

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Execution Application No. 04/2020  
IN  
Original Application No. 356/2013  
(With report dated 04.02.2021)

S.K. Goyal

Applicant

Versus

Chairperson, CPCB & Ors.

Respondent(s)

Date of hearing: 18.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Arjun Rekhi, Advocate

Respondent: Mr. Raj Kumar, Advocate for CPCB

**ORDER**

1. Prayer in this application is to give effect to order dated 04.10.2017 passed by this Tribunal in *O.A. No. 356/2013, S.K. Goyal v. Chairperson, CPCB & Ors.* whereby the Tribunal, on consideration of pollution caused by operation of locomotive engines by the Railways, directed that the guidelines containing locomotive standards, be put up on the website of Central Pollution Control Board (CPCB) and expeditious efforts be made by all the stakeholders including Ministry of Environment, Forest and Climate Change (MoEF&CC), CPCB and the concerned Ministry to approve the final parameters for locomotive engines after completing the study and then to notify the same.

2. The matter was last considered on 11.08.2020 in the light of report of the CPCB dated 07.08.2020 to the effect that draft standards were

deliberated upon on 8<sup>th</sup> – 9<sup>th</sup> November, 2017. There was further consideration by the Standing Committee of CPCB on September 18, 2018, wherein standards were proposed and recommended. The MoEF&CC in its meeting dated 28.05.2019 deliberated upon the matter. On 09.08.2019, the railway was directed to submit its report. The railway furnished its report on 17.02.2020 which was being examined by CPCB. The observations of the Tribunal are:-

“1&2...xxx.....xxx.....xxx

3. *It is thus seen that even though more than three years have passed, the standards have still not been finalized without any valid justification.*

***Such unexplained delay and apathy can hardly be conducive to the Rule of Law. It also adversely affects the environment and the public health. Thus, action needs to be taken expeditiously with all sensitiveness to the impact of delay on environment and public health.***

4. *Let the MoEF&CC, CPCB and the Ministry of Railways take prompt action to finalize the standards positively within three months and furnish a compliance report before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”*

3. Accordingly, further report has been filed by the MoEF&CC on 04.02.2021 as follows:-

“4. *That a draft standard was submitted by CPCB on 2nd June 2020. The document was examined and placed before Expert Committee Meeting on 09.12.2020. The Minutes of Meeting is annexed as Annexure-I.*

*The meeting was attended by representatives from Railway and experts helping CPCB in formulation of standard for DG Locomotives. The Railway's team was led by Exe. Director (EE-RS) Sri. Kishore Kumar and Dr. A. K. Agarwal, Professor, HT-Kanpur was the expert invited by CPCB, who is helping in formulation of the emission standard.*

*The decision made in the committee is as below: 3.5 Agenda B (i): Environmental Standard for Diesel Locomotives:*

*"The ECSF recommended that CPCB should organize a meeting with all stakeholders after sharing all documents/reports with railways and members of this Committee. The proposal shall be*

*work out in consultation with Railways with clarity on the implementing agency, monitoring protocol, and reporting mechanism on compliance etc."*

*Further, it is submitted that this Ministry will submit a compliance-cum-status report of the progress made regularly.*

*Therefore, in view of the above, it is humbly prayed that in order to delineate the appropriate provision for effective compliance of the Hon'ble NGT's order 6 months is required which includes 4 months for wide circulation of draft notification for inviting comments and 2 months for incorporation of comments, finalization of notification and obtaining approval from Ministry of Law and Justice. The Hon'ble Tribunal may kindly grant 6 months to carry out the above-mentioned tasks."*

4. We have considered the matter. Since the issue has been pending for more than three years, we direct that the same be finalized at the earliest.

The application is disposed of.

A copy of this order be sent to the Secretary, MoEF&CC, CPCB and the Secretary, Ministry of Railways, Government of India by email for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 18, 2021  
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