

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

Execution Application No. 28/2020

In

Appeal No. 08/2019

With

Execution Application No. 29/2020

In

Appeal No. 77/2019

In the matter of: -

Platinum AAC Blocks Pvt. Ltd.

Applicant(s)

Vs.

Pollution Control Committee,  
Daman Diu and Dadra Nagar Haveli & Ors.

Respondent(s)

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2.	<b>Annexure-I:</b> A copy of Hon'ble NGT order dated 09.12.2020.	
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(Ajay Aggarwal)  
Scientist-E

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

Date: 22.02.2021

Place: Delhi

**Report in Compliance of Hon'ble NGT order dated 09.12.2020, in  
the matter of Execution Application No. 28/2020 in Appeal No.  
08/2019 with Execution Application No. 29/2020 in Appeal No.  
77/2019 (Platinum AAC Blocks Pvt. Ltd. v/s Pollution Control  
Committee, Daman Diu and Dadra Nagar Haveli)**



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

**(February, 2021)**

## **1. Background**

The Hon'ble NGT vide its order dated 09.12.2020 (**Annexure-I**), in Execution Application No. 28/2020 in Appeal No. 08/2019 with Execution Application No. 29/2020 in Appeal No. 77/2019 (Platinum AAC Blocks Pvt. Ltd. v/s Pollution Control Committee (PCC), Daman Diu and Dadra Nagar Haveli (DD&DNH)), directed Chairman, Central Pollution Control Board (CPCB) to look into the matter and take remedial action expeditiously.

The issue is related to the M/s. Platinum AAC Blocks Pvt. Ltd., Village Kherdi, Silvassa, (hereinafter termed as Unit), engaged in manufacturing of Autoclaved Aerated Concrete Blocks (fly ash bricks/blocks), which was not being allowed to operate by the Daman Diu and Dadra Nagar Haveli, Pollution Control Committee (DD&DNH PCC).

## **2. Action Taken by CPCB**

### **a. Meeting with PCC, DD&DNH:**

In compliance of Hon'ble NGT directions, the meetings were convened with the Chairperson & Member Secretary, Pollution Control Committee, Daman Diu & Dadra Nagar Haveli (DD&DNH) on 05.01.2021 (4 pm) and 06.01.2021 (11 am & 4pm) through video conferencing, under the Chairmanship of Chairman, CPCB.

During the meeting, the Chairman, CPCB mentioned that DD&DNH PCC is the only SPCB/PCC left in the country which has not complied with the directions issued by CPCB for harmonization of categorization of industrial sectors, in-spite of continuous follow-up by CPCB. He further pointed out that CPCB has submitted a report based on joint visit of the industrial unit (Platinum AAC Blocks Pvt. Ltd.), to Hon'ble NGT in the matter of Appeal No. 77/2019, wherein, the Pollution Index (PI) was computed for the sector 'Fly ash bricks/blocks manufacturing using fuel' as 37 based on the fuel consumption & other aspects relevant for pollution index calculation and hence categorized as 'green'. However, the PCC has categorized the unit under reference as 'red', which is not in-line with the CPCB criteria and guidelines for categorization of industrial sectors.

The Chairperson, DD&DNH PCC informed that DD&DNH are in the process of adoption of 'CPCB Categorization of Industrial Sectors, 2016' and the same will be notified within a week. PCC also informed that an appeal has been filed before Hon'ble Supreme Court for the stay against Hon'ble NGT orders. The Chairman, CPCB emphasized that PCC has to comply with

the order of Hon'ble NGT, as no stay has been granted and sufficient time has already lapsed. The Chairperson informed that DD&DNH is expecting the stay very soon.

The Chairman, CPCB concluded the meeting stating that in the absence of stay orders only option available with the PCC, DD&DNH is to comply with the orders of Hon'ble NGT. The Chairman, CPCB also pointed out that CPCB shall take further action in the matter for non-compliance of directions issued by CPCB and for non-implementation of the orders issued by the Hon'ble NGT, in accordance with the law.

**b. Issuing directions to PCC, DD&DNH:**

CPCB vide letter dated 18.01.2021 (a copy given at **Annexure-II**), issued following directions under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981, to Chairperson, DD&DNH PCC:

- (i) to categorize the industrial sector, 'Fly ash bricks/blocks manufacturing using fuel' under green or orange category, depending on the quantity of fuel consumption, in-line with the CPCB criteria and guidelines for categorization of industrial sectors.,
- (ii) to act upon the consent application of the industrial unit M/s. Platinum AAC Blocks Pvt. Ltd., Village Kherdi, Silvassa, accordingly, for granting permission to operate in compliance of orders of Hon'ble NGT.
- (iii) to adopt and implement the CPCB criteria and guidelines for categorization of industrial sectors into red, orange, green and white category, issued vide CPCB directions dated 07.03.2016, with immediate effect.

**3. Compliance Reported by DD&DNH PCC**

In response to the CPCB directions dated 18.01.2021, the PCC, DD&DNH vide letter dated 27.01.2021 (a copy given at **Annexure-III**) submitted the action taken report, wherein it was informed that the PCC has:

- i. categorized the industrial sector, Fly ash bricks/blocks manufacturing using fuel under green or orange category, in line with the CPCB criteria and guidelines and issued order vide letter no. PCC/PCCDDD/NGT-77(2019)(DNH)-ACC Platinum (Part-I)/2019-20/31 dated 27.01.2021.

