



Supreme Court Judgments/Orders

Supreme Court observes that sandalwood oil is a forest produce under the Kerala Forest Act, 1961

Bharath Booshan Aggarwal v. State of Kerala; Judgment dated 06 October, 2021¹

The Supreme Court of India (“Supreme Court”) has observed that sandalwood oil is a forest produce under the provisions of Kerala Forest Act 1961, being predominantly based on the forest product sandalwood. The Court observed that accepting an opinion on the contrary would make the illegally procured forest produce such as sandalwood, rosewood, or other rare species, which are then worked upon and converted into another product predominantly based on the essential forest produce, escape the provisions of the said Act. The Court also refused to accept a previous judgment of the Supreme Court which had concluded that articles or products created by human toil are not per se forest produce. However, in the instant case, the Court acquitted the appellant for illegal possession and transportation of sandalwood oil because the prosecution failed to prove it beyond reasonable doubt.

In the instant case, the Court was considering whether sandalwood oil would be considered as a ‘forest produce’ under the provisions of the Kerala Forest Act, 1961, and that appellant could be held guilty for its illegal possession and transportation. The possession and transportation of forest produce without required license is illegal under the said statute.

Supreme Court upholds the suo motu jurisdiction of the National Green Tribunal

Municipal Corporation of Greater Mumbai v. Ankita Sinha & Ors.; Judgment dated 07 October, 2021²

The Supreme Court has held that the National Green Tribunal (“NGT”) has suo motu jurisdiction to deal with environmental cases within the purview of the National Green Tribunal Act, 2010 (“NGT Act”). The Court analysed the purpose for the creation of NGT as a specialised forum to adjudicate cases related to environment which is a significant aspect of Article 21 of the Constitution of India (“Constitution”). The Court observed that NGT has been established with a laudatory objective and it must be provided the wherewithal to discharge its protective, preventive and remedial functions towards protection of the environment.

The Supreme Court relied on the principles of statutory interpretation to observe that NGT must have suo motu jurisdiction to discharge its functions under the statute to ensure that procedural limitations in approaching the NGT do not result in substantive injustice to any person. However, the exercise of suo motu jurisdiction should not mean eschewing with the principles of natural justice and fair play.

Emphasising on the need to read the provisions of NGT Act as a whole and in the context of the domestic and international environmental obligations, Supreme Court also observed that the matters before the NGT

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do not necessarily need to be a lis or dispute between some parties. Rule 24 of the National Green Tribunal (Practice & Procedure) Rules, 2011 allows the NGT to make such orders or directions so as to secure the ends of justice. This phrase is a term of wide amplitude and does not simply mean adjudicating disputes between two rival entities. It also encompasses inter alia advancing causes of environmental rights, granting compensation to victims of calamities, creating schemes for giving effect to the environmental principles and even hauling up authorities for inaction when such need arises. Its role is to not only protect the environment but to also ensure that development does not cause irreparable damage to the ecology and the environment. It is not merely an adjudicatory body but also needs to perform wider functions which are preventive, ameliorative or remedial in nature. This requires the NGT to take suo motu

cognizance of matters for effective discharge of its mandate.

The Supreme Court also held that Section 14(1) of the NGT Act does not require filing of an application for triggering NGT's jurisdiction. The requirement for NGT's jurisdiction is that such matters should be civil cases raising substantial questions relating to environment and concerned with the enactments mentioned in Schedule I of NGT Act. The Court also elaborated on the role of NGT in ensuring environmental justice, equity and environmental rule of law.

In the instant case, the appellants contended that NGT is a creation of a statute and is bound by the provisions of NGT Act. As the statute does not provide for its suo motu jurisdiction, it cannot exercise such jurisdiction on its own.

High Court Judgments/Orders

Chhattisgarh High Court upholds the notification issued by MoEFCC and State Government restricting operation of wood-based industries around forest areas

Radheshyam Saw Mill and Ors. v. Union of India and Ors.; Order dated 05 October, 2021³

The Chhattisgarh High Court has upheld the notifications issued by the Ministry of Environment, Forest and Climate Change ("MoEFCC") and the State Government restricting the operation of wood-based industries within a particular distance from the forest areas in Chhattisgarh. The Court observed that MoEFCC was prima facie authorised by the Hon'ble Supreme Court to issue the impugned notification, subsequent to which the State Government also issued a notification fixing the distance of wood-based industries from forest areas.

In this case, petitioners challenged the show cause notice issued to them for operating their saw mills in non-compliance with the said notification. The Court observed that State authorities can take decision on show

cause notice but no coercive actions shall be taken against the petitioners until final decision on show cause notice is taken.

Gujarat High Court holds that the power of summary revocation of in-principal forest clearances vests with the Union Government

Biren Rameshchandra Padhya v. Union of India; Judgment dated 06 October, 2021⁴

The Gujarat High Court has observed that the decision to revoke in-principal approvals on the ground of non-compliance with conditions prescribed therein vests with the Union Government under the provisions of Forest (Conservation), 1980. In this case, a writ petition was filed against Essar Steel Ltd. for violation of conditions prescribed in in-principal approvals issued to it for diversion of forest land in Hazira, Gujarat for non-forest purpose. The petitioner contended that company failed to comply with these conditions and also violated certain provisions of the Indian Forest Act, 1927. Hence, these in-principal approvals granted to Essar are liable to be revoked.

The High Court also directed the State

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Government to ensure that forest land in Hazira is allotted only to industries with good credentials and priority should be given to only genuine proposals of the existing port-based industries at Hazira for industrial/port infrastructure. The Court also directed the Government to direct user agencies to provide double the land area to compensate the loss of forest land instead of equivalent area of land.

Bombay High Court dismisses the writ petition challenging Coastal Regulation Zone Notification, 2019 directing petitioners to approach the NGT

Vanashakti & Ors. v. Union of India & Ors.; Judgment dated 08 October, 2021⁵

The Bombay High Court has dismissed the writ petition filed against the Coastal Regulation Zone Notification, 2019 (“CRZ Notification”) directing the petitioners to approach the NGT which is a specialised tribunal created to deal with substantial questions relating to environment. The High Court observed that a High Court can not exercise its writ jurisdiction when an alternative, efficacious remedy is available to parties under the NGT Act whereby NGT has been constituted as the first forum for aggrieved parties in matters related to environment.

The High Court also observed that the CRZ Notification has been notified by MoEFCC in exercise of its powers under Section 3 of the Environment (Protection) Act, 1986 (“EPA”) which inter alia empowers MoEFCC to take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment and preventing, controlling and abating environmental pollution by restricting areas in which any industries, operations or processes or classes of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards. Hence, CRZ Notification is not a delegated legislation issued in exercise of rule-making power of the MoEFCC under the EPA but it is a statutory order issued under Section 3

for protection of the environment. Hence, petitioner can approach the NGT for review of this notification.

Besides, Court also observed that challenge to a statute/subordinate legislation is a civil dispute and since the subject matter of the present petition is related to the environment, the NGT is the appropriate forum to adjudicate on this issue.

Kerala High Court dismisses the review petition holding that EC requirement will be applicable for a residential project

Green Vistas Infrastructure Projects v. Union of India & Ors.; Judgment dated 20 October, 2021⁶

The Kerala High Court has dismissed the review petition filed by the proponent of a residential project in Kerala holding that the prior environmental clearance (“EC”) should have been obtained by the proponent before commencement of construction of the project. The Court also observed that there is no evidence to show that the construction commenced before the Environment Impact Assessment Notification, 2006 (“EIA Notification”) was enforced.

In this case, the petitioner had claimed that it commenced the construction of the residential project before EIA Notification was enforced. However, to gain investors’ and residential buyers’ confidence, it applied to the State Environment Impact Assessment Authority (“SEIAA”) for EC. But SEIAA found them to be in contravention of the EIA Notification and stated that prior EC should have been taken before the commencement of construction. The petitioner continued with the construction of certain blocks of the project when the application for EC was still pending. Hence, SEIAA directed the petitioner to stop the project.

Petitioner filed a writ petition against this direction but the High Court observed that even if construction commenced before the EIA Notification was enforced, the

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requirement for prior EC will be applicable as the petitioner itself approached SEIAA and continued the construction of other blocks of the project during the pendency of the application. Court also observed that in any case the construction of other blocks of the project will be considered expansion of the existing project and hence could not be done without a prior EC from the SEIAA. Accordingly, petitioner filed this petition for review of the decision of the High Court.

Kerala High Court grants interim stay on the MoEFCC rule requiring manufacturers and importers of PVC pipes and fittings to take license from Bureau of Indian Standards

All Kerala Small Scale PVC Pipe Manufacturers Association & Ors. v. Union of India & Ors.; Order dated 20 October, 2021⁷

The Kerala High Court has granted an interim stay on the operation of Rule 2(2) of the Lead Stabilizer in Polyvinyl Chloride Pipes and Fittings Rules, 2021 issued by MoEFCC in compliance with the directions issued by the NGT. The Court came to the prima facie view that the said rules are ultra vires the Sections 3 and 6 of the EPA and are discriminatory for manufactures of PVC products vis-à-vis their importers. The Court also observed that Rule 2(2) is prima facie inconsistent with directions of the NGT. In this case, petitioners challenged the said rules issued by MoEFCC and sought interim relief by way of interim stay on their implementation.

National Green Tribunal Judgments / Orders

NGT dismisses an application against excavation of murrum and repairing of roads within a tiger reserve

Sachin Rangari v. State of Maharashtra & Ors.; Order dated 04 October, 2021⁸

The NGT has dismissed an application that challenged the excavation of murrum and construction of roads in the restricted area of Navegaon-Nagzira Tiger Reserve. NGT observed that the said roads provide access to the patrolling staff to the core area of the tiger reserve. These roads were repaired during November and December, 2019 for tourism and protection purposes. The committee constituted by the NGT noted that this road is an existing road as per the management plan of the tiger reserve, and murrum sand was excavated for annual road repair work which is necessary for wildlife management, patrolling and plying of tourism vehicles.

In this respect, NGT also analysed the meaning of the term 'non-forest' under the Forest (Conservation), 1980 and held that repairing of the existing roads does not amount to non-

forest activities. However, NGT advised the officials to avoid the use of heavy machinery such as JCB in the tiger reserve. While it might be allowed as per need basis considering the environment and ecology, it should not become a routine exercise.

In the instant case, the applicant had challenged the use of heavy machineries in the restricted area of the said tiger reserve, illegal excavation of murrum sand, construction of a project and uprooting and clearing up of trees in the reserve.

NGT directs to close restaurants and light and sound shows within Nahargarh Wildlife Sanctuary and Nahargarh Fort, Rajasthan

Rajendra Tiwari v. Union of India & Ors.; Order dated 04 October, 2021⁹

The NGT has directed that non-forest activities cannot be allowed in the forest area without approval of the Central Government under Forests (Conservation) Act, 1980. The legal status of a forest land cannot also be

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changed with the District Collector's order. The NGT has directed forest department to close forthwith the restaurants and light and sound shows which are being operated by the tourism department and archaeology department inside the Nahargarh Wildlife Sanctuary without prior approval under the Forests (Conservation) Act, 1980 and prior permission of the forest department. These activities are also against the objective of Wildlife (Protection) Act, 1972.

In this case, applicant raised grievances against non-forest activities being carried out in Nahargarh Wildlife Sanctuary including Nahargarh Fort near Jaipur, Rajasthan without relevant approvals under the environmental laws.

NGT disposes of the execution application filed in relation to compliance with Hazardous Waste Rules by CEERI

Himanshu Dutt Sharma v. Director, General, CSIR, New Delhi; Order dated 05 October, 2021¹⁰

The NGT has reiterated its directions issued to Central Electronics Engineering Research Institute, Pilani ("CEERI") on 23 March, 2021 to ensure compliance with Hazardous and other Wastes (Management, Handling and Transboundary Movement) Rules, 2016 ("Hazardous Waste Rules"). Disposing of this execution application, NGT again directed CEERI and State Pollution Control Board ("SPCB") to take remedial measures including stabilization of waste, transportation of hazardous waste to disposal facility, recycling through authorized recyclers and effluent treatment plant for waste effluents. The Central Pollution Control Board ("CPCB") has also been directed to issue necessary guidelines for management of similar waste in other similar establishments and laboratories in co-ordination with Department of Science and Technology, Government of India. It also directed the concerned authorities to comply with its directions.

In the instant execution application, applicant had sought execution of directions previously issued by the NGT in a case regarding management of hazardous waste by CEERI in compliance with the Hazardous Waste Rules. The applicant is a scientist working with CEERI.

NGT dismisses the application challenging Stage-I forest clearance for a highway project in Uttarakhand

Citizens for Green Doon v. Union of India & Ors.; Order dated 06 October, 2021¹¹

The NGT has dismissed an application challenging Stage-I forest clearance granted to a highway expansion project in Uttarakhand. NGT noted that cutting of trees for the project has commenced after the valid clearance has been obtained. There is no proof of violation shown by the applicant. Hence, it cannot be presumed that conditions laid down in the clearance will be violated by the project proponent, unless any material is provided to support it. NGT also noted that forest clearances can be challenged as an appeal under Section 16 of the NGT Act. The appellant has however filed an original application to challenge it on the ground that cutting of trees has commenced.

In the instant case, application challenged Stage-I forest clearance granted for expansion of the existing 20 km stretch of NH72A between Ganeshpur and Dehradun in Uttarakhand.

NGT disposes of the application against illegal sand mining in Madhya Pradesh

Dileep Pathak v. State of Madhya Pradesh & Ors.; Order dated 06 October, 2021¹²

The NGT has disposed of the application filed against illegal sand mining being carried out in Sindh river in Madhya Pradesh. NGT observed that the report of the joint committee has not found any mines being operational or the use of Pandubby or heavy machinery for such mining. It found that there was no sign of tree cutting, excavations, machinery and dumpers,

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transportation of the sand and diversion of the river course. The consent issued to M/s. Power Mech Projects Limited has also been surrendered to authorities. Accordingly, since no violation of environmental norms was found by the joint committee, NGT directed that no further action is required in this application.

In the instant case, applicant raised the issue of illegal sand mining by M/s Power Mech Projects Limited in an area not awarded in the mining lease with the use of heavy machinery in the Sindh river in Bhind District of Madhya Pradesh.

NGT directs Chief Secretary, Uttarakhand to take remedial action for waste management in Pauri Garhwal, Uttarakhand

Manoj Negi v. State of Uttarakhand & Ors.; Order dated 07 October, 2021¹³

NGT has directed Chief Secretary, Uttarakhand to take stringent remedial action for waste management in District Pauri Garhwal, Uttarakhand in compliance with the Solid Waste Management Rules, 2016 and the directions issued by NGT in its previous orders. NGT noted from the reports previously filed by the State Government authorities before it that various remedial actions were proposed in the reports but appropriate actions have not yet been taken by the authorities.

In this case, the applicant had raised the issue of damage to the environment on account of burning of garbage and pollution of River Koh in District Pauri Garhwal due to dumping of garbage by the Nagar Palika, Dugadda.

NGT directs DPCC to take action against persons violating environmental laws in Delhi

Bandhua Mukti Morcha NGO v. Rajeev Kumar & Ors.; Order dated 08 October, 2021¹⁴

The NGT has directed Delhi Pollution Control Committee ("DPCC") to take action against the respondents, who were found to be causing serious violation of environmental norms due

to their illegal business of building material and for use of heavy machinery without any safeguards. These aspects were mentioned in the inspection report filed by the joint committee formed by the NGT in its previous order. NGT has also directed to issue notices to the respondents to provide them an opportunity to file their responses.

