



## JSA Newsletter Environmental Disputes and ESG Regulatory

May 2025

### Supreme Court judgments/orders

#### Supreme Court directions on felling of trees in the Taj Trapezium Zone

The Supreme Court, in its order dated May 6, 2025, in the case of *M.C. Mehta vs. Union of India & Ors.*<sup>1</sup> has issued the following key recommendations:

1. For areas that are located beyond an aerial distance of 5 km from the Taj Mahal, the following recommendations are made:
  - a) for Rural Areas in Taj Trapezium Zone (“TTZ”) where the agroforestry crop is of eucalyptus, poplar, or melia dubia: The concerned Divisional Forest Officer can be vested with the power to allow felling of 49 (forty nine) trees standing on an agricultural land under private ownership located in rural areas. Further, for trees numbering 50 (fifty) and above standing on agricultural land under private ownership, located in rural areas, the permission for felling will be granted by the Divisional Forest Officer only after approval of the Central Empowered Committee (“CEC”); and
  - b) for felling of trees in all other cases: The concerned Divisional Forest Officer may allow felling of 49 (forty nine) trees standing on a private land holding, after prior approval of the CEC. In cases where the number of trees is more than 50 (fifty), the current practice of prior permission of this Hon'ble Court shall continue.
2. For lopping/pruning of trees/ removal of trees in emergencies: The concerned Divisional Forest Officer may allow lopping/pruning of trees in exceptional cases where such actions are necessary to prevent property damage or mitigate threats to human life. Additionally, the officer may authorize the removal of fallen trees to ensure smooth traffic flow. In all cases, the concerned Divisional Forest Officer must record the reasons and maintain such records duly countersigned by the concerned Conservator of Forests, and upload all the information on the MIS portal for TTZ maintained by the CEC.

The recommendations indicate that as far as areas located within an aerial distance of 5 kilometers from the Taj Mahal are concerned, the original order dated May 8, 2015, will continue to operate, effectively no tree, whether fewer than 50 or otherwise, may be felled within a 5 km aerial radius of the Taj Mahal without prior Supreme Court approval. Further, the Supreme Court has directed the CEC to file a fresh report within a period of 2 (two) months, indicating what restrictions on tree felling should be imposed for protecting the other 2 (two) world heritage structures within the TTZ Area, namely Agra Fort and Fatehpur Sikri.

---

<sup>1</sup> Writ Petition (Civil) No.13381/1984

## Supreme Court issues notices to various thermal power plants in Punjab

The Supreme Court, in its order dated May 1, 2025, in the case of ***M.C. Mehta vs. Union of India & Ors.***<sup>2</sup> has issued notices to thermal power plants relating to the compliance by thermal power plants, regarding the installation and commissioning of flue gas desulfurization units, and has directed the Union of India to provide their addresses. The Supreme Court pointed out that FDG units play a very important role in curbing pollution.

## Supreme Court mandates preparation of a District Survey Report for sand mining

The Supreme Court, in its judgement dated May 8, 2025, in the case of ***State of Uttar Pradesh & Anr. vs. Gaurav Kumar & Ors.***<sup>3</sup> has held that a valid and final District Survey Report (“DSR”) is mandatory to grant environmental clearance for mining activities. Further, the court has stated that a draft DSR is a non-existent DSR for the purposes of granting environmental clearance. The court has also stated that a DSR must be prepared for all the districts and the draft is to be placed in the public domain.

## Supreme Court on illegal allotment of forest land allotted to private entities

The Supreme Court, in its judgement dated May 15, 2025, in the case of ***T.N. Godavarman Thirumalpad. vs. Union of India & Ors.***<sup>4</sup> has held that allotment of 11.89 hectare of reserve forest land in Survey No.21 Kondhwa Budruk in district Pune for agriculture purposes on August 28, 1998, and subsequent permission given for its sale in favour of Richie Rich Cooperative Housing Society (“RRCHS”) on October 30, 1999 was illegal. Further, the court held that the Environmental Clearance granted by the Ministry of Environment, Forest and Climate Change (“MoEFCC”) on July 3, 2007 to RRCHS is illegal and is accordingly quashed and set aside. The court directed that the possession of the forest land, which is reserved as a forest land, but is in possession of the Revenue Department, should be handed over to the forest department within a period of 3 (three) months. The court further directed the Chief Secretaries of all the States and the Administrators of all the Union Territories to constitute special investigation teams for the purpose of examining as to whether any of the reserved forest land in the possession of the revenue department has been allotted to any private individuals/institutions for any purpose other than the forestry purpose.

## High Court order

### Gujarat High Court on illegal encroachments in and around Chandola Lake in Ahmedabad

The High Court of Gujarat, in its order dated May 6, 2025, in the case of ***Samsuddin Jainulabiddin Shaikh & Ors. vs. The State of Gujarat & Ors.***<sup>5</sup> has ordered that in absence of any document justifying the construction of the petitioners, the demolition should be stayed till rehabilitation of the petitioners. The court emphasised that under the Constitution of India, the petitioners’ have a right to shelter and right to livelihood, and the same may not be compromised. Further, in relation to the prayer of the petitioners to consider them to provide alternative accommodation under the rehabilitation Scheme of the State Government, the High Court directed that it is open for the petitioners to make their individual applications, if they are eligible, along with requisite documents to respondents. Once such individual applications are filed, the authority must consider the same in accordance with law.

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

<sup>3</sup> 2025 INSC 650

<sup>4</sup> 2025 INSC 701

<sup>5</sup> R/Special Civil Application No. 6716 of 2025

## National Green Tribunal order

### National Green Tribunal stays the felling of trees by a real estate company in Delhi

The National Green Tribunal, *vide* order dated May 5, 2025, in the case of **Ranu Bala vs. MoEF&CC & Ors.**, has directed the respondents to file their response/reply by way of affidavit before the tribunal 1 (one) week before the next date of hearing (September 8, 2025). Till the next date of hearing, the authorities should ensure that no illegal felling of trees takes place in the area concerned that the project proponents do not indulge in raising any illegal construction. In the original application, the applicant has alleged illegal felling of trees by a real estate developer company. The allegation of the applicant is that the company has violated the environmental norms by carrying out the activity in their project, namely, "The Omaxe State", Sector 19-B, Dwarka, New Delhi.

## Regulatory updates

### SEBI (Listing Obligations and Disclosure Requirements) (Second Amendment) Regulations, 2025

The Securities and Exchange Board of India ("SEBI"), *vide* notification dated April 29, 2025, has notified the SEBI (Listing Obligations and Disclosure Requirements) (Second Amendment) Regulations, 2025-

The key amendments are as follows:

1. additional disclosures are inserted to Schedule III Part D of the principal regulations relating to the disclosures to be made by listed entities having listed securitised debt instruments. These now include disclosures on the outstanding litigations and material developments in relation to the originator or servicer or any other party to the transaction which could be prejudicial to the interests of the investors and disclosures about defaults in connection with servicing obligations undertaken by servicer; and
2. with regards to the grievance redressal mechanism in case of securitised debt instrument, the SCORES registration may be taken at trustee level for all special purpose distinct entities they are trustee of.

### Clarifications to cybersecurity and cyber resilience framework for SEBI regulated entities

SEBI, *vide* circular dated April 30, 2025, has issued clarifications that the thresholds and categorisation of prescribed Regulated Entities ("REs") are revised. These clarifications aims to ease the compliances and remove the bottlenecks. Pursuant to the clarification, the category of REs must be decided at the beginning of the financial year based on the data of the previous financial year. Once the category of RE is decided, RE must remain in the same category throughout the financial year irrespective of any changes in the parameters during the financial year. The category must be validated by the respective reporting authority at the time of compliance submission. If RE is registered under more than 1 (one) category of REs, the provisions applicable to the highest category will apply.

Further, the criteria given and their thresholds for different categories will continue to be updated as and when required.

The timeline for compliance is unchanged and remains June 30, 2025, for REs covered in the circular dated March 28, 2025.

### Biological Diversity (Amendment) Rules, 2025

MoEFCC, *vide* notification dated May 6, 2025, has issued the Biological Diversity (Amendment) Rules, 2025. Some of the key amendments are as follows:

1. the procedure for obtaining a certificate of origin for cultivated medicinal plants is amended. The books containing the details of cultivated medicinal plants will be maintained by the Biodiversity Management Committee in Form 11 in the web portal;
2. the application process for obtaining certificate of origin is now fully digitalised and can be applied for via the web portal in Form 11A;
3. a fee of INR 200 (Indian rupees two hundred) is applicable for applying for a certificate of origin; and
4. Form 11 (*dealing with books containing the details of cultivated medicinal plants*) and Form 12 (*dealing with certificate of origin*) is substituted.

These amendments will come into force from November 1, 2025.

## Draft Framework of India's Climate Finance Taxonomy

The Department of Economic Affairs, Ministry of Finance *vide* notification dated May 7, 2025, has issued the Draft Framework of India's Climate Finance Taxonomy ("**Draft Taxonomy**"). The Draft Taxonomy is intended to serve as an important tool to guide and increase the flow of finance towards climate-aligned projects and technologies, thereby supporting India's climate commitments, including its Nationally Determined Contributions ("**NDCs**") and the 2070 net-zero goal.. The Draft Taxonomy adopts a two-pronged approach i.e., qualitative and quantitative. The exposition of the objectives and principles that guide the identification of activities and projects as being climate-relevant forms the qualitative part, and the quantitative aspect is reflected in the form of performance thresholds like the expected extent of Greenhouse Gas savings, best-in-class performance, and improvements in emission intensity. The Draft Taxonomy covers three climate action areas mitigation, adaptation and transition.

1. **Mitigation** through focus on areas such as renewable energy, electric mobility, and energy efficiency projects;
2. **Adaptation** via use of manoeuvres including climate-resilient agriculture, water management, and natural ecosystem preservation;
3. **Transition** by supporting hard-to-abate sectors like iron, steel, and cement through decarbonization pathways and technology upgrades.

It is intended to provide clear criteria for financial institutions, regulators, and investors to identify and support green and sustainable economic activities while minimizing risks of greenwashing. The Draft Taxonomy is envisioned as a dynamic and evolving framework that will be updated over time based on technological developments, evolving climate science, and India's policy landscape.

## Process for appointment, re-appointment, termination or acceptance of resignation of specific key management personnels of Market Infrastructure Institutions

SEBI, *vide* circular dated May 26, 2025, has issued a circular issued the process for appointment, re-appointment, termination or acceptance of resignation of specific Key Management Personnel ("**KMPs**") of Verticals 1 & 2 of Market Infrastructure Institutions ("**MIIs**") are prescribed. Some of the key provisions are as follows:

1. the MII must engage an independent external agency to identify and recommend suitable candidates for appointment as Compliance Officer ("**CO**"), Chief Risk Officer ("**CRiO**"), Chief Technology Officer ("**CTO**") and Chief Information Security Officer ("**CISO**") or by whatever designations called. The agency must submit its recommendations to the Nomination and Remuneration Committee ("**NRC**") of the MI:
2. the NRC will evaluate the recommendations of the agency and after discussion with the management of the MII, submit its recommendations for appointment of such KMPs to the Governing Board of the MII;

3. the Governing Board must take the final decision for re-appointment, termination or acceptance of resignation of such KMPs. Provided that no such KMPs must be terminated unless he/she has been given a reasonable opportunity of being heard by the Governing Board;
4. the NRC must evaluate the cases of re-appointment, termination or acceptance of resignation of CO, CRiO, CTO and CISO or by whatever designations called and after discussion with the management of the MII, submit its recommendations to the Governing Board of the MII;
5. the Governing Board must take the final decision for re-appointment, termination or acceptance of resignation of such KMPs. Provided that no such KMPs will be terminated unless he/she has been given a reasonable opportunity of being heard by the Governing Board;
6. the appointment, re-appointment, termination or acceptance of resignation of KMPs other than the managing director, CO, CRiO, CTO and CISO will continue to be with the NRC of the MII. However, the MIIs are free to implement the above mechanism for all KMPs;
7. the cooling-off period for non-independent directors and Public Interest Directors (“**PIDs**”) will be as prescribed by the Governing Board of the MII. Further, the Governing Board of an MII must prescribe the mechanism for a cooling-off period for KMPs (including the MD) of the MII joining a competing MII as a KMP.

This circular will be applicable from August 24, 2025.

### Amendments to the Wild Life (Protection) Act, 1972

MoEFCC, vide notification dated May 27, 2025, has amended the Wild Life (Protection) Act, 1972. Schedule I (*Part A - Mammals*) the species “Thamin” has been renamed “Sangai” for clarity and alignment with its common name, Schedule II (*Part H - Butterflies*) 2 (two) entries have been deleted and Schedule IV (*Interpretation clauses*) of the Wild Life (Protection) Act, 1972, are amended wherein Paragraph 5 removes the phrase “in solid or liquid media,” and Paragraph 7 has been replaced to clarify that CITES listings apply to whole animals/plants and all parts and derivatives unless specifically limited by annotations.

### 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)



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.