DRAFT AMENDMENT

MoEFCC proposes amendments to the ash utilization notification

Draft S.O. 369(E) of January 23, 2026 proposes to amend the "Ash Utilisation Notification, 2021": agency roles, mine backfilling and environmental compensation.

S.O. 369(E), A NOTIFICATION OF THE Ministry of Environment, Forest and Climate Change dated January 23, 2026, publishes draft amendments to the "Ash Utilisation Notification, 2021" (S.O. 5481(E) of December 31, 2021), last amended by S.O. 05(E) of January 1, 2024. The notice says requests were received from various stakeholders regarding implementation of the notification's provisions.

THE CHANGE

Draft amendments to paragraphs A, B, C and E and the Annexure of the "Ash Utilisation Notification, 2021" (S.O. 5481(E) of December 31, 2021).

KEY FACTS

TYPE
Draft amendment

S.O. NUMBER
S.O. 369(E)

DATED
January 23, 2026

APPLIES FROM
Proposed: on the date of its publication in the Official Gazette (the draft's closing line)

REFERENCES

S.O. 369(E)

CG-DL-E-24012026-269573

MoEFCC proposes amendments to the ash utilization notification

S.O. 369(E) · January 23, 2026

S.O. 369(E), a notification of the Ministry of Environment, Forest and Climate Change dated January 23, 2026, publishes draft amendments to the "Ash Utilisation Notification, 2021" (S.O. 5481(E) of December 31, 2021), last amended by S.O. 05(E) of January 1, 2024. The notice says requests were received from various stakeholders regarding implementation of the notification's provisions.

The notice says the draft amendments will be taken into consideration after expiry of a period of sixty days from the date of publication of this notification in the Official Gazette, and invites objections or suggestions within 60 days from that date, by post to the Secretary of the Ministry or by email to sohsmd-mef@gov.in. Counted from the Gazette's issue date (January 23, 2026), the period ended on March 24, 2026; counted from the day it was put online (January 24, 2026), on March 25, 2026. These closing dates are worked out, not printed.

In paragraph A, the draft substitutes the Central Electricity Authority for the Central Pollution Control Board in sub-paragraph (3) and inserts the Central Pollution Control Board after the Ministry of Road Transport and Highways there, deletes the sentence requiring "Stabilisation and reclamation of an ash pond or dyke" within three years from April 1, 2022, refers in sub-paragraph (6) to guidelines "issued in June, 2023, and its amendments thereon, prepared by the Central Electricity Authority (CEA) in consultation with Central Pollution Control Board (CPCB)", and renames the Central Pollution Control Board's web portal in sub-paragraph (9) the Coal Ash Management Portal (CAMP).

In paragraph B, the draft makes it obligatory on all mines within 300 kilometers radius (by road) of coal or lignite thermal power plants to undertake backfilling of mine voids or stowing of mines under Extended Producer Responsibility, as per the guidelines of the Director General of Mines Safety (DGMS), and deletes the references to mixing ash with overburden dumps. In sub-paragraph (5)(i) it substitutes the Central Electricity Authority for the Central Pollution Control Board, names five more ministries and bodies after the Ministry of Coal, and adds that the committee shall meet at least once in six months; a new sub-paragraph (5)(iii) lets the committee recommend allocation of ash by thermal power plants on request from ash users.

In paragraph C, a plant that has not achieved "at least 80 per cent ash (fly ash and bottom ash) utilisation" in the first two years of a three-year cycle pays environmental compensation of "Rs. 1000 per ton on unutilised ash", and one unable to use an average of 100 percent of the ash generated by the end of the cycle pays Rs. 1000 per ton on the rest, except up to 20% of the last year's ash carried forward. The State Pollution Control Board or Pollution Control Committee keeps 75% of the compensation and transfers 25% to the Central Pollution Control Board.

In paragraph E, the Central Pollution Control Board and the State Pollution Control Board or Pollution Control Committee are named the enforcing and monitoring authority, with the District

Magistrate having concurrent jurisdiction, and annual compliance audits are due by August 30 every year. The draft says the notification shall come into force on the date of its publication in the Official Gazette. It (F. No. 09/01/2019-HSMD) appears in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), No. 341, dated January 23, 2026.

