD Respondent
Through Mr.B.B. Gupta, Ms.Mandeep Kaur and
Mr.Harsh Hari Haran, Advocates

LPA 710/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

BHARTI REALTY LTD Respondent
Through Mr.Dushyant Manocha and Ms.Tarunima
Vijra, Advocates

LPA 866/2011

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

ANUSH FINLEASE & CONSTRUCTION PVT
LTD Respondent
Through Mr.Ajay Kumar and Mr.Naveen Tayal,
Advocates

**LPA 867/2011**

DELHI POLLUTION CONTROL COMMITTEE Appellant
Through Mr.C. Mohan Rao and Mr.Lokesh Sharma,
Advocates with Mr.Dinesh Jindal, L.O.

versus

TIRUPATI INFRAPROJECTS PVT LTD Respondent
Through Mr.Ajay Kumar and Mr.Naveen Tayal,
Advocates

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MS. JUSTICE PRATIBHA RANI

PRADEEP NANDRAJOG, J.

1. A batch of 38 writ petitions was decided by a learned Single Judge vide order dated September 30, 2010. The said decision has been followed subsequently by another learned Single Judge. Instant appeals lay a challenge to the said decisions pronounced by the learned Single Judges of this Court; and since the reasoned decision is the one which was pronounced on September 30, 2010, learned counsel for the parties conceded that it is said decision which needs to be reflected upon by us in the appeal(s).

2. Writ petitions were filed challenging notices issued by the Delhi Pollution Control Committee (DPCC) to the writ petitioners or penalties levied, which were paid under protest or bank guarantees submitted by the writ petitioners, which were under threat of being invoked. The petitions have succeeded, not in full, but in part. Directions have been issued to DPCC to take



action afresh and guided by the decision of the learned Single Judge.

3. The buildings with respect where to action was proposed to be taken or was taken by DPCC, are of three kinds: (i) Residential Housing Complexes, (ii) Commercial Shopping Complexes, and (iii) Shopping Malls. Actions were initiated or decisions were taken on the allegation that with respect to the buildings constructed, the writ petitioners had not obtained a '*consent to establish*' as required under The Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as 'the Water Act') and '*consent to operate*' as required under The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as 'the Air Act').

4. Issues have been debated before the learned Single Judge and even before us with reference to Sections 2(g), 2(gg), 2(k), Section 25 and Section 33A of the Water Act, and Sections 2(a), 2(j), 2(k), Section 21 and Section 31A of the Air Act. Thus, we begin our chartered journey by noting the said provisions.

5. Section 2(g), 2(gg), 2(k), relevant part of Section 25 and Section 33A of The Water (Prevention and Control of Pollution) Act, 1974 read as under:-

"2. Definitions.– In this Act, unless the context otherwise requires,–

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)



(g) 'sewage effluent' means effluent from any sewerage system or sewage disposal works and includes sullage from open drains;

(gg) 'sewer' means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;

(h)

(i)

(j)

(k) 'trade effluent' includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any industry, operation or process, or treatment and disposal system, other than domestic sewage.

25. Restrictions on new outlets and new discharges.–

(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,–

(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or

(b)

(c)

Provided that a person in the process of taking any steps to establish any industry, operation or process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act,



1988, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.

(2)

(3)

(4)

(5) Where, without the consent of the State Board, any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, is established, or any steps for such establishment have been taken or a new or altered outlet is brought into use for the discharge of sewage or a new discharge of sewage is made, the State Board may serve on the person who has established or taken steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, or using the outlet, or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent in respect of such establishment, such outlet or discharge.

(6)

(7) The consent referred to in sub-section (1) shall, unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the State Board.

(8)



33A. Power to give directions.– Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.– For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct–

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) the stoppage or regulation of supply of electricity, water or any other service.”

6. Section 2(a), 2(j), 2(k), relevant part of Section 21 and Section 31A of The Air (Prevention and Control of Pollution) Act, 1981 read as under:-

2. Definitions.– In this Act, unless the context otherwise requires,–

(a) ‘air pollutant’ means any solid, liquid or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;

(b)

(c)

(d)

(e)



- (f)
- (g)
- (h)
- (i)
- (j) 'emission' means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet;
- (k) 'industrial plant' means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;

21. Restrictions on use of certain industrial plants.— (1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area:

Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987 (47 of 1987), for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.

- (2)
- (3)
- (4) Within a period of four months after the receipt of the application for consent referred to in sub-section (1), the State Board shall, by order



in writing, and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse such consent:

Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled:

Provided further that before cancelling a consent or refusing a further consent under the first proviso, a reasonable opportunity of being heard shall be given to the person concerned.

(5)

(6)

(7)

31A. Power to give directions.– Notwithstanding anything contained in any other law, but subject to the provisions of this Act and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, office or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.– For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct–



(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

7. With reference to the Water Act as originally framed in the year 1974 and as amended in the year 1988 and with reference to the Statement of Objects and Reasons of the Amending Act, the learned Single Judge has opined that the legislative amendments carried out in the original Water Act were intended to expand the scope of the Water Act. The learned Single Judge has highlighted that the expression *'establish any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent'* in clause (a) of Sub-Section (1) of Section 25 made it clear that the requirement to obtain previous consent to establish any industry, operation or process was no longer restricted to trade effluent being discharged but would also encompass if 'sewage effluent' was discharged and with reference to the definition of 'sewage effluent' as per Section 2(g), has held that the same would include sewage of any kind, including domestic sewage. The learned Single Judge has also noted the expanded definition of 'trade effluent' as per Section 2(k) of the Water Act. Noting the definition of the words 'operation' and 'process' in para 12 of the decision, and thereafter noting the decisions that purposive construction needs to be followed where the mischief which existed before passing the statute was detected and was intended to be remedied, the learned Single Judge has concluded that *collective operation or process of*



bathing in the bathroom and such processes as take place in the toilet and cooking and washing in the kitchen would be operations and processes contemplated by Section 25(1)(a) of the Water Act for its applicability to residential complexes. This is the conclusion arrived at in para 16, but in the immediate next para i.e. para 17, the learned Single Judge has lodged a caveat by stating that he was not answering the question with reference to single storeyed constructions.

8. With reference to the commercial complexes i.e. Commercial Shopping Complexes and Shopping Malls, the learned Single Judge has held that the definition of 'trade effluent' as per Section 2(k) would encompass all kinds of non-domestic sewage and has thus held that these buildings would be governed by clause (a) of Sub-Section 1 of Section 25 of the Water Act.

9. As regards the very act of constructing a building, in paras 19 and 20, the learned Single Judge has held that the very act of constructing a commercial shopping complex, shopping mall or a residential complex would make applicable clause (a) of Sub-Section 1 of Section 25 and for which the reasoning of the learned Single Judge is that construction of commercial shopping or residential complexes is likely to have impact on water pollution because large quantities of water are used during construction and are also discharged.

10. Since, in all the cases, DPCC rose from the slumber after buildings were completed and put to use, the learned Single Judge opined that DPCC could not levy penalties and for which remedial action, as per the learned Single Judge, was as provided



in Sub-Section 5 of Section 25 of the Water Act.

11. The argument of DPCC that the power to give directions under Section 33A of the Water Act has been negated by the learned Single Judge, with reference to various decisions cited which hold that the power to levy penalty has to be expressly conferred by the statute.

12. Pertaining to the Water Act, the learned Single Judge has summarized the legal position, in para 29 as under:-

“29. The discussion so far on the legal position under the Water Act in relation to the petitioners may be summarized thus:

- (i) Section 25 (1) of the Water Act is intended to cover not just ‘industry’ which discharges ‘trade effluent’ but any ‘process or operation’ that results in a discharge of ‘sewage’ not limited to trade effluent.
- (ii) The words ‘operation or process’ occurring in Section 25(1)(a) have to be given the widest possible meaning and scope. This approach is consistent with the SOR of the 1988 amendments to the Water Act which make it clear that the legislative intent was to expand the scope of the regulatory powers of the state PCC. The principle of *ejusdem generis* is therefore inapposite in the context.
- (iii) Commercial shopping complexes, shopping malls and even residential complexes are covered by Section 25(1)(a) of the Water Act.
- (iv) The liability under the Water Act does not get exempted only because the sewage



discharged from such complexes joins the main municipal sewerage system which may or may not be treated in keeping with the water pollution norms.

- (v) The pollution caused by discharge of domestic sewage from a residential complex or trade effluent from a commercial complex or industry during the construction phase as well as at any stage after the complex becomes functional would attract the various provisions of the Water Act.
- (vi) With the buildings in question having already been constructed without obtaining prior consent to establish, the direction of the DPCC that those who had failed to obtain prior consent to establish should now apply for such consent is a direction that is not capable of being complied with. Instead the DPCC should invoke the powers under Section 25(5) of the Water Act, issue show cause notices setting out the conditionalities required to be complied with within a time frame and upon failure to do so, invoke the powers to issue directions under Section 33A Water Act.
- (vii) The Water Act is in a separate domain and its provisions will have to be complied with notwithstanding that the MCD has the power to lay down a separate set of regulations and bye-laws for use of water.

Where an applicant has not been communicated any decision of the DPCC for four months after the making of an application, the deeming provision of Section 25(7) would kick in and it would be deemed that the consent to establish has been granted. In such circumstances, Section 25(1) of the Water Act cannot



obviously thereafter be enforced.”

13. Discussing the applicability of the Air Act, as conceded to by learned counsel for the parties at the hearing of the appeal, the learned Single Judge has inadvertently referred to the pre-amended provisions of the Air Act, though the learned Single Judge has referred and noted the fact that the Air Act of 1981 was amended in the year 1988.

14. Pertaining to residential complexes, the learned Single Judge has noted the unamended Section 21 of the Air Act which did not have the word ‘establish’ and had only the word ‘operate’ in Sub-Section 1 thereof, and thus the learned Single Judge has held that no permission from DPCC is needed to establish residential complexes, but on the same reasoning as followed in paras 19 and 20 pertaining to the Water Act, has held that during construction phase of residential complexes, permission under the Air Act has to be obtained. Qua shopping complexes and shopping malls, it has been held that under the Air Act, for these complexes, to operate them, prior permission has to be obtained as also during construction phase.

15. The learned Single Judge has summarized the position under the Air Act, in para 41 as under:-

“41. The position under the Air Act may be summarized:

(i) A collective reading of Section 21(1) of the Air Act with Section 2(a), 2(b) and 2(k) thereof leads this Court to the conclusion that a commercial shopping complex or a shopping mall would be covered within the scope of Section 21(1) of the Air Act.



(ii) The definition of 'air pollution' under Section 2(a) read with Section 21(1) of the Air Act, and the fact that the commercial shopping complexes or shopping malls are going to be used for a trade activity, is sufficient to attract the provisions of Section 21(1) of the Air Act.

(iii) As far as a purely residential complex is concerned, on the present wording of Section 21(1) of the Air Act, there is no requirement of obtaining the prior consent of the DPCC to operate.

(iv) During the construction phase and after the complex becomes functional, every building, whether it is a commercial shopping complex or a shopping mall or a residential complex, will have to comply with the norms under the Air Act and the Water Act and for that matter the EPA.

(v) Where the construction of a commercial shopping complex or shopping mall has been allowed to be completed without a prior consent to operate, the DPCC can inspect the building, issue a show cause notice requiring time bound compliance with the conditionalities imposed by it under the Air Act failing which it can issue directions under Section 31A Air Act."

16. A perusal of Section 25 of the Water Act would reveal, on a bare reading thereof, that without the previous consent of the State Pollution Board, '*no person could establish or take any steps to establish any industry, operation or process,..... which is likely to discharge sewage or trade effluent*'. Thus, even if sewage effluent as defined in Section 2(g) was discharged from any



industry, operation or process intended to be established, the requirement of prior consent would be necessary and to this extent the view taken by the learned Single Judge is correct.

17. But, what would encompass *'any industry, operation or process'*?

18. The Water Act does not define, 'industry', 'operation' or 'process'. As held in the decisions reported as 1993 (3) SC 2529 Commissioner of Income Tax Orissa vs. M/s.N.C.Budhiraja & Co. and 2010 (320) ITR 420 (Delhi) Ansal Housing & Construction Ltd. vs. Commissioner of Income Tax, the ordinary dictionary meaning of 'industry' or an 'industrial undertaking' would not include the activity of construction. The word 'operation' is defined, as noted by the learned Single Judge, in the New Shorter Oxford English Dictionary (Lesie Brown Ed.) as follows:

"operation: An action, deed; exertion of force or influence; working, activity; an act of a practical or technical nature, *esp* one forming a step in a process."

19. The same dictionary defines 'process', as noted by the learned Single Judge, as under:-

"process : The action or fact of going on or being carried on; a continuous series of actions, events or changes; a systematic series of actions or operations directed at a particular end."

20. As noted herein above, applying purposive construction, the learned Single Judge has held, in para 15, that the two words 'operation' and 'process' have to be given their widest amplitude and meaning. The purposive construction



applied by the learned Single Judge is that widest amplitude needs to be given to Section 25(1)(a) of the Water Act.

21. The error committed by the learned Single Judge is to mechanically note the definition of '*operation*' and '*process*', and ignore the sweep of the span of the two words. We do so. Operation is defined as an *activity or an act of a practical or technical nature*, with emphasis of the acts forming '*a step in a process*'. The word '*process*' is a going on action or a continuous series of actions '*directed at a particular end*'. Thus, an operation would be a working or an activity, where the core of the act constituting the activity is of a practical or technical nature especially one forming a step in a process, and since process is an going on action or a continuous series of action directed at a particular end, the conjoint reading of an operation and a process or even if the two have to be read disjunctively would mean that the expression '*establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent*' would mean to take steps to establish any industry, establishment or undertaking where the operation or process i.e. activity is of a practical or technical nature, at the core of which are ongoing acts, in a series, directed at a particular end. Thus, the act of ablution in the toilet or washing vegetables and dishes in the kitchen of a residential complex, within the precincts of residential flats, by no stretch of imagination can be called or labeled as an operation or a process.

22. The view taken by the learned Single Judge pertaining



to shopping malls and commercial shopping complexes on the applicability of the Water Act is accordingly upheld and the view taken pertaining to the applicability of the Water Act to residential housing complexes is incorrect.

23. A building where shops would be made and in which shops goods or services would be sold as also shopping malls would be buildings where operation and or process is carried on for the reason they would be places where the activity carried on is of a practical or a technical nature and at the core of which activity would be ongoing acts, in a series, directed at a particular end i.e. if goods are purchased and sold, the sale and purchase of goods; and if service is rendered, the rendition of service directed towards a particular end. If from these buildings sewage is discharged, since sewage effluent as defined in Section 2(k) of the Water Act means effluent from any sewage system, if these buildings are intended to be established, necessary permission would be required from the Board under the Water Act.

24. With respect to the decisions reported as 1993 (3) SC 2529 Commissioner of Income Tax Orissa vs. M/s.N.C.Budhiraja & Co. and 2010 (320) ITR 420 (Delhi) Ansal Housing & Construction Ltd. vs. Commissioner of Income Tax, where it has been held that constructing a building per-se is not an industrial activity the view taken by the learned Single Judge that constructing a building, whether to be used for a residential purpose or to be used for a commercial shopping complex or for shopping malls would be an industrial activity; running contrary to the aforesaid judgments is incorrect.



25. The reasoning of the learned Single Judge to expand the scope of Section 25(1)(a) of the Water Act; that the object of the Water Act was to control water pollution in its widest amplitude and hence the reasoning that while constructing buildings, water is used and sometimes discharged thus requiring a wider meaning to be given, ignores that the Environment (Protection) Act 1986 deals with this larger issue in the context of 'environment' therein being defined to include water, air and land and the inter relationship which exists amongst them and human beings and other living creatures, plants and micro-organisms. The said Act and the Rules framed under the said Act are wide enough to cover exploitation of water and the impact thereof on environment and we see no vacuum in the fight against environmental degradation, by understanding the various expressions and their meaning in Section 25(1)(a) of the Water Act as adopted by us.

26. A word on purposive construction. It simply means that while adopting a purposive approach, Courts should seek to give effect to the true purpose of legislation and must keep in view all material that bears on the background against which a legislation was effected and where more than one construction is possible, the one which eliminates the mischief identified should be favoured. But, where only one construction is possible, the Court is not to strain backwards and then bend forward followed by leaning to the left and then to the right to appropriate a space not intended to be appropriated by the legislation. The Water Act requires prior permission to establish any industry, operation or



process which is likely to discharge sewage or trade effluent. It is not intended to apply to all and sundry establishments. It is restricted to only when a building, housing an industry is sought to be established or a building in which an operation or a process is intended to be carried on where effluent or trade effluent would be discharged.

27. To summarize the position under the Water Act the position may be summarized thus: 'Section 25(1) of the Water Act would apply where a building is proposed to be constructed to set up an industry or carry on an operation or a process as explained in para 21 above and this would mean that the Water Act would not apply to buildings housing residential apartments/units. It would apply to all other buildings where effluent or trade effluent is discharged, be they where manufacturing activity is carried on, sale or purchase of goods is carried on or services are provided.

28. Pertaining to the Air Act, there is a material difference in the language used in Section 21 of the said Act, vis-à-vis the language used in Section 25 of the Water Act. Whereas the Water Act requires a permission to establish any industry, operation or process, the Air Act restricts its span to prior permission being necessary only where it is intended to establish or operate any industrial plant.

29. Since the learned Single Judge has referred to the unamended provision and has ignored the amendments carried out to the Air Act in the year 1988, we note that as per the amended Section 21, the obligation to obtain the consent of the State Pollution Control Board is only to establish or operate any



industrial plant in an Air Pollution Control Area. Section 2(k) defines an 'industrial plant' to mean any plant used for any industrial or trade purposes and emitting any air pollutant.

30. The learned Single Judge has read the unamended Section 21 of the Air Act to mean that prior consent is needed to operate an industrial plant. Since the decision of the learned Single Judge has not noted the language of the amended Section where the words 'establish or' have been inserted prior to the word 'operate', we need to re-look into the issue.

31. Highlighting the definition of the words 'industrial plant' as defined in Section 2(k) of the Air Act, the learned Single Judge has noted that the definition expands the meaning of the words 'industrial plant' to include a building used for a trade purpose and with reference to Section 21 of the Air Act has held that a building where trade is carried on the prior consent would be required to operate the building.

32. Since the learned Single Judge has noted the unamended Section 21 and since the amended Section 21 requires prior consent even to establish an industrial plant in an Air Pollution Control Area, agreeing with the reasoning of the learned Single Judge that in view of the extended definition of the expression 'industrial plant', which includes a building where trade is carried on, the inevitable conclusion has to be that prior consent under the Air Act would be needed where a building is proposed to be constructed wherefrom trade would be carried on and since from a shopping mall and from a commercial shopping complex trade is carried on, we hold that prior consent under the Air Act



would be required when commercial shopping complexes and shopping malls are established i.e. at the commencement of the process of establishment i.e. before the building construction activity commences.

33. As noted herein above, the learned Single Judge has held construction per-se as requiring prior permission, both under the Water Act and the Air Act, and thus the learned Single Judge has held that under the Air Act, consent during construction phase would have to be obtained.

34. For our reasoning herein above pertaining to the Water Act, the said reasoning of the learned Single Judge pertaining to the Air Act is overruled, but would make no difference to the final conclusion arrived at by us pertaining to the applicability of the Air Act when construction activity commences in respect of shopping malls and commercial shopping complexes for the reason, prior consent to establish the same is required on the language of Section 21 of the Air Act in view of the expanded definition of the expression 'industrial plant'. But, for residential complexes, we hold that neither to establish nor to operate, (in fact the concept of 'to operate' is not even applicable to a residential complex), any permission is required under the Air Act.

35. The learned Single Judge has held that neither the language of Section 33A of the Water Act nor the language of Section 31A of the Air Act contemplates the power on the State Pollution Boards to levy any penalty.

36. The learned Single Judge has noted the decisions reported as 1975 (2) SCC 22 *Khemka & Co. (Agencies) Pvt. Ltd. vs.*



State of Maharashtra, 1994 (4) SCC 276 *J.K.Synthetics Ltd. & Birla Cement Works vs. Commercial Taxes Officer* and 1997 (6) SCC 479 *India Carbon Ltd. vs. State of Assam* to opine that power to levy penalty has to be conferred by a substantive provision in the enactment.

37. We concur with the reasoning of the learned Single Judge in paras 58 to 64 of the impugned decision and thus do not elaborate any further, but would additionally highlight that the power to issue directions under Section 33A of the Water Act and the power to issue directions under Section 31A of the Air Act, on their plain language, does not confer the power to levy any penalty. We would further highlight that under Chapter VII of the Water Act, and under Chapter VI of the Air Act penalties and procedure to levy the same have been set out. A perusal of the provisions under the Water Act would reveal that penalties can be levied as per procedure prescribed and only Courts can take cognizance of offences under the Act and levy penalties, whether by way of imprisonment or fine. Similar is the position under the Air Act. The legislature having enacted specific provisions for levy of penalties and procedures to be followed has specifically made the offences cognizable by Courts and the power to levy penalties under both Acts has been vested in the Courts. The role of the Pollution Control Boards is to initiate proceedings before the Court of Competent Jurisdiction and no more.

38. We would be failing not to note that on the issue of a delegatee not being empowered (by law) to further sub-delegate the delegated power, learned counsel for DPCC conceded to said



position and thus we leave undisturbed the view taken by the learned Single Judge on the subject.

39. Since our reasoning aforesaid results in the finding, by way of interpreting the provisions in the Water Act and the Air Act, as requiring prior consent to establish and operate shopping malls and commercial shopping complexes and the provisions being not applicable to residential complexes, we declare void actions initiated by DPCC pertaining to residential complexes and we further hold that said writ petitions are allowed in terms of the prayers made. The impugned decision(s) by the learned Single Judge(s) qua residential complexes is set aside. Qua shopping malls and commercial shopping complexes, since we have held that prior permission is required under both Acts to establish shopping malls and commercial shopping complexes as also to operate them and noting that even DPCC was not too sure of the legal position and thus misinformed a few applicants that no permission was required and qua most persons permitted them to commence and complete construction of shopping malls and commercial shopping complexes, the question which now needs to be answered is: Whether, pertaining to the Water Act, Sub-Section 5 of Section 25 is the answer to what needs to be done and in the absence of a similar provision in the Air Act, what action needs to be directed to be taken.

40. The language of Sub-Section 5 of Section 25 of the Water Act makes it plain clear that the only solution to a situation of a building being constructed to establish an industry, operation or process without obtaining prior consent of the State Pollution



Control Board is the power of the Board to serve upon the person concerned a notice imposing such conditions as might have been imposed on an application seeking prior consent; and we find that the learned Single Judge has correctly so opined and has rightly issued the direction that the only way out, pertaining to the Water Act, is to permit DPCC to inspect the shopping malls and the shopping commercial complexes and if it is found that pertaining to discharge of sewage from these buildings any steps are required to prevent water pollution, DPCC would be authorized to issue notices requiring the owner of the building to take steps in terms of the notice issued. Pertaining to the Air Act, notwithstanding there being no similar provision, but the concept of a post decisional hearing may be made applicable with the modification that no hearing would be required inasmuch as there is no decision, but DPCC should be empowered to inspect the shopping malls and the shopping commercial complexes and pertaining to air pollution, if any deficiencies are found, to notify the same to the owner requiring corrective action to be taken. Needless to state, if the owners of the buildings do not take corrective action, DPCC would always have the power to file criminal complaints before the Courts of Competent Jurisdiction, which Courts would alone have the power to impose fine and additionally impose sentence of imprisonment upon the offending persons.

41. On the issue of Air Pollution, we would like to pen a post-script pertaining to shopping complexes and shopping malls for the reason the only activity of air pollution in these buildings



would be through the air conditioning plants and generators installed to supply electricity to the buildings in case of power cuts, for the reason the trade of sale and purchase of goods in these complexes does not entail any activity which causes air pollution. We find that pertaining to DG sets, permissions in any case have to be obtained from DPCC if the capacity of the DG set is beyond a prescribed wattage and thus DPCC may suitably reconsider all shopping complexes and shopping malls where consent of DPCC has been obtained with respect to DG sets installed as also air-conditioning plants installed in the buildings, for if for the DG sets and air-conditioning plants, sanctions have already been obtained, nothing further remains to be got sanctioned under the Air Act.

42. In a few cases, we find that since DPCC was not permitting the buildings to be occupied, under protest, the owners paid the penalty to DPCC and have immediately approached the Court seeking refund and the same has been ordered for the reason neither under the Water Act nor under the Air Act there exists any power in DPCC to levy penalty or impose conditions of furnishing bank guarantee. The decision of the learned Single Judge is correct in directing the bank guarantees to be discharged and penalties levied to be refunded for the reason the said act of DPCC is ultra-vires its power under the two statutes and the levy of penalty is without any authority of law. In the decision reported as 1997 (5) SCC 536 Mafatlal Industries Ltd. & Ors. vs. UOI & Ors., under writ jurisdiction refund can be directed where the levy is without jurisdiction and the same would include a penalty levied



without any jurisdiction. In the instant case the penalty levied is unconstitutional being not sanctioned by any power vested in DPCC either under the Water Act or the Air Act. The impugned decisions where penalty levied has been directed to be refunded are upheld.

43. The appeals filed by DPCC are dismissed and the cross objections filed are allowed in terms of paras 27, 33, 34 and 39 above.

44. We leave the parties to bear their own costs.

45. All interim orders stand vacated.

(PRADEEP NANDRAJOG)
JUDGE

(PRATIBHA RANI)
JUDGE

JANUARY 23, 2012
dk

- TRUE COPY-

ANNEXURE A/2

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)
MINISTRY OF ENVIRONMENT & FORESTS, GOVT. OF INDIA

No.B-29012/ESS(CPA)/2015-16/

March 07, 2016

To

The Chairman
All the State Pollution Control Boards / Pollution Control Committees
(List Attached)

SUB: MODIFIED DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 REGARDING HARMONIZATION OF CLASSIFICATION OF INDUSTRIAL SECTORS UNDER RED / ORANGE / GREEN / WHITE CATEGORIES.

WHEREAS, under section 16 (2)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(c) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to coordinate activities of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs); and

WHEREAS, under section 16 (2)(c) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(d) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the CPCB is to provide technical assistance and guidance to SPCBs and PCCs; and

WHEREAS, it was brought to the notice of CPCB, that different SPCBs /PCCs were following different criteria for classification of industrial sectors under Red/Orange/ Green category and that classification was being used by the SPCBs/PCCs for grant of consents to industries and for Inventorization / surveillance of industries.

WHEREAS, the issue regarding classification of industries was deliberated upon in the 56th Conference of Chairmen & Member Secretaries of CPCB & SPCBs/PCCs held on August 31, 2010 and a working group comprising of representatives from SPCBs & CPCB was constituted to prepare a consolidated list of industrial sectors falling under Red/Orange/Green category to bring uniformity in classification of industrial sectors across the country;

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

'Parivesh Bhawan', East Arjun Nagar, Delhi - 110032

दूरभाष / Tel. : 43102030. फ़ैक्स / Fax : 22305793, 22307078, 22307079, 22301932, 22304948

ई-मेल / e-mail : cpcb@nic.in वेबसाइट / Website : www.cpcb.nic.in

WHEREAS, the report prepared by the Working Group was discussed in the 57th Conference of Chairmen & Member Secretaries of CPCB & SPCBs/PCCs held in Delhi on September 15, 2011, wherein some modifications were proposed;

WHEREAS, the final report of the working group was prepared, incorporating the suggestions/observations made in the 57th Conference of Chairmen and Member Secretaries of CPCB & SPCBs/PCCs and in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water Act, 1974, following directions were issued for compliance to all SPCBs/PCCs to maintain uniformity in categorization of industries as red, orange and green as per list finalized by CPCB, which identified 85 types of industrial sectors as 'Red', 73 industrial sectors as 'Orange' and 86 sectors as 'Green':

a). To maintain uniformity in categorization of industries under Red/ Orange/Green category, the SPCBs /PCCs shall adopt the list as finalized by CPCB based on the recommendations of that Working Group for grant of Consent, inventorization of industries under Red, Orange and Green categories and other related activities.

(b). The SPCBs/PCCs shall revise the list of Red, Orange and Green categories of industries operating in their jurisdiction based on the criteria specified in the final report of that Working Group and submit the same to CPCB within 90 days in hard copy as well as soft copy;

WHEREAS, later-on, it was observed that the process of categorization thus far was primarily based on the size of the industries and consumption of resources and pollution due to discharge of emissions and effluents and its likely impact on health was not considered as primary criteria;

WHEREAS, there have been proposals from the SPCBs / PCCs and industrial associations for categorization of the industrial sectors in a more pragmatic manner. The issue was discussed during the national level conference of the Environment Ministers of the States, held in New Delhi during April 06-07, 2015 and also during the Conference of the Chairmen and Member Secretaries of CPCB and SPCBs/PCCs held in New Delhi on April 08, 2015. Accordingly, a 'Working Group' comprising of the Members from Central Pollution Control Board and State Pollution Control Boards representing the States of Andhra Pradesh, Punjab, Tamilnadu, West Bengal, Madhya Pradesh and Maharashtra, was constituted to revisit the criteria of categorization of industries and suggest rationale based on pollution potential for categorization of industrial sectors and adopting it for implementation of pollution control plan;

WHEREAS, the Working Group has developed the criteria of categorization of industrial sectors based on the concept of Pollution Index which is a function of the emissions (air pollutants), effluents (water pollutants), hazardous wastes generated and consumption of resources. For this purpose the references are taken from the the Water (Prevention and Control

of Pollution) Cess (Amendment) Act, 2003, Standards so far prescribed for various pollutants under Environment (Protection) Act, 1986 and Doon Valley Notification, 1989 issued by MoEFCC. The Pollution Index (PI) of any industrial sector is a number from 0 to 100 and the increasing value of PI denotes the increasing degree of pollution load from the industrial sector;

WHEREAS, based on the series of consultations with SPCBs, different Government / Non-government Institutions including industries and MoEFCC, the following criteria on 'Range of Pollution Index' for the purpose of categorization of industrial sectors has been finalized:

- o Industrial Sectors having Pollution Index score of 60 and above – Red category
- o Industrial Sectors having Pollution Index score of 41 to 59 –Orange category
- o Industrial Sectors having Pollution Index score of 21 to 40 –Green category
- o Industrial Sectors having Pollution Index score incl. & upto 20 –White category

WHEREAS, based on the revised criteria, the 'Final Report on Revised Categorization of Industrial Sectors under Red/Orange/Green/White' has been evolved. The 'Categorization' is based on the relative pollution potential of the industrial sectors and grouping of the industrial sectors based on the use of raw materials, manufacturing process adopted and pollutants likely to be generated;

WHEREAS, based on relative Pollution Index, the number of industries in various categories are as under :

- i. The Red category of industrial sectors: 60
- ii. The Orange category of industrial sectors: 83
- iii. The Green category of industrial sectors: 63 and
- iv. The Newly introduced White category: 36

WHEREAS, there shall be no necessity of obtaining the Consent to Operate'' for White category of industries and an intimation to concerned SPCB / PCC shall suffice;

WHEREAS, the purpose of categorization is to ensure that the industry is established in a manner consistent with the environmental objectives and to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in generation of no or minimum pollutants.

WHEREAS the new categorization system shall also facilitate in self-assessment by industries;

Now, therefore, in exercise of the powers delegated to the Chairman, CPCB under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18(1)(b) of the Air (Prevention & Control of Pollution), Act, 1981 the earlier Directions issued in June 2012 in the context of categorisation of industries as Red, Orange & Green are withdrawn with immediate effect and following 'Directions' are hereby issued for compliance by all SPCBs and PCCs :

1. That the SPCBs and PCCs shall adopt the Revised Criteria of categorization of industrial sectors as detailed in table nos. F1, F2, F3 and F4 and Revised Lists of Red, Orange, Green and White categories of industrial sectors, presented at table no. G2, G3, G4 and G5 respectively, in the 'Final Report' as attached herewith immediately.
2. That all pending applications for consideration of 'Consent to Establish' and 'Consent to Operate' and future such applications shall be processed as per revised criteria.
3. That the SPCBs and PCCs will provide the list of industries identified in each category existing in the State which have been considered for grant of consents. SPCBs/PCCs will forward the list of such industries before 31.05.2016 and the same will be uploaded on the websites of respective SPCB/PCC.
4. That the 'Revised Lists of Red, Orange, Green and White category of industrial sectors' shall be used by the SPCBs and PCCs for Consent Management and inventorization of industries under Red, Orange, Green and White categories. Siting of industries shall be only in conforming areas. SPCBs / PCCs shall evolve sector specific plans for control of pollution and industrial surveillance for verifying compliance.
5. That the SPCBs and PCCs shall revise /prepare the inventory of Red, Orange, Green and White categories of industries operating in their jurisdiction based on the revised criteria specified in the Final Report and submit the same to CPCB within 90 days i.e., before 30.05.2016 in hard copy as well as soft copy.
6. That the listed category of industries or those identified later-on under different categories shall not be linked to sanction of loan /finance or bank proceedings.
7. That any further addition of any new or left-over industrial sector and their categorization which is not listed in the revised list of Red, Orange, Green and White industrial sectors, shall be done at the level of concerned SPCB /PCC following revised criteria & guidelines as detailed in the attached document and no concurrence of CPCB shall normally be required. It is further clarified that while categorizing the industries, fractional numbers shall be rounded off to nearest integer.

The SPCBs/PCCs shall acknowledge the receipt of directions and submit the 'Action Taken Report' in compliance with these directions to CPCB before 15.04.2016.

(Arun Kumar Mehta)
Chairman
7/3/16

Copy to:

1. The Chief Secretary of all the States and UTs
2. The Secretary ,
Ministry of Micro, Small and Medium Entrepreneurs
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
3. The Secretary ,
Ministry of Heavy Industries
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
4. The Secretary,
Ministry of New and Renewable Energy
Block-14, CGO Complex,
Lodhi Road, New Delhi-110 003,
5. The Advisor(CP Division)
Ministry of Environment ,Forests and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi - 110 003
6. All Zonal Offices of CPCB

(A. B. Ahoikar) 7.3.16
Member Secretary

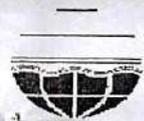
Final Document
on
Revised
Classification
of
Industrial Sectors
Under

Red, Orange, Green and White Categories
(February 29, 2016)



Central Pollution Control Board
Delhi

17.	2	Aluminium & copper extraction from scrap using oil fired furnace (dry process only)	--	--	--	20	--	20	10	50	O-O	i. Normalized Air pollution score. ii. Significant air pollution due to melting (emissions of SO ₂ , PM).
18.	3	Automobile servicing, repairing and painting (excluding only fuel dispensing)	20	--	20	20	--	20	10	50	O-O	Normal water & air polluting and recyclable waste oil generating. If the waste water generation is more than 100 KLD, it will become mainly water polluting and Red category unit.
19.	4	Ayurvedic and homeopathic medicine	20	--	20	15	--	15	15	50	O-O	
20.	7	Brickfields (excluding fly ash brick manufacturing using lime process)	--	--	--	20	--	20	--	50	O-O	Significantly air polluting.
21.	8	Building and construction project more than 20,000 sq. m built up area	20	--	20	20	--	20	--	50	O-O	1. In the pre-construction stage , it is mainly air polluting due to generation of dust (PM) emissions. 2. After construction, it is mainly water polluting. If the discharge is more than 100 KLD, it will be having the normalized score of 75 and be categorized as Red.
22.	6	Ceramics and Refractories	-	-	-	20	-	20	-	50	R-O	i. Mainly air polluting industry. ii. This score is for the units having coal consumption < than 12 MT/day. iii. For the units having coal consumption > 12 MT /day, the normalized air pollution score will be 62.5 and shall be categorized as Red.



F. No DPCC/RDPC/2017/2792-2796

Dated: 17/4/2017

OFFICE ORDER ANNEXURE A/3 [COLLY]

Consequent upon the directions issued by Chairman, CPCB u/s 18 (1) (b) of Water and Air Act regarding classification of industries and decisions taken by DPCC in the Board meeting held on 27.02.2017, the following is ordered :

1. The industries in Delhi shall be classified in Red/ Orange/ Green/ White category as per the list, indicating the classification of 637 industries as uploaded on DPCC website.
2. The industries categorized under White category shall not be required to obtain the Consent to Establish / Operate under the Air & Water Acts and submit an undertaking to DPCC online as per **Annexure A** and send the signed copy of the Undertaking within 30 days to DPCC.
3. The industries categorized under Red, Orange and Green category only need to apply for Consent to Establish/ Operate under the Air & Water Acts. The period of Consent to Establish shall be from one year to seven years as requested by the Project Proponent. However, the Consent to Operate / Renewal shall be granted for 5 years in case of Red/Orange Category and 10 years in case of Green category of Industries.
4. The consent under Air and Water Acts & Authorization/ Registration under the applicable Rules shall be decided by following:
 - Red category – by the Committee for II (a) category cases headed by Chairman, DPCC
 - Orange category --by the Committee for II (b) category cases headed by Member Secretary, DPCC
 - Green category- by concerned Sr. Env. Engineer / Cell In-charge.
5. "Prohibited / Negative List of Industries mentioned in "Annexure-7.0 (III)" of the Master Plan for Delhi-2021 are not permitted in NCT of Delhi and therefore application for Consent/ Authorization/ Registration shall not be accepted from such units.
6. The categorization of any new industrial activity etc will be done by the existing Committee for harmonization of classification of the industries with approval of MS and Chairman, DPCC and the above mentioned list shall be appended accordingly.
7. IT Cell, DPCC shall upload the List of 637 industrial activities categorized into Red, Orange, Green and White categories on the website of DPCC and also take necessary action for categorizing the existing activities [Category I, II (a) & II (b)] into Red, Orange, Green & White categories as approved by DPCC in its Board meeting on 27.02.2017 and modify the existing software accordingly.

The above order shall come into force with effect from 01.05.2017.


(S. M. Ali)

Member Secretary

All DPCC Officers.

Copy for information:

1. The Commissioner of Industries, Govt of NCT of Delhi , 419 , FIE Patparganj , Delhi -92
2. The Chairman, DPCC, 6th level, C-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
3. Director (Environment.), Govt. of NCT of Delhi.
4. Master File.
5. Office copy.

UNDERTAKING

Intimation / Information required to be submitted by the White category of Industries / Units (as per the categorization of the activities by DPCC in view of CPCB classification of industries) through online and send the signed copy of the Undertaking within 30 days to Member Secretary, DPCC.

I,S/o Shri.....R/o..... do solemnly affirm and declare as under :

1. That I am..... (Owner / Proprietor / Partner / Managing Director / Director) of the Industry / Unit / Establishment, M/s.....(Name and Address of the Industry / Unit / Establishment) and responsible for Establishing / Operating the aforementioned Industry / Unit / Establishment.
2. That the activity(ies) of the aforementioned Industry / Unit / Establishment is/are..... (Also mention S.No of White category Activity as per the list on DPCC website)
3. That
 - (a) Products and Bye Products (with quantity per day) of the aforementioned Industry / Unit / Establishment will be / are.....
 - (b) Raw Materials and Chemicals (with quantity per day) in the process/ activities for the aforementioned Industry / Unit / Establishment will be / are
4. That other details of the aforementioned Industry / Unit / Establishment are as under :
 - (a) PAN No. of the Industry / Unit / Establishment/ Applicant (in case of Proprietorship).....
 - (b) Aadhar Card No. of the Applicant / Authorized Signatory.....
 - (c) Plot Area Sq. meters
 - (c) Total Built up Area Sq. meters (Built up or the covered area on all floors including basements/ service areas);
 - (d) Latitude & Longitude of the premises of the Industry / Unit / Establishment :
 Latitude.....Longitude.....
 - (e) No. of Workers
 - (f) Electricity LoadKW.
 - (g) Date of commissioning of the Industry / Unit / Establishment
 - (h) Contact Details : Phone No.(Office).....(ii) Mobile No.....(iii) Fax No.....(iv) Email.....
 - (i) Capacity of D.G. Set (Proposed / Installed, if any)KVA and Stack heightin meters above Ground &meters above roof of the building.

That there is / will be no trade effluent generation and discharge from the aforementioned Industry / Unit / Establishment and not required to install STP/ waste water treatment system under the directions of any statutory authority.

That aforementioned Industry / Unit / Establishment does not / will not possess any boiler, furnace and does not/ will not carry out any activity leading to the change of the White categorization of aforementioned Industry / Unit / Establishment.

That above mentioned proposed / installed DG Set is / will be having integral acoustic enclosure / acoustic treated room to meet the prescribed norms under the Environment (Protection) Rules, 1986, as amended to date for Diesel Generators and have / shall provide adequate stack height for the D.G. Set as per the prescribed norms and shall submit Noise Monitoring Report for DG Set(s) from any of the approved Laboratories of DPCC within 30 days.

That used oil generated from DG Set(s)/ Unit shall be disposed only through the recycler of used oil authorized by State Pollution Control Board/ Central Pollution Control Board.

That provisions of Environment (Protection) Act, 1986 and Rules made there under, as amended to date, shall be complied.

That membership of the concerned CETP society of the Industrial area has been / shall be taken before commissioning of the Industry / Unit / Establishment (Applicable in case of the Industry / Unit / Establishment located in the Industrial Area having / connected to CETP).

That in case of any change in the process(es) or activity(ies) leading to change of the categorization of the activities from White Category to some other Category, application for Consent to Establish & Consent to Operate under the Air and Water Acts and other applicable Rules under the Environment (Protection) Act, 1986, as amended to date, shall be submitted to DPCC and the activity(ies) shall not be carried out without taking prior Consent from DPCC.

I hereby verify and declare that what has been stated above is true and correct to the best of my knowledge and nothing has been concealed therefrom. I hold myself liable for perjury, falsehood, misrepresentation and / or omission and / or falsification or act of dishonesty for any fraudulent, fake or tampered documents that have been submitted.

Date :

Place :

Applicant
(Signature)

Name :
Designation

Sl. No	Ref. No of New Categorization	Ref. No of Old Categorization (as per DPCC Website List)	Activity	W1	W2	W	A1	A2	A	H	W+A+H	Category as per CPCB Criteria / Categorization	Remarks
1	R-1	O-5	Amusement/Water Park	20	10	30	15	-	15	-	75	Red	
2	R-2	O-6	Ancillary Units of Slaughter House	25	10	35	-	-	-	-	87.5	Red	
3	R-3	O-9	Anodizing	30	-	30	-	-	-	20	83	Red	
4	R-4	O-10	Asbestos Based Products	-	-	-	30	-	30	10	75	Red	As per CPCB categorization . Final score is based on air pollution score only after normalization .
5	R-5	O-23	Batteries (Lead Acid) and Accessories with Trade Effluent Discharge	10	-	10	25	-	25	10	62.5	Red	As per CPCB categorization . Final score is based on air pollution score only after normalization .
6	R-6	O-24	Batteries (Lead Acid) and Accessories without Trade Effluent Discharge	-	-	-	25	-	25	20	75	Red	As per CPCB categorization . Final score is based on air pollution score only after normalization .
7	R-7	O-28	Bio-Medical Waste Collection, Transportation, Reception, Storage, Treatment and Disposal, Facility Connected with Sewer with Terminal STP (with Boiler / with Incinerator)	-	-	-	-	-	-	-	-	Red	As per CPCB Categorization CBMWTF is under Red category
8	R-8	O-38	Cement Clinker Grinding Units	-	-	-	20	10	30	-	75	Red	Final score is based on air pollution score after normalization .
9	R-9	-	Construction and Demolition Waste Processing Plant	-	-	-	-	-	-	-	-	Red	Categorized as Red Category in view of Categorization by CPCB for common waste processing plants.

10	R-10	O-66	Copper Wire Drawing with Super Enamelling (with Trade Effluent Discharge from Pickling)	30	-	30	15	-	15	20	65	Red	
11	R-11	O-71	Cotton Spinning and Weaving (with Dyeing or Bleaching)	30	-	30	15	-	15	20	65	Red	
12	R-12	O-72	Cotton Spinning and Weaving (with Dyeing or Bleaching) with Boiler	30	-	30	20	-	20	20	70	Red	
13	R-13	O-78	Delhi Jal Board STP	-	-	-	-	-	-	-	-	Red	Being Sewage Treatment Plant for municipal waste water treatment , the activity has been categorized as Red Category in view of CPCB Categorization
14	R-14	O-87	Dyeing, Bleaching (Cotton Textile) (Upto 100 Workers in All Shifts, 1 Acre of Land, 100 KLD Water)	30	-	30	15	-	15	20	65	Red	
15	R-15	O-88	Dyeing, Bleaching (Woollen Textile) (Upto 100 Workers In All Shifts, 1 Acre of Land, 100 KLD Water)	30	-	30	15	-	15	20	65	Red	
16	R-16	O-123	Galvanising	30	-	30	-	-	-	20	83	Red	
17	R-17	O-124	Gas Extraction from Existing Land Fill Site	-	-	-	20	10	30	-	75	Red	Final score is based on air pollution score after normalization .
18	R-18	O-138	Hazardous Waste Stabilization / Treatment / Processing Facility	-	-	-	-	-	-	-	-	Red	As per CPCB Categorization common waste treatment/ processing facilities including TSDF has been categorized as Red Category.
19	R-19	O-139	Health Care Establishments having bed strength above 50 beds and connected or not connected to Sewer and with boiler	20	10	30	20	-	20	-	75	Red	The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score and considering the categorization by CPCB.

20	R-20	O-140	Health Care Establishments having bed strength above 50 beds and connected or not connected to Sewer and without boiler	20	10	30	-	-	-	-	75	Red	The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score and considering the categorization by CPCB.
21	R-21	O-145	Heat Treatment (Hardening/ Tampering of Steel) using Salt and with Trade Effluent Discharge	30	-	30	-	-	-	20	83	Red	
22	R-22	O-149	Hotel (3 Star and Above) - connected to / Discharging Effluent into Public/ Municipal/ DJB Sewer having Kitchen and / or Laundry with boiler	20	10	30	20	-	20	-	75	Red	As per CPCB categorization .The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score.
23	R-23	O-150	Hotel (3 Star and Above) - connected to / Discharging Effluent into Public/ Municipal/ DJB Sewer having Kitchen and / or Laundry without boiler	20	10	30	10	-	10	-	75	Red	As per CPCB categorization . The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score.
24	R-24	O-151	Hotel (3 Star and Above) -not connected to / Discharging Effluent into Public/ Municipal/ DJB Sewer having Kitchen and / or Laundry with boiler	20	10	30	20	-	20	-	75	Red	As per CPCB categorization . The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score.
25	R-25	O-152	Hotel (3 Star and Above) -not connected to / Discharging Effluent into Public/ Municipal/ DJB Sewer having Kitchen and / or Laundry without boiler	20	10	30	10	-	10	-	75	Red	As per CPCB categorization . The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score.

26	R-26	O-175	Hotels requiring / having Environmental Clearance under EIA Notification	20	10	30	15	-	15	-	75	Red	In view of CPCB categorization for hotels and decisions taken by DPCC in respect of Hotels (3 Star and Above). The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score..
27	R-27	O-180	Isolated storage of Petroleum Products	20	-	20	-	-	-	20	66.67	Red	
28	R-28	O-187	Leather finishing and dyeing (using semi finished leather as starting raw material)	30	-	30	-	-	-	20	75	Red	In view of CPCB categorization.The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score.
29	R-29	O-188	Leather finishing and dyeing (using semi finished leather as starting raw material) with Boiler	30	-	30	20	-	20	20	75	Red	In view of CPCB categorization.The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score.
30	R-30	O-224	Manufacturing of Semi-Conductor Devices (with Trade Effluent Discharge)	30	-	30	-	-	-	20	83.33	Red	The activity involves metal surface treatment.
31	R-31	O-232	Manufacturing of Solder Wire	-	-	-	25	-	25	-	62.5	Red	
32	R-32	O-251	Milk Processing and Dairy Products (Integrated Project) Including Pasturization	20	10	30	20	5	25	-	68.75	Red	As per CPCB Categorization.
33	R-33	O-252	Milk Processing and Dairy Products (Integrated Project) Including Pasturization with Boiler	20	10	30	20	5	25	-	68.75	Red	As per CPCB Categorization.

34	R-34	O-253	Milk Processing and Dairy Products (Integrated Project) Including Pasturization with Furnace	20	10	30	20	5	25	-	68.75	Red	As per CPCB Categorization.
35	R-35	O-259	Old STP	20	10	30	-	-	-	-	75	Red	
36	R-36	O-266	Paper Manufacturing using Waste Paper(without use of Fresh Raw Material & with Trade Effluent Discharge)	20	10	30	-	-	-	-	75	Red	Earlier activity of "Paper Manufacturing Using Waste Paper" has been substituted by this activity.
37	R-37	O-280	Phosphating	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
38	R-38	O-281	Phosphating & Powder Coating	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
39	R-39	O-283	Photographic Films and Chemicals	30	-	30	-	-	-	-	75	Red	
40	R-40	O-287	Pickling - Copper	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
41	R-41	O-288	Pickling-Others (Except SS pickling)	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
42	R-42	O-291	Plating - Cadmium Plating with less than 5 KLD	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
43	R-43	O-292	Plating - Cadmium Plating with more than or equal to 5 KLD	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
44	R-44	O-293	Plating - Copper Plating with less than 5 KLD	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
45	R-45	O-294	Plating - Copper Plating with more than or equal to 5 KLD	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
46	R-46	O-295	Plating - Nickel and Chrome Plating with less than 5 KLD	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
47	R-47	O-296	Plating - Nickel and Chrome Plating with more than or equal to 5 KLD	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
48	R-48	O-297	Plating - Precious Metal Plating	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
49	R-49	O-298	Plating - Tin Plating	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
50	R-50	O-299	Plating - Zinc Plating with less than 5 KLD	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.

51	R-51	O-300	Plating - Zinc Plating with more than or equal to 5 KLD	30	-	30	-	-	-	20	83	Red	As per CPCB Categorization.
52	R-52	O-306	Poultry Market	25	-	25	-	-	-	-	62.5	Red	
53	R-53	O-331	Readymade Garment (with Washing/Dyeing)	30	-	30	15	-	15	20	65	Red	
54	R-54	O-332	Readymade Garment (with Washing/Dyeing) with Boiler	30	-	30	20	-	20	20	65	Red	
55	R-55	O-337	Rendering Plant with Boiler	25	10	35	20	-	20	-	87.5	Red	
56	R-56	O-369	Shopping Malls, Housing / Commercial/ Office Complexes having built up area 20,000 sqm and above	20	10	30	15	-	15	-	75	Red	The categorization has been done based on water pollution potential and normalizing it by multiplying with 2.5 to achieve total score.
57	R-57	O-374	Slaughter House with Boiler	25	10	35	20	-	20	-	87.5	Red	Mainly water polluting and obnoxious odour generating industry. The water pollution score is normalized to 100 as per categorization by CPCB.
58	R-58	O-379	Solid Waste Disposal Facility (Landfill Site)	-	-	-	-	-	-	-	-	Red	Earlier activity of "Solid Waste (Landfill Site)" has been substituted by "Solid Waste Disposal Facility (Landfill Site)" and the same has been categorized Activity Categorized in Red Category in view of CPCB categorization for common treatment and disposal facilities for various types of wastes.
59	R-59	O-258	Solid Waste Processing /Management Facility.	-	-	-	-	-	-	-	-	Red	Earlier activity of "Municipal Solid Waste" has been substituted by "Solid Waste Processing /Management Facility" and the same has been categorized in Red Category as per CPCB Categorization for common treatment and disposal facilities for various types of wastes.

Screenshot of the DPCC Portal Active Categorisation

CATEGORY : ALL									
S.No.	Activity Name	Category Hazardous		Categorization /Classification as per Office Order	Requirement of Pollution Control Device for Effluent (STP/ETP/O & G polution Control Device Trap etc.)	Typeof Effluent	Requirement of Pollution Control Device for Emission (ECS/Dust Collector etc.) (Boiler/Furnace considered as Oil Fired.)	Typeof Emission Control Device	Activity Status(Active/Deactive)
1	Shopping Malls, Housing / Commercial/ Office Complexes having built up area 20,000 sqm and above	RED	NO	II(a)	YES	STP & ETP	NO		Active
2	Shopping Malls, Housing / Commercial/ Office Complexes having built up area less than 20,000 sqm	ORANGE	NO	II(b)	YES	STP & ETP	NO		Active
3	Warehousing	WHITE	NO		NO		NO		Active

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36. सर्जिकल और मेडिकल उत्पादों की असेंबली (अपशिष्ट/उत्सर्जन उत्पन्न करने वाली प्रक्रियाओं को शामिल नहीं करना)
37. प्रयुक्त खाना पकाने का तेल संग्रह (यूसीओ) केंद्र*
38. बायोडिग्रेडेबल अपशिष्ट आदि के आधार पर घरेलू बायो-डाइजेस्टर/गोबर-गैस (काउ-डंग) संयंत्र। **
39. ऐसे सीबीजी संयंत्र जो राजपत्र अधिसूचना संख्या 2051 दिनांक 14.07.2020 और संख्या 1972 दिनांक 01.06.2021 की आवश्यकताओं के अनुरूप उप-उत्पादों के रूप में क्रमशः एफओएम और एलएफओएम का उत्पादन करते हैं, और पूरे एफओएम और एलएफओएम को भूमि पर उर्वरक या खाद के रूप में उपयोग करते हैं और किसी भी प्रकार का अपशिष्ट जल भी नहीं बहाते हैं**

क्रम संख्या 1 से 36 की प्रविष्टियों को सीपीसीबी पत्र संख्या बी-29012/ईएसएस (सीपीए)/2015-16 दिनांक 07.03.2016 के माध्यम से वर्गीकृत किया गया था।

* सीपीसीबी पत्र संख्या बी-29016/आरओजीडब्ल्यू/आईपीसी-VI/2020-21, दिनांक 30.04.2020 माध्यम से वर्गीकृत।

** सीपीसीबी पत्र संख्या सीपीसीबी/आईपीसी-VI/आरओजीडब्ल्यू/6686-6730, दिनांक 22.09.2021 के माध्यम से वर्गीकृत।

**MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE
NOTIFICATION**

New Delhi, the 12th November, 2024

G.S.R. 703(E).—In exercise of power conferred by the proviso to sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Central Government, in consultation with the Central Pollution Control Board, exempts the following categories of industrial plants from the application of the provisions of the said sub-section, namely:-

(a) all industrial plants having pollution index score upto 20 as listed in the Schedule to this notification, subject to condition that such plant shall inform in writing to the State Pollution Control Boards or the Pollution Control Committees;

(b) all industrial plants which have obtained prior environmental clearance as per the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986), in respect of previous consent to establish such plant.

Subject to the provisions of the Act and this notification, MoEFCC may issue necessary standard operating procedure for streamlining implementation of this notification, as deemed appropriate.

[F.No. Q-15012/2/2022-CPW-Part(1) /e-240741]
VED PRAKASH MISHRA, Jt. Secy.

SCHEDULE

LIST OF WHITE CATEGORY OF SECTORS CLASSIFIED BY CPCB FROM TIME TO TIME, AS PER THE 2016 CLASSIFICATION METHODOLOGY

1. Assembly of air coolers /conditioners, repairing and servicing
2. Assembly of bicycles, baby carriages and other small non motorizing vehicles
3. Bailing (hydraulic press) of waste papers
4. Bio fertilizer and bio-pesticides without using inorganic chemicals
5. Biscuits trays etc from rolled PVC sheet (using automatic vacuum forming machines)
6. Blending and packing of tea
7. Block making of printing without foundry (excluding wooden block making)
8. Chalk making from plaster of Paris (only casting without boilers etc. (sun drying / electrical oven)

9. Compressed oxygen gas from crude liquid oxygen (without use of any solvents and by maintaining pressure & temperature only for separation of other gases)
10. Cotton and woolen hosiers making (Dry process only without any dyeing / washing operation)
11. Diesel pump repairing and servicing (complete mechanical dry process)
12. Electric lamp (bulb) and CFL manufacturing by assembling only
13. Electrical and electronic item assembling (completely dry process)
14. Engineering and fabrication units (dry process without any heat treatment / metal surface finishing operations / painting)
15. Flavoured betel nuts production/ grinding (completely dry mechanical operations)
16. Fly ash bricks/ block manufacturing
17. Fountain pen manufacturing by assembling only
18. Glass ampules and vials making from glass tubes
19. Glass putty and sealant (by mixing with machine only)
20. Ground nut decorticating
21. Handloom/ carpet weaving (without dyeing and bleaching operation)
22. Leather cutting and stitching (more than 10 machine and using motor)
23. Manufacturing of coir items from coconut husks
24. Manufacturing of metal caps containers etc
25. Manufacturing of shoe brush and wire brush
26. Medical oxygen
27. Organic and inorganic nutrients (by physical mixing)
28. Organic manure (manual mixing)
29. Packing of powdered milk
30. Paper pins and u clips
31. Repairing of electric motors and generators (dry mechanical process)
32. Rope (plastic and cotton)
33. Scientific and mathematical instrument manufacturing
34. Solar module non-conventional energy apparatus manufacturing unit
35. Solar power generation through solar photovoltaic cell, wind power and mini hydel power (less than 25 MW)
36. Surgical and medical products assembling only (not involving effluent / emission generating processes)
37. Used Cooking Oil Collection (UCO) Center*
38. Household Bio-digesters/gobar-gas (cow-dung) plants based on biodegradable waste etc.**
39. CBG plants producing FOM & LFOM as by products in conformity with requirements of Gazette Notification No. 2051 dated 14.07.2020 & No. 1972 dated 01.06.2021, respectively, and utilizing entire FOM & LFOM as a fertilizer or manure on land and also not discharging any wastewater**

Entries from S. No. 1 to 36 were classified vide CPCB letter no. B-29012/ESS(CPA)/2015-16 dated 07.03.2016.

**Classified vide CPCB letter no. B-29016/ROGW/IPC-VI/2020-21, dated 30.04.2020.*

***Classified vide CPCB letter no. CPCB/IPC-VI/ROGW/6686-6730, dated 22.09.2021.*

एफओएम और एलएफओएम को भूमि पर उर्वरक या खाद के रूप में उपयोग करते हैं और किसी भी प्रकार का अपशिष्ट जल भी नहीं बहाते हैं**

क्रम संख्या 1 से 36 की प्रविष्टियों को सीपीसीवी पत्र संख्या बी-29012/ईएसएस (सीपीए)/2015-16 दिनांक 07.03.2016 के माध्यम से वर्गीकृत किया गया था।

* सीपीसीवी पत्र संख्या बी-29016/आरओजीडब्ल्यू/आईपीसी-VI/2020-21, दिनांक 30.04.2020 माध्यम से वर्गीकृत।

** सीपीसीवी पत्र संख्या सीपीसीवी/आईपीसी-VI/आरओजीडब्ल्यू/6686-6730, दिनांक 22.09.2021 के माध्यम से वर्गीकृत।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 12th November, 2024

G.S.R. 702(E).—In exercise of power conferred by the proviso to sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the Central Government, in consultation with the Central Pollution Control Board, exempts the following categories of industrial plants from the application of the provisions of the said sub-section, namely:-

(a) all industrial plants having pollution index score upto 20 as listed in the Schedule to this notification, subject to condition that such plant shall inform in writing to the State Pollution Control Boards or the Pollution Control Committees;

(b) all industrial plants which have obtained prior environmental clearance as per the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986), in respect of previous consent to establish such plant.

Subject to the provisions of the Act and this notification, MoEFCC may issue necessary standard operating procedure for streamlining implementation of this notification, as deemed appropriate.

(No. Q-15012/2/2022-CPW-Part(1) /e-240741)

VED PRAKASH MISHRA, Jt.Secy.

SCHEDULE

LIST OF WHITE CATEGORY OF SECTORS CLASSIFIED BY CPCB FROM TIME TO TIME, AS PER THE 2016 CLASSIFICATION METHODOLOGY

1. Assembly of air coolers /conditioners, repairing and servicing
2. Assembly of bicycles, baby carriages and other small non motorizing vehicles
3. Bailing (hydraulic press) of waste papers
4. Bio fertilizer and bio-pesticides without using inorganic chemicals
5. Biscuits trays etc from rolled PVC sheet (using automatic vacuum forming machines)
6. Blending and packing of tea
7. Block making of printing without foundry (excluding wooden block making)
8. Chalk making from plaster of Paris (only casting without boilers etc. (sun drying / electrical oven)
9. Compressed oxygen gas from crude liquid oxygen (without use of any solvents and by maintaining pressure & temperature only for separation of other gases)
10. Cotton and woolen hosiery making (Dry process only without any dyeing / washing operation)
11. Diesel pump repairing and servicing (complete mechanical dry process)
12. Electric lamp (bulb) and CFL manufacturing by assembling only
13. Electrical and electronic item assembling (completely dry process)
14. Engineering and fabrication units (dry process without any heat treatment / metal surface finishing operations / painting)

15. Flavoured betel nuts production/ grinding (completely dry mechanical operations)
16. Fly ash bricks/ block manufacturing
17. Fountain pen manufacturing by assembling only
18. Glass ampules and vials making from glass tubes
19. Glass putty and sealant (by mixing with machine only)
20. Ground nut decorticating
21. Handloom/ carpet weaving (without dyeing and bleaching operation)
22. Leather cutting and stitching (more than 10 machine and using motor)
23. Manufacturing of coir items from coconut husks
24. Manufacturing of metal caps containers etc
25. Manufacturing of shoe brush and wire brush
26. Medical oxygen
27. Organic and inorganic nutrients (by physical mixing)
28. Organic manure (manual mixing)
29. Packing of powdered milk
30. Paper pins and u clips
31. Repairing of electric motors and generators (dry mechanical process)
32. Rope (plastic and cotton)
33. Scientific and mathematical instrument manufacturing
34. Solar module non-conventional energy apparatus manufacturing unit
35. Solar power generation through solar photovoltaic cell, wind power and mini hydel power (less than 25 MW)
36. Surgical and medical products assembling only (not involving effluent / emission generating processes)
37. Used Cooking Oil Collection (UCO) Center*
38. Household Bio-digesters/gobar-gas (cow-dung) plants based on biodegradable waste etc.**
39. CBG plants producing FOM & LFOM as by products in conformity with requirements of Gazette Notification No. 2051 dated 14.07.2020 & No. 1972 dated 01.06.2021, respectively, and utilizing entire FOM & LFOM as a fertilizer or manure on land and also not discharging any wastewater**

Entries from S. No. 1 to 36 were classified vide CPCB letter no. B-29012/ESS(CPA)/2015-16 dated 07.03.2016.

**Classified vide CPCB letter no. B-29016/ROGW/IPC-VI/2020-21, dated 30.04.2020.*

***Classified vide CPCB letter no. CPCB/IPC-VI/ROGW/6686-6730, dated 22.09.2021.*

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File. No. Q-15012/2/2022-CPW-Part (1) /e-240741
Government of India
Ministry of Environment, Forest and Climate Change
(CP Division)

2nd Floor, Jal Wing, Indira Paryavaran Bhawan
Jor Bag Road, Aliganj
New Delhi-110003.

Date: November the 14th, 2024

Subject: Notification to exempt certain categories of industrial plants from the application of the proviso to sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and proviso to sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981 –issuance of Standard Operating Procedure (SOP) -reg.

The Central Government published the notifications vide G.S.R. 703 (E) dated 12-11-2024 (copy enclosed) and G.S.R.702 (E) dated 12-11-2024 regarding exemption of certain categories of industrial plants from the application of the proviso to sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and proviso to sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

As provided in the above notification, a Standard Operating Procedure (SOP) for streamlining the implementation of the said notification is hereby appended with this letter for compliance.

2. SOP is hereby circulated to all concerned for compliance and necessary action.



(Ved Prakash Mishra)
Joint Secretary to the Government of India
Phone: 2081 9236
E-mail: mishra.vp@gov.in

To,

The Divisional Head, IA Division, MoEF&CC,
Chairman, Central Pollution Control Board,
Chairman, State Pollution Control Boards,
Chairman, Pollution Control Committees

Annexure to letter No. Q-15012/2/2022-CPW-Part (1) /e-240741] dated 14-11-2024

Standard Operating Procedure (SOP) for implementation of the Notification to exempt certain categories of industrial plants under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981

Consequent to the notification published vide G.S.R. 703 (E) dated 12-11-2024 and G.S.R.702 (E) dated 12-11-2024 regarding exemption of certain categories of industrial plants from the application of the proviso to sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and proviso to sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981, following SOP is issued for streamlining the implementation of these notifications :

1. All industries/activities, appended as schedule of the said notifications (categorized as **White**) exempted from the mandatory condition of obtaining CTE and CTO from SPCBs/PCCs as per the above referred notification will follow Procedure as given below:

- a. *These units will have to intimate about their operation to SPCBs / PCCs in the form of a self-declaration, complying with all the prevalent rules and regulations. They are not required to pay any consent fee.*
- b. *SPCBs / PCCs shall maintain list of such industries/ activities separately, which shall be updated from time to time.*
- c. *SPCBs / PCCs shall ensure that no activities other than those intimated, are carried out by such exempted units.*

2. The projects / activities requiring prior EC as per the Environmental Impact Assessment notification, 2006 (as amended from time to time) under Environment (Protection) Act, 1986 exempted from obtaining CTE separately, as per the above referred notification will follow Procedure as given below:

- a. *They will obtain necessary EC from the competent authority under the notification referred above.*
- b. *The Conditions of CTE, as may be required, will be integrated in the conditions of EC itself in the following manner:*
 - i. The competent authority for issuance of EC under EIA Notification, 2006 shall communicate the application of the Project Proponent (PP) to the concerned SPCB/PCC, as the case may be.
 - ii. The concerned SPCB/PCC will examine the case and communicate its comments to the above-referred competent authority within the time limit prescribed by it, which shall not be less than 30 days.

- iii. SPCB / PCC may undertake inspection of the site, if required, before sending their comments. Further, SPCB / PCC may also raise queries to the PPs for additional information, if required. Any time taken by the PPs in responding to the queries of SPCBs / PCCs shall be in addition to the time limit prescribed.
- iv. The EC granting authority shall consider the comments of the concerned SPCB/PCC for inclusion of additional conditions while issuing the EC, which will inter-alia, include that the PP shall pay the requisite CTE fee to SPCBs/PCCs within 30 days of issuance of EC.
- v. The EC will become operational only after the payment of CTE fee. Delay in payment of CTE fee beyond 30 days may attract late fee as may be decided by the concerned SPCB / PCC.

c. Such industries / activities shall be required to obtain CTO separately from the SPCBs / PCCs and any other authorization /permission, wherever required as per the prevailing rules and regulations.

3. Industries/ activities not included in para 1 and 2 above shall be required to obtain CTE and CTO and other permissions, as per the prevailing rules and regulations.



(Ved Prakash Mishra)

Joint Secretary to the Govt. of India

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File No. Q-15012/2/2022-CPW-Part(1)/e-240741
Government of India
Ministry of Environment, Forest and Climate Change
(CP Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi – 110003

Dated: 14th January, 2025

OFFICE MEMORANDUM

Subject: Streamlining the implementation of Notifications G.S.R. 702 and G.S.R. 703 dated 12th November 2024 – regarding.

The Ministry has issued notifications vide G.S.R. 703 (E) dated 12.11.2024 and G.S.R.702 (E) dated 12.11.2024 regarding exemption of certain categories of industries from the application of the sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

2. As per the above referred notifications, the project / activities requiring prior EC as per the Environmental Impact Assessment Notification, 2006 (as amended from time to time) under Environment (Protection) Act, 1986 are exempted from obtaining previous Consent To Establish (CTE) separately.

3. The Ministry has issued a Standard Operating Procedure (SOP) dated 14th November 2024 for implementing the notifications mentioned above. In the SOP, it has been, inter-alia, provided that, for the projects / activities requiring prior EC, the exemption provided from obtaining CTE is subject to obtaining necessary EC and the conditions of CTE, as may be required, will be integrated in the conditions of EC itself.

4. The matter has been examined in the Ministry and it has been decided to further streamline the procedure in partial modification of the Standard Operating Procedure dated 14th November 2024, with regard to the projects / activities requiring prior EC which are exempted from obtaining CTE as per the aforesaid Notifications G.S.R. 702 and G.S.R 703 dated 12th November 2024:

A. Obtaining comments from the State Pollution Control Boards (SPCBs) / Pollution Control Committees (PCCs)

i. In all cases where ToR is applicable (i.e. Category A and B1 Projects except projects that apply for expansion under para 7 (ii) (a) of EIA Notification 2006 and category B2 projects), the concerned Regulatory Authority while granting ToR shall forward the ToR in parallel to the concerned SPCBs/PCCs, through the PARIVESH portal with a request to upload their comments.

ii. In all such cases where ToR is not applicable (i.e. projects that apply for expansion under para 7 (ii) (a) of EIA Notification 2006 and category B2 projects), a copy of the proposal that was submitted for seeking EC shall be forwarded to the Member Secretary, SPCB/PCC through PARIVESH, with a request to upload their comments.

iii. In both the scenarios mentioned above, the SPCB/PCC shall carry out site inspection, if required, before furnishing their comments. The comments shall have the details of the project site, the feasibility of the project and the environmental safeguards prescribed for the concerned project.

B. Payment of requisite fees

i. Once the copy of the ToR or the proposal that was submitted for seeking EC (in cases where ToR is not applicable) is forwarded to the Member Secretary, SPCB/PCC through PARIVESH, the Member Secretary, SPCB/PCC shall raise the demand for applicable fee within seven days which shall be paid by the project proponent through the prescribed payment gateway of SPCB/PCC or in the interim through the method prescribed by the respective SPCB/PCC.

ii. Once the fee payment receipt is uploaded by the project proponent on PARIVESH, comments shall be uploaded by the SPCB/PCC within the prescribed timeframe mentioned below, as the case may be.

C. Timeframe prescribed for the SPCBs/PCCs to provide their comments

i. In all cases where ToR is applicable, the comments shall be uploaded on the PARIVESH portal by the concerned SPCBs/PCCs within thirty days from the date on which the fee payment receipt is uploaded by the project proponent on PARIVESH.

ii. In all such cases where ToR is not applicable, the comments shall be uploaded on the PARIVESH portal by the concerned SPCBs/PCCs within fifteen days from the date on which the fee payment receipt is uploaded by the project proponent on PARIVESH.

D. Non-receipt of comments within prescribed timeframe

i. In case the comments are not received within the prescribed timeframe, a representative from the concerned SPCB/PCC shall be invited to the next EAC/SEAC meeting for furnishing comments. However, within this period, SPCB/PCC may also provide their comments on PARIVESH.

ii. In the event that the representative from the concerned SPCB/PCC does not participate in the EAC/SEAC or their comments are not provided within the prescribed timeframe, it shall be deemed that the concerned SPCB/PCC has no

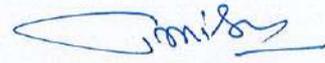
objection/comments to offer and the EAC/SEAC may take the decision on merit stipulating environmental safeguards in the form of conditions as applicable for the establishment of the Project/Activity, based on the details submitted by the project proponent as a part of EC application.

E. Projects which have already been granted EC after 12th November 2024 but for which CTE has not been granted

Such projects shall obtain the environmental safeguards required for the establishment of the Project/Activity, from the concerned SPCB/PCC within 30 days of this OM, after payment of requisite fees. The same shall be appended to the EC later and the project proponent shall file six monthly compliance for the safeguards also, along with the EC conditions.

5. The Projects / Activities exempted from obtaining CTE as per the procedure mentioned at para-4 above, shall be required to obtain CTO separately from the SPCBs / PCCs and any other statutory authorization /permission, wherever required as per the prevailing rules and regulations.

6. This is issued with the approval of the Competent Authority.



(Ved Prakash Mishra)
Joint Secretary

To

1. Chairman/Member Secretary, CPCB.
2. Chairperson/Member Secretaries of all the State/UT, PCBs/PCCs
3. Chairperson/Member Secretaries of all the EACs.
4. Chairperson/Member Secretaries of all the SEIAAs/ SEACs.
5. All Officers of IA Division

Copy to:

1. PS to Hon'ble MEFCC
2. PS to Hon'ble MoS (EF&CC)
3. Sr PPS to Secretary (EF&CC)
4. Sr PPS to DGF&SS (EF&CC)
5. Sr PPS to AS(AG)/ Sr PPS to JS(RA)
6. Website, MoEF&CC/Guard File

- TRUE COPY -



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

CP-18/1/2023-IPC-VI-HO-CPCB-HO

Date: 12.02.2025

To

ANNEXURE A/7

The Chairman
State Pollution Control Board/Pollution Control Committee
(As per the list)

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 regarding harmonization of classification of industrial sectors under Red, Orange, Green, White and Blue categories.

WHEREAS, under section 16 (2)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(c) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to coordinate activities of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs); and

WHEREAS, under section 16 (2)(c) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(d) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the CPCB is to provide technical assistance and guidance to SPCBs and PCCs; and

WHEREAS, it was brought to the notice of CPCB, that different SPCBs/PCCs were following different criteria for the classification of industrial sectors under different categories. Therefore, in 2012, to have uniformity in classification throughout the country, CPCB vide letter no. B-29012/1/2012/ESS/1526-1563, dated 04.06.2012 issued directions under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to SPCBs/PCCs to adopt and implement standardized list of Red, Orange and Green categories of industries; and

WHEREAS, in 2016, the Central Pollution Control Board (CPCB) developed a scoring methodology based on the Pollution Index (PI) to harmonize the criteria for classification of industrial sectors. The PI is determined based on Precautionary Principle- by evaluating potential of water pollution, air pollution, and hazardous waste generation from particular sector. CPCB vide letter no. B-29012//ESS(CPA)/2015-16, dated 07.03.2016 issued directions under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to SPCBs/PCCs to adopt and implement revised classification. SPCBs/PCCs were also directed to categorize any new or left over sectors at their level by constituting a Committee and following the methodology prescribed by CPCB; and

Page 1 of 5

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



WHEREAS, CPCB vide letter no. B-29016/ROGW/IPC-VI/2020-21, dated 30.04.2020, issued directions under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to SPCBs/PCCs regarding segregated list of non-industrial sectors (activities/ facilities/ infrastructure/ services) such as sewage treatment plants, healthcare facilities, hotels, building and construction projects, airports, highways etc. Further, CPCB also classified few additional sectors from time to time; and

WHEREAS, based on the experience gained over the years in Pollution Index calculation, use of cleaner fuels like PNG/CNG etc., adoption of cleaner technology resulting in reduced emission/wastewater generation, a need was felt to revisit the classification methodology of 2016; and

WHEREAS, during July 2023, CPCB prepared a “Draft Report on Classification of Industrial Sectors into Red, Orange, Green and White Categories: A Tool for Progressive Environmental Management” which was uploaded on CPCB website for seeking comments/suggestions of the stakeholders/public on the same. The draft report was also circulated to SPCBs/PCCs/MoEF&CC for comments; and

WHEREAS, CPCB vide office order dated 26.09.2023 constituted a committee to critically examine and analyse the comments/suggestions and to make recommendations for suitable incorporation in the finalizing the methodology and classification; and

WHEREAS, based on the stakeholders’ comments, a need was felt to promote/incentivize units for adopting measures resulting in better environmental performance. Additionally, a requirement was also felt for separate category – Blue Category- for essential environmental services for management of environmental pollution arising from domestic/household activities. Accordingly, CPCB prepared an “Addendum and substitution thereto in Draft Report on Classification of Sectors into Red, Orange, Green, White and Blue Categories”, which was shared with SPCBs/PCCs and also uploaded on CPCB website on 11.07.2024 for seeking inputs/comments; and

WHEREAS, the amendment in Section-21 of the Air (Prevention and Control of Pollution) Act, 1981 through the Jan Vishwas (Amendment of Provisions) Act, 2023 and amendment in Section-25 of the Water (Prevention and Control of Pollution) Act, 1974 through the Water (Prevention and Control of Pollution) Amendment Act, 2024, grant exemption to certain categories of industries, as notified by Central Government, for obtaining consent under these Acts; and

WHEREAS, the Ministry of Environment, Forest and Climate Change, Government of India vide notification no. G.S.R. 702(E), dated 12.11.2024 granted exemption of consent under the Water Act, 1974 and the Air Act, 1981 to exemption of Consent to Establish (CTE) and Consent to Operate (CTO) to all industrial plants having pollution index score upto 20 (at present total 39 industrial sectors under white categories as per 2016 methodology) subject to



condition that such plant shall inform in writing to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC); and

WHEREAS, the MoEF&CC vide letter no. Q-15012/2/2022/-CPW-Part (1)/e-240741, dated 14.11.2024 has issued Standard Operating Procedure for implementation of the said Notification dated 12.11.2024. The SOP includes the following provisions for White categories of industries:

- i. Industry to intimate to concerned SPCB/PCC about operations and self-declare the compliance with prevalent rules & regulations,
- ii. Concerned SPCB/PCC to maintain separate list of such industries/activities, and
- iii. Concerned SPCB/PCC to ensure that no activities other than those intimated, are carried out by exempted units.

WHEREAS, the Committee constituted by CPCB evaluated the comments, incorporated the suitable changes and finalized the revised methodology as well as classification of sectors. Final report in this regard titled as "Classification of sectors in to Red, Orange, Green, White and Blue Categories (A tool for progressive environmental management)" was submitted to Ministry of Environment, Forest and Climate Change (MoEF&CC) for concurrence. The MoEF&CC vide letter no. Q-16017-57-2015-CPA, dated 15.01.2025 granted concurrence to the revised classification; and

WHEREAS, as per the revised methodology, the category of the sector is decided based on the following ranges of Pollution Index:

- i. Red: $PI \geq 80$,
- ii. Orange: $55 \leq PI < 80$,
- iii. Green: $25 \leq PI < 55$,
- iv. White: $PI < 25$; and

WHEREAS, based on the revised methodology, CPCB has classified a total of 419 sectors and sub-sectors as under:

- i. The Red Category: 125
- ii. The Orange Category: 137
- iii. The Green Category: 94
- iv. The White Category: 54
- v. The Blue Category: 9; and

WHEREAS, the purpose of classification is to ensure that the industry is established in a manner consistent with the environmental objectives and also to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in the generation of no or minimum pollutants. The revised classification system also defines criteria for incentivizing such industry. The industry may self-assess the PI score as per defined criteria and can submit application to respective SPCBs/PCCs for consideration; and



NOW, THEREFORE, in the exercise of the powers delegated under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18(1)(b) of the Air (Prevention & Control of Pollution), Act, 1981 the earlier directions dated 07.03.2016 and subsequent directions/letter in the context of categorization of industries are withdrawn with immediate effect and following '**Directions**' are hereby issued for compliance by all SPCBs and PCCs:

1. That SPCBs and PCCs shall immediately adopt the revised methodology for classification of sectors and list of 419 sectors/sub-sectors classified under Red, Orange, Green, White, and Blue categories as detailed in the **attached** report- "Classification of Sectors into Red, Orange, Green, White and Blue Categories (A tool for progressive environmental management)".
2. That all pending application for consideration of consent (CTE/CTO) and future such application shall be processed as per the revised classification. In case CTE granted before the revised classification, applicability of CTO will be as per revised classification.
3. That the revised sectors/subsectors classified under Red, Orange, Green, White, and Blue category of sectors as given in the attached document shall be used by the SPCBs and PCCs for consent management, inventorization of units under different categories, siting criteria, deciding environmental surveillance frequency, calculation of environmental compensation, etc., as per the guidelines issued from time to time.
4. That SPCBs and PCCs shall prepare the inventory of Red, Orange, Green, White and Blue categories of units operating in their jurisdictions, based on the revised classification. SPCBs and PCCs shall upload the category and sector-wise list of such units on their website. SPCBs and PCCs shall also forward such list to CPCB, latest by 30.06.2025 and thereafter updated list by 30th June every year.
5. That the classification of sectors shall not be linked to sanction of loans/finance of bank proceedings.
6. That any further addition of any new or left-out sector and their classification which is not listed in the revised list of Red, Orange, Green, and White categories, shall be done at the level of concerned SPCB /PCC by constituting a Committee and following revised criteria & guidelines as detailed in the attached report and no concurrence of CPCB shall normally be required. Intimation of same from time to time will suffice. However, addition in Blue Category Sectors-Essential Environmental Services for domestic waste management, will be done at the level of CPCB only. SPCBs/PCCs may forward their proposal, if any, to CPCB in this regard.
7. That SPCBs and PCCs are required to prepare and submit list of additional sector classified under white category to CPCB on annual basis, by 30th of June every year, in the prescribed format (Annexure-V) as given in the attached report, for further notification for exemption from consent as per the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2023, the Water Act, and the Air Act as amended from time to time by MoEF&CC.
8. That SPCBs and PCCs shall constitute a committee as prescribed in the report to evaluate the applications of the units for incentives due to adopting measures resulting in better environmental performance and reduction in PI score. The SPCB/PCC shall

place the separate list of such units on their website and also submit list of such units to CPCB on Annual Basis by 30th June every year.

The SPCBs/PCCs shall acknowledge the receipt of directions and submit the "Action Taken Report" in compliance with these directions to CPCB before 20.02.2025.

Encl. As above.



(Bharat Kumar Sharma)
Member Secretary



Copy to:

1. The Chief Secretary of all the States and UTs
(As per the list)
2. The Secretary,
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Ministry of Heavy Industries
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4. The Secretary,
Ministry of New and Renewable Energy
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Lodhi Road, New Delhi-110 003
5. The Joint Secretary (CP Division)
Ministry of Environment, Forests and Climate Change
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6. All Regional Directorates, CPCB
(As per the list)



(Bharat Kumar Sharma)
Member Secretary



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11. The Chief Secretary, Government of Jharkhand, 1 st Floor, Project Building, Dhurwa, Ranchi-834004 E-mail:- (Cs-jharkhand@nic.in)	12. The Chief Secretary, Government of Karnataka, Room No. 320, 3 rd Floor, Vidhan Soudha, Bengaluru-560001 E-mail:- (cs@karnataka.gov.in)

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17	The Chief Secretary, Government of Meghalaya, Main Secretariat Building, Room No. 316, Shillong-793001 E-mail:- (Cso-meg@nic.in)	18.	The Chief Secretary, Government of Madhya Pradesh, MP Mantralaya, Vallabh Bhavan, Bhopal-462004 E-mail:- (cs@mp.nic.in)
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25	The Chief Secretary, Government of Tripura, New Secretariat Complex, Agartala-799010 E-mail:- (Cs-tripura@nic.in)	26	The Chief Secretary, Government of Tamil Nadu, Secretariat, Chennai-600009 E-mail:- (cs@tn.gov.in)
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29.	The Chief Secretary, Andaman and Nicobar Administration, Secretariat, Port Blair-744101 E-mail:- (Cs-andaman@nic.in)	30	The Advisor to the Administrator, Chandigarh Secretariat, Sector 9, Chandigarh-160009 E-mail:- (adviser-chd@nic.in)
31.	The Chief Secretary, Government of NCT of Delhi, Delhi Secretariat, IP Estate, New Delhi-110002 E-mail:- (csdelhi@nic.in)	32.	The Advisor to Administrator, Daman & Diu and Dadar & Nagar Haveli, Secretariat, Moti, Daman-396220 E-mail:- (Devcom-dd@nic.in)
33.	The advisor to the Administrator, U.T of Lakshadweep, Kavaratti-682555 E-mail:- (lk-advisor@gov.in)	34.	The Chief Secretary, Government of Puducherry, Main Building, Chief Secretariat, Puducherry-605001 E-mail:- (cs@py.gov.in)
35.	The Chief Secretary, Government of West Bengal, Nabanna, 13 th Floor, 325 Sarat Chatterjee Road, Mandirtala, Shibpur, Howrah-711102 E-mail:- (Cs-westbengal@nic.in)	36	The Advisor to Hon'ble Lt. Governor of Ladakh, Civil Secretariat, Leh-Ladakh-194101 E-mail:- (Advisor-lg-ladakh@gov.in)

Address List of The Chairman, SPCBs/PCCs			
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3	<p>The Chairman Assam Pollution Control Board Bamunimaidan, Guwahati – 781021 (Assam)</p> <p>Email:- (chairman@pcbassam.org)</p>	4	<p>The Chairman Bihar State Pollution Control Board Parivesh Bhawan, Plot No.N-B/2, Patliputra Industrial Area Patna-800010 (Bihar)</p> <p>Email:- (chairmanbspcb-bihar@gov.in)</p>
5.	<p>The Chairman Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block, Sector-19 Atal Nagar, Raipur– 492 002 (Chhattisgarh)</p> <p>Email:- (henv.cg@nic.in)</p>	6.	<p>The Chairman Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao ,Bardez,- 403511(Goa)</p> <p>Email:- (chairman-gspcb.goa@nic.in)</p>
7.	<p>The Chairman Gujarat Pollution Control Board Paryavaran Bhavan, Sector-10A, Gandhinagar– 382043 (Gujarat)</p> <p>Email:- (chairman-gpcb@gujarat.gov.in)</p>	8.	<p>The Chairman Haryana State Pollution Control Board C-11, Sector 6, Panchkula- 134109 (Haryana)</p> <p>Email:- (hspcbho@gmail.com)</p>
9	<p>The Chairman Himachal Pradesh State Pollution Control Board Paryavaran Bhavan, Phase III, New Shimla – 171009</p> <p>Email:- (chairmanpcbhp@gmail.com)</p>	10	<p>The Chairman Jammu & Kashmir Pollution Control Committee, Parivesh Bhawan, Forest Complex, Gladni, Narwal, Transport Nagar, Jammu-180004</p> <p>Email:- (chairman87jkspcb@gmail.com)</p>
11.	<p>The Chairman Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi – 834004, (Jharkhand)</p> <p>Email:- (ranchijspcb@gmail.com)</p>	12.	<p>The Chairman Karnataka State Pollution Control Board Parisara Bhavan, #49, Church Street, Bengaluru – 560 001, (Karnataka)</p> <p>Email:- (chairman@kspcb.gov.in)</p>

