



Supreme Court Judgements / Orders

Supreme Court issues notice in a matter challenging the NGT order directing removal of encroachments in ‘forest alike areas’ in Maharashtra without MoEF&CC approval

Jamshid Kersi Dalal v. Union of India & Ors.; Order dated 8 February 2021¹

A two judge bench of the Hon’ble Supreme Court comprising of Justice L. Nageswara Rao and Justice S. Ravindra Bhat has issued notice in a matter challenging an order of the National Green Tribunal (“NGT”) which had directed the Collector and Forest Department to remove encroachments found in ‘forest alike areas’ in Mahabaleshwar and Panchgani region in Maharashtra without approval of the Ministry of Environment, Forest and Climate Change (“MoEF&CC”). Through this order, the Supreme Court has also directed that no coercive steps be taken against the appellant in the interim.

According to the appellant, the impugned order which directed authorities to proceed for removal of encroachments with no prior approval of the MoEF&CC is contrary to the principles of natural justice as the appellant and such other similarly placed agriculturalists will be deprived of the rightful possession of their lands in violation of the procedure established by law.

Supreme Court directs that no coercive steps be taken against the appellant as no opportunity granted to respond to expert committee findings

Government of NCT of Delhi v. All India Loka Adhikar Sangathan & Ors.; Order dated 10 February 2021²

A two judge bench of the Supreme Court comprising of Justice D.Y. Chandrachud and Justice M.R. Shah has granted liberty to the Government of NCT of Delhi / appellant to move to the NGT by way of review and further held that should the appellant file an application for review before the NGT within a period of three weeks from the date of this order, no coercive steps shall be taken against them to enforce the impugned order of the NGT which directed them to deposit the balance of INR 460 million until the review petition is disposed of by the NGT.

These appeal has arisen from a judgment of the NGT dated 21.07.2020 by which, *inter alia*, the appellant has been directed to deposit an amount of INR 460 million with the Central Pollution Control Board (“CPCB”), in addition to an amount of INR 150 million which was deposited in pursuance of an order of the NGT dated 21.07.2020.

The principal submission raised by the appellant in this appeal is that there was a breach of the principles of natural justice by the NGT in passing the impugned order just a day after the report of the Expert Committee was uploaded on the NGT website without furnishing an opportunity of controverting its contents.

Supreme Court directs MoEF&CC to conduct an EIA on a proposal pertaining to collection of stone and boulders from the river bed system in Himachal Pradesh

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

Supreme Court issues notice in a matter challenging the NGT order directing removal of encroachments in ‘forest alike areas’ in Maharashtra without MoEF&CC approval

Supreme Court directs that no coercive steps be taken against the appellant as no opportunity granted to respond to expert committee findings

Supreme Court directs MoEF&CC to conduct an EIA on a proposal pertaining to collection of stone and boulders from the river bed system in Himachal Pradesh

Supreme Court issues notice to the Centre in an appeal filed against UltraTech Cement’s limestone mining project

HIGH COURT JUDGEMENTS / ORDERS

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

REGULATORY AND POLICY DEVELOPMENTS



In Re: T.N. Godavarman Thirumulpad v. Union of India and Ors. ; Order dated 10 February 2021³

A three judge bench of the Supreme Court comprising of the Chief Justice S.A. Bobde, Justice A.S. Bopanna and Justice V. Ramasubramanian has directed the MoEF&CC to conduct an environmental impact assessment (“EIA”) of the proposal pertaining to collection of stones and boulders from the river bed system and specifically form an opinion as to whether the permission, if granted, will have any adverse impact on the environment in the short term as well as in the long run.

This direction came in furtherance of an application filed on behalf of M/s. Paras Stone Crusher for permission to collect stones and boulders which can be seen at the proposed site in accordance with the prescribed rules and regulations. As per this order, the cost of the EIA will be borne by the applicant.

Supreme Court issues notice to the Centre in an appeal filed against UltraTech Cement’s limestone mining project

Gabhabhai Devabhai Chauhan & Ors. v. Union Of India & Ors.; Order dated 26 February 2021⁴

A two judge bench of the Supreme Court comprising of Justice D.Y. Chandrachud and Justice M.R. Shah has issued notices in an appeal filed before the Supreme Court challenging an NGT order which had dismissed a plea against grant of environmental clearance (“EC”) for a limestone mining project of UltraTech Cement in Bhavnagar district in Gujarat.

The NGT after taking into account that the public notice was duly issued through the concerned statutory authorities and the panchayats in the area supported the project had dismissed the plea filed by the appellants through an order dated 24.09.2020.

The appellants in their appeal however submitted before the Supreme Court that the impugned order of NGT demonstrates that there was no independent application of mind or reasoning with respect to the objections raised by the appellants to the grant of the EC.

High Court Judgements / Orders

Karnataka High Court asks State government to inform about survey of all quarries

Samaja Parivarthana Samithi (R) v. State of Karnataka; Order dated 3 February 2021⁵

A two judge bench of the Karnataka High Court comprising of the Chief Justice and Justice Sachin Shankar Magadum have directed the State Government to inform whether any direction has been issued to carry out survey of all quarries in the State in a phased manner and whether any steps for determination of lease/licenses has been taken by the State Government during the year 2020.

This direction has been passed by the Court while adjudicating upon a writ petition pertaining to illegal quarrying being undertaken in the State. This Court through its earlier order dated 08.12.2020 had observed that it is the duty of the State Government and the State Pollution Control Board (“SPCB”) to take immediate

action for preventing illegal quarrying or illegal stone crushing. After making this observation, the Court had directed the State Government and the SPCB to set up a grievance redressal mechanism so that citizens can make complaints by taking recourse to the said mechanism which will ensure that the complaints are immediately attended to and necessary action is initiated against the wrong doers.

Chairman, UPPCB directed to file personal affidavit in a river pollution matter

Re: Ganga Pollution v. State of U.P. and Others; Order dated 9 February 2021⁶

After being informed about the large quantity of untreated water still flowing into the rivers and also about the issue of plastic waste choking the sewer lines, the Allahabad High Court directed the Chairman, Uttar Pradesh Pollution Control Board (“UPPCB”) to file his personal affidavit, making the following disclosures:

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

Supreme Court issues notice in a matter challenging the NGT order directing removal of encroachments in ‘forest alike areas’ in Maharashtra without MoEF&CC approval

Supreme Court directs that no coercive steps be taken against the appellant as no opportunity granted to respond to expert committee findings

Supreme Court directs MoEF&CC to conduct an EIA on a proposal pertaining to collection of stone and boulders from the river bed system in Himachal Pradesh

Supreme Court issues notice to the Centre in an appeal filed against UltraTech Cement’s limestone mining project

HIGH COURT JUDGEMENTS / ORDERS

Karnataka High Court asks State government to inform about survey of all quarries

Chairman, UPPCB directed to file personal affidavit in a river pollution matter

The High Court of Kerala quashes the impugned Government orders to the extent that they ban compostable plastic carry bags

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS REGULATORY DEVELOPMENTS AND POLICY



- (a) The interval at which water samples are taken for testing. It shall clearly be specified whether any water sample is taken after sunset and before sunrise. In this regard, the extract of relevant records maintained by the Board in last three months shall be brought on record.
- (b) The procedure being followed by the Board to monitor discharge of effluents from sewage treatment plants ("STPs") during night time.
- (c) Whether the effluents are tested on the parameters laid down by the CPCB. The relevant records relating to testing of effluents from sewage treatment plants of last three months shall be brought on record.
- (d) The relevant records relating to monitoring of the effluents from untapped nallas that are allegedly being treated through the process of bio-remediation shall also be filed. The affidavit shall disclose the mode of monitoring the water discharge from such drains and whether the same meets the laid down standards or not.

The Court has further directed the Nagar Ayukt, Nagar Nigam, Prayagraj and the Officer In-charge, Magh Mela, Prayagraj to file their personal affidavits disclosing further action taken by them in the meantime for ensuring compliance of the ban imposed by the State Government on use of plastic bags of thickness less than 50 microns. The Allahabad High Court in an earlier hearing had sought responses from authorities in the State of Uttar Pradesh with respect to protection of river Ganga and the steps taken by them to ensure non-deterioration of water quality of the river.

National Green Tribunal Judgements / Orders

NGT directs MoEF&CC to initiate steps to ensure quarterly compliance monitoring for EC conditions of red category industries

Sandeep Mittal v. Ministry of Environment, Forests & Climate Change & Ors.; Order dated 1 February 2021⁸

The NGT has directed that the MoEF&CC needs to take urgent measures to revamp the monitoring mechanism in a time bound manner so as to ensure monitoring of

The High Court of Kerala quashes the impugned Government orders to the extent that they ban compostable plastic carry bags

Dr. Vasundhara Menon And Anr. v. The Union of India & Ors.; Judgment dated 16 February 2021⁷

The High Court of Kerala has allowed writ petitions by quashing the impugned Government orders to the extent that they include compostable plastic carry bags within the purview of the ban on single-use plastic / one-time use plastic in the State of Kerala.

The petitioners in these writ petitions are engaged either in the manufacture or distribution or both, of 'compostable carry bags' in the State. The issue in these writ petitions was the legality of the impugned Government orders that include the products dealt with by the petitioners within the purview of the ban on single-use plastic.

While allowing the writ petitions, the Court held that the decision of the Government to include compostable plastic carry bags within the purview of the ban order in respect of single-use plastic articles cannot be legally sustained. The Court held that to impose restrictions on fundamental rights, the State Government would need to have cogent material that would support an inference of overwhelming use of fake composite plastic carry bags in the State. It cannot act on mere conjectures and surmises, unsubstantiated by empirical evidence.

compliance of EC conditions of at least 'red' category industries, not less than once in a quarter. The Tribunal has further held that the MoEF&CC may give due attention for proper constitution of District Environment Impact Assessment Authorities ("DEIAAs") in the states to ensure the projects of category 'B' and 'B-1' are properly scrutinized. The CPCB and the SPCBs/Pollution Control Committees ("PCCs") may also take measures to conduct monitoring of EC conditions at their level at least once every quarter for all 'red' category units, which may also be looked into by the

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

HIGH COURT JUDGEMENTS / ORDERS

Karnataka High Court asks State government to inform about survey of all quarries

Chairman, UPPCB directed to file personal affidavit in a river pollution matter

The High Court of Kerala quashes the impugned Government orders to the extent that they ban compostable plastic carry bags

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

NGT directs MoEF&CC to initiate steps to ensure quarterly compliance monitoring for EC conditions of red category industries

NGT stays the operation of the NOC granted to a proposed petrol pump site

Mechanism to be evolved for ensuring companies that deal with hazardous substance forthwith pay compensation for deaths and injuries

NGT seeks action taken report on the issue of diversion of forest land to IOCL

NGT forms a Joint Committee to look into the allegation against industries regarding manufacturing of formaldehyde and its different resins without requisite EC

NGT constitutes an Expert Committee to look into the Rourkela Steel Plant gas leak matter

NGT holds that State of Andhra Pradesh is not entitled to proceed with the Rayalaseema Lift Scheme (RLS) project

NGT forms committee to secure facts related to the firecracker factory blast in Tamil Nadu

NGT upholds the UKPCB order requiring NTPC Ltd. to pay INR 5.79 million

In the Baghjan oil well incident NGT observes that OIL cannot disown its responsibility by shifting the blame on the contractor

NGT directs APPCB to pay INR 0.1 million to the applicant to meet the litigation costs

NGT direct formation of a six member Joint Committee to probe quarry blast

REGULATORY AND POLICY DEVELOPMENTS



Chief Secretaries of the all States/Union Territories (“UTs”).

These directions were passed during a hearing where the question for consideration before the Tribunal was the steps to be taken for effectiveness of monitoring mechanism for compliance of conditions of EC as per the EIA Notification dated 14.09.2006 under the Environment (Protection) Act, 1986.

NGT stays the operation of the NOC granted to a proposed petrol pump site

Deepak Sharma v. State of Uttarakhand & Ors.; Order dated 1 February 2021⁹

The NGT while dealing with a matter pertaining to the approval granted to a proposed petrol pump at a village in Haridwar district in violation of the CPCB Guidelines dated 07.01.2020 has observed that the petrol pump needs to be considered as an isolated storage under the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (“MSIHC Rules, 1989”) and therefore would require due onsite and offsite emergency management plans.

While observing that the petrol pump under consideration is yet to be set up, the Tribunal remarked that it is desirable that laid down safety measures are followed which may also include installation of vapour recovery systems and monitoring of volatile organic compounds (“VOCs”) in the work zone as well as in ambient air.

After prima facie finding that the location of the petrol pump is in violation of the CPCB Guidelines, the Tribunal through the instant order has constituted a Joint Committee comprising of the concerned authorities to take a final view in the matter and further directed that till the decision of the Joint Committee, the no objection certificate (“NOC”) in question will not operate.

Mechanism to be evolved for ensuring companies that deal with hazardous substance forthwith pay compensation for deaths and injuries

Aryavart Foundation through its President

v. Yashyashvi Rasayan Pvt. Ltd. & Anr.; Order dated 3 February 2021¹⁰

The NGT in a recent order has directed the Chief Secretaries of all the States/UTs to evolve a mechanism to ensure that the companies dealing with hazardous substance must forthwith pay compensation for deaths and injuries to the victims as per Workmen Compensation Act, 1923 wherever applicable or as per the principle of restitution to the victims either directly or through the District Magistrate.

The Tribunal in this case was dealing with proceedings pertaining to a massive blast which took place in a chemical factory on 03.06.2020 at Dahej, District Bharuch, Gujarat. The Tribunal in its instant order while observing that most of the accidents are a result of non-compliance of laid down safety norms under the MSIHC Rules, 1989 and the Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996, opined that there is a need for the establishments handling hazardous chemicals to strictly follow the laid down norms which needs to be overseen by the statutory regulators.

In the instant order, the Tribunal has further directed that safety audits of all establishments having potential for such accidents may be ensured and further directed that all States/UTs may also ensure availability of healthcare facilities in the vicinity of such establishments.

NGT seeks action taken report on the issue of diversion of forest land to IOCL

Manav Awaaj Trust through its Trustee Shri Abhay Jain v. Union of India & Ors.; Order dated 9 February 2021¹¹

The Tribunal has directed the Deputy Commissioner, Gurgaon and the Divisional Forest Officer, Gurgaon to file an action taken report jointly within two months regarding the issue of diversion of forest land to Indian Oil Corporation Limited (“IOCL”) for setting up of a retail outlet of IOCL.

The Forest Department vide letter dated 29.07.2020 pointed out to the Deputy Commissioner, Gurgaon that the site in question was part of forest and in terms of the decision of the Supreme Court, it cannot be used for non-forest purposes. Before the Tribunal, the

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

HIGH COURT JUDGEMENTS / ORDERS

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

NGT directs MoEF&CC to initiate steps to ensure quarterly compliance monitoring for EC conditions of red category industries

NGT stays the operation of the NOC granted to a proposed petrol pump site

Mechanism to be evolved for ensuring companies that deal with hazardous substance forthwith pay compensation for deaths and injuries

NGT seeks action taken report on the issue of diversion of forest land to IOCL

NGT forms a Joint Committee to look into the allegation against industries regarding manufacturing of formaldehyde and its different resins without requisite EC

NGT constitutes an Expert Committee to look into the Rourkela Steel Plant gas leak matter

NGT holds that State of Andhra Pradesh is not entitled to proceed with the Rayalaseema Lift Scheme (RLS) project

NGT forms committee to secure facts related to the firecracker factory blast in Tamil Nadu

NGT upholds the UKPCB order requiring NTPC Ltd. to pay INR 5.79 million

In the Baghjan oil well incident NGT observes that OIL cannot disown its responsibility by shifting the blame on the contractor

NGT directs APPCB to pay INR 0.1 million to the applicant to meet the litigation costs

NGT direct formation of a six member Joint Committee to probe quarry blast

REGULATORY AND POLICY DEVELOPMENTS



applicant has relied upon order of the Punjab and Haryana High Court dated 13.02.2020 which prohibited any construction activity in forest land in view of the judgment of the Supreme Court in *M.C. Mehta vs. Union of India & Ors.* [(2018) 18 SCC 397].

NGT forms a Joint Committee to look into the allegation against industries regarding manufacturing of formaldehyde and its different resins without requisite EC

National Integrated Forum for Artists and Activists v. Central Ground Water Authority & Ors.; Order dated 9 February 2021¹²

While hearing an application highlighting the issue of manufacturing of formaldehyde and its different resins by industries without requisite EC in State of Haryana, the Tribunal has deemed it necessary to require a Joint Committee of CPCB and the SPCB to look into the matter and give a report to this Tribunal.

It has been further alleged in this application that said industrial activity is being undertaken without requisite safeguards as prescribed under the MSIHC Rules, 1989.

Through the present order, the Tribunal has directed the SPCB to take appropriate legal action, in exercise of its statutory powers, following due process of law, if the units are found to be operating illegally, and file an action taken report.

NGT constitutes an Expert Committee to look into the Rourkela Steel Plant gas leak matter

In re: News item published in The Indian Express dated 07.01.2021 titled "Four workers dead due to toxic gas leak in Rourkela Steel Plant"; Order dated 11 February 2021¹³

While adjudicating the case pertaining to the gas leak at the Rourkela Steel Plant, the Tribunal has directed for constitution of an Expert Committee comprising of the MoEF&CC, CPCB and the SPCB representatives. The Committee may co-opt two other industrial safety experts. The Committee may consider the failures leading to the incident, if any, after visit to the site and considering

the viewpoint of all stakeholders, particularly compliance with the requirement of onsite and offsite emergency plans and conducting mock drills.

The question for consideration before the Tribunal in this case was relief and compensation to the victims of accident causing toxic gas leak while handling hazardous substances in Rourkela Steel Plant, Orissa, on 06.01.2021 and remedial measures to avoid such incidents in future, by ensuring compliance of safety norms under the Environment (Protection) Act, 1986 and rules framed thereunder. Proceedings in the matter had been initiated on the basis of media report published in 'The Indian Express'.

In this order, the Tribunal has observed that liability to pay compensation for an entity engaged in hazardous activity is absolute as per the law laid down in the *M.C. Mehta case* [(1987) 1 SCC 395] and further observed that such liability has to be as per the restitution principle though deterrent compensation can be awarded, depending on a fact situation.

NGT holds that State of Andhra Pradesh is not entitled to proceed with the Rayalaseema Lift Scheme (RLS) project

Gavinolla Srinivas v. Union of India; Order dated 16 February 2021¹⁴

The NGT has held that the State of Andhra Pradesh is not entitled to proceed with the Rayalaseema Lift Scheme (RLS) project against the directions issued by the NGT through its earlier judgement dated 29.10.2020. The Tribunal gave this direction after the applicant's counsel submitted that in the guise of preparing detailed project report, they are proceeding with the actual work. The Tribunal has further directed the Krishna River Management Board to submit their response regarding the allegations made by the applicant as well as the State of Telangana in their reply statement before the next date of hearing in this case.

The background to this dispute is that through an earlier judgment dated 29.10.2020, the Tribunal had restrained the State of Andhra Pradesh to proceed with the work of the project without getting an EC.

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

HIGH COURT JUDGEMENTS / ORDERS

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

NGT directs MoEF&CC to initiate steps to ensure quarterly compliance monitoring for EC conditions of red category industries

NGT stays the operation of the NOC granted to a proposed petrol pump site

Mechanism to be evolved for ensuring companies that deal with hazardous substance forthwith pay compensation for deaths and injuries

NGT seeks action taken report on the issue of diversion of forest land to IOCL

NGT forms a Joint Committee to look into the allegation against industries regarding manufacturing of formaldehyde and its different resins without requisite EC

NGT constitutes an Expert Committee to look into the Rourkela Steel Plant gas leak matter

NGT holds that State of Andhra Pradesh is not entitled to proceed with the Rayalaseema Lift Scheme (RLS) project

NGT forms committee to secure facts related to the firecracker factory blast in Tamil Nadu

NGT upholds the UKPCB order requiring NTPC Ltd. to pay INR 5.79 million

In the Baghjan oil well incident NGT observes that OIL cannot disown its responsibility by shifting the blame on the contractor

NGT directs APPCB to pay INR 0.1 million to the applicant to meet the litigation costs

NGT direct formation of a six member Joint Committee to probe quarry blast

REGULATORY AND POLICY DEVELOPMENTS



NGT forms committee to secure facts related to the firecracker factory blast in Tamil Nadu

In re: News item published in The News Indian Express dated 12.02.2021 titled "At least 19 dead in Virudhunagar firecracker factory blast, more than 30 injured"; Order dated 16 February, 2021¹⁵

The Tribunal has constituted an eight-member Committee and directed it to submit a report in relation to the blast in the firecracker factory in Virudhunagar district of Tamil Nadu. On 12.02.2021, the blast occurred while filling of crackers with chemicals and caused death of 19 persons and critically injured 30 persons. The Tribunal also issued notice to the State of Tamil Nadu, CPCB, SPCB, District Magistrate, Virudhunagar and Sree Mariyammal Fireworks factory.

The proceedings in this matter have been initiated on the basis of media report published in 'The New Indian Express' dated 12.02.2021 titled as, "At least 19 dead in Virudhunagar firecracker factory blast, more than 30 injured".

While determining the question of environment relating to compliance of the MSIHC Rules, 1989 and the Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996, the Tribunal in this case is determining the aspects of relief to the victims, restoration of the environment after determining the liability of the persons engaged in such activity as well as the role of the statutory regulators in failing to prevent the same and preventive measures to avoid recurrence of such incidents in future in such activities.

NGT upholds the UKPCB order requiring NTPC Ltd. to pay INR 5.79 million

M/s NTPC Limited v. Uttarakhand Pollution Control Board; Order dated 18 February 2021¹⁶

The NGT has dismissed the appeal filed by NTPC Ltd. against an Uttarakhand Pollution Control Board ("UKPCB") order dated 07.12.2020 requiring NTPC / appellant to pay compensation of INR 5.79 million for restoration of the environment. This impugned order was passed as the appellant was found to have violated muck disposal site

maintenance norms which had resulted in damage to the environment.

After opining that the operative muck disposal sites were not being maintained as per MoEF&CC laid norms, the Tribunal in the instant order has held that there is no merit in the appeal filed by NTPC as 'polluter pays' principle has been rightly invoked for damage to the environment. The Tribunal has further held that the amount of compensation which may be recovered by the UKPCB may be utilized for restoration of the environment in the district as per action plan for which directions have already been issued through an order passed by this Tribunal on 09.02.2021 in the case of Ashish Kumar Dixit v. State of Uttar Pradesh & Ors. [O.A. No. 102/2019].

In the Baghjan oil well incident NGT observes that OIL cannot disown its responsibility by shifting the blame on the contractor

Bonani Kakkar v. Oil India Limited & Ors.; Order dated 19 February 2021¹⁷

The Tribunal in the Baghjan oil well matter has passed a slew of directions. The aspects for consideration before the Tribunal in this case pertained to compensation to the victims of the incidents, accountability for the failure of Oil India Limited ("OIL") to follow safety protocols, accountability for non-compliance of statutory norms and assessment of damage to the environment and restoration measures.

In this order, the Tribunal has held that the principle of absolute liability is applicable in such incidents in accordance with the law laid down in the case of M.C. Mehta v. Union of India & Ors. [(1987) 1 SCC 395] and thus, the victims are entitled to compensation at least as per the principle of restitution without proving negligence.

While dealing with the aspect of accountability for the failure of OIL to follow safety protocols, the Tribunal observed that OIL cannot disown its responsibility by shifting the blame on the contractor. Tribunal directed that the aspect of failure of OIL in taking safety precautions and the need for ensuring that such incidents do not recur needs to be dealt by a six-member Committee.

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

HIGH COURT JUDGEMENTS / ORDERS

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

NGT directs MoEF&CC to initiate steps to ensure quarterly compliance monitoring for EC conditions of red category industries

NGT stays the operation of the NOC granted to a proposed petrol pump site

Mechanism to be evolved for ensuring companies that deal with hazardous substance forthwith pay compensation for deaths and injuries

NGT seeks action taken report on the issue of diversion of forest land to IOCL

NGT forms a Joint Committee to look into the allegation against industries regarding manufacturing of formaldehyde and its different resins without requisite EC

NGT constitutes an Expert Committee to look into the Rourkela Steel Plant gas leak matter

NGT holds that State of Andhra Pradesh is not entitled to proceed with the Rayalaseema Lift Scheme (RLS) project

NGT forms committee to secure facts related to the firecracker factory blast in Tamil Nadu

NGT upholds the UKPCB order requiring NTPC Ltd. to pay INR 5.79 million

In the Baghjan oil well incident NGT observes that OIL cannot disown its responsibility by shifting the blame on the contractor

NGT directs APPCB to pay INR 0.1 million to the applicant to meet the litigation costs

NGT direct formation of a six member Joint Committee to probe quarry blast

REGULATORY AND POLICY DEVELOPMENTS



While dealing with the aspect of accountability for non-compliance of statutory norms under the environmental laws and associated remedial action, the Tribunal held that the issue of accountability for the past compliances and the remedial action be looked into by a seven-member Joint Committee. The gaps identified by this Committee will be duly addressed by OIL which may be overseen by the statutory regulators.

The Tribunal directed constitution of a ten-member Committee to assess the damage to the environment and look into the remedial restoration plan. The Tribunal directed that the cost of restoration be borne by OIL.

NGT directs APPCB to pay INR 0.1 million to the applicant to meet the litigation costs

Dr. Pentapati Pulla Rao v. Union of India & Ors.; Order dated 23 February 2021¹⁸

The NGT has constituted a six member Committee to be headed by Justice B. Seshasayana Reddy, former Judge of the High Court of Andhra Pradesh along with nominees of the MoEF&CC, CPCB, Central Soil and Water Conservation Research Institute, Dehradun, IIT, Hyderabad and IIT, Delhi to examine the aspect of huge dumping of mucks that has taken place without proper environmental management plan near the Polavaram dam in Andhra Pradesh.

The aforesaid Committee has been asked by the Tribunal to undertake following tasks:

- compile information about the extent of generation and disposal of muck at the designated dumping sites and safety measures being adopted for the stability of the dumping sites;
- assess the damage to the environment and remedial action;
- consider the question whether compensation for acquisition of land remains to be paid;
- get muck audit in respect of the project conducted; and
- to deal with any other associated issue.

The grievance in this application is illegal dumping of muck by the Polavaram Project Authority on the land of the applicant and the need for remedial action against adverse impact of Coferdam on upstream areas. It is

interesting to note that the Tribunal through the instant order has directed that Andhra Pradesh Pollution Control Board ("APPCB") pays a sum of INR 0.1 million to the applicant to meet the litigation cost.

NGT direct formation of a six member Joint Committee to probe quarry blast

In re: News item published in Times Now News dated 23.02.2021 titled "Karnataka: Six killed in quarry blast in Hiremagavalli, Chikkaballapur"; Order dated 25 February 2021¹⁹

The NGT has constituted a six member Joint Committee to submit its report in connection with the quarry blast that occurred in Hiremagavalli, Chikkaballapur on 22.02.2021. The Joint Committee has been tasked to visit the site and give its report about the cause of the incident, the extent of damage caused, the extent of compensation required to be paid for damage to the environment as well as for loss of lives, injuries and steps required to be taken for preventing any such occurrence in future. The Joint Committee has been further directed to compile information about existence and working of onsite and offsite plans in terms of the MSIHC Rules, 1989 and conducting of mock drills and safety standard operating procedures ("SOPs").

Proceedings in this case had been initiated on the basis of a media report dated 23.02.2021 under the heading "Karnataka: Six killed in quarry blast in Hiremagavalli, Chikkaballapur". The NGT order records that the District In-charge who visited the spot said that the explosives were illegally held. According to the preliminary information shared by the police, the quarrying work was stopped at the site on February 7 after local residents complained of rampant use of gelatin sticks, however, the work continued despite the ban, and another raid was conducted by the police, during which the contractor was warned not to use gelatin.

The Tribunal in this order has held that as per the law laid down in the case of M.C Mehta v. Union of India & Ors. [(1987) 1 SCC 395], principle of 'absolute liability' is attracted in such cases to compensate the victims of such accidents as well as to compensate the environment.

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

HIGH COURT JUDGEMENTS / ORDERS

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

NGT directs MoEF&CC to initiate steps to ensure quarterly compliance monitoring for EC conditions of red category industries

NGT stays the operation of the NOC granted to a proposed petrol pump site

Mechanism to be evolved for ensuring companies that deal with hazardous substance forthwith pay compensation for deaths and injuries

NGT seeks action taken report on the issue of diversion of forest land to IOCL

NGT forms a Joint Committee to look into the allegation against industries regarding manufacturing of formaldehyde and its different resins without requisite EC

NGT constitutes an Expert Committee to look into the Rourkela Steel Plant gas leak matter

NGT holds that State of Andhra Pradesh is not entitled to proceed with the Rayalaseema Lift Scheme (RLS) project

NGT forms committee to secure facts related to the firecracker factory blast in Tamil Nadu

NGT upholds the UKPCB order requiring NTPC Ltd. to pay INR 5.79 million

In the Baghjan oil well incident NGT observes that OIL cannot disown its responsibility by shifting the blame on the contractor

NGT directs APPCB to pay INR 0.1 million to the applicant to meet the litigation costs

NGT direct formation of a six member Joint Committee to probe quarry blast

REGULATORY AND POLICY DEVELOPMENTS



Regulatory and Policy Developments

Establishment of Centre for Wetland Conservation and Management (CWCM) announced; 2 February 2021²⁰

The Indian Minister of State for Environment, Forest and Climate Change has announced the establishment of a Centre for Wetland Conservation and Management (“CWCM”) as a part of the National Centre for Sustainable Coastal Management (“NCSCM”), Chennai, an institution under the MoEF&CC.

CWCM is aimed at building partnerships and networks with relevant national and international agencies. This Centre would also serve as a knowledge hub and enable exchange between State/UT wetland authorities, wetland users, managers, researchers, policy-makers and practitioners. Assistance will be provided by the Centre to the national and State/UT Governments in designing and implementation of policy and regulatory frameworks.

SEIAA and SEAC constituted in Punjab; 3 February 2021²¹

Through a notification dated 03.02.2021, the Central Government constituted the State Level Environment Impact Assessment Authority (“SEIAA”), Punjab and the State Level Expert Appraisal Committee (“SEAC”), Punjab.

The Chairman and Members of the SEIAA, Punjab and SEAC, Punjab shall hold office for a term of three years from the date of publication of this notification in the Official Gazette.

As per this notification, the Government of Punjab shall notify an agency to act as Secretariat for the SEIAA, Punjab and SEAC, Punjab and the Secretariat shall provide all financial and logistic support including accommodation, transportation and such other facilities in respect of all their statutory functions.

1607 identified industrial units in Delhi switched over to PNG; 3 February 2021²²

One of the priority action item taken up by the Commission for Air Quality Management in National Capital Region and its Adjoining Areas is switching over of the industrial units in Delhi to cleaner fuels. In furtherance of this, 1627 industrial units spread across 50 industrial areas

in Delhi were identified to switch over to Piped Natural Gas (“PNG”). Out of these industrial units, 1607 industrial units have switched over to the use of PNG.

Draft Ammonium Nitrate (Amendment) Rules 2021; 8 February, 2021²³

Ministry of Commerce and Industry through a notification dated 08.02.2021 has published the draft Ammonium Nitrate (Amendment) Rules 2021. These draft rules further amend the Ammonium Nitrate Rules, 2012.

As per these draft rules, adequate firefighting facility shall be provided at ammonium nitrate storage and handling premises. These draft rules also provide that the disposal of ammonium nitrate shall be in accordance to the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 enacted under the Environment (Protection) Act, 1986.

CSIR-CMERI developed water purification technologies transferred to MSME partners; 9 February 2021²⁴

Four indigenously developed water purification technologies by Council of Scientific and Industrial Research (“CSIR”)-Central Mechanical Engineering Research Institute (“CMERI”) has been transferred to three prominent Micro, Small and Medium Enterprises (“MSMEs”) engaged in the water purification domain. The indigenously developed water purification technologies have been hailed by the MSME partners as a major stepping stone towards self-reliance and import-substitution.

The following technologies have been transferred to the MSME partners:

- (a) High flow rate arsenic removal filter
- (b) Domestic iron water filter
- (c) Domestic fluoride, arsenic & iron removal (FAIR) filter
- (d) High flow rate fluoride & iron removal filter

Boiler Operation Rules, 2021; 16 February 2021²⁵

The Ministry of Commerce and Industry through a notification dated 16.02.2021 has notified the Boiler Operation Rules, 2021. These rules have 11 chapters.

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

HIGH COURT JUDGEMENTS / ORDERS

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

REGULATORY AND POLICY DEVELOPMENTS

Establishment of Centre for Wetland Conservation and Management (CWCM) announced; 2 February 2021

SEIAA and SEAC constituted in Punjab; 3 February 2021

1607 identified industrial units in Delhi switched over to PNG; 3 February 2021

Draft Ammonium Nitrate (Amendment) Rules 2021; 8 February, 2021

CSIR-CMERI developed water purification technologies transferred to MSME partners; 9 February 2021

Boiler Operation Rules, 2021; 16 February 2021

Stakeholders suggestions sought on the Draft Blue Economy Policy for India; 17 February 2021

Indian Oil Corporation Ltd. and Greenstat Hydrogen India Pvt. Ltd. sign “statement of intent” for setting up of Centre of Excellence for Hydrogen; 18 February 2021

‘Go Electric’ campaign launched; 19 February 2021

MoEF&CC prescribes procedure for dealing with violations due to absence of prior CRZ clearance for permissible activities; 19 February 2021

Processing of files for grant of ToR and EC through PARIVESH; 23 February 2021

Selection of 12 sites for transforming them into ‘Swachh Tourist Destinations’; 25 February 2021



As per these rules, the owner of a single boiler or two or more boilers connected in a battery or of many separate individual boilers situated within a radius of fifty meters having a total heating surface exceeding one thousand square meters in any of the cases shall not use the same or permit the same to be used unless the boiler or boilers are placed in direct charge of a competent person specified in rule 4 in addition to such number of boiler attendants as specified in these rules.

Also, as per these rules, any person, who does not possess a certificate of proficiency as a Boiler Operation Engineer under these rules, shall not be deemed to be a fit and proper person to hold the charge of any boiler or boilers exceeding the limits as laid down in rule 3.

Stakeholders suggestions sought on the Draft Blue Economy Policy for India; 17 February 2021²⁶

The Ministry of Earth Sciences (MoES) has released the Draft Blue Economy Policy for India for inviting suggestions and inputs from various stakeholders. This draft policy document provides the vision and strategy that may be adopted by the Government of India to utilize the Indian oceanic resources.

The framework of this policy document is in line with the Government of India's Vision of New India by 2030 enunciated in February 2019 which highlighted the Blue Economy as one of the ten core dimensions of growth.

Policies across several key sectors have been emphasised in the draft policy framework to achieve holistic growth of India's economy. The document recognizes the following seven thematic areas:

1. National accounting framework for the blue economy and ocean governance.
2. Coastal marine spatial planning and tourism.
3. Marine fisheries, aquaculture, and fish processing.
4. Manufacturing, emerging industries, trade, technology, services, and skill development.
5. Logistics, infrastructure and shipping, including trans-shipments.
6. Coastal and deep-sea mining and offshore energy.
7. Security, strategic dimensions, and international engagement.

Indian Oil Corporation Ltd. and Greenstat Hydrogen India Pvt. Ltd. sign "statement of intent" for setting up of Centre of Excellence for Hydrogen; 18 February 2021²⁷

Indian Oil Corporation Ltd. and M/s Greenstat Hydrogen India Pvt. Ltd., a subsidiary of Greenstat Norway has signed a "statement of intent" for setting up of the Centre of Excellence on Hydrogen ("CoE-H"). This Centre will enable transfer and sharing of technology, know-how and experience through the green hydrogen value chain and other relevant technologies including hydrogen storage and fuel cells. The Centre will also promote research and development ("R&D") projects in green and blue hydrogen between Norwegian and Indian R&D institutions/universities. The Centre will leverage its intellectual strengths by working closely with industry and governments for developing cost-efficient, scalable and sustainable technological solutions. The Centre is envisaged to operate as a think tank towards developing codes and standards for best industrial practices, safety, product protocols and regulations in the area of hydrogen and fuel cells.

'Go Electric' campaign launched; 19 February 2021²⁸

The Union Minister for Road Transport & Highways, Micro, Small & Medium Enterprises launched the 'Go Electric' campaign to spread awareness about the benefits of e-mobility, electric vehicle ("EV") charging infrastructure and electric cooking in India.

The campaign aims to create awareness at national level and is expected to boost the confidence of EV manufacturers. Bureau of Energy Efficiency ("BEE"), under the aegis of the Ministry of Power has been mandated to undertake an awareness drive for promoting public charging, e-mobility and its ecosystem. BEE will extend technical support to the State Designated Agencies ("SDAs") for implementing the 'Go Electric' campaign at national and state level. To ensure uniformity of information, BEE will provide content and details to SDAs and other partners.

MoEF&CC prescribes procedure for dealing with violations due to absence of prior CRZ clearance for permissible activities; 19 February 2021²⁹

The MoEF&CC through an Office Memorandum

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

HIGH COURT JUDGEMENTS / ORDERS

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

REGULATORY AND POLICY DEVELOPMENTS

Establishment of Centre for Wetland Conservation and Management (CWCM) announced; 2 February 2021

SEIAA and SEAC constituted in Punjab; 3 February 2021

1607 identified industrial units in Delhi switched over to PNG; 3 February 2021

Draft Ammonium Nitrate (Amendment) Rules 2021; 8 February, 2021

CSIR-CMERI developed water purification technologies transferred to MSME partners; 9 February 2021

Boiler Operation Rules, 2021; 16 February 2021

Stakeholders suggestions sought on the Draft Blue Economy Policy for India; 17 February 2021

Indian Oil Corporation Ltd. and Greenstat Hydrogen India Pvt. Ltd. sign "statement of intent" for setting up of Centre of Excellence for Hydrogen; 18 February 2021

'Go Electric' campaign launched; 19 February 2021

MoEF&CC prescribes procedure for dealing with violations due to absence of prior CRZ clearance for permissible activities; 19 February 2021

Processing of files for grant of ToR and EC through PARIVESH; 23 February 2021

Selection of 12 sites for transforming them into 'Swachh Tourist Destinations'; 25 February 2021



“OM”) dated 19.02.2021 has prescribed the procedure for dealing with violations arising due to not obtaining a prior coastal regulation zone (“CRZ”) clearance for permissible activities.

As per this OM, in case the project commenced construction and/or operations without a prior CRZ clearance, the Coastal Zone Management Authority (“CZMA”) shall assess the environmental damages caused by such an action and shall give specific recommendations in respect of activities, corresponding to the environmental or ecological damage assessed, to be taken up by the project proponent within a period of three years from date of clearance, under Compensatory Conservation Plan (“CCP”) and a Community Resource Augmentation Plan (“CRAP”). The Annexure to this OM prescribes indicative activities that may be included in aforementioned plans.

Processing of files for grant of ToR and EC through PARIVESH; 23 February 2021³⁰

The MoEF&CC through an OM dated 23.02.2021 has directed SEIAAs to ensure that files for approval of ToR as well as EC are processed strictly through PARIVESH only from 01.03.2021 onwards. PARIVESH is a workflow based application which is implemented in two phases with first phase for facilitating online submission of proposals and tracking status of such proposals at each stage of processing. The second phase involves online processing of these proposals subsequent to finalisation of minutes by Expert Appraisal Committee (“EAC”)/SEAC and approval by the competent authorities through the PARIVESH portal.

Selection of 12 sites for transforming them into ‘Swachh Tourist Destinations’; 25 February 2021³¹

12 iconic sites have been selected as ‘Swachh

Tourist Destinations’ for transforming them. These sites include heritage, spiritual and cultural places in India. They are selected under the Swachh Iconic Places (“SIP”) initiative of Swachh Bharat Mission Grameen (“SBM-G”).

The 12 iconic sites selected under phase-IV of the SIP initiative are as follows:

1. Ajanta Caves, Maharashtra
2. Sanchi Stupa, Madhya Pradesh
3. Kumbhalgarh Fort, Rajasthan
4. Jaisalmer Fort, Rajasthan
5. Ramdevra, Jaisalmer, Rajasthan
6. Golconda Fort, Hyderabad, Telangana
7. Sun Temple, Konark, Odisha
8. Rock Garden, Chandigarh
9. Dal Lake, Srinagar, Jammu & Kashmir
10. Banke Bihari Temple, Mathura, Uttar Pradesh
11. Agra Fort, Agra, Uttar Pradesh
12. Kalighat Temple, West Bengal

The Department of Drinking Water and Sanitation, Ministry of Jal Shakti in association with the Ministry of Housing and Urban Affairs, Ministry of Tourism, Ministry of Culture and the concerned State/UT governments are coordinating this project.

Obligation of the project proponent to undertake activities committed in the EMP or at any stage of the appraisal of prior EC in lieu of CER; 25 February 2021³²

The MoEF&CC through an OM dated 25.02.2021 clarified that in cases where public hearing is not involved, the project proponents will be bound to take up all activities proposed by them in the EMP as well as any additional activities that may either be committed by them before the EAC/SEIAAs/SEACs or the same have been prescribed by the EACs/SEIAAs/SEACs.

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

HIGH COURT JUDGEMENTS / ORDERS

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

REGULATORY AND POLICY DEVELOPMENTS

Establishment of Centre for Wetland Conservation and Management (CWCM) announced; 2 February 2021

SEIAA and SEAC constituted in Punjab; 3 February 2021

1607 identified industrial units in Delhi switched over to PNG; 3 February 2021

Draft Ammonium Nitrate (Amendment) Rules 2021; 8 February, 2021

CSIR-CMERI developed water purification technologies transferred to MSME partners; 9 February 2021

Boiler Operation Rules, 2021; 16 February 2021

Stakeholders suggestions sought on the Draft Blue Economy Policy for India; 17 February 2021

Indian Oil Corporation Ltd. and Greenstat Hydrogen India Pvt. Ltd. sign “statement of intent” for setting up of Centre of Excellence for Hydrogen; 18 February 2021

‘Go Electric’ campaign launched; 19 February 2021

MoEF&CC prescribes procedure for dealing with violations due to absence of prior CRZ clearance for permissible activities; 19 February 2021

Processing of files for grant of ToR and EC through PARIVESH; 23 February 2021

Selection of 12 sites for transforming them into ‘Swachh Tourist Destinations’; 25 February 2021

Endnotes

- 1 Civil Appeal Diary No. 173/2021
- 2 Civil Appeal Nos. 143-144/2021
- 3 Writ Petition (Civil) No. 202/1995
- 4 Civil Appeal No.389/2021
- 5 Writ Petition No. 16365/2017
- 6 Public Interest Litigation (PIL) No. 4003/2006
- 7 W.P.(C).No. 4291/2020(J) with W.P.(C). 4493/2020(J) with WP(C).No. 4993/2020(Y) with W.P.(C).No. 5107/2020(K) with W.P.(C).No. 5952/2020(T)
- 8 Original Application No. 837/2018
- 9 Original Application No. 211/2020
- 10 Original Application No. 85/2020 with Original Application No. 24/2020 (WZ)



Endnotes

- 11 Original Application No. 24/2021
- 12 Original Application No. 32/2021
- 13 Original Application No. 09/2021
- 14 M.A. No. 06 of 2020 (SZ) in Original Application No. 71/2020 (SZ)
- 15 Original Application No. 44/2021
- 16 Appeal No. 05/2021
- 17 Original Application No. 43/2020(EZ)
- 18 Original Application No. 857/2018
- 19 Original Application No. 59/2021
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- 30 http://environmentclearance.nic.in/writereaddata/OMS-2004-2021/250_OM_23_02_2021.pdf
- 31 <https://www.pib.gov.in/PressReleaseDetail.aspx?PMO=3&PRID=1700780>
- 32 http://environmentclearance.nic.in/writereaddata/OMS-2004-2021/251_OM_25_02_2021.pdf

In this edition

SUPREME COURT JUDGEMENTS / ORDERS

HIGH COURT JUDGEMENTS / ORDERS

NATIONAL GREEN TRIBUNAL JUDGEMENTS / ORDERS

REGULATORY AND POLICY DEVELOPMENTS

Establishment of Centre for Wetland Conservation and Management (CWCM) announced; 2 February 2021

SEIAA and SEAC constituted in Punjab; 3 February 2021

1607 identified industrial units in Delhi switched over to PNG; 3 February 2021

Draft Ammonium Nitrate (Amendment) Rules 2021; 8 February, 2021

CSIR-CMERI developed water purification technologies transferred to MSME partners; 9 February 2021

Boiler Operation Rules, 2021; 16 February 2021

Stakeholders suggestions sought on the Draft Blue Economy Policy for India; 17 February 2021

Indian Oil Corporation Ltd. and Greenstat Hydrogen India Pvt. Ltd. sign "statement of intent" for setting up of Centre of Excellence for Hydrogen; 18 February 2021

'Go Electric' campaign launched; 19 February 2021

MoEF&CC prescribes procedure for dealing with violations due to absence of prior CRZ clearance for permissible activities; 19 February 2021

Processing of files for grant of ToR and EC through PARIVESH; 23 February 2021

Selection of 12 sites for transforming them into 'Swachh Tourist Destinations'; 25 February 2021

PRACTICE AREA EXPERTS

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