

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

Original Application No. 400/2017

In the matter of: -

Westend Green Farms Society

Applicant(s)

Vs.

Union of India & Ors.

Respondent(s)

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(N.K. Gupta)

Scientist-E

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

Date: 02.02.2021

Place: Delhi

Central Pollution Control Board
Urban Pollution Control – I Division
Parivesh Bhawan, East Arjun Nagar, Delhi – 110032

Report in compliance with Hon'ble NGT Order dated 23.07.2020 in OA No. 400/2017 in the matter of Westend Green Farms Society Versus Union of India & Ors.

1.0 Background:

It is pertinent to mention the previous consequences in the matter at the side of Central Pollution Control Board (CPCB).

1. In compliance with Hon'ble NGT Order dated 19.09.2019 in this matter, SPCBs/PCCs were requested vide letter dated 24.10.2019 to provide the Mechanism/Guidelines prepared by/available with them and based on the information received from three SPCBs concerned of the States - Tamil Nadu, Meghalaya and Madhya Pradesh and existing literature; "Mechanism/Guidelines for control of pollution and enforcement of environmental norms in marriage halls, banquet halls, party venues etc." had been prepared and sent to MoEF&CC for onward submission before Hon'ble NGT.
2. In compliance with Hon'ble NGT's Order dated 20th December, 2019;
 - i. CPCB had finalized& circulated above said guidelines (**Annexure A**) to the Chief Secretaries of all the States/UTs vide letter dated 19.03.2020 and e-mail dated 20.04.2020 with copy to the Member Secretaries of all SPCBs/PCCs.
 - ii. Through this communication, 'format' (**Annexure B**) seeking information from SPCBs/PCCs regarding enforcement of the Mechanism/Guidelines also has been circulated as they are directed to adopt the CPCB's Guidelines with necessary adaptation.
 - iii. Further, seeking the data in the prescribed format, letters dated 22.06.2020 were issued and same were circulated vide e-mail dated 23.06.2020 to all the SPCBs. Response were received only from SPCBs of 08 States namely – Goa, Gujarat, Himachal Pradesh, Madhya Pradesh, Meghalaya, Odisha, Punjab and Tripura. The status of type of information submitted by the SPCBs/PCCs is as under:

Response received from SPCBs/PCCs of	Information received in prescribed format	Information received, but not in prescribed format	Request received seeking more time
08 States	04 States	01 State	03 States
1. Goa 2. Gujarat 3. Himachal Pradesh 4. Madhya Pradesh 5. Meghalaya 6. Odisha 7. Punjab and 8. Tripura	1. Himachal Pradesh 2. Madhya Pradesh 3. Meghalaya and 4. Odisha	1. Tripura	1. Goa, 2. Gujarat and 3. Punjab

Information provided by SPCBs/PCCs were compiled and submitted before Hon'ble NGT vide Report dated 20.07.2020.

Hon'ble NGT's directions vide Order dated 23.07.2020

Hon'ble NGT vide Order dated 23.07.2020 (**Annexure C**) passed following directions in OA No. 400/2017 in the matter of Westend Green Farms Society Versus Union of India & Ors.:

***“9. Let all the concerned authorities in all the States/UTs and the State PCBs/PCCs take further action and give their quarterly report to the CPCB. The same may thereafter be followed-up and compiled by the CPCB. It is made clear that if there is non-compliance by the States/UTs, PCBs/PCCs, the Tribunal may have to make the concerned authorities accountable by requiring payment of compensation as well as action against defaulting and erring officers. A further status report as on 30.11.2020 be filed by the CPCB on or before 31.12.2020 by email, making copies of report available to all relevant parties by webhosting on its website or otherwise.*”**

The CPCB may hold a video conferencing with all the State PCBs/PCCs within one month from today which may cover, as far as possible not only the present but other significant environmental issues also. If one sitting is not enough, more such sittings be held at suitable intervals so as to avoid delay in compiling relevant information.”

3. In compliance with the above Order, all the State PCBs/PCCs were requested for taking necessary action at their end vide letter dated 11.08.2020 (**Annexure D**). In this context, a video conference was scheduled to be organized on 20.08.2020 which was rescheduled and convened on 24.08.2020. Minutes of the Meeting

was circulated vide e-mail dated 04.09.2020 and later on reminder was issued on 23.12.2020 for taking action as per Minutes of the Meeting (**Annexure E**).

2.0 Information provided by SPCBs/PCCs

In compliance with Hon'ble NGT Order dated 23.07.2020, information provided by 08 no. of SPCBs of the States – Bihar, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Mizoram, Rajasthan, Tamilnadu and Tripura. Report has been received from Goa SPCB but not in prescribed format. Response has been received from Delhi PCC and Kerala SPCB but, data have not been received as per prescribed format.

The status of type of information submitted by the SPCBs/PCCs is as under:

Response received from SPCBs/PCCs	Information received from SPCBs/PCCs in prescribed format	Information/Response received from SPCBs/PCCs, but not as per prescribed format	Request received from SPCBs/PCCs seeking more time
11 States	08 States	03 State	-
1. Bihar 2. Delhi 3. Goa 4. Himachal Pradesh 5. Jammu & Kashmir 6. Kerala 7. Madhya Pradesh 8. Mizoram 9. Rajasthan 10. Tamilnadu 11. Tripura	1. Bihar 2. Himachal Pradesh 3. Jammu & Kashmir 4. Madhya Pradesh 5. Mizoram 6. Rajasthan 7. Tamilnadu 8. Tripura	1. Delhi 2. Goa 3. Kerala	-

Regarding Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc. as on 30.11.2020 are issue wise compiled and presented below.

2.1 Basic Information

Sl. No.	SPCBs/PCCs of State/UT	No. of Units							Is there any Mechanism/Guidelines/Mitigation measures?	
		Restaurants	Hotels	Motels	Banquets	Marriage Hall	Other such type of units	Total no. of Units	Yes (Y)	No (N)
	1	2							3	
1.	Bihar	1207	1330	307	331	767	434	4376	-	
2.	Himachal Pradesh	117	4139	00	01	05	18	4280	Yes (Copy provided)	
3.	Jammu & Kashmir	128	1798	-	342	-	-	2268	No information	
4.	Madhya Pradesh	82	515	31	30	425	77	1160	Adapted and circulated CPCB Guidelines	
5.	Mizoram	0	13	0	0	0	0	13	No separate guidelines are made at present but mitigation measures are incorporated in the CTE & CTO Conditions.	
6.	Rajasthan	40	1611	0	5	588	7	2251	-	
7.	Tamilnadu	150	1087	0	26	1466	6	2735	-	
8.	Tripura	03	37			05	0	45	Yes (Copy provided)	

2.2 Consents/Clearances/Control Options

Sl. No.	State/UT	No. of Units	Consent to establish (CTE (No.))			Consent to operate (CTO (No.))			Permission in accordance with provisions of Noise Rules			Permission for Ground Water Extraction, if required			Building Plan Approval			Fire Safety Certificate/NOC					
			4(i)			4(ii)			4(iii)			4(iv)			4(v)			4(vi)					
			Y	N	P/A*	Y	N	P/A	Y	N	P/A	Y	N	P/A	Y	N	P/A	Y	N	P/A			
1.	Bihar	4376	11	129	-	10	130	-	60	78	-	28	113		108	44	-	77	61	-			
2.	Himachal Pradesh	4280	1795	-	23	3613	19	66	The units obtain permission for use of DJ/Sound Systems from District Administration as and when required.			Permission is granted by HP Ground Water Authority.			Permission is granted by Dept. of Town & Country Planning.			Permission is granted by HP Fire Services Deptt.					
3.	Jammu & Kashmir	2268	27	0	3	1171	1025	42	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA			
4.	Madhya Pradesh	1160	578	285	62	616	422	4	188	160	0	0	43	0	614	269	0	78	96	0			
5.	Mizoram	13	20	-	-	13	-	-	No			No			Nil. All Hotel buildings are constructed prior to the notification of the AMC Building			Without diluting the essence of the guidelines, SOP shall be made incorporating			0		

															Regulations, 2012.	all relevant points of the guidelines.				
6.	Rajasthan	2251	891	166	43	1239	930	82	-	-	-	188	412	03	38	131		1	4	
7.	Tamilnadu	2735	190	231	1	1797	762	33	991	324	0	133	460	0	1360	32	0	1808	32	0
8.	Tripura	45	45	-	-	45	-	-	-	-	-	-	-	-	45	-	-	45	-	-

* P/A: Planned/Approved

2.3 Water Pollution Control

Sl. No.	State/UT	No. of Units	Main Water Source (No.)			ETP provided			ETP Compliance status			Rainwater harvesting systems (RWHS) adopted			Sewerage network available			Unit connected to sewerage network		
			5(i)			5(ii)(a)			5(ii)(b)			5(iii)			5(iv)(a)			5(iv)(b)		
			MS**	BW/GW#	PS##	Y	N	P/A	C [§]	NC ^{§§}	P/A	Y	N	P/A	Y	N		Y	N	P/A
1.	Bihar	4376	-	-	-	7	135	-	-	-	-	119	17	6	34	102	-	-	-	-
2.	Himachal Pradesh	4280	3160	170	450	3827	-	NA	1072	0	114	1782	193	126	164	414	NA	1074	254	41
3.	Jammu & Kashmir	2268	2268	01	-	413	361	-	364	49	-	-	2268	-	224	203 3	N.A.	224	1816	217
4.	Madhya Pradesh	1160	263	779	6	334	579	51	312	406	50	334	405	0	403	444	0	387	367	0
5.	Mizoram	13	13	-	-	13	-	-	13	-	-	-	13	-	Nil, Under construction			-	-	-
6.	Rajasthan	2251	710	451	304	362	111 1	NA	329	12	90	20	154	0	775	248	04	911	167	34
7.	Tamilnadu	2735	1008	1030	512	230	628	651	230	142	612	2154	32	112	1015	780	126	1015	780	470
8.	Tripura	45	-	-	-	25	-	-	-	-	-	-	-	-	-	-	-	-	-	-

** MS: Municipal Water Supply, # BW/GW: Bore Well/Ground Water, ## PS: Private Supplier, § C: Complying, §§ NC: Non-Complying

2.4 Air Pollution Control

Sl. No.	State/UT	No. of Units	Kitchen with proper ducting arrangements			Main fuel for Kitchen/Heating/Ovens (LPG/PNG/CNG etc.)			Tandoors – Fuel used/Heating (Coal/Petcoke/LPG/PNG/etc.)			DG Set Operation – Main fuel			DG Sets - Proper Stack Height		
			6(i)			6(ii)			6(iii)			6(iv)			6(v)		
			Y	N	^N/K	LPG	PNG/CNG	^N/K	Coal	CNG/PNG	No Tandoors	Diesel	CNG/LPG	^^N/O	Y	N	P/A
1.	Bihar	4376	55	71	16	119	02	21	44	8	32	-	-	-	51	91	-
2.	Himachal Pradesh	4280	2924	120	459	2115	0	40	718	-	1018	393	0	0	393	-	-
3.	Jammu & Kashmir	2268	1451	26	780	1477	-	780	347	-	1910	1397	-	-	1316	81	-
4.	Madhya Pradesh	1160	711	60	55	795	57	38	657	63	55	383	0	44	371	0	82
5.	Mizoram	13	13			13			Nil			Nil			NA, Conditions for stack height are included in the Consent certificate in case D.G. sets are used.		
6.	Rajasthan	2251	149	0	0	0	0	0	0	0	0	871	279	0	771	124	0
7.	Tamilnadu	2735	2454	42	59	2472	0	59	301	134	480	2065	6	42	1974	6	10
8.	Tripura	45	03	-	-	-	-	-	-	-	-	18	-	-	-	-	-

^N/K: No Kitchen, ^^ N/O: Non-operational

2.5 Solid Waste Management

Sl. No.	State/UT	No. of Units	Proper storage & segregation facility within unit			Provision of composting facility			Units having engagement with local body for collection / processing of waste		
	1		7(i)			7(ii)			7(iii)		
			Y	N	P/A	Y	N	P/A	Y	N	P/A
1.	Bihar	4376	96	38	8	63	50	29	1620	36	22
2.	Himachal Pradesh	4280	2138	-	167	1112	314	112	1320	286	89
3.	Jammu & Kashmir	2268	1357	897	03	94	452	-	1897	360	0
4.	Madhya Pradesh	1160	791	130	0	239	284	0	846	12	7
5.	Mizoram	13	13	-	-	-	13	-	13	-	-
6.	Rajasthan	2251	316	0	0	31	147	10	277	0	0
7.	Tamilnadu	2735	1964	225	0	164	1473	0	2365	77	0
8.	Tripura	45	45	-	-	-	-	-	-	-	-

2.6 Noise pollution control

Sl. No.	State/UT	No. of Units	Permission from Authorities as per provisions of Noise Pollution (R & C) Rules, 2000			D.G. sets- compliance with stipulated standards.			Complaints received from local people		
			8(i)			8(ii)			8(iii)		
			Y	N	P/A	Y	N	N/A	Y	N	No. addressed
1.	Bihar	4376	55	83	4	51	71	20	31	110	-
2.	Himachal Pradesh	4280	All the units with DG sets have provided acoustic enclosures. Moreover, the units take permission from District Administration for the use of DJ/Sound Systems in case of functions etc.			328	-	NA	2	-	1
3.	Jammu & Kashmir	2268	-	-	-	1396	01		02	1395	02
4.	Madhya Pradesh	1160	201	14	0	342	2	78	2	387	28
5.	Mizoram	13	No. There are no standalone banquets/ marriage hall & no noise nuisance observed so far. As such, permission is not demanded till date.					NA	Nil		
6.	Rajasthan	2251	0	0	0	182	248	-	02	-	02
7.	Tamilnadu	2735	946	515	0	1599	6	37	9	1651	49
8.	Tripura	45	-	-	-	-	-	-	-	-	-

2.7 Parking & Other Issues

Sl. No.	State/UT	No. of Units	Parking Provisions- Own/Contracted/On-road parking nuisance.			Units having adequate parking facilities (Self/common)		
			9(i)			9(ii)		
			Own Parking	Contracted	On Road Parking	Y	N	P/A
1.	Bihar	4376	30	19	76	253	30	01
2.	Himachal Pradesh	4280	700	35	410	662	183	115
3.	Jammu & Kashmir	2268	1246	241	770	768	478	-
4.	Madhya Pradesh	1160	621	46	208	542	174	79
5.	Mizoram	13	01	12	-	13	-	-
6.	Rajasthan	2251	10	0	0	10	0	0
7.	Tamilnadu	2735	2211	5	332	2058	258	75
8.	Tripura	45	5	-	-	-	-	-

3.0 Analysis of data

Among 08 States, Bihar has maximum no. Restaurants/Hotels/Motels/Banquets etc. Himachal Pradesh and Tripura SPCBs have “Mechanism/Guidelines for control of pollution and enforcement of environmental norms in marriage halls, banquet halls, party venues etc.” Madhya Pradesh adapted and circulated CPCB Guidelines. Mizoram SPCB has no separate Guidelines; however, mitigation measures are incorporated in the consent management system or relevant notice as stated above. Information regarding Mechanism/Guidelines has not been received from J&K, Rajasthan and Tamilnadu.

As per data submitted by SPCBs, nos. of such kind of establishments having CTE and CTO are maximum in Himachal Pradesh, but in terms of percentage, units having CTE & CTO are highest in Mizoram and Tripura.

Status of use of water

Most of the establishments of the States - Himachal Pradesh, Jammu & Kashmir, Rajasthan and Mizoram are using mainly Municipal Water Supply. On the other hand, in Tamilnadu, Municipal Supply Water as well as Bore Well/Ground Water both are used as water sources and in Madhya Pradesh maximum units are using Bore Well/Ground Water as main water source. In this context, no information has been received from Bihar and Tripura. For adaptation of Rain Water Harvesting Systems, it is found that, in the State of Tamilnadu, it is widely adapted and almost 78.75% units have such facilities. In J&K, Mizoram and Tripura RWHS are not adapted by such kind of establishments.

Status of ETPs and its Compliance Status

ETPs have been installed in all the Establishments (100%) in Mizoram and those ETPs are compliant with the norms. Among rest of the States, Himachal Pradesh has maximum no. units having ETPs (89.41%). In Tamilnadu, only 8.40% units have installed ETPs but, all are compliant to the Norms.

Kitchen with proper arrangements

All the units of Mizoram have proper ducting arrangements and they are using LPG as fuel. In terms of percentage of units having Kitchen with ducting arrangements, the order will be as follows: Mizoram (100%) > Tamilnadu (89.725) > Himachal Pradesh (68.31%) > Jammu & Kashmir (63.97%) > Madhya Pradesh (61.29%) > Tripura (6.66%) > Rajasthan (6.61%) > Bihar (1.25%). It is found that use of CNG in all the States is very minimum.

But, it is found that, excluding Mizoram, no. of units of other 05 States are using coal for Tandoors which need to be taken care by the respective States. No information in this context has been received from Rajasthan and Tripura.

Use of Genset

Units in Mizoram are not using gensets and in case of Bihar, no. of units using gensets is not mentioned. However, a no. of units of rest of the States are using diesel based genset and among them, most of the gensets have proper stack height.

Solid waste management facility

As per submission from the States, it is to say that all the establishments in Mizoram and Tripura have proper solid waste storage & segregation facility but, have no Provision of composting facility. Percentage of Units having proper solid waste storage & segregation facility and engagement with local body for collection / processing of waste are highest in the State of Tamilnadu (71.80 & 86.47% respectively).

Noise control

It is observed that, in Himachal Pradesh all the units with DG sets have provided acoustic enclosures. Moreover, the units take permission from District Administration for the use of DJ/Sound Systems in case of functions etc. No information in context of noise control has been received from Rajasthan and Tripura.

Parking facility

Among the 08 States, Tamilnadu has the comparatively higher no. of establishments having own parking area as well as adequate parking facilities.

4.0 Conclusion/Remarks

As most of the SPCBs & PCCs could not submit the Quarterly Report to CPCB in compliance with Hon'ble Tribunal's Order; it is difficult to interpret the status of the enforcement of the Environment Norms for such type of establishment for entire country. However, after reviewing the data received from above 08 no. SPCBs, following recommendations have been made:

- All the States/UTs should have/develop proper Mechanism/Guidelines for control of pollution and enforcement of Environmental Norms in marriage halls, banquet halls, party venues etc. along with consent management system.

- ETP must immediately be installed at all big units which are not connected with the sewer lines and should meet compliance and rainwater harvesting systems be widely adapted for sustainable use of water.
- All the units having kitchen should have proper ducting arrangement. The units using DG sets must have the proper stack height.
- Units having kitchen, installation of composting facility should obviously get priority for proper management of the solid waste and fruitful use of resources so that manure or energy may be obtained and utilized suitably.
- As per provisions of the Noise Pollution (R & C) Rules, 2000, permission may be obtained from concerned Authorities by the units; but, SPCBs/PCCs should follow -up to keep the information with them also as to strengthen control of noise pollution at/from the units.
- It is also observed that, huge no of units have no adequate space at their parking site and even most of them do not possess own parking facilities. The existing units should find out the alternate facility and same be mandatory for the new units.
- All SPCBs/PCCs should expedite for development of aforesaid Mechanism/Guidelines and update the information as per prescribed format.

The Hon'ble Tribunal may issue appropriate directions as it deems fit which the CPCB is bound to comply with.

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/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual 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 can be 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 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.”

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 than 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°C}	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 1981 units 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 burry 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 properly 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/trolleys 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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Format seeking information regarding Mechanism/ Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc.

1.	Name of State/UT:			
2.	Total No. of Units : Restaurants: Hotels: Motels: Banquets: Marriage Hall: Other such type of units:			
3.	Is there any Mechanism/Guidelines/Mitigation measures for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc.? (If yes, please enclose copy of the same)			Yes/No
4.	Consents/Clearances/Control Options	Yes (No. of Units)	No (No. of Units)	Planning/Apply ed (No. of Units)
i)	Consent to Establish under Air/Water Act			
ii)	Consent to operate under Air/Water Act			
iii)	Permission for concerned Authorities in accordance with provisions of Noise Rules			
iv)	Permission for Ground Water Extraction from concerned Authorities , if required			
v)	Building Plan Approval from concerned Authorities			
vi)	Fire Safety Certificate/NoC from concerned Authorities			
5.	Water Pollution Control			
	Main Water Source	Municipality water supply (...Nos.)	Bore Well ground water (...Nos.)	Private supplier (...Nos.)
	Effluent Treatment Plant (ETP) provided	Yes...(Nos.)	No.....(Nos.)	NA
	ETP Compliance status	Complying (...Nos.)	Non complying (...Nos.)	Planned for (...Nos.)
iii)	Rain Water Harvesting System (RWH) adopted	Has RWH (...Nos.)	No RWH (...Nos.)	In process (...Nos.)
iv)	Sewerage Network available	Yes...(Nos.)	No...(Nos.)	NA
	Unit connected to sewerage network	Yes...(Nos.)	No...(Nos.)	Planned ... (Nos.)
6.	Air Pollution Control			
i)	Kitchen with proper ducting arrangements	Yes (,,Nos.)	No. (,,Nos.)	Has no kitchen (,,Nos.)
ii)	Main fuel for Kitchen/Heating/Ovens (LPG/PNG/CNG/etc.)	LPG (,,Nos.)	PNG/CNG (,,Nos.)	No Kitchen (,,Nos.)
iii)	Tandoors - Fuel used/Heating (Coal/Petcoke/LPG/PNG/etc.)	Coal (...Nos.)	CNG/PNG (...Nos.)	No Tandoors (...Nos.)

iv)	DG Set Operation - Main fuel	Diesel (,,Nos.)	CNG/LPG (,,Nos.)	Non-opertnl (,,Nos.)
v)	DG Sets - Proper Stack Height	Proper Stack (Yes...Nos.) (No...Nos.)		Planned for (Yes...Nos.) (No...Nos.)
7. Solid Waste Management				
i)	Proper storage & segregation facility within unit	Yes (...Nos.)	No. (...Nos.)	Planned for (...Nos.)
ii)	Provision of composting facility	Yes (...Nos.)	No. (...Nos.)	Planned for (...Nos.)
iii)	Units having engagement with local body for collection / processing of waste	Yes (...Nos.)	No. (...Nos.)	Planned for (...Nos.)
8 Noise pollution control				
i)	Permission from Authorities as per provisions of Noise Pollution (R & C) Rules, 2000.	Yes (...Nos.)	No. (...Nos.)	Applied for (...Nos.)
ii)	D.G. sets- compliance with stipulated standards.	Yes (...Nos.)	No. (...Nos.)	NA
iii)	Complaints received from local people	Yes (...Nos.)	No. (...Nos.)	No. addressed (...Nos.)
9. Parking &Other Issues				
i)	Parking Provisions- Own/Contracted/On-road parking nuisance.	Own parking (...Nos.)	Contracted (...Nos.)	On- roadprkng (...Nos.)
ii)	Units having adequate parking facilities (Self/common)	Yes (...Nos.)	No. (...Nos.)	Planned for (...Nos.)

Item No. 04

Court No. 1

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

(By Video Conferencing)

Original Application No. 400/2017

(With report dated 20.07.2020)

Westend Green Farms Society

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 23.07.2020

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

Respondent(s): Mr. Anuj Bhandari, Advocate for CPCB

ORDER

1. This order is being passed in continuation of order dated 20.12.2019 on the subject of compliance of environmental norms by restaurants/hotels/motels/banquets etc. in terms of earlier orders of this Tribunal.

2. Vide order dated 02.11.2018, the Tribunal considered grievance against the violation of environmental norms, including solid waste management, discharge of effluents, illegal ground water extraction, ground water contamination, emission by illegally operating diesel generators, absence of statutory consents under the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act'), the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and violation of conditions of

consents where such consents are granted, **by the restaurants/hotels /motels/banquets in Mahipalpur, Rajokri areas in Delhi.** The Tribunal also considered the issue of absence of rain water harvesting, ground water recharge system, excess noise pollution, illegal parking and encroachments.

3. The Tribunal found violations on the basis of material on record and directed remedial action. Directions of the Tribunal *inter-alia* included:

- “(i) *Compilation of data of all such places where marriages and functions take place which should be published and appropriately regulated.*
- (ii) *Regulate noise level at above places as per laid down norms. This includes regulation of DJ sets, loudspeakers and crackers etc.*
- (iii) *Compliance of Solid Waste Management Rules, 2016, and sewage discharge including decentralized waste processing facilities, installation of CCTV camera, GPS system in garbage collection vans etc.*
- (iv) *Regulation of extraction of groundwater as per applicable guidelines, sealing of tube wells including those installed for swimming pools in violation of law, need for reuse of water for flushing, Plantation or gardening.*
- (v) *Rain Water Harvesting by installing roof top harvesting systems.*
- (vi) *Regulating size of gatherings on the concept of sustainable development in the light of carrying capacity of the area.*
- (vii) *Prohibiting such activities in overcrowded places not having adequate parking or other facilities.*
- (viii) *Action against unauthorized construction or unauthorized use without statutory clearances prohibiting and stopping any existing or future activities non-complying with above norms and also taking penal action where ever necessary.*
- (ix) *Environment restoration and compensating victims of violation of law in relation to Noise Pollution, Air Pollution, Water Pollution, Master Plan etc. The action plan must involve all stakeholders, particularly the students and senior citizens. The Joint Committee will have authority to close polluting activity and remove every illegal structure. The Committee will also look into the allegations whether members of the applicant are running swimming pools by*

illegally drawing groundwater without requisite valid sanctions and drawl of ground water from critical or overexploited areas, without any mechanism for ground water harvesting and recharge. If so, remedial action must be taken forthwith.”

4. Further orders were passed on 08.03.2019, 08.07.2019 and 19.09.2019 while monitoring compliance. Finally, comprehensive review of compliance status was undertaken on 20.12.2019 in the light of action taken report filed by the Delhi Government on 17.12.2019 and affidavit filed by the MoEF&CC on 16.12.2019. The Tribunal observed:

*“18. ... Thus, adequate statutory framework is available. Still, challenge is posed by polluting activities **in absence of proper enforcement and monitoring** which need review from time to time. It may be noted that this Tribunal is faced with **acknowledged serious violations in the form of non-compliance of Waste Management Rules (O.A. No. 606/2018), non-compliance of requirement of sewage treatment as well as effluent treatment (O.A. No. 593/2017, Paryavaran Suraksha case). The result is that 351 river stretches are declared to be polluted (O.A. No. 673/2018), 122 major cities are declared to be non-attainment cities in terms of air quality norms (O.A. No. 681/2018)¹, 100 industrial clusters are declared polluted based on CEPI assessment (O.A. No. 1038/2018). There are issues with regard to illegal extraction of groundwater (O.A. No. 176/2015), absence of rain water harvesting systems (O.A. No. 496/2016), noise pollution (O.A. No. 519/2016), protection of water bodies (O.A. No. 325/2015), reuse of treated water (O.A. No. 148/2018), regulating operation of national highways to avoid traffic congestion (O.A. No. 386/2016), controlling number of vehicles consistent with carrying capacity to deal with the problems of parking and congestion leading to damage to the environment (O.A. No. 568/2016). The issue in the present case has surfaced in the context of operation of establishments where **large congregations take place for marriages or other functions**. In absence of clear strategies, compliance of environmental norms remains a challenge as pointed out in the earlier orders. This necessitates well thought out strategies within the existing statutory framework.***

*19. Needless to say that compliance of environmental norms cannot be wished away as such norms are **overarching requirement for any activity having potential for generation of liquid effluents, gaseous emissions or otherwise affecting the environment**. Apart from the licensing provisions for **fire***

¹ https://cpcb.nic.in/uploads/Non-Attainment_Cities.pdf and <https://economictimes.indiatimes.com/news/environment/pollution/20-more-cities-added-to-cpcbs-polluted-list/articleshow/70721767.cms?from=mdr>

safety, building safety, etc. which may be dealt with by a Development Authority and/or a Local Body, the Regulatory Bodies under the Water Act, the Air Act and the EP Act must enforce the environmental norms to ensure that water and air pollution are prevented and environment is not degraded. Apart from statutory regulators under the Water, Air and EP Acts, several other statutes including municipal laws provide for enforcement of statutory norms by local and other authorities. By way of an example, local bodies grant clearance to buildings even with reference to environment norms in terms of applicable statutory provisions. **Article 243W read with Schedule XII (Entry 8) to the Constitution specifically provide for dealing with certain environmental issues by the local bodies.** For successful functioning of such authorities, it is necessary that an environment cell comprising qualified person for the purpose of enforcement and vigilance is set up by every such authority. **There is no reason why municipal corporations should not have such cells wherever such 'cells' do not exist so far.** This may be ensured within next three months and such information may be compiled by PCBs/PCCs and furnish to CPCB. As already observed in the earlier orders, any place where social gatherings take place having such potential needs regulatory mechanism which has to continuously evolve and needs to be enforced. The existing mechanism has to be reviewed periodically. Whenever any violations are alleged, the same need to be looked into.

20. In this background, guidelines prepared by CPCB cover the requirement of monitoring mechanism by providing enforcement of consent requirement and laying down suitable conditions for such statutory consents which can take care of necessary mitigation measures including siting guidelines and coercive measures for enforcement. The guidelines have been quoted above in para 13. Apart from the said guidelines, the Urban Development Department of Delhi has suggested action plans for **compiling data for such functions are held, constituting monitoring teams, installation of CCTV cameras, GPS system in garbage collection vans, regulating size of gatherings as per capacity of the area, restricting number of persons, fire safety devices, steps to control traffic congestion, regulating quality and quantity of food.** Additional measures have been suggested by DPCC in connected matters listed today being O.A. No. 1008/2018, Deepak Datta vs. Govt. of NCT of Delhi and O.A. No. 515/2019, President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi, referred to in Para 14 above. CPCB may consider the said suggestions and incorporate the same in its draft guidelines to the extent not already included but found relevant for application pan India.

21. We are of the view that enforcing the requirement of Consent to Establish should be the starting point for commission of the project rather than the last in the governance chain meaning thereby that **no project should commence its establishment without such consent from PCB/PCC.** Needless to say, in the process of granting such consent, all relevant and suitable conditions must be imposed after evaluation of **carrying capacity of the area to take such additional project, siting norms, inter se distance of such**

projects, adequacy of parking facility, mode of disposal of solid waste, mode for disposal of liquid waste including sewage, adequacy of mitigation with respect to noise pollution, adherence to norms for DG Sets, permission of Central Ground Water Authority or designated authority for ground water drawal. Such norms must be applied to all existing establishments and those found not meeting the norms must be closed till the norms are complied. The project proponent must file their Annual Environment Statements in terms of Rule 14 of the EP Rules. The State Board must have robust monitoring mechanism to evaluate compliance to norms atleast twice a year especially during and after the marriage/festive season during which such entities operate to maximum capacity.

Apart from this, the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment.

Stringent norms need to be worked out for controlling and regulating parking of vehicles, used by the organizers and guests in functions as well as parking of vehicles generally on roads and public places adding to the air pollution. This includes regulation of pick and drop activities.

Use of DJ systems must be fitted with noise limiters and data loggers and be operated within sound proof halls within prescribed noise limits without its effect being felt outside.

Environment protection measures require that number of vehicles in any city/area must be limited to the available capacity for parking. **All public places and roads cannot be converted into parking places** without any regulatory measures. Planning on this aspect is a condition precedent for compliance of environmental norms. Parking can be allowed only at designated places. Stringent measures must be taken by statutory authorities including the Traffic Police against any such parking. In this regard, vide order dated 19.01.2015 in O.A. No. 21/2014, Vardhaman Kaushik Vs. Union of India, it was observed:

“.....It will be ensured that stagnation of vehicle and traffic congestion are avoided particularly by prohibiting parking on the main roads or any parking area on the metalled roads. We direct all the SHOs concerned, the Traffic Police and the concerned Corporation to ensure compliance of these directions without any default. There will be complete prohibition of parking of any cars on the metalled roads and the corporation would take strict action against the persons who violates it. This shall include payment of Rs. 1000/- per car on account of compensation for degradation of environment and its restoration. This would also be charged on the cars, which are parked on the metalled roads.”

The above direction must be enforced not only for Delhi but atleast for 122 non-attainment cities in the country. The Transport Departments of all the States/UTs may assess the available parking capacities in the said 122 cities and determine the number of vehicles which can be accommodated in terms of parking space available in the said cities. In case the number of vehicles exceed the capacity, there should be action plans for providing adequate additional parking space. **If it is not possible, the number of vehicles to be registered must be curtailed by using appropriate economic disincentives or otherwise and alternative provided to the citizens in the form of public transport system.** If these steps (declaring the capacity of number of vehicles and designating parking spaces, prohibiting unregulated parking at public places) are not taken, this Tribunal may have to take coercive measures for protection of environment including direction for limiting registration of any new vehicles in the said cities.

The establishments where social functions are held must notify the designated places where vehicles are to be parked and number of vehicles are allowed. The organizer of a function must ensure and give an advance undertaking that the number of guests invited have been informed about the extent of parking facility available. **In any case, no vehicle be allowed to be parked at public places. The owner of the property will be liable for any default.** These regulatory measures are necessary to avoid inconvenience to general public and compliance of environmental norms which are part of right to life.

CPCB may finalize guidelines after considering these observations within one month and circulate the same to all the States/UTs to serve as indicative minimum norms. It is open to all the States/UTs to further add to such norms without diluting the same. The States/UTs may implement the same and furnish a compliance report to CPCB within three months. Any non-compliance may result in coercive measures being adopted by this Tribunal. CPCB may compile the information received from the States/UTs and furnish a consolidated report to this Tribunal before the next date. As far as Delhi is concerned, as directed in O.A. No. 1008/2018, Deepak Datta vs. Govt. of NCT of Delhi and O.A. No. 515/2019, President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi, DPCC may lay down and enforce the suggested norms immediately pending further revision in the light of comprehensive guidelines of CPCB.”

5. In the light of above discussion, following directions were issued:

“22. Accordingly, we sum up our directions as follows:

- “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.*
- iv. Only designated places may be used for parking and no parking may be allowed at public places/roads atleast in 122 non-attainment cities. The Transport Departments of all the States/UTs may assess the available parking capacities in the said 122 cities and determine the number of vehicles which can be accommodated in terms of parking space available in the said cities. In case the number of vehicles exceed the capacity, there should be action plans for providing adequate additional parking space. If it is not possible, the number of vehicles to be registered must be curtailed by using appropriate economic disincentives or otherwise and alternative provided to the citizens in the form of public transport system. If these steps (declaring the capacity of number of vehicles and designating parking spaces, prohibiting unregulated parking at public places) are not taken, this Tribunal may have to take coercive measures for protection of environment including direction for limiting registration of any new vehicles in the said cities.*
- v. All local bodies in 122 non-attainment cities may ensure setting up of environmental cells within three months, if such cells have not already been set up.*
- vi. DPCC may ensure compliance of environmental norms including siting guidelines for marriage palaces/ restaurants/hotels /motels/banquets or other such establishments where large congregations take place having potential of adversely affecting environment consistent with all the suggestions noted above forthwith, pending revision of norms in the light of CPCB guidelines as above and file a status report before the next date.”*

6. Accordingly, CPCB has filed its report dated 20.07.2020 to the effect that guidelines were finalized by the CPCB and circulated to all States/UTs on 19.03.2020. Follow up action of seeking data from all States/UTs was initiated on 23.06.2020. Data has been received from eight (08) States – Goa, Gujarat, Himachal Pradesh, Madhya Pradesh,

Meghalaya, Odisha, Punjab and Tripura out of which response of four (04) States only was in the prescribed format. The report concludes with the following remarks:

“It is observed that, most of the SPCBs & PCCs could not submit the Report to CPCB in compliance with the Order of Hon'ble Tribunal. Hence, it is difficult to interpret the status of the enforcement of the Environment norms for such type of establishment in entire country.

However, based on the data submitted by the above 04 no. SPCBs, it is recommended that, All the States/UTs may have proper Mechanism/Guidelines for control of pollution and enforcement of environmental norms in marriage halls, banquet halls, party venues etc. along with consent management system.

For sustainable use of water, ETP must be installed at all such units and should meet compliance. RWHs be widely adapted.

All the units should have proper ductile arrangement in the kitchen (if they have), For huge no. of Units, it is found that, DG sets have no proper stack height. The units using DG sets must adapt the proper stack height.

If the units have kitchen with them, installation of composting facility should obviously get utmost priority for proper and easy management of the solid waste and fruitful use of resource so that manner or energy may be obtained and utilized suitably.

As per provisions of the Noise Pollution (R & C) Rules, 2000, permission may be obtained from concerned Authorities by the units, but, SPCBs/PCCs may follow up to have the information with them also to strengthen control of noise pollution at/from the units.

It is also found that, huge no of units have no adequate space at their parking site and even most of them do not have own parking facilities also. The existing unit should find out the alternate facility and same be mandatory for the new units.

The Hon'ble Tribunal may issue appropriate directions as it deems fit which the Committee is bound to comply with.”

7. In view of above, let all the States/UTs take further steps in the matter of adopting and enforcing the CPCB guidelines to ensure sustainable use of water, solid and liquid waste management and compliance with the statutory environmental norms under the Water Act,

1974, the Air Act, 1981, the Environment (Protection) Act, 1986 ('EP Act, 1986') including the Noise Pollution (R&C) Rules, 2000, providing for adequate parking facilities and having adequate stack heights for the DG Sets. Compliance of such norms must be overseen by the statutory regulatory authorities, including the Local Bodies, the State PCBs/PCCs and, wherever there is violation, stringent action must be taken by way of stopping the non-compliant activities, initiating prosecution and recovering compensation on "Polluter Pays" principle. This is necessary to enforce the right of citizens to clean environment, which is part of right to life.

8. We have also perused compliance report filed by the Delhi Government which mentions steps taken so far. The report mentions that the Delhi Government has adopted the CPCB guidelines and started its implementation by way of recovering environmental compensation and stopping the non-compliant activities.

9. Let all the concerned authorities in all the States/UTs and the State PCBs/PCCs take further action and give their quarterly report to the CPCB. The same may thereafter be further followed up and compiled by the CPCB. It is made clear that if there is non-compliance by the States/UTs, PCBs/PCCs, the Tribunal may have to make the concerned authorities accountable by requiring payment of compensation as well as action against defaulting and erring officers. A further status report as on 30.11.2020 be filed by the CPCB on or before 31.12.2020 by email, making copies of report available to all relevant parties by webhosting on its website or otherwise.

The CPCB may hold a video conferencing with all the State PCBs/PCCs within one month from today which may cover, as far as possible not

only the present but other significant environmental issues also. If one sitting is not enough, more such sittings be held at suitable intervals so as to avoid delay in compiling relevant information.

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

List for further consideration on 04.02.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

July 23, 2020
Original Application No. 400/2017
A



Annexure- D

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA
E-mail/Speed Post
August 11, 2020

No. B-31013/30/2020-21/UPC-I/

To

The Member Secretary
All SPCBs/PCCs

Subject: Hon'ble NGT Order dated 23.07.2020 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Versus Union of India & Ors.

Ref.:

1. CPCB's letter of even no. dated 22.06.2020 and e-mail dated 23.06.2020.
2. CPCB's letter of even no. dated 19.03.2020 and e-mail dated 20.04.2020.
3. 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.
4. CPCB's letter dated 24.10.2010 in compliance with Hon'ble NGT Order dated 19.09.2019 issued to all SPCBs/PCCs.
5. 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 23.07.2020 passed following directions in the above matter:

"9. Let all the concerned authorities in all the States/UTs and the State PCBs/PCCs take further action and give their quarterly report to the CPCB. The same may thereafter be followed-up and compiled by the CPCB. It is made clear that if there is non-compliance by the States/UTs, PCBs/PCCs, the Tribunal may have to make the concerned authorities accountable by requiring payment of compensation as well as action against defaulting and erring officers. A further status report as on 30.11.2020 be filed by the CPCB on or before 31.12.2020 by email, making copies of report available to all relevant parties by webhosting on its website or otherwise.

The CPCB may hold a video conferencing with all the State PCBs/PCCs within one month from today which may cover, as far as possible not only the present but other significant environmental issues also. If one sitting is not enough, more such sittings be held at suitable intervals so as to avoid delay in compiling relevant information."

In compliance with the above Order, all the State PCBs/PCCs are requested for taking necessary action at their end. In this context, a video conference is scheduled to be organized on 20.08.2020 at 4:00 PM which shall be chaired by the Member Secretary, CPCB. You are requested to make it convenient to attend the same. It is also requested that a senior officer may please be nominated as Nodal Officer from your Organization and his details viz. name, designation, e-mail id and contact no. may please be communicated to us for further interaction in the matter. A line of confirmation to upc1.cpcb@gov.in will be appreciated. This is issued with the approval of Competent Authority.

Encl.: Copy of relevant pages of the Hon'ble NGT Order dated 23.07.2020

Yours sincerely

[N.K. Gupta
Divisional Head-UPC-I Division

Copy to:

The Regional Director : For necessary follow-up please.
All Regional Directorates, CPCB

Email

Head UPC-I, CPCB

Fwd: Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors.**From :** Head UPC-I, CPCB <upc1.cpcb@gov.in>

Wed, Dec 23, 2020 06:39 PM

Subject : Fwd: Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors. 1 attachment

To : Member Secretary APPCB <membersecy@appcb.gov.in>, arunachalspcb@gmail.com, membersecretary@pcbassam.org, mscellbspcb@gmail.com, hocpcb@gmail.com, Member Secretary GSPCB <ms-gspcb.goa@nic.in>, goapcb@rediffmail.com, goapcb@gpcb.in, membersecretarygpcb@gmail.com, ms-gpcb@gujarat.gov.in, hspcbms@gmail.com, mspcb-hp <mspcb-hp@nic.in>, membersecretaryjkspcb@gmail.com, ranchijspcb@gmail.com, Member Secretary Karnataka State Pollution Control Board <memsecy@kspcb.gov.in>, Head office Karnataka State Pollution Control Board <ho@kspcb.gov.in>, Sreekala S <ms.kspcb@gov.in>, It mppcb <It_mppcb@rediffmail.com>, ms@mpcb.gov.in, Pollution Control Board <pcb-man@nic.in>, megspcb@rediffmail.com, duhawma15@yahoo.com, rusoviljohn@yahoo.co.in, membersecretary@ospboard.org, Member Secretary <msppcb@punjab.gov.in>, acp rpcb <acp.rpcb@rajasthan.gov.in>, drgopalpradhan@gmail.com, spcbsikkim@gmail.com, TNPCB Chennai <tnpcb-chn@gov.in>, tsms <ts_ms@pcb.ap.gov.in>, mukherjeemanas <mukherjee_manas@rediffmail.com>, ms@uppcb.com, msukpcb@gmail.com, ms@wbpcb.gov.in, dstandamans@gmail.com, Vivek Pandey <cpcc-chd@nic.in>, mspccdmn <mspcc_dmn@pccdaman.info>, Additional Secretary <pers-dd@nic.in>, Member Secretary <msdpcc@nic.in>, Director, S&T <lk-dst@nic.in>, Pondicherry Pollution Control Committee Pondicherry <ppcc.pon@nic.in>, Member Secretary <member-secretary@rpcb.nic.in>, hspcbho@gmail.com, spsubudhi@gmail.com

Cc : Chairman CPCB <ccb.cpcb@nic.in>, ksharmacpcb <ksharma.cpcb@nic.in>, cpcb bhopal <cpcb.bhopal@gmail.com>, Suresh S <ssuresh.cpcb@nic.in>, cpcb lucknow <cpcb.lucknow@gmail.com>, CPCB RD Kolkata <zokolkatta.cpcb@nic.in>, Mrinal Kanti Biswas <mkbiswas.cpcb@nic.in>, PRASOON GARGAVA <prason.cpcb@nic.in>, zoshillong.cpcb <zoshillong.cpcb@nic.in>, sdave cpcb <sdave.cpcb@gmail.com>, BHARAT KUMAR SHARMA <bksharma.cpcb@nic.in>, Nalin Gupta <nkgupta.cpcb@nic.in>, Rajesh Debroy <rajeshdebroy.cpcb@nic.in>, nkgcpcb <nkgcpcb@hotmail.com>,

bspcb@yahoo.com, lhomen@outlook.com, acee2017tnpcb@gmail.com,
ashokgupta6400@gmail.com

Sir/Madam,

Please refer the trailing E-mail.

In compliance with Hon'ble NGT Order dated 23.07.2020 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Versus Union of India & Ors.; to follow-up the matter with the SPCBs/PCCs, meeting through Video Conference was convened on 24th August, 2020. As per Minutes of the Meeting dated 24.08.2020, all the SPCBs & PCCs were requested to take necessary action at their end and give their quarterly report to the CPCB so that further status report as on 30.11.2020 may be filed by the CPCB on or before 31.12.2020.

As on date said Quarterly Reports are still awaited from most of the SPCBs/PCCs. Hence, you are requested to communicate the same to CPCB as early as possible.

With Regards,

UPC-I Division,
CPCB, Delhi - 110032

From: "Head UPC-I, CPCB" <upc1.cpcb@gov.in>

To: "Member Secretary APPCB" <membersecy@appcb.gov.in>, arunachalspcb@gmail.com, membersecretary@pcbassam.org, mscellbspcb@gmail.com, hocecb@gmail.com, "Member Secretary GSPCB" <ms-gspcb.goa@nic.in>, goapcb@rediffmail.com, goapcb@gpcb.in, membersecretarygpcb@gmail.com, ms-gpcb@gujarat.gov.in, hspcbms@gmail.com, "mspcb-hp" <mspcb-hp@nic.in>, membersecretaryjkspcb@gmail.com, ranchijspcb@gmail.com, "Member Secretary Karnataka State Pollution Control Board" <memsecy@kspcb.gov.in>, "Head office Karnataka State Pollution Control Board" <ho@kspcb.gov.in>, "Sreekala S" <ms.kspcb@gov.in>, "lt mppcb" <lt_mppcb@rediffmail.com>, ms@mpcb.gov.in, "Pollution Control Board" <pcb-man@nic.in>, megspcb@rediffmail.com, duhawma15@yahoo.com, rusoviljohn@yahoo.co.in, membersecretary@ospcboard.org, "Member Secretary" <msppcb@punjab.gov.in>, "acp rpcb" <acp.rpcb@rajasthan.gov.in>, drgopalpradhan@gmail.com, spcbsikkim@gmail.com, "TNPCB Chennai" <tnpcb-chn@gov.in>, "tsms" <ts_ms@pcb.ap.gov.in>, "mukherjeemanas" <mukherjee_manas@rediffmail.com>, ms@uppcb.com, msukpcb@gmail.com, ms@wbpcb.gov.in, dstandamans@gmail.com, "Chandigarh Pollution Control Committee" <cpcc-chd@nic.in>, "mspccdmn" <mspcc_dmn@pccdaman.info>, "Personnel Department, Daman & Diu" <pers-dd@nic.in>, "Member Secretary" <msdpcc@nic.in>, "Director, S&T" <lk-dst@nic.in>, "Pondicherry Pollution Control Committee Pondicherry" <ppcc.pon@nic.in>, "Member Secretary" <member-secretary@rpcb.nic.in>, hspcbho@gmail.com, spsubudhi@gmail.com

Cc: "ccb.cpcb" <ccb.cpcb@nic.in>, "ksharmacpcb" <ksharma.cpcb@nic.in>, "cpcb bhopal" <cpcb.bhopal@gmail.com>, "Suresh S" <ssuresh.cpcb@nic.in>, "cpcb lucknow" <cpcb.lucknow@gmail.com>, "ABHIJIT CHATTOPADHYAY" <achattopadhyay.cpcb@nic.in>, "PRASOON GARGAVA" <prasoon.cpcb@nic.in>, "zoshillong.cpcb" <zoshillong.cpcb@nic.in>, "sdave cpcb" <sdave.cpcb@gmail.com>, "BHARAT KUMAR SHARMA" <bksharma.cpcb@nic.in>, "Nalin Gupta" <nkgupta.cpcb@nic.in>, "Rajesh Debroy" <rajeshdebroy.cpcb@nic.in>, "nkgcpcb" <nkgcpcb@hotmail.com>, bspcb@yahoo.com, lhomen@outlook.com, acee2017tnpcb@gmail.com, ashokgupta6400@gmail.com

Sent: Friday, September 4, 2020 4:18:55 PM

Subject: Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors.

Sir/Madam,

Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors. is enclosed.

Please find the attached file for kind reference and necessary action please.

With Regards,

UPC-I Division
Central Pollution Control Board,
East Arjun Nagar, Delhi - 110032

Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors..pdf
177 KB

From : Personnel Department, Daman & Diu <pers-dd@nic.in> Fri, Sep 04, 2020 04:42 PM
Subject : Re: Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors.
To : Head UPC-I, CPCB <upc1.cpcb@gov.in>

Please mail on pcc email id : pccdddnh@gmail.com. As this email id belongs to Personnel department, Daman

From: "Head UPC-I, CPCB" <upc1.cpcb@gov.in>

To: "Member Secretary APPCB" <membersecy@appcb.gov.in>, arunachalspcb@gmail.com, membersecretary@pcbassam.org, mscellbspcb@gmail.com, hocecb@gmail.com, "Member Secretary GSPCB" <ms-gspcb.goa@nic.in>, goapcb@rediffmail.com, goapcb@gpcb.in, membersecretarygpcb@gmail.com, ms-gpcb@gujarat.gov.in, hspcbms@gmail.com, "mspcb-hp" <mspcb-hp@nic.in>, membersecretaryjkspcb@gmail.com, ranchijspcb@gmail.com, "Member Secretary Karnataka State Pollution Control Board" <memsecy@kspcb.gov.in>, "Head office Karnataka State Pollution Control Board" <ho@kspcb.gov.in>, "Sreekala S" <ms.kspcb@gov.in>, "It mppcb" <It_mppcb@rediffmail.com>, ms@mpcb.gov.in, "Pollution Control Board" <pcb-man@nic.in>, megspcb@rediffmail.com, duhawma15@yahoo.com, rusoviljohn@yahoo.co.in, membersecretary@ospcboard.org, "Member Secretary" <msppcb@punjab.gov.in>, "acp rpcb" <acp.rpcb@rajasthan.gov.in>, drgopalpradhan@gmail.com, spcbsikkim@gmail.com, "TNPCB Chennai" <tnpcb-chn@gov.in>, "ts ms" <ts_ms@pcb.ap.gov.in>, "mukherjee manas" <mukherjee_manas@rediffmail.com>, ms@uppcb.com, msukpcb@gmail.com, ms@wbpcb.gov.in, dstandamans@gmail.com, "Chandi garh Pollution Control Committee" <cpcc-chd@nic.in>, "mspcc dmn" <mspcc_dmn@pccdaman.info>, "Personnel Department, Daman & Diu" <pers-dd@nic.in>, "Member Secretary" <msdpcc@nic.in>, "Director, S&T" <lk-dst@nic.in>, "Pondicherry Pollution Control Committee Pondicherry" <ppcc.pon@nic.in>, "Member Secretary" <member-secretary@rpcb.nic.in>, hspcbho@gmail.com, spsubudhi@gmail.com

Cc: "ccb.cpcb" <ccb.cpcb@nic.in>, "ksharmacpcb" <ksharma.cpcb@nic.in>, "cpcb bhopal" <cpcb.bhopal@gmail.com>, "Suresh S" <ssuresh.cpcb@nic.in>, "cpcb lucknow" <cpcb.lucknow@gmail.com>, "ABHIJIT CHATTOPADHYAY" <achattopadhyay.cpcb@nic.in>, "PRASOON GARGAVA" <prasoon.cpcb@nic.in>, "zoshillong.cpcb" <zoshillong.cpcb@nic.in>, "sdave cpcb" <sdave.cpcb@gmail.com>, "BHARAT KUMAR SHARMA" <bksharma.cpcb@nic.in>, "Nalin Gupta" <nkgupta.cpcb@nic.in>, "Rajesh Debroy" <rajeshdebroy.cpcb@nic.in>, nkgcpcb@hotmail.com, bspcb@yahoo.com, lhomen@outlook.com, acee2017tnpcb@gmail.com, ashokgupta6400@gmail.com

Sent: Friday, September 4, 2020 4:18:55 PM

Subject: Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors.

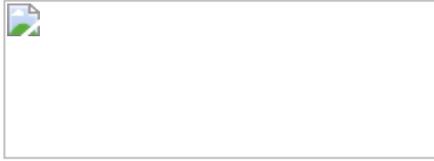
Sir/Madam,

Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors. is enclosed.

Please find the attached file for kind reference and necessary action please.

With Regards,

UPC-I Division
Central Pollution Control Board,
East Arjun Nagar, Delhi - 110032



From : Head UPC-I, CPCB <upc1.cpcb@gov.in>

Fri, Sep 04, 2020 04:18 PM

Subject : Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors.

1 attachment

To : Member Secretary APPCB <membersecy@appcb.gov.in>, arunachalspcb@gmail.com, membersecretary@pcbassam.org, mscellbspb@gmail.com, hocecb@gmail.com, Member Secretary GSPCB <ms-gspcb.goa@nic.in>, goapcb@rediffmail.com, goapcb@gpcb.in, membersecretarygpcb@gmail.com, ms-gpcb@gujarat.gov.in, hspcbms@gmail.com, mspcb-hp <mspcb-hp@nic.in>, membersecretaryjkspcb@gmail.com, ranchijspcb@gmail.com, Member Secretary Karnataka State Pollution Control Board <memsecy@kspcb.gov.in>, Head office Karnataka State Pollution Control Board <ho@kspcb.gov.in>, Sreekala S <ms.kspcb@gov.in>, It mppcb <It_mppcb@rediffmail.com>, ms@mpcb.gov.in, Pollution Control Board <pcb-man@nic.in>, megspcb@rediffmail.com, duhawma15@yahoo.com, rusoviljohn@yahoo.co.in, membersecretary@ospboard.org, Member Secretary <msppcb@punjab.gov.in>, acp rpcb <acp.rpcb@rajasthan.gov.in>, drgopalpradhan@gmail.com, spcbsikkim@gmail.com, TNPCB Chennai <tnpcb-chn@gov.in>, tsms <ts_ms@pcb.ap.gov.in>, mukherjeemanas <mukherjee_manas@rediffmail.com>, ms@uppcb.com, msukpcb@gmail.com, ms@wbpcb.gov.in, dstandamans@gmail.com, Chandigarh Pollution Control Committee <cpcc-chd@nic.in>, mspccdmn <mspcc_dmn@pccdaman.info>, Personnel Department, Daman & Diu <pers-dd@nic.in>, Member Secretary <msdpcc@nic.in>, Director, S&T <lk-dst@nic.in>, Pondicherry Pollution Control Committee Pondicherry <ppcc.pon@nic.in>, Member Secretary <member-secretary@rpcb.nic.in>, hspcbho@gmail.com, spsubudhi@gmail.com

Cc : ccb.cpcb <ccb.cpcb@nic.in>, ksharmacpcb <ksharma.cpcb@nic.in>, cpcb bhopal

<cpcb.bhopal@gmail.com>, Suresh S <ssuresh.cpcb@nic.in>, cpcb lucknow <cpcb.lucknow@gmail.com>, ABHIJIT CHATTOPADHYAY <achattopadhyay.cpcb@nic.in>, PRASOON GARGAVA <prasoon.cpcb@nic.in>, zoshillong.cpcb <zoshillong.cpcb@nic.in>, sdave cpcb <sdave.cpcb@gmail.com>, BHARAT KUMAR SHARMA <bksharma.cpcb@nic.in>, Nalin Gupta <nkgupta.cpcb@nic.in>, Rajesh Debroy <rajeshdebroy.cpcb@nic.in>, nkgcpcb <nkgcpcb@hotmail.com>, bspcb@yahoo.com, lhomen@outlook.com, acee2017tnpcb@gmail.com, ashokgupta6400@gmail.com

Sir/Madam,

Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors. is enclosed.

Please find the attached file for kind reference and necessary action please.

With Regards,

UPC-I Division
Central Pollution Control Board,
East Arjun Nagar, Delhi - 110032

Minutes of the Meeting dated 24.08.2020 in the matter of OA No. 400 of 2017 titled as Westend Green Farms Society Versus Union of India & Ors..pdf
177 KB

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

Minutes of Meeting

**In the matter of OA No. 400/2017 titled as Westend Green Farms Society Versus
Union of India & Ors.**

<i>Meeting date & time</i>	: 24 th August, 2020 at 3:00 PM
<i>Mode of meeting</i>	: through Video Conference
<i>Agenda</i>	: Follow-up with the SPCBs/PCCs in compliance with the Hon'ble NGT Order dated 23.07.2020 in the matter of OA No. 400/2017 titled as Westend Green Farms Society Versus Union of India & Ors.
<i>Participants</i>	: List is enclosed as Annexure

Sh. N. K. Gupta, Additional Director and DH-UPC-I, CPCB welcomed all the participants. After introduction of all, Sh. Gupta, delivered a presentation regarding the Hon'ble NGT matter in the OA No. 400/2017 titled as Westend Green Farms Society Versus Union of India & Ors. and briefed about

- (i) Communication made by CPCB with all SPCBs/PCCs
- (ii) Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets etc. (henceforth written as 'Mechanism/Guidelines') prepared and finalised by CPCB
- (iii) Compliance status at the end of CPCB,
- (iv) Objectives of the meeting

Sh. Gupta also presented the latest directions issued by the Hon'ble Tribunal vide order dated 23.07.2020 and invited inputs from the participating Officers from SPCBs/PCCs. Deliberations made in the meeting are as follows.

SPCBs of Himachal Pradesh, Madhya Pradesh, Odisha have informed that, they have already submitted their Report in compliance with the Hon'ble Tribunal's

previous Order and now they are taking follow-up action in compliance with the Hon'ble NGT's Order dated 23.07.2020.

Some SPCBs/PCCs (e.g. MPCB, RPCB, UPPCB, UEPPCB & Ors.) have submitted that they have circulated the CPCB's prescribed 'Format' and the 'Mechanism/Guidelines' to the ULBs and other Government Administration concerned under the State/UT seeking enforcement status of the Environment Norms at individual establishments and the area/cluster of restaurants/hotels/motels/banquets etc. under their jurisdiction. Due to non-receiving of the communication in the same context from those Departments/ non-availability of adequate information the SPCBs and PCCs could not compile and submit the same to CPCB. Some SPCBs & PCCs also highlighted the issue of COVID-19 Pandemic as a constraint for taking necessary action in the matter. However, TNPCB and UPPCB submitted that, they have recently issued the compliance status Report of their State.

MPPCB, MSPCB and PPCB sought some clarification regarding the 'Mechanism/Guidelines' and made some proposal in the 'Mechanism/Guidelines'. They were advised that, they may make more stringent the 'Mechanism/Guidelines' at their level. DPCC has highlighted about the policies they have prepared in this aspect.

APCB, BSPCB & OPCB have requested CPCB to resend the prescribed 'Format' and the 'Mechanism/Guidelines' developed by CPCB.

At the end, all the SPCBs & PCCs were requested to take necessary action at their end and give their quarterly report to the CPCB so that further status report as on 30.11.2020 may be filed by the CPCB on or before 31.12.2020.

Meeting ended with the vote of thanks to the chair.

List of Participants in the Meeting

In the matter of OA No. 400/2017 titled as Westend Green Farms Society Vs Union of India & Ors.

Mode of Meeting: Video Conference

Date: 24th August, 2020

Sl. No.	Representatives from SPCBs & PCCs
1.	Andhra Pradesh Pollution Control Board
2.	Assam Pollution Control Board
3.	Bihar State Pollution Control Board
4.	Chattisgarh State Environment Conservation Board
5.	Goa State Pollution Control Board
6.	Gujarat Pollution Control Board
7.	Haryana State Pollution Control Board
8.	Himachal Pradesh Pollution Control Board
9.	Jammu & Kashmir Pollution Control Board
10.	Madhya Pradesh Pollution Control Board
11.	Maharashtra Pollution Control Board
12.	Meghalaya Pollution Control Board
13.	Mizoram State Pollution Control Board
14.	Nagaland Pollution Control Board
15.	Orissa Pollution Control Board
16.	Punjab Pollution Control Board
17.	Rajasthan Pollution Control Board
18.	Tamil Nadu Pollution Control Board
19.	Telangana State Pollution Control Board
20.	Uttar Pradesh Pollution Control Board
21.	Uttarakhand Environmental Protection & Pollution Control Board
22.	West Bengal Pollution Control Board
23.	Daman & Diu and Dadra & Nagar Haveli Pollution Control Committee
24.	Delhi Pollution Control Committee
25.	Lakshadweep Pollution Control Committee
26.	Puducherry Pollution Control Committee
	and
	Central Pollution Control Board, Delhi