

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

Original Application No. 639/2018

In the matter of: -

Shailesh Singh

Applicant(s)

Versus

State of Haryana & Ors.

Respondent(s)

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(Ajay Aggarwal)
Scientist-E

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

Date: 18.03.2021

Place: Delhi

**Report in Compliance of Hon'ble National Green
Tribunal (NGT) order dated 05.11.2019, in the matter of
O.A. No. 639 of 2018, titled as Shailesh Singh Vs State of
Haryana & Ors.**

(March , 2021)



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

Background:

The Hon'ble NGT in its order dated 05.11.2019, in the matter of OA No. 639 of 2018, Shailesh Singh v/s. State of Haryana & Ors, directed that the State of Haryana may shorten the period of inspection at higher frequencies preferably as follows:

Period of mandatory inspections:

- | | |
|----------------------------------|------------|
| a) Highly polluting 17 Category | : 3 months |
| b) Other Red category | : 6 months |
| c) Orange Category | : 1 Year |
| d) Green Category | : 2 Year |
| e) CBWTF/CHWSRDF/CMSWTF/CETP/STP | : 3 months |

Hon'ble NGT also directed that these timelines and other changes may be followed by the CPCB for other States under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 unless there are reasons for exception for a particular State.

A copy of the Hon'ble NGT order dated 05.11.2019, in the above-said matter is given at **Annexure-I**

Action taken by CPCB in compliance of Hon'ble NGT order dated 05.11.2019:

In compliance to the aforesaid directions of Hon'ble NGT order dated 05.11.2019, the CPCB vide letter dated 12.12.2019 issued directions to all SPCBs/PCCs, under section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, to implement inspection frequency prescribed by the Hon'ble NGT for Environmental Surveillance of Industries. A copy of CPCB directions dated 12.12.2019, issued to SPCBs/PCCs is given at **Annexure-II**. SPCBs/PCCs were also requested to submit the Action Taken Report (ATR) in compliance of the directions to CPCB within 15 days.

Action taken Report (ATR) submitted by SPCBs/PCCs in compliance of the CPCB directions dated 12.12.2019, regarding environmental surveillance inspection frequency:

So far, Action Taken Reports (ATRs) have been received from 32 SPCBs/PCCs, namely- Assam, Jharkhand, Tripura, Kerala, Goa, Daman & Diu and Dadra Nagar Haveli, Puducherry, Jammu & Kashmir, Nagaland, Chandigarh, Odisha, Haryana, Telangana, West Bengal, Punjab, Chhattisgarh, Himachal Pradesh, Maharashtra, Sikkim, Mizoram, Bihar, Madhya Pradesh, Tamil Nadu, Uttar Pradesh, Uttarakhand, Manipur, Arunachal Pradesh, Andhra Pradesh, Meghalaya, Andaman & Nicobar, Karnataka, & Gujarat. The compiled status of ATRs received is given at **Annexure-III**.

Out of 32 SPCBs/PCCs, which have submitted ATRs, only 02 SPCBs/PCCs namely Andhra Pradesh and Madhya Pradesh are having the variation in the environmental surveillance inspection frequency, as compared to prescribed frequency policy. CPCB, vide letters dated 17.03.2021, requested Andhra Pradesh and Madhya Pradesh PCBs to implement the prescribed inspection frequency policy and submit Action Taken Report (ATR). A copy of CPCB letters dated 17.03.2021, issued to APPCB and MPPCB are given at **Annexure-IV** and **Annexure-V**, respectively.

Further, ATRs are still awaited from 03 SPCBs/PCCs, namely- Rajasthan, Delhi & Lakshadweep, which have been requested/reminded vide letters dated 09.01.2020, 06.02.2020, 17.03.2020, 21.05.2020, 22.06.2020, 18.08.2020, 15.09.2020, 06.10.2020, 02.12.2020, 29.01.2021 & 04.02.2021 to submit the action taken reports. Copies of the last correspondence made with the Delhi and Lakshadweep PCCs on 29.01.2021 & with Rajasthan SPCB on 04.02.2021, are given at **Annexure-VI** and **Annexure-VII**, respectively.

Item No. 03

Court No. 1

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

Original Application No. 639/2018

(With report dated 10.10.2019)

Shailesh Singh

Applicant(s)

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 05.11.2019

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
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s): Mr. Shlok Chandra, Advocate

For Respondent(s): Mr. Anil Grover, AAG with Mr. Rahul Khurana,
Advocate, Mr. Bhupinder Chahal, R.O, Sonipat
and Ms. Monika Punia, AEE, Faridabad

ORDER

1. The need for revision of existing monitoring mechanism to oversee compliance of environmental norms by the State PCBs including duration for mandatory inspections of 'highly polluting 17 category', 'red' and 'orange' and 'green' category industries and policy of auto renewals of Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 as well as the Air (Prevention and Control of Pollution) Act, 1981 is the question for consideration.
2. The Tribunal sought a report from a joint Committee of the CPCB, Haryana State PCB, CGWA and District Administration with reference to the allegation of deterioration of ground water quality in major part of the State of Haryana on account of non-compliance of direction of

the Hon'ble Supreme Court in *Paryavaran Suraksha Samiti v. Union of India (2017) 5 SCC 326* that no untreated effluents be discharged and requisite ETPs, STPs and CETPs be installed. The applicant pointed out that an earlier report of the CGWB established deterioration of the ground water in Haryana. The CAG report in the year 2016 also recorded that several projects were operating without obtaining valid CTE/CTO showing ineffectiveness of monitoring mechanism.

