

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

O.A. NO. 95 OF 2023

IN THE MATTER OF

Laddu Sahni

..... Applicant

VS

The State of Bihar & Ors

..... Respondent(s)

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12-09-2024

BEFORE THE NATIONAL GREEN TRIBUNAL

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O.A. NO. 95 OF 2023

IN THE MATTER OF

Laddu Sahni

..... Applicant

VS

The State of Bihar & Ors

..... Respondent(s)

REPORT OF THE COMMITTEE CONSTITUTED VIDE

ORDER DATED 01.02.2024.

I, S. Chandrasekar, Male, aged about 46 years, Son of Mr. S. Subramani, residing at No. 03, Aranya Awas, Shaheed Peer Ali Khan Marg, Patna, do hereby solemnly affirm and state as follows:

Sl. No. 1852
Date 12-04-24



1. That I am presently posted as Member Secretary in Bihar State Pollution Control Board. I am filing this report on behalf of the committee constituted vide order dated 01.02.2024 passed in the instant O.A. I am aware of the facts of the present case on the basis of the official records maintained at Bihar State Pollution Control Board, Patna, and the report of the committee that I believe to be true. I am competent to depose the present report.

2. That the instant Original Application has been registered as Original Application (O.A.) under Section 14 and 15 of National Green Tribunal Act, 2010, based on letter petition dated 03.02.2023 filed by Shri Laddu Sahni. In the letter petition it has been alleged that NTPC, Muzaffarpur, is discharging chemical waste water and coal in a pond at Khesra No. 1754, admeasuring 1250D,



causing loss to fish production and environmental damage.

3. That vide order dated 12.07.2023 passed by the Hon'ble National Green Tribunal, Principal Bench, the instant O.A. was transferred to this Hon'ble Tribunal. This Hon'ble Tribunal vide its order dated 01.02.2024 was pleased to constitute a committee comprising of (i) Senior Scientist, Bihar State Pollution Control Board, (ii) Senior Scientist, Central Pollution Control Board, and (iii) District Magistrate, Muzaffarpur, or his representative not below the rank of the Additional District Magistrate; and directed the committee to visit the site in question and submit its report on affidavit with regard to the allegation made. Further, Bihar State Pollution Control Board was made the Nodal Office for all logistics purposes and for filing the Report of the Committee on affidavit.



4. That accordingly the committee visited the site in question on 12.02.2024 and carried out an inspection, during inspection, inter-alia, it was found that, the pond in question is situated in periphery of Lagoon area number 2 and 3 and the pond belongs to NTPC, it has been kept in idle condition to deal with any emergency situation like heavy rains; extreme weather conditions; seepage from ash pond; so that any pilferage/seepage may not affect the adjoining areas and it does not escape beyond a certain limit. On interaction with local fishermen, namely, Mr. Shambh Sahni and Mr. Harvindra Sahni, they informed that the water body situated around the lagoon/ash pond is utilized for fishing purpose round the year and the average depth is around 8-10 ft. during winter season and 4-5 ft. in summer season. Fish breed like Rohu, Katla and Naini is usually found in the said pond. The



fishermen have no complaint about any discharge of supernatant/wastewater from lagoon/ash ponds. However, it was stated that sewage/untreated waste water coming from surrounding area including the township of NTPC is drained in the said pond and this is affecting the fish breeding.

On further fact finding, it came to notice of the committee that untreated sewage water is coming from the Kanti village only and not from NTPC & its township (residential quarter). The drain coming from the NTPC was found to be dry and also ash was not being discharged in to the pond in question, during the inspection of the Joint Committee.

The District Fisheries Officer, Muzaffarpur, vide her letter no. 306, dated 02.03.2024 has reported that there is no source of discharge of NTPC in the pond in question. However, sewage water is coming from pucca houses situated near the



pond. Further, no dead fishes were found in the pond.

A sample of pond water was taken for analysis and it was analyzed in the Central laboratory of the State Board and it was found that the pH, Dissolved Oxygen (DO) and Bio-Chemical Oxygen Demand (BOD) were as per the 'Designated Water Quality Criteria for Wildlife Propagation & Fisheries, (class-D).

| Sl. NO. | Parameter | Analysis report finding | Standards |
|---------|-----------------------------------|-------------------------|----------------|
| 1. | pH. | 7.98 | 6.5 to 8.5 |
| 2. | Dissolved Oxygen (DO). | 7.8 mg/l | 4 mg/l or more |
| 3. | Bio-Chemical Oxygen Demand (BOD). | 24 mg/l | --NA-- |



The inspecting team also analyzed the samples of waste water from ETP and STP of NTPC, Muzaffarpur, the analysis result showed that the waste water was within the prescribed standards as mentioned in the Schedule VI of the E(P) Act, 1986. Also, NTPC is maintaining Zero Liquid Discharge (ZLD).

