

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
APPEAL NO. 1/2013**

**IN THE MATTER OF:**

MEDHA PATKAR & ORS.

..... APPELLANTS

*Versus*

MINISTRY OF ENVIRONMENT, FOREST AND

CLIMATE CHANGE & ORS.

.....RESPONDENTS

**INDEX**

S.NO	PARTICULARS	PAGES
1.	Affidavit on behalf of Respondent no. 4, i.e, Pench Thermal Energy (MP) Limited.	01-08
2.	<b>Annexure R – 4/1</b> A copy of the Board Resolution dated 28.01.2025.	9
3.	<b>Annexure R – 4/2</b> A copy of the Certificate of Incorporation pursuant to change of name dated 17.05.2019	10
4.	<b>Annexure R – 4/3</b> The copy of the order dated 23.01.2024 passed in Civil Appeal No. 274/2014	11 - 13

NDGH! - 07/07/2025

5.	<b>Annexure R – 4/4</b> A copy of the Office Memorandum dated 12.04.2016 passed by the Respondent No. 1	14 -
6.	<b>Annexure R – 4/ 5</b> A copy of the Letter dated 26.12.2019 by the Respondent No. 1	15 - 16

7. Proof of Service



**RESPONDENT NO. 4**

**THROUGH:**



**FOR TRUST LEGAL, ADVOCATES & CONSULTANTS**

Ritwika Nanda, Petal Chandhok,  
(F/1074/829/2011)(D/2291/2012)

Counsels for Petitioner  
C-324, II & III floor, Defence Colony  
New Delhi – 110024

Tele: +919711721923;01143551349

Email: [ritwikananda@trustlegal.in](mailto:ritwikananda@trustlegal.in)

Date : 05/07/25

Place : Delhi

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
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IN THE MATTER OF:

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MINISTRY OF ENVIRONMENT, FOREST AND  
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.....RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4, I.E., PENCH  
THERMAL ENERGY (MP) LIMITED**

I, Tanmay Vyas, S/o Shri R.K. Vyas, aged about 44 years, having my office at Adani Group, National Council of YMCA of India, Gate No. 5, Bharat Yuvak Bhawan, 1, Jai Singh Road, New Delhi – 110 001, do hereby on solemn affirmation state and declare as under:

1. I am the Authorised Signatory of Respondent No. 4, i.e., PENCH Thermal Energy (MP) Limited being duly authorized vide the Board of Resolution dated 28.01.2025. I am well conversant with the facts of the case and am competent to swear the instant Affidavit.

A copy of the Board of Resolution dated 28.01.2025 is marked and annexed as “Annexure R-4/1”.



2. I state that the instant Affidavit is being filed by Respondent No. 4, i.e., Pench Thermal Energy (MP) Limited in compliance of the order dated 04.03.2025 passed by this Hon'ble Tribunal.
3. I state that the instant Appeal was filed before this Hon'ble Tribunal inter alia, challenging the Environmental Clearance dated 16.10.2012 bearing No. J 13012/30/2010-IA.II (T) (Annexure A-1, @pg. 52 of the Paper book) granted by the Ministry of Environment and Forest/ Ministry of Environment, Forest and Climate Change, i.e., Respondent No. 1.
4. I state that on 17.05.2019, the name of the Respondent No. 4 i.e., "Adani Pench Power Limited" was changed to "Pench Thermal Energy (MP) Limited." vide a Certificate of Incorporation pursuant to change of name. Thus, now the name of the Respondent No. 4 company is "Pench Thermal Energy (MP) Limited."  
A copy of the Certificate of Incorporation pursuant to change of name dated 17.05.2019 is attached herewith and marked as "Annexure R-4/2"

#### I. BRIEF BACKGROUND

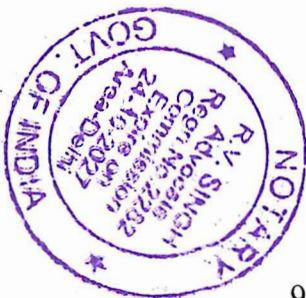
5. I state that the Environmental Clearance dated 16.10.2012 bearing No. J13012/30/2010-IA.II (T) was granted to the Respondent No. 4 for the setting up of the proposed project of 2\*660 MW Imported Coal Based Thermal Power Plant at Villages Dhanora, Chousara, Dogawani Pipariya, Hiwarkhedi and Thawriteka in Chaurai and Chhindwara Taluk, in Chhindwara Distt, in Madhya Pradesh.



6. I state that the Environmental Clearance dated 16.10.2012 was challenged by the Appellants, *inter alia*, alleging that the same is in contravention of EIA Notification, 2006 and is thus invalid. The Respondent No.4 had raised a preliminary objection, in the instant Appeal, to the effect that the appeal is barred by limitation under Section 16 of the National Green Tribunal Act, 2010.
7. Vide order dated 11.07.2013, this Hon'ble Tribunal considered the issue of limitation in filing the instant Appeal and held that the appeal has been filed within the period of limitation and directed to list the appeal for the arguments on merits. The relevant paragraph is reproduced as under:

*“23. For the reasons afore-stated, we are of the considered view that the present appeal has been filed within the period of limitation and the objection raised by the respondent is without any merits. The preliminary objection raised by the respondent is hereby rejected and we direct the appeal to be listed on merits.”*

8. **I state that being aggrieved** by this Hon'ble Tribunal's Order dated 11.07.2013, the Respondent No.4 preferred a Review Application (R.A. No. 09/2023) before this Hon'ble Tribunal seeking review of the Order dated 11.07.2013. It is stated that vide the order dated 28.11.2013, this Hon'ble Tribunal dismissed the Review Application No. 9/2013.



9. I state that subsequently, the Respondent No. 4 filed the matter titled as "Adani Pench Power Ltd. Vs. Medha Patkar & Ors. [Civil Appeal No.

274/2014] before the Hon'ble Supreme Court, challenging the order dated 11.07.2013 passed by this Hon'ble Tribunal in Appeal No. 1/2013 and order dated 28.11.2013 passed in Review Application No. 9/2013 by this Hon'ble Tribunal. The Hon'ble Supreme Court was pleased to stay the proceedings in Appeal No. 1/2013 pending before this Hon'ble Tribunal.

10.I state that, pursuant to the Supreme Court's stay order, this Hon'ble Tribunal on 10.11.2014, adjourned the instant Appeal sine die. The relevant paragraph of this Hon'ble Tribunal's Order dated 10.11.2014 is reproduced as under:

*"In the above circumstances, we adjourn this matter sine die with liberty to the parties to mention after Orders are passed by the Hon'ble Supreme Court."*

11.I state that vide order dated 23.01.2024, the Hon'ble Supreme Court disposed of the matter titled as "Adani PENCH Power Ltd. Vs. Medha Patkar & Ors. [Civil Appeal No. 274/2014] as the same having become infructuous. The relevant paragraph of the order dated 23.01.2024 passed by the Hon'ble Supreme Court is reproduced as under:

*"The learned counsel appearing for the appellant states that these appeals have become infructuous.*

*Hence, the appeals are disposed of as such."*

The copy of the order dated 23.01.2024 passed in Civil Appeal No. 274/2014 is marked and annexed as "Annexure R-4/3".



12.I state that pursuant to the disposal of civil appeal by the Supreme Court, it is verily believed that the Appellants filed an IA No. 213/2024 before this Hon'ble Tribunal seeking the hearing of the instant Appeal. It appears that the aforementioned Application came to be allowed by this Hon'ble Tribunal on 14.05.2024 with a direction to issue notice to all the concerned parties including the Respondent No. 4.

13.I state that pursuant to the receipt of notice the Respondent No.4 appeared before this Hon'ble Tribunal and submitted that the instant Appeal becomes infructuous in view of the expiry of the Environmental Clearance dated 16.10.2012, which is under challenge in this appeal. Accordingly, this Hon'ble Tribunal vide its order dated 04.03.2025 directed the Respondent No.4 to file an appropriate affidavit in this regard. In view of the above, this affidavit is being filed to bring on record the factum of expiry of the Environmental Clearance dated 16.10.2012.

14.I state that in terms of the Clause 6 of the Environmental Clearance dated 16.10.2012 (@pg. 59 of the Paper book), the Environmental Clearance was accorded to Respondent No. 4, for a period of 5 (five) years to start the operations of the power plant. The relevant extract is reproduced hereunder for the sake of convenience of this Hon'ble Tribunal:

*“6. The environmental clearance accorded shall be valid for a period of 5 years to start operations. “*



15. On 12.04.2016, the Respondent No. 1 vide an Office Memorandum inter alia, directed that the validity of Environmental Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e. 29.04.2015 would stand automatically extended to seven (7) years. The relevant extract is reproduced hereunder for the sake of convenience of this Hon'ble Tribunal:

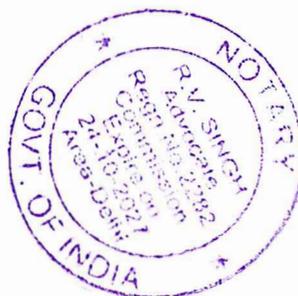
*“(i) The Environmental Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e. 29.04.2015, there validity will stand automatically extended to seven (7) years.”*

A copy of the Office Memorandum dated 12.04.2016 passed by the Respondent No. 1 is attached herewith and marked as “**Annexure R-4/4**”

16. It is stated that in terms of the aforementioned Office Memorandum dated 12.04.2016, the term/ validity of the Environmental Clearance dated 16.10.2012 stood extended to 16.10.2019.

17. On 03.09.2019, the Respondent No. 4 vide an application no. IA/MP/THE/116750/2019, sought an extension of the Environmental Clearance dated 16.10.2012.

18. On 26.12.2019, the Respondent No. 1, vide a Letter, was pleased to extend the validity of the Environmental Clearance dated 16.10.2012 for a further period of three years i.e., with effect from 16.10.2019 till 15.10.2022.



A copy of the Letter dated 26.12.2019 by the Respondent No. 1 is attached herewith and marked as “Annexure R-4 /5”

19.It is stated that the Respondent No. 4 did not commence construction of the power plant.

20.I state that the time period / validity of the Environmental Clearance dated 16.10.2012 bearing no. J-13012/30/2010-IA.II (T) has lapsed by efflux of time on 15.10.2022.

21.I state that since the instant Appeal is a challenge to the validity of the Environmental Clearance dated 16.10.2012, the Appeal has at present become infructuous on account of the lapse / expiry of the Environmental Clearance under challenge. In fact it is for this reason that the Respondent No. 4 withdrew Civil Appeal No. 274/2014, pending before the Hon'ble Supreme Court, on 23.01.2024.

22.I thus state that nothing survives in the instant Appeal and pray that the same may be disposed of on account of becoming infructuous.

23.I state that I am competent to swear the present affidavit and the contents of the same are true and correct to the best of my knowledge on the basis of the documents maintained by the Respondent No. 4 and nothing material has been concealed therefrom.



*Ganwar*

DEPONENT

**VERIFICATION:**

I do hereby verify that the contents of paragraph \_\_\_ is on the basis of personal knowledge and the contents of paragraph 1 to 23 are on the basis of the documents maintained by the Respondent No. 4, no part is false and nothing material has been concealed therefrom.

Verified at Delhi on this 5 JUL 2025 day of July 2025.

*Ganwar*

DEPONENT

*Anand J.*  
(D/4628/2021)  
I identified the deponent/executor  
who has signed in my presence



solemnly affirmed before me, read over & explained to the deponent

Notary Public, DELHI

*[Signature]*  
5 JUL 2025



CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF PENCH THERMAL ENERGY (MP) LIMITED (THE "COMPANY") IN ITS MEETING HELD ON TUESDAY, 28<sup>TH</sup> JANUARY, 2025 AT 12:00 NOON AT 3<sup>RD</sup> FLOOR, NORTH WING, ADANI CORPORATE HOUSE, SHANTIGRAM, NEAR VAISHNO DEVI CIRCLE, S. G. HIGHWAY, KHODIYAR, AHMEDABAD-382421

"RESOLVED THAT Dr. Rajesh Sehgal, Mr. Omprakash R and Mr. Tanmay Vyas (hereinafter collectively referred to as 'Authorised Signatories'), be and are hereby severally authorized on behalf of the Company to sign, execute, file and institute all applications, affidavits, plaints, petitions, suits, appeals, reviews, revisions, counters, statement of objections, replies, written statements, rejoinders, sur-rejoinders, memos, etc., in any case filed / to be filed by or against the Company before any Court of Law, Authority, Arbitrator, Tribunals, Commissions, Forums, etc.:

RESOLVED FURTHER THAT the Authorised Signatories be and are hereby also severally authorized to engage, appoint or remove any pleader or advocates and to sign vakalatnamas and power of attorney for such engagement or appointment and to file appeal and defend the interest of the Company as deemed necessary for the aforesaid purpose **AND THAT** any action taken by the aforementioned Authorised Signatories, pursuant to this authority shall be deemed to have been ratified by the Company."

// CERTIFIED TRUE COPY //

FOR, PENCH THERMAL ENERGY (MP) LIMITED

RAJIV KUMAR RUSTAGI  
RUSTAGI

Digitally signed by  
RAJIV KUMAR RUSTAGI  
Date: 2025.02.27  
15:31:16 +05'30'

RAJIV KUMAR RUSTAGI  
DIRECTOR  
(DIN: 07193069)

Pench Thermal Energy (MP) Limited  
(Formerly known as Adani Pench Power Limited)  
"Adani Corporate House"  
Shantigram, Near Vaishno Devi Circle,  
S. G. Highway, Khodiyar,  
Ahmedabad-382421, Gujarat India  
CIN : U40100GJ2009PLC058171

Tel +91 79 2656 7555  
Fax +91 79 2555 7177  
info@adani.com  
www.adanipower.com

True Copy.

1483

"ANNEXURE R-4/a"

10



सत्यमेव जयते

GOVERNMENT OF INDIA  
MINISTRY OF CORPORATE AFFAIRS

Office of the Registrar of Companies

RoC Bhavan, Opp Rupal Park Society Behind Ankur Bus Stop, Ahmedabad, Gujarat, India, 380013

**Certificate of Incorporation pursuant to change of name**

*[Pursuant to rule 29 of the Companies (Incorporation) Rules, 2014]*

Corporate Identification Number (CIN): U40100GJ2009PLC058171

I hereby certify that the name of the company has been changed from ADANI PENCH POWER LIMITED to PENCH THERMAL ENERGY (MP) LIMITED with effect from the date of this certificate and that the company is limited by shares.

Company was originally incorporated with the name ADANI PENCH POWER LIMITED.

Given under my hand at Ahmedabad this Seventeenth day of May two thousand nineteen.



TRUPTI SUBHASH SHARMA

Registrar of Companies

RoC - Ahmedabad

Mailing Address as per record available in Registrar of Companies office:

PENCH THERMAL ENERGY (MP) LIMITED

Adani House, Near Mithakhali Six Roads,, Navrangpura,, Ahmedabad, Ahmedabad, Gujarat, India,  
380009



*True Copy*  
*[Signature]*

1484

"Annexure R-4/3"

11

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.274 OF 2014

ADANI PENCH POWER LTD

... APPELLANT(S)

VS.

MEDHA PATKAR & ORS.

... RESPONDENT(S)

WITH

CIVIL APPEAL NO.69 OF 2014

O R D E R

The learned counsel appearing for the appellant states that these appeals have become infructuous.

Hence, the appeals are disposed of as such.

.....J.  
(ABHAY S.OKA)

.....J.  
(UJJAL BHUYAN)

NEW DELHI;  
January 23, 2024.

Signature Not Verified

Digitally signed by  
Anita Malhotra  
Date: 2024.01.25  
18:18:14 IST  
Reason:

True copy  
B

ITEM NO.54

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 274/2014

ADANI PENCH POWER LTD

Appellant(s)

VERSUS

MEDHA PATKAR &amp; ORS.

Respondent(s)

WITH C.A. No. 69/2014  
(IA No. 1/2014 - STAY APPLICATION)

Date : 23-01-2024 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s)

Mr. Arpan Behl, Adv.  
Mr. Ishan Ravindranath, Adv.  
Mr. Harish Pandey, AOR

For Respondent(s)

Mr. Sanjay Parikh, Sr. Adv.  
Mr. Rajul Shrivastav, Adv.  
Mr. Abhimanue Shrestha, AOR  
Ms. Shomila Bakshi, AOR  
Mr. T. Mahipal, AOR  
Mr. S. K. Verma, AORMr. Saurabh Mishra, Sr. Adv.  
Mr. Harmeet Singh Ruprah, D.A.G.  
Mr. Sunny Choudhary, AORMr. Sudhansu Palo, AOR  
Mr. Ravin Dubey, Adv.  
Mrs. Ipsita Behura, Adv.  
Mr. Budhadeva Palo, Adv.  
Mr. Rajendra Chauhan, Adv.  
Mr. Rajendra Chauhaan, Adv.  
Mr. Prasant Varma, Adv.  
Mrs. Prativa Varma, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The appeals are dismissed in terms of the signed  
order.

Pending application also stands disposed of.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER

(Signed order is placed on the file.)

*True copy*  
*R*

**F. No. 22-27/2015-IA-III**  
Government of India  
Ministry of Environment, Forest and Climate Change  
(IA Division)

Indira Paryavaran Bhawan  
Ali Ganj, Jor Bagh Road  
New Delhi- 110003.

Dated the 12<sup>th</sup> April, 2016

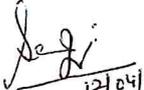
**OFFICE MEMORANUDM**

**Subject: Notifications issued by the Ministry of Environment, Forest and Climate Change vide S.O. No. 1141 (E) dated 29.04.2015 and S.O. No. 2571 (E) dated 31.08.2015 under the provisions of the EIA Notification 2006 regarding extension of Validity of Environmental Clearance-Clarification regarding.**

The undersigned is directed to inform that in respect of the subject mentioned above, the Ministry has decided to clarify the applicability of the Notifications as under:

- (i) The Environmental Clearance of the projects which had not completed five (5) years on the date of publication of Notification i.e. 29.04.2015, there validity will stand automatically extended to seven (7) years.
- (ii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and the project proponents submitted application for extension of their validity within the validity period of five (5) years, the validity of such environmental clearances will also be extended to seven (7) years.
- (iii) The Environmental Clearance of the projects which have completed five (5) years on the date of publication of Notification i.e. 29.04.2015 and application of seeking extension of validity has not been submitted within the validity period by the project proponent, their extension of validity will be decided on case to case basis.

This issues with the approval of the Competent Authority.

  
12/04/16  
**(Dr. Satish C. Garkoti)**  
Scientist 'F'

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs / SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PS to HMEFCC
2. PPS to Secretary (EFCC)
3. PPS to SS(SK)
4. PS to JS(MKS)/PS to JS(BS) / PS to JS(GB)
5. Website of MoEFCC
6. Guard File

True Copy.  
2



J-13012/30/2010-IA. II (T)  
Government of India  
Ministry of Environment, Forests & Climate Change

Indira Paryavaran Bhawan  
Jorbagh Road  
New Delhi-110 003

Dated: 26.12.2019

To,

The Authorized Signatory  
**M/s Pench Thermal Energy (MP) Limited.**  
Adani House, Near Mithakhali Six Roads,  
Navrangpura, Ahmedabad,  
Gujarat-380009.

**Sub: 2x660 MW Imported Coal Based Thermal Power Plant of at Villages Dhanora, Chousara, Dagawani Pipariya, Hiwarkhedi and Thawriteka in Chaurai and Chhindwara Taluk, Chhindwara District, Madhya Pradesh by M/s Pench Thermal Energy (MP) Ltd.- reg. extension of validity of EC.**

Sir,

The undersigned is directed to refer your online application no. **IA/MP/THE/116750/2019** dated 03.09.2019 applied for extension of validity of Environmental Clearance. The Environmental Clearance for establishing 2x660 MW Imported Coal based Power Plant has been accorded to M/s Adani Pench Power Ltd. on 16.10.2012 which is valid for seven years, i.e. till 15.10.2019. Further, the Ministry vide letter dated 18.10.2019 changed the proponent's name from M/s Adani Pench Power Ltd. to M/s Pench Thermal Energy (MP) Ltd.

