

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IN RE: TAJ TRAPEZIUM ZONE [TO BE TAKEN UP AT 12.00 NOON] (1) IA NOS. 32568 AND 33549 OF 2025 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON BEHALF OF ASHOK) (2) IA NO. 64225/2022 (APPLN. FOR CLARIFICATION ON BEHALF OF ARUN KR. GUPTA) (3) IA NOS. 20616, 20617/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF ARUN KR. GUPTA) AND I.A. NO. 22551 OF 2025 (APPLN. FOR MODIFICATION) (4) I.A. No. 40499/2025 (APPLN FOR PERMISSION REGARDING FELLING OF TRESS IN TAJ PRAPEZIUM(TPZ) ON BEHALF OF 99 ARTILLERY BRIGADE AT MATHURA MILITARY STATION, U.P) ONLY" IN W.P. (C) NO. 13381/1984 ARE LISTED. "ONLY" NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST. PETITIONER-IN-PERSON MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. LIZ MATHEW, SR. ADV. (A.C.) MR. SIDDHARTHA CHOWDHURY, ADV. (A.C.) MS. AAKASHI LODHA, AOR MS. KESHVI ARYA, Adv. MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. G.S. MAKKER, MR. VIJAY PANJWANI, MR. ANKIT GOEL, MR. KAMLENDRA MISHRA (1) MR. AJIT SHARMA, (2) MR. RAJKUMARI BANJU, MR. PRAVEEN SWARUP, (3) MS. RAJ KUMARI BANJU, MR. SATYA RAM SHARMA, MR. PRASHANT, MR. PRAVEEN SWARUP, MS. SHWETA SHARMA, MR. SHANTANU BANSAL, MR. SUDEEP KUMAR, (4) MS. UDITA SINGH,

Date : 22-04-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

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Mr. Nishit Agrawal, AOR

Mr. Zoheb Hossain, AOR

Mr. Shishir Deshpande, AOR

UPON hearing the counsel the Court made the following
O R D E R

IA NOS. 32568 AND 33549 OF 2025 (APPLNS. FOR IMPLEADMENT
AND DIRECTIONS ON BEHALF OF ASHOK)

The learned Additional Solicitor General appearing for the Taj Trapezium Zone Authority (for short, "the TTZ Authority") states that an inspection has been carried out in terms of the earlier order of this Court dated 18th March, 2025. She seeks time of one week to file a compliance affidavit.

Accordingly, we grant time of one week to file compliance affidavit.

To be listed on 1st May 2025 at 12:00 noon.

IA NO. 64225/2022 (APPLN. FOR CLARIFICATION ON BEHALF OF
ARUN KR. GUPTA)

In terms of this Court's order dated 6th September,

2024, the National Environmental Engineering Research Institute (for short, "the NEERI") has submitted a report along with an affidavit. The Registry to provide copies of the report to the learned counsel appearing for the parties.

To be listed on 13th May at 12:00 noon.

IA NOS. 20616, 20617/2020 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON BEHALF OF ARUN KR. GUPTA)

A counter affidavit was filed by the State Government to which Annexure A-4 was annexed which contained a list of 60 industries which are in the TTZ area and have undergone expansion after the order dated 30th December, 1996 was passed by this Court in the case of *M.C. Mehta (Taj Trapezium Matter) v. Union of India & Ors.*¹. *Prima facie*, after perusal of the said order, we find that the order *per se* does not impose any embargo on setting up of new industries or expansion of existing industries in the TTZ area. However, the learned Amicus Curiae rightly submitted that in light of what is observed and held in the said order, no new industries or expansion of existing industries could have been undertaken, without permission of this Court. We will deal with the said contention at an appropriate stage.

But, there is an order passed by this Court on 14th October, 2024, of which paragraph 27 reads thus:

"27. We also make it clear that till further orders are passed by this Court, TTZ Authority

1 (1997) 2 SCC 353

shall not permit setting up of new industries or expansion of existing industries without leave of this Court.”

We clarify paragraph 27 to mean that the prohibition imposed therein will also be on re-location or shifting of existing industries within the limits of the TTZ authority without the leave of the Court.

These 60 industries are in existence since a long time. Now, the time has come to examine the impact of the activities of these industries and the pollution created by these industries on the environment. It's effect on the Taj Mahal needs to be assessed. There is a note submitted by the learned Amicus Curiae, Ms. Liz Mathew, senior counsel, in which she has made certain suggestions. There is also a Report No. 19 of 2025 by the Central Empowered Committee (for short, “the CEC”) which, to some extent, deals with this issue. As far as recommendations of the CEC are concerned, the same are set out in paragraph 6 of the Report. At this stage, we propose to accept the recommendations (i) to (v) which read thus:

- i. “6(i) A Cumulative Impact Assessment study with emphasis on Carrying Capacity of the industrial area shall be done considering not only the glass industries (existing and proposed) in the given notified industrial area, but all other

industries and associated activities in the same area to determine the total pollution load and its impacts on the local environment.

