

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

IA NO. 122 of 2025

IN

OA NO. 1141 OF 2024

IN THE MATTER OF:-

Amresh Singh

....PETITIONER

VERSUS

State of UP & Ors.

....RESPONDENT

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Place: New Delhi

Date: 21.05.2025

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REPLY ON BEHALF OF THE RESPONDENT NO.5 - M/S MEDICAL POLLUTION CONTROL COMMITTEE, IN THE I.A. NO. 122 of 2025 FILED IN VIEW OF ORDER DATED 24.03.2025 PASSED BY THIS HON'BLE TRIBUNAL

MOST RESPECTFULLY SHEWETH:

1. That the present case has been taken up by this Hon'ble Tribunal suo moto on 19.11.2024, in view of a complaint received by one Mr Amresh Singh, wherein it is has been alleged, albeit wrongly and without any basis in facts and law, that the Medical Pollution Control Committee (hereinafter referred as 'answering Respondent') has expanded its Common Bio Medical Waste Treatment Facility (CBMWTF) at Khalilabad, Sant Kabir Nagar without obtaining Environmental Clearance or consent.

2. That thereafter, this Hon'ble Tribunal passed its order dated 19.11.2024 constituting a Joint Committee consisting of the Representatives from the Uttar Pradesh Pollution Control Board and the District Magistrate, to file the factual report towards the contentions raised in the Letter Petition.
3. That in the meanwhile, the Applicant herein, who has not appeared even once during the course of the hearings before this Hon'ble Tribunal, filed an affidavit dated 26.12.2024 raising additional submissions, attempting to increase the scope of the issue by raising further contentions. That in view of the said affidavit, this Hon'ble Tribunal vide order dated 08.01.2025 issued notice to the answering Respondent herein. Whether in a suo motu case the letter Complainant can be allowed to file further pleadings and increase the scope of a letter petition is a question that this Hon'ble Tribunal must adjudicate as it is the humble submission of the answering Respondent that such practice must be deprecated and disallowed in the interest of justice and also to prevent abuse of process of law before this Hon'ble Tribunal. If not dissuaded this will open a flood gate for vested interests to bypass all the basic principles of procedural requirements to meet such ends which have nothing to do with substantial question of environment but to settle personal scores and business rivalries as is the present case.
4. That this Hon'ble Tribunal has deprecated such practice in a catena of cases which shall be referred to in the final arguments.
5. That the Applicant has now filed an I.A. No. 122/2025 wherein further additional contentions have been raised thus attempting to expand the matter even further in a suo moto case, without even presenting himself before this Hon'ble Tribunal. It is clear that the Letter Applicant is now turning this suo moto Application into an Original Application and that too without appearing before this Hon'ble Tribunal for reasons known to him. Infact, the Additional

Submissions of the Applicant have been admitted even before the answering Respondent was formally impleaded herein on 08.01.2025, which in the humble opinion of the Answering Respondent herein is in contravention to the settled principles of natural justice.

6. That this Hon'ble Tribunal took note of the IA No. 122/2025 and in its order dated 24.02.2025 and issued notice while directing Respondents to file Reply to the said Interlocutory Application.
7. That accordingly, the present Reply has been filed on behalf of Respondent No. 5- Medical Pollution Control Committee (MPCC) to respond to all the contentions raised in the letter Application which was never served or sent by the Registry and including the issues raised in the Additional submissions dated 26.12.2024 and 30.12.2024 which again were never served or sent by the Registry and now the IA No. 122/2025, while reserving the right to argue whether such pleadings should even be entertained by this Hon'ble Tribunal. In our humble submission if such a practice is encouraged by this Hon'ble Tribunal it will open a pandoras box of vested interests, who will never appear before this Tribunal and keep sending documents from sources totally unknown to this Tribunal or affected parties. Such practices should be deprecated by this Hon'ble Tribunal and this letter Application should be dismissed with heavy costs.
8. That it is submitted that the answering Respondent is a law-abiding organization which aims to render the services for disposal of bio-medical waste while operating in adherence to all environmental norms.
9. That the answering respondent has taken all steps to ensure curtailment of pollution including Air Pollution Control Devices (APCDs) such as Quenture, Ventury Scrubber, Water Recirculation Tank, Packed Bed and Mist Eliminator among others such as green belt. The Online Continuous Emission

Monitoring Systems (OCEMS) has also been installed in the facility which is connected to the serve of Central Pollution Control Board (CPCB). Further, Automated Hydraulic Feeding System, PLC based Control Pane has also been installed. That the Bar Code and GPS fitted Vehicles as CPCB Guidelines 2016 & Rules 2016 are also being followed. That as per the CPCB 2016 Guidelines on CBMWTF, the secondary chamber resident time has been increased from one second to two second. Clearly, all steps are being taken to ensure that the plant functions using the latest technology and equipment and the answering Respondents are always open to constructive suggestions by this Hon'ble Tribunal to improve its processes, if required.

10. That at the outset, it is submitted that the Letter Applicant's intention and approach is an abuse of the process of law and the same must be dismissed with heavy costs. It is submitted that the Letter Applicant has not approached this Hon'ble Tribunal with clean hands who is in fact a proxy person for a rivalry competitor having animosity towards the answering Respondent. That it is submitted that the Applicant is the son of the cousin brother of the owner of M/s Rajveer Venture which also operates a CBMWTF Plant in Balrampur which is 65 km away.

11. That the present application is demonstrably tainted by a history of animosity as a litigation instigated by the answering Respondent against the said unit of M/s Rajveer Venture. Following the same this present application has been filed through the Letter Applicant created by the aforementioned business rival having malice, just to cause financial and reputational harm to the answering Respondent.

12. That in doing so, the Applicant has tried to fabricate a case by misrepresenting several facts by introducing instances which occurred overtime in piecemeal

manner and has tried to mislead this Hon'ble Tribunal in search of adversarial orders against the answering Respondent.

13. It is respectfully submitted that the misuse of a letter Application and then the interlocutory relief, ostensibly to address environmental concerns, is a transparent attempt to create a facade of substantial question of environment, while in reality, it serves commercial and selfish gains, seeking to confuse and mislead this Hon'ble Tribunal. It is therefore submitted that this application, being a clear abuse of process, should be dismissed with heavy costs to deter such frivolous and malicious litigation in the future for the reasons mentioned above.

14. That it is respectfully submitted that, as elucidated by the Hon'ble Supreme Court of India in ***Pandurang Vithal Kevne v. Bharat Sanchar Nigam Limited & Anr. (Special Leave Petition (Civil) Diary No. 56230 of 2024)***, frivolous litigation that wastes precious judicial time warrants the imposition of heavy costs.

“Considering that precious time of this Court and the High Court was wasted by the petitioner, in our opinion the petitioner deserves to be burdened with heavy cost, to give clear message to the unscrupulous litigants like the petitioner for not daring to play with the Judicial System. Such type of litigants are not only polluting the stream of justice but putting hurdles in its dispensation to others. The precious judicial time which the petitioner has wasted, could very well be used for taking up the cases of other litigants who are waiting for justice. In fact these types of litigants are choking the system of the court, which is resulting in delays in decision of other cases. It is also the duty of the Courts at different levels to curb such type of litigation so that more time is available for dealing with genuine litigation”.

15. The Hon'ble Court emphasized the necessity for all levels of the judiciary to curb such abuse of process. Therefore, in light of the demonstrably frivolous nature of the present application, which has similarly consumed valuable judicial resources, it is respectfully prayed that this Hon'ble Tribunal impose substantial costs upon the Letter Applicant to deter such vexatious conduct and uphold the integrity of the judicial process.
16. That it is submitted that after this present case was taken up by this Hon'ble Tribunal suo moto, the Applicant has interjected without authority and has tried to enlarge the scope of the case over a period of time by introducing more contentions which goes against the principle of natural justice. That the said contentions have been admitted without the same being served to the answering Respondent and even before the issuance of notice in the present case.
17. That the said submissions have been brought forth by the Applicant while not even bothering to appear before this Hon'ble Tribunal for the adjudication of the case. That such approach of the Applicant shows a grave misuse of judicial procedure laid down under law thus challenging the sanctity of the judicial process availed for justice.
18. That on merit of the case, at the very outset, the answering Respondent denies all the contentions raised by the Applicant as false, wrong and misleading.
19. That it is humbly submitted that the Letter Applicant has attempted to target the answering Respondent by throwing several contentions it has made without adhering to any particular cause of action, thus making the present case not less than a fishing and roving enquiry. However, in view of notice issued by this Hon'ble Tribunal, the answering Respondent submits the following response to each contentions raised.

20. That the contentions raised in the Interlocutory Application No. 122 of 2025 for stay, and the response to each contentions raised are as follows:

A. Contention: The Unit has operated without Bio-Medical Waste Authorization and Consent to Operate in the past:

21. That at the outset it is submitted that the said contention cannot be raised in a suo moto case by the Applicant thus causing to expand the scope of his initial complaint. This contention has been raised as an afterthought which has been formulated after procuring information provided under the pleadings filed in the case. That the Applicant has changed the nature of the case and by raising such contention as such a belated stage has made it into a fishing and roving enquiry.

22. That even on merit, the said contention is denied as false. It is submitted that the answering Respondent started the construction of the unit only after obtaining the No Objection Certificate (NOC) from the UPPCB for establishment dated 04.08.2008 (Page 235 of the Reply dated 28.01.2025 of the answering Respondent - MPCC). After the completion of the plant, authorization under the Bio-Medical Waste (Management and Handling) Rules 1998 was granted on 24.04.2009 by UPPCB. That the true copy of the authorization dated 24.04.2009 alongwith its typed copy is marked and annexed as **ANNEXURE R/1**

23. That thereafter the BMW Authorization dated 14.05.2012 was granted with validity period of 14.05.2012 till 13.11.2012 (Page 255-256 of the Reply of the answering Respondent – MPCC).

24. That the said BMW Authorization was renewed vide authorization dated 11.06.2013 with validity period of 11.06.2013 till 10.06.2014.
25. That with regard to the Consent to Operate under the Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981, the 1st Consent was granted on 20.08.2013, which was issued vide letter dated 26.08.2013 (Page 243-248 of the Reply dated 28.01.2025 of answering Respondent – MPCC).
26. That subsequently an Application dated 10.12.2013 was made for the Consent, however, the UPPCB did not respond duly thus giving effect to deemed Consent provision under the Section 25(7) of the Water Act, 1974.
27. That the answering Respondent has been duly applying for the renewal of authorization under the BMW Rules, 2016 as well as Consent under the Air Act, 1981 and the Water Act, 1974, and has operated in accordance with the said Act and Rules.
28. That the copy of the latest BMW authorization dated 18.09.2024 (valid from 18.09.2024 till 31.12.2028) is provided at Page no. 280-284 of the Reply of the answering Respondent – MPCC. The same has also been affirmed by the Uttar Pradesh Pollution Control Board in its Affidavit dated 26.03.2025.
29. That the copy of the last CCA dated 18.09.2024 (valid from 18.09.2024 till 31.12.2028) is provided at Page no. 271-279 of the Reply of the Answering Respondent – MPCC.
30. That, therefore, the contention of the Applicant that the Unit had authorization for only a limited period of time is wrong and without any basis. Furthermore, the Applicant is also time barred in raising an allegation of an illegality allegedly committed more than a decade earlier. The powers of taking suo motu cognisance as has been held by the Hon'ble Supreme Court in the case of Ankita Sinha does not mean eschewing the principle of natural justice and

fair play or give a complete go by to the question of limitation as prescribed by the National Green Tribunal Act, 2010.

31. That it is also pertinent to mention here that the Central Pollution Control Board has re-categorised industries in January 2025 in the Document titled 'Classification of Sectors into Red, Orange, Green, White and Blue Categories' and issued Directions to the State Pollution Control Board on 12.02.2025 to adopt the same for processing Authorisations as well as Consents. The said classification has categorised the unit of the Applicant herein as an Essential Environmental Service. The true copy of the relevant extracts of the Direction dated 12.02.2025 issuing revised 'Classification of Sectors into Red, Orange, Green, White and Blue Categories' are marked and annexed as **ANNEXURE R/2**.

B. Contention: The actual waste processing capacity of the unit is question is lesser than the approved capacity under the BMW Authorization dated 18.05.2019:

32. That the Letter Applicant has alleged, albeit wrongly, that the actual waste processing capacity of the unit is question is lesser than the approved capacity under the BMW Authorization dated 18.05.2019. Further, the figure of 6500 kg/day given in Form IV – Annual Report under the Bio-Medical Waste Rules 2016 has been alleged by the Applicant to be a wrong figure. At the outset, the said contentions are denied as wrong, false and is without any basis. It is submitted that the processing capacity of the unit as approved by the UPPCB under the BMW Authorization dated 18.05.2019 as 6,500 Kg/per day is correct and represents the actual capacity of the plant. That the Applicant is trying to mislead this Hon'ble Tribunal by representing the total capacity to

be dependent only on the capacity of the incinerator alone. That infact, the total capacity of 6,500 Kg/per has been derived by totalling the processing capacity from the respective three equipment's, which are the Incinerator, the Autoclave and the Shredder & Chemical Disinfection. ~~(is this how capacity is calculated? Do we have a document to this effect?)~~

This is tabulated as under:

Capacity of Medical Pollution Control Committee CBWTF
D – 33, UPSIDC Industrial Area, Khalilabad, Santkabirnagar – 272175

| | | |
|--|---|----------------------|
| • 100 Kg Incinerator X 20 Hours | = | 2000 Kg |
| • 500 liter /hours X 8 Hours | } | = 4500 Kg/Day |
| • 50 Kg Shredder & Chemical Disinfection | | |
| Total Capacity | | = 6500 Kg/Day |

33. That, as demonstrated above, the waste which is received for treatment are either subject to Incinerator for burning the same, or to the Autoclave or to the Shredder & Chemical Disinfection. Therefore, the waste which are treated from each of the three equipments are required to be totalled to find the total waste processed as indicated above. The three equipment work parallelly.

34. The Applicant's contention that the BMW processing capacity to be 2000 kg by taking the capacity of incinerator of 100 kg/hour/per day (operating 20 hours/day) is therefore false. The remaining 4500 Kg/day is attributable to Autoclave and Shredder + Chemical Disinfection as stated above. Each of these can process 500 liters/hour and 50 kg/hour respectively.

35. That as per the "Methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste" dated 10.10.2023 issued by CPCB, the time period taken for calculating the existing capacity from incinerator is laid down as 20 hrs/day and for autoclave, it is eighteen cycles

per day. Further, the average time period for completion of one cycle for autoclave takes approximately one hour to complete, which translates the capacity for autoclave to eighteen hours/day. That as per these figures, the total capacity comes out to be much more than the capacity sanctioned of 6500 kg/day for the CBMWTF of the answering Respondent. That the true copy of the “Methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste” dated 10.10.2023 is marked and annexed as

ANNEXURE R/3

However, the actual quantity of bio-medical waste currently treated and disposed of by the facility amounts to only 1,625 kilograms per day. That, therefore, the contention raised by the Applicant is false and misleading.

36. That it is submitted that 274 grams of biomedical waste is generated per day per bed. Out of total BMW Waste collected, approximately 20 to 25% is transferred to incinerable waste and remaining 75 to 80% of the waste is treated using autoclaving or shredded and chemical disinfectants to ensure it is sterilized and rendered safe for disposal in accordance with the BMW Rules, 2016.

37. That further, the letter Applicant has also relied upon a letter dated 06.10.2022 of UPPCB sent to Regional Officer, Basti, UPPCB wherein observations have been made with regard to the approved capacity under the said Authorization letter dated 06.10.2022 vis-à-vis the capacity of the equipment of the plants. That in this regard, it is submitted that under the said letter, the capacity of Autoclave is noted to be 50 litres/hour whereas the same is 500 litres/hour. That, therefore, a typographical error has been made on the part of the UPPCB in this regard which might have led to the miscalculation/under evaluation of the total capacity, thus leading to a lack of clarity with respect to the approved capacity. It is further submitted that the said letter is an internal letter

sent the UPPCB to the Regional Office and the same was not served upon the answering Respondent. That thereafter, the answering Respondent is not aware when an inspection in this regard was made and there is no notice or any communication issued by the UPPCB in furtherance to the said letter on the issue of approved capacity. Therefore, it is the humble submission of the answering Respondent that since that no action has been initiated by the UPPCB in this regard perhaps due to realisation of the typographical error, the same can be assumed to have been closed by the UPPCB.

C. Contention: The waste collected for the plant are stored or disposed of unlawfully

38. That the letter Applicant has made several baseless surmises and conjectures against the operation of the Unit of the answering Respondent in relation to disposal of wastes collected for processing in the plant. That all such allegations are denied as false and without any basis.

39. That it is also submitted that such submissions are only an afterthought which the letter Applicant has tried to fabricate in an attempt to cause prejudice against the answering Respondent and the same has no connection to his initial letter complaint. That the letter Applicant has attempted to shoot an arrow in the dark by stitching several instances and coming up with his own theory without any evidence to support the same. That the manner in which such new contentions are being raised thus trying to increase the scope of the case and that too in an Interlocutory Application without being present physically before the Hon'ble Bench, ought to be dismissed in the first instance for want of merit.

40. That the letter Applicant has submitted that MPCC covers seven districts (viz. Gorakhpur, Kushinagar, Sant Kabir Nagar, Siddharth Nagar, Maharajganj, Basti and Deoria) for the collection and processing of Bio-medical wastes which has more than 25,000 beds without enough capacity and has therefore been disposing/storing the waste either inside the premise or outside in jungle, river or are burned underground. That in this regard, it is submitted that the said numbers presented are highly exaggerated and has no factual basis. Infact, presently, the answering Respondent is catering to 110 Government Health Care Facilities and 2214 Private Health Care facilities located in the said seven districts. That a good proportion of the said health care facilities are non-bedded. That the total number of beds from the said facilities comes out to be 9897 beds, which is less than 10,000 beds as mandated under the CPCB Guidelines and is far less than the alleged number of 25,000 beds raised by the Applicant.
41. That the true copy of the chart representing the number of Health Care facilities in each district covered by the answering Respondent alongwith the total number of beds is marked and annexed as **ANNEXURE R/4**
42. That therefore any submission made by the Applicant related to illegal disposal of waste is also false and the unit is working well within its capacity and there is no reason for the unit to fall into such practices as alleged.
43. That the letter Applicant has also relied upon the IGRS Report dated 12.01.2025 prepared in the complaints made by one Mr. Rajesh Kumar Yadav who has alleged that MPCC is involved in dumping waste in his land. That it is submitted that the said complaint is false and without any basis. That the CBWTF of the answering Respondent is working below its capacity and has never dumped any biomedical waste illegally. That the said complaint was filed in an attempt to cause harm to the answering Respondent. That the said

person has been misled by ex-employees namely Vijay Yadav and Hemant Maurya who were terminated from the answering Respondent's facility. That one of them now works with M/s AV BIO-medical Waste Service, who is a competitor having its CBMWTF facility in Maharajganj, which is approximately 90 km away from the plant of the answering Respondent. That it is submitted that some of the partners of the said company also are the partners in M/s Rajveer Venture and the Applicant herein is the son of the cousin brother of the owner of the latter company. That therefore, it is submitted that Mr Rajesh has been misled by people who are associates to the competitor group to the answering Respondent, having animosity and malafide intentions against the answering Respondent. That Mr Rajesh has now himself provided his attested and notarized Affidavit, revealing the fact that the complaint filed by him was false and the same was filed under pressure by a person who was terminated from institution of the answering Respondent. He has also submitted that the wastes dumped on his site were not of answering Respondent. That, therefore, the said complaint of Mr Rajesh Kumar ought to be rejected. That the true copy of the Affidavit of Mr Rajesh alongwith its English translation dated 02.04.2025 is marked and annexed as **ANNEXURE R/5**

44. That the submission of the letter Applicant that in the said IGRS report dated 12.01.2025, the allegation of Mr Rajesh Kumar was found to be true is a wrong submission. Infact, the said report reveals that the investigation is underway and that all other allegations made by the Complainant is false.
45. That infact, Mr Rajesh Kumar has also filed the same complaint on the IMS Portal of UPPCB. That in response to the said complaint, the UPPCB sent letter dated 20.12.2024 to the answering Respondent to which a response was sent on 26.12.2024 bearing reference number 644//SA0-160/T.M.S/2024,

dated 20 December 2024. That in the said response, the answering Respondent has submitted that the biomedical waste is transported by the institution exclusively in red bags, yellow bags, blue cardboard, and white PPC jars for disposal. The institution in question does not use black bags for disposal or treatment of waste. The Black bags are used by hospitals for the conveyance of municipal solid waste (MSW) to the municipal corporation. That the true copy of the reply sent by the answering Respondent to Regional Officer, UPPCB dated 26.12.2024 along with its English translation is marked and annexed as **ANNEXURE R/6**.

46. That therefore, the said these contentions raised/relied upon by the letter Applicant are frivolous and ought to be rejected.

D. Contention: The unit has operated with expanded capacity without obtaining Environmental Clearance and Consent

47. That the said contention is denied as false and misleading. That it is submitted that since the commencement of operation of the plant, the capacity has remained the same without any increase till date. That therefore, as there has been no expansion or modification or any change in the product-mix in the plant, there is no requirement of any Environmental Clearance (EC under the Environment Impact Assessment Notification, 2006 (EIA Notification 2006) as the plant was established before the requirement of prior environment clearance was introduced in the year 2015 (17.04.2015) to the EIA Notification, 2006. That it is clear that the said notification dated 17.04.2015 is applicable prospectively, as the plant of the answering Respondent was established and has been operating prior to the publication of the said notification since 2009. Therefore, there was no requirement of obtaining a

Prior EC at the time of commencement of the plant and as there has not been any expansion till date, a prior EC is not required in the case of the answering Respondent. The same is evident from para 2 of the EIA Notification, 2006 as well as the 2016 Revised Guidelines for CBWTF.

48. That further, the reliance placed by the letter Applicant on the Letter of UPPCB dated 12.07.2023 regarding the new incinerator is misplaced. That in response, the answering sent its explanation dated 28.09.2023 (Pg 266-267 of Reply of MPCC dated 28.01.2025) and 23.03.2024 (Pg no. 268- 269 of the Reply by R-5 MPCC) wherein it has been submitted that the several equipment were placed in the unit, of which a few were ordered for the purpose of repairing the older parts of the machines and few were placed for the purpose of assembling and transportation to another unit of the answering Respondent. That therefore, there was no additional incinerator or equipment which was sought to be installed but only some replacement of older parts were sought. However, when the UPPCB had found the same during its inspection and issued notice, the answering Respondent removed all these equipment and sent it to the other plant.

49. That the plant of the answering Respondent was inspected again by the UPPCB and under the inspection report dated 29.02.2024 (Pg 95 of the Report of DM dated 03.01.2025) it has been noted that the new incinerator, shredder, autoclave has been removed and earlier incinerator, shredder, autoclave installed earlier are operational. Further, under the updated inspection report dated 30.07.2024 (Pg 97 of the Report of DM dated 03.01.2025) it is also noted that the new incinerator, shredder, autoclave has been replaced. That in view of the same, the show cause dated 11.09.2023 (Pg 264-265 of Reply of MPCC dated 28.01.2025) was suspended by the UPPCB vide letter dated

12.09.2024 (Pg 270 of Reply of MPCC dated 28.01.2024). There has been no challenge to the said revocation/suspension by the letter Applicant.

50. That the Report of the Joint Committee constituted by this Hon'ble Tribunal under the present case submitted in the Reply filed DM, Sant Kabir Nagar dated 03.01.2025 and Response of UPPCB dated 04.01.2025 reiterates the said submissions made above in favour of the answering Respondent.

51. That it is humbly submitted that therefore the issues raised stands resolved and closed by the UPPCB and there is no merit left for the letter Applicant to re-agitate the same.

52. That the allegations raised by the letter Applicant that additional units were kept running from 2021 till 2023 is vague, frivolous and without any merit and is hereby denied.

53. That the submission of the letter Applicant that the answering Respondent applied for EC in 2023 for expansion is correct, however the same was not pursued by the answering Respondents due to technical and financial reasons and which therefore lapsed. In any case applying for expansion does not imply that the unit has already expanded when no such factual finding has been found by the Joint Committee as appointed by this Hon'ble Tribunal

54. That the contention raised that unit is working in a densely population area and there is no space for dumping waste due to which the capacity was expanded are just surmises and conjecture and figment of Applicant's imagination which have no basis of evidence or any merit.

55. That further the photos annexed by the Applicant reflect additional equipment kept in the units of which the chimney was kept for the purpose of replacement of older parts and other equipment were kept to be assembled and sent to another plant. However, the parts meant for other plants were sent away and there was only repair work which was undertaken under the plant of answering

Respondents without any expansion/modification or change in technology/product-mix.

E. Contention: Uttar Pradesh pollution Control Board (UPPCB) is working in collision with the answering Respondent and has thus suppressed the earlier violations

56. That such allegations raised by the Applicant are frivolous and without any basis and are denied. That with regards to the closure order dated 25.06.2018 (Page 54-55 of IA No. 122/2025) the same has been suspended vide letter dated 27.08.2018 in view of compliance made and the matter has been closed. That the true copy of the suspension letter dated 27.08.2018 alongwith its English translation is marked and annexed as **ANNEXURE R/7**

57. That reliance on the letter dated 20.05.2019 (Pg 30 of Additional Submission of Applicant dated 26.12.2024) is also misplaced and misleading. That it is the humble submission of the Applicant that the said matter also stands closed as the Environmental Compensation of Rs. 21.2 lakhs imposed therein has been deposited by the Applicant in three instalments. The 1st instalment of Rs. 50,000 was sent in form of DD No. 766415 dated 30.04.2019. This amount was deposited before the said letter dated 20.05.2019 and the same was deducted from the total sum of 21.2 lakhs as reflected in the said letter. That the second instalment of Rs. 5,00,000 has been deposited through UTR No. PUNBRS2019082218837993 dated 20.08.2019. That the third instalment of Rs. 15,70,000 has been deposited through pass number PUNBRS202503171969083 dated 17.03.2025. Thus, the total sum has been deposited and the matter stands closed. Hence, there is no reason for the Applicant to re-agitate the issue under the present case

58. That reliance has also been placed on the Letter dated 13.10.2020 and 03.02.2021 issued by the UPPCB wherein Environmental Compensation of Rs 13.44 lakhs has been imposed on the answering Respondent. In this regard it is submitted that the UPPCB had wrongly imposed the said compensation as it was during COVID times and a huge quantity waste was being transported to be incinerated in the plant of the answering Respondent. The CBWTF was operating at its maximum operational capacity, processing not only biomedical waste but also other general wastes, which was classified as COVID-19 medical waste in response to the prevailing public health emergency. Even after keeping the plant continuously operating, the waste collected was not being disposed off in the same day and the same got piled up to be processed in the subsequent day. That aggrieved by the said direction, the answering Respondent has challenged the said order before the Hon'ble High Court at Allahabad wherein, the Hon'ble High Court has stayed the said Order and the same is pending to be adjudicated. That the true copy of the order 22.03.2021 passed by the Hon'ble High Court in WRIT - C No. - 7889 of 2021 titled *Medical Pollution Control Committee through Dr. Vinay Kumar Verma Vs State of U.P. Through the Principle Secretary Forest/Environment & Ors.* is marked and annexed as **ANNEXURE R/8**

F. Contention: The NOC dated 22.02.2008 issued by the UPPCB was granted without ownership of the land; there is no registered leases deed/possession memo for the land

59. That it is submitted that during the time of grant of NOC dated 22.02.2008, an agreement on stamp paper was entered between SNG Mercantile and M/s Rani Sati Food Product regarding the establishment of the CBMWTF Plant

on the land in question. That the said letter was submitted to the UPPCB during the time of application for NOC. The copy of the same is available with the UPPCB and the same can be provided if directed to be produced by this Hon'ble Tribunal.

60. That with regards to the MOU dated 15.03.2007/26.04.2007 (Page 237 of the Reply dated 28.01.2025 of MPCC) it is submitted that the answering Respondent had placed on record the MOU for the Plant in Kanpur Zone by mistake due to human error. That the true copy of the correct MOU dated 27.04.2007 in this regard which was entered for the Gorakhpur Zone is marked and annexed as **ANNEXURE R/9**

61. That subsequently another MOU dated 22.02.2008 was entered with minor amendments. That the true copy of the MOU dated 22.02.2008 is marked and annexed as **ANNEXURE R/10**

62. That thereafter, the UPSIDC permitted transfer of land to Dr. Vinay Kumar Verma of MPCC vide letter dated 04.08.2008 (age 23-24 of IA No. 122/2025).

63. That thereafter, the tender with SNG Mercantile expired on 13.09.2011, the answering Respondent applied to UPPCB vide letter dated 11.11.2011 for changing/replacing the ownership name from SNG Mercantile to MPCC (Page 242 of the Reply dated 28.01.2025 of MPCC) on authorization letter of Joint BMW Disposal Plant. That in view of the said request, the subsequent BMW Authorization and Consent was issued in the name of the answering Respondent.

64. That in this regard, the Applicant has also submitted that the said letter dated 11.11.2011 for change in name is illegal as it is not as per the Guidelines of Maharashtra Pollution Control Board dated 08.02.2023. That the said Guidelines is not applicable in the present case as it was issued after the

application was made and the same is concerning the State of Maharashtra and not the State of Uttar Pradesh.

G. Unit is operating with the best technology and with all the requisite safeguards.

65. During this period, the Respondent conducted four dedicated training sessions, thereby educating 1,680 personnel on best environmental practices, underscoring our proactive approach to compliance. Furthermore, the facility maintained an exemplary safety record, with no reported accidents, reflecting our rigorous operational protocols. To ensure continuous adherence to air quality standards, an online emission monitoring system is employed, consistently demonstrating compliance with stipulated parameters. These measures collectively illustrate the Respondent's dedication to environmental protection and the implementation of sustainable practices, thereby negating any assertions of environmental negligence. The Respondent has consistently prepared and maintained comprehensive annual environmental compliance reports from the year 2015 to the present date. These reports serve to demonstrate the facility's unwavering commitment to accountability and transparency, providing detailed information regarding the implementation and adherence to all requisite environmental compliance measures. That the same can be provided if required by this Hon'ble Tribunal.

66. That in view of the abovementioned facts and position of law, it is submitted that the unit of the answering Respondent has been operating in compliance with the provisions of the Water Act, 1974, Air Act, 1981, Bio-Medical Waste Management Rules, 2016 as well as the Guidelines issued by the Central

Pollution Control Board from time to time. With respect to minor housekeeping issues, the answering Respondent humbly submits that they are rectified within the same day and there has been no adverse impact on the environment with respect to the same. The present Letter Petition may be dismissed with costs as the letter Petitioner has clearly approached this Hon'ble Tribunal with ulterior motives and vested interests and has been filling pleadings, without presenting himself even once before this Hon'ble Tribunal. Furthermore, in view of the recent categorisation of the plant of the answering Respondent as an Essential Environmental Service with change in the Pollution Index parameters, the present Interlocutory Application for Stay cannot be accepted and should be dismissed with costs.

Place: New Delhi

Date: 21.05.2025

FILED BY:



MANSI BACHANI, SAUMITRA JAISWAL

29, Presidential Estate Nizamuddin East,

New Delhi -110013

saumitra@eldfindia.com;

7289850011

SETTLED BY:

Sanjay Upadhyay

[Senior Advocate]

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
I.A. NO. 122/2025 IN
ORIGINAL APPLICATION NO. 1141/2024



IN THE MATTER OF:

Amresh SinghApplicant

Versus

State of Uttar Pradesh & Ors.Respondent

AFFIDAVIT

I, Dr. Vinay Kumar Verma, aged about 65 years, S/o Late Rajaram Verma R/o 26 A-B, Block-E, Near Bhatia Hotel, Panki, Kanpur, Uttar Pradesh – 208020, Secretary and authorized signatory of Medical Pollution Control Committee (MPCC), presently at Kanpur, do hereby solemnly affirms and declares as under:

1. That in my capacity as Respondent No.5 in the abovementioned matter I am fully conversant with the facts and circumstances of the case, as such I am competent to swear to this affidavit.

2. The contents of the accompanying Reply have been drafted by the counsel under my instructions and the contents of the same are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

3. Annexures are the true copy of their respective original.

Dr. Vinay Kumar Verma
DEPONENT

Verification:

Verified at Kanpur on this 16 day of May 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.

Sworn before me the day of.....
who is identified by Sd.....
Verified per identification.....
Hence Attested.....

C.M. Singh (Advocate)
Govt. Notary

Book No = 07
Notary No = 02
Date = 16-5-25

Dr. Vinay Kumar Verma
DEPONENT



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं.
Ref. No.

F48061 / एसी-6/वायोमेडिकल/36/GMP

दिनांक
Date 24-4-09

To,

M/S S.N.G. Mercantile Pvt. Ltd.
D-33, UPSIDC, Industrial area
Distt-Sant Kabir Nagar

Sub: Grant of Authorization under Bio-Medical Waste (Management & Handling) Rules, 1998

Dear Sir,

Please refer to your application dated 23.12.2008 in connection with the subject cited above. Your application for grant of authorization has been scrutinized and the officers the board have inspected your CBWTF. On the basis of the recommendation of inspection report the state pollution control board grant authorization for a period upto 31-12-2009 from the date of issue with the following conditions:-

1. The authorization shall comply with the provisions of the Environment (Protection) Act, 1986, and the rules made there under.
2. The authorization or its renewal shall be produced for inspection at the request of an officer authorized by the prescribed authority.
3. The person authorized shall not rent, lend, sell, transfer or otherwise transport the biomedical wastes without obtaining prior permission of the prescribed authority.
4. Any unauthorized change in personnel, equipment or working condition as mentioned in the application by the person authorized shall constitute a breach of this authorization.
5. It is the duty of the authorized person to take prior permission of the prescribed authority to close down the facility.
6. You shall ensure that bio-medical waste generated in your hospital is handled without any adverse effect to human health and the environment.
7. The Bio-Medical waste shall be treated and disposed of in accordance with schedule-I and the compliance of the standards prescribed in Schedule-V of Bio-medical waste if it is being treated independently.
8. Bio-medical waste shall not be mixed with other waste.
9. Bio-medical waste shall be segregated into containers/bags at the point of generation in accordance with Schedule-II prior to its storage, transportation, treatment and disposal. The containers shall be labeled according to Schedule-III.
10. If a container is transported from the premises where bio-medical waste is generated to any waste treatment facility outside the premises, the container shall, apart from the label prescribed in schedule-III, also carry information prescribed in schedule-IV.

पिपुल भवन, तृतीय तल, वीन्हाख, विभूति खण्ड,
गोमि नगर, लखनऊ - 226 010
दूरभाष : 2720831, 2720828, 2720691, 2720681
फैक्स : 0522-2720764
ई-मेल : info@uppcb.com
वेब साइट : www.uppcb.com

Picup Bhawan, 3rd Floor, B-Block, Vibhuti Khand,
Gomti Nagar, Lucknow - 226 010
Phone : 2720831, 2720828, 2720691, 2720681
Fax : 0522-2720764
e-mail : info@uppcb.com
Web Site : www.uppcb.com

11. You shall also ensure that untreated bio-medical waste shall be transported only in such vehicle as may be authorized for the purpose by the competent authority as specified by the government
12. No untreated bio-medical waste shall be kept/stored beyond a period of 48 hours if it becomes necessary to store beyond 48 hours, you must take permission of the prescribed authority and to ensure that it does not adversely effect human health and the environment.
13. You shall submit an annual report to the prescribed authority in form-II by 31 January every year, to include information about the categories and quantities of Bio-medical waste handled during the preceding year.
14. You shall maintain records related to the generation, collection, reception, storage, transportation, treatment, disposal and/or any other form of handling of bio-medical waste in accordance with these rules and any guidelines. All records shall be subject to inspection and verification by the prescribed authority at any time.
15. It is within the powers and functions of the U.P. Pollution Control Board to modify/ revoke the terms and conditions of the authorization issued under the rule 8(2) of the Bio-medical waste (Management & Handling) Rules, 1998.
16. You have to submit the incinerator stack emission report as well as ensuring maintenance details monthly.
17. The waste shall be transported in the covered vehicles with BMW logo.
18. The facility shall install all the equipments according to the proposals submitted to ENOC.
19. The APCS installed shall be operated regularly so that the emission is always within the prescribed norms.
20. The CBWTF shall submit the report to the Board within 3 months regarding the impact on surrounding environment.
21. The mercury shall be collected separately and disposed off according to the Bio-medical Waste (Management & Handling) Rules, 1998 and its amendments.

Yours faithfully

(Dr. C. S. Bhatt)
Member Secretary

Copy to

The Regional officer, U.P. Pollution Control Board, Gorakhpur for information and necessary action.

Chief Environmental Officer (VI)

UTTAR PRADESH POLLUTION CONTROL BOARD

FILE NO F48061/Sa-6/Biomedical/36/GKP

DATE 24-4-09

To,

M/S S.N.G. Mercantile Pvt. Ltd.

D-33, UPSIDC, industrial area

Distt-Sant Kabir Nagar

Sub: **Grant of Authorization under Bio-Medical Waste (Management & Handling) Rules. 1998**

Dear Sir,

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2. The authorization or its renewal shall be produced for inspection at the request of an officer authorized by the prescribed authority.
3. The person authorized shall not rent/lend/sell/transfer or otherwise transport the biomedical wastes without obtaining prior permission of the prescribed authority.
4. Any unauthorized change in personnel, equipment or working condition as mentioned in the application by the person authorized shall constitute a breach of this authorization.
5. It is the duty of the authorized person to take prior permission of the prescribed authority to close down the facility
6. You shall ensure that bio-medical waste generated in your hospital is handled without any adverse effect to human Health and the environment
7. The Bio-Medical waste shall be treated and disposed of in accordance with schedule-I and the compliance of the standards prescribed in Schedule-V of Bio-medical waste if it is being treated independently.
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10. If a container is transported from the premises where bin-medical waste is generated to any waste treatment facility outside the premises, the container shall, apart from the label prescribed in schedule-III, also carry information prescribed in schedule-IV
11. You shall also ensure that untreated bio-medical waste shall be transported only in such vehicle as may be authorized for the purpose by the competent authority as specified by the government.
12. No untreated bio-medical waste shall be kept/stored beyond a period of 48 hours it if, becomes necessary to store beyond 48 hours, you must take permission of the prescribed authority and to ensure that it does not adversely effect human health and the environment.
13. You shall maintain records related to the generation, collection, reception, storage, transportation, treatment, disposal and/or any other form of handling of bio-medical waste in accordance with these rules and any guidelines. All records shall be subject to inspection and verification by the prescribed authority at any time.
14. It is within powers and functions of the U.P. Pollution Control Board to modify/revoke the terms and conditions of the authorization issued under the rule 8(2) of the Bio-medical waste (Management & Handling) Rules 1998.
15. You have to submit the incinerator stack emission report as well as ensuring maintenance details monthly.
16. The waste shall be transported in the covered vehicles with BMW logo.
17. The facility shall install all the equipments according to the proposals submitted for NOC.
18. The APCS installed shall be operated regularly so that the emission is always within the prescribed norms.
19. The CBMWTF shall be operated regularly to the Board within 3 months regarding the impact on surrounding environment.
20. The mercury shall be collected separately and disposed off according to the Bio-medical Waste (management & Handling) Rules, 1998 and its amendments.

Yours faithfully

(Dr. C.S. Bhatt)

Member Secretary

Copy to

The Regional officer, U.P. Pollution Control Board, Gorakhpur for information and necessary action.

Chief Environmental Officer (VI)

//TYPED COPY//



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

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

Date: 12.02.2025

To

ANNEXURE R/2

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

Sub: Directions under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 regarding harmonization of classification of industrial sectors under Red, Orange, Green, White and Blue categories.

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

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

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

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

Page 1 of 5

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

Encl. As above.

(Bharat Kumar Sharma)
Member Secretary

Copy to:

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

(Bharat Kumar Sharma)
Member Secretary

570

35

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

(A tool for progressive environmental management)



Central Pollution Control Board

“Parivesh Bhawan”, East Arjun Nagar

Delhi-110032

(January 2025)

EXECUTIVE SUMMARY

The concept of classification of industrial sectors into red, orange, and green categories based on the size of operations and consumption of resources was first introduced in 1989 for Doon Valley, Uttarakhand. This classification aimed to aid decisions regarding siting of industries. Over the period of time, this concept was extended nationwide to manage consents and establish norms for surveillance and inspection of industry. In 2012, to have uniformity in classification throughout the country, the Central Pollution Control Board (CPCB) issued a standardized list of 244 sectors, classified under red (85 sectors), orange (73 sectors) and green (86 sectors) categories.

In 2016, the Central Pollution Control Board (CPCB) developed a scoring methodology based on the Pollution Index (PI) to harmonize the criteria for categorizing industries. This PI was determined by evaluating water pollution, air pollution, and hazardous waste generation. Using this methodology, CPCB classified 257 industrial sectors into four categories: Red (63 sectors), Orange (91 sectors), Green (65 sectors), and White (38 sectors). The White category was introduced for sectors considered "practically non-polluting" during 2016. Additionally, State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) were authorized to categorize any new or left over sectors according to the CPCB's 2016 methodology.

Further, based on the experience gained over the years, the increased use of cleaner fuels like PNG and bio-CNG, adoption of cleaner technology resulting into reduced wastewater generation, normalisation approach & different formula for calculating PI etc. a need was felt to revisit the classification methodology of 2016 for several such identified areas for improvement. Separate scoring for trade effluent and sewage effluent was also required due to differing characteristics and treatment methods.

Considering the scope of revision, CPCB published a draft report revising the methodology for calculating PI and accordingly classification of sectors into Red, Orange, Green, and White categories based on pollution index range was placed in the public domain for inputs/comments. Around 160 representations comprising more than 700 comments were received. Based on feedback/suggestions and examination of same by the working committee constituted for the purpose, the methodology was finalised. As per the final methodology, the scoring criteria for the following three major pollutant groups are as follows:

- i. Water Pollutant Score (PI_W): Assesses the water pollution potential considering the oxygen demand of wastewater, other pollutants in the wastewater and quantity of wastewater generated.
- ii. Air Pollutant Score (PI_A): Evaluates the potential air pollution due to process emissions (point source), work zone emissions (fugitive and odour) and type & quantity of fuel used.
- iii. Waste Pollutant Score (PI_H): Considering the type and quantity of waste (which are hazardous/toxic/infectious/bulk in nature) generated.

Each pollutant group is scored out of 100, and the Cumulative Pollution Index is calculated. The category of the sector is decided based on the pollution index range, if $PI \geq 80$ the category

of sector is Red, if PI ranges between $55 \leq PI < 80$, the category of sector is orange, similarly for the range of PI between $25 \leq PI < 55$, the category is Green and for $PI < 25$, the category of the sector is white.

Further, based on the stakeholders' comments, a need was felt to introduce a separate "blue category" for Essential Environmental Services (ESS) required for management of waste generated from domestic/household activities and, an incentive mechanism to promote units in a particular sector, taking measures resulting into better environmental performance. An addendum was prepared, shared and presented to all SPCBs/PCCs. The addendum was also placed in the CPCB Website on 11.07.2024 for inputs/comments. 09 representations were received in the addendum. All representations were examined, and classification based on revised methodology is finalised. Based on the revised methodology, CPCB has classified total 419 sectors and sub-sectors under Red (125), Orange (137), Green (94), White (54) and Blue (9) categories.

The report introduced incentive mechanism for the units in any sector that adopt environment friendly practices such as treatment and recovery of 100% wastewater, use of 100% cleaner fuel/renewal energy etc. and ensuring continuous compliance. These incentives are designed to encourage continuous improvement in environmental performance and to reward units that demonstrate proven implementation of sustainable practices and compliances.

Following are the salient features of the revised classification methodology:

- Methodology focusses on "Potential to pollute the environment" by the sector.
- Simplified single formula for Cumulative Pollution Index for all cases.
- Equal weightage to all three pollutant groups- Air, Water, and Waste.
- Cumulative PI based on weighted proportionate scores of pollutant groups.
- Separate scoring criteria for sectors generating sewage (such as Building & construction projects, STPs, Airports, etc.) and bio-medical waste (Health Care Facilities).
- Introduced Blue Category for 9 sectors under Essential Environmental Services required for management of waste generated from domestic/household activities.
- Appropriate weightage to scale of operations by introducing more slabs to bifurcates sub-sectors based on pollution load, scale of operation, production technology and type of fuel used.
- Introduction of sub-categories for sectors based on cleaner technologies, fuel types, integrated/segregated operations etc.
- Motivation to industries for progressive environmental management.
- A tool to assess the Cumulative Pollution Index and category based on revised method.

This report, prepared by the Central Pollution Control Board (CPCB), presents a revised methodology for classifying sectors based on their pollution potential. The classification aims to enhance environmental management and regulatory oversight by classifying sectors into red, orange, green, white, and blue categories. The report covers in detail about the genesis of

classification, need for the revision of 2016 methodology, scoring methodology for calculation of cumulative PI, etc.

The report also outlines guidelines for implementing the classification system. The classification may be used for consent management, inspection frequency, siting criteria, cluster development, pollution control plans, levying environmental compensation, promoting progressive environmental management, etc.

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Genesis and Journey of Classification

1.1 Introduction

The notifications issued by the Ministry of Environment and Forest during 1989 for Doon Valley, Uttarakhand introduced the concept of classification of industries as red, orange, and green categories. The purpose of this classification was to facilitate decisions related to location of these industries. The criteria for classification of industries was primarily based on quantity of industrial effluent, quantity of fuel/coal, and the number of employees, and amount of waste generated. The notification included list of 129 sectors, classified under red (45), orange (35), and green (39) categories. The criteria used for Doon Valley Notification, 1989 is summarized in the **Figure I**.

| Green | Orange | Red |
|--|---|---|
| Permitted <ul style="list-style-type: none"> No discharge of industrial effluent Non-Obnoxious & non-hazardous industries Employees up to 100 Process does not involve- tanning, dyeing, pickling, pulping, etc. E.g. Toys, ice cream, candles, carpet weaving, etc. | Permitted after MoEF approval <ul style="list-style-type: none"> Liquid effluent up to 500 KLD which can be controlled with suitable proven technology Coal/fuel up to 24 TPD Employees up to 500 E.g. Ceramics, tyres, soft-drinks, wire drawing, instant tea/coffee, petroleum storage, etc. | Not Permitted <ul style="list-style-type: none"> Liquid effluent > 500 KLD which can not be controlled with suitable technology Coal/fuel > 24 TPD Employees > 500 E.g. Cement, refinery, sugar, explosives, acid & their salts, power plants fertilizers, etc. |

Figure I: Criteria for classification of industries in Doon Valley Notification, 1989

Subsequently, the application of this concept was extended to other parts of the country not only for the purpose of location of industries, but also for the purpose of consent management and formulation of norms related to surveillance/inspection of industries. As the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) were following different



categorization of industries, to maintain the uniformity across the country, during 2012, CPCB issued a list of 244 sectors, classified under red (85), orange (73) and green (86) categories.

In order to harmonize the criteria for categorization, during the year 2016, CPCB developed the scoring methodology to classify the industries based on the Pollution Index (PI) which was a function of water pollution, air pollution and hazardous waste generation. Based on this methodology, CPCB has classified 257 sectors under red (63), orange (91), green (65) and white (38) categories and directed SPCBs/PCCs to adopt the same. During 2016, CPCB introduced white category as a new category for such sectors which are “practically non-polluting”. SPCBs/PCCs were also empowered to categorize any new/left-out sector at their own level, following the methodology prescribed by CPCB. Additionally, during 2020, CPCB also segregated the list of non-industrial operations/facilities. The overall journey of classification may be understood with the help of milestone chart shown in **Figure II**.

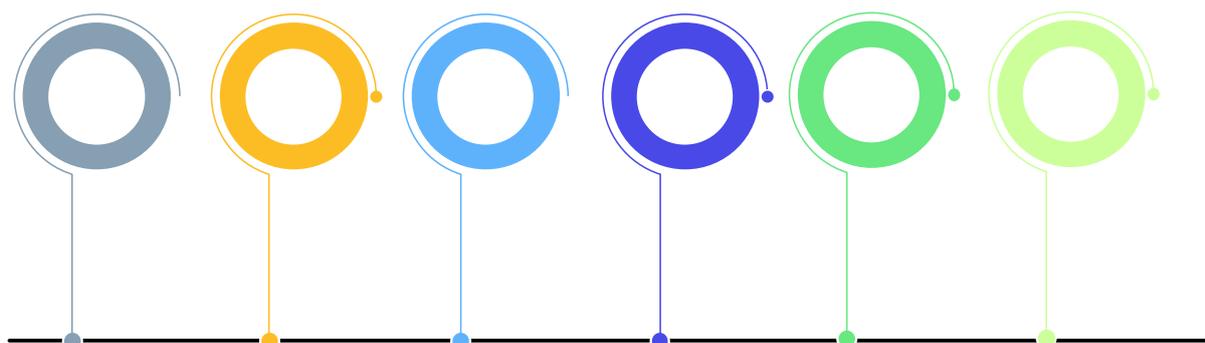


Figure II: Genisis and journey of classification of sectors

The concept of categorization is based on the “Precautionary Principle”, which focuses on potential of industries to pollute the environment. The purpose of categorization is to ensure that the industry is established in a manner consistent with the environmental objectives and to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in generation of minimum pollutants.



2

Modified Methodology for Classification

2.1 Need and scope for revision of methodology

Based on the experience gained over the years, a need was felt to revisit the 2016 methodology for classification of sectors considering following scope of improvement:

i. Assessment of Pollution Index:

The category of any industrial sector depends on the Pollution Index (PI), which comprises of scores of three pollutant groups i.e., air pollution, water pollution and hazardous waste. The water and air pollutants were each assigned a weight of 40%. However, the hazardous waste generation was given 20% weightage in pollution index.

As per the classification methodology of 2016, in case of absence of any pollutant groups, pollution index was normalized to 100. As a result, different formulas were required to compute pollution index.

Further, the normalization method has certain limitations while comparing pollution potential among sectors having scores for all three pollutant groups verses score only for any one/two pollutant group(s). Moreover, it was also observed that in some sectors normalization involved subjectivity based on perception.

ii. Size of operations of industrial activities:

It was observed that, there was less variation in PI score of industry based on size of operation in same sector. Limited variables/slabs were considered for the quantity of wastewater discharge and fuel consumption. It was also observed that adequate weightage in the considered variables/slabs to account the variation in size of operations of industrial activities need to introduce.



iii. Consideration to segregated industrial activities:

Although there were differences in pollution potential of integrated and standalone units of a particular sector, the classification methodology (2016) classifies the integrated or standalone units in the same sector. For example, standalone cement grinding units will have less pollution potential than integrated cement plants, but both were classified under red category.

iv. Consideration of type of fuel used:

In industrial operations requiring fuels, the amount of emissions is governed by many factors such as the type of fuel and its calorific value, combustion efficiency, emission factors, etc. Use of biomass and cleaner gaseous fuels such as Piped Natural Gas (PNG), Liquefied Petroleum Gas (LPG), Compressed Natural Gas (CNG), bio-CNG etc. have increased significantly in recent years. It was observed that adequate weightage based on type of fuel used is required.

v. Separate scoring for sewage and trade effluent:

It is desirable to have separate wastewater scoring criteria for the sectors generating trade effluent and sewage effluent, as characteristics, treatment method and impact are different for trade effluent generated from industrial sectors and sewage effluent generated from infrastructure & development sectors.

vi. Motivation to industries for progressive environmental management:

In the previous classification regime, there was no effective provision for change in category of industries based on the variation in pollution potential of a sector, even if the industries adopt cleaner technologies or switch over to cleaner raw material/cleaner fuel etc., resulting into reduction in pollution index.

2.2 Modified methodology for classification of sectors

Considering the scope of revision, CPCB prepared a draft report on “Classification of Industrial Sectors into Red, Orange, Green and White Categories: A Tool for Progressive Environmental Management”. As per the draft report, a revised methodology for the classification is proposed which incorporates, water pollutant score, air pollutant score and waste generation score, based on the pollution potential of a sector on the environment. Scores out of 100 were given to each three pollutant groups and formula for calculating cumulative score based on the impact pollutant is devised. These scores are used for computation of pollution index for deciding the



category of industrial sector. The cut-offs for deciding the category were based on the quartiles of pollution indices, pollution potential of sectors, etc. The draft report was placed on CPCB website in July 2023, for comments/feedback from stakeholders.

CPCB received 161 representations, comprising more than 700 comments from various State Pollution Control Boards, research and technical institutions, industrial associations, NGOs, individual industries, and the public. The stakeholder-wise representations are shown with the help of pie-chart in **Figure III**.

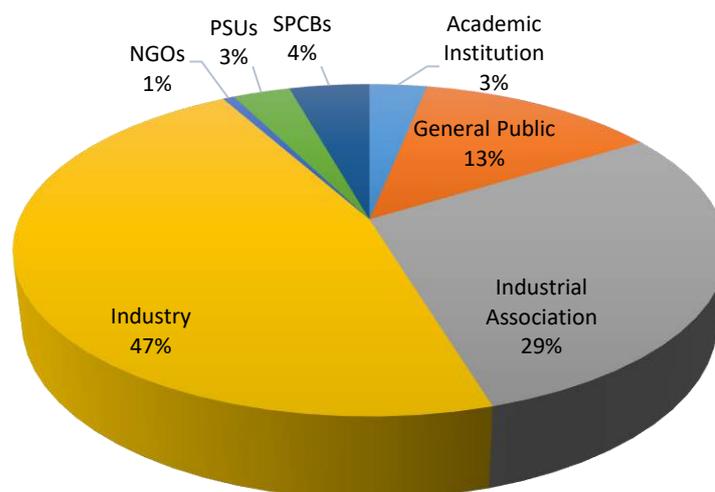


Figure III: Stakeholder-wise representations received

Subsequently, CPCB constituted a committee to critically examine and analyse the comments and to make recommendations for suitable incorporation in the final methodology and classification. After incorporating the feedback received from stakeholders, the Committee has finalized the basic methodology which can be used as a yardstick for classification of the sectors into Red, Orange, Green and White Categories.

Further, based on the stakeholders' comments, a need was felt to introduce a separate "blue category" for Essential Environmental Services (ESS) required for management of waste generated from domestic/household activities and, an incentive mechanism to promote units in a particular sector, taking measures resulting into better environmental performance. An addendum was prepared, shared and presented to all SPCBs/PCCs. The addendum was also placed in the CPCB Website on 11.07.2024 for inputs/comments. Till last date (i.e. 11.08.2024) 09 representations were received in the addendum. All representations were examined, and classification based on revised methodology is finalised.



It is worth to mention that to safeguard the environment, following the fundamental principle of classification i.e., "Precautionary Principle", scope is always available for application of mind and collective wisdom. As per the precautionary principle, when human activities may lead to morally unacceptable harm that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. Therefore, variation from methodology is possible in case of projects having high chances of damage to the environment/eco-system such as river mining, etc. or having associated accidental risk such as major accident hazards installations wherein risk is associated with industrial activities having potential in terms of operation or process, manufacturing, transportation, and storage of one or more hazardous chemicals as prescribed by the Manufacture, Storage, and Import of Hazardous Chemical Rules, 1989.

Considering the above issues, the classification methodology was modified based on the potential of three pollutant groups, namely, water pollutant, air pollutant and waste pollutant (which are hazardous/toxic/infectious/bulk in nature), which have been given scores out of 100, each. Slabs are assigned for selection of pollutant groups respectively for water, air, and waste. Score can be decided based on dominant pollutants in the pollutant groups and quantity as detailed in Table-I, Table-II and Table-III. These scores are used for computation of pollution index for deciding the category of sector. The scoring methodology is based on the pollution potential during generation and not at the end of pipe/ after treatment considering the fact that all pollutants need to be treated and disposed as per the provisions/rules notified under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and as amended.

The details of scoring criteria for PI_w for "water pollutant," PI_A for "air pollutant" and PI_H for "waste generating sector" are as follows:

2.2.1 Scoring criteria for Water Pollutant " PI_w "

Water pollution score consider the potential water pollution load from any sector in terms of characteristics and quantity of untreated trade effluent (wastewater). The "trade effluent" includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any [industry, operation or process, or treatment and disposal system], other than domestic sewage.

The water pollutant score (PI_w) is the addition of three sub-scores which are based on organic content in terms of oxygen demand of wastewater (W1), potential of other pollutants (W2) and



quantum of wastewater (W3). The weightages of W1, W2 and W3 in the water pollution score are 35%, 30% and 35%, respectively.

Proportionate higher scores are assigned to the sectors generating trade effluent of high BOD and/or high COD, heavy metals/toxic compounds, and large volume of wastewater. The scores are assigned considering the potential for causing damage to the environment. It may be noted that for sectors generating industrial effluent, dominant quantity of trade effluent is considered in score W3 (W3-1 to W3-5). Whereas, for sectors generating huge volume of sewage effluent such as railway stations, STPs, residential building projects, airports etc., the separate scores W3 (W3-6 to W3-10) are assigned. The term used, “Sewage effluent” means effluent from any sewerage system or sewage disposal works and includes sullage from open drains. The scoring criteria for water polluting sectors are given in **Table-I**.

Table I: Scoring Criteria for Water Polluting Sector

| Water Pollutant Group | Description | Score |
|--|--|-------|
| Score W1: Score based on the oxygen demand of wastewater (Maximum of the following scores to be considered) | | |
| W1-1 | BOD \geq 5,000 mg/l or COD \geq 10,000 mg/l | 35 |
| W1-2 | 1000 \leq BOD < 5,000 mg/l or 5000 \leq COD < 10,000 mg/l | 30 |
| W1-3 | 500 \leq BOD < 1,000 mg/l or 1000 \leq COD < 5,000 mg/l | 25 |
| W1-4 | 100 \leq BOD < 500 mg/l or 250 \leq COD < 1,000 mg/l | 20 |
| W1-5 | 10 \leq BOD < 100 mg/l or 50 \leq COD < 250 mg/l | 10 |
| Score W2: Score based on other pollutants in the wastewater (Maximum of the following scores to be considered) | | |
| W2-1 | Pollutants like pesticides, heavy metals, and toxic compounds: <i>(Aluminium, Anionic detergents, Barium, Chloramines, Copper, Fluoride, Total residual chlorine, Iron, Manganese, Mineral oil, Phenolic compounds, Selenium, Silver, Sulphide, Cadmium, Cyanide, Lead, Zinc, Mercury, Tin, Vanadium, Antimony, Benzene, Benzo-a-pyrene, Molybdenum, Nickel, Phosphates, Polychlorinated biphenyls, Polynuclear aromatic hydrocarbons, Arsenic, Total/Hexavalent Chromium, Trichloroethane, Trichloroethylene, Adsorbable Organic Halogens (AOx), Pesticides compounds, Residual antibiotic, Radioactive materials, etc.)</i> | 30 |
| W2-2 | Pollutants like Nitrate Nitrogen, Nitrate, Ammonical Nitrogen, Total Kjeldahl Nitrogen (TKN), Oil & grease, pH < 5.5 or > 9 | 25 |
| W2-3 | Pollutants mainly in terms of inorganic dissolved solids and associated other impurities due to process e.g. wastewater generated from DM water rejects, boiler blowdowns, brine solution rejects, fresh-water RO rejects, etc. | 20 |
| W2-4 | Pollutants mainly in terms of inorganic dissolved solids e.g. wastewater from cooling towers, cooling-re-circulation processes, etc. | 15 |



| Score W3: Score based on quantity of wastewater generated | | |
|--|---------------------------------------|----|
| A. For sectors generating Industrial Trade effluent (Maximum score to be considered) | | |
| W3-1 | Wastewater \geq 500 KLD | 35 |
| W3-2 | 100 KLD \leq Wastewater $<$ 500 KLD | 30 |
| W3-3 | 50 KLD \leq Wastewater $<$ 100 KLD | 25 |
| W3-4 | 10 KLD \leq Wastewater $<$ 50 KLD | 20 |
| W3-5 | Wastewater $<$ 10 KLD | 15 |
| B. For sectors such as STPs, building projects, etc. generating/handling only high-volume Sewage (Maximum score to be considered) | | |
| W3-6 | Sewage \geq 5,000 KLD | 35 |
| W3-7 | 2,000 KLD \leq Sewage $<$ 5,000 KLD | 30 |
| W3-8 | 500 KLD \leq Sewage $<$ 2,000 KLD | 25 |
| W3-9 | 100 KLD \leq Sewage $<$ 500 KLD | 20 |
| W3-10 | Sewage $<$ 100 KLD | 15 |
| Water Pollutant Score (PI_w) = W1+W2+W3 | | |

2.2.2 Scoring criteria for Air Pollutant “PI_A”:

Air pollution score consider the potential air pollution load from any sector in terms of characteristics of emissions and its quantum/scale in terms of quantity of fuel. The air pollutant score is based on generation of emission. The “air pollutant” means any solid, liquid, or gaseous substance (including noise) present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment.

The air pollution score (PI_A) is the addition of three sub-scores which are based on the type of pollutants in emissions (A1), work zone emission/fugitive emissions & odour nuisance (A2), and fuel type & quantity (A3). The weightages of A1, A2 and A3 in air pollution score are 35%, 30% and 35%, respectively.

Proportionate higher scores are assigned to the sectors generating emissions with hazardous air pollutants, process-based fugitive emissions and using solid/liquid fuels, as such pollutants have higher potential to damage the environment.

The California Air Resources Board defines fugitive emissions as “Emissions not caught by a capture system which are often due to equipment leaks, evaporative processes and windblown disturbances.” The fugitive emissions from any process having acid mist, VOCs, etc. are given higher weightage (score A2=30) as compared to the fugitive emissions of inert material (score A2=25). Sectors having persistent foul odour issue, will get score A2=20. Sectors/units using solid/liquid fuel will get higher score-A3, compared to the sectors using cleaner gaseous fuel or electricity. The scoring criteria for air polluting sectors are given at **Table-II**.



Table II : Scoring criteria for air polluting sectors

| Air Pollutant Group | Description | Score |
|--|--|-------|
| Score A1: Score based on Process emissions (point source) (Maximum of the following scores to be considered) | | |
| A1-1 | Hazardous Air Pollutants (HAPs) and heavy metals: <i>HAPs (Phosgene, Benzene, Benzo(α)pyrene, Butadiene, Toluene Di-isocyanate, Methylene-di-phenyl Di-isocyanate, Ethylene Oxide, Ethylene Di Chloride, Acrylonitrile, Propylene Oxide), Dioxins & Furans, Asbestos, Polycyclic Aromatic Hydrocarbons (PAHs), HCN, Cd, Th, Hg, Sb, As, Pb, Co, Cr, Cu, Mn, Ni, V, etc.</i> | 35 |
| A1-2 | Halogens, acids, and pesticides-based pollutants: <i>H₂S, HF, HBr, P₂O₅ as H₃PO₄, NH₃, TOC, Cl, HCl, SO₃, CH₃Cl, Total Fluoride, PM having pesticide compounds/other organic compounds, Acid mist, etc.</i> | 30 |
| A1-3 | Pollutants due to combustion of fuel or due to process: <i>PM, CO₂, CO, NO_x, SO₂, etc.</i> | 25 |
| A1-4 | Volatile Organic Compounds (VOCs): <i>Ethyl benzene, Styrene, Toluene, Xylene, Aromatics, Propylene Glycol, Ethylene Glycol, etc.</i> | 20 |
| Score A2: Score based on fugitive emissions and odour nuisance (Maximum of the following scores to be considered) | | |
| A2-1 | Fugitive emissions of Particulate Matter (PM), acid mist, VOCs, etc. from process | 30 |
| A2-2 | Fugitive emissions of Particulate Matter (PM), acid mist, VOCs, etc. due to storage and handling, etc. | 25 |
| A2-3 | Odour nuisance, including odour due to the use of binding gums, cements, adhesives, enamels etc. | 20 |
| Score A3: Score based on quantity of fuel (Maximum of the following scores to be considered) | | |
| Coal or liquid fuels | | |
| A3-1 | Fuel consumption ≥ 24 TPD | 35 |
| A3-2 | 12 TPD ≤ Fuel consumption < 24 TPD | 30 |
| A3-3 | Fuel consumption < 12 TPD | 25 |
| Biomass-based fuels | | |
| A3-4 | Fuel consumption ≥ 48 TPD | 25 |
| A3-5 | 24 TPD ≤ Fuel consumption < 48 TPD | 20 |
| A3-6 | Fuel consumption < 24 TPD | 15 |
| Cleaner/gaseous fuels, such as, PNG, CNG, LPG, Compressed Biogas (CBG), propane, butane etc. | | |
| A3-7 | Fuel consumption ≥ 120 TPD | 20 |
| A3-8 | 60 TPD ≤ Fuel consumption < 120 TPD | 15 |
| A3-9 | Fuel consumption < 60 TPD | 10 |
| A3-10 | Electricity | 0 |
| Air Pollutant Score (PI_A) = A1+A2+A3 | | |
| Note: In case, any sector/unit is using more than one type of fuel, the most polluting fuel category, will be considered. | | |



2.2.3 Scoring criteria for Industrial Waste Generating Sector “PI_H”

Industrial waste generating sectors are considered based on the generation of hazardous waste/high volume low effect waste. As per the Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016, the “hazardous waste” means any waste which by reason of characteristics such as physical, chemical, biological, reactive, toxic, flammable, explosive or corrosive, causes danger or is likely to cause danger to health or environment, whether alone or in contact with other wastes or substances and shall include waste as per the Schedule I, Schedule II and Schedule III of the rule. Further, scores are also assigned to the high-volume low effect wastes such as fly ash, phosphogypsum, red mud, jarosite, slags from pyro-metallurgical operations, mine tailings and ore beneficiation rejects.

The score for waste comprises of two sub-scores H1 and H2. The H1 score is based on the different type of hazardous waste which are generated during the process, and which required to be managed/disposed through common facility OR based on the generation of high-volume low effect waste/ HW like contaminated bags/ drums etc. The H2 score is based on the total quantum of waste generated.

The desirable disposal method such as incineration, landfill after treatment, landfill etc. signifies the potency of hazardous waste. In recent time, the utilization of hazardous waste as per the Rule-9 of Hazardous and Other Wastes (Management & Trans-boundary Movement) Rules, 2016, as alternate fuel and raw material in cement kilns, as recyclable hazardous waste etc. has increased. The classification is based on the pollution potential due to generation of such types of hazardous waste from any sector. The score for the quantum of hazardous waste is total potential of generation of such hazardous waste by any sector., Score H1: Based on potency of hazardous waste and score H2: Based on quantum of hazardous waste, are given weightage of 30% and 70%, respectively. Considering the higher risk due to amount of hazardous waste generated rather than its disposal method, more weightage is given to the quantity. Overall waste generation score in case of waste generating sector will be $PI_H = H1 + H2$. The scoring criteria for hazardous waste generating sectors are given at **Table-III**.

A separate scoring criterion has been included for sectors generating bio-medical waste. Bio-medical waste means any waste, which is generated during the diagnosis, treatment or immunisation of human beings or animals or research activities pertaining thereto or in the production or testing of biological or in health camps, including the categories mentioned in Schedule-I appended to the Bio-Medical Waste Management Rules, 2016. As any Health Care



Facilities (HCFs) generates all types of bio-medical waste (red, yellow, blue, and white) and quantities of such wastes may vary considerably based on the type of facility/location of facility (rural/urban), and other such factors. Therefore, scoring based on number of beds in a healthcare facility is considered as sole criteria for assigning waste score (H: B-1 to B-7) as tabulated in **Table-III**.

Least score of 25 is given to non-bedded healthcare facilities and maximum score of 100 is given to facilities having more than 1,000 beds. Overall waste generation score in case of bio-medical waste generating sector will be PI_H .

Table III: Scoring criteria for waste generating Sectors

| Waste Pollutant Group | Description | Score |
|--|--|-------|
| A. Score for sectors generating hazardous waste | | |
| Score H1: Score based on the hazardous waste management/disposal method. (Maximum of the following scores to be considered) | | |
| H1-1 | Hazardous wastes which are flammable, ignitable, corrosive, oxidizing toxic, etc. and requiring disposal through incineration | 30 |
| H1-2 | Hazardous wastes which are reactive, capable of yielding another material post disposal, etc. and requiring disposal in secured landfill after stabilization/treatment | 25 |
| H1-3 | Hazardous wastes which are requiring direct disposal in secured landfill without stabilization | 20 |
| H1-4 | High volume and low effect wastes, contaminated bags/ drums/ containers etc. | 10 |
| Score H2: Score based on quantity of hazardous waste generation. (Maximum of the following scores to be considered) | | |
| H2-1 | Hazardous Waste ≥ 5000 TPA | 70 |
| H2-2 | $1000 \text{ TPA} \leq \text{Hazardous Waste} < 5000 \text{ TPA}$ | 50 |
| H2-3 | $200 \text{ TPA} \leq \text{Hazardous Waste} < 1000 \text{ TPA}$ | 30 |
| H2-4 | $10 \text{ TPA} \leq \text{Hazardous Waste} < 200 \text{ TPA}$ | 20 |
| H2-5 | Hazardous Waste < 10 TPA | 10 |
| B. Scores for the sectors generating bio-medical waste | | |
| B-1 | No. of beds $\geq 1,000$ | 100 |
| B-2 | $500 \leq \text{No. of beds} < 1,000$ | 80 |
| B-3 | $200 \leq \text{No. of beds} < 500$ | 60 |
| B-4 | $50 \leq \text{No. of beds} < 200$ | 50 |
| B-5 | $10 \leq \text{No. of beds} < 50$ | 40 |
| B-6 | No. of beds < 10 | 30 |
| B-7 | Non-bedded facility | 25 |
| For sectors generating hazardous waste $PI_H = H1+H2$ For sectors generating bio-medical waste $PI_H = B$ | | |



2.3 Computation of Cumulative Pollution Index and criteria for deciding category of sector

In the revised methodology of classification (2025), all three pollutant scores due to water, air and industrial waste generation are taken into account while computing pollution index. The formula for computing cumulative pollution index (PI) is as follows:

$$PI = i_{max} + (100 - i_{max}) \left(\frac{i_2 + i_3}{200} \right)$$

Where, i_{max} , is the maximum score among Water (PI_W), Air (PI_A), and Waste (PI_H) pollutant scores and i_2 & i_3 are the remaining pollutant scores.

The category of the sector will be decided based on the pollution index ranges given at **Table-IV**.

Table IV: Ranges of Cumulative Pollution Index for different categories

| Cumulative Pollution Index (PI) | Category of industrial sector |
|---------------------------------|-------------------------------|
| $PI \geq 80$ | Red |
| $55 \leq PI < 80$ | Orange |
| $25 \leq PI < 55$ | Green |
| $PI < 25$ | White |

The purpose of classification is to have uniform consent mechanism, defined routine monitoring frequency by concerned SPCB/PCC, environmental protection plans etc. Modified methodology also considers the variation in pollution potential due to various type of activities and operations in a particular sector.

The scores/pollution index/category of any two sectors may be same, however, comparing two different sectors based on the category or pollution index is not desirable as the cumulative PI is a function of air pollutant, water pollutant, and waste pollutant and the cumulative score is arithmetically relates the maximum score of one pollutant with the remaining other two pollutants. Hence, PI/category of sectors may be same but may have different impact on environment.



2.4 Blue Category Projects- Essential Environmental Services for management of environmental pollution arising from domestic/household activities

Essential Environmental Services may be defined as those facilities which are essential to control, abate and mitigate pollution generated from Domestic and Industrial activities. Such Essential environment services for Industrial Activity includes CETP, CHWT/SDF, Effluent conveying system etc. and essential environment services for domestic activities includes STP, MSW etc. Both the type of EES plays a vital role in Environment Management. However, during the treatment of waste, some EES generates/handle hazardous waste/infectious waste. The EES which do not generate Hazardous Waste, and which otherwise have large littering potential can be categorised as Blue Category Projects. Further, there are past legal references wherein Hon'ble Apex court has also considered the importance and requirement of such Essential Environment Services.

Human settlements whether located in rural/urban/eco-sensitive area generate sewage, solid waste, and C&D waste, which are required to be managed to prevent adverse impact on environment and human health. Basic environment management facilities are required to be set-up to manage such waste which includes STP, C&D waste processing facility, MSW management facility like sanitary landfill, material recovery facility & waste processing units, bio-methanation, bio-composting, waste to energy, etc.

These facilities are basically essential environment services which play a vital role in protecting environment and human health. These facilities may also bring value addition by producing various by-products such as secondary raw material, compost, energy, etc. and promotes circular economy and sustainable development by converting waste into wealth. Moreover, these categories do not generate hazardous or infectious wastes.

As the role and importance of these facilities is different in nature as compared to other activities and industries in the sense that they are primarily set-up for prevention, control and abatement of soil, water and air pollution. It is more appropriate to have a separate colour category-Blue Category for essential environmental services facilities related to environmental pollution arising from domestic/household activities. These activities are required to meet all the prescribed environmental norms/rules notified from time to time and the pollution index for such Essential Environmental Services (EES) shall continue to be calculated as per the formula and consent to operate will be governed based on the pollution index. However, the



category of the EES will be termed “Blue Category sector” and as an incentive for the essential services, additional 2 years validity for consent to operate (as per PI) will be provided.

The list of EES facilities is given at [Annexure-II](#).



3

Classification of Sectors as per Revised Methodology

3.1 Types of sectors based on their activities

The revised methodology of classification will be applicable to all industries which may have potential for generation of environmental pollutants. As per the Section 2(j) of the Industrial Disputes Act, 1947, “Industry” means any business, trade, undertaking, manufacture, or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workman”, however, based on type of operational activities, the industries are divided into following four sectors:

- i. Industrial Sectors
- ii. Essential Environmental Services (EES)
 - a. EES for Industrial Waste
 - b. EES for Domestic Waste (Blue Category Sector)
- iii. Service/Infrastructure Development Sectors
- iv. Others/Special Category Sectors

The sectors which are involved in production of goods, products, etc. are considered under “Industrial Sectors”. The sectors covered under “Essential Environmental Services (EES)” are those facilities which are essential to control, abate and mitigate pollution generated from Domestic and Industrial activities. These services are essential facilities which are required to reduce pollution load on the environment, such as sewage treatment plants, common bio-medical waste treatment facilities, construction & demolition waste processing plants, etc. Essential Environmental Services Sectors are sub classified as “EES for industrial waste” and “EES for domestic waste (Blue category sectors which do not handle or generate infectious or hazardous waste)”. On the other hand, sectors which carry out service-related activities such as infrastructure projects, railways, airports, hospitals, etc. are covered under “Service/infrastructure development sectors”.



“Other/special category sectors” include those projects which cannot be classified based on the scoring methodology of pollution index but require classification based on precautionary principle and considering the potential of ecological damage/ health and environment related risk, etc. Few such sectors are sand mining, hydel power plants, etc.

The revised methodology of classification, sub-categorises the main sector based on the usage of cleaner technology/cleaner production/cleaner fuel which has proven reduction in trade effluent generation, emissions, waste, etc., for better environmental management, resulting into overall reduction of pollution index compared to main sector. For example, if coffee seeds processing industries use eco-pulping technology, which generates less water pollution, the pollution index of the said sector gets reduced and category changes from orange to green. Similarly, variation in type/scale of activities in a particular sector is also considered for classification of sub-sectors.

The methodology and scores have been screened through stakeholder feedback/consultation and public opinion. Available standard literature, various documents and guidelines, inspection reports, etc. were also referred, while assessing the scores for water pollution, air pollution, and waste generation for classification of sectors. Based on the modified methodology, the list of sectors and sector specific sub-classification is given at [Annexure-I](#) to [Annexure-IV](#). Summary of classified sectors is given in **Table-V**.

Table V: Number of sectors classified under different categories

| Sl. No. | Type of sector | Total number of sectors/sub-sectors | Red | Orange | Green | White | Blue |
|---------|--|-------------------------------------|------------|------------|-----------|-----------|----------|
| 1. | Industrial Sectors | 359 | 107 | 120 | 81 | 51 | - |
| 2. | Essential Environmental Services (ESS) | | | | | | |
| 2.a. | ESS for domestic waste | 9 | - | - | - | - | 9 |
| 2.b. | ESS for industrial waste | 9 | 9 | - | - | - | - |
| 3. | Service/Infrastructure Development Sectors | 37 | 7 | 15 | 13 | 2 | - |
| 4. | Others/Special Category Sectors | 5 | 2 | 2 | - | 1 | - |
| | Total | 419 | 125 | 137 | 94 | 54 | 9 |



3.2. Usage of classification of sectors

The classification of sectors may be used for the following purposes:

- i. **Consent management:** SPCBs/PCCs may grant Consent to Operate (CTO) to red, orange, and green categories of industries for validity up to 5 years, 10 years, and 15 years, respectively as per existing provisions which would be later governed as per the provisions/guidelines under Jan Vishwas (Amendment of Provisions) Act, 2023/Water Act, as amended. The validity of blue category sectors will be 2 years more than the category based on PI.
- ii. **Inspection frequency:** SPCBs/PCCs may prioritize their environmental surveillance programs based on the categories of sectors. SPCBs/PCCs are required to ensure inspection of red, orange, and green category of industries at least once in six-months, one-year, and two-years, respectively. Common facilities and 17 categories of industries are to be inspected at least once in every three-months.
- iii. **Siting criteria:** The categorization may be used as a tool for deciding the location/siting of an industry in a particular location.
- iv. **Development of cluster:** The classification will help in planning of sector specific cluster, based on scoring of various pollutants and development of adequate environment management infrastructure facility, accordingly.
- v. **Sector specific plans for pollution control:** The plans for control of pollution may be prepared and implemented on priority for the sectors having higher pollution index and overall higher pollution load.
- vi. **Levying environmental compensation:** Pollution index may be used for determining and levying environmental compensation on industries violating the environmental norms.
- vii. **A tool for progressive environmental management:** Industrial units may adopt cleaner technologies, cleaner fuels, etc. which may result in reduction of pollution index, thus, moving to lower pollution potential category. It will provide incentives to industries in terms of less consent renewal fees, less environmental surveillance/compliance burden, more validity period for consents/authorizations, etc.

3.3 Classification of left-out/new sectors

The revised methodology of classification (2025) and list of sectors classified by CPCB is required to be adopted and implemented by all SPCBs/PCCs. In case of any new or left-out



sector, the SPCB/PCC may categorize the sector at its own level. For this purpose, a committee headed by the Member Secretary, SPCB/PCC and comprising of at least two senior cadre engineers/scientists of the SPCB/PCC (as nominated by the Member secretary of the concerned SPCB/PCC) may be constituted to examine the matter and classify the sector in accordance with the methodology prescribed by CPCB. The State Level Committee may also co-opt subject experts, industrial association representative, etc., as member, as per requirement. CPCB has also developed a tool to assess the Cumulative Pollution Index and category of any sector, which is available on CPCB website (<https://cpcb.nic.in/categorization-of-industrial-sectors/>).

In addition, all SPCBs/PCCs are required to submit list of all such sector classified under white category to CPCB in the prescribed format (**Annexure-V**), for notification as per provisions of Jan Vishwas (Amendment of Provisions) Act, 2023.



4

Incentives to unit in a sector for adopting measures resulting to better environmental performance

A methodology has been strategized to provide incentives to the unit in a sector which are dedicated to reduce environmental impacts from their operations/process. The objective can be achieved by 100% treatment and reuse of wastewater generated, having complete dependency on cleaner fuel alternatives (such as PNG, LPG, compressed biogas, propane, butane, electricity etc. for meeting energy requirement), implementation & achievements of targets of sector-specific charters of CPCB/SPCB for environmental management, EPR obligations and use of cleaner process/cleaner technology to eliminate generation of toxic/hazardous pollutants.

The units fulfilling the following eligibility criteria may submit their formal proposal to the concerned SPCB/PCC for consideration:

4.1 Eligibility Criteria

- The unit should have completed at least one year of completion of production/operations with demonstrated, verifiable steps and submitted audit report from institute of repute for considering the unit for the purpose by concerned SPCB/PCC. To facilitate verification, the unit must have properly maintained logbooks/bills for production, electricity consumption, fuel, water consumption, wastewater treatment and use of treated wastewater.
- The unit should be located in conforming area with applicable Environment Clearance, Consent to Establishment (CTE) and Consent to Operate (CTO) and hazardous/bio-medical waste authorization from SPCB/PCC.
- Unit should comply with all the norms/conditions stipulated under EC, CTO and Guidelines/Rules issued by CPCB.



- In case, unit using ground water resource, it should have valid permission/NOC and also required to install electronic flowmeter.
- No penalty or legal obligation is imposed/pending against unit for violation of environmental norms. Records for last 5 years may be verified. In case establishment period of the unit is less than 5 years, the past records since the start of production may be verified.
- Unit should not be involved in any sort of accident/incident resulting into emission /discharge into the environment. Records for last 5 years may be verified.

All such units, interested in availing incentives are required to demonstrate and prove their initiatives to the Committee (to be constituted at the level of concerned SPCB/PCC), comprising of members as mentioned in **Table VI**.

Table VI: Structure of Committee to evaluate the request of units adopting measures resulting in better environmental performance

| Sl. No. | Members | Role |
|---------|---|----------|
| 1 | Member Secretary, SPCB/PCC | Chairman |
| 2 | Subject expert from Indian Institute of Technologies (IITs) or National Institute of Technologies (NITs) or any other institute/university of repute. | Member |
| 3 | Expert from CSIR institute/laboratories, having expertise in industrial process and pollution control technologies/ environmental management | Member |
| 4 | Two officials of concerned SPCB/PCC, as nominated by the Member Secretary, SPCB/PCC | Member |

4.2. Evaluation Criteria

The committee shall scrutinize the proposals based on the eligibility criteria. The basis of evaluation will be- (i) Measures taken for treatment and reuse of wastewater to reduce freshwater consumption, (ii) Use of alternative cleaner fuel to reduce emissions, and (iii) Use of cleaner technology/ cleaner production which results in reduction in pollution/hazardous waste generation (iv) Recycling units identified for EPR obligations and has fulfilled all requirement including Environmentally Sound Management Facility for recycling.



The unit is required to demonstrate the successful implementation of measures by annual submission of third-party audit report (through institute of repute) regarding performance of environmental management measures. The Committee members may also inspect unit, collect samples, and get it analysed, check logbooks, electricity/water bills, examine system feasibility through mass-balances, ensure real-time submission of environment data to SPCB/PCC server, etc. The check and balances to examine the industry claims are summarized in **Table VII**.

Table VII: Checks and balances to assess the adequacy of environment management measures

| Criteria | Checks and balances |
|--|--|
| I. Wastewater Management | |
| Installation of wastewater recovery system resulting into treatment and 100% reuse of treated wastewater in industrial process. | <ul style="list-style-type: none"> • Unit must have adequate operational Effluent Treatment Plant (ETP). The freshwater requirement of the unit has shown proportionate reduction. • There should not be any flow/ponding of wastewater inside the premises or discharge outside from the premises. Further, there should not be any by-pass. • Electronic flowmeters and Pan-tilt-zoom (PTZ) camera should have been installed with connectivity for continuous transmission of data to SPCB/PCC and CPCB servers (as applicable). • Recirculation system should be clearly mapped and visible for inspection and flow meter should be installed at required locations with records. • Mass/water balance based on actual production need to be checked. The claim regarding reduction in freshwater consumption should have concurrency with the readings of flow meters, water bill, log-books, etc. • Treated wastewater should not be used for horticulture or agriculture purposes. • Sludge generated from treatment of wastewater should be managed properly as per the authorization issued by the concerned SPCB/PCC and timely submission of Form-IV as per the requirement of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. |
| II. Air Pollution Management | |
| 100% fuel dependency on cleaner fuels, such as- Piped Natural Gas (PNG), Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG) Liquefied Petroleum Gas (LPG), Compressed | <ul style="list-style-type: none"> • No other fuel (coal, pet-coke, furnace oil, etc.) should be stored/used in the unit premises. Diesel for Gensets (as an auxiliary power source) may be allowed. Preference may be given to the units using gas based Gensets. • Adequate facility for stack monitoring (port holes, zig-zag ladder etc.) should be available with provision of OCEMS (as applicable). |



| | |
|---|--|
| Biogas (CBG), propane, butane, etc. | <ul style="list-style-type: none"> • Use of upgraded air pollution control devices with higher efficiency for the reduction of emissions. • Adoption of cleaner technology, advanced pollution control systems etc. to control fugitive/emissions • Use of alternate cleaner raw material for generation of less pollution. • Use of renewable energy as an alternate to conventional fuel/power should be considered. |
| III. Waste Management | |
| The unit has adopted cleaner technology/ cleaner production which results in reduction in pollution/hazardous waste generation | <ul style="list-style-type: none"> • Reduction in generation of pollution/waste due to adoption of cleaner technology/change in raw material etc. • Mass balance based on actual production need to be checked. There should be concurrency in generation of hazardous waste, utilization, disposal, etc. with respect to net reduction in generation. |
| IV. EPR Targets (for recycling facilities) | |
| Recycling units identified for EPR obligations and has fulfilled all requirement including Environmentally Sound Management Facility for recycling. | <ul style="list-style-type: none"> • Complying with the requirement of EPR obligation identified by CPCB from time to time. |

4.3. Re-assessment of Pollution Index (PI)

The purpose of giving star category is to classify the unit in the sector as star performing units.

The category of the unit may be re-assessed as detailed below:

A. For Industries, Service/Infrastructure facilities and Essential Environmental Services Sectors for management of waste.

The pollution index of the units in any sector which have proven reduction in trade effluent generation and/or air pollution management and/or waste management measures, can be calculated based on submission of same with the supporting documents for considering the modified score based on the same methodology.

The revised cumulative pollution index (PI) will be calculated with modified air/water/waste scores as discussed in the methodology given in previous section. If revised, cumulative PI results to change in the category of unit in the sector, the nomenclature for revised category will be as per the **Table VIII**.

**Table VIII: Nomenclature for revised category**

| Change in category | Nomenclature of revised category |
|--------------------|----------------------------------|
| Red to Orange | Red* |
| Orange to Green | Orange* |
| Green to White | Green* |

B. Essential Environmental Service Sectors for Domestic/Household Waste- “Blue Category Sectors”:

Units under Blue Category are required to reduce their existing PI score by 25%, by meeting evaluation criteria/check and balances, as mentioned in **Table III** to qualify for change in category to Blue*.

4.4 Incentives to the units for better environmental management

Units which have demonstrated the successful implementation of environmental management measures and verified by the Committee, shall be eligible for the incentives, as listed in the **Table IX**.

Table IX: Incentives to units for better environmental performance

| Category | Incentives |
|----------|--|
| Red* | <ul style="list-style-type: none"> • CTO may be granted for the validity of max. 10 years. • Prescribed random environmental surveillance inspection frequency may be once a year, considering the change in category. |
| Orange* | <ul style="list-style-type: none"> • CTO may be granted for the validity of max. 15 years. • Prescribed random environmental surveillance inspection frequency may be once in two years, considering the change in category. |
| Green* | <ul style="list-style-type: none"> • CTO may be granted for the validity of max. 20 years. • Prescribed random environmental surveillance inspection frequency may be once in four years, considering the change in category and given incentives twice the original category. |
| Blue* | <ul style="list-style-type: none"> • CTO may be granted with additional 3 years validity period. • Prescribed random environmental surveillance inspection frequency may be once in 3 months. |



In case of non-compliance(s) observed in future, the State Board can remove the star status and for calculation of EC, the PI of original category shall be considered.



5

Implementation pathway/guidelines

The revised methodology and classification of sectors will be implemented in prospective manner. For this purpose, following guidelines may be referred:

- i. All pending application for consideration of CTE/CTO and future such application shall be processed as per the revised methodology of classification. In case CTE granted before the revised classification, applicability of CTO will be as per new classification.
- ii. New classification will be applicable to existing units at the time of renewal of CTO or within one year from the date of directions issued by CPCB regarding implementation of revised classification, whichever is earlier. The annual fees or cumulative fees for the remaining period shall be as per the revised category.
- iii. SPCBs/PCCs may grant Consent to Operate (CTO) to units under red, orange, and green categories for maximum validity up to 5 years, 10 years, and 15 years, respectively as per existing provisions which would be later governed as per the provisions/guidelines under Jan Vishwas (Amendment of Provisions) Act, 2023/Water Act, as amended. SPCBs/PCCs may grant Consent to Operate (CTO) to units under Blue Category sectors with additional 2 years validity, considering their role as Essential Environmental Services for management of waste generated from domestic/household activities.
- iv. Requirement of intimation/consent for white category of industries, shall be governed as per the provisions/guidelines under Jan Vishwas (Amendment of Provisions) Act, 2023//Water Act, as amended.
- v. All sectors irrespective of category shall follow guidelines for pollution control, if any, issued by SPCB/PCC/CPCB time to time.



- vi. Siting of units shall be only in the conforming area as per the guidelines of CPCB/SPCB/PCC. Further, as per the Section 17(1)(n) of the Water Act, 1974 and the Section 17(1)(h) of the Air Act, 1981, SPCB/PCC may also frame policies/advisory with respect to the location of any industry/operations, the carrying on of which is likely to cause air/water pollution, considering the scale/type of industries and sensitivity of area. Siting of units in eco-sensitive area will be governed by their respective notifications.
- vii. The classification of sectors shall not be linked to sanction of loans/finance of bank proceedings.
- viii. In the matter of Taz Trapezium Zone (TTZ), for air pollution scores of 10 and 20 (as per 2016 methodology), equivalent scores of 30 and 60 (as per 2025 methodology), respectively, may be considered for sectoral guidelines/opinion from NEERI (Ref: Order dated 08.12.2021, in the matter of M.C. Mehta v/s Union of India, Writ Petition (Civil) No.13381/1984, before Hon'ble Supreme Court).
- ix. As per CPCB directions dated 12.12.2019, issued under Section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981, SPCBs/PCCs are required to ensure inspection of red, orange, and green category of industries at least once in six-months, one-year, and two-years, respectively. Common waste treatment facilities and 17 categories of industries are to be inspected at least once in every three-months. (Ref: Order dated 05.11.2019, in the matter of Shailesh Singh v/s State of Haryana & Ors., OA No.639/2018, before Hon'ble National Green Tribunal, Principal Bench).
- x. The sectors which are classified under white or green category and if such sectors have installed Genset(s) of higher capacity which are classified under orange/green category, then such sector will be considered under higher category.
- xi. All Industrial units are encouraged to adopt measures such as cleaner technology/cleaner production, cleaner raw material, cleaner fuel etc., for better environmental management. If such measures result into overall reduction of pollution



index, request regarding change in category of such sectors/units may be made to concerned SPCB/PCC as detailed under Section 8 of this report.



ANNEXURE-II

(LIST OF ESSENTIAL ENVIRONMENTAL SERVICES)



LIST OF ESSENTIAL ENVIRONMENTAL SERVICES**i. Essential Environmental Services for Industrial Waste Management**

| S. No. | Sector | W1 | W2 | W3 | PI _w | A1 | A2 | A3 | PI _A | H1 | H2 | PI _H | Pollution Index (PI) | Category | Remarks | Concerned Division | |
|------------|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|--|--------------------|--|
| 1.0 | COMMON EFFLUENT TREATMENT PLANT (CETP) | | | | | | | | | | | | | | | | |
| 1.1 | CETP having MEE/spray drier | 30 | 30 | 35 | 95 | 25 | 0 | 25 | 50 | 25 | 50 | 75 | 98.1 | Red | | IPC-VII | |
| 1.2 | CETP (without having MEE/spray drier), Common MEE/common spray driers | 25 | 30 | 30 | 85 | 0 | 0 | 0 | 0 | 25 | 30 | 55 | 89.1 | Red | | IPC-VII | |
| 1.3 | Common Sewage-Effluent Treatment Plant (CSETP) | 25 | 30 | 30 | 85 | 0 | 0 | 0 | 0 | 25 | 20 | 45 | 88.4 | Red | | WQM-I & IPC-VII | |
| 2.0 | Effluent conveyance projects | 20 | 30 | 35 | 85 | 0 | 0 | 0 | 0 | 25 | 10 | 35 | 87.6 | Red | Such projects during O&M operation will generate deposited sludge, spillage etc. in addition regular operation of handling of effluent and its disposal. | IPC-VII | |
| 3.0 | COMMON HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITY | | | | | | | | | | | | | | | | |
| 3.1 | Integrated facility (Secured landfill and incinerator) | 35 | 30 | 15 | 80 | 25 | 25 | 15 | 65 | 30 | 70 | 100 | 100.0 | Red | | WM-II | |
| 3.2 | Only secured landfill | 35 | 30 | 15 | 80 | 0 | 25 | 0 | 25 | 25 | 70 | 95 | 97.6 | Red | | WM-II | |
| 3.3 | Only incinerator | 35 | 30 | 15 | 80 | 25 | 25 | 15 | 65 | 30 | 70 | 100 | 100.0 | Red | | WM-II | |
| 4.0 | COMMON BIO-MEDICAL WASTE TREATMENT FACILITY (CBWTF) | | | | | | | | | | | | | | | | |
| 4.1 | CBWTF | 20 | 25 | 20 | 65 | 35 | 20 | 25 | 80 | 20 | 20 | 40 | 90.5 | Red | | WM-I | |
| 4.2 | CBWTF using cleaner/gaseous fuel | 20 | 25 | 20 | 65 | 35 | 20 | 10 | 65 | 20 | 20 | 40 | 83.4 | Red | | WM-I | |

ii. LIST OF BLUE CATEGORY SECTORS- Essential Environmental Services for Domestic/Household Activities:

| S. No. | Sector | W1 | W2 | W3 | PI _w | A1 | A2 | A3 | PI _A | H1 | H2 | PI _H | Pollution Index (PI) | Category | Remarks | Concerned Division |
|--|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|--|--------------------|
| 1.0 MUNICIPAL SOLID WASTE MANAGEMENT FACILITY | | | | | | | | | | | | | | | | |
| 1.1 | Municipal Solid Waste Management Facility (Sanitary landfill/ Integrated Sanitary landfill with material recycling facility/ refused derived fuel, etc.) | 35 | 30 | 15 | 80 | 35 | 25 | 0 | 60 | 0 | 0 | 0 | 86.0 | Blue | | UPC-II |
| 1.2 | Waste to energy power plants | 0 | 15 | 30 | 45 | 35 | 25 | 35 | 95 | 10 | 50 | 60 | 97.6 | Blue | | UPC-II |
| 1.3 | Bio-mining of legacy waste projects | 35 | 30 | 25 | 90 | 35 | 25 | 0 | 60 | 0 | 0 | 0 | 93.0 | Blue | | UPC-II |
| 1.4 | Municipal Solid Waste Bio-methanation plant (Quantity of MSW \geq 5 TPD) | 30 | 25 | 25 | 80 | 0 | 20 | 0 | 20 | 0 | 0 | 0 | 82.0 | Blue | | UPC-II |
| 1.5 | Municipal Solid Waste Composting Facility (Quantity of MSW \geq 5 TPD) | 30 | 25 | 15 | 70 | 0 | 30 | 0 | 30 | 0 | 0 | 0 | 74.5 | Blue | | UPC-II |
| 1.6 | Municipal Solid Waste Material Recovery Facility (Quantity of MSW \geq 5 TPD) | 20 | 25 | 15 | 60 | 0 | 30 | 0 | 30 | 0 | 0 | 0 | 66.0 | Blue | | UPC-II |
| 2.0 Construction and Demolition (C&D) Waste Processing Plants | | | | | | | | | | | | | | | | |
| 2.0 | Construction and Demolition (C&D) Waste Processing Plants | 10 | 0 | 15 | 25 | 25 | 25 | 0 | 50 | 0 | 0 | 0 | 56.3 | Blue | Wastewater of high TDS of inorganic nature is generated. | UPC-I |
| 3.0 SEWAGE TREATMENT PLANT | | | | | | | | | | | | | | | | |
| 3.1 | Sewage Treatment Plant (5 MLD and above) | 20 | 0 | 35 | 55 | 0 | 20 | 0 | 20 | 0 | 0 | 0 | 59.5 | Blue | | WQM-I |
| 3.2 | Sewage Treatment Plant (less than 5 MLD) | 20 | 0 | 25 | 45 | 0 | 20 | 0 | 20 | 0 | 0 | 0 | 50.5 | Blue | | WQM-I |

ANNEXURE R/3

By Speed Post

F. No. B-31011-BMW (3398)-2023-WM-I

October 10, 2023

To,

The Member Secretary,
All SPCB and PCC

4933-68

Sub: Regarding methodology to conduct gap analysis with respect to generation and treatment of biomedical waste -reg.

