

BEFORE THE HON'BLE NATIONAL GREEN TRIBLNAL,  
PRINCIPAL BENCH, NEW DELHI  
OA NO. 632 OF 2023

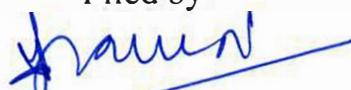
IN RE: NEWS ITEM TITLED "POLLUTION TAKES FIRES A  
FRONT SEAT AS STUBBLE SPIKE TN PUNJAB"  
APPEARING IN THE HINDU DATED 06.10.2023

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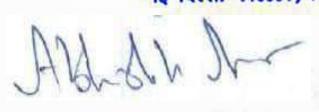
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New Delhi  
Dated:19.10.2023

Filed by

  
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OA NO. 632 OF 2023

IN RE: NEWS ITEM TITLED "POLLUTION TAKES FIRES A  
FRONT SEAT AS STUBBLE SPIKE TN PUNJAB"  
APPEARING IN THE HINDU DATED 06.10.2023

**REPORT ON PREVENTION AND CONTROL OF STUBBLE  
BURNING / FARM FIRES ON BEHALF OF THE  
COMMISSION FOR AIR QUALITY MANAGEMENT IN  
NATIONAL CAPITAL REGION AND ADJOINING AREAS**

**MOST RESPECTFULLY SHOWETH:**

1. This report is being filed in compliance of the Hon'ble Tribunal's notice dated 11.10.2023 in above referred matter.
2. This is also to bring into kind notice of this Hon'ble Tribunal that the Hon'ble Supreme Court *vide* its order dated 10.10.2023 in Writ Petition (Civil) No. 13029 of 1985 titled as M.C. Mehta Vs. Union of India & Ors. directed the Commission for Air Quality Management in National Capital Region and

  
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Adjoining Areas (hereinafter referred to as the 'Commission) to submit a report on the same issue of stubble burning. A copy of order of the Hon'ble Supreme Court dated 10.10.2023 is annexed herewith and marked as ANNEXURE R-1 (Page 22... to ...38...).

3. That Order of the Hon'ble Supreme Court *inter alia* reads as under:

*"IN RE: CROP BURNING*

*Learned Amicus flags a serious problem of air pollution with winters approaching. It is aggravated by crop burning. She submits that all these issues are actually before the Commission for Air Quality Management.*

*We call upon the Commission to submit urgently a report as to the steps being taken for control of air pollution in and around the Capital.*

*List for this limited purpose on 31.10.2023."*

4. Steps taken by the Commission, since its inception, on prevention and control of stubble burning / farm fires, are explained in the following paras for kind consideration this Hon'ble Tribunal.



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5. High incidences of paddy stubble burning in Punjab and Haryana, year on year, have been a matter of serious concern and have been contributing adversely to the air quality scenario in the NCR particularly during the winter months which coincide with paddy harvesting. Accordingly, since inception, prevention and control of paddy stubble burning has been a high priority sector for the Commission for abatement of air pollution during such period.
6. Towards systematic advance planning for the abatement and control on Paddy harvesting season in Punjab, Haryana, Delhi and NCR regions of U.P. and Rajasthan, the Commission undertook detailed deliberations and discussion with the State Governments of Punjab, Haryana, UP, Rajasthan, Government of NCT of Delhi, State Pollution Control Boards of NCR States and Delhi Pollution Control Committee (DPCC) and various other stakeholders and knowledge institutions like Indian Council of Agricultural Research (ICAR), Indian Agricultural Research Institute (IARI), Indian Space Research Organization (ISRO) etc. in 2021.



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7. Based on these deliberations and discussions, the Commission developed a framework for effective management of paddy stubble and to ensure prevention and control of Stubble Burning.
8. Statutory Directions were thereafter issued to the State Governments of Punjab, Haryana, Uttar Pradesh, Rajasthan and Government of NCT of Delhi on 10.06.2021 to prepare state specific detailed and monitorable action plans, based on six major components / pillars of action under the framework:
- i. ***In-situ* Crop Residue Management including bio-decomposer application;**
- Procurement and allocation of adequate CRM machinery ensuring optimal utilization of the available machinery with CHCs & Cooperatives
  - Staggering harvesting schedule in Village / Block to improve machine utilization
  - Extensive use of Bio-decomposer developed by IARI
- ii. ***Ex-situ* Crop Residue Management;**
- Usages of paddy straw as an economic resource in Biomass Power Projects, Co-firing in Thermal Power plants, Feed stock for 2G Ethanol plants, Feed stock in



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Compressed Biogas plants , Fuel in Industrial Boilers, WTE plants, Brick Kilns, Packaging materials, Agri-panels, Compost and Processed cattle fodder etc.

- iii. **Prohibition of Stubble/Crop Residue Burning;**
- iv. **Effective monitoring/enforcement-** at the State level, District level, Sub-Divisional, Cluster and Village level;
- v. Plans / Schemes to reduce the generation of paddy straw;
- vi. **IEC activities to educate and guard against stubble burning.**
  - Through electronic media, social media, print media, Fixing of hoardings, Audio-visual clips on TV, Broadcast of radio jingles, PA system mounted vans, District and state level 'kharif gosthi', 'Nyay panchayat level kharif gosthi', Demonstration camps, public addressing system etc.

9. Respective State Action plans were accordingly prepared for 2021. For ensuring a standard method for recording of paddy based Crop residue burning fire events, a Satellite based standard protocol was developed by ISRO for the Commission and Directions were issued to the States of Punjab, Haryana,

  
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Uttar Pradesh, Rajasthan and Government of NCT of Delhi on 16.08.2021 to ensure adoption and application of the standard protocol for recording of Crop Residue Burning Fire Events, using Satellite Data.

10. Further, to promote ex-situ utilization of paddy straw as resource various Directions/advisories were issued by the Commission, as under:
- (i) Advisories issued to the State Governments of Punjab, Haryana and Uttar Pradesh on 28.07.2021 on “Ex-Situ Stubble Management for tackling the problem of Stubble Burning”, including the need to establish an ecosystem and robust supply chain mechanism to boost ex-situ utilization of straw in various possible applications.
  - (ii) Statutory directions issued on 17.09.2021 to 11 Thermal Power Plants within 300km of Delhi for “Ex-Situ Paddy Straw Management through co-firing of biomass pellets/torrefied pellets (with focus on paddy straw) in coal based thermal power plants”.
  - (iii) Statutory directions issued in February, 2022 also permitting running of Industries in NCR (beyond Delhi) on

  
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Biomass fuels, thus targeting utilization of paddy straw as fuel in industrial boilers in NCR.

11. Based on field experience and learnings during execution of the plan of Action in 2021, the Commission held various meetings with the Officials of the Rajasthan, Delhi, Haryana, Uttar Pradesh and Punjab as early as in February, 2022 including meetings with Chief Secretaries and DCs / DMs of Districts in these State so as to discuss further preventive and mitigative actions that could be taken to control stubble burning and update / review the Action Plan for 2022 in the following key areas:

- (a) Mapping of available machinery in Custom Hiring Centres and cooperatives;
- (b) Optimized use of available CRM machinery including staggering harvesting schedule at village/ cluster level;
- (c) Speedy procurement of additional farm machinery through fund allocations made by MoAFW under the Crop Residue Management (CRM) Scheme during 2022-23;
- (d) Expanding bio-decomposer application to supplement in-situ stubble management measures;
- (e) Facilitating robust supply chain towards ex-situ utilization;



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(f) Intensifying campaigns and IEC activities against stubble burning;

(g) Intensifying monitoring and enforcement actions; Co firing of Biomass in Thermal power Plants and use of paddy residue in industries.

12. The Commission closely monitored the daily fire counts based on ISRO protocol and took up with the State Governments concerned for appropriate action. Arising out the implementation of the action plans during 2021 and 2022, as per the Standard Protocol developed by ISRO for the Commission, for the period 15th September to 30th November for the years 2021 and 2022, the status of paddy residue burning events were reported as under:

State	Cumulative Fire Counts for the period of 15 <sup>th</sup> September to 30 <sup>th</sup> November		
	2020	2021	2022
Punjab	83,002	71,304	49,922
Haryana	4,202	6,987	3,661
Uttar Pradesh (NCR)	407	252	198
<b>Total (including fire counts of Delhi and area of NCR in the Rajasthan)</b>	<b>87,632</b>	<b>78,550</b> <b>Reduction of 10.36% over 2020</b>	<b>53,792</b> <b>Reduction of 32% over 2021</b>



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13. The combined efforts of the Central Government, Government of Punjab, NCR State Governments and other Stakeholders towards better in-situ management of crop residue through CRM machinery, PUSA bio-decomposers, facilitating for ex-situ utilization of paddy straw and extensive IEC activities etc., helped in reducing the fire counts, as is evident from the data based on standard ISRO protocol.

