

## BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 360 of 2023

IN THE MATTER OF:

Ajay Shrivastava

...Applicant

Versus

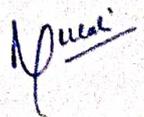
State of Haryana &amp;Ors.

...Respondents

AFFIDAVIT

I, Rajesh Kumar Gulati, Executive Engineer/ FTPS, HPGCL, Faridabad, do hereby solemnly affirm and declare as under:

1. That I am well conversant with the facts of the present case and competent to swear this affidavit.
2. That Hon'ble National Green Tribunal, Principal Bench, New Delhi in its order dated 15.04.2024 in captioned case has directed FTPS, HPGCL to file fresh affidavit, through a competent officer, indicating if the old ash dyke satisfies all the conditions mentioned in the clause A (5) of MOEF&CC notification dated 31.12.2021.
3. In this regard, it is intimated that Old ash dyke of FTPS, Faridabad is spread over 103.615 acres area. Since 1987 neither any ash is dumped nor reclaimed from this old ash dyke, thereafter it was covered by a thick earth layer followed by compaction and thick vegetation. This dyke fulfills all the necessary requirements of MOEF & CC required for certifying this dyke a stable dyke as per Clause A (5) of MOEF& CC Notification dated 31.12.2021.
4. FTPS, HPGCL have applied for certification of old ash dyke, Faridabad being a stable dyke and reclamation of this dyke has taken place with plantation as per clause A (5) of MOEF&CC notification dated 31.12.2021 vide its application dated 24.04.2024 from Regional Officer, Haryana Pollution Control Board, Faridabad (Copy attached as annexure-I).
5. Subsequent to above request of HPGCL, a joint visit to Old Ash Dyke of FTPS Faridabad was carried out by the officers of HPGCL and HSPCB on dated 25.06.2024 to ascertain the site conditions. Followings were observed during the site visit: -
  - I. The old ash dyke was found to be covered with thick vegetation.
  - II. The boundary wall of this dyke made from stone boulders & concrete was found intact.



- III. This dyke is surrounded by Sainik Colony, Sector-49 on its west side, Nehru Colony on its east side, SGM Nagar on north side and Village Nawada on its south side. All these areas are thickly populated.
- IV. Reclamation of the land of old ash dyke has taken place with plantation and vegetation.

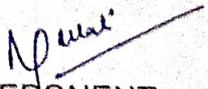
An office memo was forwarded on dated 26.06.2024 from Executive Engineer, FTPS, HPGCL, Faridabad to Regional Officer, Haryana Pollution Control Board, Faridabad regarding details/ site conditions of old ash dyke (Copy attached as annexure-II).

6. On perusal of our request for above mentioned certification from Haryana Pollution Control Board, Faridabad, it has been intimated by Regional Officer, Haryana Pollution Control Board, Faridabad that after aforesaid joint visit, a report has been submitted to their Head Office at Panchkula for issuance of the above-mentioned certificate. Their reply in this regards is still awaited.
7. FTPS, HPGCL, Faridabad office is constantly pursuing with Regional Officer, Haryana Pollution Control Board, Faridabad for issuance of aforesaid certification for Old ash dyke of FTPS, Faridabad. A reminder in this regards was given vide Executive Engineer, FTPS, HPGCL, Faridabad office memo dated 12.07.2024 (Annexure-III). As soon as this certification is issued by Haryana Pollution Control Board, the same will be intimated to Hon'ble Tribunal, please.

  
DEPONENT

**VERIFICATION:**

Verified at Faridabad, Haryana on this 18<sup>th</sup> day of July-2024 that the contents of above affidavit are true and correct to my knowledge derived from the officials records of the FTPS, Faridabad. Nothing material has been concealed there from.

  
DEPONENT

 <p>HPGCL</p>	<p>HARYANA POWER GENERATION CORPORATION LIMITED          Regd. Office: C-7, Urja Bhawan, Sector-6, Panchkula  <u>Corporate Identity Number: U45207HR19975GC033517</u>          (An ISO: 9001, ISO:14001 &amp; OHSAS: 45001 Certified Company)          Website: <a href="http://www.hpgcl.org.in">www.hpgcl.org.in</a> Email: <a href="mailto:xenftps@hpgcl.org.in">xenftps@hpgcl.org.in</a></p>	
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From

Executive Engineer,  
 FTPS, HPGCL, Faridabad.

To

The Regional Officer,  
 HSPCB, Faridabad.

Memo. No: - Ch- 43/FTPS/2020/74

Dated: -24/04/2024

**Subject: Certification of old ash dyke of FTPS, Faridabad being a stable dyke as per Clause A (5) of MOEF& CC Notification dated 31.12.2021.**

Faridabad Thermal Power Station, HPGCL, Faridabad is having an Old Ash Dyke, which is spread over 103.615 Acres adjoining to Sainik Colony Sector-49 Faridabad and around 18 LMT of ash is dumped here. Since 1987 neither any ash is dumped nor reclaimed from this dyke.

