

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, 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 08.02.2024 in captioned case has directed FTPS, HPGCL to re-examine the timeline for complete disposal of ash at the New Ash Dyke after taking into account the amended notification dated 01.01.2024 issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) and file a fresh affidavit in consideration of such amended notification.
3. That for speedy disposal of the said legacy ash, HPGCL has already entered into contracts with two agencies for lifting of complete pond ash from New Ash Dyke at FTPS, Faridabad. One of the agencies is the sub-contractor of concessionaire of NHAI for the embankment work of Delhi-Vadodara expressway. Based upon supply of contracted quantity of pond ash from FTPS dyke, NHAI has prepared their execution plans of this express way. Any additional allocation of pond ash from new ash dyke to some other agency under the amended notification dated 01.01.2024 issued by the Ministry of Environment, Forest and Climate Change (MoEF & CC) will reduce quantity of pond ash to be used by NHAI for embankment work, which may adversely affect the progress of above-mentioned expressway and will not be as per the contract already signed with the agency. That any variation with the said contract at this juncture shall not only adversely affect a project of national importance undertaken by the NHAI but shall also render HPGCL vulnerable to various litigations and claims arising out of such consequential contractual breaches.
4. Furthermore, it is pertinent to depose herein that the complainant in this case, Sh. Ajay Shrivastava, a resident of H. No. 2724 H-Block Sector-49 Sainik colony Faridabad vide his e-mail dated 05/02/2024 addressed to Hon'ble Tribunal with a copy to XEN/FTPS Faridabad has intimated as:-

10/02/24

“Further to my earlier email/ complaint dt. 14th February, 2023 lodged with NGT (copy attached). Please note that in due course of time, the Preventive measure taken by Power house, Faridabad staff, this flying ash problem is almost over now, at my end. Therefore, my above referred complaint of dt. 14th February, 2023 in this regard may please be closed”.

A copy of the email sent by the 05.02.2024 by the complainant is attached herewith and marked as **Annexure R-1**.

5. In the view of above facts, it is submitted that the above complaint dated 14th February, 2023 lodged by Sh. Ajay Shrivastava may please be closed. it is again reiterated that FTPS, Faridabad will put its best efforts for early disposal of pond ash from new ash dyke keeping pollution under strict control


DEPONENT

VERIFICATION:

Verified at Faridabad, Haryana on this 7th day of March 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

rediffmail

Mailbox of prateek_garg23

Subject: Fwd: Power house Ash pollution in our house

From: xenftps@hpgcl.org.in on Wed, 07 Feb 2024 14:43:50

To: "akj61267" <akj61267@rediffmail.com>, "prateek garg23" <prateek_garg23@rediffmail.com>

1 attachment(s) - Screenshot_20230214-183257_Print_Spooler.jpg (150.89KB)

From: ajayogi1@gmail.com
To: xenftps@hpgcl.org.in
Sent: Wednesday, February 7, 2024 1:41:49 PM
Subject: Fwd: Power house Ash pollution in our houseSubject

Forwarded message

From: AJAY SRIVASTAVA <ajayogi1@gmail.com>
Date: Mon, 5 Feb, 2024, 6:44 pm
Subject: Power house Ash pollution in our house
To: <rg.ngt@nic.in>

Further to my earlier email/ complaint dt.14th February, 2023 lodged with NGT (copy attached). Please note that in due course of time, the Preventive measure taken by Power house, Faridabad staff, this flying ash problem is almost over now, at my end. Therefore my above referred complaint of dt. 14th February,2023 in this regards, may please be closed.
Regards.

From:
Ajay Srivastava
H.no. 2724, H Block,
Sainik Colony, Sec-49
Faridabad 121001
M.9811101965

Thanks & Regards

Rajesh Gulati
Executive Engineer/FTPS
HPGCL, Faridabad
Mob: 9354516229