

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

O.A. NO. 771 OF 2022

IN THE MATTER OF: -

Nishant Bhargav

...Applicant

-Versus-

State of Uttar Pradesh & Ors.

...Respondent (s)

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NDoH: 09.10.2025

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Place: New Delhi

Date: 08.10.2025

DRAWN & FILED BY:

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**REPLY TO RESPONSE/OBJECTIONS BY THE APPLICANT DATED
22.08.2025 TO COMPLIANCE AFFIDAVIT BY JAYPEE INFRATECH
LTD (RESPONDENT NO. 4)**

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal is presently seized of the issue of compliances undertaken by the Jaypee Infratech Ltd., through its Implementation and Monitoring Committee (hereinafter referred as the 'Respondent No, 4'), after it has taken over from the previous owner through NCLT/NCLAT proceedings, for proper disposal of wastewater as well as compliance with the Construction and Demolition Waste Management Rules, 2016 along with the development of the Sewage Treatment Plant in the Jaypee Infratech Green Wish Town Project.
2. That the Respondent No. 4 had filed a Compliance Affidavit on 31.07.2024 through its Implementation and Monitoring Committee in compliance with the directions of this Hon'ble Tribunal vide its Order dated 18.03.2024. After a delay of almost one year and one month, the Applicant herein, two days before the hearing before this Hon'ble Tribunal on 25.08.2025, has filed his response on 22.08.2025. On the last date of hearing on 25.08.2025, this Hon'ble Tribunal granted liberty to file the response to the Affidavit of the Applicant. Accordingly, the present Affidavit is being filed, clarifying that the submissions of the Applicant vis-à-vis the non-application of the moratorium period for the

imposition of environmental compensation are without any basis in law and devoid of all merit.

Preliminary Submissions

I. The Resolution Professional has acted in accordance with the law

3. That the Applicant has alleged that the Resolution Professional was duty-bound to continue the project as a going concern and accordingly should have complied with all the requirements of the law as per Section 25 of the Insolvency and Bankruptcy Code, 2016.
4. That at the outset, it is pertinent to mention that the Applicant, in his Objections dated 22.08.2025, has raised grievances against the Resolution Professional and his conduct during the insolvency process, which is clearly beyond the jurisdiction of this Hon'ble Tribunal as per the National Green Tribunal Act, 2010 as well as time barred as the Resolution Plan has been finalized and approved by the NCLT as well as the NCLAT on 07.05.2023. However, it is pertinent to add that the Resolution Professional has acted in accordance with the law, and the Resolution Plan clearly includes detailed timelines for not only undertaking construction of the Jaypee Wishtown project but also for obtaining clearances for the same. The Applicant has failed to highlight a single instance of non-compliance with the duties specified in Section 25 of the Insolvency and Bankruptcy Code, 2016. The chronology leading to the finalization of the Resolution Plan is reiterated below for the ready reference of this Hon'ble Tribunal.
5. That the Respondent No. 4, in pursuance of their EC dated 30.06.2020, is developing the Jaypee Green Wishtown at Noida. The plotted development and residential flats have to be developed in five sectors of

NOIDA (now Gautam Budh Nagar), namely Sector 128, 129, 131,133 and 134. Out of the four sectors, Sector 129, NOIDA, has been sold to a third party. The grievance in the present Application/Letter Petition pertains specifically to the alleged non-compliance with the construction of STP in Sector 133, NOIDA. The Table-1 below describes the projects being undertaken in Sector 133, the number of towers in the said Sector and as well the stage of construction of each project -

Table 1

Sector	Project	No. of Towers	Stage of Construction
Sector 133	Kensington Boulevard	21	Work is yet to be completed at 17 towers
	Kensington Park Apartments and Kensington Park Heights?	18	Out of 18 towers , Occupation Certificate available for 4 towers and Offer of Possession (OOP) issued for 4 towers. Work not yet completed at 09 towers.
	Klassic	32	out of 32 towers, Occupation Certificate available for 26 towers and Offer of Possession issued for 22 towers. Work not completed in 6 towers
	Garden Isles	24	Work is yet to be completed at 24 towers
	Total	95	

6. That the Applicant herein was given the Possession Memo as early as 2011 for their apartment in the abovementioned Sector. It is pertinent to note that erstwhile project proponent had applied for the Completion Certificate in May 2012, however, the same has not been granted till date. The Occupancy Certificate is applied and obtained by the residents themselves. Thus, the Applicant Nishant Bhargav, himself obtained the Occupancy Certificate although Jaypee had not been granted the

completion certificate and started residing in the said premises in Sector 133. Moreover, despite knowing the same, he had the requisite opportunity since 2012 to raise the grievances raised herein, which the Applicant chose to sit over till his letter petition dated 10.06.2022.

7. That subsequently in 2017, the erstwhile management of the answering Respondent declared insolvency and commenced the Corporate Insolvency Resolution Process (CIRP). Due to the pendency of the CIRP, there was a moratorium under Section 14 of the Insolvency and Bankruptcy Code of 2016 on all proceedings against the Corporate Debtor, i.e. the Company of the Respondent No. 4. A time period was provided for the public to submit their claims prior to the finalisation of the Resolution Plan. However, the Applicant herein has not put on record or clarified in his submissions any claims pertaining to the present issue being raised before the Adjudicating Authority. Instead, the Applicant has come before this Hon'ble Tribunal alleging violation during the moratorium period and the alleged failure of the Resolution Professional to comply with his duties under the Insolvency and Bankruptcy Code. In a catena of cases, the Hon'ble Apex Court has clarified that once the moratorium has commenced, all proceedings initiated against the Corporate Debtor are non-est (*Alchemist Asset Reconstruction Company Ltd v. Hotel Gaudavan Private Limited* (2018 16 SCC 94)).
8. That further, all construction pertaining to the project was halted pending the adjudication and finalisation of claims for the preparation of the Resolution Plan. The Resolution Plan was finalised on 07.06.2021 and approved by the NCLAT on 07.03.2023. In the specific case of Nishant Bhargav, the Applicant herein, the Occupancy for the flat in Sector No. 133 was granted prior to the declaration of insolvency in 2017. However,

post 2017, all construction work pertaining to the STP had to be halted due to the absence of investment or any inflow of money for the development of the Project.

9. That after obtaining the approval of NCLAT for the Resolution Plan on 07.03.2023, all construction, management, and maintenance by the answering Respondent was required to be undertaken in pursuance of the Resolution Plan finalised by the NCLAT and under the supervision of the Implementation and Monitoring Committee (IMC).
10. That it is pertinent to note that the Resolution Plan in para 17.4 clarifies that the completion of construction of the projects and the delivery of possession of the units/homes to the home buyers is to be undertaken by the Resolution Applicant as per timelines specified in Annexure I of the Resolution Plan. The Annexure I of the Resolution Plan clarifies that specifically vis a vis Sector 133, the construction of the Kensington Boulevard project will take 22 months, Kensington Park Apartments and Heights construction will take 13 months, construction of the Klassic project will take 15 months, and construction of Garden Isles will take 40 months. (See Annexure I on page 454 of Affidavit dated 31.07.2024 of Respondent No. 4)
11. That the Resolution Plan also clarifies that Homebuyers are deemed to have consented/assented to an extension of timelines in the construction of homes/units as per the timelines provided in this Resolution Plan. Further, the Resolution Applicant or the Corporate Debtor (JIL) does not have any obligation or liability towards the homebuyers on account of monies paid for maintenance charges. In view of the above, it is the humble submission of the answering Respondent that there are clear timelines for the completion of the construction of projects and thus the

answering Respondent cannot be held liable for the delay in the construction of the STP when dedicated timelines for the same are included in the Resolution Plan and consented by the Parties in accordance with law.

12. That *section 31(1) of the Insolvency and Bankruptcy Code, 2016* clearly states that an approved Resolution Plan becomes binding on the corporate debtor and its employees, members, creditors, including the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed, guarantors and other stakeholders involved in the Resolution Plan. (See page 487 of Compliance Affidavit dated 31.07.2024 of Respondent No. 4)

13. That the same provision has been reaffirmed in the Hon'ble Supreme Court's judgement of "*Ghanashyam Mishra and Sons Private Limited through the Authorized Signatory vs. Edelweiss Asset Reconstruction Company Limited through the Director & Ors, (2021) SCC Online SC 313*" as well as in *Swiss Ribbons Private Limited and Another v. Union of India and Others, (2019) 4 SCC 17*, where the legislative intent behind the preparation of Resolution Plan was highlighted, stating the same is made so that no surprise claims are flung on the successful Resolution Applicant and is given a fresh slate on the basis of the Resolution Plan approved. Further, the Hon'ble Apex Court made it clear that on the date of the finalization of the Resolution Plan, all claims which are not a part of the plan, including statutory dues owed to the Central and State government, stand extinguished, and no proceedings can be continued or initiated against the same. It is humbly submitted that this Hon'ble

Tribunal ought not to have entertained the Letter Petition so belatedly by the Applicant where the CIRP process was ongoing and thus the proceedings may not be continued with forthwith.

14. That, it is also apposite to mention that the provisions of the Insolvency and Bankruptcy Code of 2016 in Section 238 also clarify that the said Code overrides all other provisions of the law, notwithstanding anything inconsistent contained in any other law for the time being in force. In the judgement of “*Anand Rao Karoda vs Varsha Fabrics (P) Ltd & Ors, (2020) 14 SCC 198*”, the Hon’ble Supreme Court had reaffirmed that *Section 238 of the Insolvency and Bankruptcy Code, 2016* vests exclusive jurisdiction on the NCLT and the NCLAT to deal with all issues pertaining to the insolvency process of a corporate debtor, and the mode and manner of disposal of its assets. Thus, in view of the mandate of Section 31 of the Insolvency and Bankruptcy Code 2016, the timelines in the Resolution Plan were required to be adhered to by the Resolution Professional, which have been duly complied with. This has also been affirmed by the Apex Court in the case of *Innoventive Industries Ltd. v. ICICI Bank & Anr. (2017 SCC OnLine SC 1025)*.