#### **ACTION PLAN FOR 2023**

14. Towards advance planning for Paddy harvesting season, 2023, the Commission started following up with the concerned State Governments, well before the paddy sowing season 2023, as early as in February 2023 to sensitize the respective State machinery for prevention and control of the incidents of stubble burning and to substantially bring down the number of paddy farm fires during 2023.
15. Based on the Framework advised by the Commission and learnings from the year 2021 and 2022, action Plans were reviewed and updated by the State Governments of Punjab, Haryana and Uttar Pradesh for the year 2023.

  
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16. Towards effective preparation and implementation of the plan of action, CAQM held 7 different consultative and review meetings with Government of Punjab, 5 meetings with Government of Haryana and 4 meetings with Government of Uttar Pradesh, including detailed deliberations on the subject in two full-Commission meetings dated 14.07.2023 and 12.10.2023, wherein the action plans were presented and finalized. Details of such meetings, also attended by concerned departments of the State Governments like Agriculture, Environment, Power and Pollution Control Boards and senior officials of the State Government (including meetings with the Chief Secretary and the District Collectors) are as under:
- i. Meeting with Chief Secretary, Punjab on 07.02.2023 at Chandigarh- Road map and paddy stubble management action plan of Punjab for 2023.
  - ii. Meeting with Additional Chief Secretary (Agriculture) and senior officers of other departments concerned on 29.03.2023 at Karnal- Road map and paddy stubble management plan of Haryana for 2023.
  - iii. Two separate meetings with Chief Secretaries of Punjab and Haryana and other senior officials of the State Governments including Deputy Commissioners of all



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- districts-finalization of the action plan for Punjab and Haryana on 22.06.2023.
- iv. Approval to State Action plans (including District wise action plans) for Punjab, Haryana and Uttar Pradesh (for NCR districts) accorded in the 14th Meeting of the Commission on 14.07.2023.
  - v. A meeting was also held with Chief Secretary, Punjab at Chandigarh on 04.08.2023 regarding implementation of action plan for control of paddy stubble burning during 2023 paddy harvesting season.
  - vi. Review meeting with Chairman, HSPCB, senior officers from Haryana Govt. and all DCs of 15.09.2023- Status of preparedness just before the paddy harvest.
  - vii. Review meeting with the State Govt. of Punjab and all DCs on 21.09.2023- Status of preparedness of the plans just before the paddy harvest.
  - viii. Review meeting with State Govt. of Uttar Pradesh and all DMs of NCR Districts of Uttar Pradesh on 09.10.2023.
  - ix. Latest review meeting held on 12.10.2023 with the State Governments of Punjab, Haryana and Uttar Pradesh.
17. Accordingly, a statutory direction for strict implementation of the updated revised plan of action for prevention and control of

  
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paddy stubble burning including achieving the targets for reduction of stubble burning events as in the respective plans was issued on 25.07.2023.

18. The issue of paddy stubble burning was also deliberated upon and discussed at length in the various review meetings during the year as under:
- i. Review meetings under the chairmanship of Hon'ble Union Minister EFCC on 23.01.2023, 26.04.2023, 25.05.2023, 28.06.2023 on Air Quality management in Delhi NCR
  - ii. Inter-Ministerial meeting on the issues of Management of Crop residue Burning on 03.08.2023 under the co-chairmanship of Hon'ble Union Minister of Agriculture & Farmers Welfare and Hon'ble Union Minister of Environment, Forest and Climate Change.
  - iii. Meeting of the High Level Task force for management of Air pollution in Delhi and NCR on 13th October, 2023.
19. Paddy straw management strategies were further deliberated upon in various other workshops and seminars organized during 2023 as under:

