BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI
ORIGINAL APPLICATION No. 227 of 2021 (SZ)
IN THE MATTER OF

Battu Satish Reddy .... Applicant

Versus

National Thermal Power Corporation Ltd.& others
... Respondents

REPLY STATEMENT FILED ON BEHALF

OF THE RESPONDENT No.1- NTPC LTD

M/s. KING & PARTRIDGE
Counsel for Respondent No.1

BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI

ORIGINAL APPLICATION No. 227 of 2021 (SZ)

IN THE MATTER OF

Battu Satish Reddy
H.No. 5-55, Pittavani Palem, Kalapaka
Pedgantyada, Visakhapatnam District
Andhra Pradesh-530031
Mobile No. 9666391895
Mail id: advsravan@gmail.com .... Applicant

Versus

1. National Thermal Power Corporation Ltd
   Simhadri Plant
   Rep by its Plant In-charge
   Near Pittavani Palem Village
   Simhadri Post 531020
   Vishakapatnam, Andhra Pradesh
   Phone: 08924-243874
   Mail: ntpccc@ntpc.co.in, Premchand02@ntpc.co.in

2. Union of India,
   Through the Secretary
   Ministry of Environment and Forests &
   Climate Change,
   Indira Paryavaran Bhawan, Jor Bagh Road,
   Ali Gunj, New Delhi – 110 003.
   Mail: secy-moef@nic..in .
   Phone: 011-24695262, 24695265

3. State of Andhra Pradesh
   Rep. by its Chief Secretary
   Interim Government Complex
   Velagapudi, Guntur District
   Andhra Pradesh-522503
   Mail: cs@ap.gov.in
   Ph:08632444461

4. Central Pollution Control Board
   Through Member Secretary
   Parivesh Bhawan, CBD- Cum Office Complex
   East Arjun Nagar, Delhi-110032

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपत्तनम/VISAKHAPATNAM - 531 020.

Mail: mscb@cpcb.nic.in
Phone: 22307078

5. Andhra Pradesh Pollution Control Board
Rep. by its Member Secretary
D.No.33-26-14/D2
Near Sunrise Hospital, Pushpa Hotel Center,
Chalamvari Street, Kasturibaipet,
Vijayawada, Andhra Pradesh – 520010
Mail: membersecy@appcb.gov.in, 08662463202

6. District Collector and Magistrate
Visakhapatnam
Main Road, Ranivari Peta
Krishna Nagar, Visakhapatnam,
Andhra Pradesh – 530002
Mail: collector_vspm@ap.gov.in, 08912563121.... Respondents

REPLY STATEMENT FILED ON BEHALF OF RESPONDENT NO.1- NTPC

The above named Respondent No.1 most respectfully submits as follows:

The address for service of all notices and processes on the Respondent No.1 is that of its advocates M/s. King & Partridge, "Catholic Centre", 108 Armenian Street, Chennai- 600 001.

1. The present application has been preferred by the Applicant to direct the Union Ministry of Environment, Forest & CC and the AP Pollution Control Board to initiate action against the Respondent No.1 for violating EC Conditions No.(vii), (ix), (x), (xi), (xii), (xiii), (xv), (xvii), (xviii) of the Environmental Clearance dated 23.07.1996 according to clause 3 of the EC and Water (Prevention and Control of Pollution) Act,1974, Air (Prevention and Control of Pollution) Act 1981, Environment (Protection) Act 1986, The Public Liability Insurance Act, 1991 and to direct the Respondent No.1 to pay appropriate compensation rehabilitation and resettlement to the residents of Pittavanipalem village of Visakhapatnam District as per condition No. ix of the EC dated 23.07.1996 and implement

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

Rehabilitation and Resettlement Policy of 2017 to the affected people of Simhadri Thermal Power Plant of NTPC at Pittivanipalem near Visakhapatnam of Andhra Pradesh and to direct the Respondent No.1 to submit the report to this Hon'ble Tribunal on Rs.301.55 Crores, 270.42 Crores money spent for the implementation of environmental mitigative measures and environmental protection as mandated in ECs dated 23.07.1996 and 01.08.2007 and direct the Respondent No.1 to provide mandatory Green Belt in the Unit around ash pond according to Environmental Clearances dated 23.07.1996 and 01.08.2007. If sufficient land is not available the project may be restricted according to the availability of natural resources for implementing environment mitigation measures and pass any such order as this Hon'ble Tribunal may deem fit and proper.

2. At the outset the Application filed by the Applicant is neither maintainable in law or on facts and is liable to be dismissed in limine. The Respondent No.1 herein denies all the allegations and averments contained in the application except for those that are specifically admitted hereunder and put the Applicant to strict proof of the rest. The Respondent No.1 herein reserves the right to file any additional counter or objections if any. It is submitted by the Respondent No.1 that the Applicant be directed by this Hon'ble Tribunal to carry out necessary amendments so that the name of the Respondent No.1 is corrected to NTPC Limited instead of M/s. National Thermal Power Corporation Limited in the array of parties.

3. The Respondent No.1 herein before even adverting to the facts to this Application as put forth by the Applicant has serious doubts as to the maintainability of the Application having regard to the conduct of the Applicant and would thereby raise the following *preliminary objections* as hereunder:

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हादि/NTPC Limited - Simhadri
विशाखपट्टणम/VISAKHAPATNAM - 531 020.

a. At the very outset this application is made by the Applicant with vested interest, with ulterior motives for being deprived of a lucrative transport contract. The applicant has picked and chosen the Respondent No.1 for serving his malicious intentions which shall not be allowed by this Hon'ble Tribunal. The above said Applicant was a sub-contractor to the road concessionaire agency of National Highways Authority of India (NHAI) which was carrying out ash transportation from the Respondent No.1 ash ponds from December 2019 to June 2021. Road concessionaire of National Highway Authority of India (NHAI) who in turn gave him contract worth lakhs to transport fly ash from the Respondent No.1 plant to the construction site at Anandapuram - Anakapalli Road NH-5 Project **(Annexure R-1).** The contract was subsequently cancelled in which the Applicant was involved and role of Respondent No.1 is not there in such affairs. Therefore, the Applicant herein has filed this Application out of sheer frustration and for personal vendetta/personal grudge developed against the NHAI agencies and the Respondent No.1 herein. Therefore, such malafide reasons including spite is the real reason for the Applicant to file this vexatious application. Therefore, this Hon'ble Tribunal ought to reject this Application at the very outset.

b. Also it is imperative to take note of by this Hon'ble Tribunal is that the Petitioner has a record of trespassing in the Respondent No.1 premises perennially and often used to cause disturbance to the works going on. On many an occasion Police intervention was resorted to by the Respondent No.1 to evacuate the Petitioner. On one occasion on 23.02.2022 the Petitioner with a co-passenger in his car trespassed in the Respondent No.1 ash dyke area and tried to run over Manager EMG&AU. The Respondent No.1 had immediately reported the incident to the Parawada Police Station and a FIR was registered against the Petitioner vide FIR No.117/2022 under Sec 447,279,336 IPC, 184 MV Act. Therefore, this Hon'ble Tribunal ought

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपट्टणम/VISAKHAPATNAM - 531 020.

to take into the antecedents/criminal conduct of the Petitioner and dismiss the application as it filled with malafides.

c. This Hon'ble Tribunal vide order dated 23.11.2021 issued a categorical direction, that having regard to gravity of allegations made and also the nature of collusion alleged that the District Collector himself/herself who was directed to participate in the inspection instead of deputing any other junior officer for this purpose. Unfortunately, contrary to the categorical directions made, the District Collector instead of himself participating in the inspection has nominated the Joint Collector & Additional District Magistrate as the member of the Committee. Had the District Collector being preoccupied with some other meeting, the proper course would have been to report to this Hon'ble Tribunal about his inability to participate in the inspection and seek appropriate direction instead of delegating the assignment.

d. It is also pertinent to mention that during the committee visit on 29.12.2021 the same set of 4-5 people with the Petitioner chiefly among were only raising hue and cry in all the villages wherever the committee has visited. This same aspect was noticed by the Joint Collector Mr.M.Venugopal Reddy and why only these five people were representing in all the villages. This aspect is pointed out by the Respondent No.1 to show that how vested interests are prevalent in the present case.

