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## Supreme Court Judgements/Orders

Supreme Court seeks report on removal of unauthorized structures on forest land in Faridabad

**Municipal Corporation, Faridabad v. Khori Gaon Residents Welfare Association (Regd.) & Ors.; Order dated 3 August, 2021<sup>1</sup>**

A two judge bench of the Supreme Court of India (“Supreme Court”) comprising of Justice A.M. Khanwilkar and Justice Dinesh Maheshwari has observed that the Court expects Municipal Corporation, Faridabad to complete the removal of unauthorized structures standing on forest land before 23 August, 2021.

The Court has directed the Commissioner of Faridabad to submit a status report which shall also indicate representations for rehabilitations it has received and resolved. The Court has further directed the State Government to expedite the consideration of draft policy of rehabilitation and finalise it. The Commissioner has also been directed to consider establishing a back-up office where evicted residents are temporarily provided food, shelter and accommodation.

In a subsequent order in this matter dated 27 August, 2021, Supreme Court observed that the policy for rehabilitation of evicted residents has been finalised by the State Government and directed that the aspects of this report will be considered on the date of next hearing.

Supreme Court expresses hope and trust that the Union of India

will pass suitable orders and directions to address the use of PVC and chlorinated plastics for banners / hoardings used during elections

**W. Edwin Willson v. Union Of India & Ors.; Order dated 12 August, 2021<sup>2</sup>**

A two judge bench of the Supreme Court comprising of Justice L. Nageswara Rao and Justice Aniruddha Bose has stated that it hopes and trusts that the Union of India will proceed to pass suitable orders and directions after finalizing the objections to the draft notification released by the Ministry of Environment, Forest and Climate Change (“MoEF&CC”) which pertains to banning different categories of plastic including polyvinyl chloride (“PVC”), which are less than 100 microns.

In this case, the grievance of the appellant is regarding the use of PVC and chlorinated plastics for banners / hoardings used during elections. The appellant contended that it is necessary for the MoEF&CC to issue certain directions under Section 5 of the Environment (Protection) Act, 1986 to ban the use of PVC and chlorinated plastics for advertisements during elections. This appeal has been filed against the order of the National Green Tribunal (“NGT”) that directed appropriate steps to be taken for compliance of the directions issued by the MoEF&CC to the Chief Secretaries of all the States/Union Territories and the Chief Electoral Officers concerning this issue.

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**Supreme Court directs Municipal Corporation of Greater Mumbai to file compliance affidavit before NGT within two weeks and stays coercive action against its officials**

**Municipal Corporation of Greater Mumbai v. Nitin Shankar Deshpande & Ors.; Order dated 13 August, 2021<sup>3</sup>**

A two judge bench of the Supreme Court comprising of Justice D.Y. Chandrachud and Justice M.R. Shah has directed the Commissioner of the Municipal Corporation of Greater Mumbai to file an affidavit within two weeks before the NGT indicating the steps which have been taken to comply with the directions of the NGT particularly with respect to ensuring compliance with the requisite standards for the discharge of effluents including municipal waste and sewage. The affidavit shall set down a concrete plan of action for the future. The matter before the NGT pertained to the discharge of untreated waste into the sea, creek and river bodies.

This appeal had been preferred against an order passed by the NGT directing the Municipal Commissioner to appear in person along with his response and a compliance status in respect of each of the directions which have been issued by the Tribunal in its order dated 14 October, 2020. The Municipal Commissioner was further directed to explain why coercive measures under Section 25 of the National Green Tribunal Act, 2010 (the "NGT Act") read with Section 51 of the Code of Civil Procedure, 1908 ("CPC") may not be taken to ensure compliance of the order of the NGT.

In its present order, the Supreme Court after observing that the protection of the environment is a matter of universal concern, has held that the recourse to coercive steps against the Municipal Commissioner is not appropriate, particularly when the official is engaged in a herculean effort to respond to the COVID-19 pandemic for protecting the residents of the metropolis. However, the Supreme Court has clarified that directions in the present order should not be interpreted as a freedom to the Municipal Corporation to continue to violate the prescribed pollution control norms in the interim and all steps

shall be taken in the meantime to ensure compliance. Supreme Court has further directed that no coercive actions shall be taken in pursuance of the NGT order, pending its further orders.

**Supreme Court stays NGT order which directed recovery of environmental compensation from stone crushers**

**M/s Krishna Granite Works v. Madan Pal Singh & Ors.; Order dated 16 August, 2021<sup>4</sup>**

A two judge bench of the Supreme Court comprising of Justice L. Nageswara Rao and Justice B.R. Gavai has issued notice in a case challenging the impugned NGT order through which the NGT had directed recovery of environmental compensation from six stone crushers located in District Mahoba, Uttar Pradesh. As per the impugned NGT order, each stone crusher was directed to pay an environmental compensation of approximately INR 1 million for operating in violation of environmental norms. In addition to issuing notice, the Supreme Court through this order has also stayed the operation of the impugned NGT order.

**Supreme Court to reconstitute the committee constituted for assessment of compensation and restitution in Baghjan oil well case**

**Bonani Kakkar v. Oil India Limited & Ors.; Order dated 23 August, 2021<sup>5</sup>**

A two judge bench of the Supreme Court comprising of Justice D.Y. Chandrachud and Justice M.R. Shah has directed forwarding of the application containing suggestions regarding expert members for the committee to the Additional Solicitor General appearing on behalf of the MoEF&CC for his response on the next date of listing.

In this case, the petitioner has placed the names of six experts before the Court who should be associated with the work of assessing the damage and providing remedial compensation for the loss of the environment and biodiversity as a result of the blowout which took place at the Oil India Limited's Baghjan oil well. During the course of this

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hearing, the Court was apprised of the fact that four out of six experts who have been suggested by the petitioner are conversant with the subject matter.

## Supreme Court orders that status quo be maintained regarding the NGT order which had quashed EC granted to a luxury project in Bengaluru

### Wonder Projects Development Pvt. Ltd & Anr. v. Union of India & Ors.; Order dated 26 August, 2021<sup>6</sup>

A two judge bench of the Supreme Court comprising of the Chief Justice and Justice Surya Kant has stayed the NGT order that had quashed the environmental clearance ("EC") granted to a luxury project by Godrej Properties Limited and Wonder Projects Development Private Limited in Bengaluru and had also ordered its demolition. Through the present order, the Supreme Court has directed the parties to maintain *status quo* on the project.

## Supreme Court observes that availability of housing stock has to be balanced with protection of environment and safety of its occupants

### Supertech Limited v. Emerald Court Owner Resident Welfare Association & Ors.; Judgement dated 31 August, 2021<sup>7</sup>

The Supreme Court has ordered the demolition of twin towers in Emerald Court project constructed by the appellant, Supertech Limited as it was found to be illegal.

The Court in this judgement has observed that while the availability of housing stock, especially in metropolitan cities, is necessary to accommodate the constant influx of people, it has to be balanced with two crucial considerations – the protection of the environment and the well-being and safety of those who occupy these constructions. The Court further observed that the regulation of the entire process from commencement to completion is intended to ensure that

constructions which will have a severe negative environmental impact are not sanctioned. Hence, when these regulations are brazenly violated by developers, more often than not with the connivance of regulatory authorities, it strikes at the very core of urban planning, thereby directly resulting in an increased harm to the environment and a dilution of safety standards. Hence, illegal construction has to be dealt with strictly to ensure compliance with the rule of law.

