

**Agenda Item No. 190.06**

**Regarding categorization of Industrial/ Non-Industrial Sectors/Projects "Restaurants/ Dhabas/Motels/ Marriage Halls/Banquet Halls/ Party Lawns" under consent management of the Board based on waste water discharge and floor area-EX-POST FACTO APPROVAL**

The Central Pollution Control Board (CPCB) vide letter no. B29012/ESS(CPA)/2015-16/8526 dated 07.03.2016 issued directions to all SPCB's/PCC's under section of 18(1)(b) of Water Act, 1974 and Air Act, 1981 and issued subsequent directions regarding categorization of industrial/non industrial sector/project under Red, Orange, Green and White Categories. Based upon the directions issued by CPCB, Haryana State Pollution Control Board (HSPCB) vide its order Endst. No. HSPCB/2020/PLG/1767- 1795 dated 04.12.2020 (**Annexure-I**) (amending order Endst. No. HSPCB/2018/517-546 dated 26.02.2018) issued consent procedure for grant of consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 alongwith consolidated list of industrial/non industrial sector/project covered under Red, Orange, Green and White Categories.

An original application No. 400/2017 titled as Westend Green Farm Society Vs Union of India &Ors and OA No. 26/2019 titled as Abhay Singh Dahiya Vs State of Haryana was filed before Hon'ble NGT regarding pollution caused by restaurants/ Hotels/Motels/Banquets etc. Hon'ble NGT in OA No. 400/2017 directed CPCB to frame guidelines and mechanism for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets. CPCB framed guidelines and mechanism and filed in Honble NGT. Hon'ble NGT in the matter of OA No. 26/2019 titled as Abhay Singh Dahiya Vs State of Haryana vide order dated 08.06.2021 (**Annexure-II**) and in the matter of OA No. 400/2017 titled as Westend Green Farms Society Vs Union of India &Ors. Vide order dated 04.02.2021 (**Annexure-III**) directed all States/UTs to take further steps for enforcing CPCB guidelines and mechanism for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/ Hotels/ Motels/Banquets.

HSPCB has already constituted Committee of officers for categorization of new/left over industrial sectors/projects for consent management. The guidelines and mechanism framed by CPCB was placed before the Committee of this Board constituted for categorization of new/left over industrial sectors/projects for consent management, in its meeting held on 14.07.2021. The matter was examined by the Committee and it is recommended that Restaurants/Dhabas/ Motels/ Marriage Halls/Banquet Halls/ Party Lawns may be added in categorization of industrial sectors/projects issued vide order endst. No. HSPCB/2020/PLG/1767-1795 dated 04.12.2020 based on waste water discharge and floor area.

To comply with the directions of Honble NGT, It had been ordered vide order Endst. No. HSPCB/PLG/2021/2210-22264 dated 13.09.2021 (**Annexure-IV**) to add Restaurants / Dhabas / Motels / Marriage Halls / Banquet Halls / Party Lawns in the list of industrial / non industrial sector /projects of Red, Orange and Green Categories, already issued vide Head Office order Endst. No. HSPCB/2020/PLG/1767-1795 dated 04.12.2020. The following category of Restaurants / Dhabas / Motels / Marriage Halls / Banquet Halls / Party Lawns are required to

obtain consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and authorizations under respective waste management rules:-

1. Industrial/ Non-Industrial Sectors/Projects "Restaurants/Dhabas/ Motels/ Marriage Halls/Banquet Halls/ Party Lawns (Waste Water Generation  $\geq 100$  KLD)" is added at Sr. No. 80 in the List of Red Category of Industrial/ Non- Industrial Sectors/Projects.
2. Industrial/ Non-Industrial Sectors/Projects "Restaurants/Dhabas/ Motels/ Marriage Halls/Banquet Halls/ Party Lawns (Waste Water Generation  $\geq 10$  KLD but  $< 100$  KLD)" is added at Sr. No. 112 in the List of Orange Category of Industrial/ Non Industrial Sectors/Projects.
3. Industrial/ Non-Industrial Sectors/Projects "Restaurants/Dhabas/ Motels/ Marriage Halls/Banquet Halls/ Party Lawns having minimum floor area of 100 m<sup>2</sup> or a with minimum seating capacity of 36 (Waste Water Generation  $< 10$  KLD)" is added at Sr. No. 74 in the List of Green Category of Industrial/ Non-Industrial Sectors/Projects.

**Note:**

1. It is clarified that only those Restaurants/Dhabas/ Motels/ Marriage Halls/Banquet Halls/ Party Lawns having Waste Water Generation  $< 10$  KLD are covered under consent management which have minimum floor area of 100 m<sup>2</sup> or with minimum seating capacity of 36.
2. The specific standards prescribed under EP Rules, 1986 (as amended) shall be applicable on the Hotels, banquet halls, restaurants, etc. If, the effluent is discharged into a municipal sewer leading to a Sewage treatment Plant, the hotel or restaurant or banquet hall, as the case may be, shall provide a proper Oil and Grease Trap for effluent arising from its kitchen and laundry and shall have to comply with the 'General Standards for Discharge of Environmental Pollutants Part-A: Effluents' notified under Schedule-VI.
3. The guidelines and mechanism issued by CPCB vide letter dated 19.03.2020 for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets shall be applicable.

The above categorizations of industrial/non industrial sector/projects issued vide order Endst. No. HSPCB/PLG/2021/2210-22264 dated 13.09.2021 is placed before the Board for consideration and Ex-Post Facto approval.

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## HARYANA STATE POLLUTION CONTROL BOARD

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### Office Order

Whereas, the Board vide Head Office order Endst. No. HSPCB/2018/517-546 dated 26.02.2018 has issued consent procedure for grant of consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 based upon the directions issued by CPCB vide its letter no. B-29012/ESS (CPA)/2015-16/8526 dated 07.03.2016 to all the State Pollution Control Boards u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981; and

Whereas, Central Pollution Control Board (CPCB) has issued directions under section 18 (1)(b) of the Water (Prevention and Control of Pollution) Act 1974 vide letter no. B-29016/ROGW/IPC-VI/2020-21/ dated 30.04.2020 regarding categorization of some new industrial sectors and listing of Non-Industrial Operations (Activities/ Facilities/ Infrastructure/ Services) and subsequent letter no. B-29016/ROGW/IPC-VI/2020-21/ dated 10.07.2020 regarding categorization of Dairy Farm and Gaushala; and

Whereas, in compliance of above directions of CPCB and recommendations by the committee constituted vide office order endst. no. 6862-6865 dated 03.05.2016 for categorization of new or left over industrial sectors/projects, the Board has reviewed all the earlier office orders regarding the categorization of the Industrial/ Non-Industrial Sector/Project/Unit for the purpose of consent mechanism.

In view of above and in supersession of consent procedure alongwith consolidated list of Industrial Sector/Project covered under Red, Orange, Green and White categories was issued vide No. HSPCB/2018/517-546 dated 26.02.2018 (as amended thereof), the amended procedure for obtaining consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 alongwith amended categorization of Red, Orange, Green and White category of Industrial/ Non-Industrial Sector/Project/Unit/unit under the consent management of the Board is given as **Annexure-P**.

These orders shall come in to force with Immediate effect.

Dated Panchkula, the  
3<sup>rd</sup> December, 2020

Ashok Kheterpal,  
Chairman

Endst. No. HSPCB/PLG/2020/ 1767-93

Dated: 04-12-2020

A copy of the above is forwarded to the following for information and further necessary action:-

1. All Branch Incharges dealing with consent management in Head Office of the Board.
2. All Regional Officers of the Board in the field.
3. Nodal Officer of the HSPCB, Haryana Enterprises Promotion Centre (HEPC), Bay No. 63-64-65-66, Sector 2, Panchkula.
4. Branch Incharge -IT Cell.

Endst. No. HSPCB/PLG/2020/ 1794-95

Sr. EE (PLG)  
For Chairman

Dated: 04-12-2020

A copy of the above is forwarded to the following for Information of the officers:-

1. PS to Chairman
2. PA to Member Secretary

Sr. EE (PLG)  
For Chairman

## Haryana State Pollution Control Board

### Procedure for obtaining consent to establish and consent to operate under Water Act, 1974 & Air Act, 1981.

In pursuance of the provisions of section 25, 26 and 27 of Water (Prevention and Control of Pollution) Act, 1974 read with Rule 22 of the Haryana Water (Prevention and Control of Pollution) Rules, 1978 and section 21 of the Air (Prevention and Control of Pollution) Act, 1981 read with Rule 15 of the Haryana Air (Prevention and Control of Pollution) Rules, 1983 as amended from time to time and approval of the Board in its 178<sup>th</sup> meeting held on 30.01.2018, vide agenda item no. 178.22, the following revised comprehensive procedure for grant and refusal of the consent to establish and consent to operate under Water Act, 1974 and Air Act, 1981 after incorporating all the policy orders and instructions and new categorization of Industrial/ Non-Industrial Sector/Project/Unit issued by the Board from time to time, is laid down in supersession of earlier procedure for grant of consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 issued vide Head Office order Endst. No. HSPCB/2018/517-544 dated 26.02.2018 and all other orders issued in this regard before issue of this procedure:-

#### 1. General Provisions.

- 1.1 All the Industrial/ Non-Industrial Sector/Project/Unit have been categorized under Red, Orange, Green and White categories based upon their pollution potential and range of pollution index for the purpose of consent management under Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of pollution) Act, 1981 on the direction of CPCB issued under section 18 (1) (b) of Water Act, 1974 and Air Act, 1981 vide letter no. B-29012/ESS(CPA)/2015-16 /8571 dated 07.03.2016 in supersession of earlier categorization of Industrial Sector/Project/Unit issued vide notification dated 15.04.2014 and amended from time to time. The revised list of Industrial/ Non-Industrial Sector/Project/Unit categorized under Red, Orange, Green and White categories for the purpose of consent management and inventrization of industries under these categories under Water Act, 1974 and Air Act, 1981, has already been adopted by this Board and implemented vide Head Office order Endst. No. HSPCB/PLG-135/2016/546-572 dated 14.07.2016 and subsequently vide order Endst. No. HSPCB/PLG-171/2017/4081-4106 dated 19.05.2017, Endst. No. HSPCB/PLG-171/2017/4295-4320 dated 08.06.2017 and consent procedure alongwith consolidated list of Industrial Sector/Project covered under Red, Orange, Green and White categories was issued vide No. HSPCB/2018/517-544 dated 26.02.2018 and subsequent order no. HSPCB/2018/1312-1336 dated 29.06.2018, HSPCB/PLG/20195095 dated 15.02.2019 and HSPCB/PLG/2019/507-531 dated 15.10.2019 and consolidated lists of Industrial/Non Industrial Sector/Project covered under Red, Orange, Green and White categories, are given at **Annexure-I to IV** respectively.

1.2 The Industrial/ Non-Industrial Sector/Project/Unit categorized as Red, Orange and Green, have been covered under consent management for obtaining prior consent to establish (CTE) and consent to operate (CTO) under section 25/26 of the Water Act, 1974 and under section 21 of the Air Act, 1981.

1.3 The Industrial/ Non-Industrial Sector/Project/Unit falling under white Category as per **Annexure-IV**, are exempted from Consent Management for the purpose of obtaining CTE and CTO under Water Act, 1974 and Air Act, 1981 and there is no necessity for obtaining the CTE and CTO by the industries covered under white category and other units not covered under Red, Orange and Green categories and intimation to the Board in this regard shall suffice.

However, this type of units will have to provide required pollution control devices to meet the prescribed standards for discharge of environmental pollutants, where ever required, depending upon their process and activities and these Industrial/ Non-Industrial Sector/Project/Unit shall be governed by self regulatory regime and are not permitted to pollute the environment.

No inspection of White category of industries will be carried out by the Board officials except in the cases where any complaint is received against such type of industries for causing pollution.

1.4 The Industrial/ Non-Industrial Sector/Project/Unit already existing and not covered previously under consent management as per notification dated 15.04.2014 or earlier but have been covered under consent management now as per new categorization of industrial sectors appended with this procedure, shall obtain only CTO and will not require to obtain the CTE.

1.5 Siting of the industries / projects shall be only in confirming areas and no industry/project shall be permitted to establish or operate in the ecologically fragile area / protected area or in any non confirming areas or in the residential areas of MCs / HUDA / villages and in any other approved residential colonies / areas.

1.6 The units covered under Environment Impact Assessment (EIA) Notification dated 14.09.2006, as amended from time to time, shall apply for Consent to Establish to the Board only after obtaining prior Environmental Clearance from the Competent Authority.

1.7 The Industrial/ Non-Industrial Sector/Project/Unit falling in the area prescribed in the Aravali Notification dated 7<sup>th</sup> May, 1992 issued by MoEF & CC, shall require prior clearance from competent authority prescribed under the Aravali Notification, before applying to the Board for CTE or 1<sup>st</sup> CTO in case of new units covered under consent management as per new categorization of projects listed in this procedure.

1.8 The report regarding siting of the projects outside the Aravali area in the Districts of Gurgaon & Mewat, shall also be taken for the purpose of Consent to Establish (CTE) or first CTO in case of new units covered under consent management as per new categorization of projects listed in this procedure, from Tehsildar and District Forest Officer through the concerned

Deputy Commissioner, to ensure the compliance of the provisions of Aravalli Notification dated 7<sup>th</sup> May, 1992 in addition to other prescribed documents. However, in case of Industrial/ Non-Industrial Sector/Project/Unit located in approved industrial estates/approved HUDA sectors of District Gurgaon and Mewat, verification report in this regard would be required from Regional Officer concerned.

- 1.9 The projects falling in the revenue estates, covered in ambit of the Notification no. 191(E) dated 27.08.2010 issued by Ministry of Environment, and Forest, Government of India regarding protected area of Sultanpur National Park in District Gurgaon, shall comply with the provisions of said Notification and will obtain the prior permission/clearance of the Monitoring Committee and the Prescribed Authority constituted under the said Notification before submitting the application for CTE to the Board.  
Prior permission/clearance from competent authority shall also be required in case of other similar protected areas declared by the MoEF & CC, Government of India or any prescribed authority from time to time.
- 1.10 For obtaining CTE in case of the Hot Mix Plants, Screening Plants, Grinding/pulverizing units, poultry farms and Stone crushers, the project proponents will also submit the distance regarding the siting parameters prescribed by the Government of Haryana, Environment Department for these projects, provided by the concerned authorities prescribed in the respective notifications, in addition to other prescribed documents for obtaining CTE, to ensure the compliance of the prescribed siting parameters before grant of the CTE.
- 1.11 The units proposed to be setup outside approved industrial areas/estates, will necessarily provide the information in the application form regarding detail of land i.e. Khasra/Kila nos. of the land where the unit has to be established. In case of approved industrial area/estates, the plot no. allotted by the concerned authority will have to be mentioned in the application. The detail of land or plot no. of the unit will be mentioned in the CTE to be granted by the Board.
- 1.12 CTE will be granted only for the operation/ process for product (s) or activities for which the plot has been allotted or CLU permission has been given by the concerned authorities. In case, later on concerned authorities allowed change in product (s) or activity at such specified location in that eventuality, the concerned unit is entitled for CTE for the such changed product (s) or activities at such specified place.
- 1.13 All the units shall provide all necessary facilities for sampling of air or emission from any of their chimney, flue or duct, plant or Vessel of any other sources and outlets, stationery or mobile including necessary facilities for access to the sampling places, as specified by the Board before applying for first CTO as per provisions of Rule 18 of Haryana Air (Prevention and Control of Pollution) Rules, 1983 as amended from time to time.
- 1.14 The performance security deposited along with the application for CTE, shall be refunded / returned on the recommendation of concerned Regional Officer automatically without taking any request from the units in this

regard, after installation of the required and adequate pollution control devices, compliance of all the conditions of CTE & first CTO and submission of satisfactory analysis reports of effluent/ air emissions/ noise levels, as applicable, from all sources within the stipulated time period prescribed in first CTO, showing all the results complying with the standards prescribed for discharge of pollutants under EP Rules, 1986 and/or laid down by the HSPCB if any.

The performance security so deposited will be forfeited in case the unit fails to comply with any of the conditions of CTE or first CTO or the standards prescribed by the Board / under EP Rules, 1986 as amended from time to time, for discharge of Environmental Pollutants or if 1<sup>st</sup> CTO is refused.

- 1.15 The consent to operate can be granted even to those units which have past violation of their establishment without obtaining CTE provided these type of units are complying with all the relevant provisions of Environmental Acts/Rules and standards for discharge of environmental pollutants prescribed under EP Rules, 1986 as applicable, subject to the legal action is taken against such units by filing the prosecution case in Special Environment Court for such past violations under relevant Acts before granting of CTO and subject to imposing a specific condition that CTO so granted is without prejudice to the action taken for prosecution in respect of past violation committed by the unit and CTO so granted will have no effect on the prosecution case filed by the Board against such units for past violation in the Court under the relevant provisions of the Water Act, 1974 and/or Air Act, 1981.

No ex-post facto CTE will be given in such cases of past violation as no such provisions is available in Water Act, 1974 and/or Air Act, 1981.

- 1.16 In case the unit is covered under Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016, E-Waste (Management) Rules, 2016, Plastic Waste Management Rules, 2016 and Bio-Medical Waste Management Rules, 2016, it shall simultaneously apply for the grant of authorization/registration under the relevant provisions of these Rules.

- 1.17 The units which intend to increase quantity of effluent or no. of outlets or no. of stacks/ source of emissions, as compared with the quantity for which consent to establish and consent to operate was previously granted or intend to make any expansion in the existing project or change in manufacturing process, such units will obtain the fresh prior consent to establish, for such change.

In case of change of machinery of latest technology in existing units without increase in production or without any change in the manufacturing process, there will be no need to obtain fresh CTE.

- 1.18 All the applications for CTE and CTO shall be processed within time period prescribed by the Board for all the concerned officers dealing with the consent management at Regional as well as at Head Office level and it will

be ensured by all the concerned officers that the applications are decided within the time limit prescribed by the Board.

- 1.19 Thrust will be given that all units obtain CTO for 5 years in case of Red category, 10 year in case of Orange category and 15 years in case of Green Category of industries.
- 1.20 In case any unit changes its nomenclature (name) only, then such unit will apply on the prescribed performa given at **Annexure-A**, through the concerned Regional Office of the Board for grant of permission for change of its name in CTE/CTO and in other records of the Board, alongwith the documents as given in the Checklist of the documents given at serial no. 1 of **Annexure-1**.

Regional Officer will submit the details and his recommendation to Head Office for approval on the prescribed performa given at **Annexure-B**.

In case there is only change in the ownership of the unit without change in its nomenclature (name), the copy of fresh memorandum of article & association or partnership deed or proof of proprietorship, as the case may be, shall be submitted through the concerned Regional Office who in turn will forward a copy of the same to Head Office alongwith his comments.

- 1.21 Where a unit, to whom consent has been granted by the Board, transfers his interest in the industry to any other person/unit, by its sale or otherwise, such consent shall be deemed to have been granted to such other person/unit after grant of permission by the Board for the same and such other person/unit shall be bound to comply with all the conditions subject to which it was granted as if the consent was granted to such other person/unit originally.

In such cases the unit transferring his interest in the industry to any other person/unit, will intimate the Board for the same through concerned Regional Office and request to allow transfer of his interest in the industry on the prescribed format given at **Annexure-C** alongwith the documents as given in the Checklist of the documents given at serial no. 2 of **Annexure-F**.

Regional Officer will submit the details and his recommendation to Head Office for approval on prescribed performa given at **Annexure-D**.

- 1.22 Where an existing unit is purchased or taken on lease by another unit and the new unit apply to the Board for grant or renewal of CTE/CTO in his name such units will first obtain the permission for change of name and other details of the existing unit, purchased or taken on lease by such units, in the record of the Board including transfer of interest of such industry in their name for which an application for the same on the prescribed performa given at **Annexure-C**, alongwith the documents as given in the Checklist of the documents given at serial no. 2 of **Annexure-F**, through concerned Regional Office.

Regional Officer will submit the details and his recommendation to Head Office for approval on the prescribed performa given at **Annexure-D**.



1.23 Applications for change of name of the unit or transfer of interest in the industry to any other person/unit, will be decided at the level of Head Office on the recommendation of concerned Regional Officer.

The concerned Branch in Head Office dealing with consent management, will submit the proposal to the authorities on the format on the prescribed performa given at **Annexure-E** for approval.

1.24 First CTO for expansion of projects, shall be valid for a period up to which the CTO for their existing project already stand granted and in case 1st CTO for expansion project is applied alongwith the application for renewal of CTO for existing project then validity of such CTO shall be the same for both expended and existing projects.

1.25 The provisions of inspection policy issued by the Board shall be strictly complied.

1.26 No unit shall be established and operated by any person without obtaining prior CTE and CTO respectively under Water Act, 1974/ Act, 1981 from the Board. If the unit after grant of CTE/CTO, intends to shift to another site/location then it will take the fresh CTE for the establishment at the new site/location.

## 2. Procedure for grant of consent to establish (CTE) for new units

### 2.1 Consent to Establish for new units

2.1.1 The new Industrial/ Non-Industrial Sector/Project/Unit falling under Red, Orange and Green Categories listed as **Annexure-I, II & III** respectively, shall apply for Consent to Establish of the Board through the on-line portal of Haryana Enterprises Promotion Centre (HEPC), in the prescribed form alongwith requisite NOC/CTE fee as prescribed by the Board from time to time and will be deposited through online payment gateway as per fees schedule available on the website of the Board i.e. [hspcb.gov.in](http://hspcb.gov.in)

2.1.2 Application shall be submitted by the authorized official of the industry/project, duly authorized by the owner/Board of directors / partners of the unit.

2.1.3 All documents applicable for respective Industrial/ Non-Industrial Sector/Project/Unit mentioned in the checklist given at **Annexure-V**, will be submitted by the units while applying for CTE, by uploading the same on the online portal.

2.1.4 The units while submitting the application for obtaining CTE, shall also submit a performance security through online payment gateway as per the slab given at **Annexure-VI** or revised from time to time, alongwith undertaking by the applicant as per specimen given at **Annexure-VII**, signifying adherence to the prescribed standards, all the conditions of CTE and indicating awareness about the provisions of the Water Act, 1974/Air Act, 1981 and applicable Rules and self

- certification regarding not starting of any construction or installation work at site.
- 2.1.5 No inspection is required for the purpose of dealing the cases of CTE unless any violation come to the notice of the Board and undertaking/self certification submitted by the unit, will be considered sufficient to decide the CTE applications, subject to submission of complete application alongwith prescribed documents, consent fee and performance security.
- 2.1.6 If at any stage it is found that the work at the site of the unit was/has been started for construction of plant and installation of machinery before obtaining the consent to establish under Water Act, 1974 and Air Act, 1981 from the Board, legal action will be taken in that case against such units by filing the prosecution case in Special Environment Court for such violations under relevant provisions of the said Acts before or even after grant of CTE, as the case may be.
- 2.1.7 The validity period of CTE so granted by the Board will be as under:-
- (i). The CTE for the projects requiring Environmental Clearance, shall be granted for a period upto 07 years subject to the validity of Environmental Clearance or the date of commissioning of the project, whichever is earlier.
  - (ii). The CTE, for the projects not requiring Environmental Clearance, shall be granted for a period upto 05 years including stone crushers, hot mix plants, screening plants, brick kilns etc. or the date of commissioning of the project, whichever is earlier.

## 2.2 Renewal/Extension of Consent to Establish

- 2.2.1 The units intending for auto renewal of their CTE from the Board, shall apply through online portal of HEPC at least 90 days prior to the date of expiry of the period of previous CTE, in prescribed Performa with declaration and undertaking as per **Annexure-VIII** alongwith the prescribed CTE/NOC fees and documents prescribed for extension of CTE as per checklist given in **Annexure-V**.
- 2.2.3 This application shall be submitted by the authorized official of the industry/project, duly authorized by the owner/board of directors / partners of the unit.
- 2.2.4 The consent to establish will be renewed on the basis of self certification only in those cases where there is no change in the raw material, process, product, increase in overall capital investment cost on land, building, plant and machinery, production capacity and also in pollution load of the unit and will remain the same as declared by the unit in its original application submitted earlier to the Board for obtaining first CTE.

- 2.2.5 The CTE will be renewed only once and for a period of maximum 02 years from the date of expiry of the period of first CTE granted subject to validity of EC if applicable.
- 2.2.6 The units where the CTE has earlier been granted as per provisions of policy notification dated 15.04.2014 and/ or extended upto the eligible period as prescribed in the said notification or less, those units will apply for renewal of CTE for remaining period as applicable as per provisions prescribed in this procedure in Para no. 2.1.5 plus another 02 years (Subject to validity of EC if applicable).
- 2.2.7 The facility for renewal of CTE can be availed for one term only subject to payment of requisite NOC/CTE fees. Such units will deposit requisite NOC/CTE fees for renewal of consent to establish only applicable for one time alongwith the application for auto renewal.
- 2.2.8 In case the unit fails to apply for renewal of CTE before 90 days of expiry of CTE and apply there after upto the date of expiry of CTE then 50% performance security deposited by the unit at the time of obtaining the first CTE, will be forfeited and such units will be required to deposit the forfeited amount of performance security along with application for renewal of CTE. In case of the units which fail to apply for renewal of CTE within the validity period of previous CTE, 100% performance security will be forfeited and direction will be issued to such units by the Board to stop the further construction and installation work of their project.
- The units which fail to apply for renewal of CTE within validity period of previous CTE, shall apply afresh along with all relevant documents, NOC/CTE fees and fresh performance security required for grant of fresh CTE with documentary proof that they have not done any work for construction or installation of machinery after expiry of validity period of CTE.
- Where ever it come to the notice of the Board at any stage that any unit, applied for extension of CTE or has been extended the CTE, has done any construction or machinery installation work after expiry of validity of CTE, legal action under the relevant provisions of Water Act, 1974 and/or Air Act, 1981 will be taken against such units in that case for such violation.
- 2.2.9 Inspection will not be carried out by the Board's officers for processing the applications for extension/renewal of CTE, except in the cases where any complaint or report has been received in the Board regarding any violation made by the unit.
- 2.2.10 Those units which have been granted CTE but do not want to continue the work for construction and installation of their project beyond the validity period of their CTE, shall submit an undertaking in this regard to the Board, at least 30 days prior to the date of expiry of previous CTE, on prescribed format given at **Annexure IX**, giving the detail about the status of their project constructed and established till the date of submission of such undertaking.

Such units will not start the work for further construction/ installation of their project, without obtaining prior CTE for remaining work of establishment of their project and shall apply for extension as per policy, as and when it is intended to resume the remaining construction/installation work of this project, alongwith the required documents prescribed for extension of CTE, CTE/NOC fees as applicable and self declaration to the effect that they have not done any work at site or construction or installation of machinery after expiry of validity of previous CTE granted by the Board. In case any violation in this regard come to the notice of the Board at any stage then CTE will be refused/cancelled beside taking legal action.

No fresh performance security will be required for such type of cases.

- 2.2.11 In case of building & construction projects or township and area development projects, where the validity period of license issued by Town & Country Planning Department expired after grant of CTE and applied for renewal/extension of CTE without renewal of such license, the CTE for such projects will be extended till the validity of Environmental Clearances of such projects, subject to submission of all required documents prescribed for renewal of CTE and subject to submission of proof regarding submission of their application to Town and Country Planning Department for renewal of their license, with one of the specific condition that the unit will not do any construction work of their project till the renewal of license from Town & Country Planning Department and the extension of CTE so granted will become null & void if such units fail to renew their license for their project from Town & Country Planning Department. The copy of extension of CTE so granted will also be forwarded to Director, Town & Country Planning Department for their information and necessary action.

### 2.3 Consent to Establish for Expansion of the industries/projects

- 2.3.1 No expansion in the existing Industrial/ Non-Industrial Sector/Project/Unit covered under consent management will be done without prior CTE of the Board.
- 2.3.2 For expansion of the existing Industrial/ Non-Industrial Sector/Project/Unit falling under Red, Orange and Green Categories, the application shall be submitted for Consent to Establish of the Board under Water Act, 1974 and Air Act, 1981 through the on-line portal of the HEPC in the prescribed form alongwith documents related to CTE for expansion projects as per checklist given in **Annexure-V**, applicable performance security as per the slab given at **Annexure-VI** and requisite NOC/CTE fee prescribed by the Board as per fees schedule available on the website of the Board. The

- performance security and NOC/CTE fees should be deposited through online payment gateway.
- 2.3.3 The performance security and CTE fees for expansion projects shall be charged based on the cost of the expansion project.
- In case the project proponent proposes to increase the production capacity within the existing plant without adding any investment cost, then the performance security and CTE fees shall be charged on the basis of capital investment cost of the existing plant.
- 2.3.4 Application shall be submitted by the authorized official of the industry/project, duly authorized by the owner/Board of directors / partners of the unit.
- 2.3.5 Inspection will not be carried out for processing the cases of CTE for Expansion of the Industrial/ Non-Industrial Sector/Project/Unit and cases of CTE for expansion will be decided on the basis of status of compliance of standards for discharge of Environmental Pollutants prescribed under EP Rules, 1986, for the existing plant of the unit supported with the latest analysis reports and valid consent to operate.
- 2.3.6 Period of CTE for expansion projects, shall be same as applicable for establishment of new units at the time of 1st CTE as well as renewal of CTE as prescribed in para no. 2.1 and 2.2 respectively.
- 2.3.7 For extension/renewal of CTE granted for expansion projects, the procedure prescribed in para no. 2.2, shall be applicable.

### 3. Procedure for Grant of Consent to Operate

#### 3.1 First Consent to operate

- 3.1.1 The Industrial/ Non-Industrial Sector/Project/Unit falling under Red, Orange and Green Categories listed in **Annexure-I, II & III** respectively, after completing the construction and installation of their project with valid CTE, shall apply for 1<sup>st</sup> consent to operate of the Board before commissioning their proposed production/activities and even before starting the trial run of such activities/trial production, through the online portal of the HEPC in the prescribed form alongwith all documents, applicable for respective industrial sectors/projects, mentioned in the checklist given at **Annexure-X** and report on compliance of conditions of CTE and Environmental Clearance (if applicable) by uploading the same on the online portal. No documents are allowed to be submitted manually.
- 3.1.2 Application shall be submitted by the authorized official of the industry/project, duly authorized by the owner/Board of directors / partners of the unit.
- 3.1.3 Requisite consent fee, as prescribed by the Board from time to time, shall also be deposited by the units while applying for CTO, through

- online payment gateway, as per schedule available on the website of the Board i.e. [www.hspcb.gov.in](http://www.hspcb.gov.in).
- 3.1.4 The application shall be submitted for grant of CTO for a period, based upon the category of the project, as prescribed by the Board. However the units shall be at liberty to apply for consent to operate for lesser period also, by giving the justification for the same.
  - 3.1.5 No separate trial consent will be granted and 1<sup>st</sup> consent to operate will include trial consent. The units can operate their projects only after obtaining prior CTO from Board.
  - 3.1.6 At the time of obtaining 1<sup>st</sup> CTO, the industries will deposit the prescribed testing fees with the Board through online payment gateway for analyzing their samples of effluent/air emission/noise, as applicable, from the Board's laboratories. Analysis reports issued from the authorized laboratories will not be accepted for grant of first CTO.
  - 3.1.7 Inspection of the industry will be carried out by the authorized officer/officers of the Board before commissioning of the production in the unit and before giving the 1<sup>st</sup> CTO, after approval from the Competent Authority, to ascertain the status regarding installation of pollution control measures/ devices undertaken at the time of obtaining the CTE, as well to assess their structural adequacy and to check the compliance of the other conditions of CTE and Environmental Clearance (if applicable), before deciding the cases of 1<sup>st</sup> CTO. The application for first CTO will be decided on the merits of the case and according to the compliance status ascertained by the Regional Officers after inspection of the unit.
  - 3.1.8 In case the first CTO is refused then the performance security deposited by the unit at the time of obtaining the CTE will be forfeited and the unit will also not start its production or any of its activities at site.
  - 3.1.9 The inspection of the unit will be carried out again, after grant of the 1<sup>st</sup> CTO, by the authorized officer (s) of the Board with prior approval of competent authority as per inspection policy within a period of 03 months after grant of 1<sup>st</sup> CTO for collection of samples of effluent/ air emissions/ noise, as applicable, to get the samples analyzed from the Board's Laboratories as per policy of the Board, in case sampling from the unit is required depending upon the process of the unit.
  - 3.1.10 In case the analysis report of samples of Air/ effluent/ noise so collected, are found complying the standards prescribed by the Board or under EP Rules, 1986, the 1<sup>st</sup> CTO granted, will remain valid for the period for which it has been granted based upon the category of the project or as was demanded by the unit whichever is less but in case of failure of sample (s), the 1<sup>st</sup> CTO so granted will be revoked/ cancelled after following the due procedure, beside taking legal action against the unit and forfeiture of performance security

deposited by the unit at the time of obtaining the CTO, as per policy of the Board.

### 3.2 Period for consent to operate

3.2.1 Validity of period of consent to operate for different category of Industrial/ Non-Industrial Sector/Project/Unit under Water Act, 1974 and Air Act, 1981, will be as under:-

Industry/Project Category	Validity Period
Red Category	5 Years
Orange Category	10 Years
Green Category	15 Years

3.2.2 The units will be at liberty to deposit the full applicable consent fee for the whole prescribed period depending upon their category. However the units shall be at liberty to apply for consent to operate for lesser period also by giving justification for the same. The fees for consent to operate can also be deposited by the industries in installments as per time schedule given below :-

Sr. No.	Category	Validity period of consent	Time schedule
1	Red	05 years	For the First 03 years, at the time of filing of application and for the remaining 02 years before ending the 3 <sup>rd</sup> year.
2	Orange	10 Years	For the First 04 years, at the time of filing of application, for next 03 years before ending the 4 <sup>th</sup> year and for the remaining 03 years before ending the 7 <sup>th</sup> year.
3	Green	15 Years	For the first 05 years at the time of filing the application, for next 05 year before ending the 5 <sup>th</sup> year and for the remaining 05 year before ending the 10 <sup>th</sup> years.

3.2.3 In case of the units, who opted to pay consent fee in installments for obtaining CTO for longer period and fails to deposit the installment of consent fees within prescribed time limit, the CTO so granted will be revoked/cancelled for the remaining period for which consent fees will not be deposited, after following the due procedure.

3.2.4 In case the rates of consent fees are revised during the period of consent to operate and the unit has opted to deposit the consent fees in the installments then such units will have to deposit the consent fee at the revised / enhanced rates for the remaining period

from the date of revision of the consent fees. However, the units which have opted to deposit the full consent fees at the time of filing the application for consent to operate, will not be liable to pay the revised / enhanced consent fees in case the consent fee is enhanced during the period of consent to operate granted to those units.

- 3.2.5 The consent to operate granted shall have the validity ending as indicated in the table below:-

Sr. No.	Category	Validity month (up to)
1	Red	End of September
2	Orange	End of March
3	Green	End of December

### 3.3 Renewal of Consent to Operate

- 3.3.1 The Industrial/ Non-Industrial Sector/Project/Unit falling under Red, Orange and Green Categories listed in **Annexure-I, II & III** respectively, intending for renewal of the CTO from the Board, shall apply through the online portal of the HEPC, not earlier than 180 days and atleast 90 days before expiry of the validity period of previous CTO granted by the Board under Water Act, 1974 and Air Act, 1981, on prescribed Performa as per **Annexure-XI**, self certification and undertaking on compliance of conditions of previous consent to operate granted to the unit alongwith the requisite consent fees to be deposited through online payment gateway and the documents as mentioned in the checklist given at **Annexure-X**.
- 3.3.2 No documents are allowed to be submitted manually.
- 3.3.3 Application shall be submitted by the authorized official of the industry/project, duly authorized by the owner/Board of directors / partners of the unit.
- 3.3.4 The consent to operate will be renewed only in those cases where there is no change in the raw material, process, product, increase in overall capital investment cost on land, building, plant and machinery, production capacity and also in pollution load of the unit and will remain the same as declared in the original application for obtaining previous CTO.
- 3.3.5 The CTO will be renewed only for those units which are complying the standards prescribed for discharge of pollutants prescribed under EP Rules, 1986 and submitted all required documents and prescribed consent fees.
- 3.3.6 Renewal of CTO will not prevent the Board from taking appropriate action against the defaulting units including revoking the CTO, which will fail to comply with any of the conditions of the CTO or any relevant provisions of the Water Act, 1974 and Air Act, 1981.
- 3.3.7 If the Industrial/ Non-Industrial Sector/Project/Unit fails to apply before 90 days of the expiry of previous consent and applies 60 days before the expiry of previous consent, the unit shall have to pay



Draft No. DFA/147263

additional consent fee @ 50% of the consent fee notified under the Rules. Subsequently, if the unit fails to apply before 60 days of the expiry of previous consent and applies 30 days before the expiry of previous consent, then the unit will have to pay additional consent fee @ 100% of the consent fee applicable. If the unit fails to apply 30 days before the expiry of the previous consent, the unit will have to pay additional consent fee @ 200% of the consent fee applicable. Thereafter, the Board will take closure action under the provisions of Water Act, 1974/ Air Act, 1981 against such units for not having the valid consent to operate.

- 3.3.8 In, case the unit apply for renewal of CTO after the date of expiry of consent period or after taking the penal action as prescribed above then such applications will be entertained only if such units deposit consent fees for the longer period as per the policy of the Board depending upon the category of the unit alongwith the additional fees @ 300% of the consent fees prescribed for one year alongwith normal consent fees for subsequent years.
- 3.3.9 There will be no requirement of inspection of industries at the time of renewal of CTO. However such units will be required to submit the analysis reports of effluent, air emissions and noise levels, as applicable, from all sources issued from any of the recognized laboratories or from any of the Board's Laboratory, not more than 03 months old, showing the compliance of prescribed standards, with self certification and undertaking for compliance of the relevant provisions of Acts/Rules as applicable and adherence to the prescribed standards alongwith latest Mandatory Inspection report / analysis reports conducted by the team of officer of the Board and required documents.
- 3.3.10 The unit will be at liberty to get their samples of effluent/air emissions/noise, analyzed from Board's laboratories, for the purpose of renewal of consent to operate. In that case, the inspection will be carried out for the purpose of this sampling by the authorized officer (s) of the Board only after taking prior permission from the Competent Authority as per inspection policy of the Board.