2. It has been noted that that the Coal requirement for the project is 5.27 MTPA which will imported from South Africa. The water requirement for the project is 33.3 MCM per Annum which will be sourced from Pench Diversion Project.

3. It has been informed that the Construction of the project could not be started in the absence of Power Purchase Agreement (PPA) and Financial Closure. The project will be implemented once PPA is signed and financial closure is achieved. The land is in possession of the company. Infrastructure such as boundary wall, site office, erector hostel, stores, etc have been developed as on date. Pre-engineered building for stores, basic engineering, technical specifications of the project and technical studies have been completed. An amount of Rs.276.74 Crores have been incurred towards land acquisition and other project activities till date.

4. It has been informed that the Madhya Pradesh Power Management Company Ltd. has decided to procure electricity on a long term basis from a New Power Station of 1,320 MW capacity to be set up on super critical technology. It has been informed that, if the validity of EC is extended, the company can successfully bid for Power Purchase Agreement (PPA).

5. The proposal has been appraised by the EAC (Thermal Power) in its 33<sup>rd</sup> meeting held on 25.9.2019. In acceptance of the recommendations of the EAC in its meeting held on 25.9.2019 and the documents/information furnished by you, **the Ministry hereby extends the validity of Environmental Clearance dated**

**16.10.2012 for further period of three years (w.e.f.16.10.2019 till 15.10.2022) subject to following additional conditions:**

- i. Revised Project Cost at the current price shall be submitted. The revised cost shall also include the installation of FGD and De-NO<sub>x</sub> systems. The cost should separately indicate the amount earmarked for FGD and De-NO<sub>x</sub> system.
  - ii. As committed, installation of ESP, FGD and De-NO<sub>x</sub> systems such as De-NO<sub>x</sub> burners along with SCR shall be implemented to meet new emission norms of PM:100 mg/Nm<sup>3</sup>, SO<sub>2</sub>: 100 mg/Nm<sup>3</sup> and NO<sub>x</sub>: 100 mg/Nm<sup>3</sup> and Mercury: 0.03 mg/Nm<sup>3</sup>.
  - iii. The implementation of CSR activities in the surrounding villages along with expenditure shall be submitted to District Collector and the Regional Office of this Ministry.
  - iv. Copy of fresh Coal and water linkages as and when obtained shall be submitted.
  - v. Copy of PPA to be furnished and the zero date of construction shall be intimated. Progress of construction including installation of FGD, De-NO<sub>x</sub> systems shall be submitted to the Regional Office of the Ministry. Date of commissioning (COD) of units shall be informed to the Ministry.
6. All other conditions mentioned in this Ministry's aforesaid letter no. J-13012/30/2010-IA. II(T), dated 16.10.2012 and 18.10.2019 shall remain the same, as applicable.

This issues with the approval of the Competent Authority.

Yours faithfully,



**(Dr. S. Kerketta)**  
**Director, IA.I(T)**

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
3. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
4. The Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (WZ), E-5, Kendriya Paryavaran Bhawan, E-5 Arera Colony, Link Road-3, Ravishankar Nagar, Bhopal - 462016.
5. The Principal Secretary, Department of Housing & Environment E- 5, Arera Colony, Bhopal, Madhya Pradesh-462016.
6. The Chairman, Madhya Pradesh Pollution Control Board, E-5, Arera Colony, Paryavaran Parisar, Bhopal - 462016.
7. The District Collector, Government of Madhya Pradesh, District Chhindwara, Madhya Pradesh 480001.
8. Guard file/Monitoring file.
9. Website of MoEF&CC.

Director, IA.I(T)

Free Copy.  
I