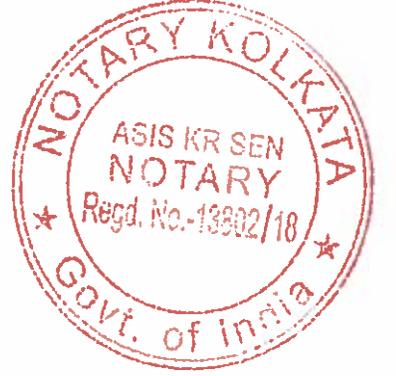


## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No. 171 of 2023/EZ



In the matter of:

SUO MOTU MATTER IN RE: NEWS ITEM APPEARED IN EAST MOJO,  
DATED 05.10.2023 ENTITLED "SIKKIM: HERE'S WHY THE CHUNGTHANG  
HYDRO DAM BREACH IS A BIG DEAL"

...APPLICANT

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Date: 10.2.2024

Amrita Pandey.

Filed by  
Amrita Pandey, Advocate  
(F/747/2009)

For NHPC formerly known as  
National Hydroelectric Power  
Corporation (Respondent No. 2)  
Address: Hastings Chamber, 7C,  
KSR Road, 2<sup>nd</sup> Floor, Room No.  
6, Kolkata - 700 001. M:  
9830609262; 9432820002  
Email id:

[amritalegal@gmail.com](mailto:amritalegal@gmail.com)

Ratindra Gangopadhyay

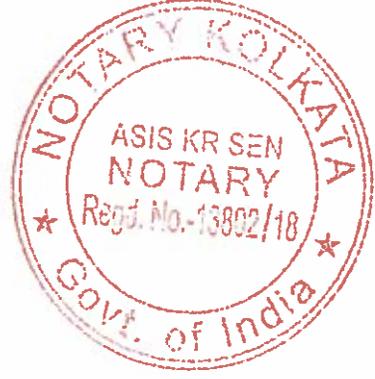
उप. महाप्रबंधक (विद्युत)  
Dy. General Manager (Elect.)  
ओ & एम यूनिट-II, कोलकाता,  
O&M, Unit-II, Kolkata,

एनएचपीसी लिमिटेड, /NHPC LIMITED  
प्लॉट नं -3 ब्लॉक डी पी/Plot no-3, Block DP  
सेक्टर-V, साल्टलेक सिटी/Sector-V, Salt Lake City  
कोलकाता (प. बंगाल)-700 091/Kolkata (W.B.)-700 091

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

Original Application No. 171 of 2023/EZ



In the matter of:

SUO MOTU MATTER IN RE: NEWS ITEM APPEARED IN EAST MOJO, DATED 05.10.2023 ENTITLED "SIKKIM: HERE'S WHY THE CHUNGTHANG HYDRO DAM BREACH IS A BIG DEAL"

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 2 IN TERMS OF THE ORDER OF THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA.

I, Shri Rathindra Gangopadhyay, son of Sri Arun Kumar Gangopadhyay, aged about 50 years, by occupation – Service, working for gain as Deputy General Manager (E), presently posted at O & M Division, Unit II, Plot no. 3, Block- DP, Sector- V, Salt Lake City, Kolkata- 700 091, do hereby solemnly affirm and state as follows:

1. I am the authorized officer of the NHPC Limited and the authorized signatory of the Respondent No. 2 herein (hereinafter referred to as the answering respondent") vide authorization letter dated 9<sup>th</sup> January, 2024. I am acquainted with the facts and circumstances of the case, and I am competent to affirm this affidavit on behalf of the Respondent No. 2.
2. That I affirm this Affidavit in terms of the directions passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.
3. That nothing contained in this Affidavit shall be construed as admission of any statement unless specifically admitted by me. I

*Rathindra Gangopadhyay*  
 उप. महाप्रबंधक (विद्युत)  
 Dy. General Manager (Elect.)  
 ओ & एम यूनिट-II, कोलकाता,  
 O & M, Unit II Kolkata,  
 एनएचपीसी लिमिटेड, /NHPC LIMITED  
 प्लॉट नं -3 ब्लॉक डी पी/Plot no-3, Block DP  
 सेक्टर V, साहल्लेक सिटी/Sector-V, Salt Lake City  
 कोलकाता (प. बंगाल)-700 091/Kolkata (W.B.)-700 091

reserve the right to deal with legal position of the matter at the time of hearing.

