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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

**O. A. NO. 878/2022**

**IN THE MATTER OF:**

TAMILNADU FLY ASH BRICK AND

BLOCKS MANUFACTURERS ASSOCIATION

...APPLICANT

**VERSUS**

GOVT. OF INDIA & ORS.

...RESPONDENTS

**STATEMENT OF OBJECTIONS ON BEHALF OF RESPONDENT NO.  
18, I.E. NTPC TAMILNADU ENERGY COMPANY LIMITED (NTECL).**

**(PLEASE SEE THE INDEX INSIDE)**

**ADVOCATE FOR THE RESPONDENT NO. 18: ADARSH TRIPATHI**

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**STATEMENT OF OBJECTIONS ON BEHALF OF RESPONDENT NO.  
18/NTPC TAMILNADU ENERGY COMPANY LIMITED (NTECL).**

TO  
HON'BLE CHAIRPERSON  
AND HIS COMPANION MEMBERS OF THE  
NATIONAL GREEN TRIBUNAL

THE OBJECTIONS ON BEHALF OF  
THE RESPONDENT NO. 18.

**MOST RESPECTFULLY SHOWETH: -**

1. The present Application has been filed by the Applicant alleging, inter-alia, that the Respondent Nos. 6 to 12 are selling the Fly Ash in violation of the Order dated 18.01.2022 passed by this Hon'ble Tribunal in Original Application No. 164/2018 titled as *Ashwani Kumar Dubey Vs. Union of India and Ors.* and Order dated 25.08.2022 passed by this Hon'ble Tribunal in Original Application No. 327/2022 titled as *Amravati Fly Ash Bricks Manufactures Association Vs. Union of India and Ors.*

*Yadala Apparao.*

YADALA APPARAO  
Addl. General Manager (EMG&AU)  
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P.O.: Vellivoyal Chavadi, Chennai-600 103.

2. That all the statements made and contentions raised in the Captioned Application filed by the Applicant, unless specifically admitted herein below, are hereby denied in *toto*. That the submissions made by the Applicant are devoid of merits, misconceived and hence vehemently denied and further controverted in the succeeding paragraphs.
3. That this Hon'ble Tribunal, vide its order dated 15.12.2022, has granted the Answering Respondent/NTECL to file its response to the captioned Original Application. Further, the Answering Respondent is also directed to mention the action taken by it for compliance with the order passed by this Tribunal and the circular/Office Memorandum issued by Ministry of Power, Government of India dated 06.12.2022.
4. The utilization of fly ash has been regulated from time to time by various orders/circulars/notifications issued by the Ministry of Environment, Forest and Climate Change [hereinafter the 'MoEF&CC'], Government of India. By a notification issued on 14.09.1999, amended from time to time – i.e. on 27.08.2003, 03.11.2009, 27.01.2016, the framework for utilization of fly ash was set out. The notification dated 14.09.1999 was superseded by another notification dated 31.12.2021, which inter-alia, mandated that it was the responsibility of the Thermal Power Plant [hereinafter the 'TPP'], to dispose-off the fly ash and towards this end it was also provided, inter-

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alia, that the TPP would be responsible for 100% utilization of fly ash within the timeline prescribed in the said notification.

5. It is submitted that all of the said notifications permitted TPPs to dispose-off Fly-ash including by way of selling in order to maximize the utilization. The notification dated 31.12.2021 further mandates at clause B(1) that all agencies engaged in construction activities such as road laying, road and flyover embankments, shoreline protection structures in coastal districts and dams, which are within 300 Kms from a lignite or coal based TPP, are mandatorily required to utilise the ash provided that it is delivered and transported at the cost of the TPP. Broadly, in other situations, the TPP is entitled to charge for the ash cost and transportation in terms of the proviso to the said clause. The copies of the notifications dated 03.11.2009, 27.01.2016 and 31.12.2021 issued by the MoEF&CC as also the OM dated 14.07.2016 are annexed herewith and marked as **R-18/1 [Colly.] [Pages 11 to 31]**.
6. It is submitted that pursuant to the notifications issued by the MoEF&CC from time to time, 100% ash utilization is the mandate and the Answering Respondent has been employing several methods, as per the existing notifications, viz. offer free of cost, auction/sale to achieve the said mandate.

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7. It is pertinent to mention that the MoEF&CC Notification dated 31.12.2021 does not make it mandatory to supply the fly ash free of cost and bear the transportation cost towards the same. It is submitted that the sale of fly ash through auction/competitive bidding have not been introduced for the first time. The competitive bidding/auction of fly ash has been adopted by the Answering Respondent since 2016 i.e. long before issue of Advisory dated 22.09.2021 and that sale of ash through bidding/auction is not in contravention of the MoEF&CC Notifications. It is further submitted that the sale of ash has only helped in further increase of ash utilization in the last several years.
8. It is submitted that the Answering Respondent has been employing the methods of auction/sale to dispose-off the fly-ash and have towards this end entered into various contracts with third parties. In addition, it has also been issuing the fly-ash free of cost to the concerned agencies in order to utilize the ash generated and also the stored ash at the earliest. A summary of the data pertaining to total Ash utilization as against the total Ash generation (year-wise), the data pertaining to disposal of Ash (both Pond Ash and Fly Ash) through Auction and also issuing at free of cost is being placed on record to show that the Answering Respondent is making constant efforts to achieve the 100% ash utilization. The aforesaid summary of the data pertaining to total Ash utilization as against the total

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Ash generation of Answering Respondent's Generating Plant is annexed herewith and marked as R-18/2 [Colly.] [Pages 32 to 32].

9. That after issuance of the circular/Office Memorandum dated 06.12.2022, issued by Ministry of Power, Government of India and the order dated 15.12.2022 passed by this Hon'ble Tribunal, the Answering Respondent has, as a matter of abundant caution, not been giving effect to its fresh sale/auction commitments (which have not already commenced). However, where the contracts/mutual understandings have already been entered into, the same are being given effect to since if this is not done, the Fly-Ash would necessarily be required to be stored and that would lead to an Environmental hazard.
10. It is submitted that before issuance of the circular/Office Memorandum dated 06.12.2022, issued by Ministry of Power, Government of India, the Answering Respondent had a total of 109 existing sale orders [both ongoing and fresh], for both Dry Fly Ash (107 sale orders) and Pond Ash (2 sale orders just expired in January 2023), at its Vallur Thermal Power Station where the third-party agencies were lifting the Fly Ash on regular basis and the Answering Respondent was issuing the sale orders from time to time. It is further submitted that, out of 107 existing sale orders of dry fly ash issued by Answering Respondent, 96 agencies are fly ash brick/blocks manufacturers and Redimix concrete suppliers who have

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participated in the transparent auction and are taking dry fly ash from Answering Respondent plant by paying price discovered in the auction. However, after the issuance of the aforesaid circular/Office Memorandum dated 06.12.2022, the Answering Respondent is not able to honour its new commitments/sale orders of Ash (both, Dry Fly Ash and Pond Ash), issued by the Answering Respondent and have put on hold the activities related to disposal of ash in transparent manner including by way of auction. A list of existing/just expired sale orders of Ash (both, Dry Fly Ash and Pond Ash), with the plants/stations of the Answering Respondent, are annexed herewith and marked as **R-18/3 [Colly.] [Pages 33 to 35 ]**.

11. It is reiterated that in absence of fresh contracts/agreements, the Answering Respondent may be forced to send/store the generated ash in ash dykes/ponds, which will not only adversely affect the ash utilization but is also against the spirit of MoEF&CC Notification dated 31.12.2021. It is significant to mention that non-compliance of the MoEF&CC notification dated 31.12.2021 will result in payment of Environment Compensation ['EC'] by the Answering Respondent based upon the Polluter Pays Principle. It is submitted that this may create a situation in which the Answering Respondent will be forced to not only to not-utilize the ash but also to pay hefty EC.

