



## JSA Newsletter Environmental Disputes and ESG Regulatory

April 2025

### Supreme Court judgments/orders

#### Supreme Court directions on tree felling in Kancha Forest, Gachibowli, Hyderabad

The Supreme Court, in its order dated April 3, 2025,<sup>1</sup> has directed the Chief Secretary of the State of Telangana to ensure that, until further orders are passed by the Supreme Court, no tree felling will be permitted in the Kancha Gachibowli forest area near Hyderabad Central University. The Supreme Court took suo moto cognizance of the issue, prompted by the extensive media coverage and public outcry over clearing of approximately 100 (one hundred) acres of forest land. Further, in its order dated April 16, 2025, the Supreme Court directed the Wildlife Warden of the State of Telangana to take immediate steps to protect the wildlife affected by the deforestation.

#### Supreme Court allows felling of Khair trees

The Supreme Court, in its order dated March 26, 2025,<sup>2</sup> has permitted the felling of *khair trees* on government forest lands in Himachal Pradesh and Jammu & Kashmir, providing much-needed relief to the respective state and UT administrations. In Himachal Pradesh, the Supreme Court's decision follows a petition filed by the state government, which argued that timely extraction of khair trees is essential for sustainable forest management and preventing decay of aging trees. In the Union Territory of Jammu & Kashmir, the Supreme Court granted permission to modify the forest management plan for the years 2016–2026 specifically for the Bhaga - Sirla area in the Reasi Forest Division. This order facilitates both forest management and revenue generation. Controlled felling will not only rejuvenate the forests but also generate crucial revenue for the state exchequer.

### National Green Tribunal judgments/ orders

#### National Green Tribunal forms a committee to prepare a report on illegal construction and non-forest activities within Nahargarh Wildlife Sanctuary

The National Green Tribunal, *vide* order dated April 8, 2025, has directed a four-member joint committee to look into allegations of illegal construction and non-forest activities within the Nahargarh Wildlife Sanctuary. The court directed the committee to visit the site and submit a factual and action taken report within 6 (six) weeks (i.e., by May 20, 2025).

<sup>1</sup> Suo Motu Writ Petition (C) No. 3 of 2025

<sup>2</sup> Writ Petition (C) No. 171 of 1996 [I.A. No. 55806 Of 2025 And I.A. No. 55814 Of 2025 – TN Godavarman Thirumulpad vs Union of India]

## Regulatory updates

### Environment (Construction and Demolition) Waste Management Rules, 2025

The Ministry of Environment, Forest and Climate Change ("MoEFCC"), vide notification dated April 2, 2025, notified the Environment (Construction and Demolition) Waste Management Rules, 2025 ("C&D Waste Rules"). These rules will come into effect on 01 April 2026. These rules will be applicable to all activities of construction, demolition, remodelling, renovation and repair of any structure. However, they do not apply to the waste categories or streams covered under the Atomic Energy Act, 1962 and the rules thereunder, the defence projects and other projects of a strategic nature, the waste generated due to natural disasters or by the act of war and waste covered in any other sector specific waste management rules. Some of the key aspects are as follows:

1. every producer will be responsible for the entire lifecycle of the C&D waste generated by him in an environmentally sound manner. This will include proper collection, transportation, processing, disposal and recycling of the C&D waste generated. Producers will be mandatorily required to register on the online portal and meet extended producer responsibility targets as prescribed;
2. every operator of intermediate waste storage facility, recycler and collection point established by local or development authority must register on the online portal under the C&D Waste Rules and carry on business only after registration;
3. the processed/ recycled waste must be utilised in all construction activities having built-up area of 20,000 (twenty thousand) square meters or more, and road construction projects as per the targets prescribed.
4. every producer will be required to prepare and submit waste management plans, including the estimates of waste being generated and strategy for managing the same. Further the responsibilities of various entities such as waste generators, producers, recyclers, contractors, service providers, authorised agencies, operator of intermediate waste storage facility and collection point are detailed in the C&D rules; and
5. where any producer, operator of intermediate waste storage facility, recycler, occupiers of construction and reconstruction projects or any other entity, fails to comply with the provisions relating to disposal and recycling of construction and demolition waste in an environmentally sound manner, including extended producer responsibility target, utilisation of waste target under these rules, thereby causing loss, damage or injury to environment or public health, they will be liable to pay environmental compensation which may be equal to such loss, damage or injury, as assessed by the Authority.

### Clarification on the position of compliance officer under the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015

The Securities and Exchange Board of India ("SEBI"), vide notification dated April 1, 2025, has clarified that that in case a listed entity does not have a managing director or a whole-time director, then the compliance officer cannot be more than 1 (one) level below the chief executive officer or manager or equivalent.

### Amendment to the guidelines on corporate governance and disclosure requirements for a finance company

The International Financial Services Centres Authority ("IFSCA"), vide notification dated April 2, 2025, has amended the guidelines on corporate governance and disclosure requirements for a finance company to align them with the IFSCA (Finance Company) Regulations, 2021 ("FC Regulations"). Part I of the circular deals with the generic guidelines that will be applicable to every finance company registered with IFSCA under the FC Regulations, except for a finance company registered for undertaking the activity of global/regional corporate treasury centre. Part II of the circular deals with the detailed guidelines that will be applicable to a finance company registered with the IFSCA under Regulation 3 of the FC Regulations and intending to undertake activities as mentioned at Sr. No. 2 of the Schedule

therein, i.e., undertaking one or more core activities with or without non-core activities, except for global/regional corporate treasury centres (*earlier the exceptions under part I and II of the circular were not included*).

## Caution to public against fraudulent/manipulative activities on social media platforms related to securities market

SEBI, *vide* press release dated April 11, 2025, has advised the investors to exercise caution and due diligence to verify the genuineness of social media handles of SEBI registered entities while accessing them. Further, while investing in securities market, investors are advised to deal with only SEBI registered intermediaries and authentic trading apps. The details of the registration status and trading apps of the SEBI registered intermediaries can be verified on the following web links:

1. Registered intermediaries: <https://www.sebi.gov.in/intermediaries.html>; and
2. Trading Apps: <https://investor.sebi.gov.in/Investor-support.html>.

## Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities

The Central Pollution Control Board, *vide* notification dated April 12, 2025, has issued the Guidelines for Common Bio-medical Waste Treatment and Disposal Facilities (“**CBWTFs**”). The guidelines aim to enhance the safe, scientific, and environmentally sound management of biomedical waste generated by healthcare facilities across India. The guidelines are applicable to all the upcoming or new CBWTFs. In case of the existing CBWTFs, these guidelines will be applicable to:

1. the existing CBWTFs desiring to expand or enhance the existing treatment capacity; and
2. the existing CBWTFs desiring to modernise the existing treatment equipment with the new equipment with enhancement in the existing treatment capacity.

The project proponent of the CBWTF is required to obtain ‘Consent to Establishment’ under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, from the respective prescribed authority i.e. State Pollution Control Board/Pollution Control Committee (“**SPCB/PCC**”). Upon installation of the requisite equipment, the CBWTF operator is also required to obtain authorisation under Bio-medical Waste Management Rules, 2016 co-terminus with consent to operate under Water (Prevention and Control of Pollution) Act, 1976 & Air (Prevention and Control of Pollution) Act, 1981 from the respective SPCB/PCC prior to commencement of the CBWTF. Further, the CBWTF operator is also required to obtain ‘Environmental Clearance’ from the respective State Environment Impact Assessment Authority or MoEFCC, as the case may be, before any construction work, or preparation of land by the projects management.

These guidelines establish a uniform standard to be followed by all CBWTFs for site selection, facility design, waste transportation and treatment procedures. Amongst other key changes, these guidelines also mandate stricter measures for handling sharps waste. All sharps, such as needles and syringes, must undergo pre-treatment through autoclaving or dry heat sterilization. Post-sterilization, these items should be physically destroyed via shredding or mutilation to prevent any risk of reuse.

## Draft Greenhouse Gases Emission Intensity Target Rules, 2025

MoEFCC, *vide* notification dated April 16, 2025, has issued the draft Greenhouse Gases Emission Intensity Target Rules, 2025. The main objective of the rules is to contribute to the attainment of the nationally determined contribution by setting clear, enforceable emission reduction targets for the hard to abate sectors. This reduction of greenhouse gases emission intensity is done through the reduction or removal or avoidance of greenhouse gases emissions and promotion of adoption of sustainable, cutting-edge technologies across traditionally high emission industries, for

addressing climate change. At present, emission targets have been notified for industries under the Aluminium, Cement, Chlor-Alkali and Pulp & Paper sectors. Comments can be submitted by June 15, 2025.

## SEBI (Credit Rating Agencies) (Second Amendment) Regulations, 2025

SEBI, *vide* notification dated April 22, 2025, has amended the SEBI (Credit Rating Agencies) Regulations, 1999. Some of the key changes are as follows:

1. the term '*subscriber-pays business mode*' is inserted to mean a business model where the Environmental, Social, and Governance ("**ESG**") rating provider derives its revenues from ESG ratings from subscribers including banks, insurance companies, pension funds, or the rated entity itself;
2. a proviso is inserted to Regulation 28H stating that nothing contained in the principal regulations will preclude an ESG rating provider from carrying out ESG rating of products or issuers under the respective guidelines of a financial sector regulator or any authority as may be specified by SEBI; and
3. an ESG rating provider following a subscriber-pays business model must ensure that: (i) the ESG rating assigned is based only on publicly available information; and (ii) the fee paid by the subscriber is the lowest fee payable or paid amongst all the subscribers, if: (A) the rated entity or issuer is a subscriber itself; or (B) the group company or associate of an entity is a subscriber to the ESG rating of such entity or the securities issued by such entity; or (C) only group companies or associates, of an entity, whose core business requires ESG ratings of such entity or the securities issued by such entity, and are regulated by financial sector regulator(s) may subscribe to the ESG rating.

