

# 3570

## DISPOSED OFF MATTER

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL  
BENCH, NEW DELHI

ORIGINAL APPLICATION NO.459/2018

### IN THE MATTER OF:

RASHMI SINGH

...APPLICANT

### **VERSUS**

NTPC LTD. & ORS.

...RESPONDENTS

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**ADVOCATE FOR THE RESPONDENT NO.1  
: SUDHANSHU PRAKASH**

S.P. of Rupees Two/Five/Ten  
affixed & Notarial Stamp of  
Rupees 10/- Ten affixed.

Ravindra Dhar Diwan  
Notary  
Sipat, Bilaspur (C.G.)

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BEFORE THE NATIONAL GREEN TRIBUNAL

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**IN THE MATTER OF:**

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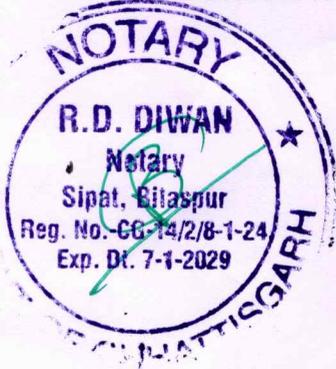
**AFFIDAVIT BY NTPC LTD. TO PLACE ON RECORD THE QUARTERLY PROGRESS REPORT IN TERMS OF THE ORDER DATED 21/07/2020 PASSED BY THE HON'BLE SUPREME COURT IN CIVIL APPEAL NO. 2728/2020 READ WITH ORDER DATED 28/02/2022 PASSED BY THE HON'BLE SUPREME COURT IN CIVIL APPEAL NO. 212/2022 AND ALSO READ WITH ORDERS DATED 18/04/2022, 17/03/2023, 18/08/2023 & 18/11/2024 PASSED BY THE HON'BLE SUPREME COURT IN M.A. NO. 476/2022, M.A. NO. 276/2023, M.A. NO. 1719/2023 AND M.A. NO. 1165/2024 RESPECTIVELY, IN CIVIL APPEAL NO. 2728/2020.**

I, Pankaj Kumar Sharma, S/o. Sh. I. D. Sharma, aged about 59 years, working as Addl. General Manager (Environment Management), do hereby solemnly affirm and state as under:-

1. That I am the Authorised Representative of the Respondent No.1 in the above mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence, I am competent to swear the present affidavit.
2. That vide order dated 27/02/2020, this Hon'ble Tribunal had directed the NTPC Ltd. to install the FGD plant at its Sipat unit within a period of 6 months and to ensure to Tarpaulin covering of Coal wagons within one month from the date of the order.

Pankaj

3. I submit that the order dated 27/02/2020 passed in O.A. No. 459/208 was challenged by the NTPC Ltd. before the Hon'ble Supreme Court of India in Civil Appeal No. 2728/2020. Vide the order dated 21/07/2020, the Hon'ble Supreme Court of India disposed-off the Appeal by extending the timelines for compliance, as follows:



- i. For setting-up of FGD plant, the timelines were extended in terms of the CPCB notification dated 11/12/2017.
- ii. With regard to the Tarpaulin covering of the wagons, a further onemonth time was granted from 21/07/2020.

4. That the Hon'ble Supreme Court has, from to time, been extending the timelines for setting-up of the FGD plants and previously, the timeline for completing the FGD plant installation in Units 1, 2 and 3 were extended till June, 2024. In respect of Unit Nos. 4 & 5 also, the timelines were extended till 30<sup>th</sup> June, 2024 vide order dated 18/04/2022 passed in MA No. 476/2022. That while extending the period for installation of FGD plant, the Hon'ble Supreme Court had also directed the Respondent No.1/NTPC Ltd. to file quarterly progress report before this Hon'ble Tribunal. This direction was reiterated in orders passed subsequently.

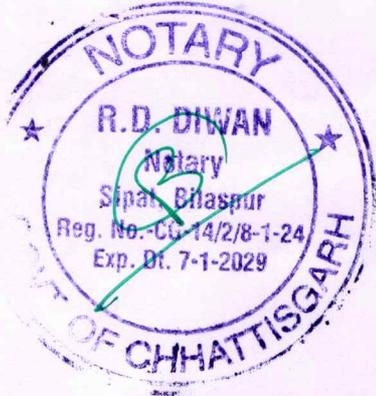
5. That the works in Units 1, 2 & 3 have been completed on 27/06/2024, 03/09/2024 and 06/05/2024 respectively. That since the works could not be completed in Unit No.2 of Stage-I and Unit Nos. 4 & 5 of Stage-II, in terms of the order dated 18/04/2022, an application seeking extension of time in respect of those Units was filed before the Hon'ble Supreme Court vide M.A. No. 1165/2024. The same has been allowed by the Hon'ble Supreme Court, on 18/11/2024, and the time for completion of Stage-2 FGD system (comprising of Unit Nos. 4 and 5) was extended till August, 2025.

