

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 03 of 2025**

IN THE MATTER OF:

BHISHM TYAGI

....APPLICANT

VERSUS

STATE OF UTTAR PRADESH & ORS.

.....RESPONDENTS

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RESPONDENT

**25.07.2025
New Delhi**





Through

Ivan | Aanchal Basur | Dheeraj Jagwani

Advocates for Resp. No 5

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**BEFORE THE HON'BLE NATIONAL GREEN
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**REPLY SHOWING COMPLIANCE ON BEHALF OF M/S DEV
INDUSTRIES (RESPONDENT NO. 5)**

1. That the present reply is being presented on behalf of the Respondent No. 5 herein outlining the compliance on part of the answering Respondent as per the Joint Committee Report dated 18.03.2025.

2. That this Hon'ble Tribunal, vide its order dated the 24th day of January 2025, in Original Application No. 03 of 2025, registered ***Suo motu***, was pleased to direct the constitution of a Joint Committee comprising representatives of the Central Pollution Control Board, Uttar Pradesh State Pollution Control Board, and the District Magistrate, Bijnor, to conduct an inspection and submit a report addressing the environmental concerns raised by the Applicant. The Tribunal further directed Respondent No. 5 to submit its response in the matter, as per the short order issued on the said date.

3. As already outlined the Joint Committee submitted its inspection report on 18 March 2025 highlighting certain purported violations and outlining remedial actions on part of the answering Respondent herein. In pursuance of the directions issued by the Hon'ble Tribunal vide order dated 20.03.2025, Respondent No. 5 was directed to file its compliance affidavit at least one week in advance of the next scheduled hearing, fixed for 09.05.2025.
4. The Hon'ble Tribunal, in addition to issuing a show-cause notice unto the DM, District Bijnor and Regional Officer, UPPCB vide its order dated 09.05.2025 in I.A. No. 356 of 2025, was also pleased to impose an operational restraint on the Respondent No. 5 herein. The Hon'ble Tribunal further directed compliance within the extended timeline and listed the matter for further consideration on 30.07.2025.
5. In full adherence with the directions issued by this Hon'ble Tribunal, Respondent No. 5 has duly undertaken and effectuated all remedial measures as mandated and outlined vide the Joint Committee Report outlined above. A comprehensive exposition of the said compliances is delineated in the matrix appended hereinbelow and duly corroborated by the documentary annexures annexed hereto.

II. BACKGROUND & LEGAL FRAMEWORK

6. The plant has been operating since 2018 under valid CCA (Consolidated Consent and Authorisation).

7. The Applicant's grievance centred on emissions, ash deposition, and purported unpermitted industrial operations.
8. CPCB issued its revised **SOP dated 16 January 2024** for Tyre Pyrolysis Oil (TPO) units, requiring:
 - Only **ABAP or Continuous Process** technology permitted;
 - Minimum **30 m stack height**;
 - Mandatory **PLC control systems**, flaring, nitrogen purging, suction hoods, mechanized char handling, and safety apparatus (sprinklers, gas sensors)

III. COMPLIANCE MATRIX

<u>Issue Identified</u>	<u>Non-Compliance (as per the Joint Committee)</u>	<u>Remedial Action Taken</u>	<u>Annexure</u>
Stack height < 30 m	Only 21 m stack present NOTE: The stack height was 30mtrs even earlier and it was incorrectly noted in the Joint Committee Report that the same was 21mtrs since the same was based on old record available with the	Old Chimney (30mtrs in height) was damaged in the storm New 30 m stack constructed after the damage caused in the storm	R-1

	local administration.		
Reactor technology & controls	Batch process had no PLC, flaring, safety systems	Upgraded to ABAP , installed PLC, cooling tower including water sprinklers, gas leakage sensors in the PLC mechanism installed at the plant	R -2
Carbon black spillage	Spillage on surrounding fields	Soil cleaned, remediated and currently being used for growing sugarcane crops on the adjoining plot of land belonging to the applicant.	R-3
EPR Registration	Not registered under 2022 Rules	Completed registration as recycler on CPCB EPR Portal; payment proof attached	R-4
Concrete flooring	No concrete flooring found	Full concrete flooring has been done in the areas that store raw materials and end	R-5

		products in accordance with the CPCB SoP.	
Green Belt	Missing	415 m of trees (12%) planted; open paved road of 5 m maintained.	R-6
Change of land use	Converted agricultural land	CLU permission (Ref. No. T802025050950) has been applied for on 06.03.2025 and is awaited approval from the concerned department of the Govt. of Uttar Pradesh.	

IV. EXTENSION & STORM-DAMAGE EXPLANATION

9. A severe storm on 18–19 April 2025 caused significant damage to the plant (stack, shed, boundary walls), delaying implementation of compliance measures.'
10. Restoration was promptly undertaken; all upgrades were completed within the 6–8 weeks extension period granted via I.A. 356/2025.

SUPPLEMENTARY SUBMISSIONS

11. Moreover, the answering Respondent No. 5 herein received Showcause Notice dated 06.05.2025 from the UPPCB seeking cause as to why a penalty of Rs. 32,832/- on a per-day basis be not imposed on the answering Respondent herein. A response dated 19.05.2025 addressing the erroneous manner of EC imposition was also dispatched by the answering Respondent herein.
A true copy of the SCN dated 06.05.2025 along with Reply dated 19.05.2025 is annexed herewith and marked as **Annexure R-7**.

12. However despite the said response dated 19.05.2025, the UPPCB has, vide Notice dated 17.07.2025 gone ahead with imposition of EC to the tune of Rs. 50,23,296/- (Rupees Fifty Lakhs Twenty Three Thousand Two Hundred and Ninety Six Only) based on an unsound interpretation of the EC Regime-2 as was brought into force on 03.09.2024.
A true copy of the Guidelines for Environmental Compensation under Waste Tyre EPR Regime dated July 2024 along with Notice dt. 17.07.2025 is annexed herewith and marked as **Annexure R-8**.

13. In addition to the above the applicant, i.e. Bhisim Tyagi has not approached this Hon'ble Tribunal with clean hands and it is submitted that the present OA is motivated by personal vendetta rather than genuine environmental concern. The applicant has a long standing land dispute with Respondent No. 5 that has led to lodging of FIRs against the present applicant by Mr. Rahul Tyagi and such fact has been deliberately hidden by the present applicant in the OA.
A true copy of the relevant FIR is annexed herewith and marked as **Annexure R-9**.

14. That in light of the compliances made and demonstrated as above and the fact that the answering Respondent is facing severe difficulties with every day that the operations are closed it is most humbly prayed for that M/s Dev Industries be permitted to operate pending further investigations to be conducted as may please this Hon'ble Tribunal.
15. That the present reply is being filed in a bonafide manner and nothing has been concealed to the best of knowledge of the answering Respondent.



25.07.2025
New Delhi

RESPONDENT

Through



Ivan | Aanchal Basur | Dheeraj Jagwani
Advocates for Resp. No 5
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PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 03 of 2025

IN THE MATTER OF:

Bhishm Tyagi

....Applicant

VERSUS

State of Uttar Pradesh & Ors.

.....Respondents

AFFIDAVIT

I, Sachin Tyagi, Aged 38 years, S/o Muni Dev R/o Basada Taga Tehsil
Nogawan Sadat Distt Amroha, do hereby solemnly affirm and state under:

1. That I am the Proprietor of the Respondent No. 05 in the aforesaid matter and as such well conversant with the facts of the case. Hence, I am competent to swear this
2. That I have read and understood the contents of the present reply in the above mentioned matter and say that the contents therein are true and correct to the best of my knowledge and belief. The same may kindly be read as forming part of this affidavit and the same are not being reproduced herein for the sake of brevity.
3. That the documents attached herein are the true copy of the original.

[Signature]
DEPONENT

Identify the Deponent who has signed/put thumb impression in my presence

VERIFICATION:

Verified at New Delhi on this 25 day of JUL 2025 that the contents of my above affidavit as stated are true and correct to my knowledge, no part of



CERTIFIED THAT THE CONTENTS EXPLAINED TO ME BY THE DEPONENT WHO HAS SIGNED/PUT THUMB IMPRESSION IN MY PRESENCE UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI


[Signature: Adv. Abhay Kumar]

IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE
VINOD KUMAR TIWARI, Advocate, Reg. No. 21116/2020
NOTARY PUBLIC (NEW DELHI)

[Signature]
DEPONENT

113
25 JUL 2025



 GPS Map Camera

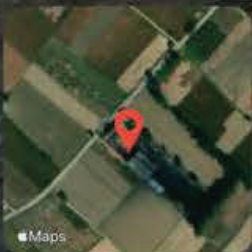
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Chandpur, Bijnor, Uttar Pradesh 246727, India

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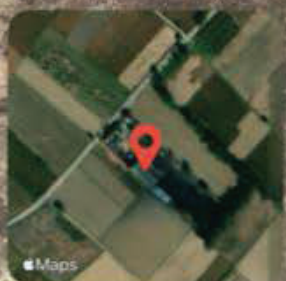
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Maps



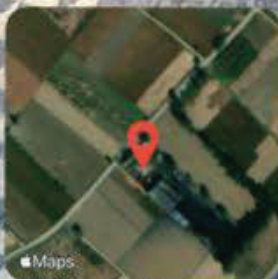
 GPS Map Camera



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GPS Map Camera



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Chandpur, Bijnor, Uttar Pradesh 246727, India

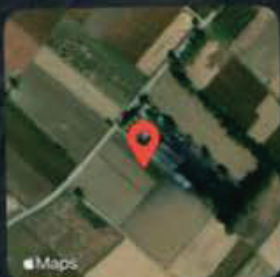
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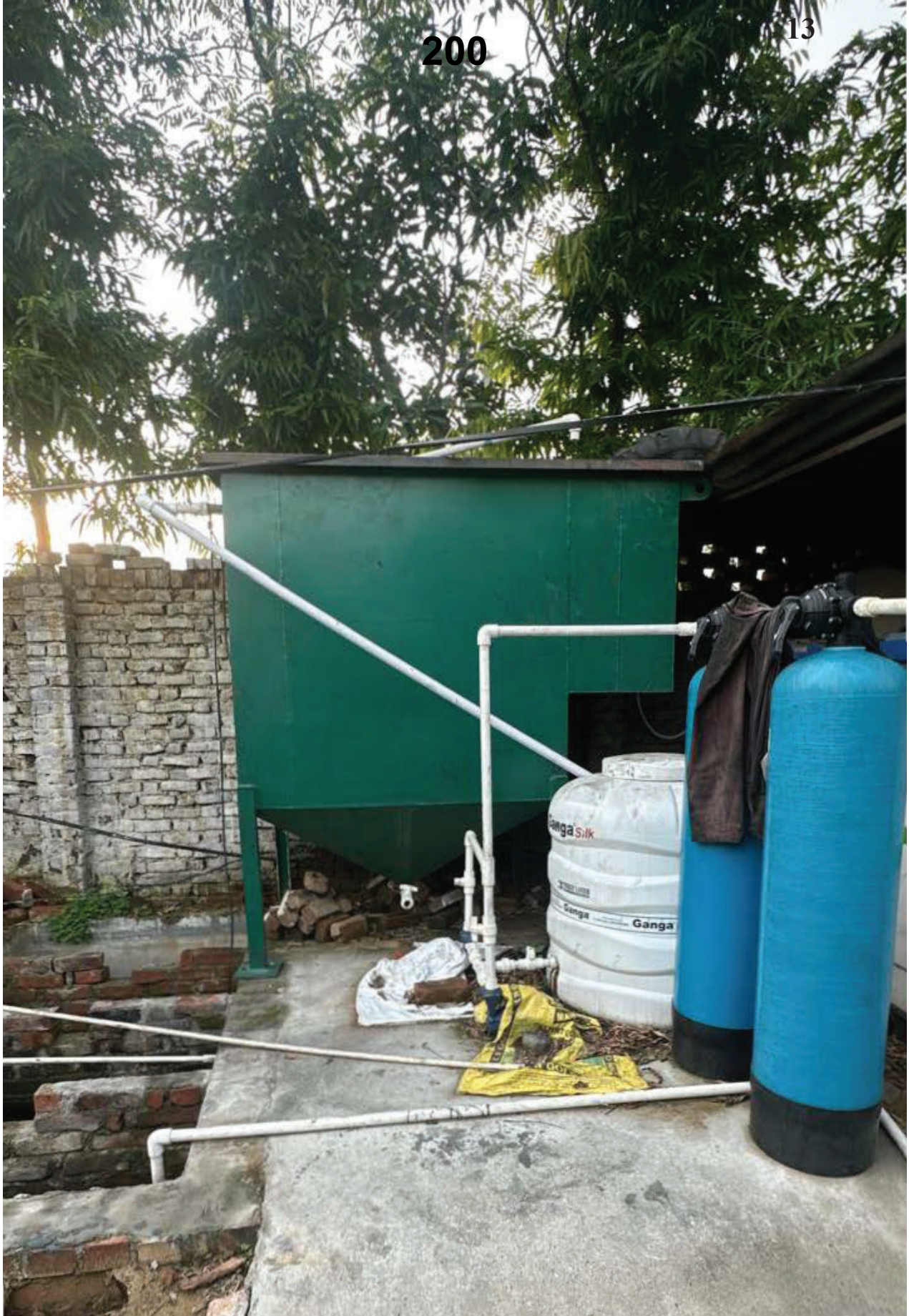
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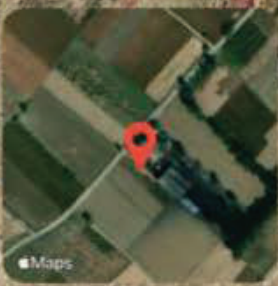
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 GPS Map Camera