## Clarificatory and procedural changes to aid and strengthen Environmental, Social and Governance rating providers

SEBI, *vide* circular dated April 29, 2025, has provided clarifications/ guidelines in relation to the procedural/ disclosure requirements and obligations for Environmental, Social and Governance Rating Providers ("**ERPs**") under the Master Circular for ERPs dated May 16, 2024. Some of the key aspects are as follows:

1. for ERPs following a subscriber-pays business model: (i) the ERP may withdraw a rating provided that there are no subscribers for the rating as on the date of withdrawal; (ii) however, where the rated entity/ instrument is part of a rating package (e.g. Nifty 50), which continues to have subscribers, such rating may not be withdrawn; (iii) once withdrawn, the ERP must ensure that such withdrawn rating is not made available to any subscriber in future; and (iv) the ERP may withdraw the rating for an issuer/ rated entity in case of non-availability of the Business Responsibility And Sustainability Report for such issuer/ rated entity;
2. for ERPs following an issuer-pays business model: (i) in case of rating of a security, the ERP may withdraw the rating subject to the ERP having rated the security continuously for 3 (three) years or 50 % of the tenure of the security, whichever is higher, and having received NOC from 75% of the bondholders by value; and (ii) in case of rating of an issuer/ entity, the ERP may withdraw the rating subject to the ERP having rated the issuer/ entity continuously for 3 (three) years;
3. it is clarified that ERPs following a subscriber-pays business model may share the detailed rating rationales/rating reports, only with their subscribers and may not disclose the same on their websites. However, ERPs following a subscriber-pays business model must disclose the ESG ratings assigned on their website in the prescribed format; and
4. the requirement to conduct internal audit will become effective for Category-II ERPs after a period of 2 (two) years from the date of issuance of the circular.

## Green Hydrogen Certification Scheme under the National Green Hydrogen Mission

Ministry of New and Renewable Energy (“**MNRE**”), *vide* notification dated April 29, 2025, launched the Green Hydrogen Certification Scheme (“**GHCS**”) under the National Green Hydrogen Mission (“**NGHM**”). The objective of the GHCS is to make India a global hub for the production, usage, and export of green hydrogen and its derivatives. GHCS introduces a transparent and scientific system to certify hydrogen as “green” based on strict emissions criteria, limiting it to no more than 2 (two) kg of CO<sub>2</sub>-equivalent per kg of hydrogen produced. The certification applies to both electrolysis and biomass-based production and is mandatory for producers seeking government incentives or selling domestically. For exporters not availing Indian subsidies, certification is optional, though they must comply with the destination country’s requirements. A robust 2 (two) level certification process will track both the hydrogen facility compliance and actual hydrogen output. Accredited verification agencies will audit the emissions and production data annually, ensuring credibility.

Further, MNRE or its designated agency may withdraw the certificate issued to green hydrogen producer/green hydrogen production facility if:

1. the green hydrogen producer/green hydrogen production facility has been issued provisional certificate in any one evaluation cycle and the actual emissions for that evaluation cycle post the verification by Accredited Carbon Verification/review by the technical committee for the final certificate is above the emission threshold; or
2. the green hydrogen producer/green hydrogen production facility has been issued at least one provisional certificate and fails to apply for the final certificate before the deadline.

This milestone not only strengthens India’s green energy leadership but also lays the groundwork for international recognition in the rapidly evolving global hydrogen economy.

### 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**  
Partner



**Sugandha Somani Gopal**  
Partner



**Komal Karnik**  
Associate





18 Practices and  
41 Ranked Lawyers



7 Ranked Practices,  
21 Ranked Lawyers



14 Practices and  
12 Ranked Lawyers



12 Practices and 50 Ranked  
Lawyers



20 Practices and  
22 Ranked Lawyers



8 Practices and  
10 Ranked Lawyers  
Highly Recommended in 5 Cities



Recognised in World's 100 best  
competition practices of 2025



Among Best Overall  
Law Firms in India and  
14 Ranked Practices



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 Among Top 5 Law Firms in  
India for ESG Practice



Ranked #1  
Best Law Firms to Work

Top 10 Best Law Firms for  
Women

For more details, please contact [km@jsalaw.com](mailto:km@jsalaw.com)

[www.jsalaw.com](http://www.jsalaw.com)



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