EPCA Report No 101

Examination of IA No 77903 and 77914/2019 (Rain CII Carbon Vizag Ltd) in compliance with directions of the Hon'ble Supreme Court of 8.7.2019 and IA No 90305 and 90306 (Guwahati Carbon Ltd and others)

August 16, 2019

On 8.7.2019, the Hon'ble Supreme Court directed EPCA to file a report with respect to IA No 77914/2019 (Rain CII Carbon Vizag Ltd). In the matter of IA 90305 and 90306 (Guwahati Carbon Ltd and others), the Hon'ble Court directed that liberty is granted to the applicant (s) as prayed to apply to EPCA.

EPCA has convened two meetings, on August 1, 2019 and August 8, 2019 with all stakeholders to examine the issues (see Annexure 1 for list of participants). This report is being filed in compliance with the above directions. As the issues in the 2nd matter (Guwahati Carbon Ltd and others) are inter-connected, EPCA is taking the liberty to file a combined report for the consideration of the Hon'ble Court.

1. Examination of issues in IA No 77914/2019 (Rain CII Carbon Vizag Ltd)

The contention of Ms Rain CII Carbon Vizag Ltd is as follows:
1. That the October 2018 order of the Hon'ble Court, which permitted annual import of 1.4 million metric tonnes of anode grade raw pet coke (RPC) by calciner industry, was conditional on the fact that the calciners would be required to be equipped with an FGD system with minimum 90 per cent scrubbing efficiency (to reduce Sulphur dioxide (SO_2) emissions). However, the Directorate General of Foreign Trade (DGFT) has in violation of this order proceeded to allocate pet coke to calciners that do not have an FGD system.

2. DGFT has not allocated pet coke for its second unit located in APSEZ, Achutapuram, which is under development. According to its IA, the company had applied for 11,93,600 MT of pet coke, including 7,05,600 MT for the first unit and 4,88,000 MT for its second unit. However, DGFT has allocated 5,53,574.237 MT to the applicant.

EPCA has therefore, examined the following issues:

a. Does the October 2018, direction of the Hon'ble Court make it conditional that only those units with FGD system of 90 per cent scrubbing efficiency should be given the allocation of pet coke. Are there standards for SO2 control that have been stipulated for all calciner units in the country?

b. What is the current procedure for allocation of RPC as set out by DGFT and in this, is there a need for amendment; also, is there a need for enhancement of the amount of RPC that is permitted for import? In this context, it has also examined the application of Guwahati Carbon Ltd and others as this states that the domestic pet coke of anode grade is not being procured and this is leading to shut down of these industries.

1.1: Requirement of FGD

On 9.10.2018, the Hon'ble Supreme Court had directed as follows:

"2. Use of anode grade pet coke in CPC manufacturing

These applications have been filed by several entities and the CPCB has given a report dated October 4, 2018, in which it is stated as follows:

> *i. Raw Petroleum Coke is feed stock for producing calcinated petroleum coke which is a raw material for anode making in aluminium industries. Therefore, calcination of Raw Petroleum Coke is a pre-requisite to produce anode grade calcined pet coke having sulphur content less than 3.5%.*
>
> *ii. As per BIS guidelines, calciners are permitted to use high sulphur containing raw petroleum coke for making CPC having sulphur content less than 3.5%. There still be emission of SO2 in high concentration (para 1 of results) which needs to be treated in Flue gas desulphurisation system having efficiency of sulphur removal more than 90%."*

The views expressed by the CPCB have been considered by the Ministry of Environment, Forest and Climate Change which is in agreement with the CPCB. It is stated by learned amicus curiae that the views expressed by the CPCB are also acceptable to EPCA.

Consequently, raw pet coke (domestic and imported) can be used as a feedstock for producing calcined pet coke. We make it clear that the imported raw pet coke for this purpose cannot exceed 1.4 MT per annum in total. Applications stand disposed of."

The DGFT minutes of April 5, 2019 (see Annexure 2) state that, M/s Rain CII wanted that the issue of FGD with 90% efficiency may also be made a criterion for allocation of RPC amongst the applicants, but the Committee observed that while this FGD was referred to in the judgement of the Hon'ble Supreme Court order dated 9.10.2018; it was not a pre-condition for allocation of 1.4 MT of RPC. The Committee observed that its jurisdiction is restricted only to the allocation of RPC. Hence, the Committee decided that for enforcement of FGD system/emission requirement the Ministry of Environment, Forest and Climate Change (MoEF&CC) may examine the matter and issue necessary guidelines and advisory to the industry, if required.

The questions therefore, are as follows:

a. Does the Hon'ble Supreme Court direction make FGD (with 90% efficiency) mandatory for allocation of pet coke to calciner industry?

b. How many calciner industries have installed FGD (with 90% efficiency) in the country? Are there emission standards for calciner industry to follow, which would make it a requirement to install the FGD?

c. And if there are no prescribed standards and industries have not been asked to install pollution control equipment, would it be correct to stop them from getting a share of the permitted import? What would be the way ahead?

Hon'ble Supreme Court directions on FGD: It is important to consider the background of the directions of the Hon'ble Supreme Court on permitting calciner industry to use and import raw pet coke. On 23.8.2018 the IAs of steel, aluminium, graphite and calciner industry seeking permission to use and import pet coke were listed before the Hon'ble Supreme Court. The questions were if these industries should be allowed to use pet coke. This would require examining if these industries used pet coke as a feedstock and not as a fuel and if they should be allowed to use <u>imported</u> pet coke when domestic pet coke was available. EPCA and MoEF&CC gave their reports for the consideration of the Hon'ble Supreme Court on this matter

EPCA report no 91 of October 6, 2018 examined the applications of the calciner industry seeking permission to import pet coke. This report was used by the Hon'ble Supreme Court to issue the directions on the import of pet coke by calciner industry. In this report, EPCA has stated that there are 28 calciners in the country, of which 6 are port based and entirely dependent on imported pet coke. It also stated that import by this industry was necessary as domestic refineries could not meet its requirement of <u>anode grade</u> pet coke. EPCA also stated, in this report, that industry had informed it that it met the emission standards as stipulated by CPCB. Report 91, recommended that based on this requirement and the list of industries as provided in annexure 1, the calciner industry may be permitted to import 1.4 million metric tonnes of raw pet coke of anode grade.

EPCA report, therefore, did not make the requirement of FGD conditional for the industry to be permitted the use and import of raw pet coke of anode grade.

MoEF&CC affidavit filed on 8.10.2018 in compliance with the orders of the Hon'ble Court of 26.7.2018 and 23.8.2018 included the CPCB report of 4.10.2018, which stated that there will be emissions of SO2 in high concentration, which needs to be treated in flue gas desulphurization system (FGD) having efficiency of Sulphur removal of more than 90%. The affidavit stated that the views of CPCB had been examined and accepted by the Ministry. It concluded that based on this, "raw pet coke may be permitted for use as feedstock for producing calcined petcoke". The MoEF&CC also did not explicitly recommend to the Hon'ble Court that this should be conditional to those industries who had an FGD with 90% removal efficiency. The CPCB report was given in annexure of this affidavit. This report only studied one plant of M/s Rain Carbon Vishakhapatnam during September 17-18, 2018.

CPCB report found based on the one plant it inspected that calciner industry would have high emissions of SO2, which would need to be reduced using appropriate technologies, including FGD with efficiency of 90%. The conclusions in this report are extracted and reproduced by the Hon'ble Court in its directions of 9.10.2018.

