

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

NDOH:07.02.2024

Sl. No.	Particulars	Page No.
1.	Affidavit in Reply on behalf of NTPC Ltd.	1-3
2.	Annexure A-1 The true copy of the Authorization Letter dated 28.12.2023.	4
3.	Annexure A-2 A true copy of the letter dated 11.12.2023 written by NTPC to MUNPL.	5
4.	Vakalatnama	6

THROUGH:



ADARSH TRIPATHI & VIKRAM SINGH BAID

ADVOCATES FOR NTPC LTD.

G-34, BASEMENT, LAJPAT NAGAR-III

NEW DELHI – 110 024

M: 9090416535 / 9425308454

E-Mail:adarsh912003@gmail.com

PLACE: NEW DELHI
FILING DATE:27.01.2024

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 203/2022

IN THE MATTER OF:

KAMLESH SINGH

NOTARY
VS

STATE OF U.P.



...APPLICANT

...RESPONDENT

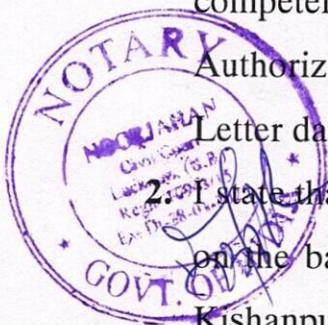
AFFIDAVIT IN REPLY ON BEHALF OF NTPC LTD.

I, Vipul Srivastava, S/o Sh. Late Madan Mohan Srivastava, aged about 49 years, working as AGM(EMG) in the office of NTPC Limited, having its Northern Region Headquarter at TC 33 V 1, Vibhuti Khand, Gomti Nagar, Lucknow, Uttar Pradesh 226010, do hereby solemnly affirm and state as under:

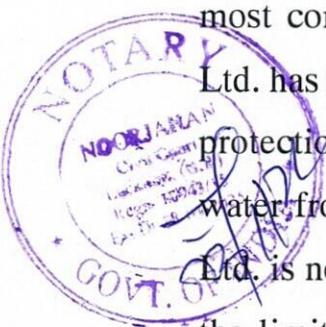
1. I say that I am the authorized representative of the NTPC Ltd. and as such am competent to swear the present affidavit. I have been authorized vide Authorization Letter dated 28.12.2023. The true copy of the Authorization Letter dated 28.12.2023 is annexed and marked herewith as **Annexure A-1**.

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 cusec water.

3. I state that in terms of the aforesaid, the 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 state entities. NTPC Ltd. is one of the Maharatna Central Public Sector Enterprise. I state that Meja Urja Nigam Private Limited (MUNPL) is a 50:50 Joint Venture between NTPC Limited and Uttar Pradesh Rajya Vidyut Utpadan Nigam, established in 2008. MUNPL is a private limited company whereas NTPC, deponent herein, is a limited company.
5. I state that the Letter Petition is based on a notional premise that on account of withdrawal of water, 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.
6. I state that the Letter Petition also raises a plea which relates to non-compliance of the environmental laws.
7. I state that without deposing anything on merits, it is submitted that this Hon'ble Tribunal has directed "*NTPC Meja*" to be impleaded as a party to the captioned Petition. I state that since NTPC Ltd. and MUNPL are different entities and the Letter Petition casts aspersions about the usage of water by MUNPL.
8. I state that even otherwise, NTPC Ltd., being a Maharatna CPSE is one of the most compliant and environmental friendly organization, pan-India. NTPC Ltd. has taken various steps and spent crores of rupees towards environmental protection and water conservation. I state that NTPC Ltd. is not using any water from River Yamuna and River Ganga in Prayagraj. I state that NTPC Ltd. is not using water from any of the water bodies in India which is beyond the limits or criteria and laws established by the Ministry of Environment, Forest and Climate Change (MoEF).
9. I state that NTPC Ltd. is fully compliant of the laws, as amended from time to time by the MoEF which mandates that existing thermal power plants limit their water consumption to 3.5 m³/MWh by December 2017 and new plants



installed after January 1, 2017, must not exceed 3.0 m3/MWh, and must achieve zero water discharge consumption.

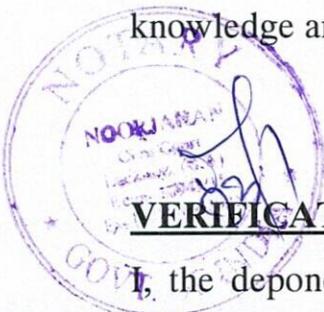
10.I state that United Nations Global Compact Network India (UNGCNI) invited entries for the Best practices challenge on Water management & wash in India for the year 2022. I state that the different plants of NTPC Ltd. i.e. NTPC Mauda, NTPC Sipat, NTPC Ramagundam & NTPC - RGPPL were selected as finalist for the challenge among selected 10 entries for final. NTPC - RGPPL has been declared as the winner of the UNGCN's Best practices challenge on Water management & wash in India for the year 2022.

11.I state that in view of the foregoing, NTPC Ltd., is not involved or related in the present dispute and as such may be removed from the array of parties before this Hon'ble Tribunal. In fact, NTPC Ltd. has duly written a letter to MUNPL on 11.12.2023 informing about the present order of this Hon'ble Tribunal so that MUNPL is aware about the present case and is in a position to assist the Hon'ble Tribunal. A true copy of the letter dated 11.12.2023 written by NTPC to MUNPL is attached herewith and marked as **Annexure A-2**.

12.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.

Vipul Sinastava

DEPONENT



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 Uco on this 23 day of January, 2024.

Sworn and verified before me.
NOOR JAHAN
Advocate & Notary
Civil Court, Lucknow
Registration No. 10943/18

I know & identify the deponent/Executant who has signed/ put his T.I. before me

Vipul Sinastava

DEPONENT



एक महारत्न कम्पनी

174

ANNEXURE A-1

एनटीपीसी लिमिटेड
(भारत सरकार का उद्यम)

NTPC Limited
(A Govt. of India Enterprise)

उत्तरी क्षेत्र मुख्यालय
NORTHERN REGION HEADQUARTERS

Date: 28.12.2023

AUTHORISATION LETTER

Before Hon'ble National Green Tribunal
Principal Bench, New Delhi

In the matter of O.A. 203 of 2022

Kamlesh Singh

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondents

Sh. Vipul Srivastava, AGM (Environment Management) Employee Number 006970, posted at NTPC Ltd.'s Northern Region Head Quarters at Lucknow is hereby authorised to do all or any of the following acts on behalf of the Respondent Company in connection with the subject case.

1. To sign caveat/s, necessary application/s, affidavit/s, counter, counter claim/s, petition/s, reply/s, affidavit/s and any other relevant paper/s to be filed before the Hon'ble Tribunal, in connection with aforesaid case.
2. To represent and participate in all the proceedings in connection with the subject case.
3. To attend all necessary and incidental matters in connection to the subject case as may be necessary and to generally be associated with the matter.

For & on behalf of NTPC Ltd.

(Praveen Saxena)

Regional Executive Director (North)

Specimen Signatures of Sh. Vipul Srivastava

Attested by:

(Praveen Saxena)

Regional Executive Director (North)

True Copy
AK

उत्तरी क्षेत्र मुख्यालय, टीसी/33/वी-1, विभूति खण्ड, गोमती नगर, लखनऊ-226 010 फ़ैक्स: 0522-2728841, दूरभाष (का.) : 0522-2305844
Northern Region Headquarters, TC/ 33/ V-1, Vibhuti Khand, Gomti Nagar, Lucknow-226 010 Fax : 0522-2728841, Phone (O) : 0522-2305844

175



एक महारत्न कम्पनी

ANNEXURE A-2

5
एनटीपीसी लिमिटेड
(भारत सरकार का उद्यम)
NTPC Limited
(A Govt. of India Enterprise)

By Speed Post/Email

उत्तरी क्षेत्र मुख्यालय
NORTHERN REGION HEADQUARTERS

11th December 2023

To,
Chief Executive Officer
Meja Urja Nigam Pvt. Ltd (MUPNL)
Village Kohdar, Tehsil Meja
Distt. Prayagraj
Uttar Pradesh
212301

Ref:

Subject: Order dated 4th Dec 2023 of Hon'ble National Green Tribunal (Principal Bench New Delhi) in O.A. Number 203/2023 (Kamlesh Singh Vs. State of U.P.).

Dear Sir,

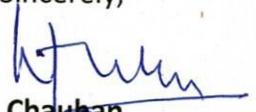
It has been brought to our notice that Hon'ble National Green Tribunal (NGT) vide its Order dated 04.12.2023 in the subject case (**Copy Attached**) has impleaded NTPC Ltd. as one of the Respondents.

From the perusal of the subject order, it appears that that the said petition has been filed in NGT one Sh. Kamlesh Singh, 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**. The grievance is on account of such withdrawal of water, 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.

It can be seen that, one of the Power Plants being mentioned in the said order is of MUPNL.

You are requested to take, suitable & necessary actions accordingly.
This issues with approval of Competent Authority.

Yours's Sincerely,


H.S. Chauhan
GM (T.S) 11/12/23

Encl: As Above

True copy
AZ

उत्तरी क्षेत्र मुख्यालय, टीसी/33/वी-1, विभूति खण्ड, गोमती नगर, लखनऊ-226 010 फ़ैक्स: 0522-2728841, दूरभाष (का.) : 0522-2305844
Northern Region Headquarters, TC/ 33/ V-1, Vibhuti Khand, Gomti Nagar, Lucknow-226 010 Fax : 0522-2728841, Phone (O) : 0522-2305844



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 NTPC Ltd.

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.

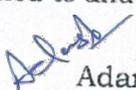
And I/We hereby agree that in the event of the whole or any part of the free agreed by me/ us to be paid to the Advocate (s) remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case, or not to appear until the same is paid.

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.

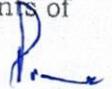
Date: 28/12/2023

Advocate (s)


Vikram Singh Baid
D/3896/2018


Adarsh Tripathi
MP/1256/2014


Ajitesh Garg
D/5097/2021


प्रवीण सक्सेना
PRAVEEN SAXENA
केन्द्रीय कार्यकारी निदेशक (उत्तर)
Regional Executive Director (North)
एनटीपीसी/उ. क्षेत्र मुख्यालय, लखनऊ
NTPC/UP Region, Lucknow