

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH AT NEW DELHI**

**M.A. No. 99 of 2022**

**IN**

**ORIGINAL APPLICATION No. 459 of 2018**

**Earlier O.A. No. 196 of 2014 (CZ)**

**IN THE MATTER OF:-**

Rashmi Singh

... Applicant

Versus

National Thermal Power Corporation Ltd. & Ors.

... Respondents

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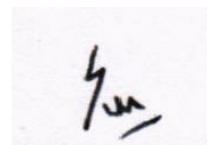
Through



**RITWICK DUTTA**



**RAHUL CHOUDHARY**



**SAURABH SHARMA  
ADVOCATES**

COUNSELS FOR THE APPLICANT  
N-73, LOWER GROUND FLOOR,  
GREATER KAILASH-1,  
NEW DELHI- 110048  
Email: litigation.life@gmail.com  
Ph. +91 9312407881

Place:- New Delhi

Dated:- 12.12.2022

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 2728 of 2020

National Thermal Power Corporation Ltd .... Appellant(s)

Versus

Rashmi Singh & Ors ....Respondent(s)

ORDER

1 This appeal arises from a judgment of the National Green Tribunal<sup>1</sup> dated 27 February 2020. The NGT has issued two directions for compliance by the appellant:

- (i) The installation of an FGD Plant within six months; and
- (ii) Ensuring that all railway wagons transporting coal are covered with tarpaulin.

2 Mr Tushar Mehta, learned Solicitor General, submits that the process for installing the FGD plant has already commenced. However, it has been submitted that the Central Pollution Control Board<sup>2</sup> had on 11 December 2017 granted time for compliance until 31 December 2022 for Units 1 and 2 and until 31 December 2021 for Units 3 to 5. It has been submitted that it is physically impossible to complete the process within a period of six months which will expire in August 2020.

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ARJUN BISHT  
Date: 2020.07.23  
17:26:03 IST  
Reason: 

- 1 NGT
- 2 CPCB

- 3 Mr Ritwick Dutta appearing on behalf of the respondents, submitted that the notification dated 7 December 2015 provided an outer time-line of two years for all thermal power plants to effect compliance. The CPCB, finding that there was non-compliance, issued a communication dated 11 December 2017 granting time until 31 December 2022 for Units 1 and 2 and 31 December 2021 for Units 3 to 5.
- 4 On the aspect of tarpaulin covers, the Solicitor General stated that the appellant is coordinating with the Ministry of Railways and the process will be completed in one month. Mr Ritwick Dutta on the other hand submitted that that the Environmental Clearance was granted in 1999 and it has taken an inordinately long period of twenty years to effect compliance. However, he has not opposed the suggestion of the Solicitor General that one month's time to complete all formalities and to effectuate compliance be allowed.
- 5 Having regard to the communication which has been issued by the CPCB on 11 December 2017 granting time for compliance in regard to the installation of the FGD plant until 31 December 2022 for Units 1 and 2 and 31 December 2021 for Units 3 to 5, respectively, we extend time for compliance as fixed by the NGT so as to be in accord with the timelines which have been indicated in the communication of the CPCB. Accordingly, time is extended until 31 December 2022 for Units 1 and 2 and 31 December 2021 for Units 3 to 5, respectively.

- 6 Time to complete the process of ensuring that all wagons are covered with tarpaulin sheets is extended by a period of one month from today.
- 7 The appellant must take all appropriate steps within the period which has been extended for installing the FGD plant to the satisfaction of the NGT. The appellant shall submit quarterly progress reports to the NGT so as to facilitate compliance being monitored. Since the proceedings are to be listed before the NGT on 28 July 2020, we direct that on that date an affidavit shall be filed by the appellant setting out the concrete steps which have been taken and which shall be taken hereafter to effect compliance.
- 8 The appeal is accordingly disposed of. There shall be no order as to costs.
- 9 Pending application, if any, stands disposed of.

.....J.  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[Indu Malhotra]

.....J.  
[K M Joseph]

New Delhi;  
July 21, 2020



**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No 212 of 2022**

**Rashmi Singh and Another**

**Appellants**

**Versus**

**National Thermal Power Corporation (NTPC)  
and Others**

**Respondents**

**ORDER**

1 On 21 July 2020, this Court while considering Civil Appeal No 2728 of 2020 moved by the National Thermal Power Corporation<sup>1</sup> Limited against the judgment of the National Green Tribunal<sup>2</sup> granted an extension of time for installing the FGD plant, in terms of certain extended time-lines which were fixed by the Central Pollution Control Board<sup>3</sup>. This Court also issued directions to ensure that all wagons are covered with tarpaulin sheets. Paragraphs 5, 6 and 7 of the order of this Court are extracted below:

“5 Having regard to the communication which has been issued by the CPCB on 11 December 2017 granting time for compliance in regard to the installation of the FGD

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1 “NTPC”

2 “NGT”

3 “CPCB”

plant until 31 December 2022 for Units 1 and 2 and 31 December 2021 for Units 3 to 5, respectively, we extend time for compliance as fixed by the NGT so as to be in accord with the timelines which have been indicated in the communication of the CPCB. Accordingly, time is extended until 31 December 2022 for Units 1 and 2 and 31 December 2021 for Units 3 to 5, respectively.

- 6 Time to complete the process of ensuring that all wagons are covered with tarpaulin sheets is extended by a period of one month from today.
- 7 The appellant must take all appropriate steps within the period which has been extended for installing the FGD plant to the satisfaction of the NGT. The appellant shall submit quarterly progress reports to the NGT so as to facilitate compliance being monitored. Since the proceedings are to be listed before the NGT on 28 July 2020, we direct that on that date an affidavit shall be filed by the appellant setting out the concrete steps which have been taken and which shall be taken hereafter to effect compliance."

- 2 The NGT had appointed a Joint Oversight Committee<sup>4</sup> during the pendency of the proceedings. The report of the JC dated 5 March 2021, contains a tabulation in regard to compliance with the conditions stipulated in the Environment Clearance<sup>5</sup>. The report contains a separate elaboration of those conditions which were complied with and those which were not. It appears that apart from the report of the JC, the District Collector, Bilaspur submitted a report on 1 March 2021 to the CPCB and the Regional Director of MoEF & CC.

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<sup>4</sup> "JC"

<sup>5</sup> "EC"

- 3 The NGT by its order dated 6 April 2021, disposed of the proceedings in terms of its discussion in paragraph 9 of the order, which is extracted below:

“We have heard learned counsel for the parties. We do not see any reason why report of the Oversight Committee furnished by the CPCB on the issue of status of compliance should not be accepted. Accordingly, the said report is accepted and directions are issued in terms of observations and recommendations therein. Let the NTPC take further remedial action accordingly. We direct the Oversight Committee to further verify compliance status periodically. The objections of the applicant as well as the report of the Collector, Bilaspur may also be taken into account by the NTPC and the Oversight Committee. The Oversight Committee may function at least for a period of one year and thereafter as may be decided by the Chairman CPCB.”

- 4 The above extract from the order of the NGT indicates that:
- (i) The report of the Oversight Committee was accepted;
  - (ii) NTPC was directed to take further remedial action;
  - (iii) The Oversight Committee was directed to verify compliance periodically; and
  - (iv) The objections of the appellants and those of the Collector were to be taken into account both by NTPC and by the Oversight Committee. The Oversight Committee was directed to function for a period of one year and thereafter as decided by the Chairperson of the CPCB.

- 5 We have heard Mr Ritwick Dutta, learned counsel appearing on behalf of the appellants and Mr Shailesh Madiyal for NTPC.
- 6 Mr Ritwick Dutta drew attention to the report of the District Collector which laid emphasis among other things on the health hazards which have been faced by the local residents. The submission which has been urged by Mr Dutta is that the NGT having disposed of the proceedings, there is no recourse provided to the appellants in regard to compliances which are still to be effected. In this context, it has been submitted that the NGT has simply entrusted the process of monitoring compliance to the Oversight Committee without any further recourse.
- 7 On the other hand, Mr Shailesh Madiyal, learned counsel appearing on behalf of the first respondent submits that the Oversight Committee was constituted by the NGT itself and its report has been carefully considered in the course of the proceedings. As regards the report of the District Collector, it was emphasized that it has been found that the prevalence of respiratory ailments is no greater than the proportion in the general population.
- 8 The NGT has, in the course of its operative directions, left it to the Oversight Committee to monitor compliance. The Oversight Committee has been directed to do so periodically, bearing in mind the objections which may be raised by the appellants as well as the report of the Collector, Bilaspur. The

directions which have been issued by the NGT must be supplemented by permitting the Oversight Committee to move the NGT for such further directions as may be necessary to secure compliance with the conditions of the EC including those which are still to be complied with. The report of the Oversight Committee (Annexure A-11) contains a separate tabulation of those aspects of the EC which were complied with and those which have not been complied with.

9 Hence, having regard to the above backdrop, we direct that the Oversight Committee shall after verifying compliance on a quarterly basis commencing from 1 April 2022 submit periodical reports to the NGT together and seek such further directions as may be warranted so as to secure compliance with the EC. The appellants would be at liberty to move the Oversight Committee in respect of such grievances which remain to be attended so that the Oversight Committee may after due verification seek appropriate directions from the NGT. Hence, the impugned order of the NGT will not stand in the way of the Oversight Committee:

- (i) Submitting quarterly status reports commencing from 1 April 2022; and
- (ii) Seeking appropriate directions from the NGT which would secure compliance with the EC conditions.

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- 10 The appellants as well as the District Collector, Bilaspur will also be at liberty to draw the attention of the Oversight Committee to such areas which require remedial attention. The Oversight Committee would seek clarifications from NTPC before taking a view on the status of compliance.
- 11 The appeal shall stand disposed of in the terms of the above modifications to the order passed by the National Green Tribunal.
- 12 Pending applications, if any, stand disposed of.

.....J.  
**[Dr Dhananjaya Y Chandrachud]**

.....J.  
**[Surya Kant]**

New Delhi;  
February 28, 2022  
CKB

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ITEM NO.32

Court 4 (Video Conferencing)

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.212/2022

RASHMI SINGH & ANR.

Appellant(s)

VERSUS

NATIONAL THERMAL POWER CORPORATION  
(NTPC) & ORS.

Respondent(s)

(With appln.(s) for IA No.2998/2022-EXEMPTION FROM FILING C/C OF THE  
IMPUGNED JUDGMENT)

Date : 28-02-2022 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SURYA KANT

For Appellant(s)

Mr. Ritwick Dutta, Adv.  
Ms. Srishti Agnihotri, AOR  
Mr. Saurabh Sharma, Adv.  
Ms. Sanjana Grace Thomas, Adv.

For Respondent(s)

Mr. Shailesh Madiyal, AOR  
Mr. Sudhanshu Prakash, Adv.  
Mr. Vaibhav Sabharwal, Adv.  
Mrs. Neha Jain, Adv.

Mr. Abhinay Sharma, AOR  
Mr. Utsav Trivedi, Adv.  
Ms. Manini Roy, Adv.  
Ms. Unnati Vijay, Adv.

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

- 1 The appeal is disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
A.R. -cum-P.S.

**(SAROJ KUMARI GAUR)**  
Court Master

**(Signed order is placed on the file)**