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12. It would not be out of place to mention that this Hon'ble Tribunal, on 15.12.2022, in the matter of Original Application No. 327/2022 titled as *Amravati Fly Ash Bricks Manufactures Association Vs. Union of India and Ors.*, inter-alia, observed in para 8 of the said order that:

“.....Generally speaking, there can be no objection to any method including sale of utilization and disposal of fly Ash so long as the same facilitates timely utilization and disposal of entire fly Ash generated and does not cause any hindrance/obstruction to utilization and disposal of the same.”

The Answering Respondent, being a Government of India Corporate entity, adopts methods that are transparent and provides equal opportunities to prevent favoritism and arbitrariness. It is submitted that, to maintain transparency and to avoid any arbitrariness, competitive bidding process is the most suitable method for allocation and disposal of ash.

13. It is submitted that the MoEF&CC notification dated 31.12.2021, at clause B(1) permits a hybrid mode of disposal of Fly-Ash-by free delivery as also by mutual understanding. The requirement of free delivery is not the only method that is mandated. In fact, in terms of clause B(1) of the MoEF&CC notification dated 31.12.2021, the user agencies mentioned therein are necessarily required to utilize the Fly-Ash only when the same is delivered free of cost. Independent of this, there is no specific mandate which requires the TPPs to deliver free Fly-Ash in every circumstance. Accordingly, even independent of the Ministry of Power's advisory dated

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22.02.2022, the Answering Respondent is exploring all options for maximum disposal of Fly-Ash as stated above. It is however, reiterated that after the issuance of circular/Office Memorandum dated 06.12.2022, issued by Ministry of Power, Government of India, the Answering Respondent has stopped entering into any new commitments/sale orders of Ash (both, Dry Fly Ash and Pond Ash) or from complying with any fresh obligations which have not already commenced.

14. That the Applicant without any basis and justification alleges that the Answering Respondent has been dumping Ash into Ash Ponds without nullifying/neutralizing the consequent harmful affects thereby causing Air Pollution, Ground Water Pollution and Sub-Soil Pollution. It is submitted that the Applicant has failed to put before this Hon'ble Tribunal any documentary proof or any substance to show that the Answering Respondent is responsible of any such act and the Applicant is put to strict proof. On the contrary, the Answering Respondent is following all the requisite norms/guidelines and is regularly and actively complying with the applicable laws and is taking additional steps to curtail any such environmental hazard as alleged.

15. In view of the above made submissions, the captioned application filed by the Applicant is bereft of merits. That the Answering Respondent is not filing any para-wise reply to the Captioned Application and it is

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specifically stated that the contents therein are denied in *toto*. Further, the Answering Respondent reserves its right to make further submissions as and when required depending upon the circumstances of the present case subject to the leave of this Hon'ble Tribunal.

**PRAYER**

In view of the above made submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- i. Take on record the Statement of Objections filed by the Answering Respondent; and
- ii. Consider the contents of the above Statement of Objections and dismiss the Original Application filed by the Applicant.

  
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**RESPONDENT NO.18**

**THROUGH**

  
  
[Adarsh Tripathi & Vikram Singh Baid]  
ADVOCATE FOR RESPONDENT NO. 18  
G-34, LAJPAT NAGAR-III, NEW DELHI  
EMAIL: [adarsht912003@gmail.com](mailto:adarsht912003@gmail.com)  
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PLACE: NEW DELHI  
DATED: 03.02.2023

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...RESPONDENTS

**AFFIDAVIT**

I, Yadala Apparao, S/o Y. Durgayya, aged about 49 years, presently working as Additional General Manager (EMG & AMG) with the Respondent No. 18 Company, having its registered office at NTPC, presently at New Delhi, do hereby solemnly affirm and state as under:-

1. That I am the Authorised Representative of the Respondent No. 18 in the abovementioned matter. That I am fully acquainted with the facts and circumstances of the present case and hence, I am competent to sign and swear this Affidavit.
2. That the contents of the accompanying Statement of Objections, which has been drafted under my instructions, are true and correct to the best of my knowledge as derived from the official records and nothing material has been concealed therefrom.
3. That the annexures attached along with the accompanying Statement of Objections are true copies of their respective originals.

*Yadala Apparao*  
**DEPONENT**

**VERIFICATION**

Verified at New Delhi on this the 03 FEB 2023 day of February, 2023 that the contents of the above affidavit from paras 1 to 3 are correct and true to the best of my knowledge and belief and nothing material has been concealed therefrom.

*Delhi*  
Identity of the Executant Deponent  
Who Has Signed in My Presence

**ATTESTED**

*A*

**NOTARY PUBLIC  
DELHI (INDIA)  
03 FEB 2023**

NOTARY REGISTER

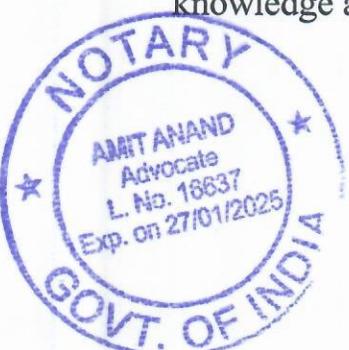
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R. No. V

Date 03 FEB 2023

*Yadala Apparao*  
**DEPONENT**



## MINISTRY OF ENVIRONMENT AND FORESTS

## NOTIFICATION

New Delhi, the 3rd November, 2009

S.O. 2804(E).—WHEREAS, by notification of the Government of India in the Ministry of Environment and Forests number S.O. 763(E), dated the 14<sup>th</sup> September, 1999 (hereinafter referred to as the said notification) issued under sub-section (1), clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, issued directions for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of one hundred kilometers from coal or lignite based thermal power plants;

AND WHEREAS, the term “fly ash” means and includes all categories or groups of coal or lignite ash generated at the thermal power plant and collected by Electrostatic Precipitator (ESP) or bag filters or other similar suitable equipments; bottom ash is the ash collected separately at the bottom of the boiler; pond ash is the mixture of ESP Fly ash and bottom ash, but, for the purpose of this notification, the term “fly ash” means and includes all ash generated such as Electrostatic Precipitator (ESP) ash, dry fly ash, bottom ash, pond ash and mound ash as the objective is to utilise all the ashes;

AND WHEREAS, there is a need for restricting the excavation of top soil for manufacture of bricks and for other works which involve use of top soil and promoting utilisation of fly ash produced by coal or lignite based thermal power plants including captive power plants and co-generation plants in the manufacture of building materials and construction activity;

AND WHEREAS, it was observed that there was a gradual increase in the use of fly ash in the manufacture of fly ash bricks or products from about 1.5 million tonne in 2002-2003 to 3.19 million tonne in 2006-2007 which needs to be further encouraged for achieving the ultimate objective of conservation of top soil and minimise environmental pollution caused due to fly ash;

AND WHEREAS, it is observed that construction agencies are yet to achieve their targets of utilization of fly ash based products even after the 31<sup>st</sup> August, 2007, the date prescribed for 100% utilisation of fly ash based products in the said notification of 1999 and it is also observed that many thermal power stations or plants are also yet to achieve the targets drawn up in their action plans;

AND WHEREAS, the representations of the brick kiln owners were considered with regard to transporting of fly ash over a long distance and also the logistics involved including the energy cost;

AND, WHEREAS, the issue has been examined by the Government of India in the Ministry of Environment and Forests;

AND WHEREAS, the Central Government is of the opinion that the said notification should be amended;

AND WHEREAS, clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

AND WHEREAS, a draft of amendment to the Government of India, Ministry of Environment and Forests notification no. S.O.763 (E), dated the 14th September, 1999 duly amended vide notification No. S.O. 979 (E), dated the 27<sup>th</sup> August, 2003 (hereinafter referred to as the said notification) which the Central Government proposes to make under subsection (1) clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6<sup>th</sup> November, 2008 *vide* S.O. 2623 (E), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

AND WHEREAS, copies of the said Gazette were made available to the public on the day of 6<sup>th</sup> November 2008;

AND WHEREAS, the objections and suggestions received from various persons or agencies likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government in the Ministry of Environment and Forests;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely:—

#### AMENDMENTS

1. Throughout the said notification, save as otherwise expressly provided and unless the context otherwise requires, for the word “ash” wherever it occurs, the words “fly ash” shall be substituted.

2. In the said notification, in paragraph 1,—

(a) for sub-paragraph (1), the following shall be substituted, namely:—

“(i) use of fly ash based products in construction activities”;

(b) for sub-paragraphs (1A) and (1B), the following sub-paragraphs shall respectively be substituted, namely:—

“(1A) Every construction agency engaged in the construction of buildings within a radius of hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as: cement or concrete, fly ash bricks or blocks or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or bricks or blocks or similar products or a combination or aggregate of them, in every construction project.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee, as applicable”;

(c) after sub-paragraph (1B), the following sub-paragraph shall be inserted, namely:—

“(1C) Minimum fly ash content for building materials or products to qualify as “fly ash based products” category shall be as given in the Table I below:

Table I

Serial Number	Building Materials or Products	Minimum % of fly ash by weight
(1)	(2)	(3)
1.	Fly ash bricks, blocks, tiles, etc. made with fly ash, lime, gypsum, sand, stone dust etc. (without clay).	50% of total input materials
2.	Paving blocks, paving tiles, checker tiles, mosaic tiles, roofing sheets, pre-cast elements, etc. wherein cement is used as binder.	Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.
3.	Cement.	15% of total raw materials
4.	Clay based building materials such as bricks, blocks, tiles, etc.	25% of total raw materials.
5.	Concrete, mortar and plaster.	Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.

(d) in sub-paragraph (2), for the brackets and number “(1)”, the brackets, number and letter “(1C)” shall be substituted and the number of sub-paragraph (2) shall be substituted by 1(D);

(e) in paragraph (2A), the paragraph 1(A) shall be substituted by 1(A) and 1(B) and the amended paragraph 2(A) is to be numbered as 1(E);

(f) for sub-paragraphs (3) and (3A), the following sub-paragraphs shall respectively be substituted, namely:—

“(3) In case of non-availability of fly ash from thermal power plants in sufficient quantities as certified by the said power plants, within 100 km of the site, the stipulation under sub-paragraph (1A) shall be suitably modified (waived or relaxed) by the concerned State Government or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(3A) A decision on the application for manufacture of fly ash bricks, blocks and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the concerned State Pollution Control Board or Pollution Control Committee.”;

(g) sub-paragraphs (3B), (3C) and (3D) shall be omitted;

(h) for sub-paragraphs (4) and (5), the following sub-paragraphs shall be substituted, namely:-

“(4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of the relevant Construction and fly ash Brick Manufacturing Industry Association or Body, as the case may be and such a Committee shall ensure unhindered loading and transport of fly ash in an environmentally sound manner without any undue loss of time. Any unresolved dispute shall be dealt with by the concerned State or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(5) No agency, person or organization shall, within a radius of hundred kilometers of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments with top soil; the guidelines or specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001 as amended from time to time, regarding use of fly ash shall be followed and any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organisation or on production of a certificate of “fly ash not available” from the thermal power plant(s) (TPPs) located within hundred kilometers of the site of construction and this certificate shall be provided by the TPP within two working days from the date of receipt of a request for fly ash, if fly ash is not available”;

(i) in sub-paragraph (6), for the words “Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project within the time schedule of the project”, the words “Voids created at soil borrow area shall be filled up with fly ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project” shall be substituted;

(j) for sub-paragraph (7), the following sub-paragraphs shall be substituted, namely:—

“(7) No agency, person or organisation shall within a radius of hundred kilometers of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low-lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub-paragraph (1) of paragraph 3.

(8)(i) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mine without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(ii) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(9) The provisions contained in clauses (i) and (ii) of sub-paragraph (8) shall be applicable to all mine agencies under Government, public and private sector and to mines of all minerals or metals or items and it shall be the responsibility of agencies either undertaking or approving the external dump of overburden, backfilling or stowing of mine or all these activities to ensure compliance of provisions contained in clauses (i) and (ii) of sub-paragraph (8) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee as applicable.

(10) The Ministry of Coal for this purpose shall constitute an expert committee comprising of representatives from Fly Ash Unit, Department of Science and Technology, Ministry of Science and Technology, Director General of Mines Safety (DGMS), Central Mine Planning and Design Institute Limited (CMPDIL), Ministry of Environment and Forests, Ministry of Power, Ministry of Mines and the Central Institute of Mining and Fuel Research (CIMFR), Dhanbad; the Committee shall also guide and advise the back filling or stowing in accordance with the provisions contained in sub-paragraphs (8) (i), 8 (ii) and (9), and specifications and guidelines laid down by the concerned authorities as mentioned in sub-paragraph (1) of paragraph 3.

(11) The concerned State Government or Union territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraphs (8) (i) and (8) (ii);

3. in the said notification, paragraph 2,—

(a) for sub-paragraphs (1), (2) and (3), the following sub-paragraphs shall be substituted, namely:—

(1) All coal or lignite based thermal power stations would be free to sell fly ash to the user agencies subject to the following conditions, namely:—

(i) the pond ash should be made available free of any charge on “as is where is basis” to manufacturers of bricks, blocks or tiles including clay fly ash product manufacturing unit(s), farmers, the Central and the State road construction agencies, Public Works Department, and to agencies engaged in backfilling or stowing of mines.

(ii) at least 20% of dry ESP fly ash shall be made available free of charge to units manufacturing fly ash or clay-fly ash bricks, blocks and tiles on a priority basis over other users and if the demand from such agencies falls short of 20% of quantity, the balance quantity can be sold or disposed of by the power station as may be possible;

Provided that the fly ash obtained from the thermal power station should be utilized only for the purpose for which it was obtained from the thermal power station or plant failing which no fly ash shall be made available to the defaulting users.

(2) All coal and, or lignite based thermal power stations and, or expansion units in operation before the date of this notification are to achieve the target of fly ash utilization as per the Table II given below:

Table II

Serial Number	Percentage Utilization of Fly Ash	Target Date
(1)	(2)	(3)
1.	At least 50% of fly ash generation	One year from the date of issue of this notification.
2.	At least 60% of fly ash generation	Two years from the date of issue of this notification.
3.	At least 75% of fly ash generation	Three years from the date of issue of this notification.

4.	At least 90% of fly ash generation	Four years from the date of issue of this notification.
5.	100% fly ash generation	Five years from the date of issue of this notification.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for those years and the balance unutilized fly ash accumulated during first five years (the difference between the generation and the utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.

(3) New coal and, or lignite based thermal power stations and, or expansion units commissioned after this notification to achieve the target of fly ash utilization as per Table III given below:

Table III

Serial Number	Fly ash utilization level	Target date
(1)	(2)	(3)
1.	At least 50% of fly ash generation	One year from the date of commissioning.
2.	At least 70% of fly ash generation	Two years from the date of commissioning.
3.	90% of fly ash generation	Three years from the date of commissioning.
4.	100% of fly ash generation	Four years from the date of commissioning.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for these years and the balance unutilized fly ash accumulated during first four years (the difference between the generation and utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.”;

(b) in sub-paragraph (4), for the words “six months”, the words “four months” shall be substituted;

(c) for sub-paragraph (6), the following sub-paragraphs shall be substituted, namely:—

“(6) The amount collected from sale of fly ash and fly ash based products by coal and/or lignite based thermal power stations or their subsidiary or sister concern unit, as applicable should be kept in a separate account head and shall be utilized only for development of infrastructure or facilities, promotion and facilitation activities for use of fly ash until 100 percent

fly ash utilization level is achieved; thereafter as long as 100% fly ash utilization levels are maintained, the thermal power station would be free to utilize the amount collected for other development programmes also and in case, there is a reduction in the fly ash utilization levels in the subsequent year(s), the use of financial return from fly ash shall get restricted to development of infrastructure or facilities and promotion or facilitation activities for fly ash utilization until 100 percent fly ash utilisation level is again achieved and maintained.

(7) Annual implementation report (for the period 1<sup>st</sup> April to 31<sup>st</sup> March) providing information about the compliance of provisions in this notification shall be submitted by the 30<sup>th</sup> day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants, and also be made a part of the annual report of the thermal power plant as well as thermal power plant wise information be provided in the annual report of thermal power producing agency owning more than one thermal power plant.”;

4. in the said notification, in paragraph 3,—

(a) in sub-paragraph (2), for the words “schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification”, the words “tender documents, schedules of specifications and construction applications including appropriate standards and codes of practice within a period of four months from the publication of this notification” shall be substituted;

(b) for sub-paragraph (2A), the following sub-paragraph shall be substituted, namely:—

“(2A) Building construction agencies both in public and private shall prescribe the use of fly ash and fly ash-based products in their respective tender documents, schedules of specifications and construction applications, including appropriate standards and codes of practice and make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates within a period of four months from the publication of this notification.”;

(c) for sub-paragraphs (2B) and (3), the following sub-paragraphs shall be substituted, namely:—

“(2B) All agencies undertaking construction of roads or fly over bridges and reclamation and compaction of low lying areas, including Department of Road Transport and Highways (DORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall within a period of four months from the publication of this notification:-

- (a) make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (6) of paragraph 1; and
  - (b) make necessary specifications or guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).
- (3) All local authorities shall specify in their respective tender documents, building bye-laws and regulations, the use of fly ash and fly ash-based products and construction techniques in building materials, roads embankments or for any usage with immediate effect.
- (4) The Central Electricity Authority and other approving agencies may permit the land area for emergency ash pond or fly ash storage area up to 50 hectares for a 500 MW unit, based on 45% ash content coal, or in the same proportion for units in other capacities taking into account the ash content in coal or lignite to be used.
- (5) All Financial institutions and agencies which fund construction activities shall include a clause in their loan or grant document for compliance of the provisions of this notification.
- (6) A Monitoring committee shall be constituted by the Central Government with Members from Ministry of Coal, Ministry of Mines, Ministry of Power, Central Pollution Control Board, Central Electricity Authority, Head Fly Ash Unit of Department of Science and Technology and Building Material Technology Promotion Council to monitor the implementation of the provisions of the notification and submit its recommendations or observations at least once in every six months to the Secretary, Ministry of Environment and Forests. Concerned Advisor or Joint Secretary in the Ministry of Environment and Forests will be the convener of this committee.

(7) For the purpose of monitoring the implementation of the provisions of this notification the State Governments or Union territory Government shall constitute a Monitoring Committee within three months from the date of issue of this notification under the Chairmanship of Secretary, Department of Environment with representatives from Department of Power, Department of Mining, Road and Building Construction Department and State Pollution Control Board and this Committee would deal with any unresolved issue by Dispute Settlement Committee as prescribed in sub-paragraph (4) of paragraph 1, in addition to monitoring and facilitating implementation of this notification at the respective State Government or Union territory level and this Committee would also be empowered to suitably modify (waive or relax) the stipulation under sub-paragraph (1) in case of non-availability of fly ash in sufficient quantities from thermal power plant as certified by the said power plants and the Committee will meet at least once in every quarter.

[F. No. 9-8/2005-HSMD]

G. V. SUBRAHMANYAM, Scientist 'G'

Foot Note :—The principal notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii) *vide* notification number S.O. 763(E), dated the 14th September, 1999 and was amended *vide* notification number S. O. 979(E), dated the 27th August, 2003.

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE  
NOTIFICATION

New Delhi, the 25th January, 2016

**S.O. 254(E).**—Whereas a draft of certain amendments to the Government of India in the Ministry of Environment, Forests and Climate Change number S.O. 763(E), dated the 14th September, 1999 (hereinafter referred to as the said notification) which the Central Government proposes to make under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, **was** published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii), *vide* S.O. 1396(E), dated the 25<sup>th</sup> May, 2015 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And, whereas copies of the said Gazette were made available to the public on 25th May, 2015;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: —

1. In the said notification, in paragraph 1,-

- (a) in sub-paragraph 1(A), for the words “hundred kilometers”, the words “three hundred kilometers” shall be substituted;
- (b) in sub-paragraph (3), for the figures and letters “100 km”, the words “three hundred kilometers” shall be substituted;
- (c) in sub-paragraph (5), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted;
- (d) in sub-paragraph (7), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted.

**2. In the said notification, in paragraph 2:-****(a) after sub-paragraph (1), the following proviso shall be inserted, namely:-**

“provided further that the restriction to provide 20 % of dry ESP fly ash free of cost shall not apply to those thermal power plants which are able to utilise 100 % fly ash in the prescribed manner.”

**(b) after sub-paragraph (7), the following sub-paragraphs shall be inserted, namely:-**

- “(8) Every coal or lignite based thermal power plants (including captive and or co-generating stations) shall, within three months from the date of notification, upload on their website the details of stock of each type of ash available with them and thereafter shall update the stock position at least once a Month.
- (9) Every coal or lignite based thermal power plants shall install dedicated dry ash silos having separate access roads so as to ease the delivery of fly ash.
- (10) The cost of transportation of ash for road construction projects or for manufacturing of ash based products or use as soil conditioner in agriculture activity within a radius of hundred kilometers from a coal or lignite based thermal power plant shall be borne by such coal or lignite based thermal power plant and the cost of transportation beyond the radius of hundred kilometers and up to three hundred kilometers shall be shared equally between the user and the coal or lignite based thermal power plant.
- (11) The coal or lignite based thermal power plants shall promote, adopt and set up (financial and other associated infrastructure) the ash based product manufacturing facilities within their premises or in the vicinity of their premises so as to reduce the transportation of ash.
- (12) The coal or lignite based thermal power plants in the vicinity of the cities shall promote, support and assist in setting up of ash based product manufacturing units so as to meet the requirements of bricks and other building construction materials and also to reduce the transportation.
- (13) To ensure that the contractor of road construction utilizes the ash in the road, the Authority concerned for road construction shall link the payment of contractor with the certification of ash supply from the thermal power plants.
- (14) The coal or lignite based thermal power plants shall within a radius of three hundred kilometers bear the entire cost of transportation of ash to the site of road construction projects under Pradhan Mantri Gramin Sadak Yojna and asset creation programmes of the Government involving construction of buildings, road, dams and embankments”.

**3. In the said notification, in paragraph 2, sub-paragraph (2A) be read as sub-paragraph (15) and at the end of the said sub-paragraph, the following sub-paragraph shall be added, namely:-**

“and the coal or lignite based thermal power plants located in coastal districts shall support, assist or directly engage into construction of shore line protection measures.”

**4. In the said notification, in paragraph 3, after sub-paragraph (7), the following shall be inserted, namely:-**

- “(8) It shall be the responsibility of all State Authorities approving various construction projects to ensure that Memorandum of Understanding or any other arrangement for using fly ash or fly ash based products is made between the thermal power plants and the construction agency or contractors.
- (9) The State Authorities shall amend Building Bye Laws of the cities having population One million or more so as to ensure the mandatory use of ash based bricks keeping in view the specifications necessary as per technical requirements for load bearing structures.
- (10) The concerned Authority shall ensure mandatory use of ash based bricks or products in all Government Scheme or programmes e.g. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNREGA), SWACHH BHARAT ABIYAN, Urban and Rural Housing Scheme, where built up area is more than 1000 square feet and in infrastructure construction including buildings in designated industrial Estates or Parks or Special Economic Zone.

(11) The Ministry of Agriculture may consider the promotion of ash utilisation in agriculture as soil conditioner.”

5. **The time period to comply with the above provisions by all concerned authorities is 31<sup>st</sup> December, 2017. The coal or lignite based thermal power plants shall comply with the above provision in addition to 100 % utilization of fly ash generated by them before 31<sup>st</sup> December, 2017.**

[F. No. 9-8/2005-HSMD]

BISHWANATH SINHA, Jt. Secy.

