

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ), CHENNAI**

**Original Application No. 105 of 2021**

**IN THE MATTER OF**

Yanati Srinivasulu Reddy and Anr

.... Applicants

Versus

Chief Secretary, Secretariat,  
Govt. of Andhra Pradesh & others

.... Respondents

**OBJECTIONS TO THE JOINT COMMITTEE REPORT FILED BY THE 8<sup>TH</sup>  
RESPONDENT**

**M/s. KING & PARTRIDGE**

**C.MOHAN**

**M.KUMARESAN**

2<sup>nd</sup> Floor, Catholic Centre,

No. 108, Armenian Street,

Chennai – 600 001.

Mob:9840029865

9942036873

Email: [chevananmohan@gmail.com](mailto:chevananmohan@gmail.com)

**COUNSEL FOR 8<sup>TH</sup> RESPONDENT**

**BEFORE THE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI**

**Original Application No. 105 of 2021**

1. Yanati Srinivasulu Reddy,  
S/o Ramchandra Reddy  
Hindu, aged about 70 years,  
Regd. No. 28/2019,  
Nelatur Village & Post.  
Muthukur Mandal,  
SPSR Nellore District, A.P.-524 344.  
Phone No: 9989773399

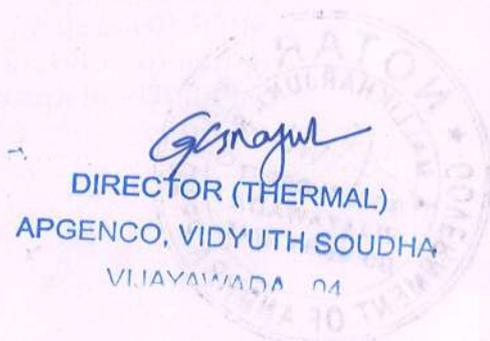
2. Magunta Krishna Reddy  
S/o Subbarami Reddy,  
Hindu, aged about 88 years,  
Rep. by his Special Power of Attorney,  
YanatiSrinivasulu Reddy.  
(S/o Ramchandra Reddy  
Regd. No. 28/2019,  
Nelatur Village & Post,  
Hindu, aged about 70 years,  
Muthukur Mandal,  
SPSR Nellore District, A.P. - 524 344.  
Phone No: 9989773399)

...Applicants

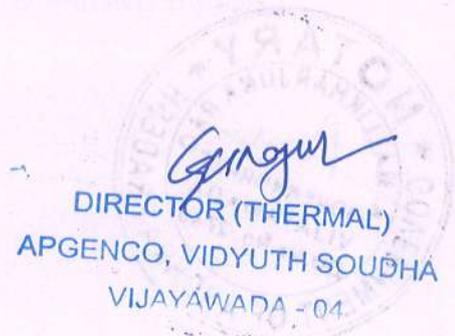
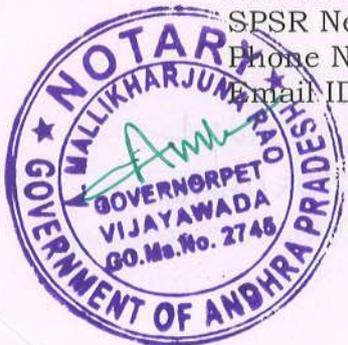
Vs.

1. The Chief Secretary,  
Secretariat,  
Govt. of Andhra Pradesh,  
VELAGAPUDI  
Amaravathi,  
Phone No: 0863-2446637  
Andhra Pradesh.  
Email ID:-[cs@ap.gov.in](mailto:cs@ap.gov.in)

2. Union of India,  
Represented by The secretary,  
Ministry of Environment and Forests  
Climate Change,  
1st floor Jal Block  
Indira Paryavaran Bhavan,  
Jorbagh Road,  
New Delhi-110 003.  
Phone No: 11 24695329  
Email ID:-[mefco@gov.in](mailto:mefco@gov.in), [Prakash.j@sansad.nic.in](mailto:Prakash.j@sansad.nic.in)



3. Central Pollution Control Board,  
Rep. by its Chairman, Parivesh Bhavan,  
CBD Cum Office Complex,  
East Arjun Nagar,  
New Delhi.  
Phone No: 91-11-22307233  
Email ID: ccb.cpeb@nic.in
4. The secretary,  
Ministry of Power,  
Govt. of India,  
Shram Shakti Bhavan,  
Rafi Mag  
New Delhi.  
Phone No: 91-11-23710271  
Email ID:-secy-power@nic.in
5. The Secretary(Environment),  
Forests and Environment Dept.,  
Amaravathi, Andhra Pradesh.  
Phone No: 0863-2444438  
Email ID: [splcs-efst@ap.gov.in](mailto:splcs-efst@ap.gov.in)
6. The District Collector,  
Nellore,  
SPSR Nellore(Dt).  
Phone No: 0861-2324374  
Email ID:-nir@ap.gov.in New Delhi.
7. The Chairman,  
A.P. pollution control Board,  
D.No:33-26-14/D2,  
Near Sunrise Hospital,  
Pushpa Hotel Centre,  
Chalamalavari Street,  
Kasthuribaipet,  
Vijayawada-520 010.  
Phone No:  
Email ID:-chairman@appe.gov.in
8. The Director,  
Sri Damodara Sanjeevaiah Thermal Power Plant,  
M/S A.P. power Development Company Ltd.  
(A subsidiary of APGENCO & Govt. of A.P.  
Undertaking), Nelatur(V).  
Mutthukur (M)  
SPSR Nellore(Dt).  
Phone No: 0861-23586063  
Email ID:-sdstps.co@apgenco.gov.in.



9. The Director, thermal power tech  
Corporation India Ltd.(TPCIL)  
Nelaturu(V), Mutthukur(M).  
SPSR Nellore(Dt)  
Phone No: 0861-23586063  
Email ID:-cs.india@sembcorp.com

...Respondents

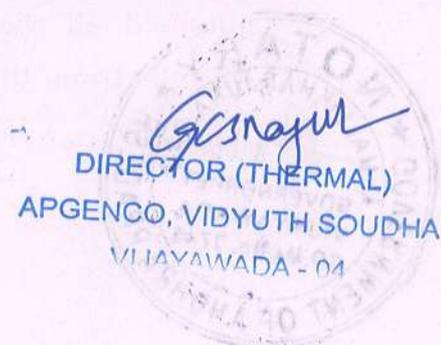
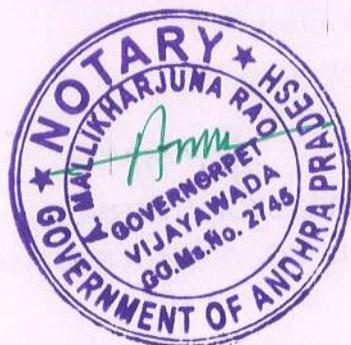
**OBJECTIONS TO THE JOINT COMMITTEE REPORT FILED BY THE  
8<sup>TH</sup> RESPONDENT**

I, G. Chandrasekhar Raju, Hindu, aged 62, Director Thermal APGENCO, residing at Vidyut Soudha, Gunadala, Vijayawada, do hereby solemnly affirm and sincerely state as follows:

1. At the outset, I submit that, this Hon'ble Tribunal vide its order dated 16.09.2021 constituted a joint committee to ascertain the genuineness of the allegations of the Applicants in OA 105 of 2021 and to determine whether the respondent thermal power plants have the requisite permissions/clearance for running their unit and if they have violated any condition contained therein. The Joint Committee however, has submitted in its report that this 8<sup>th</sup> respondent Thermal Power Plant has violated EC conditions which is completely untrue and denied by this Respondent. Each and every allegation contained in the report are objected to except for those that are matters of records and specifically admitted.

2. Before advertng in detail our objections to the Joint Committee Report, the following Preliminary grounds of objection are as below:

- i. The allegations of environmental damage are based on incomplete or inaccurate information, and that a more comprehensive assessment of the situation is needed.
- ii. The allegations are motivated by political considerations, rather than by a genuine concern for the environment or public health.

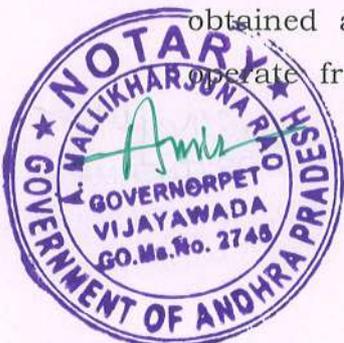


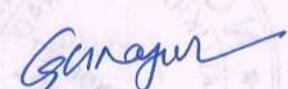
- iii. The company has complied with all applicable environmental regulations and requirements, and that there is no evidence to suggest that they have caused any significant environmental harm.
- iv. The cost imposed is disproportionate to any actual harm caused, and that it will unfairly burden the company without providing any significant environmental benefits.
- v. The company has taken steps to address any environmental concerns, such as investing in pollution control technology or engaging in community outreach programs and have complied with all the suggestions of the Committee during inspection.

3. I submit that, Andhra Pradesh Power Sector Reforms envisage creation of Distribution Companies as Government Undertakings. The Andhra Pradesh Gazette No.37 published by the Government of Andhra Pradesh declared formally formation of Distribution Companies. Quality power at economic rates acts a catalyst in transforming the state by fostering growth in agricultural, industrial and commercial areas while meeting the increasing domestic demand. On Feb 1, 1999, Government of Andhra Pradesh initiated the first phase of reforms and restructuring in AP's power sector by unbundling APSEB into APGENCO and APTRANSCO to cater to Generation and Transmission & Distribution respectively.

4. Andhra Pradesh Power Development Company (APPDCL) is a special purpose vehicle which was set up as a joint venture between APGENCO, court DISCOMS of erstwhile Andhra Pradesh and Government of Andhra Pradesh. The company operates several power plants in the state, including the Dhamodhara Sanjeev Thermal Power Station.

5. The Dhamodhara Sanjeev Thermal Power Station is a coal-fired power plant with a capacity of 3x800 megawatts (MW). And on mere perusing of the publicly available information, it is evident that this power plant has obtained all the necessary environmental clearances and consents to operate from the relevant regulatory authorities. 2x800 MW Capacity

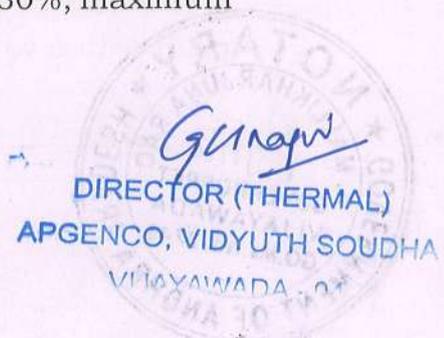
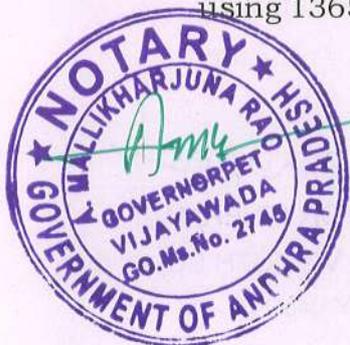


  
DIRECTOR (THERMAL)  
APGENCO, VIDYUTH SOUDHA  
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Thermal Power Plant with super critical technology at Nelatur Village, Muthukur Mandal, SPSR Nellore district of Andhra Pradesh State. And as per the Ministry of Environment and Forests, GOI notification dated 14.09.2006, a press notification was issued in both English and Telugu News Papers publishing the draft notification of the proposed thermal power plant project and the Andhra Pradesh government's intent to acquire the lands for establishing the same on various dates, calling for a public hearing to ascertain the suggestions, views and objections from the public, bonafide residents, environmental groups and others located at Project site. Thereafter a public meeting was held on 06.01.2007 at 3.00pm with the presence of the then District Collector, Environmental Engineer and other Public Representatives and Officers where several environmental concerns were addressed and discussed in length.

6. The requisition to establish the Ultra Mega Power Project was verified and the establishment of this Power Plant was declared as a bonafide purpose and the proposals made was approved by the District Collector of Nellore and by the Land Acquisition Officer, Revenue DO Nellore, land in Nelatur Village was awarded in favour of this Respondent, for which, after cautious assessment and calculation compensation has already been paid.

7. Thus, after following the legal mandate and acquiring the land, this Respondent obtained the No Objection Certificate for Establishment of the 2x800 MW Coal fired Supercritical Thermal Power Station from the Forest Department, Government of A.P vide RC.No 44277/2006 dated 04.04.2007. Thereafter, this respondent also obtained its Environmental Clearance under the provisions of EIA Notification 2006, vide notification J-13011/20/2007-IA-II(T) by the Ministry of Environment & Forests on 17.07.2007. The A.P Pollution Control Board also gave its Consent for Establishment vide order dated 01.10.2007 with specific terms and conditions for the establishment of '1600 MW' power generating power plant using 13656 TPD (Indian Washed Coal 70% + Imported coal 30%; maximum

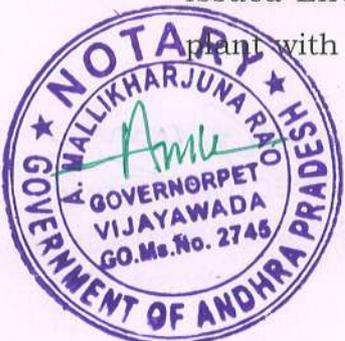


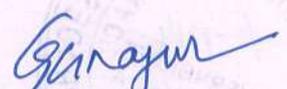
Sulphur and ash content in coal shall be in the range of 0.45 – 0.8% and 12 -16%).

8. I state that, this respondent submitted a letter to the Ministry of Environment and Forest requesting to change the location of the ash pond in the 2x800 MW project. The same was accepted by the MoE&F vide order dated 03.05.2012 and the ash pond co-ordinates were amended and three conditions were added to the Environmental Clearance certificated dated 17.07.2007. Thereafter, the validity of the existing clearance certificate was extended for compliance giving time upto 16.07.2017 for compliance vide order dated 10.06.2013 issued by the GoI, MoE&F.

9. On the establishment of the thermal power plant in accordance to the above requisites and legal mandates, the Andhra Pradesh Pollution Control Board after through verification and inspection issued its Consent Order dated 08.05.2014 for the Operating this Respondent's Thermal Power Plant which was valid for a period of 1 year, ending on 31.03.2015. The subsequent renewal of consent for operation was duly obtained by this respondent and the same is evident vide the APPCP orders dated 16.04.2015 valid upto 31.03.2017 and order dated 18.02.2017 valid upto 31.03.2022. The latest Consent for Operation this Respondent's Thermal Power Plant was issued by APPCB on 06.05.2022 which has validity upto 31.03.2025. Thus, it is evident that this Respondent has complied with all the procedural mandates stipulated by law.

10. In the year 2015, this Respondent proposed to expand the existing project and proposed to establish Stage II of the Thermal Plant by adding 1x800MW capacity unit to the original proposed project of 2x800MW (Stage I) unit. Public hearing was conducted on 18.09.2014 the application made by the respondent was accepted by the Ministry of Environment, Forest & Climate Change and vide its order dated 02.07.2015, this respondent was issued Environmental Clearance for the Stage II unit of 800MW capacity plant with a validity for a period of 7 years. The Andhra Pradesh Pollution



  
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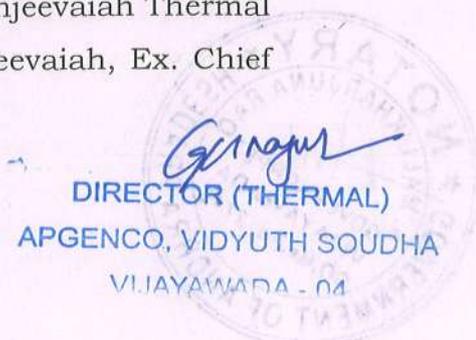
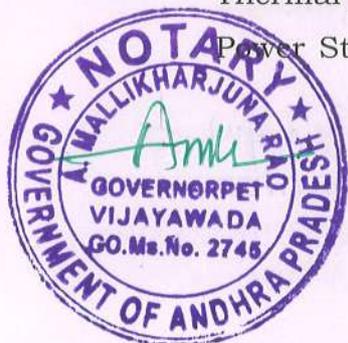
Control Board had also issued the Consent for Establishment of the Stage II unit on 10.11.2015.

11. As the Environmental clearance for the Stage II 800MW unit of the project was issued by the ministry's letter dated 02.07.2015 stipulating 100% use of imported coal, this respondent also preferred a requisition to use indigenous coal, the MoEF&CC accorded the Amendment of EC dated 02.07.2015 vide its order dated 21.01.2020. Subsequently the APPCB issued its Amended Consent for Establishment on 13.07.2021. After the Establishment of the Stage II unit, vide Order dated 08.08.2022, the APPCB issued its Consent for Operation which has validity upto 31.05.2025. Apart from the above requisites, this Respondent has also obtained the necessary approvals for ensuring environmental safeguards. Thus, it is evident from the above elaborated facts that this respondent has obtained all necessary approvals and licences as mandated by law complying with all the rules and regulations, the norms as prescribed by statutory authorities as mandated by Environmental Laws.

