

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO 164 OF 2018**

IN THE MATTER OF:

ASHWANI KUMAR DUBEY

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

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FILED BY



UNUC LEGAL LLP

Counsels for the Respondent No. 27

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PLACE: NEW DELHI

DATE: 16.05.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO 164 OF 2018**

IN THE MATTER OF:

ASHWANI KUMAR DUBEY

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 27 (JAYPEE NIGRIE
POWER PLANT) REGARDING COMPLIANCE OF THE
RECOMMENDATIONS OF THE FACT-FINDING COMMITTEE**

I, Mahesh Chaturvedi, S/o Late D.N. Chaturvedi, aged about 59 years, Authorized Representative of the Respondent No. 27 at J.A House, 63 Basant Lok, Vasant Vihar, New Delhi-110057, presently at New Delhi, do hereby solemnly affirm and declare as under:

1. That I am the authorized representative of Respondent No. 27 and in such capacity, am well conversant with the facts and circumstances of the case and am competent and duly authorize to swear this affidavit.
2. That the accompanying affidavit has been drafted under my instructions, which I have read and fully understood. The averments therein are true and correct to my knowledge.
3. That the aforesaid matter is pending before this Hon'ble Tribunal titled *Ashwani Kumar Dubey v. Union of India & Ors.*, O.A. No. 164 of 2018, wherein, Jaiprakash Power Venture Ltd. (Jaypee Nigrie Super Thermal Power Project) is one of the respondents.



For JAIPRAKASH POWER VENTURES LTD.

(Signature)

(MAHESH CHATURVEDI)
Company Secretary & Compliance Officer
(FCS - 3188)

4. The answering Respondent No. 27 was apprised about the aforesaid case ongoing before this Tribunal and the direction passed by this Hon'ble Tribunal vide order dated 18.01.2022, wherein it was directed that all the companies and concerned parties, who had received notices were supposed to file a response to the report by the fact-finding committee in relation to the direction/recommendation made by the fact-finding committee as appointed by this Tribunal.
5. The relevant portion of the report points out the compliances to be followed by Thermal Power Plants and the same is produced hereunder:

"1. The common issue in all the above eight matters is the remedial action against violation of environmental norms by the Thermal Power Plants (TPPs) in the light of facts found and recommendations of the fact-finding committees, set out inter alia in para 15 of this order. There is resultant air water and land pollution due to not installing requisite air pollution control and monitoring devices (FGDs and CAAQMS) to mitigate air pollution during the operation of TPPs, unscientific handling and storage of fly ash beyond the capacity of fly ash dykes/ponds resulting in devastating accidents due to their breach. Such breaches have resulted in contamination of water sources, damage to crops, loss of human lives and flora and fauna. Accumulated fly ash has been found to be 1670.602 Million Tonnes as on 31.12.2021. The same is a source of continuing damage to public health and the environment. Several Industrial areas (about 100), particularly Singrauli and Sonebhadra in Madhya Pradesh and Uttar Pradesh about which factual reports are on record of present case are categorized as polluted industrial clusters on the basis of Comprehensive Environment Pollution Index (CEPI) prepared by CPCB. Associated issue of Pollution by stone crushers, coal mining and transportation in the area is also for consideration."

6. That as per the Fact Finding Committee's Report from Pages no. 24-35 and item no. 1 'Nigrie, J P Associates' on Page 29, the answering respondent was found to be compliant on account of Fly Ash Utilization of up to 100.04% for the years 2020-

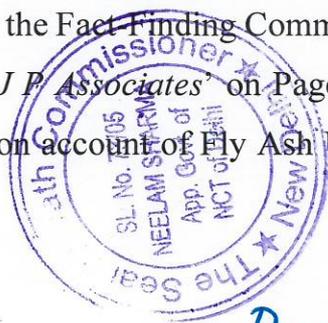
For JAIPRAKASH POWER VENTURES LTD.



(MAHESH CHATURVEDI)

Company Secretary & Compliance Officer.

(FCS - 3188)



Page 2.

2021. It is submitted that the answering Respondent has been a compliant entity since 2009 and as per the table on Page 29, the Answering Respondent had achieved 100.04% Fly Ash Utilization.

7. The Answering respondent no. 27 as a law-abiding entity would always endeavour to comply with the legal requirements.

8. It is submitted that the answering Respondent No. 27 is maintaining an air quality index in compliance with the directions of Pollution Control Board, the report of which is periodically sent to the Pollution Control Board, Madhya Pradesh. Further documents depicting the year-wise compliance and the details of Fly Ash Utilization for FY 19-20 & 22-23 of Respondent No. 27 is annexed herewith and marked as **Annexure-JP-1**.

9. As evident from the above, it can be seen that the answering Respondent no. 27 is duly complying with all the aforesaid compliances as pointed out in the Report. Furthermore, answering Respondent No. 27 undertakes to comply with the directions above and any other direction, issued from time to time by this Hon'ble Tribunal.

