



Supreme Court Judgements / Orders

Supreme Court rules that the NGT can issue directions to prevent future damage to the environment

The Director General (Road Development) National Highways Authority of India v. Aam Aadmi Lokmanch & Ors.; Judgment dated 14 July 2020¹

A three judge bench of the Hon'ble Supreme Court of India ("Supreme Court") comprising of Justice Rohinton Fali Nariman, Justice S. Ravindra Bhat and Justice V. Ramasubramanian has held that the National Green Tribunal ("NGT") can pass general directions for appropriate assimilation in relevant rules in order to avoid or prevent injury to the environment. The Supreme Court also observed that NGT's orders, contextually in the course of adjudication, also establish and direct behaviour appropriate for future guidance.

The Supreme Court further observed that NGT's jurisdiction in one sense is a remedial one, based on a reflexive exercise of its powers and in another sense, a preventive one, based on the nature of the abusive practice. The Supreme Court also opined that an inference that NGT has circumscribed jurisdiction to deal with, adjudicate and wherever needed, direct measures such as payment of compensation or make restitutionary directions in cases where the violation are the result of infraction of any enactment listed in the first schedule of the NGT Act, 2010 is not warranted.

Supreme Court directs the Selection Committee to speed up the selection process for filling up of the vacancies in the National Green Tribunal

NGT Bar Association (Western Zone) v. Union of India & Ors.; Order dated 14 August 2020²

While hearing a plea highlighting the large number of vacancies in NGT, a three judge bench of the Supreme Court comprising of Justice AM Khanwilkar, Justice Dinesh Maheshwari and Justice Sajiv Khanna has requested the Selection Committee to expedite the process for filling up of the vacancies in NGT.

After being informed that an advertisement for filling of the nine vacancies towards Judicial Members has already been published and that the process of appointing the Expert Members towards six vacant posts is at an advanced stage, the Supreme Court asked the Selection Committee to expedite the process so that appointment letters can be issued. The Supreme Court further directed that the selection process for Judicial Members to be sped up because the mandate of law is that the strength of Judicial Members and Expert Members should ordinarily be equivalent.

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State of Madhya Pradesh v. Centre for Environment Protection Research and Development & Ors.; Judgement dated 28 August 2020³

A two judge bench of the Supreme Court comprising of Justice Arun Mishra and Justice Indira Banerjee has observed that there is no provision in the NGT Act for seeking deposit of security to secure compliance of an NGT order.

The Supreme Court in this case was hearing an appeal filed by the State of Madhya Pradesh against an NGT Order directing that motor vehicles which are not in compliance with the requirement of displaying a valid Pollution Under Control (PUC) Certificate would suffer the consequence of suspension and / or revocation of their Registration Certificate and would also not be provided with fuel by any dealer or petrol pump. The NGT had further directed the State to make a deposit of INR 250 million with the Registrar of the Tribunal by way of security for compliance with the order.

While partly allowing the appeal, the Supreme Court held that the Tribunal had no power and/or authority and/or jurisdiction to pass orders directing the state government to issue directions to dealers and petrol pumps not to supply fuel to vehicles without PUC Certificate. On the issue of security deposit, the Supreme Court held that the Tribunal had no power and/or authority and/or jurisdiction to direct the Appellant to deposit INR 250 million to secure compliance with its order.

High Court Orders

High Court of Karnataka extends stay on publication of the final Draft EIA Notification, 2020

United Conservation Movement Charitable and Welfare Trust (R) v. Union of India; Order dated 7 September 2020⁴

The High Court of Karnataka extended the operation of its interim order restraining the Central Government from publication of the final version of the Draft Environment Impact Assessment (EIA) Notification, 2020 until further orders.

The Court in this petition was hearing a plea alleging that the Draft EIA Notification has not been given sufficient publicity amid the COVID-19 pandemic. The Hon'ble Court in this case in its last order on 5 August 2020 had restrained the Centre from publishing the final version of the Draft EIA Notification, 2020 till 7 September, 2020.

The Hon'ble Court in the present order had held that, "Rule nisi has been issued under the order dated 5th August 2020 and interim relief has been granted. Thereafter, no further response has been filed by the Government of India. Therefore, the interim order passed on 5th August 2020 will continue to operate till further orders."