The inspecting team also learnt that the Pond in question managed by Mr. Laddu Sahni, the applicant, and he allocates the said pond to the local villagers/fishermen on lease basis. However, the said pond order reference has been reported as owned by the NTPC, Muzaffarpur.

On basis of the findings the committee has made the following recommendations: -

- (i) NTPC should continue to maintain Zero Liquid Discharge (ZLD). They shall utilize their treated waste water in processing/ washing/ ash slurry making/ horticulture/ watering of plants etc as per conditions



mentioned in the Consent-to-operate (CTO)

- (ii) The unit should ensure that there is no any industrial or domestic discharge through storm water drain.

A copy of the inspection report of the committee; the analysis report of the pond water & treated effluent is annexed and marked as Annexure-1 Colly.

5. That from findings of the Joint inspection team it appears that the allegation made in the letter petition is not true and the instant matter may be dismissed with cost.



6. That I have read the contents of the report and have understood the same and nothing material has been concealed therefrom.

[Signature]
DEPONENT
(S. CHANDRASEKHAR)



Sl. No. 1852
Date 12-04-24

Sri/smt. S. Chandrasekar
Who is identify by Sri. A. Kumar
Advocate. Affirmed and Adv.
declare before me.

Neelam Kumari
12-04-24
Neelam Kumari
Notary Public Advocate
Patna

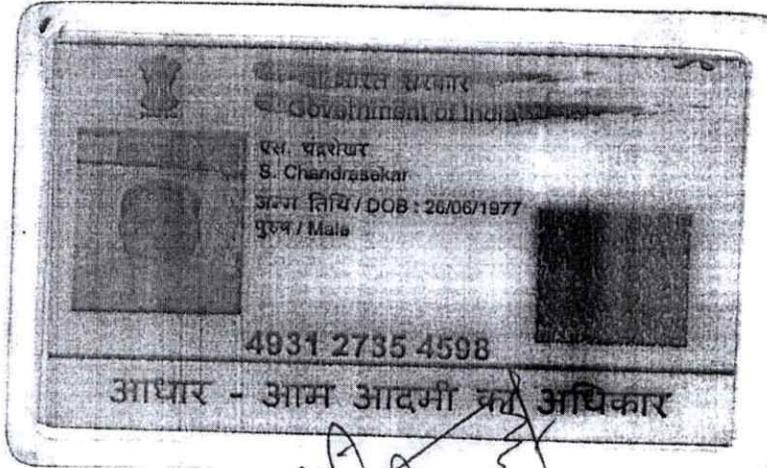
Identify the deponent who has
Signed/ITI in my Presence

[Signature]
ADVOCATE

12-4-2024

10

10



For CA
[Handwritten Signature]



Inspection report in the matter of O.A. 95/2023/EZ (Earlier O.A. 362/2023/PB) Titled Laddu Sahni Vs. the State of Bihar.

As per direction of the Hon'ble NGT the in the matter of O.A. 95/2023/EZ, order dated-01.02.2024, a committee was constituted comprising of following members:-

1. Senior Scientist, Bihar State Pollution Control Board;
2. Senior Scientist, Central Pollution Control Board;
3. District Magistrate, Muzaffarpur.

The committee was directed to visit the site in question considering the allegations made in application and submit its report on affidavit. Accordingly, Bihar State Pollution Control Board (BSPCB) being the nodal agency issued a letter (Ref. no. 371, dated-07.02.2024) to the concerned department for nomination of the officer so that inspection may be carried out on 12.02.2024. Following officials carried out the inspection work on 12.02.2024:-

1. Sri Arun Kumar, Board Analyst, BSPCB, Patna;
2. Sri Sanjeev Kumar, ADM, Muzaffarpur;
3. Sri Sandeep Roy, Scientist 'D', CPCB.

Following officials were present from M/s Kanti Bijali Utpadan Nigam Limited (KBUNL) (NTPC), Kanti, Muzaffarpur:-

1. Mr. Tapan Saha, General Manager (Maintenance);
2. Mr. Hari Kumar, AGM (EMG);
3. Mr. V.K. Pandey, DGM (EMG);
4. Mr. Mukesh Kumar, Assistant Officer (EMG).