II. The Clean Slate Principle allows the Corporate Debtor to commence operations without incurring any liability for the past violations.

15. That it is reiterated that Section 31 of the Insolvency and Bankruptcy Code, 2016, as well as the Judgment of the Hon’ble Supreme Court in the case of *Ghanshyam Mishra & Sons (P) Ltd.* has clarified that the Resolution Plan once approved by the Adjudicating Authority is binding on all stakeholders, including government authorities. Thus, the terms and conditions of the Resolution Plan are also binding on the Uttar

Pradesh Pollution Control Board as well as other government stakeholders.

16. That the Resolution Plan clearly specifies that all penalties, liabilities under any law pertaining to the period of insolvency commencement date i.e. 09.08.2017 and or approval date i.e. 07.03.2023 shall stand extinguished. Further, all government authorities were also required to waive the non-compliance of the Corporate Debtor or further claims arising out of non-compliances. Government authorities could not initiate any investigations, actions or proceedings against the Corporate Debtor in relation to non-compliances with applicable laws pertaining to any period up to the approval date i.e. 07.03.2023. The Resolution Plan also provides for a time period of twelve months from the approval date for renewal of consents/approvals by the answering Respondent.

17. That in view of the abovementioned judgment of the Hon'ble Supreme Court and the terms of the Resolution Plan, it may be concluded that the Respondent No. 4 cannot be held liable for any non-compliances prior to 07.03.2023. Clause 34.43 and 34.67 of the Approved Resolution Plan clarify that the Corporate Debtor/Resolution Applicant i.e. Respondent No. 4 cannot be held liable for any non-compliance, during the period prior to the approval date. The Respondent No. 4 had time till March, 2024 for obtaining its requisite approvals, including Consent to Operate for the establishment of the STP, air pollution control devices and thus the Respondent No. 4 cannot be held liable for any non-compliance during the Insolvency Period or for the time period granted for obtaining clearances.

18. That further, the clean slate principle is also recognised in the cases of 'Skyhigh Infraland Private Limited v. Monitoring Committee of the

Corporate Debtor & Anr., (2023) SCC Online NCLT 547’, Kamla Industrial Park Limited v. Monitoring Committee of Corporate Debtor and Another, 2021 SCC Online NCLT 249’, BD Overseas and Fiscal Services Limited and Ors. v. Central Bank of India & Ors., IA/954 (AHM)/2020 in CP (IB) 203 of 2019, Monnet Ispat & Energy Ltd. v. Securities Exchange Board of India (2020 SCC OnLine SAT 453), Tata Steel Limited v. Securities and Exchange Board of India, 2022 SCC OnLine SAT 2268, whereby it was clarified that the Corporate Debtor cannot be accountable for the defaults in regulatory compliances committed by the Corporate Debtor or its promoters/directors prior to the insolvency commencement. The Resolution Plan in the present case as well, clearly clarifies the extinguishment of all non-compliances and accordingly the Show Cause Notices and Directions could not have been issued.

19. That the clean slate theory was further clarified by way of Section 32A of the Code which absolves the new management of the Corporate Debtor from any liability in relation to any offences committed by the erstwhile management of the corporate debtor, prior to initiation of CIRP under the Code. [See page 488 of Compliance Affidavit dated 31.07.2024 of Respondent No. 4]

20. That in the case of ‘Manish Kumar v. Union of India, (2021) 5 SCC 1. In the said case, the Hon’ble Supreme Court recognised the immunity granted to the Corporate Debtor (new management under the resolution plan) against the offence committed by the Corporate Debtor prior to the initiation of corporate insolvency resolution process and held Section 32A of the Code as constitutional. The Hon’ble Supreme Court also observed that while Section 32-A intends to give a clean break to the

successful Resolution Applicant, it is hedged with ample safeguards to avoid any exploitation. Such immunity is contingent on the fulfilment of several conditions, such as approval of the Resolution Plan, change in control of the Corporate Debtor, such that the new management cannot be the disguised avatar of the old management or be a related party of the corporate debtor.

21. That the issue of calculation of compensation for the period of insolvency is pending before the Hon'ble High Court of Allahabad in Writ Petition No. 7563/2024 and Writ Petition No. 8463 of 2025. In view of the same, the present Original Application may be disposed of in view of the Supreme Court's judgement in "*State of Andhra Pradesh v. Raghu Ramakrishna Raju Kanumuru [Diary No. 16486/2022]*", where it was observed that the continuation of proceedings before the NGT for the same cause of action, which is seized with the High Court, would not be in the interest of justice.

III. The Respondent No. 4 has submitted all the requisite details pertaining to the operational status of the STPs

22. That specifically with respect to the operational status of each STP as required by this Hon'ble Tribunal vide Order dated 18.03.2024, the same was submitted on 31.07.2024 with all the requisite details of the occupancy in each sector, the amount of wastewater generation and the capacity of the STPs to treat the wastewater. The detailed updated chart has been filed in the Affidavit of the Respondent No. 4 on 23.08.2025. It is pertinent to reiterate that all the STPs are in working condition and are operating in pursuance of the Consent to Operate granted by the Uttar Pradesh Pollution Control Board.

23. That it is further imperative to reiterate that the Hon'ble High Court of Allahabad vide the Judgment dated 17.07.2025 in Suez India Pvt. Ltd. through its Authorized Signatory v. Uttar Pradesh Pollution Control Board and Others [Writ (C) No. 4816 of 2024] has clarified that the State Pollution Control Boards have no powers to impose environmental compensation upon any person or industry and it can merely file an application before NGT under Section 15 read with Section 18 of the NGT Act. The said order is annexed as Annexure R/5 at Page 32 in the Affidavit dated 23.08.2025.

24. That specifically on the issue of transportation of wastewater from Sector 133 to Sector 128, the Respondent No. 4 in its Affidavit dated 15.06.2023 had submitted the log books (Page 136 and 144) and photographs (page 150-151) to showcase the transportation of wastewater for treatment to STP 1. It is pertinent to mention that as per Rule 11(4)(i) of the Control of Water Pollution (Grant, refusal or Cancellation of Consent) Guidelines, 2025, which is now in existence, control equipment of specifications approved by a State Board can be operated in the premises where the industry is carried on. Since the NOC of 2010 [Refer page 107 of the Affidavit dated 15.06.2016] was taken for all sectors i.e. sector 128, 129, 131, 133 and 134, and all these sectors were part of one project i.e. Jaypee Greens Wishtown project of Respondent-4, all these sectors combined are construed as "premises" where the STPs are operating in their respective sectors. Hence, the transport of wastewater from Sector 133 to STP-1 in Sector 128 by Respondent-4 is well within the law and compliant with the conditions of the CTO granted. The true copy of the Control of Water Pollution (Grant, refusal or Cancellation of Consent) Guidelines, 2025 is marked and annexed as **ANNEXURE A/1**.

25. That it is also pertinent to note that the UPPCB does not have any power to impose environmental compensation upon any person or industry. The Allahabad High Court, in its judgement of “*Suez India Pvt. Ltd. through its Authorized Signatory v. Uttar Pradesh Pollution Control Board and Others [Writ (C) No. 4816 of 2024]*” has clarified that only the National Green Tribunal has the statutory power to impose environmental compensation, and the State Pollution Control Boards do not hold the same power.

26. That it is also pertinent to reiterate that the Hon’ble Supreme Court, in its Judgement of “*Delhi Pollution Control Committee v. Lodhi property Co. Ltd. Etc [Civil Appeal No. 757 of 2013]*”, stated that the mechanism of levy of compensation has to be worked out by way of subordinate legislation. Further, there are other discrepancies that were been pointed out due to which the Hon’ble Supreme Court has again listed the matter on 15.09.2025 directing to the MOEF&CC to be a party to respond to the queries. In other words, there is no finality to the said Judgment on the mechanism of levy of compensation as it is a subject to the Direction No. (C) which states that – “*it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish the bank guarantees as an ex ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation*”.

Hence, till such position is clear, it is submitted that the Allahabad High Court’s decision shall hold.

Para Wise Reply

27. That the contents of Para 1 -5 are denied as wrong, false and devoid of all merit, save what are matters of record. Despite clarifying the operational status of the STPs, the Applicant is submitting false and misleading statements to state that the STPs are not in operation. The grievance of the Applicant with respect to the operation of STP for Sector 133 no longer survives as the said STP is in operation and is adequately treating the wastewater generated from the said Sector. Infact, the Joint Committee Report notes that there is no overflow of sewage from the manholes. This Hon'ble Tribunal may take strict note of the conduct of the Applicant, who is trying to protract the present litigation for reasons best known to him.

28. That the contents of para I to IV at Pages 545 to 562 are denied as wrong, false and devoid of all merit. The Applicant is raising his grievance against the conduct of the Resolution Professional at a very belated stage and which is also, in the humble submission of the Respondent No. 4, not within the jurisdiction of this Hon'ble Tribunal. The contents of para 3 to 21 are reiterated and are not being repeated for the sake of brevity. It is also humbly submitted that the issue of calculation of compensation for the insolvency period is sub-judice before the Hon'ble High Court of Allahabad.

29. That the contents of Para 5(a) to (p) are denied as wrong, false and devoid of all merit. The Respondent No. 4 herein reiterates the submissions in the Preliminary Submissions to clarify that the transportation of wastewater from one sector to another was being undertaken in accordance with the law. Further, the STPs are in complete working condition, and the water quality is being duly monitored by the Uttar

Pradesh Pollution Control Board . The Applicant is also put to strict proof for claiming the number of allottees and residents as the updated status has duly been provided by the Respondent No. 4 in the Affidavit dated 23.08.2025 which clarifies that the capacity of the STPs in all the four sectors is more than enough to treat the waste water being generated.

