January-February 2026 Edition

Supreme Court judgments

National Green Tribunal cannot adjudicate disputes which are essentially related to land use

The Supreme Court of India ("**Supreme Court**"), in its judgment dated January 20, 2026, in the case of ***Raj Singh Gehlot and Ors. Vs. Amitabha Sen and Ors.***[1]***,*** held that the National Green Tribunal ("**NGT**") cannot adjudicate disputes which are essentially related to land use, zoning regulations, and town-planning compliance, even if such disputes are projected as environmental concerns.

Supreme Court sets aside Calcutta High Court order on 'khoai' land

The Supreme Court, in its judgment dated January 29, 2026, in the case of ***Aarsuday Projects & Infrastructure (P) Ltd. Vs. Jogen Chowdhury and Ors.***[2]***,*** set aside Calcutta High Court order restraining lawful construction undertaken by Aarsuday Projects based on allegations that the construction was illegal, unauthorised, and on 'khoai' land. The Supreme Court held that Public Interest Litigation ("**PIL**") cannot be used to selectively target a single project by deciding disputed questions of land character on assumptions, particularly when similarly situated constructions remain unchallenged. It further opined that the Calcutta High Court had exceeded the permissible limits of PIL jurisdiction. Further, the Supreme Court found insufficient scientific evidence that the plot was 'khoai' land and stated that the concept of 'khoai' land has found limited judicial recognition in earlier environmental litigation, its existence in any given case must be established through clear, scientific, and contemporaneous material, and cannot be presumed merely on the basis of surrounding geography or literary references.

NGT has power to calculate environmental compensation based on a project's turnover

The Supreme Court, in its judgment dated January 30, 2026, in the case of ***Rhythm County and Ors. Vs. Satish Sanjay Hegde and Ors.***[3]***,*** observed that NGT is empowered to calculate environmental compensation based on a company's scale of operations (like turnover, production volume, or revenue generation). The judgment reinforces the 'polluter pays' principle by ensuring penalties are proportionate to the economic scale of the violator. The Supreme Court stated that bigger operations signify a bigger footprint and larger scale often means more resource use, more emissions, more waste leading to more environmental stress. If a company profits more from its scale, it is logical that it bears more

[1] 2026 INSC 77
[2] 2026 INSC 93
[3] 2026 INSC 102

responsibility for the environmental costs. Linking scale to impact sends a message that bigger players need to play by greener rules.

Regulatory updates

Greenhouse Gases Emission Intensity Target (Amendment) Rules, 2025

The Ministry of Environment, Forest and Climate Change ("**MoEFCC**"), *vide* notification dated January 13, 2026, has notified the Greenhouse Gases Emission Intensity Target (Amendment) Rules, 2025. Schedule II is inserted to the Greenhouse Gases Emission Intensity Target Rules, 2025, declaring the greenhouse gases emission intensity targets for the year 2025-26. These targets have been calculated based on the *pro rata* target, from January 2026 to March 2026.

Environmental (Protection) Fund Rules, 2026

MoEFCC, *vide* notification dated January 16, 2026, has notified the Environmental (Protection) Fund Rules, 2026. The rules are issued to establish a transparent, structured mechanism for collecting, managing, and utilising funds generated from penalties imposed under environmental laws. These rules include provisions relating to:

1. the purpose for which the fund will be utilised, such as installation, operation and maintenance of environmental monitoring equipment for strengthening of environmental monitoring network, development and upgradation of environmental laboratories;
2. identification of the amount to be credited in the Environmental Protection Fund ("**EPF**"), from the penalty imposed under the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986; and
3. the EPF must be monitored by a dedicated 'Project Management Unit' created by the Central Government/State Government/Union Territory administration.

Amendments to the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015

The Securities and Exchange Board of India ("**SEBI**"), *vide* notification dated January 20, 2026, has introduced amendments to the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 ("**LODR Regulations**"). Some of the key amendments are as follows:

1. the threshold for classification as an High Value Debt Listed Entity under the LODR Regulations has been increased from INR 1,000 crore (Indian Rupees one thousand crore) to INR 5,000 crore (Indian Rupees five thousand crore), thereby easing governance and disclosure obligations for mid-sized debt issuers;
2. the credit of securities in demat form pursuant to receipt of investor service requests in relation to subdivision, split, consolidation, renewal, exchanges and issuance of duplicate securities on account of loss or old decrepit or worn out certificates is required to be completed within 30 (thirty) days from the date of receipt of such request; and
3. a uniform framework has been introduced for handling interest or redemption amounts that remains unclaimed for 7 (seven) years from the date of maturity in connection with listed non-convertible securities, requiring transfer to the Investor Education and Protection Fund (in the case of companies) or to SEBI's Investor Protection and Education Fund (in the case of non-company entities).

Draft amendments to the Ash Utilisation Notification, 2021

MoEFCC, *vide* notification dated January 23, 2026, has proposed the amendments to the Ash Utilisation Notification, 2021. Some of the key amendments proposed are as follows:

1. reporting and data management functions to shift from the Central Pollution Control Board ("**CPCB**") to the Central Electricity Authority ("**CEA**");
2. linking utilisation targets to actual ash generation, introducing a multi-year compliance cycle, and allowing limited carry-forward of unutilised ash;
3. penalty mechanism is rationalised by lowering the penalty for unutilised ash and clearly defining the conditions under which compensation will be levied, with a structured sharing mechanism between the CPCB and State Pollution Control Boards ("**SPCBs**"); and
4. a centralised, real-time online portal will be developed by the CEA and CPCB to track ash utilisation, with reporting required on a quarterly basis.

Control of Water Pollution (Grant, Refusal or Cancellation of Consent) Amendment Guidelines, 2026 and Control of Air Pollution (Grant, Refusal or Cancellation of Consent) Amendment Guidelines, 2026

MoEFCC, *vide* notifications dated January 23, 2026, has amended the 'Uniform Consent Guidelines' notified under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 to further streamline the consent mechanism for industries across all States and Union Territories. The amendments aim to ensure faster, clearer and more efficient approval processes while maintaining environmental safeguards and supporting the SPCBs and Pollution Control Committees ("**PCCs**") in processing consent applications and conducting inspections. It also removes uncertainty and disruption in operations due to delays in renewal of Consent to Operate ("**CTO**"). Some of the key amendments are as follows:

1. CTO, once granted, will remain valid until it is cancelled;
2. environmental compliance will continue to be enforced through periodic inspections and the consent can be cancelled in case of violations, if any noticed. This removes the need for repeated renewals, reduces paperwork, compliance burden on industries and ensures continuity of industrial operations;
3. the processing time for grant of consent to Red Category industries has been reduced from 120 (one hundred twenty) days to 90 (ninety) days;
4. special provisions have been introduced for Micro and Small Enterprises located in notified industrial estates or areas. For such units, Consent to Establish is deemed granted upon submission of a self-certified application, as the land has already been assessed from an environmental perspective;
5. the rigid minimum-distance siting criteria is replaced with site-specific environmental assessment, allowing competent authorities to stipulate appropriate safeguards based on local facts and circumstances like proximity to water bodies, settlements, monuments and ecologically sensitive areas; and
6. a clear and uniform definition of 'capital investment' has been introduced in Schedule II to remove ambiguity in fee assessment and ensure consistency across States.

Solid Waste Management Rules, 2026

MoEFCC, *vide* notification dated January 27, 2026, has notified the Solid Waste Management Rules, 2026 ("**SWM Rules, 2026**") on January 28, 2026, superseding the Solid Waste Management Rules, 2016. The SWM Rules, 2026 have been issued under the Environment (Protection) Act, 1986 and will come into force from April 1, 2026. The revised framework seeks to strengthen urban waste governance through mandatory source segregation, expanded accountability for waste generators, and technology-enabled monitoring mechanisms.

The SWM Rules, 2026 integrate principles of circular economy and extended producer responsibility, with a regulatory emphasis on waste reduction, decentralised processing and scientific disposal. The SWM Rules, 2026 also introduce

environmental compensation based on the polluter pays principle, clearer allocation of responsibilities among regulators and waste generators, and mandatory digital reporting of waste management activities across the country.