National Green Tribunal Orders

NGT directs NTPC, Vindhyachal to deposit INR 100 million towards interim compensation for breach of fly ash dyke

Ashwani Kumar Dubey v. Union of India & Ors.; Order dated 14 July 2020⁵

The NGT has directed National Thermal Power Corporation Ltd. (NTPC), Vindhyachal to deposit an amount of INR 100 million with the State Pollution Control Board towards interim compensation for breach of its fly ash dyke into the Rihand Reservoir. The NGT has further directed development of RCC wall around the plant.

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The NGT order came in furtherance of the ash dyke breach at Essar Power and NTPC, Vindhyachal on 7 August 2019 and 6 October 2019 respectively. The Oversight Committee setup by NGT had observed with regard to NTPC that on account of the breach of its ash dyke, the fly ash had travelled up to the reservoir. The NGT in this present order has further directed undertaking of fly ash disposal in mounds and backfilling of ash in abandoned mines as per the Central Pollution Control Board (CPCB) guidelines. The Tribunal has further directed Anpara TPS and Lanco-Anpara power plants to stop ash pond overflow discharge into Rihand Reservoir.

No general permission for withdrawal of ground water to be granted without Environment Impact Assessment

Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors.; Order dated 20 July 2020⁶

The NGT in this case has passed a slew of directions to check the depleting groundwater level. The Tribunal has held that there must be no general permission for withdrawal of ground water, particularly to any commercial entity, without Environment Impact Assessment (EIA) of such activity on individual assessment units in cumulative terms covering carrying capacity aspects by an expert committee.

The issue under consideration before the Tribunal in this application was to review the status of compliance of directions given by the Hon'ble Supreme Court and NGT to check the depleting groundwater level in the country.

The Tribunal has directed that permission for withdrawal of ground water should be for specified times and for specified quantity of water. Such permission should be based on the Water Management Plans which are to be prepared in terms of this order based on mapping of individual assessment units. The Tribunal has further directed that an annual review by independent and expert evaluation must audit and record ground water levels as well as compliance with the conditions of the permission. Such audits have been asked to be published online for the purpose of transparency and tracking compliance. The Tribunal has also directed that swift action must be taken against those who fail audit, including withdrawal of permission, blacklisting, initiation of prosecution and recovery of deterrent compensation as per CPCB regime.

NGT directs GCGSCL to pay a compensation of INR 6.4 million for the death of Applicant's deceased daughter due to gas leakage

Debasish Banerjee v. West Bengal Pollution Control Board & Ors.; Order dated 29 July 2020⁷

The NGT in this case was adjudicating an application filed by the Applicant for seeking compensation for death of his deceased daughter alleged to have been caused due to suffocation resulting from leakage of gas from the gas line belonging to the Greater Calcutta Gas Supply Corporation Limited (GCGSCL).

The NGT in this case held that the death of the deceased occurred due to severe pollution caused by the leakage in the old pipeline of the GCGSCL through which coal gas was being supplied to consumers. Based on the investigation conducted by the police, the Tribunal further noted that the crack from where the gas had leaked was on account of wear and tear signifying negligence on part of the GCGSCL in maintaining the pipeline. It is pertinent to mention that NGT in this case has held that in cases of civil nature like the present one, it is the principle of preponderance of probability that would be applicable.

It is worth noting that even though the Applicant claimed INR 2 million as compensation, the NGT while taking into account the present case to be a case of claim against unliquidated damage, age of the deceased and prospective bright career of the deceased directed GCGSCL to pay to the Applicant a compensation of INR 6.4 million for the death of Applicant's daughter.

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Baghjan Gas Leak: NGT accepts recommendations of the Committee on the subject of compensation

Bonani Kakkar v. Oil India Limited & Ors. and Wild Life and Environment Conservation Organization v. Union of India & Ors.; Order dated 06 August 2020⁸

These applications highlighted the extent of environmental damage created by the blowout which happened on May 27, 2020 at Baghjan in the Motapung Maguri Beel region of Assam from an oil well controlled by Oil India Limited.

A report was sought from the Committee constituted by NGT regarding various aspects including the cause of gas leak and oil leak and the extent of loss and damage caused to environment. In its preliminary report, the Committee observed damage to environment, individuals, and privately owned property. The Committee recommended a scale of interim compensation for three categories of persons ranging from INR 0.25 million to INR 2.5 million. It is pertinent to mention that the NGT in this order has held that the recommendations of the Committee on the subject of compensation for three categories of victims are accepted with the clarification that the compensation already paid will be taken into account but excluded from the interim compensation recommended by the Committee.

NGT imposes a fine of INR 2862 million on four companies as compensation for environmental damage

Charudatt Koli v. M/s Sea Lord Containers Ltd.; Order dated 13 August 2020⁹

The NGT while hearing an execution application filed for seeking execution of its order dated 18 December 2015 held Hindustan Petroleum Corporation Limited (HPCL), Bharat Petroleum Corporation Limited (BPCL), Aegis Logistics Limited and M/s Sea Lord Containers Limited responsible for the "gas chamber" like conditions in Mumbai's Mahul, Ambapada and Chembur areas. The NGT bench has directed HPCL to pay INR 765 million, BPCL INR 675 million, Aegis INR 1420 million and Sealord Containers INR 2 million respectively as compensation for damage caused.

The NGT had earlier found that there was a threat to the health of the residents due to the deteriorating air quality and had identified the activities of HPCL, BPCL, Aegis Logistics and Sealord Containers as well as other unidentified sources as the probable polluting sources. Major contributors to the air pollution were said to be the logistic services, storing oil, gas and chemical items, as well as oil companies releasing emissions of Volatile Organic Compounds (VOCs) during loading, storage and unloading or handling of hazardous chemicals at various stages. The CPCB had filed a report dated 18 March 2020 before NGT determining the quantum of VOCs emitted by these companies in the course of their operations and arrived at the cost that may be imposed on these companies.

In addition to the fine imposed in this order, the NGT has also appointed a 10 member Joint Committee comprising of two senior nominees of CPCB, representative of Ministry of Environment, Forest and Climate Change (MoEF&CC), State PCB, District Magistrate, Mumbai, NEERI, TISS Mumbai, IIT Mumbai, KEM Hospital, Mumbai and a nominee of Health Secretary, Maharashtra to prepare an action plan for restoration of the areas affected.

NGT upholds Environment Clearance (EC) granted for setting up Bamboo based Ethanol Project

Rohit Choudhary v. Union of India & Ors.; Order dated 18 August 2020¹⁰

The NGT in this case dismissed the appeal preferred by the appellant against the grant of Environmental Clearance (EC) for setting up Bamboo based Ethanol Project in Assam by M/s. Numaligarh Refinery Ltd. The main contention raised on behalf of the appellant is that the

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project in question was within the 'no development zone' in terms of Notification dated 05.07.1996.

The Tribunal in this order held that the Notification dated 05.07.1996 does not place absolute prohibition for setting up or expansion of industrial activities. The Tribunal pointed out that such activities must not result in any pollution or congestion.

While expressing its inability to accept the plea of the Appellant, the Tribunal observed that the project in question is for substituting fossil fuel by generation of renewable green fuel. It observed that EC had been granted after due consideration and does not suffer from any illegality on that count. The Expert Appraisal Committee (EAC) had also duly examined the aspect of potential of air pollution and consumption of water.

Sewage treatment and consents under Water Act and Air Act required by hotels

Pramod Kumar Agarwal v. Uttarakhand Environment Protection and Pollution Control Board with M/s Sushila Touring Hotel v. Uttarakhand Environment Protection and Pollution Control Board; Order dated 24 August 2020¹¹

The NGT in this case has held that the regulatory framework comprising of Water (Prevention and Control of Pollution) Act, 1974 (the 'Water Act') and Air (Prevention and Control of Pollution) Act, 1981 (the 'Air Act') is applicable to the Appellants for running hotels in areas where polluted water and air generation potential are not ruled out.

The case before the Tribunal was that the Appellants had challenged the orders of the Uttarakhand Environment Protection and Pollution Control Board requiring the Appellants to make arrangement for sewage treatment and for taking consent to operate under the Water Act and the Air Act.

While adjudicating this case, the Tribunal observed that section 26 of the Water Act applies to an establishment set up prior to 1974. The Tribunal further observed that the Water Act and the Air Act have been enacted in the furtherance of the international conventions requiring the prevention and control of water pollution and air pollution.

NGT directs CPCB to lay down guidelines for disposal of cigarette / bidi butts

Doctors For You vs. MoEF&CC & Ors.; Order dated 09 September 2020¹²

The NGT through this order directed the CPCB to lay down guidelines for disposal of cigarette / bidi butts within three months in the interest of environment.

While passing this order, NGT has taken cognizance of the report of the study conducted by the Indian Institute of Toxicology Research (IITR) on the query of whether cigarette and bidi butts fall within the category of toxic waste or not.

NGT directs stoppage of construction due to absence of environmental clearance

R. K. Singh v. Union of India & Ors.; Order dated 09 September 2020¹³

The NGT has directed that all ongoing constructions in Jharkhand undertaken without obtaining prior environmental clearance (EC) to be stopped and further directed that since violations were being committed under the gaze of the concerned authorities, disciplinary proceedings are to be initiated against the concerned Officers, the Municipal Commissioners and the State PCB at the earliest.

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The bench was hearing an application alleging that the construction of various buildings in the cities of Ranchi, Jamshedpur, Bokaro and Deoghar was being carried out without obtaining mandatory prior EC under the EIA Notification, 2006. Application made a specific mention of the Jharkhand High Court Building and Jharkhand Vidhan Sabha. In this case, the status report filed by the State of Jharkhand revealed that as many as 35 major structures have been constructed without obtaining prior EC.

The NGT has further directed that the State Government through the Urban Development Department shall ensure that EIA is undertaken in respect of all the structures which have been raised in the municipal areas expeditiously in accordance with the procedure laid down in the EIA Notification, 2006. The NGT has also directed that environmental compensation shall be assessed in respect of all the structures which have been raised without EC and shall be recovered from the appropriate authorities / persons / builders / project proponent (as the case maybe) within a period of three months.

NGT directs CPCB to consider audit and recovery of compensation from companies for violation of law relating to plastic waste management

Aditya Dubey (Minor) vs. Amazon Retail India Private Limited & Ors. with Aditya Dubey (Minor) through his Legal Guardian & Anr vs. Coca-Cola India Pvt. Ltd. (CC IPL) & Ors.; Order dated 10 September 2020¹⁴

While hearing two applications regarding violation of the Plastic Waste Management Rules, 2016 by certain companies such as Amazon, Flipkart and others, the NGT in this order has asked CPCB to consider ordering environmental audit against the concerned entities. In addition to the aforementioned environmental audit, NGT has also asked CPCB to consider assessing and recovering compensation for violation of environmental norms from the concerned entities.

These applications sought enforcement of the 'Extended Producer Responsibility' under the Plastic Waste Management Rules, 2016. The main allegation against Amazon and Flipkart in this case is that they use excessive plastic packaging material without complying with the statutory requirements. Other companies such as Coca Cola, PepsiCo, Bisleri, Parle, Himalayan Water and Indian Railways Catering & Tourism have also been made parties in this matter as it has been alleged that they have been violating the statutory requirements.

NGT sets aside the order of Pollution Control Committee (PCC) to refuse consent to operate to a 'green category' industry

M/s Platinum AAC Blocks Pvt. Ltd. v. Pollution Control Committee & Ors.; Order dated 14 September 2020¹⁵

An appeal had been preferred against the impugned order passed by the Pollution Control Committee (PCC) Daman Diu and Dadra, Nagar Haveli which held that as per the existing notification applicable to Dadra and Nagar Haveli, fly ash export, transport and disposal facility falls under the banned category and manufacturing of Autoclaved Aerated Concrete using fly ash is not allowed to be established.

The Appellant's unit is engaged in transporting fly ash and manufacturing fly ash bricks using fuel. Against an identical order when the Tribunal was earlier approached by the Appellant, the Tribunal had sought an expert report from the Joint Committee of the CPCB and the PCC. The Joint Committee had concluded that 'fly ash export, transport and disposal facility' falls under 'green category' and 'fly ash bricks / blocks manufacturing using fuel' also falls under 'green category'. Subsequently, the Tribunal directed that any consideration about grant of consent to the said unit of the Applicant may be viewed based on harmonization of industries by PCC.