## Supreme Court sets aside an NGT order as it recorded no reasons for its decision

### M/s Gujarat Enviro Protection and Infrastructure (Pvt.) Ltd. v. M/s Power Grid Corporation of India Ltd. & Ors.; Judgment dated 31 August, 2021<sup>8</sup>

A three judge bench of the Supreme Court comprising of Justice D.Y. Chandrachud, Justice M.R. Shah and Justice Hima Kohli has set aside an order dated February 19, 2021 passed by the NGT in Original Application No. 40/2021. Supreme Court has directed the NGT to reconsider the matter afresh.

The appellant in this case has set up a Treatment Storage Disposal Facility ("TSDF") for the disposal of hazardous waste and it submitted before the NGT that the respondent has installed high transmission electric line adjacent to their landfill which can cause disaster. However, the NGT dismissed the application through the impugned order without any discussion on the merits and with a mere observation that it finds no tangible material to substantiate the plea raised in the application.

In this matter, the Supreme Court noted that the appellant was relying on the provisions of Rule 3(7) and Schedule I of the Solid Waste Management Rules, 2016 which mandate the maintenance of a buffer zone around the waste management plant. Apart from the above Rules, reliance has also been placed on the guidelines issued by the Central Pollution Control Board ("CPCB") which mandate a minimum buffer zone around the solid waste processing and disposal facility.

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## High Court Judgements / Orders

### Madras High Court stays NGT office order concerning the listing of *suo-motu* matters having pan India implications only before the Principal Bench of the NGT

**Meenava Thanthai K.R. Selvaraj Kumar v. National Green Tribunal Principal Bench and Ors.; Order dated 3 August, 2021<sup>9</sup>**

The Madras High Court has stayed the office order dated 12 June, 2021 issued by the Registrar General of the Principal Bench of the NGT through which it was directed that henceforth *suo-motu* matters having pan India / inter-state implications will be listed at the Principal Bench of the NGT having at least three Members.

While staying the impugned office order, the Court observed that the said order appears to be contrary to Section 4 of the NGT Act. Further, while stating that there appears to be some anomaly, it stated that the NGT Act when read with the Rules made thereunder does not permit a Bench consisting of odd number of Members. The Court observed that in view of the proviso to Section 4(4) of the NGT Act, the number of Expert Members and the number of Judicial Members need to be equal.

### The High Court of Allahabad seeks information on the steps taken to control the menace of noise pollution caused through vehicles

**Noise Pollution Through Modified Silencers (*Suo Motu*) (PIL) v. State Of U.P. & Ors.; Order dated 10 August, 2021<sup>10</sup>**

The Lucknow bench of the High Court of Allahabad has directed the respondents to file an affidavit indicating the steps taken to control the menace of noise pollution caused through vehicles particularly two wheelers and four wheelers with modified silencers.

The Court in this case has taken a *suo motu* cognizance of noise pollution generated through modified silencers specifically Bullet bikes and other two wheelers.

Through this order, the Court has appointed Mr. Gaurav Mehrotra, Advocate as Amicus Curiae and further directed that this petition be listed along with the case of *Moti Lal Yadav v. State of U.P. and Ors.* [Writ Petition No. 24981 (PIL) of 2017].

### Telangana High Court stops Government from cutting 1300 trees at KBR National Park until further orders

**Kaajal Maheshwari and Anr. v. The State of Telangana and Ors.; Order dated 11 August, 2021<sup>11</sup>**

The High Court of Telangana has restrained MoEF&CC and Telangana Forest Department from felling any of the 1300 trees situated within the Eco-Sensitive Zone ("ESZ") of the Kasu Brahmananda Reddy ("KBR") National Park. It has further directed the Telangana Forest Department to furnish an affidavit stating the age, height and the varieties of trees that are going to be felled along with details on how many trees have been felled by now. The Court has further directed the Telangana Forest Department to file a fresh status report on details of the public hearing stated to have been conducted before issuance of the impugned notification.

The background to this dispute is that in 2015, the State Government proposed to develop six junctions around the KBR National Park by building multi-level flyovers and in furtherance to this project it proposed reduction of ESZ from 25 to 35 meters to a width of 3 to 29.8 metres. In 2020, the MoEF&CC cleared the State Government's aforesaid proposal even though the Expert Committee of the MoEF&CC had sought a detailed report after conducting a public hearing over the draft notification. In this case, the petitioners have alleged before

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the Court that no public hearing was ever conducted.

## Andhra Pradesh High Court directs the petitioner to submit a report with respect to the healthcare of its employees

**M/s Amara Raja Batteries v. State of Andhra Pradesh and Ors.; Order dated 16 August, 2021<sup>12</sup>**

The High Court of Andhra Pradesh has extended the interim order staying the closure order issued to two plants of the petitioner by the Andhra Pradesh Pollution Control Board ("APPCB"). Through this order, the Court has also directed the petitioner to submit a report highlighting the steps taken by it towards the healthcare of its employees, particularly those having high lead content in their blood stream.

During the hearing of this case, the petitioner Company submitted before the Court that eight employees whose lead content in the blood was alarmingly high have been shifted to non-lead activity areas and the management of the company is extending necessary medical attention to all its employees. The Court has directed the petitioner to extend necessary cooperation to APPCB with regard to medical examination of its employees which is being undertaken to ascertain the level of contamination in their body owing to alleged presence of lead concentration in ambient air quality above the permissible standard in the concerned work zone.

## NGT Judgements / Orders

### NGT directs constitution of a committee to examine the issue of muck disposal from the stone quarries of Meghalaya

**Jitul Deka v. Union of India & Ors.; Order dated 2 August, 2021<sup>14</sup>**

The NGT has directed the Meghalaya government to submit a fresh affidavit regarding the action taken against the illegal

The instant petition has been filed under Article 226 of the Constitution of India ("Constitution") to set aside the closure order issued by the APPCB directing closure of petitioner's operations as illegal, arbitrary, unjust and violative of fundamental rights under the Constitution.

### Gauhati High Court seeks reply from the Assam forest department on the depletion of forests in Assam

**Asom Basaok v. The Ministry of Environment, Forest and Climate Change and Ors.; Order dated 23 August, 2021<sup>13</sup>**

The Gauhati High Court has directed the Principal Chief Conservator of Forests cum Head of Forest Force, Assam to file a reply on the aspect of forest depletion in Assam and further provide information on the existing Forest Management Plan. The Court observed that in terms of Forest (Conservation) Act, 1980 and orders passed by the Supreme Court in the case of *T.N. Godavarman Thirumulkpad v. Union of India & Ors. [(1997) 2 SCC 267]*, Forest Management Plan has to be in existence for the State.

This petition raises concern about the depletion of forests in the State of Assam. While adjudicating this matter, the Court observed that there are various Forest Divisions and Forest Conservation areas and it may not be possible either for this Court or for the officers to file separate replies.

miners / stone crushers operating in the State of Meghalaya within two months.

