

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

SUO MOTO WRIT PETITION(CIVIL) No(s).9/2026

IN RE: REGULATION OF INDUSTRIES
IN THE TAJ TRAPEZIUM ZONE

[IA No.22551/2025, IA Nos.20616-20617/2020)

WITH

Item No.23

SUO MOTO WRIT PETITION(CIVIL) No(s).8/2026

[ONLY I.A.NOS.207121/2026, 207122/2026, 206655/2026 AND 206656/2026
ARE LISTED UNDER THIS ITEM]

Date : 23-07-2026 These petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

Mr. Liz Mathew, Sr. Adv. (A.C)
Mr. Aakash Lodha, AOR
Mr. Onkar Hemanth, Adv.
Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s) :By Courts Motion, AOR

Petitioner-In-Person

For Respondent(s) :Mr. R. Venkataramani, Attorney General for India
Ms. Aishwarya Bhati, ASG
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ruchir Ranjan Rai, Adv.
Mr. Kamendra Mishra, Adv.

Ms. Aakash Lodha, AOR
Ms. Rashmi Singh, Adv.
Mr. Amrith Kumar, Adv.
M/s. M.V. Kini And Assoc., AOR.

Ms. Aishwarya Bhati, ASG
Ms. Neetika Sharma, Adv.
Ms. Saloni Jagga, Adv.
Mr. Tavinder Sidhu, Adv.
Mr. Nitin Pavuluri, Adv.
M/s. M.V. Kini And Assoc., AOR.

Mr Satya Kam Sharma, AOR
Mr. Akshay Dev, Adv.

Ms. Aparna Bhat, Sr. Adv.

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

I.A. No.22551/2025

1. This application, at the instance of Taj Trapezium Zone Authority (in short, 'TTZ Authority'), seeks recall/modification of paragraph 27 of our order dated 14.10.2024, which was passed in W.P.(C) No.13381/1984 (M.C. Mehta vs. Union of India & Ors.). Before we proceed, it is apposite to reproduce Paragraph 27 of the aforesaid order:

"27. We also make it clear that till further orders are passed by this Court, TTZ Authority shall not permit setting up of new industries or expansion of existing industries without leave of this Court."

2. Now, almost two years later, the TTZ Authority seeks recall of the above-reproduced paragraph, *inter alia*, on the ground that there are 410 pending applications before the TTZ Authority for establishment/expansion/relocation of mostly small or medium scale industries. The list of such applications has been appended in Annexure 9 of the note (paperbook), filed by Mr. Kamendra Mishra, AOR, which is taken on record. Owing to the blanket order passed by this Court, the TTZ Authority is unable to process and take any decision with respect to these pending applications. It is pertinent to note that the above-stated order came to be passed on an application moved by one Arun Kumar Gupta, who is represented by Ms. Aparna Bhat, learned Senior Counsel.

3. We have heard the learned Attorney General for India; Ms. Aishwarya Bhati, learned Additional Solicitor General of India; and Ms. Aparna Bhat, learned Senior Counsel. We have also been aided by the able assistance of the learned *Amicus Curiae*.

4. To recapitulate the history in brief, it may be noticed that this Court *vide* judgment dated 30.12.1996 held that the usage of coke/coal must be banned from the TTZ and consequently, 292 industries in and around Agra were directed to switch to Natural Gas as industrial fuel. These directions were issued with a view to curb pollution while still encouraging the development of industries. The said judgment was followed by an order dated 08.12.2017, where this Court observed that "a comprehensive vision document with a futuristic perspective to protect and preserve Taj and its environs was necessitated." The exercise was to involve all stakeholders, including those concerned with preserving cultural heritage, protection of environment and wildlife, prevention of pollution, etc.

5. Shortly thereafter, on 22.03.2018, this Court directed that until the first draft of the vision document is submitted, *status quo* must be maintained in the TTZ. After submission of the vision document, the State of Uttar Pradesh raised concerns before this Court regarding the grant of environmental clearances (in short, 'EC') for essential public facilities such as supply of drinking water, sewage treatment plants, etc. and accordingly, sought modification of the earlier order. This Court, on 06.12.2019, clarified that there was no impediment for the authorities to consider pending ECs for essential amenities. Additionally, this

Court considered the request for establishing non-polluting industrial units within the TTZ. It was directed that such small, micro, and macro level industries could be set up within the industrial area, subject to two conditions that such industries must be: (i) both non-polluting and eco-friendly; and (ii) have obtained the necessary clearance(s) from statutory authorities, besides concurrence of CEC and NEERI. This was followed by an order dated 08.12.2021, directing that establishment of industrial units would not be cleared till sectoral guidelines were obtained by NEERI. Further, for those industrial units having an air pollution score of more than 20, concurrence/opinion of NEERI would have to be obtained. Eventually, out of 198 glass industries in Firozabad, 60 glass industries were expanded pursuant to a decision taken by the TTZ Authority.

6. This Court thereafter passed yet another order on 26.09.2022 directing the Agra Development Authority to remove all business activities within 500 meters from the boundary/peripheral wall of the Taj Mahal.

7. Learned *Amicus Curiae* in her note has pointed out that three sectoral guidelines have been prepared between 2022 and 2024 for stone crushers, glass industries, and other industries in the TTZ area which have pollution scores between 11 and 20. These guidelines lay down the procedure for approval of requests for expansion, establishment, and relocation of industries by the Industrial Area Technical Evaluation Committee (in short, 'IATEC') constituted thereunder. On 03.04.2025, this Court passed an order asking that members of the Archaeological Survey of India also

attend the meetings of the IATEC.

