PUNJAB

Punjab Pollution Control Board

Regional Office-I
E-648-B, 3rd Floor, Phase-5, Focal Point, Ludhiana
Tel. 0161-4678789

No./ R.O/LDH-I/..3926..... **Date..30/10/2018**

To

M/s Aarti Impex,
Village Budhewal,
Jandiali- Budhewal Road,
Ludhiana

Sub: **Issue of a certificate certfifying that unit Aarti Impex is outside the declared boundary of critically polluted industrial clusters of Ludhiana as per OM no. J-11013/5/2010-IA.II(1) dated 15.03.2010.**

Ref: **Yours request letter dated 21.10.2018.**

In reference to above, it is intimated that the proposed expansion site of M/s Aarti Impex, Vill Budhewal, Jandiali- Budhewal Road, Ludhiana falls outside the Municipal Corporation Limit and outside the boundary of critical polluted area of Ludhiana.

This issue with the approval of the Sr. Environmental Engineer, Zonal Office-I, Ludhiana on note file.

30/10/18

Environmental Engineer

Reply of EDS dated 28-8-2018

M/s Aarti Impex has proposed expansion of the secondary metallurgical industry in Budhewal Road, Tehsil & District: Ludhiana, Punjab. The project has been initiated after the upliftment of moratorium in Ludhiana. Accordingly, we have submitted the final EIA report. In response to the submission, ministry has issued EDS (Essential Document Sought) and asked to comply as per NGT order dated 16th November 2017.

Sir, here we would like to submit that, the MoEF had issued Office Memorandum (OM) on 17th September 2013 regarding re-imposing of Moratorium in respect of eight Critically polluted areas namely 1. Ghaziabad (UP), 2. Indore (M.P.), 3. Jharsuguda (Orissa), 4. Ludhiana (Punjab), 5. Panipat (Haryana), 6. Patancheru - Bollaram (A.P.), 7. Singraulli (UP & MP) and 8. Vapi (Gujarat). On the same day another O.M. of lifting the moratorium was released. In relation to the moratorium stated above (First one), MoEF&CC had issued another O.M on 10th June 2014, which, states that while re-imposing the moratorium in above eight CPAs (vide aforesaid OM dated 17.09.2013), CPCB was also directed that the entire CEPI study, particularly in areas where the moratorium has been re-imposed be reviewed and re-assessed after a period of four months. The report with respect to the entire CEPI concept *i.e.* taking into account all constituents as originally formulated in 2009, is yet to be received from CPCB. It is felt that re-assessment of CEPI taking into account all its constituents as originally formulated in 2009 is a must before taking a view on re-imposition of moratorium in any CPA. Therefore, it has been decided to keep the O.M. dated 17th September 2013 in abeyance till CPCB re-assesses the CEPI.

The case had been filed in the above matter in front of Hon'ble NGT vide application no. 100 of 2014. In the final order dated 16th November 2017, the NGT has directed that "*The environment should be priority for the Ministry of Environment, Forest & Climate Change particularly when it is apparent from the record before the Tribunal that the health of the public at large is being adversely affected by the activities being carried on. We direct that the order of Ministry of Environment, Forest & Climate Change dated 10th June 2014 keeping the moratorium in 2013 in abeyance is hereby set aside. The moratorium imposed in 2013 shall continue to be in force. Till Ministry of Environment,*

Forest & Climate Change passes a speaking order upon the report of the Central Pollution Control Board objectively considering whether the moratorium should continue or the same should be vacated keeping in view the needs of the environment and public health."

However, on 25th November 2016, MoEF&CC has issued a fresh O.M. in which Ludhiana CPA is kept out of moratorium.

Sir, since we have already invested a huge amount of money on land procurement, electricity connection *etc*. for the project (M/s Aarti Impex) and has followed all legal procedures as per the direction of Government of India, we request you to kindly consider our case for Final EIA.