- ii. **issued Consent to Establish (CTE) to the unit M/s. Platinum AAC Blocks Pvt. Ltd., Village Kherdi, Silvassa, for manufacturing of AAC Blocks, vide consent no. PCC/DDD/ O-2764/WA/AA/KD/16-17/20 dated 27.01.2021.**
- iii. requested Executive Engineer, DNH Power Distribution Co. Ltd, to reconnect the power supply to the industry, vide letter No. PCC/DDD/O-2764/WA/AA/KD/16-17/29 dated 27.01.2021.
- iv. categorized the industrial sectors into red, orange, green and white categories, as per the directions issued by CPCB vide letter dated 07.03.2016, 30.04.2020 and 10.07.2020. The UT Administration of DNH&DD has notified the categorization of industries vide notification No. PCC/DMN/13 (Part VI)/2020-21/448 dated 25.01.2021.

\*\*\*\*\*

Item No. 01&02

Court No. 1

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

Execution Application No. 28/2020  
IN  
Appeal No. 8/2019

Platinum AAC Blocks Pvt. Ltd.

Versus

Applicant

Pollution Control Committee, Daman  
Diu and Dadra Nagar Haveli & Ors.

Respondent(s)

**WITH**

Execution Application No. 29/2020  
IN  
Appeal No. 77/2019

Platinum AAC Blocks Pvt. Ltd.

Versus

Applicant

Pollution Control Committee, Daman  
Diu and Dadra Nagar Haveli & Ors.

Respondent(s)

Date of hearing: 09.12.2020

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

Applicant: Mr. Asim Sarode, Advocate

**ORDER**

1. Grievance in these Applications is against conduct of the Pollution Control Committee, Daman Diu and Dadra Nagar Haveli in not complying with the orders of this Tribunal dated 17.01.2020 and 14.09.2020. By order dated 17.01.2020, the activity of the appellant

which is utilization of fly ash was held to be permissible in the light of the report of the joint Committee comprising the CPCB and the PCC. Order banning the said activity was set aside. By subsequent order dated 14.09.2020, conduct of the PCC in again taking the same stand was disapproved. A copy of the order was forwarded to the Advisor of the Union Territory, Daman Diu and Dadra Nagar Haveli to consider action against the erring officer of the PCC.

2. The applicant has now stated that the PCC is still not complying with the orders and not allowing the fly ash management activity of the applicant. If it is so, it is a serious matter and needs remedial action including personally against the erring officer. No one can be above law.

3. Let the Chairman, CPCB to look into the matter and take remedial action expeditiously.

The applications stand disposed of accordingly.

A copy of this order be forwarded to the Chairman, CPCB and the Member Secretary, PCC, Daman Diu and Dadra Nagar Haveli by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

December 09, 2020  
Execution Application No. 28/2020  
In Appeal No. 8/2019 and other connected matter  
SN



**SPEED POST**

CPCB/IPC-VI/DD&DNH/

January 18, 2021

To

The Chairperson  
Daman Diu and Dadra Nagar Haveli,  
Pollution Control Committee  
Office of the Deputy Conservator of Forests  
Moti Daman,  
Daman – 396220

**Sub: Directions under Section-18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 regarding granting permission to operate in compliance of orders of Hon'ble NGT.**

**WHEREAS**, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the States/ Union Territory and to secure the execution thereof; and

**WHEREAS**, under Section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

**WHEREAS**, CPCB has categorized 242 industrial sectors into red, orange, green & white category and directed all SPCBs/PCCs on 07.03.2016 for its adoption and implementation. The SPCBs/PCCs were also directed that addition of any new or left-over industrial sectors and their categorization which is not listed in the categorization done by CPCB, shall be done by a committee at the level of concerned SPCB/PCC, in accordance with the revised criteria and guidelines of CPCB. The SPCBs/PCCs were required to submit the Action Taken Report (ATR) in compliance of the directions before 15.04.2016; and

**WHEREAS**, the Daman Diu and Dadra Nagar Haveli Pollution Control Committee (DD&DNH PCC) vide letter dated 28.10.2016 informed CPCB that draft notification is in the final stage of publication. However, no further information was received from the PCC. The Central Pollution Control Board (CPCB) vide letters dated 13.03.2019, 02.05.2019, 15.05.2019, 28.05.2019, 07.06.2019, 18.06.2019, 02.08.2019, 04.09.2019, 03.10.2019, 31.10.2019 and 17.12.2019 requested/reminded DD&DNH PCC to adopt the revised categorization and to inform CPCB; and

**WHEREAS**, M/s. Platinum AAC Blocks Pvt. Ltd., Village Kherdi, Silvassa, (hereinafter termed as 'the unit') is engaged in manufacturing of Autoclaved Aerated Concrete Blocks (fly ash bricks/blocks), filed an appeal (Appeal no. 77/2019) in Hon'ble National Green Tribunal (NGT), Principal Bench against PCC, DD&DNH, for not allowing the unit to operate. The Hon'ble NGT vide order dated 19.09.2019, directed PCC, DD&DNH and CPCB to submit a joint report in this regard; and

: 2 :

**WHEREAS**, CPCB and DD&DNH PCC carried out the inspection and the report was submitted to Hon'ble NGT by CPCB, wherein, it was highlighted that both the activities of unit (i) Fly ash export, transport & disposal facilities and (ii) Fly ash bricks/blocks manufacturing using fuel, falls under green category of industries, which require consents from SPCBs/PCCs. It was also highlighted in the report that DD&DNH PCC has not complied with CPCB directions dated 07.03.2016 regarding categorization of industries into red/orange/green/white category. The Hon'ble Tribunal, vide its order dated 17.01.2020, directed that *'the view taken by the PCC cannot be sustained and is set aside. The PCC may pass a further order in accordance with law within two weeks'*; and

**WHEREAS**, the DD&DNH PCC issued an office order dated 03.02.2020, wherein, the unit was directed that *"as per the notification dated 09.10.2015 applicable to Dadra and Nagar Haveli, 'Flyash export, transport and disposal facility' falls under the banned category and manufacturing of 'Autoclaved aerated concrete using flyash' is not allowed to be established"*; and

**WHEREAS**, the unit filed appeal (Appeal No. 08/2020) before Hon'ble NGT, Principal Bench, New Delhi, against the PCC order dated 03.02.2020. The Hon'ble NGT vide order dated 14.09.2020, passed the following directions:

*'It is clear that the PCC is determined to violate the rule of law by ignoring orders of this Tribunal which may render the PCC to be proceeded against to uphold the rule of law. Moreover, its action is against the mandate of environmental protection in not permitting an environmental friendly activity to start for reasons difficult to fathom.'*

*A copy of this order be forwarded to the Advisor to the Union Territory of Daman Diu and Dadra Nagar Haveli by e-mail to consider remedial action against the erring officer of the PCC for passing such patently absurd order, overreaching the orders of this Tribunal and against the interest of the environment.'*; and

**WHEREAS**, the unit filed Execution Application No. 28/2020 in Appeal No. 08/2020 and Execution Application No. 29/2020 in Appeal No. 77/2019 against the Pollution Control Committee, Daman Diu and Dadra Nagar Haveli before Hon'ble NGT, which was disposed of by Hon'ble NGT vide order dated 09.12.2020, wherein, the Hon'ble NGT directed Chairman, Central Pollution Control Board to look into the matter and take remedial action expeditiously; and

**WHEREAS**, in compliance of Hon'ble NGT directions, the meetings were convened with Pollution Control Committee, Daman Diu & Dadra Nagar Haveli (DD&DNH) on 05.01.2021 (4 pm) and 06.01.2021 (11am & 4pm) through video conferencing, under the Chairmanship of Chairman, CPCB.; and

**WHEREAS**, during the meeting, the Chairman, CPCB mentioned that DD&DNH PCC is the only SPCB/PCC left in the country which has not complied with the directions issued by CPCB for harmonization of categorization of industrial sectors, that in spite of continuous follow-up by CPCB. He further pointed out that CPCB has submitted a report based on joint visit of the industrial unit (Platinum AAC Blocks Pvt. Ltd.), to Hon'ble NGT in the matter of Appeal No. 77/2019, wherein, the Pollution Index (PI) was computed for the sector 'Fly ash bricks/blocks manufacturing using fuel' as 37 based on the fuel consumption & other aspects relevant for pollution index calculation and hence categorized as 'green'. However, the PCC has categorized the unit under reference as 'red', which is not in-line with the CPCB criteria and guidelines for categorization of industrial sectors; and

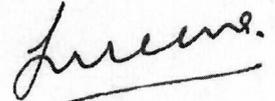
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**WHEREAS**, the Chairperson, DD&DNH PCC informed that DD&DNH they are in the process of adoption of 'CPCB Categorization of Industrial Sectors, 2016' and the same will be notified within a week. PCC also informed that an appeal has been filed before Hon'ble Supreme Court for the stay against Hon'ble NGT orders. The Chairman, CPCB emphasized that PCC has to comply with the order of Hon'ble NGT, as no stay has been granted and sufficient time has already lapsed. The Chairperson informed that DD&DNH is expecting stay very soon; and

**NOW THEREFORE**, in view of the above and exercising the powers conferred to Chairman, Central Pollution Control Board under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981, Chairperson, DD&DNH PCC is hereby directed:

- (i) to categorize the industrial sector, 'Fly ash bricks/blocks manufacturing using fuel' under green or orange category, depending on the quantity of fuel consumption, in-line with the CPCB criteria and guidelines for categorization of industrial sectors.,
- (ii) to act upon the consent application of the industrial unit M/s. Platinum AAC Blocks Pvt. Ltd., Village Kherdi, Silvassa, accordingly, for granting permission to operate in compliance of orders of Hon'ble NGT.
- (iii) to adopt and implement the CPCB criteria and guidelines for categorization of industrial sectors into red, orange, green and white category, issued vide CPCB directions dated 07.03.2016, with immediate effect.,

The DD&DNH PCC shall acknowledge the receipt of directions and submit the Action Taken Report (ATR), in compliance of these directions, to CPCB, within 10 days from the receipt of directions.

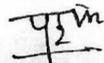


(Shiv Das Meena)  
Chairman

**Copy to:**

- 1 The Joint Secretary (CP Division)  
Ministry of Environment, Forests & Climate Change,  
Indira Paryavaran Bhawan  
3<sup>rd</sup> Floor, Prithivi, Aliganj, Jor Bagh Road  
New Delhi -110 003
- 2 The Regional Director (West)  
CPCB, Vadodara, Gujarat
- 3 Div. Head, IT, CPCB, Delhi

: with a request to upload the  
Directions on CPCB website



(Prashant Gargava)  
Member Secretary

No. PCC/PCC/DDD/NGT-77(2019)  
(DNH)-ACC Platinum (Part-I)/2019-20/452  
Office of the Member Secretary,  
Pollution Control Committee  
Udyog Bhavan, First Floor  
Bhenslore, Nani Daman  
Dated: 27.01.2021

To  
The Chairman  
Central Pollution Control Board  
Parivesh Bhawan  
East Arjun Nagar  
Delhi-110032

**Sub: Directions under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act,1974 and the Air (Prevention & Control of Pollution) Act,1981 regarding granting permission to operate in compliance of orders of Hon'ble NGT.**

Ref: CPCB Direction No. CPCB/IPC-VI/DD&DNH dated 18.01.2021

Sir,

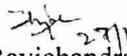
With reference to the above, it is submitted that the following directions have been issued by Chairman, CPCB to PCC, DD&DNH in compliance of orders of Hon'ble NGT.

- (i) to categorise the industrial sector fly ash bricks/blocks manufacturing using fuel under green or orange category depending on the fuel consumption in line with CPCB criteria and guidelines for categorisation of industrial sectors,
- (ii) to act upon the consent application of the industrial unit M/s Platinum AAC Blocks Pvt. Ltd, Village Kherdi, Silvassa, accordingly for granting permission to operate in compliance of orders of Hon'ble NGT and
- (iii) to adopt and implement the CPCB criteria and guidelines for categorisation of industrial sectors into Red, Orange, Green and White category issued vide CPCB directions dated 7.3.2016 with immediate effect. The DD&DNH PCC shall acknowledge the receipt of directions and submit the action taken report (ATR) in compliance of these directions, to CPCB within 10 days from the receipt of directions.

In this connection, it is mentioned that the PCC, DD&DNH has complied with the above directions by taking appropriate actions. The Action Taken Report (ATR) is furnished as under.

- (a) Categorized the industrial sector, Fly ash bricks/blocks manufacturing using fuel under green or orange category is carried out in line with the CPCB criteria and guidelines and issued order vide No. PCC/PCC/DDD/NGT-77(2019)(DNH)-ACC Platinum (Part-I)/2019-20/31 dated 27.01.2021. Copy of the said order is enclosed herewith as **Annexure A**.
- (b) Acted upon the consent application of the industrial unit M/s Platinum AAC Blocks Pvt. Ltd at Kherdi Village, Silvassa and issued order vide No. PCC/PCC/DDD/NGT-77(2019) (DNH)-ACC Platinum (Part-I)/2019-20/30 dated 27.01.2021. Copy of the said order is enclosed as **Annexure B**.
- (c) Consent to establish is issued to the said unit for manufacturing of AAC Blocks of 2,50,000 Cu.M per annum vide Consent No. PCC/DDD/ O-2764/WA/AA/KD/16-17/20 dated 27.01.2021 Copy of the said consent is enclosed as **Annexure C**.
- (d) Restored the Power Connection vide letter No. PCC/DDD/O-2764/WA/AA/KD/16-17/29 dated 27.01.2021. Copy of the said letter is enclosed as **Annexure D**.
- (e) PCC, DD&DNH has adopted the revised criteria and categorised the industrial sectors into Red, Orange, Green and White Categories as per the modified directions issued by CPCB dated 7.3.2016, 30.4.2020 and 10.07.2020 and notified the same by the UT Administration of DNH&DD vide notification No. PCC/DMN/13 (Part VI)/2020-21/448 dated 25.01.2021. Copy of the said notification is enclosed herewith as **Annexure E**.

Yours faithfully,

  
(K. Ravichandran)  
Member Secretary,  
PCC, DD&DNH

**Encl: AS Above**

Copy to

1. Advisor to the Hon'ble Administrator, DNH &DD for favour of information
2. PS to Hon'ble Administrator, DNH&DD for favour of information

(11)

No. PCC/DDD/NGT-77(2019)(DNH)-  
ACC Platinum (Part-I)/2019-20/ 31  
Office of the Member Secretary,  
Pollution Control Committee  
Udyog Bhavan, First Floor  
Bhenslore, Nani Daman  
Dated: 27.01.2021

**Sub: Directions under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act,1974 and the Air (Prevention & Control of Pollution) Act,1981 regarding granting permission to operate in compliance of orders of Hon'ble NGT.**

### **ORDER**

In Compliance of Orders of Hon'ble NGT, the Chairman, CPCB in exercising the powers conferred under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and 18 (1) (b) of the Air (Prevention & Control of Pollution) Act, 1981 directed PCC,DD&DNH to categorise the Industrial sector, Fly ash bricks/blocks manufacturing using fuel under green or orange category, depending on the quantity of fuel consumption, in line with the CPCB criteria and guidelines for categorisation of Industrial sectors.

In view of the above, as per methodology given Table F-2: Air Pollution Score, in the final document on revised classification of Industrial Sectors under Red, Orange, Green and White Categories of CPCB (February,2016), the categorisation of Industrial sector, Fly ash bricks/blocks manufacturing using fuel under green or orange category is carried out in compliance of the directions of CPCB and orders of Hon'ble NGT as under.

#### **Green Category:**

For all such industries in which the daily consumption of fuel is less than 12 MT/day and the particular (Particulate/gaseous/process) emissions from which can be

controlled with suitable proven technology falls under green category.

**Orange Category:**

For all such industries in which the daily consumption of fuel is 12 MT/day to 24 MT/day and more than 24 MT/day and the particular (Particulate/gaseous/process) emissions from which can be controlled with suitable proven technology and particular emissions from which can be controlled only with high level equipments/technology like ESPs, Bag House filters, High efficiency chemical wet scrubbers etc. respectively falls under Orange category.

This issue with the approval of the competent authority.

*27/1/21*  
(K. Ravichandran)  
Member Secretary,  
PCC, DD&DNH

Copy to

1. Chairman, CPCB for favour of information
2. Advisor to Administrator, DNH &DD for favour of information
3. PS to Hon'ble Administrator, DNH &DD for favour of information

(13)

(B)

No. PCC/DDD/NGT-77(2019) (DNH)  
ACC Platinum (Part -I)/2019-20/30  
Office of the Member Secretary,  
Pollution Control Committee  
Udyog Bhavan, First Floor  
Bhenslore, Nani Daman  
Dated: 27.01.2021