S.O. number	S.O. 369(E)
Dated	January 23, 2026
Put online	January 24, 2026
Gazette ID	CG-DL-E-24012026-269573
Rule	Other waste rules
Type	Draft amendment
Would amend	"Ash Utilisation Notification, 2021"
Products	Fly ash and bottom ash from coal or lignite thermal power plants
What it does	Draft amendments to paragraphs A, B, C and E and the Annexure of the "Ash Utilisation Notification, 2021" (S.O. 5481(E) of December 31, 2021).
Applies from	Proposed: on the date of its publication in the Official Gazette (the draft's closing line)
Comments	• Closing date March 23, 2026, as MoEFCC states. MoEFCC's What's New lists it for comment from January 23, 2026 • Closing date March 24 or 25, 2026, worked out: 60 days from the Gazette of January 23, 2026, put online January 24, 2026
Conditions	• Objections or suggestions within the period of 60 days from the date of publication of this notification in the Gazette (the notice's words), to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi 110003, or by email to sohsmd-mef@gov.in. • Closing date, worked out (not printed): March 24, 2026, counted from the issue date, January 23, 2026; March 25, 2026, counted from the publish date, January 24, 2026.
Applies to	Coal or lignite based thermal power plants (including captive or co-generating stations), mines within 300 kilometers radius (by road) of such plants, ash users, and the agencies that monitor and enforce the notification.

Issued under	Sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with rule (5) of the Environment (Protection) Rules, 1986
Signed by	NEELESH KUMAR SAH, Jt. Secy.

The notification, entry by entry

Entry	Before	After
Paragraph A, sub-paragraph (3)	Central Pollution Control Board (CPCB)	Central Electricity Authority; and "Central Pollution Control Board," inserted after "Ministry of Road Transport and Highways,"
Paragraph A, sub-paragraph (4), third proviso		"up to" inserted after "Provided also that"; "(i.e. may be exempted from utilization during the compliance cycle)" inserted after "carried forward to the next cycle"
Paragraph A, sub-paragraph (4), fourth proviso	similar to the compliance cycle specified for thermal power plants having utilisation per cent. less than 60 per cent. as specified in the table	of five years
Paragraph A, sub-paragraph (4), Note		"or the financial year of commissioning of the thermal power plants, as applicable" inserted after the date April 1, 2022
Paragraph A, sub-paragraph (5), first proviso	as per installed capacity of thermal power plant	by the thermal power plant during the corresponding year
Paragraph A, sub-paragraph (5), second proviso	shall certify in this regard	has certified in this regard by 31st March,2025; and the sentence "Stabilisation and reclamation of an ash pond or dyke including certification by the State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be carried out within three years" from April 1, 2022 is deleted

Paragraph A, sub-paragraph (6), opening paragraph	of Central Pollution Control Board (CPCB) made in consultation with the Central Electricity Authority (CEA) and these guidelines shall	issued in June, 2023, and its amendments thereon, prepared by the Central Electricity Authority (CEA) in consultation with Central Pollution Control Board (CPCB) and which shall; "and shall be put in place within three months from the date of publication of this notification" deleted
Paragraph A, sub-paragraph (6), first and second provisos		First proviso: "are permitted" inserted after "Provided that up to two operational ash ponds or dykes" and after "up to four operational ash ponds or dykes", "may be" deleted, "shall inform" becomes "informed", and the Central Electricity Authority (CEA) added after the Central Pollution Control Board; second proviso: the Central Electricity Authority (CEA) added, and "or by 31st March, 2023, whichever is later" deleted
Paragraph A, sub-paragraph (8)		The word "silos" deleted after "for storage of dry fly ash"
Paragraph A, sub-paragraph (9)	Central Pollution Control Board's web portal	Coal Ash Management Portal (CAMP)
Paragraph B, sub-paragraph (3), opening paragraph		It shall be obligatory on all mines (Government, Public and Private Sector) located within 300 kilometers radius (by road) from coal or lignite thermal power plants to undertake backfilling of mine voids or stowing of mines (running or abandoned as the case may be), under Extended Producer Responsibility (EPR), as per the guidelines of the Director General of Mines Safety (DGMS). Words on mixing of ash with overburden deleted from the proviso and the Explanation, and "ash" inserted after "filling up of" in the Explanation.
Paragraph B, sub-paragraphs (4)(i) and (4)(ii)		Words on mixing of ash with overburden dumps deleted; "and amendments thereon" inserted after "28 th August, 2019"; "Ministry" becomes "Ministry of Environment, Forest and Climate Change"
Paragraph B, sub-paragraph (5)(i)	Central Pollution Control Board (CPCB)	Central Electricity Authority (CEA); the Ministry of Road Transport and Highways, Ministry of Ports, Shipping, and Waterways, Ministry of Micro, Small & Medium Enterprises, DPIIT and the Central Pollution Control Board added after the Ministry of Coal; the committee shall meet at least once in six months
Paragraph B, new sub-paragraph (5)(iii)		Upon request from ash users, the committee under sub-paragraph (5)(i) reviews availability of ash at thermal power plants and recommends to them the allocation of ash for prescribed eco-friendly purposes.