In the instant case, applicant alleged that respondents are causing pollution by carrying out the illegal business of building material and by use of heavy machinery like cranes, earth movers, trucks, dumpers, trailers and tractors etc. at various locations in Delhi. It was alleged that DPCC has failed to take remedial action against these respondents in accordance with the law.

NGT refuses to allow reconstruction of old building block of Himachal Pradesh High Court in Shimla

Yogindra Mohan Sengupta v. Union of India and Ors.; Order dated 08 October, 2021¹⁵

The NGT has declined to modify its earlier order restricting construction in core areas of Shimla due to potential threat to public safety and environment that such an activity may cause. The application was filed by the Himachal Pradesh High Court seeking modification in NGT's order dated 16 November, 2017 allowing reconstruction of old building block of the Himachal Pradesh High Court in Shimla.

The NGT observed that this order was based on the recommendations of the expert committee. As the construction in core areas of Shimla will pose serious hazard to public safety and environment, the reconstruction of the Court building cannot be permitted.

NGT dismisses the original application on account of a PIL with same issues pending before the Bombay High Court at Goa

Shri Dattaprasad Prabhu Gaonkar v. Goa Coastal Zone Management Authority & Ors.; Order dated 08 October, 2021¹⁶

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The NGT has dismissed an application filed against the construction of a national highway project in Goa. NGT observed that a comprehensive Public Interest Litigation (“PIL”) raising similar issues is still pending before Goa Bench of Hon’ble High Court of Bombay and series of orders had also been passed therein. The NGT observed that the exercise of jurisdiction by the Goa Bench of Hon’ble High Court of Bombay under Article 226 of the Constitution of India is a vast and superior one. As all issues raised in the application have been raised in the said PIL, NGT dismissed this application to avoid potential conflicting orders.

In this case, the applicant alleged that the project proponent has violated the conditions prescribed in the Coastal Regulation Zone (“CRZ”) clearance and other clearances/permissions/NOCs issued for construction of a national highway in Goa.

NGT directs statutory authorities to ensure ambient air quality in the operation of diesel generators

Satish Govind v. President and Secretary, Windsor Park Residents Welfare Association & Anr.; Order dated 18 October, 2021¹⁷

The NGT has directed CPCB, Uttar Pradesh Pollution Control Board (“UPPCB”) and the District Magistrate, Ghaziabad to ensure compliance with air quality and noise standards in the operation of diesel generator (“DG”) sets. It has also directed UPPCB to take remedial action against operation of DG sets without requisite consent under applicable laws. If DG sets have been allowed to operate, suitable safeguards must be adopted to ensure compliance with notified emissions and noise standards and the stack height.

In this case, NGT was considering the issue of violation of air quality norms by operation of DG sets by the Management Board of the Windsor Park Residents Welfare Association in Ghaziabad, Uttar Pradesh. In its order, NGT also referred to orders passed on this issue

in other cases as well as the provisions of National Climate Action Programme and Graded Response Action Plan.

NGT constitutes a joint committee to verify the allegations of violation of EC conditions by a real estate project in Noida, Uttar Pradesh

Vineet Sinha v. Union of India & Ors.; Order dated 18 October, 2021¹⁸

The NGT has constituted a four-member joint Committee to verify the facts and take remedial action as per law in a case where applicant has alleged the violation of EC conditions by the project proponent - M/s Express Builders and Promoters Private Limited in constructing Express Zenith project in Noida, District Gautam Budh Nagar, Uttar Pradesh.

In this application, the applicant has contended that the proponent has violated the EC conditions by exceeding the limit of construction in connivance with the Noida authorities and by failing to set up pollution control devices as required.

NGT directs Punjab authorities to ensure installation of rainwater harvesting system

Council of Engineers and Ors. v. State of Punjab and Ors.; Order dated 18 October, 2021¹⁹

The NGT has directed the relevant authorities in Punjab to ensure installation of rainwater harvesting system in buildings and parks of Punjab, in compliance with Punjab Model Building Byelaws, 2018 and previous orders of the NGT in the case of Tribunal on its own motion v. Govt. of NCT of Delhi & Ors²⁰. The NGT also observed that the necessity of water harvesting systems to replenish ground water and utilise every drop of water cannot be denied. The above-said rules of the State of Punjab also provide for this requirement. However, there is a need for its implementation by the authorities and cooperation of the citizens.

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In this case, applicant contended that non-compliance with Punjab Model Building Byelaws, 2018 by authorities requiring installation of rain water harvesting systems adversely affects the environment and fails to replenish groundwater.

NGT constitutes a joint committee to determine pollution caused by the sewage and solid waste dumping into rivers in Jammu & Kashmir

[Raja Muzaffar Bhat v. Union of India & Ors.; Order dated 18 October, 2021²¹](#)

The NGT has constituted a five-member joint committee to assess the water quality of river Doodh Ganga and Mamath Kull in Jammu & Kashmir, quantity of sewage and solid waste being dumped into them and the action plan prepared by the River Rejuvenation Committee of the Union Territory. The NGT observed that prima facie there appears to be continued violation of the Water (Prevention and Control of Pollution) Act, 1974 which is causing harm to the environment and public health.

In this case, applicant raised grievance regarding discharge of sewage and dumping of solid waste into rivers Doodh Ganga and Mamath Kull in violation of provisions of the said statute and previous directions of the Supreme Court and the NGT.