About MTPS - NTPC

Muzaffarpur Thermal Power Station (MTPS), NTPC Kanti is a coal based Thermal Power Plant situated at village Kanti, in the Muzaffarpur district of Bihar. NTPC Kanti (erstwhile known as Kanti Bijlee Utpadan Nigam Limited) was originally commissioned in 1985 by Bihar State Electricity Board (BSEB) and later it became joint venture company of NTPC & Bihar State Power Generation Company Limited (BSPGCL). Thereafter, same was converted in to 100 % subsidiary of NTPC Limited and finally Kanti Bijlee Utpadan Nigam Limited (KBUNL) merged with NTPC and named as Muzaffarpur Thermal Power Station (MTPS), NTPC Limited. The initial installed capacity of power plant was 220 MW (2 X 110 MW) under Stage-I. Subsequently, in FY 2015-16, an additional capacity of 390 MW (2 X 195 MW) under Stage-II was added as an expansion project. The

operation of old Stage-I units (Unit 1 & 2) of MTPS has been permanently stopped w.e.f. 08.09.2021 and presently only Stage-II units i.e. Unit 3 & 4 are under operation. Its plant load factor stood at 87.58% during FY: 2022-23.

Coal requirement of MTPS, Stage-II is fulfilled from the mines of Eastern Coalfields Ltd. and transported through Indian Railways. The source of raw water for plant operation is Burhi Gandak river which is located about 4 Km from plant boundary. The project is situated on Muzaffarpur-Motihari section of National Highway- 28 and the nearest town Muzaffarpur is about 13 km from the plant.

The ash generated from the plant is collected in dry form and sent to the ash ponds in form of slurry. The daily ash generation is approximately 2000 MT. The plant is having 03 nos. of ash ponds details of which are following:-

- Lagoon area#1 (Ash pond): 150 Acres;
- Lagoon area#2 (Ash pond): 60 Acres;
- Lagoon area#3 (Ash pond): 60 Acres.

The plant is constructing silos for collection and storage of dry ash collection. It will put into operation very shortly. The utilization of ash pond system will be minimized in phased manner. At present, the plant has already stopped the use of ash pond number- 1 and this pond was under reclamation process. The unit is informed that solar panel/ plant will be installed on this pond.

Observations:

1. As per allegations made in application, the committee members visited the affected site on 12.02.2024. During site visit, it was observed that as Lagoon area number-2 was in use for ash slurry disposal. Lagoon area number- 3 was under evacuation process. The evacuated ash from the ash pond and dry ash is sent to various cement plants, fly ash brick manufacturing, road construction, land-filling, etc. through competitive bidding process for its utilization.
2. The plant has installed STP of 550 MLD capacity for treatment of sewage generated in their township area. The treated wastewater from STP is utilized for gardening purpose in the township only.
3. The plant is having ETP for treatment of Industrial/process wastewater. The capacity of ETP is 75 m³/hr (1.8 MLD). The treated wastewater from ETP is utilized for ash slurry making purpose and thus maintaining Zero

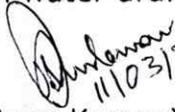
Liquid Discharge (ZLD) as per the condition mentioned in the CTOs. The unit has also installed OCEMS system at the final outlet/recycling point to monitor the parameters like pH, TSS, Temp. The data is also being transferred to BSPCB and CPCB servers. During visit, pH and TSS was observed as 7.75 and 6.18 respectively in OCEMS. The same was also verified through OCEMS Portal of BSPCB, this site is assessable for public also.

4. The garland drain is constructed around the periphery of ash ponds to collect the seepage water from the ponds and it is sent for ash slurry recirculation system.
5. During discussion with MTPS officials it came to know that the land and water body adjoining to the periphery of Lagoon area number- 2 and 3 belongs to M/s MTPS-NTPC, Kanti, Muzaffarpur. In this regard they also produced the necessary land records including Google map to the committee members. As informed by MTPS, the land/water body intentionally kept in idle condition to cater to any emergency situation like heavy rain condition, seepage from ash ponds or other natural calamity so that it could not affect the nearby habitats.
6. The M/s MTPS has also installed water sprinkling system at different locations at ash ponds. Water is also sprinkled manually using hose pipe with tractor mounted water tankers.
7. During visit, the officials also interacted with local fishermen. Mr. Shambhu Sahni and Mr. Harvindra Sahni, on behalf of fishermen, informed that the water body available surrounding to the lagoon/ash ponds is utilized for fishing purpose around the year. The average depth of water body is 8-10 ft. (during winter season) and 4-6 ft. (during summer season).
8. As stated by the fishermen these ponds are managed by Mr. Laddu Sahni (**Head of Kanti Block 'Matsyajivi Sahyog Samiti Limited', Kanti, Dist.- Muzaffarpur**) and allocated by Mr. Laddu Sahni to the local villagers/ fishermen on lease basis.
9. As informed by the fishermen, the pond is used for fishing of breeds likes Rohu, Katla and Naini fish. The cleaning of water body, removal of water hyacinth etc. is done by fishermen only at their own cost. The fishermen have no complaint about any discharge of supernatant/ wastewater from lagoon/ ash ponds. However, it was stated that sewage/ untreated wastewater coming from surrounding area including

MTPS-NTPC township area is drained into the pond between lagoon area and Kanti village boundary and this is affecting the fish breeding. However, during inspection, it was observed that untreated sewage water is coming from the Kanti village at different locations only and it is also observed that untreated waste water was not coming from the MTPS-NTPC. The drain coming from the MTPS-NTPC was observed dry. It was also observed that presently ash was not discharging in to the pond in question.

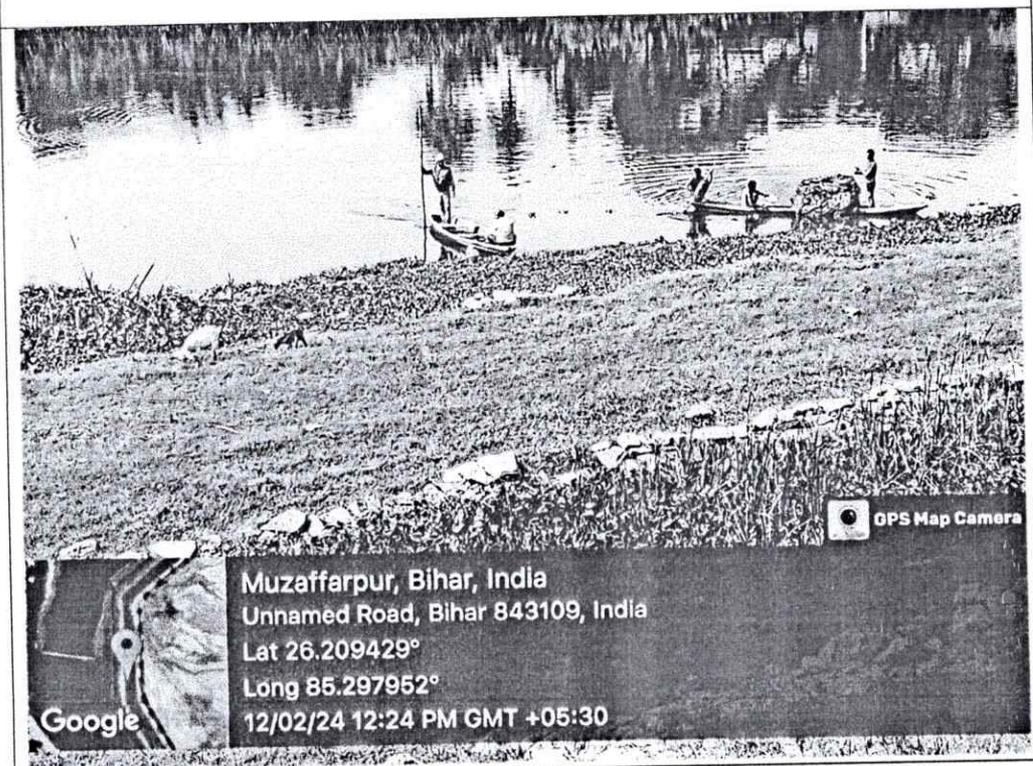
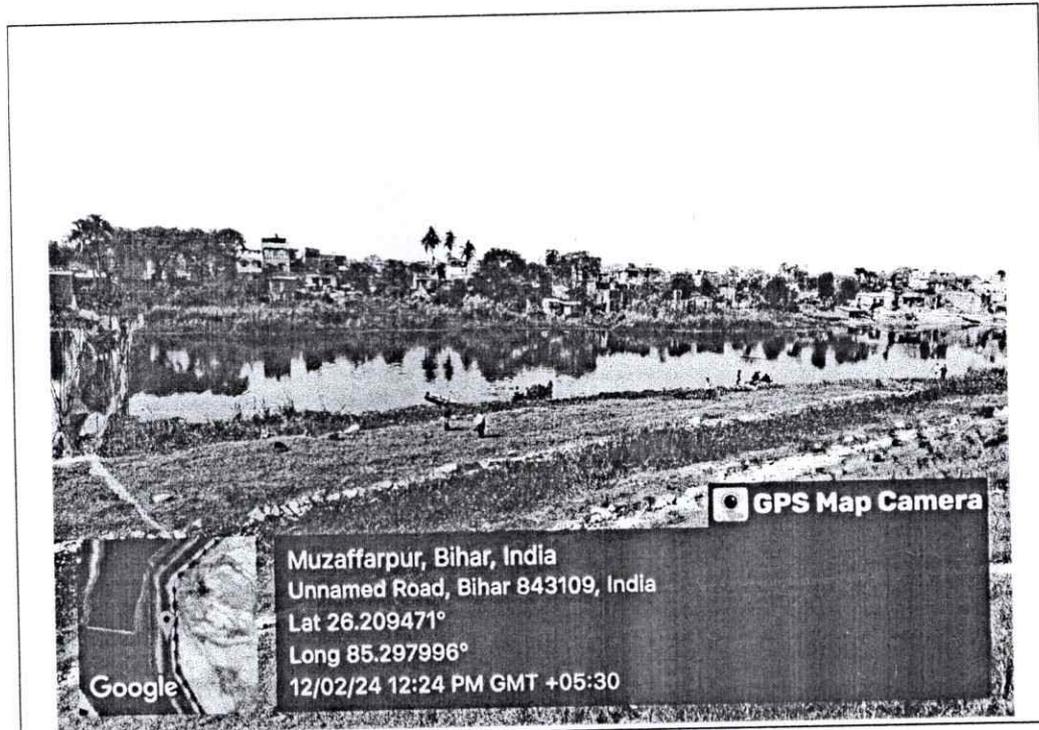
10. The District Fisheries Officer, Muzaffarpur, vide his letter no. 306 dt. 02.03.2024 has reported that there is no source of discharge of NTPC in the pond in question. However, sewage water is coming from pucca houses situated near the pond. The inspection team of Office of the District Fisheries Officer-cum-Chief Executive Officer, Muzaffarpur has reported also that dead fishes were not found in the said pond.
11. pH, Dissolved Oxygen (DO) and Bio-Chemical Oxygen Demand (BOD) were observed 7.98, 7.8 mg/L, and 24, mg/L respectively. The pond water is used for fisheries. As per Designated Water Quality Criteria for Wildlife Propagation & Fisheries, (Class- D), the water should have pH- 6.5 to 8.5 and DO- 4 mg/L of more. The pond water was found suitable for fisheries.
12. Analysis Report of STP and ETP of the MTPA-NTPC, Kanti, Muzaffarpur were found within the prescribed standard as mentioned in the Schedule VI of the E(P)Act, 1986.
13. Recommendations:
 - a. The MTPS-NTPS should continue to maintain Zero Liquid Discharge. They shall utilize their treated waste water in processing/ washing/ Ash slurry making/ Horticulture/watering of plants etc.
 - b. The unit should ensure that there is no any industrial or domestic discharge through storm water drain.


 (Sandeep Roy)
 Scientist 'D',
 Central Pollution
 Control Board, Kolkata.

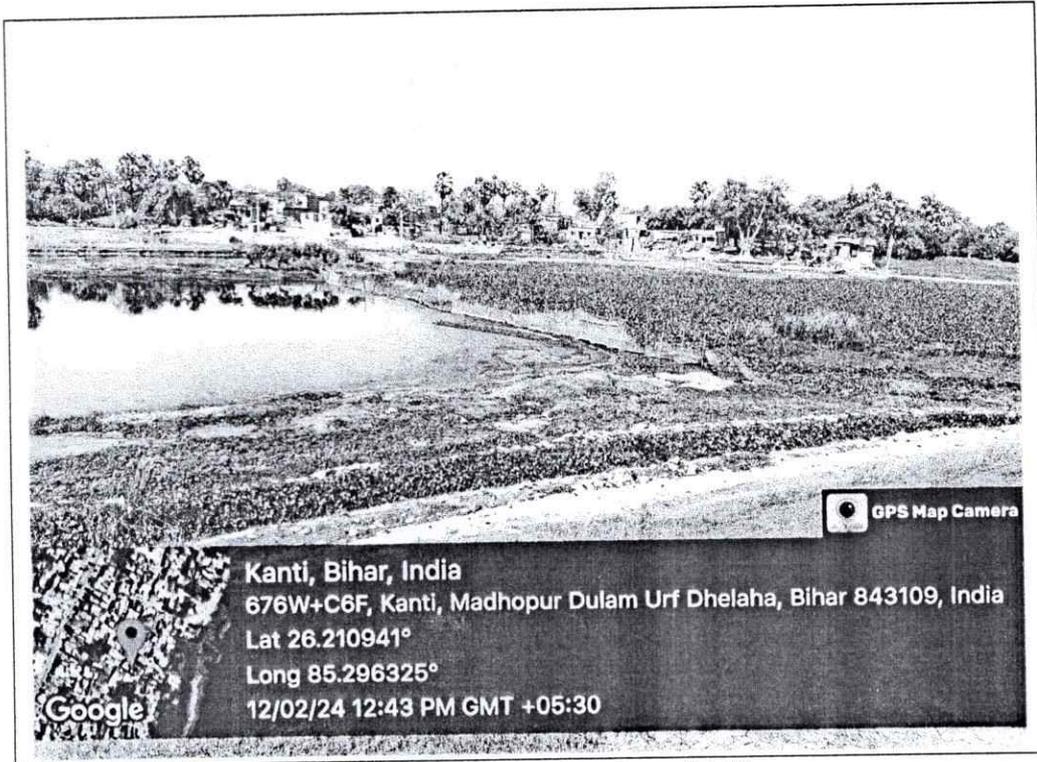

 (Arun Kumar)
 Sr. Scientist
 Bihar State Pollution
 Control Board, Patna


 (Sanjeev Kumar)
 Additional Collector,
 Muzaffarpur.

Snap Shoot taken during the Inspection on 12.02.2024



Fishermen fishing in the Pond between Ash Pond and Village



Pond between Ash Pond and Village



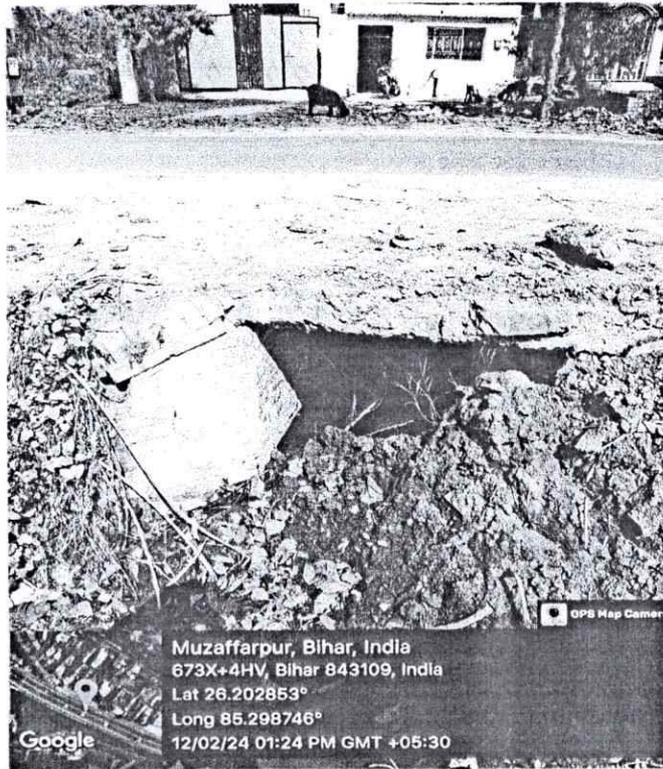
Lagoon Number- 3, showing water sprinkling



Muzaffarpur, Bihar, India
6862+6C9, Bihar 843109, India
Lat 26.209633°
Long 85.301682°
12/02/24 12:47 PM GMT +05:30

Google

Conversation with local people



Muzaffarpur, Bihar, India
673X+4HV, Bihar 843109, India
Lat 26.202853°
Long 85.298746°
12/02/24 01:24 PM GMT +05:30

Google

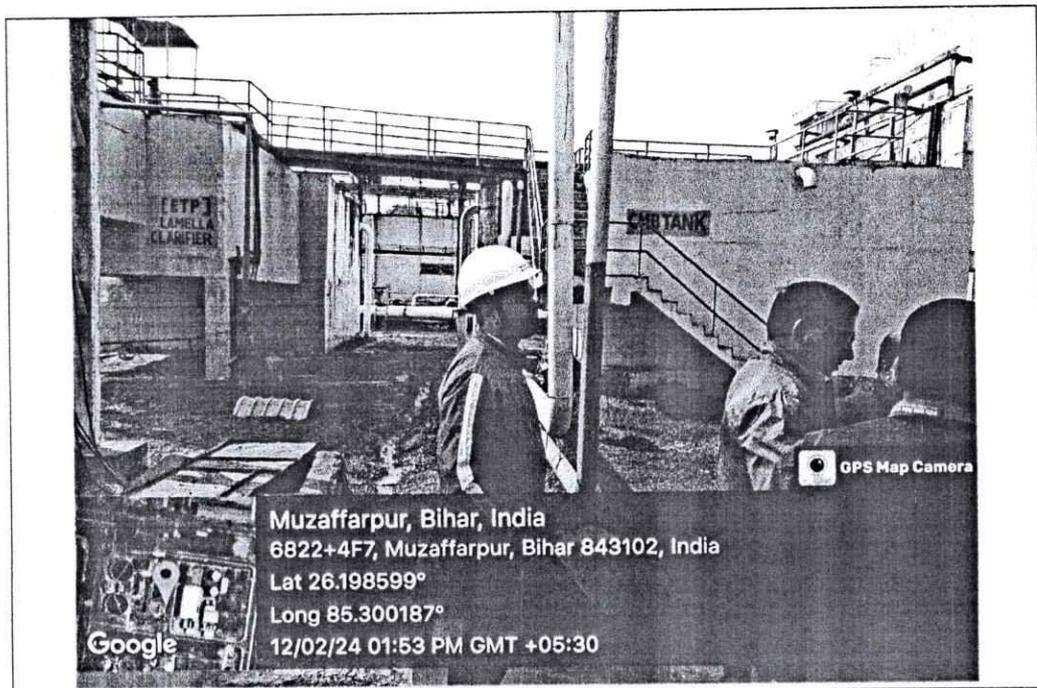
Closed Out let drain coming from Township of NTPC