Through this order, the Tribunal has also constituted a committee to examine the issue of muck disposal from the stone quarries of Meghalaya into Guwahati City and its surroundings and the environmental degradation of water bodies in Guwahati city due to such disposal. This order further

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directs the said committee to assess the following and submit its report within two months before the Tribunal:

1. Amount of muck disposed due to illegal stone quarries;
2. Loss caused to the environment on account of muck on land and water bodies;
3. Calculate the environmental compensation due to degradation of the environment; and
4. Suggest remedial measures for restitution of the environment caused due to muck disposal.

In this case, NGT is considering the issue of illegal mining activities in Meghalaya.

## NGT passes directions pertaining to maintenance of environmental norms and bio toilets on Howrah and Sealdah railway stations.

### Subhas Datta v. Ministry of Railways & Ors.; Order dated 2 August, 2021<sup>15</sup>

Several directions pertaining to maintenance of environmental norms and bio toilets on Howrah and Sealdah railway stations have been passed by NGT.

For Howrah railway station, the Tribunal noted that the annual maintenance and operational contract for effluent treatment plants (“ETPs”) is under finalisation due to which the ETP is not operational. The Tribunal directed the Railways to submit its time schedule along with plan of action within which the said contract will be finalized by the next date of listing. The Tribunal has also issued several directions to the West Bengal Pollution Control Board to inspect the Howrah station and submit its report on: cleanliness, issues related to the waste management and rainwater harvesting system at the station. It has also been directed to inspect the coaches of Howrah division randomly and submit its report by the next date with regard to the functioning of the bio-toilets in all the coaches of the trains operating from the Howrah Division.

In relation to the Sealdah railway station, the Tribunal has also directed the Railways to file

an affidavit stating the time schedule along with an action plan for completion of the proposed ETP plant in the Sealdah Railway Station by the next date of listing. Besides, West Bengal Pollution Control Board has also been directed to inspect the station and submit its report for compliances related to the plastic waste management.

## NGT observes that failure to take stringent action against violations encourages lawlessness

### Jagdish Chandra Pandey v. State of Uttarakhand & Ors.; Order dated 5 August, 2021<sup>16</sup>

The NGT while dealing with a case alleging violation of environmental norms during construction of Kotila-Gawad-Suraikhet motor road in Uttarakhand has observed that failure to take stringent action against violations encourages lawlessness. Through this order, the Tribunal has directed the Secretary of Public Works Department, Uttarakhand to review the actions taken and further take suitable coercive measures against the violators. The Tribunal has also directed the State Pollution Control Board (“SPCB”) and Forest Department to review the inadequacy of action on their part in exercise of their respective statutory authority. Such coercive measures may include recovery of compensation on ‘Polluter Pays’ principle and restoration of the concerned forest area.

The primary allegation in this application is that significant number of trees are being damaged during the construction of the road which is being constructed by the Uttarakhand Forest Development Corporation.

The action taken report of the committee constituted by the NGT in this case showed that there have been several violations such as illegal cutting of trees, construction of road without permission, construction in forest area beyond the sanctioned area and dumping of muck on reserved forest without requisite sanction. In the instant order, the Tribunal has observed that action taken by the authorities for such violations is highly inadequate. The

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Tribunal noted that no criminal case appears to have been registered even though offences are shown to have been committed.

## NGT dismisses the application seeking review of its orders directing deregistration of diesel vehicles older than 10 years

**Vardhaman Kaushik v. Union of India & Ors.; Order dated 10 August, 2021<sup>17</sup>**

The NGT has dismissed the application seeking review of its earlier orders through which it had directed deregistration of diesel vehicles which are more than 10 years of age. The basis of prayer in the present applications was that the COVID-19 pandemic period should be excluded for calculating the period of 10 years.

In the present order, the Tribunal noted that the appeal against its said orders directing that diesel vehicles more than 10 years old be not allowed to ply on roads of Delhi was dismissed by the Supreme Court. In these circumstances, the NGT held that the instant review of the orders against which appeal has already been dismissed is not permissible.

## NGT directs closure of brick kilns operating in violation of environmental norms in Mathura, Uttar Pradesh

**Mukesh Kumar Aggarwal v. Central Pollution Control Board & Anr.; Order dated 12 August, 2021<sup>18</sup>**

The issue for consideration before the NGT was the remedial action against air pollution caused by brick kilns in Mathura, particularly Mant and Chhata areas, where large number of brick kilns are functioning practically without any regulation and in violation of environment norms. In this case, the NGT has directed that brick kilns operating in violation of environmental norms should be closed following the due process of law.

The Tribunal has further directed that the SPCB in coordination with the District Magistrate and the Air Quality Monitoring Committee headed

by the Secretary, Environment may ensure setting up of air quality monitoring stations at appropriate locations and take other steps for effective monitoring of compliance of air quality norms in the concerned area. The SPCB has been directed to review the consent given to all the brick kilns in the light of CPCB directions as well as the air quality norms, siting criteria and carrying capacity.

In the interest of pollution load reduction, the Tribunal has also directed tunnel kiln technology with piped natural gas (“PNG”) to be appropriately encouraged. Through this order, the NGT has also constituted a five-member committee to further study the carrying capacity of the area in terms of number of brick kilns which can be sustained.

## NGT constitutes a joint committee for determining remedial action in case of violation of EC conditions by a construction project

**Saviour Park Apartment Owners Association v. State of Uttar Pradesh & Ors.; Order dated 13 August, 2021<sup>19</sup>**

The NGT has constituted a joint committee to examine remedial actions that are necessary to be taken in case of violation of EC conditions and environmental norms while setting up Saviour Park, a construction project situated in Ghaziabad, Uttar Pradesh. This committee will comprise of officials from MoEF&CC, CPCB, State Level Environment Impact Assessment Authority (“SEIAA”), SPCB and District Magistrate, Ghaziabad.

As per the applicant, the project proponent violated EC conditions by starting construction work and handing over possession before completion of construction. It is further alleged that the project proponent has also violated EC conditions by constructing 1102 units against 980 units sanctioned through the EC. In addition, there is no arrangement for safe disposal of waste and there is further violation of EC condition through usage of diesel generators sets.

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Apart from the above factual directions, the Tribunal has also directed constitution of a two-member committee for conducting functional audit of SEIAA, Uttar Pradesh to find out how frequent blatant violations are taking place and how the situation can be remedied. The NGT also noted that SEIAA, Uttar Pradesh needs to review its functioning in light of binding precedents and frequent violations taking place. Considering the report of this committee, an appropriate standard operating procedure (“SOP”) will be laid down by the MoEF&CC to deal with such ECs which will be circulated to all SEIAAs.

## NGT directs State of Odisha to notify elephant corridors and the relevant action plan within two months

### **Wildlife Society of Orissa (Elephant Corridors) v. State of Odisha and Ors.; Judgement dated 17 August, 2021<sup>20</sup>**

The NGT has directed the State of Odisha to notify the elephant corridors as identified by the State Government and the Asian Nature Conservation Foundation (“ANCF”) and the action plan within a period of two months in accordance with law. This direction has been passed by the Tribunal in furtherance of an application which had sought notification of 14 elephant corridors for the protection of the population of Asian Elephants in Odisha.

