

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

**Original Application No. 471 of 2016**

**IN THE MATTER OF:**

**People for Education Research Scholarship & Outward Nutrition**

Registered office: 39, Mohammad Pur,  
2<sup>nd</sup> Floor, Bikaji Kama Place,  
New Delhi-110003

..... Applicant

*Versus*

**1. Union of India**

Through Ministry of Environment, Forest and Climate Change,  
3<sup>rd</sup> Floor, Prithvi Wing,  
Indira Paryavaran Bhawan,  
Jor Bagh,  
New Delhi-110003

**2. Central Pollution Control Board**

Parivesh Bhawan  
CBD-Cum Office Complex,  
East Arjun Nagar,  
Delhi-110032  
Through its Chairman

.....Respondents

**COUNSEL FOR APPLICANT:**

Mr. Anuj Chauhan, Adv. and Ms. Ananya, Adv

**COUNSEL FOR RESPONDENTS:**

Mr. Attin Shankar Rastogi, Adv. for Ministry of Environment, Forest and Climate Change for respondent no.1

Mr. Raj Kumar, Adv. with Mr. Bhupender Kumar, LA, Central Pollution Control Board for respondent no.2

## **JUDGEMENT**

### **PRESENT:**

**Hon'ble Mr. Justice Swatanter Kumar (Chairperson)**  
**Hon'ble Mr. Justice Raghuvendra S. Rathore (Judicial Member)**  
**Hon'ble Mr. Bikram Singh Sajwan (Expert Member)**  
**Hon'ble Dr. Ajay A. Deshpande (Expert Member)**

**Reserved on: 17<sup>th</sup> April, 2017**  
**Pronounced on: 16<sup>th</sup> May, 2017**

- 1. Whether the judgment is allowed to be published on the net?**
- 2. Whether the judgment is allowed to be published in the NGT Reporter?**

### **RAGHUVENDRA S. RATHORE (JUDICIAL MEMBER) J**

- 1.** The applicant which is a society registered under Societies Registration Act, 1860 has filed this application mainly seeking certain restrictions on handling of pet coke and use of pet coke as an industrial fuel. The applicant submits that petroleum coke (often called as pet coke) is a carbonaceous solid delivered from oil refinery coker units or other cracker processes. This pet coke can be fuel grade (low in sulphur and metals). Pet coke has over 90% carbon contents and consequently has higher energy, and therefore, pet coke burning emits between 30 to 40% more CO<sub>2</sub> than coal, per unit of weight. Applicant further submits that pet coke is a heavy dust which resembles coal and contains various dangerous chemicals and heavy metals, including Chromium, Vanadium, Sulphur and Selenium. According to the applicant, burning of the pet coke poses a significant health risk due to emissions of high concentration of various air pollutants. Applicant alleges that the petroleum industry classifies the pet coke as a

refinery by-product which allows it to be excluded from the rigours of various environmental regulations, completely ignoring its dangerous health effects when used as industrial fuel. Applicant further submits that it is a well documented fact that pet coke has very high level of sulphur ranging from 0.5% to 10% (w/w basis), besides significant concentration of various metals. According to applicants, Maharashtra Pollution Control Board has considered the environmental sensitivity of pet coke and has held that if the sulphur content in pet coke is more than 5% then it needs to be categorized as 'hazardous waste' in terms of Schedule-II of Hazardous Waste (Management, Handling & Transboundary Movement) Rules, 2008 (herein after called HW rules). The applicant further relies on WHO documents to demonstrate that SO<sub>2</sub> is an outcome of pet coke burning and is a significant air pollutant posing serious health risks to the human beings. According to the Applicant, with such high concentration of sulphur content of pet coke, it would be necessary that pet coke is declared Hazardous waste as per Hazardous Waste Rule, 2008/2016.

- 2.** The applicant further submit that pet coke being available in abundant quantity due to its significant generation in the Indian refineries, it is comparatively cheaper than the coal and also, has an advantage of very high calorific value. It is easy to handle it for use as a fuel. Pet coke is therefore, increasingly being used illegally without specific permission of the Pollution

Control Boards in various industries, particularly, the cement industry, textile, steel, and other industries. The applicant therefore submits that besides the metal compounds present in the coke, the heavy emissions of SO<sub>2</sub>, is adding to the pollution problems particularly, the adverse effects of SO<sub>2</sub> as well as release of dust containing the metal compounds.

**3.** The applicant, therefore, has invoked the jurisdiction of this Tribunal under Section 14 and 15 to pray for the following:

- (a) To issue appropriate guidelines or direction for handling of pet coke to minimize damage to environment.
- (b) To issue direction for ban on usage of Petroleum coke as fuel.
- (c) To direct respondents to conduct an inquiry into illegal usage of petroleum coke by industries.

**4.** Respondent-1, Ministry of Environment, Forest and Climate Change (herein after called MoEF) has filed an affidavit dated 24<sup>th</sup> December, 2016 and submitted that they have notified source specific standards for emissions and discharge of environmental pollutants from certain categories of industries, operations and processes, besides the National Ambient Air Quality Standards (NAAQS) from time to time. MoEF submits that the emission standards for cement plants have been notified on 25<sup>th</sup> August, 2014 which *interalia* stipulate that the norms shall be applicable even if pet coke is mixed with coal and used for clinker making; provided it has been notified as “

an approved fuel” by the concerned State Pollution Control Board/Pollution Control Committee.

**5.** Respondent No. 2, CPCB had filed an affidavit on 20<sup>th</sup> October, 2016 and submitted that specific standards for industries have been notified by MoEF for various air pollutants including PM, SO<sub>x</sub> and NO<sub>x</sub>. CPCB, however, records its concern on emissions of Sox, as pet coke has high sulphur content, as compared to coal. Therefore, it submits that efficient sulphur recovery is essential. CPCB further submits that petroleum coke can either be fuel grade or anode grade. The raw petroleum coke coming directly out of coker is referred to as ‘green coke’ which is generally used as industrial fuel. This green coke is further processed by calcinations process in rotary kiln to manufacture calcined pet coke (CPC) which is of anode grade. As regards to the contention of the applicant to declare the pet coke as a hazardous material under the Hazardous Waste Rule, surprisingly, CPCB record that such contention does not call for any comments from the CPCB. CPCB further submits that pet coke has higher sulphur content and therefore, SO<sub>2</sub> emissions generated on its burning is higher. The emission standards for SO<sub>x</sub> for various categories of industries have been notified and it would be mandatory for the industries to take suitable steps to control its emissions well within norm, even if they are lawfully using pet coke as fuel. The affidavit filed by CPCB does not dispute

the alleged ill effects of SO<sub>2</sub> as a gaseous pollutant and its adverse health impacts.

**6.** CPCB submits that pet coke has been identified as waste for the refinery industries. As per the definition of the waste, under the Hazardous Waste Management Rules, 2016, it means, “a material that is not a product or by product for which a generator has no further use for the purpose of production, transformation and consumption”. In this context, by-product means any material i.e. not intended to be produced but gets produced in the process of identical product and is used such. CPCB has, therefore, submitted in order to clarify the issue related to notifying of the pet coke as waste or hazardous waste or by-product waste that the matter needs to be referred to a Technical Review Committee constituted by MoEF & CC in this behalf. CPCB further submits that pet coke shall not be used by any industry without the express permission of the concerned State Pollution Control Board or the Pollution Control Committee. It is, therefore, of the view that considering the higher sulphur content in pet coke which give rise to concerns regarding higher air emissions, efficient sulphur recovery is essential.

**7.** We have perused the pleadings and documents submitted by contesting parties and are of the opinion that the issues for consideration of the Tribunal would be whether there is any need to have any restriction on handling of the pet coke

including ban on the use of it; and if yes, what restrictions are required to be placed in this regard.

8. It has been commonly agreed by the parties that pet coke is produced in the petroleum refineries and it is a black solid produced through the thermal decomposition of heavy petroleum process stream and is the residue of this process. This initial product of the coking process, in the petroleum refineries, is commonly called as pet coke. Pet coke is increasingly being used as one of the major alternative fuel, replacing coal due to its high net calorific value. As per the CPCB commissioned report on ‘Assessment of air pollution for cement plant using pet coke’ which is placed on record, the net calorific value of pet coke, imported coal and Indian coal is 7800-8400, 6500-7500 and 4500-5500 kcal/kg respectively. At the same time, the ash content of these 3 fuels is 0.4-1.0, 7-15 and 25-40% respectively. But more importantly, the sulphur content in these 3 fuels would indicate that the pet coke has the maximum sulphur content from 4.0 to 7.9%. Table 1.1 of this report where the characteristics of pet coke and Indian coal are given is reproduced below:

	<b>Pet coke (%)</b>	<b>Imported Coal (%)</b>	<b>Indian Coal (%)</b>
Ash Content	0.4-1.0	7-15	25-40
Inherent Moisture	0.25-0.5	2-4	1.5-3.5
Carbon	81-89	65-75	45-55

Sulphur	4.0-7.9	0.6-1.0	0.5-1.5
Nitrogen	0.6-1.8	1.5-1.7	0.9-1.1
Hydrogen	3.0-3.5	3.5-4.5	4-5
Oxygen	0.5-1.6	6.5-8.5	16-18
Volatile Components	9.0-11.0	25-31	24-30
Net Calorific Value, Kcal/kg	7800-8400	6500-7500	4500-5500
HGI	40-80	49-60	55-65

**9.** It is also reported that pet coke has to be grinded very finely in order to enable it to burn completely and to derive maximum calorific value from it.

**10.** Though the applicant has alleged that pet coke has significant metal concentrations, but neither CPCB nor MoEF have responded to this specific allegation by referring to any particular range of concentrations of such metals. But at the same time, reference has been made by CPCB about the presence of the heavy metal in pet coke, in various paragraphs of the affidavit.

**11.** Reference may be made to the standards notified by Bureau of Indian Standards which are notified through BIS 8502:1994 and the requirements of the petroleum coke, as referred in these standards, are produced below:

Table 1 Requirements for Petroleum Coke  
( Clauses 3.2, 3.3 and 3.3.3 )

SI No.	Characteristics	Requirement for			
		Raw Petroleum Coke		Calcined Petroleum Coke	
(1)	(2)	Grade A	Grade B	Grade A	Grade B
i)	Moisture content (as received), percent by mass, Max	10	10	-	-
(ii)	Moisture content (after initial drying for raw petroleum coke only), percent by mass, Max	2-0	2-0	0.1	0.1
iii)	Ash, percent by mass, Max	0.45	0.45	0.5	0.5
iv)	Volatile matter, percent by mass, Max	11.0	11.0	0.4	0.4
v)	Density:	-	-	To be reported	
	a) Vibrated bulk, g/cm <sup>3</sup>	-	-	2.03	2.03
vi)	Fixed carbon, percent by mass, Min	85.0	85.0	99.0	99.0
vii)	Sulphur total, percent by mass, Max	1.25	2.5	1.25	2.5
viii)	Trace metals:	To be reported		0.05	0.05
	a) Silicon (Si), percent by mass, Max	do		0.04	0.04
	b) Iron ( Fe ) percent by mass, Max	do		0.03	0.03
	c) Vanadium* ( V ), percent by mass, Max	do		To be reported	

\*For graphite industry a higher real density and low vanadium content product is required; the limits for this may be settled between the purchaser and the supplier.

These standard would indicate that Bureau of Indian Standards have so far not stipulated the concentration of the trace metals which are present in the raw petroleum coke. But at the same time, the calcinated petroleum coke which is produced by further processing the raw petroleum coke is reported to have significant concentration of heavy metals like Vanadium, Nickel and Iron. This would obviously manifest the presence of such metals in raw petroleum coke. United States Environmental Protection Agency (USEPA), on its website,

refers to the chemical composition of the petroleum coke and the information available on the website indicate the presence of various metal concentrations in pet coke, as follows Vanadium: 470, Nickel: 180, Iron: 78, Molybdenum: 20, Zinc: 2.2, Barium: 1.8 (in mg/kg dry sediment).