30. That in view of the abovementioned facts, it is humbly submitted that the present matter may be disposed of as the issue raised by the Applicant, in the OA, no longer survives in view of the developments shared through the updated chart in Respondent-4's reply to the Applicant's additional affidavit dated 22.08.2025 as well as ongoing proceedings on the similar issue before the Hon'ble High Court.

Place: New Delhi

Date: 08.10.2025

DRAWN & FILED BY:

M. Bachani

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SETTLED BY:

Sanjay Upadhyay
[Senior Advocate]

IN THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL
BENCH, NEW DELHI
ORIGINAL APPLICATION NO 771 OF 2022

IN THE MATTER OF:

Nishant Bhargav

... Applicant

-I'ersus-

State of Uttar Pradesh & Ors.

...Respondent (s)

AFFIDAVIT

I Apurva Pragya S/o Shri Dinesh Narayan Sinha aged about 49 Yrs. the Authorized Signatory for *Mis Jaypee Infratech Ltd.* having registered office at Sector-128 Noida-201304. 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 Application are true and correct 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 Application are true and correct to the best of my knowledge.

I identified the deponent who has signed in my presence.

Mahar
8600531203



DEPONENT

22 AUG 2025

VERIFICATION:

Verified at on this day of 2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.



NOTARIALIZED

Neelam Sharma, Advocate
No. 11, Patiala House Courts,
Ch. No. 165A, Gate No. 11
New Delhi-110001
(M): 9899408301



DEPONENT

22 AUG 2025

क्र.सं.	खनन का प्रकार	खनन कारक के प्रकार (टीएमएफ)
1.	खुली खनन	1.25
2.	भूमिगत खनन	1.00

5. कॉफी पल्लिंग क्रियाकलापों के लिए वार्षिक फीस – (क) प्रचालन क्षमता को पृथक रखते हुए पल्लिंग (वेट और ड्राई पल्लिंग) के प्रकारों को ध्यान में रखते हुए बुनियादी फीस और पल्लिंग कारक के आधार पर कॉफी पल्लिंग के लिए वार्षिक फीस का निर्धारण निम्न प्रकार से किया जाएगा।

$$\text{सीएफ} = \text{बीएफ} * \text{पीएफ}$$

जहाँ,

- सीएफ : फीस (रु. / वार्षिक)
- बीएफ : मूल फीस (रु. 2500 प्रतिवर्ष)
- पीएफ : पल्लिंग कारक (पल्लिंग के प्रकार के आधार पर)

(ख) पल्लिंग के प्रकार के आधार पर पल्लिंग कारक (पीएफ):

क्र. सं.	पल्लिंग के प्रकार	पल्लिंग कारक (पीएफ)
1	2	3
1	वेट पल्लिंग	1.25
2	ड्राई पल्लिंग	1.00

6. जलीय कृषि क्रियाकलापों के लिए वार्षिक फीस - लीज होल्ड क्षेत्र के आधार पर एक्का कल्चर के लिए वार्षिक फीस का निर्धारण किया जाएगा और फीस निम्नानुसार है :

क्र. सं.	लीज होल्ड क्षेत्र	फीस (रु. में)
1	5 हेक्टेयर तक	शून्य
2	5 से 25 हेक्टेयर के बीच	रु. 5,000
3	25 से 100 हेक्टेयर तक	रु. 25,000
4	100 हेक्टेयर से अधिक	रु.1,00,000

7. औद्योगिक इकाइयों को प्रोत्साहन- जल, वायु और भूमि प्रदूषण को कम करने, प्राकृतिक संसाधनों (उत्पादन की प्रति इकाई संसाधन खपत) के संरक्षण के लिए पर्यावरण संरक्षण उपाय अपनाने वाले और सर्वोत्तम प्रौद्योगिकियों, स्वच्छ प्रौद्योगिकी का उपयोग करते हुए पर्यावरण की रक्षा के लिए केंद्रीय बोर्ड या राज्य बोर्ड के निदेशों के बिना स्वैच्छिक पहल करने वाले, राष्ट्रीय या स्थान विशेष के मानकों से कम प्रदूषण स्तर की उपलब्धि हासिल करने वाले औद्योगिक इकाइयों की पहचान की जाएगी। केंद्रीय बोर्ड से परामर्श करने के पश्चात राज्य बोर्डों द्वारा आगे और प्रोत्साहन दिया जा सकेगा।

ख. स्थापना की सहमति के लिए फीस – स्थापना की सहमति के लिए फीस इस अनुसूची में यथा निर्धारित सहमति की वार्षिक फीस के दो गुने से अधिक नहीं होगी।

ग. संचालन की सहमति के लिए फीस : संचालन की सहमति के लिए फीस इन दिशानिर्देशों के पैरा 4(3) में दी गई सहमति की वार्षिक फीस और सहमति की अवधि को गुणा करके निर्धारित की गई फीस से अधिक नहीं होगी।

[फा. सं. क्यू-15012/1/2022-सीपीडब्ल्यू (ई-240803)]

वेद प्रकाश मिश्रा, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 30th January, 2025

G.S.R. 85(E).—In exercise of the powers conferred by section 27A of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the Central Government, after consultation with Central Pollution Control Board, hereby makes the following guidelines, namely: -

CHAPTER 1

PRELIMINARY

1. Short title and commencement.—(1) These guidelines may be called the Control of Water Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. (1) In these guidelines, unless the context otherwise requires, -

(a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974;

(b) "Central Board" means the Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(c) "Fee" means fee charged by State Boards for granting consent to establish or operate,

(d) "Form" means a form set out under the First Schedule appended to these rules,

(e) 'Industrial Unit' means industry, operation or process, or treatment and disposal system.

(f) 'Red', 'Orange', 'Green' and 'Blue' are categories of industrial sectors / activities as categorised by Central Pollution Control Board from time to time.

(g) "Schedule" means a Schedule appended to these guidelines;

(h) "State Board" includes the Union Territory Pollution Control Committee.

(i) The words and expression used but not defined in these guidelines and defined in the Act or rules shall have the meaning respectively assigned to them in Act and rules.

CHAPTER 2

APPLICATION FOR CONSENT AND FEES

3. Form of application for consent and fees. - (1) Every application for consent to establish or operate an industrial unit under section 25 of the Act shall be made in the Form set out under the First Schedule and shall contain the particulars of the industrial unit and such other particulars as set out in the Form and also shall be accompanied by the fee as specified by state government or Union Territory Administration, as the case may be in accordance with provisions of para 5 of these guidelines.

(2) Every application under section 25 of the Act shall be provided five per cent rebate on fees for submitting application for renewal of consent to operate four months prior to the expiry of the validity period.

(3) Every consent renewal application under section 25 of the Act shall be liable to pay late fee, at the rate specified in the Table below:

TABLE

Sl. No.	Period of applying	One time additional fee as late fee
(1)	(2)	(3)
1	Between 120 - 45 days of the validity	25 % of the fee.
2	Between 45 days to till the validity	50 % of the fee.
3	After expiry of validity	100 % the fee.

4. Validity period of consent. - (1) The consent to establish shall be valid for a period of five years from the date it is granted.

(2) The validity period of five years may be extended by a maximum period of two years, if an application is made in this regard, thereby making the total period of validity seven years from the date of grant of consent to establish.

(3) The consent to operate shall be valid for a period of-

(a) five years, in case of industrial unit of red category;

- (b) ten years, in case of industrial unit of orange category;
- (c) fifteen years, in case of industrial unit of green category.
- (d) Additional two years, in case of blue category

5. The fee for Consent --- (1) The fee for consent to establish or operate shall be specified by the state government or union territory administration which shall not be more than that specified in the second schedule.

(2) The amount of fee specified under the Second Schedule is the upper limit of such fee and the State Government may prescribe any lower amount of fee in this regard and there shall be no lower limit for fee, which may be of any level.

(3) The amount of fee shall not be increased by more than ten per cent from the existing amount of fee within the limit prescribed in para 5(1) and shall not be increased more than once in two years:

Provided that the amount of fee may be reduced any number of times.

6. Procedure for making enquiry on application for consent. (1) On receipt of an application for consent, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(2) The officer referred to in sub-paragraph (1), for that purpose, may inspect any place or premises where solid, liquid or gaseous emission from the chimney or fugitive emissions from any location within the premises are discharged, and such officer may require the applicant or the occupier to furnish to him any plans, specifications or other data relating to control equipment or systems or any part thereof that he considers necessary.

(3) The officer referred to in sub-paragraph (1) shall, before visiting any of the premises of the applicant, give notice to the applicant of his intention to do so.

(4) The applicant shall furnish to such officer all information and provide all facilities for inspection as reasonably may be necessary.

(5) The officer referred to in sub-paragraph (1) may, before or after carrying out the inspection, require the applicant to furnish him orally or in writing such additional information or clarification or to produce before him such document as he may consider necessary for the purpose of investigation of the application and may for that purpose summon the applicant or his authorised agent to the office of the State Board.

7. Common Consent and authorization for hazardous and other wastes. -A single-step procedure shall be adopted for granting consent under section 25 of the Act along with authorization under the Hazardous and other wastes (Management and Transboundary movement) Rules, 2016, as amended from time to time, for managing hazardous and other wastes.

8. Period for granting consent. - (1) Every application under section 25 of the Act shall be granted or refused consent from the date of receipt of application in all respects within the period specified in the table below:

TABLE

Sl. No.	Application	Period (in days)		
		Red	Orange	Green
(1)	(2)	(3)	(4)	(5)
1	Grant or refusal of consent to establish	60	45	30
2	Grant or refusal of consent to operate, first time	90	60	30
3	Grant or refusal of renewal of consent or expansion or amendment	120	60	30

(2) In case the application for consent is not decided by the State Board within the period specified under sub-paragraph (1), the case shall be referred to State Level Monitoring Committee constituted under paragraph 15 which shall dispose of the application within thirty days from the date of its receipt.

(3) In case of an application falling under sub-paragraph (2), the Member Secretary of the State Board shall present the case before the Committee.

(4) While deciding on such application, the Committee shall look into causes of delay in grant or refusal of the consent and recommend appropriate disciplinary action where the reasons of delay are not justified and the State Board shall comply with such decision. The Committee may also recommend presenting the case for contravention of the Act before concerned adjudicating officer under section 45B of the Act.

CHAPTER 3

CRITERIA FOR ESTABLISHMENT OF INDUSTRIAL PLANT

9. Procedure for selection of location. - (1) Restrictions on establishing an industrial unit at a location may be imposed taking into account the technological and scientific developments that have taken place in industrial planning and manufacturing process in order to protect the sensitive areas, such as national parks, sanctuaries, wetlands and archaeological monuments.

(2) The industrial unit shall comply with respective criteria fixed by the Central Government or the State Government or the Union territory Administration, as the case may be.

(3) While establishing an industrial plant, the following minimum distance shall be maintained, namely:-

(a) from the nearest boundary of surface water body (flood plain/ HFL/Red line) as per the revenue records in case of industrial unit of-

(i) red category, beyond five hundred meters;

(ii) orange category,

(A) with effluent generation, beyond seventy-five meters;

(B) without effluent generation, beyond thirty meters;

(iii) green category, beyond thirty meters;

(b) from the settlement, educational institute, worship place, archaeological monuments, national park, reserve forest, heritage site, in case of industrial unit of -

(i) red category, beyond five hundred meters;

(ii) orange category, beyond two hundred meters;

(iii) green category, beyond one hundred meters.

(c) The State Board shall ensure that other laws, rules, and regulations, and notifications are complied with by the industrial plant.

(d) The natural or storm drain passing through the location of industrial unit shall not be disturbed.

CHAPTER 4

GRANT, REFUSAL OR CANCELLATION OF CONSENT

10. Grant of consent to establish. - (1) Every application for consent to establish an industrial unit under section 25 of the Act shall be made in Form I and shall contain the particulars of the industrial unit and also shall be accompanied by the fee for new plant and in case of expansion, modernisation, change of products or process before commissioning of the industrial plant.

(2) The industrial unit shall comply with criteria relating to location specified under paragraph 9.

(3) No industrial unit shall be allowed to set up in non-conforming areas or restricted or prohibited areas.

(4) On receipt of an application for consent, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any location, place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(5) Consent shall be granted with following conditions under sub-section (4) of section 25 of the Act, based on the report made under sub-paragraph (4), namely: -

(i) the control equipment of such specifications as the State Board may approve shall be installed and operated in the premises where the industry is proposed to be carried on;

(ii) the control equipment shall be kept at all times in good running condition;

(iii) the outlet, wherever necessary, of such specifications as the State Board may approve in this behalf shall be established in such premises; and

(iv) such other conditions as the State Board, may specify in this behalf.

(6) The conditions referred to in sub-paragraph (5) shall be complied with within such period as the State Board may fix in this behalf.

11. Grant of consent to operate. --- (1) Once the industrial unit established with the requisite pollution control system and ready to operate, the occupier is required to obtain consent to operate.

(2) Every application of consent to operate an industrial unit under section 25 of the Act shall be made in Form II and shall contain the particulars of the following and also shall be accompanied by fees for grant of consent to operate, with the following reports, namely: -

- (a) Compliance report of conditions stipulated in the consent to establish;
- (b) Compliance report of the conditions stipulated in the environment clearance, if applicable.

(3) On receipt of an application for consent to operate, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(4) Consent to operate shall be granted with following conditions under sub-section (4) of the section 25 of the Act, based on the report made under sub- paragraph (3), namely:-

- (i) the control equipment of such specifications as approved by the State Board shall be operated in the premises where the industry is carried on;
- (ii) the existing control equipment, if any, shall not be altered or replaced without the approval of the State Board;
- (iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;
- (iv) outlet, wherever necessary, of such specifications as approved by the State Board shall be operated and maintained in the premises; and shall be connected to online continuous emission monitoring system, as applicable.

(5) The conditions referred to in sub-paragraph (4) shall be complied with within such period as the State Board may specify in this behalf.

(6) Consent to operate granted shall specify the validity period of the consent.

12. Renewal of consent to operate. - (1) Every application for renewal of the consent to operate under section 25 of the Act shall be made in Form II and shall contain the particulars of the following and also shall be accompanied by fee for renewal of the consent to operate, namely:-

- (a) compliance report of conditions stipulated in the consent to operate
- (b) compliance report of the conditions stipulated in the environment clearance, if applicable
- (c) submission of Environmental Statement as specified under the Environment (Protection) Rules, 1986;
- (d) submission of annual returns as specified under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016; and
- (e) declaration on no change in the manufacturing process, production capacity, pollution load, emissions.

(2) On receipt of an application for renewal of the consent to operate, the State Board may depute any of its officers, accompanied by such other officers as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential.

(3) Consent to operate shall be granted with following conditions under sub-section (4) of the section 25 of the Act, based on the report made under sub- paragraph (2), namely:-

- (i) the control equipment of such specifications as approved by the State Board shall be operated in the premises where the industry is carried on;
- (ii) the existing control equipment, if any, shall not be altered or replaced without the approval of the State Board;
- (iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;
- (iv) outlet, wherever necessary, of such specifications as approved by the State Board shall be operated and maintained in the premises; and shall be connected to online continuous emission monitoring system, as applicable.

(4) The conditions referred to in sub-paragraph (3) shall be complied with within such period as the State Board may fix in this behalf.

(5) Renewal of Consent granted shall specify the validity period of the consent.

13. Refusal and cancellation of consent. - (1) The State Board may cancel such consent before expiry of the period for which it is granted or refuse the renewal of the consent expiry if the conditions subject to which such consent has been granted are not fulfilled.

(2) The consent may be refused or cancelled on any of the following grounds, namely: -

(i) the industrial unit does not satisfy the criteria relating to location of such industrial plant;

(ii) non-compliance of conditions of such consent;

(iii) non-compliance of the conditions under the prior environment clearance;

(iv) variation in their process and its operations;

(v) non-compliance of the effluent discharge standards and failure to upgrade the control equipment or any other prescribed equipment, etc.;

(vi) non-compliance of court directions, guidelines, notifications and standard operating procedures;

(vii) accidental discharges of effluent or emission causing grave injury to the environment or human health;

(viii) occurrence of accident resulting in damage to the existing systems and environment;

(ix) non-payment of any fee, environmental compensation or bank guarantee as may be required under any law for the time in force;

(x) industrial unit is proposed or set up in a prohibited area;

(xi) submission of incomplete information or false information or concealment of any material facts pertaining to the industrial plant;

(xii) violations of the provisions of any other applicable rules and regulations.

(3) Before refusing or cancelling a consent, a reasonable opportunity of being heard shall be given to the person concerned.

(4) The reasons for refusal or cancellation of the consent shall be recorded in writing and duly communicated to the person to whom the consent is refused with necessary directions, as deemed fit.

CHAPTER 5

MONITORING COMMITTEE

14. National Level Monitoring Committee. - (1) A monitoring committee at national level consisting of the following members shall oversee and monitor the implementation of these guidelines, namely: -

a) Additional Secretary or Joint Secretary to the Government of India in the Ministry of Environment, Forests and Climate Change, dealing with the Act-Chairman;

b) Member Secretary of the Central Board – Member secretary

c) Member Secretaries of five State Boards to be nominated by the Central Government by rotation for three years -Member.

d) any other member as may be co-opted by the committee with the approval of the central government.

(2) The monitoring committee shall have at least one meeting in every quarter of the year.

15. State Level Monitoring Committee. - (1) A monitoring committee at state level consisting of the following members shall oversee and monitor the implementation of these guidelines, namely: -

a) Secretary to the State Government in-charge of the Department of Environment of the State or Union territory- Chairman;

b) Member Secretary of the State Board- Member,

c) An officer of the state Environment Department nominated by state Government – Member Secretary

d) Regional Director of the Central Board having jurisdiction - Member.

- (2) The monitoring committee shall also dispose of the matters presented before it.
- (3) The monitoring committee shall have at least one meeting in every calendar month.

CHAPTER 6

MISCELLANEOUS

16. Portal for implementation of these guidelines. - The Central Board, in consultation with the State Boards, develop an online portal for the purposes of these guidelines, preferably within six months, and not later than one year from the date of notification of these guidelines.

2) After the portal is operational, all applications for grant of consent under section 25 of the Act, its renewal, verification, site inspection, refusal or cancellation, shall be processed and disposed of only through such portal, in all states and union territories.

(3) Till the portal becomes operational, applications for grant of consent under section 25 of the Act, including its renewal, verification, site inspection, refusal or cancellation may be processed through the existing arrangement in accordance with these guidelines.

(4) The portal shall act as a single point data repository with respect to management and implementation of these guidelines.

(5) The Central Board may charge five per cent of the fee received with applications for consent to establish and operate, as service fee which shall be credited to the fund of the Central Pollution Control Board in accordance with the section 36 of the Act.

17. Additional conditions. The State Board may incorporate additional conditions in the consent in accordance with local conditions and policies, but shall not relax any of the conditions or standards specified in these guidelines.

18. Violations. -- In case of failure to comply with any of the provisions of these guidelines, the person in violation shall be liable to action under provisions of the Act.

THE FIRST SCHEDULE

[See paragraphs 2(1)(d), 3(1), 10(1), 11(2) and 12(1)]

FORMATE FOR APPLICATION

FORM I

[See paragraph 10(1)]

APPLICATION FOR CONSENT TO ESTABLISH AN INDUSTRIAL PLANT, UNDER SECTION 25 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

From

To

The Member Secretary

-----State Pollution Control Board / Committee

Sir,

I / We hereby apply for consent to establish an industrial unit under section 25 of the Water (Prevention and Control

of Pollution) Act, 1974, (6 of 1974) or for consent to amended product, operation or process, or treatment and disposal system to bring into use any outlet for discharge of sewage / trade effluent.

from a land / premises owned by M/s. _____

at location _____

as per the details given below:

TO BE FILLED IN BY APPLICANT

PART A: GENERAL

S. No.	Required Details	:	
1.0	Project Details :		
1.1	Name of the Project / Industry / TSDf	:	
1.2	Project Proposal	:	New / Expansion
1.3	Details of Environment Clearance	:	
1.4	Address of the Site / Unit	:	Plot / Survey No
		:	Village
		:	Tehsil
		:	District
		:	State / UT
		:	Pin code
2.0	Details of Applicant / Occupier:		
2.1	Name of the Applicant / Occupier	:	
2.2	Designation	:	
2.3	Nationality of the Occupier	:	
2.4	Correspondence Address	:	Plot / Survey No/ Street Name
		:	Village / Town / City
		:	Tehsil / Taluk
		:	District
		:	State / UT
		:	Pin code
2.5	Contact Details of Plant Head with Alternate details	:	Name & Designation: : 1. 2.
		:	e-mail address : 1. 2.
		:	Landline Number : 1. 2.
		:	Mobile Number : 1. 2.

3.0	Legal Status of the Company :																							
3.1	Individual / Proprietary concern / Partnership firm/ Joint family concern / Private Limited Company / Public Limited Company / Foreign Company / Limited Liability Partnership. <i>Note: Registration Number and Authority shall be mentioned.</i>	:																						
3.2	Central Govt. / State Govt./ Central PSU / State PSU / Joint Venture (Pvt. + Govt.), (Govt.+ Govt.), (Pvt.+ Pvt.)	:																						
4.0	Location of the Project / Industry / Activity :																							
4.1	Location	:	Upload KML																					
4.2	Bounded Latitudes (North) (8 digit after decimal)	:	<table border="1"> <tr> <td>From</td> <td>:</td> <td></td> </tr> <tr> <td>To</td> <td>:</td> <td></td> </tr> </table>	From	:		To	:																
From	:																							
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4.3	Bounded Longitudes (East) (8 digit after decimal)	:	<table border="1"> <tr> <td>From</td> <td>:</td> <td></td> </tr> <tr> <td>To</td> <td>:</td> <td></td> </tr> </table>	From	:		To	:																
From	:																							
To	:																							
4.4	Located in Eco-Sensitive Zone of Protected Area, Coastal Regulation Zone, Biosphere, Reservoir, Forests, Mangroves, Rivers, Archeological monuments, Critically Polluted Area, Non-attainment Cities, Polluted River Stretch, Hill stations (altitude > 600M), Major towns and Cities	:																						
4.5	Survey of India Topo Sheet Number	:																						
4.6	Land details (as per Panchayat, Tehsil, District)	:	<table border="1"> <tr> <td>Owned / Leased</td> <td>:</td> <td></td> </tr> <tr> <td>Total Area in Ha</td> <td>:</td> <td></td> </tr> <tr> <td>a) Non – Forest in Ha</td> <td>:</td> <td></td> </tr> <tr> <td>b) Forest in Ha</td> <td>:</td> <td></td> </tr> <tr> <td>Annual Lease Value, in case of Leased in Rs.</td> <td>:</td> <td></td> </tr> <tr> <td>Build up Area in Sq. M.</td> <td>:</td> <td></td> </tr> <tr> <td>Green Belt cover in % of total area</td> <td>:</td> <td></td> </tr> </table>	Owned / Leased	:		Total Area in Ha	:		a) Non – Forest in Ha	:		b) Forest in Ha	:		Annual Lease Value, in case of Leased in Rs.	:		Build up Area in Sq. M.	:		Green Belt cover in % of total area	:	
Owned / Leased	:																							
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Annual Lease Value, in case of Leased in Rs.	:																							
Build up Area in Sq. M.	:																							
Green Belt cover in % of total area	:																							
4.7	Extent of Land in Sq. m	:	<table border="1"> <tr> <td>Own-Agricultural</td> <td>:</td> <td></td> </tr> <tr> <td>Industrial</td> <td>:</td> <td></td> </tr> <tr> <td>Converted</td> <td>:</td> <td></td> </tr> <tr> <td>Industrial Area</td> <td>:</td> <td></td> </tr> <tr> <td>a) Applied and not allotted</td> <td>:</td> <td></td> </tr> <tr> <td>b) Applied and allotted</td> <td>:</td> <td></td> </tr> <tr> <td>c) Leased</td> <td>:</td> <td></td> </tr> </table>	Own-Agricultural	:		Industrial	:		Converted	:		Industrial Area	:		a) Applied and not allotted	:		b) Applied and allotted	:		c) Leased	:	
Own-Agricultural	:																							
Industrial	:																							
Converted	:																							
Industrial Area	:																							
a) Applied and not allotted	:																							
b) Applied and allotted	:																							
c) Leased	:																							
5.0	Category & Classification of the Project / Industry / Activity :																							
5.1	Category of Industry (Red, Orange, and Green)	:	<table border="1"> <tr> <td>Category</td> <td>:</td> <td></td> </tr> <tr> <td>Pollution Index</td> <td>:</td> <td></td> </tr> </table>	Category	:		Pollution Index	:																
Category	:																							
Pollution Index	:																							

5.2	Industrial Sector / Type	:					
5.3	Grossly Polluting / 17 Category / Others	:					
5.4	Scale of Industry based on Capital Investment (Micro/ Small / Medium / Large)	:	Total Capital Investment (Rs.)		:		
			Scale / Classification		:		
5.5	Products / By-Products manufacturing capacity (TPD / TPA)	:	Products / By-products		:	Capacity	
					:		
					:		
					:		
5.6	Raw Materials / Chemicals Consumption for manufacturing capacity (TPD & TPA)	:	Raw Materials		:	Consumption	
					:		
					:		
					:		
5.7	Brief manufacturing Process with process flow chart and Material Balance, Advantage of Technology etc.	:	To be Annexed				
5.8	Date / Expected date of commencement of production	:					
5.9	Number of people to be employed / employed	:					
5.10	Industry Shifts / Weekly off	:	Shits (I / II / III) & in Hours		:		
			Weekly off in days		:		
5.11	Use of Hazardous Chemicals as per MSIHC Rules	:	S. No	Chemicals	HS Code	Storage capacity	Daily consumption
			1.				
			2.				
			3.				
5.12	Insurance under PLI Act, 1991	:	a) Policy No. & Year for which taken: b) Insurance Company: c) Validity: d) Indemnity Limit (Rs) : e) Contribution to ERF (Rs):				

PART B: WASTEWATER ASPECTS

6.0	Water Consumption and Wastewater Generation					
6.1	Source of Water	:	Ground Water / River / Industrial Estate Supply / Private Tanker / Sea / Recycled / Any other, if any			
6.2	Authority Granting permission & Quantity permitted	:	Authority: Quantity :			

6.3	Water Consumption (KLD) for manufacturing capacity	:				
6.4	Water Usage for manufacturing capacity. (Attach Water Balance showing quantity with TDS at different points)	:	Purpose		:	KLD
			Domestic		:	
			Process		:	
			Boiler		:	
			Other Utilities (pl. specify)		:	
6.5	Wastewater Generation (KLD) for manufacturing process	:	KLD			
	Wastewater from various sources	:	Purpose		:	KLD
6.6	Wastewater Treatment systems	:	Type of Effluent	:	KLD	Treatment System
			Bio-degradable	:		
			Non- Biodegradable	:		
			Boiler blowdown	:		
			Others Utilities	:		
			Any other	:		
			Total	:		
6.7	Details Sewage Treatment Plant(s)	:	S. No.	Capacity of STPs	:	KLD
			1.			
			2.			
	Mode of disposal of treated effluent	:				
6.8	Details Effluent Treatment Plant (s)	:	S. No.	Capacity of ETPs	:	KLD
			1.			
			2.			
	Mode of disposal of treated effluent	:				
6.9	Capacity of treated effluent sump, Guard Pond, if any	:				
6.10	Schematic diagram of the treatment scheme with inlet / outlet characteristics of each unit operation / process	:	To be Annexed			
6.11	Name of River / Creek, Estuary / Drain (owner of sewer) / Sea / Land / connected to ETP	:				
6.12	Any relevant information not covered in the above items	:				

PART C: AIR EMISSION ASPECTS*(Information required in case of industrial establishments having chimneys)*

7.0		Type of Fuels					
7.1	Fuel Consumption per Hour and TPD for manufacturing capacity	:	S. No	Fuel	Quantity	Ash%	S%
			1.	Coal			
			2.	Diesel			
			3.	Furnace Oil			
			4.	Natural Gas			
			5.	Wood			
			6.	Others, if any			
7.2	Details of Stack (Process, fuel, D.G):						
	a) Number of stacks and vents with height and diameter (m)						
	b) Quality and quantity of stack emissions from each stack and vent						
	c) Major industrial processes / sources of fugitive emission						
	d) Brief account of air pollution control units to deal with the emission						
	Stack	Attached to	Fuel	Height (m)	Diameter (m)	Pollutants	Control system
7.3	D.G. Sets	:	S. No.	KVA	Acoustic status	Height (m)	
7.7	Any relevant information not covered in the above items						

