

BEFORE THE HONORABLE NATIONAL GREEN TRIBUNAL WESTERN
ZONE, PUNE

ORIGINAL Application No. 54 of 2024 (wz)

Kuldip Khimji Sodha

applicant

v/s

Union of India & other.

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Respondents

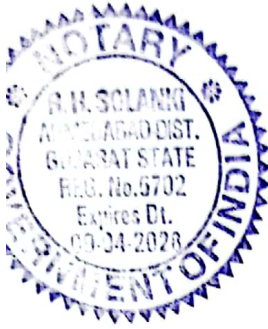
Affidavit in Reply on behalf of Respondent-8

I, undersigned, Prakesh kumar Mishra, age-40, Executive Engineer, Civil department, GSECL, Kutch Lignite Thermal Power Station, Panandhro, Kutch would like to file reply on behalf of respondents as under:-

1. I am Executive Engineer of respondent-8 (Gujarat state Electricity Ltd, Kutch Lignite Thermal Power Station, (herein after referred as-KLTPS) conversant with the facts of this application and the paragraph no 1 to 33, grounds and the Prayer clause- (I) To (Vii) stated in the application and the Interlocutory application and prayer clause,

2. At the outset, I denied all the paragraphs and contents of the application and interlocutory application unless and until they are specifically admitted, are denied by the respondent-8, merely not dealing with each and every paragraphs of the application that does

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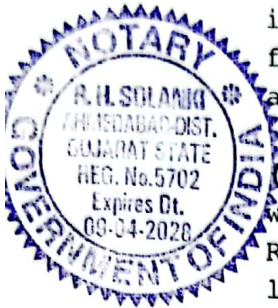
not mean that respondents have admitted those paragraphs and contents.

3. At the outset, I deny all the contents and Para-1 which is personal information of applicant, para-2 is not disputed, para-3 is denied, the units follow all the rules, regulations and guidelines given and issued by all the concern to protect the environments and welfare of the people, as far as para-3 is concern, the units has taken necessary step to overcome all the issued raised by the GCPB, as far as para 4,5,6 and 7 to 32 and the grounds are concerns the respondent-8, units has taken precaution and made necessary affords to reduce and stop fly ash, water accumulation, discharge of fly ash, stop leakage.

4. With due respect, it is to stated that GSECL-KLTPS Respondent no.-8 is owned by Government of Gujarat and having Thermal, Hydro, Gas and RE based power station for generation of electricity which is scattered in Gujarat state and they are running well with observing & implementing all rules-regulations and notifications of State and Central government, the GSECL- KLTPS is a pit head power plant where GMDC is look after mining. KLTPS is utilized saline water from bore wells for generation of power. Presently only 1X75 MW unit is in service. Root cause of Puncture in Ash slurry line is due to change in Colliery since 2016 (Panandhro to Mata Na Madh) and having higher ash particles which has cause higher erosion into existing slurry pipe.

(1) It is important to note that GSECL-KLTPS has placed an order to M/s TR Associates, Ahmadabad(CGWA-Accredited agency) to carry out modeling study and submits reports well as GSECL-KLTPS has awarded an O & M contract to M/s. Aquatech Engineers to look after leakages of pipeline if any and attended immediately along with O& M.

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(2) GSECL KLTPS has replaced existing MS pipeline with CI pipeline to avoid puncture due to erosion and corrosion.

(3) GSECL KLTPS has provided bund barrier & Channel to divert any accidental leakage slurry water to Dyke-D (GMDC abandoned mines) Photograph is attached h/w. Also provided chain link fencing for area of dykes to avoid accidental entry of animals.

(4) GSECL KLTPS has placed an order and completed work of lifting and shifting of ash from Kali River & surrounding area and tenderized for lifting & shifting of ash from GMDC area near road side to ash dyke-D. Further KLTPS is regularly monitoring the line leakage and other incidence by daily monitoring.

(5) KLTPS has constructed stilling chamber and slurry water diverted to reject water sump and it finally goes to Dyke-D.

(6) Coal yard having sprinkler system to suppress coal dust.

(7) KLTPS has awarded a contract for collection of seepage water from A-dyke and re-circulate it to A-dyke to avoid seepage outside plant premises. Further A dyke water has utilized into Unit-3 for ash slurification.

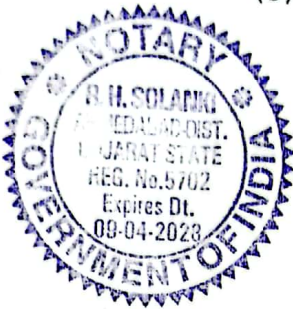
From the above details it is fact that GSECL-KLTPS is taking all required and necessary steps to follow the directions of Ministry of Environment and Pollution Control Board.