4. That this Hon'ble Tribunal was pleased to take suo moto action in relation to the heavy flooding in Teesta River leading to several death and destruction.
5. That the answering respondent states that the issue prima facie pertains to Chungthang Hydro Dam which does not belong to NHPC.
6. That the answering respondent states that NHPC Ltd formerly known as National Hydroelectric Power Corporation has three Power station namely Teesta-V (510MW), TLD-III (132 MW) and TLD-IV (160 MW) on Teesta River. Besides above three power stations, Teesta-VI project (500 MW) is being executed by LTHPL a subsidiary of NHPC Ltd which is under active construction.

That the Answering Respondent submits that it is an admitted fact that on 3rd and 4th of October, 2023 there was unprecedented flooding in Teesta River. There is hardly any dispute on the factual matrix under which the aforesaid issue has cropped up for determination.

That the answering Respondent states that all the Dams of above mentioned Power Stations/ Project of NHPC Limited withstood the unprecedented flooding and civil Structure of all the dams are intact inspite of huge water inflow from breaching of Chungthang Dam. The dam safety measures as mandated are undertaken periodically.

9. That the answering respondents would like to state that as with regards to Preliminary assessment of Damages due to flooding of Teesta-V Power Station, following are the observations: -

- a) That the approach road to the dam top has been completely washed out, which has made access to the Dam top at this location impossible.
- b) That the Dam Control Room, Panel, and Dam Instrumentation room at the Dam top have been entirely washed away.
- c) That the recently constructed boat shelter point has been

*Rathindran Gangopadhyay* obliterated due to the sudden flooding.

उप. महाप्रबंधक (विद्युत)  
Dy. General Manager (Elect.)

ओ & एम यूनिट-II, कोलकाता,  
O&M, Unit-II, Kolkata,

नएचपीसी लिमिटेड, /NHPC LIMITED

प्लॉट नं -3 ब्लॉक डी पो/Plot no-3, Block DP

सेक्टर-V, साल्टलेक सिटी/Sector-V, Salt Lake City

कोलकाता (प. बंगाल)-700 091/Kolkata (W.B.)-700 091

- d) That it is submitted that the RCC Retaining wall (toe protection) upstream of Intake-I, approximately 20 meters in length, has been damaged. Rest of the alternate road near Intake-I remains intact, with only minor damage to the causeway.
- e) That the under-construction LT & HT panel room on top of Intake has also been washed away by the floodwaters.
- f) That the left bank hill slope downstream of the Dam axis, extending to the IRBN camp, has been eroded, and the SFT outlet has also been washed away, making SFT & DC inaccessible.
- g) That the Central Store, Mechanical store, workshop, fire station and fire tenders has been completely submerged in slush.
- h) That it is submitted that one cable suspension bridge at Balutar connecting right bank of Teesta River with left bank has been damaged.
- i) That it is submitted that the 66 KV Substation and Kendriya Vidyalaya at Balutar also submerged in slush.
- j) That with regards to the Hydraulic and Mechanical Components of the Teesta-V Power Station it is submitted that all the spillway radial gates have been washed out and all the power packs including gasoline engines which are required to operate the radial gates have been washed away.
- k) That it is submitted that the gantry crane, including the rope drum hoist and other ancillary parts on top of the Dam, has also been washed away by the floodwaters and both the stoplog units have been washed out and out of total 12 pieces, only two pieces (damaged) found at Dam Top after flash flood.
- l) That with regards to the Electrical Components, transformer located at the dam pier which provides HT supply, including panels, has been washed away. The 500KVA DG Set and a 4000-liter Diesel tank placed at the Dam top have also been washed away.

10. That it is submitted by the answering respondent that with regards to Teesta-VI Project it is submitted as follows:

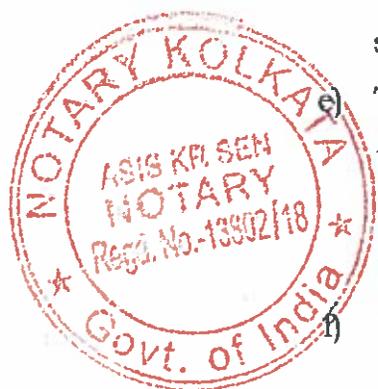
- a) That the Bridges at Sirwani, Singtam, Samardung (Jhula Bridge) and Tarkhola (owned by LTHPL) got completely washed out.

