

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION No. 602/2023

In the matter of:

Sardar Satnam Singh & Ors.

Applicant(s)

Versus

State of Uttar Pradesh

Respondent(s)

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2.	Annexure – I A copy of Hon'ble NGT order dated 15.04.2024 and 23.11.2023	



(Nazimuddin)
Scientist 'F'

Central Pollution Control Board

Date: 23.07.2024

Place: Delhi

Compliance Report in the matter of

“O.A. No. 602 of 2023 Sardar Satnam Singh & Ors. Vs State of UP.”

1. Orders dated 23.11.2023 and 15.04.2024

Hon'ble NGT passed an order on dated 23.11.2023 in O.A. No. 602 of 2023 in the matter of **Sardar Satnam Singh & Ors. Vs State of UP.**” as below: -

“...1. This application involve grievance against M/s Bajaj Energy Pvt. Limited, Maksudapur which has set up 90 MW power plant at Village Maksudapur is causing pollution by throwing the fly ash by the side of Sharda Canal and that there is no collection pond near the power plant for collecting the fly ash and there is no provision for the greenery.

2. It is further alleged that on account of pollution caused by the power plant the crops are being damaged and fly ash is thrown on the road leading to Village Sadiya. It is also alleged that the polluted water from the plant is discharged in river Khannot which is affecting aquatic life and the health of cattles drinking the said water. There is also an allegation of air pollution being caused by the power plant. Further allegation is that the rain water drain is blocked by throwing the fly ash as a result of which the water logging takes place and the crops are destroyed...

...6. The Member Secretary, CPCB is directed to get the spot inspection done and ascertain the correct position in respect of compliance of the environmental laws by the Project Proponent and the truthfulness of allegation made in the letter petition about violation of environmental norms by the Project Proponent and to submit a report before this Tribunal within a period of 8 weeks by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF...”

In compliance of above order, inspection of M/s Bajaj Energy Private Limited, Maksudapur District Shahajapur, U.P. was conducted on 25.01.2024 by Regional Director of Central Pollution Control Board, Regional Directorate, Lucknow (as nominated by Member Secretary, CPCB) to verify the factual status as per Hon'ble NGT order. Mr. Vijay Kumar Mishra, Senior Research Fellow, posted in Central Pollution Control Board, Regional Directorate, Lucknow accompanied and assisted Regional Director during the said inspection. The interim inspection report was filed on 01.02.2024 and final inspection report on 11.04.2024

Accordingly, Hon'ble NGT heard the matter and passed an order on 15.04.2024 with following observations and direction:-

“...2. In terms of the direction of the Tribunal, the report on behalf of the CPCB has been filed. In paragraph 26 and 29, the status of the dumping of fly ash and utilization is disclosed as under:-

*“26. Bottom ash and fly ash are being utilize up to 99.2 % (as per format III submitted by unit to Ministry of Power). The detail of ash utilization provided by unit is attached as **Annexure-XII**.*



29. During the visit to the temporary storage site, it was found that dumping of ash in temporary storage site was carried out mechanically in moist condition.”

“3. The report also annexes Annexure-15, the undertaking of the Project Proponent dated 29.01.2024 about lifting of the fly ash to be completed by March, 2024. There is no material on record that in term of the said undertaking, the fly ash has been lifted and cleared from the spot.

4. Para 14 of the report states:-

“14. A storm water drain flows in front of the unit gate containing wastewater from urban area. The drain ultimately meets to R. Khannot.”

“5. In respect of the samples collected from storm water drain, meeting to river Khannot and its analysis report, the parameters taken into account are disclosed to be as under:-

“16. The above analysis result of different relevant parameter indicates that their values are in accordance with the prescribed General Standard for discharge in Inland Surface Water as per the E(P)A, 1986, Schedule-VI, no abnormalities were recorded.”

6. It needs to be clarified as to how the prescribed general standard for discharge in Inland Surface Water in terms of E(P)A, 1986, Schedule- VI has been applied to ascertain the abnormalities.

We also find that the report records that the unit does not have CTO under the relevant enactment to operate both temporary storage site for storage of ash and the report of the CPCB in this regard is as under:-

“32. The unit does not have Consent to Operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 form State Pollution Control Board to operate the both temporary storage sites for storage of ash.”

7. The report of CPCB also states that the unit has not complied with the condition of CTE and the findings of the CPCB in this regard are as under:-

“The unit has obtained Consent to Establish (CTE) but does not comply with conditions (green belt development, boundary wall/wind braking wall, leachate proof surface area etc.) laid down in the CTE issued by State Pollution Control Board.”