13.	The Chairman Kerala State Pollution Control Board Plamoodu, Pattom P.O Thiruvananthapuram-695004 (Kerala) Email:- (chn.kspcb@gov.in)	14.	The Chairman Maharashtra Pollution Control Board Kalpataru Point, 3rd& 4th floor, Opp. PVR Cinema, Sion Circle (E), Mumbai- 400022 (Maharashtra) Email:- (chairman@mpcb.gov.in)
15	The Chairman Manipur Pollution Control Board Lamphelpat, Imphal West D.C. Office Complex – 795004 (Manipur) Email:- (radhakishore888@gmail.com)	16	The Chairman Mizoram State Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizwal Mizoram- 796001 Email:- (mpcb@mizoram.gov.in)
17	The Chairman Meghalaya State Pollution Control Board Arden, Lumpyngngad, Shillong – 793014 Email:- (megspcb@rediffmail.com)	18.	The Chairman Madhya Pradesh Pollution Control Board ParyavaranParisar, E-5 Arera Colony Bhopal – 462016 Email:- (chairman-mppcb@mp.gov.in)
19.	The Chairman Nagaland State Pollution Control Board Signal Point, Dimapur, Nagaland – 797112 Email: - (npcb2@yahoo.com)	20	The Chairman Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit –VIII, Bhubaneshwar – 751012. Email: - (chairman@ospcboard.org)
21	The Chairman Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001. Email:- (chairman.ptl.ppcb@punjab.gov.in)	22	The Chairman Sikkim State Pollution Control Board Department of Forest, Environment & Wildlife Management Government of Sikkim, Deorali, Gangtok, -737102 (Sikkim) Email:- (spcbsikkim@gmail.com)
23.	The Chairman Rajasthan State Pollution Control Board A-4 Institutional Area, Jhalane Dungri Jaipur – 302004. (Rajasthan) Email:- (chairperson@rpcb.nic.in)	24.	The Chairman Telangana Pollution Control Board Paryavaran Bhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad – 500 018 (Telangana) Email:- (chief.advisor@telangana.gov.in)

25	The Chairman Tripura State Pollution Control Board Parivesh Bhawan Pt. Nehru Complex, Gorkhabasti P.O., Kunjaban, Agartala, Tripura - 799 006 Email:- (bagarwala00@gmail.com)	26	The Chairman Tamil Nadu Pollution Control Board No. 76, Mount Salai, Guindy, Chennai – 600032 (Tamil Nadu) Email:-(chairman@tnpcb.gov.in)
27.	The Chairman Uttarakhand Pollution Control Board Gaura Devi Bhawan, 46 B IT Park Sahastradhara, Dehradun-248001 Uttarakhand Email:- (Secy-for-ua@nic.in)	28.	The Chairman Uttar Pradesh Pollution Control Board Building No. TC-12V VibhutiKhand, Gomti Nagar, Lucknow– 226010, (Uttar Pradesh) Email:- (chairman@uppcb.in)
29.	The Chairman Andaman & Nicobar Islands Pollution Control Committee Department of Science & Technology Dollyganj Van Sadan, Haddo P.O., Port Blair-744102, (Andaman & Nicobar) Email:- (secretaryuddm@gmail.com)	30	The Chairman Chandigarh Pollution Control Committee Paryavaran Bhawan Madhya Marg, Sector - 19 B, Chandigarh – 160019. Chandigarh Email:- (cpcc-chd@nic.in)
31.	The Chairman Delhi Pollution Control Committee 4 th & 5 th Floor, ISBT Building, Kashmere Gate, Delhi - 110006. Email:- (chdpcc@nic.in)	32.	The Chairman Daman, Diu & Dadra Nagar Haveli Pollution Control Committee 1 st Floor, Udhyog Bhavan Bhenslore, Dunetha Nani Daman, Daman – 396210 Email:- (fs-dmn-diu@nic.in)
33.	The Chairman Lakshadweep Pollution Control Committee Lakshadweep Administration Department of Science, Technology & Environment Kavarati – 682555. (Lakshadweep) Email:- (lk-advisor@gov.in)	34.	The Chairman Puducherry Pollution Control Committee Department of Science, Technology & Environment 3rd Floor, Housing Board Complex, Anna Nagar, Nellithope, Puducherry – 605 005 Email:- (secytran@py.gov.in)
35.	The Chairman West Bengal Pollution Control Board Paribesh Bhavan Canteen, 10A, Sector III, Bidhannagar, Kolkata- 700106 West Bengal Email:- (chrnmn.wbpcbwb@bangla.gov.in)	36	The Chairman Ladakh Pollution Control Committee Skara Yokma, Near KBR Airport, Leh-194101 UT of Ladakh Email:- (Admsecyutl.hfee@gmail.com)

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<p>1. The Regional Director (Kolkata) Central Pollution Control Board 502, Southend Conclave 1582, Rajdanga Main Road Kolkata-700107</p> <p>E-mail:- (rdkolkata.cpcb@gov.in)</p>	<p>2. The Regional Director(Vadodara) Central Pollution Control Board Parivesh Bhawan, Opp. Ward No. 10 VMC Office Subhanpura, Vadodara – 390 023 Gujarat</p> <p>E-mail: - (pcrdvad.cpcb@gov.in)</p>
<p>3. The Regional Director (Shillong) Central Pollution Control Board BSNL NE- 1, Telecom Circle CTO Building Ground Floor Shillong-793001</p> <p>E-mail: - (zoshillong.cpcb@nic.in)</p>	<p>4. The Regional Director (Bhopal) Central Pollution Control Board 3rd Floor, Sahkar Bhawan North T.T Nagar Bhopal- 462003</p> <p>E-mail: - (cpcb.bhopal@gov.in)</p>
<p>5. The Regional Director (Lucknow) Central Pollution Control Board Ground Floor, PICUP Bhawan Vibhuti Khand, Gomti Nagar Lucknow- 226020</p> <p>E-mail: - (zolucknow.cpcb@nic.in)</p>	<p>6. The Regional Director (Bengaluru) Central Pollution Control Board 1st& 2nd Floors, Nisarga Bhawan A-Block, Thimmaiah Main Road 7th D Cross, Shivanagar Opposite Pushpanjali Theatre Bengaluru-560010</p> <p>E-mail:- (zobangalore.cpcb@nic.in)</p>
<p>7. The Regional Director(Chandigarh) Central Pollution Control Board BSNL Exchange, 2nd Floor Sector 49-C, Chandigarh-160047</p> <p>E-mail: - (rdchandigarh.cpcb@gov.in)</p>	<p>8. The Regional Director (Chennai) Central Pollution Control Board Regional Directorate - Chennai 2nd Floor, 40-E, BSNL Building TVK Industrial Estate, CIPET Road, Guindy, Chennai – 600032.</p> <p>E-mail: - (rdchennai.cpcb@gov.in)</p>
<p>9. The Regional Director (Pune) Central Pollution Control Board Row House No. 1, Nisarg Vihar, Near Mitcon International Public School, Balewadi, Pune-411045</p> <p>E-mail: - (rdpune.cpcb@gov.in)</p>	



Classification of Sectors into Red, Orange, Green, White and Blue Categories

(A tool for progressive environmental management)



Central Pollution Control Board

“Parivesh Bhawan”, East Arjun Nagar

Delhi-110032

(January 2025)



ANNEXURE-III
(LIST OF SERVICE/INFRASTRUCTURE DEVELOPMENT SECTORS
CLASSIFIED UNDER RED, ORANGE, GREEN, AND WHITE
CATEGORIES)

SERVICE/INFRASTRUCTURE DEVELOPMENT SECTORS

S. No.	Sector	W1	W2	W3	PI _w	A1	A2	A3	PI _A	H1	H2	PI _H	Pollution Index (PI)	Category	Remarks	Concerned Division	
1.0	STANDALONE GENERATOR SET (Genset)																
1.1	Genset(s) of total capacity \geq 1 MVA, using liquid fuel	0	0	0	0	25	0	25	50	30	10	40	60.0	Orange	i. Standalone genset(s) of total capacity less than 1000 KVA may not require additional classification. The used oil/waste oil generated during repair and maintenance need to be disposed through authorized hazardous waste recycler by service provider/OEM. ii. Projects such data centers etc. having pollution potential due to gensets only, may be classified based on the capacity and fuel used.	UPC-I	
1.2	Genset(s) of total capacity \geq 1 MVA, using cleaner/gaseous fuel	0	0	0	0	25	0	10	35	30	10	40	50.5	Green		UPC-I	
2.0	Airports	20	0	35	55	25	0	25	50	30	10	40	75.3	Orange	Airports generates mainly domestic sewage as wastewater. Emissions and generation of hazardous waste due to overall operations in airport are considered.	UPC-I	
3.0	HEALTH CARE FACILITIES (HCFs, AS DEFINED UNDER BIO-MEDICAL WASTE MANAGEMENT RULES, 2016)																
3.1	HCFs with captive incinerator, irrespective of number of beds	20	0	15	35	35	20	25	80			50	88.5	Red	Sector generates bio-medical waste. As per methodology scores assigned to H.	WM-I	
3.2	more than 1000 bedded HCFs	20	0	35	55	0	0	0	0			100	100.0	Red		WM-I	
3.3	501 to 1,000 bedded HCFs	20	0	30	50	0	0	0	0			80	85.0	Red		WM-I	
3.4	201 to 500 bedded HCFs	20	0	30	50	0	0	0	0			60	70.0	Orange		WM-I	
3.5	51 to 200 bedded HCFs	20	0	20	40	0	0	0	0			50	60.0	Orange		WM-I	
3.6	11 to 50 bedded HCFs	20	0	20	40	0	0	0	0			40	52.0	Green		WM-I	
3.7	Up to 10 bedded HCFs	20	0	15	35	0	0	0	0			30	44.8	Green		WM-I	
3.8	Non-bedded HCFs	0	0	0	0	0	0	0	0			25	25.0	Green		WM-I	

S. No.	Sector	W1	W2	W3	PI _w	A1	A2	A3	PI _A	H1	H2	PI _H	Pollution Index (PI)	Category	Remarks	Concerned Division	
4.0	HOTELS/BANQUET HALLS HAVING ROOM FACILITY																
4.1	Hotels (above 3 star) or having 100 & above rooms	20	25	30	75	25	0	25	50	0	0	0	81.3	Red		UPC-I	
4.2	Hotels (above 3 star) or having 100 & above rooms (based on cleaner /gaseous fuel)	20	25	30	75	25	0	10	35	0	0	0	79.4	Orange		UPC-I	
4.3	Hotels (up to 3 star) or having more than 20 rooms but less than 100 rooms.	20	25	20	65	25	0	25	50	0	0	0	73.8	Orange		UPC-I	
4.4	Up to 20 rooms	10	25	15	50	0	0	10	10	0	0	0	52.5	Green		UPC-I	
5.0	RAILWAY LOCOMOTIVE WORK SHOP/ INTEGRATED ROAD TRANSPORT WORKSHOP/ AUTHORIZED SERVICE CENTERS																
5.1	Railway locomotive work shop/ Integrated road transport workshop/ Authorized service centers (wastewater generation ≥ 10 KLD)	20	25	25	70	30	25	0	55	30	10	40	84.3	Red		IPC-V	
5.2	Railway locomotive work shop/ Integrated road transport workshop/ Authorized service centers (wastewater generation <10 KLD)	20	25	15	60	30	25	0	55	30	10	40	79.0	Orange		IPC-V	
6.0	RAILWAY STATIONS																
6.1	Railway Stations (Wastewater Generation ≥ 5 MLD)	20	0	35	55	25	0	25	50	30	10	40	75.3	Orange	Wastewater generating from public toilets, public taps, platform, and apron washing, coach cleaning, laundry, restaurants etc. Emissions and generation of hazardous waste due to overall operations are considered.	UPC-I	
6.2	Railway Stations (Wastewater Generation ≥ 100 KLD, but < 5 MLD)	20	0	15	35	0	0	0	0	0	0	0	35.0	Green	Wastewater generating from various domestic uses as public toilets, public taps, platforms, and apron washing, restaurants etc.	UPC-I	

S. No.	Sector	W1	W2	W3	PI _w	A1	A2	A3	PI _A	H1	H2	PI _H	Pollution Index (PI)	Category	Remarks	Concerned Division	
7.0	RAILWAY SIDINGS																
7.1	Railway sidings / Mineral stock yard	0	0	0	0	0	25	0	25	0	0	0	25.0	Green	Fugitive emissions due to loading, unloading, storage and transportation of the minerals.	UPC-I	
7.2	Railway sidings only for defence purpose	0	0	0	0	0	0	0	0	0	0	0	0.0	White		UPC-I	
8.0	PORTS AND HARBOURS																
8.1	Ports and harbours, jetties and dredging operations	20	30	25	75	0	25	0	25	30	20	50	84.4	Red		WM-I	
8.2	Ports and harbours (only containers handling)/ Captive jetties	20	25	20	65	0	25	0	25	30	10	40	76.4	Orange		WM-I	
9.0	Automobile service stations/ workshops	20	25	20	65	20	0	0	20	30	10	40	75.5	Orange		IPC-V	
10.0	BUILDING CONSTRUCTION PROJECTS																
10.1	Building construction project ≥ 20,000 sq. m. built-up area	20	0	25	45	25	0	25	50	0	0	0	61.3	Orange	i. During the construction phase, the sector is mainly air polluting. However, in post construction phase it is mainly water polluting due to generation of sewage. Consent to Establish/Operate to be taken as per EC conditions, as applicable. ii. Building construction project ≥ 5,000 sq. m., but < 20,000 sq. m. built-up area (with connectivity to terminal STP) may not require separate classification. iii. For projects < 5000 the wastewater shall be managed according to on-site sanitation methods as mentioned in the Manual on Sewerage and Sewage Treatment System (2013), published by the	UPC-I	
10.2	Building construction project ≥ 5,000 sq. m., but < 20,000 sq. m. built-up area (without connectivity to terminal STP)	20	0	20	40	0	0	0	0	0	0	0	40.0	Green		UPC-I	

S. No.	Sector	W1	W2	W3	PI _w	A1	A2	A3	PI _A	H1	H2	PI _H	Pollution Index (PI)	Category	Remarks	Concerned Division
															Central Public Health and Environmental Engineering Organisation (CPHEEO), and as amended from time to time.	
11.0	Standalone mechanized laundry (using boiler)	20	0	20	40	25	0	25	50	0	0	0	60.0	Orange		IPC-V
12.0	New highway construction project	0	0	0	0	25	25	25	75	0	0	0	75.0	Orange	Such projects involve use of hot mix plants, ready-mix concrete plants, construction activities generating fugitive emissions, etc.	UPC-I
13.0	DAIRY FARM															
13.1	Dairy Farm (having more than 500 animals)	30	25	25	80	0	20	0	20	0	0	0	82.0	Red	Dairy farms having less than 15 animals do not require separate classification.	IPC-IV
13.2	Dairy Farm (having 101 to 500 animals)	30	25	20	75	0	20	0	20	0	0	0	77.5	Orange		IPC-IV
13.3	Dairy Farm (having 15 to 100 animals)	30	25	15	70	0	20	0	20	0	0	0	73.0	Orange		IPC-IV
14.0	Gold Assaying & Hallmarking Centres	0	0	0	0	35	0	0	35	25	10	35	46.4	Green	Lead oxide, nitrous fumes are generated during cupellation and parting acid treatment, respectively contributing to the air emissions. The hazardous waste is generated during fire assay in the form of spent cupels bearing lead, spent acid, scrubbed water etc.	IPC-V
15.0	Facility of handling, storage, and transportation of food grains in bulk	0	0	0	0	0	25	0	25	0	0	0	25.0	Green		IPC-V
16.0	Flyash export or disposal operations	0	0	0	0	0	25	0	25	0	0	0	25.0	Green		IPC-V

S. No.	Sector	W1	W2	W3	PI _w	A1	A2	A3	PI _A	H1	H2	PI _H	Pollution Index (PI)	Category	Remarks	Concerned Division
17.0	Oil and gas transportation pipeline (excluding pipeline covered under definition of isolated storage of hazardous chemicals, as per Manufacture, Storage, and Import of Hazardous Chemicals Rules, 1989)	0	0	0	0	25	0	10	35	0	0	0	35.0	Green		IPC-I
18.0	Gaushalas	20	0	15	35	0	20	0	20	0	0	0	41.5	Green		IPC-IV
19.0	Household bio-digesters/gobar-gas (cow-dung) plants based on biodegradable wastes, etc.	0	0	0	0	0	20	0	20	0	0	0	20.0	White		IPC-V

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ANNEXURE A/8

File No.Q-15012/2/2022-CPW(Part-I)/e-231973
Government of India
Ministry of Environment, Forest and Climate Change
(C. P Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 110003

Date: 8th October, 2025

OFFICE MEMORANDUM

Sub.: Standard Operating Procedure [SOP] for obtaining comments from State Pollution Control Boards (SPCBs) / Pollution Control Committees (PCCs), through PARIVESH Portal, under the provision of Ministry's OM dated 14th January, 2025- regarding.

The Ministry has issued notifications vide G.S.R. 703 (E) dated 12.11.2024 and G.S.R.702 (E) dated 12.11.2024 regarding exemption of certain categories of industries from the application of the sub-section (1) of section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and sub-section (1) of section 21 of the Air (Prevention and Control of Pollution) Act, 1981. To implement the provisions of above-mentioned Notifications, the Ministry vide OM dated 14.01.2025 notified detailed process for dealing with projects/activities requiring prior EC, which have exemption from obtaining CTE separately.

2. In order to enable Regulatory Authorities (Ministry/SEIAA) in obtaining comments from State Pollution Control Boards (SPCBs) / Pollution Control Committees (PCCs), in accordance with the procedure outlined in Ministry's OM dated 14.01.2025, entire workflow for appraising proposals of prior EC which have exemption from obtaining CTE separately has been automated through the PARIVESH Portal.

3. Henceforth, all EC proposals shall be dealt through PARIVESH as per the procedure defined in the OM dated 14/01/2025. Therefore, all Member Secretaries of SPCBs/PCCs are requested to furnish comments within the prescribed timelines through the PARIVESH Portal for further consideration on the EC proposals by the Regulatory Authority concerned. Detailed step by step workflow to be followed by SPCBs/PCCs on PARIVESH Portal is given in the Annexure.

4. Project Proposals which have already been granted EC or whose EC application have been accepted by the Ministry/SEIAA-SEAC, after 12/11/2024 and upto 15 days post issuance of the O.M. (hereinafter referred to as 'designated date'), such projects shall, unless already obtained, seek environmental safeguards required for the establishment of the project/activity from the concerned SPCB/PCC within 30 days w.e.f the designated date under the provisions of para 4E of OM dated 14/01/2025.

(P.T.O.)

5. Further, all EC proposals shall be dealt through PARIVESH Portal as per the O.M. of 14/01/2025. w.e.f. 15 days post issuance of the O.M i.e. the 'designated date'.
6. This issues with the approval of the Competent Authority.



(Neelesh Kumar Sah)
Joint Secretary to the Government of India
Phone: 011-20819220
E-mail: sahnk@cag.gov.in

To

1. The Member Secretary (All SPCBs/PCCs)
2. The Chairman, SEIAA (All States)
3. The Member Secretary, SEIAA (All States)
4. The Member Secretary, IA Divisions, MoEFCC
5. All Project Proponents

Copy to:-

1. Sr. PPS to Secretary EFCC
2. Sr. PPS to AS (AG)
3. Sr. PPS to JS (RA)
4. Sr. Tech. Director, NIC, MoEFCC

- TRUE COPY-

No. IA-J-11013/20/2025-IA-P
Government of India
Ministry of Environment, Forest, and Climate Change
(IA- Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi - 110003
Dated: 25th November 2025

OFFICE MEMORANDUM

Subject: Clarification on the OM dated 08th October 2025 regarding implementation of the Standard Operating Procedure (SOP) for obtaining comments from SPCBs/PCCs through PARIVESH Portal under the provision of Ministry's OM dated 14th January, 2025.

The Ministry, vide Notifications G.S.R. 703(E) and G.S.R. 702(E), both dated 12.11.2024, has exempted projects that have obtained prior Environmental Clearance (EC) from obtaining Consent to Establish (CTE) from the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs).

2. To operationalize the above Notifications, the Ministry, vide Office Memoranda dated 14.01.2025 and 08.10.2025, issued detailed SoP for processing projects/activities requiring prior EC but exempted from obtaining CTE, separately. As per the SoP, this exemption involves obtaining comments from SPCBs/PCCs through the PARIVESH portal. The said provision, as per the OM dated 08.10.2025, has been made live on PARIVESH w.e.f. 24.10.2025 and includes all cases involving grant of Environment Clearance.

3. Subsequently, representation has been received from SPCB stating that Projects/Activities related to mining of minor minerals (sand and stone) did not require Consent to Establish under the Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981. However, under the process flow implemented on PARIVESH, such Projects/Activities are also directed to the concerned SPCBs/PCCs for comments prior to the consideration for EC which does not appear necessary since no Consent to Establish is mandated by the concerned SPCBs/PCCs as per their extant provisions in respect of such Projects/Activities.

4. In view of the above, the matter has been examined in the Ministry, and it is clarified that the provisions of OMs dated 14.01.2025 and 08.10.2025 shall apply only to those projects/activities where obtaining both EC and CTE were mandatory prior to 12.11.2024 for projects attracting EC under the provisions of the EIA Notification, 2006, as amended.

5. It is further clarified that, in cases where proposals related to Projects/Activities requiring EC but for which no CTE was mandated prior to 12.11.2024 and which have been referred by the concerned SEIAA to the concerned SPCBs/PCCs through the designated workflow in PARIVESH portal for comments/raising fee; then in such cases concerned SEIAA may proceed for grant of EC following due process and without waiting for the comments and/or raising fee from the concerned SPCBs/PCCs since no additional environmental safeguards are required to be incorporated based on the comments of SPCBs/PCCs

6. Further, a request was received by this Ministry seeking deferment of the implementation of the Office Memorandum (OM) dated 08.10.2025 citing the need for ensuring a smooth transition, capacity building, and timely disposal of pending proposals. The matter has been duly considered, and it has been decided that the 'designated date' referred to in paragraphs 4 and 5 of the aforesaid OM shall be read as 31.01.2026.

7. Further, in cases of such Projects/Activities where Environmental Clearance has been granted by the Ministry or SEIAA between 12.11.2024 and 31.01.2026 and for which CTE was required prior to 12.11.2024, shall, unless already obtained, seek Environmental Safeguards from the concerned SPCB/PCC within 30 days, w.e.f 31.01.2026 or the grant of the Environmental Clearance, whichever is earlier, under the provisions of para 4E of the OM dated 14.01.2025 .

8. Similarly, in respect of Projects/Activities that have either been accepted or may be accepted on the PARIVESH portal on or before 31.01.2026 for appraisal or further processing for the grant of Environmental Clearance and for which CTE was required prior to 12.11.2024, shall be required to obtain related environmental safeguards from the concerned SPCB/PCC within 30 days from the date of grant of environmental clearance, in accordance with the provisions of paragraph 4E of the OM dated 14.01.2025.

9. This is issued with the approval of the Competent Authority.


(A.K. Agrawal)

Director

To

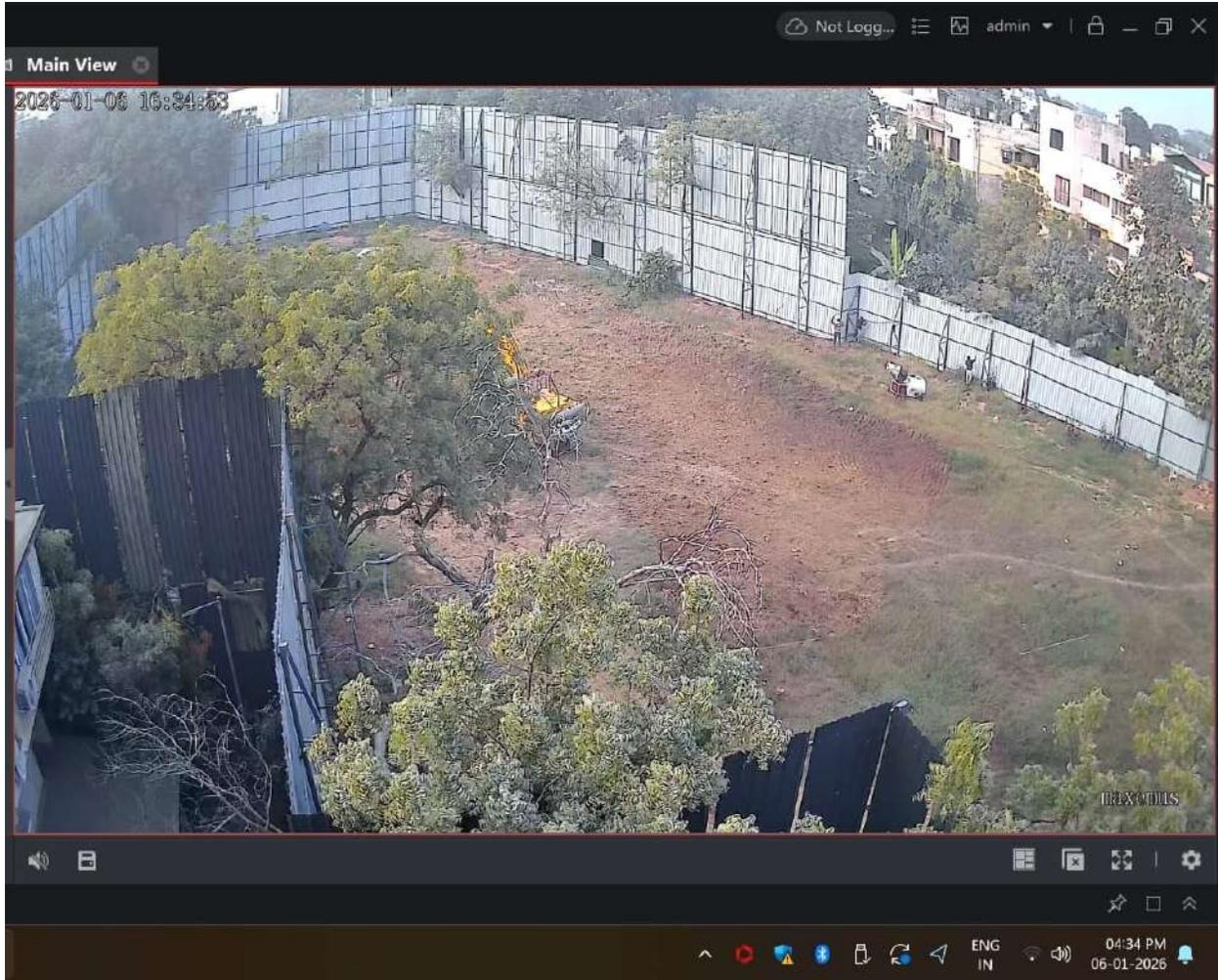
1. The Member Secretary (All SPCBs/PCCs)
2. The Chairman, SEIAA (All States)
3. The Member Secretary, SEIAA (All States)
4. The Member Secretary, IA Divisions, MoEFCC
5. All Project Proponents

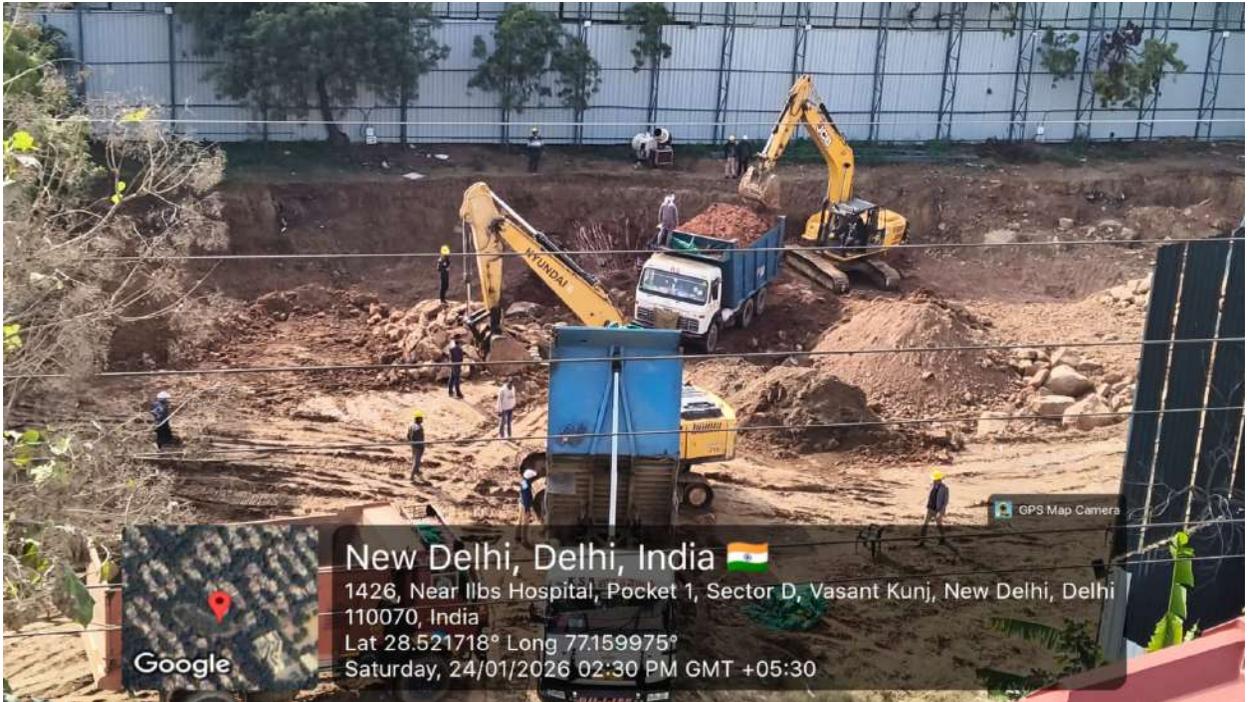
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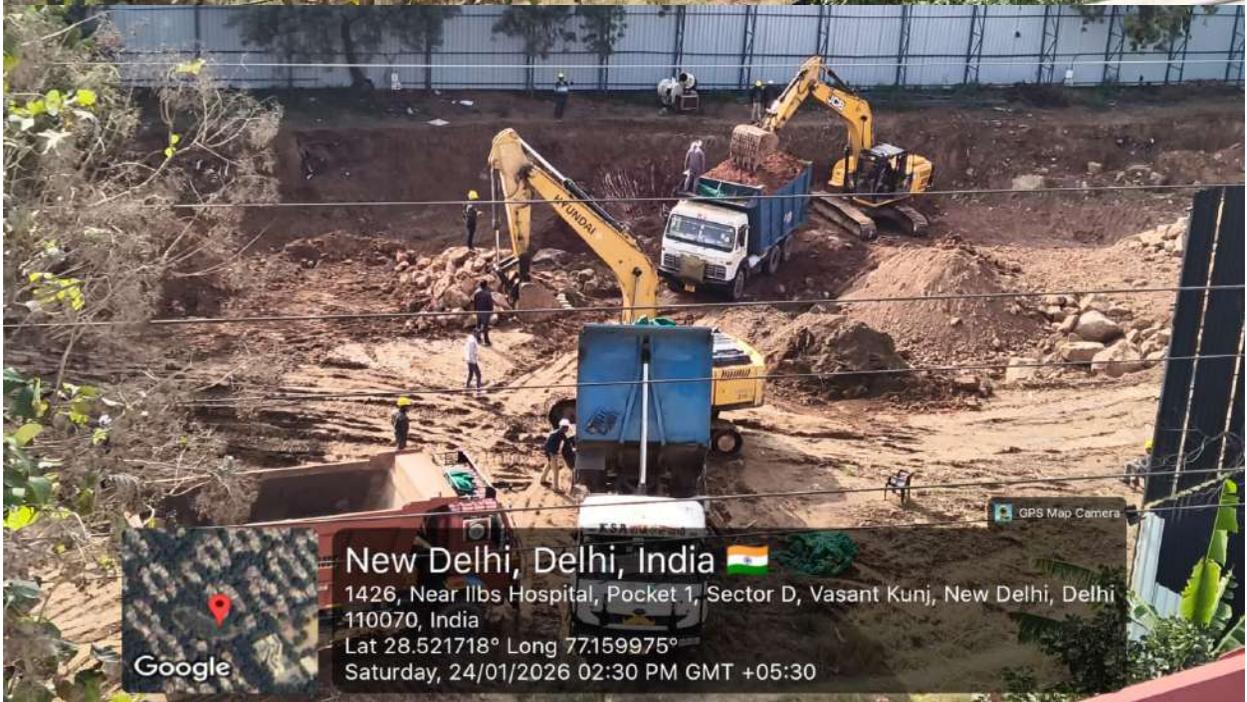
1. Sr PPS to Secretary EFCC
2. Sr PPS to AS (AG)
3. Sr PPS to JS (RA)
4. Sr. Tech. Director, NIC, MoEFCC for necessary action
5. Scientist E, IA Policy, MoEFCC

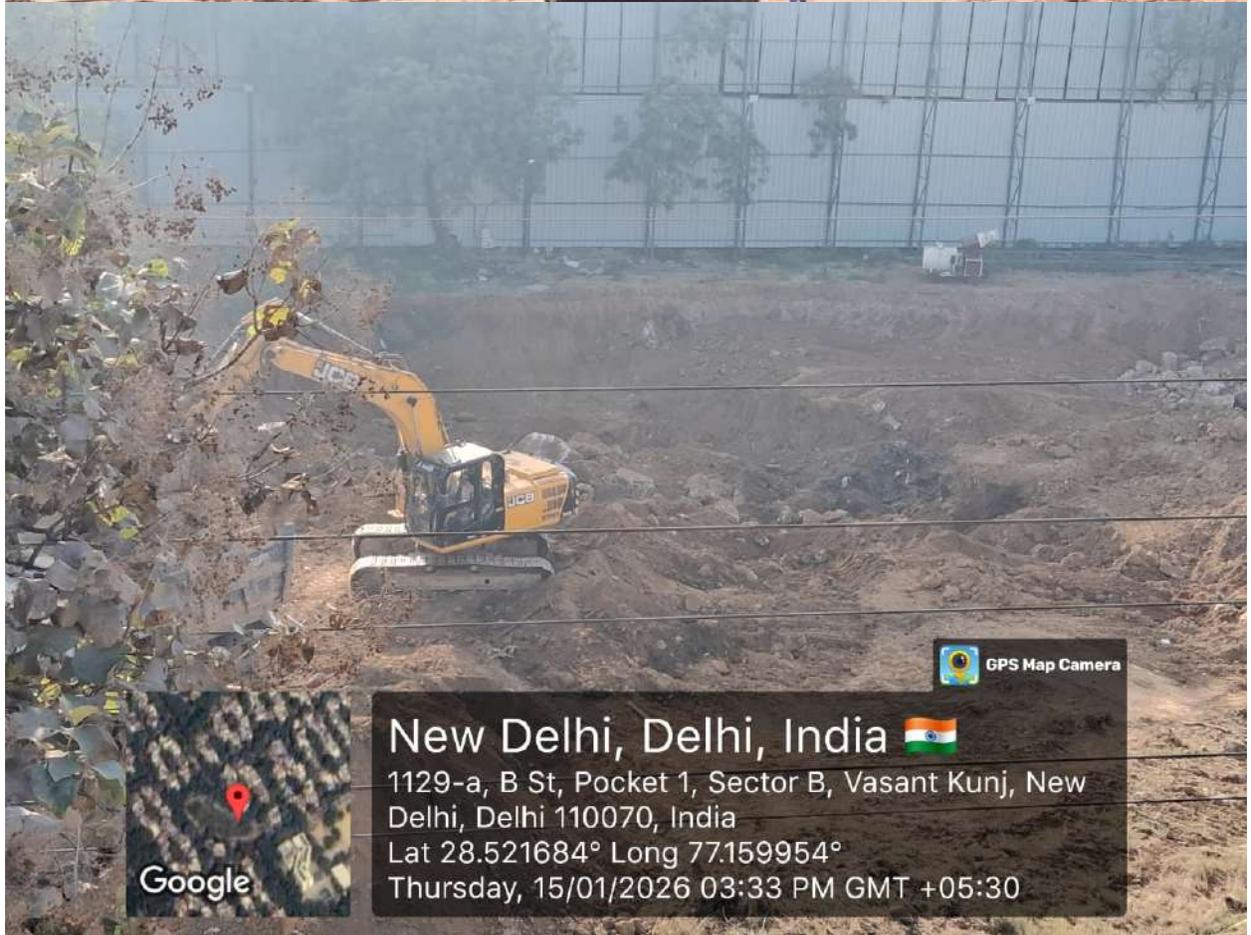
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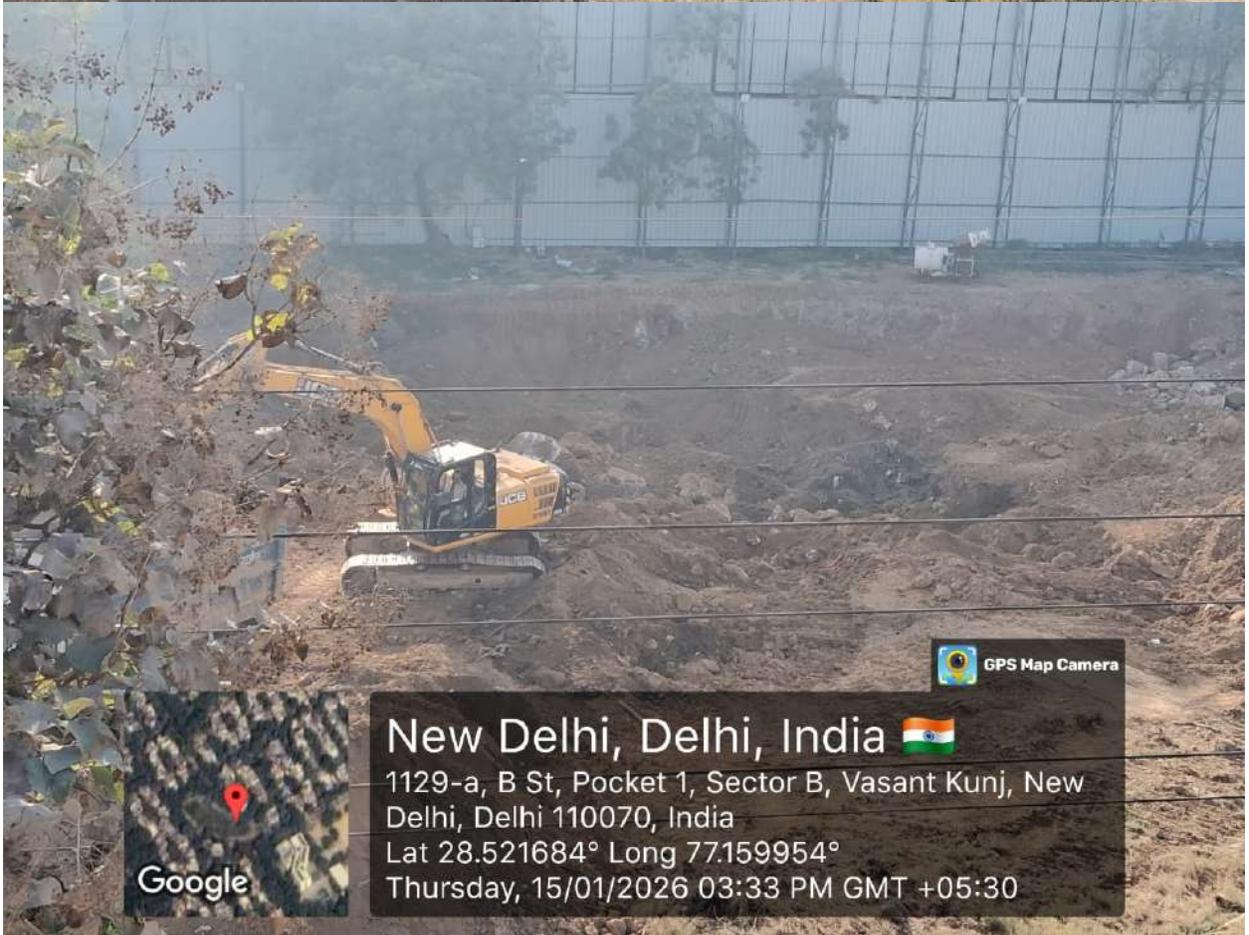
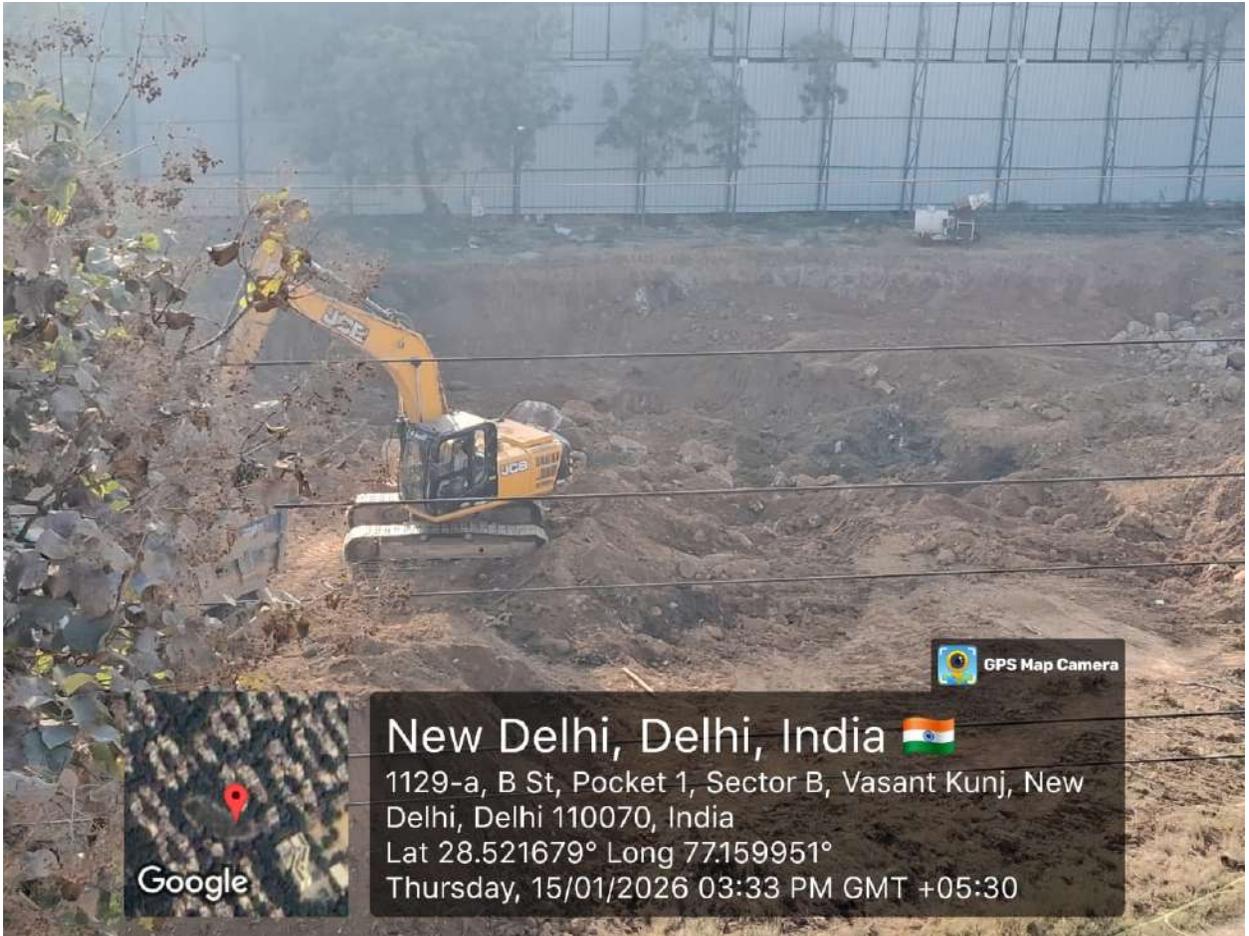
Photographs of the Construction Site