Standards for SO2 for calciner industry: EPCA examined if there are standards for SO2 for calciner industry or if the Central or State Pollution Boards have stipulated that industry should install FGD or any other equipment for control of SO2. It wrote to all state pollution control boards to get this information (see table)

Table: Response from state pollution control boards regarding SO2 emission standards stipulated for calciner industry

State PCB	Name of Industry	Location	SO2 emission standards for manufacturing process
Andhra Pradesh	Rain CII Carbon (Vizag) Ltd.	Vizag	0.48 TPD (load based standard) is stipulated as industry is located in Visakhapatnam bowl area (also declared as critically polluted by MOEF&CC).

	Sanvira Industries Ltd.	Vizag	No standards prescribed as it is located out of the Visakhapatnam bowl area (not a critically polluted area). But stack height given is 75 metres for dispersion of pollutants.
Chattisgarh	M/s Goa Carbon Ltd	Bilaspur	No standards prescribed
	M/S Raipur Minerals Private limited	Raipur	No standards prescribed
Goa	M/s Goa Carbon Ltd	Goa	No standards prescribed
Orissa	M/s Goa Carbon Ltd	Paradeep	No standards prescribed
Orissa	M/s Kalinga Calciners Pvt. Ltd	Paradeep	No standards prescribed
West Bengal	M/s India Carbon Limited	Budge Budge	No standards prescribed
	M/s Petro Carbon and Chemicals Pvt. Ltd.	Haldia	No standards prescribed. On 6.8.2019 (subsequent to EPCA's letter asking for information) the Board has directed that the unit shall install FGD, having efficiency of sulphur removal more than 90% immediately.
Bihar	M/s Neo Carbon Pvt. Ltd	Barauni	No standards prescribed
Gujarat	M/s Vedic Petrochemicals Pvt. Ltd.	Vadodara	40 mg/Nm3 annual average
	M/s Sea Som Carbon Pvt. Ltd.	Vadodara	40 mg/Nm3 annual average

CPCB has also not stipulated SO2 standard for calciner industry. And as can be seen from the table above, state boards have by and large not stipulated standards and barring one case (M/s Petro Carbon and Chemicals Pvt. Ltd) in Haldia, no state board has asked calciner industry to install FGD with efficiency of 90%. This has also been done subsequent to the letter by EPCA enquiring about the status of pollution control standards in the calciner industry in the state.

The Andhra Pradesh Pollution Control Board (APPCB) has stipulated load based SO2 standards for M/S Rain CII Carbon (Vizag) because it is located in the bowl area of Vizag and this region was categorised as critically polluted by MoEF&CC. M/S Rain CII Carbon also informed EPCA in its meeting on August 1, 2019 that it had installed an FGD at the time of commissioning of its plant because of the condition imposed by its main financier, World Bank.

Given the above, it is clear that there is no current regulation in the country that requires calciner industry to meet SO2 emission standards or to install FGD with 90% efficiency. It would, therefore, be erroneously to argue that M/S Rain CII Carbon which has installed FGD because of its financiers condition and which was inspected by CPCB to determine pollution potential of this industry, should be given the bulk of the allocation of pet coke import. Pollution potential is also a factor of the size of the industry and M/S Rain CII Carbon is not only located in a critically polluted area but also its production capacity is 5,00,000 mt/year, which is roughly half of the total capacity of the 6-import based calciners (EPCA report 91 Annexure 1).

At the same time, it is important to accept that as per the 2018 CPCB report, presented to the Hon’ble Supreme Court by MoEF&CC vide their affidavit of October 8, 2018, has found that calciner industry has the potential to emit high amounts of SO2. This must be controlled and therefore, it is imperative that MoEF&CC and CPCB should be directed to urgently issue national standards for SO2 for calciner industry. The calciner industry must be directed to meet these standards in a timebound period of 1 year. Post the notification of the standard and the time limit set for adherence to the standard, there should be regular monitoring by the state boards and if any plant is found to be non-compliant then its permission for import should be withdrawn or denied.

1.2: Procedure for allocation of imported anode grade pet coke and if there is need for enhancement of the permitted amount

The Hon’ble Supreme Court in its order of 9.10.2018 had allowed the following quantities to be used and imported by the following industries:

Aluminium industry: Use of calcined pet coke (CPC) domestic as well as imported as raw material for anode making with the revised BIS specifications. The imported raw material would not exceed 0.5 MT per annum in total.

Calciner Industry: Anode grade pet coke (domestic and imported) can be used as feedstock for producing calcined pet coke. The imported raw pet coke (of anode grade) would not exceed 1.4 MT per annum in total.

Based on the directions of the Hon’ble Supreme Court, on 10.9.2018, MOEF&CC issued guidelines for regulation and monitoring of imported petcoke in India (see Annexure 3). The guidelines stipulate:

a. That petcoke importing industries (cement, lime kiln, calcium carbide, gasification, graphite, aluminium and calciners) shall obtain the consent of and registration with the concerned SPCB.

b. That the Consent issued shall clearly specify the quantity permitted for import and its use on a per month and per annual basis.

The DGFT makes the allocation based on the quantity requirement specified in the SPCB consent letter.

The draft minutes of DGFT (dated 5.4.2019) set out the procedure for allocation of raw pet coke to the calciner industry as follows (Annexure 4):

I. The production capacity of the applicant is to be calculated on annual basis. Wherever, SPCB certificate shows production figures in TPD, the annual production capacity is to be arrived at by multiplying the capacity with 350 days (average operational days for the unit) to bring uniformity.
II. The production capacity for each applicant to be converted to input/raw material requirement by taking industry average conversion rate i.e. 1:1.36 (as mentioned in the EPCA report.
III. The additional capacity added by the applicants after the Hon'ble Supreme Court's order dated 9/10/2018 is not taken into consideration and
IV. The quota be divided on a proportionate basis as per the following formula:

Total pet coke available for allotment divided by total input requirement X requirement/ demand by a particular applicant.

V. In cases where requested quantity is lower than eligible quantity, the surplus on their heads are redistributed among others proportionately.

The minutes of the meeting of 5.4.2019 with the draft allocation were uploaded and final allocation made and notified on 22.4.2019 (annexure 2).

DGFT has allocated 1.39 million metric tonnes of imported anode grade raw pet coke for calciner industry for the current year. This allocation (see annexure 2) has been done pro-rata based on the production capacity as per SPCB certificate.

Table: Final allocation of anode-grade raw pet coke import for calciner industry (as per DGFT minutes of meeting of 22.4.2019)

		Production as per SPCB certificate	Input requirement as per EPCA report (1:1.36)	Total allocation (based on SPCB and pro-rata allocation of excess)
1	Rain CII (Carbon) Vizag	511,000	694960	553,574
2	Sanvira Industries	200,000	272000	216,663
3	Goa Carbon	308,000	418888	333,661
4	India Carbon	54,000	73440	58,499
5	Neo Carbon	75,000	102000	50,000*
6	Amritesh Industries	24,000	32640	25,999
7	Kalinga Calciner	46,200	48633	50,049
8	Vedic Petrochemicals	18,000	18948	10,000*
9	Petro Carbon and Chemicals	93,744	98681	101,553
	Total	**1,329,944**	**1,399,999**	**1,399,999**

*Excess allocation re-distributed among other applicants

The EPCA report 91 (annexure 1) states that this allocation is for current production capacity in the country. It also states that plants are working at 85% capacity and therefore, there is no apparent reason to change the allocation or procedure for allocation followed by DGFT.

The new plant of Rain CII carbon has not been commissioned. There is also no information available on the additional capacity being commissioned by other companies. Furthermore, it has come to EPCA's attention that domestically manufactured anode grade pet coke is not being sold in the country. Therefore, unless these issues are resolved, it would not be prudent to allow increased quantities of pet coke to be imported for this industry.

2. Examination of IA 90305 and 90306 (Guwahati Carbon Ltd and others)

Based on the directions of the Hon'ble Supreme Court, EPCA received a joint representation on 26.7.2019 from Guwahati Carbon Ltd; Brahmaputra Carbon Ltd; Digboi Carbon Pvt Ltd; Neo Carbon and Vedic Petrochemicals Pvt Ltd.

According to this representation:

a. These industries are producers of domestically manufactured anode grade pet coke. They buy raw pet coke, which has low-sulphur from refineries of Indian Oil Corporation (Barauni, Bongaigon, Digboi and Koyali) and then manufacture calcined anode grade pet coke, which has very low Sulphur content.

b. Till last year, this domestically produced low-sulphur anode grade pet coke was sold to aluminium industry and others.

c. However, it is their contention, that since the aluminium industry has been allowed to directly import 0.5 MMT and the calcined industry permitted to import 1.4 MMT, there is no demand for their product. As a result, they are suffering a loss of livelihood and face closure.

Their demand is as follows:

1. DGFT, MOEF&CC and MoPNG should formulate immediate policies to ensure full utilization of domestically manufactured pet coke.

2. DGFT, MoEF&CC and MoPNG formulate policies on import of pet coke and ensure that WTO guidelines and rules are not violated and a balance is struck between domestic and imported pet coke.

3. State pollution control boards should ensure that aluminium industries and manufacturing industries be asked to obtain utilization certificates of domestic pet coke.

2.1: Examination of issues regarding non-sale of domestically manufactured anode grade pet coke

EPCA in its various reports on the matter of pet coke has held the firm view that India must utilize its domestic pet coke (anode grade and fuel grade) first before it allows import. This would be responsible practice as pet coke is a highly polluting substance and we should not be exporting it to other countries, but must utilize it domestically. The DGFT has also cautioned that there is a need for parity between policies for use of domestic and imported pet coke so as to remain consistent with WTO.

The question therefore, is why domestically manufactured anode grade low-sulphur pet coke is not being sold, as is the contention of M/S Guwahati Carbon Ltd and others.

To examine this issue, EPCA has looked at the following:

a. What is the total imported permitted by DGFT to aluminium industry?

b. What is the total domestic anode grade pet coke manufactured and sold in the country?

2.1.1: Aluminium industry: DGFT permitted imports

According to DGFT, the total quantity applied for by the aluminium industry for import was 741,235 MMT, while the permissions have been given for 499,999 (as per directions of Hon'ble Supreme Court).

Table: Final allocation of imported pet coke to aluminium industry (DGFT)

		Quantity applied (mt)	Proportionate allocation (mt)
1	M/s National Aluminium Company (NALCO)	60,000	43,162
2	M/s Vedanta Ltd	400,000	269,045
3	M/s Bharat Aluminium Company	81,235	44,960
4	M/s Hindalco Industries Ltd	200,000	142831
	Total	**741235**	**499999**

According to this, there is a gap between the quantity applied and what has been allocated. This gap should have been filled by the domestically available anode grade pet coke.

DGFT Committee has provided (see Annexure 5) that applicants would inform the committee of the quantity of pet coke imported by them at the end of each quarter and that based on this half yearly review will be done to check the utilization of the calcined pet coke to each aluminium smelter so that the unutilized quantity can be surrendered and re-allocated.

2.1.2: Domestically available anode grade pet coke

EPCA also sought information from the Ministry of Petroleum and Natural Gas (MoPNG) regarding the production and sale of domestically manufactured pet coke (anode grade and fuel grade) (see Annexure 6).

According to this, domestically manufactured low-sulphur anode grade pet coke is 0.462 MMT in 2018-19, which was sold by the refineries.

The problem, however, remains as the calciners who bought this low-sulphur pet coke for calcination, namely M/S Guwahati Carbon and others, have not been able to sell their production.

The data about the availability and sale of domestic pet coke (annexure 6) also reveals that a substantial portion of the fuel grade pet coke is being consumed by industries other than those allowed through the directions of the Hon'ble Supreme Court. It must be noted that through its various directions, the Hon'ble Supreme Court has restricted the use of imported pet coke to industries that use it as feedstock and not as fuel. Therefore, to remain compliant with WTO, it is important for MoEF&CC to take a final view on the use of domestic pet coke by industrial sectors that use it as feedstock and not as fuel. It is also important from a pollution standpoint, as pet coke is far more polluting than coal and other fuels like natural gas. It is for this reason, pet coke use has been banned in NCR states, through the directions of the Hon'ble Supreme Court.

2.1.3 Examination of possible reasons for the non-sale of domestically manufactured anode-grade low-sulphur pet coke

Based on the deliberations and comments received from stakeholders, the following possible reasons emerge for the non-sale of anode grade low-sulphur pet coke:

1. The amendment in BIS specifications (IS 17049:2018), which specify Sulphur content in calcined pet coke (CPC) used for anode making in aluminium industry is 3.5% max (upward revision from 1.25%). The BIS standard has a footnote which says that based on the available of RPC with varying Sulphur content, RPC with Sulphur content more than 7 per cent is not permitted for making RPC of Sulphur content of 4 per cent maximum. It would mean that aluminium industry could use RPC of Sulphur content of up to 7 per cent. Given this upward revision of the Sulphur content in the calcined coke requirement for aluminium industry, the market for low-sulphur (1-1.5 per cent) high value product has declined. In other words, aluminium industry, which was earlier required by BIS specifications to procure only low-sulphur pet coke can now higher Sulphur product, which is cheaper and so more economical for this industry.

2. There is a local sale requirement that is followed by Indian Oil Corporation, under which it has to first sell to local calciners based in Assam and Bihar

(where its refineries are located), which may have adverse impacts on price-discovery.

3. The pricing strategy of this domestically produced low-sulphur anode grade pet coke may not be competitive in face of imported products. According to data provided by oil companies to EPCA (see Annexure 6), the average price of low-sulphur pet coke is Rs 21,500 per tonne as compared to high Sulphur pet coke, which is between Rs 7500-12,000 per tonne. But domestic calciner industry contends that this price is un-competitive against imports. However, IOC argues that the price is set for a high-value product and cannot be compared to imports, which have higher Sulphur content.

Given the complex nature of trade and the variable and competing interests involved It is not possible for EPCA to determine the exact reasons why the domestically manufactured calcined pet coke (low-sulphur) is not being sold.

However, what is clear is the following:
1. There is additional 0.46 million tonnes of domestically manufactured low-sulphur pet coke available that should be used by aluminium or calciner industry before increasing import quotas.

2. MoPNG with its refineries should discuss strategies for sale of domestically available low-sulphur pet coke and change its policies accordingly.

3. EPCA's recommendations for the consideration of the Hon'ble Supreme Court

EPCA has strived to examine the various aspects of this technically complex matter, which is made further complex because of the competing interests and claims by different sides.

Based on this, EPCA's recommendations for the consideration of the Hon'ble Supreme Court are as follows:

	Issue for examination	**Examination and findings**	**Recommendation for the consideration of the Hon'ble Court**
1	M/s Rain CII Carbon position that FGD is	M/s Rain CII Carbon has installed FGD because of the condition set by its financier World Bank. It has been given load based SO2 standards by	The Hon'ble Supreme Court order of 9.10.2018 may not be amended. The DGFT

	mandatory for the allocation of import quota of pet coke for calciner industry	the state board because it is located in the bowl area of Visakhapatnam, which was also declared as critically polluted by MoEF&CC. There are no national standards for the calciner industry for SO2, which would require the installation of FGD. The CPCB report, cited by the Hon'ble Supreme Court in its order of 9.10.2018 is based on the inspection and assessment of only one factory of M/s Rain CII Carbon.	position on this matter may be maintained.
2	SO2 emissions of calciner industry	CPCB report points to the potential of high SO2 emissions from calciner industry. This requires urgent action.	MoEF&CC may be directed to urgently notify national standards for SO2 for calciner industry with strict timelines for implementation. After the notification of the standard and the time for implementation, there should be regular monitoring and if any plant is found to be non-compliant then its permission for import may be withdrawn or denied.
3	Enhancement of import quota for additional capacity and or additional requirement for M/S Rain CII Carbon	Hon'ble Supreme Court vide its order dated 9.10.2018 allowed calciner industry to import 1.4 million tonnes annually and aluminium industry to import 0.5 million tonnes annually. MoEF&CC and DGFT have set up a rigorous and transparent system for allocation of the permitted amount to different industries. Through this system, current demands have been sufficiently met and procedures have been set up to examine if there are unused import quotas that can be re-allocated to different industries based on their requirements. It has also come to EPCA's attention (through the IA filed by M/S	The Hon'ble Supreme Court order of 9.10.2018 may not be amended. The DGFT position on this matter may be maintained and additional requirements, if any, should be determined and brought to the Hon'ble Supreme Court after all domestically available calcined pet coke is sold and utilised.

		Guwahati Carbon and others) that 0.4 million tonnes of domestically manufactured low-sulphur anode grade pet coke is not being sold in the country because of lack of demand.	
4	Lack of demand for domestically manufactured anode grade low-sulphur pet coke, which could lead to closure of these industries	There are different reasons for the lack of demand for domestically manufactured low-sulphur high grade pet coke in the country, including the amendment made by BIS in its specifications for aluminium industry. This amendment has revised the standard for Sulphur content in pet coke used by this industry from 1.25% to 3.5% max. It also allows (through its footnote) for aluminium industry to use higher Sulphur content pet coke. This has changed the market conditions for low-sulphur pet coke, which is high value. But it is critical that this issue is resolved so that domestically available high-grade pet coke and low Sulphur pet coke is first utilized as against imported pet coke. EPCA has maintained that it is important to utilize domestic pet coke before allowing imports. Therefore, if the situation continues and domestic pet coke is not utilized, then it may be necessary to ask for reduction in import quantities.	MoPNG may be directed to discuss strategies for sale of domestically available low-sulphur pet coke and change its policies accordingly.

Annexure 1

Attendance August 01, 2019 – 3:00 PM (Rain Carbon 1st meeting)

1. Dr. Bhure Lal, Chairman, EPCA
2. Ms. Sunita Narain, member, EPCA
3. Sh. A.M. Sharma, Assistant Engineer, Delhi Jal Board
4. Sh. Sunil Kumar, Joint Secretary, MoPNG
5. Sh. S.P. Roy, Joint Director, Directorate General of Foreign Trade
6. Sh. Shantanu Dhar, Under Secretary (Supply and CC) Under Secretary, MoPNG
7. Sh. Nazim uddin, Sc. 'E', CPCB
8. Dr. Sudheer Chintalapati , Joint Director, MoEF & CC
9. Dr. Priti Singh, Sc.' C', MoEF &CC
10. Sh. Brijesh Kumar, Advisor, Centre for High Technology
11. Sh P. Raman, Director, Centre for High Technology
12. Sh. Dinesh Dagar, SLC- Delhi, Oil Companies
13. Sh. P. K. Sharma, General Manager (IB), IOCL
14. Sh. Umesh P. Singh, CRM (I&C), HPCL
15. Sh. Raghavendra Singh, Senior Manager, IOCL
16. Sh. Madhav Seggam, CMMC, BPCL

Representative of Rain CII Carbon (India) Limited

17. Sh. K. Madhu, Chief Commercial Officer
18. Sh. V.P. Srikanth, Deputy General Manager
19. Sh. Pankaj Verma, Sr. General Manager
20. Sh. Jafar Alam, Sr. Advocate

Attendance August 01, 2019 – 3:00 PM (Domestic Calciners 2nd meeting)

1. Dr. Bhure Lal, Chairman, EPCA
2. Ms. Sunita Narain, member, EPCA
3. Dr. Navroz K Dubash, Member, EPCA
4. Sh. A.M. Sharma, Assistant Engineer, Delhi Jal Board
5. Sh. S.P. Roy, Joint Director, Directorate General of Foreign Trade
6. Sh. Shantanu Dhar, Under Secretary (Supply and CC) Under Secretary, MoPNG
7. Sh. Nazim uddin, Sc. 'E', CPCB
8. Dr. Sudheer Chintalapati , Joint Director, MoEF & CC
9. Dr. Priti Singh, Sc.' C', MoEF &CC
10. Sh. Brijesh Kumar, Advisor, Centre for High Technology
11. Sh P. Raman, Director, Centre for High Technology
12. Sh. Dinesh Dagar, SLC- Delhi, Oil Companies
13. Sh. P. K. Sharma, General Manager (IB), IOCL
14. Sh. Umesh P. Singh, CRM (I&C), HPCL
15. Sh. Raghavendra Singh, Senior Manager, IOCL
16. Sh. Madhav Seggam, CMMC, BPCL

Representative of Calciner Industries (Guwahati Carbon Limited and Others)

17. Sh. Om Prakash Maniyar, Director
18. Sh. Somnath Ghosh, Vice President
19. Sh. Shariq Ahmed, Advocate
20. Sh. Tariq Ahmed, Advocate

Attendance August 01, 2019 – 3:00 PM (Import based Calciners 3rd meeting)

1. Dr. Bhure Lal, Chairman, EPCA
2. Ms. Sunita Narain, member, EPCA
3. Dr. Navroz K Dubash, Member, EPCA
4. Sh. A.M. Sharma, Assistant Engineer, Delhi Jal Board
5. Sh. S.P. Roy, Joint Director, Directorate General of Foreign Trade
6. Sh. Shantanu Dhar, Under Secretary (Supply and CC) Under Secretary, MoPNG
7. Sh. Nazim uddin, Sc. 'E', CPCB
8. Dr. Sudheer Chintalapati , Joint Director, MoEF & CC
9. Dr. Priti Singh, Sc.' C', MoEF &CC
10. Sh. Brijesh Kumar, Advisor, Centre for High Technology
11. Sh P. Raman, Director, Centre for High Technology
12. Sh. Dinesh Dagar, SLC- Delhi, Oil Companies
13. Sh. P. K. Sharma, General Manager (IB), IOCL
14. Sh. Umesh P. Singh, CRM (I&C), HPCL
15. Sh. Raghavendra Singh, Senior Manager, IOCL
16. Sh. Madhav Seggam, CMMC, BPCL

Representative of Calciner Industries

17. Sh. Arnav Dash, Legal Advisor, Petrocarbon and Chemical Pvt. Ltd. (PCCPL)
18. Sh. Rajesh Vadera, AGM, PCCPL
19. Sh. Jagmohan Chhabra, Executive Director, Goa Carbon Limited
20. Sh. Pravin Satardekar, Company Secretary, Goa Carbon Limited
21. Sh. Dhananjaya Mishra, Legal Advisor, Goa Carbon Ltd.

Attendance August 08, 2019 – 3:00 PM (Petcoke meeting)

21. Dr. Bhure Lal, Chairman, EPCA
22. Ms. Sunita Narain, member, EPCA
23. Sh. Vishnu Mathur, Member, EPCA
24. Dr. Navroz Dubash, Member, EPCA
25. Sh. N.K. Madan, Assistant Engineer, Delhi Jal Board
26. Sh. S.P. Roy, Joint Director, Directorate General of Foreign Trade
27. Dr. B. Madhusudhana Rao, Jt. Chief Environmental Engineer, APPCB
28. Sh. P.Somakumar, Under Secretary, MoPNG
29. Dr. S.S.V. Ramakumar, Director (R&D), IOCL
30. Sh. P.S. Mony, CGM
31. Sh. Brijesh Kumar, Advisor, Centre for High Technology
32. Sh P. Raman, Director, Centre for High Technology
33. Sh. P. K. Sharma, General Manager (IB), IOCL
34. Sh. Alok Kumar Singh, General Manager (IB), IOCL
35. Sh. Rajan Kapoor, GM Coordinator (Refineries)
36. Sh. Rajesh Budhe, DGM, IOCL
37. Sh. Raghavendra Singh, Senior Manager, IOCL
38. Sh. Vivek Reddy, ED, Sanvira Industries Ltd.
39. Sh. Rajiv Reddy, MD, Sanvira Industries Ltd.

Annexure 2

Minutes of the Meeting held on 22/4/2019 in DGFT (HQ), Udyog Bhavan, New Delhi to finalise the allocation of Calcined Pet Coke (CPC) (.5 MT) for Aluminium Industry and Raw Pet Coke (RPC) (1.4 MT) for CPC manufacturing to be allotted in pursuance of the Public Notice No. 81 dated 22.3.2019 and minutes of the meeting dated 5.4.2019.

In Chair, Shri K.C. Rout, Additional DGFT

The following officers attended the meeting:

i. Shri S.P. Roy, Joint DGFT, DGFT
ii. Dr. Priti Singh, Scientist C, M/o Environment, Forests & CC
iii. Shri Santanu Dhar, Under Secretary, M/o Petroleum & Natural Gas (MoP&NG)
iv. Shri Arun Sehgal, GM(IB), Indian Oil Corporation Ltd., DSO
vi. Shri Rajan Kapoor, GM, Coord, M/o Petroleum & Natural Gas (MoP&NG)
vii. Shri Nirmal Kumar, DDG, DGFT

2. The Committee noted that in pursuance of the Public Notice no 81 dated 22.03.2019 four (04) applications were received for import of Calcined Pet Coke (CPC) and ten (10) applications for Raw Pet Coke (RPC). The Committee had earlier met on 5.4.2019 and had decided provisional allocation for CPC industry and sought complete information/ documents from the Aluminium industry. The minutes of the meeting were accordingly uploaded on the DGFT's website (https://dgft.gov.in/sites/default/files/Draft%20Minutes._0.pdf). The committee again met on 22.4.2019 to finalise the allocation.

Calcined Pet Coke (CPC) for Aluminium Industry

3. The Committee noted that it had decided to seek from the applicants their latest SPCB certificates by 15th April, 2019 (6.00 p.m). Based on the capacity of imported CPC indicated in these SPCB certificates submitted by the applicants, the Committee decided to provisionally allocate the total available quantity of 0.5 MT CPC on proportionate basis as detailed in para. 8 of the draft minutes dated

5.4.2019 and as indicated in Annexure I. The applicants are advised to file their objections/comments, if any, by 25th of this month so that the final allocation can be made by 26th of this month.

Raw Pet Coke for CPC manufacturing

4. While considering the allocation for the quota of 1.4 MT for Raw Pet Coke, the Committee observed that there were 10 applicants. However, as M/s. Refratherm International Pvt. Ltd. had applied only on 02.04.2019 i.e. after the last date for submission of application, the Committee had decided to reject the case. Of the remaining nine applicants four applicants have represented. The Committee considered these representations and recorded its observation as under.

5. M/s. Rain CII Carbon (Vizag) Ltd. has submitted additional requirement of 4,88,000 MT of RPC for its AP SEZ Visakhapatnam Plant, which is yet to be operational. Similarly, M/s. Sanvira Ltd. has also submitted its requirement for meeting the additional capacity of 1,30,000 MT. In this regard, the Committee noted that the request for additional requirement of Raw Pet Coke by these two applicants had been set aside by the Hon'ble Supreme Court, vide Order of the Supreme Court dated 09.10.2018. The Hon'ble Supreme Court in its order dated 28.1.2019 while disposing off the I.A. No.168847/2018, 1451/2019 & 1847/2019 (filed on behalf of Rain carbon); I.A. No.12291/2019(filed on behalf of Sanvira Ind.Ltd.) and I.A. No.164303 (filed on behalf of Saket Agarval) and I.A.No.13210/2019 (filed on behalf of Goa Carbon Ltd) had pronounced that *"the order passed by this Court is clear. This Court has set the outer limit for import of raw pet coke cannot exceed 1.4 MT per annum in total. In view of the aforesaid, prayers made on the basis of expansion etc. are totally misconceived and cannot be entertained. No further orders are required to be passed on these I.A.s. The same are hereby dismissed."* The Committee accordingly decided to reject the request for additional quantity of RPC for the additional capacity added by applicants after the Hon'ble Supreme Court's order dated 9.10.2018.

6. Further, on the other issue raised by M/s Rain CII that the requirement of Fuel Gas Desulphurisation (FGD) system with an efficiency of over 90% may also be made a criteria for allocation of RPC amongst the applicants, the Committee observed that while this (FGD) was referred to in the judgment of the Hon'ble Supreme Court's order dated 9.10.2018; it was not a pre-condition for allocation of 1.4 MT of RPC. The Committee observed that its jurisdiction is restricted only to the allocation of RPC. Hence, the Committee decided that for enforcement of FGD system/ emission requirement the Ministry of Environment, Forest and Climate Change (MoEF&CC) may examine the matter and issue necessary guidelines and advisory to the industry, if required.

7. The committee also observed that M/s Rain (CII) has drawn attention to DGFT's Office Memorandum No. 01 /93/180/03/AM-I O/PC-2(A)/P-12485 dated 5th December, 2018. The Committee decided that in view of the order of the Hon'ble Supreme Court dated 28.1.2019 (as detailed in para. 5 in this minutes), the above communication dated 5th December, 2018 is infructuous.

8. In case of M/s Sanvira Industries Ltd. also, the Committee noted that the additional capacity of 1,30,000 MT was created after the Hon'ble Supreme Court's Order dated 9.10.2018 as per the official record. Hence, the request for additional quantity for the new capacity was rejected by the Committee.

9. The Committee accordingly reconsidered the quantity allocated vide Minutes of the Meeting dated 5.4.2019 and finalized the allocation of RPC as per **Annexure-II**

10. The Committee further decided that the applicants are required to intimate the quantity of pet coke imported by them at the end of each quarter, i.e., by 30th June, 30th September, 31st December and 31st March within one month of the end of the each quarter. Further, applicants have to intimate the quantity imported by them against the quota allocated to them for the FY 2018-19 by end of April, 2019.

*****

Annexure I

Provisional Allocation of Calcined Pet Coke

In MTs

1	2	3	4	5	7
S.no.	Name of the Firm	Date of receipt of application	Quantity applied	Production Capacity as per SPCB Certificate submitted per annum	Total Proportionate allocation
1.	M/s National Aluminium Company Ltd.	30.3.2019	60,000	60000	**43162.362**
2.	M/s Vedanta Ltd.	26.3.2019	4,00,000	3,74,000	**269045.392**
3.	M/s Bharat Aluminium Company Ltd.	28.3.2019	81,235	62500	**44960.794**
4.	M/s Hindalco Industries Ltd.	29.3.2019	1,20,000 (Odisha) 60,000 (M.P.) 20,000 (U.P.) 2,00,000 (3 units)	116550 (Odisha) 60,000 (M.P.) 22,000 (U.P.)	**142831.450**
			741235	695050	**499999.998**

Annexure II

Final Allocation of Raw Pet Coke

In MTs

1	2	3	4	5	6	7	8	9
S.no.	Name of the Firm	Date of receipt of application	Quantity applied	Production Capacity as per SPCB Certificate submitted	Input requirement as per EPCA Report @ 1:1.36	Proportionate allocation	Proportionate allocation of excess quantity	Total allocation of RPC (Col. 7 + Col. 8)
1.	Rain CII Carbon (Vizag) Ltd.	27.2.2019	11,93,600	5,11,000	694960	537917.635	15656.602	**553574.237**
2.	M/s Sanvira Industries Ltd.	27.3.2019	4,95,000	2,00,000	272000	210535.278	6127.828	**216663.106**
3.	M/s Goa Carbon	28.3.2019	4,15,800	3,08,000	418880	324224..328	9436.856	**333661.184**
4.	M/s India Carbon Ltd.	30.3.2019	75,600	54,000	73440	56844.525	1654.513	**58499.038**
5.	M/s Neo Carbon Pvt. Ltd.	28.3.2019	50,000	75,000	102000	78950.729	-	**50000***
6.	M/s Amritesh Industries Pvt. Ltd.	30.3.2019	33,600	24,000	32640	25264.233	735.339	**25999.572**

7.	M/s Kalinga Calciner Ltd.	28.3.2019	80,000	46,200	62832	48633.649	1415.529	**50049.178**
8.	M/s Vedic Petrochemical Pvt. Ltd.	28.3.2019	10,000	18,000	24480	18948.175	--	**10000***
9.	M/s Petro Carbon And Chemicals(P) Ltd.	29.3.2019	1,40,616	93744	127491	98681.445	2872.236	**101553.681**
					1808723	1399999.997	37898.903	1399999.996

Excess allocation to M/s Neo Carbon Pvt. Ltd 28950.729 and M/s Vedic Petrochemical Pvt. Ltd. 8948.175 = 37898.904 which is re-distributed among other applicants

- Quantity applied by the applicant is less than the input requirement as per EPCA Report i.e. 1:1.36

Annexure 3

No. Q-18011/54/2018-CPA
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
(CP Division)

2nd Floor, Vayu Wing, IPB, Jorbagh Road
New Delhi-110003
Dated: September 10, 2018

OFFICE MEMORANDUM

Subject: W.P.(C) No. 13029 of 1985 in the matter of M.C. Mehta Vs. Union of India & Ors. before the Hon'ble Supreme Court of India -regarding.

GUIDELINES FOR REGULATION AND MONITORING OF IMPORTED PETCOKE IN INDIA

In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby issues the following Guidelines for Regulation and Monitoring of Imported Petcoke in India, namely: -

1. Guidelines for Regulation and Monitoring of Imported Petcoke in India: -

As per notification of Director General of Foreign Trade (DGFT) dated 17.8.2018, Import of Petcoke for use as fuel is prohibited. However, import of Petcoke is allowed for the following industries namely, cement, lime kiln, calcium carbide and gasification for use as feedstock or in the manufacturing process only on actual user basis as per the conditions stipulated below:

(1) Petcoke importing industries namely, cement, lime kiln, calcium carbide and gasification shall obtain the consent of and registration with the concerned State Pollution Control Boards (SPCB)/ Pollution Control Committees (PCC).

(2) Consent issued by the concerned SPCB/ PCC shall clearly specify the quantity permitted for import and its use on a per month and per annum basis.

(3) Only registered industrial units with valid consent from SPCBs/PCCs as per clause (1) shall be permitted to directly import pet coke and consignment shall be in the name of user industrial units for their own use only.

(4) Import of pet coke for the purpose of trading shall not be permitted.

(5) Authorised importers of Petcoke shall furnish opening and closing stock of imported Petcoke to the concerned SPCB/ PCC on a quarterly basis.

(6) The SPCBs/ PCCs shall develop an electronic record system for uploading of consents, registration and record of use of imported Petcoke by industrial units, as mentioned above and the said Boards/ Committees shall share this data with the Central Pollution Control Board on a quarterly basis. This data shall be published on the Central Pollution Control Board website on receipt from the SPCB/ PCC.

These Guidelines shall come into force from the date of publication of Office Memorandum by Ministry of Environment, Forest and Climate Change.

2. This issues with the approval of Competent Authority.

Ch. Murali Krishna

(Dr. Murali Krishna)
Scientist 'D'/ Joint Director
E-mail: cm.krishna@gov.in
Tel: 011-24695414

To

(1) Chairman
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar
Delhi-110032

(2) Member Secretary
Central Pollution Control Board
Parivesh Bhawan, East Arjun Nagar
Delhi-110032

-for circulating to SPCBs/PCCs.

CC

DS (IT)- for uploading the Guidelines at the Website of Ministry of Environment, Forest and Climate Change.

Annexure 4

Draft Minutes

Minutes of the meeting held on in DGFT (HQ), Udyog Bhawan, New Delhi to finalize the quantum of (i) Calcined Pet Coke (5 Million MT) for Aluminium Industry and (ii) Raw Pet Coke (1.4 Million MT) for CPC manufacturing to be allotted in pursuance to the Public Notice No. 81 dated 22.3. 2019

In Chair, Shri K.C. Rout, Additional DGFT

The following officers attended the meeting:

i. Dr. Priti Singh, Scientist 'C', M/o Environment, Forest and Climate Change (MoEF&CC)
ii. Sh. Rajan Kapoor,GM, Coord. MoP&NG
iii. Sh. Santanu Dhar, Under Secretary (Refin.) M/o P&NG
iv. Shri Arun Sehgal, GM (IB), Indian Oil Corporation Ltd.
v. Shri S.P. Roy, Joint DGFT, DGFT

2. At the outset, the Committee noted that in pursuance of the Public Notice no 81. dated 22.03.2019 (**Annexure-1**) 4 applications were received for import of Calcined Pet Coke (CPC) and 10 applications for Raw Pet Coke (RPC) (**Annexure-2**). The Committee noted that the Hon'ble Supreme Court in Writ Petition No. 13029/1985, vide its order dated 4th October, 2018 has decreed that the import of pet coke for Aluminium Industry cannot exceed 0.5 Million MT per annum in total. Similarly import of Raw Pet Coke for CPC manufacturing Industry cannot exceed 1.4 million MT per annum.

Calcined Pet Coke (CPC) for Aluminium Industry

3. Accordingly, the Committee decided to make the annual allocation for both, import of Calcined Pet Coke and Raw Pet Coke for the fiscal year 2019-2020. The Committee noted that for Calcined Pet Coke, M/s. National Aluminium Co. Ltd. and M/s. Hindalco Industries Ltd. (for their Plant in UP) have not indicated the quantity of imported CPC required on TPD basis, while the same is available for M/s. Vedanta Ltd. and for Hindalco's plant at Orissa and M.P. The Committee, accordingly, decided that M/s. National Aluminium Co. Ltd. and Hindalco (for their UP Plant) may be asked to submit the quantity of imported CPC required for their plants on TPD basis by the 15th of April, 2019 (6.00 p.m). Further, as Bharat Aluminium Co. Ltd. has submitted

an SPCB Certificate whose validity is only till 20.02.2019 the Committee decided to seek from all the four applicants, their latest SPCB certificates which the applicants must submit by 15th April, 2019 (6.00 p.m) .

Raw Pet Coke for CPC manufacturing

4. While considering the allocation for the quota of 1.4 MT for Raw Pet Coke, the Committee observed that there are 10 applicants. It, however, noted that M/s. Refratherm International Pvt. Ltd. has applied on 02.04.2019 i.e. after the last date of 31.03.2019. The Committee accordingly decided to reject the case. It further observed that M/s. Rain CII Carbon (Vizag) Ltd. has submitted additional requirement of 4,88,000 MT of RPC for its AP SEZ Visakhapatnam Plant, which is yet to be operational. Similarly, M/s. Sanvira Ltd. has submitted its requirement for meeting the additional capacity of 1,30,000 MT. The Committee further observed that M/s. Rain CII Carbon (Vizag) Ltd. and M/s. Sanvira Industries Ltd. were both petitioners before the Supreme Court of India in case No. 13029/1985, wherein on hearing the matter the Hon'ble Bench vide its order dated 28.01.2019 has observed as under:

> *"...that the order dated 09.10.2018 passed by this Court is clear. This Court has set the outer limit for import of raw pet coke cannot exceed 1.4 MT per annum in total. In view of the aforesaid, prayers made on the basis of expansion etc. are totally misconceived and cannot be entertained. No further orders are required to be passed on these I.As. i.e. I.A. Nos. 168847/2018, 1451/2019 & 1847/2019 (filed on behalf of Rain CII Carbon (Vizag) Ltd.], I.A. No.164303 (filed on behalf of Saket Agarwal), I.A. No.12291/2019 (filed on behalf of Sanvira Industries Ltd.) and I.A. No.13210/2019 (filed on behalf of Goa Carbon Ltd.). The same are hereby dismissed."*

5. The Committee having noted that the request for additional requirement of Raw Pet Coke by these two applicants have been set aside by the Hon'ble High Court, observed that based on the Court Order, which neither of the applicants have informed about, it cannot grant any extra quantity based on the new capacity added by these two firms after the date of Order of the Supreme Court dated 09.10.2018.

6. The Committee examined the SPCB certificates of all the eight applicants for RPC imports. On examination, Committee observed that the SPCBs have adopted varying conversion rates for calculating the requirement of RPC for producing CPC, in their Consent to Operate (CTO) certificates. The Committee also noted that consumption requirement is not

indicated in SPCB certificates of all industries. To bring uniformity, the Committee decided to allocate RPC by adopting following criteria:

(i) The production capacity of the applicant is to be calculated on annual basis. Wherever, SPCB certificate shows production figures in TPD, the annual production capacity is to be arrived at by multiplying the capacity with 350 days (average operational days for the unit) to bring uniformity.

(ii) The production capacity for each applicant to be converted to input/raw material requirement by taking industry average conversion rate i.e 1:1.36 (as mentioned in the EPCA report;

(iii) The additional capacity added by the applicants after the Hon'ble Supreme Court's order dated 9/10/2018 is not taken into consideration. and

(iv) the quota be divided on a proportionate basis as per the following formula:

Total pet coke available for allotment divided by total input requirement X requirement /demand by a particular applicant.

(v) In cases where requested quantity is lower than eligible quantity, the surplus on their heads are redistributed among others proportionately.

7. Accordingly, based on the above principle, the Committee made the allocation as in Annex-2 of the minutes of the meeting. The Committee further decided that minutes of the meeting may be placed in the public domain for the applicants to represent their grievances, if any, against the principle followed in allocation and submit their representations latest by 15.04.2019 (6.00 p.m.). Based on the representations, if any, Committee will take a decision and allocate the final quota.

With the above decision, the meeting ended with Vote of Thanks to Chair.

****

Annexure II

Allocation of Raw Pet Coke (1.4 MT per annum)

In MTs

1	2	3	4	5	6	7	8	9
S.no.	**Name of the Firm**	**Date of receipt of application**	**Quantity applied**	**Production Capacity as per SPCB Certificate submitted**	**Input requirement as per EPCA Report @ 1:1.36**	**Proportionate allocation**	**Proportionate allocation of excess quantity**	**Total allocation of RPC (Col. 7 + Col. 8)**
1.	Rain CII Carbon (Vizag) Ltd.	27.2.2019	11,93,600	5,11,000)	694960	537917	14545	**552462**
2.	M/s Sanvira Industries Ltd.	27.3.2019	4,95,000	2,00,000	272000	210535	5692	**216227**
3.	M/s Goa Carbon	28.3.2019	4,15,800	3,08,000	418880	324224	8767	**332991**
4.	M/s India Carbon Ltd.	30.3.2019	75,600	54,000	73440	56844	1537	**58381**
5.	M/s Neo Carbon Pvt. Ltd.	28.3.2019	50,000	75,000	102000	78950	-	**50000***

6.	M/s Amritesh Industries Pvt. Ltd.	30.3.2019	33,600	24,000	32640	25264	683	**25947**
7.	M/s Kalinga Calciner Ltd.	28.3.2019	80,000	46,200	62832	48633	1315	**49948**
8.	M/s Vedic Petrochemical Pvt. Ltd.	28.3.2019	10,000	18,000	24480	18948	--	**10000***
9.	M/s Petro Carbon And Chemicals(P) Ltd.	29.3.2019	1,40,616	93744	127491	98681	2668	**101349**
					1808723	1399996	35207	**1397305**

- Quantity applied by the applicant is less than the input requirement as per EPCA Report @ 1:1.36

Annexure 5

Final Allocation of Calcined Pet Coke for Aluminium Industry

Minutes of the meeting of the Final allocation of Calcined Pet Coke (CPC) (0.5 MT) for Aluminium Industry in pursuance to the Public Notice No. 81 dated 22.3.2019 and provisional allocation vide minutes of the meeting dated 22.4.2019.