NGT directs Municipal Council, Bandipora to pay environmental compensation for illegal and unscientific disposal of waste

[Chief Executive Officer, Municipal Council v. Jammu and Kashmir Pollution Control Board; Order dated 21 October, 2021²²](#)

The NGT has upheld the order of Jammu and Kashmir Pollution Control Board directing the Municipal Council, Bandipora to pay environmental compensation for illegal and unscientific dumping and disposal of solid waste in violation of the Solid Waste Management Rules, 2016 and directions previously issued by the NGT. The NGT also observed that regardless of the steps

claimed to have been taken by the appellant subsequent to the said order, the appellant cannot avoid liability to pay compensation on 'polluter pays' principle for the past undisputed violations. The continued violation of the said rules by the appellant has caused irreversible damage to the environment.

The NGT also directed that the amount recovered from the appellant may be utilized for restoration of environment by preparing an action plan with timelines.

NGT directs Municipal Corporation, Ghaziabad to deposit INR 1 crore as interim environmental compensation caused by improper waste management

[Confederation of Trans Hindan RWAs Ghaziabad v. U. P. State Pollution Control Board & Ors.; Order dated 22 October, 2021²³](#)

The NGT has directed Chief Secretary, Uttar Pradesh to review the situation of solid and liquid waste management in Ghaziabad with the assistance of Additional Chief Secretary, Nagar Vikas, UP and/or any other authorities. The NGT has held the municipal and other statutory authorities responsible for breach of constitutional obligation under the public trust doctrine, and thereby directed Municipal Corporation, Ghaziabad to deposit interim compensation of INR 1 crore with the CPCB within 15 days which will be utilised for restoration of the environment pending assessment of compensation. The Corporation has been given the liberty to recover this amount from the salary of erring officers.

The NGT has also directed CPCB to submit a report on the management of solid as well as liquid waste in the area which shall mention the legacy sites reclaimed, quantity of waste bio-mined, routing of recovered material for further usage, etc.

In this case, the NGT was considering the issue of pollution due to improper solid and liquid waste management by Municipal Corporation,

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Ghaziabad. The NGT also observed that this case is yet another instance of disappointing performance by the statutory authorities in scientifically managing the waste to the prejudice of rule of law, environment and public health.

NGT constitutes a joint committee to address pollution caused by stone crushers in Charkhi Dadri, Haryana

Vinod Kumar Jangra v. State of Haryana & Ors.; Order dated 26 October, 2021²⁴

The NGT has constituted a joint committee to suggest measures to address air pollution from stone crushers operating in Charkhi Dadri District of Haryana. The NGT observed that stone crushers cannot operate beyond the sustaining capacity of the environment of the region irrespective of the date of their commencement. Mere compliance by individual stone crusher is not enough if the environment does not have the capacity to sustain the activity on account of pre-existing pollution load. Accordingly, stone crushers can be allowed only if they do not contribute further to the pollution load by taking such mitigation measures, as viable. Thus, these units may prima facie be liable to be closed to the extent they are not sustainable.

The NGT made these observations based on the reports submitted by a joint committee of CPCB and Chief Secretary, Haryana, which clearly depicted serious violations of environmental norms and inadequacy of the action taken by regulatory authorities to address pollution caused by these activities.

In this case, applicant sought remedial action

Regulatory / Policy developments

MoEFCC releases the public consultation paper on proposed amendments in Forest (Conservation) Act, 1980; 02 October, 2021²⁶

MoEFCC has released a public consultation paper on the proposed amendments in the Forest (Conservation) Act, 1980 which are intended to streamline the provisions of the Act. This consultation paper inter alia proposes to: define the term 'forest'; exempt

for enforcement of the environmental norms under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 by the stone crushers in District Charkhi Dadri, Haryana.

NGT directs interim injunction on construction of Palamuru Rangareddy Lift Irrigation Scheme, Telangana till prior EC is obtained

D. Chandramouleswara Reddy & Ors. v. Union of India & Ors.; Order dated 29 October, 2021²⁵

The NGT has observed that the application filed against Palamuru Rangareddy Lift Irrigation Scheme (an integrated project to provide water for drinking as well as irrigation) of Telangana is maintainable as continuing with the project without obtaining prior EC will be a violation of the EIA Notification and might cause irreversible damage to the environment. The NGT also observed that the application is not barred by limitation as the decision of the State to proceed with construction of the project without obtaining prior EC even after admitting to requirement of the prior EC will give a fresh cause of action to parties for challenging this.

The NGT also issued an interim injunction on the State to not proceed with the project without obtaining the prior EC. In this case, applicant has challenged the Palamuru Rangareddy Lift Irrigation Scheme as the State started its construction without conducting any environment impact assessment and also without obtaining prior EC.

from this Act the lands acquired by Ministry of Railways, Ministry of Road, Transport & Highways, etc. for construction or expansion purposes before 25 October, 1980; prohibit non-forest activities in certain pristine forests for a specific period; permit non-forest activities for security and strategic projects along the international border; exempt exploration or extraction of oil & natural gas

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through Extended Reach Drilling technology from this Act; and exempt activities that are ancillary to conservation of forests and wildlife from this Act.

