

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
O.A. No. 622 OF 2022**

**IN THE MATTER OF:**

Aniruda Panwar

...Applicant

Versus

Ministry of Environment, Forest & Climate Change & Ors.

...Respondents

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2.	<b>Annexure-I:</b> A copy of letter dated 08.03.2018 sent by CPCB to SEIAA/SEAC of all States and Union Territories to follow the CPCB guidelines which includes requirement of Environmental Clearance prior to set up new CBWTF.	
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(V.P. Yadav)

Scientist-F

Place: Delhi

Date: 07.10.2022

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

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 622 OF 2022**

**IN THE MATTER OF:**

**Aniruda Panwar**

**...Applicant**

**Versus**

**Ministry of Environment, Forest & Climate Change & Ors. ...Respondents**

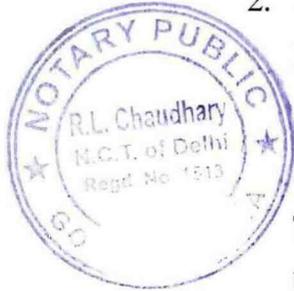
**REPLY ON BEHALF OF RESPONDENT NO. 2, CENTRAL POLLUTION CONTROL BOARD (CPCB), PARIVESH BHAWAN, EAST ARJUN NAGAR, DELHI- 110 032.**

I, V.P. Yadav S/o Shri Ramashray Yadav, aged about 56 years, working as Scientist-F in Central Pollution Control Board, do hereby solemnly affirm and declare that I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present affidavit as under:

1. That the averments under Para I, II and III are about the details on Applicant and Respondent, hence no comments to offer by this Answering Respondent.

**FACTS**

2. That the averments made under Para 1 is regarding allotment of land by Respondent No. 6 that is Uttar Pradesh State Industrial Development Corporation to Respondent No. 07 that is M/s Punchakran Private Limited, Babrala, Uttar Pradesh for establishment of Common Biomedical Waste Treatment Facility (herein after will be called as CBWTF) at E-26 & 26, UPSIDC Industrial Area, Babrala, District Smabhal, Uttar Pradesh which is an Industrial area for Green Industries. In this regard, it is humbly to submit that this answering Respondent No. 02 is not aware about such allotment of land for setting up of CBWTF. However, it is submitted that Schedule-III of

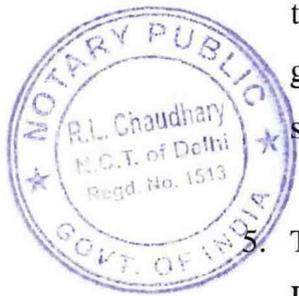


Biomedical Waste Management Rules, 2016 notified under Environment (Protection) Act, 1986 stipulate that it is the duty of Municipalities or Corporations, Urban Local Bodies and Gram Panchayats to provide or allocate suitable land for development of CBWTF in their respective jurisdictions as per the guidelines of Central Pollution Control Board (hereafter will be referred as CPCB).

3. That the averments made under Para 2 and Para 3, applicant alleges that Respondent No. 04 that is State Environment Impact Assessment Authority, Uttar Pradesh violated the guidelines dated 20.09.2021 and 01.04.2022 issued by Respondent No. 01 that is Ministry of Environment, Forest and Climate Change. These guidelines are issued by Ministry of Environment Forest & Climate Change regarding requirement of Environmental Clearance by an industry before any construction or commencement of project/activity. In this regard, it is humbly submitted that as per CPCB Revised Guidelines for Common Bio-medical Waste Treatment Facilities, the CBWTF operator is required to obtain Environmental Clearance (hereafter will be referred as EC) from the respective State Environment Impact Assessment Authority or Ministry of Environment, Forest & Climate Change, as the case may be, before any construction work, or preparation of land by the projects management.

4. Central Pollution Control Board vide letter dated 08.03.2018 also issued letter to SEIAA/SEAC of all States and Union Territories to follow the CPCB guidelines which also include requirement of Environmental Clearance prior to set up new CBWTF. Copy of said letter is given at **Annexure I**.

5. That the averments made under Para 4 to Para 7, applicant alleges that Respondent No. 2, 4 and 5 have violated the guidelines issued by Respondent No. 01. In this regard, it is humbly to submit that as indicated in above Para that mandate for allotment of land is of Municipalities or Corporations, Urban Local Bodies and Gram Panchayats, as stipulated under BMWM Rules, 2016. Also, Prescribed Authority for grant of Consent to Establish and Consent to

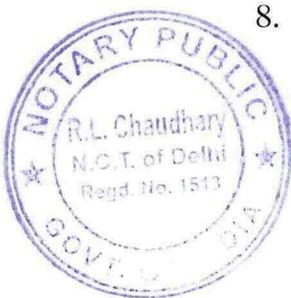


Operate to any industry for setting up of CBWTF is of concerned State Pollution Control Board/Pollution Control Committee. This answering Respondent has no role in granting permission for setting up of CBWTF.

6. It is also indicated in the averments that CBWTF is an hazardous unit in nature and classified as Red category industry whereas Babrala Industrial Area is for establishment of green category of industries. In this regard, it is to humbly submit that as per directions dated 30.04.2020 issued by this answering respondent regarding categorization of industries, CBWTFs are categorized under Red category but as non-industrial operations as these are part of pollution control facilities. Copy of said CPCB directions is given at **Annexure II**.
7. That the averments made under Para 8 states about complaints and letters written by residents of the locality to take action against Respondent No. 07 & Respondent No. 08 for illegally obtaining the permission to set up CBWTF at afore-mentioned site address. In this regard, it is humbly submit that this answering Respondent is not aware about such public complaints or letters and hence no comments to offer.

## GROUND

8. That the averments made under grounds Para A to F is regarding grant of Environmental Clearance and Consent to Establish to Respondent No. 7. It is also mentioned that Respondent No. 01 to Respondent No. 06 failed to initiate action against Respondent No. 07. In this regard, it is humbly submitted that as per CPCB Revised Guidelines for Common Bio-medical Waste Treatment Facilities, State Environment Impact Assessment Authority is the prescribed authority for grant Environment Clearance, before any construction work, or preparation of land by the projects management. Further, prescribed authority of grant of authorization and consents under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 for setting up of CBWTF is State Pollution Control Board/Pollution Control



Committee. In case of Uttar Pradesh, Uttar Pradesh Pollution Control Board is the Prescribed Authority for implementation of Biomedical Waste Management Rules, 2016 as well as CPCB guidelines.

### PRAYER

In view of the above facts indicated in earlier paras, it is respectfully prayed that this Respondent shall abide by any order or direction, passed by this Hon'ble Tribunal.

### VERIFICATION

Verified at Delhi on this ..... th day of October, 2022 that the contents of the above reply affidavit are correct to the best of my knowledge and belief. Nothing has been concealed therein.



ATTESTED  
*[Signature]*  
NOTARY PUBLIC  
GOVT. OF INDIA

07 OCT 2022

### DEPONENT

विजय प्रकाश यादव / Vijay Prakash Yadav

निदेशक/ Director

केंद्रीय प्रदूषण नियंत्रण बोर्ड

Central Pollution Control Board

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार

(Ministry of Environment, Forest & Climate Change, Govt. of India)

परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110029

Parivesh Bhawan, East Arjun Nagar, Delhi-110029

### DEPONENT

विजय प्रकाश यादव / Vijay Prakash Yadav

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(Ministry of Environment, Forest & Climate Change, Govt. of India)

परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110029

Parivesh Bhawan, East Arjun Nagar, Delhi-110029

By Speed Post

F.No.B-31011/BMW(50)/2018/WM-1/

To

All State  
SEIAA/SEAC

Sub: Implementation of CPCB revised Guidelines for Common Bio-medical Waste Treatment Facilities (CBWTF) - reg.

Sir,

Central Pollution Control Board (CPCB) has been receiving representations from Common Bio-medical Waste Treatment Facilities (CBWTF) operators/ CBWTF Association of India regarding grant of Environmental Clearance by State Environmental Impact Assessment Authority (SEIAA)/ State Expert Appraisal Committee (SEAC) for setting up new CBWTF without following the provisions of CPCB's revised guidelines for Common Bio-medical Waste Treatment Facilities (CBWTFs) especially w.r.to criteria for setting up of new CBWTF, land requirement and coverage area of CBWTF. In this connection, it is to inform that the said CPCB's revised guidelines stipulates following clauses which are required to be complied for setting up of new CBWTF:

1. Gap analysis conducted by the State Pollution Control Boards/Pollution Control Committees w.r.to bio-medical waste generation with its projection over 10 years and the adequacy of the existing CBWTFs with coverage area of 75 Km.
2. Land requirement of not less than one acre to setup any CBWTF. In case of new CBWTF the land requirement may be relaxed (not less than 0.5 acre) by the SPCB/PCC.
3. Coverage area vis-à-vis CBWTF located within the respective State/UT shall be allowed to cater healthcare units situated at a radial distance of 75 KM with 10, 000 beds. If 10,000 beds are not available within radial distance of 75 Km, existing CBWTF may be allowed to cater the healthcare units situated upto 150 KM radius.

Copy of the relevant portion of the CPCB's revised guidelines for CBWTFs are enclose for your ready reference.

In view of the above, it is requested to follow the criteria for setting up of new CBWTF, as well as the provision for location & coverage of CBWTF as laid down under CPCB's revised guidelines for CBWTF before allowing new CBWTF for ensuring proper treatment & disposal of Bio-medical waste.

Yours faithfully,

/   
(A.Sudhakar)   
Member Secretary

Encl.: As Above

Copy to:

- (i) Joint Secretary, : For kind information, please  
Ministry of Environment, Forest & Climate Change  
3<sup>rd</sup> Floor, Prithvi Wing  
Indira Parvayaran Bhawan  
Jor Bagh Road, New Delhi- 110003

- (ii) PS to 'CCB' : For kind information of 'CCB', please

/   
(A.Sudhakar)



**SPEED POST**

F.No. B-29016/ROGW/IPC-VI/2020-21/

April 30<sup>th</sup>, 2020

To

**The Chairman  
All SPCBs/PCCs**

**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 INTO RED, ORANGE, GREEN AND WHITE CATEGORY.**

**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 function 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; and

**WHEREAS**, carrying out the responsibility assigned to MoEF&CC/CPCB/SPCB, under, Steel Scrap Recycling Policy, notified by Ministry of Steel on 07.11.2019, a meeting was held under chairmanship of Joint Secretary (HSM Division) at MoEF&CC on 07.11.2019 for uniform categorization of scrapping activities as Red/Orange/Green/White Category. During the meeting it was decided that such uniform categorization of scrapping centres has to be developed by CPCB. The CPCB has categorized "Scrapping Centres (for End of Life of Vehicles and other scraps such as plant and machineries, structural material, railway coaches and wagons etc.)" under "Orange Category" of industries; and

**WHEREAS**, a need was felt to categorize some industrial sectors on PAN-India level and to resolve anomalies in categorization, if any. Accordingly, CPCB through Office Order No. B-29012/IPC-VI/2019-20, dated 17.02.2020, constituted a Committee to deal with the matter related to categorization of industrial sectors under red/orange/green/white category; and

**WHEREAS**, the meetings of the Committee were held on 02.03.2020 at CPCB, Delhi and 15.04.2020 & 21.04.2020, through video conferencing. During the meeting, the categorization of Railway Stations, Compressed/Refined Bio-Gas Production from Bio-degradable Wastes and Used Cooking Oil (UCO) collection centers was finalized. The details regarding categorization are enclosed as **Annexure-I**. Further, based on the few representations, the Committee has also segregated the list of Non-Industrial Operations (Activities/ Facilities/ Infrastructure/ Services), which were covered under classification of industrial sectors in CPCB's document on categorization. The list of such Non-Industrial Operations is enclosed as **Annexure-II**.

**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, all the SPCBs/PCCs are directed to:

- i. Adopt the categorization finalized by CPCB for following sectors:
  - a. Scrapping Centres (for End of Life of Vehicles and other scraps such as plant and machineries, structural material, railway coaches and wagons etc.).
  - b. Used Cooking Oil (UCO) collection centers.
  - c. Compressed/Refined Bio-Gas Production from Bio-degradable Wastes.
  - d. Railway Stations.
- ii. Consider the sectors given at Annexure-II under Non-Industrial Operations (Activities/ Facilities/ Infrastructure/ Services).

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

(Ravi S. Prasad)  
Chairman

PK  
h/s

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 DH, IT

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

(Prashant Gargava)  
Member Secretary

o/c

## The list of newly categorized sectors by CPCB

S. No.	Entry at S. No. of respective category in CPCB's classification	Industry Sector	W1	W2	W	A1	A2	A	H	Pollution Index (PI)	Category	Remarks
1	85	Scrapping Centres (for End of Life of Vehicles and other scraps such as plant and machineries, structural material, railway coaches and wagons etc.)									Orange	
		a. Collection, De-Pollution, Dismantling Centres and Shredding Centres	20	-	20	15	-	15	20	55	Orange	<ul style="list-style-type: none"> <li>i. Process will generate waste water from vehicle washing, surface washing, spillage while depolluting the vehicle.</li> <li>ii. Emission of particulate matter.</li> <li>iii. Residue generated during the process needs stabilization before disposal as it may contain asbestos.</li> </ul>
		b. Collection, De-Pollution and Dismantling Centres	20	-	20	10	-	10	20	50	Orange	<ul style="list-style-type: none"> <li>i. Process will generate waste water from vehicle washing, surface washing, etc.</li> <li>ii. Fugitive emission may be generated from dismantling and other activities.</li> <li>iii. Residue generated during the process needs stabilization before disposal as it may contain asbestos.</li> </ul>
		c. Shredding Centres (can include white goods*/other scraps also)	15	-	15	15	-	15	15	45	Orange	<ul style="list-style-type: none"> <li>i. Waste water may be generated from floor washing, etc.</li> <li>ii. Residue generated may be incinerated/landfilled.</li> <li>iii. Emission of particulate matter.</li> </ul>
<p>Note- * Recycling/dismantling of white goods are covered under E-Waste (Management &amp; Handling) Rules, 2016, and have already been categorised in CPCB document "Classification of Industrial Sector" (Feb, 2016)</p>												

S. No.	Entry at S. No. of respective category in CPCB's classification	Industry Sector	W1	W2	W	A1	A2	A	H	Pollution Index (PI)	Category	Remarks
2	37	Used Cooking Oil (UCO) collection centers	-	-	-	-	-	-	-	00	White	<ul style="list-style-type: none"> <li>i. Generally, there is no waste water generation or air emissions from UCO collection centers.</li> <li>ii. Concerned SPCB/PCC shall ensure the above.</li> </ul>
3	86	Compressed/Refined Bio-Gas Production from Bio-degradable Wastes	30	-	30	10	-	10	10	50	Orange	<ul style="list-style-type: none"> <li>i. All digesters requiring discharge of excess wastewater to be treated in orange category.</li> <li>ii. Domestic bio-digesters based on cow-dung or household biodegradable wastes (such as Gobargas plant) - White category.</li> <li>iii. No wastewater discharge from digester and also feed slurry to digester having Volatile Organic Fraction more than 75% to be considered as Green category;</li> <li>iv. Wastewater may be generated from wet processes for gas refining, cooling towers and cooling re-circulation processes.</li> <li>v. Odour generation from pretreatment of organic waste and composting.</li> <li>vi. Exhausted adsorption media/filters and spent solvents may also get generated.</li> </ul>

S. No.	Entry at S. No. of respective category in CPCB's classification	Non-Industrial Operations (Activities/Facilities/Infrastructure/Service sector)	W1	W2	W	A1	A2	A	II	Pollution Index (PI)	Category	Remarks
1	Railway Stations											
	61	Railway Stations (Waste Water Generation $\geq$ 100 KLD)	20	10	30	15	0	15	10	75	Red	<ul style="list-style-type: none"> <li>i. Mainly water polluting, scores are normalized. Wastewater generating from public toilets, public-taps, platform and apron washing, coach cleaning, laundry, restaurants etc.</li> <li>ii. Air emissions may be generated from boilers, DG sets (&gt;1MVA), railway sidings etc.</li> <li>iii. Small amount of hazardous waste such as used oil from DG sets, waste oil from coach cleaning, etc. may be generated</li> </ul>
	84	Railway Stations (Waste Water Generation $\geq$ 10 KLD, but < 100 KLD)	20	0	20	12	0	12	10	50	Orange	<ul style="list-style-type: none"> <li>i. Mainly water polluting, scores are normalized. Waste water generating from various uses such as public toilets, public-taps, platform and apron washing, restaurants etc.</li> <li>ii. Air emissions may be generated from railway sidings, DG sets etc.</li> <li>iii. Small amount of hazardous waste such as used oil from DG sets etc. may be generated</li> </ul>
	64	Railway Stations (Waste Water Generation < 10 KLD)	12	0	12	0	0	0	0	30	Green	<ul style="list-style-type: none"> <li>i. On small railway stations, waste water generation mainly from public taps and toilets. Scores are normalized.</li> <li>ii. Small railway stations normally may not have boilers or any other prominent stationary air emission sources.</li> </ul>

## List of Non-Industrial Operations (Activities/Facilities/Infrastructure/Services)

Covered Under Red Category of Industries Earlier				
Sl. No.	Sl. No. (as per CPCB Document)	Industry Sector	Pollution Index	Remarks
1	23	Airports and Commercial Air Strips	75	<ul style="list-style-type: none"> <li>i. The Airports are generating mainly the wastewaters.</li> <li>ii. This is the water pollution normalized score for airports having discharge more than 100 KLD.</li> <li>iii. The airports / strips having discharge less than 100 KLD will have score of 50 and hence orange category.</li> <li>iv. If the score is normalized wrt water + HW both, then all the airports will come under Orange category ( score - 58.33).</li> </ul>
2	30	Health-care Establishment (as defined in BMW Rules)	75	<ul style="list-style-type: none"> <li>i. Mainly water polluting.</li> <li>ii. The water pollution score is normalized to 100 &amp; valid for Hospitals having total waste-water generation &gt; 100 KLD.</li> <li>iii. The hospitals with incinerator will be categorized as Red irrespective of the quantity of the wastewater generation.</li> <li>iv. The hospitals having total waste-water generation less than 100 KLD and without incinerator, the normalized water pollution score will be 50 and will be categorized as Orange category.</li> </ul>
3	31	Hotels having overall wastewater generation @ 100 KLD and more.	75	<ul style="list-style-type: none"> <li>i. Mainly water polluting. Small boiler may be installed.</li> <li>ii. The water pollution score is normalized to 100 &amp; valid for Hotels having waste-water generation &gt; 100 KLD.</li> <li>iii. The hotels having more than 20 rooms and waste-water generation less than 100 KLD and having a coal/ oil fired boiler, the pollution score will be 35/40 &amp; are categorized as orange.</li> <li>iv. The hotels having more than 20 rooms and waste-water generation less than 10 KLD and having no-boiler &amp; no hazardous waste generation, the pollution score will be 20 &amp; are categorized as Green.</li> </ul>
4	39	Railway locomotive work shop/Integrated road transport workshop/ Authorized service centers	75	<ul style="list-style-type: none"> <li>i. Mainly water polluting industry. Water is used in the washing of locomotives, road transport vehicles during servicing.</li> <li>ii. This score is valid for those Centers having discharge more than 100 KLD.</li> <li>iii. Service Centers having waste-water generation &lt; 100 KLD, the normalized score will be <math>= (100 * 20) / 40 = 50</math>.</li> </ul>
5	46	Ports and harbour, jetties and dredging operations	85	This category contain all sorts of pollution
6	-	Common treatment and disposal facilities (CETP, TSDF, CBMWTF, effluent conveyance project, incinerator, MSW sanitary land fill site)	-	<ul style="list-style-type: none"> <li>i. All such facilities are classified as Red but special category projects as these are parts of pollution control facilities.</li> <li>ii. In case of CETP, the categorization will depend upon the category of member industries being served.</li> </ul>

		Note: Solvent/acid recovery plant and E-waste recycling are considered as industrial operation.		
List of Sectors Covered Under Orange Category of Industries Earlier				
Sl. No.	Sl. No. (as per CPCB Document)	Industry Sector	Pollution Index	Remarks
1	18	Automobile servicing, repairing and painting (excluding only fuel dispensing)	50	Normal water & air polluting and recyclable waste oil generating. If the waste water generation is more than 100 KLD, it will become mainly water polluting and Red category unit.
2	21	Building and construction project more than 20,000 sq. m built up area	50	i. In the pre-construction stage, it is mainly air polluting due to generation of dust (PM) emissions. ii. After construction, it is mainly water polluting. If the discharge is more than 100 KLD, it will be having the normalized score of 75 and be categorized as Red.
3	38	Hotels (< 3 star) or hotels having > 20 rooms and less than 100 rooms.	50	Mainly water polluting. WP score is normalized to 100.
4	46	Mechanized laundry using oil fired boiler	50	Both air and water pollution are generated.
5	50	New highway construction project	50	Mainly air polluting project.
List of Sectors Covered Under Green Category of Industries				
Sl. No.	Sl. No. (as per CPCB Document)	Industry Sector	Pollution Index	Remarks
1	19	Facility of handling, storage and transportation of food grains in bulk	25	Some fugitive emissions of PM during handling of grains.
2	52	Hotels (up to 20 rooms and without boilers)	30	This score is valid for hotels having overall waste-water generation less than 10 KLD.
3	58	Flyash export, transport & disposal facilities	37.5	i. This is mainly air polluting activity. ii. This is the normalized score based on air pollution.
4	59	Mineral stack yard / Railway sidings	37.5	Mainly air pollution due to loading, unloading, storage and transportation of the minerals.
5	60	Oil and gas transportation pipeline	37.5	i. Contains small gas based power plants up-to 5 MWs. ii. Air pollution score is normalized to 100. iii. In case, if these power plants are bigger / liquid fuel / oil based, scores will be calculated accordingly.
6	-	Diesel generator sets (15 KVA to 1 MVA)	-	i. Normal operation - 12 hrs a day. ii. Consumption of diesel = 1680 litres for 1 MVA DG set at full load @ 0.21 litres / KVA / hr. iii. Stand-alone DG Sets having total capacity 1 MVA or less and equipped with acoustic enclosures alongwith adequate stack height may be exempted from the purview of Consent management. Higher capacity DG sets have already been covered under Red / Orange categories.
7	-	Automobile fuel outlets (only dispensing)	-	Minor air pollution due to some fugitive emissions during fuel filling operations. May be exempted from the purview of Consent management.

Item No.3

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH**

(By Video Conferencing)  
Original Application No.622/2022

Aniruda Panwar

...Applicant

Versus

Ministry of Environment, Forest and  
Climate Change & Ors.

...Respondents

Date of hearing: 02.09.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Anup Kumar, Advocate.

**Application under section 18 (1) read with sections 14, 15 and 18 of the  
National Green Tribunal Act, 2010**

**ORDER**

1. The applicant has filed the present application under section 18 (1) read with sections 14, 15 and 18 of the National Green Tribunal Act, 2010 *inter alia* seeking the relief of cancellation of CTE dated 26.04.2022 and environmental clearance dated 30.07.2022 granted in favour of Respondent no. 7-M/s. Punchakran Private Limited, Plot No. E-25 and E-26, UPSIDC Industrial Area, Babrala, District Sambhal, Uttar Pradesh (the Project Proponent).

2. Briefly stated, the applicant has submitted that the Project Proponent has got plot bearing no. E-25 and E-26 allotted from respondent no. 6-Uttar Pradesh Industrial Development Corporation (UPSIDC) in UPSIDC Industrial Area, Babrala, District Sambhal, Uttar Pradesh, which is meant for green industries, for establishing Common Bio-Medical Waste Treatment Facility (CBWTF), which falls under the category of red industry, by misrepresenting

that the unit to be setup was green industry. Respondent no. 4- State Environment Impact Assessment Authority has granted impugned environmental clearance in violation of the guidelines dated 20.09.2021 and 01.04.2022 issued by the MoEF & CC under Section 5 of the Environment (Protection) Act, 1986. Respondent no. 5- Uttar Pradesh Pollution Control Board (UPPCB) has also violated the above said guidelines by granting impugned CTE before grant of environmental clearance. The applicant made complaints to the concerned Authorities challenging grant of environmental clearance and CTE but no action has been taken on the same.

3. *Prima facie*, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. Notice alongwith copies of the application and documents attached therewith be issued to respondents no. 1 <sup>d to d</sup> ~~and~~ 8 requiring them to file their reply to the allegations made in the application within four weeks at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
4. Mr. Pradeep Misra, Advocate for UPPCB, who is present before this Tribunal in some other cases, has accepted notice on behalf of respondent no. 5-UPPCB and undertakes to file its reply as directed above.
5. Learned counsel for the applicant is directed to supply a copy of the application and documents attached with the same to the learned counsel appearing for respondent no. 5- UPPCB.
6. The applicant is also directed to take requisite steps for effecting service of notices on respondents 1 to 4 and 6 to 8. The applicant is also directed to take the notices Dasti and serve the same on respondents no. 7

and 8. The applicant shall file his affidavit regarding service within seven days by E-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) as well as in the Registry.

7. List the matter for further consideration on 10.10.2022.

8. In the meanwhile, no further steps for establishment/operation of the Common Bio-Medical Waste Treatment Facility shall be taken by the Project Proponent on the basis of impugned environmental clearance and CTE in its favour which shall remain in abeyance.

9. A copy of this order be also sent alongwith the notices to all the respondents for ensuring requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 02, 2022  
AG

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 622/2022

Anirudh Panwar Vs. Ministry of Environment, Forest and Climate Change & Ors.

To,

1. **Ministry of Environment, Forest & Climate Change**  
Indira Paryavaran Bhawan, Jor Bagh  
Lodhi Colony, New Delhi- 110003  
Email : [secy\\_moef@nic.in](mailto:secy_moef@nic.in)
2. **Central Pollution Control Board**  
Parivesh Bhawan CBD- cum-office Complex,  
East Arjun Nagar, Delhi- 110032  
Email : [ccb.cpcb@nic.in](mailto:ccb.cpcb@nic.in)
3. **Government of Uttar Pradesh**  
Through Chief Secretary,  
1<sup>st</sup> floor, Room No. 110, Lalbahadur Sastri Bhawan, Uttar Pradesh Secretariat,  
Lucknow, Uttar Pradesh – 226001  
Email : [csup@nic.in](mailto:csup@nic.in)
4. **State Environment Impact Assessment Authority, Uttar Pradesh**  
Through its Chairman  
199, Mandakini Enclave, Alaknanda,  
New Delhi – 110019  
Email : [chairman.seiaa.up@gmail.com](mailto:chairman.seiaa.up@gmail.com)
5. **Uttar Pradesh State Industrial Development Corporation**  
(UPSIDC) Complex, A-1/4 Lakhanpur  
Kanpur, Uttar Pradesh – 208024  
Email : [md@upsidc.com](mailto:md@upsidc.com)
6. **M/s Punchakran Private Limited**  
Plot No. E- 25 and E- 26 UPSIDC  
Industrial Area, Babrala,  
District- Sambhal, Uttar Pradesh  
Email : [eashfintax@gmail.com](mailto:eashfintax@gmail.com)
7. **Shri Rajesh Kumar**  
M/s Punahchakran Pvt. Ltd.  
9/34, Avas Vikas- III, Ambedkar Puram,  
Panki Road, Kalyanpur, Kanpur, Uttar Pradesh  
Email : [eashfintax@gmail.com](mailto:eashfintax@gmail.com)

**NOTICE**

Whereas the above titled Original Application was listed before the Tribunal on 02.09.2022 (copies of order as well as petition are enclosed), when the Tribunal inter-alia passed the following order:-

*“3. Prima facie, the allegations made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. Notice alongwith copies of the application and documents attached therewith be issued to respondents no. 1 to 8 requiring them to file their reply to the allegations made in the application within four weeks at [judicialngt@gov.in](mailto:judicialngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.*

*4. Mr. Pradeep Misra, Advocate for UPPCB, who is present before this Tribunal in some other cases, has accepted notice on behalf of respondent no. 5-UPPCB and undertakes to file its reply as directed above.*

5. Learned counsel for the applicant is directed to supply a copy of the application and documents attached with the same to the learned counsel appearing for respondent no. 5- UPPCB.

6. The applicant is also directed to take requisite steps for effecting service of notices on respondents 1 to 4 and 6 to 8. The applicant is also directed to take the notices Dasti and serve the same on respondents no. 7 and 8. The applicant shall file his affidavit regarding service within seven days by E-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) as well as in the Registry.

7. List the matter for further consideration on 10.10.2022."

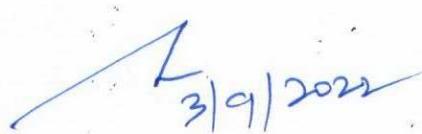
2. Now, take notice that the above matter will be listed on 10<sup>th</sup> October, 2022 for further consideration, before the Hon'ble Tribunal at Faridkot House, Copernicus Marg, New Delhi- 110001 through Physical Hearing (With Hybrid Option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed and file reply, as per directions of the Hon'ble Tribunal vide order dated 02.09.2022.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

Given under my hand and the seal of this Tribunal, on this 3<sup>rd</sup> September, 2022.

Note: (For Orders, Cause Lists & other information, please visit our website [www.greentribunal.gov.in](http://www.greentribunal.gov.in))

Encl.: As above

  
Consultant (Judicial)  
National Green Tribunal