

Justice Rajes Kumar

Former Judge, Allahabad High Court
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Date: 26.04.2019

To,

The Chairman,
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi - 110001

Subject: Progress Report of NGT Committee in the Matter of OA no. 164 of 2018 (Ashwani Kumar Dubey vs. Union of India and Others)

Sir,

In pursuance of the order dated 28th August, 2018, passed by the Hon'ble NGT in the matter of Ashwani Kumar Dubey vs. Union of India & Others (OA no. 164 of 2018; earlier OA no.276 of 2013), an Oversight Committee has been constituted for implementation of the various directives given therein.

The Committee has convened 3 meetings prior to 14.12.2018 to discuss the NGT directives with different stake holders and also made a field visit for effective implementation of the order. The Progress Report was sent vide letter dated 14.12.2018.

The Hon'ble NGT vide order dated 3rd January, 2019 extended the jurisdiction of the Committee to attend the similar issues at other places in the State of U.P. and Madhya Pradesh. Has also directed to look into the issues of air and water pollution and other allied issues and submit the report.

The Committee has convened 4 meetings, namely, on 27.12.2018 at Radisson Hotel, Varanasi, 31.01.2019 at Circuit House, Allahabad, 02.02.2019 at Chandra Shekhar Azad Park, Allahabad, 21.02.2019 at Circuit House, Allahabad and 01.03.2019 at NTPC Vindhyannagar, M.P. It may be mentioned here that in pursuance of the subsequent order passed by Hon'ble NGT, the Committee has visited the site of NTPC, Meja and JP Power Plant, Bara and has also examined environmental situation of Bhataudi area, Meja where several crushers are in operation and has also visited one of the prestigious Parks of Allahabad known as 'Chandra Shekhar Azad Park'.

The minutes of all the 4 meetings are enclosed herewith.
The Progress Report of the Committee is also attached herewith for kind perusal.

Rajes Kumar
(Justice Rajes Kumar)
Chairman
Oversight Committee

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**PROGRESS REPORT OF THE NGT COMMITTEE
IN THE MATTER OF OA NO. 164 OF 2018 (EARLIER OA NO. 276/2013)
IN CASE OF ASHWANI KUMAR DUBEY Vs. UNION OF INDIA AND OTHERS**

PROCEEDINGS OF THE COMMITTEE

Status of compliance of various directions issued by Hon'ble NGT

1. Thermal Power Plants

S. No.	Directions of Hon'ble NGT	Compliance Status
1.	Insallation of AWRS and ESPs	<p>NTPC-Vindhyanagar states that as per direction of NGT 3 Nos. CAAQMS has been installed. However, as per the direction 01 additional CAAAMS is to be installed at Waidhan, which may take some time and may be installed within 3 months.</p> <p>NTPC-Rihand & NTPC-Singrauli states that they have installed 3 Nos. CAAAMS and compiled with the order. The representative of NCL states that they have to install 9 Nos. Installation is in progress and may be completed by March 2019 (as per meeting dated 1st March, 2019).</p> <p>The further report is awaited.</p> <p>In the meeting it was noticed that in the emission of smoke from Thermal plants there may be possibility of presence of Mercury, which is a hazardous item. The examination of presence of Mercury in the emitted smoke from the Chimney is necessary. Thermal plants were directed to give necessary report in this regard within one month.</p> <p>The report is still awaited.</p>
2.	Discharge Effluent Treatment Plant so as to meet the discharge standards with no discharge in Nullah leading to Rihand Reservoir	<p>Although during the meeting, the representatives of all the Power Plants and Industries stated that they are not discharging effluent or any other discharge in the Rihand Reservoir. However, the Committee has asked them to submit an Affidavit in this regard within two weeks and directed the State PCB to make a survey of all the Nullahs from where they are originating and they are falling. The water condition may be tested by taking the samples within 15 days. In pursuance of the aforesaid direction, only Hindalco has submitted an affidavit stating therein that no effluent is discharged from the Plant to Rihand Reservoir at any given point of time throughout the area and they are discharging only domestic industrial effluent as permitted by the U.P. State Pollution Control Board vide their order dated 12th April, 2018. The contents of the affidavit shall be</p>

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		<p>examined in the next meeting. Till date, no other affidavits have been received. The Committee has also not received any survey report from State PCB regarding the survey of Nullah and Water Testing report. The serious actions are required to be taken against the Industries who have not submitted the affidavits and against the officials of the State Pollution Control Board for not submitting the Survey Report of Nullah and Water Testing Report. The Sr. Superintendent has also not submitted the necessary details of the Nullahs, which are falling in the Rihand Reservoir, within the stipulated period.</p>
3.	<p>Shifting of Mercury bearing brine sludge to TSDF by brine industries</p>	<p>Till date the sludge has not yet been shifted. Shri Ashwani Rai, representative of Grasim Industry stated that for the modification of the direction, they have filed the Petition before the NGT.</p>
4.	<p>Aluminium smelter: Hindalco Industries Renukoot</p>	<p>M/s. Ltd., Industry shall achieve emission limit of 50mg/Nm³ for particulate matter in respect of all Baking furnaces. The emission from boilers shall be reduced to the level of 50mg/Nm³ from the existing norms of 150mg/Nm³. Shri Anil Singh of Hindalco stated that they have closed their Baking furnaces Nos. 1, 2 & 3 and remaining Baking furnaces meet the standards as mentioned in NGT order. So far as the reduction of level of emission from the boiler to 50mg/Nm³ is concerned, he stated that they have engaged the experts on this issue. After receiving the opinion, which is likely to be received by April, 2019, they may be able to take a decision in this regard.</p>
	<p>Storage of Red mud: Hindalco Industries Renukoot</p>	<p>M/s. Ltd., With regard to storage of Red Mud, the Committee is of opinion that it is necessary to get the Piezo Meter installed at the appropriate place around the red mud area in pursuance of the NGT order. As per the information provided, Industry has installed Piezo Meter/Monitoring wells in consultation with Central Ground Water Board to monitor the Ground Water Quality. Industry shall submit the report of Ground Water Quality Analysis by CGWB. The unit has to carry out Piezo Meter test of the red mud through IIT, Lucknow and submit a report to the Committee within one month time.</p> <p>The representative of the Company has also stated that they are exploring the use of red mud in the manufacturing of other products. He has also stated that they have started supplying the red mud to the Cement manufacturing units. The detail of supply is being submitted to the Committee.</p>

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<p>5. Fly Ash Utilization by Thermal Power Plants</p>	<p>Shri A.K. Tiwari, E.D., NTPC-Vindhyachal stated that at present they are able to consume 32% of the total Fly Ash manufactured and they are exploring further use of Fly Ash. They have installed 4 Units of brick manufacturing, wherein they are producing 1.00 lakh bricks per day and consuming Fly Ash about 2% of the total produced fly ash. He further stated that MoU has already been executed with the NCL for filling of Gorbi mines by the Fly Ash. Now the matter is pending for approval from MoEF. The moment they get the approval they will start filling Fly Ash in the said Mines. This will solve the problem for 10 years. He also assured to explore the other possibilities for the use of Fly Ash. He submitted that in case NCL is directed to use the Fly Ash in Over Burden (OB) created by them, a substantial quantity of Fly Ash may be consumed.</p> <p>Shri Debashish Sen, CGM (S), NTPC-Singrauli stated that they are able to consume 35% of Fly Ash at present. They are using their Fly Ash in land filling of low lying area and also in the manufacturing of 20,000 bricks per day.</p> <p>Shri A.K. Mukherjee, CGM (Rihand), NTPC-Rihand stated that at present they are able to consume 35% of Fly Ash, which in comparison to the earlier year is higher. However, their target is to achieve 50% Fly Ash consumption. They are manufacturing 40,000 bricks by using Fly Ash.</p> <p>The Committee is of the view that the NTPC should approach NHA1 for use of Fly Ash in the construction of the road. NHA1 is directed to use the Fly Ash in the construction of the road and while executing the contract they may take necessary care in this regard. The Committee is of the view that a huge quantity of Fly Ash can be used in Over Burden being created by NCL. It is submitted that to produce 01 Tonne Coal they have to remove 10 Tonne of the OB.</p> <p>By burning the 01 Tonne Coal 33% Fly Ash is generated. Committee is of the view that having regard to the quantity of the OB, the production of Fly Ash by burning the 01 Tonne Coal is very small quantity and can be used in OB. The representative of NCL stated that they are facing problem of space and in as much as Fly Ash has no stability and will create problem during raining season. On the suggestion of all the members of the Committee, let this issue may be examined by the Technical institution like BHU, IIT-Kanpur and ISM-Dhanbad. We direct NTPC-Vindhyachal to seek the</p>
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		<p>expert opinion from the aforesaid agencies. We hope that the entire exercise will be completed within a period of 02 months.</p> <p>D.M., Singrauli states that after extraction of stone boulders from the mines deep pit is created and in this pit sufficient quantity of Fly Ash can be filled. We direct the aforesaid agencies to examine the feasibility of filling of Fly Ash in such Pits.</p>
6.	Construction of four lane road from Auro More to Shaktinagar	<p>The representative of NCL Shri Diwakar, Supdt. Engineer states that 57.00 Crores have been sanctioned for shifting of Water Pipeline and the work of shifting may be started very soon. So far as the land of Forest is concerned, ADM Shri Y.B. Singh stated that they have identified the land to be provided to the Forest Department in lieu of land which is being taken from the Forest for the purpose of construction of road. He states that the matter may likely to be settled between the Govt. and Forest Department within a period of 2 weeks.</p> <p>ADM also states that he will also settle down the issue with <u>Castgaar</u> about the land. According to him within a month all the problems may be addressed and in every likelihood the construction work will start thereafter very soon.</p> <p>It is informed to us that a proposal for the construction of 4 lane road from Ranchi to Rewa has been approved by the Government of India, to be constructed by NHAI. We direct NHAI that while awarding the contract for the construction of road they may take care for utilisation of Fly Ash to the construction of road.</p> <p>The State PCB is directed to monitor the execution of the aforesaid directives. The Committee directed the concerned party to inform necessary details time to time, about the progress in the aforesaid matter to both the State Pollution Control Boards.</p>
7.	Transportation of Coal by Rail	<p>It is informed that Lanco has made necessary arrangements for the transportation of coal by rail and they are not transporting any coal by road. However, representative of Lanco states that the railway has not developed the required capacity of Silo to supply the required coal to their Power Plant therefore they may be required to transport coal by road. The Hon'ble NGT in its order has categorically banned the transportation of the coal by road. This Committee cannot sit over the order of NGT. If Lanco has any grievances</p>

		<p>they may approach the NGT for necessary direction.</p> <p>It is further informed that ESSAR Power Plant situated at Mada Tehsil, Village Bindora & Hindalco-Burgawan are transporting the coal through road. Representative (Shri J.S. Saran) of ESSAR states that due to cancellation of their coal mines, which was nearby to their Power Plant they have to transport the coal from Gajara-Behara which is about 12 KM distance. He states that they are in process to install the conveyor belt arrangement for the transportation of coal which may likely to take 2½ years. He requested that till the arrangement of conveyor is installed the Company may be allowed to transport coal by road. This Committee has no power to sit over the order of NGT. Therefore cannot allow the Company to transport the coal by road in view of prohibitory order passed by NGT. The ESSAR Company may approach the NGT for necessary direction.</p> <p>We also came to know that Hindalco, Renukoot and Grasim Industries of Renukoot are transporting coal through road from NCL. We are directing NCL not to supply any coal to any of industries for the transportation by road. We are directing NCL to install a C.C. Camera at the exit point from where they dispatch the coal so that their delivery of coal process may be monitored. The industries are also directed to install CC Camera at their gate for the purpose of monitoring. In case they fail to install CC Camera within a month, necessary action may be taken against them. The aggrieved parties may approach NGT for necessary direction.</p> <p>However, the Committee is of the view that in case the aforesaid companies may not get the coal, generation of power may be stopped. Considering the interest of the nation and public interest, we allow the aforesaid companies to transport the coal for a period of 60 days as interim measure. Meanwhile, they may approach NGT or may make necessary arrangement for transportation of coal by any other means.</p>
8.	Drinking Water facility & Medical facility to the habitants	<p>The D.M., Singrauli (M.P.) informed that for supply of potable water to the residents of the Municipal Corporation, a full Project has been commissioned through Nagar Nigam. For execution of such project Rs.136 Crores have been sanctioned, out of which 9 Crore from NTPC, 4 Crore from NCL, 77 Crore from Govt. of India & M.P. Govt. A sum of 25 Crores has been provided through DMF Project. The Project is almost complete and likely to start within 3 months. On</p>

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	<p>the completion of the Project the administration may be able to supply water to each and every part of the Municipal Corporation. Let the administration may give the status within one month.</p> <p>He has also stated that administration has made full fledged education programme for educating the children of the Tribal area and other areas, for which he is searching highly educated teachers by providing extra incentive money. Such incentive shall be determined and paid to such teachers. This is a good programme under the Scheme of Right to Education. However, the Committee would like to say that it is necessary to monitory that whether such teachers are actually discharging their duties and how many children are coming and attending the classes. The Committee is of the opinion that the Teachers may be directed that apart from normal education which may include building of national character, moral status may also be taken care of. The Committee also suggest that it may be more useful if all the senior students of the school may teach to the students of lower classes. This may solve the problem of the teacher's non-availability and also may enhance the confidence level of students.</p> <p>Shri H.K. Sharma, Director, MPPCB states that the stacking of coal by the Railway in their siding is not proper and this causes a lot of dust which results in pollution. Shri M.K. Ranjan, DTM, Chopan stated that they have got approval from the Ministry for the installation of the Sprinkler to avoid spreading of dust. The Committee directs Shri Ranjan to give the Progress report within a period of 15 days.</p> <p>Shri Ram, Executive Engineer, U.P. Jal Nigam states that in pursuance of direction in the earlier meeting the work has been started for the installation of 2 WTP, 13 Overhead Tank/CWR and laying of pipelines in Sonebhadra also. He states that the entire work which may be completed by Dec. 2020.</p> <p>The Committee directs that the completion of work may be expedited.</p> <p>Dr. Rajiv Ranjan, ACOMO of District Sonebhadra states that he is looking after the District Hospital of Govt. of U.P. established at various places of the District. He stated that District Hospital Administration had organized 14 health</p>
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9.	NTPC, MEJA	<p>The members of the Committee headed by the Chairman visited the site of NTPC Meja on 30.01.2019. It has been informed by the officers of the plant that due to the lack of coal their commercial production has not yet started. They have also shown their arrangements for the storage of fly ash and bottom ash. Prima facie their arrangement appears to be satisfactory. However, the issue of the storage and the disposal of fly ash shall be examined later on the start of the commercial production. Their officers have also informed that they are taking serious steps for plantation and creation of green belts.</p>
10.	JP power plant, BARA	<p>The committee also visited the site of JP Power plant on 30.01.2019. The committee found that out of 3 units only two units were in operation. Their officers have also shown the provision of storage of fly ash and bottom ash. They have also shown the storage mechanism of the fly ash. He informed that the disposal of fly ash is mainly to the cement manufacturer and also shown the fleet of vehicles carrying on the fly ash. We found that the statement of Shri A.K. Jain is correct. We find that there is no appropriate greenery and plantation. We direct the company to take serious step for suitable plantation to create a green atmosphere surrounding the plant. They are directed to inform their</p>

		future programme about the plantation within period of one month. Plant is also directed to give details of utilisation of CSR Fund.
11.	Dust by the stone crushers situated in SONEBHADRA	On the earlier occasion, the Committee visited the site where the stone crushers are installed. The persons present told that there are about 400 crushers. It is informed that in a PIL No. _____ of _____ filed before the Hon'ble High Court, State Govt. has given the list of 264 crushers. While disposing of the said PIL, the Hon'ble High Court directed that to save the environment no further stone crushers would be installed and only those stone crushers, who have been in existence prior to 2000, should continue. In pursuance thereof, the Govt. has also issued a Govt. Order. It was surprising that despite the Govt. Order how 400 crushers are running. It is also informed that some of the owners of the crushers represented the Govt. showing that their crushers are prior to 2000 and their licences have been renewed time and again but they have not been allowed to operate. Having regard to the entire situation, on the direction of the Committee the District Magistrate was directed to look into the matter. In pursuance thereof, the District Magistrate, Sonebhadra issued an advertisement asking all the stone crushers to submit their papers to establish their installation of crushers prior to 2000. On telephone talk with the District Magistrate, Sonebhadra, he informed that the matter is still in process and there is a little delay on account of the ensuing Lok Sabha General Elections.
12.	Remark	Earlier, there was no regular Regional Officer of U.P. Pollution Control Board at Sonebhadra and the charge was with the R.O., Varanasi. With great persuasion and direction of the Committee, the permanent R.O., Sonebhadra Shri Radhey Shyam has been posted in the month of March, 2019. On the direction of the Committee an office of U.P. Pollution Control Board has also been opened at Obra, which falls under the critically polluted area. As a result of which the Committee is hopeful to get the order of the Hon'ble NGT implemented effectively. The progress is also affected to some extent because of the declaration of the Lok Sabha General Elections and the District Magistrates normally express their helplessness.

Conclusion:

Due to the regular monitoring and the pressure being built on the power houses and the industries, the Committee is able to get various directions given by the Hon'ble NGT implemented and some of the directions are in the process of implementation. The Committee is hopeful that by the regular monitoring and strict action the NGT order may be implemented in full spirit and the other allied works/projects may also be carried on which may be necessary for the habitants to live a dignified life in a better environment.

Rajes Kumar
(Justice Rajes Kumar)
Chairman
Oversight Committee

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The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 21.02.2019 at Circuit House, Allahabad in compliance of Hon'ble NGT order dated 28/8/2018 in O.A. No. 164/2018, Ashwani Kumar Dubey vs. Union of India and others.

The attendance sheet of Committee Members and stake holders is enclosed.

J.P. Power Plant

Shri Ram Murti Mishra, General Manager JP Plant states that the company has taken step for the plantation. The soil has been sent for testing and the programme for plantation shall be prepared by 15th March, therefore the process of plantation will start. The company is very serious about the plantation.

Road Construction of Road in Bhataudi Area

Shri Ram Executive engineer PWD states that the suitable road would of CC. He stated that estimated value of CC road per Km may come about 2 crore of 7 metre Greek. Shri Deepak Chaurasiya one of the stake holder, the stone crushers owner states CC road can be made by the sand stone would be cheaper than the Dala Grit. Such sand stone is easily available in Bhataudi area and all the crushers are ready to contribute such stone which may be used for the construction of road. He stated that the road of four lane highway, from Allahabad to Chakghat has been constructed from such sand stone, the contractor of is Dilip Build Con. He submitted that in case if the road would be constructed by the sand stone on the contribution of stone by the crushers owner the entire road can be constructed from the District mineral fund which is at present about 9 Crore. Shri Ram stated that he will look into the matter and will prepare the estimate of the road construction in which the sand stone would be used. Shri Ram is directed to give the estimate within a period of one week to the mining department. He further states that after the approval of the estimate by the Department work can be started within one.

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Alfred Park

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Superintendent of the Garden states that the water of the lotus pond has been cleaned and the fishes have also been made available. She also states that she came to know from the employee of the garden that 3 tortoise have been seen at the bottom of the pond. She assures that within a month all the 5 tortoise will be detected and made available in the pond. She submitted the inventory of the entire plants available in the garden and details of the future programme for the plantation of 500 big plants, the map in this regard has also been submitted. She stated that to obtain the plants she will contact the officer of the forest department. She told that in 4 ticket counters 4 persons are involved in two shifts in each counter. Some are the regular gardener and some are taken from out source.

The committee is of the view that for issuing the ticket the gardener should not be engaged. The person taken from out source shall only be made for issuing ticket. It is told that the name of the contractor supplying out source employee is Ram Prakash Pal.

The committee is of the view that for the purpose of issuing the tickets services of the disabled person can be taken. The superintendent of the garden is directed to ask the out source contractor to provide disabled persons.

With regard to the pond/ lake of the Alfred Park, the executive engineer of the ADA Shri Rawat states that as per the instruction of the committee he has visited the site of the NTPC Meja has seen the water reservoir. He states that on a physical inspection and discussion with the officer of the NTPC and the contractor he is of the view that the present pond/lake has not been properly designed and technically defective and not made as per prescribed norms and no proper care has been taken to avoid the litching of the water. He states that on taking the technical opinion from the expert the estimate has been drawn for the reconstruction of the pond having regard to all the technical specification.

The committee is of the view that it is up to the ADA to examine that why pond has not been made technically sound as per prescribed norm and for the reconstruction of the lake much fund is required how fund will be managed.

The committee is only concerned that the pond may be properly constructed as per prescribed norms and technically sound. Shri Rawat states that he will discuss the matter in the higher officer and will take all

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necessary steps to reconstruct the pond lake as early as possible. Let Mr. Rawat may give the report within a period of one month.

Shri Rawat states that he could not lay his hand to enquire whether any permission has been taken from the Hon'ble Allahabad High Court for the construction of the toilets and other bricks concrete structure which has been carried on or still in progress. He assures that, on going construction will be completed, in any case within a period of one month.

The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 21.02.2019 at Circuit House, Allahabad in compliance of Hon'ble NGT order dated 12.02.2019 in O.A. No. 670/2018, Atul Kumar Chauhan vs Ministry of Environment, Forest and Climate Change and others.

The attendance sheet of Committee Members and stake holders is enclosed.

Sand Mining

Shri Vijay Shankar Dubey ADM Administration states that in pursuance of the order of the NGT to assess the effect of illegal mining in environment, the committee has been constituted by the Government consisting of persons nominated by the Commissioner Prayagraj as Co-ordinator, nominated representative of the Secretary Central Pollution Control Board Delhi, nominated representative of state pollution Control Board Lucknow. Dr Ventekesh Associate Professor Bhabha Saheb Bhim Rao Ambedkar Vishwavidyalaya University Lucknow, Mirajuddin member of state level environment expert Violation Samiti, Dr. Arvind Associate Professor State Level Environment Samiti vide order dated 5th February 2019. Shri Dubey informs that in pursuance of the letter dated 8 February 2019, he has been nominated by the Commissioner as an co-ordinator of the Committee. Now he is making effort to contact all the nominated members and to hold meeting for the assessment of affect in environment. Shri BP Yadav Senior Mining Officer stated that after the report of the Commissioner Prayagraj various steps have been taken to stop the illegal mining. He further submitted that in cases where FIR has been lodged and the action has been taken under the Gangster Act he may make enquire that what is the status of those cases. He will inform the committee about

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the status of those cases within period of 15 days. The report shall be submitted to the R.O.

Next meeting will held after 15 days on the receipt of the necessary information for the review of the matters, the next date shall be informed to all the person concerned.

Rajes Kumar
(Justice Rajes Kumar)
Chairman
Oversight Committee (NGT)

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The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 02.02.2019 at Chandra Shekhar Azad Park, Allahabad in compliance of Hon'ble NGT order dated 28/8/2018 in O.A. No. 164/2018, Ashwani Kumar Dubey vs. Union of India and others.

The attendance sheet of Committee Members and stake holders is enclosed.

POND

The committee visited the Chandra Shekhar Azad Park on 02.02.2019 and held the meeting in the Garden along with all concerned authorities.

The committee made an inspection of the huge pond situated near gate no. 1. It was found in a shabby condition. Superintendent of the Garden informs that this pond has been constructed as a part of the beatification of the garden on the direction of the Hon'ble High Court in PIL no. 51055 of 2014 Madhu Singh vs Government of U.P. and others. The execution of the work has been done by the Allahabad Development Authority (ADA). The ADA is represented by its Executive Engineer Shri R.C Rawat. The basic defect which is found in the pond is the non-retention of the water which is due to water litching. The committee is of the view that the construction of the pond is technically defective and has not been properly designed and a worst case of Civil Engineering. No mechanism has been created to retain the water. The committee had perused the water storage huge tank constructed by NTPC Meja wherein more than crores litres of water are being stored and it is informed by the CEO of the NTPC, that the storage tank is made in such a manner where there is no water litching. He stated that they have used (HDPE) sheet of thickness 1 to 4 mm of 1000 micron and over which there is a lining of cement tiles throughout the tank. The committee directs the executive engineer

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to visit the site of NTPC within a period one week and may also discuss the technical issues with the officers of the NTPC and their contractors. According to the Committee if this pond is also made in a same manner the problem of litching may be addressed. The committee is of the view that this pond may be made technically sound, usable and workable. It is told that initially 3 floating fountains were also in operation over the water but they are not working due to lack of water. The executive engineer assured that he may look into the matter and come back with the entire details within 15 days. The committee is of the view that by all means this pond may be made Technically sound, workable and operational.

We have also visited one small pond inside the garden which is called as lotus pond. It is told that earlier there were number of lotus plant but now there are only few plant. The water of the pond is also found dirty. We have been told that earlier there were abundant fishes but now the fishes are not seen. The Superintendent of the garden informs that the fishes washed away during the change of the water. Prima facie the statement is incorrect. It is matter of common knowledge that there are number of ponds which are made for fisheries and normally water is not being rotated or changed and are only cleaned to make it suitable so that fishes survive. The superintendent of the garden is directed to look into matter seriously, clean the water and make it in a form so that the fishes may survive. It is informed that there were 5 turtle in the pond, now-a-days no turtle is seen, the superintendent may explain that where those 5 turtles have gone. She may also take advise of Fishery Department in this regard.

The Superintendent informs that this garden is being looked after by the Horticulture Department. Apart from this garden the Horticulture Department also looks after the front portion of garden of Hon'ble High Court, front lawn of Circuit

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House, Tej Bahadur Sapru Hospital, Board of Revenue. She is directed to inform that how many employees are employed at various places. With complete list of name of employees (Permanent and daily wagers).

PLANTATION

It is informed that there were number of neem and peepal trees in the park but it is seen that there are only few neem and peepal tree. The Committee is of the view that the proper plantation has not been done or is not being carried on. The Superintendent is directed to give the inventory of the plants in the park and what steps are being taken for the plantation of the new plant.


On a visit to the surrounding of the park we have seen that there are 3 functional public toilets and three toilets are still under construction. It has been told that the 3 toilets which are under construction or in the process of construction are since last 4 months. They appear to be no valid reasons these 3 toilets have not been finally constructed and made usable. The Committee may also be informed that whether why these toilets have been constructed on the instruction of the Hon'ble High Court or not because in the earlier writ petition the Hon'ble court has completely banned the construction in the Chandra Shekhar Azad Park. This information may be provided. The committee directs that no further construction may take place in the garden except to complete those projects which are in process, subject to any direction of the court. The committee further observes that all the pending projects which are going on in the vicinity of the company garden may be completed within in a period of one month. The

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Superintendent may also inform about the further programme of plantation in the garden. She may also inform how much employees are working in the garden both permanent and daily wagers. The superintendent is directed to give to the name of the Malees (both permanent and daily wagers) employed at various places. On query being made that in a circle of garden why this round marble track is being constructed, the executive engineer of ADA informs that it is a Acupressure Track which will be good for health. It is asked that whether any advice has been taken from the expert of the Acupressure, he stated that the advice has been from one Shri Ashish consultant of Lucknow. It is informed that there are two renowned expert of Acupressure in India available at Allahabad namely Shri M.P. Khemka and Shri J.P Agrawal but no advice has been taken. To the knowledge of the committee Shri Ashish of Lucknow is not a expert of Acupressure. The committee is of a tentative view that this track will not be helpful for Acupressure treatment. Let the executive engineer may submit the advice and the details of project including its budget.

They are directed to submits the details by 18th of February. After the receipt of the report the matter may be reviewed. The date of the meeting shall be informec subsequently.


(Justice Rajes Kumar)
Chairman
Oversight Committee (NGT)

मननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में दायर ओएण्ड सी 164/2018 के अनुपालन में गठित अनुश्रवण समिति के अध्यक्ष मा० न्यायमूर्ति श्री राजेश कुमार जी की अध्यक्षता में, ~~समिति~~ प्रयागराज में दिनांक 02.02.2019 प्रातः 10:00 बजे आहुत बैठक में उपस्थिति का विवरण:-

-दस्तावेज (आजाद दल) के उद्घाटन

क्र० सं०	नाम एवं पदनाम	विभाग का नाम	मो० नं०	हस्ताक्षर
1.				
2.	अभ्योक्त कर्नोडिया	Adm City Prayagraj	9454417809	
3.	S.K. Mishra,	R.O., U.P.P.C.B. Prayagraj	7839891452	
4.	R.C. Rawat B.E.N	P.D.A	9506536576	
5.	Dr. Vinod Kumar DBN	Horticulture	9795971212	
6.	Dr. Jema Singh Rana S.G.S	Horticulture	9793141882	
7.	A.K. Singh B.E.	P.D.A	7706924792	
8.	Anvaid Mishra H.I	P.D.A	9415215249	
9.	R.K. Singh B.E.	UPPCB, Prayagraj	7839891673	

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The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 31.01.2019 at Circuit House, Allahabad in compliance of Hon'ble NGT order dated 28/8/2018 in O.A. No. 164/2018, Ashwani Kumar Dubey vs. Union of India and others.

The attendance sheet of Committee Members and stake holders is enclosed.

B
NTPC, MEJA

The members of the Committee headed by the Chairman visited the site of NTPC Meja on 30.01.2019. It has been informed by the officers of the plant that due to the lack of coal their commercial production has not yet started. They have also shown their arrangement for the storage of fly ash and bottom ash. Prima facie their arrangement appears to be satisfactory. However the issue of the storage and the disposal of fly ash shall be examined later on the start of the commercial production. Their officer have also informed that they are taking serious steps for plantation and creation of green belts.

C
JP power plant, BARA

The committee also visited the site of JP power plant on 30.01.2019. The committee found that out of 3 units only two units were in operation. Their officers have also shown the provision of storage of fly ash and bottom ash. Mr. A.K Jain Vice President informed that virtually the disposal of the fly ash and bottom ash is almost 100 %. They have also shown the storage mechanism of the fly ash. He informed that the disposal of fly ash is mainly to the cement manufacturer and also shown the fleet of vehicles carrying on the fly ash. We found that the statement of Shri A.K Jain is correct. There is not much stock of fly ash as on date. We have also seen surroundings of the plant. We find that there is no appropriate greenery and plantation. We direct the company to take serious step for suitable plantation to create a green atmosphere surrounding the plant. They are directed to inform their future programme about the plantation within period of one month. Plant is also directed to give details of utilization of CSR Fund.

R

STONE CRUSHERS

In Allahabad District there are 65 Stone Crushers as per list provided by the Regional Officer. It is informed that the Stone Crushers are mainly in Bhataudi Meja Area. Shri Deepak Chaurasia the representative of the Stone Crushers is present. He informs that there is no much generation of dust in the process of crushing of stone and in as much since the dust is useful the owner intent to retain the dust. He however submitted that the problem of dust is due to poor road, according to him there is virtually no road and it is only kachi road. He request that in case if the RCC road is constructed in area of about 10 Kms, the dust problem will be completely addressed. Shri D.P Yadav Senior Mine Officer informs that till date they are able to recover Rs. 8, 13, 10,425/- till December 2018 from the crusher owner being 10% of the royalty which is available for the use in the construction of road and other mining relating projects. It is brought to notice of DM about the government notification which related to Pradhan Mantri Khanij Yojana Scheme. Under this Scheme the central government give fund for the development of the Khanij area including the construction of the road etc. On enquiry being made that how much amount has been received under Pradhan Mantri Khanij Yojana for District Allahabad. He submitted that he will look into the matter and shall provide the details within 15 days. The committee is of the view that the construction of road where in the crushers are situated construction of RCC road are necessary to prevent the Air Pollution. The committee is also of the view that the construction should be made from the government agency namely PWD. Let the DM may take the estimate about the construction of 10 Kms. RCC road from PWD and the PWD Officers may be asked to participate in the next meeting. D.M. is directed to take all possible steps for the construction of road. It is made clear that the fund of District Mineral fund as stated above and fund of Pradhan Mantri Khanij Yojana may not be used without the permission of the Committee. The District Magistrate has assured to look into the matter of construction of road seriously. He assured that he will talk to PWD to construct the road on the realization of toll.

AIR POLLUTION / ENVIRONMENT

In order to make the Air Pollution free and create a good environment it is necessary that there should be greenery/ plantation surrounding the city. Shri Vijay Kumar Gupta Inspector Horticulture presented in the meeting informs that for the






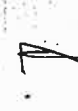

purpose of creating greenery in the city the job has been entrusted to the Horticulture Department. Several parks in the city has been developed to create greenery and to make the Air Pollution free. One of the very prestigious park is Chandra Shekhar Azad Park which has almost in the center of the city and said to be the lung of the city. Its periphery is about 5 Kms. On the instruction of the Hon'ble High Court in PIL steps had been taken to beatify the park. It is true that on the direction of the Hon'ble High Court various steps have been taken to beautify and develop the said park but it appears since last one year the proper maintenance of the park is not being made. Lake which has been developed is lying in a shabby condition and there is no sufficient water. The committee is of the view that said lake is not technically designed. No proper step have been taken for retaining the water therein although the water is being continuously filed without any valid reason which is causing wastage of water and electricity. No proper arrangement has been to avoid water leaching. It is further seen that there is one more lake behind the stadium wherein the fishes and turtle exist is also lying in a shabby condition. The water is contaminated and the fishes are dying, this tank also need proper address. There are other number of aspect which requires address. Shri Gupta informs that the Head of the Horticulture is the Director Shri Raghvendra Pratap Singh sitting at Lucknow and at Allahabad District Horticulture Officer Shri Jai Karan Singh is available. The Committee is of the view that the maintenance and development of the park is necessary to maintain the pollution free air and environment. Let the officers of the Horticulture Department at Allahabad responsible for the maintenance of the park including Chandra Shekhar Azad Park may meet the Chairman and other members of the Committee on 2.2.2019 at 10 A.M at Chandra Shekhar Azad Park near Gate No. 1. Regional Officer is directed to issue notice of intimation to all concern in this report.


(Justice Rajes Kumar)
Chairman

Oversight Committee (NGT)

मा० एन०जी०टी०, नई दिल्ली द्वारा गठित अनुश्रवण समिति के अध्यक्ष मा० न्यायमूर्ति श्री राजेश कुमार जी की अध्यक्षता में प्रयागराज स्थित थर्मल पावर प्लांट एवं स्टीन कशर्स से जनित पर्यावरणीय समस्याओं के समाधान हेतु दिनांक 31.01.2019 को पूर्वान्ह 11:30 बजे सर्किट हाउस, प्रयागराज में आहुत बैठक में उपस्थिति का विवरण।

क्र०सं०	नाम एवं पदनाम	विभाग का नाम	मो०नं०	ई-मेल	हस्ताक्षर
1.	Hon'ble Justice Rajesh Kumar	Chairman, N.G.T. Committee		-	
2.	विजय शंकर दूबे	रु.डी.एच. (E)	9454417810		
3.	रामभूति मिश्र	G.M. PPGCL	9876666445		
4.	MUSAFIR Dabuy	& G.M. PPGCL	8009900711		
5.	A.K. Sami	V.P.O&W. PPGCL	7052239000		
6.	Y.M. Basuvarajulu	NTPCHSDA	9448290313		
7.	R.K. Des	NTPC, Mysr	8340464074		
8.	S.K. Mishra	U.P.P.C.-B.	9839691452		
9.	Dr. Suresh Rai	CPCB	9919080880	srivprcb@gmail.com	
10	B.P. Yadav	Monitoring	7408727935	bhagprabprcb@gmail.com yadav1966@gmail.com	

क्र.सं.	नाम एवं पदनाम	विभाग का नाम	फ़ोन नं.	ई-मेल	हस्ताक्षर
11.	Dr. S. C. Shukla, A.S.O.	U.P. Pollution Control Board Lucknow	7839891967	scshukla@ uppcb.com	
12.	Deepak Sharma	Lease Holder	9415316311	harshdeepak315@ gmail.com	
13.	Bharat Charola	Lease Holder	9936322336	harshdeepak315@ gmail.com	
14.	R.K. Singh.	U.P.P.C.B., Prayagraj	7839891673	rcs@allahabad@ uppcb.com	
15.	Jai Kanan Singh for Vijay Kr. Gupta	DHO / DHT	7905397323	dh.ada@gmail.com	
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Emailed on - 9/11/19
To: Sri S.K. Gupta.

The Minutes of Meeting of Oversight Committee under the Chairmanship of Hon'ble Justice (Retd.) Shri Rajesh Kumar, Allahabad High Court held on dated 27/12/2018 at Radisson Hotel, Varanasi in compliance of Hon'ble NGT order Dated 28/08/2018 in O.A. No. 164 / 2018, Ashwani Kumar Dubey Vs. Union of India and others.

The attendance sheet of Committee Members and stake holders is enclosed.

The Co-ordinator of oversight Committee District Magistrate, Sonbhadra welcomed the Chairman and with permission of Chairman the Meeting was started. Sri. H.K. Sharma, Director Environment, M.P. Pollution Control Board, Bhopal invited all different stake holders to put their progress in the compliance of the Core Committee final recommendations and directions given by Oversight Committee during earlier meeting held on dated 23/11/2018.

1-Fly ash disposal in Gorbi mine:

As far as MOU between NTPC & NCL is concerned in the last meeting, on the basis of their statement they have to execute the MOU by 15TH Dec. 2018. The representative of both the companies stated that the MOU is almost ready and by all means shall be executed by 31st Dec. 2018. The Committee accepts the statement of the Company and allows them to execute the MOU by dated 31.12.2018.

2- Transportation of coal by Road:

As far as the supply of coal by road to LANCO, the Committee has given time up to Dec. 2018 to meet the arrangements so that the transportation of Coal by road may be stopped. The representative of the LANCO states that their arrangement by transportation through racks is ready and the representative of NCL has confirmed that, they are ready to supply coal through the newly constructed Silo. However, they stated that till date, though the supply of coal through newly constructed silo has started but it is not continuous. In any case they will be able to supply through newly constructed Silo on the continuous basis by 15th Jan. 2019 and no supply shall be made through road.

The representative of Hindalco has stated that till date the required land has not been provided by NCL. The representative of NCL states that they have referred to the Ministry of Coal for required permission which may likely take 2 months.

The representative of NCL states that necessary steps have been taken for the amendment in the Order of NGT and they are hopeful that modified order will be issued within a month.

3- Fly Ash Utilization:

Despite the notification dated 26.01.2016 it is informed that the Power Plants situated in Sonbhadra & Singrauli are not complying with the notification and are not supplying Fly Ash without transportation charges to the Fly Ash Users within 100 KM and on half sharing basis beyond 100 KM to 300 KM.

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The Fly Ash users regularly complain to the DM in this regard. The DM, Sonbhadra, states that the complaints of Fly Ash Users are correct. The committee asked the thermal power plants to clarify their stand on non-compliance of the notification. They gave the explanation that as this will have impact on the financial burden so they have to take the policy decision.

The Committee is of the view that as the notification clearly states for providing Fly Ash free of cost up to 100 KM and on half sharing basis from 100 KM up to 300 KM therefore the Thermal Power Plants are bound to comply the notification.

The notification has been issued by the Government of India for effective disposal of Fly Ash from the Plant which are causing air pollution and non-compliance of notification shows, deliberately causing air pollution in this environmentally sensitive area.

The Committee is of the view that they are regularly flouting the provisions of notification and therefore liable for penalty. The Committee recommends that these Power plants, who are not complying the notification, are liable for penalty at least @ of Rs. 50,000.00 per day.

Let the copy of Minutes be sent to NGT for taking necessary action for levying the penalty.

4- A.W.R.S. and Discharge of effluents:

Shri S.K. Srivastav, A.E. Rihand Dam Civil Division states that initial capacity of the water storage of the Reservoir was 9220.37 M M³. Thereafter in 2003 a survey was conducted by IIT-Roorkee and reported that in 2003 the capacity was reduced by 13%.

The Committee is of the view that the reduction of capacity may be on account of discharge of silt/ waste from the surrounding industries. Committee is of the view that updated measurement of depth of reservoir should be done, to assess the actual capacity as on date. Shri Srivastav states that he has demanded 16.14 lakhs from the U.P. Jal Vidhyut Nigam long back for the same, but till date the grant has not been sanctioned.

We are of the view that the reduction of the capacity is mainly on account of the discharge of effluents and Fly Ash by the various companies. Therefore the cost of fresh measurement of capacity, whatever the expenses may be, should be afforded by the Polluters which are mainly surrounding Companies. Let the DM may issue a letter in this regard for the collection of money to be incurred for the purpose of fresh measurement of the capacity of reservoir.

The representative of Power Plant states that the installation of CCTV Camera and Electromagnetic Water Flow Meter is in progress.

5- Construction of Four lane road from Auri More to Shaktinagar:

The representative of PWD states that they have moved the application long back to the DFO on 1st Dec. 2018. DFO has raised certain objection, which have also been clarified.

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The explanation of some of the objection may be clarified within 2-3 days. The DFO is required to expedite the matter as soon as explanations are received.

6- Installation of CAAQMS:

The representative of the Power Plant who have to install 3 CAAQMS, have informed that the installation is in progress and is likely to be completed within a month.

7- NHAI -Fly Ash utilization:

The representative of NTPC states that they are regularly in contact with NHAI for disposal and they have also signed MOU with NHAI and to explore the possibility of more and more use of Fly Ash they had a works shop of Fly Ash users today in the morning.

8- Stone Crusher:

The representative of Stone Crushers, present in the meeting stated their grievances regarding the non-renewal of the license and prohibition to operate the units by the RO, UPPCB, Sonbhadra, though their units are running much before year 2000 and the license have also been renewed many times in the past. But they are not being allowed to operate on ground that their names are not in the list of 264 stone crushers, which were furnished along with the counter affidavit filed in a PIL in a PIL petition no. 69202/2010 Sri. Pankaj Tyagi & others V/s State of U.P. & others before Hon'ble High court, Allahabad.

Their submission is that the list has been wrongly submitted and their names have been deliberately ignored though their units have been established much prior to year 2000 and continuously operating till today.

The Committee is of the view that the matter is quite serious and requires verification. Let the list of the 264 Stone Crushers given to the High Court along with the affidavit be verified along with these Stone Crushers, who are claiming that although their units have been established in the year 2000 and continuously running but their names have been deliberately ignored in the list. The detailed report may be submitted before the Committee in the next meeting.

The R.O. stated that they have visited some of Stone Crushers situated in the State of M.P. and have also taken steps to prepare a model Stone Crusher. However, he states that some further time be granted for preparation of the model Stone Crusher. He also stated that within 10 days two model Stone Crushers may be ready for inspection and verification.

The committee directed that all the stone Crusher industries should install a separate electricity meter for recording the consumption of electricity in their sprinkler system to check its regular operation. Record of the electricity consumed every month in the Crusher as well as in the Sprinkler System should be submitted to R.O., Pollution Control Board. The RO, PCB shall inform all the Stone Crushers to operate the dust control system effectively, make necessary arrangement to measure electricity consumed during operation of the plant along with dust control system separately and maintain its log book. A notice shall also be issued

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that in case of non-compliance, adverse action will be taken against the defaulter as per the provisions of Air (Prevention and Control of Pollution) Act, 1981 (as amended).

9- Grashim Industry:

Defered as the time given to them has not yet been expired.

10- Hindalco Industry, Renukoot:

The representative of Hindalco stated that they are exploring the possibility of a new product which they have developed from the red mud. We are searching vendor for further utilisation of the red mud. The fact is that till date only 08% red mud is being consumed and the rest is being dumped in a secured landfill.

The red mud is creating pollution. Company is not able to demonstrate a concrete future plan for the disposal of red mud. The representative of the company stated that in all the Aluminium plant across the Cuntry and Worlds this red mud is is necessary waste product and in the similar way, it is being stored. They submitted that necessary verification can be made from NALCO, BALCO and other industries. CPCB is directed to make verification and submit the report to the committee in the next meeting.

11- Jal Nigam

The representative of UP Jal Nigam states that the process for laying down the pipe line, construction of overhead tank etc has been started.

12 - Medical & other schemes.

District Magistrate, Sonebhadra informed that regular free health check-up camps are being organised in these areas for the benefit of local people, with the help of concerned industries, through specialised doctors from medical college and health department.

Meeting concluded with vote of thanks by the District Magistrate, Sonebhadra.

Rajes Kumar
(Justice Rajes Kumar)

Chairman
Oversight Committee (NGT)