*Rathindro Gangopadhyay*

उप. महाप्रबंधक (विद्युत)  
Dy. General Manager (Elect.)  
ओ & एम यूनिट-II, कोलकाता,  
O&M, Unit-II, Kolkata,

एनएचपीसी लिमिटेड./NHPC LIMITED  
प्लॉट नं -3 ब्लॉक डी पी/Plot no-3, Block DP  
सेक्टर-V, साल्टलेक सिटी/Sector-V, Salt Lake City  
कालकाता (प. बंगाल)-700 091/Kolkata (W.B.)-700 091

- b) That the flood water toppled over the constructed concrete wall to isolate the outlet of SFT (Silt flushing tunnel) and entered into SFT through outlet and submerged with accumulated silt/slush materials.
- c) That the constructed U/s& D/s Coffor dyke topped with flood water & breached, which resulted huge amount of flood water entering the construction areas along with slush, debris & wooden logs etc.
- d) The massive flood also caused huge loss at Power House area and whole area got submerged & damaged. The whole construction facility area, construction material, store, construction plant equipment office, residential complex, tool and plants, most of the equipment and supply of E&M works agencies including DG Sets were either washed away or damaged and store area is under 3.0 m slush.
- e) That the water with slush also entered in Power House cavern through MIV (Main inlet valve). The high discharge with slush also entered in service bay touching Unit-I through MAT (Main Access Tunnel).
- f) The high discharge with slush entered TC (Transformer Cavern) through MAT. There is slush deposit of around 1.0m in TC.



11. That it is submitted by the answering respondent that with regards to TLD-III Power Station it is submitted as follows:

- a) That it is submitted that 4 Nos. of Columns of Trash panel (28 Nos) has been washed out completely.
- b) That it is submitted that the downstream Stoplog Structure with Downstream Stoplog gates have been completely washed out.
- c) That due to passage of heavy discharge of water during flash flood, it is also assumed, the sill beams of all Radial Gates and Stoplog Gates might be damaged. The detailed assessment will be conducted only after receding the water level.
- d) That the fully commissioned High Mast light installed has been completely washed out.
- e) That the silt is filled in TRC, Draft tube upto around 29 mtrs (up-to top level). Also, the intake structure of all generating units is filled with silt.

*Rathindra Gangopadhyay*

उप. महाप्रबंधक (विद्युत)  
Dy. General Manager (Elect.)  
ओ & एम यूनिट-II, कोलकाता,  
O&M, Unit-II, Kolkata,  
एनएचपीसी लिमिटेड./NHPC LIMITED  
प्लॉट नं -3 ब्लॉक डी पी/Plot no-3, Block DP  
सेक्टर-V, साल्टलेक सिटी/Sector-V, Salt Lake City  
कोलकाता (प. बंगाल)-700 091/Kolkata (W.B.)-700 091

- f) That the Left bank road has been damaged and security check post near outlet of barrage has been washed out.
- g) The RRT protection works from RD 22.10 Km to 26.70 Km along NH 10 have also damaged at various stretches during flash flood. The restoration works are going on.

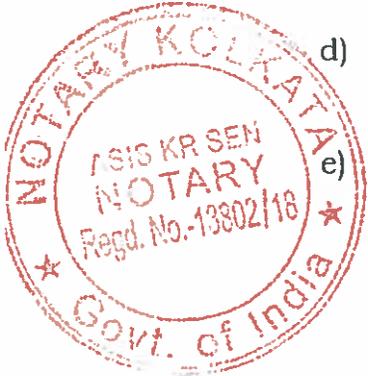
12. That it is submitted by the answering respondent that with regards to TLD-IV Power Station it is submitted as follows:

- a) That it is submitted that the Guide wall at right bank d/s of Dam got damaged because of the heavy flooding.
- b) That due to passage of heavy discharge, the HPC (high performance concrete) layer of Spillway Glacis has been damaged and there might be damages to HPC layer of Stilling basin area, the detail assessment will be done after the detailed survey/assessment.
- c) Approximately 175m SS Railing completely washed out installed around Cellular Wall and 50m at Dam Top.
- d) Fully operational AWS installed at Dam Top got damaged due to flash flood and now not functioning.
- e) That it is submitted that the front wall paneling work of Intake Power Pack got damaged and the wheel assembly & Guide Rollers of Intake 4 was found damaged and Most of the Dam instrumentation and sensors washed away and the Bottom Rubber Seal & Bottom Corner Seal of all Radial Gates are damaged.
- f) There are damages found in Radial gate stop-log sill beams of bay No. 2, 3 & 4 along with concrete around it.
- g) Damages in Bay No# 1, 5 and 6 have not been accessed and same shall be notified after accessing by placing of Stop-log in these bays.