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GPS Map Camera

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Chandpur, Bijnor, Uttar Pradesh 246727, India


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 GPS Map Camera

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Note : Captured by GPS Map Camera



Maps



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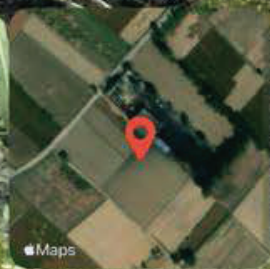
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Maps

Total Recycler Register Back

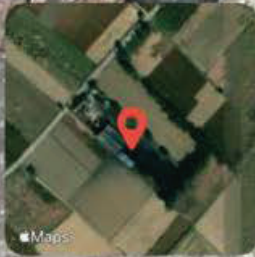
Show 10 entries Search: dev industries

EPR Id	Producer Name	Address	State	Date of Receiving
619	M/s. SHIVA INDUSTRIES	PLOT A11-A14 BHORAMDEV INDUSTRIAL AREA HARINCHAPARA KAWARDHA	Chhattisgarh	03-Apr-2024
1005	KAILADEVI BIOTECH INDUSTRIES	PLOT NO E-5,6,15 AND E-16, INDUSTRIAL AREA, JADERUA, MORENA, MADHYA PRADESH - 476001	Madhya Pradesh	05-Dec-2023
12791	DEVI INDUSTRIES	Sy No 110/AA 110/E 111/AA/2 111/E2 112E2:113E2 kamaram Village Shankarampet Mandal Medak District	Telangana	18-Mar-2025
12889	M/S DEV INDUSTRIES	village-jamaluddinpur.post naglipathwari.tehsil-chandpur.distt bijnor,bijnor,246727	Uttar Pradesh	20-Jul-2025

Showing 1 to 4 of 4 entries (filtered from 701 total entries) Previous 1 Next



GPS Map Camera



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Chandpur, Bijnor, Uttar Pradesh 246727, India

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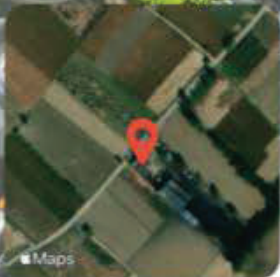
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R-6 20



 GPS Map Camera



Bijnor, Uttar Pradesh, India

Chandpur, Bijnor, Uttar Pradesh 246727, India

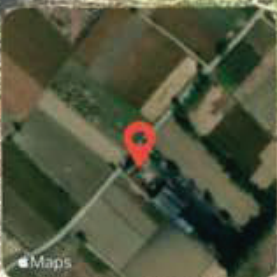
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GPS Map Camera



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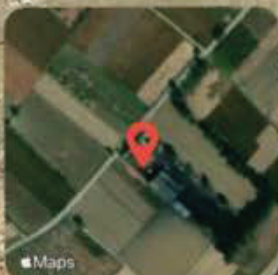
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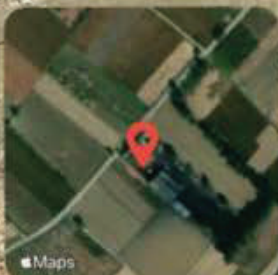
 GPS Map Camera



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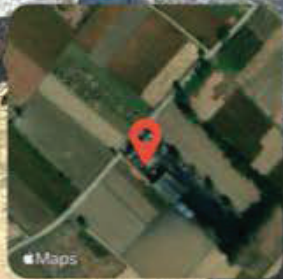
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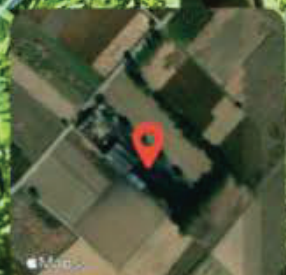
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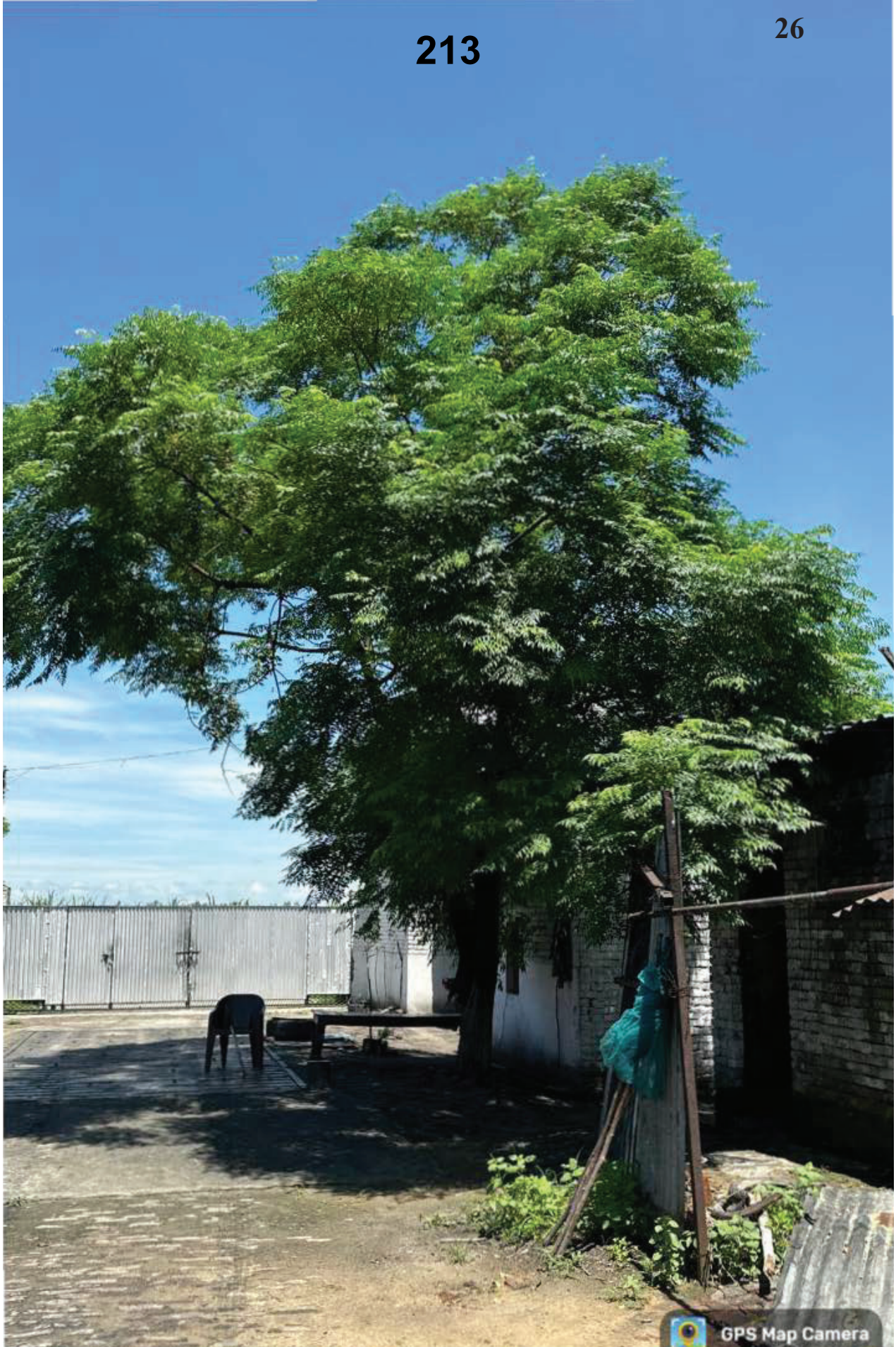
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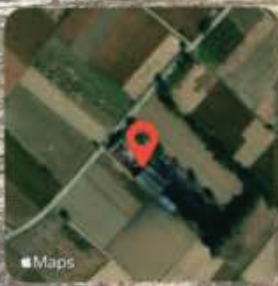
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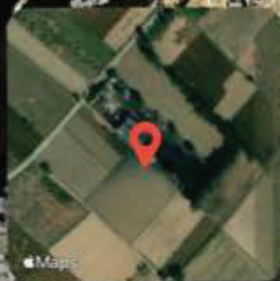
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17



GPS Map Camera



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Chandpur, Bijnor, Uttar Pradesh 246727, India

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Note : Captured by GPS Map Camera

Map



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD



सदर सख्या

12789 / C-7 / बिबिद-716 / 25

दिनांक

6.5.25

सेवा में,

पंजीकृत

मै0 देव इण्डस्ट्रीज,
ग्राम-जमालुद्दीनपुर, तहसील-चौदपुर,
जिला-बिजनौर।

विषय:-माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 सं0-03/2025 Bhishm Tyagi Vs. State of Uttar Pradesh & Ors. में पारित आदेश दिनांक 24.01.2025 एवं 20.03.2025 के क्रम में इकाई पर पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने के संबंध में।

यह कि माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में विचाराधीन ओ0ए0 सं0-03/2025 Bhishm Tyagi Vs. State of Uttar Pradesh & Ors. में पारित आदेश दिनांक 24.01.2025 के क्रम में इकाई मै0 देव इण्डस्ट्रीज, ग्राम-जमालुद्दीनपुर, तहसील-चौदपुर, जिला-बिजनौर का संयुक्त निरीक्षण केन्द्रीय प्रदूषण नियंत्रण बोर्ड, तहसीलदार, तहसील-चौदपुर, जिला बिजनौर एवं क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बिजनौर द्वारा संयुक्त रूप से दिनांक 17.03.2025 को किया गया।

यह कि उक्त संयुक्त निरीक्षण में समिति द्वारा पाया गया कि आपके उद्योग द्वारा टॉयर पेट्रोलेसिंस हेतु Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 के अन्तर्गत केन्द्रीय प्रदूषण नियंत्रण बोर्ड के ई0पी0आर0 पोर्टल पर पंजीकरण नहीं कराया गया है आपकी इकाई में स्थापित रियेक्टर की चिमनी मात्र 21 मीटर पर पायी गयी जबकि उ0प्र0 प्रदूषण नियंत्रण बोर्ड द्वारा निर्गत सशर्त सहमति जल एवं वायु में चिमनी की ऊँचाई 30 मीटर तक किया जाना निर्देशित है।

यह कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र सं0-CP-22/31/2024-WM-III-HO-CPCB-HO दिनांक 03.09.2024 द्वारा वेस्ट टायर की रिसाइक्लिंग किये जाने वाले इकाईयों के विरुद्ध पर्यावरणीय क्षतिपूर्ति की गाइडलाइन जारी की गयी है। उक्त गाइडलाइन के अन्तर्गत EC Regime 2 जिसके अन्तर्गत ई0पी0आर0 पोर्टल पर रजिस्ट्रेशन न कराये जाने के दृष्टिगत पर्यावरणीय क्षतिपूर्ति का आकलन निम्नानुसार किया जाना प्राविधानित है :-

iii. For Recyclers and Retreaders the registration fee on the EPR Portal is Rs. 15000.0 and Rs. 10,000.0 respectively. So taking Rs. 12,500 as an average, the EC to Recyclers and Retreaders are as below:

For 1st Default - Rs. 12,500.0

For 2nd Default - Rs. Two times of first default i.e. Rs. 12,500.0 x 2=Rs. 25,000.0

For 3rd Default - Two times of second default i.e. Rs. 25,000 x 2=Rs. 50,000.0

B. For informal/illegal Sale/Storage/Transportation/Retreading/Recycling of Waste Tyre by any non-registered entity/person/shop/entity, EC Regime 2 will be applicable and the EC will be as below:

EC = Rs. 12,500.0 + Quantity of Waste Tyre Seized x Rs 8.40 per Kg of seized waste Tyre

यह कि क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बिजनौर के पत्र दिनांक 01.05.2025 के साथ आप द्वारा प्रेषित सूचना के अनुसार माह सितम्बर, 2024 से अप्रैल, 2025 तक आपकी इकाई में औसतन दैनिक टायर की खपत 2,392 कि0ग्रा0/दिन है जिसको दृष्टिगत रखते हुए दिनांक माह सितम्बर, 2024 से अप्रैल, 2025 तक $EC = 12,500 + 2392 \times 8.5 = Rs. 32832/\text{per day}$ (Rs. Thirty Two Thousand Eight Hundred Thirty Two Only) आंकलित होती है।

.....क०प०उ०

टी.सी. - 12 वी. विभूति खण्ड, गोमती नगर,
लखनऊ - 226 010
दूरभाष : 0522-2720828, 2720831
ई-मेल : info@uppcb.com
वेबसाइट : www.uppcb.com

T.C.-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010
Phone : 0522-2720828, 2720831
E-mail : info@uppcb.com
Website : www.uppcb.com

यह कि संयुक्त समिति की निरीक्षण आख्या दिनांक 17.03.2025 में निम्नानुसार सुझाव एवं टिप्पणी की गयी है :-

- A. To upgrade its Unit to Advanced Batch Automated Technology Process (ABAP) as per CPCB SOP dated 16.01.2024 for "Recycling of Waste scrap for the recovery of Tyre Pyrolysis Oil, Pyro Gas and Char in Tyre Pyrolysis Oil (TPO) Units" and provide below mentioned features:
 - i. Automatic control systems such as Programmed Logic Control (PLC) for measurement and control of temperature and pressure along with safety inter-locks in case of increase of temperature or pressure to cut off heating of the reactor.
 - ii. Sensors along with alarm system at all the transfer points throughout the plant to detect any leakage of flammable vapours from the system.
 - iii. Bypass arrangement for pyro gas from reactor door to primary condenser.
 - vi. Fire detectors, sprinklers and fire hydrant with necessary pumping system and water storage should be provided in the process area, product and raw material storage area,
 - v. Provision for suction hoods over the gate of reactor and char bagging area,
 - vi. Water sprinkler system, and
 - vii. Mechanized arrangement for removal of char and steel scrap and arrangement of Nitrogen gas (N) purging to address environmental and safety concerns.
- B. To increase the height of its stack upto 30 meters as per Consolidated Consent & Authorisation.
- C. To develop green belt across its periphery. The green belt may not be less than 5% of the total area of the plot in line with CPCB SOP.
- D. To provide concrete flooring for storage of Raw Material & End Products as required under CPCB SOP.
- E. To register under CPCB online Waste Tyre EPR Portal as per the provisions stipulated under schedule-IX of the Hazardous & Other Waste (M&TM) Amendment Rules, 2022 for Utilization & Management of Waste Tyre.
- F. To remove the spillage of carbon black immediately from the agricultural land of complainant.
- G. To obtain permission for Change in Land Use from concerned department.

अतः उपरोक्त वर्णित तथ्यों एवं क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, बिजनौर द्वारा की गयी संस्तुति के दृष्टिगत सक्षम अधिकारी की अनुमति से आपके इकाई मै० देव इण्डस्ट्रीज, ग्राम-जमालुददीनपुर, तहसील-चौदपुर, जिला-बिजनौर के विरुद्ध वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-31ए सपठित 21(4) के अन्तर्गत बन्दी आदेश जारी किये जाने हेतु निम्नानुसार कारण बताओ नोटिस जारी किया जाता है :-

1. यह कि क्यो न इकाई मै० देव इण्डस्ट्रीज, ग्राम-जमालुददीनपुर, तहसील-चौदपुर, जिला-बिजनौर के पक्ष में बोर्ड के पत्र सं०-188470/यूपीपीसीबी/बिजनौर (यूपीपीसीबीआरओ)/सीटीओ/बोध/बिजनौर/2023 दिनांक 25.07.2023 द्वारा निर्गत सशर्त


✓

सहमति जल एवं वायु को खण्डित करते हुए इकाई के विरुद्ध बन्दी आदेश जारी कर दिया जाए।

2. यह कि क्यों न सक्षम अधिकारियों से यह अपेक्षा की जाये की इकाई मै0 देव इण्डस्ट्रीज, ग्राम-जमालुद्दीनपुर, तहसील-चौदपुर, जिला-बिजनौर को मिलने वाले जल एवं बिजली की समस्त सुविधाएं तत्काल प्रभाव से रोक दी जाए।
3. यह कि इकाई मै0 देव इण्डस्ट्रीज, ग्राम-जमालुद्दीनपुर, तहसील-चौदपुर, जिला-बिजनौर द्वारा संयुक्त समिति द्वारा दिये गये सुझाव एवं टिप्पणी के दृष्टिगत ई0पी0आर0 पोर्टल पर पंजीकरण कराते हुए उक्त रागस्त संस्तुतियों का अनुपालन सुनिश्चित कराया जाए।


उक्त के अतिरिक्त केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी गाइडलाइन के अनुसार समस्या के समाधान किये जाने तक रू0 32,832/(रू0 बत्तीस हजार आठ सौ बत्तीस मात्र) प्रतिदिन की दर से क्यों न आपकी इकाई मै0 देव इण्डस्ट्रीज, ग्राम-जमालुद्दीनपुर, तहसील-चौदपुर, जिला-बिजनौर के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाए।

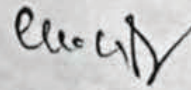
उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय में प्रेषित करें, अन्यथा की स्थिति में उपरोक्तानुसार आपकी इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए बन्दी आदेश जारी कर दिया जाएगा, जिसका सम्पूर्ण उत्तरदायित्व स्वयं इकाई एवं इकाई के स्वामी का होगा।


मुख्य पर्यावरण अधिकारी, वृत्त-7

प्रतिलिपि:-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. जिलाधिकारी, बिजनौर।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, बिजनौर को इस निर्देश के साथ प्रेषित कि अपने स्तर से भी कारण बताओ नोटिस की प्रति इकाई स्वामी को प्राप्त कराते हुए, पावती एवं जारी कारण बताओ नोटिस के संबंध में इकाई का अद्यतन निरीक्षण कर आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।


मुख्य पर्यावरण अधिकारी, वृत्त-7



TO,

UTTAR PRADESH POLLUTION CONTROL BOARD (UPPCB)
MAIN OFFICE AT,
TC-12V, VIBHUTI KHAND,
GOMTI NAGAR,
LUCKNOW, U.P

SUB: Reply to the letter dated 06.05.2025 having reference no. 27/N-H27891/C-7/Miscellaneous-716/25 dated 06.05.2025

Sir/Madam,

The present reply is being filed on behalf of M/s Dev Industries (hereinafter the '**Noticee**') situated in District Bijnor, Uttar Pradesh to the show cause notice dated 06.05.2025 (hereinafter the '**SCN**') addressed to it as referenced above. The answering Noticee seeks to also bring on record that the said SCN was received by it on 15.05.2025 and is thus being answered within the time period specified therein.

That the answering Noticee had earlier also replied to your letter having REFERENCE NO. 27/N-68/GENERAL-2025 DATED 05.04.2025 as well as LETTER HAVING REFERNCE NO. 101/N-68/GENERAL-2025 DATED 28.04.2025 and the same may also be referenced to herein and the following may be considered in response thereof;

- i. At the very outset the Noticee puts forth that the present SCN is an afterthought and an exercise undertaken without due diligence and consideration of the status of the issue at hand.

- ii. In fact, for reasons best known to the UPPCB, no reference has been made to the fact that M/s Dev Industries has been operating in a wholly legal and authorized manner and a ***Consolidated Consent to Operate and Authorisation*** (hereinafter referred to as '***CCA***') dated 25.07.2023 was duly issued by the UPPCB in accordance with Section 25 of the Water (Prevention & Control of Pollution) Act, 1974 (hereinafter the '***Water Act***') as also under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter the '***Air Act***').
- iii. Notably, the said CCA grants authorisation to the Noticee from 01.08.2023 to 31.07.2028 and is valid for manufacturing of following products;
 - Furnace Oil (2.5 MT/day)
 - Carbon Black (2.5 MT/day)
 - Steel Wire (200 kg/day)
- iv. It must thus be noted that the Noticee herein has been operating in complete and absolute compliance with the said CCA as also the law governing the same.
- v. Additionally, the "*Guidelines for Environmental Compensation (EC) under Waste Tyre EPR Regime*" were notified from 03.09.2024 however the manner of calculation of the EC by the UPPCB is misplaced and erroneous. The guidelines provide for a 'registration fee based calculation' of compensation under EC Regime-2 and qua the same the registration fee has been computed as an average of Rs. 12,500/- for 'Recyclers and Retreaders'.
- vi. Additionally, vide Clause 6.2(B) of the guidelines, the '***quantity of waste tyre seized***' assumed crucial importance for

devoid of the same no pro-rata calculation of EC can be made under Regime-2.

- vii. However in the matter at hand, and as the Joint Committee Report dated 17.03.2025 makes evident, the Tyre Pyrolysis Plant (TPO) as operated by M/s Dev Industries has been non-operational and thus there is no basis for calculation of EC at Rs. 32,832 per day from September 2024 to April 2025.
- viii. Moreover, the above-outlined guidelines as also the EC Regime-2 nowhere grant the power to apportion the EC in an onerous and unreasonable manner as has been done herein by the UPPCB. The EC Regime-2 is clear in its mandate that if at all there is an EPR violation the same shall be calculated as a sum of the (1) Registration fee default, (2) Quantity of seized tyre, and (3) Multiplier of ₹8.40 per kg of such seizure.
- ix. As has already been outlined above, there is no seizure of any illegal tyre made by the UPPCB and its calculation rests on an assumptive basis entirely.

Having regard to the response as above outlined, the answering Noticee puts forth that being the operator of the recycling plant, in compliance of the joint committee report was in the process of outlining its responses/replies to the remedial actions outlined vide said report and due to the calamitous events of the intervening night of 18/19.04.2025, the entire recycling plant was devastated and substantially extensive damage was caused. Manifestly thus, no manufacturing/industrial activity has been undertaken.

That the answering Noticee had earlier followed the guidelines issued by the UPPCB for the installation of the ETP (effluent treatment plant) and the same was installed at the earliest and information for the same was given to the department.

Furthermore, the chimney stack installed at the TPO is having the height of 30 mtrs and the same has been erroneously mentioned in the joint committee report as 21 mtrs because the incorrect records maintained by the UPPCB. The Noticee herein has never neglected to adhere to the guidelines issued qua its operation.

That, the SOP issued in September,2024 was not in the knowledge of the answering respondent and therefore necessary changes could not be made according the new SOP. The answering respondent came to know about the new SOP only after reading the joint committee report submitted in the NGT, Delhi.

Therefore, keeping in consideration the above-outlined submissions of the Noticee herein, the matter at hand is sub-judice and the Noticee has fully complied with all the directions as issued to it by the Hon'ble National Green Tribunal. In fact, a time period of 6-8 weeks has been granted to it to file its compliance affidavit and therefore no adverse and coercive action ought to be taken against it devoid of directions from the Hon'ble NGT.

Thanking You,

M/s DEV INDUSTRIES

THROUGH IT'S PROPRIETOR

OFFICE AT:- VILLAGE JAMALUDDIN PUR, POST-NANGLI PATHWARI,
TEHSIL-CHANDPUR, DIST. BIJNOR-246727

DATED 19.05.2025

COPY TO;

UTTAR PRADESH POLLUTION CONTROL BOARD, REGIONAL OFFICE
AT:- MAHARISHI DAYANAND NAGAR, NEAR SAINT MARY SCHOOL,
AADAMPUR, CHAKKARROAD, BIJNOR-246701



File No.: CP-22/31/2024-WM-III-HO-CPCB-HO

September 3, 2024

Waste Management-III Division

NOTICE

Kind Attention: Producers, Recyclers and Retreaders under Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022

Subject: Environmental Compensation (EC) Guidelines under Hazardous and Other Waste (Management & Transboundary Movement) Amendment Rules, 2022 (Waste Tyre EPR Regime)

The Central Pollution Control Board has prepared Environmental Compensation (EC) Guidelines, after several rounds of consultations with Producer's Associations namely ATMA (Automotive Tyre Manufacturer Association) and Recycler's Associations namely MRAI (Material Recycling Association of India), AIRTRA (All India Rubber and Tyre Recyclers Association) and TRRAI (Tyre & Rubber Recyclers Association of India).

As required under paragraph 10(1) of Schedule-IX of HOW (M&TM) Amendments Rules, 2022, the Environmental Compensation (EC) Guidelines were presented in the 3rd Steering Committee meeting held on 08.08.2024. The Steering Committee has approved the Environmental Compensation (EC) Guidelines. The Environmental Compensation (EC) Guidelines were further submitted to the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide letter F. No.: CP-22/31/2024-WM-III-HO-CPCB-HO/364 dated 19.08.2024 for approval.

Accordingly, MoEF&CC vide Office Memorandum F. No.: 09/6/2021-HSMD dated 02.09.2024 (copy enclosed) has approved the Environmental Compensation (EC) Guidelines. The approved Environmental Compensation (EC) Guidelines are enclosed herewith for ready reference.

Anand Kumar
03/09/2024

(Anand Kumar)
Director &
Divisional Head
WM-III Division

‘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

F. No. 09/6/2021-HSMD
Government of India
Ministry of Environment, Forest and Climate Change
(HSM Division)

Level II, Jal Block,
Indira Paryavaran Bhawan,
Jor Bagh Road, Ali Ganj,
New Delhi-110003

Dated: 02nd September, 2024

OFFICE MEMORANDUM

Sub: Draft Environmental Compensation (EC) guidelines prepared by CPCB and approved by Steering Committee under the provisions of Hazardous and Other Waste (Management and Transboundary Movement) Amendment Rules, 2022 (Waste Tyre EPR Rules) – reg.

The undersigned is directed to refer to communication *vide* No. CP-22/31/2024-WM-III-HO-CPCB-HO/364 dated 19th August, 2024 of Central Pollution Control Board on the above mentioned subject matter and to convey the approval of Ministry of Environment, Forest and Climate Change on the said guidelines.

This issue with the approval of the competent authority.



(Ved Prakash Mishra)
Director

To,

Shri Anand Kumar,
Director & Divisional Head,
WM-III Division,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Shahdara, Delhi -110032
Email ID – anand.cpcb@nic.in

Copy to:

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

**Guidelines for Environment Compensation (EC)
under
Waste Tyre EPR Regime**

**Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 and
amendments thereof**



**Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar, Delhi – 110032**

July, 2024

Anand Kumar

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1.0 Background

MoEF&CC has notified 'Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 and amendments thereof', for management of Waste Tyre. The management is based on the principal of Extended Producer Responsibility (EPR) where the Producers of the Waste Tyres have been assigned EPR targets on the basis of quantity of tyre sold or imported by it. Recyclers and Retreaders under the rules are mandated to generate and issue EPR Certificates and Retreading Certificate based on quantity of waste tyre recycled or retreaded by them. Further, for fulfilment of EPR targets Producers are required to purchase EPR Certificate from registered Recyclers. The quantity of EPR certificates purchased will be adjusted against EPR targets. A Producer may also buy Retreading certificate for deferment of its EPR obligations, however, the obligations will only be considered fulfilled once the Recycling certificates are purchased.

As per paragraph 10 of Schedule-IX of HOW (M & TM) Amendments Rules, 2022 and amendments thereof "The Central Pollution Control Board shall lay down guidelines for imposition and collection of environmental compensation on the producers in case of non-fulfilment of obligations set out in this Schedule and use of false extended producer responsibility certificate and the said guidelines shall be in accordance with the provisions of this Schedule and shall require to be approved by the Steering Committee constituted under paragraph 13 and Central Government before implementation."

As per paragraph 6 (8) of Schedule IX of the above said Rules, "The Central Pollution Control Board shall fix the highest and lowest price for exchange of extended producer responsibility certificates which shall be equal to hundred per cent and thirty per cent, respectively of the environmental compensation for non-fulfilment of extended producer responsibility obligation under paragraph 10 of the Schedule IX".

This EC Regime has been framed in accordance with the Hazardous and Other Waste (Management & Transboundary Movement) Amendments Rules, 2022 and amendments thereof. The document details the EC regime to be levied on the violators in accordance with provisions of the above said Rules

2.0 Introduction

Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 and amendments thereof stipulates that CPCB shall impose Environmental Compensation (EC) in case of non-compliance of these rules by the registered Producers / Recyclers / Retreaders. This Environmental Compensation will help in implementation of the waste tyre EPR regime by the Producers / Recyclers / Retreaders. Environmental Compensation shall be levied for non-compliances of provisions of Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022 and amendments thereof. The Environmental Compensation has been derived based on the cost incurred for recycling of Waste Tyre.

Under the Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2022, five end products of recycling have been recognized, which are Reclaimed Rubber, Crumb Rubber, Crumb Rubber Modified Bitumen (CRMB), Recovered Carbon Black and Pyrolysis Oil or Char. For environmentally sound recycling of waste tyre significant investments in technology, R&D and health and safety measures are required. Establishing floor price for EPR Certificate is very crucial as it incentivizes investments in collection and transportation networks, making collection and logistics costs economically viable and motivates recyclers to go for best available technology.

3.0 Applicability

These guidelines will be applicable to below mentioned entities involved in manufacture, sale, transfer,

Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

purchase, recycling and retreading of Waste Tyre or Tyre as defined in the Hazardous and Other Waste (Management & Transboundary Movement) Amendments Rules, 2022.

- I. **Producers:** "Producer" means any person or entity who, -
 - i. Manufactures and sells new tyre domestically; or
 - ii. Sells domestically under its own brand, new tyre manufactured by other manufacturers or suppliers; or
 - iii. Sells imported new tyre; or
 - iv. Imports vehicles fitted with new tyres; or
 - v. Automobile manufacturers importing new tyre for use in new vehicles sold domestically; or
 - vi. Imports waste tyre;
- II. **Recyclers:** "Recyclers" means any person or entity engaged in the process of converting waste tyre into following end products, in an environmentally sound manner namely; -
 - i. Reclaimed rubber;
 - ii. Crumb rubber;
 - iii. Crumb rubber modified bitumen (CRMB);
 - iv. Recovered carbon black, which is usable as raw material for manufacture of new tyre; and
 - v. Pyrolysis oil or Char, which is used only as a fuel and not as raw material for manufacture of new tyre;
- III. **Retreaders:** "Retreaders" means any person or entity engaged in the process of renewal of tread and side wall rubber of a worn out tyre having a good structural quality.

4.0 Provisions of HOW (M & TM) Amendment Rules, 2022 for which EC is to be levied and violation

Environmental Compensation is to be levied for the non-compliance of the following provisions of the of HOW (M & TM) Amendments Rules, 2022 (Waste Tyre EPR Regime) as listed in Table 1 below:

Table 1:

S. No.	Rules	Provisions	Violations	Entities
1.	3(2), 10(3)	No entity (Producer, Recycler and Retreader) shall carry out any business without registration. The environmental compensation shall also be levied on unregistered producers, recyclers and any entity which aids or abets the violation of the provisions of this Schedule.	Operating without registration	Producer, Recycler, Retreader
2.	3(3)	The entities registered under sub-paragraph (1) shall not deal with any unregistered producer or recycler.	Entity dealing with unregistered entities	Producer, Recycler, Retreader
3.	3(4) 10(2)	In case any registered entity furnishes false information or wilfully conceals information for getting registration or return or report or information required to be provided or furnished under this Schedule or in case of any irregularity, the registration of such entity may be revoked by the Central Pollution Control Board for a period up to three years after giving an opportunity of being heard and in addition, environmental compensation charges may	Submission of false information and/or wilful concealment of information	Producer, Recycler, Retreader

Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

S. No.	Rules	Provisions	Violations	Entities
		also be levied in such cases as per paragraph 10 The environmental compensation shall also be levied on the recyclers for issue of false extended producer responsibility certificate and providing false information		
4.	3(5)	In case any entity is covered in more than one category under paragraph 3, then the said entity shall register under those categories separately.	Entities falling under more than one category but registered under only one category	Producer, Recycler, Retreader
5.	4(1), 4(4)(i), 7(1)	All producers shall fulfil the extended producer responsibility obligations. The producer shall fulfil their extended producer responsibility obligation through online purchase of extended producer responsibility certificate from registered recyclers only	Non-fulfilment of obligations	Producer
6.	4(4) (ii)	The quarterly return shall be filed by the end of the month succeeding the end of the quarter.	Failure in filing the quarterly returns	Producer, Recycler, Retreader
7.	4(4)(iii)	The details provided by producers and registered recyclers shall be cross-checked on the portal.	Submission of False information	Recycler
8.	5(3) (a)	The validity of the extended producer responsibility certificate shall be two years from the end of the financial year in which it was generated.	Renewal of registration	Producer, Recycler, Retreader
9.	4(4) (ii), 7(2), 8(2), 8(A)(2)	The producer shall be responsible to file annual and quarterly returns in the forms as specified by the Central Pollution Control Board on the portal on or before the end of the month succeeding the quarter to which the return relates and each registered entity shall have to file the quarterly return. All the recycler/retreader shall file annual and quarterly returns in the Form as specified on the portal on or before the end of the month succeeding the quarter to which the return relates.	Failure in filing the quarterly returns	Producer, Recycler, Retreader
10.	8(1), 8(A)(1)	The Recycler/Retreader shall submit on monthly basis the information regarding quantity of waste tyres used and end products produced, extended producer responsibility certificate sold and such other relevant information on the portal.	Monthly basis Procurement and sales, Credit transfer data should be uploaded on the portal	Recycler, Retreader
11.	10(1), 10(2)	Producers in case of non-fulfilment of obligations set out in this Schedule and use of false extended producer responsibility certificate.	Transaction or use of false extended producer responsibility certificate	Producer

Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

S. No.	Rules	Provisions	Violations	Entities
12.	10(5)	Any false information resulting in over generation of extended producer responsibility certificates by recycler above 5% of the actual recycled waste shall result in revocation of registration and imposition of environmental compensation which shall not be returnable.	Submission of False information resulting in over generation of EPR certificates	Recycler
13.		HOW (M &TM) Amendments Rules, 2022,2024	Any other violation not listed above	Producer, Recycler, Retreader

Assessment of Environmental Compensation to be levied for violation of the any other sub-rules of the HOW (M &TM) Amendments Rules, 2022 or any other violation other than mentioned in the table above shall be done on case to case basis

5.0 Environmental Compensation (EC) and Boundary Conditions

As per paragraph 6 subparagraph 8 of Schedule IX, the highest and lowest price for exchange of extended producer responsibility certificates shall be equal to hundred percent (100%) and thirty per cent (30%), respectively of the Environmental Compensation. The cost of EPR will be regulated with the cost of Environmental Compensation.

The basic concepts applied for calculation of Environmental Compensation (EC) is the damage to environment or adverse impact on the environment due to violation or non-compliance of Hazardous and Other Waste (M & TM) Amendment Rules, 2022

The Environmental Compensation is divided into two regimes, EC Regime 1 and EC Regime 2 based on the non-fulfilment of EPR target by the Producers and other non-compliances of Hazardous and Other Waste (M & TM) Amendment Rules, 2022 and amendments thereof by Producers / Recyclers / Retreaders.

In EC Regime 1, producers are covered for not meeting their EPR Targets. Shortfall in EPR Targets has been considered as adverse impact and damage to the environment and this adverse impact and damage to the environment has happened because quantity of Waste Tyre equal to shortfall in target was not collected, transported to recycling facility and recycled in an environmentally sound manner. So, producers have to bear the average cost of collection, transportation and processing as a compensation for damaging the environment. So in EC Regime 1, average cost of collection, transportation and processing cost of Waste Tyre are taken as parameters for deciding the EC.

In EC Regime 2, average application fees as applicable for registration of Producers, Recyclers and Retreaders on the Waste Tyre EPR Portal under these rules is selected as the parameter in EC Regime 2.

Boundary Condition for Environmental Compensation & Cost of EPR Certificate:

- i. The cost of EPR certificate for various end products should be set lower than the market value of end products. This ensures that end products are recovered from the recycling of waste rather than purchasing end products from the market and selling them to generate EPR certificates.
- ii. The Environment Compensation shall not absolve the producers from their extended producer responsibility

6.0 Approach for Assessment of Environment Compensation (EC)

- i. **EC Regime 1** – In this regime, EC will be levied to the Producers for non-fulfilment of EPR-

Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

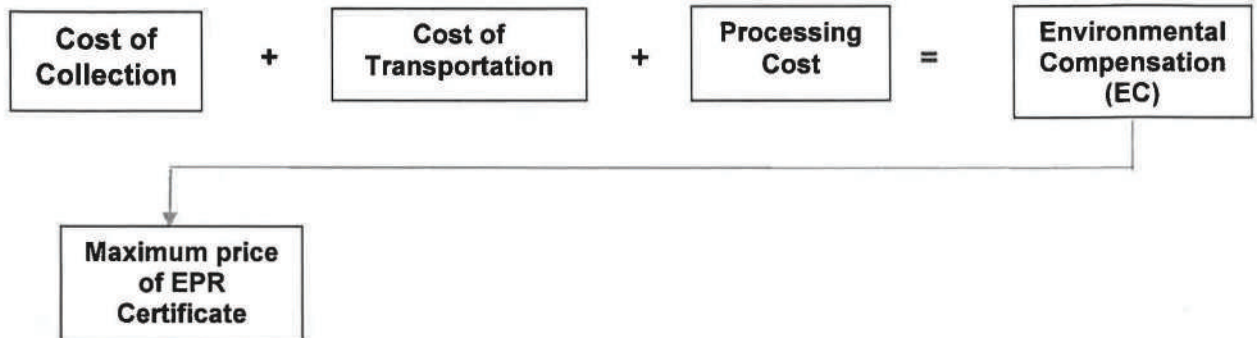
Obligations.

- ii. **EC Regime 2** – In this regime, EC will be levied to any entity for non-compliances of HOW (M & TM) Amendments Rules, 2022 and amendments thereof (detail of which is mentioned in Section 7.0).

6.1 EC Regime 1

The EC to producers for not meeting the EPR Targets is the average expense on Waste Tyre collection, transportation and recycling.

The concept for arriving EC charges as per the above scenario is given below:



For arriving at cost of collection, transportation and processing, extensive interactions were held with recyclers and producer's associations (six meetings) and it was observed that the cost of collection, transportation and processing depends upon various factors such as handling cost, labour cost and intermediate storage cost, product types, recycling technology and use of products. Based on the discussion with stakeholder's association an average cost of collection, transportation and processing of Rs. 8.40 per Kg has been considered.

[Cost of Collection + Cost of Transportation + Cost of Processing] per Kg of Waste Tyre = Rs. 8.40

EC = Cost of [Collection + Transportation + Processing] of waste tyre = Rs. 8.40 per Kg

EC = Maximum Value of EPR Certificate

Maximum value of EPR Certificate = EC = Rs. 8.40 per Kg

Minimum value of EPR Certificate = EC x 0.3 = 8.40 x 0.3 = Rs. 2.52 per Kg

6.2 EC Regime 2: EC based on Registration Fee

- A. **EC Regime 2** will be applicable to the entities as per section 3 above for violations under provisions of HOW (M & TM) Amendments Rules, 2022 except EPR obligation violation by producers. The violations are listed in table 1 of the section 4. Under the EC Regime 2, the basis for calculation of EC shall be registration fee.

- i. **For Producers** the registration fee for registration on the EPR Portal is Rs. 25,000.0 + Rs. 0.625 per tones of tyre Manufactured/Imported in the preceding two years. So, Rs. 25,000.0

Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

has been taken as the fee for levying Environmental Compensation Charges to Producers. The EC to Producers are as below:

For 1st Default – Rs. 25,000.0

For 2nd Default – Two times of first default i.e. Rs. 25,000.0 x 2 = Rs. 50,000.0

For 3rd Default – Two times of second default i.e. Rs. 50,000.0 x 2 = Rs. 100,000.0

- ii. **For providing false sales data resulting in EPR obligation less than the actual EPR obligation then EC = Rs. 25000.0 + quantity of false sales data x Rs. 8.40 per Kg of false sales data****

** EC Charges

- iii. **For Recyclers and Retreaders** the registration fee on the EPR Portal is Rs. 15000.0 and Rs. 10,000.0 respectively. So taking Rs. 12,500 as an average, the EC to Recyclers and Retreaders are as below

For 1st Default – Rs. 12,500.0

For 2nd Default – Two times of first default i.e. Rs. 12,500.0 x 2 = Rs. 25,000.0.

For 3rd Default – Two times of second default i.e. Rs. 25,000 x 2 = Rs. 50,000.0.

- B. For Informal/illegal Sale/Storage/Transportation/ Retreading/ Recycling of Waste Tyre by any non-registered entity/ person/shop/entity, **EC Regime 2** will be applicable and the EC will be as below:

EC = Rs. 12,500.0 + Quantity of Waste Tyre Seized x Rs 8.40 per Kg of seized Waste Tyre**

** EC Charges

- C. Submission of false information resulting in over generation of EPR certificates /retreading certificate, **EC Regime 2** will be applicable and the EC will be as below:

EC = Rs. 12,500.0 + Quantity of false EPR/ Retreading certificate generated x Rs 8.40 per Kg of false EPR/ Retreading certificate generated**

** EC Charges

7.0 Details of EC to be levied & Penal action for non-compliance.

Details of EC to be levied & penal action to be taken against the stakeholders for non-compliance of HOW (M &TM) Amendments Rules, 2022 is given in the table below:

Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

S.No.	Entities	Violation	Environmental compensation
Registration on EPR Waste Tyre Portal			
1.	Producer, Recycler, Retreader	Operating without registration/ Non-compliance of conditions stipulated in Certificate	I. EC Regime 2 II. The applicant has to register on the Waste Tyre EPR Portal and the EC will be levied. III. Action as per Environment (Protection) Act, 1986 IV. Penalty as per Section 15 of Environment (Protection) Act, 1986
2.		Entity dealing with unregistered entities	EC Regime 2
3.		Registered only in one type of entity	EC Regime 2
4.		Operating without valid registration-Failure in renewal of Registration in time as prescribed under the rules	Respective EC Regime 2 as below: 1 st default regime till 15 days. 2 nd default regime from 16 th day till 30 th Day and 3 rd default regime from 31 st day till grant of registration
Submission of false information or wilfully concealing information			
5.	Producer, Recycler, Retreader	Submission of false information and/or wilful concealment of information	i. EC Regime 2 [A(i) + A (ii)] ii. and beyond 3rd default, cancellation of registration issued by CPCB up to three years. iii. Action as per Environment (Protection) Act, 1986 iv. Penalty as per Section 15 of Environment (Protection) Act, 1986

Anand Kumar

6.	Recycler	Submission of False information resulting in over generation of EPR certificates	<ul style="list-style-type: none"> i. EC Regime 2 [A (iii) + C] and suspension of registration issued by CPCB for a period of one year for 1st default, suspension for 2 years for 2nd default and suspension of 3 years for 3rd default ii. Action as per Environment (Protection) Act, 1986 iii. Penalty as per Section 15 of Environment (Protection) Act, 1986
Annual and quarterly returns filings			
7.	Producer, Recycler, Retreader	Failure in filing the Annual returns	<ul style="list-style-type: none"> i. Notice will be issued for 10 days after the last date of return filings. ii. Thereafter Respective EC Regime 2 as below: iii. 1st default regime if filed within 15 days after the last day of return filing iv. 2nd default regime if filed within 30 days after the last day of return filing v. 3rd default regime if filed within 60 days after the last day of return filing vi. Thereafter AR to be auto filled on the EPR Portal and EC will be levied on shortfall in recycling target, if any, in addition to EC charges calculated as at points from 7(iii) to 7(v) above. <p>If due to force majeure conditions, the Producers are not able to file the AR, within the period of 60 days after the last day of filing, then the final decision regarding levying of EC will be taken by CPCB for the purpose.</p>
Failure in fulfilling the obligation by Producer			
8	Producer	Failure in fulfilling the EPR obligation	EC Regime 1 will be applicable

Guidelines for EC Assessment for violation of HOW (M & TM) Amendment Rules, 2022

EPR Certificates / Retreading Certificates			
9	Producer	Transaction or use of false extended producer responsibility certificate or any unethical practice for transaction of certificate	EC Regime 2 [A(i) + A (ii)] and immediate suspension of registration issued by CPCB for a period of six months to three years as decided by the competent Authority CPCB
10	Recycler/Retreader	Transaction or use of false extended producer responsibility certificate or any unethical practice for transaction of certificate Submission of False information resulting in over generation of EPR certificates /refurbishing	EC Regime 2 and immediate suspension of registration issued by CPCB for a period of six months to three years as decided by the competent Authority CPCB
Improper Recycling/Retreading of Waste Tyres			
11	Recycler/Retreader	Non-compliance of Recycling SOP	EC Regime 2 i. Action as per Environment (Protection) Act, 1986 ii. Penalty as per Section 15 of Environment (Protection) Act, 1986
Audit			
12	Producer/Recycler/Retreaders	Non-Compliance Found in Audit	i. EC Regime 2 ii. For continued violation, (increase in EC amount, Closure of unit/ Cancellation of CTO and Authorization under HOWM Rules etc. as the case may be,) as deemed necessary by the Competent Authority, CPCB iii. Action as per Environment (Protection) Act, 1986 iv. Penalty as per Section 15 of Environment (Protection) Act, 1986
Any other violation			
13	Producer/Recycler/Retreaders	Any other violation not listed above	i. EC Regime 2 ii. Action as per Environment (Protection) Act, 1986 iii. Penalty as per Section 15 of Environment (Protection) Act, 1986

INFORMAL ACTIVITIES

S.No.	Violation	Environmental Compensation
1	Informal/Illegal sale/storage/transportation/recycling/retreading / processing of Waste Tyre	Rs. 12,500.0 + Quantity of Waste Tyre Seized x Rs 8.40 per Kg of seized Waste Tyre** ** EC Charges

Note:

- The Environmental compensation shall be effective from the date of issue of this Environmental Compensation (EC).
- As per the rules 10 (5) of the HOW (M &TM) Amendments Rules, 2022 and amendments thereof, false information resulting in over generation of extended producer responsibility certificates by recycler above 5% of the actual recycled waste shall result in revocation of registration and imposition of environmental compensation which shall not be returnable.
- The Environment Compensation shall not absolve the producers from their extended producer responsibility and the unfulfilled extended producer responsibility for a particular year shall be carried forward to the next year and so on up to three years as per the sub rule 10 (4) (b) of the HOW (M &TM) Amendments Rules, 2022 and amendments thereof.