PART D: HAZARDOUS WASTE ASPECTS*(Information required in case of industrial establishments generating Hazardous Waste)*

8.0		Hazardous Waste Management				
8.1	Process generating Hazardous waste	:	S. No.	Process	Clause of Schedule I	Quantity/Annum

8.2	Consent / Authorization required for	:	S. No.	Activity	:	Please tick
			1.	Generation	:	
			2.	Collection	:	
			3.	Storage	:	
			4.	Transportation	:	
			5.	Reception	:	
			6.	Reuse	:	
			7.	Recycling	:	
			8.	Recovery	:	
			9.	Pre-processing	:	
			10.	Co-processing	:	
			11.	Utilization	:	
			12.	Treatment	:	
			13.	Disposal	:	
14.	Incineration	:				
8.3	Technical Capabilities / Facilities	:	S. No.	Capabilities	:	
			1.	Storage Area	:	
			2.	Storage Quantity	:	
			3.	Method of storage	:	
			4.	Special handling requirement, if any	:	
			5.	Emergency Response Procedure	:	
6.	Leachate treatment	:				
8.4	Nature (Characteristics of wastes) and quantity of waste	:	a) Handled per annum: b) Stored at any time:			
8.5	Hazardous and other wastes generated as per these rules from storage of hazardous chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.	:				
8.6	Any relevant information not covered in the above items	:				

PART E: PAYMENT DETAILS

9.0	Payment Details				
9.1	Payment Mode	:	Online / Offline		
9.2	Transaction Details in case of online	:	Transaction No:		
			Date:		
			Status:		

9.3	Draft details in case of offline	:	Amount (Rs): Draft No: In favour of: Bank Name: Date:
9.4	Amount of Fee paid	:	Rs. _____

DECLARATION

- a) I / We declare that the above furnished information is true and correct to the best of my / our knowledge. I / We am / are aware that furnishing any wrong information is punishable under Section 42(f) of the Water (Prevention & Control of Pollution) Act, 1974.
- b) I / We hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture and treatment and/or disposal of effluent, emission, hazardous wastes etc. in quality and quantity; a fresh application for Consent shall be made and until the grant of fresh Consent is granted, no change shall be made. I / We am/are aware that the violations of Section 25 attract penal provisions under the relevant provisions of the Water (Prevention & Control of Pollution) Act, 1974.
- c) I / We herewith submit an affidavit on the basis of which consent for establishment will be issued to me/us and I / We will be held responsible under Section 45(A) of the Water (Prevention & Control of Pollution) Act, 1974 or any misleading / wrong representation.
- d) I / We undertake to furnish any other information within one month of its being called by the State Board.

Date:

Name & Signature of the Occupier/

Place:

Authorized Signatory

Mandatory Documents to be enclosed for grant of Consent to Establish:

1. Licenses / Certificates:

a. *Legal Status of Company:*

- i. Partnership / Proprietary / Company etc.; (or)
- ii. SSI / MSME Certificate (Udyog Aadhar) / Memorandum of Entrepreneurship, if applicable;

b. *Location of the Project:*

- i. Industrial Area: Allotment letter from the respective Industrial Area Development Board / Corporation / Land Possession Certificate; or
- ii. Other than Industrial Area: Registered Land Deed / Land Conversion Certificate from concerned Authority / Rent (or) Lease Agreement in case of the property is on rent / lease;

c. *Mining Project:* Mineral Mining Lease permission granted by the Department of Mines & Geology, if applicable;

d. *Environmental Clearance* granted by Central Government or State Environment Impact Assessment Authority, if applicable, under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986);

e. *Investment:* Chartered Accountant Certificate about proposed Capital Investment.

2. Technical Details:

- i. Environmental Impact Assessment Report, submitted to the Central Government or State Environment Impact Assessment Authority under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986); or
- ii. Project report comprising manufacturing process (write up with flow chart), raw materials, products, by-products, extent of land, water source and consumption for various purpose, wastewater generation from various activity, Effluent Treatment Plant (write up with flow diagram), Water Balance, Fuel used, Sources of emission and Air Pollution Control Devices proposed, D.G. sets and Hazardous and Other Waste Generation along with Plant layout plan.

FORM II

[See paragraphs 11 (2) and 12 (1)]

APPLICATION FOR CONSENT TO OPERATE AN INDUSTRIAL PLANT, UNDER SECTION 25 OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974**From**

To

The Member Secretary

_____ State Pollution Control Board / Committee

Sir,

I / We hereby apply for consent to operate an industrial unit or renewal of consent under section 25 of the Water (prevention & control of pollution) act, 1974 (6 of 1974) or for amended product, operation or process, or treatment and discharge of sewage / trade effluent.

from a land / premises owned by M/s. _____

at location _____

as per the details given below:

TO BE FILLED IN BY APPLICANT**PART A: GENERAL**

S. No.	Required Details	:	
1.0	Project Details :		
1.1	Name of the Project / Industry / TSDf	:	

1.2	Project Proposal	:	Expansion / Renewal / Validity Extension / Transfer		
1.3	Details of Environment Clearance	:			
1.4	Address of the Site / Unit	:	Plot / Survey No	:	
			Village	:	
			Tehsil	:	
			District	:	
			State/UT	:	
			Pin code	:	
2.0	Applicant / Occupier Details :				
2.1	Name of the Applicant / Occupier	:			
2.2	Designation	:			
2.3	Nationality of the Occupier	:			
2.4	Correspondence Address	:	Plot / Survey No/ Street Name	:	
			Village / Town / City	:	
			Tehsil / Taluk	:	
			District	:	
			State / UT	:	
			Pin code	:	
2.5	Contact Details of Plant Head with Alternate details	:	Name & Designation:	:	1. 2.
			e-mail address	:	1. 2.
			Landline Number	:	1. 2.
			Mobile Number	:	1. 2.
3.0	Legal Status of the Company :				
3.1	Individual / Proprietary concern / Partnership firm/ Joint family concern / Private Limited Company / Public Limited Company / Foreign Company / Limited Liability Partnership. <i>Note: Registration Number and Authority shall be mentioned.</i>	:			
3.2	Central Govt. / State Govt./ Central PSU / State PSU / Joint Venture (Pvt. + Govt.), (Govt.+ Govt.), (Pvt.+ Pvt.)	:			
4.0	Location of the Project / Industry / Activity :				
4.1	Location	:	Upload KML		
4.2	Bounded Latitudes (North) (8 digit after decimal)	:	From	:	
			To	:	

4.3	Bounded Longitudes (East) (8 digit after decimal)	:	From	:	
			To	:	
4.4	Located in Eco-Sensitive Zone of Protected Area, Coastal Regulation Zone, Biosphere, Reservoir, Forests, Mangroves, Rivers, Archeological monuments, Critically Polluted Area, Non-attainment Cities, Polluted River Stretch, Hill stations (altitude > 600 M), Major towns and Cities	:			
4.4	Survey of India Topo Sheet Number	:			
4.5	Land details (as per Panchayat, Tehsil, District)	:	Owned / Leased	:	
			Total Area in Ha	:	
			a) Non – Forest in Ha	:	
			b) Forest in Ha	:	
			Annual Lease Value, in case of Leased in Rs.	:	
			Build up Area in Sq. M.	:	
			Green Belt cover in % of total area	:	
4.6	Extent of Land in Sq. m	:	Own-Agricultural	:	
			Industrial	:	
			Converted	:	
			Industrial Area	:	
			a) Applied and not allotted	:	
			b) Applied and allotted	:	
			c) Leased	:	
5.0	Category & Classification of the Project / Industry / Activity :				
5.1	Category of Industry (Red, Orange, and Green)	:	Category	:	
			Pollution Index	:	
5.2	Industrial Sector /Type	:			
5.3	Grossly Polluting / 17 Category / Others	:			
5.4	Scale of Industry based on Capital Investment (Micro/ Small / Medium / Large)	:	Total Capital Investment (Rs.)	:	
			Scale / Classification	:	
5.5	Products / By-Products manufacturing capacity (TPD/ TPA)	:	Products / By-products	:	Capacity
				:	
				:	
				:	
5.6	Raw Materials / Chemicals Consumption for manufacturing capacity (TPD & TPA)	:	Raw Materials	:	Consumption
				:	
				:	
				:	

5.7	Brief manufacturing Process with process flow chart and Material Balance, Advantage of Technology etc.	:	To be Annexed				
5.8	Date / Expected date of commencement of production	:					
5.9	Number of people to be employed / employed	:					
5.10	Industry Shifts / Weekly off	:	Shifts (I / II / III) & in Hours		:		
			Weekly off in days		:		
5.11	Use of Hazardous Chemicals as per MSIHC Rules	:	S. No	Chemicals	HS Code	Storage capacity	Daily consumption
			1.				
			2.				
			3.				
5.12	Insurance under PLI Act, 1991	:	a) Policy No. & Year for which taken: b) Insurance Company: c) Validity: d) Indemnity Limit (Rs) : e) Contribution to ERF (Rs):				

PART B: WASTEWATER ASPECTS

6.0	Water Consumption and Wastewater Generation					
6.1	Source of Water	:	Ground Water / River / Industrial Estate Supply / Private Tanker / Sea / Recycled / Any other, if any			
6.2	Authority Granting permission & Quantity permitted	:	Authority: Quantity :			
6.3	Water Consumption (KLD) for manufacturing capacity	:				
6.4	Water Usage for manufacturing capacity. (Attach Water Balance showing quantity with TDS at different points)	:	Purpose	:	KLD	
			Domestic	:		
			Process	:		
			Boiler	:		
			Other Utilities (pl. specify)	:		
6.5	Wastewater Generation (KLD) for manufacturing process	:	KLD			
	Wastewater from various sources	:	Purpose	:	KLD	
			Domestic	:		
			Process	:		
			Boiler	:		
			Other Utilities (pl. specify)	:		

6.6	Wastewater Treatment systems	:	Type of Effluent	:	KLD	Treatment System
			Bio-degradable	:		
			Non- Biodegradable	:		
			Boiler blowdown	:		
			Others Utilities	:		
			Any other	:		
			Total	:		
6.7	Details Sewage Treatment Plant(s)	:	S. No.	Capacity of STPs	:	KLD
			1.			
			2.			
	Mode of disposal of treated effluent	:				
6.8	Details Effluent Treatment Plant (s)	:	S. No.	Capacity of ETPs	:	KLD
			1.			
			2.			
	Mode of disposal of treated effluent	:				
6.9	Capacity of treated effluent sump, Guard Pond, if any	:				
6.10	Schematic diagram of the treatment scheme with inlet / outlet characteristics of each unit operation / process	:	To be Annexed			
6.11	Quality of Effluent before & after treatment (at the final outlets) in respect of pH, SS, TDS and constituting major ions, BOD/COD, Oil & Grease, and relevant metals and nutrients as per the process/ standards. (Attach analysis report of untreated and treated effluent from the EPA recognized Lab) Note: For proposed unit furnish expected characteristics of the effluent	:	To be Annexed.			
6.12	Name of River / Creek, Estuary / Drain (owner of sewer) / Sea / Land / connected to ETP	:				
6.13	Details of Solid Wastes separately for 'Hazardous' and 'Other' wastes covered under H&OW Rules, 2016 and other solid wastes not covered under H&OW Rules, 2016, including their management system	:	To be Annexed			
6.14	Details of treatment-performance and environmental-compliance monitoring and reporting system	:	To be Annexed			
6.15	Any relevant information not covered in the above items	:				

PART C: AIR EMISSION ASPECTS

(Information required in case of industrial establishments having chimneys)

7.0		Type of Fuels						
7.1	Fuel Consumption per Hour and TPD for manufacturing capacity	:	S. No	Fuel	Quantity	Ash%	S%	
			1.	Coal				
			2.	Diesel				
			3.	Furnace Oil				
			4.	Natural Gas				
			5.	Wood				
			6.	Others, if any				
7.2	Details of Stack (Process, fuel, D.G):							
	e) Number of stacks and vents with height and diameter (m)							
	f) Quality and quantity of stack emissions from each stack and vent							
	g) Major industrial processes / sources of fugitive emission							
	h) Brief account of air pollution control units to deal with the emission							
	Stack	Attached to	Fuel	Height (m)	Diameter (m)	Pollutants	Control system	Port Hole & Platform
7.3	D.G. Sets	:	S. No.	KVA	Acoustic status	Height (m)		
7.4	Quality of source emission (before treatment/ control) and after treatment/ controlled emission (at stacks/vents) in respect of PM, SO ₂ , NO _x , and other relevant air pollutants as per the process/ standards. (Attach analysis reports of stack emissions from the EPA recognized Lab)	:	To be Annexed					
7.5	Odorous compounds, if any and control measures provided	:						
7.6	Details of treatment/control-performance and environmental-compliance monitoring and reporting system	:						
7.7	Any relevant information not covered in the above items	:						

PART D: HAZARDOUS WASTE ASPECTS*(Information required in case of industrial establishments generating Hazardous Waste)*

8.0		Hazardous Waste Management				
8.1	Process generating Hazardous waste	:	S. No.	Process	Clause of Schedule I	Quantity/Annum
8.2	Consent / Authorization required for	:	S. No.	Activity	:	Please tick
			1.	Generation	:	
			2.	Collection	:	
			3.	Storage	:	
			4.	Transportation	:	
			5.	Reception	:	
			6.	Reuse	:	
			7.	Recycling	:	
			8.	Recovery	:	
			9.	Pre-processing	:	
			10.	Co-processing	:	
			11.	Utilization	:	
			12.	Treatment	:	
			13.	Disposal	:	
			14.	Incineration	:	
8.3	Technical Capabilities / Facilities	:	S. No.	Capabilities	:	
			1.	Storage Area	:	
			2.	Storage Quantity	:	
			3.	Method of storage	:	
			4.	Special handling requirement, if any	:	
			5.	Emergency Response Procedure	:	
			6.	Leachate treatment	:	
8.4	Nature (Characteristics of wastes) and quantity of waste	:	a) Handled per annum: b) Stored at any time:			
8.4	Mode of Management / Disposal of above Wastes	:	S. No.	Disposal	:	Please tick
			1.	Secured storage within industrial unit	:	
			2.	Utilization with in the plants (if not, please provide details of utilization)	:	
			3.	Common TSDF	:	
	Within the State	:				

			Outside the State	:	
		4.	Others	:	
8.5	Arrangement for transportation of H.W. to actual users / TSDF	:			
8.6	Details of the environmental safeguards and environmental facilities provided for safe handling of all the wastes;	:			
8.7	Hazardous and other wastes generated as per these rules from storage of hazardous chemicals as defined under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.	:			
8.8	For Treatment, storage and disposal facility (TSDF) operators	:	<p>1. Please provide details of the facility including:</p> <p>a) Location of site with layout map</p> <p>b) Safe storage of the waste and storage capacity</p> <p>c) Treatment processes and their capacities</p> <p>d) Secured landfills</p> <p>e) Incineration, if any</p> <p>f) Leachate collection and treatment system</p> <p>g) Firefighting systems</p> <p>h) Environmental management plan including monitoring and</p> <p>i) Arrangement for transportation of waste from generators.</p> <p>2. Please provide details of any other activities undertaken at the TSDF site:</p> <p>Note:</p> <p>1. In case of renewal of authorization previous authorization numbers and dates and provide copies of annual returns of last three years including the compliance reports with respect to the conditions of Prior Environmental Clearance, wherever applicable.</p> <p>2. Provide copy of the Emergency Response Plan (ERP) which should address procedures for dealing with emergency situations (viz. Spillage or release or fire) as specified in the guidelines of CPCB. Such ERP shall comprise the following, but not limited to:</p> <ul style="list-style-type: none"> ➤ Containing and controlling incidents so as to minimise the effects and to limit danger to the persons, environment and property; ➤ Implementing the measures necessary to protect persons and the environment; ➤ Description of the actions which should be taken to control the conditions at events and to limit their consequences, including a description of the safety equipment and resources available; ➤ Arrangements for training staff in the duties which they are expected to perform; ➤ Arrangements for informing concerned authorities and emergency services; and ➤ Arrangements for providing assistance with off-site mitigatory action. <p>3. Provide undertaking or declaration to comply with all provisions including the scope of submitting bank guarantee in the event of spillage, leakage or fire while handling the hazardous and other waste</p>		
8.9	For Recyclers or pre-processors or co-processors or users of hazardous or other wastes	:	<p>a) Nature and quantity of different wastes received per annum from domestic sources or imported or both</p> <p>b) Installed capacity as per registration issued by the District Industries Centre or any other authorized Government agency.</p>		

			<p>c) Provide details of secured storage of wastes including the storage capacity.</p> <p>d) Process description including process flow sheet indicating equipment details, inputs and outputs (input wastes, chemicals, products, by-products, waste generated, emissions, waste water, etc.).</p> <p>e) Provide details of end users of products or by-products.</p> <p>f) Provide details of pollution control systems such as Effluent Treatment Plant, scrubbers, etc. including mode of disposal of waste</p> <p>g) Provide details of occupational health and safety measures:</p> <p>h) Has the facility been set up as per Central Pollution Control Board guidelines? If yes, provide a report on the compliance with the guidelines.</p> <p>i) Arrangements for transportation of waste to the facility:</p>
8.10	Any relevant information not covered in the above items	:	

PART E: PAYMENT DETAILS

9.0		Payment Details	
9.1	Payment Mode	:	Online / Offline
9.2	Transaction Details in case of online	:	Transaction No: Date: Status:
9.3	Draft details in case of offline	:	Amount (Rs): Draft No: In favour of: Bank Name: Date:
9.4	Amount of Fee paid	:	Rs. _____

DECLARATION

- I / We declare that the above furnished information is true and correct to the best of my / our knowledge. I / We am / are aware that furnishing any wrong information is punishable under Section 42(f) of the Water (Prevention & Control of Pollution) Act, 1974.
- I / We hereby submit that in case of any change from what is stated in this application in respect of raw materials, products, process of manufacture and treatment and/or disposal of effluent, emission, hazardous wastes etc. in quality and quantity; a fresh application for Consent shall be made and until the grant of fresh Consent is granted, no change shall be made. I / We am/are aware that the violations of Section 25 attract penal provisions under the relevant provisions of the Water (Prevention & Control of Pollution) Act, 1974.
- I / We herewith submit an affidavit on the basis of which consent for establishment will be issued to me/us and I / We will be held responsible under Section 45(A) of the Water (Prevention & Control of Pollution) Act, 1974 or any misleading / wrong representation.
- I / We undertake to furnish any other information within one month of its being called by the State Board.

Date:**Name & Signature of the Occupier/****Place:****Authorized Signatory****Mandatory Documents to be enclosed for grant of Consent to Operate:****1. Licenses / Certificates:****(a) Legal Status of Company:**

- i. Partnership / Proprietary / Company etc.; or
- ii. SSI / MSME Certificate (Udyog Aadhar) / Memorandum of Entrepreneurship, if applicable;

(b) Location of the Project:

- i. Industrial Area: Allotment letter from the respective Industrial Area Development Board / Corporation / Land Possession Certificate; or
- ii. Other than Industrial Area: Registered Land Deed / Land Conversion Certificate from concerned Authority / Rent (or) Lease Agreement in case of the property is on rent / lease;

(c) Mining Project: Mineral Mining Lease permission granted by the Department of Mines SS & Geology, if applicable;

(d) Environmental Clearance granted by Central Government or State Environment Impact Assessment Authority, if applicable, under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986);

(e) Investment: Chartered Accountant Certificate about proposed Capital Investment.

