

Letter No.-NGT-18/81-7-2024

From,

Devendra Singh Chauhan,
Under Secretary,
Environment, Forest and Climate Change Department,
State of Uttar Pradesh.

To,

The Registrar General,
Hon'ble, National Green Tribunal,
Principal Bench,
Faridkot House, Copernicus Marg,
New Delhi- 110001

**Environment, Forest & Climate
Change Section-7**

Lucknow : Dated : 10 January, 2024

Sub: Response on behalf of State of Uttar Pradesh, in compliance to the order dated 17.10.2023 passed by Hon'ble NGT Principal Bench, New Delhi in Original Application No. 160 of 2022 in Om Pal & Ors. Versus State of UP & Ors.

Sir,

Kindly refer the subject mentioned above. In compliance of the order dated 17.10.2023 in O.A. No. 160/2022, in the matter of Om Pal & Ors. Versus State of UP & Ors., the response on behalf of State of Uttar Pradesh is enclosed herewith for your kind perusal and further necessary action.

Enclosures: As above

Sincerely Yours,

Digitally Signed by
देवेन्द्र सिंह चौहान
Date: 10-01-2024 16:45:22
Reason: Approved

(Devendra Singh Chauhan)
Under Secretary.

Copy to: Shri Bhanwar Pal Singh Jadon Standing Counsel, State of UP, Hon'ble NGT for information and further necessary action.

RESPONSE ON BEHALF OF STATE OF UTTAR PRADESH, IN COMPLIANCE TO THE ORDER DATED 17.10.2023 PASSED BY HON'BLE NGT PRINCIPAL BENCH, NEW DELHI IN ORIGINAL APPLICATION NO. 160 OF 2022 IN RE: OM PAL & ORS. VERSUS STATE OF UP & ORS.

1. That the Hon'ble National Green Tribunal, Principal Bench, New Delhi vide its order dated 17.10.2023 in Original Application No. 160 of 2022 In Re: Om Pal & Ors. Versus State of UP & Ors., has passed the directions. The relevant part of the order is as below:

".....

- 6. In the present case we consider it appropriate to seek response from the State of Uttar Pradesh as to why amount of environmental compensation imposed remains unrealized for very long periods even after receipt of the reference from the UPPCB for realization of the same and as to why the amount for remediation of environmental damage caused by the violators be not incurred by the State of Uttar Pradesh immediately on receipt of such references for remediation of the damage caused to the environment before the same results in irreversible damage to the ecology and bio-diversity. The amount so spent by the Uttar Pradesh may be recovered from the violators as arrears of land revenue in accordance with law.*
- 7. The State of Uttar Pradesh is accordingly directed to file its response within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF....."*

2. That on 04.01.2024 a review meeting has been held under the Chairmanship of Additional Chief Secretary, Environment, Forest and Climate Change Department, Uttar Pradesh regarding the progress of compliance of directions passed by Hon'ble Tribunal. The true copy of Minutes of Meeting dated 04.01.2024 is being annexed herewith as **Annexure No.-1** to this response.

3. That during the course of above meetings, the Uttar Pradesh Pollution Control Board, hereinafter referred as UPPCB, has informed that ₹ 86,60,00,948/- amount of environmental compensation has been imposed against the defaulter Mining Units in Uttar Pradesh, out of



which ₹ 76,90,000/- environmental compensation has been recovered/realized and for ₹ 30,38,45,716/- the respective mining units have taken stay from Hon'ble Supreme Court/Hon'ble High Court. For remaining amount ₹ 55,44,65,232/- of environmental compensation, UPPCB vide different letters has requested to concerned District Magistrates to recover/realize the amount of environmental compensation as a arrears of land revenue in accordance with law.

4. That it is pertinent to mention here that the UPPCB has imposed the Environmental Compensation in compliance to the orders passed by this Hon'ble Tribunal and also in pursuance to the order/direction passed by Commission for Air Quality Management (CAQM) and against for non-compliance of Environmental Laws.
5. That it is also informed by the officials of UPPCB that Environmental Compensation amounting of ₹ 58.14 Cr. has been recovered/realized from the defaulter units, in which ₹ 10.63 Cr. has been recovered in compliance of the orders passed by this Hon'ble Tribunal and ₹ 1.25 Cr. and ₹ 46.26 Cr. has been recovered in compliance to the order passed by Commission for Air Quality Management (CAQM) and for non-compliance of Environmental Laws, respectively.
6. That further, following decisions have been taken during the course of meeting dated 04.01.2024:
 - i. That the Environmental Compensation recovered in pursuance to the order passed by the Hon'ble Tribunal shall be utilized as per the Guideline prepared by the Central Pollution Control Board herein after referred as CPCB. The true copy of Guideline prepared by the CPCB for Utilization of Environmental Fund is being annexed herewith as **Annexure No.-2** to this response.