## ORDER

Whereas, M/s. Platinum AAC Blocks Pvt. Ltd submitted its application on 19.12.2016 to PCC, Daman & Diu and Dadra & Nagar Haveli for its consent to Establish to manufacture Autoclaved Aerated Concrete (AAC blocks), with a capacity of 2,50,000 Cubic meter per annum at Survey No. 19/1, Kherdi village, with a capital investment of Rs. 7.65 crores and the likely employment to be generated is 60. The list of raw materials to be used as per the application in manufacturing of AAC blocks includes Flyash/ Silica sand 5500 MT/month, 1512 MT/month, Lime 756 MT/month, Aluminium powder 6.1 MT/month, Gypsum 126 MT/month, SoL oil 10000 litres/month, Furnace oil 7500 Mt/month, and Coal 800 MT/month. Further, the unit also mentioned other raw materials like casting soda, expanded clay, agent foaming, black trap dust and sand, if required. The list of machinery to be installed include silo tank, slurry pool, cement and slurry weighing scale, pouring mixture, block mould, cutting machine line, tilting crane, loading crane, autoclave, ferry pusher, rail track, loader track, coal steam boiler of 5.5 MT/hr, Air compressor, vacuum pump, RO plant, sledge pump, production crane, coal crusher, winch machine, header, tractor with bull, JCB, plastic rope, for clip, DG set, ETP Plant, Dumper, electric motors, all types of pumps, all type of fitting pipes, electric fittings, wire ropes, machinery spare parts, bearings, office accessories, and weigh bridge, etc. The boiler details provided by the unit include industrial coal/ lignite fired boiler having an evaporation capacity of 5500 kg/hr (F&A 100° C) and suitable for a working pressure of 17.58kg/cm<sup>2</sup>.

Whereas, the PCC, DD & DNH in response to the consent application received on 19.12.2016, asked the M/s Platinum AAC Pvt. Ltd to submit the details such as capacity of Effluent Treatment Plant, mode of effluent generation, and its quantity and quality as submitted in the list of plant & machinery, raw material Fly Ash from where it is procured and how it will be transported, hazardous waste to be generated and its mode of collection and disposal and based on the response the consent application of the M/s

(14)

Platinum AAC blocks Pvt. Ltd for establishment of Autoclaved Aerated Concrete Unit was rejected by PCC on 19.06.2017.

Whereas, M/s Platinum AAC Blocks Pvt. Ltd again vide letter dated 22.09.2017 requested to consider the application for consent to establish, stating that they are not going to transport fly ash but will but flyash from Thermal Power Plant, Dahanu and use briquette as fuel and wrongly mentioned coal as fuel for boiler and the said application was rejected by PCC on 19.02.2017.

Whereas. M/s Platinum AAC Blocks Pvt. Ltd again submitted a letter on 19.02.2019 to change the category and requested to consider their product under green category and grant consent to establish for manufacturing of AAC blocks 2,50,000 Cu. m per annum and an inspection was carried out by officials of PCC and was found that the unit was fully established and operational without obtaining prior consent to establish/operate under Water (Prevention and Control of Pollution) Act,1974 and Air (Prevention and Control of Pollution) Act, 1981, and on the basis of inspection, a closure order was issued to M/s Platinum AAC Blocks Pvt. Ltd, Kherdi Village, Silvassa on 03.05.2019.

Whereas, M/s Platinum AAC Blocks Pvt. Ltd further sent letters on 13.06.19, 16.6.2019, 20.06.2019, 27.06.2019 and emails to the Appellant for consideration and PCC vide its letter dated 20.8.2019 conveyed that the application cannot be considered and hence rejected the same, and M/s Platinum AAC Blocks Pvt. Ltd filed a case before the Hon'ble NGT challenging the rejection order.

Whereas, the Hon'ble National Green Tribunal vide its order dated 17.01.2020, directed the PCC to pass an order in accordance with law and intimate about the action taken. In compliance of the order of the Hon'ble Tribunal, the PCC passed an order dated 03.02.2020, stating that the Platinum AAC Blocks Pvt. Ltd had established and operated the Autoclaved Aerated Concrete Unit at Kherdi without obtaining the prior Consent to Establish (CTE) and prior Consent to Operate (CTO) from the Appellant and violated the provisions of Environment (Protection) Act,1986, Environment (Protection) Rules,1986, Water (Prevention and Control of Pollution)Act,1974 and Air (Prevention and Control of Pollution) Act,1981 and as per existing notification, manufacturing of Autoclaved Aerated Concrete using fly ash is not allowed to be established.

Whereas, M/s Platinum AAC Blocks Pvt. Ltd had filed an appeal in Hon'ble NGT (WZ) vide Appeal No. 08 of 2020 (WZ). The Hon'ble NGT (WZ), after going through all the details mentioned in the reply submitted by

the PCC and after hearing both the parties, directed the matter to be listed before the Hon'ble Chairperson vide order dated 27.08.2020.

Whereas, PCC, DD & DNH also filed an Application for clarification/modification (M.A. No. 48 of 2020) of order dated 17.01.2020, passed by Hon'ble Tribunal in Appeal No. 77 of 2019, filed by M/s Platinum AAC Blocks Pvt. Ltd.,

Whereas, Hon'ble NGT by its order dated 21.08.2020, disposed of the said application on the basis that the PCC doesn't have any bar in giving appropriate direction to run the unit, rather than closing it down.

Whereas, Hon'ble NGT passed an order on 14.09.2020 in the appeal filed by M/s Platinum AAC Blocks Pvt. Ltd, by setting aside the order dated 03.02.2020 passed by the Pollution Control Committee, and allowed the Appeal preferred by M/s Platinum AAC Blocks Pvt. Ltd. As regard for the potential for pollution Hon'ble NGT mentioned that there is no bar to the respondent committee regulating the same by giving direction in that regard as per law instead of closing the unit by wrongly terming it as a red unit.

Whereas, CPCB vide its letter dated asked to submit the action taken report regarding green category project of M/s Platinum AAC Pvt. Ltd and PCC, DD & DNH informed CPCB that it has been decided to prefer an appeal by adducing the reasons for appeal vide letter dated 9.12.2020.

Whereas, the PCC, DD & DNH, preferred an appeal in Hon'ble Supreme Court on 10.12.2020.

Whereas, M/s Platinum AAC Blocks Pvt. Ltd filed an Execution Application on 9.12.2020 and Hon'ble NGT passed an order dated 9.12.2020 directing the Chairman, CPCB to look into the matter and take remedial action expeditiously.

Whereas, the CPCB convened the meeting on 5.1.2021 and 6.1.2021. The Chairman, CPCB emphasized that PCC has to comply with the order of Hon'ble NGT as no stay has been granted and sufficient time has already lapsed.

Whereas, Chairman, CPCB in compliance of orders of Hon'ble NGT vide directions dated 18.1.2021, directed PCC, DD & DNH (i) to categorise the industrial sector fly ash bricks/blocks manufacturing using fuel under green or orange category depending on the fuel consumption in line with CPCB criteria and guidelines for categorisation of industrial sectors, (ii) to act upon the consent application of the industrial unit M/s Platinum AAC Blocks Pvt. Ltd, Village Kherdi, Silvassa, accordingly for granting permission to operate in compliance of orders of Hon'ble NGT and (iii) to

adopt and implement the CPCB criteria and guidelines for categorisation of industrial sectors into Red, Orange, Green and White category issued vide CPCB directions dated 7.3.2016 with immediate effect. The PCC, DNH & DD shall acknowledge the receipt of directions and submit the action taken report (ATR) in compliance of these directions, to CPCB within 10 days from the receipt of directions.

Whereas, the UT Administration has categorised the industrial sector into Red, Orange, Green and White Categories as per modified directions given by CPCB vide letter dated 7.3.2016, 30.04.2020 and 10.07.2020 and notified vide Notification No. PCC/DMN/13 (part VI) 2020-21/448 dated 25.01.2021 and uploaded in web portal.

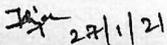
Whereas, Hon'ble Supreme Court dismissed the Civil Appeal (C.A. No. 116/2021) on 27.01.2021.

Whereas, the PCC, DD & DNH categorised the fly ash bricks/blocks manufacturing using fuel under green or orange category depending on the fuel consumption in line with CPCB criteria and guidelines for categorisation of industrial sectors vide order No. PCC/DMN/13 (Part VI)/2020-21/ dated 27.01.2021.

Whereas, the Autoclaved Aerated Concrete blocks manufacturing unit of the M/s Platinum AAC Blocks at Kherdi village, silvassafalls under Orange category as the installed boiler capacity is 5.5 MT/hr and the fuel consumption is more than 24 MT and the particular emissions from which can be controlled only with high level equipments like Bag House filters.

Now, therefore the PCC, DD & DNH hereby issue the consent to Establish under Orange category to M/s Platinum AAC blocks Pvt. Ltd, Kherdi village, Silvassa in compliance of the directions passed by Chairman, CPCB vide No. CPCB/IPC-VI/DD&DNH dated 18.1.2021 and orders of Hon'ble NGT, Principal Bench, New Delhi dated 10.9.2020 and 9.12.2020.

Issued with the approval of the competent authority

  
( K. Ravichandran )  
Member Secretary  
Pollution Control Committee  
DNH & DD

Copy to

1. Chairman, CPCB for favour of information
2. Advisor to Administrator, DNH & DD for favour of information
3. PS to Hon'ble Administrator, DNH & DD for favour of information

(17)



प्रदुषण नियंत्रण समिति  
Pollution Control Committee

दमण एवं दीव तथा दा.न.ह.  
Daman & Diu and Dadra Nagar Haveli  
1st Floor, Udyog Bhavan, Bhenslore, Nani Daman.

ORANGE CATEGORY

Consent to Establish

{Under the provision/ Rules of below mentioned Environmental Acts}

Consent No. PCC/DDD/O-2764/WA/AA/KD/16-17/ 20

Date : 27/01/2021

In exercise of the powers delegated to the Pollution Control Committee, Daman, Diu and Dadra & Nagar Haveli by the Central Pollution Control Board vide notification No.B-12015/7/92 published in the gazette of India No.746 dated 26/11/1992 and administration order No.45/1(1)/92-F&E/4700 dated 8/2/1993, the consent is hereby granted under Section 25, Sub section (1) & (2) of Water (Prevention & Control of Pollution) Amended Act, 1988 and under Section 21 of Air (Prevention & Control of Pollution) Act, 1981 and Authorization in Form 2 under Rule 6.(2) of the Hazardous and Other Wastes (Management and Transboundary) Rules, 2016 framed under the Environment (Protection) Act, 1986 (if any) and orders made there under to manufacture below mentioned products at the below mentioned address subjected to the following terms and conditions.

Consent is granted to:

M/s Platinum AAC Blocks Pvt. Ltd.,  
Sr. No. 19/1, Village Kherdi, Silvassa, DNH.

1. The Consent to Establish is granted for a period upto 31/12/2021.
2. The Consent is valid for the manufacture of following items:

Sr. No.	Product	Maximum Production Quantity
1	AAC Blocks (Autoclaved Aerated Concrete)	2,50,000 CM3/ Annum

3. Product / Process Specific Conditions:

- 3.1 The unit shall store fly ash in closed silos of adequate capacity.
- 3.2 The unit shall strictly comply with the Fly Ash Notification issued under the EP Act.
- 3.3 The unit shall not discharge any type of wastewater outside the premises.
- 3.4 The unit shall develop green coverage / plantation in minimum 33% of the project area.
- 3.5 The unit shall obtain membership for CHWTSDF for disposal of hazardous waste and comply with the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.
- 3.6 The hazardous waste shall be stored in separate designated hazardous waste storage facility with pucca bottom and leachate collection facility, before its disposal.
- 3.7 Used oil shall be sold to register recycler / re-processor.

