

**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

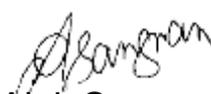
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Place: New Delhi

Date: 17.11.2025

Through Counsels:


Alok Sangwan, Rajat Sangwan and Sumit Kumar Sharma





[D/678/2000]

[D/4417/2019]

[D/6028/2020]

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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A. No. 360 OF 2023

IN THE MATTER OF:

AJAY SRIVASTAVA

...APPLICANT

versus

STATE OF HARYANA & ORS.

...RESPONDENTS

**AFFIDAVIT OF SH. ARBIND KUMAR, EXECUTIVE
ENGINEER, ON BEHALF OF FARIDABAD THERMAL
POWER STATION IN COMPLIANCE OF ORDER DATED**

04.09.2025
Register
Dated

MOST RESPECTFULLY SHOWETH:

1. That the answering deponent is well conversant with the facts of the case, submits this affidavit on behalf of Faridabad Thermal Power Station, HPGCL (hereinafter, the 'FTPS') in compliance of order dated 04.09.2025 passed by this Hon'ble Bench directing the Answering Respondent as follows:

'...3. Hence, learned counsel for the HPGCL is required to disclose the law which was enforced when the Old Ash Dyke was created and to show that the old ash dyke was created by following existing law...'



(Signature)

Registered (12/11/2011)
 Dated 12/11/2011

2. That the deposition in the present affidavit may kindly be read in addition to the previous replies by way of affidavits filed before this Hon'ble Bench.
3. That the Old Ash Dyke at FTPS, Faridabad, was created in 1974 and was operational up till 1988. As record traced / explored, at the time of its operation, the specific and detailed environmental regulations governing ash dyke design, constructions and management was not found. However general statutes governing/regulating pollution are as follows:

- a. The Water (Prevention and Control of Pollution) Act, 1974;
- b. The Air (Prevention and Control of Pollution) Act, 1981;
- c. The Environment (Protection) Act, 1986 (enacted when the Old Ash Dyke was nearing the end of its operational life).



Therefore, in the absence of governing enactments/regulation operation of Ash Dykes, FTPS was guided by the general duties under the above Acts and more importantly, by adopting the best contemporary engineering practices and consultations with the Central Electricity Authority (CEA).

5. The deponent vehemently submits that fly ash had been disposed of properly by the Answering Respondent. The same is evident from the minutes of 112th and the 113th Meeting of the 'Faridabad Thermal Standing Committee' (hereinafter **FTSC**) held on 07.11.1988 and 10.12.1988,

[Handwritten signature]

17/11/25
 Register No. 102
 dated

respectively. The true and typed copies of the minutes of meetings dated 07.11.1988 and 10.12.1988 are attached herewith as **ANNEXURE R-1 and R-2**, respectively.

On perusal of memoranda, it transpires that an Action Committee of residents of adjoining area of Faridabad town approached Hon'ble Supreme Court of India regarding pollution caused on account of fly ash. The Hon'ble Supreme Court of India issued notice of motion to the State Government. Erstwhile HSEB in response had submitted that the case for laying of earth on ash dumped along with the turfing is under process that would mitigate the problem. Accordingly, Thermal Standing Committee deliberated in respect of the issue in its 111th meeting dated 22.10.1988, 112th meeting dated 07.11.1988 and the 113th meeting dated 10.12.1988. It was decided by FTSC to award work for reclamation of old ash dyke area of Faridabad Thermal Power Station. Relevant portion of decision of FTSC (Annexure R-2) is reproduced as under:

'...After compliance of the observations of Thermal Standing Committee against item No.112-02 in the last meeting, the memorandum put up was discussed and decided as under:

Proposal to award the work to M/s. Raj Construction Co. at a total estimated cost of Rs.20,10,200/- was approved.

Thermal Standing Committee however, desired that the measurement of earth spread should be carefully assured by the Project in



A. Calcutta

Register No.
 Dated

*terms of the specifications before releasing
 the payments...'*

6. It is pertinent to mention that the complete work of reclamation of old ash dyke was done in consultation of the Central Electricity Authority (CEA). Reference can be drawn from para 2 of memorandum of 112th meeting (Annexure R-1) relevant portion of thereof is reproduced as under: -

'...2. "RECLAMATION/SCOPE OF WORK.

*As per advice of the Consultants (C.E.A.),
 specifications were framed which were got
 vetted from C.E.A.*

*The scope of work mainly covers the following
 items of work: -*

- 1) *Providing and placing 200mm thick average
 suitable earth in the ash disposal area*
- 2) *Providing and placing doob grassing (turfing)
 free from all weeds.....*
- 3) *Maintenance of the area to keep the earth and
 growth of grass intact.....*

*As stated in para (1) above, the earth
 spreading is required on the following area: -*

- i) *Area marked 1: 60,000 M² (12 acres)*
- ii) *Area marked 2 : 190,000M²(40 acres aprox)*
- iii) *Area along drain : 41,840 M² (8 acres)
 291,840 m² (60 acres)*

Say: 291,500 M²'

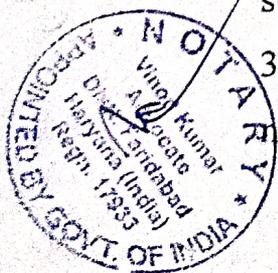
7. It is evident that the work of reclamation Old Ash Dyke was awarded to M/s. Raj Construction Co. at a total



Register No. 102
 Dated 12/11/25

estimated cost of Rs. 20,10,200/-. Accordingly, the ash dyke has been stabilized by now and is causing no environmental pollution whatsoever. The same can be evidenced from the pictures attached herewith and marked as **ANNEXURE R-3**.

8. Thus, the required standards of environmental accountability were undertaken by FTPS at the prevailing time including the following:
 - a. The Central Electricity Authority (CEA) were on-board the FTSC for consultations qua reclamation of the Old Ash Dyke disposal area;
 - b. In pursuance of the advice of the consultants, i.e. CEA, the area of the Old Ash Dyke was covered with a layer of 200 mm earth layer along with turfing.
 - c. The work of "Reclamation of Old Ash Disposal Area" was formally approved for award to M/s. Raj Construction Co. at a total estimated cost of Rs. 20,10,200/-.
9. The official records evidence that the reclamation of the Old Ash Dyke in the years 1988-89 was carried out in consultation with CEA. The work of covering the ash with a layer of earth and turfing were direct measures to prevent air pollution.
10. So far as the law with respect to utilisation and disposal of fly ash is concerned, the first notification was issued by the Ministry of Environment and Forest on 14.09.1999 and subsequently, on 27.08.2003, 30.11.2003, 25.01.2016, 30.12.2021 which was subsequently amended vide notification dated 01.01.2024. A copy of the notification



(Signature)

Register No... (167)
Dated... 17/11/25

dated 14.09.1999 issued by the Ministry of Environment and Forests is attached herewith and marked as ANNEXURE R-4. A copy of the notification dated 27.08.2003 issued by the Ministry of Environment and Forests is attached herewith and marked as ANNEXURE R-5. A copy of the notification dated 03.11.2009 issued by the Ministry of Environment and Forests is attached herewith and marked as ANNEXURE R-6. A copy of the notification dated 25.01.2016 issued by the Ministry of Environment and Forests is attached herewith and marked as ANNEXURE R-7.

11. Therefore, in light of the absence of any mandate, rules, or regulations governing the utilisation of legacy ash and reclamation of land thereof in the contemporaneous period, the Answering Respondent on its own volition adopted best practices in consultation with the CEA to reclaim the Old Ash Dyke area of FTPS incorporating methods such as placement of a layer of earth, turfing,

12. The Old Ash Dyke is stable since the past 37 years and has been reclaimed with a greenbelt and plantations, a fact concurred by the Joint Visit of HSPCB and HPGCL held on 25.06.2024. Copies of photographs taken on 22.08.2025 by the Answering Respondent encompassing the aerial and close-up view of the Old Ash Dyke is attached herewith and marked as ANNEXURE R-8.

13. The current status of the Old Ash Dyke, thus, satisfies the exemption under the First Proviso to Clause A(5) of the MoEFCC 2021 notification, which states that legacy ash removal is not required where an Ash Dyke has stabilized



A-ccccc

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 Dated... 12/11/20

and been reclaimed, subject to certification by the Pollution Control Board.

14. The Answering Respondent has accordingly applied for the certification before the HSPCB (vide application dated 24.04.2024), which remains pending despite a positive joint inspection report.
15. The groundwater quality around the Old Ash Dyke, as per HSPCB (2024) and CGWB (2021, 2023) data is consistent with the otherwise naturally poor quality of groundwater across the entire district of Faridabad as evident from the data recorded by the CGWB. There is no conclusive evidence of localized contamination attributable to the long-stabilized Old Ash Dyke.
16. The environmental study report furnished by Ind Tech House Consult, an accredited consultant (attached as Annexure R-4 in affidavit dated 14.02.2025) clearly demonstrates the reasons to avoid excavation and removal of the ash as it would be ecologically disastrous, resulting in:
 - a. the destruction of a mature ecosystem established post the 1989 reclamation;
 - b. Catastrophic air pollution from fugitive dust, undoing the very environmental protection the 1989 project was designed to achieve;
 - c. Significant public unrest in the surrounding densely populated areas.
17. In light of the aforesaid, it is most respectfully stated that the Old Ash Dyke was not only created and managed in compliance with the legal and technical standards of its



(Signature)

Register No. 1021
Dated 17/11/25

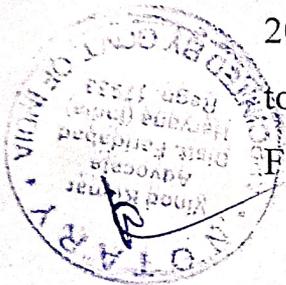
time but was also reclaimed under a formally sanctioned project, and now stands fully stabilized in line with the current regulatory framework.

[Signature]
DEPONENT

Executive Engineer
FTPS, HPGCL, FARIDABAD

VERIFICATION:

Verified at Faridabad, Haryana on this 17th day of November, 2025, that the contents of the above affidavit are true and correct to my knowledge, derived from the official records of the FTPS, Faridabad, and nothing material has been concealed therefrom.



[Signature]
DEPONENT

Executive Engineer
FTPS, HPGCL, FARIDABAD

I know the Deponent and He/She
Signed Print. His/Her Thumb
Impression in My presence

ATTESTED AS IDENTIFIED

[Signature]
Notary Faridabad (Haryana)

17 NOV 2025

ANNEXURE R-1

MINUTES OF THE 112TH MEETING OF FARIDABAD THERMAL STANDING COMMITTEE HELD ON 7.11.1988 AT PANCHKULA.

The following were present:

- | | |
|---|-------------------|
| 1. Shri Ram S. Varma, IAS. | Chairman |
| 2. Shri Virendra Nath, MFC | Member |
| 3. Shri L.R. Rajpal, M.T. (G&P) | Member |
| 4. Shri R.P. Maindiratta,
Chief Engineer | Member Secretary. |
| 5. Shri Harikesh, Sr. A.O. | By invitation |
| 6. Shri G.C. Aggarwal, D.S. (G) | By invitation |

Item No.112-01 Confirmation of minutes of the 111th meeting of Faridabad Thermal Standing Committee held on 22.10.88 at Panipat.

Confirmed.

Item No.112-02 Memorandum for the award of work "Reclamation of old Ash Disposal Area - F.T.P.P."

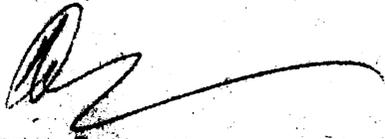
The Thermal Standing Committee decided as under:-

- i) Authorised S.P.C. to negotiate with the lowest tenderer M/s. Raj Construction Co. in respect of item 2 and 3 to bring down rates to reasonable and comparable levels as these were found to be much higher than the rates at which work was earlier got done.
- ii) It was also desired that maintenance of turfing (grass) shall be got done from Contractor for 3 months instead of one month, for the months of May, June and July ensuring that the grass is laid in April, 1989 after the spreading of the earth.
- iii) To revert back quickly for final decision by Thermal Standing Committee.

Item No.112-03 Progress of Renovation & modernisation activities for the month of October, 88 in respect of Faridabad Thermal Project.
Noted.

Item No.112-04 Working results for the month of October, 88 in respect of Faridabad Thermal Power Station.
Noted.

Sd/-
Chairman


Member Secretary.

AGENDA FOR 112TH MEETING OF FARIDABAD
THERMAL STANDING COMMITTEE

I N D E X

<u>Item No.</u>	<u>Subject</u>	<u>Page No.</u>
112-01	Confirmation of minutes of the 111th meeting of Faridabad Thermal Standing Committee held on 22.10.1988 at Panipat.	1-5
112-02	Memorandum for the award of work "Reclamation of old Ash Disposal Area - F.T.P.P."	6-13
112-03	Progress of Renovation & Modernisation activities for the month of October, 1988 in respect of Faridabad Thermal Project.	14-22
112-04	Working results for the month of October, 1988 in respect of Faridabad Thermal Power Station.	23-44
112-05	Any other item with the permission of Chairman.	

.....

MINUTES OF THE 111TH MEETING OF FARIDABAD THERMAL
STANDING COMMITTEE HELD ON 22-10-1988 AT PANIPAT.

The following were present:

- | | |
|----------------------------------|-------------------|
| 1. Shri Ram S. Verma, IAS | Chairman |
| 2. Shri Virendra Nath, MFC | Member |
| 3. Shri N.K. Sawhney, M.T. | Member |
| 4. Shri J.L. Arora, S.E. | Member Secretary. |
| 5. Shri S.L. Tuteja, FA & CAO | By invitation |
| 6. Shri G.C. Aggarwal, D.S./Gen. | By invitation. |

Item No.111-01: Confirmation of minutes of the 110th meeting of Faridabad Thermal Standing Committee held on 29.6.88 at Panchkula.

Confirmed.

Item No.111-02: Follow up action on the decisions of Thermal Standing Committee taken from time to time.

1. 108-12: Livery cloth for summer.

Thermal Standing Committee did not agree to give cash in lieu of livery cloth for the years 1986, 87 & 88 and decided that to start with four summer uniforms for each worker be provided by purchasing cloth (out of amount for these years) from N.T.C. as per prevalent rates and getting these stitched in Plant premises by making special arrangements, so that workers come to the plant in proper uniforms without fail.

2. 101-07B 109-01-B (Supl) Memorandum for implementation of staffing pattern on Faridabad Thermal Project.

It was decided that Dy.Secretary/Generation will scrutinise the proposals received so far regarding staff and put up recommendations to Whole Time Members within 15 days.

3. 110-01: Re. item No.109-01-A(Supl): Follow up action on the decisions of T.S.C. taken in its 108th meeting held on 28.12.87.

