

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

ORIGINAL APPLICATION NO. 3/2025

IN THE MATTER OF:

BHISHM TYAGI

... APPLICANTS

VERSUS

STATE OF UTTAR PRADESH & ORS

... RESPONDENTS

D.O.H:-29.07.2026

I N D E X

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NEW DELHI

DATED: 15/07/2026

Filed by:



Narender Pal Singh
Advocate for MoEF & CC

Respondent no.6

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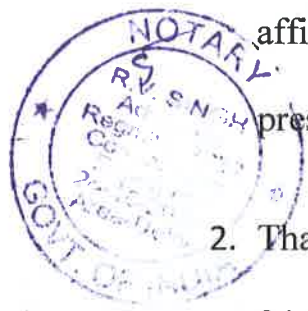
.....RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF THE MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE, RESPONDENT
NO. 6.**

I, V. Pazhaniyandi, S/o Shri Velayudhan Pillai, aged about 47 years, working as Director in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India having its office at Jorbagh, New Delhi, do hereby solemnly affirm and declare as under:

1. That I am duly authorized by the Ministry of Environment, Forest and Climate Change (hereby referred as Respondent No. 6) to swear this affidavit and I am conversant with the facts and circumstances of the present case and am thereby competent to depose as under:

2. That the present affidavit is being filed in compliance with the order dated 04.02.2026 passed by this Hon'ble Tribunal. By the aforesaid order, this Hon'ble Tribunal, inter alia, observed as under:



"....Even though the pyrolysis unit has been categorized by CPCB as falling in orange category and the same is not included in Schedule to EIA Notification dated 14.09.2006 issued by Ministry of Environment, Forest and Climate Change but in view of the air pollution likely to be caused we are prima facie of the view that the categorization of pyrolysis unit in 'orange category' and its exclusion from EIA Notification dated 14.09.2006 requires relook/review/re-examination.

In view of the facts and circumstances of the case, we consider presence of Ministry of Environment, Forest and Climate Change to be essential for just and proper adjudication of the substantial environmental questions involved in the case. Accordingly, Ministry of Environment, Forest and Climate Change through its Secretary is impleaded as respondent no. 6...."

A true copy of the order dated 04.02.2026 is annexed herewith as **Annexure-I.**

3. That it is respectfully submitted that the Answering Respondent issued the Environmental Impact Assessment (EIA) Notification dated 14.09.2006 under the provisions of the Environment (Protection) Act, 1986. The said Notification mandates prior Environmental Clearance (EC) for specified categories of projects or activities before commencement of construction in the case of new projects or before undertaking expansion or modernization of existing projects or activities. The Schedule appended to



the Notification specifies the categories of projects and activities requiring prior Environmental Clearance.

4. That under the EIA Notification, 2006, projects and activities specified in the Schedule are broadly classified into Category 'A' and Category 'B' based on their potential environmental impacts. Projects falling under Category 'A' require prior Environmental Clearance from the Ministry of Environment, Forest and Climate Change, whereas projects falling under Category 'B' require prior Environmental Clearance from the respective State Environment Impact Assessment Authority (SEIAA).
5. That in exercise of the powers conferred under Section 3(3) of the Environment (Protection) Act, 1986, and in accordance with the provisions of the EIA Notification, 2006, the Central Government has constituted State Environment Impact Assessment Authorities (SEIAAs) in various States and Union Territories to discharge the functions of the regulatory authority in respect of Category 'B' projects and activities.
6. That it is further respectfully submitted that the issue regarding the applicability of prior Environmental Clearance under Item 4(b)(ii) of the Schedule to the EIA Notification, 2006 to tyre/rubber pyrolysis units generating coal tar/tar and allied products was placed before the Expert Appraisal Committee (EAC) in its meeting held on 22.05.2026 for examination and clarification.



A handwritten signature in blue ink, consisting of a stylized 'J' followed by a horizontal line.

7. It is submitted that after detailed deliberations, the Expert Appraisal Committee observed that while coal tar processing units are covered under Item 4(b) (ii) of the Schedule to the EIA Notification, 2006 and require prior Environmental Clearance under Category 'B', tyre/rubber pyrolysis units constitute a distinct industrial activity involving thermal decomposition of waste tyres/rubber for recovery of products such as pyrolysis oil, gas, carbon black and tar/tar-like residue. The Committee further observed that the generation of coal tar/tar or tar-like products during the pyrolysis process cannot be construed as coal tar processing as contemplated under Item 4(b) (ii) of the Schedule to the EIA Notification, 2006.
8. That accordingly, the Expert Appraisal Committee recommended that tyre/rubber pyrolysis units, including the generation of coal tar/tar as an output of the pyrolysis process, are not covered under Item 4(b)(ii) of the Schedule to the EIA Notification, 2006 and, therefore, do not require prior Environmental Clearance under the said entry. However, such units are required to comply with all applicable environmental norms, consent requirements and other statutory provisions as prescribed by the competent regulatory authorities. A true copy of the relevant Minutes of the Meeting

is annexed herewith as **Annexure-II**.



9. That the answering respondent craves leaves to file additional documents or information, if necessary, *Pendente lite*.
10. That in view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass such further order (s) as it may deem fit and proper in the interest of justice.

(Signature)
DEPONENT
 (PAZHANIYANDI, V.)
 निदेशक (सी.पी.)/Director (CP)
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 M/o Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

VERIFICATION:

Verified at New Delhi on the **15 JUL 2026** of July, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been suppressed or concealed therein.



(Signature)
 I Identified the deponent/executant who has signed in my presence.

Solemnly affirmed before me, read over & explained to the deponent.

(Signature)
 Notary Public. **DELHI**

(Signature)
DEPONENT
 (PAZHANIYANDI, V.)
 निदेशक (सी.पी.)/Director (CP)
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
 M/o Environment, Forest and Climate Change
 भारत सरकार, नई दिल्ली
 Govt. of India, New Delhi

15 JUL 2026

Items No. 10 & 11

Court No. 2

6

**BEFORE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 3/2025
(I.A No. 356/2025)

Bhishm Tyagi

Applicant

Versus

State Of Uttar Pradesh & Ors.

Respondents

WITH

Original Application No. 651/2025

Dev Industries

Applicant

Versus

State Of Uttar Pradesh & Ors.

Respondents

Date of hearing: 04.02.2026

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Original Application No. 3/2025

Applicant: Applicant in person (through V.C.).

Respondents: Mr. Bhanwar Pal Singh Jadon, Ms. Gargi Chaturvedi, Ms. Anjali Sharma, Ms. Disha Tiwari and Mr. Shivansh Sharma, Advocates for respondents no. 1, 2 and 3.
Ms. Sthavi Asthana, Advocate for Respondent No. 4.
Mr. Ivan, Ms. Anchal Basur and Mr. Dheeraj Jagwani, Advocates for Respondent no. 5.
Mr. Atif Suhrawardy, Advocate for CPCB.

Original Application No. 651/2025

Applicant: Ms. Anchal Basur & Mr. Ivan, Mr. Dheeraj Jagwani and Mr. Abhay Kumar, Advocates.

Respondents: Mr. Bhanwar Pal Singh Jadon and Ms. Anjali Sharma, Advocates for Respondents No. 1.
Mr. Nitin Tewatia, SDM, Bijnor.
Ms. Sthavi Asthana, Advocate for Respondent No. 2.

ORDER

1. Reply dated 31.01.2026 has been filed by UPPCB and Written submissions dated 03.02.2026 have been filed by respondents no.1 and 3 which are taken on record.
2. Mr. Nitin Tewatia, SDM, Bijnor has appeared before this Tribunal and on being questioned as to whether in granting permission for change of land use compliance status of the industrial unit setup in the land in question was taken into consideration on which he has replied that permission for change of land use was granted for non-agricultural purposes in view of the report submitted by the Tehsildar.
3. In the present case, CTE is stated to have been granted to the unit by UPPCB in 2018. However, it appears that at the time of grant of CTE, UPPCB did not take into consideration whether any permission for change of land use has been granted in respect of the land in question, which was recorded in the Revenue Record as 'Agricultural Land', by the competent authority.
4. It emerges from the material on record that the Sub Divisional Magistrate, Bijnor did not look into the compliance status of the industrial unit set up in the land in question before permitting change of land use while UPPCB did not look into the compliance status regarding grant of permission for change of land use by the competent authority before granting CTE for setting up of the industrial unit in the land in question.
5. Even though the unit has been inspected by UPPCB but we consider it appropriate that respondent no. 5-CPCB be directed to inspect the unit and to submit its report regarding compliance with Standard Operating Procedure(SOP) for Recycling of Waste Tyre Scrap for the recovery of Tyre

Pyrolysis Oil, Pyro Gas and Char in Tyre Pyrolysis Oil (TPO) Units dated 16.01.2024 issued by respondent no. 5-CPCB.

6. Report in this regard may be submitted by CPCB after requisite inspection within one month.

7. Even though the pyrolysis unit has been categorized by CPCB as falling in orange category and the same is not included in Schedule to EIA Notification dated 14.09.2006 issued by Ministry of Environment, Forest and Climate Change but in view of the air pollution likely to be caused we are prima facie of the view that the categorization of pyrolysis unit in 'orange category' and its exclusion from EIA Notification dated 14.09.2006 requires relook/review/re-examination.

8. In view of the facts and circumstances of the case, we consider presence of Ministry of Environment, Forest and Climate Change to be essential for just and proper adjudication of the substantial environmental questions involved in the case. Accordingly, Ministry of Environment, Forest and Climate Change through its Secretary is impleaded as respondent no. 6.

9. The Registry is directed to amend memo of parties and issue notice to newly impleaded respondent no. 6 requiring it to file its response within one month.

10. Responses in this regard may also be filed by the applicant and other respondents particularly UPPCB and CPCB, if so desired, within one month.

11. List on 25.03.2026 for further hearing.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 04th, 2026
Original Application No. 3/2025
(I.A No. 356/2025)
With Original Application No. 651/2025
AB



सत्यमेव जयते

Government of India
Ministry of Environment, Forest and Climate Change
IA Division
(Industrial Projects - 2)

10



**Minutes of EAC (Industry-2) Meeting meeting Industrial Projects - 2 held fr
om 13/05/2026 to 14/05/2026**

Date: 22/05/2026

MoM ID: EC/MOM/EAC/388711/5/2026

Agenda ID: EC/AGENDA/EAC/388711/5/2026

Meeting Venue: N/A

Meeting Mode: Virtual

Date & Time:

13/05/2026	10:30 AM	05:30 PM
14/05/2026	10:30 AM	05:30 PM

1. Opening remarks

The Chairman made hearty welcome to the Committee members and appreciated the efforts of the Committee. After opening remarks, the Chairman opened the EAC meeting for further deliberations.

[The main PDF of MoM is enclosed]

2. Confirmation of the minutes of previous meeting

The EAC, having taken note that final minutes were issued after incorporating comments received from the EAC members on the minutes of its Meeting (ID: EC/AGENDA/EAC/551367/4/2026) held on 28th - 29th April, 2026 conducted through Video Conferencing (VC).

Agenda no.06

"The EAC was satisfied with the response provided above. Further, the Ministry received a representation against the proposal vide email dated 26.04.2024" shall be read as "The EAC was satisfied with the response provided above. Further, the Ministry received a representation against the proposal vide email dated 16.02.2026".

In view of the above, the Specific Condition No. 3 pertaining to Agenda No. 09 of the Minutes of Meeting (MoM) of the EAC meeting held during 28th-29th April, 2026:

"Total water requirement is 28,479 CMD of which fresh water requirement of 2,137 m³/day will be met from Maharashtra Industrial Development Corporation (MIDC). Necessary permission in this regard shall be obtained from the concerned regulatory authority. The project proponent will treat and reuse the treated water within the factory and no waste or treated water shall be discharged outside the premises. Comprehensive water audit to be conducted on annual basis and report to the concerned Regional Office of MEF&CC. Outcome from the report to be implemented for conservation scheme."

Shall be read as:

"The total fresh water requirement shall be limited to 28,479 CMD, which shall be met from the Maharashtra Industrial Development Corporation (MIDC). Necessary permissions in this regard shall be obtained from the concerned regulatory authority. The PP shall increase the recycling/reuse of treated effluent from the existing level of 30% to 50% within three years from the date of grant of Environmental Clearance (EC). Thereafter, the PP shall further enhance the recycling/reuse of treated effluent by an additional 10% every year with the objective of achieving Zero Liquid Discharge (ZLD) from the premises within the next ten years. A comprehensive water audit shall be conducted annually and the report thereof shall be submitted to the concerned Regional Office of MoEF&CC. The recommendations and outcomes of the water audit report shall be effectively implemented towards water conservation and optimization measures."

Additional Agenda No. 2

Clarification regarding applicability of prior Environmental Clearance under Item 4(b)(ii) of the Schedule to the EIA Notification, 2006 for tyre/rubber pyrolysis units producing coal tar/tar and allied products – reg.

Background:

The matter pertains to tyre/rubber pyrolysis units producing coal tar/tar and allied products through pyrolysis of waste tyres/rubber. In view of observations of the Hon'ble NGT vide order dated 04.02.2026 regarding

relook/review of categorization and exclusion of pyrolysis units under the EIA Notification, 2006, clarification was sought from Industry-II sector on whether such units and resultant coal tar/tar production are covered under Item 4(b)(ii) of the Schedule to the EIA Notification, 2006 and require prior Environmental Clearance (EC).

Deliberation by EAC:

The matter was placed before the EAC (Industry-2) as an Additional Agenda item for deliberation on the applicability of prior Environmental Clearance (EC) under Item 4(b)(ii) of the Schedule to the EIA Notification, 2006 in respect of tyre/rubber pyrolysis units producing coal tar/tar and allied products through pyrolysis of waste tyres/rubber.

The Committee noted that coal tar processing units are covered under Item 4(b)(ii) of the Schedule to the EIA Notification, 2006 and require prior EC under Category 'B'. However, ambiguity had arisen regarding whether tyre/rubber pyrolysis units generating coal tar/tar products as an output of pyrolysis process would fall under the ambit of the said entry.

The Committee deliberated in detail on the matter and observed that tyre/rubber pyrolysis units are distinct industrial activities involving thermal decomposition of waste tyres/rubber for recovery of products such as pyrolysis oil, gas, carbon black and tar/tar-like residue, and do not constitute coal tar processing units as envisaged under Item 4(b)(ii) of the Schedule to the EIA Notification, 2006. The Committee further observed that the generation of coal tar/tar or tar-like products as an output/by-product of pyrolysis process cannot be construed as equivalent to a coal tar processing activity covered under the said item.

Recommendation of EAC:

After detailed deliberations, the EAC recommended that tyre/rubber pyrolysis units and resultant coal tar/tar production are not covered under Item 4(b)(ii) of the Schedule to the EIA Notification, 2006 and, therefore, do not require prior Environmental Clearance under the said entry. However, such units shall continue to comply with applicable environmental norms, consent mechanisms and other statutory requirements prescribed by the concerned regulatory authorities.