

Item No. 01

Court No. 1

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

Original Application No. 400/2017

(With report dated 02.02.2021)

Westend Green Farms Society

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 04.02.2021

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

Applicant: Mr. Sumit Gahlawat, Advocate

Respondent: Mr. Anuj Bhandari, Advocate for CPCB

ORDER

1. This order is being passed in continuation of order dated 20.12.2019 on the subject of compliance of environmental norms by restaurants/hotels/motels/banquets etc. in terms of earlier orders of this Tribunal.

2. Vide order dated 02.11.2018, the Tribunal considered grievance against the violation of environmental norms, including solid waste management, discharge of effluents, illegal ground water extraction, ground water contamination, emission by illegally operating diesel generators, absence of statutory consents under the Water (Prevention and Control of Pollution) Act, 1974 ('Water Act'), the Air (Prevention and Control of Pollution) Act, 1981 ('Air Act') and violation of conditions of consents where such consents are granted, **by the restaurants/hotels**

/motels/banquets in Mahipalpur, Rajokri areas in Delhi. The Tribunal also considered the issue of absence of rain water harvesting, ground water recharge system, excess noise pollution, illegal parking and encroachments.

3. The Tribunal found violations on the basis of material on record and directed remedial action. Directions of the Tribunal *inter-alia* included:

- “(i) *Compilation of data of all such places where marriages and functions take place which should be published and appropriately regulated.*
- (ii) *Regulate noise level at above places as per laid down norms. This includes regulation of DJ sets, loudspeakers and crackers etc.*
- (iii) *Compliance of Solid Waste Management Rules, 2016, and sewage discharge including decentralized waste processing facilities, installation of CCTV camera, GPS system in garbage collection vans etc.*
- (iv) *Regulation of extraction of groundwater as per applicable guidelines, sealing of tube wells including those installed for swimming pools in violation of law, need for reuse of water for flushing, Plantation or gardening.*
- (v) *Rain Water Harvesting by installing roof top harvesting systems.*
- (vi) *Regulating size of gatherings on the concept of sustainable development in the light of carrying capacity of the area.*
- (vii) *Prohibiting such activities in overcrowded places not having adequate parking or other facilities.*
- (viii) *Action against unauthorized construction or unauthorized use without statutory clearances prohibiting and stopping any existing or future activities non-complying with above norms and also taking penal action where ever necessary.*
- (ix) *Environment restoration and compensating victims of violation of law in relation to Noise Pollution, Air Pollution, Water Pollution, Master Plan etc. The action plan must involve all stakeholders, particularly the students and senior citizens. The Joint Committee will have authority to close polluting activity and remove every illegal structure. The Committee will also look into the allegations whether members of the applicant are running swimming pools by illegally drawing groundwater without requisite valid sanctions and drawl of ground water from critical or overexploited areas, without any mechanism for ground*

water harvesting and recharge. If so, remedial action must be taken forthwith.”

4. Further orders were passed on 08.03.2019, 08.07.2019, 19.09.2019. Thereafter, comprehensive review of the matter was undertaken on 20.12.2019 in the light of action taken report filed by the Delhi Government on 17.12.2019 and affidavit filed by the MoEF&CC on 16.12.2019. **The Tribunal directed framing of guidelines by the CPCB as indicative minimum norms for being followed throughout India in the interest of protection of environment and public health.** The said order is extracted below:

“13. We may now refer to the affidavit filed by the MoEF&CC which in turn refers to the guidelines prepared by the CPCB in respect of (a) Monitoring mechanism (b) Coercive measures in case of violations (c) Siting guidelines and (d) Mitigation measures as guided by NGT in para 12 of the order dated 19.09.2019 read with action in para 9 of the order dated 19.09.2019. It is further stated that the Ministry is yet to finalize the mechanism after further consultations. Without obstructing further study, we are of the view that the mechanism needs to be acted upon in light of Water Act, Air Act and EP Act and rules framed thereunder and further observations in this order, till the same is revised in the light of further study. The mechanism suggested is as follows:

“3.0 Mechanism/Guidelines/Mitigation measures

The mechanism for control of control of pollution and enforcement of environmental laws based on the various environmental issued identified in section 2.0 is enumerated in this section.

3.1 Water Pollution-

(i) Effluent Treatment Plant

- a. The unit shall furnish a copy of agreement made with the water supplier while applying for consent to operate. The outsourcing water supplier should have permission from the competent authority to draw ground water.*
- b. The units shall provide effluent/sewage treatment plant as proposed and maximize reuse of treated sewage in toilet flushing, cooling water makeup, boiler, floor washing, gardening and other non-potable purposes.*
- c. Most of the bigger ceremonial halls and star hotels are treating only waste water generated from kitchen and*

laundry. Untreated domestic sewage is discharged directly into sewer without treatment. Entire waste water generated from kitchen, laundry and domestic sewage should be treated in ETP in case of such bigger units.

- d. Treated effluent water from ETP installed should meet Environmental Standard notified by the MoEF&CC vide GSR794(E) dated 04.11.2009 and reproduced as under.

Hotel type	Parameters	Effluent Standards (Limiting concentration in mg/l, except pH)	
		Inland surface water	On land irrigation
Hotel with at least 20 bedrooms	pH	5.5-9.0	5.5-9.0
	BOD3days, 27°C	30	100
	Total Suspended Solids	50	100
	Oil & Grease	10	10
	Phosphate as P	1.0	-
Hotel with less than 20 bedrooms or a banquet hall with minimum floor area of 100 m ² or a restaurant with minimum seating capacity of 36	pH	5.5-9.0	5.5-9.0
	BOD3days, 27°C	100	100
	Total Suspended Solids	100	100
	Oil & Grease	10	10

- e) The quality of treated sewage and trade effluent should be analyzed regularly once in a month and report shall be furnished to SPCB/PCC.
- f) The unit shall install water meters to record the daily consumption of water and separate electromagnetic flow meter at the inlet and outlet of effluent treatment plant to record actual flows on a daily basis.
- g) The unit shall install separate energy meters also to record the daily energy consumption of the effluent treatment plant on daily basis prior to completion of the project.
- h) The units should mandatorily obtain all consents, permissions and approvals required for ETP from the local Agencies.

(ii) Ground water extraction:

- a) Necessary permission should be obtained from concerned Authorities for extraction of groundwater.
- b) SPCB/ PCC to take action against units for unauthorized or illegal ground water extraction without proper permission from considered Authorities.

(iii) Water Conservation Measures

- (a) Maximize reuse of treated water for non-potable purpose.

- (b) All the units to furnish monthly report return showing the quantity of water consumed and its reuse in different purpose to the concerned SPCB/PCC.*
- (c) Installation of Rain water harvesting systems must be installed in consultation with the Experts.*
- (d) Using water-efficient fixture such as low flow shower heads, bath, sink faucet aerators, low flow toilets etc.*

3.2 Air Pollution-

(i) Gensets and Fuel

- a) The unit shall provide stack for the emissions from the generator sets so as to ensure that the emissions satisfy the standards prescribed by the Board. The unit shall also provide acoustic measures for the Gensets to meet the noise level standards prescribed for residential area.*
- b) Banquets halls shall use approved fuel (e.g. LPG, PNG, Charcoal for tandoor etc.). Preference be given to gas based hot water generator and boiler over oil fired/coal fired boiler. Hybrid type hot water generator by using solar water heater be encouraged.*
- c) Conventional water heating systems be replaced in a phased manner and solar water heating system be installed.*
- d) The units shall properly channelize the fugitive emissions including emissions from cooking & kitchen operations by providing proper ducting /hood arrangement and proper exhaust system and emissions shall be discharged at least 2 meter above the roof of the building.*

Energy Conservation Measures

- a) Application of solar energy should be incorporated for illumination of common areas, lighting for gardens and street lighting in addition to provision for solar water heating. A hybrids system or fully solar system for a portion of the unit shall be provided.*
- b) Use of inverters instead of Diesel Generation Sets be preferred.*
- c) Use of glass may be reduced to reduce the electricity consumption and load on air conditioning. High quality double glass with special reflecting coating in windows shall be used.*
- d) Bulbs will be replaced by low-watt fluorescent light and fluorescent lighting be used as much as possible.*

Consent to establish and Consent to operate

- a) *As per the Water Act 1974 and Air Act 1981, it is mandatory to obtain Consent to Establish (NOC) before commencement of the construction activities and Consent to Operate (CTO) before starting operation of the Units (individual establishments and the area/ cluster of restaurants/ hotels/ motels/ banquets etc.) from the concerned SPCB/PCC.*
- b) *Further, the SPCB/PCC may direct the defaulting units for paying environmental compensation for damaging the environment considering their operations despite being non-compliant.*
- c) *The SPCB/PCC may workout and fix the amount of environmental compensation in-line with the mechanism for charging environmental compensation as evolved by the CPCB.*

3.3 Solid Waste Management

- (a) *The units shall properly handle, manage and dispose the solid waste generated and comply with the provisions of the Solid Waste Management Rules.*
- (b) *As per clause 3 (8) of the Solid Waste Management Rules, 2016, marriage halls generating waste of more than 100 kg/day fall under the category of 'Bulk Waste Generator' and should ensure compliance with the provisions of the Rules, and in specific the following:*
 - *13(1)(d) Store horticulture waste and garden waste generated from such premises separately in within the own premises and*
 - *13 (2) No waste generator shall throw, burn or burry the solid waste generated by him, on streets, open public spaces outside his premises or in the drain or water bodies.*
 - *13 (8) All hotels and restaurants shall, within one year from the date of notification of these rules and in partnership with the local body ensure segregation of waste at source as prescribed in these rules, facilitate collection of segregated waste in separate streams, handover recyclable material to either the authorised waste pickers or the authorised recyclers. The bio-degradable waste shall be processed, treated and disposed off through composting or bio methanation within the premises as far as possible. The residual waste shall be given to the waste collectors or agency as directed by the local body.*
- (c) *The segregated food waste from the solid waste generated in the unit shall be treated in organic waste converter and the treated compost shall be used as manure.*
- (d) *The unit shall ensure that the hazardous waste (used oil, used batteries) generated in the premises are collected*

property and disposed only to authorized recyclers registered with MoEF&CC/CPCB and valid operating license of SPCB/PCC.

- (e) The unit shall minimize use of disposable plastic on its premises and ensure its disposal through recyclers registered with SPCB/PCC for recycling plastic waste.*

3.4 Noise pollution

- (a) The unit shall obtain permission from designated authorities as per provisions of Noise Rules 2000.*
- (b) The unit shall comply with provision of Noise Rules specifically Rule 5 and Rule 6 of the Noise Rules.*

3.5 Infrastructure issues/Parking Problems & Other Requirements

Project Area/Building Plan

The units have to pay conversion charges to Local Authorities for running banquets and have to come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Accordingly, the following to be complied with:

- (a) Building plans to be approved by concerned authorities. Local Authorities be directed to review the adequacy of infrastructure for existing units for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area. Adequate infrastructure arrangements may be made for them in the area by municipal corporations.*
- (b) Local Authorities to ensure that these units are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required -traffic, parking, etc. -such banquet halls may be shifted out of the area.*
- (c) The units to make adequate arrangements for fire safety and obtain fire safety certificate from the respective State Government agencies.*
- (d) To create buffer zone, the unit shall develop green belt on its premises which shall consist of trees with thick canopy cover and ornamental shrubs in between them. The unit shall furnish the green belt development plan, which includes the number and type of species to be planted and topo sketch for plantation while applying for consent to operate. The STP sludge and manure coming from the bio-composted organic waste shall be used for green belt development.*

4.0 Conclusion

- a) *The units to take necessary Consents from SPCBs/PCC as per provisions of EP (Act) 1986 and the Rules framed thereunder.*
- b) *All the units may be asked to submit an environmental statement for the unit for the financial year ending 31st March on or before the 30th April of every year before the Local Authority and Administration.*
- c) *The Banquet halls to take measure to conserve water and minimize generation of waste on the premises.*
- d) *Beside consents, the establishments should mandatorily obtain permissions/clearances like permission for ground water extraction, approval of building plan, fire safety clearance, etc and comply with all other requirements as mandated by the State Authorities from time-to-time.*
- e) *Most of the banquet halls come up in a cluster leading to severe stress on basic infrastructure including traffic management, parking as well as pose a fire hazard etc. Local authorities to review the adequacy of infrastructure for existing banquet halls for which approval has already been granted and to ensure adequacy of infrastructure facilities like traffic, parking, fire safety etc. before granting any fresh approval of banquet halls in the area.*
- f) *Municipal corporations may be directed to ensure that these banquet halls are operating in compliance with approved building plans and without any parking & traffic issues. In case it is not possible to provide basic infrastructure required – traffic, parking, etc.- such banquet halls may be shifted out of the area.”*