8.0 EC charges for Delay in EC deposition

The Environmental Compensation Charges and Financial Penalty shall be deposited by the violating facility within the stipulated time period specified under directions issued by CPCB/SPCB/PCC. In case, such facility does not submit the same within the stipulated time frame the amount will be exponentially increased as per details given below:

S.N.	Delay in EC Deposition	Penalty
1	Within one month after the stipulated time as per the directions by CPCB/SPCB/PCCs.	Original amount with interest @ 12% per annum for the number of days delayed after the stipulated time.
2.	After one month and within three months after the stipulated time as per the directions by CPCB/SPCB/PCCs.	Original amount with interest @ 24 % per annum for the number of days delayed after the stipulated time.
3.	After three months of the stipulated time as per the directions by CPCB/SPCB/PCCs.	a) Issue of show cause notice to the facility b) Closure of unit/facility c) Action as per section 15 of the Environment (Protection) Act, 1986

9.0 Actions to be taken after submission of EC levied against shortfall of EPR obligation

Payment of environmental compensation shall not absolve the producer from the extended producer responsibility as specified in rules and the unfulfilled extended producer responsibility for a particular year shall be carried forward to the next year and so on and up to three years.

- In case, the shortfall of extended producer responsibility obligation is addressed after one year, 85 per cent of the environmental compensation levied shall be returned to the producer.
- In case, the shortfall of extended producer responsibility obligation is addressed after two years, 60 per cent of the environmental compensation levied shall be returned to the producer.

3. In case, the shortfall of extended producer responsibility obligation is addressed after three years, 30 per cent of the environmental compensation levied shall be returned to the producer, thereafter no environmental compensation shall be returned to the producer.

10.0 Modalities for Expenditure of EC Funds

As per the rule 10(6)(a)(b) of the HOW (M & TM) Amendments Rules, 2022. "The funds collected under environmental compensation shall be kept in a separate escrow account by the Central Pollution Control Board and shall be utilized in collection and recycling or end of life disposal of uncollected and non-recycled or non-end of life disposal of waste tyres on which the environmental compensation is levied and on such other heads as decided by the said Steering Committee. The modalities and heads for utilization of the funds shall be decided by the Steering Committee with the approval of the Ministry of Environment, Forest and Climate Change".

11.0 Revision of Guidelines

These EC guidelines may be reviewed and revised from time to time as per the need.

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Arvind Kumar



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड UTTAR PRADESH POLLUTION CONTROL BOARD



संदर्भ सं०- H-30344/सी-7/विधि-716/2025

दिनांक- 17/07/2025
पंजीकृत

सेवा में,

मैसर्स देव इण्डस्ट्रीज,
ग्राम-जमालुददीन, तहसील-चांदपुर,
जिला-बिजनौर।
मो०-0591 2485594

विषय -माननीय राष्ट्रीय हरित अधिकरण द्वारा ओ०ए० संख्या-03/2025 Bhisim Tyagi Vs. State Of UP and Ors. में पारित आदेशों के अनुपालन में पर्यावरणीय क्षतिपूर्ति अधिरोपित करते हुए बन्दी आदेश जारी किये जाने के संबंध में।

यह कि मैसर्स देव इण्डस्ट्रीज, ग्राम-जमालुददीन, तहसील-चांदपुर, जनपद-बिजनौर द्वारा कच्चे माल के रूप में वेस्ट टायर-06 मीट्रिक टन/दिन का प्रयोग कर फर्नेस ऑयल-25 मीट्रिक टन/दिन कार्बन ब्लैक-25 मीट्रिक टन/दिन, स्टील वायर-200 किलोग्राम/दिन का उत्पादन किये जाने हेतु उपरोक्त वर्णित स्थल पर कार्यरत है, जो कि वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 यथासंशोधित की धारा 39 डी के अन्तर्गत एक कम्पनी है।

यह कि माननीय राष्ट्रीय हरित अधिकरण द्वारा ओ०ए० संख्या-03/2025 Bhisim Tyagi Vs. State Of UP and Ors. में पारित आदेश दिनांक 20.03.2025 के अनुपालन में इकाई मैसर्स देव इण्डस्ट्रीज, ग्राम-जमालुददीन, तहसील-चांदपुर, जनपद-बिजनौर के विरुद्ध बोर्ड के पत्रांक एच-27891/सी-7/विधि-716/25 दिनांक 06.05.2025 के माध्यम से जारी कारण बताओ नोटिस की प्रति उद्योग प्रोपराइटर श्री सचिन त्यागी को दिनांक 15.05.2025 को क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियंत्रण बोर्ड, बिजनौर द्वारा By Hand प्राप्त करायी गयी।

यह कि इकाई के विरुद्ध जारी कारण बताओ नोटिस दिनांक 06.05.2025 के क्रम में इकाई द्वारा दिनांक 19.05.2025 को प्रत्यावेदन प्रेषित किया गया है। उक्त प्रत्यावेदन में वर्णित बिन्दुओं के संबंध में टिप्पणी निम्नवत् है:-

क्र०सं०	प्रतिउत्तर का बिन्दु संख्या-01	टिप्पणी	अभियुक्ति
1.	At the very outset the Notice puts forth that the present SCN is an afterthought and an exercise undertaken without due diligence and consideration of the status of the issue at hand.	बोर्ड द्वारा जारी कारण बताओ नोटिस दिनांक 06.05.2025 में माननीय एन०जी०टी० द्वारा ओ०ए० संख्या-03/2025 भीष्म त्यागी बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 24.01.2025 में जारी निर्देशों के अनुपालन में गठित संयुक्त समिति की आख्या दिनांक 17.03.2025 में पाये गये तथ्यों को समावेशित करते हुए कारण बताओ नोटिस जारी किया गया था। उक्त संयुक्त निरीक्षण दिनांक 17.03.2025 में पाया गया था कि उक्त इकाई द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड के ई०पी०आर० पोर्टल पर पंजीकरण नहीं कराया गया है तथा इकाई में स्थापित रिपेक्टर की चिमनी मात्र 21 मीटर पायी गयी जबकि राज्य बोर्ड द्वारा निर्गत सहमति वायु में चिमनी की ऊंचाई भू-तल से 30 मीटर ऊंची किया जाना निर्दिष्ट है।	उक्तानुसार बिन्दु संख्या-01 को खण्डित किया जाता है।
2.	In fact, for reasons best known to the UPPCB, no reference has been made to the fact that fact that M/s Dev Industries has been operating in a wholly legal and authorized manner and a Consolidated Consent to Operate and Authorization	राज्य बोर्ड द्वारा इकाई मैसर्स देव इण्डस्ट्रीज, ग्राम-जमालुददीनपुर तहसील चांदपुर, जिला-बिजनौर के पक्ष में दिनांक 31.07.2028 तक शर्त सहमति जल एवं वायु निर्गत की गयी है। उक्त निर्गत शर्त सहमति जल एवं वायु में यह शर्त अधिरोपित की गयी है कि उद्योग में स्थापित वायु प्रदूषण नियंत्रण व्यवस्था हेतु स्थापित चिमनी की मानकों के अनुरूप रखी जाएगी	उक्तानुसार बिन्दु संख्या-02 को खण्डित किया जाता है।

मैसर्स- देव इण्डस्ट्रीज, गाम-जमातुद्दीन, तहसील-चांदपुर, बिलासपुर, च.प्र.

UPPCB-CRCL6MISC/2872/2025-CR3-UPPCB

	(hereinafter referred to as 'CCA) dated 25.07.2023 was duly issued by the UPPCB in accordance with Section 25 of the Water (Prevention & Control of pollution) Act, 1974 (hereinafter the Water Act') as also under Section 21 of the Air (Prevention & Control of pollution) Act, 1981 (hereinafter the Air Act')	तथा इकाई द्वारा दिये गये शपथ पत्र दिनांक 25.07.2023 के अनुसार बैच प्रोसेस को सतत प्रोसेस में परिवर्तित किया जाएगा। संयुक्त निरीक्षण दिनांक 17.03.2025 में पाया गया है कि इकाई में स्थापित व्यवस्था में एडवॉंस बैच आटोमेटेड प्रोसेस अपनाया नहीं गया है तथा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा तैयार की गयी एस0ओ0पी0 का पूर्ण अनुपालन नहीं किया गया है। इकाई में पी0एल0सी0 कण्ट्रोल अरेजमेंट, पायरोगैस हेतु बाइपास अरेजमेंट, पायरोगैस की फ्लेरिंग हेतु व्यवस्था नहीं पायी गयी। उक्त संयुक्त निरीक्षण दिनांक 17.03.2025 में पाया गया कि इकाई द्वारा प्रोसेसिंग से जनित कार्बन ब्लैक को समीप की कृषि भूमि पर निस्तारित किया जा रहा है। इकाई में स्थापित रिएक्टर से सम्बद्ध चिमनी की ऊँचाई भूतल से लगभग 21 मीटर ऊँची पायी गयी जबकि बोर्ड द्वारा जारी सहमति एवं केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी एस0ओ0पी0 के अनुसार चिमनी की न्यूनतम ऊँचाई भूतल से 30 मीटर निर्दिष्ट है। क्षेत्रीय कार्यालय बिलासपुर द्वारा पूर्व में निरीक्षण दिनांक 21.07.2023 में भी पाया गया था कि इकाई में स्थापित दो फर्नेस से सम्बद्ध संयुक्त चिमनी की ऊँचाई भूतल से 21 मीटर है। उक्त से स्पष्ट है कि इकाई द्वारा मानकों के अनुरूप चिमनी की ऊँचाई नहीं रखी गयी थी।		
3.	Notably, the said CCA grants authorization to the Notice from 01.08.2023 to 31.07.2028 and is valid for manufacturing of following products; Furnace Oil (2.5MT/day) Carbon Black (2.5 MT/day) Steel Wire (200 kg/day)	बिन्दु सख्या 03 के सम्बन्ध में टिप्पणी उक्तानुसार है।	उक्तानुसार बिन्दु सख्या-03 को खण्डित किया जाता है।	
4.	It must thus be noted that the Notice herein has been operating in complete and absolute compliance with the said CCA as also the law governing the same.	संयुक्त निरीक्षण दिनांक 17.03.2025 में पाये गये तथ्यों से स्पष्ट है कि इकाई द्वारा राज्य बोर्ड से निर्गत सहमति वायु में अधिरोपित शर्तों एवं केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी एस0ओ0पी0 का उल्लंघन कर इकाई का संचालन किया गया।	उक्तानुसार बिन्दु सख्या-04 को खण्डित किया जाता है।	
5.	Additionally, the "Guidelines for Environmental Compensation (EC) under Waste Tyre EPR Regime" were notified from 03.09.2024 however the manner of calculation to the EC by the UPPCB is misplaced and erroneous. The guidelines provide for a registration fee based calculation' of compensation under EC	पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार की अधिसूचना संख्या-जी0एस0आर0 593 (ई0) दिनांक 21.07.2022 द्वारा परिसंकटमय और अन्य अपशिष्ट (प्रबन्ध और सीमा पार संचलन) संशोधन, नियम-2022 अधिसूचित किये गये हैं जो कि प्रकाशन की तिथि से लागू हैं। उक्त नियम की अनुसूची 9 में अपशिष्ट टायर के लिए ई0पी0आर0 प्राविधानित किये गये हैं। जिसके अनुसार वेस्ट टायर के रिसायकलर द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा तैयार किये गये ऑनलाइन पोर्टल पर ई0पी0आर0 हेतु पंजीकरण कराये बिना इकाई का संचालन नहीं किया जाएगा। केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा टायर पायरोलिसिस प्लांट के संचालन हेतु 16.01.2024 द्वारा स्टैण्डर्ड ऑपरेटिंग प्रोसीजर तैयार किया गया है। इसी क्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा भारत सरकार की उक्त अधिसूचना दिनांक 21.07.2022 के प्राविधानों का	उक्त को	