Chronology of events for the project:

i. Submission of Application for ToR : 3 February 2018
ii. ToR granted : 27 March 2018
iii. Public Hearing : 29 December 2017
iv. Submission for EC : 28 August 2018

Enclosures:

1. O.M. dated 17th September 2013 by MoEF&CC Vide letter No: J-1113/5/2010-IA.II(I)-Moratorium Imposed
2. O.M. dated 17th September 2013 by MoEF&CC Vide letter No: J-1113/5/2010-IA.II(I)-Moratorium Lift
3. O.M. dated 10th June 2014 by MoEF&CC Vide letter No: J-1113/5/2010-IA.II(I)-Moratorium Lifted
4. O.M. dated 25 November 2016 by MoEF&CC Vide letter No: J-1113/5/2010-IA.II(I)-Moratorium lifted.
5. Honorable NGT order dated 16th November 2017 (Application No. 100 of 2014)

No. J-11013/5/2010-IA.II(I)

Government of India

Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-II0003

Telefax: 24362434

Dated the 17th September, 2013

Office Memorandum

Sub: Consideration of projects for environmental clearance based on Comprehensive Environmental Pollution Index (CEPI) – Re-imposing of Moratorium in respect of critically polluted areas namely Ghaziabad (UP), Indore (M.P.), Jharsuguda (Orissa) , Ludhiana (Punjab) , Panipat (Haryana) , Patancheru – Bollaram (A.P.), Singraulli (UP & MP) and Vapi (Gujarat), and projects / activities to be allowed in Critically Polluted Areas under moratorium.

Ministry of Environment & Forests vide Office Memorandum of even no. dated 13.1.2010 had imposed a moratorium up to 31.8.2010 on consideration of projects for environmental clearance to be located in 43 critically polluted areas / industrial clusters identified by Central Pollution Control Board. The details of the industrial clusters /areas were further specified in the Office Memorandum dated 15.3.2010. It was envisaged that during the period of moratorium, time bound action plans will be prepared by the respective SPCBs / PCCs for improving the environmental quality in these industrial clusters / areas. The action plans so prepared would be finalized by CPCB. The period of moratorium was extended beyond 31.8.2010 from time to time.

2. The status of preparation of action plans was reviewed in the Ministry of Environment & Forests from time to time, based on the inputs received from Central Pollution Control Board (CPCB). In accordance with the information received from the Central Pollution Control Board that the respective SPCBs and the local stakeholders had initiated work on implementation of the submitted action plans in respect of the industrial areas / clusters namely (i) Tarapur (Maharashtra), (ii) Pattencherru-Bollaram (Andhra Pradesh), (iii) Coimbatore (Tamil Nadu), (iv) Vapi (Gujarat) (v) Mandi-Govindgarh (Punjab), (vi) Agra (Uttar Pradesh), (vii) Aurangabad (Maharashtra), (viii) Bhavnagar (Gujarat), (ix) Cuddalore (Tamil Nadu), (x) Dombivalli (Maharashtra), (xi) Ludhiana (Punjab), (xii) Navi Mumbai (Maharashtra), (xiii) Varanasi-Mirzapur (Uttar Pradesh), (xiv) Angul Talchar (Orissa), (xv) Faridabad (Haryana), (xvi) Ghaziabad (Uttar Pradesh), (xvii) Indore (Madhya Pradesh), (xviii) Junagadh (Gujarat), (xix) Noida (Uttar Pradesh), (xx) Panipat (Haryana), (xxi) Bhadravati (Karnataka), (xxii) Mangalore (Karnataka), (xxiii) Greater Kochi (Kerala), (xxiv) Singrauli (Madhya Pradesh Part and Uttar Pradesh Part), (xxv) Ib Valley (Orissa) and (xxvi) Jharsuguda (Orissa), the Ministry of Environment & Forests lifted the moratorium on consideration of projects for environmental clearance in the above mentioned 26 industrial clusters / areas vide O.M.s of even no. dated 26th October, 2010, 15th February, 2011, 31st March 2011, 23rd May 2011 and 5th July , 2011. In the remaining 17 identified industrial clusters , the moratorium was extended up-to 31st March, 2012 and thereafter it was extended till further orders vide OM of even no. dated 30.03.2012.