- ii. That the monthly progress report regarding the recovery of Environmental Compensation as arrears of Land Revenue by the concerned District Magistrates shall be furnished to the UPPCB and the same shall be compiled and forwarded to the State of UP by UPPCB on a prescribed format as mentioned in the Minutes of Meeting dated 04.01.2024, contained as annexure no.-2 to this response.
- iii. That regarding to the recovery of the Environmental Compensation stayed by the Hon'ble Supreme Court and Hon'ble High Court, the UPPCB shall immediately move a Stay Vacation application before the concern courts through a panel of advocates.
- iv. That for the speedy recovery of Environmental Compensation by the concerned District Magistrates the issue shall be requested to be included in the agenda of monthly progress meeting of District Magistrates/Commissioners under the Chairmanship of Chief Secretary. UPPCB shall submit the proposal along with progress of recovery of Environmental Compensation to the Government.
- v. That the Corpus Fund will be established with the amount of Environmental Compensation already recovered/realized by UPPCB for non-compliance of Environmental Laws as mentioned in para 5.
- vi. That the Corpus Fund shall be utilized for the immediate remediation of environmental damages caused by the violators in accordance to the Guideline prepared by the CPCB for Utilization of Environmental Fund after decision to do so by a committee having following members;



- a) Officer nominated by the Additional Chief Secretary, Environment, Forest and Climate Change Department, Uttar Pradesh not below the rank of Secretary (Chairman)
- b) Officer nominated by the Member Secretary, Central Pollution Control Board (Member)
- c) Member Secretary, Uttar Pradesh Pollution Control Board (Convener)

The aforesaid committee shall give financial approval to the action plan for remediation of environmental damages and the whole work shall be accomplished in accordance to the Guideline prepared by the CPCB for Utilization of Environmental Fund through Corpus Fund.

7. That it has been decided during the meeting that direction of Hon'ble NGT may be sought on above decisions.

Therefore, the response of the State of Uttar Pradesh is placed before this Hon'ble National Green Tribunal for perusal and kind consideration.


10.01.2024
(Devendra Singh Chauhan)

Under Secretary
Environment, Forest & Climate Change
Department,
State of Uttar Pradesh

मा0 एन0जी0टी0, नई दिल्ली द्वारा ओ0ए0 संख्या-160/2022 ओम पाल एवं अन्य बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 17.10.2023 के अनुपालन में अपर मुख्य सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ0प्र0 शासन की अध्यक्षता में दिनांक 04.01.2024 को मध्याह्न 12:00 बजे नरही स्थित वन मुख्यालय के पारिजात सभाकक्ष में सम्पन्न समीक्षा बैठक का कार्यवृत्त।

मा0 एन0जी0टी0, नई दिल्ली द्वारा ओ0ए0 संख्या-160/2022 ओम पाल एवं अन्य बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 17.10.2023 के अनुपालन में अपर मुख्य सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ0प्र0 शासन की अध्यक्षता में दिनांक 04.01.2024 को मध्याह्न 12:00 बजे नरही स्थित वन मुख्यालय के पारिजात सभाकक्ष में समीक्षा बैठक आयोजित की गयी। बैठक में उपस्थित अधिकारियों की सूची संलग्न है।

2- मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ0ए0 संख्या-160/2022 ओम पाल एवं अन्य बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 17.10.2023 के सुसंगत अंश निम्नवत् है :-

“.....6. In the present case we consider it appropriate to seek response from the State of Uttar Pradesh as to why amount of environmental compensation imposed remains unrealized for very long periods even after receipt of the reference from the UPPCB for realization of the same and as to why the amount for remediation of environmental damage caused by the violators be not incurred by the State of Uttar Pradesh immediately on receipt of such references for remediation of the damage caused to the environment before the same results in irreversible damage to the ecology and bio-diversity. The amount so spent by the Uttar Pradesh may be recovered from the violators as arrears of land revenue in accordance with law.

7. The State of Uttar Pradesh is accordingly directed to file its response within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of ImagePDF.....”