For JAIPRAKASH POWER VENTURES LTD.

(MAHESH CHATURVEDI)

Company Secretary & Compliance Officer.

(FCS - 3188)

DEPONENT

I identified the deponent who has signed in my presence

VERIFICATION:

I, the deponent above named, do hereby solemnly verify the contents of the foregoing Affidavit as true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

16 MAY 2024

For JAIPRAKASH POWER VENTURES LTD.

Verified at New Delhi on this 16th day of May 2024.

(MAHESH CHATURVEDI)

Company Secretary & Compliance Officer.

DEPONENT

(FCS - 3188)



Solemnly sworn before me read over & explained to the deponent Admitted to be correct

Oath Commissioner, New Delhi

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16 MAY 2024

MINISTRY OF POWER
CENTRAL ELECTRICITY AUTHORITY
THERMAL CIVIL DESIGN DIVISION

Monthly Abstract of Ash Generating and Utilization
(For the Period from 1st April, 2019 to 30th September, 2019)

Name of Power Utility: Jaiprakash Power Ventures Limited

Name of Thermal Power Plant: Jaypee Nigrie Super Thermal Power Plant

Installed Capacity (Total): 2 x 660 MW

PERIOD OF REPORT- 1st April 2019 to 31st March 2020

Sl. No.	ASH GENERATION AND UTILIZATION (In LMT)						MODE OF ASH UTILIZATION AND UTILIZATION IN EACH MODE (In LMT)									
	Month	Coal consumed	Ash content of coal	Ash Generation	Ash Utilization	% age Utilization	In making of Fly Ash based/ Bricks/ Blocks/ Tiles etc.	In manufacture of Portland Pozzolana Cement	In construction of Highways & Roads including Flyovers	Part replacement of cement in concrete	In Hydro Power Sector in RCC Dam Construction	In Ash dyke raising	In reclamation of low lying Area	In Mine filling	In Agriculture/ Waste land Development	Others
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
1	APRIL-19	3.69029	33.22	1.22598	1.01756	83.00	0.02652	0.99104								
2	MAY-19	3.73356	33.82	1.26269	1.06669	84.48	0.01753	1.04916								
3	JUNE-19	3.68699	33.89	1.24952	1.03710	83.00	0.00599	1.03111								
4	JULY-19	1.99382	33.86	0.67511	0.74629	110.54	0.02791	0.71838								
5	AUGUST-19	1.92007	33.90	0.67011	0.59623	88.97	0.01185	0.58438								
6	SEPTEMBER-19	2.84302	29.42	0.83642	0.68878	82.35	0.01080	0.67798								
7	OCTOBER-19	3.56650	33.84	1.20690	1.05513	87.43	0.01380	1.04133								
8	NOVEMBER-19	3.29484	33.80	1.11365	0.98911	88.82	0.02072	0.96839								
9	DECEMBER-19	3.71901	32.65	1.21425	1.05775	87.11	0.02341	1.03434								
10	JANUARY-20	3.36691	32.21	1.08448	0.90992	83.90	0.01540	0.89452								
11	FEBRUARY-20	2.28587	32.00	0.73148	2.14308	292.98	0.01350	0.62958					1.50000			
12	MARCH-20	2.55143	29.21	0.74527	1.85825	249.34	0.01328	0.62624					1.21873			
	TOTAL	36.65231	32.65	12.01586	13.16590	109.57	0.20071	10.24646					2.71873			

- Note: (i) Ash means all type of ash including Fly Ash, bottom Ash and Pond Ash etc
(ii) Quantity of ash may be provided in Lakh Metric Ton (LMT) upto five decimal places
(iii) Ash utilisation in Column (6) shall be equal to summation of modes of ash utilisation in each mode i.e. summation of column (8) to column (17)

Abbreviations:-
MW-Mega Watt
TPS- Thermal Power Station
KM- Kilometre
LMT- Lakh Metric Tonne
Kcl- Kilocalories

- Note: (i) Fly Ash utilization is not considered as Disposal.
(ii) % age of utilization more than 100% is due to utilization of pond ash for cement manufacturing

Monthly Abstract of Ash Generation and Utilization
(For the Period from 1st April, 2022 to 31st March, 2023)

Name of Power Utility: Jaiprakash Power Ventures Limited

Name of Thermal Power Plant: Jaypee Nigrie Super Thermal Power Plant

Installed Capacity (Total): 1320MW(2 x 660 MW)

