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## Supreme Court Judgments / Orders

Supreme Court sets aside NGT order passed by single-member bench as being in violation of the NGT Act

### **Talli Gram Panchayat v. Union of India & Ors.; Judgment dated 11 July, 2022<sup>1</sup>**

The Supreme Court of India ("Supreme Court") has set aside the order passed by a single-member bench of the National Green Tribunal ("NGT"), which had dismissed an appeal challenging the environmental clearance ("EC") issued to Ultratech Cement Ltd. in 2017. The Supreme Court noted that as per the provisions of the National Green Tribunal Act, 2010 ("NGT Act"), a single-member bench cannot be constituted to adjudicate on matters covered under the NGT Act. The single-member bench could not have passed an order in view of the proviso to Section 4(4)(c) of the NGT Act which states that the number of expert members hearing the appeal or application shall be equal to the number of the judicial members, mandating that there shall be at least two members on the bench. Accordingly, the assumption of jurisdiction by a single-member bench stands vitiated.

In this case, the Supreme Court was considering the appeal against an order passed by the NGT wherein it had dismissed the appeal against the EC issued to Ultratech Cement Ltd. on the ground of limitation.

Supreme Court sets aside notice imposing INR 10 crore damages on an educational institution near the National Chambal Sanctuary

### **State of Uttar Pradesh & Ors. v. Anand**

### **Engineering College & Ors.; Judgment dated 12 July, 2022<sup>2</sup>**

The Supreme Court has set aside the notice issued by the Uttar Pradesh Forest Department requiring an educational institution to pay damages for harming the ecology of a wildlife sanctuary. In this case, the Supreme Court was considering an appeal against the judgment of the Allahabad High Court which had set aside the notice imposing damages of INR 10 crore against the respondents for the violation of the Environment (Protection) Act, 1986 due to the discharge of harmful effluents near the National Chambal Wildlife Sanctuary. This notice was issued by the Uttar Pradesh Forest Department in exercise of its powers under Section 33 of the Wildlife (Protection) Act, 1972 which empowers the authority to take steps for the conservation of wildlife and its habitat.

The Court observed that the notice imposing the damages against the respondent was issued in violation of the principles of natural justice as no show-cause notice was issued to it by the department. The Court upheld the authority and jurisdiction of the forest department to exercise its powers under Section 33 of the Wildlife (Protection) Act, 1972 if it is of the opinion that the activities of the respondent are causing harm to the wildlife and its habitat, but this can be done only after providing adequate opportunity of being heard.

Supreme Court clarifies that the land notified under Section 4 of PLPA will be considered as forest under FCA

### **Narinder Singh & Ors. v. Divesh Bhutani & Ors.; Judgment dated 21 July, 2022<sup>3</sup>**

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The Supreme Court has observed that the land notified under Section 4 of the Punjab Land Preservation Act, 1900 ("PLPA") will be considered as forest under the Forest (Conservation) Act, 1980 ("FCA"). The Supreme Court elaborated on the meaning of 'forest' under the Indian Forest Act, 1927 ("IFA") and FCA. It noted that as per IFA a land will be considered forest only by publishing a notification under IFA. Whereas, under the FCA, restrictions will apply on any forest land which may not necessarily be declared so under IFA or any other law relating to forests in India. FCA will cover the following categories of forests: statutorily recognised forests; forests as understood in the dictionary meaning; and any area recorded as forest in the Government records. The Court noted that as per the dictionary meaning of forests, a large or extensive tract of land having a dense growth of trees, thickets, mangroves, etc. will be covered under FCA, however, a small, isolated plot of land will not come within the

ambit of FCA merely because there are some trees or thickets on it.

Further, the Supreme Court noted that PLPA was enacted with an objective to conserve sub-soil and prevent soil erosion which may be caused by deforestation. State Government can notify any area under Section 4 of PLPA if it is satisfied that soil erosion is likely to take place in an area as a result of deforestation or impending deforestation. Therefore, such land will have all trappings of a forest covered under FCA and such land cannot be diverted for non-forest use without prior approval of the Union Government.

In this case, Supreme Court was considering an appeal filed against the order of the NGT that prohibited non-forest activities on a land belonging to the appellant in Anangpur village, Faridabad district, Haryana as these lands are forest under FCA. Appellants in this case were operating marriage halls on the land.

## National Green Tribunal Judgments / Orders

**NGT directs Ansal Properties and Infrastructure Ltd. to pay INR 153 crore for environmental violations at Sushant Lok Phase-I, Gurugram**

**Praveen Kakar & Ors. v. Ministry of Environment, Forest and Climate Change; Judgment dated 04 July, 2022<sup>4</sup>**

NGT has directed M/s Ansal Properties and Infrastructure Ltd. to pay environmental compensation of INR 153 crore for multiple violation of environmental laws at its project Sushant Lok Phase-I, Gurugram. It noted various violations at the project relating to discharge of untreated sewage into storm water drains, illegal extraction and use of groundwater, encroachment/non-maintenance of green belt, non-observance of Construction and Demolition Waste Management Rules, 2016 and Solid Waste Management Rules, 2016, and other violations under Environment (Protection) Act, 1986, Water (Prevention and Control of Pollution) Act, 1974 ("Water Act"), Air (Prevention and Control of Pollution) Act, 1981 ("Air Act") and Environment Impact Assessment Notification, 2006 ("EIA Notification"). NGT directed that no further

activities shall be undertaken at the site unless all compliances are ensured.

NGT also observed that the company had not taken Consent to Establish ("CTE") and Consent to Operate ("CTO") under the provisions of Water Act and Air Act. It had also not obtained such consent before the commencement of its sewage treatment plant. In this case, applicants alleged that M/s Ansal Properties and Infrastructure Ltd. had violated various environmental norms at Sushant Lok, Phase I, Gurugram admeasuring more than 600 acres. It was contended that it has illegally encroached upon and sold a substantial part of the land (comprising about 45% of the construction project), which was reserved/meant for parks, roads etc. in violation of the environmental laws, thus causing environmental degradation.

**NGT directs Gujarat Government authorities to take strict action for preventing and controlling industrial accidents**

**In re: News item published in Pragativadi dated 04.06.2022 titled "Huge Explosion at**

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## **Chemical Company in Gujarat's Vadodara"; Order dated 05 July, 2022<sup>5</sup>**

NGT has directed Gujarat Government authorities to maintain vigilance in the interest of safety of the workers and inhabitants against potential harm on account of unscientific working of chemical and other industries. It further directed that regular safety audits should be conducted, apart from organizing mock drills and implementation of 'on-site' and 'off-site' emergency plans. The NGT also referred to its earlier directions in *Aryavart Foundation through its President v. Yashyashvi Rasayan Pvt. Ltd. & Anr.*<sup>6</sup>, where it accepted recommendations of a committee concerning measures for preventing and controlling industrial accidents as per environmental norms.

In this case, proceedings were initiated based on media reports about an explosion in Deepak Nitrite factory in Vadodara, Gujarat resulting in injuries to seven workers on account of inhaling the smoke and shifting of 700 people living in area. NGT noted that the cause of the accident in this case was the reaction of incompatible material in factory's laboratory and boiler areas.

## **NGT directs MoEFCC and Tamil Nadu State authorities to initiate action against medical and dental colleges in Salem**

## **Trustee, Environment Protection and Anti-Pollution Group Trust v. Union of India; Judgment dated 07 July, 2022<sup>7</sup>**

NGT has directed the Ministry of Environment, Forest and Climate Change ("MoEFCC") and Tamil Nadu State authorities to take action against medical and dental colleges in Salem operating without obtaining necessary environmental clearances, authorizations and consents. NGT has also directed them to recover environmental compensation from such institutions and conduct periodical inspection of such colleges and other institutions in the district to ensure compliance with environmental laws.

NGT took *suo motu* cognizance of this matter on the basis of a letter petition alleging that a lot of medical and dental colleges in Salem are operating in violation of the environmental laws without necessary approvals and authorisation under Bio-

Medical Waste Management Rules, 2016, EIA Notification, Water Act and Air Act.

## **NGT directs UP authorities to ensure operation of brick kilns in Aligarh strictly in compliance with environmental law**

## **Jhammanlal Gautam v. Union of India & Ors.; Order dated 08 July, 2022<sup>8</sup>**

NGT has directed the Uttar Pradesh ("UP") authorities to ensure that brick kilns in Aligarh district operate in compliance with the environmental laws. It has directed that only those brick kilns be allowed to operate whose locations are as per siting norms, who have requisite consents and ensure compliance with the terms of such consents, and who are compatible with the assimilative air quality of the area.

It noted that notices have been issued against 234 brick kilns for operating without valid CTO, against 315 brick kilns for violation of consent conditions, and proceedings have been initiated for compensation against 60 brick kilns. This indicates the alarming situation in the region and thus requires urgent remedial action for protection of environment and public health.

NGT referred to the directions issued by the Supreme Court for operation of brick kilns in Delhi-NCR. It directed that while these directions are in relation to Delhi-NCR, these directions will apply in relation to operation of brick kilns in Aligarh district also due to its proximity to NCR and existing poor air quality in the region.

## **NGT directs GPCB to ensure that no wastewater is discharged into Thol Lake, Gandhinagar**

## **In re: News item published in The Indian Express dated 19.03.2022 titled "STP given nod to discharge treated sewage into Thol"; Order dated 08 July, 2022<sup>9</sup>**

NGT has directed the Gujarat Pollution Control Board ("GPCB") to prevent discharge of sewage or wastewater into the Thol Lake in Gandhinagar. It has been directed to take various measures for this including bypassing the flow of the wastewater; utilization of treated water by industrial units in the region; and regulation on the use of fresh water for industrial purposes as there is a scarcity of

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potable water in the area. NGT directed GPCB to take these steps to ensure that the quality of the lake is maintained as per the norms.

The joint committee formed by the NGT recommended that the sewage wastewater should not be allowed to enter directly or indirectly into the lake as it would adversely affect its ecology. In this case, the applicant alleged that the sewage treatment plant proposed to be set up in Kalol town of Gandhinagar has been permitted to discharge treated wastewater into Thol Lake which is a protected wetland and a Ramsar wetland of international importance.

**NGT directs RG Residency to stop further construction until environmental violations are rectified**

**RG Residency Apartment Owner Association v. State of Uttar Pradesh & Ors.; Order dated 08 July, 2022<sup>10</sup>**

NGT has directed RG Residency to cease any further construction at the property and not to transfer property rights to any third party for its project in Sector-120, Noida. NGT observed that this project was commenced without consents under Air Act and Water Act. Various other violations in this project were also observed by Noida Authority and the joint committee constituted by NGT. The counsel for the company did not dispute that construction was done without requisite consents. Accordingly, NGT directed State authorities to take remedial action against it for irregularities in the project, recover environmental compensation and stop any further construction.

In this case, the applicant raised grievances against the construction of group housing complex - R.G. Residency, Sector 120, Noida without requisite environmental consents and its operation in violation of norms including non-functioning of sewage treatment system resulting in discharge of untreated sewage in public drain which was damaging the environment.

**NGT imposes environmental compensation on 31 coke oven plants in Meghalaya for violating environmental law**

**Pynbait Sutnge v. Government of Meghalaya & Ors.; Judgment dated 08 July, 2022<sup>11</sup>**

NGT has directed 31 coke oven plants in East Jaintia Hills district of Meghalaya to pay environmental compensation towards the cost of restitution and remedial measures for causing environmental damage. NGT observed that many coke plants are operating without consents from State Pollution Control Board and many have violated the siting criteria prescribed for coke oven plants in Meghalaya. NGT further directed that the plants that were setup before notification of siting criteria would not acquire a vested right to continue in violation of laws, and thereby directed State authorities to frame an action plan for such plants.

In this case, applicant raised grievances against the environmental pollution caused due to the operation of coke oven plants in East Jaintia Hills District, Meghalaya. It was also alleged that several plants have been established and are operating in violation of the environmental norms causing air and water pollution leading to health hazards for local people.

**NGT holds that an area declared as a 'game sanctuary' before 1972 would not be deemed as a Wildlife Sanctuary or National Park under Wildlife (Protection) Act, 1972**

**R.K. Singh v. Union of India & Ors.; Judgment dated 12 July, 2022<sup>12</sup>**

NGT has directed that declaration of Saranda Forest Division as a "Game Sanctuary" by State of Bihar in 1968 will not make it a deemed Wildlife Sanctuary under Wildlife (Protection) Act, 1972. NGT noted Section 66 of the Act which provides that any Sanctuary and National Park declared by a State Government under any Act repealed with the commencement of the Wildlife (Protection) Act, 1972, shall be deemed to be a Sanctuary or National Park. However, a game sanctuary cannot be equated with a sanctuary as envisaged under the Act because game sanctuary was conceptualized by the British Government for game hunting by way of entertainment and pass time which led to a calamitous destruction of wildlife in India almost rendering some species to near extinction. Accordingly, a game sanctuary will not be deemed as wildlife sanctuary as per Section 66 of the Act.

NGT further directed the MoEFCC and State

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of Jharkhand to consider whether this area should be declared as a wildlife sanctuary considering its ecological value. In this case, NGT was considering grievances by the applicant that State of Jharkhand and MoEFCC have failed to declare Eco-Sensitive Zone around Saranda and Sasangada sanctuary in West Singhbhum district, Jharkhand.

**NGT directs five edible oil companies to pay INR 5 crore as environmental compensation**

**Isanaka Vedavathi v. Union of India; Judgment dated 13 July, 2022<sup>13</sup>**

NGT has directed five edible oil manufacturing units, M/s. Gemini Edibles & Fats India Private Limited, M/s. Emami Biotech Limited, M/s. Adani Wilmar Limited Unit II, M/s. South India Krishna Oil & Fats (P) Limited, M/s. 3 F Industries Limited, to pay the environmental compensation for violating the environmental law by not installing the pollution control mechanisms and for the consumption of water beyond permissible limits. They have violated the conditions prescribed in the approvals issued to them. The joint committee constituted by the NGT had noted violations by these edible oil units and recommended action against them. NGT upheld the amount of environmental compensation determined by this committee.

In this case, the applicant alleged that five edible oil units in Nellore district, Tamil Nadu are operating without necessary pollution control mechanism and discharging untreated effluents into the water channel which ultimately reaches the water body causing water pollution.

**NGT directs Chief Secretaries of Odisha and Chhattisgarh to take action for pollution caused by the transportation of coal by road passing through villages**

**In re: News report published in the Newspaper named Indian Express, Daily News Paper dated: 4th February, 2022, Kolkata, Late City Edition titled "Non-compliance of EC conditions by Kulda coal mine, Odisha & Tamnar Therman Plant, Chattisgarh; Order dated 15 July, 2022<sup>14</sup>**

NGT has directed the Chief Secretaries of the States of Odisha and Chhattisgarh to take remedial actions for preventing further pollution caused by the violation of EC

conditions by the coal mine, particularly in transportation of coal from the coal mine to the thermal power plant. They also need to fix liability for past violations as per the polluter pays principle and expeditiously repair and renovate the road passing through villages which is currently being used for transportation of coal.

This case was initiated based on media reports that there is a violation of environment norms in road transportation of coal from Kulda Coal Mine, Odisha to Tamnar Thermal Plant, Chhattisgarh. The joint committee constituted by NGT noted that allegations made in media reports regarding such coal transportation by road appear true. The road passing through villages is not in motorable condition and therefore has an impact on the environment, health and safety of local villagers.

**NGT directs real estate developers in Sonipat, Haryana to pay around INR 200 crore as environmental compensation**

**Kissan Udey Samiti & Ors. v. State of Haryana & Ors.; Judgment dated 15 July, 2022<sup>15</sup>**

NGT has directed various construction companies – M/s. TDI Infrastructure Ltd., M/s. Parker Estate Development Pvt. Ltd., M/s. CMD Built-Tech Pvt. Ltd., M/s. Narang Constructions Pvt. Ltd. – who have built residential apartments in Sonipat to pay different amounts totalling around INR 200 crore as environmental compensation for serious violations of environmental laws in construction and operation of projects built by them. NGT has further directed some of these companies to not create any further third-party rights in their projects unless environmental compliances are ensured.

The report submitted by the joint committee appointed by the NGT found several non-compliances by these apartments related to solid waste management, discharge of untreated pollutants, construction of apartments without valid consents from State Pollution Control Boards, and construction after expiry of EC. NGT also noted that the facts of the case demonstrate gross dereliction of duties in functioning of responsible Government authorities of Haryana.

In this case, NGT was considering grievances

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of the residents of a village in Sonipat, Haryana against the dumping of untreated waste by these real estate developers which is polluting the surrounding environment.

**NGT directs Andhra Pradesh State authorities to initiate strict action against illegal sand mining and aquaculture activities in East Godavari District**

**Venkatapathi Raja Yenumula v. Union of India & Ors.; Judgment dated 18 July, 2022<sup>16</sup>**

NGT has directed the Andhra Pradesh Government authorities to take appropriate action against persons operating illegal/unauthorised sand mining activities and aquaculture farms in coastal zones or other areas without obtaining necessary permission or license from the respective authorities. Such actions include removal of these units, disconnection of their electricity connection, imposition of environmental compensation and initiating prosecution against responsible persons. These activities have caused damage to coastal ecology, and polluted water, soil and air.

In this case, applicant raised concerns regarding illegal beach sand mining as well as shrimp farming occurring in coastal areas of East Godavari District of Andhra Pradesh without necessary permissions. The joint committee constituted by the NGT mentioned in its report that sand mining and aquaculture activities are taking place in coastal areas of East Godavari district of Andhra Pradesh, and also pointed various deficiencies by the State Government in regulating these activities. No Coastal Regulation Zone clearance was obtained for these activities, which is resulting in damage to coastal ecology of the region. NGT also noted earlier directions issued by the Supreme Court concerning strict regulation of sand mining, dredging and aquaculture in coastal areas. NGT noted that while certain actions have been taken against these activities including registration of cases and seizure of vehicles, no environmental compensation has been recovered from them.

**NGT directs MoEFCC to finalize action plan for solar waste management**

**In Re: Article Published in the magazine i.e Down to earth dated 13 January 2022 under**

**the Title Time's running out: Is India ready to handle 34,600 tonnes of Solar waste by 2030; Order dated 19 July, 2022<sup>17</sup>**

NGT has directed MoEFCC to expeditiously finalize an action plan for the sound management of waste generated from solar power industry. NGT had constituted a joint committee to consider this issue whose report on implementation of circular economy in solar panels was shared with MoEFCC, but no action plan has yet been finalized. In this case, NGT took *suo motu* cognizance of the increasing amount of waste from solar industry as India does not have a sound solar waste management policy and such waste will further increase due to Government's push for solar energy.

**NGT directs M/s. Gogte Minerals to pay INR 5 crore as environmental compensation for illegally dumping mining overburden**

**Ajay Shivajirao Bhosale & Ors. v. MoEFCC & Ors.; 19 July, 2022<sup>18</sup>**

NGT has directed M/s. Gogte Minerals to pay an environmental compensation of INR 5 crore as per 'polluter pays' principle for violation of conditions prescribed in EC issued to it for a mining project in Maharashtra's Sindhudurg district. As per the EC, out of the total area of 34.481 ha., company could carry out mining only in 12.16 ha, while keeping an area of 5.98 ha. for waste dump. However, it dumped overburden outside the leased area in violation of the directions of the Supreme Court and this EC condition.

NGT further directed the joint committee to prepare a restoration plan to rectify damage to the area due to such dumping by the company. In this case, NGT was hearing grievances against the dumping of mining overburden by the company outside the leased area which is in violation of law and causing environmental damage.

**NGT directs highway contractors in Arunachal Pradesh to pay INR 3 crore as environmental compensation for environmental law violations**

**Rakhini Mipi v. State of Arunachal Pradesh & Ors.; Order dated 20 July, 2022<sup>19</sup>**

NGT has directed the agencies involved in the construction of certain highways in

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Arunachal Pradesh to pay environmental compensation of INR 3 crore for causing environmental violations in construction of roads and dumping of muck generated from such construction. NGT observed that the inspection report filed by the Arunachal Pradesh State Pollution Control Board found large scale environmental violations by contractors of National Highway & Infrastructure Development Corporation Ltd.

In this case, NGT was considering grievances in relation to road widening projects in Upper Dibang Valley and Lower Dibang Valley of Arunachal Pradesh. It was alleged that agencies are dumping stones and muck on forest land and in the river, which is in violation of environmental norms and the conditions laid down in the EC and the provisions of the Construction and Demolition Waste Management Rules, 2016.

**NGT directs Municipal Corporation of Ludhiana to deposit INR 100 crore as interim compensation**

**In re: News item published in The Indian Express dated 20th April, 2022, titled “7 Charred to death in fire near Ludhiana dumpsite”; Order dated 25 July, 2022<sup>20</sup>**

NGT has directed Municipal Corporation of Ludhiana to deposit INR 100 crore as an interim compensation for causing damage to the environment and public health due to its failure to comply with Solid Waste Management Rules, 2016, which resulted in a fire at the garbage dumping site causing the death of seven persons. The corporation has been further directed to pay compensation to the next of kin of persons who died due to the fire at the site. Moreover, it also directed Central Pollution Control Board (“CPCB”) to collate information on legacy and active dump sites in cities having population of more than one million and in the State capitals and Union Territories and to prepare and execute fire management plans with requisite facilities and infrastructure.

## Regulatory / Policy developments

**CPCB revises the list for categorization of thermal power plants in India; 01 July, 2022**

CPCB has revised the list for categorizing thermal power plants to ensure compliance with revised emission standards notified by MoEFCC for thermal power plants on 31

The report submitted by the Monitoring Committee constituted by NGT noted non-compliance with Solid Waste Management Rules, 2016 in various districts of Punjab. NGT took *suo motu* cognizance of this matter in light of the media report that seven persons were charred to death in a fire at a garbage dump site at Tajpur Road, Ludhiana.

**NGT directs West Bengal authorities to ensure strict compliance with law in mining and transportation of mined sand**

**Tribunal on its Own Motion Re.: Movement of Heavy Loaded Dumpers, Trucks and Traffic Control on the roads around Shivmandir Bazar and adjoining area; Judgment dated 28 July, 2022<sup>21</sup>**

NGT has directed West Bengal State and district authorities to ensure strict compliance with Sustainable Sand Mining Management Guidelines, 2016. It also directed that sand mining shall not be permitted with the use of dumpers, JCBs or other heavy vehicles in the area in question, and these vehicles shall not be used for loading and transportation of sand from the riverbed. State Pollution Control Board shall regularly monitor the ambient air quality and noise pollution in the area.

The inspection report filed before the NGT noted that sand lifting in the area has been stopped by the order of the District Magistrate, Darjeeling, as per the provisions of Sustainable Sand Mining Management Guidelines, 2016. It also found that the road used for transportation of sand was wretched. NGT took *suo motu* cognizance of this case on the basis of a complaint filed by Shivmandir Nagorik Mancha with grievance that the movement of heavy six wheels dumpers / trucks across different blocks of Darjeeling district was causing air, noise and dust pollution.

March, 2021. The said notification required CPCB to categorize these plants into A, B and C categories based on their location, basis which timeline will be determined for these plants to ensure compliance with revised emission standards.

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## **MoEFCC issues proposal for amendments in Environment (Protection) Act, 1986; 01 July, 2022<sup>22</sup>**

MoEFCC has issued a proposal for amendments in the Environment (Protection) Act, 1986. It intends to essentially decriminalize existing provisions by removing imprisonment for simple violations under the Act. The non-compliances such as submission of reports, furnishing of different information will be dealt with penalty through an authorised officer. It also seeks to create Environment Protection Fund with amount of penalty paid to authorised officer.

## **Commission for Air Quality Management in NCR & Adjoining Areas releases policy to curb air pollution in Delhi-NCR; 01 July, 2022<sup>23</sup>**

The Commission for Air Quality Management in NCR & Adjoining Areas (CAQM) has formulated a comprehensive policy to address air pollution in Delhi-NCR through differentiated geographical approach and timelines of action. This policy contains sector-wise recommendations for various authorities including Union Government, State Governments in NCR, Delhi Government, CPCB and State Pollution Control Boards of NCR. It intends to abate air pollution from different sources including industries, vehicles/ transport, construction and demolition, dust from roads and open areas, municipal solid waste burning, crop residue burning, thermal power plants, diesel generators, bursting of firecrackers.

## **MoEFCC lifts abeyance on office memorandum concerning EC for projects in critically and severely polluted areas; 05 July, 2022<sup>24</sup>**

MoEFCC had kept in abeyance the office memorandum relating to consideration of proposals located in critically polluted areas and severely polluted areas, in light of the Supreme Court's direction in this regard. It has now revoked the abeyance order on this memorandum and directed Member Secretaries of relevant Union or State Expert Appraisal Committee to ensure that environmental safeguards prescribed in aforesaid memorandum are stated in ECs issued for projects located in such areas.

## **Delhi Government issues draft Motor Vehicles Aggregators Scheme, 2022; 05 July, 2022<sup>25</sup>**

Delhi Government has issued the draft Delhi Motor Vehicle Aggregators Scheme, 2022. It intends to provide regulatory framework for aggregators providing passenger transport services and other delivery aggregators providing delivery service of goods and commodities including last-mile delivery service providers in the National Capital Territory of Delhi. It also requires these aggregators to include electric vehicles in their fleet in a time-bound manner as provided in the policy.

## **MoEFCC issues draft notification on ESZ in Western Ghats; 06 July, 2022<sup>26</sup>**

MoEFCC has issued the draft notification for Eco-Sensitive Zone ("ESZ") in Western Ghats covering States of Gujarat, Maharashtra, Goa, Karnataka, Kerala and Tamil Nadu. The notification proposes an area of 56,825 square kilometre (roughly 30% of the total area of Western Ghats) as Western Ghats Ecologically Sensitive Area. The notification provides list of activities that are prohibited, regulated and permitted in this zone.

## **MoEFCC notifies amendment to Plastic Waste Management Rules, 2016; 06 July, 2022<sup>27</sup>**

MoEFCC has notified the amendment to Plastic Waste Management Rules, 2016. This amendment *inter alia* provides definition of biodegradable plastics, protocol and requirements for persons using compostable and biodegradable plastic for packaging, and standards to be complied with by such persons. It also exempts persons using biodegradable plastics from requirement of Extended Producer Responsibility.

## **Haryana Government notifies Electric Vehicle Policy, 2022; 08 July, 2022<sup>28</sup>**

Government of Haryana has notified the Haryana Electric Vehicle Policy, 2022 which will be effective from 10 July, 2022 for a period of 5 years. The policy intends to encourage manufacturing and sale of electric vehicles in Haryana and provides several incentives for manufacturers, R&D institutions, electric vehicle infrastructure developers, and consumers. The incentives are being provided in the form of reduction in stamp duty, motor vehicle tax, registration charges, and subsidy on fixed capital investment.

## **MoEFCC extends tenure of SEIAA and SEAC**

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## for Jammu and Kashmir; 08 July, 2022<sup>29</sup>

MoEFCC has extended the tenure of State Level Environment Impact Assessment Authority ("SEIAA") and State Level Expert Appraisal Committee ("SEAC") for Jammu & Kashmir for a period not exceeding 04 July, 2023 or till the reconstitution of new bodies, whichever is earlier.

## MoEFCC issues proposal for amendments in Indian Forest Act, 1927; 09 July, 2022<sup>30</sup>

MoEFCC has issued a proposal to amend the Indian Forest Act, 1927. It intends to essentially decriminalize relatively minor violations under the Act, expeditious resolution of non-compliances through compounding of relatively smaller offences, reducing compliance burden on citizens, rationalization of penalties and preventing harassment of citizens.

## MoEFCC issues guidelines regarding land selected for compensatory afforestation; 13 July, 2022<sup>31</sup>

MoEFCC has issued guidelines stating that a State Government should ensure that land proposed for raising compensatory afforestation in lieu of proposed diversion of forestland is of good quality and is able to generate and compensate the Ecosystem Goods and Services (EG&S) lost from non-forest use of forestland. As far as permissible, such lands should be selected in close proximity of the area being diverted. It further provides that the relevant Integrated Regional Office of MoEFCC will certify the suitability of land in this regard.

## MoEFCC issues clarification regarding land use change in already diverted forest areas; 13 July, 2022<sup>32</sup>

MoEFCC has clarified that in case of an area that has been diverted under the FCA for non-forest use, the subsequent change in the land use from exploratory drilling to extraction (exploitation) can be undertaken by the user agency subject to approval by the relevant Government authority in this regard.

## MoEFCC amends EIA Notification, 2006; 14 July, 2022<sup>33</sup>

MoEFCC has issued an amendment to the EIA Notification. This amendment provides *inter alia* that: (a) thermal power plants up to 25 MW based on biomass or non-hazardous municipal solid waste using auxiliary fuel such

as coal, lignite or petroleum products up to 15% are exempted from prior EC; (b) expansion of terminal buildings and allied buildings within the existing Airport premises >20,000 sqm shall require prior EC; (c) expansion up to 1,50,000 sqm will be appraised as construction and building project; and (d) all highway projects up to 100 km from the line of control or border will be exempted from prior EC.

## MoEFCC issues clarification regarding application of Forest (Conservation) Rules, 2022; 18 July, 2022<sup>34</sup>

MoEFCC has issued a clarification that Forest (Conservation) Rules, 2022 will apply to proposals submitted online through Parivesh portal and which have not been accepted by the Nodal officer before 28 June, 2022. Proposals accepted before the said date will continue to be considered under the Forest (Conservation) Rules, 2003.

## MoEFCC issues clarification regarding refund of interest accrued on compensatory levies; 18 July, 2022<sup>35</sup>

MoEFCC has clarified that interest accrued on compensatory levies realized from the user agency in lieu of forest diversion will not be refunded, where approval was subsequently rejected or revoked by the Government.

## MoEFCC issues directions to project proponents under EIA Notification regarding single-use plastics; 18 July, 2022<sup>36</sup>

MoEFCC has issued an office memorandum stating that project proponents under EIA Notification need to sensitize and create awareness among people working in and around the project area on the ban of certain single-use plastic items with effect from 01 July, 2022. They are also required to provide a report along with photographs on measures taken in this regard in the six-monthly compliance required to be submitted by project proponents.

## MoEFCC grants one-year window to steel projects for ex post facto EC; 20 July, 2022<sup>37</sup>

MoEFCC has issued a notification allowing all existing standalone re-rolling units or cold rolling units to apply for EC, provided they are operating with valid CTE and CTO from relevant State Pollution Control Board or the Union Territory Pollution Control Committee. Such applications for EC will be exempted

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from the requirement of public consultation.

## **India and Namibia sign MoU on wildlife conservation and sustainable biodiversity utilization; 20 July, 2022<sup>38</sup>**

Government of India and Government of the Republic of Namibia have entered into a Memorandum of Understanding ("MoU") on wildlife conservation and sustainable biodiversity utilization. The main thrust of this MoU is biodiversity conservation with specific focus on conservation and restoration of cheetah in their former range areas from which they went extinct in India, and sharing and exchange of expertise and capacities aimed at promoting cheetah conservation in two countries.

## **MoEFCC amends the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016; 21 July, 2022<sup>39</sup>**

MoEFCC has issued a notification to amend the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. The amendment lays down the Extended Producer Responsibility ("EPR") framework for utilisation and management of waste tyre. The EPR framework provides requirement for registration and certain other responsibilities for producers of tyres, recyclers of waste tyres and retreaders of used tyres. It also allows for generation and trading of EPR certificates.

## **India's 5 more wetlands designated as wetlands of international importance; 26 July, 2022<sup>40</sup>**

Five more wetlands of India, which include three wetlands (Karikili Bird Sanctuary, Pallikarainai Marsh Reserve Forest & Pichavaram Mangrove) in Tamil Nadu, one wetland (Pala wetland) in Mizoram and one wetland (Sakhya Sagar) in Madhya Pradesh, have been designated as wetlands of international importance under the Ramsar Convention on Wetlands. With this, total number of such sites in India has increased to 54.

## **MoEFCC issues clarification regarding payment of penalty for violation cases covered under EIA Notification; 28 July, 2022<sup>41</sup>**

MoEFCC has issued a clarification that penalties levied as per the Standard Operating Procedure dated 07 July, 2021 for violation cases identified under EIA Notification should be paid by project proponents into the fund maintained by relevant State Pollution Control Boards or Union Territory Pollution Control Committees till further orders. The EC will be issued to such proponents on submission of proof regarding this payment.

## **United Nations declares right to clean and healthy environment as a human right; 28 July, 2022<sup>42</sup>**

The United Nations General Assembly has adopted a resolution providing that everyone on the planet has a right to a healthy environment. The resolution provides that climate change and environmental degradation are some of the most pressing threats to humanity's future, and calls on states to step up efforts to ensure their people have access to a "clean, healthy and sustainable environment".

## **Prime Minister launches key power sector projects and initiatives; 30 July, 2022<sup>43</sup>**

Prime Minister Shri Narendra Modi launched the Ministry of Power's flagship Revamped Distribution Sector Scheme which is aimed at improving the operational efficiencies and financial sustainability of power distribution companies. He also launched the national portal for rooftop solar, which will enable online tracking of the process of installation of rooftop solar plants, starting from registering the applications to release of subsidy in residential consumers' bank account after installation and inspection of the plant. Moreover, he also launched various renewable energy projects in different parts of India related to floating solar projects, green hydrogen mobility project and green hydrogen blending pilot project.

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#### **Endnotes**

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- 2 Special Leave to Appeal (Civil) Nos. 10084-85/2022.
- 3 Civil Appeal Nos. 10294 of 2013.
- 4 Original Application No. 661/2018.
- 5 Original Application No. 447/2022.
- 6 O.A. No. 85 of 2020.
- 7 Original Application No. 62 of 2020 (SZ).
- 8 Original Application No. 253/2021 with Execution Application No. 39/2021.



- 9 Original Application No. 228/2022.
- 10 Original Application No. 193/2021.
- 11 Original Application No. 100/2021/EZ.
- 12 Original Application No. 59/2020/EZ.
- 13 Original Application No. 221 of 2015 (SZ).
- 14 Original Application No. 236/2022.
- 15 Original Application No. 764/2018 (M.A. No. 20/2022) and Original Application No. 155/2020 (I.A. No. 35/2022).
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