

**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.216/2024/EZ**

SMT. HARIPRIYA PATEL ... APPLICANT

-VERSUS-

STATE OF ODISHA & OTHERSRESPONDENTS

I N D E X

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Cuttack

Date:27.01.2025


PARTHA SARATHI NAYAK
ADDL. GOVT. ADVOCATE



**BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH: KOLKATA**

ORIGINAL APPLICATION NO.216/2024/EZ

Smt. Haripriya Patel ... Applicant.

-Versus-

State of Odisha & others. ... Respondents.

Compliance affidavit filed by Respondent No. 2.

I, Sanjib Kumar Sarangi, aged about 52 years, S/o:-Late Muralidhar Sarangi at present working as Addl. Tahasildar, Jharsuguda, At/Po/PS/Dist:-Jharsuguda do hereby solemnly affirm and state as follows:-

1. That I am duly authorized by the Respondent No. 2 to swear this affidavit on their behalf. I am also competent to swear this affidavit on behalf of the Respondent No. 2. I am well aware with the facts mentioned in the Original Application.
2. That in pursuance to order dated 29.11.2024 passed by this Hon'ble Tribunal in the present case the deponent is filing this affidavit.
3. That as per the direction of this Hon'ble NGT-EZB dated 29.11.2024, in the matter OA 216/2024/EZ, a committee has been constituted, comprising of District Collector & DM, Jharsuguda or his / her representative not below the rank of ADM, Sr. Scientist from OSPCB and Sr. Scientist from CPCB. The

Sanjib Kumar Sarangi
**Additional Tahasildar
Jharsuguda**

27.11.24
**AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
PFGD. NO-ON-56/2004**

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committee has been directed for inspection of the site in question and submit its fact finding report and in case allegations of environmental violations are made out, the committee shall recommend remedial action as well as action to be taken against the violators. In this regard, a field enquiry was conducted on 19.12.2024 in and around the alleged site. The following members of Joint Committee were present during the field visit:-

1. Sri Brajabandhu Bhoi, O.A.S (S), Additional District Magistrate (Gen), Jharsuguda.
1. Sri Sandeep Roy, Scientist D, CPCB, Regional Directorate, Kolkata.
2. Smt A.Ekka, Dy.Env Scientist, SPCB, Odisha.

In addition to the above committee members, the following representatives from M/s. Thakur Prasad. Sao & Sons (P) Ltd., (Unit-IV), At- Lahandabud, Kantapali, Jharsuguda were present during the site visit:-

1. Sri Sailendra Pande, Plant Head
4. That Ash is generated due to the burning of Coal in the thermal power plants. There are 05 nos of industries having thermal power plants operating in the district of Jharsuguda and generating ash. The Ministry of Environment, Forests and Climate Change (MoEF &CC) in its Notification No. S.O.763 (E) dated 14th September 1999, amended on 25th January, 2016 and last amended on 31st December, 2021 mandates that, no agency,

Sandeep Kumar Saha
Additional Tahasildar
Jharsuguda

Sandeep

AP
AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

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person or organization shall within a radius of three hundred kilometres of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low-lying areas with soil; only ash shall be used for compaction and reclamation.

Also, the Ministry of Environment, Forests and Climate Change (MoEF &CC) mandates, 100 percent utilization of fly ash and bottom ash generated during that year, however, in no case shall utilization fall below 80 per cent in any year, and the thermal power plant shall achieve average ash utilization of 100 per cent in a three years cycle. The unutilized accumulated ash i.e. legacy ash, which is stored before the publication of this notification, shall be utilized progressively by the thermal power plants in such a manner that the utilization of legacy ash shall be completed fully within ten years from the date of publication of this notification and this will be over and above the utilization targets prescribed for ash generation through current operations of that particular year.

In the first two years of a three years cycle, if the coal or lignite based thermal power plant (including captive or co-generating stations or both) has not achieved at least 80 percent ash (fly ash and bottom ash) utilization, then such non-compliant thermal power plants shall be imposed with an environmental compensation of Rs. 1000 per ton on unutilized ash during the

Sanjib Kumar Dasgupta

Additional Tahasildar
Jharsuguda

AP
AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

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end of financial year based on the annual reports submitted and if it is unable to utilize 100 per cent of ash in the third year of the three years cycle, it shall be liable to pay an environmental compensation of Rs. 1000 per ton on the unutilized quantity on which environmental compensation has not been imposed earlier.

In this regard, the thermal power plants located in and around the district of Jharsuguda obtains valid Consent to Establish and Consent to Operate from State Pollution Control Board, Odisha for reclamation of low-lying areas with ash as per the Guidelines for Reclamation of Low-Lying Areas and Abandoned Quarries with Fly Ash, 2017 of SPCB, Odisha.

Observations on the complaint matter:-

- The alleged site at Hatipada, Lahandabud in the district of Jharsuguda was visited by the committee. During the visit, it was found that illegal excavation of morrum has been done in an area of about 4.5 acre (as per the satellite view) creating a pit and ash has been dumped into it in an area of about 3.5 acre with average height of 3.5 m as estimated visually from the ground level. Most part of the ash dumped area was found to be covered with morrum and rest was found to be exposed. The dumped ash was found to be old dump. (Photographs enclosed).

Danish Kumar Sanyal
Additional Tahasildar
Jharsuguda

Ambika Prasad Ray
AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

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Latitude: 21.892736
 Longitude: 83.989868
 Elevation: 220.75±9 m
 Accuracy: 7.3 m
 Time: 13.08.2024 10:21
 Note: Illegal disposal of ash

Powered by MetaCam

Sanyal Kumar Sanyal
Additional Tahasildar
Jharsuguda

Ambya



Latitude: 21.892597
 Longitude: 83.991096
 Elevation: 209.06±7 m
 Accuracy: 5.5 m
 Time: 19.12.2024 12:22
 Note: Hatipada Low lying area

Powered by MetaCam

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AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

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- The land details of the alleged site is attached as annexure-I with joint committee report.
- Consent to Establish and Consent to Operate has not been obtained for morrum quarry as well as for reclamation of the quarry with ash at the alleged site.
- M/s. Thakur Prasad. Sao & Sons (P) Ltd., (Unit-IV), At-Lahandabud, Kantapali, Jharsuguda is located about 2.5 km from the alleged site. It has a captive power plant of capacity 4 MW (AFBC). Coal consumption of the unit is about 80 Metric Tonne/Day and Ash generation is about 32 Metric Tonne/Day. Out of 32 TPD of ash generation, 25 TPD of fly ash is generated which is disposed to solid waste dumping area within the plant premises and 6.4 TPD of Bottom Ash generated is disposed to the fly ash brick manufacturing unit and for road making purposes **On the day of visit, the plant was not in operation and on enquiry, it was learnt that AFBC plant is not in operation since 19.10.2023. The status of operation of AFBC plant and ash generation is attached as annexure-II with the joint committee report.**

Sarab Kumar Sahoo
Additional Tahasildar
Jharsuguda

Chimpu

CONCLUSION:-

- Since, the ash dumped was found to be stabilized and no activities were taking place during the visit, it could not be ascertained which industry has illegally excavated the morrum and dumped the ash at the alleged site. When


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AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

approached for information, nearby residents declined to provide any details.

- Also, the alleged site at Hatipada was previously visited by the Regional Office, Jharsuguda, SPCB, Odisha on dated:- 13.08.2024 based on the media clippings published on dated:-10.08.2024 in the local daily newspaper "The Sambad" regarding illegal lifting of morrum and illegal dumping of ash at Hatiapada village, Lahandabud district and report of the same had been sent to Head Office, Bhubaneswar. The report reveals that, it could not be ascertained which industry has illegally excavated the morrum and dumped the ash at the alleged site.
- The thermal power plants are obtaining valid Consent to Establish and Consent to Operate from the Board for reclamation of low-lying area with ash, if any violations are observed necessary directions is being issued under Water (PCP) Act, 1974 and Air (PCP) Act, 1981 and fine is being imposed as per the Fly Ash Notification, December 2021 to the industries.

RECOMMENDATIONS:-

- A strict monitoring mechanism has to be developed for the thermal power plant and for the transporters to avoid illegal extraction and dumping of ash in the district of Jharsuguda.
- The installation of GPS systems shall be mandated for all trucks transporting ash, incorporating a geo-fencing


AMBIKA PRASAD RAY
 NOTARY, CUTTACK TOWN
 REGD. NO-QN-56/2004

Jaswjit Kumar Sahoo
 Additional Tahasildar
 Jharsuguda

Jaswjit Kumar Sahoo

mechanism. Additionally, the relevant Department is required to establish a tracking team specifically for these ash-carrying vehicles.

The copy of joint committee report is filed herewith as ANNEXURE-R 2/1

- 5. That this deponent craves leave to submit further affidavit/affidavits, if necessary in future.
- 6. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified by:-

P.S. Nayak
27/01/25
Advocate

Sarath Kumar Sarathi

Deponent.
Additional Tahasildar
Jharsuguda

CERTIFICATE

Certified that the cartridge papers are not readily available.

