

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH , NEW DELHI

ORIGINAL APPLICATION NO. 203/2022

IN THE MATTER OF:

KAMLESH SINGH

...APPLICANT

VS.

STATE OF U.P.

...RESPONDENT

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THROUGH:



ADARSH TRIPATHI & VIKRAM SINGH BAID
ADVOCATES FOR MEJA URJA NIGAM PVT. LTD.
G-34, BASEMENT, LAJPAT NAGAR-III
NEW DELHI – 110 024

PLACE: NEW DELHI
FILING DATE: 31.01.2024

M: 9090416535 / 9425308454
E-Mail: adarsht912003@gmail.com

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BEFORE THE NATIONAL GREEN TRIBUNAL

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ORIGINAL APPLICATION NO. 203/2022



IN THE MATTER OF:

KAMLESH SINGH

...APPLICANT

VS.

STATE OF U.P.

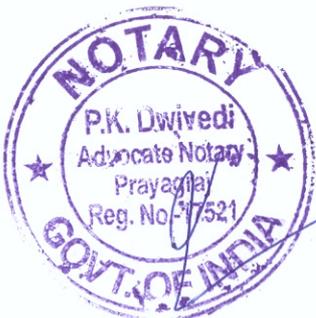
...RESPONDENT

AFFIDAVIT

I, Saurabh Kumar Pathak, S/o Sh. Sampati Kumar Pathak, aged about 39 years, working as Sr. Manager (EMG) in Meja Urja Nigam Private Limited, having its registered address at NTPC Bhawan, Core-7, Scope Complex, Institutional Area, Lodhi Road, New Delhi 110003, do hereby solemnly affirm and state as under:

1. I say that I am the authorized representative of the Meja Urja Nigam Private Limited and as such am competent to swear the present affidavit. I have been authorized vide Authorization Letter dated 30.12.2023. The true copy of the Authorization Letter dated 30.12.2023 is annexed and marked herewith as **Annexure A-1**.

2. I state that the captioned matter has been registered by this Hon'ble Tribunal on the basis of the letter petition wherein a grievance has been raised that Kishanpur Canal is extracting 420 cusec water from River Yamuna for irrigation purpose and 96 cusec water is utilized by Bara Thermal Power Plant, 80 MLD water by Nagar Nigam, Meja & Karchana 54 MLD and NTPC Meja 90 cusac water.

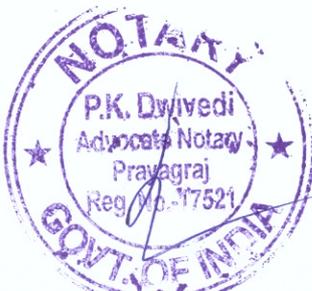


30/01/24

Saurabh
30/01/2024

सौरभ कुमार पाठक / SAURABH KUMAR PATHAK
वरिष्ठ प्रबंधक (पर्यावरण प्रबंधन) Sr. Manager (EMG)
मेजा ऊर्जा निगम (प्रा) लि, प्रयागराज
MEJA URJA NIGAM (P) Ltd, Prayagraj
(एनटीपीसी लिमिटेड एवं उ.प्र.ग.वि.ऊ.नि.लि.का संयुक्त उपक्रम)
(A Joint Venture of NTPC Ltd & UPVUN Ltd.)

3. I state that in terms of the aforesaid present Affidavit is only limited to the observation that 90 cusec water is being utilized by "NTPC Meja".
4. At the outset I state that NTPC Ltd. and Meja Urja Nigam Pvt. Limited are two different Companies. I state that Meja Urja Nigam Private Limited ("Meja") is a 50:50 Joint Venture between NTPC Limited (A Government of India Company) and Uttar Pradesh Rajya Vidyut Utpadan Nigam (A Government of U.P. Company), established in 2008. Meja owns the Meja Thermal Power Station, a 2x660MW coal-based thermal power plant.
5. I state that the aforementioned power plant of the Meja is located in Meja Tehsil in Prayagraj district, Uttar Pradesh. I state that both the units of the power plant have been commissioned. The power generated by the plant is supplied mainly to the state of Uttar Pradesh along with the states of Uttarakhand, Chandigarh, Rajasthan, Punjab, J&K, Delhi, Madhya Pradesh and Haryana at cheap and affordable tariff for ordinary public.
6. I state that the water for the power plant is taken from the river Ganga. The Pumphouse is located at Bijoura Village. I state that Meja has been allocated 44 CUSECs of water as per the Central Water Commission letter No. 2185-86 dated 17.11.2009 from the river Ganga for power generation. The true copy of the Central Water Commission letter No. 2185-86 dated 17.11.2009 is annexed and marked herewith as **Annexure A2**.
7. I further state that the water withdrawal point of Meja from river Ganga is in Bijaura village which is 40 KMs downstream of Sangam (Prayagraj) and as such the water taken at that point does not affect the water in Prayagraj, as has been contended in the Letter Petition.



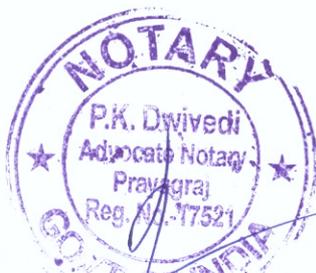
Saurabh
30/01/2024

सौरभ कुमार पाठक / SAURABH KUMAR PATHAK
वरिष्ठ प्रबंधक (पर्यावरण प्रबंधन) Sr. Manager (EMG)
मेजा ऊर्जा निगम (प्रा) लि, प्रयागराज
MEJA URJA NIGAM (P) Ltd, Prayagraj
(एनटीपीसी लिमिटेड एवं उ.प्र.रा.वि.ऊ.नि.लि.का संयुक्त उपक्रम)
(A Joint Venture of NTPC Ltd & UPVUN Ltd.)

8. I state that the Letter Petition is based on a notional premise that on account of withdrawal of water from the river Yamuna, water scarcity is created in River Yamuna and River Ganga in Prayagraj as a result of which, the very organization of Kumbh Mela and Magh Mela will be difficult in next 20 years. I state that the Letter Petition also raises a plea which relates to non-compliance of the environmental laws.
9. I state that the tabular representation of the water used in CUSECS as against the allocated / allowed quantity is as follows:

Year	Withdrawal in CUSEC	Allocated Water CUSEC	%age of Water used against Water allocated
20-21	16.47	44	37.43%
21-22	22.09	44	50.20%
22-23	21.22	44	48.22%
23-24 till Sep'23	13.57	44	30.84%

10. I state that this Hon'ble Tribunal has directed "NTPC Meja" to be impleaded as a party to the captioned Petition. I state that the Letter Petition casts aspersions about the usage of water by Meja without any proper data or scientific backing.
11. I state that even otherwise, Meja, being a Government Sponsored Company is one of the most compliant and environmental friendly organisation, pan-India. I state that Meja regularly takes steps and spent crores of rupees towards environmental protection and water conservation. I state that Meja is using water within the limit of water allocated to it from the river Ganga and no water from river Yamuna is being used by Meja. The water that is being used is after due permission and payment to the concerned authorities. I further state that no water is being wasted by Meja due to state of the art



Saurabh
30/01/2024

infrastructure at its plants which enables zero effluent discharge. I state that Meja is not using water which is beyond the limits or criteria and laws established by the Ministry of Environment, Forest and Climate Change (MoEF).

12. I state that being a Company which is fully compliant with the water conservation laws, as amended from time to time by the MoEF. I state that the MoEF vide S.O. 3305 (E.), in exercise of the powers conferred by Sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government made the following rules in regard to water consumption by Thermal Power Plants:

- i. All plants with Once Through Cooling (OTC) shall install Cooling Tower (CT) and achievespecific water consumption upto maximum of 3.5 m³/MWh within a period of two years from the date of publication of this notification.
- ii. All existing CT-based plants reduce specific water, consumption upto maximum of 3.5 m³/MWh within a period of two years from the date of publication of this notification.
- iii. New plants to be installed after 1st January 2017 shall have to meet specific water consumption upto maximum of 2.5 m³/MWh and achieve zero waste water discharge. This condition was later changed to 3.0 m³/Mwh vide Gazette Notification dated 28.06.2018.

I state that Meja complies with the aforesaid guidelines and achieves zero water discharge consumption. The true copy of the MoEF S.O. 3305 (E.) dated 07.12.2015 and Gazette Notification dated 28.06.2018 are annexed and marked herewith as **Annexure A3 (Colly)**.



Saurabh
30/01/2024

सौरभ कुमार पाठक / SAURABH KUMAR PATHAK
वरिष्ठ प्रबंधक (पर्यावरण प्रबंधन) Sr.Manager (EMG)
मेजा ऊर्जा निगम (प्रा) लि, प्रयागराज
MEJA URJA NIGAM (P) Ltd, Prayagraj
(संयुक्त लिखित का संयुक्त उपक्रम)

13. I state that even otherwise, even this Hon'ble Tribunal deems fit, may direct the Government to look into the veracity of the complaint made as the Government is entrusted with the responsibility of conservation of water.

14. I say that the contents of the above Affidavit are based on the information available with the Deponent and believed to be true to the best of my knowledge and belief.

VERIFICATION

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

Verified at Prayagraj on this 30 day of January, 2024.

Saurabh
 सौरभ कुमार पाठक / SAURABH KUMAR PATHAK
 वरिष्ठ प्रबंधक (पर्यावरण प्रबंधन) Sr. Manager (EMG)
 मेजा ऊर्जा निगम (प्रा) लि, प्रयागराज
DEPONENT
 MEJA URJA NIGAM (P) Ltd, Prayagraj
 (एनटीपीसी लिमिटेड एंव उ.प्र.रा.वि.ऊ.नि.का संयुक्त उपक्रम)
 (A Joint Venture of NTPC Ltd & UPRVUN Ltd.)

Saurabh
DEPONENT

सौरभ कुमार पाठक / SAURABH KUMAR PATHAK
 वरिष्ठ प्रबंधक (पर्यावरण प्रबंधन) Sr. Manager (EMG)
 मेजा ऊर्जा निगम (प्रा) लि, प्रयागराज
 MEJA URJA NIGAM (P) Ltd, Prayagraj
 (एनटीपीसी लिमिटेड एंव उ.प्र.रा.वि.ऊ.नि.का संयुक्त उपक्रम)
 (A Joint Venture of NTPC Ltd & UPRVUN Ltd.)



Saurabh Kumar Pathak
 Identified by _____
 Advocate to be his/her affidavit
 are true and correct which is here to
 verified and attested.

IDENTIFIED BY
[Signature]
 ADVOCATE PRAYAGRAJ

P. K. Dwivedi
 Advocate Notary
 Govt. of India

30/01/24



Annexure 163
मेजा ऊर्जा निगम (प्रा०) लिमिटेड
(एनटीपीसी लिमिटेड एवं उ.प्र. राज्य विद्युत उत्पादन निगम लि. का संयुक्त उपक्रम)
MEJA URJA NIGAM (P) LIMITED
(A Joint Venture of NTPC Ltd. & U.P. Rajya Vidyut Utpadan Nigam Ltd.)



30.12.2023

AUTHORIZATION LETTER

I, Sunil Kumar, Chief Executive Officer, Meja Urja Nigam (P) Ltd., Kohdar, Meja, Prayagraj (Uttar Pradesh) PIN – 212308, do hereby authorize Shri Saurabh Kumar Pathak (Emp. No. 102912), Sr. Manager (EMG), NTPC Ltd., to undertake and perform the following actions in the matter of **Kamlesh Singh v. State of UP & Ors.**, before the Hon'ble National Green Tribunal, Principal Bench, New Delhi, in the matter of Original Application No. 203/2022.

- To furnish the information in a timely manner and engage in the preparation of documents to be filed before the Hon'ble Tribunal in the aforesaid case.
- To sign caveat/s, necessary application/s, affidavit/s, counter, counter claim/s, petition/s, reply/s, and any other relevant paper/s to be filed before the Hon'ble Tribunal in the aforesaid case.
- To represent and participate in all the proceedings concerning the aforesaid case.
- To attend to all necessary and incidental matters concerning the aforesaid case as essential and generally associated with the matter.

For and on behalf of MUNPL

Saurabh

Specimen Signature of Shri Saurabh Kumar Pathak

Sunil Kumar
(Sunil Kumar)

Chief Executive Officer

मुख्य कार्यकारी अधिकारी
मेजा ऊर्जा निगम (प्रा) लि, प्रयागराज
(एनटीपीसी लिमिटेड एवं उ.प्र.रा.वि.उ.नि.लि.का संयुक्त उपक्रम)
इकाई- मेजा थर्मल पावर प्रोजेक्ट
पोस्ट - कोहडार, तहसील-मेजा, प्रयागराज 212301

Sunil Kumar
(Sunil Kumar)

Chief Executive Officer

मुख्य कार्यकारी अधिकारी
मेजा ऊर्जा निगम (प्रा) लि, प्रयागराज
(एनटीपीसी लिमिटेड एवं उ.प्र.रा.वि.उ.नि.लि.का संयुक्त उपक्रम)
इकाई- मेजा थर्मल पावर प्रोजेक्ट
पोस्ट - कोहडार, तहसील-मेजा, प्रयागराज 212301

