

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

In

Original Application No. 67/2019

And

Original Application No. 138/2019

In the Matter of: -

Sumit Kumar

Applicant

Vs.

State of Himachal Pradesh & Ors.

Respondent(s)

And

Amarjeet Kumar

Applicant

Vs.

Union of India & Ors.

Respondent(s)

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(Nazimuddin)

Scientist 'E'

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

Place: Delhi

Date: 30<sup>th</sup> June, 2020

**Compliance Report on Hon'ble NGT order dated 28.03.2019 and  
04.07.2019 in O.A. No. 67/2019 and O.A. No. 138/2019**

(Third report covering status as on 30.06.2020)

In compliance of Hon'ble NGT order dated 28.03.2019 and 04.07.2019 in O.A. No. 67/2019 and O.A. No. 138/2019, CPCB issued directions under Section 5 of the Environment (Protection) Act, 1986 to the Chief Secretaries/ Administrators of States Governments/ Union Territory Administrations vide letter dated 23.08.2019 (**Annexure-I**), directing as below:

1. State Government/Union Territory Administration shall formulate and enforce fuel policy regarding use of pet coke and FO in the State/UT in light of various orders passed by Supreme Court regarding use of pet coke and FO in Writ Petition (C) 13029/1985.
2. State Government/Union Territory Administration through respective SPCB/PCC shall take strict action against any industry if found violating the fuel policy on use of pet coke and FO that will be enforced as above, using the powers conferred under environmental laws.

State Governments/UT Administrations were asked to submit action taken report on above to CPCB through their SPCBs/PCCs within one month i.e. by 23.09.2019 and reminder e-mails were sent on 19.09.2019, 01.10.2019, 11.10.2019, 23.10.2019, 08.11.2019, 20.11.2019 and 27.12.2019. Based on the ATRs received from SPCBs/PCCs, CPCB submitted a report dated-03.01.2020 covering the status upto 31.12.2019. Hon'ble NGT considered the report and vide order dated-07.01.2020 further directed as follows:

*"13 States which have still not furnished their respective ATRs in pursuance of direction of the CPCB dated 23.08.2019 may do so positively within one month. If there is non-compliance after 31.03.2020, the defaulting States will be liable to pay compensation at the rate Rs. 1 lakh per month from 01.04.2020 till compliance."*

CPCB vide e-mail/letter dt.- 14.01.2020, 06.03.2020 and 20.03.2020 further informed SPCBs to submit action taken report. Six more SPCBs have submitted action taken report on CPCB's directions. Thus, ATRs have been submitted by total 25 States/UTs on CPCB's direction dt.-23.08.2019, whereas ATR from remaining 7States/UTs is awaited. A summary of the ATR of 25 States/UTs, along with copies of ATRs is annexed at **Annexure-II**. List of 7 States/UTs which have to inform action taken on CPCB's directions is annexed at **Annexure-III**.

**Summary of the Action Taken by States/UTs in compliance to Directions Issued for Preparing Policy on Use of Petcoke and Furnace Oil**

Sl. No.	State/UT	Reply Dated	Action Taken by State Govt./ SPCB on CPCB's Directions
1.	Andhra Pradesh	23.03.2020	SPCB has informed vide e-mail dt.-23.03.2020 that: <ul style="list-style-type: none"> <li>• State Government vide G.O. Ms. No. 71 dt.-01.11.2017 has permitted the use of pet coke as an approved fuel subject to installation of required air pollution control systems by the industries using Pet Coke.</li> <li>• SPCB has framed policy for use of Pet Coke &amp; Furnace Oil as Fuel on 13.03.2020.</li> <li>• Industries using petcoke and FO to install the scrubbing system to reduce SO2 load with minimum efficiency of 90%.</li> </ul>
2.	Chhattisgarh	15.10.2019	Office order and notification issued on 17.07.2017 and 14.08.2017 by SPCB and State Govt., respectively for banning use of petcoke in all industries except for Cement Plants which have been permitted subject to specific conditions formulated by CECB. Further, use of FO is not prohibited presently and necessary decision will be taken this regard in future as per requirement.
3.	Goa	20.05.2020	SPCB has vide letter dt.-20.05.2020 has informed that SPCB vide circular dated-18.03.2020 notified the approved fuels in the State. CPCB vide letter dt.- asked SPCB asked for review of circular in light of Hon'ble Supreme Court order and NGT orders.
4.	Gujarat	22.06.2020	A Committee constituted by Gujarat SPCB recommended that use of pet coke as fuel may be permitted only in glass and cement sectors. On the basis of this the SPCB published amended notification dated 12.12.2019 (to amend the original notification dated 26.10.2017 as amended on 06.02.2018)
5.	Himachal Pradesh	03.10.2019	<b>Draft fuel policy</b> has been formulated by State Govt. and will be finalized after Bye-Election Model Code of Conduct on getting approval of the Council of Ministers.
6.	Karnataka	31.12.2019	<b>Draft fuel policy</b> has been formulated by State Govt. and draft policy is under process of finalization/notification.
7.	Kerala	30.10.2019	KSPCB has informed vide letter dt. 30.10.2019 that <b>Draft fuel policy</b> regarding use of petcoke and FO as fuel has been prepared and submitted to the State Govt. for issuing notification.

8.	Madhya Pradesh	28.09.2019	Order has been issued on 17.07.2017 by State Govt. to allow use of petcoke only after obtaining Consent from MPPCB. MPPCB can allow use of petcoke on case to case basis after proper examination of control equipment installed for control of emission of SO <sub>2</sub> and other pollutants. Same policy will be adopted in case of use of FO also.
9.	Maharashtra	05.02.2020	SPCB has informed vide letter dated-05.02.2020 that: <ul style="list-style-type: none"> <li>• Fuel policy regarding use of petcoke and furnace oil has been framed with list of approved fuels and timelines for compliance of fuel policy.</li> <li>• Petcoke is allowed in Cement Plant/Lime Kiln, Calcium carbide and Gasification use.</li> <li>• Furnace Oil is allowed in units with conditions of 90 % scrubbing and removal of SO<sub>2</sub>.</li> </ul>
10.	Manipur	20.09.2019	Manipur SPCB has informed vide letter dt. 20.09.2019 that none of the industry is using petcoke and FO in the State and therefore the policy regarding use of petcoke and FO may not be required.
11.	Meghalaya	25.11.2019	Meghalaya SPCB has informed vide letter dt. 25.11.2019 that <b>Draft fuel policy</b> has been submitted to the Secretary, Forests & Environment Department, Govt. of Meghalaya for necessary action.
12.	Mizoram	18.10.2019	Mizoram SPCB has informed vide letter dt. 18.10.2019 that neither petcoke nor FO is in use in the State. State Govt. is considering relevant information for formulation of policy on use of petcoke and FO.
13.	Nagaland	11.10.2019	Nagaland SPCB has informed vide letter dt. 11.10.2019 that Nagaland does not have any plants or industries where fuel grade pet coke is used. Further, Dept. of Industries & Commerce, Nagaland has been asked to prepare a policy on the same.
14.	Punjab	19.03.2020	SPCB has informed vide letter dated-19.03.2020 that: <ul style="list-style-type: none"> <li>• Draft notification for regulating the use of petcoke and furnace oil is submitted to State Government for issuance of notification.</li> <li>• The use of pet coke and furnace oil and other liquid is allowed in regulated conditions with emission standards for Sulphur Dioxide at 400 mf/Nm<sup>3</sup> and with CTO by SPCB.</li> </ul>
15.	Sikkim	29.09.2019	Notification issued on 22.03.2018 for prohibiting sale and use of petcoke and FO as fuel in the State.
16.	Tamil Nadu	20.09.2019	SPCB has informed vide letter dt. 20.09.2019 that: <ol style="list-style-type: none"> <li>1. Cement Plant is only permitted to use petcoke as fuel in their Cement Kiln after examining case by case and all other industrial units which have used petcoke as fuel are stopped as per TNPCB directions issued during Sept 2017.</li> <li>2. There is no restriction on use of FO by the industries.</li> </ol>

