

**COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS
17th Floor, Jawahar Vyapar Bhawan (STC Building)
Tolstoy Marg, New Delhi-110001**

F.No. A-110018/01/2021-CAQM | 4079-89

Dated: 15.12.2021

Subject: Directions under Section 12 of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 Granting relaxation in conditions imposed on various Industries in Direction No. 46 dated 02/12/2021.

1. Whereas, the Commission, in exercise of its powers conferred upon it under Section 12 (2) (xi) of the Commission for Air Quality Management in National Capital Region and Adjoining Areas Act 2021, vide Direction No. 46 dated 02/12/2021 had *inter-alia* directed that **“Industrial operations and processes in NCR not running on PNG or cleaner fuel shall be allowed to operate only up to eight hours a day from Monday to Friday and shall not be allowed to operate on Saturdays and Sundays”**;
2. Whereas, at the time of passing of the above said Direction, the Air Quality Index of Delhi was under the “Severe” AQI Category;
3. Whereas, a copy of the Intervention Application filed by M/s Mother Dairy Fruit and Vegetables Private Limited before the Hon’ble Supreme Court seeking exemption from partial closure of the dairy unit has been received in the Commission;
4. Whereas, the Hon’ble Supreme Court in Writ Petition (C) No. 1135/2020 ‘Aditya Dubey (Minor) & Anr. V/s Union of India & Ors.’ vide Order dated 10/12/2021 has *inter-alia* passed the following direction:-

“We direct the Commission to examine requests of various industries and organizations about relaxation of condition imposed by virtue of our previous orders or otherwise as per the Commission’s circulars”.....

“We expect that the Commission will look into this and take appropriate action in a week’s time”.

5. Whereas, apart from M/s Mother Dairy Fruits and Vegetable Private Limited various milk and dairy units in NCR namely Ballabgarh Cooperative Milk Producers Union Limited, Hisar-Jind Cooperative Milk Producers Union Limited,

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Rohtak Cooperative Milk Producers Union Limited, Haryana Dairy Development Cooperative Federation Limited etc. have approached the Commission seeking exemption / relaxation from the Commission's Direction No. 46 dated 02/12/2021;

6. Whereas, representatives of various milk producers / procurers unions / federations were heard in person on 13/12/2021 through virtual mode including representatives of Mother Dairy Fruits and Vegetable Private Limited;

7. Whereas, the main arguments of milk and dairy units are:-

- (i) Milk and dairy units procure large amount of milk on daily basis from framers and process the same to produce milk and milk products for supply to Delhi and NCR;
- (ii) Milk is a perishable item and cannot be stored for long time and most of units do not have storage capacity to store milk;
- (iii) Milk and Dairy Units are engaged in activities providing essential services and partial closure will result in serious disruption of milk supply and allied products to Delhi – NCR leading to shortage of milk supply;
- (iv) Closure will also lead to shutting of dairy units or reducing its operation leading to non-procurement of large amount of milk from large number of farmers;
- (v) For the operation of the dairy units and processing the milk, units needs to function 24 Hours a day for the entire year;
- (vi) Operation for 8 hours a day is not practical and shall render the boiler ineffective hampering production of milk and milk products;
- (vii) M/s Mother Dairy Fruits and Vegetable Private Limited has taken-up with M/s Indraprastha Gas Limited for supplying gas to its unit but unable to shift to PNG for want of gas infrastructure and supply.

8. Whereas, it clearly emerged that M/s Mother Dairy Fruits and Vegetable Private Limited has earnestly taken up the matter with M/s IGL and have deposited security amount and M/s IGL is working for supply of gas to the unit;

9. Whereas, some of the milk plants have already shifted from coal fired boiler into boiler running on PNG fuel, others are in the process of installing PNG connections for boiler and DG sets and those not connected with PNG have informed that on availability of PNG infrastructure they will convert to PNG;

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10. Whereas, Association of Indian Medical Device Industry have also represented to the Commission with the request to permit critical medical devices to be exempted from the Direction to shift to PNG / Cleaner Fuels to ensure supply chains of essential medical devices and to ensure non-disruption of public utilities;

11. Whereas, it was further mentioned that many of the medicines, solutions and drugs that are produced are critical for health care services;

12. Whereas, the Association of Indian Medical Device Industry representatives were heard in virtual mode on 13/12/2021 during which the compelling need to lift restriction on their activities in view of the current operation of Disaster Management Act due to Covid pandemic was elaborated;

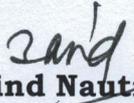
13. Whereas, units involved in manufacturing of life saving medical equipment/ devices, drugs and medicines have also been permitted to use DG Sets for emergency purposes to ensure uninterrupted supply chain;

14. Whereas, it was also informed during the hearing that some medical equipment/ devices and drug manufacturing industries have taken steps to shift to cleaner fuels and have taken up with PNG suppliers for supplying PNG;

15. Whereas, the Air Quality Index of Delhi has since improved from 'severe' category and is currently under "Very Poor" Category;

16. NOW THEREFORE, in view of the position given above and considering the complete facts and circumstances, the Commission, with immediate effect, till further orders that: -

"Milk & Dairy Units as well as Units in NCR involved in manufacturing lifesaving medical equipment/ devices, drugs and medicines are hereby exempted from the operation of (ii) of Direction No. 46 dated 02/12/2021 issued by the Commission and are hereby permitted to operate accordingly, subject to strict compliance of the prescribed emission norms as applicable to such units".


(Arvind Nautiyal)

Member Secretary

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To

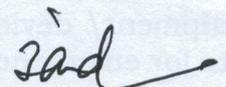
1. The Chief Secretary, Government of Haryana.
2. The Chief Secretary, Government of Rajasthan.
3. The Chief Secretary, Government of Uttar Pradesh.
4. The Chief Secretary, Government of NCT of Delhi.

Copy to:

5. The Chairman, Central Pollution Control Board
6. The Chairman, Haryana State Pollution Control Board
7. The Chairman, Uttar Pradesh Pollution Control Board
8. The Chairman, Rajasthan Pollution Control Board
9. The Chairman, Delhi Pollution Control Committee
10. CMD / MD, Mother Dairy Fruits and Vegetables Private Limited, 18 KM Stone, Ghaziabad, Hapur Road, Pilkhuwa, Uttar Pradesh.
11. Forum Coordinator, Association of Indian Medical Device Industry (AiMeD), 901-902, Narain Manzil, 23 Barakhamba Road, New Delhi.

Copy also to:

12. The Chairperson and all Members, CAQM.



(Arvind Nautiyal)
Member Secretary