

ITEM NO.52

COURT NO.4

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 757-760/2013

D.P.C.C.

Appellant(s)

VERSUS

UNION OF INDIA THROUGH SECRETARY,

Respondent(s)

[MS. SHIBANI GHOSH AND MR. NINAD LAUD, ADVOCATES ARE APPOINTED AS
 AMICI CURIAE]

IA No. 225827/2025 - INTERVENTION/IMPLEADMENT

WITH

C.A. No. 1977-2011/2013 (XIV-A)

IA No. 205979/2025 - INTERVENTION/IMPLEADMENT

Date : 16-10-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
 HON'BLE MR. JUSTICE ALOK ARADHE

Amicus Curiae

Ms. Shibani Ghosh, Adv.
 Assisted by :-
 Ms. Sohini Sanyal, Adv.

For Appellant(s) : Mr. Pradeep Misra- 510, AOR
 Ms. Indu Misra, Adv.
 Mr. Daleep Dhyani, Adv.
 Mr. Manoj Kumar Sharma, Adv.
 Mr. Suraj Singh, Adv.
 Mr. Anupam Misra, Adv.
 Ms. Disha Jham, Adv.
 Mr. Dinesh Jindal, Adv.

For Respondent(s) : Mr. Archana Pathak Dave, A.S.G.
 Mr. Gurmeet Singh Makker, AOR
 Ms. Harshita Choubey, Adv.
 Mr. Kamal Digpaul, Adv.
 Mr. Bhuvan Kapoor, Adv.
 Mr. Manish, Adv.
 Mr. Rohan Gupta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. In our Judgment in *DPCC & Ors. Vs. Lodhi Properties & Ors.* [Civil Appeal No. 757 of 2013], we had highlighted the asymmetry that existed between the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.
2. Acting as per the directions of this Court and having examined the recommendations of the Amici Curiae appointed by this Court, the Ministry of Environment, Forest & Climate Change, Control of Pollution Division issued an order dated 14.10.2026 constituting a Committee. Relevant portion of the order is extracted hereinbelow:-

"In pursuance to the Hon'ble Supreme Court of India order dated 4-8-2025 and 26-09-2026 passed in C.A. no. 757 of 2013 in the matter of DPCC & Ors vs. Lodhi Properties & Ors. Relating to the note filed by the Ld. Amici Curiae before the Hon'ble Supreme Court, highlighting the disparity in the statutory framework under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986, an Expert Committee (hereinafter referred to as the Committee) is constituted to comprehensively study the suggestions made by Ld. Amicus Curiae and observations of Hon'ble Supreme Court of India in consultation with concerned Stakeholders, including SPCBs/PCCs and make their recommendation for further course of action with the following composition:

S. No.	Name and Organisation	Position
1.	Joint Secretary, In-Charge of CP Division	Chairperson
2.	Nominee of CPCB	Member
3.	Nominee from IA Monitoring Division of MoEFCC	Member
4.	Nominee from Policy & Law Division of MoEFCC	Member
5.	Nominee from DPCC	Member
6.	Nominee from Bihar, Gujarat, Kerala, Tamil Nadu and West Bengal Pollution Control Boards	Member
7.	Director/Deputy Secretary, CP Division	Member Secretary and convener

3. The Terms of Reference (ToR) of the Committee are as follows :-

“(i) To examine the key differences between the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, in light of the note of the Ld. Amici Curiae and the observations of the Hon'ble Supreme Court. This shall include, inter alia, the consent mechanism (including deemed consent), directions by the Boards, and appellate and revisional provisions. The Committee shall recommend amendments to harmonise the two Acts and, where necessary, the Environment (Protection) Act, 1986.

(ii) To examine the changes brought about by the recent decriminalisation amendments to the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981Act, covering offences,

penalties, adjudication and appeals, and to recommend measures for their uniform and effective implementation.

(iii) To identify the rules, regulations and guidelines needed for consistent subordinate legislation under the two Acts, and to examine any other issue incidental to their harmonisation and implementation."

4. It is submitted that the Committee will submit its Report within a period of three months from today.

5. The Ministry will take appropriate decision on the recommendations and file an affidavit before this Court about follow up action by the end of February, 2027.

6. In our Judgment, we had also mentioned about the compelling need to formulate necessary Rules/Regulations as regards damages and costs that may be imposed as damages for environmental degradation.

7. We are informed that the Draft Environmental Damage Cost Assessment Report has already been submitted to the Expert Committee. After the Expert Committee examines the matter, the necessary Rules and Regulations, as regards the costs that may be imposed for environmental damage may be formulated. The affidavit to be filed will include the steps taken as regards the formulation and issuance of these Rules as well.

9. List these matters on 05.03.2027.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR