

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE BENCH, CHENNAI
APPEAL No. 15 OF 2020**

IN THE MATTER OF

The Conservation Action Trust

...Petitioner

Vs.

Union of India and Ors.

...Respondents

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Respondent No. 1

Through

**G.M. Syed Nurullah Sherriff
(Advocate for Respondent No.1)**

Place:

Dated:

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**AFFIDAVIT ON BEHALF OF RESPONDENT No.1 UNION OF INDIA,
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE**

I, Sunamani Kerketta, S/o Late. Tunia Kerketta, aged about 54 years, working as Scientist 'F' in the Ministry of Environment, Forest & Climate Change having its office at Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi - 3, do hereby and solemnly and sincerely affirm and state as under:

1. It is submitted that I am working as Scientist 'F' in the office of the Respondent No.1 and as such am well acquainted with the facts and circumstances of the case on the basis of the records available in my office and am thus duly authorized to file this Affidavit on behalf of the Respondent No.1 herein, i.e. the Ministry of Environment, Forest & Climate Change (hereinafter referred to as "MoEF&CC"). I deny all the averments made therein except those that are specifically admitted hereunder.
2. It is submitted that the present Appeal has been filed against the Environmental Clearance dated 29/06/2017 granted by Ministry of Environment, Forest and Climate Change to M/s Telangana State Power Generation Corporation (TSGENCO) for setting up of a 5x800 MW

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Supercritical Coal based Yadadri Thermal Power Station, at Veerlapalem Village, Dameracheral Mandal, Nalgonda District, Telangana State.

3. It is submitted that M/s Telangana State Power Generation Corporation was accorded Environmental Clearance (EC) vide Ministry's letter dated 29/06/2017 for establishing the 5x800 MW Supercritical Coal based Yadadri Thermal Power Station, at Veerlapalem Village, Dameracheral Mandal, Nalgonda District, Telangana State.
4. It is submitted that the Environmental Clearance issued vide dated 29/06/2017 was valid for a period of seven years. The validity of the EC as defined in the EIA Notification is the period from which a prior environmental clearance is granted by the regulatory authority to the start of production operations by the project or activity.
5. It is submitted that based on the application submitted by TSGENCO, the Ministry prescribed the Terms of Reference (ToR) vide letter dated 16/02/2016 for conducting detailed EIA studies and carrying out Public Consultation.
6. It is submitted that as per the EIA report, TSGENCO proposed to setup a Yadadri Thermal Power Station (5 x 800 MW Supercritical Coal based TPP) at Veerlapalem village, Damarcherla mandal, Nalgonda district, Telangana. The coal requirement for the proposed power project based on station heat rate of 2109.4 kcal/kwh, Gross Calorific Value (GCV) of coal as 4550 kcal/kg and 85% as Plant Load Factor (PLF) was estimated to be as 13.81 Million Tonnes Per Annum (MTPA). The makeup and consumptive water requirement assessed to be as 9,755 m³/hr and is to be sourced from Krishna river. The proposed site was mostly reserved forest, semi-agricultural and partly revenue land with isolated pockets of habitation. The extent of total

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area for establishment of power station was 2800 acres, including 100 acres for colony and 1300 acres for greenbelt development.

7. It is submitted that the Forest Clearance was granted by the Ministry vide letter dated 07/07/2015 for diversion of 1892.35 ha (4334.01 ha proposed originally) of forest land in favor of TSGENCO for the establishment of Coal Based Thermal Power Station of capacity 5x800 MW at Veerlapalem (V) and 2400 MW at Dilawarpur (V) of Damarcherla (M), in Nalgonda District in the State of Telangana. It is further submitted that the project displaced about 174 families and for that TSGENCO had deposited an amount of Rs.285.81 Crores vide letter dated 04/01/2016 towards land compensation, R&R benefits for Project Displaced Families & Project Affected Families, infrastructure and unforeseen items, etc.
8. The public hearing for the proposed (5 x800 MW) Coal based Yadadri Thermal Power Station at Veerlapalem (V), Damaracherla (M), Nalgonda Distt. was held on 31/05/2016 in the premises of proposed site at Veerlapalem(V), Damaracherla(M), Nalgonda District as per Environment Impact Assessment Notification.
9. It is submitted that the nearest railway station to the project site is Vishnupuram which is 5 km away from the plant and that no railway track and National Highway is located within 500 m.
10. It is submitted that originally it was proposed to establish 6800 MW coal based TPP at Veerlapalem, Dameracherla, Nalgonda Dist. Accordingly 6.6 TMC of water has been allocated for the project from Krishna river by Telangana State Government. But it was decided to establish 4000 MW TPP in the above area in first phase and take up the balance 2800 MW in second phase. The water requirement for the 4000 MW is about 3.03 TMC per annum will only be drawn from Krishna River out of the allocated 6.6 TMC

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per annum. It is further submitted that the Transmission line falling within the wildlife areas corridor and forest area require clearances from concerned authorities.

11. It is submitted that the proposal for grant of EC was deliberated by the Expert Appraisal Committee (EAC) for Thermal Sector in its 45th, 48th & 50th meetings held during 29th – 30th October, 2015, 18th December, 2015 and 29th January, 2016 respectively. It is further to submit that the EAC comprising of domain experts of different fields, after detailed deliberations on the proposed project and taking note of the confirmations given by the Project Proponent, and clarification submitted to its queries, recommended for grant of EC for 5 x 800 MW Supercritical coal based Yadadri Thermal Power Station (YTPS) at Veerlapalem Village, Damarcherla Mandal, Nalgonda District, Telangana, subject to compliance of certain terms and conditions for implementation of various environmental safeguards. After taking cognizance of environmental concerns and the mitigation measures proposed by the EAC, the EC for 5 x 800 MW Supercritical coal based Yadadri Thermal Power Station (YTPS) was granted by the Ministry on 29/06/2017.

Therefore, the averments made by the Applicant that the EAC has not applied its mind are incorrect, baseless and not maintainable. It is regretted to mention that the petitioner, being a general citizen of India, comments given against the domain experts are very much unwarranted and out of respect. The domain experts being the citizen of the Country have duly justified their individual expertise for the wellbeing of the nation.

12. It is submitted that the total land requirement for the proposed project is 2800 acres which is within CEA norms of 0.7 acres/MW. Out of total land requirement, 2095.28 acres is the forestland falling under Veerapalem Forest

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Block. Remaining 704.12 acres consists of Patta land, Government Land, Udafa Patta Land and D-patta land in Veerappagudem and Veerapalem villages, Damercharla Mandal, Nalgonda distt. Telangana State which is partly under cultivation. The Stage-II Forest Clearance has been accorded for diversion of forest land vide Ministry's letter dated 07/07/2015.

13. It is submitted that the proposed site is located near Veerlapalem village, Dameracherla Mandal, Nalgonda District and comprises of 75% of reserve forest land and remaining land is mostly non-agricultural, uninhabited, partly agricultural, revenue land with isolated pockets of habitation. The total extent of land for establishment of proposed power project is 2800 acres (Forest land is 2095.28 acres, Patta Land, Government Land, Udfa patta Land and D-Patta Land etc. is 704.12 acres).
14. It is submitted that as per the EIA Report, three sites had been evaluated based on environmental sensitivity, R&R issues, road and rail connectivity, proximity to source of water. Finally, the proposed location at Veerlapalem village was selected after due deliberations on alternate sites.
15. It is submitted that in terms of R&R Studies as per the EIA report, the District Collector, Nalgonda has raised a demand note vide his letter dated 02/12/2015 for deposition of an amount of Rs.285.81 Crores towards LA compensation, R&R benefits for Project Displaced Families & Project Affected Families, infrastructure and unforeseen items, etc., which is worked out as per LA and R&R Act, 2013. TSGENCO has deposited an amount of Rs.285.81 Crores vide Letter dated 04/01/2016.
16. It is submitted that in terms of agricultural land as per the EIA report, since 275 m stacks are planned for the proposed power project and adequate control measures are planned, the pollutants like particulate matter, SO₂ and NO_x will be minimum and shall not have a significant impact on the

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surrounding residential and rural areas and also will not cause any significant impact or damage to the existing vegetation present near the plant. However, the proposed development of about 50 to 100 m wide greenbelt all along the boundary of the project site is expected to contribute positive impact towards improved soil stabilization, prevention of top soil erosion, increased vegetative cover, density and diversity of flora, etc. It will also improve the aesthetic look of the surrounding area. Further stated that primarily the land required for setting up of Thermal Power Plant was agricultural land and there are not many large trees. Thus, the floral significance at the proposed plant site was negligible and impact of construction on flora would be negligible. Also, as per the EIA Report, TSGENCO will encourage the use of water treated fly ash as a soil ameliorator and as a source of micro-nutrients and secondary nutrients for improving agricultural productivity.

17. It is submitted that the public hearing for the proposed (5 x 800 MW) Coal based Yadadri Thermal Power Station at Veerlapalem (V), Damaracherla (M), Nalgonda Distt. was held on 31.05.2016 in the premises of proposed site at Veerlapalem(V), Damaracherla(M), Nalgonda District as per Environment Impact Assessment Notification dated 14th September 2006 and as per TOR conditions issued by MoEF&CC. The press notification indicating date and venue of the public hearing was issued by Regional Officer, Telangana Pollution Control Board (TSPCB), on 30/04/2016 in prominent newspapers Viz. Namaste Telangana, Telugu Daily Newspaper and the Hindu, English daily Newspaper with project details inviting suggestions, views, comments and objections from the public regarding the above mentioned project.

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18. It is submitted that as per the EIA report, there are no National Park, Sanctuary, Elephant/ Tiger Reserve, migratory routes/ wildlife corridor, within 10 km of the project site.
19. It is submitted that one complete season baseline data collected during winter season of 2015- 16, i.e., from 6th Dec.2015 to 5th March, 2016 and incorporated in the EIA report in line with the condition of standard ToR issued on 2nd Nov, 2015 by MoEF&CC for the proposed project. The work was entrusted to M/s Bhagavathi Ana labs Ltd., Hyderabad who are accredited consultants certified by NABET. Additional baseline data was collected for one month during October, 2016 for one month by M/s B.S. Envi-Tech (P) Ltd.
20. It is submitted that the proposed project site has been selected after careful examination of ecologically sensitivities and the proposed plant site was found to be have least impact on the environment. The forest land is a degraded forest where no forest is observed. The project site doesn't fall under the ecologically sensitive areas declared by MoEF&CC.
21. It is submitted that there are some streamlets flowing through the plant area which meet Tungapahad Vagu. As per the report, these streamlets which originate due to rainfall within the plant area will stop flowing as storm water drainage system will be designed before constructing the plant and it will be allowed to meet the Tungapahad Vagu as and where feasible. As per the EIA Report, it is depicted that a major stream enters the plant area from north western side and meets Tungapahad Vagu which passes through the plant area. Although Tungapahad Vagu will be allowed to flow undisturbed, the four streams of 1st order and major stream meet Tungapahad Vagu. These streams need diversion and will ultimately join Tungapahad Vagu in the western-central part. With the proposed two diversions, the surface

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drainage will not be affected and all the surface drainage will join the natural drainage without affecting the surface water regime due to the plant.

22. It is submitted that the detailed hydro-geological study of the area was carried out by M/s Vimta Labs Ltd. It is further submitted that after conducting the comprehensive hydrogeological assessment studies of the plant area and its buffer zone, it was concluded that area had adequate ground water resources of which hardly 30% was being exploited for irrigation and there was surplus which could be exploited in future.
23. It is submitted that as per the EIA Report, the fly ash collected in Electrostatic Precipitator hoppers of each unit will be extracted through vacuum and conveyed to buffer hoppers and thereafter to fly ash silos through pressure conveying system. Fly ash stored in fly ash silos will be disposed in dry form through closed tankers. Also fly ash was to be disposed in dense form duly mixed with water at 1: 1 ratio by high concentration slurry disposal pumps to the ash pond, which would be again issued to the requirement of back filling of low lying areas, highways, embankment construction etc., the balance ash after utilization shall be disposed in ash pond. Ash disposal system proposed is High Concentrate Slurry Disposal (HCSD). The supernatant to be used in ash handling plant. The ash pond would be provided with LDPE liners. The area provided for ash pond disposal is about 400 acres with height of 15 m and ash dyke is proposed at 2.28 km away from the Power Plant.
24. It is submitted that as per the EIA Report, the Coal would be sourced from SCCL mines and imported coal from foreign origin would be transported by rail only. There would be no impact on AAQ as coal would be transported by rail network.

