

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

Appeal No. 52 of 2026

IN THE MATTER OF:

M/s Charminar Jointing Pvt Ltd. ...Appellant

Versus

Commission for Air Quality Management
in National Capital Region And Adjoining
Areas & Ors. ...Respondent(s)

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New Delhi

Dated: 28.04.2026

Through

FILED BY



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:

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**WRITTEN SUBMISSIONS ON BEHALF OF
RESPONDENT NO.1 CAQM**

1. The present appeal has been filed challenging Closure Direction No.888/IP dated 22.04.2026 issued by the answering Respondent.
2. That the Appellant has approached this Hon'ble Tribunal with unclean hands and thus is not entitled to any relief on this ground alone.
3. That the Commission for Air Quality Management was constituted under the provisions of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 for better coordination, research, identification and resolution of problems surrounding the air quality index and for matters connected therewith or incidental thereto.

4. That under the Act the Commission for Air Quality Management has been vested with the power to take all such measures, issue directions and entertain complaints, as it deems necessary or expedient, for the purpose of protecting and improving the quality of the air in the National Capital Region and Adjoining Areas and shall also have the duty to take all such measures as may become necessary for protecting and improving the quality of air in the National Capital Region and Adjoining Areas.
5. That the Commission *vide* its Order dated 02.12.2021, as amended from time to time, constituted an “Enforcement Task Force” (hereinafter referred to as ‘ETF’) to monitor and supervise the implementation of the statutory Directions. The ETF was entrusted with the task to inspect and continuously supervise and monitor the compliance of the directions issued by the Commission through “inspection teams / flying squads” constituted by the Commission.
6. That the Hon’ble Supreme Court *vide* its order dated 03.12.2021 in W.P. (C) No. 1135 of 2020 titled as ‘Aditya Dubey Vs. Union of India & Ors.’, *inter alia* observed as under:

“...We find that an ‘Enforcement Task Force’ of Five Members is stated to have been constituted by the said Commission in exercise of its statutory

powers. The Task Force will exercise powers of taking punitive and preventive measures against the non-compliant / defaulting persons / entities...”

A true copy of order dated 03.12.2021 is annexed herewith and marked as **ANNEXURE R-1**.

7. That Flying Squads are conducting regular *incognito* inspections towards effective monitoring and implementation of air pollution control measures. As part of the series of inspections, industrial unit of M/s Charminar Jointings Private Limited located at 43 Km Stone, NH-10, Delhi Rohtak Road, Bahadurgarh, Haryana was also visited and inspected on 09.04.2026, to verify the compliance of Directions / Orders issued by the Commission from time to time and relevant rules/ regulations.
8. It is respectfully submitted that upon inspection of the Appellant's unit, the Flying Squad of the answering Respondent observed multiple violations pertaining to non-compliance with applicable norms and directions issued by the Commission. Immediately thereafter, a Show Cause Notice was duly served upon the authorised representative of the Appellant at site, clearly specifying the violations observed and the deficiencies noted during inspection.
9. The said Show Cause Notice not only identified the instances of non-compliance but also afforded the Appellant

a fair and reasonable opportunity to respond, by directing it to submit a reply along with a compliance report supported by evidence within the stipulated time period. The Appellant was also specifically directed to undertake immediate corrective measures and report the same with supporting material. For the sake of brevity, the relevant extracts of the Show Cause Notice are reproduced hereinbelow:

“1. The list of violations indicated above are preliminary without prejudice to further detailed examinations & subsequent punitive actions.

2. Immediate corrective actions in respect of above indicated violations & adherence to other statutes / guidelines are to be ensured by the unit and reported along with photographs to concerned SPCB's/ DPCC and CAQM.

3. You are hereby directed to show cause within 5 (five) days from today to why appropriate action should not be taken against the unit/ project / activity /process for the violations indicated above. If no satisfactory reply is received and/or compliance report along-with relevant evidence is not received for the commission within the stipulated period, the commission shall pass necessary directions. If required, including closure

of the unit/ project/ activity / process and stoppage of water and electricity connections, as it deems fit, without providing further notice/ opportunity of hearing based on the available records, in the interest of the air quality of the region.

4. The reply shall be communicated to the commission through email or by post or by hand at the following:

A. E-mail: caqm.etf-moefcc@gov.in

B. Postal Address: Commission for Air Quality Management in NCR and Adjoining Areas, 17th Floor, Jawahar Vyapar Bhawan (STC Building), Tolstoy Marg, New Delhi 110001”

10. It is submitted that the Show Cause Notice clearly put the Appellant to notice that in the event of failure to submit a satisfactory response along with supporting evidence within the prescribed time, the Commission would be constrained to take appropriate action, including issuance of closure directions, in the larger interest of protecting ambient air quality.
11. The Appellant has sought to rely upon a purported communication dated 10.04.2026 and an alleged email of the same date, claiming compliance with the Show Cause Notice. It is respectfully submitted that such reliance is wholly misplaced and misconceived. Without prejudice to

the above, and even assuming that such communications were required to be considered, it is submitted that:

- i. The alleged email dated 10.04.2026 was not received on the designated official email ID expressly provided in the Show Cause Notice for submission of replies;
- ii. The physical communication is stated to have been delivered only on 16.04.2026, i.e., beyond the stipulated time period of five days, and thus cannot be treated as a valid response within time; and
- iii. In any event, the contents of the said communication were vague, unsubstantiated and devoid of any verifiable documentary evidence demonstrating compliance, rectification or mitigation of the violations observed during inspection.

In view of the above, the said communication cannot, by any stretch of interpretation, be construed as a valid, complete or satisfactory response to the Show Cause Notice.