Union Government notifies provisions regarding fee for the certificate of registration and for renewal of registration and fitness certificate; 04 October, 2021²⁷

Union Government has amended Central Motor Vehicles Rules, 1989 to waive the fee payable for issuance of the certificate of registration for a new vehicle, which is registered on submission of the "Certificate of Deposit". Besides, this notification has also substantially increased the fee payable for renewal of the certificate of registration and the certificate of fitness for motor vehicles older than 15 years. Government has also specified penalty to be levied for delay in the renewal of certificate of registration and the certificate of fitness. These aspects will come into effect from 01 April, 2022.

Union Government notifies concession in the motor vehicle tax for new vehicles registered after scrapping of old vehicles; 05 October, 2021²⁸

The Union Government has notified that vehicles purchased against the submission of "Certificate of Deposit" (issued by the scrapping facilities on submission of a vehicle for scrapping) will be eligible for concession in the motor vehicle tax payable on such vehicles: (i) upto twenty-five per cent in case of non-transport vehicles; and (ii) upto fifteen per cent in case of transport vehicles.

However, such concession shall be available upto eight years from the date of first registration in case of transport vehicles, and upto fifteen years from the date of first registration in case of non-transport vehicles. As such, no concession in the motor vehicle tax will be provided after these specified periods. This concession will come into effect from 01 April, 2022.

Commission for Air Quality Management in National Capital Region and Adjoining Areas directs entities to set up Dust Control & Management Cells; 05 October, 2021²⁹

The Commission for Air Quality Management

in National Capital Region and Adjoining Areas has directed all road owning/ maintaining/ road construction agencies of the State Governments of Uttar Pradesh, Rajasthan, Haryana and National Capital Territory of Delhi to set up the Dust Control & Management Cells in their respective states.

The commission has formulated a 10-point dust monitoring parameter. These cells will regularly monitor the compliance of road dust control measures by the authorities concerned and will also keep track of the progress of measures undertaken. Apart from this, exhaustive reports will also be prepared on a monthly basis by these cells to help in the fight against dust pollution more systematically.

MoEFCC issues the draft notification for regulation on Extended Producer Responsibility under Plastic Waste Management Rules, 2016; 06 October, 2021³⁰

MoEFCC has issued the draft notification for Regulation on the Extended Producer Responsibility under Plastic Waste Management Rules, 2016. These regulations provide the framework for implementation of Extended Producer Responsibility ("EPR") as set out under the Plastic Waste Management Rules, 2016. These regulations also provide the roles and responsibilities of Producers, Importers, Brand Owners, CPCB, SPCBs, Union Territory Pollution Control Committees, recyclers and waste processors for effective implementation of the EPR. This draft is available for public comments for a period of 60 days from the date of issue of this notification.

India hosts meeting for Central Asian Flyway countries; 06 October, 2021³¹

India hosted the two-day online meeting of range countries in the Central Asian Flyway to strengthen the conservation actions for migratory birds and their habitats. The Central Asian Flyway covers a large area of Eurasia between the Arctic and Indian Oceans. This flyway comprises several important migration routes of birds. There are 30 countries under the Central Asian Flyway. In this meeting, India shared its best practices on conservation of migratory birds and the National Action Plan for conservation of migratory bird species.

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MoEFCC issues the user manual for streamlining the issue of EC; 06 October, 2021³²

MoEFCC has directed that ECs from 10 October, 2021 (at the central level) and 20 October, 2021 (at the state level) onwards shall be issued with an EC identification number and e-signature. ECs without these will be considered as invalid. This feature has been added in the PARIVESH portal of the MoEFCC to bring efficiency and transparency in the issuance of EC and to encourage issuance of EC in online mode. MoEFCC has also issued a detailed user manual to ensure compliance with this process by stakeholders concerned.

India joins the High Ambition Coalition for Nature and People to take action for conservation of biodiversity; 07 October, 2021³³

India has officially joined the High Ambition Coalition for Nature and People, which is a group of more than 70 countries encouraging the adoption of the global goal to protect 30x30. The goal of 30x30 represents the target to promote an international agreement to protect at least 30% of world's land and ocean by 2030.

Union Coal Ministry in the process of finalising a mine closure framework; 07 October, 2021³⁴

The Union Coal Ministry has revealed that it is in the process of finalising a robust mine closure framework with the assistance of the World Bank. The framework will focus on three major aspects - institutional governance, people and communities, and environmental reclamation and land re-purposing on the principles of just transition.

MoEFCC notifies the regulatory framework for water purifiers; 09 October, 2021³⁵

MoEFCC has notified the environmental standards for water purification systems in India. This notification has been issued in compliance with directions of the Supreme Court and the NGT. This notification has amended the Environment (Protection) Rules, 1986 and shall come into force after 18 months from the date of its publication in the Official Gazette.

MoEFCC has essentially laid down the responsibilities of different persons involved in the manufacturing, use and disposal of water purification system. It inter alia provides standards to be laid down for water purification systems by the Bureau of Indian Standards and guidelines to be issued by the CPCB for handling, storage, management and utilisation of reject generated from water purification systems.

India and Denmark agree to reinforce the Green Strategic Partnership; 09 October, 2021³⁶

India and Denmark have agreed on the Green Strategic Partnership and a detailed 5-year Action Plan (2021-2026) to augment and consolidate green and low carbon growth to address challenges related to the climate change, in accordance with goals set out by Paris Agreement and UN Sustainable Development Goals. Both countries have agreed to focus on different sectors including water, environment, renewable energy and its integration into the grid, climate action, resource efficiency and circular economy, sustainable and smart cities, etc.

Power Ministry revises the policy to use biomass pellets in coal-based thermal power plants; 09 October, 2021³⁷

The Power Ministry has revised the policy to mandate the use of biomass pellets in coal-based thermal power plants to encourage the use of agricultural waste that is otherwise burnt by farmers, causing air pollution. The policy makes it mandatory for three categories of thermal power plants to use a 5% blend of biomass pellets along with coal, with a requirement to increase the proportion of biomass to 7% within two years for two categories of power plants.

The policy will come into force in October, 2022 and will be applicable for a period of 25 years or until the useful life of the thermal power plant, whichever is earlier.

Union Government notifies mass emission standards for E12 and E15 vehicles; 11 October, 2021³⁸

The Ministry of Road Transport and Highways,

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Government of India has notified the mass emission standards for E12 (12% Ethanol-Gasoline Blend) and E15 (15% Ethanol-Gasoline Blend) vehicles to enable the automotive industry to manufacture E-12 and E-15 compliant motor vehicles in India.

The Ministry has also notified several amendments in the Central Motor Vehicles Rules, 1989 in relation to vehicles that are compatible with ethanol-blend fuel, and also for bi-fuel and flex-fuel vehicles.

NITI Aayog launches Handbook on Sustainable Management of Plastic Waste for Urban Local Bodies; 12 October, 2021³⁹

NITI Aayog and United Nations Development Programme India have launched a handbook to promote sustainable management of plastic waste in the country. This book provides different components for plastic waste management including technical model for plastic waste recycling and management, material recovery facilities, digitisation and good governance.

MoEFCC issues guidelines regarding prospecting/exploration/seismic survey in forest areas; 12 October, 2021⁴⁰

MoEFCC has issued the official communication regarding the relaxation in existing norms of guidelines dated 17 November, 2020 regarding plantation of 110 trees per bore hole in case of mineral exploration projects. It has been determined that in respect of proposals involving mineral prospecting/exploration in the forest area, compensatory afforestation scheme shall be prepared requiring plantation of 110 trees per bore hole (each borehole estimated to have an impact area of 0.1 ha) as conveyed in guideline dated 17 November, 2020, only if the number of boreholes proposed to be drilled is beyond the specified limit i.e. 25 boreholes per 10 sq km.

MoEFCC notifies the rules for notice and sample collection by the Commission for Air Quality Management in National Capital Region and Adjoining Areas; 14 October, 2021⁴¹

MoEFCC has notified the Commission for Air Quality Management in National Capital Region and Adjoining Areas (Manner of Taking Samples and Form of Notice) Rules, 2021, in

exercise of its powers under the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021.

These rules provide the format of the notice to be provided by the commission to the occupier of any premises before collection of sample of air or emission from any chimney, flue or duct, plant or any other sources and outlets of such premises. It also provides the manner of sample collection by the commission.

MoEFCC notifies the constitution of SEIAA and SEAC for Rajasthan; 14 October, 2021⁴²

MoEFCC has notified the constitution of the State Level Environment Impact Assessment Authority and two State Level Expert Appraisal Committees ("SEAC") for the State of Rajasthan. These authorities have been constituted for a term of three years from the date of publication of this notification in the Official Gazette.

Ministry of Jal Shakti constitutes District Ganga Committee for various districts of Uttar Pradesh; 14 October, 2021⁴³

Ministry of Jal Shakti has constituted District Ganga Committee for Bareilly, Mathura and Jalaun Districts of Uttar Pradesh. These committees will exercise powers under the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016 for preservation of River Ganga.

Union Government calls for EOI for the installation of battery energy storage system; 14 October, 2021⁴⁴

The Union Government has approved the expression of interest ("EOI") for the installation of 1000 MWh Battery Energy Storage System as a pilot project. The installation of energy storage systems (battery energy storage system, hydro pump storage plants etc.) is important to support India's ambitious goal of achieving 500 GW renewable energy target by 2030.

NITI Aayog launches Geospatial Energy Map of India; 18 October, 2021⁴⁵

NITI Aayog in collaboration with Indian Space Research Organisation has developed a comprehensive Geographic Information

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System Energy Map of India. The map provides a holistic picture of all energy resources of the country which enables visualisation of energy installations such as conventional power plants, oil and gas wells, petroleum refineries, coal fields and coal blocks, district-wise data on renewable energy power plants and renewable energy resource potential, etc. through 27 thematic layers.

International Solar Alliance 4th General Assembly held from 18-21 October, 2021⁴⁶

The 4th General Assembly of the International Solar Alliance (“ISA”) was held from 18-21 October, 2021. The Assembly deliberated on key initiatives like Green Grids Initiative, One Sun One World One Grid Initiative, \$1 trillion Solar Investment Roadmap for 2030, and Blended Financial Risk Mitigation Facility. The ISA also launched two new programmes - Management of Solar PV Panels and Battery Usage Waste and Solar Hydrogen Programme.

It also discussed the strategic plan of the ISA for the next five years encompassing a Country Partnership Framework, Strategy for Private Sector Engagement, and initiatives such as Viability Gap Financing scheme to facilitate affordable finance for solar energy projects across ISA’s membership. The ISA also discussed the partnership with Global Energy Alliance to scale up technical and financial support to Least Developed Countries and Small Island Developing States.