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25. It is submitted that the Coal Analysis Lab Report was duly prepared and the same is incorporated in the EIA Report.
26. It is submitted that as per the 18th Electric Power Survey (EPS), considering the energy utilization factor of 70%, Telangana State (including Andhra Pradesh) will require about 9886 MW by the end of 11th Plan, 15712 MW by the end of 12th plan, 23236 MW by the end of 13th Plan, 36122 MW by the end of 14th Plan and 52373 MW by the end of 15th Plan. The peak load in Telangana State (including Andhra Pradesh) at the end of 11th Plan will be 14,122 MW, 22,445 MW by end of 12th Plan, 33,194 MW by the end of 13th plan, 51,601 MW by the end of 14th Plan and 74,818 MW by the end of 15th Plan. Hence, there is a need of Yadadri TPS to meet the energy requirements.
27. It is submitted that as per the EIA Report, the Sludge from carriers of Water Pretreatment Plant will be pumped to ash pond and the Sludge from the Sewage Treatment Plant (STP) would be utilized as manure for development of green belt. Further submitted that the fly ash collected in Electrostatic Precipitator hoppers of each unit will be extracted through vacuum and conveyed to buffer hoppers and thereafter to fly ash silos through pressure conveying system. Fly ash stored in fly ash silos will be disposed in dry form through closed tankers. Also fly ash will be disposed in dense form duly mixed with water at 1: 1 ratio by high concentration slurry disposal pumps to the ash pond, which will be again used for back filling of low lying areas, highways, embankment construction etc.
28. It is submitted that the Plant is designed for Zero discharge concept. No effluent will be discharged into the natural stream. Effluent treatment plant will be constructed with recycling system and treated water will be utilized

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for cooling water make up, dust suppression system in coal plant, wetting of coal in coal stock yard and for raising plantations.

29. It is denied that the EC does not include the conditions necessary to make the pollution control and TPP emission standard provisions enforceable. It is submitted that the EC consists of all the necessary specific as well as general conditions which focuses on pollution control and TPP emission.
30. In these circumstances, the above Counter Affidavit is filed, seeking liberty to file an Additional Affidavit, if found necessary in the course of proceedings.
31. It is submitted that grounds raised by the Appellant are a repetition of the allegations of the appeal which has already been replied to, above. Hence, the Respondent No. 1 relies upon the aforesaid contents in reply to the grounds raised by the Appellant. Needless to state, the grounds raised by the Appellant are denied as baseless, presumptuous and false. It is submitted that the appeal deserves to be dismissed with costs. The EC granted for the proposed project is issued in accordance with law and after proper scrutiny of the records and field visit at the proposed site.
32. In view of the above mentioned facts, this Hon'ble Tribunal is graciously requested to dismiss the Appeal and may kindly pass any such orders as may deem fit in the interest of justice. The Answering Respondent prays accordingly

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DEPONENT

(डा. एस. केरकेटा)
(Dr. S. KERKETTA)
निदेशक/Director
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION:

I, the above named deponent do hereby solemnly affirm and state that the contents of the aforesaid affidavit are true and correct to my personal knowledge and have been derived from the official records maintained by the Respondent. No part of it is false nor has anything material been concealed there from.

Verified at New Delhi on this 01st day of December, 2020

Sumanani Kereketta.

DEPONENT

(डा. एस. केरकेट्टा)
(Dr. S. KERKETTA)
निदेशक/Director
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
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