इकाई : मेजा थर्मल पावर प्रोजेक्ट, पोस्ट-कोहडार, तहसील-मेजा, प्रयागराज-212301

Unit : Meja Thermal Power Project, P.O. - Kohdar, Tehsil - Meja, Prayagraj - 212301

Annexure A-164

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No. 23/94/2006-PA(N)/2185-86
Government of India
Central Water Commission
Project Appraisal (North) Directorate

Room No. 407(S), Sewa Bhavan,
R. K. Puram, New Delhi-110066
Dated: 17.11.2009

To ✓ General Manager [Engg. Services]
Engineering Office Complex,
Plot No. A -8A, Sector-24
Uttar Pradesh
Pin Code- 201301

Sub: Meja JV Thermal Power Project [2 x 660 MW]
Ref: CC:FSN: 9562:0:1 dated 04.02.2008.
Sir,

The proposal with following details has been received vide above letter in CWC:

Proposal: To lift 65 cusecs water from river Ganga for consumptive water requirement for 2 x 660 MW coal based Meja Thermal Power Plant.

The above proposal has been examined in CWC and concurrence is accorded subject to the following conditions:

1. The water withdrawal will be limited to 44 cusecs only.
2. The water of 44 cusecs from river Ganga would be accounted for as utilization by U.P. against the U.P. State's share of water of Ganga, if any agreement is reached among concerned States on sharing of water in the Ganga river or its tributaries in future.

This issues with the approval of Chief Engineer, PAO, CWC.

Yours faithfully

(Signature)
17.11.09

(G. Thakur)
Director (PA-N)

Tel. No. 011 - 26108026

Copy to:
Principal Secretary, Irrigation Department, Govt. of Uttar Pradesh, Lucknow [U.P.]

My Document: Uttar Pradesh/Project

LGM (TS)
water clearance file
W

Annexure A-3 (Colly)

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 7th December, 2015

S.O. 3305 (E.)- In exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely: -

1. (1) The rules may be called the Environment (Protection) Amendment Rules, 2015
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Environment (Protection) Rules, 1986, in Schedule I.-

(a) after serial number 5 and entries relating thereto, the following serial number and entries shall be inserted namely: -

Sr. No.	Industry	Parameter	Standards
1	2	3	4
"5A	Thermal Power Plant (Water consumption limit)	Water consumption	<p>I. All plants with Once Through Cooling (OTC) shall install Cooling Tower (CT) and achieve specific water consumption upto maximum of 3.5 m³/MWh within a period of two years from the date of publication of this notification</p> <p>II. All existing CT-based plants reduce specific water, consumption upto maximum of 3.5 m³/MWh within a period of two years from the date of publication of this notification.</p> <p>III. New plants to be installed after 1st January 2017 shall have to meet specific water consumption upto maximum of 2.5 m³/MWh and achieve zero waste water discharge.</p>

(b) for serial number 25, and the entries related thereto, the following serial number and entries shall be substituted namely: -

Sr. No.	Industry	Parameter	Standards
1	2	3	4
"25	Thermal Power Plant	TPPs (units) installed before 31 st December, 2003*	
		Particulate Matter	100 mg/Nm ³
		Sulphur Dioxide (SO ₂)	600 mg/Nm ³ (Units smaller than 500 MW capacity units) 200 mg/Nm ³ (for units having capacity of 500 MW and above)
		Oxides of Nitrogen (NO _x)	600 mg/Nm ³
		Mercury (Hg)	0.03 mg/Nm ³ (for units having capacity of 500 MW and above)

TPPs (units) installed after 1st January, 2003, upto 31st December, 2016*	
Particulate Matter	50 mg/Nm ³
Sulphur Dioxide (SO ₂)	600 mg/Nm ³ (Units smaller than 500 MW capacity units) 200 mg/Nm ³ (for units having capacity of 500 MW and above)
Oxides of Nitrogen	300 mg/Nm ³
Mercury (Hg)	0.03 mg/Nm ³
TPPs (units) installed from 1st January, 2017**	
Particulate Matter	30 mg/Nm ³
Sulphur Dioxide (SO ₂)	100 mg/Nm ³
Oxides of Nitrogen	100 mg/Nm ³
Mercury (Hg)	0.03 mg/Nm ³

*TPPs (units) shall meet the limits within two years from date of publication of this notification.

**Includes all the TPPs (units) which have been accorded environmental clearance and are under construction.”

[F.N. Q-15017/40/2007-CPW]

Dr. Rashid Hasan, Advisor

[TRUE TYPED COPY]

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 28th June, 2018

G.S.R. 593 (E).—Whereas, a draft notification, for Thermal Power Plants was published in the Gazette of India, Extraordinary, vide notification of the Government of India in the erstwhile Ministry of Environment, Forest and Climate Change number G.S.R. 3337(E), dated the 16th October, 2017, inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the dated on which copies of the Gazette containing the said notification were made available to the public;

And Whereas, copies of the Gazette were made available to the public on the 16th October, 2017;

And Whereas, all objections and suggestions received from all persons and stakeholders in response to the draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following rules further to amend the Environment (Protection) Rules, 1986, namely:-

1. (1) These rules may be called the Environment (Protection) Amendment Rules, 2018.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Environment (Protection) Rules, 1986, in Schedule-I,-
(a) against serial number 5A, in column 4, for item III, the following item shall be substituted, namely:-
“III. Specific water consumption shall not exceed maximum of 3.0 m³/MWh for new plants installed after the 1st January, 2017 and these plants shall also achieve zero waste water discharge.”;
(b) after serial number 5A and the entries relating thereto, the following serial number and entries shall be inserted, namely:-

Sl. No.	Industry	Parameter	Standards
1	2	3	4
“5B.	Thermal Power Plant (water consumption limit) using sea water	Water consumption	Items I to III in column 4 in serial number 5A above shall not be applicable to the Thermal Power Plants using sea water”;

(c) in serial number 25, the following Note shall be inserted, namely:—

“Note: All monitored values for SO₂, NO_x and Particulate Matter shall be corrected to 6% Oxygen, on dry basis”;

(d) after serial number 33 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

Sl. No.	Industry	Parameter	Standards
1	2	3	4

“33A.	Thermal Power Plants with wet Flue Gas Desulphurization (FGD)	Stack Height/Limit in Meters	Power generation capacity: 100 MW and above $H=6.902(QX0.277)^{0.555}$ or 100 m minimum Less than 100 MW $H=6.902(QX0.277)^{0.555}$ or 30 m whichever is more”; Q = Emission rate of SO ₂ in kg/hr* H = Physical stack height in meter *total of the all Unit’s connected to stack Note: These standards shall apply to coal / lignite based Thermal Power Plants.”.
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[F. No. Q-15017/40/2007-CPW]

DR. A. SENTHIL VEL, Scientist ‘G’

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number S.O. 844 (E), dated the 19th November, 1986 and last amended *vide* notification number G.S.R. 263(E), dated the 22nd March, 2018.

True copy
AZRAKESH
SUKULDigitally signed by RAKESH
SUKUL
Date: 2018.07.03 20:39:18
+05'30'

VAKALATNAMA
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No.203/2022



In the matter of;

Kamlesh Singh

PETITIONER

VERSUS

State of U.P.

RESPONDENT

Know all to whom these presents shall come that I/We Meja Urja Nigam Pvt. Ltd. (MUNPL)

Them above named the Respondent do hereby appoint

ADARSH TRIPATHI

Advocate on Record, Supreme Court of India

G-34, BASEMENT, LAJPAT NAGAR-III NEW DELHI- 110024

MOBILE: (+91) 9090416535/94253084554

EMAIL ID: adarsht912003@gmail.com

Advocate(s), to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

1. To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavit or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
2. To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1st instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
4. To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
5. To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby conferred on the Advocate (s) whenever he/they may think fit to do so.

And I/We hereby agree that whatever the Advocate (s) or his/ there substitute shall do in the premises shall be binding on me in all intents and purposes just as if it would have been done by me.

And I/We hereby agree not to hold the Advocate (s) or his/their substitute responsible for the said case in consequence of his absence from the court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/ us to be paid to the Advocate (s) remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case, or not to appear until the same is paid.

In witness whereof I/We hereunto set my/our hand to these presents the contents of which have been explained to and understood by me/us.

Date: 30/12/2023

Advocate (s)

Adarsh Tripathi
Adarsh Tripathi
MP/1256/2014

Vikram Singh Baid
Vikram Singh Baid
D/3896/2018

Ajitesh Garg
Ajitesh Garg
D/5097/2021

Sunil Kumar
मुख्य अधिकारी
मेजा ऊर्जा निगम (प्रा) लि, प्रयागराज
राज्यीय निमित्त एव उ.प्र.रा.वि.उ.नि.लि.का संयुक्त अकाउंट
ड्रकाई- मेजा थर्मल पावर प्रोजेक्ट