



JSA Newsletter Environmental Disputes and ESG Regulatory

January 2025

Supreme Court judgments/orders

Supreme Court overrules National Green Tribunal's PMLA, sends case back to UPPCB

The Supreme Court of India ("Supreme Court"), in its order dated January 18, 2025, in the case of **Waris Chemical Pvt Ltd. vs. Uttar Pradesh Pollution Control Board**¹ has set aside the National Green Tribunal's ("NGT") directive to initiate proceedings under the Prevention of Money Laundering Act, 2002 ("PMLA"), against the Kanpur based firm, Waris Chemicals Private Limited, accused of polluting groundwater through hazardous chromium waste disposal. The Supreme Court ruled that once the UPPCB's initial calculation was deemed incorrect, the appropriate course for the NGT was to remand the matter for re-determination rather than directing prosecution. It also noted the absence of any complaints alleging violations of environmental laws at the time of the NGT's judgment and questioned the NGT's jurisdiction to order prosecution under the PMLA. Consequently, the Supreme Court remanded the matter to the UPPCB for fresh determination of environmental compensation.

Supreme Court directs the compliance on pollution control, vehicle registration and solid waste management in Delhi NCR

The Supreme Court, in its order dated January 27, 2025, in the case of **MC Mehta vs Union of India**², passed orders concerning the multiple environmental concerns vis-s-vis Delhi National Capital Region ("Delhi NCR"):

1. The Supreme Court addressed pollution caused by thermal power plants in the Delhi NCR in reference to the Environment (Protection) Rules, 1986, which sets emission standards under Schedule I. Thermal power plants are categorized based on installation dates, with compliance timelines prescribed therein. The Supreme Court directed the Union of India to clarify modifications to Table I and the distinction between retiring and non-retiring units. A list of 11 coal-based thermal power plants was identified, with concerns raised about delayed compliance affecting Delhi's pollution levels. The Commission for Air Quality Management was also tasked with recommending interim pollution control measures for these plants in consultation with the Ministries of Power and Environment, with a report due in one month.
2. The Supreme Court addressed the issue of color-coded stickers and High Security Registration Plates ("HSRP") for vehicles as per the Motor Vehicles Act, 1988 and the Central Motor Vehicles Rules, 1989. It referenced the 2018 Order, which mandates manufacturers and dealers to provide HSRPs and third registration marks (hologram stickers) for all vehicles sold after April 1, 2019. The court modified its earlier order of August 13, 2018, and directed NCR states to enforce compliance, including penal action under Section 192(1) of the Act

¹ Civil Appeal No. 6398 OF 2024

² Writ Petition(s)(Civil) No(s). 13029/1985

for non-compliant vehicles. The Central and NCR state governments were also instructed to explore policies promoting electric vehicles and submit reports on compliance.

3. Particularly relating to Delhi's solid waste management and non-compliance with the Solid Waste Management Rules, 2016, the Supreme Court has directed the Delhi Government and the Municipal Corporation of Delhi ("**MCD**") to file an affidavit on or before March 17, 2025 setting out the best practices they propose to follow in connection with source segregation, biodegradable waste management, material processing, plastic waste management, sanitary waste management, landfill management and technological innovations. The Supreme Court has directed the Delhi Government and the MCD to follow the best practices adopted in other cities in India. It also pointed out that a report of the Niti Aayog of 2021 enlists certain cities which are following the best practices.

NGT order regarding constructions on Yamuna floodplain in Delhi

The NGT, *vide* order dated January 21, 2025, has disposed of the original application registered *suo motu* based on the news items titled "*DDA ignores directions to remove official constructions on floodplain, builds more*" and "*DDA flouts NGT's guidelines, continues construction on crowded Yamuna floodplain in Delhi*" published in The Hindu daily dated April 18, 2024, and April 16, 2024, respectively. The news items alleged that illegal constructions have come up in the floodplain of Yamuna and the Delhi Development Authority ("**DDA**") has failed to remove them. The NGT stated that the National Mission for Clean Ganga ("**NMCG**"), which is the competent authority under the River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, has already examined the issue, and the team constituted by the NMCG has suggested the remedial action which is required to be complied with by the DDA.

