

**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 & Ors.

Respondent(s)

Date of hearing: 26.08.2025

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

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

Respondent: Mr. Balendu Shekhar & Ms. Tanisha Samanta, Advs. for CPCB
Ms. Sakshi Popli, Adv. for MoEF & CC (Through VC)
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

ORDER

1. In this original application, the Applicant is seeking implementation of the 'Framework on Identification of Materials Generated from Industrial Processes as Wastes or By-Products' issued by the Central Pollution Control Board (for short, "CPCB") in September, 2019.

2. Submission of learned Senior Counsel for the Applicant is that in violation of rules, regulations and norms, the hazardous waste is passed as By-Product creating the environmental hazard. Learned Senior Counsel for the Applicant has referred to the Annexure A1, page 32 which is a framework issued by the CPCB. He has submitted that the CPCB had issued the directions under Section 5 of the Environment (Protection) Act, 1986 (for short, "EP Act") on 27.11.2024 and Ministry of Environment, Forest and Climate Change (for short, "MoEF&CC") had also issued the

directions under Section 5 of the EP Act on 27.09.2024, but these directions have not been effectively implemented at the ground level.

3. The MoEF&CC has filed the additional affidavit dated 19.08.2025 disclosing the status of implementation of the CPCB's framework as per the response received from SPCBs and PCCs as under:

“xxxxxx.....xxx
6. It is submitted that the status of implementation of the CPCB's Framework on Identification of Industrial Material as "Waste" or "By-product" as per the response received from the SPCBs/PCCs is as below:

(I) Constitution of Technical Evaluation Committee (TEC):

- SPCBs/ PCCs of 29 States/UTs namely Andhra Pradesh; Arunachal Pradesh; Assam; Bihar; Chandigarh; Chhattisgarh; Delhi, Daman, Diu, Dadra & Nagar Haveli; Goa; Gujarat; Haryana; Himachal Pradesh; Jammu & Kashmir, Jharkhand; Karnataka, Kerala; Madhya Pradesh; Maharashtra; Meghalaya; Mizoram; Odisha; Punjab; Puducherry; Rajasthan; Tamil Nadu; Telangana; Tripura; Uttarakhand; Uttar Pradesh and West Bengal have constituted TEC.
- SPCBs/PCCs of 06 States/UTs namely Andaman & Nicobar Island, Ladakh, Lakshadweep, Manipur, Mizoram and Nagaland have informed that there are no hazardous waste generating/processing industry or only recyclable hazardous waste producing industries are available in the State/UTs.
- Sikkim PCB has informed that the constitution of TEC members is under process.

(II) Adoption of Common Application form and Steps taken for implementation:

- 28 States/UTs namely Andhra Pradesh; Assam; Bihar; Chandigarh; Chhattisgarh; Daman, Diu, Dadra & Nagar Haveli; Delhi; Goa; Gujarat; Haryana; Himachal Pradesh; Jammu & Kashmir, Kerala; Karnataka; Madhya Pradesh; Manipur; Maharashtra; Meghalaya; Mizoram; Nagaland; Odisha; Puducherry; Punjab; Sikkim; Tamil Nadu; Tripura; Uttarakhand and West Bengal have adopted Common application form and/or directing regional offices/field offices to evaluate the materials claimed as By-product by industrial units during their routine inspections.

(III) Identification of Industrial material as By-product:

- Madhya Pradesh has received 01 applications for identification of material as "By-product". However, no material has been identified as By-product.

- Gujarat has identified Hydrochloric acid generated from Chlorinated Paraffin Wax having concentration >32% as By product as per the recommendation of Technical Review Committee forwarded by MoEF&CC vide letter dated 23.02.2023.
- Maharashtra PCB has classified industrial materials (Chemical Gypsum; Sulphuric Acid; Aluminium Chloride; Hydrochlorite; Copper Sulphate; Phosphoric Acid or Dicalcium Phosphate; Recovered Pigment; Phosphorus oxychloride; Aqueous Aluminium Chloride; Methanol; Sodium Hypochlorite; Silicon Dioxide; Dilute Sulphuric Acid; Acetic Acid (99.8%), Dyphenyl Sulphone; Tops & High Boilers from distillation) from 12 industries as By-products.

7. It is submitted that, few states namely Arunachal Pradesh, Telangana, Jharkhand, Uttar Pradesh and Rajasthan have not yet provided the information with respect to Common Application form adopted and/or Information placed in Public domain; Directed field Inspecting officials to verify claimed By-products, and Details on application received and classification of material. Therefore, a letter has been sent to the concerned SPCBS to share the requisite information at the earliest. Copy of letter dated 12.08.2025 is annexed herein as **Annexure R-2.**"

4. Learned Senior Counsel for the Applicant seeks time to examine the issue and put-forth the suggestions for effective implementation of the framework issued by the CPCB, the directions under Section 5 of the EP Act issued by the MoEF&CC and CPCB and also proper implementation of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. Let the same be filed within four weeks.

5. List on 14.11.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Ishwar Singh, EM

August 26, 2025
Original Application No. 502/2023
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