3. The CPCB conducted monitoring in respect of all 43 Critically Polluted Areas (CPAs) during February-April, 2013 and re-assessed the CEPI score. The CPCB, vide its communication, dated July 24, 2013 have informed MoEF about the revised CEPI score based on the monitoring conducted during February-April, 2013. The revised CEPI scores based on the Environmental Quality Monitoring conducted during 2013 indicates that CEPI values are either still above 80 or are above 70 alongwith

increasing trend as compared to CEPI values assessed earlier by CPCB in 2011 in respect of eight critically polluted areas namely Ghaziabad (UP), Indore (M.P.), Jharsuguda (Orissa) , Ludhiana (Punjab) , Panipat (Haryana) , Patancheru – Bollaram (A.P.), Singraulli (UP & MP) and Vapi (Gujarat) from where, the moratorium was lifted earlier vide OM of even no. dated 26.10.2010, 15.02.2011, 31.03.2011 and 05.07.2011.

4. The revised CEPI scores assessed during 2013 in respect of these eight critically polluted areas , from where moratorium was lifted earlier, are as below :–

Sl. No.	CPA	CEPI score during 2013
(i)	Ghaziabad (UP)	84.13
(ii)	Indore (M.P.),	78.75
(iii)	Jharsuguda (Orissa)	73.31
(iv)	Ludhiana (Punjab)	75.72
(v)	Panipat (Haryana)	81.27
(vi)	Patancheru–Bollaram (A.P.)	76.05
(vii)	Singraulli (UP and MP)	83.24
(viii)	Vapi (Gujarat)	85.31

The CEPI scores indicates that even after a period of 2½ years of implementation of action plans, there is no improvement in the environmental quality as is evident from the observed values of CEPI in 2013. CEPI score in Ghaziabad (U.P.), Panipat (Haryana), Singrauli (U.P. & M.P.) and Vapi (Gujarat) is still above 80. In respect of Indore, (MP), Jharsuguda (Orissa), Ludhiana (Punjab) and Patancheru-Ballaram (A.P.), the CEPI score has shown an increasing trend as compared to 2011. In view of this situation, the moratorium is hereby re-imposed with immediate effect in respect of these eight areas till further orders.

5. Para 4.1.2 of the OM of even number dated 13.1.2010 deals with the projects / activities allowed in the CPAs under moratorium. This para inter-alia provides that the projects of public interest, such as projects of national importance, pollution control, defence and security, with prior approval of the Competent Authority, MoEF / SEIAA for category 'A' & 'B' respectively, on a case to case basis, will continue to be appraised in accordance with the procedure prescribed under EIA Notification, 2006 and decision taken on merits. As all projects in CPAs are to be considered as category 'A' projects and by MoEF, the reference to SEIAA and category 'B' projects in this para is hereby deleted. It has been further decided to consider allowing the projects / activities of - modernization of existing project or activity not resulting in increase in pollution load and physical infrastructure like highways, aerial ropeways, Common Effluent Treatment Plants and Common Solid Waste Management Facility in such areas. Thus, the following projects could be considered in CPAs which are under moratorium:

i. Modernization of existing project or activity; change of technology, fuel or product mix, not resulting in increase in pollution load of that project / activity. This would be subject to the concerned SPCB certifying that there will not be any increase in pollution load and the concerned EAC getting satisfied about the claim.

ii. Project/activity at serial 7(f), 7(g), 7(h) and 7(i) of the Schedule under EIA Notification 2006.

This issues with the approval of the Competent Authority.

Rastogi

(Dr. P.B. Rastogi)
Director

To:

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons/Member Secretaries of all SPCBs /UTPCCs.

Copy to:

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to SS
4. PPS to JS
5. Website, MoEF
6. Guard File

(Dr. P.B. Rastogi)
Director

No. J-11013/5/2010-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-II0003
Telefax: 24362434

Dated the 17th September, 2013

Office Memorandum

Sub: Consideration of projects for environmental clearance based on Comprehensive Environmental Pollution Index (CEPI) – Lifting of Moratorium in respect of industrial clusters/areas of Ahmedabad (Gujarat) , Asansole (West Bengal) , Bhiwadi (Rajasthan), Dhanbad (Jharkhand), Haldia (West Bengal), Howrah (West Bengal), Korba (Chhattisgarh), Kanpur (U.P.), Manali (Tamilnadu) and Vishakhapatnam (Andhra Pradesh) – reg.

Ministry of Environment & Forests vide Office Memorandum of even no. dated 13.1.2010 had imposed a moratorium up to 31.8.2010 on consideration of projects for environmental clearance to be located in 43 critically polluted areas / industrial clusters identified by Central Pollution Control Board. The details of the industrial clusters /areas were further specified in the Office Memorandum dated 15.3.2010. It was envisaged that during the period of moratorium, time bound action plans will be prepared by the respective SPCBs / PCCs for improving the environmental quality in these industrial clusters / areas. The action plans so prepared would be finalized by CPCB. The period of moratorium was extended beyond 31.8.2010 from time to time.

2. The status of preparation of action plans was reviewed in the Ministry of Environment & Forests from time to time, based on the inputs received from Central Pollution Control Board (CPCB). In accordance with the information received from the Central Pollution Control Board that the respective SPCBs and the local stakeholders had initiated work on implementation of the submitted action plans in respect of the industrial areas / clusters namely (i) Tarapur (Maharashtra), (ii) Pattencherru-Bollaram (Andhra Pradesh), (iii) Coimbatore (Tamil Nadu), (iv) Vapi (Gujarat) (v) Mandi- Govindgarh (Punjab), (vi) Agra (Uttar Pradesh), (vii) Aurangabad (Maharashtra), (viii) Bhavnagar (Gujarat), (ix) Cuddalore (Tamil Nadu), (x) Dombivalli (Maharashtra), (xi) Ludhiana (Punjab), (xii) Navi Mumbai (Maharashtra), (xiii) Varanasi-Mirzapur (Uttar Pradesh), (xiv) Angul Talchar (Orissa), (xv) Faridabad (Haryana), (xvi) Ghaziabad (Uttar Pradesh), (xvii) Indore (Madhya Pradesh), (xviii) Junagadh (Gujarat), (xix) Noida (Uttar Pradesh), (xx) Panipat (Haryana), (xxi) Bhadravati (Karnataka), (xxii) Mangalore (Karnataka), (xxiii) Greater Kochi (Kerala), (xxiv) Singrauli (Madhya Pradesh Part and Uttar Pradesh Part), (xxv) Ib Valley (Orissa) and (xxvi) Jharsuguda (Orissa), the Ministry of Environment & Forests lifted the moratorium on consideration of projects for environmental clearance in the above mentioned 26 industrial clusters / areas vide O.M.s of even no. dated 26th October, 2010, 15th February, 2011, 31st March 2011, 23rd May 2011 and 5th July , 2011. In the remaining 17 identified industrial clusters, the moratorium was extended upto 31st March, 2012 and thereafter it was extended till further orders vide OM of even no. dated 30.03.2012.

3. The CPCB conducted monitoring in the Critically Polluted Areas (CPAs) during February-April, 2013 and re-assessed the CEPI score. The CPCB, vide its communication, dated July 24, 2013 have informed MoEF about the revised CEPI score based on the monitoring conducted during February-April, 2013.

4. The evaluation of the CEPI score in the 17 areas where moratorium is still in place indicates that the CEPI score in 10 areas namely Bhiwadi (Rajasthan), Dhanbad (Jharkhand), Manali (Tamilnadu), Ahmedabad (Gujarat), Korba (Chhattisgarh), Asansole

(West Bengal), Haldia (West Bengal), Howrah (West Bengal), Vishakapatnam (Andhra Pradesh) and Kanpur (UP) is below 80 and has shown a decreasing trend as compared to the CEPI score assessed by CPCB in 2011. In rest of the seven areas namely Ankleshwar (Maharashtra), Chandrapur (Maharashtra), Pali (Rajasthan), Vatva (Gujarat), Vellore (Tamil Nadu), Najafgarh Drain Basin (UT Delhi) and Jodhpur (Rajasthan), the CEPI score is either above 80 or is above 70 and showing either increasing trend or no change as compared to values observed in 2011.

