



## JSA Newsletter Environmental Disputes and ESG Regulatory

June 2025

### High Court order

#### Punjab and Haryana High Court on illegal mining in river Satluj

The High Court of Punjab and Haryana, in its order dated June 13, 2025, in the case of ***Gurdial Singh Kachure vs. The State of Punjab***<sup>1</sup> dismissed the petition for grant of anticipatory bail to the petitioner who is the registered owner of the JCB machine indulging in illegal mining in river Satluj. The court stated that humanity has suffered enough environmental damage especially to the river as well as to the environment at large, and that the offence of illegal mining in rivers needs to be taken in all seriousness despite less punishment prescribed under the Mines and Minerals (Development and Regulation) Act, 1957 and therefore, the Court deemed it appropriate not to interfere in the matter.

#### Kerala government informs Kerala High Court to file an admiralty suit against MSC Mediterranean Shipping Company SA

The High Court of Kerala, in its order dated June 12, 2025, in the case of ***Mr. T.N. Prathapan vs. Union of India & Others***<sup>2</sup> has directed both the Central and State Governments to take swift and effective measures to secure compensation and protect the marine environment following another maritime accident involving the ship WAN HAI 503 near Kerala's Kannur coast. The case arises from the mishap involving a ship 'WAN HAI 503' which caught fire off the Kannur coast, with a likelihood of substantial risk to the marine environment.

Further, the court in its next hearing dated June 19, 2025, stayed the negotiation process initiated by the State with the MSC Mediterranean Shipping Company SA over the loss caused due to the sinking and consequent cargo loss of MSC Elsa stating that that negotiations concerning substantial environmental damage should not be conducted behind closed doors without public disclosure or procedural safeguards as it could raise questions about the transparency and fairness of the negotiations. The court reasoned that it could be argued that since the harm affects the public directly, the process of settlement cannot remain confidential or hidden from public view and that the public has a right to know the basis of the negotiations, the extent of the damage assessed, the terms being proposed, and the principles on which the settlement is being structured. Secondly, whether such a binding settlement between the State and the Respondent-Company could affect the claims in the proposed Admiralty Suit as there could be a risk that once an agreement is signed, it may affect subsequent legal steps, even if the terms are not adequate or fair.

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<sup>1</sup> 2025:PHHC:076092

<sup>2</sup> WP(PIL) NO. 50 OF 2025(S)

## National Green Tribunal order

### National Green Tribunal directs Central Pollution Control Board to modify its siting criteria guidelines

The National Green Tribunal Southern Zone, Chennai, *vide* order dated June 25, 2025, in the case of **Muhammed Risham vs. District Collector Office & Ors.**, has directed the Central Pollution Control Board (“CPCB”) to modify its siting criteria guidelines and prescribe the siting criteria even for areas where the master plans or detailed town planning schemes are not in place and the areas have not yet been designated into residential/commercial/mixed residential/industrial. Further, the tribunal stated that such an exercise should be taken up immediately by the CPCB and pending the same, the Petroleum & Explosives Safety Organization and the Revenue Authorities must make field inspections and identify the number of residences in the said area and consider the grant of no objection certificate, treating the areas with many residential buildings on par with ‘designated residential area as per local laws. This order arises from a case where the siting criteria guidelines issued by the CPCB for new petroleum retail outlets were not clearly defined for areas lacking specific local law designations.

## Regulatory updates

### Draft Plastic Waste Management (Second Amendment) Rules, 2025

The Ministry of Environment, Forest and Climate Change (“MoEFCC”), *vide* notification dated June 3, 2025, notified the Draft Plastic Waste Management (Second Amendment) Rules, 2025.

The key amendments proposed are as follows:

1. a note is added to both sub-paragraph 7.2 clause (d) (*obligation for use of recycled plastic content for producer*), and sub-paragraph 7.3, clause (d) (*obligation for use of recycled plastic content for importer*), of Schedule-II to the 2016 Rules, providing the meaning of statutory requirement (*to mean the case where use of recycled content is not allowed by any other law in force*) and technical requirement (*to mean the case where use of recycled content renders the packaged material unfit for intended use*); and
2. the producer/importer/brand owner may be allowed to carry forward any shortfall in fulfilment of mandatory use of recycled plastic in plastic packaging for the year 2025-26, for a period of 3 (three) years starting from 2026-27, over and above the target mandated for those years.