3. In pursuance of the above, report dated 10.12.2018 was filed by the joint Committee pointing out that the Inspection Policy of the State PCB provided for inspection of 'highly polluting 17 category', 'red' and 'orange' category industries in 3, 5 and 7 years respectively and auto renewal of consent to operate. The report also found large scale violation of environmental norms which had remained unchecked on account of such unsatisfactory policies.
4. This Tribunal vide order dated 08.03.2019 observed that policy followed by the State of Haryana was hit by the mandate of 'Precautionary' and 'Sustainable Development' principles of environmental law. Since there was large scale violation of environmental norms by 'highly polluting 17 category' 'red' and 'orange' category industries, meaningful environmental regulatory regime was imperative which required revision of the existing policy framework. The Tribunal also directed remedial directions against violation of environmental norms mentioned in the reports furnished to the Tribunal.

5. Further report was submitted by the CPCB on 23.05.2019 giving unsatisfactory ground situation and making recommendations as follows:

- (i) HSPCB shall verify compliance to the conditions of consent issued under Water Act, 1974 in the remaining 08 industrial units within 15 days and ensure follow up action against all non-complying units within 15 days thereafter.*
- (ii) The Industries which were observed to be closed by self (six units as indicated at Sl. No. 9, 14, 26, 27, 55 and 77) or sealed (eight units at Sl. No. 49, 63, 64, 65, 66, 67, 70 (dismantled), 84 and 95 as well as 23 units (at S. No. 10, 11, 15, 17, 20, 21, 22, 25, 31, 32, 35, 37, 38, 43, 47, 50, 51, 56, 59, 60, 73, 86, and 93 as per Annexure-III) were found not in operation. Such industrial units should not be allowed to operate till compliance to the conditions of consent or directions issued under Section 5 of the E (P) Act, 1986 is ensured.*
- (iii) HSPCB should consider disposal of effluent of all the industries located in Sonipat and Panipat areas through dedicated conveyance system to the nearby existing CETP. In case, existing CETP capacity is not adequate, HSIDC may upgrade the existing CETP to adequate capacity for ensuring treatment of all industrial effluents generated from Sonipat and Panipat areas, in a time bound manner.*
- (iv) As per CGWB, 47 out of 55 units and 13 out of 34 units in Panipat area and Sonipat area respectively drawing ground water have not even applied for obtaining NOC (List of such industries are annexed as Annexure-IV). HSPCB shall ensure action against all defaulter units by imposing deterrent environmental compensation from the date of commissioning for illegal drawl of water within 15 days in addition to the action being taken by CGWB through DCs.*
- (v) HSPCB shall review its present Policy for renewal of consents as well as periodic inspection of the industries as directed by Hon'ble NGT order dated 08.03.2019 in the matter of O.A. No. 639 of 2018 and O.A. No. 624 of 2018 to ensure regular operation of ETPs by respond industries as well as other industries in the state.*
- (vi) HSPCB shall direct Municipal authorities in Sonipat and Panipat areas shall be directed to*

reassess water quality of ground water used for water supply through a reputed organization and in case the water quality of ground water is not complying to the drinking water specifications of IS: 10500- 2012, then action be taken for sealing or capping of such tube wells immediately.”

6. The Tribunal, vide order dated 30.07.2019, reiterated that the Policy of Inspection must be realistic and adequate to ensure effective enforcement of law. The CPCB as well as the State of Haryana were required to furnish a compliance report on the subject.
7. Accordingly, report dated 10.10.2019 has been filed by the Chief Secretary, Haryana on the subject of re-visiting the Policy and report dated 04.10.2019 has been filed by the CPCB on the subject of non-compliance of norms in the State of Haryana.
8. We may notice the report of the CPCB first which is *inter alia* as follows:

“3. Action Taken Report submitted by HSPCB against industries: -

Thereafter, HSPCB has provided an updated ATR on CPCB's direction dated 22.05.2019 vide letter No. HSPCB/ PC/ 2019/219 dated 21.08.2019 as well as ATR as per minutes of the meeting held on 08.08.2019 vide letter No. HSPCB/PC/2019/ 162 dated 18.09.2019 (Annexure-W)

Industries covered under OA No. 639 of 2018:-

Panipat: - *Out of 55 industries covered under OA No. 639 of 2018, 31 industries were reported to be non-complying and HSPCB has confirmed their closure under closure directions issued by HSPCB/CPCB. List of these industries is enclosed as Annexure-V*

Sonepat:-Out of 33 industries covered under OA No. 639 of 2018, 11 industries were reported to be non-complying and HSPCB has confirmed their closure either under closure directions issued by HSPCB/CPCB or due to permanent self-

closure/dismantling. List of these industries is enclosed as **Annexure-VI**.

02 out of 02 industries in Rewadi and 01 out of 01 industry located in Bahadurgarh are reported to be complying to the discharge norms.

Industries covered under OA No. 624 of 2018:-

Faridabad: - Out of 55 industries covered under OA No. 624 of 2018, 04 industries were reported to be non-complying and HSPCB informed that process for prosecution of these units has been initiated. List of these industries is enclosed as **Annexure-VII**.

HSPCB may keep a regular vigilance on the units for ensuring compliance to the norms and in case found any violations action should be taken by HSPCB as per provisions of Water Act, 1974 or Environment (Protection) Act, 1986.

4. Action Taken Report submitted by CGWA w.r.t GW abstraction: -

Central Ground Water Authority (CGWA), Chandigarh has provided ATR as per minutes of the meeting held on 08.08.2019 vide letter No. 4 (172)A-CGWA/NWR/S 86 1/2019-895 dated 21.08.2019 is enclosed as **Annexure-VIII**.

In Sonapat district, out of 33 industries 17 have applied for NOC and the same are under examination. 16 Industrial units have not applied till date.

In Panipat district, out of 54 industries 20 have applied for NOC and the same are under examination. 34 industrial units have not applied till date.

Regarding industries which draw ground water in Panipat and Sonapat areas (**in O A No. 639/2019**), Deputy Commissioners have been advised to get the bore wells sealed which have not obtained NOC from CGWA vide letter dated 09-08-2019. Chief Secretary to Government of Haryana has also written letters dated 19.08.2019 to DC, Panipat and DC, Sonapat to take action in this regard. Subsequently, DC, Panipat has constituted a team for taking action against the industries involved in abstraction of ground water and assured CS, Govt. of Haryana vide letter dated 20.08.2019 that action shall be taken against such industries after expiry of the last date for applying i.e., 30.09.2019.

- The industries withdrawing water without NOC and which have not applied for NOC in Faridabad district (in O.A. 624/2018) have been sealed by D.C. Faridabad.

Imposition of Environmental Compensation (EC) on industries for illegal abstraction of ground water:-

CGWA vide letter dated 21.08.2019 informed that rates of EC is not yet decided by CGWA.

CGWA may levy EC on the concerned industries which are indulged in abstraction of ground water without obtaining WOC' from CGWA in light of the order passed by Hon'ble National Green Tribunal in OA No. 176/2015 filed by Shailesh Singh Applicant (s) Versus Hotel Holiday Regency, Moradabad & Ors. Respondent(s) (Date of hearing: 23.08.2019, Date of uploading of order: 11.09.2019).

As regards increase in ground water monitoring in Haryana, CGWA vide letter dated 21.08.2019 informed that CGWA is monitoring the ground water levels and quality through its National Hydrograph Monitoring Stations. During 2015, 351 Samples, in 2016, 414 samples, in 2017, 400 samples, in 2018, 453 samples and 2019, 447 samples were collected (thus) CGWB is making efforts to increase the number of samples collected every year.

5. Ground Water Quality in Haryana State:-

CGWA has provided ground water quality in Haryana State for the year 2017. As per the information received, in the year 2017, CGWA carried out monitoring of ground water quality at 401 locations in the districts of Yamuna Nagar, Sonapat, Sirsa, Rohtak, Panipat, Panchkula, Palwal, Mewat, Mahendragarh, Kurukshetra, Karnal, Khaital, Jind, Jhajjar, Hissar, Gurgaon, Fatehabad, Bhawani and Ambala.

Analysis results of ground water reveals that 224 out of 401 locations monitored are not complying to the BIS drinking water specifications (IS:10500-2012) with respect to one or more TDS parameters such as pH, EC, Cl*, SO4, NO3*, PO4, Ca*, Mg*, Total Hardness (as CaCO3) and Fe', Data also reveals that Fluoride content is exceeding the limit of 1.5 mg/l at 86 locations and minimum fluoride content is BDL and maximum observed as 11.61 mg/ 1. Details of ground water monitoring locations which are non-complying to the drinking water norms is given as **Annexure-IX**.

Ground water locations where fluoride content is exceeding the drinking water specification (i.e., BIS 10500-2012), all such sources should be prohibited for drinking water purposes and a

display board should be provided at all such contaminated tube wells indicating 'Not Fit for Drinking' by CGWA.

6. Air Quality in Sonapat, Panipat and Faridabad areas: -

*Haryana State Pollution Control Board is monitoring air quality using continuous ambient air quality monitoring station (CAAQMS) at Sonapat, Panipat and Faridabad for the parameters such as NOx, NH3, SO2, CO, O3, PM2.5 and PM 10. Ambient air quality measured values for the months of July and August 2019 are enclosed as **Annexure-X**.*

Panipat:-

The 24 hours average values of PM₁₀ in the months of July 2019 and August 2019 are exceeding the limit for 7 days and 6 days respectively and the 24 hours average values of PM_{2.5} in the month of July 2019 is exceeding the limit for 4 days.

Sonapat:-

The 24 hours average values of PM₁₀ in the months of July 2019 and August 2019 are exceeding the limit for 14 days and 10 days respectively and the 24 hours average values of PM_{2.5} in the months of July 2019 and August 2019 are exceeding the limit for 7 days and 5 days respectively."

9. The above data shows that there is rampant non-compliance of environmental norms by the industries resulting in contamination of ground water and deterioration of air quality. So much so, the source of drinking water is contaminated depriving the citizens of right to access potable water. Such unsatisfactory state of affairs needs to be factored in the policy framework for remedial action. Revised policy must match the gap in violations and remedial measures by the Regulators. We find it difficult to accept that the proposed revised policy will bridge this gap. While the policy now proposed rightly acknowledges the need for increasing frequency of inspections and need for pre-verification of documents instead of mechanical auto-renewal, there is need for further safeguards by shortening the

duration of mandatory inspections and requiring ground verification before renewal and not mere pre verification of documents as proposed. There is also need to take remedial steps against deficiencies noticed in the report of CPCB, especially providing drinking water to the affected inhabitants.

10. The report of the Chief Secretary refers to ease of doing business initiatives to encourage industrial development. Needless to say that while industrial development in sustainable manner is necessary, it cannot be at the cost of air and water quality which are the means of sustenance of life. The industrial development cannot be on the graves of human beings. There can be no objection to bureaucratic procedures and hassles being relaxed, simplified and shortened and industrial growth and employment generation programmes being encouraged but at the same time, such initiatives are to be balanced against deterioration of air and water quality which must be protected.

11. Having considered the material on record, we are of the view that there is need for further reduction of period of inspections and increase in frequency with regard to 'highly polluting 17 category', 'red category' and 'orange category'. Vigilance is also required on 'green category' to verify that 'green' status is being genuinely used. Since the report of the Chief Secretary states that similar policies are operating in 19 States, there is need for the CPCB to ensure revision of such policies in all the States having regard to the data of air and water quality, CEPI, non-attainment cities and polluted water stretches, etc. in said States. The policy should cover inspections with reference to the Water (Prevention and Control of Pollution) Act,

1974 as well as the Air (Prevention and Control of Pollution) Act, 1981. Further action taken report may be filed by the CPCB before the next date by email at judicial-ngt@gov.in.

12. Accordingly, we direct:

- i) The State of Haryana may shorten the period of inspection at higher frequencies preferably as follows:

Period of mandatory inspections:

a) Highly polluting 17 Category:	3
months	
b) Other Red Category:	6
months	
c) Orange Category	1 year
d) Green Category	2 years
e) CBWTF/CHWSRDF/ CMSWTFDF/CETP/STP:	3
months	

This will not dispense with inspections wherever situations so require in the wisdom of the Board and environmental exigencies. The conditions for grant/renewal of consents may be placed in public domain consistent with the spirit of Section 25(6) of the Water Act and corresponding provision of the Air Act. Revised norms for inspections may be placed on record before the next date.

- ii) These timelines and other changes may be followed by the CPCB for other States under Section 18 of the Water (Prevention and Control of Pollution) Act, 1974/Air (Prevention and Control of Pollution) Act, 1981 unless there are reasons for exception for any particular State.
- iii) The Chief Secretary, State of Haryana may also ensure remedial action against the deficiencies pointed out in the

report of the CPCB especially with regard to fluoride in ground water which requires making potable water available to the concerned inhabitants in a time bound manner. Compliance report in this regard may be filed before the next date.

iv) Since the CGWA has still not evolved any compensation regime, compensation regime laid down by CPCB may be utilized as a guideline an interim measure till any further policy is framed.

v) To meet the increased frequency of inspections, the SPCBs/PCCs may undertake capacity enhancement out of consent funds by procuring requisite equipments, setting up of modern labs and recruiting/engaging staff and experts. All vacancies must be filled up as already directed by this Tribunal in *O.A No. 95/2018, Aryavart Foundation v. M/s Vapi Green Environ Ltd & Ors* vide order dated 28.08.2019 which may be ensured by the Chief Secretary. Compliance report may be filed before the next date.

vi) The CPCB may also undertake capacity enhancement including procurement of requisite equipment, setting up of labs, recruiting/engaging staff and experts on above lines utilising environment compensation funds. No authority in the Government will obstruct such exercise so that requisite steps for protection of environment and public health are not hampered. Compliance report may be filed before the next date.

13. A copy of this order be sent to all the Chief Secretaries of the States/UTs, CPCB and the State PCBs/PCCs by email.

List for further consideration on 11.02.2020.

Adarsh Kumar Goel, CP

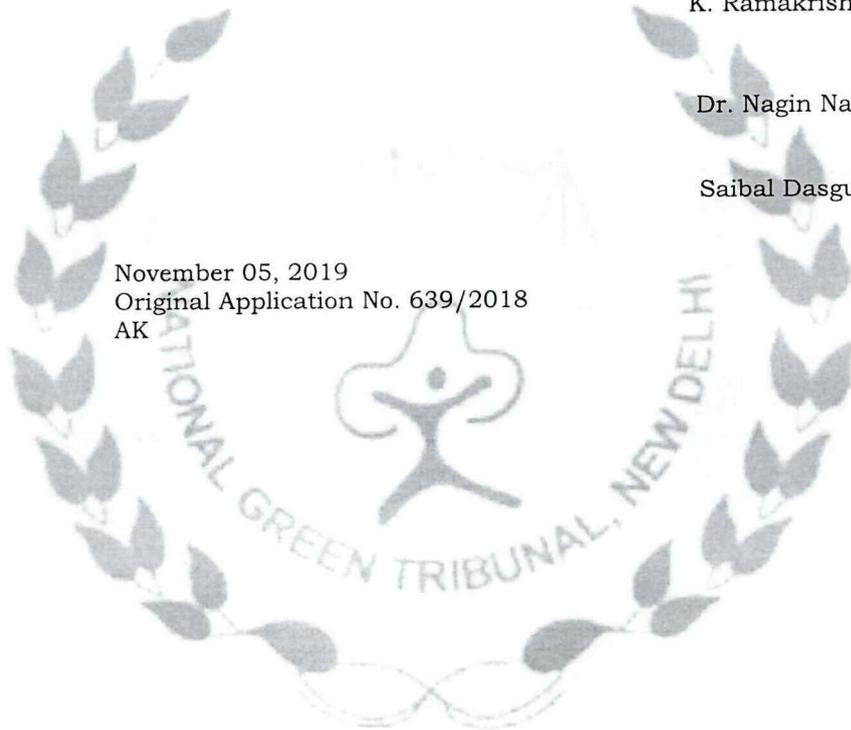
S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM

November 05, 2019
Original Application No. 639/2018
AK



SPEED POST

B-29012/Inspection-Policy/IPC-VI/2019-20/

December 12, 2019

To

The Chairman
All SPCBs/PCCs
(as per the list)

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 AND THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 REGARDING INSPECTION FREQUENCY FOR ENVIRONMENTAL SURVEILLANCE OF INDUSTRIES.

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 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 industrial sectors into red, orange, green and white category and accordingly directions were issued to all the SPCBs / PPCs on March 07, 2016 u/s 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution), Act, 1981 for adoption of revised criteria of categorization of industries, and;

WHEREAS, Hon'ble NGT in the matter of OA No. 639 of 2018, Shailesh Singh Vs State of Haryana & Ors., sought a report from a joint Committee of the CPCB, Haryana State PCB, CGWA and District Administration with reference to the allegation of deterioration of ground water quality in major part of the State of Haryana on account of non-compliance of direction of the Hon'ble Supreme Court in the matter of Writ Petition (Civil) 375/2012, Paryavaran Suraksha Samiti & Anr. Vs Union of India & Ors, that no untreated effluents be discharged and requisite ETPs, STPs and CETPs be installed, and;

Contd...

