

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

(By Video Conferencing)

M.A. No. 26/2020
(For placing additional facts on record)

&

I.A. No. 173/2020
(For early hearing)

In

Original Application No. 29/2018

Punjab Dyers Association

Applicant(s)

Versus

Ministry of Environment Forest &
Climate Change & Ors.

Respondent(s)

WITH

M.A. No. 27/2020
(For placing additional facts on record)

&

I.A. No. 172/2020
(For early hearing)

In

Original Application No. 410/2017

Punjab Dyers Association

Applicant(s)

Versus

Ministry of Environment Forest &
Climate Change & Ors.

Respondent(s)

Date of hearing:24.07.2020

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

Applicant(s): Mr. I.K Kapila, Advocate

Respondent(s): Mr. Ravinder Gupta, Advocate for MoEF&CC

ORDER

1. The proceedings in the matter were initiated on a grievance put forward by the Punjab Dyers Association that payment of amount as per applicable scheme for setting up of 50 MLD CETP project for dyeing units at Tajpur-Roan Road were not being made by the MoEF&CC and the State of Punjab. The main application i.e. *O.A No. 410/2017, Punjab Dyers Association v. Ministry of Environment Forest & Climate Change & Ors.*, was disposed vide order dated 14.11.2017 with a direction for consideration of the said prayer and grant of applicable subsidy by the authorities concerned. Thereafter, E.A No. 01/2018 was filed which was disposed of on 27.02.2019 directing the Ministry to take further steps within 15 days. Further order dated 30.06.2020 was passed in *M.A No. 26/2020 & I.A No. 173/2020 in O.A No. 29/2018 with M.A No. 27/2020 & I.A No. 172/2020 in O.A No. 410/2020* for compliance of earlier orders and filing of a compliance report.

2. In response to order dated 30.6.2020, aforesaid, an affidavit has been filed by the MoEF&CC on 07.07.2020, inter alia, as follows:-

“40 MLD CETP Project

5. *It is submitted that with regard to 40 MLD CETP Project of the Applicant, the Technical Appraisal Committee for CETPs recommended **the project for a total cost of Rs. 55.40 Cr. with Central Share of Rs. 15 Cr.** It is further submitted that the Respondent **Ministry had released Central Share of Rs. 2.88 Cr.** to the Punjab Pollution Control Board for establishment of the said 40 MLD CETP of the Applicant under the provision of guidelines of the Centrally Sponsored Scheme for CETP **after commensurate State Subsidy of Rs. 1.44 Cr. was made available** to the CETP Project. A copy of the Sanction Order dated 18.05.2018 with respect to the release of 1st installment of Rs. 2.88 Cr. is annexed herewith as **ANNEXURE R/1.***

50 MLD CETP PROJECT

6. *It is submitted that with regard to 50 MLD CETP Project, the Respondent Ministry pursuant and compliance to the orders passed by this Hon'ble Tribunal, constituted a Technical Appraisal Committee as the Technical Appraisal Committee was no longer operational to consider the Project Proposal of the Applicant. That the Respondent Ministry in due compliance to the laid down procedures and after recommendation of the Appraisal Committee, decided to **sanction the proposed 50 MLD CETP Project for Central Subsidy of Rs. 15 Cr. under CETP Scheme on a certain conditions.***
7. *It is further submitted that the Respondent Ministry **released Rs. 3.00 Cr. as the first installment towards Central Share to the Punjab Pollution Control Board in commensurate with the State Subsidy of Rs. 1.50 Cr.** was made available to the **50 MLD CETP Project.** A copy of the Sanction Orders dated 16.12.2019 and 30.01.2020 with respect to the release of 1st installment of Rs. 3.00 Cr. is annexed herewith as **ANNEXURE R/2***
8. *That, it is most humbly submitted that as per the guidelines of the extant scheme of CETPs, **Central Subsidy is released after commensurate State Subsidy as per the Scheme is made available to the CETP Project, after submission of Utilization Certificate, Physical Project Progress Report and other documents as per the terms and conditions of Sanction Order of the CETP Project.** A copy of the CETP guidelines is annexed herewith as **ANNEXURE R/3.***
9. *It is further submitted that the Grant-in-Aid is subject to Chapter 9 of the General Financial Rules, 2017 as amended from time to time and State Government is liable to ensure compliance of conditions stipulated in the Sanction Orders issued.*
10. *That it is further submitted that the Central Subsidy is released after commensurate State Subsidy is made available to the CETP Project and in the instant matter, Punjab Pollution Control Board is required to ensure the conditions as stipulated in the Sanction Orders of CETP Projects i.e. 50 MLD CETP Project and 40 MLD CETP Project. **Punjab Pollution Control Board is also required to ensure submission of Utilization Certificate for the earlier Sanctions made to the State Government, Performance cum Achievement Report and the status of the State Share released so that the Respondent Ministry can also release its share as per the State Share released within the provision or guidelines of the Centrally Sponsored Scheme for CETP. In this regard, the Respondent Ministry issued a letter dated 01.07.2020 to the Punjab Pollution Control Board to ensure the above- mentioned guidelines and for early compliance of the directions issued by this Hon'ble Tribunal vide its order dated 30.06.2020.** A copy of the*