Sir/Madam,

It is to inform that State Pollution Control Boards/Pollution Control Committees are required to conduct gap analysis with respect to generation and treatment of biomedical waste in respective State/UT. A format for conducting gap analysis is given in CPCB guidelines for Common Bio-medical Waste Treatment Facilities. Few State Boards have prepared gap analysis report adopting their own methodology. The matter was also discussed in Central Monitoring Committee meeting on 18.07.2023 wherein need for adopting uniform methodology was emphasised. Hence, to avoid the ambiguity and to adopt uniform procedure, CPCB has prepared a methodology to conduct gap analysis (Copy attached herewith for ready reference).

In view of above, it is requested to kindly conduct gap analysis with respect to generation and treatment of biomedical waste in your State/UT using the aforesaid methodology and report may be submitted to CPCB within one month.

Yours faithfully,



(V. P. Yadav)

Director & Head

Waste Management -I Division

Encl. As above

Copy to:

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(V. P. Yadav)

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दिनांक 18/10/2023

Methodology to Conduct gap analysis with respect to generation and treatment of biomedical waste

Guidelines for Common Biomedical Waste Treatment Facilities was prepared by CPCB with an aim to have uniformity in ensuring site selection, allowing and establishment of a state-of-the-art Common Biomedical Waste Treatment Facilities (CBWTFs), operation as well as verification of compliance to the BMWM Rules, 2016 throughout the country. As per the said guideline, SPCB/PCC is required to prepare an inventory or review with regard to the bio-medical waste generation at least once in five years in the coverage areas of the existing CBWTF and conduct gap analysis as per format given in Annexure-I of the guideline.

To avoid the ambiguity and maintaining the uniformity for conducting gap analysis a methodology is suggested for estimating generation, treatment of biomedical waste and its extrapolation in the State and coverage area of CBMWTF. It is elaborated in following table.

| S. No. | Parameters | Details |
|--------|--|--|
| 1. | Coverage area of CBWTF | Up to 75 km |
| 2. | No. of HCFs (Bedded and non-bedded) | In Number |
| 3. | No. of Beds covered | In Number |
| 4. | Total biomedical waste generation (in Kg/day) | The generation may be calculated considering following factors: a) Generation from Bedded hospital (in absence of availability of required information biomedical waste generation may be taken as 274 grams per bed) b) Biomedical waste generated from non-bedded HCFs and other sources also be considered |
| 5. | Extrapolate the biomedical waste generation for next years | Extrapolation may be based on factors such as population growth of the districts/cities covered by CBWTF, Rate of increase in number of HCFs/beds in past years etc. as decided by SPCB in consultation with Health department and CBMWTF associations. |
| 6. | Total existing treatment capacity (in Kg/day) (Sum of Incineration Capacity and Autoclave/Microwave/Hydroclave Capacity) | For calculation of existing treatment capacity, maintenance time may be considered for calculating operational hours of equipment as below: a) Operational Hours for static incinerator 20 hrs/day b) Operational hours for Rotary incinerator 22 hrs/day |

| | | |
|----|---|--|
| | | c) 18 cycle per day for autoclave The actual capacity may be considered as 90% of available capacity keeping 10% margin for diverted/extra waste etc. |
| 7. | Total Biomedical Waste treated and disposed (Kg/day) | Sum of all categories of biomedical waste treated and disposal. |
| 8. | Gap between total extrapolated biomedical waste generation (for next 10 years) and existing biomedical waste treatment capacity | Extrapolate the biomedical waste generation minus total existing treatment capacity |

Based on the above data, the gap between existing treatment capacity and need of additional treatment capacity should be examined after carrying out gap analysis at coverage area/city level and State level.



MEDICAL POLLUTION CONTROL COMMITTEE

AN ISO 14001:2015 CERTIFIED COMPANY

21, E - Block, Panki, Kanpur, PIN - 208020
Mob. : 9235659305, 7522822282
E-mail: help@mpccindia.in • Website: mpccindia.in



ANNEXURE R/4

Beds Details

| Sr. No. | District Name | No. Of Govt HCF | No. of Bed Govt. HCF | Total Pvt. HCF | Bedded Pvt. HCF | Number of Beds in Pvt. HCF | Non-Bedded HCF |
|---------|-----------------|-----------------|----------------------|----------------|-----------------|----------------------------|----------------|
| 1. | Gorakhpur | 52 | 2350 | 622 | 235 | 1604 | 387 |
| 2. | Kushinagar | 20 | 522 | 276 | 103 | 605 | 173 |
| 3. | Santkabir Nagar | 8 | 312 | 259 | 114 | 610 | 145 |
| 4. | Siddharth Nagar | 14 | 462 | 263 | 103 | 725 | 160 |
| 5. | Maharajganj | 15 | 522 | 181 | 83 | 565 | 98 |
| 6. | Basti | 1 | 300 | 240 | 125 | 715 | 115 |
| 7. | Deoria | 0 | 0 | 373 | 119 | 605 | 254 |
| | | 110 | 4468 | 2214 | 882 | 5429 | 1332 |

Total Bed = 4468 + 5429

= 9897

60% Occupancy = 5938 Active Beds



Clean India
Green India



INDIA NON JUDICIAL
Government of Uttar Pradesh



75
ANNEXURE R/5

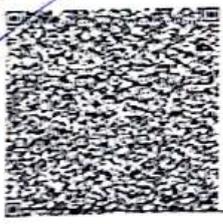
e-Stamp

CC NAME-ASHU TOSH KUMAR GUPTA
CC CODE-UP14767204
LICENSE NO-116
CC ADD-CIVIL COURT KANPUR-200022

Certificate No. : IN-UP72981627261173X
Certificate Issued Date : 02-Apr-2025 11:58 AM
Account Reference : NEWIMPACC (SV) / up14767204/ KHALILABAD SADAR/ UP-SKB
Unique Doc. Reference : SUBIN-UPUP1476720443202284844323X
Purchased by : RAJESH KUMAR SO RAM DHANI
Description of Document : Article 4 Affidavit
Property Description : Not Applicable
Consideration Price (Rs.) :
First Party : RAJESH KUMAR SO RAM DHANI
Second Party : Not Applicable
Stamp Duty Paid By : RAJESH KUMAR SO RAM DHANI
Stamp Duty Amount (Rs.) : 100
(One Hundred only)

100-100100100

Handwritten notes and signatures in blue ink, including 'Main Talika' and '42'.



Please write on शपथपत्र this line

मैं, शिकायतकर्ता राजेश कुमार, पुत्र श्री रामधनी निवासी ग्राम बनकटवा, पोस्ट - बेलौली, जनपद - संतकबीरनगर अपने पूरे होशोहवास और बिना किसी दवाब के शपथपूर्वक यह बयान करता हूँ कि मेरे द्वारा I.M.S. पोर्टल पर सन्दर्भ संख्या 263050878 जिसमे कहा गया था कि मेरे प्लॉट में स्थित गड्ढे में काले बैग में कूड़ा मेडिकल पाल्यूशन कण्ट्रोल कमेटी, डी-33, UPSIDC इंडस्ट्रियल एरिया, खलीलाबाद, जनपद - संतकबीरनगर के कर्मचारी द्वारा 4-5 माह पहले डाला गया है नितान्त गलत है।

मैं शिकायतकर्ता यह बयान करता हूँ कि उक्त जमीन पर विगत 4-5 माह पूर्व किन्ही अज्ञात लोगो द्वारा कुछ काले बैग यह कहकर की मेरे प्लॉट का गड्ढा भर जायेगा मैंने काले बैग को डलवा लिया और उस पर मिटटी डालवा दी। उसके उपरान्त कुछ लोगो द्वारा मेरे ऊपर दवाब बनाकर व मुझे गुमराह कर मेडिकल पाल्यूशन कण्ट्रोल कमेटी के विरुद्ध I.M.S. पोर्टल एवं I.G.R.S. पोर्टल पर शिकायत कराई गयी, बाद में पता चला की दवाब बनाने वाले व्यक्ति मेडिकल पाल्यूशन कण्ट्रोल कमेटी से निष्कासित कर्मचारी है जिन्होंने काले बैग, जिसमे साधारण कचरा बताकर गड्ढा भरवाया था।

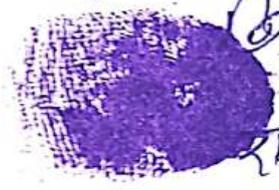
मैं शिकायतकर्ता यह बयान करता हूँ कि मेरे प्लॉट पर उक्त काले बैग को हटाया जा चुका है। मुझ शिकायतकर्ता की सारी समस्याओ का निस्तारण हो गया है और मैं उसी प्लॉट पर अपने भवन का निर्माण करा रहा हूँ।

Notary Seal and signature in blue ink, including 'NOTARY PUBLIC' and 'Rajm Lg'.

शपथकर्ता को अपने द्वारा की गयी शिकायत I.N.L.S. पोर्टल संदर्भ संख्या 263050878 एवं I.G.R.S. संख्या 40018624015525 एवं 40018624015526 को अपनी जिम्मेदारी पर इस सम्बन्ध में इसके आगे की समस्त जिम्मेदारी मेरी स्वयं की होगी।



शपथकर्ता के हस्ताक्षर... राजेश कुमार
शपथकर्ता का नाम... राजेश कुमार
शपथकर्ता का पता...
सम्पर्क नं०... 9456409808



राजेश कुमार

1. गवाह का नाम अमित रजत

गवाह का पता शिवापार

गवाह के हस्ताक्षर Amit Rajat

2. गवाह का नाम अवल

गवाह का पता ब्याश

गवाह के हस्ताक्षर अवल



**SWORN & VERIFIED
BEFORE ME**

Show and Intendity The deponer
has Signed and Put...

[Signature]

| | |
|---------------------------|---|
| Certificate No. | IN-UP72961627261173X |
| Certificate Issued Date | 02-Apr-2025 11:58 AM |
| Account Reference | NEWIMPACC (SV)/ up14767204/ KHALILABAD SADAR/UP-SKB |
| Unique Doc. Reference | SUBIN-UPUP1476720443202284844323X |
| Purchased by | RAJESH KUMAR SO RAM DHANI |
| Description of Document | Article 4 Affidavit |
| Property Description | Not Applicable |
| Consideration Price (Rs.) | |
| First Party | RAJESH KUMAR SO RAM DHANI |
| Second Party | Not Applicable |
| Stamp Duty Paid By | RAJESH KUMAR SO RAM DHANI |
| Stamp Duty Amount (Rs.) | 100 (One Hundred only) |

Affidavit

I, the complainant Rajesh Kumar, son of Shri Ramdhani, resident of Village Bankatwa, Post – Belauli, District – Sant Kabir Nagar, do hereby solemnly affirm and declare on oath, in full consciousness and without any coercion or undue influence, as follows :That the complaint filed by me on the I.M.S. Portal bearing Reference No. 263050878, in which it was stated that medical waste in black bags was dumped into the pit located on my plot by an employee of Medical Pollution Control Committee, D-33, UPSIDC Industrial Area, Khalilabad, District – Sant Kabir Nagar approximately 4–5 months ago, is entirely false.

I, the complainant, do hereby further affirm that some unidentified persons, around 4–5 months ago, dumped certain black bags into the pit of my plot under the pretext of filling the pit, which I allowed and subsequently had the area covered with soil. Thereafter, certain individuals, by creating pressure

and misleading me, compelled me to file complaints against the Medical Pollution Control Committee on the I.M.S. Portal and the I.G.R.S. Portal. Later, I came to know that these individuals were dismissed employees of the Medical Pollution Control Committee, who had caused the dumping of the black bags into the pit, describing it as ordinary waste.

I, the complainant, do hereby affirm that those black bags have now been removed from my plot. All my issues and grievances have been resolved, and I am currently undertaking the construction of a building on the same plot.

I, the complainant, take full responsibility under oath for the complaints filed by me under I.M.S. Portal Reference No. 263050878 and I.G.R.S. Portal Reference Nos. 40018624015525 and 40018624015526, and declare that henceforth, all responsibility pertaining to the matter shall solely rest upon me.

Signature of the Deponent: Rajesh Kumar

Name of the Deponent: Rajesh Kumar

Address of the Deponent:

Contact No.: 9450909808

Witnesses:

1. Name of Witness: Ameer Ram

Address: Shivapar

Signature of the Witness: _____

2. Name of Witness: _____

Address: _____

Signature of the Witness: _____

//TRUE TRANSLATED COPY//



MEDICAL POLLUTION CONTROL COMMITTEE

AN ISO 14001:2015 CERTIFIED COMPANY

21, E - Block, Panki, Kanpur, PIN - 208020

Mob. : 9235659305, 9235659306, 9235659302, 9792001753, 9792001751

E-mail : mpcckanpur@gmail.com • Website: www.mpcckanpur.com



ANNEXURE R/6

दिनांक: 26-12-2024

सेवा में,
क्षेत्रीय अधिकारी,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
ब्लाक रोड, बुद्धापुरम, बड़ेवन,
जनपद - वस्ती।

विषय: आप द्वारा प्रेषित बायोमेडिकल वेस्ट के अवैध निस्तारण के संबंध में स्पष्टीकरण।

सन्दर्भ: सन्दर्भ संख्या: 644/सा0-160/T.M.S/2024 दिनांक 20/12/2024 के सन्दर्भ में।

महोदय,

उपरोक्त विषयक आपके पत्र सन्दर्भ संख्या: 644/सा0-160/T.M.S/2024 दिनांक 20/12/2024 के सम्बन्ध में इस पत्र के माध्यम से आपको प्राप्त शिकायत के संदर्भ में संस्था अपना स्पष्टीकरण प्रस्तुत करना चाहती है जो निम्नवत है।

संस्था द्वारा बायो मेडिकल वेस्ट निस्तारण हेतु लाल बैग्स, पीले बैग्स, नीले कार्डबोर्ड एवं सफ़ेद पी0पी0सी0 जार में ही ले जाया जाता है, काले बैग्स का इस्तेमाल संस्था द्वारा नहीं किया जाता है, काले बैग्स अस्पतालों द्वारा नगर निगम को ठोस अपशिष्ट (MSW) देने हेतु इस्तेमाल किया जाता है।

यह भी संभव है कि यह शिकायत किसी व्यवसायिक प्रतिस्पर्धा या व्यक्तिगत दुश्मनी के कारण की गई है। संस्था को ऐसा प्रतीत होता है कि हमारे विरोधियों द्वारा यह जानकारी गलत तरीके से फैलाकर हमारी संस्था को नुकसान पहुंचाने की कोशिश की जा रही है। संस्था द्वारा बायोमेडिकल वेस्ट के निस्तारण के लिए सभी दिशा-निर्देशों का पालन किया जाता है। संस्था यह सुनिश्चित करती है कि हमारा कोई भी कचरा अवैध रूप से किसी के खेत या किसी अन्य स्थान पर निस्तारित नहीं किया गया है।

बताये गये क्षेत्र में तीन संस्थाएँ क्रमशः मेडिकल पाल्यूशन कण्ट्रोल कमेटी, खलीलाबाद, रॉयल पाल्यूशन कण्ट्रोल सर्विसेज, सुल्तानपुर एवं ए0 वी0 बायो मेडिकल वेस्ट सर्विसेज, महाराजगंज द्वारा बायो मेडिकल वेस्ट के परिवहन एवं निस्तारण का कार्य किया जाता है।

इस परिक्षेत्र में संचालित कई हेल्थ केयर फैसिलिटी (HCFs) द्वारा बायो मेडिकल वेस्ट के परिवहन एवं निस्तारण का शुल्क बचाने के कारण HCFs से जनित बायो मेडिकल वेस्ट को CBWTF में न भेजकर (Deep Burial) करते हैं।

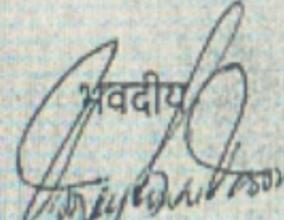
समस्त हेल्थ केयर फैसिलिटी एवं CBWTF द्वारा नगर निगम के साथ अनुबन्ध पत्र हस्ताक्षरित किया जाना चाहिए एवं ठोस अपशिष्ट (MSW) को काले बैग्स में एकत्रित करके अस्पतालों को नगर निगम के माध्यम से ही निस्तारित किया जाना सुनिश्चित किया जाना चाहिए जिससे बायो मेडिकल वेस्ट को साधारण कचरे (MSW) में मिलाने से रोका जा सके।

Clean India

Green India

संस्था आपसे निवेदन करती है कि आप इस मामले की निष्पक्ष जांच करें और यदि किसी अन्य व्यक्ति या संस्था द्वारा द्वेषवश यह कृत्य किया गया है तो उनका जिम्मेदारी तय की जाए एवं इसके अतिरिक्त शिकायतकर्ता के खेत में जो कचरा पाया गया है, उसे तुरंत उठवाकर सही तरीके से निस्तारित कराया जाए, ताकि पर्यावरण पर इसका कोई प्रतिकूल प्रभाव न पड़े। संस्था द्वारा पूरी तरह से केन्द्रीय प्रदूषण नियंत्रण बोर्ड और पर्यावरण संरक्षण अधिनियम के प्रति समर्पित हैं और इस मामले में आपकी ओर से दिए गए किसी भी निर्देश का पालन करेगी। संस्था यह आशा करती है कि संस्था द्वारा दिए गए स्पष्टीकरण के बाद आप पूर्णरूप से संतुष्ट होंगे। यदि किसी भी तरह की और जानकारी चाहिए तो संस्था आपकी सहायता के लिए सदैव तैयार हैं।

धन्यवाद।

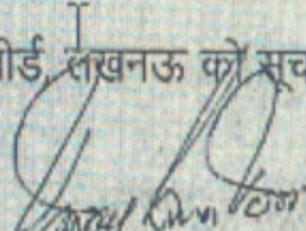
भवदीय

 (डॉ० विनय कुमार वर्मा)
 MBBS, MAMS, FAGS
 सचिव



मेडिकल पाल्यूशन कण्ट्रोल कमेटी

प्रतिलिप प्रेषित -

- मुख्य पर्यावरण अधिकारी, वृत्त-6, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, लखनऊ को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रतिलिप प्रेषित।

भवदीय

 (डॉ० विनय कुमार वर्मा)
 MBBS, MAMS, FAGS
 सचिव



मेडिकल पाल्यूशन कण्ट्रोल कमेटी

Regn. No. 203/2000-2001

MEDICAL POLLUTION CONTROL COMMITTEE

An ISO 14001:2015 Certified Company

21, E-Block, Panki, Kanpur, PIN - 208020

Mob.: 9235659305, 9235659306, 9235659302, 9792001753, 9792001751

Email: mpcckanpur@gmail.com | Website: www.mpcckanpur.com

Date: 26-12-2024

To,

The Regional Officer,
Uttar Pradesh Pollution Control Board,
Block Road, Buddhapuram, Badeban,
District: Basti

Subject: Clarification regarding the illegal disposal of biomedical waste as per your communication.

Reference: Reference No. 644/SA-160/T.M.S/2024 dated 20/12/2024.

Respected Sir,

With reference to your above-mentioned letter no. 644/SA-160/T.M.S/2024 dated 20/12/2024, the institution hereby submits its clarification regarding the complaint received, which is as follows:

The institution transports biomedical waste only in red bags, yellow bags, blue cardboard boxes, and white PPC jars. Black bags are **not used** by the institution. Black bags are used by hospitals for handing over solid waste (MSW) to municipal corporations.

It is also possible that this complaint has been made due to commercial competition or personal animosity. The institution believes that such misleading information may have been circulated by our rivals in an attempt to harm the institution's reputation. The institution strictly follows all the guidelines related to the disposal of biomedical waste. The institution ensures that none of its waste has been illegally disposed of in any field or at any other unauthorized location.

In the mentioned area, three institutions—namely Medical Pollution Control Committee, Khalilabad; Royal Pollution Control Services, Sultanpur; and A.V. Biomedical Waste Services, Maharajganj—are engaged in the transportation and disposal of biomedical waste.

Several Health Care Facilities (HCFs) operating in this region, in order to avoid paying the fees for transportation and disposal of biomedical waste, refrain from sending the biomedical waste generated by them to the CBWTF and instead resort to **Deep Burial**.

All Health Care Facilities and CBWTFs must enter into contractual agreements with the respective Municipal Corporations, and it must be ensured that solid waste (MSW) is collected in black bags and disposed of only through the Municipal Corporation. This is essential to prevent the mixing of biomedical waste with general waste (MSW).

The institution respectfully requests you to conduct an impartial investigation into this matter. If any person or institution has committed this act out of malice, their responsibility should be fixed. Furthermore, the waste found in the complainant's field should be immediately removed and properly disposed of so that it does not adversely impact the environment.

The institution is fully committed to the Central Pollution Control Board and the Environmental Protection Act and shall comply with any directives issued by you in this matter. The institution hopes that the clarification provided herein will fully satisfy your concerns. Should you require any further information, the institution is always ready to assist you.

Thank you.

//SD//

(Dr. Vinay Kumar Verma)

MBBS, MAMS, FAGS

Secretary

Medical Pollution Control Committee

Copy forwarded to:

Chief Environmental Officer, Circle-6, Uttar Pradesh Pollution Control Board, Lucknow for information and necessary action.

//SD//

(Dr. Vinay Kumar Verma)

MBBS, MAMS, FAGS

Secretary

Medical Pollution Control Committee

//TRUE TRANSLATED COPY//



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

Ref. No. 137/बन्दी/बस्ती/18 दिनांक 25.06.2018

Dated 27/6/18

ANNEXURE R/7

सेवा में,

मै0 मेडिकल पॉल्यूशन कंट्रोल कमेटी (एम0पी0सी0सी0),
डी-33, यू.पी.जा.आई.डी.सी.,
औद्योगिक क्षेत्र, खलीलाबाद,
संतकबीर नगर।

विषय: संस्था के विरुद्ध जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 यथासंशोधित की धारा-33ए के अन्तर्गत जारी बन्दी आदेश के सम्बन्ध में।

सहोदय,

उपरोक्त विषयक इस कार्यालय के पत्रांक 287/सी0ई0ओ0 कैम्प/सी-6/सहमति जल/137/बन्दी/बस्ती/18 दिनांक 25.06.2018 का संदर्भ ग्रहण करे, जिसके द्वारा संस्था के विरुद्ध जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 यथासंशोधित की धारा-33ए के अन्तर्गत बन्दी आदेश जारी किया गया था। बोर्ड के क्षेत्रीय कार्यालय, बस्ती से प्राप्त आख्या एवं सक्षम अधिकारी की अनुमति से संस्था को जारी बन्दी आदेश दिनांक 25.06.2018 निम्न शर्तों के अधीन 06 माह हेतु निलम्बित किया जाता है:-

1. केन्द्रीय प्रदूषण नियंत्रण बोर्ड, दिल्ली के पत्रांक F.No.-B-31011(BMW)(30 III)/2018/WMD-1/6133 दिनांक 22.06.2018 एवं F.No.-B-29016/4/06/ IPC-IV/1266-300 दिनांक 23.04.2018 द्वारा सी.वी.डब्लू.टी.एफ. को इफ्लूयेन्ट एवं इमीशन क्वालिटी हेतु इन्सिनिरेट की स्टैक पर एवं ई0टी0पी0 के आउटलेट पर पृथक-पृथक आन लाइन कान्टीन्यूअस मानीटरिंग सिस्टम की स्थापना एवं सी.पी.सी.बी./एस.पी.सी. बी. के सर्वर से कन्टेक्ट किया जाये।
2. सी.वी.डब्लू.टी.एफ. द्वारा बार कोडिंग किया जाये।
3. इन्सिनिरेटर पर आटोमेटिक फीडिंग किया जाये।
4. इन्सिनिरेटर, आटोक्लेव तथा श्रेडर के संचालन की अवधि सम्बन्धी कम्प्यूटर जनित लाग-बुक की व्यवस्था की जाये।
5. इन्सिनिरेटर, आटोक्लेव तथा श्रेडर की स्थापित क्षमता के अभिलेख प्रस्तुत किया जाये।
6. स्थापित उत्प्रवाह शुद्धीकरण संयंत्र के आउटलेट पर डिस्इन्फेक्सन यूनिट की स्थापित किया जाये।
7. सी.वी.डब्लू.टी.एफ. परिसर में गाड़ियों के आवागमन हेतु पक्का रोड व फ्लोर वाशिंग एवं गाड़ियों की धुलाई से जनित उत्प्रवाह को सीधे ई.टी.पी. में ले जाने हेतु फर्श पर समुचित स्लोप की व्यवस्था स्थापित की जाये, जिससे किसी भी प्रकार का प्रदूषित उत्प्रवाह परिसर से बाहर निस्तारित न हो।
8. आटोक्लेव एवं श्रेडर से श्रेडिड प्लास्टिक वेस्ट के समुचित निस्तारण हेतु प्राधिकृत संस्था का अद्यतन अनुबन्ध प्रपत्र प्रस्तुत किया जाये।

9. सी.वी.डब्लू.टी.एफ. द्वारा बायो मेडिकल वेस्ट मैनेजमेन्ट रूल्स, 2016 के अन्तर्गत इन्सीनिरेबल बायो मेडिकल वेस्ट के नियम में निर्धारित समयावधि के भीतर डिस्पोजल सुनिश्चित किया जाये।
10. सी.वी.डब्लू.टी.एफ. द्वारा बायो मेडिकल वेस्ट मैनेजमेन्ट रूल्स, 2016 के अन्तर्गत इन्सीनिरेटर हेतु सेड्यूल-2 के अन्तर्गत दिये गये निर्देशों का समुचित अनुपालन किया जाये।
11. ई0टी0पी0 के संचालन में खपत विद्युत की माप हेतु पृथक विद्युत मीटर की स्थापना की जाये तथा लाग-बुक बनाया जाये।
12. ई0टी0पी0 के संचालन में खपत कोमेकल्स का लाग-बुक बनाया जाये।
13. उत्प्रवाह की विश्लेषण आख्या बोर्ड द्वारा मान्यता प्राप्त प्रयोगशाला से कराकर विलम्बतम 01 माह में प्रेषित की जाये।
14. संस्था द्वारा पर्यावरणीय क्षति के रूप में रू0 50 हजार की धनराशि विलम्बतम 15 दिन में बोर्ड में जमा किया जाना सुनिश्चित करें।
15. उपरोक्त शर्तों के अनुपालन हेतु रू0 02 लाख की बैंक गारन्टी विलम्बतम 01 माह में बोर्ड में जमा किया जाना सुनिश्चित करें।

भवदीय,

(प्रमोद मिश्रा)
मुख्य पर्यावरण अधिकारी
(वृत्त-6)

प्रतिलिपि: निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी, संतकबीर नगर।
2. पुलिस अधीक्षक, संतकबीर नगर।
3. अधिशाषी अभियन्ता, उ0प्र0 पावर कार्पोरेशन लि0, संतकबीर नगर।
4. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बस्ती।

मुख्य पर्यावरण अधिकारी
(वृत्त-6)

UTTAR PRADESH POLLUTION CONTROL BOARD**Ref. No.: H25290/c-6/jal/137/G.K.P/2018****Dated: 27.08.2018****To,**

M/s. Medical Pollution Control Committee (M.P.C.C.),

D-33, U.P. S.I.D.C.,

Industrial Area, Khalilabad, Sant Kabir Nagar.

Subject: Regarding closure order issued under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, as amended, against the institution.

Respected Sir,

Please refer to this office's letter no. 237/CEO Camp/C-6/Consent Water/137/Closure/Basti/18 dated 25.06.2018, through which a closure order was issued against your institution under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974, as amended. In light of the report received from the Regional Office, Basti, and with the approval of the competent authority, the closure order dated 25.06.2018 issued to the institution is hereby suspended for a period of six (06) months, subject to the following conditions:

1. As per letters of the Central Pollution Control Board, Delhi, Ref. No. F. No. - B-31011 (BMW) (30 III)/2018/WMD-1 /6133 dated 22.06.2018 and F. No. - B-29016/4/06/ IPC-IV/1266-300 dated 23.04.2018, the Common Biomedical Waste Treatment Facility (CBWTF) shall install separate online continuous monitoring systems at the incinerator stack and at the ETP outlet, and connect the same to the CPCB/SPCB server.
2. The CBWTF shall implement barcoding.
3. Automatic feeding shall be implemented at the incinerator.
4. A computer-generated log book shall be maintained for operating hours of the incinerator, autoclave, and shredder.
5. Records of the installed capacity of the incinerator, autoclave, and shredder shall be submitted.
6. A disinfection unit shall be installed at the outlet of the established effluent treatment plant.

7. A proper slope shall be provided on the premises floor of CBWTF to ensure that wastewater generated from floor washing and vehicle washing flows directly into the ETP, and no polluted wastewater is discharged outside the premises.
8. An updated agreement document with an authorized agency for the proper disposal of shredded plastic waste from the autoclave and shredder shall be submitted.
9. The CBWTF shall ensure disposal of incinerable biomedical waste within the prescribed time frame as per Biomedical Waste Management Rules, 2016.
10. The CBWTF shall ensure proper compliance with directions given under Schedule-2 for incinerators as per Biomedical Waste Management Rules, 2016.
11. A separate electricity meter shall be installed to measure electricity consumption in ETP operations, and a log book shall be maintained.
12. A log book shall be maintained for chemicals consumed in ETP operations.
13. Effluent analysis report shall be obtained from a laboratory recognized by the Board and submitted within a maximum period of one month.
14. The institution shall deposit an amount of Rs. 50,000/- (Rupees Fifty Thousand only) with the Board within 15 days as environmental compensation.
15. A bank guarantee of Rs. 2,00,000/- (Rupees Two Lakhs only) shall be submitted to the Board within one month to ensure compliance with the above conditions.

Yours faithfully,

//SD//

(Pranod Mishra)

Chief Environmental Officer

(Circle - 6)

Copy to: For information and necessary action:

1. District Magistrate, Sant Kabir Nagar.
2. Superintendent of Police, Sant Kabir Nagar.

3. Executive Engineer, U.P. Power Corporation Ltd., Sant Kabir Nagar.
4. Regional Officer, U.P. Pollution Control Board, Basti.

Chief Environmental Officer

(Circle - 6)

//TRUE TRANSLATED COPY//

Case :- MISC. BENCH No. - 7889 of 2021

Petitioner :- Medical Pollution Control Comm.Thru.Dr.Vinay Kumar Verma

Respondent :- State Of U.P. Thru. Prin.Secy. Forest/Environment,Lko.& Ors.

Counsel for Petitioner :- Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent :- C.S.C.,Ashok Kumar Verma

Hon'ble Ritu Raj Awasthi,J.

Hon'ble Manish Mathur,J.

Heard Mr. Salil Kumar Srivastava, learned counsel for the petitioner, learned State Counsel appearing on behalf of opposite party nos.1,6 and 7 and Mr. A.K. Verma, learned counsel appearing for the opposite party nos. 2 to 5.

Petition has been filed against the orders dated 13.10.2020 and 3.2.2021 issued by the Member Secretary, U.P. Pollution Control Board. Recovery citation dated 15.2.2021 has also been challenged.

Learned counsel for the petitioner submits that by means of the impugned orders, proceedings have been initiated against the petitioner for recovery of environmental compensation.

Learned counsel for the petitioner has submitted that there is no provision under law for recovery of environmental compensation as arrears of land revenue as is being proceeded against the petitioner.

It is submitted that the matter falls under the Protection and Control to Pollution Act, 1981 whereunder there is no such provision indicated for recovery of environmental compensation as arrears of land revenue and has relied upon the interim order dated 19.10.2020 passed by a Coordinate Bench of this Court in Writ Petition No.17544 (M/B) of 2020 (M/s. Colour & Style Pvt Ltd. Vs. State of U.P & others).

Mr. A.K. Verma, learned counsel appearing on behalf of the opposite party nos. 2 to 5 has sought to defend the impugned orders on the ground that the same have been passed in pursuance to the directions issued by the National Green Tribunal vide order dated 18.1.2021 in which the recommendations of the Oversight Committee for environmental issues in the State of U.P. have been accepted

with the observation that EC of Rs.7.60 crore and Rs. 1.43 Cr. have been imposed against 141 HCFs and 08 CBWTFs, respectively. The imposed penalty has yet not been realized. State PCB were directed to take necessary action and ensure realization of EC as per the prescribed procedure.

It is submitted that since the environmental compensation has been imposed upon the petitioner in pursuance to the directions of the National Green Tribunal, as such the Act of 1981 is inapplicable and it is the National Green Tribunal Act of 2020 which will be applicable which clearly provides for recovery of environmental compensation as arrears of land revenue.

Prima facie, it appears from perusal of Annexure No.1 to the writ petition that environmental compensation has been imposed upon the petitioner vide order dated 13.10.2020 issued by the U.P. Pollution Control Board, the same clearly predates the order passed by the National Green Tribunal dated 18.1.2021 and, therefore, the submission that the impugned recovery proceedings are in pursuance to the directions issued by the National Green Tribunal appears to be incorrect.

Apart from the aforesaid, learned counsel appearing on behalf of the opposite party nos. 2 to 5 has not been able to indicate any other provisions under which environmental compensation can be recovered as arrears of land revenue. In such circumstances, there seems to be no occasion to deviate from the order of the Coordinate Bench passed by this Court.

The matter requires consideration for which the opposite parties are granted two weeks' time to file a detailed counter affidavit. In case of filing of counter affidavit, the petitioner may file rejoinder affidavit within two weeks thereafter.

List thereafter.

Till the next date of listing, it is provided that no recovery proceedings shall be effected against the petitioner in pursuance to the impugned orders as arrears of land revenue.

This however would be without prejudice to the rights of the opposite parties to recover the amount due as environmental compensation against the petitioner through any other mode as may be provided under the law and would also be without prejudice to the rights of the petitioner to file an appeal against any substantive order.

