

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
O.A. NO. 23 OF 2025**

IN THE MATTER OF:

Tapan Kumar Badhai

...Applicant

-Versus-

Government of Odisha & Ors.

..Respondent (s)

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NDoH: 03.07.2025

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Date: 01.07.2025

Place: Kolkata

DRAWN BY:

Mbachani

Mansi Bachani & Gitanjali Sanyal
Advocates for Respondent No.8
29, LGF, Presidential Estate
Nizamuddin East, New Delhi- 110013
Email: eldflegal@gmail.com +91- 8851323704

SETTLED BY:

Mr. Sanjay Upadhyay
[Senior Advocate]

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**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO.8, M/s
VEDANTA LTD. TO THE OA**

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal is currently seized of the abovementioned matter wherein the Applicant has alleged illegal dumping of fly ash by M/s Infra Engineers Private Limited (Respondent No. 9) on his agricultural land bearing Khata No-84/277, Plot no-66/67,72 at Mouza Bhudiapada, which stands in the name of his father. It is further alleged that the fly ash is being obtained from M/s Vedanta Ltd. (Respondent No. 8 herein) by M/s Infra Engineers Private Limited (Respondent No. 9), who has been allotted the task for executing the work on National Highway-49 Bypass from Budhiapatar to Patrapali, in District Jharsuguda, Odisha.
2. That this Hon'ble Tribunal issued Notice to the Respondents on 13.02.2025 and constituted a Joint Committee consisting of a Senior Scientist from SPCB, CPCB and the District Magistrate for site inspection of the allegations raised in the present Original Application. On 11.03.2025, the Joint Committee has undertaken the site inspection and District Magistrate submitted the report on 26.03.2025 before this Hon'ble Tribunal.
3. That thereafter, on 28.03.2025, the Joint Committee Report was taken on record, and the Odisha State Pollution Control Board was directed to file an Action Taken Report on the Committee Report. This Hon'ble Tribunal also recorded a correction in para 4 of the Order dated 13.02.2025 to record

that M/s Infra Engineers Private Limited has been allotted work order for the construction of the bypass and not M/s Vedanta Ltd.

4. That at the outset, the Respondent No. 8 herein, M/s Vedanta Ltd. (hereinafter referred to as the Answering Respondent), submits an unconditional apology for submitting its reply affidavit at a belated stage. The Answering Respondent clarifies that the Original Application has wrongly alleged dumping of fly ash on the agricultural land of the Applicant by the Answering Respondent without an iota of evidence and the same is affirmed by the Joint Committee Report of 11.03.2025.

5. That the Answering Respondent merely provides the fly ash to M/s Infra Engineers Private Limited. Once the fly ash is picked up/obtained by the transporter, the liability for safe transportation is with the transporter and its end use is with the User Agency (M/s Infra Engineer in this case) as per the Fly Ash Notification, 2021. The Answering Respondent seeks to submit a brief chronological sequence of events for a holistic adjudication of the case clarifying that sale of fly ash to the user agency does not make the Answering Respondent liable for the misconduct, if any, of the user agency/purchaser.

6. That any contention which has not been specifically responded in the present Reply are herewith denied and are not to be construed as having been accepted by the answering Respondent as if traversed seriatim

PRELIMINARY SUBMISSIONS

7. That the Fly Ash Notification, 2021, issued by the Ministry of Environment, Forest and Climate Change on 31.12.2021 *inter alia* mandates the thermal power plants to utilize fly ash generated in an eco-friendly manner including utilization in the construction of roads and embankments. Further, user agencies within 300km of thermal power

plants have also been mandated to utilise fly ash for the construction of roads, embankments, among other activities.

8. That on 27.06.2024, M/s Infra Engineers Pvt. Ltd. wrote to the Answering Respondent herein requesting for fly ash in accordance with the Guidelines of Ministry of Road Transport and Highways (MoRTH) for the construction of the Jharsuguda Bypass on NH-49. The Letter also clarified that a Letter of Allotment has been issued in favour of M/s Infra Engineer Pvt. Ltd. for the construction of NH-49 by the National Highways Authority of India and the State of Odisha. The Copy of the Letter dated 27.06.2024 is marked and annexed as **ANNEXURE R/1**.
9. A copy of the MoRTH Guidelines dated 23.10.2020 (relevant excerpts) is appended as **ANNEXURE R/2**.
10. That thereafter on 19.11.2024, M/s Infra Engineers Pvt. Ltd. wrote another letter to the Answering Respondent again requesting fly ash for the construction of the Jharsuguda Bypass on NH-49. The Letter further references the Fly Ash Notification, 2021 and the Ministry of Road Transport and Highways Notification of 23.10.2020, whereby the fly ash has been mandated for utilization in the construction of the road. The copy of the Letter dated 19.11.2024 is marked and annexed as **ANNEXURE R/3**.
11. That on 19.12.2024, the National Highway Division, Jharsuguda, wrote to the Answering Respondent stating that the work pertaining to the construction of the Jharsuguda Bypass on NH-49 has been awarded to an EPC Contractor, M/s Infra Engineer Pvt. Ltd. and the Agreement regarding the same was executed on 04.11.2024. The Letter further requests the Answering Respondent to provide 6 to 7 lakh tonnes of fly ash to the said EPC contractor for the construction of the bypass as per the Guidelines of

the Ministry of Environment, Forest and Climate Change. Accordingly, suitable arrangements were requested to be made for supplying fly ash by the Answering Respondent to the EPC Contractor, M/s Infra Engineer Pvt. Ltd. and the EPC Contractor was directed to provide the necessary locations for dumping of Fly Ash at work site smoothly. Copy of the Letter dated 19.12.2024 of the NH Division, Jharsuguda to M/s Vedanta Ltd. is marked and annexed herein as **ANNEXURE R/4**.

12. That on 08.01.2025, the Answering Respondent has written to the Regional Officer of the Odisha State Pollution Control Board, intimating the supply of fly ash/pond ash from the power plants of the Answering Respondent to M/s Infra Engineer Ltd. and National Highways Division, odisha in pursuance of request letters dated 19.11.2024 and 19.12.2024 respectively. Accordingly, the fly ash is being supplied to M/s Infra Engineer Ltd. from 03.01.2025 at Ch.258+636 to Ch.293+300 of NH-49 Jharsuguda Bypass in the Jharsuguda District, Odisha. The copy of the Letter dated 08.01.2025 is marked and annexed as **ANNEXURE R/5**.

13. That in pursuance of the Notice issued by this Hon'ble Tribunal on 13.02.2025 and 28.03.2025, the answering Respondent has come to know of the alleged dumping of fly ash on the agricultural land of the Applicant. It is the submission of the Answering Respondent that as per the provisions of the Fly Ash Notification, 2021, fly ash is being provided to M/s Infra Engineer Ltd., through an authorized transporter and the end use for construction of road is being carried out by M/s Infra Engineer Ltd and not the answering Respondent. The liability, if any, has to be determined accordingly.

14. That further, the District Magistrate vide its Affidavit dated 26.03.2025 has submitted the Joint Committee report wherein it has been clarified that the

answering Respondent merely provided the fly ash to M/s Infra Engineer Ltd for construction of road as an end use in an eco-friendly manner. The responsibility for the utilization of the fly ash as per the Fly Ash Notification of 2021 is on M/s Infra Engineer Ltd. and accordingly the Joint Committee has concluded imposition of environment compensation as per Para C (5) of the Fly Ash Notification, 2021. True Copy of the Fly Ash Notification, 2021 is marked and annexed as **ANNEXURE R/6**.

15. That in view of the abovementioned facts and position of law, it is humbly submitted that the Original Application has wrongly implicated the Answering Respondent with the allegation of illegal dumping of fly ash on the agricultural land of the Applicant. Accordingly, the Answering Respondent may be deleted from the array of parties.

PARA WISE RESPONSE

16. That the submission in para I-III at page 3 of the Original Application pertaining to allotment of work by National Highways and alleged dumping of fly ash on the agricultural land is denied as wrong, false and devoid of all merit. The work order for the construction of the bypass has been allotted to M/s Infra Engineer Ltd. (Respondent No. 9) by NH division, Jharsuguda. The submissions in the preliminary submission are reiterated and are not being repeated for the sake of brevity.
17. That the submissions in para 1 do not pertain to the answering Respondent and to that extent merit no response.
18. That in response to the submissions in para 2 of the Original Application it is clarified that the Answering Respondent, as noted in the said para, merely provides fly ash to M/s Infra Engineer Ltd. and is not involved in the implementation of the construction of the bypass road. Accordingly, the Answering Respondent cannot be held liable.

19. That the contents of para 3 of the Original Application do not pertain to the Answering Respondent and to that extent do not merit any response.
20. That the contents of para 4 of the Original Application are denied as wrong, false and devoid of all merit. The answering Respondent had duly informed the State Pollution Control Board regarding the supply of fly ash to M/s Infra Engineer Ltd. The supply of fly ash is being undertaken as per the Fly Ash Notification, 2021, However, the Original Applicant, without any evidence, is wrongly implicating the Answering Respondent with the liability of alleged illegal dumping of fly ash on his agricultural land. It is reiterated that the Joint Committee Report has also clarified that the Answering Respondent merely provides the fly ash to M/s Infra Engineer Ltd. and there is no alleged illegal dumping of fly ash by the Answering Respondent herein. The newspaper report annexed as Annexure 2 of the Original Application pertains to the complaint of the Applicant with respect to the dumping of fly ash by the National Highways Authority of India and does not relate to the Answering Respondent.
21. That in response to the contents of para 5 to 7, the same are submissions pertaining to the action taken by the Applicant with respect to alleged illegal dumping of fly ash on his land, and to that extent do not merit any response. However, it is pertinent to reiterate that the said alleged dumping has not been undertaken by the Answering Respondent herein as has also been noted by the Joint Committee in its Report before this Hon'ble Tribunal.
22. That the contents of para 8 are denied as wrong, false and devoid of all merit. This Hon'ble Tribunal may take strict note of the conduct of the Applicant, who is wrongly implicating the Answering Respondent with the liability of alleged dumping fly ash on his land despite noting and

acknowledging in the Original Application that the work order pertaining to the construction of the bypass has been given to M/s Infra Engineer Ltd. by the National Highways Division, odisha. The contents of the preliminary submissions are being reiterated and are not being repeated for the sake of brevity.

23. That in response to Ground (a) and (b), it is reiterated that the Fly Ash Notification of 2021 clarifies that the responsibility for the utilization of fly ash in an eco-friendly manner is of the user agency /purchaser of fly ash and not of the thermal power plant owner (the answering Respondent herein) after the purchase of the fly ash. Thus, the Answering Respondent cannot be held liable for the improper utilization of Fly Ash by the purchaser/user agency. The Joint Committee Report has also noted that it was the purchaser/user agency i.e., M/s Infra Engineer Ltd. who will be responsible for alleged dumping of fly ash on the agricultural land of the Applicant.

24. That in view of the abovementioned facts and position of law, it is reiterated that the Answering Respondent was merely providing the fly ash to M/s Infra Engineer Ltd. for construction of road as an end use in an eco-friendly manner and cannot be held liable for any improper utilization of fly ash by M/s Infra Engineer Ltd. Accordingly, it is humbly prayed that the Answering Respondent may be deleted from the array of parties.

Date: 01.07.2025

Place: Kolkata

DRAWN BY:

Mbachani

Mansi Bachani & Gitanjali Sanyal
Advocates for Respondent No.8

29, LGF, Presidential Estate

Nizamuddin East, New Delhi- 110013

Email: eldflegal@gmail.com +91- 8851323704

SETTLED BY:

Mr. Sanjay Upadhyay

[Senior Advocate]



IN THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO 23 OF 2025

IN THE MATTER OF:

Tapan Kumar Badhai ...Applicant

-Versus-

State of Odisha & Ors. ...Respondent (s)

AFFIDAVIT

I, Satyapriya S/o Shri Arvind Shankar Singh aged about 49 am the Authorized Signatory for M/s Vedanta Ltd. located at Core - 6, 2nd Floor, Scope Complex, 7 Lodhi Road, New Delhi – 110003, presently at New Delhi, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Reply are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Reply are true and correct to the best of my knowledge.

I identified the deponent who has signed in my presence

[Handwritten signature]

For Vedanta Limited
[Handwritten signature]
Authorised Signatory

DEPONENT

- 1 JUL 2025

VERIFICATION:

Verified at New Delhi on this.....day of.....,2025 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

For Vedanta Limited
[Handwritten signature]
Authorised Signatory
DEPONENT

- 1 JUL 2025



NOTARY ATTESTED
NOTARY (Govt. of India)
Neelam Sharma, Advocate
Enrol. No.-D12012004
Ch. No. 165A, Gate No. 11
Patiala House Courts,
New Delhi-110001
(M): 9899408301

M S INFRAENGINEERS PVT. LTD.Ref. No. M.S.I.L./2024-25/1973Date. 27-06-2024

To
The COO(TPP-1800MW),
Vedanta Limited(Aluminium & Power), Jharsuguda,
Bhurkamunda,Po-Kalimandir,Dist-Jharsuguda(Odisha),
Pin-768202,India.
E-Mail- vijay.ingole@vedanta.co.in

Sub: - "Construction of Jharsuguda Bypass on NH-49 from Ch. 283+300 Km to 283+300 (design chainage 258+636 km to 289+876 km in the state of Odisha on EPC Mode -**Requirement of fly-ash -Reg.**

Ref: - 1) Letter of Acceptance(LOA) No-WIA-JSDA-BP-T-01/18(Vol-II)/2976 on dated-14.03.2024.

Dear Sir,

This is with reference to the subject as cited above and vide reference. It is to inform you that the project has been awarded us and the Letter of Acceptance(LOA) has been issued by Chief Engineer, National Highways, Govt. of Odisha, vide letter no- WIA-JSDA-BP-T-01/18(Vol-II)/2976 on dated-14.03.2024. The length of the project is 31.240Km. The requirement of fly-ash filling quantity will be approximately 20,00000MT in the first phase. The use of fly-ash in road construction is permitted, as per the MORT&H circular no- 24028/14/2018-H in road/flyover embankment construction.

Therefore, you are request to supplement the requisite quantity of fly-ash for this prestigious project of Jharsuguda District.

Thanking you and assuring you our best co-operation at all times.

Yours Faithfully,
MS Infraengineers Pvt. Ltd.

Director
Authorised Signatory
M/s. M S Infraengineers Pvt. Ltd.

Encl. LOA Copy and MORT&H Circular.

- 1) Copy Submitted to The Chief Construction Engineer, Western National Highways, Sambalpur for favour of information and necessary action.
- 2) Copy Submitted to The Executive Engineer, National Highways, Jharsuguda for favour of information and necessary action.

REGD. OFFICE

MSIL Building, Khapuria, Madhupatna, Cuttack, Odisha (India), Pin-753010

Phone:0671-2958763/ 0671-2344761 / 2344762 / 2347259, Fax: 0671-2347259

Website: www.msil.co.in, E-mail Id: msil@msil.co.in

By email & Speed Post



GOVERNMENT OF ODISHA
OFFICE OF THE CHIEF ENGINEER, NATIONAL HIGHWAYS, ODISHA
NIRMAN SOUDHA (OLD BUILDING), KESARI NAGAR, UNIT-V, BHUBANESWAR-751001
email id: cenhorissa@gmail.com

Letter No: WIA-JSDA-BP-T-01/18(Vol-II)/

2976

Date: 14/3/2024

LETTER OF ACCEPTANCE

To

M/s MS Infra Engineers Pvt. Limited
MSIL Building, Khapuria
Madhupatna
Cuttack-753010
Odisha
email: msil@msil.co.in

Sub: Construction of Jharsuguda Bypass on NH-49 from CH 258+636 km to CH 283+300 km (design chainage from Km 258+636 to Km 289+876) in the state of Odisha under EPC mode (Bid Ref No - 09 CE NH of 2023-24) - Letter of Acceptance (LOA)

Ref: 1. Bid Ref.No.-09 CE NH of 2023-24 (Your Bid for the subject work dated 30.11.2023)
2. Letter No.Nil dated 14.03.2024 of MoRT&H, New Delhi.

Sir,

This is to notify you that your bid dated 30.11.2023 for execution of the "Construction of Jharsuguda Bypass on NH-49 from CH 258+636 km to CH 283+300 km (design chainage from Km 258+636 to Km 289+876) in the state of Odisha under EPC mode" at your quoted bid price amounting to Rs. 200,77,96,700 /- (Rupees two hundred crore seventy seven lakh ninety six thousand seven hundred only) being 20.70 % less than the corresponding estimated cost put to tender of Rs. 253,19,00,000/- has been determined to be the lowest evaluated bid and is substantially responsive and has been accepted.

You are requested to return a duplicate of the LOA as an acknowledgement and sign the Contract Agreement within the period prescribed in Clause 1.3 of the RFP.

You are also requested to furnish Performance Security for an amount of Rs.6,02,33,901/- (Rupees six crore two lakh thirty three thousand nine Hundred and one only) and Additional Performance Security for an amount of Rs.35,44,660/- (Rupees thirty five lakhs forty four thousand six hundred sixty only) as per Clause 2.21 of the RFP within 30 (thirty) days of receipt of this Letter of Acceptance (LOA). In case of delay in submission of Performance Security, you may seek extension of time for a period not exceeding 60 (Sixty) days on payment of Damages in accordance with Clause 2.21 of RFP.

In case of failure of submission of Performance Security, Additional Performance Security, and Security against Damages (if any) within the additional 60 (Sixty) days time period, the award shall be deemed to be cancelled and Bid security shall be encashed by the Authority as per Clause 2.21 of the RFP.

MS Infraengineers Pvt. Ltd.

Accepted by:

Director

(Name of Authorised Person, M/s of MS Infra Engineers Pvt. Limited)
(with Seal of M/s of MS Infra Engineers Pvt. Limited)

NAME - AJIT KUMAR SWAIN

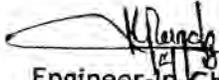
Date: 20/03/2024

Yours faithfully

Engineer-In-Chief
(i/c C.E NHs, Odisha)

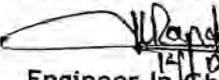
Memo No. 2977 Dated: 14/3/2024

Copy submitted to the Principal Secretary to Government, Works Department, Odisha Bhubaneswar for favour of kind information and necessary action.


14/03/2024
Engineer-In-Chief
(i/c C.E NHs, Odisha)

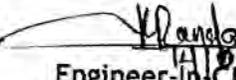
Memo No. 2978 Dated: 14/3/2024

Copy submitted to the Director General (RD) & Special Secretary, Ministry of Road transport & Highways, New Delhi for information and necessary action.


14/03/2024
Engineer-In-Chief
(i/c C.E NHs Odisha)

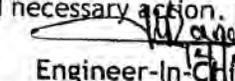
Memo No. 2979 Dated: 14/3/2024

Copy to the Chief Engineer, NER Zone (HQ) Ministry of Road Transport and Highways, Transport Bhawan, Email: aditya.morth@gmail.com, aditya.prakash@nic.in for information and necessary action.


14/03/2024
Engineer-In-Chief
(i/c C.E NHs Odisha)

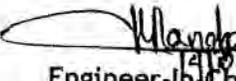
Memo No. 2980 Dated: 14/3/2024

Copy to the R.O, MoRT&H, Bhubaneswar for favour of information and necessary action.


14/03/2024
Engineer-In-Chief
(i/c C.E NHs, Odisha)

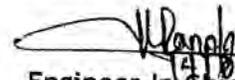
Memo No. 2981 Dated: 14/3/2024

Copy forwarded to the Chief Construction Engineer, Western N.H. Circle Sambalpur for information and necessary action.


14/03/2024
Engineer-In-Chief
(i/c C.E NHs, Odisha)

Memo No. 2982 Dated: 14/3/2024

Copy forwarded to the Executive Engineer, NH Division, Jharsuguda for information and necessary action.


14/03/2024
Engineer-In-Chief
(i/c C.E NHs, Odisha)

No. 24028/14/2018-H
Government of India
Ministry of Road Transport & Highways
 S&R(P&B) Section

Transport Bhavan, No.1, Parliament Street, New Delhi-110001

Dated: August 27, 2018

To

1. The Chairman, National Highways Authority of India, G-5 & 6, Sector-10, Dwarka, New Delhi-110 075.
2. The Managing Director, NHIDCL, PTI Building, New Delhi-110001
3. All CE-ROs of the Ministry

Subject: Use of fly ash in road/ flyover embankments construction.

The use of fly-ash in road construction is permitted as per the Standards & Specifications evolved by the Indian Road Congress/ Ministry. The physical and chemical properties of fly ash and the design methodology to be adopted for embankment construction has been specified in IRC:SP:58:2001 "Guidelines for use of fly-ash in road construction". Section 305 i.e. "Embankment Construction" of MoRT&H Specifications for Road and Bridge works lays down the specifications for use of fly-ash in embankment construction.

2. There is a huge generation of fly ash in the country and substantial portion of it remains unutilized which is an environmental concern, creating health hazards apart from occupation of large areas of precious land for its storage/disposal. Disposal and utilization of ash generated at the thermal power plants has become a pressing and urgent task. Bulk utilization of the fly-ash is possible in the field of civil engineering applications, especially construction of road embankments.

3. Ministry of Environment Forests and Climate Change (MoEF&CC) has issued various notifications for fly ash utilization. The principal notification was issued on 14-9-1999, which was subsequently amended vide notifications dated 27-8-2003, 3-11-2009 and 25-1-2016. As per the notification of MoEF&CC, it is mandatory to use fly-ash in the construction of road or flyover embankments within a radius of 300 km of a thermal power plant. Further, the relevant content of the notification dated 25-1-2016 of MoEF&CC regarding road/ flyover embankment construction are as under:-

Para 10: The cost of transportation of ash for road construction projects or for manufacturing of ash based products or use as soil conditioner in agriculture activity within a radius of hundred kilometers from a coal or lignite based thermal power plant shall be borne by such coal or lignite based thermal power plant and the cost of transportation beyond the radius of hundred kilometers and up to three hundred kilometers shall be shared equally between the user and the coal or lignite based thermal power plant.

Para 14: The coal or lignite based thermal power plants shall within a radius of three hundred kilometers bear the entire cost of transportation of ash to the site of road construction projects under Pradhan Mantri Gramin Sadak Yojana and asset creation programmes of the Government involving construction of

Page 1 of 3



No. 24028/14/2018-H
Government of India
Ministry of Road Transport & Highways
 S&R(P&B) Section

Transport Bhavan, No.1, Parliament Street, New Delhi-110001

buildings, road, dams and embankments.

4. The issue of lesser off-take of fly-ash in road construction activities of the Ministry of Road Transport & Highways and its executing agencies (NHAI, State PWDs, NHIDCL) has been reviewed at the level of the Ministry. It was pointed out that the Thermal Power Plants have been found to be reluctant to bear the Transportation Costs in accordance with the latest Notification issued by the MoEF&CC on the subject. Accordingly, Secretary, MoRTH took up the matter with the Secretary, Ministry of Power and the CMD/ NTPC. The CMD, NTPC clarified that they had already issued instructions in this behalf to the officers-in-charge of all the NTPC Plants. The availability of fly ash at various stations of National Thermal Power Corporation (NTPC) is available at NTPC official web site www.ntpc.co.in under the Tab "Ash Availability". The names of responsible persons along with telephone number/ mobile number/ E-mail address to communicate for issues of Pond ash is mentioned herein. The same is also available in the App "ASHTRACK" launched by the Ministry of Power.
5. A list of Thermal Power Stations and the available quantity of fly ash as on 30-6-2018, as received from the Ministry of Urban Development is enclosed at Annexure-A.
6. The notification dated 25-1-2016 of the MoEF&CC further stipulates that an MoU or any other agreement for using fly ash is to be made between the Thermal Power Station and construction agency/ Contractor. A sample MoU finalized between the NTPC and officials of NHAI is enclosed as Annexure-B.
7. It is, therefore, requested to assess the quantity of fly ash that can be utilized in each on-going project within a radius of 300 km from the thermal power plant. The details of the assessed quantities of fly ash may be provided in the following proforma to the Ministry urgently:

A. On-going Projects (bid before 25-1-2016)

Sr. No.	Name of the nearby thermal power plant	Available quantity in plant in Tonne	Name of Project/ NH No.	Length of the Project	Quantity of fly ash that can be utilized in Tonne	Average lead of the project from plant
1.	2.	3.	4.	5.	6.	7.