In the course of this adjudication, an action plan was filed by the State Government with reference to the time-line for implementation of the recommendations of the report submitted by ANCF that was assigned the task to identify the corridors and assess their viability. These 14 corridors have been identified in the said plan.

## NGT dismisses review application against its order directing payment of compensation to injured workers

### **In re: News item published in The Hindustan Times dated 17.06.2021, titled “Blast in firecracker unit in Maharashtra’s**

### **Palghar, at least 10 injured”; Order dated 18 August, 2021<sup>21</sup>**

The NGT has dismissed the review application filed against its order dated 25 June, 2021 through which the Tribunal had directed the applicant to pay compensation to workers who were injured due to the industrial accident in its factory in Palghar District, Maharashtra. Through this earlier order under review, the NGT had directed that the compensation be paid by the State of Maharashtra within one month and the State had been granted liberty to recover the same from the occupier of the premise / review applicant. In the said order, the NGT had also observed the need for remedial actions to be taken on account of the statutory violations in this factory resulting in the accident.

While dismissing this review application, the Tribunal noted that neither the review applicant disputed the facts on which the Tribunal had proceeded to issue the said order nor put forward any other ground that may call for review.

## NGT disposes the application pertaining to MoEF&CC notification permitting the use of coal with ash content higher than permitted earlier

### **Say Earth v. Union of India & Ors.; Order dated 18 August, 2021<sup>22</sup>**

The NGT has disposed of the application where the grievance was against MoEF&CC notification dated 21 May, 2020 permitting the use of coal in thermal power plants with ash content higher than permitted earlier. The applicant submitted before the Tribunal that the impugned notification has been issued without following the due procedure and without any expert study of impact on the environment. Further, permitting coal with higher ash content will result in additional ash generation when the already generated ash is not being properly utilized.

In the response jointly filed by the MoEF&CC, Ministry of Coal and Ministry of Power, it has been submitted that the impugned

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notification is based on technical study and in light of representations from the stakeholder ministries. Apart from merits, counsel of the respondents submitted before the Tribunal that overlapping issues are pending consideration before the Supreme Court and parallel proceedings before this Tribunal may not be appropriate. While disposing of this application, the NGT noted that the parties agree that the issue raised herein can be addressed in the matter pending before the Supreme Court without prejudice to the remedies available before the Tribunal.

## NGT directs Punjab forest department to file a factual report in the matter pertaining to operation of wood based industries in Punjab

### Umeed NGO v. State of Punjab & Ors.; Order dated 19 August, 2021<sup>23</sup>

The NGT has directed the Principal Chief Conservator of Forests, Punjab to submit a factual report concerning the operation of wood based industries (“WBI”) in Punjab. The applicant challenged the decision by the State Level Committee, Punjab that allowed WBI to operate without any restriction on the number of such industries, merely with the conditions that the source of wood should be agro forestry species from non-forest land, imported wood and wood from other states.

Applicant submitted before the Tribunal that the forest cover in Punjab is already very low and permitting unlimited number of WBI merely on abovementioned conditions will not be adequate safeguards against illegal deforestation. The Applicant further contended before the NGT that: the impugned decision has been taken without compiling district-wise and species-wise data of timber availability and consumption; WBI may source wood from illegal sources; Forest Department letter dated 09 August, 2021 states that no district-wise assessment has been made about timber availability; and Forest Department letter dated 06 October, 2020 shows that the last survey of wood availability was conducted in the year 2007.

## NGT directs the Supreme Court appointed Monitoring

## Committee to study the situation of violation of environmental norms by factories located at Nai Sarak, Delhi

### Rajeev Aggarwal v. North Delhi Municipal Corporation & Ors.; Order dated 23 August, 2021<sup>24</sup>

The NGT has directed the Monitoring Committee constituted by the Supreme Court in the case of *M C Mehta v. Union of India & Ors.* [(2004) 6 SCC 588] to undertake a study on violation of environmental norms by factories and other commercial activities located at Nai Sarak, Delhi. The Monitoring Committee comprises of Chief Secretary of Delhi; Commissioner of Police, Delhi; Commissioner, Municipal Corporation of Delhi; and Vice-Chairman of the Delhi Development Authority. The NGT has allowed the Monitoring Committee to examine the issue and also suggest remedial measures through a joint committee comprising of Commissioner, North Delhi Municipal Corporation; Special Commissioner of Police, North; Member Secretary, DPCC; and District Magistrate, North.

The Monitoring Committee has been directed to verify the status of both the industrial operations in question as well as other industries in existence. It may also make recommendations for safety, sanitation, hygiene and the pollution free environment. Besides verifying operation of industries in non-conforming areas, sources of water and power supply, drainage status and air quality status also needs to be ascertained by the Monitoring Committee.

The Applicant has provided the Tribunal with details of 9 commercial entities alleged to be violating environmental norms while operating in this residential area. Applicant has stated that these illegal factories and other commercial activities cause noise pollution and unscientific discharge of waste, and they handle hazardous waste in non-compliance with industrial safety norms.

The Tribunal observed that several fire incidents have taken place on account of unregulated hazardous activities in congested areas in Delhi and even fire brigade or ambulance are unable to reach such sites

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on time. The Tribunal further observed that industrial and commercial activities in residential areas put the life of citizens at risk.

## NGT holds that a water body cannot be converted into a housing site merely on the ground that the same had dried up

### **A. M. Vinodh v. State of Tamil Nadu; Order dated 23 August, 2021<sup>25</sup>**

The NGT has directed the Tamil Nadu government to restore the water body known as Pudukulam Kanmoi in Madurai to its original position including removing the construction, if any, raised thereon within one month. In this order, the NGT has held that a water body cannot be converted into a housing site merely on the ground that the same had dried up.

This order has been passed by the Tribunal while adjudicating an application filed against a government order issued by the Revenue & Disaster Management Department, Land Disposal Wing to allot Pudukulam Kanmoi to certain journalists.

While observing that certain natural areas are required to maintain their characteristics, the Tribunal reiterated that the Supreme Court in the case of *M.C. Mehta v. Kamalnath [(1997) 1 SCC 388]* has held that as per public trust doctrine, the State is under an obligation to protect the ecological value of the natural resources.

The Tribunal has observed that under Section 20 of the NGT Act, the Tribunal has to uphold precautionary and sustainable development principles of environmental law by issuing appropriate directions for protection of the environment under Section 15 of the NGT Act and for doing so the Tribunal can annul a decision of the State.

## NGT issues notice to respondents in the case pertaining to lapses in the enforcement of the National Clean Air Programme

### **Kankana Das v. Union of India & Ors.; Order dated 24 August, 2021<sup>26</sup>**

The NGT has issued notice to various respondents including MoEF&CC, CPCB, State

of West Bengal, West Bengal State Pollution Control Board and State of Odisha.

This application raised the issue that MoEF&CC has framed the National Clean Air Programme (“NCAP”) under which States and SPCBs were required to frame State Action Plans for combating air pollution. However, as the MoEF&CC and CPCB have failed to issue guidelines for preparation of State Action Plans, neither the State Governments nor the SPCBs have been able to frame their timeline for framing the State Action Plans which are essential for enforcement of the NCAP.

