

**BRIEF REPORT DATED 02.02.2020 OF THE NGT COMMITTEE
IN THE MATTER OF OA NO. 164 OF 2018 (EARLIER OA NO. 276/2013)
IN CASE OF ASHWANI KUMAR DUBEY Vs. UNION OF INDIA AND OTHERS**

In pursuance of the order dated 28th August, 2018 issued by Hon'ble NGT in O.A. NO. 164 OF 2018, this Committee has held several meetings on the following dates:

25.10.2018	At Collectorate Meeting Hall, Sonbhadra.
23.11.2018	At Directorate of Environment Meeting Hall, Vineet Khand, Gomti Nagar, Lucknow.
27.12.2018	At Radisson Hotel, Varanasi.
31.01.2019	At Circuit House, Allahabad.
01.03.2019	At NTPC Vindhyachal, Madhya Pradesh.
07.06.2019	At Circuit House, Prayagraj.
31.07.2019	At Feroze Ganhdhi Unchahar Thermal Power Plant.
09.09.2019	At NTPC Vindhyachal, Madhya Pradesh.
22.10.2019	At Circuit House, Prayagraj.
25.11.2019	At Circuit House, Prayagraj in pursuance of the order of the Hon'ble Supreme Court in the matter of coal.
17.12.2019	At NTPC Vindhyanagar, Madhya Pradesh.

The copies of the minutes of the meetings have been sent to the Tribunal by email and by speed post. The perusal of the minutes of the meetings reveal that various actions have been taken by the Committee in compliance of the order of the NGT dated 28.08.2018. In the meetings, the

R

issues relating to the transportation of coal, the disposal of fly ash generated in the Thermal Power Plants, the emission of the stone dust in the stone crushers, the transfer of Mercury bearing brine sludge stacked in the premises of Grassim Industry to TSDF, the disposal of red mud generated in Hindalco Industries, the construction of four lane road from Shakti Nagar to Auri More, the maintenance of the capacity and quality of the water of Rihand Reservoir, the preservation of the Rihand Reservoir, the breach of Fly Ash dyke in the Power Plant of ESSAR, NTPC Vindhyanagar, Uttar Pradesh Rajkiya Vidyut Nirman Anpara, Lanco Thermal Power Plant have been addressed and the various measures have been taken and recommendations have been made.

Apart from the aforesaid activities, the Committee has also addressed the potable water supply (Fluoride free) to the villagers of Sonbhadra-Singrauli area and also addressed the Health problems and provided the Healthcare Mobile Van to each and every village to address the health issue to the residents of those areas.

With the great and sincere efforts, the Committee is able to achieve the various objects. Some of the objects achieved are as follows:-

- (1) The construction of four lane road from Shakti Nagar to Auri More has been started after the inauguration by the Hon'ble Chief Minister of the State of Uttar Pradesh, which was possible only on account of a sincere effort and persuasion made by the Committee at the various stages to clear the hurdles in one year.
- (2) Achieved the supply of potable water in stainless steel tanker to every village.
- (3) Provided Medical Van to every village to look after the Healthcare.
- (4) The disposal of the fly ash has been sufficiently increased by the Power Plants on account of the persuasion by the Committee time to time. The effort has been made in the execution of the agreement between NTPC and NCL to provide abandoned Gorbi Mines for the purposes of filling of

Res

fly ash, although the filling has not yet been started - awaiting clearance from the Central Government.

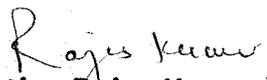
- (5) The District Magistrates, Sonbhadra and Singrauli are persuaded to provide abandoned mines for the purposes of filling the fly ash. Number of such abandoned mines have been provided to the Thermal Power Plants, as a result the filling has also been started.
- (6) The breaching of the Fly Ash Dyke in a Thermal Power Plant is a serious matter, which has been dealt with sincerely taking serious and strong steps against the Power Plants.
- (7) Action has been taken against the Thermal Power Plants to stop the re-occurring of the Fly Ash Dyke breach. To strengthen the Fly Ash Dykes, the necessary direction has been given which are duly mentioned in the last two minutes of the meetings. The monitoring in this regard is continuing.
- (8) Strong step has been taken to stop the transportation of coal by road. However, on the basis of interim order by the Hon'ble Supreme Court, although the transportation of coal by road has been permitted but the transporters have been asked to transport coal by putting metal sheets. The matter relating to this issue is pending before the Hon'ble Supreme Court, on which the report had been sought by the Committee which has been submitted. The matter is likely to come up for hearing before the Hon'ble Supreme Court in the month of March-April, 2020.
- (9) Strong step has been taken against Grassim Industry for the transfer of Mercury bearing brine sludge from their premises to TPG, Kanpur. Grassim went to Supreme Court and the matter is pending.
- (10) The illegal stone crushers have been closed and a procedure has been contemplated to reduce the emission of the stone dust.
- (11) Apart from the aforesaid, various steps have also been taken to reduce the water pollution and the air pollution, which are clear from the minutes of the meetings.

However, a regular monitoring of all the aforesaid aspects is required. In case if the monitoring will be stopped, the original conditions could be

restored. It may be mentioned here that the villagers of the area are very happy with the working of the Committee, as they feel that steps taken by the Committee are very beneficial to them and the facility, namely, drinking water, medical healthcare which they could not get in sixty years they have started getting.

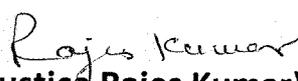
By the effort of the Committee, the step has been taken to provide drinking water by pipeline to each and every resident from the District Mineral Fund. On account of the steps being taken by the Committee, construction of 13 Overhead tanks, 2 Water Purifiers and laying down of the pipes has been started which is likely to be completed within another six months.

Committee is of the view that the regular monitoring is required at least for two years more to achieve the object.


(Justice Rajes Kumar)
Chairman
Oversight Committee

NOTE: I feel to bring to the notice of Hon'ble Tribunal the two Notifications dated 28 March, 2016 vide G.S.R. No. 343(A) & vide G.S.R. No. 343(E) of the Govt. of India, Ministry of Environment, Forest And Climate Change, New Delhi legislating/enforcing the Plastic Waste Management Rules, 2016 and the Bio-Medical Waste Management Rules, 2016 and Solid Waste Management Rules, 2016 and the Plastic Waste Management (Amendment) Rules, 2018 published vide Notification dated March 27, 2018.

It is found that in the State of Uttar Pradesh these Rules are not being properly implemented. The Regulatory Authority to implement these Rules is the Local Bodies and the U.P. Pollution Control Board. These authorities are not functioning properly. The monitoring of these authorities is necessary in the State of U.P. by the Committee to be constituted by the Hon'ble Tribunal. One Committee in the entire State of U.P. will not be able to monitor the entire State. In my view, one Committee may have a jurisdiction of two – three Divisional Commissioners consisting of 10 to 15 districts. The situation in Prayagraj and the surrounding districts are worst and require proper monitoring. I am ready to head such Committee from Allahabad (Prayagraj).


(Justice Rajes Kumar)
Chairman
Oversight Committee