13. That it is submitted on the behalf of the Answering Respondent that the Answering Respondent has undertaken/ is undertaking several activities in lieu of the severe flooding which took place. The list of activities is as under:

- a) That with regards to Teesta-V and Teesta-VI detail assessment of damage is being done and at some places restoration activities has been started.

*Rathinam Gangopadhyay*  
 उप. महाप्रबंधक (विद्युत)  
 Dy. General Manager (Elect.)  
 ओ & एम यूनिट-II, कोलकाता,  
 O&M, Unit-II, Kolkata,  
 एनएचपीसी लिमिटेड, /NHPC LIMITED  
 प्लॉट नं -3 ब्लॉक डी पी/Plot no-3, Block DP  
 सेक्टर-V, साल्टलेक सिटी/Sector-V, Salt Lake City  
 कोलकाता (प. बंगाल)-700 091/Kolkata (W.B.)-700 091



- b) That with regards to the TLD-III Power Station Silt removal from Tail Race channel and Intake has been started. Other restoration activities are under progress and all out efforts are being made to restore all the generating units as early as possible.
- c) That TLD-IV Power Station has been restored and all the generating Units are operational now.
- d) That the answering respondent has contributed an amount of 3 Crores in the Sikkim's Chief Minister Relief fund.
- e) That Food and shelter was provided to the flood effected people by the Answering Respondent.
- f) That for the people affected by severe flooding free medical relief camps were organized by the Answering Respondent.

14. The answering respondent has taken all necessary steps to restore normalcy.

That the answering respondent respectfully prays that the answering respondent may be deleted from the array of parties in the present original application as the matter prima facie pertains to Chungthang Hydro Dam which does not belong to NHPC.

The statements made in paragraph no. 1 is true to my knowledge, those made in paragraph no. 2 to 14 are information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Court.

*Rathindra Gangopadhyay*  
DEPONENT

Prepared at my office  
& Identified by me

*Amrita Pandey*  
Advocate

F/747/2009

**Solemnly affirm and declare;  
before me on Identification**

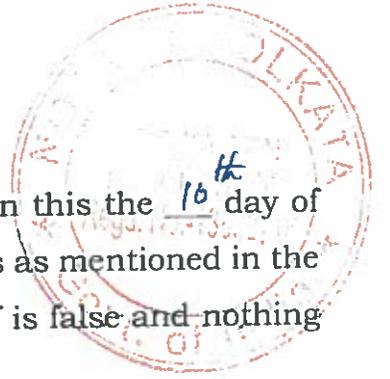
*Asis* *vs.* *Sen*

**ASIS KUMAR SEN  
City Civil Court, Kolkata  
Notary  
Reg. No -13802/18**

**10 FEB 2024**

VERIFICATION

Verified at KOLKATA by the Deponent above named on this the 16<sup>th</sup> day of February, 2024, and I do hereby verify that all the facts as mentioned in the affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.



*Rathindran Gangopadhyay*  
DEPONENT



Date: 16<sup>th</sup> February, 2024.

Place: KOLKATA

solemnly affirm and declare  
before me on Identification

*Asis* for *Sen*

ASIS KUMAR SEN  
City Civil Court, Kolkata  
Notary  
Reg. No -13802/18

10 FEB 2024



# "VAKALATNAMA"

Before the Learned National Green Tribunal,  
Eastern Zone  
O.A. No. 171/2023/EZ



ज्योतिष चन्द्रा पंत / Jyotish Chandra Pant  
संयुक्त वरिष्ठ प्रबंधक (निर्माण) / Group Senior Manager (Law)  
एन एच पी सी लिमिटेड / NHPC Limited  
(भारत सरकार का स्वामि / A Govt. of India Enterprise)  
सेक्टर-33, उदीयवाट/ Sector-33, Fardabad

(News Item appeared in East Mojo On 05.10.2023 titled "Sikkim: Here's why the Chungthang Hydro-dam breach is a BIG DEAL").

