

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 & Ors.

...Respondents

AFFIDAVIT

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

1. That I am conversant with the facts of the present case and competent to swear this affidavit.
2. That Hon'ble Tribunal, Principal Bench, New Delhi in its order dated 22.12.2023 in captioned case has directed FTPS, HPGCL to file an affidavit through a competent officer disclosing the disposal of the fly ash till date in terms of Clause A (5) of the Notification dated 31.12.2021.
3. That out of 18 LMT of pond ash available on 01.04.2022 at New Pond Ash Dyke of FTPS Faridabad, the quantity of legacy ash utilised/disposed off w.e.f. 01.04.2022 to 31.12.2023 from this Ash Dyke is as follows:
 - a. Total quantity of pond ash disposed off in 1st year i.e. from 01.04.2022 to 31.03.2023 is 5.486 LMT (30.47% of legacy ash).
 - b. Total quantity of ash disposed of in 2nd year i.e. from 01.04.2023 to 31.12.2023 (9 Months) is 4.872 LMT (27.06% of legacy ash).
4. That as per clause A (5) of MOEF &CC notification dated 31.12.2021, FTPS, Faridabad has been prescribed a timeline of 10 years from the date of enforcement of this notification, i.e., w.e.f. 01.04.2022 thereby, on or before 31.03.2032 for disposal of unutilized accumulated ash, i.e., legacy ash.
5. For speedy disposal of this legacy ash, HPGCL has already entered into contracts with two agencies for lifting of complete pond ash from New Ash

Handwritten signature and date:
Rajesh Kumar Gulati
12/01/2024

Dyke at FTPS, Faridabad by 21.06.2026. The copies of said contracts have been annexed with the Preliminary Status Report filed before this Hon'ble Bench dated 16.12.2023.

6. That the balance pond ash as on 31.12.2023 at New Pond Ash Dyke of FTPS Faridabad is now 7.6 LMT ((approx.)), which is < 17% of its full capacity of 45 LMT. Continuous lifting of pond ash results in reduction of numbers and sizes of ash heaps, which may reduce further rate of its lifting. To keep air pollution in strict control, lifting of pond ash is carried out in a regulated manner and in view of traffic movement restrictions for heavy vehicles on roads, lifting of pond ash is carried out during night hours from 9:00pm to 6:00am only. Other restrictions/ compulsions like very dry & windy weather, medium to heavy rain fall and GRAP orders etc. also effect disposal of pond ash. Keeping pollution under strict control during disposal of pond ash from New Pond Ash Dyke, all out efforts shall be made for complete disposal of pond ash from this site, as soon as possible and latest by 31.12.2025 subject to all the prevailing laws, bye-laws and/ or any restrictions imposed. FTPS shall further endeavor to explore any other option to expedite the disposal of legacy ash with any such willing entity(ties) within the prevailing laws, bye-laws and/or restrictions.
7. That the above actions for disposal of pond ash from New Pond Ash Dyke of FTPS Faridabad are also in accordance with clause B (1) of MOEF &CC notification dated 31.12.2021.

Deponent
12/01/2024
DEPONENT

VERIFICATION:

Verified at Faridabad, Haryana on this 12th day of January 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 therefrom.

Deponent
12/01/2024
DEPONENT