letter dated 01.07.2020 is annexed herewith as letter **ANNEXURER/4.**”

3. The stand of the State of Punjab filed on 20.07.2020 is *inter alia* as follows:

“ 4)The detail of funds released by the State Government towards its share in the said projects may kindly be read in the following sub paragraphs:

a) 40 MLD CETP Project:

The 40 MLD CETP Project for dyeing cluster of Focal Point at Ludhiana was sanctioned by the MoEF&CC with a Grant-in-aid of Rs. 15 crores, out of which **first installment of Rs. 2.88 crore was released to the Punjab Pollution Control Board on 19.05.2018.** The State share in the 40 MLD CETP Project was fixed at Rs. 7.5 crore, out of which Rs. 7.2 crore was sanctioned on 13.04.2018. **The first installment of Rs. 1.44 crore was released to the Punjab Pollution Control Board on 08.05.2018.** As on date, the above released amount of the Central and the State share has been utilized. **The utilization certificate of Rs. 2.88 crore has already been sent to MoEF&CC vide letter no. 110 dated 08.01.2020 by the Board.**

It is further submitted that the **State Government has released and transferred Rs. 4.20 crore as State share for 40 MLD CETP project in the bank account of the Punjab Pollution Control Board on 16.07.2020. The remaining amount of Rs. 1.56 crore out of the total amount of State share will be released to the Board after the amount already released is utilized.**

b) 50 MLD CETP Project:

The 50 MLD CETP Project was sanctioned by the MoEF&CC with a Grant-in-aid of Rs. 15 crores, out of which **first installment of Rs. 3.00 crore was released to the Punjab Pollution Control Board on 20.12.2019 & 06.02.2020. The State share of Rs. 7.5 crore in the 50 MLD CETP Project was sanctioned on 13.04.2018, out of which first installment of Rs. 1.50 crore was released to the Punjab Pollution Control Board on 05.06.2018. As on date, the above released amount of the Central and the State share has been utilized. The utilization certificate of Rs. 3.00 crore has already been sent to MoEF&CC vide letter no. 13684 dated 25.06.2020 by the Board.**

It is further submitted that the State Government has released and transferred Rs. 6.00 crore for the 50 MLD CETP Project in the bank account of the Punjab Pollution Control Board on 16.07.2020. The total amount of State share of Rs. 7.5 crore in the project has been released.”

4. In view of the above, what remains is better coordination among the authorities inter se. There is no adjudication required by this Tribunal. For this purpose, it may be appropriate that a joint meeting is held between the Secretary, MoEF&CC and the Chief Secretary, State of Punjab either physically or online within one month. Further action may be taken as per joint decision in the said matter. Punjab PCB may ensure that all dyeing units and other members of CETP comply with the norms and do not discharge untreated effluents. If they do so, they be made liable for environmental compensation.

A copy of this order be forwarded to the Secretary, MoEF&CC and the Chief Secretary, State of Punjab by email.

The applications stand disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

July 24, 2020
M.A. No. 26/2020 & I.A. No. 173/2020
In Original Application No. 29/2018
with M.A. No. 27/2020 & I.A. No. 172/2020
In Original Application No. 410/2017
AK