12. In the absence of any valid, timely and satisfactory response from the Appellant, and considering the nature of violations observed during inspection, the Commission, in exercise of its statutory powers, was constrained to issue Closure Direction No. 888/IP dated 22.04.2026. The said direction, inter alia, provided as follows:

“1. The unit shall immediately close down all its industrial operations / activities on receipt of this Direction;
2. The unit shall immediately thereafter report the closure of the unit to the Commission and Haryana State Pollution Control Board (HSPCB);
3. The unit, under no circumstances, shall resume operations without prior permission and an order of resumption from the Commission”

13. It is submitted that the issuance of the closure direction was a necessary regulatory measure aimed at preventing further air quality degradation and ensuring compliance with statutory norms.
14. That with respect to the contention of the Appellant that the scrubber-related deficiency was a mere temporary operational event and not indicative of a systemic violation, it is most respectfully submitted that the said contention is factually incorrect and legally untenable. It is an admitted position based on the inspection conducted that the scrubber was found to be non-operational at the time of inspection. Such non-operation constitutes a clear violation of Clause 6 of the Terms and Conditions of the Consent to Operate dated 28.07.2021, which expressly mandates that the industry shall *“provide adequate arrangements for preventing accidental leakages or discharge of pollutants, including gases and liquids, from vessels and mechanical*

equipment so as to obviate environmental pollution.” It is a settled regulatory requirement that no industrial unit can be permitted to operate without functional and effective Air Pollution Control Devices.

15. It is further submitted that the repair of the scrubber motor was undertaken only after the deficiency was pointed out by the inspecting team, which clearly demonstrates lack of continuous compliance and due diligence on the part of the Appellant. Moreover, it is also evident that due to ineffectiveness of the scrubber the visible brown/black smoke emission has been released into the environment, thereby indicating continued non-compliance with prescribed emission standards.
16. Further, the discrepancy relating to mention of coal as fuel in the Consent to Operate, the Appellant’s attempt to characterize the same as a mere administrative lapse is misconceived. The Consent to Operate is a statutory document forming the foundation of regulatory compliance, and any inaccuracy therein particularly with respect to the nature of fuel used reflects a serious lapse in due diligence and regulatory adherence. Such inconsistency undermines the credibility of compliance claims and hampers effective environmental monitoring and enforcement.
17. It is further submitted that the Appellant has failed to demonstrate compliance even with the directions contained

in the impugned Closure Direction, including the requirement to report closure of operations to the Commission and the State Pollution Control Board concerned. Such continued non-compliance reflects a persistent disregard for statutory directions and regulatory authority.

18. It is pertinent to highlight that the Commission has, in fact, laid down a detailed, fair and structured mechanism for consideration of resumption of operations of units found to be in violation in the impugned Closure Direction itself. The said procedure ensures that upon rectification of deficiencies and verification by the competent authorities, operations may be permitted in a regulated and lawful manner. For ready reference, the relevant procedure is reproduced hereinbelow:

“6. For consideration of resumption of operations in the unit, the following needs to be complied with:

(i) After taking due corrective and preventive measures, in respect of the non-compliances / violations as noted in the closure direction, the project proponent shall report the same to the Regional Officer , Jhajjar of the Haryana State Pollution Control Board, also under advise to the headquarter office of the HSPCB.

(ii) The Regional Officer, HSPCB shall thereafter verify the corrective and preventive measures initiated by the unit

/ project proponent and submit a report in this context to the HSPCB headquarter office with a copy to CAQM along with a recommendation for levying of EC charges, as per extant guidelines duly taking cognizance of Standard Schedule for EC charges issued by the Commission vide order dated 01.01.2025 & 05.06.2025.

(iii) The HSPCB shall review the report of the Regional Officer in this context to ascertain effectiveness of actions initiated for compliance, levy appropriate EC charges on the project / unit for all categories of violations as noted in this direction and realise the same, from the proponent. A recommendation towards resumption of activities at the site / industrial unit etc. may be made to the Commission by the HQ office of the HSPCB.

(iv) The Project Proponent shall thereafter also report compliance of all the requisites as above to the Commission, in the form of an affidavit. The indicative procedure and guidelines for processing of the cases for resumption, including the format for the affidavit may be accessed from the Commission's website www.caqm.nic.in >> Closures/Resumptions>> GUIDELINES FOR RESUMPTION OF OPERATIONS IN CLOSED UNITS."

19. It is respectfully submitted that in terms of the aforesaid procedure, the Appellant was required, after undertaking

corrective and preventive measures, to approach the Regional Officer, Jhajjar of the Haryana State Pollution Control Board, who would thereafter verify compliance and forward a report for further consideration by the competent authority.

20. However, the Appellant has failed to follow the said prescribed procedure and has not placed on record any material to demonstrate that such steps have been undertaken in accordance with prescribed procedure.
21. It is submitted that the Appellant cannot seek any preferential treatment or exemption from the uniformly applicable regulatory framework. Compliance with statutory directions and prescribed procedures is mandatory for all entities alike.
22. The Appellant, having failed to comply with the directions contained in the Closure Direction as well as the prescribed procedure for resumption of operations, has approached this Hon'ble Tribunal without exhausting the available remedies. Such conduct disentitles the Appellant from seeking equitable relief and reflects lack of bona fides.
23. It is further submitted that the Appellant has prematurely invoked the appellate jurisdiction of this Hon'ble Tribunal without availing the mechanism specifically provided for resumption of operations. The prescribed procedure is to

facilitate rectification, verification and lawful restoration of operations.

24. Instead of complying with the same, the Appellant has chosen to bypass the statutory framework and seek intervention of this Hon'ble Tribunal, which is liable to be discouraged in view of settled principles of law.
25. It is respectfully submitted that the principles of natural justice have been duly complied with in the present case. Show Cause Notice was issued to the Appellant, clearly setting out the violations and granting a reasonable opportunity to respond within a stipulated time.

NEW DELHI
DATED: 28.4.2026

FILED BY



(DR. ABHISHEK ATREY)

Advocate for respondent CAQM
D-202, Additional Building Complex,
Supreme Court of India, New Delhi
Mobile - 9810047556

ITEM NO.301 Court 1 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.1135/2020

ADITYA DUBEY (MINOR) & ANR. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(IA No. 98165/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.150881/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 149458/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 152069/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 149457/2021 - INTERVENTION APPLICATION, IA No. 148255/2021 - INTERVENTION APPLICATION, IA No. 152068/2021 - INTERVENTION APPLICATION, IA No. 151957/2021 - INTERVENTION APPLICATION, IA No. 150880/2021 - INTERVENTION APPLICATION & IA No. 150968/2021 - INTERVENTION/IMPLEADMENT)

Date : 3-12-2021 This matter along with applns. were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Vikas Singh, Sr.Adv.
Mr. Nikhil Jain, AOR
Mr. Meenesh Dubey, Adv.
Ms. Deepeika Kalia, Adv.
Mr. Satya Prakash, Adv.
Mr. Vinod Kr. Jain, Adv.
Mr. Satwik Mishra, Adv.
Mr. Pramod Kumar, Adv.
Mr. Bhupendra Kumar Bhardwaj, Adv.
Mr. Shobhit Jain, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Ms. Archana Pathak Dave, Adv.
Mr. Navanjay Mahapatra, Adv.
Ms. Suhashini Sen, Adv.
Mr. Gurmeet Singh Makker, AOR

Ms. Uttara Babbar, AOR

Mr. D.S. Patwalia, AG, Punjab
Ms. Ranjeeta Rohatgi, AOR
Mr. Anirudh Bakhru, Adv.
Mr. Gauravjit Patwalia, Adv.

Mr. Maninder Singh, Sr. Adv.
Mr. Anil Grover, AAG, Haryana
Ms. Noopur Singhal, Adv.
Mr. Rahul Khurana, Adv.
Mr. Satish Kumar, Adv.
Mr. Bhanwar Jadon, Adv.
Mr. Sanjay Kumar Visen, AOR

Dr. A.M. Singhvi, Sr. Adv.
Mr. Rahul Mehra, Sr. Adv.
Ms. Jyoti Mendiratta, AOR

Mr. Kaushal Yadav, AOR
Mr. Kamlesh Kumar Maurya, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Mr. Shafik Ahmed, Adv.
Mr. Vivekanand Rana, Adv.
Ms. Yashoda Katiyar, Adv.
Dr. Ajay Kumar, Adv.
Mr. H.S. Sachdeva, Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. Ravindra Raizada, AAG, UP
Ms. Garima Prasad, AAG UP
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. Anurag Tiwari, Adv.
Mr. Kamlendra Mishra, AOR

Mr. Haresh Raichura, AOR
Ms. Saroj Raichura, Adv.
Mr. Ram Bhadauria, Adv.
Mr. Kalp Raichura, Adv.
Mr. Rajat Vats, Adv.

Mr. Rakesh Dahiya, AOR
Mr. Aditya Dahiya, Adv.
Mr. Ravi Swami, Adv.
Mr. Bhudev Prasad Vaishnav, Adv.

Mr. Anilendra Pandey, AOR
Mr. Charanpal Singh Bagri, Adv.
Dr. Gurjit Kaur Jassar Bagri, Adv.

Mr. Sandeep, Adv.
Mr. Manoj Kumar, Adv.
Mr. Raju sonkar, Adv.

Mr. Rahul Shukla, Adv.
Mr. Kumar Dushyant Singh, AOR

Ms. Shyel Trehan, Adv.
Mr. Chirayu Jain, Adv.
Mr. Raghav Anand, Adv.
Mr. Shivendra Singh, AOR

Ms. Sanchita Ain, AOR

Mr. Manish Kumar, Adv.
Mr. Nakul Jain, Adv.
Mr. Piyush Kaushik, Adv.
Mr. Amit Kumar, Adv.
Mr. Utkasrsh Sharma, Adv.
Mr. Hayat Ahluwalia, Adv.
Ms. Divya Roy, AOR

Dr. Manish Singhvi, Sr. Adv.
Mr. Arpit Prakash, Adv.
Mr. Sandeep Kumar Jha, AOR

Mr. V.N. Sharma, Adv.
Mr. Vishal Sharma, Adv.
Mr. Mukesh Verma, Adv.
Mr. Yash Pal Dhingra, AOR

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

The Court is convened through Video Conferencing.

Heard Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India, Dr. A.M. Singhvi, learned Senior Counsel appearing for the Government of National Capital Territory of Delhi, Mr. Ranjit Kumar, learned Senior Counsel appearing for the State of U.P., Mr. Vikas Singh, learned Senior counsel appearing for the petitioners and Ms. Shyel Trehan, learned counsel appearing for the intervenor at a considerable length.

We have taken into consideration the averments made in the affidavits dated 2-12-2021 filed by the Union of India and the

Government of National Capital Territory of Delhi in the Court today and the same are taken on record.

We find that in pursuance of the assurance given to this Court by the learned Solicitor General on 2-12-2021, the Commission and the Central Government have taken some immediate steps to further augment the implementation of the directions issued by the Commission with a view to achieve the desired results for improving the air quality.

We find that an 'Enforcement Task Force' of Five Members is stated to have been constituted by the said Commission in exercise of its statutory powers. The Task Force will exercise powers of taking punitive and preventive measures against the non-compliant/defaulting persons/entities.

As per the said Affidavit, Flying Squads would also be increased to 40 in the next 24 hours, which are stated to have started functioning from 2-12-2021 itself and have conducted surprise checks at 25 sites so far.