3- बैठक में डॉ0 रामकरन, मुख्य पर्यावरण अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड द्वारा अवगत कराया गया कि खनन प्रक्रियाओं/संक्रियाओं हेतु जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 की धारा-25 एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 की धारा-21 के अन्तर्गत पूर्व सहमति प्राप्त किया जाना आवश्यक है, जिसका अनुपालन न किये जाने के कारण प्रदेश में स्थित कुल 624 खनन प्रक्रियाओं/संक्रियाओं के विरुद्ध कुल ₹ 86,60,00,948.00/- की पर्यावरणीय क्षतिपूर्ति अधिरोपित की गई है, जिसके सापेक्ष कुल ₹ 76,90,000.00/- की पर्यावरणीय क्षतिपूर्ति वसूल की गई है। अग्रेतर ₹ 30,38,45,716/- की धनराशि की वसूली के विरुद्ध मा0 उच्चतम/उच्च न्यायालय द्वारा विभिन्न मामलों में स्थगन आदेश पारित हैं। अवशेष पर्यावरणीय क्षतिपूर्ति धनराशि ₹ 55,44,65,232/- की वसूली हेतु संबंधित जिलाधिकारियों को भू-राजस्व की भाँति प्राप्त करने के लिए उ0प्र0 प्रदूषण नियंत्रण बोर्ड द्वारा पत्र प्रेषित किया गया है।

अग्रतर डॉ० रामकरन द्वारा अवगत कराया गया है कि खनन प्रक्रियाओं/सक्रियाओं सहित अन्य इकाईयों/परियोजनाओं के विरुद्ध उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा अधिरोपित की गई पर्यावरणीय क्षतिपूर्ति में से ₹ 58.14 करोड़ धनराशि की वसूली हो चुकी है। उक्त ₹ 58.14 करोड़ में से ₹ 10.63 करोड़ मा० राष्ट्रीय अधिकरण में योजित वादों/आदेशों के अनुपालन में अधिरोपित की गई थी तथा ₹ 1.25 करोड़ सी०ए०क्यू०एम० के आदेशों के अनुपालन में अधिरोपित की गयी थी एवं ₹ 46.26 करोड़ बोर्ड द्वारा पर्यावरणीय विधियों का अनुपालन न किये जाने के दृष्टिगत अधिरोपित की गई थी। मा० एन०जी०टी० के आदेशों से आच्छादित ₹ 10.63 करोड़ की पर्यावरणीय क्षतिपूर्ति की धनराशि का उपयोग केन्द्रीय प्रदूषण नियंत्रण बोर्ड की गाइडलाइन के अनुसार खर्च किया जायेगा।

4- बैठक में सम्यक विचारोपरान्त निम्नलिखित निर्णय लिये गये-

- (i) उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा अधिरोपित पर्यावरणीय क्षतिपूर्ति व उनकी भू-राजस्व की भांति वसूली हेतु जनपदवार मासिक प्रगति की सूचना निम्न प्रारूप पर शासन को उपलब्ध करायी जाय :-

क्र० सं०	जनपद का नाम	खनन परियोजनाओं में अधिरोपित पर्यावरणीय क्षतिपूर्ति की धनराशि (₹ लाख)	जिलाधिकारी के स्तर से जारी आर०सी० (₹ लाख)	आर०सी० निर्गत करने हेतु लम्बित धनराशि (₹ लाख)	आर०सी० के विरुद्ध वसूल की गयी धनराशि (₹ लाख)	आर०सी० के विरुद्ध स्थगनादेश से आच्छादित धनराशि (₹ लाख)	आर०सी० की लम्बित धनराशि (₹ लाख)
1	2	3	4	5	6	7	8

(कार्यवाही- उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ)

- (ii) मा० न्यायालयों द्वारा ₹ 30.3845716 करोड़ की पर्यावरणीय क्षतिपूर्ति धनराशि की वसूली के विरुद्ध पारित स्थगन आदेश को वकैट कराने हेतु अधिवक्ताओं का पैनल बनाते हुए स्टे वकैट एप्लीकेशन तत्काल मा० उच्च न्यायालय/उच्चतम न्यायालय में दाखिल कराया जाना सुनिश्चित किया जाय।

(कार्यवाही- उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ)

- (iii) जिलाधिकारी के स्तर से पर्यावरणीय क्षतिपूर्ति की धनराशि की वसूली त्वरित रूप से कराये जाने के दृष्टिगत पर्यावरणीय क्षतिपूर्ति की वसूली से सम्बन्धित एजेण्डा मुख्य सचिव, उ०प्र० शासन की अध्यक्षता में प्रत्येक माह जिलाधिकारियों/मण्डलायुक्तों के साथ होने वाली वीडियो कान्फ्रेंस में सम्मिलित कराया जाय। इस सम्बन्ध में सुसंगत सूचनाओं के साथ प्रस्ताव प्रस्तुत किया जाय।

(कार्यवाही- उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ)

- (iv) उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा पर्यावरणीय क्षतिपूर्ति की धनराशि, जो कि मा० राष्ट्रीय हरित अधिकरण एवं सी०ए०क्यू०एम० द्वारा अधिरोपित पर्यावरणीय क्षतिपूर्ति से आच्छादित नहीं है तथा उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा पर्यावरणीय विधियों का अनुपालन न किये जाने के कारण अधिरोपित धनराशि में से वसूल की गयी है, का एक कार्पस फण्ड स्थापित किया जाना उचित होगा, जिसके माध्यम से पर्यावरणीय क्षतिपूर्ति को आकस्मिक रूप से रोके जाने हेतु परियोजना का वित्त पोषण किया जा सके तथा पर्यावरणीय क्षतिपूर्ति की धनराशि वसूल हो जाने के पश्चात् उससे कार्पस की प्रतिपूर्ति की जा सके।

(कार्यवाही-उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ)

- (v) पर्यावरणीय क्षतिपूर्ति के कार्पस फण्ड का पर्यावरणीय जीर्णोधार संबंधी कार्यों में आकस्मिक रूप से उपयोग किये जाने हेतु आवश्यक निर्णय तथा केन्द्रीय प्रदूषण नियंत्रण बोर्ड एवं मा० एन०जी०टी० के आदेशानुसार निर्धारित गाइडलाइन के अनुसार जीर्णोधार की परियोजना स्वीकृत किये जाने हेतु निम्नानुसार एक समिति का गठन किये जाने का निर्णय लिया गया :-

1.	अपर मुख्य सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन द्वारा नामित सचिव से अनिम्न अधिकारी	- अध्यक्ष
2.	सदस्य सचिव, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, दिल्ली द्वारा नामित अधिकारी	- सदस्य
3.	सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ	- सदस्य संयोजक

उक्त समिति पर्यावरणीय क्षति को तत्कालिक रूप से रोके जाने के सम्बन्ध में निर्णय लेकर जीर्णोधार कार्ययोजना को वित्त पोषित किये जाने हेतु अनुमोदन प्रदान करेगी। सम्पूर्ण जीर्णोधार कार्य केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा तैयार की गयी गाइडलाइन के अनुरूप किया जायेगा तथा उक्त मद में व्यय की गई धनराशि को उल्लंघनकारी इकाई/उद्योग से भू-राजस्व की भांति वसूल कर कार्पस की प्रतिपूर्ति की जायेगी।

(कार्यवाही- पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन/उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ)

- 5- उपरोक्त निर्णयों के सम्बन्ध में मा० एन०जी०टी० को अवगत कराते हुए उनका आदेश भी प्राप्त कर लिया जाय।

(कार्यवाही-उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ)

अन्त में सभी उपस्थित अधिकारियों को धन्यवाद व्यक्त करते हुये बैठक समाप्त की गयी।

(मनोज सिंह)
अपर मुख्य सचिव

उत्तर प्रदेश शासन
पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-7
संख्या-एन.जी.टी.-15/81-7-2024
लखनऊ : दिनांक : 10 जनवरी, 2024

प्रतिलिपि—निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- प्रमुख सचिव, भूतत्व एवं खनिकर्म विभाग, उ0प्र0 शासन।
- 2- निदेशक, भूतत्व एवं खनिकर्म निदेशालय, खनिज भवन, लखनऊ।
- 3- सदस्य सचिव, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, लखनऊ।
- 4- गार्डफाईल।

आज्ञा से,

Digitally Signed by मनोज

सिंह

(मनोज सिंह)

Date: 01/01/2024 14:32:48

अपर मुख्य सचिव

Annexure No.-2

Guidelines for Utilization of Environmental Compensation Fund**1.0 Background**

The Central Pollution Control Board is a statutory organization under Ministry of Environment, Forest & Climate Change. Hon'ble National Green Tribunal (NGT) Order in the matter of OA No. 593/2017 (WP (CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors has unambiguously directed State & Central Boards to levy Environmental Compensation on violators of Environmental laws. The NGT Order on the matter is as follows:

"The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment."

Further, Hon'ble NGT, vide its order dated 22-01-2019 in O.A. no 101/2019, has granted approval for utilization of 25% environmental compensation fund for specified activities. The copy of the order dated 22-01-2019 is annexed herewith as **ANNEXURE-I**.

CPCB is maintaining Environmental Compensation (EC) Fund in a separate dedicated account CPCB has constituted a Committee vide OM No. CB/Dir/PCP/02/EC./2019-20 dated April 03, 2019. The committee is comprising of officials from CPCB and SPCBs for evaluation and recommendation of projects for financial assistance from EC Fund. Proposals submitted by CPCB/SPCBs/PCCs for the activities specified in the said NGT Order shall be evaluated by the Committee. The copy of OM dated 03-04-2019 is annexed herewith as **ANNEXURE-II**.

The "Guideline for Utilization of Environmental Compensation (EC) Fund" provides the framework for sanction and assessment of projects financed with EC Amount and is broadly based on MoEF&CC's "Guidelines for Scheme – Assistance for Abatement of Pollution 2012" wherein appropriate modifications have been incorporated.

2.0 Scope of Assistance EC Fund

Funds collected under EC shall be allocated to CPCB/ SPCB/PCCs for execution of projects. **The sharing of EC (25%) fund for the projects as listed below:**

- (a) 100% funding to projects from CPCB
- (b) 100% funding to R & D projects received from SPCBs/PCCs with replicability in other areas
- (c) Projects (other than R & D) received from SPCBs/PCCs (except NE States/Weaker States); fund sharing will be on 60:40 basis (CPCB 60% SPCB/PCC 40%)
- (d) Projects (other than R & D) from NE SPCBs and Weaker SPCBs; fund sharing will be on 90:10 basis (CPCB 90% SPCB/PCC 10%)

The following points shall be taken into consideration for EC Fund allocation and utilization:

- (a) The scope of project proposals submitted by the CPCB/ SPCBs/PCCs shall be within the scope of activities specified in the NGT Orders dated 22-01-2019 in OA no 101/2019 which are as listed below:
 - i. Development of infrastructure for Air and Water quality surveillance and monitoring for different areas/locations in Delhi NCR and other needed places.

- ii. Remediation of contaminated sites-and for that to develop infrastructure, procurement of equipment, etc. including hiring of Experts/ Consultants for specific requirement for remediation of sites, etc.
- iii. Specific investigations and studies with regard to environment and ecology.
- iv. Carrying capacity assessment for ecologically and environmentally sensitive & critical areas, including hiring of Experts/Consultants for specific purpose and period.
- v. R & D activities with regard to new technologies, clean technologies, etc.
- vi. Capacity building of scientific and engineering personnel of Central Pollution Control Board and PCBs/ PCCs to rejuvenate and protect the environment.
- vii. Augmenting and strengthening of laboratory network un-terms of manpower and logistics.
- viii. Payment of honorarium in compliance of Judicial Orders of the Courts and Tribunal.
- ix. Specialized studies on accidental spill areas, health impact assessment, recalcitrant pollutants, etc.
- x. Information, Education and Communication (IEC) activities.
- xi. Any other scientific and technical matter which may arise as a contingent matter.

(b) EC fund shall support activities like procurement of equipment, upgradation of laboratory, technical studies, survey, training of staff. However, the following areas shall be accorded priority for allocation of EC funds

- i. Studies directed by Hon'ble NGT
- ii. R&D Activities for pollution control

- iii. Development of infrastructure for Water and Air Quality Surveillance
- iv. Strengthening and Upgradation of Laboratory
- v. Inventorization of sources of pollution
- vi. Preparation of DPR for remediation of contaminated sites
- vii. Capacity building of CPCB, SPCB&PCC staff

However, as per requirement, SPCBs may decide to forward proposals covering other areas of activity listed in NGT order dated 22.01.2019 in O.A. No. 101/2019.