The MoEF&CC has framed NCAP under Section 16(2)(b) of the Air (Prevention and Control of Pollution) Act, 1981.

## NGT constitutes a joint committee to ascertain the issue of large scale illegal sand mining in Andhra Pradesh

### **Nagendrakumar v. Govt. of India and Ors.; Order dated 25 August, 2021<sup>27</sup>**

The NGT has directed constitution of a joint committee to ascertain the allegations made in the application regarding occurrence of sand mining in an unscientific manner in State of Andhra Pradesh. The committee has been directed to inspect the concerned mining areas and submit a factual and action taken report before the Tribunal.

It has been alleged that the sand mining is being done in violation of EC conditions and there is occurrence of excess mining. It has been further alleged that instead of manual methods as provided under the Sustainable Sand Mining Management Guidelines, 2016 there is usage of mechanised methods. These unscientific methods of sand mining in Andhra Pradesh are causing environmental degradation in river beds of Andhra Pradesh.

## NGT directs HSIIDC to ensure safe and scientific disposal of waste

### **Residents Welfare Association, Jharsently (Regd.) v. State of Haryana & Ors.; Order dated 25 August, 2021<sup>28</sup>**

The NGT has directed the Haryana State Industrial and Infrastructure Development

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Corporation (“HSIIDC”) to ensure the safe and scientific disposal of the waste (liquid, solid industrial or domestic) and to further take steps for ensuring that dumping of waste does not take place in future. The Tribunal has also directed that fencing of the allotted plots may be ensured, if necessary.

These directions have been made by the Tribunal while adjudicating an application raising the issue of the cutting of trees on two plots in District Faridabad and seeking remedial action against release of untreated effluents by HSIIDC in open and in drain which meets river Yamuna.

While observing that the action taken report submitted by the SPCB shows that there is violation of environmental norms in dumping of industrial waste as well as effluent, the Tribunal has observed that such unchecked dumping has potential for damage to the public health. The NGT further observed that presence of high chemical oxygen demand (“COD”) and biochemical oxygen demand (“BOD”) in stagnated water means that the water is highly contaminated and it could be a hazard to the public health.

## NGT directs District Magistrate, Ghaziabad to remove encroachment in the green belt

**Sunil Kumar Sharma (Journalist) v. Uttar Pradesh Industrial Development Authority & Anr; Order dated 27 August, 2021<sup>29</sup>**

The NGT has directed District Magistrate, Ghaziabad with assistance of Senior Superintendent of Police, Ghaziabad to forthwith take remedial action of removing the encroachment and restoring the green belt in Ghaziabad. The Tribunal further held that any failure in this regard may leave no option except to take coercive measures against the District Magistrate, Ghaziabad and Senior Superintendent of Police, Ghaziabad personally.

This direction has been passed by the Tribunal while adjudicating a case which highlighted encroachment on the green belt in violation of the Master Plan by way of a private building named ‘Udyog Bhawan’ in Ghaziabad. In a report submitted earlier, District Magistrate, Ghaziabad agreed that the said construction is an encroachment. However, in the instant order, the Tribunal noted that no compliance report has been filed, as directed.

Through the instant order, the Tribunal has also directed the District Magistrate, Ghaziabad to assess and recover compensation for wrongful encroachment of public land in the green belt. The Tribunal has further directed that pending assessment of the final compensation, a token amount of INR 1 million shall be deposited as interim compensation for the violations by the alleged encroacher within one month, failing which coercive measures for recovery may be taken. Such amount will be utilized for restoration of the environment.

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## Regulatory and Policy Developments

### Battery Operated Vehicles exempted from payment of fees; 2 August, 2021<sup>30</sup>

The Ministry of Road Transport and Highways (“MoRTH”) through a notification dated 2 August, 2021 has notified the Central Motor Vehicles (Sixteenth Amendment) Rules, 2021. Through these Rules, Battery Operated Vehicles have been exempted from the payment of fees for the purpose of issue or renewal of registration certificate and assignment of new registration mark.

### \$250 million project signed to make existing dams safe and resilient; 4 August, 2021<sup>31</sup>

India and the World Bank have signed a \$250 million project for long-term dam safety program and improving the safety and performance of existing dams in India. The project will be implemented in approximately 120 dams across the states of Chhattisgarh, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Odisha, Rajasthan, and



Tamil Nadu. Other states may be added to the project during project implementation phase.

This project is envisaged to transform dam safety management and introduce a risk-based approach to dam asset management that will help to effectively allocate financial resources towards priority dam safety needs. This project will also support measures such as flood forecasting systems and integrated reservoir operations; preparation and implementation of emergency action plans; and the piloting of supplemental revenue generation schemes such as floating solar panels.

### **MoEF&CC requests project proponents to upload desired information for upcoming single window platform; 4 August, 2021<sup>32</sup>**

The MoEF&CC is in process of setting up a transparent, technology-driven, non-intrusive monitoring system through PARIVESH 2.0. This system is aimed at providing a “single window” solution for environmental regulations administered in the MoEF&CC. This system will *inter alia* include compliance module for capturing the compliance data online through the website for effective implementation of the EC conditions through technology driven platform. Therefore, legacy data (EC conditions in hard copy or PDF format) needs to be converted into tabulated form.

In this context, the MoEF&CC through an office memorandum (“OM”) dated 4 August, 2021 has requested all the project proponents to upload the desired information along with copy of EC letter(s) in the given format within a period of two weeks.

### **Environment (Protection) Second Amendment Rules, 2021 notified; 6 August, 2021<sup>33</sup>**

The MoEF&CC through a notification dated 6 August, 2021 has notified the Environment (Protection) Second Amendment Rules, 2021. Through these Rules, the entry no. 73 in the Schedule – 1 of the Environment (Protection) Rules, 1986 has been substituted. As such, new effluent standards and emission standards have been prescribed for Bulk Drug and Formulation (Pharmaceutical) industry. These Rules shall come into force after one year from the date of publication of this notification in the Official Gazette.

### **MoEF&CC constitutes Regional Empowered Committee at Integrated Regional Office, Jammu; 9 August, 2021<sup>34</sup>**

MoEF&CC has notified the constitution of Regional Empowered Committee at Integrated Regional Office, Jammu under Rule 4A (1) of the Forest (Conservation) Rules, 2003. This committee will be required to exercise the delegated powers under the Forest (Conservation) Act, 1980.

### **Indian Railways invites bids for Hydrogen Fuel Cell based Train on Railways Network; 7 August, 2021<sup>35</sup>**

The Indian Railways has invited the bids for hydrogen fuel cell based train on Railways network. The project shall commence on the 89 km long Sonipat - Jind section of the Northern Railway. As per the project, two DEMU rakes will be converted and later 2 Hybrid locos will be converted based on Hydrogen Fuel cell power movement. There will be no change in the driving console.

This project has been announced under the National Hydrogen Mission as flagship program of the Government of India to meet the targets of reducing Green House Gas emission under Paris Climate Agreement, 2015. This project is also expected to support Railways in the “Mission Net Zero Carbon Emission Railway” by 2030.