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While allowing the appeal and setting aside the impugned order passed by the PCC, the Tribunal observed that the impugned action of PCC of not permitting an environmental friendly activity to start is against the mandate of environmental protection. The NGT has also asked the Advisor to the Union Territory of Daman Diu and Dadra Nagar Haveli to consider remedial action against the erring officer of the PCC for passing such patently absurd order, overreaching the orders of this Tribunal and against the interest of the environment.

NGT orders nationwide compliance with Plastic Waste Management Rules, 2016

Central Pollution Control Board v. State of Andaman & Nicobar & Ors.; Order dated 10 September 2020¹⁶

The NGT has directed the Chairman and Member Secretary, CPCB to hold periodic meetings by video conferencing with the Chairmen and Member Secretaries of all the State Boards/ Committees on the subject of plastic waste management to work out enforcement strategies, including action plans in all the districts, involving educational, religious and other institutions in the interest of public health and protection of environment.

The issue for consideration before the NGT in this case is the implementation of Plastic Waste Management Rules, 2016 (PWM Rules) and directions issued by the CPCB on 30 June 2016 to implement the thickness norms for carry bags, constitution of squads for vigilance, preventing littering of plastic waste in public, submission of annual reports and action plan for management, quantification and characterization in every city/town of all the States/UTs.

The NGT in its present order has also directed that at least one district in every state should be made a model for compliance of PWM Rules in the first instance and thereafter, the entire state should be made compliant.

Regulatory and Policy Developments

India's second Voluntary National Review at the United Nations High-Level Political Forum; 13 July, 2020

NITI Aayog on 13 July, 2020 has presented India's second Voluntary National Review (VNR) at the United Nations High-level Political Forum (HLPF) on Sustainable Development, 2020. The India VNR 2020 report has been titled as 'Decade of Action: Taking SDGs from Global to Local'.

The VNR report presents a comprehensive account of the adoption and implementation of the 2030 Agenda in India. In addition to presenting a review of progress on the 17 Sustainable Development Goals (SDGs), the report also deliberates on the policy and enabling environment and India's approach to localising SDGs and strengthening means of implementation. The segment on business integration in the report highlights the significant role businesses and the private sector are envisioned to have in the decade of action.

Extension of timelines for filing annual returns and annual reports by stakeholders under the E-Waste (Management) Rules, 2016; 13 July, 2020

MoEF&CC has vide an Office Memorandum (OM) dated 13 July 2020 revised the timelines for submission of annual returns and annual reports for the financial year 2019-20. The revised timelines are as follows:

- Submission of annual returns in Form 3 by all stakeholders is extended from 30 June 2020 to 31 August 2020;
- Submission of annual report with regard to implementation of the rules by SPCBs/PCCs to CPCB is extended from 30 September 2020 to 30 November 2020; and

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- Submission of consolidated annual review report on management of e-waste by CPCB to the MoEF&CC is extended from 30 December 2020 to 28 February 2021

MoEF&CC accords approval to Zonal Master Plan of Bhagirathi Eco-Sensitive Zone; 16 July, 2020

The Zonal Master Plan (ZMP) prepared by the Government of Uttarakhand and appraised by the Ministry of Jal Shakti, has been accorded approval by the MoEF&CC on 16th July, 2020. The Bhagirathi Eco-Sensitive Zone notification mandated the State Government of Uttarakhand to prepare Zonal Master Plan (ZMP) for being implemented under the supervision of the Monitoring Committee.

This approval by MoEF&CC will allow developmental activities permitted under ZMP to be undertaken while also boosting the conservation and ecology of the area. This approval will also result in faster execution of the Char Dhaam Project.

MCA releases Report of the Committee on Business Responsibility Reporting; 11 August, 2020

The Ministry of Corporate Affairs (MCA) on 11 August, 2020 has released the Report of the Committee on Business Responsibility Reporting (BRR). In November, 2018 this Committee was constituted by MCA for finalizing Business Responsibility Reporting (BRR) format for listed and unlisted companies.