6. That since the works in Stage-2 FGD system could not be completed, by August 2025, due to defaults on the part of contractor, an application bearing M.A. Diary No. 57184/2025 has been filed before the Hon'ble Supreme Court seeking an extension of time up till 31st December, 2026 for the installation/completion

*Pankaj*

of all facilities of the Stage -2 FGD system (comprising of Unit Nos. 4&5) in Appellant's Sipat Plant. The said application is yet to be listed before the Hon'ble Court for consideration.

7. That in terms of the order dated 21/07/2020 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2728/2020 read with Order dated 28/02/2022 passed by the Hon'ble Supreme Court in Civil Appeal No. 212/2022 and also read with orders dated 18/04/2022, 17/03/2023, 18/08/2023 & 18/11/2024 passed by the Hon'ble Supreme Court in M.A. No. 476/2022, M.A. No. 276/2023, MA No. 1719/2023 & M.A. No. 1165/2024 respectively in Civil Appeal No. 2728/2020, the status of work progress towards setting-up of the FGD plant, as on 30/09/2025, is as per **Annexure-A/1 to this affidavit**. I submit that the **Annexure-A/1** may be treated as part and parcel of the present affidavit.



*Pankaj*

**DEPONENT**

पंकज शर्मा

**PANKAJ SHARMA**

अपर महाप्रबंधक (ई एम जी)

AGM (EMG)

एनटीपीसी लिमिटेड, सीपत, बिलासपुर (छ.ग.)  
NTPC Limited, Sipat, Bilaspur (C.G.)

**VERIFICATION**

Verified at Sipat on this 10 day of November, 2025 that the contents of my above affidavit from paras 1 to 7 are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

*Pankaj*

**DEPONENT**

पंकज शर्मा

**PANKAJ SHARMA**

अपर महाप्रबंधक (ई एम जी)

AGM (EMG)

एनटीपीसी लिमिटेड, सीपत, बिलासपुर (छ.ग.)  
NTPC Limited, Sipat, Bilaspur (C.G.)

Witness

*[Signature]*

ज्योत्सना कुशवाहा  
JYOTSNA KUSHWAHA  
उप प्रबंधक (मानव संसाधन-कानून)  
DEPUTY MANAGER (HR-LAW)  
एनटीपीसी लिमिटेड, सीपत, बिलासपुर (छ.ग.)  
NTPC Limited, Sipat, Bilaspur (C.G.)

10 NOV 2025

SOLEMNLY AFFIRMED OR SWORN  
BEFORE ME BY THE WITHIN NAMED  
Signature/Thumb Impression

*[Signature]*  
Ravindra Dhar Diwan  
Notary  
Sipat, Bilaspur (C.G.)

**1.1 Status of work progress w.r.t. Project Schedule as on 30.09.2025 for Stage # I FGD Units (Unit 1, 2 & 3)**

Project Name:	3 x 660 MW Sipat stage-I (Unit 1, 2 & 3): Wet Flue Gas Desulphurization (WFGD) System.
Date of Notification of Award	24th May 2019
Agency Name	GE Power India Limited (GEPIL)
LOA Value (Crores) of Stage # I Units (Unit #1, Unit # 2 & Unit #3)	Award value: INR 701.69 Cr First Contract- INR 426.13 Cr (Ex-Works Supply) Second Contract - INR 275.56 Cr (All Services)
Status	U#3 – Completed on 06.05.2024 U#1 – Completed on 27.06.2024 U#2 - Completed on 03.09.2024

**Status report of Wet Flue Gas Desulphurization (WFGD) System installation at NTPC -Sipat (As on 30.09.2025)**

**2.1 Status of work progress w.r.t. Project Schedule as on 30.09.2025 for Stage # II Units (Unit 4 & 5)**

Project Name:	2 x 500 MW Sipat stage -II (Unit 4 & Unit 5): Wet Flue Gas Desulphurization (WFGD) System.
Date of Notification of Award	06.10.2021
Agency Name	Bharat Heavy Electricals Limited (BHEL)
LOA Value (Crores) of Stage # II Units(Unit # 4 & Unit # 5)	Award value: INR 494.17 Cr First Contract- INR 314.49 Cr (Ex-Works Supply) Second Contract - INR 179.68 Cr (All Services)
Status	Work in progress in Stage # 2 Units (Unit # 4 & Unit # 5). Details are given below.

**2.2 Financial Progress**

Description	Total Value	Amount Paid till date (Including GST)	Actual % Payment released to vendor
Supplies	INR 314.49 Cr (371.10 Cr with GST)	INR 277.4 Cr	75 %
Installation Services	INR 179.68 (212.03 Cr with GST)	INR 150.54 Cr	71 %
Total	INR 494.17 Cr (583.13 Cr with GST)	INR 427.94 Cr	73 %

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**2.3 Status of Major heads with respect to Contractual Schedule**

S. N	Activity Description	Contractual schedule		Anticipated completion	Present Status	Remarks/ major reasons for delay
		Start	Finish			
1	Basic Engineering	-	Dec'21	-	Completed	-
2	Detail Engineering	Jan'22	June'22	-	Completed	-
3	BOI Ordering	-	Apr'22	-	Completed	<p>With respect to item No. 4, it is submitted that while placing orders and procurement of a few distinctive materials, various issues as submitted by the EPC vendor (M/S BHEL) such as exorbitant price rise of material post covid - 19, Limited vendor base/ response from vendors, change of law for make in India and restriction on sourcing of material from border sharing countries were faced.</p> <p>A. For Absorber, C-276 clad plate, very limited vendor base is available in India and the materials were being sourced from China by all vendors executing NTPC FGD's projects prior to change of law. With repetitive procurement action and poor vendor response, orders could be placed by BHEL only in Sep'2023 to Indian vendors, sourcing raw material from non-border sharing countries which has caused a total delay of 17 months. Further U#5 supply was impacted due to red sea crisis linked to Israel – Hamas war from 19.10.2023 and transportation of material delayed.</p> <p>B. For Chimney flue can titanium material also, change of law for sourcing of material from border sharing countries has impacted supply, material is supplied from Indian vendor received only by Apr'24 with 19 months delay.</p> <p>C. For Gypsum dewatering System, for high-capacity requirement (more than 35 MT/hour), limited Indian vendors are available barring vendors of Chinese base and with available Indian vendors BHEL could place order in Jan'24 only to M/s Eimco. with Manufacturing cycle of 10-12 months, which caused a total delay of 24 months.</p> <p>D. With drastic changes in Power sector and necessity of extension and expansion of Thermal Power Plants, Limited Thermal Power Plants Construction vendors BHEL has received huge orders of Thermal Power Plant from Public and Private sectors and Limited manufacturing and</p>
4	Manufacturing & Supply	June'22	April'23	Nov'25	92 % completed	
5	Civil & structural works	Dec'21	May'23	Nov'25	96 % completed	
6	Mechanical Equipment erection	June'22	July'23	May'26	60 % completed	
7	Electrical & C&I works	Sep'22	Sep'23	June'26	50 % Completed	
8	Commissioning of U#4	-	Oct'23	Aug'26	-	
9	Commissioning of U#5	-	Jan'24	Oct'26	-	
10	Completion of facilities	-	Apr'24	Dec'26	-	