(1) So far concern with the issue of NOC from CGWA it is humbly informed that, GSECL-KLTPS has applied online application for obtaining NOC from CGWA New Delhi on 11.07.2017 i.e. before filing of this petition. However, the Application of KLTPS was rejected because payment has to be made to CGWB Faridabad instead of CGWB Ahmedabad. Therefore, payment again made to CGWB Faridabad vide DD No. 654342 vide letter no. 6340 dated 27.09.2017 but application has rejected.

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(2) KLTPS has re-applied online dated 5.12.2017 but CGWA has after laps of four year raised query and rejected application as per new notification of dated 24.9.2020. KLTPS has placed an order on dated 21.4.2022 to M/s TR Associates Ahmedabad (CGWA Accredited agency) to carry out modeling study and submit IA Report.



(3) CGWA has served a show-cause notice dated 17.12.2022 to KLTPS for submission of explanation regarding non-obtaining of NOC for use of ground water. KLTPS has replied in detailed vide letter dated 30.12.2022 and also write letter to TR Associate for expedite the matter vide letter no. 210 dated-16.01.2023. M/s. TR Associates has submitted final report on dated 03.02.2024.

(3) KLTPS has applied THRICE with requisite documents (i.e. IA-Report and study) online on dated 26.04.2024 vide application n21-4/11810/GJ/IND/2024.

(4) KLTPS has cleared all quarries on 5.8.2024. Presently NOC application is laid with CGWA New Delhi for approval.

From the Above all it is fact and circumstances that GSECL-KLTPS has not breach any rule and regulation and also followed the directions of concern authorities from time to time. Hence, this petition is liable to be rejected.

4.I say and submits that the applicant have no case in his favor, the balance of convenience is in favor of the respondent-8, no irreparable injury is cause to the petitioner by any of the activities of the respondent-8, No cause of action arose in favour of the petitioner for filing this application, therefore the petitioner is not entitled to the any relief claimed in the Paragraph 11,(A) to (C).

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looking to the aim and object of the respondent-8, the welfare at large.

5. That Respondent No.8 reserve its right to amend the reply in any subsequent event. The other points and grounds will be submitted at the time of argument.

6. The Respondents reserve the right to amend the reply in any subsequent event.

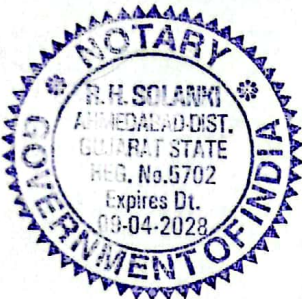
In view of above, the application of the applicant shall be rejected.

Date-28-10-2024
Place- Ahmadabad.

Executive Engineer (Civil)
GSECL, GTPS.

Prakash

(Prakesh kumar
Mishra)
Executive
Engineer, GSECL, UTCH



AFFIDAVIT

I, Prakeshkumar Mishra, age-40,
Executive Engineer, Civil, GSECL, Kutch Lignite
Thermal Power Station, Panandhro, Respondent
herein, do hereby solemnly affirm and state on
oath as under:

Prakash



1. I am the respondent-8 and conversant with the facts and circumstances of the application and competent to depose that what is stated hereinabove is true to the best of my knowledge, information and belief and I believe the same to be true and correct.

2. I have gone through the memo of reply and I solemnly affirm that, what is stated in Para nos. 1 to 6 is true to the best of my knowledge and information and true to the best of my personal knowledge.

Solemnly affirmed at Ahmedabad on this
28th day of November, 2024.

[Signature]

(Deponent)

(Prakesh kumar Mishra)
Executive Engineer (Civil)
GSEOL, GYPS.

[Signature]
Amit H. Soni

Explain, Interpreted
and Identified by Me.

[Signature]

SR. NO. : 381/2024
DATE : 05/11/2024

[Signature]
R. H. SOLANKI
NOTARY
GOVT. OF INDIA
05 NOV 2024



SOLEMNLY AFFIRMED
BEFORE ME

[Signature]
R. H. SOLANKI
NOTARY
GOVT. OF INDIA
05 NOV 2024

VAKALATNAMAIn the Hon'ble National Green Tribunal Pune
At AhmedabadO.P. No. 54 / 2024

District :

Kuldip. K. Sodha

Vs

Union of India
& othersComplainant
Petitioner/s
Appellant/s
Plaintiff/sAccused
Respondent/s
Opponents/s
Defendant/s

I / We the undersigned Pune. 8. do hereby appoint and retain Mr. ANIL H. SONI, B. Com., L.L.M. in the above Petition/Appeal/Suit/case to act appear and plead for Me/Us and to prosecute the same and all proceeding that may be taken in respect of any application connected with the same.

In witness whereof I/We have set my/our hand to this writing


Dated this the 28th day of Oct 24 200

Accepted By :

Anil H. Soni
Advocate
(Gujarat High Court)



Signature/s _____



Executive Engineer (Civil),
GSECL, GTPS.