PERIOD OF REPORT- 1st April 2022 to 31st March, 2023

Sl. No.	ASH GENERATION AND UTILIZATION (In LMT)						MODE OF ASH UTILIZATION AND UTILIZATION IN EACH MODE (In LMT)										
	Month	Coal consumed	Ash content of coal	Ash Generation	Ash Utilization	% age Utilization	Fly ash based products viz. bricks, blocks, tiles, fibre cement sheets, pipes, boards, panels;	Cement manufacturing, ready mix concrete;	Construction of road and fly over embankment, Ash and Geo-polymer based construction material;	Construction of dam;	Filling up of low lying area	Filling of mine voids;	Manufacturing of sintered or cold bonded ash aggregate;	Agriculture in a controlled manner based on soil testing;	Construction of shoreline protection structures in coastal districts;	Export of ash to other countries;	Any other eco-friendly purpose as notified from time to time.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
1	Apr-22	4.45365	30.18	1.34411	1.22419	91.08	0.03437	1.04083			0.14900	0.00000					
2	May-22	5.22188	28.15	1.46991	1.26220	85.87	0.04032	1.09588			0.12600	0.00000					
3	Jun-22	5.33151	31.42	1.67516	1.40393	83.81	0.06771	1.29872			0.03750	0.00000					
4	Jul-22	4.81424	29.32	1.41154	1.12805	79.92	0.06308	1.06497			0.00000	0.00000					
5	Aug-22	4.67065	30.79	1.43809	0.75720	52.65	0.05418	0.70302			0.00000	0.00000					
6	Sep-22	4.55077	29.30	1.33338	0.94986	71.24	0.09149	0.85837			0.00000	0.00000					
7	Oct-22	3.75980	31.34	1.17832	0.79411	67.39	0.06733	0.72678			0.00000	0.00000					
8	Nov-22	2.96904	30.73	0.91239	0.89874	98.50	0.08192	0.81682			0.00000	0.00000					
9	Dec-22	3.64387	31.31	1.14090	2.60344	228.19	0.07974	1.02370			1.50000	0.00000					
10	Jan-23	3.71482	32.54	1.20880	1.59478	131.93	0.06063	1.03416			0.00000	0.50000					
11	Feb-23	1.96691	29.56	0.58141	0.96362	165.74	0.02120	0.42242			0.00000	0.52000					
12	Mar-23	2.81786	30.27	0.85296	0.97924	114.81	0.01272	0.75152			0.00000	0.21500					
	TOTAL	47.91500	30.41	14.54697	14.55937	100.09	0.67469	10.83718			1.81250	1.23500					

Note: (i) Ash means all type of ash including Fly Ash, bottom Ash and Pond Ash etc

(ii) Quantity of ash may be provided in Lakh Metric Ton (LMT) upto five decimal places

(iii) Ash utilisation in Column (6) shall be equal to summation of modes of ash utilisation in each mode i.e. summation of column (8) to column (17)

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**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

O.A. NO. 164 OF 2018

IN THE MATTER OF:

Ashwani Kumar Dubey

...Applicant

v.

Union of India & Ors.

...Respondents

VAKALATNAMA

KNOW ALL to whom these presents shall come that I, Mahesh Chaturvedi, in the above-named, do hereby appoint:

PAWAN R UPADHYAY (D-1293/1995), SARVJIT PRATAP SINGH (D-3132/2010)
VARUN SHARMA (D-3509/2018), & SUPRIYA R. PANDEY (D-8432/2022)

UNUC LEGAL LLP
ADVOCATE FOR RESPONDENT NO. 27
(JAYPEE NIGRIE POWER PLANT)
P-97, South Extension Part-II,
New Delhi-110049,
Email: unuconsultants@gmail.com
Mob: 7011241783 & 011-41057587

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case authorize him:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including the High Court/Supreme Court subject to payment of fees separately for each court by me/us.

To sign, file verify and present pleadings, appeals cross-objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/ or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever they may think fit to do so and to sign the Power of Attorney on our behalf.

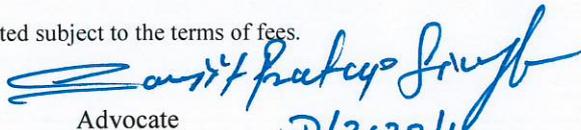
And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/ us to all intents and purposes.

And I/ We undertake that I/We or my/our duly authorized agent would appear in the Court on all hearings and will inform the Advocate for appearance when the case is called. And I/We undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/ us to be paid to the advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and the above Court. I/We hereby agree that once the fee is paid. I/We will not be entitled for the refund of the same in any case whatsoever.

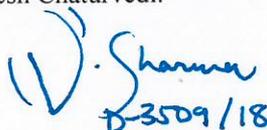
IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been undersigned by me/ us on this 13th day of May, 2024.

Accepted subject to the terms of fees.


Advocate


D-8432/22
D/3132/10
D-018276/2018

I identify the signature of Mr. Mahesh Chaturvedi.


D-3509/18

For JAIPRAKASH POWER VENTURES LTD.


Client.

(MAHESH CHATURVEDI)
Company Secretary & Compliance Officer
(FCS - 3188)