These amendments mark a practical step forward in India’s approach to plastic waste management. By defining clear exemptions and allowing companies to carry forward compliance shortfalls, the new rules make it easier for businesses to shift towards using more recycled plastic. Ultimately, this balances environmental goals with the realities faced by industry, supporting a smoother transition to sustainable practices.

### Draft guidelines for storage and handling of waste solar photo-voltaic modules or panels or cells

CPCB, *vide* notification dated June 4, 2025, has issued the Draft Guidelines for Storage and Handling of Waste Solar Photo-Voltaic Modules or Panels or Cells. The draft guidelines propose rules to encompass the management of waste electrical and electronic equipment, including their components, consumables, parts and spares including solar photo-voltaic modules or panels or cells. They are intended to provide technical guidance to transport, handle and store the waste generated in an environmentally sound manner which must protect the health and environment. It will be applicable to the producers, manufacturers and recyclers of solar photovoltaic panels or modules or cell. The collection and transportation of solar waste is to be done in the following manner:

1. it must be ensured that solar waste shall never be disposed of or dumped in open area, as it may release toxic chemicals into the environment, and it must never be sold to unauthorized entities;

2. after assessing the requirement of storage, producers and manufacturers must devise a collection mechanism from consumer/bulk consumer which may include take-back through different stakeholders;
3. producers and manufacturers must publicize their collection system which may include details of their collection points for the collection of waste solar waste, take-back schemes implemented through dealers, if any;
4. producers and manufactures may provide consumer/ bulk consumer following details of their take-back system: (a) link of their web site where information pertaining to take-back system is available; (b) contact number of a designated person for handling queries regarding the take-back system and grievance support; (c) details of their collection system including, collection points/pick up vans linked to collection centres for depositing solar waste (d) details of authorized recycling facilities who can take-back solar waste; and (e) producers may maintain a database of consumers/bulk consumers and their site details while selling solar panels or modules or cells so that consumers/ bulk consumers can be approached for collection of solar waste.
5. transportation of solar waste should be done in covered trucks, preferably in trucks authorized for transportation of hazardous wastes; and
6. while transporting solar waste destined for final disposal the sender should follow the provisions under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

### Framework for environment, social and governance debt securities

SEBI, *vide* circular dated June 5, 2025, has issued the operational framework for Environment, Social and Governance (“ESG”) debt securities (“**Framework**”) to facilitate issuers to raise funds through issuance of ESG debt securities (other than green debt securities). Some of the key provisions are as follows:

1. the Framework will be applicable to ESG debt securities labelled as ‘social bonds’, ‘sustainability bonds’ and ‘sustainability-linked bonds’ that are listed or proposed to be listed on a recognised stock exchange;
2. debt securities will be labelled as ‘social bonds’ or ‘sustainability bonds’ or ‘sustainability-linked bonds’ only if the funds raised through the issuance of such debt securities are earmarked for financing or refinancing projects and/or assets aligned with any of the following recognized standards or fall under the definitions given in the following paras: (a) International Capital Market Association (ICMA) Principles / Guidelines; (b) Climate Bonds Standard; (c) ASEAN Standards; (d) European Union Standards; and (e) Any framework or methodology specified by any financial sector regulator in India;
3. initial disclosure requirements, continuous post-listing obligations and appointment of independent third-party reviewer/certifier for ‘social bonds’, ‘sustainability bonds’ and ‘sustainability-linked bonds’ are prescribed in this Framework; and
4. the Framework outlines the responsibilities of the issuer of social bonds/sustainability bonds. An issuer of social bonds/ sustainability bonds must: (a) maintain a decision-making process which it uses to determine the continuing eligibility of the project(s) and/or asset(s); and (b) ensure that all project(s) and/or asset(s) funded by the proceeds of social bonds / sustainability bonds, meet the documented objectives of social bonds/ sustainability bonds and utilise the proceeds only for the stated purpose, as disclosed in the offer document;
5. measures to mitigate the risk of purpose- washing are prescribed. An issuer desirous of issuing social bonds/ sustainability bonds must ensure the following to avoid occurrence of purpose-washing:
  - a) while raising funds for social objects/ sustainability objects, the issuer must continuously monitor if operations undertaken are resulting in reduction of the adverse social impact/ sustainable impact, as defined in the offer document;
  - b) issuer must not utilize funds raised through social bonds/ sustainability bonds for purposes that would not fall under the prescribed categories of social bonds/ sustainability bonds;

