

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 164 OF 2018
(EARLIER O.A. NO. 276/2013)**

IN THE MATTER OF:**ASHWANI KUMAR DUBEY****...APPLICANT****VERSUS****UNION OF INDIA & ORS.****...RESPONDENT(S)****INDEX****N.D.O.H: 16.03.2026**

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Filed by



[RAJAT JARIWAL]
[D/1402/2005] / [D /3728/2021]/ [D//9394/2021]
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DATE: 13.03.2026
PLACE: NEW DELHI

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 164 OF 2018
(EARLIER O.A. NO. 276 OF 2013)**

IN THE MATTER OF: -

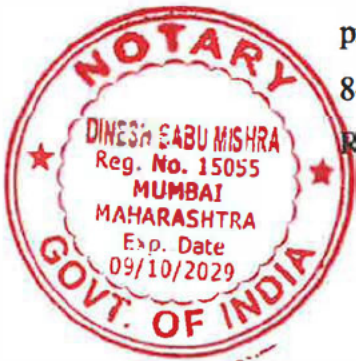
ASHWANI KUMAR DUBEY ...APPLICANT
VERSUS
UNION OF INDIA AND ORS. ...RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 18 - GRASIM
INDUSTRIES LIMITED**



I, Vikas Maheshwari, aged 45 years, S/o Girraj Prasad Maheshwari, R/o Grasim Industries Limited, Executive Flat, P.O. Renukoot, Dist: Sonbhadra, Uttar Pradesh – 231217. ^{→ Presently, in Mumbai} the Authorized Signatory of Respondent No. 18 – Grasim Industries Limited (“Answering Respondent”) in the instant Original Application No. 164 of 2018 (earlier O.A. No. 276 of 2013), do hereby solemnly swear and affirm as under:

1. I am fully conversant with the facts and circumstances of the captioned Original Application (“**Original Application**”) and I am competent and duly authorized to swear to the present affidavit (“**Affidavit**”) on behalf of the Answering Respondent.
2. This Affidavit is being filed in compliance with the order of this Hon’ble Tribunal dated 19.12.2025 (“**Order dated 19.12.2025**”) directing the Answering Respondent to place on record the scope of ongoing proceedings before the Hon’ble Supreme Court in Appeal Nos. 8401-8404 of 2019 (“**Civil Appeals**”) as well as issues involved therein. Relevant paragraphs of the Order in this regard are reproduced below:



Vikas



“5. Learned Counsel appearing for the M/s Grasim Industries Limited (earlier M/s. Aditya Birla Chemical, Renukoot) has also submitted that the Civil Appeal No. 8401-8404/2019 at the instance of Grasim Industries Limited are pending before the Hon'ble Supreme Court challenging the orders of the Tribunal dated 28.08.2018 and 19.07.2019. He has submitted that in those appeals, the issue of remediating the mercury sludge is involved.

7. Hence, we direct the Northern Coalfields Limited and Grasim Industries Limited to file an affidavit placing on record the issues involved and the scope of the above pending Civil Appeals before the Hon'ble Supreme Court within six weeks.”

True copy of the order dated 19.12.2025 is annexed herewith and marked as ANNEXURE – A [Page No. **9** to **12**].

3. In the Original Application, this Hon'ble Tribunal by its order dated 28.08.2018 accepted the report of the Core Committee of February 2018 (filed on 03.04.2018, **Core Committee Report**) recording that the thermal power plants in the districts of Singrauli and Sonbhadra are discharging mercury beyond prescribed norms/limits. Further, the Core Committee's final recommendations in respect of the Answering Respondent included that it is expedient that an action plan is prepared by the Answering Respondent to shift the mercury bearing brine sludge and muck contaminated with chlorinated chemicals from the factory premises to an authorised Treatment, Storage, and Disposal Facility (“TSDF”). It is relevant to mention at the very inception that the mercury bearing brine sludge is a legacy waste generated by the prior owner and occupier of the plant and the Answering Respondent is not responsible for its generation/ storage.

Vikal



4. Accordingly, this Hon'ble Tribunal: (i) held that any non-compliance with the recommendations of the Core Committee Report shall result in closure of the industry, and (ii) constituted an oversight committee under the chairmanship of Justice (Retd.) Rajes Kumar to monitor implementation of these directions (**Oversight Committee**).

A copy of the order dated 28.08.2018 passed by this Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE – B [Page No. 13 to 26]**.

5. As is also on record, pursuant to the order the dated 28.08.2018, the Oversight Committee convened a meeting on 23.11.2018 in which, the Answering Respondent expressed its difficulty in shifting the mercury waste from the premises to a TSDF owing to lack of any statutory guidelines on the subject. On account of Oversight Committee's refusal to intervene, the Answering Respondent was constrained to file an interim application before this Hon'ble Tribunal on 26.02.2019 (*being IA No. 155 of 2019, "Interim Application"*) *inter alia*, requesting for requisite guidance from the Central Pollution Control Board ("CPCB") and Uttar Pradesh Pollution Control Board (UPPCB) for implementation of the Core Committee's recommendation regarding shifting of mercury bearing brine sludge.

6. The Interim Application was heard on 19.07.2019 on which date this Hon'ble Tribunal held that there is no occasion to modify the order dated 28.08.2018 and in view of this, directed the Answering Respondent to, *inter alia*, forthwith shift the hazardous waste in terms of the HWM Rules. A copy of the order dated 19.07.2019 passed by this Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE – C [Page No. 27 to 38]**.



विलास

7. Thereafter, the Answering Respondent approached the Hon'ble Supreme Court against the orders dated 28.08.2018 and 19.07.2019 passed by this Hon'ble Tribunal ("**Impugned Orders**"). The Hon'ble Supreme Court by its order dated 04.11.2019 was pleased to *inter-alia* hold as under:

"Learned senior counsel for the appellant submits by relying on report at page 711, Vol.IV and page 42 of the additional documents (at page 112, Vol.V) that it has been opined that from the point of view of environmental perspective, it was not recommended to open the Secure Landfill Resource (SLR) and, thus, shifting of the Mercury bearing brine sludge would cause environmental hazard and no method has even been informed to the appellant despite queries raised to the concerned authorities. Issue notice.

The proceedings before the National Green Tribunal qua the aforesaid aspect be deferred as we are informed that the matter is listed tomorrow".

A copy of the order dated 04.11.2019 passed by the Hon'ble Supreme Court is annexed herewith and marked as **ANNEXURE – D [Page No. 39 to 40]**. It is submitted that the order dated 04.11.2019 was confirmed by the Hon'ble Supreme Court by its order dated 15.02.2024, copy whereof is marked and annexed as **ANNEXURE – E [Page No. 41 to 42]**.

8. Further to the above Order of the Hon'ble Supreme Court, this Hon'ble Tribunal on 05.11.2019 was pleased to direct that the proceedings in the Original Application shall be deferred, insofar as the issues involved in the Civil Appeals are concerned. A copy of the order dated 05.11.2019 passed by this Hon'ble Tribunal is annexed herewith and marked as **ANNEXURE – F [Page No. 43 to 56]**.

Vikal






9. Subsequently, this Hon'ble Tribunal by its order dated 02.11.2023 was pleased to direct parties to file objections to the recommendations of the Oversight Committee's report dated 14.01.2022 relating to fly ash disposal by thermal power plants in the area. A copy of the order dated 02.11.2023 passed by this Hon'ble Tribunal is annexed herewith and marked as ANNEXURE – G [Page No. **57** to **58**].
10. The Answering Respondent filed an Affidavit dated 06.07.2024 *vide* which it placed before this Hon'ble Tribunal its compliance with the recommendations made in the Report of the Oversight Committee dated 14.01.2022 *vis a vis* fly ash disposal. With respect to reclamation of low laying areas, it was categorically submitted that the land has been scientifically and environmentally reclaimed and the plantation activity has been completed. It was further submitted that by adopting government *approved Miyawaki Plantation Model*, the Answering Respondent has successfully developed a green belt on the said land by developing green vegetation (with more than 18,000 plants of various species) resulting in the reclamation of the said land. It was further submitted that the same has been duly conveyed to the Regional Officer, Uttar Pradesh Pollution Control Board by the Answering Respondent through a letter dated 01.08.2022. The completion of the reclamation and plantation exercise has been to the satisfaction of the UPPCB, as has been conveyed to the Answering Respondent through the UPPCB's letter dated 19.07.2023. Relevant portions of letter dated 19.07.2023 are reproduced hereinbelow:

“In relation to the aforementioned subject, as per the record of this office, your factory was directed through Letter No G000691/Miyawaki/2021 Date:- 22.09.2021 to develop forest using Miyawaki method. In response, you suggested that forest has been developed using Miyawaki method by planting approximately 15,000 samplings on 5000 Sq M area after reclamation of fly ash dumping area. This was verified by the officers of State Board at the time of Inspection”


Vivek





A complete copy of the said affidavit is annexed hereto and marked as ANNEXURE – H [Page No. **59** to **67**].

11. Meanwhile, by its order dated 08.05.2024 the Hon'ble Supreme Court directed the CPCB to provide detailed guidelines regarding modality and method of shifting of the legacy waste. In compliance thereof, CPCB filed an affidavit on 21.07.2024 suggesting that a Detailed Project Report needs to be drawn for such shifting and for the first time, drew a methodology for shifting of such sludge. A true copy of the order dated 08.05.2024 of the Hon'ble Supreme Court is annexed and marked hereto as ANNEXURE – I [Page No. **68** to **70**].



12. By its further order dated 15.10.2024, the Hon'ble Supreme Court allowed CPCB to make a detailed systematic study and submit a report. Pursuant to the said order a detailed assessment report was filed before the Hon'ble Supreme Court by the CPCB on 21.07.2025. By way of the report, the Joint Technical Committee has *inter alia* observed the need for remediation of the site, as part of its recommendations. In the said report certain Areas of Potential Concerns (hereinafter referred to as "AoPCs") were identified by the CPCB which include the *Miyawaki plantation area* as AoPC-4. Relevant extract of the Detailed Assessment Report by Joint Technical Committee detailing about AoPC-4: Miyawaki plantation is attached herewith and marked as ANNEXURE – J [Page No. **71** to **73**].

13. It is important to note that the entire issue of treatment and disposal of legacy waste from Landfilled Cells as well as from all identified AoPCs, including the APOC- 4, Miyawaki plantation area is pending consideration of the Hon'ble Supreme Court. That by its further order dated 17.02.2026, the Hon'ble Supreme Court directed CPCB to file a memorandum setting out all steps/modalities required for disposal of the identified legacy hazardous waste. Relevant portion of the Order dated 17.02.2026 is reproduced hereinbelow:

Sikandar

*“Having regard to the above, we deem it appropriate to require CPCB to prepare a memorandum containing all steps required for disposal of the **identified hazardous waste**. Those steps must include shortlisting of an accredited agency competent to carry out the work...”*

A true copy of the order dated 17.02.2026 of the Hon’ble Supreme Court is annexed hereto and marked as ANNEXURE - K [Page No. **74** to **76**].

14. It is further submitted that the matter was last listed before the Hon’ble Supreme Court on 11.03.2026 on which date the Hon’ble Court was pleased to grant extension of 8 weeks to CPCB to file the memorandum in accordance with the order dated 17.02.2026. A true copy of the Order dated 11.03.2026 is annexed hereto and marked as ANNEXURE - L [Page No. **77** to **79**].

15. It is thus submitted that since the reclaimed Miyawaki plantation area has been identified as AoPC-4 in the report of CPCB in the Civil Appeal pending adjudication before the Hon’ble Supreme Court, this Hon’ble Tribunal may kindly defer consideration of the same pending adjudication by the Hon’ble Supreme Court. It is however submitted that insofar as the current disposal and utilization of fly ash by the Answering Respondent is concerned, this Hon’ble Tribunal may kindly note that Answering Respondent is maintaining 100% utilization of fly ash. The Answering Respondent is a responsible corporate citizen and is committed to sustainable operations. The Answering Respondent is making continuous efforts to adopt the best available environmental protection technology to ensure the effectiveness of its environment management systems.



DEPONENT

VERIFICATION

I, the deponent above named, do hereby verify that the contents of the above affidavit are true and correct basis the records maintained by the Answering Respondent and believed by me to be true and correct and the legal advice received

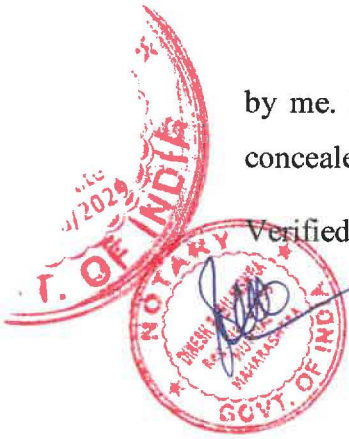


by me. Further, no part of this Affidavit is false and nothing material has been concealed therefrom.

Verified at Mumbai on this the 13th day of March 2026.

Vikad

DEPONENT



BEFORE ME

[Signature]
26
DINESH BABU MISHRA
Reg. No. 15055 B.A., LL.B.
NOTARY, GOVT. OF INDIA
Room No. 95, Phamabai Chawl,
Sewree Koliwada, Sewree (E),
Mumbai-400043.