WHEREAS, the report dated December 10, 2018 was filed by the joint Committee pointing out that the Inspection Policy of the State PCB provided for inspection of 'highly polluting 17 categories', 'red' and 'orange' category industries in 3, 5 and 7 years respectively and auto renewal of consent to operate. The report also found large scale violation of environmental norms which had remained unchecked on account of such unsatisfactory policies, and;

WHEREAS, Hon'ble NGT vide order dated March 08, 2019, in the matter of OA No. 639 of 2018, Shailesh Singh Vs State of Haryana & Ors., highlighted that policy followed by the State of Haryana was hit by the mandate of 'Precautionary' and 'Sustainable Development' principles of environmental law. Since there was large scale violation of environmental norms by 'highly polluting 17 categories', 'red' and 'orange' category industries, meaningful environmental regulatory regime was imperative which require revision of the existing policy framework. Further, the Hon'ble NGT also stated that 'auto renewal policy results in pollution remaining unchecked', and;

WHEREAS, Hon'ble NGT stated that there is need for further reduction of period of inspections and increase in frequency with regard to 'highly polluting 17 categories', 'red category' and 'orange category' industries. Vigilance is also required on 'green category' to verify that 'green' status is being genuinely used. The Hon'ble NGT directed that there is need for the CPCB to ensure revision of such policies in all the States having regard to the data of air and water quality, CEPI, non-attainment cities and polluted water stretches, etc. in said States. The policy should cover inspections with reference to the Water (Prevention and Control of Pollution) Act, 1974 as well as the Air (Prevention and Control of Pollution) Act, 1981, and;

WHEREAS, the Hon'ble NGT in the aforesaid matter directed that the State of Haryana may shorten the period of inspection at higher frequencies preferably as follows:

Period of mandatory inspections:

- a) Highly polluting 17 Category : 3 months
- b) Other Red Category : 6 months
- c) Orange Category : 1 year
- d) Green Category : 2 years
- e) CBWTF/CHWSRDF/ CMSWTFDF/CETP/STP: 3 months, and;

WHEREAS, the Hon'ble NGT also directed that these timelines and other changes may be followed by the CPCB for other States under Section 18 of the Water (Prevention and Control of Pollution) Act, 1974/Air (Prevention and Control of Pollution) Act, 1981 unless there are reasons for exception for any particular State, and;

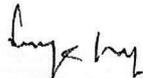
NOW THEREFORE, in a view of the above and in exercise of the powers delegated to the CPCB under section 18(1)(b) of Water (Prevention and Control of Pollution) Act, 1974 and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981, all SPCBs/

PCCs are directed to ensure that for environmental surveillance, industries are inspected preferably at the frequency as mentioned below, unless there are reasons for exception for any particular State:

Sl. No.	Industrial Category/Facility	Frequency of Mandatory Inspection for Environmental Surveillance*
1.	Highly Polluting 17 Category Industries	3 months
2.	Red Category (Other than 17 category industries)	6 months
3.	Orange Category Industries	1 year
4.	Green Category Industries	2 years
5.	CBWTF/ CHWSRDF/ CMSWTF/ CETP/ STP	3 months

(*States/UTs following more aggressive timelines can continue to do so)

The SPCBs/PCCs shall acknowledge receipt of these directions and submit action taken report (ATR) in compliance of these directions to CPCB within 15 days from receipt of directions.

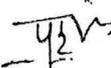

(S. P. Singh Parihar)
Chairman



Copy to:

1. The Joint Secretary
(CP Division)
Ministry of Environment, Forests
& Climate Change
Indira Paryavaran Bhawan
3rd Floor, Prithivi, Aliganj,
Jor Bagh Road
New Delhi -110 003
2. All Regional Directors, CPCB
3. Divisional Head,
IT Division, CPCB

: (with a request to upload the copy of
Directions on CPCB website)


(Prashant Gargava)

o/c

Address List of SPCBs/PCCs

1.	The Chairman Andhra Pradesh State Pollution Control Board D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalmvari Street, Kasturibaipet, Vijayawada- 520010 Andhra Pradesh	2.	The Chairman Arunachal Pradesh State Pollution Control Board 'ParyavaranBhavan', Yupla Road, PappuNallah, Naharlagun – 791110 Arunachal Pradesh
3.	The Chairman Assam State Pollution Control Board Bamunimaidan, Guwahati – 781021 Assam	4.	The Chairman Bihar State Pollution Control Board PariveshBhawan, Plot No.N-B/2, Patliputra Industrial Area Patna-800023
5.	The Chairman Chhattisgarh Environment Conservation Board ParyavasBhawan, North Block Sector-19 NayaRaipur – 492 099 Chhattisgarh	6.	The Chairman Goa State Pollution Control Board Dempo Tower, EDC Plaza, 1 st floor Patto Plaza, Panaji, Goa – 403001
7.	The Chairman Gujarat State Pollution Control Board Sector 10-A, Gandhi Nagar – 382043 Gujarat	8.	The Chairman Haryana State Pollution Control Board C-11, Sector 6, Panchkula, Haryana 134109
9.	The Chairman Himachal Pradesh State Pollution Control Board ParyavaranBhavan, Phase III, New Shimla – 171009 Himachal Pradesh	10.	The Chairman J&K State Pollution Control Board, Parivesh Bhawan, Forest Complex Gladni, Narwal, transport Nagar, Jammu-180004 Jammu and Kashmir
11.	The Chairman Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi – 834004 Jharkhand	12.	The Chairman Karnataka State Pollution Control Board ParisaraBhavan, 4 th & 5 th floors, Church Street, Bangalore – 560 001 Karnataka
13.	The Chairman Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram – 695004 Kerala	14.	The Chairman Maharashtra State Pollution Control Board Kalpataru Point, 3 rd & 4 th floors Sion Matunga Scheme Road No. 6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai 400 022 Maharashtra
15.	The Chairman Madhya Pradesh State Pollution Control Board ParyavaranParisar, E-5 Arera Colony Bhopal – 462016 Madhya Pradesh	16.	The Chairman Manipur State Pollution Control Board Lamphelpat, Imphal West D.C. Office Complex – 795004 Manipur
17.	The Chairman Meghalaya State Pollution Control Board Arden, Lumpynggad, Shillong – 793014 Meghalaya	18.	The Chairman Mizoram State Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizwal Mizoram- 796001
19.	The Chairman Nagaland State Pollution Control Board Signal Point, Dimapur, Nagaland – 797112 Nagaland	20.	The Chairman Odisha State Pollution Control Board ParibeshBhawan A-118, Nilakanta Nagar, Unit –VIII, Bhubaneshwar – 751012. Odisha

21.	The Chairman Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001. Punjab	22.	The Chairman Rajasthan State Pollution Control Board A-4 Institutional Area, JhalaneDungri Jaipur - 302004. Rajasthan
23.	The Chairman Sikkim State Pollution Control Board State land Use & Environment Cell Govt. of Sikkim, Deorali, Gangtok. Sikkim	24.	The Chairman Tamil Nadu State Pollution Control Board No. 76, Mount Salai, Guindy, Chennai - 600032. Tamil Nadu
25.	The Chairman Telangana State Pollution Control Board ParyavaranBhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad - 500 018. Telangana	26.	The Chairman Tripura State Pollution Control Board PariveshBhawan, Pt. Nehru Complex, Gorkhabasti P.O., Kunjaban, Agartala, West Tripura - 799 006. Tripura
27.	The Chairman Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun - 248001. Uttarakhand	28.	The Chairman Uttar Pradesh State Pollution Control Board Building.No. TC-12V VibhutiKhand, Gomti Nagar, Lucknow- 226010. Uttar Pradesh
29.	The Chairman West Bengal State Pollution Control Board ParibeshBhavan Building, No.10-A, Block -LA, Sector 3, Salt Lake City, Kolkata - 700 091. West Bengal		
30.	The Chairman Andaman & Nicobar Islands Pollution Control Committee Department of Science & Technology Dollyganj Van Sadan, Haddo P.O., Port Blair-744102 Andaman & Nicobar	31.	The Chairman Chandigarh Pollution Control Committee ParyavaranBhawan Madhya Marg, Sector - 19 B, Chandigarh - 160019. Chandigarh
32.	The Chairman Daman, Diu & Dadra Nagar Haveli Pollution Control Committee Office of the Deputy Conservator of Forests Moti Daman, Daman - 396220. Daman & Diu	33.	The Chairman Delhi Pollution Control Committee 4 th floor, ISBT Building, Kashmeri Gate, Delhi - 110006. Delhi
34.	The Chairman Lakshadweep Pollution Control Committee Lakshadweep Administration Department of Science, Technology & Environment Kavarati - 682555. Lakshadweep	35.	The Chairman Puducherry Pollution Control Committee Department of Science, Technology & Environment Housing Board Complex, 3 rd floor, Anna Nagar, Pondichery - 600 005

Status of Implementation of CPCB Directions issued u/s 18(1)(b) regarding Inspection Frequency for Environmental Surveillance of Industries (status as on 04.02.2021)

Sl. No	SPCBs/PCCs	Status of implementation of CPCB directions			
1	Arunachal Pradesh	Arunachal Pradesh SPCB vide letter dated 26.08.2020, informed that the Board has adopted the CPCB directions.			
2	Assam	Assam Board vide letter dated 03.01.2020, has informed about the implementation of CPCB directions.			
3	Bihar	Bihar SPCB vide letter dated 20.03.2020, submitted that they have directed their Regional Officers to inspect the industries as per CPCB directions.			
4	Chandigarh	Chandigarh PCC vide letter dated 31.01.2020, informed that they will follow the CPCB directions.			
5	Daman, Diu and Dadra Nagar Haveli	DD & DNH PCC vide letter dated 21.01.2020, informed that they have issued the circular to comply with the CPCB directions.			
6	Goa	Goa SPCB vide letter dated 06.07.2020, informed that the Board has adopted the CPCB directions.			
7	Gujarat	Gujarat SPCB vide letter dated 07.08.2020, submitted that they have adopted the CPCB directions.			
8	Haryana	Haryana SPCB vide e-mail dated 12.02.2020, informed that they have issued the office order dated 11.02.2020 to implement the CPCB directions.			
9	Himachal Pradesh	HPPCB vide letter dated 07.02.2020, informed that they have adopted and notified the CPCB directions.			
10	Jammu & Kashmir	J & K SPCB vide letter dated 04.02.2020, adopted the directions of inspection frequency for environmental surveillance of industries.			
11	Jharkhand	Jharkhand SPCB vide letter dated 26.06.2020, submitted that they have adopted the CPCB directions.			
12	Karnataka	Karnataka SPCB vide letter dated 07.07.2020, informed that they have adopted the CPCB directions.			
13	Kerala	Kerala SPCB vide letter dated 29.12.2019 reported that frequency of inspection is more stringent than CPCB directions, which are as follows:			
			Large	Medium	Small
		Red	Once in a month	Once in 3 months	Once in six months
		Orange	Once in three month	Once in six months	Once in a year
	Green	Once in six month	Once in a year	Once in two years	
14	Manipur	Manipur SPCB vide letter dated 05.12.2020, submitted that they have adopted the CPCB directions. They have also mentioned that inspection team may increase the frequency of inspection if situation so require in the wisdom of the inspection team with approval of the authority.			
15	Meghalaya	Meghalaya SPCB vide letter dated 16.09.2020, informed that Meghalaya SPCB in its 76 th Board meeting dated 06.07.2020 has adopted the CPCB directions.			
16	Mizoram	Mizoram vide letter dated 16.03.2020, informed that they have adopted the CPCB directions.			
17	Nagaland	Nagaland SPCB vide letter dated 30.01.2020, informed that they have followed the timelines of CPCB directions.			
18	Odisha	Odisha vide letter dated 10.01.2020, informed that they have taken necessary steps to comply with the directions.			