5. In view of the re-assessment of CEPI score and taking into consideration that action plans for improving environment quality take time to yield results, it has been decided to lift the moratorium on consideration of projects for environmental clearance in respect of projects to be located in the above mentioned 10 clusters/areas namely Bhiwadi (Rajasthan), Dhanbad (Jharkhand), Manali (Tamilnadu), Ahmedabad (Gujarat), Korba (Chhattisgarh), Asansole (West Bengal), Haldia (West Bengal), Howrah (West Bengal), Vishakapatnam (Andhra Pradesh) and Kanpur (U.P.) where CEPI score is below 80 and has shown a decreasing trend as compared to the CEPI score of 2011, subject to the following conditions :

i. The concerned SPCB to ensure that any new project / activity or any expansion or modernization of existing project or activity or any change in product mix is in line with the overall approved action plan of the concerned CPA.
ii. The implementation of action plan of every CPA to be reviewed by the concerned Chairman, SPCB on quarterly basis and report sent to CPCB by the 7th day of the month succeeding the end of quarter.
iii. Monitoring in CPAs be got done by SPCB through a third party on annual basis for computing CEPI. The monitoring be done during December-February and the report sent to CPCB by April. CPCB, in turn, to submit its report to MoEF.
iv. Monitoring in CPAs be got done by CPCB through a third party on biennial basis for computing CEPI and report submitted to MoEF for taking an appropriate view.

If at any time it comes to the notice of CPCB that action plan in any CPA is not being implemented properly or the CEPI index in CPA is showing an increasing trend, it will immediately bring the factual position to the notice of MoEF and MoEF would consider taking an appropriate view in the matter which may include re-imposition of moratorium.

6. In respect of seven remaining CPAs namely Ankaleshwar (Maharashtra), Chandrapur (Maharashtra), Pali (Rajasthan), Vatva (Gujarat), Vellore (Tamilnadu), Najafgarh Drain Basin (UT Delhi) and Jodhpur (Rajasthan) the moratorium will continue till further orders.

This issues with the approval of the Competent Authority.

(Dr. P.B. Rastogi)
Director

To:
1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons/Member Secretaries of all SPCBs /UTPCCs.

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No. J-11013/5/2010-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003
Telefax: 24360171

Dated the 10th June 2014

Office Memorandum

Sub: Consideration of projects for environmental clearance based on Comprehensive Environmental Pollution Index (CEPI) – Re-imposing of Moratorium in respect of critically polluted areas namely Ghaziabad (UP), Indore (M.P.), Jharsuguda (Orissa), Ludhiana (Punjab), Panipat (Haryana), Patancheru – Bollaram (A.P.), Singraulli (UP & MP) and Vapi (Gujarat), and projects / activities to be allowed in Critically Polluted Areas under moratorium – Regarding keeping in abeyance OM dated 17th September, 2013 w.r.t. re-imposition of moratorium in aforesaid eight critically polluted areas.

Ministry of Environment & Forests vide Office Memorandum of even no. dated 17.09.2013 had *inter alia* re-imposed moratorium until further orders on consideration of projects for environmental clearance in eight critically polluted areas (CPAs) as stated in the subject above.

2. While re-imposing the moratorium in eight CPAs vide aforesaid OM dated 17.09.2013, CPCB was also directed that the entire CEPI study, particularly in areas where the moratorium has been re-imposed be reviewed and re-assessed after a period of four months. The report with respect to the entire CEPI concept i.e. taking into account all constituents as originally formulated in 2009, is yet to be received from CPCB. It is felt that re-assessment of CEPI taking into account all its constituents as originally formulated in 2009 is a must before taking a view on re-imposition of moratorium in any CPA.

3. It has, therefore, been decided to keep in abeyance until further orders the aforesaid O.M. dated 17th September, 2013 to the extent it related to the re-imposition of moratorium in eight CPAs till CPCB re-assesses the CEPI taking into account all constituents of index as originally envisaged in 2009, subject to the following stipulations:-

(i) All projects requiring EC in these areas will be considered only by MoEF;

(ii) At the stage of TORs, the EAC concerned would, in such cases, spell out the due diligence required in terms of assessment of baseline conditions of ambient air, water bodies, etc. as applicable and provide guidance on monitoring locations, parameters, etc. In doing so, in addition to pollutants to be discharged / emitted by

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the proposed project, the pollutants of concern in the area would also be kept in view. Assessment of performance of common facilities such as CETP, TSDF, etc. if proposed to be utilized should also be included as part of due diligence;

(iii) In addition to monitoring by the regional office concerned, third party monitoring by a reputed agency at a frequency to be specified by the EAC would be necessary;

(iv) The implementation of action plan of each of these eight CPAs to be jointly reviewed by the CPCB and SPCB on quarterly basis and report sent to MoEF by the 7th day of the month succeeding the end of quarter.

4. CPCB is directed to get the re-assessment of CEPI score done in all 43 CPAs, including these 8 CPAs, within a period of one year and report the outcome to the Ministry. The re-assessment of CEPI score should take into account all constituents of the index as originally formulated in 2009. Also, CPCB should properly demarcate each of these 43 CPAs by physical verification and clearly state the latitude, longitude, name of cities and villages and survey numbers (in case of part city and / or village) w.r.t. these areas.

5. This issues with the approval of the Competent Authority.

14/6/2014

(S.C. Garkoti)
Director

To

1. All the Officers of IA Division
2. Chairpersons I Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons/Member Secretaries of all SPCBs /UTPCCs.

Copy to:

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to AS(SS)
4. PPS to JS (AT)
5. Website, MoEF
6. Guard File

Issued on 11/06/2014

J-11013/5/2010-IA.II (I)
Government of India
Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi- 110003

Dated the 25th November, 2016

OFFICE MEMORANDUM

Subject: Consideration of projects for environmental clearance based on Comprehensive Environmental Pollution Index (CEPI)-Lifting of Moratorium in respect of industrial cluster/ area of (i) Vapi, (ii) Ankleshwar and (iii) Vatva in Gujarat regarding.

The Ministry of Environment, Forest and Climate Change *vide* Office Memorandum of even No. dated 13.01.2010 had imposed a moratorium up to 31.08.2010 on consideration of projects for environmental clearance to be located in 43 critically polluted area/ industrial clusters indentified by Central Pollution Control Board(CPCB). The details of the industrial clusters / areas were further specified in the Office Memorandum of even No. dated 15.03.2010. It was envisaged that during the period of moratorium, time bound action plans will be prepared by the respective SPCBs / PCCs for improving the environmental quality in these industrial clusters/ areas. The action plans so prepared would be finalized by CPCB. The period of moratorium was extended beyond 31.08.2010 from time to time.

2. The status of preparation of action plans was reviewed in the Ministry of Environment, Forest and Climate Change from time to time, based on the inputs received from Central Pollution Control Board (CPCB). In accordance with the information received from the Central Pollution Control Board that the respective SPCBs and the local stakeholders had initiated work on implementation of the submitted action plans in respect of the industrial areas / clusters namely (i) Tarapur (Maharashtra), (ii) Pattencherru-Bollaram (Andhra Pradesh), (iii) Coimbatore (Tamil Nadu), (iv) Vapi (Gujarat), (v) Mandi-Govindgarh (Punjab), (vi) Agra (Uttar Pradesh), (vii) Aurangabad (Maharashtra), (viii) Bhavnagar (Gujarat), (ix) Cuddalore (Tamil Nadu), (x) Dombivalli (Maharashtra), (xi) Ludhiana (Punjab), (xii) Navi Mumbai (Maharashtra), (xiii) Varanasi-Mirzapur (Uttar Pradesh), (xiv) Angul Talchar (Orissa), (xv) Faridabad (Haryana), (xvi) Ghaziabad (Uttar Pradesh), (xvii) Indore (Madhya Pradesh), (xviii) Junagadh (Gujarat), (xix) Noida (Uttar Pradesh), (xx) Panipat (Haryana), (xxi) Badravati (Karnataka), (xxii) Mangalore (Karnataka), (xxiii) Greater Kochi (Kerala), (xxiv) Singrauli (Madhya Pradesh Part and Uttar Pradesh Part), (xxv) Ib Valley (Orissa), (xxvi) Jharsuguda (Orissa), (xxvii) Bhiwadi (Rajasthan), (xxviii) Dhanbad (Jharkhand), (xxix) Manali (Tamil Nadu), (xxx) Ahmedabad (Gujarat), (xxxi) Korba (Chhattisgarh), (xxxii) Asansole (West Bengal), (xxxiii) Haldia (West Bengal), (xxxiv) Howrah (West Bengal), (xxxv) Vishakhapatnam (Andhra Pradesh) ,(xxxvi) Kanpur (U.P.) and(xxxvii) Chandrapur(Maharashtra), the Ministry of Environment, Forest and Climate Change lifted the moratorium on consideration of projects for environmental clearance in the above mentioned Thirty Seven industrial clusters/ areas *vide* Office Memoranda of even no. dated 26th October, 2010, 15th February, 2011, 31st March 2011, 23rd May, 2011, 5th July, 2011, 17th September, 2013 and 20th May, 2016. In the remaining Six identified

P.T.O./-

industrial clusters, namely, Ankaleshwar (Gujarat), Pali (Rajasthan), Vatva (Gujarat), Vellore (Tamil Nadu), Najafgarh Drain Basin (UT Delhi) and Jodhpur (Rajasthan) the moratorium was decided to be extended till further orders *vide* OM of even No. dated 20.05.2016.

3. The moratorium reimposed in 8 critically polluted areas on 17.09.2013 including Vapi in the State of Gujarat was kept in abeyance on 10.06.2014 until further orders.

4. The CPCB conducted monitoring in the (i) Vapi, (ii) Ankleshwar and (iii) Vatva in Gujarat Critically Polluted Areas (CPA) during October, 2016 and re-assessed the CEPI score. The CPCB, *vide* its communication No.MSCB/11/2016 dated 25.11.2016 informed MoEFCC about the revised CEPI score based on the monitoring conducted during above period.

5. The evaluation of the CEPI score in the (i) Vapi, (ii) Ankleshwar and (iii) Vatva in Gujarat is 68.2,68.0 and 54.2 respectively, as compared to the CEPI score assessed by CPCB in 2013 (i) Vapi(85.31), (ii) Ankleshwar(80.93) and (iii) Vatva(83.44).

6. In view of the re-assessment of CEPI score and taking into consideration that action plans for improving environment quality take time to yield results, it has been decided to lift the moratorium on the consideration of projects for environmental clearance in respect of projects to be located in the (i) Vapi, (ii) Ankleshwar and (iii) Vatva, in Gujarat, where CEPI score is below 70 as compared to the CEPI score of 2013, subject to the following conditions:

(i) The SPCB to ensure that any new project / activity or any expansion or modernization of existing project or activity or any change in product mix is in line with the overall approved action plan of the CPA.

(ii) The implementation of action plan of CPA to be reviewed by the Chairman, SPCB on quarterly basis and report sent to CPCB by the 7th day of the month succeeding the end of quarter. It would be insured that there is no slippage either in terms of time frame or the activities to be completed relating to the action plan.

(iii) Monitoring in CPA be got done by SPCB through a third party on annual basis for computing CEPI. The monitoring be done during December-February and the report sent to CPCB by April. CPCB, in turn, to submit its report to MoEFCC.

(iv) Monitoring in CPA be got done by CPCB through a third party on biennial basis for computing CEPI and report submitted to MoEF for taking an appropriate view.

(v) The EAC/ SEAC will take extra precaution during appraisal of projects to be located in these areas and prescribe the requisite stringent safeguard measures, so that the environmental quality is not deteriorated further in the CPA.

7. If at any time it comes to the notice of CPCB that action plan in the CPA is not being implemented properly or the CEPI index in CPA is showing an increasing trend, it will immediately bring the factual position to the notice of MoEFCC and MoEFCC would consider taking an appropriate view in the matter which may include re-imposition of moratorium.

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8. In respect of Four remaining CPAs, namely Pali (Rajasthan), Vellore (Tamil Nadu), Najafgarh Drain Basin (UT Delhi) and Jodhpur (Rajasthan) the moratorium will continue till further orders.

This issues with the approval of the Competent Authority.

25/11/2016

(Dr. Satish C. Garkoti)
Scientist 'F'

To:

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs.

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1. PS to Hon'ble MEFCC
2. PPS to Secretary (EFCC)
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7. PS to JS (AKM)
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10. Guard File

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 100 of 2014
(M.A. No. 302 of 2014, 989 of 2015, 136 of 2016 & 380 of 2016)

IN THE MATTER:

Dr. A. Kishan Rao & Ors. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: **Applicant:** **Mr. M.C. Mehta, Ms. Tarini Mehta, Ms. Katyayni and Ms. Mehak Rastogi, Advs.**
Respondent No. 1 : **Mr. Krishna Kumar Singh, Adv. for MoEF**
Respondent No. 3 : **Mr. B.V. Niren, Adv. for CGWA and Mr. Vinayak Gupta, Adv.**
Mrs. D. Bharathi Reddy, Adv. and Ms. Vidyottma, Adv. for State of Uttarakhand
Mr. P. Venket Reddy and Mr. Prashant Tyagi, Advs. for State of Telegana
Mr. Nikhil Nayyar, Ms. Smriti Shah and Mr. Dhananjay Baijal, Advs. for R-5
Mr. Alok Kumar and Mr. Abhishek Paruthi, Advs. with Mr. Bhupender Kumar, LA for Central Pollution Control Board

	Date and Remarks	**Orders of the Tribunal**
	Item No. 31 **November 16, 2017**	**Original Application No. 100 of 2014** This matter is pending before the Tribunal since the year 2014. Vide our orders dated 10th December, 2014 and 22nd December, 2014 we had observed that Ministry of Environment, Forest & Climate Change should take instructions and inform the Tribunal as to why the moratorium imposed earlier was lifted. Reference was also made to the orders passed by the Hon'ble Supreme Court of India including supply of potable water to the people in that area. The hearing before the Southern Bench of National Green Tribunal was directed to continue. The Central Pollution Control Board was to conduct a study and file report as to how moratorium could be kept in abeyance. The moratorium had been imposed on 17th September, 2013 and kept in abeyance on 10th June, 2014 without the report of the Central Pollution Control

	Item No. 31 **November 16, 2017**	Board. Thereafter various dates were given and time was granted to the Ministry and Central Pollution Control Board to comply with the directions contained in the order of the Tribunal. This primarily relates to providing of data in regard pollution caused in that area. The Southern Bench pronounced this judgment on 24th October, 2017. In the judgment it held that the serious pollution was prevalent in that area. It constituted a Committee and directed providing of appropriate measures that should be adopted for the purposes of preventing and controlling the pollution and its health impacts. It is evident that there are serious public health issues resulting from the industrial activity being carried on in that area. Infact, it was a seriousness of the environmental degradation in that area that had persuaded the Ministry of Environment, Forest & Climate Change to issue moratorium in 2013. The stand before us today is the same that Central Pollution Control Board has still not submitted its report to Ministry of Environment, Forest & Climate Change. Learned counsel appearing for the Central Pollution Control Board submits that they could not complete the study and submit a report because of requisite funds have not been released by Ministry of Environment, Forest & Climate Change. Learned counsel appearing for the Ministry of Environment, Forest & Climate Change submits that funds have been sanctioned in March, 2017 and however the same has released recently and the Central Pollution Control Board is likely to start its study now.

	Item No. 31 **November 16, 2017**	Be that as it may, the environment should be priority for the Ministry of Environment, Forest & Climate Change particularly when it is apparent from the record before the Tribunal that the health of the public at large is being adversely affected by the activities being carried on. We direct that the order of Ministry of Environment, Forest & Climate Change dated 10th June, 2014 keeping the moratorium in 2013 in abeyance is hereby set aside. The moratorium imposed in 2013 shall continue to be in force. Till Ministry of Environment, Forest & Climate Change passes a speaking order upon the report of the Central Pollution Control Board objectively considering whether the moratorium should continue or the same should be vacated keeping in view the needs of the environment and public health. Accordingly, above Original Application No. 100 of 2014 stands disposed of without any order as to costs. Liberty is granted to the Applicant to approach the Tribunal. **M.A. Nos. 302/2014, 989/2015, 136/2016 & 380/2016** The above Applications do not survive for consideration as the main Original Application itself stand disposed of. Accordingly, M.A. Nos. 302/2014, 989/2015, 136/2016 & 380/2016 stand disposed of without any order as to costs. ……,CP (Swatanter Kumar)

NATIONAL GREEN TRIBUNAL, NEW DELHI

	Item No. 31 **November 16, 2017**	……,JM (Dalip Singh) ……,JM (Dr. Jawad Rahim) ……,EM (Bikram Singh Sajwan)