12. An overview of this respondent's thermal power plant is being placed before this Hon'ble tribunal to ensure the public at large that this Respondent company has tie up with several international and national companies ensuring that the quality of the work done by the respondent results in zero to minimum environmental pollution that may occur due to the functioning of the power station and makes sure that the best quality material is used in establishing the same.

### **STAGE I (2x800)**

This respondent APPDCL has commissioned 2x800 MV Super Critical Thermal Power Station at Nellore Dt, which is the first 800 MW thermal power plant in public sector in India. 1440 Acres of Land was acquired for power plant in Muthukur Mandal near Nakkalamitta and Nelatur villages. Thermal power plant was named as "Sri Damodaram Sanjeevaiah Thermal Power Station" in the memory of Sri. Damodaram Sanjeevaiah, Ex. Chief



Minister of Andhra Pradesh vide G.O.Ms. No. 130, Dt. 12-12-2007. The project was executed by following agencies:

- Boiler and Auxiliaries: M/s BHEL joint venture with M/s ALSTOM, USA
- Turbine, Generator and Auxiliaries: M/s L&T having joint venture with M/s MHI/MELCO, Japan
- Balance of Plant equipment: M/s Tata Projects Limited
- Sea water intake and outfall system: M/s Navayuga Engineering
- External coal conveying system: M/s Indwell Constructions

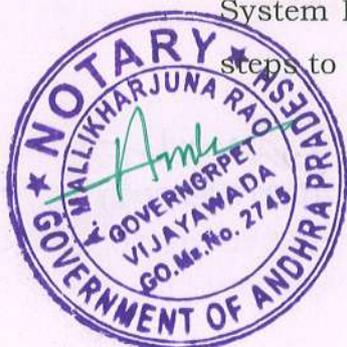
### **STAGE II 1X800 MW**

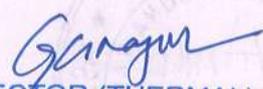
In, Stage-2 expansion the project is being executed by following agencies:

- Boiler, Turbine, Generator and its Auxiliaries: M/s BHEL
- Balance of Plant equipment: M/s Tata Projects Limited
- M/s. DCPL is the consultant for the project.

13. I further submit that various Environmental mitigative measures have been adopted by this Respondent. They are as follows:

a) **FLY ASH CONTROL:** This Respondent has generated about 9.37 MT of Ash upto February 2023. About 5.31 MT of the ash is utilized by Brick and Cement Manufacturing Industries. The remaining 4.60 MT of the ash has been transported from the plant to the ash dykes or ash pond. Thus, this respondent ensures maximum utilization of fly ash and ensures to proactively involve in mitigative measures. This respondent stores the fly ash in 2 Silos having 2000 tons capacity each. Then the fly ash is transported to the nearby cement and brick industries only through bulkers or closed cover trucks. Bottom ash and unutilized fly ash is being pumped into the ash pond only through High Concentration Slurry Disposal (HCDS) System In addition to the above, this respondent has taken the following steps to control fly ash emission:

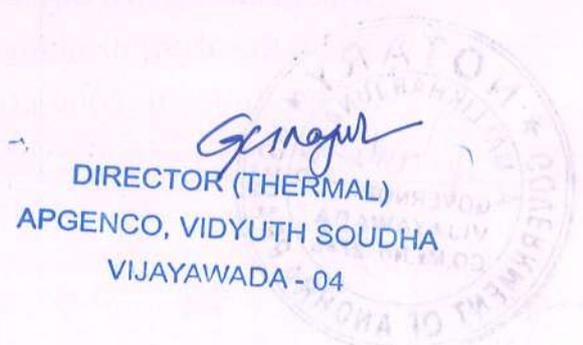


  
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- i. The unutilized fly ash is pumped into the ash pond in the slurry form and stored.
- ii. High Density Polyethylene (HDPE) 1.0 mm thick liners were provided to the ash pond in order to arrest any seepage of ash pond water in to ground water. Hence, the impact on the ground water quality is not envisaged and the averments to the contrary are unsustainable.
- iii. Continuous water sprinkling system installed and same is in operation to control fugitive dust in coal stock yard.
- iv. Action is taken to control dust emission from ash pond area. Required water film is maintained to control dust emission from ash pond. Closed type coal conveying system with bag filters is provided.
- v. Further, Super critical technology is adopted, and low NOX burners are provided along with high efficiency ESP's.

**b) AIR QUALITY MONITORING :** I submit that all the allegations pertaining to poor infrastructure to control air pollution is denied by this Respondent. The following equipment are installed to monitor the air quality in around the thermal power plant.

- i. Three Nos of High efficiency Electro static precipitator (ESPs) having efficiency of 99.9% installed to ensure that particulate emissions do not exceed 100 mg/Nm<sup>3</sup>. This system ensures that the smoke released from burning coal eliminates the suspended particulate matter and ensures that only clear smoke passes through the Chimney. Bi-flue stack of 275 m of height with continuous online Emission Monitoring System provided for both units
- ii. 4 Nos Continuous online Ambient Air Quality Monitoring Systems installed to monitor quality of air around this respondents thermal Power Plant. Further the regular readings are uploaded to the APPCB and CPCB portal for monitoring.
- iii. Greenbelt developed in 420 acres of land in SDSTPS.

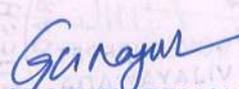


**c) WASTEWATER MANAGEMENT AND ASH POND:** The allegations stating that this respondent has contaminated the waterbodies by illegally discharging effluents and chemicals. This respondent denies the statements in toto. The mechanism adopted by this respondent in discharging waste from the thermal power station is as below:

- i. Sewage Treatment Plant & Effluent Treatment Plant (STP & ETP) envisaged for treatment of waste water has been installed at this respondent plant.
- ii. ETP of 75 MLD is installed and functioning to treat all effluents coming from various locations of the plant. Treated water is being utilizing for development of green belt.
- iii. STP of 300 KLD capacity is in operation to treat sewage coming from various locations of plant as well as the Residential Colony and the treated water is utilized for plantation and the dry sludge is used as manure for plants.
- iv. Further no natural resources like Drinking water wells, tanks, canals are polluted due to establishment of this Respondent Power Plant. Waster water is treated and fully utilized.
- v. Further the ash dyke has been increased from 5m to 10m.
- vi. Thick Green Belt provided around Ash Pond and further this respondent only lets treated sweet water into the pond.

**d) CSR ACTIVITIES:** I humbly submit that several CSR activities have been taken up in and around the thermal power station set up by this respondent. So far an amount of Rs 25.48 crores has been spent under CSR activities to provide basic amenities and development of infrastructure in surrounding villages of M/s Sri. Damodaram Sanjeevaiah thermal power plant, Nelatur. A detailed Socio-Economic study by M/s. Centre for Management and Social Research, Hyderabad was conducted and this respondent carried out and a Corporate Social Responsibility (CSR) plan.

60 KL OHSR drinking water is supplied to Nelatur Village  
RO unit with 2000 Lt/Hr capacity set up at Nelatur Village.



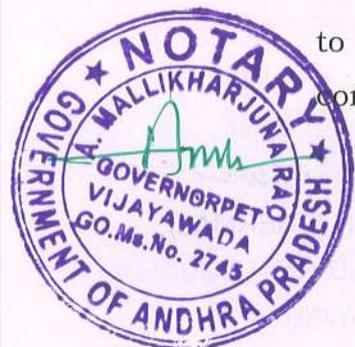
DIRECTOR (THERMAL)  
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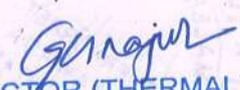
- iii. Gravel roads and bituminous surface for WMB roads constructed for better connectivity.
- iv. Community Halls, Primary Health Centres, Schools have been constructed. This Respondent also provides amenities to the schools in Nelatur village on regular basis.

e) **GREEN BELT DEVELOPMENT:** I submit that the Respondent herein has successfully developed 420 acres of green belt around the power plant on either side of the colony and ash pond. This respondent has taken measures and additionally planted 20,000 saplings in 55 acres lands of township.

14. Further, this Respondent has filed its Tabular Statement wherein the compliance of all EC conditions are set out. The Joint committee report has been filed combining the findings of both the 8<sup>th</sup> and 9<sup>th</sup> respondent which is impermissible. The joint committee report ought to have relied upon

- i. Air quality data which is constantly being uploaded to the government websites such as the Central Pollution Control Board or the State Pollution Control Board. This data can be used to show whether there have been any significant increases in pollution levels in the vicinity of the power plant. And as such till date no complaint has been raised against this 8<sup>th</sup> Respondent.
- ii. Health studies: The studies can be used to show the potential health risks associated with exposure to air pollution and as such this respondent does not cause any potential health hazard.
- iii. Environmental impact assessments: Environmental impact assessments (EIAs) assessments have been done regularly and based on the provided information on the potential environmental impacts of the power plant several mitigation measures have been put in place.
- iv. Further this respondent maintains all records and documentation detailing their efforts to comply with environmental regulations and to minimize their impact on the environment and surrounding communities. This documentation can be used to show the steps that



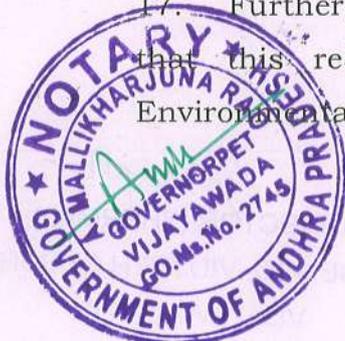
  
DIRECTOR (THERMAL)  
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the company has taken to address concerns about air pollution and related health hazards.

15. I state that, with regard to Para I, II and III of the Joint Committee Report, statements pertain to the Preamble to the Original Application and the order passed by this Hon'ble Tribunal in constituting the Joint Committee and its scope and as such there is no need to specifically advert to the statements therein. However, in paragraph IV, the inspection conducted by the Joint Committee is objected on the ground that the committee so constituted was violative of the mandate of this Tribunal's order dated 16.09.2021 where it specifically stated that the District Collector of Nellore was to be a part of the committee.

16. With regard to paragraph V of the Joint Committee Report, it is submitted that each and every allegation is denied in toto except for those that are matters of record and that are specifically admitted hereunder. The statements and observations made in the said paragraph V, specifically reflects the findings and observations made against this Respondent Thermal Plant. This respondent has received all the requisite licenses as mandated and has ensured to apply and renew and keep the procedural requirements update to ensure absolute compliance with laws in force. As accepted by the Joint Committee in their report, all permissions and found valid. The only documentation pending is the Application with the Fire Department for exemption of fee which is pending for approval. V(c) of the Report submits the status of the compliance/violations against the conditions imposed in the consents/clearances and it was observed that 27 out of 41 conditions were complied with. However, I submit that this Respondent has made earnest efforts in complying with all 41 of the conditions as evident from the Tabular Statement filed along with this Objection.

17. Further, vide paragraph V(d) and V(e) the committee has recorded that this respondent has violated the conditions imposed in the Environmental clearance and Consent for Functioning and have given their



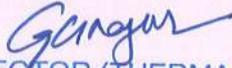
observations made during their visit on 21.10.2021. However, they have failed to realise that this Respondent has taken every action to ensure compliance and have made effort to rectify any or all shortfall and have complied with the conditions imposed.

18. With regard to Para VII the committee in bold has recorded that there is no decline in soil fertility rather an improvement was observed. Thus, the very scope and prayer sought for by the Applicants get defeated as they only allegation as against this Respondent is that there was monetary loss in Crop Yield.

19. The Overall Observations made in paragraph X (A) of the Report has been taken into consideration and efforts have been made to comply with all the observations made therein.

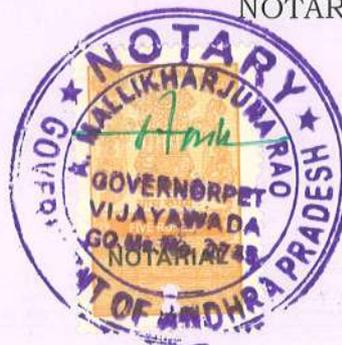
20. Without according a fair chance to explain the amends made by this Respondent and the current status of compliance, imposing a penalty of Rs1,84,04,567/- on this Respondent ought to be reconsidered. The Joint committee report having failed in conveying the same, the fine proposed by the Committee and all the allegations contained therein is liable to be rejected. I further reserve my right to file any additional submissions and other such documents as may be necessary at any point of time.

Solemnly affirmed at Vijayawada  
on this the 5th day of May,  
2023 and signed his name in  
my presence.

  
DIRECTOR (THERMAL)  
APGENCO, VIDYUTH Soud  
VIJAYAWADA - 04

BEFORE ME,

NOTARY



  
A. MALLIKHARJUNA RAO  
B.Com., B.L  
Advocate / Notary  
#29-1-30A, Governorpet,  
VIJAYAWADA-520 002 A P

05/05/2023