Union Government launches Air Quality Early Warning System; 19 October, 2021⁴⁷

The Union Government has launched Air Quality Early Warning System for air quality management in Delhi - NCR region. The website is designed to deliver quantitative information about air quality and emissions from Delhi and its surrounding regions. It also allows the user to create their own emission reduction scenarios (from 20 different districts including Delhi) so as to examine the possible projected improvement in air quality in Delhi for the next five days.

MoEFCC issues guidelines for EC in cases of expansion of iron, manganese, bauxite and limestone mines; 20 October, 2021⁴⁸

MoEFCC has issued an Office Memorandum to provide that projects for expansion of iron, manganese, bauxite and limestone mines upto 20% of their production capacity (for which the EC had been granted earlier on the basis of public hearing) shall be allowed to undertake public consultation instead of the public hearing at site during the EC process for expansion. However, this will be subject to certain conditions as specified by the MoEFCC in the memorandum.

CPCB puts the registration process of PIBOs in abeyance for three months; 20 October, 2021⁴⁹

CPCB has put the registration process of Producers, Importers and Brand Owners (“PIBOs”) under the Plastic Waste Management Rules, 2016 in abeyance for three months in light of the draft notification on EPR issued by the MoEFCC on 06 October, 2021. CPCB has also provided that the registration process shall resume after the final notification on EPR is issued by MoEFCC. It has also advised the PIBOs to realign their EPR plan as per the said draft notification during the intervening period.

MoEFCC issues clarification regarding construction of non-permanent facilities in forest areas for ecotourism; 25 October, 2021⁵⁰

MoEFCC has clarified that development/construction of facilities, which are not of permanent nature, in forest areas for the purpose of ecotourism by Government authorities shall not be considered as non-forestry activity for the purpose of Forest (Conservation) Act, 1980. Hence, approval of the Central Government for such use of the forest land will not be required. The amendments have been carried out in the Handbook of Forest (Conservation) Act, 1980 to this effect.

MoEFCC amends the guidelines for updation of Coastal Zone Management Plan under Coastal Regulation Zone Notification, 2019; 26 October, 2021⁵¹

MoEFCC has amended the guidelines to align Coastal Zone Management Plans prepared under Coastal Regulation Zone Notification,

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2011 with Coastal Regulation Zone Notification, 2019. With this amendment, MoEFCC has provided that Eco-Sensitive Zone (“ESZ”) shall also be demarcated in the said plans along with other Ecologically Sensitive Areas or Coastal Landuse earlier specified in this regard.

Ministry of Power proposes certain amendments to Energy Conservation Act, 2001 to promote clean energy consumption; 30 October, 2021⁵²

Ministry of Power has proposed certain amendments to Energy Conservation Act, 2001 to promote clean energy consumption. As per the Government statement, the proposal inter alia includes defining minimum share of renewable energy in the overall consumption by the industrial units or any establishment; development of carbon market in India; and promotion of green hydrogen as an alternate to the existing fossil fuels used by the industries.

MoEFCC launches the website Climate Equity Monitor on global climate policies; 31 October, 2021⁵³

MoEFCC has released the website Climate Equity Monitor which provides an online dashboard for assessing equity in climate action at the international level, inequalities in emissions, energy and resource consumption across the world, and ongoing climate policies of several countries.

This is aimed at monitoring the performance of Annex-I Parties (developed countries) under the United Nations Framework Convention on Climate Change (“UNFCCC”) based on the foundational principles of the Climate Convention, namely, equity and the principle of common but differentiated responsibilities and respective capabilities. The performance and policies of the Non Annex-I Parties (developing countries) have also been provided for comparison.

COP26 on climate change to be held from 31 October to 12 November, 2021; 31 October, 2021⁵⁴

The 26th Conference of the Parties (“COP”) to the UNFCCC will be held in Glasgow, Scotland from 31 October to 12 November, 2021. UNFCCC is a global agreement signed in 1992 between 197 countries (or parties) to prevent “dangerous” human interference with the climate system. The COP is the supreme decision-making body that comes together to negotiate how to implement the UNFCCC.

It is considered a significant meeting because countries are expected to dedicate even more resources and announce enhanced targets to address climate change since the Paris Agreement, 2015 which is a legally binding global treaty dedicated to keeping global warming “well below” 2 degrees Celsius.

Odisha announces 100% waiver of motor vehicle tax and registration fees for all battery operated vehicles; 31 October, 2021⁵⁵

Odisha Government has notified 100% waiver of motor vehicle tax and registration fees on battery operated vehicles (electric vehicles) till 31 December, 2025. This notification has been issued by the Government in furtherance of the Electric Vehicle Policy, 2021 announced by the Government in September, 2021.

MoEFCC issues various notifications regarding ESZ around different protected areas

MoEFCC has notified the Eco-Sensitive Zone (“ESZ”) around Thane Creek Flamingo Sanctuary (Mumbai, Maharashtra)⁵⁶, Kishtwar High Altitude National Park (Kishtwar District, Jammu and Kashmir)⁵⁷ and Nagarjunasagar Srisailem Tiger Reserve (Nallamara hill ranges, Andhra Pradesh)⁵⁸. MoEFCC has also issued the draft notification for ESZ around Barail Wildlife Sanctuary (Cachar District, Assam)⁵⁹.

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