Top 1000 listed companies by market capitalisation have been mandated by the Securities and Exchange Board of India (SEBI) to make disclosures on business responsibility and sustainability indicators contained in the National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business (NVGs) through BRR. The updated NVGs were released in March 2019 as the National Guidelines for Responsible Business Conduct (NGRBC).

The Committee for finalizing BRR format for listed and unlisted companies comprised of members from SEBI, MCA, three professional institutes and two eminent professionals who had worked on developing the NGRBCs. The Committee examined the NGRBC-BRR framework to build the proposed formats.

The Recommendations of the Committee were as follows:

1. BRR be called the Business Responsibility and Sustainability Report (BRSR). The Committee proposes two formats for disclosures: a comprehensive format and a Lite version.
2. The execution of reporting requirement should be done in phases.
3. The Committee recommends integration of BRS Reporting with reporting under the Companies Act, 2013 on the MCA21 portal preferably in XBRL formats.

Establishment of 19 Integrated Regional Offices of MoEF&CC; 18 August, 2020

MoEF&CC has approved establishment of its 19 Integrated Regional Offices (IROs). This news was conveyed through a PIB press release dated 18 August, 2020. The IROs are expected to start functioning from 01 October 2020. The intention behind establishing these IROs is to achieve the mandates of MoEF&CC in an improved, timely and effective manner.

Each IRO shall have representation from existing Regional Office / Regional Centre of MoEF&CC, Forest Survey of India (FSI), National Tiger Conservation Authority (NTCA), Central Zoo Authority (CZA) and Wildlife Crime Control Bureau (WCCB). The head of each IRO will be called "Regional Officer" of MoEF&CC and each of the IROs shall work as an integrated regional unit of the MoEF&CC.

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Amendment in the Companies CSR Rules, 2014 and Schedule VII of the Companies Act, 2013; 24 August, 2020

The Central Government vide a notification dated 24 August 2020 has amended the Companies (Corporate Social Responsibility Policy) Rules, 2014. The major change brought about by this amendment is that it has inserted a proviso to Rule 2(1)(e) of the existing Rules which states that, any company engaged in research and development activity of new vaccine, drugs and medical devices in their normal course of business may undertake research and development activity of new vaccine, drugs and medical devices related to COVID-19 for financial years 2020-21, 2021-22 and 2022-23, subject to the conditions that –

- (i) such research and development activities shall be carried out in collaboration with any of the institutes or organisations mentioned in item (ix) of Schedule VII to the Act.
- (ii) details of such activity shall be disclosed separately in the Annual Report on CSR included in the Board's Report.

The Central Government has amended the item (ix) of Schedule VII of the Companies Act, 2013 to include:

- (i) contribution to incubators or research and development projects in the field of science, technology, engineering and medicine, funded by the Central Government or State Government or Public Sector Undertaking or any agency of the Central Government or State Government; and
- (ii) contributions to the Department of Pharmaceuticals; Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH);

Standard Operating Procedure (SOP) for Issuing Certificate to Manufacturers / Sellers of Compostable Plastic Carry Bags / Products; 10 September, 2020

As per the Rule 4(h) of the Plastic Waste Management (PWM) Rules, 2016, the manufacturers or sellers of compostable plastic carry bags have to obtain certificate from the CPCB before marketing or selling them.

CPCB on 10 September, 2020 has released the revised Standard Operating Procedure (SOP) to facilitate easy filing, uniformity in scrutiny and for maintaining transparency in issuance of certificate in accordance with Rule 4(h) of the PWM Rules, 2016. The said SOP is applicable to all the applications received after the date of issue of the current SOP. The certificates which have been issued by CPCB before issuance of current SOP shall be reviewed as per provisions of the present SOP within a period of three months from the date of issue of the current SOP and necessary action as required shall be taken by the manufacturer / SPCB / PCC / CPCB.

Climate Smart Cities Assessment Framework (CSCAF) 2.0; 11 September, 2020

Government of India on 11 September, 2020 launched Climate Smart Cities Assessment Framework (CSCAF) 2.0. The objective behind launching CSCAF is to provide a roadmap for cities for combating climate change while planning and implementing their actions, including investments. CSCAF initiative aims to inculcate a climate-sensitive approach to urban planning and development.

There are 28 indicators in CSCAF across five categories namely;

- (i) Energy and Green Buildings
- (ii) Urban Planning, Green Cover & Biodiversity
- (iii) Mobility and Air Quality
- (iv) Water Management
- (v) Waste Management.

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Restrictions pertaining to conducting public hearing during the COVID-19 pandemic; 14 September, 2020

Public Consultation is mandated and an integral part of the Environmental Clearance process under the EIA Notification, 2006.

Ministry of Home Affairs (MHA) has imposed certain restrictions on public gathering due to COVID-19. However, as per a MHA Order bearing no. 40-3/2020-DM-I(A) dated 29 August 2020 certain functions and other congregations have been permitted with effect from 21 September 2020 subject to a ceiling of 100 persons.

The MoEF&CC has issued an Office Memorandum (OM) dated 14 September 2020 directing that the public hearing may be carried out in accordance with the above mentioned Order of MHA. In addition to the aforementioned Order, the OM by MoEF&CC also lays down certain guidelines which are to be taken into account while carrying out the public hearing.

Special Report on Sustainable Recovery Post Covid-19; 18 September, 2020

On 18 September 2020, International Energy Agency (IEA), in collaboration with NITI Aayog, launched a 'Special Report on Sustainable Recovery'.

This report is the part of IEA's flagship World Energy Outlook series. The report suggests actions that may be taken over the next three years to rejuvenate economies and boost employment while making energy systems cleaner and more resilient.

This report details energy-focused policies and investments that could help improve economic growth, create jobs and put emissions into structural decline. The report mentions electricity, transportation, buildings, industry and sustainable biofuels and innovations as key sectors for creating jobs.

MoRTH notifies standards for safety evaluation of Hydrogen Fuel cells based vehicles; 23 September, 2020

The Ministry of Road Transport and Highways (MoRTH) on 23 September, 2020 has notified the standards for safety evaluation of Hydrogen Fuel cells based vehicles through an amendment to Central Motor Vehicles Rules, 1989.

Hydrogen Fuel Cell based vehicles are energy efficient and environment friendly and these standards are aimed at promoting such vehicles in India.

NITI Aayog and Embassy of the Netherlands sign Statement of Intent to support decarbonisation and energy transition agenda; 28 September, 2020

NITI Aayog and Embassy of the Netherlands, New Delhi on 28 September 2020 have signed a Statement of Intent (Sol) to support the decarbonisation and energy transition agenda for accommodating cleaner energy.

Through this collaboration, NITI Aayog and the Dutch Embassy aim to achieve a strategic partnership to provide a platform that enables a collaboration among stakeholders and influencers, including policymakers, industry bodies, original equipment manufacturers, private enterprises and sector experts.

Key elements of this partnership are:

- (i) to lower the net carbon footprint in industrial and transport sectors;
- (ii) realise the target potential of natural gas and promote bio-energy technologies;
- (iii) adopt clean air technologies from monitoring to reducing actual particulates;

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- (iv) adopt next-generation technologies like hydrogen, carbon capture utilization and storage for sectoral energy efficiency; and
- (v) create financial frameworks to deliver and adopt climate change finance.

Endnotes

- 1 Civil Appeal No. 6932/2015
- 2 Writ Petition(Civil) No. 1235/2017
- 3 Civil Appeal Nos. 8932-8933/2015
- 4 Writ Petition 8632/2020
- 5 Original Application No. 164/2018
- 6 Original Application No. 176/2015
- 7 Original Application No. 35/2016/EZ
- 8 Original Application No. 43/2020(EZ) and Original Application No. 44/2020(EZ)
- 9 Execution Application No. 05/2018 in Original Application No. 40/2014.
- 10 Appeal No. 11/2018
- 11 Appeal No. 20/2020 with Appeal No. 21/2020
- 12 Original Application No. 433/2015
- 13 Original Application No. 45/2019/EZ
- 14 Original Application No. 997/2019 with Original Application No. 28/2020
- 15 Appeal No. 08/2020
- 16 Execution Application No. 13/2019 in Original Application No. 247/2017

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