

VAKALATNAMA

BEFORE HONOURABLE NATIONAL GREEN TRIBUNAL WESTZONE
BENCH,PUNE

ORIGINAL APPLICATION NO. 74/2020

MadhusudanRoongatha V/s. State of Maharashtra &Ors.

BETWEEN

MadhusudanRoongata

..... Applicant

VERSUS

State of Maharashtra &Ors

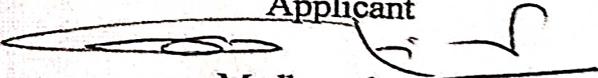
..... Respondent

I, hereby appoint Naveen Maheswari, Suvarna Shinde and Anam Shaikh,
Advocates to represent in the above matter related issues. I have authorized
them to sign any lawful documents on my behalf and I shall ratify it as if it is
signed by me.

Place: Pune

Date: 21/09/2021

Applicant


MadhusudanRoongatha

Accepted


Advocate Naveen Maheswari, (MAH/83/2008),

Add: Office No, 704, Finswell, 7th Floor, Bisides Bajaj Finserv (Corporate),
Vimannagar, Pune-14.

Email: navin@keylegal.co.in, contact No, 9028086343.



BEFORE HONOURABLE NATIONAL GREEN TRIBUNAL

WESTZONE BENCH, PUNE

APPLICATION NO. 74 OF 2020

(EARLIER PIL 03/2018 before

Hon'ble High Court of Bombay, Nagpur Bench)

BETWEEN**Madhusudan Roongata**

..... Applicant

R/o M-2, Madhuban Complex,

Shivajinagar, Mul Road, Chandrapur- 442401

VERSUS

State of Maharashtra & Ors

..... Respondent

Ministry of Energy and Environment

Mantralaya, Mumbai- 400032

Through The Principal Secretary

**AFFIDAVIT BY APPLICANT****MOST RESPECTFULLY SUBMITTED :-**

1. I, Mr. Madhusudan Roongata, resident of Chandrapur city and also president of the MIDC Industries Association, Chandrapur, which is a registered society. I am filing this Affidavit in reply on Joint

Committee report in compliances of order dated 29/10/2020 of Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi in Original Application No. 74/2020 (WZ). I state and submit that this reply is submitted as and by way of Affidavit on oath.

ORIGINAL PIL

2. Applicant had filed the PIL on 05/10/2017 with High Court of Bombay, Nagpur Bench, Subsequently the same PIL was transferred by the Hon'ble High Court to Hon'ble National Green Tribunal, which is renumbered as above.

REPLY SUBMITTED BY APPLICANT

3. It is most respectfully submitted that Applicant has already filed reply to Rejoinder to the submission filed by the Respondent Nos.5 and 6 on 29.10.2018. It is therefore prayed that this Affidavit shall be read in continuation to it. The submission made in the past are reiterated but not repeated here for the sake of brevity.

REPORT BY COMMITTEE

4. Hon'ble Tribunal vide order dated 29.10.2020 had formed the Joint Committee under CPCB and SPCB. The committee has submitted its report to Hon'ble Tribunal on March 2021. This affidavit is submitted with the purpose to respond to the Joint Committee Report.

5. Chandrapur Super Thermal power Station (CSTPS) is a unit of Maharashtra State power generation Co. Ltd. The plant site is located at Urjanagar, 10 km away from Chandrapur, falls within the air and water pollution prevention area.

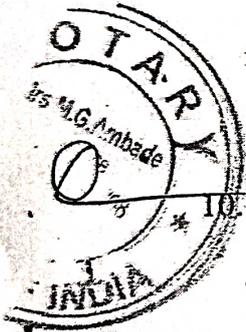
6. Central Pollution Control Board after its site visit and field monitoring has noted that Respondent had complied in some point and still there are few more points which need to be complied by respondent 5 and 6, and accordingly Joint Committee report need to be complied by the Respondent no 6 and accordingly should obtain consent to operate from Maharashtra Pollution control Board for electricity generation.

7. I state and submit that Joint Committee has carried out source emission monitoring of all operational units during visit from 04.01.2021 to 06.01.2021. I accepted and appreciated report made by Joint Committee but there are some loopholes in it.

8. During visit Source emission monitoring of stacks attached to all operational units were carried out. It was found that all monitored exceed for concentration of Sulphur di-oxide (SO₂). The unit no. 08 was not in operation due to annual maintenance. The remaining units were operational. The analysis result of stack attached to remaining units i.e, 03, 04,05,06,07 and 09 reveals that the concentration of No_x and PM were found within the standard limit but the SO₂ was above the permissible limit.



9. I state and submit that in Joint Committee report team mentioned that the coal analysis data collected from CSTPS shows that the Sulphur content in the coal is 0.58%. However, as per CCA the sulphur content of the coal to be used in the project shall not exceed 0.5%. Standard limit of Sulphur dioxide as per MOEF notification dated 07.12.2015 and MPCB CCA with or within 600 but in Joint Committee report team mentioned stack attached to Boiler unit no 3 & 4 is 1067.38 mg/Nm³ and 1287.72 mg/Nm³ respectively exceeding the standard limit of 600 mg/Nm³. In Boiler unit no 5,6,7 and 9 Standard limit of Sulphur dioxide is 200 but committee observed it is 1246.30 mg/Nm³, 113.70 mg/Nm³, 1141.81 mg/Nm³ and 1578.36 respectively exceeding the standard limit of 200 mg/Nm³.



10. I state and submit that the fly ash contains sulphur dioxide (SO₂), carbon monoxide (CO) as well as Nitrous Oxide (N₂O) which contributes to air pollution the fine particles of fly ash are carcinogenic in nature.

11. I state and submit that in report committee mentioned itself that monitoring of stacks attached to all the operational units exceed for concentration of Sulphur di-oxide (SO₂) within the standard limit and it was also mentioned that CSTPS uses coal having higher sulphur content than that mentioned in the CCA and there was not installed flue gas desulphurization (FGD) unit is under process and it means the air is polluted.

12. I state and submit that Joint Committee report observed that ash from the ash slurry water gets settled in the downstream and the quality of water so found decreasing may be due to partial percolation and evaporation or absorbed by vegetation in the down- stream.

13. I state and submit that mine water generated from the Bhatadi mine is utilized for various purposes such as water sprinkling, firefighting etc. and also provided to a pond in Tirwanja Village, excess mine water is discharged into the natural nallah. Mine water generated is pumped out from the dip most point and after sedimentation it is used for the various purposes and remaining excess mine water is discharged into the natural drain. Same as in Durgapur Rayatwari Colliery underground mine, Hindustan Lalpeth Coliery No.1 underground mine, Hindustan Lalpeth Opencast Mine, Manna Incline UG Mine, Nandgaon Incline UG Mine, Mahakali Colliery underground Mine and Padmapur Opencast Mine excess mine water is discharged into the natural drain.

14. Applicant is contradicting the findings of the committee visit report and dissatisfied of the report.

PRAYER

It is, therefore, most respectfully prayed that,

- a) Permanent committee to be appointed to monitoring for controlling air and water pollution.

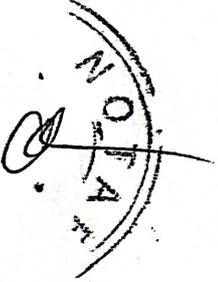
- b) A review committee should be formed which shall be headed by the Retired High Court Judge for giving the report on air and water pollution to the Hon'ble Tribunal.
- c) Party No 5 and 6 should be establishing laboratory which shows that the emission is within the statutory limit as prescribed by the Government Notification.
- d) ETP should be linked to power generation.
- e) There should be a medical survey once a year with the support of Indian Medical Association.

PUNE

DATED 22/09/2021

S.R. Shinde

COUNSEL FOR APPLICANT



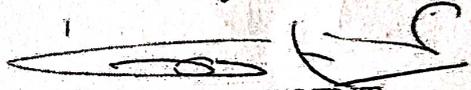
SOLEMN AFFIRMATION

I, Shri Madhusudan s/o Hanumanprasad Roongta, aged about 64 years, R/o. Chandrapur, presently at Chandrapur, Occ. Business, do hereby take oath and state on solemn affirmation as under:

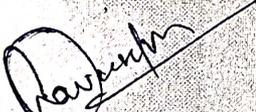
That I am the Applicant in the present Application. I am also President of the MIDC Industries Association, Chandrapur. I am conversant with the facts state in the instant Application and hence able to depose to the same.

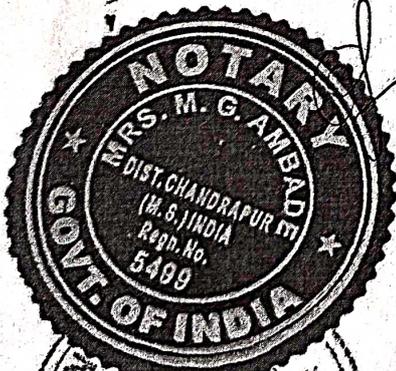
I say that the said Affidavit has been drafted by the Counsel as per my instructions. I further say that the content of Paras 1 to 14 in so far as facts stated therein are concerned are true to my personal knowledge and belief. In so far as legal submission contained therein are concerned, the same are as per the information received from the counsel and believed to be true by me.

Hence, verified and signed on this 21 day of September 2021 at Nagpur.


DEPONENT

I know and identify the deponent.

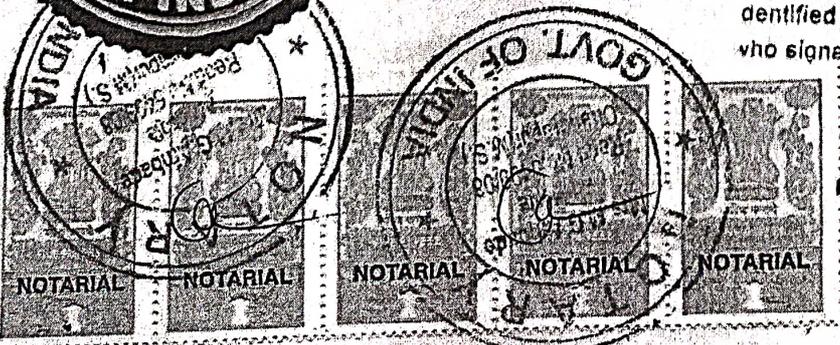

Advocate

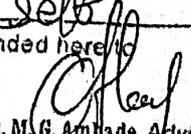


Notarial Rega.

Entry No. 3135
Date 21-9-2021

Sworn before me on this 21-9-2021
by Shri Madhusudan
S/o. W/o D/o Hanumanprasad Roongta
R/o Chandrapur
who is personally known to me & who has been
identified by Shri Jelb
who signature is appended here to




Mrs. M. G. Ambade, Advocate
NOTARY (Govt. of India)
Reg. No. 5489 Chandrapur (M.S.)