			3. Cement Industries which are using petcoke and the industries using FO should comply with prescribed emission standards.
17.	Telangana	09.10.2019	SPCB has informed that State Govt. has decided that petcoke as fuel does not require to be prohibited in the State subject to installation of air pollution control system by and compliance of emission norms. As of now, TSPCB has permitted only Cement Plants for use of petcoke while issuing CFO & HWA.
18.	Tripura	07.09.2019	Notification issued on 01.03.2018 for complete ban and prohibition on the use of petcoke and FO.
19.	Uttarakhand	23.03.2020	SPCB has informed vide e-mail dated-23.03.2020 that <b>Draft Fuel Policy</b> is prepared and is under approval of Chairman, PCB.
20.	UT of Andaman and Nicobar	04.10.2019	None of the industry is using petcoke and FO in the UT.
21.	UT of Chandigarh	25.10.2019	None of the industry is using petcoke. The policy regarding FO is under consideration that no industry will be allowed to use FO after 06 months.
22.	UT of Daman & Diu	14.10.2019	None of the industries permitted to use petcoke. Use of FO is permitted subject to compliance of 30 meters stack height criteria and industry equipped with APCDs for control of emission.
23.	UT of Dadra and Nagar Haveli		
24.	UT of Lakshadweep	22.11.2019	None of the industry is using petcoke and FO in the UT.
25.	UT of Puducherry	02.12.2019	Puducherry PCC has informed vide letter dt. 02.12.2019 that <b>Draft fuel policy</b> has been prepared and submitted to the Government for approval.

**List of States/UTs which have to inform Action Taken on CPCB's  
Directions Issued for Preparing Policy on Use of Petcoke and Furnace Oil**

**States**

1. Arunachal Pradesh
2. Assam
3. Bihar
4. Jammu & Kashmir
5. Jharkhand
6. Odisha
7. West Bengal

Recd on - 28/08/19

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD

पृथक पृथक राज्यों, प्रदेशों, केंद्र शासित प्रदेशों के लिए  
SEPARATE FOR EACH STATE, TERRITORY AND CENTRAL GOVT.

SPEED POST

B-33014/07/2019/IPC-II/ 5747-5778

August 23, 2019

To,

The Chief Secretary/Administrators,  
Government of States/Union Territories  
(As per list enclosed - 1)

**Sub: Directions under Section 5 of the Environment (Protection) Act, 1986 regarding preparing a policy on use of Pet coke & Furnace oil.**

WHEREAS, rising pollution is a matter of serious concern, especially high levels of particulate matter exceeding National ambient air quality standards, 2009; and

WHEREAS, pet coke and furnace oil / fuel oil (FO) emit more SO<sub>2</sub> as compared to other conventional fuels due to high sulphur content and also contribute to forming of finer secondary particulate matter in ambient air, which form a significant fractions of PM (PM<sub>10</sub> & PM<sub>2.5</sub>); and

WHEREAS, Hon'ble Supreme Court of India passed vide dated 24.10.2017 in Writ Petition (Civil) 13029 / 1985, banned use of Pet coke and furnace oil in industries in the NCR state of Haryana, Uttar Pradesh and Rajasthan. Accordingly, Central Pollution Control Board at the behest of Government of India issued directions under Section 5 of the Environment (Protection) Act, 1986 to NCR state; and

WHEREAS, subsequently, Supreme Court passed Order dated 17.11.2017 in the above mentioned writ petition, noting that pollution caused by pet coke and furnace oil is not a problem confined only to the NCR but appears to be a problem faced by almost all the States and Union Territories in the country. Hon'ble Supreme Court requested all the State Governments and Union Territories to consider taking similar measures as have been taken by the Government of India and the Chairman of the Central Pollution Control Board (thereby referring to the above mentioned Directions issued by CPCB to state governments of NCR states for compliance of Supreme Court order dated 24.10.2017); and

WHEREAS, Hon'ble Supreme Court passed subsequent orders dated 13.12.2017, 05.02.2018, 26.07.2018, 09.10.2018 in the above writ petition; and

WHEREAS, Hon'ble Supreme Court in above mentioned order dated 09.10.2018 noted CPCB's report regarding use of pet coke as feed stock in CPC units wherein it was recommended that due to emission of SO<sub>2</sub> in high concentrations the emissions need to be treated in FGD systems having removal efficiency more than 90% and also noted that the views expressed by CPCB have been considered by MoEF&CC which is in agreement with the CPCB; and