NGT takes action against alleged illegal mining of the Aravalli hills

The NGT, *vide* Order dated January 22, 2025, has directed the Central Pollution Control Board ("**CPCB**") along with State Pollution Control Boards of Haryana and Rajasthan, to file their responses in respect of illegal mining and blast of a hillock of the protected Aravalli range on the Haryana-Rajasthan border. The application was registered *suo motu* on the basis of the news item titled "*Mining mafia brings down another Aravalli hill*" appearing in The Tribune dated December 21, 2024. A 2023 study by Rajasthan, cited in the article, revealed that between 1975 and 2019, nearly 8% of the Aravalli hills had disappeared and report alleges that mining mafias use a strategy of blasting hills in Rajasthan, where mining is partially legal, to encroach into Haryana's protected areas. The 2023 study cited in the article warns that if unchecked, illegal mining and urbanization could lead to a 22% loss of the Aravalli hills by 2059.

Regulatory updates

Environment (Protection) Third Amendment Rules, 2024

The Ministry of Environment, Forest and Climate Change ("**MoEFCC**"), *vide* notification dated December 30, 2024, has amended the Environment (Protection) Rules, 1986. The timelines for compliance (non-retiring units) of the 3 (three) categories of thermal power plants regarding emission of environmental pollutants pertaining to SO₂ emissions are extended, as below:

1. Category A: up to December 31, 2027 (*initially it was December 31, 2024*);
2. Category B: up to December 31, 2028 (*initially it was December 31, 2025*); and
3. Category C: up to December 31, 2029 (*initially it was December 31, 2026*).

Also, the last date for retirement of units for exemption from compliance is extended to December 31, 2030 (*initially it was December 31, 2027*).

Draft Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms/Genetically Engineered Organisms or Cells (Amendment) Rules, 2024

MoEFCC, *vide* notification dated December 31, 2024, has notified the draft rules to amend the Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms/Genetically Engineered Organisms or Cells Rules, 1989, pursuant to the Supreme Court's decision in *Gene Campaign & Anr. vs. Union of India*, to ensure that all credentials and past records of any expert who participates in the decision-making process must be scrupulously verified and 'conflict of interest', should be declared and suitably mitigated by ensuring representation to wide range of interests. In this regard, the definition and code on 'conflict of interest' is stated. Comments can be submitted by March 3, 2025.

Environment Protection (End-of-Life Vehicles) Rules, 2025

MoEFCC, *vide* notification dated January 6, 2025, has notified the Environment Protection (End-of-Life Vehicles) Rules, 2025. The rules aim to streamline the disposal, recycling, and management of end-of-life vehicles, to ensure an eco-friendly approach to handling the growing number of old vehicles. They are applicable to:

1. the producer, registered owner of vehicles, bulk consumers, registered vehicle scrapping facility, collection centres, automated testing stations and entities involved in testing of vehicles, handling, processing and scrapping of end-of-life vehicles, but will not apply to: (i) waste batteries covered under the Battery Waste Management Rules, 2022; (ii) plastic packaging as covered under the Plastic Waste Management Rules, 2016; (iii) waste tyres and used oil as covered under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016; (iv) E-waste as covered under E-Waste (Management) Rules, 2022; and
2. all types of vehicles defined in Section 2(28) of the Motor Vehicles Act, 1988, and includes an electric vehicle, battery operated vehicle, e-rikshaw or e-cart, but will not apply to: (i) agricultural tractor; (ii) agricultural trailer; (iii) combine harvester; and (iv) power tiller.

The rules will come into effect on April 1, 2025.

Timeline for review of environmental, social, and governance rating pursuant to occurrence of 'material events'

MoEFCC, to promote ease of doing business, *vide* notification dated January 17, 2025, has decided to provide relaxation in the timeline for review of Environmental, Social, and Governance ("ESG") ratings pursuant to publication of Business Responsibility and Sustainability Reporting ("BRSR"). ESG rating providers must carry out a review of the ESG ratings upon the occurrence of or announcement/ news of such material developments immediately, but not later than 10 (ten) days of occurrence of the said event. However, review of the ESG rating pursuant to publication of BRSR by the rated entity must be carried out immediately, but not later than 45 (forty-five) days of the publication of the BRSR.

Plastic Waste Management (Amendment) Rules, 2025

MoEFCC, *vide* notification dated January 23, 2025, has amended the Plastic Waste Management Rules, 2016. A producer, importer or brand owner may, with effect from the July 1, 2025, provide the information required to be printed on each plastic carry bag and multilayered packaging in the following manner:

1. in a barcode or quick response code printed on the plastic packaging;
2. in the product information brochure; and

3. print on the plastics packaging the unique number issued under any law for the time being in force, wherein, the provisions of Rule 11 (1) of the principal rules are required to be fulfilled before issuance of such a number.

The details of publishing of a barcode or quick response code, brochure or unique number must be given to the CPCB. Further, any person who fails to comply or contravenes the provisions of the principal rules will be liable to a penalty in accordance with the provisions of Section 15 of the Environment (Protection) Act, 1986.

The Control of Air Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025 and the Control of Water Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025

MOEFCC, *vide* notifications dated January 29, 2025 and January 30, 2025, has notified new guidelines under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974, introducing the Control of Air Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025 and the Control of Water Pollution (Grant, Refusal or Cancellation of Consent) Guidelines, 2025, respectively. These guidelines bring changes to requirement of obtaining and maintaining Consent to Establish (“CTE”) and Consent to Operate (“CTO”) as follows:

1. validity of consent mechanisms is now defined as follows: (a) CTE is valid for 5 (five) years and is extendable to 7 (seven) years; and (b) CTO is valid depending on industry category i.e., 5 (five) years for red category, 10 (ten) years for orange category;
2. incentives are introduced for renewal of CTO/CTE i.e., for application 4 (four) months before expiry, rebate of 5% introduced;
3. late fee is prescribed for: (a) application within 4 (four) months of expiry i.e., 25%; (b) enhanced late fee of 50% for application within 45 days; and (c) 100% late fee for application post expiry;
4. restrictions on location of industries are prescribed i.e., from water bodies, settlements, sensitive zones like national parks, heritage cites etc;
5. a single-step procedure is introduced for obtaining both CTE/CTO and hazardous waste authorisation;
6. time period defined for grant of CTE/CTO for different categories by State Board. In absence of compliance, matter to be referred to the State Level Monitoring Committee which will dispose of the application within 30 (thirty) days from the date of its receipt;
7. a monitoring committee at State and National level will oversee and monitor the implementation of these guidelines; and
8. the CPCB, in consultation with the State Boards to develop an online portal for the purposes of these guidelines, preferably within 6 (six) months.

Classification of Sectors into Red, Orange, Green, White and Blue Categories

CPCB, *vide* notification dated January 22, 2025, issued the report on classification of sectors into red, orange, green, white and blue categories. Previously, in 2016, CPCB introduced the Pollution Index (“PI”) scoring methodology, which evaluates factors like water pollution, air pollution, and hazardous waste generation to determine how harmful an industry is to the environment. CPCB has revised the methodology for calculating the PI and classifying sectors into red, orange, green, and white categories based on pollution levels. The revised methodology focuses on 3 (three) key pollutant groups:

1. water pollutant score which assesses water pollution based on wastewater's oxygen demand, pollutants present, and volume generated;
2. air pollutant score which evaluates air pollution from process emissions, work zone emissions (fugitive and odor), and fuel type/quantity used; and
3. waste pollutant score which considers the type and amount of hazardous, toxic, infectious, or bulk waste produced.

Solar Systems, Devices and Components Goods Order, 2025

The Ministry of New and Renewable Energy ("**MNRE**"), *vide* order dated January 27, 2025, has notified the Solar Systems, Devices and Components Goods Order, 2025 ("**Order**") in supersession of the Solar Photovoltaics, Systems, Devices and Components Goods (Requirements for Compulsory Registration) Order, 2017 ("**2017 Order**"), with the following directions:

1. International Electrotechnical Commission ("**IEC**") standard i.e. IEC 61215-1:2021, specified for: (a) Crystalline Silicon Terrestrial Photovoltaic ("**PV**") modules; and (b) Thin-Film Terrestrial Photovoltaic (PV) Modules. This is in addition to IEC standard specified in the 2017 Order i.e. IEC 61730-1 & 2. In addition IS 14286 is made applicable on both;
2. IEC Standard i.e. IEC 62109 specified for: (a) power inverters for use in photovoltaic power system; and (b) utility Interconnected Photovoltaic Inverters. This is in addition to IS specified i.e. IS 16221 and IS 16169;
3. Order specifies that for the above goods/articles, the bureau will be the certifying authority;
4. license granted under the 2017 Order will not be affected. Renewal/fresh registration to be governed by the Order; and
5. for the purpose of grant of licence under this Order, a condition is introduced to set minimum efficiency i.e. the standard test conditions criteria i.e.:
 - (a) efficiency of 18% for: (i) mono crystalline silicon terrestrial PV modules technology; and (ii) thin-film terrestrial PV modules;
 - (b) efficiency of 17% for poly crystalline silicon terrestrial PV modules; and
 - (c) efficiency of Solar PV module will be calculated as per formula provided.

Other developments

Union cabinet approves 'National Critical Mineral Mission'

The Union Cabinet, *vide* press release dated January 29, 2025, has announced the approval of the National Critical Mineral Mission. The Union Cabinet, chaired by the Prime Minister Shri Narendra Modi, approved the launch of the National Critical Mineral Mission with an expenditure of INR 16,300 crore (Indian rupees sixteen thousand three hundred crore) and expected investment of INR 18,000 crore (Indian rupees eighteen thousand crore) by public sector undertakings. It will encompass all stages of the value chain, including mineral exploration, mining, beneficiation, processing, and recovery from end-of-life products. The mission will intensify the exploration of critical minerals within the country and in its offshore areas. It aims to create a fast-track regulatory approval process for critical mineral mining projects. Further, it will offer financial incentives for critical mineral exploration and promote the recovery of these minerals from overburden and tailings.

Environment, ESG and Climate Change Practice

The Firm advises and represents clients in environmental disputes before the National Green Tribunal, High Court(s) and the Supreme Court of India. We also advise clients on environment, social and governance (ESG) issues and assist them in ensuring compliance with the relevant laws. The firm has been regularly advising clients in matters relating to climate change and energy transition.

This Newsletter has been prepared by:



Amit Kapur

Joint Managing Partner



Sugandha Somani Gopal

Partner



Komal Karnik

Associate

		
18 Practices and 25 Ranked Lawyers	7 Ranked Practices, 16 Ranked Lawyers ----- Elite – Band 1 - Corporate/ M&A Practice ----- 3 Band 1 Practices ----- 4 Band 1 Lawyers, 1 Eminent Practitioner	12 Practices and 50 Ranked Lawyers
		
14 Practices and 38 Ranked Lawyers		
		
20 Practices and 22 Ranked Lawyers	Ranked Among Top 5 Law Firms in India for ESG Practice	Recognised in World's 100 best competition practices of 2024
		
Among Top 7 Best Overall Law Firms in India and 11 Ranked Practices ----- 11 winning Deals in IBLJ Deals of the Year ----- 12 A List Lawyers in IBLJ Top 100 Lawyer List	Asia M&A Ranking 2024 – Tier 1 ----- Employer of Choice 2024 ----- Energy and Resources Law Firm of the Year 2024 ----- Litigation Law Firm of the Year 2024 ----- Innovative Technologies Law Firm of the Year 2023 ----- Banking & Financial Services Law Firm of the Year 2022	Ranked #1 The Vahura Best Law Firms to Work Report, 2022 ----- Top 10 Best Law Firms for Women in 2022
		
		7 Practices and 3 Ranked Lawyers

For more details, please contact km@jsalaw.com

www.jsalaw.com



Ahmedabad | Bengaluru | Chennai | Gurugram | Hyderabad | Mumbai | New Delhi



This newsletter is not an advertisement or any form of solicitation and should not be construed as such. This newsletter has been prepared for general information purposes only. Nothing in this newsletter constitutes professional advice or a legal opinion. You should obtain appropriate professional advice before making any business, legal or other decisions. JSA and the authors of this newsletter disclaim all and any liability to any person who takes any decision based on this publication.