BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Appeal No. 38 of 2026

In the matter of:

M.G. Bakers Private Limited …. Appellant

Versus

Haryana State Pollution Control Board &Ors ...Respondent(s)

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1.	**Reply** on behalf of Central Pollution Control Board (CPCB) i.e. Respondent No. 3. In compliance to Hon'ble NGT Order Dated 30.03.2026 in Appeal No. 38 of 2026.	
2.	**Annexure-R3-I-** A copy of the Mechanism/Guidelines outlining major environmental issues (water pollution, air pollution, solid waste management, noise pollution, infrastructure, parking, groundwater extraction, etc.)for Restaurants/Hotels/Motels/Banquets and measures to mitigate them.	
3.	**Annexure-R3-II-** A copy of CPCB Letter dated 19.03.2020 circulated to all the chief secretary States/UTs and all the member secretary SPCBs/PCCs regarding compliance with the Hon'ble NGT Order Dated 20.12.2019 and adoption of CPCB Mechanism/Guidelines.	
4.	**Annexure-R3-III-** A copy of Report of the CPCB In-house Committee "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund."	

Through
Adv. Suman Arora
(On behalf of Central Pollution Control Board)

Place: Delhi
Date: 16.07.2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Appeal No. 38 of 2026

In the matter of:

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REPLY ON BEHALF OF RESPONDENT NO. 3, i.e. CENTRAL POLLUTION CONTROL BOARD

1. That, Hon'ble National Green Tribunal, Principal Bench, New Delhi (hereinafter referred to as "NGT") vide notice dated 05.05.2026 referring its order dated 30.03.2026 has sought the reply/response of Central Pollution Control Board (hereinafter referred to as "CPCB") in the instant matter. Thereby, the response is made in the instant Appeal having Appeal No. 38 of 2026 tilted M.G. Bakers Private Limited Versus Haryana State Pollution Control Board & Ors. (hereinafter referred to as "Appeal") in succeeding paragraphs.

2. That, the present matter primarily pertains to the appeal against the impugned Order dated 13.02.2026 passed by the Haryana State Pollution Control Board (hereinafter referred to as "HSPCB") imposing Environmental Compensation of Rs. 9,30,000/- on the unit, namely "Nik Baker's", SCO 410, Sector-20, Panchkula, Haryana, for the alleged operation of the unit without a valid Consent to Operate (CTO) during the period from 11.09.2022 to 15.03.2023.

3. That, at the outset, the answering respondent denies all claims, contentions, allegations and averments against answering respondent CPCB in the referred Appeal contrary to anything stated or submitted in this reply. Nothing in the Appeal may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averment which has been expressly admitted hereinafter.

4. That, CPCB is constituted under The Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "The Water Act, 1974"). It performs the functions under the Water Act, 1974; The Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "The Air Act, 1981") and The Environment (Protection) Act, 1986 (hereinafter referred to as "The E(P) Act, 1986").

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5. That, the State Pollution Control Boards (hereinafter referred to as "SPCBs")/Pollution Control Committees (hereinafter referred to as "PCCs") in every State/Union Territory have been constituted under the Water Act, 1974 and the Air Act, 1981 and are responsible for implementation of the provisions of both the Acts in their respective State/Union Territory.

PRELIMINARY SUBMISSIONS:

6. That, in context of consent required to be obtained by the projects and various units/components of the project, it is humbly submitted that, SPCBs/PCCs are the concerned authorities to grant Consent to Establish (hereinafter referred to as "CTE") /Consent to Operate (hereinafter referred to as "CTO") under the Water Act, 1974 and the Air Act, 1981 in their

respective jurisdiction of State/Union Territory and to ensure the compliance of conditions of consent and prescribed environmental standards.

7. That, in the context of compliance with environmental norms by establishments such as Restaurants/Hotels/Motels/Banquets etc., it is humbly submitted that, in pursuant to Hon'ble NGT Order dated December 20, 2019 (Date of hearing: 17.12.2019, Date of uploading: 20.12.2019) in the Appeal No. 400/2017 titled as Westend Green Farms Society Vs Union of India & Ors., this Answering Respondent has prepared document titled "Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/ Cluster of Restaurants/ Hotels/ Motels/Banquets etc." The said mechanism/guidelines outlines the major environmental issues e.g. water pollution, air pollution, solid waste management, noise pollution, infrastructure issues, parking issues, ground water extraction etc. associated with Restaurants/Hotels/Motels/Banquets etc. and way to address/mitigate those issues in such establishments. Copy of the said guidelines is enclosed at **Annexure-R3-I**.

8. That, the said Mechanism/Guidelines was also circulated by CPCB vide letter dated 19/03/2020 (enclosed herewith as **Annexure-R3-II**) to all States and Union Territories for taking necessary action for complying with all the directions passed for States/UTs by Hon'ble NGT in its Order dated December 20, 2019. Copy of said Letter was also issued to SPCBs/PCCs with request for compliance of said Order of Hon'ble NGT and to adopt the Mechanism/Guidelines prepared by CPCB in consultation/coordination with concerned State Authorities, with necessary

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modifications but without diluting its essence and furnish the Modified Mechanism/Guidelines and status report about compliance to CPCB. The copy of CPCB guideline is also available on the following web link of the CPCB website https://cpcb.gov.in/NGT/Mechanism_07.09.2020.pdf

9. That, it is humbly submitted that this Answering Respondent, pursuant to and in compliance with the directions of this Hon'ble Tribunal in Original Application No. 593/2017 (W.P. (Civil) No. 375/2012), Paryavaran Suraksha v. Union of India & Ors., prepared a report titled "Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund." The said report lays down a comprehensive framework with illustrations for assessment of Environmental Compensation in cases involving violations of environmental laws, statutory directions, and consent conditions, based on the well-established "Polluter Pays" principle. The aforesaid report was duly considered by this Hon'ble Tribunal vide order dated 28.08.2019 passed in the said Original Application, and the Environmental Compensation regime contained therein was directed to be acted upon as an interim measure. A copy of the said report is annexed herewith as **Annexure-R3-III**.

PARA WISE REPLY: -

10. That, the averments made in Paragraph Nos. 1 to 9 under the heading "MOST RESPECTFULLY SHOWETH" pertain to the filing of the present Appeal challenging the HSPCB Show Cause Notice dated 10.12.2024 and the Order dated 13.02.2026 (digitally signed on 16.02.2026) imposing Environmental Compensation of Rs. 9,30,000/- upon the appellant's unit, the appellant's replies thereto, and the facts relating to the grant of Consent to Operate (CTO). In this regard, the submissions made in Paragraph Nos.

6 to 9 of this reply are reiterated and are not repeated herein for the sake of brevity.

11. That, the averments made in Paragraph Nos. 10 to 13 under the heading "FACTS IN BRIEF" relate to the categorization of the appellant's unit by HSPCB, the categorization of establishments such as Restaurants, Dhabas, Motels, Marriage Halls, Banquet Halls and Party Lawns, HSPCB's consent mechanism and the applicable notifications/orders relating to obtaining Consent to Operate (CTO). The said averments are matters of record and do not call for any comments from this Answering Respondent.

12. That, the averments made in Paragraph Nos. 14 to 21 under the heading "FACTS IN BRIEF" pertain to the appellant's attempts to submit applications for obtaining the requisite Consent to Operate (CTO) through the HSPCB portal, the alleged technical issues faced by the appellant, the subsequent processing of the applications and grant of CTO. The said averments pertain to the actions of HSPCB and do not relate to this Answering Respondent. Hence, no comments are called for from this Answering Respondent.

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13. That, the averments made in Paragraph Nos. 22 to 30 under the heading "FACTS IN BRIEF" pertain to the Show Cause Notice issued by HSPCB, the appellant's reply thereto, the personal hearing before HSPCB, the Order dated 13.02.2026 imposing Environmental Compensation of Rs. 9,30,000/- on the appellant's unit, and the challenge to the said order before this Hon'ble Tribunal. In this context, it is respectfully submitted that the said averments pertain to the actions of HSPCB and do not relate to this

Answering Respondent. Accordingly, no comments are called for from this Answering Respondent.

14. That, the averments made in Paragraph Nos. 31 to 46 under heading "GROUNDS" are about the various Grounds for filing the instant appeal by the Appellant. In this context, it is humbly submitted that, the submissions made in the preceding paragraphs are re-iterated and are not repeated herein for the sake of brevity.

15. That, no comments are offered over the averments made in Paragraph No. 47 under the Heading "Limitation", and the averments made under the Heading "Prayer".

16. That, the answering respondent No. 03 craves leave of this Hon'ble Tribunal for filing additional reply, if required, in future.

17. That, in view of the above submissions, it is respectfully prayed that, the CPCB/Respondent No. 03 shall abide by any orders or directions passed by Hon'ble NGT.

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(Sharandeep Singh)
Scientist "E"
Central Pollution Control Board

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Appeal No. 38 of 2026

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AFFIDAVIT

I, Sharandeep Singh, aged about 46 years in the capacity of Scientist-E, having office at the Delhi, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, do hereby solemnly affirm and sincerely state on oath as follows: -

1. That, I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.

2. That, the accompanying reply may be read part and parcel of the present affidavit as the same are not being repeated.

3. That, the accompanying reply has been drafted and filed under my instructions; the contents thereof are true and correct on the basis of the records maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.

NOTARY PUBLIC R.L. Chaudhary N.C.T. of Delhi Regd. No. 1513 GOVT. OF INDIA

DEPONENT

शरणदीप सिंह / Sharandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली–110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

I, Sharandeep Singh, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032, the Respondent No. 3 herein do hereby verify that the contents above are true and correct to the best of my knowledge, information and belief.

16 JUL 2026

Verified at Delhi on this the .... Day of July, 2026.

NOTARY PUBLIC
R.L. Chaudhary
N.C.T. of Delhi
Regd. No. 1513
GOVT. OF INDIA

ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA

16 JUL 2026

DEPONENT

शरणदीप सिंह / Sharandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
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Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Annexure-R3-I

Mechanism/Guidelines

for

Control of Pollution and Enforcement of Environment Norms

at

Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc.

Prepared by

Central Pollution Control Board
Pariviesh Bhawan, East Arjun Nagar, Delhi – 110032

(In compliance with the Hon'ble NGT Order dated 19.09.2019 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Vs Union of India &Ors.)

Mechanism/GuidelinesforControl of Pollution and Enforcement of Environment NormsatIndividual Establishments and the Area/ Cluster of Restaurants/ Hotels/ Motels/ Banquets etc.

1.0 Background

Hon'ble NGT vide Order dated 19.09.2019 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Vs Union of India &Ors. stated that –

"12. There canbe no dispute that violation of environment norms having adverse impact on environment and public health cannot be ignored. Apart from formalizing and enforcing the action plan reproduced above, the MoEF&CC may evolve appropriate siting guidelines as well as mechanism for undertaking impact assessment either of individual establishments or of the area/cluster to ensure that activities beyond carrying capacity of the area are duly regulated to enforce the 'Precautionary' principle as well as 'sustainable development'. The MoEF&CC may also review the reports which may be furnished by the CPCB in respect of progress made by the SPCBs/PCCs. We direct the MoEF&CC to entrust the responsibility of evolving mechanism for mitigation to the CPCB which is a statutory body under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 and/or any other expert/institution. It will be appreciated if the CPCB can lay down suitable guidelines for the regulation of such entities, within the framework of law. The guidelines must provide for coercive measures in case of violations and also a monitoring mechanism."

Further, Hon'ble NGT, vide Order dated 17.12.2019 on the matter highlighted various practical issues and requirements like parking provisions, rain water harvesting system, installation of CCTV cameras, GPS systems and the likes (paras 20 & 21) for consideration and incorporation in CPCB's mechanism/guidelines et also passed the following relevant direction-

"22. (i). CPCB may finalize its draft guidelines dated 16.12.19 referred to in para 13 above in light of observations in paras 20 and 21 above and circulate the same to all the States/UTs within one month. The PCBs/PCCs may, in consolation/coordination with concerned State Authorities, adopt the same with necessary modifications but without diluting its essence and furnish status report about compliance to CPCB within three months but before 30.04.2020."

In compliance with the above Order, Central Pollution Control Board (CPCB) approached all the State Pollution Control Boards/Pollution Control Committees (vide letter dated 24.10.2019, **Annexure-I**) requesting them to provide relevant information about operation and pollution control initiatives/policy (if any) adopted in case of marriage halls, banquets, restaurants and similar other venues of mass gatherings. Only three PCBs/PCCs namely Tamil Nadu State Pollution Control Board, Meghalaya State Pollution Control Board and Madhya Pradesh Pollution Control Board replied submitting limited data and information about marriage halls/banquets operating under their jurisdictions. Two detailed inspection reports prepared by

CPCB in connection with NGT O.A. No. 1008/2018 and O.A. No. 412/2018 were also available for reference. Based on information submitted by the SPCBs/PCCs, technical inputs taken from CPCB inspection reports and relevant literature survey,guidelines/mechanisms for control of pollution and enforcement of environmental laws in marriage halls, banquets, etc. has been prepared and presented below.

2.0 Major Environmental Issues related to marriage halls, banquet halls, party venues

With the paucity of space, marriage halls, banquet halls, party venues, etc., have now become a social necessity. Apart from marriages, these venues are also increasingly being used for celebrating birthdays, organizing religious functions, get-togethers and other events. Unlike the bigger star hotels doing business all throughout the year, marriage halls, banquets, party venues, etc. are essentially operated occasionally particularly during marriage seasons, religious festivals, etc. Party venues, including smaller and bigger ones, hold approximately 15 to 30 events per year. For hosting a single big event, these halls/venues generally remain operational for about 05 days (including 02 days before the event for preparations, the event-day and 02 days after the event for clearing and dismantling temporary fixtures/stages, etc.). All banquets and party halls may not have indigenous kitchens for cooking and serving foods. Banquets/party halls having no kitchens normally outsource cooking/food requirements to some outside caterers/agencies who cook/prepare foods at a different place and transport the same to the party halls/banquets for serving guests. Banquets/party halls having own kitchens/cooking arrangements may be more polluting then the ones having no kitchens of their own.

In general, marriage halls, party venues and the likes end up creating water pollution, air pollution, solid waste problems, noise pollution and also cause public inconveniences due to lack of adequate infrastructures like - vehicle parking space, proper waste collection and disposal systems, improper storage provisions etc.Following are the major environmental issues concerning marriage halls, banquets, party venues, etc.particularly identified after reviewing the available information/reports.

2.1 Water Pollution

Major sources of Water pollution include:

- Washing of utensils and food items
- Washing of kitchen floors
- Poor housekeeping
- Laundry (as applicable)
- Improper maintenance of connecting drains
- Sewage

Further, such party halls are also found to extract groundwater indiscriminately without taking proper permission from the concerned local authority. Lackluster attitude towards implementation of water conservation measures and adoption of rainwater harvesting provisions also results in large quantity of water consumption

2.2 Air Pollution

Major sources of Air pollution include:

- Kitchen: Inadequate exhaust treatment options like proper ducting, hooding, draft fans, etc. and use of conventional fuels
- DG Sets: Inadequate stack height and improper maintenance of DG sets,
- Bursting of fire crackers
- Coal fired tandoors
- Traffic congestion due to improper parking

2.3 Solid Waste Management

Source of solid waste include:

- Kitchen waste
- Plastic waste from Packaging and use of disposable plastic items such as cups, plates , glasses etc
- Left over food items

Haphazard collection, storing and careless disposal of wastes are real concerns in case of such establishments.

2.4 ***Noise pollution***

Major source of Noise pollution include:

- Loudspeakers and DJ music,
- Bursting of crackers,
- Operation of DG sets without having proper acoustic enclosures
- Traffic congestion due to improper parking

2.5 Infrastructure issues related to parking etc.

Most of the existing banquet halls are found to be adjacent to the main roads without having any indigenous parking facilities of their own. Therefore, during occasions, large numbers of cars/vehicles are parked on the main road thereby causing huge congestion and nuisance in the adjoining areas.

3.0 Mechanism/Guidelines/Mitigation measures

The mechanisms and options for control of pollution and enforcement of environmental laws with particular focus on the common environmental issues symptomatic to such establishments are outlined below.

3.1 Water Pollution

(i) Effluent Treatment Plant

a. The units shall provide effluent/sewage treatment plant. Entire waste water generated from kitchen, laundry and domestic sewage should be treated in ETP.
b. EP Rules specify effluent discharge norms for (A) Eateries/ restaurants along roadside having minimum seating capacity of 36 numbers & (B) Hotels. Details of same are as given below:

(A) Eateries/ restaurants along roadside having minimum seating capacity of 36 numbers.

A restaurant with minimum seating capacity of 36 shall install ETP and treated effluent water from ETP installed should meet existing Environmental Standard notified by the MoEF&CC vide GSR 794(E) dated 04.11.2009 and reproduced as under. The standard may be made stringent by concerned SPCB/PCCS.

Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
	Inland surface water	On land for irrigation
pH	5.5-9.0	5.5-9.0
$BOD_{3days,\ 27^oC}$	100	100
Total Suspended Solids	100	100
Oil & Grease	10	10

(B) Effluent discharge norms for hotels

Hotel type	Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
		Inland surface water	On land for irrigation
Hotel with at least 20 bedrooms	pH	5.5-9.0	5.5-9.0
	BOD 3 days, 27°C	30	100
	Total Suspended Solids	50	100
	Oil & Grease	10	10
	Phosphate as P	1.0	-
Hotel with less than 20 bedrooms or a banquet hall with minimum floor area of 100 m^2 or a restaurant with minimum seating capacity of 36	pH	5.5-9.0	5.5-9.0
	BOD 3 days, 27°C	100	100
	Total Suspended Solids	100	100
	Oil & Grease	10	10

Effluent from the unit shall comply with the above norms as applicable

c) The units shall provide effluent treatment plant as proposed and maximize reuse of treated sewage in toilet flushing, floor washing, gardening and other non-potable purposes.

d) The unit shall install water meters to record the daily consumption of water and separate electromagnetic flow meter at the inlet and outlet of effluent treatment plant to record actual flows on a daily basis.

e) The unit shall install separate energy meters also to record the daily energy consumption of the effluent treatment plant on daily basis prior to completion of the project.
f) The treated water has to be discharged as per conditions specified by the SPCBs/PCCs
g) The quality of treated sewage and trade effluent should be analyzed regularly once in a month and report shall be furnished to SPCB/PCC. Moreover, SPCBs/PCCs are required to carry out surprise cross-checks.
h) In case of bigger halls/star hotels with the capacity of hosting more than 500 people/guests, the halls shall install water meters to record daily consumption of water along with separate electromagnetic flow meters at the inlet and outlet of effluent treatment plants to record actual flows during events. The units having capacity of hosting less than 500 people/guests are required to install water meters only for recording consumption.
i) Provisions/arrangements for utilizing treated wastewater for gardening and non-potable uses need to be done in case of all such units (smaller & bigger).
j) The local authorities to ensure that necessary arrangement for collection and treatment of waste water generated from these units

(ii) Ground water extraction

a) Necessary permissions should be obtained from concerned Authorities for extraction of groundwater.

b) SPCB/ PCC to take action against units for unauthorized or illegal ground water extraction without proper permissions from concerned Authorities.
c) Groundwater extraction pits/points should have required meters for recording flow/quantity of water extraction and the same shall be within the limit/quantity approved by the concerned Authority.

(iii) Water Conservation Measures

a) Maximize reuse of treated water for non-potable purpose/gardening, etc.
b) All the units shall furnish quarterly reports to the concerned SPCBs/PCCs showing quantity of water consumption (month-wise) and quality of treated water.
c) Rain water harvesting systems must be installed by all units in consultation with the concerned Agency. Bigger hotels/halls need to make arrangements for both roof-top and ground-based harvesting of rain water. In case roof-top harvesting is not possible/viable, the smaller halls/venues having hosting capacity of less than 500 persons/guests should then go for ground-based/artificial storage systems, storage tanks and other similar arrangements.
d) Along with bigger hotels, all marriage halls/venues need to use efficient fixtures such as low flow shower heads, bath, sink faucet aerators, low flow toilets etc.

3.2 Air Pollution

(i) Gensets and Fuel

a) Units to use approved fuel (e.g. LPG, PNG, Charcoal for tandoor, boiler, etc.). Preference should be given to cleaner fuels in such cases
b) The units shall properly channelize the fugitive emissions including emissions from cooking & kitchen operations by providing proper ducting / hood arrangement and proper exhaust system and emissions
c) Only Gensets having necessary Type Approval for emissions/ Noise level from the concerned agencies to be installed at the premises
d) The unit shall provide stack for the emissions from the generator as well as acoustic enclosure for Gensets as per the specified norms

(ii) Energy Conservation Measures

a) Application of solar energy in various areas such as illumination, water heating should be promoted
b) Use of inverters instead of Diesel Generator Sets to be encouraged
c) Use of LED bulbs should be adopted

(iii) Consent to establish and Consent to operate

a) As per the Water Act 1974 and Air Act 1981units obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation of the Units (individual establishments and the area/ cluster of restaurants/ hotels/ motels/ banquets etc.) from the concerned SPCB/PCC.

b) Further, the SPCB/PCC to direct the defaulting units for paying environmental compensation for damaging the environment considering their operations despite being non-compliant.
c) The SPCB/PCC may workout and assess the amount of environmental compensation in-line with the mechanism for charging environmental compensation as evolved by the CPCB.

3.3 Solid Waste Management

(a) The units shall properly handle, manage and dispose the solid waste generated and comply with the provisions of the Solid Waste Management Rules, 2016.

(b) As per clause 3 (8) of the Solid Waste Management Rules, 2016, marriage halls generating waste of more than 100 kg/day fall under the category of 'Bulk Waste Generator' and should ensure compliance with the provisions of the Rules,and in specific the following::

- **13(1)(d)**Store horticulture waste and garden waste generated from such premises separately in within the own premises and
-
- **13 (2)**No waste generator shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.

-
- **13 (8)**All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio-methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.

(c) The segregated food waste from the solid waste generated in the unit shall be treated in organic waste converter and the treated compost shall be used as manure.

(d) The unit shall ensure that the hazardous waste (used oil, used batteries) generated in the premises are collected property and disposed only to authorized recyclers registered with MoEF&CC/CPCB and valid operating license of SPCB/PCC.

(e) The unit shall minimize use of disposable plastic on its premises and ensure its disposal through recyclers registered with SPCB/PCC for recycling plastic waste

(f) *The concerned local authorities shall make necessary arrangement for collection and processing of waste from these units in accordance with provisions of SWM Rules*

3.4 Noise pollution

(a) The unit shall obtain permission from designated authorities as per provisions of Noise Pollution (Regulation & Control) Rules, 2000.
(b) The unit shall comply with provision of Noise Rules specifically Rule 5 and Rule 6 of the Noise Rules.
(c) DJ Set, if used should be operated within the premises till 10 PMonly.No loudspeakers and bands should be permitted beyond 10 PM.
(d) D.G. sets shall comply with the provisions of Noise Pollutioncontrol limits.
(e) Use of only green crackers to be permitted upto 10 PM as perHon'ble Supreme Court Guidelines.

3.5 Infrastructure issues& Other Requirements

(a) Infrastructure requirement

The units come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Accordingly the following to be complied with:

(i) Parking facilities

- Adequate infrastructure arrangements may be made w.r.t parkingin the area by Local Authorities.The parking capacity to be in line with the hosting capacity of such units.

- In areas where public parking is not commonly possible, banqueting area may be restricted and provision for parking to be made within the units' premises. Alternatively, the units may outsource parking to authorized parking lots subject to satisfaction of traffic authorities. Valet parking facilities may be provided in such areas

(ii)Traffic movement

- The local authorities to ensure adequate space for movement of vehicles
- Since it has been observed that due to the use of horse drawn carriages during Barat Processions the traffic crawls due to narrowing of the Right of Way(ROW), to ban the use of such carriages should be banned in areas not having adequate space for movement of vehicles
- The use of DG sets kept on trucks/trollies during the Barat Processions also causes air and noise pollution, apart from creating traffic congestion; hence, the use of DG sets during such processions needs to be prohibited in not having adequate space for movement of vehicles.
- Prior permission for such processions to be taken from local authorities

(iii)Fire safety

The units to make adequate arrangements for fire safety and obtain fire safety certificate from the respective State Government agencies

The units to take permission from the local authorities for the hosting capacity of such units ; which is to be commensurate with the facilities provided within the unit as well as the common infrastructure facilities of the area. Local Authorities to ensure adequacy of infrastructure facilities. for existing units before granting necessary permissions. In case it is not possible to provide these facilities required for existing units, such units may be shifted out of the area. Fresh approval to new units to be considered based on the adequacy of these facilities

(b) Building plans to be approved by concerned authorities. Local Authorities to ensure that these units are operating in compliance with approved building plans and without any parking & traffic issues.

(c) Bigger units/star hotels shall develop green belt on its premises and shall furnish the green belt development plan while applying for consent to operate

5.0 Conclusion

a) Individual units to provide necessary facilities for control of air, water & noise pollution, solid waste management, etc as enumerated in the previous sections.

b) Individual units to take necessary approvals from the concerned authorities as listed below:

- Consent to Establish under Air/Water Act
- Consent to operate under Air/Water Act
- Permission for concerned Authorities in accordance with provisions of Noise Rules
- Permission for Ground Water Extraction from concerned Authorities , if required

- Building Plan Approval from concerned Authorities
- Fire Safety Certificate/NoC from concerned Authorities

c) Local Authorities to ensure provision of adequate common facilities for water pollution, solid waste management, parking etc

d) The State Board to have robust monitoring mechanism to evaluate compliance with norms of such units atleast twice a year. As per NGT Directions, SPCBs/PCCs are required to submit compliance report to CPCB as per the enclosed format (Annexure I)

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Annexure-R3-II

No. B-31013/30/2020/UPC-I/
To

SPEED POST
Date: March 19, 2020

The Chief Secretary
All States/UTs

Subject: Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc.

Ref.:

1. *Hon'ble NGT Order dated December 20, 2019 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Versus Union of India & Ors.*
2. *CPCB's letter dated 24.10.2010 in compliance with Hon'ble NGT Order dated 19.09.2019 issued to all SPCBs/PCCs.*
3. *Hon'ble NGT Order dated 19.09.2019 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Versus Union of India & Ors.*

Sir,

Hon'ble NGT vide Order dated December 20, 2019 passed following directions to CPCB in the above matter:

> *"i. CPCB may finalise its draft guidelines dated 16.12.2019 referred to in para 13 above in the light of observations in paras 20 and 21 above and circulate the same to all the States/UTs within one month. The PCBs/PCCs may, in consultation/coordination with concerned State Authorities, adopt the same with necessary modifications but without diluting its essence and furnish status report about compliance to CPCB within three months but before 30.04.2020.*
> *ii. PCBs/PCCs may in particular ensure compliance of directions in para 21 above.*
> *iii. CPCB may compile the data and furnish a comprehensive report before the next date."*

In compliance with the above, *"Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/ Motels/Banquets etc."* has been prepared and finalized by CPCB. Said Mechanism/Guidelines is being issued to all the States/UTs for taking necessary action at their as per Hon'ble NGT's Order.

Encl.: As above

Yours sincerely

[Divya Sinha]
Divisional Head, UPC-I Division

Copy to:

The Member Secretary : The PCBs/PCCs are requested to comply with the Hon'ble NGT's Order cited above, to adopt the Mechanism/Guidelines prepared by CPCB with necessary modifications but without diluting its essence and furnish the Modified Mechanism/Guidelines and status report about compliance as per enclosed format to CPCB before 30.04.2020.
All SPCBs/PCCs

d/c

Annexure-R3-III

Report of the CPCB In-house Committee on Methodology for Assessing Environmental Compensation and Action Plan to Utilize the Fund

CENTRAL POLLUTION CONTROL BOARD
"Parivesh Bhawan", East Arjun Nagar,
Delhi-110032

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Abstract

Environmental compensation is a policy instrument for the protection of the environment which works on the Polluter Pay Principal. Environmental compensation has already been implemented in various countries, although limited in scope. Experiences from these implementations are mixed and tend to stress the importance of certain principles in order to achieve the overall objective of protection of the environment.

The Hon'ble National Green Tribunal through its various judgments has empowered the Central Pollution Control Board to lay down the methodology to assess and recover compensation for damage to the environment and utilize such amount in terms of an action plan for protection of the environment.

An attempt has been made by the CPCB in-house Committee to develop a methodology for assessing environmental compensation to be levied on concerned industry, authority, individual etc. for the protection of environment. Expert institutions/ NGOs like The Energy and Resources Institute, Centre for Science and Environment-India, Institute of Economic Growth etc. were also consulted to finalize the report. Overall objective is to develop self-sense of responsibility towards the environment and to make defaulters realize their mistake by imposing compensation, which will be utilized for the protection/restoration of the environment.

Although, this is the first attempt in India towards development of methodology for assessing environmental compensation, however, efforts have been made to simplifying the process so that regulatory institutions can easily adopt the methodology for implementation.

Chapter-I: Environment Compensation to be levied on Industrial Units

1.1 Background

The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012, Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors. directed Central Pollution Control Board (CPCB) that:

> *"The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the CPCB within three months"* ***(Annexure-I).***

1.2 Constitution of the Committee

In this context, Chairman, CPCB constituted a Committee under the Chairmanship of Shri A. Sudhakar, I/c WQM-I with Shri A. K. Vidyarthi, I/c WQM-II, Shri P. K. Gupta, I/c IPC-VI, Shri Nazimuddin I/c IPC-II and Dr. S. K. Paliwal, Scientist 'D' as members. The Committee was asked to deliberate on this issue and come up with a draft formulation before 15.9.2018.

1.3 Methodology for Assessing Environmental Compensation

The Committee discussed the issue on 4.9.2018, 13.9.2018,17.9.2018 and 09.10.2018. A meeting was also held with Senior Officers of CPCB Head Office and Regional Directorates through video conferencing on 28.09.2018 to discuss the draft report and to seek comments/feedbacks. The comments/feedbacks received and deliberations of the Committee on the same are given in **Annexure-II.**

As per the Hon'ble NGT suggestion, CPCB has invited comments of 3 expert institution, namely, Centre for Science and Environment (CSE), Institute of Economic Growth (IEG) and The Energy Research Institute (TERI). A meeting to incorporate the comments of the expert institutions and to finalize the report, was held on 27/03/2019. The CPCB in-house committee on Environmental Compensation has deliberated on the comments and finalized the report accordingly. The Committee's deliberations are attached as **Annexure-III.**

It was deliberated for developing a formula for imposing environmental compensation on industrial units for violation of directions issued by regulatory bodies and this is the first attempt made. The committee discussed that environmental compensation should be based on "Polluter Pay Principle". The Committee decided to list the instances for taking cognizance of cases fit for violation and levy environmental compensation.

Cases considered for levying Environmental Compensation (EC):

a) Discharges in violation of consent conditions, mainly prescribed standards / consent limits.
b) Not complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
c) Intentional avoidance of data submission or data manipulation by tampering the Online Continuous Emission / Effluent Monitoring systems.
d) Accidental discharges lasting for short durations resulting into damage to the environment.
e) Intentional discharges to the environment -- land, water and air resulting into acute injury or damage to the environment.
f) Injection of treated/partially treated/ untreated effluents to ground water.

1.3.1 In the instances as mentioned at *a, b and c* above, Pollution Index may be used as a basis to levy the Environmental Compensation. CPCB has published guidelines for categorization of industries into Red, Orange, Green and White based on concept of Pollution Index (PI). The Pollution Index is arrived after considering quantity & quality of emissions/ effluents generated, types of hazardous wastes generated and consumption of resources. Pollution Index of an industrial sector is a numerical number in the range of 0 to 100 and can be represented as follows:

PI = *f* (Water Pollution Score, Air Pollution Score & HW Generation Score)

*Pollution Ind*ex is a number from 0 to 100 and increasing value of PI denotes the increasing degree of pollution *hazard from the industrial sector.*

CPCB has issued directions to all SPCBs/PCCs on 07.03.2016 to adopt the methodology and follow guidelines prepared by CPCB for categorization of industrial sectors into Red, Orange, Green and White.

The concept of Pollution Index, which was deliberated widely with all stakeholders and agreed, shall be used for calculating Environmental Compensation. This may help in implementation of such provision throughout the country, a successful initiative in vital field of industrial pollution control.

After considering various factors including the policy implementation issues, Committee has come up with following formula for levying the Environmental Compensation in instances as mentioned at a, b and c including non-compliance of the environmental standards / violation of directions.

The Environmental Compensation shall be based on the following formula:

$$EC = PI \times N \times R \times S \times LF$$

Where,

EC is Environmental Compensation in ₹
PI = Pollution Index of industrial sector
N = Number of days of violation took place
R = A factor in Rupees (₹) for EC
S = Factor for scale of operation
LF = Location factor

The formula incorporates the anticipated severity of environmental pollution in terms of Pollution Index, duration of violation in terms of number of days, scale of operation in terms of micro & small/medium/large industry and location in terms of proximity to the large habitations.

Note:

a. The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. It was suggested that the average pollution index of 80, 50 and 30 may be taken for calculating the Environmental Compensation for Red, Orange and Green categories of industries, respectively.
b. N, number of days for which violation took place is the period between the day of violation observed/due date of direction's compliance and the day of compliance verified by CPCB/SPCB/PCC.
c. R is a factor in Rupees, which may be a minimum of 100 and maximum of 500. It is suggested to consider R as 250, as the Environmental Compensation in cases of violation.
d. S could be based on small/medium/large industry categorization, which may be 0.5 for micro or small, 1.0 for medium and 1.5 for large units.
e. LF**,** could be based on population of the city/town and location of the industrial unit. For the industrial unit located within municipal boundary or up to 10 km distance from the municipal boundary of the city/town, following factors (LF) may be used:

Table No. 1.1: Location Factor Values

S. No.	Population* (million)	Location Factor# (LF)
1	1 to <5	1.25
2	5 to <10	1.5
3	10 and above	2.0

**Population of the city/town as per the latest Census of India*
#LF will be 1.0 in case unit is located >10km from municipal boundary
LF is presumed as 1 for city/town having population less than one million.

For notified Ecologically Sensitive areas, for beginning, LF may be assumed as 2.0. However, for critically Polluted Areas, LF may be explored in future.

f. In any case, minimum Environmental Compensation shall be ₹ 5000/day.
g. In order to include deterrent effect for repeated violations, EC may be increased on exponential basis, i.e. by 2 times on 1st repetition, 4 times on 2nd repetition and 8 times on further repetitions.
h. If the operations of the industry are inevitable and violator continues its operations beyond 3 months then for deterrent compensation, EC may be increased by 2, 4 and 8 times for 2nd, 3rd and 4th quarter, respectively. Even if the operations are inevitable beyond 12 months, violator will not be allowed to operate.
i. Besides EC, industry may be prosecuted or closure directions may be issued, whenever required.

A sample calculation for Environmental Compensation (without deterrent factor) is given at Table No. 1.2. It can be noticed that for all instances, EC for Red, Orange and Green category of industries varies from 3,750 to 60,000 ₹/day.

Table No. 1.2: A sample calculation for Environmental Compensation

Industrial Category	Red	Orange	Green
Pollution Index (PI)	60-100	41-59	21-40
Average PI	80	50	30
R-Factor	250		
S-Factor	0.5-1.5		
L-Factor	1.00-2.00		
Environmental Compensation (₹/day)	**10,000-60,000**	**6,250-37,500**	**5,000-22,500**

1.3.2 In other instances i.e. *d, e and f*, the environmental compensation may contain two parts – one requires providing immediate relief and other long-term measures such as remediation. In all these cases, detailed investigations are required from expert institutions/organizations based on which environmental compensation will be decided. CPCB shall list the expert institutions for this purpose.

In such cases, comprehensive plan for remediation of environmental pollution may be prepared and executed under the supervision of a committee with representatives of SPCB, CPCB and expert institutions/organizations.

1.4 Action Plan for Utilization of Environmental Compensation Fund

The Committee discussed about the utilization of funds, which will be received by imposing Environmental Compensation. The following Action Plan is proposed to utilize the fund for protection of the environment.

1.4.1. When Environmental Compensation is calculated through the Pollution Index:

The amount received by imposing the Environmental Compensation to the industries / organization non-complying with the environmental standards / violating any CPCB's directions shall be deposited in a separate bank account. The amount accumulated will be utilized for Protection of Environment. The following schemes were identified, which may be considered for utilization of Environmental Compensation Fund:

a. Industrial Inspections for compliance verification
b. Installation of Continuous water quality monitoring stations / Continuous ambient air quality monitoring stations for strengthening of existing monitoring network
c. Preparation of Comprehensive Industry Documents on Industrial Sectors / clean technology
d. Investigations of environmental damages, preparation of DPRs
e. Remediation of contaminated sites
f. Infrastructure augmentation of Urban Local Bodies (ULBs) /capacity building of SPCBs/PCCs

The above proposed list may include other schemes also, depending upon the requirement.
Considering the availability of accumulated funds, CPCB will finalize the scheme, keeping in mind the priority, to utilize the funds of Environmental Compensation.

1.4.2. When Environmental Compensation is assessed based on actual damage to the environment by Expert Organization/ Agency:

The amount of Environmental Compensation under this case will be remediation costs, measures requiring immediate and short-term actions, compensation towards loss of ecology, etc., and will be utilized exclusively for the purpose at specific site, based on the detailed investigations by the Expert Organizations/ agencies.

1.5 Recommendations

The Committee made following recommendations:

1.5.1 To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, b and c, Environmental Compensation may be calculated based on the formula "EC = PI x N x R x S x LF", wherein, PI may be taken as 80, 50 and 30 for red, orange and green category of industries, respectively, and R may be taken as 250. S and LF may be taken as prescribed in the preceding paragraphs.

1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

1.5.3 The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others (Writ Petition (Civil) No. 375 of 2012), directed that all running industrial units which require "consent to operate" from concerned State Pollution Control Board, have a primary effluent treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.

1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

*****

Chapter-II: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

2.1 Background

The CPCB In-house Committee also discussed that the EC shall also be levied on all violations of Graded Response Action Plan (GRAP) in NCR. The implementing agencies for each activity have been identified and the EC will be levied on these agencies. These violations attract graded amounts of EC depending on the state of ambient air quality, which is given in table below:

Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	State Of Air Quality	Environmental Compensation ()
Industrial Emissions	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	Target Date	Rs 1.0 Crore
ii. Non-functional	Very poor to Severe +	Rs 50.0 Lakh
	Moderate to Poor	Rs 25.0 Lakh
Construction sites (Offending plot more than 20,000 Sq.m.)	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Solid waste/ garbage dumping in Industrial Estates	Very poor to Severe +	Rs 25.0 Lakh
	Moderate to Poor	Rs 10.0 Lakh
Failure to water sprinkling on unpaved roads		
a) Hot-spots	Very poor to Severe +	Rs 25.0 Lakh
b) Other than Hot-spots	Very poor to Severe +	Rs 10.0 Lakh

2.2 Action Plan for Utilization of Environmental Compensation Fund

EC levied on all violations of Graded Response Action Plan (GRAP) in Delhi NCR will be deposited in the same fund and will be utilized in the same manner as mentioned in para 1.4.1 of Chapter-I of this report.

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Chapter-III: Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules

3.1 Background

The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others (Writ Petition (Civil) No. 375 of 2012), directed State Governments (including the concerned Union Territories) to set-up Sewage Treatment Plants (STPs), which are already under implementation, within the time lines already postulated. Further, the STPs, which are yet to set-up, to be completed within a period of three years, from today, i.e. by 22.02.2020.

The Hon'ble NGT in its order dated 06.12.2018 **(Annexure-III)** in the matter of Court of its own motion v/s State of Karnataka (Original Application No. 125/2017 and M.A. No. 1337/2018) has given following directions:

> *"Since failure of preventing the pollutants being discharged in water bodies (including lakes) and failure to implement solid and other waste management rules are too frequent and widespread, the CPCB must lay down specific guidelines to deal with the same, throughout India, including the scale of compensation to be recovered from different individuals/authorities, in addition to or as alternative to prosecution. The scale may have slabs, depending on extent of pollution caused, economic viability, etc. Deterrent effect for repeated wrongs may also be provided."*

3.2 Ideology of Environmental Compensation Formula

In compliance of the directions of the Hon'ble Tribunal**,** the Committee deliberated on the issue of environmental compensation to be recovered from individuals/authorities in case of failure of preventing the pollutants being discharged in water bodies and failure to implement solid and other waste management rules. The Committee has suggested that environmental compensation in these cases should be comprised of two components i.e.

1. Cost saved/benefits achieved by the concerned individual/authority by not having proper waste/sewage management system; and
2. Cost to the environment (environmental externality) due to untreated/partially treated waste/sewage because of insufficient capacity of waste/sewage management/treatment facility.

Cost saved/benefits achieved by not having proper waste/sewage management system includes the interest on capital cost of the waste/sewage management facility and daily operation and maintenance (O&M) cost associated with the facility.

The Committee suggested that annual interest rate as 10% on loan amount, borrowed by concerned individual/authority for setting-up waste/sewage management facility, may be assumed as Capital Cost Factor for calculation of environment compensation. Further, as whole O&M cost is saved by concerned individual/authority for not managing required waste/sewage management system, 100% of the O&M cost saved may be considered as O&M cost factor.

Therefore, generalized formula for Environmental Compensation may be described as:

EC= Capital Cost Factor x Marginal Average Capital Cost for Establishment of Waste or Sewage Management or Treatment Facility x (Waste or Sewage Management or Treatment Capacity Gap) + O&M Cost Factor x Marginal Average O&M Cost x (Waste or Sewage Management or Treatment Capacity Gap) x No. of Days for which facility was not available + Environmental Externality

Cost to the environment due to untreated/partially treated waste/sewage discharge by concerned individual/authority may be assumed as recommended by the committee, which is mentioned below:

Table No. 3.1: Environmental externality for untreated/partially treated sewage discharge

Sewage Treatment Capacity Gap (MLD)	Marginal Cost of Environmental Externality (Rs. per MLD/day)	Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)
Up to 200	75	Min. 0.05, Max. 0.10
201-500	85	Min. 0.25, Max. 0.35
501 and above	90	Min. 0.60, Max. 0.80

Table No. 3.2: Environmental externality for improper municipal solid waste management

Municipal Solid Waste Management Capacity Gap (TPD)	Marginal Cost of Environmental Externality (Rs. per ton per day)	Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)
Up to 200	15	Min. 0.01, Max. 0.05
201-500	30	Min. 0.10, Max. 0.15
501-1000	35	Min. 0.25, Max. 0.35
1001-2000	40	Min. 0.50, Max. 0.60
Above 2000	Max. 0.80	

The Committee further decided to fix a cap for minimum and maximum cost for capital and O&M component for Environmental Compensation, which are given in below tables:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 2000 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

Class of the City/Town	Mega-City	Million-plus City	Class-I City/Town and others
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0

The application of formula for calculation of EC may be further understood with the example of two typical cases.

3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority:

BIS IS-1172:1993 suggests that for communities with population above 100,000, minimum of 150 to 200 lpcd of water demand is to be supplied. Further, 85% of return rate (CPHEEO Manual on Sewerage and Sewage Treatment Systems, 2013), may be considered for calculation of total sewage generation in a city. CPCB Report on "Performance evaluation of sewage treatment plants under NRCD, 2013", describes that the capital cost for 1 MLD STP ranges from 0.63 Cr. to 3 Cr. and O&M cost is around Rs. 30,000 per month. After detail deliberations, the Committee suggested to assume capital cost for STPs as Rs. 1.75 Cr/MLD (marginal average cost). Further, expected cost for conveyance system is assumed as Rs. 5.55 Cr./MLD (marginal average cost) and annual O&M cost as 10% of the combined capital cost. Population of the city may be taken as per the latest Census of India. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

EC= Capital Cost Factor x [Marginal Average Capital Cost for Treatment Facility x (Total* Generation-Installed Capacity) + Marginal Average *Capital Cost for Conveyance Facility* x (*Total Generation -Operational Capacity)] + O&M Cost Factor x Marginal Average O&M Cost x (Total Generation- Operational Capacity) x No. of Days for which facility was not available + Environmental Externality x No. of Days for which facility was not available

Alternatively;

EC (Lacs Rs.) = [17.5(Total Sewage Generation – Installed Treatment Capacity) + 55.5(Total Sewage Generation-Operational Capacity)] + 0.2(Sewage Generation-Operational Capacity) x N + Marginal Cost of Environmental Externality x (Total Sewage Generation-Operational Capacity) x N

Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Quantity of Sewage is in MLD

Table No. 3.5: Sample calculation for EC to be levied for discharge of untreated/partial treated Sewage

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Sewage Generation (MLD) (*as per the latest data available with CPCB)*	4195	381	486	37
Installed Treatment Capacity (MLD) (as per the latest data available with CPCB)	2500	220	404	45.5
Operational Capacity (MLD) (as per the latest data available with CPCB)	1900	140	300	24.5
Treatment Capacity Gap (MLD)	2295	241	186	12.5
Calculated EC (capital cost component for STPs) in Lacs Rs.	29662.50	2817.50	1435.00	0.00
Calculated EC (capital cost component for Conveyance System) in Lacs. Rs.	127372.50	13375.50	10323.00	693.75
Calculated EC (Total capital cost component) in Lacs Rs.	157035.00	16193.00	11758.00	693.75
Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 2000 Max. 20000	Min. 1000 Max. 10000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (Total Capital Cost Component) in Lacs Rs.	**20000.00**	**10000.00**	**1000.00**	**693.75**
Calculated EC (O&M Component in Lacs Rs./day	459.00	48.20	37.20	2.50
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 2 Max. 20	Min. 1 Max. 10	Min. 0.5 Max. 5	Min. 0.5 Max. 5
Final EC (O&M Component) in Lacs. Rs./Day	**20.00**	**10.00**	**5.00**	**2.50**
Calculated Environmental Externality (Lacs Rs .Per Day)	2.0655	0.2049	0.1395	0.0094
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. Per Day)	Min. 0.60 Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.05 Max. 0.10	Min. 0.05 Max. 0.10
Final Environmental Externality (Lacs Rs. Per day)	**0.80**	**0.25**	**0.10**	**0.05**

3.4 Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:

It is known that estimated MSW generation is approximately 1.5 lakh MT/Day in India (MoHUA Report-2016). As per the principles of SWM Rules, 2016 and PWM Rules 2016, as amended in 2018, the total cost of Municipal Solid Waste management in a city/town includes cost for door to door collection, cost of segregation at source, cost for transportation in segregated manner, cost for processing of MSW and disposal through facility like composting, biomethanation, recycling, co-processing in cement kilns etc.

In view of above, it is estimated that the total cost of processing and treatment of MSW for a city having population size of 1 lakh and generating approximately 50 tons/day of MSW is Rs.15.5 Crores, including capital cost (one time) and O & M cost for one year. The expenditure for subsequent years would be only Rs. 3.5 crores/annum.

CPCB sponsored a survey to ascertain the status of municipal solid waste disposal in 59 cities/towns of India. The survey was conducted by the Environment Protection Training Research Institute (EPTRI), Hyderabad. As per the survey, it is estimated that solid waste generated in small, medium and large cities and towns is about 0.1 kg (Class-III), 0.3-0.4 kg (Class-II) and 0.5 kg (Class-I) per capita per day respectively. The committee opined that 0.6 kg/day, 0.5 kg/day and 0.4 kg/day per capita waste generation may be assumed for mega-cities, million-plus UAs/towns and Class-I UA/Towns respectively for calculation of environmental compensation purposes. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

EC = Capital Cost Factor x Marginal Average Cost for Waste Management x (Per day waste generation-Per day waste disposed as per the Rules) + O&M Cost Factor x Marginal Average O&M Cost x (Per day waste generation-Per day waste disposed as per the Rules) x Number of days violation took place + Environmental Externality x N

Where;

Waste Quantity in tons per day (TPD)

N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Simplifying;

EC (Lacs Rs.) = 2.4(Waste Generation - Waste Disposed as per the Rules) +0.02 (Waste Generation - Waste Disposed as per the Rules) x N + Marginal Cost of Environmental Externality x (Waste Generation - Waste Disposed as per the Rules) x N

Table No. 3.6: Sample calculation for EC to be levied for improper management of Municipal Solid Waste

City	Delhi	Agra	Gurugram	Ambala
Population (2011)	1,63,49,831	17,60,285	8,76,969	5,00,774
Class	Mega-City	Million-plus City	Class-I Town	Class-I Town
Waste Generation (kg. per person per day)	0.6	0.5	0.4	0.4
Waste Generation (TPD)	9809.90	880.14	350.79	200.31
Waste Disposal as per Rules (TPD) (*assumed as 25% of waste generation for sample calculation)*	2452.47	220.04	87.70	50.08
Waste Management Capacity Gap (TPD)	7357.42	660.11	263.09	150.23
Calculated EC (capital cost component) in Lacs. Rs.	17657.82	1584.26	631.42	360.56
Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000	Min. 100 Max. 1000
Final EC (capital cost component) in Lacs. Rs.	**10000.00**	**1584.26**	**631.42**	**360.56**
Calculated EC (O&M Component) in Lacs. Rs./Day	147.15	13.20	5.26	3.00
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./Day)	Min. 1.0 Max. 10.0	Min. 0.5 Max. 5.0	Min. 0.1 Max. 1.0	Min. 0.1 Max. 1.0
Final EC (O&M Component) in Lacs. Rs./Day	**10.00**	**5.00**	**1.00**	**1.00**
Calculated Environmental Externality (Lacs Rs. Per Day)	2.58	0.18	0.03	0.02
Minimum and Maximum value of Environmental Externality recommended by the Committee (Lacs Rs. per day)	Max. 0.80	Min. 0.25 Max. 0.35	Min. 0.01 Max. 0.05	Min. 0.01 Max. 0.05
Final Environmental Externality (Lacs Rs. per day)	**0.80**	**0.25**	**0.03**	**0.02**

3.3 Action Plan for Utilization of Environmental Compensation Fund

EC levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules will be deposited in the same fund and will be utilized in the same manner as mentioned in para 1.4.1 of Chapter-I of this report.

3.4 Recommendations

1. The Committee recommended that to begin with, Environmental Compensation to be recovered from individuals/authorities in case of failure of preventing the pollutants being discharged in water bodies and failure to implement solid waste management rules may be calculated with the methodology described in the report.
2. If mixing of Bio-medical Waste or Hazardous Waste is found in Municipal Solid Waste than capital cost component of EC may be increased by a multiplication factor of 1.5.

3. In order to include deterrent effect for continuous violations, component of O&M and Environmental Externality in EC formula may be increased on exponential basis by 2, 4, and 8 times after every six-months, beyond the time prescribed by authority for ensuring complete treatment of sewage/waste of the city/town.

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Chapter-IV: Environmental Compensation in Case of Illegal Extraction of Ground Water

4.1 Background

The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of Shailesh Singh v/s Central Ground Water Board & Ors. (Original Application No. 327/2018) vide order dated 03/01/2019 **(Annexure-V)** directed Central Pollution Control Board (CPCB) that:

> *"CPCB may constitute a mechanism to deal with individual cases of violation of norms, as existed prior to Notification of 12/12/2018, to determine the environment compensation to be recovered or other coercive measures to be taken, including prosecution, for past illegal extraction of ground water, as per law."*

4.2 Constitution of the Committee

In compliance to Hon'ble NGT dated 03/01/2019, CPCB constituted a committee under the Chairmanship of Shri A. Sudhakar, DH, WQM-I Division with Shri P. K. Gupta, DH, IPC-VI, Shri Vishal Gandhi, Sc. D, UPC-I Division and Smt. Suniti Parashar, Scientist B, WQM-I Division as members. The committee was asked to deliberate on this issue and come up with draft formulation of mechanism to determine the Environmental Compensation for illegal extraction of ground water.

4.3 Methodology for Assessing Environmental Compensation

The committee discussed the issue on 07/02/2019, 07/03/2019 and 20/3/2019. The committee deliberated on the issue of Environmental Compensation to be recovered from individuals/industries such as domestic, packaging drinking water units, mining & infrastructure projects and industrial units in case of illegal extraction of ground water. The Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015 were also discussed and based on this further formulation to levy Environmental Compensation has been evolved.

4.4 Ideology of Environmental Compensation w.r.to illegal extraction of ground water

Ground water is becoming an increasingly scarce resource because of its unabated and indiscriminate over-exploitation. Growth in ground water exploitation, however, has led to a steep fall in water table in several parts of the country. Use of ground water is becoming unsustainable day by day. The falling water table is a matter of special concern since it tends to reduce the accessibility of the resource to small and marginal farmers due to increase in costs of extractions.

Specific conditions applicable in Notified/Non-Notified areas for various users, as mentioned in Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015 are given below:

For Notified Areas:

1. Permission to abstract ground water through any energized means will not be accorded for any purpose other than drinking water.

2. Central Ground Water Authority (CGWA) so far has notified 162 areas, in the country for the purpose of regulation of ground water development.
3. Regulation of Ground Water development in Notified areas is through District Administrative Heads assisted by Advisory Committees under the provisions of Section 4 of the Environment (Protection) Act, 1986.
4. In Notified areas, ground water use in individual houses, infrastructure complexes like group housing societies, hospitals, schools etc. and drinking water requirements of workers in industries can be allowed.
5. NOC for ground water withdrawal will be considered only if Water Supplying Department is not providing adequate water in the area/premises. Proof for this is to be produced from the concerned authority by the applicant.
6. For individual houses, the maximum diameter of the tube-well should be restricted to 4 inch only and the capacity of the pump should not exceed 1HP. For infrastructure projects, maximum diameter of the ground water abstraction structures should be restricted to 150 mm (6 inches) only and capacity of the pump should not exceed 5 HP.
7. Any violation of the above conditions will attract legal action under Section 15 of the Environment (Protection) Act, 1986.

For Non-Notified Areas:

NOC for ground water withdrawal will be considered for industries/infrastructure/packaging as per safe, semi critical, critical and over-exploited criteria.

4.5 Formula for Environmental Compensation for illegal extraction of ground water

The committee decided that the formula should be based on water consumption (Pump Yield & Time duration) and rates for imposing Environmental Compensation for violation of illegal abstraction of ground water. The committee has proposed following formula for calculation of Environmental Compensation (EC_{GW}):

EC_{GW}	**=**	**Water Consumption per Day x No. of Days x Environmental Compensation Rate for illegal extraction of ground water (ECR_{GW})**

Where water Consumption is in m^3/day and ECR_{GW} in Rs./m^3

Yield of the pump varies based on the capacity/power of pump, water head etc. For reference purpose, yield of the pump may be assumed as given in **Annexure-VI.**

Time duration will be the period from which pump is operated illegally.

In case of illegal extraction of ground water, quantity of discharge as per the meter reading or as calculated with assumptions of yield and time may be used for calculation of $EC_{GW.}$

4.6 Environmental Compensation Rate (ECR_{GW}) for illegal use of Ground Water

The committee decided that the Environmental Compensation Rate (ECR_{GW}) for illegal extraction of ground water should increase with increase in water consumption as well as water scarcity in the area. Further, ECR_{GW} are kept relaxed for drinking and domestic use as compared to other uses, considering the basic need of human being.

As per CGWB, safe, semi-critical, critical and over-exploited areas are categorized from the ground water resources point of view (CGWB, 2017). List of safe, semi-critical, critical and over-exploited areas are available on the website of CGWB and can be accessed from- http://cgwa-noc.gov.in/LandingPage/NotifiedAreas/CategorizationOfAssessmentUnits.pdf#ZOOM=150.

Environmental Compensation Rates (ECR_{GW}) for illegal use of ground water (ECR_{GW}) for various purposes such as drinking/domestic use, packaging units, mining and industrial sectors as finalized by the committee are given in tables below:

4.6.1 ECR_{GW} for Drinking and Domestic use:

Drinking and Domestic use means uses of ground water in households, institutional activity, hospitals, commercial complexes, townships etc.

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<2	2 to <5	5 to <25	25 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	4	6	8	10
2	Semi Critical	12	14	16	20
3	Critical	22	24	26	30
4	Over-Exploited	32	34	36	40
Minimum EC_{GW}=Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)					

4.6.2 ECR_{GW} for Packaged drinking water units:

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	12	18	24	30
2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over-exploited	48	72	96	120
Minimum EC_{GW}=Rs 1,00,000/-					

4.6.3 ECR_{GW} for Mining, Infrastructure and Dewatering Projects

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	15	21	30	40
2	Semi critical	30	45	60	75
3	Critical	45	60	85	115
4	Over-exploited	60	90	120	150
Minimum EC_{GW}=Rs 1,00,000/-					

4.6.4 ECR_{GW} for Industrial Units:

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
		Environmental Compensation Rate (ECR_{GW}) in Rs./m^3			
1	Safe	20	30	40	50
2	Semi critical	40	60	80	100
3	Critical	60	80	110	150
4	Over-exploited	80	120	160	200
Minimum EC_{GW}=Rs 1,00,000/-					

For better understanding of implementation of EC_{GW} policy, some example calculations are given below:

Example No. 1 (For drinking and domestic Use):

It is observed that a household in safe zone is extracting ground water illegally from past 2 year and 3 months with the help of 1 HP pump, dia 4 inches and head as 25 meter. It is assumed that the house-owner runs the pump for 0.5 hr/day. What Environmental Compensation (EC_{GW}) will be charged to the owner?

Solution: Pump Yield *(Please refer Annexure-VI)* = 3 m^3/hr

Daily Consumption = 3 x 0.5 =1.5 m^3

ECR_{GW} = 4 Rs./m^3 *(Please refer para 4.6.1)*

EC to be levied = 4 x 1.5 = 6 Rs./day

Total time period = 820 days

Then, EC_{GW}= 6 x 820

Calculated EC_{GW}= 4,920 Rs.

EC_{GW} to be levied = 10,000 Rs. (minimum prescribed EC_{GW}, *please refer para 4.6.1*)

Example 2 (For Industrial Units):

It is observed that an industry in critical zone is extracting ground water illegally from past 1 year with the help of 5 HP pump, dia 6 inches and head as 50 meter. It is assumed that the industry runs the pump for 3 hrs/day. What Environmental Compensation (EC_{GW}) will be charged to the owner?

Solution: Pump Yield *(Please refer Annexure-VI)* = 12 m^3/hr

Daily Consumption = 12 x 3 =36 m^3/day

ECR_{GW} = 60 Rs./m^3 *(Please refer para 4.6.4)*

EC to be levied = 60 x 36 = 2,160 Rs./day

Total time period = 365 days

Then, EC_{GW}= 2,160 x 365

EC_{GW}= 7,88,400 Rs.

4.7 Relaxation

Central Ground Water Authority (CGWA) reserves to right to relax or interpret these mechanisms in case of any exigency or situation of National strategic importance, as per Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015.

4.8 Recommendations

The committee has given following recommendations:

- The minimum Environmental Compensation for illegal extraction of ground water for domestic purpose will be Rs. 10,000, for institutional/commercial use will be 50,000 and for other uses will be 1,00,000.
- In case of fixation of liability, it always lies with current owner of the premises where illegal extraction is taking place.
- Time duration may be assumed to be one year in case where no evidence for period of installation of bore well could be established.
- For Drinking and Domestic use, where metering is not present but storage tank facility is available, minimum water consumption per day may be assumed as similar to the storage capacity of the tank.
- For industrial ground water use, where metering is not available, water consumption may be assumed as per the consent conditions. Further, where in case industry is operating without consent, water consumption may be calculated based on the plant capacity (on the recommendation of SPCB/PCC, if required). SPCB/PCC may bring the issue of illegal extraction of ground water in industries in to the notice of CGWA for appropriate action by CGWA.
- Authorities assigned for levy EC and taking penal action are listed below:

S. No.	Actions	Authority
1.	To seal the illegal bore-well/tube-well to stop extraction of water and further closure of project	District Collector
2.	To levy EC_{GW} as per prescribed method	District Collector, CGWA
3.	To levy EC on water pollution, as per the method prescribed in report of CPCB- "EC on industrial pollution"	CPCB/SPCB/PCC
4.	Prosecution of violator	CGWA under EP Act
		SPCB/PCC under Air and Water Act

- CGWA may maintain a separate account for collection and utilization of fund, collected through the prescribed methodology in this report.

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Annexure-I

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 593/2017
(W.P. (Civil) No. 375/2012)

In the matter of:

Paryavaran Suraksha Samiti & Anr.
Vs.
Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present: **Applicant:** **Mr. Rohit Prajapati, Applicant in person**
Amicus Curiae: **Mr. Jai A. Dehadrai, Adv.**
Respondent Nos. **Mr. Nishe Rajan Shonker, Adv. for State of Kerala**
Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar Mr. Sandeep Mishra Advs. for GNCTD
Mr. Anil Shrivastava Mr Rituraj Bswas and Ms. Sujaya Bardhan, Advs. for State of Arunachal Pradesh
Mr. Jogy Scaria, Ms. Beena Victor, Advs. for Kerala State Pollution Control Board
Mr. Avijit Roy, Adv. for Assam Pollution Control Board
Mr. Leishangthem Roshmani Kh, Ms. Maibam Babina, Advs. for State of Manipur
Mr. Nikhil Nayyar, Mr. Dhananjay Baijal, Advs. for APPCB and TSPCB
Mr. Mukesh Verma, Adv.
Mr. Tarunvir Singh Khehar, Adv., Mr. Sandeep Mishra and Ms. Guneet Khehar, Adv.
Mr. Dinesh Jindal, LO for DPCC
Ms. Aruna Mathur, Mr. Avneesh Arputham, Ms. Simraj Jeet and Ms. Anuradha Arputham, Advs. for State of Sikkim
Mr. Raja Chatterjee, Mr. Piyush Sachdev, Ms. Abhinandini Yadav, Advs. and Advs. for State of WB
Mr. Edward Belho, AAG, Mr. K. Luikang Michael and Ms. Hoineithiam, Advs. for State of Nagaland
Ms. Enatoli Sema, Adv. for State of Nagaland and Pollution Control Board
Mr. M. Paikaray and Mr. A.K. Panda, Advs. for SPCB, Odisha
Mr. Dhruv Pal, Adv. for State of Gujarat
Mr. V.K. Shukla, Adv. for State of MP
Mr. Jayesh Gaurav, Adv. for R-47
Mr. Tayenjam Momo Singh, Adv. for Meghalaya Pollution Control Board
Mr. Shlok Chandra and Mr. Ritesh Kumar Sharma, Advs.
Mr. Gautam Singh and Mr. Shoeab Alam, Advs. for State of Bihar
Ms. Aprajita Mukherjee, Adv.
Ms. G. Indira, Adv. for UT of Andaman & Nicobar
Mr. Balendu Shekhar, Mr. Sriansh Prakash and Mr. Rajkumar Maurya, Advs. for Ministry of Environment, Forest and Climate Change
Ms. Puja Kalra, Adv. for SDMC & NDMC
Mr. Anil Grover, AAG, Mr. Rahul Khurana and Mr. Mishal Vij, Advs. for State of Haryana and HSPCB

Ms. Yogmaya Agnihotri, Adv. and Ms. Prity, Adv. for CECB
Ms. Sakshi Popli, Adv. for Ministry of Environment, Forest and Climate Change
Mr. Shuvodeep Roy, Adv. and Mr. Rituraj Biswas, Adv. for State of Tripura & Tripura Pollution Control Board
Mr. Shashank Bajpai and Mr. Shakun S. Shukla, Advs. for State of Odisha
Ms. Asha Nayar Basu and Ms. Aradhita Ghosh Mandal, Advs.
Ms. Priyanka Sinha, Adv. for State of Jharkhand
Mr. Rajul Shrivastav, Adv. for MPPCB
Mr. Pradeep Misra and Mr. Daleep Dhyani Advs. for UPPCB
Mr. R. Rakesh Sharma and Mr. V. Mowli, Advs. for State of TN & TNPCB
Mr. Shubham Bhalla, Adv.
Mr. Shiv Mangal Sharma, AAG, Mr. Saurabh Rajpal, Mr. Adhiraj Singh, Ms.Shikha Sandhu and Mr. Vikrmjeet singh, Advs. for State of Rajasthan and Pollution Control Board
Mr. G. M. Kawoosa, Adv. for State of J & K
Mr. Divya Prakash Pande, Adv. For HPSPCB
Mr. Manish Kumar, Adv.

	Date and Remarks	Orders of the Tribunal
	Item No. 12 **August 03, 2018** **A**	1. This matter was taken by this Tribunal in furtherance to the orders of the Hon'ble Supreme Court dated 22.02.2017 *Paryavaran Suraksha Samiti Vs. Union of India* (2017) 5 SCC 326, establishment and functioning of ETPs/CETP/STPs. 2. Vide order dated 25.05.2017, Notice was issued to Central Pollution Control Board and all the States Pollution Control Boards/Committees and the Ministry of Environment, Forest and Climate Change. They were directed to file status-cum-compliance report in terms of the orders of the Hon'ble Supreme Court. Accordingly, various status reports have been filed. An affidavit has been filed by the Ministry of Environment, Forest and Climate Change dated 04th July, 2017 stating as follows: *"4. That the answering Respondent is engaged in policy formulation, prescribing standards and its implementation through the Central Pollution Control Board (CPCB), State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) for UTs. This Ministry has written to all SPCBs and PCCs as well as to CPCB to ensure compliance of the judgment of the Hon'ble Supreme Court and to submit detailed compliance report.*

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	Item No. 12 **August 03, 2018** **A**	*5. That the CPCB has also followed up with all SPCBs and PCCs through letters and review meetings to ensure compliance of the aforementioned judgment and that the matter was also discussed in the 62nd Conference of the Chairmen and Member Secretaries of SPCBs and PCCs held on 27.06.2017. That 26 SPCBs/PCCs have submitted the compliance report, which has been summarized at* ***Annexure-I****.* *6. That the CPCB has also carried out inspections of 17 categories of industries to verify compliance with its directions issued on online effluent/emission monitoring system and to cross-verify online results with manual sampling. During February-June, 2017, 64 industries were inspected and directions under section 5 of the Environment (Protection) Act, 1986 have been issued to 24 non-complying industries; 18 industries were complying; 8 were found closed and inspection reports of 14 industries are under process.* *7. That the CPCB and NMCG through 11 technical institutions, inspected 751 industries located in the River Ganga main stem during March-April, 2017 to verify the status of installation and connectivity of industries discharging effluents as well as their compliance with the standards. Closure directions have been issued to 154 industries; show cause notices issue to 36 industries; 149 industries were found complying and direction issued to 91 self-closed Grossly Polluting Industries (GPI) to remain closed; 93 GPI units were found closed as per directions; 38 GPI units found operational in violation of closure directions and inspection reports of 190 industries are under process".* 3. We have heard learned Amicus Curiae Sh. Jai A. Dehadrai and the learned counsel for Ministry of Environment, Forest and Climate Change, Central Pollution Control Board, various State Pollution Control Boards and the Pollution Control Committees. 4. Learned Amicus Curiae has drawn our attention to orders dated 04.07.2017, 18.09.2017 and 11.10.2017 of the Tribunal directing the State Pollution Control Boards to file a statement as to how many Industrial Units discharging trade effluents or causing emissions exist in the State, how many are having their own STPs, ETPs and/or connected to Common Effluent Treatment Plant

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	Item No. 12 **August 03, 2018** **A**	(CETP), whether any such CETP or ETP or STP is properly functioning and treating the effluents as per prescribed limits or not. 5. Learned Amicus Curiae submitted that contamination of water due to industrial effluents can lead to various diseases and adverse consequences on the aquatic organism due to decreased level of oxygen. The use of technology can help reduction of adverse consequences. However, the best solution is to prevent pollution by soil conservation and proper disposal of toxics and chemicals which may include chemical recycling. 6. Having monitored the matter for the last more than one year on several dates, we are of the view that the matter requires continuous monitoring by statutory authorities as per directions which we proceed to issue today. (i) We direct the Central Pollution Control Board (CPCB) to forthwith prepare an action plan after looking into all the status reports. The action plans must have mechanism to ensure compliance or all the directions in the order of the Hon'ble Supreme Court. To enable this to be done, a Nodal officer must be identified to deal with the issue of CETPs/ ETPs/STPs. (ii) A representative of the Ministry of Environment, Forest and Climate Change may be associated with the Nodal Officer of the CETP for monitoring. The Monitoring by the said two officers- the representative of the MoEF and the Nodal Officer of the CPCB must be held atleast once in a month and on the basis of such meeting and the feedback taken further follow up action must be taken and

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	Item No. 12 **August 03, 2018** **A**	appropriate directions issued. This process may be a continuous process. (iii) It must be ensured that STPs, CETPs and ETPs are functional and meet the requisite standards. (iv) There is already a direction in the above judgment under which 50% of the funds for the purpose are to be provided by the Central Government, 25% by the States and remaining 25% to be arranged by way of loans which is to be re-paid by the user industries. Local bodies and the States have duties as clearly stipulated in the judgment. There has to be online monitoring system by each State to display emission levels in public domain in terms of paragraph 17 of the order of the Hon'ble Supreme Court. (v) A report of the steps taken may be placed on the website of the Central Pollution Control Board atleast once in three months. Deficiencies if any may also be so displayed. (vi) The Central Pollution Control Board may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs Central Pollution Control Board may also assess and recover compensation for damage to the environment and the said fund be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the Central Pollution Control Board within three months from today. (vii) A compliance report in terms of the above order may be furnished to this Tribunal within four months from today by e-mail at filing.ngt@gmail.com.

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	Item No. 12 **August 03, 2018** **A**	(7) Proceedings are disposed of. However, the report received from the Central Pollution Control Board may be placed for consideration before this Tribunal on 04.09.2018. We place on record our appreciation for the services rendered by the learned Amicus Curiae. ....., CP (Adarsh Kumar Goel) ....., JM (Dr. Jawad Rahim) .....,JM (S.P. Wangdi) .....,EM (Dr. Nagin Nanda) 03.08.2018

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Annexure-II

Comments Received from Various RDs on Draft Report for Environmental Compensation **Annexure-II**

S. No.	Item	RD Kolkata	RD Vadodara	RD Bengaluru	RD Lucknow	Committee Deliberations
1	**Case- a, b & c**	Bypassing of effluent/emission should be given special consideration. EC levied on ROG categories of industries should be on the basis of inspection by CPCB, complaint verification and routine inspection.	Instead of "Compensation", "Penalty" word should be used. In case common facilities like CETPs, factor may be introduced based on member industries. Clarify the applicability of penalty in addition to closure directions for pro-longed and gross non-compliance.			The Committee discussed that the points highlighted by RD Kolkata are already the part of cases fit for violation and levy environmental compensation. However, as mentioned by RD Vadodara, word "Penalty" may be used for case a, b and c. For CETPs, a factor may be considered in future based on the capacity of the plant.
2	**Case- d, e & f**	Higher rates for irreparable damages crop, soil, health etc. Leakages/spillage should have different compensation value.	It should be mentioned that instances d, e & f shall be dealt for environmental compensation in line with the polluter pays principle, besides of environmental penalty for cases a, b and c.	Similar to 'Guidelines on Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty', Guidelines may be prepared.		Suggestions made by RD Kolkata and Vadodara has already been taken care. Concept of environmental compensation is based on the philosophy of "polluters pay" and for grieve injury to environment, compensation will be charged as per the assessment of remediation cost, on case to case basis.
3	**Pollution Index (PI)**			Instead of average PI, Actual PI may be used.		Committee suggested that to make the implementation of EC simple and easy, use of average PI may be considered for calculation of EC.
4	**R-factor**	Should be based on pollution load. For ex. Amount of BOD/NOx etc. discharged.		May be classified based on the contribution of pollution load based on quantity of effluent, concentration, emissions	May be as per the category of industry, for ex. Red-500, Orange-300, Green-100.	As PI is based on the pollution load, suggestion of RDs are already taken care in the formula.
5	**L-factor**			May be redefined based on the features, activities involved and habitation.		L-factor may be covered in future as already indicated in the report.

S. No.	Item	RD Kolkata	RD Vadodara	RD Bengaluru	RD Lucknow	Committee Deliberations
6	**Defining period of violations for which EC will be levied**		Duration of violations needs more clarity.	For industry having OCEMS, no. of days may be counted based on the recorded data. Industry without OCEMS-based on break down of ETP/APCD, disturbance of power supply or any failure of auxiliary machineries w.r.t. control system.	May be clearly defined as the period between the day of violation observed and the day of compliance verified by CPCB/SPCB/PCC.	The committee agreed that period of violation for which EC may be levied will be the period between the day of violation observed and the day of compliance verified by CPCB/SPCB/PCC.
7	**Repeated Violations**		Some number of days may be specified after which the penalty amount may get a factor of 1.5 or 2.		Multiplying factor for repeated violations may be included. For ex. 1st Repetition- 25% 2nd Repetition- 50% 3rd Repetition- 100%	For habitual offenders, higher amount of penalty/compensation may be charged in future.
8	**Utilization of fund**	An environmental damage assessment cell may be created. Expertise in the field may be achieved by involving scientist/engineers and providing them training in country/abroad.	Amount should not be utilized for a) Industrial Inspections for compliance verification, b) Installation of Continuous water quality monitoring stations / Continuous ambient air quality monitoring stations for strengthening of existing monitoring network, c) Preparation of Comprehensive Industry Documents on Industrial Sectors / clean technology f) Funding to financially weaker municipalities for installation of STPs The amount should be utilized solely for damage assessment, remediation of affected sites, orphan contaminated sites and creating awareness. The purpose should not get inclined towards revenue generation.			RD Vadodara suggested that amount should be utilized only for remediation purpose. However, committee discussed that the proposal for utilization of fund is prepared considering the other aspects (i.e. direct and indirect) for protection of environment, which include research, monitoring etc. Suggestion of RD Kolkata may be considered in future.

			Thus, the functional fabric of CPCB shall remain intact.			
9	**Others**	Higher EC for non-installation of pollution control measures. Expected sources should have different scoring methodology based on their weightage.				The committee discussed that CPCB is already taking appropriate action including closure direction against the industries found operating without pollution control measures.

Annexure-III

Comments Received from Various Expert Institutions on the Report on Environmental Compensation

As per the Hon'ble NGT suggestion, CPCB has invited comments of 3 expert institution, namely, Centre for Science and Environment (CSE), Institute of Economic Growth (IEG) and The Energy Research Institute (TERI). The CPCB in-house committee on Environmental Compensation has deliberated on the comments and finalized the report accordingly. The Committee's deliberations are summarized in table below:

S. No.	Item	Comments from TERI	Comments of CSE	Comments of IEG	Committee's Deliberations
1	**Cases d, e and f**	Distinction between categories "a, b, c" and "d, e, f" is not clear. Case specific investigations should be minimized. Proposed cases deals separately with intentional and accidental cases but sometimes they are not easy to establish.	-	Why cases 'e' and 'f' are left for later remediation and study?	There may be a varied damage to the environment as considered in cases 'e' and 'f'. Such damage assessment requires detailed case specific study and remediation measures. Therefore, whenever such case comes into the notice, Environmental Compensation may be levied based on the detailed investigation made by Expert Institutions/Organizations.
2	**R-factor**	-	R-factor should be Rs. 1,000/day.	Why R-factor is kept as 250, although the value ranges between 100 to 500?	In the Environmental Compensation policy, average value of the R-factor as 250 is recommended, keeping in view both its practicability as well as to make it significantly deterrent, which may be further revised in future.
3	**L-factor**	-	L-factor should be based on the population density of surroundings, instead of population of the nearby city/town. For critically polluted areas/ ecologically fragile areas LF should be considered as 2.	For nearby city, having population less than 1 million, the LF is 1. This implies that we care only for populated regions only. Industries located in critically polluted and ecologically fragile area should be closed down.	Population density for surrounding of industrial units will be complex because it will vary depending on area used in calculation of population density as industrial units are generally away from population. More weightage is given to the higher population exposure to the risk. In case the industry is located in the city of population less than one million than the LF Factor will be 1. Depending on the local environmental conditions, the restrictions on expansion and modernization of industries in critically polluted areas are imposed as per the prevailing policy of the Government of India. Similarly, industries in ecologically fragile areas are permitted after careful examination, as per prevailing policy of MoEFCC/SPCB, The Committee agreed that for notified ecologically fragile areas, LF may be considered as 2. However, LF for critically polluted areas may be explored in future.

S. No.	Item		Comments of CSE	Comments of IEG	Committee's Deliberations
4	**S-factor**	Classification of industries should be based on profit/ turnover basis.	S-factor should be based on the turn-over of the industrial unit.	-	Presently industrial units are classified into small, medium and large category (MSME Act, 2006) based on the data of assets/infrastructure available with them. The data for **profit/**turnover of industrial units are not available with SPCBs/PCCs and S-factor based on **profit/**turnover will complicate the procedure for calculation of EC. This may be considered in future when SPCBs/PCCs will have such type of data.
5	**Level of non-compliance**	Pollution Index does not measure the level of pollution. Further, averaging PI eliminates the variation in the nature/ impact of pollution that PI tries to capture. Further, the Red Category itself is too wide and some sort of sub-classification should be undertaken The rate of the penalty should increase with the period of violation. The penalty should increase exponentially in case of repeated violations. The objective should be that units should choose to shut down operations when violations cannot be brought under control in the specified time.	For different level of non-compliance such as gross, moderate and low, a factor for 'intensity of violation', IV-factor should be incorporated in the formula.	-	Pollution Index (PI) itself covers the potential of environmental pollution as its calculation considers variation in pollution load. The industrial sectors have been categorized into Red, Orange and Green, based on their Pollution Index in the range of 60 to 100, 41 to 59 and 21 to 40, respectively. As PI is not available for all the industrial sectors, calculating PI for rest of the sectors will delay the processing. Therefore, for calculating the Environmental Compensation average PI as 80, 50 and 30 may be used for Red, Orange and Green category of industries, respectively. To keep the formula simple for better implementation, the IV factor may not be considered as there are different environmental parameters such as environmental standards and for each standard calculation of level of violation and its weightage will be a tedious task, which may bring difficulty in implementation of EC concept. The Committee has agreed that in order to include deterrent effect for repeated violations, EC may be increased on exponential basis, i.e. by 2, 4 and 8 times on each similar violation. Further, if the violator continues its operations beyond 3 months then EC may be increased by 2, 4 and 8 times for 2nd, 3rd and 4th quarter, respectively. Besides EC, industry may be prosecuted or closure directions may be issued, whenever required. EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts.
6	**Utilization of fund**	Funds may be utilized for building monitoring and enforcement capacity of SPCBs and strengthening the pollution compliance especially in the MSME sector.	-	Incentives to regulators where no violations are observed and incentives to public for reporting violations may be provided.	Scheme of infrastructure augmentation of Urban Local Bodies (ULBs) /capacity building of SPCBs/PCCs is already covered in the report Further, schemes such as incentives to regulators where no violations are observed and incentives to public for reporting violations may be considered separately.

S. No.	Item		Comments of CSE	Comments of IEG	Committee's Deliberations
7	GRAP	-	-	Size of the construction sites more than 20,000 sqm. area are considered for EC. Although, small sites cumulatively impact significantly. Illegal dumping of municipal solid waste regardless of the place should be penalized.	As per the EIA Notification, 2006, building construction projects more than 20,000 sqm. area are required to have environmental clearance, therefore, the same cut-off is maintained here. Issue of Illegal dumping of municipal solid waste is being covered in separate report of EC.
8	Others: (a)	Severity of violations should be measured in terms of hours of violation because for some pollutants even a few hours of violation can have serious environmental and health consequences. This would require continuous monitoring of stacks, which is not the case presently for most units. Therefore, continuous monitoring should be implemented urgently, to begin with for all red and orange categories.	-	-	Currently, online continuous effluent/emission monitoring system (OCEMS) is installed in only in 17 categories of highly polluting industries and some other industrial sectors. Further, in current practice the compliance of industries is only verified by physical monitoring and compensation may be imposed based on the manual testing. The idea of measurement of violation on hourly basis may be considered in future, when OCEMS is widely installed and included in policy.
	(b)	CETP should be categorized under Red Category of industries. Some sub-classification should be undertaken under red categories of industries.	-	-	CETPs are already categorized under Red Category of Industries
	(c)	Based on the spirit behind the proposed charge, it should therefore be called an "environmental penalty" rather than "environmental compensation".	-	-	The power of imposing "Penalty" lies in the jurisdiction of the Hon'ble Courts and NGT only. The CPCB is empowered to levy environmental compensation by the Hon'ble NGT in its order dated 03.08.2018 (OA No.593/2017). Therefore, term "Environmental Penalty" is avoidable.

Annexure-IV

Item Nos. 01 & 02 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 125/2017
(M.A. No. 1337/2018)
With
Original Application No. 217/2017
(M.A. Nos. 761/2017, 1073/2017,
1098/2017 & 1471/2017)

Court on its own Motion — Applicant(s)
Versus
State of Karnataka — Respondent(s)

With

D. Kupendra Reddy — Applicant(s)
Versus
State of Karnataka — Respondent(s)

Date of hearing: 06.12.2018

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

Original Application No. 125/2017
(M.A. No. 1337/2018)

For Applicant(s): Mr. Sajan Poovayya, Sr. Advocate and Mr. Saransh Jain, Advocate for impleaded applicant – Namma Bengluru Foundation
Mr. Vikram Hegde, Advocate for impleaded applicant

For Respondents (s): Mr. Devraj Ashok, Advocate
Mr. Rajkumar, Advocate and Ms. Sonia, LA
Ms. Nidhi Mehrotra, Advocate

Original Application No. 217/2017
(M.A. Nos. 761/2017, 1073/2017,
1098/2017 & 1471/2017)

For Applicant(s): Ms. Guneet Khehar, Mr. Tarunvir Singh Khehar, Mr. P. Ramaprakash and Mr. Sandeep Mishra, Advocates

For Respondents (s): Dr. Abhishek Atrey, Advocate
Mr. Rajkumar, Advocate and Ms. Sonia, LA

ORDER

1. The issue for consideration in the two matters, one initiated by the Tribunal on its own motion and the other filed by an individual relates to contamination of water bodies at Bengaluru - Bellandur lake, Agara lake and Varthur lake *inter-alia*, on account of discharge of untreated sewage and other effluents from

their performance should be recorded and considered favourably or otherwise for their career progression.

xv. Similar exercise as (xiv) may be undertaken to identify officers responsible for failure in the past. Such exercise may be completed within three months from today.

xvi. Since failure of preventing the pollutants being discharged in water bodies (including lakes) and failure to implement solid and other waste management rules are too frequent and widespread, the CPCB must lay down specific guidelines to deal with the same, throughout India, including the scale of compensation to be recovered from different individuals/authorities, in addition to or as alternative to prosecution. The scale may have slabs, depending on extent of pollution caused, economic viability, etc. Deterrent effect for repeated wrongs may also be provided.

xvii. MoEF&CC may specify limit for phosphorus in soaps and detergents to prevent damage to the environment and public health.

27. The above amount in the present case has been determined having regard to the estimated cost of setting up of STPs, based on the data available, which has been assessed with the assistance of the learned Counsel for the parties.

28. We have nominated Justice Santosh Hegde on information being provided during the hearing that he is agreeable to undertake the above job.

29. Justice Hegde will be entitled to a token honorarium of Rs. 2.5 Lakh per month from the date he assumes the charge. Justice Hegde will be entitled to assistance of persons of his choice for which remuneration will be paid by the SPCB, Karnataka as may be determined by Justice Hegde.

Annexure-V

Item Nos. 1 to 11 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 176/2015
(M.A. No. 1332/2015)
&
Original Application No. 59/2012
(M.A. No. 34/2016 & M.A. No. 190/2016)
&
Original Application No. 108/2013
(M.A. No. 489/2015)
&
Original Application No. 179/2013
(M.A. No. 866/2014 & M.A. NO. 644/2015)
&
Appeal No. 67/2015
(M.A. No. 652/2015)
And

Original Application No. 484/2015
(M.A. No. 155/2017, M.A. No. 567/2017
& M.A. No. 927/2017)
And
Original Application No. 327/2018
(M. A. No. 1282/2018)
And
Original Application No. 115/2017
(M.A. No. 442/2017)
And
Original Application No. 411 of 2018
And
Original Application No. 613/2017
And
Original Application No. 614/2017

Shailesh Singh Respondent(s)
Versus
Hotel Holiday Regency, Moradabad & Ors. Applicant(s)
With

Legal Aid, National Green Tribunal Bar Association
Applicant(s)
Versus
NCT of Delhi & Ors. Respondent(s)
With
Raj Hans Bansal Applicant(s)
Versus
Ministry of Water Resources & Ors. Respondent(s)
With
Apex Chambers of Commerce and
Industries of N.C.T. of Delhi & Ors. Applicant(s)
Versus
Govt. of NCT Delhi & Ors. Respondent(s)
With
Vikrant Tongad Applicant(s)

1

Versus

Union of India & Ors. Respondent(s)

With
Shailesh Singh Applicant(s)

Versus

Hotel The Oberoi Amarvilas & Ors. Respondent(s)

With
Shailesh Singh Applicant(s)

Versus

Panchsheel Buildtech Pvt. Ltd. & Ors. Respondent(s)

With
Shailesh Singh Applicant(s)

Versus

Central Ground Water Board & Ors. Respondent(s)

With
M/s A-One Mineral Water Industry Applicant(s)

Versus

Central Ground Water Authority & Ors. Respondent(s)

With
Mohd. Javed Asghar Applicant(s)

Versus

M/s Upper Ganges Sugar and Industries Ltd.
(Distillery Unit) & Ors. Respondent(s)

With
Mohd. Javed Asghar Applicant(s)

Versus

State of U.P. & Ors. Respondent(s)

Hearing concluded on: 18.12.2018
Order uploaded on: 03.01.2019

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

For Applicant(s): Mr. Raj Pajwani, Senior Advocate and Mr. Rahul Choudhary, Advocate (In O.A. Nos. 59/2012 & 108/2013)
Ms. Preeti Singh, Mr. S. Porwal, Mr. Shivam Jaiswal, Advocates (In O.A. Nos. 176/2015, 484/2015, 327/2018 & 115/2017)
Mr. Amrendra Kumar Dubey, Advocate (O.A. No. 411/2018

For Respondent (s): Ms. Sakshi Popli, Advocate for DJB (O.A. No. 59/2012)
Mr. Sumeet Pushkarna, Mr. Devanshu, Advocates with Mr. Sudhir Chauhan, E.E., Delhi Jal Board (O.A. No. 108/2013)
Mr. Ajay Jain, Advocate for GNCTD
Mr. Ardhendumauli Kumar Prasad, Mr. Shashank Saxena, Ms. Diksha Gera, Mr. Amritesh Raj, Advocates for CGWA
Mr. Pradeep Mishra, Mr. Daleep Dhyani, Advocates for UPPCB
Ms. Sakshi Popli, Advocate for NDMC
Mr. Amit Tiwari, Mr. Rohit Pratap Singh, Advocates for State of UP

appropriate mechanism can be introduced consistent with the needs of environment.

29. The MoEF&CC is directed to constitute an Expert Committee by including representatives from IIT Delhi, IIT Roorkee, IIM Ahmedabad, CPCB, NITI Ayog and any other concerned agency or department to examine the issue of appropriate policy for conservation of ground water with a robust institutional mechanism for surveillance and monitoring with a view to enhance access to ground water for drinking purposes in OCS areas by way of appropriate replenishment practices which can be properly accounted and measured for as well as to sustain the floodplains of rivers in terms of e-flows and other water bodies. The MoEF & CC and MoWR may finalize the issue of subject remain *inter-se* with regard to ground water reserve and its quality.

30. The Committee may be constituted in two weeks and report of the Committee may be furnished to the MoEF &CC and this Tribunal in two months by e-mail at ngt.filing@gmail.com.

31. The Committee may also indicate the projection of its impact study in light of projected data for the next 50 years (in phased manner with action plan for each decade). Thereafter, fresh guidelines be issued by the concerned Ministry and the report furnished to the Tribunal on or before 30.04.2019.

32. The CPCB may constitute a mechanism to deal with individual cases of violations of norms, as existed prior to Notification of 12.12.2018, to determine the environment compensation to be recovered or other coercive measures to be taken, including prosecution, for past illegal extraction of ground water, as per

law. All the matters relating to illegal extraction of ground water by individuals are disposed of with these directions.

33. The Expert Committee report, the new policy and challenge to orders of authorities, if any, will be considered on the next date.

The matter be put up for above consideration in the first week of May, 2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 03, 2019
Original Application No. 176/2015
(M.A. No. 1332/2015) and other connected matters
AK

Annexure-VI

CRITERIA TO CALCULATE WATER CONSUMPTION

Table 1: Discharge of 4" Dia and 1 HP Pump

Sl. No.	Depth (Meter)	Discharge	
		LPM	m^3/hr
1	25	50	3
2	43	40	2.4
3	59	30	1.8
4	69	20	1.2
5	77	10	0.6

Table 2: Discharge of 4" Dia and 2 HP Pump

Sl. No.	Depth (Meter)	Discharge	
		LPM	m^3/hr
1	60	50	3
2	98	40	2.4
3	124	30	1.8
4	141	20	1.2
5	165	10	0.6

Table 3: Discharge of 6" Dia and 3 HP Pump

Sl. No.	Depth (Meter)	Discharge	
		LPM	m^3/hr
1	17	200	12
2	29	175	10.5
3	41	150	9
4	50	130	7.8
5	62	100	6

Table 4: Discharge of 6" Dia and 5 HP Pump

Sl. No.	Depth (Meter)	Discharge	
		LPM	m^3/hr
1	26	225	13.5
2	50	200	12
3	70	175	10.5
4	86	150	9
5	92	140	8.4

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