



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड  
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं० H-93474/C-2/NGT Gen-07/O.A. No. -65/2023

Ref. No .....

दिनांक : 13-05-2023

Date .....

To,

**The Registrar,**

Hon'ble National Green Tribunal,

Copernicus Marg, New Delhi.

E-mail - judicial-ngt@gov.in

**Sub: Regarding Submission of Joint Committee Report in compliance of Hon'ble NGT order dated 13.02.2023 in O.A. No. 65/2023 Vikas Shakya Vs Union of India & Ors.**

Sir,

In compliance of Hon'ble NGT order dated 13.02.2023 in O.A. No. 65/2023 Vikas Shakya Vs Union of India & Ors, the report of Joint Committee is being filed herewith.

It is requested that the aforesaid Joint Committee Report may be presented before the Hon'ble Tribunal for kind consideration.

Encl: As above.

Yours faithfully,

**(Rajendra Singh)**

Chief Environmental Officer (Circle-2)

Joint Committee Report in compliance of Hon'ble NGT order dated  
13.02.2023 in the matter of Original Application No. 65/2023, Vikas  
Shakya Applicant Versus Union of India & Ors.

1. Hon'ble NGT has constituted a joint committee vide its Order dated 13.02.2023 in Original Application No. 65/2023, Vikas Shakya versus Union of India & Ors, the operative part of the order is reproduced as follows: -

*".....5. Accordingly, we constitute a joint Committee of CPCB, State PCB and District Magistrate, Sonbhadra and nominee of ACS/Principal Secretary, Department of Jal Shakti, UP to verify facts action and taken by the statutory regulators by site visit and interaction with the stakeholders and furnish a factual and action taken report by e-mail within two months 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. State PCB will be the nodal agency for coordination and compliance. State PCB may also inform the PP about the proceedings....."*

2. In compliance of Hon'ble NGT directives, following members have been nominated by the concerned departments: -

- a. Shri Sahdev Kumar Mishra, ADM (F/R), Sonbhadra.
- b. Shri Rajendra D Patil, Scientist-D, CPCB RD-Lucknow.
- c. Dr. S.C. Shukla, Regional Officer, UPPCB Sonbhadra; and
- d. Shri Ajay Kumar Verma, Superintending Engineer, Irrigation Works Circle, Obra, Sonbhadra.

Apar





3. The Committee conducted the field visit on dated 09.05.2023. the committee also interacted with the applicant to understand his concerns/grievances.

3.1. As per the application submitted by the applicant, violations alleged are obstruction of water streams/drains flowing into river Son, a tributary of Ganga at Araji Nos. 1134(Dam), 1118, 1147, 1151 (Natural Stream Drain). The said streams are source of drinking water for wildlife and inhabitants in the adjoining villages. However, out of these 1147 is outside of the ACC boundary.

3.2. The main concern raised by the applicant during the interaction is about Hume pipes placed to pass the Nallah through the boundary wall constructed by the unit, status of Bandh which is located inside the plant premises and obstruction to the Nallah created by railway siding, which is located next to the proposed cement plant.

4. The committee reviewed the status of obstruction of water streams/drains flowing through Araji Nos. 1134(Dam), 1118, 1147, 1151 (Natural Stream Drain) which is lying between the plot area on which M/s ACC Limited is proposing to establish standalone grinding unit with cement production capacity of 3.0 million TPA which is located near the railway siding at Salai Banwa, Village Panari and Kota, Tehsil Obra District Sonbhadra, Uttar Pradesh. The said cement plant is being established in order to used fly ash generated from M/s Obra Thermal Power Plant, Obra, Sonbhadra.

4.1. The proposed project is to be constructed in 32.6 Ha area out of which 3.43 Ha is Government Land and remaining 29.17 Ha is Private land. The

Ahas

Project Proponent has acquired the all private land as well as 3.43 Ha government land.

- 4.2. The unit has obtained Environmental Clearance from MoEF&CC on 21.11.2022 and Consent to Establish (CTE) from UPPCB on 19.01.2023.
5. The unit has submitted Environmental Impact Assessment report to MoEF&CC. In the said report it has been mentioned that two natural Nallah are passing through the project site.
- 5.1. The action plan has been proposed to develop landscape on both embankments with green belt covering 10m land on both side of Nallah.
- 5.2. The Project Proponent also proposed conservation plan for these naturally flowing Nallah that includes the following :
- 5.2.1. There will be no activities within the project site which will directly or indirectly cause the diversion of the Nallah from its natural course.
- 5.2.2. 10m embankment along both the banks of the Nallah will be developed as Nallah protection zone.
- 5.2.3. No discharge from the project site will be done into the Nallah to protect the natural water quality of the same.
- 5.2.4. Green belt development and plantation will be carried out on the embankment of the Nallah.
- 5.2.5. The Nallah will be protected with culvert structures.
6. Considering the action points and the fact that the cement grinding activities is not the waste water generating activity, the MoEF&CC has

