

**PUNJAB POLLUTION CONTROL BOARD, PATIALA**

**No. 369**

**Date 9-9-2013**

**OFFICE ORDER**

**Subject : Compliance of orders of Hon'ble National Green Tribunal, New Delhi (NGT) passed in appeal No. 12 (T<sub>Hc</sub>) of 2013 and application No. 17 (T<sub>Hc</sub>) of 2013 and Application No. 32 (T<sub>Hc</sub>) of 2013 in Market welfare Association V/s Distt. Magistrate, SAS Nagar and Ors, and Sadhu Singh & Ors V/s The Chief Administrator and Ors.**

The Hon'ble NGT vide its order dated May 24,2013, has passed certain orders in reference to operation of D.G. sets. The operational part of the order is reproduced as below:-

*" It is undisputed that the DG sets which are emanating smoke that contains pollutants at higher levels as compared to prescribed norms cause serious environmental and health problems." We see no reasons as to why the Administration should not provide adequate help and aid to the Pollution Control Board to ensure that the Order of the Tribunal is implemented. Order shall be thus executed by the District Magistrate Mohali, SSP, Mohali and the Officers of the Pollution Control Board will be provided with full assistance, and they shall inform us as to which DG sets are causing pollution and are operating without the consents of the Board. Such DG sets shall be shut down and even if necessary shall be seized by the inspecting team. We make it clear that all these said Officers shall be personally responsible for carrying out of the directions issued by the Tribunal."*

Hon'ble NGT has further directed that :

*"Notices be issued to these shops/occupants thereof as to why actions under the provisions of the NGT Act should not*

*be taken against them for violating the order of the Tribunal and they punished in accordance with law. Pollution Control Board shall issue Notice to the parties requiring them to appear before the next date of hearing."*

It is further intimated that Hon'ble NGT vide its order dated 23.7.2013 has also directed that :

*"The Punjab Pollution Control Board as well as all administrative authorities in the State of Punjab to comply with our previous Order and ensure that no DG sets which are operating in excess of the prescribed parameters is permitted to function anywhere in the State of Punjab. All terms and conditions of our dated 24<sup>th</sup> May, 2013 shall mutatis mutandis apply to this Order as well."*

For the compliance to the orders passed by the Hon'ble NGT, a uniform procedure is required to be adopted regarding issue of consents, documents required before issue of consents, fees to be charged and in case of non-compliance, procedure to be adopted for seizure / sealing of the DG sets. Therefore, the Competent Authority the Board has decided that the following procedure may be adopted for the compliance of the order of the NGT:-

- All RO's will co-ordinate with District Administration to arrange meetings with concerned EO's of MC's/BDPOs under the Chairmanship of Deputy Commissioners. Orders dated 24.5.2013 and 23.7.2013 passed by of the Hon'ble NGT be brought into notice of all concerned. EO's of MC's/BDPOs be requested to get the area under their jurisdiction surveyed and obtain the lists of shops/commercial establishments/hospitals/institutions etc. where DG sets have been installed.
- Sub committees consisting of SDM or his nominee, not below the rank of Naib-Tehsildar, DSP or his nominee not below the rank of ASI, Executive Officer of Municipal Council in case within municipal limits or BDPO in case outside municipal limits and Environmental Engineer of Regional Office or his nominee be got constituted from the Deputy Commissioner for sealing of the DG sets in case of non compliance.

- On the basis of lists supplied by concerned EO's of MC's/BDPOs; notice is attached as **Annexure 'A'** be issued to all the shops / commercial establishments /hospitals/ institutions etc.
- The proforma of application to be submitted by the applicant is attached as **Annexure-B**. This application form will be free of cost and the same will be uploaded on the website of Punjab Pollution Control Board for facilitation of the entrepreneurs.
- The details of fee to be deposited by the applicant for obtaining 'consent to operate' is attached as **Annexure-C**. The 'consent to operate' will be granted initially for two years.
- The draft of the consent letter to be issued to the applicant is attached as **Annexure-D**.
- The applicant may submit the analysis reports noise as well as stack emissions got analyzed by Board's lab/approved labs. of the Board/NABL/MoEF. The fee to be charged by Board's labs as well as by Pvt. Labs shall be Rs. 1500/- for analysis of stack emission and Rs. 500/- for noise monitoring. The royalty of Rs. 1000/- per sample presently being given by the private laboratories to the Board, will not be paid to the Board while carrying out the analysis of stack emissions and noise monitoring of D.G. sets.
- In case of failure to obtain consent to operate from the Board/ non-compliance; the sub-committee so constituted shall seal the DG sets then and there, so that the Action Taken Report be filed well before 20.9.2013, by the District Administration / State Govt. in compliance to order dated Aug., 27,2013 passed by the Hon'ble NGT.

The above orders come in to effect immediately.

**DA/As Above**

**Sd/-  
Chairman**

Endst. No. **37935-57**

Dated **9-9-2013**

A copy of the above is forwarded to the following for information & immediate necessary action in the matter.

1. The Chief Environmental Engineer, Punjab Pollution Control Board, Patiala.

2. The Senior Environmental Engineer, Punjab Pollution Control Board, Head Office, (HQ-1&2), Zonal Office-Patiala 1/2, Ludhiana-1/2, Bathinda, Amritsar, Jalandhar.
3. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Patiala, Fatehgarh Sahib, Mohali, Faridkot, Hoshiarpur, Ludhiana-1/2/3/4, Bathinda, Amritsar, Jalandhar, Sangrur, Batala.
4. P.S. to Chairman and Member Secretary, Punjab Pollution Control Board for kind information Chairman and Member Secretary.

**DA/As Above**

**Sr. Environmental Engineer(HQ-2)  
For Member Secretary**

Endst. No. **37958-67**

Dated **9-9-2013**

A copy of the above is forwarded to the following approved laboratories by the Board for information & compliance / necessary action in the matter please:-

- 1 M/s Eco Laboratories and Consultants Pvt Ltd.,E-207, Industrial Area, Phase VIII-B (Sector 74) Mohali-160059
- 2 M/s Sophisticated Industrial Material Analytical Labs. Pvt Ltd.,C-3/7, Mayapuri Industrial Area, Phase II New Delhi-110064
- 3 M/s Haryana Test House and Consultancy Services 50-C, Sector-25, part-II, HUDA, panipat-132104
- 4 M/s SGS India Pvt Ltd.,250, Udyog Vihar, Phase IV,Gurgaon-122015
- 5 M/s Spectro Analytical Labs.Ltd.,E-207,E-41, Okhla Industrial Area, Phase-II, New Delhi-110020
- 6 M/s International Testing Centre, 86, Industrial Area, Phase I, Panchkula-134109
- 7 M/s Industrial Testing laboratory Consulting House, Ghalori Gate, Patiala-147001
- 8 M/s Eko Pro Engineer Pvt. Ltd 32/41, South side of G.T. Road, UPSIDC, Industrial Area, Ghaziabad-201001 (U.PO.)
- 9 M/s Chandigarh Pollution Testing Laboratory, E-126, Phase-VII, Industrial Area, Mohali
- 10 M/s Sophisticated Analytical Instruments Laboratory (SAI Labs),Bhadson Road, Patiala Patiala147001 .

**Sr. Environmental Engineer(HQ-2)  
For Member Secretary**

## Annexure-A

No.  
To

Annexure - A

Date: \_\_\_/\_\_\_/2013  
Most Urgent  
Directions of the Hon'ble  
National Green Tribunal

M/s

**Sub:- Show cause notice for violation of the provisions of Air (Prevention & Control of Pollution) Act, 1981 and compliance of the directions of the Hon'ble National Green Tribunal, New Delhi-with regard to the operation of DG sets.**

Whereas, it is mandatory on the part of your commercial establishment / organization to obtain the Consent of the Board to operate the Diesel Generating (D.G.) set u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981.

And whereas, it is also mandatory to provide Diesel generating set with acoustic system to bring down the concentration of various pollutants such as emissions/ noise within the permissible limits as prescribed.

And whereas, the Punjab Pollution Control Board had issued a Public Notice in the leading newspapers on 09.05.2013 there was prohibiting / restraining all the persons from using any D.G. set in any of the commercial areas without the consent to operate of the Board.

And whereas, the Hon'ble National Green Tribunal, established by the Central Government in accordance with the provisions of the National Green Tribunal Act, 2010 in its order dated 23.07.2013, passed in **Appeal No. 12(Thc) of 2013, Application no 17 (Thc) of 2013, Application no 32, (Thc) of 2013** respectively titled as **Market Welfare Association V/s District Magistrate and others, Fashion Market Welfare Association V/s District Magistrate and SAS Nagar & others Sadhu Singh and others V/s Chief Administrative and others** had directed the Punjab Pollution Control Board as well as all the Administrative Authorities in the State of Punjab to comply with its order dated 24.05.2013 and ensure that no D.G. set which is operating in excess of the prescribed parameters is permitted to function anywhere in the State of Punjab.

And whereas the Hon'ble National Green Tribunal has also directed that D.G. sets which are causing pollution and are operating without the consents of the Board shall be shutdown and if necessary shall be seized by the inspecting team consisting of representative of District Magistrate, Senior Superintendent of Police and Pollution Control Board.

And whereas, a meeting was held under the Chairmanship of Deputy Commissioner for compliance of the above explained orders of the Hon'ble National Green Tribunal on 16.08.2013 and as per the survey conducted by respective Executive officer of the Municipal Council / BDO; it has been observed that your commercial establishment / organization is operating the D.G. set without the consent to operate of the Board under the provisions of the Air (Prevention & Control of Pollution) Act, 1981 and hence is violating the Law.

And whereas, your commercial establishment / organization has failed to obtain the consent to operate under the Air (Prevention & Control of Pollution) Act, 1981 from Punjab Pollution Control Board for operation of the D.G. sets in compliance of the directions of the Hon'ble National Green Tribunal dated 24.05.2013 and 23.07.2013 & as such the DG set(s) is/are operating without valid permission of the State Pollution Control Board.

And whereas, your commercial establishment / organization is violating the provisions of the Air (Prevention & Control of Pollution) Act, 1981 as well as the directions issued by the Hon'ble National Green Tribunal, New Delhi and is operating the D.G. set without the valid consent to operate of the State Pollution Control Board intentionally and deliberately.

And whereas, in view of the provisions of the Air (Prevention & Control of Pollution) Act, 1981 and the above explained orders of the Hon'ble National Green Tribunal; you are hereby advised to apply for the Consent to operate of the Board on the prescribed Performa alongwith analysis report of the air emissions of the DG set (which can be got analyzed from any of the NABL / Board's Approved Lab) within a period of 10 days failing which the State Pollution Control Board, Punjab shall be constrained to initiate action in accordance with the provisions of Pollution Control Laws.

Environmental Engineer  
For and on behalf of  
Punjab Pollution Control Board

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|  <p><b>PUNJAB POLLUTION CONTROL BOARD</b><br/>Regional Office , _____</p> |
|--|

No. \_\_\_\_\_

Date \_\_\_\_\_

To

The Environmental Engineer,  
Punjab Pollution Control Board,  
Regional Office,  
\_\_\_\_\_.

**Subject: Application for 'consent to operate' u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 of M/s \_\_\_\_\_.**

The information for obtaining 'consent to operate' u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 for operation of D.G. set is under:

1. Name & Address of the occupier/ :  
applicant.
2. Location of the establishment :  
where D.G. set has been installed.
3. Name of the Directors/Partners/ :  
Proprietor of the  
company/premises
4. Details of the D.G. Set(s)

| Sr. No. | Capacity of the D.G. Set | Type & Qty. of fuel used (lt/hr.) | Month & Year of manufacture of DG Set | Month & Year of Purchase of D.G. Set | Height of the stack attached to D.G. Set (above roof level of the building in which the DG Set is installed) (in m) |
|---------|--------------------------|-----------------------------------|---------------------------------------|--------------------------------------|---|
|         |                          |                                   |                                       |                                      |   |
|         |                          |                                   |                                       |                                      |   |

5. Whether canopy has been provided :  
with D.G. Set(s) or not ? If yes,  
whether the same was supplied by  
the manufacturer along with D.G.  
Set or the same has been locally  
manufactured?
  
6. Whether certificate of authorized :  
manufacturer in regard to  
compliance of noise and emission  
standards has been obtained or not?  
If yes, please attach a copy of the  
same in case the same is valid.
  
7. In case, no valid certificate is :  
available with the occupier, please  
attach a copy of the analysis results  
of the noise and stack emission of  
D.G. set from the Board's  
Lab./Approved Lab. of PPCB/  
NABL/ MoEF. (The analysis  
reports should indicate the results  
of all parameters for which the  
standards have been fixed by the  
MoEF)

I hereby undertake that the information given above is true to the best of my knowledge and belief and nothing has been concealed therein. In case, at any stage, the Board finds that the information given above is found to be false/incorrect, the Board would be at liberty to cancel the consent granted and take appropriate action as deemed fit under the provisions of the Air (Prevention & Control of Pollution) Act, 1981.

Place: \_\_\_\_\_

Dated: \_\_\_\_\_

**Signature of the applicant**

**Note: 1. Stack Height criteria for D.G. Sets laid down by the Board vide notification No.Admn/A-4/F.No.160/87/14744 dated 14.9.1987.**

| Sr.No. | Capacity of the D.G. Set(s) | Height of the Stack            |
|--------|-----------------------------|--------------------------------|
| 1.     | 0-50 KVA                    | Height of the Building + 1.5 m |

|    |             |                                |
|----|-------------|--------------------------------|
| 2. | 50-100 KVA  | Height of the Building + 2.0 m |
| 3. | 100-150 KVA | Height of the Building + 2.5 m |
| 4. | 150-200 KVA | Height of the Building + 3.0 m |
| 5. | 200-250 KVA | Height of the Building + 3.5 m |
| 6. | 250-300 KVA | Height of the Building + 5.5 m |

**Note:** For higher rating D.G. Sets, the stack height H (in m) =  $h + 0.2 \sqrt{(KVA)}$ , where h is height of the building (in m) in which D.G. set has been installed.

## 2. Consent Fee Criteria

| Sr. No. | Capacity of the D.G. Set         | Fee to be charged |
|---------|----------------------------------|-------------------|
| 1.      | Upto 10 KVA                      | Rs.1000/-         |
| 2.      | More than 10 KVA but upto 20 KVA | Rs.2000/-         |
| 3.      | More than 20 KVA but upto 50 KVA | Rs.5000/-         |
| 4.      | More than 50 KVA                 | Rs.10000/-        |

## 3. Noise/emission standards:

- (i) The noise limits applicable to the applicant shall be as prescribed by the Ministry of Environment & Forests (MoEF), New Delhi vide notification No.GSR-371(E) dated 17.5.2002 as amended from time to time.
- (ii) The stack emission standards applicable to the applicant shall be as prescribed by the MoEF vide notification No.GSR-520 (E) dated 1.7.2003 or GSR-489(E) dated 7.9.2002 as amended from time to time.





**PUNJAB POLLUTION CONTROL BOARD**  
VATAVARAN BHAWAN, NABHA ROAD, PATIALA

No. PPCB/SEE(HQ1) /2013/ \_\_\_\_\_

Date \_\_\_\_\_

**OFFICE ORDER**

As per sub-section 1 of Section 21 of the Air (Prevention & Control of Pollution) Act, 1981, every person who is operating a source of air pollution in the air pollution control area, is required to obtain 'consent to operate' under the provisions of the said Act. Further, as per sub-section 2 of the Air (Prevention & Control of Pollution) Act, 1981, the occupier of such source is required to submit an application to obtain the 'consent to operate' which should be accompanied by such fee as prescribed by the Board. The entire State of Punjab has been declared as an Air Pollution Control Area by the State Govt. Therefore, the occupiers of D.G. sets are required to obtain 'consent to operate' of the Board u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981.

The Punjab Pollution Control Board vide office order No.SEE (HQ-1)/2013/304 dated 18.7.2013 has laid down consent fee to be charged from the applicants for obtaining 'consent to establish (NOC)/operate/ based on the capital investment.

The matter regarding charging of fees on account of 'consent to operate' from the occupiers of the D.G. sets was discussed at length among the officers of the Board and it has been concluded that it will be more appropriate to charge the said fee on the basis of capacity of the D.G. set instead of capital investment. Accordingly, it was decided to prescribe the following fee structure for grant of 'consent to /operate' to the occupiers of the D.G. sets:

| Sr. No. | Capacity of the D.G. Set         | Fee to be charged |
|---------|----------------------------------|-------------------|
| 1.      | Upto 10 KVA                      | Rs.1000/-         |
| 2.      | More than 10 KVA but upto 20 KVA | Rs.2000/-         |
| 3.      | More than 20 KVA but upto 50 KVA | Rs.5000/-         |
| 4.      | More than 50 KVA                 | Rs.10000/-        |

These orders shall take effect immediately.

**NOTE:** The above said fee structure is for grant of consent to the occupiers of D.G. Sets initially for a period of two years.

Sd/-  
Chairman

Endst. No. \_\_\_\_\_

Dated \_\_\_\_\_

A copy of the above is forwarded to the following for information & immediate necessary action in the matter.

1. The Chief Environmental Engineer, Punjab Pollution Control Board, Patiala.
2. The Senior Environmental Engineer, Punjab Pollution Control Board, Head Office, (HQ-1&2), Zonal Office-Patiala 1/2, Ludhiana-1/2, Bathinda, Amritsar, Jalandhar.
3. The Environmental Engineer, Punjab Pollution Control Board, Regional Office, Patiala, Fatehgarh Sahib, Mohali, Faridkot, Hoshiarpur, Ludhiana-1/2/3/4, Bathinda, Amritsar, Jalandhar, Sangrur, Batala.
4. P.S. to Chairman and Member Secretary, Punjab Pollution Control Board for kind information Chairman and Member Secretary.

**Sr. Environmental Engineer(HQ-2)**  
**For Member Secretary**





**PUNJAB POLLUTION CONTROL BOARD**

Regional Office , \_\_\_\_\_

No. \_\_\_\_\_

Date \_\_\_\_\_

**To**

M/s \_\_\_\_\_

\_\_\_\_\_

**Subject: 'Consent to operate' u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981.**

**Amount of Fee Deposited** \_\_\_\_\_

**Receipt No. & Date** \_\_\_\_\_

**Consent No.** \_\_\_\_\_

**Date of Issue** \_\_\_\_\_

**Date of Expiry** \_\_\_\_\_

**Capacity of the D.G. Set(s)** \_\_\_\_\_

**Place where D.G. set is installed** \_\_\_\_\_

This has reference to your application for obtaining 'consent to operate' u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981.

The Punjab Pollution Control Board hereby grants the consent u/s 21 of the Air (Prevention & Control of Pollution) Act, 1981 to operate the D.G. Set(s) subject to the following conditions:

1. The applicant shall apply for renewal of consent under the Air (Prevention & Control of Pollution) Act, 1981 atleast two months before the expiry of this consent.
2. The applicant shall comply with the noise limits prescribed by the Ministry of Environment & Forests (MoEF), New Delhi vide notification No.GSR-371(E) dated 17.5.2002 as amended from time to time.
3. The applicant shall comply with the stack emission standards prescribed by the MoEF vide notification No.GSR-520 (E) dated 1.7.2003 as amended from

time to time or GSR-489(E) dated 7.9.2002 as amended from time to time, whichever is applicable to the applicant.

4. The height of the stack with the D.G. set shall be in accordance with the norms prescribed by the Board vide notification No.Admn/A-4/F.No.160/87/14744 dated 14.9.1987.
4. Nothing in this consent shall be deemed to preclude the establishment of any legal action nor relieve the applicant from any responsibilities/liabilities or penalties to which the applicant is or may be subjected to under this or any other Act.
5. The applicant shall comply with any other condition(s) laid down or direction(s) issued by the Board from time to time under the provisions of the Air (Prevention & Control of Pollution) Act, 1981
6. Any amendments /revisions made by the Board/MoEF in the emission/stack height standards shall be applicable to the applicant from the date of such amendments/revisions.
7. The applicant shall ensure that no air pollution or public nuisance due to noise is created in the area due to discharge of air/noise emissions from the establishment..
8. The applicant shall obtain permission from any other department/competent authority wherever required for operating the D.G. Set(s).
8. The Board reserves the right to cancel this consent granted to the applicant at any time, in case the applicant is found violating any of the conditions of this consent granted under the provisions of Air (Prevention & Control of Pollution) Act, 1981 and/or any other pollution control law(s) applicable to the applicant.

**Environmental Engineer**