

IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
AT NEW DELHI

ORIGINAL APPLICATION NO. 104 OF 2018

IN THE MATTER OF:

SHIVPAL BHAGAT & ORS.

....APPLICANT(S)

VERSUS

UNION OF INDIA & ORS.

....RESPONDENT(S)

MAHAVIR ENERGY & COAL BENEFICATION
LIMITED

....AFFECTED PARTY

INDEX

S.NO	PARTICULARS	PAGE NO
1.	ADDITIONAL AFFIDAVIT ON BEHALF OF MAHAVIR ENERGY & COAL BENEFICATION LIMITED	1 - 4
2.	<u>ANNEXURE-A</u> : LETTER DATED 03.09.2019 SENT BY MECBL TO CECB	5
3.	<u>ANNEXURE-B</u> : PHOTOGRAPH OF THE BRICK MANUFACTURING PLANTS INSTALLED BY MECBL IN ITS OWN PREMISES	6
4.	<u>ANNEXURE-C</u> : ASH GENERATION AND UTILISATION REPORT FOR THE PERIOD FY 2020-21 SUBMITTED BY MECBL TO CPCB	7
5.	<u>ANNEXURE-D</u> : PHOTOGRAPHS OF THE FLY ASH UTILISED FOR MANUFACTURED BRICKS MECBL'S OWN PREMISES	8-9

MAHAVIR ENERGY & COAL BENEFICATION LIMITED
THROUGH:



(RAUNAK JAIN)
ADVOCATE FOR THE AFFECTED PARTY,
1867, SECTOR 29,
NOIDA - 201301
MOB: +91 9999297088

PLACE: NEW DELHI
DATE: 13.04.2022

13.04.2022

IN THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,
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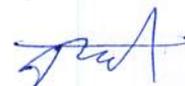
....AFFECTED PARTY

N.D.O.H. - 05.08.2022

ADDITIONAL AFFIDAVIT ON BEHALF OF MAHAVIR ENERGY & COAL
BENEFICATION LIMITED

RESPECTFULLY SUBMITS AS UNDER:-

1. Mahavir Energy & Coal Benefication Limited ("MECBL") is a 12 MW Biomass power plant based on agro-residue. MECBL has utmost respect for the orders passed by this Hon'ble Tribunal.
2. This Hon'ble Tribunal vide its Order dated 15.02.2022, *inter alia*, issued notice to various parties, including MECBL, "*with view to provide them opportunity to show cause why higher compensation be not determined, having regard to the said violations, having regard to their financial capacity.*"
3. The Oversight Committee's report, as endorsed by this Hon'ble Tribunal's Order dated 15.02.2022 has found violation of 1429 days by MECBL's biomass power plant i.e., for the period 01.01.2018 to 30.11.2021 and has levied Environmental Compensation amounting to Rs. 1,42,90,000/- (One crore forty two lakhs ninety thousand). However, it is most respectfully brought to the notice of this Hon'ble Tribunal that MECBL's plant was in operation only for approx. 838 days during the period of 01.01.2018 to



30.11.2021 based on the actual availability of the power plant. (Ref: Annexure R-1, pg. 17 of MECBL's reply dated 10.01.202). During the balance 591 days, MECBL was neither generating electricity nor storing any further fly ash. MECBL has neither aggravated nor precipitated the situation further, if at all, so as to warrant any additional fine/ penalty/ compensation.

4. The Hon'ble Tribunal may be pleased to take note of letter dated 03.09.2019 sent by MECBL to Chhattisgarh Environment Conservation Board ("CECB") on the issue of closure of fly ash dumping site which was also shared with the Oversight Committee during its meetings (**annexed herewith as Annexure-A**). The said letter of MECBL addressed to CECB in response to CECB's inspection done on 23.08.2019 states that MECBL is closing the fly ash dumping/storing site. It was further informed that MECBL has installed two brick manufacturing plants besides supplying the fly ash to nearby brick manufacturers whose details have already been furnished to CECB. MECBL is further annexing herewith as **Annexure-B**, photograph of the brick manufacturing plants installed by MECBL in its own premises.
5. The Hon'ble Tribunal may be pleased to note pursuant to the agreements with brick manufacturers, MECBL has obtained the actual Fly Ash Utilisation during 2021 which works out to approx. 19,002.030 tons. Together with its own brick manufacturing plants, MECBL has utilised 100% of the fuel ash produced in its power plant in 2021 which shows the steps taken by MECBL regarding timely utilization and disposal of fly ash. The ash generation and utilisation report for the period FY 2020-21 submitted by MECBL to CPCB, the nodal agency, vide letter dated 06.04.2021 is marked and annexed herewith as **Annexure-C**. MECBL is further annexing herewith as **Annexure-D**, photographs of the fly ash utilised for manufactured bricks MECBL's own premises.