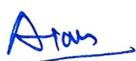
Atan



*Perth*

granted the Environmental Clearance by imposing the following conditions related to these naturally flowing Nallah,

- 6.1. There are 02 seasonal Nallah crossing the project site. Project proponent has submitted Nallah Conservation Scheme for conservation of the two seasonal Nallah passing through the project site.
- 6.2. Nallah conservation scheme for conservation of the two seasonal Nallah passing through the project site shall be strictly implemented.
- 6.3. A robust and full proof drainage conservation scheme to protect the natural drainage and its flow parameters; along with soil conservation scheme and multiple erosion control measures shall be implemented.
- 6.4. Additionally, two natural Nallah passing through the project site shall be landscaped on both embankments with greenbelt covering 10m land on both sides of Nallah having an area of 0.676 Ha.
7. The project has constructed a concrete boundary wall structure along the entire area on which the proposed unit is to be established. However, construction work of the plant is yet to be started.
8. The irrigation department (Obra Bandh Khand, Obra), whose representative is also the member of this committee has conducted details survey of these naturally flowing drains and provided a copy to the committee. The report suggest that Hume pipes provided to pass this Nallah through the boundary walls are not having adequate openings and the opening area is reduced by 87% in comparison with the culvert opening which should be situated either at the boundary wall or adjacent to the boundary wall of the project. Committee visited the entire area including inlet and outlet points







- of the drain within and outside of the ACC boundary wall and found the situation like mentioned in the report.
9. As per the records Araji No. 1118, 1147 and 1151 is allotted to the drain/Nallah and Araji No 1134 is allotted to the Bandh. Copy of LOC provided by the Project Proponent is attached.
  10. At present no industrial activities is in operation at the site and as such no damage to these naturally flowing Nallah has been observed by the committee during the visit. Only Hume pipes have been provided to pass these Nallah through the boundary wall.
  11. The committee tracked the mentioned Nallah from their origin to the final discharge point. These Nallah are rainy season Nallah that carries surface runoff from the nearby area which is located adjacent to the project site. After passing through the project site, these Nallah are crossing the railway siding Salai Banwa which is mainly used for Coal transportation purposes. The railway has provided culverts to maintain uninterrupted flow of these Nallah. Thereafter these Nallah are reaching to the Salai Banwa Bandhi which holds the collected water throughout the year. The overflow water from these Bandhi is flowing to the river Renu mostly during the rainy season. The water stored in the Bandhi is being used for domestic purpose, irrigation purpose and for cattle feeding. The stored water is also one of the major sources of groundwater recharge in this area.
  12. During the visit, the committee observed that the huge amount of coal has been unscientifically dumped near the railway siding area and the Station Superintendent does not have any related records regarding the amount of

Ara





coal dumped in that area and its ownership. The dumped coal has blocked the way of these naturally flowing drains. Though these drains are dry at present, however, this activity can adversely impact the flow and quality of water during the rainy season.

### 13. Finding of the committee

13.1. Two naturally flowing drains are passing through the project site of M/s ACC limited. The Arajji No. 1134(Dam), 1118, 1147, 1151 (Plot areas) allotted to these drains and Bandh have been acquired by the Project Proponent from the government.

13.2. The details of these Nallah are also given in the EIA report submitted by the Project Proponent and the conservation plan for the same has been considered while issuing the EC by MoEF&CC. The required conditions have also been imposed by the ministry while issuing the said EC.

13.3. The unit has yet to start any construction activity at site and they have only constructed boundary wall along the periphery of acquired land. Except Hume pipes placed for passing the Nallah through the boundary wall no activity has been done by the Project Proponent around this Nallah.

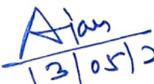
13.4. These Nallah carry surface runoff water from the catchment area which is in adjacent to the proposed project site and carry it to the Bandhi which is useful for water conservation purpose.

13.5. The action is required by railway authority to clear the unscientifically stored coal in railway siding which will block the flow of these drains

Atas

*Reed*

during rainy season. The project proponent is required to increase the opening of Hume pipes, so that natural flow of seasonal drains is not obstructed. The project proponent is also required to comply with all the conditions of Environmental Clearance given by MoEF&CC before start of production especially with reference to protection of natural drain and its flow.

Committee member	Signature
Shri Sahdev Kumar Mishra, ADM (F/R), Sonbhadra.	 13/05/23
Shri Rajendra D. Patil, Scientist D Regional Directorate, CPCB Lucknow	 13.05.2023
Shri Ajay Kumar Verma, Superintending Engineer, Irrigation Works Circle, Obra, Sonebhadra.	 13/05/2023
Dr. S.C. Shukla, Regional Officer, UPPCB, Sonebhadra.	 13/5/23
Date: 13.05.2023	

Speed/Registered Post

E-mail : samarbahadur.singh@acclimited.com

PICUP/IEPP-2017/ACC (Sonebhadra)/1421

Dated: January 7, 2022

M/s ACC Ltd.  
Cement House,  
121 Maharshi Karve Road  
**MUMBAI – 400020.**

**Re: Letter of Comfort (LOC) for special facilities/reliefs under Rules for Uttar Pradesh Industrial Investment & Employment Promotion Policy – 2017 – Super Mega Category**

Dear Sirs,

This is with reference to your application dated 14.4.2021 and subsequent discussions requesting for grant of special incentives to M/s ACC Ltd. (hereinafter referred to as "Company") under Rules for implementation of Uttar Pradesh Industrial Investment & Employment Promotion Policy - 2017 (hereinafter referred to as Rules – 2017) for your proposed project to set up a new Cement Grinding Unit with capacity of 2.2 MMTPA at Village Salai Banwa, Tehsil Obra, Sonebhadra, U.P. (Poorvanchal Region) with a total capital investment of Rs. 600.80 crores in the State of Uttar Pradesh under the G.O. Ref. No. 1359/77-6-17-5(M)/17 dated 25.10.2017, as amended from time to time.

In this connection, it is to inform that your request for grant of special incentives (as per Rules-2017) has been considered and approved vide G.O. Ref. No. 33/77-6-2022-6(M)/2018 T.C.-4, dated 7.1.2022.

On fulfilment of requirements as stipulated in G.O. Ref. No. 1359/77-6-17-5(M)/17 dated 25.10.2017, G.O. Ref. No. 1395/77-6-2020-5(M)/2017 T.C.-2, dated 12.6.2020 (amended vide G.O. Ref. No. 3955/77-6-2020-6(M)/2018 dated 14.12.2020 and GO Ref. No. 33/77-6-2022-6(M)/2018 T.C.-4, dated 7.1.2022 (photocopies enclosed), as amended from time to time, the above proposed project shall be entitled for consideration of grant of the following facilities/reliefs:-

Sl. No.	Facilities/Reliefs granted as per G.O. dated 7.1.2022
1.	Reimbursement of deposited net SGST – As per para 3.2 of Rules-2017
2.	Stamp Duty Exemption – As per para 3.1 of Rules-2017
3.	Exemption from Electricity Duty on power drawn from power companies – As per para 3.5.4 of Rules-2017

...2/-

The above facilities/reliefs shall be provided to the company subject to the fulfilment of entire requirement as stipulated in G.O. Ref. No. 1359/77-6-17-5(M)/17 dated 25.10.2017, G.O. Ref. No. 33/77-6-2022-6(M)/2018 T.C.-4, dated 7.1.2022 and G.O. Ref. No. 1395/77-6-2020-5 (M)/2017 T.C.-2, dated 12.6.2020 (amended vide G.O. Ref. No. 3955/77-6-2020-6(M)/2018 dated 14.12.2020 and GO Ref. No. 1281/77-6-2021-5(M)/2013 T.C. (Mega)-1, dated 26.3.2021), as amended from time to time and subject to the following terms & conditions: -

- 1) All eligible incentives will be admissible as per para-3 of IIEPP Rules-2017.
- 2) The Company shall submit a copy of Appraisal Note prepared by a Scheduled Commercial Bank (except Regional Rural Bank) or Financial Institution controlled by these banks or Central Government within six months from the date of issuance of LOC. The Appraisal will be required to be got done by the industrial undertaking from one of the above-mentioned agencies even if no loan is being availed by it from any financial institution/Bank.
- 3) For correct assessment of the capital investment, the same shall have to be certified by Authorized Director and Statutory Auditor of the Company. Based on the certificates provided by the Company, Nodal Agency (PICUP) shall get assessment & verification of the factual position of capital investment through its empanelled Valuers/CA/Consultants.
- 4) The eligible industrial undertaking shall manufacture the goods for which it is eligible for incentives.
- 5) The Company shall furnish all the information as asked by Nodal Agency (PICUP) or Government of Uttar Pradesh from time to time as a condition for disbursement, viz. detailed particulars of production, sale, stoppages in production, if any, closure of unit, etc. with clear reasons for same, certified particulars of increase in fixed capital investment, if any, sale/loss of fixed assets, if any, and change in constitution of the unit, audited Statements of Accounts and balance sheet of eligible unit within 6 months of close of each financial year, etc.
- 6) The Company shall be required to reimburse Administrative expenses equivalent to 1.50% of the amount of benefits sanctioned, to the concerned Nodal Agency, which shall be deducted from the disbursement. In addition, the expenses incurred towards verification of capital investment made by industrial undertakings through empanelled Valuers and Chartered Accountants would be borne by applicant companies on actual basis.

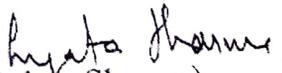
- 7) Application for any modifications/changes in nature of the project, or in the cost of project so as to effect change in its category, or for changes in LOC conditions, etc. will be examined by Nodal Agency (PICUP) on its own or through an outside competent agency and will be placed before the sanctioning authority, whose decision will be final.
- 8) The disputed matters or clarification required related to implementation of the Rules – 2017 shall be referred to PICUP. If the dispute remains unresolved the same shall be referred to Empowered Committee, whose decision shall be final.
- 9) If any information submitted by the Company is found to be false, or benefits are found to have been drawn based on concealment of material facts, the LOC shall, after giving 30 days notice to Company, be cancelled and all benefits released to the Company shall become recoverable under the applicable state laws as arrears of land revenue.
- 10) In case of violation of any of the conditions of this Letter of Comfort, G.O. Ref. No. 1359/77-6-17-5(M)/17 dated 25.10.2017 and G.O. Ref. No. 33/77-6-2022-6(M)/2018 T.C.4, dated 7.1.2022, as amended from time to time, the Empowered Committee shall, after giving 30 days notice to Company, have the right to cancel the Letter of Comfort and shall initiate action to recall the benefits availed by the Company under the Rules-2017.
- 11) Upon achieving the prescribed limits of benefits (quantum/period), or contravention in terms and conditions, the LOC would automatically be treated as cancelled.
- 12) The representatives of Government/Nodal Agency (PICUP) may visit the proposed site and office of the Company and call for the records pertaining to the Project for perusal/verification at any time during operation of the scheme. The Company shall facilitate/arrange all such visits as and when it is required.
- 13) For the purpose of interpretation of any clauses of this letter, reference shall be made to the relevant Government Orders.
- 14) Company will be required to submit the progress report of the project on quarterly basis to the Nodal Agency (PICUP).
- 15) The company will have to ensure compliance of G.O. Ref. No. 1395/77-6-2020-5 (M)/2017 T.C.-2, dated 12.6.2020 (amended vide G.O. Ref. No. 3955/77-6-2020-6 (M)/2018 dated 14.12.2020 and GO Ref. No. 1281/77-6-2021-5(M)/2013 T.C. (Mega)-1, dated 26.3.2021) with regard to Standard Operating Procedure (SOP) in respect of processing of claims for SGST reimbursement.

- 16) The company shall have to obtain separate GSTIN for proposed location.
- 17) The Outward 'Distinct Person' Transactions with other GSTIN under one PAN in State (as defined in Section 25(4) of the State GST Act, 2017) shall not be allowed for the purpose of reimbursement of net SGST.
- 18) The Outward 'Related Person' Transactions with other entities who may/may not be beneficiaries under various net SGST incentive schemes (within the meaning of Explanation in Section 15 of the State GST Act, 2017) shall not be allowed for the purpose of reimbursement of net SGST.
- 19) The company shall be solely responsible for any change in category due to reduction in cost of any item of capital investment, which is not as per eligible capital investment defined in Table 1 of Para 2.3.2 of IIEPP Rules 2017, at the time of capital verification by the empanelled auditors/valuers.
- 20) As per the GO dated 07-01-2022, if according to Rules-2017, Para 2.3, Table-1, if during capital verification, the category of industrial undertaking (while remaining in the mega category) changes due to decrease in capital investment or exclusion of non-admissible items, then the industrial undertaking will be eligible for incentives as per eligible category under the Rules.
- 21) In addition to the other conditions, the condition with regard to Captive Oxygen Plant, as mentioned in G.O. No. 33/77-6-2022-6(M)/2018 T.C.-4, dated 7.1.2022, would also be applicable.

You are requested to kindly return the duplicate copy of this LOC (enclosed) as a token of acceptance of the terms & conditions contained hereinabove.

Yours faithfully,

Enclosure: As above.

  
(Sujata Sharma)  
Managing Director