



Environment Law Monthly Updates - June 2024

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In June 2024, the environment law regime in India saw significant developments with a key National Green Tribunal (NGT) judgment on challenging environmental clearances and new standard operating procedures from the Central Pollution Control Board (CPCB). These are discussed in detail below.

This update covers notable environment law developments in the month of June 2024 on the judicial and regulatory fronts.

1 National Green Tribunal dismisses challenge to environment clearance on grounds of maintainability

The Central Zone Bench of the NGT recently dismissed two applications challenging a company's environmental clearance.¹ The applications alleged violations of the air and water pollution control laws and accordingly requested that the company's environmental clearance either be cancelled or put on hold. However, the respondents argued that the applications were not maintainable in the first place for several reasons:

- a. They suffered from inordinate delay and were filed after the limitation period had ended.

¹ Original Applications in *Abhishek Chaurasia v M/s Grasim Industries Limited (Staple Fibre Division)* and *Abhishek Chaurasia v M/s Grasim Industries Limited (Chemical Division) and Ors.*

- b. The applications were in the form of hybrid application-cum-appeal seeking multiple reliefs based on different causes of action, which is not allowed under the NGT practice and procedure rules.
- c. An environmental clearance cannot be challenged through an original application under Sections 14 and 15 of the National Green Tribunal Act, 2010, which was the case with the present applications.
- d. Earlier, in similar proceedings, a Joint Committee instituted by the NGT had rejected the challenge by deciding in favour of the company and its environmental clearance.

The NGT agreed with the respondents and found the applications to be time-barred and a repetition of already concluded proceedings.² This decision is likely to discourage frivolous and motivated petitions before the NGT that look to either misuse or circumvent the applicable law.

2 New standard operating procedures to improve waste management

The CPCB has issued two Standard Operating Procedures (SOP) for the assessment and characterisation of plastic waste³ and for the utilisation of hazardous waste,⁴ respectively.

The plastic waste SOP outlines the method for assessing the amount as well as the type of plastic generated, such as single use plastic and categories of plastic packaging under the Plastic Waste Management Rules, 2016 (PWM Rules). The SOP also provides guidance on how to validate the data reported by local bodies, State Pollution Control Boards (SPCB), and Pollution Control Committees (PCC). These stakeholders must follow this methodology to comply with the PWM Rules.

The utilisation of hazardous waste SOP details the process for safely utilising spent sulphuric acid as fertiliser.⁵ It also provides guidelines for SPCBs/PCCs to authorise facilities to handle this waste.

In the coming weeks, the Supreme Court and High Courts are expected to pass exemplary orders directing authorities to prioritise environment conservation efforts, prompted by the unusually hot summer afflicting the country this year.

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² [Order dated 29.05.2024 in O.A. Nos. 120 of 2024 \(CZ\) and O.A. Nos. 124 of 2024 \(CZ\)](#)

³ https://cpcb.nic.in/uploads/plasticwaste/SOP_PWM_24062024.pdf

⁴ https://cpcb.nic.in/uploads/hwmd/102_SOP.pdf

⁵ Specifically, spent sulphuric acid generated from the Linear Alkyl Benzene Sulphonic Acid process in the manufacturing of Single Super Phosphate for use as fertiliser under Rule 9 of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.