**3.4 Procedure for obtaining Consent to Operate (CTO) by the Industrial/ Non-Industrial Sector/Project/Unit already existing and operating before 14.07.2016 which were not covered previously under consent management as per notification dated 15.04.2014 amended from time to time or earlier but have been covered under consent management first time w.e.f. 14.07.2016 as per revised categorization of industrial sectors for consent management.**

- 3.4.1 The Industrial/ Non-Industrial Sector/Project/Unit already existing and operating before 14.07.2016 which were not covered previously under consent management as per notification dated 15.04.2014 amended from time to time or earlier but have been covered under consent management first time w.e.f. 14.07.2016 in view of revised categorization of industrial sectors for consent management as per order issued vide Ends No. HSPCB/PLG-135/2016/546-572 dated 14.07.2016, vide order Endst. No. HSPCB/PLG-171/2017/4081-4106 dated 19.05.2017 and Endst. No. HSPCB/PLG-171/2017/4295-4320 dated 08.06.2017, shall not require CTE and will obtain CTO directly and apply for the same to the Board through online portal of HEPC in the prescribed form alongwith documents as mentioned in the check list given at **Annexure-XII** and requisite consent fee prescribed by the Board to be deposited through online payment gateway as per fees schedule available on the website of the Board i.e. hspcb.gov.in.
- 3.4.2 The application shall be submitted for grant of CTO for a period based upon the category of the project as prescribed by the Board. However the units shall be at liberty to apply for consent to operate for lesser period also, by giving the justification for the same.
- 3.4.3 These units will also be at liberty to deposit the applicable fee for consent to operate as per provisions given in Para No. 3.2.2 of this procedure.
- 3.4.4 These units will deposit the prescribed testing fees with the Board for analyzing their samples of effluent/air emission/noise, as applicable, only from the Board's laboratories, for obtaining the first CTO.
- 3.4.5 Inspection of these units applying for CTO will be carried out by the authorized officers of the Board after obtaining prior permission from the competent authority to verify and process the applications for CTO and for collection of the samples of effluent/air emissions/noise, as required.
- 3.4.6 Consent to operate shall be granted only in those cases where all the applicable documents as mentioned in the checklist are submitted and have installed the required and adequate pollution control measures and the standards prescribed by the HSPCB or under EP Rules, 1986 for discharge of environmental pollutants has been complied with.

#### 4. Competent Authority for deciding the applications for CTE & CTO.

- 4.1 The CTE and CTO shall be granted or refused on the merits of the case after examination, by the competent authority as per powers delegated by the Board from time to time and the approval certificates bearing digital signatures of the authorized officer, shall be issued through online system which can be downloaded by the applicants from the online portal.
- 4.2 Chairman of the Board has over all and full powers for deciding the application for CTE as well as CTO.
- 4.3 All Regional Officers of the Board have been delegated powers for grant/refusal of CTE and CTO under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, in their respective area of jurisdiction, vide order Endst. No. HSPCB/PLG-139/2016/5814-5839 dated 02.03.2016 and vide order Endst. No. HSPCB/2017/2657-2681 dated 25.01.2017 for Red, Orange and Green category of Industrial/ Non-Industrial Sector/Project/Unit having investment cost upto Rs. 10 crore or CLU cases upto 1 acre in conforming area.
- 4.4 All the cases of the Industrial/ Non-Industrial Sector/Project/Unit of Red, Orange and Green category, having investment cost more than Rs. 10 crore or CLU cases more than 1 acre in conforming area, which are submitted through the online portal of HEPC for grant of consent to establish and consent to operate of the Board under Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, shall be decided by the officer of the Board on deputation with EEC/HEPC and delegated with such powers by the HSPCB for grant/refusal of CTE/CTO.

### 5. Requirement of Sampling and submission of analysis reports

- 5.1 The Industrial/ Non-Industrial Sector/Project/Unit covered under consent management, will submit analysis reports of effluent/air emissions/noise levels of DG sets, as applicable, only from the Board's laboratories at the time of obtaining 1<sup>st</sup> CTO and thereafter the industries will be at liberty to get their samples analyzed from other Govt./Semi Govt./Private laboratories recognized by Board for the purpose of renewal of CTO.
- 5.2 In the case of Mandatory Inspections, court matters, re-sampling and complaints, the samples will be analyzed from Board Laboratories.
- 5.3 The Ambient Air Quality reports will be required only in the cases of specific complaints or where there are specific directions from CPCB/MoEF&CC or from any other competent authority or where any court of law has issued direction in this regard.
- 5.4 In case water is used only for cooling purpose and being circulated completely, there would be no requirement of analysis reports of such cooling water.
- 5.5 The units which have installed Effluent Treatment Plants/ Sewage Treatment Plants and utilizing the treated effluent for agriculture/horticulture purpose within their premises or recycling/reusing in their process of manufacturing, shall also submit the analysis reports of the samples of effluent from inlet and outlet of their ETPs/STPs and from final outlet (s) of the units, if these are different.
- 5.6 The standards prescribed under environmental laws by MoEF&CC/ CPCB are followed by the Board. Further, it is clarified that the standards to be prescribed from time to time under environmental laws by MoEF&CC/CPCB shall also be deemed to be the standards of Board. Provided that in case any stringent parameters will be prescribed by the Board on any subject where upon parameters are also provided by MoEF&CC/CPCB, the standards prescribed by the Board will be followed.  
The general standards prescribed under EP Rules, 1986 (as amended) shall be applicable on the industries for which specific standards are not prescribed.

### 6. Action against Violators

- 6.1 In case the industry is found creating such conditions that generate any type of pollution in excess of the prescribed standards or if there is any objection/ complaint received from the surrounding community & if on verification it is found that such objection/ complaint has some substance even after grant of CTE/CTO by the Board, the Board shall be at liberty to revoke/withdraw/cancel the CTE/CTO issued to such units & take legal action against such units under the provisions of the Water Act 1974, Air Act 1981 and the Environment (protection) Act, 1986, as considered appropriate.
- 6.2 Grant or renewal of CTE and CTO does not prevent the Board from revoking of those CTE and CTO including taking appropriate action against those defaulting units, where CTE or CTO has been obtained or got extended on

**Draft No. DFA/147263**

**Attachment: Annexure-I.pdf**

the basis of wrong declaration or false documents and also who fail to comply with any of the conditions of CTE granted to such units or any relevant provisions of Water Act, 1974 and Air Act, 1981 beside forfeiture of performance security deposited by the unit for obtaining CTE.

This consent procedure shall come in to force with immediate effect.

**Dated:** \_\_\_\_\_

**Chairman**

**List of Red Category of Industrial/ Non-Industrial Sectors/Projects**

Sr. No.	Industrial/ Non-Industrial Sector/Project/Unit
1.	Isolated storage of hazardous chemicals (as per schedule of manufacturing, storage of hazardous chemicals rules ,1989 as amended)
2.	Automobile Manufacturing (integrated facilities)
3.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Spent cleared metal catalyst containing copper,, Spent cleared metal catalyst containing zinc,,
4.	Manufacturing of lubricating oils ,grease and petroleum based products
5.	DG Set of capacity $\geq$ 5 MVA
6.	Industrial carbon including electrodes and graphite blocks, activated carbon, carbon black
7.	Lead acid battery manufacturing(excluding assembling and charging of lead-acid battery in micro scale)
8.	Phosphate rock processing plant
9.	Power generation plant [except Wind and Solar renewable power plants of all capacities and Mini Hydel power plant of capacity <25MW]
10.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Spent catalyst containing nickel, cadmium, Zinc, copper, arsenic, vanadium and cobalt,
11.	Processes involving chlorinated hydrocarbons
12.	Sugar ( excluding Khandsari)
13.	Fibre glass production and processing (excluding moulding)
14.	Fire crackers manufacturing and bulk storage facilities
15.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Dismantlers Recycling Plants --Components of waste electrical and electronic assembles comprising accumulators and other batteries included on list A, mercury-switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with Schedule 2 constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of this Schedule.
16.	Milk processes and dairy products (large, medium scale and integrated projects)
17.	Phosphorous and its compounds
18.	Pulp & Paper (waste paper based without bleaching process to manufacture Kraft paper)
19.	Coke making , liquefaction, coal tar distillation or fuel gas making
20.	Manufacturing of explosives, detonators, fuses including management and handling activities
21.	Manufacturing of paints varnishes, pigments and intermediate (excluding blending/mixing)
22.	Organic Chemicals manufacturing
23.	Airports and Commercial Air Strips having discharge of 100 KLD or more

No.	Industrial/ Non-Industrial Sector/Project/Unit
24.	Asbestos and asbestos based industries
25.	Basic chemicals and electro chemicals and its derivatives including manufacturing of acid
26.	Cement
27.	Chlorates, per-chlorates & peroxides
28.	Chlorine, fluorine, bromine, iodine and their compounds
29.	Dyes and Dye- Intermediates
30.	Health-care Establishment as defined in BMW Rules, having discharge of 100 KLD or more with or without incinerator
31.	Hotels having overall waste-water generation @ 100 KLD and more or having 3 star and above or having 100 rooms and above
32.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Lead acid battery plates and other lead scrap/ashes/residues not covered under Batteries (Management and Handling) Rules, 2001. [ * Battery scrap, namely: Lead battery plates covered by ISRI, Code word "Rails" Battery lugs covered by ISRI, Code word "Rakes". Scrap drained/dry while intact, lead batteries covered by ISRI, Code word "rains".
33.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Integrated Recycling Plants --Components of waste electrical and electronic assembles comprising accumulators and other batteries included on list A, mercury-switches, activated glass cullets from cathode-ray tubes and other activated glass and PCB-capacitors, or any other component contaminated with Schedule 2 constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they exhibit hazard characteristics indicated in part C of this Schedule.
34.	Manufacturing of glue and gelatin
35.	Mining and ore beneficiation
36.	Nuclear power plant
37.	Pesticides (technical) (excluding formulation)
38.	Photographic film and its chemicals
39.	Railway locomotive work shop/Integrated road transport workshop/Authorized service centers having discharge of 100 KLD or more
40.	Yarn / Textile processing involving any effluent/emission generating processes including bleaching, dyeing, printing and colouring
41.	Chlor Alkali
42.	Ship Breaking Industries
43.	Oil and gas extraction including CBM (offshore & on-shore extraction through drilling wells)
44.	Industry or process involving metal surface treatment or process such as pickling/ electroplating/paint stripping/ heat treatment using cyanide bath/ phosphating or finishing and anodizing / enamellings/ galvanizing
45.	Tanneries
46.	Ports and harbour, jetties and dredging operations
47.	Synthetic fibers including rayon ,tyre cord, polyester filament yarn
48.	Thermal Power Plants
49.	Slaughter house (as per notification S.O.270(E)dated 26.03.2001)and meat

No.	Industrial/ Non-Industrial Sector/Project/Unit
	processing industries, bone mill, processing of animal horn, hoofs and other body parts
50.	Aluminium Smelter
51.	Copper Smelter
52.	Fertilizer (basic) (excluding formulation)
53.	Iron & Steel (involving processing from ore/ integrated steel plants) and or Sponge Iron units
54.	Pulp & Paper ( waste paper based units with bleaching process to manufacture writing & printing paper)
55.	Zinc Smelter
56.	Oil Refinery (mineral Oil or Petro Refineries)
57.	Petrochemicals Manufacturing ( including processing of Emulsions of oil and water )
58.	Pharmaceuticals including basis drugs
59.	Pulp & Paper ( Large-Agro + wood) , Small Pulp & Paper ( agro based-wheat straw/rice husk)
60.	Distillery ( molasses / grain / yeast based)
61.	Induction Furnace clubbed with AOD Furnace
62.	Synthetic detergents and soaps having waste water generation more than 100 KLD (excluding formulation)
63.	Automobile servicing, repairing and painting having waste water generation more than 100 KLD (excluding only fuel dispensing)
64.	Building and construction projects having waste water generation more than 100 KLD irrespective of their built-up area
65.	Ceramics and Refractories having coal consumption more than 12 MT per day
66.	Fermentation industry including manufacture of yeast, beer, distillation of alcohol (Extra Neutral Alcohol) having discharge > 100 KLD
67.	Lead metal extraction involving different furnaces through melting, refining, re-processing, casting and alloy-making
68.	Industry or processes involving foundry operations having capacity of 5 MT/hr. and more.
69.	Manufacturing of lead glass
70.	Non-alcoholic beverages (soft drink) & bottling of alcohol/non alcoholic products having waste-water generation > 100 KLD.
71.	Vegetable oil manufacturing including solvent extraction and refinery /hydrogenated oils having waste-water generation more than 100 KLD
72.	Parboiled Rice Mills having waste-water generation > 100 KLD or fuel consumption > 12 MTD or both.
73.	Common treatment and disposal facilities (CETP, TSDF, E-waste recycling, CBMWTF, effluent conveyance project, incinerator, solvent/acid recovery plant, MSW sanitary land fill site
74.	Sewage treatment plants having capacity 100 KLD or more
75.	Industrial estates/ parks / complexes/ areas/ export processing zones/ SEZs/ Biotech parks/ leather complex
76.	Units engaged in the activities of handling and management of Hazardous Waste as defined in Hazardous and other Wastes (M & TM) Rules, 2016, other than those covered under any of the category of industrial sectors, such as use, treatment, processing, recovery, pre-processing, co-processing,



Sr. No.	Industrial/ Non-Industrial Sector/Project/Unit
	utilization etc. of the hazardous and other wastes
77.	Recycling of used lead acid batteries
78.	Lithium Ion battery manufacturing units or assembling of Lithium Ion batteries with or without charging, having overall liquid waste generation of 100 KLD or more irrespective of quantity of fuel used or the projects having overall liquid waste generation less than 100 KLD but having daily fuel consumption above 12 MT/day
79.	Railway Stations (Waste Water Generation $\geq$ 100 KLD)

List of Orange Category of Industrial/ Non-Industrial Sector  
Sectors/Projects

Sr. No.	Industrial/ Non-Industrial Sector Sector/Project
1.	Dismantling of rolling stocks ( wagons/ coaches)
2.	Bakery and confectionery units with production capacity > 1 TPD. ( With ovens / furnaces)
3.	Chanachur and laddoo from puffed and beaten rice( muri and shira) using husk fired oven
4.	Coated electrode manufacturing
5.	Compact disc computer floppy and cassette manufacturing / Reel manufacturing
6.	Flakes from rejected PET bottle
7.	Food and food processing including fruits and vegetable processing
8.	Jute processing without dyeing
9.	Manufacturing of silica gel
10.	Manufacturing of tooth powder, toothpaste, talcum powder and other cosmetic items
11.	Printing or etching of glass sheet using hydrofluoric acid
12.	Silk screen printing, sari printing by wooden blocks
13.	Synthetic detergents and soaps(excluding formulation)
14.	Thermometer manufacturing
15.	Cotton spinning and weaving ( medium and large scale)
16.	Almirah, Grill Manufacturing (Dry Mechanical Process )
17.	Aluminium & copper extraction from scrap using oil fired furnace (dry process only)
18.	Automobile servicing, repairing and painting having quantity of waste water generation up to 100 KLD (excluding only fuel dispensing)
19.	Ayurvedic and homeopathic medicine
20.	Brickfields ( excluding fly ash brick manufacturing using lime process)
21.	Building and construction projects having quantity of waste water generation 10 KLD to 100 KLD irrespective of their built-up area
22.	Ceramics and Refractories having coal consumption upto 12 MT per day
23.	Coal washeries
24.	Dairy and dairy products ( small scale)
25.	DG set of capacity >1MVA but < 5MVA
26.	Dry coal processing, mineral processing, industries involving ore sintering, pelletising, grinding & pulverization
27.	Fermentation industry including manufacture of yeast, beer, distillation of alcohol having quantity of waste water discharge upto 100 KLD (Extra Neutral Alcohol)
28.	Ferrous and Non- ferrous metal extraction involving different furnaces through melting, refining, re-processing, casting and alloy-making
29.	Fertilizer (granulation / formulation / blending only)
30.	Fish feed, poultry feed and cattle feed
31.	Fish processing and packing (excluding chilling of fishes)
32.	Forging of ferrous and non- ferrous metals ( using oil and gas fired furnaces)

Sr. No.	Industrial/ Non-Industrial Sector Sector/Project
33.	Formulation/pelletization of camphor tablets, naphthalene balls from camphor/naphthalene powders.
34.	Glass ceramics, earthen potteries and tile manufacturing using oil and gas fired kilns, coating on glasses using cerium fluorides and magnesium fluoride etc.
35.	Gravure printing, digital printing on flex, vinyl
36.	Heat treatment using oil fired furnace ( without cyaniding)
37.	Hot mix plants
38.	Hotels (< 3 star) or hotels having > 20 rooms and less than 100 rooms or having quantity of waste water discharge less than 100 KLD.
39.	Ice cream
40.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Paint and ink Sludge/residues
41.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Brass Dross ,, Copper Dross,, Copper Oxide Mill Scale,, Copper Reverts, Cake & Residues,, Waste Copper and copper alloys in dispersible form,, Slags from copper processing for further processing or refining ,, Insulated Copper Wire,, Scrap/copper with PVC sheathing including ISRI-code material namely "Druid" ,, Jelly filled Copper cables ,, Zinc Dross-Hot dip Galvanizers SLAB,, Zinc Dross-Bottom Dross,, Zinc ash/Skimming arising from galvanizing and die casting operations,, Zinc ash/Skimming/other zinc bearing wastes arising from smelting and refining,, Zinc ash and residues including zinc alloy residues in dispersible form ,,
42.	Industry or processes involving foundry operations having capacity of foundry operations less than 5 MT per hr.
43.	Lime manufacturing (using lime kiln)
44.	Liquid floor cleaner, black phenyl, liquid soap, glycerol mono-stearate manufacturing
45.	Manufacturing of glass
46.	Manufacturing of iodized salt from crude/ raw salt
47.	Manufacturing of mirror from sheet glass
48.	Manufacturing of mosquito repellent coil
49.	Manufacturing of Starch/Sago
50.	Mechanized laundry using oil fired boiler
51.	Modular wooden furniture from particle board, MDF< swan timber etc, Ceiling tiles/ partition board from saw dust, wood chips etc., and other agricultural waste using synthetic adhesive resin, wooden box making ( With boiler)
52.	New highway construction project
53.	Non-alcoholic beverages(soft drink) & bottling of alcohol/non alcoholic products having quantity of waste water generation up to 100 KLD
54.	Paint blending and mixing (Ball mill)
55.	Paints and varnishes (mixing and blending)
56.	Ply wood manufacturing (including Veneer and laminate) using the fuel such as wood or coal or any other authorized fuel with or without resin plant
57.	Potable alcohol ( IMFL) by blending, bottling of alcohol products
58.	Printing ink manufacturing
59.	Printing press

Sr. No.	Industrial/ Non-Industrial Sector/Project
60.	Reprocessing of waste plastic including PVC
61.	Rolling mill (oil or coal fired) and cold rolling mill
62.	Spray painting, paint baking, paint shipping
63.	Steel and steel products using various furnaces like blast furnace /open hearth furnace/induction furnace/arc furnace/submerged arc furnace /basic oxygen furnace /hot rolling reheated furnace
64.	Stone crushers
65.	Surgical and medical products including prophylactics and latex
66.	Teflon based products
67.	Thermocol manufacturing ( with boiler)
68.	Tobacco products including cigarettes and tobacco/opium processes
69.	Transformer repairing/ manufacturing ( dry process only)
70.	Tyres and tubes vulcanization/ hot retreating
71.	Vegetable oil manufacturing including solvent extraction and refinery /hydrogenated oils without waste water generation or having quantity of waste water generation up to 100 KLD
72.	Wire drawing and wire netting
73.	Dry cell battery ( excluding manufacturing of electrodes) and assembling & charging of acid lead battery on micro scale
74.	Pharmaceutical formulation and for R & D purpose ( For sustained release/ extended release of drugs only and not for commercial purpose)
75.	Synthetic resins
76.	Synthetic rubber excluding molding
77.	Cashew nut processing
78.	Coffee seed processing
79.	Parboiled Rice Mills having quantity of waste water generation up to 100 KLD or fuel consumption up to 12 MTD or both
80.	Foam manufacturing
81.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Used Oil - As per specifications prescribed from time to time.
82.	Industries engaged in recycling / reprocessing/ recovery/reuse of Hazardous Waste under schedule iv of HW( M, H& TBM) rules, 2008 - Items namely - Waste Oil ---As per specifications prescribed from time to time.
83.	Producer gas plant using conventional up drift coal gasification ( linked to rolling mills glass and ceramic industry refectories for dedicated fuel supply)
84.	Health care establishments (As defined in BMW Rules) having waste water generation less than 100 KLD without incinerator
85.	Airport and commercial air strips having discharge less than 100 KLD
86.	Railway locomotive workshop/Integrated road transport workshop/Authorized service centers (having waste-water generation < 100 KLD)
87.	Manufacturing of pasted veneers using coal/wood scrap boiler or thermic fluid heater and by sun drying
88.	Cardboards and Millboards
89.	Strawboards
90.	Formulation of pesticides/ insecticides
91.	Recycling / Pyrolysis plants of waste pneumatic tyres/tyre scrap