WHEREAS, for filling response in cases O.A. No. 67 of 2019 Sumit Kumar Vs State of Himachal Pradesh & Ors. and O.A. No. 138 of 2019 Amarjeet Kumar Vs Union of India & Ors in Hon'ble National Green Tribunal, CPCB requested all states governments vide email dated 01.02.2019 to provide details of measures taken for banning use of pet coke and furnace oil in their state as suggested by the Hon'ble Supreme Court vide its order dated 17.11.2017; and

WHEREAS, Hon'ble National Green Tribunal passed Order dated 28.03.2019 in O.A. No. 67of 2019 and O.A. No. 138 of 2019, noting the brief on the above Supreme Court orders regarding pet coke and furnace oil provided by CPCB, and directing CPCB to issue appropriate directions in this regard to the concerned States and Union Territories indicating coercive measures against those who fail to comply with the directions; and

WHEREAS, Hon'ble National Green Tribunal passed further Order dated 04.07.2019 in above cases, directing CPCB again to proceed to take further action in the matter (as already directed by Order dated 28.03.2019); and

WHEREAS, the matter was discussed by CPCB with oil refinery representative on 20.05.2019 wherein it was informed that it is technically possible to produce low sulphur oil like slurry oil, LSHS, LDO by refineries and that if demand of FO is reduced, the refineries will have to convert it either into pet coke by installing cocker, or into bitumen by enhancing capacity of VBU which may require minimum one-year time, or will have to export it; and

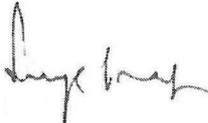
WHEREAS, as per notification no. S.O. 844 (E) dated 19th November 1986 under sub rule 3 of rule 3, the standards for emission or discharge of environmental pollutants specified under sub-rule (1) or sub-rule (2) shall be complied with by an industry, operation or process within a period of one year of being so specified; and

WHEREAS, Ministry of Environment & Forests, Government of India, vide Notifications No. S. O. 157 (E) of 27.02.1996 and S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, Central Pollution Control Board, to issue directions to any industry or any local body or any other authority for violations of the standards and rules notified under the Environment (Protection) Rules, 1986 and amendment thereof.

**NOW, THEREFORE**, in view the above and in exercise of the powers vested under Section 5 of the Environment (Protection) Act, 1986, following directions are issued:

1. State Government / Union Territory Administration shall formulate and enforce fuel policy regarding use of pet coke and FO in the State/UT in light of various orders passed by Supreme Court regarding use of pet coke and FO in Writ Petition (C) 13029/1985.
2. State Government / Union Territory Administration through respective SPCB/PCC shall take strict action against any industry if found violating the fuel policy on use of pet coke and FO that will be enforced as above, using the powers conferred under environmental laws.

Action taken report shall be submitted through SPCB/PCC by State/UT within one month i.e. by 23.09.2019.

  
(S.P.S. Parihar)  
Chairman  


Item Nos.09&amp;10

Court No. 1

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

Original Application No. 67/2019  
(I.A. No. 32/2019)  
WITH  
Original Application No. 138/2019  
(I.A. No. 65/2019)

Sumit Kumar

Applicant(s)

Versus

State of Himachal Pradesh &amp; Ors.

Respondent(s)

With

Amarjeet Kumar

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 28.03.2019

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s): Mr. Arvind Nayar, Senior Advocate, Mr. Soumik Ghosal, Mr. Gaurav Singh, Dr. Sandeep Singh and Mr. Vinay Pal, Advocates

For Respondent (s): Mr. Sharat Kapoor and Ms. Salonee Agarwal, Advocates for SAIL.  
Mr. Alokke Aggarwal, Ms. Anushruti Kushagra, Ms. Kritika Singh and Ms. Rachita, Advocates for respondent no. 11  
Mr. Sanjay Kumar, Advocate for HPSPCB

**ORDER**

1. The issue for consideration is prohibiting use of Petcoke and furnace oil as fuel. Prayer of the applicant is to issue direction

to the Steel Processing Unit of the Steel Authority of India in the State of Himachal Pradesh in the light of order of the Hon'ble Supreme Court dated 17.11.2017 in W.P No. 13029/1985 in M.C Mehta v. Union of India.