KNOW ALL MEN by these presents that I/We NHPC i.e National Hydroelectric Power Corporation (through its Chairman & Managing Director), do hereby in my/our name and my/our behalf constitute and appoint Ms. Amrita Pandey, Advocate, High Court, Calcutta, as our true and lawful Pleader/Advocate & Attorneys to appear and act for me/us in the matter noted above to file suit, written statement, conduct suit, appeal from original suit, order etc., And for that purpose to do all acts and things, whatsoever in that connection including compromise of the above matter depositing in or withdrawing money from, filing or taking out of appear, document and payment order from Court referring matters in dispute between the parties here to arbitration, withdrawing the above matters with liberty to file fresh suit, sending properties released from attachment, filing execution or miscellaneous cases and other petitions, bidding at execution sale, obtaining payment from us out of Court withdrawing custody and other fees and doing on my/our behalf other acts, in the above matter as are necessary and proper. I/We hereby agreeing to ratify and confirm all acts so done by the said advocate or attorneys as my/our own acts and as if done by me/us to all intents and purposes.

Date: 14/12/2023

Accepted by me

  
Advocate  
14.12.23.

Amrita Pandey F/747/2009  
Advocate, High Court, Calcutta  
Hastings chamber, 7C, Kiran Shankar Ray Road,  
2<sup>nd</sup> Floor, Room no. 206, Kolkata - 700 001  
Email id: [amritalegal@gmail.com](mailto:amritalegal@gmail.com)  
M: 9830609262



एनएचपीसी लिमिटेड  
(भारत सरकार का उद्यम)  
**NHPC Limited**  
(A Govt. of India Enterprise)



O&M Division Unit-II  
Plotno.3, Block-DP, Sector-V  
Salt Lake City, Kolkata-70009

CIN No. L40101HR1975GOI032564

No: NH/KOL/O&M/UNIT-II/2024/06.

Date: 09/01/2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,  
KOLKATA

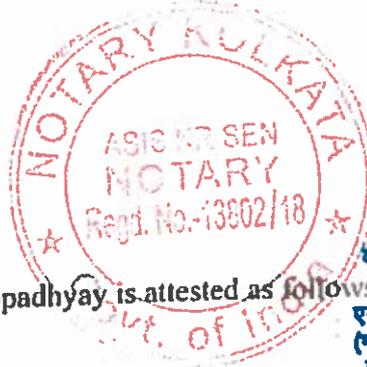
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Original Application No. 171 of 2023/EZ

**AUTHORITY LETTER**

Sh Rathindra Gangopadhyay, S/o Sh Arun Kumar Gangopadhyay, Designation: Deputy General Manager(E), presently posted at O&M Division, Unit II, Plotno.3, Block-DP, Sector-V Salt Lake City, Kolkata-700091, is hereby authorized to conduct/ sign and verify/ swear in plaints, replies, written statements, affidavits, objections or other pleadings to be filed before Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in the matter of Original Application No 171 of 2023/EZ filed Suo Moto.



*Suprakash*  
Suprakash Adhikari  
Executive Director (O&M)

The specimen signature of Sh Rathindra Gangopadhyay is attested as follows: *Suprakash*  
कार्यपालक निदेशक / Executive Director  
ओ एण्ड एम विभाग / O&M Division  
एन एच पी सी लिमिटेड / NHPC Limited  
(भारत सरकार का उद्यम / A Govt. of India Enterprise)  
सेक्टर-33, फरीदाबाद / Sector-33, Faridabad

1. *Rathindra Gangopadhyay*

2. *Rathindra Gangopadhyay*

*Suprakash*  
Suprakash Adhikari  
Executive Director (O&M)

कार्यपालक निदेशक / Executive Director  
ओ एण्ड एम विभाग / O&M Division  
एन एच पी सी लिमिटेड / NHPC Limited  
(भारत सरकार का उद्यम / A Govt. of India Enterprise)  
सेक्टर-33, फरीदाबाद / Sector-33, Faridabad

स्वहित एवं राष्ट्र हित में ऊर्जा बचाएं  
"Save Energy for Benefit of Self and Nation"

पंजीकृत कार्यालय एनएचपीसी कार्यालय काम्प्लेक्स, सेक्टर - 33, फरीदाबाद - 121003 (हरियाणा)  
Regd. Office: N.H.P.C. OFFICE COMPLEX, SECTOR-33 FARIDABAD-121003 (HARYANA)