4. Conditions under the Water Act:

- 4.1 The daily water consumption and wastewater generation is as under :

Sr. No.	Water Consumption	Quantity (Kilo liter/Day)
	Domestic	3.0
	Process	80
	Boiler	45

Daman Office Phone : (0260) - 2262524, 2260975 / Silvassa Office Phone : (0260) - 2630260  
E-mail : mspcc\_dmn@pccdaman.info, mspcc\_ad1@pccdaman.info, www.pccdaman.info

Sr. No.	Wastewater Generation	Quantity (Kilo liter/Day)
	Domestic	3.0
	Process	

- 4.2 The daily quantity of sewage from the factory shall not exceed 3 KL/Day.
- 4.3 The unit shall obtain NOC from Central Ground Water Authority (CGWA) for extraction of ground water.
- 4.4 Trade Effluent Disposal Outlet Conditions: Industry shall not discharge treated/untreated effluent outside factory premises. The effluent shall be treated with comprehensive treatment system and the treated effluent shall be reused/recycled for activities within the factory premises.
- 4.5 Sewage Treatment - Domestic effluent shall be disposed through septic tank/soak pit system and shall conform to the following standards:

BOD (5 days at 20 <sup>0</sup> C)	less than 20 mg/l
Suspended solids	less than 30 mg/l
Residual Chlorine	minimum 0.5 mg/l

#### 5. Conditions under Air Act:

- 5.1 The unit should not use Coal / Pet Coke / Lignite as a fuel to the Boiler.
- 5.2 The unit shall not generate any fugitive emissions from manufacturing process as well as any other ancillary activity/operation except permitted.
- 5.3 The unit shall provide adequate capacity of air pollution control system to all dust / gases pollutants generating sources to control the emissions.
- 5.4 The Bag Filter shall be operated efficiently and effectively to achieve the norms prescribed by the PCC.
- 5.5 The unit shall prepare schedule and carry out regular preventive maintenance of mechanical and electrical parts of Bag Filters and assign responsibility of preventive maintenance to the senior officer of the unit.
- 5.6 The unit shall regularly carry out monitoring from the MoEF & CC recognized laboratory / Agency with respect to the efficiency of the Air Pollution Control Equipment and upgrade the Bag Filters from time to time as required and furnish the report in this regard to the Pollution Control Committee on quarterly basis.
- 5.7 The fugitive dust emission in the work zone environment and ambient air environment shall be monitored. The emissions shall conform to the standards prescribed by the concerned authorities as well as the Pollution Control Committee from time to time. The indicative guidelines mentioned herewith shall be followed to reduce fugitive emissions:
- Raw materials unloading / loading and storage shall be done in the covered area.
  - All transfer points shall be fully enclosed.
  - All the conveyers shall be provided with conveyer cover.
  - Internal roads shall be paved properly to reduce the fugitive emissions during vehicular movement.
  - Accumulated dust on the ground and other surfaces shall be removed / swept regularly and the area shall be wetted after sweeping.



**प्रदूषण नियंत्रण समिति**  
**Pollution Control Committee**

दमण एवं दीव तथा दा.न.ह.  
Daman & Diu and Dadra Nagar Haveli  
1st Floor, Udyog Bhavan, Bhenslore, Nani Daman.

- f. Air born dust shall be controlled with water sprinkling at suitable intervals in the plant and along internal roads.  
g. Transportation of raw materials shall be done in the vehicles covered from the top.

5.8 The following shall be used as fuel in Boiler.

Sr. No.	Installed Utility	Capacity	Fuel
1.	Boiler	5.5 TPH (01 no.)	Briquettes – 800 MT/Month

5.9 The flue gas emission through stack attached to Boiler, shall conform to the following standards:

Stack No.	Stack attached to	Stack height in Meter	Parameter	Permissible Limit
1.	Boiler	30 Meters.	Particulate Matter	150 mg/NM <sup>3</sup>
			SO <sub>2</sub>	100 ppm
			NOx	50 ppm

5.10 The concentration of the following parameters in the ambient air within the premises of the industry shall not exceed the limits specified hereunder:

Parameter	Permissible Limit
Particulate Matter (size less than 10µm) or PM <sub>10</sub> µg/m <sup>3</sup>	100 (24 hours average)
Particulate Matter (size less than 2.5µm) or PM <sub>2.5</sub> µg/m <sup>3</sup>	60 (24 hours average)
Oxides of Nitrogen (NO <sub>2</sub> ) µg/m <sup>3</sup>	80 (24 hours average)
Oxides of Sulphur (SO <sub>2</sub> ) µg/m <sup>3</sup>	80 (24 hours average)

5.11 The applicant shall provide ports in the chimney/stack and facilities such as ladder, platform etc. as per requirements for monitoring the air emissions and the same shall be open for inspection and use by the committees staff. The chimney/stacks attached to various source of emission shall be designated by number such as S-1, S-2 etc and these shall be painted/ displayed to facilitate identification.

5.12 There shall be no emission other than the permitted installation and a quarterly Stack monitoring report, Ambient air quality monitoring report and Noise monitoring report from MoEF & CC recognized laboratory shall be submitted.

5.8 Adequate mufflers shall be provided to the installations, so that the ambient noise level shall not exceed the limits prescribed below;

Day time	6 a.m. to 9 p.m.	75 dB(A)
Night time	9 p.m. to 6 a.m.	70 dB(A)

**7. GENERAL CONDITIONS:**

7.1 Any change in personnel, equipment or working conditions as mentioned in the consents form/order should immediately be intimated to the Pollution Control Committee.