4. Without prejudice to the Response raised with regard to the adverse aspects pointed out by the Joint Committee against Respondent No.1 , it is very significant to point out that the committee found that the ground water department has collected 41 water samples from the existing bore wells and dug wells covering three villages including three samples from fly ash ponds, trenches and after analysis report, water samples of last five years data, came to a definite conclusion that the quality of ground water in that area is potable. Similarly, the committee also found that the

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

water sample collected from the creek near the ash pond confirms to all the parameters laid down for drinking water standards. Similarly, with regard to the soil quality monitoring, from the committee in its report has found that, the samples collected from coconut/cashew nut orchards of Pittavanipalem village indicate that no significant disastrous levels of components analyzed. The committee has also referred to APPCB analysis report collected from 2017 to 2020 and recorded the fact that the value of the physiochemical parameters is well within the stipulated limits except TDS & hardness. The Committee also records the fact that from 2017-2020, the industry has achieved 100% utilization of fly ash. The report records the fact that the Respondent No. 1 has provided dust suppression methods at coal handling plant dust suppression and dust extraction methods for control of fugitive dust emission. Tall growing tree species were planted in an around coal piles to mitigate fugitive dust emissions. It is also to note that Respondent no.1 has provided effluent disposal point (EDP) whose outlet parameters are connected to PCB website on real time basis. The other observations made in the Joint Committee Report will be addressed separately by the Respondent No.1 in its Response.

5. It is submitted that the Respondent No.1 NTPC Limited was incorporated as National Thermal Power Corporation in 1975. It is India's largest power utility and the largest energy conglomerate of India having established more than 67,907 MW and contributing a substantial portion of India's energy requirements thereby directly supporting the cause of nation building in a very responsible manner.

6. Before dealing with the Joint Committee report, the Respondent No.1 in Simhadri Super Thermal Power Project of Stage I & Stage II is generating 2000 MW (48 Million units per day). The Respondent No. 1 is the key contributor in economic development of Southern States by providing reliable power to the states viz. Andhra Pradesh: 720 MW, Telangana: 770 MW, Tamil Nadu: 211 MW, Karnataka: 198 MW, Kerala: 91 MW, Puduchery: 15 MW and 70% of Power requirement of North

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपत्तनम/VISAKHAPATNAM - 531 020.

Andhra Pradesh viz. Districts Visakhapatnam, Srikakulam & Vijaynagaram. Electricity is an essential commodity in the present day context where even small residential villages and hamlets use electricity for essential needs.

7. If the 1st prayer of the Petitioner is acceded to and if the MoEF&CC and APPCB revokes the EC the consequence will be disastrous. There will be large scale shutdown of many industries situated in SEZ's and Industrial clusters in and around the city of Visakhapatnam.

8. It is submitted that the Respondent No.1 is one of only four companies to be awarded the "Maharatna" title since May 2010 and operates as a Public Sector Undertaking under the Ministry of Power (MOP), Government of India (GOI). The installed capacity of power generated by Respondent No.1 at present is about 67,907 MW (including 13,675 MW through JVs/Subsidiaries) comprising of 48 NTPC Stations (23 Coal based stations, 7 Gas based stations, 1 Hydro station, 1 Small hydro, 15 Solar PV and 1 Wind based Station) and 27 Joint Venture stations (10 Coal based, 4 Gas based, 8 Hydro, 1 Small hydro 2 Wind and 2 Solar PV).

9. It is submitted that the construction of the power plant at Simhadri commenced in the year 1996 and on completion it started generating power from the year 2002 onwards. Simhadri Super Thermal Power Project (Coal based) was originally conceived by Andhra Pradesh State Electricity Board (APSEB) with an ultimate capacity of 1000 MW (2X500 MW). It was subsequently decided by the State Government to entrust the project to Respondent No.1 on the understanding that the entire power from the (2X500 MW) project would be supplied only to Andhra Pradesh. The existing capacity is now at 2000 MW with an additional 25 MW solar added recently and supplied to the grid operated by the Power Grid Corporation of India (PGCI). The gist of commissioning dates of units are as follows:

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

Unit# 1: February, 2002,
Unit# 2: August, 2002,
Unit# 3: March, 2011,
Unit# 4: March, 2012
25 MW Floating solar plant commissioned on August, 2021

10. It is submitted that the Respondent No.1 is committed in generating Green Power, the Simhadri Super Thermal Power Station (2X500 MW in Stage-I & 2 x 500 MW in Stage-II) is the first coastal coal fired thermal power station of NTPC Limited. The land tract of the area is mostly arid and dry and being closer to sea coast, the area is marshy and soil is saline or impervious in nature. It is submitted that the Respondent No.1 has implemented various environmental mitigative measures and has already implemented High Efficiency Electrostatic Precipitators (ESP), 275m tall chimney, dust suppressions systems, dust extraction systems before commissioning of the units i.e. Unit# 1: February, 2002, Unit# 2: August, 2002, Unit# 3: March, 2011 and Unit# 4: March, 2012, and Flue Gas Desulphurization (FGD) (work in progress) in order to control the air emission / pollution from the project and maintain the ambient air quality in the surrounding area within the latest National Ambient Air Quality (NAAQ) norms and also complies with the latest emission standards for Thermal Power Plant (TTP) and subsequent its amendments. Simhadri STPP located in Visakhapatnam District of Andhra Pradesh derives its coal, mainly supplied from the Mahanadi Coal fields of Coal India Ltd (MNCL of CIL) and Eastern Coal fields (ECL); few percentages of Coal are sourced from Singareni Collieries Company Limited (SCCL).

11. The existing plant is operating successfully enabling several thousands of employees both permanent and contractual work opportunities and has significantly contributed to the development of the entire area. It is a matter of record that after establishment of the plant in the year 2002, Respondent No.1 has carried out aggressive afforestation by

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखपणम / VISAKHAPATNAM - 531 020.

the year 2002, Respondent No.1 has carried out aggressive afforestation by planting more than 12,00,000 lakh trees which are now fully grown. Over 6,60,000 No's of trees are planted in area covering 1470 acres of land in and around NTPC-Simhadri. In addition, 5,50,000 No's of plantation of trees under the Green Visakha Plantation programme, in and around city of Visakhapatnam was carried out by the Respondent No.1. It amounts to contribution of an afforestation area of about 2550 acres in total and an expenditure of around Rs.60 Crores.

12. In view of aforesaid, the following Awards & Accolades in the area of afforestation and waste land development have been awarded:

a) NTPC Simhadri had been conferred with *"Indira Priya Darshinin Vriksha Mitra"* Award by MOEF&CC in the year 2003 for outstanding contribution.

b) Conferred with Certificate of Merit by Collector District Magistrate in the year 2015, for meritorious contributing in Completion of Green Visakha plantation works.

c) Other awards for excellent environmental mitigation and afforestation. **(Annexure R-2)**

A visit to the existing plant would disclose that Respondent No.1 has been maintaining it as one of the best power plant at Visakhapatnam.

13. The above and the following paragraphs would clearly indicate that the Respondent No.1 herein is a pristine company following all requisite standards and following compliance of all environmental norms. Therefore, the present application is filed with a malicious intent to cause disrepute to the Respondent No.1 due to the applicants' dishonest personal reasons which this Hon'ble Tribunal ought to take note of and summarily dismiss this Application filed by the Applicant at the very outset.

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखपत्तनम / VISAKHAPATNAM - 531 020.

14. Without prejudice to the above submissions but with addition to the same the Respondent No.1 craves leave of this Hon'ble Tribunal to address the various averments/allegations raised by the Applicant on an ad-seriatim basis.

15. It is respectfully submitted by Respondent No.1 that no specific advert is warranted by the Respondent No.1 to headings I and II as it pertains to address of the counsels thereby no specific traverse is necessary.

16. It is submitted by the Respondent No.1 that with regard to heading III of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. The allegations set out under heading III of the application are totally baseless and false. The various measures to control pollution and to monitor the environmental parameters as mandated in the Environmental Clearance's (ECs) dated 23.07.1996 and 01.08.2007 have been complied with and established as enumerated hereunder:

A. Pollution Mitigative Measures:

i. Installation of high efficiency Electrostatic Precipitators (**ESPs**) of efficiency 99.93% to limit the particulate emission below 115 mg/ Nm^3 for Units 1& 2 and below 100 mg/Nm^3 for Units 3 & 4. All units comply with the Suspended Particulate Matter (SPM) limits.

ii. Twin flue stack of 275 m height for wider dispersal of remaining particulates and gaseous pollutants resulting in lower ground level concentrations.

iii. **Flue Gas Desulphurization** (**FGD**): To control and limit SO_2 emission as mandated to be around 200 mg/Nm^3 under all design conditions, the Respondent No.1 had commenced the

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हादि/NTPC Limited - Simhadri
विशाखपट्टणम/VISAKHAPATNAM - 531 020.

installation of FGD in 2019 for which the work is in progress. The completion of FGD is expected to be completed by December 2022. Elaborate details for work progress on implementation of FGD system is provided in **(Annexure R-3)**. As per the latest notification of MoEF &CC dated 31.03.2021 **(Annexure R-4)** the Respondent No.1 is obligated to complete the FGD work by 31.12.2022.

iv. **Coal handling**: Dust Suppression (DS) and Dust Extraction (DE) system (DS/DE), Fog Cannons at Wagon tipplers, water spray nozzles at Track hoppers, High pressure water spray nozzles and Rotating mist spray guns around Coal stock piles are installed at coal handling plant area to control fugitive dust emissions. In addition to the above, around 7,000 nos. of tall growing species of tree plantation have been planted around coal piles to mitigate fugitive dust emission **(Annexure R-5).**

v. **Ambient Air quality**: Regular monitoring of ambient air quality parameters is done through three fixed Continuous Automatic Ambient Air Quality Monitoring Stations (**AAQMS**) from which the online, real time parameter data is getting uploaded to Pollution Control Board (PCB) cloud and additionally monitoring is conducted by the MOEF&CC/NABT accredited laboratories and monthly reports are submitted to Andhra Pradesh Pollution Control Board (APPCB) for which reports are readily available.

vi. **Afforestation**: Respondent No.1 started planting trees right from the approval stage of setting up the station. The Respondent No.1 has carried out aggressive afforestation by planting more than 12,00,000 lakh trees which are now fully grown. Over 6,60,000 No's of trees are planted in area covering 1470 acres of land in and around NTPC-Simhadri. In addition, 5,50,000 No's of

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपत्तनम/VISAKHAPATNAM - 531 020.

plantation of trees under the Green Visakha Plantation programme, in and around city of Visakhapatnam was carried out by the Respondent No.1. It amounts to contribution of an afforestation area of about 2550 acres in total and an expenditure of around Rs.60 Crores. Around 7,000 nos. of tall growing species of tree plantation have been planted around coal piles to mitigate fugitive dust emission. To support State Government's Plantation Program in the area "Haritha Haram" plantation of 2,80,000 Lakh trees were planted in Paderu under accelerated afforestation program. After the HUDHUD cyclone, to compensate the greenery loss, NTPC Simhadri had contributed around Rs.50,00,000 by distributing 3,50,000 No's of fruit bearing trees in six mandals of Visakhapatnam District in the vicinity of the Respondent No.1.

Tree Plantation by Respondent No.1

Year	Area of Vegetation in Acres	No. of Plants
1998 – 1999	100	45,000
1999 – 2000	86	76,000
2000 – 2001	120	123,000
2001 – 2002	87	113,000
2002 – 2003	95	120,000
2003 – 2004	25	75,000
2004 – 2005	20	33,000
2005 – 2006	50	28,000
2006 – 2007	55	30,000
2007 – 2011	20	20,075
	Sub Total	663,075
2011-2012	Green Visahkha	25,200
2012-2013		33,233
2013-2014		30,147
2014-2015		130,000
2015-16		100,000
2016-17		70,000
2017-18		74,000
2018-19		50,000
2019-20		40,000
2020-21	NTPC Afforestation Progamme	40,000
	Sub Total	**592,580**

vii. **Health Study:** Human Health Risk Assessment (HHRA) was conducted in 2011-2012 in which data from various people

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखपत्तनम / VISAKHAPATNAM - 531 020.

residing in the vicinity of Respondent No.1 was compiled. As per study no adverse health impact was noticed to the population in and around surrounding the Respondent No.1 area. The executive summary is annexed as **(Annexure R-6)**. Also, another HHRA study was initiated in the year 2020 which is in progress.

The people who had visited the Government Public Health Centres (PHC's), as recorded in the last 3 years period, in the (PHC's) situated at Parawada, Devada and Vadacheepurupally villages nearby this Respondent No.1 **(Annexure R-7)** shows there are no cases of illness due to dust pollution related diseases in and around the project. As per the committee final report submitted to the Hon'ble court it was observed that the reports of PHC, Devada, 4-8% of the parents are suffering from Dermatology diseases. There are no specific major diseases reported in other two PHC's (Vadacheepurupalli, Parawada). Hence it can be stated that there are no cases of severe illness due to dust pollution related diseases in and around project.

B. Various Works for Prevention and Control of Pollution and Monitoring of Environmental Parameters:

i. **Stack:** Twin flue stack of 275 m height are constructed by the Respondent No.1 for higher and wider dispersal of remaining particulates and gaseous pollutants to achieve lower ground level concentrations.

ii. **FGD installation:** Respondent No.1 has already initiated action plan for installing FGD system in the layout for all units for controlling SO_2 concentration in flue gas in compliance to latest MOEF&CC emission norms for TPP dated 07.12.2015. FGD package for all the four units was awarded in 2019 and is

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हादि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

expected to be completed by December 2022, within time allowed by MOEF&CC and elaborate details on work progress of FGD implementation is enclosed at Annexure-R-3.

iii. **Electrostatic Precipitators:** The High Efficiency Electrostatic Precipitators (ESP) is designed with state of art technology having very high efficiency in order to comply with the stipulation. Besides ESP, dust extraction systems, dust suppression systems at transfer areas and suitable water spray systems at other vulnerable dusty areas are provided, which are included in the design of the plant to suppress/avoid dust emissions from the coal and ash handling areas.

iv. **Dust Control Systems:** Adequate number of dust suppression, dust extraction systems are provided in coal handling area including coal stockyard area and other dust prone areas for control of fugitive dust emissions. Water sprinklers are installed at dust prone sites in order to attenuate fugitive dust emission. Conflow dust suppression systems are provided at all transfer points. There was no stipulation regarding high pressure mist spray sprinkles at coal storage yard. However, Respondent No. 1 has installed 24 No's of High pressure water spray guns in Stage-I coal piles and 24 No's High pressure water spray guns in Stage-II piles. Also 22 No's High Pressure rotating mist spray guns were in place in Stage-I coal piles and 22 Nos of High pressure rotating mist guns in Stage-II piles at the time of the Joint Committee visit. Based on the committee's recommendation the Respondent No.1 has taken immediate steps to increase the number of mist spray guns and thereby had increased to 88 No's of mist spray guns in total. In addition, Dust Suppression system in coal handling area including for Track Hopper and Coal Stockyard water spray system is being used which comprises of fine spray nozzles. Respondent No. 1

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखपणम / VISAKHAPATNAM - 531 020.

has installed dust suppression system (Rain guns) in coal yard with mechanical rotators which are working effectively to control the fugitive dust emission from coal yard. Adequate number of Dust suppression (DS) and Dust extraction (DE) systems are installed in coal handling area including coal handling area and other dust prone area for control of fugitive dust emissions. Water sprinklers were also installed at dust prone sites in order to attenuate fugitive dust emission. Dry fog dust suppression system is provided at all transfer points.

v. **Ash Dyke:** Ash dykes are provided with toe drains, peripheral drains and decant wells to collect the decant water and Ash Water Recirculation System (AWRS) for recirculation of ash water to ash slurry sump in main plant are in place. Also fugitive dust control measures such as network of water sprinklers, rain spray guns, water covers on ash lagoons in operation and wind barriers are put in place for effective control of fugitive dust from ash ponds.

vi. **Ash Silos:** An ash management & disposal scheme consisting of Dry Ash Extraction System (DAES) for dry collection of fly ash with storage facility (3X500 MT capacity silos in Stage-I and 3X1200 MT capacity Silos in Stage-II and 1X500+2X1200 MT capacity Silos for Stage-I augmentation are in place), a 24X7 supply of ash to Fly ash brick plants, and Ready Made Concrete (RMC) units is in place. There are about 320 Fly ash brick units, 4 Major Cement Grinding units (M/s Ramco, M/s Myhome, M/s Sagar, M/s Srichakra) and 10 No's of Ready-Mix Units (RMC) are registered with the Respondent No.1 as ash users. The Respondent No.1 is catering to the total fly ash demand in a radius of 200 kms in the vicinity of the plant round the clock 24X7 basis throughout the year.

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

vii. **Effluent Treatment Plant:** Being a seawater-based power station it is exempted from Zero Liquid Discharge (ZLD) norms **(Annexure R-8)**, yet the water system of Simhadri STPP, has been complying with Zero Liquid Discharge (ZLD) concept by maximum recycle and reuse of waste water after treatment for various plant activities.

viii. **Stack Monitoring:** Online Continuous Emission Monitoring System (CEMS) for monitoring SPM, SO_2, NOx in stack emission are in place.

ix. **Ambient Air Quality Monitoring Locations:** Regular monitoring of ambient air quality parameters through three fixed Continuous Automatic Ambient Air Quality Monitoring Stations (**AAQMS**) and additionally monitored by MOEF&CC /NABT accredited laboratories on fortnightly basis and all reports are available.

x. **Biodiversity Conservation:** In addition to the Respondent No.1's compliance to EC conditions this Respondent has also contributed towards biodiversity conservation by taking up the project for the Conservation of Olive Ridley Sea Turtles with Andhra Pradesh Forest Conservation Department to preserve biodiversity of eastern coast. The cost of project is around Rs 6 Crores.

C. CSR-CD Programmes & Drinking Water Provision in Villages

It is submitted that, the Respondent No.1 is a responsible corporate citizen and has already installed 20 No's of Reverse Osmosis (RO) plants at Gram Panchayat and other neighbouring villages for supplying treated drinking water to the surrounding villages under its Corporate Social Responsibility - Community Development (CSR-CD) programmes.

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड-सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपत्तनम/VISAKHAPATNAM - 531 020.

a) Effluent Treatment System

i. The liquid effluents are being collected and treated recycled/reuse generally as per the following design philosophy. The filtered backwash water of Pre-Treatment (PT) Plant shall be collected and recycled back to the Demineralization (DM) system clarifier.

The sludge from clarifiers of water PT plants is being taken to sump/pit and pumped to ash slurry sump for disposal to ash dyke. All effluents from plant area are finally treated and such treated effluents confirm to the discharge standards as laid down by MoEF&CC. The domestic effluents are being continuously treated as per the stipulated statutory requirement in the dedicated Sewage Treatment Plant (STP). It is submitted that the wastewater generated in the existing plant is treated as per the statutory norms and recycled/re-used for different plant usage such as ash handling/ash slurry pumping, service water etc. Treated plant STP water is utilized for lawn sprinkling and horticulture purposes inside plant. Also, domestic effluents are being continuously treated as per the stipulated statutory standard in the dedicated Sewage Treatment Plant (STP) and re-utilized for gardening and horticulture purpose through sprinkler network.

ii. The waste effluents from neutralization pits of DM plant and Condensate Polishing Plant are being collected in their respective neutralization pits and neutralized before being pumped into the ash slurry sump which leads to the ash dyke area.

iii. To maintain quality of Cooling Water (CW), which is sea water in the Condenser/ Cooling Tower Circuit a certain amount of water is to be taken out as per design COC (Cycles of Concentration) which is called as CW blow down water. The CW blow down water, which cannot be further used is sent out through a marine outfall, which is allowed as per consent condition. The marine outfall is designed by National

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपत्तनम/VISAKHAPATNAM - 531 020.

Institute of Oceanography (NIO), Goa. The marine outfall water quality is monitored on real time, 24X7 basis and are continuously uploaded to PCB to cloud. The parameter values maintained within limits. Some portion of CW system blow down is used for ash handling plant makeup water purpose. The Cooling Water (CW) blow down which remains after internal usage is lead to the Central Monitoring Basin (CMB) and is discharged to the sea through a NIO designed marine outfall as per Consent for Establishment.

iv. A coal slurry settling pond is provided to remove coal particles from coal handling plant waste. Decanted water is being pumped back to the coal pile dust suppression system.

In view of above it is clear that the allegations made by Applicant under heading III challenging the compliance of Environmental Clearance (EC) granted by the Ministry of Environment and Forest and Climate Change (MOEF&CC) vide Letter No. J-13011/19/199-IA. II dated 23.07.1996 are totally false and is completely denied and there is no gross violation of the provisions of the Air (Prevention and control of Pollution) Act, 1981, Water (Prevention and control of Pollution) Act, 1974, Environment (Protection) Act ,1986.

17. It is submitted by the Respondent No.1 that with regard to Para 1 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. The Respondent No.1 puts strict proof of the averments by the Applicant that they are residents of Pittavanipalem Village. The Respondent No.1 clearly can state before this Hon'ble Tribunal that the villagers of PittavaniPalem village are located on Wakf board properties and thereby being encroachers and therefore are not entitled to any compensation. The ash pond is certainly not within 50 meters of any residential area and if any residence is near by the ash ponds, it is more than 350 meters. The veracity of the Applicant needs to be established before this Hon'ble

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड-सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपट्टणम/VISAKHAPATNAM - 531 020.

Tribunal that whether they are permanent residents of Pittavanipalem village. There is no violation of air pollution as claimed by the Applicant. Therefore, the Applicant being not a permanent resident is not a directly affected person and has no locus standi to maintain the Application under the NGT Act, 2010.

18. It is submitted by the Respondent No.1 that with regard to Para 2 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. In light of the above-mentioned measures in the previous paragraph it is submitted that the alleged violations set out in Para 2 of the application are misguided and the Respondent No.1 herein would like to enumerate its objections as follows:

a) It is submitted by the Respondent No.1 that in reference to **Point iii of Para 2**, adequate space for FGD is provided and for implementation of the same is in progress.

b) It is submitted by the Respondent No.1 that in reference to **Point iv of Para 2**, vide letter dated 06.02.1998 which is **(Annexure R-9)** the Ministry of Environment and Forest has no objection in using Raw Coal for the plant of the Respondent No.1. Therefore, any allegations raised by the Applicant in this regard no longer holds good.

c) It is submitted by the Applicant in **Point v of Para 2,** stating that fly ash is not utilised as alleged by the applicant is false and untrue as the fly ash generated from the Respondent No.1's STPS Stage-I & II is being sent to 9 no's of dry ash silos and is being supplied to cement and other ash-based industries on 24 x 7 basis. The bottom ash that is collected as slurry is sent to ash pond. Simhadri ash utilisation is more

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपट्टणम/VISAKHAPATNAM - 531 020.

than 100% since 2017-2018. Graphs for utilisation of the same are annexed as **(Annexure R-9A).**

d) The allegation as stated by the Applicant in Point **vi of Para 2,** stating that a detailed plan/ scheme for utilization of ash has not been prepared or implemented is false and denied as an ash utilization plan as early as 14.08.2002 through letter was submitted to MOEF&CC by Respondent No.1 and is implemented. (**Annexure R-10**) and at present fly ash is being issued to 320 brick plants, 4 major cement plants and 10 RMC units and to NHAI road projects.

e) The alleged violation as stated by the Applicant in **Point vii of Para 2** stating the failure to suitably line and dyke the ash pond for protecting ground water from contamination is denied.

As per Hydrogeological Investigation study conducted by National Institute of Hydrology (NIH), Roorkee in 2001 it was confirmed that ground water is saline in quality having high electrical conductivity with high chloride content and soil is of marine clay due to which the soil is highly impervious and non-porous in nature and ground water is very shallow in the ash pond area may be due to proximity to Bay of Bengal. All reports regarding the same are readily available. The Simhadri plant meets more than 85% of its water needs/requirement from Sea; thereby contributing to the Nation's efforts in conserving fresh water as the water level contours indicate that the ground water flow is generally from North to South i.e towards the Bay of Bengal. It is rated as one of the best power plants in India and is evident from all the titles and awards received in its favour for compliance with the rules and in

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG
एनटीपीसी लिमिटेड-सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020

safeguarding the environment and people in and around the area.

Respondent No.1 had undertaken a Hydrogeological Investigation for requirement of lining of ash pond for Simhadri STPP in 2001, before the ash pond was operational, through National Institute of Hydrology (NIH), Roorkee, a premier Institute in India. The field investigation revealed a fairly thick layer of silty loam silty clay/clayey silt with thicken varying from 4 to 10 m below the ash pond area which acts as a barrier for percolating water. The study by NIH, Roorkee concluded that there is no necessity for lining of ash pond because:

i. Hydraulic conductivity of the soil is quite low and will not allow seepage of contaminated water.
ii. The quality of ground water in the area is saline and not good for domestic use.

It is submitted that, Respondent No.1 had approached the MOEF&CC with various scientific documents and a study was conducted by NIH-Roorkee regarding the ash pond lining as the soil on which the plant is functioning is impervious in nature. The matter was discussed in the EAC meeting and on communication to the MOEF&CC vide letter dated 18.09.1998 the condition to lining of ash pond was waived off, vide order dated 20.05.2002. (**Annexure R-11**).

f) The alleged violations as stated by the Applicant in **Point viii of Para 2** regarding the Rehabilitation & Resettlement facilities are ill-advised and misleading as the District Collector of Visakhapatnam had opined that the respondent should engage in CSR activities and that there was no need

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

for RAP as per the R&R policy of the respondent. Accordingly, the respondent herein vide letter dated 10.12.1998 has communicated the decision of District Collector, Visakhapatnam enclosing the Minutes of Meeting (MOM) held on 12.10.1998 to the MOEF&CC (**Annexure R-12**). Respondent No.1 has undertaken community development activities in the nearby villages. Approach road to villages, drinking water, school building, hospital and other such CSR activities were undertaken by the Respondent. **(Annexure R-13).** Thus, the content of para 2 sub para (viii) is denied as alleged. More than Rs.114 Crores **(Annexure R-14)** was spent under CSR&CD head from FYs 2004-05 to 2021-2022 in the nearby villages of Respondent No.1 and about Rs.1.48 Crores expenditure has been incurred by the Respondent No.1 for the Pittavanipalem village alone towards the CSR-CD activities.

g) It is submitted that the allegations set out by the Applicant in **Point ix of Para 2** regarding the inadequate sprinkling of water to control dust pollution in the area is false and is denied at the outset. It is submitted that dust suppression systems are installed in coal handling and in all vulnerable areas. Additional water spray systems with extra fine nozzles have been installed in the track hopper and coal stockyard area for controlling dust pollution.

h) It is submitted that the Afforestation for more than 292 acres was carried by the Respondent No.1 as compliance to EC and a detailed plan was submitted as early as on 09.12.1996. Therefore, the alleged violation of not maintaining requisite greenery as stated in **Point x of Para 2** is denied. Also the Respondent No.1 had completely complied with EC conditions

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखपत्तनम / VISAKHAPATNAM - 531 020.

01.08.2007 in regard to afforestation. Therefore, the allegations raised in this para are utterly baseless.

i) The alleged violation in **Point xi of Para 2** regarding ground water contamination is denied as monitoring of ground water around ash disposal area is being done regularly and the data is being submitted on monthly basis to APPCB through hard copies and also through mail and hard copy to Regional Office of MOEF&CC, Bangalore on Half-yearly basis. The screen shots of the soft copies is annexed as **(Annexure R-15).** The Respondent No.1 would further state that no adverse reports nor comments were received from the MOEF&CC and the APPCB. The Respondent No.1 denies all the allegations therein and makes the following specific submissions. It is submitted that the effluents generated is treated and re-used / recycled for different plant usages. It is stated by this Respondent No.1 that meticulous effort to harvest rain water is undertaken by the Respondent No.1 herein. It is further submitted that a separate storm water drainage network is constructed to facilitate harvesting of rainwater. A separate rain water harvesting pond spread in an area of 3.5 acres is created in township and all the drain network is connected to this pond to harvest rain water. Hence, there is no significant and long-term impact on surface water quality. As suggested by the Central Ground Water Board (CGWB) 3 No's of recharge wells are constructed to facilitate the recharge of ground water in plant and township. As per the committee final report submitted to this Hon'ble Tribunal it was observed that the ground water department has collected 41 water samples from the existing bore wells and dug wells covered three villages including 3 samples from fly ash ponds, trenches and analysed the samples for the parameters

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

available. 3 No's of water samples of ash ponds & trenches fall under over grade, remaining 38 No's of water samples chemical analysis results reveals that 36 samples falls in acceptable limits and balance 2 No's of samples under permissible limits which are suitable for domestic purpose as per Bureau of Indian standards (BIS). After careful observation of the chemical analysis of water samples of last five years data reveals that quality of ground water in the area is potable. Hence, there is no significant and long-term impact on surface water quality.

j) The contentions as stated by the Applicant in **Point xii of Para 2** are denied vehemently as the requisites are met as per specification and all the effluents generated are treated in the treatment plant at the respective point of origin and monitored in Effluent Quality Monitoring System (EQMS) station before being let out through marine outfall. The data is available online 24x7 linked to the CPCB /APPCB server. ZLD (Zero Liquid Discharge) compliance of the station stands achieved by the Respondent No.1 by adopting the following measures:

1. Recirculating cooling water in cooling system.
2. Recirculating the ash water in ash handling system.
3. Recirculating the filter backwash water into the system.
4. DM Plant effluent is neutralized in Neutralization pits and sent for conditioning cooling water.

k) It is submitted that the contentions as stated by the Applicant in **Point xiii of Para 2** stating that financial provision of Rs.301.55 Crores for environmental mitigative

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

measures was not spent by the unit is utterly false. Whereas the Respondent No.1 has spent huge sums of money towards installation of various Environment protection and pollution control equipment as reproduced as hereunder:

Sl.No.	Description	Stage-I	Stage-II
01.	ESP	60.61	137.28
02.	CHIMNEY	22.50	47.65
03.	COOLING TOWER	45.00	187.33
04.	ASH DYKE & ASH HANDLING SYSTEM	141.20	190.12
05.	ASH WATER RECIRCULATION	5.65	22.32
06.	EFFLUENT TREATMENT SYSTEM	7.53	8.93
07.	DUST EXTRACTION & SUPRESSION SYSTEM	5.64	2.67
08.	SEWAGE COLLECTION & TREATMENT	1.97	0.67
09.	ENVIRONMENT LABORATORY EQUIPMENT	0.24	0.50
10.	DM PLANT WASTE TREATMENT	1.61	2.00
11.	CONTROL OF FIRE EXPLOSION HAZARDS	9.76	28.92
12.	ON-LINE AIR/WATER QUALITY MONITORING SYSTEM (CEMS,EQMS, AAQMS)	2.09	7.54
	SUB TOTAL	303.80	635.93
13.	FLUE GAS DESULPHURISATION SYSTEM (in Progress)	435.50	435.50
14.	COMBUSTION MODIFICATION (De NOx) (In progress)	-	16.6
	Total	739.30 Cr.	1088.03 Cr.
	Grand Total (739.30 Cr. + 1088.03 Cr.)	1,827.33 Cr.	
	As per EC Conditions	St-I **301.55**	St-II **270.42**

The total funds earmarked for environmental protection has not been diverted for any other purpose. Hence the above-mentioned averments are incorrect and denied **(Annexure R-16)**

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हादि / NTPC Limited - Simhadri
विशाखपणम / VISAKHAPATNAM - 531 020.

l) It is submitted that the contentions made by the Applicant in **Point xiv of Para 2** is misguiding as the No Objection Certificate (NOC's), Environmental Impact Assessment (EIA) reports and Environmental Management Plan (EMP's) have been submitted by Respondent No.1 to Regional Office of MOEF&CC, on 07.01.1997. There was no such practice of uploading the EIA and other documents on the website at that time and the same is not mandated in the EC.

m) It is submitted that **Point xv of Para 2** is biased and untrue as, a Monitoring Committee was constituted on 03.11.1999 (**Annexure R-17**) as mandated and subsequently the MOEF&CC was informed about the same vide letter dated 17.11.1999. The Monitoring Committee is effectively functioning.

n) It is submitted by the Respondent No.1 that with regard to Para 3 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. It is out rightly stated by the Respondent No.1 that in specific reference to Communication No. EP/12.1/859/AP/8474 in the year 2011 that no such letter was received by the Respondent No.1 at the very outset. Also, the MOEF&CC has not any raised such grievance in this regard. The Respondent No.1 has been consistently submitting half yearly compliance reports to APPCB and MOEF&CC and any non-compliance in this regard since 2011 has not been received by Respondent No.1. It is reiterated by Respondent No.1 that the issues raised in Para 3 of the application regarding the dissatisfaction of the Regional Officer in the year 2011 for non-compliance of conditions imposed in the EC is denied as all conditions have been complied with and steps taken to achieve the same are submitted as follows:

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

a) Measures such as wind barriers, network of water sprinklers were installed in ash dykes for the control of fugitive dust emission, continuous water sprinkling on dykes in addition to drenching of roads using water tankers are in place.

b) Also, a water cover is maintained on all dykes which are in operation. Additionally, earth cover is provided to control the dust emission from dykes.

c) Around 8,000 nos of tall range of trees are planted between the dyke and the village area to control the fugitive dust emission in addition to 50,000 tree plantations done in the surrounding villages.

d) In relation to the allegations made it is submitted that the location of ash pond was selected after making techno feasible examination of all available option. The ash pond site selection was done considering the following aspects:

i. Ash pond area shall be as close as possible to the proposed power plant to reduce the pumping cost

ii. Scope for vertical and horizontal expansion of the ash pond depending on estimated life of the power plant

iii. Relatively less permeable stratum to prevent migration of ash water into the ground water

e) **Decant wells, Toe drain collection and Garland Drains are provided:** The decant water from ash ponds provided to collect water in Over Flow Lagoons (OFL). To exit the surface run-off from catchment during monsoon, garland drains at suitable locations around the dyke are in place.

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखपणम / VISAKHAPATNAM - 531 020.

f) **Engineered Designed Ash Ponds:** The ash pond has been designed by an expert agency to ensure safety and minimization of pollution from ash ponds.

g) **Scientific reclamation of Ash Pond after Closure:** The final ash surface will be covered with earth cover which is subsequently reclaimed with vegetation after abandonment of ash ponds.

19. It is submitted by the Respondent No.1 that with regard to Para 4 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. The Respondent No.1 states at the outset that the letter dated 03.01.2011 are not addressed to the Respondent No.1 and there is no Show Cause Notice received by Respondent No.1 as this Respondent is in compliance to the EC conditions. The contention set out in Para 4 that the conditions imposed in the Environmental Clearance are being violated blatantly and that the MOEF&CC vide its File No. EP/12.1/117/AP dated 06.01.2011 has recommended for issuing Show Cause Notice to Respondent No.1 for non-complying with the conditions mandated in EC dated 23.07.1996 a 'Show Cause Notice' being sent to the Respondent No.1 is denied and the applicant is put to strict proof of the same.

20. It is submitted by the Respondent No.1 that with regard to Para 5 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. The contentions set out in Para 5 of the application regarding inadequate land for fulfilling green belt requisite and afforestation is misguided and it is submitted that an afforestation plan was submitted to MOEF&CC vide letter dated 09.12.1996 itself. It is stated that an afforestation plan was submitted by the Respondent No.1 to MOEF&CC vide letter dated 09.12.1996. **(Annexure R-18)**. The tree plantation in and around the

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

station is more than 6,60,000 lakhs at an area nearly 1470 acres as on today. Besides 5,50,000 lakhs trees are planted under the Green Visakha plan. Further details regarding green belt development are submitted. Afforestation plan was submitted to MOEF&CC vide letter dated 09.12.1996. As on March 2010, 3,66,000 trees were planted. For Stage II units trees standing in 25 acres area were cut with the permission of forest department. It is also submitted that in order to replace trees that were cut for Stage II units, permission was sought from the Forest Department to afforest 75 acres of land in Totlakonda village instead and plantation in the allocated area is completed. Thus, the contentions of para 5 is completely denied.

21. It is submitted by the Respondent No.1 that with regard to Para 6 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. It is further stated by the Respondent No.1, that this Respondent disputes the veracity of Annexure A-4 submitted by the Applicant as there does exist no specific note being there in the supposed Thasildhar's Report. This Respondent vehemently disputes the veracity of Annexure A-4 as it appears that the letter submitted doesn't appear to be any official communication and the applicant is put to strict proof of the same. Further it is important to note that on April 2021, 8,000 tall growing trees were planted in the area available between Pittvanipalem Village and the ash dyke and other such environmental mitigative measures as reiterated have been made in accordance to the stipulated EC. The contentions stated in this paragraph are simply stated without any proper evidence.

22. It is submitted by the Respondent No.1 that with regard to Para 7 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. The allegations set out in Para 7 of the Application regarding air pollution primarily due to the Respondent No.1 functioning causes health disorders

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखपणम / VISAKHAPATNAM - 531 020.

to the residents of the Pittavanipalem is untrue and denied and puts the applicant to strict proof. As submitted above, fortnightly monitoring of air pollution is conducted by MOEF&CC/NABT accredited laboratories and continuous monitoring of AAQMS is done. There are no severe incidences of breathing disorders as per the PHC data (Annexure R-7). As per the committee final report submitted to this Hon'ble Tribunal it was observed that the reports of PHC, Devada, 4-8% of the parents are suffering from Dermatology diseases were observed. There are no specific major diseases are reported in other two PHCs (Vadacheepurupalli, Parawada). Hence it can be stated that there are no cases of severe illness due to dust pollution related diseases in and around project.

23. It is submitted by the Respondent No.1 that with regard to Para 8 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. It is submitted that the contentions mentioned in Para 8 of the application is ill advised and denied out rightly as the Respondent No.1 has complied with the conditions of EC as stipulated by APPCB/MOEF&CC. The monitoring parameters are also made available online on continuous basis linked to cloud server of APPCB/CPCB. The Half Yearly Compliance report which are being submitted to RO of MOEF&CC and APPCB/CPCB are uploaded on NTPC web site and can be seen by anyone. Also, the yearly environmental compliance and half yearly compliances are being submitted to statutory authorities on regular basis within stipulated time. Neither the Respondent No.1 nor the officials have failed to implement/ monitor the conditions imposed and hence there is absolutely no violation of Article 14, 21 or 51A of the Constitution of India.

24. It is submitted by the Respondent No.1 that with regard to Para 9 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. It is

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपट्टणम/VISAKHAPATNAM - 531 020.

evident from the above that the contentions set out in Para 9 of the application are false and made with an intention to cause disrepute. The financial assistance provided by the government for fulfilling environmental mitigative measures and other pollution control measures have been put to good use and the cost and expenses for setting up such measures and the item wise break-up is provided in the para 18 (k) wherein a total of Rs.1827.33 Crores is spent already. The total funds earmarked for environmental protection for Stage-I and Stage-II have not been diverted for other purposes as enclosed and hence the contention set out in Para 9 of the application is totally incorrect and hence denied. The cost of environmental mitigative measures is annexed as (Annexure R-16).

25. It is submitted by the Respondent No.1 that with regard to Para 10 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. It is submitted that the allegations set out in Para 10 of the application is misguided and is denied as the District Collector, Visakhapatnam during a meeting held on 12.10.1998 on R&R opined that, in view of the negotiated compensation made, there was no necessity for a RAP. As per the negotiated settlement about Rs. 6.05 Crores was spent of R&R (Stage-I) and Rs.1.91 Crores on Community Development (Stage-II) is annexed as **(Annexure R-19).** Accordingly, Respondent No.1 vide letter dated 10.12.1998 has communicated to the MOEF&CC the decision of the then District Collector, Visakhapatnam enclosing the Minutes of Meeting (MOM) held on 12.10.1998. Respondent No.1 has undertaken community development activities in the nearby 30 villages. From the FY 2004-05 up to 2021-2022 a total of Rs.114 Crores was spent towards CSR activities **(Annexure R-14).** Facilities like approach road to villages, drinking water, school building, hospital and other such community development activities were undertaken for the people of the villagers have been undertaken.

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)

S.No.	Activity	Numbers/Expenditure
1	Number of school, college infrastructure	13 school/colleges
2	Number of community halls infrastructure	Rs.2.46 crores in 11 locations
3	Number of anganwadis infrastructure	05 Nos.
4	Number of RO plants provided	20 Nos.
5	Kilometers of roads constructed	5.2 km CC road, 21.8 km BT road
6	Medical infrastructure	KGH – 4 crores, PHC – 03 nos. constructed (Dewada, Parwada, Vadacheepurapalli)
7	Number of over head water tanks	20 nos.
8	Number of medical camps conducted	Conducted every year
9	Number of mobile health units	01 No. covering all 27 PAP villages

26. It is submitted by the Respondent No.1 that with regard to Para 11 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. It is submitted that all allegations in para 11 of the application is untrue and denied as the Respondent No.1 has spent Rs.739.30 crores for Stage-I and Rs.1088.03 crores for Stage-II units for environmental mitigation measures as per the Environmental compliance requirement. In specific reference to Pittavanipalem village a sum of Rs.1.48 Crores was spent towards various CSR activities as attached in **(Annexure R-13).** A total amount of Rs 60 Cr.

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपट्टणम/VISAKHAPATNAM - 531 020.

has been spent till date towards green belt development and afforestation in and around the project and outside the plant premises for both Stage-I (2x500MW) and Stage-II (2x500MW).

27. It is submitted by the Respondent No.1 that with regard to Para 12 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. It is submitted that a Monitoring Committee has been constituted on 03.11.1999 as per requirement and subsequently MoEF&CC has been informed about the same vide letter dated 17.11.1999. The Committee is in place conducts meetings regularly to review the Environmental safeguards and compliance measures ensures that necessary actions have been taken up by Respondent No.1 for development of the nearby villages. Hence the allegations made in Para 12 of the application is denied.

28. It is submitted by the Respondent No.1 that with regard to Para 13 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. It is submitted that the allegations made in Para 13 stating non-implementation of mandatory conditions imposed by MOEF&CC in the Environment Clearances dated 23.07.1996 and 01.08.2007 under Section 14, 15, 18 of NGT Act, 2010 is false and is denied. It is submitted that the Respondent No.1 is adhering to the environmental norms stipulated by the respective statutory bodies. The Respondent No.1 has neither violated norms, nor has it attracted any action by the statutory authorities and hence the allegations made by the applicant are false and misleading and denied. It is also submitted that three Continuous Automatic Ambient Air Quality Monitoring Stations (CAAQMS) are in operation for continuous monitoring of all Ambient Air Quality (AAQ) parameters and the online data is being shared continuously on real time basis to SPCB / CPCB and are available in public domain.

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखापत्तनम / VISAKHAPATNAM - 531 020

29. It is submitted by the Respondent No.1 that with regard to Para 14 Ground A of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied.

i. In specific reference to clause vii in EC dated 23.07.1996 it is stated by the Respondent No.1 vide MoEF&CC Order dt 06.02.1998 the Respondent No.1 is permitted to use raw coal.

ii. In specific reference to clause ix in EC dated 23.07.1996 it is stated by the Respondent No.1 that as per the Minutes of the Meeting held on 12.10.1998 presided by the District Collector, held that R&R is not applicable for the Respondent No.1 and a negotiated satisfactory settlement was arrived. As per the negotiated settlement about Rs. 6.05 Crores was spent of R&R (Stage-I) and Rs.1.91 Crores on Community Development (Stage-II) is annexed as **(Annexure R-13).**

iii. In specific reference to clause x in EC dated 23.07.1996 it is stated by the Respondent No.1, DS system and water sprinkling is done regularly. Mechanical sprinklers, manual sprinkling using water tankers, wind barriers, dyke water cover, earth cover and other such mitigative measures are established to control fugitive dust.

iv. In specific reference to clause xi in EC dated 23.07.1996 it is stated by the Respondent No.1, it is stated that an afforestation plan was submitted by the Respondent No.1 to MOEF&CC vide letter dated 09.12.1996. **(Annexure R-18**). The tree plantation at the station is more than 6,60,000 lakhs at an area nearly of 1470 acres in and around Simhadri plant. Besides about 5,50,000 lakhs trees are planted under the Green Visakha Programme.

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखपणम / VISAKHAPATNAM - 531 020.

v. In specific reference to clause xii in EC dated 23.07.1996 it is stated by the Respondent No.1, third party analysis by MOEF&CC accredited lab is being done and reports are submitted to PCB every month and Half yearly compliance is submitted to MOEF&CC and also uploaded on APPCB website and NTPC web site. It is further stated by the Respondent No.1 there are no adverse reports or comments passed by the MOEF&CC against this Respondent.

vi. In specific reference to clause xiii in EC dated 23.07.1996 it is stated by the Respondent No.1 Effluent Quality Monitoring System (EQMS) is provided and the parameter data is being uploaded on real time basis to PCB Cloud.

vii. In specific reference to clause xv in EC dated 23.07.1996 it is stated by the Respondent No.1 that the financial assistance provided by the government for fulfilling environmental mitigative measures and other pollution control measures have been put to good use and the cost and expenses for setting up such measures and the item – wise break-up is provided in the para 18 (k) wherein a total of Rs.1827.33 Crores is spent already.

viii. In specific reference to clause xvii in EC dated 23.07.1996 it is stated by the Respondent No.1 that all co-operation is extended to PCB and other officials. Environmental Impact Assessment reports and Management Plan are submitted to RO APPCB office and MOEF&CC offices.

ix. In specific reference to clause xviii in EC dated 23.07.1996 it is stated by the Respondent No.1 that Monitoring Committee is in place.

30. It is submitted by the Respondent No.1 that with regard to Para 14 Ground B of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड-सिम्हादि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

denied. It is submitted that the records available at the local District Health Centers / Primary Health Centers (PHC) etc. also do not report any major endemic / epidemic disease in the study area. PHC records indicate that there is no adverse impact on the health conditions of the habitants of surrounding villages was found on account of the Respondent No.1 functioning. As per the committee final report submitted to the Hon'ble court it was observed that the reports of PHC, Devada, 4-8% of the parents are suffering from Dermatology diseases were observed. There are no specific major diseases are reported in other two PHCs (Vadacheepurupalli, Parawada). Hence, it can be stated that there are no cases of severe illness due to dust pollution related diseases in and around project.

31. It is submitted by the Respondent No.1 that with regard to Para 14 Ground C of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. The Respondent No.1 is complying with all the EC conditions and is submitting data to the PCB and MOEF&CC as reiterated above, hence there was no need for the officials to initiate actions against the Respondent No.1.

32. It is submitted by the Respondent No.1 that with regard to Para 14 Ground D, that R&R is not applicable for the Respondent No.1 and a negotiated settlement was arrived. As per the negotiated settlement about Rs.6.05 Crores was spent of R&R (Stage-I) and Rs.1.91 Crores on Community Development (Stage-II) is annexed as **(Annexure R-19).**

33. It is submitted by the Respondent No.1 that with regard to Para 14 Ground E, The Respondent No.1 has carried out aggressive afforestation by planting more than 12,00,000 lakh trees which are now fully grown. Over 6,60,000 No's of trees are planted in area covering 1470 acres of land in and around NTPC-Simhadri. In addition, 5,50,000 No's of plantation of

शेषगिरि राव सत्तिराजु / SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी) / Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि / NTPC Limited - Simhadri
विशाखपणम / VISAKHAPATNAM - 531 020.

trees under the Green Visakha Plantation programme, in and around city of Visakhapatnam was carried out by the Respondent No.1. It amounts to contribution to afforestation an area of about 2550 acres in total and an expenditure of around Rs.60 Crores.

34. It is submitted by the Respondent No.1 that with regard to Para 14 Ground F, the activities of the Respondent No.1 is clearly not contrary to Air Act, Water Act as well as standards under Environment Protection Rules 1986.

35. It is submitted by the Respondent No.1 that with regard to Para 14 Ground G, there is no violation of EC conditions. The EC Conditions are duly complied by the Respondent No.1 as can be inferred from **(Annexure R-20)**. It is also brought to the forefront of this Hon'ble Tribunal the voluntary contributions to society/environment undertaken by the Respondent No.1 which are beyond the above stipulate EC conditions and consents which are attached as **(Annexure R-21).**

36. It is submitted by the Respondent No.1 that with regard to Para 14 Ground H, there are no illegalities as alleged by the Applicant. Therefore, there is no violation of the Orders of the Hon'ble Supreme Court nor the NGT.

37. It is submitted by the Respondent No.1 that with regard to Para 14 Ground I, there is no violation/illegalities hence there exists no action needs to be taken by the statutory authorities.

38. It is submitted by the Respondent No.1 that with regard to Para 15 of the Application except for matters of record and specifically admitted herein each and every allegation made in the said paragraph is denied. It is brought to the attention of this Hon'ble Tribunal that the judgements relied

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

upon by the applicant does not apply to the facts and circumstances of the case.

For all the reasons stated hereinabove this Hon'ble Tribunal may dismiss the Application against the Respondent No.1 and this Hon'ble Tribunal may impose heavy costs upon the Applicant as this Hon'ble Tribunal may deem fit and proper and pass such other orders as may deem fit in the interest of justice.

Dated at Chennai on this the 18th day of April 2022

For KING & PARTRIDGE

Partner

Advocates for Respondent No.1

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

Respondent No.1

VERIFICATION

I, Seshagiri Rao Sattiraju, Additional General Manager (EMG&AU) of NTPC Limited, Respondent No.1, do hereby declare that what is stated in the above paragraphs 1-38 are true and correct to the best of my knowledge, information and belief.

Verified at Chennai on this the 18th day of April, 2022

शेषगिरि राव सत्तिराजु/SESHAGIRI RAO SATTIRAJU
उपर महाप्रबंधक (ई.एस.जी)/Addl. General Manager (EMG)
एनटीपीसी लिमिटेड - सिम्हाद्रि/NTPC Limited - Simhadri
विशाखपणम/VISAKHAPATNAM - 531 020.

Respondent No.1