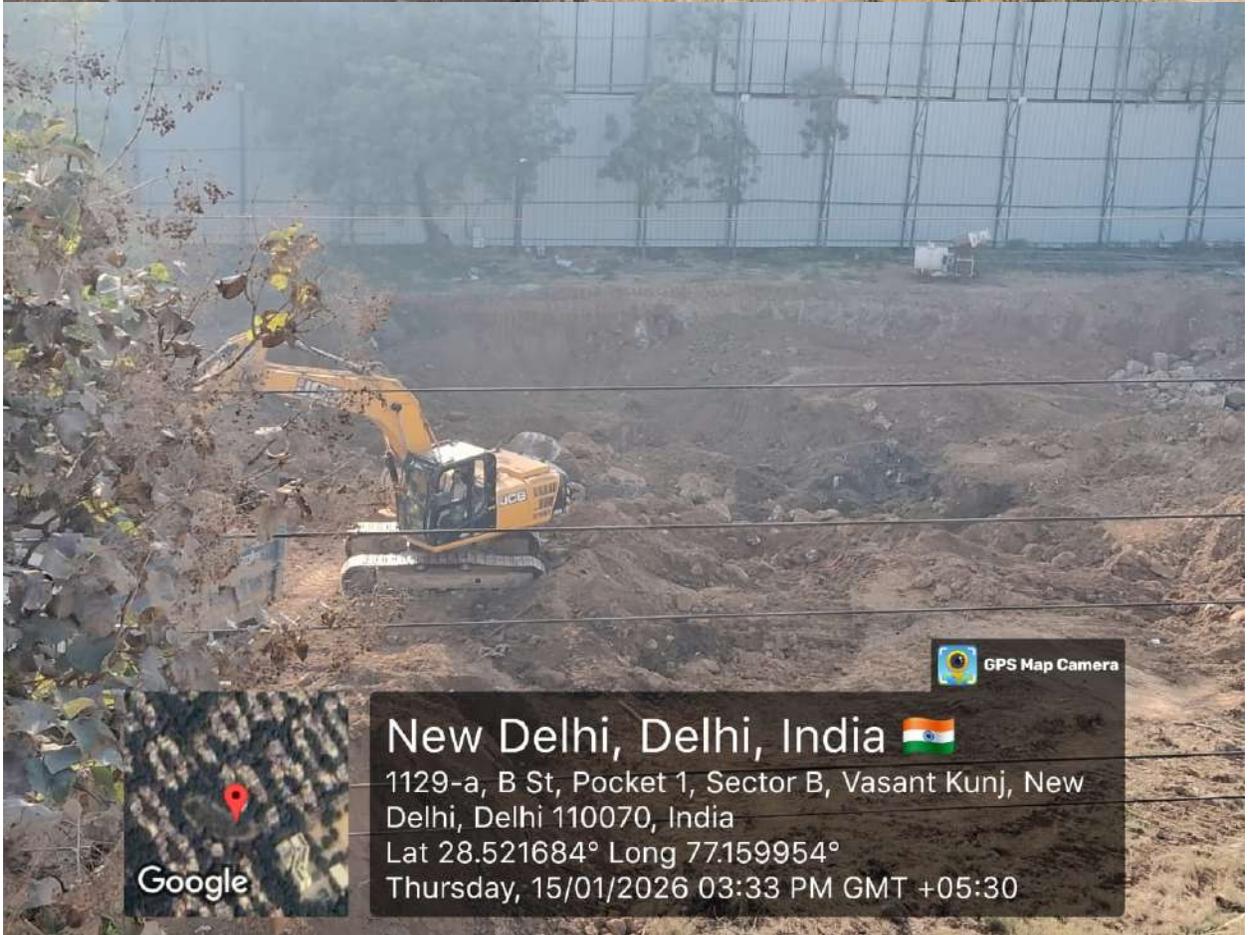
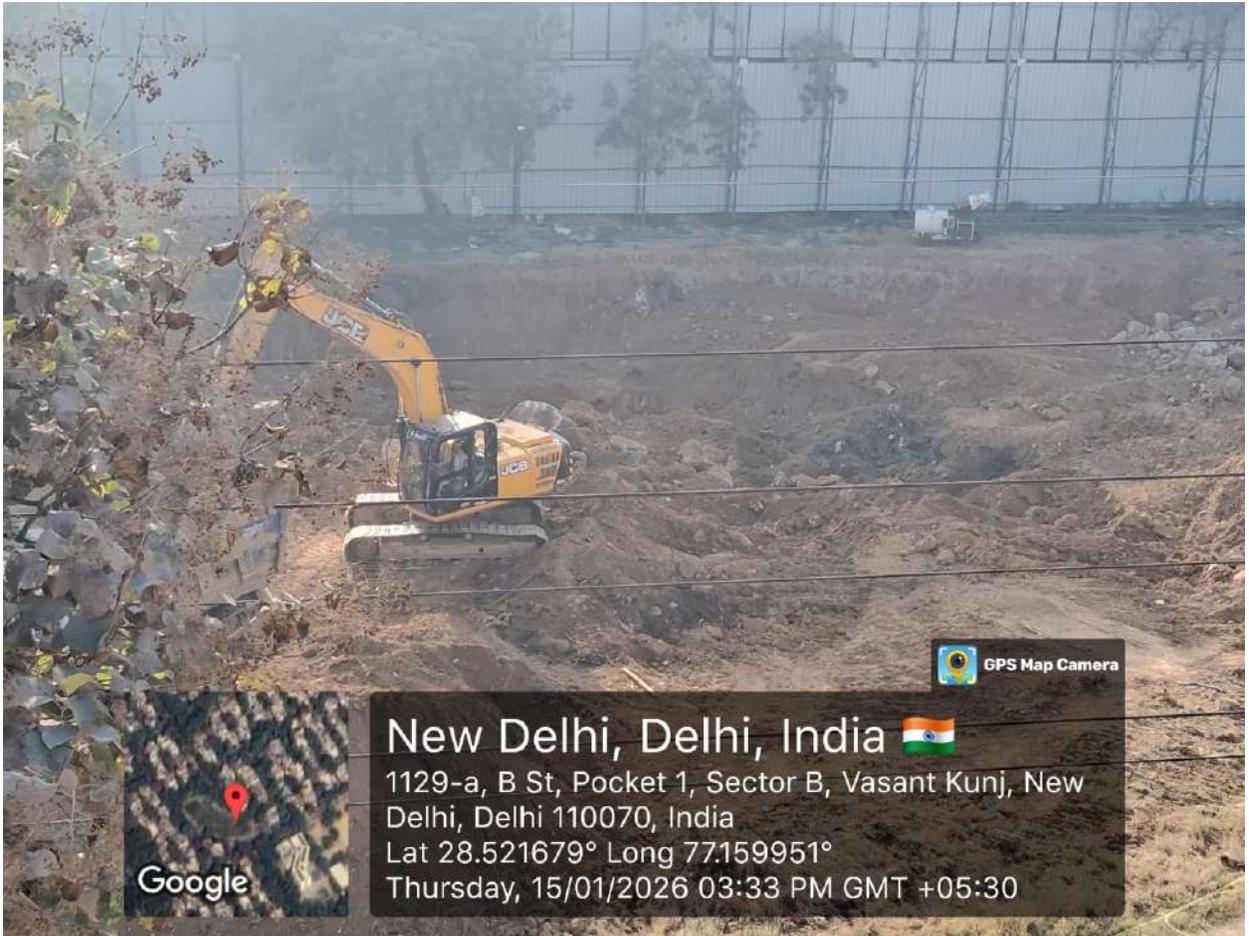


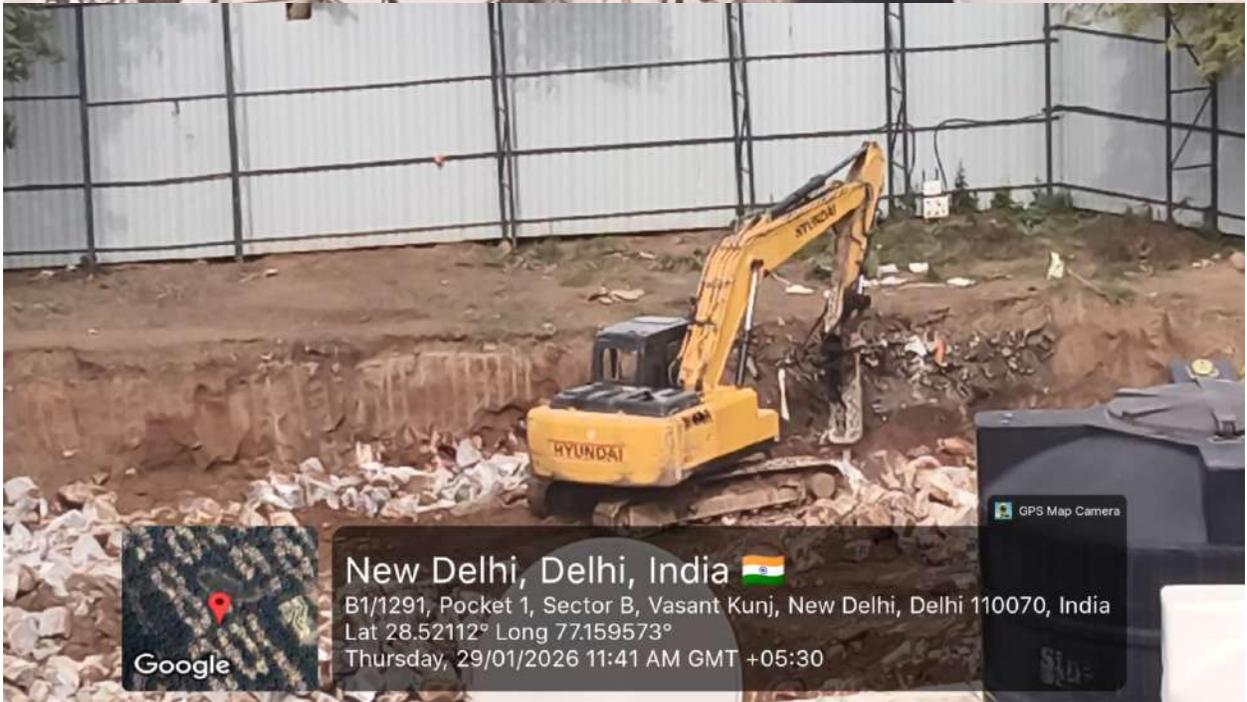
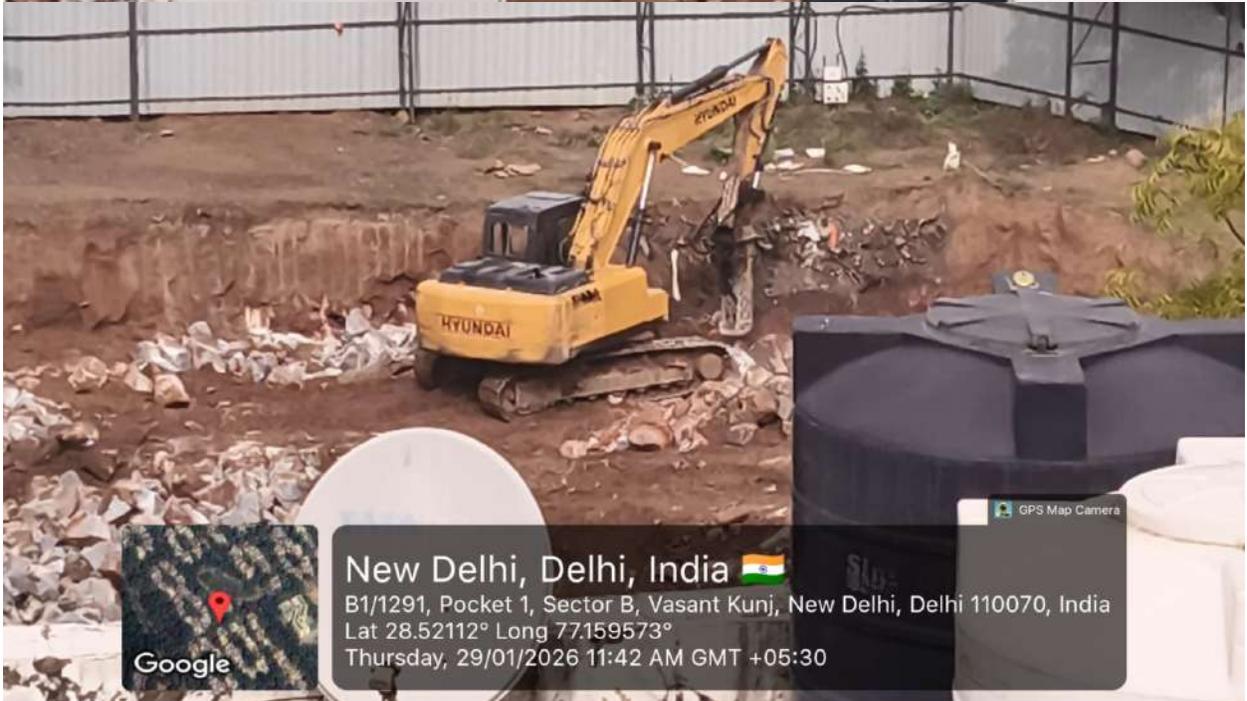
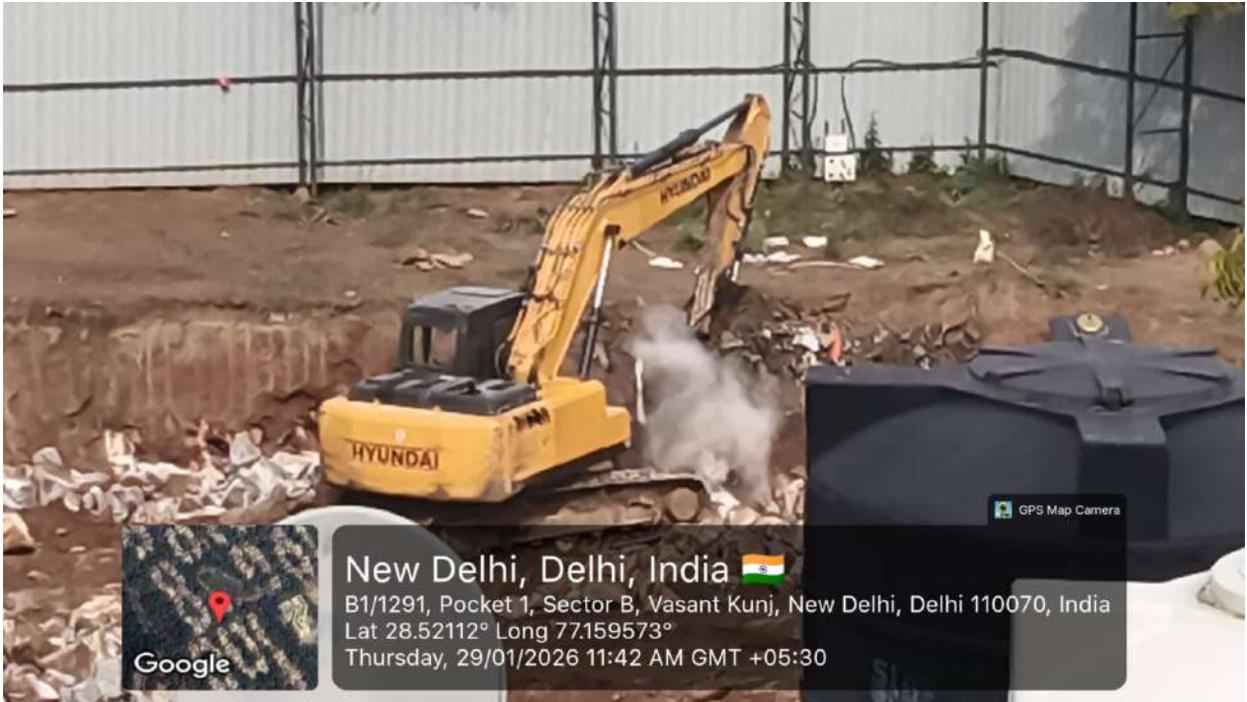


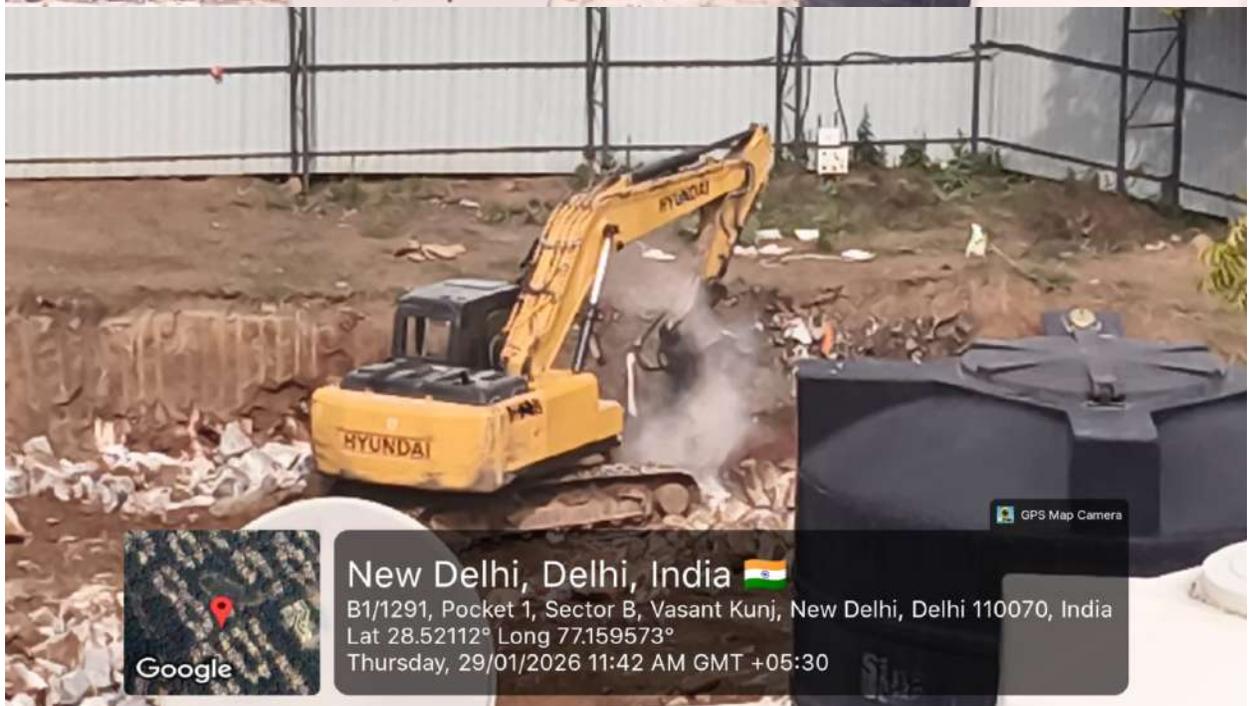
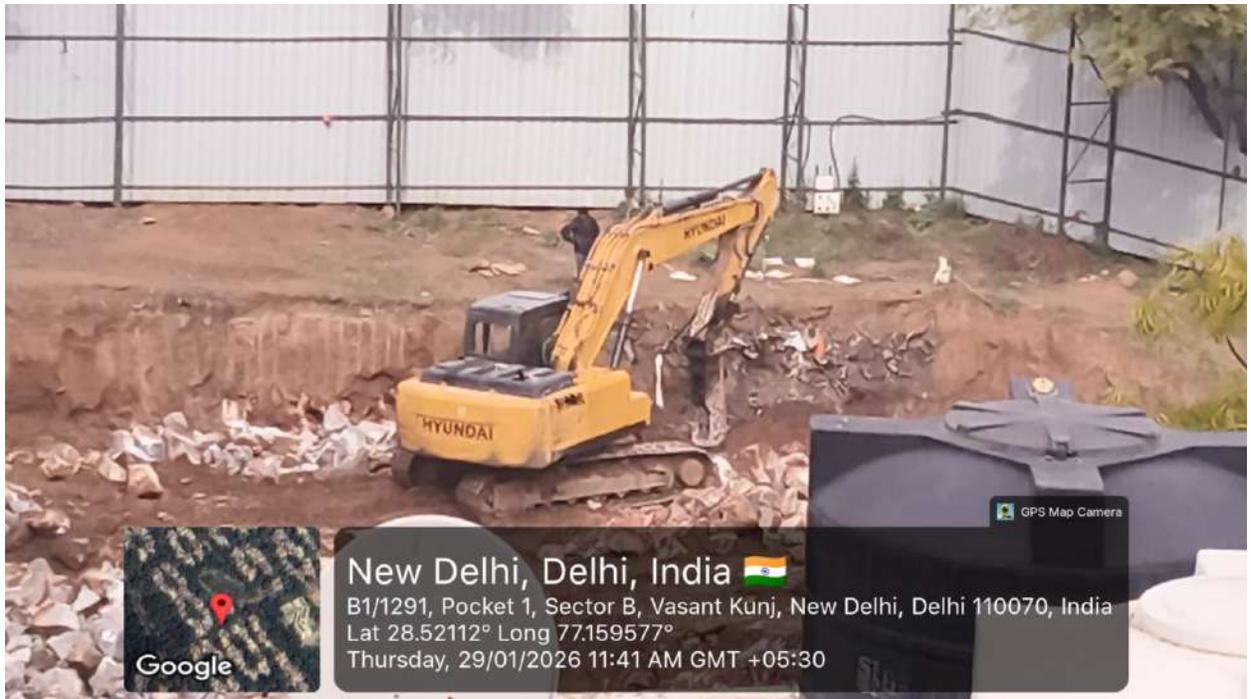


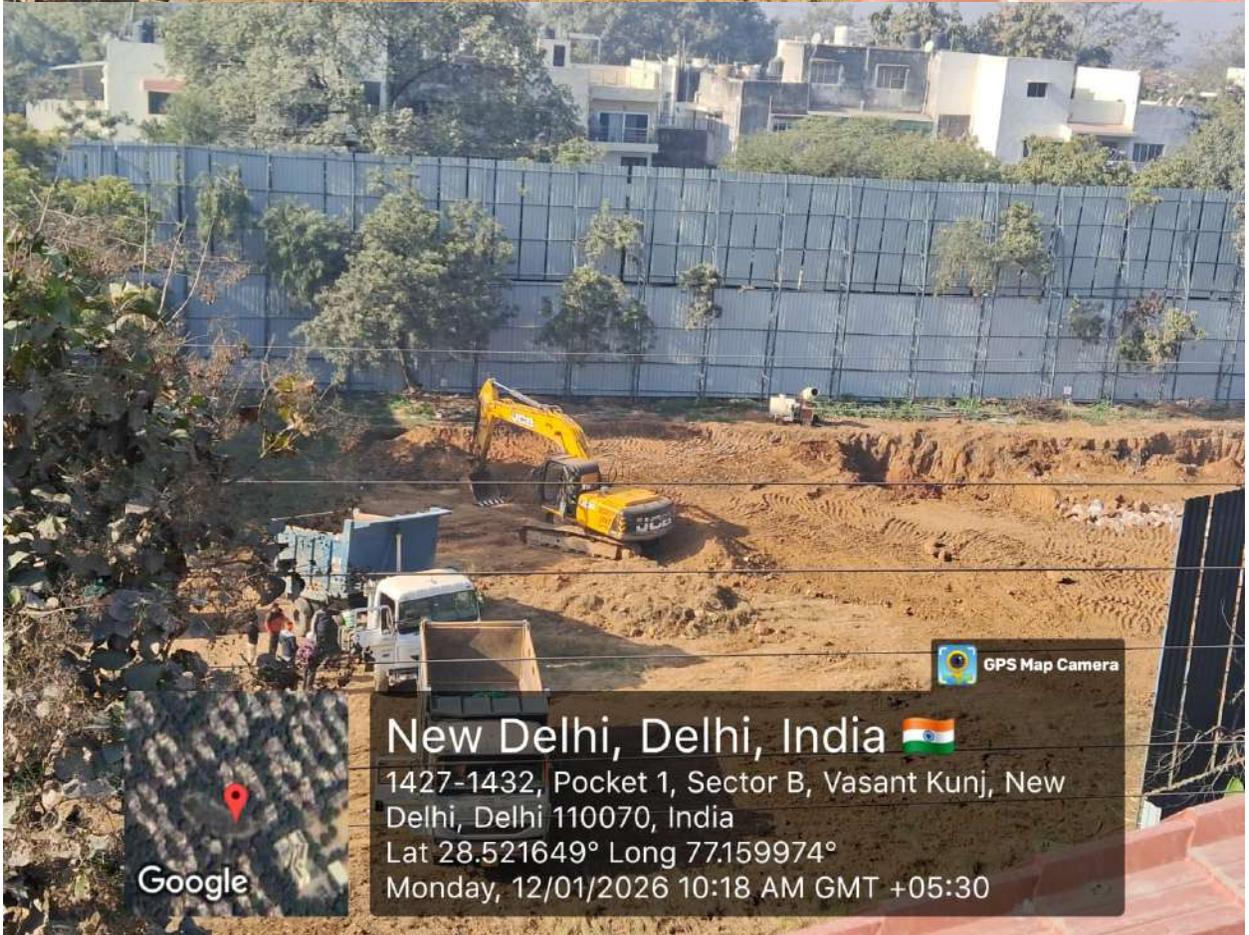
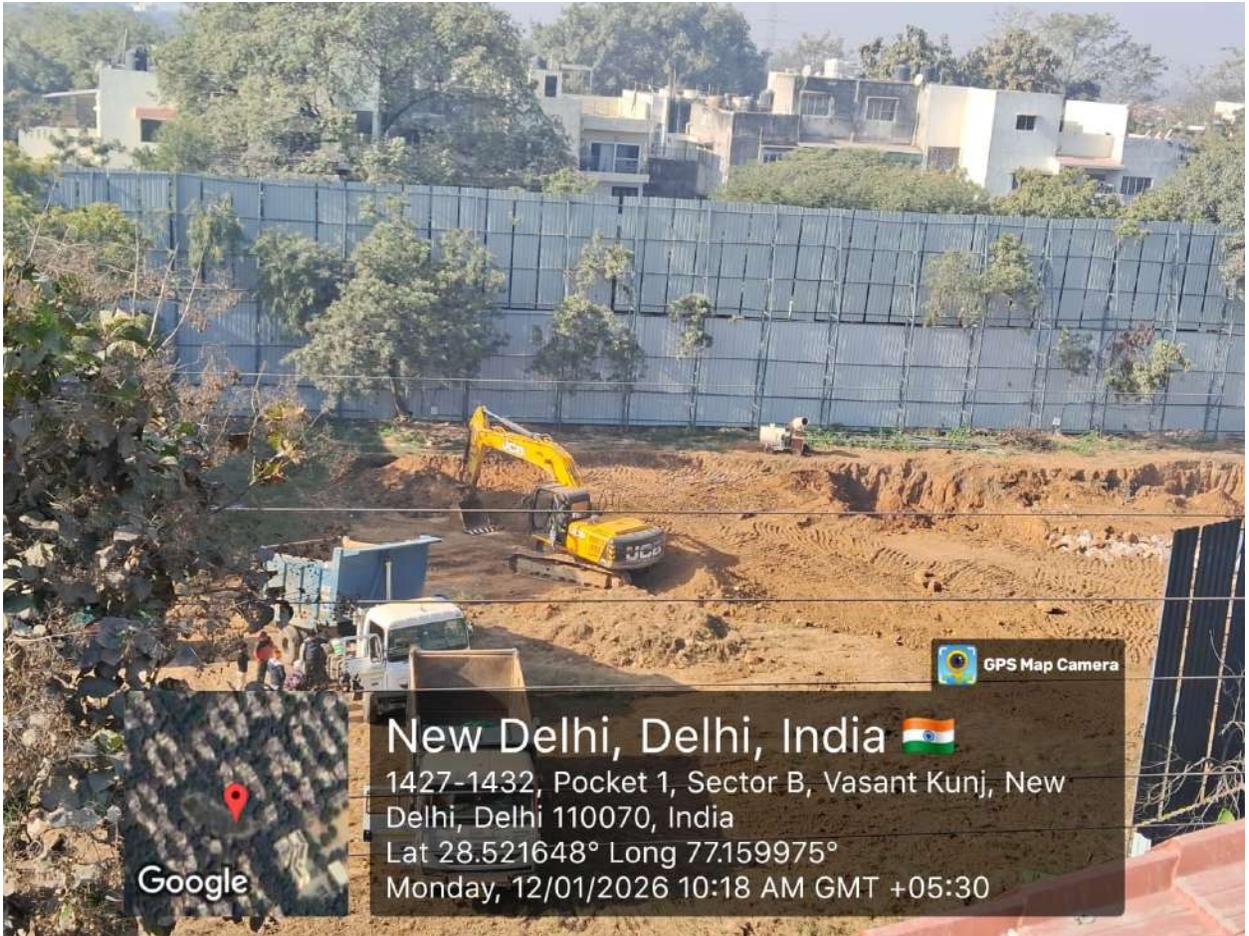


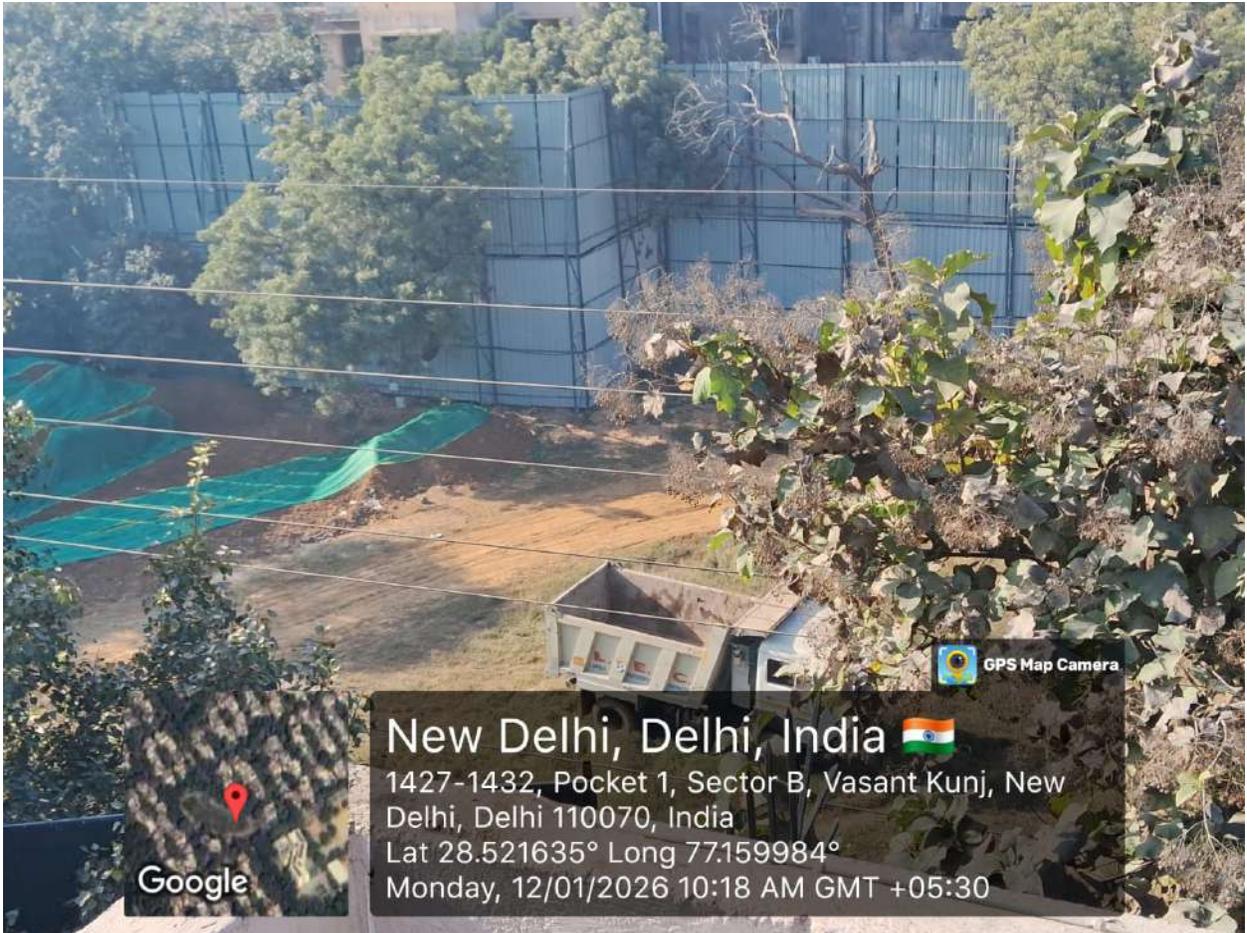












Google

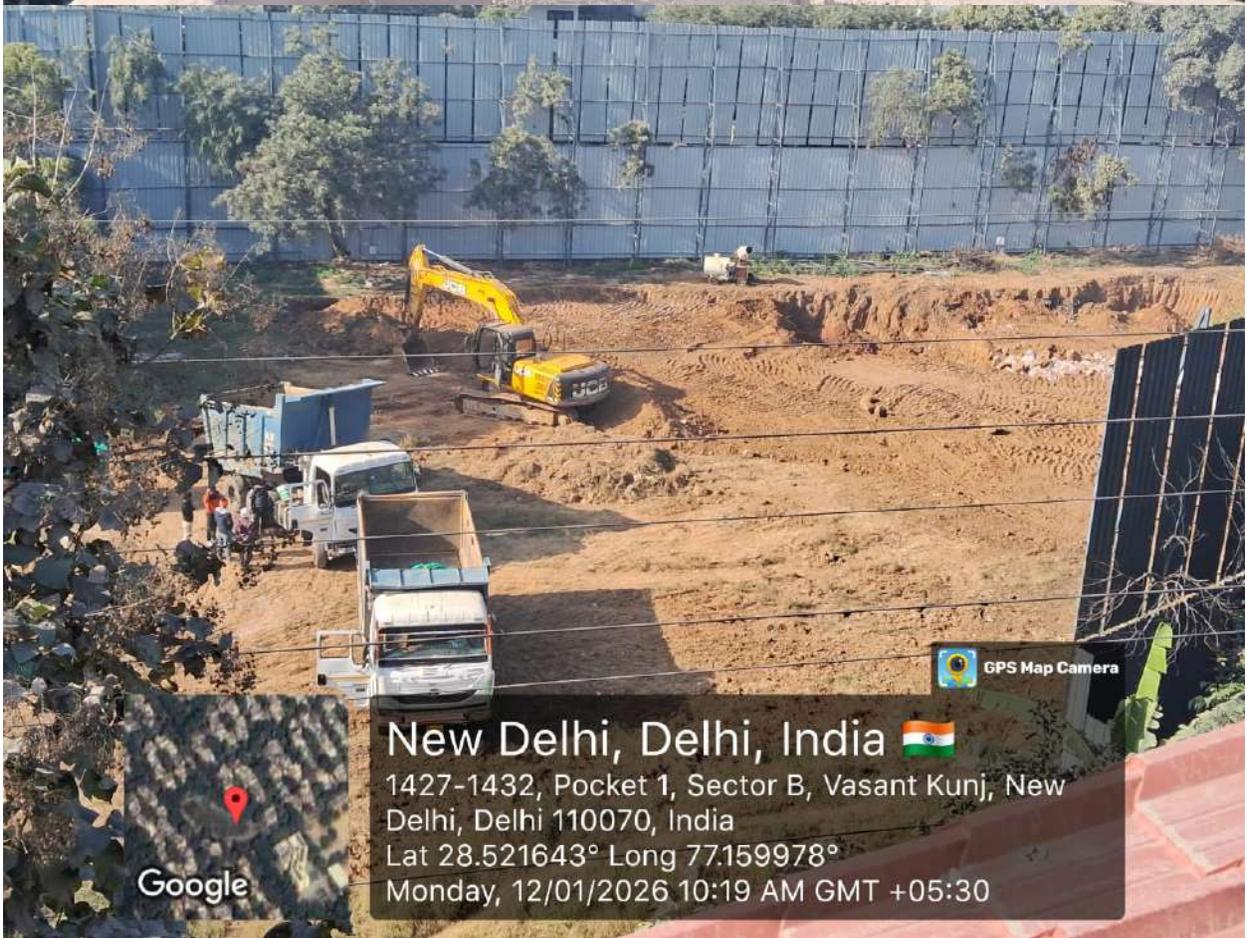
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Monday, 12/01/2026 10:18 AM GMT +05:30

 GPS Map Camera



Google

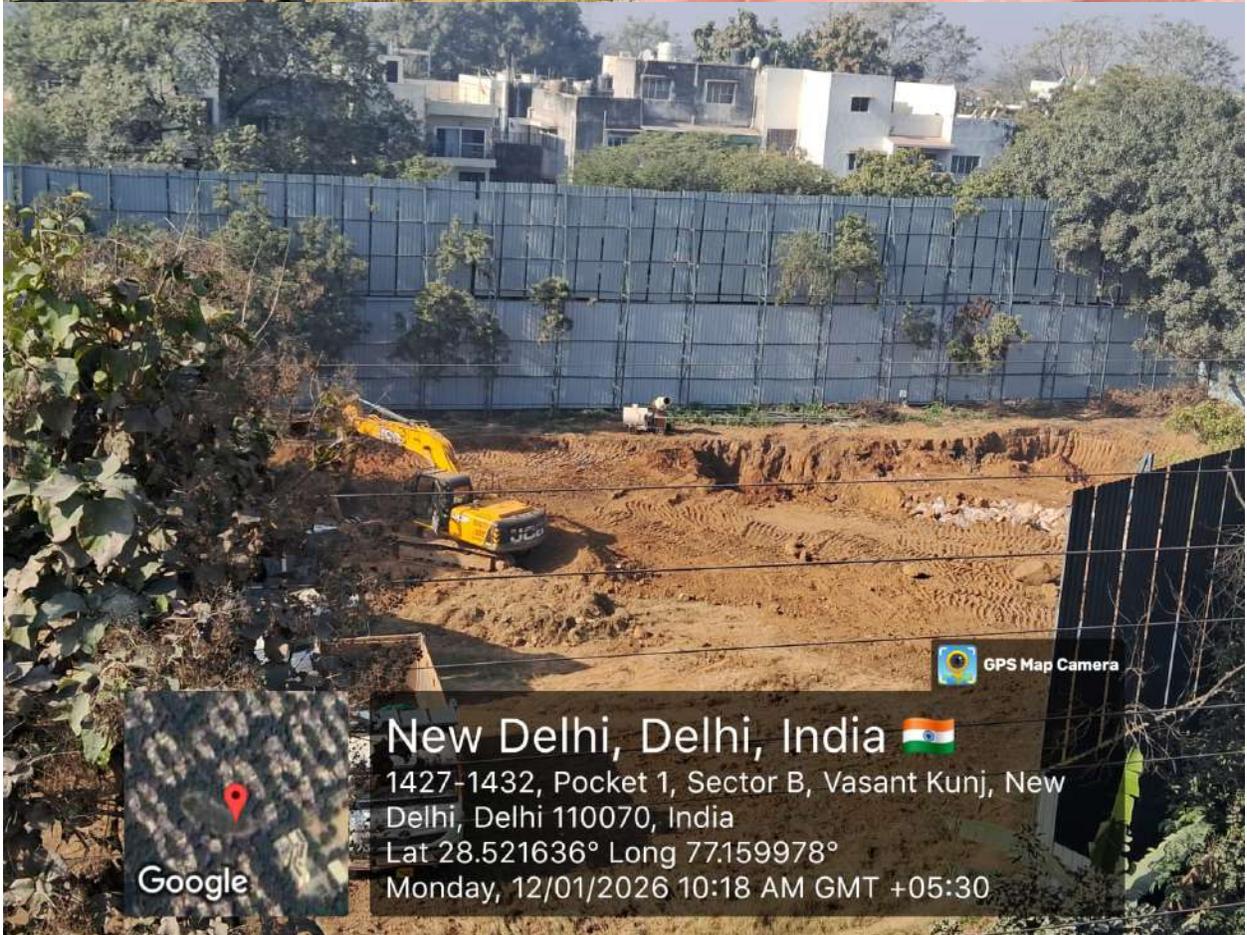
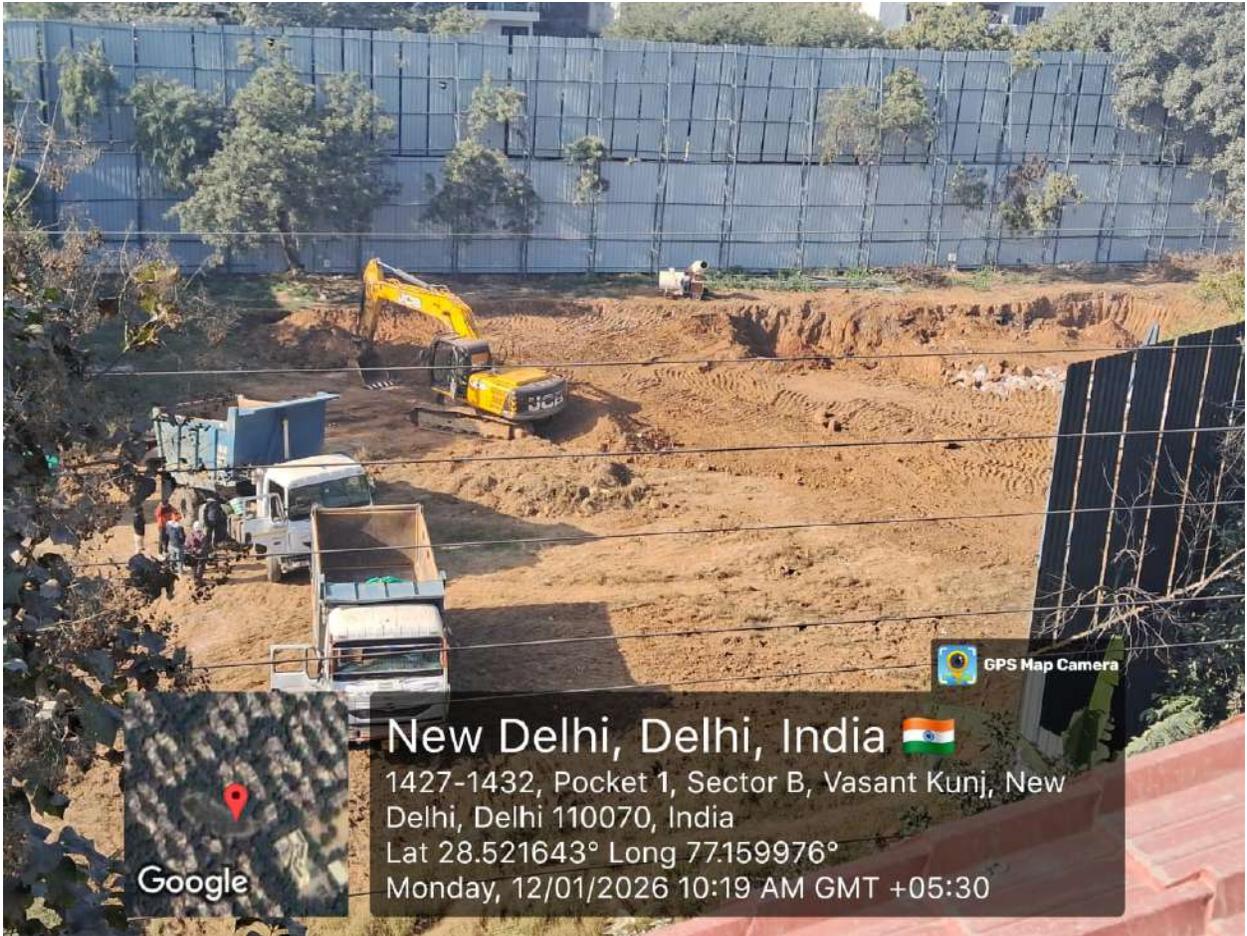
New Delhi, Delhi, India 

1427-1432, Pocket 1, Sector B, Vasant Kunj, New Delhi, Delhi 110070, India

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VIDEOS SUBMITTED IN THE PENDRIVE

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