

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

**ORIGINAL APPLICATION NO. 102/2022 (WZ)**

**IN THE MATTER OF:**

**SAGAR K. DEVRE**

**APPLICANT**

**VERSUS**

**STATE OF MAHARASHTRA &  
ORS.**

**RESPONDENT(S)**

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Date : .....

Place : Pune



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REPLY AFFIDAVIT ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD

I, Bharat Kumar Sharma, S/o Shri D.P. Vishwakarma, aged 50 years, working as Scientist "F" and Regional Director in the Office of Regional Directorate, Central Pollution Control Board, Pune, do hereby solemnly affirm and declare as under:

1. That I am fully conversant with the facts and circumstances of the present case and am duly authorized to affirm and swear this affidavit on behalf of the Central Pollution Control Board, Delhi (hereinafter referred to as CPCB).
2. That this reply is being filed in compliance of the directions of Hon'ble NGT in Original Application No. 102/2022 (WZ), issued vide order dated 11.04.2023, directing CPCB to file a reply on the affidavits of respondent nos. 6 to 12 & 14.
3. A copy of Hon'ble NGT order dated 11.04.2023 in Original Application No. 102/2023 (WZ) is given at Annexure-I.

Submissions of CPCB:

The details about classification of industrial sectors into red, orange, green & white categories and also about "Ready mix cement concrete plants" are as follows:

1. CPCB categorizes industries, on the basis of pollution index (PI) which is a function of water pollution, air pollution, hazardous waste generation, fuel consumption and amount of waste water generation. Evaluation of Pollution Index is based on the risk involved due to pollutants being generated from the industrial sector.

2. The concept of categorization of industries into red, orange, green and white categories, is based on the "Precautionary Principle", which focus on potential of industries to pollute the environment.

3. The purpose of categorization is to ensure that the industry is established in a manner consistent with the environmental objectives and to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in generation of no or minimum pollutants.

4. The Pollution Index (PI) of any Industrial Sector, which is a rational number between 0 and 100, is function of Water Pollution Score, Air pollution Score and Hazardous Waste Generation Score.

- i. Water pollution score is a number from 0 to 40 depending upon the quality & quantity of the effluents from that industrial sector.
- ii. Air pollution score is a number from 0 to 40 depending upon the quality & quantity of the emission from that industrial sector.
- iii. Hazardous waste generation score is a number from 0 to 20 depending upon the types of hazardous waste(s) generated from that industrial sector.
- iv. Pollution Index = Water pollution score + Air pollution score + Hazardous waste generation score

5. In case, particular sector is not generating all three types of pollution, the pollution scores are normalized to 100 for calculating PI. The normalization is done on the basis of following formulas:

a. Any of the industrial sector having only either air pollution (A) or water pollution (W), the score will be normalized to 100 as per the following formula-

$$\text{Normalized Score} = \{100 \times W \text{ (or A)}\} / 40$$

b. Any of the industrial sector having air pollution (A) and water pollution (W) both but no hazardous waste generation (H), the joint score of air & water pollution will be normalized to 100 as per the following formula-

$$\text{Normalized Score} = \{100 \times (W+A)\} / 80$$

c. Any of the industrial sector having air pollution (A) and hazardous waste generation (H) but no water pollution (W), the joint score of air pollution and hazardous waste generation will be normalized to 100 as per the following formula-

$$\text{Normalized Score} = \{100 \times (A+H)\} / 60$$

d. Any of the industrial sector having water pollution (W) and hazardous waste generation (H) but no air pollution (A), the joint score of water pollution & hazardous waste generation will be normalized to 100 as per the following formula-

$$\text{Normalized Score} = \{100 \times (W+H)\} / 60$$

Central Pollution Control Board  
Ministry of Environment & Forests, Government of India  
No. 110, Naraina Drive, New Delhi - 110028



6. The increasing value of Pollution Index (PI) denotes the increasing degree of pollution hazard from the industrial sector. The following criteria on the "Range of Pollution Index" for the purpose of categorization of industrial sectors is used.

- Industrial sectors having PI score of 60 and above – Red category
- Industrial sectors having PI score of 41 to 59 – Orange category
- Industrial sectors having PI score of 21 to 40 – Green category
- Industrial sectors having PI score inclusive & upto 20 – White category

7. White category of industries, which are considered as practically non-polluting, are not required to obtain consent to operate from SPCBs/PCCs and an intimation to concerned SPCB/PCC shall suffice.

8. So far, CPCB has categorized 254 industrial sectors i.e. 61 under red, 90 under orange, 65 under green and 38 under white category, and directed SPCBs/PCCs to adopt the same. CPCB has directed SPCBs/PCCs to categorize any new/left out sector at the level of concerned SPCB/PCC, following the guidelines prescribed by CPCB.

9. The major source of pollution in a "Ready mix cement concrete plants" is fugitive dust emission due to inherent dry and dusty nature of raw materials stored in the premises and due to transportation of raw material and final product. Air pollution score for the sector is 10 and the normalized score/pollution index is  $10 \times 40 / 100 = 25$ . The sector is categorized under green category of industries.

That in light of the above submissions, it is respectfully prayed that CPCB shall abide by any order or directions passed by Hon'ble Tribunal.

DEPONENT

**VERIFICATION**

It is verified that the content of this Affidavit which is based on official record and information available in the office are true and correct. Nothing has been concealed therein. Verified on the ..... day of May 2023 at .....

भरत कुमार शर्मा / Bharat Kumar Sharma

क्षेत्रीय निदेशक / Regional Director

केंद्रीय प्रदूषण नियंत्रण बोर्ड  
Central Pollution Control Board

क्षेत्रीय निदेशालय, पुणे / Regional Directorate, Pune

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार

M/o Env't. Forest & Climate Change, Govt. of India

प्लॉट नं. ११०, सिविल प्रवर्धन इलाहाबाद रोड, बांध, पुणे - 411045  
Banar, Pune-411045

DEPONENT

**ATTESTED**

MANISHA SAMEER CHITNIS  
NOTARY  
GOVERNMENT OF INDIA

17 MAY 2023



Item No. 6

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

(By Video Conferencing)

Original Application No. 102/2022(WZ)

Sagar K. Devre

.....Applicant

Versus

State of Maharashtra &amp; Ors.

....Respondent(s)

Date of hearing: 11.04.2023

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Applicant : Applicant in-person

Respondent(s) : Mr. Aniruddha Kulkarni, Advocate for R-1/State of Mah.  
Ms. Manasi Joshi, Advocate for R-2 & 3/MPCB  
Mr. Saurabh Kulkarni, Advocate for R-4/TMC  
Mr. R.B. Mahabal, Advocate for R-6 to 12 & R-14

**ORDER**

1. From the side of Applicant, Applicant in-person has appeared.
2. From the side of Respondent Nos. 6 to 12 & 14, learned Counsel Mr. R.B. Mahabal has appeared and apprised that he has filed affidavits on behalf of Respondent Nos. 6, 8, 10 & 11 and besides that he has also filed submission of additional documents dated 14.03.2023 from the side of Respondent Nos. 6 to 12 & 14, where-with he has annexed copy of letter dated 23.02.2023 written by him to the Chairman, CPCB in the matter of re-classification of Ready-Mix Cement concrete Plants from Green Category to White. According to him, Ready-Mix Cement concrete Plants, need to be put in white category instead of green and if that is done, the

opposed by the Applicant, as he wants to file reply affidavit before any direction to be issued for impleadment of the CPCB. We grant him one week's time to file reply affidavit.

3. Since the Applicant is opposing the impleadment of CPCB, therefore, we direct the Registry to send a copy of the affidavit of Respondent Nos. 6 to 12 & 14 to the CPCB with the direction that reply to the same may be filed within a period of one week.

4. From the side of Respondent No. 1/State of Maharashtra, learned Counsel Mr. Aniruddha Kulkarni has appeared and apprised that being a formal party, he does not want to file reply affidavit.

5. From the side of Respondent Nos. 2 & 3/MPCB, learned Counsel Ms. Manasi Joshi has appeared and apprised that additional affidavit dated 06.04.2023 has been filed, where-in the calculation of environmental compensation has been made with respect to nine RMC units, which are impleaded in the present case as Respondents. The learned Counsel for the Project Proponent wants to file reply to this affidavit as well, for which he is granted two weeks' time.

6. From the side of Respondent No. 4/Thane Municipal Corporation, learned Counsel Mr. Saurabh Kulkarni has appeared and apprised that as no relief is claimed against them, therefore, he does not want to file reply affidavit.

Put up this matter on 18.05.2023