Order Date :- 22.3.2021

Arjun/-



MAHARASHTRA

27 APR 2007

AH 732188

दिनांक

रुपये 100

Sangheta Lokande

5 MAR 2007

एन. एन. एल. प्रॉपर्टी डेवेलपर्स प्रा. लि. इन्फो टेक हॉलर
 को. पाठक भवन
 वसिंती. एन

संगिहता लोकांडे
 एन. एन. हवेली नं. 2(90)
 पुणे - 411 009

MEMORANDUM OF UNDERSTANDING (MOU)

THIS MEMORANDUM OF UNDERSTANDING (MOU) IS MADE ON THIS 27 DAY OF April (MONTH), TWO THOUSAND & SEVEN BETWEEN THE SNG MERCANTILE PVT. LTD. HAVING ITS OFFICE AT 4/3, C ORIENT ROW, KOLKATA - 700017 (HEREINAFTER REFERRED AS "SNG") OF THE ONE PART AND MEDICAL POLLUTION CONTROL COMMITTEE HAVING ITS OFFICE AT 21,

[Handwritten Signature]

For SNG
[Handwritten Signature]
 Director

Whereas a contract for treatment of Bio-medical waste in various zones of Uttar Pradesh has been awarded by the U P Health System Development Project (hereinafter briefly mentioned as UPHSDP) to SNG vide NOA No. UPHSDP/04-05/SCB/HWM/NAO/GKP/1890 Dated 15.06.2006,

AND

Whereas the SNG has approached MPCC to Form an SPV (Special Purpose Vehicle), as a joint venture Co. to carry out the obligations under the aforesaid contract in respect of Gorakhpur Zone, on the terms and in the manner provided in the aforesaid NAO No. UPHSDP/04-05/SCB/HWM/NAO/GKP/1890 Dated 15.06.2006, a copy of which has been supplied to MPCC alongwith the copy of the Contract dated 14.06.2006 including the General Conditions and Special Conditions thereof;

AND

Whereas the SNG and MPCC aforesaid have mutually agreed for forming the aforesaid joint venture for the above mentioned purpose; on the following terms:-

1. The SNG and MPCC have mutually agreed and hereby declare that for executing the aforesaid contract for Gorakhpur Zone the SNG and MPCC will form the joint venture company as a SPV (Special Purpose Vehicle) and have also agreed that the responsibilities of the SNG, MPCC and the proposed SPV to successfully execute the order in question in Gorakhpur Zone shall be

For SNG Member
[Signature]

such as are being mentioned **628** after. The consumables in the contract will be supplied by SNG only. 93

2. Upon the formation of the SPV i.e. the joint Venture Co. the assets (including plant and machinery) of the MPCC shall be transferred to the SPV for carrying out the order of the UPHSDP for the treatment of the Bio-medical waste under the said contract.
3. The contract awarded by UPHSDP to SNG shall, in respect of Gorakhpur one be assigned to the SPV for its due execution, with the written approval of UPHSDP, in terms of clause 20.1 page No-30 of Bid document under the heading of "ASSIGNMENT". SNG & MPCC shall be owner of the assets of CB MWTF at Gorakhpur in the ratio of 70:30 per cent respectively
4. Adequate manpower including technical staff for operating the plant at CB MWTF Gorakhpur shall be provided by MPCC, and the SPV will execute the contract with the plant and machinery and the manpower so provided to it.
5. The technical training as and when necessary to the manpower employed on the plant shall be arranged by MPCC.
6. While providing manpower to the SPV, the MPCC will observe the relevant Govt. rules and regulations.
7. The SPV will operate the plant duly adhering to the rules, regulations and guidelines of various authorities including Pollution Control Board and the Govt. of Uttar Pradesh.

To: SNG, Gorakhpur, U.P.
Director

billable bed to be passed on to MPCC for operating the plant in the
zone, by SNG out of the remuneration it receives from UPHSDP under the
said contract. This rate will be applicable for five years or till SNG's Contract
with UPHSDP which ever is earlier.

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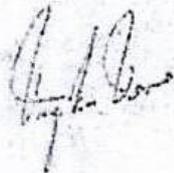
94

9. The MPCC and the SPV shall carry out the entire obligations under the aforesaid contract between the SNG and UPHSDP for collection of waste of all Hospitals including PHCs and CHCs of Gorakhpur Zone and management thereof.
10. The MPCC will be responsible for maintenance of the plant, operation, treatment and disposal/management of the waste (which includes the collection of the waste from the hospitals of the Zone) through the SPV in the letter and spirit of the NAO dated 15.06.2006. The staff of the MPCC made available to the SPV shall also be responsible for the liaison with all concerned authorities and hospitals in respect of Gorakhpur Zone.
11. The SNG shall pay an amount of Rs.49.66 lakhs (Rupees Forty Nine Lakhs Sixty Six Thousand Only) to MPCC for forming the SPV. 50% of the aforesaid amount of Rs.49.66 lakhs shall be paid by SNG within 15 days and the balance 50% within 90 days of the signing of this MOU.
12. The SNG and MPCC will provide necessary funds at 70:30 ratio to the SPV to upgrade the existing CB MWTF at Gorakhpur to bring it up to the specifications of the UPHSDP under the said NOA dated 15.6.2006.

13. The operation cost @ of Rs. 4.70 (Rupees Four & Seventy Paise Only) per billable bed shall be paid within 30 days after the completion of every month. However, the payment to MPCC is subject to receipt of payment from UPHSDP on back to back basis."
14. This contract will be valid for five years or till the life of the contract with UPHSDP which ever is earlier and shall be reviewed in every July of the Calendar year. After the completion of the contract or in case of dissolution of SPV - which ever is earlier, the assets transferred to SPV shall revert to SNG and MPCC in the ratio of 70 : 30 respectively.
15. In case of any inconsistency between the terms of this MOU and the contract awarded by UPHSDP to SNG vide Contract dated 14.08.2006, the terms and conditions of the said Contract dated 14.08.2006 shall prevail and all the parties shall abide by that.
16. The terms of this contract shall not, in any manner, dilute or defeat the objects or conditions of the aforementioned NOA dated 15.6.2006 & Contract dated 14.08.2006.

Force Majeure:

- A. Neither SNG nor MPCC shall be liable against each other for failure to meet contractual obligations due to Force Majeure.



5

For SNG
Director

after signing of this agreement including war, mobilization, revolution or riots, natural disasters, acts of God, refusal of license by State / Central Government authorities, in so far as, such an event prevents or delays the contractual party from fulfilling its obligation.

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- C. In case the Force Majeure conditions continue for more than 60 days, both parties shall discuss the effect of such conditions on the agreement and mutually decide the course of action to be followed to carry out the contract with UPHSDP dated 15.6.06.
- D. This MOU will come into effect from the date of its signing by SNG and MPCC.
- E. In case of delay of payment by SNG to MPCC beyond 90 days this MOU shall become null & void and notwithstanding the fate of the relations between SNG, MPCC or the SPV, the duty to carry out the obligations under the NOA dated 15.6.06 & Contract dated 14.08.2006 shall squarely rest upon the SNG. However, the payment to MPCC is subject to receipt of payment from UPHSDP on back to back basis."

Disputes:

1. Arbitration: In case of dispute between the parties i.e. SNG & MPCC the matter shall be referred to Arbitrator jointly agreed by both the parties and such Arbitrator will have sitting at Lucknow and settle the dispute in terms of Arbitration & Conciliation Act 1996. The Award

For SNG [Signature]

[Signature]

made by Arbitrator shall be binding on the parties. The expenses of arbitration shall be borne by both the parties equally.

2. Jurisdiction:

The dispute if any between the parties shall be subject to Jurisdiction of Civil Court of Gorakhpur Only.

THE PARTIES HAVE EXECUTED THIS MEMORANDUM OF UNDERSTANDING (MOU) IN DUPLICATE ON THIS DAY OF 27 Apr/2007 IN THE PRESENCE OF WITNESS INDICATED HERE IN :

For and on behalf of

SNG Mercantile Pvt. Ltd.

Signature

[Handwritten Signature]

Name: Kamlesh V. Naik

Date: 27.04.07

Place: Lucknow

For and on behalf

Medical Pollution Control Committee

Signature

[Handwritten Signature]

Name:

Dr. Vinay Kumar Verma

Date:

27.04.2007

Place:

Lucknow

In the Presence of

1. Signature:

[Handwritten Signature]

Name:

S. J. Incumdar

In the presence of

1. Signature:

[Handwritten Signature]

Name:

R. N. Awasthi

2. Signature:

[Handwritten Signature]

Name:

A. Y. Patil

2. Signature:

[Handwritten Signature]

Name:

Swosh Yadav



महाराष्ट्र MAHARASHTRA

BB 032193

983849 22 FEB 2008
 दिनांक 22 FEB 2008
 सांगीता लोकांडे SANGIETA LOKANDE
 सा. नं. हवेली नं. 2(90) पुणे-499 009
 एम. एन. एल. प्र. लि. प्र. लि. प्र. लि.
 को-पान पुणे
 दि. म. एल. एल.

1-5 FEB 2008
 म. प्र. कोषागार-राजि. म. प्र. कोषागार पुणे जिल्हा

MEMORANDUM OF UNDERSTANDING (MOU)

THIS MEMORANDUM OF UNDERSTANDING (MOU) IS MADE ON THIS DAY OF (MONTH), TWO THOUSAND & EIGHT, BETWEEN THE SNG MERCANTILE PVT. LTD. HAVING ITS OFFICE AT 4/3, C ORIENT ROW, KOLKATA - 700017 (HEREINAFTER REFERRED AS "SNG") OF THE ONE PART AND MEDICAL POLLUTION CONTROL COMMITTEE HAVING ITS OFFICE AT, 21,

[Handwritten Signature]

For SNG Mercantile Pvt. Ltd.
[Handwritten Signature]
 Director

E-BLOCK, PANKI, KANPUR (U.P.) -208020 (HEREINAFTER BRIEFLY MENTIONED AS "MPCC") OF THE SECOND PART.

Whereas a contract for treatment of Bio-medical waste in various zones of Uttar Pradesh has been awarded by the U P Health System Development Project (hereinafter briefly mentioned as UPHSDP) to SNG vide NOA No. UPHSDP/04-05/SCB/HWM/NAO/GKP/1890 Dated 15.06.2006,

AND

Whereas the SNG has approached MPCC to Form an SPV (Special Purpose Vehicle), as a joint venture Co. to carry out the obligations under the aforesaid contract in respect of Gorakhpur Zone, on the terms and in the manner provided in the aforesaid NAO No. UPHSDP/04-05/SCB/HWM/NAO/GKP/1890 Dated 15.06.2006, a copy of which has been supplied to MPCC alongwith the copy of the Contract dated 14.08.2006 including the General Conditions and Special Conditions thereof;

AND

Whereas the SNG and MPCC aforesaid have mutually agreed for forming the aforesaid joint venture for the above mentioned purpose; on the following terms:-

1. The SNG and MPCC have mutually agreed and hereby declare that for executing the aforesaid contract for Gorakhpur Zone the SNG and MPCC will form the joint venture company as a SPV (Special Purpose Vehicle) and have also agreed that the responsibilities of the SNG, MPCC and the proposed SPV to successfully execute the order in question in Gorakhpur Zone shall be

For SNG Merchants Pvt. Ltd.

such as are being mentioned hereinafter. The consumables in the contract will be supplied by SNG only.

2. Upon the formation of the SPV i.e. the joint Venture Co. the assets (including plant and machinery) of the MPCC shall be transferred to the SPV for carrying out the order of the UPHSDP for the treatment of the Bio-medical waste under the said contract.

3. The contract awarded by UPHSDP to SNG shall, in respect of Gorakhpur one be assigned to the SPV for its due execution, with the written approval of UPHSDP, in terms of clause 20.1 page No-30 of Bid document under the heading of "ASSIGNMENT". SNG & MPCC shall be owner of the assets of CB MWTF at Gorakhpur in the ratio of 70:30 per cent respectively

4. Adequate manpower including technical staff for operating the plant at CB MWTF Gorakhpur shall be provided by MPCC, and the SPV will execute the contract with the plant and machinery and the manpower so provided to it.
5. The technical training as and when necessary to the manpower employed on the plant shall be arranged by MPCC.
6. While providing manpower to the SPV, the MPCC will observe the relevant Govt. rules and regulations.
7. The SPV will operate the plant duly adhering to the rules, regulations and guidelines of various authorities including Pollution Control Board and the Govt. of Uttar Pradesh.

For SNG M/s. Santia Pvt. Ltd.

Director

8.

The SPV shall be paid @ of Rs.4.70 (Rupees Four & Seventy Paise Only) per billable bed to be passed on to MPCC for operating the plant in the allocated zone, by SNG out of the remuneration it receives from UPHSDP under the said contract. This rate will be applicable for five years or till SNG's Contract with UPHSDP which ever is earlier.

9. The MPCC and the SPV shall carry out the entire obligations under the aforesaid contract between the SNG and UPHSDP for collection of waste of all Hospitals including PHCs and CHCs of Gorakhpur Zone and management thereof.

10. The MPCC will be responsible for maintenance of the plant, operation, treatment and disposal/management of the waste (which includes the collection of the waste from the hospitals of the Zone) through the SPV in the letter and spirit of the NAO dated 15.06.2006. The staff of the MPCC made available to the SPV shall also be responsible for the liaison with all concerned authorities and hospitals in respect of Gorakhpur Zone.

11.

The SNG shall pay an amount of Rs.49.66 lakhs (Rupees Forty Nine Lakhs Sixty Six Thousand Only) to MPCC for forming the SPV. 50% of the aforesaid amount of Rs.49.66 lakhs shall be paid by SNG within 15 days and the balance 50% within 90 days of the signing of this MOU.

12.

The SNG and MPCC will provide necessary funds at 70:30 ratio to the SPV to upgrade the existing CB MWTF at Gorakhpur to bring it up to the specifications of the UPHSDP under the said NOA dated 15.6.2006.



For SNG
Director

13. The operation cost @ of Rs. 4.70 (Rupees Four & Seventy Paise Only) per billable bed shall be paid within 30 days after the completion of every month. However, the payment to MPCC is subject to receipt of payment from UPHSDP on back to back basis."
14. This contract will be valid for five years or till the life of the contract with UPHSDP which ever is earlier and shall be reviewed in every July of the Calendar year. After the completion of the contract or in case of dissolution of SPV - which ever is earlier, the assets transferred to SPV shall revert to SNG and MPCC in the ratio of 70 : 30 respectively.
15. In case of any inconsistency between the terms of this MOU and the contract awarded by UPHSDP to SNG vide Contract dated 14.08.2006, the terms and conditions of the said Contract dated 14.08.2006 shall prevail and all the parties shall abide by that.
16. The terms of this contract shall not, in any manner, dilute or defeat the objects or conditions of the aforementioned NOA dated 15.6.2006 & Contract dated 14.08.2006.

Force Majeure:

- A. Neither SNG nor MPCC shall be liable against each other for failure to meet contractual obligations due to Force Majeure.

For SNG


For SNG

Director

- B. Force Majeure impediment is taken to mean unforeseen events, which occur after signing of this agreement including but not limited to strikes, blockade war, mobilization, revolution or riots, natural disasters, acts of God, refusal of license by State / Central Government authorities, in so far as, such an event prevents or delays the contractual party from fulfilling its obligation.
- C. In case the Force Majeure conditions continue for more than 60 days, both parties shall discuss the effect of such conditions on the agreement and mutually decide the course of action to be followed to carry out the contract with UPHSDP dated 15.6.06.
- D. This MOU will come into effect from the date of its signing by SNG and MPCC.
- E. In case of delay of payment by SNG to MPCC beyond 90 days this MOU shall become *null & void* and notwithstanding the fate of the relations between SNG, MPCC or the SPV, the duty to carry out the obligations under the NOA dated 15.6.06 & Contract dated 14.08.2006 shall squarely rest upon the SNG. However, the payment to MPCC is subject to receipt of payment from UPHSDP on back to back basis."

Disputes:

1. **Arbitration :** In case of dispute between the parties i.e. SNG & MPCC the matter shall be referred to Arbitrator jointly agreed by both the parties and such Arbitrator will have sitting at Lucknow and settle the dispute in terms of Arbitration & Conciliation Act 1996. The Award

For SNG M. S. Ghoshia Pvt. Ltd.

Director

made by Arbitrator shall be binding on the parties. The expenses of arbitration shall be borne by both the parties equally.

2. Jurisdiction :

The dispute if any between the parties shall be subject to Jurisdiction of Civil Court of Kanpur Only.

THE PARTIES HAVE EXECUTED THIS MEMORANDUM OF UNDERSTANDING (MOU) IN DUPLICATE ON THIS DAY OF _____ 2008 IN THE PRESENCE OF WITNESS INDICATED HERE IN :

For and on behalf of

SNG Mercantile Pvt. Ltd.

Signature

[Handwritten Signature]
Director

Name: Kamlesh V. Naik

Date:

Place:

For and on behalf

Medical Pollution Control Committee

Signature

[Handwritten Signature]

Name:

Dr. VIKAS KUMAR VERMA

Date:

29.02.08

Place:

Lucknow

In the Presence of

1. Signature:

[Handwritten Signature]

Name:

A. P. Patil

In the presence of

1. Signature:

[Handwritten Signature]

Name:

MOHIT SHARMA

2. Signature:

[Handwritten Signature]

Name:

S. J. Inamdar

2. Signature:

[Handwritten Signature]

Name:

[Handwritten Signature]



MEDICAL POLLUTION CONTROL COMMITTEE



AN ISO 14001:2015 CERTIFIED COMPANY

21, E - Block, Panki, Kanpur, PIN - 208020
Mob. : 9235659305, 7522822282
E-mail: help@mpccindia.in • Website: mpccindia.in

Date: 15-05-2025

BOARD RESOLUTION

Certified true copy of the resolution passed at the meeting of the board of members of the society (**Medical Pollution Control Committee**) held on **14/05/2025** at **10:00 AM** at the registered office of the society situated at **21, E-Block, Panki, Kanpur – 208020 (U.P.)**

Resolved that **Dr. Divya Verma, President** of the society be and is hereby authorized in the meeting held on **14/05/2025** to **Dr. Vinay Kumar Verma, Secretary, Medical Pollution Control Committee** for and on the behalf of the society be and is hereby authorized to engage any Advocate to submit Vakalatnama, Statements, Documents, Evidences, Declarations etc. before the appropriate Authority for and behalf of the society as and when required.

Resolved further that **Dr. Divya Verma, President** of the society be and is hereby authorized in the meeting held on **14/05/2025** to **Dr. Vinay Kumar Verma, Secretary, Medical Pollution Control Committee** do all such act deed and things and to sign all such papers and documents as may be necessary in this regards.

Certified True Copy

For Medical Pollution Control Committee

Patel
Dr. Divya Verma
(President)



Dasgupta
P.N. Jaiswal
(Vice President)



Patel
Dr. Pranjal Patel
(Joint Secretary)



Attested Signature of Dr. Vinay Kumar Verma
Secretary

Vinay Kumar Verma



एक कदम स्वच्छता की ओर

Clean India
Green India



Service - Reply of R5 - MPCC to IA 122/2025 in matter - Amresh Singh Vs State of UP & Ors. - OA 1141/2024

From Saumitra <saumitra@eldfindia.com>

Date Wed 5/21/2025 10:28 AM

To amreshsingh0085@gmail.com <amreshsingh0085@gmail.com>; daleepdhayani@yahoo.co.in <daleepdhayani@yahoo.co.in>; priyanka swami <advpriyankaswami@gmail.com>; anujbhandari123@gmail.com <anujbhandari123@gmail.com>

Cc Mansi Bachani <mansi@eldfindia.com>; Admin <admin@eldfindia.com>; Account <account@eldfindia.com>

 1 attachment (16 MB)

2025.05.21 - Reply to IA - final-compressed.pdf;

Dear Ma'am/Sir,

PFA the Reply on behalf of R5 - MPCC to the IA 122/2025 in the matter titled Amresh Singh Vs State of UP & Ors. - OA 1141/2024.

Warm Regards,
Saumitra
Partner

Enviro Legal Defence Firm (ELDF)

Mobile: +91-7289850011; 8881002122

Email: saumitra@eldfindia.com

Web: www.eldfindia.com

New Delhi Office: 29, Presidential Estate; LGF; Nizamuddin (East) New Delhi-110013; Ph No. +91-11-40573181

NOTE: Law Firms in India are not allowed to have websites as per Bar Council Rules. If you want to know more about Enviro Legal Defence Firm contact the address above. Incidentally, ELDF is India's first environmental law firm!