MOEF& CC has issued a notification dated 31.12.2021 and relevant part of para-'A(5)' of this notification reads as below:

*"Provided further that the legacy ash utilisation shall not be required where ash pond or dyke has stabilised and the reclamation has taken place with greenbelt or plantation and the concerned State Pollution Control Board shall certify in this regard".*

*Note: The obligations under sub-paragraph (4) and (5) above for achieving the ash utilization targets shall be applicable from 1st April, 2022.*

Since the ash at Old Ash Dyke of FTPS, HPGCL, Faridabad is quite compacted, settled, stabilized & the reclamation has taken place with plantation and legacy ash utilization is not required from this dyke.

In view of above to comply the MOEF&CC guidelines, please issue a certificate regarding stabilization and reclamation of Old Ash Dyke of FTPS, Faridabad under above referred Clause A (5) of MOEF&CC Notification dated 31.12.2021.

*N. K. Singh*  
 Executive Engineer,  
 FTPS, HPGCL, Faridabad.

CC to:

1. Chief Engineer/ PTPS, Panipat for kind information, please.
2. SE/ MM & Store, PTPS, Panipat for kind information, please.



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	<p><b>HARYANA POWER GENERATION CORPORATION LIMITED</b>          Regd. Office: C-7, Urja Bhawan, Sector 6, Panchkula          Corporate Identity Number: U45207HR19975GC033517          (An ISO: 9001, ISO: 14001 &amp; OHSAS: 45001 Certified Company)          Website: <a href="http://www.hpgcl.org.in">www.hpgcl.org.in</a> Email: <a href="mailto:semmstore.ptps@hpgcl.org.in">semmstore.ptps@hpgcl.org.in</a></p>	
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From

Executive Engineer,  
 FTPS, HPGCL, Faridabad.

To

The Regional Officer,  
 HSPCB, Faridabad.

Memo. No: - Ch-48/FTPS/2020/74

Dated: -26.06.2024

**Subject: Certification of old ash dyke of FTPS, Faridabad being a stable dyke as per Clause A (5) of MOEF& CC Notification dated 31.12.2021.**

Subsequent to a request made vide this office memo no.Ch-43/FTPS/2020/74 dated 24/04/2024 regarding subject matter, Old Ash Dyke of FTPS Faridabad was jointly visited by the officers of HPGCL and HSPCB on dated 25.06.2024 to ascertain the site conditions. Followings were observed during the site visit:-

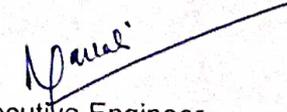
1. The old ash dyke was found to be covered with thick vegetation.
2. The concrete boundary wall of this dyke was found intact.
3. This dyke is surrounded by Sainik Colony, Sector-49 on its west side, Nehru Colony on its east side, SGM Nagar on north side and Village Nawada on its south side. All these areas are thickly populated.
4. Reclamation of the land of old ash dyke has taken place with plantation.

A brief detail of Old Ash Dyke of FTPS, Faridabad is given below for your kind information and reference please:-

Old ash dyke is spread over 103.615 acres area. Since 1987 neither any ash is dumped nor reclaimed from this old ash dyke, thereafter it was covered by a thick earth layer followed by compaction and thick vegetation. This dyke fulfills are all necessary requirements of MOEF & CC required for certifying this dyke a stable dyke as per Clause A (5) of MOEF& CC Notification dated 31.12.2021.

It is once again requested to issue the subject cited certificate at the earliest possible

  
 26/6/2024

  
 Executive Engineer,  
 FTPS, HPGCL, Faridabad.

	<p><b>HARYANA POWER GENERATION CORPORATION LIMITED</b>          Regd. Office: C-7, Urja Bhawan, Sector-6, Panchkula          Corporate Identity Number: U45207HR19975GC033517          (An ISO: 9001, ISO:14001 &amp; OHSAS: 45001 Certified Company)          Website: <a href="http://www.hpgcl.org.in">www.hpgcl.org.in</a> Email: <a href="mailto:xenftps@hpgcl.org.in">xenftps@hpgcl.org.in</a></p>	
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From

Gentle reminder

Executive Engineer,  
 FTPS, HPGCL, Faridabad.

To

The Regional Officer,  
 HSPCB, Faridabad.

Memo. No: - Ch-49/FTPS/2020/74

Dated: -12/07/2024

**Subject: Certification of old ash dyke of FTPS, Faridabad being a stable dyke as per Clause A (5) of MOEF& CC Notification dated 31.12.2021**

Ref: - This office memo no. Ch-48/FTPS/2020/74 dated 26/06/2024

This is in continuation to this office above referred memo regarding subject cited matter. It is once again intimated that above mentioned certificate is required by this office for submission of same before Honorable National Green Tribunal, Principal Branch, New Delhi, in compliance to its order dated 15/04/2024 in OA 360 of 2023 titled Ajay Srivastava Vs State of Haryana. The next date of hearing in this case is 26.07.2024.

You are once again requested to issue a Certificate in respect of old ash dyke of FTPS, Faridabad being a stable dyke as per Clause A (5) of MOEF& CC Notification dated 31.12.2021

*Naresh*  
 Executive Engineer,  
 FTPS, HPGCL, Faridabad.

CC to:

1. Chief Engineer/ PTPS, Panipat for kind information, please.
2. SE/ MM & Store, PTPS, Panipat for kind information, please.

