

BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE

ORIGINAL APPLICATION NO. 54 OF 2024 (WZ)

IN THE MATTER OF:

KULDIPSINH KHIMJI SODHA

... APPLICANT

VERSUS

UNION OF INDIA AND ORS.

... RESPONDENTS

**AFFIDAVIT ON BEHALF OF GUJARAT POLLUTION CONTROL
BOARD**

I, Tejas C. Patel, adult, having my office at Paryavaran Bhavan, Section 10A, Gandhinagar, do hereby solemnly affirm and state an oath as under:

1. I am presently serving as Unit Head Kutch with Gujarat Pollution Control Board. I have perused the record pertaining to the case available in my office and am conversant with the facts of the case. I am authorized to swear the present affidavit on behalf of the Gujarat Pollution Control Board and am otherwise competent to make the present affidavit
2. I say that the present application has been filed by the applicant complaining about causing of air and water pollution by Kutch Lignite Thermal Power Plant. The applicant has also stated that the unit is indulging in extracting of ground water for industrial purpose without having obtained any permission from the Central Ground Water Authority.



3. I say that an inspection was carried out by the officials of the State Pollution Control Board on receipt of complaint about effluent discharge by KLTPS in the river flowing near the plant of KLPTS. It was noticed that the pipelines carrying ash slurry from the power plant had ruptured resulting in spillage of the slurry in the surrounding area. A notice of direction was given on 15.12.2021 instructing the project proponent to immediately rectify the ruptured pipeline and stop the discharge. In response to the notice, KLTPS submitted a response stating that it was planning construction of a retention wall near Dyke A and E to stop or at least minimize the seepage as also making an artificial pond inside the retaining wall to collect the discharge and thereafter transfer the same in an appropriate way.
4. Another inspection was carried out on 27.04.2022. The same phenomenon as was noticed during the inspection carried out on 16.11.2021 was found continuing. Therefore, another notice of direction dated 25.05.2022 was given to KLTPS. In response, KLTPS submitted a compliance report mentioning that it proposes to lift and shift the ash from the river as well as the bund area and replace or erect a new ash slurry line.
5. The Board again inspected the plant on 06.09.2023. It was noticed that the pipeline had not been replaced and that spillage and seepage was still occurring in an area surrounding the point of rupture of the line. Therefore, a notice of direction was given on 11.10.2023. This time the project proponent submitted a report stating that a proposal for construction of pipeline having length of 8.10 kms is under approval and that a tender for constructing a new pipeline having length of 3.2 kms is being uploaded on the website. It was also stated that a work order has been given for constructing a 345m new pipeline for disposal of ash slurry.
6. It is stated that during all the inspections carried out at the premises of the power plant seepage has been consistently observed outside the units' premises. A lot of remedial work in the nature of lifting and shifting



(Handwritten signature)

of ash has been completed by the KLTPS pursuant to the directions issued by the Board.

7. In view of the above facts, the Board submits that it shall take further action including but not limited to calculating the Environment Damage Compensation for the violation as many be directed by the Tribunal.
8. I say that on filing of the present application, by order dated 29.02.2024, this Hon'ble Court directed the Board to submit a report regarding the current status of the unit and the non-compliances, if any. A report was submitted by the Board in compliance with order dated 29.02.2024 (annexed at page 62) passed by this Hon'ble Court. As mentioned in the report, the Board conducted an inspection of the unit on 07.03.2024 along with representatives of the unit as well as the applicant in compliance with order dated 29.02.2024 of this Hon'ble Court. The conclusions and recommendations arrived at by the Board are reproduced hereinbelow for reference:

“4. Conclusions.

- o TPP has obtained EC-Amendment for change in water source from sea creek to brackish water (Bore-wells) vide letter no: J-13012/6/2000-IA.II(T) dated: 20/01/2009.
- o During visit, stagnant water accumulation outside unit's premises is observed. However, as mentioned in compliance submitted by unit for notice dated:11/10/2023; still seepage is observed outside unit's premises.
- o TPP has carried out work with cost of Rs. 29,99,728.00 to lift fly ash which was earlier released by pipes leakages. During inspection no leakages are observed as plant was not in operation.
- o SOx and NOx analysers are under maintenance. In coal crushing area, unit has provided wind breaking wall and water sprinkling system for control of dusting.
- o Fly ash dumps near coal yard and outside unit's premises are observed.
- o Natural nallah outside unit premises near Gate no: 3 is observed dry and no flow outside units premises near cooling tower area is observed as plant is not in operation.

5. Recommendations.

- o TPP shall ensure and carry out preventive measures to avoid spillages/leakages from ash slurry lines.
- o TPP shall obtain CGWA Permission for extraction of ground water.



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o TPP shall lift the ash outside the premises and will dispose as per the fly ash notification..."

9. I say that since the plant was not in operation during the visit, no conclusion could be drawn by the Hon'ble Tribunal regarding the situation that would prevail if the plant was in operation. An explanation was sought from the Board by the Hon'ble Tribunal vide order dated 20.03.2024 to place on record the position in case the plant was operational.
10. In compliance with the order dated 20.03.2024, the Board filed another report (annexed at Page 122) before this Hon'ble Tribunal. As mentioned in the said report, the Board conducted an inspection of the unit on 08.05.2024. The unit was found to be operational on the said date. Even in a functional condition, the Board did not find any discharge of ash slurry line into the Kali river. No major seepage was observed by the Board outside the premises. However, the unit was not found to be having a valid permission from Central Ground Water Authority for extraction of ground water.
11. In this regard, I submit that one of the conditions mentioned in the Consolidated Consent and Authorization granted by the Board was for the project proponent to obtain requisite permissions from concerned regulatory authorities. This condition is not limited to any specific permission for a particular regulatory authority; it is generic. All that the condition states that is the project proponent is required to obtain all such permissions as may be found necessary for undertaking business activities from respective agencies/authorities. The non-compliance of this condition would not mean breach of the terms of Consolidated Consent and Authorization. The carrying out of operations by the project proponent without obtaining requisite permission from any particular agency or authority would expose the project proponent to action at the hands of the concerned agency or authority. I say that in the present case necessary action for illegal ground water extraction is being taken by the competent authority i.e. The Central Ground Water Authority.



G. J. J.

12. I say that the Board shall continue to abide by all or any order that are issued by this Hon'ble Tribunal.

(Signature)

DEPONENT

VERIFICATION

Verified at Gandhinagar on this 6th day of August, 2025 that the contents of the above affidavit are true and correct, nothing stated therein is false and nothing material has been concealed therefrom.

(Signature)

DEPONENT

SOLEMNLY AFFIRMED
BEFORE ME

(Signature)
(C. M. RAVAL)
NOTARY

GOVT. OF GUJARAT

6 AUG 2025

Entered in Notary Register at
Serial No. 368 Vol. No. III
(Signature)
C. M. RAVAL, ADVOCATE & NOTARY
GANDHINAGAR

6 AUG 2025