8. The EC conditions in respect of fly ash management and setting up of green belt is as under:-

“13. Fly ash management shall be done as per fly ash notification of Govt. of India.

14. Appropriate safeguard measures to guard against fire hazards shall be undertaken.

15. A green belt of adequate width and density shall be developed around the plant periphery covering at least 33% of the project area.”

9. Hence, the Project Proponent is required to place on record the status of compliance of all the EC conditions specially the conditions relating to management of fly ash and development of green belt. The CPCB is required to clarify the anomalies which have been observed in the earlier part of this order, by filing a fresh report. Let the same be filed within a period of four weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF...”

10. The UPPCB is also directed to file the report at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

11. Let the copy of this order be forwarded to Member Secretary, UPPCB.

2. Reply to directions in Para 3 and 6

Para 3:

“3. The report also annexes Annexure-15, the undertaking of the Project Proponent dated 29.01.2024 about lifting of the fly ash to be completed by March, 2024. There is no material on record that in term of the said undertaking, the fly ash has been lifted and cleared from the spot.

Status:

The project proponent has lifted the ash from the temporary ash pond/sites as informed by UPPCB vide letter dated 18.05.2024 and a copy of the same is annexed herewith.

Para 6:

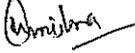
6. It needs to be clarified as to how the prescribed general standard for discharge in Inland Surface Water in terms of E(P)A, 1986, Schedule- VI has been applied to ascertain the abnormalities.

Reply:

The drain was passing nearby the industry boundary wall. There is no other identified possible wastewater source in this drain (either industrial or domestic) near M/s Bajaj Energy Private Limited, Maksudapur, District:- Shahajapur, U.P. The drain ultimately meets into inland surface water body (Khannot River).

(Signature)

Sample was collected from the drain for verification of any untreated industrial wastewater discharge including domestic sewage in the drain and the analysed parameters were compared with the General Standard for discharge in Inland Surface Water notified under the Environment (Protection) Act, 1986 for the stated purpose.


(Vijay Kumar Mishra)
Central Pollution Control Board,
Regional Directorate, Lucknow



उ० प्र० प्रदूषण नियन्त्रण बोर्ड
 क्षेत्रीय कार्यालय: 1219/1, ई-ब्लॉक राजेन्द्र नगर, बरेली-243 122
U. P. POLLUTION CONTROL BOARD
 Regional Office: 1219/1, E-Block, Rajendra Nagar, Bareilly-243 122

सन्दर्भ संख्या: 143 /SPW/B-17 /24

दिनांक:- 18/5/24

सेवा में,

क्षेत्रीय निदेशक
 केन्द्रीय प्रदूषण नियंत्रण बोर्ड,
 लखनऊ।

विषय:- मैसर्स बजाज इनर्जी लि०, ग्राम. मकसूदापुर, तहसील-पुवायां, जिला-शाहजहांपुर से जनित फलाई ऐश के सम्बन्ध में।

महोदय

कृपया उपरोक्त विषयक केन्द्रीय प्रदूषण नियंत्रण बोर्ड एवं बोर्ड मुख्यालय से प्राप्त निर्देशों के अनुपालन में संदर्भित उद्योग मैसर्स बजाज इनर्जी लि०, ग्राम-मकसूदापुर, तहसील-पुवायां, जिला-शाहजहांपुर से जनित फलाई ऐश के निस्तारण के सम्बन्ध में इस कार्यालय के प्राधिकृत अधिकारी/कर्मचारियों द्वारा दिनांक 17.05.2024 को निरीक्षण किया गया। निरीक्षण आख्या पत्र के साथ संलग्नकर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित है।

संलग्नक-उपरोक्तानुसार।

भवदीय

(रोहित सिंह)
 क्षेत्रीय अधिकारी

प्रतिलिपि-मुख्य पर्यावरण अधिकारी (वृत्त-7), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ को सादर सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित।

