



SPEED POST

CPCB/IPC-VI/DD&DNH/

January 18, 2021

To

The Chairperson
Daman Diu and Dadra Nagar Haveli,
Pollution Control Committee
Office of the Deputy Conservator of Forests
Moti Daman,
Daman – 396220

Sub: Directions under Section-18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 regarding granting permission to operate in compliance of orders of Hon'ble NGT.

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the States/ Union Territory and to secure the execution thereof; and

WHEREAS, under Section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, CPCB has categorized 242 industrial sectors into red, orange, green & white category and directed all SPCBs/PCCs on 07.03.2016 for its adoption and implementation. The SPCBs/PCCs were also directed that addition of any new or left-over industrial sectors and their categorization which is not listed in the categorization done by CPCB, shall be done by a committee at the level of concerned SPCB/PCC, in accordance with the revised criteria and guidelines of CPCB. The SPCBs/PCCs were required to submit the Action Taken Report (ATR) in compliance of the directions before 15.04.2016; and

WHEREAS, the Daman Diu and Dadra Nagar Haveli Pollution Control Committee (DD&DNH PCC) vide letter dated 28.10.2016 informed CPCB that draft notification is in the final stage of publication. However, no further information was received from the PCC. The Central Pollution Control Board (CPCB) vide letters dated 13.03.2019, 02.05.2019, 15.05.2019, 28.05.2019, 07.06.2019, 18.06.2019, 02.08.2019, 04.09.2019, 03.10.2019, 31.10.2019 and 17.12.2019 requested/reminded DD&DNH PCC to adopt the revised categorization and to inform CPCB; and

WHEREAS, M/s. Platinum AAC Blocks Pvt. Ltd., Village Kherdi, Silvassa, (hereinafter termed as 'the unit') is engaged in manufacturing of Autoclaved Aerated Concrete Blocks (fly ash bricks/blocks), filed an appeal (Appeal no. 77/2019) in Hon'ble National Green Tribunal (NGT), Principal Bench against PCC, DD&DNH, for not allowing the unit to operate. The Hon'ble NGT vide order dated 19.09.2019, directed PCC, DD&DNH and CPCB to submit a joint report in this regard; and

WHEREAS, CPCB and DD&DNH PCC carried out the inspection and the report was submitted to Hon'ble NGT by CPCB, wherein, it was highlighted that both the activities of unit (i) Fly ash export, transport & disposal facilities and (ii) Fly ash bricks/blocks manufacturing using fuel, falls under green category of industries, which require consents from SPCBs/PCCs. It was also highlighted in the report that DD&DNH PCC has not complied with CPCB directions dated 07.03.2016 regarding categorization of industries into red/orange/green/white category. The Hon'ble Tribunal, vide its order dated 17.01.2020, directed that *'the view taken by the PCC cannot be sustained and is set aside. The PCC may pass a further order in accordance with law within two weeks'*; and

WHEREAS, the DD&DNH PCC issued an office order dated 03.02.2020, wherein, the unit was directed that *"as per the notification dated 09.10.2015 applicable to Dadra and Nagar Haveli, 'Flyash export, transport and disposal facility' falls under the banned category and manufacturing of 'Autoclaved aerated concrete using flyash' is not allowed to be established"*; and

WHEREAS, the unit filed appeal (Appeal No. 08/2020) before Hon'ble NGT, Principal Bench, New Delhi, against the PCC order dated 03.02.2020. The Hon'ble NGT vide order dated 14.09.2020, passed the following directions:

'It is clear that the PCC is determined to violate the rule of law by ignoring orders of this Tribunal which may render the PCC to be proceeded against to uphold the rule of law. Moreover, its action is against the mandate of environmental protection in not permitting an environmental friendly activity to start for reasons difficult to fathom.

A copy of this order be forwarded to the Advisor to the Union Territory of Daman Diu and Dadra Nagar Haveli by e-mail to consider remedial action against the erring officer of the PCC for passing such patently absurd order, overreaching the orders of this Tribunal and against the interest of the environment.'; and

WHEREAS, the unit filed Execution Application No. 28/2020 in Appeal No. 08/2020 and Execution Application No. 29/2020 in Appeal No. 77/2019 against the Pollution Control Committee, Daman Diu and Dadra Nagar Haveli before Hon'ble NGT, which was disposed of by Hon'ble NGT vide order dated 09.12.2020, wherein, the Hon'ble NGT directed Chairman, Central Pollution Control Board to look into the matter and take remedial action expeditiously; and

WHEREAS, in compliance of Hon'ble NGT directions, the meetings were convened with Pollution Control Committee, Daman Diu & Dadra Nagar Haveli (DD&DNH) on 05.01.2021 (4 pm) and 06.01.2021 (11am & 4pm) through video conferencing, under the Chairmanship of Chairman, CPCB.; and

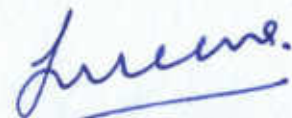
WHEREAS, during the meeting, the Chairman, CPCB mentioned that DD&DNH PCC is the only SPCB/PCC left in the country which has not complied with the directions issued by CPCB for harmonization of categorization of industrial sectors, that in spite of continuous follow-up by CPCB. He further pointed out that CPCB has submitted a report based on joint visit of the industrial unit (Platinum AAC Blocks Pvt. Ltd.), to Hon'ble NGT in the matter of Appeal No. 77/2019, wherein, the Pollution Index (PI) was computed for the sector 'Fly ash bricks/blocks manufacturing using fuel' as 37 based on the fuel consumption & other aspects relevant for pollution index calculation and hence categorized as 'green'. However, the PCC has categorized the unit under reference as 'red', which is not in-line with the CPCB criteria and guidelines for categorization of industrial sectors; and

WHEREAS, the Chairperson, DD&DNH PCC informed that DD&DNH they are in the process of adoption of 'CPCB Categorization of Industrial Sectors, 2016' and the same will be notified within a week. PCC also informed that an appeal has been filed before Hon'ble Supreme Court for the stay against Hon'ble NGT orders. The Chairman, CPCB emphasized that PCC has to comply with the order of Hon'ble NGT, as no stay has been granted and sufficient time has already lapsed. The Chairperson informed that DD&DNH is expecting stay very soon; and

NOW THEREFORE, in view of the above and exercising the powers conferred to Chairman, Central Pollution Control Board under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981, Chairperson, DD&DNH PCC is hereby directed:

- (i) to categorize the industrial sector, 'Fly ash bricks/blocks manufacturing using fuel' under green or orange category, depending on the quantity of fuel consumption, in-line with the CPCB criteria and guidelines for categorization of industrial sectors.,
- (ii) to act upon the consent application of the industrial unit M/s. Platinum AAC Blocks Pvt. Ltd., Village Kherdi, Silvassa, accordingly, for granting permission to operate in compliance of orders of Hon'ble NGT.
- (iii) to adopt and implement the CPCB criteria and guidelines for categorization of industrial sectors into red, orange, green and white category, issued vide CPCB directions dated 07.03.2016, with immediate effect.,

The DD&DNH PCC shall acknowledge the receipt of directions and submit the Action Taken Report (ATR), in compliance of these directions, to CPCB, within 10 days from the receipt of directions.



(Shiv Das Meena)
Chairman

Copy to:

- 1 The Joint Secretary (CP Division)
Ministry of Environment, Forests & Climate Change,
Indira Paryavaran Bhawan
3rd Floor, Prithivi, Aliganj, Jor Bagh Road
New Delhi -110 003
- 2 The Regional Director (West)
CPCB, Vadodara, Gujarat
- 3 Div. Head, IT, CPCB, Delhi

: with a request to upload the
Directions on CPCB website



(Prashant Gargava)
Member Secretary