  
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- i. CAQM in collaboration with MoEFCC and Punjab Pollution Control Board organized a one-day workshop on " पराली - एक पूँजी" (Parali - Ek Punji)" on 20th February, 2023 at Mohali (Chandigarh) to deliberate upon the utilization of 'पराली' (stubble) as 'एक पूँजी' (resource).
  - ii. Workshop on paddy straw management strategies held at PAU Ludhiana on 09.06.2023.
  - iii. Stakeholder Workshop on Sustainable Agriculture and Crop Residue Management organized on 04.08.2023 in Chandigarh by TERI and IIT Tirupati.
20. Based on the updated plans for prevention and control of paddy stubble burning in the respective states, the targets for a substantial reduction in the fire counts on account of paddy stubble burning during 2023 for Punjab, Haryana and UP (NCR), as also projected by them in the various review meetings are as follows:

Area	Actual counts in 2022	Target for 2023
Punjab	49,922	Zero stubble burning events in 6 districts viz. Hoshiarpur, Malerkotla, Pathankot, Rup

  
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		Nagar, SAS Nagar and SBS Nagar  At least <b>50%</b> reduction in remaining <b>17</b> districts <b>Total counts: 24,202</b>
Haryana	<b>3,661</b>	Near elimination of stubble burning in the State.
UP NCR	<b>198</b>	Near elimination of stubble burning in the State.

### EFFORTS FOR *IN-SITU* MANAGEMENT

21. To support the efforts of the Governments of Punjab, Haryana, Uttar Pradesh and NCT of Delhi to address air pollution caused due to stubble burning, a Central Sector Scheme on Crop Residue Management (CRM) had been introduced w.e.f. 2018-19 by the Central Government. Under this scheme, financial assistance @ 50% is provided to the farmers for purchase of crop residue management machinery and @ 80% is provided to Cooperative Societies, FPOs and Panchayats for procurement of such machines by Custom Hiring Centres (CHCs) for onward renting to needy farmers. The Scheme promotes the usage of

  
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machines such as Super Straw Management Systems, Happy Seeder, Super Seeder, Smart Seeder, zero till seed cum fertilizer drill, Mulcher, Paddy Straw Chopper, hydraulically reversible MB plough, Crop reapers and Reaper binders for in-situ management of crop residue and Balers & Rakes which are used for straw collection in the form of bales for other ex-situ uses of straw.

22. Total funds to the tune of Rs.3,333.17 crore have been so far released by the Central Government under the CRM Scheme. The available data indicates that there are around 1,17,672 Crop Residue Management (CRM) Machines available in Punjab, 80,071 in Haryana, and 7,986 in the NCR areas of Uttar Pradesh. Additionally, around 23,000 such machines in Punjab, 7,572 in Haryana, and 595 in the NCR areas of Uttar Pradesh are in the process of procurement during 2023.

**Availability of CRM machinery**

Total no. of available CRM Machinery	PUNJAB		HARYANA		UP NCR	
	2022	2023	2022	2023	2022	2023
	90,422	1,17,672	72,777	80,071	7,482	7,986

  
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### APPLICATION OF PUSA BIO-DECOMPOSER FOR *IN-SITU* MANAGEMENT

23. The Commission from time to time has made several communications and held meetings with the respective State Governments and bodies with respect to the use of Bio-decomposer technology. Directions dated 10.06.2021, issued by the Commission with respect to tackling the problem of stubble burning, also includes the use of Biodecomposer technology. However, from field results and feedback from the State Governments, it has been observed that the Pusa-Biodecomposer application would not be effective in an isolated manner and has to be used in conjunction with agricultural machinery which ensures the ploughing and mulching of the agricultural residue and the Bio-decomposer into the soil. Furthermore, it takes about 20-25 days for effective decomposition of straw, which accordingly to the farmers is not satisfactory considering the short time window available between the paddy harvest and sowing of wheat crop. As per the action plans and as reported in various meetings, for the Paddy harvesting year, 2023, following targets for Biodecomposer application have been provided by the concerned states:

PUNJAB	HARYANA	UP NCR
8,000 acres	5,000,00 acres	1,81,500 acres

  
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24. Total quantity of paddy stubble planned to be managed through *In-situ* means (including Bio-decomposer application) in 2023 is as under (in Million Tonnes):

PUNJAB	HARYANA	UP NCR
11.9	3.19	0.20

### PROMOTING *EX-SITU* PADDY RESIDUE MANAGEMENT

25. The Commission issued advisories to the State Governments of Punjab, Haryana and Uttar Pradesh on “Ex-Situ Stubble Management for tackling the problem of Paddy Stubble Burning on 28.07.2021. The Commission has also advised State Governments to establish an ecosystem and robust supply chain mechanism to boost ex-situ utilisation of paddy straw.
26. Directions were issued on 17.09.2021 to all the 11 Thermal Power Plants in NCR and adjoining areas within 300km of Delhi for “Ex-Situ Paddy Straw Management through co-firing of biomass pellets/torrefied pellets (with focus on paddy straw) in coal based thermal power plants”. Such co-firing has started in power plants though in small quantities as against the respective targeted quantities, the progress on this front is being critically monitored and reviewed on a monthly basis in active

  
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coordination with Ministry of Power, NTPC and the other power plant operators concerned.

27. In view of the compelling need to also control air pollution from coal based Captive Thermal Power Plants in the NCR, the concerns of burning of agricultural residue and the potential of its effective utilization as a resource, the Commission issued Direction No. 72 dated 17.03.2023 to all the coal based Captive Thermal Power plants including co-generating Captive Thermal Power Plants situated in NCR to initiate immediate steps to co-fire biomass-based pellets (with focus on paddy straw utilization) with coal through a continuous and uninterrupted supply chain targeting at least 5% co-firing of biomass pellets, latest by 30th, September, 2023 and at least 10% co-firing by 31st December, 2023.
28. Vide Direction No. 62 dated 04.02.2022 and Direction No. 63 dated 18.05.2022, use of Biomass fuels was permitted by the Commission for existing and new industries in NCR, beyond the jurisdiction of NCT of Delhi, thus also promoting the use of paddy straw in boilers / furnaces of the industrial units.



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29. Other than the ex-situ measures for utilization of paddy stubble listed above, one 2G Bio-ethanol plant in Panipat, Haryana is already commissioned / operational and the other upcoming 2G Bio-ethanol plant in Bhatinda, Punjab is also expected to be commissioned by January, 2024, which however, would be sourcing paddy straw in the current paddy harvesting season itself. These plants are expected to utilize around 2 lakh tonne of paddy straw, each annually, when running to their full capacities.
30. Utilization in paddy based Biomass power projects and Compressed Biogas plants has also increased significantly over the last few years, including in various other misc applications like Packaging, Card board, Panel board etc.
31. All the above factors considered, projection for ex-situ management of paddy straw during 2023 vis-à-vis the utilization in 2022 is as under (in Million Tonnes):

PUNJAB		HARYANA		Total	
2022	2023	2022	2023	2022	2023
1.51	4.67	1.80	1.95	3.31	6.62

  
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32. Substantial quantity of paddy stubble is also planned to be utilised for cattle fodder this year (around 1.1 million tonnes in Punjab, 2.46 million tonnes in Haryana and 0.48 million tonnes in UP NCR).
33. Considering all the measures for in-situ/ex-situ utilization, paddy stubble Management in 2023 (in Million Tonnes) is expected to be as follows:

	<b>Punjab</b>	<b>Haryana</b>	<b>UP NCR</b>
<b>Total Paddy Straw Generation</b>	<b>19.5</b>	<b>7.4</b>	<b>0.73</b>
<b>Through In-situ management measures (including Biodecomposer application)</b>	11.9	3.19	0.20
<b>Through Ex-Situ Management measures</b>	4.67	1.95	0.054
<b>As Fodder</b>	1.1	2.36	0.48
<b>Total</b>	<b>17.6</b>	<b>7.37</b>	<b>0.73</b>



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34. With persistent field level efforts and targeted policy initiatives in the short/ medium/ long term, it is expected that instances of paddy stubble burning in Punjab, Haryana & NCR areas of UP will see gradual but marked improvement, year on year, with a consequent improvement in the air quality of Delhi-NCR during the paddy harvesting season.

