

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

ORIGINAL APPLICATION NO. 164/2018

IN THE MATTER OF:

ASHWANI KUMAR DUBEYAPPLICANT

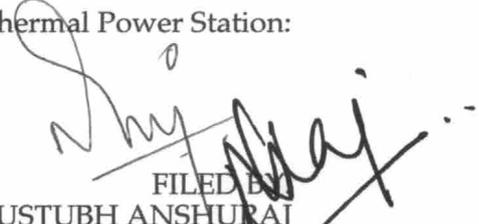
VERSUS

UNION OF INDIA AND ORS. RESPONDENTS

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For: Singrauli Super Thermal Power Station:


FILED BY
KAUSTUBH ANSHURAJ
ADVOCATE FOR THE RESPONDENT NO. 12,
1032, ITHUM BUILDING,
PLOT A-40, SECTOR 62,
NOIDA-201309
[M: 9811778452]

FILED ON: 17.01.2024
PLACE: NEW DELHI

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ORIGINAL APPLICATION NO. 164/2018

IN THE MATTER OF:

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VERSUS

UNION OF INDIA AND ORS. RESPONDENTS

**OBJECTIONS TO THE EXPERT/JOINT COMMITTEE
REPORT DATED 11.01.2022 IN TERMS OF THE
ORDER DATED 02.11.2023, SINGRAULI SUPER
THERMAL POWER STATION**

MOST RESPECTFULLY HEREBY SHOWETH

1. That in terms of the Order as passed by this Hon'ble Tribunal on 02.11.2023 in the above original application, the Respondent No.12 is hereby filing its objections to the Expert/ Joint Committee report dated 11.01.2022.
2. Compliance status of action points identified in Hon'ble NGT orders and additional issues identified by earlier oversight committee :

Sl. No.	Issued Identified by Hon'ble NGT	Compliance Status/Remark as per the Joint Committee (As on 31.10.2021)	Response
a)	To ensure continuous operations of ESPs installed in TPPs. Installation of	It has been noted that effective operation of ESP is being ensured. To achieve the	Compliance status against the issues identified by Hon'ble NGT: Complied. Continuous operation of all 7 units ESPs are being ensured. Online

	<p>OCEMS to monitor stack emissions and connect it with CPCB/SPCB Server for online data transmission.</p>	<p>prescribed limit of the particulate matter, the retrofitting of ESPs installed in unit No.01 to 06 has been carried out whereas it is likely to be completed by 28.02.2022 in unit No.07.</p> <p>The unit has installed OCEMS to monitor stack emissions and is connected to CPCB and UPPCB servers. However, OCEMS are installed on the duct connection to the stack and the required is-kinetic sampling to monitor particulate matter is not being ensured.</p> <p>OCEMS has been asked to relocate to a suitable location at the earliest for obtaining the isokinetic sample.</p>	<p>Continuous Emission Monitoring System [OCEMS] in all units are installed to monitor the stack emissions and are connection with CPCB/SPCB Server for online data transmission.</p> <p>Compliance status as against the remarks made by Joint Committee:</p> <p>ESP [Electro Static Precipitator] R&M [Renovation & Modernization] work in all units 1 to 7 have been completed.</p> <p>OCEMS are installed on the duct connected to the stack for required iso-kinetic sample to monitor the particulate matter.</p> <p>It is submitted that Singrauli units were installed in between year 1982 to 1987. Later OCEMS has been installed at most possible suitable location in the available space considering iso-kinetic condition.</p> <p>Extension of ducts work (from an existing chimney) is in progress OCEMS will be relocated near that duct of chimney of FGD for obtaining the iso-kinetic sample.</p>
b)	<p>Installation of 03 CAAQMS for ambient air monitoring by each TPP and linking it with CPCB/SPCB server</p>	<p>The unit has already installed 02 CAAQMS for ambient air monitoring Whereas, the location for setting up the third CAAQM station has been identified. The installation work is likely to be completed within a quarter.</p>	<p>Compliance status against the Issues identified by Hon'ble NGT:</p> <p>Complied</p> <p>Compliance Status as against the remarks made by Joint Commissioner.</p> <p>Third Continuous Ambient and Quality Monitoring System [CAAQMS] have been installed and linked to CPCB/UPPCB server for ambient air monitoring.</p> <p>Total 03 nos. CAAQMS have been installed and linked to CPCB/UPPCB server & hence complied.</p>

		<p>The Committee asked the unit to ensure the connectivity of the CAAQMS with CPCB/SPCB server at the earliest.</p>	
c)	<p>To ensure 100% fly ash utilization in accordance with MoEF&CC Notification dated 31.12.2018 and Hon'ble NGT order dated 12.02.2020 in the matter of OA No.117/2014.</p>	<p>As per the details provided, the unit has utilized 24.17% of the total fly ash generated during March to October 2021. The fly ash has been mainly utilised in NHAI road projects, ash brick construction, land development and ash dam augmentation.</p> <p>The reported fly ash utilization is much less than the desired utilization percentage. Also, they are mainly using legacy fly ash which was already stored in old ash dyke and the fresh fly ash generated is being stored in new ash dyke.</p> <p>The committee asked to submit a time bound action plan for 100% utilization of fly ash generated at the earliest to Hon'ble NGT.</p>	<p>At the outset, it is submitted that the requirement of ash utilization is as per the revised timelines contained in Notification dated 31.12.2021. The NGT order dated 12.02.2020 has been set aside by this Hon'ble Court by its judgment dated 10.05.2022 in CA No.2713/2020.</p> <p>Compliance status against the Issues Identified by Hon'ble NGT.</p> <p>Efforts are being made for compliance as per the new notification.</p> <p>(MoEF&CC has suppressed its earlier notifications including Notification dated 31.12.2018 vide a new notification dated 31.12.2021 and has granted additional time to utilize the legacy ash).</p> <p>Compliance Status as against the remarks made by Joint Committee:</p> <p>It is submitted that NTPC Singrauli has achieved 57.54% fly ash utilization during the year 2021-22.</p> <p>The efforts are being made to achieve ash utilization in accordance with the statutory notification issued by MoEF&CC under the provisions of Environment Act requiring 100% utilization of fly ash.</p>

d)	To ensure continuous operations of AWRS	<p>As per records, the unit has discharged 8437402.36 KL of ash slurry into the ash dyke during August to October 2021, and recycled 6834295.91 KL of water from it.</p> <p>Thus, the ash to water ratio calculated is 1:4 and considering the claimed ash to water ratio of 1:9, the unaccounted ash water quantity is about 7,59,366.214 KL which has likely been discharged into Rihand reservoir during the reported quarter by the unit.</p>	<p>Compliance status against the Issues Identified by Hon'ble NGT:</p> <p>NTPC Singrauli is ensuring continuous operation of Ash Water Recirculation System [AWRS] hence, complying with the directions of the Hon'ble NGT.</p> <p>Compliance Status as against the remarks made by Joint Committee:</p> <p>During the period of August 2021 to October 2021, AWRS was continuously operational. AWRS is for recycling the ash water from ash dyke to the plant for ash slurry preparation and sending it to the ash dyke. The detail of ash slurry disposal to the ash dyke and recycling of water during 1st August 2021 to 31st October 2021 is as following:</p> <table border="1" data-bbox="906 958 1513 1205"> <thead> <tr> <th>Ash quantity sent to ash dyke</th> <th>water used for ash slurry</th> <th>Ash slurry quantity (ash+ water)</th> <th>Ash water recycled quantity</th> <th>Ash Water ratio</th> </tr> <tr> <th>a</th> <th>b</th> <th>c</th> <th>d</th> <th>e</th> </tr> </thead> <tbody> <tr> <td>843740.36</td> <td>7593662</td> <td>8437402.36</td> <td>7473008</td> <td>1:9</td> </tr> </tbody> </table> <p>The AWRS system is running continuously with 100% availability out of 3 pumps with 2000M3/Hr each capacity, 2 pumps were in service with pumping capacity of 4000 M3/hr.</p> <p>As per record of flow meter reading the recycled quantity of water was 7473008 M3 out of 7593662.0 (98.41% of water) for the period 1st Aug 2021 to 31st Oct 2021. Remaining quantity of 120,547M3 (1.59% of water) is on account of evaporation loss and use of AWRS water for sprinkling.</p> <p>Therefore, the observation by the Committee that unaccounted ash water quantity is about 759366.214 KL which has likely been discharged into Rihand reservoir is not correct.</p>	Ash quantity sent to ash dyke	water used for ash slurry	Ash slurry quantity (ash+ water)	Ash water recycled quantity	Ash Water ratio	a	b	c	d	e	843740.36	7593662	8437402.36	7473008	1:9
Ash quantity sent to ash dyke	water used for ash slurry	Ash slurry quantity (ash+ water)	Ash water recycled quantity	Ash Water ratio														
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843740.36	7593662	8437402.36	7473008	1:9														