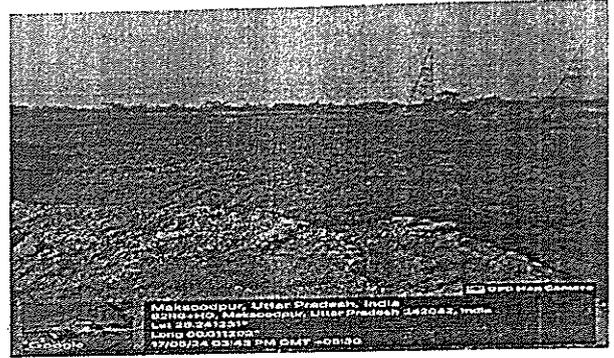
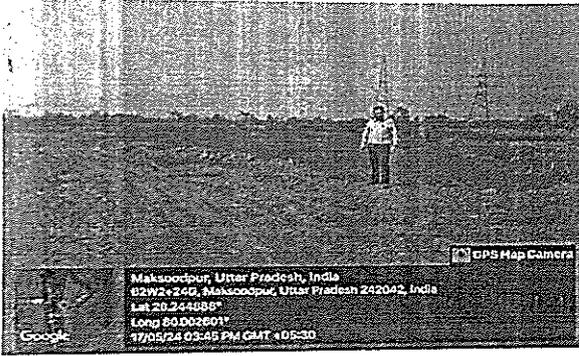
क्षेत्रीय अधिकारी

बजाज इनर्जी लि0, ग्राम-मकसूदापुर, तहसील-पुवायों, जिला-शाहजहाँपुर से जनित फलाई ऐश के एकत्रण एवं उद्योग शर के बाहर की स्थिति की सम्बन्ध में निरीक्षण आख्या-

उपरोक्त के सन्दर्भ में केन्द्रीय प्रदूषण नियन्त्रण बोर्ड एवं बोर्ड मुख्यालय, लखनऊ से प्राप्त निर्देशों के अनुपालन में सन्दर्भित उद्योग मैसर्स बजाज इनर्जी लि0, ग्राम-मकसूदापुर, तहसील-पुवायों, जिला-शाहजहाँपुर से जनित प्लाई ऐश के निस्तारण के सम्बन्ध में निरीक्षण इस कार्यालय में कार्यरत प्राधिकृत अधिकारी/कर्मचारी द्वारा उद्योग प्रतिनिधि के रूप में श्री अभिताम लोहानी, एस0आर0 मैनेजर की उपस्थिति में दिनांक-17.05.2024 को किया गया। निरीक्षण आख्या निम्नवत् है-

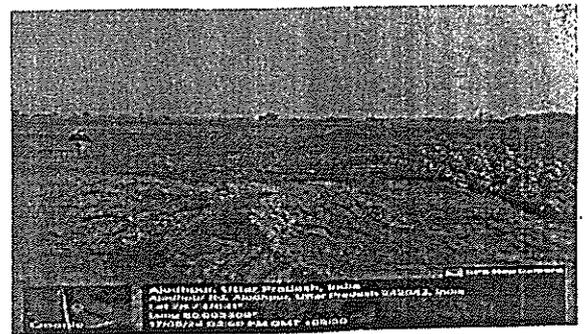
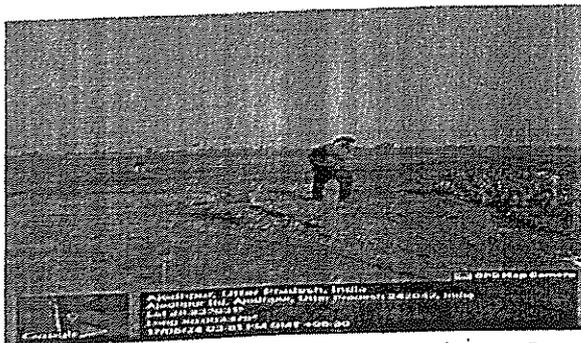
1. ग्राम-मकसूदापुर, तहसील-पुवायों, जिला-शाहजहाँपुर के जी0पी0एस0 कॉर्डिनेट 28.244888 एवं 80.002601 में एकत्रित फलाई ऐश की स्थिति-