**Status report of Wet Flue Gas Desulphurization (WFGD) System installation at NTPC -Sipat (As on 30.09.2025)**

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						<p>execution capabilities of BHEL and widespread scenario of relaxation of SOX norms by MoEF has led to adjustment of Priorities by BHEL from FGDs to Main Plants. Eventually MoEF &amp;CC vide notification dated 11.07.2025 has revised norms for SOX emissions and For Category “C” TPPS like Sipat, installation of FGDs is not required.</p> <p>E. Additionally, due to financial failure and abrupt demobilization of existing Mechanical erection agency, deployment of new erection agencies was enforced which has added to the delay in completion they another mechanical erection agency was deployed. With scarcity of skilled manpower for construction works in the country, work progress is slow and NTPC is making all efforts to complete the works.</p> <p>Though NTPC has been making all efforts for completion of FGD System irrespective of MoEF &amp; CC notification dated 11.07.2025 relaxing FGD implementation for Sipat, considering above unforeseen circumstances an application along with justified reasons filed before Hon’ble Supreme Court for seeking time extension till Dec’2026 on 05.10.2025 vide Diary No. 57184/2025</p>
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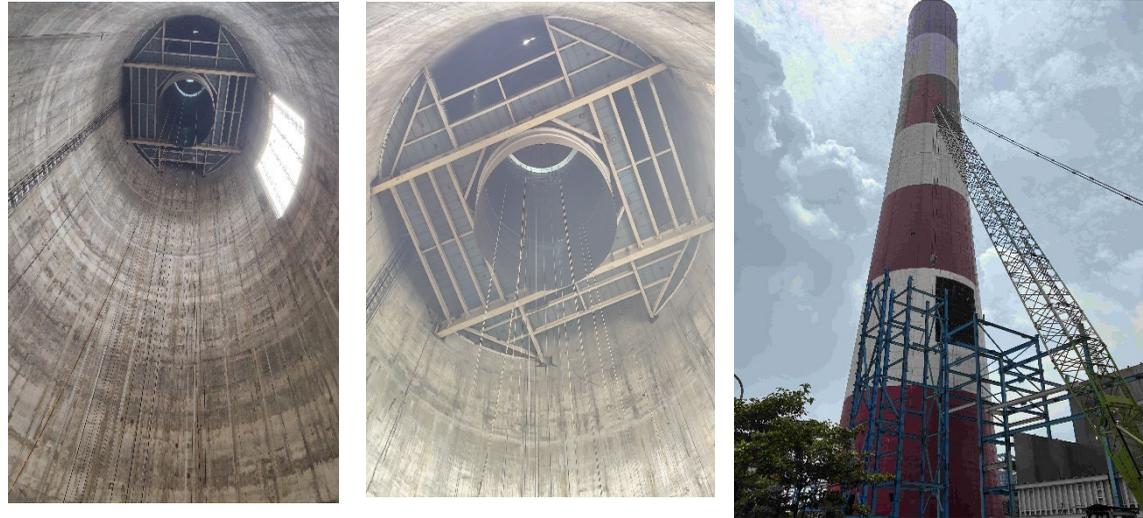
**2.4 Major Areas works in progress and major achievements till 30.09.2025.**

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S N	Area	Major milestones achieved and Status of Work
1	Chimney	<ul style="list-style-type: none"> <li>Chimney #4 – Chimney Shell casting and painting completed. Flue Can Erection Completed.</li> <li>Chimney #5 – Chimney Shell casting and painting completed. Flue Can Erection Completed.</li> </ul>
2	Absorber Tanks & RCPHs	<ul style="list-style-type: none"> <li>Absorber &amp; RPCH #4 – Base plate work &amp; Lower casing work completed. Intermediate and Upper Casing- Columns, casing and RCPH Structure work in progress. RC Pumps and oxidation blowers alignment u/p. RC Pump Piping erection started Total erection – 572/907 MT</li> <li>Absorber &amp; RPCH #5 – Absorber base plate, bottom casing completed, Intermediate casing with structure erection u/p. RCPH Structure work in progress. RC Pumps and oxidation blowers alignment started. Total erection – 315/907 MT</li> </ul>
3	Booster Fans & Existing duct connection	<ul style="list-style-type: none"> <li>U#4 &amp; 5 Bypass Damper installation work completed. U#5 Connection with existing duct completed.</li> <li>Unit#4 Booster Fans: 1/2 Motor trial taken, 2<sup>nd</sup> ready for motor trial, balance activities in progress.</li> <li>Unit#5 Booster Fans: Both Fans Motors &amp; Diffuser placed, alignment activities in progress.</li> </ul>
4	Ducting	<ul style="list-style-type: none"> <li>U#4 Duct: Booster Fan I/L duct almost ready for ATT; Booster Fans O/L Duct erection started. Duct Support structure &amp; Ducting total erection - 1604/2616 MT erection completed.</li> <li>U#5 Duct: Booster Fans I/L Duct ATT completed and connected with existing plant duct completed; Booster Fans O/L Duct erection started. Duct Support structure &amp; Ducting total erection - 1219/2404 MT.</li> </ul> <p>Duct Preassembly work and erection work for both units in progress simultaneously along with insulation work</p>
5	Gypsum Dewatering and Handling System	<ul style="list-style-type: none"> <li>Gypsum Dewatering building – Structure work in progress (387/451 MT erection completed).</li> <li>Gypsum Shed – Civil works completed. Structure erection -129/196 MT, balance in progress. Gypsum handling conveyor prep work started</li> </ul>
6	Other Common Systems	<ul style="list-style-type: none"> <li>Compressor House: Ready for commissioning</li> <li>ECW/ ACW Building foundations completed. Structure work 50% completed (17/35 MT)</li> <li>Control Room Building – AC &amp; ventilation system work in progress.</li> <li>All common tanks 13 Nos (Auxiliary Absorber, PHC, Process Water Tanks etc.) erection completed. Water fill test completed for 13/13 Tanks. Painting, finishing and rubber lining/ flake glass lining work in progress.</li> <li>Pipe Rack structure erection in progress (70/174 MT completed). Piping work in progress for Process water, Fire Protection etc.,</li> </ul>
7	Electrical & Instrumentation Systems	<ul style="list-style-type: none"> <li>11KV Switchgear -1/2 Sections charged with CEA clearance. 1/2 HT Transformers (12.5 MVA) charged. ESP Transformer 4E,5E charged</li> <li>DCS commissioning and charging done. ECR Building and Control Room is ready.</li> <li>Balance Electrical &amp; Instrumentation Panels readiness, Cable tray/Cabling laying work and Equipment charging activities in progress.</li> </ul>