Cuttack

Date: 27.01.2025

Signature

PARTHA SARATHI NAYAK
ADDL. GOVT. ADVOCATE

Signature
27.01.25

AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004



**Joint Committee enquiry report with regards to OA No.216/2024/EZ-Smt.Harapriya
Patel vs State of Odisha**

As per the direction of the Hon'ble NGT-EZB dated 29.11.2024, in the matter OA 216/2024/EZ, a committee has been constituted, comprising of District Collector & DM, Jharsuguda or his / her representative not below the rank of ADM, Sr. Scientist from OSPCB and Sr. Scientist from CPCB. The committee has been directed for inspection of the site in question and submit its fact finding report and in case allegations of environmental violations are made out, the committee shall recommend remedial action as well as action to be taken against the violators.. In this regard, a field enquiry was conducted on 19.12.2024 in and around the alleged site. The following members of Joint Committee were present during the field visit:-

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Background:-

Ash is generated due to the burning of Coal in the thermal power plants. There are 05 nos of industries having thermal power plants operating in the district of Jharsuguda and generating ash. The Ministry of Environment, Forests and Climate Change (MoEF &CC) in its Notification No. S.O.763 (E) dated 14th September 1999, amended on 25th January, 2016 and last amended on 31st December, 2021 mandates that, no agency, person or organization shall within a radius of three hundred kilometres of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low-lying areas with soil; only ash shall be used for compaction and reclamation.

Also, the Ministry of Environment, Forests and Climate Change (MoEF &CC) mandates, 100 percent utilization of fly ash and bottom ash generated during that year, however, in no case shall utilization fall below 80 per cent in any year, and the thermal power plant shall achieve average ash utilization of 100 per cent in a three years cycle. The unutilized accumulated ash i.e. legacy ash, which is stored before the publication of this notification, shall be utilized progressively by the thermal power plants in such a manner that the utilization of legacy ash shall be completed fully within ten years from the date of publication of this notification and this will be over and above the utilization targets prescribed for ash generation through current operations of that particular year.

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and bottom ash) utilization, then such non-compliant thermal power plants shall be imposed with an environmental compensation of Rs. 1000 per ton on unutilized ash during the end of financial year based on the annual reports submitted and if it is unable to utilize 100 per cent of ash in the third year of the three years cycle, it shall be liable to pay an environmental compensation of Rs. 1000 per ton on the unutilized quantity on which environmental compensation has not been imposed earlier.

In this regard, the thermal power plants located in and around the district of Jharsuguda obtains valid Consent to Establish and Consent to Operate from State Pollution Control Board, Odisha for reclamation of low-lying areas with ash as per the Guidelines for Reclamation of Low-Lying Areas and Abandoned Quarries with Fly Ash, 2017 of SPCB, Odisha.

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- Also, the alleged site at Hatipada was previously visited by the Regional Office, Jharsuguda, SPCB, Odisha on dated:-13.08.2024 based on the media clippings published on dated:-10.08.2024 in the local daily newspaper "The Sambad" regarding illegal lifting of morrum and illegal dumping of ash at Hatiapada village, Lahandabud district and report of the same had been sent to Head Office, Bhubaneswar. The report reveals that, it could not be ascertained which industry has illegally excavated the morrum and dumped the ash at the alleged site.
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- The installation of GPS systems shall be mandated for all trucks transporting ash, incorporating a geo-fencing mechanism. Additionally, the relevant Department is required to establish a tracking team specifically for these ash-carrying vehicles.


Smt. Anusha Ekka, Dy.Env.Scientist,
SPCB, Odisha, Jharsuguda


Sri Sandeep Roy, Scientist D,
CPCB, Regional Directorate, Kolkata


Sri Brajabandhu Bhoi, O.A.S (S),
Additional District Magistrate (Gen), Jharsuguda

Addl. District Magistrate
JHARSUGUDA

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ANNEXURE - I

LAND SCHEDULE OF THE PLOT WHERE INDUSTRIAL ASH HAS BEEN DUMPED
ILLEGALLY AT LAHANDABUD MOUZA OF R.I.C. H. KATAPALI

Mouza- Lahandabud

M.S. Khata No.	Plot No.	Area	Kisam
175	1237 (P)	2.70	Patit

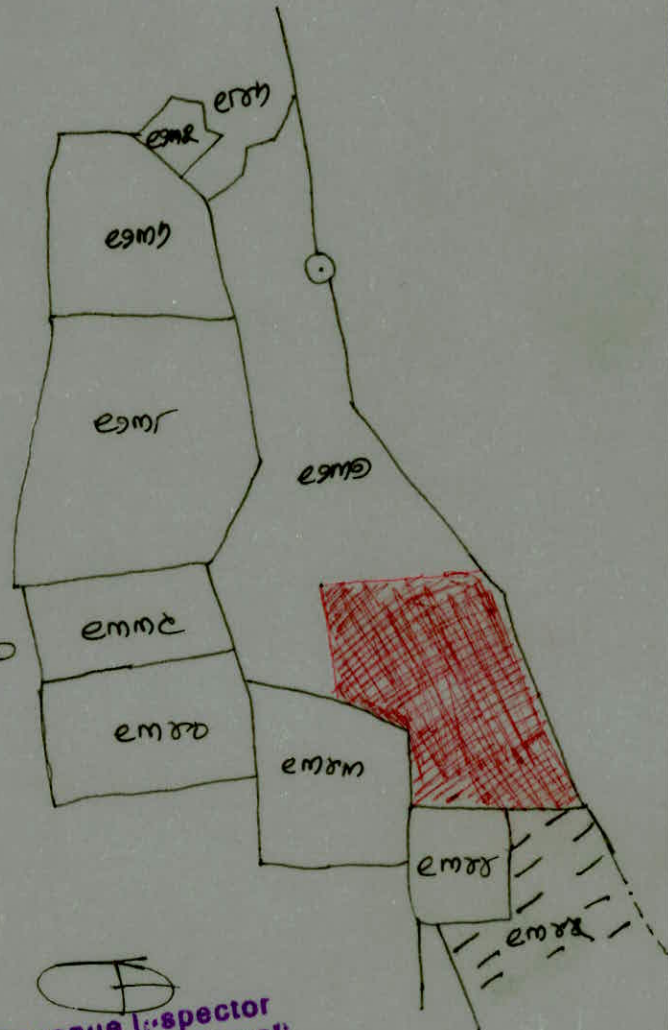

Revenue Inspector
Hansapura Katapali
H. Katapali



ମୋତିଆ: ଭିକ୍ଟୋରିଆ
 ପାତା: ସିଂହଭୂଷଣ
 ପହୁଣ୍ଡା: ସିଂହଭୂଷଣ
 କ୍ଷେତ୍ର ୧୦" = ୧ ମାପ
 ୧୦" = ୧ ମାପ

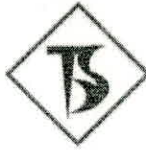
(ମୋତିଆ ଉପରେ ଉଲ୍ଲେଖ କରାଯାଇଥିବା ଅଞ୍ଚଳର ନିକଟରେ ଥିବା ଭୂମିର ମାପ ଏବଂ ଅଞ୍ଚଳର ମାପ)

ସା.ନଂ ୧୨୫୫: ଭିକ୍ଟୋରିଆ ମୋତିଆ
 ୧୦୫ ୧୦୫(୧) ଉପରେ ୧୨.୧୦



Revenue Inspector
 Hansamura, Katapali

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ANNEXURE-II

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Ref. No. : TPSL Unit-IV/JSG/SPCB/78.

Date : 29.08.2024.

To

The Chief Env. Engineer.
State Pollution Control Board, Odisha,
Paribesh Bhawan, A/118,
Nilakantha Nagar, Unit -VIII,
Bhubaneswar -751012. Odisha.

Sub : Submission of month wise fly ash utilization data-reg.

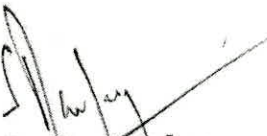
Respected Sir,

As advised by your good self vide Letter No. 12702/IND-I-CON-(MISC.) 355 date 13.08.2024, we are attaching herewith monthly fly ash utilization data in the prescribed format for your kind perusal.

Hope your good self will find the above in order.

Thanking You

Yours Faithfully,
For Thakur Prasad Sao & Sons Pvt. Ltd. Unit-IV.


Shailendra Pandey
Sr. G.M. (P&A)

Copy to : Regional Officer, SPCB, Jharsugudea.

Enclosed as above.

Thakur Prasad Sao & Sons Pvt. Ltd.

CIN : U10200WB1986PTC041629

Regd. Office : 51/E, Gariahat Road, Ballygunge, Kolkata - 700 019 (WB)

☎ (+91) 33-4007 1632/1784/1785/7090/7091 ✉ kolkata@tpsigroup.in 🌐 www.tpsigroup.in

City Office : Avani Signature, 2nd Floor, 91 A/1, Park Street, Kolkata - 700 016(WB)

Manufacturing Units : TPSL Unit I, II & III - Kuarmunda, Sundargarh, Rourkela, Odisha - 770 039

TPSL Unit-IV, At-Lahandabud, PO-H. Katapali, Dist-Jharsuguda-768202, Odisha.