In pursuance to the para 3 the minutes of the meeting dated 22.4.2019, it was noted that two representations have been received from the following applicants:

1. **Vedanta Limited:** There is no comment on the quantity allocated. However, the Committee noted that they have requested for a periodic review of the imports made and for a monitoring mechanism to check utilization of the allocated CPC to each Aluminum smelters, so that the unutilized quantity could be surrendered and thereafter be reallocated to other smelter. In this regard, the Committee noted that it had already provided for applicants to intimate the quantity of pet coke imported by them at the end of each quarter *(refer to para 10 of the minutes of the meeting dated 22.4.2019)*.

   It was decided that based on the actual import, half yearly review will be done.

2. **Bharat Aluminum Company Limited:** The request is for considering the quantity as mentioned in the CTO report i.e 595,000 MT (Aluminium Production Capacity) for which they have already made a representations to EPCA directly for making suitable correction. The Committee noted that the allocation is as per the guidelines of Hon'ble Supreme Court and based on the SPCB certificates submitted by the applicants. In the case of M/s BALCO the production capacity shown is 62500 MT whereas the quantity applied is 81,235 MT. Accordingly, the Committee has made a proportionate allocation of 44960.794MT out of the total 5 lakh MT.

   Since SPCB certificate has been adopted as the criteria for the sake of uniformity and equity, the committee did not find any ground for change in the quantity allocated.

3. With the above observations, since there is no change in quantity of allocation, the Committee decided to treat the provisional allocation for Aluminum Industry vide its minutes of the meeting dated 22.4.2019 as final(**Annexure-I**).

Annexure I

Allocation of Calcined Pet Coke

In MTs

1	2	3	4	5	7
S.no.	Name of the Firm	Date of receipt of application	Quantity applied	Production Capacity as per SPCB Certificate submitted per annum	Total Proportionate allocation
1.	M/s National Aluminium Company Ltd.	30.3.2019	60,000	60000	43162.362
2.	M/s Vedanta Ltd.	26.3.2019	4,00,000	3,74,000	269045.392
3.	M/s Bharat Aluminium Company Ltd.	28.3.2019	81,235	62500	44960.794
4.	M/s Hindalco Industries Ltd.	29.3.2019	1,20,000 (Odisha) 60,000 (M.P.) 20,000 (U.P.) 2,00,000 (3 units)	116550 (Odisha) 60,000 (M.P.) 22,000 (U.P.)	142831.450
			741235	695050	499999.998

Annexure 6

F. No. R-42011/7/2014-OR-II(Pt)

भारत सरकार Government of India

पेट्रोलियम एवम् प्राकृतिक गैस मंत्रालय Ministry of Petroleum & Natural Gas

शास्त्री भवन, नई दिल्ली Shastri Bhawan, New Delhi

Dated 13th August 2019

To,

Dr Bhure Lal
Chairman
Environment Pollution (Prevention & Control) Authority
Core VI A, 3rd floor, India Habitat Centre
New Delhi 110 003

Sub : Meeting convened by the Environment Pollution (Prevention & Control) Authority (EPCA) on 1.8.2019 at 3:00 PM – reg.

Sir,

I am directed to refer to your letter EPCA-R/2019/L-32 dated 5.8.2019, requesting information required following the abovementioned meeting, and to say that the data has been collected in consultation with Centre for High Technology. The same is presented below :-

2. The total grade-wise pet coke production and sales numbers in the country are as below (excluding CPC production ex NRL)

	Total Production (TMT)			Sales (TMT)
	High Sulphur	Low Sulphur	Total	
2018-19	14492	462	14954	13394
Apr-July 2019	4503	221	4724	3303
2019-20 (Outlook)	15391	493	15884	

The details on refinery-wise production is given in Annexure 1 and sector-wise Sales provided in Annexure 2. Details on pricing are provided in Annexure 3. Strategy for utilization of domestic petcoke will be forwarded to you in due course.

Yours faithfully,

SKumar 13/08/19

(P Somakumar)
Under Secretary to the Govt of India
Tel No. 23388652

encl. a.a.

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Annexure-1

Petcoke Availability from Refineries

(Figs in TMT)

Refinery-wise Petcoke Production

		HMEL	BPC	BPC	NRL	IOC								CPCL	MRPL	RIL	NEL	Total
Year			KR	BORL	NRL #	Koyali	PR	HR	BR	GR	DR	BGR	PDR					Total
2018-19	RPC -H	1008	983	414		695	875						1187	347	922	6020	2041	14492
	S %	≤ 8.4	8.3	8.5		≤8	≤6.5						≤8.0	≤9.0	8.3	5.9	6.25	
	RPC-L				13	20			182	53	43	151						462
	S %				0.84	<2.4			< 1.8	<0.8	0.6	<1.0						
2019-20 (Apr-July)	RPC-H	311	326	182	9	68	309						405	347	165	1593	788	4503
	S %	≤ 8.4	8.3	8.5	0.84	≤8	≤6.5						≤8.0	≤9.0	8.6	6.21	6.09	
	RPC-L				9	69			60	26	14	43						221
	S %				0.84	1.4			<1.8	<0.8	0.6	<1.0						
2019-20 Outlook	RPC-H	763	995	624		575	886	80					1250	453	793	6652	2320	15391
	S %	≤ 8.4	8.3	8.5		≤8	≤6.5	8.2					≤8.0	≤9.0	8.6	6-6.3	6.09	
	RPC-L				37	69			170	62	40	115						493
	S %				0.84	1.4			<1.8	<0.8	0.6	<1.0						

Note : # CPC production in NRL 60.4 TMTPA in 2018-19, 13.4 TMT PA in 2019-20 (upto July'19), projected @ 63 TMT in FY 2019-20.
BORL/RIL internally consumes part of their Pet coke production

Annexure -2

Company	2018-19 Sector wise Sales in TMT							
	Total sales	Cement	Lime Kiln	Manufacturing	Anode-RPC (Calcination)	Power Generation	Others	Total sales
IOCL	3201	1778	141	816	456	11		0
CPCL	355	286					70	
BPCL/BORL	1193	810		287			96	
NRL (RPC)	13				13			
HMEL	1008	551		105			352	
MRPL	922	914					8	
RIL	4663	3905	589				169	
NEL	2039	1167		313			559	
Total	**13394**	**9410**	**730**	**1521**	0.469	**11**	**1254**	**0**
NRL (CPC)	**60.4**			**1.8**	**1.3**			**57.3**

Company	Apr- Jul19 Sector wise Sales in TMT							
	Total sales	Cement	Lime Kiln	Manufacturing	Anode-RPC (Calcination)	Power Generation	Others	Aluminium /Metals
IOCL	872	461	20	221	134	36		0
CPCL	149	113					36	
BPCL/ BORL	400	286		94		6	14	
NRL (RPC)	9				9			
HMEL	311	173		36			102	
MRPL	165	161					4	
RIL	594	384	151				59	
NEL	803	487		106			210	
Total	**3303**	**2065**	**171**	**457**	**143**	**42**	**425**	**0**
NRL (CPC)	**13.4**			**0.4**	**0**			**13**

Annexure 3

Pricing details of Pet coke sold by different companies are as below:-

	Average Pet Coke Prices Rs/MT			
	High Sulphur		Low Sulpur*	
	2018-19	Apr-Jun'19	2018-19	Apr-Jun'19
IOCL	8201	7544	23648	21177
BPCL	8522	7630		
BORL	11628	12331		
RIL	9214	7638		
NRL				21863

*Low sulphur Coke is produced and sold by mainly IOCL & NRL