Progress status as on 30.06.2025

Chimney U#4 – Flue Can erection and 90% Painintng completed after Mar'25



Progress status as on 30.09.2025

Chimney U#4 – Balance Painintng comp leted after June'25



Chimney #5 - Flue can erection started after Mar'25



Chimney #5 - Flue can erection completed after June'25



Progress status as on 30.06.2025

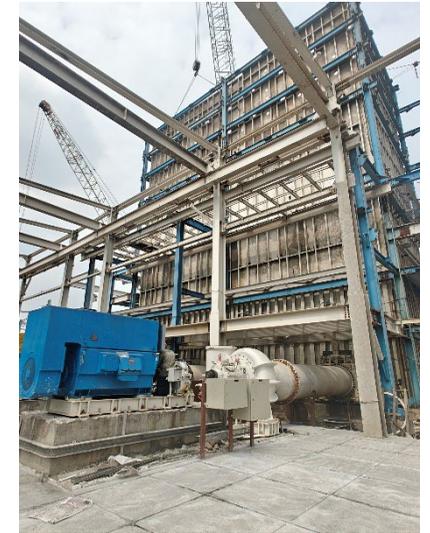
Progress status as on 30.09.2025

Absorber & RPCH U#4 – Middle casing and further structure erection after Mar'25

Absorber & RPCH U#4 – Upper Casing, RC Pumps and Piping, Oxidation blowers etc. work started after June'25



NA



Progress status as on 30.06.2025

Progress status as on 30.09.2025

Absorber & RPCH U#5 – Structure erection conitnued after Mar'25

Absorber & RPCH U#5 – Lower Casing, RC Pumps and Oxidations blowers etc. alignment started after June'25



NA



Progress status as on 30.06.2025

Progress status as on 30.09.2025

Booster Fan U#4 – Both Fans Made ready for Motor Trials after Mar'25



Booster Fan U#4 – One Fan Motor Trial done. 2<sup>nd</sup> Ready for Motor Trial. All gates, Auxilairy equipments erection started after June'25



Booster Fan U#5 – Diffuser and Motor Erection after Mar'25



Booster Fan U#5 – Further Erection work in progress after June'25



Progress status as on 30.06.2025

Progress status as on 30.09.2025

Duct U#4 & U#5 – Major ducting work completed after Mar'25 (Approx 700 MT)



Duct U#4 – Booster Fan Inlet Side duct almost ready, out let duct erection started



Duct U#5 – Booster Fan Inlet duct completed with existing plant duct connection



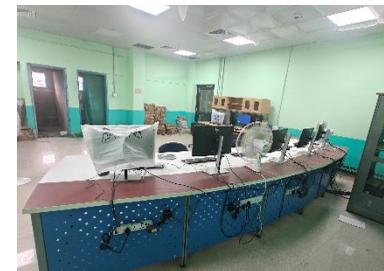
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Progress status as on 30.06.2025

Progress status as on 30.09.2025

ECR #1 – Panels erection, Cable laying and Panel charging activities contunied after Mar'25

ECR #1 – Electrical & C&I Works – 12.5 MVA Transformer charging, DCS chaging etc completed since June'25. Building and Control Room ready



Progress status as on 30.06.2025

Progress status as on 30.09.2025



ECR#1 – AC & Ventilation System

Compressor House - Equipment and piping Made ready After Mar'25

Compressor House – Ready in all respects after June'25



ECW/ ACW Building

Compressor House, ECW/ACW Shed and Process water Tanks



Progress status as on 30.06.2025

Progress status as on 30.09.2025

Gypsum Shed – Finishing and Structure erection activities after Mar’25

Gypsum Shed –Structure erection, Gypsum Conveyor work etc. after June’25



Gypsum Dewatering Building – Structure erection (Tier 3) after Mar’25

Gypsum Dewatering Building – Further Structure erection after June’25



Progress status as on 30.06.2025

Progress status as on 30.09.2025

Common Tanks Erection – Water Fill tests and finishing activities after Mar'25

Common Tanks Erection – Finishing activities after June'25



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Progress status as on 30.06.2025

Progress status as on 30.09.2025

NA

PRCT - Erection after June'25