### **IPCC Working Group I report released; 9 August, 2021<sup>36</sup>**

Intergovernmental Panel on Climate Change (“IPCC”) has released its Working Group I report, titled as “Climate Change 2021: The Physical Science Basis” on 9 August, 2021. This report has been approved by 195 member governments of the IPCC, through a virtual approval session that was held over two weeks starting on July 26. The Working Group I report is the first instalment of the IPCC’s Sixth Assessment Report, which will be completed in 2022.

This report provides new estimates of the chances of crossing the global warming level of 1.5°C in the coming decades, and finds that unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming to close to 1.5°C or even 2°C will be beyond reach.

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## **GEF-MNRE-UNIDO has launched the loan interest subvention scheme for demonstration of innovative industrial organic waste to energy biomethanation projects and business models; 10 August, 2021<sup>37</sup>**

Global Environment Facility (“GEF”), Ministry of New and Renewable Energy (“MNRE”) and United Nations Industrial Development Organization (“UNIDO”) has launched the loan interest subvention scheme for demonstration of innovative industrial organic waste to energy biomethanation projects and business models.

Such biomethanation projects are capital intensive and financially sensitive to both operating costs and revenue. Innovations in such projects seek to improve overall energy output thereby minimizing the cost of energy generation but may lead to increase in the initial project cost at the establishment stage. The loan scheme provides financial assistance to beneficiaries to reduce the financial burden on account of interest on the loan component faced by such projects.

## **CPCB seeks comments on Guidelines on Handling and Management of Red Mud; 11 August, 2021<sup>38</sup>**

CPCB through an Office Memorandum dated 11 August, 2021 has invited comments / suggestions on “Guidelines on Handling and Management of Red Mud”. These guidelines have been prepared in compliance with the mandate given under footnote of Schedule – 1 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

These guidelines are available on the website of CPCB and comment / suggestions, if any, can be communicated by 15 September, 2021 for finalisation of the said guidelines.

## **Handbook on EV charging infrastructure in India released by NITI Aayog; 12 August, 2021<sup>39</sup>**

NITI Aayog has released a handbook for electric vehicle (“EV”) charging infrastructure implementation to guide State Governments and local bodies to frame policies and norms towards setting up charging networks for EV.

The objective of this handbook is to enhance charging infrastructure and facilitate a rapid transition to electric mobility in the country.

This handbook has been jointly developed by NITI Aayog, Ministry of Power, Department of Science and Technology, Bureau of Energy Efficiency and World Resources Institute (“WRI”) India.

## **All India elephant and tiger population estimation exercise will be done in convergence in 2022; 12 August, 2021<sup>40</sup>**

The MoEF&CC has released the population estimation protocol which will be adopted for the all India elephant and tiger population estimation exercise in 2022. It is for the first time that the MoEF&CC is converging elephant and tiger population estimation.

While releasing the estimation protocol, the Indian Environment Minister said that there has been a pressing need to improve and harmonize the population estimation methods along more scientific lines in various states across India and expressed happiness that the Ministry for the first time is converging both elephant and tiger population estimation.

## **Plastic Waste Management (Amendment) Rules, 2021 notified; 12 August, 2021<sup>41</sup>**

The MoEF&CC through a notification dated 12 August, 2021 has notified the Plastic Waste Management (Amendment) Rules, 2021 which prohibits identified single use plastic items having low utility and high littering potential by 2022. As per these Rules, the manufacture, import, stocking, distribution, sale and use of following single use plastic, including polystyrene and expanded polystyrene, commodities shall be prohibited with effect from the 1 July, 2022:-

- (a) ear buds with plastic sticks, plastic sticks for balloons, plastic flags, candy sticks, ice-cream sticks, polystyrene [Thermocol] for decoration; and
- (b) plates, cups, glasses, cutlery such as forks, spoons, knives, straw, trays, wrapping or packing films around sweet boxes, invitation cards, and cigarette packets, plastic or PVC banners less than 100 microns, stirrers.

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Under these Rules, with effect from 30 September, 2021, the thickness of plastic carry bags has been increased from fifty microns to seventy-five microns and to one hundred and twenty microns with effect from the 31 December, 2022.

## **Draft Plastic Waste Management Bye-laws, 2021 notified by the Department of Urban Development, Government of National Capital Territory of Delhi; 13 August, 2021<sup>42</sup>**

In exercise of the powers conferred by Rule 6(4) of the Plastic Waste Management Rules, 2016, the Department of Urban Development, Government of National Capital Territory of Delhi has notified the Draft Plastic Waste Management Bye-laws, 2021 through a notification dated 13 August, 2021. These bye-laws shall be applicable within the territorial limits of South Delhi Municipal Corporation, East Delhi Municipal Corporation, North Delhi Municipal Corporation, New Delhi Municipal Council and Delhi Cantonment Board.

These bye-laws have 13 chapters and a schedule. These bye-laws have provisions on segregation and storage of plastic waste; plastic waste collection; secondary storage of plastic waste; transportation of plastic waste; processing / disposal of plastic waste; user fee and levying of spot fine / penalty; fines to be payable by retailers / street vendors for contravention of the rules; responsibility of producers, importers and brand owners; social awareness and public education; action by government offices; and extended producer responsibility.

## **Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 notified; 13 August, 2021<sup>43</sup>**

The Union Government through a notification dated 13 August, 2021 has notified 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 other related matters in the National Capital Region.

This Act has been brought into force with effect from 13 April, 2021. It provides for the constitution of the Commission and terms

related to its members and chairperson. It empowers the Commission to take various steps for improving air quality in the National Capital Region. Besides, it also empowers the Commission to impose and collect environment compensation from farmers causing air pollution by stubble burning.

## **Four new Ramsar wetland sites recognised in India; 15 August, 2021<sup>44</sup>**

The Convention on Wetlands, 1973 ("Ramsar Convention") aims to conserve an international network of wetlands that are important for sustaining biological diversity. The Ramsar Convention is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

Four more wetlands from India – two from Haryana and two from Gujarat – have been recognised as Ramsar sites of international importance, taking the number of such sites in the country to 46, covering a total area of 10,83,322 hectares. These wetlands are Bhindawas Wildlife Sanctuary and Sultanpur National Park from Haryana; and Thol Lake Wildlife Sanctuary and Wadhvana Wetland from Gujarat.

## **CPCB issues addendum to the guidelines for setting up of new petrol pumps; 16 August, 2021<sup>45</sup>**

CPCB through an Office Memorandum dated 16 August, 2021 has issued an addendum to the guidelines for setting up of new petrol pumps which were issued on 7 January, 2020. These addendum guidelines have been prescribed for petrol pumps near water bodies. As per these addendum guidelines, retail outlets shall not be located within a distance of 50 meters from the nearest point of waterbodies. These guidelines also specify the protocol for the groundwater and soil quality monitoring by the petrol pumps.

## **MoEF&CC issues the guidelines related to cultivation of silk in the forest areas; 16 August, 2021<sup>46</sup>**

MoEF&CC, in consultation with Central Silk Board and Ministry of Textiles, Government of India, has issued the guidelines for "Vanya Silk Cultivation" (meaning silk cultivation in

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forest areas) under the Forest (Conservation) Act, 1980.

These guidelines aim at the active participation of local communities in the silk cultivation which would not only help them to develop their livelihood but also help in the conservation and protection of forests by reducing their dependency on forests. The States / Union Territories have been directed to comply with these guidelines while considering proposals for use of the forest land for silk cultivation.