- c) in case any such instances of misuse of funds in respect the social bonds/ sustainability bonds already issued are identified, the issuer must disclose the same to the investors and, if required, by majority of debenture holders, undertake early redemption of such debt securities;
- d) issuer must not use misleading labels, hide trade-offs or cherry pick data from research to highlight social practices/ sustainable practices while obscuring others that are unfavorable in this behalf;
- e) issuer must maintain highest standards associated with issue of social bonds/ sustainability bonds while adhering to the rating assigned to it;
- f) issuer is required to quantify the negative externalities associated with utilization of the funds raised through social bonds/ sustainability bonds; and
- g) issuer must not make untrue claims, giving false impression of certification by a third-party entity.

### **Appointment of Director General of Forests and Special Secretary as the Management Authority under the Wild Life (Protection) Act, 1972**

MoEFCC vide notification dated June 11, 2025, has notified that the Central Government has designated the Director General of Forests and Special Secretary, MoEFCC, as the Management Authority for the purpose of discharging the functions and exercising the powers under the Wild Life (Protection) Act, 1972.

### **SEBI to Introduce 'Validated UPI Handles' and 'SEBI Check' for secured payments by investors to enhance investor protection and combat fraud**

SEBI, vide circular dated June 11, 2025, has issued a press release notifying that with effect from October 1, 2025, SEBI will introduce a structured and validated UPI address mechanism, featuring the exclusive "@valid" handle, for all SEBI-registered investor-facing intermediaries. The core of this new framework is a mandatory, structured UPI address for intermediaries, composed of a username and a unique handle:

1. Username: This will be a readable name chosen by the intermediary, followed by a mandatory suffix that clearly identifies their category.
2. Exclusive "@valid" Handle: The handle will feature a unique and exclusive identifier, "@valid", combined with the name of the self certified syndicate bank.
3. Visual Verification: To ensure easy identification of legitimate transactions, investors will see a clear visual cue, a "Thumbs-Up inside a green triangle" icon, when making a payment to a registered intermediary through this new handle.
4. Mandatory QR Code: Intermediaries are also required to generate a QR code that prominently features this "thumbs-up" logo for investor convenience.

### **Draft Greenhouse Gases Emission Intensity Target Rules, 2025**

MoEFCC, vide notification dated June 23, 2025, has issued the Draft Greenhouse Gases Emission Intensity Target Rules, 2025. The objective of the draft rules is to contribute to the attainment of the Nationally Determined Contribution by reducing greenhouse gases emission intensity through the reduction or removal or avoidance of greenhouse gases emissions and to promote the adoption of sustainable, cutting-edge technologies across traditionally high emission industries, for addressing climate change. Provisions relating to Greenhouse gases Emission Intensity ("GEI") targets, obligations of the obligated entity(s), manner of issuance of carbon credit certificates are introduced.

A total of 450+ obligated entities across aluminium, iron & steel, petroleum refineries, petrochemicals, and textiles are covered in the Schedule, and each is assigned annual emission intensity reduction targets for 2025-26 and 2026-27,

based on their 2023-24 baselines. Entities are expected to achieve these targets annually, either through direct reduction in emission intensity or by purchasing carbon credit certificates from the Indian Carbon Market.

Further, in case an obligated entity fails to comply with GEI target or fails to submit the carbon credit certificates equivalent to the shortfall for compliance, CPCB will impose environmental compensation on such obligated entity for the shortfall in the respective compliance year which will be equal to twice of the average price at which carbon credit certificate is traded during the trading cycle of that compliance year. The average price will be determined by the Bureau of Energy Efficiency. The environmental compensation must be paid within the 90 (ninety) days from the day of such imposition.

## 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.

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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

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