

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.NO. 345 in Writ Petition(s) (Civil) No(s). 13029/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

APPLICANT: SANGAL PAPERS LTD.

(REGARDING BAN ON SALES & USE OF FURNACE OIL & PET-COKE IN NCR
ALONGWITH REPORT NO. 72 SUBMITTED BY EPCA)Date : 02/05/2017 This application was called on for hearing
today.CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Harish N. Salve, Sr.adv. (A.C.)

Ms. Aparajita Singh (A.C.), AOR

Mr. A.D.N. Rao (A.C.), AOR

Mr. Siddhartha Chowdhury (A.C.), AOR

Petitioner-in-personFor Respondent(s) Mr. Ranjit Kumar, SG
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidananda, Adv.
Mr. Zaid Ali, Adv.
Mr. G.S. Makker, AOR

Ms. Sumita Hazarika, Adv.
Mr. B.K. Prasad, AOR

Mr. Dushyant Dave, Sr. Adv.
Mr. Asheesh Jain, Adv.
Mr. Mohit D. Ram, Adv.

Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Mr. Sanjay Kr. Visen, AOR

Mr. Pramod Swarup, Sr. Adv.

Mr. Sandeep Singh, Adv.
Mr. Anuvrat Sharma, AOR.
Ms. Alka Sinha, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Mr. R.K. Singh, Adv.
Mr. Ajay Bansal, Adv.
Mr. Praveen Swarup, AOR

CPCB

Mr. Vijay Panjwani, AOR

Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Ankit Raj, Adv.
Ms. Ruchi Kohli, AOR

M/s. Narain & Co.

Mr. Saurabh Ajay Gupta, Adv.
Mr. Nishant Bishnoi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Learned *Amicus* has briefed us on the Report. The use of Furnace Oil and Pet Coke is prohibited in Delhi. It is further stated that the State Governments of U.P., Haryana and Rajasthan have no objection if a ban is placed on the use of Furnace Oil and Pet Coke. These State Governments are, of course, at liberty to place such a ban.

It is further pointed out that SO₂, Nox and Sox standards have not been fixed for almost 35 industries. A list of such industries has been given to us which includes:

		SO ₂	Nox	Sox (new)	Nox (new)
2.	Sugar	-	-		
3.	Thermal Power Plant	-	-	100-600*	100-600
4.	Cotton Textile	-	-		

5.	Composite woollen mills	-	-		
6.	Dye and dye	-	--		
7.	Electroplating industries	-	--		
8.	Cement plants	-	--		
9.	Stone crushing units	-	--		
10.	Coke ovens	-	--		
11.	Synthetic rubber	-	--		
12.	Pulp and paper	-	-		
13.	Distilleries	-	--		
14.	Leather industries	-	--		
15.	Fertilizer industry	-	--		
16.	Calcium carbide	-	--		
17.	Carbon black	-	--		
18.	Copper, lead and zinc smelter	Off gases must be utilised. No standard prescribed for emissions			
19.	Nitric acid		3 kg of oxides of Nitrogen per tonne of acid		
20.	Sulphuric acid plant	1250-1370		950-1250	
21.	Iron and steel	800	500		
22.	Natural rubber	--	--		
23.	Asbestos	--	--		
24.	Caustic soda	--	--		
25.	Re-heating furnaces	--	--		
26.	Foundries	--	--		
27.	Small boilers	--	--		

28.	Aluminium plants	--	--		
29.	Petro-chemical	--	--		
30.	Pesticides	--	--		
31.	Tannery	--	--		
32.	Inorganic chemical	--	--		
33.	Glass industry	--	--		
34.	Lime kiln	--	--		
35.	Ceramic	--	--		

In view of the above, we direct the Union of India as well as the Central Pollution Control Board (CPCB) to fix SO₂, Nox and Sox standards for the above industries after giving a hearing to a limited number of authorized representatives of these industries keeping in mind the provisions of the Environment Protection Act, 1986.

The standards should be fixed on or before 30th June, 2017. In case there is some difficulty, the CPCB and the Union of India can always move an application for a limited and reasonable extension of time.

In the meanwhile, we would like to caution the above industries as submitted by the learned *Amicus* and agreed to by the learned Solicitor General that necessary steps will have to be taken by these industries to ensure that the pollution standards that are fixed by the Central Pollution Control Board are adhered to by 31.12.2017 as far as possible. The above industries should therefore start making their plans with immediate effect keeping the above in mind since sufficient notice is being given to them in this regard.

List the matter on 20.07.2017.

(Meenakshi Kohli)
Court Master (SH)

(Sharda Kapoor)
Court Master (NS)