2. Vide order dated 15.01.2019, this Tribunal sought a response from the Central Pollution Control Board (CPCB) and the Himachal Pradesh Pollution Control Board (HPPCB).
3. Accordingly, the response has been received vide e-mail dated 15.02.2019 from the CPCB. The conclusion therein is as follows:

*“Considering the various directions and orders of Hon'ble Supreme Court regarding use of petcoke and furnace oil containing higher sulphur, it is required that States and UTs, including Himachal Pradesh, formulate fuel policies regarding use of petcoke and FO in light of Hon'ble Supreme Court order dated 24.10.2017 (banning use of petcoke and FO in NCR States) and 17.11.2017 (suggesting States/UTs to take similar measures) and further Hon'ble Supreme Court order dated 13.12.2017, 05.02.2018 and 26.07.2017 allowing use of petcoke in industries/processes which use petcoke and furnace oil either as feed stock (Calcined Pet Coke (CPC) units, Aluminum industries) or where they get absorbed along with product in manufacturing process (cement, Lime Kiln, calcium carbide industries). It is relevant to mention that use of Raw Petroleum Coke (RPC) in CPC units has been allowed with condition of 90% recovery of SO<sub>2</sub> emission. The same principal may be followed in industrial processes where use of FO as feed stock is considered by States/UTs.”*

4. The reason for the above conclusion is huge emission of SO<sub>2</sub> and other pollutants on account of use of Petcoke and furnace oil by the industries which has been banned in several States but continuing in some of the States. A Technical Expert Committee was constituted to evaluate pollution load and as per the report of the said Committee, pollution load of SO<sub>2</sub> is four times higher when Low Sulphur Heavy Stock (LSHS) and LDO are used.

5. On consideration of the matter, we find that in view of established adverse impact of use of Petcoke and furnace oil by the industries, prohibition of its use may need consideration on 'Precautionary' principle as well as 'Sustainable Development' principle statutorily recognised under the National Green Tribunal Act, 2010, the industries may have to switch over to alternatives and cleaner fuels. We may note that air quality in many of the locations in India is not of prescribed quality and as many as 102 cities have been identified as "non-attainment cities". The said cities are spread over almost in all the States, including the State of Himachal Pradesh. 100 industrial clusters are declared critically polluted throughout India. This makes it imperative that any measure which is helpful in controlling air pollution must be preferred to the extent viable. These aspects have been considered by the Tribunal in order dated 08.10.2018 in O.A No. 681 of 2018 in News item published in "The Times of India" Authored by Shri Vishwa

Mohan Titled "NCAP with multiple timelines to clean air in 102 cities to be released around August 15" and order dated 13.12.2018 in Original Application No. 1038/2018 in News item published in "The Asian Age" Authored by Sanjay Kaw Titled "CPCB to rank industrial units on pollution levels" respectively.

6. In view of the above, we accept the report of the CPCB and direct that the same may be given effect to. The CPCB may issue appropriate directions in this regard to the concerned States and Union Territories indicating coercive measures against those who fail to comply with the directions. Response of the States be taken and compiled within two months and further action proposed by way of a report to this Tribunal before the next date.

List for further consideration on July 4, 2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 28, 2019  
Original Application No. 67/2019  
(I.A. No. 32/2019)  
With Original Application No. 138/2019  
(I.A. No. 65/2019)  
AK

Item No.02 &amp; 03

Court No. 1

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

Original Application No. 67/2019

(I.A. No. 32/2019)

WITH

Original Application No. 138/2019

(I.A. No. 65/2019)

Sumit Kumar

Applicant(s)

Versus

State of Himachal Pradesh &amp; Ors.

Respondent(s)

WITH

Amarjeet Kumar

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

(I.A. No. 32/2019 for stay and I.A. No. 65/2019 for stay)

Date of hearing: 04.07.2019

**CORAM:** HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

Mr. Arvind Nayar, Senior Advocate with Mr.  
Soumik Ghoshal, Advocate  
Dr. Sandeep Singh, Advocate

For Respondent (s):

Mr. Alok Kumar Aggarwal, Mr. Panni Poddar,  
Advocates for R-11  
Mr. Rajkumar, Advocate for CPCB  
Mr. Sharat Kapoor, Advocate for SAIL  
Mr. Sanjay Kumar and Ms. Kalpana Devi,  
Advocates for R-5

**ORDER**

- The issue for consideration is the steps to be taken for controlling the use of Pet-coke and furnace oil as fuel. The matter was dealt with vide order dated 28.03.2019 in the light of the Report of the Central Pollution Control Board (CPCB) dated 15.02.2019 to the effect that use of Pet coke and furnace oil can be allowed only in

industries/processes either as feed stock (Calcined Pet-Coke (CPC) units, Aluminum industries) or where they get absorbed along with product in manufacturing process (cement, Lime Kiln, calcium carbide industries). Raw Petroleum Coke (RPC) in CPC units can be allowed with condition of 90% recovery of SO<sub>2</sub> emission.

2. The objection to the use of Pet coke and furnace oil, which has already been banned in certain States, is causing of huge emission of SO<sub>2</sub> and other pollutants. The pollution load of SO<sub>2</sub> is four times higher when Low Sulphur Heavy Stock (LSHS) and LDO are used.
3. Accordingly, the Tribunal directed the CPCB to take further measures for enforcing the above directions and to give a report to the Tribunal.
4. The report of the CPCB dated 28.06.2019 is as follows:

*“MoEF&CC has replied to CPCB vide letter dated 14.06.2019 that as per Supreme Court orders use and sale of Pet-coke and furnace oil is banned in Delhi and NCR states with exemption granted for certain industries and import of Pet-coke across the country is also restricted to the specified industries, and that in reference to the other areas that are outside NCR states, the Ministry is in the process of consultation with State Government and other stakeholders, as mentioned in Supreme Court order dated 27.11.2018 – “discussion are being held in a consultative manner with regard to import of pet-coke. During the consultation process, the Union of India, Ministry of Environment, Forest and Climate Change and Ministry of Commerce and Industry should consider limiting the use of Pet-coke to industries as per letter issued by the Directorate General of Foreign Trade to the EPCA.”*

**Submissions:**

*In view of the above, it is prayed that MoEF&CC may also be heard in the matter considering the consultations being held by the MoEF&CC with States in light of the proceedings in Writ Petition (Civil) No. 13029 of 1985 in the Hon'ble Supreme Court, and thereafter Hon'ble NGT may be pleased to pass orders as appropriate, which shall be abided by the CPCB.”*

5. We do not find it necessary to hear the Ministry of Environment, Forest and Climate Change (MoEF&CC). MoEF&CC is free to hold discussions on the subject of limiting the use of Pet-cock as per letter of the DGFT and as per the orders of the Hon'ble Supreme Court. Subject to that, the CPCB may proceed to take further action in the matter. The Pet-coke and furnace oil may not be allowed except in terms of the Report of the CPCB dated 15.02.2019 as follows:

*“Considering the various directions and orders of Hon'ble Supreme Court regarding use of Pet-coke and furnace oil containing higher sulphur, it is required that States and UTs, including Himachal Pradesh, formulate fuel policies regarding use of Pet-coke and FO in light of Hon'ble Supreme Court order dated 24.10.2017 (banning use of Pet-coke and FO in NCR States) and 17.11.2017 (suggesting States/UTs to take similar measures) and further Hon'ble Supreme Court order dated 13.12.2017, 05.02.2018 and 26.07.2017 allowing use of Pet-coke in industries/processes which use Pet-coke and furnace oil either as feed stock (Calcined Pet Coke (CPC) units, Aluminum industries) or where they get absorbed along with product in manufacturing process (cement, Lime Kiln, calcium carbide industries). It is relevant to mention that use of Raw Petroleum Coke (RPC) in CPC units has been allowed with condition of 90% recovery of SO<sub>2</sub> emission. The same principle may be followed in industrial processes where use of FO as feed stock is considered by States/UTs.”*

6. Further report in the matter be furnished by the CPCB after three months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

The application will otherwise stand disposed of.

List for consideration of the report on 06.11.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 04, 2019  
Original Application No. 67/2019  
WITH  
Original Application No. 138/2019  
DV



(11)

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