

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.
ORIGINAL APPLICATION NO. 620 OF 2022

Kaushal Kishore Vishwakarma

Applicant

Versus

State of Punjab & Ors.

Respondents

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(Dinabandhu Gauda)

Scientist F

Central Pollution Control Board

Delhi-110032

Dated: 21.02.2024

Place: Delhi

Status note

Hon'ble National Green Tribunal, Principal Bench vide order dated 08.01.2024 in the matter of Original Application No.620/2022 *directed CPCB to obtain the requisite information from Hindustan Urvarak and Rasayan Ltd., Jharkhand regarding generation and disposal of carbon slurry and also to direct SPCBs/UTPCCs to verify the factual position regarding storage and disposal of carbon slurry in its plant by any similar industries in their jurisdiction.*

In compliance to Hon'ble NGT order dated 08.01.2024, the Central Pollution Control Board ("CPCB") issued directions under 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18 (1) (b) of The Air (Prevention and Control of Pollution) Act, 1981 to all State Pollution Control Boards and Pollution Control Committees on 01.02.2024 to verify the factual position regarding storage and disposal of carbon slurry by nitrogenous and complex fertilizers producing industries or any other industry in their jurisdiction. Copy of the said letter dated 01.02.2024 is annexed herewith as **Annexure I**.

That till date, CPCB has received replies to its aforesaid letter from the State Pollution Control Boards / Pollution Control Committees of Gujarat, Rajasthan, Kerala, Uttar Pradesh, Daman Diu and Nagaland that are enclosed at **Annexure II**.

Above SPCBs/PCC have informed that presently there are no carbon slurry generating fertilizer industries in their states and the quantity of carbon slurry that is yet to be disposed by fertilizer industries in their states is Nil

Reminder have been issued to remaining SPCBs vide email dated 19.02.2024 in continuation of earlier CPCB letter dated 15.12.2023.

Further as directed by Hon'ble NGT vide order dated 08.01.2024, CPCB also obtained the requisite information from M/s Hindustan Urvarak and Rasayan Ltd., Jharkhand regarding generation and disposal of carbon slurry. CPCB earlier sent a letter to the unit on 15 .12.2023 to provide information and again sent an email on 13.02.2024 in compliance of to the Hon'ble NGT Order. The unit vide letter dated 15.02.2024 has submitted that its process of manufacturing of Urea is based on Natural Gas Feedstock and do not generate Carbon Slurry in the process of manufacturing Urea fertilizer. Copy of the said letter is annexed herewith as **Annexure III**.



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

BY SPEED POST

B-29016/IPC-I/

9266-9300

February 01, 2024

To

The Member Secretary,
All State Pollution Control Boards/ Pollution Control Committees

Sub: Directions Issued under Section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18 (1) (b) of The Air (Prevention and Control of Pollution) Act, 1981 in the matter of order passed by Hon'ble National Green Tribunal, Principal Bench, New Delhi in the matter of Original Application No.620/2022 -reg.

WHEREAS, under section 17 sub-section (1) clause (o) of the Water Act, 1974, and with parallel provision under section 17 sub-section (1) clause (i) of the air (Prevention & Control of Pollution) Act, 1981, hereinafter referred to as Air Act, 1981, one of the functions of the State Pollution Control Board (SPCB) constituted under the Water Act, 1974, is to perform such functions as may be prescribed or as may, from time to time entrusted to it by the Central Board;

WHEREAS, carbon residue is listed as hazardous waste under S No. 18.2 of Schedule -1 of The Hazardous and Other Wastes Management and Transboundary Movement) Rules, 2016; and

WHEREAS, Central Pollution Control Board (CPCB) had published Standard Operating Procedure (SOP) for Utilization of Spent Carbon (Carbon Residue) generated from Urea Fertilizer Industry in March 2017; and

WHEREAS, carbon residue when not utilized as per aforementioned SOP may be disposed in authorized disposal facility in accordance with condition of authorization granted by State Pollution Control Boards / Pollution Control Committees under Hazardous and Other Wastes Management and Transboundary Movement) Rules, 2016; and

WHEREAS, Hon'ble National Green Tribunal, Principal Bench, New Delhi vide order dated 08.01.2024 in the matter of Original Application No.620/2022 directed CPCB to direct SPCBs/UTPCCs to verify the factual position regarding storage and disposal of carbon slurry by the industries in their jurisdiction; and

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत...
दिनांक... 01/02/2024

NOW, THEREFORE, in exercise of the power conferred under 18 (1) (b) of the Water (Prevention & Control of Pollution) Act, 1974 and Section 18 (1) (b) of The Air (Prevention and Control of Pollution) Act, 1981, following directions are issued:

1. The factual position regarding storage and disposal of carbon slurry by nitrogenous and complex fertilizers producing industries or any other industry shall be verified by the State Pollution Control Boards / Pollution Control Committees in their jurisdiction.
2. The action taken report along with status of storage and disposal of carbon slurry w.r.t. above direction shall be submitted to this office within 10 days of issuance of this direction.



(Bharat Kumar Sharma)
Member Secretary

Copy to:

1. The Joint Secretary (CP Division)
Ministry of Environment, Forests and Climate Change
Prithvi Wing, 2nd Floor, Room No. 216,
Indira Paryavaran Bhawan, Aliganj,
Jor Bagh Road, New Delhi – 110003.
2. The Regional Director,
Regional Directorate Bhopal,
Central Pollution Control Board,
Parivesh Bhawan, Paryavaran Parisar,
E-5, Arera Colony, Bhopal
M.P.- 462 016
3. The Regional Director,
Regional Directorate Bengaluru,
Central Pollution Control Board,
1st & 2nd Floors, Nisarga Bhavan,
A-Block, Thimmaiah Road
7th D Cross, Shivanagar,
Bengaluru –560 079
4. The Regional Director,
Regional Directorate Lucknow,
Central Pollution Control Board,
PICUP Bhawan,
Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010

5. The Regional Director,
Regional Directorate Shillong,
Central Pollution Control Board,
BSNL NE-I, Telecom Circle,
CTO Building, Ground Floor,
Shillong - 793001
6. The Regional Director,
Regional Directorate Vadodara,
Central Pollution Control Board,
Parivesh Bhawan,
Opp. Ward No. 10, VMC Office Subhanpura,
Vadodara-390 023, Gujarat
7. The Regional Director,
Regional Directorate Kolkata,
Central Pollution Control Board,
Southend Conclave, Block 502,
5th & 6th Floor,
1582 Razidanga Main Road
Kolkata - 700 107
8. The Regional Director,
Regional Directorate Chennai,
Central Pollution Control Board,
77-A, Second Floor,
South Avenue Road,
Ambattur Industrial Estate,
Ambattur Taluk, Thiruvallur District,
Chennai- 600058
9. The Regional Director,
Regional Directorate Pune,
Central Pollution Control Board,
Survey No. 110, Dhankude Multi-Purpose Hall,
Baner Road, Baner,
Pune-411045
10. The Regional Director,
Regional Directorate Chandigarh,
Central Pollution Control Board,
BSNL Telephone Exchange, 2nd Floor
Sector 49-C, Chandigarh
Pin-160047
11. The Incharge, IT, CPCB


(Bharat Kumar Sharma)
Member Secretary

o/c

State Pollution Control Boards/Committees

1. The Member Secretary
Andhra Pradesh State Pollution Control Board
D.No. 33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalmvari Street,
Kasturibaipet, Vijayawada- 520010
Andhra Pradesh
2. The Member Secretary
Arunachal Pradesh State Pollution Control Board
'Paryavaran Bhavan', Yupla Road,
Pappu Nallah,
Naharlagun – 791110
Arunachal Pradesh
3. The Member Secretary
Assam State Pollution Control Board
Bamunimaidan,
Guwahati – 781021
Assam
4. The Member Secretary
Bihar State Pollution Control Board
Parivesh Bhawan, Plot No.N-B/2,
Patliputra Industrial Area
Patna-800023
5. The Member Secretary
Chhattisgarh Environment Conservation Board
Paryavaran Bhawan, North Block Sector-19
Naya Raipur – 492 099
Chhattisgarh
6. The Member Secretary
Goa State Pollution Control Board
Nr. Pilerne Industrial Estate,
Opp. Saligao Seminary,
Saligao - Bardez Goa - 403511
7. The Member Secretary
Gujarat State Pollution Control Board
Sector 10-A, Gandhi Nagar – 382043
Gujarat
8. The Member Secretary
Haryana State Pollution Control Board
C-11, Sector 6, Panchkula,
Haryana 134109
9. The Member Secretary
Himachal Pradesh State Pollution Control Board
Him Parivesh, Phase-III, Below BCS, New
Shimla, Himachal Pradesh 171009
10. The Member Secretary
J&K State Pollution Control Board,
Shiekh-ul-Campus, behind Govt. Silk
Factory, Raj Bagh, Srinagar.
Jammu and Kashmir

11. The Member Secretary
Jharkhand State Pollution Control Board
T.A Building, HEC Campus, P.O. Dhurwa
Ranchi – 834004
Jharkhand
12. The Member Secretary
Karnataka State Pollution Control Board
Parisara Bhavan, 4th& 5th floors, Church Street,
Bangalore – 560 001
Karnataka
13. The Member Secretary
Kerala State Pollution Control Board
Plamoodu Jn., Pattom Palace P.O.
Thiruvananthapuram-695 004
14. The Member Secretary
Maharashtra Pollution Control Board,
Kalpataru Point, 2nd – 4th Floor
Opp. Cine Planet Cinema, Nr. Sion Circle,
Sion (E)
Mumbai – 400 022
15. The Member Secretary
Madhya Pradesh State Pollution Control Board
Paryavaran Parisar, E-5 Arera Colony
Bhopal – 462016
Madhya Pradesh
16. The Member Secretary
Manipur State Pollution Control Board
Lamphelpat, Imphal
West D.C. Office Complex – 795004
Manipur
17. The Member Secretary
Meghalaya State Pollution Control Board
Arden, Lumpyngngad,
Shillong – 793014
Meghalaya
18. The Member Secretary
Mizoram State Pollution Control Board
New Secretariat Complex,
Khatla, Thlanmual Peng, Aizwal
Mizoram- 796001
19. The Member Secretary
Nagaland State Pollution Control Board
Signal Point, Dimapur,
Nagaland – 797112
20. The Member Secretary
Odisha State Pollution Control Board
Paribesh Bhawan A-118, Nilakanta Nagar,
Unit –VIII, Bhubaneshwar – 751012.
Odisha

21. The Member Secretary
Punjab Pollution Control Board,
Vatavaran Bhawan, Nabha Road, Patiala,
Punjab
22. The Member Secretary
Rajasthan State Pollution Control Board
A-4 Institutional Area, Jhalana Doongri
Jaipur – 302004.
Rajasthan
23. The Member Secretary
Sikkim State Pollution Control Board,
Department of Forest, Environment &
Wildlife Management Government of
Sikkim, Deorali, Gangtok, -737102
Sikkim
24. The Member Secretary
Tamil Nadu State Pollution Control Board
No. 76, Mount Salai, Guindy,
Chennai - 600032.
Tamil Nadu
25. The Member Secretary
Telangana State Pollution Control Board
Paryavaran Bhavan
A-3, Industrial Estate, Sanath Nagar,
Hyderabad – 500 018.
Telangana
26. The Member Secretary
Tripura State Pollution Control Board
Parivesh Bhawan, Pt. Nehru Complex,
Gorkhabasti P.O., Kunjaban, Agartala,
West Tripura - 799 006.
Tripura
27. The Member Secretary
Uttarakhand Pollution Control Board
Gaura Devi Bhawan, 46 B IT Park
Sahastradhara, Dehradun,
Uttarakhand- 248001
28. The Member Secretary
Uttar Pradesh State Pollution Control Board
Building.No. TC-12V
VibhutiKhand, Gomti Nagar,
Lucknow– 226010.
Uttar Pradesh
29. The Member Secretary
West Bengal State Pollution Control Board
Paribesh Bhawan, 10A, Block-L.A., Sector III,
Bidhan Nagar, Kolkata - 700 10, West Bengal
30. The Member Secretary
Andaman & Nicobar Islands Pollution Control Committee
Department of Science & Technology
Dollyganj Van Sadan, Haddo P.O.,
Port Blair-744102, Andaman & Nicobar

31. The Member Secretary
Chandigarh Pollution Control Committee
Paryavaran Bhawan
Madhya Marg, Sector - 19 B,
Chandigarh - 160019.
32. The Member Secretary
Daman, Diu & Dadra Nagar Haveli Pollution Control Committee
Nagar Haveli and Daman and Diu
1st Floor, UdhogBhavan
Bhenslore, Dunetha
NaniDaman, Daman - 396210
33. The Member Secretary
Delhi Pollution Control Committee
4th floor, ISBT Building,
Kashmeri Gate,
Delhi - 110006
34. The Member Secretary
Lakshadweep Pollution Control Committee
Lakshadweep Administration
Department of Science, Technology & Environment
Kavarati - 682555.
Lakshadweep
35. The Member Secretary
Puducherry Pollution Control Committee
Department of Science, Technology & Environment
Housing Board Complex,
3rd floor, Anna Nagar,
Puducherry - 600 005

Annexure -II

S. No.	State Pollution Control Boards / Pollution Control Committees (SPCBs/PCCs)	Reply of SPCB / PCC regarding status of disposal of Carbon Slurry	Quantity of Carbon Slurry that requires disposal
1.	Nagaland	Nagaland SPCB through letter dated 06.02.2024 informed that there are no urea / nitrogenous and complex fertilizer units in the state	Nil
2.	Daman & Diu	Daman & Diu PCC through letter dated 14.02.2024 informed that there are no nitrogenous / complex fertilizer units in the UT	Nil
3.	Andhra Pradesh	Reply awaited	
4.	Arunachal Pradesh	Reply awaited	
5.	Assam	Reply awaited	
6.	Bihar	Reply awaited	
7.	Chhattisgarh	Reply awaited	
8.	Goa	Reply awaited	
9.	Gujarat	<p>Gujarat Pollution Control Board through letter dated 06.02.2024 has provided details of two nitrogenous and complex fertilizer units viz.. Gujarat Narmada Valley Fertilizers & Chemicals Limited (Unit-1) and Indian Farmers Fertilizer Co. Ltd.</p> <p>It is informed that M/s Gujarat Narmada Valley Fertilizers & Chemicals Limited (Unit-1) generates Carbon soot during manufacturing process which is utilized in the boiler of the unit along with coal as per Consolidated Consent and Authorization granted to the unit by Gujarat Pollution Control Board. It is informed that the carbon soot is generated by cleaning of carbon settling pond. Currently there is no stock of carbon soot however 2000 MT to 2500 MT carbon soot will be generated in April-2024 from the carbon settling pond named SR -9A.</p> <p>Regarding other industry M/s Indian</p>	2000 MT to 2500 MT carbon soot will be generated in April-2024 from the carbon settling pond named SR -9A by M/s Gujarat Narmada Valley Fertilizers & Chemicals Limited (Unit-1) which has to be utilized in boiler.

		Farmers Fertilizer Co. Ltd., the Gujarat Pollution Control Board informed that it has not generated carbon slurry since inception.	
10.	Haryana	Reply awaited	
11.	Himanchal	Reply awaited	
12.	Jammu & Kashmir	Reply awaited	
13.	Jharkhand	Reply awaited	
14.	Karnataka	Reply awaited	
15.	Kerala	Reply Received	Nil
16.	Maharashtra	Reply awaited	
17.	Madhya Pradesh	Reply awaited	
18.	Manipur	Reply awaited	
19.	Meghalaya	Reply awaited	
20.	Mizoram	Reply awaited	
21.	Odisha	Reply awaited	
22.	Punjab	Reply awaited	
23.	Rajasthan	Reply Received	Nil
24.	Sikkim	Reply awaited	
25.	Tamil Nadu	Reply awaited	
26.	Telangana	Reply awaited	
27.	Tripura	Reply awaited	
28.	Uttarakhand	Reply awaited	
29.	Uttar Pradesh	Reply Received	Nil
30.	West Bengal	Reply awaited	
31.	Andaman & Nicobar Islands	Reply awaited	

32.	Chandigarh	Reply awaited	
33.	Delhi	Reply awaited	
34.	Lakshadweep	Reply awaited	
35.	Puducherry	Reply awaited	

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Hindustan Urvarak & Rasayan Limited

(A Joint Venture of NTPC, CIL, IOCL, FCIL & HFCL)

Ref. HURL/SND/EQC/CPCB/2023-2024/

Dt. 15.02.2024

To,
Sh. Dinbandhu Gouda (Scientist 'F')
Divisional Head (IPC -I Division),
CPCB - HO, Delhi
E-mail: dinabandhu.cpcb@nic.in

Subject: Clarification of M/s. HURL Sindri: In the matter of O.A. 620/2022: Kaushal Kishore Vishwakarma Vs State of Punjab & Ors. – reg

Ref: CPCB Letter Ref no. CM-13011/189/2023-LAW-HO-CPCB-HO & Dated 25/12/2023

Dear Sir/Madam,

With reference to the CPCB Letter Ref no. CM-13011/189/2023-LAW-HO-CPCB-HO & Dated 25/12/202, we would like to inform you that the HURL, Sindri Plant is operating based on **Natural Gas Feedstock** which is the cleanest fuel available for the manufacture of Urea Fertilizer.

HURL, Sindri do not generate any Carbon Slurry in the process of Manufacturing Urea Fertilizer.

In this regard, HURL, Sindri already informed to CPCB wide emails dated 28.12.2023 & 04.01.2024.

Yours faithfully

Dr. Naga Raju Batti
Manager (Env. & QC),
HURL Sindri, Dhanbad – 828122
E-mail: nagarajubatti@hurl.net.in

Encl:

1. CPCB Letter Ref no. CM-13011/189/2023-LAW-HO-CPCB-HO & Dated 25/12/2023
2. HURL Mails to CPCB

Copy To:

1. Sh. Parul, SRF, IPC-I Division, CPCB-HO, Delhi
2. Plant Head, HURL Sindri
3. V. P (Tech. & Prod.)
4. & GM (Env. & CSR), HURL – HO, Delhi

Item No.7

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.620/2022

Kaushal Kishore Vishwakarma

...Applicant

Versus

State of Punjab & Ors.

...Respondents

Date of hearing: 08.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondents: Mr. Naginder Benipal Advocate for respondent no. 2-PPCB.
Mr. Vivek Kohli, Senior Advocate with Ms. Nikita Maheshwari, Ms. Juvas Rawal and Ms. Pari Bhardwaj, Advocates for respondents No. 4, 7 & 10.
Ms. Japneet Kaur Proxy Counesl for Ms. Harithi Kambiri Counsel for respondent No. 5
Mr. Rahul Khurana, Advocate for respondent no. 6-HSPCB with Mr. Dinesh, RO, HSPCB, Rohtak.
Mr. Vikrant Panchanda and Mr. Mukul Katyal Advocates for respondent no. 9-CPCB (Through VC)
Ms. Gurinderjeet Singh, GM (Technical) and Mr. Y. B. Bhagat DGM (Material) for Respondent No. 10.

Application is registered based on a letter petition received by Post.

ORDER

1. In compliance of order dated 24.11.2023, reply affidavit has been filed by respondent no. 9-CPCB vide email dated 05.01.2024. The relevant part of the reply affidavit filed by respondent no. 9-CPCB reads as under:-

O. A. No. 620/2022

Kaushal Kishore Vishwakarma Vs
State of Punjab & Ors.

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“X X X X

The Spent Carbon (Carbon Residue) is generated during the thermal cracking of hydrocarbon for manufacturing of urea fertilizer. Spent Carbon (Carbon Residue) is listed as hazardous waste under S No. 18.2 of Schedule -1 of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

CPCB had published Standard Operating Procedure (SOP) for Utilization of Spent Carbon (Carbon Residue) generated from Urea Fertilizer Industry in March 2017. The aforementioned SOP is enclosed as Annexure - II

The aforementioned SOP specifies the process which involves utilization of spent Carbon (Carbon Residue) in carbon black industry to reduce consumption of raw material to achieve resource recovery. Carbon Residue is mixed with quench water and is used as quench liquor at a temperature of about 2000 °C in the reactor to reduce the temperature and in process, carbon in the Carbon Residue becomes carbon black.

The Spent carbon (Carbon Residue) may be disposed in authorized disposal facility in accordance with authorization condition, when not utilized in manufacturing of Carbon black.

As per Hon'ble NGT order dated 24.11.2023, CPCB has collected information from concerned fertilizer industries/SPCBs and Association. CPCB through letter and Email dated 15.12.2023 requested concerned fertilizer industries, State Pollution Control Boards and Fertilizer Association of India to provide requisite information.

Out of 42 concerned industries, CPCB received information from all 42 industries.

Only one unit i.e. M/s Gujarat Narmada Valley Fertilizers & Chemicals Ltd (Unit-1), Bharuch, Gujarat has informed that it generates carbon residue (carbon soot) during partial oxidation of Low sulphur Heavy Stock (LSHS) in Ammonia making process. Since 2013 the feed stock of manufacturing of urea was replaced from LSHS to natural gas. Only a small quantity of Ammonia is being manufactured through LSHS. As per conditions of Consolidated Consent & Authorization issued by Gujarat Pollution Control Board, the unit is generated capacity of 2000 MT / Annum of Carbon soot. The unit informed that it is being utilized carbon soot in its boiler along with coal, which is in accordance with conditions of Consolidated Consent & Authorization issued by Gujarat Pollution Control Board.

National Fertilizers Ltd, Bathinda informed that it has not generated carbon slurry since November 2012 after changing feed stock from fuel oil to natural gas. The unit informed that it disposes carbon slurry to authorized Hazardous Waste recycler and has submitted documentary evidence in this regard. The unit informed that the quantity of carbon slurry stored in ponds as on 19.12.2023 is 38145.57 MT which is yet to be disposed by it.

National Fertilizers Ltd. Nangal informed that it has not generated carbon slurry since February 2013 after switched off

to natural gas. It has disposed off carbon slurry as per Hazardous and Other Wastes Management and Transboundary Movement) Rules, 2016. The unit has submitted documentary evidence in this regard. The unit has informed that the all carbon slurry has been disposed off. Presently carbon slurry pond is empty.

National Fertilizers Ltd, Panipat informed that it has not generated carbon slurry since November 2012. The unit has informed that the quantity of carbon slurry is stored in pond is 122600 MT, which is yet to be disposed off. The unit informed that it has permitted Haryana State Pollution Control Board authorized hazardous waste recycler / processor for disposal of stored carbon slurry; and has submitted documentary evidence in this regard.

In addition to above stated 04 units; 38 units that responded to the communications made by CPCB informed that they do not generate any spent carbon and have no stored quantities of spent carbon.

The information collected by CPCB from various industries is summarized in tabular form in Annexure —III”

2. A perusal of the above reply affidavit filed by respondent no. 9-CPCB showed that Gujrat Narmada Valley Fertilizers and Chemical Ltd. at serial no. 8 in list annexure III is generating 2000 MTA carbon slurry while Hindustan Urvarak and Rasayan Ltd. at serial no. 12 thereof had not provided any information to the CPCB and that list annexure III was prepared on the basis of information provided by 38 units that responded to the communications made by CPCB. Respondent no. 9-CPCB is directed to obtain the requisite information from Hindustan Urvarak and Rasayan Ltd. at serial no. 12 in list annexure III and also to direct SPCBs/UTPCCs to verify the factual position regarding storage and disposal of carbon slurry in its plant by any similar industries in their jurisdiction.

3. Further response/Action Taken Report by CPCB be filed **within one month** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

quantity was sent as Carbon Slurry to the separate designated brick-lined Carbon Slurry Ponds.

5. In an endeavor to keep in pace with clean technology and with a commitment to sustainable development, the Plants of Respondent No.10 were restructured in February, 2013. The feedstock was replaced from LSHS to Natural Gas, which not only reduced the specific energy per metric tonnes (hereinafter referred to as "MT") of urea, but also lowered the carbon footprint. The change of feedstock from Fuel Oil to Natural Gas also annulled the generation of carbon slurry as a by-product.

6. As a result, there has been no generation of carbon slurry at the Respondent No.10's Unit since February, 2013. At that point of time, the leftover carbon slurry, amounting to approximately 9,800 MT (inclusive of water), was stored in the designated carbon slurry ponds after following all the rules, regulations, guidelines and taking all necessary precautions till 2022. It is to be noted that at that point, the carbon slurry was not categorized as a "Hazardous Waste".

7. The carbon slurry generated till February, 2013 was stored by the Respondent No.10 in three (3) separate designated carbon slurry ponds with High-Density Polyethylene ("HDPE") lining which is excellent in its durability, flexibility, impermeability, and resistance to avoid environmental conditions. These carbon slurry ponds were located in the Respondent No.10's Unit premises only.

8. The three (3) carbon slurry ponds, which are maintained by Respondent No.10 with utmost care and caution, are 8,820 sq. mtrs., 3,969 sq. mtrs. and 14,700 sq. mtrs, respectively, totaling to 27,489 sq. mtrs. (approximately) in size and had an average depth of 2.5 mtrs.

Hazardous Waste (Management and Transboundary Movement) Rules, 2016

9. It is imperative to mention that in the meantime, "carbon residue in production of nitrogenous and complex fertilizers" was categorized as "Hazardous Waste" under Category 18.2 of Schedule - I after the notification of the Hazardous Waste (Management and Transboundary Movement) Rules, 2016 (hereinafter referred to as "said Rules") on 04.04.2016. Hence, up until 2016, Carbon Slurry did not attract the provisions of the Hazardous Waste Management Rules notified by the Government of India from time to time.

E-auction for disposal of Carbon Slurry according to the said Rules

10. As per the said Rules, Carbon Slurry could only be lifted by 'intermediaries' — i.e., processors — from the Ponds and could not be sold to consumers / industries directly. Furthermore, only valid authorized parties registered with the Central Pollution Control Board (hereinafter referred to as "CPCB") or the concerned State Pollution Control Board (hereinafter referred to as "SPCB") could participate in the tendering process.

O. A. No. 620/2022

Kaushal Kishore Vishwakarma Vs
State of Punjab & Ors.

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11. Accordingly, E- Auction No. MSTC/ NRO/ NATIONAL FERTILIZERS LIMITED/ 16/ NFL NAYA NANGAL/ 16-17/ 17532, dated 07.02.2017, was conducted by Metal Scrap Trade Corporation Limited (hereinafter referred to as "MSTC") on behalf of the Respondent No.10 on an 'as is where is basis', for the lifting / sale / removal of Carbon Slurry from the three ponds of the Respondent No.10. The E-auction was conducted on the basis of a report submitted by an outside agency -i.e., Projects and Development India Limited ("PDIL").

12. A total of three (3) bidders participated the E-Auction as under:

S. No.	Name of the Bidders
1	Carbon Chem Industries, Bathinda
2	Super Trading Corporation, Bathinda
3	Rohtak Wire and Hardware Store, Delhi

13. The H-1 Bidder was Carbo Chem Industries, Bathinda. In furtherance of the same, the Acceptance Letter was issued by MSTC on 28.07.2017, on behalf of the Respondent No.10.

14. Thereafter, Carbo Chem Industries, Bathinda started lifting the material at Respondent No.10's Plant from 03.10.2020 onwards and successfully finished the lifting of the Carbon Slurry by 31.12.2022.

15. It is humbly submitted that the Respondent No.10 has disposed-off the entire quantity of Carbon Slurry stored at its Ponds, in accordance with the said Rules and other Regulations as issued by the Government of India from time to time. At present there is no quantity of carbon slurry at the premises of Respondent No.10.

16. It is further submitted that the captioned Application is not maintainable against the Respondent No.10, who has been managing, storing and disposing off the Carbon Slurry in its Unit with utmost care and precautions. Moreover, no allegations have been raised by the Applicant against the Respondent No.10."

8. So far as disposal of carbon slurry by respondent no. 4-NFL, Bhatinda and respondent no. 7-NFL, Panipat is concerned upto date status reports and action plans have not been filed by respondents no. 4 and 7.

9. Action Taken Reports/Action Plan with all requisite details be filed by respondents no. 4 and 7 **within one month** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

10. Despite unjustified continued storage of carbon slurry by respondents no. 4 and 7 and also inaction/delay on their part in disposal thereof in accordance with mandatory statutory provisions, no action has been taken by Punjab State Pollution Control Board and Haryana State Pollution Control Board for imposition of environmental compensation and also prosecution of the defaulting officers/officials and Punjab State Pollution Control Board and Haryana State Pollution Control Board are directed to initiate appropriate proceedings for imposition of environmental compensation and prosecution of the defaulting officers/officials in accordance with law and file Action Taken Report **within one month** by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

11. List for further consideration on 22.02.2024.

12. A copy of this order be sent to Secretary, MoEF & CC, Secretary, CPCB, General Managers, NFL, Bhatinda and NFL, Panipat and Member Secretaries, PSPCB and HSPCB respectively by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 08th, 2024