The exercise carried out by the project authorities resulting in reduced

Contd....

requirement of spares for a period of 5 years amounting to Rs.65 lacs against earlier figure of Rs.97 lacs was discussed. It was pointed out that in general for items purchased earlier the prices quoted by I.L.Kota are almost on the same pattern as quoted by them during earlier years except for about 10 to 12 items where the prices now quoted are around 40 to 50% higher than those quoted during 1983, 84 etc.

The mal Standing Committee agreed to payment of 15% advance on amount of purchase of items relating to first year.

110-09:

Progress of renovation & modernisation activities ending May, 1988 of Faridabad Thermal Power Station.

The mal Standing Committee desired that as there was no need of keeping 15 MW Plant in running condition considering the high cost of running this unit which had become out of date, action be taken as under.

- (a) Case may be prepared about disposal of the plant. A similar exercise is said to have been done by DESU recently for same size/type of Unit installed at Rajghat Power House and guidance can be had from them in this regard.
- (b) Staff will be utilised against vacant posts in other 3 units, and the remaining staff surrendered for use in operation (field).

Item No.111-03:

Memorandum for postponement of the date of overhauling of 60 MW Unit I Thermal Power Station, Faridabad.

It was decided to postpone the date of overhauling of 60 MW Unit I to April, 1989. Meanwhile Project authorities will vigorously pursue for items required for renovation activities of ejector, platten superheater and other critical spares from B.H.E.L. and other sources

Contd...

so that the same are available in time and before the start of overhauling programme.

Regarding reblading of 13th stage of HP rotor of the turbine, Thermal Standing Committee was apprehensive that in case rotor is to be taken to Hyderabad for free replacement of blades, the time taken may be much more than now indicated. Before any final decision about the free replacement of 13th stage blades by BHEL is taken, it would be better to have on one hand feedback from Bongaigaon Power Station about the performance of new blades and simultaneously to have proper confirmation from BHEL that the blades and workshop are available. This is very necessary to ensure that there is no slippage in overhauling time schedule.

Item No.111-04: Memorandum for revamping of generator of 60 MW Unit II at Faridabad Thermal Power Station.

Thermal Standing Committee agreed to the recommendations as under:

- i) To run the generator of 60 MW Unit II as it is and not to be got re-wound for the present.
- ii) This machine may be got inspected annually during major shut down in future from BHEL against any major problem in the machine.

Item No.111-05: Memorandum for post-facto approval of Thermal Standing Committee for the award of work of overhauling of Turbo-Generator and its auxiliaries of 60 MW Unit II at Thermal Power Station Faridabad to M/s. BHEL.

Approved.

Item No.111-06: Memorandum for post-facto approval of re-babbitting and machining of 3 no. Turbine bearings top halves of Unit-II Thermal Power Station Faridabad.

Approved.

Contd...

Item No.111-07: Memorandum for calculation of Plant Load factor during planned shut down.

It was desired to approach Central Electricity Authority to consider the proposal of calculating the plant load factor on the basis of capacity of remaining units whenever any one unit is taken out for shut down for a longer periods than normal recommended period for carrying out the R&M activities.

Item No.111-08: Memorandum for post-facto approval for the demurrages paid to the Railways Authorities for the period November, 83 and March, 1984 to February, 1987.

Deferred.

The present case is regarding payment of demurrage charges to Railways amounting to Rs.49,91,125/- relating to coal supplies during the month November, 1983 and March, 84 to February, 1987. It was desired that yearwise amount of demurrage charges indicating separately the amount on account of break down of Wagon Tippler, Bulldozers & Shunters be mentioned. The yearwise demurrage charges levied and paid during earlier three years be also intimated. S.E. (BPM) will investigate the matter in detail with specific reference to the type of defects/frequency of occurrence etc. & submit a report within a month.

Item No.111-09: Progress of Renovation & Modernisation activities for the month of September, 1988 in respect of Faridabad Thermal Project and latest position of overhauling of 60 MW Unit II as on 10.10.88.

While reviewing the progress of various renovation activities it was desired that steps be initiated immediately for dismantling 147 houses in the old power house colony required

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for the creation of additional space for coal storage so that actual work is taken in hand immediately on shifting of occupants to new colony. Tender documents in this regard be got prepared within a period of 15 days with stiff penalty provisions for each day taken extra for completion of job.

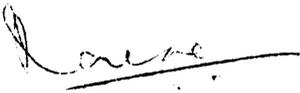
Item No.111-10: Working results of Faridabad Thermal Project for the month of 9/88, 8/88, 7/88 & 6/88.

Noted.

Item No.111-11: Any other item.

Memorandum for the award of work
"Reclamation of old Ash Disposal Area-
F.T.P.P."

Thermal Standing Committee did not agree with the proposal and conveyed their displeasure that the agenda item had not indicated the reasonability of the rates by comparing them with earlier work done. As the work is of urgent nature, the case may be brought with full details as a special item for discussion & decision on 7.11.1988.


Member Secretary.

sd/-
Chairman.

...CONTD.

ITEM NO. 112-2.

MEMORANDUM FOR THE AWARD OF WORK
"RECLAMATION OF OLD ASH DISPOSAL
 AREA - F.T.P.P."

1. INTRODUCTORY:

An area of approximately 73 acres was taken on lease from Rehabilitation Department sometime back in 1973 for disposal of ash from F.T.P.S. (As per sketch attached Areas marked 1,2,3).

This area is near village Nawadakoh at a distance of 5.5 KMs from F.T.P.S. Right from 1974 when 60 MW Unit I was commissioned, ash was being dumped in this area in the form of slurry. This area was virtually divided in two parts (Area 1 and 2) and each was being put to use alternately. Both these areas are now filled with ash and in dry condition.

As the area was getting filled up, an additional area of around 153 acres near village Bhankri and situated at a further distance of about 2.5 KMs from existing area was acquired in the year 1985. The connected works for the development of new ash disposal area were taken up right in 1985 and the area put to use since July, 1988.

One part of the old ash disposal area (area marked 1) measuring around 20 acres with effective pondage of about 12 acres and enclosed on eastern side by earthen bund got almost filled up by September, 1984 and the ash in this area started creating nuisance in the adjoining residential area due to its blowing during summer dry windy months.

As per advice of Consultants i.e. C.E.A. the same was covered with a layer of 6" of compacted earth and turfing. This work was done around mid 1985.

The second area with pondage measuring around 40 acres (marked 2) which was in use during the last 3 years or so got filled up fully and started creating similar nuisance during last summer.

The issue was taken up again with Consultants i.e. C.E.A. and as per their advice it was proposed to cover the same with 200mm of earth along with turfing.

Contd...

Meanwhile, when area marked 2 was filled up and new area (153 acres) had not been ready for use, another small area measuring about 4 acres (marked 3) was utilised for ash dumping. This area (marked 3) is now full of ash and is also proposed to be treated in the same way to avoid nuisance of ash flying.

In addition, there are some small pockets of area (total measuring about 41000 M² or say about 8 acres) along the drain, where there is accumulation of ash and these same are also required to be attended.

2. RECLAMATION/SCOPE OF WORK.

As per advice of the Consultants (C.E.A.), specifications were framed which were got vetted from C.E.A.

The scope of work mainly covers the following items of work:-

- 1) Providing and placing 200mm thick average suitable earth in the ash disposal area
- 2) Providing and placing good grassing (turving) free from all weeds.....
- 3) Maintenance of the area to keep the earth and growth of grass intact.....

As stated in para (1) above, the earth spreading is required on the following area:-

- | | | |
|-----------------------|------------------------|-------------------|
| i) Area marked 1 | 60,000 M ² | (12 acres) |
| ii) Area marked 2 | 190,000 M ² | (40 acres approx) |
| iii) Area along drain | 41,840 M ² | (8 acres) |
| | 291,840 M ² | (60 acres) |
| | 291,500 M ² | |

At the time the specification was made the area marked 3 (valley portion) was being developed for use and was hence not accounted for. Now when this area (valley portion) is also filled up and requires covering, we will get it done in place of area marked 1 because in between filling up of areas marked 1, 2 & 3 and development of new area of 153 acres beyond this area, we had from time to time been reusing the area marked 1. Even now, we are keeping this area marked 1 for emergency use as it has got a slight cushioning of a few days. These emergencies keep on arising as booster pumping work has yet not been completed by the concerned contractor M/s. Flowmore, who is under constant pressure for the same.

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Moreover, this area marked 1 was covered with earth and turfing in Mid 1985 as brought out in para 1 above and some plantations were also done. The growth is there but as the area is again in use, we will try to grow more plantations soon the area is finally abandoned. As such during execution, we do not propose to cover this area in the scope for the present, but with the inclusion of area marked 3 (valley portion) the total job area gets reduced by; about $40,000\text{M}^2$ ($60000 - 20000$) leaving the job area around $2,50,000\text{M}^2$.

As per the terms and conditions of the tender specification quantity variation upto 30% is provided up and down. As such the earth work of $58,300\text{M}^3$ has been worked out based on original stipulation of areas in tender specification and corresponding turfing etc.

3. TENDERING.

3.1 Tender Opening.

As per scope of work finalised for attending to all the above mentioned areas, press tenders were invited during May, 1988 with date of opening of Part-I as 22.6.88. There was poor response upto this date. The date of opening was accordingly extended upto 29.7.88. Part I of the tenders were opened on 29.7.88 and thereafter discussions held by S.P.C. with tenderers regarding technical/commercial clauses. Part II i.e. Price bid was opened on 19.9.88. The following three firms quoted for the work.

- 1) M/s. Swinder Singh Sandhu,
Kothi No.705, Sector-7/C, Faridabad.
- 2) M/s. Raj Const. Co.,
Kothi No.172, Sector-6, Fanchkula.
- 3) M/s. Pankaj Const. Co.,
53.C/GG-I, Vikas Puri, New Delhi.

3.2 Earnest Money.

The tenderers were required to deposit the earnest money of Rs.32,000/-. Whereas M/s. Swinder Singh Sandhu and M/s. Pankaj Const. Co., have deposited by demand draft the earnest money, M/s. Raj Const. Co., have not deposited the same. M/s. Raj Const. Co. contended that they are executing the work of Development of New Ash Disposal Area at an estimated cost of Rs.1.37 crores (about 95% complete and balance under execution) an amount of Rs.32,000/- required as earnest money may be adjusted by transferring an equal amount out of approx. Rs.6.60 lacs

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deducted as security deposit against this work. They have been advised to submit a Bank Guarantee for Rs.32000/- for this appropriation so that the purpose for which security for the Ash Development work has been deducted is also protected. This proposal was agreed to because as per terms of contract the firm was entitled for refund of Rs.1.60 lacs against Bank guarantee.

In pursuance of above proposal, although the firm has not submitted bank guarantee, no appropriation for earnest money could be done, yet their tender was opened and considered keeping in view the competition and exigency of work involved. Their case is constantly under watch for releasing of payments and deposits and considering their commitment to deduct the earnest money from their security deposit, we are processing their tender. However, it is worth mentioning that no bill has been submitted since then and as soon as any bill is processed, necessary deduction shall be made.

3.3 VALIDITY

All the three tenders are valid for a period of three months from the date of opening of price bid of 19.9.88 i.e. upto 18.12.88.

4. COMPARATIVE STUDY AND COMPARATIVE STATEMENT.

As per scope of work the job is comprising of 3 activities namely, spreading of earth, turfing with grass and maintaining the same for a predetermined time/condition of growth of grass. As per the specification clause 3 the thickness of the earth spread is 200mm (8") after levelling and dressing but becomes 150mm (6") after watering and planting grass. The watering is part of the grass planting activity.

The rates quoted by the firms are as under:

S. No.	Item of work	Quantity	M/s.Pankaj Const. Co.		M/s.Swinder Singh		M/s.Raj Const. Co.	
			Rate	Total	Rate	Total	Rate	Total
1.	1	58300M ³	60/-	3498000/-	42/-	2448600/-	31.57	1840531/-
2.	2.	291500M ²	10/-	2915000/-	2/-	583000/-	1.57	457655/-
3.	3	291500M ²	5/-	1457500/-	1/-	291500/-	0.57	166155/-
				7870500/-		3323100/-		2464341/-

Contd...

In case of almost similar work got done in a part of the area (area marked 1) during 1985 and as referred above, the rates were as under:-

- | | | |
|----|--|-----------------------------|
| 1) | Providing and placing earthfill material in the ash disposal area..... | Rs.34.95 per M ³ |
| 2) | Grassing with doob grass including watering and mtc. of area | Rs.0.28 per M ³ |
- (Item 2 and 3 in present case)

This work with total amounting to Rs.3.29 lacs approximately was done by the firm M/s. Bhiwani Dass Swinder Singh. Shri Swinder Singh who is second lowest in the current case was partner in the lowest firm during 1985. The other two tenderers who have quoted this time did not quote during 1985.

The scrutiny of above reveals that the rates now quoted by the lowest tenderer for item No.1 are reasonable whereas there is wide variation in the rates now quoted for item No.2 and 3 from those quoted in the year 1985. The rates for almost similar work covering both item No. 2 & 3 as per HSR taking 150% Zonal premium sanctioned by Zonal Committee applicable from March, 1988 works out to Rs.0.43 per M². There is however, a difference that generally the item under HSR is for planting and maintaining of grass in lawns where water requirements are small and available in nearby areas. Whereas in our case the water requirements will be substantial and special arrangements will be required to be made by the contractor in nearby areas as main area to be covered with turfing is full of ash with depth of about 10 M. Further our area being isolated watch and ward is also to be arranged by the contractor specifically during mtc. period to avoid removal of grass by villagers and cattle grazing.

5. RECOMMENDATIONS.

S.P.C. has considered and recommended as under:

"S.P.C. has considered the case regarding work for reclamation of old ash disposal area and recommends that the offer of the lowest tenderer M/s. Raj Const. Co. may be accepted straight way for item No.1 namely providing and placing 100mm thick average suitable earth in ash disposal area as per specification at their quoted rates of Rs.31.57 per cum and as per their other terms and conditions.

Contd...

S.P.C. further observes that for item No.2 & 3, though the rates of M/s. Raj Const. Co. are also lowest @ Rs.1.57/M² and 0.57/M² respectively but the same are substantially higher compared to the rates at which work was executed in 1985 (Rs.0.28/M² for both the items). Taking into account elements of inflation for the period from 1985 to date, S.P.C. recommends that T.S.C. may negotiate the rates for these 2 items with the lowest tenderer so as to bring the same down. The rates of second lowest tenderer for item No. 2&3 now are Rs.2/M² & Rs.1/M² respectively. He was a partner in the firm who executed the work in 1985.