Paragraph B, sub-paragraphs (7), (9) and (10)	(7): "in consultation with Central Electricity Authority (CEA)" inserted and "within one year" deleted; (9): the Central Pollution Control Board removed from the agencies named with the Bureau of Indian Standards and the Indian Road Congress; (10): "promoting and maximizing" inserted
Paragraph C, sub-paragraph (1), substituted	In the first two years of a three years cycle, a coal or lignite based thermal power plant that has not achieved "at least 80 per cent ash (fly ash and bottom ash) utilisation" pays environmental compensation of "Rs. 1000 per ton on unutilised ash" after the end of the financial year; one "unable to utilise average 100 per cent of ash generated during the compliance cycle" pays Rs. 1000 per ton on the quantity not charged earlier, except up to 20% of the last year's ash permitted to be carried forward.
Paragraph C, sub-paragraph (2), substituted	Environmental compensation is deposited in the designated account of the State Pollution Control Board or Pollution Control Committee, which retains 75% and transfers 25% to the Central Pollution Control Board.
Paragraph C, sub-paragraphs (4) to (7)	(4) omitted; in (5) "1500 or" and in (6) "1500" replaced with "1000"; in (7)(i) "by Central Pollution Control Board" deleted
Paragraph E, sub-paragraph (1), substituted	The Central Pollution Control Board and the State Pollution Control Board or Pollution Control Committee are the enforcing and monitoring authority and monitor the utilization of ash on a quarterly basis; the Central Pollution Control Board, in consultation with the Central Electricity Authority, develops a portal within six months of publication; the District Magistrate has concurrent jurisdiction; the Central Electricity Authority monitors plants quarterly.
Paragraph E, sub-paragraphs (2)(i), (2)(ii) and (3)	(2)(i): "Central Electricity Authority (CEA) and the concerned State Pollution Control Board or Pollution Control Committee (PCC)" in place of "Central Pollution Control Board and Central Electricity Authority", and "publish it on their websites and submit to Ministry of Environment, Forest and Climate Change by 30th June" in place of "submit to Ministry of Environment, Forest and Climate Change by 31st May"; (2)(ii): the State Pollution Control Board or Pollution Control Committee publishes an "annual report of ash utilisation of all other agencies except thermal power plants"; (3): "Chairperson, Central Electricity Authority (CEA)" in place of "Chairperson, Central Pollution Control Board (CPCB)"; "Ministry Road Transportation and Highways" replaced by "Ministry of Road Transport and Highways, Central Pollution Control Board (CPCB),", which adds the Central Pollution Control Board; and "and Ministry of Power" inserted after the Ministry of Environment, Forest and Climate Change (MoEFCC)

Paragraph E, sub-paragraph (5), substituted		Compliance audits of thermal power plants and user agencies by auditors authorized by the Central Pollution Control Board and/or Certified Environment Auditors under the Environment Audit Rules, 2025, submitted by August 30 every year; action against non-compliant plants within fifteen days of receipt of the audit report.
Annexure	31 st May	30th April

The notification (PDF, 873 KB)

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IndusDesk

hello@indusdesk.com · +91 11 4141 3939

9th Floor, Hemkunt House, Rajendra Place, New Delhi, Delhi 110008, India

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