New Delhi  
Dated: 19.10.2023

Filed by

(R. K. Agrawal)  
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Writ Petition(Civil) No.13029/1985

ITEM NO.4

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(IN RE: PETCOKE(1) IA NO. 115613/2021 (APPLN. FOR CLARIFICATION OF ORDER DATED 09.10.2018 ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)

(2) IA NO. 31988/2018 (APPLN. FOR DIRECTIONS ON B/O PAPER MANUFACTURING ASSOCIATION)

(3) IA NO. 184370/2023 (APPLN. FOR MODIFICATION ON B/O ALUMINIUM ASSN. OF INDIA)

(3 A) IA D. NO. 205976/2023 IN IA NO. 184370/2023 (APPLN. FOR IMPLEADMENT ON B/O RAIN CII CARBON (VIZAG) LIMITED)

(4) IA NOS. 49035 AND 49036/2021 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LTD.)

(5) IA NOS. 113743, 113750/2019 AND IA D. NO. 6402/2021 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND SEEKING URGENT LISTING OF IA NOS. 113743, 113750/2019 ON B/O M/S BHARAT ALUMINIUM COMPANY LTD.)

(6) IA NOS. 141194 AND 141196/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O GUWAHATI CARBONS LTD.)

(7) IA NOS. 141725 AND 141728/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O NEO CARBONS PVT. LTD.)

(8) IA NOS. 141204 AND 141252/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O BRAHMAPUTRA CARBON LTD.)

(9) IA NOS. 129627, 129630 AND 138251/2023 (APPLNS. FOR PERMISSION, CLARIFICATION AND SEEKING PERMISSION TO BRING ON RECORD ADDL. DOCUMENT ON B/O CARBON RESOURCES PVT. LTD.)

(10) IA NOS. 142394 AND 142395/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O DIGBOI CARBON PVT. LTD.)

(11) IA NOS. 176700 AND 176702/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O UPPER ASSAM PETROCOKE PVT. LTD.)

(12) IA NOS. 177061 AND 177063/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O NEW AGE PETCOKE PVT. LTD.)

(13) IA NOS. 177684 AND 177685/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O AMRITESH INDUSTRIES PVT. LTD.)

(14) IA NO. 16635/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)

(15) IA NO. 41879/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF SANVIRA INDUSTRIES LTD.)

(16) IA NO. 176291/2023 (APPLN. FOR DIRECTION ON B/O PETRO CARBON AND CHEMICALS PVT. LTD.) ONLY" IN W.P.(C) NO. 13029/1985

"ONLY" NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST:(A.C.)MS. APARAJITA SINGH, SR. ADVOCATE (A.C.). MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)PETITIONER-IN-PERSON

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MR. AKHIL ANAND, MR. YASH PAL DHINGRA, MS. DIVYA ROY, ADVOCATES

Date : 10-10-2023 These applications were called on for hearing

today.

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HON'BLE MR. JUSTICE SUDHANSHU DHULIA

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UPON hearing the counsel the Court made the following  
O R D E R

(3) IA NO. 184370/2023(APPLN. FOR MODIFICATION ON B/O ALUMINIUM ASSN. OF INDIA)(3A) IA D. NO. 205976/2023 IN IA NO. 184370/2023 (APPLN. FOR IMPLEADMENT ON B/O RAIN CII CARBON (VIZAG) LIMITED)

(4) IA NOS. 49035 AND 49036/2021(APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LTD.)

(5) IA NOS. 113743, 113750/2019 AND IA D. NO. 6402/2021 (APPLNS. FOR IMPLEADMENT, DIRECTIONS AND SEEKING URGENT LISTING OF IA NOS. 113743, 113750/2019 ON B/O M/S BHARAT ALUMINIUM COMPANY LTD.)

(6) IA NOS. 141194 AND 141196/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O GUWAHATI CARBONS LTD.)

(7) IA NOS. 141725 AND 141728/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O NEO CARBONS PVT. LTD.)

(8) IA NOS. 141204 AND 141252/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O BRAHMAPUTRA CARBON LTD.)

(9) IA NOS. 129627, 129630 AND 138251/2023 (APPLNS. FOR PERMISSION, CLARIFICATION AND SEEKING PERMISSION TO BRING ON RECORD ADDL. DOCUMENT ON B/O CARBON RESOURCES PVT. LTD.)

(10) IA NOS. 142394 AND 142395/2023 (APPLNS. FOR INTERVENTION AND CLARIFICATION ON B/O DIGBOI CARBON PVT. LTD.)

(11) IA NOS. 176700 AND 176702/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O UPPER ASSAM PETROCOKE PVT. LTD.)

(12) IA NOS. 177061 AND 177063/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O NEW AGE PETCOKE PVT. LTD.)

(13) IA NOS. 177684 AND 177685/2023 (APPLNS. FOR INTERVENTION AND DIRECTION ON B/O AMRITESH INDUSTRIES PVT. LTD.)

(14) IA NO. 16635/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)

(15) IA NO. 41879/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF SANVIRA INDUSTRIES LTD.)

(16) IA NO. 176291/2023 (APPLN. FOR DIRECTION ON B/O PETRO CARBON AND CHEMICALS PVT. LTD.)

We have heard learned counsel for parties for some time.

Learned Amicus has given a way forward, more so, as it is practically very difficult for this Court to monitor and see the quotas for different industries and periodically this Court is being approached by applications in view of the earlier orders passed. The ground reality is also stated to have changed from the time action was taken in pursuance to Report No.91. The suggestion, thus, is that the Commission for Air Quality Management should look into the matter afresh keeping in mind the availability of Pet Coke in the country and the requirement for import of Pet Coke which would depend, thereafter.

There is also a change which has occurred on account of different industries' requirement of Pet

Coke. An example of this is the Aluminum industry. Thus, a holistic view would have to be taken as to the distribution of the Pet Coke available in the country and the Pet Coke required to be imported and how both of them should be distributed *inter se* the industries.

The aforesaid course of action is acceptable to all the learned counsel here and the only aspect urged is an anxiety about the time period required for it because a lot of industries are closed.

We, thus, delegate all these issues to the Commission for Air Quality Management (CAQM) and, if one may observe, this is their job.

This is more so, as the origination of regulation by this Court arose from the fact that Pet Coke is highly polluting, especially when used as a fuel and in unregulated industries.

There is also another aspect arising from the allocation of six calciners which are near the ports. It is the say of 6 of the parties before us that they alone are entitled to it, while another set of parties states that right up to 2023, 1 million tonne was being distributed amongst the six persons and remaining 0.4 million was being distributed to the rest. It is the say that now 0.4 million is not being distributed on account of some orders passed in the

year 2023.

Be that as it may, it is appropriate that the CAQM bestows consideration even on this aspect and wherever any interim directions are required, the Commission itself can pass those directions, uninfluenced by other orders which may be passed by any other Court.

Needless to say that all concerned parties will be heard in this process and insofar as the interim directions are concerned, an earlier consideration will be bestowed.

Learned counsel for the Ministry of Environment, Forest and Climate Change requests for three months to complete the task. However, insofar as the interim directions are concerned, the Commission may take an action between 4-6 weeks.

The aforesaid would take care of the various applications before us *qua* the issue of import and enhancement of import quota and thus, these applications stand disposed of in terms of the aforesaid order.

The applications for impleadment and intervention are also disposed of.

(1) IA NO. 115613/2021 (APPLN. FOR CLARIFICATION OF ORDER DATED 09.10.2018 ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)

Learned counsel for the applicant submits that

in view of the other aspects being delegated to the Commission, the facts of the present case be also examined by the Commission itself.

This request is accepted and thus, the reliefs in this application are also delegated for consideration before the Commission.

The application stands disposed of.

(2) IA NO. 31988/2018 (APPLN. FOR DIRECTIONS ON B/O PAPER MANUFACTURING ASSOCIATION)

The application is opposed by the Amicus who says that there is a notification banning use of Pet Coke as fuel which the Paper Manufacturing Association of India seeks to use.

None appears for the applicant.

Possibly with the passage of time, this application has worked itself out.

The application is accordingly, dismissed.

IN RE: CROP BURNING

Learned Amicus flags a serious problem of air pollution with winters approaching. It is aggravated by crop burning. She submits that all these issues are actually before the Commission for Air Quality Management.

We call upon the Commission to submit urgently a report as to the steps being taken for control of air pollution in and around the Capital.

**List for this limited purpose on 31.10.2023.**

**(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS**

**(POONAM VAID)  
COURT MASTER (NSH)**