

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Appeal No. 12(T_{HC}) of 2013
And
Original Application No. 17(T_{HC}) of 2013
And
Original Application No. 32(T_{HC}) of 2013
In
Market Welfare Association Vs. District Magistrate &Ors.
And
Fashion Market Welfare Association
Vs.
District Magistrate, SAS Nagar &Ors.
And
Sadhu Singh &Ors. Vs. The Chief Administrator &Ors.**

**CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: Appellant: Appearance not given
Respondent No.1: Mr. Binay Das, Adv. along with Mr. Ranjit Sharma, Adv.
(in Appeal No. 12(T_{HC}) of 2013, Appeal No. 17(T_{HC}) of 2013 and Appeal No. 32(T_{HC}) of 2013)
Respondent No.4: Mr. A. R. Takkar, Advocate along with Ms. Gurinder Kaur and Ms. Anuradha Sharma (Asst. Environment Engg.)
(in Appeal No. 12(T_{HC}) of 2013 and Appeal No. 17(T_{HC}) of 2013, (Appeal No. 32(T_{HC}) of 2013)
Respondent No.3) Mr. AbhimanyuGarg, Advocate with Mr. Anil Soni, Advocate for State of Punjab

Date and Remarks	Orders of the Tribunal
Item Nos. 13 to 15 December 19, 2013	<p>Heard. Perused.</p> <p>This petition requires us to address the issue of noise and air pollutants emitted from the DG sets. On 24th October, 2013, we directed the Member Secretary of Pollution Control Board to hold a meeting with the Chairman / Member Secretary of Central Pollution Control Board (CPCB) along with the representative of Ministry of Environment and Forests (MoEF) and to finalize the policy as to how best can the DG sets be subjected to evaluation of the emission standards without asking for provision of stack etc. We also wanted to know whether there would be a convenient mode of evaluation of the DG sets in similar manner as done in case of automobiles.</p> <p>Today, we have before us a status report by way of an affidavit dated 29.11.2013 of Mr. S.S Matharu, Environment Engineer, Punjab Pollution Control Board</p>

(PPCB). The Learned Counsel appearing for the PPCB instructed by Ms. Anuradha Sharma, Assistant Environment Engineer submits with the reference to the status report that the norms for the DG sets as laid down by the MoEF vide notification dated 1.7.2013 are applicable at manufacturing stage and not at the end user stage. However, she admits that every DG sets over a period of time do not maintain the standards of emission which are certified at the manufacturing stage. This suggests that every DG set even if it satisfies norms of emission at manufacturing stage after some period emits pollutants and there is necessity to monitor the DG sets periodically.

Learned Counsel appearing for the PPCB further pointed out from the status report that the DG sets from 10 to 1000 KVA do not have any provision of exhaust sample port for taking emission sample and it does not facilitate sampling of particulate matter emission at site maintaining the Iso-kinetic condition essential for maintaining reliability of the data due to smaller stack diameter of the genset. She further submits that the air emission monitoring of DG sets is not feasible in the field and the DG set must be provided with stack of appropriate height in accordance with the guidelines issued by the Central Pollution Control Board for dispersion of air pollutants causing least effect on environment. She also pointed out from the status report that the other option could be to get the genset tested at site using a mobile monitoring van but such mobile monitoring facilities are presently not available. However, she submits that monitoring of sound levels can be done in field.

It appears from the contentions of the PPCB that the PPCB has more difficulties than the facilities to evaluate the air emission standards of the DG sets. If the DG sets over a period of time of use are going to emit air pollutants, it is the duty of the PPCB to evaluate the emissions from such DG sets in order to check the air pollutants at a proper stage.

Status report also poses a question as to how the

DG sets as a whole could be certified by the manufacturing units regarding their worthiness to operate at the manufacturing stage and if it is so how the same DG sets cannot be evaluated during the operations thereafter. We feel that the Committee needs to give some thought to this issue. We, therefore, direct the Committee to come out with the answer of this pertinent question on the next date of hearing.

The Committee may take assistance of any other expert body for answering this question and for providing solution to the difficulties faced in field evaluation of air pollutant standards.

List the matter on 10th February, 2014.

.....,JM
(U.D. Salvi)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. (Dr.) P.C. Mishra)

.....,EM
(Ranjan Chatterjee)