**12.** Under these circumstances, it is now necessary to consider the arguments of the applicant related to the pollution potential of pet coke. CPCB in its affidavit dated 20th October, 2016 has submitted that as pet coke has higher sulphur content, the SO<sub>2</sub> emissions are likely to be higher. It has further taken the stand that pet coke cannot be used without the permission of the concerned State Pollution Control Board under the provisions of the Air (Prevention and Control of Pollution) Act, 1981. It further submits that the concern regarding the SO<sub>2</sub> emissions, pet coke itself contain high sulphur as compared to coal and therefore, efficient sulphur recovery is essential. However, CPCB is of the opinion that the source specific air emissions standards for several industries, including that of SO<sub>x</sub>, have been notified and therefore, necessary due care has been taken by the MoEF and CPCB to control the ambient air pollution due to excessive SO<sub>2</sub> emissions from the industrial sources which are using pet coke as fuel. In other words, CPCB is of the opinion that if the source emissions standards are strictly complied by the industries and effectively enforced by the SPCBs, then there is no potential hazard of using pet coke as fuel. MoEF also has

taken similar stand with an additional submission that before using pet coke as a fuel, the concerned SPCB's or PCC's need to notify pet coke as 'an approved fuel' under the provisions of Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as the 'Air Act').

**13.** We have perused the relevant provisions of the Air (Prevention and Control of Pollution) Act, 1981 and the relevant sections are reproduced below:

**“19. Power to declare air pollution control areas**

–

**(3)** : *If the State Government, after consultation with the State Board, is of opinion that the use of any fuel, other than an approved fuel, in any air pollution control area or part thereof, may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.*

**21. Restrictions on use of certain industrial plants-**

*(5) Every person to whom consent has been granted by the State Board under sub-section (4), shall comply with the following conditions, namely –*

*(i) the control equipment of such specifications as the State Board may approve in this behalf shall be installed and operated in the premises*

*where the industry is carried on or proposed to be carried on;*

- (ii) (ii) the existing control equipment, if any, shall be altered or replaced in accordance with the directions of the State Board;*
- (iii) (iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;*
- (iv) (iv) chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected or re-erected in such premises; .and*
- (v) (v) such other conditions as the State Board, may specify in this behalf.”*

**14.** Reference can also be made to the document published by the MoEF i.e. Corporate Responsibility in Environment Protection (hereinafter referred as CREP document) where specific environment improvement and compliance targets for industries were published by the MoEF in 2003. The CREP document formulated by MOEF/CPCB in 2003 identified the potential pollution caused by the pet coke and stipulated the following:

- a. For the oil industry, the petroleum coke having high sulphur content will be sold to /reused by organized industries (having consent from SPCBs), which have systems to control SO<sub>2</sub> emissions. This will be ensured by June 2003.

b. For the cement industry, CPCB, NCBM, BIS and Oil refineries will jointly prepare the policy on use of petroleum cokes as fuel in cement kiln by July 2003.

**15.** The sum and substance of above discussions would establish that pet coke, due to its high sulphur content besides presence of heavy metals like Vanadium, Cobalt and Nickel is a significant source of air pollution, if used as a fuel. There cannot be any dispute about this fact as both MoEF as well as CPCB have themselves agreed to it. The only issue which requires adjudication by the Tribunal is whether there are any compelling reasons to either put any restriction or ban on the use of pet coke as fuel.

**14.** In view of the high sulphur content and presence of heavy metals in pet coke, it would be utmost essential to apply the precautionary principle in the present case. The environmental jurisprudence in such matter is well established and even, Section 20 of the NGT Act requires the Tribunal to apply precautionary principle; principle of sustainable development and polluter pays principle while passing any order or award. Obviously, with the established pollution potential of the pet coke as a fuel, it would be necessary to apply precautionary principle to regulate its use.

**15.** The first level of such regulation for use of pet coke can be the effective implementation of provisions of Section 19 (3) of Air Act wherein the State government, after consultation from the state board has to take a decision on use of any fuel.

Undoubtedly, no other fuel, other than the 'approved fuel' can be used without resorting to provisions of Section 19 (3) of the Air Act. The Air Act, clearly defines ' approved fuel' as any fuel approved by the State for the purpose of Air Act.

**16.**The second level of safeguards based on precautionary principles would be the effective use of Section 21 (5) of Air Act which mandates the SPCB to specify the pollution control systems wherein the State boards need to approve the air pollution equipment to be installed by the industries. Obviously, this provision empowers the board to stipulate effective and adequate air pollution arrangements, if the pet coke is required to be used as a fuel by the industries. While dealing with these two specific provisions, reference can be made to the minutes of the meeting held by Maharashtra Pollution Control Board, of its working group, on 16<sup>th</sup> April 2015. The working group of MPCB has deliberated on the pros and cons of using pet coke as a fuel. It is noted from the minutes of the meeting that the working group was of the opinion that due to higher sulphur content of pet coke, the industries need to invest significantly in boiler and associated air pollution control system and therefore, use of pet coke by adhering to pollution control norms, may not be techno-economically viable for small and medium scale Industries. It is also recorded in the minutes that it is necessary to install a caustic media scrubber which again would necessitate high investment, both capital and recurring, by industries. CPCB

was also part of this working group. After due deliberation, the MPCB working group has arrived at the following conclusions:

- (i) The small and medium scale industries may not afford the cost of installation, further operation and maintenance of pollution control system.
- (ii) The modification of boiler having double firing zone, fixed bed of Calcium Oxide, interlocking arrangement with pollution control system etc. may not be affordable to small scale industries.
- (iii) Use of pet coke as an alternate fuel may not be advisable in areas identified as Critically Polluted by MoEF, GoI. But, it can be at the most considered for large industry is in non-critical areas where assimilation capacity is available.

**17.** Still, no reliable documents or reports have been placed on record either by CPCB or MoEF regarding the use of pet coke by the industries other than the cement plants. The cement plants are generally large scale industries and the use of pet coke in the kiln is fundamentally different from direct use of it as fuel in boilers by other industries. We can safely infer from the recommendations of the group report and also deliberation in the working group of MPCB that the use of pet coke as fuel would require specialized air pollution control systems like alkali media wet scrubbers, besides the conventional air pollution control equipment. Similarly, though the air

pollution potential of use of pet coke as industrial fuel is known to be significant, at least since 2003, authorities like CPCB have not carried out any specific study or research regarding the pollution potential of such use of pet coke, like chemical composition of pet coke for metal contents; composition of air emissions; comparison to air emissions while using coal; and the need of specific air pollution control systems.

**18.** At this stage, a reference can be made to section 16 and 17 of Air Act where the CPCB and SPCBs have been given very specific mandate. Section 16 (1) squarely entrust CPCB with the responsibility to maintain the ambient air quality in the country, besides conducting specific research activities related to air pollution. SPCBs are required to support such research activities, besides specifying emission standards for various source emissions including the industries. We do not find any such efforts from CPCB in this particular case. The relevant sections are reproduced below:-

**“16. Functions of Central Board –**

**(1)** *Subject to the provisions of this Act, and without prejudice to the performance, of its functions under the Water (Prevention and Control of Pollution) Act, IL974 (6 of 1974), the main functions of the Central Board shall be to improve the quality of air and to prevent, control or abate air pollution in the country.*

**(2)** *In particular and without prejudice to the generality of the foregoing functions, the Central Board may-*

*(a) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;*

- (b) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of air pollution;*
- (c) co-ordinate the activities of the State and resolve disputes among them;*
- (d) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution;*
- 12[(dd) perform such of the function of any State Board as may, be specified in and order made under sub-section (2) of section 18;]*
- (e) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of air pollution on such terms and conditions as the Central Board may specify;*
- (f) organise through mass media a comprehensive programme regarding the prevention, control or abatement of air pollution;*
- (g) collect, compile and publish technical and statistical data relating to air pollution and the measures devised for its effective prevention, control or abatement and prepare manuals, codes or guides relating to prevention, control or abatement of air pollution;*
- (h) lay down standards for the quality of air.,*
- (i) collect and disseminate information in respect of matters relating to air pollution;*
- (j) perform such other functions as may be prescribed.*

**(3)** *The Central Board may establish or recognise a laboratory or laboratories to enable the Central Board to perform its functions under this section efficiently.*

**(4)** *The Central Board may-*

- (a) delegate any of its functions under this Act generally or specially to any of the committees appointed by it;*
- (b) do such other things and perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes Of this Act.*

## **16. Functions of State Boards –**

**(1)** *subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution)*

Act, 1974 (Act 6 of 1974), the functions of a State Board shall be-

(a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof,

(b) to advise the State Government on any matter concerning the prevention, control or abatement of air pollution;

(c) to collect and disseminate information relating to air pollution;

(d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise mass-education programme relating thereto;

(e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;

(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;

(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft:

Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

(h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;

(i) to Perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;

*(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.*

*(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.”*

**19.**It is also noticed from the replies filed by the Respondents that the prayer of the applicant to declare pet coke as hazardous waste is also not adequately responded, either by the CPCB or MoEF. CPCB has taken a stand that this matter needs to be referred to the technical expert committee constituted by the MoEF for identification of hazardous waste. We do not know why such a reference has not been made by the CPCB to MoEF so far, even when it had thought it necessary to do so.

**20.**After arguing the matter in detail, Learned Counsel for the MoEF and CPCB further submitted that a similar issue of use of pet coke in the industry in NCR area and its contribution to the air pollution in NCR area is under consideration of the Apex Court in IA No. 345 in WPC No. 13029 of 1985. A copy of the order dated 6<sup>th</sup>February 2017 has been placed on record. The relevant paragraphs of this order is reproduced below:

*“.....The learned Solicitor General has also made a submission with regard to use of pet coke and furnace oil in NCR. He says that meetings have been held in this regard but a final decision has yet not been reached since some substitute has to be found for pet coke and furnace oil. It is submitted by*

*learned Amicus that natural gas and electricity are viable substitute. These should be explored by the concerned bodies”.*

*“We have seen the Report dated 01.02.2017 submitted by Environment Pollution (Prevention & Control) Authority (EPCA). We find that the sulphur content in pet coke and furnace oil is extremely high and that is a major cause of pollution in Delhi and indeed in NCR.*

*“The learned Solicitor General says that a final decision will be taken with 8 weeks. We are of opinion that so much of time cannot be granted given the urgency in the matter”.*

*“Keeping these facts in mind, we are of opinion that urgent action is required to be taken by the concerned authorities to ensure that air pollution in Delhi is reduced. There is, therefore, great urgency in taking a final decision on the use of pet coke and furnace oil.....”.*

**21.**With respect, it can be noticed from above the order of the Apex Court that there are no specific directions in the matter or stay to the present proceedings. It can also be noticed that the Apex court while recording the high pollution potential of pet coke and furnace oil (FO) with regard to ambient air pollution in Delhi and NCR areas, has opined the need of urgent action by government authorities, which has not been on record even today. The Apex court in that matter is comprehensively hearing ambient air pollution problem in Delhi and NCR area; and particularly the issue of illegal use of pet coke and furnace oil was brought before the Apex court

by EPCA, and was not part of action plan prepared by CPCB. The present application is specifically regarding the use of pet coke as industrial fuel across the country. We, therefore, do not find any merit in the arguments advanced by MOEF and CPCB regarding the consideration of issue by the Apex court.

**22.** Still however, it is noticed that after the order of the Apex Court, a meeting has been held by the MoEF of all the stakeholders. It is observed from the minutes of the meeting held on 18<sup>th</sup> January 2017 that while concluding the meeting, the MoEF was of the view that the issue regarding the ban on use of pet coke and furnace oil as industrial fuel and for generation of electricity in Delhi and NCR including its extent, impact and measures/steps for transition towards cleaner fuel may need further discussions. MoEF was required to convene further meetings in this regard at appropriate level to chart out action plan. No records of subsequent efforts taken by MOEF have been placed on record which shows that no action has been taken by the authorities in spite of clear opinion expressed by the Apex court.

**23.** In view of the discussion referred above and the documents and the pleadings submitted on record, we dispose of this application with following directions:

- (I) The respective State Governments shall take a decision as to whether the Pet coke is 'an approved fuel or not' in terms of Section 19(3) of the Air (Prevention and Control

of Pollution) Act, 1981 and notify their decision within a period of two months.

- (II) MoEF shall take a decision on classification of pet coke whether it is hazardous waste or not in view of the provisions of the Hazardous Waste Management Rules, 2016 and issue necessary notification/clarification in this regard within a period of 2 months.
- (III) The industries which are having necessary consent for use of Pet coke as an industrial fuel or for energy generation can continue to use the same for a period of 2 months. Thereafter, they shall abide by the decisions taken by the State Governments and MoEF, in furtherance of the aforesaid directions no. 1 and 2 respectively. But the industries that do not have any consent for use of Pet coke, the State Pollution Control Boards shall take immediate action against them. Such industries are to be closed down forthwith.
- (IV) In furtherance to above direction, the industries which are willing to use pet coke as industrial fuel or for energy generation shall have to obtain necessary consent from SPCB/PCC which shall include specific approval for the Air Pollution Control System required for such use of pet coke as a fuel.
- (V) No industry or processes shall use pet coke as fuel without adhering to above conditions. The Central

Pollution Control Board shall communicate this direction to all the State Boards/Pollution Control Committees and ensure the compliance, within one month.

**24.** The application is disposed of, with no order as to cost.



.....  
Justice Swatanter Kumar  
(Chairperson)

.....  
Justice Raghuvendra S. Rathore  
(Judicial Member)

.....  
Bikram Singh Sajwan  
(Expert Member)

.....  
Dr. Ajay. A. Deshpande  
(Expert Member)

**New Delhi.**

**Dated: 16<sup>th</sup> May, 2017**

**NGT**

Dr Shruti Rai Bhardwaj  
Joint Director



भारत सरकार  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE  
इंदिरा पर्यावरण भवन, जोर बाग रोड,  
अलीगंज, नई दिल्ली-110 003  
INDIRA PARYAVARAN BHAVAN, JOR BAGH ROAD,  
ALIGANJ, NEW DELHI-110 003  
Website : moef.nic.in

D.O No. Q-18011/72/2016-CPA

Dated: 14.07.2017

**Sub: Usage of petcoke in cement industry -OA No. 471 of 2016 in NGT Delhi - reg.**

Dear Ms Sharma,

This is with reference to your letter no. 280(TC)/199/2017 dated 29<sup>th</sup> June 2017 seeking clarification regarding the above cited subject. The matter has been perused in the Ministry.

2. Ministry's views regarding usage of Petcoke in industries has already been submitted to Hon'ble NGT vide affidavit dated April 2017 in the instant OA No. 471 of 2016. **In this affidavit, Ministry has categorically responded wrt hazardous nature of pet coke stating that it is not classified as hazardous as per Schedule I of Hazardous and Other Waste (Management and Transboundary Movement), Rules, 2016 (HW Rules).** However, use of Petcoke as fuel leads to emission of SO<sub>2</sub> and NO<sub>x</sub> which are amongst the air pollutants listed in National Ambient Air Quality Standards. Accordingly, industries using Petcoke need to have appropriate pollution control system for controlling SO<sub>2</sub> and NO<sub>x</sub> emission. In fact, in the similar matter in reference to WP (C) No 13029 of 1985 in Hon'ble Supreme Court; Ministry in its affidavit dated April 2017 submitted that Petcoke and furnace oil as combustion fuel may be permitted to be used in both cement and other such industries that have appropriate pollution control system. In the affidavit we emphasized on stringent norms and standards based approach with rigorous implementation as the way forward to address such pollution related issues. Closure and banning of complaint industries is not considered desirable since it leads to unavoidable regulatory distortion and loss of trust in regulatory mechanism.

3. With respect to specific clarification sought by NGT on whether Petcoke is hazardous waste or not (para 3(vi) above), the definition of 'Waste' in HW Rules, 2016 needs to be referred to first to categorize it as 'Waste' before concluding it as 'Hazardous Waste'. As per Rule 3 (38) of HW Rules, 2016, "waste means materials that are not products or by-products, for which the generator has no further use for the purposes of production, transformation or consumption.

*Explanation - for the purposes of this clause,*



Waste includes includes the materials that may be generated during, the extraction of raw materials, the processing of raw materials into intermediates and final products, the consumption of final products, and through other human activities and excludes residuals recycled or reused at the place of generation; and

(ii) **By-product** means a material that is not intended to be produced but gets produced in the production process of intended product and it used as such "

4. According to this definition, Petcoke is "by-product" of the oil refining process and does not fall in category of hazardous waste. As refineries seek to extract gasoline and other high value fuels from crude oil, the solid carbon material known as pet coke is produced. Depending on physical and chemical characteristics, Petcoke is either used in energy application (fuel grade) or in industrial application as carbon source (calcined coke).

5. It is also to clarify that with respect to Captive Power Plant (CPI), norms as pertaining to thermal power plant shall apply. Further, while drawing the list of 'approved fuel', State Pollution Control Board (SPCB)/Pollution Control Committee (PCC) shall take into account above clarification and accordingly, States and Union Territory which have still not notified the list of 'approved fuel' shall allow the use of Petcoke provided control measures are in place and norms are being met.

This issues with approval of Competent Authority.

With Regards.

Encl: As above

Yours sincerely



(Dr Shruti Rai Bhardwaj)

**Ms. Aparna Dutt Sharma,**  
Secretary General,  
Cement Manufacturers' Association  
CMA Tower A-2 E, Sector- 24,  
Noida 201 301 (U.P)

CC  
Chairman.

**Government of Madhya Pradesh**  
**Department of Urban Development and Environment**  
**Mantralaya, Bhopal**

No. 2196 / 2116/2017/18-5

Bhopal, Dated: 17/07/2017

**Order**

In pursuance to the Hon'ble NGT, Principal Bench, New Delhi, order issued on dated 16/5/2017 in reference to original Application No. 471 of 2016 in the matter of People for Education Research Scholarship & Outward Nutrition V/S Union of India & others, the State Government has examined the matter in consultation with the M P Pollution Control Board.

As mentioned by the M P Pollution Control Board, the sulphur content in the Pet Coke is higher than Coal and hence there might be a problem of increase in the Sulphur Dioxide Emission in the atmosphere due to the use of Pet Coke as a fuel in the industries, but the same can be controlled by suitable Pollution Control measures at source of emission.

In light of the above facts, the State Government is of the opinion that the industries can use the Pet Coke as a fuel only after obtaining the consent from the M P Pollution Control Board. The M P Pollution Control Board may allow the pet coke as fuel in the industries on case to case basis through Consent after proper examination of control equipments installed by the proponents for the control of the Emission of Sulphur Dioxide and other pollutants.

(Rajiv Sharma)  
Additional Secretary

Environment Deptt.

Copy to:

1. The Chairman, M P Pollution Control Board, Bhopal, for information and necessary action
2. Guard File.

Sci (h)

17/07/17

No. Q-16017/04/2018-CPA  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE  
(CP Division)

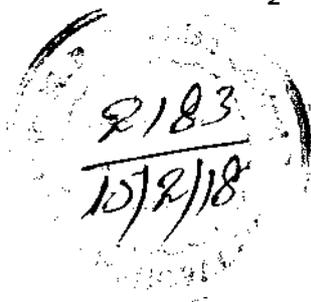
\*\*\*\*\*

2<sup>nd</sup> Floor, Jal Wing, IPB, Jorbagh Road  
New Delhi-110003

Dated: 31<sup>st</sup> January, 2018

To,

All SPCB/SPCC/ CPCB  
As per copy enclosed

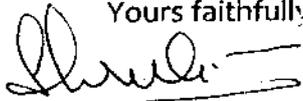


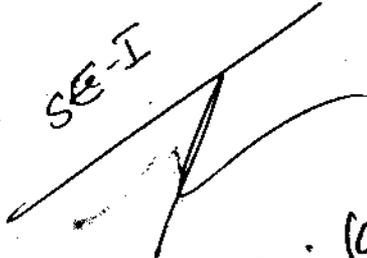
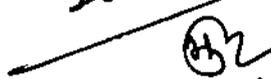
**Subject: Regulation on Sale and Use of Petcoke in Cement Plant and Lime Kiln in NCR States- regarding.**

Sir,

Undersigned is directed to forward herewith copies of the Gazette Notifications of the Government of India, G.S.R. No. 66 (E) dated 19.01.2018 and G.S.R. No. 45 (E) dated 19.01.2018 regarding Regulation on Sale and Use of Petcoke in Cement Plant and Lime Kiln in NCR States for necessary action/record. The same may also be downloaded from website link [www.egazette.nic.in](http://www.egazette.nic.in) and <http://www.moef.nic.in>.

Encl: as above

Yours faithfully,  
  
(Dr. Shruti Rai Bhardwaj)  
Joint Director/ Scientist 'D'

SE-I  
  
Sui (G)  
  
16/2/18

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 37]

नई दिल्ली, शुक्रवार, जनवरी 19, 2018/पौष 29, 1939

No. 37]

NEW DELHI, FRIDAY, JANUARY 19, 2018/PAUSHA 29, 1939

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 19 जनवरी, 2018

**सा.का.नि. 48(ब).—**यतः राष्ट्रीय राजधानी क्षेत्र (एनसीआर) राज्यों में पर्यावरणीय गुणवत्ता के संरक्षण तथा निवारण और पर्यावरण प्रदूषण के निवारण, नियंत्रण तथा उपशमन के उद्देश्य से एनसीआर राज्यों में पेटकोक की बिक्री तथा उपयोग के संबंध में उपाय किये जाने की आवश्यकता है;

अतः, अब केन्द्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित निदेश जारी करती है, अर्थात् :—

**राष्ट्रीय राजधानी क्षेत्र (एनसीआर) के राज्यों में सीमेन्ट संयंत्र में पेटकोक की बिक्री और उपयोग:—**

- (1) एनसीआर राज्यों में कोई भी सीमेंट संयंत्र जिसमें ईंधन के रूप में पेटकोक का इस्तेमाल किया जाता है, संबंधित राज्य प्रदूषण नियंत्रण बोर्ड की सम्मति प्राप्त किये बिना और उसके साथ रजिस्ट्रीकरण कराये बिना कार्य नहीं करेगा।
- (2) संबद्ध राज्य के प्रदूषण नियंत्रण बोर्ड द्वारा जारी की गयी सम्मति में, प्रति माह और प्रति वर्ष उत्पादित उत्पादों की मात्रा की तुलना में प्रति माह और प्रति वर्ष ईंधनों की अनुमत्य मात्रा को स्पष्टतः रूप से विनिर्दिष्ट किया जाएगा।
- (3) औद्योगिक इकाई को, इसकी तीन माह की खपत से अधिक पेटकोक का भंडारण करने की अनुज्ञा नहीं होगी।
- (4) एनसीआर राज्यों में पेटकोक के सभी उत्पादकों या परिष्करणियों, उनके प्राधिकृत व्यवहारियों तथा प्रयोक्ताओं का संबंधित राज्य प्रदूषण नियंत्रण बोर्ड में रजिस्ट्रीकरण किया जाएगा।
- (5) परिष्करणियां और उनके प्राधिकृत व्यवहारी एनसीआर राज्यों में संबंधित राज्य के प्रदूषण नियंत्रण बोर्ड द्वारा जारी की गई सम्मति में अनुमत्य मात्रा के अनुसार केवल सम्मति-प्राप्त और रजिस्ट्रीकृत औद्योगिक इकाइयों को ही पेटकोक की बिक्री करेगी।

- (6) उत्पादकों और परिष्करणियों द्वारा पेटकोक की बिक्री अधिकतम दो चरणों से होगी, परिष्करण से उद्योग या परिष्करण से प्राधिकृत व्यवहारी से उद्योग।
- (7) एनसीआर राज्यों की केवल सम्मति प्राप्त तथा रजिस्ट्रीकृत औद्योगिक इकाइयों को ही पेटकोक का सीधा आयात की अनुज्ञा दी जाएगी और परेषित माल प्रयोक्ता औद्योगिक इकाई के नाम से केवल उनके स्वयं के प्रयोग के लिए होगा।
- (8) एनसीआर राज्यों में व्यापार के प्रयोजनों के लिए पेटकोक के आयात की अनुज्ञा नहीं दी जाएगी।
- (9) उत्पादक या परिष्करणियां और उनके प्राधिकृत व्यवहारी माह के दौरान उत्पादित और अंतिम प्रयोक्ता औद्योगिक इकाइयों को बेचे गये पेटकोक और आरंभ और अंतिम स्टॉक का ब्यौरा त्रैमासिक आधार पर संबंधित राज्य प्रदूषण नियंत्रण बोर्ड को प्रस्तुत करेंगे।
- (10) तेल परिष्करणियों सहित सभी अंतिम प्रयोक्ता मास के दौरान विभिन्न स्रोतों से खरीदे गये पेट कोक (स्व-उत्पादित, आयातित, परिष्करणियों या प्राधिकृत व्यवहारियों से खरीदे गये), मास के दौरान प्रयुक्त मात्रा, और आरंभ और अंतिम स्टॉक का ब्यौरा त्रैमासिक आधार पर संबंधित राज्य प्रदूषण बोर्ड को प्रस्तुत करेंगे।
- (11) एनसीआर राज्यों के प्रदूषण नियंत्रण बोर्ड, जैसा कि ऊपर उल्लेख किया गया है, सम्मतियों, रजिस्ट्रीकरण, तेल परिष्करणियों द्वारा की गई बिक्रियों और औद्योगिक इकाइयों द्वारा की गई बिक्रियों के अभिलेख को अपलोड करने के लिए एक इलेक्ट्रॉनिक अभिलेख प्रणाली को विकसित करेंगे और उक्त बोर्ड इस जानकारी को त्रैमासिक आधार पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड के साथ शेयर करेंगे।
- (12) एनसीआर राज्यों में स्थित औद्योगिक इकाइयां पेट कोक को केवल उत्पादकों या परिष्करणियों और उनके प्राधिकृत व्यवहारियों से प्राप्त (सोर्स) करेंगी और वे इन उत्पादों को किसी अन्य बिचौलिया स्रोत से प्राप्त नहीं करेंगी चाहे वे एनसीआर राज्यों से बाहर अवस्थित हों।
- (12) एनसीआर से इतर राज्यों में उत्पादकों या परिष्करणियों तथा उनके प्राधिकृत व्यवहारियों को, जो एनसीआर राज्यों में प्रयोक्ता उद्योगों को बिक्री कर रहे हैं, उपर्युक्त निदेश (4) के अनुसार उन राज्यों के राज्य प्रदूषण नियंत्रण बोर्डों में रजिस्ट्रीकरण कराना होगा, जहां अंतिम प्रयोक्ता रह रहे हैं और वे इस बात को सुनिश्चित करेंगे कि बिक्रियां उपर्युक्त (5) और (6) में दिये गये निदेशों के अनुसार हों और वे उपर्युक्त निदेश (9) के अनुसार त्रैमासिक रिपोर्ट उस राज्य के राज्य प्रदूषण नियंत्रण बोर्ड को फाइल करेंगे, जहां अंतिम प्रयोक्ता रहते हैं।
2. अधिसूचना राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

[फा. सं. क्यू-16017/4/2018-सीपीए]

रितेश कुमार सिंह, संयुक्त सचिव

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE  
NOTIFICATION

New Delhi, the 19th January, 2018

G.S.R. 46(E).—Whereas with a view to protecting and improving the quality of environment and preventing, controlling and abating environmental pollution in the National Capital Region (NCR) States, there is a need to take measures relating to sale and use of pet coke in the NCR States;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby issues the following directions, namely:—

**Sale and use of pet coke in Cement Plant in NCR States:—**

- (1) No cement plant consuming pet coke as a fuel shall operate in NCR States without obtaining the consent of and registration with the respective concerned State Pollution Control Board.

- (2) Consent issued by the concerned State Pollution Control Board shall clearly specify the quantity of fuels permitted per month and per annum vis-à-vis products produced per month and per annum.
  - (3) Industrial unit shall not be permitted to store pet coke for more than its three months consumption.
  - (4) All producers or refineries, their authorised dealers and users of pet coke in NCR States, shall be registered with the concerned State Pollution Control Board.
  - (5) Refineries and their authorised dealers shall sell pet coke to only consented and registered industrial units in the NCR States according to the quantity permitted in the consent issued by the concerned State Pollution Control Board.
  - (6) Sale of pet coke by producers or refineries shall be in maximum two steps, from refinery-to-industry or from refinery-to-authorised dealer-to-industry.
  - (7) Only consented and registered industrial units of NCR States shall be permitted to directly import pet coke and consignment shall be in the name of user industrial units for their own use only.
  - (8) Import of pet coke for purposes of trading shall not be permitted in NCR States.
  - (9) Producers or refineries and their authorised dealers shall submit details of pet coke produced and sold to end user industrial units during the month, and opening and closing stock to the concerned State Pollution Control Board on quarterly basis.
  - (10) All end user industrial units, including oil refineries, shall submit details of pet coke purchased from different sources during the month (self-produced, imported, purchased from refineries or authorised dealers), quantity consumed during the month, and opening and closing stock to the concerned State Pollution Control Board on quarterly basis.
  - (11) The NCR States Pollution Control Boards shall develop an electronic record system for uploading of consents, registration, record of sales by oil refineries, and record of use by industrial units, as mentioned above and the said Boards shall share this data on a quarterly basis with the Central Pollution Control Board.
  - (12) Industrial units in NCR States shall source pet coke only from producers or refineries and their authorised dealers and they shall not source these products from any other intermediaries even when they are located outside the NCR States.
  - (13) For producers or refineries and their authorised dealers in non-NCR States who are making sales to user industries in NCR States, such producers or refineries shall have to be registered with State Pollution Control Board of the States where the end users reside in accordance with direction (4) above and they shall ensure that the sales are as per the directions (5) & (6) above and they shall file quarterly reports to the State Pollution Control Board of the State where the end users reside in accordance with direction (9) above.
2. This notification shall come into force on the date of its publication in the Official Gazette.

[F. No. Q-16017/4/2018-CPA]

RITESH KUMAR SINGH, Jt. Secy.

RAKESH  
SUKUL

Digitally signed by RAKESH  
SUKUL  
Date: 2018.01.19 22:30:24  
+05'30'



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 36]

नई दिल्ली, शुक्रवार, जनवरी 19, 2018/पौष 29, 1939

No. 36]

NEW DELHI, FRIDAY, JANUARY 19, 2018/PAUSHA 29, 1939

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 19 जनवरी, 2018

सा.का.नि. 45(ब).—यतः राष्ट्रीय राजधानी क्षेत्र (एनसीआर) राज्यों में पर्यावरणीय गुणवत्ता के संरक्षण तथा निवारण और पर्यावरण प्रदूषण के निवारण, नियंत्रण तथा उपशमन के उद्देश्य से एनसीआर राज्यों में पेटकोक की बिक्री तथा उपयोग के संबंध में उपाय किये जाने की आवश्यकता है;

अतः, अब केन्द्रीय सरकार एतद्वारा पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित निदेश करती है, अर्थात् :-

**राष्ट्रीय राजधानी क्षेत्र (एनसीआर) के राज्यों में चूना भट्टों में पेटकोक की बिक्री और उपयोग:-**

- (1) एनसीआर राज्यों में कोई भी चूना भट्टा जिसमें ईंधन के रूप में पेटकोक का इस्तेमाल किया जाता है, संबंधित राज्य प्रदूषण नियंत्रण बोर्ड की सम्मति प्राप्त किये बिना और उसके साथ रजिस्ट्रीकरण कराये बिना कार्य नहीं करेगा।
- (2) संबंधित राज्य के प्रदूषण नियंत्रण बोर्ड द्वारा जारी की गयी सम्मति में, प्रति माह और प्रति वर्ष उत्पादित उत्पादों की मात्रा की तुलना में प्रति माह और प्रति वर्ष ईंधनों की अनुमत्य मात्रा को स्पष्ट रूप से विनिर्दिष्ट किया जाएगा।
- (3) औद्योगिक इकाई को, इसकी तीन माह की खपत से अधिक पेटकोक का भंडारण करने की अनुज्ञा नहीं होगी।
- (4) एनसीआर राज्यों में पेटकोक के सभी उत्पादकों या परिष्करणियों, उनके प्राधिकृत व्यवहारियों और प्रयोक्ताओं का संबंधित राज्य प्रदूषण नियंत्रण बोर्ड में रजिस्ट्रीकरण किया जाएगा।
- (5) एनसीआर राज्यों में परिष्करणियां और उनके प्राधिकृत व्यवहारी संबंधित राज्य के प्रदूषण नियंत्रण बोर्ड द्वारा जारी की गई सम्मति में अनुमत्य मात्रा के अनुसार केवल सम्मति-प्राप्त तथा रजिस्ट्रीकृत औद्योगिक इकाइयों को ही पेटकोक की बिक्री करेंगी।

- (6) उत्पादकों और परिष्करणियों द्वारा पेटकोक की बिक्री अधिकतम दो चरणों से होगी, परिष्करणी-से-उद्योग अथवा परिष्करणी-से-प्राधिकृत व्यवहारी-से-उद्योग।
- (7) एनसीआर राज्यों की केवल सम्मति प्राप्त तथा रजिस्ट्रीकृत औद्योगिक इकाइयों को ही पेटकोक का सीधा आयात करने की अनुज्ञा दी जाएगी और परेषित माल प्रयोक्ता औद्योगिक इकाई के नाम से केवल उनके स्वयं के उपयोग के लिए होगा।
- (8) एनसीआर राज्यों में व्यापार के प्रयोजनों के लिए पेटकोक के आयात की अनुज्ञा नहीं दी जाएगी।
- (9) उत्पादक या परिष्करणियां और उनके प्राधिकृत व्यवहारी माह के दौरान उत्पादित और अंतिम प्रयोक्ता औद्योगिक इकाइयों को बेचे गये पेटकोक और आरंभ और अंतिम स्टॉक के ब्यारे त्रैमासिक आधार पर संबंधित राज्य प्रदूषण नियंत्रण बोर्ड को प्रस्तुत करेंगे।
- (10) तेल परिष्करणियों सहित सभी अंतिम प्रयोक्ता माह के दौरान विभिन्न स्रोतों से प्राप्त पेटकोक (स्व-उत्पादित, आयातित, परिष्करणियों या प्राधिकृत व्यवहारियों से खरीदे गये), माह के दौरान प्रयुक्त मात्रा, और आरंभ और अंतिम स्टॉक के ब्यारे त्रैमासिक आधार पर संबंधित राज्य प्रदूषण नियंत्रण बोर्ड को प्रस्तुत करेंगे।
- (11) एनसीआर राज्यों के प्रदूषण नियंत्रण बोर्ड, जैसाकि ऊपर उल्लेख किया गया है, सम्मतियों, रजिस्ट्रीकरण, तेल परिष्करणियों द्वारा की गई बिक्रियों और औद्योगिक इकाइयों द्वारा किये गये उपयोग संबंधी अभिलेख को अपलोड करने के लिए एक इलेक्ट्रॉनिक अभिलेख प्रणाली को विकसित करेंगे और उक्त बोर्ड इस जानकारी को त्रैमासिक आधार पर केन्द्रीय प्रदूषण नियंत्रण बोर्ड के साथ साझा करेंगे।
- (12) एनसीआर राज्यों में स्थित औद्योगिक इकाइयां पेटकोक को केवल उत्पादकों या परिष्करणियों और उनके प्राधिकृत व्यवहारियों से प्राप्त (सोर्स) करेंगी और वे इन उत्पादों को किसी अन्य बिक्रिलिये से प्राप्त नहीं करेंगी, चाहे वे एनसीआर राज्यों से बाहर अवस्थित हों।
- (13) एनसीआर से इतर राज्यों में उत्पादकों या परिष्करणियों तथा उनके प्राधिकृत व्यवहारियों को, जो एनसीआर राज्यों में प्रयोक्ता उद्योगों को बिक्री कर रहे हैं, उपर्युक्त निदेश (4) के अनुसार उन राज्यों के राज्य प्रदूषण नियंत्रण बोर्डों में रजिस्ट्रीकरण कराना होगा, जहां अंतिम प्रयोक्ता रह रहे हैं और वे इस बात को सुनिश्चित करेंगे कि बिक्रियां उपर्युक्त (5) और (6) में दिये गये निदेशों के अनुसार हों और वे उपर्युक्त निदेश (9) के अनुसार त्रैमासिक रिपोर्ट उस राज्य के राज्य प्रदूषण नियंत्रण बोर्ड को फाइल करेंगे, जहां अंतिम प्रयोक्ता रहते हैं।
- (14) इस अधिसूचना में, अनुबंध के रूप में संलग्न सूची में उल्लिखित औद्योगिक इकाइयों को ही पेटकोक की बिक्री की जाएगी और उक्त सूची में कोई भी बदलाव संबंधित राज्य सरकार की संस्तुति और केन्द्रीय प्रदूषण नियंत्रण बोर्ड के अनुमोदन से किया जाएगा।

2. अधिसूचना राजपत्र में प्रकाशित किए जाने की तारीख को प्रवृत्त होगी।

[फा. सं. क्यू-16017/4/2018-सीपीए]

रितेश कुमार सिंह, संयुक्त सचिव