It has further been averred in the said affidavit that in addition to Direction No.44 dated 16-11-2021 related to industrial pollution, the Commission has further directed vide Direction No.46 dated 2-12-2021 that industrial operations and processes in NCR, where gas is not available and the industrial unit is not running on PNG or cleaner fuels, shall be allowed to operate only upto 8 hours a day during weekdays and shall remain closed during Saturdays and Sundays.

Let a proposal to switch over all the Industrial Units to PNG or cleaner fuels in a time-bound manner, failing which such Units should be closed down, be also placed on record.

Dr. A.M. Singhvi, learned Senior counsel has drawn our attention to Para 3 (a) to (f), 4 (a) to (d)(i)(ii), (e) to (g) (1 to 19) and 6 of the affidavit filed on 2-12-2021 which we have perused.

So far as the issue of construction of 7 new Covid hospitals is concerned, we permit the same subject to compliance of CAQM directions in this regard.

Mr. Ranjit Kumar, learned Senior counsel appearing for the State of U.P. raised an objection about partial closing of some sugar industries.

In view of the objection raised by the learned Senior counsel, liberty is granted to the State of U.P. to approach the Commission for the said purpose, and its request shall be considered on its own merits and in accordance with law by the Commission.

Ms. Shyel Trehan, leaned counsel appearing for the Intervenor raised the issue of non-payment of wages in accordance with the Minimum Wages Act by the Government of National Capital Territory of Delhi & State of Haryana. She has further informed that the State of Uttar Pradesh has not announced any relief in this regard.

We direct the concerned States to comply with the Order passed by us in the matter.

List the matter on Friday, the 10th December, 2021.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. OF 52 OF 2026

IN THE MATTER OF:

M/s Charminar Jointings Pvt. Ltd.

....Appellant

VERSUS

Commission for Air Quality Management
in National Capital Region &
Adjoining Areas

... Respondents

RELEVANT ORDERS OF THIS HON'BLE TRIBUNAL

S. No.	Particular	Page No.
1.	Order dated 08.12.2025 in Appeal No. 67 of 2025 M/s R.S. Resource Management Consulting Pvt. Ltd. Vs. Commission for Air Quality Management in NCR and Adjoining Areas (CAQM) & Ors.	1-3
2.	Order dated 19.03.2026 in Appeal No. 23 of 2026 M/s Sumridhi Aluminium Pvt. Ltd. Vs. Commission for Air Quality Management in NCR and Adjoining Areas (CAQM) & Ors.	4-7
3.	Order dated 25.03.2026 in Appeal No. 36 of 2026 M/s DACC International Pvt. Ltd. Vs. Commission for Air Quality Management in NCR and Adjoining Areas (CAQM) & Ors.	8-12
4.	Order dated 27.03.2026 in Appeal No. 37 of 2026 M/s Frick India Ltd. Vs. Commission for Air Quality Management in NCR and Adjoining Areas (CAQM) & Ors.	13-17

Item No. 22

Court No. 1

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

Appeal No. 67/2025

M/s R.S. Resource Management Consulting Pvt. Ltd.

Appellant

Versus

Commission for Air Quality Management in NCR
and Adjoining Areas (CAQM) & Ors.

Respondent(s)

Date of hearing: 08.12.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Mr. Gaurav Yadav & Mr. Kumar Abhishek, Advocates for Appellant
Respondents: Dr. Abhishek Atrey and Mr. Navneet Gupta, Advs. for R – 1 (CAQM)

ORDER

1. By this appeal filed under Section 18 of Commission for Air Quality Management (CAQM) in National Capital Region and Adjoining Areas Act, 2021, appellant has challenged the closure direction dated 03.06.2024 issued by CAQM under Section 12(2)(xi) of CAQM Act, 2021.
2. This appeal has been filed on 15.10.2025.
3. Submission of Learned Counsel for the appellant is that conditions for resumption as contained in the impugned order have been complied with and compliance report dated 30.01.2025 was submitted to Under Secretary, CAQM, therefore, appellant is entitled to resume the operation.
4. Submission of Learned Counsel for the CAQM is that though appeal is barred by time but since the issue of resumption has been raised, therefore, in terms of Clause 6(i) of the impugned order, appellant is required to approach the UPPCB at the first instance for assessment of EC for the past violation.
5. Having heard the Learned Counsel for the parties and on perusal of the record, it is noticed that construction/demolition site of the appellant

project was inspected by flying squad of CAQM on 16.05.2024 and during the inspection certain short-comings/non-compliances were noted which are mentioned in the impugned order as under:-

“WHEREAS, it was reported after the inspection that the plot size is more than 500 Sq.Mtrs. but the project is not registered on the Web Portal of UPPCB and no self-certification of the project has been done on the web portal. Further, no anti-smog guns found against a mandatory requirement of four (4) numbers, furthermore, no wind breaker and water sprinkling were observed, and construction material was found lying uncovered at the site, in gross violation of the directions of the Commission and extant statutes;”

6. Paragraph 6 of the impugned order itself provides for resumption of the activity by the project proponent on compliance of certain conditions mentioned therein. Paragraph 6 of the impugned order reads as under:-

“6. For consideration of resumption of construction activities at the site, the following need to be complied with:

i. After taking due corrective and preventive measures in respect of the non-compliances/violations as noted in the closure direction, the project proponent shall report the same to the Regional Officer, Greater Noida of the Uttar Pradesh Pollution Control Board, also under advice to the headquarter office of the UPPCB.

ii. The Regional Officer, Greater Noida, UPPCB shall thereafter verify the corrective and preventive measures initiated by the unit/project proponent and submit a report in this context to the UPPCB headquarter office along with a recommendation for levying of Environmental Compensation (EC) charges, as per extant guidelines.

iii. The UPPCB shall review the report of the Regional Officer in this context to ascertain actions initiated for compliance, levy appropriate EC charges on the project/unit and realize the same from the proponent. Thereafter, a recommendation towards resumption of activities at the site/industrial unit etc. may be made to the Commission by the HQ office of the UPPCB.

iv. The Project Proponent shall thereafter also report compliance of all the requisites as above to the Commission, in the form of an affidavit. The indicative procedure and guidelines for processing of the cases for resumption, including the format for the affidavit may be accessed from the Commission's website www.caqm.nic.in under Closures/Resumptions - Guidelines for resumption of operations in closed units.

v. In exercise of powers of the Commission under Section 14 of the Act, the Member Secretary, UPPCB or an officer nominated and authorized shall also initiate action for prosecution under Section 14

of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 against the said unit.”

7. Though the appellant has submitted the compliance report dated 30.01.2025 but undisputedly appellant has not approached the RO, Greater Noida, UPPCB in terms of the Clause 6(i) of the impugned order. After receiving the said compliance, RO is required to take action in terms of Clause 6(ii) of the impugned order and UPPCB is required to do the review in terms of Clause 6(iii) and thereafter project proponent is required to report compliance of all the requisites to the CAQM in terms of Clause 6 (iv).

8. Since the appellant is required to do the needful in terms of Clause 6(i) of the impugned order which has not been done till now, therefore, we accept the prayer made by Counsel for the appellant to permit him to approach the RO, Greater Noida, UPPCB within one week and on submission of such a report, UPPCB will take action in terms of Clause 6 (i) to 6(iii) as expeditious as possible and preferably within a period of three weeks. Thereafter on submission of compliance report in terms of Clause 6(iv), CAQM will take requisite decision within a period of one week. If it is found by authorities that the needful in terms of Clause 6 has been done, necessary orders for resumption of operation will be passed by CAQM without any delay.

9. The appeal is accordingly disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

December 08, 2025
Appeal No. 67/2025
JG.

Item No. 05

Court No. 1

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

Appeal No. 23/2026
(I.A. No. 199/2026)

M/s Sumridhi Aluminum Pvt. Ltd.

Appellant

Versus

Commission for Air Quality
Management in National Capital
Region and Adjoining Areas & Ors.

Respondent(s)

Date of hearing: 19.03.2026

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Appellant: Mr. Pinaki Misra, Senior Advocate with Mr. Sumeer Sodhi, Mr. Arjun Nanda, Mr. Adiraj Bali & Ms. Vanshika Jhamb, Advs.

Respondents: Dr. Abhishek Atrey & Mr. Navneet Gupta, Advs. for CAQM
Mr. Rahul Khurana, Adv. for R - 2 & 4

ORDER

1. By this Appeal filed under Section 18 of the Commission for Air Quality Management (CAQM) Act, 2021, the Appellant has challenged the closure order dated 16.03.2026 issued by the CAQM under Section 12(2) (xi) of the CAQM Act, 2021.

2. Learned counsel appearing for the Appellant submits that three violations which have been noted in the impugned order have been cured and that these are only the house keeping issues which may not have such a serious consequence of closing down the Appellant's industry. He has further submitted that though the impugned order refers to the show cause notice but no such show cause notice has been served upon the Appellant.

3. Learned counsel appearing for the Respondent-CAQM on advance notice has submitted that in the inspection which was conducted on

04.02.2026 the violations were clearly observed, therefore, the impugned order has been passed.

4. Having heard the learned counsel appearing for the parties and on the perusal of the record, it is noticed that the impugned order records the following violations which were observed during the site inspection by the flying squad of the CAQM:-

*“**WHEREAS**, No stack was found attached with APCD in pulverized unit and visible leakage was observed. Further, CTO is required to amend for emission limits as per Direction No. 64.”*

5. It is submitted by the senior Counsel for the Appellant that so far as the issue of amendment of the CTO and incorporation of the emission limits as per Direction No. 64 is concerned, the fresh CTO dated 15.02.2026 has been issued to the Appellant which contains the necessary incorporation. He further submits that so far as the lapse relating to the stack is concerned, the stack was loose and later on it has been fastened. He has further submitted that the lapse relating to the visible leakage is vague and does not relate to any serious violation of environmental norms. In such circumstances, he has submitted that since the necessary compliance has been done and the unit is not violating any environmental norms, therefore, it should be allowed to operate.

6. Learned counsel appearing for the CAQM has fairly submitted that if the Appellant submits the details of compliance with the supporting material, then the CAQM will duly look into it and pass appropriate orders.

7. Though the impugned order refers to the show cause notice but there is a specific plea that a copy of the show cause notice has not been served upon the Appellant, therefore, the issue of compliance of principle of Natural Justice is also involved.

8. That apart, we also find that in the impugned order following condition for resumption have been provided:-

“6. For consideration of resumption of operations in the unit, the following needs to be complied with:

- (i) After taking due corrective and preventive measures, in respect of the non-compliances / violations as noted in the closure direction, the project proponent shall report the same to the Regional Officer Palwal, of the Haryana State Pollution Control Board, also under advise to the headquarter office of the HSPCB.*
- (ii) The Regional Officer, HSPCB shall thereafter verify the corrective and preventive measures initiated by the unit / project proponent and submit a report in this context to the HSPCB headquarter office along with a recommendation for levying of EC charges, as per extant guidelines duly taking cognizance of Standard Schedule for EC charges issued by the Commission vide order dated 01.01.2025 & 05.06.2025.*
- (iii) The HSPCB shall review the report of the Regional Officer in this context to ascertain effectiveness of actions initiated for compliance, levy appropriate EC charges on the project / unit for all categories of violations as noted in this direction and realise the same, from the proponent. A recommendation towards resumption of activities at the site/industrial unit etc, may be made to the Commission by the HQ office of the HSPCB.*
- (iv) The Project Proponent shall thereafter also report compliance of all the requisites as above to the Commission, in the form of an affidavit. The indicative procedure and guidelines for processing of the cases for resumption, including the format for the affidavit may be accessed from the Commission's website www.caqm.nic.in >> Closures/Resumptions >> GUIDELINES FOR RESUMPTION OF OPERATIONS IN CLOSED UNITS.”*

9. It has been pointed out that the similar Appeal No. 66/2025 in the matter of M/s Mother Dairy Fruit and Vegetable Pvt. Ltd. Pilkhuwa v. Commission for Air Quality Management in NCR and Adjoining Areas & Ors. was disposed of by the Tribunal with certain directions by order dated 11.11.2025 and the only difference is in that case no show cause notice was served whereas in this case the impugned order mentions about the show cause notice.

10. Hence, in the circumstances of the case and considering the order passed in Appeal No. 66/2025 and also having regard to the submission

of the counsel for the Appellant that the needful has been done and the deficiency have been cured, we permit the Appellant to file an appropriate representation/compliance report with the CAQM along with the supporting material by tomorrow. On receipt of the said compliance report the CAQM will duly verify it within period of one week and if the needful is found to be done, the CAQM will pass a necessary order.

11. So far as the procedure prescribed in clause 6 of the impugned order is concerned, in the meanwhile the said procedure will go on and the HS PCB will do the needful in terms of the said procedure but the pending proceeding before HSPCB will not come in the way of passing an appropriate order by the CAQM on the submission of the compliance by the Appellant.

12. It has been submitted by the learned counsel for the Appellant since the compliance has been done and the unit is still operating and if it is closed in the meanwhile, considerable time will be taken to start the unit.

13. Hence, we direct the parties to maintain *status-quo* existing as on today. If the unit is operating it will comply with all the applicable environmental norms in the meanwhile.

14. The Appeal is accordingly disposed of.

15. All the pending IA also stands disposed of.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

March 19, 2026
Appeal No. 23/2026
(I.A. No. 199/2026)
A

Item No. 05

Court No. 1

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

Appeal No. 36/2026
(I.A. No. 229/2026)

M/s DACC International Pvt. Ltd.

Appellant

Versus

Commission for Air Quality Management in
NCR and Adjoining Areas & Ors.

Respondent(s)

Date of hearing: 25.03.2026

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Appellant: Mr. Pinaki Misra, Senior Advocate with Mr. Sumeer Sodhi, Mr. Arjun Nanda & Ms. Vanshika Jhamb, Advs

Respondents: Mr. Rahul Khurana, Adv. for R - 2 & 4
Dr. Abhishek Atrey & Mr. Navneet Gupta, Advs. for CAQM

ORDER

1. By this Appeal filed under Section 18 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 (CAQM Act) read with Section 16 of the National Green Tribunal Act, 2010 the Appellant has challenged the closure direction dated 16.03.2026 issued by the CAQM under Section 18(2) (xi) of the CAQM Act, 2021.

2. The unit of the Appellant was inspected by the flying squad constituted by the CAQM on 13.02.2026 to ascertain the compliance of directions/orders issued by the Commission.

3. During the inspection the following deficiencies/lapses on the part of the Appellant were noticed:-

“WHEREAS, it was reported after the inspection that the stack height indicated in the CTO is 14 m. but furnace stack installed at the site is less than 14 m. Stack attached with electroplating section is not attached with the process. Electroplating section was found operational on the day of inspection and APCD (wet scrubber) was

non-functional. Further, the unit has a 160 KVA DG set which was not complied with Direction No. 76.”

4. The impugned order further states that the Appellant's Unit was given show cause notice on the date of inspection, thereafter the following direction in the impugned order have been issued:-

“1. The unit shall immediately close down all its industrial operations / activities on receipt of this Direction:

2. The unit shall immediately thereafter report the closure of the unit to the Commission and Haryana State Pollution Control Board (HSPCB):

3. The unit, under no circumstances, shall resume operations without prior permission and an order of resumption from the Commission:

4. The DHBVNL shall, on receipt of this closure direction shall immediately initiate action towards temporary disconnection of electrical power supply to the site/unit and report the same to the HSPCB, project proponent and the Commission, at the earliest but not later than 3 days after the issue of this Direction.”

5. Learned senior counsel for the Appellant submits that the lapses which are noticed by the flying squad of the CAQM and recorded in the impugned order have been cured and he has referred to the compliance status disclosed in paragraph 17 of the Appeal as under:-

“17. In addition to the above, it is submitted that a bare perusal of the Impugned Closure Direction sets out certain alleged deficiencies, the compliance in respect whereof is detailed in the table hereunder:

S. No.	Deficiencies	Compliances
1.	<i>The stack height indicated in the CTO is 14m. but the furnace stack installed at the site is less than 14m.</i>	<i>Alleged deficiency is not relevant/applicable, inasmuch as the furnace stack, which has been referred to as not conforming to the prescribed height requirements, is non-operational and the furnace has already been dismantled. The said dismantling has already been undertaken, and the Appellant unit is in the process of removing the said furnace from its premises. Photograph showing the dismantled furnace is annexed herewith and marked as ANNEXURE A-6.</i>
2.	<i>Stack attached with electroplating section is not attached with the process and</i>	<i>Electroplating section has been duly connected on 25.02.2026 and is operating in compliance with the applicable requirements.</i>

	<i>electroplating section was found operational on the date of the inspection</i>	<i>Photographs showing the Electroplating section connected with the stack is annexed herewith and marked as ANNEXURE A-7</i>
3.	<i>APCD (wet scrubber) was non-operational</i>	<i>On the date of the inspection by the flying squad, the wet scrubber was temporarily non-functional owing to an unforeseen technical issue. The said issue was rectified forthwith, and the wet scrubber is presently fully operational and compliant with the prevailing environmental norms. The unit of the undersigned can be inspected to ascertain this. aspect.</i>
4.	<i>DG set does not comply with Direction No. 76</i>	<i>Appellant placed an order for the RECD kit on 25.02.2026 with a duly authorized vendor, namely M/s Automoto Genset Sales and Services LLP. Pursuant thereto, the RECD has since been installed and made operational at the premises of the Appellant's unit on 07.03.2026. Purchase order dated 25.02.2026 placed by the Appellant is annexed herewith and marked as ANNEXURE A-8. Invoice dated 07.03.2026 issued by M/s Automoto Genset Sales and Services LLP is annexed herewith and marked as ANNEXURE A-9. Photographs evincing DG sets connected with RECD Kit is annexed herewith and marked as ANNEXURE A-10</i>

6. He has also referred to the photographs enclosed as Annexure-A-7 and A-10 in support of the compliance status which is reflected above.

7. Learned senior counsel further submitted that the Appellant has already submitted the representation dated 23.03.2026 to the CAQM reporting the compliance status and pointing out that the deficiencies have been cured but no action has been taken by the CAQM.

8. Learned counsel appearing for the CAQM has referred to the clause 6 of the impugned order and has submitted that procedure prescribed therein is required to be followed. The clause 6 of the impugned order reads as under:-

“6. For consideration of resumption of operations in the unit, the following needs to be complied with:

- (i) After taking due corrective and preventive measures, in respect of the non-compliances / violations as noted in the closure direction, the project proponent shall report the same to the Regional Officer Faridabad, of the Haryana State Pollution Control Board, also under advise to the headquarter office of the HSPCB.
- (ii) The Regional Officer, HSPCB shall thereafter verify the corrective and preventive measures initiated by the unit / project proponent and submit o report in this context to the HSPCB headquarter office along with a recommendation for levying of EC charges, as per extant. guidelines duly taking cognizance of Standard Schedule for EC charges issued by the Commission vide order dated 01.01.2025 & 05.06.2025.
- (iii) The HSPCB shall review the report of the Regional Officer in this context to ascertain effectiveness of actions initiated for compliance, levy appropriate EC charges on the project/ unit for all categories of violations as noted in this direction and realize the same, from the proponent. A recommendation towards resumption of activities at the site/industrial unit etc. may be made to the Commission by the HQ office of the HSPCB.
- (iv) The Project Proponent shall thereafter also report compliance of all the requisites as above to the Commission, in the form of an affidavit. The Indicative procedure and guidelines for processing of the cases for resumption, including the format for the affidavit may be accessed from the Commission's website www.caqm.nic.in >> Closures/Resumptions >> GUIDELINES FOR RESUMPTION OF OPERATIONS IN CLOSED UNITS.”

9. Having heard the learned counsel appearing for the parties and the perusal of the record. We find that though the action was initiated by the CAQM on the basis of the report of the flying squad reflecting the lapses/deficiencies which were noticed at the time of inspection but once the deficiencies have been cured, the Competent Authority is required to ascertain the status of compliance expeditiously and if it is found that the unit is now complying with all the requisite norms and has cured the deficiencies then the necessary action for restoring the operation of the unit is required to be taken.

10. Learned counsel appearing for the HSCPb further submits that the physical verification of the compliance status can be done within one week

and but it will take about four weeks' time to complete the entire process of imposition of environmental compensation.

11. The impugned order has been passed by the CAQM, therefore, the CAQM also can carry out reinspection of the unit and ascertain if the requisite deficiencies have been cured.

12. Hence, in such circumstance, we dispose of the Appeal directing the CAQM to consider the representation of the Appellant dated 23.03.2026 and verify the compliance status as expeditiously as possible but not later than seven working days from today and if the unit is complying with the norms, the CAQM will also pass necessary order permitting the operation of the unit. The HSPCB will also complete the exercise of imposition of environmental compensation within four weeks and pass necessary order in this regard.

13. It is not in dispute that the closure order has come in operation but learned senior counsel for the Appellant has expressed an apprehension that some further action may be taken on the basis of the closure order, Therefore, parties are directed to maintain *status Quo* existing as on today till the decision of the representation by the CAQM.

14. The Appeal is accordingly disposed of.

15. All the pending IAs also stand disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

March 25, 2026
Appeal No. 36/2026
(I.A. No. 229/2026)
A

Item No. 3

Court No. 1

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

Appeal No. 37/2026
(IA No. 239/2026)

M/S Frick India Ltd.

Appellant

Versus

CAQM In National Capital
Region & Adjoining Areas & Ors.

Respondent(s)

Date of hearing: 27.03.2026

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Appellant: Mr. Raj Panjwani, Senior Advocate, Mr. Apoorv Kurup, Senior Advocate
with Mr. Sourabh Gupta, Mr. Puneet Yadav & Ms. Priya Mittal, Advs. for
Appellant

Respondents: Dr. Abhishek Atrey & Mr. Navneet Gupta, Adv. for R - 1
Mr. Rahul Khurana, Adv. for R - 2 & 4

ORDER

1. By this appeal, the appellant has challenged the order of the CAQM dated 03.03.2026 for closure of the appellant unit under Section 12 (2) (xi) of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021. Learned Senior Counsel for the appellant submits that this appeal has been filed under Section 18 of the CAQM Act, 2021 read with Section 16 of the National Green Tribunal Act, 2010.

2. Learned Senior Counsel has pointed out that the unit of the appellant was inspected on 28.01.2026 and following deficiencies were found by the Flying Squad of the CAQM:

“Whereas, it was reported after the inspection that, only one induction furnace was operational and 2 were under installation, while CTO permits only 1 induction furnace. Further, Wet scrubber was not functional and Stack height installed in the Unit is reported as 7.5 meter while CTO mandates 12-meter stack height.”

3. Learned Senior Counsel has further referred to the Paragraph 5 of the representation dated 11.03.2026 and has submitted that the above deficiencies were duly cured. The tabulated information in respect of removing/curing the deficiency by the appellant is as under:

“The Unit respectfully submits that the corrective measures already implemented and the compliance status is as under:

S.No.	CAQM Observation	Status of Compliance	Proof of Compliance
1.	Wet Scrubber system was not functional and no specific APCD present in the CTO.	Installed and ready for operations.	PO/25-26/17922 dated 04.02.2026 Photos of installed wet scrubber attached, Commissioning Report as A/2, A/4.
2.	The Stack height is mentioned as 7.5 meter in the Stack Emission Report & in the CTO, the stack height mention as 12 meter.	Stack height now at 12 meters	Photos of stack with increased height attached as A/5.
3.	Porthole facility not present in the stack.	Porthole facility installed to the stack	Photos of porthole facility attached as A/6.
4.	Only one induction furnace was operational and 2 were under installation, while CTO permits only 1 induction furnace.	The other two crucibles are yet to be installed and would not be used without obtaining the requisite prior approval form HSPCB	Installation not done and unit agreed to initiate the CTE amendment and then CTO.

4. He has further submitted that the appellant had submitted the representation dated 11.03.2026 to the HSPCB and the representation dated 20.03.2026 to the CAQM reporting the compliance and making a request for resumption of operation of the unit. But no action has been taken till now, in spite of the fact that the inspection was done by the HSPCB on 16.03.2026 and the HSPCB had indicated the environmental compensation accordingly, the appellant had deposited a sum of Rs. 9,64,063/- with the HSPCB towards the EC amount.

5. Learned counsel appearing for the CAQM has submitted that the process which is provided in Clause 6 of the impugned order is required to be followed. Clause 6 of the impugned order states as under:

“6. For consideration of resumption of operations in the unit, the following needs to be complied with:

(i) After taking due corrective and preventive measures, in respect of the non-compliances / violations as noted in the closure direction, the project proponent shall report the same to the Regional Officer Faridabad, of the Haryana State Pollution Control Board, also under advise to the headquarter office of the HSPCB.

(ii) The Regional Officer, HSPCB shall thereafter verify the corrective and preventive measures initiated by the unit / project proponent and submit a report in this context to the HSPCB headquarter office along with a recommendation for levying of EC charges, as per extant guidelines duly taking cognizance of Standard Schedule for EC charges issued by the Commission vide order dated 01.01.2025 & 05.06.2025.

(iii) The HSPCB shall review the report of the Regional Officer in this context to ascertain effectiveness of actions initiated for compliance, levy appropriate EC charges on the project / unit for all categories of violations as noted in this direction and realise the same, from the proponent. A recommendation towards resumption of activities at the site/ industrial unit etc. may be made to the Commission by the HQ office of the HSPCB.

(iv) The Project Proponent shall thereafter also report compliance of all the requisites as above to the Commission, in the form of an affidavit. The indicative procedure and guidelines for processing of the cases for resumption, including the format for the affidavit may be accessed from the Commission's website www.caqm.nic.in >>

Closures/Resumptions >> GUIDELINES FOR RESUMPTION OF OPERATIONS IN CLOSED UNITS.

(v) In exercise of powers of the Commission under Section 14 of the Act, the Member Secretary, HSPCB shall also initiate action for prosecution under section 14 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 against the said unit.”

6. The appellant's stand is that the deficiencies which were pointed out by the CAQM have been cured and the inspection has already been carried out by the HSPCB and the process which is prescribed under Clause 6 of the Order has been initiated. The submission of counsel for the HSPCB is that, about 4 weeks' time will be taken by the HSPCB to finalize the EC proceedings and submit a report with the CAQM.

7. If the unit is complying with the norm, then the interest of justice required that the expeditious action should be taken.

8. Learned counsel appearing for the CAQM submits that the HSPCB has already submitted the inspection report to the CAQM. He submits that the representation which has been filed by the appellant on 20.03.2026 will be considered within 7 working days and appropriate orders of resumption of operation of the appellant unit will be passed if the unit is complying with the norms and has removed the deficiencies.

9. Hence, we dispose of the Appeal directing the CAQM to take appropriate decision on the representation of the appellant dated 20.03.2026 within 7 working days from today, keeping in view the observations made above. The HSPCB will independently carry out the exercise of assessment of the environmental compensation and the said exercise will not come in the way of CAQM in taking a decision within 7 working days.

10. If the need arises, the appellant will be at liberty to approach the Tribunal again.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

March 27, 2026
Appeal No. 37/2026
(IA No. 239/2026)
P




Written Submission in Appeal No.52 of 2026 - M/s Charminar Jointing Pvt. Ltd. Vs. CAQM & Ors.

From Faheem Ahmad <ansari_faheem47@hotmail.com>

Date Tue 4/28/2026 2:29 PM

To dewansh@ksalaw.in <dewansh@ksalaw.in>

 1 attachment (1 MB)

Written Submissions.pdf;

Madam /Sir,

Kindly accept the service in the above subject matter on behalf of CAQM from Dr. Abhishek Atrey Advocate.

Faheem Ahmad

From Office of Dr. Abhishek Atrey, Advocate
Chamber No.D-202, New Additional Building Complex,
Supreme Court of India, New Delhi
Email: abhishekatreya@gmail.com
Mobile No.981004755