Sr. No.	Industrial/ Non-Industrial Sector Sector/Project
92.	Screening plants
93.	Surgical cotton industries
94.	Inorganic Chemical Compounds such as Chlorides/Sulphates/Sulphites/Niterates/Oxides/Flourides/ Stearates of metals/Cations
95.	Sodium and other silicates manufacturing
96.	Cotton coated fabrics including printing and lamination (Rexene)
97.	Friction dust
98.	Brake lining/ Disc brake pad
99.	Chlorinated paraffin wax/plasticizers
100.	Sewage treatment plants having capacity 10 KLD or more but less than 100 KLD
101.	Infrastructure development projects having overall liquid Waste generation 100 KLD or more
102.	Dismantling of E-Waste
103.	Flour mills generating trade effluent
104.	Distilled water units using boiler or furnace as heating source
105.	Construction and Demolition (C&D) Waste processing and recycling units
106.	Garment/ Apparel manufacturing units having only garment washing, with or without boiler except bleaching, dyeing, printing, coloring
107.	Lithium Ion battery manufacturing units or assembling of Lithium Ion batteries with or without charging, having overall liquid waste generation of 100 KLD and daily consumption of coal/fuel less than 12 MT/day or without use of any fuel in the process
108.	Railway Stations (Waste Water Generation $\geq 10$ KLD but $< 100$ KLD))
109.	Scrapping Centers (for end of life of vehicles and other scraps such as plant and machineries, structural material, railway coaches and wagons etc.) a. Collection, de-pollution, dismantling centres and shredding centres b. Collection, de-pollution and dismantling centres c. shredding centres (can include white goods/other scraps also)
110.	Compressed/refined bio-gas production for bio-degradable wastes
111.	Dairy Farm having 15 animals and above (Stand alone or isolated)
112.	Gaushalas (having waste water generation $> 100$ KLD)

**List of Green Category of Industrial/ Non-Industrial Sector Sectors/Projects**

Sr. No.	Industrial/ Non-Industrial Sector Sector/Project
1.	Aluminium utensils from aluminium circles by pressing only (dry mechanical operation)
2.	Ayurvedic and homeopathic medicines (without boiler)
3.	Bakery /confectionery /sweets products (with production capacity <1tpd (with gas or electrical oven)
4.	Bi-axially oriented PP film along with metalizing operations
5.	Biomass briquettes (sun drying) without using toxic hazardous wastes
6.	Blending of melamine resins & different powder, additives by physical mixing
7.	Brass and bell metal utensils manufacturing from circles(dry mechanical operation without re-rolling facility)
8.	Candy
9.	Cardboard or corrugated box and paper products (excluding paper or pulp manufacturing and without using boilers)
10.	Carpentry & wooden furniture manufacturing (excluding saw mill) with the help of electrical (motorized) machines such as electrical wood planner, steel saw cutting circular blade, etc.
11.	Cement products (without using asbestos / boiler / steam curing) like pipe ,pillar, jafri, well ring, block/tiles etc.(should be done in closed covered shed to control fugitive emissions)
12.	Ceramic colour manufacturing by mixing & blending only (not using boiler and wastewater recycling process)
13.	Chilling plant, cold storage and ice making
14.	Coke briquetting ( sun drying)
15.	Cotton spinning and weaving (small scale)
16.	Dal Mills
17.	Decoration of ceramic cups and plates by electric furnace
18.	Digital printing on PVC clothes
19.	Facility of handling, storage and transportation of food grains in bulk
20.	Flour mills/Atta Chakki (dry process) running on commercial mode with packing facility of Atta for selling it into market (having wheat cleaning process and fugitive dust)
21.	Glass , ceramic, earthen potteries, tile and tile manufacturing using electrical kiln or not involving fossil fuel kiln
22.	Glue from starch (physical mixing) with gas / electrically operated oven /boiler.
23.	Gold and silver smithy (purification with acid smelting operation and sulphuric acid polishing operation) (using less or equal to 1 litre of sulphuric acid/ nitric acid per month)
24.	Heat treatment with any of the new technology like ultrasound probe , induction hardening , ionization beam, gas carburizing etc.
25.	Insulation and other coated papers (excluding paper or pipe manufacturing)
26.	Leather foot wear and leather products (excluding tanning and hide processing except cottage scale)

Sr. No.	Industrial/ Non-Industrial Sector Sector/Project
27.	Lubricating oil, greases or petroleum based products (only blending at normal temperature)
28.	Manufacturing of pasted veneers using gas fired boiler or thermic fluid heater and by sun drying
29.	Oil mill Ghani and extraction ( no hydrogenation / refining)
30.	Packing materials manufacturing from non asbestos fibre, vegetable fibre yarn
31.	Phenyl/toilet cleaner formulation and bottling
32.	Polythene and plastic processed products manufacturing (virgin plastic)
33.	Poultry Farms handling one lac or more birds at a given time in single location and Hatchery & Piggery irrespective of no. of birds/animals
34.	Power looms (without dye and bleaching)
35.	Puffed rice (muri) (using gas or electrical heating system)
36.	Pulverization of bamboo and scrap wood
37.	Ready mix cement concrete irrespective of investment cost
38.	Reprocessing of waste cotton
39.	Rice mill (Rice hullers only)
40.	Rolling mill ( gas fired) and cold rolling mill
41.	Rubber goods industry (with approved fuel operated baby boiler)
42.	Saw mills
43.	Soap manufacturing (hand made without steam boiling / boiler)
44.	Spice grinding (up to 20 HP motor)
45.	Spice grinding (>20 HP motor)
46.	Steel furniture without spray painting
47.	Steeping and processing of grains
48.	Tyres and tube retreating (without boilers)
49.	CO2 recovery
50.	Distilled water ( without boiler) with electricity as source of heat
51.	Hotels (up to 20 rooms and without boilers)
52.	Manufacturing of optical lenses (using electrical furnace)
53.	Mineralized water
54.	Tamarind powder manufacturing
55.	Cutting, sizing and polishing of marble stone
56.	Emery powder ( fine dust of sand) manufacturing
57.	Flyash export, transport & disposal facilities
58.	Mineral stack yard / Railway sidings
59.	Oil and gas transportation pipeline
60.	Seasoning of wood in steam heated chamber
61.	Synthetic detergent formulation
62.	Tea processing ( with boiler)
63.	Modular wooden furniture from particle board, MDF< swan timber etc, Ceiling tiles/ partition board from saw dust, wood chips etc., and other agricultural waste using synthetic adhesive resin, wooden box making (Without boiler)
64.	LPG bottling plants
65.	Sewage treatment plants having capacity less than 10 KLD
66.	Infrastructure development projects having overall liquid Waste generation less than 100 KLD

Sr. No.	Industrial/ Non-Industrial Sector Sector/ Project
67.	Industrial inorganic gases namely- a) Chemical gas- Acetylene, hydrogen, chlorine, fluorine, ammonia, sulphur dioxide, ethylene, hydrogen-sulphide, phosphine b) Hydrocarbon gases- Methane, ethane, propane
68.	Automobiles manufacturing outsourcing all of the polluting activities.
69.	Refurbishing of used electrical and electronic equipments
70.	Manufacturing of bakelite molded components
71.	Railway Stations (Waste Water Generation <10 KLD)
72.	Gaushalas (having waste water generation <100 KLD)
73.	Compressed/refined bio-gas production for bio-degradable wastes (No waste water discharge from digester and also feed slurry to digester having volatile organic fraction more than 75%)



**List of White Category of Industrial/ Non-Industrial Sector Sectors/Projects**

<b>Sr. No.</b>	<b>Industrial/ Non-Industrial Sector Sector/Project</b>
1.	Assembly of air coolers /conditioners ,repairing and servicing
2.	Assembly of bicycles ,baby carriages and other small non motorizing vehicles
3.	Bailing (hydraulic press)of waste papers
4.	Bio fertilizer and bio-pesticides without using inorganic chemicals
5.	Biscuits trays etc from rolled PVC sheet (using automatic vacuum forming machines)
6.	Blending and packing of tea
7.	Block making of printing without foundry (excluding wooden block making)
8.	Chalk making from plaster of Paris (only casting without boilers etc. (sun drying / electrical oven)
9.	Compressed oxygen gas from crude liquid oxygen (without use of any solvents and by maintaining pressure & temperature only for separation of other gases)
10.	Cotton and woolen hosiers making (Dry process only without any dyeing / washing operation)
11.	Diesel pump repairing and servicing (complete mechanical dry process)
12.	Electric lamp ( bulb) and CFL manufacturing by assembling only
13.	Electrical and electronic item assembling ( completely dry process)
14.	Engineering and fabrication units (dry process without any heat treatment / metal surface finishing operations / painting)
15.	Flavoured betel nuts production/ grinding (completely dry mechanical operations)
16.	Fly ash bricks/ block manufacturing
17.	Fountain pen manufacturing by assembling only
18.	Glass 51yd51es and vilas making from glass tubes
19.	Glass putty and sealant (by mixing with machine only)
20.	Ground nut decorticating
21.	Handloom/ carpet weaving (without dyeing and bleaching operation)
22.	Leather cutting and stitching (more than 10 machine and using motor)
23.	Manufacturing of coir items from coconut husks
24.	Manufacturing of metal caps containers etc
25.	Manufacturing of shoe brush and wire brush
26.	Medical oxygen
27.	Organic and inorganic nutrients (by physical mixing)
28.	Organic manure (manual mixing)
29.	Packing of powdered milk
30.	Paper pins and u clips
31.	Repairing of electric motors and generators (dry mechanical process)
32.	Rope (plastic and cotton)
33.	Scientific and mathematical instrument manufacturing
34.	Solar module non conventional energy apparatus manufacturing unit
35.	Solar power generation through solar photovoltaic cell, wind power and mini

Sr. No.	Industrial/ Non-Industrial Sector Sector/Project
	hydel power (less than 25 MW)
36.	Surgical and medical products assembling only (not involving effluent / emission generating processes)
37.	Automobile fuel outlets (only dispensing)
38.	Diesel generator sets having total capacity 1 MVA or less and equipped with acoustic enclosures alongwith adequate stack height
39.	Almirah, Grill Manufacturing without painting operation (Dry Mechanical Process)
40.	Health care Establishments i.e hospitals/clinics without indoor facilities and having only OPD consultancy
41.	Printing presses without involving water polluting process
42.	Garment / Apparel units involving only stitching process, without discharge of effluent and Air emissions from process
43.	Poultry Farms handling less than one lac birds. (Environmental guidelines issued by Haryana Government/CPCB for poultry farms shall be applicable)
44.	Atta chakki for personal use with dry process without involving wheat cleaning process and fugitive dust emission
45.	Compressed/refined bio-gas production for bio-degradable wastes [Domestic bio-digesters based on cow dung or house hold biodegradable waste (such as gobar gas plant)]

**Check List of documents for obtaining consent to establish (CTE) under  
Water Act, 1974 / Air Act, 1981**

**I. 1<sup>st</sup> Consent to Establish**

1. Online application
2. Proof of deposit of NOC/CTE fee and performance security.
3. C.A. Certificate regarding capital investment cost w.r.t. land, building, plant and machinery of the proposed project.
4. Fard Jamabandi and Intkal of land of the unit, in case unit is located outside approved industrial area/estate.
5. Power of attorney/authority letter to sign the application.
6. Allotment letter of the plot issued from the concerned authority in case of approved industrial area.
7. Manufacturing process and process Flow Chart.
8. Design Scheme of Effluent Treatment Plant/ Sewage treatment Plant, Air Pollution Control Devices / Hazardous Waste Management as applicable, with Hydraulic Design and design calculations based upon the Pollution load and prescribed standards.  
In case of Brick kilns, design and drawing of high draft Zig Zag technology based Kiln and stack.
9. Report of Tehsildar and District Forest Officer regarding Kisam of land through Deputy Commissioner, for areas covered under Aravali Notification, if applicable. In case the land falls in the industrial estate / area and HUDA sectors, the report of Regional Officers will be taken regarding applicability of Aravali Notification (only for District Gurugram and Nuh).
10. Clearance/ permission in case of the projects falling in the revenue estates covered in the Notification no. 191(E) dt. 27.08.2010 issued by Ministry of Environment, and Forest, Government of India regarding protected area of Sultanpur National Park in District Gurgaon.
11. Proof of receipt of application submitted to the Forest Department for clearance / permission /NOC, of Forest Department.
12. Report of Revenue Department / Forest Department & other concerned departments regarding sitting parameters in respect of Stone Crushers, Hot Mix Plants, Screening Plants, Pulverizes, Poultry Farms and License of DFSC in Case of brick Kilns.
13. Change of land use permission/license/NOC certificate from the Town & Country Planning Department or respective Municipal or other Authority or village Panchayat, as the case may be.
14. Lease deed/ Rent Agreement in case land is taken on rent or lease, Collaboration deed in case of construction projects, if applicable (duly registered with revenue authorities).
15. Copy of Environmental Clearance in case of the projects covered under, EIA Notification dated 14.09.2006.
16. Copy of MOA / partnership Deed / Trust Deed, as applicable having the name and address of Directors/Partners.
17. Declaration by the unit regarding awareness about pollution control related standards and law and undertaking for their compliance, as

per Annexure-VII.

18. Site plan of the unit in case it is located outside approved industrial area.
19. Layout plan showing the details of all manufacturing processes, location of stacks/ chimneys, ETP/ STP, APCM, Hazardous Waste storage and treatment facilities, tube wells, Water supply lines, Effluent drains and final outlets for the disposal of the effluent.

## II. Renewal/Extension of Consent to Establish

1. Online application for renewal of CTE with declaration on prescribed Performa (Annexure-VIII).
2. Proof of deposit of NOC/CTE fees (as per schedule available on the web-site of the Board i.e. www.hspcb.gov.in)
3. Copy of 1st CTE & previous renewed CTE (if any).
4. Power of Attorney/authority letter to sign the application.
5. Progress report regarding construction of project and installation of pollution control measures/devices, as per scheme submitted while obtaining 1st CTE.
6. Valid license or proof of submission of application for renewal of license to Town and Country Planning Department or any other concerned authority, in case of Building and construction projects and Township and Area Development projects.

## III. Consent to Establish for expansion of the existing project

Apart from the documents required for obtaining 1st CTE and NOC/fee, following additional documents are required to be submitted along with application for CTE for expansion of projects:-

1. Copy of valid CTO under Water Act, 1974/ Air Act, 1981 and Authorization under Hazardous Waste Management Rules (if applicable) for the existing project.
2. Latest inspection report and analysis reports of effluent/ air emissions/ noise (as applicable), conducted by Board officers for the mandatory inspection, if conducted.
3. Copy of fresh analysis reports of effluent/air emissions/ noise, analyzed from Board's lab/recognized lab. (not more than 03 month old)
4. Declaration regarding compliance of prescribed standards for discharge of environmental pollutants in the existing operating project of the unit as per **Annexure -XIII**.

**Performance Security prescribed for obtaining the Consent to Establish.****a) Performance Security as per investment cost of the projects (other than mentioned at Sr. No. b).**

Sr. No.	Capital Investment Cost of the project (Cost of land, building, Plant and Machinery)	Red Category (in Rs.)	Orange Category (in Rs.)	Green Category (in Rs.)
1.	Upto 0.5 crore	25,000/-	12,500/-	5,000/-
2.	Above 0.5 crore upto 1.00 crore	50,000/-	25,000/-	10,000/-
3.	Above 1.0 crore upto 5.00 crore	1,00,000/-	75,000/-	25,000/-
4.	Above 5.0 crore upto 10.00 crore	2,00,000/-	1,50,000/-	50,000/-
5.	Above 10.00 crore upto 50.00 crore	3,00,000/-	2,00,000/-	1,00,000/-
6.	Above 50.00 crore upto 100.00 crore	4,00,000/-	2,50,000/-	1,25,000/-
7.	Above 100.00 crore	5,00,000/-	3,00,000/-	1,50,000/-

**b) Performance Security for specific projects irrespective of investment cost**

1. Hot Mix Plants/ Stone Crushers/ Screening Plants : 50,000/-
2. Brick Kilns : 25,000/-
3. Mining Projects:-
  - a) More than ten Hectares : 5.0 lac
  - b) Five to ten Hectares : 2.5 lac
  - c) Less than five Hectares : 1.0 lac

**Declaration by the applicant for obtaining I<sup>st</sup> CTE**

I, \_\_\_\_\_ S/o/D/o/W/o \_\_\_\_\_ resident of \_\_\_\_\_ declare and affirm as under:-

1. That I am the Partner/Director/Manager/Occupier/Proprietor of the unit M/s \_\_\_\_\_.
2. That I am aware of the provisions of Water Act, 1974, Air Act, 1981 and HOWM Rules, 2016, Rules and procedure framed there under and standards/norms prescribed for discharge of pollutants under EPA Rules, 1986 and shall comply with the same.
3. That we shall comply with all the provisions of Water Act, 1974, Air Act, 1981 and Rules framed there under HOWM Rules, 2016 and standards/norms prescribed for discharge of pollutants under EP Rules, 1986 after commissioning of our unit.
4. That we have not started the work at the site for construction of plant and installation of machinery of our project and will also not start the same before obtaining the consent to establish under Water Act, 1974 and Air Act, 1981 from the Haryana State Pollution Control Board.
5. That the work for construction and installation of pollution control measures will be done side by side while doing the construction and installation of the main plant of the unit and will not start the production without installing proper and adequate pollution control measure as per scheme enclosed and without obtaining prior consent to operate from the Board.
6. In case of the non compliance of the above undertaking or false declaration found at any stage, the Board will be at liberty to forfeit the performance security amounting to Rs. \_\_\_\_\_ deposited along with the CTE application through online payment gateway or in the form of Demand Draft no. \_\_\_\_\_ dated \_\_\_\_\_ issued by \_\_\_\_\_ (Bank) besides taking any other legal action under the provision of Water Act, 1974 & Air Act, 1981.
7. That we shall comply with all the terms & conditions of consent to establish to be issued by the Board.

**Dated:****Deponent/Applicant**

**Format of the application for auto renewal of the consent to establish  
under Water Act, 1974 / Air Act, 1981.**

To

The Chairman,  
Haryana State Pollution Control Board,  
C-11, Sector 6, Panchkula.

**Sub: Application for auto-renewal of the consent to establish under Water Act, 1974 / Air Act, 1981- Self certification.**

**Ref: Consent to establish issued by the Board vide letter no. \_\_\_\_\_ dated \_\_\_\_\_ valid up to \_\_\_\_\_.**

Sir,

We are submitting herewith application for auto renewal of our consent to establish under Water Act, 1974 / Air Act, 1981 granted by your Board vide letter under reference, along with the prescribed NOC fees for the same and the following declaration and undertaking as per policy of your Board :-

1. That we have a valid consent to establish under Water Act, 1974 / Air Act, 1981 issued by HSPCB vide above referred letter validity upto \_\_\_\_\_, copy of which is enclosed herewith.
2. That the present details of the manufacturing process and other informations /data of our unit are same as submitted / provided to the Board earlier with original application for obtaining original Consent to Establish referred above and therefore the same may be considered for present application for renewal of consent to establish for another period w.e.f. \_\_\_\_\_ to \_\_\_\_\_.
3. That the proposed capital investment cost of our industry/ project, as per documents submitted with earlier application for consent to establish granted by HSPCB vide above referred letter, was Rs. \_\_\_\_\_ lacs, which will remain the same and will not be increased in terms of land, building and plant and machinery, without prior information / permission of the HSPCB.
4. That there will be no change in the raw material, process, products, quantity of effluent, source of air emissions, scheme of pollution control measures and increase in production or pollution load and will remain same as submitted in original application for consent to establish.
5. That we shall deposit the balance NOC fees if found due at any later stage due to increase in capital investment cost on land, building, plant and machinery.
6. That we are complying with the conditions of consent to establish granted earlier vide letter under reference and further undertake to comply with further conditions if any imposed by HSPCB in future.
7. That we shall install all the required pollution control measures and devices as per scheme / proposal already submitted by us with our original application for consent to establish upto the satisfaction of the Board side by side in proportionate to the construction of the project and before the commissioning of the unit failing which Board will be at liberty to forfeit the

- performance security deposited by us with the Board in this regard beside taking legal action under the provisions of relevant Acts/Rules applicable to our unit.
8. That we shall not start even trial production without obtaining prior consent to operate for trial production from the HSPCB.
  9. That we shall provide all the arrangements for sampling of air emissions and effluent as prescribed by the Board and online monitoring systems as directed by the HSPCB/CPCB from time to time, in our unit before starting even trial production.
  10. That in case our unit is not fully established within the validity period of extension of CTE, than we shall apply afresh for obtaining new CTE, 90 days before the expiry of the renewed CTE.
  11. That we are complying and shall comply with all the conditions of Environmental Clearance (in case unit is covered under EIA notification dated 14.09.2006.)
  12. That we shall comply with all the relevant provisions of water Act, 1974, Air Act, 1981, EPA, 1986 and Rules made their under including Hazardous Waste (MH&TM) Rules, 2008 applicable to our unit.
  13. That we undertake that auto renewal of consent to establish will not prevent the HSPCB for taking coercive action against us if our unit fails to comply the prescribed standards or conditions of consent to establish granted and renewed to our unit or only applicable provision of Water Act, 1974, Air Act, 1981 and EPA, 1986 and Rule made their under.
  14. That the declaration and undertaking given above has the approval of all the partners / Board of Directors / owners of the industry / project and copy of resolution of the Board / power of attorney in the regard is attached herewith.

It is therefore requested that the consent to establish may kindly be renewed/extended further for another period w.e.f. \_\_\_\_\_ to \_\_\_\_\_.

Dated: \_\_\_\_\_

Authorized Signatory

Name and Designation  
with phone no., email address  
and seal of the company



**Undertaking by those units which have been granted CTE but do not want to continue the work for construction and installation of their project beyond the validity period of their CTE.**

I, \_\_\_\_\_ S/o/D/o/W/o \_\_\_\_\_ in the capacity of \_\_\_\_\_ of M/s \_\_\_\_\_ undertake as under: -

1. That I am the Partner/Director/Manager/Occupier/Proprietor of the unit M/s \_\_\_\_\_.
2. That our unit have been granted consent to establish by the Board under Water Act, 1974 /Air Act, 1981 vide Letter no. \_\_\_\_\_ dated \_\_\_\_\_ valid up to \_\_\_\_\_.
3. That the detail about the status of our project constructed and established till date is attached herewith.
4. That we do not want to continue the work for construction and installation of our project beyond the validity period of consent to establish granted by the Board at this stage.
5. That we shall apply for extension of consent to establish as and when the remaining work for construction and installation of the project is proposed to be started well in advance and will not start the construction and installation work of the project without further extension of the consent to establish from the Board.

Dated: \_\_\_\_\_

Authorized Signatory

Name and Designation  
with phone no., email address  
and seal of the company

**Check list of documents for obtaining 1<sup>st</sup> consent to operate (CTO)****I. 1st Consent to Operate**

1. Online consent application.
2. Power of attorney/authority letter to sign the application.
3. Proof or deposit of required and applicable consent fee, as per schedule available on the web-site www.hspcb.gov.in.
4. Collection and testing fee prescribed by the Board as per schedule available on the web-site of the Board, for analysing the samples of effluent/ Air emissions/ Noise level of DG sets, as applicable, for all sources. (Analysis report of air emissions from all sources including diesel engines of capacity more than 0.8MW (800kW) for power plants and generator sets will be required).
5. Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage).
6. MOA / partnership Deed / Trust Deed (if changed).
7. Layout plan showing the details of all manufacturing processes, location of stacks/ chimneys, ETP/ STP, APCM, Hazardous Waste storage and treatment facilities, tube wells, Water supply lines, Effluent drains and final outlets for the disposal of the effluent.
8. Permission of the concerned authorities for disposal of the effluent in to sewer/drain etc.
9. Detail of land in case the effluent is discharged on land for percolation or for irrigation along with copy of registered agreement made with the land owners in case the land belong to the persons other then the land of the applicant unit.
10. Detail of ETP/STP, APCM, acoustic enclosure, Hazardous Waste Management Facilities installed in the unit along with their size, specification and capacity.
11. In case of industries/projects/establishments handling Hazardous Chemicals having threshold quantities mentioned in schedule II and III of MSIHC, Rules, 1989 and covered under rule 10 & 13 of these Rules, proof of submission of safety audit report duly audited with the help of an expert, atleast 90 days before commencing the activity and onsite emergency plan alongwith report of the mock drill of the same to Chief Inspector of Factories alongwith copy of the same. (Required as per instructions of MOEF & CC issued vide letter No. 14-7(382)/2010-HSMD dated 09.03.2016).
12. Occupation certificate issued by Town & Country Planning Department, in case of Building & construction projects/area development projects.

**II. Renewal of consent to operate**

1. Online application for renewal of CTO on prescribed Proforma (Annexure-XI).
2. Proof of deposit of required and applicable consent fee (as per schedule available on the web-site www.hspcb.gov.in).
3. Copy of previous CTO.
4. Power of attorney/authority letter to sign the application.
5. Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage).
6. Latest inspection report and analysis reports of effluent/ air emissions/ noise conducted by Board officer (s) for the mandatory inspection, if conducted.
7. Copy of fresh analysis reports of effluent/air emissions/ noise analyzed from Board's lab/recognized lab. (not more than 03 months old)
8. Environment Statement in Form V for the financial year ending on 31<sup>st</sup> March (required in compliance of Rule 14 of EP Rules, 1986).
9. In case of industries/projects/establishments handling Hazardous Chemicals having threshold quantities mentioned in schedule II and III of MSIHC, Rules, 1989 and covered under rule 10 & 13 of these Rules, proof of submission of updated safety audit report duly audited with the help of an expert, annually and up to date onsite emergency plan alongwith report of the mock drill of the same to Chief Inspector of Factories alongwith copy of the same, (Required as per instructions of MOEF & CC issued vide letter No. 14-7(382)/2010-HSMD dated 09.03.2016).
10. Permission of the concerned authorities for disposal of the effluent in to sewer/drains etc (in case not submitted earlier).
11. Detail of land in case the effluent is discharged on land for percolation or for irrigation along with copy of registered agreement made with the land owners in case the land belong to the persons other then the land of the applicant unit (in case not submitted earlier).
12. Copy of logbook for last 03 months maintained for operation of ETP/STP/APCM for the record of energy and chemical consumption, quantity of effluent at inlet and outlet of ETP/STP supported with readings of magnetic flow meters alongwith quantity of treated effluent recycled/reused in the process, utilized in the premises and discharged, mode of disposal.

**Format of the application for auto renewal of the consent to operate under Water Act, 1974 / Air Act, 1981.**

To

The Member Secretary,  
Haryana State Pollution Control Board,  
C-11, Sector 6, Panchkula.

**Sub: Application for auto-renewal of the consent to operate for the period \_\_\_\_\_ under Water Act, 1974 / Air Act, 1981.**

Sir,

It is submitted that we had been granted the consent to operate under Water Act, 1974 / Air Act, 1981 upto \_\_\_\_\_ by the Board vide letter No. \_\_\_\_\_ dt. \_\_\_\_\_ and No. \_\_\_\_\_ dt. \_\_\_\_\_ respectively. Now we are submitting our application for auto renewal of the consent to operate under Water Act, 1974 / Air Act, 1981 for the period \_\_\_\_\_ to \_\_\_\_\_, along with the prescribed consent fees for the same and with the following declaration and undertaking as per policy of your Board :-

1. That we have valid consent to operate under Water Act, 1974 / Air Act, 1981 upto \_\_\_\_\_ issued by HSPCB vide above referred letters, copies of which are enclosed herewith.
2. That the present details of the manufacturing process and other informations /data of our unit are same as submitted / provided by the Board earlier with original application for obtaining previous Consent to operate referred above and therefore the same may be considered for present application for renewal of consent to operate for further period w.e.f. \_\_\_\_\_ to \_\_\_\_\_.
3. That the capital investment cost on land, building, plant and machinery of our industry/ project without charging depreciation and with upto date additions as on \_\_\_\_\_ is Rs. \_\_\_\_\_ lacs and the consent fees has been deposited according to the said capital investment cost of our unit. We undertake to deposit the balance consent fees if any found due at any stage due to increase in the investment cost on Land, Building, Plant and Machinery of our unit at any later stage.
4. That we are complying with the conditions of previous consent to operate granted to our unit by the Board valid upto \_\_\_\_\_ and also complying with all the standards / norms prescribed under EP Rules, 1986 for discharge of environmental pollutants, by operating our pollution control devices regularly and effectively.
5. That there will be no change in the raw material, process, products, quantity of effluent, source of air emissions, technology of pollution control measures and increase in production or pollution load and will remain same as submitted in the previous application for consent to operate.

Draft No. DFA/147263

Attachment: Annexure-I.pdf

6. That we shall keep on operating and maintaining our pollution control measures / devices regularly and effectively and will maintain and keep all the parameters within standards / norms prescribed under EP Rules, 1986.
7. That we are submitting herewith the copy of the latest inspection report and analysis report of effluent/ air emissions/ noise conducted by the Board's officers on \_\_\_\_\_ alongwith copy of fresh analysis reports of effluent/ air emissions/ noise analyzed from Board's laboratory/ recognized laboratory, showing the compliance of prescribed standards.
8. We undertake to comply with all the conditions of renewal of consent to operate to be imposed by the Board if any.
9. That we shall comply with all the relevant provisions of water Act, 1974 and Air Act, 1981.
10. We undertake that auto renewal of consent to operate will not prevent the Board for taking coercive action against us if our unit fails to comply with the prescribed standards or conditions of consent granted during auto renewal of the same.
11. The undertaking has the approval of the Board of Directors/ Partner/Owner of the industry/project and copy of the resolution of the Board/ Power of Attorney is attached herewith.

It is therefore requested that the consent to operate under Water Act, 1974/ Air Act, 1981 may kindly be renewed further for another period w.e.f. \_\_\_\_\_ to \_\_\_\_\_.

Dated: \_\_\_\_\_

Authorized Signatory

Name and Designation  
with phone no., email address  
and seal of the company

**Checklist of documents for obtaining Consent to Operate (CTO) by the Industrial/ Non-Industrial Sector/Project/Unit already existing and operating before 14.07.2016 which were not covered previously under consent management as per notification dated 15.04.2014 amended from time to time or earlier but have been covered under consent management first time w.e.f. 14.07.2016 as per revised categorization of industrial sectors for consent management.**

1. Online consent application.
2. Power of attorney/authority letter to sign the application.
3. Proof or deposit of required and applicable consent fee, as per schedule available on the web-site www.hspcb.gov.in.
4. Collection and testing fee prescribed by the Board as per schedule available on the web-site of the Board, for analysing the samples of effluent/ Air emissions/ Noise level of DG sets, as applicable, for all sources. (Analysis report of air emissions from all sources including diesel engines of capacity more than 0.8MW (800kW) for power plants and generator sets will be required).
5. Copy of balance sheet duly attested by CA or CA certificate w.r.t. capital investment cost of the unit for the preceding year. (Capital investment cost should include the original cost of land, building, plant & machinery without depreciation but with upto date additions. The cost of land and building should be included in the capital investment cost even if it is on lease or rent or mortgage).
6. MOA / partnership Deed / Trust Deed (if changed).
7. Layout plan showing the details of all manufacturing processes, location of stacks/ chimneys, ETP/ STP, APCM, Hazardous Waste storage and treatment facilities, tube wells, Water supply lines, Effluent drains and final outlets for the disposal of the effluent.
8. Permission of the concerned authorities for disposal of the effluent in to sewer/drain etc.
9. Detail of land in case the effluent is discharged on land for percolation or for irrigation along with copy of registered agreement made with the land owners in case the land belong to the persons other then the land of the applicant unit.
10. Detail of ETP/STP, APCM, acoustic enclosure, Hazardous Waste Management Facilities installed in the unit along with their size, specification and capacity.
11. Fard Jamabandi and Intkal of land of the unit in case unit is located outside approved industrial area/estate.
12. Allotment letter of the plot issued from the concerned authority in case of approved industrial area/estate.
13. Manufacturing process and process Flow Chart.
14. Report of Tehsildar and District Forest Officers regarding Kisam of land through Deputy Commissioner for areas covered under Aravali Notification, if applicable. In case the land falls in the industrial estate / area and HUDA sectors, the report of Regional Officers will be taken regarding applicability of Aravali Notification (only for Gurugram and Nuh District).
15. Clearance/ permission in case of the projects falling in the revenue estates covered in the Notification no. 191(E) dt. 27.08.2010 issued by Ministry of Environment, and Forest, Government of India regarding protected area of

Draft No. DFA/147263

Attachment:Annexure-I.pdf

- Sultanpur National Park in District Gurgaon.
16. Change of land use permission/license/NOC certificate from the Town & Country Planning Department or respective Municipal or other Authority or Panchayat as the case may be.
  17. Lease deed/ Rent Agreement duly registered with revenue authorities, in case land is taken on lease/rent.
  18. Site plan of the unit in case it is located outside approved industrial area.
  19. Environment Statement in Form V for the financial year ending on 31st March. (required in compliance of Rule 14 of EP Rules, 1986).
  20. Proof of submission of updated safety audit report duly audited with the help of an expert, annually and up to date onsite emergency plan alongwith report of the mock drill of the same to Chief Inspector of Factories alongwith copy of the same, in case of industries/projects/establishments handling Hazardous Chemicals having threshold quantities mentioned in schedule II and III of MSIHC, Rules, 1989 and covered under rule 10 & 13 of these Rules. (Required as per instructions of MOEF & CC issued vide letter No. 14-7(382)/2010-HSMD dated 09.03.2016).
  21. Copy of logbook for last 03 months maintained for operation of ETP/STP/APCM for the record of energy and chemical consumption, quantity of effluent at inlet and outlet of ETP/STP supported with readings of magnetic flow meters alongwith quantity of treated effluent recycled/reused in the process, utilized in the premises and discharged, mode of disposal.

**Declaration by the applicant for obtaining CTE for expansion of the project.**

I, \_\_\_\_\_ S/o/D/o/W/o \_\_\_\_\_ resident of \_\_\_\_\_ declare and affirm as under:-

1. That I am the Partner/Director/Manager/Occupier/Proprietor of the unit M/s \_\_\_\_\_.
2. That we are operating pollution control devices in our industry regularly and effectively and meeting the standards prescribed under Environment (Protection) Rules, 1986 for discharge of pollutants into the atmosphere, which will be maintained in future also.
3. That we shall install the required and adequate pollution control devices for the expansion project in our industry before commissioning the production and will also obtain prior consent to operate before starting trial production in our expansion project.
4. In case of the non compliance of the above undertaking or false declaration found at any stage, the Board will be at liberty to forfeit the performance security amounting to Rs. \_\_\_\_\_ deposited along with the CTE application through online payment gateway or in the form of Demand Draft no. \_\_\_\_\_ dated \_\_\_\_\_ issued by \_\_\_\_\_ (Bank) besides taking any other legal action under the provision of Water Act, 1974 & Air Act, 1981.
5. That we shall comply with all the terms & conditions of consent to establish to be issued by the Board.

**Dated:****Deponent/Applicant**



**Performa for submission of application by the units for change of their name in the record of HSPCB as per the change in the permission granted by the competent authority.**

**(In case of change of name of unit without change in ownership/process/raw material/products)**

1.	Name & address of the unit registered with the Board	:	
2.	New name of the unit after change as per registration certificate issued from the registration authority i.e. Deptt. of Industries & Commerce/Registrar of companies/Societies etc.	:	
3.	Name and designation of authorized signatory of the applicant unit.	:	
4.	Reasons for the change in the name of the unit	:	
5.	Competent authority for change of name of the unit	:	
6.	Letter no. and date of authority granted the permission for change of name	:	
7.	Status of CTO/authorization of the old unit with validity if granted; (a) Under Water Act, 1974 (b) Under Air Act, 1981 (c) Under HOWM Rules, 2008/2016 (d) Any other applicable Rules	:	
8.	In case CTO/authorization applied and not decided then name of the unit (existing or new) applied CTO.	:	
9.	Capital investment cost of the unit on land, building, plant & machinery (without depreciation) based upon latest balance sheet of the unit.	:	
10.	Detail of CTE/NOC fees; (i) Amount required to be deposited as per fee structure (in Rs.) (ii) Deposited amount with detail of DD No., date and Bank/online transaction no./date. (iii) Balance amount, if any	:	
11.	Manufacturing process, raw materials and products of the unit.	:	
12.	Detail of change in name, ownership or transfer of interest of the unit, if any done in the past	:	
13.	Detail of supporting documents attached (as per checklist)	:	

Draft No. DEA/147263

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14.	Declaration; (i). That I am the authorized signatory of my unit to submit this application. (ii). That there is/will be no change in the ownership/ manufacturing process /raw materials/ products of the industry and in case of any such change is proposed in future, prior consent to establish and/or other required permissions will be taken from the HSPCB. (iii). That we shall comply with all the terms and conditions what so ever imposed by the Board while giving permission for change of name of the unit in the record of HSPCE.	:
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**Date:****Place:**

**(Signature)**  
**Authorized Signatory**  
**(as per column no. 3**

**Checklist of supporting documents to be submitted by the unit**

- a) Power of attorney/authorization letter
- b) Copy of latest CTO/Authorization
- c) Self declaration regarding no change in the ownership process/raw material/products of the unit.
- d) Copy of fresh registration certificate issued from Industries & Commerce Department or from Registrar of Companies/societies or from any other concerned authority, as the case may be, with changed name of the unit.
- e) Proof of NOC/CTE fees deposited.
- f) Proof of capital investment cost of the unit on land, building, plant & machinery (without depreciation) based upon latest balance sheet of the unit, attested by CA.

**Performa for recommendation of Regional Officer regarding grant of permission for change of name of unit in record of HSPCB as per the change in the permission granted by the competent authority.**

**(In case of change of name of unit without change in ownership/process/raw material/products)**

1.	Name & address of the unit registered with the Board	
2.	New name of the unit after change as per registration certificate submitted by the unit issued from the registration authority.	
3.	Competent authority for change of name of unit	
4.	Reasons for the change in the name of the unit.	
5.	Status of Consent to establish/operate and authorization (as applicable) with validity if granted.	
6.	Letter no. and date of authority granted the permission for change of name	
7.	In case CTO/authorization applied and not decided then name of the unit (existing or new) applied CTO.	
8.	Whether deposited the required and applicable CTE/NOC fees (Yes/No)	
9.	Amount of CTE/NOC fees deposited and mode of payment alongwith balance NOC fee if any.	
10.	Date of receipt of application and subsequent clarification submitted (if any) in Regional Office.	
11.	Date of submission of recommendation to Head Office.	
12.	Status of Registration of new name of unit with concerned authorities.	
13.	Detail of supporting documents submitted by the unit and attached with recommendation.	
14.	Whether submitted all the required documents by the unit as per checklist. If not then submit the detail of such documents not submitted.	
15.	Manufacturing process / raw materials /products of the unit.	
16.	Whether there is any change in the ownership, manufacturing process, raw material and products of the unit.	
17.	Recommendation of Regional Officer.	

**Dated:** \_\_\_\_\_

**Regional Officer**  
\_\_\_\_\_ **Region**

**Performa for submission of application for transfer of consent and interest from one industry to another industry due to sale or other reasons and replacement of their name and ownership in the record of HSPCB**

**(Without change in process/raw material/products)**

1.	Name & address of the existing unit registered with the Board	:	
2.	Name of the new unit transferred interest of the existing unit as per registration certificate issued from the registration authority i.e. Deptt. of Industries & Commerce/Registrar of companies/Societies etc.	:	
3.	Name and designation of authorized signatory of the applicant unit.	:	
4.	Competent authority for registration of name of unit.	:	
5.	Letter no. and date and authority where the unit registered its name.	:	
6.	Status of CTO/authorization of the existing unit with validity if granted; (a) Under Water Act, 1974 (b) Under Air Act, 1981 (c) Under HOWM Rules, 2008/2016 (d) Any other applicable Rules	:	
7.	In case CTO/authorization applied and not decided then name of the unit (existing or new) applied CTO.	:	
8.	Capital investment cost of the unit on land, building, plant & machinery (without depreciation) based upon latest balance sheet of the unit, in case unit is taken on lease/ rent/mortgaged or based upon sale deed registered with revenue authorities, in case the existing unit has been sold.	:	
9.	Detail of CTE/NOC fees; (i) Amount required to be deposited as per fee structure (in Rs.) (ii) Deposited amount with detail of DD No., date and Bank/online transaction no./date. (iii) Balance amount, if any	:	
10.	Detail of change in ownership	:	
11.	Manufacturing process/raw materials/products of the unit.	:	
12.	Detail of change in name, ownership or transfer of interest of the unit, if any done in the past	:	
13.	Detail of supporting documents attached (as per checklist)	:	

Draft No. DEA/147263

Attachment: Annexure-I.pdf

14.	Declaration; (i). That I am the authorized signatory of my unit to submit this application. (ii). That there is/will be no change in the manufacturing process / raw materials /products of the industry and in case of any such change is proposed in future, prior consent to establish and/or other required permissions will be taken from the HSPCB. (iii). That we shall comply with all the terms and conditions what so ever imposed by the Board while transferring the consent/other clearances and giving permission for replacement of name of the unit in the record of HSPCB.	
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**Date:****Place:**

**(Signature)**  
**Authorized Signatory**  
**(as per column no. 3)**

**Name & address of**  
**applicant unit:**

**Checklist of supporting documents to be submitted by the unit**

- a) Power of attorney/authorization letter
- b) Copy of latest CTO/Authorization
- c) Copy of fresh registration certificate issued from Industries & Commerce Department or from Registrar of Companies/societies or from any other concerned authority, as the case may be, in favour of the new unit.
- d) Proof of NOC/CTE fees deposited.
- e) Proof of capital investment cost of the unit on land, building, plant & machinery (without depreciation) based upon latest balance sheet of the unit, in case unit is taken on lease/rent/mortgaged or based upon sale deed registered with revenue authorities, in case the existing unit has been sold.
- f) Copy of sale deed/rent deed/mortgaged deed/lease deed etc. as applicable registered from revenue authorities.
- g) Copy of fresh memorandum of article & association or partnership deed or proof of proprietorship, as the case may be of the new unit, transferred the interest of the industry.

**Performa for recommendation of Regional Officer regarding grant of permission for transfer of consent and interest from one industry to another industry due to sale or other reasons and replacement of their name and ownership in the record of HSPCB**

**(Without change in process/raw material/products)**

1.	Name & address of the applicant unit	
2.	Name & address of the existing unit registered with the Board	
3.	Name of the new unit transferred interest of the existing unit as per registration certificate issued from the registration authority.	
4.	Competent authority for registration of name of unit.	
5.	Date and authority where the unit registered its name.	
6.	Status of Consent to establish/operate and authorization (as applicable) with validity if granted.	
7.	In case CTO/authorization applied and not decided then name of the unit (existing or new) applied CTO.	
8.	Whether deposited the required and applicable CTE/NOC fees (Yes/No)	
9.	Amount of CTE/NOC fees deposited and mode of payment alongwith balance NOC fee if any.	
10.	Date of receipt of application and subsequent clarification submitted (if any) in Regional Office.	
11.	Date of submission of recommendation to Head Office.	
12.	Status of Registration of name of new unit with concerned authorities.	
13.	Detail of supporting documents submitted by the unit and attached with recommendation.	
14.	Whether submitted all the required documents by the unit as per checklist. If not then submit the detail of such documents not submitted.	
15.	Manufacturing process / raw materials /products of the unit.	
16.	Whether there is any change in the manufacturing process / raw material /products of the unit.	
17.	Recommendation of Regional Officer.	

**Dated:** \_\_\_\_\_

**Regional Officer**  
\_\_\_\_\_ **Region**

**Performa for submission of proposal by the concerned Branch in Head Office dealing with consent management for the cases of permission for change of name of the units or for transfer of consent and interest from one industry to another industry due to sale or other reasons and replacement of their name and ownership in the record of HSPCB.**

1.	Subject:- (Type of case; Whether for grant of permission for change of nomenclature (name) of the unit without other changes <b>or</b> for transfer of consent and interest from one industry to another industry due to sale or other reasons and replacement of their name and ownership in the record of HSPCB.)	
2.	Regional Officer submitting the recommendation alongwith recommendation.	
3.	No. and date of letter vide which recommendation submitted	
4.	Date of receipt of application in Regional Office	
5.	Date of receipt of the case in Head Office	
6.	Name & address of the applicant unit	
7.	Name of the existing unit already registered with HSPCB	
8.	New name of the unit after change as per registration certificate submitted by the unit issued from the registration authority. (in case of change of name without other changes) <b>Or</b> Name of the new unit transferred interest of the existing unit as per registration certificate issued from the registration authority.	
9.	Whether deposited required and applicable NOC fee as per report of RO.	
10.	Status of CTO under Water Act/Air Act and authorization with validity if granted.	
11.	In case CTO/authorization applied and not decided then name of the unit (existing or new) applied CTO.	
12.	Whether submitted all the required documents as per checklist.	
13.	In case of shortcomings in the documents, detail of such documents	
14.	Status of Registration of new name/ new unit's name with competent authority with date	
15.	Competent authority for registration of name of unit.	
16.	Detail of change in name, ownership or transfer of interest of the unit, if any done in the past	

Draft No. DFA/147263

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17.	Manufacturing process/raw materials/products of the unit.	
18.	Observation of the Branch.	
19.	Proposal of the Branch.	



**Checklist of documents****1. For only change of nomenclature (name) of the unit in the record of the Board:**

- (a) Power of attorney/authorization letter
- (b) Copy of latest CTO/Authorization
- (c) Self declaration regarding no change in the ownership process/raw material/products of the unit.
- (d) Copy of fresh registration certificate issued from Industries & Commerce Department or from Registrar of Companies/societies or from any other concerned authority, as the case may be, with changed name of the unit.
- (e) Proof of NOC/CTE fees deposited.
- (f) Proof of capital investment cost of the unit on land, building, plant & machinery (without depreciation) based upon latest balance sheet of the unit, attested by CA.

**2. For transfer of interest of a person in his industry to any other person or Where an existing unit is purchased or taken on lease by another unit and the new unit apply to the Board for grant or renewal of CTE/CTO in his name:**

- (a) Power of attorney/authorization letter
- (b) Copy of latest CTO/Authorization
- (c) Copy of fresh registration certificate issued from Industries & Commerce Department or from Registrar of Companies/societies or from any other concerned authority, as the case may be, in favour of the new unit.
- (d) Proof of NOC/CTE fees deposited.
- (e) Proof of capital investment cost of the unit on land, building, plant & machinery (without depreciation) based upon latest balance sheet of the unit, in case unit is taken on lease/rent/mortgaged or based upon sale deed registered with revenue authorities, in case the existing unit has been sold.
- (f) Copy of sale deed/rent deed/mortgaged deed/lease deed etc. as applicable registered from revenue authorities.
- (g) Copy of fresh memorandum of article & association or partnership deed or proof of proprietorship, as the case may be of the new unit, transferred the interest of the industry.

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Item No. 02

(Court No.1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 26/2019

Abhay Dahiya &amp; Ors.

Applicant(s)

Versus

State of Haryana

Respondent

Date of hearing: 08.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**Respondent(s): Mr. Atif Subrawardy, Advocate for CPCB  
Mr. Rahul Khurana, Advocate for State of Haryana and HSPCB**ORDER**

1. Issue for consideration is remedial action against illegal dumping and burning of garbage and discharge of untreated waste water by various establishments, including restaurants on G.T. Road, Murthal in Sonapat District. In the course of proceedings, the Tribunal has considered compliance of environmental norms by all such establishments throughout the State.

2. The matter has been considered on earlier occasions on 28.05.2019, 28.09.2019, 25.11.2019, 25.2.2020 and finally on 11.9.2020 in light of reports filed by the State PCB, acknowledging the burning and unscientific disposal of the solid waste and sewage. It was stated that remedial steps were taken by way of segregation through rag pickers and spraying of dumping site. The integrated solid waste management project was expected to be completed by 31.12.2020. With

regard to liquid waste treatment by *Dhabas*/ restaurants at NH-44, it was stated that 11 *Dhabas*/restaurants discharging more than 10 KLD had obtained consent to operate and had STPs while the remaining 9 had not obtained such consent as they discharged less than 10 KLD. Earlier, their liquid waste was being mixed with solid waste at Murthal landfill site. Now space was provided for collection of domestic effluents and such effluents were to be treated by the Municipal Corporation, Sonapat. DPR was prepared for the STP which was to be completed by 31.12.2020. Prosecution was initiated against the Municipal Corporation, Sonapat.

3. Vide order dated 25.02.2020 the matter was further considered in the light of report of the CPCB dated 30.1.2020 to the effect that inspection of roadside eateries/restaurants at Murthal, Haryana was done on 21.12.2019. During the inspection, serious deficiencies were found in the matter of drawl of ground water, unscientific handling of liquid and solid waste, air, noise and water pollution, unscientific use of cooking oil, illegal use of gen-sets and fuel and absence of Consent to Establish and Consent to Operate as required under the law. The Tribunal directed:-

*"6. A status report has also been filed by the State of Haryana on 24.02.2020 to the effect that a draft policy has been prepared and placed on the website and objections are invited by 09.03.2020. The State of Haryana may ensure that the points emerging in the report of the CPCB are covered by the policy and finalize the policy positively by 31.03.2020. The policy does not mention the compensation regime which is a crucial enforcement for effective mechanism and to give effect to the 'Polluter Pays' principle.*

*7. Apart from framing policy, the State of Haryana may also take remedial enforcement measures in the light of facts emerging in the CPCB report by way of a special drive within two months from today and furnish a status of compliance as on 30.04.2020 before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)."*

4. The matter was last considered on 11.09.2020 in the light of the status report dated 09.09.2020 filed by Director General, Urban Local Bodies, Haryana. The Tribunal found that the policy proposed in the said report did not meet the mandate of law particularly the statutory provisions under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 and also directions of this Tribunal on the subject vide order dated 20.12.2019 in O.A. No. 400/2017, *Westend Green Farms Society v. Union of India & Ors.* Accordingly, we directed CPCB to finalize an appropriate Standard Operating Procedure (SOP) based on which the State of Haryana may finalize its action plan.

Relevant discussion is reproduced below:-

“1to3..xxx.....xxx.....xxx

4. Accordingly, Director General, Urban Local Bodies, Haryana has filed status report on 09.09.2020 along with **“Scientific Handling and Reuse of Liquid Waste, Solid Waste and Ground Water Extraction by Restaurants/ Dhabas/ Motels/ Hotels / Marriage Gardens / Banquet Halls Policy-2020”**. While the Policy acknowledges serious environmental issues in the operation of restaurants and other such establishments on the road side particularly the generation and handling of waste and extraction of ground water, the remedial action by way of the policy does not meet the mandate of law. There are binding statutory provisions under the Water (Prevention and Control of Pollution) Act, 1974 (the Water Act), the Air (Prevention and Control of Pollution) Act, 1981 (the Air Act) and the Environment (Protection) Act, 1986 (the EP Act) which lay down the standards, procedure and statutory authorities for enforcement of such standards. These statutes have been enacted by the Parliament with reference to Article 253 of the Constitution, to give effect to international obligations and have overriding effect. Any Policy on issues dealt with under the said statutes have to be within the framework with said statutory provisions. The mandate of the said law cannot be diluted or relaxed by any authority. Sentences for offences covered by the said statutes cannot be lesser than what has been prescribed under the said laws. The Statutory authorities under the laws cannot be excluded. The Compensation regime has to be as per ‘Polluter Pays’ principle which requires the compensation to be adequate to cover the cost of restoration of the environment and has to be deterrent. The Policy now framed to the extent of relaxing/exempting the said mandate cannot be given effect to.

5. Apart from the above, this Tribunal has dealt with the issue in OA 400/2017 Westend Green Farms Society v. Union of India & Ors. Therein, vide order dated 20.12.2019, the Tribunal considered the draft prepared by the CPCB dated 16.12.2019 titled "**The Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individuals Establishments and the Area/Cluster of Restaurants/ Hotels/ Motels/Banquet etc.**" as follows:

"13. .... we are of the view that the mechanism needs to be acted upon in light of Water Act, Air Act and EP Act and rules framed thereunder and further observations in this order, till the same is revised in the light of further study. The mechanism suggested is as follows:

### **"3.0 Mechanism/Guidelines/Mitigation measures**

The mechanism for control of control of pollution and enforcement of environmental laws based on the various environmental issued identified in section 2.0 is enumerated in this section.

#### **3.1 Water Pollution-**

##### **(i) Effluent Treatment Plant**

- a. The unit shall furnish a copy of agreement made with the water supplier while applying for consent to operate. The outsourcing water supplier should have permission from the competent authority to draw ground water.
- b. The units shall provide effluent/sewage treatment plant as proposed and maximize reuse of treated sewage in toilet flushing, cooling water makeup, boiler, floor washing, gardening and other non-potable purposes.
- c. Most of the bigger ceremonial halls and star hotels are treating only waste water generated from kitchen and laundry. Untreated domestic sewage is discharged directly into sewer without treatment. Entire waste water generated from kitchen, laundry and domestic sewage should be treated in ETP in case of such bigger units.
- d. Treated effluent water from ETP installed should meet Environmental Standard notified by the MoEF&CC vide GSR794(E) dated 04.11.2009 and reproduced as under.

Hotel type	Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
		Inland surface water	On land irrigation
Hotel with at least 20	pH	5.5-9.0	5.5-9.0

bedrooms	BOD3days, 27°C	30	100
	Total Suspended Solids	50	100
	Oil & Grease	10	10
	Phosphate as P	1.0	-
Hotel with less than 20 bedrooms or a banquet hall with minimum floor area of 100 m <sup>2</sup> or a restaurant with minimum seating capacity of 36	pH	5.5-9.0	5.5-9.0
	BOD3days, 27°C	100	100
	Total Suspended Solids	100	100
	Oil & Grease	10	10

- e) The quality of treated sewage and trade effluent should be analyzed regularly once in a month and report shall be furnished to SPCB/PCC.
- f) The unit shall install water meters to record the daily consumption of water and separate electromagnetic flow meter at the inlet and outlet of effluent treatment plant to record actual flows on a daily basis.
- g) The unit shall install separate energy meters also to record the daily energy consumption of the effluent treatment plant on daily basis prior to completion of the project.
- h) The units should mandatorily obtain all consents, permissions and approvals required for ETP from the local Agencies.

**(ii) Ground water extraction:**

- a) Necessary permission should be obtained from concerned Authorities for extraction of groundwater.
- b) SPCB/ PCC to take action against units for unauthorized or illegal ground water extraction without proper permission from considered Authorities.

**(iii) Water Conservation Measures**

- (a) Maximize reuse of treated water for non-potable purpose.
- (b) All the units to furnish monthly report return showing the quantity of water consumed and its reuse in different purpose to the concerned SPCB/PCC.
- (c) Installation of Rain water harvesting systems must be installed in consultation with the Experts.
- (d) Using water-efficient fixture such as low flow shower heads, bath, sink faucet aerators, low flow toilets etc.

**3.2 Air Pollution-**

**(i) Gensets and Fuel**

- a) *The unit shall provide stack for the emissions from the generator sets so as to ensure that the emissions satisfy the standards prescribed by the Board. The unit shall also provide acoustic measures for the Gensets to meet the noise level standards prescribed for residential area.*
- b) *Banquets halls shall use approved fuel (e.g. LPG, PNG, Charcoal for tandoor etc.). Preference be given to gas based hot water generator and boiler over oil fired/coal fired boiler. Hybrid type hot water generator by using solar water heater be encouraged.*
- c) *Conventional water heating systems be replaced in a phased manner and solar water heating system be installed.*
- d) *The units shall properly channelize the fugitive emissions including emissions from cooking & kitchen operations by providing proper ducting /hood arrangement and proper exhaust system and emissions shall be discharged at least 2 meter above the roof of the building.*

#### **Energy Conservation Measures**

- a) *Application of solar energy should be incorporated for illumination of common areas, lighting for gardens and street lighting in addition to provision for solar water heating. A hybrids system or fully solar system for a portion of the unit shall be provided.*
- b) *Use of inverters instead of Diesel Generation Sets be preferred.*
- c) *Use of glass may be reduced to reduce the electricity consumption and load on air conditioning. High quality double glass with special reflecting coating in windows shall be used.*
- d) *Bulbs will be replaced by low-watt fluorescent light and fluorescent lighting be used as much as possible.*

#### **Consent to establish and Consent to operate**

- a) *As per the Water Act 1974 and Air Act 1981, it is mandatory to obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation of the Units (individual establishments and the area/ cluster of restaurants/ hotels/ motels/ banquets etc.) from the concerned SPCB/PCC.*

- b) Further, the SPCB/PCC may direct the defaulting units for paying environmental compensation for damaging the environment considering their operations despite being non-compliant.
- c) The SPCB/PCC may workout and fix the amount of environmental compensation in-line with the mechanism for charging environmental compensation as evolved by the CPCB.

### **3.3 Solid Waste Management**

- (a) The units shall properly handle, manage and dispose the solid waste generated and comply with the provisions of the Solid Waste Management Rules.
- (b) As per clause 3 (8) of the Solid Waste Management Rules, 2016, marriage halls generating waste of more than 100 kg/day fall under the category of 'Bulk Waste Generator' and should ensure compliance with the provisions of the Rules, and in specific the following:
  - 13(1)(d) Store horticulture waste and garden waste generated from such premises separately in within the own premises and
  - 13 (2) No waste generator shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.
  - 13 (8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed of through composting or bio methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.
- (c) The segregated food waste from the solid waste generated in the unit shall be treated in organic waste converter and the treated compost shall be used as manure.
- (d) The unit shall ensure that the hazardous waste (used oil, used batteries) generated in the premises are collected property and disposed only to authorized recyclers registered with MoEF&CC/CPCB and valid operating license of SPCB/PCC.



- (e) The unit shall minimize use of disposable plastic on its premises and ensure its disposal through recyclers registered with SPCB/PCC for recycling plastic waste.

#### **3.4 Noise pollution**

- (a) The unit shall obtain permission from designated authorities as per provisions of Noise Rules 2000.
- (b) The unit shall comply with provision of Noise Rules specifically Rule 5 and Rule 6 of the Noise Rules.