6. MECBL vide its letter dated 26.11.2020 has written to SECL, Chhal Mines, Gharghoda to accept fly ash for disposal through OB dump and back-filling. However, no response has been received by MECBL to its request (*Annexure R-3, pg. 20 of MECBL's reply dated 11.01.2022*). The Hon'ble Tribunal is requested to convey appropriate directions.
7. It is respectfully submitted that MECBL is a small sized biomass power plant. During FY 2018-19 to FY 2021, the cumulative Profit after Tax of MECBL is Rs. 1,69,70,106.62/- (44,67,433.14/- + 54,96,551.35/- + 70,06,122.13/-) (say Rs. 1.70 Cr.) as per the financial statements. The Hon'ble Tribunal has levied Environment Compensation of approx. Rs. 1.43 Cr. for FY 2018-19 to FY 2021 on MECBL. It is submitted that MECBL which is a renewable energy power plant does not have the financial capacity to sustain its operations and would face imminent closure.
8. The Hon'ble Tribunal has *inter alia*, in the "*Directions*" section of the Order dated 15.02.2022 in para 20 (g) directed that, fly ash generation and management has to be conducted within three months in respect of each unit generating fly ash in Raigarh District. The Hon'ble Tribunal is therefore requested to verify through the nodal agency that MECBL has taken measures to improve timely utilization and disposal of fly ash.

MAHAVIR ENERGY & COAL BENEFICATION LIMITED
THROUGH:



(RAUNAK JAIN)
 ADVOCATE FOR THE AFFECTED PARTY,
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 NOIDA - 201301
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....AFFECTED PARTY

AFFIDAVIT

I, Mr. Pramod Kumar Jain, aged about 66 years, S/o Mr. Lakhmi Chand Jain, Authorized Representative of the Affected Party herein, Mahavir Energy & Coal Benefication Limited, having its registered office at Vardhman Complex, 1st Floor, Parsada, Raipur Road, Bilaspur, Chhattisgarh - 495 223, presently at New Delhi, do hereby solemnly affirm and state as under:-

1. That I am the Authorised Representative of the Company herein and an interested party / affected party and hence well conversant with the facts and circumstances of the instant case and thereby competent and authorized to affirm this affidavit.
2. That the contents of the accompanying Additional Affidavit have been drafted by my counsel upon my instructions based on the official records maintained by the Company during the ordinary course of business and the contents thereof are believed to be true and correct based on legal advice.
3. That the annexure are true copies of their respective originals.
4. That the facts stated in the aforesaid affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed therefrom.



VERIFICATION:

I, the above named deponent do hereby verify that the facts stated in paras 1 - 4 in the above affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed there from.

Verified at _____ on this the _____ day of _____ 2022.

13 APR 2022



ATTESTED

13 APR 2022

NOTARY PUBLIC, DELHI
GOVT. OF INDIA



Subject to Bilaspur Jurisdiction



MAHAVIR ENERGY & COAL BENEFICATION LIMITED

(ISO - 9001:2008, 14001: 2015, ISO 50001:2011 & OHSAS 18001:2007, Certified company)
Works Vill. - Bhengari, P.O.- Navapara Tenda, Teh : Gharghoda, Distt - Raigarh (C.G.)

Ref. No. MECBL/P&A/19-20/42

OIC

03.09.2019

To,
The Regional Officer,
Chhattisgarh Environment Conservation Board
I.V. Tower Road, Raigarh - C.G.

Ref. No.: Your letter no. 754/che.kar/parya.san.man./2019 dated 23.08.2019

Sub: Closing of Fly Ash dumping site - Reg.

Dear Sir,

With reference to above letter & subject matter we are here to inform you that we are closing our dumping site which was inspected by you on 23rd August, 2019 & shall be reclaimed biologically as per your stipulated time.

We have already two Bricks manufacturing Plants & we are making Bricks also in addition that we are supplying Fly Ash to 3-4 nearby Bricks manufacturers whose detail is already given to you & a monthly report is been given to you on regular basis.

Whenever, due to any reason we are giving Fly Ash to any party or self dumping at our own site we ensure proper levelling & covering with soil simultaneously.

We ensure you that no stone shall be returned for fulfilling the compliances as given by your good office.

Thanking You,
Yours Faithfully,
For, Mahavair Energy & Coal Benefication Ltd.

R.K. Shrivastava
Executive Director - Power



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ANNEXURE B

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True Copy

ANNEXURE C

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Subject to Bilaspur Jurisdiction



MAHAVIR ENERGY & COAL BENEFICATION LIMITED

(ISO-9001-2008, 14001:2015, ISO 50001:2011 & OHSAS 18001:2007 Certified Company)
Works : Vill.-Bhengari, P.O.Navapara (Tenda), Teh.: Gharghoda, Distt. Raigarh (C.G.)

MECBL/P&A/21-22/007

Date: 06.04.2021

To,
The Sr. Scientific Officer,
Central Pollution Control Board,
Parvesh Bhawan, East Arjun Nagar
New Delhi

Subject: Return on utilization of Fly Ash generated from our Bhengari Power Plant for the Period from April - 2020 to March 2021 (12 MW Bio-Mass Power Plant)

Dear Sir,
Please refer subject above, we submit below details of generated & utilization of Fly Ash for the Period from April -2020 to March 2021

Month	Fly Ash Generation in the Month (MT)	Fly Ash utilized during the Year 2020-21 (MT)								Total utilization (MT)	% Utilization	Norm's
		Supply to Cement Plant	Bricks Making Plant	Land Filling	Ash dyke raising/ construction	Supply to Cement Plant	Agriculture	Mine Filling	Road Making			
Apr-20	1752.020	0	1752.020	0	0	0	0	0	0	1752.020	100%	100%
May-20	2128.340	0	2128.340	0	0	0	0	0	0	2128.340	100%	100%
Jun-20	1146.820	0	1146.820	0	0	0	0	0	0	1146.820	100%	100%
Jul-20	1228.250	0	1228.250	0	0	0	0	0	0	1228.250	100%	100%
Aug-20	1127.810	0	1127.810	0	0	0	0	0	0	1127.810	100%	100%
Sep-20	1487.220	0	1487.220	0	0	0	0	0	0	1487.220	100%	100%
Oct-20	1832.850	0	1776.970	55.88	0	0	0	0	0	1832.850	100%	100%
Nov-20	1932.770	0	1932.770	0	0	0	0	0	0	1932.770	100%	100%
Dec-20	1919.630	0	1919.630	0	0	0	0	0	0	1919.630	100%	100%
Jan-21	2711.190	0	2211.190	0	0	0	0	0	0	2211.190	100%	100%
Feb-21	1827.460	0	1827.460	0	0	0	0	0	0	1827.460	100%	100%
Mar-21	407.670	0	407.670	0	0	0	0	0	0	407.670	100%	100%

This is for your Kind information and necessary action please.

Yours Faithfully,
For Mahavir Energy & Coal Benefication Ltd.

Saroj Kumar
General Manager

CC to: The Member Secretary, CECB, Kabirnagar, Raipur (C.G.)
The R.O., CECB, Sahakar Bhawan, North T.T. Nagar, Bhopal - M.P.
The R.O., CECB, T.V. Tower Road, Raigarh (C.G.)



Bilaspur Office : Vardhman Complex, 1st Floor, Parsada, Raipur Road, Bilaspur (C.G.) 495223
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ANNEXURE D



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