8. Two more orders dated 05.08.2024 and 06.09.2024 also deserve to be noticed briefly. *Vide* the first order, the parties were asked to suggest the name of expert agencies, which could help prepare a definition of 'non-polluting industries'. The second order directed NEERI to undertake the task of defining and clarifying the meaning of 'non-polluting industries'. In this regard, as per the learned *Amicus Curiae*, the final report from NEERI is still awaited. However, an *interim* report dated 21.04.2025 has been submitted by NEERI according to which a rigid definition of the term 'non-polluting industries', if accorded as per the Central Pollution Board standards, would hamper the region's economic progress. NEERI has, instead, recommended that the definition of 'non-polluting industries' should be founded upon factors such as heritage, history, legacy, Geographical Indication tag of Agra, etc.

9. In light of the *interim* report of NEERI and in view of the sectoral guidelines for glass industries, this Court *vide* order dated 22.04.2025:

- (i) clarified its previous order dated 14.10.2024 and permitted relocation or shifting of existing industries within TTZ with the leave of this Court;
- (ii) directed NEERI to undertake a Cumulative Impact Assessment Study of all industries in Firozabad to determine the total pollution load and its impact on the local environment, as per the recommendations of CEC Report No.19 of 2025; and

- (iii) permitted applications to be made in terms of the Sectoral Guidelines and that recommendations be made thereunder, though such recommendations were not to be acted upon.

10. It is in this backdrop that 410 applications are lying pending before the TTZ Authority, which they are inclined to process but for the *interim* directions issued by this Court through paragraph 27 of the order dated 14.10.2024.

11. To recapitulate:

- (i) Sectoral Guidelines for the stone crusher, glass and other industries with pollution scores between 11 and 20 have already been prepared by the IATEC, and those guidelines have been approved by this Court *vide* order dated 05.08.2024 read with the order dated 06.09.2024;
- (ii) The *interim* report defining 'non-polluting industries' has also been submitted by NEERI;
- (iii) Finalisation of the vision document is still awaited;
- (iv) Cumulative Impact Assessment Study in terms of our order dated 22.04.2025 is still incomplete; and
- (v) The final report on the definition of 'non-polluting industries' is yet to be submitted.

12. While the three pending initiatives are, undoubtedly, required

to be completed at the earliest and in a time-bound manner, it seems to us that pendency thereof should not impede processing hundreds of applications which the TTZ Authority has already received. It is of utmost importance that well-known precautionary principles be strictly followed and adhered to on the advice and/or under direct supervision of domain experts.

13. We, therefore, direct that the TTZ Authority may process the pending applications. But, in every such meeting, an expert representative of CEC and an expert representative of NEERI shall be invited, and no meeting shall take place unless both the subject experts are present. Similarly, in the event one of the two experts objects to the nature of an industry, namely, classifying it not to be a 'non-polluting industry', such application shall not be accepted without leave of this Court. In those cases where both the experts (NEERI and CEC) and the TTZ Authority deliver a unanimous opinion, such applications may be processed and taken to their logical conclusion strictly in accordance with law, without any reference to this Court. However, all such decisions must be uploaded on the website of CEC, enabling public-spirited persons to submit their objections-cum-suggestions, if any. Those objections-cum-suggestions will be considered by the TTZ Authority in consultation with the experts from NEERI and CEC, as directed above.

14. It goes without saying that the TTZ Authority shall be obligated to furnish complete material in respect of every industry, including the Physical Verification Reports, to the subject experts nominated by CEC and NEERI well in advance of the

meeting being convened.

15. Still further, every final decision shall be conveyed in advance to the learned *Amicus Curiae*. If she opines that such a decision warrants judicial review by this Court, she may move an appropriate application for that purpose.

16. Paragraph 27 of our order dated 14.10.2024 stands modified to the extent above.

17. This order shall apply *mutatis mutandis* in respect of future applications as well and shall remain operative till the finalisation of the vision document and preparation of Cumulative Impact Assessment Study or finalisation of the list of non-polluting industries.

18. I.A. No.22551/2025 stands allowed in the above terms.

I.A.Nos.207121-207122/2026 in SMW(C) No.8/2026

19. These applications have been moved by the National Highways Authority of India seeking its impleadment and permission to fell 5,812 trees for rectification of eight MoRTH-identified blackspots on the Agra-Bharatpur-Mahua section of NH-21 in Bharatpur.

20. Let a copy of these applications be forwarded to CEC for its expert opinion.

I.A. Nos.206655-206656/2026 in SMW(C) No.8/2026

21. These applications have been moved by the UP PWD seeking permission to cut and remove 188 trees falling within the right of way of the NH-3 Digner Canal Patri-Gutla-Gangraua Road situated within the TTZ.

22. Let a copy of these applications be forwarded to CEC for its

expert opinion.

I.A. Nos.20616-20617/2020 in SMW(C) No.9/2026

I.A. Nos.1572/2023 & 1573/2023 in W.P.(C) No.13381/1984 &

I.A. Nos.142702/2025 & 40499/2025 in SMW(C) No.8/2026

23. List the above applications on 03.09.2026.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR