



## Supreme Court Judgments / Orders

Supreme Court clarifies that its direction imposing 1 km ESZ around national parks and wildlife sanctuaries will not apply to Tungareshwar Wildlife Sanctuary, Maharashtra

**Re: T.N. Godavarman Thirumulpad v. Union of India & Ors.; Order dated 30 November, 2022<sup>1</sup>**

The Supreme Court of India ("Supreme Court") has directed that its order dated 03 June, 2022 – holding that every national park and wildlife sanctuary should have minimum 1 km around it as an Eco-Sensitive Zone ("ESZ") will not apply for Tungareshwar Wildlife Sanctuary,

Maharashtra as the ESZ notification for the said sanctuary was issued on 11 September, 2019. Accordingly, ESZ around the said sanctuary will be considered as per this notification. The Court also referred to its order dated 23 September, 2022 wherein it had issued similar directions for Sanjay Gandhi National Park and Thane Flamingo Creek Sanctuary on identical grounds. The Court also noted that there could be certain specific instances where a uniform 1 km ESZ may not be feasible and therefore relief could be granted in such cases to create an exception.

## High Court Judgments / Orders

Madras High Court directs the constitution of a committee to prevent and stop the diversion of natural waterfalls in the Western Ghats region of Tamil Nadu

**Vinoth R. v. State of Tamil Nadu & Ors.; Order dated 23 November, 2022<sup>2</sup>**

The Madras High Court has directed the district collectors of five districts of Tamil Nadu to constitute a committee to stop forthwith the illegal diversion of the natural flow of waterfalls by the private resorts/ estates/property owners to convert them into artificial falls for their commercial purposes. The committee shall conduct inspections

of all private resorts to identify instances of such illegal diversion of natural waterbodies and take appropriate action against them. Court noted the petitioner's argument that some individuals who own lands adjacent to natural waterfalls have created private, man-made, artificial waterfalls inside their resorts/ estates/properties by diverting the natural flow of waterfalls, without due permission from the appropriate authorities, only to make their properties a tourist attraction and earn profits. The petitioner has sought directions from the Court to demolish such artificial structures and restore the original flow of the stream, river and rivulet in the fragile Western Ghats ecosystem.

## National Green Tribunal Judgments / Orders

NGT directs Municipal Corporation, Ludhiana to ensure strict compliance with its orders on legacy waste management

**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 01 November, 2022<sup>3</sup>**

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The National Green Tribunal (“NGT”) has directed Municipal Corporation, Ludhiana to ensure compliance with its order dated 25 July, 2022 for scientific management of waste in the city. In the said order, NGT directed the corporation to pay an interim compensation of INR 100 crores for remedial measures and as compensation for victims of fire incidents at the waste disposal sites. NGT noted that the Municipal Corporation has initiated the bio-remediation work for certain amount of waste, remediation plan has been prepared and INR 40 crores has been deposited in a separate account. However, NGT directed the Corporation to disburse compensation to fire incident victims in strict compliance with its orders and without any additional requirement for police verification. Corporation was also directed to pay the remaining amount of compensation and undertake remediation of legacy waste in the city.

**NGT directs Windsor Park Residents Welfare Association to replace/retrofit old diesel generator sets with cleaner fuel**

**Satish Govind v. President and Secretary, Windsor Park Residents Welfare Association & Anr.; Order dated 01 November, 2022<sup>4</sup>**

NGT has directed Windsor Park Residents Welfare Association to replace / retrofit its old diesel generator sets with cleaner fuel and ensure compliance with the specified norms. It noted that out of its 8 sets, 4 are more than 15 years old and two will complete 15 years by June-July 2023. The association needs to stop operation of generator sets in violation of environmental norms and accountability shall also be fixed for past violations. In this case, NGT was considering grievances against the violation of air quality norms due to the operation of diesel generators by Windsor Park Residents Welfare Association in Ghaziabad, Uttar Pradesh.

**NGT directs CPCB to pass appropriate guidelines and initiate action against non-compliant waste tyre units**

**Social Action for Forest & Environment (SAFE) v. Union of India & Ors.; Order dated 07 November, 2022<sup>5</sup>**

NGT has directed the regulatory authorities to shut down tyre pyrolysis oil units which are not operating in compliance with relevant

environmental norms. NGT took note of the Central Pollution Control Board’s (“CPCB”) report that action has been taken against a number of non-compliant units, but there still remain significant gaps. NGT observed that these units shall ensure zero liquid discharge norms along with the emissions norms. A revised Standard Operating Procedure needs to be issued with fuel quality standards of pyro-oil as per norms of the Ministry of Petroleum and Natural Gas. In this case, NGT was considering grievances related to proper management of end-of-life tyres / waste tyres in compliance with Environment (Protection) Act, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, CPCB Guidelines for Environmentally Sound Management of End-of-Life Vehicles, 2016 and Standard Operating Procedure issued by the Ministry of Environment, Forest and Climate Change (“MoEFCC”).

**NGT issues directions for the evaluation of the impact of proposed music festival on regional ecology due to its vicinity to the Ranthambore Tiger Reserve**

**In re: Ranthambhore Musical Festival, near the Forest / Sanctuary area; Order dated 07 November, 2022<sup>6</sup>**

NGT has directed the organisers of a music festival near the Ranthambhore Tiger Reserve, Rajasthan to take all required permissions for holding such event in the vicinity of an eco-sensitive zone as it may cause potential harm to the ecology of the region. It directed that such an event shall not be held unless permitted by a joint committee of National Board for Wildlife and Chief Wildlife Warden, Rajasthan after due consideration of its impact on the wildlife and the ecosystem. NGT noted that this event will take place within 5 km of the Tiger Reserve and hence evaluation of its impact on wildlife is necessary. National Tiger Conservation Authority shall also issue guidelines for regulating such events in the vicinity of other national parks. This case was initiated *suo motu* to consider the impact of the proposed “Ranthambhore Festival” close to the Tiger reserve in Ranthambhore, Rajasthan, as publicly announced on the organiser’s website.

**NGT constitutes monitoring committee to assess illegal shrimp farming in Gujarat**

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## **Roshni B. Patel v. Union of India & Ors.; Judgment dated 07 November, 2022<sup>7</sup>**

NGT has constituted a monitoring committee to initiate action against the illegal shrimp farming in Surat, Gujarat. The committee comprises of Secretary (Department of Environment, State of Gujarat), Collector, Surat, Gujarat Pollution Control Board (“GPCB”) and Gujarat Coastal Zone Management Authority. The committee shall inspect all shrimp farms in the region and ensure that farms undertaking their activities without obtaining license from appropriate authorities are closed. It shall also assess whether any environmental damage has been caused by their activities and impose appropriate compensation. In this case, the applicant raised grievances against illegal shrimp farms encroaching upon the deltaic area of Tapi river flowing through Surat, Gujarat.

NGT imposes environmental compensation of INR 3 crores against a granite mining company

## **Sanjay Kumar v. Union of India & Ors.; Order dated 11 November, 2022<sup>8</sup>**

NGT has directed M/s Nimawat Granite Private Limited, a granite mining company, to pay an interim environmental compensation of INR 3 crores for non-compliance with the conditions prescribed in the mining lease and environmental clearance (“EC”) including for undertaking plantations, developing green belt, installing Continuous Ambient Air Quality Monitoring Station, rainwater harvesting systems, etc. NGT observed that there is no document on record to show compliance by the company from 2019 to 2022. It further directed the State Pollution Control Board (“SPCB”) to determine the final compensation for such violations. In this case, NGT was considering grievances against illegal granite mining in district Mahendragarh, Haryana in violation of the EC and consent conditions and other environmental norms.

NGT imposes environmental compensation of INR 7 crores against 13 limestone mining companies in Gujarat

## **Protection of Environment and Public Service Committee v. Union of India & Ors.; 14 November, 2022<sup>9</sup>**

NGT has directed 13 mining companies to pay

an environmental compensation amounting to INR 7 crores in total for operating limestone mines in Gir Somnath and Junagadh districts of Gujarat without obtaining valid EC. The joint committee appointed by the NGT determined environmental compensation based on violations committed by these companies for a period of three financial years. In this case, applicant raised grievances related to environmental violations caused by mining companies due to illegal and unauthorized mining of limestone on a large scale in Gir-Somnath and Junagadh districts without any prior EC in gross violation of the Environment Impact Assessment Notification, 2006 (“EIA Notification”).

NGT modifies its previous order to allow remediation action by Hindustan Zinc Ltd. to be considered as CSR activity

## **Om Puri v. Hindustan Zinc Ltd. & Ors.; Order dated 14 November, 2022<sup>10</sup>**

NGT has permitted the prayer of M/s Hindustan Zinc Ltd. to consider the environmental compensation imposed against it for causing environmental damage in Udaipur, Rajasthan and consequent remedial actions being undertaken by it in the region as a corporate social responsibility (“CSR”) activity. Accordingly, the company will now be allowed to implement the environmental remediation plan as CSR. NGT has also directed the company to execute micro watershed management plan for protection of ground water and soil and to also undertake independent third-party validation of these remedial measures. In this case, NGT was hearing a petition filed by Hindustan Zinc Ltd. to review its order dated 02 February, 2022<sup>11</sup> wherein it had directed the company to pay environmental compensation of INR 25 crores for causing environmental damage near its plant. To arrive at its decision, NGT considered the activities undertaken by the company prior to and post the relevant order.

NGT upholds the EC granted to BALCO for expansion of its aluminium smelter plant

## **Tarun Rathore v. MoEFCC & Ors.; Order dated 14 November, 2022<sup>12</sup>**

NGT has upheld the EC issued to M/s Bharat Aluminium Company Limited (“BALCO”) for expansion of its aluminium smelter plant in

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district Korba, Chhattisgarh. NGT observed that the objections raised by the appellant were duly considered by the authority and there is no misleading or deliberate concealment of material facts by the company in the EIA documents. NGT was hearing an appeal against the EC granted to BALCO by MoEFCC.

**NGT imposes environmental compensation of INR 10 crores against the municipal authorities of Panchkula and Kalka for illegal dumping of waste**

**Sanjay Kumar v. Union of India & Ors.; Order dated 15 November, 2022<sup>13</sup>**

NGT has directed Municipal Corporation, Panchkula and Municipal Council, Kalka to pay environmental compensation of INR 9 crores and INR 1 crore respectively for the violation of environmental norms due to illegal and unscientific dumping of waste. NGT observed that the dumping activity is polluting the environment as the leachate was getting mixed with the storm water of the drain flowing into river Ghaggar, which is in violation of the EC and the consent issued by various authorities for the dumping site in village Jhuriwala, Panchkula. The site is also in the vicinity of a wildlife sanctuary. In this case, NGT considered grievances against the unscientific dumping of waste at a site close to the wildlife sanctuary in violation of the environmental norms.

**NGT directs closure of illegal borewells operating in NOIDA and measures required for sustainable groundwater management**

**Prasoon Pant & Anr. v. Union of India & Ors.; Order dated 15 November, 2022<sup>14</sup>**

NGT has directed the regulatory authorities to seal all illegally operating borewells in NOIDA, Uttar Pradesh and recover compensation for illegal extraction of groundwater in the past while considering the cost of such water with an element of deterrence, as also the cost of replenishing groundwater level. In the absence of clear data on these aspects, interim compensation could be equal to at least 0.5% of the project cost of the project proponents. NGT has also directed the concerned statutory regulators to regulate use of potable water for non-contact purposes and consider the use of non-potable water for these purposes to augment availability

of potable water for drinking. The joint committee submitted its report on this issue and found illegal extraction of groundwater by 24 out of 33 group housing projects. In this case, NGT considered grievances against illegal extraction of groundwater by certain builders operating in NOIDA.

**NGT imposes environmental compensation of INR 10 crores for illegal cutting of trees in deemed forest area**

**Vijay Chawla v. Ministry of Environment, Forest and Climate Change & Ors.; Order dated 16 November, 2022<sup>15</sup>**

NGT has directed M/s SVC & Lehri, Jubilee Hills, Hyderabad to pay an environmental compensation of INR 10 crores for illegal cutting of trees in a deemed forest area. NGT observed that violations have been committed due to cutting of trees and the status of deemed forest needs to be duly restored. NGT observed that the project proponent is carrying out activities in the deemed forest without obtaining requisite approvals and therefore in violation of the directions issued by the Supreme Court and NGT. It fixed the compensation for each tree as INR 2 lakhs. Apart from the said compensation and liability to restore the forest land, the project proponent will also be required to carry out afforestation to the extent of 10 times in consultation with the Divisional Forest Officer, Faridabad. In this case, NGT considered grievances against the cutting of trees in Faridabad, Haryana by M/s SVC & Lehri, Jubilee Hills, Hyderabad, in violation of the order of NGT holding the area to be 'deemed forest'.

**NGT directs the mining companies to pay INR 18 crores as environmental compensation for the violation of the conditions prescribed in the approvals issued to them**

**Anish v. Union of India & Ors.; Order dated 18 November, 2022<sup>16</sup>**

NGT has directed three mining companies to pay an environmental compensation of INR 2.5 crores, INR 4.2 crores and INR 12 crores respectively for violating the conditions prescribed in the EC and the mining approvals. NGT observed that the project proponents had committed violations regarding replenishment study, development of green

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belt, implementation of progressive mine closure plan, installation of CCTV cameras, diversion of river flow, etc. Accordingly, they need to pay environmental compensation to restore the damage done to the environment. In this case, NGT considered the grievance against violation of environmental norms by M/s Development Strategies India Pvt. Ltd., M/s Delhi Royalty Company and M/s Mubarakpur Royalty Company in relation to sand mining in Yamuna Nagar, Haryana.

**NGT imposes environmental compensation of INR 75 lakhs against Bharat Coking Coal Ltd.**

### **Vijay Sharma v. State of Jharkhand; Order dated 22 November, 2022<sup>17</sup>**

NGT has directed M/s Bharat Coking Coal Ltd. to pay an environmental compensation of INR 75 lakhs for causing air pollution due to its operations at an open cast coal mine. NGT observed that the air and dust pollution caused by burning of overburden from the mine is causing air pollution in the area and creating difficulties for the local residents. There have been failures on its part to take remedial measures to address these concerns. NGT determined the compensation at INR 250 per day based on polluter pays principle. In this case, NGT considered grievances against the inaction of the authorities in taking steps against air pollution caused by burning of overburden from the open cast mine of the company at Bhagmara, Jharkhand.

**NGT issues directions against different states and union territories to bridge existing gaps in solid and liquid waste management**

### **In re: Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues<sup>18</sup>**

NGT has directed the Chief Secretary, Madhya Pradesh<sup>19</sup> to devise models for solid waste and sewage management and initiate special campaigns with community/ media involvement in the larger interest of

protecting environment and public health for prompt action. It also directed authorities to consider setting up a centralized single window mechanism for the planning, and to file six-monthly progress reports before the NGT. NGT observed that gaps in ensuring compliance with the law will amount to a liability of INR 3,000 crores but due to the allocation of sufficient funds for sewage projects and wastewater treatment, it is not imposing such a liability.

In respect of State of Sikkim<sup>20</sup>, NGT noted that the estimated cost of remediation would be at least INR 50 crores and Chief Secretary has stated that such an amount will be ringfenced for allocation in waste management projects. Considering these assurances, it directed the state to take further measures in the matter by taking an innovative approach and stringent monitoring to ensure that the gaps in solid and liquid waste generation and treatment are bridged at the earliest.

Similarly, NGT also directed the States of Nagaland<sup>21</sup> and Arunachal Pradesh<sup>22</sup> to pay environmental compensation of INR 200 crores for their failure to ensure scientific management of sewage and solid waste in violation of the law and judicial precedents. The Chief Secretaries of both the states have also been directed to submit six monthly progress reports with verifiable progress.

Additionally, in the case of the State of Tamil Nadu<sup>23</sup> and Union Territory of Puducherry<sup>24</sup>, NGT observed various gaps in compliance with waste management rules, however, in furtherance of the financial allocation made specifically for several waste management projects, NGT refrained from imposing the monetary liability. The respective Chief Secretaries have also been directed to submit six monthly progress reports with verifiable progress.

In all these cases, NGT considered the issues relating to the management of solid and liquid waste by various states and union territories.

## Regulatory / Policy developments

### **MoEFCC issues E-Waste Management Rules, 2022; 02 November, 2022<sup>25</sup>**

MoEFCC has issued the E-Waste Management Rules, 2022 in supersession of E-Waste

Management Rules, 2016. These rules apply to every manufacturer, producer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase,

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refurbishing, dismantling, recycling and processing of e-waste or electrical and electronic equipment listed in Schedule I of the Rules, including their components, consumables, parts and spares which make the product operational. However, they do not apply to waste batteries, packaging plastics, micro-enterprise and radio-active waste. The rules lay down various requirements for the manufacturer, producer, refurbisher and recycler including Extended Producer Responsibility targets, recycling, etc. These rules will come into effect from 01 April, 2023.

### [MNRE issues guidelines for implementation of National Bio-energy Programme; 02 November, 2022<sup>26</sup>](#)

Ministry of New and Renewable Energy ("MNRE") has released the guidelines for the implementation of National Bioenergy Programme from 2021 to 2026. This programme will comprise of sub-schemes focussed on waste-to-energy, biomass and biogas. The total budget outlay for this programme is INR 858 crores.

### [Union Cabinet approves MoU between India and Denmark on water resources management; 02 November, 2022<sup>27</sup>](#)

Union Cabinet has approved the Memorandum of Understanding ("MoU") signed between India and Denmark for cooperation in the field of water resources development and management. The broad areas of cooperation under this MoU cover integrated and smart water resources development and management; aquifer mapping, groundwater modelling, monitoring and recharge; efficient and sustainable water supply at household level etc.

### [MoEFCC issues clarification regarding compensatory afforestation projects in other regions; 07 November, 2022<sup>28</sup>](#)

MoEFCC has issued a clarification that in cases where it is not possible to undertake compensatory afforestation in the same state or union territory (where diversion of forest land is proposed) due to scarcity of land or for any other valid reason, MoEFCC may allow afforestation in other states or union territories on a case-to-case basis. It also noted that Rule 11(1)(d) of Forest (Conservation) Rules, 2022 allows a state/ union territory having forest cover more than 33% of its geographical area to undertake

compensatory afforestation in another state/ union territory having forest cover less than 20% of its geographical area.

### [Ministry of Power releases draft guidelines on renewable energy obligations for thermal power plants; 07 November, 2022](#)

Ministry of Power has issued draft guidelines for stakeholder comments seeking to amend the Tariff Policy dated 28 January, 2016. The proposed amendments provide that thermal power plants established after 01 April, 2024 will be required to establish/procure/supply at least 25% of its capacity from/as renewable energy sources. It is intended to enhance the generation and utilisation of renewable energy in India.

### [NITI Aayog releases reports on just transition from coal and low-carbon technologies; 09 November, 2022<sup>29</sup>](#)

NITI Aayog has released two reports of inter-ministerial committees constituted for 'Just Transition from Coal' and 'Low-Carbon Technologies' under the India-US Strategic Clean Energy Partnership. The report on just transition lays down the policy framework to reduce India's dependence on coal and address issues of stakeholders involved in the coal industry. The report on low carbon technology lays down the framework for decarbonisation of industries in India, particularly heavy industries like cement, steel, etc.

### [CGWB releases Dynamic Ground Water Resource Assessment Report, 2022; 09 November, 2022<sup>30</sup>](#)

The Central Ground Water Board ("CGWB") has released the Dynamic Ground Water Resource Assessment Report, 2022. As per the 2022 assessment report, the total annual ground water recharge for the entire country is 437.60 billion cubic meters ("BCM") and its annual ground water extraction is 239.16 BCM. Further, out of the total 7089 assessment units in India, 1006 units have been categorized as 'over-exploited'. The report has noted an increase in groundwater recharge.

### [Ministry of Finance releases framework on sovereign green bonds; 10 November, 2022<sup>31</sup>](#)

Ministry of Finance has released the framework on sovereign green bonds, pursuant to the announcement by the Union

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Government regarding the issuance of such bonds in the Budget Speech for FY 2022-23. The framework provides the core components – use of proceeds; project evaluation and selection; management of proceeds; and reporting. It provides *inter alia* that proceeds of such bonds will be used for financing green projects like renewable energy, energy efficiency, clean transportation, adaptation, biodiversity conservation, etc.

### **Ministry of Power launches Green Energy Open Access Portal; 11 November, 2022<sup>32</sup>**

Ministry of Power has launched the Green Energy Open Access Portal, which provides a transparent, simplified, uniform and streamlined procedure for granting open access to green energy. It is expected to play a key role in facilitating the deepening of electricity markets and enabling integration of renewable energy resources into the grid.

### **India submits its Long-Term Low Emission Development Strategy to UNFCCC; 14 November, 2022<sup>33</sup>**

India has submitted its Long-Term Low Emission Development Strategy to the United Nations Framework Convention on Climate Change (“UNFCCC”) during the 27<sup>th</sup> Conference of Parties (“COP27”) in Egypt. This document sets out the strategy that India will follow to ensure low-emissions development, which can ensure its economic development without adverse impacts on Earth’s climate. The document provides measures for a wide range of sectors including energy, transport, forest cover, buildings and urbanisation, etc.

### **India releases brochure on Mission LiFE – Lifestyle for Environment; 17 November, 2022<sup>34</sup>**

India has released the strategy brochure on Mission LiFE – Lifestyle for Environment, as a part of its Nationally Determined Contributions under the Paris Agreement to UNFCCC. This strategy document follows the recent launch of this mission by the Prime Minister of India in Gujarat. It accounts for phase-wise changes to make environment-friendly or sustainable lifestyle a collective movement based on individual behaviour and choices.

### **India’s performance improves under the Climate Change Performance Index, 2023; 22 November, 2022<sup>35</sup>**

India has been ranked at the 8<sup>th</sup> position in the world, and the best among G20 countries, based on its climate change performance by Climate Change Performance Index, 2023. This index is published by German Watch, New Climate Institute and Climate Action Network International based in Germany. The first, second and third ranks were not awarded to any country, whereas, Denmark, Sweden, Chile and Morocco are the only countries ranked above India.

### **MoEFCC amends CRZ and ICRZ notifications; 24 November, 2022**

MoEFCC has amended the Coastal Regulation Zone (“CRZ”) Notification, 201936 and Island Coastal Regulation Zone (“ICRZ”) Notification, 201937. These amendments ease the restrictions on purely temporary and seasonal structures (e.g. shacks) that are customarily put up during non-monsoon months in these zones. It has also provided the procedure for composite clearance under the EIA Notification for projects that are covered under the EIA Notification. Through the notification to amend ICRZ Notification, the government has also permitted collection of dead shells by traditional communities for poultry and animal feed supplements without prior ICRZ clearance.

### **Union Government notifies draft amendment regarding non-renewal of registration certificate; 24 November, 2022<sup>38</sup>**

Union Government has notified the draft amendment in Central Motor Vehicle Rules, 1989 stating that the registration certificate of motor vehicles owned by central and state governments, public sector undertakings and autonomous government institutions will not be renewed after the lapse of 15 years from the date of their issue. Such vehicles will need to be disposed through a registered vehicle scrapping facility. This notification will come into effect from 01 April, 2023.

### **MoEFCC issues guidelines regarding change in land use of diverted forest land; 28 November, 2022<sup>39</sup>**

MoEFCC has issued guidelines providing for prior examination in case a project proponent seeks to change land use of an already diverted forest land. These cases need to be examined on merits on a case-to-case basis and state / union territories need to ensure

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compliance with such a requirement.

## **MoEFCC issues guidelines on the inclusion of new minerals in an already approved area; 29 November, 2022<sup>40</sup>**

MoEFCC has issued guidelines stating that the inclusion of new minerals in an already approved mining area will not require revision in Stage-I clearance since there is no change in land use and forest area involved. The addition of minerals, however, may have incremental but substantial impact on the surrounding vegetation due to increased pollution loads, therefore, such cases need to be examined on a case-to-case basis for the modification of terms and conditions stipulated in the Stage-II approval.

## **MoEFCC issues guidelines highlighting the process of CRZ clearance; 29 November, 2022<sup>41</sup>**

MoEFCC has issued an office memorandum providing the process for obtaining clearance under CRZ Notification, 2019. It sets out the application process for project proponents, documents required along with the application and authorities responsible for various kinds of projects.

## **NITI Aayog releases report on Carbon Capture, Utilisation, and Storage (CCUS) in India; 29 November, 2022<sup>42</sup>**

NITI Aayog has released the report titled 'Carbon Capture, Utilisation, and Storage Policy Framework and its Deployment Mechanism in India', which explores the importance of CCUS as an emission reduction strategy to achieve deep decarbonization in the hard-to-abate sectors. The report outlines broad level policy interventions needed across various sectors for its application.

## **CPCB notifies constitution of Puducherry Pollution Control Committee; 30 November, 2022<sup>43</sup>**

CPCB has notified the constitution of Puducherry Pollution Control Committee to exercise powers delegated to it by CPCB under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981.

## **MoEFCC issues multiple notifications for environmental standards; November, 2022**

MoEFCC has notified the revised emissions standards and general conditions for use

of generator sets upto 800 kW mechanical power.<sup>44</sup> These standards will come into force with effect from 01 July, 2023.

MoEFCC has also issued a draft notification providing environmental standards for hot mix plants.<sup>45</sup> The draft proposes to amend Environment (Protection) Rules, 1986 and seeks comments from stakeholders. If notified, these standards will come into force six months from date of their publication in the Gazette.

MoEFCC has also issued a draft notification providing environmental standards for common effluent treatment plants.<sup>46</sup> The draft proposes to amend Environment (Protection) Rules, 1986 and seeks comments from stakeholders. If notified, these standards will come into force one year from the date of their publication in the Gazette.

## **COP14 to Ramsar Convention concludes in China and Switzerland; November, 2022<sup>47</sup>**

The 14<sup>th</sup> COP to Ramsar Convention on Wetlands was held from 05 to 13 November, 2022 jointly in Wuhan (China) and Geneva (Switzerland). The said convention seeks to identify and protect the wetlands of international importance that are a major cradle of biodiversity. India has currently 75 sites recognised under this convention. Among various decisions at the summit, parties adopted the Wuhan Declaration which sought to promote the role of indigenous people and local communities in wetland management. Parties also discussed proposals regarding monitoring and reporting of Ramsar sites, delisting of such sites, establishing a Mangrove research centre in China, etc.

## **COP19 to CITES concludes in Panama; November, 2022<sup>48</sup>**

The 19<sup>th</sup> COP to Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"), also known as World Wildlife Conference, was held in Panama City from 14 to 25 November, 2022. Several decisions were taken at the COP which strengthened the international legal framework for protection of several species. Among certain decisions relevant for India, CITES has decided to enhance the protection for several species of sharks and turtle species like Leith's Softshell Turtle (*Nilssonina leithi*) and Red-Crowned Roofed Turtle (*Batagur kachuga*). Besides,

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species like Jeypore Hill Gecko (*Cyrtodactylus jeyporensis*) have been included in the framework. The permissions required for trade of species like Shisham have also been clarified which is expected to boost India's exports.

## **COP27 to UNFCCC concludes in Sharm el-Sheikh, Egypt; November, 2022**

The 27<sup>th</sup> COP to UNFCCC was held from 06 to 20 November, 2022 at Sharm el-Sheikh, Egypt. The following key aspects were discussed and agreed by the members:

- Sharm el-Sheikh Implementation Plan: The cover text of the summit inter alia urges members to phase down use of coal; recognises the need for transformation of financial sector to address climate emergency; and for the first-time mentioned significance of food, rivers, nature-based solutions, tipping points and the right to a healthy environment in the context of climate change.
- Loss and Damage Fund: Parties have agreed to establish new funding arrangements for responding to loss and damage, including the establishment of a new fund for assisting developing countries that are particularly vulnerable to adverse effects of climate change.
- Mitigation Work Programme: Parties have finalised the details of a work programme to urgently scale up mitigation ambition and their implementation by countries through this decade. COP27 also requested parties to strengthen the 2030 targets in their nationally determined contributions by the end of 2023 to align with the 1.5 degrees Celsius goal under the Paris Agreement.
- Parties have agreed to establish Sharm el-Sheikh Dialogue on Article 2.1c of the Paris Agreement, which provides for making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.
- Parties have also agreed to launch the work programme on just transition to support transition of countries and sectors substantially dependent on fossil fuels. The first annual high-level ministerial round tables under this programme will be held next year at COP28.
- Global Goal on Adaptation: Parties have also agreed to constitute a framework that will provide a structured and long-term mechanism for achieving the global goals on climate adaptation. This framework will be deliberated at COP28 next year.
- Several financial commitments were made by developed nations for loss and damage, the substantial amount of which will be invested in Global Shield (an initiative by G7 to provide climate risk insurance and social protection schemes in developing countries), early-warning systems for extreme weather, etc.

## **Endnotes**

- 1 Writ Petition(s)(Civil) No(s). 202/1995.
- 2 WP(MD) No. 26466 of 2022.
- 3 Original Application No. 286/2022.
- 4 Original Application No. 242/2021.
- 5 Original Application No. 400/2019.
- 6 Original Application No.777/2022.
- 7 Original Application No. 57/2020 and I.A. No. 04/2021.
- 8 Original Application No. 10/2021.
- 9 ORIGINAL APPLICATION NO. 58 OF 2018 (WZ).
- 10 Review Application No. 06/2022 IN O.A. No. 226/2020.
- 11 Om Puri vs. Hindustan Zinc Ltd. & Ors., O.A. No. 226/2020.
- 12 Appeal No. 12/2022 (CZ).
- 13 Original Application No. 04/2022.
- 14 Original Application No. 392/2022.
- 15 Original Application No.234/2022.
- 16 Original Application No. 150/2021.
- 17 Original Application No. 269/2021.
- 18 Original Application No. 606/2018.
- 19 Order dated 10 November, 2022.

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- 20 Order dated 03 November, 2022.
- 21 Order dated 24 November, 2022.
- 22 Order dated 24 November, 2022.
- 23 Order dated 17 November, 2022.
- 24 Order dated 24 November, 2022.
- 25 <https://egazette.nic.in/WriteReadData/2022/239987.pdf>
- 26 <https://pib.gov.in/PressReleasePage.aspx?PRID=1874209>
- 27 <https://pib.gov.in/PressReleasePage.aspx?PRID=1873017>
- 28 [http://forestsclearance.nic.in/writereaddata/public\\_display/schemes/1971842708\\$11-102-2022-FC.pdf](http://forestsclearance.nic.in/writereaddata/public_display/schemes/1971842708$11-102-2022-FC.pdf)
- 29 [https://www.niti.gov.in/sites/default/files/2022-11/Report\\_Just-Transition-Committee\\_compressed.pdf](https://www.niti.gov.in/sites/default/files/2022-11/Report_Just-Transition-Committee_compressed.pdf); <https://www.niti.gov.in/sites/default/files/2022-11/Report-Committee-on-Low-Carbon-Technologies.pdf>
- 30 <https://pib.gov.in/PressReleasePage.aspx?PRID=1874808>; [https://static.pib.gov.in/WriteReadData/userfiles/file/GWRA2022\(1\)HIDO.pdf](https://static.pib.gov.in/WriteReadData/userfiles/file/GWRA2022(1)HIDO.pdf)
- 31 [https://dea.gov.in/sites/default/files/Framework%20for%20Sovereign%20Green%20Bonds\\_0.pdf](https://dea.gov.in/sites/default/files/Framework%20for%20Sovereign%20Green%20Bonds_0.pdf)
- 32 <https://pib.gov.in/PressReleasePage.aspx?PRID=1875269>
- 33 [https://unfccc.int/sites/default/files/resource/India\\_LTLEDS.pdf](https://unfccc.int/sites/default/files/resource/India_LTLEDS.pdf)
- 34 <https://moef.gov.in/wp-content/uploads/2022/11/LIFE-Brochure-20102022.pdf>
- 35 <https://pib.gov.in/PressReleasePage.aspx?PRID=1878023>
- 36 <https://egazette.nic.in/WriteReadData/2022/240560.pdf>
- 37 <https://egazette.nic.in/WriteReadData/2022/240559.pdf>
- 38 <https://egazette.nic.in/WriteReadData/2022/240593.pdf>
- 39 [http://forestsclearance.nic.in/writereaddata/public\\_display/schemes/195468551\\$11-114-2021.pdf](http://forestsclearance.nic.in/writereaddata/public_display/schemes/195468551$11-114-2021.pdf)
- 40 [http://forestsclearance.nic.in/writereaddata/public\\_display/schemes/1871680640\\$Letter%20dated%2029%2011%202022.pdf](http://forestsclearance.nic.in/writereaddata/public_display/schemes/1871680640$Letter%20dated%2029%2011%202022.pdf)
- 41 [https://moef.gov.in/wp-content/uploads/2022/12/IA3-12-1-2022-IAIII-dated-29-11-2022\\_compressed.pdf](https://moef.gov.in/wp-content/uploads/2022/12/IA3-12-1-2022-IAIII-dated-29-11-2022_compressed.pdf)
- 42 <https://pib.gov.in/PressReleasePage.aspx?PRID=1879865>; <https://www.niti.gov.in/sites/default/files/2022-11/CCUS-Report.pdf>
- 43 <https://egazette.nic.in/WriteReadData/2022/240681.pdf>
- 44 <https://egazette.nic.in/WriteReadData/2022/240031.pdf>
- 45 <https://egazette.nic.in/WriteReadData/2022/240090.pdf>
- 46 <https://egazette.nic.in/WriteReadData/2022/240198.pdf>
- 47 [https://www.ramsar.org/documents?field\\_quick\\_search=3000](https://www.ramsar.org/documents?field_quick_search=3000)
- 48 <https://cites.org/eng/meetings/cop>

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## PRACTICE AREA EXPERTS

### Pallavi Shroff

Managing Partner and National Practice Head Dispute Resolution  
+91 98100 99911  
E: [pallavi.shroff@AMSShardul.com](mailto:pallavi.shroff@AMSShardul.com)

### Nawneet Vibhaw

Partner - Environmental Law  
+91 88004 91477  
E: [nawneet.vibhaw@AMSShardul.com](mailto:nawneet.vibhaw@AMSShardul.com)

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