e)	<p>Necessary renovation of the ash dykes needs to be carried Out in order to prevent breaching of ash pond and spreading of slurry in to surrounding environment and Rihand Reservoir.</p>	<p>During the visit, the committee observed that the water from the overflow period of Ash Dyke was flowing into the Rihand reservoir.</p> <p>The unit has installed CCTV camera near the discharge point for the purpose of continuous monitoring, However, its connectivity cable was found damaged. It has been reported that it was broken since September 2021.</p> <p>As per the CCTV footage of August 2021, water leakage is visible in Rihand reservoir after 10th August 2021.</p> <p>Thus, the unit has failed to take adequate measures to not allow water from ash pond to discharge into the Rihand reservoir.</p>	<p>Compliance status against the Issues Identified by Hon'ble NGT:</p> <p>Ash Dyke raising is being done and are renovated within time. Ash dyke stability got tested through IIT-Hyderabad and has been found safe.</p> <p>The directions as to necessary renovation to prevent any breach had already been complied.</p> <p>Compliance status as against the remarks made by Joint Committee:</p> <p>Treated effluent is being recycled through AWRS fully.</p> <p>The damaged cable has been repaired in the month of December 2021 and the connectivity has been restored.</p> <p>Regarding CCTV footage, it is submitted that water leakage visible was only due to rain in the month of August 2021, intermittently and apart from this there was not discharge else.</p> <p>Thus, the comment of the Committee that water leakage is visible in Rihand reservoir after 10th August and unit has failed to take adequate measures to not allow water from ash pond to discharge into Rihand reservoir is erroneous.</p>
f)	<p>Control of pollution during coal storage, transportation and handling</p>	<p>As per the information the unit receives coal through MGR rail system. The unit has provided a cover shed and</p>	<p>Compliance Status against the Issues Identified by Hon'ble NGT:</p> <p>Complied.</p> <p>Compliance Status as against the remarks made by Joint Committee:</p>

	<p>sprinkler system to contain the dust released during unloading.</p> <p>Water sprinklers have also been installed in coal storage areas and dust suppression systems have been provided at transfer sites.</p> <p>Excessive fugitive emission has been observed from the road provided in the ash dyke area.</p>	<p>Coal transportation from coal mine to the plant is done through Merry Go Round (MGR) rail system with bottom opening rakes and sprinklers are used during the unloading. Thus pollution remains controlled. Hence, complied.</p> <p>Water sprinklers have also been installed in coal storage areas and dust suppression systems have been provided at transfer sites so that the pollution remains controlled. Hence, complied.</p> <p>Water sprinkling is being, done by mobile sprinklers [water tankers] on the road in the dyke area and the fugitive emission is under control. Hence, complied.</p>
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3. STATUS OF OTHER IDENTIFIED ISSUES

Sl. No.	Issues Identified	Compliance Status/ Remarks	Response
a)	Achieving ZLD in ETP & STP	<p>The unit is fully utilizing the treated effluent from ETP.</p> <p>The unit has provided polishing pond to treat the sewage generated through its residential area. The treated wastewater is mainly used to horticultural purposes.</p> <p>The unit is in the process of providing a new STP of 1800 KLD capacity based on MBBR technology.</p>	<p>Compliance status against the Issues Identified by Hon'ble NGT.</p> <p>Complied.</p> <p>Effluent Treatment Plant [ETP] & Sewage Treatment Plant [STP] are operated regularly ... the Zero Liquid Division [ZLD] has been achieved.</p> <p>Compliance status against the remarks made by the Joint Committee:</p> <p>It is submitted that Singrauli Super Thermal Power Station has installed ETP & STP and treated effluent is recycled and re-used fully for achieving the ZLD.</p> <p>Treated wastewater from STP is used for horticulture purposes. Hence complying.</p>

			For up gradation Mix Bed Bio Reactor [MBBR] technology based STP construction work is in progress.
b)	Installation of FGD for control of gaseous emissions	The unit is in the progress of setting up FGDs to achieve the notified standards for gaseous emissions. approx. 30% of the work for the construction of three multi-flue chimneys has been completed and the work of casting the chimney above ground level, absorber foundation, and other related works is in progress.	<p>Compliance stats against the Issues Identified by Hon'ble NGT:</p> <p>Installation work of the FGD in all 7 units for control of gaseous emissions is in progress.</p> <p>Compliance Status as against the remarks made by Joint Committee</p> <p>Work of Chimney construction, absorber, duct extension and associated work is in progress. FGD installation work is expected to be completed by revised CPCB timeline i.e. by 31.12.2024.</p>
c)	Treatment and disposal of MSW generated from residential area	The solid waste generated from the residential colony is dumped at the site located near Jayant Road. The scientific method is not been adopted for the proper segregation and disposal of MSW.	<p>Compliance status against the Issues Identified by Hon'ble NGT:</p> <p>Treatment and disposal of Municipal Solid Waste [MSW] generated from residential area is being done in an environment friendly manner.</p> <p>Compliance Status as against the remarks made by Joint Committee:</p> <p>Special motorized vehicle having different compartment have been deployed and Solid Waste is being collected in segregated manner from household and compostable waste is being composted.</p>

4. CALCULATION FOR ENVIRONMENTAL COMPENSATION

BASIS OF CALCULATION OF ENVIRONMENTAL COMPENSATION	RESPONSE
The Unit was found discharging the ash pond overflow water into the Rihand reservoir. The CCTV footage confirms the discharge since the month of August 2021. Hence, environmental	<p>Treated effluent is being recycled through AWRS fully.</p> <p>Regarding CCTV footage, it is submitted that water leakage visible was only</p>

<p>compensation is being calculated based on the Polluters Pay Principle. Calculation of Environmental Compensation is as demonstrated below</p> $EC = P \times N \times R \times S \times LF$ $= 80 \times 92 \times 250 \times 1.5 \times 1$ $= 27,60,000/-$	<p>due to unforeseen heavy rains in the month of August 2021. Even this flow was intermittent and, apart from this water flow there was no discharge. In this regard, CCTV footage and Photographs were also submitted to the Committee [in ped-drive] during August October 2021 to place on record the compliance that there was no discharge from the NTPC Singrauli. Thus, recommendation for imposing Environment Compensation for 92 days is not sustainable and the said compensation ought not to have been imposed.</p>
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5. **RECOMMENDATION OF THE COMMITTEE:**

RECOMMENDATION OF THE COMMITTEE	RESPONSE
The unit should immediately take required measures to stop the discharge of ash pond overflow into the Rihand reservoir.	It is submitted that apart from the water leakage [due to rain in the month of August, 2021], there was no discharge of ash pond overflow into the Rihand Reservoir. The leakage observed during the visit was stopped immediately.
The unit may be asked to relocate the OCEMS in order to achieve the desired iso-kinetic sampling for particulate matter	Detailed response given as against the remarks made by the Committee under 1.1.1 (a)
The unit may be asked to complete the installation of the third CAAQMS at the earliest.	Detailed response given as against the remarks made by the Committee under 1.1.1(b)
The unit may be asked to ensure that the CAAQMS is connected to the CPCB/SPCB server at the earliest.	Detailed response given as against the remarks made by the Committee under 1.1.1(b)
This unit may be asked to submit a time bound action plan for 100% fly ash utilization at the earliest.	Detailed response given as against the remarks made by the Committee under 1.1.1.(c)
The process of installation and commissioning of the FGD system needs to be expedited in realization of the revised timeline.	Detailed response given as against the remarks made by the Committee under 1.1.1.(b)
The unit may be asked to properly treat the MSW generated from their residential colony.	Detailed response given as against the remarks made by the Committee under 1.1.1.(c)
The unit shall take immediate measures to control fugitive emission in ash dyke area.	Detailed response given as against the remarks made by the Committee under 1.1.1.(f)

6. That as per the CCTV footage, there was some water-leakage due the unforeseen heavy rains in the month of August,2021. However even this over-flow was intermittent and apart from the water-over flow there was no discharge. In this regard, CCTV footage and Photographs were also submitted to the Committee [in ped-drive] during August October 2021 to place on record the compliance that there was no discharge from the NTPC Singrauli. However for the ready reference, the following photographs are annexed for the month of October - November 2021, which are as follows:
 - a.) That the photographs of 15TH October 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond over-flow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-1**. [Page 15]
 - b.) That the photographs of 16TH October 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond over-flow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-2**. [Page 16]
 - c.) That the photographs of 19TH October 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond over-

flow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-3.** [Page 17]

d.) That the photographs of 20TH October 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond overflow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-4.** [Page 18]

e.) That the photographs of 21st October 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond overflow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-5.** [Page 19]

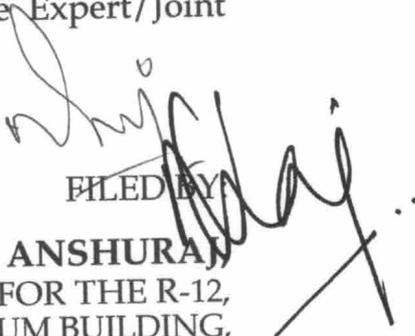
f.) That the photographs of 25th October 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond overflow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-6.** [Page 20]

g.) That the photographs of 26th October 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond overflow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-7.** [Page 21]

- h.) That the photographs of 27th October 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond overflow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-8.** [Page 22]
- i.) That the photographs of 30th October 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond overflow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-9.** [Page 23]
- j.) That the photographs of 2nd Nov 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond overflow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-10.** [Page 24]
- k.) That the photographs of 3rd Nov 2021, showing no water-leakage at Stillway Overflow Lagoon, Shahpur Ash Dyke, which prima facie shows there was no discharge of ash-pond overflow into the Rihand Reservoir is hereby annexed hereto as **Annexure R-11.** [Page 25]
- l.) Current Status: Presently there is no overflow into the Rihand Reservoir. The Photograph of January 16.01.2024 is hereby annexed hereto as **Annexure R-12 .** [Page 26]

7. That the aforesaid objections to the Expert/Joint Committee may be taken on record.

FILED BY


KAUSTUBH ANSHURAN
ADVOCATE FOR THE R-12,
1032, ITHUM BUILDING,
PLOT A-40, SECTOR 62,
NOIDA-201309
[M: 9811778452]

DATE:17-01-24
PLACE: NEW DELHI

**BEFORE THE NATIONAL GREEN
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NEW DELHI**

ORIGINAL APPLICATION NO. 164/2018

IN THE MATTER OF:

ASHWANI KUMAR DUBEYAPPLICANT

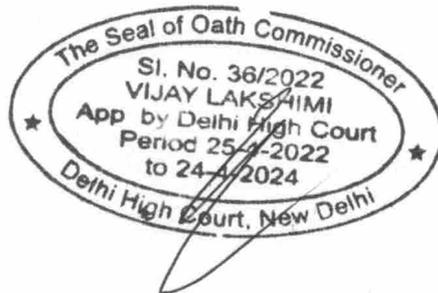
VERSUS

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AFFIDAVIT

I, Neeraj Kumar Yadava, S/O Rabindra Prasad Yadava aged 55 years, R/O D-III-21, NTPC Singrauli, PO: Shaktinagar, District Sonahadra, UP 231222 working as AGM (EMG), at Singrauli Super Thermal Power Station, presently at New Delhi do hereby solemnly affirm and state as under:

1. I am the authorized signatory of the Respondent No.12 in the above-mentioned matter. That I am fully aware with the facts and circumstances of the case and hence competent to sign and swear this affidavit.
2. That I have gone through the contents of the Objections to the Expert Report dated 11.01.2022 from the running pages 01 to 12. I state that the



नीरज कुमार यादव/NEERAJ Kr. YADAVA
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P.O. Shaktinagar, Sonbhadra (U.P.) 231222

ANNEXURE R-1: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 15.10.2021



ANNEXURE R-2: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 16.10.2021



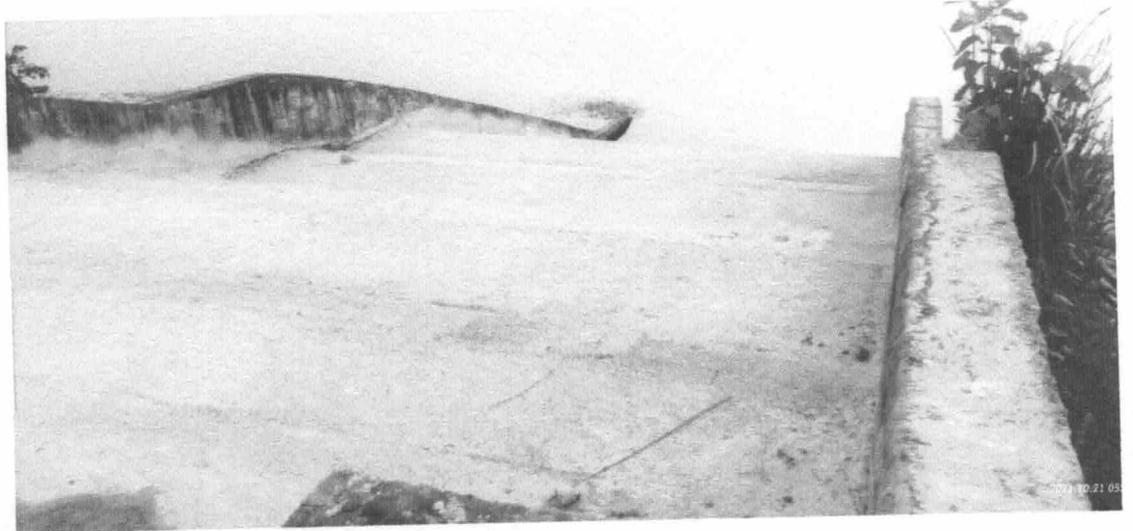
ANNEXURE R-3: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 19.10.2021



ANNEXURE R-4: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 20.10.2021



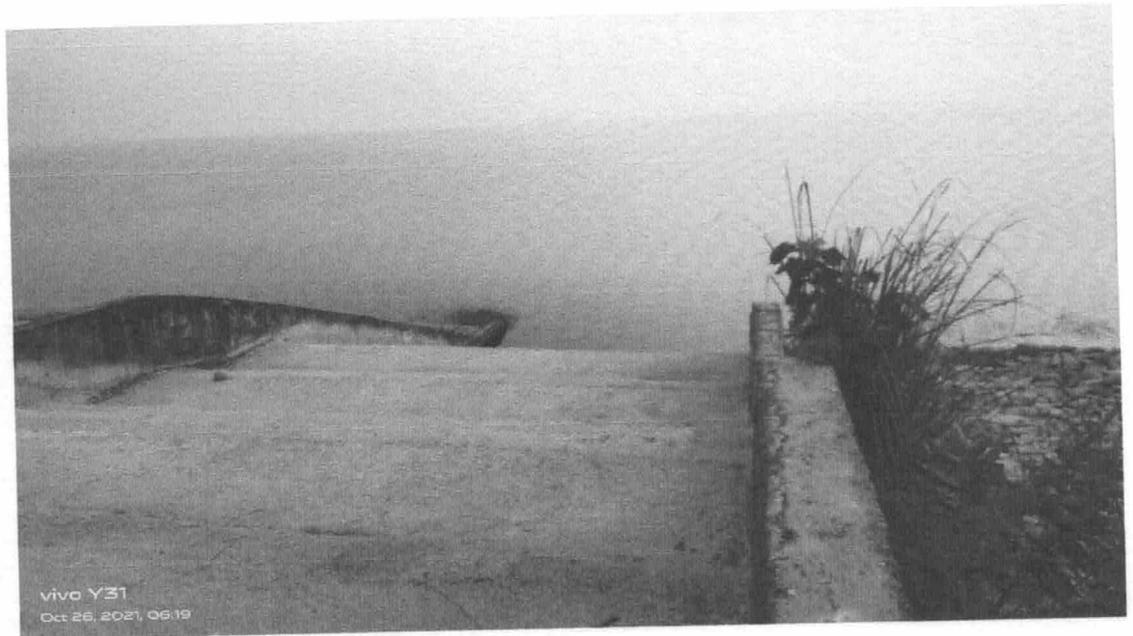
ANNEXURE R-5: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 21.10.2021



ANNEXURE R-6: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 25.10.2021



ANNEXURE R-7: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 26.10.2021



ANNEXURE R-8: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 27.10.2021



ANNEXURE R-9: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 30.10.2021



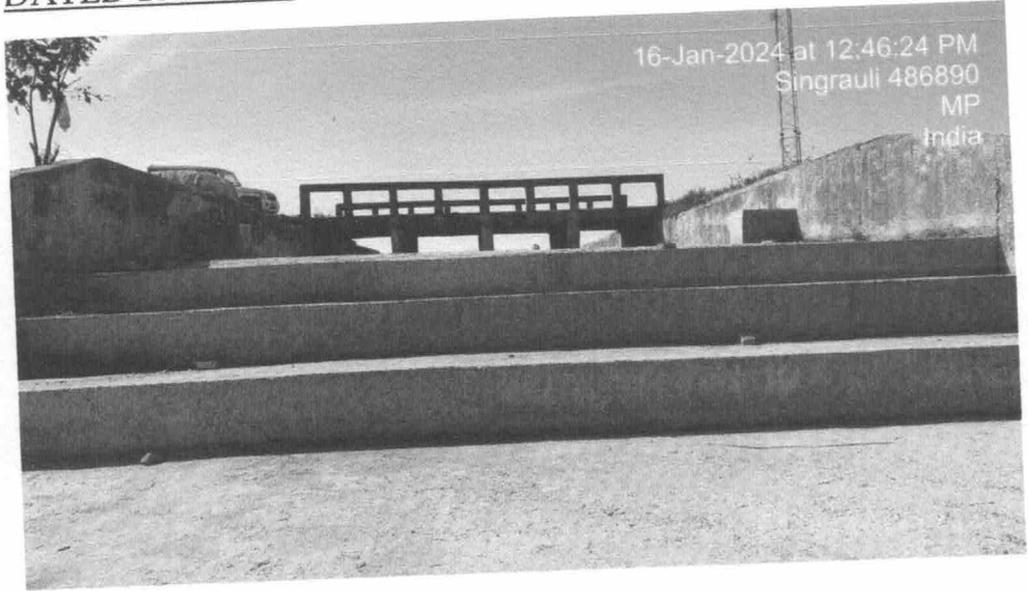
ANNEXURE R-10: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 2.11.2021



ANNEXURE R-11: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 03.11.2021



ANNEXURE R-12: PHOTOGRAPH OF STILLWAY
OVERFLOW LAGOON OF SHAHPUR ASH DYKE
DATED 16.01.2024



Ref: No. SSTPS/GGM

Date: 16.01.2024

TO WHOMSOEVER IT MAY CONCERN

I, Rajeev Akotkar, Group General Manager, Singrauli Super Thermal Power Station, NTPC Ltd., PO: Shaktinagar, Dist. Sonebhadra (UP) Pin - 231222, do hereby authorize Neeraj Kumar Yadava (Emp. No. 006100), AGM (EMG), NTPC Ltd., Singrauli Super Thermal Power Station to verify, sign, affirm & file objection, affidavit and other connected documents as would be required from time to time in the matter of Original Application No.164 of 2018 Ashwani Kumar Dubey Vs. Union of India & Ors. before the National Green Tribunal, Principal Bench, at New Delhi.

Rajeev Akotkar

(Rajeev Akotkar)

Group General Manager

NTPC Ltd. Singrauli

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