

Item No. 4 (Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Appeal No. 08/2020  
(I.A. No. 127/2020)

M/s Platinum AAC Blocks Pvt. Ltd. Appellant(s)

Versus

Pollution Control Committee & Ors. Respondent(s)

Date of hearing: 27.07.2020

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Appellant(s) : Mr. Asim Sarode, Advocate

For Respondent(s) : Mr. Vikramjit Banerjee, Ms. Priyanka Das & Mr.  
Sumit Upadhyay, Advocates for R.1  
Mrs. Manasi P. Joshi, Advocate for R-3  
Mr. Aniruddha S. Kulkarni, Advocate for CPCB

**ORDER**

1. It is alleged that the harmonious classification is not maintained with regard to fly ash by the respondent no. 1 and the order passed by the Pollution Control Committee, (PCC) Daman Diu and Dadra Nagar Haveli under challenged is contrary to the Notification issued by the Ministry of Environment, Forest and Climate Change dated 25.02.2019, Notification issued by the Central Pollution Control Board (CPCB) dated 11.07.2019 and the order dated 17.01.2020 issued by the Principal Bench of this Tribunal.
2. It is further alleged that on 09.10.2015, the respondent no. 1, PCC had issued one Notification which was based on June 2015 Notification of CPCB. In 2016, CPCB has changed/rectified its Notification and introduced in categorisation of industries in Red, Orange and Green Category. Fly ash export, transport and disposal facilities were brought under White and Green category of

industries by the CPCB. It is further argued that the Joint Committee report was called for and the State PCC has not signed the report and made certain objections. Looking the complexity of the matter, with regard to the directions and the Notification issued by the CPCB and State PCC in light of the order passed by the Principal Bench of this Tribunal, the learned counsels appearing for the parties are of the view and we are also of the view that this matter should be resolved and decided by a larger Bench/the Principal Bench of this Tribunal at New Delhi.

3. The learned counsels had no objection and consented that the matter be referred by the Principal Bench. Accordingly, we request and direct the Registry to place the matter before the Hon'ble Chairperson for transferring the case from this Bench to the Principal Bench at New Delhi.
4. List it on 07.08.2020 for hearing or for listing for hearing. Inform the parties concerned.

Sheo Kumar Singh, JM

Dr. Satyawan Singh Garbyal, EM

July 27, 2020  
Appeal No. 08/2020  
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