Sample collection from out let of Sewage Treatment Plant.



Inside of underground Sewage Treatment Plant.



Effluent Treatment Plant of NTPC



Sample Collection from outlet of Effluent Treatment Plant (ETP) of MTPS-NTPC, Muzaffarpur.

Bihar State Pollution Control Board

Parivesh Bhawan, Patliputra Industrial Area, Patliputra, Patna-800 010

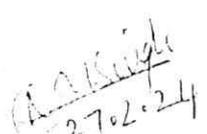
Analysis Report

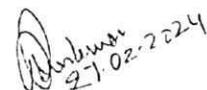
| Sl. No. | Particulars | Details | | | |
|---------|----------------------------------|-------------------------------------|--|--|--|
| 1. | Name of the Industries | M/s MTPS (NTPC), Kanti, Muzaffarpur | | | |
| 2. | Address | Dist.- Muzaffarpur | | | |
| 3. | Date of sample collection | 12.02.2024 | | | |
| 4. | Sample collected by | Sri Ramagya Ram, F.A. | | | |
| 5. | Location of Sample collection | Pond near Lagoon No.- 3 | | | |
| 6. | Nature of Sample | Surface Water | | | |
| 7. | Recipient | -- | | | |
| 8. | GPS Coordinate of sampling point | 26.209429, 85.297952 | | | |
| 9. | Date of sample submission | 13.02.2024. | | | |
| 10. | Sample received by | Sri Laxmikant Yadav | | | |
| 11. | Laboratory Reference No. | 2274 | | | |

| Sl. No. | Parameters | Date of Analysis | Method of Analysis | Designated Best Use Water Quality Criteria for Propagation of Wild life and Fisheries (Class-D) | Result |
|---------|----------------------------------------|------------------|---------------------|-------------------------------------------------------------------------------------------------|--------|
| 1. | pH | 13.02.2024 | IS 3025 (Part - 11) | 5.5-9.0 | 7.98 |
| 2. | Dissolved Oxygen (DO) (mg/L) | 12.02.2024 | IS 3025 (Part- 38) | 4.0 mg/L or more | 7.8 |
| 3. | Total Suspended Solids (TSS) (mg/L) | 13.02.2024 | IS 3025 (Part - 17) | -- | 24.0 |
| 4. | Chemical Oxygen Demand (COD) (mg/L) | 13.02.2024 | IS 3025 (Part - 58) | -- | 176.0 |
| 5. | Biochemical Oxygen Demand (BOD) (mg/L) | 13.02.2024 | IS 3025 (Part - 44) | -- | 24.0 |

Remarks : pH, and Dissolved Oxygen were found within limit.


 Report prepared by
 (Rajeev Kumar)
 ASO


 Report verified by
 (Nalini Mohan Singh)
 Scientist


 (Arun Kumar)
 Board Analyst

Bihar State Pollution Control Board

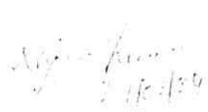
Parivesh Bhawan, Patliputra Industrial Area, Patliputra, Patna-800 010

Analysis Report

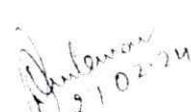
| Sl. No. | Particulars | Details |
|---------|----------------------------------|----------------------------|
| 1. | Name of the Industries | M/s STP Final NTPC Kanti. |
| 2. | Address | Dist.- Muzaffarpur |
| 3. | Date of sample collection | 12.02.2024 |
| 4. | Sample collected by | Sri Ramagya Ram, F.A. |
| 5. | Location of Sample collection | STP Outlet |
| 6. | Nature of Sample | Treated Effluent |
| 7. | Recipient | Horticulture and other use |
| 8. | GPS Coordinate of sampling point | 26.203815, 85.293967 |
| 9. | Date of sample submission | 13.02.2024 |
| 10. | Sample received by | Sri Laxmikant Yadav |
| 11. | Laboratory Reference No. | 2275 |

| Sl. No. | Parameters | Date of Analysis | Method of Analysis | Standards as per Schedule VI of The Environment (Protection) Rules, 1986 | Result |
|---------|----------------------------------------|------------------|---------------------|--------------------------------------------------------------------------|--------|
| 1. | pH | 13.02.2024 | IS 3025 (Part - 11) | 5.5-9.0 | 7.57 |
| 2. | Total Suspended Solids (TSS) (mg/L) | 13.02.2024 | IS 3025 (Part - 17) | 100.0 | 4.0 |
| 3. | Chemical Oxygen Demand (COD) (mg/L) | 13.02.2024 | IS 3025 (Part - 58) | 250.0 | 8.0 |
| 4. | Biochemical Oxygen Demand (BOD) (mg/L) | 16.02.2024 | IS 3025 (Part - 44) | 30.0 | 3.0 |

Remarks : pH, Total Suspended Solids, Chemical Oxygen Demand and Biochemical Oxygen Demand were found within the prescribed standards.


 Report prepared by
 (Rajeev Kumar)
 ASO


 Report verified by
 (Nalini Mohan Singh)
 Scientist


 (Arun Kumar)
 Board Analyst

Bihar State Pollution Control Board

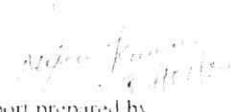
Parivesh Bhawan, Patliputra Industrial Area, Patliputra, Patna-800 010

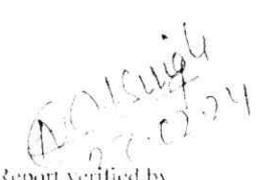
Analysis Report

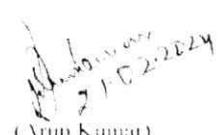
| Sl. No. | Particulars | Details |
|---------|----------------------------------|----------------------------|
| 1. | Name of the Industries | M/s. ETP Final NTPC Kanti. |
| 2. | Address | Dist.- Muzaffarpur |
| 3. | Date of sample collection | 12.02.2024 |
| 4. | Sample collected by | Sri Ramagya Ram, F.A. |
| 5. | Location of Sample collection | ETP Outlet |
| 6. | Nature of Sample | Treated Effluent |
| 7. | Recipient | ZLD |
| 8. | GPS Coordinate of sampling point | 26.198697, 85.300032 |
| 9. | Date of sample submission | 13.02.2024 |
| 10. | Sample received by | Sri Laxmikant Yadav |
| 11. | Laboratory Reference No. | 2276 |

| Sl. No. | Parameters | Date of Analysis | Method of Analysis | Standards as per Schedule VI of The Environment (Protection) Rules, 1986 | Result |
|---------|----------------------------------------|------------------|--------------------|--------------------------------------------------------------------------|--------|
| 1. | pH | 13.02.2024 | IS 3025 (Part 11) | 8.5-9.0 | 7.62 |
| 2. | Total Suspended Solids (TSS) (mg/L) | 13.02.2024 | IS 3025 (Part 17) | 100.0 | 70.0 |
| 3. | Chemical Oxygen Demand (COD) (mg/L) | 13.02.2024 | IS 3025 (Part 58) | 250.0 | 60.0 |
| 4. | Biochemical Oxygen Demand (BOD) (mg/L) | 16.02.2024 | IS 3025 (Part 44) | 50.0 | 10.0 |

Remarks : pH, Total Suspended Solids, Chemical Oxygen Demand and Biochemical Oxygen Demand were found within the prescribed standards.


 Report prepared by
 (Rajeev Kumar)
 ASO


 Report verified by
 (Nalini Mohan Singh)
 Scientist


 (Arun Kumar)
 Board Analyst



Amrita Pandey <amritalegal@gmail.com>

Re: O.A No. 95_2023 Laddu Sahini Vs State of Bihar & Ors.

1 message

Amrita Pandey <amritalegal@gmail.com>

Sat, Apr 13, 2024 at 10:06 PM

To: Dipanjan Ghosh <dpnjngsh0@gmail.com>, Surendra Kumar <surendra_kr15@rediffmail.com>, "adarsht912003@gmail.com" <adarsht912003@gmail.com>

Dear Sir

Re: OA no. 95 of 2023

Please find attached herewith the e-copy of the affidavit filed on behalf of Bihar PCB.

Warm regards

Amrita pandey

Advocate

**O.A No. 95_2023.pdf**

4700K