- ii. Provision be made for real-time monitoring of ambient air quality by establishing a Continuous Ambient Air Quality Monitoring Station (CAAQMS) in the notified industrial area. Understandably, at present, only two CAAQMS are there in the Ferozabad city. At least one more CAAQMS is to be positioned strategically in the Industrial cluster. This will enable the authorities to gauge the ambient air quality continuously and also suggest whether or not the ameliorative measures have been effective and the need for any mid-course correction.
- iii. Facilities should be established for proper solid waste management in the industrial area to ensure that only minimal solid waste goes to the landfill site.
- iv. Provision/facilities should be made for proper waste water treatment in the industrial area, and treated water should be re-used by the industry itself in various innovative ways and also for horticulture purposes, to the extent possible.
- v. A separate identifiable green belt of hardy

indigenous tree species should be developed and maintained all around the periphery of the industrial belt, as well as green areas maintained within the precincts of each industry in their vacant spaces”

As far as recommendation (i) is concerned, an authority will have to be entrusted with the work of a Cumulative Impact Assessment study. We direct that the NEERI shall be entrusted with the job of Cumulative Impact Assessment study, as suggested in clause (i) of paragraph 6 of the report of the CEC.

We direct that NEERI shall take guidance from the CEC for this study. Needless to add that all Government agencies including the relevant Pollution Control Boards and concerned authorities including the Gas Authority of India (for short, “the GAIL”) shall effectively assist and render full cooperation to NEERI in this exercise. We are aware that the Cumulative Impact Assessment study may take time. For that purpose, we direct NEERI to file an affidavit within two months indicating the timelines for completion of the job.

In the meanwhile, we direct the State Pollution Control Board to constitute a team to visit the 60 industries, which are mentioned in Annexure-4 of the counter affidavit dated 1st September, 2024 of the State of Uttar Pradesh and Annexure A-1 of the additional affidavit dated 20th January, 2025, to examine the aspect

of pollution created by these industries. A systematic study shall be undertaken by the State Pollution Control Board after seeking advice of the CEC. After completing the study of every five industries, the Pollution Control Board shall submit an interim report to this Court so that on the basis of the interim report and findings therein, appropriate directions can be issued. We are issuing this direction to ensure that if any immediate measures are required to be taken for curbing the pollution created by the industries, effective orders can be passed by this Court.

As far as clause (ii) of the recommendations of paragraph 6 which is quoted above is concerned, the TTZ authority shall ensure immediate implementation. The TTZ authority shall also look into clauses (iii) and (iv) of the recommendations and submit a report to this Court as to what is the extent of compliance has been made in terms of clause (iii) and (iv) so that appropriate directions can be issued.

As regards the recommendation (v), the TTZ authority will take assistance of the Forest Department of the State Government and come out with comprehensive suggestions regarding development of green belts, as suggested by the CEC. A report/affidavit shall be filed by the TTZ authority about compliance of these directions in relation to clauses (ii), (iii), (iv) and (v) of paragraph 6 of the CEC report. We grant time of two

months to the TTZ authority to file compliance report.
List immediately after compliance report is filed.

The NEERI will communicate the requirement of funds to the TTZ authority so that initial payment can be released by the TTZ authority or the State Government, as the case may be.

The present applications will remain pending so that further directions can be issued on these applications.

At this stage, Mr. Shyam Divan, learned senior counsel has rightly invited our attention to the report of April, 2016 under the title "Air Quality Assessment and Source Apportionment Study in Firozabad". This report will have to be considered by NEERI as a part of exercise of Cumulative Impact Assessment Study as NEERI will have to ascertain which are the sources of pollution.

I.A. No. 40499/2025 (APPLN FOR PERMISSION REGARDING FELLING OF TRESS IN TAJ PRAPEZIUM(TPZ) ON BEHALF OF 99 ARTILLERY BRIGADE AT MATHURA MILITARY STATION, U.P)

In this application, the applicant is seeking permission to fell 60 trees for implementation of phase 1 of the e-location plan, the details of which have been set out in the application. It will be appropriate if an affidavit is filed in this Court in the present application indicating total number of trees which are required to be felled for all three phases.

We grant time of one month to the applicant to file such an affidavit.

A copy of this application and the affidavit which may be filed by the applicant shall be forwarded to the CEC. The CEC shall submit a report within a period of two months from the date of receipt of the copy of the application and the affidavit. The application shall be considered as soon as the CEC report is received.