मैसर्स बजाज इनर्जी लि0, ग्राम-मकसूदापुर, तहसील-पुवायों, जिला-शाहजहाँपुर द्वारा ग्राम-मकसूदापुर, तहसील-पुवायों, जिला-शाहजहाँपुर जी0पी0एस0 कॉर्डिनेट 28.244888, 80.002601 कुल क्षेत्रफल लगभग 1.5 एकड़ में सन्दर्भित उद्योग द्वारा पूर्व में फलाई ऐश का भण्डारण किया जाता था, निरीक्षण के समय उक्त सन्दर्भित स्थल पर फलाई ऐश का भण्डारण होता हुआ नहीं पाया गया। उद्योग प्रतिनिधि द्वारा अवगत कराया गया कि विगत में भण्डारित फलाई ऐश का प्रयोग हाइवे निर्माण हेतु मैसर्स एस0आर0एस0सी0 इन्फ्रा प्रा0 लि0, मथुरा के द्वारा किया गया है। निरीक्षण के समय सन्दर्भित स्थल सड़क मार्ग के हाइड्रोलिक लेबल के बराबर समतल पाया गया तथा डस्ट उत्सर्जन की समस्या नहीं पायी गयी। स्थिति एवं सामान्य स्थिति में पाया गया। निरीक्षण के समय लिये गये फोटोग्राफ निम्नवत् है-



2. ग्राम-अजोदपुर, तहसील-पुवायों, जिला-शाहजहाँपुर के जी0पी0एस0 कॉर्डिनेट 28.237656 एवं 80.003287 में एकत्रित फलाई ऐश की स्थिति-

मैसर्स बजाज इनर्जी लि0, ग्राम-मकसूदापुर, तहसील-पुवायों, जिला-शाहजहाँपुर द्वारा ग्राम-अजोदपुर, तहसील-पुवायों, जिला-शाहजहाँपुर के जी0पी0एस0 कॉर्डिनेट 28.237656, 80.003287 कुल क्षेत्रफल लगभग 1.5 एकड़ में सन्दर्भित उद्योग द्वारा पूर्व में फलाई ऐश का भण्डारण किया जाता था, निरीक्षण के समय उक्त सन्दर्भित स्थल पर फलाई ऐश का भण्डारण होता हुआ नहीं पाया गया। उद्योग प्रतिनिधि द्वारा अवगत कराया गया कि विगत में भण्डारित फलाई ऐश का प्रयोग हाइवे निर्माण मैसर्स एस0आर0एस0सी0 इन्फ्रा प्रा0 लि0, मथुरा के द्वारा किया गया है। निरीक्षण के समय सन्दर्भित स्थल सड़क मार्ग के हाइड्रोलिक लेबल के बराबर समतल पाया गया तथा डस्ट उत्सर्जन की समस्या नहीं पायी गयी। स्थिति एवं सामान्य स्थिति में पाया गया। निरीक्षण के समय लिये गये फोटोग्राफ निम्नवत् है-



उपरोक्त निरीक्षण आख्या आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रस्तुत।

(अकित चौधरी)
अवर अभियन्ता

(सुनील सिंह चौहान)
सहायक वैज्ञानिक अधिकारी

क्षेत्रीय अधिकारी

Ins.report V.G.2

Item No.12

Court No. 1

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

Original Application No. 602/2023
(IA No. 58/2024)

Sardar Satnam Singh & Ors.

Applicant(s)

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 15.04.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Pankaj Kumar & Ms. Yogya Sharma, Advs. for CPCB
Mr. Himanshu Bhushan, Adv. for MoEF & CC (Through VC)
Mr. Alok Agarwal, Mr. Sanjeev Kumar Singh, Mr. Mayank Bhugnani &
Mr. Shighra Kumar, Advs. for R - 7

ORDER

1. In this Original Application, registered on the basis of the letter petition, grievance has been raised against respondent-Project Proponent namely Bajaj Energy Private Limited relating to causing pollution by throwing the fly ash at the side of Sharda Canal, not creating collection pond near the power plant for collecting the fly ash and making no provision for the greenery. The Tribunal by order dated 23.11.2023 had impleaded the concerned parties as also the Project Proponent as respondent no. 7 and had also issued notice to them.

2. In terms of the direction of the Tribunal, the report on behalf of the CPCB has been filed. In paragraph 26 and 29, the status of the dumping of fly ash and utilization is disclosed as under:-

“26. Bottom ash and fly ash are being utilize up to 99.2 % (as per format III submitted by unit to Ministry of Power). The detail of ash utilization provided by unit is attached as **Annexure-XII**.

29. During the visit to the temporary storage site, it was found that dumping of ash in temporary storage site was carried out mechanically in moist condition.”

3. The report also annexes Annexure-15, the undertaking of the Project Proponent dated 29.01.2024 about lifting of the fly ash to be completed by March, 2024. There is no material on record that in term of the said undertaking, the fly ash has been lifted and cleared from the spot.

4. Para 14 of the report states:-

“14. A storm water drain flows in front of the unit gate containing wastewater from urban area. The drain ultimately meets to R. Khannot.”

5. In respect of the samples collected from storm water drain, meeting to river Khannot and its analysis report, the parameters taken into account are disclosed to be as under:-

“16. The above analysis result of different relevant parameter indicates that their values are in accordance with the prescribed General Standard for discharge in Inland Surface Water as per the E(P)A, 1986, Schedule-VI, no abnormalities were recorded.”

6. It needs to be clarified as to how the prescribed general standard for discharge in Inland Surface Water in terms of E(P)A, 1986, Schedule-VI has been applied to ascertain the abnormalities. We also find that the report records that the unit does not have CTO under the relevant enactment to operate both temporary storage site for storage of ash and the report of the CPCB in this regard is as under:-

“32. The unit does not have Consent to Operate (CTO) under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 form State

Pollution Control Board to operate the both temporary storage sites for storage of ash.”

7. The report of CPCB also states that the unit has not complied with the condition of CTE and the findings of the CPCB in this regard are as under:-

“The unit has obtained Consent to Establish (CTE) but does not comply with conditions (green belt development, boundary wall/wind braking wall, leachate proof surface area etc.) laid down in the CTE issued by State Pollution Control Board.”

8. The EC conditions in respect of fly ash management and setting up of green belt is as under:-

“13. Fly ash management shall be done as per fly ash notification of Govt. of India.

14. Appropriate safeguard measures to guard against fire hazards shall be undertaken.

15. A green belt of adequate width and density shall be developed around the plant periphery covering at least 33% of the project area.”

9. Hence, the Project Proponent is required to place on record the status of compliance of all the EC conditions specially the conditions relating to management of fly ash and development of green belt. The CPCB is required to clarify the anomalies which have been observed in the earlier part of this order, by filing a fresh report. Let the same be filed within a period of four weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

10. The UPPCB is also directed to file the report at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

11. Let the copy of this order be forwarded to Member Secretary, UPPCB.

12. List on 24.07.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Afroz Ahmad, EM

April 15, 2024
Original Application No. 602/2023
(IA No. 58/2024)
SN

Item No. 02

Court No. 1

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

Original Application No. 602/2023

Sardar Satnam Singh & Ors.

Applicant(s)

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 23.11.2023

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

1. This OA has been registered on the basis of the letter petition dated 30.06.2023 received from Pradhan of Gram Panchayat Maksudapur, Block Banda, District Shahjahanpur, Uttar Pradesh raising a grievance that Bajaj Energy Pvt. Limited, Maksudapur which has set up 90 MW power plant at Village Maksudapur is causing pollution by throwing the fly ash by the side of Sharda Canal and that there is no collection pond near the power plant for collecting the fly ash and there is no provision for the greenery.

2. It is further alleged that on account of pollution caused by the power plant the crops are being damaged and fly ash is thrown on the road leading to Village Sadiya. It is also alleged that the polluted water from the plant is discharged in river Khannot which is affecting aquatic life and the health of cattles drinking the said water. There is also an allegation of air pollution being caused by the power plant. Further allegation is that the rain water drain is blocked by throwing the fly ash

as a result of which the water logging takes place and the crops are destroyed.

3. Perusal of the letter petition reveals that the substantial issue relating to non-compliance of the provisions of environmental laws is involved in the matter.

4. Hence, at this stage, we deem it proper to implead following as respondents in this petition:

- i. Member Secretary, Central Pollution Control Board (CPCB).
- ii. Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB).
- iii. Regional Officer, Ministry of Environment, Forest and Climate Change (MoEF&CC), Lucknow.
- iv. Representative from Ministry of Power, Govt. of India.
- v. Representative from Ministry of Coal, Govt. of India.
- vi. Pradhan, Gram Panchayat Maksudapur, Majra Kuiya Maholiya, Block Banda, District Shahjahanpur, Uttar Pradesh.
- vii. Bajaj Energy Pvt. Limited through its Plant In-charge, Maksudapur, District Shahjahanpur, Uttar Pradesh.

5. Let notice be issued to the above respondents.

6. The Member Secretary, CPCB is directed to get the spot inspection done and ascertain the correct position in respect of compliance of the environmental laws by the Project Proponent and the truthfulness of allegation made in the letter petition about violation of environmental norms by the Project Proponent and to submit a report before this Tribunal within a period of 8 weeks by e-mail at [judicial-](#)

ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

7. List on 02.02.2024.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

November 23, 2023
Original Application No. 602/2023
DV