

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

Original Application No.162/2024 (WZ)

NOTARIAL REG.

ENTRY NO.

1886

DATE:

11/4/2025

Pramod Dhanraj Khursange

---Applicant

Vs

District Collector, Nagpur & Ors

---Respondents

**Reply Affidavit on behalf of the Maharashtra Pollution Control
Board i.e. Respondent No.4**

I, Dhanashree Patil, Aged -Adult, Occupation-Service, the Sub-Regional Officer of the Maharashtra Pollution Control Board at Nagpur-I, having Office address at Udyog Bhavan , 5th floor , Near Sales Tax Office, Civil Line , Nagpur - 440 001, do hereby state on solemn affirmation as under :-

1. I am filing this Affidavit in compliance of the Order dated 24/02/2025 passed by this Hon'ble Tribunal.
2. I say and submit that by the instant Original Application, the main prayer of the applicant is to set aside the Draft District Survey Report (DSR) dated December 2023 alongwith the Tenders, which are said to be floated for 3 years for mining purpose under the said DSR located at Nagpur District.



3. I say and submit that State Level Environment Impact Assessment Authority (SEIAA) has granted Environment Clearances on 02/02/2024 to the District Mining Officer, District Collector Office, Nagpur for carrying out sand mining activities in District of Nagpur, subject to certain terms and conditions, wherein, one of the condition is that the Project Proponent shall carry out sand mining by manual method only. No mechanical / electrical / power driven devices shall be used for sand mining purposes.
4. I say and submit that as per the Directions dated 12/02/2025 issued by the Central Pollution Control Board 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 revised harmonization of classification of industrial sectors Red, Orange, Green, White & Blue categories, the standalone mining lease area upto 5 hectares in areas (not a part of any cluster mining) has been categorized under orange category excluding manual excavation. An abstract of the said categorization is annexed herewith as an **Annexure-I**.
5. I say and submit that in view of the classification of industrial sectors dated 12/2/2025 issued by the Central Pollution Control Board, the Respondent-Board has not issued Consent to Establish and Consent to Operate to Respondent Nos.5 to 12 - Private Respondents namely M/s.Namaswi Traders, M/s.Altaf

Ahmad, Nashik Transport, Ramduta Multi-services Pvt Ltd, Deccan Commercial, Borele Buildcon Pvt Ltd , Securetech Solutions and Nissar Sons in respect of sand mining activities in District Nagpur.

6. I say and submit that the Revenue Department, through the District Collector and District Mining Officer are the Competent Authorities to take necessary action.

Solemnly affirmed on this 1st day of April, 2025 at Nagpur

For and on behalf of the
Maharashtra Pollution Control Board

Patil

(Dhanashree Patil)
Sub-Regional Officer, Nagpur



SWORN/SOLEMNLy AFFIRMED
BY Dhanashree Patil

WHO IS PERSONALLY/KNOWN
TO ME /IDENTIFIED BY self

BEFORE ME THIS THE 01st
DAY OF April 2025 AT NAGPUR

Punam

PUNAM P. MOON
NOTARY
NAGPUR DIST. (M.S.) INDIA





2933

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

CP-18/1/2023-IPC-VI-HO-CPCB-HO

Date: 12.02.2025

To

The Chairman

State Pollution Control Board/Pollution Control Committee

(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 harmonization of classification of industrial sectors under Red, Orange, Green, White and Blue categories.

WHEREAS, under section 16 (2)(b) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(c) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under the Water (Prevention and Control of Pollution) Act, 1974, is to coordinate activities of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs); and

WHEREAS, under section 16 (2)(c) of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 (2)(d) of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the CPCB is to provide technical assistance and guidance to SPCBs and PCCs; and

WHEREAS, it was brought to the notice of CPCB, that different SPCBs/PCCs were following different criteria for the classification of industrial sectors under different categories. Therefore, in 2012, to have uniformity in classification throughout the country, CPCB vide letter no. B-29012/1/2012/ESS/1526-1563, dated 04.06.2012 issued directions under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to SPCBs/PCCs to adopt and implement standardized list of Red, Orange and Green categories of industries; and

WHEREAS, in 2016, the Central Pollution Control Board (CPCB) developed a scoring methodology based on the Pollution Index (PI) to harmonize the criteria for classification of industrial sectors. The PI is determined based on Precautionary Principle- by evaluating potential of water pollution, air pollution, and hazardous waste generation from particular sector. CPCB vide letter no. B-29012//ESS(CPA)/2015-16, dated 07.03.2016 issued directions under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to SPCBs/PCCs to adopt and implement revised classification. SPCBs/PCCs were also directed to categorize any new or left over sectors at their level by constituting a Committee and following the methodology prescribed by CPCB; and

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‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

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

(K)

WHEREAS, CPCB vide letter no. B-29016/ROGW/IPC-VI/2020-21, dated 30.04.2020, issued directions under section 18(1)(b) of the Water Act, 1974 and the Air Act, 1981 to SPCBs/PCCs regarding segregated list of non-industrial sectors (activities/ facilities/ infrastructure/ services) such as sewage treatment plants, healthcare facilities, hotels, building and construction projects, airports, highways etc. Further, CPCB also classified few additional sectors from time to time; and

WHEREAS, based on the experience gained over the years in Pollution Index calculation, use of cleaner fuels like PNG/CNG etc., adoption of cleaner technology resulting in reduced emission/wastewater generation, a need was felt to revisit the classification methodology of 2016; and

WHEREAS, during July 2023, CPCB prepared a “Draft Report on Classification of Industrial Sectors into Red, Orange, Green and White Categories: A Tool for Progressive Environmental Management” which was uploaded on CPCB website for seeking comments/suggestions of the stakeholders/public on the same. The draft report was also circulated to SPCBs/PCCs/MoEF&CC for comments; and

WHEREAS, CPCB vide office order dated 26.09.2023 constituted a committee to critically examine and analyse the comments/suggestions and to make recommendations for suitable incorporation in the finalizing the methodology and classification; and

WHEREAS, based on the stakeholders’ comments, a need was felt to promote/incentivize units for adopting measures resulting in better environmental performance. Additionally, a requirement was also felt for separate category – Blue Category- for essential environmental services for management of environmental pollution arising from domestic/household activities. Accordingly, CPCB prepared an “Addendum and substitution thereto in Draft Report on Classification of Sectors into Red, Orange, Green, White and Blue Categories”, which was shared with SPCBs/PCCs and also uploaded on CPCB website on 11.07.2024 for seeking inputs/comments; and

WHEREAS, the amendment in Section-21 of the Air (Prevention and Control of Pollution) Act, 1981 through the Jan Vishwas (Amendment of Provisions) Act, 2023 and amendment in Section-25 of the Water (Prevention and Control of Pollution) Act, 1974 through the Water (Prevention and Control of Pollution) Amendment Act, 2024, grant exemption to certain categories of industries, as notified by Central Government, for obtaining consent under these Acts; and

WHEREAS, the Ministry of Environment, Forest and Climate Change, Government of India vide notification no. G.S.R. 702(E), dated 12.11.2024 granted exemption of consent under the Water Act, 1974 and the Air Act, 1981 to exemption of Consent to Establish (CTE) and Consent to Operate (CTO) to all industrial plants having pollution index score upto 20 (at present total 39 industrial sectors under white categories as per 2016 methodology) subject to



condition that such plant shall inform in writing to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC); and

WHEREAS, the MoEF&CC vide letter no. Q-15012/2/2022/-CPW-Part (1)/e-240741, dated 14.11.2024 has issued Standard Operating Procedure for implementation of the said Notification dated 12.11.2024. The SOP includes the following provisions for White categories of industries:

- i. Industry to intimate to concerned SPCB/PCC about operations and self-declare the compliance with prevalent rules & regulations,
- ii. Concerned SPCB/PCC to maintain separate list of such industries/activities, and
- iii. Concerned SPCB/PCC to ensure that no activities other than those intimated, are carried out by exempted units.

WHEREAS, the Committee constituted by CPCB evaluated the comments, incorporated the suitable changes and finalized the revised methodology as well as classification of sectors. Final report in this regard titled as "Classification of sectors in to Red, Orange, Green, White and Blue Categories (A tool for progressive environmental management)" was submitted to Ministry of Environment, Forest and Climate Change (MoEF&CC) for concurrence. The MoEF&CC vide letter no. Q-16017-57-2015-CPA, dated 15.01.2025 granted concurrence to the revised classification; and

WHEREAS, as per the revised methodology, the category of the sector is decided based on the following ranges of Pollution Index:

- i. Red: $PI \geq 80$,
- ii. Orange: $55 \leq PI < 80$,
- iii. Green: $25 \leq PI < 55$,
- iv. White: $PI < 25$; and

WHEREAS, based on the revised methodology, CPCB has classified a total of 419 sectors and sub-sectors as under:

- i. The Red Category: 125
- ii. The Orange Category: 137
- iii. The Green Category: 94
- iv. The White Category: 54
- v. The Blue Category: 9; and

WHEREAS, the purpose of classification is to ensure that the industry is established in a manner consistent with the environmental objectives and also to prompt industrial sectors to adopt cleaner technologies, ultimately resulting in the generation of no or minimum pollutants. The revised classification system also defines criteria for incentivizing such industry. The industry may self-assess the PI score as per defined criteria and can submit application to respective SPCBs/PCCs for consideration; and



NOW, THEREFORE, in the exercise of the powers delegated under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18(1)(b) of the Air (Prevention & Control of Pollution), Act, 1981 the earlier directions dated 07.03.2016 and subsequent directions/letter in the context of categorization of industries are withdrawn with immediate effect and following '**Directions**' are hereby issued for compliance by all SPCBs and PCCs:

1. That SPCBs and PCCs shall immediately adopt the revised methodology for classification of sectors and list of 419 sectors/sub-sectors classified under Red, Orange, Green, White, and Blue categories as detailed in the **attached** report- "Classification of Sectors into Red, Orange, Green, White and Blue Categories (A tool for progressive environmental management)".
2. That all pending application for consideration of consent (CTE/CTO) and future such application shall be processed as per the revised classification. In case CTE granted before the revised classification, applicability of CTO will be as per revised classification.
3. That the revised sectors/subsectors classified under Red, Orange, Green, White, and Blue category of sectors as given in the attached document shall be used by the SPCBs and PCCs for consent management, inventorization of units under different categories, siting criteria, deciding environmental surveillance frequency, calculation of environmental compensation, etc., as per the guidelines issued from time to time.
4. That SPCBs and PCCs shall prepare the inventory of Red, Orange, Green, White and Blue categories of units operating in their jurisdictions, based on the revised classification. SPCBs and PCCs shall upload the category and sector-wise list of such units on their website. SPCBs and PCCs shall also forward such list to CPCB, latest by 30.06.2025 and thereafter updated list by 30th June every year.
5. That the classification of sectors shall not be linked to sanction of loans/finance of bank proceedings.
6. That any further addition of any new or left-out sector and their classification which is not listed in the revised list of Red, Orange, Green, and White categories, shall be done at the level of concerned SPCB /PCC by constituting a Committee and following revised criteria & guidelines as detailed in the attached report and no concurrence of CPCB shall normally be required. Intimation of same from time to time will suffice. However, addition in Blue Category Sectors-Essential Environmental Services for domestic waste management, will be done at the level of CPCB only. SPCBs/PCCs may forward their proposal, if any, to CPCB in this regard.
7. That SPCBs and PCCs are required to prepare and submit list of additional sector classified under white category to CPCB on annual basis, by 30th of June every year, in the prescribed format (Annexure-V) as given in the attached report, for further notification for exemption from consent as per the provisions of the Jan Vishwas (Amendment of Provisions) Act, 2023, the Water Act, and the Air Act as amended from time to time by MoEF&CC.
8. That SPCBs and PCCs shall constitute a committee as prescribed in the report to evaluate the applications of the units for incentives due to adopting measures resulting in better environmental performance and reduction in PI score. The SPCB/PCC shall

place the separate list of such units on their website and also submit list of such units to CPCB on Annual Basis by 30th June every year.

The SPCBs/PCCs shall acknowledge the receipt of directions and submit the "Action Taken Report" in compliance with these directions to CPCB before 20.02.2025.

Encl. As above.



(Bharat Kumar Sharma)

Member Secretary



Copy to:

1. The Chief Secretary of all the States and UTs
(As per the list)
2. The Secretary,
Ministry of Micro, Small and Medium Entrepreneurs
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
3. The Secretary,
Ministry of Heavy Industries
Udyog Bhawan, Rafi Marg, New Delhi - 110 011
4. The Secretary,
Ministry of New and Renewable Energy
Block-14, CGO Complex,
Lodhi Road, New Delhi-110 003
5. The Joint Secretary (CP Division)
Ministry of Environment, Forests and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi - 110 003
6. All Regional Directorates, CPCB
(As per the list)



(Bharat Kumar Sharma)

Member Secretary



OTHERS/SPECIAL CATEGORY SECTORS

| S. No. | Sector | W1 | W2 | W3 | PI _w | A1 | A2 | A3 | PI _A | H1 | H2 | PI _H | Pollution Index (PI) | Category | Remarks | Concerned Division | |
|--------|--|----|----|----|-----------------|----|----|----|-----------------|----|----|-----------------|----------------------|----------|-------------------------------|--------------------|--|
| 1.0 | HYDEL POWER PLANTS INCLUDING PUMPED STORAGE PROJECTS | | | | | | | | | | | | | | | | |
| 1.1 | Hydel power plants (Capacity > 50 MW) | | | | | | | | | | | | | Red | PI may be considered as 90. | IPC-II | |
| 1.2 | Mini Hydel power plants (Capacity from more than 25 MVA and up to 50 MW) | | | | | | | | | | | | | Orange | PI may be considered as 67.5. | IPC-II | |
| 1.3 | Mini Hydel power plants (Capacity ≤ 25 MW) | | | | | | | | | | | | | White | PI may be considered as 12.5. | IPC-II | |
| 2.0 | SAND / RIVERBED MATERIAL MINING FROM RIVERBED AND ITS FLOODPLAINS (excluding manual excavation) (i. Sand / riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc. ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area. iii. This categorization is made considering the ecological damages and not based on pollution potential/index. iv. Cluster mining as defined in 'Enforcement & Monitoring Guidelines for Sand Mining, 2020', issued by MoEF&CC.) | | | | | | | | | | | | | | | | |
| 2.1 | Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining | | | | | | | | | | | | | Red | PI may be considered as 90. | IPC-II | |
| 2.2 | Standalone mining lease area up to five hectares in areas (not a part of any cluster mining) | | | | | | | | | | | | | Orange | PI may be considered as 67.5. | IPC-II | |