

F. No. 160014/16/2021-MERD/Pet Coke
COMMISSION FOR AIR QUALITY MANAGEMENT
IN NATIONAL CAPITAL REGION AND ADJOINING AREAS

17th Floor, Jawahar Vyapar Bhawan,
(STC Building), Tolstoy Marg,
New Delhi-110001

Dated: 24/11/2023

ORDER

Subject: Decision of the Sub-Committee regarding allocation of remaining quantities of RPC (0.4 million tonne) for the year 2023-24, in compliance of Hon'ble Supreme Court's Order dated 10.10.2023 in Writ Petition (Civil) No. 13029 of 1985 in the matter of "M.C. Mehta Vs. Union of India & Ors." – reg.

The Hon'ble Supreme Court *vide* its Order dated 10.10.2023 in Writ Petition (Civil) No. 13029 of 1985 in the matter of "M.C. Mehta Vs. Union of India & Ors.", delegated certain issues related to pet coke to the Commission.

2. A Sub-Committee was constituted by the Commission, to examine and take decision on the issues related to the Pet Coke delegated by the Hon'ble Supreme Court, including issue of allocation of pet coke to calciners, comprising of Member(s) from Ministry of Environment, Forest and Climate Change (MoEF&CC); Ministry of Commerce and Industry (MoC&I); Ministry of Petroleum and Natural Gas (MoP&NG); Central Pollution Control Board (CPCB) and Directorate General of Foreign Trade (DGFT). The Sub-Committee also co-opted a Member from National Environmental Engineering Research Institute (NEERI).

3. With regard to the allocation of remaining quantities of RPC (0.4 million tonne), Hon'ble Supreme Court *inter alia* directed as under:

"...it is appropriate that the CAQM bestows consideration even on this aspect and wherever any interim directions are required, the Commission itself can pass those directions, uninfluenced by other orders which may be passed by any other Court.



Pg-1/3

Needless to say that all concerned parties will be heard in this process and insofar as the interim directions are concerned, an earlier consideration will be bestowed.

...

...insofar as the interim directions are concerned, the Commission may take an action between 4-6 weeks..."

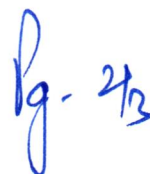
4. The Sub-Committee deliberated the issues in detail, examined the submission made in the IA by various entities, and decided to issue public notice with a view to provide an opportunity to be heard to all the CPC manufacturers and heard 16 CPC manufacturers appeared before the Sub-Committee.

5. The DGFT briefed the Sub-Committee regarding methodology adopted for allocation of imported pet coke 2018- 19 onwards. It was also informed by the DGFT that review of procurement against the allotted quantity was done on half yearly basis and if any quantity surrendered by any entity, the same was redistributed among the applicants.

6. Based on deliberations of the Sub-Committee and presentation made by the DGFT, it emerged that some Calciners had been allotted requisite quantity but they surrendered 'significant quantity' of allotted RPC in the previous years upto 100% of allotted Quantity. This issue was deliberated by the Sub-Committee in length and it was decided that those Calciners who have surrendered significant quantity of allotted quota may also not be considered for fresh allocation against remaining 0.4 million tonne quantity of RPC. A guiding principle may be followed that those calciners who have 'honoured' their allocation by maximum utilisation of allotted RPC in past may only be considered for fresh allocation of balance quantity of RPC for the FY 2023-24.

7. The sub-committee further deliberated upon the criteria for allocation of balance quantity of 0.4 million tonne RPC, particularly in reference to large quantities allocated to various units, being surrendered by them around end of the financial year of allocation, which could have been fruitfully utilised by other Calciners. Accordingly, Allocation methodology was specifically discussed in furtherance to the deliberations held in previous meetings of the sub-committee.

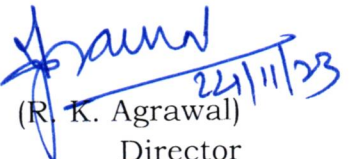
8. Therefore, based on the data presented and provided by the DGFT and deliberations held, the Sub-Committee decided unanimously that distribution



of remaining quantity of 0.4 million tonne of RPC for import purposes to be made to all the calciners, subject to the following:

- (i) The balance quantity of 0.4 million tonne of RPC should be allocated to all eligible applicants on **pro-rata** basis based on the extant methodology adopted so far by the DGFT for such allocations.
- (ii) Those CPC manufacturing units that have not applied for allocation of imported quota of RPC or have applied for the first time in current year or not featuring in the EPCA report 91, may not be considered for allocation of the remaining 0.4MT RPC for FY 2023-24.
- (iii) CPC manufacturing unit that have secured allocation(s) of RPC earlier (for a 5 year period from 2018-19 to 2022-2023) but have surrendered 25% or more of the total allocated quantity on atleast two occasions or have surrendered only once but the surrendered quantity was more than 45% of the total allocated quantity during the said period shall not be considered for allocation of balance RPC for FY 2023-24.

9. In view of the decision taken by the Sub-Committee as noted above, the DGFT is directed to allocate and distribute the balance quantity of 0.4 million tonne of RPC for the year 2023-24 to the eligible CPC manufacturers, at the earliest, under intimation to the Sub-Committee.

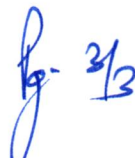

(R. K. Agrawal)
Director

To

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Copy for information to:

Members of the Sub-Committee

 3/13