**Note:-** The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii) *vide* notification S.O. 763(E), dated the 14<sup>th</sup> September, 1999 and was subsequently amended *vide* notification S.O. 979(E), dated the 27<sup>th</sup> August, 2003 and S.O. 2804(E), dated the 3<sup>rd</sup> November, 2009.

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE****NOTIFICATION**

New Delhi, the 31st December, 2021

**S.O. 5497(E).**—The following draft notification which the Central Government proposes to issue, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), for bringing out regulations for extended producer responsibility (EPR) for waste tyre is hereby published as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for information of the public and other stakeholders likely to be affected thereby and notice is hereby given that the said notification will be taken into consideration by the Central Government on or after the expiry of sixty days from the date on which copies of this notification as published in the Gazette of India are made available to the public;

Any person interested in making any objection or suggestion on the proposals contained in the draft notification may do so in writing within the period so specified through post to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110003 or electronically at email address: [mishra.vp@gov.in](mailto:mishra.vp@gov.in) or [vinodsingh.77@gov.in](mailto:vinodsingh.77@gov.in) .

**Draft Notification**

Whereas, a committee was constituted for Circular Economy in Tyre and Rubber Recycling Industry to prepare a comprehensive action plan for transformational change for managing the waste tyre;

And whereas, the committee included the representatives of National Institute for Transforming India (NITI Aayog), Department for Promotion of Industry and Internal Trade, (DPIIT), Ministry of Commerce & Industry, Central Pollution Control Board, National Highway Authority of India Limited, CSIR-National Environmental Engineering Research Institute, Maharashtra Pollution Control Board, United Nations Development Programme (UNDP) India, Indian Oil Corporation Ltd, All India Rubber & Tyre Recyclers Association (AIRTRA), Automotive Tyre Manufacturers Association (ATMA), Indian Rubber Manufacturers Research Association (IRMRA), Tina Rubber and Infrastructure Limited, Aditya Birla Group, GRP Ltd etc;

And whereas, the Ministry consulted with all stakeholders on Circular Economy in Tyre and Rubber Recycling Industry to prepare a comprehensive action plan for transformational change for managing the waste tyre;

And whereas, using the outcomes of a series of stakeholder meetings and the inputs of the expert committee on the subject, report on Tyre Scrap: Circular Economy was formulated by the Ministry which inter-alia included recommendations on EPR for managing the waste tyre. This was approved by the Competent Authority in the Ministry and submitted to NITI Aayog in August, 2021;

Now therefore, in exercise of powers conferred under sub rule (3) of the rule 5 of the Environment (Protection) Rules, 1986, the Central Government, hereby notifies the Regulations on the Extended Producer Responsibility for waste tyre under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, as amended from time to time, as follows:

**Regulation on  
Extended Producer Responsibility for Waste tyres****1. Background**

1.1 The Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, mandated for management of hazardous and other wastes. Waste pneumatic and other tyre is classified as other waste and is listed in Schedule – III, Part B at Basel No. B-3140.

1.2 Ministry of Environment, Forest and Climate Change, Government of India proposes to have Extended Producer Responsibility regulations for managing the waste tyres. This regulation is prepared for achieving resource efficiency in tyres by meeting the sustainable development goals and making the economics of waste tyre a circular one by managing the waste tyre in an environmentally sound manner.

**2. Date of Coming into Effect**

This regulation shall come into force **from the Financial Year 2022-23**.

**3. Definitions**

- (a) **'Business'** means any activity of production/manufacturing of new tyres, import of new/waste tyres and recycling of waste tyres.
- (b) **'Conversion factor'** means units of waste tyre needed to produce one unit of each recycling product and would be prescribed by CPCB as per clause 7.1 (ii)
- (c) **'Environmentally sound management of waste tyre'** means taking all steps required to ensure that waste tyre is managed in a manner which shall protect health and environment against any adverse effects, which may result from such waste tyre;
- (d) **'Extended Producer Responsibility'** means responsibility of producer of tyre to ensure environmentally sound management of such waste tyre as per the provisions of this regulation.
- (e) **'Producer'** means any person or entity who;

- (i) manufactures new tyre; or/and
  - (ii) imports new tyre; or/and
  - (iii) imports waste tyre.
- (f) **‘Recycling’** means any process or action of converting Tyre waste into following end products, in an environmentally sound manner and having facilities as elaborated in the SOPs / guidelines as given by CPCB:
- a) Reclaimed rubber
  - b) Crumb rubber
  - c) Crumb rubber modified bitumen (CRMB)
  - d) Recovered Carbon black
  - e) Pyrolysis oil/Char
- (g) **‘Recycler’** means any entity engaged in the process of recycling.
- (h) **‘Recycling Target’** means quantity of waste tyre to be recycled as per the provisions of clause 6 of this regulation.
- (i) **‘SOP’** means Standard Operating Procedure, a document prepared by CPCB elaborating minimum requirement of equipment and processes.
- (j) **‘Guidelines’** means a document prepared by CPCB elaborating minimum requirement for achieving environmentally sound management of waste tyres including handling, collection, transportation and storage and recycling of waste tyre.
- (k) **‘Portal’** means the online mechanism developed by CPCB for implementation of this EPR regulation.
- (l) **‘Waste tyre’** means any tyre that is no longer mounted on a vehicle and is no longer used for its intended purpose.

#### 4. Entities to be covered under EPR Regulations

The following entities will be covered under the EPR obligations under this regulation:

- (i) Producer.
- (ii) Recycler of waste tyre.

#### 5. Registration

5.1 The following entities shall register on the centralized portal of CPCB:

- a) Producer.
- b) Recycler of waste tyre.

5.2 No entity shall carry out any business without registration.

5.3 The entities registered under clause 5.1 shall not deal with any unregistered producer/recycler.

5.4 In case, any registered entity furnishes false information or willfully conceals information for getting registration or return /report/information required to be provided/furnished under this regulation or in case of any irregularity, the registration of such entity may be revoked by CPCB for a period up to three-years after giving an opportunity to be heard. In addition, environmental compensation charges may also be levied as per clause 12 of this regulation in such cases.

5.5 In case any entity is producer as well as recycler, then the entity shall register under those categories separately.

5.6 The CPCB may charge reasonable registration fees from the applicants with the approval of the steering committee.

## 6. Modalities of the EPR Regime

6.1 All producers shall have EPR obligations as under:

### (a) For manufacturers/importers of new tyres:

Sl. No	Year	Waste Tyre Recycling Target in Weight (KG or Tons)
(i)	EPR obligation of the Year 2022-23 (The year in which this regulation comes into force)	35% of the quantity of new tyres Manufactured/imported in Year 2020-21
(ii)	EPR obligation of the Year 2023-24	70% of the quantity of new tyres Manufactured/imported in Year 2021-22
(iii)	EPR obligation of the Year 2024-25	100% of the quantity of new tyres Manufactured/imported in Year 2022-23.
(iv)	After 2024-25 (Year Y), the EPR obligation will be 100% of the quantity of new tyres manufactured/imported in the year (Y-2).	
(v)	Units established after 1 <sup>st</sup> April, 2022, the EPR obligation will start after two years (Y) and will be 100% of the new tyres manufactured/imported in the year (Y-2).	

### (b) For waste tyre importer:

(i) The EPR obligation for waste tyre importer in year (Y) will be 100% of the tyre imported in year (Y-1)

(ii) The import of waste tyre for the purpose of producing pyrolysis oil/ char is prohibited.

6.2 The EPR target of producer would be reduced by a factor prescribed by CPCB on account of wear and tear of Tyre.

6.3 The Producer shall fulfill their EPR obligation through online purchase of EPR Certificate from registered recyclers only and submit it online by filing quarterly return. The quarterly return shall be filed by the end of the month succeeding the end of the quarter. The details provided by Producers and registered recyclers will be cross-checked on the online portal. In case of difference, the lower figure would be considered towards fulfilment of EPR obligation of Producer. The certificates shall be subject to environmental audit by the agencies authorized by the Ministry.

6.4 The CPCB will issue standard operating procedure strictly in accordance with these regulations.

## 7. EPR Certificate Generation

7.1 The Central Pollution Control Board shall generate EPR certificate through the portal in favour of a registered recycler in the format as prescribed by CPCB. The eligible quantity for generating EPR Certificates will be calculated as under:

S. No.	End Product of recycling	Quantity of End Product (Q <sub>p</sub> )	Conversion factor prescribed by CPCB (C <sub>F</sub> )	Weightage allocated to the end product (W <sub>P</sub> )	Quantity eligible for generation of EPR certificate (Q <sub>EPR</sub> = Q <sub>P</sub> x C <sub>F</sub> x W <sub>P</sub> )
1.	Rubber Reclamation			1.25	
2.	Recovered Carbon			1.25	

	black				
3.	Crumb rubber Modified Bitumen (CRMB)			1.10	
4.	Crumb rubber			1.00	
5.	Pyrolysis oil and char			0.75	

(i) The quantity eligible for generation of EPR certificate will be calculated by the following formula:

$$Q_{EPR} = Q_P \times C_F \times W_P$$

(ii) Conversion factor  $C_F$  for each end product will be prescribed by CPCB.

(iii) The weightage  $W_P$  will be reviewed by the Steering Committee from time to time in view of the technological advancements, availability of material and other factors.

(iv) The weightage  $W_P$  for imported waste tyres shall be 1 for all categories and the value of waste tyre certificate will be reduced by dividing it by  $W_P$  of respective certificates when the EPR certificates purchased by waste tyre importer are adjusted against their EPR obligation.

7.2 The validity of the EPR certificate will be 2 years from the end of the financial year in which it was generated. The expired certificate automatically extinguished after the period unless extinguished earlier as per clause 8.2.

7.3 Each EPR certificate will have a unique number containing year of generation, code of end product, recycler code and a unique code. The EPR certificates will be in the denominations of 100, 200, 500 and 1000 Metric Tonnes or as may be prescribed by CPCB with the approval of Steering Committee.

## 8. Transaction of EPR Certificates

8.1 A producer can purchase EPR certificates limited to its EPR liability of current year (Year Y) plus any leftover liability of preceding years plus 10% of the current year liability.

8.2 As soon as the producer purchases EPR certificate, it will be automatically adjusted against its liability, Priority in adjustment will be given to earlier liability. The EPR certificate so adjusted will be automatically extinguished and cancelled.

8.3 The availability, requirement and other details of the EPR certificate for every producer/ recycler will be made available on the portal.

8.4 All such transactions shall be recorded and submitted by the Producers/recyclers on the online portal at the time of filing quarterly returns.

## 9. Responsibilities of the producer

9.1 The producer of tyre shall be responsible for fulfillment of Extended Producers Responsibility by purchasing EPR certificates from registered recyclers only.

9.2 File quarterly returns in prescribed Form on the portal of Central Pollution Control Board on or before end of the month succeeding the quarter to which the return relates. Each registered entity shall have to file the quarterly return.

## 10. Responsibilities of the recycler

10.1 All the recycler shall submit on monthly basis the information regarding quantity of waste tyres used and end product produced, EPR Certificate sold and such other relevant information on the portal in the form prescribed by CPCB.

10.2 All the recycler shall file quarterly returns in prescribed Form on the portal of Central Pollution Control Board on or before end of the month succeeding the quarter to which the return relates.

## 11. Online Portal for registration, filing of annual returns, EPR Certificate and tracing of Materials

- 11.1 CPCB shall establish an online system for the registration as well as for filing of quarterly returns, generation and adjustment of EPR Certificate, submission of monthly information by recyclers.
- 11.2 The web portal would act as the single point data repository with respect to regulations and guidelines related to implementation of EPR for waste tyre. The web portal shall have, in addition to other the following information:
- (i) **For producer** – import/ production of new tyres of different years, quantity of waste / new tyres, quarterly return in respect of EPR Certificate purchase, adjustment of EPR obligation for each year, the current year EPR obligation and brought forward obligation of preceding years.
  - (ii) **For recyclers** - facility for submitting information and quantity of recycled material and end product, EPR Certificate generated and sold. It must ensure that value of EPR is reduced by diving it by  $W_p$  in case of waste tyre importer.
  - (iii) The portal shall provide information with respects to current unfulfilled EPR obligations of different producers, the quantity of EPR Certificate with recyclers and surplus EPR Certificate with producers.
  - (iv) Any other facility which is required to streamline the implementation of these regulations with approval of Steering Committee.
- 11.3 Till the online web portal is developed all activities related to implementation of EPR will be done in offline manner.
- 11.4 The CPCB will prescribe format of all the relevant forms/returns for this EPR regulation, in accordance with the forgoing provisions.
- 11.5 The CPCB may charge appropriate processing/registration fee from the producer and recyclers through online portal.

## 12. Environmental Compensation

- 12.1 CPCB shall lay down guidelines for imposition and collection of environment compensation on the Producers in case of non-fulfilment of obligations set out in this regulations and use of falls EPR Certificate. The said guidelines shall be in accordance with this regulation and will be approved by MoEF&CC before implementation.
- 12.2 The Environment Compensation shall also be levied on the recyclers for issue of falls EPR Certificate and providing false information.
- 12.3 It shall also be levied on unregistered producers, recyclers and any entity which aids or abets the violation of these regulation.
- 12.4 Payment of environmental compensation shall not absolve the Producers of the obligation set out in these regulations. The unfulfilled EPR obligation for a particular year will be carried forward to the next year and so on and up to 3 years. In case, the shortfall of EPR obligation is addressed after 1 year, 85% of the environmental compensation levied shall be returned to the Producers, In case, the shortfall of EPR obligation is addressed after 2 year, 60% of the environmental compensation levied shall be returned to the Producers, and in case, the shortfall of EPR obligation is addressed after 3 year, 30% of the environmental compensation levied shall be returned to the Producers, thereafter no EC will be returned to the producer.
- 12.5 Falls information resulting in over generation of EPR certificates by recycler above 5% of the actual recycled waste will result in revocation of registration and imposition of EC which shall not be returnable.
- 12.6 The funds collected under environmental compensation shall be kept in a separate Escrow account by CPCB. The funds collected shall be utilized in collection and recycling/end of life disposal of uncollected and non-recycled/ non-end of life disposal of waste tyres on which the environmental compensation is levied, and on other heads as decided by the committee. Modalities for utilization of

the funds would be recommended by the Steering Committee and approved by the Competent Authority in MoEF&CC, which may also issue instructions in this regard.

### 13. Prosecution

Any person, who provides incorrect information required under these regulations for obtaining EPR certificates, uses or causes to be used false/forged EPR certificates in any manner, over generates EPR certificates above 5% of the actual waste recycled, willfully violates the directions given under these regulations or fails to cooperate in the verification and audit proceedings, may be prosecuted under section 15 of Environment Protection Act, 1986. This prosecution will be in addition to the EC levied under clause 12 above.

### 14. Verification and Audit

CPCB by itself or through a designated agency shall verify compliance of Producers/recyclers through inspection and periodic audit, as deemed appropriate. The actions against violations and for non-fulfillment of EPR target, obligations and responsibilities shall be as per clause 12 of this regulation.

### 15. Steering Committee for implementation of EPR Regime for waste tyre

15.1 There shall be a Steering Committee (SC) under the Chairmanship of Chairman, CPCB or his nominee to oversee the overall implementation of EPR regime for waste tyre. The Steering Committee will comprise of following members in addition to the chair:

- a) Representative of MoEF & CC.
- b) Representatives of Automobile Tyre Manufacturers Associations.
- c) Representatives of Recycler Associations (i.e. manufacturer of reclaimed rubber, crumb rubber, crumb rubber modified bitumen, recovered carbon black and tyre pyrolysis oil manufacturers).
- d) Representatives of SPCB/PCC as co-opted by the chairman of the Steering Committee.
- e) Head of the Concerned Division of CPCB - Member Convener.

15.2 The steering committee shall be responsible for overall implementation, monitoring and supervision of these regulation. It will also decide upon the disputes arisen from time to time and on representations received in this regard, and shall refer to MoEF&CC any substantial issue arisen, pertaining to this regulation.

15.3 The steering committee will review and revise the targets, weightage and permissibility of modes of recycling in view of the technological advancements and other factors with the approval of the Ministry.

### 16. Power to remove difficulties

The Steering Committee will have power to remove any difficulty in smooth implementation of these EPR regulations.

[F. No. 09/6/2021-HSMD]

NARESH PAL GANGWAR, Jt. Secy.

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**Annexure R-18/2****NTECL Vallur - Year wise Ash Generation and Utilisation****32**

<b>Financial Year</b>	<b>Total Ash Generation</b>	<b>Total Ash Utilisation</b>	<b>Ash Utilisation %</b>
<b>(A)</b>	<b>(B)</b>	<b>(C)</b>	<b>(D) = (C)/(B)* 100</b>
2012-13	2,34,240	0	0.00
2013-14	8,48,445	67,500	7.96
2014-15	10,23,095	90,000	8.80
2015-16	13,75,459	2,22,394	16.17
2016-17	17,02,263	7,27,876	42.76
2017-18	18,74,488	18,38,928	98.10
2018-19	22,56,925	15,24,189	67.53
2019-20	17,44,306	21,10,981	121.02
2020-21	12,76,783	15,67,903	122.80
2021-22	24,46,560	19,10,629	78.09
2022-23 (Till Date)	24,42,745	19,23,904	78.76

<b>Dry Fly Ash issued to Ash Brick/Blocks &amp; Redimix.</b>				
SI No.	LOA No.	Agency Name	DFA lifted from 18.02.2022 to till date.	Alloted Qty.
1	4432	v m brick industries	5745.5	9436.18
2	4434	SAKTHI FLYASH BRICKS	4680	7077.13
3	4435	DEVA BRICKS	1305.82	2359.04
4	4436	R R FAL G BRICKS INDUSTRIES	7563.76	9436.18
5	4437	Mathi Fly Ash Bricks	1089.98	2359.04
6	4438	Methra Industries India Private Limited	3335.31	9082
7	4439	SRI BABA BRICKS AND BLOCKS	861.49	2359.04
8	4440	QUALITY FLY ASH BRICKS	3271	3538.56
9	4441	SIVASTAR FLYASH BRICKS	2246.86	5467.5
10	4442	SUNDARPOZZO	7416.85	9436.18
11	4443	sri praveen enterprises	13526.1	18872.37
12	4445	RENAATUS PROCON PRIVATE LIMITED	33332.67	47180.93
13	4446	Kamlesh Greencrete Private Limited	7645.75	9436.18
14	4448	RS Bricks Industries	1353.37	1377.68
15	4450	SRI MOOKAMBIKA BRICKS AND BLOCKS	4535.22	4718.09
16	4451	ultimateandco	2856.15	9436.18
17	4452	RAMALINGAM CONSTRUCTION COMPANY PRIVATE LIMITED	50614.11	67869.76
18	4453	TMR BRICKS	284.41	686.19
19	4454	RDC Concrete India Private Limited	13172.24	47180.93
20	4455	TAMILSELVAN AND CO	2524.11	10548
21	4456	KOTAI MINERAL PRODUCTS PRIVATE LIMITED	2200.39	4718.09
22	4457	RANLITE BLOCKS AND PAVERS PVT LTD	3604.31	7994.25
23	4458	MAGMA ASH TECH	6472.87	9436.18
24	4459	SAPTHAGIRI HOLLOW AND SOLID BLOCKS INDUSTRY	1108.14	2359.04
25	4460	SKM CONCRETE	0	3623.49
26	4461	SKM FLY ASH BRICKS	2080.56	2604.38
27	4462	KEERTHANA BRICKS AND BLOCKS	6443.95	9436.18
28	4463	Jaayam flyash brick works	7041.64	9436.18
29	4464	VINAYAK CONSTRUCTION CORPORATION	212.16	566.17
30	4465	Maxlite AAC Blocks (India) Private Limited	6240.93	9436.18
31	4466	ASHOK CONCRETE	5737.17	7077.13
32	4467	CEMIX FLY ASH BRICKS	0	9436.18
33	4468	CITYEAST INFRASTRUCTURE PRIVATE LIMITED	0	9436.18
34	4469	SHREE SARAVANA FLYASH BRICKS	921.91	2359.04
35	4470	ECOCON CONSTRUCTION PRODUCTS	4021.5	7260
36	4471	ADITHYA INDUSTRY	2333.12	2359.04
37	4472	KPR FLYASH BRICKS	4525.71	6605.33
38	4474	SOUTHERN HITECH CEMENT PRIVATE LIMITED	3096.98	14154.27
39	4475	EVER GREEN BLOCKS	4524.98	9436.18
40	4476	EVERGREEN BUILDING PRODUCTS PVT LTD	9520.09	14154.27
41	4477	Neptune Readymix Concrete Private Limited	11882.42	47180.93
42	4478	AKS ENTERPRISE	3443.6	3538.56
43	4479	TSK FLY ASH BRICK INDUSTRIES	2203.1	2359.04
44	4480	POWER TECH FLYASH BRICKS	201.16	566.17
45	4481	SRI MARUTHI BRICKS AND BLOCKS	2295.95	2359.04
46	4482	Prism Johnson Limited	527.44	566.17
47	4483	ADHITYA PRECAST PRODUCTS	1757.96	2547.77

48	4484	SM T FLYASH BRICKS	0	1179.52
49	4485	SLATE FASCIA BRICKS PRIVATE LIMITED	2314.86	2359.04
50	4486	J.K.M INDUSTRIES	552.9	598.25
51	4487	VELMURUGAN PAVER BLOCKS MANUFACTURING & MARKETING UNIT	5095.76	9436.18
52	4488	LITEBRICK AAC BLOCKS	2222.23	2359.04
53	4489	PMC PRECAST PRODUCTS	5962.05	7077.13
54	4490	S.K. BRICKS	3916.46	6605.33
55	4491	K.P.R. FLY ASH BRICKS-UNIT I	2619.88	4718.09
56	4492	RG ECO BLOCKS	1277.58	1415.42
57	4494	GUPTA HI-TECH BRICKS & BLOCKS	8764.42	9436.18
58	4495	M.M.K. BRICKS & BUILDERS	1701.87	2359.04
59	4496	GOODWIN FLY ASH BRICK	7096.37	16513.32
60	4497	Sri Balaji Ash Bricks	1052.36	2359.04
61	4498	SRS INDUSTRIES	4796.06	9436.18
62	4499	SRIRAM CONSTRUCTION	0	2359.04
63	4500	P M FLYASH BRICKS & COMPANY	358.73	566.17
64	4501	SREE FLYASH BRICKS & PAVING BLOCKS	2242.18	2359.04
65	4502	DURA FLY ASH BRICKS	200.73	1599.43
66	4503	AMMA FLYASH BRICKS AND COMPANY	448.68	566.17
67	4504	VPR ASH BRICKS AND HOLLOW BLOCKS	5488.28	9436.18
68	4505	BOOMI BRICK INDUSTRIES	8061.12	9200.28
69	4506	BISMILLAH READY MIX CONCRETE AND TRADERS	42909.59	67869.76
70	4507	SRI DEVI CONCRETE BLOCKS	5287.89	7077.13
71	4508	THE METAL POWDER COMPANY LIMITED	2778.69	2830.85
72	4509	Ahilandeswari fly ash bricks	5741.09	9436.18
73	4510	SRI KUMARAN AGENCIES	6083.75	7080
74	4511	M.M. FLY ASH BRICKS	1047.25	1179.52
75	4512	SRI SAI GROUPS	4493.25	7077.13
76	4513	SRI KUMARAN ASH BRICK	1514.86	2359.04
77	4514	LEO ENTERPRISES AND CONSTRUCTIONS	1949.17	3037.5
78	4515	SKR PACK TECH PRIVATE LIMITED	0	9436.18
79	4516	THAI INDUSTRIES	103.34	566.17
80	4517	Sri Kameshwaran Flyash Bricks	440.91	566.17
81	4518	Cellolite blocks	1130.72	2359.04
82	4519	Ram Enterprises	2304.56	2359.04
83	4520	UNICHEM INDUSTRIES	0	679.4
84	4521	JSL FLY ASH BRICK WORKS	1953.99	2359.04
85	4522	S.R.Bricks	1956.06	2359.04
86	4523	Sarguru Hollow Block	1830.83	2359.04
87	4524	SRI SAI INDUSTRIES	0	9436.18
88	4525	VIGNESHWARAA ENTERPRISES	1252.4	1297.47
89	4526	S.S.K FLYASH BRICK WORKS	1134.38	2359.04
90	4527	SHRI PRECAST INDUSTRIES	858.42	943.61
91	4528	VPR GROUP OF COMPANIES	2185.85	2359.04
92	4529	sai tech enterprises	517.22	589.76
93	4530	Mangadu Kamatchiy Amman Concrete Hollow Blocks	333.81	566.17
94	4531	K.G.FLY ASH BRICKS	0	589.76
95	4532	STAN INDIA	612.05	634.11
96	4533	STANDARD BUILDING INDUSTRIES	766.23	769.99
<b>Total</b>			<b>4,13,117.57</b>	<b>7,31,336.03</b>

<b>Dry Fly Ash issued to Cement Industries.</b>				
<b>SI No.</b>	<b>LOA No.</b>	<b>Agency Name</b>	<b>DFA lifted from 18.02.2022 to till date.</b>	<b>Alloted Qty.</b>
1	4427	Dalmia Cement Bharat Ltd, Trichy	63850.85	67869.76
2	4428	Ultra Tech Cement Limited(Unit Reddiyapalam Cement Works)	67869.36	67869.76
3	4429	Ashtech India Private Limited	51229.41	67869.76
4	4430	THE INDIA CEMENTS LIMITED	48856.88	67869.76
5	4431	Dalmia cement (Bharat) Limited, ariyalur	57479.19	67869.76
6	4433	Chettinad Cement Corporation Pvt Ltd,Chennai	57955.51	67869.76
7	4444	ZUARI CEMENT LIMITED	6137.19	33026.65
8	4447	Dalmia cement Bharat Limited, Belgaum	65318.31	67869.76
9	4449	Ultra Tech cement Limited unit: Arakonam cement works	67588.37	67869.76
10	4473	Chettinad Cement Corporation Pvt Ltd, Pedaglapadu,AP	52263.92	67515.91
11	4493	Dalmia cement Bharat Limited, Kadapa	53023.64	67869.76
<b>Total</b>			<b>5,91,572.63</b>	<b>7,11,370.40</b>

<b>Pond Ash Contracts (Contract Period expired on 25.01.2023 &amp; no pond ash utilisation in view of NGT order)</b>				
<b>SI No.</b>	<b>LOA No.</b>	<b>Agency Name</b>	<b>Lifted Qty.</b>	<b>Alloted Qty.</b>
1	4425	MURUGAN ENTERPRISES	945559.681	1087500
2	4426	SRI RAGAVENDR AGENCIES	450012.932	450000
<b>Total Sale</b>			<b>13,95,572.61</b>	<b>15,37,500.00</b>

DATE: 14/12/2022

AUTHORISATION LETTER

Shri.Yadala Apparao, AGM (EMG/AMG) of NTPC Tamilnadu Energy Company Ltd, (NTECL), Vallur Thermal Power Project,P.O, Vellivoyal Chavadi, Ponneri Taluk, Thiruvallur Dist., Chennai is hereby authorised to do all or any of the following acts on behalf of the company in connection with the Original Application No. 878/2022 filed by Tamil Nadu Fly Ash Brick and Blocks Manufacturers Association Vs Govt. of India & Ors.

1. To sign Vakalathnama, reply, pleadings, and other documents, to be filed before Hon'ble National Green Tribunal (Principal Bench, New Delhi), in connection with aforesaid matter.
2. To represent NTECL in every Proceedings before Hon'ble National Green Tribunal Principal Bench, New Delhi in aforesaid matter
3. To attend all necessary and incidental matters in connection to it.

For &amp; on behalf of NTECL



(Sanjay Kumar Singh)

Chief Executive Officer

Specimen Signature of Shri. Yadala Apparao:-



Attested by:-

(Sanjay Kumar Singh)

Chief Executive Officer

**VAKALATNAMA**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI AT NEW DELHI  
ORIGINAL APPLICATION NO. 878 OF 2022

IN THE MATTER OF:

Tamil Nadu Fly Ash Brick and Blocks  
Manufacturers Association

... APPLICANT

VERSUS

Govt. of India & Ors.

... RESPONDENTS

Know all to whom these presents shall come that I, YADALA APPARAO, them above named the Respondent do hereby appoint

**ADARSH TRIPATHI, VIKRAM SINGH BAID AND AJITESH GARG**

(MP/1256/2014) (D/3896/2018) (D/5097/2021)  
G-34, Basement, Lajpat Nagar III, New Delhi - 110024  
9090416535 / 9425308454 | adarsht912003@gmail.com

Advocate(s), to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

1. To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavit or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
2. To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1<sup>st</sup> instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
4. To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
5. To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby conferred on the Advocate (s) whenever he/they may think fit to do so.

And I/We hereby agree that whatever the Advocate (s) or his/ there substitute shall do in the premises shall be binding on me in all intents and purposes just as if it would have been done by me.

And I/We hereby agree not to hold the Advocate (s) or his/their substitute responsible for the said case in consequence of his absence from the court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/ us to be paid to the Advocate (s) remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case, or not to appear until the same is paid.

In witness whereof I/We hereunto set my/our hand to these presents the contents of which have been explained to and understood by me/us.

Date: 15.12.2022

Advocate (s)

Adarsh Tripathi  
MP/1256/2014



Yadala Apparao  
Client  
**YADALA APPARAO**  
Addl. General Manager (EM&AU)  
NTPC Tamilnadu Energy Company Ltd.  
Vallur Thermal Power Station  
P.O.: Vellivoyal Charandi, Chennai-600 103.

Ajitesh Garg  
Ajitesh Garg  
D/5097/2021

Vikram Singh Baid  
Vikram Singh Baid  
D/3896/2018





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Adarsh Tripathi &lt;adarsh912003@gmail.com&gt;

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**Service of Reply on behalf of Respondent No. 18 i.e. NTECL in OA No. 878 of 2022 titled as Tamilnadu Fly Ash Brick and Blocks Manufacturers Association Vs. Union of India & Ors. pending before the Hon'ble NGT.**

1 message

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**Adarsh Tripathi** <adarsh912003@gmail.com>

Fri, Feb 3, 2023 at 6:37 PM

To: advocatenandita@gmail.com, shaileshmadiyal@salvuspartners.com

Cc: Ashish Kumar &lt;ashishkumar1772@gmail.com&gt;, Vikram Singh Baid &lt;vikramsbaid@gmail.com&gt;

Dear Sir,

Please find attached herewith the Reply to be filed before the Hon'ble NGT in the captioned matter on behalf of the Respondent No.18 i.e. NTECL.

Please be in receipt of the same.

Regards.

--

Adarsh Tripathi

Advocate on Record, Supreme Court of India

G-34, Basement, Lajpat Nagar-3, New Delhi-110024

9090416535 / 9425308454

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 **Resp. 18 NGT Reply OA 878 of 2022.pdf**  
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