IA No.116768 of 2018 and IA No.125755 of 2018 (APPLICATION FOR DIRECTIONS AND EXEMPTION FROM FILING O.T. ON BEHALF OF GANGA GLASS INDUSTRIES & ORS.)

Looking to the prayer made in IA No.116768 of 2018, the same cannot be granted. However, the applicant(s) can apply in the manner laid down in clause 3.0 of the Sectoral Guidelines of NEERI. The applications are accordingly disposed of.

SECTORAL GUIDELINES FOR GLASS INDUSTRIES IN NOTIFIED INDUSTRIAL AREAS OF FIROZABAD DISTRICT FALLING UNDER THE TTZ AREA DATED 17TH DECEMBER, 2024

Paragraph 3.0 in the Guidelines lays down the suggested consent mechanism for glass industries in Firozabad. It lays down the procedure for processing proposal of any glass industry, new unit or shifting of a unit from one location to another, or involving production capacity expansion or change of product within the glass manufacturing unit.

On the last date, we dealt with the issue of constitution of the Industrial Area Technical Evaluation Committee (for short, "IATEC") as proposed by the NEERI in the Sectoral Guidelines. We had sought suggestions of

the CEC on the constitution of IATEC. In clause (viii) of paragraph 6 of Report No. 19 of 2025, the CEC has submitted a suggestion. In terms of the suggestion of the CEC and in terms of what we have observed in paragraph 9 of the order dated 3rd April, 2025, we direct that IATEC shall comprise as under:

- a) TTZ authority as the Chairperson;
- b) District Administration through Industrial Area Management Agency (IAMA);
- c) Centre for Development of Glass Industries (CDGI), Firozabad, Uttar Pradesh;
- d) R.O. - Uttar Pradesh Pollution Control Board (UPPCB);
- e) Gas supplying agency (Gas Authority of India Limited (GAIL));
- f) Scientist nominated by NEERI in terms of our order dated 3rd April, 2025;
- g) A representative nominated by Central Ceramic and Glass Research Institute, Kolkata;
- h) An officer nominated by the Ministry of Environment, Forest and Climate Change (MoEFCC);
- i) A scientist nominated by the Central Pollution Control Board (CPCB); and
- j) Deputy Commissioner, Industries, Department of Industries, who will be the Nodal Officer.

We direct the Nodal Officer to immediately apply to the concerned authorities for making nominations in terms of this order and ensure that the IATEC is constituted. Needless to add that the TTZ authority shall provide necessary infrastructural facilities such as office

premises, staff etc. to IATEC. The TTZ authority shall coordinate with the Nodal Officer to ensure that the entire machinery of IATEC is in place within a maximum period of six weeks from today.

All applications from the Glass Industry covered by clause 3.0 of the Guidelines shall be submitted on the UPPCB Portal. Thereafter, the applications shall be processed in the manner laid down in clause 3.0 read with clause 4.0 of the Guidelines. We direct that the Guidelines will apply not only to the Firozabad district but the entire TTZ area. Therefore, the Guidelines will apply in relation to the glass industries in the entire TTZ area.

After the applications are processed and recommendation is made by the TTZ authority in terms of step 3 of clause 3.0 of the Guidelines, the TTZ authority will move an application before this Court for acceptance or otherwise of the recommendations. No recommendation shall be acted upon without leave of this Court.

Thus, we are directing implementation of the Guidelines. We, however, clarify that these Guidelines may not be a permanent feature and after periodical intervals, the Guidelines will have to be reviewed as suggested in clause (vi) of paragraph 6 of Report No. 19 of 2025 of the CEC.

Needless to add that in accordance with our order dated 3rd April 2025, IATEC, whenever required, shall

always consult the ASI.

We also make it clear that the approval of the recommendations by this Court will have to await the Cumulative Impact Assessment study ordered today.

REPORT NO.20 OF 2025 OF THE CEC

This will be considered on 1st May, 2025 at 12:00 Noon.

REPORT NO. 17 OF 2024 OF THE CEC

As far as compliance affidavit with this Court's order dated 11th February, 2025 on CEC's Report No.17 of 2024 is concerned, the learned Additional Solicitor General states that notices have been issued to those who have felled over 100 trees. The learned Additional Solicitor General pointed out that all the hearings could not be completed by 11th April, 2025 as several noticees sought time. As far as this category is concerned, we grant time of six weeks to complete the hearing and passing of orders in case of categories of cases where more than 100 trees have been felled. The TTZ authority will file an affidavit reporting compliance with this direction thereafter.

Thereafter, the notices shall be issued to those who have felled more than 50 but less than 100 trees. We grant time of four months from today to complete the process as regards this category. The TTZ authority will

thereafter file an affidavit reporting compliance with this direction, which shall be considered as soon as the affidavit is filed.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER