

**BEFORE THE NATIONAL GREEN TRIBUNAL  
(PRINCIPAL BENCH), NEW DELHI  
ORIGINAL APPLICATION NO. 459 OF 2018  
(EARLIER O.A. NO. 196 OF 2014 (CZ))**

**NEXT DATE: 28.07.2020**

**IN THE MATTER OF:-**

RASHMI SINGH

...APPLICANT

VERSUS

NTPC LTD. & ORS

...RESPONDENTS

**I N D E X**

Sl. No.	DESCRIPTION	PAGE NO.
1.	Affidavit by NTPC Ltd. In Compliance of order dated 21/07/2020 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2728/2020.	1-2
2.	<b>ANNEXURE A1</b> The true copy of the order dated 21.07.2020 passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2728/2020.	3-6
3.	<b>ANNEXURE A2</b> The true copy of the status report of in Respect of FGD Complaint.	7-18
4.	<b>ANNEXURE A3</b> The true copy of the status report of in Respect of Tarpaulin Covering.	19-25
5.	Proof of Service	26

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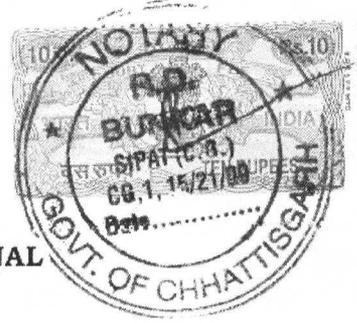
*Shailesh*

**[SHAILESH MADIYAL]**

Advocate for Respondent No.1  
208, C.K. Daphtary Chamber  
Supreme Court of India  
New Delhi-110001  
Mo.No. 9899549234

EMAIL.I.D. shileshmadiyal@salvuspartners.com

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NOTARY  
SIPAT, Distt Bilaspur (C.B.)



BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 459/2018

**IN THE MATTER OF:**

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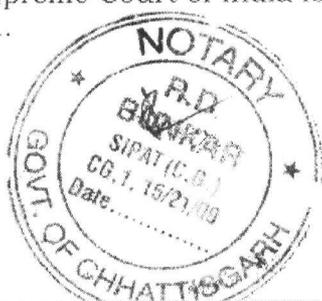
...RESPONDENTS

**AFFIDAVIT BY NTPC LTD. IN COMPLIANCE OF ORDER DATED  
21/07/2020 PASSED BY THE HON'BLE SUPREME COURT IN CIVIL  
APPEAL NO. 2728/2020**

I, Anurag Shukla, S/o. Mr O. P. Shukla, aged about 46 years, working as Addl. GM ( Environment Management), do hereby solemnly affirm and state as under:-

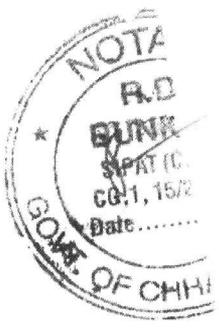
1. That I am the Authorised Representative of the Respondent No.1 in the above mentioned matter and as such I am well conversant with the facts and circumstances of the case and hence, I am competent to swear the present affidavit.
2. That vide order dated 27/02/2020 this Hon'ble Tribunal had directed NTPC Ltd. to install the FGD plant at its Sipat unit within a period of 6 months and to ensure to Tarpaulin covering of Coal wagons within one month.
3. I submit that the order dated 27/02/2020 in O.A. No. 459/2018 was challenged by NTPC Ltd. before the Hon'ble Supreme Court of India in Civil Appeal No. 2728/2020. Vide its order dated 21/07/2020, the Hon'ble Supreme Court of India has disposed-off the Appeal by extending the timelines as follows:
  - i. For setting-up of FGD plant, the timelines were extended in terms of the CPCB notification dated 11/12/2017.
  - ii. With regard to the Tarpaulin covering of the wagons, a further one month time was granted from 21/07/2020.

The true copy of the order dated 21.07.2020 passed by the Hon'ble Supreme Court of India is annexed herewith and marked as **Annexure A1**.



*Anurag Shukla*  
अनुराग शुक्ला  
ANURAG SHUKLA  
अवर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपट, बिलासपुर (उ.प्र.)  
NTPC Limited SIPAT, Bilaspur (C.B.)

4. That the Hon'ble Supreme Court has directed NTPC Ltd. to file an affidavit before this Hon'ble Tribunal setting-out the steps that have been taken and will be taken to effect compliance. The Hon'ble Court also directed NTPC Ltd. to file quarterly status report before this Hon'ble Tribunal.
  
5. In terms of the order dated 21/07/2020 passed by the Hon'ble Supreme Court of India, the status of the steps taken and that would be taken with respect to the FGD plant is as per **Annexure-A2**. Further, the steps taken and that would be taken in respect of the tarpaulin covering is as per **Annexure-A3**. I submit that the Annexures-A1 to A3 may be treated as part and parcel of the present affidavit.
  
6. That the annexures A1 enclosed with this affidavit is the true copy of its original. Annexure A2 and A3 are the status reports prepared by the Respondent No. 1.



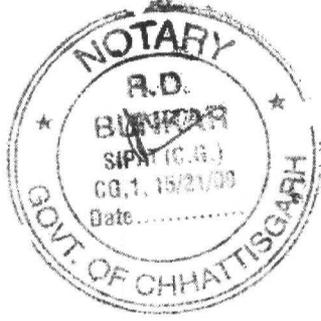
*Anurag Shukla*  
**DEPONENT**

अनुराग शुक्ला  
 ANURAG SHUKLA  
 अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
 AGM (EMG)  
 एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.ग.)  
 NTPC Limited SIPAT, BILASPUR (C.G.)

**VERIFICATION**

Verified at Bilaspur on this 24<sup>th</sup> day of July, 2020 that the contents of my above affidavit from paras 1 to 6 are true and correct to my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

मोहर  
*(Signature)*  
 विवेक पालवार  
 S/O मदन लाल पालवार  
 ग्राम-धानियाँ, पो-धानियाँ  
 जिला-बिलासपुर (छ.ग.)



*Anurag Shukla*  
**DEPONENT**

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 ANURAG SHUKLA  
 अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
 AGM (EMG)  
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 NTPC Limited SIPAT, BILASPUR (C.G.)

SOLEMNL AFFIRMED ON SWORN  
 BEFORE ME BY THE WITHIN NAMEE  
*(Signature)*  
 RAMADHAN BUNRAJ  
 Notary  
 Smedat, Dist. Bilaspur (C.G.)

3

ANNEXURE-1

1

**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.

Signature Not Verified

Digitally signed by  
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**

ITEM NO.12                      Virtual Court 4                      SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s).2728/2020

NATIONAL THERMAL POWER CORPORATION LTD.                      Appellant(s)

VERSUS

RASHMI SINGH & ORS.                      Respondent(s)

(WITH IA No.61982/2020-STAY APPLICATION and IA No.61984/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.64378/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 21-07-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDU MALHOTRA  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)      Mr. Tushar Mehta, SG  
                                 Mr. Shailesh Madiyal, AOR  
                                 Mr. Sudhanshu Prakash, Adv.

For Respondent(s)      Mr. Ritwick Dutta, Adv.  
                                 Ms. Srishti Agnihotri, AOR  
                                 Mr. Saurabh Sharma, Adv.  
                                 Ms. Sanjana Grace Thomas, Adv.

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.  
         There shall be no order as to costs.
- 2      Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)  
AR-CUM-PS

(SAROJ KUMARI GAUR)  
COURT MASTER

(Signed order is placed on the file)

7  
ANNEXURE A-2

Status report of Wet Flue Gas Desulphurization ( WFGD) System installation at NTPC-Sipat & future steps

Of the total capacity of Sipat station, installation of FGD for 66% of its capacity has been awarded and for balance 34% capacity, award process is in progress. Details as below:

Project Name:	3x660 MW Sipat stage-I( Unit 1,2 & 3) : Wet Flue Gas Desulphurization (WFGD) System Package. Date of Notification Of Award (24 <sup>th</sup> May 2019)
Agency Name	GE Power India Limited (GEPIL)
LOA Value (Cr) of Stage#1 units ( Unit 1, Unit #2 & Unit#3)	Award value: ₹ 701.69 Cr First Contract- INR 426.13Cr (ExWorks Supply) Second Contract - INR 275.56 Cr (All Services )
Status	Work in progress in Stage#1 units ( Unit#1 , Unit#2 & Unit #3) & is expected to be commissioned within timelines as stipulated by Hon'ble Supreme Court of India

*Anurag Shukla*

अनुराग शुक्ला  
ANURAG SHUKLA  
अवर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

2X 500 MW Sipat stage -II : Wet Flue Gas Desuphurization ( WFGD) System status

Project Name:	2X 500 MW Sipat stage -II( Unit 4 & Unit 5) : Wet Flue Gas Desuphurization ( WFGD)
Status	Notice inviting tender (NIT) has been issued & Bid Opening Date is 31.07.2020 . Expected date of award of contract is 31.10.2020 & expected to be commissioned within timelines as stipulated by Hon'ble Supreme Court of India

Status of work progress w.r.t. Project Schedule as on 22.07.2020 for Stage#1 Units ( Unit 1,2 &3)

S.No	Activity	Duration in months from Notification of Award		Unit # 1 /Unit # 3		Unit # 2		Status of work progress as on 22.07.2020
		Start	Finish	Start	Finish	Start	Finish	
1	Basic Engg.	0	4	23-May-19	23-Sep-19	23-May-19	23-Sep-19	Completed

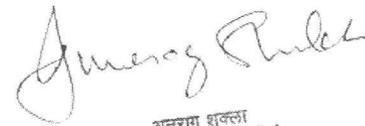
*Anuram Shukla*

				19				
2	Detailed Engg.	-	12	---	23-May-20	---	23-May-20	Slightly delayed , 308 nos. of drawings approved. Agency ( M/s GEPIL) is being followed up for submission of 176 drawings.
3	Bought Out Item (BOI)(Ordering )	3	8	---	23-Jan-20	---	23-Jan-20	Major critical 40 BOI ordered. 07 nos balance remaining.
4	Manufacturing & Supply of Equipments	7	20	23-Dec-19	23-Jan-21	23-Mar-20	23-Apr-21	Manufacturing of equipment started. Receipt of C shaped Absorber plates 25% of C276 plates dispatched on 24 <sup>th</sup> June 20 from China.
5	Manufacturing & Supply of gate, support structure, actuators etc. required for	-	12	---	23-May-20	---	23-May-20	Slightly delayed ,Manufacturing plant at Nasik (Maharashtra), gate for one unit completed, manufacturing for other two units in progress. Supply is delayed due to Lockdown due to

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अनुराग शुक्ला  
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अपर महाप्रबंधक (Page 3 of 16)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपट, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

	FGD inlet duct connection with ID-Chimney duct							COVID-19 at Manufacturing site. Duct support structure 1000MT received at site.
6	Civil & Structural works	3	23	23-Aug-19	23-Apr-21	23-Nov-19	23-Jul-21	<p>CIVIL WORKS :- (Actual Site progress Pictures attached)</p> <ul style="list-style-type: none"> <li>i) Excavation for all the 03 Chimney completed.</li> <li>ii) PCC( Plain cement Concrete) for chimney unit-1 &amp;3 completed.</li> <li>iii) Unit # 1 Chimney raft bar binding in progress. 96/106MT done.</li> <li>iv) Unit # 1 Raft casting (2 section out of 4 casted)</li> <li>v) Excavation and PCC completed for Waste water tank, Filtrate</li> </ul>



अनुराग शुक्ला  
ANURAG SHUKLA  
अनुराग शुक्ला (ए.एम.जी.)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

								<p>water tank, Process water tank, Primary HC feed tank, Aux Storage Tank foundation.</p> <p>vi) Approx. 65% of total volume of excavation completed.</p> <p>vii) PCC for all 03 absorber done.</p> <p>iii) Absorbers of Unit # 1 Raft casting started.</p> <p>ix) Absorbers of Unit # 3 ready for raft casting.</p>
7	Mechanical Equipment erection	12	26	23-May-20	23-Jul-21	23-Aug-20	23-Oct-21	Expected award of contract by M/s GEPIL to Mechanical sub contractor by 25.07.2020.
8	Electrical and Control & Instrumentation work	16	29	23-Sep-20	23-Oct-21	23-Dec-20	23-Jan-22	Rigorously following up with the Agency. NTPC Committed to start on schedule time.

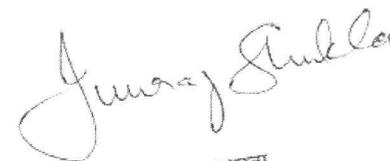
*Anurag Shukla*

अनुराग शुक्ला  
ANURAG SHUKLA  
आपक प्रशासक (प्रशासन प्रभाग)  
Page 5 of 16  
एनटीपीसी लिमिटेड सीपट, बिलासपुर (छ.प्र.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

9	Commissioning of FGD system	30	---	23-Nov-21	---	23-Feb-22	NTPC Committed to finish on schedule time.
10	Completion of Facilities	32 (U #1)	---	23-Jan22	---	23-Apr-22	NTPC Committed to finish on schedule time.
		31(U# 3)		23 Dec21			
		35 (U # 2)		23Aprl 22			

Construction of additional chimneys (3 nos; 150 meter height RCC structure) are in progress.

Detail of the activities along with the photographs are as under:



अनुराग शुक्ला  
ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सोपल, बिलासपुर (छ.प्र.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

Construction of additional chimneys (3 nos; 150 meter height RCC structure) are in progress.

Detail of the activities along with the photographs are as under:

1. Chimney work Unit # 1, Raft casting of 2 out of 4 sections completed.



Anurag Shukla

अनुराग शुक्ला  
ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

2. Chimney work Unit # 1 and Unit # 2 section casting done. (Photograph dtd 15.07.2020)



*Anurag Shukla*

अनुराग शुक्ला  
ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपट, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

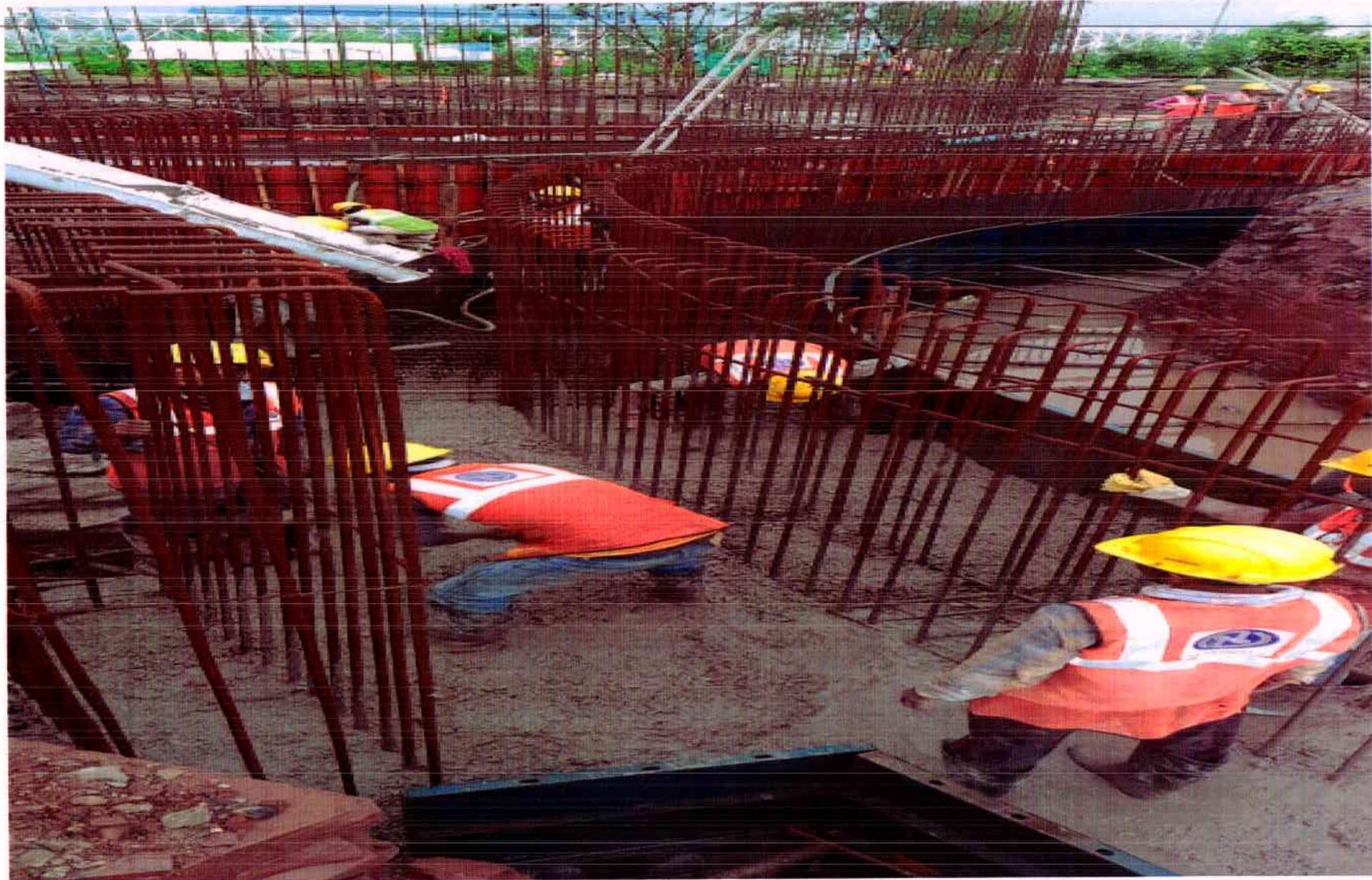
3. Chimney Work Unit # 3, bar binding completed (Photograph dated 22.07.2020)



*Anurag Shukla*

अनुराग शुक्ला  
ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

4. Absorber Unit # 1, casting done (Photograph dated 22.07.2020)



*Anurag Shukla*

अनुराग शुकला  
ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)



5. Absorber Unit # 3 bar binding in progress



*Anurag Shukla*

अनुराग शुक्ला  
ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपट, बिलासपुर (छ.प्र.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

6. Absorber Unit # 3 PCC completed (Photograph dated 22.07.2020)



7. Process Water Tank 1 & 2 (Photograph dated 22.07.2020)



*Anurag Shukla*  
अनुराग शुक्ला  
ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.प्र.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

Steps taken and status report for covering coal wagons with Tarpaulin cover in compliance with the order of Hon'ble National Green Tribunal.

In terms of the order dated 27.02.2020 of the Hon'ble National Green Tribunal, several steps have been taken to ensure compliance.

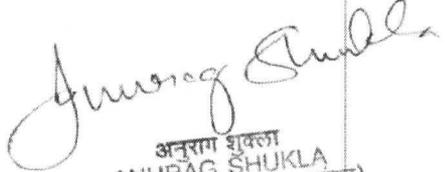
**The steps taken in this regard are as below :-**

Prevailing practice of coal transportation through Railway is in open wagons throughout India due to non availability of self closing wagons in the country. Accordingly to comply with the directions of Hon'ble National Green Tribunal , option immediately available is to cover coal wagons with tarpaulin.

I. Tarpaulin covering of one (01) full Merry Go Round (MGR) rake comprising of 44 wagons was carried out at Dipka mines Silo area after loading of the rake. Thereafter uncovering of the tarpaulin was done inside the premises of Sipat power plant before unloading the coal at Track Hopper on 21.07.2020. The distance from Sipat power plant to Dipka mines silo from where the coal is transported is approx 40 Kms.

The covering and uncovering of coal wagons by Tarpaulin involved various activities which are briefly set out as below :-

1. Tarpaulins for covering all the coal wagons of the MGR rake were prepared in advance with tying Polypropylene ropes in eye holes of the tarpaulins.
2. Tarpaulins for all the wagons were laid at ground beforehand to minimize time for unfolding of tarpaulins.
3. Manpower deployed to carry out the job of covering and uncovering was briefed about the work.
4. After loading and subsequent sampling from top of wagons, the rake with 44 wagons was placed at the identified location for covering.
5. Covering of all wagons were carried out with great difficulties. Requirement of social distancing in view of prevailing Covid-19 pandemic also increased the woes.

  
 अनुराग शुक्ला  
 ANURAG SHUKLA  
 अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
 AGM (EMG)  
 एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.ग.)  
 NTPC Limited SIPAT, BILASPUR (C.G.)

6. The rake departed for Sipat power plant.
7. Uncovering of wagons done at track hopper at NTPC Sipat.
8. Total time taken for completion of the activity was 100 mins. (Time taken for covering : 60 min; Time taken for uncovering : 30 min; Time taken in associated activities: 10 min)

II. The photographs of the activities undertaken for the purpose of compliance with the order of Hon'ble National Green Tribunal are as below :

1. Photograph depicting loading of the coal in the wagons at Dipika mines Silo. Preparation for covering the coal wagons with Tarpaulin sheets.



