

Item No.09

Court No. 1

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

Original Application No. 502 /2023

Society for Protection of Environment
and Biodiversity (SPENBIO)

Applicant

Versus

Union of India

Respondent

Date of hearing: 02.02.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sanjay Upadhyay, Senior Advocate with Ms. Eisha Krishn, Ms.
Gitanjali Sanyal & Mr. Surya Gupta, Advs. for Applicant

Respondent: Ms. Sakshi Popli, Adv. for MoEF & CC

ORDER

1. In this original application, applicant has sought a direction to the respondents to take immediate measures for proper implementation of the framework on identification of materials generated from industrial processes as wastes or by-products.

2. Tribunal by order dated 18.08.2023 had taken note of the issue involved in the original application in detail and had referred the matter to MoEF &CC by issuing following direction:-

“6. The points as raised by the applicant require further consideration. Accordingly, matter is referred to MoEF&CC with the direction that in consultation with the CPCB and State PCBs/PCCs, the MoEF&CC had to clarify and take immediate measures for proper implementation of the Framework on identification of material generated from industrial process as waste or by-product and to submit an action taken report before this Tribunal. MoEF&CC may also act on whether Framework can become the part of HOWM Rules. In case of any need and requirement, the MoEF&CC/CPCB may take advise of the Technical Expert Committee, as required and to provide a prescribed form for application of identification of an

alleged by-product as required under the Framework. Such exercise may be completed by the MoEF&CC/CPCB within three months and further action taken report be filed within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”

3. An action taken report has been filed by CPCB disclosing the steps which have been taken for preparing the framework in this regard. At the end of the report, it is stated that application forms received from SPCBs are being examined by CPCB and for the purpose of finalizing a common application form and incorporating the same in the framework after consultation with the SPCBs/PCCs and approval of MoEF &CC, one month's time has been sought by CPCB.

4. Though, Counsel for the CPCB had appeared on the previous date but, today, CPCB is not represented by any advocate.

5. Learned Counsel appearing for MoEF &CC has submitted that she will inform the Counsel for the CPCB to enable him to appear on the next date of hearing.

6. MoEF&CC may also file response and place its stand on record atleast one week before the next date of hearing.

7. List on 10.04.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 02, 2024
Original Application No. 502 /2023
JG.