## **Draft Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2021 released; 16 August, 2021<sup>47</sup>**

The Ministry of Power has released the “Draft Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2021”. The draft has been placed on the website of the Ministry of Power for comments for a period of 30 days.

The draft rules lay down norms related to Renewable Purchase Obligation (“RPO”), green energy open access, procedure for grant of green energy open access, banking and cross subsidy surcharge. These draft rules are also aimed at promoting the purchase and consumption of green energy.

## **Union Government approves MoU between India and Bangladesh on cooperation in the field of disaster management, resilience and mitigation; 18 August, 2021<sup>48</sup>**

The Union Cabinet has approved the Memorandum of Understanding (“MoU”) on cooperation in the field of disaster management, resilience and mitigation signed between the National Disaster Management Authority (“NDMA”), Ministry of Home Affairs, the Republic of India and the Ministry of Disaster Management and Relief, People’s Republic of Bangladesh.

The benefit of this MoU is that it seeks to put in place a system through which both India and Bangladesh will be benefited from the disaster management mechanisms of each other and it will also add value to the aspects of preparedness, response and capacity building in the field of disaster management.

## **Implementation of National Mission on Edible Oils – Oil Palm approved; 18 August, 2021<sup>49</sup>**

The Union Cabinet has given its approval to launch the National Mission on Edible Oils – Oil Palm (“NMEO-OP”) as a new centrally sponsored scheme. This scheme will have a special focus on the North Eastern Region and the Andaman and Nicobar Islands.

The scheme gains significance as increasing the area and productivity of oil palm plays an important part in increasing the domestic production of edible oils, with India being world’s largest palm oil importer.

The Government has sanctioned a financial outlay of INR 110.4 billion for this scheme, out of which INR 88.44 billion is the share of Government of India and INR 21.96 billion is share of the State and this includes the viability gap funding also.

This scheme proposes to cover an additional area of 6.5 lakh hectare for oil palm till the year 2025-26 and aims to ultimately reach the target of 10 lakh hectares. The scheme is envisaged to benefit the oil palm farmers, increase capital investment, create employment generation, reduce the import dependence and increase the income of the farmers.

## **Cabinet approves ratification of Kigali Amendment to the Montreal Protocol; 18 August, 2021<sup>50</sup>**

The Union Cabinet has approved the ratification of the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer for phasing down Hydrofluorocarbons (“HFCs”) by India. This amendment was adopted by the Parties to the Montreal Protocol on October, 2016 at their 28th Meeting held at Kigali, Rwanda.

India will complete its phase down of HFCs in four steps from 2032 onwards with cumulative reduction of 10% in 2032, 20% in 2037, 30% in 2042 and 85% in 2047. The national strategy for phase down of HFCs as per the applicable phase down schedule for India will be developed by 2023 after required consultation with all the industry stakeholders.

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## **Solar Electric Vehicle Charging Stations inaugurated at Karnal Lake Resort, Karnal; 19 August, 2021<sup>51</sup>**

The Delhi-Chandigarh Highway has become the first e-vehicle friendly highway in India as a network of Solar-based Electric Vehicle Charging stations has been set up by Bharat Heavy Electricals Limited under the Faster Adoption and Manufacturing of (Hybrid) & Electric Vehicles in India – I scheme of the Government of India in Karnal.

The charging station is strategically located at the midpoint of Delhi-Chandigarh highway, and is equipped to cater to all types of e-cars plying currently in the country. Besides, the company is also working to upgrade other charging stations on this highway by the end of this year.

## **NTPC commissions largest floating solar PV Project in the country; 21 August, 2021<sup>52</sup>**

National Thermal Power Corporation Ltd. ("NTPC") has commissioned the largest floating solar photo-voltaic ("PV") project of 25MW on the reservoir of its Simhadri thermal power station in Visakhapatnam, Andhra Pradesh. This project is also the first solar project to be set up under the Flexibilisation Scheme as notified by the Government of India in 2018.

Spread over 75 acres, this floating solar project has the potential to generate electricity from more than 1 lakh solar PV modules. As per the official statement, this is expected to not only help to light around 7,000 households but also ensure at least 46,000 tons of CO<sub>2</sub>e are kept at arm's length every year during the lifespan of this project. This project is also expected to save 1,364 million litres of water per annum.

## **Linear projects linked to mining projects to be considered as standalone project; 23 August, 2021<sup>53</sup>**

The MoEF&CC through a communication dated 23 August, 2021 addressed to the Principal Secretary (Forests) of all State Governments / Union Territory Administrations has conveyed that the supplementary linear projects linked to mining that are conceived after the start of the original mining, should be considered as a standalone linear project and decisions

on according approval for those shall be made at the Regional Empowered Committee / Integrated Regional Office concerned as per provisions provided in the Forest (Conservation) Rules, 2003. However, to ensure that the sanctity of such delegation is maintained, MoEF&CC has also laid down certain conditions for compliance.

## **Clarification with regard to environmental auditors and reputed institutions for providing 'no increase in pollution load certificate'; 23 August, 2021<sup>54</sup>**

Through an earlier notification dated 2 March, 2021, the MoEF&CC had exempted the requirement of EC for any increase in production capacity in respect of processing or production or manufacturing sectors with or without change in certain aspects for which prior EC has been granted, provided there is no increase in pollution load. For seeking this exemption, the project proponent is required to furnish a 'no increase in pollution load certificate' from the environmental auditor or reputed institutions empanelled by the SPCB or Union Territory Pollution Control Committee or CPCB or MoEF&CC.

The MoEF&CC through an OM dated 23 August, 2021 has issued clarification stating that the 'environmental auditors' mentioned in the abovementioned notification shall include QCI-NABET accredited EIA consultants for the respective sectors and category (A or B) provided the same consultant has not rendered consultancy service for the proposed expansion of the said project. Further, the consultant accredited for Category B projects shall not audit Category A projects.

This OM further clarifies that 'reputed institutions' mentioned in the abovementioned notification shall include Council of Scientific & Industrial Research ("CSIR") laboratories specialising in the relevant sectors for the purpose of providing a 'no increase in pollution load' certificate for any development projects seeking to avail benefit under the abovementioned notification.

## **MoEF&CC constitutes the Odisha Coastal Zone Management Authority; 23 August, 2021<sup>55</sup>**

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MoEF&CC has issued the notification to constitute the Odisha Coastal Zone Management Authority to undertake various activities related to State of Odisha as specified in the Coastal Regulation Zone notification dated 18 January, 2019.

## **Ministry of Jal Shakti constitutes District Ganga Committees for various districts of Bihar, Uttar Pradesh and Uttarakhand; 23 August, 2021<sup>56</sup>**

Ministry of Jal Shakti, in consultation with the respective State Ganga Committee, has constituted the District Ganga Committees for various districts of Bihar, Uttar Pradesh and Uttarakhand for a period of two years to take various steps aimed at the rejuvenation of the river Ganga.