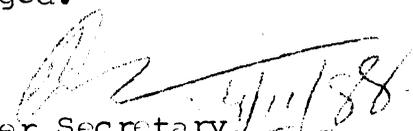
S.P.C. feels that area No.1 measuring around 60000 sqm. may be excluded and area No.3 measuring around 20,000 sqm. may be included in the scope of work. The net area requiring treatment would thus get reduced from 2,91,500 sqm. to around 2,50,000 sqm. and as per rates of the lowest tenderer the amounts for item No.1,2&3 would thus work out to Rs.15,81,000/-, Rs.3,92,500/- and Rs.1,42,500/- respectively. Additional treatment by way of plantations in area No.1 is being done and would be continued."

It may be mentioned over here that there were numerous representations from various associations/organisations of Faridabad Town during the last summer season regarding serious position faced by the residents on account of flying of ash specifically during summer windy months. These have not only been made to Thermal Plant (Electricity Authorities) but to Distt. Admn., Board and Govt. An action committee of residents approached Hon'ble Supreme Court of India regarding pollution caused on account of fly ash. The Supreme Court of India has issued notice of motion to the State Government. The case is under trial and the Counsel appointed by the State Government is defending the case. In the reply submitted by H.S.E.B. to State Govt. for further submission to Hon'ble Supreme Court, it has been stated that we are processing the case for laying of earth on ash dump alongwith turfing. It is expected that with the laying of earth layer on the ash dumps alongwith other connected works the problem would be mitigated to a great extent. It is also proposed to undertake tree plantation in the area subsequently for environmental improvement.

Thermal Standing Committee discussed the case in its meeting on 22.10.88 at Panipat and asked for comparison of rates with earlier ones. The observations have been complied with.

Contd.../

Thermal Standing Committee is requested to consider and approve awarding of work to the lowest tenderer as recommended by S.P.C. Needless to mention that activities 2 & 3 are closely linked with activity 1 as the real measurable earth condition is dependent upon watering during activity for turfing and total work awarding to single party is envisaged.


Member Secretary,
Faridabad Thermal Standing
Committee, Faridabad.

....CONTD.

[TRUE TYPED COPY OF ANNEXURE R-1]**ANNEXURE R-1**

MINUTES OF THE 112TH MEETING OF FARIDABAD THERMAL STANDING COMMITTEE HELD ON 7.11.1988 AT PANCHKULA.

The following were present:

- | | |
|--|-------------------|
| 1. Shri Ram S. Varma, IAS | Chairman |
| 2. Shri Virendra Nath, MFC | Member |
| 3. Shri L.R. Rajpal. M.T. (G&P) | Member |
| 4. Shri R.P. Maindiratta, Chief Engineer | Member-Secretary. |
| 5. Shri Harikesh, Sr. A.O. | By Invitation |
| 6. Shri G.C. Aggarwal, D.S.(G) | By Invitation |

Item No.112-01 Confirmation of minutes of the 111th meeting of Faridabad Thermal Standing Committee held on 22.10.88 at Panipat.

Confirmed.

Item No.112-02 Memorandum for the award of work "Reclamation of old Ash Disposal Area F.T.P.P."

The Thermal Standing Committee decided as under-

- i) Authorised S.P.C. to negotiate with the lowest tenderer M/s. Raj Construction Co. in respect of item 2 and 3 to bring down rates to reasonable and comparable levels as these were found to be much higher than the rates at which work was earlier got done.
- ii) It was also desired that maintenance of turfing (grass shall be got done from Contractor for 3 months instead of one month, for the months of May, June and July

ensuring that the grass is laid in April, 1989 after the spreading of the earth.

- iii) To revert back quickly for final decision by Thermal Standing Committee.

Item No.112-03 Progress of Renovation & modernisation activities for the month of October, 88 in respect of Faridabad Thermal Project Noted.

Item No.112-04 Working results for the month of October. in respect of Faridabad Thermal Power Station Noted.

Sd/-Chaiman

Sd/- Member Secretary

...CONTD.

AGENDA FOR 112TH MEETING OF FARIDABAD THERMAL
STANDING COMMITTEE

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Item No.	Subject	Page No.
112-01	Confirmation of minutes of the 111 th meeting of Faridabad Thermal Standing Committee held on 22.10.1988 at Panipat	1-5
112-02	Memorandum for the award of work "Reclamation of old Ash Disposal Area-F TPP"	6-13
112-03	Progress of Renovation & Modernisation activities for the month of October, 1988 in respect of Faridabad Thermal Project.	14-22
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MINUTES OF THE 111TH MEETING OF FARIDABAD
THERMAL STANDING COMMITTEE HELD ON 22.10.1988
AT PANIPAT.

The following were present:

- | | |
|--|-------------------|
| 1. Shri Ram S. Varma, IAS | Chairman |
| 2. Shri Virendra Nath, MFC | Member |
| 3. Shri L.R. Rajpal. M.T. (G&P) | Member |
| 4. Shri R.P. Maindiratta, Chief Engineer | Member-Secretary. |
| 5. Shri Harikesh, Sr. A.O. | By Invitation |
| 6. Shri G.C. Aggarwal, D.S.(G) | By Invitation |

Item No.111-01 Confirmation of minutes of the 110th meeting
of Faridabad Thermal Standing Committee
held on 29.06.1988 at Panchkula.

Confirmed.

Item No. 111-02 Follow up action on the decisions of Thermal
Standing Committee taken from time to time

1. 108-12: Livery cloth for summer.

Thermal Standing Committee did not agree to give cash in lieu of livery cloth for the years 1986, 87 & 88 and decided that to start with four summer uniforms for each worker be provided by purchasing cloth (out of amount for these years) from N.T.C. as per prevalent rates and getting these stiched in Plant premises by making special arrangements, so that workers come to the plant in proper uniforms without fail.

2. 101-07, 109-01-B (Supl)

Memorandum for implementation of staffing pattern on Faridabad Thermal Project.

It was decided that Dy. Secretary/Generation will scrutinise the proposals received so far regarding staff and put up recommendations to Whole Time Members within 15 days.

3. 110-01:

Re. item No.109-01-A(Supl): Follow up action on the decisions of T.S.C. taken in its 108th meeting held on 28.12.87.

The exercise carried out by the project authorities resulting in reduced requirement of spares for a period of 5 years amounting to Rs.65 lacs against earlier figure of Rs.97 lacs was discussed. It was pointed out that in general for items purchased earlier the prices quoted by I.L. Kota are almost on the same pattern as quoted by them during earlier years except for about 10 to 12 items where the prices now quoted are around 40 to 50% higher than those quoted during 1983, 84 etc.

Thermal Standing Committee agreed to payment of 15% advance on amount of purchase of items relating to first year.

110-09:

Progress of renovation & modernisation activities ending May, 1988 of Faridabad Thermal Power Station.

Thermal Standing Committee desired that as there was no need of keeping 15 MW Plant in running condition considering the high cost of running this unit which had become out of date, action be taken as under.

(a) Case may be prepared about disposal of the plant. A similar exercise is said to have been done by DESU recently for same size/type of Unit installed at Rajghat Power House and guidance can be had from them in this regard.

(b) Staff will be utilised against vacant posts in other 3 units, and the remaining staff surrendered for use in operation (field).

Item No.111-03: Memorandum for postponement of the date of overhauling of 60 MW Unit 1 Thermal Power Station, Faridabad.

It was decided to postpone the date of overhauling of 60 MW Unit I to April, 1989. Meanwhile Project authorities will vigorously pursue for items required for renovation activities of ejector, platen superheater and other critical spares from B.H.E.L. and other sources so that the same are available in time and before the start of overhauling programme.

Regarding reblading of 13th stage of HP of HP – the turbine, Thermal Standing Committee was apprehensive that in case rotor

is to be taken to Hyderabad for free replacement of blades, the time taken may be much more than now indicated. Before any final decision about the free replacement of 13th stage blades by BHEL is taken, it would be better to have on one hand feedback from Bongaigaon Power Station about the performance of new blades and simultaneously to have proper confirmation from BHEL that the blades and workshop are available. This is very necessary to ensure that there is no slippage in overhauling time schedule.

Item No.111-04: Memorandum for revamping of generator of 60 MW Unit II at Faridabad Thermal Power Station.

Thermal Standing Committee agreed to the recommendations as under:

i) To run the generator of 60 MW Unit II as it is and not to be got record/rewound for the present.

ii) This machine may be got inspected annually during major shut down in future from BHEL against any major problem in the machine.

Item No.111-05: Memorandum for post-facto approval of Thermal Standing Committee for the award of work of overhauling of Turbo Generator and its auxiliaries of 60 MW Unit II at Thermal Power Station Faridabad to M/s. BHEL.

Approved.

Item No.111-06: Memorandum for post-facto approval of rebabbiting and machining of 3 no. Turbine bearings top halves of Unit-II Thermal Power Station Faridabad.

Approved.

Item No. 111-07 Memorandum for calculation of Plant Load factor during planned shut down.

It was desired to approach Central Electricity Authority to consider the proposal of calculating the plant load factor on the basis of capacity of remaining units whenever any one unit is taken out for shut down for a longer periods than normal recommended period for carrying out the R&M activities.

Item No.111-08: Memorandum for post-facto approval for the demurrages paid to the Railways Authorities for the period November, 83 and March, 1984 to February, 1987.

Deferred.

The present case is regarding payment of demurrage charges to Railways amounting to Rs. 49,91,125/- relating to coal supplies during the month November, 1983 and March, 84 to February, 1987.

It was desired that year wise amount of demurrage charges indicating separately the

amount on account of break down of Wagon Tippler, Bulldozers & Shunters be mentioned. The year wise demurrage charges levied and paid during earlier three years be also intimated.

S.E. (BPM) will investigate the matter in detail with specific reference to the type of defects/frequency of occurrence etc. & submit a report within a month.

Item No.111-09: Progress of Renovation & Modernisation activities for the month of September, 1988 in respect of Faridabad Thermal Project and latest position of overhauling of 60 MW Unit II as on 10.10.88.

While reviewing the progress of various renovation activities it was desired that steps be initiated immediately for dismantling 147 houses in the old power house colony required for the creation of additional space for coal storage so that actual work is taken in hand immediately on shifting of occupants to new colony. Tender documents in this regard be got prepared within a period of 15 days with stiff penalty provisions for each day taken extra for completion job.

Item No.111-10: Working results of Faridabad Thermal Project for the month of 9/88, 8/88, 7/88 & 6/88.

Noted.

Item No.111-11: Any other item.

Memorandum for the award of work
"Reclamation of old Ash Disposal Area-
F.T.P.P."

Thermal Standing Committee did not agree with the proposal and conveyed their displeasure that the agenda item had not indicated the reasonability of the rates by comparing them with earlier work done. As the work is of urgent nature, the case may be brought with full details as a special item for discussion & decision on 7.11.1988.

Sd/-Member Secretary.

Sd/-Chairman.

...CONTD.

Item No. 112 MEMORANDUM FOR THE AWARD OF
WORK “RECLAMATION OF OLD ASH
DISPOSAL AREA-FTPP”

1. INTRODUCTORY:

An area of approximately 73 acres was taken on lease from Rehabilitation Department sometime back in 1973 for disposal of ash from F.T.P.S. (As per sketch attached Areas marked 1,2,3).

This area is near village Nawadakoh at a distance of 5.5 KMs from F.T.P.S. Right from 1974 when 60 MW Unit I was commissioned, ash was being dumped in this area in the form of slurry. This area was virtually divided in two parts (Area 1 and 2) and each was being put to use. alternately. Both these areas are now filled with ash and in dry condition.

As the area was getting filled up, an additional area of around 153 acres near village Bhankri and situated at a further distance of about 2.5 KMs from existing area was acquired in the year 1985. The connected works for the development of new ash disposal area were taken up right in 1985 and the area put to use since July, 1988.

One part of the old ash disposal area (area marked 1) measuring around 20 acres with effective pondage of about 12 acres and enclosed on eastern side by earthen bund got almost filled up by September, 1984 and the ash in this area started creating nuisance in the adjoining residential area due to its blowing during summer dry windy months.

As per advice of Consultants i.e. C.E.A. the same was covered with a layer of 6" of compacted earth and turfing. This work was done around mid 1985.

The second area with pondage measuring around 40 acres (marked 2) which was in use during the last 3 years or so got filled up fully and started creating similar nuisance during last summer.

The issue was taken up again with consultants i.e. C.E.A. and as per their advice it was proposed to cover the same with 200mm of earth alongwith turfing.

Meanwhile when area marked 2 was filled up and new area (153 acre had not been ready for use, another small area measuring around 4 acres (marked 3) was utilised for ash dumping. The area (marked 3) is now full of ash and is also proposed to be treated in the same way to avoid nuisance of ash flying.

In addition there are some small pockets of area (total measuring area 41000M² or say about 8 acres) along the drain where there is accumulation of ash and the same are also required to be attended.

2. RECLAMATION/SCOPE OF WORK.

As per advice of the Consultant (C.B.A.), specifications were got vetted from CEA

The scope of work mainly covers the following items of work:-

- 1) Providing and placing 200mm thick average suitable earth in the ash disposal area.
- 2) Providing and placing doob grassing (turfing) free from all weeds.
- 3) Maintenance of the area to keep the earth and growth of grass intact.

As stated in pars (1) above, the earth spreading is required on the following area:-

- i) Area marked 1: 60,000 M² (12 acres)
- ii) Area marked 2: 190,000 M² (40 acres approx)
- iii) Area along drain: 41,840 M² (8 acres)
291,840 M² (60 acres)
Say: 291,500 M²

At the time the specification was made the area marked 3 (valley portion) was being developed for use and was hence not accounted for. Now when this area (valley portion) is also fill up and requires covering, we will get it done in place of area marked 1 because in between filling up of area marked 1,2 & 3 and development of new area of 153 acres beyond this area, we had from time to time been reusing the area marked 1. Even now, we are keeping this area marked 1 for emergency use as it has got a slight cushioning of a few days. These emergencies keep on arising as booster pumping work has yet not been completed by the concerned contractor M/s Flowmore, who is under constant pressure for the same.

Moreover, this area marked 1 was covered with earth and turfing in Mid 1985 as brought but in para 1 above and same plantations were also done. The growth is there but as area is again in use, we will try to grow more plantations from the area is finally abandoned. As such during execution, such we do not propose to cover this area in the scope for the present, but with the inclusion of area marked 3 (valley portion) the total job area gets reduced by; about 40,000 M² (60000-20000) leaving the job area around 2,50,000 M². As per the terms and conditions of the tender

specification quantity variation upto 30% is provided up and down. As such the earth work of 58,3000 M³ has been worked but based on original stipulation of areas in tender specification and corresponding turfing etc.

3. TENDERING.

3.1 Tender Opening.

As per scope of work finalised for attending to all the above mentioned areas, press tenders were invited during May, 1988 with date of opening of Part-I as 22.6.88. There was poor response upto this date. The date of opening of was accordingly extended upto 29.07.88. Part I of the tenders were opened on 29.07.88 and thereafter discussions held by S.P.C. with tenders regarding technical/commercial clauses. Part II i.e. Price bid was opened on 19.09.88. The following three firms quoted for the work.

- 1) M/s. Swinder Singh Sanchu,
Kothi No.705, Sector-7/C, Faridabad.
- 2) M/s. Raj Const. Co.
Kothi No.172, Sector-6, Panchkula.
- 3) M/s. Pankaj Const. Co.,
53.C/GG-I, Vikas Puri, New Delhi.

3.2 Earnest Money.

The tenderers were required to deposit the earnest money of Rs.32,000/-. Whereas M/s Swinder Singh Sandhu and M/s Pankaj Cust. Co., have deposited by demand draft the earnest money, M/s Raj Const. Co. contended that they are executing the work of Development of New Ash Disposal Area at an estimated cost of Rs. 1.37 crores (about 95% complete and balance under execution) an amount of Rs. 32,000/- required as earnest money may be

adjusted by transferring an equal amount out of approx. Rs. 6.60 lacs deducted as security deposit against this work. They have been advised to submit a bank Guarantee for Rs. 32000/- for this appropriation so that the purpose for which security for the Ash Development work has been deducted is also protected. This proposal was agreed to because as per terms of contract the firm was entitled for refund of Rs. 1.60 lacs against Bank Guarantee.

In pursuance of above proposal, although the firm has not submitted bank guarantee, no appropriation for earnest money could be done, yet their tender was opened and considered keeping in view the competition and exigency of work involved. Their case is constantly under watch for releasing of payments and deposits and considering their commitment to deduct the earnest money from their security deposit, we are processing their tender. However, it is worth mentioning that no bill has been submitted since then and as soon as any bill is processed, necessary deduction shall be made.

3.3 Validity

All the three tenders are valid for a period of three months from the date of opening of price bid of 19.09.1988 i.e. upto 18.12.1988.

4. Comparative Study and Comparative Statement

As per scope of work the job is comprising of 3 activities namely, spreading of earth, turfing with grass and maintaining the same for a predetermined time/condition of growth of grass. As per the specification clause 3 the thickness of the earth spread is 200mm (8") after levelling and dressing but becomes 150mm (6")

after watering and planting grass. The watering is part of the grass planting activity.

The rates quoted by the firms are as under:

Sr. No.	Item of work	Quantity	M/s Pankaj Const. Co.		M/s Swinder Singh		M/s Raj Const. Co.	
			Rate	Total	Rate	Total	Rate	Total
1.	1	58300M ³	60/-	3498000/-	42/-	2448600/-	31.57	1840531/-
2.	2	291500M ²	10/-	2915000/-	2/-	583000/-	1.57	457655/-
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				7870500/-		3323100/-		2464341/-

In case of almost similar work got done in a part of the area (area marked 1) during 1985 and as referred above, the rates were as under:-

1. Providing and placing earth fill material in the ash disposal area..... Rs. 34.95 per M³
2. Grassing with doob grass including watering and mtc. of area Rs. 0.28 per M³

(Item 2 and 3 in present case)

This work with total amounting to Rs. 3.29 lacs approximately was done by the firm M/s Bhiwani Dass Swinder Singh. Shri Swinder Singh who is second lowest in the current case was partner in the lowest firm during 1985. The other two tenderers who have quoted this time did not quote during 1985.

The scrutiny of above reveals that the rates now quoted by the lowest tenderer for item No.1 are reasonable whereas there is wide variation in the rates now quoted for item no.2 and 3 from

those quoted in the year 1985. The rates for almost similar work covering both item no.2 & 3 as per HSR taking 150% Zonal premium sanctioned by Zonal Committee applicable from March, 1988 works out to Rs. 0.43 per M². There is however, a difference that generally the item under HSR is for planting and maintaining of grass in lawns where water requirements are small and available in nearby areas. Whereas in our case the water requirements will be substantial and special arrangements will be required to be made by the contractor in nearby areas as main area to be covered with turfing is full of ash with depth of about 10M. Further our area being isolated watch and ward is also to be arranged by the contractor specifically during mtc. period to avoid removal of grass by villagers and cattle grazing.

5. Recommendations

SPC has considered and recommended as under:

“SPC has considered the case regarding work for reclamation of old ash disposal area and recommends that the offer of the lowest tenderer M/s Raj Const. Co. may be accepted straight way for item no.1 namely providing and placing 200mm thick average suitable earth in ash disposal area as per specification at their quoted rates of Rs. 31.57 per cum and as per their other terms and conditions.

SPC further observes that for item No.2 & 3, though the rates of M/s Raj Const. Co. are also lowest @ Rs. 1.57/M² and 0.57/M² respectively but the same are substantially higher compared to the rates at which work was executed in 1985 (Rs. 0.28/ M² for both the items. Taking into account elements of inflation for the period from 1985 to date, SPC recommends that TSC may negotiate the rates for these 2

items with the lowest tenderer so as to bring the same down. The rates of second lowest tenderer for item no. 2 & 3 now are Rs. 2/ M² & Rs. 1/ M² respectively He was a partner in the firm who executed the work in 1985.

SPC feels that area no.1 measuring around 60000 sqm. May be excluded and area no.3 measuring around 20,000 sqm. may be included in the scope of work. The net area requiring treatment would thus get reduced from 2,91,500 sqm. To around 2,50,000 sqm. and as per rates of the lowest tenderer the amounts for item no. 1, 2 & 3 would thus work but to Rs. 15,81,000/-, Rs. 3,92,500/- and Rs. 1,42,500/- respectively. Additional treatment by way of plantations in area no.1 is being done and would be continued.”

It may be mentioned over here that there were numerous representations from various associations/organisations of Faridabad Town during the last summer season regarding serious position faced by the residents on account of flying of ash specifically during summer windy months. These have not only been made to Thermal Plant (Electricity Authorities) but to Distt. Admn., Board and Govt. An action committee of residents approached Hon'ble Supreme Court of India regarding pollution caused on account of fly ash. The Supreme Court of India has issued notice of motion to the State Government. The case is under trial and the Counsel appointed by the State Government is defending the case. In the reply submitted by H.S.E.B. to State Govt. for further submission to Hon'ble Supreme Court, it has been stated that we are processing the case for laying of earth on ash dump alongwith turfing. It is expected that with the laying of earth

layer on the ash dumps alongwith other connected works the problem would be mitigated to a great extent. It is also proposed to undertake tree plantation in the area subsequently for environmental improvement.

Thermal Standing Committee discussed the case in its meeting on 22.10.88 at Panipat and asked for comparison of rates with earlier ones. The observations have been complied with.

Thermal Standing Committee is requested to consider and approve awarding of work to the lowest tenderer as recommended by SPC Needless to mention that activities 2 & 3 are closely linked with activity as the real measurable earth condition is dependent upon watering during activity for turfing and total work awarding to single party is envisaged.

Sd/-

Member Secretary,
Faridabad Thermal Standing Committee, Faridabad

(^{SA}TRUE TYPED COPY)

ANNEXURE R-2

MINUTES OF THE 113TH MEETING (EMERGENT) OF FARIDABAD
THERMAL STANDING COMMITTEE HELD ON 10-12-1988 IN THE
ROOM OF CHIEF ENGINEER (THERMAL) AT FARIDABAD.

The following were present:

- | | |
|---|-------------------|
| 1. Shri Ram S. Varma, IAS | Chairman |
| 2. Shri Virendra Nath, MFC | Member |
| 3. Shri L.R. Rajpal, M.T. (G&P) | Member |
| 4. Shri J.N. Sawhney, M.T. (Op) | Member |
| 5. Shri R.P. Maindiratta,
Chief Engineer | Member-Secretary. |

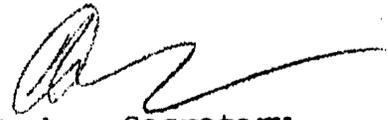
Item No. 113-01 : Memorandum for the award of work
"Reclamation of old Ash Disposal
Area - F.T.P.P."

After compliance of the observations of Thermal Standing Committee against item No.112-02 in the last meeting, the memorandum put up was discussed and decided as under:

Proposal to award the work to M/s. Raj Construction Co. at a total estimated cost of Rs.20,10,200/- was approved.

Thermal Standing Committee however, desired that the measurement of earth spread should be carefully assured by the Project in terms of the specifications before releasing the payments.

Sd/-
Chairman


Member Secretary.

MEMORANDUM FOR THE BOARD OF WORK
 "RECLAMATION OF OLD ASH DISPOSAL AREA
 - F.T.P.P."

The memorandum for the award of work "Reclamation of old ash disposal area - FTTP" was put up to T.S.C. vide item No.112-02 in the meeting held on 7.11.88 at Panchkula (Annexure-A). The matter was discussed in the T.S.C. and decided as under:

- i) Authorized S.P.C. to negotiate with the lowest tenderer M/s. Raj Const. Co., in respect of item 2 and 3 to bring down rates to reasonable and comparable limits as these were found to be much higher than the rates at which work was earlier got done.
- ii) It was also desired that maintenance of turfing (grass) shall be got done from contractor for 3 months instead of one month, for the months of May, June and July ensuring that the grass is laid in April, 1989 after the spreading of the earth.
- iii) To revert back quickly for final decision by Thermal Standing Committee.

Accordingly the lowest tenderer M/s. Raj Const. Co. was called for negotiations. Sh. Raj Kumar of M/s. Raj Const. Co. held discussions with S.P.C. on dated 17.11.88. All the issues were discussed therein. Sh. Raj Kumar offered 5% rebate on the gross amount of the work as per letter placed at Annexure-B. In this letter it has been stated that they have quoted the rates for whole of work as a single unit. The rates for different items are for payment purposes.

Regarding maintenance of turfing (grass) for three months instead of one month, the contractor agreed for the same in the meeting. As per discussions this point shall be provided in the letter of allotment of work.

The validity expires on 16.12.88

After negotiations, the case was discussed in S.P.C. and it was decided as under:

"S.P.C. has considered the subject cited case alongwith out come of negotiations carried out with the lowest tenderer M/s. Raj Const. Co., as per direction of T.S.C."

"S.P.C. takes note of the clarification given by M/s. Raj Const. Co. that they had treated completed work as a single unit while quoting rates for different items as per general practice and the rates quoted for individual items were basically for payment purposes."

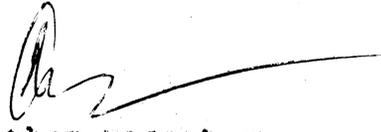
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"S.P.C. further observes that on overall basis, the rates now quoted by the lowest tenderer are approximately 10.5% higher as compared to the overall rates quoted earlier for almost similar nature of work got done during 1985".

"Keeping in view the above facts, S.P.C. recommends that the work may be awarded to the best tenderer M/s. Raj Cement. Co., at their quoted rates less 5% rebate offered on overall basis during negotiations and as per the general terms and conditions.

"The total amount of work for area of 2,50,000 sq.mtr. will now get reduced from Rs.21,16,000/- to Rs.20,10,000/-."

T.C. is requested to consider and approve the award of work to the lowest tenderer as per recommendations of S.P.C.


Member Secretary,
Mirjalga Thermal Standing
Committee, Mirjalga.

...CONTD.

Annex - A

ITEM NO. 112-

MEMORANDUM FOR THE AWARD OF WORK
"RECLAMATION OF OLD ASH DISPOSAL
AREA - F.T.P.S."

1. INTRODUCTORY:

An area of approximately 73 acres was taken on lease from Rehabilitation Department sometime back in 1973 for disposal of ash from F.T.P.S. (As per sketch attached Areas marked 1,2,3).

This area is near village Nawadakoh at a distance of 5.5 KMs from F.T.P.S. Right from 1974 when 60 MW Unit I was commissioned, ash was being dumped in this area in the form of slurry. This area was virtually divided in two parts (Area 1 and 2) and each was being put to use alternately. Both these areas are now filled with ash and in dry condition.

As the area was getting filled up, an additional area of around 153 acres near village Bhankri and situated at a further distance of about 2.5 KMs from existing area was acquired in the year 1985. The connected works for the development of new ash disposal area were taken up right in 1985 and the area put to use since July, 1988.

One part of the old ash disposal area (area marked 1) measuring around 20 acres with effective pondage of about 12 acres and enclosed on eastern side by earthen bund got almost filled up by September, 1984 and the ash in this area started creating nuisance in the adjoining residential area due to its blowing during summer dry windy months.

As per advice of Consultants i.e. C.E.A. the same was covered with a layer of 6" of compacted earth and turfing. This work was done around mid 1985.

The second area with pondage measuring around 40 acres (marked 2) which was in use during the last 3 years or so got filled up fully and started creating similar nuisance during last summer.

The issue was taken up again with Consultants i.e. C.E.A. and as per their advice it was proposed to cover the same with 200mm of earth alongwith turfing.

Contd...

Meanwhile, when area marked 2 was filled up and new area (153 acres) had not been ready for use, another small area measuring around 4 acres (marked 3) was utilised for ash dumping. This area (marked 3) is now full of ash and is also proposed to be treated in the same way to avoid nuisance of ash flying.

In addition there are some small pockets of area (total measuring about 41000 M² or say about 8 acres) along the drain, where there is accumulation of ash and the same are also required to be attended.

2. RECLAMATION/SCOPE OF WORK.

As per advice of the Consultants (C.E.A.), specifications were framed which were got vetted from C.E.A.

The scope of work mainly covers the following items of work:-

- 1) Providing and placing 200mm thick average suitable earth in the ash disposal area
- 2) Providing and placing doob grassing (turfing) free from all weeds.....
- 3) Maintenance of the area to keep the earth and growth of grass intact.....

As stated in para (1) above, the earth spreading is required on the following area:-

i) Area marked 1	:	60,000 M ²	(12 acres)
ii) Area marked 2	:	190,000 M ²	(40 acres approx)
iii) Area along drain	:	<u>41,840 M²</u>	(8 acres)
		291,840 M ²	(60 acres)
		Say:291,500 M ²	

At the time the specification was made the area marked 3 (valley portion) was being developed for use and was hence not accounted for. Now when this area (valley portion) is also filled up and requires covering, we will get it done in place of area marked 1 because in between filling up of areas marked 1,2&3 and development of new area of 153 acres beyond this area, we had from time to time been reusing the area marked 1. Even now, we are keeping this area marked 1 for emergency use as it has got a slight cushioning of a few days. These emergencies keep on arising as booster pumping work has yet not been completed by the concerned contractor M/s. Flowmore, who is under constant pressure for the same.

