

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.

....

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

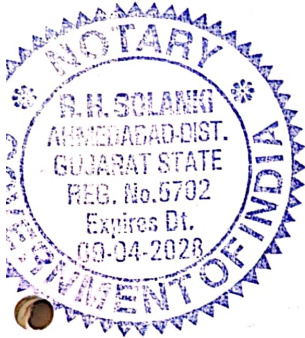
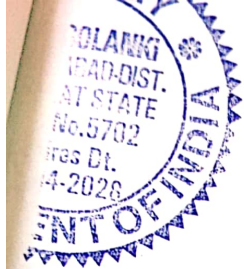
Prakesh

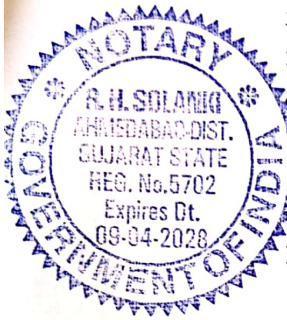
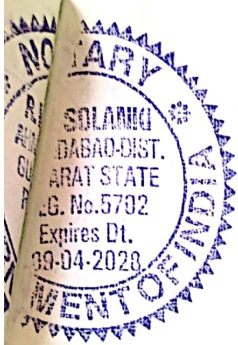
not mean that respondents have admitted those paragraphs and contents.

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.





(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.

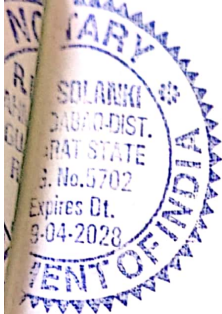
(6) Coal yard having sprinkler system to suppress coal dust.

(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.

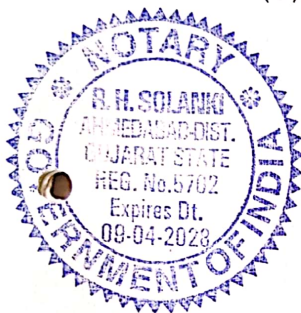
From the above details it is fact that GSECL-KLTPS is taking all required and necessary steps to follow the directions of Ministry of Environment and Pollution Control Board.

(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.

Pr



(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).

PHD

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.

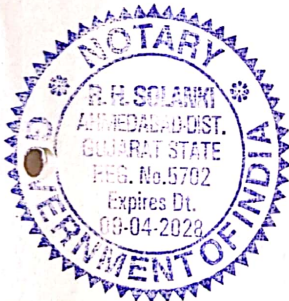
In view of above, the application of the applicant shall be rejected.

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)
SSCOL, GYPS.

[Signature]
Anil H. Sani

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



File no: CGWA-21/6/2020-CGWA-111
Government of India
Ministry of Jal Shakti
Central Ground Water Authority

Date: 12.03.2024

Office Memorandum

Subject: Issues relating to relaxation of charges etc on Ground Water Abstraction.

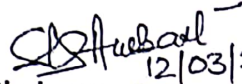
The matter relating to imposing Environmental Compensation (EC) charges as per the provisions of Guidelines dated 24.09.2020 on existing projects applying late for NOC, including those applying late for renewal of existing NOC was under consideration of the Central Ground Water Authority (CGWA). In this connection, it is observed that imposition of hefty EC is becoming a discouraging factor for several Project Proponents for applying for NOC, especially those falling under MSME category who have smaller investment and limited working capital. Further, the projects, which, although had obtained NOC from CGWA earlier, but did not apply for renewal in time, are also being imposed EC. Such projects are also hesitant in coming forward for renewal of their NOC. Therefore, it is felt that relaxation of EC for a specific period may help in bringing maximum projects into ambit of ground water regulation regime. Further, as per the feedback received from commerce and industries, there are some other provisions of the Guidelines, which require re-examination and relaxation, such as imposition of EC on saline groundwater extraction without proper NOC and collection of heavy charges for change in Log-in ID.

2. The matter has been examined. In order to ensure balance between Ease of Doing Business initiative of Government of India as well as environmental concerns due to over-exploitation of groundwater, it is felt appropriate to provide some relief to the commercial and industrial establishments of certain category abstracting ground water, so as to encourage more and more projects to come forward for obtaining NOC from CGWA and thus become a part of ground water regulation regime. Further, it is imperative that such relief is offered only for a limited period so as to have seamless implementation of guidelines for groundwater extraction.

3. In view of the above, it has been decided with the approval of the Competent Authority to issue instructions on the following:

- A. Relief in Environmental Compensation for Existing Projects without Proper NOC on Late/ Delayed Submission of Application (Fresh/ Renewal).
- B. Relief in Environmental Compensation towards Saline Groundwater Extraction.
- C. Relief in Charges for Change in Log-in Id for Logging in into NOCAP Portal/ Any other Item/ Correction.

4. The detailed instructions on the aforesaid issues are provided in the Annexure for giving wide-publicity to all stake holders.
5. This will take immediate effect.


 12/03/2024
 (Chairman, CGWA)

To
All Concerned and Stake Holders

Annexure

Issues relating to relaxation of charges etc on Ground Water Abstraction.

I. Definitions

- i. **CCA:** Consolidated Consent and Authorization issued by respective State Pollution Control Board
- ii. **CTO:** Consent to Operate
- iii. **Charges for Change in user ID and any other item/ correction:** As prescribed in Table 16.2 of guidelines dated 24.09.2020
- iv. **Deficiency Memo:** Communication to PP of deficiencies in submitted application (About incomplete documents/ about Advance Charges/ Clarifications etc.)
- v. **Date of Commencement of Project:** The date provided by the Project Proponent in the application on which the project became operational after receiving CTO/ CCA.
- vi. **Environmental Compensation Calculation:** As per rates and deterrent factor prescribed in Tables 15.1 to 15.2 read with CGWA Public Notice No. 10/2022 dated 03.11.2022.
- vii. **Environmental Compensation Imposition:** As per Para 15.0 and Para 11(vii) of guidelines dated 24.09.2020.
- viii. **Existing MSME:** MSME projects (refer definition I(xi)), whose date of commencement (Refer definition I(iv)) is prior to announcement of scheme.
- ix. **KLD:** Kilo Litre per Day
- x. **Log-in ID:** Registered Log-in Id for submission of application/ renewal thereof and tracking of application status.
- xi. **MSME:** Micro, Small and Medium Enterprises as classified vide Ministry of MSME Notification SO 1702(E), dated 01.06.2020

(https://msme.gov.in/sites/default/files/MSME_gazette_of_india.pdf)

All industrial, infrastructure and mining projects having valid Udyam Registration/ UdyogAdhaar certificate from MSME, verifiable from Udyam Registration website (<https://udyamregistration.gov.in>).

- xii. **NOCAP:** Web portal of CGWA for No Objection Certificate Application & Processing
- xiii. **PP:** Project Proponent, i.e Applicant
- xiv. **Saline Groundwater:** As defined in CGWA guidelines for Saline Groundwater Extraction uploaded on NOCAP Portal. These guidelines can be accessed through the link [Saline guidelines_approved.pdf \(cgwa-noc.gov.in\)](#)

II. Implementation Committee

An **Implementation Committee (IC)** shall be constituted at CGWA, New Delhi under the chairmanship of Member (CGWA), which will be responsible for overall implementation of these instructions, including proper maintenance of portal and grievance redressal.

Part A. Relief in Environmental Compensation for Existing Projects without Proper NOC on Late/ Delayed Submission of Application (Fresh/ Renewal)

- i. Existing MSMEs extracting groundwater up to 100 KLD (excluding the projects of Packaged Drinking Water/ Packaged Natural Mineral Water/ Mineral Water and Aerated/ Carbonated/ Alcoholic Beverages) will be eligible for availing benefits of the scheme.
- ii. The scheme will also cover MSME projects extracting groundwater up to 100 KLD (excluding those as mentioned above) whose application was rejected earlier for any reason(s).
- iii. Both fresh, as well as renewal applications from the beneficiary category as defined at (i) above, shall be covered under the scheme.
- iv. The scheme is applicable only to the projects existing prior to announcement of scheme. Projects commencing after the announcement of scheme, but applying late for NOC shall not be covered under this scheme.
- v. Date of commencement as given in the NOC application shall be considered for deciding existence of project prior to date of announcement of scheme, subject to the date given is in conformity with other documents, including CTO/CCA.
- vi. The scheme will remain in force for a period of one year from the date of announcement and relaxation from EC will be provided in 4 slabs based on how early the NOC application is filed after the announcement of the Scheme. During this period, the PPs interested in availing the benefit of the Scheme, shall file their application for NOC on the NOCAP portal of CGWA providing all necessary documents and details as required in regular course. Details of relief from EC to be provided under the Scheme are provided in the following paras.
 - a. **80% relief in Environmental Compensation (EC)** shall be given to applications submitted within 3 months (falling within 1st trimester) from the date of announcement scheme. For example, if Project Proponent applies within 3 months from date of announcement of scheme and normal EC is calculated as Rs 1 Lakh as per the provisions of the Guidelines dated 24.09.2020, the PP shall be eligible for relief to the tune of 80% in EC and the amount of EC to be paid will be Rs 20,000/- only.

- b. **60% relief** in EC shall be given to applications submitted after 3 months but within 6 months (falling within 2nd trimester) from the date of announcement scheme.
- c. **40% relief** in EC shall be given to applications submitted after 6 months but within 9 months (falling within 3rd trimester) from the date of announcement scheme.
- d. **20% relief** in EC shall be given to applications submitted after 9 months but within 12 months (falling within 4th trimester) from the date of announcement scheme.
- vii. Start-date and end-date of each trimester shall be completion of month as per date of announcement of scheme. For example, if the date of announcement of scheme 15.03.2024, end-date for trimesters shall be 14.06.2024, 14.09.2024, 14.12.2024 and 14.03.2025 respectively.
- viii. The scheme shall be closed after one year and no relief shall be extended thereafter.
- ix. Applications of eligible beneficiary category, i.e. existing MSMEs extracting groundwater up to 100 KLD, pending with CGWA at the time of announcement of scheme and where EC is applicable, shall also be eligible for relief of 80% in EC.
- x. If the PP fails to pay the amount within 30 days of approval of NOC and/or communication of charges, then it will forfeit the benefit of relief/ it will not be eligible to avail the benefit of relief.
- xi. Benefit of scheme shall not be available to those projects which have case(s) of illegal extraction of ground water pending against them before any Court/ Tribunal/ Authority.

Part B. Relief in Environmental Compensation towards Saline Groundwater Extraction.

- i. Implementation of Public Notice dated 21.06.2023 regarding EC on saline groundwater extraction without valid NOC shall be kept suspended for one year with effect from the date of announcement of this scheme. That is, no EC will be levied on applications for saline water extraction submitted during one year with effect from the date of announcement of this scheme.
- ii. Benefit of relief shall be extended to all existing projects extracting saline groundwater.
- iii. Existing applications shall also get benefit of the scheme.

Part C. Relief in Charges for Change In Log-in Id for Logging in into NOCAP Portal/ Any other Item/ Correction

- i. Rs 1000/- will be charged for change in Log-in Id for one year from the date of announcement of this scheme.
- ii. Rs 500/- will be charged for any other item/ correction for one year from the date of announcement of this scheme.
- iii. This relief is being extended across all categories.

III. Miscellaneous Provisions

- i. Necessary documents are to be submitted at the time of submission of application. List of documents to avail benefit of Part-A and Part-B is provided below. PPs are advised to go through the list of documents carefully before applying. If any deficiency is found in the application, a Deficiency Memo will be issued to PP. If the PP fails to cure the deficiencies mentioned in Deficiency Memo issued to him within 30 days from the date of issuance of such Memo, his application shall be summarily rejected without providing any benefit of the scheme.
- ii. The quantum of groundwater extraction on which basis benefit is availed under Part-A of scheme, shall not be increased later without valid reason.
- iii. If at any stage, it is found that the PP has provided false information as regard to MSME status and/or quantum of extraction or quality report for availing benefit of scheme under Part-A and Part-B, the PP shall be liable to penal provisions under extant rules along with recovery of full Environmental Compensation till the date borewell(s) are sealed after such information comes to the notice of CGWA/ any Authorized Officer.
- iv. In case the PP encounters technical glitches in NOCAP Portal during advance payment/ submission of application, resulting in application submission moving into the next trimester, it can register grievance with CGWA, submitting the screenshots of such technical glitch. The screenshot should be clear and legible, showing entire web page including the date of error, as well as address bar. The Implementation Committee will scrutinize the issue and decide the case as per merit. Decision of IC, which shall be made only after providing an opportunity to be heard to the PP, shall be final and binding on PP. The decisions of IC shall be in the form of speaking orders.
- v. The procedure mentioned at IV(iv) above shall be applicable *mutatis mutandis* for the cases where the PP makes genuine attempts to pay the EC charges (to be paid within 30 days from the date of communication of such charges to him by CGWA) but fails to do so due to technical glitches in the portal.
- vi. The PP can register other grievance(s) too, if any, with CGWA. The grievance shall be referred to the IC for resolution and redressal. Decision of IC shall be final and binding on PP.

Documents required for availing Benefit of Part-A of the Scheme

A. Fresh Applications

- i. CTO/ CCA
- ii. MSME Certificate
- iii. Non-Availability of Water (NAW) Certificate or NAW Affidavit on Rs 50/- Non-judicial Stamp Paper
- iv. Affidavit regarding Drinking/ Domestic requirement on Rs 100/- non-judicial stamp paper

B. Renewal Applications

- i. MSME Certificate

- ii. Self-compliance report to be uploaded on NOCAP (in case of difficulty in uploading on NOCAP, PDF version may be attached as Additional Document with the application)
- iii. Compliance documents with geotagged photographs (telemetry included)
- iv. Self-compliance Affidavit on Rs100/- non-judicial Stamp Paper
- v. Self-inspection report to be uploaded on NOCAP (in case of difficulty in uploading on NOCAP, PDF version may be attached as Additional Document with the application)
- vi. Affidavit regarding Drinking/ Domestic requirement on Rs 100/- non-judicial stamp paper
- vii. Justification for increase in quantum, if any, from the previous NOC (including denial of water supply by other agencies providing water earlier). If the PP has already extracted quantum beyond permitted quantum in previous NOC, justification for same may be provided.

Documents required for availing Benefit of Part-B of the Scheme

A. Fresh Applications

- i. CTO/ CCA
- ii. MSME Certificate
- iii. Non-Availability of Water (NAW) Certificate or NAW Affidavit on Rs 50/- Non-judicial Stamp Paper
- iv. Quality Report of Groundwater from borewell(s) in the premises
- v. Undertaking/ Affidavit on Rs50/- non-judicial Stamp Paper to the effect that quality report pertains to groundwater from borewells in the premises of project.
- vi. Affidavit regarding Drinking/ Domestic requirement on Rs 100/- non-judicial stamp paper

B. Renewal Applications

- i. MSME Certificate
- ii. Self-compliance report to be uploaded on NOCAP (in case of difficulty in uploading on NOCAP, PDF version may be attached as Additional Document with the application)
- iii. Compliance documents with geotagged photographs (telemetry included)
- iv. Self-compliance Affidavit on Rs100/- non-judicial Stamp Paper
- v. Self-inspection report to be uploaded on NOCAP (in case of difficulty in uploading on NOCAP, PDF version may be attached as Additional Document with the application)
- vi. Quality Report of Groundwater from borewell(s) in the premises
- vii. Undertaking/ Affidavit on Rs50/- non-judicial Stamp Paper to the effect that quality report pertains to groundwater from borewells in the premises of project
- viii. Affidavit regarding Drinking/ Domestic requirement on Rs 100/- non-judicial stamp paper

24/O/o RD(CGWA)

- ix. Justification for increase in quantum, if any, from the previous NOC (including denial of water supply by other agencies providing water earlier). If the PP has already extracted quantum beyond permitted quantum in previous NOC, justification for same may be provided.