Salient features

1. **Mandatory four-stream segregation at source**: The SWM Rules, 2026 make segregation of waste at source mandatory into 4 (four) streams, i.e. wet waste, dry waste, sanitary waste and special care waste. Wet waste such as food and vegetable matter must be composted or treated through bio-methanation at nearby facilities, while dry waste including plastic, paper, metal and glass must be sent to Material Recovery Facilities ("**MRFs**") for recycling. Sanitary waste must be securely wrapped and stored separately, and special care waste such as medicines, bulbs and paint containers must be collected by authorised agencies. This provision establishes segregation as the foundation of the waste management system.
2. **Environmental compensation based on the polluter-pays principle**: The SWM Rules, 2026 provide for levy of environmental compensation in cases of non-compliance, including operation without registration, false reporting or improper waste handling. The CPCB will issue guidelines, while SPCBs and PCCs will impose and recover compensation. The framework institutionalises financial liability as an enforcement mechanism to ensure compliance.
3. **Defined responsibilities of bulk waste generators**: The SWM Rules, 2026 introduce a clear definition of bulk waste generators, covering entities generating at least 100 (one hundred) kilogram of waste per day, consuming 40,000 (forty thousand) litres of water daily, or occupying premises of 20,000 (twenty thousand) square metres or more. These entities, including institutions, commercial establishments and residential societies, must ensure environmentally sound collection, transportation and processing of waste. The SWM Rules, 2026 also introduce Extended Bulk Waste Generator Responsibility ("**EBWGR**"), requiring on-site wet waste processing or procurement of an EBWGR certificate, thereby promoting decentralised waste management and reducing dependence on local bodies.
4. **Online tracking and monitoring of the entire waste management chain**: The SWM Rules, 2026 mandate creation of a centralised online portal to track waste generation, collection, transportation, processing, disposal and remediation of legacy dumpsites. Registration, authorisation and reporting by waste processing facilities must be undertaken digitally, and audit reports are required to be uploaded on the portal. This replaces physical reporting processes and introduces a national-level digital compliance monitoring framework.
5. **Faster land allocation and buffer zone framework**: To facilitate establishment of waste processing facilities, the SWM Rules, 2026 introduce graded criteria for development around such facilities and require maintenance of buffer zones within allotted land for plants exceeding 5 (five) tonnes per day capacity. The CPCB will issue guidelines specifying permissible activities and buffer zone size, enabling states and union territories to expedite land allocation for waste infrastructure.
6. **Recognition of MRFs and duties of local bodies:** MRFs are formally recognised as sorting facilities within the municipal waste ecosystem and may also function as deposition centres for e-waste, sanitary waste and special care waste. Local bodies are responsible for coordinated collection, segregation and transportation of waste and are encouraged to generate carbon credits. Special focus has also been mandated for peri-urban and rural areas.
7. **Mandatory use of Refuse Derived Fuel** ("**RDF**") **by industries**: The SWM Rules, 2026 define RDF as processed high-calorific municipal waste and mandate industries using solid fuel, including cement and waste-to-energy plants, to substitute conventional fuel with RDF. The substitution rate is to increase from 5% to 15% over 6 (six) years, creating a structured market for waste-derived fuel.
8. **Restrictions on landfilling and remediation of legacy waste**: Landfills are now restricted to inert and non-recyclable waste that cannot be processed or used for energy recovery. Higher landfill fees are prescribed for unsegregated waste to discourage dumping. The SWM Rules, 2026 mandate mapping of legacy dumpsites and

require time-bound biomining and bioremediation with quarterly reporting through the online portal, along with annual landfill audits by SPCBs under the supervision of district authorities.

9. **Special provisions for hilly areas and islands**: The SWM Rules, 2026introduce region-specific measures, including tourist user fees, decentralised processing by hotels and restaurants, and designated collection points for non-biodegradable waste. Local bodies may regulate tourist inflow based on waste management capacity, recognising the ecological sensitivity of such regions.
10. **Institutional implementation framework**: Central and State-level implementation committees have been established. At the State or Union Territory level, a committee chaired by the Chief Secretary or administrator will coordinate implementation and recommend measures to the CPCB for effective enforcement of the SWM Rules, 2026.
11. **Impact on business:** The compliance obligations under the SWM Rules, 2026 are expected to increase operational and reporting costs for companies. At the same time, the framework strengthens the environmental economy in India by signalling a shift towards circular resource utilisation and encouraging the development of new methodologies and markets for environmental assets.

Conclusion

Solid waste management moves from collection-centric governance to segregation-centric and accountability-based waste management. Through mandatory source segregation, digital monitoring, extended responsibility for waste generators and financial liability for violations, the SWM Rules, 2026 aim to reduce landfill dependence and enable circular utilisation of waste. While the framework strengthens enforcement and infrastructure development, its effectiveness will depend on municipal capacity, compliance by bulk generators and consistent regulatory oversight across States.

Exemption of environmental clearance for Common Effluent Treatment Plants under the provisions of the EIA Notification, 2006

MoEFCC, *vide* notification dated January 28, 2026, has exempted 'Common Effluent Treatment Plants' from obtaining prior environmental clearance under the EIA Notification, 2006 dated September 14, 2006.

Offshore Areas Mineral (Prevention of Illegal Mining and Transportation) Rules, 2026

The Ministry of Mines, *vide* notification dated February 3, 2026, notified the Offshore Areas Mineral (Prevention of Illegal Mining and Transportation) Rules, 2026 ("**Offshore Areas Mineral Rules**"). Some of the key provisions are as follows:

1. in terms of Rule 2(1), the Offshore Areas Mineral Rules will apply to all minerals in offshore areas, except mineral oils and hydrocarbons as specified under Section 3(1) of the Offshore Areas Mineral (Development and Regulation) Act, 2002 ("**Act**");
2. in terms of Rule 2(2), the Offshore Area Mineral Rules will not apply to:
   a) any person or class of persons exempted by the Central Government. Such person or class of persons may mine, store, or carry minerals only for scientific testing/research purposes, without any commercial motive; and
   b) departments, institutions and agencies covered under the proviso to Section 5(1) of the Act;
3. in terms of Rule 5, no person can carry on production operations, excavation, storage, sale, transportation, or processing of minerals at any place for the purpose of sale or consumption or deal with any mineral, except under and in accordance with the Act and the rules made thereunder;

4. in terms of Rule 6(2), the owner of a carrier, mine developer and operator, owner of mechanised machinery, and any other person specified by the Indian Bureau of Mines ("**IBM**"), must register himself and his carrier/machinery online on the offshore mining regulation web portal;
5. in terms of Rule 7, every operating right holder or trader who wishes to export minerals extracted from offshore areas, is required to obtain clearance from the Central Board of Indirect Taxes and Customs at least 7 days prior to export;
6. in terms of Rule 8, the following procedure must be followed for dispatch of a mineral outside the license or lease area:
    a) the operating right holder must upload the details on the offshore mining regulation web portal regarding the quantity and grade of mineral dispatched, details of the consignee, particulars of the carrier, first point of discharge, route for transportation, particulars of royalties and other payments, and details as specified by IBM;
    b) after submitting the details as specified in Rule 8(1), the operating right holder must obtain a digitally signed transit permit for lawful transportation of minerals, through a registered carrier. IBM must provide a copy of the same to the concerned State Government for the State where the first point of discharge is located; and
    c) the operating right holder will undertake the onshore transportation of the mineral in accordance with the applicable laws of the concerned State;
7. in terms of Rule 8(5), IBM may revoke a transit permit if there are any outstanding dues of the operating right holder, if an unregistered carrier is used, or if there is any contravention of the Act or the rules by the operating right holder;
8. in terms of Rule 8(6), IBM may revoke the suspension of the operating right holder if the operating right holder rectifies the violations specified in Rule 8(5).
9. in terms of Rule 10, the consignee must verify the quantity and grade of the mineral received against the details mentioned in the transit permit. Further, the consignee must keep the receipt for the minerals received and maintain a record thereof;
10. in terms of Rule 11, every owner and operator of a carrier is be required to carry an automatic location tracking and reporting device, an automated identification system, and a valid transit permit. Further, the carrier must follow the transportation route specified under Rule 8(1)(d); and
11. in terms of Rule 18, any person aggrieved by any action of an authorised officer in exercise of its powers under the Offshore Areas Mineral Rules, may prefer an appeal to the Central Government within 3 (three) months from the date of such action, in accordance with the Offshore Areas Operating Right Rules, 2024 or the Offshore Areas Atomic Minerals Operating Right Rules, 2025, as the case may be.

Revised norms for appointment of an independent third-party reviewer/certifier for green debt security

SEBI, *vide* circular dated February 27, 2026, has notified the norms for the appointment of independent third-party reviewers or certifiers for green debt securities are revised. They align the green bond framework with the broader Environmental, Social, and Governance ("**ESG**") debt security standards introduced on June 5, 2025. An issuer must appoint an independent third-party reviewer/certifier in compliance with the following conditions:

1. the reviewer must be independent of the issuer, its directors, senior management and key managerial personnel;
2. the reviewer must be remunerated in a way that prevents any conflicts of interest; and
3. the reviewer must have expertise in assessing ESG debt securities.

Other developments

India–UK Offshore Wind Taskforce

The Ministry of New and Renewable Energy on February 18, 2026, launched the the India–UK Offshore Wind Taskforce. India–UK Offshore Wind Taskforce is a working mechanism which has been constituted under Vision 2035 and the Fourth Energy Dialogue to provide strategic leadership and coordination for India's offshore wind ecosystem. To support early projects, the Government has introduced a Viability Gap Funding scheme with a total outlay of INR 7,453 crore (Indian Rupees seven thousand four hundred fifty three crore). The offshore wind is among the most complex segments of the global energy transition, requiring specialised port infrastructure, marine logistics, robust seabed leasing frameworks, clear risk allocation and bankable commercial structures. The Offshore wind Taskforce can provide high-quality renewable power to emerging coastal industrial and green hydrogen clusters, strengthening energy security and industrial competitiveness and can emerge as a strong pillar of India's clean, reliable and self-reliant energy future, and a flagship of India–UK cooperation under Vision 2035.

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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