- (c) Priority shall be given to North Eastern & Low Income States for grant of EC Fund. This categorization shall be based on MoEF&CC's "Guidelines for Scheme – Assistance for Abatement of Pollution 2012". The copy of "Guidelines for Scheme – Assistance for Abatement of Pollution 2012" is herewith as **ANNEXURE-III**.
- (d) Grant for salary support shall be restricted to scientific and technical project staff and would be limited to the project duration only. Recruitment of such staff shall be done as per MoEF&CC's Guidelines on the matter.
- (e) EC Fund shall not be sanctioned for land acquisition and for purchase of staff vehicles or construction/renovation of building, etc.
- (f) No recurring expenditure shall be sanctioned under the EC Fund.

3.0 Mode of proposal

Norms for receiving, processing, sanctioning of proposals shall be followed for efficient utilization of EC Funds. These norms are as given below:

- (a) The CPCB/SPCB/PCC shall submit the proposal as per the format enclosed for Utilization of EC funds. The proposal should clearly identify the objectives, activities, and methodology as well as project deliverables. It should also specify the additional personnel support required and the time-frame for overall execution of the project and timeline for associated project activities. Further, detailed cost breakup consistent with the funding norms shall be provided. The copy of format for utilization is annexed herewith as at **ANNEXURE-IV**.
- (b) Proposal for procurement of laboratory equipment/laboratory upgradation shall be submitted as per format. SPCBs/PCCs to further ensure that sufficient space (in case of procurement of equipment) and adequate manpower in case of laboratory upgradation is available with the Board and a certificate to this effect will be provided by it. The copy of format for procurement of laboratory equipment/laboratory upgradation is annexed herein as **ANNEXURE-V**.
- (c) The concerned Board shall give an undertaking clearly stating details of additional funds, if any, sanctioned for the execution of the proposed Project
- (d) The project works may be executed through outsourced institutes, following proper procedures laid down under GFR 2017. The concerned Boards shall be solely responsible for following the procedure in procurement and awarding the works. The R&D Project works should not contain more than 50% of the amount for new equipment/instruments, if the work is awarded to outside institutes. Equipment/ instruments procured under R&D projects shall be the property of concerned SPCB.

- (e) Depending upon the need, proposals may be invited by the concerned Board from "Autonomous Institutions/ Statutory Bodies under the Central / State Government" having domain expertise. Selection among the proposals received in response will be on the basis of technical soundness, including credentials of the grantee organization, team involved and cost effectiveness.

4.0 Procedure for Appraisal of Proposals

- (a) The concerned Board shall submit the proposal to CPCB
- (b) The Committee re-constituted under CPCB O.M. dated 16.06.2020. The Committee will meet at twice in a year (Once in six months) or as necessary and examine to recommend the received project proposals for financial assistance under environmental compensation fund.

The priority for scrutinization projects as follows:

- (i) Preliminary comments on proposals may be obtained from concerned Division of CPCB.
- (ii) The evaluated project further reviewed & prioritized as per EC project criteria guideline by EC review committee.
- (iii) Committee may consider/review for prioritization based on the following:
- No. of Projects received from concerned SPCBs/PCCs
 - Criteria – wise type of projects, and
 - Total cost of the projects received from different SPCBs/PCCs/ (i.e. including weaker & N-E states.
- (iv) Priority to be given for N-E states, and well as to those never funded from EC (25%) fund.

- (c) The Committee shall ensure that proposals are in line with specific activities as mentioned in Hon'ble NGT order dated 22-01-2019 and this guideline for utilization of environmental compensation.

5.0 Terms and Conditions for Sanction of Proposals

- (a) A project will normally be sanctioned for a fixed duration and a maximum of two years.
- (b) Extension of project duration may be granted only in exceptional cases, subject to a maximum period of six months.
- (c) Fund shall be spent by the concerned Board as per provisions of GFR 2017 and State Financial Rules. The funds have to be audited as per statutory provisions.
- (d) The concerned Boards shall submit the Utilization Certificate signed by the Member Secretary of Board, which should also certify that the amount spent on the Project has been audited as per statutory requirements. (a time for audit may also be fixed and submission of utilization certificate with audit report).
- (e) The sanctioned proposals will become operative with effect from the date of receipt of payment from CPCB. The date of receipt of payment shall be communicated by the concerned Board to CPCB.
- (f) Cost over runs-if any, shall be borne exclusively by the concerned State Board.
- (g) **Submission of quarterly progress report to CPCB.**

6.0 Norms for Funding

EC Fund for the project shall be released based on the progress made in project execution and recommendations of the Committee. The fund for the sanctioned projects shall be released as per the following norms:

- a) 70 % of the total amount shall be released at the project inception stage.
- b) 20% of the total amount shall be released on 80% completion of the project.
- c) Balance 10% of the total amount shall be released on submission of the completion report.
- d) The grant will be payable in accordance with funding norms on submission of Utilization Certificate(UC), Expenditure statement and Progress Reports.
- e) In case of collaborative studies carried out by a network of institutions, the concerned State Boards shall be responsible for submission of UC, Expenditure statement and Progress Reports

7.0 Monitoring Mechanism

- a) The Committee shall monitor progress of approved project /activities every four months or earlier, if necessary.
- b) The Committee may terminate a project, if progress of it found unsatisfactory. In case of termination of the project at any stage, concerned State Board shall refund full amount received by it along with accrued interest, if any to CPCB.
- c) The concerned Board shall furnish 02 copies of the Final Technical or Implementation Report along with a soft copy to the Committee on completion of the Project.

- d) The legal action including the departmental inquiry and necessary entry in service book against the concern person/officer responsible for failure of project. The same shall be treated as intentionally, knowingly causing damage to environment and shall also be prosecuted under the relevant environment law because the EC fund will be utilized for protection and upgradation of environment.

Annexure-I

Item No. 12

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 101/2019

Central Pollution Control Board

Applicant(s)

Versus

Assam State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 22.01.2019.

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

For Applicant(s): Mr. Rajkumar, Advocate

For Respondent (s):

ORDER

This application seeks approval of the proposal for allocation of 25 per cent of environmental compensation fund by the Central Pollution Control Board. According to the Central Pollution Control Board, a separate dedicated account has been maintained to receive the amount of environmental compensation.

The Central Pollution Control Board has a amount of Rs. 67,345 as on 31.12.2018 which is proposed to be spent as follows:-

- (i) Development of infrastructure for Air and Water quality surveillance and monitoring for different areas/locations in Delhi NCR and other needed places.
- (ii) Remediation of contaminated sites and for that to develop infrastructure, procurement of equipments, etc. including hiring of Experts/Consultants for specific requirement for remediation of sites, etc.
- (iii) Specific investigations and studies with regard to environment and ecology.
- (iv) Carrying capacity assessment for ecologically and environmentally sensitive & critical areas, including hiring of Experts/Consultants for specific purpose and period.

- (v) R & D activities with regard to new technologies, clean technologies, etc.
- (vi) Capacity building of scientific and engineering personnel of Central Pollution Control Board and PCBs/PCCs to rejuvenate and protect the environment.
- (vii) Augmenting and strengthening of laboratory network in terms of manpower and logistics.
- (viii) Payment of honorarium in compliance of Judicial Orders of the Courts and Tribunal.
- (ix) Specialized studies on accidental spill areas, health impact assessment, recalcitrant pollutants, etc.
- (x) IEC activities.
- (xi) Any other scientific and technical matter which may arise as a contingent matter.

We do not see any difficulty or objection to the proposal of the Central Pollution Control Board.

Accordingly, Central Pollution Control Board is hereby permitted to proceed with its proposal in accordance with law.

The application is disposed of.



January 22, 2019
Original Application No. 101/2019
JG:

Annexure II

CENTRAL POLLUTION CONTROL BOARD
(Ministry of Environment and Forests)
Parivesh Bhawan, East Arjun Nagar, Shahdara,
Delhi-110 032

F. No. CB/Dir/PCP/02/EC/2019-20

Dated: 03.04.2019

Office Memorandum

CPCB is maintaining Environmental Compensation Fund in separate dedicated account. Hon'ble NGT, vide its order dated 22-01-2019 in OA no 101/2019(Annexure I), has granted approval for utilization of 25% environmental compensation fund for specified activities.

A Committee has been constituted for evaluation and recommendation of the projects for financial assistance from Environmental Compensation fund. The constitution of the committee and its Terms of Reference (TOR) is as follows :

1.0 CONSTITUTION OF COMMITTEE

The Committee shall comprise of the following members:

1	Sh A Sudhakar, CPCB	Chairman
2	Representative of MoEF&CC (CP Division)	Member
3	Representative of Gujarat Pollution Control Board	Member
4	Representative of Himachal Pradesh Pollution Control Board	Member
5	Representative of Assam Pollution Control Board	Member
6	Sh Vinod Babu, Additional Director, CPCB	Member
7	Sh V.P. Yadav, Additional Director, CPCB	Member
8	Sh Virendra Bansal, ACO, CPCB	Member
9	Mrs Urmila Thakur, Law Officer, CPCB	Member
10	Mrs Divya Sinha, Additional Director, CPCB	Member Convener

2.0 TERMS OF REFERENCE:

- a) The Committee shall frame Guidelines and finalize format for submission of project proposals to utilize the funds accrued under EC
- b) The Committee shall ensure that proposals are in line with specific activities as mentioned in Hon'ble NGT order dated 22-01-2019 for utilization of environmental compensation.
- c) The Committee shall examine and recommend the received project proposals for financial assistance under environmental compensation fund
- d) The Committee shall monitor progress of the approved project /activities from time to time

- e) The committee will meet at regular interval (Once in two month) and ensure that the fund is judiciously utilized for the approved schemes and activities.

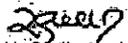
3.0 TERM OF COMMITTEE

The term of the Committee shall be valid for a period of three years

4.0 EXPENSES

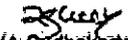
- a) Expenditure on proceedings of the meeting will be borne by CPCB.
b) Non-official members will be paid Airfare (both ways-economy class by Air India) and DA as per prevailing rules applicable.

This issues with approval of Competent Authority


(A.Sudhakar)
Member Secretary

Copy to:

1	Sh A Sudhakar, CPCB	Chairman
2	The Joint Secretary, CP Division, MoEF&CC	Member
3	Member Secretary, Gujarat Pollution Control Board	Member
4	Member Secretary, Himachal Pradesh Pollution Control Board	Member
5	Member Secretary, Assam Pollution Control Board	Member
6	Sh Vinod Babu, Additional Director, CPCB	Member
7	Sh V.P. Yadav, Additional Director, CPCB	Member
8	Sh Virendra Bansal, ACO, CPCB	Member
9	Mrs Urmila Thakur, Law Officer, CPCB	Member
10	Mrs Divya Sinha, Additional Director, CPCB	Member Convener


(A.Sudhakar)

Annexure III

**North-Eastern and Weaker SPCBs/PCCs for priority allocation of EC Fund
based on
MoEF&CC's "Guidelines for Scheme – Assistance for Abatement of Pollution
2012"**

Sl. No	State/UT
1.	Assam
2.	Bihar
3.	Chandigarh
4.	Chhattisgarh
5.	Goa
6.	Himachal Pradesh
7.	Jharkhand
8.	Kerala
9.	Pondicherry
10.	Uttrakhand
11.	Andaman & Nicobar
12.	Arunachal Pradesh
13.	J&K
14.	Lakshadweep
15.	Manipur
16.	Meghalaya

17.	Mizoram
18.	Nagaland
19.	Sikkim
20.	Tripura
21.	Dadar & Nagar Haveli
22.	Daman Diu

Annexure IV**Format for Proposal**

1. Title of the Project
2. Names , Designation of Project Coordinator
3. Address of Organization where Project is implemented
4. Specified Area in reference to NGT Order
5. Objective
6. Justification
7. Scope of Work
8. Methodology
9. Duration of the Project/Time Schedule (PERT Chart)
10. Expected outcome/deliverables
11. Monitorable targets (Physical and Financial)
12. Total Amount of Grant Required along with Cost Breakup
13. Details of additional funds (along with sources), if any, sanctioned for the Project

14. Status of Projects previously financed through EC Funds and Funds released on date

Annexure – V**Format for Proposals for Lab Up-gradation / Procurement of Equipment,
Studies etc.**

S. No	Check List	Status	Comments
1.	Whether the Board/Office have the requisite technical manpower for handling the equipments proposed to be purchased and, if so, full details thereof.		
2.	Whether adequate space is available for installation of the equipments and its day-to-day use / operation.		
3.	Whether any funding was provided by the Central Government/State Board for procurement of equipments in the past and if so, what are the details thereof		
4.	Whether any project report / utilization certificate / expenditure statement in respect of financial support received statement in respect of financial support received in the past are pending and, if so, the details thereof		
5.	Details of Equipment: 1. Name of the Equipments to		

	be procured. 2. Number of units sought to be purchased 3. Cost per unit 4. Total Cost 5. No. of units already available with the Board/ Office 6. Reasons for addl. Requirement/ replacement of existing ones.		
6.	Are the equipments proposed for the existing or new Labs or Regional Labs.		
7.	Timeframe/ bar chart for the implementation of proposal		