*Anurag Shukla*

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ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

## 2. Covering of Coal Wagon with Tarpaulin Cover



*Anurag Shukla*

अनुराग शुक्ला  
ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

3. Covered Wagon during heavy rain



*Anurag Shukla*

अनुराग शुक्ला  
ANURAG SHUKLA  
अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.प्र.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

4. Photograph depicting fully covered one rake comprising of 44 coal wagon with Tarpaulin Sheets.



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AGM (EMG)  
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5. Photograph after coal wagons reached the track hopper at Sipat Power plant. Some of the tarpauline sheets were damaged, ripped off owing to wind flow.



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NTPC Limited SIPAT, BILASPUR (C.G.)

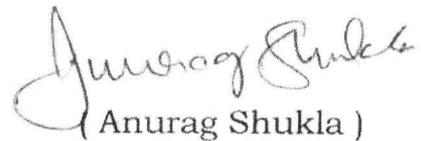
III. During the process of covering – uncovering of coal wagons by Tarpaulin of one full MGR rake comprising of 44 wagons, some issues were observed , which the plant is working to address. These issues are briefly set out as below :-

1. For covering and uncovering of 01 wagon, 06 persons are required, 02 on each side and 02 persons on the top of the wagon for properly laying the sheet over the coal heap of the wagon. These two (02) persons on the top of the wagon are at risk of falling from height as there is neither any space available to stand and move on, except the edges of the wagon, nor there is any scope available to tie a lifeline above the wagon. This problem becomes acute in the rainy season. Manpower deployed is exposed to high level of risk as the activity is of round the clock duration.
2. After covering of coal wagons by Tarpaulin at Dipka mines, on the way while the train was running towards Sipat Power Plant, many tarpaulin sheets ripped off from ropes started flying on the sides, hanging from the ropes and flying on sides of the wagons . This presented a real danger to villagers and cattle passing by side of the track. Some of the ripped off sheets were about to get wrapped up with the wagon wheels also.
3. The process of covering by tarpaulin sheet added to the time cycle for transportation of coal which could lead to reduction in supply of coal .

IV. NTPC Sipat is committed to comply with orders of this Hon'ble National Green Tribunal. Towards this end, efforts that are being made to resolve the issues are as below :

1 NTPC Sipat is further working out methods to optimally & safely cover the coal wagons with tarpaulin sheet , complying social distancing & other requirements prevailing in this Covid-19 pandemic period.

2 NTPC Sipat is pursuing RDSO (Research Designs and Standard Organization), the Indian railways wing responsible for wagon design, for finding a permanent and more convenient covering arrangement with mechanical sliding design which will be more safe, convenient and less time consuming.

  
( Anurag Shukla )

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अपर महाप्रबंधक (पर्यावरण प्रबंधन)  
AGM (EMG)  
एनटीपीसी लिमिटेड सीपत, बिलासपुर (छ.ग.)  
NTPC Limited SIPAT, BILASPUR (C.G.)

Proof of Service

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rediffmail

Mailbox of shaileshmadiyal@salvuspartners.com

**Subject: O.A. No. 459 of 2018 --- Rashmi Singh & Anr. Versus NTPC Ltd. & Ors**

From: Shailesh Madiyal<shaileshmadiyal@salvuspartners.com> on Fri, 24 Jul 2020 16:01:29

To: <litigation.life@gmail.com>

Cc: "Shailesh Madiyal "<admin@salvuspartners.com>

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**1 attachment(s) - AFFIDAVIT\_BY\_NTPC\_LTD..pdf (6.44MB)**

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Dear Sir,

Please find attached the affidavit to be filed by NTPC Ltd in the above mentioned matter.

This is for your information and record,

Amit Mishra

For

Shailesh Madiyal  
Chamber: # 208, C.K.Daphthary Lawyers Chambers  
Tilak Lane, Supreme Court of India  
New Delhi - 110 001  
Tel:+91-11-23386550

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Unit No. 1117, 11th Floor, Ithum (Tower A)  
A-40, Sector 62  
Noida-201301 (UP)  
Tel: +91-120-4504226

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