## **U.S. Special Presidential Envoy for Climate may visit India in September; 24 August, 2021<sup>57</sup>**

Mr. John Kerry, U.S. Special Presidential Envoy for Climate may visit India in September, 2021. His visit will further India-US partnership on Clean Energy. The Indian Environment Minister held a telephonic conversation with Mr. Kerry where they discussed Climate Action and Finance Mobilization Dialogue (“CAFMD”) track under the India-US Climate and Clean Energy Agenda 2030 Partnership, and other related issues.

CAFMD has been launched to enhance actions in the current decade for meeting the goals of the Paris Agreement. Both India and the USA have agreed to engage for a constructive engagement under the India-US Climate and Clean Energy Agenda 2030 Partnership. The Indian Environment Minister stated that these platforms serve as opportunities for working together on climate actions and further emphasized that India stands committed to working with the U.S. on clean energy.

## **‘Forum for Decarbonizing Transport’ in India jointly launched by NITI Aayog and WRI India; 24 August, 2021<sup>58</sup>**

NITI Aayog and WRI India have jointly launched the ‘Forum for Decarbonizing Transport’ in India. This forum is part of the NDC-Transport Initiative for Asia (“NDC-TIA”) project. This project is aimed at working towards reducing the peak level of greenhouse gas (“GHG”)

emissions in line with a well below 2-degree pathway of the transport sector in Asia.

The NDC-TIA project is a joint programme involving seven organisations that will engage China, India, and Vietnam in promoting a comprehensive approach to decarbonizing transport in their respective countries. The India component of NDC-TIA project is focused on developing a rational strategy of effective policies and a multi-stakeholder platform for decarbonizing transport in India. Through this, the WRI India team, along with NITI Aayog and other project partners will work in close coordination with all the stakeholders for formulating strategies and developing appropriate business models to accelerate electric mobility in India. The forum will also serve as a platform to initiate discourse towards development of uniform policies and further help achieve specific results in reducing emissions of the Indian transport sector.

## **India has already achieved the emission reduction of 28% over 2005 levels against the target of 35% by 2030; 25 August, 2021<sup>59</sup>**

The Union Minister of Power and New & Renewable Energy in his keynote address at the ‘INDIA-ISA Energy Transition Dialogue 2021’ stated that India has already achieved emission reduction of 28% over 2005 levels, against the target of 35% by 2030 committed in its nationally determined contributions. He further stated that India is one of the few countries globally which has kept to its Paris Climate Change commitments along with an exponential increase in renewable energy capacity.

He further stated that by 2050, about 80-85% of India’s overall power capacity will come from renewables. India ranks at the 4<sup>th</sup> position in the world in terms of installed renewable energy capacity and it was further stated that India plans to systematically scale up its targets to install 450 GW of renewable energy capacity by 2030 from its existing target of 175 GW by 2022.

## **North Eastern Region District SDG Index and Dashboard 2021-22 released; 26 August, 2021<sup>60</sup>**

NITI Aayog and Ministry of Development of North Eastern Region (“DoNER”) has released the North Eastern Region District SDG Index

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Report and Dashboard 2021-22. This index and dashboard is a collaborative effort by NITI Aayog and Ministry of DoNER and has been developed with technical support from United Nations Development Programme (“UNDP”).

This is first of its kind index and dashboard in India as it focuses on the north eastern region. The Index measures performance of the districts of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura on the sustainable development goals (“SDGs”) and their corresponding targets, and ranks these districts based on the same. This index is based on NITI Aayog’s SDG India Index. The index serves as a unique policy tool as it has immense potential to measure district level progress, highlight critical gaps and facilitate resource allocation.

## **India proposes to mandate using green hydrogen in fertilisers and refining; 27 August, 2021<sup>61</sup>**

As part of India’s commitment towards replacing grey hydrogen with green hydrogen, the country is proposing to mandate using green hydrogen in fertilizer and in refining. This commitment was stated by Union Minister for Power in a telephonic conversation with Mr John Kerry, U.S. Special Presidential Envoy for Climate. During this conversation, the Minister also informed Mr. Kerry that India has crossed the milestone of 100 GW in installed solar and wind capacity.

National Hydrogen Energy Mission has been launched in India to enable cost competitive green hydrogen production. The Minister informed Mr. Kerry that India would be conducting competitive bids for green hydrogen in next 3 to 4 months for paving the road for viable usage of hydrogen as a fuel.

## **New Delhi Statement on Environment adopted by BRICS Environment Ministers; 27 August, 2021<sup>62</sup>**

The 7<sup>th</sup> meeting of the BRICS Environment

Ministerial 2021 was held virtually at Sushma Swaraj Bhawan, New Delhi under the chair of India and saw participation by the Environment Ministers from the BRICS nations. At this meeting, India stressed on the requirement for taking tangible collective global actions against global environment and climate challenge, guided by equity, national priorities and circumstances and the principles of “common but differentiated responsibilities and respective capabilities”.

In this Meeting, the Environment Ministers adopted the New Delhi Statement on Environment which is aimed at furthering the spirit of cooperation for continuity, consolidation and consensus in the environment among the BRICS nations.

## **MoEF&CC issues notification for ESZ around two wildlife sanctuaries**

MoEF&CC has issued the draft notification constituting the Eco-Sensitive Zone (“ESZ”) around the Deepar Beel Wildlife Sanctuary located in Guwahati city of Assam. This site is the only Ramsar site in Assam and is one of the largest fresh water lakes of Assam.<sup>63</sup>

Besides, MoEF&CC has also notified the ESZ around the Nahar Wildlife Sanctuary, Rewari, Haryana.<sup>64</sup>

## **MoEF&CC issues notification for constitution of SEIAA for Gujarat and Bihar**

MoEF&CC has notified the constitution of State Level Environment Impact Assessment Authority (“SEIAA”) for the State of Gujarat<sup>65</sup>. The Chairman and Members of the SEIAA shall hold office for a term of three years.

Besides, the constitution of SEIAA and State Level Expert Appraisal Committee (“SEAC”) for the State of Bihar has also been notified.<sup>66</sup> The Chairman and Members of both SEIAA and SEAC shall hold office for a term of three years.

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- 1 SLP (C) No(s).7220-7221/2017
- 2 Civil Appeal No(s). 9677/2019
- 3 Civil Appeal No. 5036/2019
- 4 Civil Appeal No. 4589/2021



- 5 Civil Appeal No(s). 2201/2021
- 6 Civil Appeal No(s).4845/2021
- 7 Civil Appeal No. 5041 of 2021
- 8 Civil Appeal No(s). 4475/2021
- 9 Writ Petition No. 15112 of 2021
- 10 P.I.L. CIVIL No. - 15385 of 2021
- 11 WP (PIL) NO. 42 of 2021
- 12 WP No. 9671 of 2021
- 13 PIL No. 77/2018
- 14 Original Application No. 48/2019/EZ
- 15 Original Application No. 57/2017/EZ
- 16 Original Application No. 197/2020
- 17 M.A. No. 51/2021 & M.A. No. 52/2021 in Original Application No. 21/2014
- 18 Original Application No. 93/2021
- 19 Original Application No. 199/2021
- 20 Original Application No.129/2016/EZ
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- 23 Original Application No. 206/2021
- 24 Original Application No. 207/2021
- 25 Original Application No. 125/2021
- 26 Original Application No. 60/2021/EZ
- 27 Original Application No. 187 of 2021 (SZ)
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