NOTED & REGISTERED

Sr No 212 Pg. No 31

Date 13/3/26



ANNEXURE - A**WITH**

Original Application No. 499/2014

Anupam Raghav Applicant
 Versus
 Union of India & Ors. Respondent(s)

WITH

Original Application No. 102/2014
 (MA No 8/2019, MA No 70/2020, MA No 108/2019,
 MA No 50/2019, MA No 13/2020, MA No 87/2019,
 MA No 12/2020)

Sandplast (India) Ltd. Applicant
 Versus
 Ministry of Environment, Forest and
 Climate Change & Ors. Respondent(s)

Date of hearing: 19.12.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
 HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Garima Sharma & Ms. Swati Dwivedi, Advocates for Applicant in OA 164/2018 & OA 94/2020

Respondents: Mr. Sanjay Jain, Senior Advocate with Mr. Adarsh Tripathi & Mr. Vikram S. Baid, Advocate. for Respondent - 19 & 20 (Through VC)
 Mr. Vikas Saini, Adv. for the State of Punjab (Through VC)
 Mr. Ashutosh Thakur & Mr. Amit Kumar, Advs. for R - 37
 Mr. Kaustubh Anshuraj, Advocate for Respondent - 11 & 12.
 Mr. Rajat Jariwal, Advocate for Respondent - 17
 Mr. Mahesh Aggarwal, Mr. Arshit Anand & Ms. Geetika Sharma, Advocates for Respondent - 39.
 Mr. Ashish Prasad, Mr. Hasnat Nazki & Mr. Pruthi Dhinoja, Advocates for Hindalco Industries Ltd.
 Mr. Shubham Bhalla, Advocate for Respondent - 81 & 141 (Through VC).
 Mr. Balendu Shekhar & Ms. Tanisha Samantra, Advocates for DPCC (Through VC)
 Mr. Debarshi Bhadra, Advocate. for NBCC India Ltd.
 Mr. Ankit Verma, Advocate for the State of UP
 Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB.
 Mr. Rahul Khurana, Advocate for HSPCB (Through VC).
 Mr. Mukesh Kumar, Advocate for CPCB (Through VC).
 Mr. Jogy Scaria, Advocate for KSPCB
 Ms. Puja Kalra, Advocate for MCD (Through VC).
 Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advocates for MPCB & UKPCB (Through VC).
 Ms. Rukhmini Bobde, Advocate for the State of Madhya Pradesh
 Ms. Ngacheiharin Chephang, proxy counsel for Mr. Raghav Sharma, Advocate for MP PCB
 Mr. Avijit Roy, Advocate for Assam PCB (Through VC).
 Mr. Gautam Singh, Advocate for UT of J&K (Through VC).
 Mr. Dhananjay Baijal & Mr. Tilak Singh, Advocates for Telangana SPCB
 Mr. Arnab Ray, Advocate for Tripura SPCB (Through VC).
 Mr. Abhinay Sharma, Ms. Parul Khurana & Ms. Deeksha Prakash, Advocates for CECEB.
 Mr. Nishant Awana & Ms. Rakshita Mangain, Advocates for RSPCB

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Mr. Pukhrambam Ramesh Kumar, Advocate for the State of Manipur
(Through VC)
Mr. Rohan Gupta, Advocate for MoEF & CC (Through VC)
Mr. Kumar Anurag Singh, Advocate for JSPCB (Through VC).
Mr. Nishe Rajen Shonker, Advocate for the State of Kerala
Ms. K. Enatoli Sema, Adv. for the State of Nagaland (Through VC)
Mr. Mohit Singhal, Adv. for CPCB in OA 94/2020 (Through VC)
Mr. Srinivas Vishven, Adv. for CPCB in OA 102/2014 (Through VC)
Mr. Darpan KM & Mr. Rajat Jonathan Shaw, Advocates for the State of
Karnataka (Through VC).
Mr. Aaditya Vijay Kumar, Advocate for HP SPCB (Through VC)

ORDER

1. This original application was initially disposed of by the order dated 18.01.2022 and this order was subject matter of challenge in Civil Appeals No. 3856/2022, 4529/2022, 4525/2022 and 4581/2022. Hon'ble the Supreme Court by the order dated 05.07.2023 found that the parties were not given an opportunity to file their objection to the recommendations made by the Committee constituted by the Tribunal, therefore, the order of the Tribunal has been set aside by directing as under:

“xxxxxx.....xxx
16. In this context, it would be useful to refer to what is known as the 'official notice' doctrine, which is a device used in administrative procedure. Although an authority can rely upon materials familiar to it in its expert capacity without the need formally to introduce them in evidence, nevertheless, the parties ought to be informed of materials so noticed and be given an opportunity to explain or rebut them. The data on which an authority is acting must be apprised to the party against whom the data is to be used as such a party would then have an opportunity not only to refute it but also supplement, explain or give a different perspective to the facts upon which the authority relies. This has been explained by Schwartz in his work on Administrative Law. The aforesaid doctrine applies with greater force to a judicial / adjudicatory body.

Therefore, applying the aforesaid principle to the cases that come up before the NGT, if the NGT intends to rely upon an expert Committee report or any other relevant material that comes to its knowledge, it should disclose in advance to the party so as to give an opportunity for discussion and rebuttal. Thus, factual information which comes to the knowledge of NGT on the basis of the report of the Committee constituted by it, if to be relied upon by the NGT, then, the same must be disclosed to the parties for their response and a reasonable opportunity must be afforded to present their observations or comments on such a report to the Tribunal.

17. It is needless to observe that the experts' opinion is only by way of assistance in arriving at a final conclusion. But we find that in the instant case the report of the expert Committee as well as the recommendations have been made the basis of the directions and such an approach is improper.

18. We have perused the impugned order of the NGT and particularly paragraph '16' which has been extracted above. It is apparent that the appellant(s) herein who were respondents before the NGT were not given an opportunity to file their objections to the recommendations made by the Committee constituted by the NGT which is apparent by the fact that the recommendations were uploaded on 15.01.2022 and the final order of the NGT was passed three days later on, i.e. 18.01.2022. Thus, this is a clear case of there being non compliance with the principles of natural justice. On the said ground alone the impugned order is set aside, the matter is remanded to the NGT for re-consideration from the stage of the recommendations filed by the expert Committee constituted by the NGT. The appellant(s) herein are permitted to file their objections, if they are so advised. The NGT shall consider the objections, if any, filed to the recommendations and thereafter dispose of the applications in accordance with law and after giving a reasonable opportunity to all parties.

19. The appeals are allowed and disposed of in the aforesaid terms. Pending application(s), if any, shall stand disposed of."

2. The Tribunal thereafter had taken up the OA again and had issued notice to all the parties on 02.11.2023.

3. Learned Counsel for the parties submit that the pleadings are complete in the matter and objections to the report of the Committee have been filed and no further pleadings or objections are required to be filed in this OA.

4. Learned Counsel appearing for the Northern Coalfields Limited has submitted that Civil Appeal No. 4251 - 4252/2019 (Civil Appeal Diary No. 5032/2019) is pending before the Hon'ble Supreme Court, wherein the only issue involved relating to the direction of the Tribunal to transport the coal through wagon except for 2% by the trucks in the nearby area.

5. Learned Counsel appearing for the M/s Grasim Industries Limited (earlier M/s. Aditya Birla Chemical, Renukoot) has also submitted that

the Civil Appeal No. 8401-8404/2019 at the instance of Grasim Industries Limited are pending before the Hon'ble Supreme Court challenging the orders of the Tribunal dated 28.08.2018 and 19.07.2019. He has submitted that in those appeals, the issue of remediating the mercury sludge is involved.

6. Learned Counsel for the Northern Coalfields Limited and Grasim Industries Limited have submitted that leaving these two issues, the other issues **mainly the issue of disposal of fly ash** involved in this OA can be heard and decided. Similar is the submission of Counsel for all other parties.

7. Hence, we direct the Northern Coalfields Limited and Grasim Industries Limited to file an affidavit placing on record the issues involved and the scope of the above pending Civil Appeals before the Hon'ble Supreme Court within six weeks.

8. Learned Counsel for the UPPCB has submitted that he will prepare a chart containing the details of the industries and giving relevant particulars concerning those industries.

9. The MPPCB is also directed to do the same and file the details in the tabulated form in respect of industries falling within its jurisdiction within a period of six weeks.

10. List for hearing on 16.03.2026.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

December 19, 2025
OA No. 164/2018 & Other connected matters
dv

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ANNEXURE – B

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 164/2018
(Earlier O.A. No. 276/2013)

And

Execution Application No. 22/2018

In

(Original Application No. 276/2013)

In the matters of :-

Ashwani Kumar Dubey Vs. Union of India & Ors.

And

Ashwani Kumar Dubey Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: **Applicant :** Mr. Ashwani Kr. Dubey, applicant in person
Respondents: Ms. Deep Shikha Bharti, Adv. for State of UP
Mr. V.K. Shukla and Ms. Vijay Laxmi, Advs. for State of MP
Mr. Mahesh Agarwal and Mr. Nishant Rao, Advs.
Mr. Mukul Singh, Adv. for MoEF
Mr. Daleep Dhyani, Adv. for UPPCB
Mr. Rajkumar, Adv. for CPCB
Mr. Syed Shahid Hussain Rizvi, Zeeshan Rizvi, Advs.
Mr. Yogesh K. Chandna, Adv.
Mr. Rajat Jariwal and Mr. Ayush Jain, Advs. for R-17
Mr. Anip Sachthey, Ms. Anjali Chauhan and Ms. Ria Sachthey, Advs. for R-36
Mr. Rajul Shrivastav, Adv. for MPPCB
Mr. Vivek Singh and Mr. Swastik Dalal, Advs.
Mr. Pawan Upadhyay, Mr. Abhishek Awasthi and Mr. Digaj Pathak, Advs. for R-22& 23
Mr. Nitin Mishra and Mitali Gupta, Advs.
Dr. Ashwani Bhardwaj, Adv.
Mr. Bharat Sanpal, Ms. Isha Gupta, Ms. Babita Kushwar, Advs.

Date and Remarks	Orders of the Tribunal
<p>Item Nos. 06 & 07 August 28, 2018 R</p>	<p>1. The original application was filed with the grievance against pollution caused in District Singrauli in the State of Madhya Pradesh and District Sonbhadra in the State of Uttar Pradesh.</p> <p>2. Case of the applicant is that there are thermal power plants in the said Districts and on account of their activities, acute pollution is caused resulting in continued</p>

	<p>Item Nos. 06 & 07</p> <p>August 28, 2018</p> <p>R</p>	<p>destruction of environment. The industries are discharging mercury beyond prescribed norms affecting the nervous system causing disorders and other ailments to inhabitants. The said areas are critically polluted as per the 'Comprehensive Environmental Polluted Index Report'. There are studies that fly ash stored by the industries creates high pollution. High pollution is also caused in the process of transportation of coal by the trucks from the coal companies. No required safeguards are being adopted.</p> <p>3. This Tribunal vide the order dated 25.08.2014 constituted a Core Committee and four Sub-Committees. The Core Committee for monitoring the hazards of industrial development in Singrauli area comprising of:</p> <ol style="list-style-type: none"> a. The representatives from Central Pollution Control Board, Madhya Pradesh Pollution Control Board, Uttar Pradesh Pollution Control Board b. Director of Indian Agricultural Research Institute c. Director of Indian Council of Forestry Research and Education d. Director of National Institute of Hydrology e. Director of Indian Institute of Toxicology Research f. Dr. I. M Mishra, Chemical Engineering, Department, IIT Roorkee g. Dr. Vinod Tare, Professor Environmental Engineering, IIT Kanpur h. Dr. T. Chakrabarti, Visvesvaraya National Institute of Technology, Nagpur i. Prof. Kanchan Chopra, Institute of Economic
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	<p>Item Nos. 06 & 07</p> <p>August 28, 2018</p> <p>R</p>	<p>Growth.</p> <p>j. Nominee of Director, All India Institute of Medical Sciences</p> <p>k. Nominee of Director, National Institute of Occupational Health, Ahmedabad.</p> <p>l. Joint Director, EIA Division, Ministry of Environment and Forests.</p> <p>4. A Sub-Committee was constituted to assess the potential impact of pollution on water resources as follows:</p> <p>a. Representative of the Central Ground Water Authority having experience in Water Quality</p> <p>b. Representative of the Ministry of Water Resources having experience in Water Quality</p> <p>c. Representative of State Irrigation Department having experience in Water Quality</p> <p>d. Representative of National Institute of Hydrology from Water Quality Laboratory</p> <p>5. A Sub-Committee for assessing impact on land resources was also constituted as follows:</p> <p>a. Representative of Indian Institute of Toxicology Research, Lucknow.</p> <p>b. Representative of Central Pollution Control Board, Madhya Pradesh State Pollution Control Board and Uttar Pradesh State Pollution Control Board not below the rank of Regional Officer.</p> <p>c. An Expert of Soil Science from Indian Institute of Soil Science, Bhopal.</p> <p>d. An Expert on Forest Soil from Indian Council of</p>
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	<p>Item Nos. 06 & 07</p> <p>August 28, 2018</p> <p>R</p>	<p>Forestry Research and Education, Dehradun.</p> <p>6. A Sub-Committee to assess impact on air quality was as follows:</p> <p>a) Representative of the Central Pollution Control Board,</p> <p>b) Representative of the Madhya Pradesh Pollution Control Board</p> <p>c) Representative of the Uttar Pradesh Pollution Control Board</p> <p>d) An expert on Air Quality from National Environmental Engineering Research Institute, Nagpur.</p> <p>e) An expert on Air Quality from IIT, Kanpur.</p> <p>7. A Sub-Committee to assess impact on health was as follows:</p> <p>a) Committee to have at least one Doctor each from Uttar Pradesh and Madhya Pradesh apart from one Social Scientist from each of the state and involve Panchayati Raj Institutions for collection of primary data.</p> <p>8. The Committee submitted its report which was accepted by the Tribunal vide order dated 06.12.2017. The Core Committee was directed to conduct a fresh inspection. Two Supervisory Committees were constituted for implementation of recommendations of the Core Committee Report. Composition of said Committees was as follows:</p> <p>i) Secretary Environment of the respective States</p> <p>ii) Member Secretary of the Pollution Control Board of the concerned States</p> <p>iii) District Magistrate of the concerned district who</p>
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	<p>Item Nos. 06 & 07</p> <p>August 28, 2018</p> <p>R</p>	<p>shall be conveners of the meeting.</p> <p>iv) Zila Panchyat Adyayksh of the District in which the village falls inspection of which is being conducted by the Team.</p> <p>v) Nominee of the Mayor in the case of Urban areas.</p> <p>vi) Senior Officer from the Coal Mine Department of the States.</p> <p>9. The Supervisory Committees were required to submit monthly reports to the Core Committee and Core Committee was to submit reports to this Tribunal every three months. Direction was also issued to ensure that every village is provided with a RO plant and if necessary two or more plants so that every resident can get potable water for drinking. The cost was to be borne by the industries. Direction was also issued to fix on-line air monitoring systems as well as water quality monitoring systems. Land was to be provided by the Government or the Gram Panchayat and the cost of installation or maintenance was to be borne by the industries. The stone crushers working without permission were directed to be closed down. They were permitted to operate and they were required to install RO system as per above directions.</p> <p>Accordingly, a report of February 2018 has been filed before this Tribunal on 03.04.2018. The report has been signed by Dr. Tapan Chakrabarti, Chairman of Core Committee & former Director, NEERI, Nagpur, Mr. A. Sudhakar, Member Secretary, CPCB, Prof. I.M. Mishra, Prof. I. M. Mishra, Chemical Eng. Dept., ISM, Dhanbad, Dr. Rajesh Singh, Scientist C, NIH, Roorkee, Shri T U Khan, Chief Env. Officer, UPPCB, Lucknow, Dr. Khajanchilal, Principal Scientist, IARI, New Delhi, Dr. Veeramgami, Scientist - B, NIOH, Ahmedabad, Mr.</p>
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	<p>Item Nos. 06 & 07 August 28, 2018 R</p>	<p>Hemant Sharma, Chief Engineer MPPCB, Bhopal, Dr. Vishavjit Kumar, Scientist D, ICFRE Dehradun. Its recommendations are as follows:</p> <p>“Final Recommendations</p> <p>Compliance requirement identified during the Inspection carried out in pursuance of the Order of the NGT dated December 6, 2017.</p> <p>The Core Committee carried out a fresh investigation in the Singrauli area on January 8 and 9, 2018 as directed by the NGT, New Delhi (vide order dated December 6, 2017). The compliance necessary further are documented as under:</p> <p>(i) Thermal Power Plants</p> <p>a) All the AWRS and ESPs installed by the thermal power plants should be made functional on continuous basis. The stacks of the power plants and the ambient air monitoring stations need to be linked with CPCB/SPCB network</p> <p>b) Necessary renovation of the ash dykes needs to be carried out in order to prevent ash slurry going to Rihand Reservoir.</p> <p>c) District Administration/State Government is required to declare an area in the 300 km radius of the power plants as a utilization zone where fly ash/bottom ash derived bricks/blocks and building products are made mandatory to be used in the buildings and other construction activities. It is gathered that there are few brick making units which are mixing soil with fly ash to make bricks. It shall be ensured that at least 25% of flyash shall be mixed in making clay bricks within 100 Km radius of thermal power plants, otherwise it will be in contravention to the Fly ash Notification, 2009 issued by the MoEF&CC, New Delhi. The making of bricks from soil or mixed soil is to be banned forthwith.</p> <p>d) All Thermal Power Plants in Sonebhadra and Singrauli Districts must be supplied with coal containing ash less than 34% on quarterly average basis as stipulated vide Notification No. GSR 02 (E) dated January 02, 2014.</p> <p>e) Shaktinagar Super Thermal Power Plant of NTPC Ltd. must repair their damaged pipeline and stop discharge of sewage into Ballia Nallah with immediate effect.</p> <p>f) Transportation of coal in open trucks is continued unabated thereby defying the very purpose of installation of the Pipe Conveyor System. Further, the residents in the concerned area complained about severe noise pollution caused by the prevailing coal transportation</p>
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	<p>Item Nos. 06 & 07 August 28, 2018 R</p>	<p>system. Necessary compliance should be carried out to reduce the noise pollution to the level required by the concerned SPCB with immediate effect. In case of dire necessity of transportation of fly ash and bottom ash, CPCB Guidelines for Loading/Unloading and Transportation of Flyash (December 2013), made for this purpose should be strictly followed. CCTV cameras are to be installed at strategic locations to monitor such transports by the concerned SPCBs. NCL, Gorbi Block B mine shall complete its railway track at the earliest and stop road transportation of coal up to Morba Railway siding. Similarly, Jayant mine shall either transport coal upto Morba railway siding by conveyor system or make arrangements to load the entire coal in railway wagons from the mine itself and stop the road transportation of coal.</p> <p>(ii) Aluminum Smelter: M/s Hindalco Industries, Renukoot</p> <p>a) Industry shall achieve emission limit of 50 mg/Nm³ for particulate matter in respect of all Baking furnaces. The emission from boilers shall be reduced to the level of 50 mg/Nm³ from the existing norms of 150 mg/Nm³ by December 31, 2019 retrofitting of exiting ESPs and also meet emission limit of SO₂ & NO_x notified for industrial boilers.</p> <p>b) Industry shall ensure that no Red mud is leached out to ground water during monsoon and post monsoon period. Piezometers/monitoring wells should be installed in and around the red mud disposal sites in consultation with the CGWB/concerned SGWB. Regular monitoring of the leachate should be carried out as per the sampling and analysis plan as proposed by the concerned SPCB. Besides, industry shall facilitate utilization of Red Mud in nearby cement industries, including those located in MP. The industry shall also explore the possibility of extraction of titanium and other heavy metals from the Red Mud.</p> <p>c) The Core Committee was informed that the industry has taken a zero waste water discharge initiative though no such action plan could be obtained. This action plan must be made ready within a month's time and submitted to UPPCB for necessary approval</p> <p>(iii) M/s Aditya Birla Chemicals, Renukoot</p> <p>a) Industry shall ensure proper operation of effluent treatment plant so as to ensure the compliance of the effluent discharge standard. The industry shall also ensure that no untreated/partially treated effluent finds its way in to the Nallah leading to the Rihand Reservoir. The channel leading to Rihand Reservoir has to be intercepted, diverted and treated within the</p>
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	<p>Item Nos. 06 & 07</p> <p>August 28, 2018</p> <p>R</p>	<p>industry. The nallah presently passing through the factory should be isolated so that the industry cannot discharge any treated/partially/treated/untreated effluent which is being done now.</p> <p>b) There is also an urgent need for the preparation of an action plan by the industry to shift the mercury bearing brine sludge and the muck contaminated with chlorinated chemicals from the factory premises to the TSDF in consultation with the UP State Pollution Control Board. It may be stated here that storage of hazardous mercury bearing brine sludge and the muck contaminated with chlorinated chemicals inside the premises is not permitted by the prevailing Hazardous Waste Management Rules, 2016 and, therefore, to be shifted to a suitable TSDF immediately.</p> <p>(iii) M/s Northern Coalfields Limited (NCL)</p> <p>a) As per the provisions of the Notification of 2009, 25% percent of flyash should ,along with Over Burden (OB) generated in the mines of NCL, be used for back filling the abandoned mine. NCL must sign an MOU with NTPC and make available the abandoned Gorbi Mine for this purpose without further delay. NCL is required to obtain the necessary permission from the concerned DGMS in this regard. Further, the external dump and exhausted pits should be scientifically reclaimed using suitable biological and engineering measures as well as by mixing fly ash as per fly ash notification. Since human habitation has been seen to exist in the close proximity of the OB dump, NCL must take all possible initiatives for slope stabilization thereby preventing any possibility of accidents of sliding OB causing damage to property and life.</p> <p>b) The norm of ash content equal to or below 34 percent is not strictly complied with by the NCL and ash content is going as high as 40 percent and beyond .Coal beneficiation is ,therefore, be initiated to obtain coal having less than 34% ash.</p> <p>c) Also, the coal mines shall ensure that transportation of coal shall only be either by railway wagons or by the dedicated conveyor system. No transportation of coal shall be permitted by road to any of the industries in the Singrauli area, as recommended earlier also. The railway wagon loading area requires better material management as severe dust pollution is found in the area.</p> <p>(V) Stone crushers</p> <p>a) All stone crushers in Singrauli are have not taken adequate pollution control measures as the level of air pollution in the vicinity of stone crushers is high and causes a health hazards. Most of the crushers are located very near to habited area or very near to the roads/</p>
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	<p>Item Nos. 06 & 07 August 28, 2018 R</p>	<p>highways. All such stone crushers which are not suitably located as well as which do not have adequate pollution control systems should be immediately closed. Relocation of stone crushers may also be explored.</p> <p>(VI) Pollution Control Boards and MoEF& CC</p> <p>a) The regional carrying capacity of the entire Singrauli region is to be assessed before allowing any expansion scheme with respect to the existing industries. This assessment is the prerequisite for such consideration in future.</p> <p>b) The concerned SPCBs must ensure that all the major stacks from all the industries are being continuously monitored and these are linked with the CPCB/SPCB network. Effluent discharges from the industries are monitored once a month.</p> <p>c) The existing network of monitoring system for AAQ monitoring in both the districts of UP & MP need to be strengthened and expanded to get representative air quality status of Singrauli area. Industries in the area should install at least three continuous ambient air quality monitoring stations forthwith on "Polluter Pays Principle" at such locations as may be decided by CPCB in consultation with the respective SPCBs. The data generated should be transferred to SPCBs, CPCB and MoEF& CC on continuing basis.</p> <p>d) It is also essential that at least three continuous monitoring systems for mercury (Hg) monitoring in the ambient air should be installed (covering both the Districts of UP & MP) forthwith at suitable locations in the Singrauli area by the industries on "Polluter Pays Principle". CPCB in consultation with the SPCBs shall guide the industries regarding the location of the monitoring stations. Besides mercury in and surface and ground water should also be monitored manually once in a three months.</p> <p>(VII) District Administration of respective States</p> <p>a) The Awdi-Shaktinagar Marg and Singrauli-Awdi-Dibulgunj Marg are extensively used for heavy traffic and for clandestine coal transport leading to dust pollution. Further, the dense population which are residing along these roadsides are severely affected by dust pollution. As has been mentioned, coal transportation by open truck is to be banned forthwith. CCTV cameras are to be installed at strategic location to record any violation in this regard.</p> <p>b) To improve the prevailing situation, these roads are required to have 4/6 lanes and the pavements should be furnished with interlocking bricks of suitable quality to arrest air entrainment of dust.</p> <p>c) Since there is no strategy for disposal of the RO reject in an environmentally friendly manner, prevailing practice of dumping of RO reject shall affect nearby land as well as water resources with long term consequences leading to</p>
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	<p>Item Nos. 06 & 07 August 28, 2018 R</p>	<p>irreversible ecological damage. Therefore no further installation of RO plants in affected villages is recommended. Instead water supply should now be practiced using water tankers as an interim measure. Piped water supply from Rihand reservoir will be a longterm solution for drinking water supply to fluoride and mercury affected villages.</p> <p>d) In the past Rihand reservoir was polluted by the major industries in the area such as thermal power plants, coal mines, M/s Aditya Birla Chemicals, Renukoot and M/s Hindalco Industries, Renukoot. Since this reservoir is the only drinking water source in the area, the reservoir needs restoration and protection. A comprehensive study needs to be undertaken to assess the reservoir's water and sediment quality and to delineate water and sediment remediation and restoration measures on Polluter Pays Principle. All the streams and nullahs joining the reservoir need to be intercepted and diverted to save the reservoir from further pollution. CSIR NEERI, Nagpur and/or CSIR-IITR, Lucknow may be entrusted with this study for which both these organizations have the requisite expertise.</p> <p>e) As the patients with clinical manifestations suggestive of fluorosis were also noted to have severe malnutrition, mineral and nutrient supplements for these areas should be ensured by the District Administration. Further, patients with clinical manifestations suggestive of fluorosis must be monitored for their health through a scientific plan of periodic checkup as recommended by KGMU, AIIMS, Bhopal and IMS, BHU. Dental as well as bone fluorosis can be improved, if detected in the early stage. It is also essential to establish a Standard Toxicological Testing and Analysis Laboratory in the region. The earlier recommendation of establishment of Training Centers to train Health care workers including Doctors in KGMU, Lucknow and AIIMS, Bhopal for identifying the sources of diseases due to fluoride/mercury emission/discharge and treating the affected patients must now be done at an early date.</p> <p>f) There is a number of health related issues like silicosis, fluorosis, and the impact of mercury on the people in the area, which need to be examined in detail. The District Administration is urgently required to identify long term project needs with proper funding and adequate manpower under "Polluter Pays Principle" for estimating the magnitude of health related problem with special reference to silicosis, fluorosis, and the impact of mercury on the people in the area.</p> <p>g) The District Administration of both the States are required to hold monthly meetings of all the stakeholders of Singrauli area, prepare minutes signed by the Stake holders and place it before the Supervisory Committee constituted by NGT in its</p>
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<p>Item Nos. 06 & 07</p> <p>August 28, 2018</p> <p>R</p>	<p><i>order dated December 6, 2017.</i></p> <p>10. The above report was filed before this Tribunal on 03.04.2018. No objection appears to have been filed by any party in spite of sufficient opportunity being available. Learned counsel for respondent no. 17 states that <i>Aditya Birla Chemicals Limited</i> has filed objection to the effect that it cannot divert the drain in terms of the recommendations. If drain is required to be diverted to prevent pollution, the same must be done unless an alternative is suggested. Thus, we do not find any merit in the objection and the same is rejected. All the recommendations as quoted above are accepted. If any of the industries fails to comply with the recommendations, the same may have to be shut down. The application is accordingly disposed of.</p> <p>11. To comply with the above directions, we consider it appropriate to constitute an oversight Committee as follows:</p> <ol style="list-style-type: none"> a) Justice Rajesh Kumar, Allahabad High Court and former Chairman of Debt Recovery Appellate Tribunal - Chairman. b) Representative of Central Pollution Control Board - Member. c) A representative each from the Madhya Pradesh Pollution Control Board and Uttar Pradesh Pollution Control Board - Members. d) District Magistrates of Districts Sonebhadra and Singrauli - Members.
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	<p>Item Nos. 06 & 07</p> <p>August 28, 2018</p> <p>R</p>	<p>12. The Committee will take the following steps:</p> <ul style="list-style-type: none"> • Take stock of all actions taken so far. • Prepare time bound action plan to deal with the problem and ensure its implementation. <p>13. The Committee may requisition services of such technical experts as may be necessary and may also carry out visits to sites whenever necessary. They will be entitled to all logistic support for performing these functions which shall be provided under the directions of the Chief Secretary, Madhya Pradesh and Chief Secretary, Uttar Pradesh</p> <p>14. The Monitoring Committee may also set up website for receiving and giving information on subject.</p> <p>15. The Monitoring Committee may also involve educational institutions for awareness and feedback about results.</p> <p>16. All authorities concerned in the States of Madhya Pradesh and Uttar Pradesh shall cooperate and coordinate with the Monitoring Committee. The Committee can seek such technical assistance as may be required from any relevant authority.</p> <p>17. The Chief Secretary, Madhya Pradesh and Chief Secretary, Uttar Pradesh to provide all facilities to said Committee to perform its functions. The Committee may send its periodical reports to the Tribunal by E-mail.</p> <p>18. The Committee may assume its charge within two weeks from today. The Committee may prepare Action</p>
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	<p>Item Nos. 06 & 07</p> <p>August 28, 2018</p> <p>R</p>	<p>Plan which shall have targets of ensuring compliance. It may meet at such intervals as considered appropriate but twice in every month and fix targets for compliance.</p> <p>19. The Committee will be free to take up all incidental issues. The Committee will be free to seek any further directions from this Tribunal by E-mail.</p> <p>20. The Chief Secretary of the State of Madhya Pradesh may determine remuneration of the Chairman in consultation with him and the Chief Secretaries of Madhya Pradesh and Uttar Pradesh will also provide all logistic support including security of needed for their proper functioning.</p> <p>21. The District Magistrates of Districts Sonbhadra and Singrauli will be the co-coordinators for their respective Districts. The Committee may furnish a report of the action taken to this Tribunal after three months.</p> <p>22. The Committee will be entitled to take the help of the technical experts in execution of this order. The Committee may frame its action plan for implementation within one month from today and implementation may be completed within six months as far as possible. The timelines may be laid down. A copy of the action plan may be sent to this Tribunal. Thereafter, reports may be sent at least once in two months. The Committee may also assess the damage to the environment as well as to the individuals as already suggested in the Report.</p> <p>The application is disposed of.</p> <p>A copy of this order be sent to the concerned</p>
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<p>Item Nos. 06 & 07</p> <p>August 28, 2018</p> <p>R</p>	<p>authorities by e-mail and by post.</p> <p>The applicant may also send a complete set of papers to the members of the Committee.</p> <p>The Committee may send a report of the action taken to this Tribunal by e-Mail at filing.ngt@gmail.com.</p> <p>The report may be placed for consideration on 15th February, 2019.</p> <p>.....,CP (Adarsh Kumar Goel)</p> <p>.....,JM (Dr.Jawad Rahim)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr.Nagin Nanda)</p> <p>28.08.2018</p>
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ANNEXURE – C**Revised Order**

Item No.03& 04

Court No. 1

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

Original Application No.164/2018
(Earlier O.A.No.276/2013)
(I.A. No. 155/2019,I.A. No. 337/2019 &
I.A. No. 384/2019)
WITH
Execution ApplicationNo. 22/2018
IN
O. A. No. 276/2013

Ashwani Kumar Dubey

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

(Report of the Committee in O.A 164/2018 with I.A. No. 155/2019 for direction dispensing the implementation of the Core Committee's Recommendation. I.A. No. 337/2019 for permitting the applicant to continue to transport coal by road&I.A. No. 384/2019 for quashing the recommendation of the Core Committee)

Date of hearing: 19.07.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

For Respondent (s): Ms. Vidushi Garg, Advocate for R-10,11 & 12
Mr. AnipSachthey, Sr. Advocate, Ms. Anjali Chaudhary, Ms. Ria Sachthey, Advocates for NCL
Dr. Ashwani Bhardwaj with Ms. Kavita Rawat, Advocates for R- 33 to 35
Mr. Pradeep Misra, Mr. DaleepDhyani, Advocates for UPPCB
Mr. Rajkumar, Advocates for CPCB
Mr. Sarvjit Pratap Singh, Advocate for R-24&26
Mr. Ranji Srinivasan, Sr. Advocate, Mr. Syed Shahid Husssain Rizvi, Mr. Zeeshan Rizvi, Ms. Sylona Mohapatra, Advocates for R-20, Hindustan Industries

Mr. Ajitesh Sai, Advocate for Essar MP
Mr. Gaurav Dudej, Mr. Sudhanshu Goil,
Advocate for R-25
Mr. Prag Tripathi, Senior Advocate for Grasim
Industries

ORDER

1. **I. A. No. 155/2019** has been filed by Grasim Industries Limited (earlier Aditya Birla Chemical Industries Limited) for modification (which in substance is by way of review) of the order dated 28.08.2018, *inter alia* directing the said applicant to shift the hazardous waste to the TSDF.
2. According to the applicant, it generated hazardous waste in the course of its activities of manufacturing Castic Soda which was stored in its premises since 2010. The said waste has Mercury bearing brine sludge which has to be disposed of as per Rule 16 of the Hazardous Waste Management Rules, 2016. However, the said waste continues to be stored in the premises of applicant.
3. This Tribunal dealt with the matter of industrial pollution in District Sonbhadra in the State of Uttar Pradesh in the light of allegation of discharge of mercury beyond the prescribed limits, affecting the nervous system and causing disorder and illness to the inhabitants of District Sonbhadra, Uttar Pradesh since the year 2006-2017.
4. To consider the above allegation, this Tribunal, on 25.08.2014, constituted a Core Committee and Sub-Committees to assess the potential impact of pollution and further action.

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5. The Core Committee gave its report on 03.04.2018 which was considered and accepted by the order dated 28.08.2018. Directions were issued in terms of the said report. In respect of the applicant, it was *inter-alia* noted:

*“(iii) M/s Aditya Birla Chemicals, Renukoot a) Industry shall ensure proper operation of effluent treatment plant so as to ensure the compliance of the effluent discharge standard. The industry shall also ensure that no untreated/partially treated effluent finds its way in to the Nallah leading to the Rihand Reservoir. The channel leading to Rihand Reservoir has to be intercepted, diverted and treated within the industry. The nallah presently passing through the factory should be isolated so that the industry cannot discharge any treated/partially/treated/untreated effluent which is being done now. b) **There is also an urgent need for the preparation of an action plan by the industry to shift the mercury bearing brine sludge and the muck contaminated with chlorinated chemicals from the factory premises to the TSDF in consultation with the UP State Pollution Control Board.** It may be stated here that storage of hazardous mercury bearing brine sludge and the muck contaminated with chlorinated chemicals inside the premises is not permitted by the prevailing Hazardous Waste Management Rules, 2016 and, therefore, to be shifted to a suitable TSDF immediately.”*

(highlighting by us)

6. The Tribunal disposed of the application and constituted an Oversight Committee to oversee the compliance of the above recommendations/directions, headed by a former Judge of the Allahabad High Court, with representatives of the CPCB, State PCB and the District Magistrates of Districts Sonbhadra and Singrauli as members.
7. The Committee in its meeting dated 07.06.2019 considered the compliance of the said direction in respect of the applicant unit as follows:

"Shifting of Mercury bearing brine sludge:

M/s Grasim Industries Ltd. is manufacturing Caustic Soda. Admittedly, in the manufacturing of Caustic Soda, Mercury was one of the items which was obtained as a sludge in the process of the manufacturing. On the objection being raised, it is the case of the Company that they have completely changed the process of manufacturing of Caustic Soda, in which no Mercury is coming out as a bye product in the form of sludge since 2012. However, admittedly a huge stock of the mercury bearing brine sludge/waste which was obtained as a bye product during the course of manufacturing prior to 2012, has been stored in the premises of the Company. Mercury is a hazardous goods. The Hon'ble NGT in its order dated 28.08.2018 directed the industry to shift the mercury from the factory premises to TSDF immediately. The direction was as follows:

"There is also an urgent need for the preparation of an action plan by the industry to shift the mercury bearing brine sludge and the muck contaminated with chlorinated

chemicals from the factory premises to the TSDF in consultation with the UP State Pollution Control Board. It may be stated that storage of hazardous mercury bearing brine sludge and the muck permitted by the prevailing Hazardous Waste Management Rules, 2016 and, therefore, to be shifted to a suitable TSDF immediately".

Admittedly, the aforesaid direction has not been complied with. In some of the meetings, the Company requested time to take steps but subsequently its representative stated that they have stored the mercury sludge properly in a place. He further stated that it would be difficult to shift the mercury from the premises to the TSDF. He also stated that TSDF will also store mercury sludge in the same manner in which they have stored.

Today, the representative of the Company stated that they have moved an Application before the Hon'ble NGT for the modification of the order dated 28.08.2018 and the said application is on the board for hearing on 19.07.2019. He requested that the matter may be taken up after 19th July, 2019.

It may be stated that in the meeting dated 23.11.2018 the Company expressed their difficulty in shifting the mercury waste/ sludge from the premises to TSDF. The Committee categorically stated that they have no power to modify the order and the Company can approach the NGT for the modification of the order. It may be mentioned here that in the earlier meetings the R.O. Sonbhadra was directed to get the sample of the Dongianullah and also find out the source of the water.

It may be mentioned here that the Committee has visited the Dongianullah in district Sonbhadra and has taken out

the sample of the flowing water. The said sample was analysed by the Central Pollution Control Board in their lab in which the mercury was found. In this regard, a report was submitted. In the report, the mercury was .0452 mg. per litre while the standard as per the E/Rules 1986 the permissible limits is .01 mg. per litre.

In the survey report of Dongianullah prepared by Shri Rajesh Singh, Scientific Assistant, Senior Engineer, Dr. S.C. Shukla Assistant Scientific Officer and submitted by Shri Radhey Shyam, R.O. Sonbhadra, wherein it is reported that in the column of waste source, discharge in nullah was from M/s Grasim Industries Ltd. Ranukoot. **In this way, the survey report demonstrates that the waste water discharge found from M/s Grasim Industries Ltd. in Dongianullah.**

At the time of the meeting, a query was made from Shri Avinash Rai, representative of the Company, that whether there is any another source from where the mercury may come to Dongianullah. He stated that to his knowledge, there is none but it may be possible that some discharges may be coming from other sources. The Committee is of the view that most probably the discharge of mercury in the Dongianullah may be from Grasim Industries wherein the mercury sludge is stored. The Committee is of the view that on the facts and circumstances the Hon'ble NGT has categorically directed the industry to shift the mercury waste brine sludge from the premises to TSDF, Kanpur and they have not been allowed to store mercury bearing brine sludge has not yet been shifted. The order of the NGT has not been complied with. The company is not able to show that NGT has modified its order and, in the circumstances, the Committee is of the view that the Company has clearly violated the


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order of the Hon'ble NGT. In these circumstances, we propose to levy the penalty/ compensation of rupees one crore which will be subject to the approval by the Hon'ble NGT."

(highlighting by us)

8. It is, thus, clear that activity of discharge of Mercury in the environment by the applicant has been found and storage of hazardous waste is illegally continuing for which the applicant is liable to be dealt with as per law.
9. Prayer in the present application is that recommendation of the Core Committee regarding shifting of the Mercury brine sludge and muck may not be required to be enforced as the said storage is safe and covered by the consent given by the UPPCB.
10. On the other hand, learned counsel for the UPPCB points that under Rule 8 of the Hazardous Waste Management Rules, 2016, there cannot be storage of hazardous waste for more than 90 days and the jurisdiction of the UPPCB to extend it is further 90 days. Thus, the UPPCB has no authority to permit continuing storage of Mercury bearing brine sludge. Consent of UPPCB cannot be set up as an estoppels against the statutory provisions. Thereafter, the hazardous waste is to be shifted to a Treatment Storage and Disposal Facility (TSDF) set up by the State under Rule 16. Transportation has to be in terms of Rule 18 and 19. There is thus no occasion to modify the order of this Tribunal dated 28.08.2018. Moreover, the Committee in

its report dated 07.06.2019 has found that on taking sample of the flowing water outside the unit of the applicant, Mercury was found to be 0.452 mg/l against the standard of 0.1 mg/l. The finding has already been quoted above. The Committee has suggested penalty of Rs. 1 Crore as compensation.

11. In view of above, we are of the view that the applicant must forthwith shift the hazardous waste in accordance with the Rules and for the illegal storage as well as damage to the environment on account of contamination, the applicant is liable to pay environmental compensation and be dealt with as per rules. Such compensation may be assessed by a joint Committee comprising representative of the MoEF&CC, CPCB and the IIT, Kanpur within one month pending such assessment, the applicant may deposit a sum of Rs. 1 Crore towards the interim compensation with the CPCB to be spend for the restoration of the environment. CPCB will be the nodal agency for the purpose. The application as well as the report of the Committee with regard to the applicant stands disposed on in the above terms.
12. **I.A. No. 337/2019** is dismissed as withdrawn.
13. **I.A. No. 384/2019:** The prayer in this application is in substance to review the order of this Tribunal dated 28.08.2018 accepting recommendations of an Expert Committee in its report dated February, 2018 on the subject of emission limit of the particulate matter for boilers.

14. According to the applicant, the said limit according to MoEF&CC is to apply from 2022 but the said matter is pending before the Hon'ble Supreme Court in *W.P.No.13029/1985, M.C Mehta v. U.O.I.*
15. In view of the above, the matter is adjourned to avoid parallel proceedings on the issue before the Hon'ble Supreme Court and this Tribunal.

REPORT OF THE COMMITTEE

16. The Committee constituted by this Tribunal vide order dated 28.08.2018 has furnished its report dated 28.06.2019 suggesting ban of manufacturing of red bricks by use of clay/soil and by burning of coal with a view to facilitate more disposal of fly ash in brick manufacturing. This aspect may be looked into by the MoEF&CC and CPCB and a report be furnished to this Tribunal before the next date, by email.
17. The other aspects may be monitored by the Committee and its final report be given which may set out recommendations cumulatively at one place in a tabular form giving the status of compliance and the recommendations on or before 31.08.2019. The Chief Secretary of Uttar Pradesh in respect of District Sonbhadra and Chief Secretary of Madhya Pradesh in respect of Singrauli area may suggest further course of alternative oversight mechanism, in view of the fact the Committee is being asked to conclude its proceedings.

REPORT OF THE CPCB

18. We have also perused the report furnished by the CPCB in pursuance of the order dated 21.05.2019 on the subject of compliance of consent conditions. The Tribunal noted that consent conditions requires all internal roads to be made *pucca* to control the emission of particulate matter generated due to coal transportation in the area of Singrauli in Madhya Pradesh.

19. The relevant observations of the Committee are as under:

"Specific observations related to compliance of consent conditions:

- i. *The industry in non-complying with the regular operations of STP piezometers establishment in periphery of ash pond & remote calibration assess to MPPCB.*
- ii. *The industry is partially complying on following conditions:*
 - a. *Ground water depletion study not yet carried out.*
 - b. *Not yet informed MPPCB regarding the low-lying area filling with ash.*
 - c. *Fly ash utilization upto 86.42% by FY 2018-19*
 - d. *Flue gas desulfurization plant installation in under process.*
 - e. *Internal roads of weighbridge to coal handling area & ash pond area are not yet pucca. However, other major lengths of road have been mad pucca.*
 - f. *Fugitive dust control system (water mist spray) is inadequate at CHP area.*
 - g. *Interlocking of the process with APCDs."*

20. The Committee observed as follows:

"By 12 different locations, public roads are being used as haul roads which are passing through various



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villages due to which the vulnerability of population to dust emission, vehicle pollution & chances of road accident increases. The nearest place from where industry is lifting coal is GajraBahra siding which is 15 kms far from the plant. For this industry is using MPRDC road as haul road this path passes through less habited & forest area. It is also pertinent to mention that having 24X7 vigils over the trucks for their tarpaulin cover & speed is not possible."

21. It has further been observed that transportation of coal by road was taking placed in violation of the order of Hon'ble Supreme Court of which compensation of Rs. 19,50,000 was liable to be paid.
22. We are informed that the Hon'ble Supreme Court has by an interim order permitted such transportation till further order. In view of the order of the Hon'ble Supreme Court, we defer the matter with regard to transportation only. However, the unit must comply with the requirement of operation of STP, establishment of piezometers and remote calibration as well as other deficiencies forthwith which may be overseen by the CPCB. In this regard the CPCB may assess compensation for the damage in this regard for the last five years and give its report within one month by email at judicial-ngt@gov.in.

List for further consideration on 30.09.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 19, 2019
Original Application No.164/2018and connected matters
AK




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ANNEXURE - D

1

OUT TODAY

ITEM NO.27

COURT NO.11

SECTION XVII

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

CIVIL APPEAL Diary No(s). 37833/2019

(Arising out of impugned final judgment and order dated 28-08-2018 in OA No. 164/2018 28-08-2018 in EA No. 22/2018 19-07-2019 in IA No. 155/2019 19-07-2019 in EA No. 22/2018 passed by the National Green Tribunal)

GRASIM INDUSTRIES LIMITED
(EARLIER ADITYA BIRLA CHEMICAL INDUSTRIES LIMITED) Appellant(s)

VERSUS

ASHWANI KUMAR DUBEY & ORS. Respondent(s)

(IA No.165087/2019-CONDONATION OF DELAY IN FILING and IA No.165089/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.165088/2019-EX-PARTE STAY)

Date : 04-11-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. C.A. Sundram, Sr. Adv.
Mr. Pinaki Mishra, Sr. Adv.
Mr. Rajat Jariwal, Adv.
Mr. Bharat Gupta, adv.
Mr. Sanjeev K. Kapoor, Adv.
M/S. Khaitan & Co., AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Application for exemption from filing c/c of the impugned judgment is allowed.

Delay condoned.

At the oral request of learned senior counsel for the appellant, CSIR-National Environmental Engineering Research


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Institute is impleaded as respondent No.49.

Learned senior counsel for the appellant submits by relying on report at page 711, Vol.IV and page 42 of the additional documents (at page 112, Vol.V) that it has been opined that from the point of view of environmental perspective, it was not recommended to open the Secure Landfill Resource (SLR) and, thus, shifting of the Mercury bearing brine sludge would cause environmental hazard and no method has even been informed to the appellant despite queries raised to the concerned authorities.

Issue notice.

The proceedings before the National Green Tribunal qua the aforesaid aspect be deferred as we are informed that the matter is listed tomorrow.

Order dasti today.

(ASHA SUNDRIYAL)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER


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ANNEXURE - E

ITEM NO.5

COURT NO.7

SECTION XVII

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Civil Appeal No(s). 8401-8404/2019

**GRASIM INDUSTRIES LIMITED (EARLIER ADITYA BIRLA
CHEMICAL INDUSTRIES LIMITED)**

Appellant(s)

VERSUS

ASHWANI KUMAR DUBEY & ORS.

Respondent(s)

(IA No. 103664/2022 - APPLICATION FOR PERMISSION
IA No. 103661/2022 - APPLICATION FOR PERMISSION
IA No. 165088/2019 - EX-PARTE STAY
IA No. 103665/2022 - EXEMPTION FROM FILING O.T.)

Date : 15-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s)

Mr. C. Aryama Sundaram, Sr. Adv.
Mr. Rajat Jariwal, Adv.
Ms. Prerna Singh, Adv.
Ms. Shatakshi Tripathi, Adv.
Mr. S. Abhishek Iyer, Adv.
Ms. Nastassia Khurana, Adv.
Ms. Aayushi Khurana, Adv.
For M/S. Trilegal Advocates On Record, AOR

For Respondent(s)

Mr. Tahir Ashraf Siddiqui, AOR
Mr. Aashirvad Kumar, Adv.Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Manoj Kumar Sharma, Adv.
Mr. Suraj Singh, Adv.
Mr. Bhuvan Chandra, Adv.UPON hearing the counsel the Court made the following
O R D E RPerused the earlier orders, including the order
dated 4th November, 2019.

In view of the said order, these appeals shall be treated as admitted for hearing.

List for hearing on 8th May, 2024.

Needless to add that the interim relief granted by this Court on 4th November, 2019 will continue to operate till the disposal of these appeals.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

ANNEXURE - F

Item No. 01 & 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 164/2018
(Earlier O.A.No.276/2013)

WITH

Execution Application No. 22/2018

IN

O. A. No. 276/2013

(With report dated 29.10.2019)

Ashwani Kumar Dubey

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 05.11.2019

CORAM:**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant (s):

Mr. Pankaj Sharma, Advocate

For Respondent(s):

Ms. Vidushi Garg, Advocate for R-10 to 12
Dr. Ashwani Bhardwaj with Kavita Rawat,
Advocates for R-33&35
Mr. Anip Sachthey, Senior Advocate with Ria
Sachthey, Advocate for R-36
Mr. Rajkumar, Advocate for CPCB
Mr. Daleep Dhyani, Advocate for UPPCB
Mr. Pradeep Misra, Advocate for R-19&20
Mr. Rajat Jariwal, Advocate for Grasim
Industries.
Mr. Gaurav Dudeja, Advocate for Lanco Anpara
Ms. Deep Shikha Bharati, Advocate for State of
UP**ORDER**

1. Issue for consideration is remedial action against pollution and violation of environmental norms by Thermal Power Stations operating in Singrauli and Sonebhadra Districts of Madhya Pradesh

and Uttar Pradesh resulting *inter-alia* in air pollution, water contamination and large scale of damage to public health.

2. Vide order dated 24.05.2016, this Tribunal sought a factual and action taken report from a joint Committee comprising of the Ministry of Environment, Forest and Climate Change (MoEF&CC), the Central Pollution Control Board (CPCB), the Uttar Pradesh Pollution Control Board (UPPCB) and the Madhya Pradesh Pollution Control Board (MPPCB) with reference to the allegation that Thermal Power Stations operating in the Districts of Singrauli and Sonebhadra in the States of Madhya Pradesh and Uttar Pradesh being Northern Coalfields Limited Singrauli, Northern Coalfields Limited Kakri Project, Post Kakri, District-Sonebhadra, Uttar Pradesh, Northern Coalfields Limited Bina Project Post Bina District Sonebhadra, Northern Coalfields Limited Krishna Shila Project, Northern Coalfields Limited Kadia Project, Post Khadia District Sonebhadra, Northern Coalfields Limited, Dudhichuwa Project, Post Khadia District-Sonebhadra, UP were causing damage to the environment. The violation of environmental norms was resulting in damage to water bodies, including Rihand Reservoir. Surface and underground water was polluted affecting rivers like Son, Renu, Bijul, Kanhar, Gopad, Pankagan, Kathauta Kachan, etc. and streams/nalas like Ballia Nala, Chatka Nala, Kahuwā Nala, Tippa Jharia, Dongia Nala, etc. Water had been contaminated by toxic effluents discharged, chemicals and fly ash and was not fit for consumption.

3. The Tribunal after considering the report vide order dated 28.08.2018, constituted a Committee headed by Justice Rajesh Kumar a former Judge of the Allahabad High Court to prepare a time

bound action plan to deal with the problem and to monitor its implementation and send reports of the action taken by it to this Tribunal.

4. The Tribunal dealt with the report of Justice Rajesh Kumar Committee dated 14.12.2018 vide order dated 03.01.2019. The report, *inter-alia*, mentioned lack of proper management of ash ponds, disposal of red mud and steps necessary for control of air and water pollution. The Tribunal directed the concerned State Pollution Control Boards (SPCBs) and the Central Pollution Control Board (CPCB) to take remedial measures and furnish a status report about the ambient air quality, water quality of the reservoir and other water bodies to the Oversight Committee. The States were also to give their reports about the health status of the citizens in the affected areas and to prepare plan for providing potable water through pipelines in a time bound manner.

5. Second report of Justice Rajesh Kumar dated 28.06.2019 was considered on 19.07.2019. The report suggested ban on manufacture of red bricks by use of clay/soil and burning coal so that more fly ash could be utilized. This aspect was directed to be looked into by the MoEF&CC and the CPCB. The Committee was to give further report setting out recommendations cumulatively at one place. The Tribunal also directed compliance of observations of the CPCB with regard to operation of STP, establishment of piezometers and remote calibration as well as other deficiencies forthwith which was to be overseen by the CPCB. CPCB was to assess compensation for the damage to the environment.

6. Reports dated 21.08.2019 and 23.08.2019 were filed by the MPPCB and UPPCB. In O.A. No. 453/2019, a direction was sought for implementation of the said reports on the issue of environmental compensation in respect of 11 units in the State of Madhya Pradesh and 10 units in the State of Uttar Pradesh. The Tribunal directed the SPCBs to proceed in accordance with law to recover the compensation assessed.
7. The matter has been put up today mainly for consideration of the report filed on 29.10.2019 by Justice Rajesh Kumar dealing with the issue of management of fly ash by thermal power stations and the damage caused to Rihand reservoir which is a source of water for operation of thermal power plants and other industries and also for drinking purposes by the inhabitants. The Committee observed that the capacity of the reservoir was reduced due to draining of effluents and fly ash which required desilting. Fly ash dykes of Essar Power was breached on 07.08.2019 and of NTPC on 06.10.2019. Slurry was flowing on the ground causing damage to the crops. Slurry also travelled upto Rihand reservoir. This gave rise to emergent situation. The Committee held a meeting. The Committee prepared its agenda on the subject as follows:

"Generation and storage of Fly-ash in Thermal Power Plants is becoming a great cause of concern affecting the environment. Due to the regular storage of Fly-ash in Fly-ash Dykes since long, affecting air pollution, has led the Ministry of Environment, Forest and Climate Change, Government of India to declare the Sonbhadra and Singrauli area as a most critically polluted area. No proper roadmap has been presented for its proper disposal by the Thermal Power Plants.

It has been noticed that in recent times there had been breach of Ash Dykes of two Thermal Power Plants in Singrauli district of Madhya Pradesh, which has resulted in discharge of Ash slurry to the river as well as to Rihand

Reservoir adversely affecting their water quality. These Ash Dyke pertains to Thermal Power Plants (TPPs) namely Mjs Essar Power Ltd and NTPC, Vindhya Nagar. These incidence are of serious concern and indicates improper and non scientific design of Ash Dykes. The Oversight Committee constituted by Hon'ble NGT has taken this matter very seriously and also discussed in the previous meeting. In this regard a meeting of the Committee is convened on October 22, 2019 at 11:00 AM in Circuit House at Prayagraj to discuss various issues related to handling of Ash and their disposal. The agenda of the meeting is as below: -

All Thermal Power Plants have to talk about the structural design of their Ash Dykes to prove that their Ash Dykes are proper and scientifically designed.

1. To discuss with all the Thermal Power Plants about structural details of their Ash Dykes and their adequacy for handling of Fly Ash generated. Whether submitted the details of ash dykes to SPCBs and taken permissions from SPCBs .
2. All Thermal Power Plants have to talk about the structural design of their Ash Dykes to prove that their Ash Dykes are proper and scientifically designed.
Submission of affidavit by TPPs in compliance of decisions taken in the last meeting of Committee regarding adequacy of Fly Ash Dyke. The status will also be shared about the action taken by TPPs for third party assessment of Ash Dyke of their plants through expert institutions like NEERVIITs.
4. Thermal Power Plants may submit their roadmap for the future disposal of the stored Fly-Ash as well as the currently generated Fly-Ash.
5. What effort has been made to fill up the Fly-Ash in the abandoned Coal Mines and Stone Mines? Whether any letter has been written to the Mine-owners or to the concerned Authority in this regard, seeking permission in light of the discussion in the earlier meeting(s)?
6. To provide opinion about option of developing mounts of Ash Dyke as done by NTPC Thermal Power Plant, Dadri, where green cover has been developed by covering it with the top soil.
7. Submission of status by NTPC Vindhya Nagar about necessary clearance from Madhya Pradesh Pollution Control Board about Gorbi mines and disposal of Fly Ash.
8. Preparation of DPR for project of desilting the Rihand Reservoir and bearing of such expenditure by Thermal Power Plants of the area on polluter pay principle.

All the Thermal Power Plants situated in the State of U.P. and M.P., Members of the Committee, District Magistrate of concerned districts may be informed to attend the meeting with relevant information as per Agenda."

8. The deliberations of the Committee have been summed up as under:

“Thermal Power Plants — Ash Utilization:

NTPC-Vindhyanagar: Shri V.K. Maurya, Deputy General Manager (Civil Design) NTPC, New Delhi along with Shri Debashis Sen, Executive Director (Vindhyanagar) states that they could not comply the direction given by the Committee in the earlier meeting and could not submit the affidavit till today. They could not file any reply to the points raised in the Agenda of notice. However, Shri V.K. Maurya tried to explain that their Fly Ash Dyke was constructed in accordance to the norms and time to time, when the height of the Dyke was raised, the technical advices were also taken from the experts. However, no evidence in this regard has been produced before us. Despite asking from us that whether they have brought any reply to the points detailed in the agenda, Mr. Jain another officer states that they have everything. The periodical inspection has been made by the various internal department officers but he admitted that no assessment or report by third party agency has been obtained with regard to Fly Ash Dyke. Prima facie, the Committee is of the view that the officers of the NTPC are still not serious. They have not complied with the direction given by the Committee in the earlier meeting. The affidavit has not been filed. Recently, we came to know that there was a breach of Fly Ash Dyke on 06.10.2019 due to which huge quantity of fly ash slurry travelled alongwith the ground causing damage to crops and the fly ash travelled up to the Rihand Reservoir. If as per the version of Mr. Jain and Mr. Maurya everything was perfectly all right and time to time dykes have been checked why this incident happened. The incident itself shows that there was some deficiency in the construction of Fly Ash Dyke. The whole purpose for asking the affidavit in the earlier meeting was to get their dykes checked properly from the third party experts inasmuch as these dykes were originally constructed much earlier, in the present case in the year 1981. Plant is not able to produce any roadmap for the disposal of the stocked Fly Ash and the currently generated Fly Ash. A continuous process of stocking the Fly Ash is going on, which is causing environmental effect every day. In this view of the matter, the Committee is of the view that the Plant is liable for the compensation/penalty for causing environmental damage every day.

Later on, at the end, they have provided an affidavit. The averments made in the affidavit are vague and casual. The paragraphs are sworn on the 'personal knowledge' and not on the basis of documents. We are not satisfied with the averments made in the affidavit. Sri Jain submitted that some time may be allowed to get the Fly Ash Dyke inspected by the third party agencies. He prays and is allowed one month time to get the Fly Ash Dyke inspected by the third party agencies like IIT or any other agencies, who are experts on the subject. He further submitted that he may be allowed a week's time

thereafter to give the reply of each and every point of the agenda of the meeting.

NTPC Shaktinagar: Shri Debashish Chattopadhyay, Chief General Manager submitted an affidavit in respect of the Fly Ash Dyke. From perusal of the affidavit it appears that the averments are vague and general in nature. The averments are sworn on the basis of personal knowledge and not on the basis of the documents. The Committee is not satisfied with the affidavit. Let the Plant may file a fresh affidavit after getting the report from the third party technical agency. He further submitted that due to the breach of the Fly Ash Dyke of NTPC Vindhyanagar and on account of the heavy pressure, their recycled water pipeline has been damaged resulting overflow of the water from the Dyke. He fairly admitted that some quantity of the over-flown water is going to Rihand Reservoir. He, however, assured that within a week the recycled water pipeline will be repaired and they may also get the technical structural stability report about their Fly Ash Dyke from third party agencies namely IIT etc. He submitted that he will submit the Affidavit within a period of one month giving reply of each and every point raised in the agenda.

NTPC Rihand: Shri Ranjan Kumar, G.M. NTPC Rihand submitted an affidavit. The averments made in the affidavit are vague and casual. The paragraphs are sworn on the 'personal knowledge' and not on the basis of documents. We are not satisfied with the averments made in the affidavit. He states that their Plant has already engaged IIT, Kanpur for the inspection and report in respect of the Fly Ash Dykes. The report may likely be obtained within one month. The Committee is of the view that let one opportunity may be given to the Plant to file a better affidavit along with the documents to demonstrate the action taken by the Plant in this regard and also the report of the third party agency in regard to the structural stability of the Fly Ash Dykes.

Lanco Anpara & U.P. State Power Corporation Ltd.: An affidavit has been submitted by the Anpara Thermal Project, a Unit of U.P. State Power Corporation Ltd. The affidavit is vague and general in nature. In support of the averments in the affidavit, no document has been annexed. There is no report of the third party technical agency. They are directed to give a better and detailed affidavit. It is stated that they have only one Fly Ash Dyke in which their fly ash as well as the fly ash of Lanco are being drained. The maintenance of the said Fly Ash Dyke is the responsibility of the Anpara Thermal Project, U.P. State Power Corporation Ltd. In this way, so far as the construction, stability and maintenance of the Fly Ash Dyke is concerned, Lanco is not responsible. The entire responsibility is upon U.P. State Power Corporation Ltd. The officer of U.P. State Power Corporation Ltd. submitted a report of 2018 wherein the structural stability of the Fly Ash Dyke has been examined. In the said report, it is approved that their Fly Ash Dyke is suitable for further raising of height up to 5 meters. The copy of the said report has been submitted before us. The Committee is of the

view that after raising the height, the Plant may get a further report in respect of structural stability in order to overrule any possibility of technical flaw. Shri A.K. Rai, Executive Engineer states that in the Fly Ash Dyke the rainy water of the catchment area also flows and in such a situation during the rainy season when the Fly Ash Dyke is full of water due to heavy rainfall etc. Sometimes the fly ash along with the water also flows to Rihand Reservoir. The Management of the Plant is very serious about this issue and has asked the District Administration to divert the Nala of the catchment area to somewhere to avoid any flow of fly ash in the Rihand Reservoir. The District Magistrate, Sonbhadra states that the Administration is very serious and taking all possible steps to get the Nala diverted. The work is likely to be completed within two months. Both Lanco and U.P. State Power Corporation Ltd. are directed to furnish their reply by filing a fresh affidavit in regard to each and every point of the agenda of the meeting.

Essar Power: The officers of the Company submitted the affidavit regarding their Fly Ash Dykes. They submitted that 80% of the fly ash which had flown due to the breach of the Fly Ash Dyke have been removed and 20% fly ash lying on the earth shall be removed within a period of one month. They submitted that for the assessment of the environmental damage they have engaged NEERI, Nagpur. The document relating to their engagement has been produced before the Committee. They stated that NEERI has asked for six months time to assess the environmental damage. They further submitted that for the structural stability of the Dyke and making it technically sound they have taken the advices from two professors of the IIT Roorkee, namely, Prof. K.S. Hariprasad and Prof. Narendra K. Samadhia. They have visited the spot. They are likely to give their report within a period of fifteen days. On the basis of their report, they may proceed to reconstruct their Fly Ash Dyke. It has also been informed to the Committee that there was a joint inspection done by the officers of the Central Pollution Control Board and the officers of the M.P. Pollution Control Board and on the inspection the report has been submitted wherein they found that the Plant has removed 80% fly ash and they are in the process of removing the remaining 20% of the fly ash. The Committee directs the Plant to submit the report of the IIT within fifteen days and thereafter also submit the progress report, of the steps being taken to reconstruct the Dyke. On the report being received from NEERI, the environmental compensation shall be assessed. Let the Company may give detailed reply of each and every point of the agenda of the meeting by filing an affidavit within one month.

Shasan Power Ltd.: The representative of the Plant submitted the affidavit. However, the report of the third party agency certifying the structural stability of the Fly Ash Dykes has not been submitted. They have also not submitted the reply of each and every point raised in the agenda. The representative states that they will get the report about the structural stability of the Fly Ash Dykes and give the reply of each and every point raised in the agenda within one month.

Hindalco Industries — Mahan Aluminium Project: The Company is engaged in the manufacturing of Aluminium from Alumina and has a Power Plant of 900 MW capacity. It is submitted that they have 02 Fly Ash Dykes, one dyke has been completely filled to the capacity and the other is being used now. For the purposes of raising height of the Fly Ash Dykes they have engaged the BHU for technical advice and on the basis of the advice they will proceed further in the matter. The Committee is of the view that they may also get the report from the third party agency about the initial structural stability of the two Fly Ash Dykes. The Company has submitted an affidavit. The averments in the affidavit are general in nature. They are also directed to file a fresh affidavit giving reply of each and every point raised in the agenda within one month.

Bajaj Energy: The representative of the Plant stated that they have received copy of the agenda very late. Therefore, they could not collect the necessary documents. They sought time to furnish the details. Let the Plant may submit an affidavit relating to the structural stability of the Fly Ash Dykes and also give the reply of each and every point raised in the agenda, supported by the certificate from third party agency in this regard. They are directed to give the reply of each and every point of the agenda within a period of one month.

M.P. Power Generating Co. Ltd.: There are 04 (four) Units of this Company, namely:-

- (1) ATPS, Chachai, District Anuppur, established in 2007.
- (2) SGTPS, Birsinghpur, District Umariya, established in 2015.
- (3) STPS, Sarni, District Betul — two Plants established in 2013 and 2017.
- (4) SSTPP, Dongalia, District Khandwa, established in 2018.

A consolidated Paper Book has been submitted in respect of all the Units. However, they have not submitted any Affidavit with regard to the Fly Ash Dykes and also the Certificate of the third party agency who are the Technical expert. The officers of the Company pray for one month time to submit the affidavit and the certificate. They have also submitted a roadmap for the disposal of the Fly Ash. A perusal of the roadmap reveals that in comparison to the other Power Plants, their Unit-wise disposal are quite satisfactory.

However, they admit that even after more than 90% disposal, the stock of Fly Ash still remains and they are making efforts to dispose it by negotiating with the Cement Plants and approaching the Government for permission to fill the Fly Ash in the abandoned Mines. It is submitted that they are hopeful to achieve the target shortly. Let the Company may file the affidavit and the certificate in respect of the structural stability of the Fly Ash Dykes within one month.

MB Power (Madhya Pradesh) Ltd.: The Company has submitted a presentation in the form of small paper book. However, they have not submitted any Affidavit with regard to the Fly Ash Dykes and also the Certificate of the third party agency who are Technical expert. The officers of the Company pray for one month time to submit the affidavit and the certificate. The representative of the Company states that their disposal of Fly Ash is at present more than 100% and there is very little stock of Fly Ash lying in the Plant. For the further disposal of Fly Ash, they have approached the Southern Coalfields Ltd., Bilaspur to provide abandoned Mines for the purposes of filling of the Fly Ash. He stated that they are continuously approaching the Southern Coalfields Ltd., Bilaspur but they are not giving any reply. A copy of the letter has also been given to the Ministry of Coal, Govt. of India and also to the Madhya Pradesh Pollution Control Board. Sri Hemant Sharma, Director, MPPCL states that he will look into the matter and do the needful. The Committee further directs the Southern Coalfields Ltd., Bilaspur to look into the request of the Plant and if it is feasible and there is no impediment, they may allow the filling of their Fly Ash in the abandoned Mines. Let the Company may file the affidavit and the certificate in respect of the structural stability of the Fly Ash Dykes within one month.

Obra Thermal Power Plant, Obra: The representative of the Plant submitted an affidavit in pursuance of the direction given by the Committee in the earlier meeting. We have perused the affidavit. The manner in which the affidavit has been submitted is not acceptable. It is, in fact, not an affidavit and nothing has been stated properly, supported by any document, as required by the Committee. Let the Company may file a fresh affidavit stating that their Fly Ash Dykes are structurally stable and there is no possibility of any breach, and also annexing the certificate in respect of the structural stability of the Fly Ash Dykes from a third party technical agency. The representative submitted that the Plant is raising the height of the Fly Ash Dykes after taking the advice from the IIT Roorkee. Committee directs that after the completion of the work, they will further get their Dykes inspected by the third party technical agency, namely, NEERI to get the certificate that the Dyke is fully structurally stable and there is no possibility of any breach. He submitted that although, at present, the Fly Ash Dykes is not operational but the Plant has negotiated with the NHAI and also got allotment of abandoned mines from the concerned Authorities. After getting the N.O.C. from the Department, they will fill the Fly Ash in the abandoned mines. In this way, they will be able to dispose off sufficient quantity of the Fly Ash. Let the Company may file a fresh affidavit, supported by documents, stating their Fly Ash Dykes are structurally stable and technically sound and also submit reply of the issues raised in the agenda within one month.

Prayagraj Thermal Power Plant : The representative states that although they have two Fly Ash Dykes but since their disposal of Fly Ash is at present 100%, there is no occasion to store the Fly Ash. The Plant is not facing any problem with

regard to the Fly Ash Dyke. The Plant is, however, not operating in full capacity due to lack of coal in adequate quantity. Since their disposal of Fly Ash is to the nearby Industries, there may not be much problem of storage of fly ash in the Dykes.

Jaypee Bina Thermal Power Plant: The representative of the Company filed an affidavit. We have perused the affidavit. Let the Company may file a fresh affidavit within one month enclosing the certificate from the third party technical agency that their Fly Ash Dykes are structurally stable and there is no possibility of any breach. They may also submit the reply to each and every point of the agenda in the said affidavit.

Jaypee Nigrie Thermal Power Plant: The representative of the Company states that there is 100% disposal of the Fly Ash. There is no stock of Fly ash in the Dykes. Only bottom ash is filled in the Fly Ash Dykes. At present, there may be about 3.9 Lac MT bottom ash in the dykes. He stated that they have sought permission from the concerned Authority to fill up the old lying Ash for filling up in 04 abandoned Stone mines, which are also leased out to them for the quarry of stone. The total capacity of the mines is about 15 lac MT. On the permission being granted, they will be able to consume the entire stock of the bottom fly ash stored in the Fly Ash Dykes. Let the Company may file a fresh affidavit within one month enclosing the certificate from the third party technical agency that their Fly Ash Dykes are structurally stable and there is no possibility of any breach. They may also submit the reply to each and every point of the agenda in the said affidavit.

NTPC Meja : The representative of the Plant stated that their Plant has been commissioned in the year 2019. After commissioning of the Plant, the production of the Plant has not been properly carried on initially, for the shortage of the coal and at present due to technical fault. The production may likely to start very soon. Therefore, they are not facing any problem relating to the Fly Ash.

NTPC Dadri : The representative of the Plant states that there is no Fly Ash Dyke in their Plant. In the Plant premises, they have developed a huge Fly Ash Mount wherein they are directly sending dried fly ash from the Plant to the Fly Ash Mount through the pipeline. The permissible height of the Fly Ash Mount is 55 Meters. The Fly Ash Mount is full of trees which works as a binding of fly ash and avoids any damage during the rainy season. The creation of the Fly Ash Mount is a continuous process. There is no effect of Fly Ash effluents and affecting any air pollution and environment. On the contrary, due to heavy growth of plantation, which is about 2,00,000, over the Fly Ash Mount, the entire area is full of greenery and creates a better environment."

9. In view of above, the Committee observed that the fly ash could be managed by developing a fly ash mount. The Committee has made following recommendations:

- (1) All the Thermal Power Plants are directed to get their Fly Ash Dykes inspected by the third party agencies who are Technical expert to certify that their Fly Ash Dykes are technically sound and structurally sustainable and file an affidavit in this regard along with the certificate of the third party agencies.
- (2) All the Thermal Power Plants may make a serious effort for 100% disposal of the currently generated Fly Ash and also for the disposal of the stocked Fly Ash.
- (3) All the Thermal Power Plants may approach the District Administration with the request to allot abandoned mines (stone and coal) to them for the permission to fill the Fly Ash.
- (4) Generation of Fly ash is a continuous process in all the Thermal Power Plants which is causing pollution of every day - Why the environment compensation on per day basis or month-to-month basis may not be imposed and recovered for the continuous pollution of air and water?
- (5) There are number of Acts relating to air pollution and water pollution. The concerned authorities are directed to initiate the civil and criminal proceedings against these Thermal Power Plants who are causing air pollution and water pollution every day.
- (6) U.P. Pollution Control Board under whose jurisdiction the Rihand Reservoir comes is directed to prepare a D.P.R. for desilting of Rihand Reservoir for its restoration to its original form.
- (7) All the Thermal Power Plants are being cautioned to take the necessary steps, as directed above, failing which they will be subject to the penalty/ environment compensation.

10. We are of the view that the recommendations on the subject of development of fly ash mounts and filling up of abandoned mines are issues which need to be examined by experts with regard to the safeguards necessary in the process, after studying the impact of environment. It is only after such a study that the development of mounts and filling up of abandoned mines can be undertaken. If there are pre-existing guidelines of MoEF&CC/CPCB on the subject, the same may be followed.

11. As regards desilting of Rihand reservoir, the same needs to be undertaken on scientific basis and cost recovered in the manner apportioned by CPCB. Apart from desilting, structural improvement of the dykes needs to be simultaneously taken up. CPCB may ensure that an action plan is prepared by the power plants whose dykes have breached. The issue of developing fly ash mounts and filling up of abandoned mines may also be got examined by the CPCB from its Expert Committee.
12. The CPCB has given report dated 26.09.2019 in response to order dated 19.07.2019. The CPCB has recommended payment of compensation of Rs. 155,42,85,300/- (One hundred fifty five crore forty two lac eighty five thousand three hundred). Since it is pointed out that vide order dated 04.11.2019 the Hon'ble Supreme Court has directed deferment of the proceedings, we defer the proceedings till the matter is decided by the Hon'ble Supreme Court.
13. We have also perused the report filed by the CPCB on 21.08.2019 with regard to compensation to be paid by the Essar Power in pursuance of order dated 19.07.2019. The assessed compensation may be recovered after following the due process of law.
14. We also find a letter from Justice Rajesh Kumar seeking extension of time. The report may be furnished as early as possible preferably by 31.12.2019. The structural steps for restoration of dykes may commence expeditiously, preferably by 31.12.2019 by Essar Power as well as NTPC.
15. The CPCB may give its reports on the subject of development of fly ash mounts and back filling of the abandoned mines and also cost

apportionment for desilting and restoration of Rihand reservoir preferably by 31.12.2019. CPCB will be at liberty to consult/associate any expert/institution for the purpose.

List for further consideration on 18.02.2020.

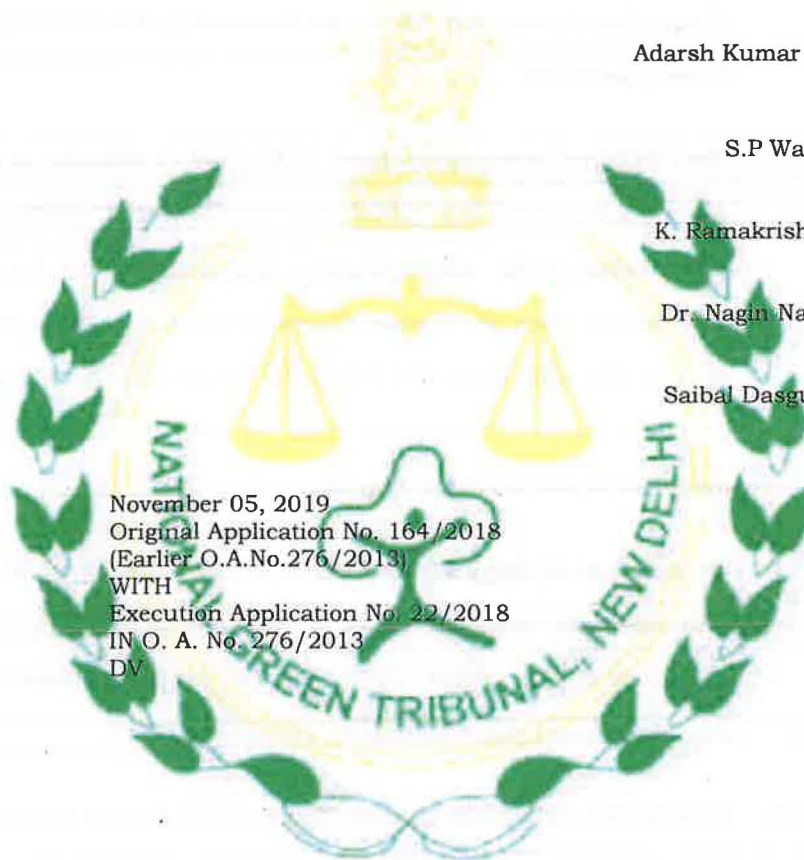
Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

Saibal Dasgupta, EM



November 05, 2019
Original Application No. 164/2018
(Earlier O.A.No.276/2013)
WITH
Execution Application No. 22/2018
IN O. A. No. 276/2013
DV

ANNEXURE - G

Item No. 06

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 164/2018
(Earlier O.A. No. 276/2013)

Ashwani Kumar Dubey

Applicant(s)

Versus

Union of India & Ors

Respondent(s)

Date of hearing: 02.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**Respondent: Mr. Sanjay Jain, Senior Advocate with Mr. Adarsh Tripathi, Adv. for R -
19 & 20 (Through VC)
Mr. Kaustubh Anshuraj & Ms. Shweta Soni, Adv. for R - 12
Mr. Ashutosh Thakur & Mr. Chandra Pratap, Adv. for R - 36**ORDER**

1. The Original Application Nos.164/2018, 194/2020, 94/2020, 148/2020, 107/2020, 117/2014, 499/2014 & 102/2014 were disposed of by the Tribunal by the common order dated 18.01.2022.

2. This order was subject matter of challenge before the Hon'ble Supreme Court in Civil Appeal Nos.3856/2022, 4529/2022, 4525/2022 & 4581/2022 wherein an issue was raised that the original applications were decided without complying the Principles of Natural Justice.

3. Hon'ble Supreme Court by order dated 05.07.2023 has disposed of the appeals by setting aside the order of the Tribunal and remanding the matter back for reconsideration with the following directions:-

"18. We have perused the impugned order of the NGT and particularly paragraph '16' which has been extracted above. It is apparent that the appellant(s) herein who were respondents before the NGT were not given an opportunity to file their objections to the recommendations made by the Committee constituted by the NGT which is apparent by the fact that the recommendations were uploaded on 15.01.2022 and the final order of the NGT was passed three days later on, i.e.

18.01.2022. Thus, this is a clear case of there being non compliance with the principles of natural justice. On the said ground alone the impugned order is set aside, the matter is remanded to the NGT for re-consideration from the stage of the recommendations filed by the expert Committee constituted by the NGT. The appellant(s) herein are permitted to file their objections, if they are so advised. The NGT shall consider the objections, if any, filed to the recommendations and thereafter dispose of the applications in accordance with law and after giving a reasonable opportunity to all parties.

19. The appeals are allowed and disposed of in the aforesaid terms. Pending application(s), if any, shall stand disposed of."

4. All the parties are not present today, hence, Registry is directed to issue notice to all the applicants and respondents (all the parties) in the aforesaid original applications. It will be open to all the concerned parties to obtain copy of the recommendations filed by the expert committee either from the Registry of NGT or by downloading it from the website and to file objections, if any, to the report on or before the next date of hearing or within a period of four weeks from the date of receipts of notice from the Tribunal.
5. The Learned Senior Counsel appearing for Respondent Nos. 19 and 20 has sought liberty to disclose the current status in the objection to be filed on their behalf. Such a liberty is granted to all the concerned parties.
6. Registry is directed to furnish report of service of notice on the next date of hearing.
7. List the matter on 18.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 02, 2023
Original Application No. 164/2018
(Earlier O.A. No. 276/2013)
JG


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उत्तर प्रदेश UTTAR PRADESH

GT 006360

IN THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

IN

ORIGINAL APPLICATION NO. 164 OF 2018

(EARLIER O.A. NO. 276 OF 2013)

IN THE MATTER OF: -

ASHWANI KUMAR DUBEY

...APPLICANT

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 17-GRASIM
INDUSTRIES LIMITED

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क्रम संख्या- 516
स्टाम्प विक्रय दिनांक-
स्टाम्प का प्रयोग-
कंता का नाम एवं पता-
स्टाम्प का मूल्य 100/-

1-1-2024
श्री 21 लीज

इस-द्वारा किं कर्तव्य दिवस 2022
विषय

प्रमाणित कृत-
पुरा विवेक, जिला-
बा०-न०. 138 ला० की वैधता

विक्रय
(Vikas Maheshwari)



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IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

IN

ORIGINAL APPLICATION NO. 164 OF 2018
(EARLIER O.A. NO. 276 OF 2013)

IN THE MATTER OF: -

ASHWANI KUMAR DUBEY

...APPLICANT

VERSUS

UNION OF INDIA AND ORS.

...RESPONDENTS

AFFIDAVIT ON BEHALF OF RESPONDENT NO. 17-GRASIM
INDUSTRIES LIMITED

I, Vikas Maheshwari, S/o Girraj Prasad Maheshwari, age 43 years, R/o Grasim Industries Limited, Executive Flat, P.O. Renukoot, Dist: Sonbhadra, Uttar Pradesh-231217, the Authorised Signatory of Respondent No.17-Grasim Industries Limited ("Answering Respondent") in the instant Original Application No. 164 of 2018 (earlier O.A. No. 276 of 2013), do hereby

solemnly swear and affirm as under:

1. That I am fully conversant with the facts and circumstances of the instant Original Application and I am competent and duly authorized to swear to the present affidavit on behalf of the Answering Respondent.



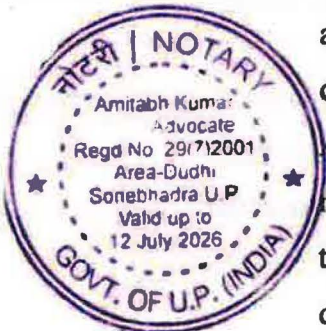
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Vikas

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2. That the present affidavit is being filed to bring on record the compliance of the Answering Respondent in respect of the observations and recommendations made in the Report of the Oversight Committee dated 14 January 2022.
3. That the instant Original Application along with other connected original applications, were disposed of by this Hon'ble Tribunal *vide* a common order dated 18 January 2022. The said order dated 18 January 2022 was the subject matter of challenge before the Hon'ble Supreme Court of India in Civil Appeal Nos. 3856 of 2022, 4529 of 2022, 4525 of 2022 and 4581 of 2022.
4. That the Hon'ble Supreme Court *vide* its order dated 05 July 2023 has disposed of the aforementioned Civil Appeals by setting aside the order of this Hon'ble Tribunal dated 18 January 2022 and remanded the matter back to this Hon'ble Tribunal for reconsideration from the stage of recommendations filed by the Expert Committee constituted by this Hon'ble Tribunal. Thereafter, on 02 November 2023, this Hon'ble Tribunal was pleased to issue notice and directed parties to file objections to the expert reports, if any.
5. That in view of the aforesaid, the Answering Respondent wishes to place on record its compliance and clarifications in respect of the observations and recommendations made in the Report of the Oversight Committee dated 14 January 2022. It is submitted at the very outset that the Answering Respondent operates a small 50 MW thermal power plant to meet its captive energy requirements and, as stated below, it has ensured that the entire fly ash generated by it is utilised and the need for storage/disposal does not arise.



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(4)

Report of the Oversight Committee dated 14 January 2022

6. On the issue of *Utilisation/Disposal of Fly Ash*, the following has been noted for the Answering Respondent:

1. *Reclamation activity has been started from Aug, 2021 by tree plantations in low-lying areas within the plant premises. Plantation activity is expected to be completed by the end of monsoon season, 2022.*
2. *For intermittent storage in adverse scenario, the industry is in process of obtaining abandoned mines in Obra region. The Pre-feasibility Study for the same has been completed by M/s Genstru Consultant Pvt. Ltd.*
3. *The industry has received the Permission to carry out site suitability study of abandoned stone quarry/mine voids at Dalla, Sonbhadra (UP) to fill & rehabilitate the same by fly ash & bottom Ash.*

7. Regarding the aforesaid, I wish to place on record the Answering Respondent's compliance as follows:

- (A) In respect of point 1 pertaining to reclamation and plantation activity, it is submitted that the land has been scientifically and environmentally reclaimed and the plantation activity has been completed. It is further submitted that by adopting government approved Miyawaki Plantation Model, the Answering Respondent has successfully developed a green belt on the said land by developing green vegetation (with more than 18,000 plants of various species) resulting in the reclamation of the said land. An eco-friendly garden named "Aditya Udyan" has



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also been developed on the said land. The same has been duly conveyed to the Regional Officer, Uttar Pradesh Pollution Control Board ("UPPCB") by the Answering Respondent through a letter dated 01 August 2022. The completion of the reclamation and plantation exercise has been to the satisfaction of the UPPCB, as has been conveyed to the Answering Respondent through the UPPCB's letter dated 19 July 2023.

Copies of the photographs of the reclaimed land are annexed herewith and marked as ANNEXURE-A (Colly.) [PAGE NOS. 10 TO 14]

A copy of the letter dated 01 August 2022 of the Answering Respondent is annexed herewith and marked as ANNEXURE-B [PAGE NOS. 15 TO 16].

A copy of the letter dated 19 July 2023 of the UPPCB is annexed herewith and marked as ANNEXURE-C [PAGE NOS. 17 TO 18].

- (B) In respect of points 2 and 3 pertaining to intermittent storage of fly ash in abandoned mines, only in adverse situations, it is submitted that the same was intensively considered and analysed by the Answering Respondent in the search for a viable intermittent storage option. However, after commissioning detailed pre-feasibility studies, in view of the potential risks such as worker safety and suitability of the area due to the presence of water ponds, the Answering Respondent did not find intermittent storage in abandoned mines to be safe



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or feasible for filling and disposing of fly ash in the area and therefore was not pursued thereafter.

Furthermore, the Oversight Committee itself in its Report has pointed out that there are pertinent administrative and regulatory issues in obtaining approvals for abandoned mines. It has been pointed out therein that the disposal of fly ash in abandoned mines is subject to substantial delays and therefore, the process urgently requires to be simplified. However, it is submitted that the process of approvals is still as arduous and ridden with delays.

In any event, it is most humbly submitted that the Answering Respondent is utilising 100% of the fly ash generated by itself and therefore the need for intermittent storage does not arise. The same is being routinely conveyed to the relevant authorities. To that effect, it is further submitted that the UPPCB vide its letter dated 13 September 2023 issued directives to the Answering Respondent to upload its fly ash generation and utilisation data on the fly ash portal being monitored by CPCB to ensure compliance with the earlier orders of this Hon'ble Tribunal. In furtherance thereto, the Answering Respondent has ensured timely compliance every month of the said directive of the UPPCB, highlighting 100% utilisation of the fly ash generated.

A copy of the letter dated 13 September 2023 of UPPCB is annexed herewith and marked as ANNEXURE-D [PAGE NOS. 19 TO 21].



Witness

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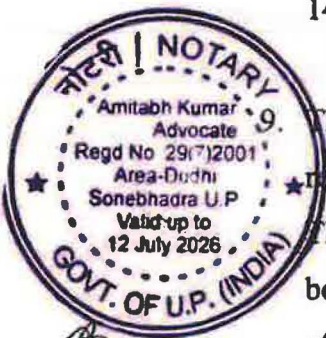
(7)

A copy of the latest data pertaining to utilization and disposal of fly ash generated by the captive thermal power plant [total 50MW capacity] of the Answering Respondent as uploaded on the fly ash portal is annexed herewith and marked as ANNEXURE-E [PAGE NOS. 22 TO 24].

Copies of the latest Ash Compliance Reports as submitted to the Ministry of Environment, Forest and Climate Change, Central Pollution Control Board, UPPCB is annexed herewith as ANNEXURE-F (Colly.) [PAGE NOS. 25 TO 40]

- (C) Additionally, it is also submitted that in order to pre-emptively address any unforeseen events/instances wherein the Answering Respondent is unable to utilise 100% fly ash, as a backup, the Answering Respondent has executed agreements with multiple vendors for transportation and filling of fly ash in low lying areas. Copies of the duly executed agreements are annexed herewith as ANNEXURE-G (Colly.) [PAGE NOS. 41 TO 44]

8. In view of the aforesaid, it is most humbly submitted that the Answering Respondent is fully compliant with the observations and recommendations made in the Report of the Oversight Committee dated 14 January 2022.



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9. That it is most humbly submitted that the Answering Respondent is a responsible corporate citizen and is committed to sustainable operations. The Answering Respondent is making continuous efforts to adopt the best available environmental protection technology to ensure the effectiveness of its environment management systems.

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- 10. That the contents of paragraphs 1 to 9 are true and correct to the best of my knowledge.
- 11. That the documents annexed herewith are true copies of their originals.

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DEPONENT



VERIFICATION

I, the deponent above named, do hereby verify that the contents of the above affidavit are true and correct, no part of this is false and nothing material has been concealed therefrom.

Verified at Renukoot on this the 5th day of July 2024.

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DEPONENT



I am before me on the 5th day of July 2024
 at Renukoot by Sri. K. K. Singh who is Director
 of Gream Industries Ltd. etc. Plot Renukoot Sonebhadra, U.P.
 who has been identified by Sri. [Signature]
 who is personally known to me, Whose signature (s)
 are here to appended. Serial No. 641
 Time 6:15 PM Place Dudhi Sonebhadra U.P.

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Handwritten signature and date 05/7/2024

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ANNEXURE - I

ITEM NO.119

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8401-8404/2019

GRASIM INDUSTRIES LIMITED
(EARLIER ADITYA BIRLA CHEMICAL INDUSTRIES LIMITED) Appellant(s)

VERSUS

ASHWANI KUMAR DUBEY & ORS. Respondent(s)

IA No. 103664/2022 - APPLICATION FOR PERMISSION
IA No. 103661/2022 - APPLICATION FOR PERMISSION
IA No. 165088/2019 - EX-PARTE STAY
IA No. 103665/2022 - EXEMPTION FROM FILING O.T.)

Date : 08-05-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYANFor Appellant(s) Mr. C. Aryaman Sundaram, Sr. Adv.
M/S. Trilegal Advocates On Record, AOR
Mr. Rajat Jariwal, Adv.
Mr. S. Abhishek Iyer, Adv.
Ms. Aayushi Khurana, Adv.
Ms. Prerna Singh, Adv.
Ms. Shatakshi Tripathi, Adv.For Respondent(s) Mr. Tahir Ashraf Siddiqui, AOR
Mr. Ashirvad Kumar Yadav, Adv.Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kumar Sharma, Adv.
Mr. Bhuvan Chandra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The main grievance of the appellant is as regards the direction contained in the impugned order dated 28.8.2018 which reads as under:-

"b) There is also an urgent need for the preparation of an action plan by the industry to shift the mercury bearing brine sludge and the muck contaminated with chlorinated chemicals from the factory premises to the TSDF in consultation with the UP State Pollution Control Board. It may be stated here that storage of hazardous mercury bearing brine sludge and the muck contaminated with chlorinated chemicals inside the premises is not permitted by the prevailing Hazardous Waste Management Rules, 2016 and, therefore, to be shifted to a suitable TSDF immediately."

2. Learned counsel appearing for the Central Pollution Control Board, on instructions, states that he will file an affidavit on the issue whether it is lawful to shift the Mercury bearing brine sludge as directed and whether in the context of the impact on environment, it would be safe to shift the same as directed under the said order. This is in the light of the fact that the Mercury bearing brine sludge has been stored in a capped land fill.

3. If the Central Pollution Control Board is of the opinion that it is viable and safe to shift the sludge, detailed guidelines be provided in the affidavit regarding modality and method of shifting.

4. We grant time of eight weeks to the Central Pollution Control Board to respond by filing an affidavit.

5. Learned senior counsel appearing for the appellant states that

the challenge in the appeal is confined to the direction quoted above and consequential direction for payment of compensation.

6. List at 02:00 p.m. on 24th July, 2024 (Wednesday).

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

ANNEXURE – J



Detailed Project Report
 ESA and EIA in and around the premises of M/s Grasim Industries Ltd., Renukoot, UP, India



Figure 12: Satellite Imagery of the elevated area on top of administrative block (AoPC-3)

AoPC-4: This area, which is currently a Miyawaki Plantation area, was another location where backfilling was observed. Toposheet from survey during 1966-1967 which was updated for major details during 2006-2007 and administrative boundaries updated during 2008-2009 clearly shows this area as a deep valley. Satellite imagery dated 01/2018 (Figure 15) shows extent of filling, clearly indicating that significant alterations to the natural topography of the Site were made ever since, by dumping waste material. Elevation profile indicates depth of valley in the range of 18-20m in North-East side and about 5m depth in South-West side. The current photographs of this area are shown in Figure 13 and Figure 14.



Figure 13: Top of Miyawaki Plantation Area (AoPC-4)



Figure 14: Northeastern edge of Miyawaki Plantation Area showing depth of backfilling



Detailed Project Report
 ESA and EIA in and around the premises of M/s Grasim Industries Ltd., Renukoot, UP, India

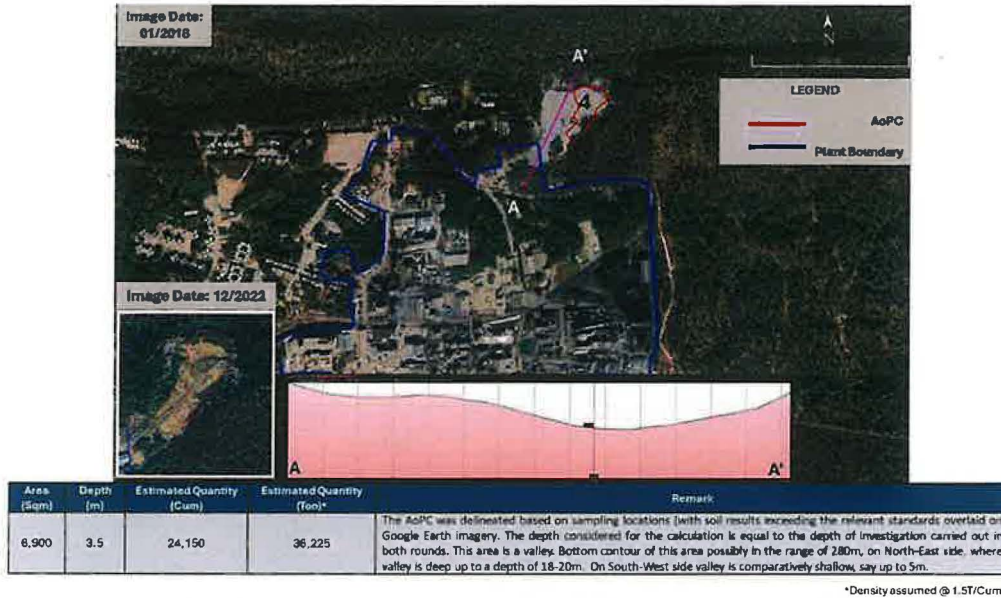


Figure 15: Satellite Imagery showing extent of backfilling (AoPC-4 – near Miyawaki Area)

AoPC 5: Based on the review of the historical satellite imagery, it seems like low lying areas near the current Sewage Treatment Plant (STP) were backfilled with suspected waste material. A footprint admeasuring approximately 4,100 m² was observed to be elevated compared to the surrounding low-lying area. The current Site photograph of this area is shown in Figure 16 and Figure 17. Satellite imageries (Figure 18) from 2009 onwards show evidence of gradual backfilling in this area. Additionally, this particular area had a natural slope towards south-southwest direction, making it suitable for backfilling.

Limited investigation was carried out around this elevated area. However, detailed waste sampling of the material inside the elevated area could not be carried out within the said area as it was covered with a thick layer of concrete and other structures.



Figure 16: STP Area backfilled and paved (facing Southwest)



Detailed Project Report
 ESA and EIA in and around the premises of M/s Grasim Industries Ltd., Renukoot, UP, India



Figure 17: STP Area backfilled and paved (facing Northwest)

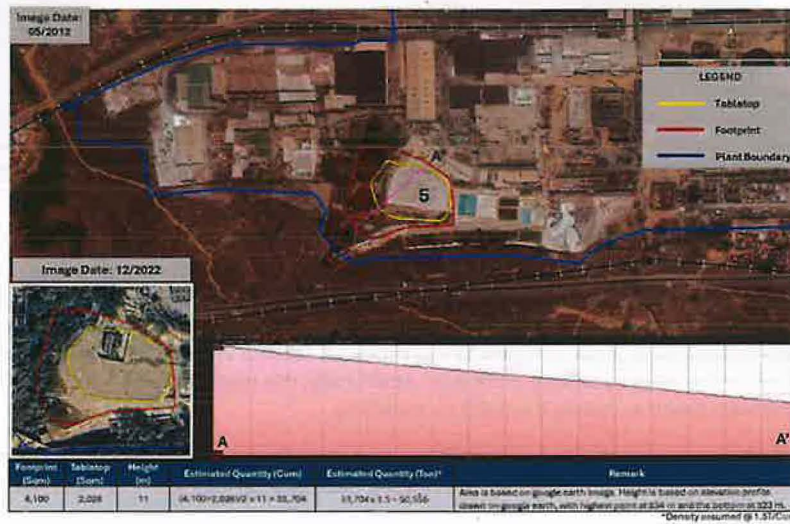


Figure 18: Satellite Imagery showing evidence of gradual backfilling (AoPC-5 – near STP)

Historical imagery through the years showing the above backfilled areas are presented in Annexure E.

Summary of quantity of legacy waste material accumulated at various locations within M/s. Grasim Industries premises, Renukoot is presented in the Table 3 below.

Table 3 : Quantity of Legacy Hazardous Waste in identified AoPCs within the Site

Description of Area	Footprint (Sqm)	Tabletop (Sqm)	Average Height (m)	Estimated Quantity	
				Cum	Ton (Density @ 1.5T/Cum)
AoPC-1 <i>Old Brine Sludge Pit Area</i>	Based on the drawing no. M-BH-AC-16 titled "Layout plan of Lagoon Area" by Grasim Industries and visual observation.			3,200	4,800
AoPC-2 <i>Road stretch adjoining landfill on the southern side (along the railway track)</i>	3,328		6.5	21,632	32,448
AoPC-3 <i>Elevated area on top of which Administrative Block is located)</i>	3,254	1,431	4	9,370	14,055
AoPC-4 <i>Miyawaki plantation area near Compost Plant</i>	6,900		3.5	24,150	36,225
AoPC-5 <i>Near Sewage Treatment Plant (STP)</i>	Estimation of accumulated material is not undertaken as the backfilled material could not be sampled for analysis as the material is covered with a thick concrete layer. However, from historical imagery, it may be noted that the footprint area of the amount is approximately 4,100 sqm and the tabletop of the mound is approximately 2,028 sqm.				

ANNEXURE - K

ITEM NO.14

COURT NO.12

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO(S). 8401-8404/2019GRASIM INDUSTRIES LIMITED (EARLIER ADITYA BIRLA
CHEMICAL INDUSTRIES LIMITED)

Appellant(s)

VERSUS

ASHWANI KUMAR DUBEY & ORS.

Respondent(s)

[ONLY IA NO. 282477/25 IS LISTED UNDER THIS ITEM]
IA No. 282477/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 17-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHANFor Appellant(s) Mr. C. Aryama Sundaram, Sr. Adv.
Mr. Rajat Jariwal, Adv.
Ms. Aayushi Khurana, Adv.
Ms. Anushka Awasthi, Adv.
Mr. Manish Barua, Adv.
M/s Trilegal Advocates On Record, AORFor Respondent(s) Mr. Tahir Ashraf Siddiqui, AOR
Mr. Kartikey Sahai, Adv.

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Anupam Misra, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. Pursuant to order dated 09.12.2025, a compliance affidavit has been filed on behalf of the Central Pollution Control Board (for short "CPCB"). The compliance affidavit offers multiple options for on-site/off-site disposal of waste.

2. Shri Sundaram, learned senior counsel representing the appellant-Company, on instructions, submits that the appellant-company is willing to opt for Option-1 as stated in paragraph 3 F II(c) at page 9 of the affidavit and is ready to extend full cooperation to any agency shortlisted by CPCB.
3. The option opted by the appellant-company envisages disposal of hazardous waste of about 1,10,000 MT at an estimated cost of Rs.128 crores.
4. CPCB's affidavit indicates that to carry out the work related to disposal of the waste an accredited agency will have to be short-listed in consultation with UPPCB.
5. Shri Pradeep Misra, learned counsel representing UPPCB, submits that UPPCB shall provide all cooperation and assistance as may be required by CPCB and therefore, the work may be carried out under the supervision and control of CPCB.
6. Having regard to the above, we deem it appropriate to require CPCB to prepare a memorandum containing all steps required for disposal of the identified hazardous waste. Those steps must include shortlisting of an accredited agency competent to carry out the work. The memorandum shall also include modalities *qua* payment and estimated time-schedule within which each of the required steps would be carried out. Payment schedule disclosing estimated amount(s) required to be

paid by the appellant-company for the proposed steps including the stages at which such payment is required to be made shall also be detailed in the memorandum. In case cooperation/ clearances is/ are required from any Government department, be it Union or State, it shall be specified so that whole process is completed without delay. Needless to add that memorandum so prepared would be in consultation with UPPCB.

7. Such affidavit including memorandum shall be filed within three weeks.
8. List this matter on 11.03.2026 by which date affidavit in terms above including the memorandum shall be filed by CPCB.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

ITEM NO.28

COURT NO.14

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO(S). 8401-8404/2019GRASIM INDUSTRIES LIMITED
(EARLIER ADITYA BIRLA CHEMICAL INDUSTRIES LIMITED) Appellant(s)

VERSUS

ASHWANI KUMAR DUBEY & ORS. Respondent(s)

IA No. 282477/2025 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 11-03-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHANFor Appellant(s) : Mr. Rajat Jariwal, Adv.
Ms. Aayushi Khurana, Adv.
Ms. Anushka Awasthi, Adv.
Mr. Manish Barua, Adv.
M/s Trilegal Advocates On Record, AORFor Respondent(s) : Mr. Tahir Ashraf Siddiqui, AOR
Mr. Kartikey Sahai, Adv.Mr. Pradeep Misra, AOR
Mrs. Indu Misra, Adv.
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. On 17.02.2026, we had passed the following order:

1. Pursuant to order dated 09.12.2025, a compliance affidavit has been filed on behalf of the Central Pollution Control Board (for short "CPCB"). The compliance affidavit offers multiple options for onsite/off-site disposal of waste.

2. Shri Sundaram, learned senior counsel

Validity unknown
Digitally signed by
KAVITA BIRLA
Date: 2026.03.16
16:54:00
Reason:

1

TRUE COPY

representing the appellant-Company, on instructions, submits that the appellant-company is willing to opt for Option-1 as stated in paragraph 3 F II(c) at page 9 of the affidavit and is ready to extend full cooperation to any agency shortlisted by CPCB.

3. The option opted by the appellant-company envisages disposal of hazardous waste of about 1,10,000 MT at an estimated cost of Rs.128 crores.

4. CPCB's affidavit indicates that to carry out the work related to disposal of the waste an accredited agency will have to be short-listed in consultation with UPPCB.

5. Shri Pradeep Misra, learned counsel representing UPPCB, submits that UPPCB shall provide all cooperation and assistance as may be required by CPCB and therefore, the work may be carried out under the supervision and control of CPCB.

6. Having regard to the above, we deem it appropriate to require CPCB to prepare a memorandum containing all steps required for disposal of the identified hazardous waste. Those steps must include shortlisting of an accredited agency competent to carry out the work. The memorandum shall also include modalities qua payment and estimated time-schedule within which each of the required steps would be carried out. Payment schedule disclosing estimated amount(s) required to be paid by the appellant-company for the proposed steps including the stages at which such payment is required to be made shall also be detailed in the memorandum. In case cooperation/clearances is/ are required from any Government department, be it Union or State, it shall be specified so that whole process is completed without delay. Needless to add that memorandum so prepared would be in consultation with UPPCB.

7. Such affidavit including memorandum shall be filed within three weeks.

8. List this matter on 11.03.2026 by which date affidavit in terms above including the memorandum shall be filed by CPCB."

2. Pursuant to the above order, the learned counsel representing the Central Pollution Control Board (CPCB) has submitted that all

stakeholders including agencies which are likely to be short-listed to carry out the desired work are at an advance stage of finalizing a memorandum in terms directed by this Court. He, accordingly, prays for and is granted eight weeks' time to do the needful.

3. List this matter on 13.05.2026.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)


TRUE COPY

Anushka Awasthi

From: Anushka Awasthi
Sent: Friday, March 13, 2026 5:49 PM
To: Ashwanik.advocate@gmail.com; Ashwanik.advocate@gmail.com; judicialngt@gov.in
Cc: Rajat Jariwal; Manish Barrua
Subject: Service : Ashwani Kumar Dubey v. Union of India & Ors., OA No. 164 of 2018
Attachments: compliance affidavit 13.03.2026.pdf

Dear All,

We write to you on behalf of Respondent No. 17 in the captioned original application.

By way of service, please see attached herewith the affidavit in compliance with order dated 19.12.2025 being filed on behalf of Respondent No. 17 (Grasim industries Limited) in the captioned matter. Thank you.

Best regards,
Anushka Awasthi
Counsel for Respondent No. 17