2. Technical Details:

- i. Environmental Impact Assessment Report, submitted to the Central Government or State Environment Impact Assessment Authority under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006 issued under the Environment (Protection) Act, 1986 (29 of 1986); or
- ii. Project report comprising manufacturing process (write up with flow chart), raw materials, products, by-products, extent of land, water source and consumption for various purpose, wastewater generation from various activity, effluent treatment plant (write up with flow diagram), Water Balance, Fuel used, Sources of emission and air pollution control devices proposed, D.G. sets and hazardous and other waste generation along with plant layout plan.

3. Compliance report of the consent to establish / consent to operate for expansion and renewal, as applicable.**THE SECOND SCHEDULE****[See paragraph 3(1)]****A. Annual Fees applicable for Consent:****1. Capital investment slabs.** - The Capital Investment slabs are as follows: -

- (a) Rs. 1 Crore and below
- (b) Exceeding Rs. 1 Crore but not exceeding Rs. 10 Crore
- (c) Exceeding Rs. 10 Crore but not exceeding Rs.50 Crore
- (d) Exceeding Rs. 50 Crore but not exceeding Rs.250 Crore
- (e) Exceeding Rs. 250 Crore but not exceeding Rs.500 Crore
- (f) Exceeding Rs. 500 Crore but not exceeding Rs.1000 Crore
- (g) Exceeding Rs. 1000 Crore

2. Annual Fee for Industrial units. - (a) The annual fee for grant of consent is determined based on the capital investment and categorization of the industrial plant, using the following formula, as follows: -

$$CF = CI * SF * PIF$$

Where,

- CF : Annual Fee for consent (in Rs.)
- CI : Capital Investment (in Rs.)
- SF : Scale Factor (based on Capital Investment)
- PIF : Pollution Index Factor (based on category)

(b) The Scale Factor (SF) according to capital investment slabs is as under: -

S. No.	Capital Investment	SF
(1)	(2)	(3)
(i)	Rs. 1 Crore and below	0.100%
(ii)	Exceeding Rs. 1 Crore but not exceeding Rs.10 Crores	0.080%
(iii)	Exceeding Rs. 10 Crores but not exceeding Rs.50 Crores	0.060%
(iv)	Exceeding Rs. 50 Crores but not exceeding Rs.250 Crores	0.040%
(v)	Exceeding Rs. 250 Crores but not exceeding Rs.500 Crores	0.030%
(vi)	Exceeding Rs. 500 Crores but not exceeding Rs.1000 Crores	0.020%
(vii)	Exceeding Rs. 1000 Crores	0.010%

(c) The Pollution Index Factor (PIF) based on categorization of Industry is as under: -

S. No.	Category of Industrial	PIF
(1)	(2)	(3)
(i)	Green	1.00
(ii)	Orange	1.50
(iii)	Red	2.00

(d) The maximum annual fee of the preceding slab shall serve as the base fee for the next slab, with the Scale Factor (SF) applicable on the difference amount. The details are as under: -

$$\text{Annual Fee (CF)} = \text{Max. fee of the preceding slab} + \{(\text{Diff. of CI}) * \text{SF} * \text{PIF}\}$$

(e) The minimum annual fee for grant of consent shall be Rs.5,000, Rs. 7,500 and Rs. 10,000 for Green, Orange and Red Category industry / activity respectively.

3. Annual Fee for local bodies and infrastructure projects (residential and others). - (a) The capital investment for the purpose of determining annual fee for consent to establish w.r.t. infrastructure projects, as covered under the notification of the Government of India number S.O.1533 (E), dated the 14th September, 2006, as amended from time to time, shall be based on the capital investment during the establishment phase. This includes Residential (Standalone Apartment / complexes), Layouts, Integrated projects, Commercial Complex, Office Complex, Education Institutions, Township and Local Body including Water Supply and Sewerage Board. The annual fee for Consent to Establish shall be calculated using the formula adopted for the industrial units, as above at para. 2 above.

(b) The annual fee for consent to operate of the projects at sub para (a) above, shall be based on the quantity of sewage generated / handled, as given below: -

S. No.	Sewage generated /handled	Annual Fee for Consent to Operate	
		Local Bodies and Residential (Rs.)	Other than Residential (Rs.)
(1)	(2)	(3)	(4)
1	Up to 10 KLD	5,000	7,500

2	Above 10 - 50 KLD	15,000	22,500
3	Above 50 - 100 KLD	25,000	37,500
4	Above 100 - 300 KLD	35,000	52,500
5	Above 300 - 500 KLD	55,000	82,500
6	Above 500 - 1 MLD	65,000	97,500
6	Above 1 to 5 MLD	75,000	1,12,500
7	Above 5 to 10 MLD	1,00,000	15,00,00
8	Above 10 MLD to 25 MLD	2,00,000	30,00,00
9	Above 25 MLD	4,00,000	60,00,00

4. **Annual Fees for mining projects.** – (a) The annual fee for grant of consent for mining project / activity will be determined based on the consented capacity of the mineral to be mined, the type of mineral, the mining area, and the type of mining. The fee shall be calculated using the following formula -

$$CF = CC * MF * AF * TMF$$

Where,

- **CF: Annual Consent fees (in Rs.)**
- **CC: Consented Capacity of Mineral to be mined (in Tonne / Annum)**
- **MF: Mineral Factor (based on type of Mineral)**
- **AF: Area Factor (in Rs. based on mining area)**
- **TMF: Type of Mining Factor (based on type of mining)**

Note: **Minimum fees: Rs. 5,000 per annum**

(b) **The Mineral Factor (MF) based on type of mineral mined are:**

S. No.	Minerals	Mineral Factor (MF)
1	Manganese, Chromite, Steatite, Barites, Mica, Gold, Uranium, Silver, Copper, Lead, Zinc	1.0
2	Iron, Bauxite, Coal	0.8
3	Dolomite, Limestone, Gypsum, Feldspar, Garnet, Quartz, Silica State Stone, Bentonite, Pyrophyllite, Graphite, Phosphorite, Clays – China, White, Fire and Ball	0.6
4	Other minerals such as stone quarry, Granite, Marble, River Sand / River bed material etc.	0.4

(c) **The Area Factor (AF) based on mining area:**

S. No.	Lease hold area in ha	Area Factor (AF)
1	Up to 5	1.0
2	Above 5 to 25	1.2
3	Above 25 to 100	1.4
4	Above 100 to 500	1.6
5	Above 500	1.7

(d) **The Type of Mining Factor (TMF) based on types of mining:**

S. No.	Types of Mining	Types of Mining Factor (TMF)
1	Open cast mining	1.25
2	Underground mining	1.00

5. **Annual Fees for coffee pulping activities.** - (a) The annual fee for coffee pulping shall be determined on the basic fee and pulping factor, taking into account the types of pulping (i.e. wet and dry pulping) irrespective of capacity of operation, as it is a seasonal production. The fees is calculated using the following formula -

$$CF = BF * PF$$

Where,

- **CF: Fee (in Rs)**
- **BF: Basic Fee (i.e. Rs. 2,500 per annum)**
- **PF: Pulping Factor (based on type of pulping)**

(b) The Pulping Factor (PF) based on the type of pulping:

S. No.	Types of Pulping	Pulping Factor (PF)
1	2	3
1	Wet pulping	1.25
2	Dry pulping	1.00

6. **Annual Fees for Aqua Culture activities.** - (1) The annual fee for aqua culture shall be determined based on the lease hold area, and the fees as follows : -

S. No.	Lease hold area	Fees (Rs.)
1	Up to 5 Ha	Nil
2	Between 5 to 25 Ha	5,000
3	Above 25 to 100 Ha	25,000
4	More than 100 Ha	1,00,000

7. **Incentives to industrial units.** - The industrial units that adopt environmental conservation measures to reduce water, air and land pollutions, conserve natural resources (resource consumption per unit production) and undertake voluntary initiatives without directions of the Central Board or State Board to protect the environment using best technologies, cleaner technology, achieving levels below the national or location specific standards, shall be identified. Further Incentives may be given by the State Board after consulting the Central Board.

- B. Fee for consent to Establish:** The fee for obtaining consent to establish shall not exceed twice the annual fee of consent as prescribed in this Schedule.
- C. Fee for consent to operate:** The fee for obtaining consent to operate shall not be more than that determined by multiplying annual fee of consent and period of consent as given in para 4(3) of these guidelines.

[F. No. Q-15012/1/2022-CPW(e-240803)]

VED PRAKASH MISHRA, Jt. Secy.

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ENVIRO LEGAL DEFENCE FIRM <eldflegal@gmail.com>

Service in Nishant Bhargava vs State of Uttar Pradesh & Anr. (O.A. No. 771/2022/PB)

1 message

ELDF <eldflegal@gmail.com>

Wed, Oct 8, 2025 at 1:45 PM

To: filings.shravan28@gmail.com, bhanwar jadon <bhanwar09jadon@gmail.com>, nishant@basilroots.com, pradeepmisra@yahoo.com, anandbhadola1979@yahoo.com, narendra_kasana@rediffmail.com, Service@ukca.in
Cc: Shubham Upadhyay <Shubham@eldfindia.com>, Mansi Bachani <mansi@eldfindia.com>

PFA

Dear Sir/Ma'am

Please find the attached copy of the objections dated 08.10.2025 by the Applicant to the IA No. 699/2024 on behalf of Jaypee Infratech Ltd.

Thanks & Regards

--

Sameer Manher

Clerk

Enviro Legal Defence Firm

29, Presidential Estate LGF,

Nizamuddin East New Delhi – 110013

Ph. No. 011-40573181



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