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18. ... Thus, adequate statutory framework is available. Still, challenge is posed by polluting activities **in absence of proper enforcement and monitoring** which need review from time to time. It may be noted that this Tribunal is faced with **acknowledged serious violations in the form of non-compliance of Waste Management Rules (O.A. No. 606/2018), non-compliance of requirement of sewage treatment as well as effluent treatment (O.A. No. 593/2017, Paryavaran Suraksha case). The result is that 351 river stretches are declared to be polluted (O.A. No. 673/2018), 122 major cities are declared to be non-attainment cities in terms of air quality norms (O.A. No. 681/2018)¹, 100 industrial clusters are declared polluted based on CEPI assessment (O.A. No. 1038/2018). There are issues with regard to illegal extraction of groundwater (O.A.**

¹ https://cpcb.nic.in/uploads/Non-Attainment_Cities.pdf and <https://economictimes.indiatimes.com/news/environment/pollution/20-more-cities-added-to-cpcbs-polluted-list/articleshow/70721767.cms?from=mdr>

No. 176/2015), absence of rain water harvesting systems (O.A. No. 496/2016), noise pollution (O.A. No. 519/2016), protection of water bodies (O.A. No. 325/2015), reuse of treated water (O.A. No. 148/2018), regulating operation of national highways to avoid traffic congestion (O.A. No. 386/2016), controlling number of vehicles consistent with carrying capacity to deal with the problems of parking and congestion leading to damage to the environment (O.A. No. 568/2016). The issue in the present case has surfaced in the context of operation of establishments where **large congregations take place for marriages or other functions.** In absence of clear strategies, compliance of environmental norms remains a challenge as pointed out in the earlier orders. This necessitates well thought out strategies within the existing statutory framework.

19. Needless to say that compliance of environmental norms cannot be wished away as such norms are **overarching requirement for any activity having potential for generation of liquid effluents, gaseous emissions or otherwise affecting the environment.** Apart from the licensing provisions for **fire safety, building safety, etc. which may be dealt with by a Development Authority and/or a Local Body, the Regulatory Bodies under the Water Act, the Air Act and the EP Act must enforce the environmental norms to ensure that water and air pollution are prevented and environment is not degraded.** Apart from statutory regulators under the Water, Air and EP Acts, several other statutes including municipal laws provide for enforcement of statutory norms by local and other authorities. By way of an example, local bodies grant clearance to buildings even with reference to environment norms in terms of applicable statutory provisions. **Article 243W read with Schedule XII (Entry 8) to the Constitution specifically provide for dealing with certain environmental issues by the local bodies.** For successful functioning of such authorities, it is necessary that an environment cell comprising qualified person for the purpose of enforcement and vigilance is set up by every such authority. **There is no reason why municipal corporations should not have such cells wherever such 'cells' do not exist so far.** This may be ensured within next three months and such information may be compiled by PCBs/PCCs and furnish to CPCB. As already observed in the earlier orders, any place where social gatherings take place having such potential needs regulatory mechanism which has to continuously evolve and needs to be enforced. The existing mechanism has to be reviewed periodically. Whenever any violations are alleged, the same need to be looked into.

20. In this background, guidelines prepared by CPCB cover the requirement of monitoring mechanism by providing enforcement of consent requirement and laying down suitable conditions for such statutory consents which can take care of necessary mitigation measures including siting guidelines and coercive measures for enforcement. The guidelines have been quoted above in para 13. Apart from the said guidelines, the Urban Development Department of Delhi has suggested action plans for **compiling data for such functions are held, constituting monitoring teams, installation of CCTV cameras, GPS system in garbage**

collection vans, regulating size of gatherings as per capacity of the area, restricting number of persons, fire safety devices, steps to control traffic congestion, regulating quality and quantity of food. Additional measures have been suggested by DPCC in connected matters listed today being O.A. No. 1008/2018, Deepak Datta vs. Govt. of NCT of Delhi and O.A. No. 515/2019, President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi, referred to in Para 14 above. CPCB may consider the said suggestions and incorporate the same in its draft guidelines to the extent not already included but found relevant for application pan India.

21. We are of the view that enforcing the requirement of Consent to Establish should be the starting point for commission of the project rather than the last in the governance chain meaning thereby that **no project should commence its establishment without such consent from PCB/PCC.** Needless to say, in the process of granting such consent, all relevant and suitable conditions must be imposed after evaluation of **carrying capacity of the area to take such additional project, siting norms, inter se distance of such projects, adequacy of parking facility, mode of disposal of solid waste, mode for disposal of liquid waste including sewage, adequacy of mitigation with respect to noise pollution, adherence to norms for DG Sets, permission of Central Ground Water Authority or designated authority for ground water drawal.** Such norms must be applied to all existing establishments and those found not meeting the norms must be closed till the norms are complied. The project proponent must file their Annual Environment Statements in terms of Rule 14 of the EP Rules. The State Board must have robust monitoring mechanism to evaluate compliance to norms atleast twice a year especially during and after the marriage/festive season during which such entities operate to maximum capacity.

Apart from this, the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment.

Stringent norms need to be worked out for controlling and regulating parking of vehicles, used by the organizers and guests in functions as well as parking of vehicles generally on roads and public places adding to the air pollution. This includes regulation of pick and drop activities.

Use of DJ systems must be fitted with noise limiters and data loggers and be operated within sound proof halls within prescribed noise limits without its effect being felt outside.

Environment protection measures require that number of vehicles in any city/area must be limited to the available capacity for parking. **All public places and roads cannot be converted into parking places** without any regulatory measures. Planning on

this aspect is a condition precedent for compliance of environmental norms. Parking can be allowed only at designated places. Stringent measures must be taken by statutory authorities including the Traffic Police against any such parking. In this regard, vide order dated 19.01.2015 in O.A. No. 21/2014, Vardhaman Kaushik Vs. Union of India, it was observed:

“.....It will be ensured that stagnation of vehicle and traffic congestion are avoided particularly by prohibiting parking on the main roads or any parking area on the metalled roads. We direct all the SHOs concerned, the Traffic Police and the concerned Corporation to ensure compliance of these directions without any default. There will be complete prohibition of parking of any cars on the metalled roads and the corporation would take strict action against the persons who violates it. This shall include payment of Rs. 1000/- per car on account of compensation for degradation of environment and its restoration. This would also be charged on the cars, which are parked on the metalled roads.”

*The above direction must be enforced not only for Delhi but atleast for 122 non-attainment cities in the country. The Transport Departments of all the States/UTs may assess the available parking capacities in the said 122 cities and determine the number of vehicles which can be accommodated in terms of parking space available in the said cities. In case the number of vehicles exceed the capacity, there should be action plans for providing adequate additional parking space. **If it is not possible, the number of vehicles to be registered must be curtailed by using appropriate economic disincentives or otherwise and alternative provided to the citizens in the form of public transport system.** If these steps (declaring the capacity of number of vehicles and designating parking spaces, prohibiting unregulated parking at public places) are not taken, this Tribunal may have to take coercive measures for protection of environment including direction for limiting registration of any new vehicles in the said cities.*

*The establishments where social functions are held must notify the designated places where vehicles are to be parked and number of vehicles are allowed. The organizer of a function must ensure and give an advance undertaking that the number of guests invited have been informed about the extent of parking facility available. **In any case, no vehicle be allowed to be parked at public places. The owner of the property will be liable for any default.** These regulatory measures are necessary to avoid inconvenience to general public and compliance of environmental norms which are part of right to life.*

CPCB may finalize guidelines after considering these observations within one month and circulate the same to all the States/UTs to serve as indicative minimum norms. It is open to all the States/UTs to further add to such norms without diluting the same. The States/UTs may implement the same and furnish a compliance report to CPCB within three months. Any non-compliance may result in coercive measures being adopted by this

Tribunal. CPCB may compile the information received from the States/UTs and furnish a consolidated report to this Tribunal before the next date. As far as Delhi is concerned, as directed in O.A. No. 1008/2018, Deepak Datta vs. Govt. of NCT of Delhi and O.A. No. 515/2019, President Bhudhela Welfare Associations Vs. Govt. of NCT of Delhi, DPCC may lay down and enforce the suggested norms immediately pending further revision in the light of comprehensive guidelines of CPCB.”

5. Finally, the matter was considered on 23.07.2020 in light of the earlier proceedings as follows:-

“7. In view of above, let all the States/UTs take further steps in the matter of adopting and enforcing the CPCB guidelines to ensure sustainable use of water, solid and liquid waste management and compliance with the statutory environmental norms under the Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act, 1986 (‘EP Act, 1986’) including the Noise Pollution (R&C) Rules, 2000, providing for adequate parking facilities and having adequate stack heights for the DG Sets. Compliance of such norms must be overseen by the statutory regulatory authorities, including the Local Bodies, the State PCBs/PCCs and, wherever there is violation, stringent action must be taken by way of stopping the non-compliant activities, initiating prosecution and recovering compensation on “Polluter Pays” principle. This is necessary to enforce the right of citizens to clean environment, which is part of right to life.

8. We have also perused compliance report filed by the Delhi Government which mentions steps taken so far. The report mentions that the Delhi Government has adopted the CPCB guidelines and started its implementation by way of recovering environmental compensation and stopping the non-compliant activities.

9. Let all the concerned authorities in all the States/UTs and the State PCBs/PCCs take further action and give their quarterly report to the CPCB. The same may thereafter be further followed up and compiled by the CPCB. It is made clear that if there is non-compliance by the States/UTs, PCBs/PCCs, the Tribunal may have to make the concerned authorities accountable by requiring payment of compensation as well as action against defaulting and erring officers. A further status report as on 30.11.2020 be filed by the CPCB on or before 31.12.2020 by email, making copies of report available to all relevant parties by webhosting on its website or otherwise.

The CPCB may hold a video conferencing with all the State PCBs/PCCs within one month from today which may cover, as far as possible not only the present but other significant environmental issues also. If one sitting is not enough, more

such sittings be held at suitable intervals so as to avoid delay in compiling relevant information.”

6. Accordingly, the CPCB has filed its consolidated report dated 02.02.2021 to the effect that information was sought from all the State PCBs/PCCs vide letter dated 11.08.2020. A video conference was held on 24.08.2020 but only eight States have furnished the information which is also not complete. The issue of compliance status in different States, to the extent of information available, has been filed. Followings conclusions/remarks have been given:

“4.0 Conclusion/Remarks

As most of the SPCBs & PCCs could not submit the Quarterly Report to CPCB in compliance with Hon’ble Tribunal’s Order; it is difficult to interpret the status of the enforcement of the Environment Norms for such type of establishment for entire country. However, after reviewing the data received from above 08 no. SPCBs, following recommendations have been made:

- ***All the States/UTs should have/develop proper Mechanism/Guidelines for control of pollution and enforcement of Environmental Norms in marriage halls, banquet halls, party venues etc. along with consent management system.***
- ***ETP must immediately be installed at all big units which are not connected with the sewer lines and should meet compliance and rainwater harvesting systems be widely adapted for sustainable use of water.***
- ***All the units having kitchen should have proper ducting arrangement. The units using DG sets must have the proper stack height.***
- ***Units having kitchen, installation of composting facility should obviously get priority for proper management of the solid waste and fruitful use of resources so that manure or energy may be obtained and utilized suitably.***
- ***As per provisions of the Noise Pollution (R & C) Rules, 2000, permission may be obtained from concerned Authorities by the units; but, SPCBs/PCCs should follow -up to keep the information with them also as to strengthen control of noise pollution at/from the units.***
- ***It is also observed that, huge no of units have no adequate space at their parking site and even most of them do not possess own parking facilities. The existing units should***

find out the alternate facility and same be mandatory for the new units.

- **All SPCBs/PCCs should expedite for development of aforesaid Mechanism/Guidelines and update the information as per prescribed format.”**

7. As noted in the order of this Tribunal dated 23.07.2020², all the State/UTs have to take further steps for enforcing the CPCB guidelines with a view to ensure compliance of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. The operative part of the guidelines is quoted below for ready reference:

Mechanism/Guidelines for Control of Pollution and Enforcement of Environment Norms at Individual Establishments and the Area/ Cluster of Restaurants/ Hotels/ Motels/ Banquets etc.

1.0 Background

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2.0 Major Environmental Issues related to marriage halls, banquet halls, party venues

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2.1 Water Pollution

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2.2 Air Pollution

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2.3 Solid Waste Management

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2.4 Noise pollution

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2.5 Infrastructure issues related to parking etc.

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3.0 Mechanism/Guidelines/Mitigation measures

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3.1 Water Pollution

² Para 7 of order dated 23.07.2020

(i) Effluent Treatment Plant
XX XX XX

(A) Eateries/ restaurants along roadside having minimum seating capacity of 36 numbers.
XX XX XX

(B) Effluent discharge norms for hotels
XX XX XX

(ii) Ground water extraction
XX XX XX

(iii) Water Conservation Measures
XX XX XX

3.2 Air Pollution

(i) Gensets and Fuel
XX XX XX

(ii) Energy Conservation Measures
XX XX XX

(iii) Consent to establish and Consent to operate
XX XX XX

3.3 3.3 Solid Waste Management
XX XX XX

3.4 3.4 Noise pollution
XX XX XX

3.5 3.5 Infrastructure issues& Other Requirements
XX XX XX

5.0 Conclusion

- a) Individual units to provide necessary facilities for control of air, water & noise pollution, solid waste management, etc as enumerated in the previous sections.
- b) Individual units to take necessary approvals from the concerned authorities as listed below:
- Consent to Establish under Air/ Water Act
 - Consent to operate under Air/ Water Act
 - Permission for concerned Authorities in accordance with provisions of Noise Rules

- *Permission for Ground Water Extraction from concerned Authorities , if required*
 - *Building Plan Approval from concerned Authorities*
 - *Fire Safety Certificate/NoC from concerned Authorities*
- c) *Local Authorities to ensure provision of adequate common facilities for water pollution, solid waste management, parking etc*
- d) *The State Board to have robust monitoring mechanism to evaluate compliance with norms of such units atleast twice a year. As per NGT Directions, SPCBs/PCCs are required to submit compliance report to CPCB as per the enclosed format (Annexure I).”*

8. In view of above, the recommendations in the report of the CPCB need to be duly implemented by all the States/UTs by adopting the guidelines for control of pollution in marriage halls, banquet halls, party venues etc. along with consent management system, as already directed. Further, as recommended by the CPCB in the above report, ETPs needs to be installed by all the big units, not connected to the sewer lines, apart from ensuring compliance of rain water harvesting systems, adequate safeguards in operating the kitchen need to be adopted, composting facilities, control of noise levels and providing parking space. Without such safeguards, no consent should be given or renewed even in respect of the establishments already setup. This may be strictly ensured by the State PCBs/PCCs and further overseen by the CPCB by laying down a compensation regime against the violating establishments as well as for erring State PCBs/PCCs. As already directed in the order dated 20.12.2019³ quoted above that the consent conditions must require the owner/manager of establishment informing the organizer/user in writing in advance about the conditions applicable for ensuring compliance. Conduct of functions must not disturb other citizens right to peaceful and clean environment. Information as to any particular establishment

³ Para 21 of the order

has been given consent and is compliant or not should be placed on the website of the PCB/PCC as well as the establishment concerned for information of the concerned public. Placing such information in public domain will be one of the conditions while granting consent and failure of placing such information in public domain may render the consent granted to any establishment being withdrawn.

9. Since we have considered the consolidated report of the CPCB in terms of earlier directions, it is not necessary to refer to the reports filed by some individual States/PCBs/PCCs.

The application stands disposed of

A copy of this order be forwarded to the CPCB, Chief Secretaries of all States/UTs and all PCBs/PCCs by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 04, 2021
Original Application No. 400/2017
SN