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	Regime- 2 and qua the same the registration fee has been computed as an average of Rs. 12500/- for Recyclers and Retreaders.	उत्लंघन किये जाने के दृष्टिगत पर्यावरणीय क्षतिपूर्ति हेतु गाइडलाइन तैयार की गयी है। जिसे केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पोर्टल पर नोटिस के रूप में प्रदर्शित किया गया है। मैसर्स देव इण्डस्ट्रीज, ग्राम-जमालुदीनपुर तहसील-चांदपुर जिला-बिजनौर द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी एसओपीओ के अनुसार कार्यवाही नहीं की गयी एवं भारत सरकार द्वारा जारी दिशा-निर्देशों के अनुक्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा तैयार किये गये ईओपीओआरओ पोर्टल पर पंजीकरण नहीं किया गया है। उक्त तथ्य को दृष्टिगत रखते हुए केन्द्रीय प्रदूषण नियंत्रण बोर्ड की गाइडलाइन दिनांक 03.09.2024 के अनुसार ईओसीओ रिजिम-2 (बीओ) के अनुसार इकाई पर पर्यावरणी क्षतिपूर्ति अधिरोपण हेतु कारण बताओ नोटिस जारी किया गया। B. For informal/illegal Sale /Storage/Transportation /Retreading/Recycling of Waste Tyre by any non-registered entity/person/shop/entity, EC Regime2 will be applicable and the EC will be as below: EC= Rs. 12,000.0+Quantity of Waste Tyre Seized x RS. 8.40 per Kg of seized Waste Tyre.	दृष्टिगत रखते हुए एवं यह संज्ञान में लेते हुए कि इकाई द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पोर्टल पर पंजीकरण नहीं कराया गया है जिस कारण पर्यावरणी क्षतिपूर्ति हेतु इसी रिजिम 2 बी के अनुसार गणना की गयी है।
6.	Additionally, vide Clause 6.2 (B) of the guidelines, the ' quantity of waste tyre seized ' assumed crucial importance for devoid of the same no pro-rata calculation of EC can be made under Regime-2	क्षेत्रीय अधिकारी बिजनौर के पत्र दिनांक 01.05.2025 द्वारा प्ररनगत इकाई मैसर्स देव इण्डस्ट्रीज, ग्राम-जमालुदीनपुर तहसील-चांदपुर जिला-बिजनौर, द्वारा माह जनवरी 2024 से माह अप्रैल 2025 तक माहवार खपत किये गये वेस्ट टायर की सूचना प्रेषित की गयी है। उक्त सूचना के अनुसार माह फरवरी 2025 को छोड़कर अन्य समस्त माह में इकाई द्वारा वेस्ट टायर की खपत की गयी है। उक्त को दृष्टिगत रखते हुए एवं इस तथ्य को संज्ञान में लेते हुए कि इकाई द्वारा ईओपीओआरओ पोर्टल पर पंजीकरण नहीं कराया गया है अतः इकाई द्वारा उपभोग किये गये वेस्ट टायर को Quantity of Waste Tyre Seized की श्रेणी में रखते हुए पर्यावरणी क्षतिपूर्ति की गणना की गयी है।	
7.	However in the matter at hand, and as the Joint Committee Report dated 17.03.2025 makes evident, the Tyre Pyrolysis plant (TPO) as operated by M/s Dev Industries has been non-operational and thus there is no basis for calculation of EC at Rs. 32,832 per day from September 2024 to April 2025	संयुक्त समिति के निरीक्षण दिनांक 17.03.2025 के दौरान इकाई संचालित नहीं पायी गयी परन्तु इकाई द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी एसओपीओ का अनुपालन नहीं किया गया, इकाई द्वारा राख का निस्तारण समीप के खेतों में किया जाता पाया गया, एवं केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पोर्टल पर पंजीकरण नहीं कराया गया है। उक्त से स्पष्ट है कि इकाई द्वारा प्लांट का संचालन नियम के विरुद्ध किया गया है तथा उक्त उत्लंघन को दृष्टिगत रखते हुए बोर्ड द्वारा जारी कारण बताओ नोटिस के क्रम में की गयी गणना के अनुसार ही पर्यावरणी क्षतिपूर्ति अधिरोपित किया जाना प्रस्तावित है। इकाई द्वारा प्रेषित प्रत्यावेदन को संज्ञान में रखते हुए पर्यावरणीय क्षतिपूर्ति की गणना माह सितम्बर 2024 से माह जनवरी 2025 तक किये जाने पर विचार किया जा सकता है।	
8.	Moreover, the above- outlined guidelines as also the EC Regime- 2 nowhere grant the power to apportion the EC in an onerous and unreasonable manner	केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा पर्यावरणी क्षतिपूर्ति हेतु जारी उक्त गाइडलाइन 03.09.2024 के द्वारा पंजीकरण किये बिना संचालित रिसायकलर एवं एसओपीओ का उत्लंघन कर संचालित रिसायकलर	

मैसर्स देव इण्डस्ट्रीज, घाम-जमालुदीन, तहसील-चांदपुर, जिला-बिजनौर।

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	<p>as has been done herein by the UPPCB. The EC Regime-2 is clear in its mandates that if at all there is an EPR violation the same shall be calculated as a sum of the (1) Registration fee default, (2) Quantity of seized tyre, and (3) Multiplier of Rs 840 per kg of such seizure</p>	<p>पर ई0पी0 रिजीम-2 के आधार पर कार्यवाही किया जाना निर्दिष्ट है। उक्त को दृष्टिगत रखते हुए प्रश्नगत इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति की गणना की गयी है।</p>		
9.	<p>As has already been outlined above, there is no seizure of any illegal tyre made by the UPPCB and its calculation rests on an assumptive basis entirely.</p>	<p>क्षेत्रीय अधिकारी बिजनौर के पत्र दिनांक 01.05.2025 द्वारा प्रश्नगत इकाई मैसर्स देव इण्डस्ट्रीज, घाम-जमालुदीनपुर तहसील-चांदपुर जिला-बिजनौर द्वारा माह जनवरी 2024 से माह अप्रैल 2025 तक माहवार खपत किये गये वेस्ट टायर की सूचना प्रेषित की गयी है। उक्त सूचना के अनुसार माह फरवरी 2025 को छोड़कर अन्य समस्त माह में इकाई द्वारा वेस्ट टायर की खपत की गयी है। उक्त को दृष्टिगत रखते हुए एवं इस तथ्य को संज्ञान में लेते हुए कि इकाई द्वारा ई0पी0आर0 पोर्टल पर पंजीकरण नहीं कराया गया है अतः इकाई द्वारा उपभोग किये गये वेस्ट टायर को Quantity of Waste Tyre Seized की श्रेणी में रखते हुए पर्यावरणी क्षतिपूर्ति की गणना की गयी है।</p>		
10.	<p>Having regards to the response as above outlined, the answering Noticee puts forth that being the operator of the recycling plant, in compliance of the joint committee report was in the process of outlining its responses/ replies to the remedial actions of outlined vide said report and due to the calamitous events of the intervening night of 18/19.04.2025, the entire recycling plant was devastated and substantially extensive damage was caused. Manifestly thus, no manufacturing/ industrial activity has been undertaken.</p> <p>That the answering Noticee had earlier followed the guidelines issued by the UPPCB for the installation of the ETP (effluent treatment plant) and the same was installed at the earliest and information for the same was given to the department</p> <p>Furthermore, the chimney stack installed at the TPO is having height of 30 mtrs and the same has been erroneously mentioned in the joint committee report as 21 mtrs because the incorrect records maintained by the UPPCB. The Noticee herein has never neglected to adhere to the guidelines issued qua its operation.</p> <p>That, the SOP issued in September, 2024 was not in the</p>	<p>इकाई द्वारा पत्र प्रेषित किये गये हैं कि दिनांक 18/19.04.2025 में आये तूफान के कारण रिसाइकिलिंग प्लांट टूट गया जिसको प्रतिनिधि द्वारा रिपोर्ट कराया गया है इकाई द्वारा नई चिमनी का निर्माण भी उक्त अवधि में किया गया। क्षेत्रीय कार्यालय बिजनौर के अधिकारियों द्वारा दिनांक 05.05.2025 में किये गये निरीक्षण रिपोर्ट में वर्णित है कि उक्त निरीक्षण के दौरान इकाई में पूर्व से स्थापित चिमनी के स्थान पर नई चिमनी की स्थापना कर ली गयी है। अतः उक्त को दृष्टिगत रखते हुए इकाई द्वारा प्रेषित प्रत्यावेदन में उल्लिखित तथ्य की संयुक्त रिपोर्ट में चिमनी की ऊंचाई 21 मीटर प्रदर्शित किया जाना गलत है पर विचार नहीं किया जा सकता। इकाई द्वारा प्रेषित यह तथ्य कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी एस0ओपी0 (सितम्बर 2024) के सम्बन्ध में इकाई को पता नहीं था पर भी विचार किया जाना सम्भव नहीं है क्योंकि इकाई द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड की अध्यक्षता में गठित संयुक्त समिति की रिपोर्ट दिनांक 17.03.2025 प्राप्त होने के उपरांत भी अद्यतन तक केन्द्रीय प्रदूषण नियंत्रण बोर्ड के ई0पी0आर0 पोर्टल पर पंजीकरण हेतु आवेदन किये जाने के सम्बन्ध में सूचित नहीं किया गया है। उक्त से स्पष्ट है कि इकाई द्वारा जानबूझकर भारत सरकार द्वारा जारी प्रावधानों का उल्लंघन किया जा रहा है।</p>	<p>उक्तानुसार बिन्दु संख्या-10 को खण्डित किया जाता है।</p>	

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 मसर्स देव इण्डस्ट्रीज, ग्राम-जमालुददीन, तहसील-चांदपुर, बिजनौर।
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<p>knowledge of the answering respondent and therefore necessary changes could not be made according to the new SOP. The answering respondent came to know about the new SOP only after reading the joint committee report submitted in the NGT, Delhi</p> <p>Therefore keeping in consideration the above- outlined submissions of the Noticee herein , the matter at hand is sub-judice and the Noticee has fully complied with all the directions as issued to it by the Hon'ble National Green Tribunal. In fact, a time period of 6-8 weeks has been granted to it to file its compliance affidavit and therefore no adverse and coercive action ought to be taken against it devoid of directions from the Hon'ble NGT.</p>		
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यह कि इकाई मसर्स देव इण्डस्ट्रीज, ग्राम-जमालुददीन, तहसील-चांदपुर, जनपद-बिजनौर का अद्यतन निरीक्षण क्षेत्रीय कार्यालय उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, बिजनौर के प्राधिकृत अधिकारियों द्वारा दिनांक 30.05.2025 को किया गया। उक्त निरीक्षण आख्यानसार निरीक्षण के समय इकाई बन्द पायी गयी।

यह कि इकाई के विरुद्ध बोर्ड द्वारा जारी कारण बताओ नोटिस के क्रम में प्रेषित प्रत्युत्तर संतोषजनक नहीं पाया गया। इकाई द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा जारी की गयी SOP के अनुसार कार्यवाही पूर्ण नहीं की गयी है एवं पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा जारी अधिसूचना दिनांक 21.07.2022 के प्राविधानों के अनुपालन में केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पोर्टल पर ई0पी0आर0 हेतु पंजीकरण नहीं कराया गया है।

यह कि माननीय राष्ट्रीय हरित अधिकरण द्वारा ओ0ए0 संख्या-03/2025 Bhishm Tyagi Vs. State Of UP and Ors. में पारित आदेश दिनांक 09.05.2025 में निम्न निर्देश जारी किये गये हैं:-

".....19. The District Magistrate, Bijnor and the Superintendent of Police, Bijnor are directed to ensure that the Respondent No. 5 does not illegally operate the plant in question....."

अतः उपरोक्त तथ्यों के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त वायु प्रदूषण (निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-31ए सपठित 21(4) के अन्तर्गत उद्योग मसर्स देव इण्डस्ट्रीज, ग्राम-जमालुददीन, तहसील-चांदपुर, जनपद-बिजनौर के विरुद्ध निम्नानुसार बन्दी आदेश जारी किये जाते हैं:-

1. यह कि उद्योग मसर्स देव इण्डस्ट्रीज, ग्राम-जमालुददीन, तहसील-चांदपुर, जनपद-बिजनौर के पक्ष में क्षेत्रीय कार्यालय के आनलाइन संदर्भ संख्या-188470/UPPCB/Bijnore(UPPCBRO) /CTO/both/ Bijnore/2023 दिनांक 25.07.2023 द्वारा निर्गत सशर्त सहमति जल एवं वायु को खण्डित किया जाता है।

2. यह कि मैसर्स देव इण्डस्ट्रीज, ग्राम-जमालुददीन, तहसील-चांदपुर, जनपद-बिजनौर के संचालन को तत्काल प्रभाव से बन्द किया जाता है।
3. यह कि सक्षम अधिकारियों से यह अपेक्षा की जाती है कि उद्योग मैसर्स देव इण्डस्ट्रीज, ग्राम-जमालुददीन, तहसील-चांदपुर, जनपद-बिजनौर के संचालन से सम्बद्ध समस्त विद्युत कनेक्शनों एवं जलापूर्ति कनेक्शन को तत्काल प्रभाव से रोक दिया जाए।

उक्त के अतिरिक्त संयुक्त समिति द्वारा पूर्व में किये गये निरीक्षण दिनांक 07.03.2025 एवं क्षेत्रीय कार्यालय, उ०प्र० प्रदूषण नियंत्रण बोर्ड, बिजनौर के अधिकारियों द्वारा दिनांक 30.05.2025 को किये गये निरीक्षण में पायी गयी कमियों के दृष्टिगत इकाई के विरुद्ध रू-32,832/- प्रतिदिन की दर से माह सितम्बर 2024 से माह जनवरी 2025 तक रू०-50,23,296/- की पर्यावरणीय क्षतिपूर्ति अधिरोपित अधिरोपित की जाती है।

उद्योग द्वारा पर्यावरणीय क्षतिपूर्ति की धनराशि रू- 50,23,296/- (Fifty Lakh Twenty Three Thousand Tow Hundred Ninty Six only) को 15 दिन के अन्दर जमा कर, जमा की गयी धनराशि का साक्ष्य क्षेत्रीय कार्यालय एवं बोर्ड मुख्यालय में प्रस्तुत करना सुनिश्चित किया जाए।

उद्योग के विरुद्ध अधिरोपित पर्यावरणीय क्षतिपूर्ति की धनराशि 50,23,296/- (Fifty Lakh Twenty Three Thousand Tow Hundred Ninty Six only) का भुगतान Payment Gateway (URL: <http://erp.eshiksa.net/DirectFeesv3/UPPCB>) के माध्यम से Dedicated Account में 15 कार्यदिवस के अन्दर जमा करना सुनिश्चित करें। Payment Gateway के Homepage के dropdown में निम्नवत् विशिष्ट सूचना का चयन करें:-

- | | |
|---|---------------|
| 1-Nature of Pollution / प्रदूषण की प्रकृति- | Air Pollution |
| 2-Regional Offices / क्षेत्रीय कार्यालय- | Bijnore |
| 3-EC imposed in compliance / अनुपालन में ईसी लगाया गया- | UPPCB |

Digitally signed by
RAM GOPAL
Date: 17-07-2025
18:40:54

मुख्य कार्यकारी अधिकारी, वृत्त-7

प्रतिलिपि-

1. जिलाधिकारी बिजनौर को सूचनार्थ सादर प्रेषित।
2. वरिष्ठ पुलिस अधीक्षक बिजनौर को सूचनार्थ सादर प्रेषित।
3. क्षेत्रीय अधिकारी उ०प्र० प्रदूषण नियंत्रण बोर्ड, बिजनौर को इस निर्देश के साथ कि उक्त बन्दी आदेश का अनुपालन सुनिश्चित कराये।

N.C.R.B (NCRC)

II.F.-I (Integrated Investigation Form -I)

FIRST INFORMATION REPORT**(Under Section 173 B.N.S.S)**

1. District/Unit: Amroha

P.S.: Naugawan Sadat

FIR No.: 0552

Year: 2024

Date & Time of FIR: 04/10/2024 16:33

2. S.No. Acts (Sl. No.) Sections

1. Bhartiya Nyaya Sanhita (BNS)2023 351(2)

2. Bhartiya Nyaya Sanhita (BNS)2023 351(3)

3. (a) Occurrence of offence:

1. Day (Day): Saturday

Date From (From Date): 01/03/2025

Date To (Till Date): 01/03/2025

Time Period (Time Period): Time 1

Time From (From Time):00:00 hrs

Time To (Till Time): 00:00 hrs

(b) Information received at P.S. (Police station where information was received):

Date: 02/03/2025 Time: 14:14 hrs

(c) General Diary Reference:

Entry No. (Entry c.):038

Date & Time:02/03/2025 14:14 hrs

4. Type of Information: Written

5. Place of Occurrence:

Direction and distance from P.S.

(a) Distance and direction from police station): North, 15:00 km

Beat no. (beat s.):

(b) Address Village Baseda Tanga

(c) In case, outside the limit of this Police Station, then (if the police station is outside the limit):

Name of P.S. (Police station name):

District(State)

6.Complainant/Informant:

(a) Name: Rahul Tyagi

(b) Father's Name: Late Munidev Singh

(c) Date/Year of Birth: 2007

(d) Nationality: India

(e) UID No.:

(f) Passport No.:

Date of Issue:

Place of Issue

(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)

S.No. Id Type (Type of Identification Card)
(Identification Number)

(h) Address:

S.No.	Address Type	Address
1.	current address	Village Baseda Tanga, Naugaon Sadat Amroha Uttar Pradesh, India
2.	Permanent address	Village Baseda Tanga, Naugaon Sadat Amroha Uttar Pradesh, India

(i) Occupation:

(j) Phone number: Mobile: 91-9858664933

7. Details of known/suspected/unknown
accused with full particulars:

Accused More Than (if there are more than
one caste accused then number):

S.No.	Name	Alias	Reletive's Name	Present Address
1.	Bhishma		Unknown	Village Baseda Tanga, Naugaon Sadat Amroha Uttar Pradesh, India
2.	Atul			Village Baseda Tanga, Naugaon Sadat Amroha Uttar Pradesh, India
3.	Ankur			Village Baseda Tanga, Naugaon Sadat Amroha Uttar Pradesh, India
4.	Rohan			Village Baseda Tanga, Naugaon Sadat Amroha Uttar Pradesh, India

8. Reasons for delay in reporting by the complainant/informant:

9. Particulars of properties of interest:

S.No.	Property Category	Property Type	Description	Value (In Rs/-)

10. Total value of property (In Rs/-)-

Total value of property (Rs

11. Inquest Report / U.D. case No., if any

S.No. UIDB Number

12. First Information contents:

Copy of Tahrir in Hindi To the plaintiff, Mr. Incharge Inspector, Police Station Naugawa Sadat Subject:- Regarding registering the report of the applicant, Sir, the request is that Bhishma Tyagi, son of Bhudev Tyagi of the applicant's family, has encroached upon 55 bigha agricultural land of his uncle Kamalveer, son of Jaiswarup Singh. He had got a fake deed of the land made in his and his

wife Poonam's name, regarding which FIR No. 552/2024 is registered in Police Station Naugava Sadat and chargesheet has been filed. Since then, the said Bhishma and his brothers Atul, Ankur, Rohan are threatening to kill the applicant and the applicant's brother Sachin because the applicant and the applicant's brother are witnesses in the said case and are currently looking after Kamalveer. The said Bhishma suspects the applicant of pleading Kamalveer's case. The applicant had earlier also complained against the said Bhishma, due to which Bhishma became more resentful. On 1.3.2025, the said Bhishma has also told Ramniwas Tyagi S/O late Ramesh Tyagi of the village to kill the applicant if he enters the village. The said Bhishma can also get the applicant and the applicant's brother killed by unknown persons. Therefore, it is requested to please register a report against the above accused. It would be highly appreciated. Date 2-3-2025. Signature English illegible applicant

Rahul Tyagi S/O Shri Late Munidev Singh
Nigram Baseda Taga Police Station Naugava
Sadat District Amroha 9858664933. Note: I
O.M. 449 Dinesh Yadav certify that the Tahrir
and the disclosure of the Qaymi were typed
word for word by me by the computer operator.
The original Tahrir is enclosed.

13. Action taken: Since the above information
reveals commission of offence(s) u/s as
mentioned at Item No. 2.

(1) Registered the case and took up the
investigation:

or

(2) Directed (Name of I.O.) Braj Mohan
Singh Rank: SI (Sub-Inspector)

No. 912650414

to take up the Investigation

(3) Refused investigation due to:

or

(4) Transferred to P.S. District:

on point of jurisdiction (due to transfer
of jurisdiction).

F.I.R. read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant free of cost.

R.O.A.C. (R.O.A.C.)

14 Signature/Thumb impression of the complainant/informant.

15 Date and time of dispatch to the court:

Signature of Officer in charge Police Station

Name: SHO NAUGAWAN

Rank: 1 (Inspector)

No. 9454403676



Advance Service: Bhishm Tyagi vs. State of Uttar Pradesh & Ors. (OA 03 OF 2025)

1 message

Abhay Singh <admin@ablaw.in>

29 July 2025 at 10:23

To: pccf-up@nic.in, ms@uppcb.in, dmbij@nic.in, odopcell@gmail.com, "cc: Aanchal Basur" <aanchal@ablaw.in>, Ivan <ivand2m@gmail.com>

Dear Sir,

Please find the reply to be filed before the National Green Tribunal in the above captioned matter.

Treat this as advanced service for you.

--

Abhay Singh*Office Administrator*

D-52, Lower Ground Floor, Gulmohar Park | New Delhi 110049 | India.

Kothi No. 507, Sector 55 | Chandigarh 160055 | India

M +91 8377088256 / +91 8810460803

Email: admin@ablaw.in

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