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- 7.2 If at any time, it is observed that effluent fails to conform to the limits prescribed or any unauthorized change in personnel, equipment or working conditions, as mentioned in the application then, the consent will be withdrawn prohibiting the industry to manufacture either existing or new products.
- 7.3 The applicant shall submit separate application for obtaining CC & A under the Water Act, 1974, the Air Act, 1981 and H&OW (M&TBM) Rules, 2016 before 30 days of expiry of validity period of this Consent to Establish.
- 7.4 The industry shall comply with Water (Prevention and Control of Pollution) Cess Act, 1977 and as amended.
- 7.5 The applicant shall comply with the notified standards under Environment (Protection) Act, 1986 and as amended.
- 7.6 The applicant shall comply with the Plastic Waste Management Rules, 2016 and as amended.
- 7.7 This consent is further subject to greening the surrounding area inside and outside the unit/factory.
- 7.8 In case of change of process/installation, which is likely to have discharge / emission a separate application shall be made.
- 7.9 The applicant shall maintain good housekeeping and take adequate measures for control of pollution from all sources so as not to cause nuisance to surrounding area / inhabitants.
- 7.10 Solid waste – The non hazardous solid waste arising in the factory premises, sweeping, etc., be disposed of scientifically so as not to cause any nuisance / pollution.
- 7.11 The applicant shall provide for an alternate electric power source sufficient to operate all pollution control facilities installed by the applicant to maintain compliance with the terms and conditions of the consent. In the absence, the applicant shall stop, reduce or otherwise, control production to abide by terms and condition of this consent regarding pollution levels.
- 7.12 The unit shall submit to this office, the 30<sup>th</sup> day of September every year, the Environmental Statement Report for the financial year ending 31 March in the prescribed Form – V as per the provisions of rule 14 of the Environment Protection (2<sup>nd</sup> Amendment) Rules, 1992.
- 7.13 The applicant shall install a separate electric meter showing the consumption of energy for operation of domestic and industrial effluent treatment plant and air pollution control systems. A register showing consumption of chemicals used for treatment shall be maintained.

*27/1/21*  
Member Secretary  
Pollution Control Committee  
Dadra Nagar Haveli and Daman & Diu  
Daman

No. PCC/DDD/O-2764/WA/AA/KD/16-17/29  
Office of the Member Secretary,  
Pollution Control Committee,  
DNH & DD,  
Daman.

Dated : 21.01.2021

To,  
M/s Platinum AAC Blocks Pvt. Ltd.,  
Sr. No. 19/1, Village Kherdi, Silvassa,  
DNH.

**Sub. :** Re-connection of power supply and compliance of the direction issued under section 33-A of the Water Act, 1974 and under section 31-A of the Air Act, 1981-reg.

**Ref.:** This office closure direction vide No. PCC/DDD/O-2764/WA/AA/KD/16-17/124 dated 03.05.2019.

With reference to the above mentioned subject, it is informed that your unit was issued with a closure direction vide order dated 03.05.2019 for grossly violating the provisions under section 25 of the Water (Prevention & Control of Pollution) Act, 1974 and section 21 of the Air (Prevention & Control of Pollution) Act, 1981 and to prevent environmental pollution.

However, as per the direction of Hon'ble NGT, vide order dated 14.09.2020 and order dated 09.12.2020 and directions issued by Chairman, CPCB on 18.01.2021 under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the of Air (Prevention & Control of Pollution) Act, 1981, Consent to Establish for manufacturing of AAC Blocks (Autoclaved Aerated Concrete) - 2,50,000 CM3/ Annum is granted vide consent No. PCC/DDD/O-2764/WA/AA/KD/16-17/20 dated 27.01.2021.

In view of the above, Pollution Control Committee, DNH & DD hereby restores the power supply to your unit subject to following conditions :

1. The unit shall store fly ash in closed silos of adequate capacity.
2. The unit shall not discharge any type of wastewater outside the premises.
3. The unit shall develop green coverage / plantation in minimum 33% of area of the project.
4. The unit shall not generate any fugitive emissions from manufacturing process as well as any other ancillary activity/operation except permitted.
5. The unit shall provide adequate capacity of air pollution control system to all dust / gases pollutants generating sources to control the emissions.
6. The Bag Filter shall be operated efficiently and effectively to achieve the norms prescribed by the PCC.

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The above conditions are strictly complied, failing which necessary action shall be initiated including closure of the unit without any further notice.

*27/1/21*  
Member Secretary  
Pollution Control Committee  
DNH & DD  
Daman

Copy to :

1. The Chairman, PCC, DNH & DD -- for kind information.
2. The Executive Engineer, DNH Power Distribution Co. Ltd., DNH with a request to re-connect the power supply to the industry.

(E)

No. PCC/DMN/13/Part-VI/2020-21/ 451  
Office of the Member Secretary,  
Pollution Control Committee,  
DD & DNH,  
Daman.

Dated:- 27.01.2021

To,  
The Chairman,  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi – 110032

**Sub.:-** Direction under Section 18 (1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 regarding harmonisation of classification of industrial sectors into Red, Orange, Green, and White category- reg.

Sir,

With reference to the above subject, it is submitted that the UT Administration of Dadra Nagar Haveli and Daman & Diu has adopted the revised criteria for classification of industrial sectors under Red, Orange, Green, and White categories finalised by CPCB and communicated on 07.03.2016, 30.04.2020 and 10.07.2020. The revised categorisation of industrial sectors under Red, Orange, Green, and White as per modified directions of CPCB for the Union Territory of Dadra Nagar Haveli and Daman & Diu is notified vide notification No. PCC/DMN/13(Part VI)/2020-21/448 dated 25.01.2021. Copy of the said notification is enclosed herewith for your kind information.

Yours faithfully,

  
Member Secretary  
Pollution Control Committee,  
DNH & DD,  
Daman.

Encl.:- As above.

Copy to:-

1. The Member Secretary,  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi – 110032.
2. The Regional Director,  
Regional Directorate,  
Central Pollution Control Board,  
Parivesh Bhawan, Opp. Ward No. 10, VMC Office,  
Subhanpura, Vadodara – 390023.

(24)