#### **3.5 Infrastructure issues/Parking Problems & Other Requirements**

##### **Project Area/Building Plan**

The units have to pay conversion charges to Local Authorities for running banquets and have to come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Accordingly, the following to be complied with:

- (a) Building plans to be approved by concerned authorities. Local Authorities be directed to review the adequacy of infrastructure for existing units for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area. Adequate infrastructure arrangements may be made for them in the area by municipal corporations.
- (b) Local Authorities to ensure that these units are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required -traffic, parking, etc. -such banquet halls may be shifted out of the area.
- (c) The units to make adequate arrangements for fire safety and obtain fire safety certificate from the respective State Government agencies.
- (d) To create buffer zone, the unit shall develop green belt on its premises which shall consist of trees with thick canopy cover and ornamental shrubs in between them. The unit shall furnish the green belt development plan, which includes the number and type of species to be planted and topo sketch for plantation while applying for consent to operate. The STP sludge and manure coming from the bio-composted organic waste shall be used for green belt development.

#### 4.0 Conclusion

- a) *The units to take necessary Consents from SPCBs/PCC as per provisions of EP (Act) 1986 and the Rules framed thereunder.*
- b) *All the units may be asked to submit an environmental statement for the unit for the financial year ending 31st March on or before the 30th April of every year before the Local Authority and Administration.*
- c) *The Banquet halls to take measure to conserve water and minimize generation of waste on the premises.*
- d) *Beside consents, the establishments should mandatorily obtain permissions/clearances like permission for ground water extraction, approval of building plan, fire safety clearance, etc and comply with all other requirements as mandated by the State Authorities from time-to-time.*
- e) *Most of the banquet halls come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Local authorities to review the adequacy of infrastructure for existing banquet halls for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area.*
- f) *Municipal corporations may be directed to ensure that these banquet halls are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required - traffic, parking, etc.- such banquet halls may be shifted out of the area."*

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21. *We are of the view that enforcing the requirement of Consent to Establish should be the starting point for commission of the project rather than the last in the governance chain meaning thereby that no project should commence its establishment without such consent from PCB/PCC. Needless to say, in the process of granting such consent, all relevant and suitable conditions must be imposed after evaluation of carrying capacity of the area to take such additional project, siting norms, inter se distance of such projects, adequacy of parking facility, mode of disposal of solid waste, mode for disposal of liquid waste including sewage, adequacy of mitigation with respect to noise pollution, adherence to norms for DG Sets, permission of Central Ground Water Authority or designated*

authority for ground water drawal. Such norms must be applied to all existing establishments and those found not meeting the norms must be closed till the norms are complied. The project proponent must file their Annual Environment Statements in terms of Rule 14 of the EP Rules. The State Board must have robust monitoring mechanism to evaluate compliance to norms atleast twice a year especially during and after the marriage/festive season during which such entities operate to maximum capacity.

Apart from this, the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment.

Stringent norms need to be worked out for controlling and regulating parking of vehicles, used by the organizers and guests in functions as well as parking of vehicles generally on roads and public places adding to the air pollution. This includes regulation of pick and drop activities.

Use of DJ systems must be fitted with noise limiters and data loggers and be operated within sound proof halls within prescribed noise limits without its effect being felt outside.

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6. The matter was thereafter considered on 23.07.2020. The Tribunal directed:

"6. Accordingly, CPCB has filed its report dated 20.07.2020 to the effect that guidelines were finalized by the CPCB and circulated to all States/UTs on 19.03.2020. Follow up action of seeking data from all States/UTs was initiated on 23.05.2020.

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7. In view of above, **let all the States/UTs take further steps in the matter of adopting and enforcing the CPCB guidelines to ensure sustainable use of water, solid and liquid waste management and compliance with the statutory environmental norms under the Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act, 1986 ('EP Act, 1986') including the Noise Pollution (R&C) Rules, 2000, providing for adequate parking facilities and having adequate stack heights for the DG Sets. Compliance of such norms must be overseen by the statutory regulatory authorities, including the Local Bodies, the State PCBs/PCCs and, wherever there is violation, stringent action must be taken by way of stopping the non-compliant activities, initiating prosecution and recovering compensation on "Polluter**

***Pays" principle. This is necessary to enforce the right of citizens to clean environment, which is part of right to life."***

7. Needless to say, the directions of this Tribunal in O.A. 400/2017 are applicable to all such establishments in the State of Haryana also. Policy of the State of Haryana has to coincide with the guidelines prepared by the CPCB. Thus, the policy cannot be enforced to the extent of not meeting the statutory mandate as explained above and needs to be revisited.

***8. Let the CPCB finalise an appropriate Standard Operating Procedure (SOP) integrating its guidelines already prepared and incorporating such of the provisions in the above policy as are found appropriate so that the SOP prepared by the CPCB will cover the entire field. If no change is required in the guidelines already prepared by the CPCB, the already prepared guidelines may continue. Decision by the CPCB may be taken within two months. The State of Haryana may thereafter finalise its action plan within one month, consistent with such SOP but its norms should not dilute the said SOP. Action taken reports may be furnished by the CPCB and the State of Haryana before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."***

5. In light of the above, the CPCB has filed its report dated 26.02.2021 and the Urban Local Bodies Department, Haryana Government has filed its report dated 03.06.2021. In the report of the CPCB it is stated that CPCB had already finalized its guidelines in respect of Area/Cluster of Restaurants/Hotels/ Motels/ Banquets etc. and the State of Haryana should take further action in terms thereof.

6. The status report filed on behalf of the State of Haryana is to the effect that the SOP prepared by the CPCB has been adopted and earlier policy has been withdrawn. Enforcement of the SOP issued by CPCB will be ensured.

7. From the above, we find that beyond saying that action will be taken by the State of Haryana in terms of SOP issued by the CPCB, there is no mention of compliance status. The authorities appear to have

taken the matter lightly treating the filing of a status report to be a formality. The Tribunal expected meaningful action on the ground level which has not been taken inspite of long time available after the last hearing and finalisation of the SOP by the CPCB long back. While placing on record our disapproval for such negligence and failure, we direct the Chief Secretary, Haryana to take suitable remedial measures, including action against the erring officers for such negligent behavior and ensure filing of a meaningful compliance report before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 22.10.2021.

A copy of this order be forwarded to the Chief Secretary, Haryana and State PCB by e-mail to facilitate compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 08, 2021  
Original Application No. 26/2019  
A

Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 400/2017

(With report dated 02.02.2021)

Westend Green Farms Society

Applicant

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 04.02.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Sumit Gahlawat, Advocate

Respondent: Mr. Anuj Bhandari, Advocate for CPCB

**ORDER**

1. This order is being passed in continuation of order dated 20.12.2019 on the subject of compliance of environmental norms by restaurants/hotels/motels/banquets etc. in terms of earlier orders of this Tribunal.

2. Vide order dated 02.11.2018, the Tribunal considered grievance against the violation of environmental norms, including solid waste management, discharge of effluents, illegal ground water extraction, ground water contamination, emission by illegally operating diesel generators, absence of statutory consents under the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act'), the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and violation of conditions of consents where such consents are granted, **by the restaurants/hotels**

**/ motels/banquets in Mahipalpur, Rajokri areas in Delhi.** The Tribunal also considered the issue of absence of rain water harvesting, ground water recharge system, excess noise pollution, illegal parking and encroachments.

3. The Tribunal found violations on the basis of material on record and directed remedial action. Directions of the Tribunal *inter-alia* included:

- (i) *Compilation of data of all such places where marriages and functions take place which should be published and appropriately regulated.*
- (ii) *Regulate noise level at above places as per laid down norms. This includes regulation of DJ sets, loudspeakers and crackers etc.*
- (iii) *Compliance of Solid Waste Management Rules, 2016, and sewage discharge including decentralized waste processing facilities, installation of CCTV camera, GPS system in garbage collection vans etc.*
- (iv) *Regulation of extraction of groundwater as per applicable guidelines, sealing of tube wells including those installed for swimming pools in violation of law, need for reuse of water for flushing, Plantation or gardening.*
- (v) *Rain Water Harvesting by installing roof top harvesting systems.*
- (vi) *Regulating size of gatherings on the concept of sustainable development in the light of carrying capacity of the area.*
- (vii) *Prohibiting such activities in overcrowded places not having adequate parking or other facilities.*
- (viii) *Action against unauthorized construction or unauthorized use without statutory clearances prohibiting and stopping any existing or future activities non-complying with above norms and also taking penal action where ever necessary.*
- (ix) *Environment restoration and compensating victims of violation of law in relation to Noise Pollution, Air Pollution, Water Pollution, Master Plan etc. The action plan must involve all stakeholders, particularly the students and senior citizens. The Joint Committee will have authority to close polluting activity and remove every illegal structure. The Committee will also look into the allegations whether members of the applicant are running swimming pools by illegally drawing groundwater without requisite valid sanctions and drawl of ground water from critical or overexploited areas, without any mechanism for ground*

*water harvesting and recharge. If so, remedial action must be taken forthwith.”*

4. Further orders were passed on 08.03.2019, 08.07.2019, 19.09.2019. Thereafter, comprehensive review of the matter was undertaken on 20.12.2019 in the light of action taken report filed by the Delhi Government on 17.12.2019 and affidavit filed by the MoEF&CC on 16.12.2019. **The Tribunal directed framing of guidelines by the CPCB as indicative minimum norms for being followed throughout India in the interest of protection of environment and public health.** The said order is extracted below:

*“13. We may now refer to the affidavit filed by the MoEF&CC which in turn refers to the guidelines prepared by the CPCB in respect of (a) Monitoring mechanism (b) Coercive measures in case of violations (c) Siting guidelines and (d) Mitigation measures as guided by NGT in para 12 of the order dated 19.09.2019 read with action in para 9 of the order dated 19.09.2019. It is further stated that the Ministry is yet to finalize the mechanism after further consultations. Without obstructing further study, we are of the view that the mechanism needs to be acted upon in light of Water Act, Air Act and EP Act and rules framed thereunder and further observations in this order, till the same is revised in the light of further study. The mechanism suggested is as follows:*

### **“3.0 Mechanism/Guidelines/Mitigation measures**

*The mechanism for control of control of pollution and enforcement of environmental laws based on the various environmental issued identified in section 2.0 is enumerated in this section.*

#### **3.1 Water Pollution-**

##### **(i) Effluent Treatment Plant**

- a. The unit shall furnish a copy of agreement made with the water supplier while applying for consent to operate. The outsourcing water supplier should have permission from the competent authority to draw ground water.*
- b. The units shall provide effluent/sewage treatment plant as proposed and maximize reuse of treated sewage in toilet flushing, cooling water makeup, boiler, floor washing, gardening and other non-potable purposes.*
- c. Most of the bigger ceremonial halls and star hotels are treating only waste water generated from kitchen and*



laundry. Untreated domestic sewage is discharged directly into sewer without treatment. Entire waste water generated from kitchen, laundry and domestic sewage should be treated in ETP in case of such bigger units.

- d. Treated effluent water from ETP installed should meet Environmental Standard notified by the MoEF&CC vide GSR794(E) dated 04.11.2009 and reproduced as under.

Hotel type	Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
		Inland surface water	On land irrigation
Hotel with at least 20 bedrooms	pH	5.5-9.0	5.5-9.0
	BOD3days, 27°C	30	100
	Total Suspended Solids	50	100
	Oil & Grease	10	10
	Phosphate as P	1.0	-
Hotel with less than 20 bedrooms or a banquet hall with minimum floor area of 100 m <sup>2</sup> or a restaurant with minimum seating capacity of 36	pH	5.5-9.0	5.5-9.0
	BOD3days, 27°C	100	100
	Total Suspended Solids	100	100
	Oil & Grease	10	10

- e) The quality of treated sewage and trade effluent should be analyzed regularly once in a month and report shall be furnished to SPCB/PCC.
- f) The unit shall install water meters to record the daily consumption of water and separate electromagnetic flow meter at the inlet and outlet of effluent treatment plant to record actual flows on a daily basis.
- g) The unit shall install separate energy meters also to record the daily energy consumption of the effluent treatment plant on daily basis prior to completion of the project.
- h) The units should mandatorily obtain all consents, permissions and approvals required for ETP from the local Agencies.

**(ii) Ground water extraction:**

- a) Necessary permission should be obtained from concerned Authorities for extraction of groundwater.
- b) SPCB/ PCC to take action against units for unauthorized or illegal ground water extraction without proper permission from considered Authorities.

**(iii) Water Conservation Measures**

- (a) Maximize reuse of treated water for non-potable purpose.

- (b) All the units to furnish monthly report return showing the quantity of water consumed and its reuse in different purpose to the concerned SPCB/PCC.
- (c) Installation of Rain water harvesting systems must be installed in consultation with the Experts.
- (d) Using water-efficient fixture such as low flow shower heads, bath, sink faucet aerators, low flow toilets etc.

### **3.2 Air Pollution-**

#### **(i) Gensets and Fuel**

- a) The unit shall provide stack for the emissions from the generator sets so as to ensure that the emissions satisfy the standards prescribed by the Board. The unit shall also provide acoustic measures for the Gensets to meet the noise level standards prescribed for residential area.
- b) Banquets halls shall use approved fuel (e.g. LPG, PNG, Charcoal for tandoor etc.). Preference be given to gas based hot water generator and boiler over oil fired/coal fired boiler. Hybrid type hot water generator by using solar water heater be encouraged.
- c) Conventional water heating systems be replaced in a phased manner and solar water heating system be installed.
- d) The units shall properly channelize the fugitive emissions including emissions from cooking & kitchen operations by providing proper ducting /hood arrangement and proper exhaust system and emissions shall be discharged at least 2 meter above the roof of the building.

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- a) Application of solar energy should be incorporated for illumination of common areas, lighting for gardens and street lighting in addition to provision for solar water heating. A hybrids system or fully solar system for a portion of the unit shall be provided.
- b) Use of inverters instead of Diesel Generation Sets be preferred.
- c) Use of glass may be reduced to reduce the electricity consumption and load on air conditioning. High quality double glass with special reflecting coating in windows shall be used.
- d) Bulbs will be replaced by low-watt fluorescent light and fluorescent lighting be used as much as possible.

#### **Consent to establish and Consent to operate**

- a) As per the Water Act 1974 and Air Act 1981, it is mandatory to obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation of the Units (individual establishments and the area/ cluster of restaurants/ hotels/ motels/ banquets etc.) from the concerned SPCB/PCC.
- b) Further, the SPCB/PCC may direct the defaulting units for paying environmental compensation for damaging the environment considering their operations despite being non-compliant.
- c) The SPCB/PCC may workout and fix the amount of environmental compensation in-line with the mechanism for charging environmental compensation as evolved by the CPCB.

### **3.3 Solid Waste Management**

- (a) The units shall properly handle, manage and dispose the solid waste generated and comply with the provisions of the Solid Waste Management Rules.
- (b) As per clause 3 (8) of the Solid Waste Management Rules, 2016, marriage halls generating waste of more than 100 kg/day fall under the category of 'Bulk Waste Generator' and should ensure compliance with the provisions of the Rules, and in specific the following:
  - 13(1)(d) Store horticulture waste and garden waste generated from such premises separately in within the own premises and
  - 13 (2) No waste generator shall throw, burn or bury the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.
  - 13 (8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.
- (c) The segregated food waste from the solid waste generated in the unit shall be treated in organic waste converter and the treated compost shall be used as manure.
- (d) The unit shall ensure that the hazardous waste (used oil, used batteries) generated in the premises are collected

*property and disposed only to authorized recyclers registered with MoEF&CC/CPCB and valid operating license of SPCB/PCC.*

- (e) *The unit shall minimize use of disposable plastic on its premises and ensure its disposal through recyclers registered with SPCB/PCC for recycling plastic waste.*

### **3.4 Noise pollution**

- (a) *The unit shall obtain permission from designated authorities as per provisions of Noise Rules 2000.*
- (b) *The unit shall comply with provision of Noise Rules specifically Rule 5 and Rule 6 of the Noise Rules.*

### **3.5 Infrastructure issues/Parking Problems & Other Requirements**

#### **Project Area/Building Plan**

*The units have to pay conversion charges to Local Authorities for running banquets and have to come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Accordingly, the following to be complied with:*

- (a) *Building plans to be approved by concerned authorities. Local Authorities be directed to review the adequacy of infrastructure for existing units for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area. Adequate infrastructure arrangements may be made for them in the area by municipal corporations.*
- (b) *Local Authorities to ensure that these units are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required -traffic, parking, etc. -such banquet halls may be shifted out of the area.*
- (c) *The units to make adequate arrangements for fire safety and obtain fire safety certificate from the respective State Government agencies.*
- (d) *To create buffer zone, the unit shall develop green belt on its premises which shall consist of trees with thick canopy cover and ornamental shrubs in between them. The unit shall furnish the green belt development plan, which includes the number and type of species to be planted and topo sketch for plantation while applying for consent to operate. The STP sludge and manure coming from the bio-composted organic waste shall be used for green belt development.*

#### 4.0 Conclusion

- a) The units to take necessary Consents from SPCBs/PCC as per provisions of EP (Act) 1986 and the Rules framed thereunder.
- b) All the units may be asked to submit an environmental statement for the unit for the financial year ending 31st March on or before the 30th April of every year before the Local Authority and Administration.
- c) The Banquet halls to take measure to conserve water and minimize generation of waste on the premises.
- d) Beside consents, the establishments should mandatorily obtain permissions/clearances like permission for ground water extraction, approval of building plan, fire safety clearance, etc and comply with all other requirements as mandated by the State Authorities from time-to-time.
- e) Most of the banquet halls come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Local authorities to review the adequacy of infrastructure for existing banquet halls for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area.
- f) Municipal corporations may be directed to ensure that these banquet halls are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required – traffic, parking, etc.- such banquet halls may be shifted out of the area.”

XXX .....XXX .....XXX .....

18. ... Thus, adequate statutory framework is available. Still, challenge is posed by polluting activities **in absence of proper enforcement and monitoring** which need review from time to time. It may be noted that this Tribunal is faced with **acknowledged serious violations in the form of non-compliance of Waste Management Rules (O.A. No. 606/2018), non-compliance of requirement of sewage treatment as well as effluent treatment (O.A. No. 593/2017, Paryavaran Suraksha case). The result is that 351 river stretches are declared to be polluted (O.A. No. 673/2018), 122 major cities are declared to be non-attainment cities in terms of air quality norms (O.A. No. 681/2018)<sup>1</sup>, 100 industrial clusters are declared polluted based on CEPI assessment (O.A. No. 1038/2018). There are issues with regard to illegal extraction of groundwater (O.A.**

<sup>1</sup> [https://cpcb.nic.in/uploads/Non-Attainment\\_Cities.pdf](https://cpcb.nic.in/uploads/Non-Attainment_Cities.pdf) and <https://economictimes.indiatimes.com/news/environment/pollution/20-more-cities-added-to-cpcbs-polluted-list/articleshow/70721767.cms?from=mdr>

No. 176/2015), absence of rain water harvesting systems (O.A. No. 496/2016), noise pollution (O.A. No. 519/2016), protection of water bodies (O.A. No. 325/2015), reuse of treated water (O.A. No. 148/2018), regulating operation of national highways to avoid traffic congestion (O.A. No. 386/2016), controlling number of vehicles consistent with carrying capacity to deal with the problems of parking and congestion leading to damage to the environment (O.A. No. 568/2016). The issue in the present case has surfaced in the context of operation of establishments where **large congregations take place for marriages or other functions**. In absence of clear strategies, compliance of environmental norms remains a challenge as pointed out in the earlier orders. This necessitates well thought out strategies within the existing statutory framework.

19. Needless to say that compliance of environmental norms cannot be wished away as such norms are **overarching requirement for any activity having potential for generation of liquid effluents, gaseous emissions or otherwise affecting the environment**. Apart from the licensing provisions for fire safety, building safety, etc. which may be dealt with by a Development Authority and/or a Local Body, the Regulatory Bodies under the Water Act, the Air Act and the EP Act must enforce the environmental norms to ensure that water and air pollution are prevented and environment is not degraded. Apart from statutory regulators under the Water, Air and EP Acts, several other statutes including municipal laws provide for enforcement of statutory norms by local and other authorities. By way of an example, local bodies grant clearance to buildings even with reference to environment norms in terms of applicable statutory provisions. **Article 243W read with Schedule XII (Entry 8) to the Constitution specifically provide for dealing with certain environmental issues by the local bodies**. For successful functioning of such authorities, it is necessary that an environment cell comprising qualified person for the purpose of enforcement and vigilance is set up by every such authority. **There is no reason why municipal corporations should not have such cells wherever such 'cells' do not exist so far**. This may be ensured within next three months and such information may be compiled by PCBs/PCCs and furnish to CPCB. As already observed in the earlier orders, any place where social gatherings take place having such potential needs regulatory mechanism which has to continuously evolve and needs to be enforced. The existing mechanism has to be reviewed periodically. Whenever any violations are alleged, the same need to be looked into.

20. In this background, guidelines prepared by CPCB cover the requirement of monitoring mechanism by providing enforcement of consent requirement and laying down suitable conditions for such statutory consents which can take care of necessary mitigation measures including siting guidelines and coercive measures for enforcement. The guidelines have been quoted above in para 13. Apart from the said guidelines, the Urban Development Department of Delhi has suggested action plans for **compiling data for such functions are held, constituting monitoring teams, installation of CCTV cameras, GPS system in garbage**

**collection vans, regulating size of gatherings as per capacity of the area, restricting number of persons, fire safety devices, steps to control traffic congestion, regulating quality and quantity of food.** Additional measures have been suggested by DPCC in connected matters listed today being O.A. No. 1008/2018, Deepak Datta vs. Govt. of NCT of Delhi and O.A. No. 515/2019, President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi, referred to in Para 14 above. CPCB may consider the said suggestions and incorporate the same in its draft guidelines to the extent not already included but found relevant for application pan India.

21. We are of the view that enforcing the requirement of Consent to Establish should be the starting point for commission of the project rather than the last in the governance chain meaning thereby that **no project should commence its establishment without such consent from PCB/PCC.** Needless to say, in the process of granting such consent, all relevant and suitable conditions must be imposed after evaluation of **carrying capacity of the area to take such additional project, siting norms, inter se distance of such projects, adequacy of parking facility, mode of disposal of solid waste, mode for disposal of liquid waste including sewage, adequacy of mitigation with respect to noise pollution, adherence to norms for DG Sets, permission of Central Ground Water Authority or designated authority for ground water drawal.** Such norms must be applied to all existing establishments and those found not meeting the norms must be closed till the norms are complied. The project proponent must file their Annual Environment Statements in terms of Rule 14 of the EP Rules. The State Board must have robust monitoring mechanism to evaluate compliance to norms atleast twice a year especially during and after the marriage/festive season during which such entities operate to maximum capacity.

**Apart from this, the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment.**

**Stringent norms need to be worked out for controlling and regulating parking of vehicles, used by the organizers and guests in functions as well as parking of vehicles generally on roads and public places adding to the air pollution. This includes regulation of pick and drop activities.**

**Use of DJ systems must be fitted with noise limiters and data loggers and be operated within sound proof halls within prescribed noise limits without its effect being felt outside.**

**Environment protection measures require that number of vehicles in any city/area must be limited to the available capacity for parking. All public places and roads cannot be converted into parking places without any regulatory measures. Planning on**

*this aspect is a condition precedent for compliance of environmental norms. Parking can be allowed only at designated places. Stringent measures must be taken by statutory authorities including the Traffic Police against any such parking. In this regard, vide order dated 19.01.2015 in O.A. No. 21/2014, Vardhaman Kaushik Vs. Union of India, it was observed:*

*".....It will be ensured that stagnation of vehicle and traffic congestion are avoided particularly by prohibiting parking on the main roads or any parking area on the metalled roads. We direct all the SHOs concerned, the Traffic Police and the concerned Corporation to ensure compliance of these directions without any default. There will be complete prohibition of parking of any cars on the metalled roads and the corporation would take strict action against the persons who violates it. This shall include payment of Rs. 1000/- per car on account of compensation for degradation of environment and its restoration. This would also be charged on the cars, which are parked on the metalled roads."*

*The above direction must be enforced not only for Delhi but atleast for 122 non-attainment cities in the country. The Transport Departments of all the States/UTs may assess the available parking capacities in the said 122 cities and determine the number of vehicles which can be accommodated in terms of parking space available in the said cities. In case the number of vehicles exceed the capacity, there should be action plans for providing adequate additional parking space. **If it is not possible, the number of vehicles to be registered must be curtailed by using appropriate economic disincentives or otherwise and alternative provided to the citizens in the form of public transport system.** If these steps (declaring the capacity of number of vehicles and designating parking spaces, prohibiting unregulated parking at public places) are not taken, this Tribunal may have to take coercive measures for protection of environment including direction for limiting registration of any new vehicles in the said cities.*

*The establishments where social functions are held must notify the designated places where vehicles are to be parked and number of vehicles are allowed. The organizer of a function must ensure and give an advance undertaking that the number of guests invited have been informed about the extent of parking facility available. **In any case, no vehicle be allowed to be parked at public places. The owner of the property will be liable for any default.** These regulatory measures are necessary to avoid inconvenience to general public and compliance of environmental norms which are part of right to life.*

***CPCB may finalize guidelines after considering these observations within one month and circulate the same to all the States/UTs to serve as indicative minimum norms.** It is open to all the States/UTs to further add to such norms without diluting the same. The States/UTs may implement the same and furnish a compliance report to CPCB within three months. Any non-compliance may result in coercive measures being adopted by this*



*Tribunal. CPCB may compile the information received from the States/UTs and furnish a consolidated report to this Tribunal before the next date. As far as Delhi is concerned, as directed in O.A. No. 1008/2018, Deepak Datta vs. Govt. of NCT of Delhi and O.A. No. 515/2019, President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi, DPCC may lay down and enforce the suggested norms immediately pending further revision in the light of comprehensive guidelines of CPCB."*

5. Finally, the matter was considered on 23.07.2020 in light of the earlier proceedings as follows:-

*"7. In view of above, let all the States/UTs take further steps in the matter of adopting and enforcing the CPCB guidelines to ensure sustainable use of water, solid and liquid waste management and compliance with the statutory environmental norms under the Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act, 1986 ('EP Act, 1986') including the Noise Pollution (R&C) Rules, 2000, providing for adequate parking facilities and having adequate stack heights for the DG Sets. Compliance of such norms must be overseen by the statutory regulatory authorities, including the Local Bodies, the State PCBs/PCCs and, wherever there is violation, stringent action must be taken by way of stopping the non-compliant activities, initiating prosecution and recovering compensation on "Polluter Pays" principle. This is necessary to enforce the right of citizens to clean environment, which is part of right to life.*

*8. We have also perused compliance report filed by the Delhi Government which mentions steps taken so far. The report mentions that the Delhi Government has adopted the CPCB guidelines and started its implementation by way of recovering environmental compensation and stopping the non-compliant activities.*

*9. Let all the concerned authorities in all the States/UTs and the State PCEs/PCCs take further action and give their quarterly report to the CPCB. The same may thereafter be further followed up and compiled by the CPCB. It is made clear that if there is non-compliance by the States/UTs, PCBs/PCCs, the Tribunal may have to make the concerned authorities accountable by requiring payment of compensation as well as action against defaulting and erring officers. A further status report as on 30.11.2020 be filed by the CPCB on or before 31.12.2020 by email, making copies of report available to all relevant parties by webhosting on its website or otherwise.*

*The CPCB may hold a video conferencing with all the State PCBs/PCCs within one month from today which may cover, as far as possible not only the present but other significant environmental issues also. If one sitting is not enough, more*

*such sittings be held at suitable intervals so as to avoid delay in compiling relevant information."*

6. Accordingly, the CPCB has filed its consolidated report dated 02.02.2021 to the effect that information was sought from all the State PCBs/PCCs vide letter dated 11.08.2020. A video conference was held on 24.08.2020 but only eight States have furnished the information which is also not complete. The issue of compliance status in different States, to the extent of information available, has been filed. Followings conclusions/remarks have been given:

#### **"4.0 Conclusion/Remarks**

*As most of the SPCBs & PCCs could not submit the Quarterly Report to CPCB in compliance with Hon'ble Tribunal's Order, it is difficult to interpret the status of the enforcement of the Environment Norms for such type of establishment for entire country. However, after reviewing the data received from above 08 no. SPCBs, following recommendations have been made:*

- *All the States/UTs should have/develop proper Mechanism/Guidelines for control of pollution and enforcement of Environmental Norms in marriage halls, banquet halls, party venues etc. along with consent management system.*
- *ETP must immediately be installed at all big units which are not connected with the sewer lines and should meet compliance and rainwater harvesting systems be widely adapted for sustainable use of water.*
- *All the units having kitchen should have proper ducting arrangement. The units using DG sets must have the proper stack height.*
- *Units having kitchen, installation of composting facility should obviously get priority for proper management of the solid waste and fruitful use of resources so that manure or energy may be obtained and utilized suitably.*
- *As per provisions of the Noise Pollution (R & C) Rules, 2000, permission may be obtained from concerned Authorities by the units; but, SPCBs/PCCs should follow-up to keep the information with them also as to strengthen control of noise pollution at/from the units.*
- *It is also observed that, huge no of units have no adequate space at their parking site and even most of them do not possess own parking facilities. The existing units should*

*find out the alternate facility and same be mandatory for the new units.*

- *All SPCBs/PCCs should expedite for development of aforesaid Mechanism/Guidelines and update the information as per prescribed format.”*

7. As noted in the order of this Tribunal dated 23.07.2020<sup>2</sup>, all the State/UTs have to take further steps for enforcing the CPCB guidelines with a view to ensure compliance of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. The operative part of the guidelines is quoted below for ready reference:

***Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/ Cluster of Restaurants/ Hotels/ Motels/ Banquets etc.***

**1.0 Background**

xx xx xx

**2.0 Major Environmental Issues related to marriage halls, banquet halls, party venues**

xx xx xx

**2.1 Water Pollution.**

xx xx xx

**2.2 Air Pollution**

xx xx xx

**2.3 Solid Waste Management**

xx xx xx

**2.4 Noise pollution**

xx xx xx

**2.5 Infrastructure issues related to parking etc.**

xx xx xx

**3.0 Mechanism/Guidelines/Mitigation measures**

xx xx xx

**3.1 Water Pollution**

<sup>2</sup> Para 7 of order dated 23.07.2020

<b>(i) Effluent Treatment Plant</b>	xx	xx	xx
<b>(A) Eateries/ restaurants along roadside having minimum seating capacity of 36 numbers.</b>	xx	xx	xx
<b>(B) Effluent discharge norms for hotels</b>	xx	xx	xx
<b>(ii) Ground water extraction</b>	xx	xx	xx
<b>(iii) Water Conservation Measures</b>	xx	xx	xx
<b>3.2 Air Pollution</b>			
<b>(i) Gensets and Fuel</b>	xx	xx	xx
<b>(ii) Energy Conservation Measures</b>	xx	xx	xx
<b>(iii) Consent to establish and Consent to operate</b>	xx	xx	xx
<b>3.3 3.3 Solid Waste Management</b>	xx	xx	xx
<b>3.4 3.4 Noise pollution</b>	xx	xx	xx
<b>3.5 3.5 Infrastructure issues&amp; Other Requirements</b>	xx	xx	xx

## **5.0 Conclusion**

- a) Individual units to provide necessary facilities for control of air, water & noise pollution, solid waste management, etc as enumerated in the previous sections.
- b) Individual units to take necessary approvals from the concerned authorities as listed below:
  - Consent to Establish under Air/Water Act
  - Consent to operate under Air/Water Act
  - Permission for concerned Authorities in accordance with provisions of Noise Rules

- *Permission for Ground Water Extraction from concerned Authorities , if required*
  - *Building Plan Approval from concerned Authorities*
  - *Fire Safety Certificate/ NoC from concerned Authorities*
- c) *Local Authorities to ensure provision of adequate common facilities for water pollution, solid waste management, parking etc*
- d) *The State Board to have robust monitoring mechanism to evaluate compliance with norms of such units atleast twice a year. As per NGT Directions, SPCBs/PCCs are required to submit compliance report to CPCB as per the enclosed format (Annexure I)."*

8. In view of above, the recommendations in the report of the CPCB need to be duly implemented by all the States/UTs by adopting the guidelines for control of pollution in marriage halls, banquet halls, party venues etc. along with consent management system, as already directed. Further, as recommended by the CPCB in the above report, ETPs needs to be installed by all the big units, not connected to the sewer lines, apart from ensuring compliance of rain water harvesting systems, adequate safeguards in operating the kitchen need to be adopted, composting facilities, control of noise levels and providing parking space. Without such safeguards, no consent should be given or renewed even in respect of the establishments already setup. This may be strictly ensured by the State PCBs/PCCs and further overseen by the CPCB by laying down a compensation regime against the violating establishments as well as for erring State PCBs/PCCs. As already directed in the order dated 20.12.2019<sup>3</sup> quoted above that the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment. Information as to any particular establishment

<sup>3</sup> Para 21 of the order

has been given consent and is compliant or not should be placed on the website of the PCB/PCC as well as the establishment concerned for information of the concerned public. Placing such information in public domain will be one of the conditions while granting consent and failure of placing such information in public domain may render the consent granted to any establishment being withdrawn.

9. Since we have considered the consolidated report of the CPCB in terms of earlier directions, it is not necessary to refer to the reports filed by some individual States/PCBs/PCCs.

The application stands disposed of

A copy of this order be forwarded to the CPCB, Chief Secretaries of all States/UTs and all PCBs/PCCs by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 04, 2021  
Original Application No. 400/2017  
SN

C-11 Sector-6, Panchkula  
Ph - 0172- 577870-73, Fax No. 2581201  
E-mail- hspcbho@gmail.com  
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Office Order

Whereas, the Board, vide its order Endst. No. HSPCB/2020/PLG/1767-1795 dated 04.12.2020 has amended its consent procedure issued vide Head Office order Endst. No. HSPCB/2018/517-546 dated 26.02.2018 for grant of consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 alongwith consolidated list of industrial/non industrial sector/project covered under Red, Orange, Green and White Categories, based upon the directions issued by CPCB u/s 18(1)(b) of Water Act, 1974 and Air Act, 1981 vide letter no. B29012/ESS (CPA)/2015-16/8526 dated 07.03.2016 and subsequent directions thereon;

Whereas, Hon'ble NGT in the matter of OA No. 400/2017 titled as Westend Green Farms Society Vs Union of India & Ors. and OA No. 26/2019 titled as Abhay Singh Dahiya Vs State of Haryana has directed all States/UTs to take further steps for enforcing CPCB guidelines and mechanism for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets; and,

Whereas, the matter was examined by the Committee of this Board constituted for categorization of new/left over industrial sectors/projects for consent management, in its meeting held on 14.07.2021 and the Committee recommended that Restaurants/Dhabas/Motels/ Marriage Halls/Banquet Halls/ Party Lawns may be added in categorization of industrial sectors/projects issued vide order endst. No. HSPCB/2020/PLG/1767-1795 dated 04.12.2020 based on waste water discharge and floor area;

Therefore, in view of above, it is hereby ordered that the following industrial/non industrial sector/projects are added under Red, Orange and Green Categories in the consent procedure already issued vide Head Office order Endst. No. HSPCB/2020/PLG/1767-1795 dated 04.12.2020 for obtaining consent to establish and consent to operate under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981:-

1. Industrial/ Non-Industrial Sectors/Projects "Restaurants/Dhabas/ Motels/ Marriage Halls/Banquet Halls/ Party Lawns (Waste Water Generation  $\geq$ 100 KLD)" is added at Sr. No. 80 in the List of Red Category of Industrial/ Non-Industrial Sectors/Projects.
2. Industrial/ Non-Industrial Sectors/Projects "Restaurants/Dhabas/ Motels/ Marriage Halls/Banquet Halls/ Party Lawns (Waste Water Generation  $\geq$ 10 KLD but  $<$ 100KLD))" is added at Sr. No. 112 in the List of Orange Category of Industrial/ Non-Industrial Sectors/Projects.
3. Industrial/ Non-Industrial Sectors/Projects "Restaurants/Dhabas/ Motels/ Marriage Halls/Banquet Halls/ Party Lawns having minimum floor area of 100 m<sup>2</sup> or a with minimum seating capacity of 36 (Waste Water Generation  $<$ 10 KLD)" is added at Sr. No. 74 in the List of Green Category of Industrial/ Non-Industrial Sectors/Projects.

**\*Note:**

1. It is clarified that only those Restaurants/Dhabas/ Motels/ Marriage Halls/Banquet Halls/ Party Lawns having Waste Water Generation  $<$ 10 KLD are covered under consent management which have minimum floor area of 100 m<sup>2</sup> or a with minimum seating capacity of 36.

2. The specific standards prescribed under EP Rules, 1986 (as amended) shall be applicable on the Hotels, banquet halls, restaurants, etc. If, the effluent is discharged into a municipal sewer leading to a Sewage treatment Plant, the hotel or restaurant or banquet hall, as the case may be, shall provide a proper Oil and Grease Trap for effluent arising from its kitchen and laundry and shall have to comply with the 'General Standards for Discharge of Environmental Pollutants Part-A: Effluents' notified under Schedule-VI.
  3. The guidelines and mechanism issued by CPCB vide letter dated 19.03.2020 for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/Cluster of Restaurants/Hotels/Motels/Banquets shall be applicable.
- These orders shall come into force with immediate effect.

Dated Panchkula, the  
9<sup>th</sup> September, 2021


Dr. Sumita Misra, IAS  
Chairperson-HSPCB

Endst. No. HSPCB/PLG/2021/2210 - 2264

Dated: 13/09/2021

A copy of the above is forwarded to the following for information and further necessary action:-

1. The Additional Chief Secretary to Govt. Haryana, Department of Environment and Climate Change, Chandigarh.
2. The Additional Chief Secretary to Govt. Haryana, Panchayat and Development Department, Haryana.
3. The Additional Chief Secretary to Govt. Haryana, Urban Local Bodies Department, Haryana.
4. The Principal Secretary to Govt. Haryana, Town & Country Planning Department, Haryana.
5. The Principal Secretary to Government, Haryana, Industries & Commerce Department Chandigarh.
6. All Deputy Commissioners of Districts of Haryana.
7. All Branch Incharges dealing with consent management in Head Office of the Board.
8. All Regional Officers of the Board in the field.
9. Environmental Engineer -cum- Nodal Officer of the HSPCB, Haryana Enterprises Promotion Centre (HEPC) Bay No. 63-64-65-66, Sector 2, Panchkula.
10. Environmental Engineer-IT, HSPCB, Panchkula. He is requested to make necessary changes in the online inspection module.
11. Nodal Officer (IT) for uploading the orders on the website of the Board for the notice of all concerned.


  
Sr. Env. Engineer (PLG)  
For Chairperson

Endst. No. HSPCB/PLG/2021/2265 - 2268

Dated: 13/09/2021

A copy of the above is forwarded to the following for information of the officers:-

1. Chief Secretary, Government of Haryana
2. Chairman, CPCB
3. PS to Chairman
4. PA to Member Secretary

  
Sr. Env. Engineer (PLG)  
For Chairperson