B. On-going Projects (bid after 25-1-2016)

Sr. No.	Name of the nearby thermal power plant	Available quantity in plant in Tonne	Name of Project/ NH No.	Length of the Project	Quantity of fly ash that can be utilized in Tonne	Average lead of the project from plant
1.	2.	3.	4.	5.	6.	7.



No. 24028/14/2018-H
 Government of India
 Ministry of Road Transport & Highways
 S&R(P&B) Section
 Transport Bhavan, No.1, Parliament Street, New Delhi-110001

8. It is requested to provide the details in the proforma prescribed under para 7 above within 10 days to the Ministry. It may be mentioned that a meeting shall be held by the Secretary (RT&H) on this issue in the first week of September, 2018.

Yours faithfully,

Raj Kumar
 (Raj Kumar)

Assistant Executive Engineer (S&R) (P&B)
 For Director General (Road Development) & SS

Copy to:

1. All ADGs in the Ministry of Road Transport & Highways
2. All CEs in the Ministry of Road Transport & Highways

ANNEXURE R/2

402.19¹

RW/NH-33044/01/2019-S&R (P&B)
 Government of India
 Ministry of Road Transport & Highways
 Zone-S&R (P&B)
 Transport Bhawan, 1, Parliament Street, New Delhi -110001.

Dated: 23rd October, 2020

To,

1. The Chief Secretaries of all the State Governments/ UTs.
2. The Chairman, National Highways Authority of India, G-5 & 6, Sector-10, Dwarka, New Delhi-110 075.
3. The Managing Director, NHIDCL, PTI Building, New Delhi-110001.
4. The Principal Secretaries/ Secretaries of all States/ UTs Public Works Department/ Road Construction Department/ Highways Department (dealing with National Highways and other centrally sponsored schemes).
5. All Engineers-in-Chief and Chief Engineers of Public Works Department of States/ UTs/ Road Construction Department/ Highways Departments (dealing with National Highways and other centrally sponsored schemes).
6. The Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110 010.
7. All CE-ROs, ROs and ELOs of the Ministry.

Subject: Use of Fly-ash in road/flyover embankment construction on NH works - reg...

Reference:

- i. Ministry's Letter No- RW/NH-24028/14/2018-H dated 27.08.2018 (copy enclosed)
- ii. Ministry's Letter No- RW/NH-35014/20/2017-H dated 07.01.2019 (copy enclosed)

Fly-ash is causing environmental pollution, creating health hazards and requires large areas of precious land for disposal. Due to increasing concern for environmental protection and growing awareness of the ill effects of pollution, disposal of ash generated at thermal power plants has become an urgent and challenging task.

2. Ministry of Environment, Forests and Climate Change (MoEFCC) has issued various notifications for fly-ash utilization. As per the latest notification of MoEFCC, it is mandatory to use fly-ash in construction of roads or flyover embankments within a radius of 300 km of thermal power plants.
3. As per MORT&H 'Specifications for Road and Bridge Works' and IRC 'Manual of Specifications and Standards' (two, four and six laning of Highways etc.), use of fly-ash shall conform to the MoEFCC guidelines. As per the Ministry's Specifications for Road and Bridge Works use of fly ash is allowed under Section 305 for "Embankment Construction". The physical and chemical properties of fly-ash and the design methodology to be adopted for embankment construction has been specified in IRC: SP: 58-2001 "Guidelines for use of fly-ash in Road Embankments".

4. In view of the above, it is hereby once again requested to use fly-ash in the road construction, in line with the guidelines of MoEFCC, MORT&H and IRC.

Yours sincerely,

Chhaya Rajput
23/10/2020

(Chhaya Rajput)
Assistant Executive Engineer (S&R)
for Director General (Road Development)&SS

Copy to:

1. All CEs in the Ministry of Road Transport & Highways
2. The Secretary General, Indian Roads Congress
3. Technical circular file of S&R (P&B) Section
4. NIC-for uploading on Ministry's website under "What's new"

Copy for kind information to:

1. Sr. PPS to Secretary (RT&H)
2. PPS to DG (RD) & SS
3. PPS to AS&FA
4. PS to all ADGs
5. PS to JS (T)/ JS (H)/ JS (LA&C)/ JS (EIC)

M S INFRAENGINEERS PVT. LTD.Ref. No. MSIL/2024-25/4254Date. 19-11-2024**To,**

The Chief Executive Officer
Vedanta Ltd.
Jharsuguda, Odisha.

Sub: - Construction of Jharsuguda Bypass on NH-49 from Ch. 258+636 km to Ch. 283+300 km (Design Chainage from 258+636 km to 289+876 km) in the State of Odisha under EPC mode – **Supply of Fly ash through our authorized transporter “M/s Shivaay Enterprises, Jharsuguda” –Reg.**

Dear Sir,

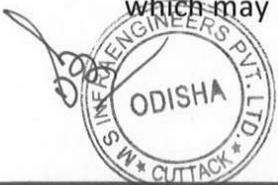
It is mandatory to use flyash in construction of roads or flyover embankment as per the Ministry of Road Transport & Highways (MoRTH) Notification No. RW/NH-33044/01/2019-S&R, dated 23.10.2020 in view of increasing concern for environmental protection and growing awareness of the ill effects of environmental pollution due to the disposal of ash generated at thermal power plant/ any other plant which produce flyash.

Flyash is allowed under Section 305 “Embankment Construction” as per MoRTH’S Specifications for Road and Bridge works conforming to the Ministry of Environment, Forests and Climate Change (MoEFCC) guidelines. As per latest notification of MoEFCC dated 23.10.2020 referred above, it is mandatory to use fly ash in construction of roads or flyover embankments within a radius of 300 km of thermal power plants. The coal based Thermal Power Station at Vedanta Ltd, Jharsuguda is well situated within the radii of 100 km from the aforementioned project. For which we planned to lifting the fly ash in the road construction work as per MoRTH notification dated 23.10.2020 from this source & herewith recommending our authorized transporter M/s Shivaay Enterprises for transporting the fly ash from your plant to Jharsuguda Bypass Project.

The address of the above authorized transporter is as follows:

M/s Shivaay Enterprises,
Jharsuguda

There is a requirement of nearly about 20,00,000 cum of fly ash in the stated project which may be increased or decreased during construction of embankment of the road.

**REGD. OFFICE****MSIL Building, Khapuria, Madhupatna, Cuttack, Odisha (India), Pin-753010****Phone:0671-2958763/ 0671-2344761 / 2344762 / 2347259, Fax: 0671-2347259****Website: www.msil.co.in, E-mail Id: msil@msil.co.in / CIN No. U45201OR2011PTC013824**

M S INFRAENGINEERS PVT. LTD.

Ref. No.....

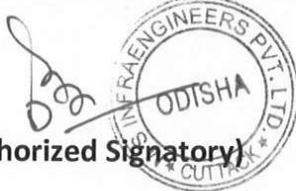
Date.....

Accordingly, we herewith request your good self to provide the above mentioned required quantity of fly ash & recommending our authorized transporter M/s Shivaay Enterprises for fly ash transportation from your Thermal Power Station to our Site.

Thanking you and assuring best services at all time.

Yours Faithfully,

For & on behalf of M/s M S Infraengineers Pvt. Ltd.


(Authorized Signatory)

Encl: Mort&H Circular as above

CC:

1. The Chief Construction Engineer, Jharsuguda (R&B) Circle, Jharsuguda.

REGD. OFFICE

MSIL Building, Khapuria, Madhupatna, Cuttack, Odisha (India), Pin-753010

Phone:0671-2958763/ 0671-2344761 / 2344762 / 2347259, Fax: 0671-2347259

Website: www.msil.co.in, E-mail Id: msil@msil.co.in / CIN No. U45201OR2011PTC013824

-TRUE COPY-

ANNEXURE R/4

E-mail ID: eenhjs@gmail.com
Ph No.06645-271179
Kali Mandir Road, Jharsuguda-768202



**OFFICE OF THE EXECUTIVE ENGINEER
NATIONAL HIGHWAY DIVISION, JHARSUGUDA.**

Letter No. 2010 Dated. 19.12.24

To

Ajaya Kumar Pandey,
Chief Operating Officer, Power,
Vedanta Limited, Jharsuguda
Email:Udayan.ChauPattnaik@vedanta.co.in

Sub: "Construction of Jharsuguda Bypass including ROB on N.H.-49 from Ch.258.636 Km to Ch.283.300Km (Designed chainage 258.636 Km to 289.876 Km) under NH(O) in Annual Plan 2022-23 in the State of Odisha" under EPC Mode.- Regarding supply of Fly Ash to project site at Jharsuguda Bypass for construction of Bypass road.

Ref: (i) Letter No.3731 Dated.14.11.2024 of Chief Construction Engineer, Western N.H. Circle, Sambalpur.
(ii) Letter No.MSIL/2024-25/4140 Dated.11.11.2024 of M.S. Infraengineers Pvt. Ltd.
(iii) Notification of Ministry of Road Transport & Highways No.24028/14/2018-H Dated.27.08.2018.
(iv) Notification of Ministry of Road Transport & Highways No.RW/NH-33044/01/2019-S&R[P&B].
(v) Letter No.3595We Dated.04.11.2024 of Chief Construction Engineer, Western N.H. Circle, Sambalpur (Drawl of Agreement).
(vi)Your Letter No. VL/AU/24-25/36 Dated.23.10.2024.
(vii)Letter No.16531 Dated.18.12.2024 of Additional District Magistrate(Gen), Jharsuguda.
(viii) Letter No.MSIL/2024-25/4575 Dated.17.12.2024 of M/s MS Infraengineers Pvt. Ltd..

Sir,

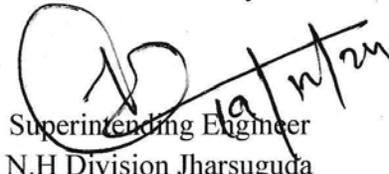
With reference to the subject captioned above, it is to state that the work "Construction of Jharsuguda Bypass including ROB on N.H.-49 from Ch.258.636 Km to Ch.283.300Km (Designed chainage 258.636 Km to 289.876 Km) under NH(O) in Annual Plan 2022-23 in the State of Odisha" has already been awarded to M/s MS Infraengineers Pvt. Ltd.and agreement has been drawn on dated.04.11.2024. The work will be appointed very shortly and the preliminary arrangement is under process.There work site is nearly 15 Km from esteemed company.

The agency M/s MS Infraengineers Pvt. Ltd. has interested vide his letter under reference (viii) & accordingly as per request of Vedanta Ltd., Additional District Magistrate(Gen), Jharsuguda has instructed the undersigned to consider the proposal for utilisation of Fly Ash, which is to be used in embankment construction under the aforesaid project as per specification for Road & Bridge works of Ministry of Road Transport & Highway (MoRT&H, Govt. of India) and IRC Manual of specifications and standard, for which the same material to be obtained from your industrial jurisdiction. In this context, it is hereby recommended that about 6 to7 lakh Tonne of fly ash may please be provided to the EPC Contractor for the aforesaid purposes, pursuant to respective Guidelines of Ministry of Environment, Forest and Climate Change (MoEFCC, Govt. of India).

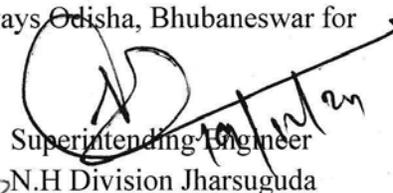
Thus, it is hereby requested that, suitable arrangement in this regard should be initiated accordingly for the better implementation of Govt. project smoothly followed with all statutory formalities.

This is for your information and necessary action.

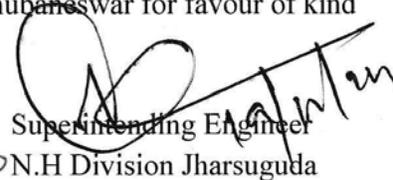
Yours faithfully


Superintending Engineer
N.H Division Jharsuguda

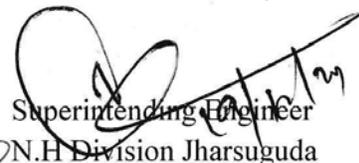
Memo No 2011 Dated 19.12.24
Copy submitted to the Chief Engineer, National Highways Odisha, Bhubaneswar for favour of kind information and necessary action.


Superintending Engineer
N.H Division Jharsuguda

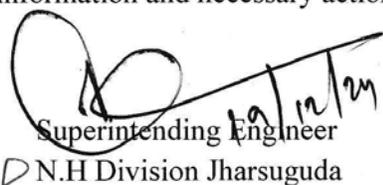
Memo No 2012 Dated 19.12.24
Copy submitted to the Regional Officer, MoRT&H, Bhubaneswar for favour of kind information and necessary action.


Superintending Engineer
N.H Division Jharsuguda

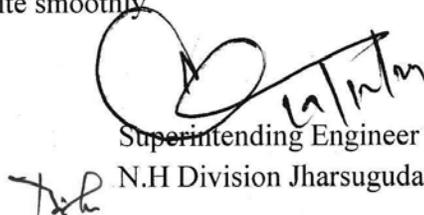
Memo No 2013 Dated 19.12.24
Copy submitted to the Chief Construction Engineer-cum-Authority's Engineer, Western National Highway Circle, Sambalpur for favour of kind information and necessary action with reference to your ltr. no.3731 dated.14.11.2024.


Superintending Engineer
N.H Division Jharsuguda

Memo No 2014 Dated 19.12.24
Copy to the A.E.E., N.H. Sub-Division, Jharsuguda for information and necessary action.


Superintending Engineer
N.H Division Jharsuguda

Memo No 2015 Dated 19.12.24
Copy to M/s MS Infraengineers Pvt. Ltd. for information and necessary action. He is requested to pursue the matter with the concerned official for needful and ensure MoRT&H Specification for Road & Bridge Works under Section 305 for "Embankment Construction" and IRC Manual of Specifications & Standard along with observing respective Guidelines of MoEFCC, Govt. of India subject to submission of appropriate design/ drawing and revised TCS as applicable and due approval of the same by the Chief Construction Engineer-cum-Authority's Engineer, Western N.H.Circle,Sambalpur as per the MoRTH specification prior to dumping of Fly Ash. And also provide the necessary locations for dumping of Fly Ash at work site smoothly.


Superintending Engineer
N.H Division Jharsuguda

ANNEXURE R/5



VL/AU/24-25/67

Date : 08-01-2025

To,

The Regional Officer,
State Pollution Control Board,
Jharsuguda-768203

Sub: Intimation For Fly Ash/Pond Ash Supply for the construction of NH-49 Jharsuguda Bypass (Ch. 258+636 to Ch. 283+300) in the Jharsuguda District.

Ref: 1 Letter from office of the Executive Engineer National Highway Division,
Jharsuguda vide letter No: 2010 dated : 19-12-2024

2. Request letter from M S Infraengineers Pvt. Ltd. vide letter no: MSIL/2024-
25/4254 dated 19-11-2024.

Dear Sir,

With reference to the captioned subject matter, we would like to inform your good office for supply of requested amount of fly ash/pond ash from our both the Power Plants (4 *600 MW & 9*135 MW) as per the request received from office of the Executive Engineer National Highway Division, Jharsuguda (ref-1) & M S Infraengineers Pvt. Ltd. (ref-2).

Also, we would like to inform you that the supply of fly ash/pond ash started from 3rd Jan'25 at the Ch. 258+636 to Ch. 283+300 of NH-49 Jharsuguda Bypass in the Jharsuguda District.

Thanking You

Vijay Ingole

Head Ash Management

Vedanta Limited



VEDANTA LIMITED ,JHARSUGUDA

Vill- Bhurkamunda, P.O- Kalimandir, Dist- Jharsuguda (Odisha)- 768202
T +91-664 566 6000 F +91-664 566 6267 www.vedantalimited.com

REGISTERED OFFICE : Vedanta Limited 1st Floor, 'C' wing, Unit 103, Corporate Avenue, Atul Projects, Chakala, Andheri (East), Mumbai 400093, Maharashtra, India.
CIN: L13209MH1965PLC291394

Sensitivity: Internal (C3)

-TRUE COPY-


भारत का राजपत्र
The Gazette of India

सी.जी.-डी.एल.-अ.-01012022-232336
CG-DL-E-01012022-232336

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 5075]

नई दिल्ली, शुक्रवार, दिसम्बर 31, 2021/पौष 10, 1943

No. 5075]

NEW DELHI, FRIDAY, DECEMBER 31, 2021/PAUSHA 10, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 31 दिसम्बर, 2021

का.आ. 5481(अ).—केंद्रीय सरकार ने भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 763 (अ) तारीख 14 सितम्बर, 1999 द्वारा कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों से तीन सौ किलोमीटर के विनिर्दिष्ट व्यास के भीतर ईटों के विनिर्माण के लिए उपजाऊ मिट्टी के उत्खनन को प्रतिबंधित करने के लिए और भवन निर्माण सामग्री के विनिर्माण में और संनिर्माण क्रियाकलाप में फ्लाई-राख के उपयोग को बढ़ावा देने के लिए निदेश जारी किए हैं;

और, प्रदूषणकर्ता भुगतान सिद्धांत (पीपीपी) के आधार पर, ऐसा करके कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों द्वारा फ्लाई-राख का 100 प्रतिशत उपयोग सुनिश्चित करते हुए और फ्लाई-राख प्रबंधन प्रणाली की संधारणीयता के लिए पूर्वोक्त अधिसूचना को और अधिक प्रभावकारी ढंग से कार्यान्वित करने हेतु, केंद्रीय सरकार ने मौजूदा अधिसूचना की समीक्षा की;

और प्रदूषणकर्ता भुगतान सिद्धांत के आधार पर पर्यावरणीय प्रतिकर निर्धारित किए जाने की आवश्यकता है;

और, विनिर्माण को बढ़ावा देकर तथा निर्माण कार्य के क्षेत्र में राख आधारित उत्पादों तथा भवन निर्माण सामग्रियों के प्रयोग को अनिवार्य करके उपजाऊ मिट्टी को संरक्षित करने की आवश्यकता है;

	सीमेंट शीट या पाइप या बोर्ड या पैनल):			
	ii. सीमेंट विनिर्माण:			
	iii. रेडी मिक्स कंक्रीट:			
	iv. राख और जीओ-पॉलिमर आधारित निर्माण सामग्री:			
	v. सिंटेड या कोल्ड बॉन्डेड राख एग्रीगेट का निर्माण:			
	vi. सड़कों, सड़क और फ्लाई ओवर के पुश्तों का निर्माण:			
	vii. बांधों का निर्माण:			
	viii. निम्न भू-क्षेत्र का भराव:			
	ix. खनिज क्षेत्रों का भराव:			
	x. अधिभार वाले डम्पों में उपयोग:			
	xi. कृषि:			
	xii. तटीय जिलों में तटरेखा सुरक्षा संरचनाओं का निर्माण:			
	xiii. अन्य देशों को राख का निर्यात			
	xiv. अन्य (कृपया विनिर्दिष्ट करें):			
20.	सार :			
	ब्यौरा	सृजित मात्रा (एमटीपी)	उपयोग की गई मात्रा (एमटीपी) और (%)	शेष मात्रा (एमटीपी)
	रिपोर्टिंग की अवधि के दौरान राख			
	पुरानी राख			
	कुल			
21.	कोई अन्य सूचना : वार्षिक अनुपालन रिपोर्ट, और विद्युत संयंत्रों और राख कुण्डों की शेष फाइलों की सॉफ्ट कॉपी ई-मेल:- moefcc- coalash@gov.in पर भेजी जाए।			
22.	प्राधिकृत हस्ताक्षरकर्ता के हस्ताक्षर			

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 31st December, 2021

S.O. 5481(E).—Whereas by notification of the Government of India in the erstwhile Ministry of Environment and Forests *vide* S.O.763 (E), dated the 14th September, 1999, as amended from time to time, the Central Government, issued directions for restricting the excavation of top soil for manufacturing of bricks and promoting the utilisation of fly ash in the manufacturing of building materials and in construction activity within a specified radius of three hundred kilometres from the coal or lignite based thermal power plants;

And whereas, to implement the aforesaid notification more effectively based on the polluter pays principle (PPP) thereby ensuring 100 per cent utilisation of fly ash by the coal or lignite based thermal power plants and for the sustainability of the fly ash management system, the Central Government reviewed the existing notification; and whereas environmental compensation needs to be introduced based on the polluter pays principle;

And whereas, there is a need to conserve top soil by promoting manufacture and mandating use of ash based products and building materials in the construction sector;

And whereas, there is a need to conserve top soil and natural resources by promoting utilisation of ash in road laying, road and flyover embankments, shoreline protection measures, low lying areas of approved projects, backfilling of mines, as an alternative for filling of earthen materials;

And whereas, it is necessary to protect the environment and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And whereas, in the said notification the phrase 'ash', has been used which includes both fly ash as well as bottom ash generated from the Coal or Lignite based thermal power plants;

And whereas, the Central Government intends to bring out a comprehensive framework for ash utilisation including system of environmental compensation based on polluter pays principle;

And whereas, a draft notification on ash utilisation by coal or lignite thermal power plants in supersession of the notification of the Government of India, Ministry of Environment and Forests published in the Gazette of India, Extra Ordinary part II, section 3, sub-section (i) *vide* S.O.763 (E), dated the 14th September, 1999, by notification in exercise of the powers conferred 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 clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), *vide* G.S.R. 285(E), dated the 22nd April, 2021 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft provisions were made available to the public;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, and in supersession of the Notification S.O.763 (E), dated the 14th September, 1999 except as respect things done or omitted to be done before such supersession, the Central Government hereby issues the following notification on ash utilisation from coal or lignite thermal power plants which shall come into force on the date of the publication of this notification, namely:-

A. Responsibilities of thermal power plants to dispose fly ash and bottom ash.—

- (1) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall be primarily responsible to ensure 100 per cent utilisation of ash (fly ash, and bottom ash) generated by it in an eco-friendly manner as given in sub-paragraph (2);
- (2) The ash generated from coal or lignite based thermal power plants shall be utilised only for the following eco-friendly purposes, namely:-
 - (i) Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;
 - (ii) Cement manufacturing, ready mix concrete;
 - (iii) Construction of road and fly over embankment, Ash and Geo-polymer based construction material;
 - (iv) Construction of dam;
 - (v) Filling up of low lying area;
 - (vi) Filling of mine voids;
 - (vii) Manufacturing of sintered or cold bonded ash aggregate;
 - (viii) Agriculture in a controlled manner based on soil testing;
 - (ix) Construction of shoreline protection structures in coastal districts;

- (x) Export of ash to other countries;
- (xi) Any other eco-friendly purpose as notified from time to time.
- (3) A committee shall be constituted under the chairmanship of Chairman, Central Pollution Control Board (CPCB) and having representatives from Ministry of Environment, Forest and Climate Change (MoEFCC), Ministry of Power, Ministry of Mines, Ministry of Coal, Ministry of Road Transport and Highways, Department of Agricultural Research and Education, Institute of Road Congress, National Council for Cement and Building Materials, to examine and review and recommend the eco-friendly ways of utilisation of ash and make inclusion or exclusion or modification in the list of such ways as mentioned in Sub-paragraph (2) based on technological developments and requests received from stakeholders. The committee may invite State Pollution Control Board or Pollution Control Committee, operators of thermal power plants and mines, cement plants and other stakeholders as and when required for this purpose. Based on the recommendations of the Committee, Ministry of Environment, Forest and Climate Change (MoEFCC) may publish such eco-friendly purpose.
- (4) Every coal or lignite based thermal power plant shall be responsible to utilise 100 per cent ash (fly ash and bottom ash) generated during that year, however, in no case shall utilisation fall below 80 per cent in any year, and the thermal power plant shall achieve average ash utilisation of 100 per cent in a three years cycle:

Provided that the three years cycle applicable for the first time is extendable by one year for the thermal power plants where ash utilisation is in the range of 60-80 per cent, and two years where ash utilisation is below 60 per cent and for the purpose of calculation of percentage of ash utilisation, the percentage quantity of utilisation in the year 2021- 2022 shall be taken into account as per the table below:

Utilisation percentages of thermal power plants	First compliance Cycle to meet 100 per cent utilisation	Second compliance cycle onwards, to meet 100 per cent utilisation
>80 per cent	3 years	3 years
60-80 per cent	4 years	3 years
<60 per cent	5 years	3 years

Provided further that the minimum utilisation percentage of 80 per cent shall not be applicable to the first year and first two years of the first compliance cycle for the thermal power plants under the utilisation category of 60-80 per cent and <60 per cent, respectively.

Provided also that 20per cent of ash generated in the final year of compliance cycle may be carried forward to the next cycle which shall be utilised in the next three years cycle along with the ash generated during that cycle.

- (5) The unutilised accumulated ash i.e. legacy ash, which is stored before the publication of this notification, shall be utilised 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 utilisation targets prescribed for ash generation through current operations of that particular year:

Provided that the minimum quantity of legacy ash in percentages as mentioned below shall be utilised during the corresponding year and the minimum quantity of legacy ash is to be calculated based on the annual ash generation as per installed capacity of thermal power plant.

Year from date of publication	1 st	2 nd	3 rd -10 th
Utilisation of legacy ash (in percentage of Annual ash)	At least 20 per cent	At least 35 per cent	At least 50 per cent

Provided further that the legacy ash utilisation shall not be required where ash pond or dyke has stabilised and the reclamation has taken place with greenbelt or plantation and the concerned State Pollution Control Board shall certify in this regard. Stabilisation and reclamation of an ash pond or dyke including certification by the Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be carried out within a year from the date of publication of this notification. The ash remaining in all other ash ponds or dykes shall be utilised in progressive manner as per the above mentioned timelines.

Note: The obligations under sub-paragraph (4) and (5) above for achieving the ash utilisation targets shall be applicable from 1st April, 2022.

- (6) Any new as well as operational thermal power plant may be permitted an emergency or temporary ash pond with an area of 0.1 hectare per Mega Watt (MW). Technical specifications of ash ponds or dykes shall be as per the guidelines of Central Pollution Control Board (CPCB) made in consultation with Central Electricity Authority (CEA) and these guidelines shall also lay down a procedure for annual certification of the ash pond or dyke on its safety, environmental pollution, available volume, mode of disposal, water consumption or conservation in disposal, ash water recycling and greenbelt, etc., and shall be put in place within three months from the date of publication of this notification.
- (7) Every coal or lignite based thermal power plant shall ensure that loading, unloading, transport, storage and disposal of ash is done in an environmentally sound manner and that all precautions to prevent air and water pollution are taken and status in this regard shall be reported to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in Annexure attached to this notification.
- (8) Every coal or lignite based thermal power plant shall install dedicated silos for storage of dry fly ash silos for at least sixteen hours of ash based on installed capacity and it shall be reported upon to the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) in the Annexure and shall be inspected by Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) from time to time.
- (9) Every coal or lignite based thermal power plant (including captive or co-generating stations or both) shall provide real time data on daily basis of availability of ash with Thermal Power Plant (TPP), by providing link to Central Pollution Control Board's web portal or mobile phone App for the benefit of actual user(s).
- (10) Statutory obligation of 100 per cent utilisation of ash shall be treated as a change in law, wherever applicable.

B. For the purpose of utilisation of ash, the subsequent sub-paras shall apply.—

- (1) All agencies (Government, Semi-government and Private) engaged in construction activities such as road laying, road and flyover embankments, shoreline protection structures in coastal districts and dams within 300 kms from the lignite or coal based thermal power plants shall mandatorily utilise ash in these activities:

Provided that it is delivered at the project site free of cost and transportation cost is borne by such coal or lignite based thermal power plants.

Provided further that thermal power plant may charge for ash cost and transportation as per mutually agreed terms, in case thermal power plant is able to dispose the ash through other means and those agencies makes a request for it and the provisions of ash free of cost and free transportation shall be applicable, if thermal power plant serves a notice on the construction agency for the same.

- (2) The utilisation of ash in the said activities shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, Central Building Research Institute, Roorkee, Central Road Research Institute, Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government Agencies.

- (3) It shall be obligatory on all mines located within 300 kilometres radius of thermal power plant, to undertake backfilling of ash in mine voids or mixing of ash with external Overburden dumps, under Extended Producer Responsibility (EPR). All mine owners or operators (Government, Public and Private Sector) within three hundred kilometres (by road) from coal or lignite based thermal power plants, shall undertake measures to mix at least 25 per cent of ash on weight to weight basis of the materials used for external dump of overburden, backfilling or stowing of mine (running or abandoned as the case may be) as per the guidelines of the Director General of Mines Safety (DGMS):

Provided that such thermal power stations shall facilitate the availability of required quantity of ash by delivering ash free of cost and bearing the cost of transportation or cost of transportation arrangement decided on mutually agreed terms and mixing of ash with overburden in mine voids and dumps shall be applicable for the overburden generated from the date of publication of this notification and the utilisation of ash in the said activities shall be carried out in accordance with guidelines laid down by the Central Pollution Control Board, Director General of Mines Safety and Indian Bureau of Mines.

Explanation.- For the purpose of this sub-paragraph, it is also clarified that the provisions of ash free of cost and free transportation shall be applicable, if thermal power plants serve a notice on the mine owner for the same and the mandate of using 25 per cent of ash for mixing with overburden dump and filling up of mine voids shall not be applicable unless a notice is served on the mine owner by thermal power plant.

- (4) (i) All mine owners shall get mine closure plans (progressive and final) to accommodate ash in the mine voids and the concerned authority shall approve mine plans for disposal of ash in mine voids and mixing of ash with overburden dumps. The Ministry of Environment, Forest and Climate Change (MoEFCC) has issued guidelines on 28th August, 2019 regarding exemption of requirement of Environmental Clearance of thermal power plants and coal mines along with the guidelines to be followed for such disposal.
- (ii) The Ministry in consultation with Central Pollution Control Board (CPCB), Director General of Mine Safety (DGMS) and Indian Bureau of Mines (IBM) may issue further guidelines time to time to facilitate ash disposal in mine voids and mixing with overburden dumps and it shall be the responsibility of mine owners to get the necessary amendments or modifications in the permissions issued by various regulatory authorities within one year from the date of identification of such mines.
- (5) (i) There shall be a committee headed by Chairperson, Central Pollution Control Board (CPCB) with representatives from Ministry of Environment, Forest and Climate Change, Ministry of Power, Ministry of Mines, Ministry of Coal, Director General of Mine Safety and Indian Bureau of Mines for identification of mines for backfilling of mine voids with ash or mixing of ash with overburden dump including examination of safety, feasibility (not economic feasibility) and aspects of environmental contamination and the committee shall get updated quarterly reports prepared regarding identified mines (both underground and opencast) for the stakeholder Ministries or Departments and the committee shall start identifying the suitable mines immediately after the publication of this notification.
- (ii) Thermal power plants or mines shall not wait for disposal of ash till the identification is done by the above mentioned committee, to meet the utilisation targets mandated as above.
- (6) Filling of low lying areas with ash shall be carried out with prior permission of the State Pollution Control Board or Pollution Control Committee for approved projects, and in accordance with guidelines laid down by Central Pollution Control Board (CPCB) and the State Pollution Control Board or Pollution Control Committee (PCC) shall publish approved sites, location, area and permitted quantity annually on its website.
- (7) Central Pollution Control Board after engaging relevant stakeholders, shall put in place the guidelines within one year for all types of activities envisaged under this notification including putting in place time bound online application process for the grant permission by State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs).

- (8) All building construction projects (Central, State and Local authorities, Govt. undertakings, other Govt. agencies and all private agencies) located within a radius of three hundred kilometres from a coal or lignite based thermal power plant shall use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are made available at prices not higher than the price of alternative products.
- (9) Manufacturing of ash based products and use of ash in such products shall be in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Road Congress, and Central Pollution Control Board.

C. Environmental compensation for non-compliance.—

- (1) 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 per cent ash (fly ash and bottom ash) utilisation, then such non-compliant thermal power plants shall be imposed with an environmental compensation of Rs. 1000 per ton on unutilised ash during the end of financial year based on the annual reports submitted and if it is unable to utilise 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 unutilised quantity on which environmental compensation has not been imposed earlier:

Provided that the environmental compensation shall be estimated and imposed at the end of last year of the first compliance cycle as per the various utilisation categories as mentioned in sub-paragraph (4) of Para A.

- (2) Environmental compensation collected by the authorities shall be deposited in the designated account of Central Pollution Control Board.
- (3) In case of legacy ash, if the coal or lignite based thermal power plant (including captive or co-generating stations or both) has not achieved utilisation equivalent to at least 20 per cent (for the first year), 35 per cent (for the second year), 50 per cent (for third to tenth year) of ash generated based on installed capacity, an environmental compensation of Rs. 1000 per ton of unutilised legacy ash during that financial year shall be imposed and if the utilization of legacy ash is not completed at the end of 10 years, an environmental compensation of Rs.1000 per ton shall be imposed on the remaining unutilised quantity which has not been imposed earlier.
- (4) It shall be the responsibility of the transporters or vehicle owner to deliver ash to authorised purchaser or user agency and if it is not complied, then an environmental compensation of Rs. 1500 per ton on such quantity as mis-delivered to unauthorised users or non- delivered to authorised users will be imposed besides prosecution of such non-compliant transporters by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC).
- (5) It is the responsibility of the purchasers or user agencies to utilise ash in an eco-friendly manner as laid down at para B of this notification and if it is not complied, then an environmental compensation of Rs. 1500 or per ton shall be imposed by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC).
- (6) If the user agencies do not utilise ash to the extent obligated under para B or the extent to which they have been intimated through Notice(s) served under sub-paragraph (1) of para D, whichever is lower, they shall be liable to pay Rs. 1500 per ton of ash for the quantity they fall short off:

Provided that the environmental compensation on building constructions shall be levied at Rs.75/- per square feet of built up area of construction.

- (7) (i) The environmental compensation collected by Central Pollution Control Board from the thermal power plants and other defaulters shall be used towards the safe disposal of the unutilised ash and the fund may also be utilised for advancing research on use of ash including ash based products.

(ii) The liability of ash utilisation shall be with thermal power plants even after imposition of environmental compensation on unutilised quantities and in case thermal power plant achieves the ash utilisation of any

particular cycle after imposition of environmental compensation in subsequent cycles, the said amount shall be returned to thermal power plant after deducting 10 per cent of the environmental compensation collected on the unutilised quantity during the next cycle and deduction of 20 per cent, 30 per cent, and so on, of the environmental compensation collected is to be made in case of utilisation of ash in subsequent cycles.

D. Procedure for supply of ash or ash based products.—

- (1) The owner of thermal power plants or manufacturers of ash bricks or tiles or sintered ash aggregate shall serve written notice to persons or agencies who are liable to utilise ash or ash based products, offering for sale, or transport or both.
- (2) Persons or user agencies who have been served notices by owner of thermal power plants or manufacturers of ash bricks or tiles or sintered ash aggregate, if they have already tied up with other agencies for the purpose of utilisation of ash or ash products, shall inform the thermal power plant accordingly, if they cannot use any ash or ash products or use reduced quantity.

E. Enforcement, Monitoring, Audit and Reporting.—

- (1) The Central Pollution Control Board (CPCB) and the concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall be the enforcing and monitoring authority for ensuring compliance of the provisions and shall monitor the utilisation of ash on quarterly basis. Central Pollution Control Board shall develop a portal for the purpose within six months of date of publication of the notification. The concerned District Magistrate shall have concurrent jurisdiction for enforcement and monitoring of the provisions of this notification.
- (2) (i) Thermal power plants shall upload monthly information regarding ash generation and utilisation by 5th of the next month on the web portal. Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Pollution Control Committee (PCC), Central Electricity Authority (CEA), and concerned Integrated Regional Office of Ministry of Environment, Forest and Climate Change by the coal or lignite based thermal power plants. Central Pollution Control Board and Central Electricity Authority shall compile the annual reports submitted by all the thermal power plants and submit to Ministry of Environment, Forest and Climate Change by 31st May.

(ii) All other user agencies shall submit consumption or utilisation or disposal of ash and use of ash based products as mandated in this notification in the compliance report of Environmental Clearance (EC) issued by Ministry of Environment, Forest and Climate Change or State Level Environment Impact Assessment Authority (SEIAA) or Consent to Operate (CTO) issued by State Pollution Control Board (SPCB) or Pollution Control Committee (PCC), whichever is applicable. The Central Pollution Control Board (CPCB) or State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall publish annual report of ash utilisation of all other agencies except thermal power plants to review the effective implementation of the provisions of the notification.
- (3) For the purpose of monitoring the implementation of the provisions of this notification, a committee shall be constituted under the Chairperson, Central Pollution Control Board (CPCB), with members from Ministry of Power, Ministry of Coal, Ministry of Mines, Ministry of Environment, Forest and Climate Change, Ministry Road Transportation and Highways, Department of Heavy Industry as well as any concerned stakeholder(s), to be nominated by the Chairman of the committee. The committee may make recommendations for effective and efficient implementation of the provisions of the notification. The committee shall meet at least once in six months and review annual implementation reports and the committee shall also hold stakeholder consultations for monitoring of ash utilisation as mandated by this notification by inviting relevant stakeholder(s) at least once in six months. The committee shall submit the six monthly report to Ministry of Environment, Forest and Climate Change (MoEFCC).

- (4) For the purpose of resolving disputes between thermal power plants and users of ash or manufacturer of ash based products, the State Governments or Union territory administration constitute a Committee within three months from the date of publication of this notification under the Chairman, State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) with representatives from Department of Power, and one representative from the Department which deals with the subject of concerned agency with which dispute is made.
- (5) The compliance audit for ash disposal by the thermal power plants and the user agency shall be conducted by auditors, authorised by Central Pollution Control Board (CPCB) and audit report shall be submitted to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 30th November every year. Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) shall initiate action against non-compliant thermal power plants within fifteen days of receipt of audit report.

[F. No. HSM-9/1/2019-HSM]

NARESH PAL GANGWAR, Jt. Secy.

AnnexureAsh Compliance Report (for the period 1st April-31st March) to be submitted on or before 31st May.

Sl. No.	Details	
1.	Name of Power Plant	
2.	Name of the company	
3.	District	
4.	State	
5.	Postal address for communication:	
6.	E-mail:	
7.	Power Plant installed capacity (MW):	
8.	Plant Load Factor (PLF):	
9.	No. of units generated (MWh):	
10.	Total area under power plant (ha): (including area under ash ponds)	
11.	Quantity of coal consumption during reporting period (Metric Tons per Annum):	
12.	Average ash content in percentage (per cent):	
13.	Quantity of current ash generation during reporting period (Metric Tons per Annum): Fly ash (Metric Tons per Annum): Bottom ash (Metric Tons per Annum):	
14.	Capacity of dry fly ash storage silo(s) (Metric Tons) :	
15.	Details of utilisation of current ash generated during reporting period (a) Total quantity of current ash utilised (MTPA) during reporting period: (b) Quantity of fly ash utilised (MTPA): (i) Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels) (ii) Cement manufacturing:	

	<ul style="list-style-type: none"> (iii) Ready mix concrete: (iv) Ash and Geo-polymer based construction material: (v) Manufacturing of sintered or cold bonded ash aggregate: (vi) Construction of roads, road and fly over embankment: (vii) Construction of dams: (viii) Filling up of low lying area: (ix) Filling of mine voids: (x) Use in overburden dumps: (xi) Agriculture: (xii) Construction of shoreline protection structures in coastal districts; (xiii) Export of ash to other countries: (xiv) Others (please specify): <p>(c) Quantity of bottom ash utilised (MTPA):</p> <ul style="list-style-type: none"> (i) Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels): (ii) Cement manufacturing: (iii) Ready mix concrete: (iv) Ash and Geo-polymer based construction material: (v) Manufacturing of sintered or cold bonded ash aggregate: (vi) Construction of roads, road and flyover embankment: (vii) Construction of dams: (viii) Filling up of low lying area: (ix) Filling of mine voids: (x) Use in overburden dumps: (xi) Agriculture: (xii) Construction of shoreline protection structures in coastal districts: (xiii) Export of ash to other countries: (xiv) Others (please specify): <p>Total quantity of current ash unutilised (MTPA) during reporting period:</p>	
16.	Percentage utilisation of current ash generated during reporting period (per cent):	
17.	<p>Details of disposal of ash in ash ponds</p> <ul style="list-style-type: none"> (a) Total quantity of ash disposed in ash pond(s) (Metric Tons) as on 31st March (excluding reporting period): (b) Quantity of ash disposed in ash pond(s) during reporting period (Metric Tons): (c) Total quantity of water consumption for slurry discharge into ash ponds during reporting period (m³): (d) Total number of ash ponds: <ul style="list-style-type: none"> (i) Active: (ii) Exhausted (yet to be reclaimed): (iii) Reclaimed: (e) total area under ash ponds (ha): 	
18.	<p>Individual ash pond details</p> <p><i>Ash pond-1,2, etc (please provide below mentioned details separately, if number of ash ponds is more than one)</i></p> <ul style="list-style-type: none"> (a) Status: Under construction or Active or Exhausted or 	

	<p>Reclaimed</p> <p>(b) Date of start of ash disposal in ash pond (DD/MM/YYYY or MMYYYY):</p> <p>(c) Date of stoppage of ash disposal in ash pond after completing its capacity (DD/MM/YYYY or MM/YYYY): (Not applicable for active ash ponds)</p> <p>(c) area (hectares):</p> <p>(d) dyke height (m):</p> <p>(d) volume (m³):</p> <p>(e) quantity of ash disposed as on 31st March (Metric Tons):</p> <p>(f) available volume in percentage (per cent) and quantity of ash can be further disposed (Metric Tons):</p> <p>(g) expected life of ash pond (number of years and months):</p> <p>(e) co-ordinates (Lat and Long): (please specify minimum 4 co-ordinates)</p> <p>(f) type of lining carried in ash pond: HDPE lining or LDPE lining or clay lining or No lining</p> <p>g) mode of disposal: Dry disposal or wet slurry (in case of wet slurry please specify whether HCSD or MCSD or LCSD)</p> <p>(h) Ratio of ash: water in slurry mix (1: ___):</p> <p>(i) Ash water recycling system (AWRS) installed and functioning: Yes or No</p> <p>(j) Quantity of wastewater from ash pond discharged into land or water body (m3):</p> <p>(k) Last date when the dyke stability study was conducted and name of the organisation who conducted the study:</p> <p>(l) Last date when the audit was conducted and name of the organisation who conducted the audit:</p>									
19.	<p>Quantity of legacy ash utilised (MTPA):</p> <ol style="list-style-type: none"> i. Fly ash based products (bricks or blocks or tiles or fibre cement sheets or pipes or boards or panels): ii. Cement manufacturing: iii. Ready mix concrete: iv. Ash and Geo-polymer based construction material: v. Manufacturing of sintered or cold bonded ash aggregate: vi. Construction of roads, road and flyover embankment: vii. Construction of dams: viii. Filling up of low lying area: ix. Filling of mine voids: x. Use in overburden dumps: xi. Agriculture: xii. Construction of shoreline protection structures in coastal districts; xiii. Export of ash to other countries: xiv. Others (please specify): 									
20.	<table border="1"> <tr> <td colspan="4" data-bbox="272 2188 1464 2233">Summary:</td> </tr> <tr> <td data-bbox="272 2233 581 2308">Details</td> <td data-bbox="581 2233 886 2308">Quantity generated (MTP)</td> <td data-bbox="886 2233 1175 2308">Quantity utilised (MTP) and (per cent)</td> <td data-bbox="1175 2233 1464 2308">Balance quantity (MTP)</td> </tr> </table>	Summary:				Details	Quantity generated (MTP)	Quantity utilised (MTP) and (per cent)	Balance quantity (MTP)	
Summary:										
Details	Quantity generated (MTP)	Quantity utilised (MTP) and (per cent)	Balance quantity (MTP)							

	Current ash during reporting period			
	Legacy ash			
	Total			
21.	Any other information: Soft copy of the annual compliance report, and shape files of power plant and ash ponds may be e-mailed to:- moefcc-coalash@gov.in			
22.	Signature of Authorised Signatory			


भारत का राजपत्र
The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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नई दिल्ली, शुक्रवार, दिसम्बर 30, 2022/पौष 9, 1944
NEW DELHI, FRIDAY, DECEMBER 30, 2022/PAUSHA 9, 1944

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 30 दिसम्बर, 2022

का.आ. 6169(अ).—पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय में भारत सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र, असाधारण, भाग II, खंड 3 उप खंड (ii) का.आ. 5481(अ), तारीख 31 दिसंबर, 2021 द्वारा एक अधिसूचना जारी की थी (जिन्हें इसमें इसके पश्चात इसे राख के उपयोग से संबंधित अधिसूचना कहा गया है);

और, राख के उपयोग से संबंधित अधिसूचना के उपबंधों के कार्यान्वयन के संबंध में विद्युत मंत्रालय, ताप विद्युत संयंत्रों और विभिन्न हितधारकों से अनुरोध प्राप्त हुए हैं;

और, राख के उपयोग से संबंधित अधिसूचना के कार्यान्वयन में सुचारू परिवर्तन लाने हेतु उक्त अधिसूचना के कतिपय उपबंधों में संशोधन लाना उचित है;

अतः अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (1), (2) और (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जारी राख के उपयोग संबंधी अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्:-

जारी राख के उपयोग से संबंधित अधिसूचना में संशोधन –

1. पैरा क में, -

(i) उप पैरा क (4) में, तीसरे परंतुक के पश्चात निम्नलिखित परन्तुक अंतर्विष्ट किया जाएगा, अर्थात् :

“परन्तु, यह भी कि इस अधिसूचना के प्रकाशन की तारीख को अथवा उसके पश्चात् स्थापित नए ताप विद्युत संयंत्र सारणी में यथा विनिर्दिष्ट 60 प्रतिशत से कम ताप विद्युत संयंत्रों के लिए विनिर्दिष्ट अनुपालन चक्र के समान प्रथम अनुपालन चक्र का अनुसरण करेंगे।

टिप्पण : लागू अनुपालन चक्र के अनुसार उपयोग के लक्ष्य 1 अप्रैल, 2022 से प्रभावी होंगे।”

(ii) उप पैरा 5 में, -

(क) आरंभिक पैरा में, “इस अधिसूचना के प्रकाशन की तारीख” शब्दों के स्थान पर “1 अप्रैल, 2022” उक्त अक्षर और शब्द रखे जाएंगे;

(ख) दूसरे परंतुक में, -

(i) “हरित पट्टी या पौधरोपण” के पश्चात, “या उप पैरा (6) में यथा विनिर्दिष्ट केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) द्वारा जारी मार्गदर्शी सिद्धांतों के अनुसार सौर ऊर्जा संभव या पवन ऊर्जा संयंत्र” शब्द कोष्ठकों और अक्षरों को अंतःस्थापित किए जाएंगे;

(ii) “केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) या” शब्द कोष्ठक और अक्षर हटा दिया जाएंगे।

(iii) “एक वर्ष” शब्दों के स्थान पर “तीन वर्ष” शब्दों को रखा जाएगा।

(iv) “इस अधिसूचना के प्रकाशन की तारीख” शब्दों के स्थान पर “1 अप्रैल, 2022” उक्त अक्षर और शब्द रखे जाएंगे;

(ग) दूसरे परंतुक के पश्चात निम्नलिखित उपलब्ध अंतःस्थापित किया जाएगा, अर्थात् :

“परंतु कि पैरा क (6) में यथाविनिर्दिष्ट राख के अस्थायी भंडारण हेतु अभिहित किए गए संचालित राख कुंड या डाइक के सिवाय सभी राख कुंडों या डाइक में संग्रहीत राख में पुरानी राख एकत्रित होगी और या तो इसे पुनःप्राप्त या स्थिर या उपयोग करना होगा।”

(iii) उप पैरा (6) के स्थान, उप पैरा रखा जाएगा, अर्थात्:

“(6) किसी भी नए और साथ ही चालू थर्मल पावर प्लांट को 0.1 हेक्टेयर प्रति मेगा वाट (मेगावाट) के क्षेत्र में राख के अस्थायी भंडारण के लिए परिचालन राख तालाब या डाइक की अनुमति दी जा सकती है। केन्द्रीय विद्युत प्राधिकरण के परामर्श से बनाए गए केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) के दिशा-निर्देशों के अनुसार परिचालन के साथ-साथ स्थिर और पुनः दावा किए गए राख तालाबों या बांधों की तकनीकी विशिष्टताओं के अनुसार होंगे और ये दिशानिर्देश वार्षिक प्रमाणन के लिए एक प्रक्रिया भी निर्धारित करेंगे। परिचालन के साथ-साथ राख तालाब या डाइक को उसकी सुरक्षा, पर्यावरण प्रदूषण, उपलब्ध मात्रा, निपटान के तरीके, पानी की खपत या निपटान में संरक्षण, राख जल पुनर्चक्रण और हरित पट्टी, आदि पर परिचालन के साथ-साथ स्थिर और पुनः प्राप्त किया जाएगा और इस अधिसूचना के प्रकाशन की तारीख से तीन महीने भीतर रखा जाएगा :

परंतु कि 31 दिसंबर, 2021 से पहले चालू किए गए ताप विद्युत संयंत्रों के लिए 1600 मेगावाट से कम या उसके बराबर स्थापित क्षमता वाले दो परिचालन राख तालाबों या डाइकों तक और 1600 से अधिक स्थापित क्षमता वाले ताप विद्युत संयंत्रों के लिए चार परिचालन राख तालाबों या बांधों तक MW, मौजूदा राख तालाबों या बांधों से निर्दिष्ट क्षेत्र के भीतर कई लैगून होने पर, निर्देशांक के साथ स्पष्ट सीमांकन के साथ नामित किया जा सकता है, और केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) और संबंधित राज्य प्रदूषण नियंत्रण बोर्ड (एसपीसीबी)/प्रदूषण को सूचित करेगा। नियंत्रण समिति (पीसीसी) 31 मार्च, 2023 तक :

परंतु आगे कि नए थर्मल पावर प्लांट या मौजूदा थर्मल पावर प्लांट के विस्तार के मामले में केवल एक ऐश पोंड या डाइक की अनुमति दी जाएगी 31 दिसंबर, 2021 को या उसके बाद, जो केन्द्रीय प्रदूषण नियंत्रण बोर्ड (सीपीसीबी) और संबंधित राज्य प्रदूषण नियंत्रण बोर्ड (एसपीसीबी)/प्रदूषण नियंत्रण समिति (पीसीसी) को कमीशन की तारीख से 3 महीने के भीतर निर्देशांक के साथ सीमांकन के विवरण की सूचना देगा। थर्मल पावर प्लांट या 31 मार्च, 2023 तक, जो भी बाद में हो :

परंतु यह और कि कोयला और लिग्नाइट आधारित तापीय विद्युत संयंत्रों को आगे किसी भी नए कार्यशील राख कुंड या डाइक को स्थापित करने या नाम निर्दिष्ट करने की अनुमति नहीं दी जाएगी।

परंतु यह और कि कार्यशील राख कुंड या डाइक की 0.1 हे./मेगावॉट (एमडब्ल्यू) का विनिर्देशन तारीख 3 नवम्बर, 2009 से पूर्व चालू तापीय विद्युत संयंत्रों पर लागू नहीं होंगे।”

2. पैरा ख में, -

(i) उप पैरा (1) में, “300 कि.मी. के भीतर” शब्दों कोष्ठकों और आंकड़ों के स्थान पर “300 कि.मी. के रेडियस के भीतर” शब्द कोष्ठक और आंकड़े रखे जाएंगे।

(ii) उप पैरा (8) में, उच्चतर “वैकल्पिक उत्पादों के मूल्य से अधिक” शब्दों के स्थान पर “केन्द्रीय लोक कार्य विभाग (सीपीडब्ल्यूडी) या संबंधित लोक कार्य विभाग (पीडब्ल्यूडी) द्वारा विनिर्दिष्ट दरों की अनुसूची में उल्लिखित मूल्य या दरों की अनुसूची के अधीन निर्धारित न होने परल वैकल्पिक उत्पादों का मूल्य” शब्द रखे जाएंगे।

3. पैरा घ में, -

(i) उप पैरा (2) के स्थान, उप पैरा रखा जाएगा, अर्थात्:

“(2) जिन व्यक्तियों या उपयोगकर्ता या एजेंसियों को थर्मल पावर प्लांट के मालिक द्वारा नोटिस दिया गया है, अगर वे राख के उपयोग के उद्देश्य से पहले से ही अन्य एजेंसियों के साथ करार कर चुके हैं तो थर्मल पावर प्लांट को तदनुसार सूचित करेंगे और यदि वे उपयोग नहीं कर सकते हैं कोई राख या कम मात्रा का उपयोग कर सकता है।”

(ii) उप-पैरा (2) के पश्चात्, निम्नलिखित उप-पैरा अंतःस्थापित किया जाएगा, अर्थात्:

“(3) जिन व्यक्तियों या उपभोक्ता अभिकरणों को, यदि वे राख आधारित उत्पादों के उपयोग के उद्देश्य से अन्य अभिकरणों के साथ पहले से जुड़े हुए हैं, ऐश ब्रिक्स या टाइल्स या सिंटेड ऐश ऐग्रीगेट या अन्य राख आधारित उत्पादों के विनिर्माताओं के द्वारा नोटिस दिया गया है तो उन्हें ऐश ब्रिक्स या आइल्स या सिंटेड ऐश ऐग्रीगेट या अन्य राख आधारित उत्पादों के विनिर्माताओं को सूचित करना होगा, तदनुसार, यदि वे राख आधारित उत्पादों का उपयोग नहीं कर सकते या कम प्रमात्रा में उपयोग कर सकते हैं।”

2. यह अधिसूचना राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगी।

[फा. सं. एचएसएम - 9/1/2019- एचएसएम]

नरेश पाल गंगवार, अपर सचिव

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग-II, खंड 3, उप-खंड (ii) सं. एस 5481(अ) तारीख 31 दिसम्बर, 2021 के द्वारा में प्रकाशित की गई।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 30th December, 2022

S.O. 6169(E).—Whereas, the Government of India, Ministry of Environment, Forest and Climate Change, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, issued a notification published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) *vide* S.O.5481(E), dated the 31st December, 2021 (herein after referred to as the ash utilisation notification);

And whereas, requests have been received from Ministry of Power, thermal power plants and various stakeholders regarding implementation of provisions of the ash utilisation notification;

And whereas, it is expedient to make amendments to certain provisions of the said notification to have smooth transitioning in implementation of the ash utilisation notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with of sub-rule (1), (2) and (4) of rule (5) of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the ash utilisation notification namely:-

In the ash utilisation notification,-

(1) in paragraph A,-

(i) in sub-paragraph (4), after the third proviso, the following shall be inserted, namely,-

“Provided also that new thermal power plants commissioned on or after the date of publication of this notification shall follow the first compliance cycle similar to the compliance cycle specified for thermal power plants having utilisation per cent. less than 60 per cent. as specified in the table.

Note: The utilisation targets as per the applicable compliance cycle shall commence from 1st April, 2022.”.

(ii) in sub- paragraph (5),-

(a) in the opening paragraph, for the words “the date of publication of this notification”, the figures, letters and word “1st April, 2022” shall be substituted;

(b) in the second proviso, -

(i) after the words “green belt or plantation”, the words, brackets, letters and figure “or solar power plant or wind power plant as per the guidelines issued by the Central Pollution Control Board (CPCB) as specified in sub-para (6)” shall be inserted,

(ii) the words, brackets and letters “Central Pollution Control Board (CPCB) or” shall be deleted,

(iii) for the words “a year”, the words “three years” shall be substituted,

(iv) for the words “the date of publication of this notification”, the figures, letters and word “1st April, 2022” shall be substituted.

(c) after the second proviso, the following proviso shall be inserted, namely:

“Provided that ash stored in all ash ponds or dykes other than operational ash pond or dyke designated for temporary storage of ash as specified in sub-para (6) shall constitute the legacy ash and either to be reclaimed or stabilised or utilised.”.

(iii) for sub- paragraph (6), the following sub-para shall be substituted, namely,-

“(6) Any new as well as operational thermal power plant may be permitted operational ash pond or dyke for temporary storage of ash within an area of 0.1 hectare per Mega Watt (MW). Technical specifications of operational as well as stabilised and reclaimed ash ponds or dykes shall be as per the guidelines of the Central Pollution Control Board (CPCB) made in consultation with the Central Electricity Authority (CEA) and these guidelines shall also lay down a procedure for annual certification of the operational as well as stabilised and reclaimed ash pond or dyke on its safety, environment pollution, available volume, mode of disposal, water consumption or conservation in disposal, ash water recycling and green belt, etc. and shall be put in place within three months from the date of publication of this notification:

Provided that up to two operational ash ponds or dykes for thermal power plants commissioned before 31st December, 2021, having installed capacity less than or equal to 1600 MW, and up to four operational ash ponds or dykes for thermal power plants having installed capacity more than 1600 MW, having multiple lagoons, within the specified area from the existing ash ponds or dykes, may be designated with clear demarcation along with coordinates, and shall inform to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) by 31st March, 2023:

Provided further that one ash pond or dyke shall be permitted in case of new thermal power plants or expansion of existing thermal power plants commissioned on or after 31st December, 2021, which shall inform the details of demarcation along with coordinates to Central Pollution Control Board (CPCB) and concerned State Pollution Control Board (SPCB) or Pollution Control Committee (PCC) within 3 months from the date of commissioning of thermal power plant or by 31st March, 2023, whichever is later:

Provided also that coal and lignite based thermal power plants shall not be allowed to further establish or designate any new operational ash pond or dyke:

Provided also that specification of 0.1 hectare per Mega Watt (MW) of an operational ash pond or dyke shall not be applicable for the thermal power plants commissioned before 03rd November, 2009.”.

(2) in paragraph B,-

(i) in sub- paragraph (1), for the words, figures and letters “within 300 kms”, the words, figures and letters “within a radius of 300 kms” shall be substituted,

(ii) in sub- paragraph (8), for the words “higher than the price of alternative products”, the words, brackets and letters “more than the price mentioned in the Schedule of Rates as specified by Central Public Works Department (CPWD) or concerned Public Works Department (PWD) or price of alternative products, if not mentioned in the Schedule of Rates.” shall be substituted.

(3) in paragraph -D, -

(i) for sub- paragraph (2), the following sub- paragraph shall be substituted, namely,-

“(2) Persons or user agencies who have been served notice by owner of thermal power plants, if they have already tied up with other agencies for the purpose of utilisation of ash, shall inform the thermal power plant accordingly, and if they cannot use any ash or may use reduced quantity.”.

(ii) after sub- paragraph (2), the following sub-para shall be inserted, namely,-

“(3) Persons or user agencies who have been served notice by manufacturers of ash bricks or tiles or sintered ash aggregate or other ash based products, if they have already tied up with other agencies for the purpose of utilisation of ash based products, shall inform the manufacturer of ash bricks or tiles or sintered ash aggregate or other ash based products, accordingly, and if they cannot use ash based products, or may use reduced quantity.”.

2. This notification shall come into force on the date of its publication in the Official Gazette.

[F. No. HSM-9/1/2019-HSM]

NARESH PAL GANGWAR, Addl. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 31st December, 2021, *vide* number S.O.5481 (E), dated the 31st December, 2021.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 05]

नई दिल्ली, सोमवार, जनवरी 1, 2024/पौष 11, 1945

No. 05]

NEW DELHI, MONDAY, JANUARY 1, 2024/PAUSHA 11, 1945

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 1 जनवरी, 2024

का.आ. 05(अ).—केन्द्रीय सरकार ने पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, असाधारण भाग II, खंड 3, उप-खंड (ii) में प्रकाशित संख्या का. आ. 5481(अ), दिनांक 31 दिसंबर, 2021 द्वारा एक अधिसूचना जारी की गई थी;

और, उक्त अधिसूचना के उपबंधों के कार्यान्वयन के संबंध में विद्युत मंत्रालय और अन्य हितधारकों से अनुरोध प्राप्त हुए हैं;

और, पर्यावरण-अनुकूल उद्देश्यों के लिए राख के उपयोग को बढ़ावा देने के लिए उक्त अधिसूचना के कुछ उपबंधों में संशोधन करना समीचीन है, जिसमें राख-आधारित उत्पाद निर्माण में लगे सूक्ष्म और लघु उद्यमों द्वारा निर्मित राख-आधारित उत्पादों में राख का उपयोग सम्मिलित है;

अतः अब, पर्यावरण (संरक्षण) नियम, 1986 के नियम (5) के उप-नियम (1), उप-नियम (2) और उप-नियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार राख के उपयोग से संबंधित अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्: -

राख के उपयोग से संबंधित अधिसूचना के,-

(1) पैरा ख में,-

(i) उप-पैरा (1) में, दोनों परंतुकों के स्थान पर, निम्नलिखित परंतुक रखा जाएगा, अर्थात्: -

"परंतु कोयला या लिग्नाइट आधारित थर्मल पावर प्लांट ने ऐसी एजेंसियों को राख उपलब्ध कराने के लिए नोटिस दिया हो, जिसके लिए राख और परिवहन की लागत कोयला या लिग्नाइट आधारित थर्मल पावर प्लांट द्वारा वहन की जाएगी।"

(ii) उप-पैरा (8) में, निम्नलिखित को रखा जाएगा, अर्थात्:

"कोयला या लिग्नाइट आधारित थर्मल पावर प्लांट से 300 किलोमीटर के दायरे में स्थित सभी भवन निर्माण परियोजनाएं (केंद्रीय, राज्य और स्थानीय प्राधिकरण, सरकारी उपक्रम, अन्य सरकारी एजेंसियां और सभी निजी एजेंसियां) राख की ईंटों, टाइल्स, सिंटेड राख समुच्चय या अन्य राख आधारित उत्पाद का उपयोग करेंगी, परन्तु इन्हें केंद्रीय लोक निर्माण विभाग (सीपीडब्ल्यूडी) या संबंधित राज्य के लोक निर्माण विभाग (पीडब्ल्यूडी) द्वारा निर्दिष्ट दरों की अनुसूची में उल्लिखित कीमत से अनधिक कीमत पर उपलब्ध कराया जाएगा या दरों की अनुसूची के अधीन निर्धारित न होने पर वैकल्पिक उत्पादों के मूल्य पर उपलब्ध कराया जाएगा।

परंतु केंद्रीय लोक निर्माण विभाग और संबंधित राज्य के लोक निर्माण विभाग 01 जनवरी, 2024 से छह महीने के भीतर निर्दिष्ट दरों की अनुसूची प्रकाशित करेंगे।"

(iii) उप-पैरा (9) के पश्चात, निम्नलिखित उप-पैरा अंतःस्थापित किया जाएगा, अर्थात्:

"(10) सभी स्थानीय प्राधिकरण राख और राख-आधारित उत्पादों अर्थात् इमारतों, सड़कों, तटबंधों या किसी अन्य संबंधित निर्माण गतिविधि के निर्माण में ईंटें, ब्लॉक, टाइलें, सिंटेड या कोल्ड बॉन्डेड राख समुच्चय, फाइबर सीमेंट शीट, पाइप, बोर्ड, पैनल के उपयोग के लिए अपने संबंधित भवन उपनियमों और अन्य सुसंगत विनियमों में उपबंध करेंगे।"

(2) पैरा घ में,-

(i) पैरा (1) के स्थान पर, निम्नलिखित को रखा जाएगा, अर्थात्:

"(1) ताप विद्युत संयंत्रों के मालिक उन व्यक्तियों या एजेंसियों को, जिन्हें पैरा ख के उप-पैरा (1) और (3) के अधीन राख का उपयोग करने की आवश्यकता है, परिवहन की लागत को वहन करते हुए राख की मुफ्त आपूर्ति करने के लिए संबंधित राज्य प्रदूषण नियंत्रण बोर्ड को एक प्रति के साथ एक लिखित नोटिस देंगे।

(1क) राख की ईंटों या टाइलों या सिंटेड राख समुच्चय या अन्य राख-आधारित उत्पादों के निर्माता उन व्यक्तियों या एजेंसियों को जिन्हें पेशकश के लिए पैरा ख के उप-पैरा (8) के अधीन राख-आधारित उत्पादों का उपयोग करना आवश्यक है, ऐसे उत्पादों की बिक्री के लिए एक लिखित नोटिस देने सहित संबंधित राज्य प्रदूषण नियंत्रण बोर्ड को उसकी एक प्रति देंगे।"

(ii) उप-पैरा (3) के पश्चात, निम्नलिखित उप-पैरा अंतःस्थापित किए जाएंगे, अर्थात्:

"(4) कोयला या लिग्नाइट आधारित थर्मल पावर प्लांट इस अधिसूचना के अधीन राख का उपयोग करते समय, राख का एक निश्चित प्रतिशत राख आधारित उत्पादों अर्थात् ईंटों, ब्लॉकों, टाइलों, सिंटेड या कोल्ड बॉन्डेड राख समुच्चय, फाइबर सीमेंट शीट, पाइप, बोर्ड, पैनल के निर्माण में लगे सभी सूक्ष्म और लघु उद्यमों को केंद्र सरकार के विद्युत मंत्रालय द्वारा जारी दिशानिर्देशों के अनुसार रियायती मूल्य पर या सीमित नीलामी के माध्यम से आपूर्ति के लिए आरक्षित रखेंगे।"

[फा. सं. 09/01/2019-एचएसएमडी]

नरेश पाल गंगवार, अपर सचिव

टिप्पण: मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में संख्या का.आ. 5481 (अ), दिनांक 31 दिसंबर, 2021 द्वारा प्रकाशित की गई थी और संख्या का.आ. 6169 (अ) दिनांक 30 दिसम्बर, 2022 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 1st January, 2024

S.O. 05(E).—Whereas, the Central Government in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule (5) of the Environment (Protection) Rules, 1986, issued a notification published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii) *vide* number S.O.5481(E), dated the 31st December, 2021;

AND WHEREAS, requests have been received from Ministry of Power and other stakeholders regarding implementation of provisions of the said notification;

AND WHEREAS, it is expedient to amend certain provisions of the said notification to promote use of ash for eco-friendly purposes, including use of ash in ash-based products manufactured by micro and small enterprises engaged in ash-based product manufacturing;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with of sub-rule (1), (2) and (4) of rule (5) of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments in the ash utilisation notification, namely:-

In the ash utilisation notification,-

(1) In paragraph B,-

(i) in sub-paragraph (1), for both the provisos, the following proviso shall be substituted, namely: -

“Provided that the coal or lignite based thermal power plant has given a notice to such agencies for making available ash to such agencies for which cost of ash and transportation shall be borne by the coal or lignite based thermal power plant.”

(ii) in sub-paragraph (8), the following shall be substituted, namely:

“All building construction projects (Central, State and Local authorities, Govt. undertakings, other Govt. agencies and all private agencies) located within a radius of 300 kms from a coal or lignite based thermal power plant shall use ash bricks, tiles, sintered ash aggregate or other ash based products, provided these are made available at prices not more than the price mentioned in the Schedule of Rates as specified by the Central Public Works Department (CPWD) or Public Works Department (PWD) of the State concerned or price of alternative products, if not mentioned in the Schedule of Rates.

That the Central Public Works Department and Public Works Department of the State concerned shall publish the Schedule of Rates specified within six months from the 1st January, 2024.”

(iii) after sub-paragraph (9), the following sub-paragraph shall be inserted, namely:

“(10) All local authorities shall make provisions in their respective building bye-laws and other relevant regulations for the use of ash and ash-based products, such as bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre cement sheets, pipes, boards, panels in construction of buildings, roads, embankments or for any other related construction activity.”

(2) In paragraph D,-

(i) for paragraph (1), the following shall be substituted, namely:

“(1) The owner of thermal power plants shall give a written notice to persons or agencies who are required to utilise ash under sub-paragraph (1) & (3) of paragraph B for offering the supply of ash free of cost and bearing cost of transportation, with a copy to concerned State Pollution Control Board.

(1A) The manufacturers of ash bricks or tiles or sintered ash aggregate or other ash-based products shall give a written notice to persons or agencies who are required to utilise ash-based products under sub-paragraph (8) of paragraph B for offering for sale of such products with a copy to concerned State Pollution Control Board.”

(ii) after sub-paragraph (3), the following sub-paragraphs shall be inserted, namely:

“(4) The coal or lignite based thermal power plants, while utilising ash under this notification shall reserve certain percentage of ash for supply to all micro and small enterprises engaged in ash-based product manufacturing namely, bricks, blocks, tiles, sintered or cold bonded ash aggregates, fibre

cement sheets, pipes, boards, panels for sale at concessional price or through limited auction in accordance with the guidelines issued by the Central Government in the Ministry of Power.”

[F. No. 09/01/2019-HSMD]

NARESH PAL GANGWAR, Addl. Secy.

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O.5481 (E), dated the 31st December, 2021 and last amended, *vide* number S.O. 6169 (E) dated the 30th December, 2022.

IN THE NATIONAL GREEN TRIBUNAL

ORIGINAL APPLICATION NO. 23 of 2025

IN THE MATTER OF:

Tapan Kumar Badhai

Petitioner (s)
Appellant (s)

-Versus -

State of Odisha & Ors.

Respondent(s)
Defendant (s)

VAKALATNAMA

I, Satyapriya S/o Shri Arvind Shankar Singh aged about 49 am the Authorized Signatory for M/s Vedanta Ltd. located at Core - 6, 2nd Floor, Scope Complex, 7 Lodhi Road, New Delhi – 110003, DEFENDANT / RESPONDENT/ PETITIONER / OPPOSITE PARTY, in the above application/ suit/appeal/petition/ reference do hereby appoint and return / Eisha Krishn/ Mansi Bachani/ Shubham Upadhyay/ Gitanjali Sanyal/ Surya Gupta/ Anukriti Bajpai Advocates of the National Green Tribunal, to act and appear for me/us in the above application/ suit/petition/appeal reference and on my/our behalf to conduct and prosecute or defend or with draw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review to file and obtain return of documents and to deposit and receive money on my / our behalf in the Application/Suit/Petition/Appeal reference and application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid advocate, in pursuance of this authority.



Gitanjali Sanyal
D/ 5/07/2019
M. Bachani
D/ 5/7/2018

Accepted Identified By

Dated this the 01st day of July, 2025
For Vedanta Limited

Satyapriya
Authorized Signatory

Advocate,

(Petitioner (s) / Appellant (s)
Respondent (s) / Defendant(s) / Opposite Party

MEMO OF APPEARANCE

To,

The Registrar,
National Green Tribunal
Eastern Zone Bench, Kolkata

Sir,

Kindly enter my appearance in the above matter on behalf of the Petitioner / Appellant / Respondent.

Dated: 01.07.2025



Gitanjali Sanyal
D/ 5/07/2019
M. Bachani
D/ 5/7/2018

Advocate for the
Petitioner(s)/Appellant(s)/Respondent(s)
29, Nizamuddin East, Presidential Estate, (Lower Ground Floor), New Delhi-110013
Tel.: +91-11-40573181E-mail: eldflegal@gmail.com



ENVIRO LEGAL DEFENCE FIRM <eldflegal@gmail.com>

Service in Tapan Kumar Badhai Vs. Government of Odisha & Ors. [OA NO. 23 OF 2025]

1 message

ELDF <eldflegal@gmail.com>

Tue, Jul 1, 2025 at 6:30 PM

To: Mrinal Kanti Biswas <mrinalkanti51@gmail.com>, pbanerjeebihani@gmail.com, roodisha@nha.org, ronhaiodisha@gmail.com, Jateswar Nayak <adv.jateswar@gmail.com>, info@msil.co.in, Siddhartha_mishra_advocate@yahoo.co.in, ASHOK PRASAD <ashokadvhc@gmail.com>
Cc: Mansi Bachani <mansi@eldfindia.com>, Gitanjali Sanyal <gitanjali@eldfindia.com>

Dear Sir/Ma'am,

Please find attached copy of the Reply Affidavit on behalf of Respondent No. 8 M/s Vedanta Ltd. in the abovementioned case.

Thanks & Regards

--

Sameer Manher

Clerk

Enviro Legal Defence Firm

29, Presidential Estate LGF,

Nizamuddin East New Delhi – 110013

Ph. No. 011-40573181

 **Reply R-8.pdf**

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