

**ENVIRONMENT POLLUTION (PREVENTION & CONTROL) AUTHORITY**  
**for the National Capital Region**

**Dr Bhure Lal**  
**Chairman**

**EPCA-R/2017/L-49**  
**October 27, 2017**

Dear *Shri Jain,*

This is with reference to the October 24, 2017 order of the Hon'ble Supreme Court regarding a ban on the use of pet coke and furnace oil and the setting of standards for SOX and NOx for industries.

A number of parties have sought clarification from EPCA if the ban is for the entire states of Rajasthan, UP and Haryana or confined to the districts of the states in NCR. EPCA's interpretation of the order of the Hon'ble Supreme Court is as follows:

In its order dated May 2, 2015, the Hon'ble Court referred to EPCA report no 72 on "*Mandating Acceptable Fuels and Recommending ban on sale and use of furnace oil and pet coke in NCR in compliance with the order of the Hon'ble Supreme Court dated March 6, 2017.*" This report confined to NCR, which is under the mandate of EPCA and also for which EPCA had sufficient information to recommend a ban. In this order, the Hon'ble Court had stated that the state governments of UP, Haryana, Rajasthan have no objection if a ban is placed on the use of furnace oil and pet coke. It went on to say that the state governments are, of course, at liberty to place such a ban. Therefore, the context was clear that the ban was proposed for NCR.

In its order dated October 24, 2017, the Hon'ble Court has directed as follows:  
"Since the state governments of UP, Haryana and Rajasthan have no objection and they have not taken any positive action, keeping the pollution level in NCR and particularly in Delhi, we have no option but to place a ban on use of furnace oil and pet coke in the state of UP, Haryana and Rajasthan. The ban will come into effect from November 1, 2017."

In its readings of the two orders and given that the directions are based on EPCA report no 72, which had recommended a ban in NCR, it is our interpretation that the ban is confined to the districts notified as NCR in the states of Rajasthan, Uttar Pradesh and Haryana.

We would also like to clarify that the standards for emissions, that are awaiting notification by MoEF&CC, will be valid for all industries across the country. The court has also made it clear in its order of October 24, 2017 that it "expects industries to live up to the assurance given to us". This order has to be read with the orders of May 2, 2017 and reiterated on July 20, 2017, in which the Hon'ble Supreme Court has stated,

"In the meanwhile, we would like to caution the above industries (list of 35 industrial sectors listed in the order) as submitted by the learned Amicus and agreed to by the learned Solicitor General that necessary steps will have to be taken by these industries to ensure that the pollution standards that are fixed by CPCB are adhered to by 31.12.2017 as far as possible. The above industries should therefore start making their plans with immediate effect keeping the above in mind since sufficient notice is being given to them in this regard."

**Cont-2**

**Central Pollution Control Board**

Parivesh Bhawan, East Arjun Nagar, Near Karkardooma Courts, Shahdara, Delhi 110 032  
Tel/Fax: 22301955 (CPCB), Tel: 24623060 (R)-Dr. Bhure Lal, Chairman

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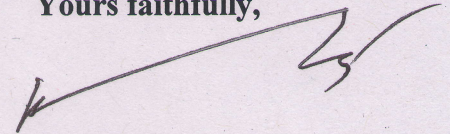
Therefore, to conclude:

- a. **The ban on pet coke and furnace oil is confined to NCR as it is based on the EPCA report no 72, which recommended this. State governments of Rajasthan, Haryana and UP are expected to notify this ban for districts in their state in NCR. But if this notification is not done then regardless, the ban comes into effect from November 1, 2017.**
- b. **All industries (categories listed), regardless of location, are expected to comply with standards for SOX and NOx as in the draft notification presented to court by MoEF&CC on October 24, 2017.**

I hope this will sufficiently clarify this matter and allow for its urgent implementation and strict compliance.

*With regards,*

**Yours faithfully,**



**(Bhure Lal)  
Chairman, EPCA**

**To  
Shri Ashok Jain, IAS  
Chief Secretary, Govt. of Rajasthan  
Govt. Secretariat  
Rajasthan**

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