19	Punjab	Punjab SPCB vide letter dated 12.02.2020, submitted that PPCB vide office order no. SEE(HQ-2)/2020/56 dated 24.01.2020 has issued the order for implementation of CPCB directions.		
20	Puducherry	Puducherry PCC vide letter dated 21.12.2019, informed that PCC has adopted the CPCB directions.		
21	Sikkim	Sikkim SPCB vide letter dated 25.02.2020, has informed that they are following the inspection frequency as per the CPCB directions.		
22	Tamil nadu	Tamil Nadu SPCB vide letter dated 08.06.2020, submitted that necessary instructions have been issued to all the District Officers of TNPCB to take necessary action in this regard.		
23	Telangana	Telangana SPCB vide letter dated 28.01.2020, informed that the Board has issued the circular for compliance of the CPCB directions.		
24	Tripura	Tripura SPCB vide letter dated 10.01.2020 informed that the Board has taken necessary steps to comply with the CPCB directions.		
25	Uttar Pradesh	Uttar Pradesh SPCB vide letter dated 05.07.2020, submitted that UPPCB has adopted the CPCB directions.		
26	Uttarakhand	Uttarakhand SPCB vide letter dated 20.03.2020, submitted that the Board has adopted the CPCB directions.		
27	West Bengal	West Bengal PCB vide letter dated 07.02.2020, informed that the Board has implemented the CPCB directions.		
28	Chhattisgarh	Chhattisgarh SPCB vide letter dated 17.02.2020, submitted that they have issued the office order for implementation of CPCB directions, which are as follows:		
		Sl. No.	Industrial category/Facility	Frequency of Inspection
		1	17 category industries	Small/Medium/large Scale-03 Months
		2	Red category (other than 17 category)	Medium/large Scale-06 Months
				Small Scale-09 Months
		3	Orange Category Industries	Medium/large Scale-06 Months
				Small Scale-01 Year
4	Green Category Industries	Small/Medium/Large Scale -02 Years		
5	CBWTF/CHWSRDF/CMS WTDF/CETP/STP	03 Months		
29	Maharashtra	Maharashtra SPCB vide letter dated 25.02.2020, submitted that the inspection frequency of industries, are as follows:		
		Duration	Type	
		Monthly	17 Categories, CHWTSDf, CBMWATDF, CETP, Red (large scale)	
		Three Monthly	Red (Medium Scale), Orange (Large Scale), Healthcare establishments (HCE)>200	
		Half-Yearly	Red (Small Scale), Orange (Medium scale), Healthcare establishments 100-200	
		Yearly	Orange (Small scale), Hotels (5 star & above)	
30	Andaman & Nicobar Islands	There is no 17 category highly polluting industries in A & N. Other three categories mostly are hotels which are still closed, however the other industries have started opening slowly for which the ANPCC will carry out environmental surveillance in compliance order of CPCB directions		

31	Andhra Pradesh	Andhra Pradesh SPCB vide email dated 18.08.2020, informed that the Board is working with less than 50% of the sanctioned post. Orders for the recruitment of the staff are awaited from the Government. Meanwhile Board is following frequency inspection policy as below:		
		Sl. No.	Industrial category/Facility	Frequency of Inspection
		1	Highly Polluting 17 Category Industries	06 months
		2	Red category (Other than 17 category industries and common facilities)	1 year
		3	Orange Category Industries	2 year
		4	Green Category Industries	3 year
		5	Sewage Treatment Plants	06 months
		6	CBWTF/CHWSRDF/CMS WTDF/CETP)	06 months
32	Madhya Pradesh	MPPCB vide letter dated 28.08.2020, informed that as per MPPCB Board meeting dated 22.06.2020, they have adopted the following inspection frequency of industries:		
		Sl. No.	Type	Frequency
		1	17 category of industries, Common waste treatment facilities like CBWTF, CETP, STP etc.	Every six months
		2	Red category (large/medium)	Once a year
			Red category (small scale)	Every 2 years
3	Orange	Every 2 years		
4	Green category	As required		
33	Rajasthan	RSPCB vide letter dated 20.10.2020, informed that they are in the process of recruitment of additional scientific and engineering officials and necessary actions on the desired inspection frequency will be taken once the recruitment process is completed.		
34	Delhi	Action Taken Report is not received		
35	Lakshadweep	Action Taken Report is not received		



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

Speed Post

B-29012/Inspection Frequency/IPC-VI/2020-21 17003

March 17, 2021

To,

The Member Secretary
Andhra Pradesh State Pollution Control Board
D.No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalmvari Street,
Kasturibaipet, Vijayawada- 520010
Andhra Pradesh

Sub: Compliance of Hon'ble NGT directions dated 05.11.2019, in the matter of OA No. 639/2018, regarding inspection frequency for environmental surveillance of industries.

Ref: i. CPCB directions issued vide letter dated 12.12.2019, u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981.

ii. APPCB letter no. 14/APPCB/CFE/MOE&F/CPCB/2014, dated 17.08.2020.

Sir,

This has reference to CPCB directions, issued u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981, vide letter no. B-29012/Inspection Policy/IPC-VI/2019-20, dated 12.12.2019, regarding inspection frequency for environmental surveillance of industries in compliance of Hon'ble NGT order dated 05.11.2019, in the matter of OA No. 639/2018. The SPCBs/PCCs were directed to implement prescribed inspection frequency for environmental surveillance and submit Action Taken Report (ATR).

In this regard, Andhra Pradesh Pollution Control Board (APPCB) vide letter dated 17.08.2020 informed that due to manpower shortage (currently 50% working staff as compared to sanctioned post), Board is having variation in inspection frequency policy as compared to prescribed policy. Thereafter, no further communication has been received from APPCB in this regard.

In view of the above, it is requested to comply with CPCB directions and submit ATR to this office, at an early date.

o/c

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत... 17/03/2021
दिनांक...

Yours faithfully,

Ajagwal

(Ajay Aggarwal)

AD & Div. Head, IPC-VI



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

Speed Post

B-29012/Inspection Frequency/IPC-VI/2020-21

March 17, 2021

To,

The Member Secretary
Madhya Pradesh Pollution Control Board
Paryavaran Parisar, E-5 Arera Colony
Bhopal – 462016
Madhya Pradesh

Sub: Compliance of Hon'ble NGT directions dated 05.11.2019, in the matter of OA No. 639/2018, regarding inspection frequency for environmental surveillance of industries.

Ref: 1. CPCB directions issued vide letter dated 12.12.2019, u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981, dated 12.12.2019.

2. MPPCB letter no. मु. प्रनिबो/तकनीकी शाखा/2020 dated 02.03.2020 & 28.08.2020.

Sir,

This has reference to the Hon'ble NGT order dated 05.11.2019, in the matter of OA No. 639 of 2018, titled 'Shailesh Singh v/s State of Haryana & Ors.', wherein the Hon'ble NGT directed CPCB to ensure that the inspection frequency timelines, prescribed by the Hon'ble NGT, are followed by the all the States/UTs, by exercising the powers conferred u/s 18(1)(b) of Water Act, 1974 & Air Act, 1981. CPCB, vide letter dated 12.12.2019, directed all SPCBs/PCCs to ensure that for environmental surveillance, the industries are required to be inspected preferably at the frequency as mentioned below, unless there are reasons for exception for any particular State:

Sl. No.	Industrial Category/Facility	Frequency of Mandatory Inspection for Environmental Surveillance*
1.	Highly Polluting 17 Category Industries	3 months
2.	Red Category (Other than 17 category industries)	6 months
3.	Orange Category Industries	1 year
4.	Green Category Industries	2 years
5.	CBWWTF/ CHWSRDF/ MSWTDF/ CETP/ STP	3 months

(*States/UTs following more aggressive timelines can continue to do so)

In this regard, MPPCB, vide letter dated 02.03.2020 & 28.08.2020, informed that MPPCB is carrying out the physical inspections based on their own office order dated 23.07.2020. The timelines being followed by MPPCB is not in-line with the CPCB directions and no reason for the variation is provided by the MPPCB.

In view of the above, it is requested to comply with the CPCB directions and submit Action Taken Report (ATR) to this office, at the earliest.

Yours faithfully,

A. Aggarwal

(Ajay Aggarwal)

AD & Div. Head, IPC-VI

o/c

निर्गत... N. Singh
दिनांक... 17/03/2021

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

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



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय, भारत सरकार
Hon'ble NGT Matter
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Reminder-X

B-29012/Inspection Frequency/IPC-VI/2020-21 15381-82

January 29, 2021

To,

The Member Secretary
02 PCCs
(Delhi & Lakshadweep)

Sub: Action Taken Report (ATR) in compliance of Hon'ble NGT order dated 05.11.2019, in the matter of OA No. 639/2018 - CPCB directions u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981, dated 12.12.2019, regarding inspection frequency for environmental surveillance of industries.

Sir,

This has reference to CPCB directions, issued u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981, vide letter no. B-29012/Inspection Policy/IPC-VI/2019-20, dated 12.12.2019, regarding inspection frequency for environmental surveillance of industries in compliance of Hon'ble NGT order dated 05.11.2019, in the matter of OA No. 639/2018. SPCBs/PCCs were reminded on 09.01.2020, 06.02.2020, 17.03.2020, 21.05.2020, 22.06.2020, 18.08.2020, 15.09.2020, 06.10.2020 & 02.12.2020, with the request to provide Action Taken Report (ATR), however, the same is still awaited.

It is requested, again, to submit ATR regarding inspection frequency for environmental surveillance of industries to this office, immediately.

Yours faithfully,

A Aggarwal

(Ajay Aggarwal)

AD & Div. Head, IPC-VI

Copy to:

The Regional Director
CPCB

(Chandigarh & Bangalore)

: with the request to follow-up.

o/c

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

निर्गत... 01/02/2021

दिनांक... 01/02/2021



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

Speed Post

B-29012/Inspection Frequency/IPC-VI/2020-21

February 4, 2021

To,

The Member Secretary
Rajasthan State Pollution Control Board
A-4 Institutional Area, Jhalane Dungri
Jaipur – 302004.
Rajasthan

Sub: Compliance of Hon'ble NGT directions dated 05.11.2019, in the matter of OA No. 639/2018, regarding inspection frequency for environmental surveillance of industries.

**Ref: i. CPCB directions issued vide letter dated 12.12.2019, u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981.
ii. RSPCB letter no. F.12 (PSC-21)/RSPCB/PSC/1641, dated 20.10.2020.**

Sir,

This has reference to CPCB directions, issued u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981, vide letter no. B-29012/Inspection Policy/IPC-VI/2019-20, dated 12.12.2019, regarding inspection frequency for environmental surveillance of industries in compliance of Hon'ble NGT order dated 05.11.2019, in the matter of OA No. 639/2018. SPCBs/PCCs were reminded on 09.01.2020, 06.02.2020, 17.03.2020, 21.05.2020, 22.06.2020, 18.08.2020, 15.09.2020, & 06.10.2020, with the request to provide Action Taken Report (ATR).

Rajasthan State Pollution Control Board (RSPCB) vide letter dated 20.10.2020 informed that RSPCB is in the process of recruitment of additional scientific and engineering officials and necessary actions on the desired inspection frequency will be taken once the recruitment process is completed. So far, no further communication has been received from RSPCB in this regard.

In view of the above, it is requested, again, to submit ATR regarding inspection frequency for environmental surveillance of industries to this office, immediately.

Yours faithfully,

(Ajay Aggarwal)

AD & Div. Head, IPC-VI