Contd...

Moreover, this area marked 1 was covered with earth and turffing in Mid 1985 as brought out in para 1 above and some plantations were also done. The growth is there but as the area is again in use, we will try to grow more plantations soon the area is finally abandoned. As such during execution, we do not propose to cover this area in the scope for the present, but with the inclusion of area marked 3 (valley portion) the total job area gets reduced by; about $40,000\text{M}^2$ ($60000 - 20000$) leaving the job area around $2,50,000\text{M}^2$. As per the terms and conditions of the tender specification quantity variation upto 30% is provided up and down. As such the earth work of $58,300\text{M}^3$ has been worked out based on original stipulation of areas in tender specification and corresponding turffing etc.

3. TENDERING.

3.1 Tender Opening.

As per scope of work finalised for attending to all the above mentioned areas, press tenders were invited during May, 1988 with date of opening of Part-I as 22.6.88. There was poor response upto this date. The date of opening was accordingly extended upto 29.7.88. Part I of the tenders were opened on 29.7.88 and thereafter discussions held by S.P.C. with tenderers regarding technical/commercial clauses. Part II i.e. Price bid was opened on 19.9.88. The following three firms quoted for the work.

- 1) M/s. Swinder Singh Sandhu,
Kothi No.705, Sector-7/C, Faridabad.
- 2) M/s. Raj Const. Co.,
Kothi No.172, Sector-6, Fanchkula.
- 3) M/s. Pankaj Const. Co.,
53.C/GG-I, Vikas Puri, New Delhi.

3.2 Earnest Money.

The tenderers were required to deposit the earnest money of Rs.32,000/-. Whereas M/s. Swinder Singh Sandhu and M/s. Pankaj Const. Co., have deposited by demand draft the earnest money, M/s. Raj Const. Co., have not deposited the same. M/s. Raj Const. Co. contended that they are executing the work of Development of New Ash Disposal Area at an estimated cost of Rs.1.37 crores (about 95% complete and balance under execution) an amount of Rs.32,000/- required as earnest money may be adjusted by transferring an equal amount out of approx. Rs.6.60 lacs

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deducted as security deposit against this work. They have been advised to submit a Bank Guarantee for Rs.32000/- for this appropriation so that the purpose for which security for the Ash Development work has been deducted is also protected. This proposal was signed to because as per terms of contract the firm was entitled for refund of Rs.1.60 lacs against Bank guarantee.

In pursuance of above proposal, although the firm has not submitted bank guarantee, no appropriation for earnest money could be done, yet their tender was opened and considered keeping in view the competition and exigency of work involved. Their case is constantly under watch for releasing of payments and deposits and considering their commitment to deduct the earnest money from their security deposit, we are processing their tender. However, it is worth mentioning that no bill has been submitted since then and as soon as any bill is processed, necessary deduction shall be made.

3.3 VALIDITY

All the three tenders are valid for a period of three months from the date of opening of price bid of 19.9.88 i.e. upto 18.12.88.

4. COMPARATIVE STUDY AND COMPARATIVE STATEMENT.

As per scope of work the job is comprising of 3 activities namely, spreading of earth, turfing with grass and maintaining the same for a predetermined time/condition of growth of grass. As per the specification clause 3 the thickness of the earth spread is 200mm (8") after levelling and dressing but becomes 150mm (6") after watering and planting grass. The watering is part of the grass planting activity.

The rates quoted by the firms are as under:

S. No.	Item of work	Quantity	M/s.Pankaj Const. Co.		M/s.Swinder Singh		M/s.Raj Const. Co.	
			Rate	Total	Rate	Total	Rate	Total
1.	1	58300M ³	60/-	3498000/-	42/-	2448600/-	31.57	1840531/-
2.	2.	291500M ²	10/-	2915000/-	2/-	583000/-	1.57	457655/-
3.	3	291500M ²	5/-	1457500/-	1/-	291500/-	0.57	166155/-
				7870500/-		3323100/-		2464341/-

Contd...

In case of almost similar work got done in a part of the area (area marked 1) during 1985 and as referred above, the rates were as under:-

- 1) Providing and placing earthfill material in the ash disposal area..... Rs.34.95 per M³
- 2) Grassing with doob grass including watering and mtc. of area Rs.0.28 per M³
(Item 2 and 3 in present case)

This work with total amounting to Rs.3.29 lacs approximately was done by the firm M/s. Bhiwani Dass Swinder Singh. Shri Swinder Singh who is second lowest in the current case was partner in the lowest firm during 1985. The other two tenderers who have quoted this time did not quote during 1985.

The scrutiny of above reveals that the rates now quoted by the lowest tenderer for item No.1 are reasonable whereas there is wide variation in the rates now quoted for item No.2 and 3 from those quoted in the year 1985. The rates for almost similar work covering both item No. 2 & 3 as per HSR taking 150% Zonal premium sanctioned by Zonal Committee applicable from March, 1988 works out to Rs.0.43 per M². There is however, a difference that generally the item under HSR is for planting and maintaining of grass in lawns where water requirements are small and available in nearby areas. Whereas in our case the water requirements will be substantial and special arrangements will be required to be made by the contractor in nearby areas as main area to be covered with turfing is full of ash with depth of about 10 M. Further our area being isolated watch and ward is also to be arranged by the contractor specifically during mtc. period to avoid removal of grass by villagers and cattle grazing.

5. RECOMMENDATIONS.

S.P.C. has considered and recommended as under:

"S.P.C. has considered the case regarding work for reclamation of old ash disposal area and recommends that the offer of the lowest tenderer M/s. Raj Const. Co. may be accepted straight way for item No.1 namely providing and placing 200mm thick average suitable earth in ash disposal area as per specification at their quoted rates of Rs.31.57 per cum and as per their other terms and conditions.

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S.P.C. further observes that for item No.2 & 3, though the rates of M/s. Raj Const. Co. are also lowest @ Rs.1.57/M² and 0.57/M² respectively but the same are substantially higher compared to the rates at which work was executed in 1985 (Rs.0.28/M² for both the items). Taking into account elements of inflation for the period from 1985 to date, S.P.C. recommends that T.S.C. may negotiate the rates for these 2 items with the lowest tenderer so as to bring the same down. The rates of second lowest tenderer for item No. 2&3 now are Rs.2/M² & Rs.1/M² respectively. He was a partner in the firm who executed the work in 1985.

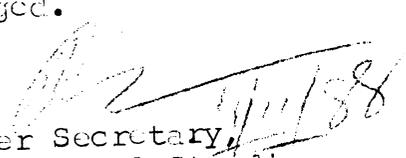
S.P.C. feels that area No.1 measuring around 60000 sqm. may be excluded and area No.3 measuring around 20,000 sqm. may be included in the scope of work. The net area requiring treatment would thus get reduced from 2,91,500 sqm. to around 2,50,000 sqm. and as per rates of the lowest tenderer the amounts for item No.1,2&3 would thus work out to Rs.15,81,000/- , Rs.3,92,500/- and Rs.1,42,500/- respectively. Additional treatment by way of plantations in area No.1 is being done and would be continued."

It may be mentioned over here that there were numerous representations from various associations/organisations of Faridabad Town during the last summer season regarding serious position faced by the residents on account of flying of ash specifically during summer windy months. These have not only been made to Thermal Plant (Electricity Authorities) but to Distt. Admn., Board and Govt. An action committee of residents approached Hon'ble Supreme Court of India regarding pollution caused on account of fly ash. The Supreme Court of India has issued notice of motion to the State Government. The case is under trial and the Counsel appointed by the State Government is defending the case. In the reply submitted by H.S.E.B. to State Govt. for further submission to Hon'ble Supreme Court, it has been stated that we are processing the case for laying of earth on ash dump alongwith turfing. It is expected that with the laying of earth layer on the ash dumps alongwith other connected works the problem would be mitigated to a great extent. It is also proposed to undertake tree plantation in the area subsequently for environmental improvement.

Thermal Standing Committee discussed the case in its meeting on 22.10.88 at Panipat and asked for comparison of rates with earlier ones. The observations have been complied with.

Contd...

Thermal Standing Committee is requested to consider and approve awarding of work to the lowest tenderer as recommended by S.P.C. Needless to mention that activities 2 & 3 are closely linked with activity 1 as the real measurable earth condition is dependent upon watering during activity for turfing and total work awarding to single party is envisaged.


Member Secretary,
Faridabad Thermal Standing
Committee, Faridabad.

...CONTD.

M/s RAJ CONSTRUCTION COMPANY

Rothi No.172, Sector-6,
PANCHKULA.

M.L.R & P.W.D. Govt. Contractors.

Dated: 17.11.88

To

The Chief Engineer/Thermal,
HSE, Faridabad.

Sub: Reclamation of old ash disposal area-FTPP.
.....

Sir,

Please refer to your office telegram on dated 10.11.88 and letter No.1 Spl/CES/FT-166 ultimo 11.

As directed I have attended the S.C. meeting held in your office on dt. 17.11.88 for negotiations.

As explained our quoted rates for different items are treated as single unit for the work in PWD/ other departments as per general practice. Accordingly I have quoted the rates for whole of the work as single unit. The quoted rates for different items in only meant for payment purpose.

As desired by the S.P.C. to reduce rates for item 2 & 3, I explained that there is no margin to reduce the quoted rates. As a gesture of goodwill I offer 5% rebate on gross amount of the contract.

It is submitted for consideration and necessary approval please.

Yours faithfully,

Sd/-
for M/s. Raj Const. Co.,
Panchkula.

...CONTD.

[TRUE TYPED COPY OF ANNEXURE R-2]

ANNEXURE R-2

MINUTES OF THE 113TH MEETING (EMERGENT) OF FARIDABAD THERMAL STANDING COMMITTEE HELD ON 10.12.1984 IN THE ROOM OF CHIEF ENGINEER (THERMAL) AT FARIDABAD

The following were present:

- | | |
|--|-------------------|
| 1. Shri Ram S. Varma, IAS | Chairman |
| 2. Shri Virendra Nath, MFC | Member |
| 3. Shri L.R. Rajpal. M.T. (G&P) | Member |
| 4. Shri J.N. Sawhney, M.T. (Op) | Member |
| 5. Shri R.P. Maindiratta, Chief Engineer | Member-Secretary. |

Item No. 113-01 Memorandum for the award of work Reclamation of old Ash. Disposal Area F.T.P.P.

After compliance of the observations of Thermal Standing Committee against item No.112-02 in the last meeting, the memorandum put up was discussed and decided as under:

Proposal to award the work to M/s. Raj Construction Co. at a total estimated cost of Rs.20,10,200/- was approved.

Thermal Standing Committee however, desired that the measurement of earth spread should be carefully assured by the Project in terms of the specifications before releasing the payments.

Sd/-Chairman

Sd/-Member Secretary

Memorandum for the award of work "Reclamation of old ash disposal area-FTPP"

The memorandum for the award of work "Reclamation of old ash disposal area-FTPP" was put up to T.S.C. vide item no. 112-02 in the meeting held on 07.11.1988 at Panchkula

(Annexure-A). The matter was discussed in the T.S.C. and decided as under:

- i) Authorised SPC to negotiate with the lowest tender M/s Raj Const. Co., in respect of item no. 2 and 3 to bring down rates to reasonable and comparable limits as these were found to be much higher than the rates at which work was earlier got done.
- ii) It was also desired that maintenance of turfing (grass) shall be got done from contractor for 3 months instead of one month, for the months of May, June and July ensuring that the grass is laid in April, 1989 after the spreading of the earth.
- iii) To revert beach quickly for final decision by Thermal Standing Committee.

Accordingly the lowest tenderer M/s Raj Const. Co. was called for negotiation. Sh. Raj Kumar of M/s Raj Const. Co. held discussions with SPC on dated 17.11.1988. All the issues were discussed therein. Sh. Raj Kumar offered 5% rebate on the grass amount of the work as per letter placed at Annexure-B. In this letter it has been stated that they have quoted the rates for whole of work as a single unit. The rates for different items are for payment purposes.

Regarding maintenance of turfing (grass) for three months instead of one month, the contractor agreed for the same in the meeting. As per discussions this point shall be provided in the letter of allotment of work.

The validity expires on 16.12.1988.

After negotiations, the case was discussed in SPC and it was decided as under:

“SPO has considered the subject cited case alongwith outcome of negotiations carried out with the lowest tenderer M/s Raj Const. Co., as per direction of TSC”.

“SPO takes note of the clarification given by M/s Raj Const. Co. that they had treated completed work as a single unit while quoting rates for different items as per general practice and the rates quoted for individual item were basically for payment purpose.”

“SPO further observes that on overall basis, the rates now quoted by the lowest tenderer are approximately 10.5% higher as compared to the overall rates quoted earlier for almost similar nature of work got done during 1985”.

“Keeping in view the above facts, SPC recommends that the work may be awarded to the best tenderer M/s Raj Const. Co. at their quoted rates less 5% relate offered on overall basis during negotiation and as per the general terms and conditions.

“The total amount of work for area of 2,50,000/- sq. mtr. will now get reduced from Rs. 21,16,000/- to Rs. 20,10,000/-.

TSC is requested to consider and approve the award of work to the lowest tenderer as per recommendation of SPC.

Sd/-

Member Secretary,

Faridabad Thermal Standing Committee, Faridabad

ITEM NO. 112-

MEMORANDUM FOR THE AWARD OF WORK
"RECLAMATION OF OLD ASH DISPOSAL AREA
F.T.P.P."

1. INTRODUCTORY:

An area of approximately 73 acres was taken on lease from Rehabilitation Department sometime back in 1973 for disposal of ash from F.T.P.S. (As per sketch attached areas marked 1,2,3).

This area is near village Nawadakoh at a distance of 5.5 KMs from F.T.P.S. Right from 1974 when 60 MW Unit I was commissioned, ash was being dumped in this area in the form of slurry. This area was virtually divided in two parts (Area 1 and 2) and each was being put to use alternately. Both these areas are now filled with ash and in dry condition.

As the area was getting filled up, an additional area of around 153 acres near village Bhankri and situated at a further distance of about 2.5 KMs from existing area was acquired in the year 1985. The connected works for the development of new ash disposal area were taken up right in 1985 and the area put to use since July, 1988.

One part of the old ash disposal area (area marked 1) measuring around 20 acres with effective pondage of about 12 acres and enclosed on eastern side by earthen bund got almost filled up by September, 1984 and the ash in this area started creating nuisance in the adjoining residential area due to its blowing during summer dry windy months.

As per advice of consultants i.e. C.E.A. the same was covered with a layer of 6" of compacted earth and turfing. This work was done around mid 1985.

The second area with pondage measuring around 40 acres (marked 2) which was in use during the last 3 years or so got filled up fully and started creating similar nuisance during last summer.

The issue was taken up again with Consultants i.e. C.E.A. and as per their advice it was proposed to cover the same with 200mm of earth along with turfing.

Meanwhile, when area marked 2 was filled up and now area (153 acres) had not been ready for use, another small area measuring around 4 acres (marked 3) was utilised for ash dumping. This area (marked 3) is now full of ash and is also proposed to be treated in the same way to avoid nuisance of ash flying.

In addition, there are some small pockets of area (total measuring about 41000 M² or say about 8 acres) along the drain, where there is accumulation of ash and the same are also required to be attended.

2. RECLAMATION/SCOPE OF WORK.

As per advice of the Consultant (C.B.A.), specifications were got vetted from CEA

The scope of work mainly covers the following items of work:-

- 1) Providing and placing 200mm thick average suitable earth in the ash disposal area.
- 2) Providing and placing doob grassing (turfing) free from all weeds.
- 3) Maintenance of the area to keep the earth and growth of grass intact.

As stated in pars (1) above, the earth spreading is required on the following area:-

- i) Area marked 1: 60,000 M² (12 acres)
- ii) Arca marked 2: 190,000 M² (40 acres approx)
- iii) Arca along drain: 41,840 M² (8 acres)
291,840 M² (60 acres)
Say: 291,500 M²

At the time the specification was made the area marked 3 (valley portion) was being developed for use and was hence not accounted for. Now when this area (valley portion) is also fill up and requires covering, we will get it done in place of area marked 1 because in between filling up of area marked 1,2 & 3 and development of new area of 153 acres beyond this area, we had from time to time been reusing the area marked 1. Even now, we are keeping this area marked 1 for emergency use as it has got a slight cushioning of a few days. These emergencies keep on arising as booster pumping work has yet not been completed by the concerned contractor M/s Flowmore, who is under constant pressure for the same.

Moreover, this area marked 1 was covered with earth and turfing in Mid 1985 as brought but in para 1 above and same plantations were also done. The growth is there but as area is again in use, we will try to grow more plantations from the area is finally abandoned. As such during execution, such we do not propose to cover this area in the scope for the present, but with the inclusion of area marked 3 (valley portion) the total job area gets reduced by; about 40,000 M² (60000-20000) leaving the job area around 2,50,000 M². As per the terms and conditions of the tender

specification quantity variation upto 30% is provided up and down. As such the earth work of 58,3000 M³ has been worked but based on original stipulation of areas in tender specification and corresponding turfing etc.

3. TENDERING.

3.1 Tender Opening.

As per scope of work finalised for attending to all the above mentioned areas, press tenders were invited during May, 1988 with date of opening of Part-I as 22.6.88. There was poor response upto this date. The date of opening of was accordingly extended upto 29.07.88. Part I of the tenders were opened on 29.07.88 and thereafter discussions held by S.P.C. with tenders regarding technical/commercial clauses. Part II i.e. Price bid was opened on 19.09.88. The following three firms quoted for the work.

3) M/s. Swinder Singh Sanchu,
Kothi No.705, Sector-7/C, Faridabad.

4) M/s. Raj Const. Co.
Kothi No.172, Sector-6, Panchkula.

3) M/s. Pankaj Const. Co.,
53.C/GG-I, Vikas Puri, New Delhi.

3.2 Earnest Money.

The tenderers were required to deposit the earnest money of Rs.32,000/-. Whereas M/s Swinder Singh Sandhu and M/s Pankaj Cust. Co., have deposited by demand draft the earnest money, M/s Raj Const. Co. contended that they are executing the work of Development of New Ash Disposal Area at an estimated cost of Rs. 1.37 crores (about 95% complete and balance under execution) an amount of Rs. 32,000/- required as earnest money may be

adjusted by transferring an equal amount out of approx. Rs. 6.60 lacs deducted as security deposit against this work. They have been advised to submit a bank Guarantee for Rs. 32000/- for this appropriation so that the purpose for which security for the Ash Development work has been deducted is also protected. This proposal was agreed to because as per terms of contract the firm was entitled for refund of Rs. 1.60 lacs against Bank Guarantee.

In pursuance of above proposal, although the firm has not submitted bank guarantee, no appropriation for earnest money could be done, yet their tender was opened and considered keeping in view the competition and exigency of work involved. Their case is constantly under watch for releasing of payments and deposits and considering their commitment to deduct the earnest money from their security deposit, we are processing their tender. However, it is worth mentioning that no bill has been submitted since then and as soon as any bill is processed, necessary deduction shall be made.

3.3 Validity

All the three tenders are valid for a period of three months from the date of opening of price bid of 19.09.1988 i.e. upto 18.12.1988.

4. Comparative Study and Comparative Statement

As per scope of work the job is comprising of 3 activities namely, spreading of earth, turfing with grass and maintaining the same for a predetermined time/condition of growth of grass. As per the specification clause 3 the thickness of the earth spread is 200mm (8") after levelling and dressing but becomes 150mm (6")

after watering and planting grass. The watering is part of the grass planting activity.

The rates quoted by the firms are as under:

Sr. No.	Item of work	Quantity	M/s Pankaj Const. Co.		M/s Swinder Singh		M/s Raj Const. Co.	
			Rate	Total	Rate	Total	Rate	Total
1.	1	58300M ³	60/-	3498000/-	42/-	2448600/-	31.57	1840531/-
2.	2	291500M ²	10/-	2915000/-	2/-	583000/-	1.57	457655/-
3.	3	291500M ²	5/-	1457500/-	1/-	291500/-	0.57	166155/-
				7870500/-		3323100/-		2464341/-

In case of almost similar work got done in a part of the area (area marked 1) during 1985 and as referred above, the rates were as under:-

1. Providing and placing earth fill material in the ash disposal area..... Rs. 34.95 per M³
2. Grassing with doob grass including watering and mtc. of area Rs. 0.28 per M³

(Item 2 and 3 in present case)

This work with total amounting to Rs. 3.29 lacs approximately was done by the firm M/s Bhiwani Dass Swinder Singh. Shri Swinder Singh who is second lowest in the current case was partner in the lowest firm during 1985. The other two tenderers who have quoted this time did not quote during 1985.

The scrutiny of above reveals that the rates now quoted by the lowest tenderer for item No.1 are reasonable whereas there is wide variation in the rates now quoted for item no.2 and 3 from

those quoted in the year 1985. The rates for almost similar work covering both item no.2 & 3 as per HSR taking 150% Zonal premium sanctioned by Zonal Committee applicable from March, 1988 works out to Rs. 0.43 per M². There is however, a difference that generally the item under HSR is for planting and maintaining of grass in lawns where water requirements are small and available in nearby areas. Whereas in our case the water requirements will be substantial and special arrangements will be required to be made by the contractor in nearby areas as main area to be covered with turfing is full of ash with depth of about 10M. Further our area being isolated watch and ward is also to be arranged by the contractor specifically during mtc. period to avoid removal of grass by villagers and cattle grazing.

5. Recommendations

SPC has considered and recommended as under:

“SPC has considered the case regarding work for reclamation of old ash disposal area and recommends that the offer of the lowest tenderer M/s Raj Const. Co. may be accepted straight way for item no.1 namely providing and placing 200mm thick average suitable earth in ash disposal area as per specification at their quoted rates of Rs. 31.57 per cum and as per their other terms and conditions.

SPC further observes that for item No.2 & 3, though the rates of M/s Raj Const. Co. are also lowest @ Rs. 1.57/M² and 0.57/M² respectively but the same are substantially higher compared to the rates at which work was executed in 1985 (Rs. 0.28/ M² for both the items. Taking into account elements of inflation for the period from 1985 to date, SPC recommends that TSC may negotiate the rates for these 2

items with the lowest tenderer so as to bring the same down. The rates of second lowest tenderer for item no. 2 & 3 now are Rs. 2/ M² & Rs. 1/ M² respectively He was a partner in the firm who executed the work in 1985.

SPC feels that area no.1 measuring around 60000 sqm. May be excluded and area no.3 measuring around 20,000 sqm. may be included in the scope of work. The net area requiring treatment would thus get reduced from 2,91,500 sqm. To around 2,50,000 sqm. and as per rates of the lowest tenderer the amounts for item no. 1, 2 & 3 would thus work but to Rs. 15,81,000/-, Rs. 3,92,500/- and Rs. 1,42,500/- respectively. Additional treatment by way of plantations in area no.1 is being done and would be continued.”

It may be mentioned over here that there were numerous representations from various associations/organisations of Faridabad Town during the last summer season regarding serious position faced by the residents on account of flying of ash specifically during summer windy months. These have not only been made to Thermal Plant (Electricity Authorities) but to Distt. Admn., Board and Govt. An action committee of residents approached Hon'ble Supreme Court of India regarding pollution caused on account of fly ash. The Supreme Court of India has issued notice of motion to the State Government. The case is under trial and the Counsel appointed by the State Government is defending the case. In the reply submitted by H.S.E.B. to State Govt. for further submission to Hon'ble Supreme Court, it has been stated that we are processing the case for laying of earth on ash dump alongwith turfing. It is expected that with the laying of earth

layer on the ash dumps alongwith other connected works the problem would be mitigated to a great extent. It is also proposed to undertake tree plantation in the area subsequently for environmental improvement.

Thermal Standing Committee discussed the case in its meeting on 22.10.88 at Panipat and asked for comparison of rates with earlier ones. The observations have been complied with.

Thermal Standing Committee is requested to consider and approve awarding of work to the lowest tenderer as recommended by SPC Needless to mention that activities 2 & 3 are closely linked with activity 1 as the real measurable earth condition is dependent upon watering during activity for turfing and total work awarding to single party is envisaged.

Sd/-

Member Secretary,
Faridabad Thermal Standing Committee, Faridabad

...CONTD.

Annexure B

M/s Raj Construction Company
Kothi No. 172, Sector-6, Panchkula
Govt. Contractors

Dated: 17.11.1988

To

The Chief Engineer/Thermal,
, Faridabad

Sub: Reclamation of old ash disposal area-F TPP.

Sir,

Please refer to you office telegram on dated 10.11.1988 one letter memo no. 1 Spl/--/FT-166 –

As directed I have attended the SPC meeting held in your office on dt. 17.11.1988 for negotiation.

As explained our quoted rates for different items are treated as single unit for the work in PWD/other departments as per general practice. Accordingly I have quoted the rates for whole of the work as single unit. The quoted rates for different items in only meant for payment purpose.

As desired by the SPC to reduce rates for item 2 & 3, I explained that there is no margin to reduce the quoted rates. As a gesture of goodwill I offer 5% rebate on gross amount of the contract.

It is submitted for consideration and necessary approval please.

Yours faithfully,

Sd/-

M/s Raj Const. Co.

Panchkula

(TRUE TYPED COPY)

ANNEXURE R-3



(TRUE COPY)

ANNEXURE R-4

THE GAZETTE OF INDIA

EXTRAORDINARY

PART II -- Section 3 -- Sub-section (ii)

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 14th September, 1999

S.0.763(E).- Whereas a draft notification containing certain directions was published, as required by subrule (3) of rule 5 of the Environment (Protection) Rules, 1986 under the notification of the Government of India in the Ministry of Environment and Forests number S.O. 453(E) dated 22nd May, 1998 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette of India containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the same date;

And, whereas, the objections and suggestions received from the public in respect of the said draft notification have been duly considered by the Central Government;

Where as it is necessary to protect the environment, conserve top soil and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And, whereas, there is a need for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of fifty kilometers from coal or lignite based thermal power plants;

And, Whereas, the Hon'ble High Court of Judicature, Delhi vide its order dated 25th August, 1999 in CWP No. 2145/99 Centre for Public Interest Litigation, Delhi v/s Union of India directed that the Central Government to publish the final notification in respect of fly ash on or before 26th October, 1999;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986); and in pursuance of the orders of the Hon'ble High Court, Delhi stated above, the Central Government hereby issues the following directions which shall come into force on the date of the publication of this notification, namely:-

1. Use of fly ash, bottom ash or pond ash in the manufacture of bricks and other construction activities.-

(1) No person shall within a radius of fifty kilometers from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis. '

(2) The authority for ensuring the use of specified quantity of ash as per para (1) above shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee as the case may be. In case of non-compliance, the said authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of mining lease. The cancellation of mining lease shall be decided after due hearing. To enable the said authority to verify the actual use of ash, the thermal power plant shall maintain month-wise records of ash made available to each brick kiln.

(3) In case of non-availability of ash from thermal power plant in sufficient quantities as certified by the said power plant, the stipulation under para (1) shall be suitably modified (waived/ relaxed) by the concerned State/Union Territory Government.

(4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of All India Brick and Tile Manufacture's Federation (AIBTMF). Such a committee shall ensure unhindered loading and transport of ash without any undue loss of time. Any unresolved dispute shall be dealt with by a State/Union Territory level committee to be set up by State/Union Territory Government comprising Member Secretary of the State Pollution Control Board/Pollution Control Committee, representatives of Ministry of Power in the State/Union Territory Government and a representative of AIBTMF.

2. Utilisation of ash by Thermal Power Plants.

All coal or lignite based thermal power plants shall utilise the ash generated in the power plants as follows: -

(1) Every coal or lignite based thermal power plant shall make available ash, for at least ten years from the date of publication of this notification, without any payment or any other consideration, for the purpose of manufacturing ash-based products such as cement, concrete blocks, bricks, panels or any other material or for construction of roads, embankments, dams, dykes or for any other construction activity.

(2) Every coal or lignite based thermal power plant commissioned subject to environmental clearance conditions stipulating the submission of an action plan for full utilisation of fly ash shall, within a period of nine years from the publication of this notification, phase out the dumping and disposal of fly ash on land in accordance with the plan. Such an action plan shall provide for thirty per cent of the fly ash utilisation, within three years from the publication of this notification with further increase in utilisation by atleast ten per cent points every year progressively for the next six years to enable utilisation of the entire fly ash generated in the power plant atleast by the end of ninth year. Progress in this regard shall be reviewed after five years.

(3) Every coal or lignite based thermal power plant not covered by para (2) above shall, within a period of fifteen years from the date of publication of this notification, phase out the utilisation of fly ash in accordance with an action plan to be drawn up by the power plants. Such action plan shall provide for twenty per cent of fly ash utilisation within three years from the date of publication of this notification, with further increase in utilisation every year progressively for the next twelve years to enable utilisation of the entire fly ash generated in the power plant.

(4) All action plans prepared by coal or lignite based thermal power plants in accordance with sub-para (2) and (3) of para 2 of this notification, shall be submitted to the Central Pollution Control Board/Committee and concerned, State Pollution Control Board/Committee and concerned regional office of the Ministry of Environment and Forests within a period of six months from the date of publication of this notification.

(5) The Central and State Government Agencies, the State Electricity Boards, the National Thermal Power Corporation and the management of the thermal power plants shall facilitate in making available land, electricity and water for manufacturing activities and provide access to the ash lifting area for promoting and setting up of ash-based production units in the proximity of the area where ash is generated by the power plant.

(6) Annual implementation report providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April every year to the Central Pollution Control Board, concerned State Pollution Control Board/Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants.

3. Specifications for use of ash-based products.-

(1) Manufacture of ash-based products such as cement, concrete blocks, bricks, panels or any other material or the use of ash in construction activity such as in road laying, embankments or use as

landfill to reclaim low lying areas including back filling in abandoned mines or pitheads or for any other use shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Bureau of Mines, Indian Road Congress, Central Building Research institute, Roorkee, Central Road Research Institute, New Delhi, Building Materials and Technology Promotion Council, New Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government agencies.

(2) The Central Public Works Department, Public Works Departments in the State/Union Territory Governments, Development Authorities, Housing Boards, National Highway Authority of India and other construction agencies including those in the private sector shall also prescribe the use of ash and ash-based products in their respective schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification.

(3) All local authorities shall specify in their respective building bye-laws and regulations the use of ash and ash-based products and construction techniques in building materials, roads, embankments or for any other use within a period of four months from the date of publication of this notification.

[F. No. 16-2/95-HSMD]

V RAJAGOPALAN, Jt.. Secy.

^A
(TRUE COPY)

ANNEXURE R-5

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 27th August 2003.

S.O. 979 (E):- Whereas a draft of certain amendments to the Government of India in the Ministry of Environment and Forests notification number S.O.763 (E) dated 14th September, 1999 (hereinafter referred to as the said notification) which the Central Government proposes to make under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6th November, 2002 *vide* S.O. 1164 (E), dated the 5th November, 2002 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And, whereas copies of the said Gazette were made available to the public on 27th November 2002;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: -

AMENDMENTS

1. In the said notification, in the preamble, for the words "fifty kilometers", the words "one hundred kilometres" shall be substituted.
2. In the said notification, in paragraph 1, -
 - (a) in sub-paragraph (1), for the words "fifty kilometers", the words "one hundred kilometres" shall be substituted;
 - (b) after sub-paragraph (1), the following sub- paragraphs shall be inserted, namely: -

"(1A) Every construction agency engaged in the construction of buildings within a radius of fifty to one hundred kilometres from a coal or lignite based thermal power plant shall use fly ash bricks or blocks or tiles or clay fly ash bricks or cement fly ash bricks or blocks or similar products or a combination or aggregate of them in such construction as per the following minimum percentage (by volume) of the total bricks, blocks and tiles, as the case may be, used in each construction project, namely:-

(i) 25 per cent by 31st August 2004;

(ii) 50 per cent by 31st August 2005;

(iii) 75 per cent by 31st August, 2006; and

(iv) 100 per cent by 31st August 2007.

In respect of construction of buildings within a radius of 50 kilometres from a coal or lignite based thermal power plant the following minimum per centage (by volume) of use of bricks, blocks and tiles shall apply: -

(i) 50 per cent by 31st August 2004;

(ii) 100 per cent by 31st August 2005.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies such as Housing Boards and those in the private sector builders of apartments, hotels, resorts and cottages and the like. It shall be the responsibility of the construction agencies either undertaking the construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit such returns as may be called for and compliance reports to the State Government or Union territory Administration”;

(c) for sub-paragraph (2), the following sub-paragraphs shall be substituted, namely: -

“(2) The authority for ensuring the use of specified quantity of ash as per sub-paragraph (1) shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee, as the case may be.

(2A) The concerned State Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraph (IA).”;

(d) in sub-paragraph (3), for the words, brackets and figure “under para (1)” the words, brackets and figure “under sub-paragraph (1)” shall be substituted;

(e) after sub-paragraph (3), the following sub-paragraphs shall be inserted, namely: -

“(3A) A decision on the application for manufacture of fly ash bricks, block, and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the competent authority. A decision on consent to establish the brick kiln shall be taken by the Pollution Control Board or the Pollution Control Committee, as the case may be, within a period of thirty days from the date of receipt of application by it.

(3B) In case of non-compliance of the provisions of sub-paragraph (1) of paragraph 1, the competent authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of the mining lease.

(3C) All authorities sanctioning or renewing any land, soil or clay mining lease shall not grant such lease or extension of lease or renewal to clay brick, block or tile manufacturing unit within a radius of

one hundred kilometres of the coal or lignite based thermal power plant in cases where the manufacturer does not mix a minimum of 25 per cent by weight of fly ash or pond ash in the manufacture of bricks or blocks or tiles. The cancellation of mining lease shall be decided by the district administration after giving the holder of such lease an opportunity of being heard. To enable the competent authority to verify the actual use of ash, the thermal power plant shall maintain month-wise records of ash made available to each brick kiln.

(3 D) It shall be sufficient compliance of this notification if within twelve months from the date of issue of this notification, manufacturers of clay bricks, blocks and tiles located within a radius of 50 to 100 kilometres of a coal or lignite based thermal power plant comply with the provisions of sub-paragraphs (1) and (2).”.

- (f) in sub-paragraph (4), after brackets and letters “(AIBTMF)”, the words “or a representative of local brick kiln owners association, federation, group.” shall be inserted;
- (g) after sub-paragraph (4), the following sub-paragraphs shall be inserted, namely: -

"(5) No agency, person or organization shall, within a radius of 100 kilometres of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments in contravention of the guidelines/ specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001. Any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organization or on production of a certificate of "Pond ash not available" from the thermal power plant(s) (TPPs) located within 100 kilometres of the site of

construction. This certificate shall be provided by the TPP within two working days from the date of making a request for ash.

(6) Soil required for top or side covers of embankments of roads or flyovers shall be excavated from the embankment site and if it is not possible to do so, only the minimum quantity of soil required for the purpose shall be excavated from soil borrow area. In either case, the topsoil should be kept or stored separately. Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above. This would be done as an integral part of embankment project within the time schedule of the project.

(7) No agency, person or organization shall within a radius of 100 kilometres of a coal or lignite based thermal power plant allow reclamation and compaction of low-lying areas with soil. Only pond ash shall be used for compaction. They shall also ensure that such reclamation and compaction is done in accordance with the bye-laws, regulations and specifications laid down by the authorities mentioned in sub-paragraph (3) of paragraph 3.”.

3. In the said notification, in paragraph 2,
 - (a) for the marginal heading “**Utilisation of ash by Thermal Power Plants**”, the marginal heading ‘**Responsibilities of Thermal Power Plants**’ shall be substituted;
 - (b) for the opening words, “All coal or lignite based thermal power plants shall utilise the ash generated in the power plants as follows: -”, “Every coal or lignite based thermal power plant shall take the following steps to ensure the utilisation of ash generated by it, namely: -”;
 - (c) in sub-paragraph (1), -

- (i) after the words “products such as cement, concrete blocks, bricks, panels”, the words “or a combination thereof” shall be inserted;
- (ii) the following shall be added at the end, namely: -

“ The thermal power plants have to ensure availability of fair quantity of ash to each user including brick kilns.”;

4. In the said notification, after paragraph 2, the following paragraph shall be inserted, namely: -

“2A. Utilization of fly ash for reclamation of sea.

“Subject to the rules made under the Environment (Protection) Act, 1986, (29 of 1986) reclamation of sea shall be a permissible method of utilization of fly ash.”.

5. In the said notification, in paragraph 3, the following sub-paragraphs shall be inserted, namely: -

“(2A) All agencies including the Central Public Works Department and State Government agencies concerned with utilization of fly ash for construction purposes shall, within three months from the 1st day of September, 2003 make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates.

(2B) All agencies undertaking construction of roads or fly over bridges including Ministry of Road Transport and Highways (MORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall, within three months from the 1st day of September, 2003 -

- a. make provisions in their tender documents, schedules of approved materials and rates as well as technical documents, including those relating to soil borrow area or pit as per sub-paragraph (7) of paragraph 1; and
- b. make necessary specifications/guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).” .

[F.No.16-2/95-HSMD]
(Dr. V. Rajagopalan)
Joint Secretary to the Govt. of India

Footnote. - The principal notification was published in the Gazette of India, Part II, Section 3, sub-section (ii) *vide* S.O.763 (E) dated 14.9.1999.

(TRUE COPY)

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

ANNEXURE R-6

New Delhi, the 3rd November, 2009

S.O. 2804(E).—WHEREAS, by notification of the Government of India in the Ministry of Environment and Forests number S.O. 763(E), dated the 14th September, 1991 (hereinafter referred to as the said notification) issued under sub-section (1), clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986) the Central Government, issued directions for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of one hundred kilometers from coal or lignite based thermal power plants;

AND WHEREAS, the term “fly ash” means and includes all categories or groups of coal or lignite ash generated at the thermal power plant and collected by Electrostatic Precipitator (ESP) or bag filters or other similar suitable equipments; bottom ash is the ash collected separately at the bottom of the boiler; pond ash is the mixture of ESP Fly ash and bottom ash, but, for the purpose of this notification, the term “fly ash” means and includes all ash generated such as Electrostatic Precipitator (ESP) ash, dry fly ash, bottom ash, pond ash and mound ash as the objective is to utilise all the ashes;

AND WHEREAS, there is a need for restricting the excavation of top soil for manufacture of bricks and for other works which involve use of top soil and promoting utilisation of fly ash produced by coal or lignite based thermal power plants including captive power plants and co-generation plants in the manufacture of building materials and construction activity;

AND WHEREAS, it was observed that there was a gradual increase in the use of fly ash in the manufacture of fly ash bricks or products from about 1.5 million tonne in 2002-2003 to 3.19 million tonne in 2006-2007 which needs to be further encouraged for achieving the ultimate objective of conservation of top soil and minimise environmental pollution caused due to fly ash;

AND WHEREAS, it is observed that construction agencies are yet to achieve their targets of utilization of fly ash based products even after the 31st August, 2007, the date prescribed for 100% utilisation of fly ash based products in the said notification of 1999 and it is also observed that many thermal power stations or plants are also yet to achieve the targets drawn up in their action plans;

AND WHEREAS, the representations of the brick kiln owners were considered with regard to transporting of fly ash over a long distance and also the logistics involved including the energy cost;

AND, WHEREAS, the issue has been examined by the Government of India in the Ministry of Environment and Forests;

AND WHEREAS, the Central Government is of the opinion that the said notification should be amended;

AND WHEREAS, clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

AND WHEREAS, a draft of amendment to the Government of India, Ministry of Environment and Forests notification no. S.O.763 (E), dated the 14th September, 1999 duly amended vide notification No. S.O. 979 (E), dated the 27th August, 2003 (hereinafter referred to as the said notification) which the Central Government proposes to make under subsection (1), clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6th November, 2008 *vide* S.O. 2623 (E), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

AND WHEREAS, copies of the said Gazette were made available to the public on the day of 6th November 2008;

AND WHEREAS, the objections and suggestions received from various persons or agencies likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government in the Ministry of Environment and Forests;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: -

AMENDMENTS

1. Throughout the said notification, save as otherwise expressly provided and unless the context otherwise requires, for the word "ash" wherever it occurs, the words "fly ash" shall be substituted.

2. In the said notification, in paragraph 1,—

(a) for sub-paragraph (1), the following shall be substituted, namely:-

"(i) use of fly ash based products in construction activities";

(b) for sub-paragraphs (1A) and (1B), the following sub-paragraphs shall respectively be substituted, namely:-

"(1A) Every construction agency engaged in the construction of buildings within a radius of hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as: cement or concrete, fly ash bricks or blocks or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or bricks or blocks or similar products or a combination or aggregate of them, in every construction project.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee, as applicable";

(c) after sub-paragraph (1B), the following sub-paragraph shall be inserted, namely:—

“(1C) Minimum fly ash content for building materials or products to qualify as “fly ash based products” category shall be as given in the Table I below:

Table I

Serial Number	Building Materials or Products	Minimum % of fly ash by weight
(1)	(2)	(3)
1.	Fly ash bricks, blocks, tiles, etc. made with fly ash, lime, gypsum, sand, stone dust etc. (without clay).	50% of total input materials
2.	Paving blocks, paving tiles, checker tiles, mosaic tiles, roofing sheets, pre-cast elements, etc. wherein cement is used as binder.	Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.
3.	Cement.	15% of total raw materials
4.	Clay based building materials such as bricks, blocks, tiles, etc.	25% of total raw materials.
5.	Concrete, mortar and plaster.	Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.

(d) in sub-paragraph (2), for the brackets and number “(1)”, the brackets, number and letter “(1C)” shall be substituted and the number of sub-paragraph (2) shall be substituted by 1(D);

(e) in paragraph (2A), the paragraph 1(A) shall be substituted by 1(A) and 1(B) and the amended paragraph 2(A) is to be numbered as 1(E);

(f) for sub-paragraphs (3) and (3A), the following sub-paragraphs shall respectively be substituted, namely:—

“(3) In case of non-availability of fly ash from thermal power plants in sufficient quantities as certified by the said power plants, within 100 km of the site, the stipulation under sub-paragraph (1A) shall be suitably modified (waived or relaxed) by the concerned State Government or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(3A) A decision on the application for manufacture of fly ash bricks, blocks and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the concerned State Pollution Control Board or Pollution Control Committee.”;

(g) sub-paragraphs (3B), (3C) and (3D) shall be omitted;

(h) for sub-paragraphs (4) and (5), the following sub-paragraphs shall be substituted, namely:

“(4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and representative of the relevant Construction and fly ash Brick Manufacturing Industry Association or Body, as the case may be and such a Committee shall ensure unhindered loading and transport of fly ash in an environmentally sound manner without any undue loss of time. An unresolved dispute shall be dealt with by the concerned State or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(5) No agency, person or organization shall, within a radius of hundred kilometers of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments with top soil; the guidelines or specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001 as amended from time to time regarding use of fly ash shall be followed and any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organisation or on production of a certificate of “fly ash not available” from the thermal power plant(s) (TPPs) located within hundred kilometers of the site of construction and this certificate shall be provided by the TPP within two working days from the date of receipt of a request for fly ash, if fly ash is not available”;

(i) in sub-paragraph (6), for the words “Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project within the time schedule of the project”, the words “Voids created at soil borrow area shall be filled up with fly ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project” shall be substituted;

(j) for sub-paragraph (7), the following sub-paragraphs shall be substituted, namely:—

“(7) No agency, person or organisation shall within a radius of hundred kilometers of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub-paragraph (1) of paragraph 3.

(8)(i) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mine without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(ii) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(9) The provisions contained in clauses (i) and (ii) of sub-paragraph (8) shall be applicable to all mine agencies under Government, public and private sector and to mines of all minerals or metals or items and it shall be the responsibility of agencies either undertaking or approving the external dump of overburden, backfilling or stowing of mine or all these activities to ensure compliance of provisions contained in clauses (i) and (ii) of sub-paragraph (8) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee as applicable.

(10) The Ministry of Coal for this purpose shall constitute an expert committee comprising of representatives from Fly Ash Unit, Department of Science and Technology, Ministry of Science and Technology, Director General of Mines Safety (DGMS), Central Mine Planning and Design Institute Limited (CMPDIL), Ministry of Environment and Forests, Ministry of Power, Ministry of Mines and the Central Institute of Mining and Fuel Research (CIMFR), Dhanbad; the Committee shall also guide and advise the back filling or stowing in accordance with the provisions contained in sub-paragraphs (8) (i), 8 (ii) and (9), and specifications and guidelines laid down by the concerned authorities as mentioned in sub-paragraph (1) of paragraph 3.

(11) The concerned State Government or Union territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraphs (8) (i) and (8) (ii);

3. in the said notification, in paragraph 2,—

(a) for sub-paragraphs (1), (2) and (3), the following sub-paragraphs shall be substituted namely:—

“(1) All coal or lignite based thermal power stations would be free to sell fly ash to the users and agencies subject to the following conditions, namely:—

(i) the pond ash should be made available free of any charge on “as is where is” basis” to manufacturers of bricks, blocks or tiles including clay fly ash products manufacturing unit(s), farmers, the Central and the State road construction agencies, Public Works Department, and to agencies engaged in backfilling or stowing of mines.

(ii) at least 20% of dry ESP fly ash shall be made available free of charge to users and agencies manufacturing fly ash or clay-fly ash bricks, blocks and tiles on a priority basis over other users and if the demand from such agencies falls short of 20% of quantity, the balance quantity can be sold or disposed of by the power station as may be possible;

Provided that the fly ash obtained from the thermal power station should be utilized on for the purpose for which it was obtained from the thermal power station or plant failing which no fly ash shall be made available to the defaulting users.

(2) All coal and, or lignite based thermal power stations and, or expansion units in operation before the date of this notification are to achieve the target of fly ash utilization as per the Table II given below:

Table II

Serial Number	Percentage Utilization of Fly Ash	Target Date
(1)	(2)	(3)
1.	At least 50% of fly ash generation	One year from the date of issue of this notification.
2.	At least 60% of fly ash generation	Two years from the date of issue of this notification.
3.	At least 75% of fly ash generation	Three years from the date of issue of this notification.

4.	At least 90% of fly ash generation	Four years from the date of issue of this notification.
5.	100% fly ash generation	Five years from the date of issue of this notification.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for those years and the balance unutilized fly ash accumulated during first five years (the difference between the generation and the utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.

(3) New coal and, or lignite based thermal power stations and, or expansion units commissioned after this notification to achieve the target of fly ash utilization as per Table III given below:

Table III

Serial Number	Fly ash utilization level	Target date
(1)	(2)	(3)
1.	At least 50% of fly ash generation	One year from the date of commissioning.
2.	At least 70% of fly ash generation	Two years from the date of commissioning.
3.	90% of fly ash generation	Three years from the date of commissioning.
4.	100% of fly ash generation	Four years from the date of commissioning.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for these years and the balance unutilized fly ash accumulated during first four years (the difference between the generation and utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.”;

(b) in sub-paragraph (4), for the words “six months”, the words “four months” shall be substituted;

(c) for sub-paragraph (6), the following sub-paragraphs shall be substituted, namely:—

“(6) The amount collected from sale of fly ash and fly ash based products by coal and/or lignite based thermal power stations or their subsidiary or sister concern unit, as applicable should be kept in a separate account head and shall be utilized only for development of infrastructure or facilities, promotion and facilitation activities for use of fly ash until 100 percent

fly ash utilization level is achieved; thereafter as long as 100% fly ash utilization levels are maintained, the thermal power station would be free to utilize the amount collected for other development programmes also and in case, there is a reduction in the fly ash utilization levels in the subsequent year(s), the use of financial return from fly ash shall get restricted to development of infrastructure or facilities and promotion or facilitation activities for fly ash utilization until 100 percent fly ash utilisation level is again achieved and maintained.

(7) Annual implementation report (for the period 1st April to 31st March) providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants, and also be made a part of the annual report of the thermal power plant as well as thermal power plant wise information be provided in the annual report of thermal power producing agency owning more than one thermal power plant.”;

4. in the said notification, in paragraph 3,—

(a) in sub-paragraph (2), for the words “schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification”, the words “tender documents, schedules of specifications and construction applications including appropriate standards and codes of practice within a period of four months from the publication of this notification” shall be substituted;

(b) for sub-paragraph (2A), the following sub-paragraph shall be substituted, namely:—

“(2A) Building construction agencies both in public and private shall prescribe the use of fly ash and fly ash-based products in their respective tender documents, schedules of specifications and construction applications, including appropriate standards and codes of practice and make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates within a period of four months from the publication of this notification.”;

(c) for sub-paragraphs (2B) and (3), the following sub-paragraphs shall be substituted, namely:—

“(2B) All agencies undertaking construction of roads or fly over bridges and reclamation and compaction of low lying areas, including Department of Road Transport and Highways (DORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall within a period of four months from the publication of this notification:-

(a) make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (6) of paragraph 1; and

(b) make necessary specifications or guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).

(3) All local authorities shall specify in their respective tender documents, building bye-laws and regulations, the use of fly ash and fly ash-based products and construction techniques in building materials, roads embankments or for any usage with immediate effect.

(4) The Central Electricity Authority and other approving agencies may permit the land area for emergency ash pond or fly ash storage area up to 50 hectares for a 500 MW unit, based on 45% ash content coal, or in the same proportion for units in other capacities taking into account the ash content in coal or lignite to be used.

(5) All Financial institutions and agencies which fund construction activities shall include a clause in their loan or grant document for compliance of the provisions of this notification.

(6) A Monitoring committee shall be constituted by the Central Government with Members from Ministry of Coal, Ministry of Mines, Ministry of Power, Central Pollution Control Board, Central Electricity Authority, Head Fly Ash Unit of Department of Science and Technology and Building Material Technology Promotion Council to monitor the implementation of the provisions of the notification and submit its recommendations or observations at least once in every six months to the Secretary, Ministry of Environment and Forests. Concerned Advisor or Joint Secretary in the Ministry of Environment and Forests will be the convener of this committee.

(7) For the purpose of monitoring the implementation of the provisions of this notification the State Governments or Union territory Government shall constitute a Monitoring Committee within three months from the date of issue of this notification under the Chairmanship of Secretary, Department of Environment with representatives from Department of Power, Department of Mining, Road and Building Construction Department and State Pollution Control Board and this Committee would deal with any unresolved issue by Dispute Settlement Committee as prescribed in sub-paragraph (4) of paragraph 1, in addition to monitoring and facilitating implementation of this notification at the respective State Government or Union territory level and this Committee would also be empowered to suitably modify (waive or relax) the stipulation under sub-paragraph (1) in case of non-availability of fly ash in sufficient quantities from thermal power plant as certified by the said power plants and the Committee will meet at least once in every quarter.

[F. No. 9-8/2005-HSMD]

G. V. SUBRAHMANYAM, Scientist 'G'

Foot Note :—The principal notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii) *vide* notification number S.O. 763(E), dated the 14th September, 1999 and was amended *vide* notification number S. O. 979(E), dated the 27th August, 2003.

(TRUE COPY)

ANNEXURE R-7

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 25th January, 2016

S.O. 254(E).—Whereas a draft of certain amendments to the Government of India in the Ministry of Environment, Forests and Climate Change number S.O. 763(E), dated the 14th September, 1999 (hereinafter referred to as the said notification) which the Central Government proposes to make under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, **was** published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii), *vide* S.O. 1396(E), dated the 25th May, 2015 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And, whereas copies of the said Gazette were made available to the public on 25th May, 2015;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: —

1. In the said notification, in paragraph 1,-
 - (a) in sub-paragraph 1(A), for the words “hundred kilometers”, the words “three hundred kilometers” shall be substituted;
 - (b) in sub-paragraph (3), for the figures and letters “100 km”, the words “three hundred kilometers” shall be substituted;
 - (c) in sub-paragraph (5), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted;
 - (d) in sub-paragraph (7), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted.

- (10) संबद्ध प्राधिकारी सभी सरकारी स्कीमों या कार्यक्रमों में, उदाहरणार्थ महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम, 2005 (मनरेगा), स्वच्छ भारत अभियान, शहरी और ग्रामीण आवासन स्कीम, जहां संनिर्मित क्षेत्र एक हजार वर्ग फुट से अधिक है और अवसंरचना संबंधी संनिर्माण में, जिसके अंतर्गत अभिहित औद्योगिक संपदाओं या पार्कों या विशेष आर्थिक जोनों में भवन निर्माण भी है, ऐश आधारित ईटों या उत्पादों के आज्ञापक उपयोग को सुनिश्चित करेंगे।
- (11) कृषि मंत्रालय कृषि क्रियाकलापों में ऐश के मृदा अनुकूलक के रूप में उपयोग का संवर्धन करने पर विचार कर सकेगा।”

5. सभी संबद्ध प्राधिकारियों द्वारा उपरोक्त उपबंधों का अनुपालन करने की समयावधि 31 दिसंबर, 2017 है। कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र, उनके द्वारा उत्पादित फ्लाई ऐश के 100 प्रतिशत उपयोग के अतिरिक्त उपरोक्त उपबंधों का अनुपालन 31 दिसंबर, 2017 से पूर्व करेंगे।

[फा. सं. 9-8/2005-एचएसएमडी]

विश्वनाथ सिन्हा, संयुक्त सचिव

टिप्पण:- मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 763(अ), तारीख 14 सितंबर, 1999 द्वारा प्रकाशित की गई थी और इसमें पश्चातवर्ती संशोधन अधिसूचना सं. का.आ. 979(अ), तारीख 27 अगस्त, 2003 और का.आ. 2804(अ), तारीख 3 नवंबर, 2009 द्वारा किए गए थे।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE
NOTIFICATION

New Delhi, the 25th January, 2016

S.O. 254(E).—Whereas a draft of certain amendments to the Government of India in the Ministry of Environment, Forests and Climate Change number S.O. 763(E), dated the 14th September, 1999 (hereinafter referred to as the said notification) which the Central Government proposes to make under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, **was** published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii), *vide* S.O. 1396(E), dated the 25th May, 2015 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And, whereas copies of the said Gazette were made available to the public on 25th May, 2015;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: —

1. In the said notification, in paragraph 1,-

- in sub-paragraph 1(A), for the words “hundred kilometers”, the words “three hundred kilometers” shall be substituted;
- in sub-paragraph (3), for the figures and letters “100 km”, the words “three hundred kilometers” shall be substituted;
- in sub-paragraph (5), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted;
- in sub-paragraph (7), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted.

2. In the said notification, in paragraph 2:-**(a) after sub-paragraph (1), the following proviso shall be inserted, namely:-**

“provided further that the restriction to provide 20 % of dry ESP fly ash free of cost shall not apply to those thermal power plants which are able to utilise 100 % fly ash in the prescribed manner.”

(b) after sub-paragraph (7), the following sub-paragraphs shall be inserted, namely:-

- “(8) Every coal or lignite based thermal power plants (including captive and or co-generating stations) shall, within three months from the date of notification, upload on their website the details of stock of each type of ash available with them and thereafter shall update the stock position at least once a Month.
- (9) Every coal or lignite based thermal power plants shall install dedicated dry ash silos having separate access roads so as to ease the delivery of fly ash.
- (10) The cost of transportation of ash for road construction projects or for manufacturing of ash based products or use as soil conditioner in agriculture activity within a radius of hundred kilometers from a coal or lignite based thermal power plant shall be borne by such coal or lignite based thermal power plant and the cost of transportation beyond the radius of hundred kilometers and up to three hundred kilometers shall be shared equally between the user and the coal or lignite based thermal power plant.
- (11) The coal or lignite based thermal power plants shall promote, adopt and set up (financial and other associated infrastructure) the ash based product manufacturing facilities within their premises or in the vicinity of their premises so as to reduce the transportation of ash.
- (12) The coal or lignite based thermal power plants in the vicinity of the cities shall promote, support and assist in setting up of ash based product manufacturing units so as to meet the requirements of bricks and other building construction materials and also to reduce the transportation.
- (13) To ensure that the contractor of road construction utilizes the ash in the road, the Authority concerned for road construction shall link the payment of contractor with the certification of ash supply from the thermal power plants.
- (14) The coal or lignite based thermal power plants shall within a radius of three hundred kilometers bear the entire cost of transportation of ash to the site of road construction projects under Pradhan Mantri Gramin Sadak Yojna and asset creation programmes of the Government involving construction of buildings, road, dams and embankments”.

3. In the said notification, in paragraph 2, sub-paragraph (2A) be read as sub-paragraph (15) and at the end of the said sub-paragraph, the following sub-paragraph shall be added, namely:-

“and the coal or lignite based thermal power plants located in coastal districts shall support, assist or directly engage into construction of shore line protection measures.”

4. In the said notification, in paragraph 3, after sub-paragraph (7), the following shall be inserted, namely:-

- “(8) It shall be the responsibility of all State Authorities approving various construction projects to ensure that Memorandum of Understanding or any other arrangement for using fly ash or fly ash based products is made between the thermal power plants and the construction agency or contractors.
- (9) The State Authorities shall amend Building Bye Laws of the cities having population One million or more so as to ensure the mandatory use of ash based bricks keeping in view the specifications necessary as per technical requirements for load bearing structures.
- (10) The concerned Authority shall ensure mandatory use of ash based bricks or products in all Government Scheme or programmes e.g. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNREGA), SWACHH BHARAT ABIYAN, Urban and Rural Housing Scheme, where built up area is more than 1000 square feet and in infrastructure construction including buildings in designated industrial Estates or Parks or Special Economic Zone.

(11) The Ministry of Agriculture may consider the promotion of ash utilisation in agriculture as soil conditioner.”

- 5. The time period to comply with the above provisions by all concerned authorities is 31st December, 2017. The coal or lignite based thermal power plants shall comply with the above provision in addition to 100 % utilization of fly ash generated by them before 31st December, 2017.**

[F. No. 9-8/2005-HSMD]

BISHWANATH SINHA, Jt. Secy.

Note:- The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii) *vide* notification S.O. 763(E), dated the 14th September, 1999 and was subsequently amended *vide* notification S.O. 979(E), dated the 27th August, 2003 and S.O. 2804(E), dated the 3rd November, 2009.

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ANNEXURE R-8



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